SOUTH AFRICAN PERMANENT MISSION GENEVA

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The Permanent Mission of the Republic of South Africa to the United Nations Office at Geneva and other International Organisations in Switzerland presents its compliments to the United Nations Human Rights, Office of the High Commissioner in Geneva, and has the honour to enclose herewith South Africa's written responses to the UN Human Rights Committee following South Africa's Review.

The Permanent Mission of the Republic of South Africa to the United Nations Office at Geneva and other International Organisations in Switzerland avails itself of this opportunity to renew to the United Nations Human Rights, Office of the High Commissioner in Geneva, the assurances of its highest consideration.

Geneva 10 March 2016

United Nations Human Rights
Office of the High Commissioner
Att: Ms. Sindu Thodiyil
Fax: 022 917 92 61

SOUTH AFRICAN PERMANENT MISSION GENEVA

OHCHR REGISTRY

- 4 AVR. 2016

Recipients : HR.....Committee
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Enclosure .....

RELEVANT ARTICLE AND CORRESPONDING ISSUE	ADDITIONAL ISSUES TO BE ADDRESSED	DETAILED QUESTION	RESPONSE
Issue 1	Covenant awareness	Publishing of Views and awareness of remedies in terms of the Covenant	In terms of government's constitutional and human rights education programme, the views and recommendations made in terms of the Covenant will be published for public information, including the popularisation of the Covenant.
Issue 6	Gender-Based Violence (GBV) and sexual offences	Training of officials on GBV Victim friendly services	In terms of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, relevant role players in the criminal justice system are obliged to develop training material for functionaries which must be tabled in Parliament. An Annual Report on the implementation of the above-mentioned, including statistics on training is tabled in Parliament. In December 2014, Government finalised a National Strategy for inter-sectoral management of sexual offences which encourages the inter-sectoral approach to all matters relating sexual offences courts. It sets out clear duties and responsibilities of all stakeholders in the establishment and management of these courts. Furthermore, victims of gender-based violence are entitled to services such as court-preparation programme, information material in form of text, visuals and braille, allocation of food for children, vicarious trauma programme for personnel working with victims of gender-based violence. A case-flow management system and screening policy were established to direct gender-based violence cases to sexual offences courts. Officials undergo formal trauma debriefing sessions to minimize and eliminate the trauma that they often suffer from dealing with cases of gender-based violence on a daily basis. Lastly, Government developed the Debriefing Programme for the intermediaries and all front line staff servicing victims of gender-based violence.
Issue 8	Protection of LGBTI persons	What is the current status of the case of the murder of	This case has been re-opened. The Rapid Response Team established by the LGBTI National Task Team monitors the outstanding and pending

		Noxolo Nogwaza?	cases in the criminal justice system. This investigation continues as per the directive of the Director of Public Prosecutions.
Issue 11	Police oversight	Difference between alleged offences relating to deaths in police custody and prosecutions	Most of the deaths in police custody are due to natural causes. In the case of unnatural causes of deaths, a magisterial inquest is held. In the majority of inquests held, the magistrates have found that no criminal liability can be attributed to a police official.
Issue 12	Marikana	How many cases were referred for criminal investigations and what is their status?	The President of the Republic of South Africa announced in December 2015 that Government was committed to seeking an expedited resolution of legitimate legal claims instituted as a result of the national tragedy. Furthermore, the Presidency appointed a senior counsel to initiate discussions with the legal teams representing all the claimants. The negotiations between the legal teams representing the State and the claimants regarding the approach that may be adopted to accelerate early settlement of the claims are continuing and the outcome of the engagements is expected soon. On 4 August 2015 dockets for decision were submitted to the National Prosecuting Authority for perusal and further directives with a view to ascertain criminal liability of all implicated persons, including members of the South African Police Service.
		What are the plans to review and reform the Police Act relating to crowd control and use of force, to align them to international levels and the Farlam Recommendations?	Furthermore, Government has introduced a holistic approach to strengthen policing. This approach takes into account the recommendations by the Farlam Commission, and includes a task team which will review training on crowd management, including public order policing. A "Back-To-Basics" campaign was launched last year which included restructuring of the police management to deal with gaps, as well as the placement of people with skills where they can be utilised more effectively and recovery plans for the worst performing police stations. It

			is also intended to improve police visibility, to reduce opportunities for crime, and to provide oversight of special police station operations.
Issue 10 and 13	Allegations of torture	What are your comments on information that acts similar to the allegations in McCallum have occurred in other facilities, such as Mangaung?	Following the allegations made in respect of the Mangaung private facility, an investigation was launched by the Department of Correctional Services. At around the same time, a mass strike by the employees of the Contractor that manages the facility on behalf the Department, led to a situation where the Contractor was found not to be in control of the facility and the Department temporarily took over the running of the facility, which refocused the attention of the Department on the immediate crisis. Much effort was focused on re-establishing that control and resolving the labour issues. At the same time the oversight over the implementation of the Contract was strengthened. In essence, regardless of whether the allegations turned out to be true, our efforts were first and foremost focused on minimising the risk of such events occurring. The investigations into the allegations of human rights abuses continue. In at least one case the investigation revealed sufficient evidence to refer the matter for further criminal investigation and possible prosecution. A task team has also been established to look into deaths in the facility. This is a massive task and, where possible criminal acts are discovered, they will similarly be referred. One Departmental official, placed at the centre for purposes of oversight, is currently undergoing a disciplinary process.
Issue 15	Trafficking in Persons	How many victims stayed in the centres, how long they stayed and what happened to them after they left.	Although the Government funds the centres which assist trafficking victims they are in fact run by NGOs and, since the law was only implemented recently, the collation of this information cannot be done within the timeframe specified
Issue 19	Asylum Seekers and refugees	Please provide the total number of cases at the Refugee Appeal Board	There are a total of 144 233 cases before the Appeal Board. 81 848 are active cases, where the asylum seeker has come to renew the permit regularly. 62 388 are dormant cases.

Issue 20		Please provide updated statistics on deaths in custody and the proportion of foreigners affected	The information available is not disaggregated by nationality. The latest figure available for 2014/15 financial year is 244. The figures for 2015/16 will be available at the end of the financial year in March 2016.
Issue 20 and 21	Conditions of detention	Given the Judge Cameron report including inadequate resources, access to healthcare, infrastructure, relationship with JICS Freedom House report What plans are in place to deal with the issues at Pollsmoor?	In addition to the interventions put before the Commission, the following was also implemented: - Inmates have been assisted to register any complaints regarding assaults at the local police station - Access to exercise has been improved with the division of the courtyard - Hygiene awareness is regularly conducted - Better garbage collection has been put in place - Increased budget has been allocated to maintenance and more artisans have been employed - NGOs have been invited for a tour of Pollsmoor - Increased engagement within the Cluster to deal with remand detainees long awaiting the finalisation of their trials - Number of pharmacists have increased from 1 to 4 and a new pharmacy has been opened at a nearby centre - In HIV and TB management, 8 counsellors, a lab technician, a nurse mentor, data capturers and a radiographer have been appointed - A GeneXPert machine has been put in place, mobile Xray machines acquired and Pollsmoor laboratory opened - Sufficient blankets and mattresses have been made available - Books in library have been increased - 29 positions have been filled and 35 learners appointed
Issue 20 and 21	Segregation	Ebongweni and C Max	These two facilities were initially built to house a category of inmates who continue to pose a high potential risk to endanger fellow inmates as well as government officials, and those that are considered to be a high escape risk. These facilities were envisaged to be a measure to keep these inmates away from others for a specific period of time and for intense behaviour

			modification in order to minimise the risk. Intense intervention programs are provided before these inmates are reintegrated back to their centres of origin or any other facility identified to accommodate them. Given the allegations raised in the shadow report and other concerns raised recently regarding the criteria for inmates kept at these two facilities, the National Commissioner instructed a review to take place to ensure that our legislation and international prescripts are adhered to. All cases of segregation are referred to the Judicial Inspectorate for Correctional Services as per our legislation.
Issue 20 and 21	Reduction of Remand Detainees	Are you implementing prompt referral of bail cases for purposes of reducing those in remand detention	Yes. In addition to the responses given to the Human Rights Committee on this matter, the Department has implemented a number of Protocols which assist in barriers identified at an operational level. One such example is the referral of persons with bail in a correctional facility that cannot afford to pay. The protocol provides for information sharing on such cases with the legal representatives in order to speed up processes, such as applications for bail reduction.
Issue 21	Overcrowding and detention conditions	Please provide disaggregated data on overcrowded facilities. Have you made efforts to adhere to minimum standards regarding physical and mental health, exercise, food and medical access?	The disaggregated data is attached. Where 0% is indicated the facility is closed for renovation Policies and procedures are in place which set standards on all operational issues. However restrictions due to infrastructure, placement, etc. will result in variations on implementation.
Issue 21	Luanda guidelines	Will South Africa implement the Luanda guidelines on pre-trial detention?	Yes. South Africa is already participating in the determination of status quo in relation to arrest, detention in police custody and pre-trial detention with the aim of identifying gaps that require attention in the form of developing or updating the existing laws and policies. South Africa is also participating in the development of an action plan for measuring such implementation.
Issue 26	Interception and Monitoring of communications by State	How does RICA achieve the purpose stated as "a response to crimes	See attached detailed document

	party	committed through modern communication devices". What are the practices governing the monitoring and surveillance of private communications? What are your comments on the statement that surveillance takes place outside of the RICA regime. The Ministerial Review Commission on Intelligence, known as 'Matthews Commission', found that the National Communications Centre (NCC) carries out unlawful surveillance. Could you please comment? What is your comment by civil society that the "reasonable grounds to believe" is a standard that is too lax. According to the Annual Report of the Joint Standing Committee on Intelligence, of the 387 directions sought under RICA, only 5 were refused. Can one still say that interception occurs only in exceptional cases? If only 5 were refused by a judge out of 387 directions	

		sought, how effective are the procedural safeguards? How is the retention of communications data in terms of section 30(1)(b) of RICA justified under Article 17 of the Covenant?	
Issue 29	Suspension of subsistence fishing quotas for the indigenous people	Why has the Government of South Africa suspended the existing subsistence fishing quotas? What is it that the government is doing address this matter?	The Department of Agriculture, Forestry and Fisheries has never issued or taken any subsistence permits in the Western Cape and Northern Cape, including the Eastern Cape and Kwa-Zulu Natal Provinces. An interim relief dispensation is implemented as a temporary measure until the Department establishes a small scale fishing sector. The new sector will be established in 2016 and when established the interim relief dispensation will be terminated. Under the interim dispensation certain quotas and access to certain species have been made available to communities. Under this dispensation the Department does not unilaterally add or remove fishers from the community permit. A procedure has to be followed by the community whereby the majority of fishers have to agree either to be included or removed from the list. It is also important to note that with the amendment of the Marine Living Resources Act, 1998 the subsistence factor no longer exists. The new Small scale fishing sector will include both subsistence and commercial activities going forward.
Issue 29	Policy or envisaged legislation on exceptions to 19 June 1913 cut-off date , to accommodate the descendants of the	What is the South African Government doing to ensure that the "indigenous people" (KhoiSan) who have been displaced from their land	A need for targeted and reform interventions to cater for the descendants of the Khoi and San, heritage sites and historical land-marks was identified by Government, and thus in the 2013 State of the Nation Address the President announced that Government has decided to explore Exceptions to the 1913 cut-off date, to accommodate the

	KhoiSan	prior 19 June 1913 are included in the process of land restitution?	descendants of the Khoi and San, historical land-marks and heritage sites (the Exceptions). The point of departure for the Exceptions is that by the time the Natives Land Act was enacted on 19 June, 1913, the Khoi and San, and other indigenous Africans, had long been dispossessed of the land. The policy interventions are informed by, among others, the Reconstruction and Development Programme, the Constitution of the Republic of South Africa, the National Development Plan, and the Green Paper on Land Reform. The Exceptions are a Special Moment of an expanded land redistribution programme; and, shall be underpinned by the principle of inclusivity; that is, it will be an opportunity to integrate South Africans, irrespective of race, gender, class or historical origins. The Restitution of Land Rights Act, 1994 as amended required that land claims be lodged and the onus was on the claimant to prove that they were dispossessed of a right in land, after 19 June 1913, as a result of past racially discriminatory laws or practices. The Exceptions shall be implemented through the Land Redistribution Programme and the Provision of Land and Assistance Act, 1993 which empowers the Minister of Rural Development and Land Reform to acquire land and redistribute it to beneficiaries identified by him.
New Issue	Dissolution of Southern African Development Community (SADC) Tribunal and limiting individual petitions	Why did South Africa support the dissolution of the SADC Tribunal which does away with individual petitions?	The SADC Heads of State (Summit) decided through consensus, to dissolve the SADC Tribunal in so far as access to the Tribunal by individuals and legal persons. The Summit felt that the Tribunal was intended to have jurisdiction over dispute of SADC Member States only.
New issue	Emergency Funding of oversight mechanisms	What emergency funds are available to the SAHRC and	Government's budgetary processes, which also apply to independent institutions supporting democracy, make provision for a request for

		other Chapter 9 institutions?	additional allocation during each financial period in terms of National Treasury regulations. Furthermore National Treasury provides opportunity for adjustments to budget during the course of the year to deal with unforeseen expenditure needs.

Issue No.26

26.1 **In the written replies, the State party explained that Regulation of Interception of Communications and Provision of Communication-related Information Act (so-called RICA) is a response to crimes committed through modern communication devices. This purpose is legitimate. We are interested to know how RICA purports to achieve this purpose.**

Reply:

* The Interception and Monitoring Prohibition Act , which came into operation on 1 February 1993, regulated the interception of communications before the Regulation of Interception of Communications and Provision of Communication-related Information Act, 2002 (Act 70 of 2002) (hereinafter referred to as the RICA). According to research which were conducted by the South African Law Reform Commission (review of security legislation (Project 105)), the Interception and Monitoring Prohibition Act, outlived it's usefulness as a result of technological developments which has taken place and developments internationally relating to the monitoring and interception of communications and recommended the Interception and Monitoring Bill, 2001, which was introduced in Parliament.

* The Portfolio Committee on Justice and Constitutional Development, after having considered that Bill and the submissions that it received in respect of that Bill, came up with the RICA, which were accepted by Parliament as comprehensive legislation which would regulate the interception of communications and the provision of communication-related information. This is nothing new, see among others, the Regulation of Investigatory Powers Act, 2000 of the United Kingdom, the various laws of the United States (including the Patriot Act), Part VI of the Criminal Code of Canada, Council Resolution of 17 January 1995 (which was not implemented by all European countries), legislation of Australia (Telecommunications (Interception and Access) Act, 1979 and the Search and Surveillance Act, 2012 of New Zealand, the RICA aims to help in the investigation of serious crimes as well as the use of communications in situations of life and limb to trace the victim.

* In general if one refers to legitimacy one must take into account the international standards which is set for the investigation of criminal conduct in digital space. The right to freedom of opinion and expression is guaranteed under articles 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which affirm that everyone has the right to hold opinions without interference, and to seek, receive and impart information and ideas of all kinds through any media and regardless of frontiers. At the regional level, the right is protected by the African Charter on Human and Peoples' Rights (art. 9), the American Convention on Human Rights (art. 13); and the Convention for the Protection of Human Rights and Fundamental Freedoms (art. 10).

20. At both the international and regional levels, privacy is also unequivocally recognized as a fundamental human right. The right to privacy is enshrined by the Universal Declaration of Human Rights (art. 12), the International Covenant on Civil and Political Rights (art. 17), the Convention on the Rights of the Child (art. 16), and the International Convention on the Protection of All Migrant Workers and Members of Their Families (art. 14). At the regional level, the right to privacy is protected by the European Convention on Human Rights (art. 8) and the American Convention on Human Rights (art. 11).From an European perspective, the conditions and safeguards must be provided under the domestic laws of a country, which must adequately protection of human rights and liberties. However the right to privacy is subject to legitimate limitations which are recognised universally, some argue that it should be the same permissible limitations test as the right to freedom of movement, others argue that it should either be interpreted more narrowly or broader. In order to deal with the legitimacy of RICA, it is necessary to compare the intrusive procedures against these standards. The applicable limitations, in so far as it may be applicable to interception according to the the International Covenant on Civil and Political Rights, are:

(a) Any restrictions must be provided by the law (paras. 11-12);

(b) Restrictions must be necessary in a democratic society (para. 11);
(c) Any discretion exercised when implementing the restrictions must not be unfettered (para. 13);
(d) For a restriction to be permissible, it is not enough that it serves one of the enumerated legitimate aims. It must be necessary for reaching the legitimate aim (para. 14);
(e) Restrictive measures must conform to the principle of proportionality, they must be appropriate to achieve their protective function, they must be the least intrusive instrument amongst those which might achieve the desired result, and they must be proportionate to the interest to be protected (paras. 14-15).

From a South African perspective we also have a Constitution which guarantee most of these rights.

* In order to evaluate the legitimacy of the RICA, one needs to refer to the different types of communications which is the object of interception in terms of the RICA. This information can be divided in the following broad categories:

- Direct communications – This is a communication between two persons who do not use technical means to communicate. I talk to somebody else who hears the words, but it can also include certain actions from my side which can be observed by another.
- Indirect communications – This is a communication which takes place by technical means. For example I talk to someone else via a cell phone
- Real-time communication related information – This is information which is immediately available to an electronic communications service provider (hereinafter referred to as ECSP) before, during, or for a period of 90 days after, the transmission of an indirect communication which allows the communication-related information to be associated with the indirect communication to which it relates, an example would be the number which is being called, the date, time, duration of a communication etc. –this is sometimes referred to as call related information.
- Archived communication-related information – this is basically Real-time communication related information which is archived by an ECSP after a 90 day period.

(Internationally, the interception of direct and indirect communications are regarded as extremely intrusive and a higher level of judicial authorisation is required before law enforcement is entitled to this information. Call related information is regarded as less intrusive and a lower standard of judicial authorisation is necessary before it can be made available.) The RICA will now be evaluated against the limitations

(a) ***Any restrictions must be provided by the law***

(i) Part 1 of Chapter 2 of the RICA deals with the prohibition of interception of communications and exceptions to that prohibition. In terms of section 2 of the RICA, no person may intentionally intercept or attempt to intercept, or authorise or procure any other person to intercept or attempt to intercept, at any place in the Republic, any communication in the course of its occurrence or transmission. (A communication will include both direct and indirect communications). Part 1 of Chapter 2 provides that the interception of a communication is not prohibited if–

* it takes place in terms of an interception direction;
* it is interception by party to communication;
* a party to the communication consents to the interception;
* it is in connection with carrying on of business;
* it is an emergency situation for the prevention of serious bodily harm or determining location; or
* if it takes place in a prison in accordance with the powers and regulations made in terms of the Correctional Services Act.

In terms of section 49(1), any person who intentionally intercepts or attempts to intercept, or authorises or procures any other person to intercept or attempt to intercept, at any place in the Republic, any communication in the course of its occurrence or transmission, is guilty of an offence

and liable on conviction to imprisonment not exceeding 10 years and or R2 Million, in the case of a natural person and in the case of a juristic person a fine not exceeding R5 Million.

(ii) Part 2 of Chapter 2 deals with the prohibition of provision of real-time or archived communication-related information and exceptions. In terms of section 12 of the RICA, and subject to the RICA, no electronic communications service provider (ECSP) or employee of an ECSP may intentionally provide or attempt to provide any real-time or archived communication-related information to any person other than the customer of the ECSP concerned to whom such real-time or archived communication-related information relates. The provision of real-time or archived communication-related information is, however, allowed –

* in terms of a real-time communication-related direction or archived communication-related direction
* if the provision of real-time or archived communication-related information is authorisation by customer ;
* if there is other procedures which allows for the obtaining of real-time or archived communication-related information .

In terms of section 50(1) any person who provides or attempts to provide any real-time or archived communication-related information to any person, other than authorised by the RICA is guilty of an offence an liable on conviction to imprisonment not exceeding 10 years and or R2 Million, in the case of a natural person and in the case of a juristic person a fine not exceeding R5 Million

(iii) One can see that the RICA regard unlawful interception of communications and provision of call related and archived communication related as a serious offence. In terms of the RICA the interception of communications as well as provision of communication related-information is strictly under judicial control. The interception of indirect communications and the provision of real-time or archived communication related-information can only take place in terms of a direction which is issued by a designated judge or where provided otherwise, issued by a judge or magistrate if it does not fall within the justifying grounds of the RICA. Even in cases of emergency as contemplated in section 7 and 8 of the RICA, the designated judge must *ex post facto* be informed of the procedures which were invoked and information which were obtained. Chapter 3 of the RICA provides for the various directions which may be issued, amendment of directions, cancellation of directions, requests for reports on directions, etc.

(iv) The interception of both direct communications and indirect communications must take place in terms of an interception direction authorised by the designated judge. A real-time communication-related direction which provides for the interception of real-time communication-related information on an on-going basis must also be obtained from the designated judge, as well as various mix directives which includes among others a combination of interception directions, real-time communication-related directions/archived communication-related directions or interception direction supplemented by real-time communication-related directions. Strict criteria must be complied with before any direction or entry warrant may be issued under the RICA. For example, directions authorising the interception of communications or the provision of real-time communication-related information may only be issued if the judge is satisfied that there are reasonable grounds to believe that the matter involves the commission of a serious offence; or the information relates to a threat to the public health or safety, national security or compelling national economic interests of the Republic; or the information relates to property that is or could probably be an instrumentality of a serious offence or is or could probably be the proceeds of unlawful activities (see sections 16, 17, 18 and 22 of the RICA), These directions can only be issued in the case of a serious offence, which is defined in the Schedule to the RICA as: High treason; any offence referred to in paragraph (a) of the definition of 'specified offence' of the Protection of Constitutional Democracy against Terrorist and Related Activities Act, 2004; sedition; any offence which could result in the loss of a person's life or serious risk of loss of a person's life; any offence referred to in Schedule 1 to the

Implementation of the Rome Statute of the International Criminal Court Act, 2002 (Act 27 of 2002); any specified offence as defined in section 1 of the National Prosecuting Authority Act; any offence referred to in Chapters 2, 3 and 4 of the Prevention of Organised Crime Act; any offence referred to in section 13 (f) of the Drugs and Drug Trafficking Act, 1992 (Act 140 of 1992); any offence relating to the dealing in or smuggling of ammunition, firearms, explosives or armament and the unlawful possession of such firearms, explosives or armament; any offence under any law relating to the illicit dealing in or possession of precious metals or precious stones; any offence contemplated in Part 1 to 4, or section 17, 20 or 21 (in so far as it relates to the aforementioned offences) of Chapter 2 of the Prevention and Combating of Corrupt Activities Act, 2004; dealing in, being in possession of or conveying endangered, scarce and protected game or plants or parts or remains thereof in contravention of any legislation; any offence which is punishable by imprisonment for life or a period of imprisonment prescribed by section 51 of the Criminal Law Amendment Act, 1997 (Act 105 of 1997), or a period of imprisonment exceeding five years without the option of a fine. In addition to the nature of the offence the designated judge may only issue the direction in question if he or she:

"(5) .... is satisfied, on the facts alleged in the application concerned, that-

(a) there are reasonable grounds to believe that-

(i) a serious offence has been or is being or will probably be committed;

(ii) the gathering of information concerning an actual threat to the public health or safety, national security or compelling national economic interests of the Republic is necessary;

(iii) the gathering of information concerning a potential threat to the public health or safety or national security of the Republic is necessary;

(iv) the making of a request for the provision, or the provision to the competent authorities of a country or territory outside the Republic, of any assistance in connection with, or in the form of, the interception of communications relating to organised crime or any offence relating to terrorism or the gathering of information relating to organised crime or terrorism, is in-

(aa) accordance with an international mutual assistance agreement; or

(bb) the interests of the Republic's international relations or obligations; or

(v) the gathering of information concerning property which is or could probably be an instrumentality of a serious offence or is or could probably be the proceeds of unlawful activities is necessary;

(b) there are reasonable grounds to believe that-

(i) the interception of particular communications concerning the relevant ground referred to in paragraph (a) will be obtained by means of such an interception direction; and

(ii) subject to subsection (8), the facilities from which, or the place at which, the communications are to be intercepted are being used, or are about to be used, in connection with the relevant ground referred to in paragraph (a) are commonly used by the person or customer in respect of whom the application for the issuing of an interception direction is made; and

(c) in respect of the grounds referred to in paragraph (a) (i), (iii), (iv) or (v), other investigative procedures have been applied and have failed to produce the required evidence or reasonably appear to be unlikely to succeed if applied or are likely to be too dangerous to apply in order to obtain the required evidence and that the offence therefore cannot adequately be investigated, or the information therefore cannot adequately be obtained, in another appropriate manner: Provided that this paragraph does not apply to an application for the issuing of a direction in respect of the ground referred to in paragraph (a) (i) or (v) if the-

(i) serious offence has been or is being or will probably be committed for the benefit of, at the direction of, or in association with, a person, group of persons or syndicate involved in organised crime; or

(ii) property is or could probably be an instrumentality of a serious offence or is or could probably be the proceeds of unlawful activities.".

(v) Archived communication-related directions, may be issued by any judicial officer. However, this information is usually obtained in practise through a section 205-Summons in terms of the Criminal Procedure Act.

* Section 21 provides for the issuing of a decryption direction by the designated judge, directing decryption key holders to disclose decryption keys or to provide decryption assistance in respect of encrypted information.

(b) **Restrictions must be necessary in a democratic society (para. 11)**

It is universally recognised that electronic communications as well as cyber crime are on the increase. In the absence of the RICA, law enforcement will not be in a position to adequately investigate cybercrimes. Various other constitutional democracies followed the route to specifically enact legislation which strictly regulate the interception of communications. These laws act as a shield and sword against the protection of human rights and specify how the State must exercise its powers in the investigation of criminal offences facilitated through the use of communication technologies. That is precisely what RICA aims to do. From a Constitutional perspective the interception of communications can be justified in terms of the limitation clause to our constitution (section 36). Any person can challenge the constitutionality of the RICA.

(c) ***Any discretion exercised when implementing the restrictions must not be unfettered (para. 13)***

RICA specifically restrict the unfettered discretion of law enforcement agencies to do as they pleases. Judicial oversight is the basis of the RICA. Law enforcement agencies must make an application to an independent judicial officer, in which they must motivate the appropriateness of an interception direction. The judicial officer, which is in terms of the Constitution of the Republic of South Africa an independent authority, must consider such a request. The Judicial officer is bound by specific legal principles which he or she must take into account before he or she may issue a direction. Interception directions can not be in operation indefinitely and is usually provided for a fixed period of time. If further interception of communications are necessary, the law enforcement agencies must, in terms of section 20 of the RICA, make an application to the designated judge for an extension of the period. In terms of section 20, an existing direction may only be amended or the period for which it has been issued may only be extended if the designated judge concerned is satisfied, on the facts alleged in the application concerned, that the amendment or extension is necessary for purposes of achieving the objectives of the direction concerned: Provided that the period for which an existing direction has been issued may only be extended for a further period not exceeding three months at a time. Section 24 of the RICA provides that the designated judge who issued a direction or an entry warrant may at the issuing thereof or at any stage before the date of expiry thereof, in writing require the applicant who made the application in respect of the direction or entry warrant concerned to report to him or her in writing-

(a) at such intervals as he or she determines, on-
  (i) the progress that has been made towards achieving the objectives of the direction or entry warrant concerned; and
  (ii) any other matter which the designated judge deems necessary; or

(b) on the date of expiry of the entry warrant concerned, on whether the interception device has been removed from the premises concerned and, if so, the date of such removal.

In terms of section 25, the designated judge may at any time cancel an interception direction. The designated judge is accountable to Parliament (the Joint Standing Committee on Intelligence), for his or her actions. In so far as it relates to the conduct of law enforcement officers in implementing the interception measures, the Inspector-General, established in terms of section 7 of the Intelligence Services Oversight Act, 1994 (Act No. 40 of 1994), may investigate any irregularities, relating to the

interception of communications as well as complaints from citizens who feels aggrieved by the implementation of interception measures. In terms of the RICA, In light of the afore-mentioned, it is submitted, that there is no unfettered discretion to a functionary, which extends to the judicial officer, in the interception of communications.

(d) ***For a restriction to be permissible, it is not enough that it serves one of the enumerated legitimate aims. It must be necessary for reaching the legitimate aim (para. 14)***

The sole reason why the RICA was put on the Statute Book is to provide for a mechanism to investigate and combat serious crimes which are planned, facilitated or executed through the use of electronic communications. Most constitutional democracies followed this route in order to investigate crime. The RICA cannot be used for mass surveillance, Internet censorship, or surveillance outside the Republic. The mechanisms which was put into place to effect interception do not allow for this.

(e) ***Restrictive measures must conform to the principle of proportionality, they must be appropriate to achieve their protective function, they must be the least intrusive instrument amongst those which might achieve the desired result, and they must be proportionate to the interest to be protected***

The RICA criminalise interceptions which were done in contraventions of the Act. Any law enforcement officer or other person who contravenes the act is punishable with severe penalties. Judicial authority is necessary before an interception can take place. The application of RICA, regarding the interception of content information is restricted to serious offences only. Call-related information, which is of a less serious invasive nature, is also subject to judicial authority. Call related information may be used for purposes of investigation of all offences. The obtaining of call related information not authorised in terms of the RICA is also punished with severe penalties. It is submitted that all constitutional democracies use interception of communications as a tool to investigate crimes. Some countries provides that some functionary, other than a judicial officer, may decide on the necessity of an interception or the provision of call-related information. South Africa, however, follow the route of judicial authorisation before an interception can take place or before call-related information may be provided. A judicial officer, is in terms of the Constitution absolutely independent. Furthermore, our Constitutional dispensation guarantees basic human rights and any conduct or legislation which is not in line with the Constitution may be struck down by courts of law. In terms of the RICA an interception can only be authorised if "other investigative procedures have been applied and have failed to produce the required evidence or reasonably appear to be unlikely to succeed if applied or are likely to be too dangerous to apply in order to obtain the required evidence and that the offence therefore cannot adequately be investigated, or the information therefore cannot adequately be obtained, in another appropriate manner" (section 16(5)(*c*)).

26.2 **In the list of issues, the Committee asked the State party to provide information on practices governing the monitoring and surveillance of private communications. I am afraid that this question remains unanswered. We have not been given information on actual practices.**

The RICA provides how and under which circumstances an interception can take place. This has to an extend been discussed under paragraph 26.1. The actual practices involved varies from law enforcement agency to law enforcement agency which has developed internal prescripts which regulates the circumstances and procedures which must be followed if it is necessary to effect an interception. In terms of the RICA, only a person which falls within the definition of an applicant as defined in section 1 of the RICA may apply for the interception of a communication. An applicant is defined as:

"'*applicant' means-*

(a) an officer referred to in section 33 of the South African Police Service Act, if the officer

concerned obtained in writing the approval in advance of another officer in the Police Service with at least the rank of assistant-commissioner and who has been authorised in writing by the National Commissioner to grant such approval;

(b) *an officer as defined in section 1 of the Defence Act, if the officer concerned obtained in writing the approval in advance of another officer in the Defence Force with at least the rank of major-general and who has been authorised in writing by the Chief of the Defence Force to grant such approval;*

(c) *a member as defined in section 1 of the Intelligence Services Act, if the member concerned obtained in writing the approval in advance of another member of the Agency, holding a post of at least general manager;*

(d) .....

(e) .....

(f) *a member of the Independent Directorate, if the member concerned obtained in writing the approval in advance of the Executive Director;".*

The applicant, will approach the designated judge for an interception direction. The substantive part of the process is contained in section 16 of the RICA, which provides as follows:

"(2) Subject to section 23 (1) (which provides for oral applications in exigent circumstances), an application referred to in subsection (1) must be in writing and must-

(a) indicate the identity of the-

(i) applicant and, if known and appropriate, the identity of the law enforcement officer who will execute the interception direction;

(ii) person or customer, if known, whose communication is required to be intercepted; and

(iii) postal service provider or telecommunication service provider to whom the direction must be addressed, if applicable;

(b) specify the ground referred to in subsection (5) (a) on which the application is made;

(c) contain full particulars of all the facts and circumstances alleged by the applicant in support of his or her application;

(d) include-

(i) subject to subsection (8), a description of the-

(aa) nature and location of the facilities from which, or the place at which, the communication is to be intercepted, if known; and

(bb) type of communication which is required to be intercepted; and

(ii) the basis for believing that evidence relating to the ground on which the application is made will be obtained through the interception;

(e) if applicable, indicate whether other investigative procedures have been applied and have failed to produce the required evidence or must indicate the reason why other investigative procedures reasonably appear to be unlikely to succeed if applied or are likely to be too dangerous to apply in order to obtain the required evidence: Provided that this paragraph does not apply to an application for the issuing of a direction in respect of the ground referred to in subsection (5) (a) (i) or (v) if the-

(i) serious offence has been or is being or will probably be committed for the benefit of, at the direction of, or in association with, a person, group of persons or syndicate involved in organised crime; or

(ii) property is or could probably be an instrumentality of a serious offence or is or could probably be the proceeds of unlawful activities;

(f) indicate the period for which the interception direction is required to be issued;

(g) indicate whether any previous application has been made for the issuing of an interception direction in respect of the same person or customer, facility or place specified in the application and, if such previous application exists, must indicate the current status of that application; and

(h) comply with any supplementary directives relating to applications for interception directions issued under section 58 (which is specific instructions which the designated judge will issue to regulate applications for interception directions).

(3) An application on a ground referred to in-

(a) subsection (5) (a) (i), must be made by an applicant referred to in paragraph (a), (d) or (f) of the definition of 'applicant';

(b) subsection (5) (a) (ii) or (iii), must be made by an applicant referred to in paragraph (b) or (c) of the definition of 'applicant';

(c) subsection (5) (a) (iv), must, in the case of-

(i) the investigation of a serious offence, be made by an applicant referred to in paragraph (a) or (d) of the definition of 'applicant'; and

(ii) the gathering of information, be made by an applicant referred to in paragraph (c) of the definition of 'applicant'; and

(d) subsection (5) (a) (v), must be made by an applicant referred to in paragraph (e) of the definition of 'applicant': Provided that an applicant referred to in paragraph (f) of the definition of 'applicant' may only make an application on the ground referred to in subsection (5) (a) (i)-

(i) if the offence allegedly has been or is being or will be committed by a member of the Police Service; or

(ii) in respect of a death in police custody or as a result of police action.

(4) Notwithstanding section 2 or anything to the contrary in any other law contained, a designated judge may, upon an application made to him or her in terms of subsection (1), issue an interception direction.

(5) An interception direction may only be issued if the designated judge concerned is satisfied, on the facts alleged in the application concerned, that-

(a) there are reasonable grounds to believe that-

(i) a serious offence has been or is being or will probably be committed;

(ii) the gathering of information concerning an actual threat to the public health or safety, national security or compelling national economic interests of the Republic is necessary;

(iii) the gathering of information concerning a potential threat to the public health or safety or national security of the Republic is necessary;

(iv) the making of a request for the provision, or the provision to the competent authorities of a country or territory outside the Republic, of any assistance in connection with, or in the form of, the interception of communications relating to organised crime or any offence relating to terrorism or the gathering of information relating to organised crime or terrorism, is in-

(aa) accordance with an international mutual assistance agreement; or

(bb) the interests of the Republic's international relations or obligations; or

(v) the gathering of information concerning property which is or could probably be an instrumentality of a serious offence or is or could probably be the proceeds of unlawful activities is necessary;

(b) there are reasonable grounds to believe that-

(i) the interception of particular communications concerning the relevant ground referred to in paragraph (a) will be obtained by means of such an interception direction; and

(ii) subject to subsection (8), the facilities from which, or the place at which, the communications are to be intercepted are being used, or are about to be used, in connection with the relevant ground referred to in paragraph (a) are commonly used by the person or customer in respect of whom the application for the issuing of an interception direction is made; and

(c) in respect of the grounds referred to in paragraph (a) (i), (iii), (iv) or (v), other investigative

procedures have been applied and have failed to produce the required evidence or reasonably appear to be unlikely to succeed if applied or are likely to be too dangerous to apply in order to obtain the required evidence and that the offence therefore cannot adequately be investigated, or the information therefore cannot adequately be obtained, in another appropriate manner: Provided that this paragraph does not apply to an application for the issuing of a direction in respect of the ground referred to in paragraph (a) (i) or (v) if the-

(i) serious offence has been or is being or will probably be committed for the benefit of, at the direction of, or in association with, a person, group of persons or syndicate involved in organised crime; or

(ii) property is or could probably be an instrumentality of a serious offence or is or could probably be the proceeds of unlawful activities.

(6) An interception direction-

(a) must be in writing;

(b) must contain the information referred to in subsection (2) (a) (ii) and (iii) and (d) (i);

(c) may specify conditions or restrictions relating to the interception of communications authorised therein; and

(d) may be issued for a period not exceeding three months at a time, and the period for which it has been issued must be specified therein.

(7) (a) An application must be considered and an interception direction issued without any notice to the person or customer to whom the application applies and without hearing such person or customer.

(b) A designated judge considering an application may require the applicant to furnish such further information as he or she deems necessary.

(8) The requirements of subsections (2) (d) (i) (aa) and (5) (b) (ii) relating to the description of the facilities from which, or the place at which, the communication is to be intercepted do not apply if, in the case of an application for the issuing of an interception direction which authorises the interception of-

(a) a direct communication-

(i) the application contains full particulars of all the facts and circumstances as to why such description is not practical;

(ii) the application indicates the identity of the person whose communication is required to be intercepted; and

(iii) the designated judge is satisfied, on the facts alleged in the application, that such description is not practical; and

(b) an indirect communication, the-

(i) application indicates the identity of the customer whose communication is required to be intercepted;

(ii) applicant submits proof that there are reasonable grounds to believe that the actions of the customer concerned could have the effect of preventing interception from a specified facility;

(iii) designated judge is satisfied that sufficient proof has been submitted; and

(iv) interception direction authorises the interception only for such time as it is reasonable to presume that the customer identified in the application is or was reasonably close to the instrument through which such communication will be or was transmitted.

(9) The interception of a communication under an interception direction to which the requirements of subsections (2) (d) (i) (aa) and (5) (b) (ii) do not apply by reason of subsection (8) (a) may not take place until the place at which the communication is to be intercepted is determined by the authorised person who executes the interception direction concerned or assists with the execution thereof.

(10) (a) A telecommunication service provider to whom an interception direction referred to in subsection (8) (b) is addressed, may in writing apply to a designated judge for

an amendment or the cancellation of the interception direction concerned on the ground that his or her assistance with respect to the interception of the indirect communication cannot be performed in a timely or reasonable fashion.

(b) A designated judge to whom an application is made in terms of paragraph (a) must, as soon as possible after receipt thereof-

(i) inform the applicant concerned of that application; and

(ii) consider and give a decision in respect of the application."

After an interception direction is approved, a designated member of the law enforcement agency will take it to an electronic communications service provider which would activate an interception measure on its system. Information which is intercepted is then routed through to a facility, named the interception centre, established in terms of Chapter 6 of the RICA. Law enforcement collects the information at the interception centre.

26.3 Interception of communications outside the RICA regime would be unlawful, but, according to information before us, surveillance is being carried out outside the RICA regime. The Ministerial Review Commission on Intelligence, known as 'Matthews Commission', found that the National Communications Centre (NCC) carries out unlawful surveillance. Could you please comment?

The Report was never officially adopted. The Report was finalised in 2008. However, even if the NCC was used for illegitimate interceptions, it was used in limited circumstances only and not officially sanctioned. It is submitted that adequate measure were implemented to curb any further abuses.

26.4 Under Article 6 of RICA, permission of a judge can be granted if there are "reasonable grounds to believe" that a serious criminal offence has been committed. Civil societies argue that this standard is too lax.

The various considerations which the designated judge must take into account has been dealt with in paragraphs 26.1 and 26.2, and is extensive in nature. It is more extensive than that required for a warrant in ordinary criminal investigations in terms of the Criminal Procedure Act.

26.5 According to the written replies, interception of communications occurs "in exceptional cases". However, according to the Annual Report of the Joint Standing Committee on Intelligence, of the 387 directions sought under RICA, only 5 were refused. If that is the case, can one still say that interception occurs only in exceptional cases?

Taking into account that the total population of South Africa is in the region of 50 Million persons, it is submitted that the amount of interceptions which take place is relative insignificant. Since only an "applicant" (which is a senior officer at the law enforcement agency), can approach the judge for a direction, various applications is already refused at Departmental level. Only applications which has a real merit are sent through to the office of the designated judge.

26.6 The State party explains that there are procedural safeguards regarding the protection of privacy. However, if only 5 were refused by a judge out of 387 directions sought, I wonder how effective the procedural safeguards are. Could you please comment?

See paragraph 26.5, as well as the procedure for an application for an interception direction, discussed above. Various applications is already refused at Departmental level

26.7 Article 30(1)(b) of RICA requires retention of communications data. Could you explain how the mandatory retention of communications data is justified under Article 17 of the Covenant?

The information which is being stored is typically call related information. In the past it has solved various serious criminal cases in the Republic. The UK, Australia, New Zeeland and certain countries in Europe also keep this information for the purposes of criminal investigations. Information must be stored for a 5 year period.

26.8 In the written replies, the State party explained that the Protection of Personal Information Act aims to establish an Information Regulator which exercises certain powers under the Act, and that only certain sections of the Act were implemented in 2014. I understand that the remaining provisions of the Act are not operationalized because the Regulator has not yet been established. We hope that the Regulator is established and that the remaining provisions will be operationalised soon.

The appointment of the Regulator is currently underway. This is a process which is being undertaken by Parliament, in accordance with the legislation. Parliament's Portfolio Committee on Justice and Correctional Services last year called for nominations from individuals, organisations, institutions and civil society for 5 suitable persons to be appointed as members of the Information Regulator for a period of five years.

In terms of the Protection of Personal Information Act members of the Regulator must be South African citizens who are appropriately qualified, fit and proper persons. At least one person must be appointed on account of their experience as a practicing advocate or attorney or a professor of law at a university and the remainder of persons must be appointed on account of any other qualifications, expertise and experience relating to the objects of the Regulator.

The appointment of the members of the Regulator will then facilitate the commencement of the remainder of the Act.

Issue No.29

In the list of issues, the Committee asked the State party to comment on reports that existing subsistence fishing quotas of indigenous groups have been taken away without warning. I am afraid that this question remains unanswered. Could you please provide us with an answer on this question?

In the written replies, the State party explained the Restitution of Land Rights Act and its amendment in 1998. We take note that the Act was amended in 2014 to re-open the lodgement of land claims for a period of five years.

In 2006, the UN Special Rapporteur on indigenous people, on his mission report to South Africa, made a recommendation to the following effect: in the case of indigenous communities that were dispossessed of their lands before the Native Land Act of 1913, positive action should be initiated to enable these communities to file legitimate claims for restitution. It is my understanding that the 2014 amendment made restitution possible for indigenous communities that were dispossessed of their lands before 1913, and thus it implements the recommendation of the Special Rapporteur. Could you please confirm?

The re-opening of the land claims process, however, has been criticised for the failure of the Restitution Commission to process claims and the lack of a budget to implement the programme. Could you please comment on such criticism?

Centre	Population
FORT BEAUFORT	152%
GRAHAMSTOWN	209%
KING WILLIAM's TOWN	84%
MIDDLEDRIFT	196%
STUTTERHEIM	128%
EAST LONDON MED. A	172%
EAST LONDON MED. B	188%
EAST LONDON MED. C	106%
MDANTSANE	227%
GRAAFF-REINET	106%
JANSENVILLE	142%
KIRKWOOD	133%
SOMERSET-EAST	115%
BARKLY-EAST	88%
BURGERSDORP	109%
BUTTERWORTH	154%
COFIMVABA	124%
CRADOCK	171%
DODRECHT	100%
ENGCOBO	132%
IDUTYWA	138%
LADY FRERE	90%
MIDDELBURG	117%
NQAMAKWE	55%
QUEENSTOWN	134%
SADA	137%
STERKSPRUIT	49%
WILLOWVALE	142%
ST ALBANS HOSP	0%
ST ALBANS MAX.	102%
ST ALBANS MED.A	214%
ST ALBANS MED.B	245%
PATENSIE	142%
PORT ELIZABETH	0%
BIZANA	109%
ELLIOTDALE	156%
FLAGSTAFF	191%
LUSIKISIKI	199%
MOUNT AYLIFF	0%
MOUNT FLETCHER	139%
MOUNT FRERE	200%
MQANDULI	140%
NQGELENI	174%
TABANKULU	148%
MTHATHA REMAND	131%
MTHATHA MEDIUM	196%
COLESBERG	120%
DE AAR MALE	121%
DE AAR FEMALE	88%
VICTORIA-WEST	95%
HOPETOWN	110%
RICHMOND	95%
GOEDEMOED A	120%
GOEDEMOED B	138%
BETHULIE	100%
EDENBURG	94%
FAURESMITH	70%
ZASTRON	80%
GROENPUNT MAX	127%
GROENPUNT MED	96%
GROENPUNT YOUTH	80%
FRANKFORT	66%
HEILBRON	116%
PARYS	163%
SASOLBURG	96%
VEREENIGING	152%
GROOTVLEI A	222%
GROOTVLEI B	116%
BRANDFORT	68%
BOSHOF	107%
LADYBRAND	68%
WEPENER	39%
WINBURG	72%
MANGAUNG	100%
KIMBERLEY	129%
TSWELOPELE	81%
BARKLEY WEST	77%

Centre	Population
Krugersdorp	145%
Leeuwkop Max	179%
Leeuwkop Med A	95%
Leeuwkop Med B	40%
Leeuwkop Med C	177%
Modderbee	133%
Devon	48%
Nigel	124%
Kgoši Mampuru II Max	0%
Kgoši Mampuru II Local	132%
Kgoši Mampuru II Central	169%
Kgoši Mampuru II Female	157%
ODI	146%
Atteridgeville	140%
Zonderwater Med A	176%
Zonderwater Med B	155%
DURBAN MED A	138%
DURBAN MED B	181%
DURBAN MED C	147%
DURBAN FEMALE	183%
DURBAN YOUTH	108%
UMZINTO	175%
INGWAVUMA	114%
STANGER	139%
EMPANGENI	130%
MTUNZINI	97%
ESHOWE	141%
MAPHUMULO	103%
QALAKABUSHA	165%
GLENCOE	0%
DUNDEE	161%
POMEROY	126%
LADYSMITH	189%
BERGVILLE	152%
GREYTOWN	135%
KRANSKOP	113%
EBONGWENI	76%
PORT SHEPSTONE	137%
KOKSTAD MED	172%
MATATIELE	0%
UMZIMKHULU	124%
NONGOMA	133%
NCOME MED A	173%
NCOME MED B	167%
MELMOTH	163%
VRYHEID	184%
NKANDLA	153%
PMBURG MED A	165%
PMBURG MED B	146%
SEVONTEIN	144%
NEW HANOVER	127%
IXOPO	141%
WATERVAL MED A	158%
WATERVAL MED B	185%
UTRECHT	126%
NEWCASTLE	147%
EKUSENI	131%
BARBERTON MAX	127%
BARBERTON MED A	155%
BARBERTON MED B	144%
BARBERTON TOWN	86%
LYDENBURG	101%
NELSPRUIT	152%
BETHAL	136%
GELUK	0%
VOLKRUST	157%
PIET RETIEF	190%
ERMELO	80%
STANDERTON MED A	111%
STANDERTON MED B	0%
BELFAST	67%
CAROLINA	140%
MIDDLEBURG	129%
WITBANK	145%
POLOKWANE	238%
MODOMOLLE	130%
TZANEEN	118%

Centre	Population
Allandale	233%
Hawequa	153%
Obiqua	174%
Staart van Paardeberg	162%
Brandvlei Medium C	101%
Brandvlei Youth	106%
Brandvlei Maximum	76%
Drakenstein Medium A	125%
Drakenstein Medium B	131%
Drakenstein Maximum	159%
Stellenbosch	132%
Beaufort-West	199%
George	222%
Knysna	213%
Ladismith	215%
Mosselbaai	148%
Oudtshoorn Medium A	215%
Oudtshoorn Medium B	135%
Prince Albert	185%
Uniondale	188%
Goodwood	134%
Buffeljagsrivier	188%
Caledon RDF	227%
Helderstroom Med A	80%
Helderstroom Max	138%
Malmesbury Medium A	100%
Malmesbury RDF	298%
Riebeek-West	131%
Pollsmoor RDF	264%
Pollsmoor Medium A	101%
Pollsmoor Medium B	225%
Pollsmoor Medium C	141%
Pollsmoor Females	229%
Calvinia	24%
Vanrhynsdorp	150%
Voorberg Medium A	94%
Voorberg Medium B	109%
Dwarsrivier	163%
Robertson	171%
Warmbokkeveld	116%
Worcester Males	159%
Worcester Females	172%

DOUGLAS	87%
BIZZA MAKHATE A	95%
BIZZA MAKHATE B	99%
BIZZA MAKHATE C	79%
BIZZA MAKHATE D	34%
BETHLEHEM	143%
FICKSBURG	62%
HARRISMITH	150%
HENNENMAN	77%
HOOPSTAD	68%
LINDLEY	30%
ODENDAALSRUS	151%
SENEKAL	66%
VENTERBURG	57%
VIRGINIA	161%
UPINGTON MALES	130%
UPINGTON FEMALES	75%
KURUMAN	128%
SPRINGBOK	80%
Baviaanspoort Max	141%
Baviaanspoort Med	145%
Emthonjeni	25%
Boksburg Med A	145%
Boksburg Juveniles	78%
Heidelberg Male	88%
Johannesburg Med A	159%
Johannesburg Med B	235%
Johannesburg Med C	142%
Johannesburg Female	154%

THOHOYANDOU MED A	178%
THOHOYANDOU MED B	228%
FEMALE & YOUTH	116%
MAKHADO	199%
KUTAMA SENTHUMULE	100%
KLERKSDORP	143%
POTCHEFSTROOM	201%
CHRISTIANA	111%
WOLMARANSTAD	130%
ROOIGROND MED A	148%
ROOIGROND MED B	103%
MAFIKENG	0%
LICHTENBURG	107%
ZEERUST	71%
BRITS	84%
LOSPERFONTEIN	130%
MOGWASE	139%
RUSTENBURG MED A	65%
RUSTENBURG MED B	0%