

*Third Annual European Conference on Courts and
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Questionnaire*

Image and sound recording at courts

1. What type of legislation regulates the image and voice recording at courts in your country and in what way?

Audio and video recordings are regulated with the books of rules on internal organisation (for all levels) as well as with the criminal procedure codes (all levels), and the Civil Procedure Code on BiH level. There are also instructions for recording trials and operating audio and video equipment in courtrooms. In principle, audio recordings are permitted for all types of hearings, though generally only trials in criminal cases are recorded. Video recording in courtrooms is not permitted. A judge or panel chairperson may permit video recording in the courtroom immediately prior to the beginning of a trial. The court president may allow video recording of a part of a trial or, in exceptional circumstances, allow video recording of the whole trial. If video recording of the whole trial is permitted, a judge or panel chairperson may, if justified, decide that certain parts are not recorded. Witness testimony may be recorded using audio or video equipment throughout all procedural phases. Testimony must also be recorded in cases concerning minors under the age of 16y and who are injured parties to the criminal offence, also if there are grounds to fear that a witness will not be able to testify at the trial.

2. Is there a separate provision (legislation, recommendation, regulation, etc.) regarding image and sound recording at courts, court buildings, court hearings, court events?

Provisions concerning recording at hearings and in courtrooms can be found in the Book of Rules on Internal Court Operations.

3. Is the practise relatively uniform regarding image and sound recording at different courts in your country? If not, what characterises the types of recordings and what are the possibilities?

Practices are consistent considering that the method for recordings is prescribed in laws and books of rules and refers to all courts. As mentioned above, audio recording is permitted, while video recording is allowed only in exceptional circumstances and with the approval of the court president.

4. If recording is permitted, how is this applied in practise? Where is it permitted (in front of the building, in the court room itself, on the corridor, etc.)?

Recording in courtrooms is not permitted, except for specific situations, while recording the hallways and in front of the building differs from case to case. Of course, any recording inside the building requires the approval of the court president. I was told by court personnel that this generally refers to statements that journalists seek from court presidents which he/she approves or not, and the same also applies for statements from other judges and court staff.

5. Are there any common problems relating to image and sound recording and if so, what are these?

Since everything is regulated with the book of rules on internal operations there are no major common problems.

6. Is a contribution required from the subject in order to record image and/or sound? Is there a difference in this aspect between public figures (judge, prosecutor, policemen, etc.) and others attending the trial (parties, witnesses)? N/A
7. In case the recording takes place at the court room, who decides about how the recording is done (location and movement of the press in the court room, who can be recorded, what is the time frame of the recording)?

Audio and video recording of hearings is not permitted in courtrooms, however, a judge may allow video recording in a courtroom immediately prior to the beginning of a hearing.

8. Do courts keep the press informed on current cases or substantive decisions? If so, are there any specific rules?

The court ensures the right of access to information as follows:

Direct review of files that are the subject of a request, though with restrictions as determined with the manual;

Attending hearings that are held in the court building;

Statements that are placed on the court website;

Written responses to enquiries;

Responding verbally to questions as well as for audio and video recording of the responses.

A request for access to information is submitted in writing (fax, by post, email), to the court PR officer.

9. Is the recorded material made available to the subjects before it is published? If yes, in what way?

Recorded material is not available prior to publishing.

10. In case incorrect information is published about the courts, or the content of a statement changes in the course of post-production, are any measures taken? If yes, what are the means of correction?

In the event of unfounded criticism of a judge, the court does not negate such statements rather informs the HJPC BiH of the matter. Judges are generally not in a position to respond to individual attacks or criticisms aimed at them. In order to enable a court to selectively, and on behalf of the judiciary and the judges, respond to serious, inaccurate and unjustified criticisms while at the same time without impeding freedom of expression or preventing criticism itself, a court program has been established for informing the public within the Public Relations Strategy for Courts.

Strengthening of court PR: new trends of communication

1. What type of social programmes are organised by your court in order to bring the public closer to the court?

Courts in BiH organise events such as European Civil Justice Days when presentations and roundtables are organised. There are also ceremonies and press conferences organised to present court performance reports and work plans etc.

2. What kind of CSR programmes are organised by your court in the framework of corporate social responsibility? See question 1.

3. Are the programmes focused on a specific field of law? Are there significant programmes and events for a given field (e.g. domestic violence)?

Protecting child rights, criminal processing of gender-based violence, domestic violence etc.

4. Are there programmes designed for specific groups of society (e.g. rights of children, helping the disabled)?

In cooperation with international organisations (UNDP, UNICEF), programs have been organised for specific groups (children, women, people with disabilities, socially vulnerable categories as well as religious and ethnic minorities and Roma people.)

5. Is there cooperation with partner organisations, non-governmental organisations relating to these programmes?

Cooperation with different international government and non-governmental organisations operating in BiH, government institutions and non-governmental organisations and associations, the professional community that implements programs and projects with all government levels.

6. How and where are said programmes and results communicated?

Through press releases, PR campaigns via the internet, press, radio and television. Printing brochures, promotional materials, court bulletins, at meetings with organisations and institutions with established cooperation, in order to contribute towards creating a positive image of the courts.

7. What are your courts international relations? In order to maintain them, do you have programmes, invite partner judges or send your own judges and experts to partner courts?

Due to budget constraints of the courts, such visits on a professional level are currently carried out through projects that are implemented in the courts by various international governmental and non-governmental organisations operating in BiH.

8. Is your country or court involved in international scholarship programmes, exchange programmes or study visits?

BiH is included in various international scholarship programs such as, scholarships from the governments of the USA, Great Britain, France, Austria, Switzerland, the Czech Republic etc., while courts may organise visits.

9. Is there a separate platform for the communication of international relations – foreign website, etc.?

The courts do not have a separate department to deal with international relations matters.

10. Does your country or court use social media surfaces, if yes, what type of events are published?

Courts in BiH currently do not have the option to use social media platforms.

Means and measures of crisis communication

We can't respond to the questions below because Court's PR strategies do not cover crisis communication at all nor are any means or measures for crisis communication stated.

1. How is a crisis defined in the life of a court?
2. Is there a crisis communication plan at your court?
3. If you do have a plan for crisis communication, what is the content?
4. Is there a declaration order in case of a crisis? If so, what is this order?
5. What are the primary surfaces for the communication in case of a crisis?
6. What are the main messages in case of a crisis?
7. What basic principles need to be followed during crisis communication?
8. How are the publications documented and followed during a crisis?
9. Is there any communication after the crisis and if yes, what is it like?
10. How can a crisis be prevented? What crisis preventing strategies are used?