



**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 Liechtenstein**

**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.

*There is a General Law on the information of the public. It is called "Gesetz vom 19. Mai 1999 über die Information der Bevölkerung (Informationsgesetz, LGBl. 1999, Nr. 159 und Verordnung vom 19. Oktober 1999 zum Informationsgesetz - Informationsverordnung). See*

*<https://www.gesetze.li/Seite1.jsp?LGBl=1999159.xml&Searchstring=Informationsgesetz&showLGBl=true>*

*and <https://www.gesetze.li/Seite1.jsp?LGBl=1999206.xml&Searchstring=Informationsgesetz&showLGBl=true>*

*The Law is applicable for all organs of the state including the Public Prosecutors Office and the Courts*

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? *Yes*
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 Service, Courts, parties of a proceeding, but within certain limits.*
4. Do you have any experience of joint communication by several public authorities (e.g. prosecutor and police)? *Yes*
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)? *In all stages of the procedure, however distinctions are being made between the pre-trial stage and after a formal indictment.*
6. Are the judges authorised to inform the press? If this is the case, during which stage of the procedure? *Judges handling cases are not authorised to inform the press. Every Court has a press speaker who is authorised to give information to the press.*
  7. Is there supervision on the relationships between prosecutors and media in your country? By whom and how? *No*
  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”? *Yes, internal regulation. The phenomenon “trial by press” has never occurred.*
  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? *Yes, Article 310 Criminal Code [https://www.gesetze.li/Seite1.jsp?LGBI=1988037.xml&Searchstring=%A7+310&show\\_LGBI=true](https://www.gesetze.li/Seite1.jsp?LGBI=1988037.xml&Searchstring=%A7+310&show_LGBI=true)*
  10. How do the prosecution services deal with the security risks caused by disclosure of information concerning the prosecutors and the cases? *Such security risks have not occurred in Liechtenstein.*
  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.)? *Type of communication depends on case and necessity to inform the public. Normality communication is only upon a press inquiry. In some cases press releases are made in a few cases press conferences held. Direct press inquiries are answered by telephone or e-mail.*
13. Can press conferences or other releases be made by prosecutors in cases of international investigations? If yes, which procedure do you follow? *Theoretically yes, but in practice unusual. If an information is released it is done so in coordination with other affected jurisdictions.*
14. Is there communication with all the media or with some (newspapers, audiovisual media, internet)? *Press releases are sent to all media.*
15. Are there regulations prohibiting public prosecutors to give an advantage to single journalists (and/or leaving out some of them)? *Yes, see Art. 3 Informationsgesetz.*
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? *The Prosecutors Office has a spokesperson, who currently is the chief-prosecutor. Prosecutors do not communicate themselves on their own cases.*
17. How does the media communicate with the prosecutors (official representatives, specialized journalists, necessary authorizations)? *Since Liechtenstein is a small country, the few media representatives are known to the Prosecutors Office and do not need formal authorizations. With foreign requests authorization is usually checked before an answer is given.*
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)? *This depends on the kind of case and its facts. Generally neither names of parties, witnesses or prosecutors are disclosed.*
19. Is there an official policy encouraging prosecutors to respond to the needs of media, and how is this policy implemented? *This is laid down in the Informationsgesetz which states, that all acts of public authorities shall be made transparent in order to promote the trust of the public in Government and in order to facilitate democracy..*
20. Are the prosecutors’ communications with media systematically monitored and evaluated by using monitoring, feedback from the public, communication surveys or other measures? *No.*

## **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)? *No.*
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)? *Not really. The chief prosecutor occasionally gives interviews explaining the activities of the Prosecutors Office.*
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. *No.*

#### **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? *Yes.*
25. Are prosecutors trained on how to interact with media? *Yes.*
26. Are journalists trained on how to interact with the prosecution services? *No.*
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? *No.*

#### **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? *No.*
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? *Several articles of the criminal code protect a persons reputation, namely article 297 (slander) <https://www.gesetze.li/Seite1.jsp?LGBI=1988037.xml&Searchstring=%A7+297&showLGBI=true> and articles 111, 112 and 113 StGB, <https://www.gesetze.li/Seite1.jsp?LGBIm=1988037> § 297 StGB is to be prosecuted exorficio, §§ 111, 112 and 113 StGB cannot be charged by the prosecutor but by the victim of these crimes (private suit).*
31. Please give information about criminal or administrative liability of journalists and the penalties provided by law. *See answer to art. 30.*
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? *The prosecutor does not supervise media in any way. There is no preventive Censorship. However the law (Mediengesetz) <https://www.gesetze.li/Seite1.jsp?LGBI=2005250.xml&Searchstring=Mediengesetz&showLGBI=true> allows for seizure and confiscation of publications (Art. 47 and 50).*
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? *No.*
34. Is the prosecutor bound by a duty of discretion even if a media campaign has been started against him or her? *Yes.*
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? *The chief prosecutor has the power to reply.*

#### **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. [No](#).