



Official Opening
of the
Stakeholders' Workshop
on Bail

By the

**Minister of Defence, Justice and Security
Hon. Dikgakangamatso N. Seretse**

Friday 22nd March 2013

At Majestic Five Hotel
Palapye

Hon. Chief Justice
Hon. Judges
Attorney General
Permanent Secretary, MDJS
Secretary for Defence, Justice and Security
Commissioner of Police
Director of Public Prosecutions
Director – DCEC
Commissioner of Prisons
Dikgosi
Registrars and Magistrates
Attorneys at Law
Distinguished Guests
Ladies and Gentlemen

It is my singular honour and privilege to officiate at this Stakeholders' Workshop on Bail.

The need for a conference of this nature cannot be overemphasized as it is almost a truism that if key Stakeholders operate in silos; without co-operation; synergy and information sharing; little or no success will be achieved or realised.

The relevance of this Conference is borne of the fact that there is a gap between the justice delivery system and the expectations of the public which we all serve. This 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. Bail, and or conditions of bail, have done a lot to fuel these perceptions. They are viewed as lenient, in comparison to the gravity of the crimes committed or the loss or injury occasioned by crimes for which they are given.

Director of Ceremonies

It is important at the political level to convey this to all stakeholders in the criminal justice system so that we all appreciate the sentiments and perceptions of Batswana. I must however, add that even within the criminal justice system continuum, there are elements of disquiet which may suggest that those who are at the beginning of the criminal justice system believe

that the effort and processes they put in place in investigations are often lost with the granting of bail by the courts.

On the other hand, those at the end of the system such as magistrates and judges also hold views and legitimately so, that preparations for cases, as well as the quality of investigations, including submissions around bail applications often leave much to be desired. It is therefore, my ardent hope that when we leave this workshop all stakeholders would have had a full appreciation of the constraints imposed on each institution by its processes, rules and procedures. Interactions that we will have today should enable us to align our service delivery to the extent possible with the aspirations of those we serve.

Director of Ceremonies, the composition of the participants demonstrates our desire to be all inclusive as most members of the national criminal justice forum are in attendance.

Ladies and Gentlemen, my understanding of this workshop is for us to share in a frank and open manner our experiences on bail and identify concrete interventions that may be employed to address the challenges identified.

The Government and the nation at large are concerned about accused persons facing charges of violent and intrusive offences being granted bail and continuing to be brought before the courts on further charges and being granted bail for same. This may compromise the safety of our nation and negate national efforts towards achieving the Nation of "A Safe and Secure Nation" by 2016.

While this forum will offer us an opportunity to introspect we should not lose sight of the fact that the very matter we are dealing with is strictly a judicial function that is, and should be exercised without interference from any other person or entity.

What I would want to emphasise, is that each agency should play its part well to enable all in the loop to act appropriately. I would like to believe that this otherwise negative perception we are dealing with is truly a result of unintended lapses in the process.

Director of Ceremonies, it is critical therefore for all to understand their roles and others' and make concrete suggestions on how each would

complement another to better serve our nation.

Let this meeting not be where we apportion blame but rather look for synergies which can take us forward as a well-oiled system, and appreciate that a gap in other's role can lead to a collapse of the entire system.

Lastly, Ladies and Gentlemen as a Government we adhere to the rule of law which entitle accused persons to apply for bail and oblige courts to consider and grant bail to such persons. It is critical in our view that all the relevant information must be placed before the court to enable the judicial officer to arrive at an informed decision and that is my understanding of the purpose of this workshop.

Director of Ceremonies, out time is limited so at this juncture and without much ado, it is my honour to officially declare this workshop open.

May the good Lord guide us in our deliberations.

Thank you.

Pula!