

Recommendations for the Courts' Media Relations by the Council for Administration of Courts

1. The aims of the courts' media relations

- 1.1. To raise public awareness of legal matters.
- 1.2. To explain to the public the process of administration of justice and judicial practice.
- 1.3. To give the media quick and current information about judicial events.

2. The principles of the courts' media relations

- 2.1. The courts' media relations are based on the principle that everything that happens in a court is public unless otherwise stated by law.
- 2.2. Communication must be reliable, objective and open.
- 2.3. A journalist's inquiry is given a response within a reasonable period of time. If it is impossible to respond to the inquiry within one workday, the time of the response will be given.
- 2.4. All the media are treated equally.
- 2.5. The press representatives must be available for the media during their regular working hours. On their absence, the media's inquiries are answered by the persons authorised to communicate with the media and specified in section 3 of the present guidelines.
- 2.6. Press representatives must also be prepared for proactive media relations. They must be able to find relevant and significant information in their field and look for opportunities to present this in the media.
- 2.7. Communication by the courts takes into account the restrictions stated in the codes of judicial proceedings and in other laws.

3. Court employees who communicate with the media

3.1. Press representatives

- 3.1.1 Act on the basis of the court's rules of procedure and their job description.
- 3.1.2 Organise the court's communication with the public and help to maintain and improve the court's image by selecting, processing and presenting judicial information to be published in the public media, consulting the head of the field or the best informed person beforehand, if needed.
- 3.1.3 Press representatives provide the media, upon their inquiry, with information without restriction on access according to section 7 of the present guidelines.

3.2. Judges

- 3.2.1. Provide either through press representatives or directly the media, upon their inquiry, with information without restriction on access and relating to the administration of justice and the work of the judge.
- 3.2.2. A judge may delegate the media's inquiry to a press representative or to a law clerk.

3.3. Court directors and the heads of probation supervision, land registry and registration departments

- 3.3.1. Court directors and the heads of departments provide either through press

representatives or directly the media, upon their inquiry, with information without restriction on access and relating to their work.

3.4. Court employees authorised by persons specified in subsections 3.2-3.3

3.4.1. Court employees authorised by persons specified in subsections 3.2-3.3 provide information relating to their work. The authorised persons communicate with the media at the knowledge of press representatives.

4. The rights of court employees in media relations

4.1. Court employees have the right to refuse to disclose information without restriction to access to the media if the publication of such information may be in conflict with the interests of the administration of justice or the legitimate interests of the parties to a proceeding. Court employees explain their refusal.

4.2. In order to provide the media with balanced and accurate information, court employees have the right to examine judicial records and other court documents during the proceedings.

4.3. In media relations, court employees have the right to receive from all court employees the information in their possession and authority which has no restriction on access.

4.4. Court employees have the right to ask the journalist to send them the questions in advance by email or by fax and to ask the journalist to clarify the purpose of using the information.

5. The duties of court employees in media relations

5.1. Court employees must keep in mind that they represent the Estonian court system in the eyes of the public.

5.2. Court employees must provide accurate information about their work and do it as plainly and clearly as possible.

5.3. Court employees must keep in mind the interests and image of the court when communicating with the public. When court employees express their own personal opinions, they must emphasise that these are their personal opinions and not those of the court. In specific court cases, the judge avoids giving his/her personal opinion. The judge may explain to the media the content of the judgment, the nature of the proceedings and the status, rights and duties of the participants in the proceeding. In case of a judgment that has not been reasoned in writing, the judge is recommended to explain to the media, upon their request, the reasons behind the judgment.

5.4. As soon as possible after a contact with the media, court employees (except judges and court directors) must inform of this the press representative and their direct superior, if needed.

5.5. In disclosing information concerning the court proceedings, court employees must take into account the restrictions stated in the codes of judicial proceedings and other laws.

6. Communication during pre-trial proceedings

6.1. The court will not disclose any information on the content of court rulings made during the pre-trial proceedings of criminal cases.

7. Communication during the stages of judicial proceedings

7.1. The arrival of the case in court

7.1.1. Information on court cases that have reached the court of first instance can be provided before the trial only with the permission of the judge hearing the matter. Information on the content of the case can be provided only with the permission of the judge hearing the matter and to the extent specified by him/her. Information on the main claim of first or second appeals that have reached the court of appeal or the Supreme Court is public information. The rulings made in the Supreme Court in reviewing the requests for proceedings are also public information.

7.1.2. Information on requests for proceedings filed to the Supreme Court which have not been decided yet can be provided upon a specific inquiry by a journalist or with the permission of a judge who belongs to the Supreme Court's judicial panel deciding on the acceptance of the claim.

7.2. The hearing of the matter

7.2.1. During public court sessions, journalists are allowed to make notes if it does not disturb the session.

7.2.2. Public sessions may be photographed, sound-recorded or filmed and radio, TV or other transmissions made only with the prior permission of the judge hearing the matter.

7.2.3. In case of public sessions, the procedural information on the case is available to the media through the press representative or some other court employee.

7.2.4. When providing information to the public about the course of hearing the matter, if the judgment has not been pronounced yet, the positions of the parties to the proceeding are presented in an equal and impartial manner.

7.3. Pronouncing the judgment

7.3.1. A judgment which has not entered into force is public. Upon a journalist's inquiry, the judgment is sent to the journalist by email, post or fax emphasising the fact that the judgment has not entered into force yet and specifying the deadline for the appeal.

7.3.2. The more important judicial decisions not in force will be made public by the court's press representative in a press release which, if needed, will be approved beforehand by the judge who heard the case.

7.3.3. When giving the media the original text of judgments in force or not in force, the personal identification codes, places of residence and dates of birth of the parties to the proceeding and, if needed, other information that may damage the interests of the parties to the proceeding are erased.

7.4. Judgment in force

7.4.1. A judgment in force is public unless a restriction on access has been imposed on it.

7.4.2. The more important judicial decisions in force will be made public by the court's press representative in a press release.

7.5. Examining judicial records after proceedings

7.5.1. Journalists can examine judicial records after a court judgment has entered into force with the permission of the chairman of the court, the head of the court house or the judge who heard the case and, in case of a record of the Supreme Court, with the permission of the chairman of the judicial panel that heard the case.

7.5.2. A journalist informs the press representative of his/her wish to see a judicial record and sends him/her the application for examining the judicial record (the form attached).

7.5.3. If the chairman of the court, the head of the court house, the judge who heard the case or the chairman of the judicial panel that heard the case gives permission to examine the judicial record, then the press representative or other authorised court employee, before giving the record to the journalist, covers the confidential information in the record (forensic psychiatric or forensic medical examination reports, information that has been declared for internal use only, etc.). If needed, the court employee, before giving the record, consults the judge who heard the case.

7.5.4. Journalists have the right to make copies of judicial records, to film and photograph them, if they justify their interest in them.

7.5.5. The judge, when processing the application for examining the judicial record, may prohibit the making of copies, filming and photographing of the record, if it may be in conflict with the interests of the administration of justice or the legitimate interests of the parties to the proceeding. The judge explains the reasons for the refusal.