



**GUIDELINES FOR PUBLICATION OF COURT AND PROSECUTORIAL DECISIONS,
ACTS AND CASE-RELATED INFORMATION**

March 2024

Judicial transparency is a key element of any democratic society that seeks to ensure equality before the law and a fair justice system. Publication of judgements and prosecutorial decisions helps the public understand how judicial institutions operate, thus fostering public trust in the legal system. Additionally, this improves transparency and responsibility among those participating in legal proceedings, guaranteeing fair decision-making.

With professional and administrative support provided by the Judicial Documentation and Training Department of the HJPC Secretariat, the Working Group for the Analysis and Improvement of Publication of Prosecutorial and Court Decisions, composed of members of the judicial community and the HJPC, has prepared draft guidelines after a year and a half of work and six meetings. These guidelines outline the procedure and method of proactive and, to some extent, reactive publication of court and prosecutorial decisions, acts, and other case-related information.

In recognition of the fact that there is no universal model for the publication of court and prosecutorial decisions and given the complex structure of the judiciary and the four distinct judicial systems in Bosnia and Herzegovina, the Working Group was primarily focused on the need to improve access to judicial decisions for the BiH society.

Justice must not only be done, but must also be seen to be done as this is the only way to lay foundations for a just society in which all citizens will have trust in the justice system, so the Working Group believes that the adoption of the new Guidelines and their consistent application will help maintain progress towards achieving transparency of the justice system, which was also noted in the Commission's Bosnia and Herzegovina Report 2022.

At its session held on 21 March 2024, at the proposal of the Working Group for the Analysis and Improvement of Publication of Prosecutorial and Court Decisions, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, pursuant to Article 17, point 28, in conjunction with point 24 of the Law on the HJPC BiH ("Official Gazette of BiH", number 25/04, 93/05, 48/07, 15/08, 63 /23 and 9/24), has issued the following

GUIDELINES FOR THE PUBLICATION OF COURT AND PROSECUTORIAL DECISIONS, ACTS AND CASE-RELATED INFORMATION

SUBJECT –MATTER AND SCOPE

The guidelines outline the procedure and method of proactive publication of court and prosecutorial decisions, acts and case-related information.

The guidelines also cover reactive publication in the context of public interest and anonymisation rules, noting that courts and prosecutor's offices may disclose additional information in their reactive publication, as long as they adhere to the laws governing free access to information and the protection of personal data.

OBJECTIVES OF THE GUIDELINES

The objective of the guidelines is to standardise the way the courts and prosecutor's offices across Bosnia and Herzegovina publish court and prosecutorial decisions, acts, and case-related information using specialised web services.

The guidelines will help achieve an optimum level of transparency in the operations of judicial institutions, harmonise case law and improve legal certainty. This will strengthen judicial accountability and trust that citizens and other interested parties have in their work.

CORE PRINCIPLES

Transparency

Court decisions, prosecutorial acts, as well as other case-related content specified in these guidelines and acts of judicial institutions are a public good and need to be made publicly available and regularly updated.

Personal data protection

- 1) Personal data must be processed in accordance with laws and legal standards, with data protection measures being taken, as prescribed.
- 2) The right to privacy may be limited in situations where it is in the public interest and in compliance with Bosnia and Herzegovina legislation.
- 3) Personal data may also be published with the express written consent of an individual, insofar as they have previously been informed by a duly authorised employee of the court/prosecutor's office of the consequences of such a consent.
- 4) An individual whose personal data is processed and made publicly available has the right, subject to certain conditions, to obtain the erasure of such data in light of the right to be forgotten¹ (in the event of rehabilitation, expungement of a court conviction, etc.).

Accuracy and timeliness

- 1) Any disclosure of content covered by these guidelines should include timely and accurate information.
- 2) Courts and prosecutor's offices will urgently process any requests from individuals to have their data amended or erased, or to rectify inaccurate or supplement incomplete data.

Clarity and understandability

When publishing any content outlined in these guidelines every effort shall be made to make it clear and easy to understand for the public and media.

¹ Right to be forgotten- The data subject shall have the right to obtain from the controller the erasure of personal data concerning him or her without undue delay where the personal data are no longer necessary in relation to the purposes for which they were processed. (GDPR definition)

Continuity

Judicial institutions will maintain continuity in publishing the content outlined in these guidelines by regularly providing the public with information on the status of proceedings in high-profile cases until their completion.

Period of availability

All content outlined in the guidelines that is published on specialised web services and through other communication channels will be available to the public and media until the purpose of their publication is achieved, while taking into account the right to be forgotten.

Standardisation of publications and ease of access

- 1) In order to make the content outlined in the guidelines easily accessible and searchable, the HJPC BiH, courts, and prosecutor's offices will standardise the location and manner of publication.
- 2) Personal data shall be anonymised in line with the HJPC BiH Instruction for Anonymisation, requiring that data be anonymised in a comparable or identical way to make it easy to read and understand.

MEANING OF TERMS

The terms used in the guidelines shall have the following meanings:

Proactive transparency refers to proactive efforts made by judicial institutions to make sure that information about their work on particular cases that are relevant to different target groups are identified and published timely without requiring prior access to the information.

Reactive transparency refers to response by judicial institutions to requests for access to information, as well as to various inquiries coming from the media and other interested parties.

Specialized web services - web services featuring content outlined in the guidelines, including: official web pages of judicial institutions, the central database of court decisions of Bosnia and Herzegovina, the portal of case law of Bosnia and Herzegovina, high-profile case map.

Anonymisation - the processing of personal data in such a way to protect the identity of data subject.

Personal data – information required in order to identify a natural person as defined by the Law on the Protection of Personal Data of BiH.

High-profile cases within the meaning of the guidelines shall include the following cases:

Criminal cases:

- a) crimes against humanity and values protected by international law,
- b) corruption offences as specified in the list of corruption offences prepared by the HJPC BiH,
- c) organised crime,
- d) terrorism,
- e) money laundering,
- f) criminal offences involving tax evasion,
- g) murder and aggravated murder,
- h) trafficking in human beings,
- i) domestic violence,
- j) criminal offences involving the illicit production of and trafficking in narcotic drugs,
- k) hate crimes,
- l) criminal offences against the state and social structure.

Civil cases:

- a) discrimination,
- b) environmental protection,
- c) copyright, intellectual and industrial property rights,
- d) gender equality,
- e) consumer protection,
- f) bankruptcy,
- g) privatisation,
- h) class action,
- i) commercial disputes with foreign elements,
- j) state property disputes.

Administrative cases:

- a) environmental protection,
- b) competition,
- c) concessions,

- d) processing of data from a personal data collection,
- e) free access to information,
- f) electoral complaints,
- g) public procurement,
- h) conflict of interest.

Courts and prosecutor's offices will conduct the public interest test in other cases as well, based on the following criteria:

- 1) type and severity of the criminal offence as well as the subject matter of the proceedings,
- 2) the capacity of the participants in the proceedings (e.g. appointed/elected office holders in the judicial, executive or legislative branch, journalists, holders of an authority, public figures, etc.),
- 3) other legitimate public interests (such as the level of social hazard, the type of crime, protected good, the significance of the decision for the wider community, etc.).

Decisions that are relevant for case law within the meaning of these Guidelines are as follows:

- a) decisions in which the court has adopted a particular position for the first time (new legal concepts, new laws, pilot case decisions, decisions on contentious legal matters, etc.),
- b) decisions in which the court's previously held stance has been modified, such as where the court has changed its interpretation in response to a decision rendered by the European Court of Human Rights or the Constitutional Court of BiH,
- c) decisions pertaining to new legal remedies,
- d) decisions in which the court directly applied the European Convention for the Protection of Human Rights and Fundamental Freedoms, or relied on the case law of the European Court of Human Rights or another international tribunal,
- e) decisions in which the court applied an international agreement (e.g. the Vienna Convention),
- f) decisions in which the court cited the stance taken by the case law panel,
- g) decisions permitting extraordinary legal remedy.

PUBLICATION OF COURT AND PROSECUTORIAL DECISIONS, ACTS AND CASE-RELATED INFORMATION

Prosecutorial decisions, acts, and case-related information are published on the official websites of prosecutor's offices and through other channels of communication. The prosecutor's offices inform the public about general topics and issues they face in their work as well as about their cases, with a focus on high-profile cases, while staying within the boundaries of and the interest of the proceedings.

Publication of prosecutorial decisions

Prosecutorial decisions within the meaning of the guidelines include indictments, orders not to investigate, and orders to discontinue investigation.

1. Excerpts from confirmed indictments

Prosecutor's offices may, subject to the applicable laws and principles outlined in the guidelines, publish excerpts from indictments in all cases without restrictions with regard to the type or gravity of the offence.

In high-profile cases, along with the excerpts from the indictments, the prosecutor's offices shall also issue appropriate press releases.

Excerpts from the indictment shall contain:

- 1) name of the prosecutor's office that filed the indictment, number and date of the indictment;
- 2) information about the indictee including: name and surname, year and place of birth, if it is a high-profile case, or anonymised data in other cases. In a case involving a legal entity, full information about the legal entity as stated in the indictment is to be published;
- 3) factual and legal description of the criminal offence, without the names of the injured party/parties, witnesses or third parties, or any other information that may reveal the identity of these persons;
- 4) legal qualification of the criminal offence;
- 5) motion for:
 - a. detention/extension of detention/prohibition measures,
 - b. attachment of assets,

- c. attachment of claims,
- d. protective measures.

1. Indictment- related information

Even before the indictment is confirmed, the Chief Prosecutor may, based on the following criteria, decide to disclose information about the indictment through a press release in the following situations:

- a) a high-profile case attracting significant public attention,
- b) the suspect is a public figure/official,
- c) information about the suspect are already known to the public.

In situations where the indictment is not fully or partially confirmed, it is advised that prosecutor's offices release this information as well following the court's final decision on the indictment.

2. Orders not to investigate and orders to discontinue investigation

Because they are internal in nature, orders not to investigate and orders to discontinue an investigation are not to be disclosed; however, the public will be informed about them through a press release following a decision on objections or complaints, if any. The reasons behind such orders must be made clear in this instance, as well as the fact that, in cases where the investigation was discontinued for lack of evidence, it may be reopened if new information and evidence become available that raises a reasonable suspicion that they committed a crime.

Exceptionally, the Chief Prosecutor may decide that these decisions be published in full in high-profile cases.

Publishing of prosecutorial acts

Due to their internal nature, other prosecutorial acts, such as orders to investigate, or motions for detention/prohibitive measures, etc., are not to be published. These acts specifically contain information that, among other things, relate to evidence the public disclosure of which may make it difficult or impossible to carry out specific investigative actions or jeopardize potential future investigations in such cases. Additionally, they contain information the disclosure of which can reasonably be expected to harm legitimate goals of preventing and detecting crime.

Chief prosecutors are recommended to use their discretion in informing the public about these decisions through appropriate announcements, using the same criteria that apply when informing the public about filed and unconfirmed indictments.

Publication of other case-related data throughout the reporting and investigation stage

In general, information about cases that are in the report or investigation stage shall not be proactively published. Exceptionally, details on the receipt of the report and the steps taken to make a prosecutorial decision will be made public if doing so serves the public interest, provides objective information, or is requested by the media and the parties concerned.

Presumption of innocence

When publishing prosecutorial decisions, acts, and press releases, prosecutor's offices shall use the legal language relevant to the stage of criminal proceedings while preserving the presumption of innocence.

To inform the public of the legal status of the person facing charges, the presumption of innocence clause needs to be clearly displayed reading as follows:

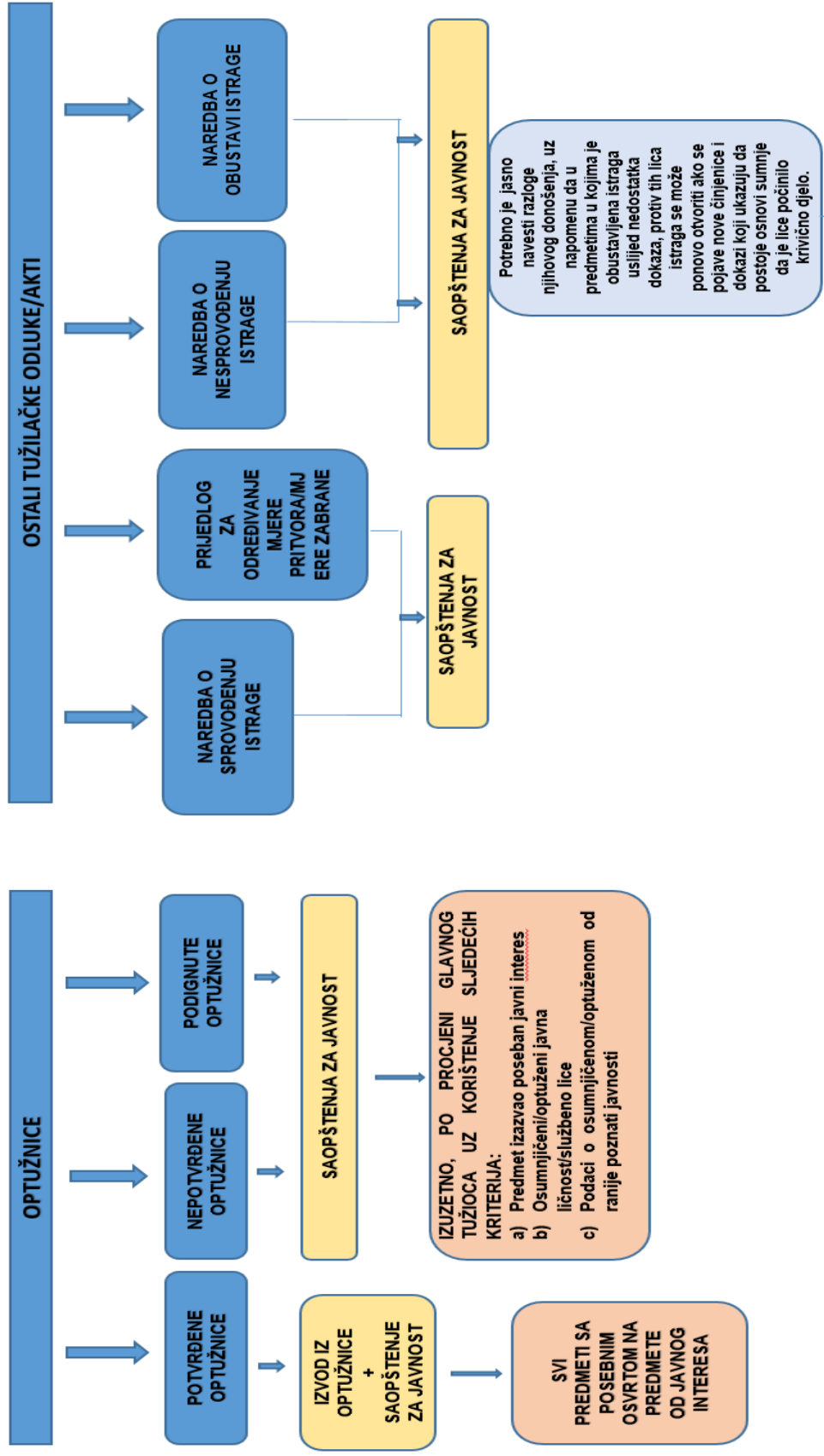
"This statement is without prejudice to the outcome of criminal proceedings and does not violate the principle of the presumption of innocence. Everyone is presumed innocent until proven guilty by a final judgment."

Period of availability

Indictments in high- profile cases remain available to the public for two years. Other decisions, acts and information shall publically available for up to one year.

If a final court decision is rendered before the expiration of the period of availability, the indictment in that case or other information shall be removed within 30 (thirty) days from the date the court decision becomes final.

OBJAVLJIVANJE TUŽILAČKIH ODLUKA I AKATA



IZUZETNO, PO PROCJENI GLAVNOG TUŽIOCA KADA JE PREDMET IZAZVAO POSEBAN JAVNI INTERES OVE ODLUKE SE MOGU OBJAVITI U INTEGRALNOM TEKSTU

PUBLICATION OF COURT DECISIONS, LEGAL STANCES AND CASE-RELATED INFORMATION

The official websites of the courts, the database of court decisions, the portal of case law, and the high -profile case map are used to publish court decisions, case-related information, and legal stances of highest- instance courts.

Official websites

Final court decisions and information about ongoing cases shall be published on the official websites of the courts.

Final court decisions

Final court decisions shall be published in accordance with the law and the principles outlined in the guidelines, based on the following criteria:

- a) public interest,
- b) decisions relevant for case law,
- c) decisions subject to mandatory publication,
- d) judgments that have garnered interest from the public, media, and legal and academic community,
- e) other decisions which, as assessed by the court, have priority in publication.

Final court decisions shall be published in the "COURT DECISIONS" module (formerly "CASE LAW" module), a dedicated section of the website.

For ease of reference, the court decisions shall, when published, be categorised by field and by legal term.

The minimum information that the courts should provide include:

Criminal cases:

- Name of the criminal offence, case number and a brief description of relevant legal concept

Civil, commercial and administrative cases:

- Sub-field, type and subject of dispute, case number and a brief description of relevant legal concept

Pravna shvatanja	>	Krivična djela protiv čovječnosti i vrijednosti zaštićenih međunarodnim pravom <ul style="list-style-type: none">097-0-KŽ-07-000 001 Ratni zločin protiv civilnog stanovništva097-0-KŽ-07-000066 Ratni zločin protiv civilnog stanovništva097-0-KŽ-09-000 039 Ratni zločin protiv civilnog stanovništva; odluka Ustavnog suda BiH, broj AP-2152/09, odbijena apelacija96 0 K 005425 10 Kž - Ratni zločin protiv civilnog stanovništva, Ratni zločin protiv ratnih zarobljenika96 0 K 031177 12 Kž - Ratni zločin protiv civilnog stanovništva96 0 K 013003 12 Kž 3 (Ratni zločin protiv civilnog stanovništva)96 0 K 006622 13 Kž - Ratni zločin protiv ratnih zarobljenika96 0 K 040290 13 Kž 12 - Ratni zločin protiv civilnog stanovništva; odluka Ustavnog suda BiH, broj AP-5150/13, odbijena apelacija96 0 K 039051 12 Kž 2 - Ratni zločin protiv civilnog stanovništva96 0 K 020424 15 Kž - Ratni zločin protiv civilnog stanovništva, Ratni zločin protiv ratnih zarobljenika; odluka Ustavnog suda BiH, broj AP-5730/15, odbijena apelacija, odbačena apelacija advokata96 0 K 024956 15 Kž 8 - Ratni zločin protiv civilnog stanovništva, Ratni zločin protiv ratnih zarobljenika; odluka Ustavnog suda BiH,
Krivično materijalno pravo - opšti dio	>	
Krivična djela protiv čovječnosti i vrijednosti zaštićenih međunarodnim pravom	>	
Krivična djela protiv države	>	
Krivična djela protiv života i tijela	>	
Krivična djela protiv slobode i prava čovjeka i građanina	>	
Krivična djela terorizma	>	

Example 1

Pravna shvatanja	>	Radno pravo <ul style="list-style-type: none">097-0-GŽ-06-000553 zahtjev za poništenje odluke o otkazu i povrat na posao097-0-GŽ-09-000195 odluka o naknadi troškova polaganja pravosudnog ispita96 0 P 002771 10 Gž - isplata plata i godišnjeg odmora96 0 P 004162 12 Gž - zaštita prava iz radnog odnosa (nezakonit otkaz i vraćanje na posao)96 0 P 004836 11 Gž - zaštita prava iz radnog odnosa96 0 P 039742 13 Gž 2 - utvrđenje nezakonitosti otkaza i isplata96 0 P 039742 18 Gž 4 - utvrđenje nezakonitosti otkaza i isplata96 0 P 051298 14 Rsž - povrat na posao, isplata ličnih dohodaka i doprinosa
Sporna pravna pitanja	>	
Stvarno pravo	>	
Obligaciono pravo	>	
Nasljedno pravo	>	
	>	

Example 2

Žig

21.06.2023.

- 96 0 Ps 004417 12 Pž (Povreda prava na žig, Apelacioni sud Brčko distrikta BiH preinačio prvostepenu presudu i odbio tužbeni zahtjev, revizija odbačena)
- 96 0 Ps 024704 12 Pž (Povreda prava na žig, usvojen tužbeni zahtjev)
- 96 0 P 003179 15 Gž 3 (Povreda prava na žig, usvojen tužbeni zahtjev za naknadu materijalne štete, Apelacioni sud Brčko distrikta BiH preinačio prvostepenu presudu na način da je odbio dio tužbenog zahtjeva koji se odnosi na nematerijalnu štetu; odluka Ustavnog suda BiH, broj AP-4828/16, povreda člana 6 - suđenje u razumnom roku, u ostalom dijelu odbijena apelacija)
- 96 0 P 003179 15 Gž 3 (SENTENCA)
- 96 0 P 003179 16 Rev (Povreda prava na žig, usvojen tužbeni zahtjev za naknadu materijalne štete, Apelacioni sud Brčko distrikta BiH preinačio prvostepenu

Example 3

Period of availability

The period of availability should be limited to one year, unless the purpose of publication requires a longer period of time, with an appropriate level of anonymisation in line with these guidelines and the anonymisation instruction of the HJPC BiH.

The period of availability does not apply to the highest- instance courts—the Supreme Court of the Federation of Bosnia and Herzegovina, the Supreme Court of Republika Srpska, the Appellate Court of the Brcko District BiH, and the Court of Bosnia and Herzegovina.

Final decisions published on the website are also submitted to the HJPC BiH in word format along with an accompanying form and anonymised in order to be permanently stored in the central database of court decisions.

Information about ongoing cases

While the LATEST NEWS section only features information on regular court activities and general information, the courts publish press releases about ongoing cases, including information on non-final decisions, under the PUBLIC RELATIONS category, NEWS subcategory, PRESS RELEASES section.

Exceptionally, in high-profile cases, in addition to the press release providing information about non-final decisions, the operative part of the decision may be published in PDF format.

Press releases regarding final court decisions may also be issued by the courts, where the public will have access to the full text of the decision by clicking on the COURT DECISIONS link.

Trial Schedule

Given the exceptional importance of the trial schedule for the public and media, it is imperative that:

- the title of this sub-category be made consistent to read TRIAL SCHEDULE,
- the location of the publication be made consistent so that this sub-category be published under the NOTICE BOARD category, and
- the TRIAL SCHEDULE can also be found in the upper right corner of the website's home page.

The trial schedule should shall include the name of the party, case number, time schedule, type of dispute/title of criminal offence, name of the judge, and phase of the proceedings.

The aforementioned information shall be kept for as long as it takes to achieve the purpose of their publication.

In order to give the public access to information about trials in high-profile cases at least 48 hours prior to the planned hearing, courts should make sure that the TRIAL SCHEDULE is kept up-to-date.

Database of court decisions of Bosnia and Herzegovina

The database of court decisions serves as a central repository for posting the final decisions of all BiH courts for their permanent storage in one location and it is accessible on the following website <https://csd.pravosudje.ba/vstvfo/B/142/kategorije-vijesti/141/simple>.

The HJPC BiH shall, as a priority, through its Judicial Documentation and Training Department, ensure regular updating of the database with all decisions of public interest and other final decisions that are the subject of specialised research.

High-Profile Case Map

A dedicated site where, based on the type of case, summaries of final decisions in high-profile cases are displayed using Google Maps. The information is displayed by place where the judgment is delivered and by other categories depending on the case type.

The HJPC BiH shall periodically collect final court decisions so that this map can be updated on a regular basis.

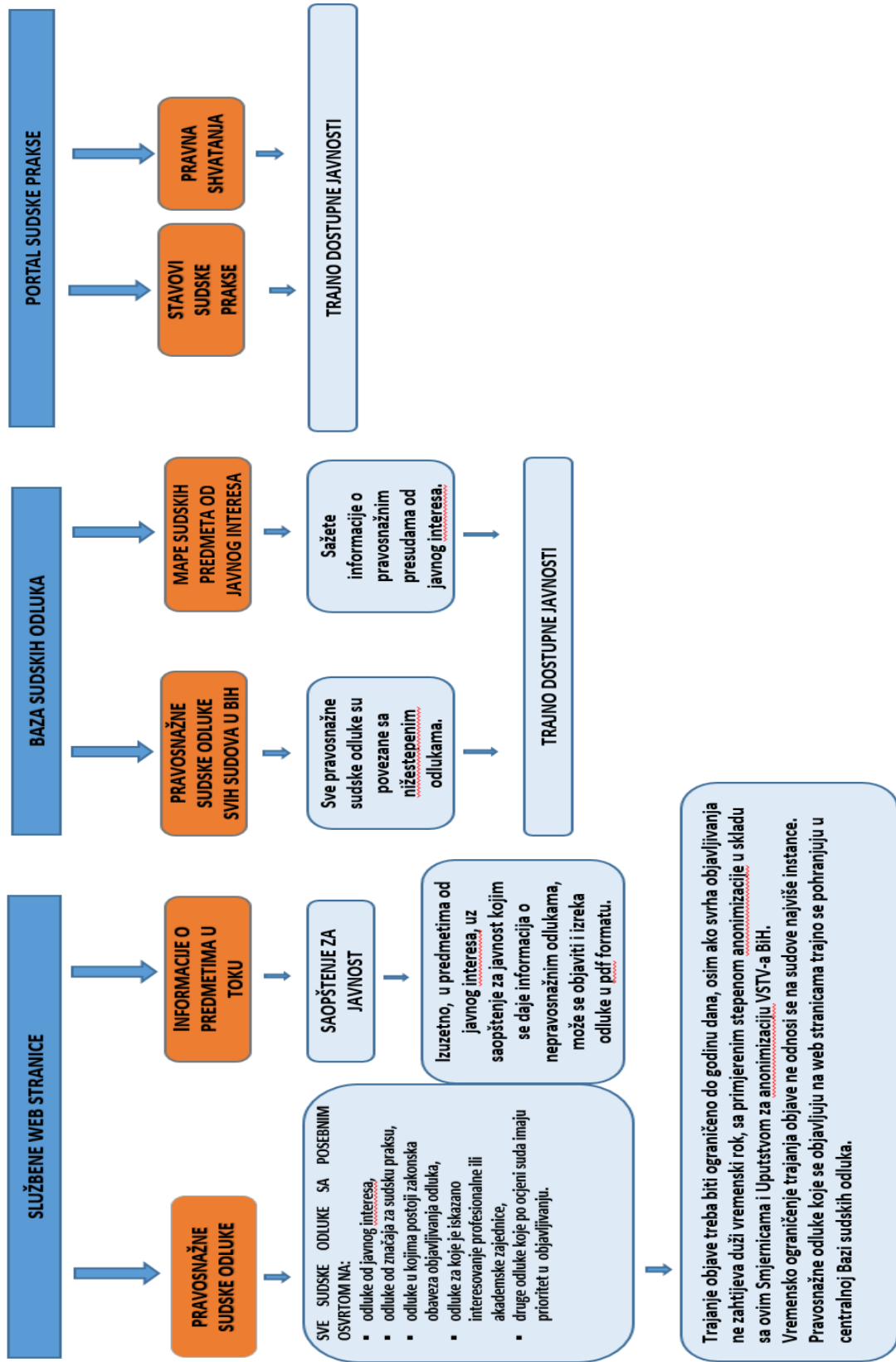
Portal of Case Law of Bosnia and Herzegovina

The portal of case law is a dedicated site where the legal principles of case law and legal stances held by highest -instance courts of Bosnia and Herzegovina are published together with related decisions. The portal is available on the following website <https://sudskapraksa.pravosudje.ba/>.

The legal principles are published along with the accompanying anonymised decision in the "case law - legal principles" section of the portal, as well as with other decisions that are necessary for a proper understanding of a particular legal principle.

The legal stances adopted at the court department sessions are published in the "legal stance" section of the portal.

OBJAVLJIVANJE SUDSKIH ODLUKA, PRAVNIH SHVATANJA I INFORMACIJA O PREDMETIMA



OTHER INFORMATION CHANNELS

The HJPC Communication Strategy specifies additional information channels that courts and prosecutor's offices may use to communicate with the media and other target audiences.

The publication rules specified in detail in these Guidelines also apply to publication through other information channels.

APPLICATION OF GUIDELINES

- The Working Group for the Analysis and Improvement of the Publication of Court and Prosecutorial Decisions shall oversee the application of the Guidelines.
- The HJPC BiH and some of the judicial institutions that have regulated the procedure for publishing court and prosecutorial decisions, acts and other information are required to, within 90 days from the date of adoption of the guidelines, adapt their respective regulations to the new guidelines.
- Judicial institutions that have yet to adopt their implementing regulations shall do so within ninety days and define their editorial policy and designate the body responsible for application of the guidelines.
- In addition to the editorial body, each institution shall have staff to provide technical support in the anonymisation and publication of the content specified in the guidelines.
- All individuals participating in this process, both at strategic and operational levels, must be properly trained.
- Via the Judicial Documentation and Training Department, the judicial institutions shall notify the Working Group and the HJPC BiH about the adoption of implementing regulations and the editorial body responsible for application of the guidelines.
- In order to be able to oversee the application of the guidelines, the Working Group of the HJPC BiH shall receive information from the annual reports of judicial institutions on this segment of work on a regular basis, together with other information regarding the application of the guidelines.
- At least once a year, the Working Group of the HJPC BiH shall communicate its findings and any recommendations to the HJPC BiH.

RECOMMENDATIONS

- The publication of court and prosecutorial decisions needs to be regulated by law.
- When working on high-profile cases, it is important to adhere to the guidelines and make sure that the public is informed about the case in a timely and accurate manner.
- When writing their decisions and acts, judicial office holders are recommended to incorporate personal data only to the extent necessary and in the same order, bearing in mind that they might be published. The complex and time-consuming process of anonymization will be made easier if judgments and acts are written in this manner, and the decision that is published in an anonymized form will ultimately be more reader-friendly.
- To adequately track and report on high-profile cases throughout various stages of the proceedings, the opinion of the Working Group is that it would be useful to provide technical capabilities for designating such cases as high-profile cases in the CMS/TCMS.
- When writing a press release regarding a case or informing the public or media about an act, the following questions must be addressed: what has happened, what has been done, and what will be done. In the event of legal restrictions preventing answering any of these questions, the reasons for withholding information must be communicated clearly. Through a press release prepared in this way, the media/public will receive comprehensive and concise information without the need to further explore and supplement it, which will not only help ensure that information is received on time, but it also helps avoid any misinterpretation.
- In order to improve the quality of reporting on the work of the judiciary, the Working Group advises that the HJPC BiH, in cooperation with the Press Council and other partner associations, periodically provide training for journalists as watchdogs and guardians of the public interest. This training would help familiarise journalists with the fundamentals of court proceedings, legal terminology, and the reasons why certain information cannot be disclosed to the public.
- To obtain consent for the processing of personal data of natural persons, courts and prosecutor's offices shall use a form to be presented to all participants, preferably upon

their first contact with the court/prosecutor's office, and at the latest by the end of the first instance proceedings. They shall also make this data available to the editorial body responsible for application of the guidelines.

- Given that the judicial institutions need additional resources for the full application of the guidelines, their needs need to be presented to the executive branch so that they can allocate the required funds as part of the financing of judicial institutions.
- When implementing the international and NGO projects pertaining to the publication of court and prosecutorial decisions and acts, the courts and prosecutor's offices are required to adhere to the guidelines.

No: 07-02-3-1279-3/2024

Sarajevo, 21 March 2024

President

Halil Lagumdžija

ANNEX
A MODEL CONSENT FORM FOR DATA PROCESSING

NAME OF THE INSTITUTION

Case number:

Date:

CONSENT FOR DATA PROCESSING

I, _____ from _____,
(name, name of a parent, family name)

Having been informed that my personal data¹ may be made public in the event that court/prosecutorial decisions, acts, or case-related information are published on specialised web services of judicial institutions² and that I have the right to request deletion, anonymization, or removal of my personal data at any time,

I hereby give consent for my personal data to be processed until the purposes of their publishing are achieved³.

¹ *Personal data, within the meaning of Article 3 of the Law on Personal Data Protection of BiH (Official Gazette of BiH, no. 49/2006, 76/2011 and 89/2011- corr.) means any information relating to an identified or identifiable natural person.*

² *Official websites of judicial institutions, the central database of court decisions of BiH, the portal of case law of Bosnia and Herzegovina and the map of high-profile court cases.*

³ *In each specific case, the data controller shall determine the purpose of posting content disclosing personal data of natural persons on specialised web services.*

RATIONALE BEHIND THE ADOPTION OF NEW GUIDELINES

Reports of international and domestic organisations

Numerous reports from domestic and international organisations speak about the importance and relevance of publishing court decisions.

One of the recommendations in **the report of the Temporary Inquiry Committee of the BiH Parliamentary Assembly, which was tasked with assessing the state of the BiH judicial institutions as of June 2022**, highlights the necessity of enhancing media-judiciary cooperation and transparency in compliance with international commitments of BiH. The recommendation reads that this will be achieved, among other things, through *“the publication of all confirmed indictments by all prosecutor’s offices in Bosnia and Herzegovina, the publication of all judgments, including both first- instance and final ones, by all courts in Bosnia and Herzegovina and the establishment of a comprehensive and easily accessible database of all judgments of all courts in Bosnia and Herzegovina, as well as through adequate “editing of personal data with a primary focus on the public interest”.*

The recommendations given by international organisations to the HJPC BiH, particularly those of the European Union through its annual reports on Bosnia and Herzegovina, also underline the need for greater transparency of the country's judiciary. So, the **Bosnia and Herzegovina 2021 Report**, in its Quality of Justice section, reads that *“the online database of court decisions was opened to the public free of charge”.* The report further reads that *“the database does not yet include all key court decisions and indictments, in particular in corruption cases. The database, needs to be systematically populated to foster consistent case law across the country. The judiciary needs to significantly improve transparency in its interaction with legal professionals, justice users, the media and public at large.”*

The Bosnia and Herzegovina 2022 Report also finds that the justice system still lacks transparency but some improvements are visible, including publications through an online database of court decisions and portal of case law, as well as the adoption of a communication strategy and action plan, which remain to be implemented. Selective and non-transparent judicial follow-up in corruption cases of public resonance is highlighted as a cause of significant concern. Among other things, Bosnia and Herzegovina is asked to take urgent measures to restore public trust in the judiciary and strengthen its integrity, and the need for adequate training on public communications and media relations for courts and prosecutor’s offices has also been highlighted.

The Expert Report on Rule of Law issues in Bosnia and Herzegovina of 5 December 2019 (Priebe Report), in its Transparency section, reads as follows:

„(...)93. Access to court judgements and other legal materials plays a vital role in ensuring consistency and legal certainty. Many final judgements are not publicly available, and many courts still do not have case law departments (...) It is important that judicial office holders, lawyers and the wider public have full access to final judgments, including summaries of leading cases. Public access to final judgements must be urgently ensured by the HJPC acting in close cooperation with the courts.“

The Third Annual Report on Judicial Response to Corruption: The Impunity Syndrome of the OSCE Mission reads as follows: *“The HJPC, the prosecution, and the courts should make available to the public meaningful and more detailed information on the investigation, prosecution, and adjudication of cases, particularly when the public interest is prominent.”*

Background and legal framework

In the light of the development of a judicial system adapted to Bosnia and Herzegovina's aspirations to integrate into the European Union, in response to numerous recommendations of international and domestic organisations and acknowledging the diversity of the BiH legal system, as well as the needs of not only the judicial and academic community, but also of citizens, the media, the non-governmental sector and other target groups, the HJPC BiH has, for already quite some time now, been implementing reforms and making numerous decisions in an effort to build an accountable and transparent judicial system.

These processes were intensified in 2008, when the HJPC BiH, in cooperation with the highest-instance courts in Bosnia and Herzegovina, began the publishing of court decisions on a dedicated website www.csd/pravosudje.ba. At that time the database was only available to the judicial community, but in 2012, in response to significant interest, the BiH Council of Ministers decided to grant access to the database to attorneys who paid an annual subscription. Starting in 2014, the database was made available to all other interested parties based on the same principle. Based on the decision of the BiH Council of Ministers, the database, as a central information-sharing point for legal community and the general public regarding the decisions of all BiH courts, was made publicly available without any limitations in March 2021.

In parallel with this, individual courts and prosecutor's offices were publishing decisions and acts on their official websites. *The Guidelines for Publishing Court and Prosecutorial Decisions*

on the Official Websites of Judicial Institutions were adopted by the HJPC BiH in September 2014, in cooperation with the judicial community with the goal of standardising different practices in this segment of work.

After several years of use, it was necessary to determine whether the guidelines still meet the needs of BiH judicial system given the level of social development and, in particular, the existence of new specialised web services for publishing court and prosecutorial decisions that have been developed in the meantime.

In particular, 2022 and an interactive high- profile case map is currently being developed and the Portal of BiH Case Law has been open to the public since February. Its primary purpose is to inform the public about the case law of the highest- instance courts. Additionally, official websites of judicial institutions have been enhanced, and the HJPC BiH Communication Strategy recommends using social media as a means of communication between the judiciary and the public.

Given the large number of documents that, in a similar or even different way, govern certain matters that are relevant for this area, in April 2022, the HJPC BiH formed a working group composed of members of the judiciary and tasked it with reviewing the content and application of the first version of the guidelines. The working group was also tasked with proposing to the HJPC BiH ways to harmonise with pertinent European standards and ensuring consistency in the publication of court decisions and prosecutorial acts, along with other case-related information at the level of all courts and prosecutor's offices in BiH. Ultimately, the HJPC BiH tasked the working group with coming up with a solution that would enable the most effective use of all information systems designed for publishing judicial and prosecutorial decisions by creating their effective correlation.

The working group was working intensively for nearly two years in order to identify the best solution, and to that end it did the following:

- a) carried out a review and analysis of the legal framework and recommendations made to Bosnia and Herzegovina for improving the procedures concerning the publication of court and prosecutorial decisions and other relevant documents;
- b) analysed the practices of courts and prosecutor's offices in Bosnia and Herzegovina in applying the first version of the HJPC Guidelines;

- c) consulted the standards and practice of the EU Member States regarding publication of court and prosecutorial decisions, as well as the practice of international courts, and in particular that of the European Court of Human Rights;
- d) considered the purpose, content and strategic commitments of the HJPC BiH and judicial institutions to make court and prosecutorial decisions publicly available via specialised web services;
- e) consulted other judicial institutions, and considered the needs of various target groups seeking access to decisions, including criticism of the media over the availability of information about the work of the judiciary.

After concluding that the current guidelines did not reflect the current level of development and the context of the judicial system in Bosnia and Herzegovina, the working group proposed that the HJPC BiH considers and adopts new guidelines. In particular, the new guidelines would help evenly distribute the burden of publication among all judicial institutions and the HJPC BiH, allowing each of them to work both independently and collaboratively to accomplish shared objectives while maximizing the use of human potential and the limited material resources allocated for this purpose.

The HJPC Reform Agenda- the section pertaining to the improvement of the quality of justice through the normative regulation of publication of court decisions and case law- has been fulfilled with the adoption of the guidelines.

The laws on courts of the Entities and the Brcko District provide the legal basis for publication of court decisions. They stipulate that the publication of court decisions and other information of public interest fosters transparency of the courts, where the RS Law on Courts requires the prior removal of personal data. The Law on the Court of Bosnia and Herzegovina does not contain specific provisions on this matter, but the Rules of Procedure stipulate that the transparency of the proceedings shall be ensured, among other things, by making the decisions rendered publicly available, as well as in other manner as determined by the Court.

When it comes to the communication of prosecutor's offices with the public, the laws on prosecutor's offices in Bosnia and Herzegovina stipulate that prosecutor's offices communicate with the public through the media and other channels regarding the developments and problems of general importance that they have encountered in their work, as well as the crime trends in their respective jurisdictions. These laws also provide that prosecutor's offices may, within the scope of their legal remit and where it is in the interest of the proceedings, inform the public about their cases, if such information is of public interest, while being guided by the

interests of justice and the standards prescribed in Article 6(1) of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

BiH criminal codes contain no specific provision governing the publication of court decisions and prosecutorial acts, but this need is derived indirectly from the provisions governing the purpose of criminal sanctions, that is of the punishment. The laws define this purpose as the protection of society against crime through the deterrence from crime of other individuals and making them complying with the law, as well as by preventing reoffending and promoting the treatment of offenders. In accordance with the Criminal Code of Republika Srpska, the purpose of punishment is to express public condemnation of a committed criminal offence, to develop and to strengthen citizens' responsibility and awareness about danger and harmful effects of criminal offences and justifiability of punishment. Such provisions indirectly indicate the necessity of informing the public, that is society, about high-profile cases, and the judiciary's response to particularly dangerous types of crime and social phenomena in order to achieve the purpose above.

The laws in Bosnia and Herzegovina do not provide for publication of court decisions in civil, administrative or commercial matters, with the exception of decisions regarding requests for resolving a question of law, in respect of which the Entity and Brcko District BiH civil procedure codes provide for the obligation to publish them on the websites or in another suitable manner. This also applies to rulings and judgements in administrative disputes that are decided by the Court of Bosnia and Herzegovina and that are published in the "Official Gazette of Bosnia and Herzegovina", in accordance with Article 30 of the Law on Administrative Disputes before the Court of Bosnia and Herzegovina. Also, the Law on the Procedure for Assessment of Compliance of Legal Acts of the Brcko District of Bosnia and Herzegovina stipulates that judgments concerning the assessment of compliance of legal acts are to be published in the Official Gazette of the Brcko District of Bosnia and Herzegovina.

The importance of publishing court decisions and prosecutorial acts in the process of promoting judicial transparency is also reflected in raising awareness among citizens about the work of courts and prosecutor's offices and helping them better understand how decisions are made and laws are applied. However, in this process, the public interest and the rights of citizens may collide with the private interests of individuals or legal entities. Ensuring respect for human rights and freedoms is essential when publishing court decisions and prosecutorial acts in order to strike a balance between the public and private interests.

The Constitution of Bosnia and Herzegovina guarantees the protection of all human rights and fundamental freedoms as provided for in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols, which take precedence over all laws. Bosnia and Herzegovina has also ratified the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (Convention 108 +), which is instrumental in ensuring the right to privacy.

Adequate mechanisms for the protection of personal data in Bosnia and Herzegovina are provided for in its criminal legislation that prescribes the criminal offence *Unauthorised Use of Personal Data* and judicial protection of personal data through civil damages under the Law on Obligations, while one of the fundamental principles of administrative procedure *the protection of citizens' rights and protection of public interest* ensures the protection of rights of the parties to the proceedings, which includes, among other things, the lawful processing of personal data.

In an effort to strike a balance between the right to access information on the one hand and the right to privacy, or the right to the protection of personal data, on the other, the European Court of Human Rights has, through numerous judgments, established certain criteria that must be satisfied when processing personal data in order to meet the standard of justified interference with private life as determined by Article 8 of the European Convention on Human Rights. Although the right to the protection of personal data is not recognised as such by the European Convention, that right is taken into account when deliberating the right to privacy, and the European Court of Human Rights refers to Convention 108+ when reasoning its decisions.

However, as social watchdogs of government and guardians of public interest, the public, and especially the media, have the right to access information as part of the right to freedom of expression. This is especially true given that gathering of information is an essential preparatory step in journalism and an inherent, protected part of press freedom (*ECtHR judgement Magyar Helsinki Bizottsag v. Hungary*, 2016)). Freedom of expression may be limited, but these exceptions must be construed strictly, and the need for any limitation must be examined through the test of legality, legitimacy and necessity of an interference.²

² (Stoll v. Switzerland [VV], paragraph 101), as repeated in cases *Morice v. France* ([VV], paragraph 124) and *Pentikäinen v. Finland* ([VV], paragraph 87).

Given that Bosnia and Herzegovina was granted EU candidate status in December 2022, the public interest test have also been incorporated into its laws on freedom of access to information and the Law on Protection of Personal Data, which will eventually be harmonised with EU regulations and relevant international conventions. Although these laws are not specifically referred to in here due to their special relevance for the subject matter of the Guidelines, they are to be consulted when processing personal data and testing the public interest, keeping in mind that these are two equal rights, even when processing special categories of personal data.

Members of the Working Group for the Analysis and Improvement of Publication of Prosecutorial and Court Decisions

The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has formed the Working Group for the Analysis and Improvement of the Publication of Prosecutorial and Court Decisions. The members of the Working Group are:

- **Fatima Mrdovic**, judge of the Supreme Court of the Federation of Bosnia and Herzegovina and President of the Case Law Department in her capacity as Chair of the Working Group,
- **Biljana Simenunovic**, prosecutor of the Prosecutor's Office of Bosnia and Herzegovina and member of the HJPC BiH in her capacity as Deputy Chair,
- **Daniela Milovanovic**, President of the Supreme Court of Republika Srpska who replaced judge **Vesna Antonic** pursuant to the Decision of the HJPC BiH of 9 and 10 November 2022.
- **Snježana Petkovic**, prosecutor of the Public Prosecutor's Office of Republika Srpska who replaced prosecutor **Svetlana Brkovic** pursuant to the Decision of the HJPC BiH of 12 and 13 April 2023.
- **Vesna Trifunovic**, judge of the Court of Bosnia and Herzegovina,
- **Milanko Kajganic**, Chief Prosecutor of the Prosecutor's Office of Bosnia and Herzegovina,
- **Tihomir Jurko**, prosecutor of the Prosecutor's Office of the Federation of Bosnia and Herzegovina,
- **Vuk Lucic**, judge of the Appellate Court of the Brcko District of Bosnia and Herzegovina,
- **Mustafa Sabic**, judge of the Supreme Court of the Federation of Bosnia and Herzegovina and member of the HJPC BiH,
- **Davor Martinovic**, attorney and a member of the HJPC BiH and
- **Samir Beganovic**, secretary of the Prosecutor's Office of Bosnia and Herzegovina.

The Working Group would like to express a special gratitude to judge **Ledi Bianku**, an international judge of the Constitutional Court of Bosnia and Herzegovina from Albania and a long-time judge of the European Court of Human Rights, who presented to the Working Group models of acts/guidelines of the European Court of Human Rights, the Court of Justice of the European Union and of the European national courts on data protection in court proceedings.

The employees of the HJPC Secretariat have contributed to the preparation of the Guidelines:

- **Vera Bjelogrić**, Head of Judicial Documentation and Training Department,
- **Seila Brković-Imamović**, Deputy Head of Judicial Documentation and Training Department,
- **Vildana Abaz Hadžić**, Senior Legal Advisor for Case Law (IPA 2019),
- **Dragana Džerić**, Senior Legal Advisor for Case Law (IPA 2019) and
- **Haris Lihic**, Associate in the Judicial Documentation and Training Department.

The Working Group would like to thank **Dalila Hadžić**, EU Support to BiH's Justice Reforms, Rule of Law, Communication and Visibility Officer, and **Boris Grubesić**, Spokesperson of the Prosecutor's Office of Bosnia and Herzegovina, for their contribution to the development of the guidelines.

As recommended in the EU Bosnia and Herzegovina Report 2023, the Judicial Documentation and Training Department of the HJPC BiH Secretariat will continue to provide professional and administrative support to the work of the working group and to coordinate training activities for court and prosecutor's office staff in media relations and public communication.

MATERIAL CONSIDERED BY THE WORKING GROUP

In its work, the working group considered laws, bylaws, reports, case law of domestic and international courts, and numerous opinions, articles and analyses, as follows:

- 1) Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina,
- 2) Law on Courts of the Federation of Bosnia and Herzegovina,
- 3) Law on Courts of Republika Srpska,
- 4) Law on Courts of the Brčko District of Bosnia and Herzegovina,
- 5) Law on Court of Bosnia and Herzegovina,
- 6) Law on Public Prosecutor's Office of Republika Srpska,
- 7) Law on Prosecutor's Office of the Federation of Bosnia and Herzegovina,
- 8) Law on Cantonal Prosecutor's Offices (10 laws),

- 9) Law on Prosecutor's Office of the Brcko District of Bosnia and Herzegovina,
- 10) Criminal Code of Bosnia and Herzegovina,
- 11) Criminal Code of the Federation of Bosnia and Herzegovina,
- 12) Criminal Code of Republika Srpska,
- 13) Criminal Code of the Brcko District of Bosnia and Herzegovina,
- 14) Criminal Procedure Code of Bosnia and Herzegovina,
- 15) Criminal Procedure Code of the Federation of Bosnia and Herzegovina,
- 16) Criminal Procedure Code of Republika Srpska,
- 17) Criminal Procedure Code of the Brcko District of Bosnia and Herzegovina,
- 18) Law on Civil Procedure before the Court of Bosnia and Herzegovina,
- 19) Law on Civil Procedure of the Federation of Bosnia and Herzegovina,
- 20) Law on Civil Procedure of Republika Srpska,
- 21) Law on Civil Procedure of the Brcko District of Bosnia and Herzegovina,
- 22) Law on Administrative Disputes of Bosnia and Herzegovina,
- 23) Law on Administrative Disputes of the Federation of Bosnia and Herzegovina,
- 24) Law on Administrative Disputes of Republika Srpska,
- 25) Law on Administrative Disputes of the Brcko District of Bosnia and Herzegovina,
- 26) Law on Administrative Procedure of Bosnia and Herzegovina,
- 27) Law on Administrative Procedure of the Federation of Bosnia and Herzegovina,
- 28) Law on Administrative Procedure of Republika Srpska,
- 29) Law on Administrative Procedure of the Brcko District of Bosnia and Herzegovina,
- 30) Law on Freedom of Access to Information of Bosnia and Herzegovina,
- 31) Law on Freedom of Access to Information of the Federation of Bosnia and Herzegovina,
- 32) Law on Freedom of Access to Information of Republika Srpska,
- 33) Law on the Protection of Personal Data of Bosnia and Herzegovina,
- 34) Book of Rules on Internal Court Operations of Bosnia and Herzegovina,
- 35) Book of Rules on Internal Court Operations of Republika Srpska,
- 36) Guidelines for the Publication of Court and Prosecutorial Decisions and Case- Related Information,
- 37) The 2014 HJPC BiH Guidelines for Publishing Prosecutorial and Court Decisions on the Websites of Judicial Institutions,
- 38) Book of Rules of the HJPC BiH on the maintenance of websites of judicial institutions within the judicial portal,
- 39) Book of Rules of the HJPC BiH on the maintenance of websites of judicial institutions within the judicial portal of 24 November 2010,

- 40) Book of Rules on Access to Information Controlled by the Court of Bosnia and Herzegovina and Cooperation of the Court of BiH with the Legal Community of 19 December 2016,
- 41) Practical guidelines for replacing or removing personal information from court decisions, and on information content posted on the Court of Bosnia and Herzegovina website of 17 June 2014.
- 42) Book of Rules on the Anonymity of Court Decisions of the Supreme Court of Republika Srpska No. 118-0-Sul-06-000 166 of 14 March 2006.
- 43) Rules of Procedure of the Web Editorial Offices: Rules of Procedure of the Web Editorial Office of the District Prosecutor's Office Banja Luka, Rules of Procedure of the Web Editorial Office of the District Public Prosecutor's Office East Sarajevo, Rules of Procedure of the Web Editorial Office of the Prosecutor's Office of the Brcko District of BiH, Rules of Procedure of the Web Editorial Office of the Prosecutor's Office of the FBiH A-19/22 of 12 January 2022, Rules of Procedure of the Web Editorial Office of the Supreme Court of the Federation of Bosnia and Herzegovina of 15 December 2016, Rules of Procedure of the Web Editorial Office of the Supreme Court of Republika Srpska of January 2013,
- 44) Instruction of the HJPC of BiH for the anonymization of court decisions of 14 April 2021 (Official Gazette of BiH 30/21),
- 45) Binding instruction on the manner of publishing and content of confirmed indictments of the Prosecutor's Office of BiH on the website of the Prosecutor's Office of BiH, no. A-619/21 of 29 December 2021,
- 46) Instruction of the District Public Prosecutor's Office Banja Luka governing the work of the Public Relations Department, number: A-131/21 of 23 February 2021,
- 47) Crisis Communication Plan of the District Public Prosecutor's Office Banja Luka, number A-732/21 of 22 September 2021,
- 48) Communication Strategy of the HJPC BiH with annexes (Media Plan, etc.),
- 49) Communication Strategy of the Prosecutor's Office of BiH from May 2022,
- 50) Public Relations and Information Strategy of the District Public Prosecutor's Office East Sarajevo, December 2021,
- 51) Communication Strategy of the Prosecutor's Office of the Brcko District BiH, December 2022,
- 52) European Convention on Human Rights and Fundamental Freedoms,
- 53) Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data from 1981,
- 54) Charter of Fundamental Rights of the European Union,
- 55) General Data Protection Regulation (GDPR),

- 56) Recommendation No. R (95) 11 and accompanying material of the Committee of Ministers to member states concerning the selection, processing, presentation and archiving of court decisions in legal information retrieval systems,
- 57) Opinion no. 8 (2013) of the Consultative Council of European Prosecutors (CCPE) on relations between prosecutors and the media³,
- 58) Bosnia and Herzegovina 2021 Report, no: SWD(2021) 291 final, Strasbourg, 19 October 2021,
- 59) Expert Report on the Rule of Law Issues in Bosnia and Herzegovina (Priebe Report), Brussels, 5 December 2019.⁴
- 60) Report on the work of the Temporary Inquiry Committee of the Parliamentary Assembly of Bosnia and Herzegovina, number: 01-50-4-237 -35/22, Sarajevo, 2 June 2022⁵,
- 61) Opinion of the Personal Data Protection Agency of Bosnia and Herzegovina, letter from the Agency to the HJPC, number: 03-1-02-1-611-2/20 of 27 August 2020,
- 62) Annual reports of heads of judicial institutions for 2021 and 2022, the section relating to the publication of court and prosecutorial decisions on the internet,
- 63) *Anonymisation of Judicial and Prosecutorial Acts in Bosnia and Herzegovina, (Im)possible Compromise between Personal Data Protection and the Right to Information in Criminal Proceedings*, Centre for Social Research Analitika, 2014,⁶
- 64) Case law of the European Court of Human Rights (Judgment in the case of Gutsanovi v. Bulgaria, L.L. v. France, Amann v. Switzerland, Big Brother Watch v. UK, Catt v. UK, Ciubotaru v. Moldova, Coudec and Hachette Filipacchi Associés v. France, Friedl v. Austria, Gaskin v. UK, Godelli v. Italy, Guillot v. France, Güzel Erdagöz v. Turkey, Kennedy v. UK, Khelili v. Switzerland, Klass v. Germany, no. 502971, Leander v. Sweden, M.N. and Others v. San Marino and others),
- 65) Case law of the Court of Justice of the European Union (Bodil Lindqvist C-10101, Digital Rights Ireland C-29312 and C-59412, EU-Canada PNR, Google v. CNIL C-50717, Tele Sverige and Watson and others C-20315 and C-69815 and others)
- 66) Decision of the Constitutional Court of Bosnia and Herzegovina no. AP 952/20 of 8 July 2021,

³ Prevod dokumenta je javno dostupan, za pristup kliknite na slijedeći link: <https://rm.coe.int/opinion-no-8-2013-on-relations-between-prosecutors-and-the-media-mislj/16808e8e39>

⁴ Izvještaj je javno dostupan, za pristup kliknite na slijedeći link: <https://europa.ba/wp-content/uploads/2019/12/Izvj%C5%A1taj-stru%C4%8Dnjaka-o-pitanjima-vladavine-prava-u-BiH.pdf>

⁵ Izvještaj je javno dostupan, za pristup kliknite na slijedeći link: <https://www.parlament.ba/data/dokumenti/ad-hoc-komisije/35.%20sjednica%20PIK-a%20sa%20konacnim%20izvjestajem-B.pdf>

⁶ Dokument je javno dostupan, za pristup kliknite na slijedeći link: http://www.analitika.ba/sites/default/files/publikacije/anonimizacija-studija_web_5maj_0.pdf

- 67) Proactive Transparency in Bosnia and Herzegovina, Centre for Social Research Analitika, 2014,
- 68) On-line Publication of Court Decisions in the EU, 2017,
- 69) Jesenka Rešidovic, *Judicial Transparency: Accessibility of Indictments and Decisions in Criminal Trials*, BIRN BiH,
- 70) Azra Kuči, L.L.M., *Anonymisation of Prosecution Documents during the Investigation*, Nova pravna revija, 2014,
- 71) Examples of acts/guidelines of the European Court of Human Rights, the Court of Justice of the European Union and European national courts dealing with data protection in judicial proceedings,
- 72) Examples of acts/guidelines of the European Court of Human Rights, the Court of Justice of the European Union and European national courts dealing with data protection-related cases,
- 73) Examples of court and prosecutorial decisions and acts that judicial institutions provided in response to journalists' inquiries,
- 74) Examples of court and prosecutorial decisions and acts that judicial institutions provided in response to media inquiries.