



## **MEDIA GUIDELINES**

### **I. Introduction**

In reporting about the Courts, media outlets and journalists play an important role in helping the public understand our work. Open justice is a fundamental principle of a fair trial. This guide has been designed to help members of the media report fairly and accurately. All journalists and media organizations are required to follow the Media Guidelines, which were written to:

- promote transparency and the principle of open justice;
- facilitate fair and accurate reporting of matters before the Court; and
- enhance the public's understanding of the Court's function and its work.

### **II. Media Enquiries**

Members of the media are welcome to contact the Press and Media Committee representatives:

- Supreme Court - Hj Badaruddin bin Hj Abdul Karim  
[Badaruddin.karim@judicial.gov.bn](mailto:Badaruddin.karim@judicial.gov.bn)
- Subordinate Courts - Mohamad Jazmi bin Hj Mohamad Kamel  
[Jazmi.kamel@judicial.gov.bn](mailto:Jazmi.kamel@judicial.gov.bn)

### **III. Responsibilities of Journalists and Media Organizations**

The onus is on all journalists and media organizations to ensure their broadcasts and/or published news reports are accurate. Judgments and sentences may be published in real time.

### **IV. Request for Court Materials**

Materials/information generally provided to media without an application to the Judge/Judicial Officer include:

- Sentencing;
- Judgments;
- Hearing dates; and
- Charges.

All other media requests must be emailed to the Press and Media Committee representatives. Judges, Judicial Officers, or any court staff are not to be contacted directly.

#### **V. Photographs and filming**

Photography, video and/or audio recordings of court proceedings inside the court rooms are not allowed. All unauthorised recordings will be deleted.

Unauthorised photos of filming of Judges or Judicial Officers in Court or entering or leaving the Court building is not permitted.

Journalists or media organizations who wish to film inside the court house for the purpose of broadcasting the entering and leaving of Defendants from the court rooms must liaise with the Press and Media Committee representatives in advance.

#### **VI. Turnaround Time**

Where there is significant media interest in a particular case, efforts will be made to provide any sentences or judgments on the Court's website.

#### **VII. Request for Comment or Interview**

In general, Judges and Judicial Officers do not provide comments or interviews to the media on cases which they are presiding

#### **VIII. Restrictions on reporting**

There is always a presumption in favour of an open and transparent court. Sometimes, however, the interests of justice require certain information not be published or disclosed. Some hearings may be closed to the public, e.g. cases involving the testimony of a

vulnerable witness. For such cases, there will be a sign on the door bearing the words "Hearing in Camera", and you will not be allowed to observe the proceedings.

There are limits to the media's ability to report on certain matters before the Court. In particular, the direct or indirect identification of people who are the victims of sexual assault is prohibited. This principle can extend to circumstances in which an offender cannot be identified - for example, when the victim is related to the offender, in which case naming the offender would identify the victim.

There are also automatic reporting restrictions that apply to protect the identity of under 18s involved in the Juvenile Court:

- **Protection of identity of child or young person.**

Section 95 (1) of the Children and Young Persons Act provides that:

*No person shall publish or cause to be published any material which —*

*(a) reveals the name, address or school; or*

*(b) includes any particulars which may lead to the identification,*

*of any child or young person concerned in any proceedings in any court either, as being the person by or against, or in respect of whom the proceedings are taken, or as being a witness therein except in so far as maybe permitted by the court.*

- **Words “conviction” and “sentence” not to be used.**

Section 48 (1) and (2) of the Children and Young Persons Act provides that:

*The words “conviction” and “sentence” shall not be used in relation to children and young persons dealt with by a Juvenile Court.*

*Any reference in any written law to a person convicted, a conviction or a sentence shall, in the case of a child or young person, be construed as including a reference to a person found guilty of an offence, a finding of guilt or an order made upon such a finding, as the case may be.*

Please note that the onus is on all journalists and media organizations to ensure their broadcasts and/or published news reports comply accordingly.

## **IX. Forms of Address**

In the Subordinate Courts, you should refer to the 'Magistrate', 'Senior Magistrate and 'Chief Magistrate', respectively.

In the Intermediate Court, you should refer to the 'Judge' in all circumstances.

In the Supreme Court (which includes the High Court and Court of Appeal), you should refer to the 'Justice' or 'Chief Justice', respectively in all circumstances. Justices of the High Court are referred to as High Court judges or Judicial Commissioners. The Court of Appeal is comprised of the President of the Court of Appeal and Judicial Commissioners of the Court of Appeal.

## **X. What happens when someone is charged for an offence?**

If someone is charged for an offence, the vast majority of criminal matters will go to the Subordinate Courts. The Intermediate Court and High Court deals with more serious and complex offences.

A plea of not guilty means the charges are being contested, whereas a plea of guilty means there is no contest that the crime has occurred and the only task for the court is to impose sentence.

Where the plea is not guilty, a trial will proceed before a Magistrate or Judge. Where the plea is guilty, the accused is then dealt with by the Magistrate or Judge by way of sentencing.

In your reporting, it is important to include:

- Whether the accused has pleaded guilty or not guilty;
- The penalty for the offence/s charged;
- The sentence imposed if the accused has pleaded guilty;
- The reasons for sentence by the Magistrate or Judge (i.e. aggravating and mitigating factors); and
- Any previous convictions.

## **XI. Reporting on a Trial**

### **How do I report on alleged crimes?**

It is important to remember when covering a trial that the accused is innocent until proven guilty, and alleged crimes should not be stated as fact.

For example:

**CORRECT:** 'A woman accused of snatching a tray of rings from a jewelry shop...'

**INCORRECT:** 'A woman who snatched a tray of rings from a jewelry shop has gone on trial in the Bandar Seri Begawan Magistrates Court'

You may quote the prosecutor, but your report must make it clear that you are quoting someone saying that in court, not stating it as fact without attributing it.

For example:

**CORRECT:** 'The prosecutor told the court that the woman snatched a tray of rings ...'

**INCORRECT:** 'The woman snatched a tray of rings...'