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

A PUBLICATIONS IN LAW JOURNALS

3. “Succession of a Northern Sotho group on the East-Rand” (in Afrikaans) 1992 TSAR 659
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
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
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
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
“Retrospective operation of a general increase in lower court penal jurisdiction” (in Afrikaans) 1999 TSAR 551
"Bail applications: the role of the presiding officer and access to the case docket” (in Afrikaans) 2000 TSAR 369
“Constitutionality of a fragmented sentencing procedure” (in Afrikaans) 2001 TSAR 381
“The consequences of being declared a habitual criminal” 2002 TSAR 168
“Further criticism on the fragmentation of criminal trials” 2002 TSAR 830
“Criminal and procedural aspects in the prevention of cyber crime (part 1)” 2003 TSAR 56
“Criminal and procedural aspects in the prevention of cyber crime (part 2)” 2003 TSAR 241
“The final word on the use of force during arrest” 2003 TSAR 775
“Hear no evil, see no evil and speak no evil: the supreme court of appeal closes its eyes to reality” 2004 TSAR 198
“Identity theft: the dangerous impostor” 2004 De Rebus 20
“Identity theft: the mirror reflects another face” 2004 TSAR 511
“Surgical intervention and the investigation of crime” 2004 TSAR 587
“Prosecutorial delay in withdrawing charges subsequent to a decision not to prosecute: a reviewable administrative action?” 2005 TSAR 194
“Malicious injury to property caused by a computer virus” 2005 TSAR 603
“Duplication of convictions in respect of simultaneous multiple robberies” 2005 TSAR 891
“Appeal competency of the state in respect of sentence” (in Afrikaans) 2006 TSAR 826
“Judicial scrutiny of plea and sentence agreements” 2006 TSAR 224
“Regulation of internet pornography in South Africa (part 1)” 2006 THRHR 227
“Regulation of internet pornography in South Africa (part 2)” 2006 THRHR 381
“Trial forum allocation for criminal proceedings in the lower courts” 2006 TSAR 405
“Unreasonable delays in criminal trials and the remedy of a permanent stay of prosecution” 2007 TSAR 422
“The evolution of legal regulation of the internet to address terrorism and other crimes” 2007 TSAR 494
“Forum allocation for bail proceedings in the lower courts” 2008 TSAR 165
“Admissibility of extra-curial admissions as hearsay evidence against a co-accused” 2008 TSAR 834
“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)
“Prosecuting without fear, favour or prejudice” 2009 TSAR 577
“A change of emphasis when arresting without a warrant” (in Afrikaans) 2009 TSAR 733
“Some comments on entrapment” 2010 TSAR 835
“Lack of territorial jurisdiction in the lower court” (in Afrikaans) 2010 TSAR 417
“Discretionary assertion of territorial jurisdiction in the high court” (in Afrikaans) 2011 THRHR 139
“Arrest, detention and the interdictum de homine libero exhibendo” 2011 TSAR 555
“The prosecution’s duty to disclose: more reason to litigate?” 2012 TSAR 320
“Brain-racking in respect of duplication of convictions” (in Afrikaans) 2012 TSAR 813
“The way forward in addressing cybercrime regulation on a global level” 2012 Journal of Internet Technology and Secured Transactions (JITST) 61
“The constitutionality of warrantless arrest scrutinised” (in Afrikaans) 2013 TSAR 562
“Murder and culpable homicide in respect of road deaths” (in Afrikaans) 2013 TSAR 770
“Unnecessary confusion in respect of housebreaking” 2014 TSAR 606-615
“The clock turned back for the admissibility of extra curial hearsay admissions against a co-accused in criminal cases” 2014 TSAR 855-870
“Formulation of charges in a criminal trial: imprecision of language leads to imprecision of thought” 2015 TSAR 640-652
“The role of restorative justice in the sentencing of adult offenders convicted of rape” 2015 TSAR 844-855

B BOOKS

1 Kemp, Terblanche & Watney Criminal Procedure Case Book / Strafprosesregvonnisbundel (2010)(ISBN: 9780702182266)(Juta)(co-author)(ch 1, 3, 6, 7, 9, 10, 12, 14)
C BOOK REVIEWS

1 DS de Villiers (1993) Bewysreg - Sakebundel / Evidence through Cases 1993 TSAR 783
11 L Meintjes-Van der Walt (2010) DNA in the Courtroom 2013 TSAR 195

D PEER-REVIEWED PAPERS READ AT CONFERENCES

1 “Toughening of bail legislation – does the constitution take second place?” First World Conference on Modern Criminal Investigation, Organised Crime and Human Rights, Sun City, South Africa: 21 September 1998
3 “The role of law in combating online pornography in South Africa” 7th Annual Conference on World Wide Web Applications, Cape Town, South Africa: 31 August 2005
8 “The legal conflict between security and privacy in addressing crime and terrorism on the internet” ISSE Conference, Warsaw, Poland: 25 September 2007
11 “Governmental control of the internet in addressing law enforcement and national security” ISSE Conference, Madrid, Spain: 7 October 2008
12 “The admissibility of data messages” Cyber Crime Africa Summit, Johannesburg, South Africa: 11 November 2008
13 “The South African legal banking position in respect of electronic fund transfers: managing the risk of EFT” International Conference on eCommerce and ePayments (iCeP), Marrakech, Morocco: 25 September 2009
14 “Cyber attacks against a nation-state: a legal perspective on a growing security and international challenge” 4th International Conference on Cyberlaw, Arlington, USA: 18 August 2010
19 “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
21 “Challenges pertaining to cyber war under international law” 3rd International Conference on Cyber Security, Cyber Warfare and Digital Forensic (CyberSec2014) - 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 to be presented at 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 to be 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

E PEER REVIEWED CONFERENCE PAPERS PUBLISHED


