

Minutes of workshop: Communication of high-profile cases (Angyal room)

9:30-11:00

Lecturer: dr. Balázs Rozsnyai

Audience:

Poland, Malta, Lithuania, Hungary, Georgia, Croatia, Bulgaria, Armenia, Albania

The Lecturer greets the audience.

1. What would you emphasize in the communication of the court in high-profile cases?

Malta: Malta has only 40 judges. It is not possible for judges to communicate on cases to the press. If something is reported wrong, the presiding judge can ask the director to ask the press to change the press release. There is no dedicated section of the court for comm. The ECHR said that there was prejudice in the presumption of innocence with a press release by the court – since then, the courts don't communicate with the press.

Poland: The spokesman asks the judges to tell him about interesting cases for the press.

Hungary: Communication should be proactive. Communication has to be clear, truthful, objective and effective.

Lithuania: Proactivity is essential to react to a case, before the media can decide what direction the reports will go. Expectation management. Communication is better than no communication, every case is different. In pre-trial, the communication is important on the start, when the case ascends to the court it is important as well. Every case is different, and every time there has to be discussion on how to manage it. There are recommendations of main rules on how to communicate, how much can the prosecutor or communicator say.

Albania: During the last years there was a politician who was accused, and he learnt about it from the news. Politics and justice are not in a good relationship in Albania. The high council provides guidelines for the courts.

Georgia: The prosecutor issued to the media a report about an ongoing investigation, the case was not ready for an accusation. The accused was a director of the bank. The information was released to the press before charges were even presented, it damaged both the bank and an important project, and there was a discussion about it. It is controversial if the prosecutor's office can make a report before there are charges. The candidates for the supreme court have open hearing on live streaming, the answers are really interesting especially if they are factually wrong. The justice committee of the parliament elects members of the supreme court, they are appointed for lifetime. The supreme court has a spokesperson who is a journalist, the spokesperson prepares the press releases in simple words for the public to understand.

Bulgaria: There is a central communication plan for the entire judiciary. Each court has to set up an annual plan on communication, including the communication of high-profile cases or "crisis communication". This emphasizes objectivity and plain language is very crucial, so people can understand the legal clarification.

Armenia: The judicial code has a body the supreme judicial council, this body is going to have a regulation about the basics of court communication to the public. This is a new body, formed after the judicial reforms. They are working on the draft regulation, and the courts are going to be using this in the future. In many states, the public trust towards the judiciary is not very high. Half of the people are satisfied and the other half is not, so some people have no high trust towards the judiciary. The judiciary reforms are similar in Albania and Armenia, communication is becoming more and more important.

Croatia: In Croatia many cases against politicians, former ministers etc. with accusations of corruption and other criminal actions. There is great public interest, so it's important that court communication with press effectively, proactive communication is a very important element. Courts usually communication after there is some info released by the parties or lawyers, and they are quite late with this. It is important to think beforehand, and the content of the communication is important as well.

2. Case Law discussion (case Nr. 1.)

The participants discussed the nature of the preparatory hearing and the admittance of guiltiness regards to the new criminal code of Hungary.

Malta: The communication office should put out a release before trial, telling that the accused is expected to plead guilty, telling what is the minimum and the maximum – as expectation management. The judgements are sent to the internet immediately, and the media can quote it directly and instantly.

L: With media interest, how fast do you make a press release?

Croatia: It differs in 1st and 2nd instance courts. The journalist may attend a first instance judgement, but second instance judgement is only delivered in writing and not publicly announced.

Georgia: We try to write a judgement in advance for the reason that the press could be informed beforehand about it.

Malta: If you write the judgement after delivering it, it could be changed depending on the media reaction.

Georgia: There always is a draft, and all important issues are decided and written in minutes. You just have time to properly write it later. At the supreme court cases are usually decided without oral hearing, there are possibilities of attacks during this one month for the preparation of the judgement. We provide short information for press, giving the basic grounds of the judgement in simple language. We had a negative discussion.

L: If the press releases are sent after 3-4 hours, is it already too late? How fast should you release them?

Armenia: There are many political cases. The prosecution office releases a communication that a person is guilty, and later the court finds him innocent: the public discussion turns against the courts in these cases. We have live streams, and the press releases are always late now. We could have press releases at the same time when the judgement is delivered, but it wouldn't work either. The policy should be general, and all actors should have a common guideline to inform the press.

Hungary: The supreme court the same methods are followed, in high-profile cases which attract great attention, a short press release is immediately released after judgement is delivered – this is done by the head of the panel, and it is sent to the press office. “Immediately” means on the same day, within 2-3 hours, I don’t think it is late.

Croatia: We don’t have lifetime imprisonment. The public can be very satisfied in this case, considering the crimes committed, the promptness of the proceeding is something for the public to be happy about.

Albania: If this case happened in Albania, the media would be very satisfied. It is possible in our country, that if the accused admitted the crime, only one third of the punishment can be adjudicated.

L: Do you have regular press conferences? How do you manage them?

Albania: The head of the supreme court can make a press release in general, journalists are there, and they can ask questions. The president can be asked about any case, but usually the media asks about the cases that are at the center of discussion in the country at the time.

Hungary: Press conferences or “press breakfasts” are organized every 6 months. Leaders of the supreme court give a short explanation on the most important cases and changes of legislation. After, the journalist can ask questions and prepare interviews. There are also background talks if a case attracts high attention. It is usually done by the spokesperson or the head of department, to make the journalist understand the legal issues, it is usually done before a judgement is delivered. This way the media coverage can be proper, so this is an informal meaning.

In other participants countries, no background talks like this exists. The participants with the help of the lecturer concluded, that politically sensitive cases and violent crime cases attract a lot of media attention. This media attention is best served with as fast as possible press releases – hours or minutes of delay to the general media blitz can be crucial in forming the public opinion about the courts. Another important aspect is the plainness of the language used, as it can be a strong determining factor when trying to make the general public understand the cases adjudicated. Overall, the participants agreed that court communication – with the notable exemption of Malta – is best done with a court communication office and court spokespersons, and as always, the speed and the plainness of the press release is crucial.

Minutes of workshop: Communication of high-profile cases (Angyal room)

11:15-12:45

Lecturer: dr. Balázs Rozsnyai

Audience:

Ukraine, Turkey, Romania, Poland, Montenegro, Macedonia, Hungary, Lithuania, Germany, Czech Republic, Bulgaria, Armenia, Albania

The Lecturer greets the audience.

1. What would you emphasize in the communication of the court in high-profile cases?

Albania: We have court communication offices, which manage the releases. We don't have a general method with how to deal with these cases, we manage them like any other case – we try to be discrete, give proper and fast information.

Armenia: The public is giving more attention to high-profile cases, the judges try to provide information quickly. We don't have special offices for these cases, the public can be informed via media, or they can attend these cases in person. The media can ask a lot of questions.

Bulgaria: We publish a press release of the cases on a website, and we have press conferences. There are rules for Crisis communication, and they are uploaded on a website. It is necessary to explain the decision immediately, we have to proactively communicate the cases to journalists. Usually criminal cases are considered high-profile cases.

Hungary: One word: proactivity. We have to be up to date and prepared, we have to be very fast with the press releases. A spokesperson gives press conferences, and if there are mistakes, the judges can correct that. It is important to have a quick communication between court and press. High-profile cases must be communicated skilfully and quickly.

Montenegro: Our courts don't deal with high-profile cases very often. We can only talk about what we heard about the higher courts dealing with these kind of cases. We make press releases and try to be open, but I don't think we are proactive enough.

Macedonia: The press communicates with the media at every session during the trial. The prosecutor's office made a strong negative comment on a recent judgement of the judiciary, saying that is the reason why the public has no trust for the courts.

Lithuania: The spokesperson from the regional court acts as a buffer between the judges and the press.

Poland: Not every court has a spokesperson, and we don't have national guidelines. There is a huge scandal if the facts are represented inappropriately.

Romania: We have recently improved our guidelines for media communication. We have guidelines how to act on social media, on legislative and executive power, and guidelines to communication with representatives of other legal professions. In high-profile cases we sometimes create a crisis department, which takes action in very short and real time, telling as much as they can in all forms: phone, email, press conference etc. whatever is necessary.

Ukraine: Cases with politicians are high-profile. We have “press judges” depending on the court, some has 1 others have more. They give the press releases at the end of the whole proceedings, this press conference takes a short time. The cases are explained in 3 steps, they try to explain the whole text in a few minutes.

Turkey: From the judiciary, no one can talk about the case, only the prosecutors. In the guidelines, prosecutors can give short statements, or hold press conferences if necessary.

L: Should the press releases of the prosecutor’s office and the courts be aligned?

Hungarian prosecutor: Prosecutors should make short press releases at the court, we don’t have a practice for it yet.

Romania: The prosecutor can give a press release, but the name can only be made public if it affect a public function, if it is not the case the name cannot be made public. If the indictment has reached the court, it has to pass a preliminary chamber, where the judge has to approve it and the trial can begin. Until it is approved it cannot be made public, and even then the judge can decide that the session is not public. So only when the trial begins can the indictment be made public. The court which has the file communicates with the media. There are special rules to hide the identity of the accused, but the public opinion has criticized this practice, that the name of the convicted cannot be known. All the evidence has to be left out of the criminal proceedings which could be used to identify the convicted person.

L: In terms of time, how fast do you think a press release has to be made?

Albania: We do them after the judges decide on the case.

Romania: Minutes after the judgement. There is a website where you can view every decision, except for those which are confidential. After the decision is made, you can give the judgement to the press, and the press is waiting for us. In urgent cases I can send a message to the press, we have a national guideline with the relation of the mass media, adopted in 2012, it has now been improved, and it applies to all communication of the court. The press is obliged to tell the truth, or else they can be fined.

Macedonia: In Skopje, the public announcement the judge gives an oral explanation about the case, in some cases this explanation can last for maybe half an hour. 2-3 hours are too much, it needs to be done as fast as possible

L: Do you have expert communicators employed by the courts in your country?

Lithuania: In regional courts, we have communication experts, who are not lawyers. There are judges who are acting as spokespersons in lower courts.

Macedonia: We have spokesperson journalists in the higher courts.

Bulgaria: We have journalist spokespersons in the higher courts as well.

L: How do you organize your press conferences?

Czech Republic: Press briefings are shorter, and a bit informal. After the announcement of the judgement, the rapporteur explains the case to a journalist in 5-10 minutes, this is a rather informal meeting. The briefings are very quick, faster than a regular press conference

2. Case Law discussion (case Nr. 2.)

Montenegro: We have to be prepared for the interest of the media. The judge has to know that his judgement would raise critical comments, it has to be organized that a spokesperson is given the judgement in advance with short explanations, to prevent these kind of outcries. The spokesperson has to talk with the judges, and they have to talk about it. Only short reasons are needed. He should be obliged to tell about the judgement before it is made.

Germany: Communication is not only about normal media, also social media, and is very difficult to control. Journalist have the ability to explain information, and it can be very important. The journalists have to be sufficiently educated, it is a long term work, and this could help dealing with these cases. Traditional media is the only way to have any control.

Lecturer: We had a court reporters training, but it could be improved to be done in a broader context.

Macedonia: In a small court, communication needs to be precise, careful, and internal communication is very important. If there is enough communication between members of the court, we can be prepared for dealing with the court.

In the end, the participants concluded that court communication has to be improved constantly. An interesting debate erupted whether judges should be informing the court's spokesperson or communication's office about the contents of the judgement they are about to make, but there was an agreement on the part that press releases have to be near instant, and a delay of 2 or 3 hours are unacceptable in the age of social media. However, some countries are following a national guideline on all court communications, which is viewed as being overall helpful. The group has found that there are certain differences between countries, but the methods are

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14:00-15:30

Lecturer: dr. Balázs Rozsnyai

Audience:

Montenegro, Turkey, Spain, Romania, Hungary, Poland, Macedonia, Latvia, Croatia, Armenia, Albania

The Lecturer greets the audience.

1. What would you emphasize in the communication of the court in high-profile cases?

Armania: We don't have a certain regulation to follow, but communications with the press is done by the court, and not the judges themselves. It is important to make sure that there are no unexpected events, we have to prepare for that.

Albania: In a high-profile case with a serious charge against a leading politician, it took 2 years for the court to reach a decision. The judgement took 8 hours to be pronounced, during which time there was speculation whether he will be acquitted or condemned, it is not usual that judgements take this long to be pronounced. The judgement was published fully reasoned and broadcast live, and this way there was no reason for speculation, so it took a long time but there was no misunderstanding. If the judgement would be repealed, we would not be able to comment on the judgement. Our press office might would explain why exactly was the first instance judgement repealed, answering the questions of the journalists, ideally organizing a press conference.

Croatia: We have spokespersons in the supreme court, and they prepare the press releases and the website.

Macedonia: There is a coordination between members of the court, and this would then be communicated by the spokesperson.

Hungary: Preparing is important, to have the information about the case from the judges, and this requires an effective internal communication. The president of the supreme court also prescribes the way to communicate in these cases, e.g. when to give press releases etc. We don't have a communication strategy yet, but in an overall strategy we have some instructions about communications.

Turkey: Judges and prosecutors are expected to communicate as spokespersons. They report and communicate high-profile cases.

Spain: There are 35 journalists working in the high courts, coordinating with judges. If needed the communication officials decide together how the high-profile cases will be communicated to the public. They usually do a press release, most courts have a website and put it on there.

L: In terms of time, how fast do you think a press release has to be made?

Georgia: It depends on the case. In one case we had a really big media pressure, the media would comment that the judiciary is under pressure from the government etc. We gave a press release that we are working on the case dealing with the admissibility criteria, and we would put it on the website as soon as the decision is made. Journalists were very unethical, because after the judgement they went to search for the homes of the judges, and it was a very bad experience for their families. It was pointless, because judges are not allowed to comment on their own cases.

Spain: There should have been a communication's office, so that someone would explain the case to the journalists, it is a job of a professional to manage these things. I can almost always guess what the headlines would be next day given the information.

Georgia: Yes I would have talked to a spokesperson if we had one, but unfortunately didn't.

Croatia: When the parties hear from the media first about a judgement, they would complain, but we give the press release when the judgement leaves the building, this is expected in modern times.

2. Case Law discussion (case Nr. 2.)

Spain: Communication could have been improved. There should have been an oral hearing, telling there was not enough evidence. The judge should have made it more open without the image and the name of the victim girl. Media is more interested with emotions, I would have provided the media with a press release. The media should have had access to a spokesperson, so that they can report more effectively. It is important to have the initiative when communicating, communication's offices are more coordinated, and better at communicating than judges.

Albania: The court could help to limit the effects the aftermath. The court should have explained the judgement immediately, not wait for the next day like in the case. There was a political debate about immigration, so it was a very hard case to discuss.

Georgia: There should have been an immediate response to avoid misunderstanding. The spokesperson has to communicate with the judge immediately after the judgement has been delivered, and give an explanation as fast as possible. Waiting for the next day in this case was very harmful, there should be a crisis plan in place.

Croatia: The communication channel has to exist, and the spokesperson has to have good relation with the journalists. It is important that the spokesperson or the president always gives correct information. It is not good if the judge presents a different case than the spokesperson. The press can be informed in a few words easily with a good spokesperson.

Albania: It is always bad to start a war with the press, they will always win, it was a great mistake on the part of the judge.

Poland: Channels of communication are sometimes not enough. It is hard to communicate about the case with the spokesperson if it is still before the judgement is delivered, and the outcome is not certain. There was an insufficient assessment of the case, it is necessary to expect public interest and emotions, therefore the possible consequences. The press conference was a day too late, nobody would be interested in this explanation, and it was in vain.

L: Are there background talks?

Hungary: Not in direct cases, only in the unified application of law type of cases.

The other participants concluded that there are no background talks with journalists as of now. There was an interesting debate about the clearness of judgements and press releases: the group was divided whether judges are communicating in a plain and clear enough manner. There was a fruitful discussion regarding this topic, and also the speed of the reaction by the spokespersons and communication offices. All in all, participants agreed that high-profile cases require a dedicated crisis team, and a special mindset to manage them properly.