

Brigitte Zypries
Minister for Justice
President of the Justice and Home Affairs Council

Brussels, 8 June 2007
Our ref: B679

Dear Ms Zypries,

JHA Council on 12-13 June: Proposal for a Council Framework Decision on certain procedural rights in criminal proceedings throughout the EU

In a letter of 13 April addressed to the JHA Council of April 2007, Amnesty International welcomed the German Presidency's commitment to make the adoption of the Framework Decision on procedural safeguards in criminal proceedings a priority in its Presidency Programme. The organisation commented on the draft and called for more and stronger safeguards to be introduced in EU law.

As the last JHA Council under the German Presidency is about to meet, Amnesty International is very concerned to see that the adoption of a Council Framework Decision on certain procedural rights in criminal proceedings no longer seems to be on the agenda. It is our understanding that no agreement could finally be reached on the text and that the Council meeting will therefore only take stock of the state of play. After more than six years of negotiation and repeated commitments to create an area of freedom, security and justice which: "requires protecting and, **in equal measure**, securing the rights of the citizens"¹, such an outcome is extremely disappointing.

It sends a very negative signal to all EU citizens that no rights-based initiatives can come from the EU. It leaves cooperation in the field of justice with the sole ambition to agree on specific mutual recognition instruments and minimum common denominators. The European Union urgently needs to end this minimalist approach to judicial cooperation. As Amnesty International has repeatedly highlighted, effective cooperation implies at least mutual trust in each other's justice systems. Such mutual trust can only be built on solid common human rights standards.

The adoption of the Framework Decision on certain procedural rights is a crucial first step to put judicial cooperation in the EU on a sound basis of consistent rights protection. Amnesty International therefore calls on the European Council to fulfil that commitment.

Yours sincerely,



Dick Oosting
Director
Amnesty International EU Office



Barbara Lochbihler
Secretary General
Amnesty International Germany

¹ Council, 18-month programme of the German, Portuguese and Slovenian Presidencies, 17079/06, 21 Dec. 2006