

Tirana, 11 June 2026

To: The High Judicial Council

For information:

The Supreme Court

The General Jurisdiction Court of Appeal, Tirana

The Administrative Court of Appeal

The Special Court of Appeal Against Corruption and Organized Crime

The Special Court Against Corruption and Organized Crime

The Court of First Instance of General Jurisdiction, Tirana

The Administrative Court of First Instance, Tirana

The OSCE Representative on Freedom of the Media, Jan Braathu

The Council of Europe Office, Tirana

Subject: Request for compliance with legal obligations concerning audio-visual media coverage of judicial proceedings

Dear Chair of the High Judicial Council,

Dear Members,

We are writing to express our concern regarding the situations that have recently arisen in relation to the presence of cameras during judicial proceedings.

Since 2023, the High Judicial Council has approved the “Standard Guidelines on Court Relations with the Public and the Media.” Article 14, paragraph 7 provides that the opening part of a hearing “may be recorded and broadcast without any restriction.” The fact is that this provision has been openly ignored until now and was implemented only after, recently, several defendants, who are important public figures, requested the presence of cameras.

Article 13, paragraph 1, of the HJC Guidelines stipulates that “court hearings are open to the public and the media.” However, this provision remains restricted in practice.

According to the Guidelines, the media is required to submit, 24 hours before each hearing, a request for the presence of cameras. This automatically implies that the judge should likewise be obliged to assess such request every time it is submitted and issue a reasoned decision if it is rejected (to date, every request has been rejected). In practice, however, we are encountering cases where the refusal refers to decisions issued several months earlier.

Article 2, paragraph 1, of your Guidelines provides that “the relationship of the court with the public and the media is based on the principles of equal access to courts, the public nature of judicial proceedings, the maximum openness of judicial activity towards society through communication with the public, the right to information, the protection of human dignity, privacy and personal data, reputation, as well as the presumption of innocence.”

In balancing these principles, it is evident that the right to information, enshrined in the Constitution, appears to be ranked last by judicial panels, without any effort to find an appropriate balance with the other principles. In practice, we are witnessing references to the alleged infringement of other principles being used to obstruct the right to information.

Your provision in Article 14, paragraph 8/b, allowing the rejection of a request “when one of the parties to the proceedings does not wish the hearing to be recorded,” is being widely used as grounds for denying the presence of cameras, although the same article, in paragraph 6/b, grants the judge the authority “to allow or prohibit the partial recording of a hearing,” meaning that this authority could be exercised when it is the turn of the defendant who does not wish to be recorded to testify, rather than prohibiting the recording of the entire hearing. Does this not constitute an infringement of the rights of the other parties to the proceedings who request that the hearing be recorded?

Moreover, Article 14, paragraph 8/b, expressly provides that lawyers and prosecutors may not object to requests for the recording of a hearing. Nevertheless, we have witnessed cases in which they have expressed opposition during the hearing.

Dear Members of the High Judicial Council,

Public judicial hearings cannot be understood as referring only to the audience physically present in the courtroom. Otherwise, this concept would automatically be limited, if only because of the physical constraints of the environment in which the proceedings take place. The media serves precisely to ensure that this concept extends to the wider interested public.

The role of the media becomes even more important given that none of the Albanian courts offers a centralized audiovisual broadcasting system. Even audio recordings, surprisingly, are made available only to the parties involved in the proceedings, while journalists are not allowed to make such recordings themselves in the courtroom. This is a minimal request that would only strengthen the guarantees of accurate reporting of statements made by the parties during judicial proceedings. Audio recording of court hearings through tape recorders, which every journalist traditionally carried with them, was a practice applied for many years by all Albanian journalists, but which, surprisingly, has now been prohibited together with video recordings.

The right to information and public hearings, as provided in principle by the HJC Guidelines, represent a rule. Unfortunately, experience to date shows that they are being treated in a reversed manner, as an “exception to the rule.”

Among the obstacles that burden journalists every day in covering court proceedings, we must also include the prohibition on studying court files, which are now available in digital form as well. Unlike what happens in European countries, journalists do not have the right even to read

the files of cases that are publicly heard during court proceedings. The only “documents” available to journalists today are those selectively provided by one of the parties to the proceedings.

In this situation, we request the prompt intervention of the High Judicial Council in order to find a solution that does not undermine the right to information. The HJC may provide a more detailed interpretation that would allow the media to carry out its mission without obstacles, while narrowing the discretionary space for rejecting requests to follow judicial proceedings and enabling reporting to public opinion with maximum accuracy, as can only be guaranteed through audio and video recordings.