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**EMERGENCY MEETING
(FINANCIAL ACTION TASK FORCE (FATF) BILLS)**

THURSDAY 03 FEBRUARY 2022

MIXED VERSION

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Thursday 3rd February, 2022

THE ASSEMBLY met at 11:00 a.m.

(THE SPEAKER in the Chair)

PRAYERS

* * * *

SPEAKER'S REMARKS

MR SPEAKER (MR MOATLHODI): *Pray be seated.* Re kopa gore le tshube dipone tsa lona Batlotlegi Mapalamente. Lekwalo la Modimo la re, "ke go bone sefatlhego." Re batla go le bona difatlhego. Kana maranyane ga a bereke?

...Silence...

MR SPEAKER: E bile re a le dumedisa moso wa gompiano. Ke tlaa bua ka maele gore ba se ka ba nkutlwa. Tlogela go ja Rraagwe Anele, ga ke batle ba go bona. Kana o iphitlhe ka gore ke setse ke go bonye ngwanaka gore o teng.

Honourable Members, re mmogo jaanong, a re simololeng tiro ya moso wa gompiano. Ke a dumedisa Batlotlegi Mapalamente. Let us start our business of today with Committee of Government Bills.

ASSEMBLY IN COMMITTEE

(CHAIRPERSON in the Chair)

SOCIETIES BILL, 2021 (NO. 38 OF 2021)

(Resumed Debate)

MR CHAIRPERSON (MR MOATLHODI): Order! Order! Honourable Members, the Societies Bill, 2021 (No. 38 of 2021). Honourable Members, we are resuming the debate on the Committee of the Societies Bill, 2021 (No. 38 of 2021). When the Honourable House adjourned yesterday, we had already disposed of Clauses 1 to 21. We are therefore resuming the debate at Clause 22. There is a proposed amendment at Clause 22.

Honourable Member for Bobonong, Honourable Taolo Lucas, the floor is yours sir. As usual, I am giving you two minutes.

Clause 22

MR LUCAS (BOBONONG): Ke a leboga Modulasetilo. Kana fa re ne re ema maabane re khutisa, ke ne ke begile kgang ya me gore *the Advisory and Arbitration Council*

e tshwanetse ya itlhophela *Chairperson* ya yone, e se ka ya tlhophiwa ke Tona. Re dumela gore e tlaabo e le lekgotla le le tshwanetseng ke go ikemela ka nosi, le tsaya ditshwetso tsa bogakolodi, le tla go kgaoganya ba ba tlaabong gongwe ba sa utlwane *in the societies*. Gone moo, re ne re fetse re simolotse puisanyo ka gone. Ba bangwe ba setse ba supile gore nnyaa mme le bone ba dumela gore Modulasetilo a ko e nne motho yo o ikemetseng ka nosi, a sa tlhophiwa ke Tona. Ka gore fa a tlhophiwa ke Tona, se se diragalang ke gore jaanong o tsaya ditshwetso a lebile gore tota ene yo a mo kgethileng gore a nne Modulasetilo ke mang. Kgantele o bo o fitlhela ditshwetso tsa teng di kgotlelesegile ka mabaka a gone go lopela yo o mo tlhophileng. Re ne re le gone foo Modulasetilo. Ke solofela gore bakaulengwe ba tlaa nkema nokeng gore a e ko e re mo go tse dingwe dikomiti, Tona a ko a tswe fela mo go tlhopheng, batho ba kgone go itlhophela Modulasetilo yo e leng wa bone. Fela jaaka le kwa Village Development Committees (VDC) tota ba tlhophela batho ba le 10 ba bo ba re nnyaa, mme mo go rona re tlaa tlhophela Modulasetilo. Gone moo ka bogone, ke tsaya gore go tlhamaletse, e bile re tshwanetse ra go dira mo komiting yone e ya *Advisory and Arbitration Council of Societies*. Ke a leboga.

MR CHAIRPERSON: Ke a leboga Motlotlegi Mopalamente wa Bobonong. Ke lemoga fa ke sena go nna ke go bitsa gore maabane ke kile ka nna ka go bitsa gape, wa nna wa bua. Ka re aa! Mo ke go berekala lwapeng fela mo. Jaanong o siame Mokgomong, o e buile.

Batlotlegi Mapalamente rraarona Motlotlegi Mopalamente wa Bobonong o adile kgang. Ke e baya mo go lona.

MINISTER OF NATIONALITY, IMMIGRATION AND GENDER AFFAIRS (MS MOKGETHI):

Thank you Mr Speaker for giving me this opportunity. Let me start by expressing that I am opposed to the amendment that the Chairperson of the Council should be elected by Members of the Councils among their number.

The reason Mr Chairperson is that the Government policy empowers the Minister to appoint the Chairperson of any Council within Government ministries. Hence, this ministry cannot make an exception. You cannot compare a Government council or a council which falls under a Government ministry with the VDC or with the VDC Committee. *Ke dilo fela tse di sa tshwaneng.* You cannot compare them Mr Chairperson.

Having said that Mr Chairperson, let me once again say that I am opposed to this amendment.



MR RAMOGAPI (PALAPYE): Ke a leboga *Mr Speaker*. Ke tsaya gore Ditshutiso tse re di dirileng kana e e dirilweng ke motlotlegi Rraetsho Taolo Lucas, e lebane. Bagaetsho, re tshwanetse gore fa re dira molao, re dire dilo tse di tlhabologileng. Re itse gore *council* e re buang ka yone e, re batla e thusa Tona, e nne *an oversight council*, e tlisa *control and advice* mo go Tona. Jaanong tota fa re ka batla gore nnyaa kgapetsakgapetsa re tlaa nna, ke gore sengwe le sengwe mo lefatsheng la Botswana ke Tona fela a itlhophehang.

Gape kana mo go re tshwenyang *Mr Chairperson*, with *due respect* ke go fe dikai tse di leng teng, maloba molao o fa Tona dithata wa go tlhopha *land boards*. Ke gore jaanong *land board* e fetolwa e nna Domkrag *land board*. Go tlhophilwe maDomkrag fela, golo mo ga go a siama Tona. A tota *Mr Chairperson*, ra re re ka tsamaisa lefatshe ka tsela e? Botlhe ba ba jelweng ke ditlhopho ke bone ba ba sukunediwang koo. Gompiano jaana ke gore re batla go dira phatlhanyana e nngwe gape gore maDomkrag fa ba jewa ke ditlhopho, e bo re ba sukunyetsa ka fa gape. Ga go lebelelwe *any credential*.

Le fa e le kwa khanseleng *Mr Chairperson*, khansela e itlhophele Modulasetilo wa yone, le komiti nngwe le nngwe e itlhophele Modulasetilo wa yone, ga e tlhophe *Deputy* fela. Fa e le o molao o o sukunediwang gore re batlele maDomkrag ditiro, a re tlaa dira melao e e ntseng jalo batho ba Modimo? Le ditlhong fela ga re re nne le tsone *Mr Chairperson*, gore nnyaa, go ntse go lekane. Batswana ba setse ba lemogile gore batho ba fa o bona ba riana, ba dira jaana.

Re dumalana le Taolo Lucas gore bagaetsho, a ko batho ba ka gore ba tsene ba tlhophilwe koo, e nne bone ba itlhophehang, ba bona bokgoni jwa motho. E bile fa e le gore go a kgonagala, nako nngwe ba re, “*Motion of no Confidence, Chairperson* re a go ntsha, re tsenya yo mongwe.” Tsamaiso e ntse jalo gongwe le gongwe, e seng fela gore e bo re batla go nna re sukunyetsa moDomkrag. Nnyaa, ke dumalana le Taolo Lucas, re ka lapa ke Domkrag, mogopolo o o siame Rre Taolo Lucas.

MR CHAIRPERSON: Honourable Minister responsible for Presidential Affairs, Honourable Kabo Neale Sechele Morwaeng.

MINISTER FOR PRESIDENTIAL AFFAIRS, GOVERNANCE AND PUBLIC ADMINISTRATION (MR MORWAENG): Ke go leboge Modulasetilo, ke go ikokobeletse mongwame. Mogopolo wa mokaulengwe wa me Rre Lucas, molekane

wa me, Boipuso, ngwana wa ga mosadimogolo, *son of ... (Inaudible) ...* ga ke dumalane le one. Ga se mogopolo o montle, o ka tsietsa batho ba tshwana le bo Motlotlegi Rre Ramogapi, ba akanya gore ke mogopolo o montle, mme ga se one. Kana motho fa a le foo e le Tona, ke motho yo o nang le maikarabelo, mme jaaka Motlotlegi Rre Molale a ne a supa gore...

MR CHAIRPERSON: *Order! Honourable Minister*, intshwarele Mokwena, intshwarele ke ikokobeditse thata *to quote your everyday language*. O lebe digoagoe tsa gago Motlotlegi Rraarona, di kwa godimo thata, a ko o bone gore sengwenyana ga se a siama *Honourable Minister. The floor is yours Honourable Minister.*

MR MORWAENG: Ke a leboga mongwame. Bonnake ba tlaa di leba fa ke wetsa fa. Ka bokhutshwane ke re, Tona ke motho yo o nang le maikarabelo, o filwe maikarabelo mo tsamaisong. Tota gore nako le nako re bo re belaela Matona mo tsamaisong, re akanya gore... kana motho fa gotwe ke Tona a filwe maikarabelo a gore a tsamaisa, a tsamaisa lephata ka bokgoni le bogakolodi tse a di filweng, re bo re nna le dipelaelo ka nako le nako gore fa e le Tona a tlhophileng, go raya gore batho ba ka se ke ba mo gakolole sentle, mme a ntse a kgona go tlhoma le *positions* tse dingwe tse di faloganyeng. *I think* tota ga re e tseye sentle Motlotlegi Rre Ramogapi. A re boeleng fela jaaka Rre Molale a ne a supa gore nnyaa, batho betsho, thulaganyo ya motho a tshwana le Tona a filwe maikarabelo, re bo re mo nyatsa re mmelaela ka dinako tsotlhe, tota ke eng re dumela gore Matona ga se batho ba ba tshephegang? *Why* re tshwanetse go akanya jalo? Tota ke ne ke re Motlotlegi Lucas, molekane boela ka morago mogopolo wa gago, ga o amogesege. Ke a leboga batho betsho.

MR CHAIRPERSON: *Order! Order! Honourable Members. I am now going to put a question. Ke le gakolole Batlotlegi Mapalamente*, when I say, “the question is that the amendment be agreed to”, *ke gore ba ba dumalanang le Motlotlegi Rraetsho Mopalamente wa Bobonong, ke bone ba re “aye,” ba ba sa dumalaneng le ene ba bo ba bua ba re “nnyaa” wa Sekgoa.* Le buele kwa godimo gangwefela.

HONOURABLE MEMBERS: Aye!

MR CHAIRPERSON: Nnyaa, ga ke ise ke le bitse.

HONOURABLE MEMBERS: Aye!

MR CHAIRPERSON: Emang pele batlotlegi, ga ise ke le bitse, lona reetsang fela. Fa ke bua labobedi ke gone ke tlaa le bolelela. *The question is that the amendment be agreed to.*



Amendment **negated**.

Clause 22 **agreed to**.

MR CHAIRPERSON: Honourable Members, the question is that Clauses 23 to 31...

HONOURABLE MEMBERS: ... (Murmurs)...

MR CHAIRPERSON: Honourable Lesaso! Honourable Lesaso!

HONOURABLE MEMBER: Lesaso o ntsha diphiri tsa Puso.

HONOURABLE MEMBER: O santse a ithuta tiro ya seDomkrag, mo tlogeleng.

MR CHAIRPERSON: Le us have order.

HONOURABLE MEMBER: Mma a ithute tiro.

MR CHAIRPERSON: Mme ga a e ithute sentle.

Clauses 23-31 **agreed to**.

MR CHAIRPERSON: Honourable Members, there is an amendment at Clause 32. Honourable Minister, please motivate your Clause.

Clause 32

MINISTER OF NATIONALITY, IMMIGRATION AND GENDER AFFAIRS (MS MOKGETHI):

Thank you Mr Chairperson, for giving the opportunity. I wish to move an amendment under Clause 32. The justification for this amendment Mr Chairperson, is that there are many dormant societies which have not been complying with the Societies Act. Therefore, there is a need to have a true reflection of the existence or the existing societies. There are some societies which continue to operate, even though they have some compliance challenges. However, it must be stressed that some of these societies are very important and critical societies. This transition Mr Chairperson, would therefore, give them a chance or an opportunity to regularise their registration and compliance.

Mr Speaker, the Bill is amended at Clause 32 appearing at page B.483 by substituting for that clause, the following new Clause –

32. (1) Every existing society shall apply to the Registrar for re-registration in such form as may be prescribed.

(2) An application referred to in Subsection (1), shall be made within 12 months after the commencement of this Act or such longer period not exceeding twelve months as may be specified by the Minister by Order published in the Gazette.

(3) An existing society that has not made an application for the re-registration within the transition period shall be deemed to be de-registered and shall be removed from the register of societies by the Registrar.

(4) A society that has been removed from the register of societies may apply to the Registrar for re-registration in accordance with Section 5 of this Act.

(5) All subsidiary legislation made under the repealed Act, and in force immediately prior to coming into operation of this Act, shall in so far as is not inconsistent with the provisions of this Act, continue in force as if made under this Act.” I so submit Mr Speaker.

MR CHAIRPERSON: Thank you Honourable Minister. May I request that you read again Clause 32(3), I did not hear you well, just read it carefully, let me hear you word for word, comma for comma. Please unmute yourself Honourable Minister.

MS MOKGETHI: I have done so Mr Chairperson.

MR CHAIRPERSON: Aha! bala jaanong mongwame.

MS MOKGETHI: (3) An existing society that has not made an application for the re-registration within the transition period shall be deemed to be de-registered and shall be removed from the register of societies by the Registrar.

MR CHAIRPERSON: *Thank you very much Honourable Minister, loud and clear. Honourable Members, go tlaa bua Motlotlegi Mopalamente wa Maun Botlhaba go kgwa Motlotlegi Mmaetsho Tona dikgaba.*

MR KEKGONEGILE (MAUN EAST): Tanki *Mr Speaker*. Mma re dumedise batlotlegi, re dumedise le setšhaba lefatshe ka bophara. *Mr Speaker*, kana *Clause e jaaka e bidiwa Savings and Transitional Provisions Clause*, kgang e tona gone fa e motho a ka itebaganyang le yone ke ya *savings*. Kana fa o bua ka *Savings Clause* mo mekgatlhong o bua ka gore, se nne mekgatlho o o se akola pele ga go nna le molao o se tshwanelwa ke gore se tswelele o se akola. Thatathata fa e le gore ga se gatake molao o le e mengwe. Jaanong kgang e tona gone fa ke gore, fa o re *you are saving* mekgatlho, o bua



thatathata ka *re-registration* ya one. Jaanong fa o lebile palo e ya 150, o lebile gore mekgatlho e mengwe jaaka bo dikereke jaana, e ne e ntse e tshela ka palo e e ka fa tlase ga 150 pele ga molao o mosha o, ke ne ke solofela gore Tona o ka bo a re, dikereke tse di neng di le ka fa tlase ga 150 pele ga molao o mosha o di ka tswelala di tshela. Mme tsa thusiwa go a go goroga fa di ka gorogang teng, di se ka tsa bolawa. Jaanong letshwenyego gone fa ke gore, fa di sa tshware 150 mo *period* e ba e filweng go raya gore di a go kgaolwa, mme *they were supposed to be saved under this particular Clause*. E e batla gore Tona a e tlhatswetse batho, e se ka ya nna *issue* ya gore *transitional means you have reached 150, it means you have to register sesha, under the new law, but number ya 150 o tshwanelwa ke gore ditshwanelo tsa gago tse o neng o na natso mo molaong o mogologolo o tswelale ka tsona*. Tanki *Mr Speaker*:

MR RAMOGAPI (PALAPYE): Tanki *Mr Speaker*. *Mr Speaker Honourable Minister* ga a tlhalosetse Batswana sentle gore, tota a re mekgatlho e e ntseng e le teng mathata a yone ke eng fa gotwe *it should be registered sesha?* Fa e le gore mekgatlho e *dormant* go na le tsela e ba ntshiwang ka yone, *if they have not filed returns*. Jaanong mo a reng mekgatlho *should be registered sesha*, ga e sa tlhole e le *savings and transitional provision*, ke mo gotweng *to strike off the existing societies*. *Ministry* o dule mo tsamaisong *Honourable Speaker*. Re buelelela Batswana, re ema ka dinao, mme fa e le gore ba ikaelela go kgokgontsha Batswana jaana go tlaa re jaanong re bue fela re bo re itidimalela, ka gore le Batswana ba a utlwa, ba a bona. Ga re ka ke ra tseela batho ditshwanelo tse di neng di ntse di le teng, re bo re re nnyaa *only for 12 months...* ke gore le fa e le Financial Action Task Force (FATF) ga go na gope fa e kileng ya bua teng gore mekgatlho *should be re-registered*. Ke ne ke mo reeditse thata ke re gongwe o tlaa re mekgatlho *should be re-registered*. Go na le tsela e e leng gore *Clauses* tse di ka kwa, re buile gore mekgatlho *can be disqualified* jang. Re buile gore mekgatlho *can be disqualified* fa e le gore *it did not comply* le melao ya *registration*. Jaanong *one of melao* eo ke gore fa e le gore *it does not file returns it can be disqualified*. Jaanong *there is no need* gore re bo re tsenya *Clause* e e fa *Mr Speaker*. Ke gore gotlhelele mo ga se mo gotweng ke *savings and transition*. Fa re bua ka *savings and transition* re bua ka ditshwanelo, jaaka Kekgonengile a ne a bua, re bua ka ditshwanelo tsa mekgatlho gore e tshwanelwa ke go tsamaya jaaka e ne e ntse e ntse. Re bua ka molao o o reng, molao ga o a

tshwanela *to be applied retrospectively*, o tshwanetse *to apply* o ya kwa pele. Jaanong ka fa go ntseng ka teng, Tona o a go felela a batla gore molao o o ame ba ba kwa morago e bo e le gore tota ga se gone gotlhelele, ke re Tona nnyaa.

Ke batla gore ke wele ka go go botsa potso, a mmaetsho o boditse dikereke tsotlhe le mekgatlho gore re batla go a go le *register sesha?* A o kile wa tsamaya o dira *consultation* o ba botsa, ka gore *Clause* e kana e ntsha? Ga o ise, ke gore o e tlisa jaana ga e na morero. Morero o ne o tshwanetse gore o ye kwa bathong, o ye kwa Tonota, o ya go bolelela batho gore, batho ba Modimo jaanong re a go le *register sesha*, mme molao o o tla jaana go sena morero. Ke kopa gore *Speaker* a molao o o eme pele re ye go o rerisa Batswana. Ke a leboga.

MR CHAIRPERSON: *Thank you Honourable Ramogapi, your time is up!* Ga se gore gongwe ke go tlogetse fela ka gore o ne o bua ka Tonota, o tlaa mpolaisa batlotlegi. Ke a go le gakolola gape Batlotlegi Mapalamente, *when I put the question*, fa ke re *the question is that the amendment be agreed to* ba ba dumalanang le Motlotlegi mmaetsho Tona ke bone ba re “aye,” ba ba sa dumalaneng ba re “nnyaa,” nnyaa wa Sekgoa.

HONOURABLE MEMBER: *Procedure*. Ga a re kgwe dikgaba pele ka gore re ne re mmotsa dipotso?

MR CHAIRPERSON: Nnyaa, ke setse ke mo file, *so* o le kgwile dikgaba.

HONOURABLE MEMBER: Nnyaa ga a ise.

HONOURABLE MEMBER: Gape re ne re ise re felelele *Mr Speaker*.

MR CHAIRPERSON: Ah-ah! ba bangwe ke gone le tlhagang.

HONOURABLE MEMBER: Re boditse dipotso gone fa.

MR CHAIRPERSON: Nnyaa ke le bone bongwanaka, go siame.

MR SALESHANDO (MAUN WEST): Ke a go leboga Motsamaisa Dipuisanyo tsa Palamente. Ke re gongwe fa Tona o ka mo letlelela gore a tsiboge, kgang e e ntseng e buiwa e botlhokwa Tona Mokgethi, o supe gore maikaelelo ke one a o a buang gore tse di ka tswang di le *inactive* le kgone go itse gore ke dife fa di sa *re-apply*. Se se tlhokafalang se se tona ke gore, o dire *assurance*



kana o netefatse gore ga go na ope yo e tlaa reng a re o a *re-register* jaaka molao o o batla, a bo a tewa gotwe, ee, re a itse gore *we registered you* dingwaga tse di fetileng, *when you qualified*. E bile o dirile sengwe le sengwe sentle. Jaanong mo bogompionong go na le sengwe se se dirang gore o se ka wa *qualify*, *in other case, what guarantee do we have that this Clause will not be used to de-register existing societies?* Fa e le gore ga go mo mpapananeng, a e se ka ya nna maikaelelo...ga go na ka fa e ka kwalwang ka teng go sireletsa ba ba kwadisitsweng gompiono, *they qualified*, mme e tlaare fa molao o tsena mo tirisong, go bo gotwe *register afresh*?

Ba se ke ba neelwe dikgang tse dingwe gore *not this time around*. *I think that is the assurance that is required*. Ke a leboga Modulasetilo.

MINISTER OF INVESTMENT, TRADE AND INDUSTRY (MR KGAFELA): Ke a leboga Modulasetilo. Le nna mma ke kgwe Tona dikgaba. Ke mo eme nokeng ka Tshutiso e ya paakanyo Molao-kakanyetso o. Kgang e ya dipalo tse di 150 ga e ntšha. Batlotlegi ba e baya o kare ke kgang e ntšha, mme ga e ntšha.

Molao wa *societies* o santse o le teng wa Societies Act. Fa o lebelela tsetlana ya boraro ya teng, ke yone e e buang ka *interpretation*. E bua fela jalo e re fa e le mokgatlho wa kereke, palo ya teng e tshwanetse e bo e le 150 go ya kwa godimo. Jaanong ke kile ka re ke sekaseka gore molao o o sale o nna teng leng. Fa o lebelela *on the face of it*, o tlaa bona gore go na le Act No. 10 of 2016 le *Statutory Instrument*. Ga ke *sure* gore ke e feng sentlentle *that effected that provision* e e leng gore ke *interpretation* ya Section 3. Kgang ya gore go go sha, ga se boammaaruri.

Ke dumalana le Rre Ramogapi gore molao ga o nke o dirwa *and apply retrospectively, unless* Palamente e rialo. Ga se *an absolute position of the law*.

HONOURABLE MEMBER: Ke kopa tlhaloso.

MR KGAFELA: Jaanong fa batlotlegi ba re molao *will apply retrospectively*, go nna fela jalo.

HONOURABLE MEMBER: Ke kopa tlhaloso.

MR KGAFELA: Ke tlaa e mo neela. Fa e ne e le gore ba ne ba didimetse, *then there is that presumption*. Ke *presumption* ya gore molao *does not apply retrospectively*. O kgona gore o supe gore le fa ntswa go

didimetswe, fa o lebeletse molao o otlhe o o bala *from paragraph one* go ya kwa go ya bofelo, *by necessary implication* go reela gore *it was meant to apply retrospectively*. Ke tlaa tsaya *clarification* Modulasetilo.

MR SALESHANDO: *Clarification*. Go na le mekgatlho e e kwadisitsweng pele ga 2016. A re tseye gore palo ya 150 e simolotse ka 2016, e fitlhela ba bangwe ba setse ba le teng. E bo e le gore gompiono fa re fetisa molao o gatwe ba ikwadise sesha, ba sa fete 150. A se o se rayang ke gore, ba ba neng ba tsene mo *register* pele ga 2016 palo e isiwa kwa go 150, ba tsene ba *qualify at the time* ba *register*; go tewa gore gompiono *they do not qualify*?

MR CHAIRPERSON: A re reetsaneng bagaetsho, nako ya lona e fedile. Jaanong ka *Honourable* LOO ke mogolo, ke tlaa kopa Motlotlegi Mmaetsho Tona Mokgethi gore fa a araba, a tle a arabe le potso e Motlotlegi Rraetsho Mopalamente wa Maun Bophirima a e botsang ka gore nako ya ga *Honourable* Kgafela e fedile.

ASSISTANT MINISTER OF HEALTH AND WELLNESS (MR LELATISITWE): *Thank you so much Mr Chair*. Ke leboge Tona. Ke mo eme nokeng ka Tshutiso ya gagwe. Ka nako e, ke mo leboege bopelontle jwa gagwe jwa gore *the existing societies* di filwe selekanyo sa ngwaga. Ke selekanyo se se telele thata se ke dumelang gore ba tlaa ipaakanya. Ga go a siama gore dibuka kwa *ministry* di bo di itse gore go na le *society* semangmang, kante tsone ga di yo di sule. Jaanong fa o reeditse bo Rre Ramogapi, bone ga ba na mathata le seo, ga ba mo Pusong. O ka ipuela sengwe le sengwe fela se a se batlang. Fa o le mo Pusong, o a lemoga gore o tshwanetse *to deal* le batho ba ba kae. Dilo tse di dirisiwa *when you plan your manpower*; batho ba o ka ba hirang. Fa o tsaya gore o na le *societies* di le 50 000, kante *only active societies are...*

HONOURABLE MEMBER: Procedure.

MR LELATISITWE: Fa o reeditse Ramogapi, o ka felela o hirile batho ba le 600 mme go tlhokafala motho a le mongwefela.

MR CHAIRPERSON: Sorry Honourable Minister, procedure is being advocated for. Please freeze the clock.

DR GOBOTSWANG: *Procedure. Yes sir. Mr Chairperson*, ke tsaya gore mo go buiwang ke Mothusa Tona ke gone mo gotweng *improper motive* ka fa ke bonang ka teng. Fa a bua gore batho ba ba seng mo



Pusong ba ipuela fela, a mme ke tshwanelo gore mo Palamenteng e, ba ba busang ke bone ba ba buang tlhaloganyo, ba ba sa buseng ba ipuela fela *Mr Chair? Thank you.*

MR CHAIRPERSON: *Order! Order!* Ke a leboga Motlotlegi Mopalamente wa Sefhare-Ramokgonami. Mme gone le tlhola le buisana jalo. Ke tseela gore ke dinyao tsa lona. Ga ke a utlwa a bua mafoko ape a tshotlo. Fa le le babedi jaana, go na le ba ba mo Pusong le ba ba seng mo Pusong. Ba ba seng mo Pusong ga ba molato gore ba bo ba le fa. Ba rometswe ke setšhaba sa lefatshe le. Ke sone se re ba fang tlotlo le tlhompho e e kanakana. Ke tseela gore le fa le romilwe tiro ya morafe e e *serious* jaana, le tshwanetse la ne le bua dinyao, e se ka ya nna o kare re mo lesong la motho le gone a jelwe ke tau, re sa itse gore re ya go mmona kae.

MR LELATISITSWE: Ke tswelile *Mr Chair?*

MR CHAIRPERSON: Tswelela Motlotlegi Mothusa Tona wa tsa Botsogo.

MR LELATISITSWE: *Mr Chair;* ke gakgamadiwa thata ke Dr Gobotswang ka gore ke ene yo o tlohang a re ...

MR CHAIRPERSON: I have made a ruling on that issue. Do not go back to it, *tswelela.*

MR LELATISITSWE: Ee rra. Ke a go leboga Tona gore o bo o tlisitse Tshutiso e. O direla gore o itse *your manpower estimates.* O itse gore *you deal* le *societies* tse kae. Ga re ka ke ra nna fa *societies* tse dingwe di sale di dirilwe ke batho ba tlhokafetse. Ga go na ope *who took over. They are in your register. They should be deregistered, that is proper and should be done.* O bona gore o na le batho ba le kae, *societies* tse kae, *he is correct.* Ga re ka ke ra reetsa mo e leng gore nako le nako re maramarwa ka dipuo tse di senang le fa e le *any research around them.* Go bua fela mo gongwe ke go kgatilha batho. Ke a leboga.

MR CHAIRPERSON: Thank you Honourable Assistant Minister of Health. Honourable Minister responsible for the chapter, *Mma Mokgethi, bakaulengwe ba gago ba nkopa gore ke go neele one minute, o ba kgwe dikgaba gape.*

MINISTER OF NATIONALITY, IMMIGRATION AND GENDER AFFAIRS (MS MOKGETHI): Thank you so much Mr Chair. Let me stress that under Section 32.1, it makes reference to existing societies.

So, the requirement for re-registration is referring to those societies which have been registered under this ministry over the number of years. Let me indicate that we have around 9000 registered societies and only 500 and something of them are compliant and this is very, very significant number of non-compliant. We are giving those who are in existence, those who have experienced challenges in complying with requirements of filing returns and so on, the opportunity to now take advantage of 32 (1) and re-register their societies. This number of 150 is in reference to new societies that wish to register.

Section 32 (1) does not refer to those societies; it is referring to societies which are already in existent. I just wanted to clarify that there are many societies Mr Chairperson, which are dormant. I think Honourable Sethomo Lelatisitswe's presentation, really captured the situation very well. There are a number of societies that are dormant. They are not operational and owe the annual meetings. They do not file returns. They do not file their statements. Thank you.

MR CHAIRPERSON: Thank you Honourable Minister, I think you have clarified, it is enough. Your time is up!

MR RAMOGAPI: O farologana le Kgafela. Kgafela a re 150 e a ba ama, go raya gore ...

MR CHAIRPERSON: *Order Honourable Member for Palapye! Order please!* Ke le gakolola gape batlotlegi, *when I say the question is that the amendment be agreed to,* ba ba dumalanang le Motlotlegi Tona ke bone ba re, "*aye*" and then ba ba sa dumalaneng nae ba re, "*no.*"

Amendment agreed to.

Clause 32 as amended agreed to.

MR CHAIRPERSON: *Order! Order! Honourable Members, we are at a position where it says there is an amendment after Clause 32 and ba bua ka Schedule sele sa ga Motlotlegi Mopalamente wa Palapye. Ka ditsamaiso tsa rona, go raya gore o eme o latofatse Honourable Ramogapi gore ga se sa tlhole se bereka ka gore kgang ya teng e setse e tlodilwe ke dipeba, for our records.*

Schedule

MR RAMOGAPI (PALAPYE): *Ga ke go utlwe, ke tsamaisa se ke se batlang rraetsho. Ke kopa amendment;*

The Bill is amended at page B483, by inserting, immediately after Clause 32 the following Schedule –



“SCHEDULE

(Section 3)

Botswana Congress Party
Botswana Democratic Party
Botswana Independence Party
Botswana Labour Party
Botswana Movement for Democracy
Botswana National Front
Botswana Peoples' Party
Botswana Progressive Union
Botswana Tlhoko Tiro Organisation
Botswana Workers' Front
Marx Engels Lenin Stalin Movement of Botswana
New Democratic Front
Social Democratic Party
The People's Liberty Movement
United Socialist Party.”

...(Interruptions)... Mr Chairperson, *ke e dira ke tlhoafetse, ke lebeletse gore Schedule se se tle se le mo molaong o re o phimolang. Fa re dira molao ga re a tshwanela...*

MR CHAIRPERSON: Honourable Ramogapi, I think you have made your point.

MR RAMOGAPI: Ae, ga ke ise ke bue.

MR CHAIRPERSON: Aa! Sa le o ntse o bua jaana mongwame.

MR RAMOGAPI: Nnyaa, ga ke ise ke bue ke tshwanetse gore ke *motivate*...(Interruptions)...

MR CHAIRPERSON: Honourable Ramogapi please, let us understand each other. I told you when I started that we are doing this for the sake of our records. The point that you made is enough despite the fact that there was a lot of distortion and I am going to excuse you for that. We are going to continue...

MR RAMOGAPI: Ga ke ise ke bue *justification*, ke ne ke bala jaaka go tshwanetse...(Interruptions)... fela jaaka bo Tona. Tsamaiso e ntse jalo *Mr Chairperson*.

HONOURABLE MEMBER: Gape re batla *to support*.

HONOURABLE MEMBER: *Gatwe justification ke gore it is water under the bridge.*

MR RAMOGAPI: Ae, *there is nothing like water under the bridge.* Re sale re dumalana re na le Skelemani gore fa *Clauses* di le pedi di baakanngwa, *we deal* le e nngwe, go bo go tsenwa mo go e nngwe. Re dumalane, *there is nothing like water under the bridge.*

HONOURABLE MEMBER: Go bua *advocate* bagaetsho.

HONOURABLE MEMBER: Gape rona re emetse go mo *support Mr Chairperson*.

HONOURABLE MEMBER: O lebetse go kwala Umbrella for Democratic Change (UDC). O thuba UDC Ramogapi.

HONOURABLE MEMBERS: ...(Murmurs)...

MR RAMOGAPI: Re dumalane fela gore fa re fetsa e ya ga Tona, re tsenya e nngwe e e latelang. E e tsena *after 32, we deal* le yone. Jaanong ke ipotsa gore go diragala eng.

HONOURABLE MEMBER: *Honourable* Ramogapi, re leka go go raya re re golo foo ga go sa tlhole go bereka *because* mo gongwe gone ga se ka ga tsena ka kwa.

HONOURABLE MEMBERS: ...(Murmurs)...

MR CHAIRPERSON: Let us have order please Honourable Members. *Batsadi ba me a ko re utlwaneng.* Yesterday, I called upon Honourable Member for Palapye to contribute on his proposed Clause 2 which failed. It was not accepted. He advocated for it together with the Schedule that was attached to it and naturally when the Clause fell off, the Schedule also fell off. *Jaanong ke ne ke re ke bue Setswana fela gore a bo a latola, motsoko o latolwa ka nakana.* Clause *eo e letse e sa tsena bagaetsho, e sa kgona go feta, ka jalo le pampiri e e patileng, ga e a feta,* for our record and this is what I was saying. Now we are done on that matter we are moving forward.

HONOURABLE MEMBER: Le nkgoga ka leoto, go siame.



FINANCIAL INTELLIGENCE BILL,
2021 (NO. 34 OF 2021)

MR CHAIRPERSON: We are now going to Financial Intelligence Act (FIA). Order! Order! Honourable Members, we are making progress. Honourable Members, please note that the Financial Intelligence Bill, 2021 (No. 34 of 2021) has 63 Clauses and three Schedules. Some amendments have been noticed, I shall therefore call the Clauses consecutively. There is an amendment at Arrangement of Sections. The proposals by Honourable Leader of the Opposition (LOO), I shall temporarily put them on abeyance if not at abeyance so that we do the first three Clauses and then when we get to four, that is when I shall call upon him for neatness of our flow.

Clause 1 **agreed to.**

Clause 2

MINISTER OF FINANCE AND ECONOMIC DEVELOPMENT (MS SERAME): Thank you Mr Chairperson. *Ke kopa* to move Mr Chairperson, I will explain later.

MR CHAIRPERSON: Please do.

MS SERAME: The Bill is amended at Clause 2 appearing at Page B.386 by inserting in the correct alphabetical order, the following new definition;

“Cap. 46:04

Cap. 42:03

Cap. 46:08 “financial institution” includes a bank as defined under the Banking Act, a building society as defined under the Building Societies Act or a non-bank financial institution as defined under the Non-Bank Financial Institutions Regulatory Authority Act.”

Mr Chairperson, *re tsenya* definition *e ka gore e rile fa re dira* definitions, *ra bo re ne re e tlogetse kwa ntle mme e bothokwa gore re e tsenye ka gore e a tlhokafala gore molao o o kgone go bereka mo go feletseng*. I submit Mr Chairperson.

MR CHAIRPERSON: *Thank you Honourable Minister*. Motlotlegi Mmaetsho Tona o di beile mabala a nkwe, le ka mo kgwa dikgaba. Fa go sena kgaba le gone go siame thata, *we are saving time*.

MS SERAME: *Mr Speaker*, ke ne ke re kgotsa ke fetse tsa Clause 2 tsotlhe, *if you allow sir*.

MR CHAIRPERSON: No, we are going to do one at a time Honourable Minister, I am going to guide you.

Amendment **agreed to.**

MR RAMOGAPI: *Procedure*. Mr Chairperson, go ka nna jang gore re fefose tiro gore jaaka *Bills* di ntse jaana, a bo a di re tlaa tlaa ka bonako, re bo re di fetisa tsotlhe?

MR CHAIRPERSON: Ke gore mathata a gago ga o nke o reetsa, ke ne ntse ke tthalosetsa Motlotlegi Mmaetsho Tona gore go ya go dirwa jang, *and you are doing exactly the opposite* ya se ke neng ke se mo gakolola gore a se ka a dira jalo.

MR RAMOGAPI: Ke go utlwile...

MR CHAIRPERSON: Please Honourable Ramogapi, we cannot do that, our procedures do not allow us to do that. One at a time, please!

Clause 2

MINISTER OF FINANCE AND ECONOMIC DEVELOPMENT (MS SERAME): Thank you Mr Chairperson. The Bill is amended at Clause 2 appearing at Page B.386, by substituting for the definition of –

(a) “credible source” appearing at Page B.388, the following definition –

“credible sources” means any independent and reliable source of information such as international institutions, authoritative publications and mutual evaluation or detailed assessment reports;” and

(b) “national risk assessment” appearing at Page B 390, the following definition –

““national risk assessment” means appropriate steps that the country takes to identify and assess financial offence risk for the country on an ongoing basis, in order to –

(a) inform potential changes to the country’s anti-money laundering, counter financing of terrorism, counter financing of proliferation regime and counter illicit dealings in arms or ammunition, including legislative changes and other measures; and

(b) assist in allocation and prioritisation of anti-money laundering, counter financing of terrorism, counter financing of proliferation and counter illicit dealings in arms or ammunition resources;”.



Mr Chairperson, ka bokhutshwane, kwa (a) kwa re buang ka *credible sources*, re ne re tlogetse *independent*. *We think it is important* gore *these sources* di nne *independent* gore tota *to enhance* se re le kang go se dira gore re dire dilo ka mo go tshwanetseng.

Fa o tsena kwa (b), re ne re tsenya lefoko 'financing of proliferation' ka gore ke sengwe se e leng gore malatsi otlhe o tlaa bona gore fa re bua ka tsone e nna *always* e le *anti-money laundering, financing or terrorism* le *proliferation financing*. Go ne go le botlhokwa gore mafoko a re neng re a tlogetse ao re a busetse, a nne teng *Mr Chairperson*. *I submit*.

HONOURABLE MEMBER: O ne o gakolola Mma Mokgethi *to justify*.

MR CHAIRPERSON: Ke a go leboga Motlotlegi Mmaetsho Tona. O rata go rumolana. Go ya go bua Motlotlegi Mopalamente wa Maun Botlhaba.

MR KEKGONEGILE (MAUN EAST): Tanki *Mr Chairperson*. Mma re lebogetse Tona gore tota ene a bo a re tlhalosetsa, a sa fele pelo fa re botsa mme e bile a sa tseye dilo tse sepolotiki, a di tsaya gore ke tsa lefatshhe. Fa re tsena mo go yone e ya *credible sources*, lone lefoko *independent* go le tsenya ga lone, gone mme *independent* yo re raya ba ba ntseng jang?

Ke gore rona fa re na le Financial Intelligence Agency (FIA) *mo* Botswana *re tseela* gore e independent, *kwa mafatsheng a mangwe* an institution like FIA is a Government institution, under its control. Would you say such an institution *e e tshwanang* le FIA *e le mo lefatsheng le lengwe e le* under Government control, would you consider it as independent? If you do not consider it as independent, *a mme ga o bone* gore *jaanong* you are limiting us in terms of the institutions that we can get information from? Some of them more reliable than the independent institutions *mme o re* limit just because they are in Government. *Ga se gore gongwe o lebelele* element ya reliability *fela* and have a measurability standard *ya* reliability rather than *e nne* element *ya* bo independent, non-independent, Government, non-Government? Tanki.

MR CHAIRPERSON: *Thank you Honourable Kekgonegile*. Motlotlegi Mmaetsho Tona, kgwa mokaulengwe wa gago dikgaba *over one minutes and then* re bo re tswelala kwa go e nngwe.

MINISTER OF FINANCE AND ECONOMIC DEVELOPMENT (MS SERAME): *Thank you Mr Chairperson. Thank you Honourable Kekgonegile*. Fa o ka lebelela ka fa go tlhalosiwang *credible sources* ka teng, e le *reliable source of information such as international institutions*, go go fa dikai. Mma ke go fe sekai, fa re bua ka dikgang tsa itsholelo, *you always know* gore fa go buiwa ka *international institutions* tse di *considered* gore di *credible* ke dife. Ke batla go go fa sekai *so that we are with each other*.

Sa bobedi *independence* yo go ya go *depend* mo goreng *the specific issue* e go buiwang ka yone ke e. Mma ke go fe sekai, fa e le gore ke nna le wena re le *institution A and institution B* re na le kgang, ga go na ope wa rona yo o ka reng ga bo gotwe ke mongwe yo o *independent* fa kgang ya teng e tsena. Go tshwanetse ga ya go tsewa *somebody who is independent of nna* yo o ngongoregang kana yo go ngongoregiwang ka ene. Ke gore *there must be somebody else* yo o *completely independent* a se *conflicted* mo dikgannyeng tsa teng *who can be recognised* ke batho ba bangwe gore dikgang tse a di buang ga a itebelela. *I hope* e a utlwala. *Thank you Mr Chairperson*.

Amendment agreed to.

MR CHAIRPERSON: Honourable Members, the question is that Clause 2 as amended stand part of the Bill...

MR SALESHANDO: Mr Chairperson, *mme fela* ka procedure *a re ka re*, "Clause 2 stand part of the Bill," *go santse go na le* amendment that is being proposed at 2 (b) that deals le national risk assessment?

HONOURABLE MEMBER: Re e dirile tlhe Leader of the Opposition (LOO).

MR CHAIRPERSON: Honourable LOO, that is the reason why you heard me halt so that we can include that.

...Silence...

HONOURABLE MEMBER: Kana mme ke e dirile.

HONOURABLE MEMBER: Mma Serame, o dirile jang *national risk assessment*?

HONOURABLE MEMBER: O e dirile.

HONOURABLE MEMBER: Go ne go tilwe re dire *one-one, but she combined them*. *Chairperson* o ne a santse a bala sengwe ke a bona.



HONOURABLE MEMBERS: ... (Murmurs)...

HONOURABLE MEMBER: Ke yone tsamaiso eo, o ka re dia *Chairperson*.

HONOURABLE MEMBER: A ko o nne o itshwara Ramogapi tsala ya me.

HONOURABLE MEMBERS: ... (Murmurs)...

MR CHAIRPERSON: Emang pele bagaetsho. Ke kopa gore o *include national risk assessment Madam Minister, so that e re fa re bua "as amended"* le yone re bo re e tsenya. Gone ke go utlwile o e bua *but I pray that we go back to it my Minister. Please Honourable Minister.*

Clause 2 (b)

MINISTER OF FINANCE AND ECONOMIC DEVELOPMENT (MS SERAME): Thank you very much Mr Chairperson. Mr Chairperson, the amendment at (b) "national risk assessment" appearing at Page B. 390, the following definition – "national risk assessment" means appropriate steps that the country takes to identify and assess financial offence risk for the country on an ongoing basis, in order to –

- (a) inform potential changes to the country's anti-money laundering, counter financing of terrorism, counter financing of proliferation regime and counter illicit dealings in arms or ammunition, including legislative changes and other measures; and
- (b) assist in allocation and prioritisation of anti-money laundering, counter financing of terrorism, counter financing of proliferation and counter illicit dealings in arms or ammunition resources;".

Ka bokhutshwane *Mr Chairperson*, ke ne ke tlhalosa gore paakanyo e re e dirang kwa go (a) le (b) e ne e le go tsenya mafoko a a reng "*financing of proliferation*" a re neng re a tlogetse kwa ntle. Kana malatsi otlhe fa re bua ka dikgang tse e tshwanetse gore le yone e bo e le mo teng. Ke a leboga *Mr Chairperson*.

Amendment **agreed to.**

Clause 2 as amended **agreed to.**

MR CHAIRPERSON: Batlotlegi Mapalamente, ke kopa gore le tswale *phones* tsa lona. *You are interfering with our recordings. Please, ke a lebona gore le bomang.*

Ga ke batle go le tlontlolola. *Please* tlotlang Ntlo e, ya nyena ka Sengwaketse.

Clause 3 **agreed to.**

MR CHAIRPERSON: Honourable Members, there is a proposed amendment at Clause 4. Honourable Leader of the Opposition, the ball is in your court.

Clause 4

MR SALESHANDO (MAUN WEST): Ke a go leboga Motsamaisa Dipusiano tsa Palamente. Mma ke dire gongwe jaaka go tlwaelesegile gongwe ke *move* pele ke e bale. Mme fa ke fetsa go e bala yone *that is being proposed* ke bo ke ka tlhalosa gore mabaka ke eng, gore e farologana jang le e e leng teng gompiano.

MR CHAIRPERSON: Ke go letleletse *Your Honour*.

MR SALESHANDO: Okay. The Bill is amended in Clause 4, appearing on Page B.393 by substituting for that Clause, the following new Clause –

4. (1) The Financial Intelligence Agency (hereinafter referred to as "the Agency") is hereby continued as a body corporate with a common seal, capable of suing and being sued in its own name and, subject to the provisions of this Act, of performing such acts as a body corporate may by law perform.

(2) The seal of the Agency shall be such device as may be determined by the Agency and shall be kept and authenticated by the Director General.

(3) The Agency shall consist of a Director General and such other officers of the agency as maybe necessary for the proper performance of the functions of the agency.

(4) Subject to the provisions of this Act, the agency shall not in the performance of its functions, be subject to the direction or control of any other persons or authority. That is the amendment that is being proposed. *Jaanong Mr Speaker, it replaces e e kwadilweng gone gompiano, e tlaabo e emela e e emetseng gompiano, e e buang ka continuation of agency, e e supang gore le tlaa tswela le le lephata ka fa tlase ga ministry wa ga Tona. In other words, Financial Intelligence Agency ke one of the department under the ministry. Fa o ya go lebelela se se buiwang se se buiwang ke yone FATF, o lebelela international standards of combating money laundering and financing of terrorism and proliferation, se se kwadilweng ke ba FATF gore bone ba re ba elets a eng, a ba elets a e ka nna lephata ka fa tlase ga ministry jaaka*



go ntse gompiano, kana ba eletsa e ka nna lekgotla le le ikemetseng fa thoko, o ya go fitlhela mo ba buang ka operational independence gone kwa FATF. Ke batla go tsaya dikarolo di le tharo fela, e na le dikarolo di le mmalwa, ke tlaa e tsaya ka sekgoa. Ya re the “Financial Intelligence Unit (FIU) should be operationally independent and autonomous, meaning the FIU should have the authority and capacity to carry out its functions freely including the autonomous decision to analyze, request and or disseminate specific of information. In all cases, this means that the FIU has the independent right to forward or disseminate information to competent authorities. FIU may be established as part of an existing authority, when the FIU is located within the existing structure of another authority, the FIU’s core functions should be distinct from those of the other authority.”

The last part I want to quote, the FIU should be provided with adequate financial human and technical resources in a manner secures its autonomy, and independence and allows it conduct its mandate effectively.” *Jaanong Mr Speaker, ka fa e ntseng ka teng gompiano re ka dumalana gore it does not meet the standard ya operational independence. Gore le yone e nne independent, go tshwana le maphata a a kileng a bo a le ka fa tlase ga Ministry of Finance; bo Central Statistics Office, Statistics Botswana, re ba ntsha re ba beela fa thoko gore ba nne le that operational independence, ba kgone go iphirela, e seng jaaka gompiano e le gore FIU yone e hirelwa ke Directorate of Public Service Management (DPSM), it is just one of the departments at the ministry, ga e lekane le maphata a mangwe. Bo Botswana Unified Revenue Service (BURS) ga se maphata a a ka fa tlase ga lephata la Ministry of Finance.*

So Mr Speaker, *ke tlisa Tshutiso e ka kutlwisiso yone e, go hema seemo se e tlaa reng kamoso ka 2023/2024 e bo e nna come on, come on, le kwa kae Mapalamente, boang kwa dikgaolong, FATF ke e ya re we do not meet operational independence. Fa e le gore re a dumalana...*

MR CHAIRPERSON: Sum up Honourable Member.

MR SALESHANDO: Ke a leboga Motsamaisa Dipuisanyo.

MR CHAIRPERSON: Thank you Honourable Member. Honourable Minister Serame.

MINISTER OF FINANCE AND ECONOMIC DEVELOPMENT (MS SERAME): *Thank you very much Mr Speaker. Tlaa ke leboge Motlotlegi*

Moeteledipele wa diphathi tsa kganetso mo Ntlong e. Ke go lebogele Tshutiso eo *and your consistency* ka gore dikgang tse o di tlisa malatsi otlhe *irrespective of* gore re bua kae.

Mr Speaker, ke ne ke re ke ya go tsaya lebaka le le telele ke tlhalosa gore ke eng fa ke ka se ka ka dumalana le Tshutiso e, mme jaanong *Honourable Leader of the Opposition (LOO)* o ntiretse tiro motlhofo. *His last point* e a neng a supa gore *operational independence* e raya eng, *he was describing* se FIA e leng sone gompiano. FIA gompiano *has operational independence*. O ka itse gore *as much as* e ka tswa e le *under Ministry of Finance,* e le *attached to us, they have their own independence,* *Minister* ga a ba bolelele gore ba tlhotlhomise mang ba se ka ba tlhotlhomisa mang, *Minister* ga a ba kwalele di reports. *Mr Speaker, that is why* o bona le mo nakong e re leng mo go yone ya *challenges* tse e leng gore ga go na ope yo re mo agelang *offices, but FIA because of their special nature and what is required of them,* ba direlwa ofisi le *headquarters* ya bone e e tlaabong e na le tsotlhe tse ba di tlhokang.

Ntlha e nngwe ya bobedi e ke batlang go e fetisa fa pele ga lona Batlotlegi ke gore, go na le lekgotla le re buileng ka lone le e leng gore *they joined* ka July 2021, le gotweng Egmont. Lekgotla le ke la the FIU, ga o ka ke wa tsena mo go lone ba sa ya go go sekaseka, ba bona gore *what they require of you of operational independence* le tse dingwe, di teng. Ke sone se go neng ga tsaya lebaka gore ba felele ba e tseenelela ka July 2021 ka gore ba ne ba lemogiwa gore dilo tse tsotlhe di teng. Le mo dipegong tse re di abelaneng le lona Batlotlegi tse di neng di dira *assessment* ya Botswana, *operational independence* ya FIA *has never been an issue.*

Finally, Mr Speaker, tota se motlotlegi a le kang go se bua fa, Tshutiso e a tlang ka yone, ga se e yang go re thusa gore re bo re le ka fa tshiamelong *to comply* le *recommendation* tsa FATF, *but it speaks to something completely different.* Tota ka gore jaanong ga e bue ka dikgang tsa FATF, ke kgang fela e re ka e tsayang letsatsi le lengwe *Mr Speaker.*

Ka mafoko one ao, ke leka go gatelela fela gore FIA *has operational independence, and it has never been an issue.* Ka mafoko a a ntseng jalo, ga ke dumalane le Tshutiso e *Mr Speaker. I thank you.*

MR KEORAPETSE (SELEBI PHIKWE WEST): I thank you Mr Speaker. Mr Speaker, I stand to agree with the amendments proposed by the Leader of Opposition.



Mr Speaker, FIA is not the only organisation that purports to have operational independence, but in practice, because of lack of properly structured laws in the manner that the leader of Opposition has proposed, we are where we are with a departments or agencies such as the Directorate on Corruption and Economic Crime (DCEC) which purports to have operational autonomy, but we have seen in the recent past the President in a space of three years, we have had three Director Generals of the DCEC.

Secondly, we had in the recent past the DPSM, Office of the President (OP) attempting to transfer senior officers of the DCEC outside the DCEC. So this is what are trying to curb. What harm would we have as a country if we were to make FIA to operate in the same manner as the BURS and Statistics Botswana? Those are under the Finance Ministry, but they have the autonomy. I think the most important aspect is the autonomy.

I would also like to appeal to the Leader of Opposition subsequent to the refusal which is apparent by the Minister, to also write to FATF on some of these recommendations. I would like to believe that we would not be fully compliant if we have an agency that is not independent, that is not autonomous, but that just purports to be operationally independent in terms of the law. What are we going to have such agencies fully independent of not being part of the civil service...

MR CHAIRPERSON: Your time is up.

MR KEORAPETSE: I thank you.

MR RAMOGAPI (PALAPYE): Tanki Motlotlegi Motsamaisa Dipuisanyo tsa Palamente. Tona yo ke mo ratang, a re bue boammaaruri kgaisadiaka, a tota mme fela o kare batho ba *independent* ba hirelwa ke DPSM? Ke X ke a tshwaya, ke *no*, ga e ka ke ya ba ya nna *independent*.

Sabobedi, a o ka re batho ba *independent* ba sa itirele madi a bone ba bo ba tsamaisa? Ke X, ke *no*, ga ba *independent*.

Ya boraro, a o kare batho ba *independent* e le gore *computers* tsa bone di setse di tlhokometswe ke IT ya ga Goromente ya ga Segokgo? Ke X, ga ba *independent*. Ya bone; Tona, a o a itse gore nako le nako fela fa gotwe dintwa tsa Domkrag go iwa kwa *congresses*, go emisiwa *account* ya motho yo mongwe, tsa Domkrag? O tle o bone fela, fa e le gore batho ba eme mmogo ba le babedi, dikai di teng tse re ka di fang, re a itse...

MR CHAIRPERSON: Standing Order 57.1 confine yourself to the Bill.

MR RAMOGAPI: Nte ke se ka ka bua ka dikai tseo. Ra re batho ba ka gore go setse go diragala dilo tse, *they are not independent*. Fa e le gore Rre Ramogapi fa a eme le Rre Balopi, Rre Ramogapi e bo jaanong *his accounts get frozen* ke Financial Intelligence Agency (FIA), ba laetswe fela gore go *and freeze those accounts*, a ra re tota ba *independent*? Tota boammaaruri jotlhe *in totality... (Interruptions) ... independent, therefore...*

MINISTER OF FINANCE AND ECONOMIC DEVELOPMENT (MS SERAME): *Clarification.* Honourable Ramogapi, ke batla gore ke go tlhaloganye sentle. FIA kana ga ke itse gore ke eng o re e hirelwa ke DPSM, ga ke itse kwa o e tsayang teng.

The question I want to ask you ke gore, se ke utlwanng o se bua, ke dipelaelo tsa gago, e bile ga o bue molao, o bua se o akanyang gore se a diragala ka *implementation*. Dipelaelo tsa gago le molao o, *how do we reconcile the two, because you are not talking about the law? You are not talking about an issue with the Act, but an issue with your suspicion ka implementation* gore go ka tswa go diragala jang, ke gore o e tshwaraganye.

MR CHAIRPERSON: His time is up.

MR KAPINGA (OKAVANGO): *Thank you Mr Chairperson.* Ke eme nokeng *amendment* ya ga Honourable Saleshando. Ka bokhutshwane fela ke gore fa o ka lebelela *history* ka fa *Director Generals* ba FIA ba pele ba duleng ka teng mo ditirong tsa bone, ke gone o tlaa bonang gore go na le *interference* mo lekgotleng leo.

Jaanong ke batla go bua gore, *Act* e Honourable Serame a reng molao wa teng ga gona *interference*, ke e e fang *a backdoor to the political authority to interfere without saying so in specific words*. Jaanong *draft* e ya ga Honourable Saleshando, e tswala *that backdoor entry for anybody to interfere with the FIA*. Rotlhe fela re a itse *Mr Chairperson*, le fa go sa kwalwa mo molaong, re a itse gore *interference* e teng. Jaanong gore re e tswalele kwa ntle, ke gore re dire *a section, a promulgation* e e tshwanang le *the one proposed* ke Honourable Saleshando e. Fa e le gore re santse re batla go ipulela phatlha e re tsenang ka yone re le mapolotiki, ee re tlaa tsamaya ka one molao o Honourable Serame a reng o siame fela ga o na dibelebejane. Le ene o a itse, *deep in her heart* o a itse gore *that law as it is, it allows political interference*. Ke batla go ema foo ka bokhutshwanyane *Mr Chairperson*.



MR CHAIRPERSON: Thank you Honourable Kapinga for saving us time.

MR LUCAS (BOBONONG): Ke a leboga *Mr Chairperson*. Ke ne ke reeditse Tona fa a araba Tshutiso ya ga Motlotlegi Rre Saleshando. Go supafala gore a re FIA e letleletswe ke di FIA tse dingwe tsa mafatshe a mangwe, e bile FATF ga e ise e ko e ngongorege ka gope fela mabapi le kgang e ya FIA ya Botswana. *Honourable Serame*, ka rona re basha fa le wena, mme ba ba ntseng ba le teng mo Palamenteng bo Rre Mzwinila le ba bangwe, ba supa gore FATF fa o ka e ela tlhoko, e nna e fetola ka fa e lebang dilo ka teng. Ga e batle gore e re fa e ntse e le sekaseka, e fithele e le gore *you have met only the barest minimum in terms of standards*. Fa gongwe go a thusa gore re berekele kwa pele, re baakanye dilo tsa rona ka tsela e e leng gore ga e ka ke ya re moragonyana gongwe ka 2025, e bo FATF jaanong e bua ka *operational independence* e lebile ka fa ditsamaiso di ntseng ka teng.

Ke gore fa o leba FATF, *appointment ya Director General le composition ya the main committee which will be dealing with issues of financial intelligence*, o a bona tota gore Puso e ntsi thata mo ditsamaisong tsa FIA. Go raya gore re tshwanetse ra ipaakanya, gore le mo nakong e e tlang fa go ntse go dirwa ditshekatsheko jalo, e bo e le tse di ka se keng tsa dira gore re boele kwa morago gape, re tle re leke go baakanya molao o re mo go one gompiano wa FIA.

Se ke neng ke batla go se kopa fela ke gore, *let us not meet the barest minimum*, a ko re thuse re bone gore re dira molao o e leng wa sennelaruri, wa lebaka le le leele, ga e ka ke ya nna e nna *come on, come on* e e buiwang ke LOO. Ka jalo, ke ema nokeng Rre Saleshando gore, a FIA e nne mo *status* se se tshwanang le sa BURS le Statistics Botswana (SB). Ke a leboga.

MR CHAIRPERSON: Thank you Honourable Lucas, you saved us a little bit of time.

MR MMOLOTSI (FRANCISTOWN SOUTH): Ke a leboga *Mr Chairperson*. Ke supe gore *Honourable Saleshando* o tsile ka Tshutiso e e lebanyeng. Re tshwanelwa ke go bolaya ka boammaaruri pelaelo nngwe le nngwe. Ke tshwenngwa ke gore *Honourable Serame* o na le mathata le gore batho ba bue ka *suspicion*, mme o tshwanelwa ke go tlhaloganya gore *suspicion and perception* ke dilo tse di ka dirang gore *system* e nne *ungovernable*, e bile gape di ka kgona gore di tlhositse molelo. Ka tsela e e ntseng jalo, *when we legislate*, re tshwanelwa ke gore *all these factors* re di tseye *under consideration*.

Ke sone se ke batlang go dumalana le *Honourable Saleshando* ka Tshutiso e ya gagwe, e e yang go thiba diphatlha. Re a itse, ga gona motho yo o sa itseng mo Botswana, kgotsa ga gona ope yo o belaelang, go na le *interference* gongwe le gongwe, e e dirwang ke Puso, Goromente kana boeteledipele mo ditsamaisong ka go farologana. *Therefore, it is not unreasonable* gore motho a re nnyaa, bagaetsho a re thibeng diphatlha tse, gore e tle e re le fa batho ba belaela, mme ba belaele, re bo re ka kgona go ba bontsha gore nnyaa, mme diphatlha tsotlhe di tswetswe.

Re a itse gore go a ne go nne le *political witch-hunt within and without* diphathi ka go farologana. Re a itse fela gore mapolotiki *are people who are very evil, they do not like competition, especially* fa ba busa ba itse gore ba tshwere dithata, *they are in control of all institutions*, ba kgona go di dirisa *to disadvantage others*. Ke sone se e leng gore tota fela mo go re siametseng ke gore fa re dira molao, re tswale diphatlha tsotlhe tse e leng gore fa e le gore *we are true to ourselves* ra re re batla go nna *a true democracy, institutions* tse di tshwanetseng gore di nne *independent*, re batla di nna *independent*. *Let them be independent* ka boammaaruri, re se ka ra di akanyetsa gore di *independent* mme e le gore sekai sengwe le sengwe se supa fa e le gore matsogo a rona a a bonala e bile a ka tsena nako nngwe le nngwe.

HONOURABLE MEMBER: Clarification.

MR CHAIRPERSON: Ga a na nako, nako wa gagwe e fedile. Go tlaa bua rraarona, *Leader of the House*.

HIS HONOUR THE VICE PRESIDENT (MR TSOGWANE): *Thank you Mr Chairperson*. Ga ke dumalane le Tshutiso e e tlang ka Moeteledipele wa Kganetso, ka mabaka a gore Tona o setse a arabile dipelaelo tsa gagwe ka botlalo. Re dumela sentle gore se Tona a tlang ka sone se, se molemo e bile ke se a tlang ka sone jaana, a gakolotswe ke lekgotla le le okametseng merero ya dikgang tse re batlang gore re se ka ra boela mo go tsone, tsa bo *grey listing*. O buile ka botlalo a tshwantshanya gore nnyaa, ga go a nna jaaka LOO a belaela, lephata le le itsamaisetsa merero ya lone, ga le mo kgatelelong ya Puso ka gope, e bile ga le ka gope go ka belaelang gore a le tlaabo le le mo tsamaisong.

Ee, re utlwa tse batlotlegi bangwe ba ntseng ba di bua, e le dipelaelo tsa bone. Ke batla go supa fa gore re tlogeleng *double standards*. Batho ba bangwe ba ba ntseng ba bua mo melaong e mengwe fa, ba supa gore dipelaelo di se ka tsa nna tsone tse di tlaa felelang re dira gore



molao mongwe o nne ka fa o tlaabong o gagamatswa ka teng. Re ne re bua ka Criminal Procedure and Evidence (Control Investigations) Bill, 2022, e Tona a feletseng a tswa go ntsha ditsetlana dingwe mo molaong o, a di baakanya jaaka re tlaabo re ya go buisana molao oo. Ka mabaka a batlotlegi ba reng dipelaelo ga se tsone tse di ka dirang gore gotwe go ntse jalo. Jaanong gompiano ba tla ka dipelaelo tseo, tse ba reng Tona a fetole tsamaiso ya molao ka teng. *This is double standard, pure double standard.* Ga re a tshwanela gore e re re dira molao, e bo re pota ka fa re batla gore o ka nna jaana.

Ke dumalana le Motlotlegi Rre Kgafela thata le Mme Mma Dow kgantele ba re, molao *is a process*, ga re ka ke ra o dira gore e tlaa nna *the last perfection*, gope fela. Ke sone se o bonang melao re tswelela re ntse re e sekaseka, ka gore dinako le dipaka di a fetoga. Ga gona gore re tlaa re re tlaa ema fa, re re nnyaa, jaanong re...

MR CHAIRPERSON: Your Honour, your time is up.

MR TSOGWANE: ...of any law. Nnyaa ga ke dumalane *Mr Chairperson*. Ke dumalana le gore molao o o sale fela jaaka Tona a batla o ntse ka teng. E bile a bo a ye *to report kwa FATF* ka gore ba batla gore re boele kwa *grey listing* jaaka gotwe ba batla gore ba ye go kwala. A ba tsamaye ba ye *to report*.

MR CHAIRPERSON: Thank you Your Honour, your time is up Honourable our father.

HONOURABLE MEMBER: Ke eng o sa kgalemele Mothusa Tautona gore a se ka a bua tse di tshesanyane.

MR CHAIRPERSON: Order! Order!

HONOURABLE MEMBER: O a mo tshaba, ga e ka ke a mo kgalemela.

HONOURABLE MEMBER: O ka mo kgalemela jang e le morena wa gagwe.

MR CHAIRPERSON: Order! Order! Honourable Kekgonegile, go bua wena Motlotlegi Mopalamente wa Maun Botlhaba.

MR KEKGONEGILE (MAUN EAST): Tanki *Mr Chairperson*. Go buiwa ka *double standards* mme motho o ka ipotsa gore kana Goromente yo ke yo o buang thata ka *efficiency* e e mo *independent bodies*. Ke Goromente yo o buang thata ka gore bone e le Goromente, *they are shrugging off some of these roles to parastatals and to independent institutions for efficiency sake*. Jaanong o tlaabo o ipotsa gore e yone e, ke eng ba batla go e tshwara, mabaka a teng ke eng tota a matona?

Ba busa eng e le Goromente gore *they can let go for efficiency purposes* jaaka ba *preacher*? Go raya gore mabaka a teng a tlhamaletse, ke fela go batla gore go nne le *political interference in the workings* tsa FIA. Fa motho a ka go botsa *Honourable Serame*, le latlhegelwa ke eng fela gore *institution* e e nne *independent from Goromente*? Tanki.

MR CHAIRPERSON: Thank you Honourable Kekgonegile for saving us so much time. Motlotlegi Honourable Minister.

MINISTER OF FINANCE AND ECONOMIC DEVELOPMENT (MS SERAME): Thank you *Mr Chairperson*. *Mr Chairperson*, very briefly, kana ke lekile go tlhalosa *Honourable Kekgonegile* gore FIA *has operational independence*, ga ba *operate* jaaka maphata a mangwe fela a a ka fa tlase ga lephata, *even though they are attached to the ministry*.

Secondly Mr Chairperson, and most importantly, re kgaogane *package* le batlotlegi, sengwe se se neng se le mo teng ke yone *report ya assessment* ya 2017. Ga o ka ya go lebelela *that assessment result kwa 29.7, it was very clear* gore re ne re *comply* le *what is required for a Financial Intelligence Unit*. Ka mabaka a a ntseng jalo *Mr Chairperson*, ga ke dumalane le Tshutiso e jaaka ke setse ke tlhalositse.

MR CHAIRPERSON: Thank Honourable Minister. Order! Order! Honourable Members. I am going to re-seminarise yourselves again.

HONOURABLE MEMBER: Point of procedure. So if I have moved an amendment, *yo o sobokang*, a respond ke Minister?

MR CHAIRPERSON: Mongwe le mongwe ke mo file slot sa gagwe, *Minister* jaanong a le kgwa dikgaba le sena go nna le...

HONOURABLE MEMBER: Procedure Mr Chairperson.

MR CHAIRPERSON: Hang on a second. This is Honourable Saleshando's Motion. The amendment has been advocated for by Honourable Saleshando, therefore, it is his responsibility to summarise.

MR SALESHANDO (MAUN WEST): Ke a go leboga Modulasetilo. Ke lantlha ke utlwa gotwe go na le *department* ya Puso e gotweng e ka nna *independent*. Go tswa gooLowe fa maphata a dirwa *independent*, a ke



bo *Office of the Director of Elections* tse o fitlhelang di le mo Pusong, go tlhamiwa lekgotla le le ikemetseng ka nosi jaaka Independent Electoral Commission (IEC) go tsamaisa tiro yone eo. Ga o ka ke wa nna *independent* o le *under the ministry*, o *report to Permanent Secretary* jaaka FIA, Mookamedi wa yone a dira mo nakong ya gompiano. Gore *report* ga e a *complain* ka *operational efficiency* Mr Chairperson, ga ke tseye gore re tshwanetse fela re re re tile go lebelela gore se go ngongoregilweng ka sone ke eng. Rona re le nosi ga re ka ke ra ipha bothale jwa gore mme gore re nne le *full compliance beyond* se go ngongoregilweng ka sone, ke re dire jang.

Ke yone Puso e e leng gore e emela melao ya FIA, ba ba dirisiwang ke ba dikgomo gotweng *to prod*, ke Goromente yo o batlang go nna a kgotliwa ka sengwe se se nang le motlakase, se mo tlodise a ye fa pelenyana. Bone ka bobone ga ba kgone go lebelela. Bo Goromente ba mafatshe a mangwe gompiano jaaka re bua jaana, *Financial Intelligence Units* tsa bone fa o bala melao ya bone, di ikemetse ka nosi, di *report to boards*. *Interference* ga e ka ke ya tlhokafala, ke gore fela o bona Goromente a kgona gore gompiano a ye *to interfere* le kwa sekoleng se se tshwanang le Institute of Development Management (IDM) gore ga a batle go hirwa mongwe teng, o bo o re *Financial Intelligence Unit such a sensitive body*, ba ka tlhoka jang go batla *to interfere*; ba gana ka gore ba batla go ya *to interfere*. *Independence, I also strongly agree*, FIA gompiano *cannot sue or be sued on its own name*. Gone go supa gore ke ngwana, *it is a minor*, ke lephata ka fa tlase ga *ministry* wa ga Tona. Ga o ka ke wa tsamaya wa ya go nna *Director* wa FIA mo bogompianong bo Permanent Secretary (PS) le *Minister* ba sa dumalane le gore ba ka go tsenya gone foo, *no matter how qualified you are*.

So nna Mr Chairperson, *in summary*, ke go tlhapa diatla, e tlaa re ngwaga mongwe fa o santse o tshedile, ke tlaa go raya ke re ke bale ba kopane ba biditswe kwa dikgaolong, ba boetse Palamenteng ka diamaramara. Ba re gatwe jaanong FIA e tshwanetse gore e nne *independent*. *I move accordingly*.

HONOURABLE MEMBER: Procedure Mr Chairperson.

MR CHAIRPERSON: Honourable Leader of the Oppo... Leader of the House.

LEADER OF THE HOUSE (MR TSOGWANE): Procedure. I am not Leader of the Opposition Mr Chairperson.

MR CHAIRPERSON: Ke tloga ke go emisa kana.

MR TSOGWANE: Mme o tlaabo o nkemisetsa se se maleba ka gore *I am not Leader of the Opposition*.

MR CHAIRPERSON: Please go ahead Honourable Leader of the House.

MR TSOGWANE: Mr Chairperson, ke ne ke re ke gakolole jaana gore; ke kopa gore e re fa o tswa fa Mr Chairperson, ka gore fa gongwe dilo fa di tla di tlhaga mo Ntlong, di feta di tsietsa tsamaiso. O ye go leba e tle e re mo nakong e e tlang, o tle o re tlhalosetse ka botlalo gore tota fa o *move amendment* mo molaong, go tshwana le fa o *move a substantive Motion*; yo o fiwang ditshwanelo tsa *to move* le go tla *to reply*. Gape kana Tona fa a le fa jaana, ke ene mong wa molao mme e bile ga re araba, re *respond*, re a bo re *respond* mo go Tona gore a re tlhalosetse.

So se a se dirang labofelo fa a ne a araba, o ne a sa reye gore o a tswala, e ne e le gore o tlhalosetsa batlotlegi tse ba di buileng. Jaanong ke ne ke re le ye go leba ntlha e *because* Standing Orders tsa rona ke rile a di lebelelwe, di tliswe ka bofefo. *I do not think it is a substantive Motion* o o tshwanetseng gore fa o sena go nna o *move*, and *it has never been done like that*. Re ntse re tla fa batho ba *move* fa ba *Clauses* tse di farologaneng mme ga gona ope yo o kileng a tewa gotwe *respond*. A e ye go lebelelwa Mr Chairperson. *I thank you*.

HONOURABLE MEMBER: O lebala ka bonako, Minister Mokgethi o ntse a *respond* mo go tsa *ministry* wa gagwe. A re tseye gore ke go lebala ka bonako, a re tswelele.

HONOURABLE MEMBER: Ke *to ignore* jaaka o letse o dirile maabane.

MR CHAIRPERSON: Order! Honourable Members. Order please! I pray for peace in this House. *Ga ke batle le tlhabana ka mafoko*. Nna le mongwame Honourable Substantive Speaker of the House, we pray for peace. I am going to re-seminarise you once more, when I say that the question is that the amendment be agreed to, *ba ba dumalanang le Motlotlegi Moeteledipele wa Kganetso ka ke slots tsa gagwe, ke bone ba ba reng "Aye."* *Ba ba sa dumalaneng ga ke bitsa ba re "Nnyaa."* *wa Sekgoa*, and *le bue at once bagaetsho, go na le botshelo mo teng*. Honourable Members, the question is that the amendment be agreed to.

HONOURABLE MEMBER: Division.



MR CHAIRPERSON: Who is that one calling for division?

HONOURABLE MEMBER: Kapinga.

MR CHAIRPERSON: What are you dividing?

MR KAPINGA: The vote on that Clause.

HONOURABLE MEMBER: E ise e bo e felele?

MR KAPINGA: O raya e sa felela jang?

HONOURABLE MEMBER: *Chairperson* ga a ise a *rule*.

HONOURABLE MEMBER: Re ne re tlhophela eng?

MR CHAIRPERSON: Order! We are now going to vote.

HONOURABLE MEMBER: Procedure Mr Chairperson.

HONOURABLE MEMBER: Re a tlhophha.

MR CHAIRPERSON: Let us hear Honourable Leader of the House.

MR TSOGWANE: *Procedure.* Ke ne ke re o e wetse sentle *Mr Chairperson*, gakere kana re ne re *vote* ka mantswe, jaanong o ne o tshwanetse gore o bue gore ga o utlwe sentle mantswe, o dumalana le gore mongwe o ka *call division* mme o supa gore ga o a utlwa sentle. *Votes* di pedi golo fa.

MR CHAIRPERSON: Order! Order! Honourable Members, technically His Honour the Vice President (VP) is very correct. I should have said I did not get correctly the preponderances of the voices. But though I did not pronounce it, I definitely did hear that, the “noes” have it. But because Standing Order 62.1 (c) allows me to be challenged, I am allowing Honourable Kapinga the benefit of the doubt. That is the reason why I am calling for a vote and we are going to vote.

Question put and **Division called for.**

CLERK:

MEMBER'S NAME	AYE	NO	ABSTAIN	ABSENT
His Excellency Dr Masisi				
Honourable Autlwetse		√		
Honourable Balopi		√		
Honourable Boko	√			
Honourable Brooks		√		
Honourable Billy		√		
Honourable Dr Dikoloti		√		
Honourable Dr Dow		√		
Honourable Gare		√		
Honourable Dr Gobotswang	√			
Honourable Greeff				
Honourable Hikuama				
Honourable Kablay				
Honourable Kapinga	√			
Honourable Kekgonegile	√			



Honourable Keorapetse	√		
Honourable Kereng		√	
Honourable Kgafela		√	
Honourable Khama	√		
Honourable Dr Kwape		√	
Honourable Lesedi	√		
Honourable Lelatisitswe		√	
Honourable Lesaso		√	
Honourable Dr Letsholathebe		√	
Honourable Letsholo			
Honourable Leuwe		√	
Honourable Lucas	√		
Honourable Majaga			
Honourable Makwinja		√	
Honourable Manake		√	
Honourable Mangwegape-Healy		√	
Honourable Mathoothe	√		
Honourable Dr Matsheka		√	
Honourable Mmolotsi	√		
Honourable Mmusi		√	
Honourable Moabi		√	
Honourable Moagi			
Honourable Modukanele		√	
Honourable Mokgethi			
Honourable Molale		√	
Honourable Molao		√	
Honourable Molebatsi			
Honourable Monnakgotla		√	
Honourable Morwaeng		√	
Honourable Moswaane			
Honourable Motaosane		√	
Honourable Motsamai			
Honourable Mthimkhulu			
Honourable Mzwinila		√	
Honourable Nkawana	√		
Honourable Pule			
Honourable Rakgare		√	
Honourable Ramogapi	√		
Honourable Reatile	√		
Honourable Regoeng		√	
Honourable Saleshando	√		
Honourable Segokgo		√	
Honourable Serame		√	



Honourable Shamukuni		√		
Honourable Thiite				
Honourable Dr Tshabang	√			
Honourable Tshere	√			
His Honour Tsogwane		√		

HONOURABLE MEMBER: *Mr Chairperson*, ke ne ke latlhegetswe ke *network*.

MR CHAIRPERSON: So?

HONOURABLE MEMBER: Ke kopa go tlhophha, 'no'.

HONOURABLE MEMBER: Ba a simolola go sukunyetsa.

MR CHAIRPERSON: Ga go na ka sukunyetsa Ta Chakanaka. Mmang ke le kope bagaetsho, tlogelang go bua ka *phones*, ga ke batle batho ba nkutlwa. Rraagwe Motheo o mongwe wa ba ba buang ka *phone*, ke kopa gore o didimale Morolong.

HONOURABLE MEMBER: A o nkamogetse *Mr Chairperson*?

MR CHAIRPERSON: Ke go amogetse rra.

HONOURABLE MEMBERS: ...(Murmurs)...

MR CHAIRPERSON: Here are the results of your voting; 'absent', 11, 'abstain', 0, 'ayes', 16, 'noes', 36. That means the noes have it.

Amendment **negated**.

Clause 4 **agreed to**.

MR KEORAPETSE: Procedure. Mr Speaker, *kana* given the time that is left before lunch, it is just under three minutes. *Ke ne ke* suggest *gore* maybe we break so that *re se ka ra* interrupt the flow *ya* whatever amendments that are coming.

MR CHAIRPERSON: *Order! Order!* Honourable Member for Selebi Phikwe West, ke dumalana le wena *my Honourable Member of Parliament (MP)* le fa o a bo o bua ka dijo. A re yeng kwa dijong *Honourable Members, bon appétite*, e tlaare *after lunch*, morena wa me yo ke mo ratang, *the Honourable Substantive Speaker of this House* o tlaa di kgweetsa. *Thank you for the cooperation Honourable Members.* A re yeng go ja.

HONOURABLE MEMBER: *Thank you Mr Speaker.* Hei! Chillyboy, batho Mahalapye East re a ba thusa, fa ne e se ka rona nkabo e le masiela.

PROCEEDINGS SUSPENDED AT 1:00 P.M. FOR APPROXIMATELY 1 HOUR

PROCEEDINGS RESUMED AT 2:00 P.M.

"EXCHANGE OF SPEAKERSHIP"

MR CHAIRPERSON (MR SKELEMANI): Honourable Members, good afternoon, let us resume our Committee Stage of the Financial Intelligence Bill. I think when we adjourned *go ya go kopa...* (inaudible)... we were done with Clause 4. *Mo go rayang gore*, we now move to the next one which is amendment proposal on Clause 5. Is that by you Honourable Ambassador Kapinga?

Clause 5



MR KAPINGA (OKAVANGO): *Ndi imi* Mr Chairperson. Thank you very much Mr Chairperson...

MR BOKO: Procedure. Thank you Mr Chairperson. I rise on a point of procedure of what has happened in the morning and what has been happening in the past few days. I hope you will grant me that opportunity to state my case, just for two seconds. Mr Chairperson, I do not think it is in line with the procedure of this House *gore* when a MP, myself in this case, *go lebega e kete ga a bonale mo Palamenteng* either because *gongwe* the video is switched off *kana a le* engaged in other things to Parliament, then MPs in the likes of Honourable Healy and Rakgare can utter the statement that they have uttered in the past few days. I have observed it with so much pain and disappointment. It has happened in your presence and in the presence of your deputy. I thought maybe you should call them to order because I do not want to say what I intend to or do what I intend to do if they proceed in the manner in which they do Mr Chairperson. I plead with them that they should desist from such kind of behavior. I know they pick some form of pleasure from using my name in the manner in which they do, some gratification, because they cannot get that pleasure from anywhere else, they get it from using my name in the manner in which they do. I am disappointed, I never thought people of their age can derive some pleasure from using my name in the manner which they do. They can get that pleasure from somewhere and they know where they can get it. I thought they should desist Mr Chairperson, I say this for the very last time and I am never ever going to say it going forward. I thought you should warn or plead with them to desist from such kind of behavior. Thank you Mr Chairperson.

MR CHAIRPERSON: *Thank you Honourable Boko. Ka gore ga ke itse gore o bua ka ga eng ke tsaya gore ba go utlwile ba ba itseng dikgang tsa lona, ba go reeditse. Ba utlwa ngongora ya gago.*

MR BOKO: Thank you so much.

MR KAPINGA: Thank you Mr Chairperson. I have proposed an amendment to Clause 5. My proposed amendment has taken the form of the current Clause 5 (3), which reads, "Where there is a vacancy in the office of the Director General, the President shall cause to be published, in any newspaper of general circulation, an advertisement calling for applications from suitably qualified persons to be considered for appointment.

The purpose of that amendment Mr Chairperson is to encourage transparency and meritocracy as opposed to a situation where a name is just pulled of a hat like a magical trick. That is that with Clause 5 (3), which is a new Clause.

And then we go to Clause 5 (7), the current 5 (7) which reads, "The provisions of section 113 (2), (3), (4) and (5) of the Constitution shall apply equally to the removal of a person holding office of Director General."

The change that has been made which we submit is of significance is to remove with necessary modifications and replace that with "shall apply equally." Because with necessary modifications Mr Chairperson, gives latitude to somebody who may wish to do so to adulterates the provisions of Section 113 and come up with a procedure that makes it easier than what is provided in the constitution to remove the Director General from office. That is my submission Mr Chairperson.

MR CHAIRPERSON: Honourable Ambassador Kapinga.

MR KAPINGA: Yes sir.

MR CHAIRPERSON: I want to be clear, you have a wish to move two amendments, is that so?

MR KAPINGA: Yes, two amendments under the same Clause. The rest of the Clauses remain as they were before. The changes are only in relation to paragraph 3 and 7.

MR CHAIRPERSON: Thank you Honourable Member.

MINISTER OF FINANCE AND ECONOMIC DEVELOPMENT (MS SERAME): *Thank you Mr Chairperson. Thank you Honourable Kapinga for that proposal. Mr Chairperson, at 3 where he proposed gore go tsena sengwe teng, ke re tota ga ke dumalane le Tshutiso e ka gore jaanong re tsaya fela dilo tse di administrative, e bile re roma Tautona ra re a ise dilo kwa dipampiring. Re tsaya golo fela mo go administrative jaanong re batla go go dira molao. Tota ga ke bone gore go re thusa go baakanya se re batlang go se baakanya.*

Kwa go 7 Mr Chairperson, and on this one Honourable Kapinga ga ke lawyer kgaitsadiake, o nkinele diatla metsing, I have taken advice. The advice ke gore, with necessary modification o re ne re mo tsenyeditse gore ka golo mo it applied to the Directorate of Public Prosecution (DPP), e a tlhokafala gore e tsenngwe



fa gore e kgone *to apply* le kwa go Director General. *According to our drafters the advice that we got* ke gore e siame fa e ne e kwadilwe jaaka e ne e kwadilwe. Ka mabaka ao *Mr Chairperson* ga ke dumalane le Tshutiso eo. *I thank you Mr Chairperson.*

MR KEORAPETSE (SELEBI PHIKWE WEST):

Ke dumalana le Tshutiso ya ga *Honourable* Kapinga. Ke dumela gore re ntshe *the part* e ya *modification* jaaka a kopa, *so that it applies as is*. Ga go a tshwanela gore go nne bonolo gore *the* Director General a ntshiwe. Jaanong fa o utlwa gotwe *with necessary modifications* e nna *ambiguous, because* ga re itse gore *modifications* tse di tlaa diriwang ke tse di ntseng jang. Fa e felela fela e re, *“shall”* ke dumela gore ke gone e siameng. *Honourable Minister* ga a re thuse gore a re kgang e e *administrative* e gotweng *it is prescribed to President* gore a tsenye mo dipampiring, *and circulate advert*. *What we seek to achieve here* ke *more transparency and accountability when it comes to the appointment of the* Director General. Jaanong se o sa re thusang ka sone wena ke go re tlhalosetsa gore *to achieve transparency* eo e Batswana botlhe ba tlaa fiwang tshono ya *to apply*, bogolo jang *those who qualify, suitably qualified persons* gore ba nne *considered for this appoint* ke fa go dirilwe jang? *Transparency* eo e re ntseng re ngongorega ka yone mo makgotleng a otlhe a e leng gore Tautona ke ene a supang ka monwana. Motho a tswa mo thorong o kare go ne go diriwa masalamose jaaka *Honourable* Kapinga a bua. Tona ga o a re thusa gore jaanong *transparency* eo e ya go fitlhelelwa ka tsela e e ntseng jang? Ke bona gore *it is only achievable through amendment* ya ga *Honourable* Kapinga. Ke a leboga.

MR RAMOGAPI: Ke a leboga Motlotlegi Modulasetilo. Motlotlegi Modulasetilo boammaaruri jwa kgang ke gore re tshwanetse ra ithuta mo dikgannyeng tse di fetileng. Bo Director General ba ba fetileng, a re tseye fela ba the DCEC, go kile ga tsena yo mongwe a ntshiwa, ga tsena yo mongwe a ntshiwa. Batho bao ba ntshiwa jaana go sa buiwe mabaka. A e ga se nako ya gore fa re dira molao o re bo re bua gore motho yo fa a tsentswe fa ga go motlhofo gore a ntshiwe. Makgotla a a ikemetseng a re reng *independence* a, batho ba teng ba tshwanetse go bereka ba gololesegile. Kana temana e e tsamaisana le Tshutiso e e neng e diriwa ke Rre Saleshando e bua ka *independence*. Mma Serame a bo a re, nnyaa ba *independent*. Ke gone mo re go buang re re, kana fa e le gore batho ba go bereka ga bone ke gore *he/she is appointed*, e bile Tautona o ka mo ntsha, ao! golo mo go busulanyana, le a go bona. Go maswenyana gone

golo go ne mo. Ke gore o ka tsennngwa, e bile fa Tautona a batla o ka mo ntsha. Re tshwanetse gore re bone gore e-e ga se tsamaiso e e siameng mo lephateng le re reng le ikemetse ka bonosi. Di diragetse *Mr Chairperson*. Ke ne ke e fa sekai ka bo Director General ba DCEC. Go diragetse. Molaamotheo o bua gore wa Independent Electoral Commission (IEC) o tshwanetse gore a bereke go fitlhelela dingwaga di nna kae, gompieno jaana yo a neng a le kwa IEC o kae? Ga a yo *Mr Chairperson*. O ntshitswe jang? Ga re itse. Go kile ga diragala jaana fa go ntse go thudumelwa dibuka, re bua, ra fitlhela e le gore Auditor General le ene jaanong o mo dikonterakeng, o nna a tshogile fela. Jaanong re re tsamaiso e e siameng ke gore, batho ba mofuta o ke gore ba hirwe, ba hirelwe ruri go fitlhelela dingwaga tsa bone di goroga kwa go *retirement age*. Jaaka *Honourable* Kapinga a sutisa. E bile gape e le gore go na le *transparency*. Mma ke go fe sekai se sengwe ba Law Society ba santse ba lela gore *the way the Judges are appointed* ga go a siama ka gore ga go na *advert*.

MR CHAIRPERSON: Honourable Ramogapi, your time is up!

MR RAMOGAPI: Thank you Mr Speaker. Thank you Mbidzi.

MR CHAIRPERSON: Honourable Ambassador Kapinga, the mover do you want to reply. You heard what the Minister said.

MR KAPINGA (OKAVANGO): I will be very brief Mr Chairperson. The principle that underlines the amendment I have proposed is that appointments at high level positions in Government must be transparent and must be based on meritocracy. Advertisements makes the recruitment process very open and transparent to the nation.

But if she wants to stick to the process where appointments are made from nowhere, it is up to her, it is her line of thinking, but I submit Mr Chairperson that this amendment is very, very clear. Let us open up the appointment process so that everybody can see how these appointments came to happen rather than it coming as a surprise to the nation. Thank you Mr Chairperson.

MR CHAIRPERSON: Honourable Kapinga, you remember I asked if you were moving two amendments and you said yes.

MR KAPINGA: Oh! Yes Mr Chairperson. At 5(7), Mr Chairperson, it is also a very, very clear proposal. Instead of saying “with necessary modifications,” it



should say, “shall equally apply.” In olden times, they would use the term “*mutatis mutandis*” but if you say “with necessary modifications,” you are opening up the leeway, you are giving a latitude for anyone who wishes and has the power to do so, to adulterate, reduce or to tighten even more, but inclination is to adulterate and make it easier for people to be removed.

So, I am saying that it is better to say “shall equally apply” rather with “necessary modifications,” which modifications have not been communicated to us Mr Chairperson. Thank you.

Amendment **negated**.

MR CHAIRPERSON: The question then Honourable Members is that Clause 5 stand part of the Bill...

LEADER OF THE OPPOSITION (MR SALESHANDO): May I raise a point of procedure Mr Chairperson?

MR CHAIRPERSON: Yes.

MR SALESHANDO: What happens in this case when there are two different proposed amendments to a Clause as is the case with Clause 5? Once we vote that it stands part of the Bill, does that leave any opportunity to discuss the following amendment to Clause 5, or it would be better to do it at this stage?

MR CHAIRPERSON: Which amendment are you thinking of?

MR SALESHANDO: I have noticed an amendment immediately after Honourable Kapinga’s amendment, also dealing with the same Clause 5.

MR CHAIRPERSON: There Honourable Leader of the Opposition, you are quite right. We must deal with that one in so far as it affects Clause 5, before we can vote on that Clause. Honourable Saleshando.

MR SALESHANDO: Fa go ne go letlelelwa *Mr Chairperson*, ke ne ke ka kopa go botsa, *but* ke a itse gore ga go kgonagale gongwe gore a Mme Mma Serame o na le maikaelelo a go amogela *any amendment* e e tswang kwa go ba *opposition* ka gore fa ke mo lebile jaana, go lebega maikaelelo e le go gana sengwe le sengwe e bo ba ga bone mo thusa gore go dumelwe fela tse di tswang ka fa go bone? Mo go tlaabong go raya gongwe re dielana nako. Ke tlaa dirisa sebaka se fela gore e nne go ruta setšhaba.

Go ntse gotwe *amendment* e balwa yotlhe *Mr Chairperson* mme fa o letlelela, ke ne ke kopa gore ke se ka ka e bala yotlhe, ke e soboke ka go supa gore tota se ke neng ke se bua, se tsamaelana le se Rre Kapinga le ene a neng a batla go se dira. Mme Ke ne ke se atolositse go le golwane gore *Director General* fa a tlhophiwa go nne le thulaganyo e re tleng re e bone le kwa melaong e mengwe e e tshwanang le ya ga *Ombudsman* ya gore *President* a nne le morero le Moeteledipele wa Diphathi tsa Kganetso. *Director General* wa FIA o na le dithata tse di fetang tsa bo *Ombudsman* thata. Go na le melato mengwe e e leng gore fa o e bonwe, *offences* tsa teng ke *millions*. Jaanong ke sone se ke neng ke bona go le bothlokwa gore re atolose ka fa a hirwang ka teng.

Fa o ntse o tsamaya le yone gape *Mr Chairperson*, ka fa a ntshiwang ka teng, ke ne ke batla go supa gore ke dumalana gape le gore, gore re tsenye tse dingwe tse di sa tlhaloseng gore o ka ntshiwa jang, go ne go sa tlhokafale. Go batla fela re tlhalosa fela sentle gore o ka ntshiwa ka tsela e e ntseng jang, o se ka wa tewa gatwe re ne ra bona dilo dingwe gape.

Fa re tswelletse, ke supa gore le ene *Director General* yo, go na le ditshetla tse di tsentsweng mo molaong tse di letlelelang le *head of Directorate of Intelligence and Security (DIS)* gore o ka koba *Director General* wa FIA. Jaanong tsamaiso e, e re e dirang, re batla go tsenya *Director General* yo o bokoa, yo o tlaa neng a itse gore o ka ntshiwa nako nngwe le nngwe, e seng fela ke mohiri, o ka ntshiwa gape ke moeteledipele wa DIS fa o ntse o tswelletse le moalo o o bala.

Jaanong ke ne kopa gore ke di soboke jalo, ke se ka ka ya le tsone ka bolelele ka gore re a bona gore Mme Mma Serame o tsere ditshwetso. E ne e le fela go ruta setšhaba jaanong gore re aga makgotla a re senang kelelelo ya gore re batla go bona a eteletswe pele ke batho ba boleng jo bo rileng, re batla gore re kgone go sukunyetsa ba ditsala le masika. Ke a leboga.

MR CHAIRPERSON: Honourable Saleshando, for the purposes of our records, it is better to read the proposed amendment into the Hansard, but as I understand you, you wanted to ask whether the Minister of Finance and Economic Development agrees with your proposed amendment in this case. *Ga nke ke di soboke*, in your understanding being that if she does not, there is no point in putting your amendment. Is that right Honourable Saleshando?



MR SALESHANDO: *Mr Chairperson, let me comply.* Mma ke dire ka tsamaiso ke e bale, a tle a e gane mme e supagala *on the record*. Ke tlaa e bala fela, e a itlhalosa. Fa ke fetsa, ga ke ye go e tlhalosa, ke tlaabo ke *move*.

MR CHAIRPERSON: Yes.

Clause 5

MR SALESHANDO: *Ee rra.* The Bill is amended in Clause 5, appearing on Page B.394, by substituting for that Clause, the following new Clause –

“Appointment of Director General

5. (1) The Director General shall be appointed by the President, after consultation with the Leader of the Opposition in the National Assembly.

(2) Subject to the provisions of Subsection (1), a person shall not be appointed Director General or act in that capacity unless he or she has extensive experience in Government administration and governance, capable of discharging his or her duties without fear or favour, and recognised experience in one or more of the following disciplines –

- (a) finance;
- (b) law enforcement;
- (c) law; or
- (d) any other related field.

(4) A person appointment Director General shall hold office for a period not exceeding five years, as may be specified in the instrument of appointment, and shall be eligible for reappointment for a further term of five years.

(5) Where there is a vacancy in the Office of the Director General, the President shall cause to be published, in any newspaper of general circulation, an advertisement calling for applications from suitably qualified persons to be considered for appointment.

(6) Notwithstanding Subsection (5), the President shall, in writing, notify the Leader of the Opposition in the National Assembly –

- (a) about the vacancy in the Office of the Director General;
- (b) about the process of selection for appointment; and
- (c) of his or her preferred candidate and giving reasons for his or her preference.

(7) The Leader of the Opposition in the National Assembly shall, after assessing the candidate as proposed by the President, write to the President and advice the President of his or her position on the candidate: Provided that where the Leader of the Opposition in the National Assembly rejects the candidate as proposed by the President, he or she shall, in writing, advice the President of the reasons for rejection.

(8) The Director General shall be responsible for the direction and administration of the Agency.

(9) The Director General shall appoint, in writing, an officer of the Agency as an examiner for purposes of determining compliance with the Act.

(10) The Director General shall be removed from office for if he or she –

- (a) is incapacitated by physical or mental illness;
- (b) has become bankrupt or made arrangements with his or her creditors;
- (c) has misconducted himself or herself in a manner that brings his or her office into disrepute; or
- (d) is otherwise unable or unfit to discharge the functions of his or her office.”

Ke dumela gore e a itlhalosa Mr Speaker. *Ke tlaa ema gone foo.*

DR GOBOTSWANG (SEFHARE-RAMOKGONAMI): Ke a leboga *Mr Chairperson*. Gone le nna go a tshwenya gore tota e re re leka go dira ditokafatso mo melaong mme e bo e ka re maikaelelo ke gore ga go reediwe sepe.

Ke batla go ema nokeng mogopolo wa ga *Honourable* Leader of the Opposition (LOO) ka fa a batlang go dira ka teng gore dilo di direlwe mo pontsheng, go nne le morero, o o fitlhelang maDomkrag ba bua ka one mme ba sa o dirise. Go nne le *some element of checks and balances* gore Tautona le fa a ya go tlhopha boeteledipele jone jo, e bo e le gore o rerisantsa le Moeteledipele wa Kganetso gore go tlame gore a ntshe mabaka a gore ke eng a tlhopha motho yo e leng gore o eletsa go mo tlhopha, gore Moeteledipele wa Kganetso le ene fa e le gore o na le dikgang tse di mo tshwenyang ka motho yo o tlhophilweng, le ene a ntshe mabaka a gore ke eng a ganana le yo e leng gore o tlhophilwe ke Tautona gore ba lebisane mabaka, go nne le morero o o tseeneletseng. Re batla go dira jalo ka gore mo nakong e e fetileng, ka



maphata a mangwe go tlhophiwa batho ba mofuta o, e ne e le gore gatwe go na le morero le Moeteledipele wa Kganetso, mme kwa bofelong go sena morero, e le go mmolelela fela. *Honourable* Lucas phakela o rile golo fa fa re ka se ke re ipaakanye, re ipee dielo tse di fa godingwana ka fa re tlhophang ka teng boeteledipele jwa makgotla a, re tlaa boela gone fa mo FATF re dikologa gone fa, ka gore ka 11th *Parliament* gatwe go fetisitswe melao e le 21, ya re ba ithaya ba re ba feditse melao e le 21, jaanong go tsile melao e le 16. Ka fa *Honourable* Lucas, Mopalamente wa Bobonong, a neng a tlhagisa ka teng o ne a re, kana fa re ka se ke re ipee dielo tse di kwa godimo go baakanya melao e, e tlaa re kgabagare e bo e le gore FATF e tla ka gore re baakanye melao e le 31, ka gore fa gotwe re baakanye molao, rona re ipeela dielo tse di kwa tlase, mo e leng gore tota re felela re sa dira sone se se tshwanetseng. Ke sone fela se a se kopang, *transparency, accountability, checks and balances*. *I thank you Mr Speaker.*

MR RAMOGAPI (PALAPYE): Ke a leboga *Mr Chairperson*. Tota kopo ya rona e khutshwanyane. Gongwe go tlaabo go sa thuse sepe gore re goe naga fela mme re leka go thusa.

Kana fa o ka ela tlhoko, re le Kganetso, fa melao e tsisiwa ke bo Tona, re a e amogela ka mowa o montle, mme jaanong fa rona re tla ka Tshutiso re leka go thusa, re bonwa re ka se ke re ntshe sepe fela se se bothale, o ka re golo mo ga le direle Batswana sentle. Ga re ka ke ra kgobega marapo, nte re tswelele re re a mme gone tota jaaka Motlotlegi Rre Saleshando a kopa fa gore go nne le *clause* gore motho o ka ntshiwa ka mabaka afe. Ga go na fela gore go bo gotwe nnyaa motho o ka ntshiwa fela. Motho a belemelwa fela jaaka re itse gore Puso ya rona e a tle e belemele batho go bo gotwe tswaya mo ofising, ga re go batle. Ao! Motho go a buiwa gotwe, o ka ntshiwa fa e le gore tlhaloganyo ya gagwe, Batswana ba re kolobe e tlhagile, fa kolobe e tlhagile, go siame gore gotwe nnyaa o ka ntshiwa, kana a sa tsoga, kana go na le mabaka a a teng, e seng fela gore nnyaa mo go rona ke gore re ntsha motho fela re bo re re nnyaa go siame. Golo mo ga go a siama *Mr Chairperson*.

Re batla gore re nne bakhutshwane fela re re, re leka go thusa gore e se ka ya re kamoso go bo go le mathata. Legale Motlotlegi Mme Mma Dow o kile a re yo o epang lebitla, o a le ikepela, le Batswana ba a tle ba rialo. Nte re di tlogele di gole mmogo, re tlaa bona ka motlha wa kotulo gore di ya kae. Re a leboga, re tlhpile diatla.

MINISTER OF FINANCE AND ECONOMIC DEVELOPMENT (MS SERAME): *Thank you Mr Chairperson*. Ke a leboga *Honourable* LOO le ba ba setseng ba akgetse.

Nnyaa *Mr Chairperson*, nte ke tlhalose gore, ke kopa gore Batlotlegi le se ka la kgobega marapo gore re buisane ka gore *clauses* tse re di lebelela *one by one*. Gape gore le a gakolola ga re tseye dikgakololo, ga se gore fa re sa dumalane, go raya gore ga le ka ke la tla ka sepe ra se reetsa. Ke kopa gore re nne le kutlwisiso e e ntseng jalo.

Fa ke bua ka *the specific clause*, ke tlhalose gore e re le fa ke tlhaloganya the spirit sa ga *Honourable* Saleshando sa gore re batla *transparency*, eng le eng, ka fa e kwadilweng ka teng, jaanong e feta se re ntseng re re re leka go se dira, re setse re batla go patika Tautona gore tota e bo e le gore *at the end of the day* go tshwanetse gore go nne le mongwe yo o tlaa bong a mo laola gore a felele kae.

Tota *Mr Chairperson* ka fa e ntseng ka teng, ga re dumalane le yone. Ke a leboga.

MR MMOLOTSI (FRANCISTOWN SOUTH): Ke a leboga *Mr Chairperson*. Gongwe re simolole go ipotsa mo go tseneletseng gore a mme re batla go tlhabolola melao ya rona kgotsa re batla go boela kwa morago. Tota fela go *clear* gore *suggestions* tsa ga *Honourable* LOO di tshwanetse gore di re ise golo gongwe.

Fa re bua ka go ntshiwa ga mohiriwa mo tirong, ke selo se se ka *affect* le yone *performance* ya gagwe. Fa motho a itse gore kana tota golo fa mo tirong e ke ka nna ka ntshiwa nako nngwe le nngwe, ga go bokete gore ke ntshiwe, mme a filwe *position* ya bo *Director General* jwa lekgotla le le tshwanang le la FIA, tota fela re tshwanelwa ke gore golo mo re go lebe sentle. *Honourable* Serame *we want* batho ba ba tlaa berekang ba sa tshoga, a itse gore ditshwetso tse a tlaa di tsayang, a itse gore fa a gana gore a ye go tlhotlhomisa ope ka lebaka la gore mongwe a re a ye go mo tlhotlhomisa, motho yoo ga a na go mo koba, ke dilo tse tota di ka tlhabololang melao ya rona. Ke a tshwenyega ka gore jaanong mo melaong e re ntseng re e dira, go a itshupa gore tota ba *party* ya Domkrag ba batla go dira melao e e tsamaelanang le gore ba kgone go laola le go nna *in control of* babereki ba e leng gore ba tlaa hirwa mo maphateng. Ke sone se e leng gore nna tota ke ne ke kopa gore ...



MR CHAIRPERSON: ...(Inaudible)... Morolong.

MR BOKO (MAHALAPYE EAST): Thank you Mr Chairperson. Just to be brief and to ride on what other Members of Parliament have put forward, especially Leader of Opposition and the rest that have spoken, Mr Chairperson, you would agree with me as somebody who has practiced law before and served in high positions *gore* the issue of security of tenure, the removal and appointment are very critical issues when dealing with positions of this nature.

You would agree with me when it comes to the appointment of the Judges, their removal, as well as their security of tenure. So we have to put the Director General in the same pedestal with the Judges of the High Court or the Judges of the Court of Appeal in so far as issues of security of tenure, and the removal and their appointment is concerned. These are very serious issues, and I see the Minister *o leka* to trivialise it, but Honourable Saleshando *o lekile go tlhalosa gore ke eng re tshwanetse go tsaya kgang ya* the appointment and the removal le security of tenure *ka tlhoafalo*. So I think the amendment as suggested by LOO, we all have to agree to that appointment so that people can be safe in the positions *tse ba nnang mo go tsone, ba dire tiro ya bone ba tshosologile, ba phuthologile ba itse gore ga go na ope yo o ka nnang a kokota mo mosong a ba ntsha e kete o koba- ga ke itse gore ke ka bua ka position efe e e kwa tlasetlase e e leng gore o ka akanya ka yone* Mr Chairperson.

I think we all need to agree to this proposal, *fa re ka se ke ra dumela mo go yone, ga go na sepe se re kitlang re dumalana* mo go sone. I expected a lot from you Honourable Minister Mma Serame *gore dilo tse o ka di tlhaloganya botoka, o ka di amogela motlhofo*, but it looks like now you decided to sing from the same hymn book as other Ministers and other Members of Parliament from the ruling party. So it is disappointing, we are really disappointed so far as the amendments *tse re sa bolong go di tsenya fa pele ga gago*, we are still disappointed, we expected so much from you.

I am not insulting you, I am saying this with the greatest of humility. I mean we have offered so many suggestions and amendments, none of them seems to make sense to you. I do not know what this is. I think we are wasting our time here.

MR MOTSAMAI (GHANZI SOUTH): Ke a leboga *Mr Chairperson*. Ke ne ke re go ne go ka nna jang fa nne go ka twe gongwe go tlisiwe *amendments* mme fa di tlisiwa, ba kganetso ba se ka ba tla Palamenteng ya teng. Go lebega e le gore rona re ditilo fela tse e leng gore ga go amogelwe sepe mo go rona *Mr Chairperson*.

Ke tsaya gore mo pusong ya batho ka batho, kgaitadiake Mma Serame ke mo utlwa, a re re se ka ra kgobega marapo. Letsatsi le letsatsi, motsotso le motsotso, o dira dilo tse di re kgobang marapo, ene ka fa o a re *encourage* gore re se ka ra kgobega marapo. Re tlaa tlhoka go kgobega marapo jang e le wena o *catalysing* go kgobega marapo, o gana sengwe le sengwe, o le maganagotlhe. *I am sure* le fa ke ka go raya ka re ke bidiwa Motsamai Motsamai kwa Ghanzi, fela ka gore ga ke moDomkrag, o tlaabo o raya maDomkrag o re le gane, ba tlaabo ba gana. Ke sone seemo se e leng gore *Mr Chairperson*...

HONOURABLE MEMBER: Motsamai o bolaisa Boko ditshego.

MR MOTSAMAI: ...re wela mo go sone.

HONOURABLE MEMBER: Motsamai, Rabachanaki.

MR MOTSAMAI: Ga ke tshameke, ke tlhamaletse e bile ke tlhoafetse. Ke kgang e e re amang, ga re ka ke ra tla go nna fa *Mr Chairperson*, jaaka o kare re tsile go reetsa batho ba re “ee” kana “nnyaa” fela, rona ga re na seabe. Ga gona mogopolo wa rona ope o o ...*(Interruptions)*...

Ka yone tsela eo *Mr Chairperson*, go a re sita mme e bile go tlaa tswelala go re sita, go bo go dira le gore re se ka ra ntsha mengwe megopolo e e ka bolokang batho ka gore re tlaabo re baya mo Botswana Democratic Party (BDP) fela gore ke bone ba ba reng megopolo ya bone e ka boloka. *So a ba tswelale ba e ntsho Mr Chairperson*. Ke a leboga.

HONOURABLE MEMBER: A dipelo tsa lona di sa fuduege.

MINISTER FOR PRESIDENTIAL AFFAIRS, GOVERNANCE AND PUBLIC ADMINISTRATION (MR MORWAENG):

Ke a leboga Modulasetilo. Kana o a itse gore *we are a democracy*. Re le mo Palamenteng mo megopolo e a tswa mme re a e lebisanya. Ga re e lebisanya, bakaulengwe ba kganetso *through* Rre Saleshando, ba dule ka megopolo. Tona yo o lebaneng wa tsa madi o ntshitse la gagwe, re tshwanetse re akantshane mme ga re dumalane le mokaulengwe Rre Saleshando. Ga re dumalane le mogopolo wa gagwe.



Re dumela gore ka fa Tona a buang ka teng le ka fa tsamaiso e ntseng ka teng, e siame. Se Motlotlegi Rre Saleshando a se buang mme e re ke utlwa dikakgelo tsa bakaulengwe ba bangwe, ba bo ba bua jaaka o kare dikgang tse di tshwanang le tsa bo morero gore bone ba na le ka fa ba *define* morero ka teng, re tshwanetse ra tlamega gore re ye le bone, fa re sa dumalane le bone re phoso. Ke re nnyaa bakaulengwe, ga go a nna jalo. A re amogeleng fa re farologana ka megopolo mme re sa omane, jaaka e le gore mokaulengwe yo mongwe o ntse a re o tsenwa ke boitlhobogo.

Megopolo e a tswa, e a phadisanya, fa o dumela gore wa gago ke one, re o baya fa pele. Fa re sa dumalane ga re dumalane, ke eng le tshwanetse go dumela gore ke lona fela megopolo ya lona e mentle? E beyeng fa pele ga Palamente re bo re tsaya tshwetso. Rona ga re dumalane le se Moeteledipele wa Kganetso Rre Saleshando a se buang. Re dumalana le se Motlotlegi Mme Mma Serame a se buang ka gore se a se buang o se bua ...*(Inaudible)*... ga a bua a tsietsa ope, ke se se diragalang, ga gona tsamaiso fa e sokameng teng. Jaanong ke kopa gore Ntlo e jaanong bagaetsho, re se ka ra dumalana le megopolo ya ga Rre Saleshando, e bile re se ka ra tshaba, re tswelile re ganana le megopolo wa bone fa e se yone.

MR CHAIRPERSON: Point of order the Vice President (VP).

LEADER OF THE HOUSE (MR TSOGWANE): *Point of order.* Ke a go leboga *Mr Chairperson*. Nnyaa ke ya go nna mokhutshwane ka gore ke dikgang tse di tshwanang fela le tse re ntseng re di tshwere. Ke ne ke re a re nneng *focused* ba rotlhe *from both sides of the House*. Re itse se re se tletseng fa gore re se ka ra itaya Batswana tsebe ka kwa ntle. Ba itse gore tota re beilwe ke eng fa, ke eng se se dirileng gore re bo re le fano. Re rile ke melao e lekgotla le e lebeletseng, la bona re tlhela mo go yone. Lekgotla le re itseng fela sentle la FATF, le e leng gore ke lone le le tsayang merero ya gore itsholelo e tsamaya jang mo mafatsheng, madi a tsamaisiwa jang go lwantsha tsone ditsoulodi jalojalo le madi a a gasagasamang le lefatshe.

Jaanong fa re ka tswa mo tseleng re bo re ya go tsaya e mengwe melao, *although* e le ya thulaganyo e re nang le yone ya bo FIA, kana re ka phutha melao yotlhe ya FIA ra e baya fa mme re ka phirimisa letsatsi. Jaanong tota rona ke ne ke re ga se gore go a ganwa maikutlo a ba kganetso. Fela ke gore ba tla ka melao e e leng gore tota

ga se yone e e lebaganeng le kgang e re e beileng fano. *Yes*, go na le dingongorego ka ga diphiro, ka ga eng, go ntse jalo ke dikgang tse ba a tleng ba nne ba di bue mme ga se tsone dikgang tse gompieno re di beileng fano.

Ke sone se re se buang. *So if we remain focused*, re arabela mo go se Tona Mma Serame a se tllisitseng fa, nnyaa fa e le gore ke *amendment*, tse dingwe di ntse di dumelwa. Le bo Tona bomme Mma Mokgethi re ntse re dumela *amendments* tse dingwe maabane tse di neng di tla ka batho ba kganetso di le maleba, di itebagantse le kgang e e leng gore e mo tafoleng. Jaanong fa re ya go phutha kwa le kwa le kwa, ke gone fa go nnang le bothata ka gore jaanong tse dingwe ke ditsetlana tse di sha gotlhelele, tse di tlhokanang le gore re di lebe sentle re na le nako, re iketlile, re bone gore a mme di maleba gore re ka di fetola. Re sa di sukunyetse fela ka gore re bua ka ditsetlana tse go tileng re bue ka tsone. Ka mafoko a a kalo *Mr Chairperson*, ga re ba gane, ra re a ba nne *focused*. *I thank you*.

MR CHAIRPERSON: Honourable Saleshando, you may reply to the debate.

MR SALESHANDO (MAUN WEST): *Mr Chairperson*, mme ke tlhatswe fela e le nngwefela e e neng e buiwa ke Mma Serame. Kana o wetse a batla go e baya gore se re lekang go se dira ke go kganela Tautona *to appoint*. Nnyaa, ga re rialo, re bua ka tsamaiso. *That is why* le mo *amendment* ya me ke re *Director General shall be appointed by the President after consultation*. O ka bo fela o re rona ga re batle *consultation*, re *party* e e dumelang gore fa mogolo a tsere tshwetso, ga gona yo o tshwanetseng go mmotsa sepe mme puso ya batho ka batho ga e tsamaisiwe jalo.

Ke na le molao fa *Mr Chairperson*, o o tshwanang le o wa Botswana, one ke wa kwa Malawi o bidiwa fela gotwe *Financial Crimes*. Le yone ke e e buang ka *financial intelligence* ya bone. Bone e bile ba kwa pele ga rona thata. Ba re Tautona, *the Director General shall be a public officer and the appointment of the office shall be subject to confirmation by the Public Appointments Committee of the National Assembly*. Ke gore o ka bona gore re kgakala go goroga gone koo, kwa gotweng Tautona ga a ka ke a *appoint* go fitlhelela komiti ya Palamente le yone e dumalana le ene. Fa o ka re o tllisa Tshutiso yone e gone mo Palamenteng e, o re o *empower* Mapalamente, o re o ba fa dithata, maDomkrag ba tlile go siya ka gore bone ga ba itse gore *power must be shared*. *Power* ga e sa tlhole e le gore ke dumalana le *amendment* kana ga ke dumalane, fa ke



clash of values. Re farologana ka tse re dumalanang ka tsona. Re lebagane le batho ba e leng gore therisanyo mo go bone, go tewa gore mogolo a le itsise a feta ka lona.

Jaanong *Appointments Committee of Parliament* le molao wa South Africa fa o ka o lebelela o o buang ka FIAs, le one o fa Palamente ditsetla dingwe tse e tshwanetseng e di diragatse pele ga motho *be appointed*. Jaanong a re dumele gore re santse re saletse kwa morago ka ba e leng gore ba mo Pusong, bone *accountability* le *transparency* ga ba e itse. Mo go bone mogolo ga a bolelelwe ka *process*, o dira ka fa ene a batlang ka teng. *I move accordingly.*

HONOURABLE MEMBER: Primitive democracy comrade.

MR CHAIRPERSON: Order! Order! Honourable Members, the question is that the amendment as moved by Honourable Saleshando be agreed to.

Amendment **negated.**

Clause 5 **agreed to.**

MR CHAIRPERSON: There is an amendment at Clause 6.

Clause 6

MINISTER OF FINANCE AND ECONOMIC DEVELOPMENT (MS SERAME): Thank you Mr Chairperson.

The Bill is amended at Clause 6 appearing at page B.394, by -

- (a) inserting immediately after paragraph 2 (j), the following new paragraph -

“(k) develop standards or criteria applicable to the reporting of suspicious transactions that shall take into account other existing and future pertinent national and international standards.” and

Mr Chairperson *ka bokhutshwane*, this new paragraph *e re e tsenyang fa, fa o ka lebelela mo* the published Bill, *ke kgang e e neng e le kwa* Clause 48 (1). *Re ne re bona gore* it speaks to the functions *tseo, jaanong ka gore e tsamaelana le* the functions *tse di leng kwa* Clause 6, *re e ntshe ka kwa* 48 *re e tlise ka kwa go* 6 Mr Chairperson. I submit.

Amendment **agreed to.**

Clause 6 as amended **agreed to.**

MR CHAIRPERSON: There is an amendment at Clause 7.

Clause 7

MINISTER OF FINANCE AND ECONOMIC DEVELOPMENT (MS SERAME): Thank you Mr Chairperson.

The Bill is amended at Clause 7 appearing at page B.395 by substituting for Sub-Clause (5), the following Sub-Clause -

(5) Where the Directorate withdraws a certificate issued under Subsection (2) –

- (a) the Director General or officer shall be suspended from performing any functions of the Agency;
- (b) subject to the provisions of Section 5 (5) of this Act, the Director General shall be removed from office and the office of the Director General shall become vacant;
- (c) the office of the officer shall become vacant; and
- (d) a new Director General or officer shall be appointed.

Ka bokhutshwane Mr Chairperson, se re neng re se dira fa, *in the debate and discussions* go ne go na le letshwenyego la gore e ka re fela go busitswe (*withdraw*) *certificate* e bile jaanong motho o tlaabo a dule mo tirong. Se re neng re leka go se tlhatswa fa ke gore, fa re lebeletse *certificate that is being withdrawn*, go nne le *due process* ya gore motho a seegelwe fa thoko, e se ka a bo e le fela gore gatwe o kobilwe mo tirong. Ke sone se re neng re leka go se tlhatswa *Mr Chairperson*. *I thank you.*

MR KAPINGA (OKAVANGO): Thank you very much Mr Chairperson. We are back to where we started. Like I indicated, the retention of the word with necessary modifications leads us to this kind of proposal that is being made by the Minister of Finance and Economic Development.

If you read closely paragraph 5 (b) Mr Chairperson, it is not talking about the determination of whether the Director should be removed. It says “the Director shall be removed” because their position, which they want to camouflage, their position is that once the certificate has been withdrawn by Director General of the DIS,



then the Director General has lost his job, and that is the exact import of the current amendment that the Minister is proposing. It does not go with Section 5 that she makes reference to. That one provides for an enquiry to be made whether the Director General should be removed. It does not compel, *ga e patike gore a ntshiwe*, but *e ka fa e ntseng ka teng e, ke gore* once the Director General *a sena go ntsha setlankana seo*, the Director General shall be removed from office, and the office of the Director General shall become vacant. It should be saying, the question of his removal shall be dealt with in terms of the Constitution. *Ke a leboga* Mr Chairperson.

MR SALESHANDO (MAUN WEST): *Mr Chairperson*, ke na le mathata ka fa Tona Serame le phathi ya gagwe ba batlang go tsamaisa ka teng.

Firstly, fela ke dumela gore ga go maleba, kana se re se dirang fa, re fa *Director General* wa DIS dithata tsa go koba Moeteledipele wa FIA. A sena go nna a mo *clear* fa a hirwa, ke moka ke mohiri *Director General* was DIS, o a mo *clear*, go bo go dumalanwa gore o ka hirwa a theogela. Jaanong ya re fa a ntse a theogetse, *Director General* o ka boa gape a tla a re bagaetsho, *I am withdrawing certificate sa security clearance*, se ke neng ke se file Moeteledipele wa FIA. Jaaka re itse gompiano fela jaana, *it is in the public domain*, *Director General* wa DIS o lwa le maphata a mangwe, ga a batle batho bangwe ba ba kwa DIS. *We all know that, but* ga a ka ke a ba kopa. Fa ra re *Director General* wa DIS, o ka koba Moeteledipele wa FIA. Jaanong fa o bala gore fa a ntshitse (*withdraw*) *certificate* go diragala eng, le nako ya kwa tshimong ya Eden, go ne go le botoka, Adam ga a tla a supuwa fela gatwe o jele leungo tswa, ka gore Modimo o ne o itse. Modimo ga o a ntsha *clearance certificate* ya ga Adam mo tshimong ya Eden gone foo, a bo a mo ntsha. Fa re fa *Director General* wa DIS dithata tse di fetang tsa Modimo, gore fa a buile, o tswa mo ofising.

Ga ke bone *due process* e Motlotlegi Serame a buang ka yone, e e leng gore fa go diragetse jaana, o ka dira eng go ya go itshupa botoka gore ga o a tsewa sentle ka fa go neng go diragetse ka teng.

Ke sa reye gore ke dumalana le gore o tshwanetse o ye go sekisiwa gore *Head of Intelligence* a re o ntshiwe mo tirong. *This is a bad law* Motlotlegi Serame, e bile fa go na le motho yo o itlotlang, yo o nang le *qualifications*, fa ba reeditse, *they should not apply for* tiro e, ba lese Domkrag e tsenye lelope la yone, le le tlaa neng le reetsa, le ikobela le DIS Chief gore a itshireletse mo tirong.

Fa e le gore o batla tiro, o tswelela o na le *qualifications*, Batswana betsho siang, e ya FIA Domkrag e na le se e se batlang ka yone. Mme Serame se a se batlang fa, ga se se rona re neng re se akantse le FATF e neng e se dirisitse, ke seipato. Molao o o letlelelang *Director General* wa DIS gore o ka koba baeteledipele ba maphata a mangwe, ga go na ... (*interruptions*)... mo go one. Ke a leboga.

DR GOBOTSWANG (SEFHARE-RAMOKGONAMI): Ke a leboga *Mr Chairperson*. Bagaetsho, nnyaa jaanong le batla go gogela lefatshe le mo thaelong. Fa o bua ka DIS mo seemong se e leng mo go sone, e bo e fiwa dithata e setse e iphile tse dingwe, jaanong le bo le e fa dithata tsa gore e nne yone e e ka ntshang pego ya gore *Director General* wa FIA o ka ntshiwa mo tirong, nnyaa bagaetsho. *This DIS is very tainted. They do not have any credibility whatsoever.* Ga ba sa tlhole ba na le boleng, ba tswapogile. Ba kgotlhelesegile, ga se ba o ka ba fang boikarabelo jo bo kana. DIS e re itseng le setshaba se itse gore e kgona go dira bosupi jwa maitirelo. DIS e e kgonang go itirela *arrest warrants and forge those warrants*, le bo le re le ka e fa boikarabelo jo bo kana, Mme Serame, *you cannot be serious.* A ko le tlhwaafaleng re tswe mo kgannyeng. *We cannot support amendment* e o tlang ka yone e gotweng go fiwa DIS dithata tse e setseng, e bile e itshegetse mogodu gale. E bile e sa laolesege, nnyaa bagaetsho, re a gana. *Thank you Mr Chairperson.*

MR RAMOGAPI (PALAPYE): *Mr Chairperson*, ke simolole ka go botsa Mme Serame ke re, o ya go dira jang fa e le gore *Director* wa FIA fa a ntse a tlhotlhomisa, *receive information* gore *Director* wa DIS o tla a rwele madi a mantsi a matshebetshebe a a leswe, o batla go a tsenya mo Botswana? E bo e re fa a bona gore ke a tlhotlhomisiwa mme ke na le dithata, a bo a ya *to provoke section* eo, a re ke kgona go *withdraw* setlankana sele. A bo a re, ke tsenya setlankana sele jaanong ke ya go goga, ke a go somola, ke a go ntsha. O ya go dira jang? Araba Batswana Mme Serame. Jaanong go raya gore re le *address* fela le le maDomkrag le se *Ministers* ba Puso gore araba gore o ya go dira jang moDomkrag fa go ntse jaana? Ke bo ke go botse gape moDomkrag, a ko o mpolelele ka dikgang tse di leng teng tse di neng di diragala kwa Office of the President (OP), kwa e neng e re fa motho a tlhotlhomisiwa ke DCEC, bone ba ba tlhotlhomisang motho ba, go bo gotwe, re a le ntsha *we are transferring you.* A botlhaswa jo bo kileng jwa diragala jo ga le ithute sepe mo go jone maDomkrag? Ke gore le maDomkrag a a ntseng jang? Le Modimo ga le o tshabe. Rona ra re salang le tsone go siame.



MR KEORAPETSE (SELEBI PHIKWE WEST):

Ke a leboga *Mr Chairperson*. *Honourable Serame*, when you respond o re bolelele gore o kile wa go bona kae, le gore *international best practices* ya reng when it comes to *tenurials security* ya *Director General* wa lekgotla le le tshwanang le la FIA? O bone kae what you are proposing se, le gore *international best practice* ya reng? We all know that DIS operates outside the law and it is a matter of public knowledge that this very Government has accused operatives tsa DIS of committing fiscal and revenue crimes. Potso e *Honourable Ramogapi* a e botsang, e maleba gore in the event that FIA actually investigates *Director General* or some of its operatives ba DIS, a ga re nke re bone se se neng se diragala kwa DCEC? E le gore jaanong *investigators are transferred*. Re a itse Eugene Wasetso, a mowa wa gagwe o robale ka kagiso, o ne a isiwa kwa *Health* e le gore o tlhotlhomisa Permanent Secretary to the President (PSP), Zilberman le ene a isiwa kwa Francistown ka transfer e le gore o mo ditlhotlhomisong tseo. Re ne ra bona warrants being forged, Makaserata a itlhotlhora a re ga ke ise ke ntshe warrant, DIS has forged it. Re a itse ka the trumped up charges. Re a itse gore tota molao o gotweng equals, *Director Generals* yo mongwe o ka koba yo mongwe mo tirong, nnyaa. A ko re boeleng fela mo tsamaisong e e siameng *Honourable Serame*. Ga le ka ke la entrust DIS ka gore e ka dira jaaka le bua, ke kopa gore amendment e tota fela a ko o e boele kwa morago tseetswee. Ga ke bone *international best practice* gone fa, tota mo go tse dingwe e padile mme mo go e, le wena reputation ya gago jaanong e tsena on the line.

MR MMOLOTSI (FRANCISTOWN SOUTH):

Thank you very much *Mr Chairperson*. Tota fela ke santse ke sa itse gore *Honourable Serame* le Goramente yo ba re re dire jang? Mo nakong ya gompiano mongwe le mongwe o a itse gore Lephata la DIS le moeteledipele wa lone, ke batho ba e leng gore ga ba na sepe le molao, ga ba obamele molao ope mo Botswana, ke molao ka bobone. Ra re re ba neela tiro e nngwe ke e, ya gore jaanong ba ka ntsha *Director* yo mongwe mo tirong. Tota *Honourable Serame*, a le a lemoga gore le senya lefatshe la Botswana? A le a lemoga gore golo mo le go dirang go tlile go le boela, go tlile go le sala morago? Ke eng le batla go dira molao ka tsela e e ntseng jaana? Le batla go kgotsofatsa *Director General* yo re sa itseng gore le mo kolota eng wa DIS, ka go mo fa dithata tse di sa mo lekanang, tse di sa mo tshwanelang tse e leng gore gompiano jaana setšhaba se mo mathateng ka lebaka la gagwe? Ke a go kopa *Honourable Serame*, let

us not allow another *Director* to fire another *Director*.

Ga re ka ke ra dira jalo. A re letleleleng tsamaiso e e leng gore moeteledipele yo o ka nna a bereka tiro ya gagwe a itse gore o sireleditswe ke molao, ga a ka ke a ntshiwa ke ope. Ga a ka ke a betegelwa pelo ke ope yo o tlaabong a dumela gore motho yo ga ke mmatle, o a nkgoreletsa kana ga a tseye ditaello mo go nna. Ke a le kopa maDomkrag, tswayang mo moweng o o maswe o le batlang go o dira, wa go dira molao wa go swelela ka gore go swelela mo go tlile go le boela. Ke supe gore this thing is not funny anymore, golo mo go diragalang gompiano jaanong ke belaela gore le Batswana go tlaare ba eme ka dinao ba tsogolegele Mme Serame le Domkrag. Ke a leboga *Mr Chairperson*.

MINISTER OF FINANCE AND ECONOMIC DEVELOPMENT (MS SERAME):

Ke a leboga *Mr Chairperson*. Batlotlegi, ga ke itse gore gompiano go diragetse jang, ke kopa le bale Clause e ka gore se le se buang ga se se se buiwang fa. Fa o bala kwa 5, (b) *Mr Chairperson* ya re, "subject to the provisions of Section 5 (5) of this Act, the *Director General* shall be removed from office and the office of the *Director General* shall become vacant." Now, when you got to 5.5, ke kopa o e bule Morolong yo ke sa itseng gore wena o rileng e kare o Mongwaketse, Wynter. Fa o ya kwa go 5.5...

HONOURABLE MEMBER: Nnyaa, re iketleleng.

HONOURABLE MEMBER: Nnyaa, nnyaa, wa re Mongwaketse.

MS SERAME: A ko o iketle pele Letsholo ke santse ke bua le Wynter, fa o ya kwa 5.5 *Mr Chairperson* and *Honourable Members*, e bua ka Section 113 of the Constitution. Fa o ya kwa Section 113 of the Constitution e go tlhalosetsa ka the process ya go ntsha motho yoo. That is why ke ne ke bua gore...

MR SALESHANDO: ... necessary modifications, so gone jaana o e bua e kete...

MS SERAME: A ko o ntheetse tlhe Saleshando ke ntse ke go reeditse! Heish batho! Re fetile kgang ya kgantele gakere ya Clauses tse re neng re di dira ka kwa. Jaanong re kwa go e le reng ka re ga go na process, ke leka go le tlhalosetsa gore nnyaa, ga go fiwe *Director General* DIS go koba motho mo tirong, this is not what this is saying. We are saying go ya go nna le process e e tlhalosiwang ke Constitution kwa 113, gore go dirwa tribunal, go dirwa eng, go dirwa eng, pele fa motho a ka ntshiwa mo ofising. That is why re ne re re, pele fa a ntshiwa o ka nama a seegetswe ka fa thoko while that process ensues.



Sa bobedi ke ne ke tlhalosa kgantele *Honourable LOO* le *Honourable Members* gore 'with necessary modifications' yo, o ne a tsenyediwa gore kana ka kwa go ne go buiwa tota *specifically* ka DPP, jaanong fa re ne re mo tsenyetsa gore *the same process* e tlaa dirisiwa fa re bua ka Director General wa FIA. *Therefore, Mr Chairperson*, ke sone se ke neng ke tla ka paakanyo e gore motho yo le fa go ka nna le *certificate*, ga go na jaaka re ne re kwadile fa gore o tlaabo e bile a tswa mo tirong. Nnyaa, go tlaa nna le *process* e e *outlined in the Constitution* kwa *Section 113*. Ke a leboga *Mr Chairperson*. Ke dumela gore ke ba arabile.

MR NKAWANA (SELEBI PHIKWE EAST): Mma ke go leboge *Mr Chairperson*. Ga ke batle go dumalana le Tshutiso e ka one mabaka a gore bakaulengwe ba setse ba supile gore ke go thataganya dithata mo mothong a le mongwefela. Se ke utlwang Tona a se bua ke gore yone *process* e a buang ka yone *is triggered* ke *certificate* sa ene motho yo re buang ka ga ene. Kana fa a sa go batle, a bo a *trigger* yone *process* e, *that very long process* e e leng gore fa e le gore ka lesego kwa pele go ka pala, mme motho a le mo *suspension*, tiro e eme, go direla lefatshe mathata. Le ene motho wa mofuta oo, ga a ye go bereka a phuthologile ka gore o setse a senyegile leina, a sentswe leina ke ene DG wa molekane wa gagwe, gongwe ka go tlhoka go utlwana, le ka gore fa gongwe o ka nna a bo a dirisiwa.

Ke dumela gore re tshwanetse re tle ka ditsetlana tse bakaulengwe ba buang ka tsone, re ntshitse DG wa DIS mo teng. Ke ipotsa gore le mo ratisiwa ke eng. Ke ipotsa gore a ke ene fela mo Botswana, mo Batswaneng ba ba berekang, ba ba kgonang tiro ya mofuta oo. A ga re ka ke ra bona epe tsela e e leng gore go ka nna le ka fa motho a sa kgone, gongwe a belaelwa a ka tsewang ka teng. Kana re na le maphata a mantsi a Puso a a dirang ditlhotlhomiso. Ga se DIS fela, ga se DG fela. Go na le mapodise ba ba ntseng ba dira tiro eo kwa *Special Branch*. Tiro e fa e le gore re ka e neela badirelapuso ba bangwe go ka re sologela mosola. Jaanong re tlhatlaganyetsa ofisi ele ya ga DG wa DIS tiro, mme ditiro tsa gagwe tse ba botlhe re di itseng e le gore ga di itumedise Batswana ka kakaretso.

Molao o ga ke dumalane le one. Fa e le gore lona maDomkrag le tlaa o fetisa, le wena Tona tota kgang ya lona e tlaabo e le go swelela mongwe yo ke sa itseng gore ke mang. A re se ka ra bereka ka go betwa ke pelo e kare re swelela mongwe motho. Ke a go leboga *Mr Chairperson*.

MINISTER OF INFRASTRUCTURE AND HOUSING DEVELOPMENT (MR MOLALE):

Ke a leboga Modulasetilo. Ke bo ke go dumedise mo tshokologong e le bakaulengwe. *Mr Chairperson*, kana fa Palamente e *debate* molao, re bo re ya go tsaya ditsetlana tse re di akanyetsang (*imagining*), tse di seyong mo molaong o o buiwang, golo moo ke *to mislead* ba ba reeditse *debate*. Ke ntse ke reeditse ka tlhoafalo fa, ka ba ka boa ka bala molao o gore ke batle fa go buiwang gore DG wa DIS o ka koba DG wa FIA, *which has been repeated by the just previous speakers* ba ba ntseng ba bua. *There is no such* mo molaong o re o buang o o fa.

HONOURABLE MEMBER: E teng. 7, *Clause 4* e bale.

MR MOLALE: Sa bobedi gatwe *Financial Intelligence, Security Intelligence, Military Intelligence and all other intelligence organs, there is a community of intelligence* e ba nnang fa fatshe, ba buisanya ka dilo tse di tshwenyang, tse di sa siamelang lefatshe. Ga go na ope yo molao o mmeileng gore *he is above the other*. Ke kopa gore yo o o badileng a o bona o le foo, a o supe gore o fa kae.

When we debate molao, *we should not be imagining things. Let us delve to the issue on the table*, fa e le gore go a baakanngwa, go baakanngwe. *I find it to be improper* gore jaanong re simolole *to impute some motives on some other people and the laws that are not being discussed here*. Fa e le gore *we have an issue* le molao wa DIS, *let us then go to that law but for now*, ga re bue ka molao wa DIS, re bua ka *Financial Intelligence*. *Mr Chairperson*, ke kopa gore re tsweleng, re leseng go bua ka DIS. Ke a leboga *sir*.

HONOURABLE MEMBER: Rre Molale ga a bala sentle.

HONOURABLE MEMBER: ...o ba balele *Clause 7*, Sub-section 4.

HONOURABLE MEMBER: ... (Inaudible)...

HONOURABLE MEMBER: O a se tsaya setlankana sa gagwe DIS.

MR REATILE (JWANENG-MABUTSANE): *Mr Chairperson*, sale kgantele ke bua gore ke a jaka, ke re ba tlaa tla ba *attend* ga ba tle. *Mr Chairperson*, kgang e e leng gore ke ne ke re ke tsene mo go yone, ke gore tota ga re ka ke ra dumela go dira *Act that will be supervised by Act* e nngwe. Fela fa re re DG wa FIA ke gore matshelo



a gagwe a mo diatleng tsa DG wa DIS, re dirile dikgang tse dingwe fela. Fa re bua fela ka *certificate*, *Honourable Serame* ke yone kgang ya *to surrender* DG wa FIA mo diatleng tsa DG wa DIS. Ke sone se gompiano ka gore o a tlhaloganya *Honourable Serame*, ga ke itse gore wa re o palelwa ke eng *to supervise*. O a itse gore *tenders* tsa gago tsa Public Procurement and Asset Disposal Board (PPADB) di setse di le *subjected* gore jaanong *they are awarded by* DIS. Ga o ka ke wa tswelela o tla ka melao e e ntseng jalo gore gompiano tiro ya DPSM o a e ntsha kwa DPSM jaanong o e fetisetsa kwa DIS.

Tota motlotlegi mathata a gago kwa *Finance* wa re ke eng, re go thuse? Ke eng o sa tle o thamaletse gore ke a imelwa ke dikgang ke tse? Ga go supafale gore molao o o feletse e le wena o fang ba Attorney General *instruction*. Go lebeqa molao o e le gore ba ba neng ba *instruct* ba Attorney General e ne e le DIS, e ne e se *Ministry of Finance. The way it is crafted*, ga o yo gope mo lefatsheng la Botswana molao o o ntseng jalo. Ke wena wa ntlha mo ditsong tsa lefatshe la Botswana, mo *Cabinet* ya lefatshe la Botswana, re bona o tla ka molao wa sebopego sone se.

Jaanong motlotlegi, netefatsa gore ka tsweetswee *the way*, o leng *honourable* ka teng, go supe jalo. Re ne re solofetse go le gontsi gore o le motho wa mme, re tlaa bona dilo tse di tlhapileng mo go wena. Jaanong gompiano re bona dilo tse re tsamayang re tsentse tlhogo, re tlhabilwe ke ditlhong. Ke dumela gore motlotlegi dilo o di dirile go lekanye, DIS ke e *is awarding tenders* go sena gope mo mokwalong fa gotweng e tlaa aba (*award*) *tenders* teng, e di ema pele ka gore go fentse *Honourable Serame* jaanong e batla go fenywa *Honourable Reatile*. Kamoso o bona e neetswe *Honourable Reatile*, go ntse go seyo mo mokwalong. Jaanong fa o tla o go netefaditse jaana mo mokwalong ga se dilo tse e leng gore...

MR CHAIRPERSON: *Honourable Minister Serame, please reply to the debate.*

MINISTER OF FINANCE AND ECONOMIC DEVELOPMENT (MS SERAME): *Mr Chairperson, tota I think re setse re a buile. I think we are at a point e re dumalanang gore ga re dumalane ka gore se batlotlegi ba se buang, ke se se seyong gope fa. Process e teng, mme ga ba dumalane le gore process e teng. Jaanong I do not know how to explain it any further Mr Chairperson. Jaaka ke ne ke bua gore Section 5.5 refers to a process that is referred to in the Constitution. Ka jalo he, batlotlegi ga go na gope mo molaong o fa re reng DIS e ya go koba motho, e bile process e clear as I have mentioned kwa Section 113. Ke a leboga Mr Chairperson.*

MR RAMOGAPI: *On a point of clarification.* Ke go botse gore kana *certification* ke sone se se hirang motho. Jaanong fa se tserwe ga go na kwa a tlaa tlholang a ya teng.

HONOURABLE MEMBER: Clarification.

MR RAMOGAPI: Nkarabe.

MR CHAIRPERSON: *Kana ene o sale a go arabile, with the section you were reading Honourable Clause 7 (4) does not say what you are claiming it says. It simply does not say that. Vice President.*

HIS HONOUR THE VICE PRESIDENT (MR TSOGWANE): *Thank you Mr Chairperson.* Nnyaa ke ne ke kopa Mme Tona ka fa ke bonang a tlhasetswe ka teng, mme a tlhasetswe ke batho ba ba sa mo tlhaloganyeng, e bile ba sa tlhaloganye se a tlang ka sone, gore a o ne a sa bone go le botoka gore a ye kwa, a ye go bolelela setšhaba kwa seromamoweng, gongwe setšhaba se ise se timediwé, ka gore fa ba tswa fa maikaelelo ke go ya go timetsa setšhaba, gore setšhaba se tle se itse bogolo boammaaruri sone fela ka bo sone. Ka gore maikaelelo a a go timetsa a teng, e bile ke tlhola ke bua ka one nako tsotlhe, a gore kganetso ke go leka go timetsa batho le go emisa tsotlhe tse di molemo tse Puso e tlang ka tsone. Ke a leboga.

HONOURABLE MEMBER: *Gatwe ke point of what...(inaudible)...*

HONOURABLE MEMBER: Procedure Honourable...

HONOURABLE MEMBER: What is the point?

HONOURABLE MEMBER: Ke *point of tshela*?

MR CHAIRPERSON: Honourable Members...

MR TSOGWANE: Le *point* fela le palelwa le go tshwara gore fa motho a raya *Minister* a tlhalose...

MR CHAIRPERSON: ...(Inaudible)...

HONOURABLE MEMBER: Procedure.

HONOURABLE MEMBER: A a tlhalose gone mo Palamenteng mo.

MR CHAIRPERSON: Ga ke utlwale, ke mang yo o sa nkutlweng?

HONOURABLE MEMBER: Ke ne ke re le tsose botate foo o itheeditse.

MR CHAIRPERSON: The question is that the amendment be agreed to, that is the question.



HONOURABLE MEMBER: Ke tlile go go romelela Healy wena Boko.

Amendment agreed to.

MR CHAIRPERSON: There is another proposed amendment Clause 7. Honourable Ambassador Kapinga.

Clause 7

MR KAPINGA (OKAVANGO): Thank you very much Mr Speaker. The Leader of Opposition *fa a bua* a little bit earlier, I think he put the matters into perspective *gore* these proposals that are coming from us and from the Government they flagged the values that we have. Mr Speaker, my proposal is that a certificate issued by the Director General of DIS should not lead automatically to the dismissal of the Director General *wa* FIA, instead, it should trigger an enquiry under Section 113 of the Constitution, which I had earlier on proposed *gore* it shall equally apply to the Director General FIA. It should trigger that enquiry, and that enquiry is the one that will be determine whether the Director of FIA should be removed from office or not. This is totally different from what have just been voted in, which says that, subject to the provisions of Section 5 (5) of this Act “the Director General shall be removed”. There is no talking about options, it says “shall be removed”, it is not saying that the question of whether he should be removed or what should be considered, says he shall be removed. *Ya me* Mr Chairperson is proposing that, that question should then be considered in terms of section 113 of the Constitution and depending on the evidence, *mo gotweng* evidence *aliunde*, over and beyond the report *ya ga* Director General *wa* DIS, on the basis of other evidence over and beyond the report *ya ga* Director General *wa* DIS. Then that Judicial Commission will decide whether it is right that the Director General of FIA should be removed. This Mr Chairperson, represents progressive, liberal human right centered, due process of law oriented kind of thinking, not this conservative kind of thinking that we are seeing being presented by Honourable Minister Serame, very disappointing and embarrassing for somebody of her caliber to come with a legislation like this. I thank you Mr Speaker.

HONOURABLE MEMBER: Procedure Mr Chairperson, procedure.

MR CHAIRPERSON: Ga o mponne?

HONOURABLE MEMBER: Honourable Chairperson, procedure.

HONOURABLE MEMBER: Rra?

MR CHAIRPERSON: *Ga o mponne.*

HONOURABLE MEMBER: ... (Inaudible)...

MR CHAIRPERSON: The question is that the amendment as proposed by Honourable Ambassador Kapinga be agreed to. Honourable Keorapetse.

MR KEORAPETSE (SELEBI PHIKWE WEST): *Ke a leboga* Mr Speaker, *ga ke itse gore gatwe ga re tlhaloganyeng eng gone fa.* There is nothing complex here. There is nothing complex in the sense that is very clear *mo go se* Honourable Minister *a se buang, gore* if a certificate is withdrawn, the office of the Director General FIA shall become vacant. That is just a simple unambiguous language. So all what we are saying *ka* amendment proposed by Honourable Kapinga *ke gore*, the provisions *tsa* Section 113 *tsa* to appoint a Tribunal *e e tlaabong e lebelela* the removal *ya* Director General FIA, *e nne* the one that applies. So *ga ke itse gore gatwe re tsiediwa ke eng.* Honourable Serame *a re re bua selo se seyong mo molaong, nnyaa* is written in black and white, “shall remain, shall become vacant,” that is the language we have used in the event that the certificate is withdrawn. So *ke dumalana le* Honourable Kapinga *gore, se se diragaletseng bo* Director General *ba* DCEC *ba ba fetileng jaaka a ne a bua, ga re eletse go bona se diragala.* So *tota fela fa re dumalaneng le* Honourable Kapinga so that the provisions of Section 5 (7) shall apply to the removal of the person holding the office of the Director General and then the provisions of the Public Service Act shall apply to the removal of any other officer. Thank you so much.

MR RAMOGAPI(PALAPYE): Mr Speaker, *gatwe re timetsa batho, ntetlelela ke batle* Section *e buiwang e.* Clause 7, subsection 5 *ya re* “where the Directorate withdraws a certificate issued under subsection (2) –

- (a) the Director General or officer shall be suspended from perform any functions of the Agency;
- (b) the office of the officer shall become vacant; and a new Director General...

HONOURABLE MEMBER: O bala e kgologolo.

MR RAMOGAPI: *...or officer shall be appointed.* Go kwadilwe *under* (b) *Mr Chairperson* *gore it shall become vacant, go clear ga re tsietse* Batswana, *lefatshe le ke la rona, re a le rata, re ntse re dumalana melao*



e tlang ka bo Tona. Go tlhamaletse gatwe e tlaa nna *vacant*. Jaanong gape re tshwanetse re ipotse gore ke gore Financial Intelligence Agency ke lephata le lengwe le e leng *why does it not screen* Director wa Directorate on Intelligence and Security (DIS)? Ipotseng potso eo, *why can he not screen* Director wa DIS? DIS e tlaa nna ene fela *who screens* lefatshe le lotlhe le. Go bolelwa golo fa motho yo golo gongwe o ...

HONOURABLE MEMBER: Ramogapi...

MR CHAIRPERSON: Honourable Ramogapi, do you understand the retorts by the Minister? *A re o bala dilo tsa bogologolo.*

MR RAMOGAPI: *Mr Chairperson,* kgang e e tlhamaletse fela, ba leka go tsietsa...

MR CHAIRPERSON: Honourable Ramogapi...

MR RAMOGAPI: Ee rra.

MR CHAIRPERSON: *Ka re a o utlwile* Honourable Serame *gore a reng? A re o bala dilo tsa bogologolo,* bala the present proposals. The one I have before me, is not saying what you are reading.

MR TSOGWANE: Ke gone go timetsa mo re go rayang.

MR RAMOGAPI: Heela kana...

MR CHAIRPERSON: Nnyaa...

HONOURABLE MEMBER: Nnyaa Ramogapi, lebelela *the proposal.*

MR CHAIRPERSON: *There is a mistake* le go timetsa, go timetsa ke fa o dira ka bomo.

HONOURABLE MEMBERS: ... (Murmurs)...

HONOURABLE MEMBER: Nnyaa Ramogapi.

MR RAMOGAPI: Ga ke timetse *Mr Chairperson.* Kana se ke se bonang...

MR CHAIRPERSON: I am sure Honourable Ramogapi is mistaken.

MR RAMOGAPI: Ga ke timetse *Mr Chairperson.* Kana se ke se buang ...

MR CHAIRPERSON: Ke dumalana le wena, ka re *you are mistaken!*

MR RAMOGAPI: Ehe, ee ntsenye mo tseleng.

MR CHAIRPERSON: *Bala* the present draft.

HONOURABLE MEMBER: Ga o ke o tsena mo tseleng le fa motho...

HONOURABLE MEMBER: *Okay Mr Chairperson,* ga a itse, ga a a bala.

MR RAMOGAPI: *Mma ke e bale* Mr Chairperson. *Kana ya re,* "the office shall become vacant and a new Director General officer shall be appointed."

MR CHAIRPERSON: Kana fa o gana go thusiwa ke gore motho a go lese.

HONOURABLE MEMBER: Mo tlogele o loilwe, ga se yo o ka mo kgonang.

MR RAMOGAPI: Kana *Mr Chairperson* e bua ka *suspension.* Mma ke e bale *Mr Chairperson.* Kana ke gore ke ne ke e alela *Mr Chairperson* ke tla ke tswa ka kwa. Jaanong fa ke tsena ka kwano yone e a e buang e kana ya re, "*where the Directorate withdraws a certificate issued under Subsection (2) –*

(a) *the Director General or officer shall be suspended from performing any functions of the Agency. Ya re "shall be suspended..."*

HONOURABLE MEMBER: Gare Hikuama o a go tshega.

MR CHAIRPERSON: Honourable Ramogapi, do you have today's Order Paper?

HONOURABLE MEMBER: Tlogela motho yoo o tlaa re diela nako.

HONOURABLE MEMBER: Batho thusang tsala ya me; kana Ramogapi ke tsala ya me.

HONOURABLE MEMBER: O tlhokile ditsala *if that is the case* ngwanaka.

MR CHAIRPERSON: Honourable Ramogapi, did you see it?

MR RAMOGAPI: *Mr Chairperson,* kana ke *Paragraph 9(b). Paragraph 9 (b);* e kwadilwe fela jalo *Mr Chairperson.*

HONOURABLE MEMBER: Mme o itse gore re bua ka ga eng Ramogapi?

MR RAMOGAPI: Ke a itse, e tlhamaletse fela. Ao! le fa gotwe motho... go kwadilwe fela jaana, le batla go tsietsa Batswana le re ga re bone. Go kwadilwe...



HONOURABLE MEMBER: Le a bo le rileng tsala ya me tota?

HONOURABLE MEMBER: Go labokae Ramogapi?

MR RAMOGAPI: ...*(Inaudible)*... of the Public Service Act. Ke dumalana le Kenny Kapinga gore *the provisions of the Public Service Act shall apply to the removal of any officer*. Kana ke yone e ke reng ke e tshwere gore ke dumalana le Kenny Kapinga, e seng jaaka Tona Serame a e baya.

Gape ntlha e ke e buang kana ke yone e ke reng kante *Director* wa DIS ke eng a sa tlhodumelwe (*screen*) ke wa Citizen Entrepreneurial Development Agency (CEDA)?

MR CHAIRPERSON: O lekile Mokwena.

MR RAMOGAPI: *Ee*, he should also be screened.

MR CHAIRPERSON: Le nako ya bo ya pota ka kwa, go raya gore go padile.

MR SALESHANDO (MAUN WEST): *Mr Chairperson*, kana mathata ke gore, jaaka ke ne ke leka go tlhalosetsa *Honourable* Serame ka one kgantele, selo sa ntlha mma ke tlhalose fela gore ga ke dumalane le mo gotweng e ka re o ntse o le mo tirong ka fa re kwadileng ka teng 7 (3) go bo gotwe *Minister* o ka bitsa *Director General*. Kana ka Setswana ya rialo. O ka bitsa *Director General* ba buisana gore “a ko mo ntlholele gape ka foo, mo *check* gape foo.” Fa a mo *check* a bo a re ke *withdraw clearance certificate*, *Director* wa FIA ya ga bone nageng. *You see Honourable* Serame, *even if you say* a re boele kwa *Clause 5 that refers to the Constitution* o dirile mathata gore o tle go gakololwa gore ntsha mo gotweng “*with modifications*.” Wena wa re o e utlwisisa gore go tewa gore *instead of* gore e bue ka *Director of Public Prosecutions, the modification is that* jaanong e bua ka... *but it could easily be interpreted by someone else to say* “nnyaa, *the modifications* go ne go tewa gore re fetole dilo dingwe ka fa rona re bonang ka teng.” *These unnecessary modifications, and then lies my difficulty* gore wena gompiano o tlaa re ke e utlwisisa jaana, kamoso go tsoga go na le Tona Mthinkhulu mo setilong sone seo a tlhalosa e mengwe melao. *Mr Chairperson, just for the record, I am really really uncomfortable*. Ga ke wele gotlhelele ka *position* e tona ya *the Director General* wa FIA. Re dira gore e ka re a ntse a tswetse, jaaka Rre Merafhe a ne a bua, *when you want to kill a dog, you just need to accuse it of rabies*, go bo gotwe fa ke *provisions* tse di letlelelang gore o ka tla a nna *accused of rabies* a bo a bolawa. Le

tsone tse, *for as long we do not have that safeguard* ya *Constitution* ya *Section 113* gotwe *it can be modified*, *I have a serious problem*. *I thank you Mr Chairperson*.

MR CHAIRPERSON: Honourable Hikuama.

...*Silence*...

MR CHAIRPERSON: *Honourable* Hikuama! Ba loile ...*(Inaudible)*... Hei! ba go kolopile motho wa Ngami.

HONOURABLE MEMBER: Moloji o mongwefela mo Palamenteng e, ke Mmolotsi.

MR CHAIRPERSON: ...*(Inaudible)*... Honourable Hikuama.

...*Silence*...

MR CHAIRPERSON: *There is a problem*. O bapile le mang foo o adime dilo tsa makgoa?

HONOURABLE MEMBER: Tsena kwa go Mathoothe.

HONOURABLE MEMBER: O ntse ga a utlwe.

MR HIKUAMA (NGAMI): *Mr Chairperson*, ke kopile boagedi fa go Mathoothe.

MR CHAIRPERSON: Ee rra.

MR HIKUAMA: Ee rra. Ke ne ke re *I support proposal* e e tlang ka *Honourable* Kapinga; *amendment*. Ga ke itse gore mo gotweng ga re utlwe ke gofe? Mma ke bale sengwe ke se, fa e le gore ga se sone le tlaa bua gore re bala mo go gologolo. Gatwe, “*the Bill is amended at Clause 7 appearing at Page B.395 by substituting for sub-Clause the following Clauses*...” kana ga se gone?

HONOURABLE MEMBER: Le yone ba a iitatola, ke ne ke bala yone e.

MR HIKUAMA: *Ga se yone?* “Where the Directorate withdraws a certificate issued under Subsection (2)-

- (a) the Director General or officer shall be suspended from performing any functions of the Agency;” *la re ga se gone mo re go tshwereng, re tshwere go sele?*

HONOURABLE MEMBER: Ee, ke gone.

HONOURABLE MEMBER: Re e fetile.

HONOURABLE MEMBER: Ee, re e fetile.



MR HIKUAMA: Ke gone mo re go ganetsang gone mo, mo re tlang ka *provision* e Kenny Kapinga a reng e seng gore motho a bo a latlhegelwa ke tiro ka gore go dule *certificate* se ntshitswe ke *Director General* wa DIS. Kana ga ke itse gore re batla go dira DIS go nna eng? Ga ke itse gore a mme re e tseela tiro ya yone jaanong re e dira *supervision so that it supervises agencies* tse dingwe jaanong. *I thought* tiro ya DIS *is to provide information* e neela makgotla a a lebaneng bone ba bo ba tsaya dikgato tse di lebaneng. Jaanong fa e le gore fela *the moment we withdraw* go raya gore motho yo o latlhelwa ke tiro *then the office shall become vacant*. Ga ke itse gore gatwe ga re utlwe eng, re timetsa setšhaba fa kae? *I fail to understand* gore setšhaba se tsiediwa fa kae, se latlhiwa fa kae?

HONOURABLE MEMBER: A ko o bale (c) gape ba utlwe.

MR HIKUAMA: O kare mo re go buang ke gore *proposal* e e tlang ka *Honourable* Kapinga ke gore go se ka ga nna jalo, *a due process* ya molao jaaka e diragala mo ditirong tsotlhe e diragadiwe, e seng gore *immediately* fa DIS, yone e re setseng re e itse gore ga e na boammaaruri, *it fabricates cases, it fabricates* bosupi, ke sone se e itsiweng ka sone. *If it fabricates* bosupi e ntsha motho ka mabaka a yone e a itseng, go raya gore motho yoo gabone ke nageng. Ke dilo tse e leng gore ga di a siamela puso ya batho ka batho, ga go a siamela lefatshe le le tsamaisiwang ka *the rule of law*. Ga go a siamela lefatshe le le ka sireletsang boleng jwa babereki le badiri ba lone. Ke sone se re se buang.

MR CHAIRPERSON: Thank you very much. Honourable Mathoothe *o thusitse*. Honourable Boko.

MR BOKO (MAHALAPYE EAST): *Sorry Mr Chairperson*, ke ne ke eleditse go akgela *but* e ne e seng gore ke tsholeditse, go raya gore ke letsogo la kgantele.

HONOURABLE MEMBER: A ya me e siame *Mr Chairperson*? Ba re ba ntse ba baakanya? Ke a utlwala ka koo?

MR CHAIRPERSON: Ee, ke a utlwa e bile ke a go bona.

HONOURABLE MEMBER: Oh tanki *Mr Chairperson*, Modimo o mogolo.

MR CHAIRPERSON: Honourable Ambassador Kapinga.

MR KAPINGA (OKAVANGO): *Thank you very much Mr Chairperson*. Ke tlaa nna mokhutshwane.

Proposals tse di duleng kwa letlhakoreng la me, le tse di duleng kwa letlhakoreng la ga *Minister*; di supa pharologanyo fa gare ga motho yo o batlang tsamaiso ya Puso ya batho ka batho ya malatsi a gompiano, e e tlhabologileng, e e itsiweng ka *values* tse di latelang *Mr Chairperson; openness, transparency, accountability and meritocracy*, e bile ke *add due process of law* gone foo *Mr Chairperson, as opposed to* e e saletseng kwa morago, e e sa tlhabologang, e *Minister* a ganelelang mo go yone, e ke e bitsang ke re *it is a primitive democracy*. Yone e gatelela mo *political patronage, secrecy, political interference and manipulation*.

The reason why Minister a ganelela gore DIS e ntsha *certificate* motho a bo a kobiwa mo tirong, ke gore babereki ba ga Goromente ba nne *at a mercy of political leaders*. Ba nne ba le *insecure* mo maamong a bone ka ba itse gore ba ka kobiwa *at any time that the DG-DIS removes a certificate from its drawer and says to another employee of his level, that you are unworthy to continue to occupy this position because we have issued a negative security clearance against you. That is a retrogressive administration Mr Chairperson*.

I move that my amendment be adopted because it reflects movement forward, e seng go boela kgang kwa morago mo *Minister* a tsileng ka gone mo *Mr Chairperson*. *I thank you*.

MR CHAIRPERSON: Honourable Members, the question is that the amendment be agreed to; as proposed by Honourable Ambassador Kapinga.

Question put and **Division called for.**

MR KAPINGA: Mr Speaker, I am asking for a division.

MR SALESHANDO: If I may make a request Mr Chairperson, I think you need to talk to Members. Honourable Monnakgotla *re kgona go bona gore nako le nako o goa go ka nna ga five*, that is why go *tsile go nna go nna le division ka gore re nna re ipotsa gore a ga five mo ga ga* Mma Monnakgotla go raya gore go *add to* lentswe la Domkrag.

MR CHAIRPERSON: *Ke a mo itse*, she cannot add to that.

MR SALESHANDO: A a kgalemelwe, ga re tlhatswe diwashene golo fa.



HONOURABLE MEMBER: A leina la me le monate thata LOO?

MR KAPINGA: Ga o itshware sentle.

MR CHAIRPERSON: Should I go for division Honourable Ambassador Kapinga?

MR KAPINGA: Yes Mr Chairperson, because I think this is a fundamental issue on which our votes need to be recorded.

MR CHAIRPERSON: The basis for your division is not the one you are proffering, the basis of the division is that you think the Chairperson is wrong in your estimation, that is why you want a division.

MR KAPINGA: Yes, I think Mr Chairperson, there are some people who may vote “Aye” in the absence of the cacophony caused by people like Honourable Monnakgotla.

MR CHAIRPERSON: Yoo ke a mo itse le lentswe la gagwe, *I counted one*, le fa a ka goa gararo ga go thuse sepe.

CLERK:

MEMBER'S NAME	AYE	NO	ABSTAIN	ABSENT
His Excellency Dr Masisi				
Honourable Autlwetse				
Honourable Balopi		√		
Honourable Boko	√			
Honourable Brooks		√		
Honourable Billy		√		
Honourable Dr Dikoloti		√		
Honourable Dr Dow		√		
Honourable Gare				
Honourable Dr Gobotswang	√			
Honourable Greeff				
Honourable Hikuama				
Honourable Kablay				

MR CHAIRPERSON: Some of you Honourable Members had problems even taking the floor, and Honourable Hikuama was one of them. If he can switch on his video and show that he has got a problem. You are voting no?

HONOURABLE MEMBER: Ke mongwe wa bone *Mr Chairperson*. Ke ne ke na le mathata.

MR CHAIRPERSON: I have not called you.

HONOURABLE MEMBER: Ga se gore Hikuama a ye kwa ofising e nngwe gape?

HONOURABLE MEMBER: Why do you say it is “no” Mr Chair?

HONOURABLE MEMBER: Hikuama ga a itse *sign language*. Fa o re “no” o dira jang?

MR CHAIRPERSON: (Laughter!)... He is saying “yes.” Hikuama a re yes. *O a mpona? Yes ke yone e.*

HONOURABLE MEMBER: Ga se gore o re rute *sign language* ya yes and no?

MR CHAIRPERSON: Ee, ya no o dira jaana, yes o bo o riana.

HONOURABLE MEMBER: ... (Murmurs)...



MR CHAIRPERSON: Honourable Kablay, we cannot see you. We cannot help you.

HONOURABLE MEMBER: He is not around Mr Chairperson. Kablay is not in.

MR CHAIRPERSON: Vice President (VP).

HIS HONOUR THE VICE PRESIDENT (MR TSOGWANE): Kablay is not in. *O ikopile*, he has a family problem.

MR CHAIRPERSON: Ehe. Tswelela mme.

Honourable Kapinga	√			
Honourable Kekgonegile				
Honourable Keorapetse	√			
Honourable Kereng		√		
Honourable Kgafela		√		
Honourable Khama				
Honourable Dr Kwape		√		
Honourable Lesedi				

MR CHAIRPERSON: Honourable Lesedi, *leba kwano*, let us communicate *ka* sign language *ya rona*. *Fa o re no, riana...* (silence)...Of course.

HONOURABLE MEMBER: Ga le a utlwana *Mr Chairperson...*

MEMBER'S NAME	AYE	NO	ABSTAIN	ABSENT
Honourable Lelatisitswe		√		
Honourable Lesaso		√		
Honourable Dr Letsholathebe		√		
Honourable Letsholo		√		
Honourable Leuwe		√		
Honourable Lucas	√			
Honourable Majaga				
Honourable Makwinja		√		
Honourable Manake		√		
Honourable Mangwegape-Healy				
Honourable Mathoothe	√			
Honourable Dr Matsheka		√		
Honourable Mmolotsi	√			
Honourable Mmusi		√		
Honourable Moabi		√		
Honourable Moagi		√		
Honourable Moatlhodi		√		
Honourable Modukanele				
Honourable Mokgethi		√		
Honourable Molale		√		
Honourable Molao		√		
Honourable Molebatsi		√		



Honourable Monnakgotla		√		
Honourable Morwaeng		√		
Honourable Moswaane	√			
Honourable Motaosane		√		
Honourable Motsamai	√			
Honourable Mthimkhulu		√		
Honourable Mzwini		√		
Honourable Nkawana	√			
Honourable Pule		√		
Honourable Rakgare		√		
Honourable Ramogapi	√			
Honourable Reatile	√			
Honourable Regoeng		√		
Honourable Saleshando	√			
Honourable Segokgo		√		
Honourable Serame		√		
Honourable Shamukuni		√		
Honourable Thiite		√		
Honourable Dr Tshabang	√			
Honourable Tshere	√			
His Honour Tsogwane		√		

MR CHAIRPERSON: The results of your voting; the “Ayes” 17, the “Noes” 38, Absent 9. So the Noes have it.

Amendment **negated**.

MR CHAIRPERSON: There is another proposed amendment at Clause 7.

Clause 7

MR SALESHANDO (MAUN WEST): Mr Chairperson, *jaaka ke buile, tota tse dingwe ke go fa thuto mo go ba ba tlaabong ba reeditse. Gongwe ke tlaa e dira ke tsaya gore e tla nna nngwe ya tsa bofelo, ga ke ikaelele go tswelala ka tse dingwe. Dinako tse dingwe fa o iteile lentswe ka le lengwe mongwe le mongwe a iponetse, ga re go nne le fa o felelang teng.*

The Bill is amended in Clause 7, appearing on Page B.395, by deleting sub-sections (3), (4) and (5). Ke batla go tshala gore Sub-sections (3), (4) and (5) ke tse di reng. Sub-section 3 ke e e reng, ‘the Director General (DG) or/ and officer of the agency may at any time determined by the Minister be subjected to further security screening, investigation in accordance with Sub-section 1’. Sub-section 1 ke e buang gore re tlaa go screen gore a o siame fa re go hira. Fa re sena go go hira, DG fa Minister a batlile, o ka sekasekwa gape a ntse a le mo tirong gore jaaka ke ne ke bua kgantele, a ko o mo nkokomelele foo, a sa gwetlhiwa ke sepe, a sa tshwenngwa ke sepe. Sub-section 4 ya re ‘the Directorate, fa go tewa DIS, shall withdraw a certificate issues under Sub-section 2, where an investigation under Sub-sections 3 reveals that the DG or officer is a security risk, or has acted in a manner prejudicial to the objectives or functions of the agency’.

Sub-section 5 ke yone e e neng e baakanngwa ke Minister. Ke ne ke re re di ntshe tsotlhe ka mabaka a; fa o ya kwa Clause 5 ya appointment of DG wa FIA, e setse e na le gore e bua ka gore o ka kobiwa jang. 5 Sub-section 4 ya re, ‘a person holding the Office of the DG may be removed from office for (a) inability to perform, (b) gross misconduct (c) incompetence’. Re na le Clauses tse di itebagantseng le gore fa motho yo a palelwa ke tiro o ka ntshiwa jang. Ga re tlhoke gore fa re sena go fetsa gore o ka ntshiwa jang, re bo re ya go batla phatlhanyana e nngwe e re ka e



bulang gore le fa e le gore ga re kgone go mo tshwara ka *performance* o a *perform*, fa e le gore ga a poka ka gore *infirmary*; nnyaa. Fa e le gore o itekantse *infirmary of body*, ga re mmone a na le bokoa, *mind your other cause*. Fa e le gore re paletswe ke go mo tshwara ka gore o ka tswa a poka, re paletswe ke go bona fa a sa itshwarang sentle teng (*incompetence*). Fa e le gore o a kgona ga re itse gore re ka reng, a re yeng go batla tsela e nngwe gape e Tona a ka buang le ba DIS gore ka tse tsotlhe tsa go mo ntsha mo tirong di padile, *as I said, the charge ya rabies* e e neng e tle e buiwe ke General Merafhe golo a go letseng, *when you want to kill a dog, you just need to accuse it of rabies*, e e tsenyeditswe gone moo. Ga e tlhokafale, go na le ka fa a tsenang ka teng mo ofising go na le ka fa a ka kobiwang ka teng. Le *Chairperson* go na le ka fa a tsenang ka teng, go na le ka fa a ntshiwang ka teng. Mo gotweng re tswa go mo okomela gatwe re bone sengwenyana se se fatlhang fa a ntse a tswetse mme a kgona dingwe, ga ke dumalane le gone. *That is why* ke *move* yone e gore Mme Serame, fa le batla go mo ntsha, mabaka a filwe kwa Clause 5, a tlhamaletse. Tswang mo go tse dingwe tse tsa gore fa le bona tse tsotlhe di padile, le batla go ya go baya selaganyana se sengwe kwa le tlaabong le ka mo tshwara ka sone teng. Ga ke dumalane le yone. *I move accordingly*.

MR RAMOGAPI (PALAPYE): Ke a leboga *Mr Chairperson*. *Mr Chairperson*, fa o gakologelwa kgantele, ke ne ke bua ka tsone ditemana tse, gotwe jaanong ke a lora, ke bua di sele. Ke tsone tse LOO a buang ka tsone gore nnyaa, a di ntshiwe. Re tlhalosa re bo re tlhaloganya molao, go kwadilwe fela go papametse gore *Director* yo wa FIA fa go ntse go tswetse, go tlaa nna le *further assessment*, ke gore *being screened* gape labobedi. Ke gore ene ke yo e leng gore fa o kare dilo ga di tsamae sentle, gatwe mo tlhole gape foo. Kana fa o tlhola motho o mo tsenya mo *June*, jaanong go tlaabo e le gore go felela a re go raya gore ke dumalane le babusi. Ke gore labofelo re ya go nna le lelope le a tlaabong a lopela DG wa DIS gore a se ka a bo a tlholwa *on screen*. A re gore ke pase *to being screened* gone mo, mo Motswaneng, mo mothong yo o montsho, mo moAfrica, gore o kgone gone mo ke gore o lopele. Ra re nnyaa, golo mo ga go a siama, a motho a hirwe a nnele ruri botshelo jotlhe. E seng gore jaanong fa a santse a hirilwe o tewa gotwe mme kana re a go tlhola gape. Go bo gotwe jaanong se re se boneng se ntsha *certificate* sele se re neng re se go neetse, re a se *withdraw*. Fela fa o tsere *certificate* sele, kana go tshwana le o tseetswe *driver's license*. O kgweetsa jang; ga gona kwa o ka kgweetsang teng. Go motlhofo fela jalo gore o a bo o iphitlha...

HONOURABLE MEMBER: Se tshwantshanye *license* e le ya *driving*.

MR RAMOGAPI: O kare o sa itse go bala le go kwala o bo o mpolelela tsone dikgang tseo. O bua le mang ene yo?

Jaanong ke leka go supa gore *certificate* se fa o se tseetswe, ga gona ka fa o ka tsweleng mo tirong ka teng. Ke sone se LOO a sutisang Tshutiso e e siameng e gore nnyaa.

Ka bokhutshwane *Mr Chairperson*, ke dumalane le LOO gore a ko re ntshe dintlha tseo, ga go berekiwe jalo batho betsho. Batho ba ke ba e leng gore ga ba...

MR CHAIRPERSON: Thank you very much Honourable Ramogapi.

DR GOBOTSWANG (SEFHARE-RAMOKGONAMI): Ke a leboga *Mr Chairperson*. Tota fela fa o lebile melao e, mongwe o kile a bua kgantele gore fa o ka leba ditsetlana tse re buang ka tsone tse, o kgona go bona gore tse *must have been drafted by DIS*. *Minister* ene o di tsaya fela a tlile go re di baya pele. Ke gore ga a ipotsa gore DG wa DIS ene, *who is screening him*. Potso e fela fa a ne a e ipoditse, o ka bo a bone fela gore se a le kang go se tlisa fa ga se sone. Kgang e nngwe ke yone ya gore fa go ntse go tswetse go tlaabo...

HONOURABLE MEMBER: Ga o mo setlhogong Gobotswang, tsena mo setlhogong.

DR GOBOTSWANG: *He is being screened* lantlha, fa go ntse go tswetse go bonwa o kare go belaelwa gore o ka tswa a dira dingwe tse di matshosetsi mo tshireletsegong ya lefatshe la Botswana, *he is screened* gape. O bo o ipotsa gore mme gone yo e leng gore ke ene yo o tlaa reng golo fa go a belaelwa gore go na le *security risk* ke mang. Pelaelo e e teng fela ka fa Goromente wa Domkrag a dirang dilo ka teng go raya gore ke DIS. Ke yone e e tlileng go bolelela *Minister* gore re a mmelaela motho yo gore o matshosetsi. Go tswa foo fa go sena go tualo, *Minister* o tlaabo a re wena DIS, *screen him* gape o bone gore seemo sa gagwe ke eng. Go raya gore *security of tenure* gore a bo a le mo *position* eo gore a e dire ka botlalo, a sa tshoge sepe, a sa gadime kwa morago jaanong o mo mathateng. Dinako tsotlhe o tlaa leka gore a dire sengwe le sengwe a leka go itumedisa *Minister* le DIS. Akanya fela fa *Judges tsa High Court or Court of Appeal (CoA)*, e le gore le bone ba tsamaya gongwe ba tlholwa *to screen them*, gore tota re ka bo



re na le *Judges* tsa mofuta mang, di bereka ka tsela e e ntseng jalo. Kana o ka bo go raya gore ke ba e tlaabong e le gore ba leka go itumedisa, ba ba tshogang gore ba ka nna ba ba senyetsa tiro. Ga se diemo tse di siameng. So ke dumela gore Clauses tse di ka bo di ntshitswe ... (*Interruptions*) Puso tse e leng gore di ka salwa morago gore motho o ka ntshiwa jang mo tirong. Go tsenya DIS...

MR CHAIRPERSON: Thank you very much Doctor, your time is up.

MR MMOLOTSI (FRANCISTOWN SOUTH): Ke a leboga *Mr Chairperson*. *Mr Chairperson*, ke ne ke suggest gore tota fela ka gore Clauses which are suggested by LOO di clear e bile ga gona ka fa e leng gore ope o ka di belaela ka teng, mme e bile *Honourable Minister* le ene kgantele o ne a supa *the process is very clear* ya go ntsha motho. Ke gore o ipotsa gore mo gone go tsena fa kae. Jaanong ke sone se e leng gore jaaka ke buile, tota fa e le gore DG wa DIS Goromente o a mo kolota, ke eng bogolo le sa oketse *salary Minister*, la mo duela ka ditsarona, go na le gore jaanong e bo e le gore le batla gore DG wa DIS a ye go *harass Director* wa lephata le le ba maphata a mangwe. *Why do you want to subject public officers to this kind of intimidation* e le batlang go e dira? Tota nna *Honourable Serame*, re a le kopa, tlogelang go kopakopanya bodirelapuso. Re a le kopa, tlogelang gore fa e le gore le kolota DG wa DIS, le leke go mo duela *at the expense of other public officers*. Ke eng le batla go neela DG dithata tsa go koba *Director* yo mongwe? *This thing* ga go diragale gope, ke golo mo e leng gore go dirwa ke lona fela batho ba *Party* ya Domkrag ba le senang ditlhong, ba e leng gore gompieno jaana le tlaabo le ema le re 'No' mme le ntse le tlhologanya gore *what you are doing is wrong and disgusting*.

We cannot tolerate this le dirisa dipalo go senya lefatshe la rona. Lefatshe le ke la rona, re batla go le tlogelela bana ba rona. Se le senyeng ka melao e e duleng mo tseleng. Le a bona gore *Director General* wa DIS o dule mo tseleng. Ga a reetse *courts*, ga a reetse ope. O dira sengwe le sengwe ka fa a batlang ka teng. *In addition, you want to give him more power to continue harassing Batswana and public officers. This one is unfathomable.* A re emiseng go dira jalo. Ka tsela e e ntseng jalo, ke dumalana le *Honourable LOO* gore tse a re di ntsheng ka gore maikaelelo a tsone ke go kgotsofatsa motho yo le mo kolotang. Ke a leboga *Mr Chairperson*.

MINISTER OF FINANCE AND ECONOMIC DEVELOPMENT (MS SERAME): *Thank you Mr Chairperson. Honourable Members, it is unfortunate that matlho a lona a tlhomile on a specific person or an individual. Mo gongwe go ya go tsamaya go re isa go sele. I will be very brief. Le a tlhalosa gore go na le process ya go hira le eng, that is very true. Fa o lebelela Clause 7, e bua fela ka security screening. Ke kopa gore le se ka la e leba jaaka e kare Clause e e direlwa go koba motho. This Clause is about security screening. Jalo he, go botlhokwa to show gore when you are screened, fa go ka fitlhelwa go siame le fa go sa siama go ka tweng. Ke sone se o bonang re na le three, four and five.*

Finally, Mr Chairperson, fa motho a hirwa go bo gotwe ga a tshwanela to be screened, re tlaabo re sa dire gone, mme a tshwerwe tiro e e sensitive mo go ntseng jalo. E bile jaaka gotwe re a koba ke kgaitsadiake Honourable Mmolotsi, nnyaa ga se rona fela. Batho ba fa ba sena go nna ba hirwa, go na le tsetlana eo ya gore they have to be screened gape. O ka tšheka molao o re ntseng re bua ka one wa South Africa. Mr Chairperson...

HONOURABLE MEMBER: They are screened by who?

MS SERAME: A ko o reetse Ramogapi. Ga re bue ka DIS, ke dira molao wa FIA. Ga ke bereke kwa DIS. Ga ke dire molao wa DIS. Ke kopa re bue ka molao wa *Financial Intelligence* o o fa pele ga rona.

HONOURABLE MEMBER: O batlisa eng FIA kwa DIS?

MS SERAME: Ka jalo *Mr Chairperson*, ke bona go le botoka gore fa re bua ka *security screening* e ditsetlana tse LOO a reng re di ntshe, go botlhokwa gore di nne teng gore nnetlane fa e fitlhelwa e sa nna sentle, go tlaabo go diragala eng. Ka mafoko a a ntseng jalo *Mr Chairperson*, ga ke dumalane le Tshutiso ya ga LOO.

MR HIKUAMA (NGAMI): *Thank you Mr Chairperson. Mr Chairperson, ga ke eletse go nna molelee thata. Ke batla go supa gore fa re dira molao, re tshwanetse re o dire mo re ka o itumelelang le fa ke se Tona. O se ka wa dira molao gore o ikakole o le mo maemong. O o dire gore le fa o dule o le fa o leng teng, o itumelela se o se tlogetseng kwa morago. When the law is applied, your conscience becomes very clear. You become happy gore se o se dirileng se ne se siame.*



Go na le puo e e atleng e buiwe fa go buiwa ka molao gore, “*if we desire respect for the law, we must first make the law respectable.*” O se ka wa dira gore molao ka boone o nyadiwe fela o ise o bereke. Batho ba nne le dipelaelo ka molao o o dirileng. Jaanong ka fa re dirang ka teng melao e, jaaka ke supile maabane, re o dira e kete re direla mongwe kana go batlela bangwe melato gore re tle re ba kobe. Re batla go dira gore batho ba re ba tsenyang mo maphateng a, e nne ba e leng gore ga ba na go nna le *independency of thought. They will owe their allegiance to the appointing authority.* Ba tlaabo ba tshogile gore sengwe le sengwe se ka dirwa mo go bone, ba tlaa ntshiwa. Re tlaabo re ba tsenyetsa eng? Re batla go dira motho gore e nne setshosa fela mo ofising. O tlaabo a tshaba gore fa ke dira se, ke tloga ke romelelwa mpimpi a tla go mpatla melatonyana a bo ke tswa mo tirong.

Mr Chairperson, kopo e e kopiwang ke *Honourable LOO* e tlhamaletse, ya gore molao wa rona o nne o o tlotliwang ke mongwe le mongwe, le fa o dirisiwa mo go wena a bo e le gore o tlotlilwe. Jaanong mo re go dirang mo, ke a go bolelela gore *nxu stru!* fa o ka tswa...

MR CHAIRPERSON: *Nxu stru!* The time is up!

MR REATILE (JWANENG-MABUTSANE): *Thank you Mr Chairperson.* Ke dumela gore mo dipaakanyong tse LOO a tlang ka tsone, *Honourable Serame* o ka bo a dumela kgang e ya *oversight when they draft* molao. A bo a dumela gore tsetlana nngwe e tshwanetse *to be aligned.* A dumela gore *Director General* wa FIA *has to be empowered* jaaka *Director Generals* tsa maphata a mangwe *are empowered.* *Director Generals* tsa maphata a mangwe ga ba tlhodumelwe ke ope go bona gore a ba tshwanetswe ke gore ngwaga e ba felele mo tirong kana ngwaga o re ba kgaupetse go tsamaya.

Honourable Serame, ga re ka ke ra hira ngwana wa Motswana re mo tsenya mo ofising, e bo botshelo jwa gagwe o bo tsenya mo diatleng tsa *officer* e nngwe. E tlaare fa o sa utlwane le ene... Phoso e tona ya ga *Director* wa FIA *Honourable LOO*, e tlaabo e le kgang ya gore fa a le *suspicious* ka *transactions* tsa ga Tona, Tona *will report* kwa DIS. DIS ka tsela e e ntseng jalo, e bo e simolola *withdrawing* setlankana sa yone. Go bo go raya gore ngwana wa batho o simolola a tsena mo seterateng. Molao o o kwalelwa gore e se ka ya re kamoso a simolola a dira tiro ya gagwe mo go Tona, mo ditsaleng tsa ga Tona, kana mo phathing ya Domkrag... Ke molao o o sireletsang gore *party* ya Domkrag ka balatedi ba yone ga ba tshwarwe ka *transactions* tse di ka fetang kwa bankeng, a botse pele *Director General.* Ke gone fela mo re dirang molao o ka teng.

Ga re ka ke ra dira molao o o tlang o tletse ditshele le lefufa. E le o o sireletsang batho ba bangwe ba ba ka tlang go dira borukutlhi mo itsholelong ya lefatshe la Botswana. Tona, o dire molao o e kareng kamoso wa tsoga o ipelafatsa ka one. Dilo tse ke matlhabisa Tona. Ga go na sepe se o ka lelediwang mogolokwane ka sone ka fa o tlang o ntse ka teng. Jaanong ka go rialo *Mr Chairperson*, ke dumela gore Tona a dumalane le LOO mo Tshutisong eo. Ke a leboga *Mr Chairperson.*

MR MOTSAMAI (GHANZI SOUTH): *Mr Chairperson*, ke buile kgantele, ke gore malatsi a ga ke batle go buela ruri. Ke batla go nna ke feta. Tota fela fa go ka bo go siame sentle Tona, o ka bo a lebile jaaka Reatile a bua ka dikgang tse di tlisitsweng kwa go rona di sa wela. Jaanong rona ba re sa gakololang gore gatwe ga di a wela, ke rona ba e leng gore ga re lebe sentle.

Mr Chairperson, ke gatelele ntlha e nngwe e ya gore ke belaela gore ka fa go ntseng ka teng, Matona mangwe a a botlhale a Domkrag, ba ne ba boela kwa morago gore e nne Matona ba lebile dingwe tsa dikgang tse. Ke belaela jalo. Ke pelaelo ya me e e leng gore *I am entitled* gore ke belaele. Molao o ka fa o dirwang ka teng *Mr Chairperson*, ke belaela gore go na le sengwe se *party* ya Botswana Democratic Party (BDP) e akgisang ka sone DIS kana mogolwane wa yone. Ke ntse ke utlwa gotwe fa re bua re itebagantse le motho, ga re a itebaganya le molao. Nnyaa, re itebagantse le motho yo o tlaa bewang, re itebagantse le ofisi. Ga re a itebaganya le motho. *That is why* re sa ntshe maina a batho. *Mr Chairperson*, go na le sengwe se se tona se e leng gore DIS e boletse *party* ya Domkrag gore e tlaa se ke e robalelwe ke ditlhokwa ka sone. Go na le ka fa e thusitseng ka teng, kana ka fa e dirileng ka teng gore ba tlaa bona dilo. Ke sone se e leng gore gompiano melao e e dirwang e *Mr Chairperson*, ke bogadi. Ke bogadi jo bo isiwang kwa DIS.

MR CHAIRPERSON: Thank you very much Honourable Motsamai.

MR MOTSAMAI: Ke a leboga *Mr Chairperson.*

MR SALESHANDO (MAUN WEST): *Thank you Mr Chairperson.* Ke tsamaela jaaka ke bua gore gongwe ke tle ke digele Ditshutiso ka gore, *I think it is in the books of Matthew, Mark and Luke* kwa Jeso a buang gantsi a dirisa a mafoko a, “*he who has ears, let him hear*” a yo o nang le tsebe a utlwe. Ke goroga kwa *conclusion* ya gore, ke ka tswa ke bua le ba ba sa weleng mo *category* e Jeso a buang ka yone fa re tsamayang teng. Kana golo mo ga gore o nne o tlholwa gore a mme o siame, *next*



year, “a ko o okomele gape ka kwa Director General motho ke yo kana fa.” Fa go na le tsela e o ka e dirang gore motho a se ka a nna *independent* mo tirong, ke gore o mmeye mo seemong sa gore letsatsi le letsatsi fa a theogela, a bo a ipotsa gore *do I still have a job* pele ga ke tshaisa, *and this is the environment we are creating*, re batla yone katse e e bonolo, e e tlaa se keng e batle go gata ope dikhonse, yo o tlaa reetsang bagolo. Jaanong Mma Serame, ga re bue re lebile motho, DIS yone re sale re buile ka molao wa yone, le fa ke le Mopalamente wa Gaborone Central, re buile ka tse di diragalang gompiano tsa DIS, ga se gore re ne re le baporofiti, re ne re ntse re di bonetse pele. *You have a very rogue institution*, ke a utlwa gore wa nnyaa, wena ga o bue ka DIS, o tsisitse molao wa FIA, o dubile thankga ka go tsenya DG wa DIS mo molaong o o tsileng ka one gone fa. *So ga se rona re e tsisang*, ke wena o ba laleditseng go tla go tsamaisa lephata la gago le e bileng o ganang le nna *independent* gore wena le DG wa DIS, le tle le nne gone foo, le kgone go tshosetsa DG wa FIA mo go direng ditiro tsa gagwe.

HONOURABLE MEMBER: Clarification.

MR SALESHANDO: Fa nako e letla.

HONOURABLE MEMBER: Just in short, through you *Mr Chairperson*. *Ke ne ke...*

MR CHAIRPERSON: Honourable Matho... (Inaudible)...the time is up. Let me put the question.

Amendment **negated**.

Clause 7 as amended **agreed to**.

Clause 8

MR CHAIRPERSON: Honourable Members, we move on to Clause 8. There is a proposed amendment at Clause 8 by Honourable Lucas.

MR LUCAS (BOBONONG): Ke a leboga Modulasetilo. Tota mo *Clause 8 (2)*, ke ne ke lebile komiti e e bidiwang gotwe *the National Coordinating Committee on Financial Intelligence (NCCFI)*. Ke lebile gore mo *page B.396*, go tletse maemo a badirelapuso ba ba tlaabong ba le mo komiting yone e ya NCCFI. Ke tsisa Tshutiso e jaana, e le gore ka re le fa e ka tswa e le badirelapuso ba maemo a a kalokalo, dikgang tse re di tshwereng mo bogompionong tsa *financial intelligence*, ka fa e amanang ka teng le *terrorism, money laundering* le *proliferation financing*, ke dikgang tse tota mo go rona ka kwano, di santseng di le disha...

HONOURABLE MEMBER: Procedure before you go too far Honourable Lucas.

MR LUCAS: Ee rra.

MR KAPINGA: *Point of procedure. Mr Chairperson*, go lebega o ntloedile *because I have raised an amendment that talks to Clause 8 paragraph 2(a)* e e tlang pele ga e Honourable Lucas a buang ka yone.

HONOURABLE MEMBER: Go na le ya ga Leader of the Opposition (LOO) gape.

HONOURABLE MEMBER: Ga ke mmone ene... (Inaudible)...kare ke a mmatla Lucas, ga ke mmone gape.

MR LUCAS: Ga se gore ke wetse...

MR CHAIRPERSON: ...Honourable Lucas.

MR KAPINGA: Ke ne ke kopa *Chairperson* gore ke tsene pele.

MR CHAIRPERSON: *Feleletsa* Honourable Lucas, we will come back to you Honourable Member.

MR LUCAS: Ee rra. Ke ne ke lemoga jalo gore le fa re ka tlhola re ba tladitse *page* badirelapuso ka maemo a bone bo Permanent Secretary (PS) wa lephata lele, *Director* le ba bangwe, mme dikgang tsa botlhalefi jwa madi, go tsietsa ka madi le go a tlhatswa, mme e bile re di amanya le dikgang tsone tsa *terrorism, money laundering* le *proliferation financing*, botlhale le botsipa joo, ga bo ise bo gole ka kwano mo ga rona, mo lefatsheng la Botswana. Ka jalo, re tshwanetse ra batla gore yone komiti e, re ko re e tlatse ka batho ba ba tlhalefetseng botsipa jwa go tlhatswa madi, mme e bile ba lebega ba ikemetse ka nosi. E seng botsipa fela jwa dikgang tsa go tlhatswa madi, re bo re nna gape le ba ba tlhalefetseng dikgang tse re neng re bua ka tsone tsa *virtual assets*, ga se dikgang tse di bonolo, e bile bontsi jwa batho le fa o tsaya yone Palamente e, dikgang tsone tsa *virtual assets* ke dikgang tse di sha. Fa o bua ka *cryptocurrency*, o a bona gore bo Honourable Brooks le Honourable Leuwe tota ba mo mathateng a matona thata. Dikomiti tsone tse, di tshwanetse tsa tswakiwa ka batho ba ba tswang kgakala ka dikgang tse ba di itse, mme e bile ba ka thusa gore ba nonotshe tsone dikomiti tse. Ka jalo, ke ne ke sutisa gore mo *Clause 8 (2)* mo go-

(d) re tsenye batlhalefi ba babedi ba ke ba bitsang *two independent financial intelligence experts*,

(e) re bo re tsenya *virtual assets specialist*.



E le batho ba ka bo bone fela, ba nang le botlhale le botlhalefi jo bo tswang kgakala e bile ba kile ba tlhodomela dikgang tse gongwe le kwa mafatsheng a mangwe, gore re tle re kgone go nonotsha komiti yone e, gore e re kwa bofelong, fa e neela bogakolodi ka dikgang tsa *financial intelligence* jaaka e amana le *terrorism*, *money laundering* le *proliferation financing*, re bo re na le batho ba ba nang le botlhale jone joo ka gore tota re tshwanetse ra amogela gore mo ga rona botlhale joo bo santse bo seyoo.

That is why I am moving gore paakanyo eo, e e motlhofo fela e amogelwe, gore re tle re nonotshe komiti e e bidiwang gotwe the National Coordinating Committee on Financial Intelligence (NCCFI), ke kopa jalo, e bile *I move* jalo. Ke a leboga.

MR CHAIRPERSON: Members, the question is that the amendment as proposed by Honourable Lucas be agreed to?

MINISTER OF FINANCE AND ECONOMIC DEVELOPMENT (MS SERAME): *Thank you Mr Chairperson. Mr Chairperson, Honourable Lucas* ka ke tsaya gore o lebeletse *Clause* eo, *the proposal, Honourable Member, ke tshwenngwa ke how you are very specific.* Fa o lebelela 8(2) (c)19 ya re *other representatives from any other entity.* Ga re a ka ra nna *prescriptive on this particular one, deliberately, for example* jaaka ke ne ke bua gore e nngwe e a ntshwenya. Fa o bua ka *virtual asset specialist* o e kwala e tla a ntse jalo, o nna *very prescriptive.* Jaanong ke ne ke tsaya gore *the last one, 19, covers any other persons that may be helpful.* Kana gape *Mr Chairperson* jaaka e ntse fa, ga e itse gore *from time to time* ba nne le *experts* tse ba berekang le tsone. Jalo ga ke itse gore a o ne a e tlhaloganya jalo, kana o ne a e bona e ntse jang? ke sone se rona re neng re dumela gore, ka fa e ntse ka teng *it gives a bit of flexibility.* Ke a leboga *Mr Chairperson.* Ka mafoko a a ntse jalo ke re tota ke tsaya gore *it is already covered. Thank you.*

MR RAMOGAPI (PALAPYE): *Mr Chairperson,* ke ne ke tsaya gore e e bonolo fela, gore re tsenye dilo tse pedi fela, *two independent financial intelligence experts,* re bo re tsenya a *virtual assets specialist.* Kana o kgona go bona gore re leka go thusa, re bona o kare go a tlhabela golo fa. A ga le bone go le kaone gore mo bathong ba re ba tsenyang ba e bo tota go na le yo re reng, nnyaa ba ba ikemetse ka bonosi, ka gore gone fa, fa Tona a reng o supa teng, molao ga o ka ke wa rialo. Ke gore jaaka o supa kwa bofelong o re *other representative*

from any other entity assigned to deal with anti-money laundering, ke gore jaaka o kwadile e le *ministries* tse, mo molaong fa o tla o kwala dilo tse di tshwanang jaana, *generic,* go tla go tswana go tsamaya jaana, o a go tsaya gone foo fela. Ga e ka ke ya re ke gore o tla o ntse o re motho-motho, o bo o re le ba bangwe, go raya gore ga o ka ke wa ya go tsaya tonki kana kolobe, e-e o tsaya motho fela. Jaanong ke leka go tlhalosa gore o tla o bua ka *ministries* fela, jaanong Lucas pharologanyo e a e buang ke gore, *independent,* molao ga o kwalwe jalo. Fa e le gore o tsaya gore... gone mo o botse le fa e le *lawyer* e e mo lephateng la gago, gore fa o kwala dilo tse di tlang di tswana o a go tsaya ba ba tsamaelanang le bone bao, ga o ka ke wa tsaya ba sele, ga o akaretse se Taolo Lucas a se buang. Botsa *any legal lawyer* gone foo kana bone ba le reng ke *legal advisors,* ba tlaa go bolelela gore e-e o a go tsaya fela ka gore o tla o kwadile molao o re a, b, c, d, e, go tsamaelana fela jalo. Jaanong ga o ka ke wa tsaya ope o sele. *Mr Chairperson,* ke tsaya gore ene o a ntlhaloganya gore ke bua jang. Jaanong se Taolo Lucas a se buang ke se sele mo go se se kwadilweng, ga se amane le se se tlang se kwadilwe jaana. Fa nne tota le le ba bangwe le ka bo le tsaya kgakololo e ya ga Taolo Lucas.

MR KEKGONEGILE (MAUN EAST): Tanki *Mr Chairperson. Mr Chairperson* ke ne ke re ke dumalane le Tshutiso e e tlang ka *Honourable Lucas,* mabaka a teng fela e le gore, kana fa o dira komiti o tshwanelwa ke gore o leke *to cover sectors* tse e leng gore ke tsone tse di amanang thata le se se diragalang foo. Fa re bua ka *independent financial intelligence experts* le *virtual assets specialists,* re bua ka batho ba ba itseng se se diragalang, e bile ba a se bona *on everyday basis.* Maloba fa re bua ka Chemical Weapons Bill le Biological Weapons Bill *Comrade Tshabang* o supile thata ka fa Goromente a leng lolea ka teng *in terms of* kitso ya gore kwa ntle kwa go diragala eng mabapi le *chemicals* le *biological weapons.* Ke sone se *Honourable Lucas* a lekang go se supa, gore re tladitse Goromente thata, *and* batho ba re ba tladitseng fa ba, ba e leng Goromente, ke mokang e le selo se le sengwe fela, ka kitso e le nngwe fela, a re atoloseng, re tseye dikitso tse dingwe tse di tswang kwa ntle di tle di goroge fa. Ke dumela gore dikitso tse a tlang ka tsone tse pedi tse ke tsone ke tsone, di ka re thusa. E bile re ka fokotsa palo e ntsi ya batho ba le bangwe fela fa, ba go nang le *conflict of interest* mo teng gape e le ntsi.

MR REATILE: *Clarification Mr Chairperson. Thank you Honourable Kekgonegile.* Gone fela jaaka o bua jalo *Honourable Kekgonegile,* mo *amendment* ya ga Motlotlegi Lucas ga se tlholo ntšha gore re nne le



moitsaanape yo o tswang kwa ntle, mo *boards* tse dingwe, jaaka ya FIA ke itse gore go ne go na le motho yo e neng e le gore *was serving* mo teng fa re simolola *setting it up*, yo o neng a tswa kwa ntle. E le gore se re se tsomang ke gore, matsipa a bo a le teng a a lebaneeng. Se *Honourable Lucas* a se batlang ga se *impossible, so it is very possible and practicable. Thank you Sir.*

MR KEKGONEGILE: Tanki *honourable*.

MR MMOLOTSI (FRANCISTOWN SOUTH): Tanki *Mr Chairperson. Mr Chairperson* mathata a re nang le one mo go Goromente o ke a gore, bontsi jwa nako ga re tseye batho ba ba lebaneeng, e bile ba siametse ditiro tse re batlang go ba di neela. *We do not deploy the best people* kwa diphatlheng tse ba tshwanelwang ke gore ba tsene mo go tsone. Ke sone se tota fela bontsi jwa nako re lelang ka *productivity*, le ka gore dilo ga di tsamaye sentle, re iphitlhela fa gongwe re le kwa *courts*. O fitlhela go tserwe ditshwetso tse di gakgamatsang. *It is because* ga re a itlwaetsa gore re tseye batho ba ba itseng tiro mo go tseneletseng. Re a lemoga gore *board* ke e, mme fa o lebelela mo go yone go na le batho fela ba ba siameng. *So Honourable Lucas is simply saying*, fa godimo ga batho ba ba siameng ba, re ne re kopa gore jaanong re nne le ba e leng gore *they are experts in these areas*, ba ba ka kgonang gore ba gakolole, ba tsenye botlhale jo bo tsamaelanang le se se diragalang foo. Go tle go kgone gore ditshwetso tse di tsewang di bo di tsewa mme e le gore *experts* tse di foo di kgonne go thusa mo go boneng gore a tsamaiso ke yone e e siameng. Ke sone se *Honourable Lucas* a se kopang. *I do not think* gore ope o tshwanelwa ke gore a gane...*(inaudible)*...*out of so many people* ba e leng gore bone *they are not experts in these particular areas*, a re tseyeng ba le babedi fela ba e leng gore ra re ke baitsaanape ba ba tseneletseng ka tsone dikgang tse. Ke dumela gore le fa gotwe le batho ba le agilweng ka go gana fela, mo tota le tshwanelwa ke gore le go dumele, ka lebaka la gore *why would you want* go gana *meritocracy? Why would you want* to gana motho yo o yang go thusa tsamaiso ya gago? Ka tsela e e ntseng jalo *Mr Chairperson*, ke bona gore mo ke gone mo go tsamaelang gore kgantele o bo o fitlhela mo *board* e go bo go itseelwa Mokhanselara wa Domkrag yo o jelweng ke ditlhopho, go bo go...*(inaudible)*... fela gone foo gotwe ka ke tsala ya me, o tshonne, mma ke name ke mo thusitse ka *piece job*-nyana. Golo mo ga go re ise gope, ke sone se o bonang maphata a rona a sa *perform*, ke sone se o bonang re le mo mathateng.

HIS HONOUR THE VICE PRESIDENT (MR TSOGWANE): *Thank you.* Ke leka go supa *Mr Chairperson* gore re reetsa Tona, e bile re a mo utlwa. Ke motho yo o reetsang, e bile o a araba. Ga go na gope fa a paletsweng ke go tlhalosa gore ke eng a batla gore molao oo o tle ka fa o ntseng ka teng. Jaaka mongwe a kile a bua, LOO, a re, kana go tswa fela mo go reng a o a reetsa kana o a utlwa, le bone ke mafoko a re ka a ba lebisang, gore a mme ba ba ntseng ba tlhalosediswa gore kana re tla jaana ka mabaka a, a ba utlwa se Tona a se buang? Ke raya gore fa Tona a bua a re, golo mo ga go a tswalela ba le ba batlang ka kwa ntle, mme fela ga ke batle gore molao o nne *prescriptive*, ka mafoko a mangwe e nne molao o o tlaabong e le gore *enforcement* ya teng, *of that method*, e nna *so restrictive* mo e leng gore ga go na gore jaanong fa batho bao o sena nabo kana o sa kgone go ba tshwara, batho ba bua ka batho ba ba tswang ka kwa ntle.

Ee, ba ka nna ba le teng ba bangwe e le *experts* tse di rileng, mme re tshwanetse ra itse gore re dira melao e e *sensitive*. Kana re dira le mafatshe a mangwe ka kwa ntle, a e leng gore re a gaisana mo dilong di le dintsi le tsamaiso ya madi. Ba e ka reng fa ba le ka fa, ba fitlhele ba re kopitse mo e leng gore fa gongwe ba ya go re baya ka kwa mosing.

Jaanong fa go tlile re tlaa bona bangwe ba ba nang le dithutego tseo, ga ba a tswalelwa ka kwa ntle. Ke raya gore nna ga ke tlhaloganye gore *what is so difficult* ka gore Tona a bo a re *we do not want to be prescriptive*, re batla gore re bule, batho ba dithutego tseo ba tlaa tsewa fa ba le teng, ba tlaa nna teng, ba tlaa itshupa, ba tlaa hirwa. Ga go a twe nnyaa, bao ba se ka ba nna teng. Jaanong ke ne ke re fa go ntse jalo, Tona o tlhalositse batho betsho. Nnyaa gone go busa ga go motlhofo. Gape ga o ka ke wa nna moganetsi wa bo wa nna mmusi. *So*, dilo tse pedi tse a re *very difficult to combine unless when you are a balanced person.*

MR CHAIRPERSON: Thank you very much Vice President (VP).

MR KEORAPETSE: Go busa gakere o tlhatswa washene fela, ga se sepe.

HONOURABLE MEMBER: ...*(Laughter!)*...

MR LUCAS (BOBONONG): Nnyaa mme ke ne ke utlwa Tona a bua ka gore *Clause* e e kgona *to cover* batho ba mofuta one o. Nnyaa mme ga go a nna jalo. E bile a bua gore ga ba batle go nna *prescriptive*. Kana gongwe fa a bua jalo kwa Borolong ba sa ulwe sentle,



ba ka tsaya gore go raya gore o buile botlhale jo bo tona, nnyaa. Gakere fela fa o *list* batho ka maemo a bone fa o rialo, ka bogone fela *you are prescriptive*. Jaanong ga ke itse gore ba ba re reng e nne batlhalefi, re ba tsenye foo ka botlhale jwa bone, ke eng gone foo re setse re dirisa mafoko one a bo *prescriptive*? Mme legale tota, fa re ke ntse ke setse morago dikgang tse re ntse re di bua jalo, re *debate*, o utlwa gore go na le ba ba akanyang gore ke gore fa o busa, go raya gore *necessarily* o botlhale. Le fa o ka tswa o le lefifi le le ntse jang, go raya fela ka gore o a busa, nnyaa o tshwanetse gore o nne botlhale kgotsa o tshwanetse gore o bo o lebega o le botlhale.

Sengwe se ke se lemogang gape ke gore go gana mo gongwe mo, ga se go gana ga gore nnyaa motho ga a tlhaloganye gore go batlega eng, ke go gana go sele, ga go batla go gamola motho ka gore ga a buse. O gamola motho ka gore ga a buse, jaanong ke gone mo e leng gore go a dirwa mo letsatsing la gompiano. Fa o sa buse, ga raya gore ga o botlhale, mme e bile o tshwanetse go gamolwa o supegetswe gore ga o buse, jaanong go raya gore o tshwanetse gore o *feel* botlhoko ja go tlhoka go busa. *So*, re tshwanetse ...

MR HIKUAMA: Le botlhoko jwa go tlhoka dipalo.

MR LUCAS: Ee rra. Nnyaa mme ke wela ke re ke bua gore dipaakanyo tse di amogelwe *Mr Chairperson*. E ya bo *prescriptive* ke dikgang fela tse di sa re thuseng ka sepe.

HONOURABLE MEMBER: Ke boswele.

Amendment **negated**.

MR CHAIRPERSON: Let us go back Honourable Members to where we started.

Clause 8

MR KAPINGA (OKAVANGO): Thank you very much Mr Chairperson. I am proposing an amendment at Clause 8, so that Clause 8.2 (a) should read “that the Governor of the Bank of Botswana who shall be the Chairperson.” This amendment is prompted by the fact that I recognise the Governor of the Bank of Botswana to be at the epicentre of our financial system and the Bank of Botswana itself to be the epitome of regulation of our financial system in this country and that is the reason that I suggest that the Governor of the Bank of Botswana should be the one to become a Chairperson

of this Committee, other than the Permanent Secretary to the President (PSP) who might be not a person of any learning in finance or economics. That is my justification.

HONOURABLE MEMBER: O bua o le mo baseng?

MR KAPINGA: Learn to be a little bit serious Assistant Minister and grow up.

HONOURABLE MEMBER: But he will never grow up.

MR KAPINGA: That is my justification for that amendment. The next one Mr Chairperson at 8 (3). My proposal is that the Financial Intelligence Agency should be a secretariat to the Committee and this is because they are the ones who are employed to ensure or to implement the Financial Intelligence Act and all the duties and responsibilities that go with it. That is the basis of my submission Mr Chairperson. I thank you.

MR CHAIRPERSON: Honourable Members, the question is that the amendment be agreed to. Honourable Serame.

MINISTER OF FINANCE AND ECONOMIC DEVELOPMENT (MS SERAME): *Thank you Mr Chairperson. Thank you Honourable Kapinga. Ke ne ke re ke a go utlwa ke dumalana le wena ka selebego le tlotlo e o e neelang Bank of Botswana, that we agree. Mr Chairperson, kana komiti e le dikgang tse re dirang le tsone, they are not just about the financial sector. O tlaa lemoga gore re bua ka dikgang tsa bo anti-money laundering, terrorism, proliferation le dibetsa tsa mmolao wa kgailo. That is why Mr Chairperson, given gore dikgang tse re buang ka tsone tse di feta fela just to be talking about the financial sector. Ke sone se o bonang le fa o lebelela komiti e, batho ba ba mo teng ga komiti e ba akaretsa maphata ao kana mehama eo yotlhe, ka gore it goes beyond just the financial sector. Ke sone selo sa ntlha. Ke sone se o bonang re rile e nne PSP.*

Sa bobedi *Mr Chairperson* jaaka ke sa tswa go tlhalosa, komiti e e lebelela dilo tse tsa FATF, mme gape go na le dikgang tse dingwe tsa bo United Nations (UN) Resolution. Ke sone se o bonang re ne re *propose* gore *Secretariat* ya teng le yone e se ka ya nna Financial Intelligence Agency (FIA) fela ka gore FIA *is about the financial intelligence*. Ka mafoko ao *Mr Chairperson*, go raya gore ga ke dumalane le Tshutiso. Ke a leboga.



MR CHAIRPERSON: Thank you Honourable Minister. Honourable Dr Gobotswang.

DR GOBOTSWANG (SEFHARE-RAMOKGONAMI): *Mr Chairperson*, ke tlaa nna mokhutshwane. Ke tshwenngwa ke gore e bo e le gore Mokwaledi wa ofisi ya ga Tautona, yo e leng gore gape ke ene Mokwaledi kwa Khuduthamageng (*Cabinet*), mme e bile e le gore bontsi jwa maloko a a leng mo teng mo, ke ba e leng gore ke ene a ba okametseng, e bo e le gore gatwe ke ene a ka nnang modulasetilo *Mr Chairperson*.

Kana se e leng gore se a diragala, go tlaabo go raya gore kgang e tlaabo e tswa kwa Khuduthamageng, ba dumalane ka fa ba dumalaneng ka teng, a le teng kwa Khuduthamageng, a bo a tsaya ka fa e dumalaneng ka teng a ya kwa komiting e e leng gore ke badirelapuso ba e leng gore o ba okametse. Go bo go ka solofelwa gore badirelapuso bone ba, ka fa tlase ga Puso yone e e leng gore *it is very ruthless when it comes to firing people* ba ba sa dumalaneng le bone, re bo re ka solofela gore komiti yone e maloko a yone a ka bua a phuthologile, a gakolola mo go tshwanetseng gore go bo go dirwe tse di tshwanetseng. Ga ke dumalane gore e ka nna seemo se se siameng.

Ke dumalana le *proposal* ya ga *Honourable* Kapinga, Mopalamente wa Okavango gore nnyaa, go tshwanetse gore e nne motho yo e leng gore gongwe ga se yo e leng gore o fa gare ga Puso ka tsela e e leng gore o tlaabo a laolwa e bile a dira ditshwetso tse di tswang mo Khuduthamageng. Tota fela ka bokhutshwane fela, go tlaabo go raya gore komiti e e tsamaisiwa ke PSP a le nosi, ba bangwe ga ba na le fa e le mokwatla. *These days people are trying to protect their jobs and they know* gore *this Government is very, very intolerant of divergent views*. Ga ba ka ke ba ba ba dumalana le epe kgang e e ka tswang gone kwa e ganetsana le se ba tlaabong ba se dumalane kwa Khuduthamageng se tla ka PSP. Ba ba mo dikomiting le bone ba e leng gore o ba okametse *Mr Chairperson*, ke dumalana le *Honourable* Kapinga gore *Governor* ke ene yo o ka nnang le *credibility* le mokwatla o o lekaneng go ka tsamaisa komiti rraetsho. *I thank you*.

MR LUCAS (BOBONONG): Ke a leboga *Mr Chairperson*. Ke tsaya gore re ntse re a lemoga gore fa o lebile tsamaiso ya gompiano ya Puso ya Domkrag, re na le Office of the President (OP) e e inyatsang, e

e batlang gore nako le nako e bo e tlhomamisa gore e gateletse, e bile ke yone e e fa godimo ga sengwe le sengwe. Ke sone se o bonang gompiano ba re PSP ke ene yo o tshwanetseng go nna *Chairperson* wa yone komiti yone e.

Se o ka se lemogang ke gore, golo fa go na le boitemokanyi jo bontsi thata. Re bolelelwa gore re tshwenngwa ke batho gatwe ba Financial Action Task Force (FATF), batho bao tota *are very much concerned* ka dikgang tsa madi le ka fa madi a dirisiwang ka teng. Tona ene fa a bua are, nnyaa, komiti e ga se ya madi fela, mme *finance is the dominant issue* mo dikgannyeng tse. *That is why* re bua ka *anti-money laundering; underline money laundering. That is why* re bua ka *terrorism financing, underline terrorism, and look at finance; that is why* re bua la *proliferation financing*. So motho yo o *relevant*, yo o tshwanetseng gore a bo a okametse komiti yone e, ke yo e leng gore o na le *a close proximity to finance, and that is the* Bank of Botswana *Governor*. So tse di buiwang tse tsa gore nnyaa OP ke yone e e tshwanetseng, nnyaa, e e supa fela gore OP *or the Presidency ya rona as we speak, is a very insecure presidency* e e leng gore *it wants to rule over everyone*, gape mongwe le mongwe *must feel their presence*, ba nne ba tshogile ba itse gore go na le *President, Secretary* e bile go na le *Honourable* Kabo Morwaeng. Gone moo ka bo gone, go tlile go re senyetsa lefatshe, ke tsaya gore re tsamaela kwa tshenyegong ya lefatshe, Batswana le bone ba ele tlhoko seemo sone seo. Ke a leboga.

MR KEORAPETSE (SELEBI PHIKWE WEST): Ke a leboga Modulasetilo. Le nna ke dumalane le *Honourable* Kapinga.

Ke simolole ka gore, ga re nyatse *Office* ya ga PSP le yo e leng gore o mo setilong mo bogompienong. Re a itse gore e ne e le Accountant General (AG) mme tota rona re mo *principle* ya *independence* ya lephata lone le go tswa mo *Office* ya ga Tautona. Re a itse gore PSP o tlhophiwa ke Tautona, o *accountable to the President*, e bile o ka mo ntsha nako nngwe le nngwe e a e batlang, mme seo ga se a nna jalo ka *the Governor of Central Bank*. Re a itse gore *Governor of the Central Bank* o na le *tenurial security*. Re itse *the role* ya Bank of Botswana Modulasetilo.

Jaaka *Honourable* Kapinga a tlhalositse, fa re bua ka *the financial system* ya lefatshe, tota kana e okametswe ke yone Central Bank, e bile fa re bua ka *anti-money laundering regulations* tota kana ditaelo tsotlhe le gore



dibanka di tsamaya jang, di dira eng, di tswa gone kwa Bank of Botswana. Jaanong ke ne re ke dumalane le *Honourable* Kapinga ka gore re leke gore re ntshe dithata tse di kanakana tse e leng gore di mo Ofising ya ga Tautona.

Kgang e e tlhalositswe thata ka botlalo ke *Honourable* Lucas. *There is nothing complex about terrorism financing. Terrorism financing is something that can fall within the purview yone ya ga Governor a tlhaloganya dikgang tseo. It is about financing of terrorism; financing of proliferation, and anti-money laundering. It is all about the financial system ya lefatshe. Jaanong ke sone se ke reng, a re tsenyeng motho yo o independent of the President, e bile ga a na kgatelelo ya gore o ka bereka a tsaya ditaello mo go Tautona jaaka re itse gore PSP o tshwanetse gore a tseye ditaello golo go le gongwefela fela kwa go Tautona yo e leng gore ke ene a mo tlhomileng (appointed).*

FCC Finance *seeks to provide strategic and policy direction* ya FIA, mme motho yo e leng gore tota motho re dumela gore *office* ya gagwe e ka nna *empowered enough*, ke ene *Governor of a Central Bank*. Ke ene tota yo e leng gore o tshwanetse yone *role* e. Jaanong ka kopo ke ne ke re a re dumalaneng le *Honourable* Kenny Kapinga mo kgannyeng yone e. Ke a leboga.

MR SALESHANDO (MAUN WEST): Ke a go Modulasetilo. Fa go na le fa ke ka reng gompiano *Honourable* Serame, Motswana o atle a re motho o mpeile ka marago, ke tse pedi tse di sa tswang go feta tse, tse o ganang gotwe go tsenngwe batho ka dithutego tsa bone ba tle go thusa go gakolola. E bo e re gotwe a re tseye gore *Governor* ke ene a nne *Chairperson*, o bo o re kana molao o ga se gore o remeletse mo go tsa madi, o ntse o bona gore *we are dealing with the Financial Intelligence Bill*. O bo o re o bona go siame gore go ye ka PSP. Ke gore le fa o re o a bala gore yone the National Coordinating Committee (NCC) e dira eng, bontsi jwa tsone fa o di bala, di tsamaelana le dikgang tsa *financing of terrorism* fa re bua ka *terrorism, accounting financing of proliferation; you go down*, go buiwa ka dikgang tsa bo *policy* gore go tlhokafala gore go dirwe eng gore batho ba se ka ba nna le bo *money laundering*. Tsotlhe di ganeletse thatathata mo *financing of terrorism and prevent money laundering is at the heart of this thing*.

Fa o ya go gana fela o bo o re nnyaa, ga go nna jalo, wena o siame ka PSP *and not Governor*; e bile fa o ne bogolo o re fa e se *Governor; the next best option would have been Chief Executive* wa Non-Banking Financial

Institutions Regulatory Authority (NBFIRA). E seng o ya go tsaya *Governor* o bo o re *he will be deputised* ke Ramasole.

Let me give one quick example fa nako e ntetla. *I once met someone* a bereka kwa De Beers, a nthaya a re *negotiations with the Botswana Government* di ne di nna thata ka gore re tlaa re le *experts, 24 hours* re bua ka teemane, o tlelwa ka PSP yo o nang le mathata a a seng kana ka sepe mo *public service*, dilo di se kana ka sepe, PS *Mineral Resources* fa motlakase o kgaogile o lofa *meeting, this is exactly why we will never win as a nation. This mind set* ya go akanya gore nnyaa ...

MR CHAIRPERSON: Time up.

MR KEKGONEGILE (MAUN EAST): Tanki *Mr Chairperson*. Go tsweledisa fela gone fa bakaulengwe ba ntseng ba tshwere teng, ke gone gore kana OP re tsaya PSP re e dira *an operational department*, re e dira ba ba tshwereng ka letsogo, *whereas* ba tshwanelwa ke gore ba bo ba *provide strategic leadership*. Lephata le kana e tlaabo e le la bokae le wela ka fa tlase ga OP. Gone moo fela, go dira gore OP jaanong e tlhakatlhakane le go senya go dira go leka go baakanya *whereas* batho ba ka bo ba dira, go iwa kwa go bona ba supa gore nnyaa fa ga le dira sentle, fa le dira sentle.

Ke dumalana le *Honourable* Lucas fa a bua ka Bank of Botswana, ka *Governor* gore ke ene yo o tshwanelwang ka gore a bo a tshwere ka diatla fa, *and then Ministry of Finance and Economic Development* o lebeletse, *reporting* kwa OP. Fa re e dira *the other way round*, kwa go tshwanelwang ke gore go ka bo go begwa teng, e le bone ba ba tshwereng ka diatla ba dira, golo moo ga re itirele sentle. E bile Bank of Botswana *will give integrity to this committee given* gore gompiano jaana Batswana ba a re tshwenya ba re botsa gore *President* o kae. Ke gore jaaka *President* a nyeletse jaana, go nna le mathata, PSP o tlaa siela kae ka gore *Honourable* Tsogwane ene o ya go e gata fela go fitlhelela *President* a boa kwa a ileng teng? Tota re tshwanelwa ke gore re tsenye *integrity* mo dilong tse re di dirang, re se ka ra dira fela o kare ga re batho ba re akanyang.

Mr Chairperson, ke ne ke re ke akgele fela go le kalo ka yone. Tota o molao o supile gore *the RESET Agenda* ke go ntsha Domkrag mo Pusong, ba feletswe. E bile *Honourable* Serame o dira gore re tlhoafalele *Honourable* Matsheka golo fa. Tanki *Mr Chairperson*.



MINISTER FOR PRESIDENTIAL AFFAIRS, GOVERNANCE AND PUBLIC ADMINISTRATION (MR MORWAENG): Ke a leboga Modulasetilo. Ke ikokobetse, ke leboge Tona Serame. Ke dumalana le ene, ga ke dumelane le mokaulengwe Motlotlegi Saleshando.

Bagaetsho, PSP go tewa motho yo o nang le maikarabelo a matona mo setšhabeng, bogolo jang mo tsamaisong ya Puso. Gore go bo go akantswe PSP go tewa ... (*Interruptions*) ...

HONOURABLE MEMBER: Puso e kile ya bonwa ke motho batho ba Modimo.

HONOURABLE MEMBERS: ... (Laughter!) ...

MR MORWAENG: Mpa ke bueng ka *Bill*...

HONOURABLE MEMBERS: ... (Murmurs) ...

MR MORWAENG: Gatwe ke dirile eng? Gore PSP e le ene *Chairperson*, go supa *the seriousness* jo Puso e bo fang komiti e. Ka tsela eo, ga re batle go boela mo seemong se re neng re le mo go sone gape. Komiti e fa e eteletse pele ke PSP, go supa tlhwaafalo e e feteletseng. PSP wa lefatshe la Botswana, o na le tsotlhe tse di mo kgontshang gore a bo a *chair* komiti ya mofuta o, ka tsela e a tlaa kgonang gore re se ka ra iphitlhela re le mo seemong seo gape.

Ga ke batle go bua ka ya Bank of Botswana, e bangwe ba ntseng ba re a go tlhophiwe wa Bank of Botswana. Ka re PSP ke ene *the right person*. O itse sengwe le sengwe mabapi le tsamaiso Puso, e bile o na le gotlhe mo a go kgonang. Fa re re Bank of Botswana, re bua ka dikgang tsa *financing of terrorism*, yo wa PSP o na le tse dintsi tse di ka mo kgontshang gore a ke dikgang tsa *finance, money laundering*, a ke tsa *terrorism*, o tlaa kgonang gore a bo a na le *information* yotlhe...

MR CHAIRPERSON: Thank you very much Honourable Minister.

MR REATILE (JWANENG-MABUTSANE): Ke go leboge *Mr Chairperson*. Ke simolole fela ka go ema mokaulengwe Leader of the Opposition (LOO) nokeng.

HONOURABLE MEMBER: Ke ya ga Kapinga.

MR REATILE: *Oh sorry, Honourable* Kapinga. Kgang ka fa e ntseng ka teng *Mr Chairperson*, PSP is a *Principal Advisor to the President*. O nna a *Principal Advisor to the President* ka gore, *reports* fa di tla, ke ene a di tlhotlhang. Fa a na le Tautona, a bo a mo gakolola

gore ka fa komiti e e dirileng tiro ka teng, ke dumela gore ka fa Modulasetilo a begang ka teng, tota one mogopolo re ka tsamaya le one ka mabaka a gore, a gore. Fa e le gore *Honourable* Serame o dumela gore jaanong a ye go gapa PSP mo Office of the President a bo a tla a *chair*; jaanong o tlogela Tautona a le nosi, a sena mogakolodi fa *reports* di goroga. Ke sone se e leng gore gompiano nako le nako *report* e tlaa re e tsena, e bo jaanong e le gore ke madumela gotlhe ka gore ke ene a tlang ka yone.

Bona gore go diragetse eng *Mr Chairperson*, ka dinako tse di fa morago, PS wa *Agriculture* a le mo *board* ya Botswana Meat Commission (BMC). E ne e le gore le fa ba tswa kwa e le *board* ba farologana, fa ba re ba ya kwa lephateng, ke ene a fetang a gakolola *Minister* gape ka dikgang tse di neng di tswa kwa. *Minister* ke gore nako le nako o tlaabo a tsamaya le se PS a se buang, mme PS e ntse e le *member* wa *board* gape kwa BMC. Ke sone se se feletseng se nyeletsa BMC mo matlhong a Batswana, ka gore go ne go na le a *serious conflict* mo Lephatheng la *Agriculture*. O le mo *board*, gape o tshwanetse gore jaanong o felele o gakolola *board*, e bile o felele o ganana le *board*. Jaanong fa PS a le *one* a ganana a le kwa *board*, ke gore *ministry* o ganne, ba ise ba bo ba tsamaye ba ya go tsena kwa lephateng. Ke sone se se tlaabong se diragala *in this board* ya ga *Honourable* Serame ka fa a buang ka teng.

Kgang e nngwe e ke e lemogang *Honourable Chairperson* ke gore, re na le mathata a *debate* ka fa e ntseng ka teng. Jaaka o itse gore mo *Committee Stage*, *Honourable* Serame, ka dinako tsa bo *Honourable* Skelemani, nako e re neng re na le *Ministers* ba go nna jalo, o ne a ka lala a eme a gakologa ka fa a gakololang ka teng. E seng yo o tlang a le *programmed for "no"* fela *Mr Chairperson*...

MR CHAIRPERSON: Thank you very much Honourable Reatile.

MINISTER OF INVESTMENT, TRADE AND INDUSTRY (MR KGAFELA): *Mr Chairperson*, tla ke eme Tona nokeng ka mafoko a gagwe. Kana mo lefatsheng la Botswana, re na le *order of precedence*, jaanong ga e ka ke ya re re amogela gore *the Commander* of Botswana Defence Force (BDF) e nna *Deputy Chairperson*, yo o fetang *the Governor in order of precedence* mo lefatsheng, e bo jaanong re tsaya *the Governor who in order of precedence is junior to the BDF Commander*, re bo re mo dira *the Chairperson of this Committee*. Ga se segarona gore *in the order of precedence*, e bo a *Chairperson* e nna *somebody who is junior to* batho ba e leng gore *she or he chairs*. *That*



is why tota fela Modulasetilo, go ka se ke ga kgonega gore the Governor of Bank of Botswana e bo a chair this committee. If you look at the Intelligence Committee, the highest person who chairs it is the President. Fa go tlhomaganwa, it is always the most senior person in order of precedence, who chairs in this kind of Intelligence Committee.

MR REATILE: Order. Yes, Mr Chairperson, Motlotlegi Kgafela o tlaa felela a mislead lefatshe. Ga a ka ke a re go bereka in order of precedence, o a itse gore sekai se ke neng ke se baya, BMC ke tsewa mo seterateng ke bo ke neelwa Bodulasetilo jwa komiti eo, PS e bo e feta e nna member a sa e chair. Jaanong ga o ka ke wa re go na le order of precedence mo lefatsheng la rona. I thank you sir.

MR KGAFELA: You must look at comparative intelligence units, le yone ya Directorate of Intelligence and Security (DIS) fela ka boyone, you will see gore the Chairperson is the President. That is how important it is gore Chairperson e bo e le the most senior person. This is another intelligence organisation, a financial one, tota fela e tshwanetse gore when you deal with it, e bo e le gore we dealing with it comparatively to an existing one. Fa go tlhophiwa a Chairperson, go bo go lejwalejwa gore tota fela e tshwanetse e nne somebody who in the order of precedence in the country, ke motho yo o very senior. The PSP in this instance, is senior to other ordinary members who are listed here. The Governor is an ordinary member and rightfully so, ka gone gore ga a ka ke a tlola the Commander of the BDF, e ke sa utlweg batlotlegi ba complain gore ene e bo e le Deputy Chairperson.

MINISTER OF INFRASTRUCTURE AND HOUSING DEVELOPMENT (MR MOLALE):

Thank you Mr Chairperson. Ordinarily, fa motho a reeditse the proposed amendment, gongwe o ka dumela, mme go batla go gakololwa gore go ntse jang. The structures tse di amanang le tsamaiso ya tshireletsego ya lefatshe, di ntse di le teng, le Honourable Kapinga o a itse gore we have a Central Intelligence Committee (CIC), chaired by Motlotlegi Tautona. Jaanong ordinarily, this Committee ya Financial Intelligence would be termed a sub-committee of the Central Intelligence Committee. Fa o leba membership ya teng, it is made up of the PSP, the BDF Commander and the Commissioner of Police, who are members of the CIC. Fa o leba the other membership which I am saying this should be deemed as a sub-committee, o bona gore ke Immigration, Defence, Attorney Generals, Prosecutions, DIS and all intelligence related committees.

There has to be an order of precedence jaaka Honourable Kgafela a bua, gore this committee ultimately would be reporting somewhere. Ga go ka ke ga tsewa fela ga bo go dirwa, we should be looking within the ambit of gore re lwantsha terrorism and contraband e e tlisang dilo tse di sa re siamelang mo Botswana. It is not just an open-ended kind of Act e re e buang, it is within the ambit ya go lwantsha borukutlhi...

MR CHAIRPERSON: Thank you very much Morolong. Honourable Ambassador Kapinga, reply to the debate.

MR KAPINGA (OKAVANGO): Thank you very much Mr Chairperson. Ka fa Minister wa Finance gompiano a tlang a ntse ka teng, go nkgopotsa pina ya mme yo mongwe o bidiwa Cyndi Lauper, e bidiwa gotwe "True Colours." Gompiano ke e bone mebala ya ga Honourable Peggy Serame sentle, gore ke motho yo o ultra-conservative, yo o sa batleng go fetoga le dilo tse di nišha mo lefatsheng.

Mr Chairperson, in the whole world, Governors of Central Banks are held in very high esteem. If you think of the Chairman of the Federal Reserve in the United States of America (USA), you think of the Chairperson of the Reserve Bank of South Africa, the Head of the Reserve Bank in Zimbabwe, Gideon Gono, these were people who were held in the highest esteem; very powerful people. Even in Botswana, there is a history of two Governors who were appointed Ministers of Finance in recognition of their role as Governors of the Central Bank of Botswana. And somebody comes here and tells us about order of precedence. That is irrelevant and meaningless, Governors are high-level operatives. They can be identified if I use the language of my Professor as pontifex maximus when it comes to financial issue. That is the reason we are saying that is the person who is rightly placed to be the Chairperson of the National Coordinating Committee on Financial Intelligence because they are high profile people and they are at the centre of our financial system.

Tse dingwe tse di buiwang tse, order of precedence is mere symbols and ceremonies. They mean nothing. It does not mean that when you are at the top of the order of precedence, you know everything, even in finance Mr Chairperson. We are talking about this financial intelligence agency e e leng gore I believe the Governor is the right person to chair this Committee.

E nngwe amendment o kare re e lebetse kwa morago Mr Chairperson, ya the Secretariat. E ke neng ke re the agency is the one that is rightly placed to be the



secretary of this coordinating committee. On that basis Mr Chairperson, I move that the Governor of the Bank of Botswana should be the Chairperson of this committee and the Financial Intelligence Agency, be the Secretariat. I so move Mr Chairperson.

Amendment **negated**.

MR CHAIRPERSON: Honourable Members, we have another amendment at Clause 8. I think it is by Honourable Saleshando.

Clause 8

MR SALESHANDO (MAUN WEST): *Mr Chairperson, tota re lekile. Tota fa o setse o dumela gore the wisdom of your words is being despised, Bible ya re o se ka wa tswelela o bua fela, Proverbs 23 verse 9. Clause e le fa re ka re re bua jang, fa o bona dikarabo e nna bo gore kana Ramasole ga a ka ke a tsena mo komiting e le batho who salute for him a bo a sa fiwe maemo, ga go thuse. Mma ke e boele morago re go bolokele nako. I do not see the point of continuing with possibly more complex proposals, go ganiwa fela tse di motlhofo tse gotweng a re ba batlele mongwe yo o ithutsetseng tiro eo, go bo gotwe nnyaa. Therefore, I withdraw the amendment.*

Amendment **Withdrawn**.

Clause 8 **agreed to**.

Clause 9

MINISTER OF FINANCE AND ECONOMIC DEVELOPMENT (MS SERAME): Thank you Mr Chairperson. The Bill is amended at Clause 9 appearing at Page B.396, by inserting immediately after Paragraph (3) (e) which appears at Page B.397 the following new paragraph—

- (i) “to coordinate the national risk assessment to identify, assess and mitigate the risk of commission of a financial offence emerging from development of new products and new businesses practices, including new delivery mechanisms, and the use of new or developing technologies.”

Mr Chairperson, *ka bokhutshwane fa re ne re oketsa mo functions because e e ne e saletse kwa morago yone ya gore ba tshwanetse gape to coordinate risk assessment le gore also re tsenye gore in future fa go nna le new developments or new technologies, le yone e bo e le gore it is already catered for in the law. Ke a leboga Mr Chairperson.*

Amendment **agreed to**.

Clause 9 as amended **agreed to**.

Clause 10

MINISTER OF FINANCE AND ECONOMIC DEVELOPMENT (MS SERAME): Thank you Mr Chairperson. Mr Chairperson, The Bill is amended at Clause 10 appearing at Page B.398, by substituting for the word “committed” appearing therein, the words “been convicted of.”

E ka bokhutshwane Mr Chairperson, in the debate, go ne go na le matshwenyego one ao a gore tota fa e le committed fela, a ga e tloge e re motho a belaelwa fela e ise e wele kgang, e bo e le gore jaanong o beilwe ka fa mosing. Ke sone se re neng re bona go siame gore re emisetse lefoko la “committed” ka “convicted off.” Ke a leboga Mr Chairperson.

Amendment **agreed to**.

MR CHAIRPERSON: There is also an amendment at Clause 10 by Honourable Ambassador Kapinga.

Clause 10

MR KAPINGA (OKAVANGO): Thank you very much Mr Chairperson. With regard to Clause 10, the purpose of my amendment is for the Clause to provide that the Minister on the recommendation of the committee, apply to the High Court to declare a person or structured group as a terrorist or terrorist group and;

(b) in Sub-Clause (2), by substituting for that Sub-Clause, the following new Sub-Clause –

(2) “Where the High Court has declared a person or structured group as a terrorist or terrorist group, the Minister shall cause to be published a Notice in the Gazette, indicating the name of such a person or structured group as a terrorist or terrorist group.” The intention Mr Chairperson is to regulate a declaration of individuals or groups as terrorists and to subject it to judicial scrutiny. Had I argued in my debate, it is dangerous to leave it to a political person to declare another citizen or individual terrorist. We have seen in the past where at the highest level in this country, utterances were made suggesting or casting aspersions on others as being bandits or potential terrorists. Having been alerted by that behavior, I think it is the right opportunity for us to put in checks and balances *gore* who can declare *yo mongwe* a terrorist *ka mabaka a a ntseng jang*. I believe



that, if this is presented before a Judge of the High Court to show that this person deserves to be labelled a terrorist because of reason a, b, c, once the court gives the order, then the Minister will be entitled to publish that declaration that so and so or such and such group is a terrorist. That is the justification for my amendment Mr Chairperson. I thank you.

MR TSHERE (MAHALAPYE WEST): Yes *Mr Chairperson*, I am sorry I have a problem here with my gadgets, I do not know whether you can hear me there.

MR CHAIRPERSON: We can hear you clearly.

MR TSHERE: *Thank you very much and excuse my video there, it is not working properly.* Ke tlatla mafoko a ga *Honourable Kapinga* a gore a person can be declared a terrorist ke Minister. Terrorism ke molato o motona tota *Honourable Chairperson* gore o ka latofadiwa ka one, e bile motho o ka go o marega fela motlhofo jaaka Minister. Ke dumalana le *Honourable Kapinga* gore a e ye kwa lekgotleng. Lekgotla le ye to declare motho a terrorist, ke gone jaanong Minister can publicise gore lekgotla le, le le, kana yo le yo, o bonwe gore ke terrorist ka tsela e ntseng jang. Ga go batle re ka dira jalo *Mr Chairperson*, e seng jalo *Honourable Advocate Duma Boko* is going to be declared a terrorist jaaka re ne re bona maloba Tautona almost declared him a terrorist. Le nna tota they can declare me terrorist *Mr Chairperson*. Ke a tshoga, a tshentshe molao o, o ye kwa lekgotleng. Ke a leboga.

MR KEORAPETSE (SELEBI PHIKWE WEST): Ke a leboga Modulasetilo. Ke dumalana le Tshutiso ya ga *Honourable Kapinga*. Ke lebeletse gore fa o ka tsaya dithata tse di ntseng jaana, o bo o di baya mo dipolotiking bogolo jang re ntse re ngongorega ka oversight accountability mechanisms gore were not well spelt out in the Bill e re e buisanang gompiano mo Committee Stage. Jaanong fa re ka tsaya dithata tsa gore Minister can declare motho a terrorist, go raya gore re tlaabo re tshwana fela le ka nako e re neng re itse gore African National Congress (ANC) go ne gotwe is a terrorist organisation. It was declared by those who did not want ANC e ganetsanya le bone. Ga go na sepe se se ka tilang gore le rona mapolotiki a kganetso, re iphitlhele e le gore we have been declared terrorists. Go kile ga nna jalo in the past, ga se tlholontsha. Re a itse gore Kenneth Koma, Mareledi Giddie le ba bangwe ba kile ba gogagogiwa kwa makgotleng gotwe they are subversive undesirable elements and charged with treason. E tlaabo e se selo santlha. *Honourable*

Chairperson, a dithata tse di fiwe makgotla a ditsheko ka gore ke gone kwa go ka ngangiwang teng, ga fiwa bosupi jotle. Motho a itsheka, a ipua gore ga se terrorist. Lekgotla kwa bofelong ka gore le impartial, le tlaa tsaya tshwetso. Jaanong ke dumalane le *Honourable Kapinga*. Ke ne ke utlwa a re *Honourable Peggy Serame* is ultra-conservative. Ga ke tseye jalo, ke tsaya fela gore ga gagwe ke mo gotweng ke tlaa amogela ditaello tsa ga Tautona, a Modimo o nthuse. Go bo go tsewa dikakanyo di beelwa kwa thoko, go bo go salwa morago ditaello. Ke tsaya gore ke gone moo...

HONOURABLE MEMBER: O a simolola gakere.

MR KEORAPETSE: O tlhotlhedlwa ke tumelo epe ya itsholelo kana ya sepolotiki, ke go tsaya ditaello fela. Ke a leboga.

MINISTER OF FINANCE AND ECONOMIC DEVELOPMENT (MS SERAME): *Thank you Mr Chairperson. I will be very brief.* *Honourable Kapinga*, I understand the time you noticed this amendment ke fa rona re ise re dire Tshutiso e nngwe. Two points *Mr Chairperson*, ya ntlha ke gore ga re a tlogela makgotla a ditsheko kwa ntle ka gore ke sone se earlier on, re ne re fetisa Tshutiso e ke reng, motho o tshwanetse a bo a le convicted. E yone e ne e babalela gore e se ka ya nna mo dipelaelong fela, e bo go nnile le process e e diragalang, gape go na le bosupi jwa gore ke boammaaruri motho yo o ntse jalo.

Sa bobedi, ke ne ka tlhalosa fa maloba gape *Mr Chairperson* ka nako ya debate gore batlotlegi ba e baya jaaka o kare golo mo go go ntsha altogether. Nnyaa, ke tlhalositse gore tshetlana e, e ntse e le kwa molaong wa Counter Terrorism, ke gore jaanong re e tsaya re e fetisa kafa.

Se sengwe sa boraro ke gore, komiti e dira tshekatsheko, go bo go nna le that recommendation to the Minister. Minister ga se ene fela ka bonosi a emang a dira tshwetso ya gore Keorapetse ke terrorist. Go tswa foo *Mr Chairperson*, se se fa tshono ya gore Keorapetse kana Wynter wa lerabele fa e le gore ke lerabele; Peggy a re, Wynter ke lerabele and declare him a terrorist. Wynter o na le tshwanelo ya go ya kwa makgotlatshekelong gore Minister ke yo a re ke terrorist ka mabaka a. Ke dumela gore ga go a nna sentle. Makgotla a ditsheko le one a reetsa Wynter, tsala ya me. Ga ke dumalane le Tshutiso. Ke a leboga *Mr Chairperson*.



MR MMOLOTSI (FRANCISTOWN SOUTH): Ke a leboga *Mr Chairperson*. Ke dumalane le Tshutiso ya ga Rre Kapinga ka gore dikgang tsa *justice* di thata, di *curious*. Ke gakologelwa kgang ya *declaring somebody a persona non-grata*. Ke dilo tse di tlhokang gore molao o lebiwe. *Courts* di tsere ditshwetso tse di lebaneng ka lebaka la gore *declaring a person a Prohibited Immigrant (PI)*, ke selo se o a bong o feditse ka botshelo jwa motho yo o ntseng jalo. Ke sone se e leng gore *before*, re kile ra bua thata gore *courts* di tshwanelwa ke *to be involved* mo go feteletseng. E se ka ya re motho a tsoga go bo gotwe tswaya o tsamaye. Go tshwana le gone mo gore Tona o ka neelwa dithata tsa gore *he can clear a person a terrorist*. Re a bona Matona ke batho ba nama le madi, e bile ba gompiano ga ke a itse gore a madi ba na le one ka gore ba setlhogo mo go feteletseng. Ka fa ba ntseng ka teng, o ka nna wa akanyetsa gore molao one o, o dirwa go akantswe Tautona wa pele Ian Khama, e tle e fete ka bonako re mo dire *terrorist*, re tle re mmolaye. *We are dealing* le batho ba e leng gore kgang e ya boswele mo go bone, ga e a siana gotlhelele *Mr Chairperson*.

Mr Chairperson, ke sone se tota ke dumalanang le *Honourable* Kapinga gore a *courts* di nne *involved*, motho a bonwe molato ke gone a bo a nna a *declared terrorist*, *Honourable* Morwaeng gone foo, a bo a ka tsaya a ya *to publish* a itumetse thata. Re a itse gore bo *Ministers are overbearing in any structure that reports to them or any structure that is under their jurisdiction*, go dirwa dithata le go rata ga bone fela. Re a itse gore sepolotiki se a bereka mo dikomiting tsone tse, *that is why even* kwa go hiriwang teng, *Honourable* Molale a kgona go tsaya tshwetso gore jaanong ke hira Makhanselara gore e nne bo *Deputy Court Presidents*, go dira Motlotlegi Molale kwa ofising ya gagwe, o setlhogo tota.

HONOURABLE MEMBER: Wa ntlwaela moloi ke wena.

MR CHAIRPERSON: Thank you very much.

MR RAMOGAPI (PALAPYE): *Mr Chairperson*, selo sa ntlha ke kile ka batla go kopa *clarification* mo go *Minister*; ke utlwa o kare dikgang tsa gagwe ga di welane sentle, ka gore e ntse e le ene, o supa gore nnyaa, motho *cannot be declared a terrorist*, go tlaabo go na le komiti e e tlaa mo gakologang, mme gape e ntse e le ene, o e tla a re nnyaa, ga a ka ke a (kaya) *declare* gore motho ke *terrorist*, o tshwanelwa ke gore a bo a le *convicted*. Ga ke itse gore a ke ne ke mo utlwa sentle golo fa, ke

ne ke utlwa o kare ga di tsamaelane. Jaanong ke bona tshutiso e, e tla e lebane, e tlhamaletse ka gore tota se re se tshabang le se re se buileng *during the debates*, ke gore mapolotiki a Africa, gongwe le gongwe o a ba itse, ga ba ka ke ba bo ba tlogela mapolotiki a mangwe, le tlogela molao o ntse jaana, kamoso go tlaabo gotwe Motlotlegi Ramogapi, Rre Dumelang Saleshando kana Rre Boko ke *terrorists*. Fela fa e le gore wa re o emela ditlhopho, gatwe nnyaa, mo ntsheng koo. Re a itse gore gompiano Puso ya ga Domkrag, ba re batlela le bananyana gore kamoso gotwe Motlotlegi Ramogapi o robetse le ngwananyana, ke Puso ya seAferika.

HONOURABLE MEMBER: Jaanong wena o bua dife?

HONOURABLE MEMBERS: ... (Murmurs)...

MR RAMOGAPI: Ke bua tse di lebanyeng gore le batlela batho melato. Re bua re tlhamaletse, ra re ga e ka ke ya re le batlela batho melato, re le bone ka Wilhelmina Maswabi gore le mmatletse melato la palelwa, kamoso ke go batlela Motlotlegi Ramogapi molato le re o robetse le ngwananyana. Gatwe le batla gore... (*Interruptions*)... Ke utlwaletse gore...

HONOURABLE MEMBERS: ... (Murmurs)...

MR RAMOGAPI: Le dira dilo tse di sa siamang. A ko le tsweng mo dilong tse le reng le ka athola lona la re batho ke *terrorists*, nnyaa.

MINISTER OF INFRASTRUCTURE AND HOUSING DEVELOPMENT (MR MOLALE):

Thank you *Mr Chairperson*. *Ke boammaaruri* gore mo *tsamaisong* e e ntseng jaana, go nna le checks and balances. *Molao o jaaka le bona* *Honourable* Minister a dira amendments, she is literally responding to the request for checks and balances. At the same time, *kana* these are two sides; it is the state and the protagonists *ba e leng* gore they would have been seen to be potential terrorists or something like that. *E re ntswa* go *tshwanetse* go nna le checks and balances, there has to be a time where you place the onus on the one who is seen as a potential terrorist to absolve themselves *kwa* courts, not *gore* the state *e ye go leka* to absolve them or otherwise, or convict him *kwa* courts. Imagine how the nation would feel, *komiti e bone* gore there is this subversive action by a certain person or group, *re bo re nna re re re ya* *kwa* court *ka fa batho bone ba tswelsetse ba tla ka borukulhi*, the nation *ya go bona* gore ga re a *tlhoafalela* go ba *sireletsa*. So in this instance, much as there is need for checks and balances, let us place the



onus on the person *yo gotweng ke* terrorist or the group to absolve themselves *kwa* court. I think that is the point I wanted to put across Mr Chairperson. Thank you.

MR REATILE (JWANENG-MABUTSANE): Tla ke go leboga *Mr Chairperson*. Ke ema jaana ke dumalana le *Honourable* Kapinga mo tshutisong ya gagwe. Dikgang tsa *to declare* motho *terrorist*, mme e bile e le gore *you are being declared by* lepolotiki e seng ke ope fela kana *organisation which is a competent authority*, ke matlhotlhapelo. Ke gone mo jaanong o kgonang go bona gore re raleitse tau ya Molete ka fa molao o o tlang o ntse ka teng. Re bone Goromente kana Puso ya *ga Honourable* Serame maabane ka 2019, ka fa e itshupileng ka teng gore e ila *competition* ka sengwe le sengwe. Yo o e neelang *competition* fela e tlaabo e nna *a terrorist*, so nako ya *when they declare you a terrorist*, fa o ya *kwa court* ga o ka ke wa tla *to contest* mo ditlhophong. Ba rotlhe ba re leng fa; babegadikgang, *lawyers* le *unionists*, e tlile go nna *terrorists*. So ke gone ka fa *Honourable* Serame a kopang gore a neelwe dithata ka teng, a tle a ye *kwa* ditlhophong. Ka bokhutshwane, o ka ba a re o dira molao wa *one-party state* gore a ye go tsena mo ditlhophong a sa ganediwe ke ope, ke sone se o bonang a tla ka molao o. Jaanong mme ga o na go itaya mo go rona fela, o ya go simolola pele *kwa* phathing ya *ga* Domkrag ka gore *terrorist* ya ntlha e ya go nna *Comrade* Balopi. Balopi ke ene *target*, ke ene e tlaa reng kamoso a bo a boga. Re tshwanetse re go lelele *comrade* nako e sale teng, o ka tshikinya tlhogo ka gore ba bangwe re leba dilo ka go farologana, o tlaa tla o nkgopola o le mo ntlong e e lefifi, ka fa molao o o go tlelang o ntse ka teng, ka gore ga go reye gore o tlaabo o le molato, e tlaabo e le kgang ya lefufa le tshele, ke sone se molao o o yang go bereka mo go wena. Se sone ke batla gore o se itse, o tshikinye tlhogo gantsintsi, o tlaa nkgopola jaanong o e tsentse tlhogo o re kana Morwa Reatile o ne a bua ka nna mo teng ga Palamente, go le 3rd February, 2022. Ke a leboga *Mr Chairperson*.

MR NKAWANA (SELEBI PHIKWE EAST): Ke a leboga *Mr Chairperson*. Ke ema nokeng tshutiso ya *ga* Motlotlegi Kapinga. *Mr Chairperson*, ke utlwa ke tshoga fela, le fa ke leba *Honourable* Serame jaana ke a tshoga. Ao! *Honourable Minister*, wa re o batla go nna motho *who can identify and declare* batho *terrorists*? *I do not think you are qualified. Terrorist*; fa e le gore ke *an armed terrorist*, ke dilo tsa masole, *they hunt him down and shoot him*. Fa e le gore ke wa madi, maikaelelo a madi ke *to go and fund armed terrorists*, wena ke bona o le kgakala, o ka bo o suta fela, e tlaabo e le go batla maemo fela gore *Minister* e nne ene *who*

declares batho *terrorists*. *The right people* ba ba ka bong ba dira jalo, sa ntlha fa e le gore re tlhoafetse re le lefatshe, ke gore motho wa mofuta oo fa a bonwe, a isiwe *kwa* dikgotlatshekelong, ke tsone tse di ka reng morago ga gore le ba neele mabaka a gore ke eng fa le rialo, ba ka dumalana...*(Interruptions)*...ke motho wa mofuta oo. Felafela fa re re bo *Minister* fela ka gore ke *Minister wa Finance and Economic Development*, a bo a tsamaya a re motho ke yole o reketse batho ditlhobolo ka madi a rona, e bile ke mo *declare terrorist*, go a ntshosa. Ke kopa gore o e boele morago Tona, o neele ba ba tshwanetseng. Ke a leboga *Mr Chairperson*.

HIS HONOUR THE VICE PRESIDENT (MR TSOGWANE): *Thank you Mr Chairperson*. Re tlhotse ka dikgang tsone tse, ga di farologane le tse di ntseng di buiwa. Tona o ntse a dira maiteko otlhe a a ka a dirang go leka go tlhalosa gore re tlhaloganye gore kwa a tswang teng ke kae, mme e bile o lebaganye le bothata jo bo kae. Go lebega go ntse go retela fela gore re kgone go amogela se Tona a batlang go se dira e le maikaelelo a mantle. Tona o boletse gore molao o, ga o mosha, o ntse o le mo teng mo tirisong, mme e bile go supiwa gore bo Tona ke batho ba ba diphatsa ba ba ka dirang tiro e gongwe dikai di ka bo di setse di le teng, di supa gore *they have declared* mang *a terrorist* e se ka fa tsamaisong.

Fa e le gore go buiwa gore Tona e tlaabo e le motho yo e tlaa reng a go leba jaana, a bo a go *declare a terrorist* go ka bo go diragetse. Ke gore ga re batle go amogela fela gore molao o ga o mosha jaaka Tona a ntse a re bolelela gore ba o tsere *kwa* molaong wa borukutlhi, mme ba tla ka one jaana ka gore o tshwanetse gore jaanong ba o amanye le molao wa FATF.

Jaanong ke ne ke re, ga ke bone gore ke letshogo kana eng, ke maikaelelo fela jaaka ke setse ke boletse pele gore a ya go itaya batho tsebe ka kwa ntle, gore ba se ka ba tlhaloganya, ba tle ba tseye gore, go raya gore jaanong Puso e ke e sa siamang mo go kalokalo, mme go sa nna jalo.

Ke tsaya gore Batswana ba a tlhaloganya, e bile ba ka bo ba setse ba di bone *terrorists* fa e le gore *Minister* o ne a di dirile, mme ga a ise a ko a dire jalo. Mo go supang fela gore se se buiwang se tota ga se boammaaruri, ke maikutlo a batho, dipelaelo fela, jaaka o bona go bidiwa maina a batho ba ba senang molato bo Rre Balopi, ba bangwe ba bitsa a bo Rre Khama, le Welheminah Maswabi. O ka bona fela gore ke dikgang fela tse di



tsewang kwa le kwa, go leka go bopiwa kgomo ya mmopa gore e tle e lele, Batswana ba tle ba re ditlhopho tsa 2024 a re ba lekeletse. Nnyaa, ga gona go lekeletsa, go tlhamaletse fela *Mr Chairperson*. *Minister* o dira mo go siameng, mo go tlhamaletseng. Mo go nang le *checks and balances*, jaaka Rre Molale a ne a bua. Makgotlatshekelo a teng, go a ikuelwa fa e le gore *you have been declared a terrorist* ka fa tsamaiso e ntseng ka teng.

Gape re tshwanetse ra itse gore borukutlhi jo letsatsi le bo tsenang mo go rona, ga gona nako ya go tlhola go ntse gotwe go emelwa gore gatwe lekgotlatshekelo le tlaa tla le reng. Borukuthi fa motho a tla a rwele dithobolo a tswa go sele, ga re bue ka Batswana fela, re bua ka batho ba e leng gore ba bangwe ba tlaabo ba tla ba nna gone mo lefatsheng la rona, ba dira dilo tse di bosula tseo. Go bo gotwe ba lebelelwe fela ka gore Tona ga e ka ke ya re a bona borukuthi jo bo kalo, *can declare* motho *a terrorist and a prohibited immigrant*. Ke dilo tse re tshwanetseng ra lebelale pele bagaetsho. *We are not an island. We are living in a global village. So terrorism e e diragalang kwa mafatsheng a mangwe e tlike go goroga le mo ga rona. Mme fa e re fitlhela re sena melao e e nonofileng, e e tshwanang le yone e, re tlike go di gama re sa di tlhapela. Ke a leboga Mr Chairperson. Re batla gore lefatsho le le nne le le gololesegile, le Batswana ba tlaabong ba sireletsegile. Ke sone fela se re se batlang.*

MINISTER FOR PRESIDENTIAL AFFAIRS, GOVERNANCE AND PUBLIC ADMINISTRATION (MR MORWAENG): Ke ne ke re ke dumedise, gape ke leboge Modulasetilo. Rraetsho, lefatsho la Botswana, Puso ya Botswana, re na le ditso tsa go tsamaisa ka kagiso le thitibalo. Re rekegela molao, re diragatsa molao ka fa o ntseng ka teng. *We are addicted to the rule of law.* Ga re ise re tsoulole ope, ga re ise re tsoulole Motswana ope. Batswana ga ba a tshwanela go gogomosiwa maikutlo ke dipuo tse di buiwang ka fa di buiwang ka teng. Molao o e leng gore o teng o, jaaka Mothusa Tautona a ntse a bua, jaaka Tona wa madi a ne a ntse a bua, ke molao o o neng o ntse o le teng, o huduseditswe kwa FIA o ntshiwa kwa o neng o le teng pele. Kgang e e ka bo e setse e kile ya dirwa *before ya to abuse, it has not been abused.* E bile *we will not abuse it* re le Puso ya Botswana.

Se se diragalang fa, fa re lebile mafatshefatshe, ditsamaiso tse di diragalang ga re gakololwa gore go dirwa jang. *So ke ne ke re ga gona who is declared*

jalo a sa sala tsamaiso morago. Ka a le kalo *sir*, ga ke dumalane le Tshutiso e, ke kopa gore molao o o nne fela jaaka o ntse, re se ka ra dumalana le one. Mokaulengwe Ramogapi le bananyana ba a buang ka bone, re tseye gore nnyaa, a mo fologile, ba ba itebaganyang le one ba tlaa itebaganya le one ka nako ya bone. Ke a leboga.

HONOURABLE MEMBER: 2019 go ne go na le bo *Minister* ba ba neng ba na le tlhlong, e seng gompiano.

ASSISTANT MINISTER OF BASIC EDUCATION (MS MAKWINJA): Ke a leboga *Mr Chairperson*, ke a leboga batlotlegi. Ke re mafoko a builwe *Mr Chairperson*. Ke a gagkamala gore re ntse re lela re re Goromente yo o sale a ntse a re o ya go lwantsha tshenyetso-setšhaba, o ya go lwantsha dilo tsotlhe fela tse di re bayang kwa tlase re le lefatsho mo tsamaisong ya madi, le tse dingwe tsa itsholelo. Jaanong kgang e ya *money laundering*, ya gore go ka nna le botlhabetsi jaaka re se setse re bo bone mo mafatsheng a re bapileng le one, re leka go papamatsa molao o gore o tlhamalele, re lwe le *corruption* e le *money laundering*. E bo e le gore jaanong e nna kgang ya *administrative issues*, gore ke mang yo o dirang, ke mang yo o dirang, mme molao o papametse. Ke gore ke a gagkamala gore tota re tlike go lwantsha tshenyetso-setšhaba, *money laundering*, tsone *terrorisms* jang, fa jaanong melao e e beiwang fa pele o kare e a re akga-akga, ka gore go ntse gotwe re sale re bua gore re ya go lwantsha tshenyetso-setšhaba, *money laundering*, re dira eng? Jaanong re leboge *Honourable* Serame go bo a tlisitse molao o, ka gore re lebile *financial year* e e tlang gore re bo re ipapanne, re itse gore *loopholes* re ka di baakanya jang.

Molao ga o ka ke wa nna 100 *per cent the third day*. Mme ke bona gore dilo tse re buang ka tsone, ee, di botlhokwa, re tshwanetse go di seegela tsebe, gore go ya pele re bone gore fa e le gore di ka tokafatsa, di tokafadiwe jang. Gompiano jaana betsho re tlhoka molao wa gore tota dilo tse a kgone go tsaya dikgato tse di gagametseng, e bile re tle re tsewelele re le lefatsho la Botswana. Jaanong ke ne ke botsa fela batlotlegi gore, tota fa e le gore ...

MR CHAIRPERSON: Thank you very much Assistant Minister, your time is up!

MS MAKWINJA: Thank you.

MR MANGWEGAPE-HEALY (GABORONE CENTRAL): *Thank you Mr Chairperson. Mr Chairperson*, motho o ka ipotsa gore fa nne kwa



lefatsheng la United States of America in 2001 before the 9/11 terrorist attacks, fa nne ba tsibogile nako e le teng, ga nne ba iphile dithata tsa go kgona to declare batho terrorists, without necessarily going to court, a golo moo go ka bo go sa ba thusa? Ka gore ba ne ba setse ba lemogile bosetlhogo joo, ba ne ba setse ba ba lemogile, ba ba belaela gore batho ba ba ka tswa ba ka nna bothabetsi. Mme ka gore go ne go tshwanetse ga iwa courts, batho ba felela ba dirile se re setseng re se itse.

Jaanong Mr Chair, batho ba teng fa, bo Rre Dumelang Saleshando, Rre Taolo Lucas, Rre Gobotswang, ba ne ba le kwa Palapye ka 1998 fa go dirwa terrorism, go lowa. E le party ya Botswana National Front (BNF) e lwa, jaanong fa nne melao e e ka dirisiwa botlhaswa... (inaudible)... go tlaabo go simolotse ka batho ba, because that was terrorism. Ka 2017, kwa Bobonong, bo Rre Wynter Mmolotsi... (inaudible)... ba ngata ka matlapa, fa nne e le gore ...

MR CHAIRPERSON: Honourable Healy, go kopiwa procedure.

HONOURABLE MEMBERS: ... (Murmurs)...

DR GOBOTSWANG: Procedure. Mr Chair, ga ke itse gore Honourable Healy sentlentle o bua a le fa kae, mme ke ka akanyetsa fela gore o ka tswa a bua a le fa kae. Mme go bo a bua gore bangwe ba ne ba kopane, re ne re kopane kwa Palapye re dira borukuthi ja terrorism, ga ke itse gore mafoko ao o a tsaya kae Mr Chairperson? Ke kopa gore a a boele morago.

HONOURABLE MEMBER: Ke gone mo ba go bitsang terrorism gone moo?

HONOURABLE MEMBER: Koloji ya gagwe e tshwerwe kwa.

MR CHAIRPERSON: Honourable Healy, I have advised before gore dikgannyana tse di tshesane tse, le ko le nne le ithuta go di tlogela. ... (inaudible)... advance your case, we do not want to ... (inaudible)... in fact, they waste our time.

MR MANGWEGAPE-HEALY: Mr Chairperson, it is relevant.

MR CHAIRPERSON: Fa o ne o le teng fa batho ba ba ne ba kopane kwa Palapye, you will know that it was a meeting of a political party.

MR MANGWEGAPE-HEALY: Kana that is precisely my point, gore ...

HONOURABLE MEMBERS: ... (Murmurs)...

MR CHAIRPERSON: ... (Inaudible)... not terrorists. O e amanya le molao o fa kae? Fa batho ba kopana ba sa dumalane they are terrorists? Where do you get that from?

MR MANGWEGAPE-HEALY: This is where I am getting to Mr Chairperson. If you will allow me.

MR CHAIRPERSON: Tswa mo go tsone.

MR MANGWEGAPE-HEALY: Mr Chairperson, ga ke ka ke ka tswa mo go tsone ka gore the whole afternoon ba ntse ba bua gore ...

MR CHAIRPERSON: If you do not deal with the amendment, I am taking away the floor from you; deal with the amendment.

HONOURABLE MEMBER: ... (Inaudible)... O ne a le terrorist-nyana; o se ka wa bua dikgang tseo honourable.

HONOURABLE MEMBER: Mo reye a tshube camera Mr Chairperson, ke a tlhologanya gore ke eng a bua jaana.

MR MANGWEGAPE-HEALY: Thank you Mr Chairperson. Let me go on but I find the treatment very weird because you have been allowing them the whole afternoon to use themselves as examples, who will be declared terrorists. Now when I am attaching it to a real life situation, you have a problem with it. I find it hard to reconcile these two...

MR CHAIRPERSON: Your time is up and I am withdrawing the floor from you!

HONOURABLE MEMBER: Withdraw the floor, ga gona se a se buang.

MR MANGWEGAPE-HEALY: But my point is made.

HONOURABLE MEMBER: Ee mme o ba boleletse rraetsho.

MR CHAIRPERSON: I do not know what point you are making. Honourable Kapinga, reply to the debate.

MR KAPINGA (OKAVANGO): Thank you Mr Chairperson. Ke ne ke re I respond to the issue ya gore gatwe molao ga o mošha. Go na le selo Mr Chairperson



se gotweng continuous improvement. If the opportunity presents itself *gore o baakanye se o kileng wa se dira* before *se se neng se sa wela mo maemong a a kwa godimo, o tshwanetse gore o se baakanye*.

Kgang ya ga Motlotlegi Makwinja e nkgopotsa mapodise ba ba dumelang gore human rights *ke sekgoreletsi mo law enforcement fa ke reeditse* her argument. *Ke gore fela a re* human rights *ke sekgoreletsi, ke tse re batlang go di dira tse, re batla go kgoreletsa Goromente mo tirong ya gagwe ya go lwantsha borukutlhi. Ga se maikaelelo a rona, re batla go thusa Goromente gore a dire dilo ka fa tshwanelong,* following the due process of law.

Nna fa ke reeditse our colleagues on the other side, they are mere pretenders to so-called addiction to due process and rule of law. When the opportunity comes *gore ba supe tota gore* they respect due process and rule of law, *ga ba batle go dira jalo*. Due process *e batla gore dilo tsoitlhe* be subjected to checks and balances. *Ba ba rutilweng ka* justice Mr Chairperson, they understand *gore* it is better for 10 guilty persons to go free rather than one innocent person to be wrongly convicted. The point we have made repeatedly is that already there have been signs that this power, if given to a Minister in this Government, it is going to be abused because they have already made statements when they were in the heat of the campaign. They made statements insinuating *gore* some participants, some opponents...

MR CHAIRPERSON: Honourable Kapinga, wind up your submission, your time is up.

MR KAPINGA: Thank you Mr Chairperson. My point is that declaration of an individual or a citizen as a terrorist should be exercised judiciously and judiciously by a judicial officer. That is the point I want to make Mr Chairperson and not a Minister. Thank you sir.

Amendment **negated**.

Clause 10 as amended **agreed to**.

Clauses 11-13 **agreed to**.

MR CHAIRPERSON: There is an amendment at Clause 14.

Clause 14

MINISTER OF FINANCE AND ECONOMIC DEVELOPMENT (MS SERAME): Thank you Mr Chairperson.

The Bill is amended at Clause 14 appearing at Page B.400, by substituting for –

(a) paragraphs 1 (b), (d) and (e) appearing at Page B.400 the following paragraphs –

“(b) establish procedures to ensure high standards of integrity of employees and a system to evaluate the personal, employment and financial history when hiring employees;”

“(d) develop and maintain independent audit function to examine and evaluate any policies, processes, procedures and controls developed in accordance with this Section to ensure compliance with measures taken by the specified party to comply with the Act and the effectiveness of those measures;”

“(e) implement and maintain a customer acceptance policy, internal rules, programmes, policies, processes, procedures or such controls as may be prescribed to protect its system from financial offences;” and

(b) paragraphs 2 (b) and (c) appearing at Page B. 401, the following paragraphs –

“(b) not to have been convicted of a serious offence in Botswana;

(c) not to have been convicted outside Botswana of a serious offence, which, if committed in Botswana would have been a serious offence”;

(c) the word “P1 000 000” appearing at Subclause (4), on Page B.401, the word “P5 000 000” and

(d) inserting immediately after Subclause (4) appearing at Page B.401 the following new sub clause –

(5) For purposes of this section, “serious offence” has the same meaning assigned to under Proceeds and Instruments of Crime Act.”.

Mr Chairperson, ka bokhutshwane re ne re dira dipaakanyo tse di tlisang *clarity*. Kwa go ya ntlha ya a (b) e felela e re “*when hiring employees.*” E e *published* e ne e kwadilwe gotwe “*potential employees.*” Jaanong re ntsha ketsaetsego ya gore gotwe “*potential,*” tota e nne fela gore motho fa a hirwa.

Kwa (d) le (e) *Mr Chairperson,* re ne re tsenya lefoko la “*processes*” fa gare ka gore re ne re le tlogetse.

Fa o ya kwa (b) re ne re tsenya “*convicted*” e e tshwanang le e re neng re e dira *before*. Kwa (c) re ne re oketsa *fine from P1 000 000 to P5 000 000*.



Clause D Mr Chairperson re ne re raya gore e tlhamalale gore *serious offence* o tshwana le yoo kwa kae. Ke a legoga Mr Chairperson.

HONOURABLE MEMBER: O re Pula! Pula! Pula!

MR CHAIRPERSON: Thank you.

Amendment **agreed to.**

Clause 14 as amended **agreed to.**

Clause 15 **agreed to.**

Clause 16

MINISTER OF FINANCE AND ECONOMIC DEVELOPMENT (MS SERAME): Mr Speaker, he Bill is amended at clause 16 appearing at page B.402, by –

- (a) substituting for sub-clause (1) the following sub-clause –
- (1) A specified party shall conduct customer due diligence measures –
- (a) when establishing a business relationship with a customer;
- (b) carrying out an occasional transaction equal to or in excess of the prescribed amount;
- (c) when carrying out a transaction or occasional transaction equal to or in excess of the prescribed amount on behalf or on the instruction of a customer or any person, whether conducted as a single transaction or several transactions that appear to be linked;
- (d) when carrying out a domestic or international wire transfer;
- (e) when there is doubt about the veracity or adequacy of previously obtained customer identification data; and
- (f) where there is suspicion of the commission of a financial offence.

(b) substituting for sub-clause (3), the following sub-clause –

“(3) In assessing the nature and level of risk in a particular case, the specified party shall take into account, among other things, the following –

- (a) the purpose of the account, transaction or business relationship;
- (b) the value of assets to be deposited by a customer or size of the transaction undertaken by the customer;
- (c) the regularity and duration of the business relationship; and
- (d) frequency of occasional transactions conducted by a customer.”

Mr Speaker, *ka bokhutshwane se re neng re se dira kwa “a” la ntlha, e ne e le go kgaoganya, fa o ka lebelela* in the published Bill, what is now (a), and (b) *di ne di appear e le (a), re di kgaogantse gore go tlise* clarity. Then *fa o ya kwa (b) se se fetogileng kwa “3” kwa e simololang teng, e ne e bua ka level of risk fa o lebelela* the published Bill, so *re tsentse lefoko “the nature”.* *Go bo go nna le a new (d), new (d) ke yo o buang ka frequency of occasional transactions. E ne re e dira ka gore fa e le gore o itse gore limit e e reng* declare *ka P10, 000 o kgona go ya o tlisa ma 5 a mabedi kana sengwe se se tshwanang le seo.* Therefore, *ba tshwanetse gore le bone ba kgone go lebelela gore a frequency e ga se e e neng e leka go fapoga molao. Ke yone* the reason *re tlišitse* amendments *tse* Mr Speaker, I so move. I thank you.

Amendment **agreed to.**

Clause 16 as amended **agreed to.**

Reliance on Third Party for Customer Due Diligence Measures

MINISTER OF FINANCE AND ECONOMIC DEVELOPMENT (MS SERAME): Thank you Mr Speaker. The Bill is amended by –

(a) inserting immediately after Clause 16, appearing at page B.402, the following new clause –

“Reliance on third party for customer due diligence measures

17. (1) Subject to a risk assessment, the duty imposed on a specified party to identify a customer under Section 16, may be performed by a third party on behalf of a specified party.

(2) Where a specified party appoints a third party to conduct customer due diligence on its behalf, the specified party shall ensure that –



(a) the third party performs the duties imposed on the specified party under sections 16 (1) (a)-(c), 19 (1) (a)-(c), and 30 (3) of this Act; and

(b) the third party is regulated, supervised and monitored for compliance with customer due diligence and record-keeping requirements as set out in sections 16 and 30 of this Act.

(3) A specified party that relies on a third party shall provide the supervisory authority with such particulars of the third party as may be prescribed.

(4) A specified party that appoints a third party to conduct customer due diligence on its behalf, is liable to a fine not exceeding P1 000 000, as may be imposed by the supervisory authority, where the third party fails to perform duties imposed on the third party under this section.”

(b) re-numbering subsequent provisions accordingly; and

(c) correcting the cross referencing as may be necessary.

Ka bokhutshwane Mr Speaker, re ne re raya gore go a tle go nne le mo e leng gore ene the specified party ga a kgone go itirela tiro, a bo a kgona go batla mongwe gore a mo e direle gore le ene yo o rumilweng gore a dire tiro, a tlamiwe ke ditshetlana tse dingwe gore a dire se se tshwanetseng. Kwa bofelong, re ne re baakanya fela yone re-numbering le go dira cross referencing gore molao o tle o nne sentle. Ke a leboga Mr Speaker.

Clause **agreed to.**

Clause 17

MINISTER OF FINANCE AND ECONOMIC DEVELOPMENT (MS SERAME): Thank you Mr Chairperson. The Bill is amended at Clause 17 appearing at page B.403, by substituting for that Clause, the following Clause -

“Obligation relating to agents for money or value transfer services.

17. (1) With respect to provision of money or value transfer service, a specified party that relies on an agent shall -

(a) ensure that the agent is licenced or registered by a competent authority;

(b) maintain a current list of agents, which is accessible to competent authorities in the countries in which the specified party and the agent operate; and

(c) include the agent in its counter commission of financial offence programmes and monitor compliance with the programmes.

(2) A specified party that fails to comply with the provisions of this Section is liable to an administrative fine not exceeding P1, 000.000.00, as may be imposed by a supervisory authority.”

Ke a leboga Mr Chairperson. Ka bokhutshwane, re ne re baakanya. Ke tsaya gore ba nkutlwile tse ke neng ke di baakanya. When we were noticing amendments, there was something we missed, ke tsaya gore ba ne ba se tshwere. But (2) o mošha Mr Chairperson, ke ene yo e leng gore in the Bill itself ga a yo. Ke a leboga Mr Chairperson.

Amendment **agreed to.**

Clause 17 as amended **agreed to.**

Clause 18

MINISTER OF FINANCE AND ECONOMIC DEVELOPMENT (MS SERAME): The Bill is amended at Clause 18 appearing at page B.403 by substituting for Sub-clause (2), the following Sub-Clause -

“(2) Where a specified party engages with a prospective customer to establish a business relationship, the specified party shall obtain information to reasonably enable the specified party to determine whether future transactions to be performed in the course of the business relationship concerned are consistent with the specified party’s understanding of risk of money laundering related to the prospective customer and knowledge of such customer, including information describing the source of the funds which the prospective customer expects to use throughout the course of the business relationship in concluding transactions in the course of the business relationship.”

Ka bokhutshwane Mr Chairperson, re ne re tsenya lefoko la “understanding” kwa line 5. Otherwise, everything else is the same, ka gore go ne go supafala gore mo dikgannyeng tse, go tshwanetse gore go supafale gore motho o na le that understanding. Thank you Mr Chairperson.

Amendment **agreed to.**

Clause 18 as amended **agreed to.**

Clause 19



MINISTER OF FINANCE AND ECONOMIC DEVELOPMENT (MS SERAME): The Bill is amended at Clause 19 appearing at page B.403 by substituting for Sub-clause (5), the following Sub-clause -

“(5) Where a specified party had established a business relationship with a customer before the coming into force of this Act, the specified party shall take into account whether and when customer due diligence measures have been previously applied and the adequacy of the data obtained or as may be specified in any guidelines issued under this Act, apply the customer due diligence measures on that customer on the basis of materiality and risk factors such as the type and nature of the customer, nature of the business relationship, products or transactions.”

Ka bokhutshwane fa *Mr Chairperson*, re ne re baakanya fela gore e balege sentle. Kwa *line* ya bobedi go tswa kwa tlase, re tsentse mafoko a a reng “*such as.*” Ke yone fela *the amendment* e re e dirileng foo. Ke a leboga *Mr Chairperson*.

Amendment agreed to.

Clause 19 as amended agreed to.

Clause 20

MINISTER OF FINANCE AND ECONOMIC DEVELOPMENT (MS SERAME): The Bill is amended at Clause 20 appearing at page B.405 by substituting for paragraph (1) (a) and (i), the following paragraphs -

“(a) in any case identified by the specified party, through a risk assessment, as one where there is a high risk of commission of a financial offence or from information provided to the specified party by a supervisory authority from the risk assessment or as part of supervision;” and

(i) in any case where the Agency has reasonable belief that there is a risk that financial offences are being carried on in the country.”

Mr Chairperson, *kwa* (a) *re ne re tsenya* “through a risk assessment” *gore go bo go na le basis ya gore pelaelo eo e tswa kwa kae.* Kwa (i) *re ne re leka* to simplify it, *ka gore* in the Bill that has been published, *go na le mogatlana o o neng o tsema* “after country” *o o neng o re* “and this imposes,” and we felt *gore ga o re thuse thata go tlhofofatsa molao.* Ke a leboga *Mr Chairperson*.

Amendment agreed to.

Clause 20 as amended agreed to.

Clauses 21 - 29 agreed to.

MR CHAIRPERSON: Let us move on to Clause 30. Honourable Minister of Finance and Economic Development, may you move the amendment.

Clause 30

MINISTER OF FINANCE AND ECONOMIC DEVELOPMENT (MS SERAME): *Ke a leboga* Mr Chairperson. The Bill is amended at Clause 30 appearing at Page B.409 by substituting for Sub-Clause (3), the following Sub-Clause - “(3) A specified party shall ensure that all customer due diligence information and transaction records are kept up to date and made available swiftly to a competent authority upon appropriate authority.”

Mr Chairperson, *fa re tsentse mafoko a a reng* “are kept up to date,” *e ne e le gone go supa fela gore kwa ntle ga gore e re fa go batliwa* records *di bo di le teng, gape di nne di bewe mo seemong se se siameng sa gore e re fa motho a bodiwa, e bo e le gore* information *ya teng e current.* Ke a leboga *Mr Chairperson*.

Amendment agreed to.

Clause 30 as amended agreed to.

Clauses 31 - 40 agreed to.

MR CHAIRPERSON: There is an amendment at Clause 41.

Clause 41

MINISTER OF FINANCE AND ECONOMIC DEVELOPMENT (MS SERAME): Mr Chairperson, the Bill is amended at Clause 41 appearing at Page B.413 by substituting for the word “specified party” appearing therein, the word “financial institution”. Mr Chairperson, *le tlaa gakologelwa gore e rile kwa tshimologong fale, re ne ra tsenya* the word “financial institution” *le e leng gore le ne le ntse le seyo* in the Bill that was published. So we are aligning *go tsamaelana le gone moo ka gore e ne e le phosego* Mr Chairperson. Ke a leboga.

Amendment agreed to.

Clause 41 as amended agreed to.

Clauses 42 - 47 agreed to.



MR CHAIRPERSON: We move on to Clause 48, Honourable Minister of Finance and Economic Development.

Clause 48

MINISTER OF FINANCE AND ECONOMIC DEVELOPMENT (MS SERAME): Mr Chairperson, the Bill is amended at Clause 48 appearing at Page B.414 by -

(a) deleting Paragraph 1 (d), appearing at Page B.415; and

(b) substituting for paragraphs (g) and (h) appearing at Page B.415, the following paragraphs –

“(g) review the assessment of the money laundering, terrorist financing and financing of proliferation risk profile of a specified party or accountable institution, including risks of non-compliance periodically, and when there are major events or developments in the management and operations of a specified party or accountable institution;

(h) identify, assess and understand international and domestic money-laundering, terrorist financing and proliferation financing risks in the sector;”

(c) inserting immediately after Sub-Clause (3), the following new Sub-Clause–

“(4) With respect to a specified party that relies on a third party, that is part of the same financial group, a supervisory authority shall ensure that –

(a) the group applies –

(i) customer due diligence and record-keeping requirements in accordance with Sections 16, 19, 21 and 30 of this Act, and

(ii) programmes to combat commission of a financial offence, in accordance with Section 14 of this Act; and

(b) the implementation of customer due diligence and record-keeping requirements and anti-money laundering, counter financing of terrorism and counter financing of proliferation programmes are supervised at a group level; and

(c) a higher country risk is adequately mitigated by the group’s anti money laundering, counter financing of terrorism and counter financing of proliferation policies.”

Mr Chairperson, *ka bokhutshwane, ya ntlha ya (a), le tlaa gakologelwa gore go na le the one I referred gore go na le sengwe re se ntshang kwa Clause 48 re se isa ka kwa 6. Ke sone se re neng re phimola line ele. Then kwa (b), fa o lebelela kwa (g) le (h), re ne re tsenya mafoko a “financing of proliferation” a re neng re a tlogetse ka phoso, and then kwa (c) e tsenya the Sub-Clause. That new Sub-Clause yone e ne e direlwa gore the regulatory kana supervisory bodies fa e le gore they rely on third parties, le tsona ditsetlana tse dingwe tse tsa molao, le bone e bo e le gore di a ba tlama. Ke a leboga Mr Chairperson.*

Amendment agreed to.

Clause 48 as amended agreed to.

Clauses 49-58 agreed to.

MR CHAIRPERSON: There is an amendment at Clause 59.

Clause 59

MINISTER OF FINANCE AND ECONOMIC DEVELOPMENT (MS SERAME): The Bill is amended at Clause 59 appearing at page B.420 by substituting for Subclause (1) the following Subclause –

“(1) No matter or thing done or omitted to be done by the Director General, an officer of the Agency, supervisory authority, a specified party, accountable institution, relevant Government agency or department shall, if the matter or thing is done or omitted to be done bona fide in the course of the operations of the Agency, supervisory authority, a specified party, accountable institution, Government agency or department, shall render the Director General, the officer of the Agency, the specified party, supervisory authority, accountable institution, Government agency or department, its directors or senior management personally liable to an action, claim or demand.” *Ka bokhutshwane Mr Chairperson on line two fa o tswa kwa godimo re ne re tsenya lefoko la ‘supervisory authority’ ka re ne re mo tlogetse. Fa o tsamaela kwa line six le gone re ne re tsenya ‘supervisory authority’ le kwa laeneng ya boraro go tswa kwa tlase. Ke ka gore re ne re e tlogetse ka phoso Mr Chairperson. Ke yone the amendment eo.*

Amendment agreed to.

Clause 59 as amended agreed to.



Clause 60 **agreed to.**

LEADER OF THE HOUSE (MR TSOGWANE): I beg your indulgence Mr Chairperson because I am taking my time, it is like we are running out of time. I would have loved to move at the end of this amendment by the Minister of Finance, that it is like we are going to run out of time Mr Chairperson. I beg your indulgence to move a Business Motion.

MR CHAIRPERSON: My Honourable Vice President (VP), please go ahead.

BUSINESS MOTION

LEADER OF THE HOUSE (MR TSOGWANE): Thank you Mr Chairperson. I beg to move in terms of Standing Order 27.1(d) that the sitting hours of assembly today Thursday 3rd February, 2022 be extended by two hours from 1900 hours to 2100 hours. I so move Mr Chairperson. I thank you.

Question put and **agreed to.**

MR CHAIRPERSON: Minister of Finance and Economic Development, the new Clause after Clause 60.

Annual Report

MINISTER OF FINANCE AND ECONOMIC DEVELOPMENT (MS SERAME): Thank you Mr Chairperson. Mr Chairperson, the Bill is amended by inserting immediately after Clause 60 appearing at Page B.420, the following new Clause-

“Annual Report

61.(2) the Director General shall on or before 31st March in each year or by such later date as the Minister may allow, submit to the Minister a report on the activities of the agency in the previous year.

- (2) a report referred to in Sub-section 1 shall be laid in Parliament by the Minister within three months of receipt.”

Mr Chairperson, *e ke Clause fela e ntšha e re neng re supa gore re dumela gore le bone ba Financial Intelligence Agency (FIA) ba ka dira report e e supang tse ba di dirang, mme e bo e fetele le kwa Palamenteng. Ke a leboga Mr Chairperson.*

MR CHAIRPERSON: Thank you Minister. Honourable Members, the question is that the amendment be agreed to.

Clause **agreed to.**

HONOURABLE MEMBERS: ...(Murmurs)...

MR CHAIRPERSON: Then we move on to Clause 61.

Clause 61

MINISTER OF FINANCE AND ECONOMIC DEVELOPMENT (MS SERAME): Thank you Mr Chairperson. The Bill is amended at Clause 61 appearing at page B.420 by inserting immediately after Sub-clause (2) the following new Sub-clause-

“(3) Any person who contravenes the provisions of the regulations made under this Act where a penalty is not provided, commits an offence and is liable to;

- (a) a fine not exceeding P100 000;
- (b) imprisonment for a term not exceeding five years;
- (c) both penalties specified at paragraphs (a) and (b) or;
- (d) such administrative fine not exceeding P100 000, as may be imposed by supervisory authority.”

Ka bokhutshwane Mr Chairperson, e ne e rile fa re e dira, ra bo re ne re e tsentse kwa regulations, jaanong kana Statutory Instrument Act imposes limit ya fines tsa teng. Go raya gore re ne re fetile limit ya teng ya P5000, ke sone se re boneng go tshwanetse gore re e tsenye ka fa go one molao ka bo one. Ke a leboga Mr Chairperson.

MR CHAIRPERSON: Honourable Members, the question is that the amendment be agreed to.

Amendment **agreed to.**

Clause 61 as amended **agreed to.**

MR CHAIRPERSON: It looks like we have a proposed new Part (vii) by Honourable Leader of the Opposition (LOO), Honourable Saleshando.

...Silence...

HONOURABLE MEMBER: Owaii! O tšhaisitse.

HONOURABLE MEMBER: O sale a rile o latlhetse taole.

HONOURABLE MEMBER: Nnyaa, ene nako e o a bo a sa theogela.

HONOURABLE MEMBER: Nako e o tlhapisa bana.

HONOURABLE MEMBER: ...(Murmurs)...



HONOURABLE MEMBER: He said he is withdrawing all the proposed amendments.

MR CHAIRPERSON: Honourable Members, my obligation...

HONOURABLE MEMBERS: ...(Murmurs)...

MR CHAIRPERSON: ...(Interruptions)...have something to say to the House and give them that opportunity. It is only when I cannot reach them, that I will be obliged to pass to the next item...

HONOURABLE MEMBER: Gape o ka bo a tlisitse mokwalo.

MR CHAIRPERSON: *Deputy Speaker*, ka ke ngwana wa ga mogolowe, gongwe ba itse tsa kwa lelwapeng la bone, nna ga ke di tsene, gore mang o tlhapisang mang...

HONOURABLE MEMBER: *The Acting LOO* o teng, Dikoloti, ke raya Dithapelo, o teng.

HONOURABLE MEMBERS: ...(Murmurs)...

MR CHAIRPERSON: Honourable Members, it appears we cannot reach Honourable Saleshando, so we will pass on to the next...

HONOURABLE MEMBER: O tlhpile matsogo, a re o rile o itaya mpipi, mpipi o gana go tswa lebadi.

HONOURABLE MEMBER: Nnyaa, gatwe o tlhapisana bana, e seng matsogo.

Clauses 61-62 **agreed to.**

Clause 63

MR CHAIRPERSON: There is also an amendment indicated at Clause 63 by Honourable Saleshando.

HONOURABLE MEMBERS: ...(Murmurs)...

Clause 63 **agreed to.**

MR CHAIRPERSON: We are now moving to the Schedule. May I call upon the Minister of Finance and Economic Development.

Schedule 1

MINISTER OF FINANCE AND ECONOMIC DEVELOPMENT (MS SERAME): *Tanki Modulasetilo.*

The Bill is amended by substituting for Schedule I, appearing at page B.422, the following Schedule –

SCHEDULE I

Specified Parties

(Section 2)

- (1) An attorney as defined in the Legal Practitioners Act, Cap. 61:01, when preparing for or carrying out transaction for clients concerning the following –
 - (a) buying and selling of real estate;
 - (b) managing of client money, securities or other assets;
 - (c) management of bank, savings or securities accounts;
 - (d) organisation of contributions for creation, operation or management of companies; and
 - (e) creating, operating or management of legal persons or arrangements and buying and selling of business entities.
- (2) An accountant as defined under the Accountants Act, Cap. 61:05, when preparing for or carrying out transaction for clients concerning the following –
 - (a) buying and selling of real estate;
 - (b) managing of client money, securities or other assets;
 - (c) management of bank, savings or securities accounts;
 - (d) organisation of contributions for creation, operation or management of companies; and
 - (e) creating, operating or management of legal persons or arrangements and buying and selling of business entities.
- (3) A registered professional as defined under the Real Estate Professionals Act, Cap. 61:07, when involved in transactions for client concerning buying and selling of real estate.
- (4) A bank as defined under the Banking Act, Cap. 46:04
- (5) A bureau de change as defined under the Bank of Botswana Act, Cap. 55:01
- (6) A building society as defined under the Building Societies Act, Cap. 42:03



- (7) A casino as defined under the Gambling Act, Cap. 19:01
- (8) A Non-Bank Financial Institution as defined in the Non-Bank Financial Institutions Regulatory Authority Act, Cap. 46:08
- (9) A person running a lottery under the Lotteries and Betting Act, Cap. 19:02
- (10) The Botswana Postal Services established under the Botswana Postal Services Act, Cap. 72:01
- (11) A precious stones dealer as defined under the Precious and Semi-Precious Stones (Protection) Act, Cap. 66:03
- (12) A semi-precious stones dealer as defined under the Precious and Semi-Precious Stones (Protection) Act, Cap. 66:03
- (13) Botswana Savings Bank established under Botswana Savings Bank Act, Cap. 56:03;
- (14) Citizen Entrepreneurial Development Agency
- (15) Botswana Development Corporation
- (16) National Development Bank established under the National Development Bank Act, Cap. 74:05
- (17) A car dealership
- (18) A Money or value transfer services provider
- (19) An electronic Payment Service Provider
- (20) A trust and company service provider
- (21) A savings and credit co-operative
- (22) A precious metal dealer as defined under the Unwrought Precious Metals Act, Cap. 20:03
- (23) A virtual asset service provider.

Mr Chairperson, ka bokhutshwane se re neng re se dira fa ke to define the scope kwa one le two gore lawyers tse kana accountants, a bo a sa ye go tsaya le dilo tse e leng gore ga di amane ka gope le molao o. Ke a leboga Mr Chairperson.

Amendment **agreed to.**

Schedule 1 as amended **agreed to.**

Schedule 2 **agreed to.**

Schedule 3 **agreed to.**

SOCIETIES BILL, 2021 (NO. 38 OF 2021)

Bill reported from Committee with **amendments.**

Third Reading - **Later Today.**

MR SPEAKER (MR SKELEMANI): Order! Order! Honourable Minister of Finance and Economic Development, report on Financial Intelligence Bill, 2021 (No. 34 of 2021).

FINANCIAL INTELLIGENCE BILL, 2021 (NO. 34 OF 2021)

Bill reported from Committee **with amendments.**

Third Reading-**Later Today.**

Third Readings

SOCIETIES BILL, 2021 (NO. 38 OF 2021)

(Minister of Nationality, Immigration and Gender Affairs)

MR SPEAKER: Order! Order! Honourable Members, the question is that the Societies Bill, 2021 (No. 38 of 2021) be read a third time.

MINISTER OF NATIONALITY, IMMIGRATION AND GENDER AFFAIRS (MS MOKGETHI): Thank you Mr Speaker. Mr Speaker, I move that Societies Bill, 2021 (No. 38 of 2021) be read a third time and do pass. I thank you Mr Speaker.

MR SPEAKER: Order! Order! Honourable Members. The question is that Societies Bill, 2021 (No. 38 of 2021) be read a third time and do pass. Honourable Members, remember the Standing Order 62. 1 (c) is required that we go for a division. I am supposed to ring the bell and *le e reetse thata ka gore e lelela kwa teng, ba bangwe ga ba kitla ba e utlwa ka gore e a lela gone jaanong.*

MR TSOGWANE: *Procedure.* Ke ne ke re Mr Speaker, kana maloba re ntse re le mo go tsona *these Bills* re tshwanetse *to vote*, re bo re kopa gore re *suspend the relevant* Standing Order gore re kgone go dirisa go ka bua 'Yes' or 'No'. Ke ne ke re *can we not follow the same suit and deliver on these Bills on the same basis by the preponderance of the voices.* I thank you Mr Speaker.

MR SPEAKER: We can Vice President (VP), provided somebody moves the Motion to suspend Standing Order 62.1 (c).



MR TSOGWANE: Mr Speaker, I seek your indulgence and permission to invoke Standing Order 62.1 (c) that would allow us to suspend the relevant Standing Order so that we proceed with the voting...

MR SPEAKER: VP ... (Inaudible)... away and just move that we suspend 62. 1 (c) then we should be okay.

MR TSOGWANE: Thank you Mr Speaker. Mr Speaker, I invoke the Standing Order 62.1 (c) that it be suspended.

MR KEORAPETSE: Procedure. My Speaker, it should be clear in the Motion for the purpose of today's sitting.

MR TSOGWANE: Yes, indeed.

MR SPEAKER: ... (Inaudible)...

Question put and **agreed to.**

MR SPEAKER: Honourable Members, we go back to Honourable Mokgethi's Bill and put the question again.

The Bill was read a third time and **passed.**

**FINANCIAL INTELLIGENCE BILL,
2021 (NO. 34 OF 2021)**

(Minister of Finance and Economic Development)

MR SPEAKER: Order! Order! Honourable Members, the question is that the Financial Intelligence Bill, 2021 (No. 34 of 2021) be read a third time.

MINISTER OF FINANCE AND ECONOMIC DEVELOPMENT (MS SERAME): Mr Speaker, I beg to move that Financial Intelligence Bill, 2021 (No. 34 of 2021) be read a third time and do pass.

MR SPEAKER: Order! Order! Honourable Members, the question is that the Financial Intelligence Bill, 2021 (No. 34 of 2021) be read a third time and do pass.

The Bill was read a third time and **passed.**

"EXCHANGE OF SPEAKERSHIP"

BILL

**CRIMINAL PROCEDURE AND
EVIDENCE (CONTROLLED
INVESTIGATIONS) BILL, 2022 (NO. 1
OF 2022)**

Second Reading

MR SPEAKER (MR MOATLHODI): Order! Order! Honourable Members, the question is that Criminal Procedure and Evidence (Controlled Investigations) Bill, 2022 (No.1 Of 2022) be read a second time.

MINISTER OF DEFENCE, JUSTICE AND SECURITY (MR MMUSI): *Tanki* Mr Speaker. Mr Speaker, *tlaa ke go leboge; ke leboge Ntlo e e fa.*

Mr Speaker, I tabled the Criminal Procedure and Evidence (Controlled Investigations) Bill No.1 of 2022 on the 25th of January, 2022. The intention of the Bill is to create a legal framework to regulate the utilisation of specialised intrusive investigative techniques. I am aware that the Bill has caused uneasiness and bearing this in mind together with concerns raised by this Honourable House, I have re-examined the Bill. I will therefore, be presenting some amendments during the Committee Stage. I wish to assure this Honourable House and Batswana that I have heard you and I would like to make it categorically clear that there is no intention to diminish the rule of law.

Mr Speaker, successful investigation of conventional and organised crime requires use of specialised, intrusive investigative techniques, while at the same time safeguarding and protecting human rights. This Bill therefore, seeks to ensure that the controls and safeguards as far as possible outweigh the security threats. For that reason, I have included the courts in the Bill as a mandatory approval authority for all requests under intrusive instigations without exception. The Bill, together with the amendments I propose will make it unlawful to carryout specialised investigative techniques without a court warrant.

Mr Speaker, the objective of the Criminal Procedure and Evidence (Controlled Investigations) Bill, 2022 is to set parameters and introduce controls on the extent to which investigatory authorities may carry out investigative techniques.

The National Anti-Money Laundering and Counter Financing of Terrorism Strategy (AMLCFT) was developed to put in place a national response to address recommendations emanating from the assessment by Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG). Botswana has been found to be not fully compliant with recommendation 31 of the FATF standards. Recommendation 31.2 identified that there is no explicit provision with the use of undercover operations and controlled delivery in Botswana and



recommended the following and “competent authorities conducting investigations should be able to use a wide range of investigative techniques for the investigation of money laundering associated credited offences and terrorist financing, including (a), undercover operations, (b) intercepting communications, (c) accessing computer systems and (d) controlled delivery.”

Mr Speaker, Botswana is scheduled to undergo a follow-up assessment in September, 2022 at which an application for an upgrading of effectiveness ratings can be made. Therefore, there is a need to generate the required data to demonstrate effectiveness through implementation of the Bill.

Mr Speaker, I wish to highlight that currently our legislative framework authorises intrusive investigative techniques such as Counter-Terrorism Act at Section 20.1 which provides for an investigating officer to apply to court for an order to intercept communications. The Cybercrime Act at Section 23.1 provides for a police officer to apply for a judicial officer for the issue of an order and the Intelligence and Security Services Act. These Acts only concern themselves with the interception of communication and undercover operations.

Mr Speaker, the fragmented approach not only possesses a money laundering and terrorism financing risk to the country and the international financial systems but also creates an opportunity for abuse and violation of human rights. The Bill incorporates into the Criminal Procedure and Evidence Act provision that put in place controls to undercover operations in intercepting communications, accessing computer systems and control delivery which as I have highlighted are in fragmented pieces of legislation.

Mr Speaker, it is worth noting that this Bill is also intended to address emerging issues such as the use of crypto currencies, virtual assets to support and finance activities of terrorism such as money laundering and proliferating financing of weapons of mass destruction. Mr Speaker, the Bill is summarised as follows;

Clauses 1 and 2 deal with preliminary matters including interpretation of terms used in the Bill.

Clause 3 provides for the courts of Botswana to have jurisdiction where an act is done or an omission is made constituting an offence under this Bill.

Clause 4 provides for the issuance of a warrant for undercover operations by the head of an investigatory authority based on reasonable grounds that there would

be a delay in obtaining a warrant. Mr Speaker, I shall be bringing at Committee Stage amendments to address concerns raised on the powers given to the heads of investigatory authorities in carrying out undercover operations without a warrant.

Clause 4 of the current Bill will be substituted with a new clause prohibiting undercover operations without a warrant, and makes it an offence attracting a fine not exceeding P10,000 or a term of imprisonment not exceeding 12 years or both.

Clause 5 provides for application to the court for an undercover operation warrant and the circumstances under which it may be heard. The warrant granted may not be for a period exceeding three months.

Clause 6 provides for the granting of a warrant where the court is satisfied with the reasonable grounds.

Clause 7 provides for collaboration of agencies and facilitates the coordination between undercover operations conducted jointly by two or more investigatory authorities or agencies. The Bill further enhances interagency coordination and collaboration of law enforcement officers.

Mr Speaker, intrusive investigative techniques must be utilised as a last resort. I will therefore, be introducing a new clause which sets stringent standards by setting out the aspects to be considered by the court, thereby making it show that a warrant is obtained accordingly and properly.

Clauses 8 to 10 make provisions for the court to issue authority to acquire an assumed identity for use in an undercover operation. The clause further states how the application for an assumed identity shall be made.

Mr Speaker, I have noted concerns around provisions relating to assumed identities, and I will be bringing amendments at Committee Stage that seek to address these concerns. The proposed amendments introduce provisions that sets out that procedure for an application for an assumed identity and highlights the fact that such an application must be operation specific.

Furthermore, such an application has a limited period for which it remains valid.

Clause 11 provides for the cancellation of authority of an assumed identity by the court after an application or after having satisfied the court on a review or otherwise that the grounds for the granting of the authority no longer exist.



Clause 12 provides an obligation on the court to have an annual review of issued authorities and warrants. The court shall record its opinion and reasons in writing upon satisfaction that the grounds for the granting of the authority still exist or not. This is a safeguard measure to ensure that warrants and authorisations are supervised and reviewed where necessary.

Mr Speaker, in its current form, the Bill provides for oversight by the court, but I shall bring an amendment that seeks to strengthen the oversight mechanism. I will bring amendments at Committee Stage through which I propose the establishment of a committee chaired by a Judge or a person eligible to be a Judge and comprising people with relevant knowledge and experience. The function of this committee will be to protect the interests of interception subjects and receive and hear complaints in respect of the use of warrants. The committee is also empowered to impose administrative sanctions. The intention of this is to strengthen the provisions of Clause 12.

Clauses 13 to 14 state the forms of identity that the court may authorize on the issuing of an applicant's assumed identity and processes to be followed upon cancellation by the court.

Clause 15 makes it an offence attracting a fine of P50 000 or a term of imprisonment not exceeding 12 years to expose or disclose assumed identities to authorized persons.

HONOURABLE MEMBERS: ... (Murmurs)...

MR SPEAKER: May we have order please. The Honourable Minister is being interrupted, may we please stop interrupting the Honourable Minister. Please, continue Honourable Minister.

MR MMUSI: Mr Speaker, there has also been concern about the use of assumed identities and I shall be bringing Committee Stage amendments to address concerns on the misuse of assumed identity by introducing life imprisonment term for an investigating officer who intentionally or recklessly misuses the assumed identity.

Clause 16 provides for the issuance of a warrant for interception of communication by the Head of an investigatory authority based on reasonable grounds that there would be a delay in obtaining a warrant.

Mr Speaker, I shall be bringing Committee Stage amendments to address concerns raised on the powers given to the Heads of investigatory authorities in

carrying out interception of communications without a warrant. Clause 16 as it is will be removed altogether and replaced with a new Clause, prohibiting interception of communication without a warrant and make it an offence attracting a fine not exceeding P10 000 or a term of imprisonment not exceeding 12 years or to both.

Clause 17 provides for details to be provided to the court in an application for an interception warrant and the period for which the warrant is sought.

Clause 18 provides for the control of interception of communication. In order to safeguard the privacy of the citizens, the Bill makes it an offence for a person to intentionally intercept or attempt to intercept, or to authorise or procure another person to intercept or attempt to intercept communication in the course of its transmission.

Clause 19 provides for circumstances under which the court may give an interception of communication warrant. The court may give a warrant to require a communications service provider to intercept and retain specified description received or transmitted by that communication service provider. It also authorizes an investigating officer to install and remove devices of interceptions in a premises.

Mr Speaker, I shall be bringing Committee Stage amendments to address concerns raised by elaborating the considerations for the court on determination of an application for interception warrants.

Clause 20 provides that prior to the issuance of a warrant for the interception of communications, a court must be satisfied that there is an actual threat of national security, a serious crime related activity is being or will be committed or that there is a potential threat to public safety.

Mr Speaker, I wish to highlight that this provision recognizes that the issuance for the interception of communications is a technique to be utilized under most exceptional circumstances and a last resort. This will be highlighted in the Committee Stage amendments.

Clause 21 provides for evidence obtained in excess of authorization or warrant. Such evidence may be admissible only with the leave of the court after having provided the court with information on circumstances under such evidence was obtained.

Clause 22 provides for the notice of disclosure of protected information when an applicant has reasonable grounds.



Clause 23 provides for the restriction on disclosure of communications or information which he or she obtained in the exercise of his or her powers or the performance of his or her duties in terms of the Bill unless he or she is required to do so in terms of any written law or by an order of the court.

Clause 24 states the duties and responsibilities of service providers.

Clauses 25 to 27 provides for the retention, storage and handling of information. A duty is placed on the head of an investigatory authority to take reasonable care in the preservation and protection of information from controlled investigations.

Clauses 28 to 31 broadens the scope of admissible evidence to include information gathered in controlled investigation and further that any evidence not obtained in terms of this shall not be admissible as evidence in court.

Clause 32 holds the Investigatory Authority (the employer) responsible for anything done by an officer acting in accordance with authorization under this Bill.

Clause 33 punishes an investigating officer who abuses his power by exceeding the scope of authority. This attracts a fine of up to a P100 000.00 or a term of imprisonment for not more than 15 years or to both.

Clause 34 authorises the Minister to make regulations on the reporting obligations of an authority and on measures to secure information disclosed by investigatory authorities.

Mr Speaker, *molao o o direletswe go sireletsa* Batswana le go itebaganya le disinyi. Ke batla go baya mafoko a ke a lebise borara jo bo mo Ntlong ya Palamente, ba itse gore molao o tota ga o a tla go kgoreletsa matshelo a ga ope, mme o direletswe gore Batswana ba sireletsege, lefatshe la Botswana le sireletsege ka dinako tsothe.

Jaanong ka mafoko ao Mr Speaker, I beg to move that the Criminal Procedure and Evidence (Controlled Investigations) Bill, 2022 (No. 1 of 2022) be read the second time. I thank you Mr Speaker.

MR SPEAKER: Order! Order! Honourable Members, the question is that the Criminal Procedure and Evidence (Controlled Investigations) Bill, 2022 (No. 1 of 2022) be read a second time. The matter is open for debate.

ASSISTANT MINISTER FOR PRESIDENTIAL AFFAIRS, GOVERNANCE AND PUBLIC ADMINISTRATION (MR MTHIMKHULU): *Thank you Mr Speaker. Mr Speaker, ke ema nokeng Minister Mmusi on his proposed Bill. Ke simolole fela ke re kana fa Molao-kakanyetso o tla Palamenteng jaana gompiano o tlele Palamenteng, go tla jaana e le gore go ne go na le mathata mangwe a a bonweng ke ba ba maleba. Jaanong kana nako le nako fa molao o tla Palamenteng, e seng o fela, go a bo go na le mathata a e leng gore go na le sengwe in the society, kana any activity in the society e molao o o batlang go thusa gore o e rarabolole. Ba e tle ba bue gore the mischief of the law, the underlying reason why the law was passed, e ya bo e le gone that informs gore molao o o nne jaana. Jaanong gompiano mo molaong o re o beilweng fa pele o, nnete ke gore go ntse go na le ditsamaiso tse di teng tse e leng the authorities are responsible for criminal investigations and collection of intelligence, ba ntse ba di dirisa go batla bosupi. Some of these practices tse tsa go batla bosupi ga di mo Botswana fela, di lefatshe lotlhe, di dirwa ke mafatshe ka bophara go batla bosupi mo e leng gore ditiro tsa teng are very complex, bogodu kana bosinyi jo bo bofitlha thata. Ke sone se o bonang e le gore bone ba ESAAMLG e rile fa ba sena go sekaseka Botswana, ba bo ba kgona go bona gore nnyaa Botswana yone e a tlhela mo tsamaisong ya go tlhotlhomisa e e faphegileng, e e ntseng jaana. E rile ESAAMLG fa e sena go dira jalo, e bo e dira recommendations to Botswana tse di builweng ke Minister. Just to set the basis for my further submission, ke e nopole fa Minister a neng a bala teng if you allow Mr Speaker.*

MR SPEAKER: Do quote Honourable Minister.

MR MTHIMKHULU: A re, “*recommendation 31.2 identified, there is no explicit provision for the use of undercover operations and control delivery in Botswana and recommended the following and I quote. Golo mo ke recommendation e e tswang kwa go ba ESAAMLG, ba re, “competent authorities conducting investigations to be able to use a wide range of investigative techniques for the investigation of money laundering, associated predicate offences and terrorist financing, including undercover operations, intercepting communications, accessing computer systems and controlled delivery.”* Jaanong molao o fa o tla ka Minister, it needed to address this problem, this mischief gore re nne le molao o e leng gore it will be able to cater for one mathata a a bonweng ke ba ESAAMLG gore mo Botswana, le rona re nne le bokgoni jwa gore re kgone go dupa melato kana bosinyi



jwa maemo a a kwa godimo jo ba bo boneng gore re kgone go bo bona ka gore bo diragala *across countries* le mo lefatsheng *and we need to be able to detect it* ka gore ga re ka ke ra kgona gore bo bonwe fa e le gore molao o ga o yo.

E bile Molao-kakanyetso o ga se gore *is the first of its kind* mo Botswana. Go na le mo Counter Terrorism Act jaaka *Minister* a ne a bua, e e leng gore *it provides gone moo gore an investigator may approach court* gore a tseye *order* ya gore a kgone *to intercept any communication or data between any persons*. Ga se lantlha, molao o o teng, o teng gape under the DIS Act...

HONOURABLE MEMBER: Clarification Minister.

MR MTHIMKHULU: Rra?

HONOURABLE MEMBER: Clarification.

MR SPEAKER: Clarification sought, granted. Honourable Vice President (VP).

HIS HONOUR THE VICE PRESIDENT (MR TSOGWANE): *Point of clarification.* O bua sentle *Minister* mme go na le lefoko le o le dirisang thata o bua ka teme ya Setswana. Kana ke lone lefoko le bontsi bo ganelelang mo go lone mme ba le bua ka Setswana, le bo le itaya Batswana tsebe. *You are talking of intercepting, and you said it repeatedly that to "intercept."* Ke ne ke re gongwe o e bue ka Setswana ka gore yo mongwe fa a ka tla a bua a re molao o ke o o tlleng go le reetsa, le bo le gogwagoga le reediwa gongwe le gongwe. Jaanong e nna o kare jaanong le farologana le le e leng gore wena wa re molao o o diretswe gone jalo, ESAAMLG e batla gore go nne le gone go reetsa borukutlhi fa motho a tlhlotlhomisiwa jo bo tseeneletseng. Go tlhlotlhomisa ditlhotlhomiso tse di ntseng jalo go ka fa molaong wa go reetsa. Ke a leboga *Mr Speaker*, ke ne ke gongwe o dire *that clarification*.

MR MTHIMKHULU: *Thank you Mr Speaker. Yes your Honour*, go ntse jalo, ga go reediwe mongwe le mongwe fela yo o sa direng molato. Ga go ka ke ga tsamaiwa go tsewa batho fela Batswana ba kgokgontshiwa kana ba reediwa fela jaaka gompiano re na le molao wa *Search and Seizure*, o o mo Criminal Procedure and Evidence Act, o o letlelelang mapodise *as we speak now* gore ba ka tsena mo jarateng ya ga semangmang fa ba mmelaela gore o a senya, ba bo ba mo kopa gore ba mo tlhodumele. Le fa a ka se ke a batle gore a tlhodumelwe mme ba tsene ba mo tlhodumele, ba bone gore a ga gona sepe se se molato mo teng jaaka gongwe motokwane kana

eng. Le gompiano fa ga go ye go reediwa mongwe le mongwe, go reediwa fela kana go tlhlotlhomisiwa ba ba belaelwang ba dira jone borukutlhi jo bo kanakana, jo bo tshwanang le jwa *terrorism* kana *money laundering*, le e mengwe gape melato e e *very complex and serious crimes* jaaka *Minister* a ne a bua.

Golo mo ga se ga ntlha, fa o utlwa ke go tshwantshanya gape le molao o o *in existence*, o o ntseng o dirisiwa ke mapodise o o mo Criminal Procedure and Evidence Act ya Botswana gore batho ba ka kgona *to be searched*. Go ntse jalo batho ba a kgona gore molao o o dirisiwe *to unearth*, o kgone go sedimosa tshenyo e e tseeneletseng.

Ke bue gape ke tsewelele ka gore kana go na le dikgang tse di ntseng di tsene gore kana molao o jaaka o tllisitswe jaana, go na le fa o reng o bua ka gore batho ba ya go direlwa maina a e seng a bone gore ba kgone gore ba bereke ka *undercover operations*. Jaanong bangwe ba re maina a a tlile go dirisiwa botlhaswa gore go feletse jaanong a dirisiwa le kwa ditlhopong *to cheat in* ka gore *party* e e busang e feletse jaanong e le mo Pusong. Ba bangwe ba ne ba tshwantshanya le ditlhopo tse di fetileng, ba leka go tshwantshanya gore go ne ga tsiediwa. Ke re nnyaa ga go ka ke ga nna jalo. Molao-kakanyetso o o tllisitsweng fa pele ga Palamente ke Rre Mmusi, o a supa fela gore nako ya batho ba batla go dira *identity* eo go e dirisa *undercover*, o ya kwa *court*. Fa a tsena kwa *court*, e mo fa tseletso ya go dirisa leina leo. Jaanong fa o ya kwa *court*, *everyone who goes to court* o na le *record*, *any proceedings before court* go nna le *record* ya gore semangmang o tsile mo *court* o dirile *one, two, three, four*, o filwe leina la gore *one, two, three, four*. *Record* eo e a bewa. Jaanong fa motho a tla a re ke gore fela maina ao a kgona go dirwa a le 40, 000 kana fa a le mantsintsi a dirisiwa go ya go dira borukutlhi jwa ditlhopo kana borukutlhi bope fela, ga a bue boammaaruri ka gore yo e leng gore o bone motho kana a na le pelaelo ya gore mongwe o tlhophile gabedi kana o tlhophile ka leina le e leng gore leo ke le a le filweng ke *court* ka gore ga o le iphe. Le fa o le dirisa, o le dirisetsa selo sengwe se se lebaganeng, le gone go le kopela go le dirisa moo ga gago. Jaanong fa go ka fitlhelwa e le gore *maybe* o le tsere o bo o le dirisa ka fa e leng gore *court* ga e a bua ka teng, kana o dirile molato motho yo o dirang jalo. Go tlhamaletse, molao o tlhamaletse, molao ga o na dibelebejana e bile ga o batle go tsietsa ope. E bile gape ga ke bone gore *High Court* ya Botswana e re e tlotlang go le kanakana, e Batswana ba e tlotlang go le kanakana, e Batswana ba itseng gore



ke botshabelo jwa bofelo fa sengwe le sengwe se padile mo Botswana, e bo e ka tla jaanong go nna *involved* mo borukutlhing jwa go tsietsa ka ditlhopho kana go tsietsa ka maina a batho kana go dira maina a batho...

MR MANGWEGAPE-HEALY: *Clarification Mr Speaker. Honourable Mthimkhulu, this interception of communication ga o bone e le selo se se ka re thusang mo borukutlhing jo bo ileng magoletsa jwa go utswa dinaka tsa ditshukudu? Batho ba go nna jalo, ba tlaa reediwa pele fa ba ya go dira molato wa go nna jaana. Thank you.*

MR SPEAKER: Honourable Healy, I thought it was Honourable Minister Segokgo who asked for the interjection, but it is fine, you hijacked him, it is fine.

HONOURABLE MEMBER: Further clarification *Mr Speaker.*

MR SPEAKER: Ema pele Motlotlegi Tona. Ke kopa go tsenya Motlotlegi Mopalamente wa Bobonong, ke itse gore o na le bokgoni jwa go ba fetola boo babedi.

MR LUCAS: *Clarification Mr Speaker. Assumed identities or fake names, a a tlaabo a le kwa database ya Omang fela jalo le kwa dipaseng? You have to clarify eo gore Batswana ba tle ba e utlwe sentle.*

MR MTHIMKHULU: Se ke batlang gore Batswana ba se itse fa ke gore, a re se ka ra leka go ba tsenya tsebetsebe kana go ba tsietsa. Rre Lucas, fa o ya kwa court, o ka kopa go bidiwa Jakoba Tshepo. Jakoba Tshepo o, *is an assumed identity. O ya go dirisiwa for investigations. You have requested that name for that specific purpose. O le kopetse go dira jalo. Jaanong records have been kept. Fa leina la teng le beilwe le ntse jalo, le bo le ya go kwadisa kwa ditlhophong, o itse gore o le kopela go tlhopho ka lone, wena o o le kwadisang o dirile molato. O dirile fraud le melato e mentsintsi.*

HONOURABLE MEMBER: Le le mo face ya Omang a lone le tlaabo le le *...(inaudible)...*

MR MTHIMKHULU: Nnyaa, moo ga go re sepe. Ke batla go go tlhalosetsa gore mo o go buang, *I want to allay the fears tse o di tseiseng mo Batswaneng...*

HONOURABLE MEMBERS: *...(Murmurs)...*

MR MTHIMKHULU: *...(Interruptions)...* borukutlhi bo ka nna teng ka gore *there is a record.*

HONOURABLE MEMBER: Araba potso fela, se arabe e e sa bodiwang.

HONOURABLE MEMBER: Mo tlogele a bue.

HONOURABLE MEMBER: O se ka wa araba e e sa botswang.

HONOURABLE MEMBER: Mo tlogele a bue.

MR SPEAKER: Order! Honourable Members, please.

HONOURABLE MEMBER: Mo tlogele a bue Motlotlegi Caterpillar Hikuama, tlogela yo mongwe a bue.

MR SPEAKER: Honourable Minister, please.

MR MTHIMKHULU: Ke bua ka *record and a trail that can be followed to lead to a logical conclusion* ya gore leina le ne le dirisiwa eng? A le dirisitswe sentle kana ga le a dirisiwa sentle, *not assumptions, not dikakanyetso, not imaginary situations, no,* ga re bue jalo. Re bua ka dilo tse e leng gore *they are going to be practical.* Di a go diragala *on the ground in terms of this law.* Fa o ka supa gore ee, *there is a lacuna in the law, that trail will not be there* ya leina gore le tswa kae, le filwe mang, leng, le felela kae. *We can be talking about that, but re bua ka selo se re itseng gore it will be there in the records* tsa lefatshe go simolola kwa High Court. Fa e le gore Honourable Lucas, o ka ipelaetsa gore maina ga a dirisiwa sentle, o na le *that trail to follow* go supa gore leina le, le ne le sa tshwanela go tlhopho mme le tlhophile.

Professor Balule wa kwa University of Botswana (UB) o kwadile gore lefatshe la Botswana le tlhoka gore le bo le na le melao e e dirang tse e leng gore gompiano Honourable Mmusi o di tlisitse fa pele ga Palamente. A kwala e le an independent academic wa kwa UB. A supa gore tota go utlwiswa bothoko gore mo nakong ya gompiano e re leng mo go yone e, e bo Botswana a sena molao that regulates undercover operations and interception of communications. Go bua an independent person, a Professor wa kwa UB. O bua jaana e le Professor a le kwa university. A sa bue mo boemong jwa Goramente wa Botswana. O kgala melao e e teng mo Botswana le Goramente wa Botswana. Rre Mmusi o tla to address that problem, mischief that we are talking about. He wants to regulate tiro e le ntseng le ngongorega ka yone le re e dirwa ke DIS. Le re bangwe ba bereka tiro e ba sa tshwanelang go e dira, they encroach into the personal liberties kana freedoms tsa batho. Gompiano go tliwa ka a law to address that problem, to make Batswana safe gore mongwe le mongwe fa a le kwa lelwapeng, a bo a itse gore ga go na gore o ka reediwa.



O reediwa fa e le gore o dirile molato o o *serious*. O le Motlotlegi Lucas jaana, o le *Honourable* Yandani Boko, o itse gore fa o sa dire molato, ga go na ope yo o ka go reetsang. Fa o le Motlotlegi Lucas, o dirile molato kana o tswa *to finance terrorism*, o itse gore batho ba tlaa go sala morago golo gongwe, ba go reetsa. Gakere ba kgona go go reetsa. Ba kgona go sala morago legodu lengwe le lengwe ba ya go le phuruphutsha kwa lelwapeng, kana *to search for* motokwane kwa lelwapeng. Go ntse fela jalo.

Fa re bua ka molao o o ntseng jaana, Rre Mmusi o tlhalositse gore e rile a sena go utlwa dilelo tsa Batswana *as a responsive Government, a responsive Minister, responding to your concerns* le le Batswana, a bo a re Batswana ba a belaela gore molao o, ga o ye go dirisiwa sentle, mma ke o baakanye. Ke tle ke ba fe tshepho le tumelo ya gore tota molao o ga o ka ke wa ya go dirisiwa ka fa ba akanyang ka teng. E rile molao o fa o tla, Rre Mmusi a tlile mo Palamenteng *in good faith* a batla *to address the problems that were pointed to him* by ESAAMLG, e seng gore o setse ope morago jaaka le bua. Nnyaa, ga go a salwa ope morago. Fa a ka bo a setse ope morago, o ka bo e sa re fa Batswana ba utlwa gore molao o ga re o tshephe, o tlile go tseenelela mo diphiring tsa rona le fa re sa dira molato, a bo a dumalana. A bo a bona gore dilo dingwe ga di a dirwa sentle mo molaong, a o baakanye e santse e le Molao-kakanyetso jaana. A bo a o baakanya a re ga go na ope yo o ka tlhodumelwang ka molao o go sa iwa *court*. E bile gape yo o ka tlang a tlhodumela motho a sa ya *court*, o dirile molato o e leng gore o ka nna a ya kgolegolong, utlwa fela. *An investigator will be doing this with the full knowledge ya gore if he/she goes ahead without the court order, he is breaking the law with a potential for a prison sentence.* Ke molao o o dirilweng.

MR MANGWEGAPE-HEALY: *Clarification Honourable Minister. Thank you Mr Speaker. Honourable Minister, ke batla go itse foo gore a golo mo go tlaa thusa mo dikgannyeng tse di neng di tlwaelesegile mo nakong e e fetileng batho ba re DIS e a ba reetsa? A golo mo go tlaa fokotsa the possibility ya gore law enforcement agents can go rogue? Ke a leboga.*

MR MTHIMKHULU: *Regulation e e tlileng ka Motlotlegi Mmusi addresses those problems of the past. Go ne go ntse gotwe golo mo is being abused. If I may quote from what Mr Balule said in his paper Mr Speaker, a re, "it has been noted that a weak regulatory framework or environment provides a fertile ground for arbitrary and unlawful communications surveillance*

by the state. This paper demonstrates that the existing legal framework is not adequate to guard against a lawful and arbitrary surveillance of communication for law enforcement purposes." This is a Professor from UB a bua gore *we need this law to make sure that we protect private citizens from unlawful encroachment in their privacy.* Ke Professor wa kwa UB Mr Healy. Jaanong *the opposition should be very happy for this law. They complained* ba raya Batswana ba re, *let us embrace molao o, it came at the right time. Molao o will help us in the future because we know as Batswana gore DIS, lepodise lepe, military intelligence kana mang fela fa a ka re reetsa e se ka fa tsamaisong, ke bo ke lemoga gore ke ne ke reeditse ke lepodise, ke a go mo isa kgolegolong. They investigate knowing fully well that those investigations will be strictly done within the confines of the law. I want to contract this law ya this investigation ya interception le the search and seizure under the Criminal Procedure and Evidence Act. Batswana ka bontsi ba a lela, mapodise a tsena mo matlong a bone bosigo to search them, and they have no safeguard because currently the law under the Criminal Procedure and Evidence Act, ya re lepodise fa le belaela gore o sentse, le ka tsena mo ntlong ya gago.*

That is also privacy being invaded but ga e na this protection that is being brought again by Honourable Mmusi to be introduced at Committee Stage.

All along, mapodise ba ntse ba operate under this law le sa complain ka gone, kana all law enforcement officers, ba operate under the law e e ntseng jalo le sa complain ka gone, because you knew that...(Interruptions)... you communicate ka megala le itse gore ga le ka ke la bonwa le communicate, organising go senya, jaanong that is why batho ka bontsi ba lela, ba itse gore ba ya go tshwarwa...

MR SPEAKER: Your time is up Honourable Minister Mthimkhulu, thank you very much for your contribution.

MINISTER OF BASIC EDUCATION (MR MOLAO): Ke a leboga Mr Speaker. Ntle ke eme nokeng Molao-kakanyetso o re o beilweng pele. Ke bo ke supa gore ke molao o o tlaa thusang lefatshe le gore re se ka ra boela mo seretseng se re ntseng re le mo go sone, e bile ke molao o o tlhamaletseng, o o tlaa tsweledisang go nonotsha itsholelo ya lefatshe le ka gore fa re ka boela kwa *grey listing* gongwe le *black listing*, kana go raya gore itsholelo ya lefatshe le e ya go kokonelwa. Go raya gore Batswana ba ya go tsewelela ba humanega go ya pele, ke sone se re tshwanetseng go



dira sengwe le sengwe se se tlhokafalang gore itsholelo ya lefatshe le, e babalesege ka melao e e re e bayang pele. Ke selo se re tshwanetseng ra go akgola. Jaanong se ke se buang ke gore re dumela gore molao o o siame. *Mr Speaker*, ke kopa gore o ntle ke nople *from the United States (US) Attorney General's Office Website*.

MR SPEAKER: Do quote Honourable Minister.

MR MOLAO: *Ke a leboga Mr Speaker. E ntse jaana, e bua ka the undercover or sensitive operations unit, Attorney General's Guidelines on Federal Bureau of Investigation (FBI) Undercover Operations, ya November 13, 1992. E bua gore, "the use of undercover technique, including propriety business entities, is essential to the detection, prevention and prosecution of white collar crimes, public corruption, terrorism, organised crime, offences involving control substances and other priority areas of investigation." E tswelala jaana Mr Speaker e re, "however, these techniques inherently involve an element of deception and may require operation with persons whose motivation and conduct are open to question and so should be carefully considered and monitored."*

E ntse e tswelala e tlhalosa undercover activities gore, "it means any investigative activity involving the use of an assumed name." Ke gatelela lefoko le, "the use of an assumed name or cover identity by any employee of the FBI or another Federal State or local law enforcement organisation working with the FBI."

Ke tswelala ke ntse ke gatelela to underline the word "assumed name." E bo e tswelala e supa ene the undercover employee e re, "means any employee of the FBI or employee of Federal, State or local law enforcement agency, working under the direction of control of FBI in a particular investigation, whose relationship with the FBI is concealed from third parties in the cause of an investigative operation by the maintenance of a cover or alias identity." Alias identity in other words e raya a false or an assumed identity.

I am quoting golo mo go supa gore selelo se se ntseng se le teng, fa gongwe go tshosediwa Batswana gore nnyaa, go ya go dirwa se, ga se gore Botswana o dira molao wa tlholontsha. Ke melao e e teng le kwa mafatsheng a a tlhabogileng, gore assumed identities di a dirisiwa to investigate this organised crimes tsa terrorism ka gore, ga o ka ke wa di kgona fa e le gore o tla fela o le mo mapaanang batho ba go lebile. So ke dilo tse di dirisiwang. The FBI Organised Crime Investigation

frequently use undercover operations. E teng batho ba ka e ipalela. Court authorised electronic surveillance, informants and cooperating witness. Ke dilo tse di teng e bile di a diragala. E ke ya America. Ga o ka ntetla ka quote ya MI5 United Kingdom (UK).

MR SPEAKER: Do quote Honourable Minister.

MR MOLAO: *E bua jaana, "How MI5 use covert surveillance. Surveillance is covert if it is done in a way that tries to ensure the subject is unaware of it or could be taking place. Covert surveillance is divided into two categories, both of which are subject to covert surveillance and property interference code of practice."*

E bo e tswelala e re, "directed surveillance operation involves covert monitoring of targets' movements, conversations and other activities, under the Part II of the Regulations of Investigatory Powers Act 2000 (RIPA). This operation also runs in line with covert surveillance of property interference." Gore le bone ba ba dirang, intrusive surveillance e ba e dirisang. The use of eavesdropping devices, for example mounted on vehicles, residential properties, to install these, they apply to the Home Secretary for a warrant under Part II ya one molao o.

Se ke gone go supa gore tota fela, dikgang tse di neng di buiwa; Batswana ba gogomosiwa maikutlo, le ya go reediwa, le ya go reng, ga go tewe fela e le motho a le kwa masimo a Matulungundu a disitse dikgomo tsa gagwe, a leletsisa modisa wa gagwe, o a reediwa. O tlaabo a reediwa go batliwa eng mo go ene? Kana go batliwa magodu, kana organised crime yone e. Jaaka mongwe a ne a ntse a bua gore ka fa re latlhegelwang ke ditshukudu ka teng kwa Okavango, tse e bileng go bolelwa gore dingwe tsa tsone have been tagged gore di kgone go itsege, mme di tswelala fela di ntse di bolawa. Golo mo go supa gore there is an organised crime there, e e tlhokang gore interception ya communications e nne teng. Go batliwa one magodu e seng Batswana fela motho a iperekela a le fa a leng teng, e bo e le gore o a reediwa, e le gore tota o tlaabo a reediwa, gore go tle go reng? Ke selo se se tshwanetseng gore Batswana ba se tlhologanye gore interception of communication would be targeting magodu le ba ba tlisang ditagi.

Gompieno jaana re fa, dipampiri di setse di kwala, ngwana mongwe wa Botswana o tshwerwe ka ditagi kwa bo Bangladesh, mme go supafala gore, go raya gore go na le ditagi tse dintsi kwa a neng a tswa teng. Ke dilo tse intercepting communication e kgonang go



di lemotsha, batho ba ba kgona go tshwarwa, ba ise ba tsenye bana ba rona mo diphatseng, ba ise ba tsenye matshele a Batswana mo diphatseng le itsholelo ya lefatshe le. Ke sone se se tlhokafalang.

Ke lebogela Rre Mmusi gore jaaka molao o tsile, o supa gore o na le *safeguards* tsa gore ba ba tlaabong ba dirisa *assumed identities*, ba tlaabo ba dira jang. Ba ba tlaabong go tshwanetse gore ba reediwe, go tlaabo go iwa *court* gore ba ye go reediwa, ke sone se se tlhokafalang.

Batswana ba tshwanetse go tlhaloganya gore ngwaga o o neng o feta o ya go wela, re ne re tshwaragane le bothata le magodu ba ba neng ba tlasela dikoloi tsa *security companies* tse di rwalang madi. Ga nna selelo le khuranyo ya meno gore nnyaa, mapodise le ba itshireletso ga ba dire sepe. Gompiano seemo se kokobetse. Se kokobetse ee, ka gore mapodise ba a *escort*, mme gape ba na le yone thulaganyo ya go leka *to trace and track* one magodu a, *and employ preventative measures before* ba ya go dira tshenyo yone e. Jaanong ke dilo tse di botlhokwa, di tshwanetse gore Batswana ba tlhaloganye gore molao o o diretsewe tshireletso le itsholelo ya lefatshe le. Batswana ba tshwanetse gore ba tlhaloganye gore *grey listing* e raya eng mo itsholelong ya bone.

Maloba ka 2012 *Mr Speaker*, Botswana was declared a tax haven. Gone moo ke selo se se neng se le maswe, se se neng sa shakgatsa batho gore go a bo go diragetse jang, ka gore mafatshe a Europe e ne e le gore jaanong ga ba gwebe le rona. Re rekisa diteemane gone kwa mafatsheng one a *in the western world*, fa e le gore re lefatshe le e leng gore *it is a tax haven*, le melao ya rona e supang gore dilo tsa *money laundering* le *terrorism, the system is porous*, batho ba fetisa madi fela ba a tlhatswa mono. Kana go raya gore le bareki ba diteemane tsa rona, le madi fela a re adimang kwa World Bank kwa International Monetary Fund (IMF) go tla go dira ditlhabololo jaaka gompiano re ntse re adima madi, re dira metsi, re isa metsi kwa Batswaneng, makgotla a a re, nnyaa e seng Botswana, ga re ka ke ra adima lefatshe la Botswana madi. Go be go raya gore Motswana yo o tshosediswa gotwe o tlele go reediwa mo *phone*, ke ene yo o yang go kokonelwa le go feta. Jaanong re tshwanetse ra tlhalosetsa Batswana gore, Motswana fela yo o ineetseng, yo o dirang botshelo jwa gagwe *honestly*, ga a ne a reediwa. E bile ga a tshwanela gore a tshoge, o tshwanetse go bua le mogala wa gagwe fela ka phuthologo.

Ba bone ba nang le *some nefarious activity* tse ba di dirang, *they have reason to be afraid*. Mme Motswana fela yo o kwa gae, yo o kwa Jamataka, Leomboko, Manxotai, nnyaa a a phuthologe fela, a bua le mogala wa gagwe ka fa a batlang ka teng. Molao o ga o ka ke wa mo tshwara gope. Bone ba ba inakantseng le ditagi le go tlhatswa madi, *they truly have a reason to be afraid and they must be afraid*, ka gore bone bao ga re ba tlhoke mo lefatsheng la rona. A ke Batswana, kana ke batswakwa, bao ga re ba tlhoke. *They must be afraid*. Bao go tshwanetse gore go nne le ditsela tsa go ba tshwara.

Go riamo kwa lephateng la rona kwa dikoleng re tshwaragane le bothata jwa ditagi tse di tseneletseng mo baneng, mme di tsamaisiwa ke batho ba ba farologanyeng. Ba e leng gore ga go itsiwe fa ba teng. Fa e le gore *through this surveillance, intrusive investigation* ba ka kgona gore ba tshwarwe, ditagi di tle di fokotsege mo dikoleng tsa rona, re ka bona le boitsholo jwa bana bo nna botoka mo dikoleng. Re ka bona le madio a bana a tokafala, ba kgona go nna le bokamoso. Ke selo se re tshwanetseng e re re se bua fa e bo re bolelela Batswana se se leng boammaaruri, go na le go ba gogomosa gore ba ya go reediwa mo *phones* tsa bone, diphiri tsa bone di ya go tswa, mme e le gore ke batho fela ba Modimo ba ba sa senyetseng ope.

Tota le bone batlhotlhomisi ba ya go reetsa batho ba le kanakana, *over two million* ya batho, mongwe le mongwe a reediwa, a reeletswe eng? Nako ya go reetsa palo e e kanakana ya batho e tlaabo e tswa kae? Molao o batho betsho ke o o sireletsang lefatshe la Botswana gore *grey listing* e re neng re le mo go yone re se ka ra boela mo go yone, ra felela gongwe e bile re le kwa *black listing*, ka gore re lefatshe le eleng gore *we have a reputation to protect*. Re tshwanetse gore melao e fa e ntse e dirwa dipapadisano tsa rona le mafatshe a FATF le a Organisation for Economic Co-operation and Development (OECD) e tshwanetse go tokafala ka melao e re e dirisang, gore re tle re kgone go tswelera re tsholetsa itsholelo ya rona, Batswana ba kgone go bona ditiro, ba kgone go tswelera ba bona ...

MINISTER OF TRANSPORT AND COMMUNICATIONS (MR SEGOKGO): *On a point of clarification*. Ke a leboga. Ke ne tota ke reeditse Tona fa a bua ka ntlha e ya gore tota a go ka kgonagala gore fela go be go reeditse batho mo megaleng ya bone ba e leng gore tota ga gona sepe se se molato se ba se dirang. Jaanong ke re ke mmothe jaana, ke bo ke e tshwaraganya le ya go dira *assume by identity* gore tota



dikgang tse le wena fa o di lebelela fela, ke e fa sekai gongwe, gore gompieno ke tsaya fela gore mo *groups* go na le *voice notes* tse di tsennngwang mo, a mme o kgona go di reetsa tsotlhe? Ntlha ya me ke gore, kana gore motho a reediwe go tshwanetse gore go nne le yo o reeditseng. A mme fela go ka tlhapiwa dipalo tse di tlaa kgonang go reetsa bokete jo bo kana ja batho, kwa ntleng ga go itebagantswe le ba e leng gore ke bone tota go tlhokang gore ba reediwe, ka mabaka a go thibela bosinyi.

Gape fa gongwe a ga go tshosediswa batho ka dipalo tsa gore go tlaabo go ya go dirisiwa *these false identities*, gore jaanong go be go tsietswa kwa ditlhophong, ka gore fa e le gore batho ba ba 40 000 ba ya go dira *false identity*, kana go raya gore go iwe ka dikgotlatshekelo ka dikopo tse 40 000. Dikgang tse fa o di lebile tota fela go kgonafala ga tsone go kana ka eng Tona gore go ka direla *in the normal course of events*? Ke a leboga.

MR MOLAO: Tota fela boammaaruri jo bo sa jelweng pheko ke gore, golo mo ga go ka ke ga diragala. Mme ka gore batho ba na le go dumela gore Batswana *are a gullible lot*, ba tshwanetse gore ba tshoseduwe fela gotwe le a go tsiediwa kwa ditlhophong, *assumed identity* batho ba tlaa bo ba ya go tlhopho. Kgang tse tota ga di farologane le ya maloba batho ba ipelaetsa gore ba jelwe ke ditlhopho, gone go ntse go buiwa dikgang tse gore, batho ba tlhophile gantsintsi, mme motho a ka se ka a *demonstrate* gore fa gotwe motho o tlhophile gantsintsi kwa mafelong a a farologaneng go tewa ka tsela e e ntseng jang. Fela *to be honest* ke selo se e leng gore ga se ka ke sa diragala.

Batswana *on average*, mongwe le mongwe o na le megala e mebedi, wa Mascom le Orange, yo mongwe o na le e meraro, o tsentse le ya beMobile. Ke gore fela gatwe *resources* tsa go reetsa megala e e kanakana e Batswana ba e tshotseng, di tlaabo di tswa fa kae go reetsa mongwe mongwe. Tota e tlaabo le gore batho ga ba na tiro fa e le gore ke selo se se neng se ka diragala. *Even in developed countries* gone kwa bo United States, United Kingdom, Israel, kae, ba e leng gore *they are more advanced in terms of technology tsa surveillance, hei!* ga ba reetse lefatshe lotlhe. *They have got specific target* tse ba ka bong ba di lebile.

HONOURABLE MEMBER: Clarification.

MR MOLAO: Mma ke wetse *this point*. *September 11* fa a ne a diragala, kana gone go supafala gore *it was lapse in security checks*. Mme *it was a wakeup call to*

the whole world. Ga re eletse gore le mo Botswana ka lengwe la malatsi e bo e le gore *replica of September 11* e a diragala, mme go na le Goromente yo o *responsible*, yo o tshwanetseng gore a sireletse *territorial integrity* ya lefatshe le, a bo a ka sireletsa le Batswana. Jaanong fa re ka tshosediswa ke batho ba tshogetse gore ba ya go jewa ke ditlhopho... tota fela tsietso mo ditlhophong, sale fela ke bulega matlho ke tsenelela dipolotiki, “ke tsieditswe” o ntse a le teng ditlhopho dingwe le dingwe. Se ba se buang ga se selo se sešha. Re godile re fitlhela ditlhopho tsotlhe tsa nako ya bo Dr Koma, golo a go robetseng, e ntse e le, “re tsieditswe.” Tota fela ga go re gakgamatse. Ke selo se batho go le kana ba ipaakanyetsang gore 2024 o tlaa tloga a goroga, re a bo reya go jewa gape. Jaanong a re fe batho *an impression* ya gore go tlaabo go tsieditswe mo ditlhophong jaaka *report* ya ditlhopho tse di fetileng e ntse e padile, e batho ba ba neng ba re ba tsieditswe ba na le bosupi. Fela tota *I am supporting this Bill Mr Speaker*, gore e siame thata, *it is targeting* magodu a matonatona a a ka re senyetsang itsholelo ka ditagi, ka madi a a leswe, a a tlaabong a fetisiwa mo lefatsheng la rona. E bo re tloga mafatshe a re gwebang le one *grey list or black list us*. E bo Batswana ba humanegela pele go feta fa re leng teng gompieno. Kana re na le *responsibility as a Government* gore re sireletse Batswana.

Greylisting yone e re ntseng re tswa mo go yone e, bone ba ba reng molao o ga o a siama, ke bone ba ba ntseng ba potile ka fa ba opela gore lefatshe *has been greylisted* ka gore Goromente ga a dire sepe. *Now* Goromente o eme ka dinao go leka go dira tiro gore re se ka ra nna mo *greylist*, ke bone gape ba potile ka fa, “nnyaa o se ka wa tshwara foo,” ka maikaelelo a gore re boele kwa *greylist*. Ba bo ba pota ka fa gape ba letsa meropa ba opela gore lefatshe le *greylisted* Goromente ga a na tiro. Ga re ka ke ra itetla go tsamaisa lefatshe ...*(interruptions)*... *we have a responsibility as a Government to protect* Batswana.

Mr Chairperson, ke ne ke re ke eme gone foo, ke a leboga. *I support the Bill* e bile ke lebogela le *Minister* gore dikgwetlho tse dingwe tse batho ba neng ba akanya gore di teng o di tsibogetse. *This is the sign of a caring Government, listening Government*, go reetsa gore dingongorego di fa kae re di tlhose gore re tle re kgone go tswelela pele. Ke sone se e leng gore re se solofeditse fa re ya kwa ditlhophong. Ke a leboga *Mr Chairperson*.

MR HIKUAMA (NGAMI): Ke a leboga Modulasetilo. Mma le nna ke akgele mo molaong o o tlisitseng ketsaetsego mo setšhabeng le yone Palamente fa o bona



batho ba setse ba bua le ka diteme, le se se buiwang ba sa se tlhloganye. Ke molao o o bokete. Mma ke gakolole jaana *Mr Chairperson* ka mafoko a ke a buileng kgantele. Kana batho ba re, “*if we desire respect for the law, we must first make the law respectable.*” Ke gore ka Setswana fa re eletsa setšhaba le mongwe le mongwe go tlotla molao, bone ba ba o dirang ba tshwanetse gore ba dire molao o o ka tlotlegang. Fa o bona molao o simolola o sa tlotliwe kana o dirwa ka tsela e e leng gore o tlaa tlisa gore o nyadiwe, o tlaa dira gore batho ba tsene mo ketsaetsegong e ba leng mo go yone. *Process* fela e e dirilweng ke yone e tlising ketsaetsego. Ke utlwile *Honourable Makwinja* kgantele fa re le fa *General Assembly*, a bua gore molao o ke molao fela o o siameng e bile o itsisitswe mo *Government Gazette* mme a ntse a utlwa... dilo tse di ntseng jaana, ke tsone tse di supang gore ga go na nnete. Molao o tlele mo Palamenteng ka tshoganetso, *Certificate of Urgency*. Mme Makwinja ene a re o ...*(interruption)*...

MR SPEAKER: Ke go sireleditse thata *Honourable Hikuama*.

MR HIKUAMA: *Mr Chairperson*, ntletlelele jaana ke *quote* John Adams fa a bua ka Puso. Ke tlaa e bua ka Sekgoa ke bo ke tla ke...

HONOURABLE MEMBER: Clarification.

MR HIKUAMA: Ema pele o a ntlhodia.

HONOURABLE MEMBER: O a selasela, ga o ka ke wa tlhoka go tlhodiwa.

HONOURABLE MEMBER: Mma Makwinja ke mogolo, ga o ka ke wa re o a go tlhodia.

MR SPEAKER: Can we have order please.

MR HIKUAMA: Ke ne ke re fa a bua ka Puso, *I quote*, “*Government is instituted for the common good; for the protection, safety, prosperity and happiness of her people; and not for the profit, honour or private interest of any one man, family, or class of men*”. Se se buiwang fa le se ke batlang go se gatelela ke gore Puso e direlwa go sireletsa bomolemo jwa setšhaba. Puso e direlwa go tlisa tshireletsego mo setšhabeng sa yone, go tlisa tswelelopele le boitumelo mo bathong ba yone. E seng go direla batho bangwe *profit* kana go ba neela seriti, tlotlo kana go sireletsa dikeletso tsa mongwe kana tsa setlhopha sengwe sa batho ba le bangwefela. Se se nkisa kwa go se se diragalang mo lefatsheng la Botswana fa o bona lefatshe le tshogile. Re setse re bone Puso e e leng

gore it goes to an extent of fabricating stories about its citizens. E dira dikgetsi tse di senang boammaaruri e le go leka go sotla bangwe ka gore ba batla go ba bakisa, ka mabaka a ba a itseng. A sena sepe se se amanang le go direla setšhaba bomolemo bope. Yone Puso ya mofuta o e, o ka e...

MR BOKO: *Elucidation*. Ke a go utlwa mokaulengwe o tlhalosa gore tota molao o direlwa eng. Gongwe ke go gakolole mafoko a bangwe ba ba kwadileng mo malatsing a a fetileng fa ba bua ka kgang e. A re go dira molao kwa Palamenteng ga go farologane le motho a rua thokolosi a batla go ikhumisa. Go tlaa nna monate fa madi a tsena mme letsatsi le e ttherang fa thokolosi e batla go robala le bana ba gagwe le wena le baeng, o tlaa nna le mathata a matona. Ke sone se Puso e e se dirang gore ba itse gore thokolosi yone e ba e dirang gompieno e ka tla...

HONOURABLE MEMBER: You have ran out of options guys, come on. *Le setse le bua ka dithokolosi*.

MR BOKO: ... go robala le bone e ba tlhasela. Ke ne ke reela gore re e tlhatswe ka Setswana ka gore o ne o a bua ka Sekgoa. Ke a leboga.

HONOURABLE MEMBER: O bua *bodela* fela.

MR HIKUAMA: Ke a leboga *Honourable Yandani* ka go tlhalosa eo go tlhatswa dintlha tseo. Se ke neng ke eleditse gore ke se *share* le Batswana le Ntlo e, *and to bring to the attention of the Minister*, ke batla go supa gore...

MR BOKO: *Point of order*. Thank you *Mr Chairperson*. *Mr Chairperson*, ke ne ke re fa gongwe o nne o reetsa fa go sa diriswe mafoko a a siameng mo Palamenteng. Ke raya gore *an Honourable Member of Parliament and a Cabinet Minister even though he does not deserve to be in Cabinet*, a re ke bua *bodela*, *I do not think that is...*

HONOURABLE MEMBER: You are a chief perpetrator ya mafoko a a duleng mo tseleng monna, o lelela eng?

MR BOKO: Can you listen please? *Mr Chairperson*, ke ne ke re le mo kgalemele, e seng jalo gongwe ke ikarabele.

MR SPEAKER: Order! Order! Ke tlhola ke le kopa bakaulengwe malatsi otlhe gore le buisane sentle.

HONOURABLE MEMBER: O rata mafoko a a bosula mme o le setete!



HONOURABLE MEMBER: Healy, o a lwala a ko o itheetse, o lese go ikoletsa bolwetse.

MR SPEAKER: Order! Honourable Member for Serowe North and Honourable Member for Gaborone Central, please let Honourable Hikuama continue. *Buisanang sentle bagaetsho.*

MR HIKUAMA: Ke ne ke re mma ke tsene mo legatong le lengwe. Mma ke e lebise Tona yo o lebaneng le molao o *Honourable* Mmusi gore mma ke mo leboge. Ke mo leboge jaana gore a bo a tsibogile le fa ba bangwe ab bua gore go ne go tsositswe modumo, go tshosiwa batho go reng. Ene ka ke bona e le Tona yo o itsayang tsia, a sa tshwane le ba bangwe ba ba neng ba bua fa gore a mme ke Matona tota. O ka ipotsa gore a ke Matona tota. O itsaya tsia. Fa batho ba bua ga a ba bone ba tsosa modumo kana ba tshosetsa batho. O ba bona e le Mapalamente ba ba ka mo gakololang gore a dire se se tshwanetseng e bile se siametse lefatshe la rona.

Ke akgole le batsayakarolo botlhe ba ba tsibogileng ka mashetla fa ba tlelwa kgomo e e neng e tlisiwa fa ka diamaramara, ba ema ka dinao ba supa ka fa ba sa amogeleng molao o o sa itekanelang o fetisiwa ke Palamente ya Botswana. Re tshwanetse gore re leboge Batswana bone bao, e bile ke barotloetse gore lefatshe le le mo maruding a rona rotlhe. Fa re bona tse di sa siamang, ke tshwanelo ya Motswana mongwe le mongwe go ema ka dinao go supa tse di sa siamang ka melao. Ke gone re ka kgonang go tsweledisa lefatshe le la rona go ya kwa pele.

MR TSHERE: *Elucidation. Thank you very much Honourable Speaker and thank you very much Honourable Hikuama. Honourable Hikuama, ke ne ke re ke go raya ke re a ko re lebelele kgang e e ntseng e buiwa...*

MR SPEAKER: Lentswe la gago le kwa teng *Honourable Member for Mahalapye West.*

MR TSHERE: Ga le utlwale sentle?

MR SPEAKER: *Ee rra.* Please, improve your voice.

MR TSHERE: Ke a utlwala jaanong?

MR SPEAKER: O botoka thata *Honourable* Tshere.

MR TSHERE: Ga ke itse gore go ka tswa bothata e le eng.

Ke ne ke re *Honourable* Hikuama, a re lebelele kgang e e ntseng e buiwa ke *Honourable* Molao a tladiwa ke *Honourable* Segokgo; *Minister of Transport and*

Communications. Ke ne ke tsaya gore o tilhaloganyang kgang e. Molao o wa re, *it is possible to tap phones and store information ya teng and analyse it later on. In other words, go ya go nna le a serious database that fill recorded tapes and whatever it is, and it will be stocked.* Jaanong ga ke itse gore ke eng ba raya Batswana ba re ga go ka ke ga kgonagala gore go dirwe jalo go reediwe mongwe le mongwe. Ba e baya o kare go reediwa fela mme ga go kgone *to be recorded*, mme molao one wa re *there should be recordings.* Go raya gore ga go tlhoke gore batho ba nne foo. Ba kgona go tobetsa *record*, mme ba tlaa tla ba reetsa ka nako ya bone mo e leng gore *I think* ba ne ba tsietsa Motswana gone foo.

Ya bobedi e e leng gore ke ne ke tsaya gore gongwe o e ame le yone, ba ne ba bua gore *misuse of phone tapping and assumed identity* ka gore ka fa tlase ga molao o a o baakantseng ka teng Tona, go supafala gore fa o dira molato wa mofuta one oo, *maybe by misusing Identity Document (ID) tsonse tseo, kana somehow fela, ke molato wa life sentencing* ka fa ba buang ka teng, mme ga ba bue ka e e neng e re ngongoregisa thata e re reng, kana *investigating officer* o tlaabo a ithamela *stories* kana *evidence* a bo a e isa kwa lekgotleng. Ene fa a ntse jalo, o a tweng? Ke sone se re neng re batla go se utlwa. Ga ke itse gore o ka akgela jang mo go tsonse *Honourable Member.*

MR HIKUAMA: *Comrade,* tlaa ke fete ka bofefo gore nnyaa, ga se mo o ka itiyang ka gore o akanya eng ka se ba se buang, ka gore le fa re neng re supa la ntlha gore, ga e ka ke molao o o ntseng jaana wa letlelelwa go feta mo Palamenteng go sena lekgotla le batho ba ka ikuelang kwa go lone; go sena *that provision.* O ne o ntse o ba bona gore bone ba ne ba *support* fela. Ke gore fa selo se tla fa, gore a se siame kana ga se a siama, ga ba nke ba lebelela. Bone ba utlwa fela ka gore ke molao wa BDP mme ba o ema nokeng. Jaanong se re se buang ke gore, molao o o ne o na le ditlhaelo tse e leng gore le gompiano *have raised fears* mo setšhabeng. Tlhaelo ya ntlha ke yone e re neng re supa gore ga re itumelele ke gore ga gona molao o o ntseng jaana o o ka fetang go sena se se sireletsang batho ba ba reediwang; go sena kwa batho ba ka ikuelang teng mme ba tsibogile. Bone ba ne ba ntse ba sa lemoge, mme ke sone se ke reng bao ga se ba o ka itshwenyang ka bone ka gore le fa go sena se se siameng, kana go na le se se siameng, ga ba nke ba bona. Mokgwa wa bone ke go dumela fela le se se tlang.

Ke tswelile jaana ke re Motsamaisa Dipuisanyo tsa Palamente, batho ba, go na le mo gotweng *assumed identity*, le gone go reetsa megala ya batho – Matona



ba ba buileng ba ne ba supa gore ga se mongwe le mongwe yo o ka reediwang. Re ka tshepha jang gore ga se mongwe le mongwe yo o ka reediwang go ntse go diragala, mongwe le mongwe a ntse a reediwa mo lefatsheng la Botswana? Batho ba a lela, le bone Matona a a lela. Le mapolotiki a e leng gore ba a farologana ka go bona dilo le Matona, ba simolola go salwa morago. Mongwe le mongwe fela fa a nna kगतलhanong le Puso, o salwa morago, go ntse go lelwa. Ke selo se se tlaa tswelelang se diragala, ba reediwa fela. Ga go na a *guarantee* ya gore ga go na go reediwa mongwe le mongwe ka gore go ntse go a diragala. Jaaka ke setse ke buile, le *stories have been created* tsa batho ba ba senang molato ba bidiwa *terrorists, and these things* ke tsone tse di re neelang *basis ya suspicion* ya gore melao e ga e tle ka mowa o o siameng, e tla ke mowa wa go leka *to fight the perceived and suspected political opponents* tsa Puso ya ga Domkrag. Ke tsone dilo tse re di bonang.

Go na le se sengwe se se buiwang gotwe molao o o ka sireletsa batho, e bile DIS *cannot abuse it*. Ga ke dumalane le puo e e ntseng jaana ka gore DIS e ntse e itsiwe *to abuse* le yone melao le *powers* tse di leng teng. Jaanong ga go na *guarantee* kana se se supang gore *they cannot abuse this* molao.

Se sengwe se se builweng fa ke gore, e tlaa re thusa go tswa mo *grey listing*. *Grey listing* kana e dirilwe ke yone Puso ya ga domkrag, ke yone e e thusitseng gore mafatshe a re lebe ka leitlho le le ntseng jalo. Fa o bua o le Tautona, Tona kana *agents* tsone tse gore banka ya lefatshe la lona e latlhegetswe ke P100 *billion*; a utsulwe, mme o itse gore ga o bue nnete, o ka tlhoka jang *to be grey listed*? Fa o bua gore mongwe ke *terrorist*, e bile o utsule madi a a seng kana ka sepe, o a beeditse kwa mafatsheng a sele, o ka tlhoka jang *to be grey listed*? *Grey listing* go ne go thusa yone Puso ka go tla ka dikgang tse di senang boammaaruri, mme batho bone ke fa ba re reeditse gore madi a kgona go latlhega fela ka bokete jo bo kalo mo Pusong, e bile a sena motlhalo. Dilo tse, fa Puso e ka ithuta go bua boammaaruri le go bua dilo tse di se ka keng tsa re tsenya mo mathateng, ke gone re ka tswang mo *grey listing* e seng gore go reediwe *phones* tsa batho ke gone mo go ka re thusang go tswa mo *grey listing*. Ga go na batho ba ba kileng ba lwela kana *having been grey listed* ka gore megala ya rona e ne e sa reediwe. *We have been grey listed* ka dipuo tse di bosula tse di neng di eteletse pele ke Tautona le Matona a gagwe le agencies tsa Botswana...

HONOURABLE MEMBER: Clarification.

MR SPEAKER: Clarification sought.

MR HIKUAMA: Ke ofe jaanong yoo gape?

MR SPEAKER: I think it is Honourable Minister for Mines and Honourable Member for Gaborone Central.

MR HIKUAMA: Ke le neela *minute* mongwe le mongwe wa lona.

MINISTER OF TRANSPORT AND COMMUNICATIONS (MR SEGOKGO): Ke a leboga *Mr Speaker*. Nnyaa, ke ne ke re ke botse Rre Hikuama gore kana jaanong a re *grey listing* e tsetswe ke dipuo dingwe tse di builweng, mme ke batla go mmtsa gore, ka dipuo tseo di builwe morago ka fa go ntseng ka teng, *when we were grey listed*, go tlile jang gore dipuo tse e ka bong e le gore *we were grey listed* pele ga di buiwa, jaanong ke tsone o reng di bakile *grey listing*? *Grey listing* e dule go ntshiwa *recommendations* tse go neng go supa gore *we do not comply with them* tse re baakanyang tsone gompiano. Tota se ke dumela fela e le go timetsa Batswana. Boela fela mo mafokong a a reng *grey listing* e tsetswe ke *recommendations* tse di neng di tla di dirwa ke FATF, ra ba ra tswa mo go yone morago ga mafoko ao.

MR SPEAKER: Thank you Honourable Minister for Transport. Honourable Healy.

MR MANGWEGAPE-HEALY: *Thank you Honourable Speaker; thank you Honourable Hikuama.* Le nna mafoko ame a tshwana le aga *Honourable Segokgo*. Ke ne ke batla fela gore gongwe mokaulengwe ka bokhutshwane o ka bua gore *grey listing* e tsalwa ke eng ka gore dikgang tse a di buang ga di na nnete tsa gore e tsalwa ke gore batho ba ne ba re sena. *It is a grading system* e e dirwang ke Financial Action Task Force, *so* ga ke bone gore dikgang tse di buiwang kwa *freedom squares* di ka dirisiwa *to grey list*. Jaanong mokaulengwe, bolelela Batswana nnete o lese go polotika mo go sa tlhamalalang.

MR HIKUAMA: Nnyaa, mme o a utlwala. O kgakala le go tlhologanya tsamaiso ya lefatshe ka bophara. Fa o bua dikgang o bo o dira *cases* tse di ntseng jalo tse di bokete, *they cause an alarm to the international community and even those institutions start to develop interest in your country because of what you are saying*. Fa o sa itse, *I am warning you* gore *stop fabricating stories* tse di *serious* ka batho *because they will lead us into problems*.



Se ke batlang go tswelera ke se bua Motsamaisa Dipuisanyo tsa Palamente ke gore, fa Puso e simolola go atumela go phuthama, e tliša melao e e sa tlhaloganyesegeng, e e tlaa dirang gore batho ba phadimoge. Ke sone seemo se re leng mo go sone. Puso e setse e tšhaba le one moriti wa yone, e setse e tšhaba sengwe le sengwe, *it is at the edge of collapsing. As it is at the edge of collapsing*, ke gone o bonang melao e e sa tlhaloganyesegeng e dirwa.

Se sengwe se re ka se buang Motsamaisa Dipuisanyo tsa Palamente ke gore, molao o tota ka boone fela, ga se molao o montle. Ka Sekgoa ke mo re ka reng, *it is a bad law. A bad law* fa o ka botsa batho ba molao, ba ka go bolelela gore, *it is an oppressive law that causes injustice. This is a bad law, because it is oppressive, it has the potential to cause injustice to the people of this country.* Ke molao o re tšhwanetseng re o ele tlhoko, e bile re o tlhodumele thata, e seng jaaka Mapalamente a phathi e e busang ba batla setšhaba se dira. Gore re se ka ra lebelela molao o ra o sekaseka (*scrutinise*), ra letlelela makgotla a a farologaneng le setšhaba ka kakaretso go kanoka *and debate* molao o.

Ke sone se re neng re gana gore, *you cannot pass* molao o o ntseng jaana mo Palamenteng, o sa o phatlalatsa (*publicised*) sentle gore o neele setšhaba sebaka sa go o kanoka le *to advise*. Ke ne ka bua *when opposing the Certificate of Urgency* gore, kana rona jaaka re le Mapalamente jaana, ga se gore rotlhe re baitsaanape ba melao kana ba dilo tse di diragalang. *For us to have a meaningful contribution* mo molaong o, *we need to solicit advice and expertise from the people who know the law.*

Jaanong fa molao o sukunyetswa mo bathong, a bo gotwe re amogele fela jaaka Mapalamente a Domkrag a batla re dira ka teng, ga se mo re ka go letlelelang, e bile ga se mo setšhaba se re romileng go tla go dira jalo. Setšhaba se re romile gore re tle go sireletsa boleng jwa bone, re sireletse dikeletso tsa bone, re ba netefaletse gore ba tlaa nna mo leduleng, ba itumetse mo lefatsheng la bone. Ba sa reediwe bosigo ba bua le ditsala tsa bone kana ba bua ka tse di ka ba thusang mo matshelong a bone. Se ke sone se re sa dumalaneng le sone. Fa tsotlhe di ka bewa *in place*, tsa *guarantee* Batswana *and allay all the fears that Batswana have, we would not have any problem accepting this law.* Fa go santse go sena se se dirwang sentle, re tlaa tswelera re bua.

The fake assumed identities, what guarantees gore ga di na go dirisiwa ka tsela e e seng yone le golo gongwe go sele fela, e seng ditlhopho...

MR SPEAKER: Thank you very much Honourable Member for Ngami.

MINISTER OF NATIONALITY, IMMIGRATION AND GENDER AFFAIRS (MS MOKGETHI):

Thank you Mr Speaker. Thank you for allowing me the opportunity to also add my voice on this all-important Bill. Allow me to speak in English Mr Speaker, so that I can express myself very well, and Batswana can hear me.

Mr Speaker, let me start by saying that I support Honourable Minister Mmusi for bringing this Bill, which is really a response to the deficiencies identified on the legal and regulatory measures, and which now require Botswana to effect some amendments to various pieces of Legislation. My ministry was one of the ministries which had to address some deficiencies in its Legislation. Mr Speaker, in this instance, the present Bill is a response to Recommendation 31.2 of FAFT. We are anxious as Batswana to expeditiously address the deficiencies, so that we are ready for re-rating exercise which will be carried out some time in September this year. Mr Speaker, this is the reason why we are in this Emergency Parliamentary Session. The greylisting was a serious blight on our beloved Botswana. We now want Botswana to shine again like during the days when it was described as a shining example of good governance and democracy. Mr Speaker, we do not want the blacklisted tag to our country, because we want to attract investors to Botswana and we want them to have the confidence that their investment will be safe if they invest in this country.

Mr Speaker, as an Attorney who has practiced law for more than 30 years, I spent a good time of my life defending the civil liberties...

MR TSOGWANE: *Procedure. Mr Speaker, procedure* ke tsamaiso e re ntseng re e ipeetse gore, ka re mo bosigong re se ka ra e lebala *Mr Speaker. Gakere ga e a lebalesega ya gore go bua ba le kae ka fa, go bua ba le kae ka fa go wela mo Bill? Ke a leboga Mr Speaker.*

MR SPEAKER: Re e tshwere sentle thata mogolo. Re e tshwere sentle thata rraarona.

MS MOKGETHI: As I said Mr Speaker, I have been a practicing Attorney for more than 30 years, and I spent a good time of my life defending the civil liberties of Batswana. I am not about to agree to a piece of Legislation which takes away those liberties which are guaranteed in the Constitution, without the necessary checks and balances.



Mr Speaker, it is desirable that Batswana feel free and liberated in their country. They should live in their country without any fear. An ordinary Motswana who does not have any intention of committing serious crime, should not have any fear of this law. While the Constitution provides for the protection of the right to privacy, the same Constitution provides for exceptions to that right, especially in relation to the interest of public safety, prevention of crime and protection of rights and freedoms of other people. This kind of law has long been in place in many advanced countries, despite their strict adherence to the rule of law.

Mr Speaker, when people with criminal intentions want to commit an offence, they use various means and methods of communication. Criminals carry out their activities using all kinds of clandestine means and by nature, their activities are secretive, hidden and underground. We all know that a heinous crime such as the 9/11 attack in New York was carried out in a way that could not be detected by the most sophisticated security agents in the world. Criminals such as money launderers, terrorists, those financing terrorism, human traffickers and drug lords, they all communicate using cell phones, telephones, computers, whatever. This Bill seeks to allow security agents to intercept such communication when they have a reasonable suspicion that a crime has been committed, and I underline the word reasonable suspicion, that a crime has been committed or is about to be committed. They are also allowed to carry out surveillance without detection and knowledge of the would-be criminals.

Mr Speaker, I have satisfied myself that under this Bill, an investigating officer cannot carry out an undercover operation such as interception of communication or other operation without judicial sanction. The orders are not just there for the taking. Currently, we know prosecutors that go into the Magistrate's office and a warrant is just automatically signed. This law is different, an application will have to be made by an investigating officer without notice to the suspect. The officer must explain to the satisfaction of the court certain factors and justify the grounds fully upon which the warrant is sought. I believe the owners vested on the investigator are sufficiently stringent and of a high standard to get a warrant from the court. I am comforted that the provision which allowed for a warrant to be issued without court sanction and which has given rights to a huge public outcry will now be removed.

In other words, the Bill will expressly prohibit the interception of communication without a warrant. When an officer is on duty and abuses his position by carrying out an interception or undercover operation without

judicial sanction, it will amount to an offence. The officer who has contravened this provision will be subject to a fine of up to P10, 000 or term of imprisonment for a period of 12 years.

Mr Speaker, just like the provisions relating to interception of communication and undercover operations, the provisions relating to assumed identities, a person or an officer cannot just go ahead on their own accord and carry out an operation using an assumed identity without first seeking a court order. In addition, an officer who is operating under an assumed identity can only do that under a specific operation and that assumed identity is done for a limited period of time. Penalties have been provided for anyone abusing their assumed identity. For example; if during the period you have been allowed to use an assumed identity and abuse that by going to marry somebody, you are in for serious trouble because the penalty provided is very stringent. I want Batswana to know and to be assured that if at any point they are abused or feel aggrieved by the actions of officers who carry out an operation contrary to what is provided by law, they have the right to seek redress before the courts of law. All the committee which is provided for or which has been established under this law...

HONOURABLE MEMBER: Clarification.

MS MOKGETHI: Yes Mr Speaker.

MR SPEAKER: Clarification sought. Honourable Mmolotsi.

MR MMOLOTSI: *Point of clarification. Thank you very much Minister for giving me this opportunity. Jaanong tota ke ne ke eletsa fela gore o mpoletlele Minister gore in a case like Court ya Botswana e e leng gore go na le maphata a a sa obameleng molao jaaka DIS, wa re batho fa ba ikuela, go tlaa thusa eng when we have a rogue institution e e tshwanang le DIS? How will that help us?*

MR SPEAKER: Honourable Minister, how will that help us?

MS MOKGETHI: Thank you so much Mr Speaker. I think this law which is now before us sufficiently covers situations like that for officers who are rogue. This law does not leave any room for rogue officers because if you do that and you abuse the law, that means you will be doing it on your own accord. You will not be doing it as a result of a court order or court sanction. *O tlaabo*



o itirela ga gago. That is why I mentioned that now we have this committee, you can have access to court and if any officer has been found to be guilty, this Bill provides that such officer can be subject to a fine or a long term of imprisonment.

Batswana need not fear this law Mr Speaker, because it is intended to deal with people who are suspected of having committed a serious offence, and as I said before, you have to go to court and the provisions under this new law...

HONOURABLE MEMBER: Procedure.

MR SPEAKER: Sorry Honourable Minister, procedure called for by Honourable Member for Sefhare-Ramokgonami. What is your procedure?

DR GOBOTSWANG: *Point of procedure. Procedure ya me ke gore fa ke reeditse Tona, ga ke dumele gore o lebile molao o rona re o lebeletseng ka gore she is quoting* ditemana tse tota di seyong mo molaong o o fa pele ga rona. O o fa pele ga rona *for instance*, o bua fela sentle gore batlhotlhomisi ba kgona go go reetsa ba sa ya court for 14 days, then they will apply after 14 days.

HONOURABLE MEMBER: Yoo o kwa morago.

HONOURABLE MEMBER: O timetse Mr Speaker.

HONOURABLE MEMBER: Ke gone a tsogang.

HONOURABLE MEMBERS: ...(Murmurs)...

MR SPEAKER: Order! Order! Give him chance please.

HONOURABLE MEMBER: Mathata ke gone a tsogang...

MR SPEAKER: Order! Please.

HONOURABLE MEMBER: Ke gone a tsogang monna yo motona.

HONOURABLE MEMBERS: ...(Murmurs)...

MR SPEAKER: *Order! please.* Le fa e le gone a tsogang, mo feng *chance.* Ke go sireleditse Honourable Member for Sefhare-Ramokgonami.

DR GOBOTSWANG: Ee, ke ne ke rialo ke re o a buang ka one ga ke itse gore ke ofe. Ga ke itse gore o tsere ofe wena ke sa...

MR SPEAKER: *Go siame.* Honourable Minister.

MS MOKGETHI: Mr Speaker, let me remind Honourable Member for Sefhare-Ramokgonami that this morning, a presentation was made at the General Assembly about the removal of the item that empowers an investigator to issue a warrant without court sanction. We were told that and the Minister also assured us during his presentation of his intention to amend that Bill. So...

DR GOBOTSWANG: Ga o yo fa pele ga rona.

MS MOKGETHI: Let me proceed Mr Speaker, can I please proceed.

MR SPEAKER: Yes please, proceed Honourable Minister.

MS MOKGETHI: Thank you Mr Speaker...

HONOURABLE MEMBER: O ne a santse a ile go sega ditsha.

MR SPEAKER: Please *bagaetsho* order! Just give the Minister a chance please. Honourable Minister.

HONOURABLE MEMBERS: ...(Murmurs)...

MR SPEAKER: Please give go ahead Honourable Minister.

MS MOKGETHI: Thank you Mr Speaker for your protection. I was just saying Mr Speaker, before I was interrupted, Batswana need not fear this law because it is not intended to deal with the ordinary Motswana like the example which was given by Honourable Molao about somebody who is just walking at his lands, field and *moraka* communicating. It is not intended for people like us, this is a law which is to deal with people who are suspected of having committed serious offences like the ones that I mentioned before. This law is not utilised on a routine basis to terrorise Batswana, but under very exceptional circumstances. The only people who should fear this law Mr Speaker, are the criminals.

I also want to assure Batswana, the assumed identity provision will not be used to cheat during elections because the order for someone to take on an assumed identity is for a specific operation which is related to the suspicion of having committed a specific offence and it is for a limited period of time. Any law enforcement officer abusing the assumed identity can be subjected to a lifetime imprisonment which according to my view Mr Speaker, is a sufficient deterrent against the people that Honourable Mmolotsi was talking about. These officers who will be ...



MR TSOGWANE: *Procedure Mr Speaker.* Ke re *guide me Mr Speaker*, fa o lebile letsatsi la kamoso la *half a day* re fetsa ka 1:00 p.m., a go letla gore *when we calculate*, o bone gore re hafole tiro e, e e salang e bo e fela kamoso ka 1:00 p.m.? A go a re letla gore kgabagare ke oketse go fitlhelela 12 kana jang? *I seek your guidance.*

HONOURABLE MEMBERS: ...(Murmurs)...

MR SPEAKER: Give us a chance please! Give us peace! Order! Please give us chance. *A ko le didimale*, hey!

...Silence...

HONOURABLE MEMBER: Le nyeletse jaanong?

MR SPEAKER: *Order! Order! Right*, bagaetsho, ke kopa jalo fa ke eteletse, nna le mongwame, Motlotlegi *the substantive Speaker of this House*, tidimalo ka gore golo fa re dira *on a very sensitive and serious matter*. Motlotlegi Moeteledipele wa Ntlo o ne a nkopa *guidance*. Ke a go e neela morena wa me, ke e neela Batlotlegi Mapalamente. Re ntse re dira dipalo gompiano; *the ruling* BDP e kwadile batho ba le *nine*. *The mighty opposition* e kwadile batho ba le *five* ka tumalano ya rona gore ba bue botlhe gompiano, re fetse *Second Reading*. Go raya gore re tshwanetse re bue *up to 12 midnight*. Re tlaabo re feditse *Second Reading*, e bo e re phakela re bo re dira *Committee Stage*. Jaanong fa le ntetla gore re fetse gompiano, ke ka kopa Motlotlegi Moeteledipele wa Ntlo, ke ene a bo a dirisa dithata tsa gagwe jaaka di bonwa mo Standing Order 27.1 (a, b, c, d), fa a leng teng. Fa le ntetla.

HONOURABLE MEMBER: Procedure.

HONOURABLE MEMBERS: ...(Murmurs)...

MR SPEAKER: A re reetsaneng bagaetsho! A re reetsaneng!

MR TSOGWANE: On a point of procedure. Thank you Mr Speaker. Mr Speaker, I am indebted to you and I accept the guidance. So, on the basis of that, I want to move a Business Motion.

BUSINESS MOTION

LEADER OF THE HOUSE (MR TSOGWANE): Mr Speaker, I beg to move in terms of Standing Order 27.1(b)...

HONOURABLE MEMBERS: ...(Murmurs)...

MR SPEAKER: May we have order please!

HONOURABLE MEMBERS: ...(Murmurs)...

MR TSOGWANE: ...(Inaudible)... this Motion. According to this order, when you vote this Motion, there is no interference. You are breaking your Standing Orders. When you move Motion o ...

HONOURABLE MEMBERS: ...(Murmurs)...

MR SPEAKER: *Order! Order!* Bagaetsho, le bo le batla go simolola dilo tsa maabane, *Honourable Mmolotsi, please.*

HONOURABLE MEMBERS: ...(Murmurs)...

HONOURABLE MEMBER: Ba lebile nako.

HONOURABLE MEMBER: There is a procedure that has been moved.

MR SPEAKER: Order! Please.

MR TSOGWANE: I have moved Mr Speaker! I have moved! May we go for the vote because I have moved.

MR SPEAKER: Order! Please. Let us have order please!

HONOURABLE MEMBER: *Nnyaa*, there is a procedure Mr Speaker, you cannot force the Motion.

HONOURABLE MEMBERS: ...(Murmurs)...

HONOURABLE MEMBER: Matlhalenyana a maabane ga a ka ke a bereka gompiano.

HONOURABLE MEMBER: Procedure.

MR SPEAKER: ...(Inaudible)... of the House is that this will increase hours of sitting until 12 mid-night.

HONOURABLE MEMBER: Ga re gane *Motion*, re kopa *procedure*.

HONOURABLE MEMBERS: Tsamayang le ye go robala.

MR SPEAKER: Order! Order! Honourable Members.

Question put and **agreed to.**

MR KEKGONEGILE: On a point of procedure.

HONOURABLE MEMBER: Procedure Mr Speaker!



MR SPEAKER: *Ke biditse* Honourable Kekgonegile, does he not want to talk? Honourable Kekgonegile, I called upon your name to talk as you wanted, as you called for a point of procedure and you are now quiet. Everybody is quiet. Honourable Kekgonegile, please go ahead.

MR KEKGONEGILE: Procedure. Mr Speaker, *re ne re re* Honourable Mmolotsi has called for procedure long before you called for that vote, long before the Vice President (VP) a *re o tsenya* Motion. So, you are deliberately twisting the ball towards VP. *Tsamaiso ya Palamente e tlhamaletse gore* Honourable Mmolotsi should have been given the floor before the VP, *ke eng o dira jalo* Mr Speaker?

MR SPEAKER: Thank you very much. Honourable, when the Leader of the House stood up to move a Motion, Honourable Mmolotsi a *bo a ema a tlhakathakana nae*. In all fairness, the Honourable VP had stood up first on his submission, Honourable Mmolotsi a *bo a tlhakathakana nae*. That is what it is, and I tried calling him to behave, he did not even listen.

MR MMOLOTSI: Procedure. Mr Speaker, *ke eme* before the VP took the floor *ya* procedure. But then you deliberately decided to ignore me because you wanted to achieve what you wanted. Anyway, that being the case, procedure *ya me ke gore a mme o bona go siametse gore* we discuss such important pieces of legislation *fa gare ga bosigo re ya go tswa ka 12?* Do you think *gore Palamente e tlaa neela molao o nako*, attention *le focus e o e tlhokang?*

A o tsaya gore go tlaabo go siame gore molao o o ntseng jaana, o setšhaba se ntseng se lela ka one kwa ntle, *civil society*, Non-Governmental Organisations (NGOs), Batswana *in general*, le batla gore le o fetise go le bosigo jaaka molao o le neng le o fetisa go le bosigo ka 12, wa *retirement packages* tsa bo Tautona, o e rileng morago le bo le o itatola? A le batla gore kamoso lona le bo le itatola molao one o, o le o dirang bosigo? A le bona go siametse lefatshe la rona *Mr Speaker...*

MR SPEAKER: Thank you Honourable Mmolotsi.

MR MMOLOTSI: ...gore le dire ka tsela e e ntseng jaana. A ga le bone le re senyetsa lefatshe?

MR SPEAKER: *Thank you very much Honourable Mmolotsi.* Ke lebogela go bo o nopola Palamente ya bo 11, e o neng o le mo go yone, e le letseng le dira melao e le 25 bosigo, yone e o e nopolang. Ga se la ntlha

Palamente e bereka bosigo. Re bereka bosigo ka re batla *productivity* mme e bile le ntse le dia nako.

HONOURABLE MEMBERS: ...(Murmurs)...

HONOURABLE MEMBER: Procedure Mr Speaker.

MR SPEAKER: Honourable Reggie Reatile, you are the last one on this issue and then we continue.

MR REATILE: *Thank you Mr Speaker.* Ke ne ke re ke go gakolole go le gonnnyennyane fela. Dikgang tse tsa melao ya bosigo, fa o ne o ka gopola ka *the 10th Parliament*, go ne ga nna gone jaana, fa re bua ka Public Service Act, *by then Speaker* yo o neng a le modulasetilo, e ne e le *Honourable Moatlhodi*, e bile go ne ga nna le dikgoberego bosigo, *Bill* eo ya se ka ya felela e fetile. Ke batla go ipotsa *Honourable Speaker* gore a ga o ka ke wa re buelela le *Honourable Moatlhodi* gore a netefatse gore a se ka a itetlelela go dirisiwa, a bo a laletsa dikgoberego mo Ntlong ya Palamente. A felele a supa gore *he is the presiding officer*, ene ga se Vice President (VP), o *direct* Palamente *according to the rules of the House*. Ke sone se e leng gore...

HONOURABLE MEMBER: A re tswelele, o kare ba simolola go go roga.

HONOURABLE MEMBER: ...(Inaudible)...

MR REATILE: Bashinyana ke wena, o didimale, *never ever* o leka go ntsena ganong. Tontobane kante o ntlwaediwa ke eng? Ga nke ke tshameka le wena. *Never, ever!* Mosimanyana yo o ntlwaediwa ke eng?

MR SPEAKER: Order honourable! Please *buisanang sentle*.

HONOURABLE MEMBER: Mr Speaker... (Inaudible)...language.

HONOURABLE MEMBER: Ba simolola go go roga.

HONOURABLE MEMBER: ...(Inaudible)...

HONOURABLE MEMBER: *Mr Speaker*, a ko o nne o kgalemela Chillyboy le Healy. O ya go ba kgalemela leng?

HONOURABLE MEMBER: Mr Speaker, are you going to allow such kind of language...

MR SPEAKER: Order! Please!

MR REATILE: Ga ke nke ke tshameka le ene. *He should not!*



HONOURABLE MEMBER: Bashi ke yo o dimpa di tona.

HONOURABLE MEMBER: Nnyaa, mo e tlaabo e le kgokgontsho.

MR SPEAKER: Order Honourable Reatile! *Ema pele. Bagaetsho...*

HONOURABLE MEMBER: Yo o dimpa di kima ke ene bashi.

MR SPEAKER: *Bagaetsho*, Order! Please!

HONOURABLE MEMBERS: ... (Interruptions!)

MR SPEAKER: Order! Please!

MR REATILE: Legotswana le le...

HONOURABLE MEMBER: Ke tlaa go araba...

MR SPEAKER: *Ema pele* Honourable Reatile. *Bagaetsho*, Standing Order 58.4, when another member is on the floor, we must all be quiet and nobody should make unseemly interruption. *Ba ba ntseng ba bua* Honourable Reatile *a bua, ke a le kopa, didimalang. Fa e le gore ga le batle go tlotla* Honourable Reatile, *tlotlang tsamaiso ya Palamente e, melao e e kwadilweng ya ba ya dumelwa ke lona.* I do not want anybody to talk *fa* Honourable Reatile *a bua*, please, respect him. Reggie, are you done?

MR REATILE: *Thank you for your protection Mr Speaker.* Ke dumela gore nna e ne e le yone *observation* ya me e ke neng ke go kopa *Honourable Speaker*, gore a re netefatse gore ditsamaiso tsa Ntlo e, re a di diragatsa *and* o kope Modimo wa gago, jaaka o a tle o o kope gore o se ka wa ba wa itelelela gore o felele o dirisiwa mo ditseleng tsa *cell committees*, e se tsa Palamente. *I thank you my leader.*

MR SPEAKER: Ke go lebogile Motlotlegi Mopalamente wa Jwaneng-Mabutsane. Nnyaa bagaetsho, kana fa ke le mo setilong se, ke ntse mo setilong sa lefatshe la rona rotlhe, le re le tlotlang, le re batlang gore le tswelile kwa pele. Palamente ya rona ke yone e e ka isang lefatshe la rona kwa pele. Ke a le kopa Batlotlegi Mapalamente. Motlotlegi Moeteledipele wa Ntlo e o neetswe maemo a ke rona. Fa e le gore ga re batle go mo tlotla, a re mo tlotlele sone setilo se re se mo neetseng gore a se nne a re etelele. Jaanong a tiro ya rona, ke a le rapela Batlotlegi Mapalamente, ke le motlhankanyana wa lona, fa e le gore ke le foseditse,

ntetlang ke le fosetse gompieno. Ke nna fela ke ka le fosetsang ka le mpeile kwa pele. Pitsa e tlakela motho yo o e apeileng. Ke a le rapela Batlotlegi Mapalamente, a re tsweleng batsadi ba me, le tlaa nkotlhaya kamoso gore 12 o'clock, re bo re feditse tiro ya rona.

MR BOKO: Procedure Mr Speaker.

MR SPEAKER: *Ao! Re buile* Honourable Boko. What are you saying? You are the last one.

MR BOKO: Thank you Mr Speaker. *Ke ne ke tsaya gore gongwe o tlaa nna le pelo ya go ka reetsa Batlotlegi Mapalamente ba bua.* We have been sitting here since 11 o'clock in the morning and we are dealing with a very sensitive matter, a matter that needs attention *ya Mapalamente otlhe. E re batlang gore fa re o dira, re bo re le* in our sober senses, *re sena letsapa le re le bonang gore le teng mo bogompionong.* We have the whole of Friday tomorrow, we are not in a hurry, we can start *ka* 9:30 a.m. and we can finish even around *bo* 4:30 p.m. or thereabout Mr Speaker.

Gore o bo o re re tswelile gompieno re fetise melao, ke ne ke tsaya gore Mr Speaker, *dilo tsa bogologolo tse di diragetseng ka Palamente e e fetileng ya bo 2012, gareng ga tse dingwe, ke gore re ithute mo go tsone, re se ka ra re nnyaa, ka gore go kile ga diragala, re tswelile re dire one masula a go fetisa melao mo lefifing.* We seem to be seen doing that and *mafatshe a mangwe a lebeletse, o se ka wa tsaya gore gongwe ke rona fela ba re itebeletseng, ba gakgametse.*

HONOURABLE MEMBER: *Re tsene ka...* (Inaudible)...*wa re* we have been here since 11?

MR SPEAKER: Honourable Healy, please. *Ke go utlwile* Honourable Boko.

MR BOKO: Ga ke ise ke fetse go bua.

MR SPEAKER: Ke kopa gore o wele.

MR BOKO: Ke batla go wela *Mr Speaker.* Ke batla go wela gore re batla go ithlotlhora tshwetso e e tserweng ke Motlotlegi Mothusa Tautona, e a e tsereng e, yone e e bosula e...

HONOURABLE MEMBER: O a otsela Molale ke yo.

MR BOKO: *Every time* o nna a tsaya ditshwetso tse di bosula, ke ntse ke bona gore le ene o a otsela, mme a re re tswelile ka...



HONOURABLE MEMBER: O itse gore ke eng wena Moapostolo ke wena, ke tlaa go hopha *boy*. O makgakga.

MR BOKO: Fa o ka kgona o mo kope, re ka tsoga re tswelela kamoso ka 9:30 a.m...

HONOURABLE MEMBER: Point of order Mr Speaker.

MR SPEAKER: *Order!* Mpha *chance* pele VP. *Honourable Boko, let me give a judgement on what you have said, ga o ka ke wa buela ruri. Ke go utlwile. Honourable Boko, two wrongs do not make a right. Fa e le gore Motlotlegi Rraarona Mothusa Tautona o dirile phoso, le wena ga o ka ke wa dira phoso ya bobedi, wa re o tlele ka tshwetso e e bosula, no ways, ga se mafoko a a siameng...*

MR TSOGWANE: Point of order.

MR SPEAKER: Ema pele Motlotlegi Rraetsho Mothusa Tautona, *please!* Nnyaa, ga se tshwetso e e siameng, ke a go rapela...

MR BOKO: There is *bosula* and *monate* Mr Speaker, *ga e monate, I cannot say...*

MR TSOGWANE: *Mr Speaker, kana ga o ka ke wa kgonana le Boko. Ntle ke dire point of order, ga ke bue se a se buang.*

MR SPEAKER: Mme kana ga ke ise ke go e neele rraetsho. Ke a go rapela Mothusa Tautona.

MR TSOGWANE: Ke sone se ke reng ke santse ke kopa. Ke kopa *point of order*.

MR SPEAKER: Ke ne ke re mma ke digele tlhe rraetsho.

HONOURABLE MEMBER: A mme e kopiwa ka dikgoka?

HONOURABLE MEMBER: ...*(Inaudible)*...

HONOURABLE MEMBER: O ne o sa re ke wa bofelo go bua?

MR SPEAKER: *Bagaetsho, Order!* Please. Honourable Mmolotsi. *Bagaetsho...*

MR MMOLOTSI: You should tell the VP *gore* this is not his...

MR SPEAKER: *Honourable Mmolotsi, ke le kopile fa Motlotlegi Mopalamente wa Jwaneng a fetsa go bua, a nkutlwa, a ntihaloganyana ke sena go ipaya ka fa tlase ga ditlhako tsa gagwe. A nkutlwa a ntihaloganyana. Le nyena*

ka Sengwaketse, ka bona gore le nkutlwile barena ba me. Ke a le rapela, a re tsweleng gore re fetse. Fa e le sengwe, e tlaare nako ya kamoso, re ka bona gore re simolola leng. Ke a le rapela Mapalamente a me, re romilwe ke batho ba lefatshe le gore re ba buelele, ke a le rapela mphang sebaka ke le laole jaaka le mpeile kwa pele ga lona Batlotlegi Mapalamente a me. Please! A re tsweleng.

MR TSOGWANE: Mr Speaker, my point of order is still relevant.

MR SPEAKER: Please go ahead Honourable VP.

MR TSOGWANE: According to this Standing Order which I have moved, I want to read it...

HONOURABLE MEMBER: VP, *ga se caucus ya Domkrag.*

MR SPEAKER: Iketleng pele bagaetsho. *Sorry Honourable Member for Sefhare-Ramokgonami, intshwarele morena wa me. Ke a go rapela Motlotlegi Rraetsho Mothusa Tautona, you have made your point ka Standing Order...*

MR TSOGWANE: Nnyaa ...

MR SPEAKER: Please Honourable VP.

MR TSOGWANE: Kare golo mo go tlaa go thusa Rre Moatlhodi, e bile go tlaa kaela batho gore *when you have moved the Motion, go diragala eng... (inaudible)...* ga gona go re thusa ka sepe. *We must know* gore re sala tsamaiso morago jaaka Standing Order se bua. Golo mo go tlaa le thusa.

HONOURABLE MEMBER: O tlhasela *Speaker* jaanong, o tlhasela *Speaker*?

HONOURABLE MEMBER: Ee, o a dumela *Speaker* wa teng, akere o palelwa ke tsamaiso. *He deserves it. The Speaker deserves this very treatment.*

HONOURABLE MEMBER: Nnyaa mme VP le ene o ka bo a sa *abuse Speaker, Motion* o fetile ...*(inaudible)*...

HONOURABLE MEMBERS: ...*(Interruptions!)*...

HONOURABLE MEMBER: *Ke go boleletse Mr Speaker gore ba batla go go roga, nothing else. I told you and that is what His Honour the Vice President is saying. Give him a chance, ba tlele go go rogela kwa pele. Protect yourself Mr Speaker.*



HONOURABLE MEMBER: O rata go rogwa tlhe Chilliboy.

HONOURABLE MEMBERS: ... (Interruptions!)...

MR SPEAKER: *Order please!* ga ke ba tle ope a nthoga ka ga ke ke ke roga ope. Ke a le rapela bagaetsho. Motlotlegi Mopalamente wa Jwaneng-Mabutsane o buile le nna ke mo utlwile, ke buile nae o nkutlwile. Motlotlegi Mopalamente wa Mahalapye Botlhaba o buile le nna ke mo utlwile, ke buile nae o nkutlwile. Ke a le rapela bagaetsho, a re tsweleng ka tiro gore re e wetse. Ke a le rapela bagaetsho, *please!*

HONOURABLE MEMBER: A re tsweleng bakaulengwe.

MR SPEAKER: Ke a leboga Motlotlegi Mopalamente wa Ghanzi South. Ga ke itse gore a *Honourable Mokgethi* o ne a feditse, o feditse *Honourable Minister*?

MINISTER OF NATIONALITY, IMMIGRATION AND GENDER AFFAIRS (MS MOKGETHI): Mr Speaker, I just wanted to conclude by saying that, I support Honourable Mmusi's Bill without blinking an eyelid. I thank you Mr Speaker.

LEADER OF THE OPPOSITION (MR SALESHANDO): *On a point of order. Mr Speaker, it is just a very simple point of order. Kana tota Standing Orders demand of your chair to being neutral, go sa lebege o gogela kobo ka fa go ope. I really want to plead with you to reflect gore nako tse dingwe o tsamaisa jang. Ke gore fa o bona VP a kgona go go emisa gabedi, motho a le mongwefela a bua, a ntse a go botsa gore, "akere o a itse gore go bua bokae ka fa, go bua bokae ka fa, can you guide me foo, ema gape, re ka dira jaana, re ka dira jaana,"* o bo o tsenwa ke lebelo le re neng re go bona o le mo go lone. O sa reetse *any other point of procedure* tse di neng di tswa kwa go bo Mmolotsi le ba bangwe, o bo o batla go fetisa ka bofefo, o bo o re, "ga ke dirile phoso le tlaa intshwarela," o ne o sa dire phoso, o ne o dira ka bomo *Mr Speaker*. Ga se gore ga re go tlotle, mme fa o dirisa *that sort of biasness*, mo rotlthe re bonang gore o gogela kae, kamoso go ya go lebega e kete ga o tlotlwe, ka gore fa VP a bua o a taboga, o batla go dira se a se batlang.

Re a itse gore re ne re ka tswelela kamoso *in the afternoon, we heard the VP saying*, o na le sengwe se a se dirang *in the afternoon. Because go ntse jalo, rotlthe re tshwanetse re lale ntle to accommodate VP. Ke lebogela Modimo gore le ene VP a bo a go supegeditse pele fa o wela gore ga a go tlotle, ga a go tseye tsia...*

MR TSOGWANE: Se nkgolege, tlogela go tlhoka go bua boammaruri, ga ke ise ke ko ke bue gore ke na le sengwe ka *afternoon*.

HONOURABLE MEMBER: O dira jaana *Mr Speaker*, ka gore o mo tlwaeditse.

MR TSOGWANE: *I am not going to allow abuse, o batla go bua dilo tse di senang boammaaruri ka bomo fela. O mogolo Dumelang, o mogolo! You must learn to tell the truth.*

HONOURABLE MEMBERS: ... (Interruptions!)...

MR SPEAKER: Honourable VP please!

MR TSOGWANE: *He needs to tell the truth. A se ka a tla a bua go tlhoka boammaaruri a re ke rile afternoon ke dira sengwe, where can he produce that record.*

MR SPEAKER: VP ke a go kopa tlhe rra didimala.

HONOURABLE MEMBER: VP o ne o rialo, re ne re le gone fa re go reeditse.

HONOURABLE MEMBER: Ee, *that was his justification for extending.*

HONOURABLE MEMBER: Re mo utlwile a rialo.

MR SPEAKER: *Order Honourable Kekgonegile, ga ke go itse jalo Motlotlegi Mopalamente wa me wa Maun Botlhaba, ga ke go itse jalo.*

HONOURABLE MEMBER: Nnyaa le wena PPP jaanong ae!

HONOURABLE MEMBER: Are boeleng *to the chamber*; e re motho a bua jaana o bo o bapile le ene.

MR SPEAKER: *Sorry Honourable Mathoothe! ke a go rapela ngwana wa bomma. Bagaetsho! ke utlwile Leader of the opposition. Ke ka go tlhalosetsa, mme le wena o a itse deep down in your heart ga ke gogwe ka nko, ga ke dirisiwe. Ke setse melao ya Palamente e morago, e bile ga gona yo o ntirisang. Ke a le kopa, ke le tlotla loo babedi; opposition and ruling party, lotlthe le Mapalamente ame ka go lekalekana. So please! ke go utlwile Dumelang Saleshando, o a nkitse ngwana wa ga nkgonne ga ke a nna jaaka o bua. Ntletlang ke tswelidise Palamente. Ke a le kopa Batlotlegi Mapalamente ba me.*

HONOURABLE MEMBER: Please do.

HONOURABLE MEMBER: You are very biased Mr Speaker.



MR SPEAKER: *Ao please! Honourable Kekgonegile, please!*

HONOURABLE MEMBER: *No, ga o dire sentle. Ga o dire sentle.*

MR SPEAKER: *Ga o ka ke wa nkomanyetsa ruri, ke go utlwile.*

ASSISTANT MINISTER OF AGRICULTURAL DEVELOPMENT AND FOOD SECURITY (MR MOLEBATSI): *Ke a go leboga Mr Speaker. Hei! go maswe, fa go le bosigo jaana ga go reediwe.*

MR SPEAKER: *A ko o tsene mo kgannyeng le wena, o raya gole maswe eng. Tsena mo kgannyeng.*

MR MOLEBATSI: *Le wena o bua thata Mr Speaker, ah! Ke ne ke riana ke re ke fano. Mo tshimologong ya me ke bue go tswa boteng jwa pelo ya me gore ke leboge Tona Mmusi gore a bo a tlile ka molao o. A kile a o supa, ya re a o supile ra supa dingwe tse di neng di re ngongoregisa.*

HONOURABLE MEMBER: *Wena o kile wa supa eng tota, ga o ise o ke o supe sepe. O ne o re o siame gakere.*

MR MOLEBATSI: *Nnyaa kwa re nnang teng kwa, ga o ke o tsena diphuthego tsa rona rotlhe...*

HONOURABLE MEMBER: *Akere re go utlwa gone fa.*

MR SPEAKER: *Sorry Honourable Hikuama, please! please Honourable Hikuama!*

HONOURABLE MEMBER: *A se ka a ipateletsa gore o supile sengwe, ga a supa sepe ...*

HONOURABLE MEMBERS: *...(Interruptions!) ...*

HONOURABLE MEMBER: *Mr Speaker, protect the member on the floor.*

HONOURABLE MEMBERS: *...(Interruptions!)...*

MR MOLEBATSI: *What is this, what the hell is this? Re mo Palamenteng kana should we just stop and go home!*

MR SPEAKER: *What are you talking about?*

HONOURABLE MEMBER: *He cannot say "what the hell is this," he should withdraw that statement.*

MR MOLEBATSI: *Re na le ...*

MR SPEAKER: *Ema pele. Honourable Minister Molebatsi, ke tshwentswe thata ke lefoko le o neng o le bua.*

HONOURABLE MEMBER: *Mo kobe, mo kobe!*

MR SPEAKER: *Ema pele! ema pele! Bagaetsho iketleng...*

HONOURABLE MEMBER: *Mr Speaker, Reatile o ntse a re motho ke bashi, o sa bue sepe.*

HONOURABLE MEMBER: *...(Inaudible)...*

MR SPEAKER: *Order Please Honourable Mathoothe! Bagaetsho a ko le reetseng!*

HONOURABLE MEMBER: *Mr Speaker, you just left Reatile to call somebody a bashi. Why are you selective?*

MR SPEAKER: *Honourable Healy please!*

HONOURABLE MEMBER: *Nnyaa, you are being selective. Honourable Reatile ...*

MR SPEAKER: *Ao bagaetsho! Ao bagaetsho! Ao! Honourable Molebatsi ga re ke re bua jalo mo Palamenteng. Ke kopa gore o boele lefoko leo kwa morago. O raya mang o re, 'what the hell is that,' ke matlhapa selo seo.*

MR MOLEBATSI: *Ke le boela kwa morago Mr Speaker, ke kopa maitshwarelo.*

MR SPEAKER: *Thank you very much.*

HONOURABLE MEMBER: *Ga re o raya wena Speaker, ke eng o sa mo kobe.*

MR SPEAKER: *Go siame, le fa e le gore o raya nna ke amogetse. Tswelela Minister.*

MR MOLEBATSI: *Mr Speaker, ke ne ke re re le Puso re na le boikarabelo jwa gore re dire melao. Melao e santlha e tlaa re thusang go tsamaisa lefatshe le sentle.*

Sa bobedi fela jaaka molao o, re dira fela jaaka re solofeditse Batswana mo manifesto wa rona gore re ya go sireletsa Batswana, Re ya go nna le Botswana yo o sireletsegileng. Mo manifesto wa rona Mr Speaker re rile, national security is going to be of the highest priority.

Re buile gape gore re ya go tokafatsa makalana a a tshwanang le a sepodise, sesole le one a a dupang a tseoditlholwa one ao, re a tokafatsa ka go a batlela bodiredi jo bo rileng, jo bo rutilweng le didirisiwa tsa maemo a



a kwa godimo. Se se mo *manifesto* wa phathi ya rona mo Page 48. Re na le boikarabelo gape jwa gore FATF Recommendation 31.2 le yone ya re re thatafatse *our investigatory powers of law enforcement agencies*. Le rona fela re le Puso, ke ditsholofetso tse re di diretseng Batswana, tse re tlamegang go di diragatsa.

Mma ke leboge Matona le Mapalamente a phathi yoora Domkrag gore re diragatsa tse tsotlhe. Ke gone jaaka re di diragatsa jaaka re riana.

Ke ne ke santse ke re ke leboga Tona gore a bo a dirile tiro e ntle thata ya gore a ye go fetola tse di neng di sa re tseye sentle, bangwe di ba ngwayangwaya, bangwe o kare di tlaa ba baya ka fa mosing. O ne a di fetola a tla ka diphetogo tse di kanakana. Ke sesupo sa gore o a reetsa, re Puso e e reetsang, ya morero, e e leng gore fa go na le batho ba bua se ba ka re ruta sengwe. Re Puso e re dumelang gore re ka ithuta sengwe mo go rona ka borona le mo bathong. Se rra ke a go se lebogela gore o bo o dirile jalo. Se se fetsa dipuopuo tse dintsi. Fa o bona gompiano go le dikgang tse dintsi ke gore kana bagarona jaanong ga ba itse gore ba tlaa tlhola ba thiba jang ka gore tse ba neng ba lela ka tsone ga di sa tlhole di supagala di le teng, gongwe tse ba neng ba ka tlhola ba ile kwa *radio stations* ba batla go re kgoba ka tsone gone fa.

Mma ke rialo ke re bagaetsho, gompiano ke ya go itebaganya le tsone tse re dirileng bontle jwa gore re arabe dikgang tse di neng di tsositse modumo gore molao o ga o a siama, o diretsewe gore o tle o lebagane le bo semangmang le bo semangmang. Bagaetsho, ga go tlhokafale gore re ka tlhalosa molao o, o tshwana le melao e mengwe e e ntseng e le teng. Melao e ya tseoditlholwa, ke melao e e ntseng e le teng e diragala, mme go dira maphata a a farologanyeng.

Ke kope *to quote* Hansard ya Wednesday 21st of March 2007, Security Bill Services Bill, 2006.

MR CHAIRPERSON: Do quote Honourable Minister.

MR MOLEBATSI: Ke nopola *the then Minister of Justice, Defence and Security, Honourable Phandu Skelemani* a tlhalosa botlhokwa jwa gore re nne le *intelligence services*. O ne a riana, *“An intelligence service is a key or vital component of any state providing independent analysis of information relating to state security and the protection of vital interests.”* Ka mafoko a mangwe fa a rialo, morwa Skelemani o ne a tlhalosa gore re tlhoka go nna le lekalana la go nna jalo, *a service* ya mofuta o o ntseng jalo.

Ke leka gore gompiano ke itebaganye le tse di neng di tshwenya batho di tsosa lesokolela le le kanakana, tse di tletseng mo bobega-dikgannyeng jwa gompiano tse gotweng ga go dirwe dilo sentle. Ke tlhalose botlhokwa jwa go nna le molao one oo. Ke tlile *to quote two professors* ba bua ba tlhamaletse ka molao one o mo Botswana. E nngwe *professor* e mo Botswana mme e nngwe ga e mo Botswana. Ke kopa *to quote Professor Duncan*, mokwadi wa dibuka yo o kwadileng the Rise of the Securocrats: the Case of South Africa le Stopping the Spies. Ke dibuka dingwe tse a di kwadileng.

Ke kopa go mo nopola *Mr Chairperson*, *“There are however some notable positives about the Bill. The Bill is not all bad. The fact that the Government is introducing a Bill to regulate and cover law enforcement powers and it is sent to set common standards for these powers, is a good thing.*

Most countries have law regulating interception of communication but not other covert activities which lead to different standards being applied to different types of undercover operation activities”. Professor yo o bua ka molao one o re buang gompiano. Ke *professor* yo o itseweng thata kwa South Africa yo o kwalang ka dilo tsa *intelligence*. A re go maleba, re le lefatsho la Botswana re dirile bontle gore re tle ka molao o. Ke kopa *to quote professor* yo mongwe *Mr Chairperson*, yo o buang ka bontle jwa gore re bo re tlile ka molao o. Professor...

MR CHAIRPERSON: Do quote Honourable Member.

MR MOLEBATSI: *“It is disappointing that the state of Botswana does not have in place a comprehensive legal framework regulating the issue of interception of communications data for law enforcement purposes”.* Ke gore e ke e *quote* ka bomo, e lebege e le *negative*. O a re gagamalela gore ke eng re le mo lefatsheng le re sena molao o? Se se supa botlhokwa jwa go nna le molao o. Go botlhokwa gore re nne le molao o fela jaaka o utlwa batlhalefi ba ke ntseng ke ba bua ba bua ka one.

Jaaka ke ne bua, ke ya go nna mokhutshwane gompiano, ga ke ye go nna moleele. Se ke batlang go se bua gompiano, ga ke ye go tlhalosa gore molao o o raya eng, re a o itse. Tse di tlang ka molao ke tse di ntseng dingwe tsa tsone di le teng jaanong gompiano go ka fa molaong. Potso ke gore go raya eng jaanong fa go le ka fa molaong? Go raya dilo tse dintsi...

MR SEGOKGO: *Clarification.* Ke a leboga *Honourable Molebatsi*. Ke tlaa nna mokhutshwane. Ke ne ke utlwa le wena o re ga o ye go tlhalosa molao.



Ke ne ke batla gore ke dire sengwe ke se, ke go balele mafoko a a neng a ntse a buiwa ke Rre Hikuama ke bo ke go botsa gore o a tlhaloganya jang fa o lebile molao o. Ke mo lebogela gore o ne a nthomelela *quotation* e a neng a e bala ya ga Jerry Adams, a re “*Government is instituted for the common good.*” Jaanong ke batla go go botsa gore a molao o, *is it for the common good? And gatwe, “for the protection, safety, prosperity and happiness of the people.”* Molao o wena fa o o lebile, *is it not for the protection, safety and prosperity of the people?* Ke buisiwa se ke gore ke bona a ne a re eme nokeng tota mo molaong o. E bile le mafoko fa a wela, ke ne ke lemoga o kare o wela mo go reng tota molao o o ka o amogela, fela mathata ke gore go ne go na le dingwe ditshetla tse e keteng jaanong di eme *individual rights* ka fa mosing. Ke tsaya gore ke tsotlhe tse Tona Mmusi a di arabileng.

Ke tlaa wela jaana ke go botse gore a mme wena o ikamanya le kgang e e ntseng jaana gore *the first responsibility of a Government in a democratic society, is to protect and safeguard the lives of its citizens?* A molao o ga se go itebaganya le se e leng sone tota *our first responsibility as a Government?* Ke go botsa dipotso tse gore o tlhalose molao ka seemo se se ntseng jaana. Ke a leboga.

MR MOLEBATSI: Ke a leboga *Honourable* Segokgo, o ntiretse tiro motlhofo mo go maswe. Tota ke ne ke sa batle go tsena mo go tseo ka gore ke itse gore *they are just too obvious*, ke tse e leng gore mongwe le mongwe yo o leng gone fa, fa o le mo *level* ya Mopalamente ya go emela batho, o tshwanetse gore o bo o itse fela gore go bothokwa gore setšhaba se re se emetseng se bo se le ka fa tlase ga tshireletsego. Ke rata ya bofelo e o e buang gore *national security* ke maikarabelo a Puso e e busang gore batho ba yone ba bo ba sireletsegile.

Ke sone se ke neng ke se bua mo maitlamong a phathi ya ga Domkrag, *page 48* mo *Manifesto Number D*, ya re ‘*we will accord national security the highest priority.*’ *That is what we are saying. Honourable* Hikuama kana tota ene o sa le a simolola fela a akgola *Honourable* Mmusi go tswa kwa tshimologong. *He is a converted.* Nnyaa, ene o tsene. Ke raya gore ka mafoko a gagwe fela ke motho yo e leng gore o a re tlhaloganya. Jaanong ke sone se re se buang gore ga go na ope yo o ka...

HONOURABLE MEMBER: Clarification Honourable Member.

MR MOLEBATSI: Ke tlaa go neela tsala ya me. Ga go na ope yo o ka re nnyatsang, yo o ka ipotsang dipotso gore ke gore fa re le mo matshelong a gompieno re na le

crime e e *sophisticated* jaaka e re ntseng re e bua ya bo *virtual assets*, re re *crime is sophisticated*; ya go utswa dikarolo tsa motho, *where people’s kidneys are stolen*, go na le *human trafficking, drug dealing* e e kanakana, o bo o re o ka nna fela o sena *an intelligence service* ya maemo a a kwa godimo! Re ka salela kwa morago, ra fitlhela e le gore fela jaaka ba FATF ba bua, e bo e le gore dilo tseo jaanong di simolola gone mo lefatsheng la rona.

Ke ne ke tsena Palamente ya African Caribbean Pacific (ACP) – European Union (EU), ga ke itse gore a ke e bua sentle. *One of the session* e ke kileng ka ya kwa Palamenteng ya teng, e ne e le gore ba EU ba ne ba tshwenyegile ka gore mafatshe a rona, segolobogolo mo Aferika, batho ba ba tsewang magopelo ba tswa gone mo mafatsheng a rona a. Ba tla ba tsiediwa ke batho, ba ba leletsa, ba ba romelela *emails*, ba ba tsenya mo *social media*, ba ba biletsa ditiro gone koo gore ba tle kwa mafatsheng, mme fa ba tsena kwa ba a nyelela, o tlaabo a ntshiwa pelo a santse a tshela ka gore go na le mohumi mongwe yo o tlhokang pelo. Madi a teng re ka a bona kgantele gore a kwa godimo; *there is a market. We need intelligence and we proper intelligence services...*

HONOURABLE MEMBER: Elucidation Mole Mole...

MR MOLEBATSI: ...*for such kind of things. We need to be at par with the type of crime yone e e buang ka batho. Forget* gore a re tlaa tlhola re reediwa *and all these things. There is a way in which we can do locally as a country.* Ga re ka ke ra tshaba go itshireletsa ka gore ke tshaba gore ke tlaa reediwa ke bua le mmenyana golo gongwe, kana ke batla *tender* golo gongwe. *No, we cannot do that...*

HONOURABLE MEMBER: Mole Mole, ke Healy; *elucidation.*

MR MOLEBATSI: ...*leave ourselves open* fela ka gore re tshaba gore ke tlaa bua le mosadi wa me golo gongwe...

HONOURABLE MEMBER: Kana o ntse o seo, a ko o re fe *clarification.*

MR MOLEBATSI: O a ntia monna, tsena. Ke a mo neela.

HONOURABLE MEMBER: O neela mang?

MR SPEAKER: Emang pele bagaetsho.



MR MOLEBATSI: Ke neela Kekgonegile.

MR SPEAKER: Ema pele Rre Molebatsi. *In all fairness, Honourable Hikuama o sa le a kopile pele. Honourable Hikuama and then Honourable Healy.*

MR MOLEBATSI: Ga se gore ke neela yo ke mmatlang *Mr Speaker?*

MR SPEAKER: Nnyaa, ga re bereke jalo mo Palamenteng. *Honourable Hikuama.*

MR MOLEBATSI: Ee, mo neele.

MR HIKUAMA: Ke a leboga *Honourable Member*, ke a leboga PPP go ntlhomogela pelo. Ke ne ke re ke botse jaana *Honourable Mole Mole*, gore go lebega o tshwenyegile kana o na le lesokolela la gore ga ke a tshwanela go akgola Tona. Ke gore lona *you oppose* gore batho ba kganetso, le fa re dumalana, ga le itumelele selo seo? Mo go lona ke bothata gore ga ke a tshwanela go bua tse di botoka tse ke di boneng di tokafatse le sena go nganga le re molao o siame, fa re sena go tliša...

MR MOLEBATSI: Ke go utlwile. Mafoko a gago ke a utlwile, tlaa ke tsewelele o lese o ntiela nako.

Comrade, gongwe ga o a nkutlwa sentle. Ka re ke go ratile thata letsatsi leno, e bile kamoso ke go rekela *drink* gore gompieno o buile boammaaruri jo bongwe jaana, o akgotse Mmusi. O buile bontle jo bongwe jo e leng gore kamoso fela fa re ya *lunch*, ke go rekela *drink*. O buile bontle thata, e seng ba bangwe bone ba...

MR HIKUAMA: Ga ke batle *drink*, dira molao o o siameng.

MR MOLEBATSI: Ee, ke fa Healy *Mr Speaker*.

MR SPEAKER: Followed by Honourable Kekgonegile; Honourable Healy.

HONOURABLE MEMBER: *Ke kopa* procedure, Mr Speaker.

MR SPEAKER: Procedure, *emang pele*. Honourable Member for Selebi-Phikwe West.

MR KEORAPETSE: Procedure. It is a quick one. When Honourable Molebatsi was yielding for Honourable Kekgonegile, *o bo o bua* gore Honourable Member *mongwe o buile pele*. *Gone jaana* he has yielded for *yo mongwe, jaanong wena o tšenya yo mongwe*. Mr Speaker, it is unprocedural, a member holding the floor has every right whom to yield for. I think that must be

very clear. If he singles out somebody *a re* he yields for this one, he will be yielding for that person *go sa kgathelesege gore go na le yo o tsholeditseng letsogo pele kana go na le yo mongwe yo o tlaa buang kwa pele. Ke ne ke re o baakanye.*

MR SPEAKER: Thank you Honourable Member for Selebi-Phikwe West. Honourable Member on floor was Honourable Healy, I think.

MR MANGWEGAPE-HEALY: Thank you Mr Speaker, thank you Mole Mole. You are articulating it very, very well, *mme fela ke ne ke batla go go tlatsa ke re*, I sit on the Committee of Defence, Justice and Security alongside Honourable Keorapetse, Honourable Kapinga, Honourable Reatile, and we have been told what a struggle it has been for our armed forces in terms of their procurement because *madi a ba a dirisang, a lebega a tswa* from a country that has been grey listed. *Jaanong ke ne ke batla go go tlatsa gone gore dilo tse* impede not just your ordinary Motswana, they even impede *yone kgang ya* safety and security *e o e buang gore Goromente o na le* an obligation to protect its people. I just wanted to highlight *gore dilo tse* impede even that very security *ya* Botswana as a whole; *tsone tsa bo* grey listing. I thank you.

MR MOLEBATSI: Ke a go leboga *Honourable Healy*. *Yes*, ke sone se ke se buang gore fa lefatshe le ka nna fela le sa ikatlega, fa gongwe e se rona Botswana kana rona beng ba lefatshe ba re dirang molao, e nna gone kwa e leng gore batho ba tswa kwa ntle ba tlile go direla gone fa. Ba tlaabo ba tla gone fa ba re rekisa batho kwa mafatsheng jaaka ke ne ke bua, mme e tlaabo e le bone ba e leng gore dilo di tswa kwa mafatsheng a mangwe di feta fa, *origin* e bo e tla e supa gore ke Botswana, *but we need intelligence services*.

Anyway, se ke neng ke dumela gore se ne se tshwenya batho, ke sone se ke reng ke leboga *Honourable Kagiso Mmusi* gore a bo a dirile diphetogo tsa gore tota bana ba rona, boammaaruri ke gone gore ba tlhoka gore fa e le gore ba ya kwa mothong, ba tlhoka gore ba ye go tlhotlhomisa motho, ba tlhoka gore go bo go na le *court*.

HONOURABLE MEMBER: Elucidation.

MR MOLEBATSI: *A warrantless use of token powers including interception ya communication* fa e sena *warrants*, fa gongwe go ne go ka se ke go nne sentle. Fa ba ne ba ka dira jaaka re ne re bua gore ba ne ba ka iphetola difane *by use of assumed identity* go sena *court* e e leng gore tota ba ile go tlhalosa kwa *go yone*, ke



gore go sena mogolo mongwe yo o reng nnyaa, mme ke dumalana le lona gore le ka tsamaya, gone setšhaba se ne se ka se ke se ikatlege sentle. Kana tseo re rile re ipaakantse, re ka bo re itumelela gore re baakantse tsone tse di neng di re tsentse lesokolelela. Ke dumela gore Tona Mmusi jaaka a ne a buile, o tlaa tla a di bua ka botlalo, a di tlhalosa sentle gore le gone go tlaabo go dirwa jang, go diragala eng. Ke sone se ke reng le bagarona tota ba ke ba emetseng kwa Mmadinare, di ne di ba tshwenya dilo tse. Ke dumela gore ka ke ne ke rile nako ya go di tlhalosa e tlaa tla, ke dumela gore fa ba reeditse, ke gone fela gore nnyaa, tsone tseo jaanong bagaetsho re di baakantse tse di neng di le tshwenya. Se se tona fela ke gone gore, re tlhoka *intelligence services*.

Mma Makwinja, ke setse ka *five seconds*; tsena.

ASSISTANT MINISTER OF BASIC EDUCATION (MS MAKWINJA): Ke batla go dumalana le wena gore *corruption* e tsentse letsogo. Go ntse go lediwa gotwe re bua ka *corruption* mme ga re dire sepe, a o ne o bona...

MR SPEAKER: *Your time up.* Go tlaa bua Motlotlegi Mopalamente wa Selebi Phikwe Bophirima, *Honourable* Keorapetse.

MR KEORAPETSE (SELEBI PHIKWE WEST): Thank you Mr Speaker. Mr Speaker, indeed the law before us is nothing new in the country.

MR HIKUAMA: *Procedure.* Ya me e khutshwanyane *procedure* ya teng, a mme jaaka re setse re feditse metsi, ga gona ka fa ba ka re neelang metsi ka teng?

MR SPEAKER: A tlaa goroga mokaulengwe wa me. *I will call for it.*

MR HIKUAMA: Re setse re kgala mathe, mathe a a phaphalala.

MR SPEAKER: A tlaa goroga *honourable*. Tswelela Motlotlegi Mopalamente wa Selebi Phikwe Bophirima.

MR KEORAPETSE: Mr Speaker, I was saying this kind of law as Honourable Kapinga had articulated at a joint opposition press conference is not an unimaginable law. Our queries have been very clear; the line of debate of the ruling party seeks to just mislead people. We know of the existence of the Counter-Terrorism Act, in particular at Section 20. We know of the Cyber Crime and Computer Related Crimes Act. We know of the Intelligence and Security Services Act of 2007, particularly Section 22 which permitted the use of surveillance technologies.

Mr Speaker, what we had issues with was the law as it was originally gazetted, and read a First and Second time in this Parliament, that has been our problem. Let us not beat about the bush and pretend that you originally tabled the amendments. The amendments have not yet been tabled, they have been shared, and we shall deal with them at Committee Stage.

Mr Speaker, the United Nations (UN) Human Rights Council has made an observation that orbit and covert digital surveillance has proliferated over the years. That is the observation of the UN Human Rights Council. The UN High Commission for Human Rights, Special Rapporteur in their Report of 2014, they have noted with concern the use of digital surveillance by Governments to target specific individuals. For instance, they indicated that Governments tended to target opposition activists, critics of the Government and journalists. The law as it was originally tabled had no safeguards, this is what our worry was, and we were right to be worried. Was it only the opposition that was worried? No, Law Society of Botswana, Botswana Centre for Public Integrity, Media Institute of Southern Africa (MISA) Botswana, they were worried...

HONOURABLE MEMBER: Clarification.

MR KEORAPETSE: Print, broadcasting and social media was worried. I am not taking any clarifications for now. Trade Union Federations were worried. Why were they worried Mr Speaker? They were worried because of the weak regulatory environment, which provides fertile ground for arbitrariness and lawlessness by Government. What the state sought to do through this law in its original form, as it was gazetted and tabled, read a First and Second time was to legitimize state terrorism. That is what we opposed.

They go around quoting Professor Tachilisa Balule out of context, one of the main critics of the law as it was originally gazetted, read a First and Second time. I can say this authoritatively Mr Speaker, I wish to paraphrase in his paper, he has said, it has been noted that a weak regulatory environment provides fertile ground for arbitrary and unlawful communications surveillance by the state. This appears to be the case with Botswana. This paper demonstrates that the existing legal framework is not adequate to guard against unlawful and arbitrary surveillance of communications for law enforcement purposes. *Go ngongorega* Professor Tachilisa Balule, the one you have been quoting out of context is a main critic of this law. Why were we worried Mr Speaker and what were we worried about?



HONOURABLE MEMBER: Clarification.

MR KEORAPETSE: No, I am not taking clarification for now.

HONOURABLE MEMBER: Gakere o batla go akela Rre Balule.

HONOURABLE MEMBER: Ga a bue boammaaruri kana.

MR SPEAKER: Order! Order!

HONOURABLE MEMBERS: ...(Murmurs)...

MR SPEAKER: Honourable Keorapetse!

MR KEORAPETSE: Yes, Mr Speaker.

MR SPEAKER: *Honourable* Keorapetse, intshwarele ngwana wa bomma. Bagaetsho, ke kopa go itse gore ke mang yo o rayang Motlotlegi Mopalamente wa Selebi Phikwe Bophirima a re o akela *so and so, who is that?*

HONOURABLE MEMBER: Mthimkhulu.

HONOURABLE MEMBER: I withdraw.

MR SPEAKER: Withdraw that quickly.

MR MTHIMKHULU: I withdraw Mr Speaker. I withdraw.

MR KEORAPETSE: I hope my clock is frozen.

HONOURABLE MEMBERS: ...(Murmurs)...

MR SPEAKER: *A re reetsaneng pele bagaetsho.* Honourable Vice President (VP), what is your Procedure?

MR TSOGWANE: *Procedure. Mr Speaker, kana gompiano re tlaa loswa ke selo fela se se nang le tsamaiso ya sone le procedure e e ka salwang morago. Rre mongwe fa quoted the same person yo rre a reng he is quoted out of context, mme kana yole fa a mo nopola, o ne a bala se a se kwadileng. Gongwe le rre fa a re thuse, a bale se a se kwadileng, se a reng he is being quoted out of context. We must be scholarly and know gore go na le tsela ya to quote. Ga re ka ke ra tla ra nganga, yo mongwe a re nnyaa, ga a bua jalo, yo mongwe a re nnyaa, you are quoting him out of context. A re direng se se tshwanetseng, o kope fela gore fa go ntse jalo, a yo o nopolang a supe gore o nopola fa kae, yole o ne a bua a reng. Re kopa procedure eo Mr Speaker.*

MR SPEAKER: Ke yone tshwanelo gore yo o nopolang, o tshwanetse gore a bue gore o bala fa kae. Lefoko le ke le ganang ke gore go tewe Motlotlegi Mopalamente wa Selebi Phikwe gotwe o a aka, *I hate that. That is why ke rile it should be withdrawn.* Tswelela Motlotlegi Mopalamente wa Selebi Phikwe Bophirima.

MR KEORAPETSE: Mr Speaker, I have never said I am quoting.

MR MANGWEGAPE-HEALY: Procedure. I seek your guidance Mr Speaker, because earlier in this very session under your Speakership, Honourable Reatile called Honourable Rakgare "*bashi,*" but you never made him retract that statement. Every single Member of the Botswana Democratic Party (BDP) who had said something that you did not like, you force them to retract. Where is the consistency in there? That is where my procedure is.

MR SPEAKER: Thank you very much Honourable Healy. Unfortunately...

HONOURABLE MEMBER: E bile o ne a raya nna mafoko ao.

MR SPEAKER: *May we have order, please.* Ga ke a ka ka utlwa Motlotlegi Raetsho Reatile, ga ke a mo utlwa. Ga ke ka ke ka boela kwa morago. Ga ke a mo utlwa.

MR MANGWEGAPE-HEALY: *Fa re ka ya kwa Hansard, will you make him retract?*

MR SPEAKER: *Honourable Healy, please, ga ke ka ke ka mo dira gore a retract se ke sa se utlwang. Please! Honourable Keorapetse, please continue*

MR KEORAPETSE: Mr Speaker, protect the flow of my debate please.

MR SPEAKER: I am protecting you *Motlotlegi Mopalamente.*

MR KEORAPETSE: Mr Speaker, I never said I was quoting, I said I was paraphrasing. If you want the quotation, it is clear in Professor Tachilisa Balule's paper, 'Surveillance of Digital Communication in Botswana: An Assessment of the Regulatory Legal Framework.' Go to page 22 towards his conclusion, you will find those words.

Professor Balule is saying, what is even more disturbing is that any surveillance authorized by the courts under the existing laws will not even meet the requirements



of the constitutionality test. The right to privacy in Botswana is not sufficiently and adequately protected against interference by law enforcement agents. That is Professor Tachilisa Balule, who has been quoted out of context.

Why are we worried? We are worried because reports surfaced in the newspapers, that the Directorate of Intelligence and Security (DIS) in particular has acquired digital surveillance equipment to spy on Batswana. Such reports has surfaced, I do not need to belabour this Parliament with those reports.

Why were you worried about the need for safeguards, accountability, Parliamentary Oversight? Why were we worried? We were worried Mr Speaker, because it was under this Government that people have been declared persona grata for speaking against this Government. We are worried because journalists have been arrested, not so long ago in the recent past, Weekend Post journalists were arrested, Tsaone Basimanebotlhe of Mmegi had her gadgets confiscated by the DIS. Warrants have been forged under this administration Mr Speaker, where Magistrates have said I have never signed such a search warrant but it was issued, somebody was searched and arrested over that warrant. Trumped up charges Mr Speaker, people have faced trumped up charges in our courts. Lies have been told that P100 billion is missing from the Central Bank, when the Central Bank is telling all and sundry that we never had in our coffers P100 billion. So we are bound to be worried.

Forged affidavits; not once but twice where somebody says under oath, I know as a matter of fact such and such an amount of money got into this and this account in the Republic of South Africa and such banks are very clear deponing affidavits that such accounts not only do not exist in those banks, but moreover the names attached to the fake accounts, such people do not bank with such banks. Moreover, even assuming that those people bank with those banks, the Reserve Bank of South Africa would have had to okay such transactions. So these are big lies which this Government has gone to court under the DPP, charging people with serious offences such as terrorism. So why *re ka se ke re tshwenyeye* Mr Speaker, *mo dikgannyeng tse di ntseng jaana?*

Even activist of the ruling party have decried being followed around by the DIS during the campaigns of the Central Committee positions of the BDP. You think that our worries were misplaced, our worries were never misplaced, they were warranted by the fact that there were no safe guards and accountability measures put in place.

Mr Speaker, I asked a question during the 11th Parliament in terms of the number of court orders that our courts have issued permitting digital surveillance, including wire taps of e-mails or Short Message Services (SMSs) of telephone communication and so on and so forth. The answer given was that the courts have never not once, at the time that question was answered, never issued any order to permit digital surveillance against citizens, but at the time, citizens were complaining that they were being spied upon by the DIS. The DIS has been operating outside the law and Mr Speaker, we have been worried. Our view is that what is also articulated by Professor Tachilisa Balule quoting the European Commission on Human Rights (ECHR) that these kind of laws must stipulate the nature of offences warranting interception of communication.

That is what we were worried about in the original law which has been gazette, read a first time and second time. Definition of categories of people liable to have their communication intercepted is the standard that we have been looking for as the Umbrella for Democratic Change (UDC), civil society, media and human rights organisations. The duration of the warrants are the issues that we were worried about which you have answered Honourable Mmusi, the procedure, including what happens to the data. So Mr Speaker, we are not ashamed to say that we like to extend our sincere gratitude to the civil society, including Law Society of Botswana, Media Institute of Southern Africa (MISA) Botswana, Print Broadcast and Social Media, Trade Union Federation, influencers, the opposition and Batswana in general for their strong voice and campaigns against the Bill which sought to legitimise state terrorism. We are not ashamed to say that.

We are also not ashamed to say we welcome the amendments that Honourable Mmusi will table, but still, feel they are inadequate. More time should have been given to the stakeholders that I have mentioned to scrutinise the proposed amendments and suggest further improvements. Mr Speaker, the Minister should have withdrawn the Bill in our view and re-gazette it so as not succumbent consultation process. We have noted the safe guards that come with the amendments as I have indicated. However, the proposed oversight structure that is appointed by the executive that in our view will account to the executive, we have no guarantees Mr Speaker, that impartial people would be appointed to it. Why are we saying that? We are saying this because the DIS Tribunal which has no known secretariat in terms



of the answer that was given in Parliament, no known secretariat offices, the DIS Tribunal, its inaugural Chairperson was a known BDP activist. As I have indicated in the General Assembly this morning, we were only saved by the law societies striking off that individual as a practicing attorney. So the DIS Tribunal has failed dismally to protect the rights and freedoms of Batswana and this sets as a clear example that the so called oversight structures seldom work under this Government.

Mr Speaker, there is no clear Parliamentary Oversight mechanism established through amendments to make law enforcement officers and oversight structures ultimately accountable to Parliament, that is in part with what is lacking in this law. Mr Speaker, there is nothing that explicitly outlaws assumed or fake identities to make their ways into the voters rolls and we demand that there be an amendment not only to prevent fake voters, but to also punish such attempts. We need investigators called of practice which sets out clear guidelines of what they have to do, including boundaries and also to enhance professionalism.

Mr Speaker, Honourable Gobotswang advised us this morning in the General Assembly that when ex parte applications are made in other jurisdictions, even though the targeted citizen who is under digital surveillance, who is suspected of physical and revenue crimes or worse crimes, even though such accused persons would not be alerted but there is somebody impartial who appears even during the ex parte application to speak for the rights or to look up for the rights of those who are accused, under digital surveillance or those that the state seeks to place under digital surveillance.

So Mr Speaker, just as one born again Member of Parliament indicated that there are some safeguards in the DIS Act, although our view is that they are extremely inadequate, she has argued that there were still problems of the DIS operating outside the law. That is what she has said that the DIS is a rogue institution that operates outside the law, notwithstanding the safeguards that are provided in the Act, which in her view were adequate, but in our view are inadequate. So it backs the question, what guarantees do we have that implementation of this criminal procedure and evidence control investigations law, would not come with that abuse and criminal activities by agents notwithstanding the safeguards that Honourable Mmusi would be bringing to Parliament? We need answers to these questions Mr Speaker, because

our view is that the BDP bowed to public pressure. BDP *ga se party e reetsang* Mr Speaker. It is a party which has currently bowed to pressure because civil society...

HONOURABLE MEMBER: You are contradicting yourself.

HONOURABLE MEMBER: Not true.

MR KEORAPETSE: It is true. How then do you explain the fact that you gazetted the law as is without adequate safeguards?

HONOURABLE MEMBER: E bo re reetsa, wa re ga re reetse.

MR KEORAPETSE: Then you went on to say that the law as you proposed it, was actually required by the FATF. That is what you said, go and grab the Hansard and see all the sort of arguments that you were making.

HONOURABLE MEMBER: Keorapetse, you are grasping at straws. You are at sea. You are lost.

MR SPEAKER: Order please!

MR HIKUAMA: *Clarification.* Nnyaa mme o e tshwere sentle mokaulengwe ka matsetseleko. *Bill* e e neng e tlisitswe la ntlha e na le bokoa le leswe le e neng e nna le lone, o kile wa bona ope wa BDP Mopalamente a supa fa a ngongoregela *Bill* ya teng?

MR KEORAPETSE: Ga go na. Ga go na ope yo o kileng a re o a e ngongoregela mo phatlalatseng, dilo tsotlhe tse *Honourable* Mmusi a tlang ka tsone.

HONOURABLE MEMBERS: ...(Murmurs)...

MR KEORAPETSE: *Mr Speaker,* ke kopa o ntshireletse. Ntshireletse *Mr Speaker!*

MR SPEAKER: Order Please! May we have order please!

MR KEORAPETSE: Is the clock frozen?

MR SPEAKER: *Honourable* Mthimkhulu, o ntse o bua batho ba didimetse, neela motlotlegi *chance* ya gagwe.

MR KEORAPETSE: *Mr Speaker,* ga ke ise ke *interrupt* *Honourable* Mthimkhulu.

MR SPEAKER: Ke mo kgalemetse.

MR KEORAPETSE: Dipaakanyo tse di tlang ka *Honourable* Mmusi, ke tse ba *civil society, opposition,*



media, MISA Botswana, makalana a a farologanyeng, ba neng ba re ga ba ka ke ba dumalana le molao o kwa ntle ga gore di bo di le teng.

HONOURABLE MEMBER: Ba ne ba re bolelela re le Mapalamente a BDP, bone *civil society*.

HONOURABLE MEMBERS: ...(Murmurs)...

MR KEORAPETSE: Di batliwa ke *influencers* ba ba neng ba bua. Motsamaisa Dipuisanyo tsa Palamente, ke sone se re leng fa gompiano ka gore fa go ne go laotswe ke ofising e tona ya ga Tautona gotwe le a go fetisa molao o jaaka o ntse, ba ne ba ya go o fetisa fela jaaka fa o ntse. Jaanong ka gore ba ne ba ...

HONOURABLE MEMBER: Ka re reeditse, ke eng o sa eme nokeng fela o bo o nna fa fatshe.

HONOURABLE MEMBERS: ...(Murmurs)...

MR SPEAKER: Order please! Order! Order!

HONOURABLE MEMBER: You are contradicting yourselves.

MR KEORAPETSE: I am not contradicting myself, I am very clear. I am very clear that litigation was threatened. international campaigns had kick-started, that is why you ...

HONOURABLE MEMBER: ...(Inaudible)...

MR KEORAPETSE: *The legal composition* a ba a kwalela le kwa FATF a bua gore batho ke ba ba batla go dira molao ba ipata ka lona. *Those are some of the things that compelled you* gore le tle ka dipaakanyo tse di ntseng jaana. Jaanong le ipaya e kete le botoka ka gore le paletswe ke ...

HONOURABLE MEMBERS: ...(Murmurs)...

HONOURABLE MEMBER: *Mr Speaker*, kgalemela maDomkrag.

MR SPEAKER: Order please! Order! Order! Order please!

MR KEORAPETSE: Mr Speaker, how many minutes?

MR SPEAKER: Ke go sireleditse tswela.

MR KEORAPETSE: How many minutes?

HONOURABLE MEMBERS: ...(Murmurs)...

MR SPEAKER: Bagaetsho, a ko o eme pele *Honourable* Keorapetse. Ema pele *Honourable* Keorapetse! Bagaetsho, *the Standing Orders*...

HONOURABLE MEMBERS: ...(Murmurs)...

MR SPEAKER: *Order! Order!* Standing Order 58.4 is very clear. Fa *Honourable* Keorapetse a bua rotlhe re a didimala, *please!* Ke tlhabiwa ke ditlhong thata go utlwa batho, bogolo jang *Honourable Minister responsible for the chapter*, you will respond, se tsene motho ganong. You will respond o mo kgalemela nako eo, *please*.

MR KEORAPETSE: Mr Speaker, how many minutes?

MR SPEAKER: O setse ka *one minute*.

HONOURABLE MEMBER: O tlhabiwa ke ditlhong.

MR KEORAPETSE: *Mr Speaker*, fa ke digela, ke yone kgang e ke reng *party* ya Domkrag e ne ya tlhabiwa ke ditlhong thata mo mafatshefatsheng le kwa FATF. E ne ya tlhabisiwa ditlhong, e tshosediswa gore batho *are going to challenge constitutionality* ya molao o fa o ne o ka bo o tsile o sena dipaakanyo. Ke sone se se diragetseng. Ba se ka ba tla go ipaya botoka fa, ba e baya e kete jaanong *they present amendments as if* ke one molao o o *original* o ba neng ba o tlisitse. Ba ne ba tlisitse molao o o bosula go feta bosula. E bile go tswela go ntse go na le melao e mengwe e e senang *safeguard* e e tshwanang le ya DIS. Re a itse gore re bua ka *party* e e leng gore e ...

HONOURABLE MEMBER: Ga o bue nnete! Ga o bue nnete! Le ne le raya le dira sasha.

MR SPEAKER: Order! Order! Order!

MR KEORAPETSE: Tsamaya o ye go dira *washene semi illiterate person*. Tsamaya o ye go dira *washene* kwa nnetlaneng.

MR SPEAKER: Order! Order!

MR KEORAPETSE: ...(Inaudible)...*Why* a ntsena ganong? *Why* a ntsena ganong?

MR SPEAKER: *Honourable* Keorapetse, ema pele! *Honourable* Keorapetse, ke tlaa ...

ASSISTANT MINISTER OF LOCAL GOVERNMENT AND RURAL DEVELOPMENT (MS MONNAKGOTLA): Motlotlegi Keorapetse, ke na le tlotlo kwa ke tswang teng. Fa e le gore ga o na tlotlo, nna ke na le tlotlo kwa ke tswang teng.

MR SPEAKER: Order Mma Monnakgotla!

MS MONNAKGOTLA: Ke a go fetola nna.



MR SPEAKER: Order! Order Minister Monnakgotla!

MR KEORAPETSE: I will say it! I will say it!

MR SPEAKER: *Ema pele!* Honourable Keorapetse, please whoever you refer to as “semi illiterate” is not acceptable in Parliament, please withdraw that.

MR KEORAPETSE: *I withdraw Mr Speaker, a se ka a tlhola a ...*

MR SPEAKER: Thank you very much.

MR KEORAPETSE: Fa ke digela *Mr Speaker*, BDP ke *party e e ka bopelang motho kgomo ya mmopa ya lela, namane ya yone ya e kotela. Re utlwile gore go utswilwe P100 billion o o iseng a nne teng kwa Central Bank. E bopa go dira affidavit not once but twice, forging affidavits, go buiwa maaka ka batho. People were charged for terrorism kwa court go sena dilo tse di ntseng jalo. Jaanong we were right to be worried Mr Speaker.*

MR SPEAKER: Thank you Honourable Keorapetse. Your time is up!

MINISTER OF INVESTMENT, TRADE AND INDUSTRY (MR KGAFELA): Thank you Mr Speaker.

MR RAMOGAPI: Ke kopa *procedure Mr Speaker. Procedures tsa me di pedi fela, ya ntlha re sale re kopa metsinyana, re kgadile.*

MR SPEAKER: Ga a ise a tle?

MR RAMOGAPI: O rile o tlaa ba kopa gore ba re tlišetse metsi. Nnyaa, ga a ise a tle. Go tlile *biscuitsnyana re ntse re di ja fa, jaanong re kgalwa go feta.*

MR SPEAKER: Le metsi a mo tseleng *honourable.*

MR RAMOGAPI: Ya bobedi ke kope batlotlegi gore ba ba sa tshubeng *videos tota go ntse go lekane, ga le dire sentle. A yo o mo floor a bue, a fetse. Re a kopa batlotlegi, a re itshwareng sentle.*

HONOURABLE MEMBERS: ...(Murmurs)...

MR SPEAKER: Order!

MINISTER OF YOUTH EMPOWERMENT, SPORT AND CULTURE DEVELOPMENT (MR RAKGARE): *On a point of procedure. Mr Speaker, ke utlwa gore o biditse Honourable Kgafela, I thought gore o a go tsena after I speak.*

MR SPEAKER: Nnyaa rra, ga go a nna jalo, o kwa pele ga gago.

MR KGAFELA: Mr Speaker, let me thank you for this. I have utmost respect for your seat, but never before have a served in an environment in which colleagues cast such grave aspersions upon the person of one another as I see it being done in this Parliament, which is most unfortunate. I have no doubt in my mind that Batswana are pretty much displeased by what they are seeing. I would plead with my colleagues to treat each other with utmost humility, be calm and collected in their deliberations.

But be that as it may Mr Speaker, I stand to support Honourable Mr Kagiso Thomas Mmusi, the Minister, with this Bill. Mr Speaker, quite frankly when he first presented it before it found its way to Parliament, I had my reservations about the lack of Judicial, or at least a part of it which permitted a procedure without a warrant from the court. We engaged each other, but he undertook to address that problem. I take it that he told all of us and we have clearly heard him that he is going to bring amendments to address that problem.

I have looked at the Bill and it is divided into six parts. Obviously, the first part deals with introductory matters, then the second part deals with covert operations and the third part is the one which introduces interception of communication Mr Speaker.

Now, these are the two parts which seem to be problematic to the public, but the concept Mr Speaker, of covert operations is not new, nor is the concept of interception of communication. These are not new concepts. We in Botswana are pretty late in introducing them, because when you look at our neighbour in South Africa, they long in 1977, in their Criminal Procedure Act No. 51, made provision for covert operations, but they made sure that they get controls. Come fast forward to 1992, they found the need to enact what is called the Interception and Monitoring Prohibition Act No. 127 of 1992, by which Mr Speaker, they introduced the idea of interception of communication. So none of this which my colleague is introducing to Parliament is new. What is important is that it should be controlled and that is precisely what he is asking for.

I have heard before Mr Speaker, that this law is bad and it is an infringement upon civil liberties and constitutional rights. I have looked at the Constitution and tried to look for provisions which will be infringed,



firstly, by covert operations, secondly by interception of communication. Obviously the one on interception of communication, the argument is that it infringes upon the right to privacy. I readily accept that Section 9 of our Constitution makes provision for the protection against infringement of privacy, but you must look at it in detail. It is not open ended, it is quite demarcated and it explains the kind of privacy which is being protected. It protects entry without your consent, entry into your home, the search upon you, the search of your property. It does not protect the interception of your communication. Nobody can show me a single word in the Constitution which gives that protection, but I accept Mr Speaker, that protection of these liberties do not only come out of the Constitution. Some of them are embedded in the common law and I really accept that the common law which is not statutory law, does protect the right to privacy and the extent to which it is provided, it is much wider than the one which the Constitution protects. I am sure my colleague at the bar, Mr Boko will readily accept that under the common law, there is what you call, these are Roman Dutch concepts. It is called an actual... (Inaudible)... it is a species of law by which these kinds of liberties are protected, that if one's phone gets intercepted against their consent, it is done in a clandestine manner, they can readily approach the court and seek whatever remedies that they find appropriate for themselves. So I do accept that besides the Constitution and limited as it is, that protection is available to people.

The police force, law enforcement officers, security officials, if they do not employ covert operations in our investigations, the criminals will forever be a step ahead of them. So that is why this concept is widely accepted, and it has been used in many jurisdictions and all that. In the United States (US) in the 1980s, there were five Mafia families which were tormenting New York and the Attorney General or the Attorney for the Southern District of New York, I think it was Rudy Giuliani at that time, used this kind of law to break up those five families and to disperse the Mafia cartel. So it is absolutely important that we have a law which permits undercover operations.

Now, obviously the Bill before us does not tell us what undercover operations is. It does not have a definition for it. That is left for the course to develop and define, but at least what I can gather from it, is that anything which you do secretly, hiding yourself, hiding that you are doing it in the first place, can fall neatly within the

definition of an undercover operation. So it is not only limited to the assumption of a name which is not yours. It extends to also engaging in entrapments in order to unearth the commission or the development of crime.

I will briefly just deal with this problem of assumed names Mr Speaker. I have looked at it and I have heard my colleagues in Parliament expressing the fear, that one can go with that assumed name and vote unlawfully. When you look at the Bill closely, there are safeguards. You apply to court asking to be issued a warrant to assume a name that is not yours, if you succeed with that application, the Registrar of Births and Deaths can then enter that name in the register, the Registrar of Marriages can enter that in his or her register. There are many registries, I think the one dealing with passports can also enter that into the register and give you relevant and appropriate travel documents under that assumed name. It is not going to be easy to get to be authorised when you look at the statute or the Bill as it stands, because you are going to satisfy a court that the risk of abuse is minimal and if obviously you cannot show that the risk of abuse is minimal, a court would readily decline such an application.

The whole Act when you look at it, it is very stringent when you are applying for this kind of warrant. It is very stringent, there are so many difficult things that you need to satisfy. One of which being, you must show the court that this is the only way in which you can address the problem at hand. If there is an alternative way of investigating, without assuming this other name, then the court will decline the application. Now, Honourable Members have complained that there is nobody representing the interests against whom investigations will be conducted in those applications because they are made ex parte.

Mr Speaker, the Minister says he is introducing an oversight body which is going to be made up of either a Justice of Appeal or a retired one or Judge of the High Court, a retired one or somebody who qualifies to be in one of those positions. I really do not understand why my colleagues in Parliament, are so quick to spring to the position that these distinguished members of our society, distinguished that they are, Judges of Appeal, High Court Judges, why would they spring up to the suggestion that they are going to be corrupted, they are not going to be independent, they are going to be under the control of the Executive. Hey, Mr Speaker,



these men and women have served this country, they are continuing to serve this country with integrity. I do not think it is fair for us to cast aspersions upon them ahead, before they even assume their work.

Now, the committee, this oversight authority has very wide sweeping powers. Those powers one of them which I think is very broad Mr Speaker, is the one which gives them the right to do anything. It gives them the right to do anything which in their view, they think is appropriate that they should do, if to do so will assist them in carrying out their work. If I could just look for that particular part, I think when you look at the Schedule, it is under Clause 2 of the Schedule which the Minister is going to be introducing. So, that gives them the power to do so much. If they want to sit in court, if they want to have these warrants reviewed, they are at liberty to do so. If they want to sit in court when these ex parte applications are being done, they have the liberty to do so. I think it is wide enough to accommodate that.

Now, this interception and monitoring of people's communication, there was fear that everybody is going to have their phones intercepted, that too is going to be extremely difficult to obtain a warrant for, it is going to be extremely difficult, you need to show as an investigating officer that you have reasonable grounds to believe that a crime is being committed or is about to be committed. You cannot appear before the court just on your say so alone without further support to obtain that kind of warrant.

So I foresee a very steep mountain with investigators are going to have to climb in order to obtain these kinds of warrants. I am sure the courts are going to jealously guard the common law right to privacy and in particular the right not to have your communication intercepted.

Again as I have said, the committee will be at liberty ...

HONOURABLE MEMBER: Clarification.

MR SPEAKER: Clarification sought.

MR KGAFELA: I will give it to him just in a bit. If he could just give me a bit of time.

I see that there is a provision for the court every 12 months to review all the warrants which will have been issued, but I see that it is limited only to one part and it is in respect of the part concerning covert operations. I would have wished perhaps that a similar provision could have been migrated into the second part, which is

the one which deals with intercepting of communication. I am satisfied Mr Speaker that there is sufficient oversight. We cannot be perfect, there is no country, no Government not even opposition if they were to take up the reigns of Government, they cannot be perfect either. So I think it unfair of Honourable Dithapelo Keorapetse to say, we must give guarantee. Mr Speaker only God can give guarantees. The only guarantee that we can give is that one day we will die, the sun will rise and it will set. All others we cannot be elevated to that height to be giving those kind of guarantees. No President or Government can say, I guarantee that there will be no crime, never have I seen that being done. If you were to say so, clearly you will be a blatant liar to society. At the very least, what we can say is, we would reduce incidences of the growth of this kind of crime which we are seeking to address by introducing these laws. I will give in for the clarification which was sought.

MR KEKGONEGILE: *On a point of clarification.* Tanki *Mr Speaker*, tanki *Honourable Kgafela*. Mme motho fa a ka go botsa *Honourable Kgafela*, kana bakaulengwe mo Palamenteng ba re re tsositse modumo fela, mme wena ke go utlwa o re pele ga *amendments* tse di goroga le wena o ne o na le letshwenyego. Ga ke itse gore a gone moo o bona re ne re tsositse modumo fela, kana o bona e le gore letshwenyego la gago le rona re neng re na le lone, le ne le siame?

Sa bobedi, a o bona e le selo se se siameng gore *investigating officers* ba ye go kopa pele kwa kgotlatshekelong gore ba kgone go reetsa, kana o bona e le selo se se sa siamang se nkaabong se seo *totally* gore *investigators* ba tswelile? Tanki.

MR KGAFELA: On the last issue *kana* even under the Criminal Procedure and Evidence Act *ya gompieno*, not the Bill, there is still that provision *ya* to invade *motho* without a court order. So that is a matter for another day to debate in the event that any of us Members of Parliament has to draw attention to seek its amendment. So it is still there.

Now, *o le motsadi* you cannot expect *bana ba gago* to be happy at all times. There are some days when you utter certain things, *bana ba gago e bo e le gore* they are unhappy. So the Minister has uttered words, *bana ba gagwe* became unhappy, he listened and he then brought his amendments. Maybe I will not use *lefoko la go tsosa modumo le batsadi, bagolo, ga ke ka ke ka re le tsositse modumo*, you were expressing concerns, rightfully so,



and that is why *re le puso ya batho ka batho*. When concerns are raised we are bound to listen to them and we must congratulate and commend the Minister for having listened to your concerns.

I too had those concerns that can you really invade somebody in the manner that initially it was sort to do without court authorisation. At the same time I was alive to the fact that certain circumstances were really going to court even if you were to proceed *ex parte*, on urgency, just the fact of you still going to court before proceeding, it might defeat the whole idea of the investigation. So there is still going to be that gap, then we do not know how we are going to fill in that gap, because those cases, and I am hoping that they will not be plentiful, but those cases will be there. We are going to court trying to secure the Registrar filing and securing the sitting of a Judicial officer which can take two-three days. It might defeat this whole purpose of an investigation and evidence will just fly out and you will never be able to bring the subject properly before the court, because it is through an investigation that you are able to now bring somebody before the court having gathered the evidence with which to secure a conviction of that person. So that gap is opened.

I was thinking, initially when I engaged the Minister that perhaps why do we not leave it as it is but reduce the time to at least 24 hours. That within 24 hours, if you would have started an investigation or interception of communication without the court order, you should be able to do so. Within 24 hours of having started, you must obtain a court order to confirm and regularise that which you are doing. So I think we are still left in a position *e e leng gore tota fela* we are exposed for that window.

MR MANGWEGAPE-HEALY: *On a point of clarification. Thank you very much Mr Speaker, thank you for yielding Honourable Kgafela. Honourable Kgafela, ke ntse ke utlwa o bua ka the way you expressed your concerns to the Minister. Jaanong ke bona o kare go fapaana le kgang e e buiwang gore, ba ga Domkrag ba ne ba sena concerns, di ne di tswa fela from ba opposition, bomangmang. Ke batla go itse gore a wena bathlophi ba gago kwa Mochudi West ba ne ba sa bue le wena ba go raya ba re, these are our concerns, can you address these concerns to the Minister gore go baakangwe fale le fale? Because that is what happened with me. Bathlophi ba Gaborone Central ba ne ba*

nthaya ba re, re na le matshwenyego fa le fa and we were voicing these things to the Minister. Jaanong ke batla go itse gore wena, did you not go through the same process? I thank you.

MR KGAFELA: No sir, I did not go through that because during the period when this Bill was being considered, I was indisposed owing firstly to COVID and secondly to a bereavement. So I did not have time to properly interact with Mochudi West.

MR BOKO: *On a point of procedure. Thank you Mr Speaker. Mr Speaker, o tlaa nkgakolola gongwe fa ke dule mo tseleng. In the past we have had incident e e leng gore I think e ne e le Honourable Sethomo Lelatisitswe, go ne ga diragala gore re tseye gore ke ene a kwadileng mokwalo mongwe, a tlhalosa gore go ne go kwala motlogolo wa gagwe. Jaanong mo Palamenteng mo go na le incidents tse go nang le Mopalamente kana Mapalamente ba ba nnang ba bua re sa ba bone. Ga re tlhomamise gore a go a bo go bua Mapalamente kana jang. Unless a go reetse a re go na le mathata, because we need to see them. Re itse gore a mme go bua ene wa lentswe le e leng gore re a le utlwa. The whole day go nna go bua motho e kete ke Honourable Healy, ga ke itse gore a ke ene kana go ntse jang. Gongwe re mmone re itse gore ke ene a buang.*

HONOURABLE MEMBER: *The whole day o raya jang o tlike ka six? O a bo o ka re the whole day o tlike ka six.*

MR BOKO: Mo kope Mr Speaker, re mmone.

MR SPEAKER: Thank you Honourable Boko. *Bagaetsho* in all fairness, Honourable Boko is very much correct. *Ke kopa gore le tshube diipone tsa lona fela jaaka ke tlhola ke bua.*

HONOURABLE MEMBERS: ... (Murmurs) ...

HONOURABLE MEMBER: O a bo o ka ntshiwa ke Boko mo tsamaisong, batho ba bangwe kana *they have a problem.*

MR SPEAKER: *Bagaetsho ke yone tsamaiso ya rona, Honourable Minister can you exhaust your slot.*

MR KGAFELA: Mr Speaker, *fa bana ba na le ngongora kgatlanong le kgato e batsadi ba e tsereng, ba ipua sentle. Ga ba tswela kwa patelong e bo e le gore jaanong they address ditsabana mo patelong prematurely. So when I became concerned, I took the Minister into my*



confidence and we spoke. Mr Chairperson, I do not need to go to the public while I am still talking to the Minister about it, still trying to persuade him. That is how we operate *kwa ga* Botswana Democratic Party (BDP). That is the procedure which I followed. So, it is not a case *ya gore rona re didimetse*...

MR SPEAKER: Thank you very much Honourable Minister.

MR KGAFELA: Thank you.

MR SPEAKER: Thank you very much Honourable Minister. Your time is up! Honourable Minister of Infrastructure and Housing Development/Honourable Member of Parliament for Goodhope-Mabule.

MINISTER OF INFRASTRUCTURE AND HOUSING DEVELOPMENT (MR MOLALE): Ke a leboga *Mr Chairperson*. Ke re le nna ke eme fa ke eme Tona Kagiso Thomas Mmusi nokeng. Bagaetsho, selo sa ntlha fela se ke batlang gore re se lemoge ke gore re bua ka molao o o tlaa thusang gore re lwantshe borukutlhi jo bo tseneletseng, *terrorism*. Borukutlhi jo bo tseneletseng jo bo ka nnang le diphatsa jwa go ntsha setšhaba mo botshelong jwa letsatsi le letsatsi mo go ba tsenyang mo diphatseng jaaka dilo di tshwana le tshwana le *drugs*. Ke bue gore borukutlhi joo, jone jo bo sa thuseng gore batho ba tshele sentle, ke selo se re se itseng lefatshe ka bophara. Bo *Honourable Molebatsi, Honourable Mokgethi le Honourable Kgafela* fa ba bua ba sa tswa go ntsha dikai go supa gore *terrorism is faceless*. Ke gore ga o nke o itse gore a *your neighbour* ke *terrorist* kana jang wena o le *an ordinary citizen*. Se se salang ke gore, gore motho wa go nna jalo a dupiwe a bonwe, ke gore go bo go tla ba ba itseng, go bo go nne le ditsamaiso tse di ka ba thusang gore ba kgone go dupa motho wa go nna jalo, ba mo upolole a tseelwe dikgato.

Selo sa bobedi, dirukutlhi tsa go nna jalo ga di na pelotlhomogi. Ke gore motho o a tsena mo Palamenteng ya Botswana a itira yo o yang go reetsa kante o tshotse bomo a bo a iphatlakanya le rona rotlhe, re bo re e swa. A sa tlhophe gore a go na le ngwana kana mogolo, ke gore fela a itumelela gore o bolaila batho ba le 63 kana 65. Batho ba go nna jalo gore ba re tsenelele ba ye go dira ditiro tse di ntseng jalo, ba di dira ka tsela e e leng gore ba buisana e le bone dirukutlhi, batho ba bangwe ba sa itse, gongwe e bile ba tshepha gore ke batho ba ba siameng. Kwa bofelong o bone e le gore ke batho ba ba setlhogo, ba ba dipelo di maswe. Batho ba go nna jalo ga ba na mo gotweng *ethics or values* ka Sekgoa. Ke ba

kgailo fela, ke gore go fetsa lesika loo motho. Fa o bona re ntshitse *contingent* ya Batswana e ile go thusa kwa Mozambique, ke gore ra re batho bao ga ba na *values*, kamoso ba tlaabo ba le mo Botswana. Molao o wa re a re ipaakanyetseng *that eventuality*.

Ke a utlwa ba bangwe fa re bua, o kare re bua ka molao o go lwantshiwang *petty criminals*. Nnyaa, *that is why* fa e re jaanong go tla ka molao o, o itebaganya le *that particular group and in most cases, it is a small group, it is not a massive group* e go tlaabong go berekwa le yone, mme re lemoga gore *that small group can be very disruptive*.

E re ntswa ba bangwe ba bua *Mr Chairperson* ba re ga gona ope kwa BDP yo o buileng ka dilo tse, maloba fa re *debate* molao o, ke buile *in this House* ka re nnyaa, bagaetsho, molao fa o ntse jaana o tshwanetse gore o sekasekwe gape. Go tshwanetse ga nna le *checks and balances*. *I said it in this Parliament*, ke dumalana le bone ba kganetso ba ba neng ba ngongorega ka molao o. Fa re le mo Palamenteng e re leba *facts* tse e leng gore a mme molao fa re o bua o siametse setšhaba. *Those checks and balances* jaaka ke ne ke di buafa e le gore ba bangwe ga ba a utlwa, ke ne ke di bua ka gore *they reflect our creed, not only as a nation* ya Botswana and *society but also the creed of the ruling party, the BDP* ya morero, mmualebe a le bue gore monalente a tle a tswa ka lone. *Honourable Kagiso Mmusi* o dule ka lentle gompiano jaaka a re baya molao o pele. Gore a ke *civil society* kana ke bomang, *the fact is we have upheld our creed* ya go reetsa. *That is the hallmark of what makes us a reputable Government in the world*. Fa go nna jalo, *it shows* gore *our quest for upholding the rule of law is maintained in the lofty*...

HIS HONOUR THE VICE PRESIDENT (MR TSOGWANE): *Clarification*. O e tshwere sentle rra. O nne o ba gakolola le fa go le bosigo ke sa itse gore a ba santse ba tlaa utlwa dikgakololo ka gore e ke nako ya boroko jaanong. O nne o ba gakolola fela, o buile, re ne re go reeditse.

Gape ke batla gore o mphitise fa, gore e rile ga re nna mo *greylist* dipampiri tse tsotlhe tse di buiwang, *civil society, professors at the university*, kae le kae, *what did they say* ka FATF le Eastern and Southern Africa ESAAMLG? *What did they advise?* Fa o gakologelwa fela wena gore e rile re tsenngwa mo *greylist* ka mabaka one a a go tlhoka melao mengwe e e rileng, *what was their advice?*



MR MOLALE: Ke a leboga Modulasetilo, ke a leboga *Your Honour. Your Honour*, ka bokhutshwane, *we all know* gore jaaka o botsa, ke kgomo ya mošhate. E rile fa re tsena mo *greylist, the fault was the BDP Government, it was not anybody else's and as an accountable Government, we agreed* gore ee, gongwe ke molato wa rona, *we may have relaxed our guard* kgotsa re ne re sa lemoge se se tlang. *That is why* e ne ya re *in the 11th Parliament* ra itlhaganedisa melao e. Go ne go se thona gore re lale re dira jalo bosigo *like we are doing today because the reputation of the country is at risk.*

Kgang e o e buang *Your Honour* ke gore, fa re dira se re molato, fa re baakanya, re molato. Jaanong se se salang ke gore rona *in the BDP, we must focus and strive to do what is right and rule such that we encompass the views* tsa Batswana. *As it has happened today, I am not ashamed* gore a *civil society* kana *Editors Forum* e buile. *That is who we are*, go reetsa. *So, why should we be hollering about it* gore nnyaa batho ba buile. *It is their right and that said in the Constitution.* Ke sone se e reng le fa dilo dingwe di fetoga, go na le *entrenched Clauses* tsa *Constitution* gore dilo di fetolwe, go tshwanetse ga nna le gore go iwe kwa morerong *through what is called referendum...*

HONOURABLE MEMBER: Clarification Hard Rock.

MR MOLALE: *Mr Speaker*, ke rile nako ya me e a tsamaya; ke saletswe ke 10 *minutes*. Ke tlaa bona kwa bofelong gore go a...

MR SPEAKER: Are you yielding or not?

MR MOLALE: Jaanong *having described what terrorism and contraband are, and having described the role that we have to play of checks and balances, we have to balance the two. To balance the two, we have to ensure* gore re dira dilo tse e leng gore *they will not be popular*, mme re di dira *in our quest to try and save the country. So*, fa re ya gore re tlaa reetsa megala ya batho, ga re a re re ya go reetsa megala *willy-nilly*. Ra re ba e leng gore go na le pelaelo ya gore borukutlhi jo bo – e seng ba ba utswang dikgomo le dipodi, re bua ka burukutlhi jwa batho ba ba gailang batho.

There will be that opportunity ya gore *some certain liberties* tsa batho bao di tsewe ka gore *we are aiming for them* gore ba se ka ba ya go tsena fa gare ga rona ba re gaila. Ke se molao o o se buang *Mr Speaker*. Jaanong ga re a tshwanela gore e re re leka *to balance* dilo tse pedi tse, e re fa go buiwa ka *oversight committee*, re bo re re ga re e tshephe. O ka tlhoka jang go tshepha

judge yo o neng a le *in the judiciary* e re e tshephang, e re buileng le rona ba *opposition* re re re tshepha *the judiciary* ya Botswana. Jaanong fa re tsaya motho yo o ntseng jalo a tswa *from such a revered position*, re bo re re *oversight* eo ga e na go bereka, *why are we casting aspersion? Why are we prejudging them?* Ga se gone bagaetsho. A re lebeng *the circumstances under which* molao o o dirwang ka teng.

Ke batla go raya Batswana ke re nnyaa, a re se ka ra boifa sepe. Matshwenyego a le neng le na le one, Rre Mmusi o reeditse, Puso le Palamente di reeditse, mme go ya go baakannngwa. Se se salang gongwe *it is the adequacy* ya paakanyo eo, e e leng gore e tlaa re re ntse re tsamaya re ithuta, re baakanye go feta fa re baakanyang teng gompieno. *That is what incremental improvement is all about.*

Ke batla go leboga le *my colleagues; former Members of Parliament (MPs)* ba re neng ra buisana fa ke sena go akgela mo Palamenteng ba bua gore mme o buile sentle, *you have allayed our fears by guaranteeing us* gore le tlaa reetsa. *I must thank people like* bo *Honourable Tebelelo Seretse, Honourable Keletso Rakhudu* le ba bangwe ba ba neng ba bua, ra lemotshanya gore nnyaa, mme golo fa go tshwanetse go baakannngwe, *and the good thing* ke gore go baakantswe.

Mr Speaker, tlaa ke go lemotshe bodiphatsa jwa go dira *covert operations* go sena molao. *I do not know how old Honourable Kekgonegile was...*

HONOURABLE MEMBER: O ne a ise a tsholwe.

MR MOLALE: Kwa Maun *in 1986, that power station* e e buiwang e e *famous*, e e leng *night club* gompieno, *that was a covert operation* e dirwa ke *an invading force, and we did not have a countering capability to check* gore batho bao ba ntse jang. Molao o o ntseng o buiwa ke *Honourable Kgafela was facilitating civil cooperation bureau* ya South Africa *to infiltrate mafatshe. What I want to emphasise* ke gore, le fa Puso e ntšha e tsena, ga ba a ka ba o latlha ka gore *there were good things in it. That civil cooperation bureau, that power station* ya kwa Maun *was a decoy. That is what covert operations are about.* Rona re ne re sena molao, bone ba ne ba na le molao.

What we are saying ke gore *you must have laws* tse di tla re thusang gore ba ba nang le rona, *when we complement each other; re kgone to subvert* ba ba tshwanang le *the then civil cooperation bureau*, re ba lwantshe. Fa re sena molao o, ba re dirisanyang le bone ga ba ka ke



ba tla kwano ka gore fa ba tshwarwa kana sengwe se nna *exposed*, ba a tshaba ka gore gongwe ba tlaa se ka. Molao o fa o le teng, e bile go supafala gore ba dirile dilo tsothle *in accordance with the law* ya Botswana le *the law* e ba tswang kwa go yone ya *covert operations*, *they will be protected for as long as they did things right*.

Le a bona gore mo *page 8* ya *presentation* ya ga Rre Mmusi le *page 9*, e a bua gore *where there is truancy, there is misuse of assumed identity, interception of communications without a warrant*, batho ba ba dirang jalo ba tlaa di gama ba sa di tlhapela. *That is serious protection* e e leng gore e ne e tlhabela *in the original Bill*, jaanong *it has been captured. Why should we fear* ka gore *it is not about targeting* Batswana? *It is about protecting* Batswana. *That should be understood, and that is the context of this law*. Jaanong go bua re tshosa Batswana re re le direlwa molao wa gore le ye go reediwa le ye go tshosiwa, le ya go bolawa, nnyaa, tlhe batho ba Modimo.

HONOURABLE MEMBER: Clarification.

MR MOLALE: A ko e nne e re *for once* re bua boammaaruri.

MR SPEAKER: Clarification sought.

MR MOLALE: Ga re ise re re molao o o direlwa go ya go bolaya Batswana, ra re molao o o direlwa go ya go sireletsa Batswana. Le bone Batswana ba e tlaa bong e le *terrorists they will still be protected until proven otherwise*. Ga se kwa ga mmaPereko. Jaanong a re se ka ra tshosa Batswana. Se molao o o se batlang ke gore, e re fa re lwantsha borukutlhi jo bo tseletseng fa, *we must be talking of speed*. Re se ka ra simolola re dikologa re ntse re re re kana fa re ne re na le se, ka re ne re ya go tswa. Bone fa ba emelela, *they are very fast*, ba a tsamaya, *and they do what they want to do* rona re santse re dikologa re jewa ke go dikologa jwa pholo e tona. *We must equally match their speed. At the same time, the information that we collect about them should be protected, the processes protected such that we strive for the accuracy of the information and the data that we collect. This law is striving for that*. Ga ke itse gore jaanong gatwe go dirwe jang ka gore fa go sena molao o, *even our operatives are not protected. We must match the perpetrators' agility. They are agile and they are apt*.

HONOURABLE MEMBER: E seng madi a tsewang kwa ga Moti.

MR MOLALE: We must equally be agile and apt...

HONOURABLE MEMBER: O a mo utlwa Mma Diwashene.

MR MOLALE: ...we match them.

MR SPEAKER: Order, please! *Buisanang sentle*.

MR MOLALE: This is the law.

MR SPEAKER: *E bile* you are disturbing Honourable Molale.

MR MOLALE: Pardon Sir.

MR SPEAKER: *Ka re* they are disturbing you.

MR MOLALE: Thank you Sir. *Jaanong fa ke ya kwa bofelong* Mr Speaker, the fact that we are protecting the nation, our operatives and ensuring *gore* whatever processes we follow are within the law, this is what I view as the adequacy and intentions of this law. *Fa e le gore* there are any failings, we will, as any other law, *re tlaa nna re boa re tla go oketsa*. We build sheets as we sale. That is the purpose of this law *ka gore re saletse kwa morago mafatshe a tsamaetse kwa pele*. *Jaanong ke ne ke batla gone gore re lemogeng gore terrorism e fa e bile re ile go thusa kwa Mozambique, kamoso e tlaabo e le mo* Botswana. Not that I wish *gore e tle mo* Botswana, but *fa e le fa re sena melao e e tshwanang le e*, forget about FATF or ESAAMLG for a moment and think about the safety and security of this country. For a moment, *re lese* to do what one would call rival rousing; *re gogomosa* Batswana *maikutlo*.

Nnyaa, a re emeng and really look and focus on the interests of this country, across the political divide, *re boneng gore re sireletsa* Batswana. Mr Speaker, I commit to supporting this law and I thank you.

MR SPEAKER: I commit to thanking you profusely Honourable Minister Molale.

DR GOBOTSWANG (SEFHARE-RAMOKGONAMI): Ke a leboga *Mr Speaker*. Ke tlaa buisa molao o o fa pele ga me, e seng *amendments* tse di iseng di goroge mo Palamenteng. Ke tlaa o buisa jaaka o ntse, re tlaa letela *amendments* kwa *Committee Stage*.

Ke batla go supa gore ke ne ke reeditse *Honourable Mthimkhulu*, o kare o remeletse mo goreng bangwe ba rona ba re neng re supa letshwenyego ka molao o, go raya gore gongwe ga re tseye gore molao o o tshwanetse gore o nne teng mo Botswana. Nnyaa, molao o o tshwanetse



gore o nne teng mo Botswana, fela jaaka o le teng mo mafatsheng a mangwe. Selelo se setona ke mofuta wa molao o re neng re o beilwe pele ke *Honourable* Kagiso Mmusi.

Ke ne ke reeditse *Honourable* Kgafela, le ene a batla go supa gore dithulaganyo tse tsa go batla go reetsa batho fa ba bua le ba ba buang le bone, di teng kwa mafatsheng a mangwe, o kare o batla go supa gore mo Botswana di ntse di seyo. Re ntse re itse gore di ntse di le teng, mme gongwe di dirwa e se ka fa molaong. Se se lekang go dirwa fa ke gore gongwe jaanong di dirwa ka fa molaong, di tle di laolesege.

Ke ne ke reeditse *Honourable* Molebatsi, a bua ka Professor Duncan le ka fa a neng a bua ka teng. Se gongwe a tlhaetseng go se bolelela Palamente ke gore, Professor Duncan yo a buang ka ene fa a bua ka molao wa South Africa, o ne a tsibosa gore molao o wa South Africa o, o o botoka gona le o re o beilweng pele, ngwaga o o fetileng, lekgotla la ditsheko la South Africa mongwe wa mmegadikgang a ikuetse, ba supa gore molao o o gotlhogotlhana le Molaomotho wa South Africa. A bua gore o gotlhogotlhana le Molaomotho wa South Africa ka gore, o kare o paletswe ke go lemoga gore babegadikgang le diagente, ba tlamiwa ke tiro e ba e dirang gore ba sireletse diphiri tse ba di bonang ka batho ba e leng gore fa e le gore ke mmegadikgang e le batho ba ba mo fileng dikgang tseo tse e ka tswang gongwe e le tsa sephiri, a ba sireletse. Fela jalo le diagente di tshwanetse gore di sireletse ba ba emetseng. Ka tsela e e ntseng jalo a supa gore, molao o o lebega o tlhaetse thata e bile o gotlhogotlhana le Molaomotho wa South Africa. Le one o re o beilweng pele gompiano o, go tlhamaletse gore o ne o gotlhogotlhana le Molaomotho wa Botswana, mo e leng gore fa o ne o tselela jaaka o ne o ntse, go ne go raya gore go ise go ye kae, go ne go tlaabo go ikuetswe kwa *court* e bile o lemogilwe gore ke molao o o sa siamang.

Ke batla go supa gore *it is very disappointing*, gore lefatshe le gotweng *it is a shining example of democracy*, le bo le ka tla ka kakanyo ya gore ba ka tla ka molao o o ntseng jaana. Gone moo fela ka bogone, go re supegetsa mebala ya phathi ya Domkrag gore ke batho ba ba akanyang jang. E bile ba dira jalo ba ipata ka FATF, ke sone se se tshwenyang le go feta, mo e le seipato fela.

Ke batla go supa gore molao o o ntseng jaana o re o beilweng pele, gore o bo o tsile o le mo seemong se o leng mo go sone, ke tsaya gore o ka nna jalo fela mo lefatsheng le e leng gore Tautona wa lefatshe leo o mo

leave, vacation kana *sabbatical leave*. Ga ke dumele gore lefatshe le le nang le Tautona a le teng, a tsentsa leilho, go na le molao o o ntseng jaana o o ka felelang o beilwe setšhaba pele gotwe o ka buisanngwa. Ke gore lefatshe la rona ke moka le itsamaisang sesole ka fa go ntseng ka teng. Molao o o ka tla fela o ntse jaana, *when the country is on autopilot*, ke gone go ka diragalang. Ga se molao o o ka bong o tsile fa pele ga rona, ke molao o o maswe thata.

Ke batla ke tseye sebaka se go leboga Botswana ba ba neng ba kua mokgosi, bobegadikgang jwa lefatshe le, botlhe fela le ba *region* ya Africa ba ba neng ba eme ka dinao, makgotla a babereki, bo Botswana Law Society le diagente ka bongwe ka bongwe gore ba bo ba ne ba ema ka dinao, ba bua kgang, e ba kuela kwa godimo. Bagaetsho, le fentse, le fentse botlatlapi, le fentse molao wa mebuso ya tlhalele (*apartheid*). Ke one o re o beilweng fa pele ke Rre Mmusi, mme go a lebega ka fa a buang ka teng gore jaanong *he is retreating*. *If he is retreating* go tlaabo go siame *for him to retreat*, ka gore fa le ne le sa dira jalo...

MR MATHOOTHE: *Clarification.* Dr o e tshwere sentle. Ke botse gore a se o se buang, o raya gore fa e ne e le gore makgotla a le Mapalamente a *opposition* fa ba ne ba sa bua sepe, go raya gore molao o o ne o ya go feta fela o ntse jaana e bile o tswa kwa *Cabinet* ya bo Molale, le bo Rre Lefoko le Morwaeng? Ke sone se o se buang?

DR GOBOTSWANG: Go ntse jalo *Honourable Member*. Molao o o ne o tlele go feta fela o ntse fela jaana. Ba gongwe o ka solofelang gore ba ne ba ka sedimosa, ba bona gore dilo di tsena mo tseleng e leng *backbench*, Mapalamente fela a Domkrag, ba ne ba tlaabo ba didimetse fela ba sa bue sepe. E ne e tlaa re go tlhophiwa, ba bo ba re, "*Aye.*" Go ne go tlaa nna fela jalo.

The objective of this law is to legalise illegality, ke ka fa go ntseng ka teng. MaDomkrag le ongwaga ka logare a bo le beolwa ka lone. Re sale re buile Botswana ba lela ba re makgotla a a itshireletso, bogolo jang jaaka DIS e a ba reetsa, e reetsa megala (*phones*) ya bone, le ganetsa. Go a supafala mo dipuong tsa lona gore, le a amogela gore golo mo go ntse go le teng, mme le ntse le go latola. Jaanong *we have been vindicated* ke molao o le tlang ka one, le a amogela gore golo mo go ntse go le teng e bile go tshwanetse jaanong go laolwe.



Ka fa go ntseng ka teng, fa o bona Puso e tla ka melao e e ntseng jaana, sengwe se re ntseng re se ngongoregela ke gore Batswana ba na le dipelaelo tsa gore *laptops and cellphones* tsa bone di na le go nyelela ka ditsela tse di belaeasang, ba belaela bogolo jang ba DIS. O ne o kgona go lemoga gore Domkrag ka fa e akanyang ka teng, e ne e ka nna ya re go ntse go tswelotse, ba bo ba tla ka molao o mongwe o ba neng ba ka supa fela gore, nnyaa matsholo a itshireletso ba na le tshwanelo ya gore ba ka utswa *laptops and cellphone* tsa batho, ba bo ba go dira molao.

Bagaetsho, molao o o maswe thata ka gore o tsenela mo *privacy*. O batla gore batho ba se ka ba nna le kgololesego ya go bua se ba se buang le ba ba batlang go bua le bone. Molao o le fa le ka o ntlafatsa jang, le a itse fela sentle gore maikaelelo a lona e ne e tllile gore kwa bofelong, molao o o bo o lebagane le mapolotiki a kganetso le *faction* ya Domkrag e gongwe e ganetsanang le babusi kana baeteledipele ba Domkrag ba gompieno, o ne o tlaabo o lebagane le bone. O ne o tlaabo o lebagane le babegadikgang. Ee, o ne o tlaabo o sa lebagana le mme fela yo o kwa tshimong kwa Manxotai jaaka *Honourable* Molao a ne a bua. O ne o tlaabo o lebagane le mapolotiki a kganetso, *factions* tsa Domkrag ba ba sa batlegeng, babegadikgang le diagente. Ka gore mapolotiki, Domkrag e a itse gore dikgang dingwe tse re di buang, re di fiwa ke batho e le diphiri tsa bone ba ithaya ba re ba di fitlhile, batho ba bo ba tla ba re bolelela. Jaanong e ne e le gore ba a re reetsa, e bile ba tllile go re reetsa, le fa molao o o ntse o seyo, ba tlaa tswelela ba re reetsa. Ba a itse gape gore *journalists* ga ba ka ke ba bereka ba sa sireletse batho ba ba ba lomang tsebe.

Diagente fela jalo le tsone, ba na le diphiri le *clients* tsa bone mme ba batla gore bone ba ye go sekisa motho mme jaanong a sa kgone go bua le agente ya gagwe ka tshosologo. Jaanong ke molao o tota go tlhamaletseng gore o gotlhagotlhana le Molaamotheo wa lefatshe lone le ka gore fa e le gore o gotlhagotlhana le batho, go nna le kgololesego ya go buisanya ya *privacy*. E bile o gotlhagotlhana le *freedom of expression* ka gore fa o itse gore o reeditse, go raya gore ga o ka ke wa nna le kgololesego ya go bua le ba o buang le bone. E bile gape o gotlhagotlhana le *freedom of the press*, le gore jaanong le babegadikgang le bone ba amega ka tsela e e ntseng jalo.

Go na le kgang e nngwe e e bosula ka melao e re ntseng re ipelaetsa ka yone, re ntse re ipotsa gore go ka kgonega jang gore motho a tlhophe gantsi mo ditlhophong. Re

ne re ntse re belaela gore go tshwanetse go bo go na le bangwe ba ba fiwang bo Omang, ba bo ba fiwa le maina a sele le *identity* (id) e sele mme motho *picture* ya gagwe e le nngwefela. Jaanong molao o tota o rurifatsa se re ntseng re se belaela gore golo fa jaanong go ikaelwa gore go dirwe batho le *identities* tsa maitirelo. Motho a bo a ka nna le *identities* tse pedi, tse tharo mo a ka yang kwa ditlhophong go ikwadisa ka gore o tlaabo a na le *identity* e a e filweng ke Domkrag. Jaanong ba rurifatsa sone se re ntseng re se belaela gore go riana go ka kgonega gore motho a nne le dilo tse di ntseng jaana ka diphiri.

I am worried about the assertion ya gore kgang ke gore *we are going to be asserted* ka *September* ka 2022. E bile re batla gore ka *September* 2022, ba FATF ba tlaabo ba lebeletse gore mme re diragaditse melao e ka tsela e e ntseng jang. Gone mo go a ntshwenya ka gore ke tla ke belaela gore re ya go tsena mo kgatelelong ya gore re bo re taboga re tshwara mongwe le mongwe foo a sekisiwa gore go tle gotwe mme le tshwere sentle kgang e ya *terrorism* tota, le setse e bile le na le *cases* di se kae tse le di setseng morago. Ke gone mo go ntshwenyang thata...

HONOURABLE MEMBER: *Point of clarification*, a ke ka tlhalosa sengwe foo *Mr Speaker*.

DR GOBOTSWANG: *...when it comes to oversight*. Fa o lebile o re o beilweng fa pele, le one o akanyediwang gotwe go a baakannwa, ke gore ga go ka ke ga nna le *oversight* Palamente e se mo teng...

HONOURABLE MEMBER: Mmusi itidimalele, o tlaa solofela eng tota mo go Gobotswang.

DR GOBOTSWANG: ...e e ka nngang teng Palamente e se mo teng. *Oversight* e rona re e tlhaloganyang sentle ke ya gore Palamente e bo e tsentse leitlho, e seng fela ka gore go beilwe komiti foo, e bo e etelelwa pele ke *Judge*. Le Independent Electoral Commission (IEC), le yone komiti ya teng e ntse fela jalo mme re a itse gore re na le mathata le tsamaiso ya rona ya ditlhopho ba ntse ba le teng.

Go na le kgang e nngwe *Honourable Kgafela* a fetileng ka yone ya gore o kare o na le bothata le gore go tshwanetse ga nna le *Office of Public Advocates*, motho yo e leng gore fa e le gore bone ba DIS ba isa kgang kwa *court* go kopa gore ba reetse motho. O na le bothata jwa gore fa ba tla kwa *court* ka mabaka a bone, go tshwanetse ga nna le thulaganyo ya gore go nne le nngwe agente e e tlaa tshwanelwang ke gore a



emele dikeletso tsa ba ba megang, e se gore ba ya go bolelelwa. E le fela gore o tshwanetse gore a bo a le foo a emetse dikeletso tsa batho ba go nna jalo gore go se ka ga reediwa mabaka a ntlha e le nngwefela mme mabaka a teng a sa tlhlotlhomisiwe ke mongwe yo le ene a tlhologanyang gore go diragala eng.

Selo se sengwe ke gore o ipotsa gore mme fa go dirwa melao e e ntseng jaana, a re e tle re akanye ka Foreign Direct Investment (FDI) gore yone e ka amega ka tsela e e ntseng jang. Kana molao o o ntseng jaana o re o beilweng kwa pele ka fa o ntseng ka teng, one o wa go reetsa batho ba bua diphiri tsa bone, bangwe ba ba buang diphiri tse di tseneletseng ke bagwebi. Fa e le gore ke mogwebi wa mafatshe a sele a lebile molao o o ntseng jaana, ke ipotsa gore o ka gololesega fela gore a tle go beeletsa mo lefatsheng le le ntseng jaana. Bogolo jang thata re na le Tautona le Matona a e leng gore ke bagwebi, babusi ba e leng gore *they are potential competitors*, e bo e le gore ba na le *access ya information* ka bone. Seemo se le sone se tshwenya fela thata mo e leng gore molao o, re tshwanetse gore re lebe ka tsela e e ntseng jalo.

Kwa bokhutlong fa ke wela ke re maDomkrag ba supile se ba leng sone mabapi le molao wa mofuta o gore ba ka kgona go tla ka molao e leng gore tota le lefatsheng o tshwanetse o bo o le sentse leina ka gore molao o o gongwe le gongwe jaanong mo mafatsheng.

HONOURABLE MEMBER: Clarification.

DR GOBOTSWANG: Yes I yield.

MR SPEAKER: Honourable Motsamai Jelson Gabantema Motsamai, Rraagwe Tsogo.

MR MOTSAMAI: *Point of clarification.* Ke a leboga *Mr Speaker*. Dr Gobotswang, a ga o bone go fetoga ga ga Tona a ya go baakanya dingwe ditsetla tse re neng re bona totatota e le tse di tsenang mo kgololesegong ya Batswana, e le gore go ile ga tshwarwa lekunutu la ditlhong, ga kopanngwa ditlhogo, ga tlhajwa ke ditlhong, ga ba ga tsewa tshwetso ya go tlhajwa ke ditlhong gore nnyaa mme Tona jaanong o ka ya go fetola? Jaaka ke itse gore go na le *meeting* mongwe o o neng o tshwerwe ga lala go kgakgautlhanwa mo go one rraetsho. Ga o bone gore ditlhong tse di ka tswa di thusitse Batswana ka tsela nngwe? Ke a leboga.

MR SPEAKER: Member for Sefhare-Ramokgonami.

DR GOBOTSWANG: Ke a leboga *Honourable Motsamai*. Tota o bolelela ruri *Honourable Motsamai*, Domkrag e ne e le ka fa tlase ga kgatelelo. O a itse gore

Domkrag ga se e e ka reetsang Mapalamente, le fa e le bone ba kganetso re e tle re leke go ba gakolola mme ba sa gakololesege. Jaanong gompiano Batswana ba ne ba ba goeela, ba ne ba sa ba kgale fela mo e leng gore le wena o ne o tshwanetse gore o tlhajwe ke ditlhong, letswalo le go ngape.

HONOURABLE MEMBER: Clarification.

DR GOBOTSWANG: Letswalo le ne le ba tlhaba, ba ne ba utlwa botlhoko mo ba neng ba ka se ke ba tlhoka gore ba gadime kwa morago, ba bone gore golo fa gompiano e tsentse tlhako kgamelong. *I yield.*

MR SPEAKER: What are you yielding for?

DR GOBOTSWANG: Clarification sir.

MR SPEAKER: By who?

DR GOBOTSWANG: Lelatisitswe.

MR SPEAKER: Please go ahead Honourable Assistant Minister of Health.

ASSISTANT MINISTER OF HEALTH AND WELLNESS (MR LELATISITSWE): *Point of clarification.* Dr Gobotswang, ga o bone gore Motsamai o go senyetsa nako ka gore o nganga molao o o senang *amendments* wa ntlha ole, o Tona a o fetotseng?

MR SPEAKER: Please go ahead Honourable Member for Sefhare-Ramokgonami.

DR GOBOTSWANG: Ke a leboga *Mr Speaker*. *Honourable* Lelatisitswe, ke wena o ntshenyetsang nako ka gore o a itse o ntse o le mo Palamenteng dingwagangwaga. Molao o re o beilweng pele ga o ise o baakannngwe, re boleletse fela gore go tlaa tsiwiwa *amendments* mme ga di ise di tle mo Palamenteng. So re nganga molao o o fa pele ga rona, o ntshenyetsa nako. *Honourable* Motsamai o bolelela ruri, banna ba bangwenyana mo go bone kana ba na le letswalonyana. Ke belaela gore ba ne ba setse ba kubetsanya jaanong ba farologana le ka maikutlo. MaDomkrag tota bone dilo tse ba di dirang o fitlhela o ka ipotsa gore a mme ba loilwe ke motho yo o ntseng jang fa ba tla ka dikgang tse di ntseng jaana. Ke gore moloi wa teng fa e le gore o teng, ga ke bone gore o a tshela, ga ke bone gore...

MR SPEAKER: A ko o tsene mo temeng.

HONOURABLE MEMBER: Tota o feletswe, o ka bo a didimala fela.



HONOURABLE MEMBER: Ka re le Botswana Democratic Party (BDP) ga e yo fa Rre Gobotswang.

DR GOBOTSWANG: Ke batla ke wele ke re ka gore le ne le ntse le re ke FATF, gompiano jaana go itshupile gore molao o ka fa o fetogang ka teng, le ntse le pateletsa FATF. *I am very inclined to say, let us re-open the other amendments tse re di dirileng mo melaong e e fetileng, re e boelele, re ko re e lebe sentle.*

Le tsietsa batho le ntse le re, FATF. Go itshupile mo molaong mo gore le ne le pateletsa FATF fela. Ntlha o one le ne la dumela gore o fetoge ka fa le dumetseng ka teng. Le dirisa FATF go tsenya dilo tsa lona tse le itseng gore ke tsa go utswa ditlhopho. Le tlaabo le reeditse ba kganetso le bagwebi. Ka tsela e e ntseng jalo, mma ke eme gone fa *Mr Speaker*.

MINISTER OF YOUTH EMPOWERMENT, SPORT AND CULTURE DEVELOPMENT (MR RAKGARE): *Mr Speaker*, ke go lebogela sebaka se o se mphileng. Ke batla ke simolole fa *Honourable Member of Parliament (MP) for Sefhare-Ramokgonami* a tlogetseng teng, jaaka a ne a bua gore re pateletsa FATF, ga go na le fa e le mathata. Go a bonala *Mr Speaker* gore fa re le mo Palamenteng mo, fa gongwe re eta megopolo ga re reetsane le go bala re tlodisa matlho dipampiri tse re di neelwang.

MR TSOGWANE: *On a point of procedure. Point of procedure* ke gore fa nako e ntse e tsamaya jaana, go botoka re itse gore re tsamaya fa kae. Ke ipaakanyetse *to move* gape fa e le gore nako ga e re letle go digela jaaka o ne o supile.

MR SPEAKER: Nnyaa, nako e santse e le teng, ke 23:08. Vice President (VP), nako e santse e le teng, a re tswelele mongwame.

HONOURABLE MEMBER: Gape *Mr Speaker*, ga re tlole 1200 hours. Ka fa tsamaisong, ga re tlole 1200 hours.

MR TSOGWANE: Re tswa fa ka 6:00 a.m., ke mang yo o reng ga re tlole 12? Re a tsamaya fela *up to tomorrow* o bo o tsaya *allowance* ya bobedi kamoso.

MR SPEAKER: O ntshenyetsa phuthego VP.

MR RAKGARE: Ke a leboga. Go a lebega, e bile go tlhamaletse gore ba bangwe ba a bo ba sa reetsa. *Honourable Mthimkhulu* e rile fa a simolola, a thaya puo ya gagwe, a ama dintlha dingwe tse di builweng ke *Honourable Mmusi*. Mo page 2 ya *presentation* ya

ga Honourable Mmusi ya Second Reading, ke batla ke boelele se *Honourable Mthimkhulu* a neng a nopola mo so sone. Fa o ntetla ke ka nopola *Mr Speaker*, “Botswana has been found to be not fully compliant with Recommendation 31 of the FATF standards. Recommendation 31.2 identified that there is no explicit provision for the use of the undercover operations and controlled delivery in Botswana and recommended the following;” *I quote Honourable Mmusi*, “ga ke na go tswana mo go tse a neng a di buile le tse di boeletsweng ke *Honourable Mthimkhulu* tse di akaretsang *undercover operations, intercepting communications, accessing computer systems, gammogo le controlled delivery.*” Ke se *Honourable Mmusi* a se tlhalositseng, a amanya dipaakanyo tse a tlang ka tsone. Molao-kakanyetso o a tlang ka one, a o amanya le *recommendations* tse di tswang kwa go ba FATF.

Mr Speaker, ke supe kgang e gore re le party e e busang, ga re a tsoga phakela re bo re re re a go dira molao o o yang go gatelela Batswana. Re ne re patelesega gore re tle ka Molao-kakanyetso o. Maikaelelo ke go leka go a go baakanya ditsamaiso tsa rona gore lefatshe la rona, re tswelele re ntse re supafala re le bangwe ba ba itseng go babalela dithoto, gammogo le matlotlo a lefatshe la Botswana le a Batswana. Se re se dirang se, ke sone se re se supileng mo maikaelelong a rona. Re tsile go dira bojotle gore re sireletse se Botswana e nang naso. Re leke gore ditsamaiso tsa lefatshe la Botswana re di tokafatse gore *economy* e tswelele e dira sentle. Ke simolole ka eo ka ke ne ke utlwa o kare *Honourable Dr Gobotswang* a re re itiretse fela, ga go na gope fa FATF e neng e bua ka dikgang tse teng.

Mr Speaker, ke supe jaana gore gatwe re tlhabiwa ke ditlhong. Ga ke dumele gore ke tlile go nna moleele. *Honourable Mthimkhulu, Honourable Molao, Honourable Mokgethi* gammogo le ba bangwe ba dirile tiro e ntle gore ba lebelele mekwalo e e teng, tse di ka tswang di diragetse mo mafatsheng a mangwe tse di ka re thusang, tse di nonotshang dikgang tsa rona, tse re di bayang Batswana pele mo nakong ya gompiano. Kgang ke gore *why* re le fa re leng teng? Re tshwanetse re tlhaloganye gore lefatshe la Botswana ga se lone la ntlha *to be greylisted* jaaka re ne re ipona mo malobeng jaana re tsentswe *under greylist*. Mafatshe a mantsi a fetile gone foo. Go builwe ka bodiphatsa jwa gore mafatshe ao a bo a le gone foo. Ke batla go go nopolela *article* e e kwadilweng ke ba Reuters fa o ntetla, *title* ya teng ya re, “Malta faces blow after being greylisted by financial crimes watchdog.” Fa o ntetla *Mr Speaker*, ke



tlaa nopola kwa go *paragraphs two, four, seven, nine, 10* gammogo le 12, ke bo ke tswelela ka puo ya me. Ka tetla ya gago ke kopa go nopola.

MR SPEAKER: Nopola Motlotlegi Rraetsho Tona.

MR RAKGARE: *Article e e kwadilwe ka di 23rd tsa ga June ngwaga o o fetileng wa 2021 by Reuters. E supa gore Malta has been put on a greylist by the world's money laundering and terrorist financing watchdog, FATF. The Prime Minister Robert Abela said on Wednesday, in a move which could seriously damage the island's economy. The Paris-based inter-Governmental FATF agreed to put Malta on the greylist of untrustworthy jurisdictions during a secret vote earlier in the day, meaning that the country now faces increased monitoring. The Prime Minister was quoted saying, "we remain committed to making whatever reforms are needed while preserving the national interest. We will never be uncooperative or obstructive but will intensify our resolve to fight money laundering and the financing of international terrorism." The Opposition Leader, Bernard Grech, called the FAFT vote a "national punishment," which could damage the country's fast-growing financial and gaming sectors that account for almost a fifth of the economy. A working paper issued on the 27th of May by International Monetary Fund (IMF) said, greylisting led to a large and statistically significant reduction in capital inflows as investors shifted funds out of the affected countries." Sentence ya bofelo ya re, "a working paper issued on the 27th of May by IMF said "greylisting led to a large and statistically significant reduction in capital inflows as investors shifted funds out of the affected countries"* Jaanong go a lebega e bile go tlhamaletse gore se re neng re se bua maloba fa re simolola ka *to debate the urgency ya Bill e, gore dikgang tse di felela di ama itsholelo ya lefatshe la Botswana. Re tsere tshwetso re le lefatshe, re le Puso le boetedipele jwa rona ka fa tlase ga Tautona Dr Masisi gammogo le Mothusi wa gagwe Motlotlegi Rre Tsogwane. Bo setse bo supile mo nakong e e fetileng gore maikaelelo a rona a matona ke go godisa itsholelo ya lefatshe la Botswana. Re lebile thata go ngoka babeeletsi go tswa kwa mafatsheng a mangwe, ba ba ka tswang ba tshotse madi ba batla to invest mo lefatsheng la rona, kana ba batla mafatsheng a ba ka beeletsang mo go one gore jaaka banana ba sena ditiro jaana, di tlangwe ba bereke. Lefatshe la Botswana madi a nne teng. Batswana ba tshele sentle, banana ba tshele sentle.*

Jaanong a ko o utlwe fela dikgang tse di tswang kwa kganetsong, la ntlha le utlwa ba iphatlha ka diphuka mo letsatsing la gompiano. La ntlha ba ne ba gana *urgency* ba bua gore FATF ga e ise e ko e rialo, *these recommendations* tse le buang ka tsone ga se boammaaruri le a di itirela.

Ba tlhalosa gore Rre Mmusi o ne a le kae *when Bills were gazetted* tse di teng, tse di tlisitsweng ke Matona a mangwe, bo Mma Serame, Mma Mokgethi, ene o ne a le kae a sa *gazette Bill* yone eo.

Ba ne ba phuthile dikgang tse o neng o ipotsa gore gatwe di tswa kwa kae *Mr Speaker*. A ba se ka ba tla fa mo letsatsing la gompiano, ba bona gore Tona Mmusi o reeditse Batswana, mme e bile gape o utlwile dilelo tsa bone, a re, ke tlabolola *Bill e*, mme ga se gore ke e dira...

MR MANGWEGAPE-HEALY: Elucidation. Thank you Mr Speaker. Thank you Honourable Member Rakgare. *Ke batla to quote fela Manifesto wa BDP, wa ditlhopho tsa 2019, o o buang ka dikgang tsa security on page 48. O bua ka;*

- (a) "strengthening and building stronger security and Government institutions and promote the country's diplomacy in order to further improve development in Botswana and Africa at large;
- (b) accord national security the highest priority;
- (c) increase capacity and capability of the military, police and other security agencies through the provision of additional personnel, provision of modern equipment and commitment to professionalism, merit and excellence in respective to services to meet the needs of our growing population.
- (d) run a Government with an accountable transparent, competent and efficient public service with zero tolerance for corruption
- (e) making sure that individuals are held accountable for delivering on goods and services, enforcement, including prosecution
- (f) enhance the quality of democracy through training of all Government officials
- (g) increase targeted policing and ensure that our streets, schools, borders and communities are safe



- (h) strengthen the criminal justice system
- (i) fight drugs, break-ins, human trafficking, money laundering and cybercrime.”

So, honourable, is this not in line with what you have already promised Batswana? I thank you.

MR RAKGARE: *You are correct because* e bile ya ditagi e *Honourable* Healy, ke batla gore ke tle fela ke tsene mo go yone ka gore sengwe se se yang go thusa thata go lwantsha kgang e ya gore e bo e le gore re bona batho jaaka *Honourable* Molao a ne a tthalosa kgantele, gore mosetsanyana wa rona o tshwerwe kwa a tshwerweng teng, mme e le ntata ya dikgang tsone tse, mme e le gore re itse gore go na le bangwe ba ba ka tswang ba sa itsiwe, ba tsamaisa *operation* e e sa itsiweng ya *to smuggle drugs into our country*.

Our operatives, ba ba tlhlotlhomisang, ba ba tsayang ditlholwa, ba ba tlhomilweng foo gore ba kgone go re thusa, go nne le thitibalo mo lefatsheng la rona, jaanong kana ba tsile go thusiwa ke Molao-kakanyetso o gore ba kgone go bereka.

Mr Speaker, maabane ke letse ke reeditse *one of the local radio stations*, e le gore Batswana ba ne ba reeditse, ba letsa. *I was amazed* pele fela ga *Honourable* Mmusi a tla fa *this afternoon, like I am saying*, maabane; ba ne ba botsa ba le bantsi, *about four callers*, ba re naare batho ba ba kganetso, ba Umbrella for Democratic Change (UDC), ba tshaba eng, ba fitlha eng, ke eng o kare ba ngwaega thata fa go buiwa gotwe re tsile go reetsa megala ya ba go nang le dipelaelo tsa gore ba ka tswa ba le mo dikgannyeng tsone tse tsa go tsamaisa madi a a bosula kana madi a e leng gore ga a phepa? Batho ba ba UDC ba tshaba eng? Gone...

HONOURABLE MEMBER: Madi a ga Moti.

HONOURABLE MEMBER: Wareng ka *journalists* le *lawyers*?

MR RAKGARE: Gone mo go ne ga nkgakolola kgang e re neng ra e utlwalela *Mr Speaker*, re utlwile gore ka ditlhopo tsa 2019, *during the campaigns*, go ne ga nna le bangwe ba ba neng ba tshwarwa mo *basement* kwa Masa, ba tshotse nyebenyebe ya madi, mme ba amanngwa le phathi ya sepolotiki ya ba kganetso. Jaanong go raya gore Batswana ba ba neng ba letsa maabane mo *radio station* e ke neng ke e reeditse, ba botsa gore mme golo fa go lebega...

MR SALESHANDO: *Point of order. Mr Speaker*, o utlwile Tona Rakgare a re go tshwerwe batho ka nyebenyebe ya madi, mme ba amana le ba kganetso. Ke Moeteledipele wa Kganetso mo Palamenteng e, ga ke itse ope wa kganetso yo o tshwerweng ka nyebenyebe ya madi, kana yo o neng a amana le ba kganetso. Ke kopa gore...

HONOURABLE MEMBERS: ...(Murmurs)...

MR SPEAKER: Intshwarele pele *Honourable* LOO. Mafoko a Motlotledi Moeteledipele wa Kganetso a buang ka one a *serious* thata bagaetsho, mo feng *chance* ke kgone go mo utlwa sentle, *please*.

MR SALESHANDO: Ee rra. Ke ne ke kopa gore Motsamaisa Dipuisanyo tsa Palamente, Rre Rakgare a bue gore ke bomang ba ba tshwerweng ka nyebenyebe ya madi, ba ba amanang le diphathi tsa kganetso, ka gore fa e le gore ba tshwerwe, ba ka bo ba lebisitswe molato re ba itse, e seng fela go tla go re manega kgang e e senang boammaaruri. Fa e le gore ga a kgone go bua gore ke bomang, a e boele kwa morago.

HONOURABLE MEMBER: Nnyaa, o ne o seegetswe fa thoko, Dithapelo ke ene a ka itseng.

MR RAKGARE: *Mr Speaker, thank you very much.* Ga go na kgang epe e ke e boelang kwa morago. Ka re, ke santse ke ipoeletsa, re ne re utlwa morago ga ditlhopo tsa 2019, gore go ne go na le bangwe kana go na le mongwe, yo o neng a tshwarwa ke *security agents*, mo *basement* kwa Masa, yo o neng a tshotse nyebenyebe ya madi, motho yo, go ne go utlwalega e le gore o amanngwa le diphathi tsa kganetso. Le one maina...

HONOURABLE MEMBER: O ne o utlwa ka mang?

HONOURABLE MEMBER: Are you imagining?

HONOURABLE MEMBER: O maaka monna.

HONOURABLE MEMBER: O a itse gore go ne go berekwa le Sticks, ene o ne a beetswe kgakala, ga ke itse gore o raya jang a re o ka itse.

MR RAKGARE: O ntshireletse, ke batla go fetsa *Mr Speaker*, ke sa kgopakopediwe.

HONOURABLE MEMBER: O maaka monna.

MR SPEAKER: Order!

MR RAKGARE: Ke a kopa.



MR SPEAKER: Ema pele, ke leka go go sireletsa, ga o batle go didimala.

HONOURABLE MEMBER: O se ka wa sireletsa moaki *Mr Speaker*.

MR SPEAKER: Who is that?

HONOURABLE MEMBER: Ke Kapinga, ka re o se ka wa sireletsa moaki *Mr Speaker*.

MR SPEAKER: Honourable Kapinga, *iketle pele*. This is a very serious statement. Honourable Minister...

MR RAKGARE: *Mr Speaker*, gatwe susu ilela suswana gore suswana a go ilele, kgalemela *Honourable Kapinga*. *Ke Setswana...*

MR SPEAKER: *Ke mo kgalemotse tota*. Honourable Minister, the words that you have said about a certain member of the opposition *a rwele nyebenyebe ya madi* are very serious, more so that we are speaking about a very serious Bill. It is either *o re bolelele gore nyebenyebe eo, e ne e tshwerwe ke bomang* or you do away with that issue, please.

HONOURABLE MEMBER: Kana a tswela kwa ntle.

HONOURABLE MEMBERS: ...(Interruptions!)

MR SPEAKER: Emang pele bagaetsho.

HONOURABLE MEMBER: Ke dilo tsa *security*, ga re ka ke ra di bua.

HONOURABLE MEMBER: Mosadi wa... (*Inaudible*)...o ntshitswe kwa Masa a sena *work permit*.

MR SPEAKER: *Mma Monnakgotla*, we are not going to run Parliament like this, can we have order please.

HONOURABLE MEMBER: Ba re diela nako foo *Mr Speaker*, ke tle ke e oketse.

MR RAKGARE: Mr Speaker, for the sake of progress...

HONOURABLE MEMBER: Ga go na.

MR SPEAKER: Order! Order! Motsamai, *hei!*

MR MOTSAMAI: *Ga go na* for the sake of progress.

MR SPEAKER: Order! Motsamai, Order!

MR RAKGARE: Ga ke patelediwe *to withdraw Mr Speaker*. Honourable Motsamai a itshware sentle. Ke tlaa boelesa mafoko a. Ke ka a boelesa ka gore ke boammaaruri...

HONOURABLE MEMBER: O ka a boelesa ka gore ga o na maitseo.

MR RAKGARE: Le a senya, le tsamaya le batho ba ba senyang.

HONOURABLE MEMBER: Re a itse gore go ne go berekwa le Sticks mo dilong tsa madi, ga o itse sepe.

MR SPEAKER: Order, *bagaetsho*, order! I am talking to the Minister.

MR RAKGARE: *You oppose this Bill because* le tsamaya le batho ba ba senyang. Le batla go tsaya Puso ka dikgoka ka madi a a...

HONOURABLE MEMBER: Healy, e ka re nna ke tshonne jaana ne monna.

MR RAKGARE: Jaanong *Mr Speaker*, a ba didimale.

HONOURABLE MEMBER: Nnyaa Dums o itira jaaka o kare o ne a itse sengwe, mme o ne a beetswe kwa motsheo.

MR SPEAKER: May we have order please!

HONOURABLE MEMBER: Re lapisiwa ke Healy *Mr Speaker*.

MR SPEAKER: *Bagaetsho* please!

HONOURABLE MEMBERS: ...(Murmurs)...

MR SPEAKER: Honourable Member for Gaborone Central, please keep quiet! I have asked the Minister to withdraw the malicious statement. Please!

MR RAKGARE: Do not say it is malicious, it is allegations Mr Speaker. I withdraw Mr Speaker.

MR SPEAKER: Thank you very much Minister.

MR RAKGARE: *Mr Speaker*, ke batla go fetsa ka tsela e e ntseng jaana, ke supe gore kana go na le dipuo tse di nng di buega gotwe ba Domkrag *these are voting cattle*. Ba Domkrag go na le kwa ba tsayang ditaelo teng, ba a laolwa, ga ba kgone go ikakanyetsa mo Palamenteng. Re bagolo *Mr Speaker*, re tlhophilwe ke batho, re emetse batho fela jaaka mongwe le mongwe mo Palamenteng e.

Mapalamente a kganetso ba lese go ipaya o kare ba rata Batswana go gaisa mongwe, *no they are not*. Re rata Batswana le rona, re tlhophilwe ke batho. Re batla go bona lefatshe la Botswana le tlhabologa, le tokafala, ditsamaiso tsa lefatshe la Botswana di tokafala *Mr Speaker*. Ke sone se re tlang ka melao e e tshwanang le e.



Re ne ra tsiboga, e rile fela fa FATF e ntsha *indication* ya gore dilo ga di a tsamaya sentle, Moeteledipele wa rona a bo a re, bagaetsho a re phuthaneng, a re boneng gore re ya go dira ...*(Interruptions)* ... lefatshe la rona re le beye mo bontleng. Mme ra dira fela jalo. Jaanong ba lese go tsamaya ba bua dipuo tsa gore *hei!* re a dirisiwa, jaaka ba ntse ba go penta *Mr Speaker* bare o a dirisiwa. Ga o dirisiwe, o motho yo motona, o tlhophilwe ke batlhopi ba Tonota, o tlile mo Palamenteng e ka *vote*. Ga gona ope yoo leng gore gone fa *has rigged* ditlhopo.

Ke batla gore ke supe jaana ke re, batho ba ba buang jaana ba ba tsaya ditaello kwa go *patron* wa bone, jaaka o tlhola o utlwa e le gore mo Palamenteng e ke modumo fela, malatsi a go sirelediwa DIS e ba neng ba e kgala le nako e re neng re na le bone bangwe ba rona. Nna *Mr Speaker*, *Honourable* Mokgethi, *Honourable* Mthimkhulu, *Honourable* Morwaeng *at some point we were with the opposition*, re ne re kgala ditsamaiso tsa DIS ya nako eo. *Honourable* Lesaso le ene one a le mo teng, le wena o le mo teng *Mr Speaker*, re ne re di kgala. Jaanong ba re neng re na le bone re kgala ditsamaiso tsa DIS, ba fetogile gompiono ka gore go na le kwa ba tsayang ditaello teng. Utlwa gore ba reng, “le tsaya ditaello kwa go Tautona, le tsaya ditaello kwa go Mothusu Tautona.” Lona, buang gore go na le kwa le di tsayang teng, le di tsaya kwa go *patron* wa UDC.

Ke fetse jaana *Mr Speaker* ke re, *party* e, batho ba ba buang dikgang tse, o ke o bone fela, *party* e sena *democracy* bare ba ka busa lefatshe la Botswana ...

HONOURABLE MEMBERS: ...*(Interruptions!)*...

MR RAKGARE: *Mr Speaker*, ke kopa o ba kgalemele ba lese go tsena ke ntse ke bua, ke a fetsa. Ke tlaa... *(inaudible)*...

MR SPEAKER: Let us have order please! Give him a chance.

MR RAKGARE: *Thank you very much*. Utlwa batho ba ba reng ba ka busa lefatshe la Botswana botoka, ba ba reng ga re tsamaisa sentle, ba ba reng ga go maleba gore re bo re tla ka Melao-kakanyetso e re tlang ka yone mo Palamenteng. Ba ba reng ba ka nna botoka go gaisa Domkrag. Bona gore *party* ya UDC ke *party* e ntseng jang *Mr Speaker*, Molaomotho wa *party* e wa re Tautona wa UDC o ya go tswa kwa *Party* ya Botswana National Front, go ya go nopolwa tautona kwa *party* eo. Mme Alliance for Progressives (AP) e batla go tsena mo teng, Congress Party e mo teng.

HONOURABLE MEMBER: Confine yourself to the debate! Confine yourself to the debate!

HONOURABLE MEMBER: He is very irrelevant.

MR RAKGARE: *Jaanong* what kind of a party is this ...

HONOURABLE MEMBER: ...*(Inaudible)*...

MR SPEAKER: Order please!

HONOURABLE MEMBERS: ...*(Interruptions!)*...

MR RAKGARE: Mr Speaker, we are a...*(inaudible)*... democratic party, *mme e bile gape* democracy ...

HONOURABLE MEMBER: Heela le ganne Mma V a ema monna. Wa re le *democratic* ka eng? Le mmita Monyasa.

MR RAKGARE: E bile gape *democracy* e a bonala ma *party* ya rona ga se mo go botswang. Le jaaka re bua jaana kwa ditlhopong tsa ...

MR MMOLOTSI: *On a point of order. Mr Speaker, Honourable Rakgare is out of order.* Gongwe fa e le gore o na le bosupi jwa gore AP e batla go tsena mo UDC a bo ntshe...

HONOURABLE MEMBERS: ...*(Interruptions!)*...

MR MMOLOTSI: Ke ne ke re fa e le gore *Honourable* Rakgare o na le *application* ya ga AP ya go tsena mo UDC a e ntshe e le bosupi.

HONOURABLE MEMBERS: ...*(Interruptions!)*...

MR SPEAKER: *Honourable* Rakgare wee! a ko o dire o fetse tlhe rra ke a go rapela. ...*(Laughter!)*...

HONOURABLE MEMBERS: ...*(Interruptions!)*...

HONOURABLE MEMBER: *Speaker*, wena o tshaga eng jaanong?

MR SPEAKER: *Honourable* Rakgare ntsha bosupi jwa AP rra, ware e ya kae?

HONOURABLE MEMBER: Ga o letlelelwe go tshaga *Mr Speaker*, o se ka wa nna o tshaga.

MR SPEAKER: *Honourable* Keorapetse, jaanong fa le mpolaisa ditshego ke reng? ...*(Laughter!)*...

MR RAKGARE: *Mr Speaker*, re ne re bona mo maranyaneng e le gore diphathi tsa kganetso, AP le yone e le mo teng e le gore ba re ba saena ...*(Interruptions!)*...



mo go reng ba tle ba dirisanye mo ditlhophong tsa poeletso. Gone moo e bile gone go tlhalosiwa gore kana ba tlele go simolola dipuisanyo tsa gore diphathi di dirisanye. Ke re *Honourable* Mmolotsi fa e le gore AP ga e batle go tsena mo UDC, o tlaa intshwarela fa e le gore ke a rumolana ka gore, le ka *weekend* ba ne ba le kwa Molepolole ba tshwere phuthego e ba neng ba e tshwere mme ba UDC ba *launch* kwa Ledumadumane. Go raya gore jaanong go tlhamaletse tota ga ba batle go tsena mo UDC. O tlaa intshwarela ke tlaa boela mafoko ao morago a gore AP e batla go tsena mo UDC. AP e batla go ya kwa ditlhophong tsa 2024 e le nosi, e dumela gore ka Makhanselara a le mane ba ka busa lefatshe le, ga ba batle go kopanngwa le bangwe.

HONOURABLE MEMBER: Kante o bua ka ga eng yo a tsamaile diphathi tsotlhe mo lefatsheng.

HONOURABLE MEMBERS: ...(Interruptions!)

HONOURABLE MEMBER: Kana ga re ka ke ra lala re kokomaletse motho a bua dilo tse di duleng mo tseleng.

MR SPEAKER: His time is finished!

HONOURABLE MEMBER: Point of order.

MR SPEAKER: *Honourable* Mmolotsi nako ya gagwe e fedile.

HONOURABLE MEMBERS: ...(Interruptions!)

MR MMOLOTSI: *On a point of order. Mr Speaker, Honourable* Rakgare ga a ka ke a bua dikgang tse di senang boammaaruri...*(inaudible)*... a re AP e tsere tshwetso ya gore e batla go ya kwa ditlhophong e le nosi. A bua dikgang tsa go re AP gore e bo e saena *memorandum of understanding* go raya gore *it was joining* UDC. *Ignorance* ya ga Rakgare ga e a tshwanela gore e tsene mo Palamenteng. Rre Rakgare o tshwanelwa ke gore a re neele bosupi jwa gore dikgang tse a di buang o di tsaya kae, ka gore re le AP re dirisana le diphathi tsotlhe tsa kganetso, e seng UDC fela. Re dirisana le Botswana Patriotic Front (BPF), e e leng gore le yone ke *party* e e mo kganetsong. Jaanong ga ke tlhaloganye gore *Honourable* Rakgare ditontonkwane tse a di buang o di tsaya kae. Mme ke kgang fela ya go utlwa botlhoko jwa gore o bona diphathi tsa kganetso di dirisana mmogo. *What you should know is that*, go dirisana mmogo...

MR CHAIRPERSON: Jaanong o arabile, o mo ntshitse mo molatong.

HONOURABLE MEMBERS: ...(Murmurs)...

HONOURABLE MEMBER: Point of order.

MINISTER FOR PRESIDENTIAL AFFAIRS, GOVERNANCE AND PUBLIC ADMINISTRATION (MR MORWAENG):

Ke ikokobeditse mongwame. Sa ntlha jaaka bakaulengwe ba setse ba buile bagaetsho ba Domkrag, ba tlhalositse le nna ke ntse ke a tlhalosa gore re le Goramente, re le phathi ya Domkrag, re a itse le Batswana ba a itse gore re mo seemong sefe mo gompienog re le lefatshe. Re tswa kwa dikgannyeng tsa *greylisting*, ga re sa tlhole re batla go boela koo, re monela marula pele, re a ipaakanya, mosele wa pula o epiwa go sale gale. Ga re batle gore re ye koo gape. Ke yone kgang e re leng fa ka yone. Ke sone se o bonang re le mo bosigong jo re bua dipuo, re bua dikgang tsa mofuta o mo Palamenteng go leka gore lefatshe la rona le se ka la boela mo seemong seo. Fa re le mo *greylisting* jaaka re ne re ntse, batho ba sokotse, lefatshe la rona le ne le latlhegelwa ke seriti le serodumo, le itsholelo e ne e amega. Tota ka bokhutshwane, re eletsa gore re se ka ra boela koo gape. Re le Puso e e nang le maikarabelo, fa bogakolodi ba re gakolola gore baakanyang melao, ka nnete re tshwanetse go e baakanya re dire tse e leng gore di a amogelesaga *internationally* gore lefatshe la rona, bagwebi le babeletsi le ba bangwe ba ba kwa ntle ba kgone go leba lefatshe la rona...

MR MMOLOTSI: *Procedure.* Ke a leboga *Mr Chairperson.* Kana *Honourable* Morwaeng o bua ka gore ba le Puso e e nang le boikarabelo ga ba batle go boela kwa morago kwa go diragetseng diphoso. Se ke neng ke batla gore *Honourable* Morwaeng a tsenye Palamente mo tseleng ka sone ke gore, a mme o a itse gore Tautona wa gompieno mo Pusong yone e re tswang mo go yone, e ne e le Mothusa Tautona, Rre Molale e ne e le Tautona wa *Office* ya ga Tautona gone fa a leng teng, Rre Slumber Tsogwane o ne a le kwa *Local Government*, Molao o ne a le kwa...

HONOURABLE MEMBER: Hei monna! *That is subversive*, wa re ke le Tautona?

MR MMOLOTSI: Autlwetse o ne a le kwa *Local Government*.

HONOURABLE MEMBER: Tota o bua eng? Ga gona *procedure* gone.

MR MMOLOTSI: *Procedure* ke gore fa e le gore go dulwe mo tseleng, a *Honourable* Morwaeng o re raya a re banna ba ke ntseng ke ba bua ka maina ba ba neng ba



le mo *administration* e re tswang mo go yone, a ba ne ba dule mo tseleng ba le *irresponsible* mo e leng gore ba tlogetse lefatshe le tsena mo mathateng ba ntse ba le mo *Cabinet*?

HONOURABLE MEMBER: Procedure.

HONOURABLE MEMBERS: ... (Murmurs)...

HONOURABLE MEMBER: Waste of time.

MR CHAIRPERSON: *Order!* Ema pele le fa o bua *side remark* o re *waste of time*, o bolelela ruri tota, *waste of time*. Bagaetsho, ke kopa gore re somarele nako, *it is 20 minutes to 12 o'clock*. Ga ke itse gore a le batla gore go okediwe gape re ye go sele. Ke kopa gore re somarele nako e, *exactly 12 o'clock* re bo re fetsa. Jaanong Motlotlegi Morwaeng, araba kgang e o lebagantsweng le yone.

MR MORWAENG: Jaanong re le lefatshe, seemo se re tshwanetseng go itebaganya le sone ke go ntsha gore lefatshe le rona le se ka la boela mo *greylisting* go somarela matshelo a Batswana. Ke yone ntlhakgolo e re e tletseng fa. Le melao e re e baakanyang e e 16 e re tllileng ka yone, ke go boloka matshelo a Batswana, ke yone kgangkgolo. Re le phathi e e nang le maikarabelo, Goromente yo o nang le maikarabelo, kgangkgolo ke go boloka matshelo a batho ba ga rona.

HONOURABLE MEMBER: Procedure.

MR MORWAENG: Ke ne ke kopa gore a bakaulengwe ba lese go nkgoreletsa ka gore ga ke nke ke ba *disturb* ba bua, *so* a ba lese go nkgotlakgotla. Ke kopa gore...

HONOURABLE MEMBER: *Nnyaa*, you are making a political statement, you are not addressing the Bill.

MR TSHERE: *Procedure. Honourable Chairperson, thank you very much. Honourable Morwaeng is reading a general speech* se se lehang go bua *generally*, rona re bua ka *Bill* e e mo tafoleng. O ka bo a *address Bill* ya teng a lese go bua gore Goromente wa Domkrag yo o rateng o batla go dira jaana, o ithatisa batho fela a re diya mme go le bosigo. *Mr Chairperson*, ke kopa o mmusetse mo tseleng. *Thank you.*

MR MORWAENG: Jaanong ka tsela eo, melao e e fa e re buang ka yone e Motlotlegi Rre Mmusi a tllileng ka Molao-kakanyetso o, o o botlhokwa go itebagantse le *organised crime, terrorism* le *money-laundering*. Ke gore bosinyi le boepantlo jwa maemo a a kwa godimo, borukukutlhi, bolalome. Ke gore dinokwane tse di

ithulagantseng ka maemo a a kwa godimo. Batswana ga ba a tshwanela go tshwenyega gotlhelele ka molao o. Molao o o sireletsa bone Batswana, o boloka matshelo a bone. Ba ba tshwanetseng go tshwenyega jaaka e le gore re le Batswana rotlhe fa melao e tla re tshwanetse re botse se re se botsang re lebe, ga go molato, kana *we are a democracy. We are a vibrant democracy* mo e leng gore mongwe le mongwe o tshwanetse go akanya ka fa a akanyang ka teng, ba tllise dikgang ba bue re le Batswana. Mo barutegi bo Rre Tshere ba tlaare ke yone *manifestation* ya a *vibrant democracy* gore Batswana ba kgone go fa ba bona sengwe ba ntshe megopolo ya bone.

Now, re le phathi e e nang le maikarabelo le Goromente yo o reetsang le Matona a a nang le kelelelo jaaka Rre Mmusi, go bo go akannngwa gore mme ba bangwe megopolo ke e, le e, go bo gotwe a mme ga re dire jaana, ke sesupo sa gore Domkrag e ke yone tota e e leng gore ka boammaaruri e tshageditse lefatshe le. *We are a responsive Government*. Re Puso e e reetsang tšhaba ya yone. Re Puso e e leng gore re kelotlhoko, e e leng gore ga re batlatlapi le bakgokgontshi. Re Puso e e leng gore fa batho ba bua re tlhoa tsebe. Ke yone *democracy* eo. Re tshwanetse re leboge Puso e re bo re rotloetse le Batswana gore le kamoso fa go na le sengwe...

HONOURABLE MEMBER: Clarification, Honourable Morwaeng.

MR MORWAENG: Nnyaa mma ke bue, ke na le *issues* tse dintsi, ke tlaa tla ke go fa motsotso tsala ya me. Re tshwanetse re amogele gore tota se re se dirang... ga ke eletse go diega, bakaulengwe ba me tota ba setse ba buile. Re tshwanetse go lemoga gore re le Domkrag, re le Puso ya ga Motlotlegi Rraetsho Tautona Masisi, re Puso e e nang le maikarabelo. Ke sone se re tshwenyegileng ra bo ra bona gore melao e jaaka re gakolotswe ke ba mafatshefatshe, re dire jalo. Go na le bangwe ba e leng gore gongwe megopolo go ne go buiwa gore nnyaa, kana tota batho ba ya go gatakwa, ditshwanelo tsa batho di ya go gatakwa, ke re ke *assure* Batswana gore ba se ka ba tshwenyega. Ga gona ope Motswana yo ditshwanelo tsa gagwe di yang go gatakwa. Puso ya Domkrag e tswa kgakala e sireleditse *Constitution*, e dira dilo ka fa motheo wa lefatshe o buang ka teng. Ga re ise re nne Puso ya botlatlapi.

Re lefatshe le re itsegeng ka *democracy* e e kanakana; *for 55 years* re le *democracy* ya mofuta one o, mme ka moo, ga e ka ke e a re gompiano bangwe ba bo ba re raya batho ba re re Puso e e neng e batla go ya go gatelela



batho. Nnyaa, ga re ka ke ra gatelela batho. Fela gone dinokwane di tshwanetse di tshwenyega ka gore jaanong ba ba rekisang *drugs, human traffickers, poachers*, ba ba dirang *money laundering*; dirukutlhi tsa mofuta oo, *have to be worried* fa jaanong re tsoga, re thanya, re leka gore re baakanye dilo. Jaaka bakaulengwe ba ntse ba bua, se setona ke gore dipatlisiso tse ga di ye go dirwa ka tsela e e kgokgontshang ope, di ya go dirwa sentle go lebilwe molao, makgotla a le mo teng; a tlaabong a fa tetla gore nnyaa, yo le ka kgona gore le dire se le se dirang gore le sireletse lefatshe. Kgang *is about this country*, tshireletso ya batho le go bona gore dilo di tsamaya sentle ka tolamo. Ke sone se setona.

Batswana fela *generally* ga ba a tshwanela go tshwenyega. Bangwe ba ba lelang thata, le gore selelo se kwa godimo, re itse mabaka a gore ke eng ba lela thatathata, ba inyanayela. Fela Batswana bone *generally* ke dumela gore e ne e le dipotso fela, kana ba eletsa gore dithaloso di nne teng, e bile Batswana ba tshwenyega ka fa ba tshwenyegang ka teng bogolo jang fa ba utlwa bangwe ba rona re bua thata ka fa go neng go buiwa ka teng. Kana go a letlelesega gore batho ba ntshe maikutlo a bone, go buisanngwe, ba abelwe. Ga go na sepe ka fa molaong o o ntseng ka teng, se se yang go dirwa *without authority* kana se sa letlelesega. Se ya go dirwa ka fa molaong, makgotla a le *involved*. Yo o dirang jalo a gataka ditshwanelo tsa ba bangwe ka dinao, a tselwa dikgato go le ka fa molaong. Ka tsela eo, ke dumela gore molao o re tshwanetse gore re o atle, ga o a tshwanela gore o tshose ope. Ke molao o o yang go sireletsa *democracy* ya rona le go sireletsa lefatshe la rona bogolo jang mo dirukutlhing tse di rukutlha ka borukutlhi jo bo *well organised*.

Motsamaisa Dipuisanyo tsa Palamente, ga ke batle go go senyetsa nako ke ya kwa le kwa ka gore tota go setse go builwe. Bagaetsho ba setse ba tlhalositse gore *the rights of our people will always be guaranteed*. Jaaka ba bangwe ba boletes, go na le dikgaolo dingwe; kwa go bo Rre Hikuama, Rre Kapinga kwa Makgobokgobong kwa, o tlaa utlwa kamoso gotwe *rhinos have been poached*. *One, two, three*, go na le ba ba itseng fela ka *rhinos* tseo, *and* go itsege gore ba dirisa *sophisticated machines* go senka tsone *rhinos* tse. Jaanong boammaaruri ke gore re tshwanetse gore re itepatepanye le dithulaganyo tsa mofuta one o.

Ba ba itseng molao ba sa tswa go tlhalosa gore le gompieno le mo melaong ya gompieno, mapodise a rona gore ba ye go phuruphutsa (*search*) kwa malwapeng le kae, ba fiwa *warrants*. *They do not search* lelwapa

lekgwe le lengwe. Jaanong ga go a tshwanela gore Batswana ba akanye gore nnyaa, go ya go tsamaya go reediwa megala ya batho le tse dingwe. Ke re nnyaa, re itebagantse le disenyi le ba ba batlang go akola lefatshe la rona.

Ke a itse gore bangwe go ntse go buiwa thata ka DIS, go na le bangwe ba e leng gore fa go buiwa ka DIS ijaa! ijaa! o a bo o ba tshwere go sele. Ke re nnyaa, bagaetsho, ga go na lefatshe lepe le le senang *intelligence*. *Intelligence* se setona ke go bona gore batho ba lefatshe leo ba a sireletsega, mme gantsi ba ba tswang mo tseleng ba ba itumelang fa ba lemoga gore go na le ba ba lemogang gantsi fa ba tswa mo tseleng. Ke eletsa gore Batswana ba itse gore ga re ka ke ra gataka ditshwanelo tsa bone.

Ee, go na le ba ba itumelang fa e kare go a tlhakatlhakana jaaka re ne re le mo *grey listing*. Bangwe go ne go ba jesa monate, e bile bangwe ba ne ba sa eletse re tswa mo *grey listing* ba e leng gore *they always fish in troubled waters*. Fa dilo di sa tsamae sentle, ke gone fa ba rumaruma, ba re re tlaa... (*inaudible*)...ke Batswana. Ba re ba tlaa bona phatlha ya go tsena. Batswana ba tshwanetse ba eletlhoko dikgang tse gore nnyaa...

HONOURABLE MEMBER: Procedure, Mr Speaker.

MR SPEAKER: Procedure.

MR TSHERE: *Procedure. Thank you very much Mr Speaker.* Ke ne ke reeditse *Honourable* Morwaeng, mme ke ne ke dumalana le ene gore bangwe batho ba ka tswa ba ne ba sa batle re tswa mo *grey listing*. Ka re gongwe o bua ka batswakwa, jaanong fa ke tla go utlwa a re ba batla go tsaya Puso, go raya gore o ka tswa a akanyetsa gore ke rona. Jaanong gongwe re e beye e le *clear* gore ga go na ope mo *opposition* yo o ka eletsang gore lefatshe la Botswana le tsene mo *grey listing*. Ga ke itse gore mafoko ao o a tsaya kae. Gotlhelele ga go ise go nne le ope yo o neng a eletsa, e bile a bina pina eo. Ke a leboga *Mr Speaker*, mo reye a boele mafoko ao kwa morago.

MR SPEAKER: Honourable Morwaeng, your colleagues are not very happy about that statement.

MR MORWAENG: Ke boelela mafoko a ke a buileng gore go ne go ntse jalo. Go na le bangwe ba ba neng ba itumela e le gore...

HONOURABLE MEMBER: O ne a re bangwe, ga a ise a re *opposition*.



MR MORWAENG: ...ba segetswe mo lefureng. Jaanong fa e le gore bangwe bao ke bone bo Rre Tshere, ga ke itse. Ke rile go na le bangwe ba ba neng ba itumela fa re le mo *grey listing*, mme ke ntse ke a rialo ka gore batho bao ba teng, mme e bile batho bao ba a lela fa ba bona dilo di boela mo mannong. E bile ba ka itumela fa lefatshe le ka tswelela le le mo *grey listing* ka gore ba tlaa tlhoka se ba se buang. Jaanong ka tsela eo, re a itsane re le Batswana, mme fela Batswana *generally*, re a itse gore keletso ke gore lefatshe le boele mo seemong, itsholelo ya lefatshe la rona e tswelele e sireletsegile, bagwabi ba tle mo lefatsheng la rona. Bana ba rona e re fa ba le kwa mafatsheng a mangwe ba dirise dikarata tsa bone go sena dikgoreletsi dipe gore itsholelo ya lefatshe la rona e kgone go gola sentle. *This is all about* lefatshe. So melao e yotlhe Batswana ba tshwanetse go itse gore re dira jaana re gakolotswe ke ba ba re gakololang gore le ka sireletsa lefatshe la lona fa le dira jaana, kana fa le kgona gore melao le e dire jaana, dinokwane le dirukutlhi le kgone gore le di eletlhoko, le supe tlhoafalo ya gore le lwantsha *terrorism*, borukutlhi, *money laundering*, ...

HONOURABLE MEMBER: Clarification.

MR MORWAENG: ...le kgona gore le lebe, le bone ba ba ka kgonang gore ba ka senya lefatshe la lona. Dilo tse tsotlhe tse di direlwa molemong wa Batswana e seng go gataka ditshwanelo tsa Batswana. Ga se gone gotlhelele. Ga re itsege ka go gataka matshelo a batho. *That is why* bangwe gone jaana e re gotwe a re direng jaana, go senkwa *delay tactics*, gotweng, ka gore *it pleases them*. Re a ba itse. Mongwe o ntse a re *clarification*.

HONOURABLE MEMBER: *That is imaginary*, o a lora fela wena.

MR MORWAENG: Ke a leboga. *Okay*, ga go na ope.

HONOURABLE MEMBER: Ke nna.

MR MORWAENG: Ke a leboga.

MR SPEAKER: O feditse *Minister*?

MR MORWAENG: Nnyaa rra, tlaa ke wetse.

Ke ne ke re ke kopa gore ka boikokobetso re le Mapalamente a lefatshe la Botswana rotlhe ba re leng mo re leboge Puso, Cabinet, le Rre Mmusi gore re bo re le mo thulaganyong ya go tla ka molao o o maleba go boloka Batswana.

HONOURABLE MEMBER: Ke kopile *clarification*.

MR MORWAENG: Ke feditse. Nnyaa, go tulwe ga o a e kopa *sir*:

HONOURABLE MEMBER: Nnyaa, ke e kopile.

MR MORWAENG: Ke a e go fa.

MR MOTSAMAI: *Clarification. Thank you Mr Speaker.* O mphitise fa Tona wa Matona, Tona Rre Morwaeng ka kgang ya bangwe batho, ke bona o ntse o boelela lefoko le la gore bangwe ba rekisa dilo tse di sa tlwaelesegang, *drugs*, eng, jalojalo. A mme gone ka fa o buang ka teng, ga o bone gore kgang eo fa o ntse o e bua jaana, ka gore mo Palamenteng tse dintsi tse di fetileng, le ne le ntse le gakololwa gore le bone bangwe ka koo le ba tlhotlhomise mabapi le dikgang tse di borai. A ga o bone fa o kgopakgopetsana le maikutlo a bone, ke tsentse le ba mofini mo teng e e borai, ya go tsena mo *privacy* ya batho, ga o bone fa o ba kgopisa ka koo rraetsho? Le gore fa o ba kgopisa, o ikaelela go tshela jang le bone ka koo o ntse o ba kgopisa jaana?

HONOURABLE MEMBERS: ... (Murmurs)...

MR MORWAENG: Mokaulengwe ga ke a mo utlwa gotlhelele. Se ke ka se buang ke *gore*, *drug lords* tse dintsi ga di ka ke tsa rata DIS. *Drug lords* le *poachers* tse dintsi ga ba rate DIS, ga ba rate *security*. Ke ema *Bill* e nokeng ka pelo ya me yotlhe, ke *Bill* e e siameng, e e yang go boloka lefatshe. Ke a leboga rra.

MR SPEAKER: *Order! Order Honourable Members.* Bagaetsho, Batlotlegi Mapalamente, go raya gore *it is a minute before midnight*. Jaanong ke le moeteledipele wa lona, ke kopa gore ke le reye ke re, ke eng re sa eme gone fa. Go setse *two slots for the opposition and one slot for BDP*. Ke a le kopa Batlotlegi Mapalamente, a re emeng gone fa, re tlaa phakela re fetsa. Fa ke ka re re tswelele re ye go ema ka 1 *o'clock*, ga ke batle go ikgaoganya le lona. Re lole go ntse go lekane, go setse kutlwano fela. Ke yone kopo ya me batsadi ba me, fa le ntetla le bo le mma ke bitsa Motlotlegi *Leader of the House to move a Motion of adjournment*, re bo re ya go robala. Nna fa fatshe Motlotlegi Mopalamente wa Sefhare-Ramokgonami, nna fa fatshe tsala ya me.

HONOURABLE MEMBERS: ... (Murmurs)...

HONOURABLE MEMBER: *Mr Speaker*, BDP go setse nna.

MR SPEAKER: Go setse Motlotlegi Rraarona Mothusa Tautona.



HONOURABLE MEMBER: Vice President (VP) o ka nna a neela yo mongwe, ga gore sepe fela.

MR SPEAKER: Ga ke na mathata le seo.

HONOURABLE MEMBER: Ga gona mathata, o tlaa tsaya kamoso.

MR SPEAKER: Ke utlwile VP.

HONOURABLE MEMBER: *Opposition* go setse mang *Mr Speaker*?

MR SPEAKER: Kwa *opposition* go setse Motlotlegi Mopalamente wa Jwaneng-Mabutsane le Motlotlegi Mopalamente wa Mahalapye Bophirima, ba tlaabo ba dira *five*.

HONOURABLE MEMBER: Ah! ga le a fa Motsamai tsala ya me ne banna?

MR SPEAKER: *A ko o iketlele go ntothanya le Motlotlegi Motsamai rraetsho. Gakere le ntelile*, I must call upon the Leader of the House to move a Motion of adjournment. Your Honour, please move the Motion of adjournment.

MOTION

ADJOURNMENT

LEADER OF THE HOUSE (MR TSOGWANE): Ke a leboga *Mr Speaker*. Re nne re phatlalala nako e, kutlwano ga e kana ka sepe fa e setse masa a sa. Ke a leboga gore batlotlegi ba ye go ikhutsa.

Question put and **agreed to.**

The Assembly accordingly adjourned at 12:00 a.m. until Friday 4th February, 2022 at 9:00 a.m.



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