



Statement on the impeachment of Justices Dingake, Letsididi, Garakwe and Busang of the High Court of Botswana.

Recalling that at its General Assembly on 19 September 2015, the Commonwealth Magistrates' and Judges' Association (CMJA) expressed its concern about the processes put in place to impeach the Justices of the High Court mentioned above.

Recalling the CMJA Statement issued on 3 October 2015 in relation to the suspension of Justices Dingake, Letsididi, Garakwe and Busang and the concerns expressed therein,

Recalling the provisions of the Commonwealth (Latimer House) Principles on the Accountability of and the Relationship between the Three Branches of Government (2003) which state that *'Disciplinary proceedings which might lead to the removal of a judicial officer should include appropriate safeguards to ensure fairness'*.

Whilst not wishing to comment on current court cases which will run their normal course, the CMJA is concerned that the authorities in Botswana seem to be treating some judges more favourably than others and this gives the impression that there is a lack of equality before the law.

Any measure which is capable of being seen as eroding the independence and impartiality of the judiciary, or the fundamental rights to which all citizens of Botswana are entitled to, is a matter of serious concern and could undermine the international standing of the Botswana judiciary.

We therefore call upon the Botswana authorities to ensure that all processes followed are dealt with in a just and equitable manner to resolve the issues quickly to safeguard the good reputation of the Botswana judiciary for independence and impartiality.

**Commonwealth Magistrates' and Judges' Association (CMJA)
Commonwealth Legal Education Association (CLEA)
Judges for Judges (Rechtters voor Rechtters), Netherlands**

16 June 2016

NOTE TO EDITORS:

The **Commonwealth Magistrates' and Judges' Association** is a not for profit organisation, registered in the UK, whose aims are to promote judicial independence, advance education in the law, the administration of justice the treatment of offenders and the prevention of crime in the Commonwealth. It brings together judicial officers of all ranks from all parts of Commonwealth and provides a forum for the promotion of the highest judicial standards at all levels. Website: www.cmja.org

The **Commonwealth Legal Education Association** is an international non-profit organisation which fosters and promotes high standards of legal education in the Commonwealth. Founded in 1971, it is a Commonwealth-wide body with regional Chapters and Committees in South Asia, Southern Africa, West Africa, the Caribbean and the UK. Website: www.clea-web.com

Judges for Judges is an independent and non-political foundation set up by judges to support fellow judges abroad who have run into problems or risk problems on account of their professional practice. These problems are mostly related to (presumed) violation of their professional independence. J4J also concerns itself with judges, who have been discharged for disturbing reasons, have been arrested and imprisoned, put under pressure, are threatened or even assassinated. Website: <http://www.rechtersvoorrechters.nl> or www.judges4judges.nl
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