



# ***Video-link in domestic trials***

## ***Pre-trial stage***

**Video-link in criminal cases and the ECBA statement**

**ECBA Autumn Conference - 11&12th September**

# Public service v. Sacred social ritual?

*“Technology should not impoverish the human experience of justice”,*  
Antoine GARAPON





## 1. Videolink for investigation purposes

+ : costs, time, efficiency, less “undue” pressure, more witnesses and experts

- : less human (body language), equality before the law yet unequal mastering of technology

ECBA Statement (only on suspect and accused):

- Minor offences
- With genuine consent (lawyer, recording, LoR)



## 2. Video-link and pre-trial detention

+: costs, time

- : access to the judge, active participation / marginalization of the defendant, equality of arms, defence rights, impartiality and presumption of innocence, technical obstacles

**ECBA Statement:**

=> to be avoided!

A diagram illustrating the relationship between four entities in a legal system. At the top is a blue rectangular box labeled 'COURT'. Below it are three blue circular nodes: 'DEFENDANT' on the left, 'LAWYER' in the center, and 'PUBLIC PROSECUTOR' on the right. The 'COURT' box is positioned above the 'LAWYER' and 'PUBLIC PROSECUTOR' circles, while the 'DEFENDANT' circle is positioned below the 'COURT' box.

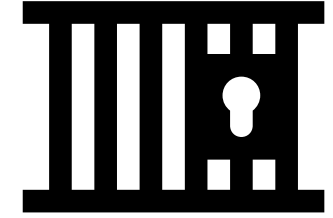
COURT

PUBLIC  
PROSECUTOR

LAWYER

DEFENDANT





COURT

LAWYER

PUBLIC  
PROSECUTOR





AutoFocus

15





*“From the day the Criminal Proceedings Code enabled video-link, everything has been done as if there were no difference between physical presence and remote presence, whereas **the absence of physical presence associated to the use of that new technology is far from being neutral.**”*

*(PERROCHEAU & ZEROUKI COTTIN, 2018, La visioconférence dans le procès pénal français, d'un rituel à l'autre?)*