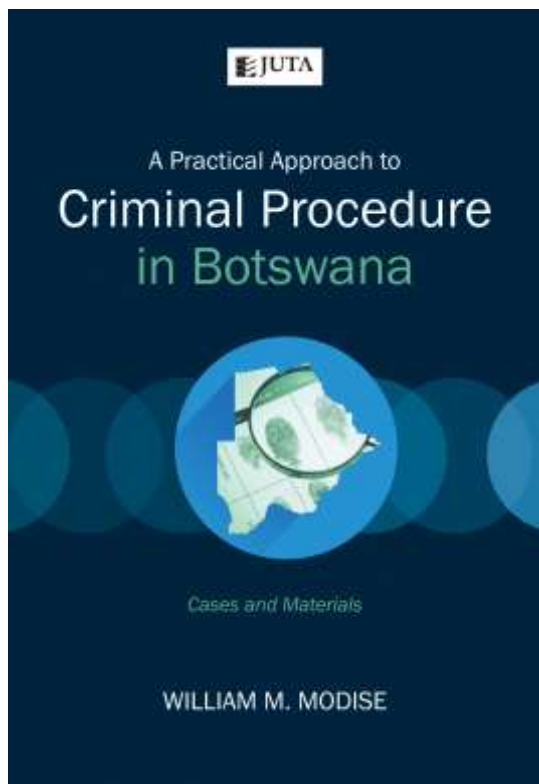


Book Review



A PRACTICAL APPROACH TO CRIMINAL PROCEDURE IN BOTSWANA: CASES AND MATERIALS

by William Molebatsi Modise
(Second Edition)

(482 pages)

Juta & Co (Pty) Ltd
www.jutalaw.co.za

***"The law states or maintains nothing. The law defends.
The law is no more or less than a shield in your faithful
servant's hand to protect you! But even as a shield will
be useless in one hand, to defend, without a sword in the
other, to strike ... so too the law has its edge. The penalty!"***

– From *The Island* by Athol Fugard with John Kani and Winston Ntshona, first performed at Cape Town's Space Theatre in 1973.

In 2015 the Cape Law Society (CLS) sold its extensive library collection, built up over more than 125 years, to the Botswana Administration of Justice. This library has been used to enhance the main Administration of Justice Library in Gaborone, and also to strengthen regional libraries in Lobatse and Francistown, as well as in Mahalapye and Selebi Phikwe.

This historic library transfer has given a new lease of life to the CLS library, and made available in Botswana law reports, statutes, journals, text books and resources not previously available there.

The reason for the disposal was because the cost to the CLS of maintaining its library was no longer justified as it was rarely being used. CLS member attorneys are spread out over three provinces, Northern Cape, Western Cape, and Eastern Cape, but the CLS library was situated only in Cape Town. Not being a lending library, its books could only be accessed during week-day office hours at the CLS offices. With alternative electronic resources available, the CLS library was no longer a viable asset for CLS members. The sale to Botswana was a bold but fully justified step.

A further outstanding contribution to the jurisprudence and administration of justice in Botswana is this second edition of *A Practical Approach to Criminal Procedure in Botswana: Cases and Materials*, now published by Juta, which is steadily building up its titles on the laws of South Africa's neighbouring states such as Namibia, Malawi and Botswana.

The author, William Molebatsi Modise, is a Principal Magistrate with an LLB degree and Diploma in Law. He is an attorney, notary public and conveyancer of Botswana, and also the author of the sister volume to this work, namely *A Practical Approach to Criminal Law in Botswana: Cases and Materials*, published in 2015 by Lightbooks Botswana.

This comprehensive book is well-arranged and proceeds logically and clearly through all aspects of the criminal procedure process from arrest, crime investigation, prosecution, bail, drafting of charges, pleas and judicial case management to judgment, sentencing and appeals. In plain and concise language, the author draws on his extensive practical and professional experience and intimate knowledge of the criminal process to provide analytical, detailed and up-to-date information which will be welcomed by legal practitioners, judicial officers, academics, students, law enforcement officers, paralegals, and those engaged in the administration of justice.

A bibliography, table of statutes, footnotes and extensive case references all contribute to make this an invaluable resource. The author has the rare ability to always keep in mind that the might of the criminal law system still deals with real individual persons. The rights of the accused are discussed at each stage. The historical background places each area of the law in context and helps in explaining the purpose of the procedural rules and principles.

The author's genuine modesty in expressing his gratitude to all those who assisted him, directly and indirectly, in producing this second edition, reveals a sincere and natural humility. And the preface, by his wife, Esther Modise, is charming, affecting, and yet objective:

"Those who had the privilege of serving or working, with the author can testify to his gifts for hard work, clear thinking and his exceptional ability to condense abstruse legal phraseology into lucid and simple language. This, in my view, is a gift that not every one of us has."

Review by Louis Rood BA LLB (UCT), Consultant at Fairbridges Wertheim Becker Attorneys.