

Pistorius' live trial sets excellent precedent



By [Anton Harber](#)

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This week's decision by Judge Dunstan Mlambo to allow the broadcasting of the Oscar Pistorius trial was itself broadcast live - and provided a vivid demonstration of the value of letting cameras into courts.

We saw the judge not as a disembodied, distant voice from up high, as is usually the case in second-hand court reporting, but as a human being who was carefully weighing up the competing rights and interests in order to serve justice.

This was the best argument of all for welcoming cameras into courts.

By doing so, and putting in place rules to manage the possible negative effects, Mlambo has created an excellent precedent to bring the courts into our living rooms.

I disagreed with him on one point, though. He said that the broadcast would also allow people to see that everyone - rich or poor - is treated equally before the law. In fact, they will see the very opposite: they will see rich people's justice. They will see how money allows you to have teams of the most skilled people to trip up the prosecution, and of media people to watch your back. You will see the courts on their best behaviour under the scrutiny of the world. This is not how most South Africans experience the justice system.

If only...

Mlambo laid down a number of important conditions for the cameras: no close-ups, no broadcasting of private conversations between lawyers and clients, no flash or artificial lights. I have a fantasy that he could lay down one more condition: for every hour of this trial that you broadcast, you also have to broadcast an hour from the local magistrate's court, where the presence of your cameras can tangibly change the quality of justice and affect peoples' lives, where justice really needs to be seen to be believed.

The truth is that newsroom cutbacks have meant there is much less daily coverage of our courts. If MultiChoice's pop-up Pistorius channel does well, and it sets the precedent for a 24-hour court channel in this country, that might be the best outcome of the Pistorius soap opera.

Pistorius' media team this week launched the [@OscarHardTruth](#) Twitter handle under the slogan, "Do not judge without knowledge. Allow the truth to prevail." It was a sign that they were not going to sit back and allow a free-for-all on social media.

They can use Twitter to criticise witnesses, pick evidence apart, highlight angles and aspects that serve their purpose and even expose background information that might influence opinion. It is the first time I know of when the defence has its own, live, direct media platform to argue its case.

The danger of taking a fight to Twitter...

Loose-fingered opposition leader Helen Zille also decided to use Twitter this week to take the fight to the media.

She launched a bitter personal attack on two critical journalists, and it did her image no good. She saw what Pistorius will see: that to take an issue on via Twitter opens one up to a potential barrage of abuse and draws attention to your critics.

[@OscarHardTruth](#) quickly drew 20000 followers, and most of them will not be his friends. They will be voyeurs, many of whom are enjoying seeing him go down.

He will be up against the [@JusticeforReeva](#) handle, set up by friends and supporters of the girlfriend he shot.

This opens up Twitter as a prime battlefield for the trial, and it is a fight he is going to struggle to win. Twitter is too fast, too sharp, too brutal, too big. It is no place for those on the defensive.

Meanwhile, in the build-up to the trial, the media forms into a pack, like dogs on the hunt, egging each other on, jostling for front position, slavering over a juicy titbit.

I am passionate about the work of journalists, but we are at our worst in this kind of mass frenzy, when millions are spent on everyone covering the same story and the hunt for a different angle turns everyone nasty. It is a time when the media watch each other as much as the subjects of their story - and that is seldom a good thing.

ABOUT ANTON HARBER

Anton Harber, Wits University Caxton Professor of Journalism and chair of the Freedom of Expression Institute, was a Weekly Mail (now Mail & Guardian) founding editor and a Kagiso Media executive director. He wrote Diepsloot (Jonathan Ball, 2011), Recht Malan Prize winner, and co-edited the first two editions of The A-Z of South African Politics (Penguin, 1994/5), What is Left Unsaid: Reporting the South African HIV Epidemic (Jacana, 2010) and Troublemakers: The best of SA's investigative journalism (Jacana, 2010).
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