

SOUTH AFRICAN YEARBOOK OF INTERNATIONAL LAW STYLE GUIDELINES

GENERAL FORMATTING

- Manuscripts should be submitted in 12 point Arial font for text and 10 point Arial font for footnotes.
- The submissions must include an abstract of a maximum of 300 words.
- The heading 'Abstract' must be in sentence case.
- A maximum of eight keywords must be provided directly below the abstract.

Footnotes

- Footnotes (not endnotes) should be used for references throughout.
- A footnote number is inserted after the punctuation (full stop, comma, semi-colon, colon, etc) as follows:
Viljoen (n 2 above) 123.
- If the reference immediately prior to the footnote has the same page, use *ibid*.
- If the prior reference has a different page, use *id* and provide the page number (eg, *id* 20)
- A full stop must be inserted after each footnote.

Paragraphs

- The first paragraph on a page starts aligned.
- Paragraphs following headings and subheadings are aligned.
- Subsequent paragraphs are indented.
- Paragraphs following an indented quotation are aligned.

HEADINGS

- A submission starts with its title in capitals in bold, black type and Centered

- The title is followed by the first name(s) and surname of the author(s) in sentence case with the first letter in capital and centered.

USE OF FORCE

James Jones*

[The asterisk refers to the biographical details in a footnote or footnotes which must include qualifications and affiliation of author(s).]

...

* LLB (UP); (NWU); Senior Lecturer, University of South Africa.

...

● Authors should, as far as possible, avoid using more than three levels of headings and the following convention should be followed:

First level should be numbered (1, 2, 3 etc), 12 point font in bold, with the first letter of each word (excluding prepositions, articles, etc) in capitals. The heading should be aligned to the left margin.

Second level should be numbered (1.2, 2.1, 3.3 etc), 12 point in bold italics, with the first letter of each word (excluding prepositions, articles, etc) in capitals. The heading should be aligned to the left margin.

Third level should be numbered (1.2.1; 2.1.2; 3.2.1 etc), 12 point 'normal' with the first letter of each noun (and verb) in capitals. The heading should be aligned to the left margin.

● No full stop is placed after the heading or heading number.

2 The Duty to Arrest in International Law

2.1 Does South Africa have a Duty to Arrest?

2.1.1 Criminal Law Exceptions to the Duty to Arrest

ITALICS

Italics must be used in the following instances:

● For all foreign and Latin terms, EXCEPT:

inter alia

mutatis mutandis

ratio

per se

vice versa

ibid

id

pro rata

vis-à-vis

● For the names (and abbreviated names) of all cases (domestic and international), italics are used as indicated below.

● For the names of ships. The names of ships are always in italics; also when cited in a case report. For example:

MV Atlantica

“The court held in *MV Atlantica v Owners of the Stella Pingas* ...”

● For the titles of books, newspapers, online news sources (eg, *BBC News*), journals and periodicals.

● For emphasis. (However, be sparing in the use of italics for emphasis.)

SPELLING & LANGUAGE

■ General

● Use the Oxford Dictionary as source for English spelling and language.

● South African/UK and not US spelling, must be followed. This mostly affects words ending in '-ise', for example, authorise (not authorize); finalise (not finalize). As a general rule: change 'z' to 's'. EXCEPTIONS to this general rule:

Official Names, for example, 'World Health Organization'

Words in direct quotations.

● The original spelling of words/names in other languages (eg 'eThekwini') should be followed.

● Unless in a quotation, the following words are spelled as indicated:

Al-Qaeda

Shari'a

Quran

judgment (not judgement)

advisor (not adviser)

benefited (not benefitted)

focused (not focussed)

licence (not license, except when used as a verb)

state party / states parties

multilateral (not multi-lateral)

subregional (not sub-regional)

intergovernmental (not inter-governmental)

bilateral (not bi-lateral)

Secretary-General

subsection (not sub-section) (also subparagraph, subregulation, etc)

ubuntu is only spelled with a capital letter at the beginning of a sentence.

● Avoid the following expressions, as far as possible:

per (eg per Smith J) (Rather simply write 'Smith J 43D' or 'in the judgment of Smith J'.)

the learned judge

his lordship

with respect / with the greatest respect

■ Use of a hyphen

Unless in a quotation, a hyphen should be used as follows:

● In an adjectival expression, for example, a one-third portion; commonlaw principles (but principles of the common law); internationallaw rules (but rules of international law); HIV-positive patient (but a patient that is HIV positive).

● Specific words that should be spelled with a hyphen:

Secretary-General

Vice-Principal

■ Use of capital letters

● Use capitals for proper nouns, thus words to designate, for example, individual persons, officials and places. For example:

Parliament (but 'parliamentary')

Minister of Finance

Chief Justice

Cabinet

Registrar of Companies

United Nations

Secretary-General of the United Nations

General Assembly

Security Council

World Bank

Special Rapporteur

● Use capitals for the names of specific courts. For example:

High Court

Constitutional Court

Supreme Court of Appeal

International Court of Justice

International Criminal Court

But:

The word 'court' used by itself takes lower case. For example, 'the court decided'.

magistrate's court takes lower case.

● In general, lower case is preferable. For example:

judge (eg 'the judge said')

government

state (But, it is the State where it is a litigant, particularly in criminal cases.)

ubuntu

article

section

paragraph

rule (But, it is High Court Rules)

apartheid

■ **Use of abbreviations**

- Never start a sentence with an abbreviation or an acronym.
- Abbreviations are only used in footnotes or in the text in brackets. For example:

“In terms of the Promotion of Access to Information Act (s 2(1))” [text]

“In s 231 it is determined that …” [footnote]

- The following abbreviations are used in footnotes or in brackets in the text:

chapter = ch (chs in the plural)

article = art (arts in the plural)

paragraph = para (paras in the plural)

section = s (ss in the plural)

subparagraph = subpara (subparas in the plural)

subsection = subsec (subsecs in the plural)

no = number

trans = translated

- If referring to a number of subsections within a section (eg s 43(1), (2) and (5)), use a single ‘s’ as only one section is being referred to. Use a double ‘ss’ if more than one section is being referred to; eg ss 4(3) and 5(2).

- Note that no full stop is placed after an abbreviation.

■ **Use of apostrophes**

- Use a simple ‘s’ if the last syllable is pronounced ‘-iz’. For example:

Dickens’ novels

E vans’ translation.

- French names ending in a silent s or x must take ‘s’: For example:

Du Plessis’s work

L e Roux’s argument

Marais’s book.

- a year’s imprisonment

a week’s grace

- An apostrophe is not used for abbreviated plurals. For example:
'During the 1990s ...' (instead of 1990's)
'The MPs argued ...' (instead of MP's)

■ Numerals and dates

- Numbers 1–10 (eg, one, two, three) are written out. Above 10 (eg, 11, 12, 13), numerals are used, except at the start of a sentence (eg, Twenty years ago...).

- Ordinals are spelled as follows:

In the text:

second

twenty-second

In footnotes:

2nd

20th

(do not use superscript)

- Currencies are indicated as follows:

US\$5 million

R 10 million

The decimal comma [,], not the decimal point [.] is used. For example:

23,45 (not 23.45)

- A space is inserted after every third figure. EXCEPT for dates and page numbers. For example:

7 272

3 252

1230 [page]

1978 [year]

- Numbers, figures and words should be used in the following manner:

123 kg / seven kilograms

20 km / two kilometers

20% / five per cent

USE OF QUOTATIONS

- Quoted passages, longer than three lines, are indented and typed in Arial, font size 11, without quotation marks.

- Quotation marks start single ['], and become double [""] only when there is a quote within the quotation itself.

- If the quotation forms part of a sentence, the full stop is inserted

after the quotation mark. For example:

It was indicated that the punishment was ‘cruel, inhuman and degrading’.

- If the quote is not part of the sentence, the full stop is placed after the quotation mark:

‘The punishment was cruel and degrading’.

- Where an indented quotation starts with a capital letter, it is introduced by a colon.

- All direct quotations should be an exact replication of the original text. If the quoted passage has emphasised words in italics write ‘(emphasis in original)’ at the end of the quotation. If you have emphasised words in the quotation, write ‘(own emphasis)’ at the end of the quotation.

USE OF COLONS

- A colon is inserted before an indented quotation that starts with a capital letter. Do not use a colon if the sentence runs on into the indented quotation.

- A colon is inserted before a list.

REFERENCING

■ Citing case law

Only the case name is provided in the text. The citation is provided in the footnote. For example:

‘The court stated in *S v Makwanyane and Another* ...’ [insert footnote number]

S v Makwanyane and Another 1995 (3) SA 391 (CC) para 20 [in footnote]

- Use “*and Another*” or “*Others*” (see above).

- In subsequent references an abbreviated case name is used. For example:

Makwanyane case (without a hyphen)

- When referring to pages, it may be necessary to give marginal letters, such as ‘376B–D’. The ‘B–D’ will indicate the area within which the relevant passage falls.

- When referring to the parties in an appeal case, refer to the ‘appellant’ and ‘respondent’ (both lower case) rather than to the designation of the parties in the court *a quo*.

South African case law

● In as far as South African case law is concerned, the preferred law reports, in general, are the South African Law Reports and cases are cited as follows:

S v Makwanyane and Another 1995 (3) SA 391 (CC) para 12.

(Note that “at” is not inserted before the page/paragraph number.)

● Unreported decisions are referenced by providing the case name, followed by the court where the case was decided in brackets, the date and the case number in brackets. For example:

ABSA Bank Ltd v Lombard (SCA) 30 March 2005 (case 178/04).

International case law

International Court of Justice

● Cases of the International Court of Justice are cited as follows in a footnote: Case name in italics, stage (if applicable) in brackets; year, ICJ Reports, first page of case report, paragraph referenced. For example:

Case of Military and Paramilitary Activities in and Against Nicaragua (Nicaragua v United States) (Jurisdiction and Admissibility) 1984 ICJ Reports 392 para 30.

Case of Certain Norwegian Loans (France v Norway) (Preliminary Objections) 1957 ICJ Reports 9 para 25.

● In subsequent references an abbreviated case name is used. For example:

Nicaragua case (no hyphen is used)

International Criminal Court

Judgment Pursuant to Article 74 of the Statute, Prosecutor v Jean Pierre Bemba Gombo, ICC/01/05-01/08/2008-3343 (21 March 2016)

Other Courts and Tribunals

● The official citation as reported should be provided. Examples:

European Court

Ireland v UK Series A, No 25, 18.1.78 (1979-80) 2 EHRR 25

Or:

Jones and Others v UK, Application Nos 34356/06 and 40528/06, Judgment of the European Court of Human Rights, 2 June 2014

African Court on Human and Peoples’ Rights

Michelot Yogogombaye v the Republic of Senegal, Application No 001/2008 (Date of Decision)

African Commission on Human and Peoples’ Rights

Garreth Anver Prince v South Africa (2004) AHRLR 105 (ACHPR 2004)

Or:

Free Legal Assistance Group Lawyers' Committee for Human Rights, Union Inter africaine des droits de l'Homme, Les Temoins de Jehova v Zaire, Application Nos 25/89; 47/90;56/91; 100/93 (October 1995)

International Criminal Tribunal for Rwanda

Prosecutor v Jean-Paul Akayesu, Case No ICTR-96-4.

Special Court for Sierra Leone

Prosecutor v Charles Ghankay Taylor, Case No SCSL-03-01-T.

■ Citing legislation

The full citation is given in the text for the first time. The full name, number and year are provided. For example:

Mental Health Act 18 of 1973

● Also when referring to an amending Act. For example:

The Mental Health Act 18 of 1973 was amended by the Mental Health Amendment Act 16 of 1985.

Citing the Constitution

● The Constitution is referred to as follows:

The Constitution of the Republic of South Africa, 1996

(Not Act 108 of 1996 according to the Citation of Constitutional Laws Act 5 of 2005)

■ Citing treaties

● When referring to a treaty the first time in the text, the year of adoption, full name and abbreviated name in brackets must be provided. For example:

'The 1992 United Nations Framework Convention on Climate Change (UNFCCC) determines ...'

● Thereafter the abbreviated name (UNFCCC) is used.

● For United Nations documents, resolutions, protocols and declarations, the official citation, as given on the document, should be provided in the footnote. For example:

'The 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples determines that ...' [text]

Declaration on the Granting of Independence to Colonial Countries and Peoples (GA Res 1514 (XV) 1960) [footnote]

'The 1962 Resolution on Permanent Sovereignty over Natural Resources determines ...' [text]

Resolution on Permanent Sovereignty over Natural Resources 1803 (XVII 1962) [footnote]

Decision on the Situation in the Comoros (Assembly/AU/Dec.186(X)) [footnote]

● The name of the document/treaty/protocol/resolution/declaration is in title case, but not typed in italics.

OR:

● If the UNTS or ILM reference is used, the UNTS and ILM reference of the treaty must be contained in the footnote as follows:

1833 UNTS 3, (1982) 21 ILM 1261.

■ Citing Books

• The correct information for the reference should be obtained from the title page of the book.

In a footnote, the initial(s) (with no space between the initials), last name, full title of book in italics and title case, edition, year of publication in brackets and page reference are provided. Where a range of pages or paragraphs (if applicable) are referenced, it should be separated by an hyphen without a space on each side of the hyphen (eg 100–105). For example:

F Viljoen *International Human Rights Law in Africa* 2 ed (2012) 100–105.

• Two authors:

The names of the authors are separated by an ampersand.

MR Fowler & LM Bunck *Law, Power and the Sovereign State: The Evolution and Application of the Concept of Sovereignty* (1996) 20.

H J Steiner, P Alston & R Goodman *International Human Rights in Context: Law, Politics, Morals* 3 ed (2008), 10

In subsequent footnotes:

Viljoen (n 3 above) 23.

Steiner *et al* (n 15 above) 30

● Translated books are referenced as follows:

H Kelsen *Pure Theory of Law* trans M Knight (1970)

● Theses/dissertations are referenced as follows:

F Mnyongani *The Accountability of Multinational Corporations for Human Rights Violations under International Law* (LLD Thesis University of South Africa 2016).

● Chapters in books / essays in collections: In a footnote, provide the author's initial(s) (without a space between the initials), last name of the author, title of the chapter/essay in single quotation marks and sentence case, initial(s) and last name of the editor(s) of the book/ collection, ed in brackets, name of the book in italics and title case, year of publication of the book and page reference. For example:
H Schermers 'Different aspects of sovereignty' in G Kreijen (ed) *State, Sovereignty and International Governance* (2002) 185.

In subsequent footnotes:

R Jennings 'Sovereignty and international law' in Kreijen (n 10 above) 27.

Schermers (n 10 above) 190

■ JOURNAL ARTICLES

● In a footnote, the author's initials (with no space between the initials), last name, title of the article in single quotations and sentence case, year of journal in brackets, volume of journal, title of journal in italics, and the page being referred to are provided. For example:

A Spider 'International law' (2010) 2 *South African Yearbook of International Law* 25.

In subsequent footnotes:

Spider (n 5 above) 23.

■ NEWSPAPERS AND NEWS REPORTS

● In a footnote, provide the title of the article in single quotations and sentence case, the title of the newspaper or news agency in italics, the date in brackets and the page reference. For example:

'The plight of street children in Johannesburg' *Sunday Times* (3 October 2016) 4.

■ REPORTS / DISCUSSION PAPERS

● Similar to books, the title of a report / discussion paper is in italics and title case. For example:

Report of the International Law Commission on the Work of its 68th Session (2 May – 10 June and 4 July – 12 August 2016), General Assembly Records Supplement No 10 (A/70/10).

Fifth Report of the Special Rapporteur, Concepción Escobar Hernández, on the Immunity of State Officials from Foreign Criminal Jurisdiction (A/CN.4/701).

Report of the Second Meeting of the Legal Experts and Parliamentarians on the Establishment of the African Union and

the Pan-African Parliament, 27–29 May 2000 (SIRTE /Exp/RPT (II), Tripoli 2000a).

■ **GOVERNMENT GAZETTE**

● The Government Gazette is referenced as follows:

Proclamation R138 *Government Gazette* 8331 (6 August 1982).

■ **INTERNET SOURCES**

● The following must be provided in the footnote: Initials and name of author (if available); the title of the piece/article in single inverted commas and sentence case, the website's name in italics, the date (if available), internet address, date accessed in brackets. For example:

'AU leaders reach compromise' *News24.com* 3 July 2009 <http://www.News24.com> (accessed 2 July 2009).

B Boyle 'Africa rejects African Peer Review Mechanism report' *Africa Files* <http://www.africafiles.org> (accessed 30 August 2008).

● Note the date format: (Not 30th August / 30 Aug; no commas).