[GB] BBC's Application to Televise the Lockerbie Trial Turned Down

IRIS 2000-4:1/12

David Goldberg
deeJgee Research/Consultancy

The British Broadcasting Corporation applied to the High Court in Scotland for consent to televise the proceedings of the trial of Abdel Basset Ali-Mohammed ElMegrahi and Al-amin Khalifa Fhimah on charges of, amongst other things, murder arising out of the destruction of PanAm103 over Lockerbie in 1988. Other broadcasters were joined to the application, submitting that any order permitting simultaneous broadcasts of the trial should be extended to them too. The Court declined to so order. The BBC relied, in part, on a 1992 Direction, permitting, on a limited basis, the televising of court proceedings. However, there were at least two conditions attached to that Direction, namely (a) that the broadcasts would not compromise the administration of justice and (b) that no televising of current proceedings in criminal cases at first instance (i.e. the trial) would be allowed. Consideration was given by the Court to Article 10 ECHR, as the BBC argued that any refusal would be incompatible with the right to freedom of expression, in particular the right of a party not to be limited in the form in which it chose to present information. The Court decided that the petitioners right under Article 10 must, in this case, give way to the real threat posed to the administration of justice by any such broadcasts. In any case, there were adequate arrangements in place for the dissemination of information relating to the trial. The Court also held that there were significant differences between a contemporaneous broadcast of the proceedings to the general public and the transmission to remote sites that had already been authorised under an initiative of the Office for Victims of Crime - an agency of the US Department of Justice.

The BBC has decided to appeal this decision.

Opinion of Lord MacFadyen in Petition of The British Broadcasting Corporation to The Nobile Officium of the High Court of Justiciary.

http://www.scotcourts.gov.uk/opinions/MCF0203.html

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