

BRIEFING TO THE PORTFOLIO COMMITTEE ON POLICE

FIREARM AMNESTY 2019/2020

23 OCTOBER 2019

ON A JOURNEY TO A SAFER SOUTH AFRICA

Creating a safe and secure, crime free environment, that is conducive for
social and economic stability, supporting a better life for all.

#PatrioticandSelflessService





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Purpose

To brief the Portfolio Committee on Police on the Draft Notice of Declaration of Amnesty in terms of section 139 of the Firearm Control Act, 2000 (Act No. 60 of 2000) and outline processes in that regard.



Background

- ❑ The Firearms Control Act, 2000 (Act No. 60 of 2000) which came into operation in 2004, replaced the Arms and Ammunition Act 75 of 1969.

The purpose of the Act is to:

- a) enhance the constitutional rights to life and bodily integrity;
 - b) prevent the proliferation of illegally possessed firearms and, by providing for the removal of those firearms from society and by improving control over legally possessed firearms, to prevent crime involving the use of firearms;
 - c) enable the State to remove illegally possessed firearms from society, to control the supply, possession, safe storage, transfer and use of firearms and to detect and punish the negligent or criminal use of firearms;
 - d) establish a comprehensive and effective system of firearm control and management; and
 - e) ensure the efficient monitoring and enforcement of legislation pertaining to the control of firearms.
- ❑ In terms of section 138 of the Firearm Control Act, “amnesty” means an indemnity against prosecution for the unlawful possession of a firearm or ammunition.



Background..cont

- ❑ Section 139(1) provides that the Minister of Police may, by notice in the Gazette, declare an amnesty if the amnesty may result in the reduction of the number of illegally possessed firearms in South Africa and is in the public interest to do so.
- ❑ Section 139(2) of Firearms Control Act, 2000 (Act No 60 of 2000), also provides that such amnesty will only be valid if it is approved by Parliament. The amnesty must specify the period during which persons may apply for amnesty and must specify the conditions under which amnesty may be granted.
- ❑ The process to declare the Amnesty commenced in 2017 and could not be finalised due to administrative delays. The recent Amnesty declaration was submitted to Parliament with the proposed date and conditions.
- ❑ A person who surrenders a firearm or ammunition in compliance with the notice is indemnified against prosecution only for the unlawful possession of such illegal firearm or ammunition.



Background...cont

- ❑ In accordance with section 139(4)(a) of the said Act, persons who surrendered these illegal firearms may apply for licences to possess same.

No indemnity for firearms used to commit crime such as murder, robbery, hijacking, etc.

- ❑ A project plan for Firearm Amnesty was developed and costed to ensure effective implementation and monitoring.
- ❑ The Steering Committee has been established to oversee the implementation and monitor the process.



Objectives

1 To reduce the number of illegally possessed firearms in circulation in South Africa

2 To provide firearm owners with the opportunity to hand in unwanted firearms

3 To prevent crime and violence and to promote safety

4 To address the fundamental causes of crime in order to effectively protect our communities

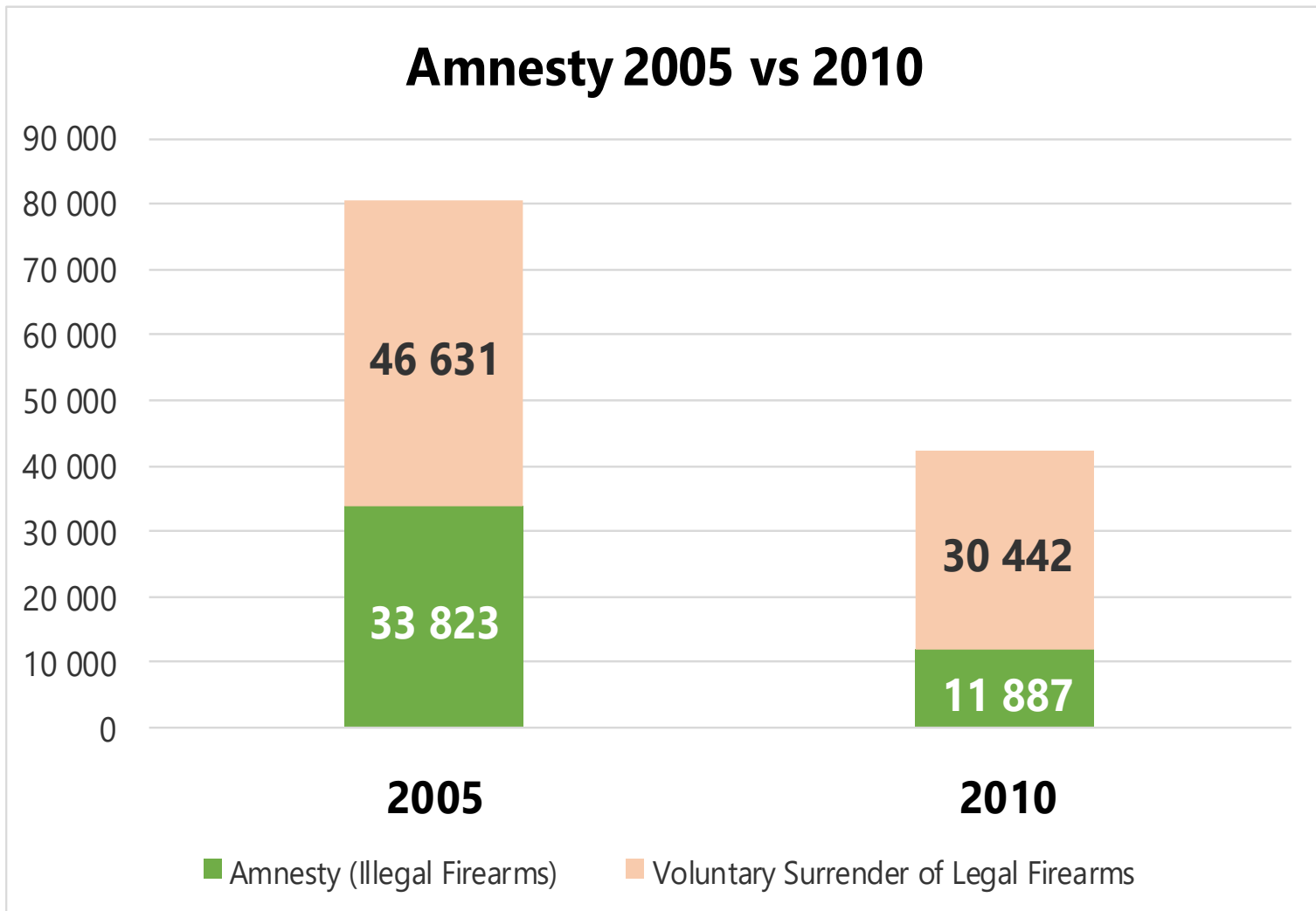
5 To ensure people living in South Africa feel safe and have no fear of crime



Success of previous Amnesty



Amnesty 2005 vs 2010





Litigations in terms of the Act



Applicant (s)	Case Number	Relief Sought	Status
South African Hunters and Game Conservation Association (SAHGCA)	33656/2009	Licences issued i.t.o the 1969 Act to remain valid pending the finalisation of the main application. The main application challenges the Constitutionality of Schedule 1 of the 2000 Act, viz, renewals of licences.	Interim Order issued in 2009 and still in operation to date. Main application is yet to be heard.
South African Hunters and Game Conservation Association (SAHGCA)	CCT 177/2017	That sections 24 and 28 of the Firearms Control Act, 2000 be declared unconstitutional.	Gauteng North High Court granted this relief. The CC overturned it in favour of the Minister and confirmed the constitutionality of both sections.
Gun Owners of South Africa (GOSA)	46684/2018	That the SAPS be interdicted from receiving firearms for which licences have expired. It must be noted that this is contrary to what the CC pronounced in the above matter.	Gauteng North High Court granted this relief as an Interim Order. Counsel is appealing the matter.

There was never a stage where the Minister was interdicted by any Court in the Republic from proclaiming an Amnesty.



State of readiness

The project plan consist of the following phases:

- Phase 1: Planning**
- Phase 2: Implementation**
- Phase 3: Reporting and Monitoring**
- Phase 4: Destruction**
- Phase 5: Debriefing**



Phase 1: Planning

Objective: To ensure readiness of all Provinces and Stations to implement Amnesty

- Steering Committee consisting of all the role players established and the action plan developed, in terms of work breakdown structure.
- Implementation process flow and draft guidelines were developed and will be distributed to the provinces when Amnesty is announced:
 - Transportation of firearms;
 - Screening and vetting of Designated Amnesty Officials and SAPS 13 Officials;
 - Criteria for appointment of Designated Amnesty Officials;
 - Identification of centralised storage facilities; and
 - Checklist
- A total of 9 centralised storage facilities were identified in provinces and are subjected to risk assessment.



Phase 1: Planning

Objective: To ensure readiness of all Provinces and Stations to implement Amnesty

Provinces conducted risks assessment and identified stations to be excluded from the project.

Provinces	Number of Stations to be excluded
Eastern Cape	05
Free State	03
Gauteng	09
KwaZulu-Natal	04
Limpopo	01
Mpumalanga	03
North West	02
Northern Cape	14
Western Cape	05
Total	46

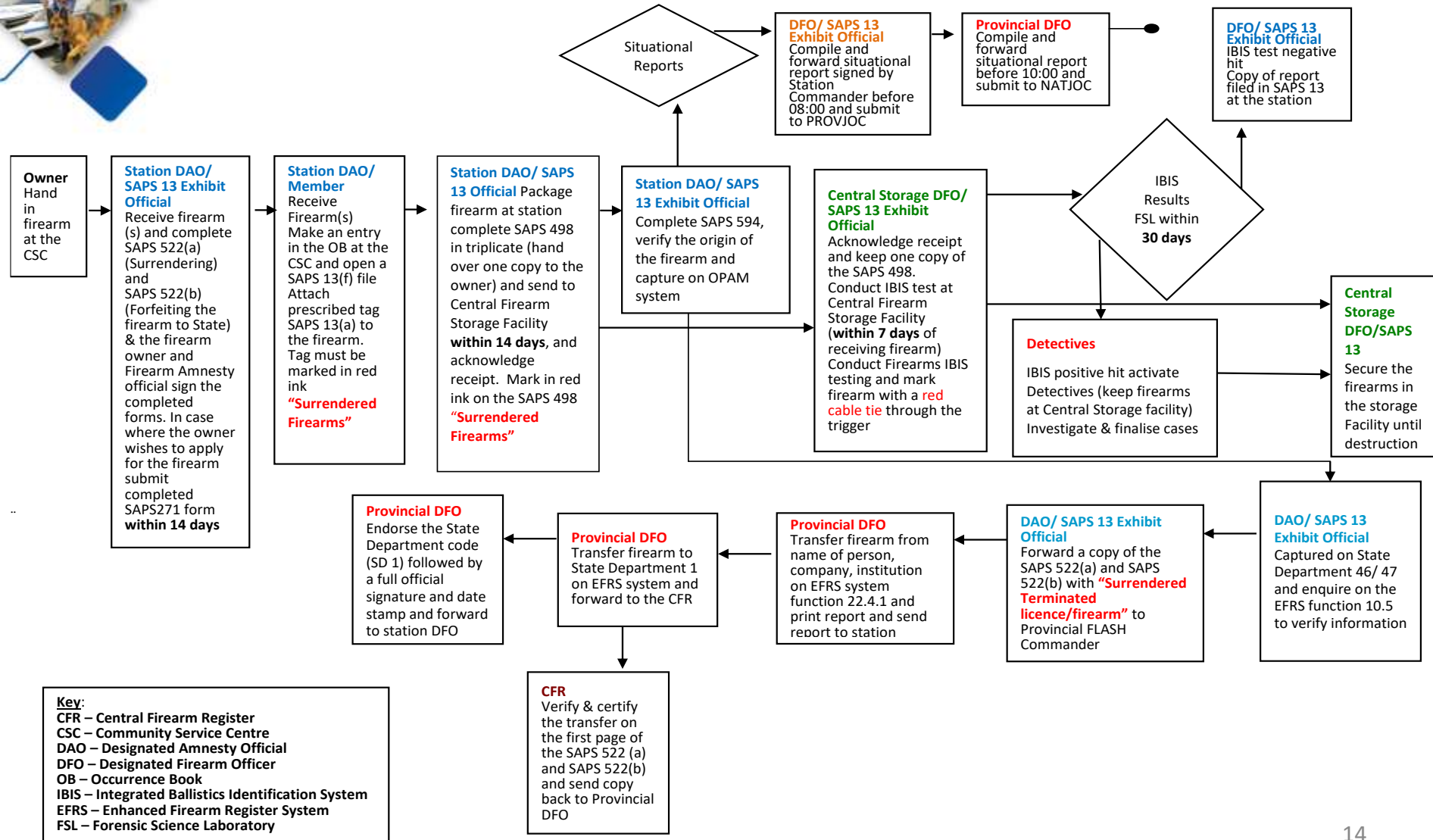


Phase 1: Planning

Objective: To ensure readiness of all Provinces and Stations to implement Amnesty

- Communication plan is developed and ready for implementation.
- Relevant codes for 'Amnesty Project' created on the Enhanced Firearms Register System (EFRS) to ensure proper capturing and monitoring of the project.
- Additional guidelines on enhanced firearm destruction process were finalised.
- Identified Designated Amnesty Officials (DAO) have been trained in Integrated Ballistic Identification System (IBIS) Testing. The programme will be rolled out through Forensic Science Laboratory (FSL) regional offices.
- Details of 2 518 members were provided to Division: Crime Intelligence for screening and vetting. Currently 1 620 members are screened, 109 vetted and 789 are still in progress.
- A Detective investigative team will be established upon the announcement of the Amnesty.
- Two workshops with provincial Firearm, Liquor and Second-Hand Goods (FLASH) commanders were conducted during 2017/2018 and a refresher workshop conducted, on 12 September 2019.

Process Flow



Key:
 CFR – Central Firearm Register
 CSC – Community Service Centre
 DAO – Designated Amnesty Official
 DFO – Designated Firearm Officer
 OB – Occurrence Book
 IBIS – Integrated Ballistics Identification System
 EFRS – Enhanced Firearm Register System
 FSL – Forensic Science Laboratory



Phase 2: Implementation



Objective: Ensure the effective implementation of the 2019/2020 Firearms Amnesty Project

- The implementation of the project will commence at a date to be determined upon the declaration of amnesty by the Minister and will include the following:
 - Implementation of the approved communication (internal and external) plan.
 - Issue a National Instruction (NCCF) to communicate implementation process.
 - ✓ Implementation of process flow and checklist.
 - ✓ Establishment of the task team for the processing of applications.
 - ✓ Established enquiry desk at Central Firearm Register (CFR).
 - ✓ Activation of Detective Services for investigation.



Phase 3: Reporting & Monitoring



Objective: Ensure the effective reporting and monitoring of the 2019/2020 Amnesty Project

- Impact evaluation will be done quarterly, by means of the reported results in the National Quarterly Report on the APP for the indicator “Number of stolen/lost and illegal firearms recovered and includes:
 - Implement the reporting template for monitoring purpose.
 - Activate monitoring teams to conduct quality assurance visits with specific focuses on identified problematic stations.
 - Generate and analyse daily, weekly and monthly reports received for intervention by monitoring teams.
 - Monitor Amnesty firearms handed in linked to crime and firearm licence applications received.



Phase 4: Destruction

Objective: Decrease the opportunity for the proliferation of firearms through destruction

- Conduct an audit of the Amnesty firearms ready for destruction in provinces.
- Compile a destruction plan for the Amnesty firearms, firearm parts or ammunition.
 - Compile notice of firearms for destruction and gazetting.
 - Updating the EFRS system with the details of the firearms.
 - Compile a final destruction report.



Phase 5: Debriefing



Objective: Conduct debriefing on the outcome of the 2019/2020 Firearm Amnesty Project

- An impact assessment will be conducted and debriefing sessions be held to assess the success of the amnesty. A consolidated report will be compiled and submitted to the relevant authorities.



Risks and Mitigations

Identified risks	Mitigating Actions
Theft of firearms.	<ul style="list-style-type: none">○ Process flow with actual days.○ Vetting and screening of DFO's including SAPS 13 members.○ Ensure security measures and accountability within the SAPS 13 stores.
Damage to firearms.	<ul style="list-style-type: none">○ Identified central storage facilities within provinces to alleviate overcrowding.
Delay in IBIS Testing process.	<ul style="list-style-type: none">○ Trained additional members in IBIS testing.
Inadequate security and attacks on police stations.	<ul style="list-style-type: none">○ Police Stations to comply with the criteria on minimum standards○ Access Control in accordance with National Instruction 17 of 2019○ Enhancement of security at Centralised storage facilities.○ Risk assessment will be conducted on continuous basis and alert responsible Reactionary Units.○ Communication of operation hours.
Attacks or theft during transportation	<ul style="list-style-type: none">○ Transportation plans developed to provide escort on bulk;○ Risk assessment will be conducted on continuous basis and alert responsible Reactionary Units.
Increase in number of applications for firearm licences	<ul style="list-style-type: none">○ Decentralisation of fingerprints.○ Establish task teams for processing of applications.



Conclusion

The removal of illegal or excess firearms is indeed in the interest of the public and is supported by the crime statistics, which indicates that firearms is the instrument commonly used in the commission of crime, especially violent crimes.

In order to ensure the success of the 2019/2020 Firearm Amnesty, it is imperative that all the people of South Africa be involved in this project to ensure that all people in South Africa are and feel safe.



THANK YOU



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