

South African Police Service



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Honourable Ms S Shaikh, MP
Chairperson: Select Committee on Security and Justice
Parliament of the Republic of South Africa
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Dear Honourable Ms Shaikh

REQUEST FOR INFORMATION: SOUTH AFRICAN POLICE SERVICE: CONCERNS RAISED WITH REGARD TO FIREARM AMNESTY BRIEFING: 11 SEPTEMBER 2019

Reference is made to a request from the Select Committee on Security and Justice, dated 11 September 2019.

The South African Police Service was requested by the Select Committee on Safety and Security to provide feedback responses on the following matters:

Select Committee on Security and Justice has invited the South African Police Service to brief them with regard to the proposed firearm amnesty.

Reference was made to people who are still in possession of the old green card licences and are one month late in renewing the licences, asking how this would be dealt with.

Response:

People who are still in possession of the green card licenses. In terms of the Interim order of 2009, green licenses are still valid and are not subjected to renewal.

Reference was made to a truckload of firearms that was stolen during the previous amnesty. What will be done to ensure that the public trust the SAPS? The public trust in the SAPS must be unquestionable, for this proposed amnesty to be a success.

Response:

The SAPS have no knowledge on the truck load of firearms that was stolen; however with the Prinsloo matter firearms were stolen from a storage facility under control of SAPS. The member has been convicted and found guilty and received an 18 years prison sentence.

Public trust in the SAPS was damaged during the previous dispensation where members of the Police were used to maintain an unjust system. Since the new Government took over in 1994 many

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programmes were put in place to win back public trust for example the establishment of Community Police Forums, developing and implementing Community Policing Strategy and Anti-Corruption Strategy. Where perpetrators are identified drastic actions are taken in terms of the law like in the Prinsloo case.

Mistakes from the previous amnesty- what did SAPS learn and what will be done differently, this time?

Response:

The SAPS have done an assessment of risk link to this incident and has changed the process in such a way that there is no stock piling of firearms for long periods. One of the main risks identified for the Prinsloo case is that all functions were decentralised to the Provinces. The revised processes makes provision for an integrated auditing process between National firearms compliance and Provincial FLASH.

The CFR currently has many challenges. How will these challenges affect the firearm amnesty?

Response:

The current challenge would be the turnaround time for firearm licensing due to the resource constraints, however special processes and dedicated task teams will be put in place for applications that are handed in by a person that want to apply for licensing in respect of such firearms.

What affect will the moratorium, as a result of the pending court case appeal, have on the amnesty?

Response:

There is no moratorium placed on the Amnesty. If the mentioned moratorium relates to the SA Hunters case the position is that the current Amnesty will not be affected by the pending appeal case. The Court Judgement in the SA Hunters case relates only to the firearm owners who failed to renew firearms licences. The current Amnesty will include all firearm owners be they in legal or illegal possession of their firearms. The intension with the current amnesty is not to target firearm owners who failed to renew their firearm licences but is to reach out to as many firearm owners as possible. However those firearm owners who failed to renew their firearms licences may also make use of the amnesty if they so wish.

A concern was raised that only law abiding citizens will hand in their firearms and not criminals.

Response:

See response to question 5 above.

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The loopholes in the Firearm Control Act should first be closed, before an amnesty can be proposed.

Response:

The amendment of the Firearms Control Act (Act no 60 of 2000) is an ongoing process. The amendment of the Act depends on changing circumstances and there can never be a stage where one can say the amendment of the Act is complete.

Slide 4: Clarity is needed, with regard to “no amnesty for firearms used to commit crimes”. Does this mean that criminals may keep their firearms?

Response:

Firearms handed in for amnesty purposes are to be IBIS tested and those that are connected or linked to the commission of crimes, such cases will be investigated and perpetrators prosecuted. The primary purpose of the police is to investigate crime and to bring perpetrators to book. The amnesty will not replace any other Law in the Country that prescribe the involvement of crime and is not a blanket amnesty.

Slide 7: Will all the provinces have concluded the risk assessments, by 15 September 2019?

Response:

All Provincial Commissioners must have an operational plan to safeguard and transport all firearms during the Amnesty period.

Slide 7: How will the SAPS ensure that the nine centralised storage facilities are safe and secure?

Response:

All Provincial strong room facilities are compliant to existing South African National Standard 953.2 regarding strong rooms.

Slide 7: What is the status of the screening and vetting of the Designated Amnesty Officials and SAPS 13 officials?

Response:

- Total of DFOs in Screening process = 789
- Total Screening finalized = 1318
- Total Vetting finalised 109.

Have SAPS members been trained to correctly complete the SAPS 522 (a) and (b) forms?

Response:

A workshop was conducted during 2018 and a refresher workshop was conducted on 2019-09-12 and will be rolled out to the Provinces with supporting evidence of all members in the provinces trained from the 16 -20 September 2019.

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Slide 10: Has the enquiry desk at the Central Firearm Register (CFR) been established and how will it be able to function in a building that is not secure? Reference was made to the oversight visit by the previous PCoP and the poor condition of the CFR building, in Pretoria.

Response:

Accommodation at the CFR is still a problem however it does not hamper the functions of the enquiry desk which has been established and in operation since 2015.

Planning vs Implementation- has the planning been finalised?

Response:

A plan has been compiled which addresses the before, during and after phases of the Amnesty period.

Clarity was sought, with regard to the part of the tabling letter of the Minister which read "an application contemplated in terms of Section 139(4) of the said Act shall not apply to illegal firearms where documentary proof of previous ownership cannot be produced".

Response:

In terms of Section 139(4) of the Firearms Control Act (Act No 60 of 2000) a person who hands in a firearm during amnesty may apply for a firearm licence in respect of that firearm. This Section covers those who can proof legal ownership in respect of such firearm or who can proof that the firearm in question belongs to any of the family members who is deceased and such person is in one way or the other is taking care of such firearm. The Section in the letter means that any person who does not fall in the above categories may not apply for the licensing of such firearm.

Slide 4: What were the administrative delays that prevented the amnesty from taking place in 2017?

Response:

The replacement of Ministers caused the delay.

A concern was raised that not even the Committee Members were aware of the date of the proposed amnesty and how would ordinary citizens be informed?

Response:

The approval must be obtained from Parliament before the community can be engaged; however the Communication Plan has been developed in this regard and will be rolled out upon approval.

A Committee Member mentioned that he had lost his firearm licence and had tried to obtain a duplicate, without success. How would the amnesty affect people who were lawfully in possession of firearms but had lost their firearm licences?

Response:

In terms of Section 29 of the Firearms Control Act the holder of the licence must inform the Registrar of such a loss. If a firearm licence holder loses his/her firearm licence an application must be made for the issuing of a duplicate licence. This process will not affect the Amnesty processes.

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Slide 14: The Risks and Mitigations were very serious, in particular the condition and safety of police stations. Police stations may become the target of robberies.

Response:

Minimum safety standards in terms of the Police Safety Strategy has been developed and implemented. The Standards includes the deployment of resources as well as access to police Station. Over and above this, National Instruction 17 of 2019 Access Control was approved and implemented. Stations that has been attacked and where firearms were stolen will be excluded from the Amnesty.

It was alleged that police stations are no longer the safest place in the community, as before. Now security guards are safeguarding the police stations. Will the SAPS be able to guarantee the safety of the firearms, which were handed in at police stations?

Response:

Minimum safety standards in terms of the Police Safety Strategy has been developed and implemented. The Standards includes the deployment of resources as well as access to police Station. Over and above this, National Instruction 17 of 2019 Access Control was approved and implemented.

For the safety of firearms a criteria for the safe keeping of firearms was developed and assessments are being conducted by Cluster Commanders to ensure compliance.

What were the successes and achievements from the previous amnesty?

Response:

2010 Amnesty (11 January 2010 to 11 April 2010):

Surrendering of Illegal firearms and ammunition:

A total of 11 887 illegal firearms and a total of 139 234 rounds of ammunition have been surrendered.

Voluntary handing in of legal firearms and ammunition:

A total of 30 442 firearms and a total of 321 155 rounds of ammunition have been handed in.

Enquiries received at the National Firearms Call Centre:

A total of 3 873 telephonic enquiries pertaining to Amnesty have been received for the above period.

The integrity of SAPS officials was a concern. Reference was made to the recent raids in Johannesburg where SAPS officials were found to be stealing confiscated goods.

Response:

These members have been identified through SAPS intelligence as it was part of the risk identified as part of the Operation and was mitigated. After having being identified steps have been taken against those implicated. The SAPS also do have an Integrity management and an Anti-Corruption Strategy.

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Will the amnesty start on the same date across the whole of South Africa?

Response: Yes

Is the SAPS ready for this exercise to start, on 1 October 2019, taking into consideration, all the challenges at police stations?

Response: Yes, Risk Plan in place.

Before the amnesty can take place, all the stakeholders must be involved.


Response:

In terms of Section 139 of the Act, the declaration of Amnesty is the responsibility of the Minister of Police and is not obliged to consult with stakeholders before following legislative processes.

Will the communication, regarding the amnesty, be centralised?

Response: Yes

Yours sincerely,



**NATIONAL COMMISSIONER: SOUTH AFRICAN POLICE SERVICE
KJ SITOLE (SOEG)**

GENERAL

NATIONAL COMMISSIONER: SOUTH AFRICAN POLICE SERVICE

KJ SITOLE (SOEG)

Date: 2019 -10- 10