

# CIMS

**ADMINISTRATION  
OF JUSTICE**

**NEWSLETTER**

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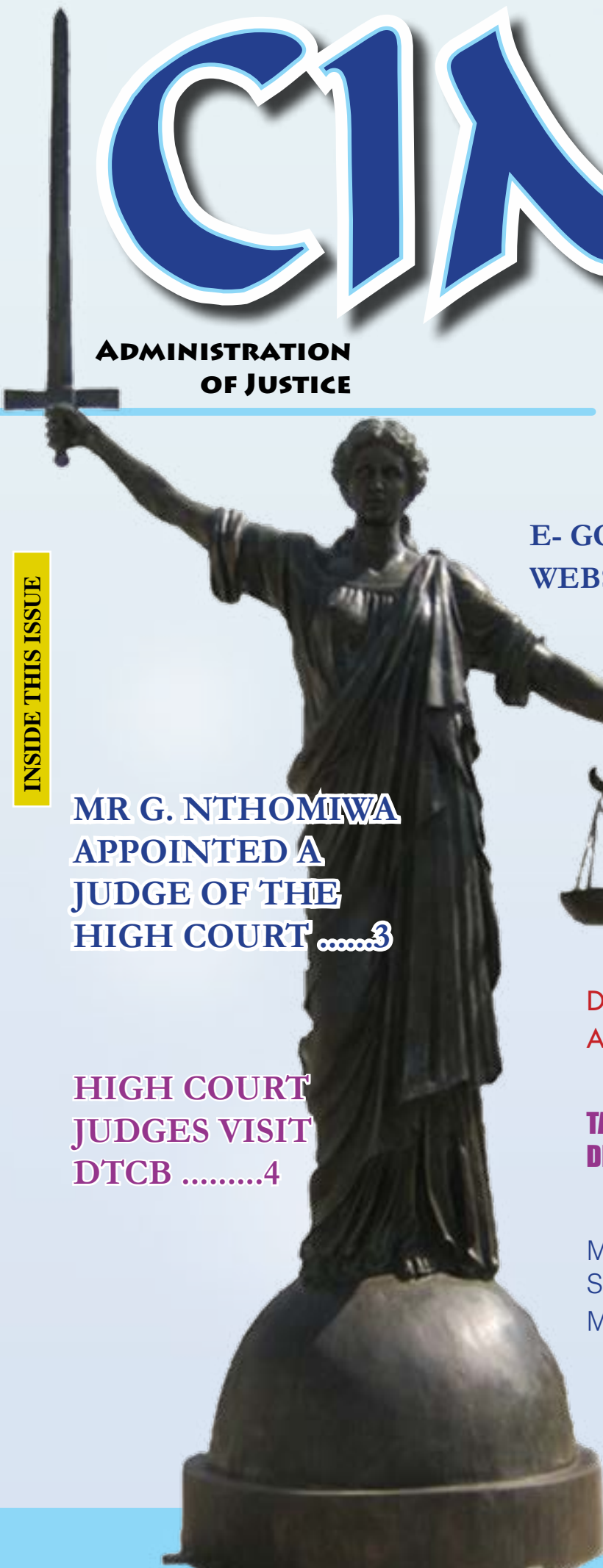
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# Editorial

The CIMS team would like to commend the good work that the users all over the courts continue to give in. Users your never ending, relentless commitment towards CRMS is beginning to bear fruits as evidenced by the October 2012-March 2013 gauging results.

When the lowest court in rating used to garner as little as 35% , this time the last court has garnered a comfortable 53%. And the highest court this time has also broken record. At 89%, this is the highest ever for the number one station in the history of gauging. This is remarkable!!! However we have not completely won the battle, our criminal cases and scanning are still the areas that need our special attention. What needs to be done? Please see the full article by Ms G Dintsi.

Ms King covers the Legal Year opening celebration. Please enjoy the article and the splash of pictures that accompany the article. Mr Ntefo, our own photographer extraordinaire/reporter accompanied the honorable judges on a familiarization tour at the DTCB. Enjoy full article and pictures. This time the newsletter is a joint effort between the CIMS team and the Public relations office. And from the PR office please enjoy articles on the Tanzanian delegation that visited our courts and other government departments. Bail applications continue to be one area where we meet challenges and this is why the department hosted a stakeholder workshop in Palapye where all those that are involved sat together and discussed best solution towards bail management. Mr Sibanda was in attendance, please see the article. Other articles from the team are; Website Launch, Defence Attaches Visit etc. This year's annual CRMS Users conference will be held on the 30<sup>th</sup>-31<sup>st</sup> May 2013 at Mahalapye Premier hotel. The theme is; Stakeholder participation: key to CRMS success. We have also invited our stakeholders.

**For comments please email at;**  
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## Vision

"Access to Justice  
for All by 2016."

## Mission

To uphold human rights,  
Democracy and the rule of  
law in accordance with the  
Constitution of Botswana

## Values

Integrity  
Professionalism  
Transparency  
Quality Service  
Empowerment  
Accountability  
Teamwork  
Courtesy  
Timeliness  
Botho

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# MR G. NTHOMIWA APPOINTED A JUDGE



**H**is Excellency the President of the Republic of Botswana acting on the advice of the Judicial Service Commission recently appointed Mr Godfrey Nthomiwa a Judge of the High Court Botswana.

Mr Nthomiwa Holds a Bachelor of Law Degree (LLB) from University of Botswana, Diploma in Journalism and Post Graduate Diploma in Project Management.

He worked in the Magistracy from 1985-1988 and rose through the ranks to become Assistant Registrar & Master of the High Court in 1992. In 1993 just a year after joining the Registraship he was appointed acting Registrar and Master. When the incumbent the late Mr W. G Grante went on end of tour leave. In 1994, he was promoted to the post Deputy Registrar and Master filling a vacancy post left by Mr Sam Awich in Francistown.

In 1996 he was transferred to lobatse High Court where he was later joined by two newly appointed Deputy Registrars and Masters Messrs Abraham Keetshabe and Gabriel Rwelengera. After the end of contract of the Registrar Mr Grante in 1997, was appointed acting Registrar and Master.

He was later confirmed in that position in 1998. As Registrar and Master of the High Court, he was also responsible for the Court of Appeal, Magistrates Court and The Masters Office. He was also the Accounting Officer of the Judiciary, the functions he performed for thirteen (13) years until his appointment as Judge of the High Court.

Amongst his Achievements Mr G. Nthomiwa contributed much on the establishment of Magistrate Courts Stock theft and Traffic Court.



## HIGH COURT JUDGES VISIT DTCTB



By Badisa Ntefo

The Botswana High Court Judges had an opportunity to visit Diamond Trading Company of Botswana (DTCTB) on the 4<sup>th</sup> February 2013, following a request from his Lordship the Chief Justice. This visit came as a follow-up from a presentation made by Botswana Diamond Hub Coordinator Mr. Thamage, on 'The Role of Judiciary in Diamond Beneficiation' during the Judicial Conference which was held at Palapye in October 2012.

The presentation at the Judicial Conference was a result of the invitation of the judiciary which is continuously preparing itself for the relocation of Diamond Trading Services to Botswana. The Judiciary whose mandate among others is to protect human rights, democracy and the rule of law will be faced with new types of cases, legislation and sophisticated crimes and need to put in place measures to ensure that such cases which are likely to involve foreign nationals do not destroy our relationship with other states and ensure that such cases are disposed. The presentation was therefore a deliberate strategy by the Judiciary to ensure that they stay in touch with the Diamond Trading Landscape which will drastically change with the relocation of Diamond Trading Service to Botswana.

The Managing Director of DTCTB, Mr. Tabake Kobedi took the Judges delegation through a very educative and all-encompassing presentation which detailed the commencement of operation of DTCTB at the beginning of 2008 to the signing of a ten year Sales Agreement between DTCTB and Debswana which was signed in 2011.

Mr. Kobedi started by giving the background of DTCTB that it is a 50/50 joint venture between Government of Botswana and De Beers Mining Company. He also highlighted that it was the world's largest and most sophisticated rough diamond sorting and valuing operation.

On Beneficiation, Mr. Tabake mentioned that this process has brought about a positive change in the local factories in that:

- ❖ Twenty-one (21) local Sight holders were licensed by GRB to receive supply from DTCTB.
- ❖ Competition allocation system was designed to promote skills transfer and sustainable local beneficiation.
- ❖ State of the art diamond polishing factories are using the latest technology.
- ❖ Three Thousand Three Hundred (3 300) jobs have been created to date.

The Judges delegation which was led by the Hon. Chief Justice, Mr. Maruping Dibotelo also had a chance to tour the state of the art infrastructure in order to appreciate diamond processing in action. The tour guide was DTCTB Head of Operations, Ms Tsholofelo Maseko who took the delegation through the various sectors. The Judges were impressed to see DTCTB staff in action with the precious stones.

## AOJ E-GOVERNANCE TEAM TAKES WEBSITE TO STAFF

By Boipelo Garekwe

In a bid to take justice to the people, the E- governance team embarked on a visit in a mission to launch the newly developed Administration of Justice website to outstations. The site was officially launched by Minister of Defence Justice and Security, Hon D.N Seretse during the legal year official opening on the 5<sup>th</sup> of February 2013.

The team gave a two hour presentation in which they demonstrated to staff the contents of the website and the functions of the website. The importance of having such an information tool which could serve as a link between the organisation and its internal and external stakeholders was emphasised.

During the launch at Mahalapye Magistrate Court, the Public Relations Officer, Mr Clement Sibanda explained that the website was developed to serve as an informative tool.

He said the website is an important tool for improving information management and also promotes access to justice which is in line with AOJ mission.

He explained that the website is a collection of web pages (documents that are accessed through the Internet) and contains a variety of relevant and up-to-date electronic information. Mr Sibanda added that the AOJ website is linked to intranet.

"The website is linked to Intranet- a communication tool that facilitates communication among staff members to improve information sharing and the overall knowledge base of staff members. It is also linked to Court Records Management System (CRMS) adding that there is now a wider access and use of CRMS application", he said.

The staff in all courts that were visited appreciated the website saying the website will be a great platform for the general public to acquire information about services rendered by the Administration of Justice.

However some of the Staff in some stations were of the view that they were not consulted on the development of the website and only got to find out about it during the launch hence they could not input on its development.

The team also performed other activities that involved information technology , Public Relations and the Library Sections such as establishment of the information Desk at all Magistrates court, updating library databases and creating user accounts for Intranet users. The tour started on the 17<sup>th</sup> April until 23<sup>th</sup> May 2013.



Letlhakane Magistrates Court Staff during the launch of the website



Mr M. Ramoleko (l) and Mr B. Sefako demonstrating the functions of the website



Francistown Magistrates Court Staff listening to the website presentation



# Gauging Of Stations

By Galaletsang Dintsi

On the 8th –15th of April 2013, part of the CIMS team intensively gauged all implemented sites in the quality of their CRMS. The exercise concentrated on assessing the quality of the data entered from Go-Live to the 30<sup>th</sup> March 2013.

In assessing stations the team used a tool that looked into the below mentioned 9 factors;

- Data Entry Standards- By the use of all register books and CDRLCAS(List of cases filed),the team checked for correct use of upper and lower case, correct spacing and correct entering of the description of a case.
- Entering Parties- through the use of all register books we checked if parties are filed, correct use of party types and if demographics of parties are entered
- Docketing- Through the use of CDRNDOCK (report that will show cases that have been filed without dockets) we checked if dockets are filed. We also used register books and returns to check if docket text has been filed
- Open events and correct use of closing dockets- Using CSROEVNT we checked how many events are still open and if correct closing dockets are used in all returns.
- Barcode creation but no dockets scanned-Using

- CDRDNSCAN we checked how many dockets have barcodes even though they have not been scanned
- Dockets not scanned-To check how many filed dockets have not been scanned we used the report CDRSCSTAT
  - Batches not closed- Through CRDBATCH we were able to check how many batches have not been closed and for how long it has stayed open
  - Adding Charges, pleas, dispositions and sentences- For criminal cases we used all criminal returns and register books to check if charges, Pleas, dispositions and sentences are entered correctly.
  - Is File-tracking functionality used?- In determining if file tracking functionality is used CDRFTUSG,CDRFTSTAT and CDRFTEXP were used

This is to reiterate what have been said already, this exercise is meant to encourage and motivate users to adhere to correct data entry standards. This time, some courts have really surprised us as they have improved quite dramatically in the past 6 months. Hereunder are the results;

## CRMS USAGE RANKINGS

| Position | Station                    | Mark   | COMMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|----------|----------------------------|--------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1        | Maun Magistrate Court      | 89.34% | Once again, Maun does it again!! The stakes are high. Their civil and maintenance cases are just impeccable in all areas; docketing, close of open events, entering parties and file tracking. Their scanning backlog stood at a paltry 0.25%.It is only their criminal which needs a little work; 1 case missed a charge and 6 did not have pleas entered. Congradulations to the champions!!                                                                   |
| 2        | Tsabong Magistrate Court   | 87.64% | The competition is getting stiffer every gauging period. This court's data entry standards are without doubt squeaky clean. What can one say; No parties missing, no cases entered without dockets, their criminal cases are correctly entered. What cost this court the number one position is; 3.6% scanning backlog.                                                                                                                                          |
| 3        | Mahalapye Magistrate Court | 83%    | Undoubtly one of the biggest mover of this gauging period!! In the previous gauging results Mahalapye was at position 6 with 72.9%. What has contributed to this mark and position; Impressive data entry standards, impeccable criminal cases; all pleas, charges and sentences have been entered. The bench clerks' team at Mahalapye deserves a special mention. In the last gauging, 55 cases were missing sentences so they have since redeemed themselves. |

|    |                             |        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|----|-----------------------------|--------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4  | Lobatse Magistrate Court    | 79.78% | No significant improvement was noticed with this court but the good thing is that they did not lose marks as even in the last gauging they had garnered this same ranking. All in all this is a good court that can successfully unseat champions. This is the status of their CRMS during gauging; 1 party missing in Civil cases, 2 open events, 7 % scanning backlog. It was their criminal cases that needs attention; 61 pleas missing, 14 charges missing. This is definitely their problem area. <b>The bench clerks are asked to update the criminal cases.</b> |
| 5  | Palapye Magistrate Court    | 79.53% | This court has improved. In the last gauging it was at position 7, with a mark of 71.7%.This time their scanning backlog stood at an impressive 13% as compared to 36% they had garnered during the gauging period of March - September 2012.The only real problem that was identified was with their criminal cases. According to the register book; 79 pleas and55 sentences were missing in criminal cases. Except for their criminal cases, Palapye can and is capable of being the champion.                                                                       |
| 6  | Mochudi Magistrate Court    | 78.42% | This was our number 3 in the last gauging exercise at a comfortable, 82.4%.What has contributed to this loss? The scanning backlog is now at 19% as compared to 14%.There were minimal data entry problems; like the use of upper case, and 2 cases were closed incorrectly. It was the criminal cases that were a problem; 18 sentences and 103 pleas were missing.                                                                                                                                                                                                    |
| 7  | Molepolole Magistrate Court | 75.48% | Another improved court; this court has moved a few places up in position and rating. There is a marginal improvement in their criminal cases; this time there are 37 cases missing pleas as compared 54, 2 cases missing charges instead of 12.But more can still be done. The civil and maintenance registries are applauded for the good work. However scanning backlog is still disappointingly high at 34%.                                                                                                                                                         |
| 8  | Kasane Magistrate Court     | 73.74% | This is one of the biggest movers, from the last seven sites in the last gauging to being amongst the top ten stations is no small feat. The Kasane management and users are applauded for the effort. These are the areas that still need attention; their criminal cases need to be updated as there were 5 pleas and 20 missing sentences.                                                                                                                                                                                                                           |
| 9  | Jwaneng Magistrate Court    | 72.54% | This was the reigning champion for two consecutive times. Where is the Jwaneng that we know? Their criminal cases are in disarray; with 50 missing pleas, 3 sentences and 2 charges missing. For the amount of caseload that they have this is not good. What is shocking also is the number of open events at 23; it was probably their all-time highest. The Jwaneng users are asked to reclaim their glory as they are a capable team.                                                                                                                               |
| 10 | Letlhakane Magistrate Court | 70%    | This court always stays exactly in the same mark. However its criminal cases needs to be updated. Their data entry standards need to be corrected; there were 20 maintenance cases and 14 civil cases without docket text. In their criminal cases there were 24 pleas, 2 charges and 1 sentence missing.                                                                                                                                                                                                                                                               |
| 11 | Lobatse High Court          | 69.48% | It was not an easy task to gauge, Lobatse and Gaborone High court separately. As each Judge's caseload was assessed separately for both Lobatse and Gaborone location code. Then the work of the Lobatse judges for both Gaborone and Lobatse cases were added together. There has been a slight improvement from the last gauging. It is however the criminal cases that need to be looked into; For example cases for Judge Tafa, Judge Moroka and Judge Leburu did not have pleas entered. In all criminal cases for all the judges, party status was omitted.       |
| 12 | Gaborone High Court         | 67.85% | This is a new entrant in the gauging exercise. In inspecting reports for the Gaborone judges for cases in Gaborone and Lobatse, these are the common problems; criminal cases did not have pleas entered, witnesses were not entered and party status was not updated. The combined open events for Gaborone judges were 454 and scanning backlog was a good 15%.                                                                                                                                                                                                       |

|    |                               |        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|----|-------------------------------|--------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 13 | Francistown Magistrate Court  | 65.52% | <i>This court also has improved quite dramatically. From an average 51.8% in the last gauging exercise to this rating is no small feat. This is highly commendable. During the last gauging; 148 cases did not have dockets filed, and this period only 3 cases did not have dockets filed. The data entry standards have also greatly improved.</i>                                                                                                                                                                                                                                                                                                    |
| 14 | Ghanzi Magistrate Court       | 59%    | <i>In this gauging period, I can only sing praises for almost all our courts. This is one court that has improved remarkably!. In March 2012, it had garnered 50% and in September of the same year it had garnered a paltry 40.9%.This time it has gained impressively hence moved a few places up. Its data entry standards have greatly improved; in Civil cases only 1 party was missing, 4 were missing in maintenance cases, 1 open event, 2 pleas missing and only 1 sentence missing. The problem area for this court will be its scanning backlog which stood at a high of 63%. Also the users are advised to use correct closing dockets.</i> |
| 15 | Selibe-Phikwe High Court      | 57.66% | <i>This court dropped one place down as compared with the last gauging period. This is an average court but it is criminal cases that are below average. There were 59 cases missing pleas, 61 missing charges and 49 missing sentences. This is the problem area for not this court but unfortunately it looks like almost all our courts.</i>                                                                                                                                                                                                                                                                                                         |
| 16 | Broadhurt Magistrate Court    | 55.44% | <i>This court also improved as compared to the September 2012 result which was 52.4%.However the users can still do more than this. The greatest problems with this court are in three areas; scanning, criminal cases and open events. This is the status of CRMS; Scanning backlog a high of 59%, more than 50 pleas missing, 517 open events and 15 wrong closing dockets. Their data entry standards are however relatively good.</i>                                                                                                                                                                                                               |
| 17 | Village Magistrate Court      | 55.40% | <i>Village has dropped a few places down from the previous 58.2%.What contributes to this mark is just three areas; open events, criminal cases, and scanning. Its scanning backlog is the highest at 80%, there were 421 open events amongst the four magistrates that sit in Village. The main problem also is the fact that some of these open events have been open since 2010.In criminal cases, 11 charges, 47 pleas and 3 sentences were missing. The data entry standards of Village are quite impressive and the clerks of courts are commended for that.</i>                                                                                  |
| 18 | Francistown High Court        | 54.96% | <i>This court has lost considerably looking at the fact that in the last gauging it had a garnered 65.2%.What had contributed to this drop in position; 72% scanning backlog. (For the high courts, scanning backlog was calculated only after subtracting estates and guardian dockets).In civil causes, 40 cases were missing cause of action and in Miscellaneous cases 31 were also missing docket text. The criminal cases also must be updated; pleas and party information were missing. There were 59 open events.</i>                                                                                                                          |
| 19 | Extension II Magistrate Court | 53%    | <i>This court though still in the last position has improved in average mark. In the last gauging, September 2012, the average rating was a low, 40%. However this court is urged to improve its criminal cases where 33 pleas, 9 charges and 36 sentences were missing. Its scanning backlog is also quite high at 69%.The data entry standards are not bad but users are advised to enter cause of action.</i>                                                                                                                                                                                                                                        |

This gauging period was an exciting one for the CIMS gauging team as a lot of improvement was noticed. There were times when courts could garner as low as 35% and the fact that the lowest court has been rated 52.5% is remarkable. The users all over the courts are commended for that. What is CRMS without the hardworking users? It is however a concern that criminal cases and scanning are still lagging behind and we now urge that our concerted efforts should be directed to these areas.

# DEFENCE ATTACHES VISIT THE ADMINISTRATION OF JUSTICE



The Defence Attachés during the AOJ tour

By Boipelo Garekwe

On the 21st May 2013 Defence attaches from the SADC region and Senior Officials from Botswana Defense Force visited the Administration of Justice. The purpose of their visit was to gain knowledge on the Botswana judicial system, its operations and its relations to other arms of government.

When briefing the delegation on the history of judiciary system, the outgoing Registrar & Master, Mr Godfrey Nthomiwa said before the courts were dominated by expatriates and now they are gradually moving from that as all the judges of the High Court are Batswana. Adding on to that, he explained that the judiciary is headed by the Chief Justice not Judge President unlike in other countries.

The Registrar also revealed that in an effort to improve the efficiency of the courts, the Administration of Justice has introduced several reforms, after receiving numerous complaints from stakeholders on the way AOJ renders its services as an organisation.

He said the main challenge was management of records hence they had to develop a new electronic court record system in 2005

called the Court Record Management System (CRMS).

He further said in 2008 Judicial Case Management (JCM) was also introduced with the aim of reducing the backlog of cases. With JCM cases are now assigned to judicial officers at registration point which enables them to better manage their cases

Furthermore delegates had an opportunity to comment and ask questions. One of the attaches asked on how our department deals with corruption.

In response Nthomiwa said, “we are lucky to have not yet experienced that, we have a code of conduct that guides judicial officers”. A Corruption Prevention Committee is also in place to provide ongoing education on corruption and its negative effect on society.

In closing, the attaché from Zimbabwe thanked the Registrar for the informative presentation, and added that they had gained a better understanding of how the judicial system of Botswana operates.





Honourable Chief Justice, Maruping Dibotelo inspecting the guard of honour



Hon. R. N. Seretse launching the website



Honourable ministers during the opening of legal year



Attorney General Dr. A. Molokomme delivering a speech



Registrars of the High Court



The Reverends



Judges of the High Court of Botswana

# 2013 *Legal Year* *in pictures*



The Magistrates at the Legal Year



Former Chief Justice Mr J. Nganunu and other officials



Law Society of Botswana Chairperson Mr L. Lecha delivering a reply



Registrar of Court of Appeal Mr M. Motlhabi (L) and Deputy Registrar Mr N. Bopa (R) of Lobatse High Court Division



Ushers of the day



MC's of the event Your Worship Mr K. Segabo and Registrar Ms L. Mohwasa



Members of Parliament during the opening of the Legal Year

## By Wame King

The 5<sup>th</sup> of February 2013 marked yet another important annual event of the Opening of the Legal Year in the calendar of the Administration of Justice (AOJ). It is this one event in the calendar that allows the AOJ to host high profile officials; from the President of Botswana, cabinet ministers, members of parliament, resident heads of diplomatic commissions and missions in Botswana, the legal fraternity and other stakeholders of the organization. It is here that the Hon. Chief Justice as the head of the judiciary gets a chance to update the nation of Botswana on what they have achieved in terms of bringing services to them and what and how they intend to augment their efforts.

This year it was no different as the speeches took their traditional route with the Chief Justice The Honourable Mr. Maruping Dibotelo opening the floor by updating the gathering on what has been achieved in terms of operations geared towards achieving efficiency in service delivery to the clientele base and what still need to be done to further realize the mandate of the organization. This was seconded

by the Attorney General Dr. Athalia Molokomme and a reply from the Law Society's Chairman Mr. Lawrence Lecha. This article is aimed at giving our readership a glimpse of the activities of the day in pictures. The event usually starts with the Hon Chief Justice inspecting the guard of honour before the occasion moves to the courtroom session. The event is usually closed with a reception lunch hosted by the Hon Chief Justice.

This year's event was a memorable and historic one in that it is the first event in which a minister officiated. The Minister of Defence Justice and Security, Hon. D. N. Seretse officially launched the website of the Administration of Justice. The website is one of the many strategies that AOJ that the AOJ embarked upon in an attempt to promote access to justice in line with its vision of access to justice for all by 2016.



# TANZANIAN JUDICIAL SERVICE COMMISSION DELEGATION VISITS BOTSWANA



Tanzanian Judicial Service Commission with Chief Justice Hon. Maruping Dibotelo, The Registrar Mr G. Nthomiwa and Member of Law Society of Botswana Mr T. Sebeho

By Clement Sibanda

The delegation of Tanzania Judicial Service Commission led by Hon Chief Justice visited Botswana on a three day Benchmarking tour from Tuesday 09 April to Friday 12 April 2013

The purpose of the tour was to gain knowledge and understanding on the functions of Botswana Judicial Service System specifically on how the Judicial Service Commission is established, its powers and functions. Their interest was on the establishment and operations of the Court of Appeal, High Court, Magistrate Courts, Land Tribunal and Court administration.

Other areas of interest included organizational structure of the Judiciary of Botswana and application of ICT in the operation of Case Management System. They paid a courtesy call on the Minister of Defense Justice and Security Hon. D. N. Seretse and The Attorney General Dr A. Molokomme and also had an opportunity to visit The Law Society of Botswana to learn about its operations.



Judicial Officers during the meeting with Tanzanian Delegation

# TANZANIAN DELEGATION MEET LAW SOCIETY OF BOTSWANA



The Tanzanian Delegation during the visit to the Law Society of Botswana

By Boipelo Garekwe

The Administration of Justice was privileged to have honorary distinguished guests of Tanzania Judicial Commission who visited Botswana on a three day visit. Amongst the guests was the Honourable Chief Justice of the Republic of Tanzania who was the head of the delegation.

Briefing the delegation on the operations of the Law Society, The Chairman of the Law Society Mr Lawrence Lecha mentioned that for one to be a member of the society he/she needs to be a member of the Attorney General's chamber, employed by government or a statutory corporation, all of which must be legal practitioners.

Transitory information was given to the delegation in regards to the enrolment process and requirements, ethics, issues involving advocates and the quality of legal education in Botswana.

In addition the chairperson stated that funding is the most critical aspect as the Law Society survive from annual subscriptions and are hoping to bring aboard the government as one of their sponsors.

In his Question the Chief Justice Hon Mohamed Othman wanted to know the procedure that are in place to check the credibility of advocates. He said in Tanzania there are measures in place to check how credible their advocates are.

The basis of the formulation of the Law Society was to be a watch dog of attorneys to make sure that the society as a whole is protected on ethical matters that may arise at any time.

In furthering the discussion they went on to reveal the services that the Law society possess such as ensuring that the conduct of attorneys in advertising themselves is up to par with the standards of the society in terms of qualifications.

Other issues of paramount importance discussed include issues of the younger generation who are part of the law society who forget their responsibilities as members of the society. He stated the new entrants in Society ignore the fact that they are the base of the society and will carry on the legacy of the Law Society.

"As we are all aware, transparency may sometimes appear to be a double edged sword as a result the public may not be told all the stages that transpire in these processes", he said.

In conclusion the chairperson advised the attendees that as the world is becoming more and more technical, there is a need for lawyers and Judges to be more technologically literate to better acquaint themselves with the latest technology which would in turn boost the image of their organisation.



# AOJ PARTICIPATES AT THE BOTSWANA PRISONS SERVICE ANNIVERSARY

## ADMINISTRATION OF JUSTICE HOST STAKEHOLDERS WORKSHOP ON BAIL

By Clement Sibanda

The Administration of Justice engaged key stakeholder in a one day workshop to discuss the issue of bail. The workshop which was held at Majestic Five hotel in Palapye on the 22 March 2013 was necessitated by the public outcry on how the courts are perceived to be handling the issue of bail.

When officially opening the workshop, the Minister of Defence Justice and Security said the relevance of the workshop was borne of the fact that there is a gap between justice delivery system and the expectations of the public which we serve.

He further said the gap has led to growing perceptions, across all sectors of society, be it ordinary citizens, victims and their families, politicians and others, that perpetrators' rights are given prominence over the rights of victims and their families. The Minister also revealed that bail, and or conditions of bail, has done a lot to fuel these perceptions.

In his Keynote address the Honourable Chief Justice Maruping Dibotelo expressed concern on some stakeholder who put the blame on the doors of the judiciary for releasing on bail repeat offenders and persons accused of committing a crime. He said the criticism paints a picture that courts are not exercising their discretion judiciously.

He said the truth is that the handling and consideration of bail application is a joint and shared responsibility of the police, prosecution, accused person, attorney and the accused.

He added that the prosecution, accused person or the attorney have the responsibility to play their part of collecting and presenting accurate and relevant information that would enable the court to take well informed decision as to whether or not to grant bail.

Nevertheless stakeholder had the opportunity to air their views and some recommendations suggested included the need to educate the public. Amongst other Stakeholders attended the workshop included the DPP, DCEC, Police, Prisons, Dikgosi, Law Society of



Deputy Registrar Mr N. Bopa and Kgosi Mosadi Seboko



Some of the Dikgosi at the workshop

Botswana and Attorney General. A report on the proceedings of the workshop has been developed and will be placed before the Chief Justice for action.



Principal Clerk of Court for Mahalapye, Mr V. Oageng demonstrating to a customer how the public kiosk functions

By Clement Sibanda

The Botswana Prison Service was celebrating its 55th Anniversary on the 18th May 2013 at Prison Staff College, Mahalapye. This years theme was, "REMODELING OUR PRISON SERVICE TOWARDS EXCELLENCE IN SERVICE DELIVERY". Various stakeholders were invited for the occasion and the Administration Of Justice also took part in the celebrations.

In an interview on the role of the courts in the rehabilitation of prisoners the Deputy Registrar (Legal) Mr J Manzunzu said the courts play a good role in the rehabilitation of the prisoners.

He said the courts strive to impose sentences which have the effect of rehabilitating the prisoners. He further stated that in many instances the part of custodial sentence is suspended for a specific period of time on condition of good behaviour.

He said this approach of sentencing aims at changing the prisoner into a law abiding citizen.

The administration of Justice as one of the key stakeholders took part with the effort of taking justice to the people. It was an opportunity for showcasing services they offer.

The forum also gave AOJ exhibitors an opportunity to interact with members of the public and explain services offered by Judiciary. Information leaflets containing information about the AOJ were also distributed to customer for them read at thier own time.

Other stakeholders that took part were amongst others, the Botswana Police Service, BOCODOL, financial institutions such CEDA and standard Chartered Bank. Activities of the day included parade, drama, radio and television interviews and inspection of stalls.



The parade during the Prisons Day Celebration



# COURT ANNEXED MEDIATION - ALTERNATIVE DISPUTE RESOLUTION



Justice Low delivering a presentation during training of Registrars

By Clement Sibanda

The functions and objectives of the Judiciary include providing access to justice and the speedy resolution of cases which also aims at the reduction of the backlog of cases in the courts.

In its endeavor to achieve these goals, Administration of Justice (AOJ) will be introducing Court Annexed Mediation (CAM) as one of the alternative dispute resolution. Therefore Court Annexed Mediation workshops have been conducted to sensitize judicial officers and other stakeholders on the mediation process.

Judges, Registrars, Magistrates and support staff from the High court and Magistrates Courts and attorneys in both private and public sector underwent training which started in March 2013 until August 2013. In his remarks when officially opening the workshop, Honourable Chief Justice stated that the AOJ has resolved to introduce CAM as Judicial Case Management (JCM) was rolled out.

He said that JCM was rolled out to magistrate courts in 2011 and therefore they are ready to embark on Court Annexed Mediation. The Honourable Chief Justice Dibotelo expressed appreciation to Justice Low, the workshop facilitator for having agreed to come to Botswana to train judicial officers, support staff and stakeholders free of charge.

Justice Low is a renowned Judge who has wealth experience as a mediator or arbitrator. He is a retired judge from Utah in United States of America and has a vast experience in Alternative Dispute Resolution. In his presentation Justice Low revealed that mediation is a process where disputing parties meet together to resolve their differences through the use of a neutral party, the mediator.

He said both Mediation and litigation resolve disputes but they differ in the sense that Litigation is one of conflict termination whereas mediation is one of conflict resolution.

# HEREFORD PRIMARY SCHOOL – FIRST SCHOOL TO TOUR GABORONE HIGH COURT

By Clement Sibanda

On the 26th March 2013 more than 200 pupils from the Hereford Primary School in the Kgalagadi area thronged court room No.3 to get first-hand information on how the Judiciary operates.

According to one of the teachers, the purpose of the tour was to expose the students to the court environment and familiarise them with the court proceedings.

The Acting Manager M. Monageng who was also the presenter during the visit told students that our vision as judiciary is access to justice for all by 2016. He said that the judiciary is the arm of government and is independent of other arms of government which is the executive and legislature.

He added that the head of the judiciary is the Chief Justice and under him are judges, Magistrates and other judicial officers. He also briefed the school on the operations and structure of the Judiciary. Pupils in the company of their teachers and an opportunity ask questions and were taken on a tour around the court premises. Students were shown the setup of the court room, holding cells and the Attorneys Consultation rooms.

Since the High Court and Court of Appeal relocated to Gaborone in 2009, Hereford Primary School was the very first school to tour the court premises. AOJ has also received numerous requests from other school from different parts of the country to visit Gaborone High Court.



Hereford Primary School Students during their visit to Gaborone High Court





## MOCHUDI MAGISTRATE COURT- A SUCCESS DURING THE GAUGING OF MARCH- SEPTEMBER 2012

By Galaletsang Dintsi

In the gauging period of March- September 2012, Mochudi Magistrate was in third position. As customary that warranted a celebratory lunch to be hosted in appreciation of third good work. A team comprising of Mr Serurubele, Ms G Dintsi, Mr. Ntefo and the IT intern Glen visited the court.

The principal Magistrate of Mochudi magistrate Court Mr. M Dipate stated that they are always in the top five they have never obtained the top station but encouraged the team to this strive for the first position as it is possible. He was however happy that their pass mark was higher compared to the other gauging periods.

The Implementation Manager, Mr. Serurubele challenged them to the number one station and told them if Maun could do it from nowhere then it will be easier for them as they are already doing very well.

Ms Dintsi delivered a presentation that depicted the status of CRMS in Mochudi. Some of the factors that were identified to have contributed to Mochudi attained position 3.

- Overall scanning back
- Criminal record book was up-to-date as eight (8) cases had no pleas and 4 had no sentences
- There were nine (9) open events.
- Ten (10) cases were registered with no dockets captured
- A few incorrect data entry standards were noticed across all case types

CIMS visited the station on the 22<sup>nd</sup> February 2013 to accolade them for a job well done with the usual CRMS presentation on how they have performed and also to guide them map the way forward.

After the formal deliberations the Mochudi team enjoyed themselves behind the cameraman's lens. Enjoy the pictorial.

NB: In the current gauging period October 2012- March 2013, Mochudi is now in position 6. It is their lowest ever since the introduction of gauging.



Mochudi Magistrates Court Staff posing for a picture

# Ask the GURU

## Completed cases appearing as pending

*Dear Guru*

I have realized that some of the cases that are completed and I have rightly closed at CSAEOUT are still appearing at Pending returns (CSRMRET).What could be the cause.

**Anastacia**  
Selibe-Phikwe

*Guru Answers*

Hello Anna, For matters to appear as completed and to move to Completed returns being CSRDECD one has to do two things. Firstly to close with final Order(FNLO) at CSAEOUT and lastly to dispose charges at CMADISP. If one has done these two then the matters will be found in the right returns. Unfortunately we do not do that, and in particular that was the main problem with Magistrate Makgato's cases.

## Changes/Deletions to the Charge

*Dear Guru*

Please help; I have wrongly entered two counts instead of one. How do I delete the other charge?

**Joe Ntshole**  
Lobatse High Court

*Guru Answers*

Thank You Joe for this question.Though charges are entered at the Charge tab at CMAINIT all changes and deletions of charges/violations are done at CMADISP.All one has to do is open the CMADISP, after entering case number, choose the accused that you wish to change/delete his violations. Place a cursor on the charge in question .Choose/ click "delete violation" on the navigation frame. Save and the charge will be completely gone. When changing a violation place a cursor on the violation in question and backspace, the field will be cleared and one can now enter the right charge/violation. These changes/deletions are only applicable when the charges have not been disposed.

## Changes/ deletion of parties

*Dear Guru*

Whilst doing quality assurance, I noticed that two Plaintiffs instead of one have erroneously been entered at CMAINIT (Party Tab) regarding cases number MTMSP-000002-13 and MTMSP-000048-13. Now, the process of deleting an extra Plaintiff cannot go through. What can I do?

**Tumo Okie**  
Selebi Phikwe Magistrate Court

*Guru Answers*

This could be as a result of two things. First scenario; when a case has closed events, then the party will not appear as an eligible party on CDACDPT and therefore cannot be deleted. The message that reads "Closed Event" - FOUND. Party cannot be changed/deleted" will appear. Secondly; when there is a service document attached to a case, then the parties on that case cannot be changed or deleted. (They will appear as illegible parties). Now, your question is based on the second scenario. Unfortunately, unlike in the first scenario, (where one can simply delete the closing docket, change the party and close the event again) , the second scenario is different, here there is a service document attached to the parties and no party can be changed or deleted. Given this second scenario, neither parties nor service documents can be changed or deleted, they can only be ended. To end a party one goes to CDAPRTY and enters the end date. Ended parties will still appear on CDAPRTY. That's why it becomes very important that quality assurance be performed regularly so that mistakes such as this can be realized before creation of document IDs.

## Closed Batches

*Dear Guru*

I have closed a batch before officers could finish scanning dockets. How do I reopen that same batch?

**Hope Molatlhegi**  
Kasane Magistrate Court

*Guru Answers*

A batch that has been closed cannot be reopened. The role of a batch is to help a user to create barcodes. Once a user closes a batch whilst others are still creating barcodes under that batch, then the only solution will be to open a new batch.

## Extra Barcode

*Dear Guru*

I have scanned dockets, I can even view at CDADOCT, however that very same docket still appears on CDRDSCAN as docket with barcode but no image attached.

**Gaongwalelwe Ndowa**  
Kasane Magistrates Court

*Guru Answers*

This means the docket had two barcodes created, please delete the extra one which was not used for processing.



# The Court Records Management System Structure

