

Provision of Legal Assistance

Overview

Legal assistance is provided to litigants with limited financial means who are involved in civil and criminal cases.

In Civil cases, any party who desires to sue and defend as a poor litigant may apply in writing for leave to sue or defend as a poor litigant, as per Order 5 of the Magistrate Court rules and Order 46 of the High Court rules.

In criminal trials/ appeals, pro-deo lawyers (lawyers whose fees are paid directly by the government) can be assigned to defendants of limited financial means.

Who is eligible?

- Any individual who is instigating or defending themselves against a civil case may apply for legal assistance from the courts.
- These individuals must be unable to afford professional legal assistance.
- For criminal cases, accused persons charged with murder, manslaughter, attempted murder or treason are entitled to pro-deo representation.
- The decision is made by the Registrar of the High Court/ Magistrate.

How do I get this service?

- They must submit a letter/application, in writing, to the Registrar/ Magistrate of the court outlining that: they are requesting permission to sue or defend as an individual of limited financial means. Also explaining that they lack the financial means to afford their own legal assistance.
- The Registrar/Magistrate, on receipt of the letter/application, will make inquiries as to the means of the applicant in order to assess the legitimacy of the claim. The Registrar/ Magistrate may require the applicant to provide a verbal oath or a written affidavit for the lack of financial ability.
- Once the Registrar/ Magistrate approves the written application, the case is referred to a legal practitioner who makes the assessment of whether the applicant has a reasonable chance of success in their case before deciding whether take the case. The applicant will be informed through written correspondence of the outcome of his or her application.
- The Registrar/ Magistrate will grant the applicant leave to sue or defend without payment of court fees. The applicant will be given a document signed by the Registrar/Magistrate stating that he is given

leave to sue or defend without payment of court fees. The applicant will then attach a copy of the said document whenever filling documents at the Registry.

What supporting documents are required?

To submit the letter/ order granting permission to sue or defend as pauper.

How long will this service take?

- Approximately one business day.
- Once the applicant submits his\her application the Registrar's secretary/ Clerk then makes an appointment for a given date. On the appointed date the Registrar/ Magistrate will enquire into the means of the applicant and for that purpose may require the applicant to give evidence on oath, either in person or by affidavit. The Registrars/ Magistrate ruling will be delivered on the same day.
- The decision of the Registrar/ Magistrate shall be final as to whether the applicant has sufficient means to finance his action or not.

How much does it cost?

No cost

Where can I get more information on this Service

Kindly contact one of the offices listed below:

Court of Appeal Private Bag 00316 Gaborone Botswana Tel: (+267) 371 8000	Gaborone High Court P O Box 00220 Gaborone Botswana Tel: (+267) 3718000 Fax: (+267) 3915119	Francistown High Court Private Bag F13 Francistown Botswana Tel: +267 241 2125 Fax. (+267) 2416378
Lobatse High Court Private Bag 001 Lobatse Botswana Tel: +267 5338000 Fax: (+267) 5332317	Regional Magistrate Court-North Private Bag F149 Francistown Botswana Tel: (+267) 2410624	Regional Magistrate Court- South Private Bag BR293 Gaborone Botswana Tel: (+267) 3956339
Gaborone - Village Private Bag X10 Gaborone Botswana Tel. (+267) 3956381	Broadhurst Private Bag BR 122, Gaborone Botswana Tel. (+267) 3956381	Extension II Private Bag X10 Gaborone Botswana Tel. (+267) 3956381

Lobatse Private Bag 16 Lobatse Botswana Tel. (+267) 5330540	Kanye Private Bag 17 Kanye Botswana Tel. (+267) 5440276/ 78	Jwaneng Private Bag 10 Jwaneng Botswana Tel. (+267) 5880628
Mochudi Private Bag 029 Mochudi Botswana Tel. (+267) 5777601	Molepolole Private Bag 0022 Molepolole Botswana Tel. (+267) 5920402	Tsabong Private Bag 359 Tsabong Botswana Tel. (+267) 6540277
Gantsi P. O. Box 206 Gantsi Botswana Tel. (+267) 6596352	Maun Private Bag 0271 Maun Botswana Tel. (+267) 6860370	Francistown Private Bag F19 Francistown Botswana Tel. (+267) 2413793
Masunga Private Bag 11 Masunga Botswana Tel. (+267) 2489277	Letlhakane Private Bag 32 Letlhakane Botswana Tel. (+267) 2976666	Selibe Phikwe Private Bag 003 Selibe Phikwe Botswana Tel. (+267) 2610321
Serowe Private Bag 14 Serowe Botswana Tel. (+267) 4630386	Palapye Private Bag 15 Palapye Botswana Tel. (+267) 4920401	Mahalapye P. O. Box 22 Mahalapye Botswana Tel. (+267) 4710326
Kasane Private Bag K5 Kasane Botswana Tel. (+267) 6250337	Hukuntsi Private Bag 10 Hukuntsi Botswana Tel. (+267) 6510148	Bobonong Private Bag 003 Selibe Phikwe Botswana Tel. (+267) 2629790
Gumare P. O. Box 35 Gumare Botswana Tel. (+267) 6874511		

Opening hours are 07:30 to 12:45 and 13:45 to 16:30, Monday to Friday, except public holidays.