BOOKS


Carpenter G *Introduction to South African constitutional law* (1987)


Cook JG and Marcus P *Criminal procedure* 2nd ed Matthew Bender and Co Incorp (1986)

Cross R and Tapper C *Cross on evidence* 7th ed Butterworths (1990)


Du Plessis LM and Corder H *Understanding South Africa’s transitional bill of rights* Juta (1994)


Foster NG *German legal systems and laws* 2nd ed Blackstone Press Ltd (1996)

Garner BA *Black’s law dictionary* West Group (1999)


Hahlo HR and Kahn E The South African legal system and its background Juta (1973)

Hall J, BJ George and R Force Criminal law and procedure: cases and pleadings 3rd ed Bobbs Merril Co Inc (1976)


Holsworth WS A history of English law Methuen and Co Ltd (1924)


LeGrande JL The basic processes of criminal justice Glencoe Press (1973)

MacDonald D Legal rights in the Canadian Charter of Rights and Freedoms The Carswell Co Ltd (1989)

MacFarlane LJ The theory and practice of human rights (1985)


Milsom SFC Historical foundations of the common law Butterworths (1981)


Parkinson P Tradition and change in Australian law The Law Book Company Limited (1994)

Perkins RM and Boyce RN Criminal law and procedure cases and materials The Foundation Press Inc (1977)

Pound R The lawyer from antiquity to modern times (1953)


Van der Vyver JD *Seven lectures on human rights* (1976)


Von Bar CL *A history of continental criminal law* Augustus Kelly Publishers (1968)

*Webster's New World Dictionary* World Publication (1971)

Weissbrodt D and Wolfrum R (Eds) *The right to a fair trial* Springer (1998)

Weissbrodt D *The right to a fair trial* Martinus Nijhoff Publishers (2001)

Wigmore JH *Evidence in trials at common law* (1940-1979)


**INTERNET SOURCES**


Merriam-Webster "Online dictionary", available at: [http://www.m-w.com/cgi-bin/dictionary on 06-06-2000](http://www.m-w.com/cgi-bin/dictionary)

Moyer M "Roman law and the courts", available at: [http://www.indwes.edu/courses/bil102/b37.htm on 05-09-2001](http://www.indwes.edu/courses/bil102/b37.htm)

Pennington K

"Due process, community, and the Prince in the evolution of the *ordo iudiciarius*, available at: [http://www.maxwell.syr.edu/maxpages/classes/his381/procedure.htm](http://www.maxwell.syr.edu/maxpages/classes/his381/procedure.htm) on 14-03-2001

**JOURNAL ARTICLES**


Ashworth AJ


Azzopardi JH "Disclosure at the police station, the right to silence and *DPP v Ara*" (2002) *The Criminal Law Review* 295

Bala N, RCL Lindsay and E McNamara "Testimonial aids for children: the Canadian experience with closed-circuit television, screens and videotapes" 44 (2001) *Criminal Law Quarterly* 461


Balbastro AE "Due process right of the accused to be informed before trial of exculpatory evidence: proceedings of symposium on the rights of the accused" 11 (1996) *Institute of Human Rights University of Philippines Law Centre* 311

Barrie G

"Disclosure of police sources of information to defence – public interest immunity" (1995) *De Rebus* 628

"Failure of prosecution’s expert witness to disclose information – whether material irregularity" (1992) *De Rebus* 836


Beckler RW, F Robinson and WS Morphew "Protecting defence evidence from prosecutorial discovery" 68 (1990) *Washington University Law Quarterly* 71

Bekker PM

"The right to legal counsel and the Constitution" 2 (1997) *De Jure* 213

"The undefended accused/defendant: a brief overview of the development of

Berko ML "Preserving the Sixth Amendment rights of the deaf criminal defendant" (1992) Dickinson Law Review 101


Bloe R "Maryland v Craig: the court’s use as evidence of videotaped testimony of a child who has been sexually abused is declared not to violate a criminal defendant’s Sixth Amendment rights to confront his accuser" (1991) Southern University Law Review 275

Bobbert M "Die prokureurspraktyk en die Grondwet" (1995) De Rebus 176

Boyce C "An accused person’s right of confrontation versus protection of witnesses" (2002) Law Institute Journal 70

Brannon LC “The trauma of testifying in court for child victims of a sexual assault v the accused’s right to confrontation" (1994) Law and Psychology Review 439

Brauti PM "Improper cross-examination" (1997) Criminal Law Quarterly 69

Brennan WJ


"The criminal prosecution: sporting event or quest for truth?" (1963) Washington University Law Review 279


Bursey, GJ

"Identification parades and privilege" (1992) The Magistrate 127

"A prosecutor’s duty to disclose previous inconsistent statements: defence allegations" (1991) De Rebus 181

"Privilege and police pocket books" (1990) The Magistrate 122

Butler AS "An objective or subjective approach to the right to be informed of the right to counsel? A New Zealand perspective" (1994) Criminal Law Quarterly 317

Calarco P "What happens when evidence has not been recorded? Staying charges to ensure a fair trial" (2001) The Criminal Law Quarterly 514
Cassim F "Police docket privilege" (1996) *Codicillus* 113

Childers NB and Hinesley WF "The illness exception: the Eleventh Circuit and the right to be present at trial" (1983) *Mercer Law Review* 1521

Clinton RN "The right to present a defence: an emergent constitutional guarantee in criminal trials" (1976) *Indiana Law Review* 713


Conklin T *People v Fitzpatrick*: the path to amending the Illinois Constitution to protect child witnesses in criminal sexual abuse cases" (1995) *Loyola University Chicago Law Journal* 321

Cowling M


"The right to address the court at the close of a criminal trial" (1997) *South African Journal of Criminal Justice* 203


Creta VM "The search for justice in the former Yugoslavia and beyond: analyzing the rights of the accused under the statute and the rules of procedure and evidence of the International Criminal Tribunal for the former Yugoslavia" (1998) *Houston Journal of International Law* 381

Crouch A "The way, the truth and the right to interpreters in court" (1985) *Law Institute Journal* 687

Crowley EM "*In camera* inspections of privileged records in sexual assault trials: balancing defendants’ rights and state interests under Massachusetts’s *Bishop Test*” (1995) *American Journal of Law and Medicine* 131


Davies E, E Henderson and FW Seymour "In the interests of justice? The cross-examination of child complainants of sexual abuse in criminal proceedings" (1997) *Psychiatry, Psychology and the Law* 217


De Villiers JWS "The interim bill of fundamental human rights: a prosecutor’s perspective" (1995) Tydskrif vir die Suid-Afrikaanse Reg 133

DeFrancia C "Due process in international criminal courts: why procedure matters" 87 (2001) Virginia Law Review 1381


Dennis ESG "The discovery process in criminal prosecutions: towards fair trials and just verdicts" (1990) Washington University Law Quarterly 63

Dery LV "Disinterring the ‘good’ and ‘bad immigrant’: a deconstruction of the state court interpreters laws for non-English speaking criminal defendants" (1997) The University of Kansas Law Review 837

Douglass JG


Duggan KP "Reform of the criminal law with fair trial as the guiding star" (1995) Criminal Law Journal 258


Eagleson R "Plain English in the statutes" (1985) Law Institute Journal 673

Ellison L

Epstein E L "Criminal depositions and the Sixth Amendment" (1990) Maine Bar Journal 178


Flatman G and Bagaric M "Accused disclosure – measured response or abrogation of the Presumption of Innocence" (1999) Criminal Law Journal 327


Gautier U "The charter, the right to counsel and the breathalyzer" (1990) Revue du Barreau 163


Gqiba VT "Child witnesses in the criminal justice system" (1999) The Judicial Officer 75


Gray D "The medical treatment hearsay exception in Maryland: a low point in clarity for practitioners and protection for litigants" (2000) University of Baltimore Law Review 237

Heller DJ "Language bias in the criminal justice system" (1995) Criminal Law Quarterly 344

Henderson A "To testify or not?" (1995) *De Rebus* 173


Hinton M "Unused material and the prosecutor’s duty of disclosure" (2001) *Criminal Law Journal* 121

Holtor S "Some constitutional and evidential aspects of the offence of housebreaking with intent to commit a crime" (1996) *Orbiter* 160


Imwinkelreid EJ “The constitutionalization of hearsay: the extent to which the Fifth and Sixth Amendments permit or require the liberalization of the hearsay rules” (1992) *Minnesota Law Review* 521

Iraola R "The Sixth Amendment right to confront a witness in a Federal criminal trial about his true name, address, and place of employment" (2002) *Criminal Law Bulletin* 396


Jonakait RN

"Foreword: notes for a consistent and meaningful Sixth Amendment" (1992) *The Journal of Criminal Law and Criminology* 713

"Restoring the confrontation clause to the Sixth Amendment" 35 (1988) *UCLA Law Review* 557


King RH "The molested child witness and the constitution: should the bill of rights be transformed into the bill of preferences?” (1992) *Ohio State Law Journal* 49
Kirshen D "Vicinage" 30 (1977) Oklahoma Law Review 1

Krongold S "Writing laws: making them easier to understand" (1992) Ottawa Law Review 495

Kruger A "The insanity defence raised by the state, minister’s decision patients and a bill of rights" 6 (1993) South African Journal of Criminal Justice 148


Lane C, K McKenzie-Bridle and L Curtis "The right to interpreting and translation services in New Zealand courts" (1999) Forensic Linguistics 115

Lathi D "Sex abuse, accusations of lies, and videotaped testimony: a proposal for a federal hearsay exception in child sexual abuse cases" (1997) University of Colorado Law Review 507

Lawn R "Discovery of co-accused convictions" (1999) New Zealand Law Journal 81

Layton D "U (FJ): Hearsay, reliability and prior inconsistent statements made by co-accused, part 11" (1999) Criminal Law Quarterly 501

Leigh L "Ensuring the right to effective counsel for the defence in English criminal procedure" 63 (1992) International Review of Penal Law 775


Mahoney R "Adequate facilities to prepare a defence: beyond disclosure" (1996) Criminal Law Quarterly 33


Matsepe TV "The Constitution and the rights of an accused to a summary of the facts" (1994) De Rebus 845

Maude BE "Reciprocal disclosure in criminal trials: stacking the deck against the accused, or calling defence counsel’s bluff?" (1999) Alberta Law Review 715
Mboela N "Leveling the playing field: the accused’s right to an expert witness at the state’s expense" (2001) *South African Journal of Criminal Justice* 81


McGrath KC "*Sommers v Commonwealth*: an indigent criminal defendant’s right to publicly funded expert assistance other than the assistance of counsel" 84 (1995-1996) *Kentucky Law Journal* 387


Meintjies-Van der Walt L


Mildren D "Redressing the imbalance: Aboriginal people in the criminal justice system" (1999) *Forensic Linguistics* 137


Molvig D "Overcoming the language barriers in court" 74 (2001) *Wisconsin Lawyer* 10

Momeni M "Balancing the procedural rights of the accused against a mandate to protect victims and witnesses: an examination of the anonymity rules of the International Criminal Tribunal for the former Yugoslavia" (1997) *Howard Law Journal* 155

Moore BB "Short and plain statements: a pleading for plain language in legal writing" (1985) *Southern University Law Review* 47


Mosteller RP "Remaking confrontation clause and hearsay doctrine under the challenge of child sexual abuse prosecutions" (1993) *University of Illinois Law Review* 691

Müller K and Hollely K "Empowering child witnesses against the legal system" (2001) De Jure 330

Müller K and Tait M


"The child witness and the accused's right to cross-examination" (1997) TSAR 519

Müller K


Murphy CM "Justice Scalia and the Confrontation Clause: a case study in originalist adjudication of individual rights" (1997) American Criminal Law Review 1243

Neethling J "Enkele gedagtes oor die juridiese aard en inhoud van menseregte en fundamentele vryhede" (1971) THRHR 140
O Hollamby G "Section 23 of the Interim Constitution and access to information in police dockets" (1994) Consultus 140


Paciocco DM "The constitutional right to present defence evidence in criminal cases" (1985) Canadian Bar Review 519

Palmer A


Pether P "Comment: ‘We say the law is too important just to get one kid’: refusing the challenge of Ebatarinjar v Deland and Ors" (1999) Sydney Law Review 114
Plasket C. "The right to further particulars and to object to a charge: the constitutionality of the provisos to sections 85 and 87 of the Criminal Procedure Act when applied to ss 119 and 122A proceedings" (1995) South African Journal on Human Rights 303


Rautenbach IM "Die begrip menseregte as sistematiserende faktor in die Suid-Afrikaanse publiekreg” (1976) Tydskrif vir die Suid-Afrikaanse Reg 168


Robert H and Foster H “Different drummers, different drums: the Supreme Court of Canada, American jurisprudence and the continuing revision of criminal law under the charter” (1992) Ottawa Law Review 41

Robinette JS "Montana v Egelhoff: abandoning a defendant's fundamental right to present a defence" (1997) Catholic University Law Review 1349


Scheible ED "Criminal procedure – 6th Amendment – the introduction of co-defendants' out-of-court statements preceded by limited use instruction does not violate the constitutional right to confront one's accuser" (1995) University of Detroit Mercy Law Review 131


Schwikkard PJ


Senatle S "Access to information in the police docket" (1999) The Judicial Officer 55

Sharpe SD


Sherman A "Sympathy for the devil: examining a defendant’s right to confront before the International War Crimes Tribunal" (1996) Emory International Law Review 833

Singer RG "Forensic misconduct by federal prosecutions – and how it grew" (1968) Alabama Law Review 227


Smith SA "When to hear the hearsay: a proposal for a new rule of evidence designed to protect the constitutional right of the criminally accused to confront the witnesses against her" (1999) The John Marshall Law Review 1287


Smith WB "Criminal procedure – defendant’s right to be present at trial – prosecutor’s comments during summation regarding defendant’s opportunity to tailor testimony to that of preceding witnesses – Portuondo v Agard 529 US 61 (2000)"


Spencer JP


Steele GJ "Court interpreters in Canadian criminal law" (1992) *Criminal Law Quarterly* 218


Steytler NC


"The too speedy trial – or the right to be prepared for trial" (1985) *South African Journal of Criminal Law and Criminology* 158

Stocker J "Sixth Amendment – preclusion of defence witnesses and the Sixth Amendment’s Compulsory Process Clause right to present a defence" (1988) *The Journal of Criminal Law and Criminology* 835


Taggart M

"Courts, ombudsmen and freedom of information: the empire strikes back" (1990) *Victoria University of Wellington Law Review* 1


Tapper C "Hearsay in criminal cases: an overview of Law Commission Report No

Taylor PM and Byrne SR "Reflections on crown attorneys and cross-examination" (2001) *Criminal Law Quarterly* 303


Traynor R "Ground lost and found in criminal discovery in England" 39 (1964) *New York University Law Review* 749

Underwood RH "The limits of cross-examination" (1997) *American Journal of Trial Advocacy* 113

Van der Merwe SE

"Artikels 60(14) en 335 van die Strafproseswet: het 'n borgapplikant 'n reg van toegang tot sy eie verklaring in die polisiedossier?" 14 (2001) *South African Journal of Criminal Justice* 297


"Regterlike inkorting van kruisondervraging: 'n gemeenregterlike, statutêre en grondwetlike perspektief" (1997) *Stellenbosch Law Review* 348

"Cross-examination of the (sexually abused) child witness in a constitutionalized adversarial trial system: is the South African intermediary the solution?" (1995) *Obiter* 194


Watkins SA "The double victim: the sexually abused child and the judicial system" (1990) *Child and Adolescent Social Work* 29

Watney M "Particulars to a charge in cases where the state relies on the doctrine of common purpose: easy answers to difficult questions?" (1999) *TSAR* 323


Williams D "Access to information in the new South Africa" (1997) *De Rebus* 563

Wood PJ and Guly OC "Unfit to plead to murder: three case reports" 31 (1991) *Medicine, Science and the Law* 55

Young AN "Adversarial justice and the charter of rights: stunting the growth of the "living tree" Part II" (1997) *Criminal Law Quarterly* 362

NEWSPAPER ARTICLES

*The Star* "Promotion of Access to Information Act of 2000" 23 March 2001 :16

*Saturday Star* "Legal opinion on roadblock arrests" 10 May 2003: 5