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Questionnaire

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I. Image and sound recording at courts

1. As regarding image and sound recordings of court hearings we have two types of recordings:

A. Recordings of court hearings in the court procedures;

B. Recordings of court hearings requested by the media.

According to the provisions of Article 13, paragraph 1 of Law no. 304/2004 on judicial organization:

„ Proceedings shall be recorded by video or audio technical means.”

The detailed legal provisions in this regard are found in the Code of Criminal Procedure and the Code of Civil Procedure.

On request, the Parties, at their own expense, may obtain an electronic copy of the recording of the hearing regarding their cause.

As regarding the recording of hearings at request of the media, it is governed by "*GUIDELINES ON THE RELATION BETWEEN THE JUDICIAL SYSTEM IN ROMANIA AND THE MEDIA*".

Article 29 –“The basic principle is that hearings need to be accessible to all, including the press. However, the court will establish, where appropriate, whether the access of the public to the courtroom should be restricted or denied. The presiding judge may set up interdictions or restrictions that depend on the nature of the pending case. If the president of the judgment panel decides to deny access to the public and to media representatives to the courtroom during the hearing, he or she must always make public the reasons for this decision.”

Article 31 – “(1) Public court hearings are always accessible to journalists without means of technical recording”.

Article 32 – (1) “Filming, taking photographs and audio recordings in courtrooms is possible only with the consent of the president of the judgment panel. Photojournalists and radio and television crews must request prior consent (24 hours before the hearing is recommended), through the information and public relations office of the court, for access to the courtroom, while specifying the cases about which they wish to make recordings.”

Paragraph 2 : “(2) If they are granted access to the courtroom, during the hearing, media representatives may make video and audio recordings, with the consent of the president of the judgment panel, of one or more of the following moments: the panel members entering the room, the hearing being opened by the panel president, the charges being read aloud, the final conclusions presented by the prosecutor in criminal cases, the pleading by lawyers and the pronouncement of the judgment. The president of the judgment panel decides the extent to which the media may record other parts of the hearing than the above. Regarding the above situations, the president of the panel will ask the panel members, the court clerk, the lawyers, experts and interpreters whether they object to the recording of the approved moments. The moments about which one of the persons in this paragraph has raised an objection may not be recorded. “

Article 104 of the Resolution no. 387 of the Higher Council of Magistrates of September 22nd, 2005 concerning the approval of the "Internal rules of court procedures" provides the following:

(7) Taking pictures and sound and image recording in the courtroom may only be done with the approval of the presiding judge. Requests shall be addressed in advance to the information and public relations office of the court, indicating the cause for claiming photographing or recording. For the normal course of proceedings, the court may grant permission only to a limited number of applicants in order of presenting their applications.

(7[^]1) The transmission of photos, recordings or snapshots taken without the approval of the presiding judge, is forbidden. In case of violation of this prohibition the National Audiovisual Council shall be notified.

According to Article 104 paragraph 18: "If the court hearing is recorded with technical means, the recording support shall be archived by the court for 3 years considered from the date of the last record."

According to Article 6 of the European Convention on Human Rights: “the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice”. In principle, these are the same grounds on which freedom of expression may be restricted, as provided in Article 10 of the Convention, although here “the authority and impartiality of the judiciary” are mentioned as separate reasons for restriction.

Factors that may have a role in deciding to restrict or deny access to the courtroom: the right of parties to the proceedings to respect for private life and family life; maintaining order in the court; national security; the nature of the case (criminal, civil or administrative); the right of each person to a fair trial; the presumption of innocence; the fact that the parties are influenced by the presence of the media, particularly the audiovisual media; the need for appropriate functioning of the Judiciary; the authority, independence and impartiality of the judge”.

According to the provisions of Article 352 of the Code of Criminal Procedure:

Paragraph 3: "If the trial in open court could prejudice the interests of the state, morality, dignity or intimate life of a person, the interests of minors or of justice, the court, at the request of the prosecutor, of parties or ex officio, is entitled to set the trial in closed court during the entire period or only for a part of the trial.

Paragraph 4: The court may also declare a closed hearing at request of a witness, whether giving testimony in a public hearing could affect the safety, dignity or intimate life of the witness or of his/her family members, or at the request of the prosecutor, of the injured party or parties, where a public hearing would endanger the confidentiality of information.

Paragraph 9: During trial, the court may prohibit the publication and transmission by written or audiovisual means, of texts, drawings, photos or images liable to reveal the identity of the injured person, of the civil party, of the civilly liable party or witnesses in conditions set out in paragraphs (3) or (4)."

2. See the answer to question no. 1

3. Yes, it is a relatively uniform practice.

4. Article 32 - (7)" Media representatives may make recordings outside the courtroom, in areas within the court premises that have been expressly designated by the office of public information and press relations".

As regarding our court, the video and audio recording is allowed in front of the building and on the corridors of the court.

5. As regarding filming, photographing, recording the defendants from the moment of their entry into the court yard, on its corridors and until the entrance to the courtroom, media access cannot be restricted since it is a public area.

Problems may arise due to the dissemination of these images, meaning that one can get to breach the principle of the presumption of innocence.

6. Yes, it requires the consent of the subject to make audio and video recordings and there are no differences in terms of the capacity of the person participating to the trial.

Article 32 (2):" The president of the judgment panel decides the extent to which the media may record other parts of the hearing than the above. Regarding the above situations, the president of the panel will ask the panel members, the court clerk, the lawyers, experts and interpreters whether they object to the recording of the approved moments. The moments about which one of the persons in this paragraph has raised an objection may not be recorded."

Article 33 - (1)" In audio and video recording, the parties, witnesses and other participants to the trial may only appear subject to the approval of the panel of judges and only provided that they did not submit oppositions in this respect. In criminal cases, the panel of judges shall not approve the defendants to be filmed, save where there is no opposition from the defendant¹. Furthermore, in criminal cases, damaged persons may not be filmed without their consent, as they are, by definition, the vulnerable participants to court proceedings".|

According to the provisions of article 34 paragraph 1 of the Guide:

"People attending the court hearing may appear in video and audio recordings only if they have previously expressed their agreement in this respect."

Article 32 (4): „It is prohibited to broadcast recordings or images obtained without the consent of the judgment panel president. If this prohibition is violated, the National Audiovisual Council will be notified.

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7. Article 32 - (1) "Filming, taking photographs and audio recordings in courtrooms is possible only with the consent of the president of the judgment panel. Photojournalists and radio and television crews must request prior consent (24 hours before the hearing is recommended), through the information and public relations office of the court, for access to the courtroom, while specifying the cases about which they wish to make recordings."

(2) "If they are granted access to the courtroom, during the hearing, media representatives may make video and audio recordings, with the consent of the president of the judgment panel, of one or more of the following moments: the panel members entering the room, the hearing being opened by the panel president, the charges being read aloud, the final conclusions presented by the prosecutor in criminal cases, the pleading by lawyers and the pronouncement of the judgment. The president of the judgment panel decides the extent to which the media may record other parts of the hearing than the above. Regarding the above situations, the president of the panel will ask the panel members, the court clerk, the lawyers, experts and interpreters whether they object to the recording of the approved moments. The moments about which one of the persons in this paragraph has raised an objection may not be recorded. "

(3) "The live broadcasting of court hearings is not allowed."

Film crews who have received the approval may record broad frames with the public from the courtroom or elsewhere in courthouses without focusing the lens camera on a particular person from the public.

(5)" Video and audio recordings, as well as photographs, will always be taken from a fixed position. The court may impose the condition that they be especially arranged in the courtroom, so as to ensure solemnity. For a normal course of proceedings, the court may decide that only a limited number of camera crews will be allowed, according to the order of requests".

(6) "If the media representatives are not allowed into the courtroom, photojournalists are given the possibility to take photographs, and camera crews are allowed to take shots, before the hearing begins".

8. Yes, by means of the communication structure or the court spokesman, the press is informed on important decisions and of public interest. This is achieved through press releases, interviews and briefings.

Article 13 - (1)'' The Superior Council of Magistracy, the courts and the prosecution offices publish updated general information provided in the Act No. 544/2001 on their own official websites *ex officio*.

(2) The Superior Council of Magistracy, the courts and the prosecution offices communicate, either *ex officio* or at the request of representatives of the media, public interest information regarding or emerging from their activity, through the communication structure/ spokesperson, according to the Act No. 544/2001''.

9. The court shall not provide the subjects with materials recorded by the press, this aspect remaining at the discretion of the media.

10. Yes.

Article 14 - (1) ''In the event of media coverage that uses erroneous information about judicial proceedings, the work of members of the Judiciary who are involved in them or the work of the Superior Council of Magistracy, the courts or the prosecution offices, the spokesperson must inform the leader of the institution and immediately provide the correct information to the public opinion, by presenting the actual situation and /or expressing the position of their institution with regard to the issues at stake.

(2) To this end, the spokesperson will endeavour to exercise the right of reply or rectification and will ask the institution that published the media coverage to provide a space for the expression of the right of reply or rectification of data and information.

(3) This request, together with the reply or rectification, will be published on the website of the institution that was wronged and on the website www.infocsm.ro ''.

1. The court organizes periodically and whenever necessary monthly press conferences, briefing sessions followed by a press statement and issues press releases and the right of reply when appropriate.

Socially, the following activities have been organized:

- photographic and painting exhibitions on the hall of the Court
- legal essay contest for high school students, the prize consisting in publishing the winning essay in local newspapers, with the support of local media institutions;

- simulation of a trial within the Court, in which all the roles were played by journalists, previously trained by fellow judges and prosecutors;
- the annual "Open Day" when students are invited, students who are introduced to trial activities and general notions about law, rights and obligations, judicial proceedings. The public can also take part to them.
- meetings of the Court President with the ambassadors of The Netherlands and Belgium;

2.

3. No

4. No

5. No

6. To the Superior Council of Magistracy and local press.

7. No, the court judges participate to professional training programs by means of the National Institute of Magistracy and European Judicial Training Network - European Judicial Training Network (EJTN). There are no individual programs, but there were cases when on basis of some personal relationships exchanges were made between judges from courts in other countries, for example with judges from the Court of Zala, Hungary.

8. The judges participate in such programs through the National Institute of Magistracy and EJTN.

9. No

10. Mureş County Court also has opened an account on Facebook social network.

Important events presenting interest for the main public are posted mainly on the portal of the institution and on the website of the Society of Legal Sciences: www.juridice.ro.

III. Means and measures of crisis communication

1. Any event whose severity or magnitude is likely to create disorders and strong reactions among the public (explosions, fires, attacks, road accidents, labor accidents, taking procedural measures against persons of certain notoriety, magistrates, any other event in relation to the judiciary

system and / or the Superior Council of Magistracy of direct and immediate responsibilities etc.), increasing the interest of the media; resulting in a large number of requests for information and / or event occurred outside working hours (weekends, holidays or during the night).

2, 3. 4, 5, 6, 7

Step no.1

Step no. 2: The Court, by means of the institution itself or the responsible or involved institutions, shall make all necessary efforts to inform as quickly and completely in all aspects of the event occurring and derived from questions asked by journalists, to make an official response within the limits of advertising the procedures performed or to be implemented by the authorities. In this regard, depending on the institution they represent and the nature of the issues under discussion, the spokesperson will contact:

- **Courts**

- **Prosecutors**

- **The Superior Council of Magistracy**

Step no. 3: The Court shall analyze all information received and shall prepare a paper covering punctually, as much as possible the requests from the press, in accordance with the Guide for mass media.

Step no. 4: Following consultation with the management of the institution and under the instructions received from the spokesperson, he/she will inform about the transmission modality of the institution's official point of view to the media and therefore to the public by:

- Official statement by the head of institution (briefing, press conference);

- Press release, posted on the website of the institution sent simultaneously by e-mail to accredited journalists, and to those who requested information;

- Telephone communication, audio-video intervention of the manager of institution / spokesperson if he/she is not at work (given the time of the event: weekends, holidays or during the night or outside office hours)."

The spokesperson shall definitely avoid in front of media representatives the adoption of some attitudes of denial, evasion, distortion of scale and consequences of an event that is identified as a crisis situation.

There **will never be adopted** the attitude of refusal to provide information (*no comment*) or confrontation (*polemic*).

On subjective criteria, sending official views **shall not be limited** only to accredited media institutions. Doing discriminatory assumptions the area of assumptions / rumors / speculations, unsupported factual interpretations and commentaries, is reduced.

8.

9.

10.