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**JUDICIAL REFORM
IMPLEMENTATION PROJECT**

CONCEPT FOR PUBLIC INFORMATION OFFICERS IN THE COURTS



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WHY PUBLIC INFORMATION OFFICERS IN THE COURTS?

Citizens have the right to public information in all spheres of life, guaranteed by the Constitution. The Law on free access to information in the public sphere provides a legal framework and guarantees access to information in public institutions. Public institutions have to provide the requested information not only to ensure implementation of the laws, but also to demonstrate openness to the public, transparency and accountability.

Courts care about their image, and their public relations. Good media relations can significantly contribute to building public trust and confidence in the courts. Improved public trust and confidence in the courts will significantly contribute in the country and within the international community on Macedonia's path towards EU integrations. Court silence in the face of media inquiries only serve to permit the critics of the judiciary to define, often inaccurately, the position of judges and the judicial branch.

It is clear that the public is interested in what courts are doing. Why shouldn't the courts be the ones to inform the public about court issues and concerns?

The concept of Public Information Officers (PIOs) provides a mechanism for implementation of the principles of openness, transparency and accountability in the courts. At the same time, established and operational PIOs will contribute to implementation of two key judiciary regulations: the Law on Courts and the Court Book of Rules.



LEGAL FRAMEWORK

Article 97 of the **Law on courts (2007)** says:

(1) Information for the public through the media regarding the work of the court, as well as information regarding the course of the proceeding for a certain case shall be provided by the president judge of the court or by a judge upon the authorization of the former.

(2) The president judge of the court and the judge of paragraph (1) of this Article shall issue information for the public taking care not to harm the reputation, honour and dignity of the person, and not to prejudice the independence and comity of the court.

(3) In the venue of every court there shall be exposed on daily basis in a public and a distinctive place data referring to the number of cases, the assigned judge, the date, hour and the courtroom at which the trial shall proceed;

(4) Every court at least once a year shall inform the public opinion about the results of the work of the courts and judges.

(5) The parties and the other participants in an ongoing procedure may not provide information on the course of the proceeding if the court has forbidden the issuing of such information.

Chapter 26 of the **Court Book of Rules (2007)** is devoted to Public Relations and says:

Article 353

The president, the judges and judicial officers in the court shall be obligated to provide for the necessary conditions for providing publicity of the work of the court and appropriate access of the media with respect to current information and procedures conducted within the court, taking into consideration the interests of the procedure, the privacy and safety of the participants in the procedure.

The time, place and the case on trial shall be published every day on a visible position opposite of the room where the trial is held.

For the trials for which the public has expressed greater interest, the court administration shall provide for a room which can accommodate a larger number of persons. The court panel shall be obligated, upon an order from the president, to hold the trial in the room provided for that purpose.

LEGAL FRAMEWORK

Article 354

The reports for the media with reference to the work of the court shall be provided by the president or the judge assigned for this purpose by the president. The reports with reference to specific cases, with an agreement from the president, shall be provided by the judge acting on that case.

The data in the reports must be accurate. Classified information with a certain level of secrecy in accordance with the law may not be divulged.

Within the Supreme Court of the Republic of Macedonia, the Constitutional Court, the appellate courts and the basic courts with a larger number of judges, a separate department shall be formed or a judge shall be appointed for the purposes of providing open and objective information to the public about the work of the court.

When contacting the public or the media all possible means of modern communication shall be used in accordance with the material capabilities of the court.

Article 355

The judges and the officers in the court which, on their own behalf write or speak in the media about the legal, social and other issues with relation to specific cases from the case law, shall be obligated to explicitly state that they write or speak on their own behalf, or that they present their own personal opinion.

Article 356

The journalists – reporters may attend the public hearings in a civil procedure and the main hearings in a criminal procedure without an obligation to have acquired an approval from the court. The court shall be obligated to provide for conditions wherein they could attend and work.

The visual and audio recording, reporting and photographing in a court proceeding may performed with an approval from the president of the court, with a previously acquired opinion from the judge and the authorized prosecutor in the criminal procedure and with a written consent from the parties in a civil procedure.

Notwithstanding, if the party in the procedure is an elected official or civil servant, representative of the local authorities or a person that performs other public duty, there shall be no need for a written consent for recording and photographing the proceedings.

Recording and photographing within the courthouse, outside of the trial may be performed with an approval from the president of the court that manages the building.

LEGAL FRAMEWORK

Article 357

An approval for recording or photographing shall be provided by the president of the court on the basis of a formally filed written request. The request may be filed within five days before the scheduled hearing, on a form which shall be issued by the court administration. The requests which have not been submitted on time shall not be rejected if justified reasons for the lateness of the requests have been demonstrated. The request shall contain the following:

Name of the medium

Names and composition of the reporting teams (cameraman, photographer, assistant, etc.);

Description of the technical equipment which will enter the courtroom and the planned method of coverage (video, audio, photo etc.);

Indication of the period in which the recording of a specified trial or of the participant in the proceedings outside of the trial and in the courthouse, shall take place.

Article 358

When enacting the decision to provide an approval to record and photograph, consideration shall be given to the interest and the confidence of the public, the nature of the case, the interest of the procedure, the privacy and safety of the participants in the procedure.

The recording and photographing shall take place under the supervision of the judge, or the president of the panel in a manner which will provide for a smooth flow of the proceedings, order in the courtroom and respect for the dignity of the court.

The recording and photographing in the court may be interrupted or limited in the following cases:

- Upon a request from the parties, and after a decision of the court, at any time;
- If the court has enacted a decision excluding the public from a part of the proceeding or from a particular procedural action, due to the legal considerations;
- If the witness – the damaged party from a crime requests this, for the duration of his/her testimony;
- If the court finds that a participant in the procedure could be exposed to danger, shame, potential damages or there could be potential barriers to the implementation of legislative measures of coercion or if the nature of the evidence which need to be disclosed, this is warranted (hearing of protected witnesses, juveniles etc.)

LEGAL FRAMEWORK

Article 359

The approval for media coverage of the trial shall also entail the provision of an adequate courtroom.

In the courtroom, a separate section shall be provided for the media teams and the observers, fenced or specially marked, with a separate entrance, if possible. In order to provide for appropriate seating in the reserved part of the courtroom the journalists and observers shall inform the court of their intention to attend.

The court officer shall make sure that the persons that have an approval from the president of the court, as well as the journalists and observers who do not need a special approval take the places reserved for them.

Upon a request from the judge or the judicial officer, the journalist shall produce the journalist's identification card for perusal and shall state the name of the medium for which he/she is reporting.

It shall be prohibited to provide an unfair advantage to one medium when giving out approvals or seating the attendees in the reserved section of the courtroom.

Every medium that has filed a request to get an approval to cover a trial may be allowed to take in the courtroom one video or TV camera, one audio system and two photographing cameras (with at most two apertures each), whereby each of the above mentioned techniques shall be used by one person.

Article 360

The cameramen and the photographers, during the coverage, must not move, make movements or to assume positions which may be distractive or disrupt the order in the courtroom.

The microphones and the appropriate installations shall be mounted before the event on a position which shall be determined by the judge. All microphones must be equipped with a switch that will enable them to be temporarily switched off.

The camera and other equipment (mobile telephones, computers) must not produce effects which can be distractive. The equipment may not be brought in or brought out of the courtroom while the court is in session.

Article 361

The court may determine the method of work and reporting in a closed system by an internal television, in order to enable free access and overtaking of video and audio records (pictures, tone, and voice).

If by issuing copies the court has incurred cost, those costs shall be recovered by the requestor.

LEGAL FRAMEWORK

Article 362

The photographing and recording in the court, as well as the public broadcasting may be performed on the basis of the previously acquired written authorization from the president of the court.

The photographing and video recording within the building outside of court proceedings shall be approved by the president that manages the building which holds the court offices.

Article 363

The video and audio recording of the main hearing in a criminal procedure and the public broadcasting (rebroadcasting) of the footage outside of the cases envisaged with the Law on Criminal Procedure shall be performed with an approval from the president of the Supreme Court of the Republic of Macedonia, in accordance with a prior opinion from the president of the panel, the judges and with a consent of the parties.

The video and audio recording of the main hearing in a civil procedure and the public broadcasting of the footage shall be performed with an approval from the president of the Court, in accordance with a prior opinion from the panel, president of the panel, the judges and with consent of the parties.

The photographing during the trial and the public presentation of the photographs shall be approved by the president of the panel, the judge on the basis of a previously given consent by the parties and the other participants in the procedure.

When giving approvals for photographing and recording consideration shall be given to the interests of the public, the interests of the proceedings, the privacy and safety of the participants in the procedure.

The photographing and recording in the courtroom, after having acquired an approval, shall be performed under the guidance of the president of the panel and the judges, in a manner that will provide for smooth flow of the trial and which enables orders in the courtroom.

Either the Chief Judge or a judge appointed by the Chief Judge will have the role of PIO in the court. They will specialize in public and media relations skills and will be able to respond to public inquiries, which will through time increase public trust and confidence.

WHAT ARE PUBLIC INFORMATION OFFICERS?

PIOs are the courts' media and public relations representatives to the public. They are "the face" of the court; they are its advocates and its image. PIOs are the linkage between the court and the general public, relations that are usually, but not exclusively, established through the media. They are also known as media liaisons or court information officers. All requests by the media are made directly to the PIO or referred to the PIO. In many developed countries in the world, PIOs for decades have contributed in improvement of the court-media interface. In short, PIO's have translate and facilitate communication between the court and the public.

The Conference of Court Public Information Officers, a professional organization of court public information professionals worldwide says: A court PIO wears many hats. Such a person might be a court or administrative office information officer, director of communications, community relations coordinator, press officer, official spokesperson, education specialist, publications or web specialist, media liaison officer, or a clerk or administrator who spends a substantial amount of time on these duties.



TASKS OF THE PUBLIC INFORMATION OFFICERS IN THE COURTS

- ◆ Coordinate operationalization of court policies on openness and accessibility of the court and its records
- ◆ Disseminate information about the court and its work (through press-releases, interviews, press-conferences, briefings, etc.)
- ◆ Respond to local and national media inquiries
- ◆ Guarantee a presumption in favor of allowing public and media access to all proceedings. If and when access is to be limited or denied, communicates the decision and reasons for the decision via standard media outreach, (e-mail, telephone, hard copy notification and personal contact.)
- ◆ Develop and maintain local and national media contact lists for notification of court happenings and case events in court proceedings
- ◆ Inform media regarding existing policies in the judiciary
- ◆ Act as liaison between judges and media when needed
- ◆ Ensure that the court website is functional and updated
- ◆ Oversee court's branding (brochures, memos, letters, etc.)
- ◆ Arrange and conduct guided tours of the courts by groups of interested people
- ◆ Initiate new, innovative public information activities that will bring the court closer to the citizens (i.e. community outreach activities)
- ◆ Keep judges and journalists abreast of changes in the law in the area of media relations
- ◆ Track media appearances of the court

HOW THEY DO IT?

- ⇒ PIOs and additional support person will gain the skills needed to perform their function through training in public and media relations provided by JRIP
- ⇒ AO oversees and supports the work of PIOs (provides consultancy, additional training, publications, networking, etc.)
- ⇒ In the first 1.5 year, JRIP provides support to the PIO (preparation of press-releases, websites, consultancy, publications, etc.)
- ⇒ Annual networking meetings to exchange experiences, best practices and challenges in doing the job
- ⇒ Annual award-best PIO in the courts

JRIP's work plan for implementation of PIOs in 2008

Activity	Timing
Presentation of the concept to the AO/ Chief Judges	8 July
Receive feedback from the courts	18 July
Finalization of the concept	August
PIOs and support person appointed at each court	September
Trainings in PR and media relations for the PIOs and the support staff	September-November
Leaflet in court and media relation with promotion of PIOs	November-December
Consultancy on courts and the media	On-going since November

Ideas for possible activities in 2009

Activity	Comments
Study tour for PIOs	In cooperation with World Learning
Advanced training in PR and media relations	
PIOs networking meeting	
Annual award for the best PIO	
On-going consultancy on courts and the media	
PR and media publications	On different topics of interest for the PIOs: Press-release, interview, press-conference, etc.
Support of PIOs' initiatives	Ex: They want to prepare a newsletter of their court, brochure or community outreach activity, etc.