

The Judiciary and harassment – August 2003

Editors may be aware of the convention that dictates that judges cannot comment outside a courtroom on any case over which they are presiding, or have presided, or discuss any decision they have made, or any sentence they have imposed. They are equally prohibited from commenting on or discussing the decisions of other judges.

The Commission would like to highlight to editors that, as there are no circumstances in which judges can speak to the press about such matters, approaches to judges, or members of their family, by reporters for comments about a judge's involvement in a case may lead to a breach of Clause 4 (Harassment) of the Code. The relevant part of Clause 4 says that "journalists ... must not persist in telephoning, questioning, pursuing or photographing individuals having been asked to desist; must not remain on their property after having been asked to leave and must not follow them".

Editors should ensure that their own staff are aware of the protocol which prevents judges from discussing cases that they have tried and of the issues this raises under the Code. Editors must also, of course, satisfy themselves that material based on an approach to a judge and supplied by freelancers or news agencies has been obtained in accordance with the Code.