



IN THE HIGH COURT OF THE REPUBLIC OF BOTSWANA HELD AT MAUN

UAHMN-000032-22

In the matter between:

GABRIEL GADZANI KOMBONI

APPLICANT

and

CHIEF JUSTICE TERRENCE RANOWANE  
JUDICIAL SERVICE COMMISSION  
ATTORNEY GENERAL OF BOTSWANA  
DR GODFREY RADJENG  
TSHEGOFATSO MOGOMOTSI  
OOKEDITSE MAPHAKWANE

1<sup>ST</sup> RESPONDENT  
2<sup>ND</sup> RESPONDENT  
3<sup>RD</sup> RESPONDENT  
4<sup>TH</sup> RESPONDENT  
5<sup>TH</sup> RESPONDENT  
6<sup>TH</sup> RESPONDENT

IN RE:

GABRIEL GADZANI KOMBONI

APPLICANT

and

CHIEF JUSTICE TERRENCE RANOWANE  
JUDICIAL SERVICE COMMISSION  
ATTORNEY GENERAL OF BOTSWANA

1<sup>ST</sup> RESPONDENT  
2<sup>ND</sup> RESPONDENT  
3<sup>RD</sup> RESPONDENT

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ORDER

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Before the Honourable Mr. Justice Maripe B. at MAUN on this 23<sup>rd</sup> day of November 2022

**UPON HEARING:** Attorney Mr. Lumbile W. appearing with Attorney Mr. Johannes A. for the Applicant and Attorney Ms. Mokgwathi E. L. for the Respondents and having read the documents filed of record.

**IT IS ORDERED THAT:**

1. A rule nisi is hereby granted returnable on the 1<sup>st</sup> December 2022 at 0900hrs
  - 1.1 That the 1<sup>st</sup> Respondent is interdicted and restrained from executing his decision to transfer the matter from Maun High Court to Gaborone High Court.
  - 1.2 It is declared that the 1<sup>st</sup> Respondent's decision to appoint the 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> Respondent to preside over the matter registered under case No. UAHMN-000032-22 undermines judicial independence and is inconsistent with Section 10 (9) of the Constitution.
  - 1.3 It is ordered and directed that paragraph 1.1 above operates as interim relief pending the final determination of this application.
2. The Respondents shall file their opposing papers by the 25<sup>th</sup> November 2022.
3. The Applicant shall file his reply, if any, by the 29<sup>th</sup> November 2022
4. By consent, the main application shall be called on the 1<sup>st</sup> December 2022 at 0900hrs for status hearing
5. Costs shall be in the cause

**BY ORDER OF THE COURT**

**REGISTRAR OF THE HIGH COURT**