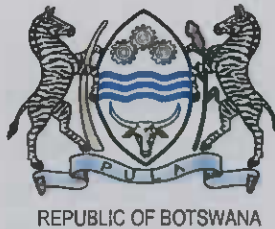


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Registrar and Master
The High Court of Botswana
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BOTSWANA

ADMINISTRATION OF JUSTICE

PRESS RELEASE

TO: ALL MEDIA HOUSES


FURNISHING SECURITY FOR COSTS OF LITIGATION

1. The Administration of Justice wishes to clarify for the appreciation and benefit of members of public, some statements contained in **The Monitor Newspaper Edition** of Monday 24 February 2020, page 2 thereof under the headline "**BMD Throws in the Sponge**".
2. The same story was covered in **The Midweek Sun Edition** of 26 February 2020 at page 3 headlined "**JUSTICE FOR SALE**", where it is reported that BMD was requested to pay a huge sum of money (P230 000) as security for costs even before the case was heard and alleged that because of the way justice is sold in the country they had no choice but to withdraw the case.
3. Part of the excerpt attributable to BMD when withdrawing its appeal against the UDC is that:

"... The Registrar, by setting grossly excessive, exorbitant and unaffordable security for costs at P230 000 made it impossible for the Applicant to pursue his appeal".
4. The Registrar is empowered by Rule 22 (2)(c) of the Court of Appeal Rules to fix the amount to be provided by the Appellant as security for the prosecution of the appeal.

5. In case where the Appellant does not have the financial ability to pay the security and where means test assessment has been done by the Registrar and has satisfied himself that the appellant does not have the financial ability to pay security, the appellant will be exempted from paying security and be provided with an Attorney of his choice in terms of Rule 33 of the Court of Appeal Rules.
6. The above position shows that appeals are not dependant on the financial ability of the aggrieved persons only, but on other considerations. Therefore justice is not for sale and is accessible to all irrespective of one's station in life.
7. The other important consideration is the quantum of security. In principle, security for costs is not intended to be full indemnity for the respondent in case the appellant is not successful in the appeal. It is always a nominal amount agreed upon by the parties. In the event the parties do not agree, the Registrar takes a decision on the matter. Should any party be aggrieved by the Registrar's decision, he/she is entitled to take the matter on review before a Judge.
8. Members of the Public are therefore assured that Justice is accessible to all and that all are equal before the Law.

DATED AT GABORONE THIS 28TH DAY OF FEBRUARY 2020



M. L. Motlhabi
REGISTRAR AND MASTER