

Standard Operating Procedure (SoP) 2022 for the Judiciary's Media and Communications Unit

CHAPTER 1

Preliminary

In exercise of the power granted by sections 7 and 8 (d) of the Civil and Criminal Procedure Code (Amendment) Act of Bhutan 2021, the Supreme Court of Bhutan hereby adopts this SoP as follows:

Title, extent and commencement

1. This Standard Operating Procedure shall:
 - a) Come into force from the day of the notification by the Supreme Court of Bhutan.

Purpose

2. The principal purposes of this Standard Operating Procedure are:
 - a) to disseminate factual information to the Nation whenever deemed necessary,
 - b) to enhance timely access to judicial information for the Nation to foster transparency and accountability in the Judiciary,
 - c) to streamline communication between the courts of the Royal Court of Justice and other key actors of the justice sector to enhance trust and confidence in the Judiciary, and
 - d) to set up a Media and Communications Unit for the Judiciary to implement the provisions of this Standard Operating Procedure and others as and when deemed necessary.

Repeal and Saving

3. This SoP shall supersede all bye-laws and executive orders issued by the Supreme Court or any other courts of the Royal Court of Justice.

Amendment

4. This SoP may be amended by the Supreme Court of Bhutan from time to time.

CHAPTER 2

Media and Communications Unit and its members

Media and Communications Unit

5. The Chief Justice of Bhutan shall establish a Media and Communications Unit (Hereinafter referred to as “Unit”) for the Judiciary at the Supreme Court.

Media Spokesperson for the Judiciary

6. The Chief Justice of Bhutan shall appoint any of the judicial personnel as the Media Spokesperson of the Judiciary.

CHAPTER 3

Ad Hoc Media Spokesperson and other related matters

Appointment of Ad Hoc Media Spokesperson

7. The Chief Justice of Bhutan or the Supreme Court’s Registrar General as per the Chief Justice of Bhutan’s instruction may designate any Judicial Personnel or any person other than the Judicial Personnel working with the Judiciary as an Ad Hoc Media Spokesperson for any specific event or purpose.
8. An Ad Hoc Media Spokesperson shall be authorized to communicate only on that specific event or purpose for which he or she is so designated.
9. An Ad Hoc Media Spokesperson for any specific event or purpose shall work in close consultation with the Registrar General of the Supreme Court and the Judiciary’s Media Spokesperson to avoid discrepancies in information shared.
10. Notwithstanding anything contained in this SoP, every Court shall be able to communicate about matters related to the volume of incoming and closed cases, the number of cases per Drangpons, time frames to close cases etc. Further, this SoP shall not stop the courts from sharing their judgments in whole or parts thereof with the Nation or allowing the media and others to attend court hearings as provided by the Civil and Criminal Procedure Code of Bhutan 2001 and the subsequent amendments thereto. However, no Drangpon should make public comments about their proceedings and the judgments they deliver, in order to maintain their impartiality.
11. Any court desiring to communicate to the Nation any information other than the above ones must make a written submission of the matter that they desire to communicate to

the Office of the Media and Communications Unit of the Judiciary and get its written consent.

12. No Judicial Personnel or others working with the judiciary except those designated as the Media Spokesperson for the Judiciary or designated as an Ad Hoc Media Spokesperson for any specific purpose or event or as allowed by the Civil and Criminal Procedure Code of Bhutan 2001 and the subsequent amendments thereto shall disseminate information to the Nation.
13. Unless expressly prohibited by this SoP, the Supreme Court's Registrar General shall be authorized to communicate to the Nation as and when required any information not detrimental to the Judiciary. However, the Supreme Court's Registrar General shall do so only after close consultation with the Chief Justice of Bhutan.
14. Any person designated as the Media Spokesperson for the Judiciary or as an Ad hoc Media Spokesperson or assuming the role of the Media Spokesperson of the Judiciary shall exercise the highest degree of due diligence in disseminating information and shall not in any case conduct in a manner detrimental to the independence of Judiciary or trust and confidence of the people in the Judiciary.

CHAPTER 4

Power to collect documents, data, statistics, testimonials etc.

The Chief Justice of Bhutan and the Unit's Power to collect documents, information, testimonials etc.

15. The Chief Justice of Bhutan or the Unit with the Chief Justice of Bhutan's instruction shall be authorized by this SoP to require any Judicial Personnel and others working with the Judiciary to submit documents, statistics, data, or any other information related to their office to the Office of the Chief Justice of Bhutan or Unit within a reasonable time to help disseminate factual information to the Nation as and when deemed necessary.
16. The Chief Justice of Bhutan or the Unit with the instruction of the Chief Justice of Bhutan shall be authorized by this SoP to form any committees or subcommittees comprising of any Judicial personnel or others working with the Judiciary and the Media Spokesperson of the Judiciary to find facts necessary to disseminate factual information to the Nation as and when deemed necessary.
17. The committees and subcommittees formed under this SoP with the consent of the Chief Justice of Bhutan shall be authorized to require any Judicial Personnel or others working with the Judiciary to submit documents, statistics, data, written or oral testimony or any other information related to their office to the Unit to help disseminate factual information to the Nation.

18. The committees or subcommittees formed under this SoP shall be authorized with the consent of the Chief Justice of Bhutan to require any Judicial Personnel or others working with the Judiciary to be present in person at the Unit to submit his or her oral or written testimony that will help the Unit disseminate factual information to the Nation.
19. The committees or subcommittees formed under this SoP in consultation with the Chief Justice of Bhutan may require any Judicial Personnel or others working with the Judiciary to be present in person at their offices as and when required to assist in finding factual information.
20. Notwithstanding anything contained in this SoP, neither the Chief Justice of Bhutan, nor the Unit or Media Spokesperson for the Judiciary or Ad Hoc Media Spokesperson for any specific event or purpose or any committee or sub-committee formed under this SoP or member of any such committee or subcommittee shall interfere with the Judicial Personnel's independence to render Judgment in any case.
21. Notwithstanding anything contained in this SoP, neither the Chief Justice of Bhutan nor the Unit or Media Spokesperson for the Judiciary or Ad Hoc Media Spokesperson for any specific event or purpose or any committee or subcommittee formed under this SoP or member of any such committee or subcommittee shall change the Judgment of any court, except than on appeal as provided by the Civil and Criminal Procedure Code of Bhutan 2001 and the subsequent amendments thereto.

CHAPTER 5

Conflict of Interest

22. In the event the Supreme Court's Registrar General or Media Spokesperson for the Judiciary or Ad Hoc Media Spokesperson for any specific event or purpose or any member of any committee or subcommittee formed under this SoP is required to submit any document, data, statistic, oral or written testimonial related to his office or required to be present in person for any fact-finding, the Chief Justice of Bhutan shall form a separate committee comprising of any other member of the Judiciary and instruct the committee so formed to require the Supreme Court's Registrar General or Media Spokesperson for the Judiciary or Ad Hoc Media Spokesperson for any specific event or purpose or any member of any committee or subcommittee formed under SoP as the case may be to submit to the committee so formed any document, statistic, data, information, oral or written testimonial related to their office or require them to be present in person as and when required.
23. It shall be the duty of the Judicial Personnel and others working with the Judiciary to declare any conflict of interest while executing any task under this SoP.

CHAPTER 6

Mandates, Roles and Responsibilities of the members of the Unit

24. The Media Spokesperson of the Judiciary shall be responsible for coordinating and facilitating meetings amongst the members of the Unit, with the media, other key players in the justice sector, public, etc., as per the Chief Justice of Bhutan's instruction.
25. The Media Spokesperson of the Judiciary or an Ad Hoc Media Spokesperson (collectively hereinafter referred to as "Media Spokespersons") may inform the Nation, not only of the proceedings handled by the courts but also of the judicial activities as a whole.
26. The Media Spokespersons must take into account the use of all available means of communication, including new technologies and related tools to disseminate information.
27. The Media Spokespersons may confirm or invalidate information that is already of public knowledge by providing factual comprehensive information.
28. The Media Spokespersons must contribute to affirming the independence of judicial institutions, particularly when this is called into question.
29. The Media Spokespersons must in their communications with the Nation promote respect towards judicial institutions and their representatives by helping the Nation better understand the complexity of judicial tasks and the commitment of each Drangpons for a better quality of justice.
30. The Media Spokespersons may be authorized to disseminate information on budget, working conditions, available resources, vacancies, Drangpons' career development, statistics, etc., besides information on cases.
31. Where appropriate, the spokespersons shall with the consent of the Chief Justice of Bhutan ensure the coordination of information with other players in the justice sector like with the Royal Bhutan Police, Office of the Attorney General, Anti-Corruption Commission etc.
32. The Media Spokespersons may provide:
 - a) summaries of court decisions or judgments to the Nation,
 - b) provide factual information on judicial decisions to the Nation,
 - c) be in contact with the Nation in relation to hearings that attract particular public attention or
 - d) provide factual clarification or correction on cases that have given rise to media attention detrimental to the Judiciary's interest.

However, the Media Spokespersons cannot disseminate any information without consulting with the Chief Justice of Bhutan.

Tenure of Office

33. An Ad Hoc Media Spokesperson for any specific purpose or event shall represent the Judiciary for that particular purpose or event for which he or she is designated to represent.

34. The Media Spokesperson for the Judiciary shall serve the Unit at the Chief Justice of Bhutan's pleasure.

CHAPTER 7

Means of Communication to the Nation

Press release

35. The media spokespersons shall not give press releases without the consent of the Chief Justice of Bhutan. The press release must be comprehensive in nature covering facts, legal explanations and other necessary considerations that the Judiciary may intend to share.

Press Conference

36. Only the Chief Justice of Bhutan shall be authorized to call for a press conference and address the press. However, the Chief Justice of Bhutan may authorize the Media Spokesperson for the Judiciary to call for a press conference and address the press. The venue of the press conference shall be decided by the Chief Justice of Bhutan.

Interview

37. The media spokespersons may give interviews for any press over the phone or to a journalist who visits the judicial premises. Such interviews may be broadcasted live from a studio or over the phone, or a recorded interview may be shown in full or part by the press. However, the media spokespersons must require as a precondition to the interview, to later check the statements or videos etc. before publication.

Written responses to written questions

38. The media spokespersons may disseminate information to the media or the public in writing or by e-mail.

Website

39. The media spokespersons may use the Judiciary's website as a communication platform to disseminate necessary information to the public or media.

Social media

40. The Media Spokesperson may use official Wikipedia, Twitter, Skype, Facebook, Instagram, LinkedIn etc. to disseminate necessary information to the public or media.

Conferences and debates

41. The media spokespersons with the consent of the Chief Justice of Bhutan may organize public lectures and debates to disseminate judicial information to the public or media.

Filmed Messages

42. Every Court may prepare and publish filmed messages related to the Judiciary. However, the courts must seek permission from the Unit or the Chief Justice of Bhutan before publishing such videos. Likewise, the media spokespersons may also prepare and publish filmed messages related to the Judiciary with the consent of the Chief Justice of Bhutan.

Video footage of specific court hearings

43. Any Court or the media spokespersons may broadcast video footage of specific court hearings and/or rendering of specific judgments as per the instruction and consent of the Chief Justice of Bhutan and as provided by the Civil and Criminal Procedure Code of Bhutan 2001 and the subsequent amendments thereto or any other relevant laws in force.

Public broadcasting of hearings

44. Any court may allow television cameras and public broadcasting, live or deferred, of all or part of hearings strictly or allow any member of the public or media as per the provisions of the Civil and Criminal Procedure Code of Bhutan 2001 and the amendments thereto or any other relevant laws in force. The presiding Drangpon shall have the right to suspend the broadcasting at any point of the time.