



PROSECUTORS' ACCOUNTABILITY IN MEDIA

TWO SIDES OF THE SAME COIN



UNDERSTANDING ACCOUNTABILITY AND MEDIA

- Traditional definition – relation between actor and forum.
- Narrow focus on actors.
- Link between accountability and independence
- Role of media and perception.
- Two sides of the same coin.
- Why do we need? How can we improve? Why it is important?
- Examples and discussion.

INDEPENDENCE AND ACCOUNTABILITY

- The independence of prosecutors vs judges.
 - Varying functions of prosecutors in judicial systems.
 - State's control.
 - Priority in criminal policy of state.
 - Common denominator = power of independent decision.
- ENCJ Strategic Action Plan 2014-2018.
- There is no accountability without independence.

GENERAL INDICATORS FOR ACCOUNTABILITY

General indicators adopted by *ENCJ Project on Independence and Accountability 2014-2015*

- Allocation of cases.
- Complaints.
- Periodic reporting.
- External review.
- **Relation between press and prosecution.**

INDIVIDUAL INDICATORS FOR ACCOUNTABILITY

Individual indicators adopted by *ENCJ Project on Independence and Accountability 2014-2015*

- Code of ethics.
- Process of withdrawal.
- Ability to undertake external activities.
- Accessibility and understandability of legal proceedings.
- **Relation between press and prosecution.**

PROSECUTORS VS MEDIA - AN UNEQUAL FIGHT

PRESS	PROSECUTORS
Highly skilled in modern media	Still discovering modern media
Focused mainly on finding information	Focused on bureaucratic work
Experienced in asking questions	No training in answering questions
Good PR skills	Lack of PR skills
Whole teams working on one case	Small press units (often one man)

PERCEPTION

- Polish example:
 - In 2016 37% Poles had negative opinion about prosecutors' work vs. 30% positive.
 - 2012 – 63% negative vs 20% positive.
 - 22% of responders never had any experience with justice system.
- Prosecutors' office as an conservative stronghold.
- Lack of transparency contributes to low accountability and negative perception.

OTHER SIDE OF THE SAME COIN

- Negative perception as a consequence of washing dirty laundry in public.
- Risk of exposing essential or sensitive information in investigation.
- Temptation of populist statements during interaction with media.
- Risk of secondary victimization.

REGULATIONS CONCERNING ACCOUNTABILITY

- Rome Charter adopted 2014 – European norms and principles concerning public prosecutors.
- Codes of Ethics.
- Legal acts on prosecution service.
- Constitution.

LIMITATIONS AND OBSTACLES

- State controlled vs constitutional model of prosecutors' office.
- Limitations on media access.
- Undue influence.

WHAT CAN BE DONE TO MAKE IT BETTER? (AT INDIVIDUAL LEVEL)

- Keep balance between protecting the victim and parties of an investigation and citizens' right to be informed.
- Explain procedure to the public.
- Cooperate with the police to coordinate information release to press.
- Recognise public right to receive information related to an investigation and trial.
- Avoid remarks that may prejudice defendant's right to fair trial.
- Avoid giving personal opinion regarding case; e.g. assuming guilt before judgment.

WHAT CAN BE DONE TO MAKE IT BETTER? (AT GENERAL LEVEL)

- Development of precise guidelines concerning contacts with media.
- Development of modern media skills.
- PR and media training for prosecutors.
- Guarantee of independence of prosecution at the constitutional level.