



12 February 2021

INFORMATION NOTE: SAPS REPORT ON THE 2019/20 AND 2020/21 FIREARM AMNESTIES

TABLE OF CONTENTS

1. INTRODUCTION.....	1
2. PREVIOUS AND RECENT AMNESTIES	1
3. AMNESTY DATA PRESENTED BY SAPS (16 FEBRUARY 2021)	2
3.1. Illegal vs. voluntary surrendered legal firearms and reported figures	2
3.2. Firearm licence applications and the Central Firearm Registry (CFR)	3
3.3. A/IBIS Testing	5
3.4. Destruction of surrendered firearms and ammunition	5
3.5. Marketing and communication	6
3.6. Monitoring.....	6
4. REFERENCES.....	7

1. INTRODUCTION

The South African Police Service (SAPS) ran two separate six-month firearm amnesties since December 2019. The first was from 01 December 2019 to 31 May 2020 and the second, from 01 August 2020 to 31 January 2021. Collectively, the two amnesties collected 126 173 firearms and 551 917 ammunitions. According to the SAPS, they received the majority of these firearms and ammunition during the second amnesty. In both amnesties, illegal firearms far outnumbered the voluntary surrendered legal firearms. A major challenge in both amnesties was the national Covid-19 lockdown that hampered the collection of firearms and had a significant impact on the renewal of firearm licences.

This paper is in preparation of the scheduled meeting of the Portfolio Committee on Police scheduled for 16 February 2021 on the progress related to the approved firearm amnesties for 2019/20 and 2020/21.

2. PREVIOUS AND RECENT AMNESTIES

With the inception of the Firearms Control Act, 2000 (Act 60 of 2000) (FCA) in 2003, it promised to be an effective way of firearm control, administered by the SAPS. The SAPS established the Central Firearm Register (CFR) to process and monitor firearm ownership through applications and renewals. However, the CFR has been plagued with many challenges, which led to a near collapse of the information technology system behind the CFR.

Since the inception of the FCA, Parliament has approved 4 separate amnesties in 2005, 2010, 2019/20 and 2020/21. Since December 2019, the SAPS ran two separate 6-month firearm amnesties, the first from 01 December 2019 to 31 May 2020 and the second from 01 August 2020 to 31 January 2021. Both of these amnesties ran through the national Covid-19 lockdown, which undoubtedly affected the success of the amnesties. The Minister of Police submitted the request for a second amnesty close to the closing date of the first amnesty and as such, there were two months in which there were no amnesty (June and July 2020).



Table 1: Timeline of 2019/20 and 2020/21 amnesties

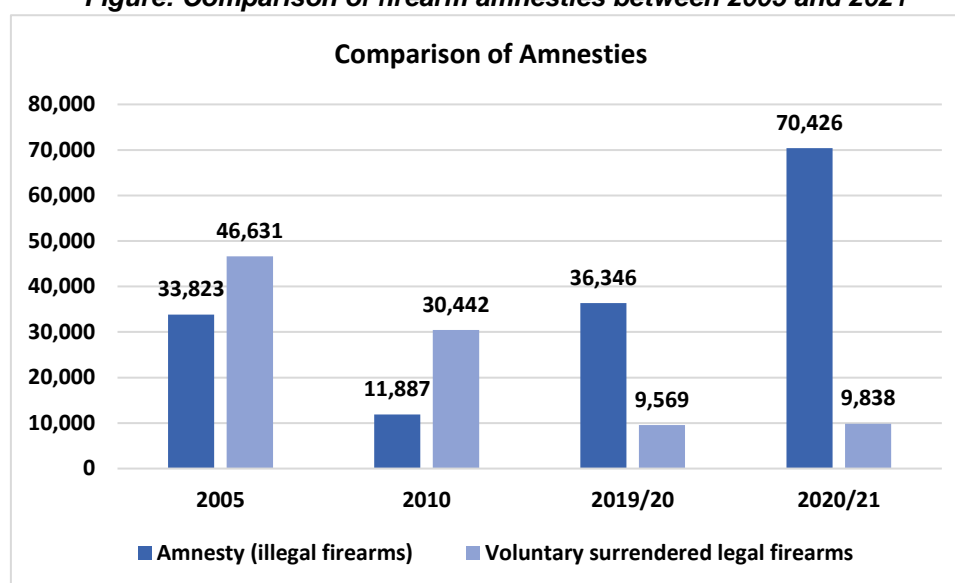
2019	2020												2021
Dec	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan
Amnesty: 01 Dec 2019 to 31 May 2020						No Amnesty		Amnesty: 01 Aug 2020 to 31 Jan 2021					

3. AMNESTY DATA PRESENTED BY SAPS (16 FEBRUARY 2021)

3.1. Illegal vs. voluntary surrendered legal firearms and reported figures

As shown in the figure below, in the first two amnesties, the number of voluntary surrendered firearms far outnumbered illegal firearms. Conversely, in the latter two amnesties, illegal firearms far outnumbered voluntary surrendered firearms. The significant inverse could be linked to the issues surrounding the renewal of expired firearm licence following a 2017 SAPS directive, which enforced section 24(1) of the FCA, providing that renewal applications must be initiated 90 days prior to the expiry date of the licence.

Figure: Comparison of firearm amnesties between 2005 and 2021



Source: SAPS (2021)

Questions

- 1) The SAPS should explain why they did not provide figures for estate firearms/ammunition or the number of firearm components.
- 2) The SAPS should indicate whether they classified the firearms surrendered with expired firearm licences as 'illegal firearms'. Although this seems logical, the expired licences issue is outstanding (since 2017) and has been the basis for various litigation against the SAPS.
- 3) What happened in the two month period (June and July 2020), when there was no amnesty in place?



- 4) The SAPS should explain the significant difference between the first two and latter two amnesties in terms of illegal and voluntary surrendered firearms.
- 5) The SAPS should explain the significant spike in illegal firearms collected during the 2020/21 amnesty.
- 6) The SAPS should explain the significant spikes in firearms collected during the last two months of both amnesties.

The table below shows the data presented by the SAPS on the 2019/20 and 2020/21 amnesties. The table also includes a column showing the data presented to the Portfolio Committee on Police on 03 June 2020, to show the manner in which the data changed. (*The data was as of the end of May 2020, thus it was presumably unverified/final figures*).

Table 2: Amnesty figures 2019/20 and 2020/21

	Presentation 03 June 2020 Dec 2019 to 31 May 2020 <i>Unverified figures</i>	Presentation 16 Feb 2021 01 December 2019 to 31 May 2020 (2019/20) 01 Aug 2020 to 31 Jan 2021 (2020/21)	
	2019/20	2019/20	2020/21
Firearms surrendered (6 months)	27 336	45 915	80 263
• <i>Amnesty (Illegal Firearms)</i>	23 647	36 346	70 425
• <i>Voluntary surrender of legal firearms</i>	2 894	9 569 ¹	9 838
• <i>Estate firearms</i>	795	-	-
Ammunition surrendered	212 475	216 180	335 737
• <i>Amnesty</i>	175 302	-	-
• <i>Voluntary surrender</i>	37 174	-	-
Number of firearm components surrendered	798	-	-
Firearm licence applications	10 704	50 962	30 356
• <i>Applications finalised</i>	147	2 059	280
A/IBIS Testing of amnesty firearms	6 891	16 604	27 591

3.2. Firearm licence applications and the Central Firearm Registry (CFR)

According to the SAPS:

¹ In a media report, police spokesperson said that the SAPS received 9 918 firearms voluntary surrendered during the 2019/20 firearm amnesty (01 December 2020 to 31 May 2020). <https://www.iol.co.za/news/south-africa/gauteng/saps-destroy-35-069-firearms-either-confiscated-or-handed-in-during-amnesty-period-6e019e14-e05f-41b1-9048-ade514c5b7e6>



- During both amnesties, the SAPS received 81 318 firearm licence applications, of which 2 339 applications are finalised, thus 78 979 applications are outstanding.
- Of the 50 962 applications received during the 2019/20 amnesty, 2 059 are finalised, which is 4% of the total received.
- Of the 30 356 applications received during the 2020/21 amnesty, 280 applications are finalised, which is 0.92% of the total received.

Section 139(4)(a) of the FCA provides that *“a person who surrenders a firearm in compliance with a notice published in terms of subsection (1) may apply in terms of this Act for a licence in respect of that firearm; (b) If a licence is granted, the firearm and ammunition, if any, surrendered in terms of this Act must be returned to the holder of the licence.”* Seeing that there are a significant number of outstanding firearm applications, how will the SAPS ensure that firearms with associated applications are kept safe and not destroyed until the licence is granted or not?

In a Parliamentary question (dated 01 October 2020), Hon. Whitfield asked the Minister of Police what total number of the firearms are subject to a licence renewal application of the total number of firearms handed over during the firearm amnesty ending May 2020,? The Minister answered that **“No firearms, which were handed over to the SAPS during the firearm amnesty, which ended on 31 May 2020, are subject to a licence renewal application.”**

Questions

- 7) The SAPS should explain the significantly low number of finalised firearm applications.
- 8) What impact did the national lockdown have on the finalisation of firearm applications?
- 9) How will the SAPS catch up on the significant number of outstanding licence applications?
- 10) The SAPS should explain the Minister’s statement that no surrendered firearms are subject to a licence renewal application.
- 11) The turnaround time for firearm licence application is currently not legislated and Members should consider stipulating such timeframe when the Minister submits the Firearms Control Amendment Bill into Parliament.
- 12) How will the SAPS ensure that firearms with associated applications are kept safe and not destroyed until the licence is granted or not?
- 13) The SAPS should provide the operating cost of the CFR and Enhanced Firearm Registry System (EFRS), including all associated systems and personnel.
- 14) The SAPS reported that they activated additional members to the EFRS to deal with amnesty firearm applications; however, lockdown restrictions (50% occupancy of offices) would have restricted the additional personnel. The SAPS should explain how they enhanced this capacity within lockdown restrictions/social distancing.



- 15) Has the SAPS extend the working hours of the CFR as stated in a letter to the Chairperson dated 09 October 2020?
- 16) What is the status of the Firearm Permit System (FPS) and progress on the FDA Contract litigation?
- 17) The SAPS should indicate why they did not deem the management of firearms licences an essential service during levels 5, 4 and 3 of the national Covid-19 lockdown. This had a significant impact on the issuing of firearm licences and created the significant backlog in firearm application.

3.3. A/IBIS Testing

In a Parliamentary question (dated 01 October 2020), Hon. Whitfield asked the Minister of Police, what total number of the firearms (a) have been tested through the Integrated Ballistics Identification System, (b) have been linked to the commission of a crime. The Minister answered that the SAPS has tested 7170 amnesty firearms through the IBIS and 108 linked to previously received ballistic cases.

According to the SAPS, the Forensic Science Laboratory received 44 195 firing test samples and they captured 30 463 samples on the ABIS, collectively during both amnesties. *(Please see section below on the destruction of surrendered firearms).*

Questions

- 18) The SAPS should provide undated information on the number of firearms IBIS tested and linked to previously received ballistics cases.
- 19) The SAPS should provide details on the IBIS maintenance contract, including the appointed company, duration of the contract and cost thereof.
- 20) The SAPS should explain why they chose to report on the ABIS (in the current presentation) and not IBIS (as in previous presentations). The SAPS should also explain the difference between the two systems.

3.4. Destruction of surrendered firearms and ammunition

The SAPS published a notice in the Government Gazette on 13 May 2020, stating its intention to destroy all firearms, ammunition as voluntarily surrendered to or forfeited to the State.² The SAPS gazetted a second such notice on 31 December 2020.³ Based on this notice, SAPS reportedly destroyed 30 069 firearms at the end of January 2021.

According to media reports, the SAPS only destroyed firearms collected in the first amnesty (2019/20) and those that were IBIS tested. This means that 30 069 would have been tested, yet in the 16 February 2021 presentation, the SAPS reports that, as part of the first amnesty (Dec 2019 to May 2020), they completed 16 604 firing samples and 30 463 collectively for

² Government Gazette, No. 43310, Vol. 659, dated 13 May 2020.

³ Government Gazette, No. 44053, Vol. 666 dated 31 December 2020.



both amnesties. Thus, the figures provided by the SAPS does not match and they destroyed more firearms than were IBIS tested for the 2019/20 amnesty.

Questions

- 21) The SAPS should explain the discrepancy in the figures of firearms destroyed and IBIS tested.
- 22) The SAPS should explain the use of the first notice (May 2020), if all the destructions were based on the December 2020 notice.
- 23) The FCA provides 21-days, from the publication of the destruction notice, for persons to claim a firearm/ammunition published for destruction. Did SAPS receive any application to claim firearms/ammunition that were published for destruction?
- 24) The FCA (Section 139(4)(a)) provides that a person who surrendered a firearm may apply for a licence and that the firearm must be return to the applicant upon approval. How does the SAPS ensure that those firearms for which a licence application is outstanding are not destroyed (as applicants have a claim to that firearm)? Does this open the SAPS up for civil litigation?

3.5. Marketing and communication

Questions

- 25) The SAPS should indicate what they spent on marketing and communication materials during both amnesties.
- 26) There are various allegations and evidence that the SAPS did not apply amnesty conditions consistently during the two amnesty periods, with the SAPS issuing circulars as late as 17 January 2021 (two weeks before the end date). The SAPS should explain the late issuing of circulars regarding the amnesty and what steps they took to ensure that Designated Firearm Officers understood, and applied the amnesty conditions consistently across provinces and police stations.

3.6. Monitoring

Questions

- 27) The SAPS should provide the cost of the two amnesties.
- 28) Did the National Firearm Amnesty Task Team find any irregularities during the amnesties? If so, what constituted these irregularities?
- 29) The SAPS should explain the measures taken to ensure that there is auditing and verification of the amnesties and destruction of firearms/ammunition.



4. REFERENCES

Firearms Control Act, 2000 (No. 60 of 2000).

Government Gazette, No. 43310, Vol. 659, dated 13 May 2020.

Government Gazette, No. 44053, Vol. 666 dated 31 December 2020.

SAPS (2020). *Briefing to the Portfolio Committee on Police* dated 03 June 2020 titled *Presentation on Firearm Amnesty 2020*.

SAPS (2021). *Briefing to the Portfolio Committee on Police* dated 16 February 2021 titled *Presentation: Firearm Amnesty Report*.