**Submission Regarding the Proposed Deletion of Section 1(4) of the Protection of Constitutional Democracy Against Terrorist and Related Activities Act.**

1. **Executive Summary**

[The International Committee of the Red Cross](https://www.icrc.org/en) (ICRC) appeals to Parliament to reconsider the deletion of section 1(4) of the Protection of Constitutional Democracy Against Terrorist and Related Activities Act, 2004 (33 of 2004) (POCDATRA), as proposed in the current amendment Bill. This section has a fundamental purpose of separating the regulation of conduct that occurs in peace time from the conduct that occurs in an armed conflict. This separation is legally and practically important as it buttresses the fact that conduct that takes place within the context of an armed conflict is regulated by international humanitarian law. It is important to note that section 1(4) requires the existence of an armed conflict for its application can be triggered. Its deletion could potentially criminalize conducts that are otherwise lawful under international humanitarian law, contrary to South Africa’s international obligations. Many States across the world have clauses similar to section 1(4) in their counterterrorism legislation. A similar clause is also found in many counterterrorism conventions to which South Africa is a party.

In addition, the ICRC appeals to Parliament to consider including a clause in the law to provide for exemption of impartial humanitarian assistance from criminal sanctions. As currently worded, section 3 (2) (c) of POCDATRA could criminalize the work of exclusively humanitarian and impartial organizations such as the ICRC. Such a clause would entrench in law a targeted approach in dealing with the threat of terrorism in the Non-Profit Sector as recommended under the Financial Action Task Force[[1]](#footnote-2) (FATF) regulations.

1. **Who am I?**

[The International Committee of the Red Cross](https://www.icrc.org/en) in an independent, impartial and neutral humanitarian organization whose, exclusively humanitarian, mission is to protect the lives and dignity of people around the world affected by armed conflict and other situations of violence. The ICRC also **seeks to prevent hardship by promoting and strengthening humanitarian law[[2]](#footnote-3) and championing universal humanitarian principles.**

The representative of the ICRC for the purpose of communication and liaison in this process is:

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1. **Background to the Concerns Raised.**

Acts of terrorism continue to pose a serious threat to the security of states across the world. This has necessitated states to take measures at the national, regional and international levels to confront this threat. The ICRC condemns all acts of terrorism, whether committed within or outside the context of armed conflict.

As States adopt legislation and measures to counter terrorism, it is important that they do so in compliance with their obligations under international humanitarian law (IHL). First, States should bear in mind that acts committed in accordance with the principles of IHL by State armed forces or by Non-State Armed Groups within the context of an international or a non-international armed conflict, are not unlawful under IHL. Second, States should ensure that counterterrorism legislation does not jeopardize humanitarian action, protected under the Geneva Conventions and its Additional Protocols.

This submission seeks to clarify certain aspects of the proposed Bill that may have negative consequences on the application of IHL and ability of the ICRC and other impartial humanitarian organizations to effectively deliver humanitarian services.[[3]](#footnote-4)

1. **Concerns on the Proposed Deletion of Section 1(4).**

The first concern that the ICRC wishes to bring to the attention of Parliament emanate from the proposed deletion of the following clause in the proposed Bill:

*Notwithstanding any provision of this Act or any other law, any act committed during a struggle waged by peoples, including any action during an armed struggle, in the exercise or furtherance of their legitimate right to national liberation, self-determination and independence against colonialism, or occupation or aggression or domination by alien or foreign forces, in accordance with the principles of international law, especially international humanitarian law, including the purposes and principles of the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the said Charter, shall not, for any reason, including for purposes of prosecution or extradition, be considered as a terrorist activity, as defined in subsection (1).*

South Africa is not the only State whose counterterrorism legislation present such a clause (so called ’**IHL Saving clause’**). For example, the counterterrorism legislation of Ethiopia, Chad, the UK, Ireland, New Zealand and Canada, present similar clauses (see **Annex I**). The IHL Saving clause is also recommended by the African Union Model Anti-Terrorism law[[4]](#footnote-5) and by other organizations such as the European Union.[[5]](#footnote-6) Furthermore, United Nations Security Council Resolution 2462 (2019) demands States to ensure that their counterterrorism measures comply with IHL.[[6]](#footnote-7)

The purpose of an IHL saving clause is to separate the law applicable to the conduct that occurs in peacetime from the conduct that occurs during an armed conflict. If the conduct qualified as ‘terrorist’ occurs in peacetime, IHL would not apply, and the situation would remain governed by domestic law, including by the relevant counterterrorism legislation, and by international human rights law. Conversely, if the conduct occurs within the context of an international or a non-international armed conflict, IHL is better suited to govern the situations.

In other words, acts that would in peacetime fall within the purview of counterterrorism legislation, are exempted from its application when they occur within the context of an international or non-international armed conflict. In these latter cases, IHL would apply, including the principle of distinction between civilians and combatants,[[7]](#footnote-8) and the prohibition to spread terror among the civilian population.[[8]](#footnote-9) Importantly, violations of these basic IHL rules may amount to war crimes and do not go unpunished under IHL. Rather, it is legislation applicable during armed conflict that should be strengthened to regulate such conduct, and South Africa already has such legislation in place.

The current section 1 (4) of the POCDATRA serves the purpose of separating the regulation of conduct depending on whether the threshold of IHL application has been attained. Its deletion, as proposed in the current amendment Bill, would mean there is no longer separation of the legal framework for conducts that occur within an armed conflict, more suitably governed by rules of IHL, and the legal framework for the conducts that occur in peacetime, that could be regulated by domestic legislation, including counterterrorism legislation.

1. **South Africa’s History of Defending the IHL Saving Clause.**

South Africa was previously seen as a thought leader in Africa on this topic and Section 1 (4) reflects South Africa’s expressed position and long held understanding of international humanitarian law. In 1997, during the drafting of the International Convention for the Suppression of Terrorist Bombing, South Africa submitted a proposal to the UN Working Group in charge of the drafting of the Convention. The South Africa proposal read: "***This Convention does not apply to actions governed by the law of armed conflicts."*** [[9]](#footnote-10). It aimed at excluding from the scope of the Convention matters that would be within the purview of IHL.

South Africa’s expressed position in this matter is consistent with both the spirit and letter of IHL. The recognition and inclusion of this IHL doctrine was significantly inspired by Africa’s struggle for independence. Without an IHL saving clause, liberation movements that heralded independence in many African states and abroad might be classified as “terrorist groups” by their opponents, and their legitimate actions complying with IHL might be criminalized as “terrorist activities” under domestic counterterrorism legislation.

1. **The IHL Saving Clause is Consistent with South Africa’s International Obligations under international law**.

Many international conventions on combating terrorism ratified by South Africa expressly include an IHL saving clause. The deletion of section 1 (4) would therefore potentially place South Africa’s domestic law at odds with its international obligations. The following five Conventions that South Africa has ratified provide for an IHL saving clause:

* 1. Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft 10 September 2010
  2. Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 14 October 2005
  3. International Convention for the Suppression of Acts of Nuclear Terrorism, 13 April 2005
  4. International Convention for the Suppression of Terrorist Bombings, 15 December 1997
  5. Convention on the Physical Protection of Nuclear Material, 26 October 1979

1. **Need to add an Exemption clause for impartial humanitarian action**

The ICRC is also concerned for the absence of a clause within POCDATRA to exempt from criminalization exclusively humanitarian action carried out by humanitarian and impartial organizations. The wording of the Bill may unintentionally criminalize the provision of humanitarian assistance. For instance, section 3 (2) (b) of POCDATRA could potentially criminalize provision of medical assistance to wounded people in areas controlled by a Non-State Armed Group. Similarly, section 3 (2) (c) of POCDATRA could potentially criminalize IHL trainings to members of a group classified as a terrorist. This would hamper the ability for impartial and humanitarian organization like the ICRC to dialogue with Non-State Armed Groups in order to encourage them to respect IHL, or to protect and assist individuals detained by the group.

Furthermore, the potential criminalization of exclusively humanitarian activities does not accord with the letter and spirit of IHL. Article 3 Common to the Geneva Conventions provide that impartial organizations may offer their services for the benefit of the victims of armed conflict. Impartiality requires that the humanitarian services are offered without any adverse distinction based on criteria such race, nationality, religion or ethnicity[[10]](#footnote-11).

In order to avoid the potential criminalization of humanitarian aid, it is important to provide for a ‘**humanitarian exemption clause’** in counterterrorism legislation. Such clauses have been included in the counterterrorism legislation in various jurisdictions such as Ethiopia, Chad, Philippines, Switzerland, the United Kingdom, New Zealand and Australia (see **Annex II**). Like the IHL saving clause, the humanitarian exemption clause is also recommended by the African Union Model Law on Counterterrorism[[11]](#footnote-12) and by other organizations such as the European Union.[[12]](#footnote-13) Furthermore, United Nations Security Council resolution 2462 (2019) urges States “when designing and applying measures to counter the financing of terrorism, to take into account the potential effect of those measures on exclusively humanitarian activities, including medical activities, that are carried out by impartial humanitarian actors in a manner consistent with international humanitarian”[[13]](#footnote-14)

We would like to recall that the Financial Action Task Force (FATF) Recommendation 8 – a non-binding international framework – stress that States should review the adequacy of the laws that relate to Non-Profit organizations which the country has *already identified* as being vulnerable to terrorist financing abuse. Recommendation 8 calls for *focused and proportionate measures* based on a risk-assessment, to protect identified organizations against terrorist financing abuse. The Interpretative Note of Recommendation 8 stress that:

“(b) Focused measures adopted by countries to protect Non-Profit Organizations from terrorist financing abuse *should not disrupt or discourage legitimate charitable activities*

(…)

d) A targeted approach in dealing with the terrorist threat to the NPO sector is essential given the diversity within individual national sectors, the differing degrees to which parts of each sector may be vulnerable to misuse by terrorists, *the need for legitimate charitable activity to continue to flourish*, and the limited resources and authorities available to combat terrorist financing in each country”[[14]](#footnote-15) (emphasis added)

We respectfully submit that South Africa has been rated “non-compliant” to Recommendation 8 by the 2021 FATF Mutual Evaluation Report on South Africa,[[15]](#footnote-16) partly for its alleged failure to identify charitable activities at risk of terrorist financing abuse. Exempting exclusively humanitarian activities carried out by impartial and humanitarian organizations from the scope of counterterrorism legislation would represent a step further in such identification process. The proposed exemption clause would allow South Africa to retain control on organizations’ activities that might not be “exclusively humanitarian”, while avoiding that the whole humanitarian sector is disrupted or discouraged.

Finally, we would like to stress that the scope and the objective of the humanitarian exemption clause are not already covered by the Headquarters Agreements, that some international organization such as the ICRC have signed with South Africa. The exemption clause aims indeed at decriminalizing exclusively humanitarian activities carried out by impartial humanitarian actors, while the ICRC Headquarter Agreement in South Africa would only confer functional immunity from criminal legislation for its employees. In order for organizations, such as the ICRC, to be able to carry out their mandate, recognized by South Africa through the Headquarters Agreement and the ratification of the Geneva Conventions of 1949 and its Protocols, a specific exemption clause is absolutely needed. It is submitted that criminalizing humanitarian action (notwithstanding the discretion that a prosecution authority may have not to prosecute) already violates South Africa’s international obligations under the various international treaties already cited.

1. **Conclusion**

In concluding our submission, we would like to note that the deletion of the IHL saving clause as proposed in the Bill will have adverse consequences for the application of IHL. Moreover, such deletion would not accord with South Africa’s consistent position in international law as demonstrated by the various conventions that South Africa is a party and that provide for an IHL saving clause. Notably, South Africa has advocated for inclusion of this saving clause during negotiations of international treaties to combat to terrorism. Many States across the world provide for a similar clause to section 1(4) in their counter terrorism legislation. Due to these reasons, it is our opinion that section 1 (4) should not be deleted.

In addition, we request that Parliament introduces a humanitarian exemption clause in order to protect impartial humanitarian action carried out by trusted humanitarian and impartial organizations.

Finally, we remain available and are willing to appear before the relevant Parliamentary Portfolio Committees to provide further information or to assist the Committee in any manner that it may require.

**Annex I**

**Examples of provision regulating the relationship between Counter-Terrorism Legislation and IHL (IHL saving clause)**

**in**

**National Legislation and International and Regional Resolutions and Directives**

*Updated at July 2022*

**Ethiopia**

[Article 47, Proclamation No. 1176/2020](https://chilot.me/wp-content/uploads/2020/04/A-PROCLAMATION-TO-PROVIDE-FOR-THE-PREVENTION-AND-SUPPRESSION-OF-TERRORISM-CRIMES.pdf) to provide for the prevention and suppression of terrorism crimes

Matters Excluded 1/ This Proclamation is not applicable to matters covered by the Geneva Convention and Protocols thereof.

**Chad**

Article 1 Loi N° 003/PR/2020

Nothing is this law shall be interpreted as derogating from IHL and HRL (unofficial English translation from the French original version)

**South Africa**

Chapter 1, [Protection of Constitutional Democracy against Terrorist and Related Activities Act 2004](https://www.saps.gov.za/resource_centre/acts/downloads/juta/terrorism_act.pdf)

Definitions

(4) Notwithstanding any provision of this Act or any other law, any act committed during a struggle waged by peoples, including any action during an armed struggle, in the exercise or furtherance of their legitimate right to national liberation, self-determination and independence against colonialism, or occupation or aggression or domination by alien or foreign forces, in accordance with the principles of international law, especially international humanitarian law, including the purposes and principles of the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the said Charter, shall not, for any reason, including for purposes of prosecution or extradition, be considered as a terrorist activity, as defined in subsection (1).

**Canada**

Section 83.01(1)(b) Criminal Code, R.S.C. 1985, c. C-46

“… but [terrorist offences], for greater certainty, does not include an act or omission that is committed during an armed conflict and that, at the time and in the place of its commission, is in accordance with customary international law or conventional international law applicable to the conflict, or the activities undertaken by military forces of a state in the exercise of their official duties, to the extent that those activities are governed by other rules of international law”.

**New Zealand**

[Section 5, Terrorism Suppression Act 2002](https://www.legislation.govt.nz/act/public/2002/0034/latest/DLM152702.html?search=ts_act%40bill%40regulation%40deemedreg_terrorism+suppression+act_resel_25_a&p=1) (as amended in October 2021)

Terrorist act defined

(4) However, an act does not fall within subsection (2) if it occurs in a situation of armed conflict and is, at the time and in the place that it occurs, in accordance with rules of international law applicable to the conflict.

**Ireland**

[Justice (Terrorist Offences) Act 2005, Iris Oifigiúl, No. 2, 2005, Secs 6(4), 10(6),](https://www.irishstatutebook.ie/eli/2005/act/2/enacted/en/html)

Terrorist offences

4) Subsection (1) does not apply in respect of

(a) the activities of armed forces during an armed conflict insofar as those activities are governed by international humanitarian law, or

(b) the activities of the armed forces of a state in the exercise of their official duties insofar as those activities are governed by other rules of international law.

[**DIRECTIVE (EU) 2017/541**](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32017L0541) **OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA**

(37) This Directive should not have the effect of altering the rights, obligations and responsibilities of the Member States under international law, including under international humanitarian law. This Directive does not govern the activities of armed forces during periods of armed conflict, which are governed by international humanitarian law within the meaning of those terms under that law, and, inasmuch as they are governed by other rules of international law, activities of the military forces of a State in the exercise of their official duties.

**Annex II**

**Examples of Counter-Terrorism Humanitarian-related Exemption Language (IHL exemption clause) in**

**National Legislation and International and Regional Resolutions and Directives**

*Updated at July 2022*

**Ethiopia**

[Article 9, Proclamation No. 1176/2020](https://chilot.me/wp-content/uploads/2020/04/A-PROCLAMATION-TO-PROVIDE-FOR-THE-PREVENTION-AND-SUPPRESSION-OF-TERRORISM-CRIMES.pdf) to provide for the prevention and suppression of terrorism crimes

Rendering support (Introduced in 2020)

5/ Notwithstanding to Sub Article 1 to 4 of this Article a humanitarian aid given by Organizations engaged in humanitarian activities or a support made by a person who has legal duty to support other is not punishable for the support made only to undertake function and duty.

**Chad**

Article 1 Loi N° 003/PR/2020

Activities of an exclusively humanitarian and impartial nature carried out by neutral and impartial humanitarian organizations are excluded from the scope of this law (unofficial English translation from the French original version)

**Australia**

Division 102.8, [Criminal Code](https://www.legislation.gov.au/Details/C2019C00043) Act 1995

Associating with terrorist organizations

(4) This section does not apply if:

(c) the association is only for the purpose of providing aid of a humanitarian nature.

Division 119.2, [Criminal Code](https://www.legislation.gov.au/Details/C2019C00043) Act 1995

Entering, or remaining in, declared areas (Introduced in 2014)

(3) Subsection (1) does not apply if the person enters, or remains in, the area solely for one or more of the following purposes:

(a)  providing aid of a humanitarian nature;

…

(e)  performing an official duty for:

                              (i)  the United Nations, or an agency of the United Nations; or

                             (ii)  the International Committee of the Red Cross;

Division 83.3, [Criminal Code](https://www.legislation.gov.au/Details/C2019C00043) Act 1995

Military style training involving foreign government principal, etc. – Defence – humanitarian assistance, etc.

(4A)  Subsection (1) does not apply to a person in relation to conduct engaged in by the person solely or primarily for one or more of the following purposes:

                     (a)  providing aid of a humanitarian nature;

                     (b)  performing an official duty for:

                              (i)  the United Nations or an agency of the United Nations; or

                             (ii)  the International Committee of the Red Cross.

**Philippines**

Section 13, [Republic Act No. 11479](https://www.officialgazette.gov.ph/downloads/2020/06jun/20200703-RA-11479-RRD.pdf), An Act to Prevent, Prohibit and Penalize Terrorism, Thereby Repealing Republic Act No. 9372, Otherwise known as the “Human Security Act of 2007”

Humanitarian Exemption. – Humanitarian activities undertaken by the International Committee of the Red Cross (ICRC), the Philippine Red Cross (PRC) and other state-recognized impartial humanitarian partners or organizations in conformity with the International Humanitarian Law (IHL), do not fall within the scope of Section 12 of this Act.

**New Zealand**

[Section 8, Terrorism Suppression Act 2002](https://www.legislation.govt.nz/act/public/2002/0034/latest/DLM152710.html?search=ts_act%40bill%40regulation%40deemedreg_terrorism+suppression+act_resel_25_a&p=1) (as amended in October 2021)

Material support excludes humanitarian support to satisfy basic needs

(5) For the purposes of this section and of any other legislation that mentions this section, material support excludes, despite paragraphs (a) and (b) of the definition of that term in section 4(1), support that does, or may do, no more than provide support necessary to satisfy basic needs of those to whom, or for whose benefit, it is provided— (a) in good faith for genuine humanitarian reasons; and (b) impartially or neutrally as between people who have those needs.

[Section 10, Terrorism Suppression Act 2002](https://www.legislation.govt.nz/act/public/2002/0034/latest/DLM152716.html?search=ts_act%40bill%40regulation%40deemedreg_terrorism+suppression+act_resel_25_a&p=1) (as amended in October 2021)

Prohibition on making property, or financial or related services, available to designated terrorist entity

(3) An example of making property available with a reasonable excuse, for the purposes of subsection (1), is where the property (for example, items of food, clothing, or medicine) is made available in an act that does no more than satisfy basic needs of (or of a dependant of) an individual designated under this Act.

**The United Kingdom**

Section 58B, [Counter-Terrorism and Border Security Act 2019](https://www.legislation.gov.uk/ukpga/2019/3/contents/enacted)

Entering or remaining in a designated area (Introduced in 2019)

(4) A person does not commit an offence under this section of entering, or remaining in, a designated area where:

a) the person enters, or remains in, a designated area involuntarily, or

b) the person enters, or remains in, a designated area for or in connection with one or more of the purposes mentioned in subsection (5).

(5) The purposes are:

a) providing aid of a humanitarian nature;

**Switzerland**

Article 260ter, [Swiss Criminal Code](https://www.fedlex.admin.ch/eli/cc/54/757_781_799/en)

[Criminal or terrorist organisation](https://www.fedlex.admin.ch/eli/cc/54/757_781_799/en#book_2/tit_12/lvl_d6610e716) (Introduced in 2020)

2. Paragraph 1 letter b does not apply to humanitarian services provided by an impartial humanitarian organisation, such as the International Committee of the Red Cross, in accordance with the common Article 3 of the Geneva Conventions of 12 August 1949.

[**DIRECTIVE (EU) 2017/541**](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32017L0541) **OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA**

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| --- | --- |
| (38) | The provision of humanitarian activities by impartial humanitarian organisations recognised by international law, including international humanitarian law, do not fall within the scope of this Directive, while taking into account the case-law of the Court of Justice of the European Union. |

1. <https://www.fatf-gafi.org/> [↑](#footnote-ref-2)
2. International humanitarian law (IHL) is a set of rules that seeks, for humanitarian reasons, to limit the effects of armed conflict. It protects persons who are not, or are no longer, directly or actively participating in hostilities, and imposes limits on the means and methods of warfare. IHL is also known as "the law of war" or "the law of armed conflict". IHL is part of public international law, which is made up primarily of treaties, customary international law and general principles of law. See this link for more details <https://www.icrc.org/en/document/what-international-humanitarian-law> [↑](#footnote-ref-3)
3. For a more detailed discussion on these issues, please see the ICRC 2019 Report on IHL and the Challenges of Contemporary Armed Conflicts, available here <https://www.icrc.org/sites/default/files/document/file_list/challenges-report_terrorism-counter-terrorism-measures-and-ihl.pdf> [↑](#footnote-ref-4)
4. Article 4, xl), African Model Anti-Terrorism Law, available at [african-model-law-E.pdf (au.int)](https://archives.au.int/bitstream/handle/123456789/8313/african-model-law-E.pdf?sequence=1&isAllowed=y) [↑](#footnote-ref-5)
5. Directive 2017/541 for EU Member States [↑](#footnote-ref-6)
6. UN SC Res. 2462 (2019), paragraphs 5 and 6, available at [N1909016.pdf (un.org)](https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/090/16/PDF/N1909016.pdf?OpenElement) [↑](#footnote-ref-7)
7. [Customary IHL - Rule 1. The Principle of Distinction between Civilians and Combatants (icrc.org)](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule1) [↑](#footnote-ref-8)
8. [Customary IHL - Rule 2. Violence Aimed at Spreading Terror among the Civilian Population (icrc.org)](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule2) [↑](#footnote-ref-9)
9. Proposal to replace current article 3 (document A/52/37, annex 1.A) / by South Africa and Switzerland, see the report at this [link on pg. 31](https://digitallibrary.un.org/record/245328/files/A_C.6_52_L.3-EN.pdf?ln=en) [↑](#footnote-ref-10)
10. For more information see the 2020 ICRC Commentary to the article 3 Common to the Geneva Conventions, available here <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=31FCB9705FF00261C1258585002FB096> [↑](#footnote-ref-11)
11. Article 9 (5) of the African Model Anti-Terrorism Law, available at: [african-model-law-E.pdf (au.int)](https://archives.au.int/bitstream/handle/123456789/8313/african-model-law-E.pdf?sequence=1&isAllowed=y) [↑](#footnote-ref-12)
12. Directive 2017/541 for EU Member States [↑](#footnote-ref-13)
13. UN SC Res. 2462 (2019), paragraph 24 [↑](#footnote-ref-14)
14. Page 7-8, FATF Interpretative note on Recommendation 8, available at this link : [FATF](https://www.fatf-gafi.org/media/fatf/documents/reports/BPP-combating-abuse-non-profit-organisations.pdf)  [↑](#footnote-ref-15)
15. “South Africa has also failed to demonstrate that any analysis of this broader NPO sector identified a subset of organizations that, based on their activities or characteristics, are likely to be at risk of TF abuse”, see Page 174, Mutual Evaluation Report on South Africa, October 2021, <https://www.fatf-gafi.org/media/fatf/documents/reports/mer4/Mutual-Evaluation-Report-South-Africa.pdf> [↑](#footnote-ref-16)