

Professor Max Du Plessis

LIST OF PUBLICATIONS

Books and Monographs

- *Law, Nation-building and Transformation: The South African experience in Perspective* (with Cathy Jenkins) (Intersentia) 2014
- *Constitutional Litigation* (with Glenn Penfold and Jason Brickhill) (Juta), 2013
- *Civil Procedure – A Practical Guide* (with Stephen Pete, Robin Palmer, David Hulme) (Oxford), 2011
- *The International Criminal Court that Africa Wants*, (Institute for Security Studies), 2010
- *African Guide to International Criminal Justice* (editor), (Institute for Security Studies), 2008
- *Unwilling or Unable? A Five-Country Study on African Implementation of the Rome Statute of the International Criminal Court* (with Jolyon Ford) (Institute for Security Studies), 2008
- *Civil Procedure – A Practical Guide* (with Steve Pete, Robin Palmer and David Hulme), (2008), Oxford University Press
- *Repairing the Past?: International Perspectives on Reparations for Gross Human Rights Abuses* (with Steve Pete), Intersentia Publishers (Belgium and Oxford), 2007
- *Who Guards the Guards? The International Criminal Court and Crimes Committed by Peacekeepers* (with Steve Pete), (2006), Institute for Security Studies
- *The Prosecution of International Crimes – A Practical Guide to Prosecuting ICC Crimes in Commonwealth States* (with Ben Brandon), (2005), Commonwealth Secretariat
- *Civil Procedure – A Practical Guide* (with Steve Pete, Robin Palmer and David Hulme), (2005), New Africa Books
- *Constitutional Democracy in South Africa: 1994-2004* (edited with Steve Pete), (2004) Butterworths Lexis-Nexis
- *Jurisprudence – A South African Perspective* (with Steve Pete and David Johnson), (2001) Butterworths
- *Race, Religion and Ethnicity Discrimination: using international human rights law* (with Karon Monaghan and Tajinder Malhi, (April 2003), JUSTICE

Forthcoming:

- Currently preparing a book on Class Actions in South Africa (commissioned by Juta)
- Preparing a book in honour of John Dugard (with Tiya Maluwa and Dire Tladi)
- Preparing third edition of *Civil Procedure: A Practical Guide* (with Steve Pete et al)

Chapters in Books

- ‘The Urgings of a Friendly Founding Father’, in *Law, Politics and Rights: Essays in memory of Kader Asmal* (edited by Tiyanjana Maluwa), published by Martinus Nijhoff, 2014.
- ‘Behind the Mask of the Rainbow Nation – the Limits of Law in Post-Apartheid South Africa’ (with Stephen Pete) in *Law, nation-building and Transformation: The South African Experience in Perspective* (edited by Jenkins and Du Plessis), 2014.
- ‘South Africa’s Implementation of the Rome Statute’, in *Power and Prosecution - Challenges and Opportunities for International Criminal Justice in Sub-Saharan Africa* (by Kai Ambos and Ottilia Maundanigze) (2012)
- ‘Israel through the prism of international law’, in *Pretending democracy: Israel, an ethnocratic state* (Afro-Middle East Centre 2012).
- ‘Sentencing – select cases’ (with Chris Gevers), chapter in *Annotated Leading Cases of International Criminal Tribunals* (Andre Klip and Goran Sluiter (eds.)), 2012
- ‘Confronting Myths about the International Criminal Court’ (chapter in edited book in honour of Judge Navi Pillay), published by Brill Publishers (Netherlands), 2010
- ‘Professor John Dugard: A South African Perspective’, in *Essays in Honour of John Dugard: The Protection of the Individual in International Law*, 2008
- ‘Bill of Rights Jurisprudence’ (with Glenn Penfold), *Annual Survey of South African Law*, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012
- ‘The African Union’ in John Dugard, *International Law – A South African Perspective*, 3rd Edition (2006); and updated in 4th Edition (2012)
- ‘International Criminal Courts, the Rome Statute of the International Criminal Court and South Africa’s Implementation of the Rome Statute’ in John Dugard, *International Law – A South African Perspective*, 3rd Edition (2006); and updated in 4th Edition (2012)
- ‘Citizenship’ (with Anton Katz) in Johan De Waal and Iain Currie *The Bill of Rights Handbook*, 6th Edition (2005)
- ‘Free movement of persons’ (with Anton Katz) in Johan De Waal and Iain Currie *The Bill of Rights Handbook*, 6th Edition (2005)
- ‘The South African Position’ (with Jolyon Ford) in Bermann (ed.) *Party Autonomy: Constitutional and International Limits in Comparative Perspective* (2004)
- ‘Prisons’ (with Amanda Dissel) in Joubert (ed.) *The Law of South Africa*, vol 21, (2000)

Articles, Research Reports and Notes

- ‘Shambolic, shameful and symbolic: Implications of the African Union’s immunity for African leaders’, *ISS paper 278*, November 2014.
- ‘The long walk to accountability for international crimes – Reflections from South Africa’, *SACJ*, 2014, 3, 404 – 437.

- ‘The African Union and the ICC: Milestones in International Criminal Justice’, Chatham House, London, 23 July 2013 (with Tiya Maluwa and Annie O’Reilly).
- ‘A new Regional International Criminal Court for Africa?’ *South African Journal of Criminal Justice* 2012
- ‘International criminal law : the crime of apartheid revisited : recent cases’, *South African Journal of Criminal Justice*, 2011, Vol 24, Issue 3, Pages: 417-428
- ‘Implications of the AU decision to give the African Court jurisdiction over International Crimes’, *Institute for Security Studies*, June 2012, Issue Paper 235.
- ‘Reflections On A Storm: The International Criminal Court And Its Work In Africa’, *Australian Journal of Human Rights*
- ‘Lessons from Kenya about African solidarity and complementarity”, *Africa Legal Aid Quarterly*, 2012 (with Chris Gevers)
- ‘Two’s Company, Three’s A Crowd: Public Interest Intervention in Investor-State Arbitration – Piero Foresti’ (with Jason Brickhill), *South African Journal on Human Rights* Vol 27, part 1, 2011
- ‘John Dugard and the Continuing Struggle for International Human Rights’, *South African Journal on Human Rights* part 2, 2010, 292
- ‘Assessing the African Union Concerns about Article 16 of the Rome Statute of the International Criminal Court’, *African Journal of Legal Studies*, 4, 2011, 5 – 55 (with Dapo Akande and Charles Jalloh)
- ‘Another Stormy Year for the ICC and Africa’, *South African Yearbook of International Law*, 2010 (with Chris Gevers)
- ‘Enforcing the SADC Tribunal’s decisions in South Africa: Immunity’, *South African Yearbook of International Law*, 2010 (with Malebakeng Forere)
- ‘Recent Developments: the International Criminal Court and Libya’, *South African Journal of Criminal Justice*, 2011
- ‘Gaddafi an easier target than Al Bashir?’, *The African.Org*, Issue 12, April 2011, Max du Plessis and Chris Gevers pp. 22-23
- ‘A future Truth Commission for Zimbabwe?’ (with Jolyon Ford) *International and Comparative Law Quarterly*, vol 58 (January 2009), pp. 1-45
- ‘The Responsibility to Protect Norm and International Criminal Law: Reflections from the Chinese Arms Case’, *South African Yearbook of International Law* 2008
- ‘Casting Lead and Breaking Rules: Some Reflections on Israel’s recent attack on Gaza’ (with Shannon Bosch), *South African Yearbook of International Law* 2008
- ‘Fifteen Years on: Transformation of the Judiciary’ (with Murray Wesson), *South African Journal on Human Rights* (2008), Part 2
- ‘The International Criminal Court and its work in Africa: confronting the myths’ *Institute for Security Studies Occasional Paper*, November 2008
- ‘South Africa’s International Criminal Court Act: countering genocide, war crimes and crimes against humanity’, *Institute for Security Studies Occasional Paper*, November 2008

- ‘Complementarity and Africa: the promises and problems of international criminal justice’ *African Security Review*, vol 17 part 4 2008
- ‘Professor John Dugard: A South African Perspective’, *Leiden Journal of International Law*, (2007) 20:4 955-964
- ‘A Court Not Found? The African Court on Human and Peoples’ Rights’ (with Lee Stone) *African Journal of Human Rights*, vol 7, No 2 2007
- ‘South Africa’s Implementation of the ICC Statute – An African Example’, *Journal of International Criminal Justice*, 2007, vol 5, 460
- ‘Interdicts seeking to preserve constitutional rights: of losing litigants, interim interdicts pending appeal, and lessons from Canada’ (with Glenn Penfold) *South African Law Journal*, 2007, vol 124, part 3, 557
- ‘The *Thatcher* case and the supposed delicacies of foreign affairs: a plea for a principled (and realistic) approach to the duty of government to ensure that South Africans abroad are not exposed to the death penalty’ *South African Journal of Criminal Justice*, 2007, vol 20, no 2, 143
- Opinion: ‘Terrorism and National Security: the Role of the Judiciary in a Democratic Society’ *European Human Rights Law Review*, 2007, Issue 4, 327
- ‘Into the Deep End: The International Criminal Court and Sudan’, *African Yearbook on Humanitarian Law*, 2006, 88
- ‘A truth and reconciliation process for Zimbabwe’ *Obiter*, 2006, vol 27, 1.
- ‘Kafka’s African nightmare’ *Journal for Juridical Science*, 2006, vol 31, 1.
- ‘South African nationals abroad and their right to diplomatic protection’ (with Steve Pete) *South African Journal on Human Rights*, 2006, vol 22 part 3.
- ‘Hart, Dworkin and the nature of South African Legal Theory’ (with Murray Wesson), *South African Law Journal*, 2006, vol 123, part 4.
- ‘Principles of International Criminal Law’, *South African Journal of Criminal Justice*, 2006, vol 19, no 2.
- ‘Serious Human Rights Violations in Zimbabwe: Of International Crimes, Immunities and the Possibility of Prosecutions’ (with Andreas Coutsoudis) in *South African Journal on Human Rights*, 2005, vol 21, part 1, 337
- ‘The International Criminal Court and Victims of Sexual Violence’ (with Cherie Booth QC), *South African Journal of Criminal Justice*, 2005, 18, no 3, 241.
- ‘Darfur goes to the International Criminal Court (perhaps)’ (with Chris Gevers), *African Security Review*, 2005 vol 14 no 2, pp 23-34.
- ‘Home Alone? – The US Supreme Court and International and Transnational Judicial Learning’ (with Cherie Booth QC), *European Human Rights Law Review*, Issue 2, 2005, pp 127-147.
- ‘Who Guards the Guards? The ICC and Serious Crimes Committed by the UN Peacekeepers in Africa’ *African Security Review*, 2004, vol 13 no 4, pp 5-17.
- ‘The Right of the Child to a Clean Environment – Some Exploratory Thoughts’ *South African Journal of Environmental Law and Policy* 2004, vol 11, no 1, 127

- ‘Truth and Reconciliation Processes: Lessons for Zimbabwe’, *South African Institute of International Affairs Reports*, Report Number 44, 2004
- ‘Developing the Common Law Progressively – Horizontality, the *Human Rights Act*, and the South African Experience’ (with Jolyon Ford) in *European Human Rights Law Review*, Issue 3, 2004, pp 286-313
- ‘Children under International Criminal Law’, *African Security Review*, 2004, vol 13, no 2, pp 103-111.
- ‘Reparations and International Law: How are Reparations to be Determined (Past Wrong or Current Effects), Against Whom, and What Form Should They Take?’ *The Windsor Yearbook of Access to Justice*, 2003, 4 pp 41-69
- ‘The Extra-Territorial Application of the South African Constitution’, *South African Law Journal*, 2003 vol 120 part 4 pp 797-819.
- ‘Immunities and Universal Jurisdiction - The World Court Steps In (or On?)’ (with Shannon Bosch), *South African Yearbook of International Law*, 2003 28: 1-20
- ‘The International Criminal Court and its Implications for Africa’s Despots, Crackpots and Hotspots’, *African Security Review*, 2003 12 4 pp 5-15.
- ‘Historical Injustice and International Law: An Exploratory Discussion of Reparation for Slavery’, *Human Rights Quarterly*, 2003 25 3, pp 624-659.
- ‘Common Wealth’ (with Cherie Booth QC), *Modern Law Review* 2003 66 6, pp. 837-851.
- ‘Bringing the International Criminal Court Home: The Rome Statute of the International Criminal Court Act’, *South African Journal of Criminal Justice*, (2003) 1 pp. 1-16
- ‘The Universal Aspirations of the International Criminal Court - Some Reflections on the US Opposition to the ICC’, *African Security Review*, (2002), vol 11, no 4
- ‘Seeking an *International* International Criminal Court: Some Reflections on the US Opposition to the ICC’, *South African Journal of Criminal Justice*, 2002 3 pp. 301-320.
- ‘Suretyship and Guarantee in the Context of Islamic Banking’ (with Dr Christopher Forsyth, Cambridge University), vol. 119, Issue 4, 2002, *South African Law Journal*, pp. 671-678.
- ‘The Application of UN Human Rights Standards in Domestic Law: The South African Experience’, *European Human Rights Law Review* 2002 4, pp. 452-467.
- ‘Between Apology and Utopia: The Constitutional Court and Public Opinion’, *South African Journal on Human Rights*, 2002 18 Part 1 pp. 1- 40
- ‘The Pinochet Cases and South African Extradition Law’, *South African Journal on Human Rights*, 2000 16 Part IV pp. 669-689
- ‘The Legitimacy of Judicial Review in South Africa: Insights from the Canadian Experience’ *Comparative and International Law Journal of Southern Africa*, 2000 33 pp. 227-247
- ‘Doing Damage to Freedom of Religion’ *Stellenbosch Law Review*, 2000 11 2 pp. 295-305
- ‘A Rose by Any Other Name: Biblical Correction in South African Schools’ (with Steve Pete), *South African Journal on Human Rights*, 2000 16 Part 1, pp. 97-120