**REMARKS BY THE**

**HON. CHIEF JUSTICE MR. MARUPING DIBOTELO**

**ON THE**

**OCCASION OF THE FAREWELL RECEPTION**

**HELD IN HIS HONOUR**

**ON**

**FRIDAY 27TH APRIL 2018**

**AT GICC**

**IN GABORONE**

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Your Excellency the President, Mr. Mokgweetsi Masisi and our First Lady Mrs. Masisi;

Your Honour the Vice President Mr. Slumber Tsogwane;

Honourable Judge President of the Court of Appeal Mr. Justice Kirby and Mrs. Kirby;

Court of Appeal Justices and Your Spouses;

Honourable Chief Justice of Namibia and Chairman of the Southern African Chief Justices’ Forum Mr. Justice Shivute and Mrs. Shivute;

Your Lordships and Ladyships Judges of the High Court and your Spouses;

Former President Mr. Mogae;

President and Judges of the Industrial Court;

Honourable Attorney General;

All Protocol observed;

1. I am overjoyed to have this reception held in my

honour on the eve of my retirement. I am especially humbled to have you, Your Excellency and Mrs. Masisi, and your entourage, as well as all who are here this evening.

1. Please allow me to single out my esteemed colleague and Chairman of the Southern African Chief Justices’ Forum, Hon. Justice Shivute of Namibia, his spouse and his Assistant for gracing this occasion.
2. Chief Justice Shivute and I have worked very closely in improving the delivery of justice to our respective people. As I stated at the Stakeholders Conference that was attended by the Honourable Chief Justice in 2016 here in Gaborone, and this is not a boasting, Namibia and Botswana have the highest case disposal rates in the whole of the SADC Region, if not in the Sub-Saharan region, as a result of the reforms we have introduced.
3. I cherish most profoundly the resolve by all of you in attendance, of setting aside your domestic and other engagements to spend your quality time with me and my family on this occasion.
4. ***Director of ceremonies*,**

I wish to preface my remarks by congratulating Your Excellency the President, Mr Mokgweetsi Eric Keabetswe Masisi, on your recent assumption of the highest office in the land following your swearing in and inauguration on the 1st of April 2018, becoming our 5th President.

* 1. I also congratulate our Minister Mr Shaw Kgathi on his recent appointment. For us, his appointment brings continuity in the affairs of the Judiciary and a confirmation of his leadership.
  2. What I have observed during my working with Honourable Shaw Kgathi as our political head is that he presents our issues to the government with conviction and understanding which facilitates their prompt resolution and implementation. For that, I sincerely and whole heartedly thank the Honourable Minister.
  3. With your assumption to the lofty office, Your Excellency, the anxiety and waiting on my successor ended today when you informed the nation that Mr. Justice Terrence Rannowane is the designate Chief Justice whom I will hand over the button of the Judiciary, come 30th of April 2018.
  4. I shall be leaving and bequeathing to the incoming Chief Justice the good luck wishes for this job and warmly congratulate him on his appointment.

1. ***Ladies and gentlemen,***

On account of providence my two predecessors the late Moleleki Mokama and Julian Mukwesu Nganunu were unable to formally hand over to their successors. I trust that the formal handover will no doubt place the designate Chief Justice in a better stead to steer and move this Organisation to even greater heights.

* 1. As I have pronounced before, I have been

mindful and constrained during the period of my extended tenure, from making any decisions of a major policy departure that would compromise my successor.

1. We are all familiar with the saying that there is “*a time for everything under the sun.”* The time for my retirement after many years of being a servant to the law is nigh.
2. In my Legal Year Address on 6th February 2018, in which I accounted to the nation on the health and status of our Judiciary, I also highlighted what I considered to be the achievements and challenges during my tenure spanning over twenty (20) years as Judge and Chief Justice.
   1. I alluded to the pivotal issue of the resourcing of the Judiciary and its Stakeholders, the topical issue of bail, the introduced and contemplated reforms, the projects and the performance of the Courts.
   2. I also took that opportunity to bid the Nation farewell.
   3. Therefore, I shall not rehash these issues tonight. Tonight is not an occasion for long speeches even though you, the audience, may look like you are enjoying it. This is a farewell dinner. I will therefore be short in my thoughts.
3. ***Distinguished Guests,***

I wish to briefly revisit the issue I raised with the 4th President Lt. General Dr. Seretse Khama Ian Khama on the occasion of the official opening to the extension of the Broadhurst Magistrates’ Court on 13th March 2018. On that occasion, I asked him to pass a word on our behalf to the incoming President on the dire need for the construction of purpose built courts in Ghanzi, Serowe and Francistown. I am now saying this, Your Excellency, in your hearing. Your Excellency, this also dovetails with a salient issue on the resourcing of the Judiciary and its Stakeholders which proposals are before Government. These are weighty matters which the incoming Chief Justice will hit the ground running with. I am hopeful that Your Excellency’s administration will continue to demonstrate keenness and sensitivity towards the Judiciary, moreso, that the Rule of Law Pillar is the anchor of our Vision 2036.

1. ***Distinguished Guests,***

Speaking about the Rule of Law, I wish to salute the Government for its adherence and observance of this tenet. The Government has obeyed all court orders and rulings, even those against it. I know of no undue influence from any quarter in Government, during my tenure that has been brought to bear on any Judicial Officer, be it a Judge or Magistrate, on how to adjudicate over a case.

10.1 There is nothing that tarnishes and spoils the image of a country like an unclean or compromised Judiciary. Public confidence is the recipe and catalyst which sustains any Judiciary’s independence and is the bedrock for any country that yearns to prosper.

* 1. Judicial officers are bound by the oath of office in the discharge of their duties, i.e, without fear, favour, affection or ill will.

10.3 When there is a dispute or issues of national or public interest, Litigants approach the Courts which in turn play a stabilizing role of expeditiously and impartially adjudicating over the matters. Our society has confidence in the Court system as they comply with and respect Court decisions and move on with their lives. This is the Judiciary I had the privilege to serve for so many memorable years with full commitment and integrity, was bequeathed with and I am also bequeathing for posterity.

1. ***Ladies and Gentlemen,***

Heading the Judiciary in the cockpit has not been

a smooth ride. There have been some storms resulting in bumpy rides along the way. The storms cleared and the landing was comfortable, lessons drawn and learnt.

11.1 I had a dynamic team during my Chief Justiceship which I always relied upon for honest and genuine advice. Even though there were differences in opinion, I felt these were motivated by *bona fide* interests for the Judiciary and the country. I strongly urge that the same support, including from all the Stakeholders, be afforded and extended to the new Chief Justice to enable him to take this Judiciary forward.

* 1. I am most heartened by the presents you have deemed appropriate for me. I thank all those who contributed towards their acquisition. I want to assure you that I will take good care of the presents and will forever cherish them as a reminder of my long and fond association with the Judiciary.

1. ***Director of Ceremonies,***

In conclusion, I look forward in my retirement to spending more time with my wife, family, relatives and farming. I thank them most profoundly and sincerely for their support and understanding as this job is lonely, arduous and demanding. I extend the same appreciation to the spouses of

Judges in attendance.

12.1 I believe the Administrators have prepared what is due to me so that I can enjoy the sweat and fruit of the litigation I initiated in respect of the Judges Pension!

1. Finally, to the earlier Speakers, I thank and honour you for the kind and generous words you have showered on me. As the Scriptures would say, I believe, “I have fought a good fight, I have finished the race, (and) I have kept the faith” (vide Timothy Chapter 4 verse 7).

I thank you for your attendance, attention, and may

the Almighty Bless you.

**PULA! PULA!**