Response of the AJA- Angola Judges Association to the four-questionnaire approved in Marrakesh Marroc for discussion on the 62nd Annual Meeting of International Association Judges that will take place in Astana (Nur-Sultan) 15-19 September- Cazaquistan, please note the answers are in blue:

**QUESTIONNAIRE 2019 OF THE 1ST STUDY COMMISSION**

**Astana, Kazakhstan**

“Social media and the judiciary, notably:

1. How best to respond to unfair comments about judges made on social media;

2. Use of social media by judges and courts: opportunity or danger?”

The use of social media is widespread in society today. Although there is a general perception that they are more frequently used by the younger generations by the so-called “digital natives”, their users include older people, corporations, politicians and public agencies as well.

Social media can be a practical, fast and inexpensive tool for making contact to other people and for exchanging information, but it can also be a means of disseminating inappropriate and offensive ideas and behaviors.

In order to understand to what extent this scenario may affect the activity of judges and courts, we present the following questions:

1. What is the best way to respond to unfair comments about judges made on social media? Should the response be given through social media itself or should it be given by other means? Who should be responsible for this response, the judges themselves or someone on their behalf? If possible, kindly provide examples of cases in which said responses were given and what were the results and outcome (good or bad) of said responses accordingly.

**Ans:** As sovereign power Judicial action include the decisions are public and of course can not avoid the analysis and comments of the general public in the different media.

We strongly defend that any comment made about a judge or his decision in a media should be duly analyzed and considered the possibility of response. Principal if the
comments particularly affects a judge, any response in such situation may further expose more the judge, than the previous comment from media.

If the situation relates to the exposition of the life of a judge, it should be his decision, to respond and how to respond to the media, however he must ask for aid to the organ to which this affiliate (in our case AJA or CSMJ - Superior Counsel of the Judicial Magistracy).

In other hand, if the situation directly affects a several judges, the response have to be institutional and, in our suggestion, to be disclosed by the accredited communication broadcast (We do have an example last year in October, The AJA has made a statement published in the TPA (Nacional Television), in response to the message in the Press release made by the OAA (Order of the Angolan lawyers) regarding a certain process on judgment. in this case the communication was effective therefore method used.

Please note that even though the media is very comprehensive is it undoubtedly very short memory and the subjects quickly overlap, and the "news" soon turn not to be new anymore.

2. Are there rules in your country defining how to respond to unfair comments about judges made on social media? If so, are those rules determined by some higher body of the judiciary and are they binding?

Ans: No, there is not. We do have a law that applies to judge’s behavior and this include forbidden to speak in public and with media regarding process.

3. Do the courts of your country use social media as a means of communication? If so, which ones are used (e.g. Facebook, Instagram, Twitter or others)? In general, what type of information is disseminated by the courts through social media? If possible, kindly give examples. Do the courts have any communication assistance for this purpose? Are there rules that establish what contents can be released by the courts through social media? If so, who defines these rules? Have the courts of your country ever suffered criticism for any content published on social media? If so, kindly give examples.

Ans: No, they do not, recently the AJA founded 3 years ago are using Facebook, web page and WhatsApp to interact with judges and provide better information to the public regarding same issues related with judiciary.

4. Are judges in your country allowed to use social media in their private lives? If not, where is this prohibition stated and determined? If so, are there any rules setting limits for the expression of judges on social media and accordingly what are these limits?

Ans: Yes and no, yes, because the judges are free to use social networks indiscriminarily and without any limitation rule in particular law and no, due the fact that Statute.
governing the exercise of judicial magistracy in Angola supervised by CSMJ, forbid the judges to adopt harmful conducts to the good name of the judicial

5. Have there ever been cases in your country where judges were criticized by the press or had disciplinary problems because of the content of their posts on social media? If so, kindly give examples. Have there ever been cases of judges who have been disciplined because of those posts? Is there a disciplinary body in charge of imposing sanctions on judges in such cases?

Ans: No, it is unknown or unregistered a case like this.

Only one organism is allowed by law to apply sanction to the judges which is the CSMJ - Superior Counsel of the Judicial Magistracy. This council is presided over by the venerating president of the Supreme Court and composed of judges elected by their peers and private citizens, nominated by the President of the Republic, by the National Assembly.

The President of AJA

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Adalberto Gonçalves