



User Manual

Prepared in September 2016

Introduction

- [1] ZimLII is a free Internet resource, offering access to Zimbabwean case law, journals and legislation as enacted. The content of ZimLII can be either browsed or searched. Most content on ZimLII is accessible via the menus on the front page located at <http://www.zimlil.org/>



- [2] The legal content is organized in the following categories and subcategories:

JUDGEMENTS

- > Constitutional Court (2013 – latest available to date)
- > Supreme Court of Appeal (2002 - latest available to date)
- > High Court: Harare (2001- latest available to date)
- > High Court: Bulawayo (2001 - latest available to date)
- > Case Summaries (2010 – latest available to date) in progress

LEGISLATION

- > The Constitution of the Republic of Zimbabwe
- > Acts of Parliament (2015 - , incomplete, in progress)
- > Statutory Instruments (latest available to date)

JOURNALS

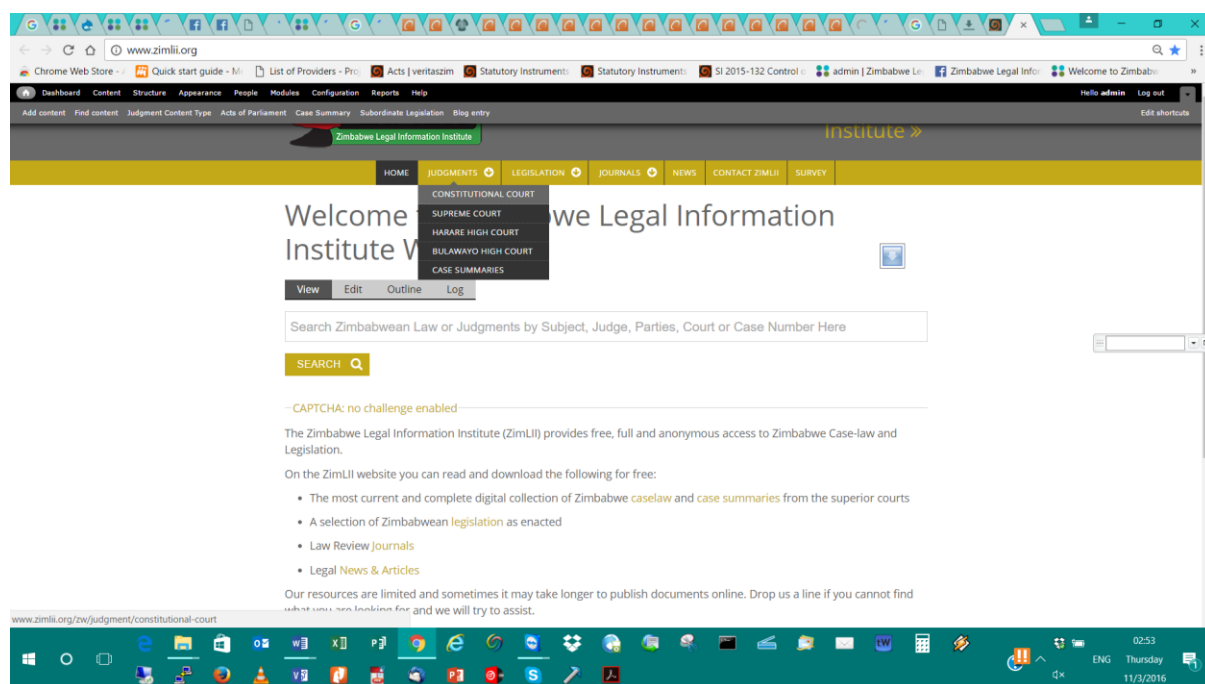
- > University of Zimbabwe Law Review Journal (external)
- > Midlands State University Law Review Journal (external)
- > Social Sciences Research Network e-Journals (external, open access)
- > Law Commons (external, open access)

NEWS/BLOG

- > ZimLII Coordinators blog and news articles, training materials

Browsing for content

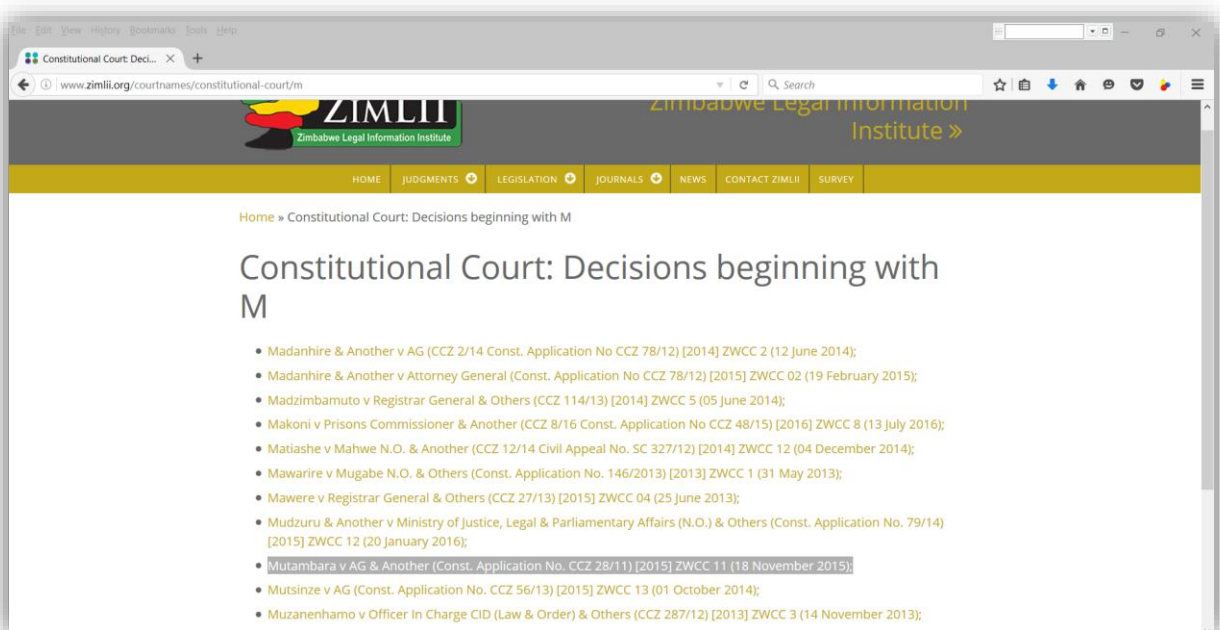
- [3] Each database is organized chronologically and alphabetically. Subject-based indices and access may be available in the near future.
- [4] If you know the case name of the judgment you are looking for, use the alphabetical index of the relevant court to find it. For example, to find **Mutambara v AG & Another**, a Constitutional Court case, one would do the following:
- A. Navigate to the index page of the Constitutional Court located in the drop down menu under Judgments, as below.



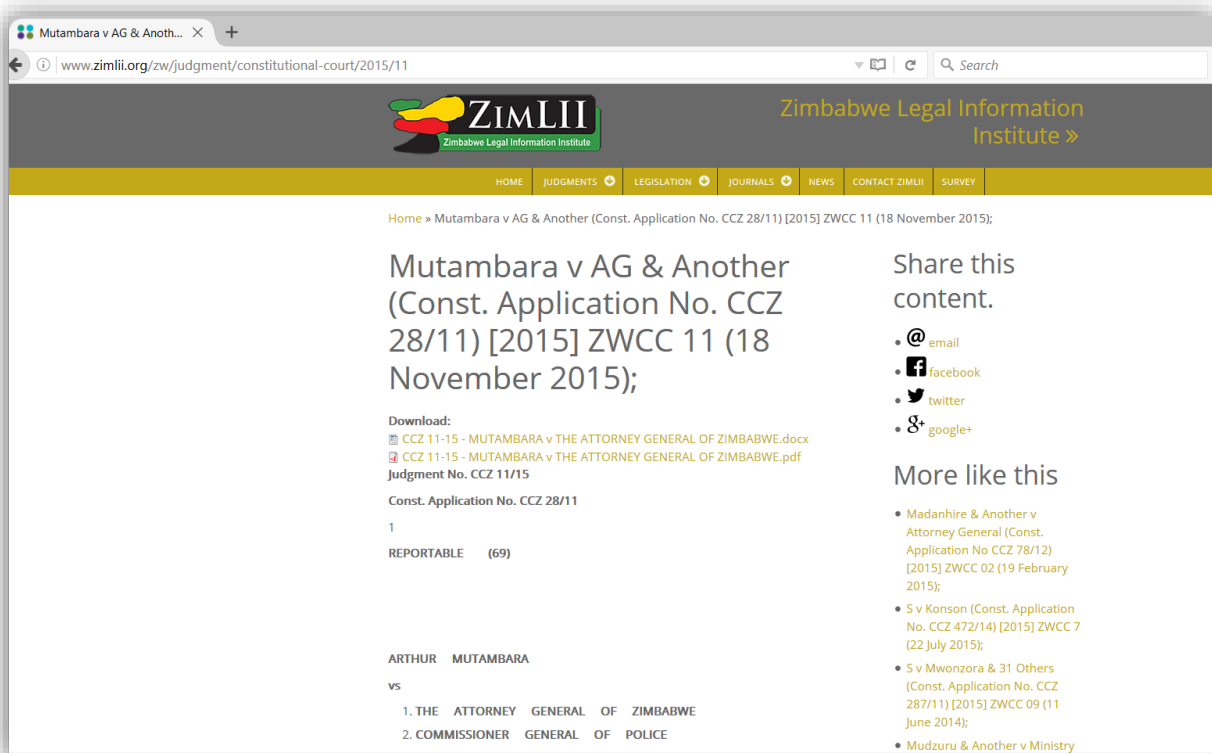
- B. A new view will appear with details on the Constitutional Court – the latest judgment, number of judgments loaded, years in which the judgments were handed down, an alphabetical index of the judgments, as overleaf.



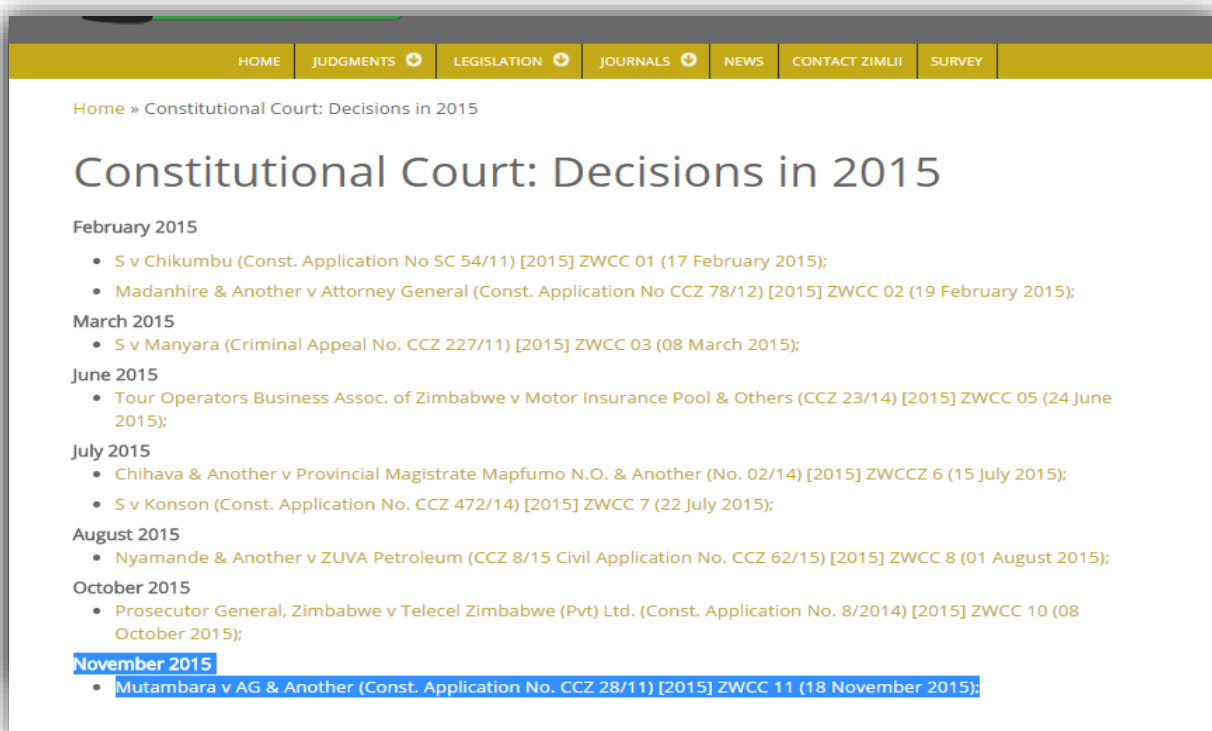
B. Select **M** from the alphabetical index and find **Mutambara** in the list of judgments



C. Read the judgment online, or download the .docx (Microsoft Word) or .pdf (Adobe Reader) version.



D. If you are unsure of a case name, but know the issuing court and the date of a judgment, you should make use of the chronological index. For the **Mutambara** case this would be: **Constitutional Court, 18 November 2015**



Navigate to the Constitutional Court main index and select the Year, which would be 2015 for or example. Scroll down to search through the judgments by month.

Search for a case or categories of cases

- [5] ZimLII uses the [open source Apache SOLR search engine](#). As with any full-text search engine, users need to think carefully and input search terms (words and phrases) that are most likely to appear in the body of the document (judgment or legislation) the user is trying to retrieve. The best words (or phrases) to choose are those which are unique or particularly distinctive and are, of course, relevant to the subject matter of your query.
- [6] When constructing your search query please remember that to retrieve all documents on a particular subject, you will have to think of synonyms for the search terms you wish to find. For example, the judge might have used the term "capital punishment" instead of "death penalty". To ensure that you retrieve comprehensive results, use both terms in your search. See below how.

The screenshot shows the ZimLII website's search interface. At the top is a navigation bar with links: HOME, JUDGMENTS, LEGISLATION, JOURNALS, NEWS, CONTACT ZIMLII, and SURVEY. Below the navigation bar, the breadcrumb trail reads: Home » Search » Search results » death penalty^4 Capital Punishment » ZimLII. The main heading is 'ZimLII'. There is a search input field containing 'death penalty^4 Capital Punishment' and a 'SEARCH' button. Below the search field, it says 'Enter terms' and '—CAPTCHA: no challenge enabled—'. A suggestion 'Did you mean deal penalty^4 Capital Punishment' is shown. The 'Search results' section displays two results. The first result is 'Attorney General v Susan Kigula & 417 Ors ((CONSTITUTIONAL APPEAL NO. 03 OF 2006)) [2009] UGSC 6 (21 January 2009);' with a snippet: 'it was a permissible form of punishment because the death penalty was permitted by the Constitution. ... if the case of banishment were found to be such punishment, then death penalty which is much severer ... been convicted of diverse capital offences under the Penal Code Act and had been sentenced to death as ...'. The second result is 'S v Mwazha (CRB 121/15) [2015] ZWHHC 562 (05 June 2015);' with a snippet: 'recognises the imposition of death penalty where murder is committed in aggravating circumstances. Precedent ... consider other sentences other than the imposition of capital punishment. SENTENCE We will consider the ... would result in the deceased's death. We do not share the defence's ...'. On the right side, there are two filter sections. 'Filter by court name:' lists: Harare High Court (950), Bulawayo High Court (454), Supreme Court (349), Constitutional Court (14), and Labour Court (10). 'Filter by judge:' lists: NULL (927), MAKONESE J (47), MATHONSI J (35), BERE J (26), KAMOCHA J (24), MAWADZE J (22), TAKUVA J (22), TSANGA J (22), HUNGWE J (21), MOYO J (21), HUNGWE J (20), MWAYERA J (20), BHUNU J (19), and MUSAKWA I (19).

Terms and phrases

[7] A query is broken up into terms and operators. There are two types of terms: Single Terms and Phrases.

- A Single Term is a single word such as "crime" or "delict".
- A Phrase is a group of words surrounded by double quotes such as "death penalty" or "mandament van spolie" or "contempt of court"
- Multiple terms can be combined together with Boolean operators to form a more complex query (see below).

Wildcards

[8] Apache SOLR supports single and multiple character wildcard searches within single terms (not within phrase queries).

- a. To perform a single character wildcard search use the "?" symbol.
- b. To perform a multiple character wildcard search use the "*" symbol.

[9] The single character wildcard search looks for terms that match that with the single character replaced. For example, to search for "text" or "test" you can use the search:

`te?t`

[10] Multiple character wildcard searches looks for 0 or more characters. For example, to search for work, worker or workforce, you can use the search:

`work*`

You can also use the wildcard searches in the middle of a term.

`wom*n` (will search for woman and women)

*Note: You cannot use a * or ? symbol as the first character of a search.*

Fuzzy search

[11] Apache SOLR supports fuzzy searches based on the Levenshtein Distance, or Edit Distance algorithm. To do a fuzzy search use the tilde, "~", symbol at the end of a Single word Term. For example to search for a term similar in spelling to "roam" use the fuzzy search:

`roam~`

This search will find terms like foam and roams.

Proximity searches

[12] Apache SOLR supports finding words are a within a specific distance away. To do a proximity search use the tilde, "~", symbol at the end of a Phrase.

- [13] For example to search for a "compensation" and "dismissal" within 10 words of each other in a document use the search:

`"Compensation dismissal"~10`

Boosting a term

- [13] Apache SOLR provides the relevance level of matching documents based on the terms found. To boost a term use the caret, "^" (SHIFT+6), symbol with a boost factor (a number) at the end of the term you are searching. The higher the boost factor, the more relevant the term will be.

- [14] Boosting allows you to control the relevance of a document by boosting its term. For example, if you are searching for

`Compensation dismissal`

and you want the term "compensation" to be more relevant boost it using the ^ symbol along with the boost factor next to the term. You would type:

`compensation^6 dismissal`

This will make documents with the term compensation appear more relevant. You can also boost Phrase Terms as in the example:

`"Compensation for dismissal"^4 "labour law"`

By default, the boost factor is 1. Although the boost factor must be positive, it can be less than 1 (e.g. 0.2)

Boolean operators

- [15] Boolean operators allow terms to be combined through logic operators. Lucene supports AND, "+", OR, NOT and "-" as Boolean operators (Note: Boolean operators must be **ALL CAPS**).

[16] The OR operator is the default conjunction operator. This means that if there is no Boolean operator between two terms, the OR operator is used. The OR operator links two terms and finds a matching document if either of the terms exist in a document. This is equivalent to a union using sets. The symbol || can be used in place of the word OR.

[17] To search for documents that contain either "copyright infringement" or just "copyright" use the query:

"Copyright infringement" copyright

or

"Copyright infringement" OR copyright

AND

[18] The AND operator matches documents where both terms exist anywhere in the text of a single document. This is equivalent to an intersection using sets. **The symbol && can be used in place of the word AND.**

[19] To search for documents that contain **copyright** and **trademark** use the query:

Copyright AND trademark

+

[20] The "+" or required operator requires that the term after the "+" symbol exist somewhere in a single document.

[21] To search for documents that must contain "**copyright**" and may contain "**infringement**" use the query:

+ Copyright infringement

NOT

[22] The NOT operator excludes documents that contain the term after NOT. This is equivalent to a difference using sets. The symbol ! can be used in place of the word NOT.

[23] To search for documents that contain "copyright infringement" but not "copyright violation" use the query:

"copyright infringement" NOT "copyright violation"

Also

"copyright infringement" ! "copyright violation"

Note: The NOT operator cannot be used with just one term. For example, the following search will return no results:

NOT "copyright infringement"

Also

!"copyright infringement"

-

[24] The "-" or prohibit operator excludes documents that contain the term after the "-" symbol.

[25] To search for documents that contain "copyright infringement" but not "copyright violation" use the query:

"Copyright infringement" - "copyright violation"

Grouping

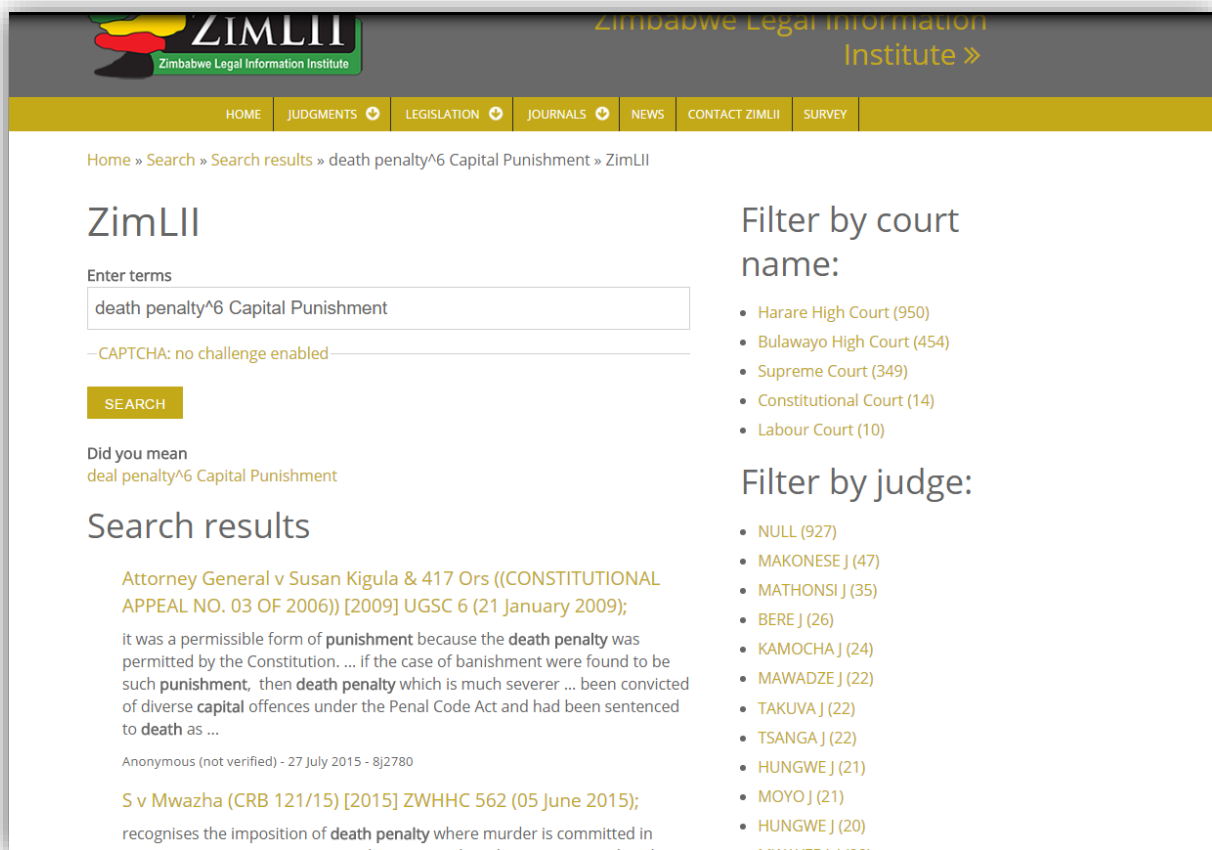
[26] Apache SOLR supports using parentheses to group clauses to form sub queries. This can be very useful if you want to control the boolean logic for a query.

[27] To search for either "copyright exception" or "open access" and "fair use" use the query:

("copyright exception" OR "open access") AND "fair use"

Search results

[28] The search results page looks as below - it lists the relevant documents and provides the user with a snippet from the text, including highlighted (bolded) search terms.



- [29] Users have the option to filter results by type of document - judgment or legislation; and also by court. Where possible, users can also filter by Judge. **Please note that not all judgments have a judge's name captured; or many judgments do not appear on the system. Therefore this is not an accurate tool to measure the number of judgments a judge has produced.**

Order of precedence of search results/Bias

- [30] The list of search results is displayed according to strict rules of relevance.

The precedence is based on:

1. The search terms appear in the title of the document (e.g. if you search for a case name, it is likely that the first result will be the actual case)
2. Second, the search engine looks at the body of the text, then the keywords (subject index if available), then extra keywords, then headings in the document, then full body of the document, etc.
3. Legislation takes precedence over judgments. Therefore, you are likely to see legislation displayed first in your search results, if available.

Publication Principles

- [31] No distinction is made between, so called, “Reportable” and “Unreportable” cases. All are published on ZIMLII.
- [32] ZIMLII sources materials directly from the court/tribunal/legislative body whenever possible. This is the basis for creating TRUST in the information and service offered by the ZIMLII.
- [33] No judgment will be loaded on ZIMLII without a Medium Neutral Citation code assigned to it.

The Citation

- [34] The legal profession relies on authority (case-law and legislation) and persuasive secondary legal literature (scholarly works, preparatory works, dictionaries, etc.) to build and present legal arguments. The core purpose of case law citation is to accurately identify a judicial opinion or a part thereof – traditionally, its location in a printed law report series.
- [35] In traditional law reporting, case citations do not reflect information about the case itself, but rather identify the year, volume and page number of the law report(s) that contains the judicial opinion. References to specific parts of a judicial opinion (*pinpoint referencing*) are also in general based on the page number and the paragraph letter.
- [36] The digitization of the judicial opinions allows courts to make judgments available immediately through the Internet or other media, in comparison to commercial publishers who take between a month and sometimes years to publish a judgment in the law reports. While obviously impacting on the greater accessibility of judicial opinions, the legal profession and the media still need a reliable method for referencing such electronic decisions. Substitutes for the commercial publishers assigned citations and for page numbers must accompany such judgments.
- [37] A survey of international practices in this regard shows that courts have taken steps to address these issues by introducing **Medium Neutral Citations and Paragraph Numbering** within the final versions of judgments.
- [38] The **Medium Neutral Citation (MNC)** allows a resource such as a judgment to be cited irrespective of its publishing medium, namely, in print form or in electronic form, regardless of whether they have been, or will be published in any printed law reports series. The MNC serves as a permanent unique identifier assigned by the

author of the judgment and should remain associated with the judgment wherever it is published in various media or publications. The MNC enhances the discoverability of judgments across publications, such as commercial law reports series, ZIMLII and other websites.

[39] The MNC includes a global identifier of the issuing court, made up from the ISO-3166-1 standard two-letter country code and an abbreviation of the tribunal's name.

[40] The MNC should be assigned by the court to the final version (filing and distribution version) of judgments.

[41] The MNC includes the **case name** and the **core part of the citation**: the *year*, the *court identifier* and the *sequential number*.

[<year of publication>] <court identifier> <sequential number>

A. Case name:

- a. The MNC standard does not specify the make-up of the case name. This is dependent on the law reporting practices of the jurisdiction in which the court operates. Additional guidelines will be provided.

B. Core part of the citation:

- a. The year element represents the year the decision was handed down, enclosed in square brackets (e.g. "[2007]").
- b. The court identifier follows the information relating to the year of the decision. Each court has a distinct court identifier. Different seats of the courts (e.g. a high court that has seats in different towns in the country) are not included in the court identifier unless they matters in jurisdictional terms.
- c. The sequential number represents the consecutive number of the decision in relation to other decisions handed down in a particular year by the particular court.

Example:

Mawarire v Mugabe N.O. & Others is the first judgment handed down by the Zimbabwe Constitutional Court in the year 2013, hence the core MNC assigned to the judgment is:

[2013] ZWCC 1

Paragraph numbering

[42] Instead of paginating judgments, courts now have adopted the practice of assigning paragraph numbers to distinguish paragraphs within the text of a judicial opinion.

Example from the Supreme Court of Namibia:

STRYDOM. A.J.A.:

[1] This is an appeal from the Special Tax Court of Appeal. The respondent (i.e. the appellant in the Court a quo), objected to a tax assessment by the Receiver of Revenue in terms whereof it was assessed at a rate of 55% of the money recouped in respect of the sale of five of its vessels after they had ceased rendering services in connection with the mining for diamonds to Namdeb Diamond Mining Corporation (Pty) Ltd (“Namdeb”). The respondent maintained that the taxable income, derived from the sale of the vessels, was subject to tax at a rate of 35%.

[2] The respondent’s objection was disallowed by the Commissioner for Inland Revenue. The respondent then launched an appeal to the Special Tax Court where it was successful and where that Court ordered that the assessment of that income be reduced in accordance with the rate of normal tax of 35%.

[3] The appellant (i.e. the respondent, in the Court a quo) was not satisfied with the outcome of the matter in the Special Tax Court and thereupon appealed to this Court. According to sec. 76(9) of the Income Tax Act, Act 24 of 1981 (as amended), an appeal lies directly to this Court.

(Commissioner of Inland Revenue v Namsof Fishing Enterprises (Pty) Ltd (SA 18/2007) [2008] NASC 6 (25 June 2008))

[43] Numbering paragraphs within electronic judgments effectively solves the problem of pinpoint referencing in electronic judgments. There may be a few details to be considered in terms of deciding what constitutes a paragraph and how a paragraph is indicated, but in general those will be addressed at a local court level.


Court Designators for courts in the ZIMLII network

Zimbabwe Constitutional Court – ZWCC
Zimbabwe Supreme Court - ZWSC
Harare High Court - ZWHHC
Bulawayo High Court – ZWBHC

Future development

[44] The system is capable of displaying summaries of judgments and subject indices.

[45] We welcome blog posts, journals and articles contributions. Links to reputable (and free!) legal information resources can be added to the growing list of free access to law partners.

 END DOCUMENT