



UIA Union Internationale des Avocats
International Association of Lawyers
Unión Internacional de Abogados

« Rassesembler les avocats du monde • Bringing Together the World's Lawyers • Reunir a los abogados del mundo »

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Dear Friends:

When I was invited to participate in this table to discuss judicial processes, justice and the media, I wondered immediately if they were parties to a conflict.

That is to say whether there was a conflict between justice and the media. I confess that after a first reflection, the answer to my question was -in general- yes there is a sort of dull conflict between the administration of Justice and the mass media.

As we have a journalist moderator I will try to convince him that I need more time talking about the new role of the media in our world. And I do this as a lawyer, and - in this case - as President of the International Union of Lawyers.

I want to share with you the results of a survey conducted by the ICP/Research, whose objective was to know: in who believe Latin Americans?

We will comment on the results and you will see why this work can be extended to the rest of the world.

Concerning parliaments, opinion is abysmal: just an average of 15 per cent of the citizens seems to have confidence. In terms of political parties the figure is below 20 per cent and the same goes for judges, police, trade unions, employers, Presidents, the ones who run the economy...

There is no doubt, dear friends, that this reality reveals a kind of vacuum that, according to the report, is filled by the churches - more than 60 per cent of Latin Americans believe in them - and the media. Here wanted to get: two of every three citizens of our countries are convinced that what they say or show the media is the truth.

Traditionally, some institutions legitimize the people: the School, the University, the Church, the Army, the State, even money.

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The point now is: legitimizing institutions have lost them same legitimacy.

In contrast to this situation, the media - whether we like it or not - legitimate because the public believes in what they hears and sees through them. People trust, has faith in the words and images that offer the media.

Ultimately the media end up establishing the reality. What appears in the media, does exist. More still, only what appears in the media exists. And more, the speakers, presenters, journalists, already not only speak in public, they do on behalf of the public.

The news presenters are not elected by universal vote, but there are them, smiling and accepted, occupying the Chair which establishes reality.

I wanted to talk about this issue of establishing the reality because it is something that lawyers must keep in mind to deal with our relationship with the media. We often complain when someone who does not have the necessary training distorts a message. We immediately say "poorly understood". But I have you some news: is time to replace the phrase "they understood wrong" by "we communicate evil".

It is a fact that in many countries the crisis of legitimacy of the institutions that impart justice makes public opinion to grant authority to the media to decide any kind of conflict. Of course, that while this happens, judges insist in their "cliché" that only speak for their sentences.

To this must be added the problem of the judicial terminology that is generally closed and technical and is opposed to the generality of the journalistic language.

The information is a valuable capital for a democratic society, and is only useful when it is provided in plain, legitimate and constructive way.

Organizations such as the World Bank and the Inter-American Development Bank offer loans for important reforms of judicial systems support because they saw that lacks impartiality and unpredictable justice is a component of the so-called "country risk factor".

Perhaps we should put focus on the role that judges must take in the relationship the media and how this relationship affects the development of a judicial process. Today some countries have opted for the figure of a spokeswoman or spokesperson to respond to the journalists.

In my country which is the Uruguay, for example, the Supreme Court has a spokesman who is a lawyer trained in communication and your job is to precisely interact with the media, not as a "toll" or "obstacle", but as a facilitator who establishes a symbiotic relationship with the journalist who is ultimately good for the society.

The appointment of a spokesperson or spokesman is not a simple thing of course. As in any corporation, in strongly politicized societies, no one will want to assign access to the media to another person that may be the polar opposite of his political thinking for example. This is one of the questions that we should do without delay.

Define what are the expectations of the judges with respect to what the press should publish in the media on judicial issues and the limits that the press must have on personal and professional actuations of judges, and to insist on the ideal training of journalists engaged in the judicial field.

It is true that those engaged in judicial functions usually indicate that the consequences of improper treatment of the themes from the journalistic community is a delicate matter. In fact there is sometimes a parallel procedure that has none of the guarantees afforded by the judicial process.

Sometimes it even offending the honor of the people in the public service. Usually means that they not have adequate training and they not know the technical issues to consider professionally.

According to these, it is this parallel process the one that is considered in the focus and debate of public opinion and not the judiciary process.

Sometimes the judges see on television different conflicting versions that are driving, and then creates a climate within the framework of which the judge has difficulties in judging with equanimity.

The height of this situation - if I may - occurs when the Court ruling does not match which is proposed in the parallel process that establishes the press.

What happens then? The suitability of the judge is suspected and discredits the judicial system.

I have discussed these issues with realistically particular concern. I know that many colleagues will try the road to educate journalists on judicial issues, aspect in which we are in agreement and in fact whenever we can we do it from the UIA.

But I also know that the dynamics of the media not always provides specific training. On more than one occasion, a sportswriter approached me to ask me for a case involving criminal justice which knew nothing but its Chief Editor tasked him because there was no other available.

With realism and with great responsibility, let us work on this subject.

For this reason from the UIA Presidency we have decided to give our support to this debate. Because we believe that is a way to explore together. I would like to leave the clear message to journalists from different cultural and geographic backgrounds that can count on the International Union of lawyers when it comes to their protection and defense, and that this Presidency is particularly committed to this issue.

If after all, lawyers, judges and journalists must join together in the search for the truth.

For your attention, thank you