IN THE HIGH COURT OF SOUTH AFRICA

(WESTERN CAPE HIGH COURT, CAPE TOWN)

CASE NUMBER: 11681/2012

DATE: 30 AUGUST 2012

In the matter between:

THE MINISTER OF HOME AFFAIRS 1st Applicant

THE DIRECTOR GENERAL, DEPARTMENT OF HOME AFFAIRS 2nd Applicant

CHIEF DIRECTOR, ASYLUM SEEKER MANAGEMENT 3rd Applicant

THE STANDING COMMITTEE FOR REFUGEE AFFAIRS 4th Applicant

THE MINISTER OF PUBLIC WORKS 5th Applicant

and

SCALABRINO CENTRE, CAPE TOWN Respondent

J U D G M E N T

Application for Leave to Appeal

DAVIS, J:

This is an application, both for leave to appeal against the judgment of this court of 25 July 2012 and pursuant thereto, an application which has been brought by the applicants for an order pursuant to Rule 49(11) of the Rules of the High Court.

It appears to me to be sensible to first deal with the question of the application for leave to appeal. On 19 June 2012 the applicants launched an application, only the second part of which became the subject of the present dispute. In terms of the notice of motion, the applicants sought, and were subsequently granted, an interim order. This interim order, in effect, made it very clear that, pending the final determination of relief, which had been sought in the notice of motion, the respondents had been directed to ensure that a refugee reception office remains open and fully functional within the Cape Town Metropolitan Municipality, at which new applicants for asylum can make application for asylum and be issued with section 22 permits.

The background to this relief is comprehensively set out in the principal judgment and I have no intention of repeating the facts as set out therein. It is, however, important, at least, to briefly sketch the basis of the decision to which this court came in granting this interim relief. I say so, because the background becomes relevant, to the two issues that were hotly canvassed this morning in argument, namely the appealability of the order and the merits thereof.

The situation that confronted this court, was that the first and second respondents in effect, had taken a decision to close

the Refugee Reception Centre, which was hitherto located in Cape Town. It, therefore, meant, as I understood the situation, that while new applications for asylum would no longer be processed through the Cape Town Refugee Centre, arrangements were to continue with regard to extensions of those who had already been granted a section 22 permit.

The applicants brought this application on the basis of interim relief and argued that there were a range of grounds which justified this court coming to the conclusion, that rights, (at least prima facie) of affected persons, represented by the applicant, had been breached, to such an extent, that this court was required to safeguard the interests of those rights holders until such time as a court had the opportunity to examine the comprehensive merits of the dispute. In particular, the applicants contended that respondents' decision to close the refugee centre, constituted a statutory failure, that is a failure in terms of the Refugees Act 130 of 1998, to consult with the Standing Committee On Refugee Affairs, which is mandated to deal with these questions prior to the closure or opening of refugee centres. Furthermore, there had been no proper public consultation and finally, the decision itself was irrational.

This court made two findings, which briefly can be summarised

as follows: Following two decisions, that of Pickering, J in Somali Association & Another v Minister of Home Affairs & 4 Others (unreported judgment of the ECD, 16 February 2012) and a further judgment in the North Gauteng High Court, (Consortium for Refugees & Migrants in South Africa & Other v Minister of Home Affairs & Others (case no.53756/11)), the process by which the respondents engaged the Standing Committee, contravened the requirements of the Act. Accordingly, on the papers that had been placed before this court, there was a case made to the effect that improper consultation had taken place. The court then went on to examine the submissions of the applicants that the decision to close the Refugee Centre was irrational and unreasonable. To this extent, the applicants relied on sections 6(2)(b) and 6(2)(d) of the Promotion of Administrative Justice Act 3 of 2000 ('PAJA').

These arguments are set out in the principal judgment. Again, there is no necessity to repeat them, save to say that the court found, on the papers and viewed within the prism of the requirements for interim relief, that the applicants had made out a case, to the effect that the decision to close the refugee centre without more, namely without ensuring that backlogs could be dealt with adequately at the country's northern borders, or providing for alternative arrangements for those

who now sought section 22 permits was sufficient to ground a case for interim relief.

The court then went on to examine the question as to whether the balance of convenience which, ultimately could dictate notwithstanding that a case had been made out by applicants, that there was insufficient justification for making the order as prayed for by the applicants. After examining the papers, this court came to the conclusion, given the strength of the case that had been made out by the applicants and the paucity of evidence to the contrary, that an interim order should be granted.

In this connection one further aspect should be noted. The respondents ran two arguments together in an attempt to contend that there was nothing irrational about their decision. Save for one important piece of evidence, respondents argued there was no alternative, suitable accommodation to house a refugee reception centre after the lease for the existing premises had been terminated at the end of June 2012. Thus, there was very little respondents could do to continue the services which had been offered at that time.

The second argument has now assumed far greater importance. Respondents contend a decision was taken by the

Executive to the effect that refugee reception centres, which process new applicants for section 22 permits, must be located at our northern borders, thus excluding Cape Town. That evidence, to the extent that it was available on the record placed before this court for the purposes of interim relief , was contained in one document which dealt with the PE refugee reception centre. It said nothing about Cape Town. In short, if the court examined all the evidence which justified the rationality of the decision insofar as the Cape Town reception centre was concerned, it was restricted to questions of available accommodation. The decision by the Executive was raised, but in this case, it was very much a secondary argument based upon one document relating exclusively to Port Elizabeth.

As a result of these considerations and the judgment which was prepared by this court, the order that was granted was purely of an interim nature. That order was designed to ensure that a refugee reception centre should remain operational and should cater for refugees who sought section 22 permits within the Cape Town area, until such time as a court had an opportunity to examine the complete Rule 53 record and make a final determination on the merits of the decisions which had been taken by respondents and which, as a result, had given rise to this application.

I should add that judgment was given on 25 July 2012. Five weeks later, little happened, save that I understand that a Rule 53 record has been made available. For this reason, I intend to ensure that the application for final relief be heard before the end of November 2012, when dates are being available for such a hearing.

I now turn to deal with the application for leave to appeal. In the ordinary course, leave to appeal cannot be granted unless an order is final in effect. That principle is sourced in the decision of the Appellate Division in Zweni v Minister of Law & Order & Others 1993 (1) SA 523 (A) at 531C-D. In terms of this principle, a court must look at the order, interrogate the effect thereof, determine whether it is definitive of the rights of the parties, in that it granted definitive and distinct relief and is, at least, dispositive of a substantial portion of the relief claimed in the main proceedings. In the event that these questions are answered in the affirmative, leave to appeal cannot be denied on the basis of what might have been dressed up as an interim interdict.

There has been (arguably more in my mind than in anybody else's!) some confusion as to whether this jurisprudence extends into our constitutional era. Mr Budlender, on behalf of

the applicants, usefully clarified the position by referring, *inter alia*, to the decision of the Constitutional Court in Khumalo & Others v Holomisa 2002 (5) SA 401 (CC), where O'Regan, J engaged with the question as to the manner in which leave to appeal should be granted in these cases. Of particular importance was that the learned Judge of the Constitutional Court held that when that court engaged with questions of leave to appeal, it was not bound by section 20(1) of the Supreme Court Act, but that it could range more widely with regard to whether leave to appeal should be granted. As a result of this approach, the test of whether it is in the interest of justice for leave to be granted has been developed. See in particular para 7 to 10 of Khumalo & Others supra.

This argument reveals that this Court must engage with the Zweni test as this is a matter which the applicants (respondents in the main application) seek to have heard in the Supreme Court of Appeal, or alternatively a Full Bench of this Division.

I did not take Mr Moerane, who appeared together with Ms Sibeko and Mr Papier on behalf of the applicants, to contest this approach. Sensing perhaps that the order of this court might be interim in nature, Mr Moerane developed a more subtle argument, namely that the court should grant leave to

appeal because it had exceeded its jurisdiction, or its powers, in the order which it had granted. In other words, as I took Mr Moerane's submission, it amounted to the following: once a court's jurisdiction is disputed, the question of whether the relief is final or not, is irrelevant to the determination of the appeal and the court must then engage with whether there was a reasonable prospect that another court might come to a conclusion that the jurisdictional issue so raised, was one which could reasonably admit of another answer. This is clearly the purport of the notice of application for leave to appeal read with the affidavit which justified it and the helpful heads of argument which Mr Moerane and his colleagues prepared in anticipation of this hearing.

This means that I do not need to deal fully with all of the helpful points that Mr Budlender raised with regard to the question of whether the Zweni type test dictated that an application for leave should not be granted.

It then leads to the question of the merits of the appeal. That, unfortunately, necessitates, in the first place, some, albeit brief, canvassing of the question of separation of powers. Sadly, the doctrine of separation of powers appears often to be used as a jurisprudential war cry to buttress a range of arguments, rather than constituting a defined concept which

requires careful interrogation before it can be applied in a particular case. For this reason, I am required to deal with the question of separation of powers within the context of this case.

I am indebted to Mr Moerane, Ms Sibeko and Mr Papier for their heads, where they helpfully set down many of the issues of separation of powers which have been canvassed in our cases and to which I make reference. In Glenister v President of the Republic of South Africa & Others 2009 (1) SA 287 (CC), the court engaged with the question of separation of powers as follows:

> "The starting point in an understanding of the model of separation of powers upon which our Constitution is based, must be the test of our Constitution. Section 85 of the Constitution, vests executive authority in the President acting with the Cabinet. In terms of s.85(2)(d), the Cabinet has the constitutional authority to prepare and initiate legislation. Section 73(2) gives the Cabinet member the authority to introduce a Bill in the National Assembly. Thus the ministers had the constitutional authority to initiate the legislation in issue here. One of the issues the Cabinet will consider is

whether the proposed legislation that it approves, in any shape conforms to the Constitution.

In our constitutional democracy, the courts are the ultimate guardians of the Constitution. They not only have the right to intervene in order to prevent the violation of the Constitution, they also have the duty to do so. It is in the performance of this role that courts are more likely to confront the question of whether to venture into the domain of other branches of government and the extent of such intervention. It is a necessary component of the doctrine of separation of powers, that courts have a constitutional obligation to ensure that the exercise of power by other branches of government occurs within constitutional bounds. But even in these circumstances, courts must observe the limits of their powers. [at paras 32-33]"

This approach to the doctrine follows from an earlier judgment of Ngcobo, J (as he then was) in Doctors for Life International v Speaker of the National Assembly & Others 2006 (6) SA 416 (CC), where he said the following:

"The constitutional principle of separation of powers requires that other branches of government refrain

from interfering in parliamentary proceedings. This principle is not simply an abstract notion; it is reflected in the very structure of our government. The structure of the provisions entrusting and separating powers between the legislative, executive and judicial branches, reflects the concept of separation of powers. The principal "has important consequences for the way in which, and the institutions by which power can be exercised". Courts must be conscious of the vital limits on judicial authority and the Constitution's design to leave certain matters to other branches of government. They too, just observe the constitutional limits of their authority. This means that the judiciary should not interfere in the processes of other branches of government, unless to do so is mandated by the Constitution.

But under our constitutional democracy, the Constitution is the supreme law. It is binding on all branches of government and no less on Parliament. When it exercises its legislative authority, Parliament must "act" in accordance with, and within the limits of the Constitution. The supremacy of the Constitution requires that "the obligations imposed by it, must be fulfilled." Courts are required by the

> Constitution " to ensure that all branches of government act within all the law" and fulfil their constitutional obligations. This court has been given the responsibility of being the ultimate guardian of the Constitution and its values'. Section 176(4)(e) in particular, entrusts this court with the power to ensure that parliamentary fulfils its constitutional obligations. The section gives meaning to the supremacy clause, which requires that the obligations imposed by [the Constitution], must be fulfilled. It would, therefore, require clear language of the Constitution to deprive this court of the jurisdiction to enforce the Constitution."

In short, these passages amount to the following set of propositions: We are a nation of law. This fundamental commitment marks us from our apartheid past where there were laws, but little law. Within the constitutional scheme, all elements of the state, whether the executive, the legislature or the judiciary, must comport within the strictures of law. Their powers are sourced in law in general and the Constitution in particular. When a court determines that a particular decision taken by the executive, for example, cannot be sustained, it can only do so after an assessment of the legal powers granted to the executive to make those decisions. In such a

case the court may for a variety of reasons, including, illegality, rationality or lack of procedural fairness, set aside a decision and thereby hold the executive accountable to the applicable law. This is not a breach of separation of powers. It goes to the very core of the idea of separation of powers, and consequently the role of the judiciary.

There is, of course, room for the argument that our Constitution envisaged a dialogical model of democracy, whereby courts are in dialogue with the legislature and the executive to ensure that all policy comports with the Constitution. That does not give the courts a power to determine policy beyond insisting that the executive act within the law and fulfils its legal obligations . Take this case for example. I do not consider that it would be proper for a court to interfere with the decision of the Department of Home Affairs as to where it should locate refugee centres provided that the manner in which the Department so acts accords with the law. The Department is obviously better equipped than the judiciary to make these decisions. We are a democracy not a juristocracy and, accordingly courts need to show respect for the policies which have been formulated by the executive.

In this case, I have declined to make any comment about broader policy for at least two reasons. Firstly, there must be

adherence to a principle of respect for policy formulated by the executive. Secondly, the complete record has not been made available. Hence, this case does not involve questions about the issue of separation of papers. It dealt plainly with the question of whether, for the purposes of an interim interdict, the respondents have comported themselves legally and thus taken a decision which falls within the framework of the law in general, including the Constitution and in particular the Refugees Act. The Constitution is relevant in that PAJA gives legislative content to a provision of the Constitution, namely section 33, the Administrative Justice clause.

The question that needs to be posed is whether, notwithstanding that the court was entitled to make such a decision, it had the power to go further and order the kind of interim relief which is couched within the order so granted.

In Mpumalanga Department of Education v Hoërskool Ermelo 2010 (2) SA 415 (CC), Moseneke, DCJ engaged with the scope of the powers that courts have to make orders and which are derived from section 172 of the Republic of South Africa Constitution Act 108 of 1996. The learned Deputy Chief Justice writes thus:

"First s.172(1)(a) requires a court, when deciding a

> constitutional matter within its power, to declare any law or conduct that is inconsistent with the Constitution invalid, to the extent of its consistency. Section 172(1)(b) of the Constitution provides that when this court decides a constitutional matter it "may make any order that is just and equitable". The litmus test will be whether considerations of justice and equity in a particular case dictate that the order be made. In other words the order must be fair and just within the context of a particular dispute." (para 96)

This is a very wide power which the Constitutional Court has sought to derive from s172 of the Constitution. This is an interpretation that is binding on all courts. The test for relief thus concerns fairness and justice within the context of a particular dispute. Given the constitutional implications of the case (see the earlier remarks about the source of PAJA), how would another court assess the fairness or justice of an order to ensure a reception centre remains open during the interim period. I stress interim period, because the argument for final relief will be heard by the end of November 2012. Hence judgment in such a case, could well be handed down within the next three/four months. It is thus manifestly an interim period in which these principles of justice and fairness need to be

considered.

Aware of this problem, Mr Moerane submitted that it would have been proper for this court to have exercised its power in terms of the section and to have ordered that the Department refrain from closing the reception centre which operated until the end of June 2012. What he submitted the court could not do, was, faced with a reception centre that was closed, order respondents find new premises when that may not be possible, and indeed, in his view, was not possible. That is the basis upon which the application for leave to appeal was couched.

Much of the argument centred on the difficulty which respondents would face in having to establish a fully servicing reception centre, even for the interim. Arguments were raised about the suitability of Customs House which operates to process existing section 22 permits, that there was not a sufficient facility, within those premises, to be able to give content to the interim order. The government is not a private entity. Government, through fifth respondent, controls the entire building of Customs House and, further, is capable, as Mr Budlender put it to me, of constructing temporary accommodation to process various applications when required, in the event that, for the interim, Customs House cannot be employed. Further, in terms of section 7 of the Constitution,

the state has an obligation to fulfil the rights that people might hold pursuant to the Constitution.

Hence, if this court does not have the power to make this form of order, the consequences are extremely serious. It would mean, for example based on the hypothetical I put to Mr Moerane, that, were a government department to illegally demolish accommodation, leaving squatters to the vagaries of a Cape Town or Gauteng winter and the squatters approached this court for interim relief, that this for basic shelter, pending an action to have their houses reconstructed, the court would have to conclude that it could not order the government to do so, as it was too difficult. A court could not precisely divine as to whether the government had the capacity or ability to provide such interim shelter. This argument cannot hold for all cases. If it did, I suspect we might have a constitutional crisis in that the lack of a power to grant such relief may be at war with the constitutional promise.

To the extent that the respondents are unable to comply, they would have had to put up more compelling evidence than they did in this case. Let me give but one example, albeit that it appears to be evidence which emerges out of the Rule 49(11) application, although as Mr Moerane properly said, in many ways the evidence in the one application is relevant to the

other.

There is an affidavit deposed to by Mr Miranda Madikane, on behalf of the applicant, in support of the Rule 49(11) application. In it, the averment is made that Customs House has a number of floors. In particular there is an averment that a wing on the 4th Floor, comprising a large unused waiting room and 13 vacant offices were available. Except for an SAPS office, it appeared that the 4th Floor was otherwise deserted."

It is of interest to examine the response to this averment. Other than a claim that the building is under the control of the fifth respondent, no answer is provided as to why the fourth floor, or any other floor, for that matter, at Customs House, could not be used on an interim basis. At the very least, if the respondents come to court and argue that the order so granted was impractical and that it is thus unrealistic, and hence the court had exceeded its powers, even as wide as they are in terms of section 172, the least one could have expected was concrete evidence to justify the conclusion. There is however no evidence. There is however no evidence to suggest, as Mr Budlender correctly pointed out, that applications, at least of some of the new refugees, could not be processed. There is but a blanket denial that anything can be done to comply with

the court order.

In my view, when all of this jurisprudence is analysed in terms of the facts as I have outlined, there is no prospect that another court would come to the conclusion that this court, in the discretion which it is entitled to exercise pursuant to the application of an interim interdict, so exceeded its power, so as to have acted unlawfully, that is outside of the ambit of the powers of a High Court in these circumstances.

In my view, the matter is of an interim nature and an interim relief was granted in order to best promote fairness and justice. The court examined the balance of convenience within that context and came to a conclusion, which in my respectful view, is not one which one could argue it is reasonable to suspect that another court would come to a conclusion different to that arrived at this court. Not only do I consider, therefore, that the matter is unappealable, but further there is no merit in this application. **Accordingly, the application for leave to appeal is dismissed with costs**.

Rule 49(11)

That raises to the second question, being the application of Rule 49(11). As with everything in this case, the matter is not without its own difficulty. The first difficulty is whether Rule

49(11) applications can be granted in circumstances where an application for leave to appeal has been refused. In other words, somewhat metaphorically Mr Moerane contended that a High Court judge's circumstances of this court cannot rule from the grave, meaning that once this court had dismissed the application for leave to appeal, it was *functus officio* and could not deal further with a Rule 49(11) application.

There is one judgment to which I was referred. Pickering, J in Ncube v Department of Home Affairs & Others 2010 (6) SA 166 (E), dealt with the question of a Rule 49(11) application. It appears that one of the issues that the learned judge had to canvass was precisely the question of the reach of a Rule 49(11) order, and, in particular, whether an order could be granted in circumstances where the application for leave to appeal is dismissed but notwithstanding, a court may grant a Rule 49(11) application, to cover the case of a petition to the Supreme Court of Appeal.

In this case it appears that the court, relying on the very broad principles, which Corbett, JA (as he then was) set out in South Cape Corporation (Pty) Ltd v Engineering Management Services (Pty) Ltd 1977 (3) SA 534 (A) at 545 found that such order could be granted by a court on just and equitable grounds. Thus this case supports a situation whereby the

respondents launch a petition to the Supreme Court of Appeal for leave, but are still subject to a Rule 49(11) order.

Rule 49(11) effectively represents a codification of the common law. See Reid v Godart & Another 1938 AD 511 at 513 and the emphasis placed by De Villiers, JA on the prevention of irreparable damage. The rule exists in order to provide relief to a party who has won a case and who is now faced with the situation that, because leave was being sought, the order would be suspended and hence the act of suspension could cause very significant disadvantage to the party who had come to court and won its case. This rule has become particularly important in recent times, particularly as a result of the propensity in South Africa for a plethora of appeals, so that matters can never be completed expeditiously. Parties who win, after having spent their limited resources to procure a victory, find themselves in a position where this is may be no more than a phyric victory.

I consider, therefore, that it is sensible to take the approach that Rule 49(11) covers a situation where a petition is possible and which would necessitate, either a lacuna, as Mr Moerane suggested, to which no order under Rule 49(11) could ever be granted, or that the matter would again have to return to the High Court.

The law surely has to be sensible in this situation and I consider that the approach adopted by Pickering, J should be extended to deal with this kind of case. For a further support for this approach, see Jewellery Investments v Southern Sun Hotel Corporation 1992 (2) SA 291 (W) at 292.

That, therefore, requires me to turn to the factors which a court must take into account with regard to a Rule 49(11) application. These include:

(a) The potential of irreparable harm or prejudice being sustained by the appellant on appeal (respondent in the application of leave) if the application is granted and by the respondent on appeal (applicant in the application) if leave to execute were to be refused.

(b) The prospects of success on appeal, including more particularly the question as to whether the appeal is frivolous or vexatious, and was noted not with the *bona fide* intention of seeking to appeal the judgment but malo fide for purposes of delay.

(c) Whether there is a potentiality of irreparable harm or prejudice to both appellant and respondent; that is an

application of the balance of convenience.

In this case I have already determined the question of prospects of success on appeal. The question, therefore, arises as to possible irreparable harm. That issue has revealed significant responses. In the application for the Rule 49(11) application, the applicants placed affidavits before the Court to show that many people were seeking the services of the refugee centre in Cape Town. For example, Mr Toyambi deposed to an affidavit, in which he informed the court that he monitored attempts by new asylum seekers to gain assistance at Customs House on 23 August until Wednesday 29 August 2012. He attaches to his affidavit a lengthy list of applicants. This conclusion is confirmed by a further affidavit by one Mr Rudyard Moats, who avers that he had monitored the operations of Customs House as from 30 July. He deposed to an affidavit confirming:

> "A steady flow of newcomers approaching the Scalabrino offices for assistance. Usually been around three per day with up to 19 on occasion."

There is further evidence which is provided by the applicants that some 231 refugees sought such assistance between 30 July 2012 and 10 August 2012.

That evidence, detailed as it is, is dealt with in a somewhat surprising fashion by the respondent. The Director General, Mr Apaleni, sets out an affidavit in which he opposes this relief and attaches to it an affidavit of one Santo Mohapeloa, the Acting Director in the Department of Home Affairs, who informs the court that during the period of 2 July to date (29 August 2012):

> "I personally supervised movement at the entrance and the access gates of the new service centre at Customs House and confirm that during that entire period, no new asylum seekers presented themselves for processing at the service centre."

There are at least two reactions to this passage. If there were no new asylum seekers, then the question arises about the fuss made regarding the pressure placed upon Customs House and is resources. Then the question can be asked: what is the basis of opposition to the Rule 49(11). But, from another perspective, it stands to be rejected as completely untenable. This bald denial stands in contradiction to the detailed affidavit evidence provided by the applicant.

It is worrying that this is the kind of argument to which this

court has been subjected by way of affidavit evidence. At the very least, it stands to be rejected on the ground that it is an untenable version, compared to applicant's detailed account, that significant numbers of people continue to seek the services of a refugee reception centre. Those people, were they not to be able to use a reconstituted, albeit it a temporary centre, would be seriously prejudiced.

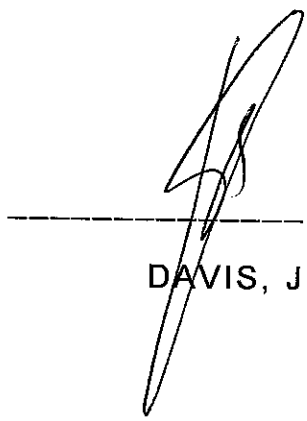
Recall that this court has already determined that there is a case to justify an interim interdict. That means that certain rights, at least for the purposes of an interim interdict, have been jeopardised by respondents. Were this court to refuse the Rule 49(11) application, it would, in effect, be saying to refugees, 'notwithstanding that you have been successful in court, you still have to travel 3 000 km to obtain your section 22 permit'. This is a conclusion which is conducive to undermining the legitimacy of our legal system.

So what is the prejudice to the respondents? As I have already indicated in my dismissal of the application for leave to appeal, very little was placed before this court as to why precisely it would be impossible to utilise either Customs House or some other temporary venue. If one extrapolates the figures placed before this court, between now and the end of the year in which one would estimate the substantive dispute

could be resolved, there will in all probably be some 400 applications a month. For three or four months that is 1 600 people, hardly a tsunami of applications and certainly not sufficient to indicate that this government cannot comply with the interim order and make the necessary arrangements.

For these reasons, I consider that it is in the interests of justice, and in terms of the very purpose of Rule 49(11), that the application should be granted.

It is ordered that notwithstanding any application for leave to appeal and/or appeal by any of the respondents against the order granted by this Court on 25 July 2012, and pending the outcome of any such appeal, paragraph 1 of the order granted on 25 July 2012, is not suspended. The costs of this application are to be borne by the first and second respondents.



DAVIS, J