

## **Friendly Courts: Communicating with Citizens and Media**

I am truly honoured to be with you as I have been coming back to Poland for the first time since the 1000 Robes March in Warsaw in 2022, that I will never forget! Celebrating international Justice Day is a major event, and paying tribute to the memory of our colleague G. Falcone on this occasion is very moving.

So, I am coming back to our topic of the day: how friendly are the courts in France towards citizens and media?

As a perfect introduction the recent and high-profile trial with Kim Kardashian in Paris just a week ago encapsulates both themes!

A foreign citizen, who was a victim of criminal acts in France, was greeted like a star by her audience on the steps of France's most prestigious courthouse (where I am fortunate to work), photographed in the courtroom corridors by 400 journalists from all over the world, but once the courtroom door closed, she was received like a normal, traumatized victim before the Assize Court.

I read in the newspapers that she said (prior the hearing by the court) she has been well treated by French justice ...) if so, it's an excellent publicity for French citizens, who unfortunately have little understanding of how the justice system works and who fear it.

More seriously:

### **A/ Friendly courts with citizens: which communication?**

Generally speaking, citizens are unfamiliar with how the justice system works and do not even know that they can freely attend public hearings, whereas the principle of public hearings is a founding principle of judicial independence, you must be able to see how justice is done and by whom-except in specific matters where closed hearings are the rule (family matters, juvenile justice, and enforcement of sentences for example).

To inform citizens about how justice works, I would like to mention three recent initiatives as an example:

**1/ The creation of the Court Council in 2015**, aimed to explain how justice works, its constraints, and its priorities.

The council is chaired by the heads of jurisdiction, the president and the prosecutor. It is composed of magistrates and other judicial personnel (from clerks to prison administration), elected officials, union representatives, government representatives, lawyers and other legal professionals, and representatives of associations in relation to justice).

The objective is to develop a common policy embodied in a draft jurisdiction to enhance communication and meet the expectations of the litigants and more over the public.

**2/ The Night of Law, held every October 4th** since 2018 and launched by Constitutional Council. This specific day and night events are organized in all courts (judicial and administrative) for a wide audience, focusing on initiatives such as a mock trial where a historical figure is judged again or conferences on a particular theme (violence against women, protection of nature by law, and do on). These events are popular every year in all French courts, with large audiences, including law students but not only, also ordinary citizens.

**3/ To restore public's confidence in the justice system**, our last Minister of Justice also a famous lawyer, Mr Dupont- Moretti, wanted to (I quote) "Invite justice into the living rooms of the French people" to demonstrate how it works and to educate citizens.

The opening of courtrooms to cameras has been made possible by a new law passed in December 2021 named "for confidence in the judicial institution," that derogates from the principle of the prohibition to record hearings, under certain conditions, and under the control of the Ministry of Justice, which authorizes and supervises filming requests.

In April 2025, more than 40 documentaries have been released and 27 episodes of a program entitled "Justice in France," launched in October 2022 on a public service channel have been broadcasted, about criminal justice, civil justice, and juvenile justice, such hearings where the public is generally prohibited from entering the courtroom. (Faces are blurred, names are hidden, and people have to agree to be filmed)

## **B/ Friendly courts with media: how is communication organized by law?**

### **1/ who attend criminal hearings?**

Written press journalists are used to attend criminal hearings to inform their readers about local criminal cases before the Assize Court or correctional Courts. They write court reports, illustrated by journalists specializing in courtroom sketches, since photographs and videos are prohibited in courtrooms, except in exceptional circumstances as previously said or for history:

- for example, the so-called V13 trial of the terrorists involved in the 2015 Bataclan attack in Paris was filmed for historical archives;
- the trial of Klaus Barbie sentenced for crime against humanity in Lyon in 1987, that was the first trial to be filmed thanks to a special law, was recently broadcasted on French television more than 35 years ago.

But with the rise of cell phones and social media, journalists reproduce the proceedings of the hearing near real time on social media, by attending the hearing itself: they must be careful, as they can write but cannot record anything.

I must admit that judges' first attempts to ban telephones in court were quickly useless...

### **2/ A communication organized by the public prosecutor**

-A **law issued on June 2000** authorized only the public prosecutor to communicate on an ongoing case, while respecting the presumption of innocence and the rights of victims. Please note that judges are not allowed to communicate on ongoing cases or on past allocated cases.

-Then a new law in **December 2021**, named "Confidence Law," expanded the scope of communication and its modalities in the context of sensitive cases, in order to avoid false information, and for a new reason "whether there is a public Interest requirement".

- The prosecutor remains the only magistrate authorized to make public information on an ongoing case, but he can delegate part of this communication to the investigating service under his supervision; everything is controlled by the Attorney General.

- The prosecutor is becoming more professional: he can be assisted by a communications agency from the Ministry of Justice for “communication crisis”. Please note that there is no other official spokesman.

- The limits set by the law are absolute respect for the presumption of innocence and the preservation of the effectiveness of investigations as the principle remains that the penal procedure remains secret.

Thus, justice is increasingly opening up to citizens and appearing on their television. However, the operation of justice is not taught as a separate subject in schools in France, with the exception of a few hours taught by history and geography teachers.

Regrettably, citizens are not informed unless they are a party to trial but they are eager to know a lot about justice cases!

As a conclusion I would like to quote Mr. François MOLINS, former Attorney General at our supreme Court: "I don't know if justice should be embodied in people. I would prefer that it be embodied in decisions of high quality. The fact remains that in our society we need images and words. Justice must inspire confidence. That is why I am in favour of the appointment of a spokesperson in each court to explain to the public the decisions and policies carried out. »

Thank you for your attention.

Nathalie Leclerc-Garret, Honorary magistrate in active capacity at Paris Court of Appeal.

I chair a special administrative board in charge of assessing the dangerousness of sentenced persons before their release, particularly those convicted of terrorism. I am also former Vice-President of French association of judges USM and still a member of the National Council of the association.