



LEGAL INFORMATION INSTITUTES:  
**USERS** IN  
**SOUTH AFRICA**  
AND **ZIMBABWE**



African Legal Information Institute





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**USERS IN SOUTH AFRICA AND ZIMBABWE**

In 2017, the Open Society Foundation commissioned a study to provide more evidence on the impact of the LIIs on Southern African society. Through extensive interviews, the study produced compelling personal and professional stories of how users' engagements with the law have been transformed through the work of the Southern African Legal Information Institute (SAFLII) and the Zimbabwe Legal Information Institute (ZimLII).

This booklet presents highlights from some of the interviews with these users.



VIEW THE FULL STUDY: [www.africanlii.org/UserStudy](http://www.africanlii.org/UserStudy)





## THE SOUTHERN AFRICAN LEGAL INFORMATION INSTITUTE (SAFLII)

SAFLII was established in 2002 as a project of the University of the Witwatersrand, but flourished after a 2006 move to the Constitutional Court Trust in order to support the Trust's general objective of promoting the rule of law, constitutionalism and judicial independence in the African region.

In 2013, SAFLII moved to the Law School of the University of Cape Town where it is being run as a project of the Democratic Governance and Rights Unit. It provides access to case law and legislation from 16 Southern African Countries.

SAFLII is run by four full-time employees: a coordinator and three content editors. Its funders past and present include: The Open Society Foundations, Andrew Mellon Foundation, the Ford Foundation, The Carnegie Corporation, Bowman Gilfillan, Norton Rose Fulbright, ENSafrica, The Rhodes Trust, Freedom House, the Venice Commission and the University of Cape Town.

[www.saflii.org](http://www.saflii.org)

## FACT SHEET SOUTH AFRICA

Population:  
**53 million**

GDP:  
**USD 314.57 billion**  
in 2015



**1** Constitutional Court  
(Johannesburg)

**1** Supreme Court of Appeal  
(Bloemfontein)

**9+** High Courts  
At least one in each province plus circuit courts which sit twice a year, moving around to serve more rural areas.

**384** Magistrate Courts

### LEGAL INFORMATION USERS:

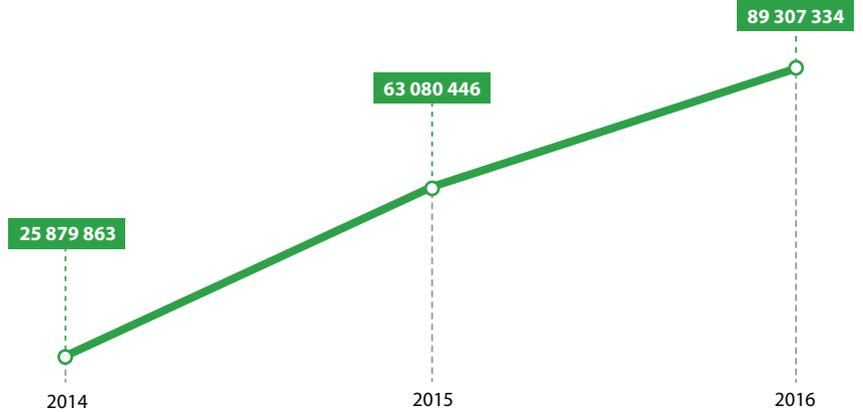
**23 000**  
Lawyers

**1 568**  
Magistrates\*

**239**  
Judges\*

**17**  
Law Schools

\*as at 30 April 2015



WEBSITE TRAFFIC: [www.saflii.org](http://www.saflii.org)

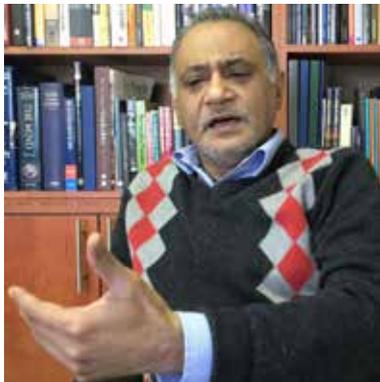
Number of website visits

**Top source of traffic:** South Africa.

**Most popular content:** 'Guide: New Civil Procedure Rules in the Magistrates' Court' (2016, most hits and downloads). The Guide was downloaded over 39,791 times in May 2016 alone.

**Most popular judgment:** State v Jacob Gedleyhle Zuma (2016). The judgment was republished and referenced widely – including books, newspaper articles, gender and equality advocacy publishers and journals.

## SAFLII'S USERS:



**Shouket Allie**  
*Legal researcher, High Court – Cape Town*

"[Ed: Commercial Publisher] often does not work and I therefore rely on SAFLII in terms of legislation and case law. Pocket Law is very important to me, specifically because it enables me to have full access all the time given that the Internet is unreliable. The judge would call in the morning saying that he or she needs information by 11:00. [With Pocket Law] whether the Internet is available or not, it gives the researcher [the] ability to respond quickly ... [SAFLII] makes my work very efficient as I can respond quickly to the judges' needs.

Consequently, my output has increased. I cross-reference to other cases using LawCite on SAFLII. Many judges prefer hard copies in hand, these are easily obtained by downloading them from SAFLII and printing them. Currently judges are being trained to be more digital."

Shouket Allie also uses foreign case law, which he obtains via the LII global network – particularly Indian and Canadian cases, which enrich local jurisprudence. He says he uses regional (African) LII material to deal with migrant-related issues.

**Sinead Combrinck**  
*Legal Aid Lawyer, Belville Justice Centre*

The Legal Aid Board's Intranet provides full access to commercial legal publishers such as Lexis Nexis and Juta. However, much like the Magistrates, individual Legal Aid lawyers made it clear that they use SAFLII extensively in their work – in particular, accessing SAFLII from their mobile phones while in court. They said they would not know how to access legal information outside of the Intranet if it weren't for SAFLII.

### POCKET LAW



Responding to the needs of paralegals in the field, AfricanLII, SAFLII and the Democratic Governance and Rights Unit at the University of Cape Town worked together to develop an offline, searchable legal information library.

Pocket Law was launched on 24 May, 2016.

There are 3 versions of Pocket Law: one is the entire SAFLII database; one is of regional AfricanLII databases; and a third is a version for community-based paralegals which is comprised of SAFLII cases and legislation as well as relevant resources and training materials

Pocket Law has been distributed to SADC judges, to paralegals, to students and legal practitioners. Feedback has been overwhelmingly enthusiastic.

LEARN MORE: [www.africanlii.org/Pocket-Law](http://www.africanlii.org/Pocket-Law)



**Anthia Ramos**  
*Acting Senior Magistrate, Kuilsriver Magistrates' Court*

"All the young magistrates in this court use online resources and communicate among themselves with WhatsApp. They are trained on how to use Lexis Nexis, but in practice they prefer and use SAFLII."

**Vincent Ketye**  
*Magistrate, Kuilsriver Magistrates' Court*

"The major cases in this environment are related to domestic violence, maintenance orders, drugs and theft. For these cases, the magistrates use small handbooks produced by Juta. However, there are also cases that require additional research and therefore access to SAFLII. SAFLII reduces dependency on the Magistrates' Commissions' circulars that provide updates, which are not as current as doing research on SAFLII."

The townships in the periphery of Cape Town have relatively high populations and a high case load (20 to 40 cases a day per magistrate) and for that reason mobile courts have been established to bring legal services closer to the communities. At these courts in particular, says Vincent Ketye, legal professionals tend to use their mobile phones to access SAFLII.

**Jonathan Walton**  
*Paralegal Fieldworker, The Black Sash*



Jonathan has been a paralegal for many years. He has been using SAFLII for 12 of those years as an educational tool as well as for legal information. As a paralegal fieldworker for the Black Sash all of his work is related to the application of South Africa's Constitution and the Bill of Rights.

He believes the goal of his work is to make the law easily accessible to all. He uses the outcomes of court cases he finds on SAFLII to inform this work and distributes the knowledge in community workshops and seminars, translating the judgments into "plain language".

## Swelihle Mfeka

### LLM Graduate, University of Kwazulu Natal

Swelihle Mfeka attests in this video how SAFLII helped him to attain his goals and graduate his LLM degree with a distinction. He credits SAFLII with always providing him with full access to up to date judgments. Swelihle Mfeka was excited to find the SAFLII stand at the KwaZulu Natal Law Society meeting in late 2016. He approached the SAFLII representative, wanting to share evidence of his profound gratitude for the SAFLII service.

View the video here: <https://youtu.be/18T8j2YvYEEY>



## Jennifer Mudenda

### Law Student, University of Cape Town, South Africa

A Zambian student at the University of Cape Town (UCT), Jennifer Mudenda uses SAFLII because it's detailed, user friendly and has high quality information. As a student at UCT, she also has access to Lexis Nexis and Juta. However, she finds these harder to use.

The law library does not stock enough books for all the students – who generally all require the same text at the same time. Jennifer Mudenda says that without SAFLII, she would miss deadlines. SAFLII also allows her to work from home.

## Rekha Woodhaymal

### Senior Librarian, Kwazulu Natal Law Society

The law library of the Kwazulu Natal Law Society assists lawyers in finding materials. In Rekha Woodhaymal's view, SAFLII makes their work more efficient.

"South Africa is privileged in terms of access to legal information. SAFLII publishes both reported and unreported cases, therefore a more extensive collection than Lexis and Juta. SAFLII is easy to search and makes our work more efficient. We can handle up to 20 cases a day per librarian. In the days of hard copies, we were less efficient in providing support. Subscription to Lexis Nexis is R2 million a year. Many libraries don't buy books

or journals from overseas because of rising costs and because of the exchange rate. The need for historical knowledge is still crucial when doing legal research and this can be found in the extensive SAFLII database."



## J. Jantjies

### Magistrate, North West Province

"For legislation, magistrates mainly use Juta, as the Department of Justice has a contract with these publishers. For judgments, I use SAFLII, as the judgments are current, plus they post unreported cases as well. It keeps me abreast of daily developments.

As a result of the availability of these cases, I read more and I feel in a better position to prepare my judgment. Equally, lawyers are better prepared. When putting in their motions, you can see them googling SAFLII to get the relevant information."



## Gardner van Niekerk

### SC, Chairperson, Society of Advocates, Kwazulu Natal

Gardner van Niekerk noted that while senior lawyers like himself have the resources to access online commercial publishers and buy hard copies of law reports, he knows that the reality for younger lawyers is a very different one. Most of them simply can't afford commercial online access and they rely heavily on SAFLII.

He further notes that "Speed is important – once there is a change in law, it must be immediately known."

## Christine Bronkhorst

### Law Librarian, North-West University

"I have witnessed the changes in the way students are using the library. Students nowadays know how to navigate the Internet and no longer need the constant assistance of a librarian. They have access to a wide range of online resources, including the commercial publishers like Lexis Nexis and Juta. They use SAFLII mainly because it is the most up to date resource.

I expect the physical library to fade out within a period of ten years"



LawCite is an automatically generated international legal case and journal article citator. It is used by legal professionals to track the history of a case and its treatment in subsequent courts.

VISIT: <http://lawcite.org>



## THE ZIMBABWE LEGAL INFORMATION INSTITUTE (ZIMLII)

ZimLII was established in 2011. It is uniquely positioned for an LII as it is hosted by a civil society organization - The Legal Resources Foundation (LRF). The LRF is a national organization focusing on legal and civic education, legal services, law and policy reform, service providers training and legal publications.

ZimLII has one full-time coordinator who is also an IT specialist.

ZimLII initially received funding from the Open Society Initiative for Southern Africa through AfricanLII.

Governance for ZimLII is provided by a Steering Committee and Working Group consisting of highly-regarded legal professionals.

[www.zimlil.org](http://www.zimlil.org)

## FACT SHEET ZIMBABWE

Population:  
**14 million**

GDP:  
**USD 14.42 billion**  
in 2015



**1** Constitutional Court  
(Harare)

**1** Supreme Court  
(Harare)

**3** High Courts  
There are permanent seats in Harare, Bulawayo and Masvingo. It also sits three times a year as a Circuit Court at Gweru, Mutare and Hwange.

**59** Magistrate Courts  
One for each district.

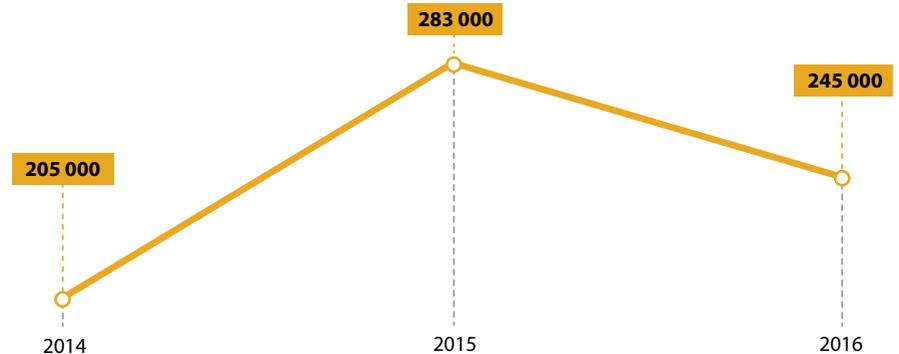
### LEGAL INFORMATION USERS:

**1 200**  
Lawyers

**<200**  
Magistrates

**48**  
Judges

**4**  
Law Schools



WEBSITE TRAFFIC: [www.zimlil.org](http://www.zimlil.org)

Number of website visits

Website users tend to be mostly domestic (concentrated in Harare and Bulawayo) but there are also significant numbers accessing the website from South Africa and the United Kingdom.

Back-links, or links to specific content on the ZimLII website reflect a sustained interest in the content. To date, ZimLII has 124 backlinks created from various sources including the other LIIs, and other Civil Rights, Justice and Legal Advocacy organizations.



## ZIMLII'S USERS:

### Nowell Mupeiwa

*Regional Magistrate, Harare Magistrates' Court*

"I even use ZimLII during a recess before I deliver a judgment on an issue," says this Regional Magistrate. Prior to the availability of ZimLII, Magistrates tended to ask the lawyers appearing before them for hard copies of the legal material they presented in court.



### Sylvia Chirawu-Mugomba

*Director, Women in Law in Southern Africa (WILSA)*

Women in Law in Southern Africa (WILSA) employs eight lawyers, who mainly work on women's rights and economic empowerment. They rely on ZimLII to keep themselves up to date on property rights, the constitution and economic empowerment issues. They prepare the information for the communities with which they work so that it is more easily understandable to them.

"Besides using ZimLII for our organisations, I pick cases from ZimLII which I then discuss in a column in the

Sunday Mail. That way legal information reaches a much wider audience. Many people don't get to hear about the law. People read it, because I get a lot of feedback," says Sylvia Chirawu-Mugomba.

### Collen Zvandasara

*Project Officer, Centre for Conflict Management and Transformation*

The Centre for Conflict Management and Transformation (CCMT) deals with conflict issues that affect large parts of the community and cause polarization among community groups. The CCMT makes use of ZimLII for the research that underpins their interventions, such as in the Zvishavane Mining Conflict.

The CCMT also uses ZimLII to inform its strategy on specific cases, and on mounting advocacy initiatives with respect to environmental protection legislation and practice.



### Professor Victor Nkiwane

*Dean of the Herbert Chitepo Law School, Great Zimbabwe University, Masvingo*

Professor Victor Nkiwane sees particular importance in ZimLII because of the precedents it publishes. "It is important for the Law School to use the latest cases and keep abreast of new developments. ZimLII has been extremely useful in this regard and I encourage the students to use ZimLII.

There is an example which highlights this: there was this prosecutor who enrolled at the Law School recently. During the interview, we came to find out that he was not

aware of the 2015 case outlawing child marriages. This happened because he did not use the online resources. However, if we were to rely on hard copies, like the law reports, the lecturer and students will be three years out of date in their knowledge of the law."

The Law School also enrolls mature students from the police, army and judiciary. This is mainly because the Judicial Service Commission is putting emphasis on higher qualifications, including degrees. Through their higher education, says the Dean, judicial officers and others are exposed to ZimLII.

### Omen Mafa

*Rural lawyer, Sumba & Mutendi, Masvingo and surroundings*

Rural lawyers in Zimbabwe do not enjoy the luxury of a Law Library research service.

Omen Mafa told us of his access to and use of legal information as follows:

"In rural areas, such as that of Masvingo, the major cases I deal with are criminal matters, for example murder, stock theft and assault. Civil matters are mostly handled by Legal Resource Foundation lawyers and paralegals.

I use SAFLII and, since 2016, ZimLII as well. One of the main challenges faced by a rural lawyer's practice is that of the lack of availability of cases. There is only one library in Masvingo, which is at the Legal Resource Foundation.

Law Reports are out of reach as they are expensive. In Masvingo we have 13 legal firms ...It is the younger lawyers like myself who use ZimLII.

ZimLII was a milestone for us."

## Effort Dube

*Student, Editor, Law School, University of Zimbabwe*

“The basis of our study and our research is case law and that’s where Internet and ZimLII comes in. For statutes, we mostly rely on Veritas, for cases we rely on ZimLII. Especially in light that the Zimbabwe Law Report hasn’t come out for some years. Without ZimLII we would be completely out of date.”

The University of Zimbabwe, based in the capital, Harare, has a law library that gives access to both hard copies and Intranet resources. However, books are out of date, vandalized or stolen. The Intranet is only available 30 minutes a week per student.

ZimLII is also used by students as a source for secondary materials, such as the Student’s Law Journal.

## Tafadzwa Mugabe

*Urban lawyer, Nyakutombwa Mugabe Legal Counsel*

Tafadzwa, based in Harare, says that ZimLII offers the most immediate and cost-effective access to legal information, especially given that other sources such as Optima Libraries charge US\$575 for a single user per year, which is a prohibitive cost for many legal practitioners

“Until now, legal information has only been in the domain of those entrenched in the legal system. Making it more accessible would help ordinary citizens have access to legal information on issues they are confronted with on a day to day basis. All this information is needed by ordinary people for access to justice.”



## Fungai Chiware

*Deputy Director and Lawyer, Legal Aid Directorate, Harare*

Legal Aid lawyers confirm using ZimLII as their main source of legal information, as they have no access to an alternative legal research platform. For them there is always an urgent need to be kept up-to-date. Quality, valid information is crucial to them. ZimLII is extremely important to them in preparing heads of argument, both in civil and criminal cases.

Fungai Chiware, the deputy director of Legal Aid, uses her smartphone during the court cases to consult ZimLII. She also references SAFLII for the South African Constitutional Court cases as they can provide guidance in cases related to human and socio-economic rights.

“Overall, ZimLII has improved the quality of our work, especially in drafting legal arguments,” she says.

## Jonathan Chikukwa

*Rural Paralegal, Legal Resource Foundation, Gutu*

Jonathan Chikukwa has been working as a paralegal with rural communities in Zimbabwe for 24 years. He offers these insights: “In the rural communities, I show people the physical copy of ZimLII cases, for example, to show evidence of the recent child marriage legislation. Paralegals are generally equipped with knowledge about people’s rights, but they fall back on the latest case law.

The issues I deal with in the rural areas are witchcraft and land encroachment. In rural areas, people are not able to challenge traditional authorities... Paralegals are therefore a basis of empowerment in the rural communities by creating legal awareness and legal literacy. By providing legal information that helps to challenge authority we can thereby secure a more democratic environment.”

The fact that SAFLII and ZimLII are free is essential to the functioning of the paralegals and dispensing of legal information to the communities. Jonathan Chikukwa feels that in the long-term people should access the cases themselves. ZimLII has changed the reality in the courts - previously only cyclostyled cases were available at the courts alongside the expensive bound law reports.



## Deborah Barron

*Director, Legal Resource Foundation*

“Our paralegals’ services, based in the provincial towns and rural areas, comprise the flagship project of LRF, as it directly delivers access to justice to the rural communities. In the rural areas, the LRF also has an outreach program which comprises of legal training of magistrates and traditional leaders, particularly in the field of family law, juveniles and domestic violence,” says Deborah Barron.

The LRF lawyers conduct their research on ZimLII, SAFLII as well as through online journal articles in order to adequately prepare for court appearances.

## Professor Geoff Feltoe

*Law School, University of Zimbabwe*

In addition to ZimLII, the Judicial Service Commission website provides free legal information, but its collection is limited as it only reports selected cases. ZimLII is the primary source of legal information and research for students.



Users interviewed for this study enthusiastically volunteered ideas for ways in which the legal information institutes could improve their service offerings. These ideas cover the spectrum from technological enhancements to increased social media engagement to broader collections and more editorial work.

AfricanLII believes that with the right partners these ideas can be developed into real solutions that can be implemented through its network of 16 legal information institutes across the continent.

AfricanLII's goal is to create true free and open access to the law for the empowerment of legal professionals and citizens alike.

**We invite you to contact us if you are interested in working with AfricanLII and its partners to achieve this goal.**



## ACKNOWLEDGEMENTS



The African Legal Information Institute

The African Legal Information Institute (AfricanLII) is a project of the Democratic Governance and Rights Unit (DGRU) at the Department of Public Law, Faculty of Law, University of Cape Town.

AfricanLII's main goal is to promote Free Access to Law and Open Justice in Africa. AfricanLII works with partners in Ethiopia, Kenya, Lesotho, Liberia, Malawi, Mozambique, Seychelles, South Africa, Sierra Leone, Swaziland, Uganda, Zambia and Zimbabwe.

[www.africanlii.org](http://www.africanlii.org)



The Open Society Foundations

The Open Society Foundations work to build vibrant and tolerant societies whose governments are accountable and open to the participation of all people.

Working in every part of the world, the Open Society Foundations place a high priority on protecting and improving the lives of people in marginalized communities.

[www.opensocietyfoundations.org](http://www.opensocietyfoundations.org)



The Southern African Institute for Policy and Research

The Southern African Institute for Policy and Research (SAIPAR) is an independent, educational research and development oriented research centre. Through interdisciplinary research, publications, seminars, and dialogue facilitation, the Institute seeks to contribute to improved policy making, research capacity, and governance.

SAIPAR is the host of the Economic Policy Resource Centre (EPRC) and the Zambia Legal Information Institute (ZambiaLII).

[www.saipar.org](http://www.saipar.org)



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