



PROTESTS AGAINST THE CONSTITUTIONAL COURT JUDGEMENT

Presentation to the
Portfolio Committee on
Police

16 July 2021

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BACKGROUND

BACKGROUND (1)

- The Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State was established in terms of Section 84(2)(f) of the Constitution of the Republic of South Africa by way of Proclamation No 3 of 2018 published in the Government Gazette of 2018-01-25 (Government No 41436). The Commission is chaired by Deputy Chief Justice Raymond ZONDO, and has become known as the ZONDO Commission.
- The purpose of the Commission was to investigate allegations of so-called state capture linked to the activities of the Gupta family and their possible influence over the Executive.
- After hearing evidence from various witnesses, former President ZUMA was called to appear before the Commission. He appeared before the Commission on 2020-11-19, but subsequently walked out of the proceedings. This was after the former President had attempted to get Deputy Chief Justice ZONDO to recuse himself as the Chairperson of the Commission while he gave testimony. According to the former President, the two had a history of issues and these would, according to the former President, cloud the Chairperson's sense of fairness if he presided over his testimony.
- The Commission summoned the former President to appear before it between 2021-01-18 and 2021-01-22 and again between 2021-02-15 and 2021-02-19. The legal representatives of the former President appeared before the Commission who informed the Chairperson that the former President would not participate in the proceedings.

BACKGROUND (2)

- According to the legal representatives of the former President, he would be prepared to appear before the Commission but would not answer any questions. In turn, the legal representatives of the Commission approached the Constitutional Court who ruled on 2021-01-28 that the former was obliged to answer questions posed by the Commission.
- On 2021-02-15, former President Zuma indicated in a 12 page and 37 point statement, that he would not abide by the Constitutional Court order. This was not to undermine the Constitution but to vindicate it, in the face of what he viewed at the time "a few in the judiciary that have long left their constitutional station to join political battles" (sic). He added that his defiance was a political statement aimed at those who had used the law to unfairly penalise him and persecute his family.
- In March 2021, the Constitutional Court was asked by the ZONDO commission to imprison former President ZUMA for defying the Court's orders. During the process, the Constitutional Court requested the former President to suggest a suitable sentence. The former President responded that he would not legitimise the process by participating as he believed it had been tainted by political and external interferences.
- On 2021-03-25, the Constitutional Court heard the matter but the judgment was reserved.
- The Constitutional Court handed down a guilty verdict of contempt of court on 2021-06-29, and sentenced the former President to an unsuspended sentence of 15 months imprisonment.

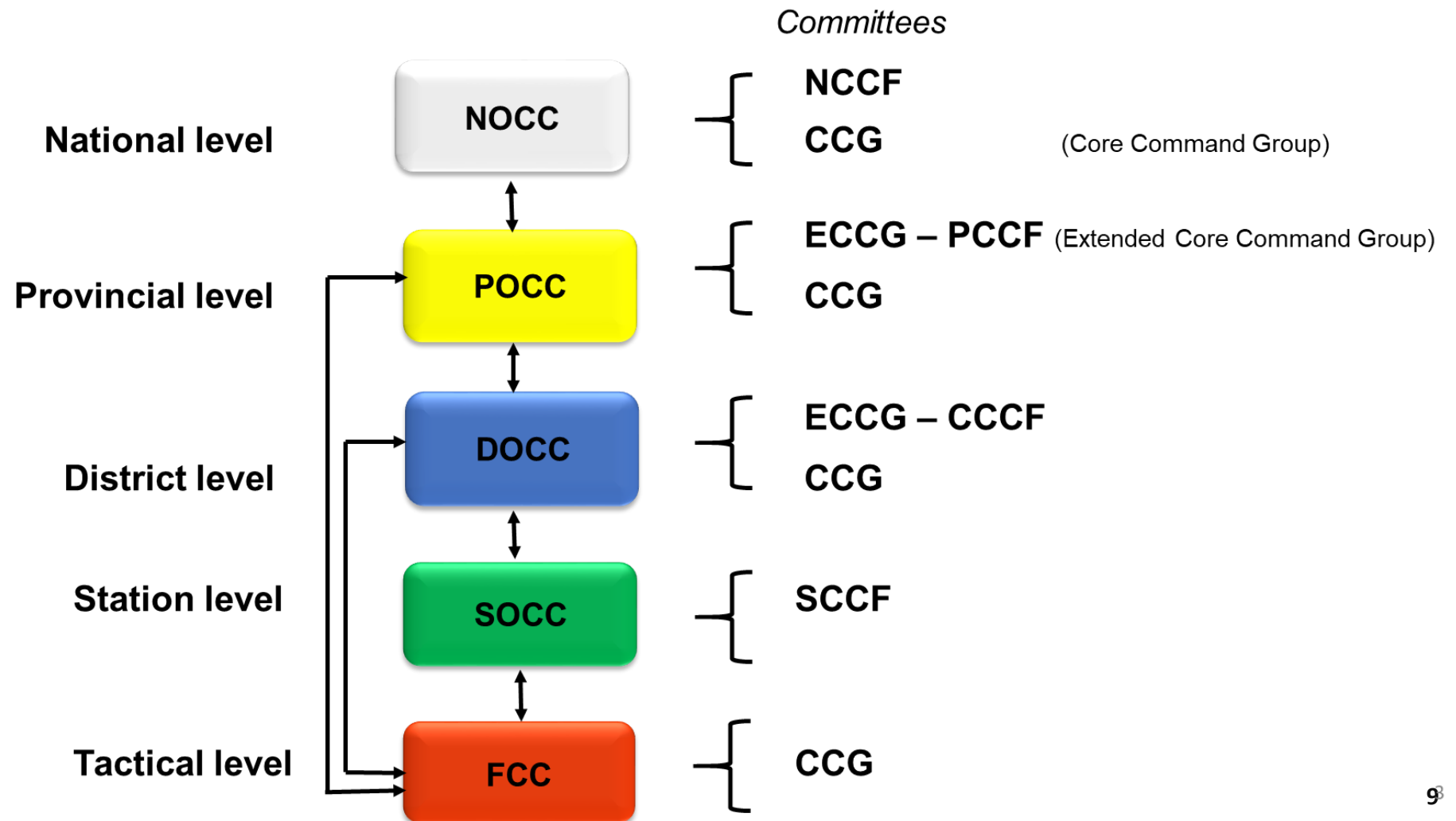


THE OPERATIONAL COMMAND CENTRE

THE OPERATIONAL COMMAND CENTRE MODEL

- The Operational Command Centre model was established to sustain crime combatting initiatives with the aim to effect crime reduction, and enable an environment where the community feels safe, an absence of fear, and the restoration of trust in the SAPS, through the following imperatives:
 - Enhanced Command and Control.
 - Effective co-ordination and accountability.
 - Total Situational Awareness.
 - Enhanced operational and tactical planning.
 - Focussed intelligence-led policing.
 - Implementation and maintenance of the South African Police Service's doctrine of Crime Combatting and Frontline Service Delivery.
 - Maintenance of inclusive detection practices encompassing full crime scene management practices, co-ordination of investigations, prosecution led investigations, optimisation of forensic leads, case and offender analysis and profiling, analysis informed suspect tracing, identification of organised crime trends and threats, and analysis informed bail opposition and sentence aggravation testimony.
 - Enhanced incident response.
 - Enhanced Public Order Policing activation and co-ordination.

THE OPERATIONAL COMMAND CENTRE LEVELS





OVERVIEW OF THE CURRENT SITUATION

OVERVIEW OF THE CURRENT SITUATION (1)

- Social media mobilisation:
 - Mobilisation under the banner #Antilockdown and #Handsoffzuma to gather at Luthuli House on 16 July 2021 in opposition to the ANC NEC.
 - Gathering at Ghandi Square in Johannesburg on 30 July 2021 [led by the Citizen Action Campaign (CAC)] organisation to march to Luthuli House, under the banner “Ramaphosa must fall”.
 - Online petition to free former President Zuma.
 - Calls for peaceful protests on 24 July 2021.
- Continued use of terminology of revolution and threats against the President.
- Social media posts that contain veiled threats and calls for mobilisation.
 - Mobilisation in opposition to the deployment of the SANDF.

OVERVIEW OF THE CURRENT SITUATION (2)

- Increasing social media posts reflecting opposition to the looting.
- The situation is volatile with continued mobilisation in Gauteng and KwaZulu-Natal.
 - Localised mobilisation being noted in other provinces such as Eastern Cape, Northern Cape, and Western Cape.
- SAPS resources are stretched, but have been supplemented by the deployment of the SANDF.
 - Incidents where law enforcement was shown to be participating in the looting, undermined the credibility of law enforcement.
- Looting of malls / shops continues as well as the targeting of foreign-owned shops.
- Numerous malls have been closed in hotspot areas in an attempt to prevent looting.

OVERVIEW OF THE CURRENT SITUATION (3)

- Food shortages are resulting in queues in certain parts of KwaZulu-Natal.
- A growing number of taxi associations have declared that they will not allow protest action as it will inhibit their income (*inter alia*, Gauteng, Limpopo, Mpumalanga).
- Alexandra hostel dwellers attempted to target the police station on 13 July 2021 (they have stated that they intend targeting SAPS officials).

OVERVIEW OF THE CURRENT SITUATION (4)

- Attempts made to target critical infrastructure:
 - The targeting of schools with feeding schemes in KwaZulu-Natal.
 - Targeting of the King Shaka International Airport, Richards Bay and Durban Ports.
 - Threats against the Impala Eskom Sub-Station in Empageni were thwarted on 14 July 2021.
 - Distribution centres located in Cato Ridge, KwaZulu-Natal, the Value Logistics Warehouse (EThekweni) were targeted, in addition to some companies in the River Horse Valley Industrial Area (Unilever).
- Communities are beginning to group together and protect their areas:
 - Communities patrolling certain areas to prevent looting. It was alleged that some were using this as a cover to target shops later.

OVERVIEW OF THE CURRENT SITUATION (5)

- No indication of widespread planning of national shutdown.
- Public transport being negatively impacted with taxi, bus and train operations being disrupted.
 - This will impact on the economy due to lost wages as well as lost production time.
- The South African petroleum refineries (SAPREF) declared a “*force majeure*” regarding non-fulfilment of contract obligations.
 - This may lead to fuel shortages.

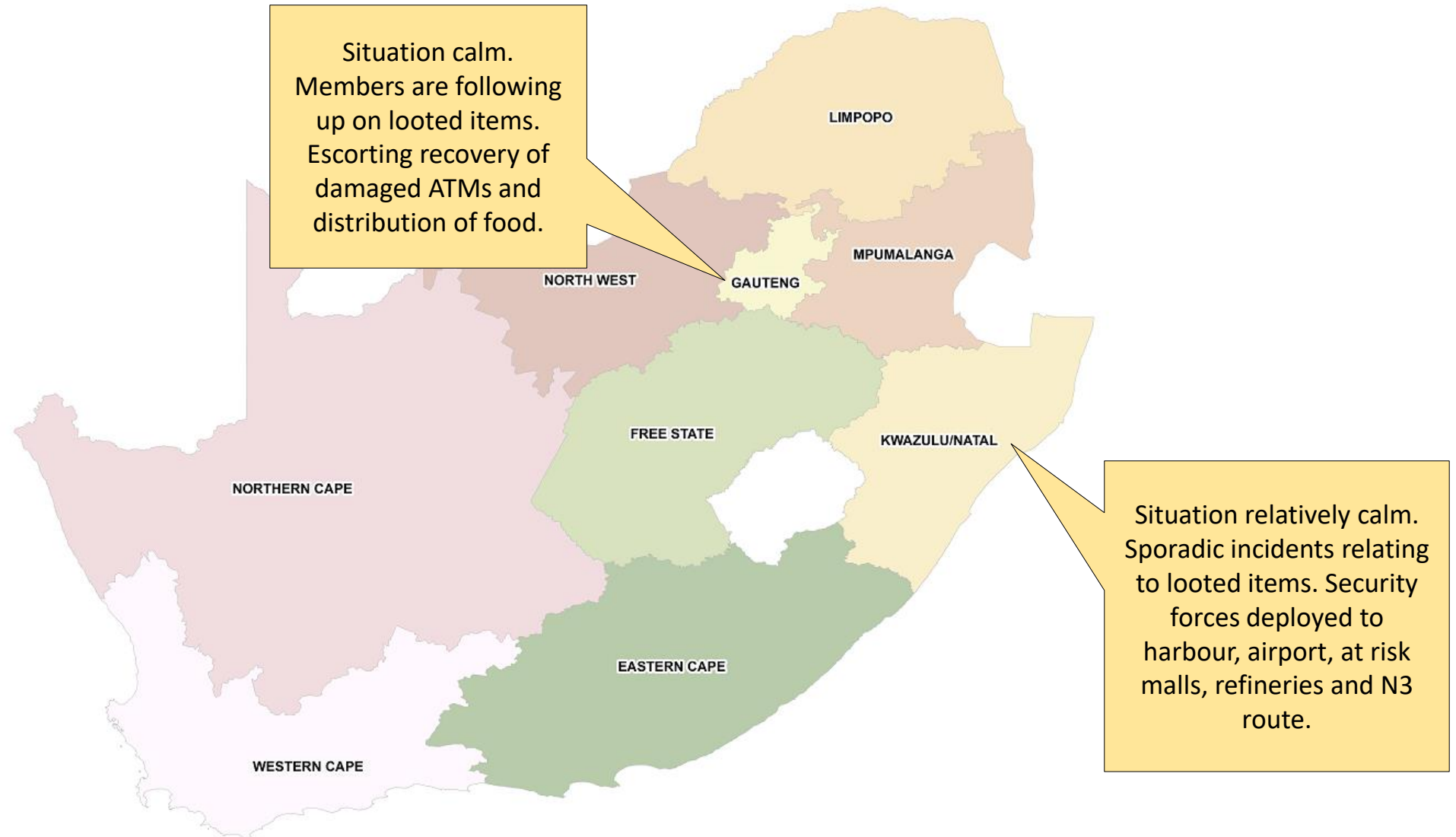
EMERGING THREATS

- Emerging threats are identified daily by the Intelligence Coordinating Committee (ICC), within the National Joint Operational Centre (NATJOC) and communicated to the NOCC.
- The NOCC directs emerging threats to the relevant POCCs for an operational response, to ensure the validation of the threats and further action by security forces, if required.



CURRENT PROVINCIAL HOTSPOTS

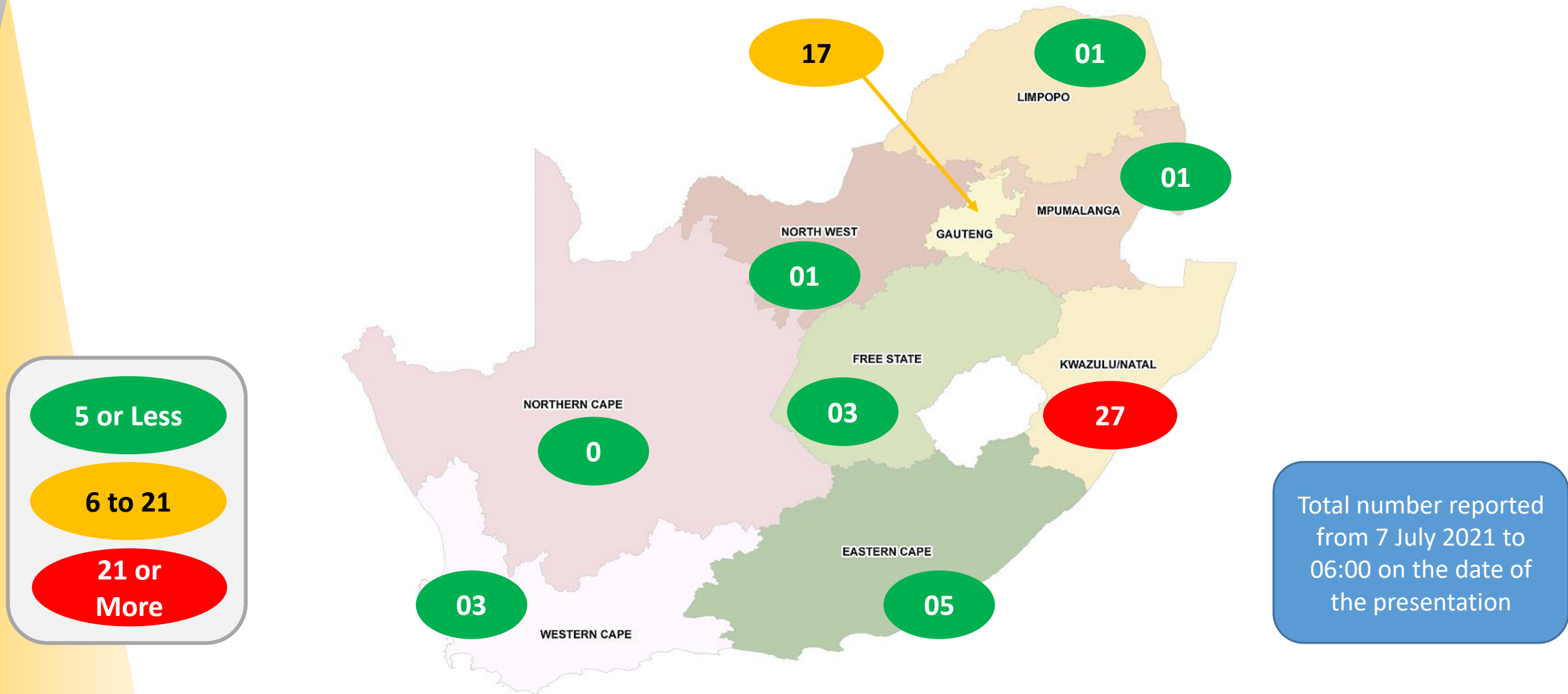
CURRENT PROVINCIAL HOTSPOTS (16 JULY 2021)





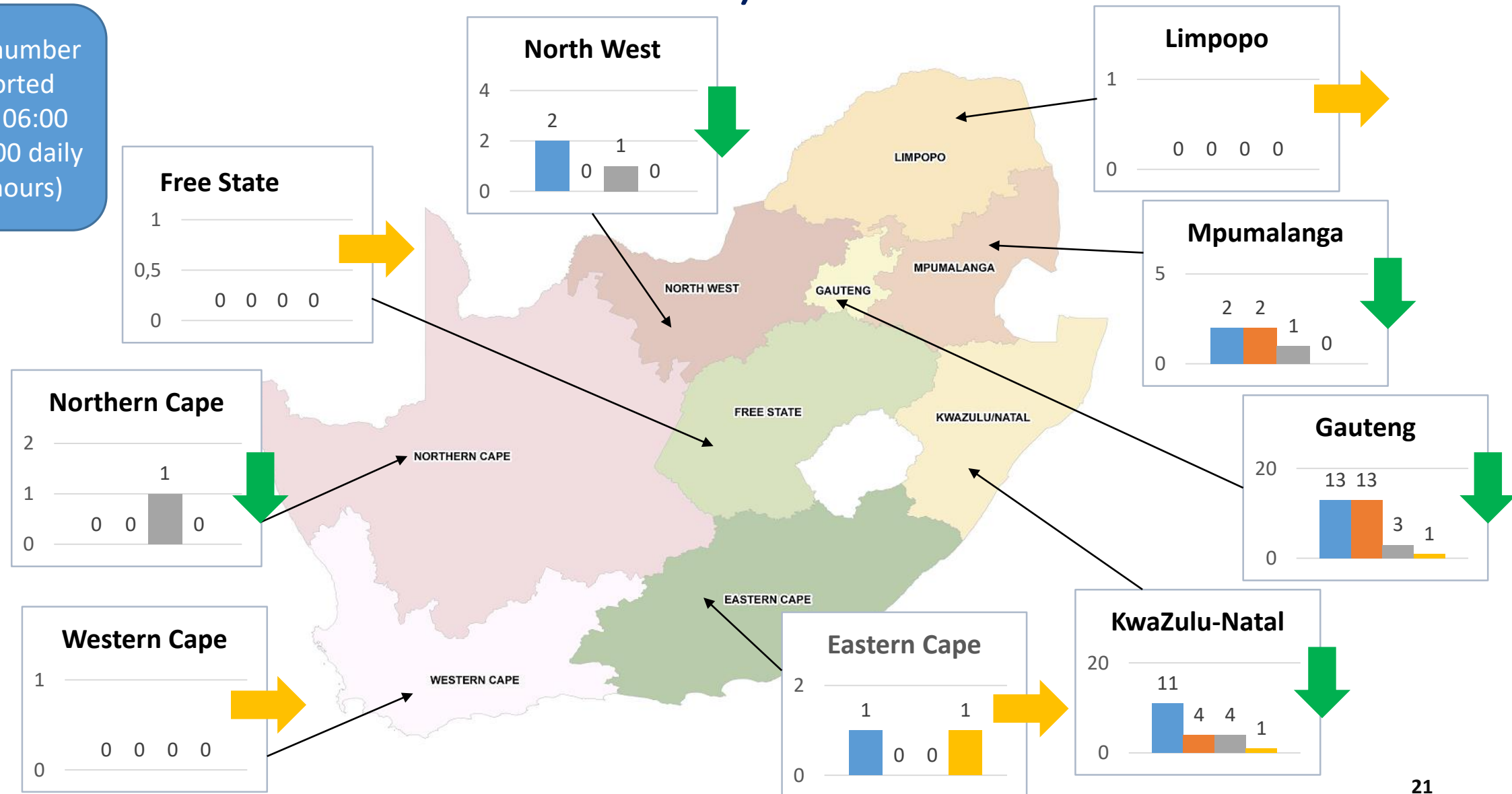
UNREST-RELATED INCIDENTS

UNREST-RELATED INCIDENTS (07 TO 11 JULY 2021)



UNREST-RELATED INCIDENTS (4-DAY TREND – 12 TO 15 JULY 2021)

Total number reported from 06:00 to 06:00 daily (96 hours)





DAILY DEPLOYMENTS

ACTUAL DAILY DEPLOYMENTS

Agency	EC	FS	GP	KZN	LP	MP	NC	NW	WC	Total
SAPS Operational Deployment										
Uniform Policing	147	1 245	2 318	2 149	380	385	948	540	1 195	9 307
ORS	150	40	119	197	22	155	89	32	51	855
Detective Service	286	21	278	315	8	22	444	0	179	1 553
Crime Intelligence	437	27	89	122	4	6	81	47	49	862
Reservists	0	0	30	0	5	0	3	1	0	39
SUBTOTAL	1 020	1 333	2 834	2 783	419	568	1 565	620	1 474	12 616
Joint Operational Deployment										
SANDF	0	120	386	769	153	576	0	0	0	2 004
Metro/Traffic	45	0	1 411	135	0	0	0	0	0	1 591
Dept of Health	0	0	0	0	0	0	0	0	0	0
SUBTOTAL	45	120	1 797	904	153	576	0	0	0	3 595
TOTAL	1 065	1 453	4 631	3 687	572	1 144	1 565	620	1 474	16 211



CRITICAL INFRASTRUCTURE

CRITICAL INFRASTRUCTURE

- The following critical Infrastructure is monitored by the SAPS on a daily basis, including the deployment of both security forces and private security:
 - All International Airports and Harbours.
 - National and Provincial Transport Routes.
 - Malls and Shopping Centres (identified as being vulnerable/at risk).
 - Hospitals (identified as being vulnerable/at risk).
 - Warehouses Housing Hazardous Material, COVID-19 Vaccines, Oxygen, Non-Hazardous Material and Food (identified as being vulnerable/at risk).
 - Factories Manufacturing/Using Hazardous Material Oxygen, Non-Hazardous Material and Food (identified as being vulnerable/at risk).
 - Liquor outlets and distributors (identified as being vulnerable/at risk).
 - Firearm dealers (identified as being vulnerable/at risk).



CURRENT OPERATIONAL APPROACH

CURRENT OPERATIONAL APPROACH - MAJOR ROUTES

- Currently the N3 route is closed at Mooi River and Tugela Plaza and traffic is diverted to alternative routes.
No incidents and security forces have been deployed to hotspots.
- Other national routes, including the N1, N2 and N4 are currently open.
- Aircraft are sporadically deployed to monitor prioritised routes.

CURRENT OPERATIONAL APPROACH - ESCORTING OF ESSENTIAL AND CRITICAL CARGO (1)

- Meetings are conducted on a regular basis with the main industries responsible for critical supplies such as Oxygen, Pharmaceuticals, Chemicals, Fuel products, Food supplies, Industrial gasses and coal.
- The companies responsible for the above are primarily, Afrox, AECL, Eskom, Chemical industries, major pharmaceutical companies like Clicks, Dischem, Nedcare, etc.
- The companies compile and submit their schedules to Mr Baxter of Business Unity South Africa (BUSA) who consolidates and submit it to SAPS.
- Consolidated needs get prioritised, clustered and escorts are arranged accordingly and operationalised.

CURRENT OPERATIONAL APPROACH - ESCORTING OF ESSENTIAL AND CRITICAL CARGO (2)

- Before execution, the prioritised schedule is communicated to the companies through the BUSA nodal point.
- Escorts are mainly focussed on Gauteng and KZN, however Escorts between the latter provinces as well as other lower risk provinces are also facilitated.
- Escorts to the lower risk provinces are done only from Departure point (E.g. Depots in the high risk provinces) across the border into the lower risk provinces.
- Intra-provincial escorts are dealt with by the respective provinces, while interprovincial escorts are dealt with by Division Vispol and Operations.

ENFORCEMENT OF DMA REGULATIONS DURING UNREST

- Gatherings are only permitted for funerals, in terms of the revised Disaster Management Act (DMA) Regulations, however, the tendency has been that communities have been gathering in large numbers associated with COVID-19 vaccines and the current unrest-related issues.
- SAPS members have been effecting arrests for possession of large quantities of alcohol, which are suspected to be stolen and has also been dispersing communities that are gathered after curfew period of 21:00.
- Communities in certain Provinces have been contravening DMA Regulations related to:
 - Gathering in large numbers.
 - Non-adherence to the curfew period (21:00 to 04:00).
 - Non-compliance with the wearing of masks.
- The SAPS, however, continues its focus on ensuring compliance with the current DMA Regulations.

SECURITY OF THE JUDICIARY AND POLITICAL PERSONS

- An operational plan was compiled in accordance with the level of threats applicable to the judiciary and political persons:
 - Static protection at facilities, including the Constitutional Court, Office of Chief Justice; State Capture venue and residences of identified Judges of the Constitutional Court (8 Judges were identified that require to be provided with protection and security) and political persons.
- The Deployment Plan constitutes the following:
 - Implementation of a 12 hour shift system, which consist of 4 members for the date of 15 July 2021 at the following offices: Constitutional Court; Office of Chief justice and State Capture venue
 - With effect from night shift on 15 July 2021, deployment will increase to 10 members to all above mentioned judiciary facilities.
- Identified Political Office Bearers:
 - Ministers within the JCPS Cluster (Police, Correctional Services and NDPWI).
 - Premiers (KwaZulu-Natal and Gauteng).

CURRENT OPERATIONAL APPROACH - DEPLOYMENT OF RESERVISTS

- The South African Reserve Police Service Amendment Regulations: No 36922 dated 15 October 2013, paragraph 5(1) to 5(3), determines that the National Commissioner may approve the call up reservists to perform duties to achieve the objectives as referred to in Section 205(3) of the Constitution of South Africa, for which they may receive remuneration in accordance with a predetermined scale.
- The Reservists will be called up from the date of approval of the National Call-Up Instruction to 31 August 2021.
- A total of **2 245 SAPS Reservists**, are available for deployment in Gauteng and KwaZulu-Natal.
- A total of **3 539 SAPS Reservists** can be called up for 12-hour shifts, in the other 7 provinces, as required for the further stabilisation of the situation, as required.



INVESTIGATION APPROACH AND CASE MANAGEMENT

INVESTIGATION APPROACH (1)

- Established investigating task teams per Province/District Levels
- Ensure that all offences regarding the Public Violence incidents are registered properly on the CAS/ICDMS.
- Ensure that all Serious Crime Scenes are visited by the Task Team Members with Forensic Services.
- Ensure that all offences are reported to the Province/National Nodal Point.
- Ensure that all the cases are properly investigated and finalised.

INVESTIGATION APPROACH (2)

- Stations report all incidents to the District Commanders.
- District Commanders report all incidents to the Deputy Provincial Commissioner: Crime Detection.
- The DPC: Crime Detection consolidate all feedback into the provided spreadsheet and submit it to the office of the Divisional Commissioner: Detective & Forensic Services (NATJOC).
 - All cases reported between 06:00 and 18:00 daily must be reported on or before 19:00 that evening and all cases between 18:00 and 06:00 the next day must be reported on or before 07:00 that day.

ARREST OF INSTIGATORS AND RING LEADERS

- 12 individuals have been identified who have allegedly been engaged in on-line activities, related to the instigation of the public protests.
- 3 have been prioritised by the Directorate for Priority Crime Investigation (DPCI) and the Division: Detective Service.
- Currently engaging with the NPA:
 - Obtained affidavits.
 - Chief Magistrate in Durban on stand-by to issue warrants of arrest.
- Remaining 9 individuals are being profiled to link them to current cases.
- An individual (not part of above 12) was arrested in the West Rand, Gauteng, during the morning of 16 July 2021 for inciting violence through social media.

CASE MANAGEMENT (TOTAL REPORTED INCIDENTS)

Province	Dockets Registered	Suspects Arrested	Dockets Under Investigation	For Decision SPP	Dockets to Court	Method of Finalisation				
						Case Withdrawn Before Court	Case Withdrawn In Court	Undetected	Guilty	Not Guilty
EC	0	0	0	0	0	0	0	0	0	0
FS	1	0	1	0	0	0	0	0	0	0
GP	248	725	144	0	62	0	0	0	0	0
KZN	949	1460	124	0	176	0	0	1	0	0
LP	0	0	0	0	0	0	0	0	0	0
MP	4	4	3	0	1	0	0	0	0	0
NC	8	15	1	0	7	0	0	0	0	0
NW	0	0	0	0	0	0	0	0	0	0
WC	2	0	2	0	0	0	0	0	0	0
Total	1212	2204	275	0	246	0	0	1	0	0



FINANCIAL EXPENDITURE ESTIMATES DEPLOYMENTS FOR STABILIZATION – JULY 2021

FINANCIAL EXPENDITURE ESTIMATES DEPLOYMENTS FOR STABILIZATION – JULY 2021 (1)

Expenditure to be incurred is **provisionally** estimated to be approximately R 350 Million.

- Direct additional expenditure:
 - All inclusive overtime allowance
 - Night shift / Service allowances
 - Remuneration of reservists being called-up
 - Meal allowances when deployed away from the normal place of work
 - Accommodation and incidental allowance when being accommodated
 - Additional resources to be procured when needed

FINANCIAL EXPENDITURE ESTIMATES DEPLOYMENTS FOR STABILIZATION – JULY 2021 (2)

- Indirect additional expenditure:
 - Vehicle fleet expenditure (Increased consumption on fuel, service intervals, tyres, etc.)
Increased usage of inventory items (Ammunition, water cannon items, barb wire, etc.)
- Funding Mechanisms:
 - Reprioritisation within the current SAPS baseline.
 - Perceived underperforming projects.
 - National Treasury approval will be obtained if needed in terms of PFMA, Treasury Regulations or Appropriation Act virement limitations.



THANK YOU