

**ADDRESS BY THE**

**HON. CHIEF JUSTICE MR. TERENCE RANNOWANE**

**AT THE**

**MAGISTRATES’ INDUCTION**

**22 – 23 AUGUST 2018**

**MAJESTIC FIVE HOTEL, PALAPYE**

**Theme: “Promoting Excellence and Public Confidence in the Judiciary”**

Director of Ceremonies,

Hon. Judges,

Registrar & Master, Your Deputies and Assistants,

Magistrates,

Distinguished Guests,

Ladies and Gentlemen

1. Good Morning. I wish to start by commending the Registrar and Master for facilitating the convening of this retreat for Magistrates Grades 1, 2, 3 and Trainee Magistrates Grade 3.
   1. This retreat is aimed at imbuing Judicial Officers with the ethos, values and traditions of Judicial Office.
   2. This retreat is a continuation of the orientation and capacitation sessions not only for Judicial Officers but for all the Cadres within the Organisation.
   3. As an Organisation we aspire to have adequate resources in terms of the structure, tools, procedures and people for the delivery of quality judicial services. We strive to be a learning Organisation that enhances staff competencies by building the necessary human resource capacities in both judicial and support functions as well as strengthening leadership involvement.
2. *Director of Ceremonies,* we are cognizant of the fact that there is no Law School which trains Magistrates. The responsibility to train a typical Judicial Officer who exudes the proficiency, values, integrity and character required for the Office lies with the Administration of Justice. We shall continue to improve the standard training programme to bridge the gaps. The Magistracy, just like any other profession, requires continuous training, continuous research and exposure to new developments in the field.
   1. The purpose of the retreat is to retrospect and see how we remain to the communities we serve because public confidence can only be attained when we are responsive to the concerns of the communities we serve. This frank introspection will also enable us to close the gaps by familiarizing you with the relevant material and procedures to empower you to efficiently and effectively discharge your duties. **A Judicial Officer cannot and must not run experiments with Litigants.** It is critical that we orientate and sensitise our Officers at all levels so that they do not swim from the deep end and avoid elementary errors that may impact on public confidence in our Institution.
   2. There is a public concern with the way our courts handle issues of bail and stock theft cases. There is a perception that bail is routinely granted to repeat offenders with the obvious consequence that they commit more offences whilst on bail and that stock theft cases are not promptly dealt with and concluded with the result that the cattle go astray or die before the conclusion of the trial. This means that owners are denied justice because they go back empty handed at the end of the trial.
   3. This outcry calls for a response from us, but strictly within the constitutional frame work. As the saying goes: We look to you to honour the Constitution and the people it represents. We expect from you, no, demand from you, the greatest use of your wisdom, honesty and good sense, no shortcuts, no easy solutions. Your work is not only lofty; it is also lonely. In the end you have only the Constitution and your conscience on which to rely. We look up to you to serve both without fear and favour.”
   4. Magistrates Grades 1, 2, 3 and Trainee Magistrates Grade 3 are recruited at salary scales D2, D3, D4 and C1 respectively. These are Senior Managerial positions in the Public Service. Your duties are not confined to your core business or adjudicating over cases, but also the supervision of your own colleagues and even support staff who might be much older than yourselves. We have to accept the reality in our midst of having our Bench and Bar being in the hands of much younger persons with little experience. However, this should not discourage you, rather it should be an impetus to work harder to make up for whatever is lacking. Always bear in mind that what defines a good judicial officer is to have sense of justice.
3. This brings me to the nub of my address which is

on **judicial accountability and ethical decorum** **and conduct**. These attributes and values dovetail with the theme for this retreat, i.e, *“Promoting Excellence and Public Confidence in the Judiciary.”*

* 1. It is essential to contextualize the address. Our Magistrates’ Courts are the **coalface** of our Judiciary. They are by virtue of their location easily accessible to the majority of the populace as they are spread throughout our vast Country and are invariably their first port of call for resolution of disputes. This has even become more pronounced with the introduction of Special Courts such as Small Claims, Stock Theft, Maintenance and Traffic. It goes without saying that the manner in which we interact, deal with and attend to persons seeking our services, be it Litigants, Witnesses, Members of the Public, Attorneys, etc. portrays either a positive or negative image for the Judiciary. You will readily agree with me that we ought to endeavour at all times to put our Organisation in good light.

1. *Ladies and Gentlemen,* there have been isolated incidents and reports of intemperate behaviour by some Magistrates towards Legal Practitioners, Accused Persons, Witnesses and even members of staff. There are isolated reports of some Magistrates routinely ordering unjustified detention of prosecutors, lawyers, witnesses and even members of staff. I believe you are all familiar with the relevant provisions of the Public Service General Orders that outlines disciplinary proceedings against errand public officers. Members of staff who misbehave should be subjected to disciplinary proceedings and not detained under the pretext that they have committed contempt. I will view it as a gross misconduct for any judicial officer to order a detention of any members of staff who, for example, has arrived late, has failed to cause subpoenas to be served etc.
   1. As Magistrates you wield power mighty enough to take away the liberty and property of all manner of people. You are thus required to exercise that power with a deep sense of **restraint and responsibility**. It must be inherent and intrinsic in you that the exercise of judicial power comes with humility.
2. We are also inundated with complaints by Members of the Public, Attorneys and other Key Stakeholders included, that most of our Magistrates do not honour schedules they set. I need not remind you that the issue of credible and firm dates and times are the hallmark of Judicial Case Management. As servants of the law we are convicted to adhere to and honour the schedules or times or activities we have issued. If there are any challenges, which must be very few and limited on the part of the Court, the concerned Parties must be given due notice and if need be tender apologies.
   1. You must conduct your duties professionally and responsibly and whip each other into line for justice to prevail. We must cultivate a culture of disposing cases before us within the set timeframes including delivery of judgments/rulings to avoid an accumulation of a backlog as this affects public confidence in our Institution and ultimately investor confidence to our beloved Country.
3. Finally, for us to realize our Vision of **“Achieving a World Class Judiciary,”** we all must play an active and meaningful role in the implementation of CRMS, JCM and the envisaged reforms of Court Annexed Mediation, E-Filing and Realtime Reporting.
   1. When you exhibit keen interest and lead by example, your subordinates will do likewise. It is my fervent hope that your Performance Contracts embody components of these tools such that your progressions and promotions are determined by how you utilize the same.
4. *Director of Ceremonies, Ladies and Gentlemen,* in conclusion, I wish you fruitful capacitation and dialogue during the course of the retreat and that you will put in practice what you will have learnt at your respective stations.
5. I thank you.

**PULA! PULA! PULA!**