

Criminal procedure, the public and media – abstract

The public principle is a fundamental element of the right to a fair trial. This public character protects litigants against the secret administration of justice with no public scrutiny. Public hearing also fulfils the educational and preventive function. Therefore there must be sufficient legal reasons to justify an exclusion of the public.

The right of the public to receive information and the media's right to disseminate information are tied with the public control of the judiciary. Courts do not operate in a vacuum and criminal cases may be a subject to public debates. However, none of this is happening without any regulation. The freedom of expression has also its limits. As the personality rights and the presumption of innocence stand at the same level as this freedom.

Media play two important roles in criminal proceedings. First role consists of dissemination of information (within the public interest) about ongoing criminal proceedings. This important task has several results. One is development of general prevention, when state tries to influence the society as whole, another is assistance with finding a missing person. Second role of media is interfaced with supervision. Information provided by media facilitate to control criminal proceedings. Society would hardly oversee the independence and impartiality of judges if there were not sufficient facts.

The target of this thesis is to (i) focus on the regulation of general principle and regulation of all relevant rights and freedoms and (ii) evaluate whether it is balanced and respected. All in respect of the role of media.

The thesis is therefore divided into two parts, where the first part includes the analysis of the public principle, and the second part subsequently deals with the provision of information in criminal proceedings. In addition it also focuses on media's freedom of expression, protection of personal rights and the respect for the presumption of innocence.