

WELCOME REMARKS

BY

HON. CHIEF JUSTICE MARUPING DIBOTELO

AT THE

STAKEHOLDERS CONFERENCE

HELD ON THE

25TH OCTOBER 2013

AT

MOKOLODI NATURE RESERVE



SALUTATIONS

- Hon. Minister for Defence, Justice & Security
- Your Lordships and Ladyships Judges of the High Court & Industrial Court
- President of the Customary Court of Appeal (South)
- The Chairperson – Ntlo Ya Dikgosi
- Attorney General and Your Deputies
- Permanent Secretary in the Ministry of Defence Justice & Security
- Acting Registrar & Master and your Deputies
- Deputy Commissioner of Police
- Deputy Commissioner of Prisons
- Director of Public Prosecutions
- Director of DCEC
- Chairperson of the Law Society
- UB – Law Department Representative
- The Ombudsman
- The Chief Executive Officer – BOCCIM
- The President – Land Tribunal
- Your Worships of the Magisterial Bench
- UNDP Representative
- Invited Guests, Ladies and Gentlemen

1. Director of Ceremonies, this is the fourth gathering of the stakeholders since the adoption of Judicial Case Management in 2008. Conferences similar to this were held in 2008, 2009 and 2011 when a decision was taken that they be held bi-annually.
2. We are here today together with our key stakeholders. The importance of such conferences cannot be over emphasised. We have benefitted from such conferences as a Judiciary and the justice system has been enriched by your contributions.
3. Stakeholders Conferences came about on the realisation that collective efforts by many players will yield better results than single players.
4. This year's theme is, ***“Effective collaboration with stakeholders – key to success of Judicial Case Management.”*** While the theme refers to Judicial Case Management, our discussions and feedback must cover all areas of our service delivery.

5. I am thankful to all of you for the support you have always given to our judicial reforms. Judicial Case Management, for example, has recorded a number of successes since its inception at the High Court in 2008 and at the Magistrates' Courts in 2011. We have been able to set the turn around times of cases which will guide us in terms of backlog levels. A lot of moribund cases have been put to rest.
6. Our performance at the High Court level for the period July 2012 to end of August 2013 has shown that as at July 2012, the three divisions had a total of 3626 civil cases and 700 criminal cases pending. During the same period under review the divisions received a total of 7226 civil cases and 1506 criminal cases. Also during the same period we managed to complete 6708 civil cases and 1398 criminal cases. This when converted into percentage terms means our disposal rate of cases as against received cases stands at 100% which is a commendable achievement.
7. While the situation at the Magistrates' Courts has not reached the same levels as the High Court, indications have started to show the positive effects of the reform.

8. Hon. Minister, Director of Ceremonies, Ladies and Gentlemen, while we record a number of successes for which we are indebted to our stakeholders for their contributions, a number of challenges also remain with us. We are embattled with lack of resources. I will highlight only the most critical areas. Our Registries, which are the port of entry of all our cases are understaffed. Inadequate Court Reporters, responsible for the transcription of court records, is a painful challenge as those who appeal against the decisions of the trial court never find it easy to get their records with the appellate court. On these issues this is what I stated at the opening of the 2013 Legal Year and which I repeat:

“10.2 Upon our relocation from Lobatse to Gaborone and expansion of the High Court we have been experiencing serious strain in the distribution and allocation of staff to support the operations of both courts as there has been no corresponding human resource increase. This has overstretched our staff and threatens to compromise our efficiency if not

addressed as a matter of urgency. A proper court cannot operate with empty registries as this will delay our processes and jeopardise the security and confidentiality of information entrusted with us.

10.3 I will cite two examples to drive this point home. For the Gaborone High Court Registries we desperately require (36) Clerks but we are currently operating with only fifteen attending to all our Registries. This means that at any given time one clerk performs a whole range of duties, which situation often compromises accuracy and efficiency and our agreed standards on turn around times of cases. Not only that, fatigue, work related stress and unending sick leaves are now prevalent and the norm amongst this category of employees.

10.4 The Registries are figuratively speaking our Boiler rooms where registration of cases and filing of documents are done. Our Boiler rooms are slowly grinding to a halt. Some filed documents are now not

reaching the files at all or on time due to shortage of Clerks and this is severely impacting our case disposal, cumulatively leading to the creation of the monster we had successfully eliminated i.e. backlog. The situation applies across the Judiciary at our Lobatse and Francistown Divisions of the High Court as well as the Magistracy.”

This has now come to pass and is haunting us. The other major challenge is the inadequate equipment e.g. computers and scanners.

9. JCM requires continuous training for the incoming new staff and refresher training for those already in the system. In the past, UNDP used to fund our training programmes which include the training of our stakeholders and we are indebted to that. However, the UNDP generous hand was terminated on what I am informed was a change in policy in the support for governance programmes. Hon. Minister, we have tried for the next financial year to filter in such costs in the normal budget which is proving difficult because of the ceilings put in place by the Ministry of Finance.

10. The Court Annexed Mediation is coming up sometime next year and training has already been done for Judges, Registrars, Magistrates and some of the members of staff and part of our stakeholders. It is intended that the training be extended to all the targetted groups subject to the availability of funds.
11. E-Filing is also intended to have its pilot test with the High Court next year. This will, among other things, reduce queues at our Registries and cause a reduction of work by Registry Staff in receiving and scanning documents.
12. Director of Ceremonies, my office is alive to the concerns of our stakeholders in respect to delayed judgments. This matter is being addressed and we hope to see an improvement in this area.
13. Of concern also is the issue of uncollected maintenance money. The resolution of this problem is at a snail pace. It is intended that the collection of maintenance money be decentralised so that recipients can collect their money

through the banks, post offices and government revenue offices throughout the country.

14. Director of Cermonies, mine, is to welcome you to this conference not to be embroiled in a lengthy speech. I want to thank in advance the Honourable Minister for accepting our invitation to come and officially open our Conference. I welcome you all to this Conference and thank you for finding time to be here. This demonstrates how committed you are to the Administration of Justice. We cherish your presence.

I thank you.

P U L A !