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SUPPLEMENT TO  
THE  
SWAZILAND GOVERNMENT  
GAZETTE  
EXTRAORDINARY

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# PART A

S1

## THE CRIMINAL PROCEDURE AND EVIDENCE (AMENDMENT) BILL 1984

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(Bill No. 13 of 1984)

(To be presented by the Minister for Justice)

### MEMORANDUM OF OBJECTS AND REASONS

The object of this Bill is to amend the Criminal Procedure and Evidence Act, 1938 by adding a new section which —

- (a) requires the Court convicting a person of rape to impose a minimum sentence where the Court finds aggravating circumstances to have been present;
- (b) provides for the holding in camera of all criminal proceedings pertaining to rape;
- (c) make it an offence to publish the name and other particulars of a victim of rape.

D.P. MAKANZA  
*Attorney—General*

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### A BILL entitled

An Act to amend the Criminal Procedure and Evidence Act, 1938.

#### *Short title.*

1. This Act may be cited as the Criminal Procedure and Evidence (Amendment) Act 1984 and shall be read as one with the Criminal Procedure and Evidence Act, 1938.

#### *Addition of section 185 bis.*

2. The Criminal Procedure and Evidence Act, 1938 is amended by inserting after section 185 the following new section —

#### *“Sentence for rape etc.*

- 185 bis. (1) A person convicted of rape shall, if the Court finds aggravating circumstances to have been present, be liable to a minimum sentence of nine years without the option of a fine and no sentence or part thereof shall be suspended.
- (2) The proceedings in a case of rape, including the proceedings where a person is charged with having unlawful carnal connection with a girl under the age of sixteen years or with a female idiot or imbecile shall be held in camera if at any time the victim so requests or the Court so determines.

(3) A person who in connection with proceedings under this section publishes any information as to —

- (a) the identity of a victim of rape or of a girl under the age of sixteen years or of a female idiot or imbecile;
- (b) the place where the offence in question was alleged to have been committed; or
- (c) the name of any witness,

shall be guilty of an offence and liable on conviction to a fine of one thousand Emalangeni or imprisonment for two years."