REPUBLIC OF BOTSWANA

**2018 JUDICIARY STAKEHOLDERS’**

**OFFICIAL OPENING SPEECH**

**BY**

**THE MINISTER OF DEFENCE, JUSTICE AND SECURITY**

**HON. SHAW KGATHI**

**CRESTA THAPAMA HOTEL**

**FRANCISTOWN**

**12TH NOVEMBER 2018**

* **Honourable Chief Justice, Mr Terence Rannowane**
* **President of the Court of Appeal**
* **Honourable Judges of the High Court and Court of Appeal**
* **Permanent Secretary, Ministry of Defence, Justice and Security**
* **Attorney General**
* **Director of Public Prosecutions**
* **Commissioner of Police**
* **Director General, Directorate on Corruption and Economic Crime**
* **Commissioner of Prisons and Rehabilitation**
* **Registrar & Master of the High Court**
* **Your Worships of the Magisterial Bench**
* **Chairman of the Law Society**
* **Distinguished Guests, Ladies and Gentlemen**

**Director of Ceremonies**

1. It gives me great pleasure to once again attend the Judicial Stakeholder’s Conference, whose theme this year is **“Towards Realisation of a World Class Judiciary in Partnership with Stakeholders”.** The key questions that one should ask at the onset are… “*what brings us to together as stakeholders in the justice delivery system*”… and… “*what should drive us as a collective towards high level customer service in the delivery of justice, and doing so with unity of purpose*…”
2. Hopefully, we will answer these questions through today’s gathering which has brought together all the justice sector stakeholders i.e. the High Court; the Court of Appeal; the Magistracy; the Attorney General; the Directorate of Public Prosecutions; the Botswana Police; the Prison Service; the Law Society of Botswana; the Directorate on Corruption and Economic Crime; as well as the Ministry itself. I am confident this forum will afford you a good opportunity to share your views, experiences, knowledge and innovative strategies necessary for speedy dispensation of justice. Let me at this juncture, say that I have a special interest in the outcome of today’s Conference. Having said that, I need to highlight in my message, a number of issues that are of interest to you as justice practitioners, and members of the public.

**Director of Ceremonies**

**Backlog of Cases and Delayed Judgements**

1. We are meeting during a time when more demands are being placed on the Judiciary relating to its performance. At the top of the many demands on you, is the eradication of backlog of cases and the timely delivery of judgements. In responding to these demands, we have to establish exactly where the weakest link lies in the justice delivery chain, whether it is at the beginning or at the end of the process. In other words, whether it is at the beginning (investigation); in the middle (at prosecution level); or at the end of the process (at the judiciary level). Maybe there is no easy answer to this, but I must however indicate that, whatever the case may be, we need to tackle the backlog of cases head-on, and with a common purpose because of the negative effect the backlog of cases has across many sectors of the economy. Some suggest it has had the effect of pulling down Botswana ratings in some areas, especially ratings relating to global development index and ease of doing business.
2. First and foremost, it needs to be acknowledged that Batswana themselves hold very strong perceptions on this, and believe that the wheels of justice in Botswana need to turn somehow faster than they are currently seeing or perceiving, be it in the hearing of cases or delivery of judgements. Be that as it may, fundamentally there is an inalienable inter-relationship between the judiciary and the national economic performance, and therefore, challenges related thereto need to be dealt with as a matter of priority, particularly in the interventions against the obvious risks to our economy and national financial transactions posed by money-laundering and financing of terrorism.

**Anti-Money Laundering and Financing of Terrorism**

1. The other issue, I need to raise relates to anti-money laundering and financing of terrorism. Botswana is a member of the East and Southern Africa Anti-Money Laundering Group (ESAAMLG), whose main objective is to ensure that member countries implement agreed global anti-money laundering and financing of terrorism intervention measures and standards, under the auspices of the International Cooperation Review Group (ICRG) of the Financial Task Force (FATF).
2. Botswana has been working hard to implement such measures and standards. In this regard, His Excellency the President Dr Mokgweetsi Eric Keabetswe Masisi, highlighted in his State of the Nation Address (SONA) that twenty-five (25) pieces of legislation were enacted or amended to facilitate various sectors in dealing with different challenges or effects of money laundering and financing of terrorism; human trafficking; proceeds of crime; arms trafficking; drug trafficking and weapons of mass destruction.

1. Regrettably, despite the progress made in this regard, Botswana is expected to do a lot more with respect to effectiveness of the intervention measures such as establishing national organisational structures envisioned in the provisions of the relevant acts; and to put in place robust systems for controlling and monitoring the inflow and outflow of money through the banking systems; non-banking systems; trusts and non-profit organisations. However, as a result of the identified weaknesses, Botswana is likely to be red-flagged globally, which will certainly affect all Government and private sector, financial transactions and systems, and the economy at large.
2. To support the Judiciary with knowledge base in this regard, I have directed the Permanent Secretary in the Ministry, in collaboration with the Registrar and Master of the High Court to work on the logistics, and the timetable for the provision of training necessary for your Lordships and Worships on matters of money-laundering, counter financing of terrorism and related legislation such as those relating to proceeds of crime, trust properties, human trafficking and weapons of mass destruction. Such knowledge, in my view, will be beneficial not only to the Judiciary, but also for the victims, complainants and the accused persons themselves, since all participants will be sufficiently informed.

**Director of Ceremonies**

**Gender Based Violence, Stock Theft and Bail**

1. These issues, remain topical across the country, and it is my belief that you will of course use your wise counsel to find lasting solutions to these problems. One has to admit however that finding solutions to these problems, is a complex balancing act between ensuring judiciary independence and fairness, vis-à-vis the expectations of the nation, within which our Judiciary exists. I guess you are aware that in your respective areas Batswana have strong views with respect to stock theft, bail and gender based violence such as rape, incest and femicide. They believe that the views they hold, should determine or shape the direction of justice, which is, and should not be the case.

**The Cost of Justice**

1. One of the issues that causes disquiet among members of the public is the creeping high cost of justice to clients due to lawyers’ fees, which has been blamed on the pace at which cases move either at the Magistrates or High Court. Batswana in their view, believe that numerous postponement of cases for whatever reason, whether on account of submission by their own attorneys or on account of a prosecutor, or the Courts, or on account of the investigator. In the final analysis, any hiccup at any stage of one’s case makes the cost of justice burdensome or unaffordable to an ordinary citizen. However, I trust the Law Society of Botswana, hopefully in your input, will deal with this matter particularly at their Conference scheduled for Thursday this week.

**Director of Ceremonies**

**Ease of Doing Business**

1. One of the Botswana’s national strategies identified for economic diversification is ease of doing business. You would agree with me that the Judiciary is, or should be part of this national transformation. Areas that have been identified as key to this process is the establishment of the commercial courts, the corruption courts and the establishment or strengthening of the small and medium claims courts. These are seen as urgent strategies for facilitating ease of doing business that fall within your purview. I am happy to note that, you are already looking into several proposals in this regard. I wish to encourage you to do more, particularly for the enhancement of Botswana’s ratings.

**Director of Ceremonies**

**Conditions of Service**

1. At the Stakeholder’s Conference organised by my Ministry in 2017, conditions of service for the Judiciary were raised as one of key issues that need to be addressed. I am happy to indicate that some progress has been made in this regard. I believe you are aware that His Excellency the President has appointed a Commission to look into the Conditions of Service and other Entitlements for the Political Leadership, Justices, Members of Ntlo ya Dikgosi and Others, which is chaired by His Lordship Monametsi S. Gaongalelwe, to which I believe, you will make your submissions either as individuals, or as a collective, depending on your own determination.
2. I am also happy to indicate that the long term problem that you have been experiencing hitherto, with respect to your official transport has been resolved, with the upgrading, that has been under discussion for some time. However, the implementation of the Presidential Directive relating to this, will be subject to the procurement processes and timelines within which the Administration of Justice, will implement this, which I trust will be given the priority it deserves.

**Director of Ceremonies**

**Conclusion**

1. In conclusion, you would be aware that 2019/20 will be a period for the midterm review of the National Development Plan 11, therefore the outcomes or recommendations from this Conference should be formulated in such a way that they will effectively influence such a review through the Thematic Working Group on Governance, Peace and Security. Such influence will be in terms of new and innovative ways for resourcing the Judiciary, and secondly in terms of posturing the Judiciary to be responsive to national economic transformational strategies such as ease of doing business, the adoption of ICT systems, anti-money laundering and countering financing of terrorism; while maintaining its core mandate of ensuring justice, accountability, governance and the rule of law in Botswana.
2. With these remarks, it is my pleasure to declare your Stakeholders Conference, 2018 officially open.
3. I thank you.