

No. 7



1997

An Act to amend the Criminal Procedure and Evidence Act.

Date of Assent: 10th April, 1997.

Date of Commencement: 18th April, 1997.

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Criminal Procedure and Evidence (Amendment) Act, 1997.

Short title

2. Subsection (4) of section 178 of the Criminal Procedure and Evidence Act is hereby amended by substituting for that subsection, the following new provisions —

Amendment of
section 178 of
Cap.08:02

“(4) The High Court may, whenever it thinks fit, and any magistrate’s court, may, if it appears to that court to be in the interest of good or public morals or of the administration of justice, direct that a trial shall be held within closed doors; and the court may direct that all or any persons, not being members or officers of the court or parties to the case, their legal representatives, or persons otherwise directly concerned with the case, be excluded from the court during the trial.

(5) Without prejudice to the provisions of subsection (4), any trial in relation to any of the following offences under the Penal Code, namely rape, attempted rape, indecent assault on any woman or girl, defilement of a girl under the age of 16 years, and indecent assault on a boy under the age of 14 years, shall be held within closed doors.

(6) Where any trial is held within closed doors in accordance with the provisions of subsection (5), the court shall direct that no person shall be present at the sitting of the court except —

- (a) members and officers of that court;
- (b) parties to the case before the court, their legal representatives, and witnesses and other persons directly concerned in the case;
- (c) such other persons as the court may specially authorise to be present.

(7) No newspaper report of the proceedings shall reveal the name, address, or any particulars calculated to lead to the identification of the victim or complainant of the offence, and no picture of the victim or complainant of the offence shall be published in any newspaper.

(8) Nothing in this section shall prohibit the printing or publishing of any matter in a bona fide series of law reports or in a newspaper or periodical of a technical character bona fide intended for circulation among members of the legal or medical professions.”

PASSED by the National Assembly this 3rd day of April 1997.

C.T. MOMPEI,
Clerk of the National Assembly.

L2/4/521 (II)