JUDICAL COMMUNICATION AND CORRESPONDENCE IN NIGERIA: ENSURING TRANSPARENCY AND EFFCIENCY IN THE JUDICAIAL PROCESS

A PAPER DELIVERED

BY

CELESTINA IRIA

SENIOR REPORTER ON JUDICAL, HUMAN RIGHT AND ANTI CORRUPTION MATTERS,

TVCNEWS ABUJA BUREAU

AND

VICE CHAIRMAN NATIONAL ASSOCIATION OF JUDICIARY CORRESPONDENT (NAJUC)

INTRODUCTION

Judicial communication cannot occur unless the decisions of the courts are made public, so that other courts are able to refer to them.

publicity is the very soul of justice, For the judiciary publicity is often about access to judicial rulings and legal argumentation.

Nowadays, we observe a spread of access to information to government institutions in general, and to courts in particular.

JUDICIAL COMMUNICATION AND CORRESPONDENCE IN NIGERIA

This involves the exchange of information and documentation among judicial officers, legal professionals, parties involved in a case, and other relevant institutions within the legal system. This process ensures that justice is administered in an orderly and transparent manner.

1. Judicial Communication:

Definition and Importance

Judicial communication refers to the exchange of information between judges, courts, lawyers, litigants, and other stakeholders involved in the judicial process. It includes both formal and informal communications, such as written rulings, judgments, orders, and notifications related to court procedures.

(a) Formal Communication: Written rulings, judgments, orders, and other court decisions, which are communicated to the relevant parties in the case.

(b)Informal Communication: Informal interactions, such as discussions between judges and lawyers in chambers (not publicly recorded).

Importance of Judicial Communication:

(a)It ensures transparency and accountability in judicial proceedings.

(b) It upholds the principle of the right to a fair hearing, as all parties must be properly informed of proceedings and decisions.

(c)It fosters the rule of law by ensuring that decisions are consistent with legal norms and precedents.

1. Key Elements of Judicial Correspondence in Nigeria

Judicial correspondence refers to written communications exchanged between courts and other legal entities. It is critical in managing case documentation, issuing court orders, and ensuring procedural justice.

(a)Court Orders and Judgments: When a case is concluded, the judge or court will issue an order or judgment. These are officially communicated to the parties involved (plaintiff, defendant, legal representatives) in writing.

(b)Notices and Summons: Courts issue summonses or notices to notify individuals or organizations about upcoming hearings, the filing of documents, or the necessity to attend court.

(c)Case Management Communications: Communications regarding the scheduling of hearings, adjournments, or any amendments in procedures are crucial in the judicial process.

1. Judicial Independence and Communication

Judicial communication must be conducted within the boundaries of judicial independence. In Nigeria, the judiciary is constitutionally independent from the executive and legislature, which means judicial officers are not influenced or interfered with by external bodies or persons in their communication.

(a)Judicial officers must ensure that their communication does not show bias, impartiality, or any form of influence from outside sources.

(b)Judicial independence requires that correspondence related to case management, decisions, and actions be free from political or external interference.

1. Modes of Judicial Communication in Nigeria

Communication within the Nigerian judiciary typically occurs through the following channels:

(a)Written Orders and Rulings: Courts usually communicate decisions in the form of written judgments, which are published in public records or delivered to the parties involved.

(b)Court Notices and Summons: These are sent to parties to inform them about specific actions such as hearings or appearances in court. This can also include notices about the submission of certain documents.

(c)Public Announcements and Notices: These are often made for general public awareness, such as in the case of law reforms or changes in judicial procedures.

(d)Electronic Communication: With the advancement of technology, electronic communication tools (e.g., email, court websites, and virtual hearings) have become common in Nigerian courts to share documents, notices, and other updates.

1. Key Institutions and Their Role in Judicial Communication

Several institutions play a role in ensuring effective judicial communication in Nigeria:

(a)The Nigerian Judiciary: The judicial system, comprising the Supreme Court, Court of Appeal, Federal and State High Courts, and other specialized courts, handles all formal judicial communications.

(b)The Nigerian Bar Association (NBA)\*\*: The NBA facilitates the communication between the judiciary and legal practitioners, ensuring that all parties involved in litigation receive necessary information.

(c)Judicial Staff\*\*: The staff of the judiciary, including court clerks and registrars, are responsible for the administrative tasks of distributing notices, orders, and judgments.

1. Challenges in Judicial Communication in Nigeria

Judicial communication in Nigeria faces several challenges:

(a)Delayed Delivery of Judgments: Sometimes, judgments are delayed due to administrative bottlenecks, lack of adequate facilities, or the backlogs of cases in the courts.

(b)Limited Access to Technology: While some Nigerian courts are modernizing with electronic case management systems, many courts still rely on paper-based systems, which can slow down communication.

(c)Lack of Public Awareness: Sometimes, the public and litigants are not sufficiently informed about the judicial processes or rulings.

(d)Security and Confidentiality: There are concerns about the security of judicial communication, especially in sensitive or high-profile cases.

1. Legal Framework Governing Judicial Communication

The Nigerian Constitution, various judicial and procedural laws, as well as court rules, guide judicial communication. Key legal documents include:

(a)The 1999 Constitution of Nigeria (as amended): This provides the legal framework for the functioning of the judiciary, including the principles of independence and the right to a fair hearing.

(b)Court Rules and Practice Directions\*\*: These govern the procedure for how communication and correspondence should be managed in various courts (e.g., Federal High Court, State High Courts, Magistrate Courts).

(c)The Evidence Act: This governs the admissibility and handling of evidence, which often forms the basis for judicial correspondence in trials.

1. Role of Technology in Judicial Communication

In recent years, Nigeria has embraced technology to improve the efficiency of judicial communication:

(a)E-filing and E-service: The introduction of electronic filing (e-filing) allows for the submission of case documents online, improving the speed and accessibility of judicial communication.

(b)Virtual Hearings: The COVID-19 pandemic accelerated the use of virtual hearings, where judges and parties appear in court remotely. This has continued to grow, making it easier for lawyers and litigants to engage in judicial processes from anywhere.

(c)Case Management Systems\*\*: Several courts in Nigeria are adopting case management software to track case progress, schedule hearings, and communicate decisions in a timely manner.

1. The Role of Judiciary Correspondents

(a)Accurate Reporting of Judicial Matters: It is the responsibility of judicial correspondents in ensuring that the public receives accurate, clear, and timely information.

Create the balance between public interest and confidentiality in reporting.

(b)Collaboration with Legal Professionals:

How journalists interact with legal practitioners, judges, and court staff to ensure proper dissemination of judicial news.

Ethical considerations in reporting on ongoing cases, particularly sensitive matters like high-profile trials or cases involving minors.

(c)Facilitating Public Understanding of Legal Processes:

Judiciary correspondents’ role in demystifying legal jargon and making court proceedings accessible to the general public.

Importance of clear, understandable reporting that serves both legal professionals and the wider public.

Conclusion

Judicial communication and correspondence are vital to ensuring that justice is served in Nigeria. Effective communication between judges, litigants, and other stakeholders fosters transparency and accountability within the judicial system. While challenges exist, such as delays and limited technology access, reforms are underway to modernize the judiciary and enhance communication. This ongoing transformation is expected to improve access to justice for all Nigerians.