

Enhancing Research Infrastructure on SAFLII

- Roger Gachago, SAFLII Project Director



About SAFLII

- An online repository of legal information from South Africa that aims to promote the rule of law and judicial accountability by publishing legal material for open access.
- Hosts over 50 000 documents.
- Is accessed by an average of 150 000 unique visitors every month.
- Is part of the Democratic Governance and Rights Unit (DGRU) at the University of Cape Town.

Law Journals

[De Jure Law Journal](#)[De Rebus Law Journal](#)[Potchefstroom Electronic Law Journal](#)[SADC Law Journal](#)[South Africa: Law, Democracy and Development Law Journal](#)[Speculum Juris](#)[African Disability Rights Yearbook](#)[African Human Rights Law Journal](#)

Regional Courts of Justice

[COMESA](#)[East African Court of Appeal](#)[East African Court of Justice](#)[SADC Tribunal](#)

World Constitutions

[The World's Constitutions to Read, Search and Compare](#)

South African Courts, Tribunals and Journals

The databases below vary in size and completeness and represent best-effort collections that rely on the availability of the judgments from the courts listed . It should also be noted that some of the judgments published here may have been overruled, overturned on appeal, or have an appeal pending against them.

- [South Africa: Competition Appeal Court \(SAFLII\)](#)
- [South Africa: Competition Tribunal \(SAFLII\)](#)
- [South Africa: Companies Tribunal \(SAFLII\)](#)
- [South Africa: Consumer Goods and Services Ombud \(SAFLII\)](#)
- [South Africa: Constitutional Court \(SAFLII\)](#)
- [South Africa: Court of the Commissioner of Patents \(SAFLII\)](#)
- [South Africa: Commercial Crime Court\(SAFLII\)](#)
- [South Africa: Eastern Cape High Court, Bhisho \(SAFLII\)](#)
- [South Africa: Eastern Cape High Court, Grahamstown \(SAFLII\)](#)
- [South Africa: Eastern Cape High Court, Mthatha \(SAFLII\)](#)
- [South Africa: Eastern Cape High Court, East London local Court \(SAFLII\)](#)
- [South Africa: Eastern Cape High Court, Port Elizabeth \(SAFLII\)](#)
- [South Africa: Electoral Court \(SAFLII\)](#)
- [South Africa: Equality Court \(SAFLII\)](#)
- [South Africa: Free State High Court, Bloemfontein \(SAFLII\)](#)
- [South Africa: High Courts - Eastern Cape \(SAFLII\)](#)
- [South Africa: High Courts - Gauteng \(SAFLII\)](#)
- [South Africa: High Courts - Kwazulu Natal \(SAFLII\)](#)
- [South Africa: Kwazulu-Natal High Court, Durban \(SAFLII\)](#)
- [South Africa: Kwazulu-Natal High Court, Pietermaritzburg \(SAFLII\)](#)

A joint research project between:

- Australasian Legal Information Institute (AustLII), represented by Philip Chung and Andrew Mowbray, AustLII Co-directors.
- Democratic Governance and Rights Unit's (DGRU), Judicial Governance arm, represented by Chris Oxtoby, Senior Researcher, DGRU.
- Southern African Legal Information Institute (SAFLII), represented by Roger Gachago, Project Director.

In Vino Veritas?



'Justice delayed is
justice denied'

South African judges are required to make “every effort” to hand down judgments within three months of the last hearing date of a case, unless there are exceptional circumstances.

- *Norms and Standards for the Performance of Judicial Functions*, Government Gazette No. 37390, 147, section 5.2.6

About the DGRU's Judicial Governance Work

- Supporting the work of the Judicial Services Commission (JSC) in the appointment of Judges
- Compiling reports on potential appointees for the JSC
- First such report compiled for appointments to the Constitutional Court in 2009.

Project overview

- Analytical tool to report on the time taken between the hearing date and decision date in South African courts.
- Trends in relation to access to justice may then be identified.
- Aims to support the DGRU's Judicial Appointments research work.

Timelines

- Proposal put in to UNSW in April 2015
- Approval Received in May 2015
- Background development work begins in June 2015
- First results of Heuristic scans received in October 2015
- Data validation and capture begin in October 2015

Challenges

- Very little time between publication of the shortlist and the closing date for submissions
- Not enough ready information on the candidate's judgments

It is clear that there would be great benefit in using technology to automate the extraction of some of the data that will be useful in profiling the potential candidates. The average time it takes a Judge to deliver a judgment is the aspect that we chose for this part of the project.

Initial focus

- Constitutional Court, the highest Court in SA.
- 593 decisions from the Constitutional Court.
- Decisions starting from 1995 - current



South Africa: Constitutional Court

You are here: [SAFLII](#) >> [Databases](#) >> South Africa: Constitutional Court

South Africa: Constitutional Court

Database last updated: 9 November 2015
Most recent decision: **14 October 2015**
Number of decisions: 593

Decisions beginning with ...

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

Decisions for the years ...

1995 1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015

This database contains decisions of the Constitutional Court of South Africa. The decisions in this database are all those that have been provided by the Court and have been certified as complete up to September 2012 by the Registrar of the Court. Decisions are usually sent as soon as they are handed down.

Progress so far

- Software written by AustLII that parsed the Constitutional Court database that extracted the possible hearing dates from the decisions
- Manual validation, correction and addition of metadata by SAFLII

Registry Management System

* Year: (eg 2014)

* Series: ▾

* Number: (eg 123)

(Latest) Decision Date: (eg 31/3/2014)

(Latest) Hearing Date: (eg 31/9/2013)

Name: (eg Smith v Jones)

Author / Judge: (eg Smith CJ; Jones J)

Matter Number : (eg XYZ/123)

Parallel Citations: (eg (2014) 2 SA 123; (2014) 3 SALR 21)

HTML File:

RTF File:

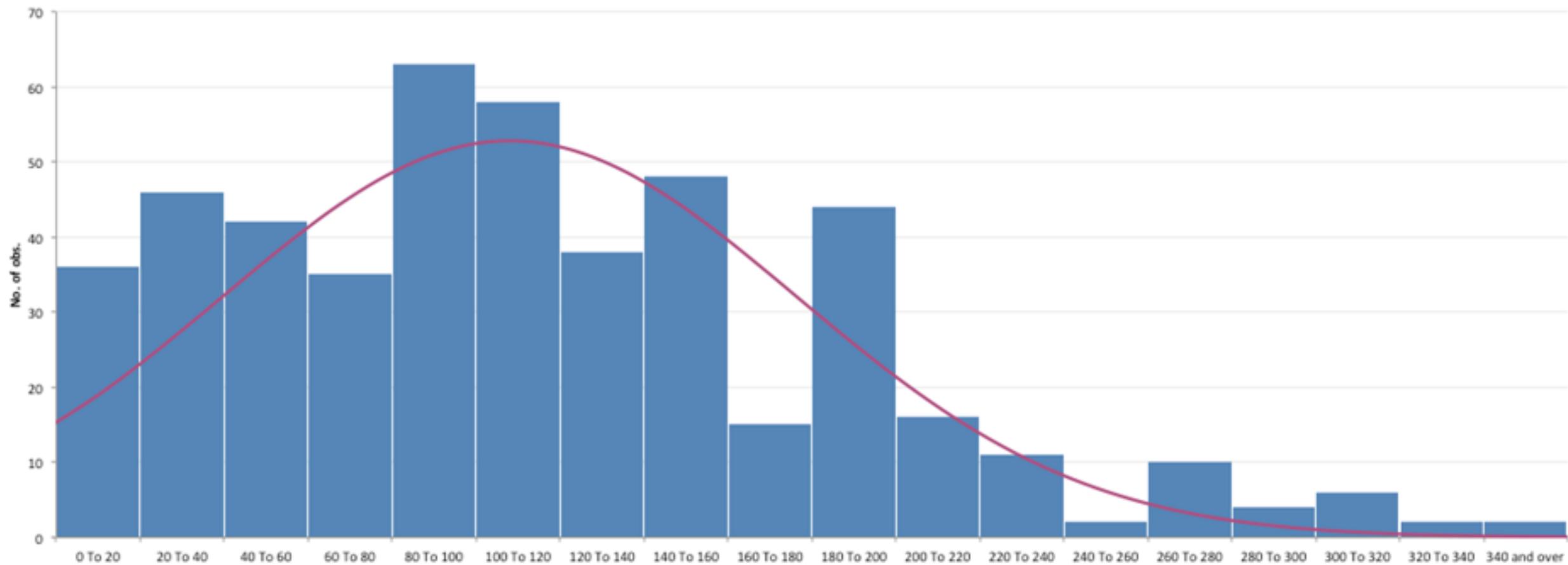
PDF File:

Media PDF File:

Results

- Average amount of time between hearing and decision was 114 days
- Longest time to decision was 358 days
- Shortest time to decision was 0 days.

Histogram for "Time to delivery" (in days)



The two cases that took the longest time:

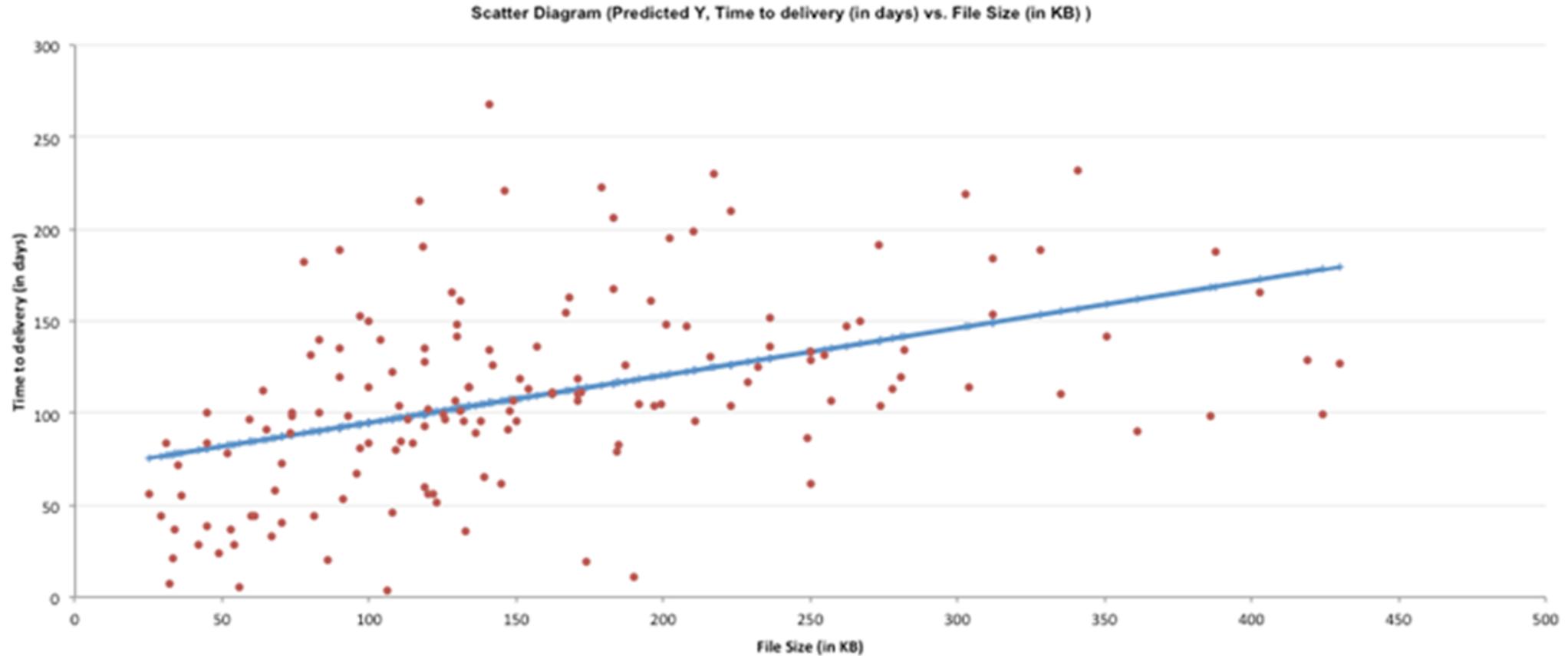
- Key v Attorney-General, Cape Provincial Division, and Another (CCT 21/94) [1996] ZACC 25; 1996 (4) SA 187 (CC); 1996 (6) BCLR 788 (15 May 1996)
- S v Coetzee and Others (CCT50/95) [1997] ZACC 2; 1997 (4) BCLR 437; 1997 (3) SA 527 (6 March 1997)

Two decisions handed out on the same day of hearing:

- Certification of the Amended Text of the Constitution of the Western Cape, 1997 (CCT29/97) [1997] ZACC 15; 1997 (12) BCLR 1653; 1998 (1) SA 655 (18 November 1997)
- Shilubana and Others v Nwamitwa (CCT03/07) [2007] ZACC 14; 2007 (9) BCLR 919 (CC) (17 May 2007)

No of judges	Average time to delivery (days)	Min time to delivery (days)	Max time to delivery (days)	Range	Count
8	82	7	147	140	10
9	108	5	195	190	30
10	116	4	268	264	60
11	109	20	219	199	53

Length of judgment's effect on delivery time?



Future Work

Using heuristics, crowdsourcing and manual intervention:

- Determine nature of cases heard
- Determine area of law
- Provide detail on split decisions

‘Men of few words
are the best men.’

- William Shakespeare, Henry V

Thank you.