

Cooperation between the judiciary and the local media

Summary of analysis and recommendations

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Summary:

This document is intended to inform decision-makers about main problems in communication between judicial authorities and media, both at the local and national levels. The lack of institutional openness and absence of trust between judicial authorities and media are among the most common characteristics of poor communication, on which both players must work strategically and make decisions. The appointment of persons in charge of media relations by judicial authorities, as well as better training of journalists for reporting on court proceedings represent the starting basis for good and unimpeded communication.

Media and the Judiciary - Allies or Rivals in the Struggle for Public Interest?

Judicial authorities and media need to cooperate in order to satisfy the public interest and the public right to truthful and timely information. However, professional and unbiased reporting is more of a fictitious category, rather than reality and this is especially the case when it comes to reporting on court and prosecutor-led proceedings. For this reason, "exclusivity" has quickly gained priority in the world of journalism, undermining the legitimacy of a small number of professional and credible media. As a result of omnipresent sensationalism, the relationship between the judiciary and the public is far from satisfactory.

Although media have the duty to report on what is happening, without jeopardizing ongoing court proceedings, prosecutors' offices tell journalists with increasing frequency that "proceedings are underway," which is an insufficient answer for a journalist. Answers such as this bring into question the concept of "public interest" because media analyze judgments unprofessionally. On the other hand, prosecutors' offices and courts very rarely appoint persons who inform media professionally. However, although media can interfere with court proceedings, they can also trigger investigations or changes in some situations. Therefore, media and representatives of the judiciary need to engage in good and continuous cooperation.

Poor Communication is the Eternal Problem of the Judiciary and Media

The main problem in communication between media and judicial authorities lies in the lack of openness to cooperation of courts and prosecutors' offices and their selectivity in answering questions on cases of greater public interest. A large number of journalists resort to requests for access to information of public importance, believing that this is the only mechanism they can use to obtain information. However, although under Article 16 of the Law on Access to Information of Public Importance: *A public authority shall without delay and within 15 days from receipt of the request or corrected request at the latest inform the applicant whether it holds the requested information*, this is usually not the case in practice. In practice, a public authority tells journalists that it does not have the information or requests another deadline for supplying the information, which makes reporting on important topics additionally complicated and causes delays. From the aspect of journalists' practice, the purpose of the Law on Access to Information of Public Importance is not to give journalists an additional tool, but to grant citizens access to information of public interest.

Speaking about their biggest problems in communication with judicial authorities, local journalists quote the centralization of information, lack of public insight into scheduled proceedings, claims of lack of jurisdiction and referrals to republic authorities, which causes significant delays in the answering process.

Another problem is the inability to attend trials, as well as poor communication with the person whom the public authority has put in charge of media relations. Court and prosecution spokespersons generally do not trust journalists who report on certain cases. Although persons in charge of media relations are not something new for Serbian courts and prosecutors' offices, the relationship between the judiciary and the public is far from satisfactory. It is a fact that courts and prosecutors' offices frequently entrust this task to insufficiently qualified persons, to whom the

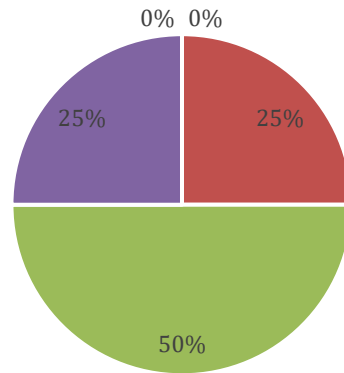
position of a spokesperson represents a secondary activity for which they are not specially trained. On the other hand, journalists frequently do not understand numerous specific features in the operation of the judiciary. Communication is reduced to statements without personal contact, which has an additional adverse effect on both journalists and state authorities. A potential solution to the problem might be to provide information to the media and answer their questions in a timely manner.

Another way to restore the already compromised trust is to organize trainings on reporting on judicial proceedings for journalists in order to improve their understanding of jurisdictions, terminology and regulations. Also, judicial authorities at all levels should be granted competence to cooperate with the media in the interest of public information. Journalists should not reduce communication with judicial authorities to requests for access to information of public importance but observe the standards of journalism. For the sake of proactive and continuous communication with the media, judicial authorities should respond to daily media questions sent through all communication channels, and not only to official requests for access to information of public importance. Because of everything stated above, communication between media and judicial authorities must much better, for the purpose of observing the public right to know and to be informed.

The Analysis of Research on Communication between Local Journalists and Judicial Authorities

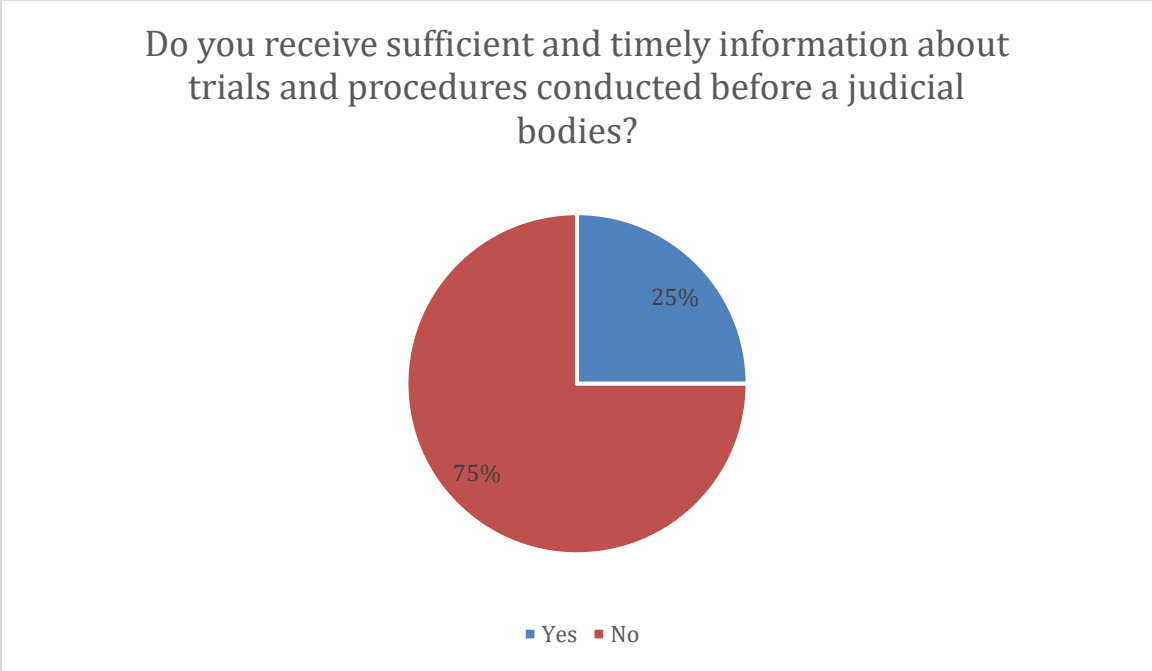
Results of a research on communication between local media and judicial authorities, which we have conducted by surveying 12 local media in Serbia show that **50% of journalists** believe that judicial authorities **sometimes** respect the Law on Free Access to Information of Public Importance.

To what extent do you think that judicial authorities respect the Law on Free Access to Information of Public Importance?



■ Never ■ Rarerly ■ Sometimes ■ Often ■ Always

As many as 75% of the respondents stated that they **did not receive sufficient and timely information about trials and proceedings held at judicial authorities**, which made their reporting in the public interest more difficult.

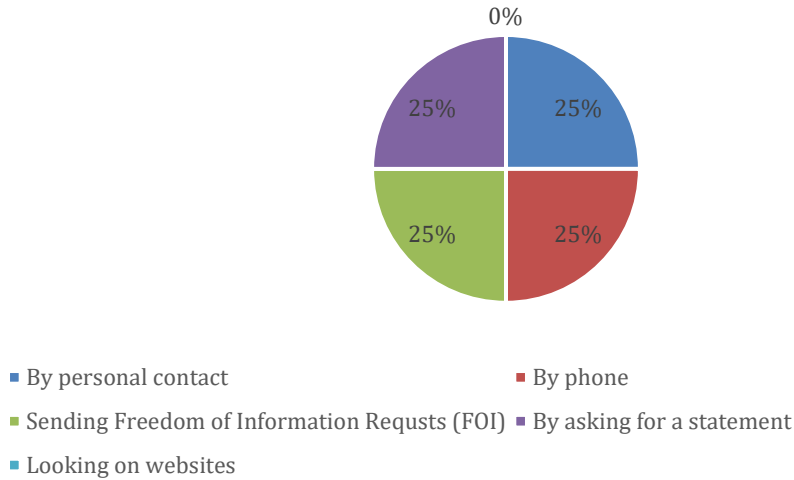


Analyzing judicial authorities’ websites, Partners Serbia realized that, unfortunately, *most basic courts and prosecutors’ offices either did not post news and statements on their websites, or they did this very rarely*¹. In view of this, we asked journalists about the ways in which they most frequently obtain information about the operation of courts and prosecutors’ offices.

The answers were quite similar: they most frequently received information through their personal contacts, requests for access to information of public importance, and by phone and/or email. Our realization previously made during the *Analysis*, that the majority of courts and prosecutors’ offices do not post news and statements on their websites, is also corroborated by the fact that **not a single journalist has mentioned judicial authorities’ websites as the source of information**. The era of digital technologies and the internet has paved the way for greater transparency, and we therefore recommend to all judicial authorities to post more information about their work on their websites.

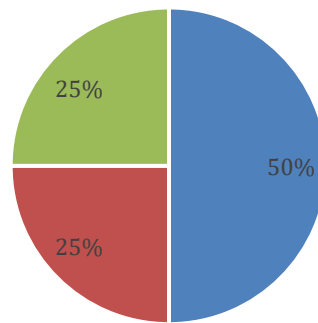
¹ The research „The Analysis of the State of Transparency and Openness of Judicial Authorities“, conducted by Partners Serbia, is available on the organization’s website: <https://www.partners-serbia.org/>

How do you most often get information about the work of courts and PPOs?



The last part of the survey referred to persons in charge of relations with the media (spokespersons) of judicial institutions and responses to requests for access to information of public importance. Practice shows that judicial authorities frequently either do not have persons in charge of media relations, or that such persons are insufficiently trained for providing relevant information. Half of the journalists who had participated in the survey knew who the persons in charge of media relations in judicial authorities were, but they mostly used other personal sources to get information. The appointment of persons in charge of communication with the public at courts and prosecutors' offices and the professionalization of those persons is necessary because they would then present timely, sufficiently clear and comprehensible information from investigations and proceedings to the public, which would, as such, leave less room for different interpretations.

Do you know who is the person in charge of working with the media (Spokesman) of the judicial institutions whose actions you are reporting on?

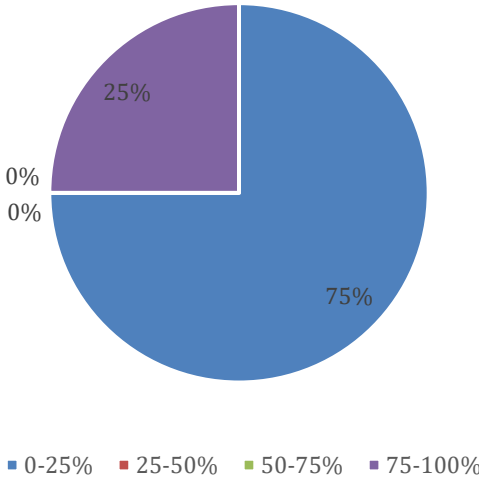


■ Yes ■ No ■ I use my own sources from courts and prosecutor's offices

Do you know who the person in charge of communicating with the media (spokesperson) is at judicial institutions whose proceedings you are covering?

One of the mechanisms which journalists can use to get information is the request for access to information of public importance. The fact that three quarters of journalists say that they receive responses to between 0 and 25% of their requests from judicial authorities is a cause for concern. In addition to this, journalists stressed that judicial authorities did not provide information about their activities proactively and timely, but only after receiving requests for access to information of public importance, which made the already complicated communication even more complicated.

What is the response rate to your requests for access to information of public importance by judicial authorities?



The improvement of communication between courts and prosecutors' offices, and the media, as well as citizens, means that it should become proactive and planned, rather than reactive and haphazard, as it is now. Raising awareness about the importance of good communication between judicial authorities and media, improving websites and training both spokespersons and journalists are some of the ways for improving this communication. The relationship between judicial authorities and media is very important and should be based on mutual cooperation, independence, trust and professionalism.

Recommendations for Improving Communication

1. **Publication of timely press releases** about cases handled by courts or prosecutors' offices.
2. **Publishing information about the operation of prosecutors' offices and courts on these institutions' websites.**
3. **Appointing persons in charge of communicating with the public at courts and prosecutors' offices and training them** to present timely, clear and comprehensive

information from investigations and proceedings to journalists and the public, thus leaving less room for different interpretations.

4. **Organizing press conferences and monthly briefings** for media representatives, in order to improve direct communication, and to ensure public insight into the operation of judicial authorities.
5. Provide **simultaneous** information to all (both local and national) media about the cases of public importance and provide **timely** responses to journalists' questions.
6. **Training journalists** on reporting on judicial proceedings in order to improve their knowledge of jurisdictions, terminology and regulations.
7. **Judicial authorities at all levels should be granted the authority to cooperate with the media** in the interest of public information.

Reform and Training as the Key to Success

If we start from the premise that media shape citizens' opinions up to a point, and that citizens know very little about the operation of judicial authorities, we can conclude that the level of citizens' distrust of the judiciary can be measured by the quantity of information obtained in communication between judicial authorities and media. One gains the impression that the courts and prosecutors' offices are not doing enough to change the negative image they have among Serbian citizens. Insufficient time, knowledge or staff in charge of relations with media and therefore also with citizens and in the public interest at these institutions, are just a facet of the problem that contributes to general lack of trust. The consequences of such behavior of judicial authorities are reflected in an increasing number of fake news, leakage of investigative information and absence of reactions to misinformation that can be found in the media and tabloids. On the other hand, media reports that observe journalistic standards frequently cannot fulfill their basic role - to inform the public in a timely, objective and professional manner just because of the lack of openness of judicial institutions and lack of information coming from them.

Therefore, a comprehensive and applicable reform of communication of judicial authorities and training of journalists both at the local and national levels are required for the purpose of ensuring truthful and timely information to all participants in the communication.