The First Study Commission Questionnaire

Topic: Social Media and the Judiciary

Q1. 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.

Answer: The effectiveness of the Liberian criminal justice system depends, to a large extent, on public confidence. The reporting of inaccurate or unjust criticisms about judges on social media erodes public confidence in the work judges do and weakens the administration of justice. It is, therefore, vital that unfair criticisms about judges on social media be responded to, although not all such comments deserve attention and not in the same manner as they were made. The question, then, is should judges directly respond to all such comments? The answer is no, because it is unethical for judges to answer criticisms regarding pending and impending matters. Judicial Canon Eleven of the Judicial Canons of Liberia also forbids judges from commenting on current news items and matters of general interest. For that matter, the Judicial Public Information Office has been established by the Judiciary of Liberia, comprising of attorneys who were previously mass communication practitioners who have been trained to respond to this kind of unfair criticisms about judges. Their responses are often made through press releases and by means of radio appearances among others, which are still very effective in this jurisdiction.

For instance, FrontPage Africa Newspaper reported a story on April 22, 2019 in which Liberia Permanent Representative to the International Maritime Organization (IMO) criticized the Chief Justice of Liberia for “violating his rights”. This was also reported on social media. The Director of Judicial Public information responded on behalf of the Chief Justice, describing such report as erroneous and “intended to intimidate the court”. The result was that persons who responded with insults and innuendos directed such at the Director instead of the Chief Justice.

Q2. 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?

Answer: There are no rules in this jurisdiction that address how judges ought to respond to unfair comments on social media. Even the code of ethics of judges does not address the use of social media in particular. This does not mean, however, that the behavior of judges on social media is left unregulated; not necessarily. Absent a specific rule, the interactions of judges on social media in this jurisdiction are governed by ethical standard for judges to avoid impropriety. Generally, Canon Eleven of the Judicial Canons of Liberia provides that “It is also improper for a judge to conduct a newspaper column or comment on news items and matters of general interest.”
Q3. 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.

Answer: The courts in Liberia do not use social media as means of communication. The Judiciary has a website, through which information about courts or the Judiciary as a whole is disseminated. Its contents include court opinions and recent charges of the Chief Justice among others. The Judicial Public Information office is also another medium by which information is disseminated to the public.

Q4. 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?

Answer: Social media is a part of modern life. There is no blanket instruction to judges to stay off social media. That would be unrealistic in a digital world. Many judges in this jurisdiction regularly visit and post on Facebook and other social media as private individuals. They may be there so long as they are careful not to step across the line to unethical conduct. Judges are obliged to conduct themselves in a decent and honorable manner in the society. (see Judicial Canon Seven of the Judicial Canons of Liberia)

Q5. 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 post 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?

Answer: The use of social media by judges in Liberia is not as old as those in many other jurisdictions. For that matter, the Judiciary is not challenged with judges’ use of social media. Yet, if the impropriety of content of any posting by a judge crosses the ethical red line, the judge could be held for breach of ethics and investigated by the Judiciary Inquiry Commission, which deals with ethical breaches by judges.