[CZ] Live Transmission of a Court Hearing

IRIS 2004-1:1/17

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By its decision of 30 October 2003, the High Court of Prague restricted the possibility of broadcasting a court hearing live. The decision was taken on the occasion of an appeal by five persons accused for the preparation of murdering a journalist who published several articles on a corruption case affecting the ministerial level.

In the Czech Republic, live coverage or recordings by the media in courtrooms are allowed in principle. The coverage must be expressly permitted by the competent judicial authorities. Such reporting should be authorised only where it does not involve a serious risk of undue influence on victims, witnesses, parties to criminal proceedings or the judges.

In the relevant case, a TV-studio was set up in the court building, from where lawyers and experts could comment on the proceedings. Inside the courtroom three cameras were installed and the fourth was placed in the entrance hall. Czech TV planned to invite guests into the studio to comment on the circumstances of the case and the personality of the defendants.

The main accused approved the live reporting, but did not approve the commentary on the procedure. At the very beginning of the hearing, the magistrate of the Court ruled that the live transmission should be allowed. However the solicitors of two other defendants did not approve the live transmission of the trial and asked that the question of broadcasting should be decided by the whole court and not by a magistrate only. The President of the Court pronounced the Court's decision that the right to a fair trial was in this case more important than the public's right to information. In the context of criminal proceedings, particularly those involving juries or lay judges, judicial authorities and police services should refrain from publicly providing information that involves a risk of substantial prejudice to the fairness of the proceedings. Respect for the principle of the presumption of innocence is an integral part of the right to a fair trial. Accordingly, opinions and information relating to ongoing criminal proceedings should only be communicated or disseminated through the media where this does not prejudice the presumption of innocence of the suspect or accused. Where the defendants are able to show that the provision of information is highly likely to result, or has resulted, in a breach of the right to a fair trial, they have an effective legal remedy.

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The trial continued without live transmission. At the end, Czech TV was allowed to broadcast live only the public pronouncement of the judgment.

Usesení vrchního soudu v Praze , 30.10.2003

Decison of the High Court of Prague, 30 October 2003

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