



Case study 1:

During the pandemic and restrictions for the citizens of the State Z., the Regional Court of the capital scheduled a criminal case that created an exceptional media and public interest. The court hearings were planned to take place in two consecutive weeks with a strict list for witnesses and experts.

It was stated that journalists from national and international media would present at the hearings. The Spokesperson of the court asked the journalists to introduce themselves in advance and prepared a list, which he provided to the court panel. The chairman of the panel was surprised by the large number of accredited journalists and, after assessing the space in the courtroom, justified the refusal to allow the media during the hearings. The Spokesperson prepared a message for the court ruling, which he posted on the court's Facebook page.

Representatives of the national media requested that the hearings be broadcasted on Facebook, but the court refused on the grounds to preserve the oral evidence given by the witnesses and experts from the witnesses whose interrogations were planned later.

Unknowingly, in the announcement that the journalists could not be present, the court Spokesperson indicated instead of "defendant" - "convicted", referring to the initials of the defendant's name. Fierce comments followed that the court was thus restricting the freedom of information, that the case would be deliberately heard in the absence of the public, that the decision had already been taken and that the defendant would be convicted.

The foreign media were not informed that they could not attend, as the court's Facebook profile was administered only in the national language. They were greatly disappointed when the court guards did not allow them to enter the building.

In connection with his inability to appear in court on the day scheduled for him, Witness A. sought information on Facebook about the telephone number of the judge in the case. He found only the e-mail address of the court and sent an e-mail stating that he would be out of the country, asking to be questioned via Skype or other videoconferencing. **The court refused to grant the request on the grounds that this type of interrogation would not allow the unequivocal certainty that no one was influencing the witness while he was testifying.** The Witness A decided to postpone the journey and to present in court hearing. A. tried to know his rights as a witness and information on sanitary measures in court but did not find explanations on the court's Facebook.

Defendant's counsel, based on the publications and comments on the court's Facebook profile, at the first hearing requested the recusal of the panel on the grounds of inadmissible restriction of the right to publicity and doubt about the decision already taken by this court panel to convict her client.

1. What is the necessary and sufficient content of an official Facebook of a court? Is it important to translate all information into different language/s or to operate in such manner according to specific circumstances?
2. Do you consider that the court's rulings have violated the protected rights of the public and the media, of the defendant and his defense counsel, of the witness A.?
3. Should the request for withdrawal of the court be granted or not? What is the due strategy in such a situation? Do you think that the Spokesperson should be sanctioned for the mistake and how?



Case study 2:

- Judge A., who sits on the Court of Appeals, said “the dangers of social media should not deter judges from using it, and if used correctly, it can provide judges with a way to connect with people”. With more than 20,500 followers on Twitter, D. shares photos from the courtroom and his office, but also his taste for music and sports teams, and occasionally offers personal reflections. “There are clearly matters judges should avoid altogether,” D. wrote. “But publishing articles on issues that do not compromise impartiality and independence can build public confidence in judges and the judiciary.”
- Judge B. shares in his Facebook posts that allegedly conveyed anti-LGBTQ and anti-Muslim bias and displayed favoritism towards the police.
- Judge C. uses fake profile on Facebook to harass people who had cases in court.
- Judge D. has inappropriate conversations and relationships with dozens of women via Facebook, exchanges indecent photos using court breaks to make contact.
- Judge E., from a profile who featured a picture of him in his judicial robe, expresses views supporting a political party and marks “like” upon its election news.
- Judge F. posted a story on Facebook about local pharmacist being arrested for allegedly destroying multiple doses of the COVID-19 vaccine by leaving them out at room temperature overnight. She made negative comments pertaining to the alleged actions of the pharmacist.
- Judge G. makes Tik Tok videos using fake profile and follows the comments during court hearings being eager to see are they “viral”.
- Junior Judge H. was instructed by the senior judge to like and share the news for upcoming event of the lawyer firm and its charity fund.
- Judge I. accepts all “friend” invitations without any attention, just to be popular.

1. Do you agree with these judge’s manners of exploring social media? Please, express your opinion by ticking accordingly:

Name	A.	B.	C.	D.	E.	F.	G.	H.	I.
Agree									<u>1</u>
Disagree	<u>4</u>								
Not sure	<u>1</u>					<u>1</u>			

2. Does someone from above-mentioned judges deserve strict disciplinary measures? Or additional training on Judicial Ethics and Deontology?

You can check attached to your materials NON-BINDING GUIDELINES ON THE USE OF SOCIAL MEDIA BY JUDGES, 2019, UNODC