LIST OF PUBLICATIONS AND PEER-REVIEWED CONFERENCE PAPERS PRESENTED – PROF MURDOCH WATNEY

A PUBLICATIONS IN LAW JOURNALS
1 “Overview of the right to assemble in the Federal Republic of Germany” (in Afrikaans) 1990 *Journal of South African Law (TSAR)* 641 (with IM Rautenbach)
2 “Basic rules of succession of the Bapedi of Sekwati” (in Afrikaans) 1992 *TSAR* 298
3 “Succession of a Northern Sotho group on the East-Rand” (in Afrikaans) 1992 *TSAR* 659
4 “Assessors in the lower courts” (in Afrikaans) 1992 *Journal for Contemporary Roman Dutch Law (THRHR)* 465
5 “Customary law of succession in a rural and an urban area” 1993 *Comparative and International Law Journal of South Africa (CILSA)* 379
6 “Discharge in terms of section 174 of Act 51 of 1977 after the state case” (in Afrikaans) 1993 *TSAR* 350
7 “Integration of the South African law of succession and the indigenous law of succession” (in Afrikaans) 1993 *TSAR* 749
8 “The speedy hearing of a bail application in terms of section 60 of Act 51 of 1977: a right or privilege?” (in Afrikaans) 1993 *OBITER* 209
9 “Plea amendment: the common law and section 113 of Act 51 of 1977” (in Afrikaans) 1994 *TSAR* 379
10 “The burden of proof in respect of confessions” (in Afrikaans) 1995 *TSAR* 365
11 “Cautionary rules and the assessment of a child’s evidence” (in Afrikaans) 1995 *THRHR* 715
12 “Formal admissions and the application of sections 81(1) and 118 of Act 51 of 1977” (in Afrikaans) 1995 *TSAR* 750
13 “The influence on procedural aspects of admissions made during the plea phase” (in Afrikaans) 1996 *TSAR* 189
14 “Methods to obtain the presence of an accused at court” (in Afrikaans) 1996 *TSAR* 809
15 “Plea negotiations: origins and future” (in Afrikaans) 1996 *South African Journal of Criminal Justice (SACJ)* 310
16 “The role of the presumption of innocence when considering discharge after the state’s case” (in Afrikaans) 1997 *TSAR* 326
17 “Principles underlying the right to a speedy trial” (in Afrikaans) 1998 *TSAR* 129
18 “Toughening of bail legislation - does the Constitution take second place?” 1998 *TSAR* 761
19 “Child witness testimony with the assistance of intermediaries” (in Afrikaans) 1998 *THRHR* 423
20 “Particulars to a charge where the state relies on the doctrine of common purpose: easy answers to difficult questions?” 1999 *TSAR* 323
21 “To shoot or not to shoot: the changing face of section 49 of Act 51 of 1977” Sep 1999 *De Rebus* 28
22 “Retrospective operation of a general increase in lower court penal jurisdiction” (in Afrikaans) 1999 TSAR 551
23 “Bail applications: the role of the presiding officer and access to the case docket” (in Afrikaans) 2000 TSAR 369
24 “Constitutionality of a fragmented sentencing procedure” (in Afrikaans) 2001 TSAR 381
26 “The consequences of being declared a habitual criminal” 2002 TSAR 168
27 “Further criticism on the fragmentation of criminal trials” 2002 TSAR 830
28 “Criminal and procedural aspects in the prevention of cyber crime (part 1)” 2003 TSAR 56
29 “Criminal and procedural aspects in the prevention of cyber crime (part 2)” 2003 TSAR 241
30 “The final word on the use of force during arrest” 2003 TSAR 775
31 “Hear no evil, see no evil and speak no evil: the supreme court of appeal closes its eyes to reality” 2004 TSAR 198
32 “Identity theft: the dangerous impostor” 2004 De Rebus 20
33 “Identity theft: the mirror reflects another face” 2004 TSAR 511
34 “Surgical intervention and the investigation of crime” 2004 TSAR 587
35 “Prosecutorial delay in withdrawing charges subsequent to a decision not to prosecute: a reviewable administrative action?” 2005 TSAR 194
36 “Malicious injury to property caused by a computer virus” 2005 TSAR 603
37 “Duplication of convictions in respect of simultaneous multiple robberies” 2005 TSAR 891
38 “Appeal competency of the state in respect of sentence” (in Afrikaans) 2006 TSAR 826
39 “Judicial scrutiny of plea and sentence agreements” 2006 TSAR 224
40 “Regulation of internet pornography in South Africa (part 1)” 2006 THRHR 227
41 “Regulation of internet pornography in South Africa (part 2)” 2006 THRHR 381
42 “Trial forum allocation for criminal proceedings in the lower courts” 2006 TSAR 405
43 “Unreasonable delays in criminal trials and the remedy of a permanent stay of prosecution” 2007 TSAR 422
45 “The evolution of legal regulation of the internet to address terrorism and other crimes” 2007 TSAR 494
46 “Forum allocation for bail proceedings in the lower courts” 2008 TSAR 165
48 “Admissibility of extra-curial admissions as hearsay evidence against a co-accused” 2008 TSAR 834
<table>
<thead>
<tr>
<th>Page</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>49</td>
<td>“Online shopping: an overview of the legal pitfalls facing business to consumer e-commerce within the context of South African law” 2009 IBLS (Internet Business Law Services)</td>
</tr>
<tr>
<td>50</td>
<td>“Prosecuting without fear, favour or prejudice” 2009 TSAR 577</td>
</tr>
<tr>
<td>51</td>
<td>“A change of emphasis when arresting without a warrant” (in Afrikaans) 2009 TSAR 733</td>
</tr>
<tr>
<td>54</td>
<td>“Some comments on entrapment” 2010 TSAR 835</td>
</tr>
<tr>
<td>55</td>
<td>“Lack of territorial jurisdiction in the lower court” (in Afrikaans) 2010 TSAR 417</td>
</tr>
<tr>
<td>56</td>
<td>“Discretionary assertion of territorial jurisdiction in the high court” (in Afrikaans) 2011 THRHR 139</td>
</tr>
<tr>
<td>57</td>
<td>“Arrest, detention and the interdictum de homine libero exhibendo” 2011 TSAR 555</td>
</tr>
<tr>
<td>58</td>
<td>“The prosecution’s duty to disclose: more reason to litigate?” 2012 TSAR 320</td>
</tr>
<tr>
<td>60</td>
<td>“Brain-racking in respect of duplication of convictions” (in Afrikaans) 2012 TSAR 813</td>
</tr>
<tr>
<td>61</td>
<td>“The way forward in addressing cybercrime regulation on a global level” 2012 Journal of Internet Technology and Secured Transactions (JITST) 61</td>
</tr>
<tr>
<td>62</td>
<td>“The constitutionality of warrantless arrest scrutinised” (in Afrikaans) 2013 TSAR 562</td>
</tr>
<tr>
<td>63</td>
<td>“Murder and culpable homicide in respect of road deaths” (in Afrikaans) 2013 TSAR 770</td>
</tr>
<tr>
<td>64</td>
<td>“Unnecessary confusion in respect of housebreaking” 2014 TSAR 606-615</td>
</tr>
<tr>
<td>66</td>
<td>“The clock turned back for the admissibility of extra curial hearsay admissions against a co-accused in criminal cases” 2014 TSAR 855-870</td>
</tr>
<tr>
<td>67</td>
<td>“Formulation of charges in a criminal trial: imprecision of language leads to imprecision of thought” 2015 TSAR 640-652</td>
</tr>
<tr>
<td>68</td>
<td>“The role of restorative justice in the sentencing of adult offenders convicted of rape” 2015 TSAR 844-855</td>
</tr>
<tr>
<td>69</td>
<td>“Ne bis in idem and procedural errors” (in Afrikaans) 2016 TSAR 362-369</td>
</tr>
<tr>
<td>70</td>
<td>“Dolus eventualis moves in the wrong direction” (in Afrikaans) 2016 TSAR 769-779</td>
</tr>
<tr>
<td>72</td>
<td>“Crimen iniuria: Its role vis-à-vis sexual offences legislation” 2017 TSAR XXX</td>
</tr>
</tbody>
</table>
**B BOOKS**


**C BOOK REVIEWS**

D PEER-REVIEWED PAPERS READ AT CONFERENCES


“Determining when conduct in cyberspace constitutes cyber warfare in terms of the international law and Tallinn Manual on the International law applicable to cyber warfare: a synopsis” 5th International Conference on Digital Forensics and Cyber Crime, Moscow, Russia: 25-27 September 2013


“Challenges pertaining to cyber war under international law” 3rd International Conference on Cyber Security, Cyber Warfare and Digital Forensic (CyebrSec2014) - Lebanese University, Beirut, Lebanon: 29 April 2014 - 1 May 2014 (ISBN: 978-1-4799-3905-3)


“The legal conundrum facing ISPs in social media policing against extremism” 14th European Conference on Cyber Warfare and Security (ECCWS) at the University of Hertfordshire, Hatfield, England: 2-3 July 2015

“State-on-nationals’ electronic communication surveillance in South Africa: a murky legal landscape to navigate?” paper presented at the 14th International Information Security SA Conference (ISSA2015), Rosebank, Johannesburg, 14 August 2015

“Intensifying state surveillance of electronic communications: a legal solution in addressing extremism or not?” paper delivered at the International Workshop on Cybercrime (IWCC2015) of the ARES 10th International Conference on Availability, Reliability and Security at the Universite Paul Sabatier, Toulouse, France: 24-28 August 2015

“Law enforcement access to evidence stored abroad in the cloud” paper delivered at the 15th European Conference on Cyber Warfare and Security (ECCWS2016) at the Bundeswehr University, Munich, Germany: 7-8 July 2016

“Law enforcement access to password protected and / or encrypted mobile data” paper delivered at the International Workshop on Cybercrime (IWCC2015) of the ARES 11th International Conference on Availability, Reliability and Security at the Fachhochschule Salzburg, Austria: 30 August 2016 to 2 September 2016
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