[BE] the Media and the Courts - New Guidelines

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On 15 May 1999 a new ministerial circular on relations between the media and the law came into force. The circular defines the procedure and the general principles for information which may be transmitted to the press by the courts and the police during the preparatory investigation stage. Under the current legal provisions contained in the act of 12 March 1998, which were designed to improve the criminal procedure at the information and investigation stage, communication to the press of information concerning preparatory investigations is the responsibility of the Crown Prosecutor after consultation with the investigating judge as appropriate. The Crown Prosecutor may appoint one or more of his deputies to act as spokesmen. In certain cases he may also delegate this task to the police spokesman. According to the circular, the advisedness of communicating information and the content of such information must in all circumstances be considered in terms of the public interest. The spokesman must ensure that the rights of suspects, victims and witnesses are not infringed. Mention is also made of the fact that suitable communication of information gives citizens more confidence in the legal institutions. The circular also defines the active communication of information (press conference, statements, corrections, etc) and specific communications techniques such as «on the record» or «off the record» communications, embargoes and black-outs. It should be borne in mind that legal information is in principle communicated exclusively to professional journalists in the written and audio-visual press. In the event of a journalist failing to respect agreements made at the time of using certain communications techniques, the Crown Prosecutor or the spokesman may report the occurrence to the General Association of Professional Journalists in Belgium (AGJPB) so that the report may be passed on to the ethics committee and the chief editor of the press body concerned.

Circulaire commune du ministre de la Justice et du Collège des Procureurs généraux concernant les informations qui peuvent être transmises à la presse par les autorités judiciaires et les services de police durant la phase de l'enquête préparatoire.

Joint circular by the Minister for Justice and the College of Principal Crown Prosecutors concerning information which may be transmitted to the press by the court and police authorities during the preparatory investigation stage.

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