



# **The Attorney General Falkland Islands**

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## **AGG16**

# **The Attorney General's Guidance on Relations Between the Prosecution and Media**

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**The Law and Regulation Directorate**

**The Attorney General's Chambers**

PO Box 587, Stanley, Falkland Islands, FIQQ 1ZZ

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# 1. Introduction

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1. Unless special circumstances apply the criminal courts are open to members of the public and any person can attend and observe court proceedings. In the modern world the vast majority of people rely upon the media to report news from the criminal courts. Fair, accurate and comprehensive media reporting is crucial in maintaining open justice and informing members of the public that the criminal justice system is operating fairly and transparently.
2. The aim of this guidance is to ensure greater openness in the reporting of criminal proceedings by ensuring that the media have access to all relevant material, wherever possible, and at the earliest appropriate opportunity.
3. The Attorney General is committed to treating victims and witnesses with respect and sensitivity and to taking all practicable steps to help them through the often difficult experience of becoming involved in the criminal justice system.
4. There is therefore a balance to be struck between ensuring that criminal justice remains open and that victims and witnesses are protected from insensitive treatment. It is therefore the case that in the interests of the administration of justice the effect of the release of material on victims, witnesses and other people directly affected by a case (such as family members) will be given consideration when making any decision to reveal or to provide prosecution material to the media. These interests will be weighed against the principles of openness to ensure that the correct balance is met. Inevitably this will lead to decisions being made in the context of the individual circumstances of each case and the prosecution will be ready to explain the reasons for the decision to the interested parties.
5. A key objective is to achieve effective mutual cooperation. The various agencies involved in the criminal justice system and the media all have different roles to fulfil. The primary function of the police is to protect public safety by detecting and investigating crime. The role of the Attorney General and prosecutors is to prosecute appropriate cases firmly and fairly. The media's task is to provide the public with accurate information, that the public has a right to, swiftly and comprehensively. It is important that these agencies are able to interact with a degree of trust and respect. Where material is withheld from the media it will be because there is a good reason for doing so and not because a criminal justice agency has a blanket policy of refusal. Similarly where material is released the criminal justice agency can expect that the media will treat it sensitively and report on a matter fairly.

## 2. When this Guidance Applies

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6. Broadly speaking the following criminal justice agencies will hold material that the media may wish to access:
  - (a) The Royal Falkland Islands Police
  - (b) The Prosecution
  - (c) The Court
  
7. This guidance only applies to media access to material held by the prosecution. The same material may be held by the investigating authority or by the court. These agencies may wish to publish their own guidance on accessing material from them but unless otherwise stated these agencies will undoubtedly follow the principles set out in this document. At the end of this document a list of relevant contact details are provided.

### 3. Guidance on Access to Material

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8. The aim of this guidance is to ensure that the principle of open justice is maintained - that justice is done and seen to be done - while at the same time balancing the rights of defendants to a fair trial with any likely consequences for victims or their families and witnesses occasioned by the release of prosecution material to the media.
9. Prosecution material which has been relied upon by the prosecution in court and which should normally be released to the media, includes:
  - (a) Maps/photographs (including custody photos of defendants)/diagrams and other documents produced in court;
  - (b) Videos showing scenes of crime as recorded by police after the event;
  - (c) Videos of property seized (e.g. weapons, clothing as shown to a jury in court, drug hauls or stolen goods);
  - (d) Sections of transcripts of interviews/statements as read out (and therefore reportable, subject to any orders) in court;
  - (e) Videos or photographs showing reconstructions of the crime;
  - (f) CCTV footage that does not contain sensitive material.
10. Prosecution material which may be released after additional consideration and usually with the consent of the person to whom it relates includes:
  - (a) CCTV footage or photographs showing sensitive material that has been viewed by a jury and the public in court.
  - (b) Video and audio tapes of police interviews with defendants, victims and witnesses;
  - (c) Victim and witness statements.
11. To ensure that only material informing the decision of the court is published material released to the media must reflect the prosecution case and must have been read out, or shown in open court, or placed before the judge.
12. The media will be aware that in cases alleging certain types of criminal offence (for example in cases alleging sexual offending) the identity of victims is protected by strict reporting restrictions and this means that material is less likely to be able to be made available to the media in cases of this type.

## 4. Appealing Decisions

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13. On occasion the media or another interested party may be unhappy with a decision that has been made by the prosecution in respect of releasing material. Any dispute arising about the disclosure of prosecution material should be referred in writing to the Attorney General.
  
14. Consideration will be given to all factors including the stated aims of this guidance to achieve greater openness in reporting criminal proceedings. The media and interested parties will have the opportunity to make appropriate written representations before a final decision is taken regarding disclosure of material and any applicable terms.

## 5. Contacts

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To request access to prosecution material please:

Email: [prosecution@sec.gov.fk](mailto:prosecution@sec.gov.fk)  
Or write to: Prosecution  
The Attorney General's Chambers  
The Law and Regulation Directorate  
Stanley, The Falkland Islands, FIQQ 1ZZ

To ask for a review of a decision relating to the release of prosecution material please:

Email: [AGOffManager@sec.gov.fk](mailto:AGOffManager@sec.gov.fk)  
Or write to: The Attorney General  
The Attorney General's Chambers  
The Law and Regulation Directorate  
Stanley, The Falkland Islands, FIQQ 1ZZ

To contact other criminal justice agencies please:

Email: [reception@police.gov.fk](mailto:reception@police.gov.fk)  
Or write to: The Royal Falkland Islands Police  
Stanley, The Falkland Islands, FIQQ 1ZZ

Email: [headofcourtservice@courts.gov.fk](mailto:headofcourtservice@courts.gov.fk)  
Or write to: The Head of Courts  
The Courts  
Stanley, The Falkland Islands, FIQQ 1ZZ

# Document Control

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## Law and Regulation Directorate

### Attorney General's Chambers

PO Box 587  
Stanley  
Falkland Islands  
FIQQ 1ZZ

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