

## **SIM CARD REGISTRATION ASSISTS IN CRIMINAL INVESTIGATION & DOES NOT INFRINGE THE RIGHT TO PRIVACY**

**FOR IMMEDIATE RELEASE**

**19 September 2022**

The Communications Regulatory Authority of Namibia (CRAN) is in the process of executing the National Awareness Campaign about the mandatory SIM Registration Conditions to be implemented as from 01 January 2023.

*"The roadshow with our mascot SIMMY commenced during early July in Katima Mulilo and we have thus far visited seven other towns across Namibia. We have utilised social media platforms, television, and radio to disseminate the campaign information, which was also translated into local languages to ensure inclusivity. Our resolve is to ensure that consumers have a better understanding of the SIM registration process, before telecommunication service providers commence with mandatory registration on 01 January 2023. The public's willingness to engage throughout the campaign has yielded positive outcomes,"* said CRAN Chief Executive Officer (CEO), Emilia Nghikembua.

*"We wish to commend our operators, who have commenced with voluntary SIM registration. The public acceptance of this process has been overwhelming in that as of 15 September 2022, around 300 000 subscribers have voluntarily registered their SIM cards in Namibia. This is proof that Namibian consumers welcome SIM registration as a positive development towards attaining the Fourth Industrial Revolution (4IR)",* appreciated Nghikembua.

Equally, the Authority has noted the concern on fear of surveillance, the recording of conversations and the nature of information that service providers will retain after registration. Nghikembua clarifies as follows: *"There will be no central database held by CRAN and each operator will store information of their respective subscribers. Operators will not have access to a subscriber's text messages and telephone conversations or tap into any active communication such as an ongoing audio conversation/voice call. The network designs as authorised by CRAN do not have the capability to listen into or record conversations and or messages. The registration of SIM cards does not introduce interception. Interception has been taking place since 1997 under the Namibia Central Intelligence Service Act, Criminal Procedure Act and the Combating and Prevention of Terrorist Activities Act. There will be no mass surveillance of members of the public and interception will only take place with a court order obtained through the relevant procedures stipulated in already existing legislation."*

### **SIM Registration and Media Freedom**

A recent media report quoted Namibia's Media Ombudsman saying the registration of SIM cards sabotages the work of investigative journalists, because their research into matters such as corruption could be traced after SIM Registration; something Nghikembua notes

as misleading. *“The information collected through SIM registration has already been retained by operators as it is used to collate customer bills. The conditions to be implemented from 01 January 2023, only make the process mandatory. In addition, the SIM cards of post-paid consumers and some pre-paid consumers are already registered, which may potentially include some members of the media. Therefore, if registration of SIM cards has a negative impact on media freedom, Namibia would not have enjoyed the good media ratings experienced over the past years. Equally, SIM Registration must not be conflated with interception or so-called surveillance. Interception has been taking place since 1997, and Namibia’s media freedom ratings have not been negatively impacted. This is because interception has been conducted legitimately and in accordance with the prescribed legal framework.”*

## **SIM Registration and the Right to Privacy**

Recent media reports have also cited allegations that SIM Registration is infringing the right to privacy. *“The Namibian constitution stipulates that the right to privacy of communications may be limited in accordance with law and as is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the protection of health or morals, for the prevention of disorder or crime or for the protection of the rights or freedoms of others. The Namibian judiciary is full of ample precedence certifying that the right to privacy is not absolute and can be limited by the provisions of another act,”* emphasized Nghikembua.

Human rights are intrinsically connected and cannot be viewed in isolation from each other. The enjoyment of one right (privacy) depends on the enjoyment of many other rights and no one right is more important than the rest. Equally Article 17 of the Covenant on Civil and Political Rights (ICCPR) enables necessary, legitimate, and proportionate restrictions to the right to privacy by means of permissible limitations.

*“The limitations authorized by the Namibian Constitution and the ICCPR are set out in the Namibian Central Intelligence and Service Act, the Criminal Procedure Act and the Combating and Prevention of Terrorist Activities Act, which clearly establishes the circumstances under which personal communications may be intercepted,”* said Nghikembua.

## **SIM Registration and Crime Prevention**

Other media reports have challenged the correlation between SIM registration and crime prevention. The idea that technological innovations make it harder to catch criminals is not new. The advent of the telephone also forced law enforcement to re-examine its investigative tools. The law is not there to do away with crime, but it is rather a tool to aid in the investigation of related crimes.

Nghikembua clarifies that *“There is a positive correlation between SIM registration and crime prevention. The position has never been that SIM registration will eliminate crime in totality, however SIM registration will enhance the crime prevention and investigation*

*powers of law enforcement, as it will reveal the identity of persons that utilise SIM cards to commit crimes. Once again, the process has been implemented in Namibia over the years and one limitation has been that the operators do not know the identity of some subscribers, which curtails investigations. Knowing the identity of SIM card subscribers will thus enhance and improve crime prevention."*

The CRAN CEO therefore encourages the public to support the National SIM Registration Awareness Campaign and for SIM card users to comply with their mobile telecommunications service providers in the process of obtaining the relevant information for SIM Registration. Any queries can be forwarded to [communications@cran.na](mailto:communications@cran.na) and the latest information is available on any of CRAN's social media platforms: Facebook (Communications Regulatory Authority of Namibia), Instagram (cranamibia) and Twitter (@CRANamibia).

**"ENDS"**

**Issued by:**

Mrs. Katrina Siken

Head: Corporate Communication

Tel: +264 61 222 666

[communications@cran.na](mailto:communications@cran.na)