Convention on Mutual Assistance in Criminal Matters between the Member States

1999/0809(CNS) - 17/02/2000 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted the report by Mr Di Pietro (ELDR, I) on mutual assistance between the Member States on criminal matters with a certain number of amendments to the text proposed by the Council. The amendments focus on the fundamental rights of the defence, introduce some modifications in order to clarify certain confusing or contradictory points and delete Article 18 on the interception of subjects on the territory of another Member State without technical assistance of this Member State. The Parliament calls on the Member States to constantly improve their respective legal orders and legal systems so as to eliminate factors causing delays, inefficiencies and violations of the European Convention on Human Rights and ensure respect for human rights and fundamental freedoms and in particular the rights of the defence and the right to a fair trial. The Council is called upon to adopt the necessary rules regarding the interception of telecommunications and the video-conferencing of hearings of the accused, co-defendants or persons under investigation, while respecting the fundamental rights and freedoms of the accused as well as judicial safeguards. The Parliament also inserted a provision whereby an expert or a witness asked to give evidence at a hearing by videoconference or teleconference may ask to be heard directly by the requesting authority in the territory of the State that has requested the hearing. As far as the accused, co-defendants or persons under investigation are concerned, the Parliament asks that hearings via videoconference should only take place if the persons to be interrogated consent to it and with the safeguards for the rights of the defence provided by the fundamental principles of national law. Consent shall be given only in the presence of the defence counsel. The Parliament asks that this article should only enter into force when the Council has adopted such rules as may prove to be necessary with a view to the protection of the rights of accused persons in a legally binding instrument. In order to avoid the traumatic experience of a hearing, the Parliament asks that if a witness is a minor, the hearing should be held by videoconference and that the minor must be assisted by a person whom he or she trusts or by an uninvolved expert or lawyer.