# [NL] Must Video Images of Riots Be Submitted to the Judicial Authorities?

**IRIS 1999-2:1/6**

*Gerard Schuijt*
*Media Forum*

Are broadcasters required to hand over video material containing pictures of riots to the judicial authorities? This question arose after the riots of Moroccan youths on 14 and 20 December 1998. Television stations had recorded images of the riots and broadcast some of them. When the judicial authorities tried to detect the identity of the rioters and asked for the tapes that were not broadcast, the television stations refused to hand them over. One examining magistrate ordered broadcaster SBS to hand over the tapes, but a few days later another magistrate refused to issue a similar order for the local Amsterdam channel. The latter magistrate referred to the ruling of the European Court of Human Rights of 27 March 1996 (16/1994/463/544) in the Goodwin case ( see IRIS 1996-4: 5), in which the Court ruled that journalists can only be forced to stand witness if this would be justified by an overriding requirement in the public interest. This magistrate ruled that the ruling also applied to the forced submission of video material. Such forced submission would have negative consequences for the supply of information to the public, since the media must never be regarded as an extension of the police. In the first case, the television channel appealed against the ruling of the magistrate, in the second case the prosecution lodged an objection.

The Amsterdam court ruled that the decision concerning the objection procedure had to depart from the Goodwin judgement. The principle of freedom of information has to be protected, unless an even more important interest of an even higher priority was at stake. Following the example of the second magistrate, the court investigates whether there were alternative ways for the judicial authorities to investigate the riots, and how severe the punishable offences committed actually were. The court came to the conclusion that the judicial authorities had no real alternatives. As to the severity of the offences, the court made a distinction. During the riots on 14 December no severe violent offences were committed, and therefore the video material pertaining to those riots did not have to be handed over. During the riots on 20 December, however, there had been severely violent offences. Stones had been thrown at the riot police from a very short distance. This, the court ruled, constituted an attempt to inflict grievous bodily harm. Therefore, the video material pertaining to those riots had to be handed over. The counsel of the broadcasting station which had the material in its possession has announced his intention to lodge an appeal against the decision. In his opinion, the court had drawn the line too low.

© European Audiovisual Observatory (Council of Europe) 2026

-

*Rechtbank Amsterdam 23 December 1998; 29 December 1998 and 21 January 1999, in: Mediaforum 1999-2, nos. 9, 10, 11 and 12.*

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026