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24 November 2011

Excellency,

In my capacity as Special Rapporteur for Follow-up on Concluding Observations of the Human Rights Committee, I have the honour to refer to the examination of the first periodic report of Botswana.

As you know, in paragraph 26 of the concluding observations that were transmitted to your Permanent Mission in 2008, the Committee required that further information be provided within one year on the specific areas of concern identified in paragraphs 12, 13, 14 and 17.

Following the letters of reminder sent on 8 September and 11 December 2009 and the requests for meetings sent on 28 September 2010 and 17 November 2011, I had the honour to meet with your Excellency on 27 July 2011.

On 5 October 2011, a follow-up reply was received by the Human Rights Committee. At its 103rd session held in October 2011, the Committee analysed the information provided. While taking note of the cooperation of the State party, the Committee noted that the information provided was incomplete with regard to certain recommendations. I, therefore, wish to request that additional and more specific information be included in the next periodic report of Botswana, due on 31 March 2012, on the following issues:

- Measures planned by the State party with the aim to inform the population at large on the precedence of constitutional law over customary laws and practices, and on the entitlement to request the transfer of a case to constitutional law courts, to complement the ones mentioned in the follow-up reply (para. 12).
- The number of convictions for murder, the number of and reasons for the courts' findings of mitigating circumstances, and the number of death sentences imposed by the courts (para. 13).
- More detailed information on the modalities and outcome of the public debates on capital punishment (para. 13).

His Excellency Mr. Mothusi Bruce Rabasha Palai  
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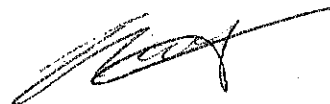
- The modalities of the information to relatives prior to the execution (delay prior to the execution that notice is given; authority in charge of the communication; form in which it is made) (para. 13).
- The criteria followed by the courts in extending the remand for a person charged with a criminal offence, and statistics on the actual length of remand detention (para. 17).
- The “formal structures” that are in place to ensure compliance with international standards on the treatment of prisoners (para. 17).
- The number of charges against officers regarding ill-treatment of prisoners and the number of convictions (para. 17).
- The timeframe of the project on alternatives to imprisonment (para. 17).
- The measures taken (para. 17):
  - a) to enhance access to prisoners by family members
  - b) to reduce the prison population.


While taking note of the provided clarifications on policy on the burial of executed prisoners, the Committee should express its regret that no measures have been taken by the State party on the following recommendations, which have therefore not been implemented:

- The return of the body of the persons executed to their family for private burial (para. 13);
- The withdrawal of the reservations to articles 7 and 12 of the Covenant (para. 14).

The Committee looks forward to pursuing its constructive dialogue with the authorities of Botswana on the implementation of the Covenant.

Please accept, Excellency, the assurances of my highest consideration.



 Christine Chanet  
Special Rapporteur for Follow-up on Concluding Observations  
Human Rights Committee