

ACCESS TO FOREIGN AND INTERNATIONAL CASE LAW- A PRACTICAL GUIDE

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This document provides some guidance on how to access foreign and international judicial decisions. It provides a short description of -and links to- foreign and international judicial resources on the Internet.

I. GENERAL

There are three main databases that can be used to consult foreign and international case law. They are LexisNexis, Worldlii and Codices. In addition, Droit Francophone is a rather comprehensive database in French.

1. LexisNexis

Lexis Nexis has a collection of foreign case law for the following countries: Australia, Brunei, Canada, Hong Kong, India, Ireland, Malaysia, Mexico, New Zealand, Scotland, Singapore, South Africa, United Kingdom and the United States. For these countries, Lexis' coverage is rather extensive. In some instances, it contains all the decisions of a certain court in a particular period. For the United States, its collection covers basically all case law there is. For US cases as well as most foreign cases, Lexis also offers case summaries. Boolean searches in Lexis around a certain topic are quite easy. One can search the case law of one single country or search through the entire commonwealth at once. Lexis however requires a subscription and is not freely available. The case law presented in Lexis is in English.

Access: www.lexisnexis.com (subscription required)

2. Worldlii

The Worldlii database covers a rather broad range of countries. In fact, it has the broadest country coverage of all databases. The database is best described a portal that connects you to publicly available case law databases around the world. It has different sub-databases for specific regions and/or specific countries. Because of the multiple sub-databases, it is not always possible to do Boolean searches for a single country. Case law for a specific country can often only be browsed. Even if this is so, it may still be possible to do Boolean searches in the regional sub-databases. While worldlii covers a broad range of countries, its coverage for different countries varies quite a bit. For some countries, coverage is rather comprehensive but for others there are only a few cases. Worldlii presents decisions either in their original language or in English. Decisions from Asian courts and European courts have in most cases been translated into English. But decisions from Francophone African courts are generally presented in French- as worldlii connects to the French 'Droit Francophone' database. Worldlii does not contain case law for any of the Latin American countries- although it does present some general legal information on these countries.

Access: www.worldlii.org

3. Codices

Codices is a case law project by the Venice Commission of the European Union. It aims to bring together case law from different countries around the world. The project is bilingual. Almost all decisions are translated in English and/or in French. The search engines are provided in both English and French. The Codices database covers all European countries as well as some African, Asian and American countries. The coverage for these countries is far from exhaustive. The database only contains a couple of dozen selected decisions for each country. The Codices database has a Boolean search engine that allows you to search all countries at once. The search results are quite handily presented per country on the left side of the search engine. By clicking a specific country, it is possible to obtain all decisions that match the search for that country. The result is the same as a country specific search- but with the advantage of a general overview of what has been decided on a specific issue in different countries.

Access: <http://codices.coe.int>

4. Droit Francophone

The worldlii database connects to the Droit Francophone database for case law in francophone countries. But it is also possible to use the Droit Francophone database directly. The entire database, including its search engines and explanations is in French. The database contains case law for the following countries: Benin, Burkina Faso, Mali, Niger, the Central African Republic, Senegal, Chad and Togo. The case law coverage is quite extensive. It covers a broad range of years, although not all decisions for these years are included. The database also contains basic legislative materials for numerous countries in francophone Africa, but also for countries in other parts of Africa, Europe, Asia Pacific and the Caribbean. The Droit Francophone database is publicly available and allows for Boolean searches, both per country and per region.

Access: <http://droit.francophonie.org>

II. FOREIGN CASE LAW: COUNTRY SPECIFIC INFORMATION

Albania

Database: Codices

Coverage: Constitutional Court, selected decisions 1995-2006

Language: English and French

<http://codices.coe.int>

American Samoa

Database: worldlii

Coverage: High Court (1998-)

Language: English

<http://www.worldlii.org/as/>

Argentina

Database: codices

Coverage: Supreme Court, selected decisions 1989-2006

Language: Spanish

<http://codices.coe.int>

Armenia

Database: codices

Coverage: Constitutional Court, selected decisions 1994-2005

Language: English and French

<http://codices.coe.int>

Austria

Database: Codices

Coverage: Verfassungsgerichtshof (Constitutional Court), selected decisions 1993-2005

Language: German

<http://codices.coe.int>

Australia

Database I: Worldlii

Coverage: High Court (1909-), most other courts

Language: English

<http://www.worldlii.org/au/>

Database II: LexisNexis

Coverage: different courts, rather extensive

Language: English

Azerbaijan

Database: codices

Coverage: Constitutional Court, selected decisions 1998-2003

Language: Russian and English

<http://codices.coe.int>

Barbados

Database: worldlii

Coverage: Supreme Court (1958-)

Language: English

<http://www.worldlii.org/bb/>

Belarus

Database: codices

Coverage: Constitutional Court, selected decisions 1996-2006

Language: English and Russian

<http://codices.coe.int>

Belgium

Database: codices

Coverage: Court of Arbitration/ la cour d'arbitrage (dealing with constitutional matters), selected decisions 1986-2006

Language: French, German and Dutch

<http://codices.coe.int>

Benin

Database I: worldlii/ Droit Francophone

Coverage: Cour Supreme (1972,-), Cour d'appel (1985-)

Language: French

<http://www.worldlii.org/bj/>

Database II: codices

Coverage: La Cour Constitutionnelle, selected decisions 2001-2006

Language: French

<http://codices.coe.int>

Bosnia and Herzegovina

Database: codices

Coverage: Constitutional Court, selected decisions 1997-2006

Language: English, French and Bosnian

<http://codices.coe.int>

Botswana

Database: Worldlii

Coverage: High Court (2006-), Appeal Court (1996-), Selected decisions

Language: English

<http://www.worldlii.org/bw/>

Brunei

Database I: Worldlii
Coverage: High Court (1987-1997), Selected decisions
Language: English
<http://www.worldlii.org/bn/>

Database II: Lexis Nexis
Coverage: Cases from the Malayan Law Journal (1954,-)
Language: English

Bulgaria

Database: codices
Coverage: Constitutional Court, selected decisions 1991-2000
Language: French and Bulgarian
<http://codices.coe.int>

Burkina Faso

Database: Worldlii/ Droit Francophone
Coverage: Conseil Constitutionnel (2003-) Cour de Cassation (2003-) Conseil d'Etat (1996-) Selected decisions
Language: French
<http://www.worldlii.org/bf/>

Cambodia

Database I: Worldlii
Coverage: Constitutional Council (1999-), Arbitration Council (2003-), Selected decision
Language: English
<http://www.worldlii.org/kh/>

Database II: codices
Coverage: Conseil Constitutionnel, selected decisions 2001-2006
Language: French
<http://codices.coe.int>

Canada

Database I: Worldlii
Coverage: Supreme Court of Canada (1985-), various other courts, Selected decisions
Language: English, some in French
<http://www.worldlii.org/ca/>

Database II: Lexis Nexis
Coverage: virtually everything
Language: English

Central African Republic

Database I: worldlii/ Droit Francophone
Coverage: Cour Supreme (1988-), Tribunal Administratif (1982-)

Language: French
<http://www.worldlii.org/cf/>

Database II: codices
Coverage: La Cour Constitutionnelle, selected decisions 1998-2002
Language: French
<http://codices.coe.int>

Chad

Database I: worldlii/ Droit Francophone
Coverage: Cour d' Appel (1969-), Tribunal de Travail (1992-)
Language: French
<http://www.worldlii.org/td/>

Database II: codices
Coverage: Le Conseil Constitutionnel, selected decisions 1999-2001
Language: French
<http://codices.coe.int>

Congo

Database: codices
Coverage: La Cour Constitutionnelle, selected decisions 2003-2004
Language: French
<http://codices.coe.int>

Cook Islands

Database: worldlii
Coverage: High Court (1998-), Court of Appeal (1983-)
Language: English
<http://www.worldlii.org/ck/>

Croatia

Database: codices
Coverage: Constitutional Court, selected decisions 1997-2006
Language: English and Croatian
<http://codices.coe.int>

Cyprus

Database: worldlii
Coverage: Supreme Court (1996-)
Language: English
<http://www.worldlii.org/cy/>

Estonia

Database: codices

Coverage: Constitutional review chamber of the Supreme Court, selected decisions 1993-2006

Language: English and Estonian

<http://codices.coe.int>

France

Database: codices

Coverage: Le Conseil Constitutionnel, selected decisions 1958-2006

Language: French

<http://codices.coe.int>

Fuji

Database: worldlii

Coverage: Supreme Court (1909-), High Court (1988-), Court of Appeal (1959-) and more

Language: English

<http://www.worldlii.org/fj/>

Gabon

Database: codices

Coverage: La Cour Constitutionnelle, selected decisions 2001-2003

Language: French

<http://codices.coe.int>

Georgia

Database: codices

Coverage: Constitutional Court, selected decisions 1996-2006

Language: English and German

<http://codices.coe.int>

Germany

Database I: codices

Coverage: Bundesverfassungsgericht (Constitutional Court), selected decisions 1993-2006

Language: English

<http://codices.coe.int>

Database II: constitutional court website

Coverage: Constitutional Court, all decisions 1998-2007

Language: German

<http://www.bundesverfassungsgericht.de/en/decisions.html>

Ghana

Database: worldlii

Coverage: Land Law decisions (1872-)

Language: English

<http://www.worldlii.org/gh/>

Hong Kong

Database: Lexis Nexis

Coverage: important decisions from all courts (1946-)

Language: English

India

Database I: worldlii

Coverage: Supreme Court (1950-), different district High Courts

Language: English

<http://www.worldlii.org/in/>

Database II: Lexis Nexis

Coverage: Supreme Court (1999-), reported and unreported decisions

Language: English

Indonesia

Database: worldlii

Coverage: Supreme Court (2003,-), Constitutional Court (2006-)

Language: English

<http://www.worldlii.org/id/>

Ireland

Database I: worldlii/ Ballii

Coverage: Supreme Court (1965), High Court (1933-), different specialized courts

Language: English

<http://www.worldlii.org/ie/>

<http://www.bailii.org/>

Database II: Lexis Nexis

Coverage: Criminal Court (1950-), Supreme Court (2004-), different high courts

Language: English

Israel

Database: codices

Coverage: Supreme Court, selected decisions 1999-2006

Language: English

<http://codices.coe.int>

See also: http://elyon1.court.gov.il/eng/verdict/search_eng/verdict_by_misc.html

Jamaica

Database: worldlii

Coverage: Supreme Court (1994), Court of Appeal (2000-)

Language: English
<http://www.worldlii.org/jm/>

Japan

Database I: worldlii
Coverage: Supreme Court (1950-)
Language: English
<http://www.worldlii.org/jp/>

Database II: codices
Coverage: Supreme Court, selected decisions 1969-2006
Language: English
<http://codices.coe.int>

Kiribati

Database: worldlii
Coverage: High Court (1975-), Court of Appeal (1988-)
Language: English
<http://www.worldlii.org/ki/>

Korea (South)

Database: worldlii
Coverage: Constitutional Court (1998,-), Supreme Court (2000-)
Language: English
<http://www.worldlii.org/kr/>

Latvia

Database: codices
Coverage: Constitutional Court, selected decisions 1997-2006
Language: English and Latvian
<http://codices.coe.int>

Lesotho

Database: codices
Coverage: High Court dealing with constitutional matters, selected decisions 1998-2005
Language: English
<http://codices.coe.int>

Liechtenstein

Database: codices
Coverage: Constitutional Chamber of Supreme Court, selected decisions 1996-2006
Language: German
<http://codices.coe.int>

Lithuania

Database: codices

Coverage: Constitutional Court, selected decisions 1993-2006

Language: English and Lithuanian

<http://codices.coe.int>

Luxembourg

Database: codices

Coverage: La Cour Constitutionnelle, selected decisions 1998-2006

Language: French

<http://codices.coe.int>

Macedonia

Database: codices

Coverage: Constitutional Court, selected decisions 1998-2006

Language: English and Macedonian

<http://codices.coe.int>

Madagascar

Database: codices

Coverage: La haute Cour Constitutionnelle, selected decisions 1997-2006

Language: French

<http://codices.coe.int>

Malaysia

Database: Worldlii

Coverage: Federal Court (2001-), Court of Appeal (1989-)

Language: English

<http://www.worldlii.org/my/>

Database II: LexisNexis

Coverage: Malayan Law Reports (1946-)

Language: English

Malawi

Database I: worldlii

Coverage: Industrial Relations Court (2000-)

Language: English

<http://www.worldlii.org/mw/>

Database II: codices

Coverage: High Court and Supreme Court of Appeal, dealing with constitutional matters, selected decisions 1995-2006

Language: English

<http://codices.coe.int>

Mali

Database: worldlii/ droit francophone

Coverage: Cour Supreme (1985-)

Language: French

<http://www.worldlii.org/ml/>

Database II: codices

Coverage: la Cour Constitutionnelle, selected decisions 1997-2002

Language: French

<http://codices.coe.int>

Marshall Islands

Database: worldlii

Coverage: Supreme Court (1982-), High Court (1995-), Tradition Rights Court (2000-)

Language: English

<http://www.worldlii.org/mh/>

Mauritius

Database I: worldlii

Coverage: Industrial Court (2003-), Intermediate Court (2004-), District Courts (2005-)

Language: English

<http://www.worldlii.org/mu/>

Database II: codices

Coverage: Supreme Court, selected decisions 1972-2004

Language: English

<http://codices.coe.int>

Micronesia

Database: worldlii

Coverage: Supreme Court (1981-), several state courts

Language: English

<http://www.worldlii.org/fm/>

Morocco

Database: codices

Coverage: Le Conseil Constitutionnel, selected decisions 2000-2002

Language: French

<http://codices.coe.int>

Namibia

Database: worldlii

Coverage: High Court (1997-), Supreme Court (2000-)

Language: English

<http://www.worldlii.org/na/>

Nauru

Database: worldlii
Coverage: Supreme Court (1969-)
Language: English
<http://www.worldlii.org/nr/>

New Zealand

Database I: worldlii
Coverage: Court of Appeal (1999-), Supreme Court (2004-), different lower courts
Language: English
<http://www.worldlii.org/nz/>

Database II: Lexis Nexis
Coverage: wide range of courts
Language: English

Niger

Database: worldlii/ Droit Francophone
Coverage: Cour Supreme (1962-)
Language: French
<http://worldlii.org/ne/>

Nigeria

Database: worldlii
Coverage: Supreme Court (1921-2002)
Language: English
<http://www.worldlii.org/ng/>

Niue

Database: worldlii
Coverage: Court of Appeal (1995-) High Court (1997-)
Language: English
<http://www.worldlii.org/nu/>

Palau

Database: worldlii
Coverage: Supreme Court (1994)
Language: English
<http://www.worldlii.org/pw/>

Papua New Guinea

Database: worldlii
Coverage: National Court (1975-), Supreme Court (1963-), different lower courts
Language: English
<http://www.worldlii.org/pg/>

Poland

Database: codices

Coverage: Constitutional Court, selected decisions 1993-2005

Language: English, French, German and Polish

<http://codices.coe.int>

Romania

Database: codices

Coverage: Constitutional Court, selected decisions 1998-2002 (in French: 1992-2006)

Language: English, French, Romanian

<http://codices.coe.int>

Russia

Database: codices

Coverage: Constitutional Court, selected decisions 1995-1997

Language: English, French, German and Russian

<http://codices.coe.int>

Samoa

Database: worldlii

Coverage: High Court (1998-), Supreme Court (1962-), Court of Appeal (1982-),
different lower courts

Language: English

<http://www.worldlii.org/ws/>

Senegal

Database: worldlii/ Droit Francophone

Coverage: Cour de Cassation (199,-)

Language: French

<http://www.worldlii.org/sn/>

Seychelles

Database: codices

Coverage: Constitutional Court, selected decisions 1999-2002

Language: English

<http://codices.coe.int>

Singapore

Database I: worldlii

Coverage: Supreme Court (2005-), District Court (2006-)

Language: English

<http://www.worldlii.org/sg/>

Database II: Lexis Nexis

Coverage:

Language: English

Slovenia

Database: codices

Coverage: Constitutional Court, selected decisions 1991-2006

Language: English and Slovene

<http://codices.coe.int>

Solomon Islands

Database: worldlii

Coverage: Court of Appeal (1980,-), High Court (1983-)

Language: English

<http://www.worldlii.org/sb/>

South Africa

Database I; Worldlii

Coverage: Constitutional Court (1995), different High Courts (2005,-), Supreme Court (2001-)

Language: English

<http://www.worldlii.org/za/>

Database II: Lexis Nexis

Coverage: Butterworth Law Reports (1994-), full coverage for Constitutional Court and some of the high courts

Language: English

Database III: Codices

Coverage: Supreme Court, Constitutional Court, selected decisions 1994-2009

Language: English

<http://codices.coe.int>

Sri Lanka

Database: worldlii

Coverage: Court of Appeal (1980-), Supreme Court (1979-)

Language: English

<http://www.worldlii.org/lk/>

Swaziland

Database: worldlii

Coverage: High Court (1996,-), Court of Appeal (1998-)

Language: English

<http://www.worldlii.org/sz/>

Taiwan

Database: worldlii

Coverage: Constitutional Court (1949-)

Language: English

<http://www.worldlii.org/tw/>

Thailand

Database: worldlii

Coverage: Supreme Court (1994-), Constitutional Court (1998-)

Language: English

<http://www.worldlii.org/th/>

Togo

Database: worldlii/ Droit Francophone

Coverage: Cour Suprême (1974, 1975)

Language: French

<http://www.worldlii.org/tg/>

Tonga

Database: worldlii

Coverage: Supreme Court (1946-), Court of Appeal (1991-), Privy Council (1887-)

Language: English

<http://www.worldlii.org/to/>

Tuvalu

Database: worldlii

Coverage: High Court (1987-)

Language: English

<http://www.worldlii.org/tv/>

Uganda

Database: worldlii

Coverage: Constitutional Court (1997-), Court of Appeal (1997-) High Court (1997-),
Supreme Court (1998), Commercial Court (2000-)

Language: English

<http://www.worldlii.org/ug/>

United Kingdom

Database:

Coverage: House of Lords, Privy Council, different lower tribunals, rather extensive

Language: English

<http://www.bailii.org/>

Database: LexisNexis

Coverage: House of Lords, Privy Council, some lower tribunals, rather extensive

Language: English

Vanuatu

Database: worldlii

Coverage: Supreme Court (1980-), Court of Appeal (1982-), Magistrates Court (1982-),
different other lower courts

Language: English

<http://www.worldlii.org/vu/>

Zambia

Database: worldlii

Coverage: Supreme Court, Industrial Relations Court, High Court, Land Tribunal

Language: English

<http://www.worldlii.org/zm/>

III. INTERNATIONAL CASE LAW

International Criminal Tribunal for Yugoslavia (ICTY)

Database I: worldlii

Coverage: all decisions

Language: English

<http://www.worldlii.org/int/cases/ICTY/>

Database II: ICTY website

Coverage: all decisions

Language: English and French

www.un.org/icty/cases-e/index-e.htm

www.un.org/icty/cases-f/index-f.htm

International Criminal Tribunal for Rwanda (ICTR)

Database I: worldlii

Coverage: all decisions

Language: English

<http://www.worldlii.org/int/cases/ICTR/>

Database II; ICTR website

Coverage: all decisions

Language: English and French

<http://69.94.11.53/default.htm>

<http://69.94.11.53/FRENCH/index.htm>

International Criminal Court

Database: ICC website

Coverage: all, but no decisions have been issued yet

Language: English and French

<http://www.icc-cpi.int/cases.html>

International Court of Justice

Database 1: worldlii

Coverage: all decisions

Language: English

<http://www.worldlii.org/int/cases/ICJ/>

Database II: ICJ website

Coverage: all

Language: English and French

<http://www.icj-cij.org/docket/index.php?p1=3&p2=2>

African Commission on Human and People's Rights

Database: commission website

Coverage: communications, decisions on communications

Language: English and French

http://www.achpr.org/english/info/decisions_en.html

http://www.achpr.org/francais/info/index_decisions_fr.html

African Court on Human and People's Rights

No database available yet

European Court of Human Rights

Database I: worldlii

Coverage: all

Language: English

<http://www.worldlii.org/eu/cases/ECHR/>

Database II: European Court of Human Rights website

Coverage: all

Language; English and French

<http://cmiskp.echr.coe.int/tkp197/search.asp?sessionId=1808706&skin=hudoc-en>

<http://www.echr.coe.int/ECHR/FR/Header/Case-Law/Hudoc/Hudoc+database/>

Database III: codices

Coverage: selected decisions 1961-2006

Language: English and French

<http://codices.coe.int>

Inter-American Court of Human Rights

Database I: worldlii

Coverage: all

Language: Spanish

<http://www.worldlii.org/int/cases/IACHR/>

Database II: codices

Coverage: selected decisions 2003-2006

Language: English

<http://codices.coe.int>

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