Law, Terrorism and the Right to Know
A law and media research programme exploring open justice, secrecy and security

How does the public find out about terrorist threats and actions?
How do we find out about the state's attempts to investigate and prosecute those involved?
How does and how should the state manage the demands of security?

These questions underpin the Law, Terrorism and the Right to Know programme, part of the RCUK Global Uncertainties research.

For most people the media will be the key source of information, but a broad and complex legal framework governs what the media can find out and what can be published. Added to this there are conflicting goals and interests at play; sometimes it seems the authorities want information to be conveyed to the public, at other times they don't. Often it can appear that there is a selectivity and bias in the way in the way the media reports information, and in the way the authorities appear to present it.

These are among the most crucial issues facing Britain and other countries in the 21st century. On the one hand the demands of national and international security which have been so dominant in public affairs since September 11, 2001, are often said to be such great concerns that civil liberties must on occasion be curtailed. That might include restricting and controlling information that is made available to the public.

On the other hand, longstanding traditions of media freedom characterise and sustain our liberal democracy. Open, informed public debate – the basis of the public's right to know – is crucial if we are to both grasp the nature and extent of security issues and combat threats appropriately, and to ensure that there is adequate scrutiny and accountability of the state in doing so.

The Law, Terrorism and the Right to Know programme explores these issues in depth with the aim of revealing a more detailed picture of what is happening, and to develop reform proposals which serve our public interests in liberty and security more effectively.

Seminars, presentations and publications

Preliminary research findings have been presented at academic and professional seminars and conferences in UK and Australia. Issues discussed include:

• Production orders and the use of media materials in investigation and prosecution of terrorism offences.

• Court reporting, national security and open justice.

Forthcoming events include:

The troubles of telling: journalists' legal obligations to disclose information to the authorities
Centre for Law, Justice & Journalism, City University, London, 2 Feb 2010, 4- 6pm

If you would like to attend or arrange a seminar, or receive a publication, please contact us.

Research Questions

The research programme explores how information about terrorism and security matters – especially the investigation and prosecution of offences – is accessed by the media, how information is controlled, how it is reported, and the various relationships between government, media and lawyers, the courts, police, and other stakeholders.

Under this umbrella fall several specific questions, including:

• What is the legal framework that governs the management and publication of information where terrorism offences are being investigated and prosecuted, and what are its potential effects?

• How does the media actually experience the effects of that framework? How significant is the law where terrorism and right to know issues arise?

• How do the agencies of the executive government manage and present information? How do defendants, suspects and their legal representatives manage and present information?

• How do the courts manage and resolve the balance of openness and secrecy when dealing with the management and presentation of information in terrorism matters? In what ways, if at all, do the modern globalised dimensions of terrorism feed into the traditional test of national security?

• How, if at all, do constitutional or legislative guarantees of freedom of speech affect the flow of information in security-related matters and the way that the balance of openness and secrecy is struck by the legislature and the courts?

• How, in this light, can the legislature and the courts best balance of openness and secrecy in the investigation and prosecution of terrorism offences?

Participating in the project – research interviews

A wide range of interviews is being conducted with journalists, editorial decision-makers, media lawyers, criminal lawyers, judges, court staff, government, security and police officials who involved with dealing with the press, managing the release of or restrictions on information, or analysing and addressing the effects of media coverage of terrorism and security.

Current participants include staff from the Home Office, the Cabinet Office, the Crown Prosecution Service, judges, officials with connections to investigating authorities and security services, immigration lawyers, media lawyers, criminal defence lawyers, specialist journalists and editorial decision-makers from major media organisations. As the research continues, further interviews are being conducted and events will bring people together.

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Global Uncertainties
Security for all in a Changing World

University of Reading

If you would like to participate as an interviewee, please contact us.