

Media Notice – Contempt of Court and Social Media

The Attorney General for Northern Ireland has again urged caution around commentary on social media in relation to active criminal proceedings.

The recent death of Karen Cummings in Banbridge has understandably attracted much commentary. The tragedy and emotive nature of such cases cannot be underestimated.

However, a member of the public may well be in contempt of court as a result of publication or commentary on social media in relation to active criminal proceedings. As two persons have been arrested and charged in respect of this matter these proceedings are active for the purposes of the Contempt of Court Act 1981.

The Attorney reminds the public that social media posts have the potential to impact jurors who have to decide whether someone is guilty or not of an offence based on evidence properly before them. A person can be found in contempt of court if something they publish creates a substantial risk that justice in the criminal proceedings would be seriously impeded or prejudiced, **regardless of their intent** to do so.

Such a publication, either online or in print, may be contempt of court if it:

- Draws attention to a defendant's previous convictions or comments on their character.
- Gives a view on facts or evidence that will be considered during the trial.
- Names someone in breach of an injunction or court order.
- Names complainants, witnesses, and offenders under the age of 18.
- Names a complainant of a sex crime.
- Shares any information about a case that the judge has ordered to be kept private.
- Records and/or shares images, video content, or sound clips from court proceedings.

A sentence of up to two years imprisonment can be imposed if found to be guilty of contempt of court.

The Attorney also reminds members of the public that the recording of court proceedings is contempt under section 9 of the Contempt of Court Act 1981 and is punishable by a fine or imprisonment. Publication of any such recordings also constitutes contempt. This includes posting or sharing posts on social media on platforms such as WhatsApp, Facebook, X/Twitter or Instagram.