[GB] Appeal in Lockerbie Trial May Be Televised

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On 9 January 2002, Scotland's most senior judge decided to approve an application by the BBC to televise the proceedings of the appeal by Abdelbasset Ali Mohmed Al Megrahi against his conviction for causing the deaths of those aboard PanAm flight 103 and on the ground in Lockerbie, Scotland. If other broadcasters wish to televise the court proceedings live, they will have to apply separately.

An earlier application in 2000 to televise the proceedings of the trial was turned down on the grounds that the safety of witnesses might be compromised and also that some witnesses might decline to give evidence if the proceedings were televised.

The decision breaks new ground, albeit that it does not state a general rule regarding televising trials. Unlike the 1992 Directions "Television in the Courts" (the Criminal Justice Act 1925 forbidding cameras in the courtroom (s. 4) does not apply in Scotland), the consent of all involved in the trial need not be obtained first; the sitting judge(s) do not need to approve the footage edited for broadcast; and, in the Lockerbie case, the transmission - for the BBC only - is in real-time (and also streamed on the BBC's website, with a simultaneous Arabic translation). Edited highlights will also be used for regular news bulletins and on BBC News 24.

However, the conditions under which the BBC may televise the appeal are governed by a "Protocol regulating the broadcasting of audio-visual images". There are eight conditions: 1. Availability of a feed is at the "sole discretion" of the court. 2. The audio element will be provided in English, except where no. 3 applies. 3. On request, in the case of broadcasters from Arabic-speaking nations, the court will supply the simultaneous Arabic translation. 4. "No audio-visual images will be supplied to broadcasters of any evidence taken from witnesses..." 5. If the court takes the view that supplying the feed would be inappropriate, the court "in its sole discretion may temporarily or permanently end the supply of the 'feed'..." 6. If there is any prima facie contempt in respect of broadcast of the proceedings, the court has the power "to bring representatives of broadcasters before the court..." 7. "Broadcasters may use sections of 'the feed' for the purpose of news programmes." 8. "Broadcasters may use the 'the feed' either live or recorded."

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The Scottish Court in the Netherlands HMA v. Abdelbasset Ali Mohmed Al Megrahi, Appeal Hearing commencing 23rd January 2002, Protocol regulating the broadcasting of audiovisual images

Petition (No. 2) of the British Broadcasting Corporation to the Nobile Officium of the High Court of Justiciary, Case 60/00 of 20 April 2000

http://www.scotcourts.gov.uk/opinions/60_00.html

Petition of the British Broadcasting Corporation to the Nobile Officium of the High Court of Justiciary of 7 March 2000

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

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