

STATES OF JERSEY



COURT PROCEEDINGS: PROVISION OF LIVE-STREAMING FOR SITTINGS NORMALLY HELD IN PUBLIC (P.43/2020) – AMENDMENT

**Lodged au Greffe on 11th May 2020
by Deputy M. Tadier of St. Brelade**

STATES GREFFE

COURT PROCEEDINGS: PROVISION OF LIVE-STREAMING FOR SITTINGS
NORMALLY HELD IN PUBLIC (P.43/2020) – AMENDMENT

1 PAGE 2, PARAGRAPH (a) –

Replace the words “on a publicly-accessible website during the period in which courts are closed because of Covid-19” with the words “or recorded and uploaded onto a website which can be accessed securely by interested parties”.

2 PAGE 2, PARAGRAPH (b) –

Replace paragraph (b) with the following paragraph –

“(b) that all court proceedings should be transcribed and ordinarily available for anyone to view for free at the Judicial Greffe offices during normal working hours.”.

DEPUTY M. TADIER OF ST. BRELADE

Note: After this amendment, the proposition would read as follows –

THE STATES are asked to decide whether they are of opinion –

- (a) that court proceedings which are normally held in public should be live-streamed or recorded and uploaded onto a website which can be accessed securely by interested parties; and
- (b) that all court proceedings should be transcribed and ordinarily available for anyone to view for free at the Judicial Greffe offices during normal working hours.

REPORT

“Sunshine is the best disinfectant.” – Louis Brandeis, Associate Justice of the Supreme Court of the United States of America (1916–1939)

Things have moved on quickly since this proposition was lodged. The Assistant Chief Minister, with delegated political responsibility for justice, forwarded me correspondence from the Bailiff on the evening of Tuesday 5th May. It advised that the courts would start allowing a limited number of members of the public (ten) to attend court hearings.

There will still, of course, be many people who cannot attend who might otherwise wish to, whether due to Covid-19-related circumstances (quarantine, caring for family, etc.) and, more generally, because they have to work.

The question I continue to ask is, if the proceedings of the courts are not live-streamed, not recorded and uploaded, not routinely transcribed for public viewing, not audio-streamed on the radio, how does the vast majority scrutinize or show an interest in the proceedings of the courts?

I am a firm believer that all branches of government work better when they are accountable and subject themselves to ever greater public scrutiny. Whilst it can be uncomfortable and imperfect at times, greater openness is one of the best vaccines against corruption, suspicion and stagnation, in all our public institutions.

For over a decade now, I have had constituents alleging miscarriages of justice, and that witnesses and lawyers have perjured themselves. I take such assertions with a pinch of salt; but the constituents in question have little way to prove exactly what was or was not said. Transcripts, if they were made, were difficult if not impossible to access.

Conversely, if someone wants to follow a States debate – to find out why such a proposal won or lost, or such legislation was passed and why, they can follow the debate: the audit trail of logic.

If someone wants to know how a court came to such a decision in a said case, how do they follow the workings, if they cannot get to the court to watch?

Financial and manpower implications

I would expect the costs of these changes to be met from within the existing budget of the Judicial Greffe.