




REPUBLIC OF BOTSWANA

ADMINISTRATION OF JUSTICE

PRACTICE DIRECTIVE NO. 2 OF 2020 (Revised).

TO: Hon. Justices of Appeal
Hon. Judges of the High Court
All Registrars
All Magistrates
All Staff Members
All Attorneys
All members of the public

REF: RM 1/6/1 X

FROM: 
Terence T. Rannowane
CHIEF JUSTICE

10th April 2020

DIRECTIONS ON COURT OPERATIONS DURING THE COVID-19 STATE OF EMERGENCY.

1. This Practice Directive is issued in terms of REGULATION 30B of the EMERGENCY POWERS (COVID-19) (AMENDMENT) (NO.2) REGULATIONS, 2020, and shall be deemed to have come into effect on the 1st April 2020.
2. His Excellency the President, acting in terms of section 17 of the Constitution of Botswana has on the 31st March 2020 declared a State of Public Emergency in order to address the grave situation posed by the COVID-19 Pandemic and to implement extreme social distancing. Consequently, and in order to give effect to the preventive measures pronounced in the declaration by His Excellency the President, the Practice Directive No.1 of 2020 is hereby reviewed as follows:
 - 2.1 With effect from Friday 3rd April 2020, there shall be no court hearings except in relation to extremely urgent applications. The applications shall not be registered unless the duty Judge or Magistrate confirms the urgency of such a case and directs that it be registered. The purpose of this Directive is that where possible judicial officers and support staff, as well as stakeholders should be facilitated to remain at home to prevent the spreading of COVID-19.

2.2 Without deviating from the generality of Paragraph 1 above, 'extremely urgent applications' shall include, but shall not be limited to:

2.2.1 Bail applications;

2.2.2 Urgent first appearances in serious criminal cases; (offences punishable with imprisonment for 3 years and above);

2.2.3 Any case involving domestic violence under the Domestic Violence Act, No.10 of 2008;

2.2.4 Garnishee applications for maintenance of minors and deserted spouses;

2.2.5 Payments of maintenance for minors under the Guardian Fund (Administration of Estates Act (Cap 31:01).

NB: For any issues related to the Masters Office (Administration of Estates and Guardian Fund), contact the following:

Gaborone : Deputy Master S. Mtunzi @ 74209174

Francistown: Deputy Master F.S. Sigweni @ 71570541

Maun : Acting Deputy Master K. Tselapedi @ 75554356

3. There shall be a single Magistrate at each Magistrate's Station, a single Judge at each High Court Division and one Justice at the Court of Appeal who shall be on call to deal with extremely urgent applications only. The necessary support staff shall also be on call during the lockdown. Except where necessary every employee of the Administration of justice shall work from home at his or her duty station, but each station shall prominently display a Notice informing the public of the contact number of the duty officer on call.
4. Deputy Registrars responsible, including the Masters Division and Regional Magistrates, will draw a Roster of Justices, Judges and Magistrates on weekly rotational basis who will be taking these assignments effective from the due date. The Rosters are to be compiled and submitted to the Registrar and Master for the duration

of the lockdown, subject to extension in terms of the existing State of Public Emergency.

5. The Rosters must also include the skeletal support staff who will also be on weekly rotational basis, and will be on call at all times.
6. The skeletal support staff and the Presiding Officers shall, in accordance with paragraph 1 above, only come to Court as and when there is business to be transacted.
7. The support staff will be picked up by an official vehicle at the designated address identified to the Deputy Registrars and the coordinating Regional Magistrates. The vehicles to be used in this assignment will be sanitised.
8. Registrars dealing with default judgments will be expected to carry on with their pending filed matters from home.
9. Court Reporters with pending records for transcription will be loaned laptops/desk tops to work on those records from home where practicable.
10. Judicial officers will utilise this period to conclude their pending judgments, working from home.
11. The *dies* requirements and existing time bound orders of court arising from and/or in terms of the Magistrate Court Rules, the High Court Rules and the Court of Appeal Rules are hereby suspended for the period of the State of Public Emergency and shall commence to operate once more upon the lifting of the State of Public Emergency. This notwithstanding, interdicts, stays of execution, warrants of detention and arrest orders are unaffected by the State of Public Emergency and shall, where practicable, continue to be in force.

12. Payment of Court Fees is suspended during the State of Public Emergency, subject to payment immediately upon the State of Public Emergency being lifted.
13. The return date of all applications with rules nisi returnable during lock down shall be extended sine die, with such matter to be recalled by the court upon the lifting of the State of Public Emergency.
14. Warrants of detention in respect of all remand detainees shall be extended until the State of Public Emergency is lifted. However, such detainees shall be entitled to file applications for bail.
15. Where practicable courts should strive to use video conferencing facilities to obviate the need for physical attendance by the litigants at the court premises.
16. This Practice Directive is subject to review from time to time as circumstances unfold in the light of the COVID-19 Pandemic.
17. This Practice Directive is issued subject to any State of Emergency Regulation which may be promulgated in terms of the Constitution.

Cc: Hon. President of the Court of Appeal
Attorney General
Director of Public Prosecutions
Commissioner of Police
Commissioner of Prisons & Rehabilitation
Chairman, Law Society of Botswana
CEO – Business Botswana