

IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

In the matter between -

THE NEW NATIONAL PARTY OF SOUTH AFRICA

APPLICANT

and

**THE GOVERNMENT OF THE
REPUBLIC OF SOUTH AFRICA**

1ST RESPONDENT

THE MINISTER OF HOME AFFAIRS

2ND RESPONDENT

THE MINISTER OF FINANCE

3RD RESPONDENT

**THE CHAIRMAN OF THE
ELECTORAL COMMISSION**

4TH RESPONDENT

THE CHIEF ELECTORAL OFFICER

5TH RESPONDENT

AFFIDAVIT

I, the undersigned,

DAVID MAMABOLO

do hereby make oath and state that -

1 I am the Director: Identity Documents, of the Department of Home Affairs ("the Department"). On 2 February 1999 I deposed to the a supplementary affidavit in this matter in the court *a quo*. My personal particulars therein cited remain the same. I am duly authorised to depose to this affidavit. The facts herein contained are within my own knowledge, unless otherwise stated or indicated, and are true and correct.

2 At the hearing of the application for leave to appeal in this matter the Court directed the following questions to the parties:

2.1 Question: How many bar-coded identity documents have been requested but not issued or delivered?

Answer: As at 12 March 1999 the Department had a total of approximately 429 214 applications for bar-coded identity documents which are still being processed. This figure includes applications which, for one reason or another, are irregular. The Department has no other

outstanding applications and therefore no backlog.

2.2 Question: What are the dates of application in respect of those identity documents which have not been issued or delivered?

Answer: 1. Of the 429 214 applications on hand -

approximately 39 513 were received in the last week of January 1999;

2. the rest were received during 1 February to 12 March 1999;

3. there are 3 998 applications which were received from about December 1998 which do not comply with the provisions of the Identification Act and are

the subject of verification.

3 Question: How many applicants for bar-coded identity documents did not qualify to receive temporary registration certificates?

Answer: All applicants for bar-coded identity documents are eligible to apply for a temporary registration certificate ("TRC"). Once the applicant's particulars have been captured on computer, that applicant will be issued with a TRC. This process takes approximately 24 hours where the Department has offices in the area and approximately 48 hours where applications are received from mobile units.

4 Question: Were there any regulations or other forms of transitional arrangements adopted to extend the validity of the former TBVC states' identity documents while their holders were waiting to be issued with South African identity documents?

Answer: No.

5 Question: What is the legal basis for the issuing of green unbar-coded identity documents?

Answer: These were issued in terms of the provisions of the 1950 Identification Act. The only difference between them and the blue identity document being the size of the book. The blue book had 36 pages. The green book, which was introduced in 1980, had 16.

6 Question: The Court was told that the South African Revenue Service ("SARS") as well as CEAS had independent votes.

Answer: The investigation reveals that the SARS does not have an independent vote but is part of Programme 4 under the vote: Department of Finance. I attach a copy of the relevant page of the Appropriation Act,

marked "DM1". It will be seen that for 1998/1999 SARS was allocated R1 704 331.

7 In order to assist the Court further, I provide the following information:

7.1 The Department of Home Affairs has in its custody a register into which is reflected application forms which have been rejected upon inspection. For the years January 1997 to December 1998 the register reflects a total of 433 103 applications rejected.

7.2 The above figure may explain the "backlog" referred to in the calculation by Professor SADIE.

7.3 To avoid burdening this affidavit, the register is not annexed but is available for inspection or can be delivered to the Court, if so directed.

DEPONENT

THUS DONE AND SIGNED BEFORE ME AT **JOHANNESBURG** THIS 18TH
DAY OF **MARCH** 1999, THE DEPONENT HAVING ACKNOWLEDGED
THAT HE KNOWS AND UNDERSTANDS THE CONTENTS OF THIS
DECLARATION AND CONSIDERS IT BINDING ON HIS CONSCIENCE.

COMMISSIONER OF OATHS
Ex Officio