

Blind Justice – The JSC’s Decision to prevent e-tv from Broadcasting the Hearings

Towards the end of last week e-tv reported that they had launched an application to allow the station to broadcast hearings of the Judicial Services Commission (JSC). The hearings concerned interviews for a variety of judicial positions. e-tv are to be commended for lodging the application and for challenging the JSC. Their commitment to public service principles is also extremely positive. e-tv’s application was heard this morning and was rejected by the JSC. The JSC argued that the current procedure was to allow the media access to the hearings but to deny television broadcasts of the proceedings. The JSC decided not to deviate from the current position. The decision is a disappointing one indeed and raises issues surrounding access to information and transparency of the judicial process.

The arguments that have been put forward by those opposed to giving access to television media appear to be facile and baseless. Arguments have ranged from fears of the media offering banal comment and a tendency to “give attention to the clothing worn by women” (General Council of the Bar of SA) to arguments that, “The live screening of proceedings may ruin the professional or personal life of any candidate” (Law Society of SA). The hugely inaccurate assumptions that underlie these comments on the media ignore codes of conduct, the right to reply and journalistic standards – not to mention that any arm of the media, be it print television or radio is equally capable of poor journalism. What the arguments opposed to the screening do serve to highlight is the baffling bias against television.

The issue of television access to public hearings is not a new one as evidenced by the live broadcast of the King Commission’s hearings into match fixing last year. In that case the Cape High Court overruled Justice King’s decision not to allow the live television broadcasts of the hearings. A decision which was in line not only with the constitutional rights to access to information and the open nature of our constitution but also by the public nature and interest of the hearings. There have been numerous other instances where hearings have been broadcast live to the public. Interviews before the Portfolio Committee on Communication for the boards of the SABC and ICASA and most notably the Truth and Reconciliation Commission hearings. In each of these instances all media had equal access to the hearings, with many of the print media offering considered analysis as television broadcast the live images. In addition to these hearings there have been numerous debates in the media regarding access of television to our judicial process. One of the strongest arguments being put forward by e-tv and Jeremy Sarkin, the Deputy Dean of Law at UWC, focused on building the legitimacy and understanding of the legal process. Justice Goldstone has argued for the possible benefits of television in helping to educate people about the Constitutional Court. The election of Judges to our courts is a process which was abused by the National Party during their rule, the

democratic processes that are now in place need not only to be shown to people to help educate them about the process, but also to make it more inclusive and transparent.

We call on the JSC to review their decision and allow television access to the hearings. As noted in e-tv's coverage, we need to move away from a position where hearings are closed unless reasons to the contrary are shown, to a position where hearings are open unless exceptional circumstances can be shown why they should not be.

MMP, 22 January 2001