



CONSULTATIVE COUNCIL OF EUROPEAN PROSECUTORS (CCPE)

**Questionnaire for the preparation of the CCPE Opinion No. 8
on the relationship between prosecutors and media**

Replies from Cyprus

A. Introduction:

The Recommendation Rec(2003)13 of the CoE Committee of Ministers on the provision of information through the media in relation to criminal proceedings referred to the following:

- the commitment of the member states to the fundamental right to freedom of expression and information as guaranteed by Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms;
- the media have the right to inform the public due to the right of the public to receive information, including information on matters of public concern, under Article 10 of the Convention, and they have a professional duty to do so;
- the importance of media reporting in informing the public on criminal proceedings, making the deterrent function of criminal law visible as well as in ensuring public scrutiny of the functioning of the criminal justice system;
- the rights to presumption of innocence, to a fair trial and to respect for private and family life under Articles 6 and 8 of the Convention constitute fundamental requirements which must be respected in any democratic society;
- the possibly conflicting interests protected by Articles 6, 8 and 10 of the Convention and the necessity to balance these rights in view of the facts of every individual case, with due regard to the supervisory role of the European Court of Human Rights in ensuring the observance of the commitments under the Convention.

B. Questions:

A. Existing legal provisions and regulations

1. Is the relationship between prosecutors and media determined by law or other written provisions? Describe them briefly.
No
2. Are prosecutors authorized to have direct relations with media? If this is not the case, who communicates the information concerning judicial and criminal cases to the press?
The Attorney General (who is the head of the prosecution Service in Cyprus) himself decides whether information concerning a specific case should be communicated to the press and usually this is done directly by him.
3. Which other persons are authorized to provide information to the press within the framework of these cases (police service, lawyers, parties to a proceeding, other persons)?

Police informs the press for on-going investigations.

Lawyers, parties etc. could provide information to the press, provided that they do not violate the Courts of Justice Law, especially section 44 (Contempt of Court), Data Protection Law or other relevant statutory provisions (see. e.g. Violence in the Family (Prevention and Protection of Victims) Law 119(I)/2000 (which prohibits the publication of material relevant to case concerning violence in the family)).

4. Do you have any experience of joint communication by several public authorities (e.g. prosecutor and police)?
Usually this is not the case.
5. During which stage of the procedure can prosecutors communicate the information (make a distinction between the pre-trial investigation (including formal accusation), the court proceedings and the situation after the judgment)?
See Q.2.
Although there are no pre-defined guidelines for that purpose, the Attorney General takes into consideration the fact that, on one hand, the media have the right to inform the public on matters of public concern (and the public have the right to receive information) and, on the other hand, the rights to presumption of innocence, to a fair trial and to respect for private and family life.
6. Are the judges authorised to inform the press? If this is the case, during which stage of the procedure?
Apart from the fact the court procedure is an open procedure to everyone, including the press, the judges do not have any direct contact with the press.
7. Is there supervision on the relationships between prosecutors and media in your country? By whom and how?
There is not an external mechanism for the supervision of the relationships between prosecutors and media.
8. Are there specific rules which guarantee that the information communicated to the press does not violate the privacy, the human dignity and the presumption of innocence? What are the measures to avoid the phenomenon of “trial by press”?
See Q.2 and Q.3.
See also the establishment and the powers of the Cyprus Radiotelevision Authority Law 7(I) of 1998: “One of the most important aspects of the Authority’s wider duty is to safeguard the right to freedom of expression. Nevertheless, in order for the operation of radio-television bodies to be feasible, specific conditions and restrictions are necessary so as to serve the public interest and so that human rights are not violated and that harm is not caused to viewers and listeners. The need to regulate arises from a number of reasons relating to a) the role, nature and mission of radio-television and b) the fact that the airwaves are a public commodity and part of our national wealth, means that their exploitation must aim at safeguarding the public interest and maximising the social benefit. The need for regulation aims at safeguarding:
- *The right to freedom of expression, which is imposed and exercised in such a manner that the rights of others are not violated*
 - *The right to free and pluralistic information, as a condition to form an opinion and make a decision*
 - *Transparency in the ownership of media service providers in order to avoid oligopoly or monopoly conditions*
 - *The Media from unwanted persons.” (quotation from the website of the Authority).*
9. Are there any sanctions (either disciplinary sanctions or other types of sanctions) against public prosecutors who break the rules of inter-relationships with media?

Prosecutors are public servants; therefore they are bound by the Public Servants Disciplinary Code (part of Law 1/90). There is not a specific disciplinary offence, as far as the rules of inter-relationships with media are concerned, since, as we explained above, there are no such specific rules. However, since the Attorney General himself decides whether information concerning a specific case should be communicated to the press, if a public prosecutor disobey his orders, he commits a disciplinary offence (see section 82 of Law 1/90, Appendix 1 , Part 1, para. 6 and 7).
10. How do the prosecution services deal with the security risks caused by disclosure of information concerning the prosecutors and the cases?
11. Are there any provisions set forth to forbid publishing a public prosecutor’s (or a judge’s) name when he/she is in charge of a case? Are there any procedures that in practice tend to prevent such a publishing?
No.

B. Organisation of communication

12. How prosecutors communicate with the press (press releases, press conferences, directly by telephone or e-mail, use of social networks etc.)?

The Attorney General usually communicates with the press either by press releases or press conferences.

13. Can press conferences or other releases be made by prosecutors in cases of international investigations? If yes, which procedure do you follow?
See Q.12.
14. Is there communication with all the media or with some (newspapers, audiovisual media, internet)?
Usually there is communication with all the media.
15. Are there regulations prohibiting public prosecutors to give an advantage to single journalists (and/or leaving out some of them)?
No.
16. How is the communication organized by the prosecution services? Do they have spokespersons? If yes, what is their status and are they prosecutors? If no, do the prosecutors communicate themselves? Do they need an authorization to do so? Are prosecutors supervised in this field?
See Q.2 and 12.
17. How does the media communicate with the prosecutors (official representatives, specialized journalists, necessary authorizations)?
See Q.2 and 12.
18. What kind of information may be disclosed (names of parties, witnesses, prosecutors, certain facts disclosed due to an investigation, whether or not linked to the case)?
It depends on the special circumstances of the case and on the stage of the procedure.
19. Is there an official policy encouraging prosecutors to respond to the needs of media, and how is this policy implemented?
No. See Q.2 and 12.
20. Are the prosecutors' communications with media systematically monitored and evaluated by using monitoring, feedback from the public, communication surveys or other measures?
No. See Q.2 and 12.

C. Proactive media approach of the prosecution service

21. Has the prosecution service developed a proactive media approach (access to prosecutor's decision, bringing a selection of relevant cases to the attention of the media)?
See Q.2 and 12.
22. Has the prosecution service developed activities to explain the work of prosecutors to the general public and media and to inform them about recent developments (open day in prosecutor office, visiting courts, publishing booklets, developing online teaching materials)?
There is information about the work of prosecutors on the Law Office's website. Furthermore, from time to time, relevant conferences or events are organised (not on a regular basis).
23. Can communication with media be used as an investigative tool (for instance by spreading identikit around or even pictures showing the commission of a crime)? If yes, please specify.
The Police may use the media for that purpose (e.g. publish the photograph of a fugitive or a suspect who run away).

D. Professional training of prosecutors and journalists, their ethics, conduct and means of communication

24. Are prosecutors trained during their initial and continuous training on the requirements of the European Convention on Human Rights as regards freedom of expression and access to information?
This is part of their general training.
25. Are prosecutors trained on how to interact with media?
There is not such specialized training.

26. Are journalists trained on how to interact with the prosecution services?
Not known (doubtful).
27. Are there joint training courses, conferences, seminars, etc. organized for prosecutors and journalists in order to help them to better understand each other's role and support each other, in the context of striking the right balance between the above-mentioned rights and the presumption of innocence and the right to protection of private life?
No.
28. Are there professional associations of media and journalists competent to regulate their interaction with the prosecution services?
See next section (I do not think that those associations regulate specifically the interaction of journalists with the prosecution services. However, they do regulate the general approach and professional behaviour of their members).

E. Regulation of media activities

29. Is there an internal board (or another institution) that regulates the activities of media or deals with the complaints lodged against media because of the violation of an individual right within the framework of a criminal procedure?
See Q.8 (the Cyprus Radiotelevision Authority, Law 7(I) of 1998). There is also the Union of Cyprus Journalists and the Cyprus Media Complaints Commission:

"The Cyprus Media Complaints Commission is an independent press council, responsible for the self-regulation of the news media, both written and electronic. It is entirely free from government interference or judicial supervision, ensuring that through self-regulation freedom of the press is maintained, standards of conduct are raised and the members of the public are given the opportunity to lodge their grievances against the media when they feel they have been offended. The Cyprus Media Complaints Commission was established in May, 1997 by the Association of Newspapers and Periodicals Publishers, the owners of private Electronic Media and the Cyprus Union of Journalists. The Cyprus Broadcasting Corporation, a self-governing organization operating under public law, acceded to the regulations governing the operation of the CMCC and the Code of Media Ethics six months later." (quotation from its website).

30. Please describe criminal, administrative and/or civil procedure concerning libel, slander, and/or similar violations of a person's reputation. What is the role of the prosecution service in these matters?
Libel/slander etc. is a tort under Cyprus Law. Libel/slander etc. is not a criminal offence anymore. Therefore, there is not a role for the prosecution service in this sense.
Violations of section 44 of the Courts of Justice Law (Contempt of Court), relevant sections of Data Protection Law and Violence in the Family (Prevention and Protection of Victims) Law, Law 119(I)/2000, (which mainly deal with the unlawful publication of material relevant to case concerning violence in the family, section 34) constitute criminal offences.
31. Please give information about criminal or administrative liability of journalists and the penalties provided by law.

Violation of section 44 of the Courts of Justice Law (Contempt of Court: punishable with a term of imprisonment of six months
Violation of section 34 of Violence in the Family (Prevention and Protection of Victims) Law, Law 119(I)/2000: punishable with a term of imprisonment of up to two years.

Disciplinary measures are provided by the Code of Media Ethics and the constitution of the Union of Cyprus Journalists.

32. Please describe protective measures available, respectively within criminal and civil procedures (seizure or prohibition of publications) and the role of prosecutors. Are there measures in your country that are or might be considered as a form of preventive censorship? Is there a role for the prosecutors in supervising media activities?
There are such protective measures within both criminal and civil procedures.
Prosecutors' role is limited to prosecute journalists or media only when they are committing criminal offences.

33. If a prosecutor is criticized by media for reasons connected with the criminal proceedings, is there a role to play for the prosecutorial associations?
There are no prosecutorial associations in Cyprus. Prosecutors are members of the Pancyprian Public Employees Trade Union (PASYDY).
34. Is the prosecutor bound by a duty of discretion even if a media campaign has been started against him or her?
35. Do you have any institutions (different from public prosecutors' associations) having the power to reply if there are improper media attacks against the prosecution service or individual public prosecutors?
See Q.33.

F. Other information

36. Do you have other information or comments about the communication between prosecutors and media in your country? If yes, please describe this information or comments.