

**BOTSWANA DEMOCRATIC PARTY**  
**DISCIPLINARY RULES & REGULATIONS**

1. **CITATION**

These Rules may be cited and referred to as the Disciplinary Rules of the Botswana Democratic Party.

2. **APPLICATION**

These Rules shall apply to proceedings before;

2.1 The Disciplinary Sub-Committee of the Central Committee,

2.2 A regional disciplinary committee and

2.3 A branch disciplinary committee.

3. **INTERPRETATION**

In these Rules, unless the context otherwise requires, the following words shall have the meanings hereunder assigned to them:

‘The Party’	-	The Botswana Democratic Party
‘Constitution’	-	The Constitution of the Botswana Democratic Party
‘Country’	-	The Republic of Botswana
‘Member’	-	Any person who has been duly admitted to the membership of the Party in accordance with the provisions of the Constitution.
‘Disciplinary Committee’	-	A Branch Disciplinary Committee, a regional Disciplinary Sub-Committee of the Central Committee and/or the final Disciplinary Committee as the context indicate.

The masculine and feminine shall include the neuter.

The singular shall include the plural and vice versa.

4. **DISCIPLINARY COMMITTEES**

In accordance with the Constitution of the Party there shall be.

- 4.1 A Branch Disciplinary Committee of each of the Branches in the country as created in Article 24 b (ii) of the Constitution.
- 4.2 A Regional Disciplinary Committee for each of the regions in the country as created in Article 25 c (iv) of the Constitution.
- 4.3 A Disciplinary Sub-Committee of the Central Committee of the Party.
- 4.4 A final Disciplinary Committee in terms of Article 34 (g) of the Constitution.

5. **JURISDICTION**

5.1 **Branch Disciplinary Committees**

5.1.1 Each Branch Disciplinary Committee shall/have jurisdiction in respect of all offences save as provided hereinafter committed within its area by a member or members in such branch area.

5.1.2 Each Branch Disciplinary Committee shall however not have jurisdictions in respect of offences for which the penalty is that provided for in Article 15 (f) to (i) both inclusive of the Constitution.

5.2 **Regional Disciplinary Committees.**

5.2.1 Each Regional Disciplinary Committee shall; have appellate jurisdiction from any decision of a Branch Disciplinary Committee and shall have the power to;

5.2.1.1 Confirm, amend, set aside any judgement decision or order of the Branch Disciplinary Committee.

5.2.1.2 Order a new trial of any cause heard or decided in any Branch Disciplinary Committee or direct that such new trial be heard before it;

5.2.1.3 Receive further evidence or remit the case to the Branch Disciplinary Committee which originally heard

the case for further hearing with such instructions as to further proceedings as the Regional Disciplinary Committee may deem necessary;

5.2.1.4 Impose such punishment, whether more or less severe than, or of a different nature from, the punishment imposed by the Branch Disciplinary Committee, as in the opinion of the Regional Disciplinary Committee ought to have been imposed by the Branch Disciplinary Committee.

5.2.2 Each Regional Disciplinary Committee shall have jurisdiction in respect of all offences save as hereinafter provided, committed within its area by a member or members in such region.

5.2.3 Each Regional Disciplinary Committee shall have jurisdiction in respect of all offences save and excepting offences for which expulsion from the Party may be imposed as a penalty.

5.3 **Disciplinary Sub-Committee of Central Committee.**

5.3.1 The Disciplinary Sub-Committee of the Central Committee shall have appellate jurisdiction from any decision on a Regional Disciplinary Committee and shall have power to;

5.3.1.1 Confirm, amend or set aside any judgement, decision or order of any Regional Disciplinary Committee.

5.3.1.2 Order a new trial of any case heard or decided in any Regional Disciplinary Committee or to direct that such new trial be heard before it.

5.3.1.3 Receive further evidence or remit the case to the Regional Disciplinary Committee which originally heard the case for further hearing with such instructions as to further proceedings as the Disciplinary Committee of the Central Committee may deem necessary.

5.3.1.4 Impose such punishment, whether more or less severe than, or of a different nature from, the punishment imposed by a Regional Disciplinary Committee, as in the opinion of the Disciplinary Sub-Committee of the

Central Committee ought to have been imposed by the Regional Disciplinary Committee.

- 5.3.2 The Disciplinary Sub-Committee of the Central Committee shall have original jurisdiction in respect of any offence committed within the Republic of Botswana by any member.

6. **LANGUAGE TO BE EMPLOYED**

- 6.1 The language to be employed in proceedings before any Disciplinary Committee shall be the language best understood by the Defendant and evidence and all records of the proceedings shall be in any one of the official languages.
- 6.2 If any of the persons or witnesses in the proceedings do not understand the English Language, then the proceedings shall be interpreted from English into the language understood by the persons or witnesses concerned, as the case may be, and vice versa.

7. **PROCEEDINGS TO BE OPEN TO MEMBERS**

- 6.3 The proceedings before the Disciplinary Committees shall be open to any and all members of the Party.
- 6.4 The Chairperson of a Disciplinary Committee in which proceedings are taking place may exclude from such proceedings any person or persons who so conduct(s) himself, herself or themselves as to render the continuance of the proceedings impracticable or as to disturb the peace or order of the proceedings.
- 6.5 The Chairperson of a Disciplinary Committee in which proceedings are taking place shall require proof of membership of the Party of any person desirous of attending any proceedings.

8. **REPRESENTATION**

Every member who is charged with any offence shall be entitled and permitted to represent himself/herself and may appoint any of the members to assist in his/her defence.

9. **DUE PROCESS**

- 9.1 Every member who is charged with an offence under the Party's Constitution, Regulations, bye-laws and/or Disciplinary Rules:
- 9.1.1 Shall be presumed innocent until he/she is proved or has pleaded guilty;
- 9.1.2 Shall be given 14 days within which to prepare his/her defence.
- 9.1.3 Shall be afforded a fair hearing within a reasonable period of time;
- 9.1.4 Shall be entitled to attend his or her trial unless he or she conducts himself or herself so as to render the continuance of the proceedings. The Chairperson of the Committee before which the proceedings are taking place may order that the member charged be removed and trial proceeds in his/her absence.

10. **GENERAL PRINCIPLES AS TO LIABILITY**

- 10.1 Ignorance of the Party Constitution, regulations, bye-laws or rules does not afford any excuse for any act or omission which would otherwise constitute an offence.
- 10.2 Unless otherwise expressly declared, the motive by which a member is induced to do or omit to do an act, or form an intention, is immaterial so far as regards liability.
- 10.3 A member who does or omits to do an act under an honest and reasonable, but mistaken, belief in the existence of any state of things is not liable for the act or omission to any greater extent than if the real state of things had been such as he/she believed to exist.
- 10.4 Every member is presumed to be of sound mind at any time which comes into question unless the contrary is proved.
- 10.5 Intoxication shall not constitute any defence to any charge.

- 10.6 When an offence is committed, each of the members are deemed to have taken part in committing the offence and to be guilty of the offence and may be charged with actually committing the offence, that is to say:
  - 10.6.1 Every member who actually does the act or makes the omission which constitute the offence;
  - 10.6.2 Every member who does or omits to do any act for the purpose of enabling or aiding another member to commit the offence;
  - 10.6.3 Any member who counsels or procures other member to commit the offence.

11. **RECORD OF PROCEEDINGS**

- 11.1 Minutes of record shall forthwith be made of:
  - 11.1.1 Any viva voce evidence given in any disciplinary proceedings;
  - 11.1.2 Any objection made to any evidence tendered or received in any disciplinary proceedings;
  - 11.1.3 Any inspection in loco.
  - 11.1.4 Any judgement, decision or order of a Disciplinary Committee.
- 11.2 The Chairperson of the Disciplinary Committee shall mark each document or thing put in evidence and shall note such mark on the record of proceedings.
- 11.3 Any member may upon payment of the prescribed inspection fee inspect any record of any proceedings.

12. **SECRETARY OF DISCIPLINARY COMMITTEE**

There shall be a Secretary for each Disciplinary Committee who shall perform such duties and exercise such powers as may from time to time be prescribed in these Rules. Branch or Regional Secretaries may be Secretaries of Disciplinary Committees.

13. **OFFENCES**

- 13.1 All members of the Party shall conduct themselves at all times be it in office or in private life in a manner that shall not bring discredit to the Party. Any person who misconducts himself or herself is guilty of an offence.
- 13.2 Any member of any committee of the Party who without just cause or without giving prior apology fails to attend any meeting of such committee as the member serves on shall be guilty of an offence and shall on the third consecutive such occasion cease to be a member of such committee.
- 13.3 Any member who acts against the interests of the Party shall be guilty of an offence.

14. **STATEMENT OF OFFENCE**

- 14.1 Disciplinary proceedings shall be commenced by any member (hereinafter referred to as 'the complainant') lodging with the Secretary of the Disciplinary Committee having jurisdiction a statement in writing (statement of complaint) setting out;
- 14.1.1 The full name or names and address of the person or persons alleged to have committed an offence or offences.
- 14.1.2 The details of where, when and all the circumstances known to the complaint of the offence or offences allegedly committed.
- 14.1.3 The names and addresses of any person or persons who can bear witness as to the circumstances surrounding the commission of the offence or offences.
- 14.1.4 Whether or not there are any documents which constitute evidence and if so copies of all such documents shall be annexed to the statement of complaint.

15. **NOTICE OF COMPLAINT**

- 15.1 The Secretary to the Disciplinary Committee shall, upon a statement of complaint being lodged with him or her, give notice in writing to the person or persons alleged to have committed any offence or offences of the complaint against him, her or them.
- 15.2 In giving notice the Secretary shall include a copy of the statement of complaint together with a copy of every filed with the statement of complaint.
- 15.3 The notice by the Secretary shall invite the person or persons alleged to have committed the offence or offences (hereinafter referred to as 'the respondent') to answer the complaint in writing within (14) days of receiving the Secretary's notice.

16. **ANSWER TO COMPLAINT**

- 16.1 The respondent shall within the period allowed file with the Secretary of the Disciplinary Committee an answer in writing to the complaint.
- 16.2 In his/her answer the respondent shall, inter alia state whether the respondent admits or denies each of the allegation/s made against him/her in the complaint.
- 16.3 In his/her answer the respondent shall set forth his/her own Version of the circumstances surrounding the matters complained of against him/her.
- 16.4 The respondent shall set forth in his/her answer the names and address of any person or persons who can bear witness on his/her behalf on any of the matters complained of.
- 16.5 Where there are any documents available to the respondent upon which respondent rallies in his/her defence, he shall annex copies to his/her answer.
- 16.6 In the event that the respondent without reasonable cause fails, neglects and/or refuses to answer the charge within the stipulated period, it shall be deemed that he/she admits all allegations against him as set

out in the statement of complaint and shall be dealt with on that basis.

17. **HEARING**

- 17.1 The Secretary shall after the respondent has lodged an answer to the complaint or the expiry of (14) days of the date notice of the complaint was given to the respondent, appoint a date, time and place for the hearing of the complaint.
- 17.2 The Secretary shall give (14) days notice to the complainant and respondent of the date, time and place set for the hearing and shall require both such Parties to be in attendance.
- 17.3 The Secretary shall also give (14) days notice to each of the persons whose names shall have been stated by either the complainant or the respondent or by both of them as being persons who have knowledge concerning the complaint to be enquired into, that they are required to be in attendance on the date and at the time and place of the hearing of the complaint, in order that they may testify as to the facts within their knowledge concerning the complaint.
- 17.4 The order of the hearing shall be:
- 17.4.1 The complainant shall testify first and thereafter each of the witnesses of the complainant shall testify.
- 17.4.2 Once all the evidence of the complaint and his/her witness had been heard, the respondent may testify if he/she so desires and his/her witnesses thereafter shall testify.
- 17.5 A hearing may, if it is necessary and expedient, be adjourned at any period of the hearing, whether evidence has or has not been given.
- 17.6 A disciplinary Committee may if it is necessary or expedient postpone the hearing until such time, and to such place, and upon such terms as to such Disciplinary Committee may seem proper, and further

postponements, may, if necessary and expedient, be made from time to time.

18. **WITHDRAWAL OF COMPLAINT**

18.1 The complainant may with leave of the Disciplinary Committee and for reasons to be stated on the record of the proceedings withdraw the complaint at any time before all the evidence in support of the complaint has been led. In such event the respondent shall forthwith be discharged.

18.2 The complainant may withdraw by leave of the Disciplinary Committee for reasons to be noted on the said record the complaint at any time before judgement. In such event the respondent shall be acquitted and discharged.

19. **FAILURE TO PROSECUTE COMPLAINT**

If the complainant having been given notice of hearing does not appear at the place and at the time appointed without due course for the hearing in the notice thereof to prosecute his/her complaint against the respondent, the Disciplinary Committee may discharge the respondent.

20. **RECONCILIATION**

In any disciplinary proceedings a Disciplinary Committee may promote reconciliation and encourage and facilitate a settlement in an amicable way. The amicable solution in a matter of personal and private nature shall be approved and agreed to by the parties.

21. **STANDARD OF PROOF**

Proof to the satisfaction of the Disciplinary Committee shall be required in order for any member to be found guilty of any offence or offences.

22. **HEARSAY EVIDENCE**

No evidence which is in the nature of hearsay shall be admissible in disciplinary proceedings.

23. **IRRELEVANT EVIDENCE**

No evidence as to any fact, matter or thing shall be admissible in evidence in disciplinary proceedings which is irrelevant or immaterial and cannot conduce to prove or disprove any point or fact at issue in the case being heard.

24. **JUDGEMENT**

24.1 The judgement of the Disciplinary Committee in every trial shall be in writing and shall be pronounced in open committee proceedings.

24.2 Every judgement shall contain the point or points for determination, the decision thereon and the reasons for the decision.

24.3 A Disciplinary Committee may at the conclusion of hearing of evidence reserve the giving of its final decision on questions raised at the trial on judgement whenever given shall be considered as given at the time of the trial.

25. **SENTENCE**

25.1 In the event the Disciplinary Committee finds the respondent guilty of the offence or offences it shall pass sentence immediately after announcing such verdict.

25.2 The Disciplinary Committee may, before passing sentence, receive such evidence it thinks fit in order to inform itself as to the sentence proper to be passed.

26. **APPEALS**

26.1 A respondent who has been found guilty by a Branch Disciplinary Committee of any offence or offences and who is dissatisfied or aggrieved by such finding may appeal to the regional Disciplinary Committee by notice in writing against such finding within fourteen (14) days of the date on which judgement was pronounced.

26.2 A respondent who has been found guilty by a Regional Disciplinary Committee of any offence or offences and

who is dissatisfied or aggrieved by such finding may appeal to the Disciplinary Sub-Committee of the Central Committee by notice in writing against such finding within fourteen (14) days of the date on which judgement was pronounced.

- 26.3 A respondent who has been found guilty by the Disciplinary Sub-Committee of the Central Committee of any offence or offences and who is dissatisfied or aggrieved by such finding may appeal to the Final Disciplinary Committee by notice in writing against such finding within fourteen (14) days of the date on which judgement was pronounced.
- 26.4 The notice of appeal shall contain the grounds upon which the respondent relies.
- 26.5 A respondent may be granted permission to appeal out of time on showing good grounds as to why he/she failed within the stipulated time.