

Legal Framework for the Activity of Court Reporters in the Light of the Jurisprudence of the European Court of Human Rights in Strasbourg

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ABSTRACT

The aim of the study is to present the most important problems that have emerged in recent years against the background of journalistic reports on the course of court proceedings through the prism of the judgments of the European Court of Human Rights. **Research methods:** in the scope of the analysis of normative texts and the arguments of the European Court of Human Rights, a whole range of legal methods was used, including the method of exegesis of the legal text according to the indications of the derivative concept, which was accompanied by a linguistic analysis, topical and rhetorical and procedural ones. It was necessary to refer to legal hermeneutics as a method of explaining the text. The lexical method was also used, and, to a lesser extent, the comparison, allowing for the presentation of deep axiological sources of the legal system. The institutional and legal analysis also turned out to be helpful. **Results and conclusions:** the conducted research proves that the duties of journalists acting as court reporters are extremely serious, and the journalistic world seems not fully aware of their existence and the conditions in which they function. This applies in particular to the publication of photographs and images of both the defendants and other persons concerned by the court proceedings, moreover, to the

publication of documents, photos from the case files, and the issue of recordings. **Cognitive value:** the rulings presented should make those acting as rapporteurs aware of the course of the trials and those who are just starting to take up this role, what challenges they will face while performing this work.

KEYWORDS

court reporter, responsibility for slander, confidentiality of information, right to privacy, right to image

Introduction

Reports from court proceedings are among the genres of journalism most liked by readers. They are eagerly read and analyzed by them, although it should be noted that in recent years the daily press has severely limited the size of this type of reportage. One of the reasons for this state of affairs is undoubtedly the fact that during the construction of the text or possibly a recording intended to be a report from a proceeding, quite often there are—often unpleasant—technical errors, resulting not so much from bad will as from the lack of knowledge of reporters undertaking this difficult task. In this situation, reports from the proceedings are placed first of all in tabloids, which—being addressed to a wide range of readers, not always sophisticated, but sensation-seeking and interesting criminal stories—seem to have more resources to satisfy claims of infringement of personal rights, in the libel. The latter is very easy to do, especially when a reporter is a representative of the journalistic profession who has not learned the basic principles contained in Art. 13 of Polish Press Law Act, moreover, most often does not know the content of Art. 23 and 24 of the Civil Code and Art. 212 of the Criminal Code.

Judicial reporting has received a lot of attention in the doctrine, both in the commentaries to Polish Press Law Act, as well as in separate monographs (Sobczak, 2000; Krajniak, 2004) and numerous articles (Sobczak, 2006, pp. 63-88; Sobczak, 2007b, p. 729-742; Sobczak, 2008, pp. 16-42; Zimna, 2012, pp. 30-38; Stocka, 2002, pp. 171-179; Stanowska, 2001, p. 69; Siostrzonek-Sergiel, 2017, pp. 56-66; Rajkowska, 2019, pp. 204-210; Sadowski, 2003; Gajewska-Kraczkowska, 1993; Gajewska-Kraczkowska, 1990; Morgała, 2014, pp. 107-119; Morgała, 2013, pp. 78-94; Stefański, 2009; Mamak, 2013, pp. 71-82; Waltoś, 2007; Księżak, 2017; Koper, 2007; Koper, 2005; Kolendowska-Matejczuk, 2012; Kędzierska, 2007; Jarzęcka-Siwik, 2005; Gęsicka, Świdarska, 2018, pp. 101-108; Daniluk, 2010, pp. 73-83; Spurek, 2017, pp. 27-33).

Despite numerous statements of the doctrine, the work of correspondents dealing with reporting on court proceedings still causes numerous problems and misunderstandings, often resulting in civil and even criminal liability of journalists. As it turns out, this situation is not unique to Poland. The analysis of the jurisprudence of the European Court of Human Rights in Strasbourg (hereinafter: the ECHR) clearly shows that the problem of inability to act as a law reporter for court proceedings concerns practically all European countries. It is all the more worth presenting the rulings in which the ECHR quite clearly specifies the obligations and rights of correspondents undertaking such reports.

The Problem of Investigative Journalism

This review should begin with the ruling (decision) of the ECHR of February 20, 2008, in the case of Gęsina-Torres v. Poland, which admittedly refers to investigative journalism, but on its

basis the Court unequivocally rejected the concept according to which journalists, as a rule, have a specific immunity from liability for crimes and offenses committed in the course of performing their professional duties (Kulesza, 2019, pp. 40–44). The Court firmly stated that journalists are not exempt from obeying generally applicable law, including criminal law¹ (Sobczak, 2007c, p. 14; Nowicki, 2005, p. 958; Kamiński, 2006, pp. 445–452; Sobczak, 2007a, pp. 55–74; Kulesza, 2010, pp. 17–29). Moreover, the Court stated that despite the fundamental role played in a democratic society by the media, journalists cannot, as a rule, be exempted from the obligation to observe the penal law generally applicable in a given state only on the basis that Art. 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 grants them, as journalists, absolute protection. In other words, journalists cannot claim immunity from criminal liability solely on the ground that, unlike other persons exercising their right to freedom of expression, the offense was committed while exercising journalistic functions.

Use of Recordings, Photos, and Materials from Court Files

In the ruling of March 22, 2016, in the case of *Pinto Coelho v. Portugal*, the Court, referring to the issue of the admissibility of broadcasting the recording of the proceedings after the end of the criminal trial, found that the right to inform the public and the right of the public to obtain information collided with the right of persons testifying at the trial to respect for their private life, and with the seriousness and impartiality of the judicial apparatus. In the Court's view, the general public has, in principle, a legitimate interest in obtaining information on criminal trials. The Court referred to Recommendation Rec (2003) 13 of the Committee of Ministers of the Council of Europe on the dissemination by the media of information related to criminal proceedings, according to which the media have the right to inform the public, and the public has the right to obtain such information. The Recommendation emphasizes the importance of reports on criminal proceedings for the public, thanks to which they can exercise their right to control the functioning of the judiciary.

The activity of the court reporters was closely related to the judgment of the Grand Chamber of the ECHR of March 29, 2016, in the case of *Bédat v. Switzerland*. The case concerned a

¹ This position is in line with the judgment of the Grand Chamber of the ECHR of January 21, 1999, in the case of *Fressoz and Roire v. France*. When discussing this ruling, it is noted that the ECHR took the position that in certain situations the public interest may justify disclosure of confidential information by the press. When assessing each of such cases, however, it should be taken into account whether the information relates to a matter that is of public importance and arouses public interest, as well as to whom the knowledge relates, and what the journalists' intentions were and the way they acted. In this ruling, the Court noted that the treatment of strictly confidential information should be different from that which has ceased to be confidential or was otherwise available. The Court also stressed that the European Convention on Human Rights and Fundamental Freedoms protects journalists' right to disclose information about matters of general interest, provided that they act in good faith, provide reliable, factual and accurate information, and follow journalistic ethics. Identical views were expressed by the ECHR in the judgment of June 28, 2012, in the case of *Ressiot and others v. France*, in the judgment of February 24, 2015, in the case of *Haldimann and others v. Switzerland* (concerning the criminal liability of a journalist for recording audiovisual material using a hidden camera), finally, in the decision of May 10, 2016, in the case of *Salihu and others v. Sweden* (concerning the illegal purchase of weapons by journalists for the purpose of a journalistic investigation). In the latter case, the Court emphasized that journalists, as a rule, cannot be exempted from the obligation to observe the penal law generally applicable in a given state, and the concept of honest journalism includes, inter alia, the lawfulness of a journalist's actions.

journalist who, in the published article, cited excerpts from the protocols from the interrogations of the accused, excerpts from his letters sent to the judge, and finally excerpts from the protocols from the interrogations of his wife and doctor; all these documents were protected due to the secrecy of the preparatory proceedings. The Court found that the concept of responsible journalism also covers the legality of the journalist's actions, and the fact that the journalist broke the law is a significant, though inconclusive, premise in examining whether he acted responsibly. The Court admitted that it was essential to maintain a balance between the rights protected under Art. 10 and 6 para. 1 of the Convention and those protected in Art. 8 of the Convention. The journalist had the right to inform the public and the public has the right to receive information; however, these rights are in conflict with equally important public and private interests: the prohibition of disclosing—at the stage of preparatory proceedings—information covered by the secrecy of criminal proceedings, seriousness and impartiality of the judiciary, effectiveness of criminal investigations, and finally the right of the accused to be presumed innocent and the right to protection of his private life.

The problem of using photographic material from trial files was related to the judgment of the ECHR of February 25, 2016, in the case of *Société de Conception de Presse et D'édition v. France* (Warcka, 2016). The Court heard the case as a result of a complaint by the publisher of the French magazine *Choc*, which published a report on the court proceedings against the accused of kidnapping for the purpose of extorting a ransom. The text was accompanied by a photograph of a young man in chains, with visible signs of torture. This photo, included in the case file, was sent to the family for ransom purposes. Immediately after publication, the victim's sister and mother filed a lawsuit against the publisher. The court ordered the publisher to blur the photos under penalty of a fine for each day the photos were circulated, and awarded damages to the victim's family (i.e., the man depicted in the photo who ultimately died as a result of the torture) and to withdraw the magazine from all points of sale. The Court of second instance quashed the ruling of the court of first instance on the withdrawal of the magazine from the points of sale, leaving in force the obligation to irreversibly blur five reproductions of photographs in copies of the magazine intended for sale or distribution. In a complaint to the Court, the publishing house alleged that the judgment of the second-instance Court constituted a violation of the journalistic right to freedom of expression, protected by Art. 10 of the Convention.

The Court stated that the photographs concerned a private person, and their publication—like the publication of any photograph—deeply interferes with private life. The publication of the photographs shows that journalists do not respect their duties and responsibilities, including the ethical principles related to the journalistic profession. These photos belonged to the tortured man's family and to the case file, and they were published without the consent of the family and without the consent of the court. The Court shared the view of the French courts that the publication constituted a serious violation of the feelings of the victim's mother and sisters, and therefore a violation of their private life, and also constituted a serious violation of human dignity. The Court also noted that these photos had never been published before, and also emphasized that the suffering experienced by the family should make journalists take special precautions, as the publication of the photos in a very large-circulation magazine, both on the cover and inside (four photos illustrating the actual text), deepened the trauma the family was experiencing. By dismissing the complaint, the Court came to the conclusion that the rights guaranteed to the applicant publisher under Art. 10 of the Convention were not violated. It stressed that the interference by the French courts had resulted from important reasons and was proportional to the objective which those courts had legitimately pursued.

The ruling in question seems to be extremely important for Polish publishers and journalists who in the past have repeatedly—as evidenced by careful reading of tabloids published in Poland—thoughtlessly post photos of victims illegally obtained from court files. The pursuit of sensationalism and the desire to satisfy the unhealthy curiosity of the public should be replaced by respect for the private life of both victims and their families.

Disclosure of Secrets

The problem of publishing in a press article information from documents of criminal proceedings and covered by the secrecy of such proceedings was related to the judgment of the ECHR of July 1, 2014, in the case of *A.B. v. Sweden* (Warecka, 2014). In this ruling, the Court found that the conviction by a Swiss court of a journalist for disclosing classified information that the journalist had found out about during the journalistic investigation constituted a violation of the right to journalistic freedom of expression, protected by Art. 10 of the Convention.

The journalist, an applicant before the Court, was convicted by a Swiss court of disclosure of confidential information and sentenced to one month's imprisonment with a conditional suspension of its execution. This penalty was changed into a fine on appeal. When convicting the journalist, the Swiss court assumed that the information made public by him was classified and came from the criminal case files, and that their disclosure violated the right of the accused in these proceedings to the presumption of innocence.

The ECHR did not share this position, stating that the information disclosed by the journalist did not have any real impact on the presumption of innocence of the person concerned. The Court indicated that the article published by the journalist concerned the conduct of this person before the judicial authorities, and not his private life. In the Court's view, the reactions of public authorities to press releases must not resemble censorship and discourage the press from publishing critical material. The criminal proceedings against a journalist have a chilling effect and deter other journalists from taking up certain topics and from participating in the public debate. In the opinion of the Court, such a state of affairs poses a threat to democracy and makes it impossible to fulfill the role of the "guardian of democracy." The Court found that the provocative nature of the published article could not be denied, but recalled that freedom of expression applies not only to information and ideas perceived as positive, not offensive or neutral, but also to those that offend, shock or disturb, as such there are requirements for pluralism, tolerance and openness without which a democratic society does not exist.

Similarly, in the slightly earlier case of *Ressiot and Others v. France*, which ended in the judgment of June 28, 2012, the Court, when resolving the problem of the publication in a press article of materials from the files of the investigation, indicated that the applicants, as experienced journalists, could not ignore the fact that by them, to write the articles, the documents came from the case files and were classified as confidential - the secret of the investigation or professional secrecy. It also stated that the protection granted to journalists under Art. 10 of the Convention cannot exempt them from the obligation to observe criminal law. Consequently, the Court considered itself obliged to consider whether, in the circumstances of the case, the public interest in informing the public about such an important issue as doping in sport outweighed the "duties and responsibilities" which—pursuant to Art. 10 para. 2 of the Convention—held by journalists; in other words: whether the duty of confidentiality constituted a relevant and sufficient justification for the interference of the French authorities, consisting in a search of the editorial office of the newspaper where journalists worked, their apartments, the seizure of their belongings and the operational control of their telephone calls. The Court accepted, in line with its previous rulings, that such an interference was incompatible with Art. 10 of the Convention,

unless it is justified in the light of overriding public interest. The ECHR indicated that the control of telephone calls and other actions of the authorities were aimed only at finding the source of the information disclosed by journalists in the articles. However, this information undoubtedly fell under the protection of journalistic sources of information, and journalists had the right to keep these sources secret. This right cannot be perceived as a privilege recognized or unrecognized depending on the legality or illegality of these sources. In the justification of the judgment, the Court also emphasized that the search of flats and the seizure of personal computers must have made a deep impression on journalists and could be read as a potential threat to the freedom to pursue their profession. The Court concluded that the French authorities did not maintain a fair balance of interests in this case. The grounds for the search were not sufficient, which led the Court to conclude that there had been a violation of Art. 10 of the Convention.

Use of Photos from Court Trials: Protection of an Accused's Image

The ECHR also addressed the problem of prohibiting the publication of the image of the accused, considering, against the background of the judgment of September 21, 2017, in the case of Axel Springer SE and RTL Television GmbH v. Germany, that the court prohibition of publishing photos from the court trial in the press, in which the image of the defendant can be identified, does violate the journalistic right to freedom of expression. A complaint to the Court was brought by the German publishing company Axel Springer SE and the German broadcasting company RTL Television GmbH, which reported a high-profile lawsuit in the case of a man who had murdered his parents. The trial court prohibited photojournalists from publishing photos of the trial that would allow the identification of the accused's face. At the same time, the court issued the so-called reasoned decision stating that only journalists who had reported earlier and undertaken not to disclose the image of the accused would be admitted to the courtroom. The applicants alleged that in this way the journalistic freedom of expression was protected by Art. 10 of the Convention.

The Court disagreed with their statements, pointing out that the court conducting the proceedings in the case of violent murder, which attracted a lot of public interest, had to balance between the opposing interests of the parties—between the interest of the public and the press in detailed reporting of the trial and the interest of the accused in maintaining the right to privacy and the interest of the judiciary in the proper conduct of proceedings in a difficult criminal case, including in particular the protection of the procedural principle of the presumption of innocence. The domestic court carefully examined the parties' views and resolved the conflict of interest in a proportionate manner, with due regard to those interests—taking photos of the courtroom and reporting on the course of the trial was not prohibited as such, only disclosure of the applicant's face was prohibited. The applicant's right to privacy and to the presumption of innocence were thus protected, and the obstacles to the media in reporting the proceedings before the court were minimal.

The Court also pointed out that the public interest in obtaining information about the course of the court proceedings was limited, and the dissemination of the accused's image could not contribute anything new to the course of the public debate on this case. The accused was not a public or well-known person. Moreover, he had never sought media attention himself; on the contrary, he had explicitly asked not to post pictures of his face. The fact that the accused pleaded guilty in the preparatory proceedings does not eliminate the need to protect his right to the presumption of innocence in the criminal trial; the more so as the defendant was diagnosed with paranoid schizophrenia, so there was a need to carefully examine his explanations submitted in the preparatory proceedings. Moreover, the publication of the image of the accused, in the event

of his conviction, could seriously hinder his rehabilitation. The above-mentioned considerations made the ban on publishing photos of the accused's face proportional. The Court found no violation of the applicants' rights and a violation of Art. 10 of the Convention (Warecka, 2017).²

On the issue of publishing the image of the accused, the ECHR also commented in the decision of September 15, 2015, in the case of *H.L. v. Poland*. The case concerned the publication of a report from a criminal trial in which H.L. was the accused, together with the photographs of him taken during the trial. In his complaint to the Court, H.L. alleged that by publishing the photographs and the content of the reports, there had been an infringement of Art. 8 of the Convention, which guarantees respect for private and family life. Journalists—authors of two series of articles on this trial—were present at the public hearings; the content of their articles, containing their own opinions and quotations from the statements of witnesses and the accused, revealed the charges against the accused, and the journalists did not disregard the accused's right to the presumption of innocence. The Court emphasized that the full name and surname of the accused had not been published, while his photo was taken—during the preparatory proceedings—with the consent of the prosecutor and—during the trial—with the consent of the court. The Court justified its consent to the taking of these photos with the nature of the acts alleged against the accused. The Court's decision turned out to be justified, because after the publication of the said photo, other victims of the accused's criminal activities contacted the law enforcement agencies. In the justification of the ruling, the Court stated that the freedom of expression also extends to the publication of photographs, a sphere in which the protection of the rights and good name of other persons takes on particular importance. The ECHR shared the view of the Polish courts, according to which allowing the media to be present at proceedings and registering some of these proceedings was justified by the interest of the public. The Court found that protecting the journalists' right to report on a matter of general interest requires that they act in good faith and on the basis of facts and provide credible and accurate information in accordance with journalistic ethics. Questioned by H.L. the report met these requirements. Having regard to the justifications of six judgments of Polish courts (all related to the case of H.L.), issued in the three challenged proceedings, the Court stated that these courts properly balanced the conflicting interests expressed in Art. 8 of the Convention and in Art. 10 of the Convention. As a consequence, it found that there was no breach of the provisions of Art. 8 of the Convention, and rejected the complaint as blatantly unjustified, pursuant to Art. 35 paras. 3 and 4 of the Convention.

In the case of *Krone Verlag GmbH v. Austria*, which ended in a judgment of June 19, 2012, the ECHR considered the issue of making the child's image public in connection with high-profile court proceedings. The applicant company's publications included a series of 13 articles, each of which repeated information relating to the private sphere, revealing details of the child's life, emotional state, and health, and a photo of the child was repeatedly published. Regular repetition of the same content created an atmosphere of constant harassment, evoking a strong sense of interference in private life. As a result, the Austrian courts awarded compensation from the publisher of the newspaper for the interference with the child's private life. This judgment

² Commenting on this judgment, K. Warecka (2017) noted its importance for the interpretation of Art. 13 of Polish Press Law Act, noting that the Polish legislator expressly gives priority to the interests of the participants in the proceedings in the protection of their right to privacy and the interests of the judiciary in the proper conduct of the proceedings, protection of the right to the presumption of innocence and avoiding pressure from the media on the course of the trial.

was challenged by the publisher to the Court, which, however, did not find a violation of Art. 10 of the Convention. The Court found that the redress granted by the domestic courts did not infringe the freedom of the press and its expression. The ECHR stressed that the parents of the child depicted in the photo were private persons. The child, on the other hand, as noted in the statement of reasons for the decision, was “a victim of a dispute” (sic!) between his parents. The child was neither a publicly known person nor a state official (sic!). It was pointed out that although the case concerned an issue important from the point of view of society, it did not justify the publication of the image of a suffering child. The complainants’ argument that the publication of a picture of a crying child was necessary in order to attract public attention and give credibility to the press publication was found ineffective. It was argued that publishing photos relating to private life only to satisfy the curiosity of third parties does not contribute to participation in the public debate on matters of public interest, and therefore does not enjoy the protection of Art. 10 of the Convention. The high compensation awarded by the domestic court was found to be proportionate to the degree of violation of the child’s privacy.

In a similar case concerning the parents’ dispute over child custody, publicized by the media, the Austrian court found that the disclosure by the two German newspapers of the identity of and the image of the child was a serious breach of their privacy. This ruling was appealed by the aforementioned editors, but the Court found (judgment of June 19, 2012, in the *Kurier Zeitungsverlag und Druckerei GmbH v. Austria* case) that the child was the victim of a dispute between his parents (private persons) and although the case concerned an issue of importance from the point of view of society, this did not justify publishing an image of a suffering child. Also in this case, the Court found that publishing photos about private life only to satisfy the curiosity of third parties does not contribute to participation in the public debate on issues of interest to the public, and therefore does not enjoy the protection of Art. 10 of the Convention. In this situation, the Court stated that there had been no violation of Art. 10 of the Convention (Warecka, 2014; Nowicki, 2013, p. 272).

Quoting Official Documents in a Journalistic Report

In the judgment of June 2, 2015, in the case of *Erla Hlynsdottir v. Iceland*, the Court addressed the problem of a journalist’s liability for citing the indictment in a press article. In this case, the journalist who was the applicant in the proceedings before the Court, and the publisher were held by the Icelandic courts as responsible for the authorship of the headline in the front page of the newspaper in the part which included the words “cocaine smugglers.” In the course of the proceedings based on the accused’s request in the criminal case described in this article, the Icelandic courts found that the statements contained in the journalistic article—which were literal quotes from the indictment—contained insinuations that the accused was guilty of the alleged offense and had violated his privacy.

The Court stated that the mention of the content of the accusation in the media publication, after it was read at the hearing, was a circumstance which was the basis for exempting the press from the normal obligation to verify statements defamatory of individuals. In the light of its findings, the Court had no doubts that the accused state had not sufficiently demonstrated that the applicant journalist had acted in bad faith or otherwise breached the diligence required of a responsible journalist reporting on a case of public interest. It stated that the journalist had been “adversely affected by the defamation proceedings” initiated by the defendant, in which she was ordered to pay, jointly and severally with the publisher, compensation to the defendant. In the opinion of the ECHR, the reasons indicated by the respondent state were not sufficient to demonstrate that the interference with the freedom protected by Art. 10 of the Convention

was indispensable in a democratic society and found that there was no reasonable relationship of proportionality between the restrictions resulting from the measures taken by the Icelandic court and the applicant journalist's right to freedom of expression and the legitimate aims to be achieved by the journalist and publisher. In the Court's view, the Icelandic courts attached too much importance to the fact that the journalist, actually quoting the indictment, did not admit that she was doing so. The ECHR emphasized that the headline of the article was not from the journalist and was not linked to the publication in such a way that would justify imposing responsibility for the publication on her. As a consequence, it found that there had been a violation of Art. 10 of the Convention.

One should fully agree with the content of the arguments of the ECHR, at the same time wondering how Icelandic courts' judgments could have come about, declaring that citing the indictment in a press article may be defamatory. The content of these judgments should be remembered by court reporters. It is worth noting that in accordance with Art. 38 para. 1 of Polish Press Law Act, civil liability for infringement of the law caused by the publication of a press material is borne by the author, editor or other person who contributed to the publication of this material, but this does not exclude the publisher's liability in terms of property liability (Rodak, 2015). The responsibility of these people is joint and several. This solidarity, of course, only concerns civil liability. The judgments of the Court prove that a journalist who in his / her publication relies on official documents has a privileged position and is subject to greater protection as regards information about facts that could be perceived as infringing personal rights. He / she should, however, as it turns out, remember that it should be indicated that he / she is citing official documents.

Restriction on Participation in Proceedings

The last problem that the ECHR had to face recently, though not the least important, was the limitation of the number of journalists reporting a juvenile criminal trial to those who were selected by lot. The complaint was brought by the media concern Axel Springer AG, whose journalists were not allowed to the courtroom. The court decided that only nine journalists could be present in the room, randomly selected from among over 40 participants. It was assumed that three of them should represent the local press, as well as the national press, as well as radio and television. The Court found (decision of March 13, 2012, in the case of Axel Springer AG v. Germany) that limiting the number of media representatives at the hearing did not constitute discrimination and did not infringe the freedom of speech. The Convention does not provide for the right to obtain information from a particular source, and freedom of expression may be restricted to protect the rights of others. The Court emphasized that journalists were selected on the basis of objective criteria and that the court itself published press releases at the end of each day of the trial. The contested restriction of the freedom of the press was therefore proportionate and protected the interests of minors, providing the society with reliable information (Warecka, 2014).

Summary

The judgments presented above concern the most important problems that have emerged in recent years with regard to journalistic reports on the course of court proceedings. They all deal with the freedom of the press and the obligations of journalists who act as court reporters. They relate to the issue of the publication of images and photographs of both the accused and other persons concerned by the court proceedings, publication of classified documents, photos from the case files, problems related to the recordings, and the journalist's liability for quoting a publicly available indictment. The presented judgements should make those taking up the function of court reporters aware of the challenges they will face.

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