

Third Annual European Conference on Courts and Communication

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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?

In Montenegro, recording of image and sound is regulated by the Court Rules of Procedure and by the Criminal Procedure Code.

Criminal Procedure Code prescribes that all activities undertaken during the criminal proceeding, by rule, are audio or audio-visually recorded, and the person undergoing examination shall be informed about that. The Panel may, for justified reasons, decide on certain parts of the main hearing not to be recorded. The Public Prosecutor, investigative judge, or the Chair of the Panel may allow that participants of the procedure, who has a justified interest, may record with a tape recorder carrying out of evidentiary motions. However, all these recordings, cannot be published without previously obtained written consent of parties and participants of the recorded action.

According to the Court Rules of Procedure, visual and radio recording of the trial shall not be allowed to other parties, unless approved so by the President of the Supreme Court for a particular trial. However, the Panel deciding in the trial may, for justified reasons, order that certain parts of the trial not be recorded.

The Supreme Court of Montenegro has concluded the Agreement on Business Cooperation with the Info Bureau of Montenegro, which, inter alia, stipulates that the said agency shall distribute recordings of final statements of prosecutors, defence attorneys and published court decisions and their explanations obtained from the Secretariat of the Judicial Council, i.e. that the said agency shall conduct audio recording in those courts where the Secretariat cannot conduct recording, and recording of the said segments of the trial shall be related to the cases which draw attention of the public.

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

There is no separate provision regarding image and sound recording at courts.

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?

Yes, the practise is relatively uniform.

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.)?

In cases when recording is permitted, it is done in the court room itself.

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

Problems may be technical, for example if two trials are scheduled in two different towns in Montenegro on the same day, and bearing in mind that recording is organised and provided by the Secretariat of the Judicial Council, which, in that case, would face the problem of providing a sufficient number of staff and necessary technical means.

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)?

No contribution is required in order to record image and/or sound, and with regard to that there is difference between the subjects attending the trial.

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)?

When the recording takes place at the court room, President of the Panel decides on the manner of recording.

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

Courts inform the public regularly on their work, by organising press conferences at least once a year, and on daily basis – through their sites.

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

If parties or participants of the proceeding, who have a legal right to do so, request a recorded material before it becomes publicly available, they will be provided with a copy of the recording.

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?

If the disclosed information has not been truthfully presented in the media, or if the disclosed information depicts the court operation in a biased way, the President of the Court shall request that a response or a correction be published. Publishing

of a correction or response may be requested in the period no longer than 30 days from the day of publishing the programme content. When requesting publishing of a correction or response, a programme content that the response or correction are related to must be stated as well as datum of their publishing. A response or correction shall be published without compensation.

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?

Each court has its own website on the judicial portal which is updated regularly and which provides information on the court proceedings, scheduled sessions, and where all the final court decisions, which have been previously made anonymous, can be found. In addition to the above, in the halls of courts there are screens linked to the website where a schedule of trials can be seen, as well as info desks with brochures for informing the citizens on their rights and the manners of initiating court proceedings. The days of mediation are also organised, of which the citizens are informed via the media for the purpose of faster resolution of these cases.

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

On the court's website you can find annual performance reports of courts, reports on results and quality of work.

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)?

We have a Centre for Judicial Training, which organises trainings of judges, associates, civil servants and state employees, as well as seminars on various and important topics from all areas of law.

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

There is a Service for Free Legal Aid, where certain vulnerable groups such as children without parental care, persons with disabilities, as well as victims of domestic violence, have the right to free legal aid, regardless of their financial status, and the aid is given by assigning them an attorney or defence attorney among the lawyers, while the costs are covered from the budget.

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

Many NGOs, as well as foreign organisations such as OSCE, have carried out case studies on the court proceedings in Montenegro, where they were enabled to attend

trials, as well as to have insight into the case files. After the projects have been carried out, the said organisations usually organised conferences attended by the court representatives, media, NGOs etc., where on basis of those researches they provided recommendations and guidelines, in order to improve the quality of work of courts.

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

At conferences, via brochures and hard-copy books.

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?

International relations are good and are maintained through the Supreme Court of Montenegro and Secretariat of the Judicial Council, while the most frequent cooperation is achieved with the International Court of Justice in The Hague and the European Court of Human Rights in Strasbourg.

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

Several judges from Montenegro attended trainings at the European Court of Human Rights in Strasbourg.

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

No, there is not.

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

Yes, there is a PR Service, each court has a court website where all the important events, announcements, statements and disclaimers are published, and they also participate in TV shows, as needed.

Means and measures of crisis communication

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?

When it comes to crisis communication, we have no means or measures of crisis communication, i.e. that concept is unknown to us.

Questionnaire deadline: 15 September 2015