

Dear South Africa is a network of online platforms designed to facilitate government and encourage the public to participate in unbiased decision-making processes or policy formation at SOE, municipal, provincial and national levels.



Protection of Constitutional Democracy against Terrorist and Related Activities Amendment Bill

3 August – 18 October 2022

The Portfolio Committee on Police invites you to submit written comments on the Protection of Constitutional Democracy against Terrorist and Related Activities Amendment Bill [B15-2022].

The Bill seeks to amend the Protection of Constitutional Democracy against Terrorist and Related Activities Act, 2004, so as to:

- delete, amend and insert certain definitions for purposes of alignment with international instruments adopted upon the implementation of the Act;
- provide for offences related to terrorist training and the joining and establishment of terrorist organisations;
- provide for offences related to foreign travel and attempt to leave the Republic under certain circumstances;
- provide for offences in respect of the possession and distribution of publications with unlawful terrorism related content;
- provide for authorisation to be obtained from the Director of Public Prosecutions in respect of the investigation and prosecution of certain offences;
- provide for the issuing of warrants for the search and cordoning off of vehicles, persons and premises;
- provide for a direction requiring the disclosure of a decryption key and the effect of a direction to disclose a decryption key;
- provide for the removal of, or making inaccessible, publications with unlawful terrorism related content; and to provide for matters connected therewith.

The above public participation campaign was opened on 3 August 2022 where the closing date was set to 18 October 2022.



Dear South Africa (DearSA) hosted a participation project through a mobile and online platform to facilitate, educate and encourage public participation and comment to shape this amendment.

Written public submissions and enquiries were prepared and directed to the Portfolio Committee on Police for the attention of Ms Babalwa Mbengo at POCDATARAamendmentbill@parliament.gov.za.

The link to the participation campaign, documents, report and all public comments is;
<https://dearsouthafrica.co.za/terroristbill/>

Included on the web page was:

- 1 - the published related documents as downloadable PDFs
- 2 - a live view of public comments (with a counter and breakdown reflecting number of participants)
- 3 - video summaries
- 4 - links to relevant media articles
- 5 - a portal which posed questions (with the option of multiples responses to each question)
- 6 - a comment facility to provide meaningful input on the draft Bill

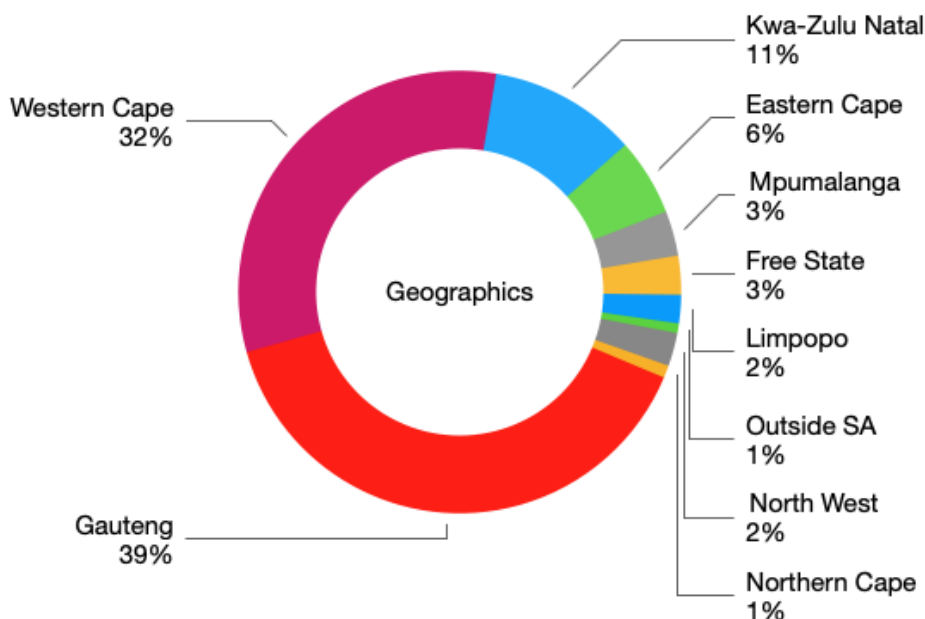
Each public entry was individually delivered to Ms Babalwa Mbengo for the attention of Ms T Joemat-Pettersson, MP Chairperson of the Portfolio Committee on Police. DearSA also captured all public entries which have been used to produce this report.

Note: In order to accurately reflect public comment, DearSA's projects are unbiased and hold no partisan opinion or agenda. Raw captured data is attached as an Excel file.

A total of **25,652** comments were received by the set closing of 18 October 2022 (included in the Excel file). This report reflects the entries received by the closing date.

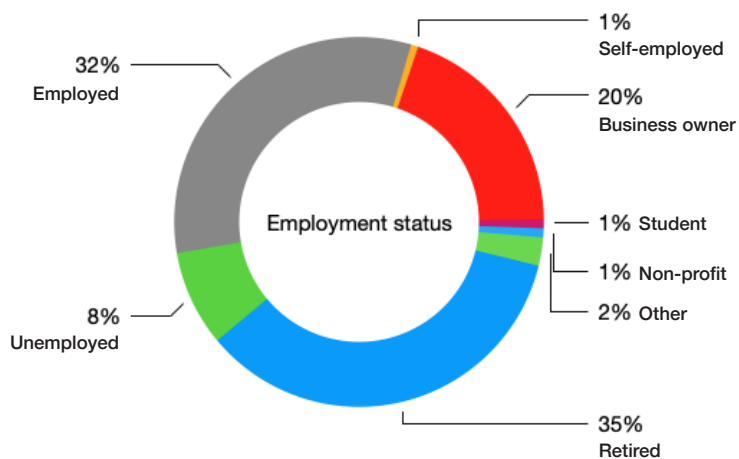
Demographics of Participants

Comments originated from all provinces with the greatest input arising from Gauteng, followed by Western Cape and KZN.





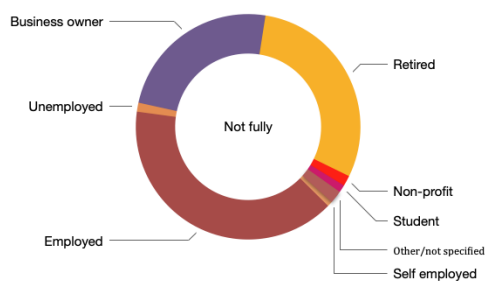
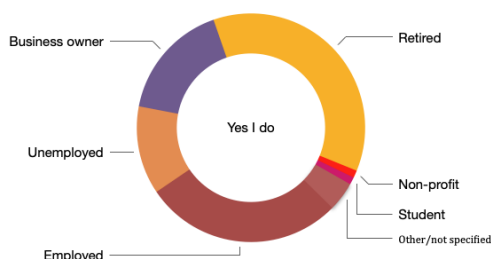
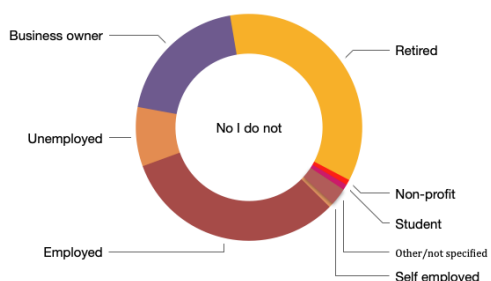
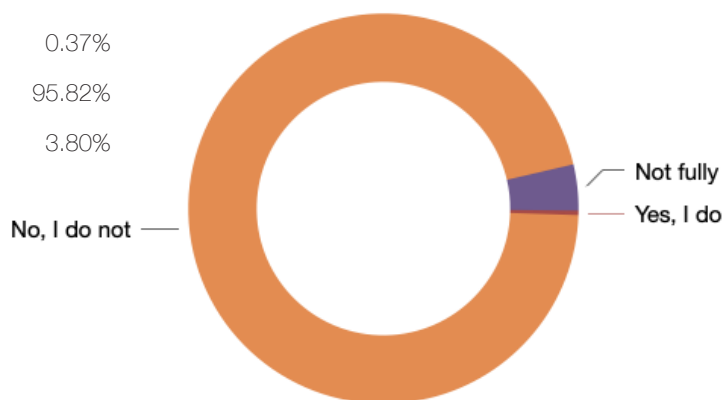
Participation demographics can be further broken down into comment options (yes, no, not fully), employment status, and by top reason per region upon request — or view and sort the attached Excel spreadsheet.



Two questions presented;








1. Do you support the Protection of Constitutional Democracy against Terrorist and Related Activities Amendment Bill as proposed by government?

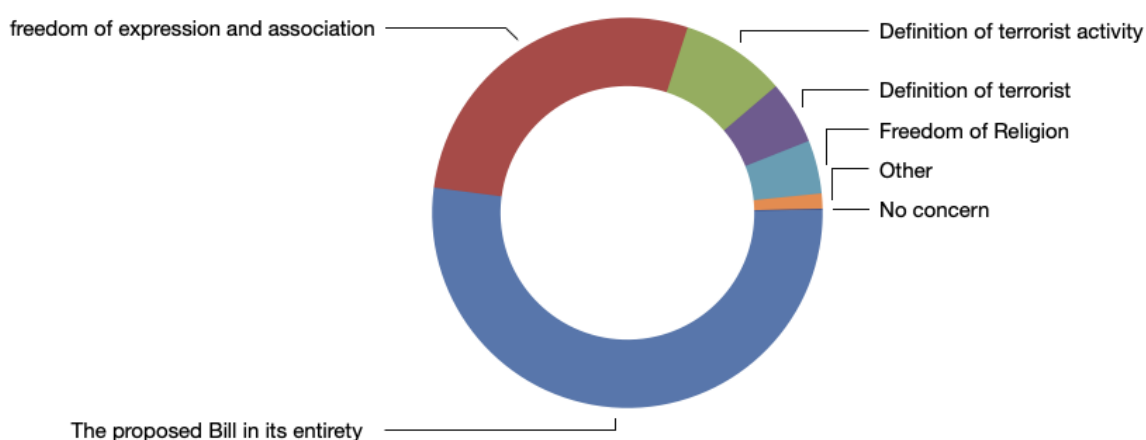
Response	Count	Percentage
Yes, I do	[96 selected]	0.37%
No, I do not	[24,580 selected]	95.82%
Not fully	[976 selected]	3.80%



3. continues ...

2. What is your top reason?

	The proposed Bill in its entirety	[13,429 selected]	52.35%
	Freedom of expression and association	[7,163 selected]	27.92%
	Definition of terrorist activity	[2,246 selected]	8.76%
	Definition of terrorist	[1,342 selected]	5.23%
	Freedom of Religion	[1,133 selected]	4.42%
	Other	[324 selected]	1.26%
	No concern	[15 selected]	0.06%



Comments

The participants were encouraged to provide comment to justify their reasons in order to help shape the Bill through meaningful participation and valuable, demographically accurate suggestions.

Of the “Yes, I do” comments, the participants who submitted valid comments are mostly in full support of the Bill, with majority expressing concerns over the possible greylisting of South Africa by the Financial Action Task Force. Some participants are concerned over the growing threat of terrorism, both domestic and from abroad, with concerns over the transparency of non-profit organisations.

Suggestions from the “Yes I do” public participants, include;

Reason; The proposed Bill in its entirety

1. The Finance Action Task Force Finding re SA being greylisted refers. This could be the reason why parliament is trying to ratify the amendment asap. I suggest that much thought and caution is applied. In collaboration with legal .. private .. and academic experts .. the financial sector and importantly upright and honest SAPS and security personnel - to address shortcomings in fighting corruption, terror financing and money laundering which is pertinent but to bear in mind that not all NGO's are guilty of money laundering... so it is also important to ensure that the wording is appropriate. I love reading credible news written and reported by upright and honest journalists.. please do not tamper with freedom of speech.



2. Yes because we have learnt how other people have used others to commit criminal activities in the name of freedom of speech and nothing is been done about them. I think the rights had to be bent a bit in order to give the state the biting power because people have been given the power to believe they are above everything even the police have been disarmed their power by the very porous constitution. SA constitution is the weakest in the entire World do something please before this country is taken by foreign nationals. Weapons found in this country is the examples of that.
3. The purpose of this amendment and the omnibus bill is to avoid South Africa being greylisted by FATF which will have a tremendous impact on the economy.
4. Terrorists must be dealt with harshly at any given opportunity. We must not allow our self and our democracy to be abused by those who think it is right to take up arms against our society and our government. It cannot be tolerated simple.

Reason; Freedom of expression and association

1. Terrorism in any form or word affects the lives of innocent women and children, and must never be tolerated.
2. Crime in general is very bad in this country and the government needs to take a tough stand

Reason; Definition of terrorist activity

1. It seems to me this is designed to hold those accountable who would destroy infrastructure and hold violent riots designed to destabilize the economy or undermine unified integrity within the nation. This has happened to great detriment in South Africa very recently. It also speaks of not interfering or manipulating information and data to create undue divisiveness. I support wholeheartedly that such endeavours be curtailed.
2. There's too much freedom of expression without responsibility a case in point is the KZN July unrest wherein business was destroyed simply because of careless expression by certain individuals at some point we have to accept to be governed by democratically elected institutions.
3. Terrorism activities, terrorist action when it occurred, it is not an event, it poses, which it build up, from many reasons and factors, so in order to compact such occurrence and to prevent the life of innocent people, we have to cut of reasons which lead to terrorism activities, without infringing the freedom of speech. People should not mix freedom of speech and inciting violence.

Reason; Definition of terrorist

No comments in this section

Reason; Freedom of Religion

1. There are good amendments in relation to foreign fighters. If a SA citizen goes to fight for Islamic State, I wish they can revoke their citizenship

Reason; Other

1. Any country in the world will protect its sovereignty against what it seems as terrorism regardless how it define it. Definition in the context of government if it seeks to view it as terrorism and with clear description of what it entails. It's should be supported likewise.
2. The security of the country is currently at stake with the lax laws. We need laws that bite, even if limiting some freedoms, until we have some stability.
3. South and Southern Africa has been a relatively stable country/region in respect to terrorism acts, therefore, we have to nip it in the bud before it rears its ugly head here. Illegal mining, human trafficking, organ harvesting, infrastructure damage and vandalism are but a few of risks we face that would steal all our children's future and must be dealt with harshly. Guard should be in place to disallow criminal syndicates from infiltrating politics and using this law for criminal activity, other international political agendas which have nothing to do with South Africa or human rights violations propelled by this law.



4. The security of the country is currently at stake with the lax laws. We need laws that bite, even if limiting some freedoms, until we have some stability.
5. From reading the amendments it seems that government is keeping up with technology and closing loopholes against the globalised threat of terrorism and or suspect terrorists. Given what we have seen and the ease of entry into SA, it makes the country a safe springboard for any subversive groups and or any individual who wishes to commit illegal acts against any state local or foreign.

Reason; No reason

1. I don't know why people would object. I'm for anything that will curtail and identify criminality. Innocent people should have nothing to worry about. To object to everything is prejudicial. Government is made up of many departments and sections which have little or nothing to do with other departments.
2. There are a lot of issues with the Bill, but I'm sure Civil Society will work them out. Today, the oversight of the funding of radical religious organizations is a concern. They are untaxed, handle cash and their donors as well as the organisations actions are unscrutinised. The ability to tap into networks that have considerable funding capabilities that dont have the same interests of Society must be a considerable concern. Why would these organisations not want to be scrutinised?

Of the “Not Fully” comments, from participants in this category express concerns over an encroachment on constitutional rights, due to the vague and unclear definitions of terrorist and terrorist activities. Many express a need for the amendment to curb extremist action, damage to state resources or infrastructure, corrupt activities and politically-motivated agendas that promote violence and destruction, however, a strong concern remains on the loose and vague definitions within the Bill which are open to interpretation and abuse. Concerns are also raised over the ability to enforce laws and mentions are made of existing laws and legislation which is more than adequate and proven to be effective.

Suggestions from the “Not fully” public participants, include;

Reason; The proposed Bill in its entirety

1. My concern with this Bill is history likes to repeat itself. We are already moving in the direction of a totalitarian state and the signs, utterances and statements made by individual party members and parties as a whole suggests that.

The following is particularly of concern:

- a. The government or department of the state van deem any or all South Africans as a “terrorist” or “terrorists.”
- b. The Bill or draft Bill contains an unclear definition of terrorism.
- c. Who is going to decide on the interpretation of what, who, and when a terrorism act has been committed.
- d. A Bill of this nature, that is not clearly defined is a Bill that will be abused by government. Take into account that the Bill as drawn up by the previous government was never done away with. Why? The answer is obvious.
- e. It was Zuma that articulated the intentions of the ANC the clearest. He said that the ANC will rule until Jesus comes.

I want to stress however, that a Bill like this is needed. There are genuine terrorist organizations at work in Africa. Boko Haram is one of them and so will ISIS, the New Nazi movement, Communists, New Colonialists, the G** movement, and others be because of their agenda. Any organization that aims at terrorizing people so that their agenda can be accepted should be seen as a terrorist organization. At the same time one needs to say that an ordinary citizen /s criticizing decisions taken by government can not be seen as terrorism. Therefore I'm not fully against the Bill.



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2. While I am concerned by terrorist activities globally and a partial link to South Africa, I am seriously concerned that the proposed amendments do not help, but rather provide opportunities for abuse of authority. It is clear in cases taken to court in South Africa that the current legislation is quite adequate in allowing the police (and Security Agency) to investigate and prosecute effectively, but the incapacity or even incompetence of the police is the problem. Focus should be here and not in creating amendments that are unnecessary and vague, open to legal challenge. What is worse, we are already having to deal with abuse of authority in political conflict linked to corruption. poor amendments provide greater opportunity for abuse of power. The proposed legislation should be referred back for further scrutiny, removing what is questionable.
 3. I acknowledge the need however the bill in its current form presents many far reaching ambiguous statements with over-reach and frankly I am very confused about the real implications. I feel like my constitutional right to rise up against injustice (especially when the government is responsible) will be worse than in the apartheid regime, eg. If the government is failing on service delivery and so forth issues, I feel scared that we if protest the issues we will be prosecuted for standing up for our constitutional rights. We have right to freedom of speech and to speak up and protest bad governance and bad leadership. Our nation has experienced corruption on the highest levels, I refuse to accept anything less than having the ability and freedom to express ourselves and speak out against injustice, especially when the government is failing the people. So with some more community engagement across the nation I am sure we can reach a better consensus and deal with the actual issues appropriately instead of me feeling like I'll be a terrorists in my own home when speaking up against the authorities. My ancestors gave up their lives so I can speak freely and especially speak up against government of this nation. I do not want to feel like my voice has been suppressed.
 3. South Africans must be protected against terrorism in any form, however not without proper investigation and proof. A clear definition must be given to differentiate between terrorism, acts of terrorism, hate speech etc.

Reason; Freedom of expression and association

1. *[full comment available in spreadsheet]* During the height of the COVID pandemic, the police who have been ineffectual in general law enforcement for years resorted to overreach to enforce draconian and vague regulations based on broad interpretations. Infamously the Police Minister "raided" the beaches. Unfortunately, the law enforcement authorities also contain a lot of people who willingly pander to the will of ANC politicians and who can't see, or are unwilling to, resist political interference.

With the falling apart of our country under the corrupt ANC ("Accused number one" as per the President's comment on the Zondo report) we have increasingly seen ANC politicians and political appointees use legislation to score political goals (e.g. Arthur Fraser's medical parole of the supposedly terminally ill Jacob Zuma counter to the medical parole board). We will see more of this happening in future and there will be more reliance on weak laws that gives enough powers and which are vague enough to be used to achieve political ends. We have been seeing increased levels of violent service delivery protests, these people could be classified as terrorists under this law, as could be people protesting about lack of policing, etcetera.

I, therefore, argue that this amendment creates a paper tiger which will not change the potential for international terrorists to operate from South Africa. Yet it will be a handy tool for political abuse by law enforcement agencies, under the direction of the party in government even after the ANC, in years to come to stifle our right to freedom of expression.

Lastly, the definitions in the act would make it possible to define the Palestinian Liberation Movement's actions as terrorism and by extension, support for them. Therefore the ANC's support for that "struggle" could well be interpreted as terrorism by the very act that they want to ramrod through to be able to



pretend that they are doing something about terrorism in South Africa. This act could then be used by a non-ANC government in future to charge ANC politicians in government at present under the broad definitions of supporting terrorism.

The vague nature of definitions in this bill is therefore a threat to freedom of expression and association and must be reworked to reduce the chance and opportunity for abuse.

2. I would suggest that a clearer distinction needs to be made between what constitutes freedom of speech/opinion and what constitutes extremism or terrorist activity that presents a genuine threat to national security. I can see how there are 'grey areas' but to curtail people's rights to freedom of speech in a country that fought so hard for democracy would be a betrayal of all that we stand for.
3. This bill needs a very clear definition of terrorist & terrorist activities. This proposed bill could end petitions and public participation in South Africa and criminalize people who speak up against certain Government activities. Something that is supposed to be protected in our Constitution. Using words such as terrorist and terrorist activities is extremely dangerous, especially without a very clear and easily understandable definition, a broad interpretation can lead to serious misunderstanding and false imprisonment. That being said curbing terrorist activities is incredibly important, but it should be done in such a way as not to encroach on SA citizens' constitutional rights.
4. This bill is so poorly worded that it could be used to prevent freedom of speech, the right to political affiliation and the right to protest. It is one more example of the government trying to take civil liberties away from the population and impose control. It needs to be changed.
5. If this restricts free speech, where any criticism of the government or government employee makes this a terrorist incident, then this bill must be stopped.
6. We still have the Apartheid Police State fresh in our memory. It would seem that we are more and more moving in that direction. The security structures have demonstrably gone rouge over the last decade and have to be held to account by a robust civil society. This Bill unfortunately is draconian, instead of focussing on combating terrorism, which is a legitimate duty of the State. In its present formulation it is fundamentally unconstitutional and represents an attack on democracy. It actually could aid 'state terrorism' and thus is not an anti-terrorism bill. Moreover it undermines the constitutional requirement that every piece of legislation and every government action MUST be subject to Public Participation processes that hold parliament and government, even the judiciary accountable. This is fundamental to a robust democracy. We have over the last 15 years seen a persistent undermining of what Public Participation actually means. Democracy (Demos Kratos) translates to meaning People Power.... not Party Power. The late ANC President Oliver R Tambo was astute in choosing the rallying cry - Forward to People Power, as the main slogan for the struggle for liberation. We have seen this dream steadily being eroded by a focus on Party Power and narrow Party Interests. By undermining the peoples right to be robustly critical the last tenuous vestiges of the democracy for which we fought, and lost so many in the process, is now under the same kind of threat that Malan, Verwoerd, Vorster and Botha imposed on South Africans. It is a slippery slope, that ultimately leads to banning of media and literature, detention without trial, death squads and atrocity and cover up. The terms of this Bill in its current formulation is anti-people and anti-democratic and a divorce from all that is associated with with our struggle for liberation, the Freedom Charter and the Bill of Rights and Constitution of South Africa. Note: This is a non-partisan response, focussed on protecting democracy and should not be used by any party for party-partisan use.



Reason; Definition of terrorist activity

1. It is unacceptable that non-violent opposition against government be categorised as terrorism.
2. The definition of terrorist/terrorism is too wide, and could be used by the state to silence or punish dissenting views by declaring the viewpoint as sabotage or insurrection.
3. The proposed Bill places all outspoken NPOs, churches, investigative journalists and citizens at risk of being classified as terrorists.
4. The Bill aims to align itself with Chapter 7 of the UN Charter which is a good thing. The problem lies with who decides which Organisations are terrorist inspired organisations and not Humanitarian or NGO's? It is a known fact that innocent organisations wrongly accused of being a terrorist front deprives their users of lifesaving funds while they have to spend unnecessarily to clear wrongful labelling. The Bill is too rushed and will impact many NGO's who are doing vital work. Furthermore it puts an individuals right to protest or criticise at risk of criminalisation with harmful effects. Whistle blowers and investigative journalism will suffer the same fate as Julian Assange where rightful public interest in reporting results in criminalisation and extradition.
5. The drafters of this amendment should look carefully at the amended definitions contained in this bill: it could well be that an unprotected violent strike by COSATU aligned unions could fall within the scope of terrorist activity and the government may be forced to appease the unions as part of their tripartite alliance thereby rendering the bill unenforceable.
6. It needs to be made clear to the public that participation in activities that highlight various governmental malpractices etc are not to be viewed as "terrorist activity" - many are afraid of the possibility of a dictatorship in the guise of democracy emerging in our country, as has been the case in other countries - not only in, but specially in, Africa. (eg Zimbabwe). Laws that appears to be protecting mainly the government of a country from terrorism rather than the citizens of that country are seen to be a threat. Make clear to the people how these changes will help protect them and their interests

Reason; Definition of terrorist

1. While i understand the concern that the bill is trying to address in it present form it is far too vague. Its definition of what constitutes terrorism needs to be rethought through.
2. The definition of terrorism needs to be far more specific. The Bill's current definition is too broad in that :-
 - a. It would enable the state to criminalise anyone who supports a controversial topic.
 - b. It would criminalise anyone who criticises or challenges state policies or legislation as "supporting" or indirectly "encouraging" terrorism.
3. I think that there are certain merit-worthy parts to the Bill, but that unless terrorist/terrorism/terrorist act are clearly defined, the substance is entirely lost. The definition should be wide enough to include: intentional damage/strikes to key public and private sector installations (Eskom, hospitals, police stations, cellphone towers, Prasa, etc)
4. Om 'n persoon wat kretiek teen die regering lewer of wat deelneem aan 'n petisie of geding om onregmatigheid gepleeg deur die regering te klassifiseer as 'n terroris of sulke dade te klassifiseer as terrorisme is totaal in stryd met die RSA se Grondwet wat vryheid van spraak en assosiasie waarborg. Voorts sal die definisie van terroris en terrorisme soos voorgestel die huidige regering in staat stel om steeds voort te gaan met staatskaping sonder dat hul bedrywighede ontbloot of ondersoek mag word en die skuldiges vervolgd mag word.
Gevolgtrek maak ek ten strengste beswaar teen die voorgestelde definisies en ondersteun enige en elke aksie wat geneem word om die voorgestelde definisies ongedaan te maak.
5. Clearly, the drafters have tried to oversimplify an extremely complex topic and they have failed to draft meaningful legislation. it needs to be sent back for reconsideration.



6. As seemingly is becoming the norm, the bill is delightfully vague; vague definitions, vague references as broad as the year is long. This it seems allows allow the government of the day to criminalize everything they see fit and/or that which differs from their line of thought as anything could be twisted to 'fit the bill'. SA is a democracy, 'government for the people, by the people'. As such government is supposed to answer to the people and by passing a bill with vague and broad based definitions it is aimed at instilling fear and silencing the population. Citizens have not only a right but a duty to uphold and defend the Constitution.

Reason; Freedom of Religion

1. It is any citizen's fundamental human right to be able to worship his/her way and be associated with his her group/denomination without fear of intimidation/harassment. The same goes for freedom of expression and association. This bill seems to undermine our fundamental human rights and constitutional right, which we all fought hard to achieve.

Accepting this bill will remove the freedoms we have struggled for and place us under a regime of apartheid disguised as protecting a select group of our citizenry.

2. Clause 1(r)(c) would for example cause any religious schooling to be defined as a terrorist act, and further inhibit freedom of speech, SA needs to become more democratic, not more like Myanmar...

3. Dit is belangrik vir enige Suid Afrikaner om die reg tot vryheid van spraak te he en om te se wat hy/sy glo. As Christen glo ek dat die Bybel die maatstaf is waarop enige samelewing behoort te bou. As Christen behoort ek dus die reg te kan he om te se indien die regering se beleid nie aan die Bybel se riglyne voldoen nie. Die 10gebooie, soos in Eksodus20 of Deutrenomium 5 opgeteken, le die grondslag van reels vir enige suksesvolle samelewing. Regerende partye moet herinner word om hierdie riglyne te volg, i.p.v om hulle eie partylede te beskerm. Die politieke partye moet teen korrupsie/geweld/jaloesie kies want die 10 gebooie leer ons jy mag nie steel, moord pleeg, jaloers wees nie.

4. We have existing laws that are designed to help us combat terrorism related risk. It is possible to draft new laws every now and again but to what end? The government already has powers under FICA, Criminal Procedure Act, the Prevention of Organised Crime Act to address the risk. I fail to see how the bill will serve any difference if the government fails to enforce its legal rights, giving it more rights won't translate into it being effective but the bill in its current proposed for is and will infringe on our citizens Constitutional rights and will enable government power to go unchecked (the Chief Justice in the Zondo reported pointed out to how Parliament failed to exercise its oversight powers if this bill comes to law in its current form any government whether current or future will violate citizens rights to achieve their own political objectives and the Parliament will do nothing as it has done. Its job is not to only draft laws but provide oversight).

Furthermore criminal liability is tied to a vague, flexible and broad definition, which is also politically loaded is dangerous to our society and state and consideration should be made to ensure that the definition net is not broad that it will be ineffective and result in the desecration of our Construction and the rule of law by unethical politicians.

Reason; Other

1. My major concern is that we already have good legislation in place. The problem lies in the execution of legislation by organs of the state. These organs are chronically under-resourced, often staffed by incompetent, poorly trained and poorly selected individuals who are therefore incapable of enforcing laws already in existence. Corruption, intimidation, lack of accountability and lack of insight are very real issues in state organs such as SAPS and the legal system. Energy, time, money and other resources should be directed at correcting these issues and not at producing ever more complex legislation that will not be enforced anyway.



2. Ek is van mening dat wetgewing om terrorisme te bestry noodsaaklik is. Dit behoort verder uitgebrei te word om ook dade van sabotasie as hoogverraad in te sluit en deeglik te omskryf met toepaslike strawwe. Voorbeeld hiervan is die doelbewuste sabotasie van ESKOM in belang van korrupsie en die Julie 2021 oproerstigting in Natal en Gauteng. Wetgewing moet deeglik vooraf getoets word om nie in stryd te wees met die bepalings van die Grondwet nie. Die reg om wettig beswaar aan te teken/petisies/versoekskrifte/beswaarskrifte/meningsopnames/betoog moet baie duidelik in die wetgewing verskans word.
3. Freedom of Speech and Freedom and Association are two basic tenets of ANY free republic. Further, the current Act is already very broad. I do wish to see that any terrorist related sentences are defined, and should be a minimum of 25 years. Sabotage of our nations infrastructure should be included in the act.
4. The bill does not elucidate that "terrorism" necessarily equates to violent acts. Debating, criticizing, picketing and so on are human rights. The bill should restrict itself to actions like rioting and causing harm to others. To put it another way, no sane law can punish people simply for feeling the urge to commit an act of terror. Only if they do, in fact, commit such an act.
5. Definition of Terrorist Needs to be enhanced and clarified. Need more clear definition on aspects relating the acquisition of decryption keys and the use thereof. Ultimately there is significant capacity here for privacy violations by state assets and given my perception of an increase in the reports [in mainstream media, social media] of abuse; dishonest conduct and unethical behaviour's by state assets not even including the potential for disrupting democratic process
I don't often find common cause with the current governing party's policies and personally believe the laws and policies enacted to serve a policy of oppressing ethnic minorities with race based laws; to keep the ruling party in power by manipulating laws to control narratives; I believe laws enacted in recent years we so done to protect criminals above the interests and violation of human rights of law abiding citizens; but this piece of legislation I think is in premise very much needed // however there is a need to more clearly define instances of use to protect law-abiding citizens from exercising participating in the democratic processes and safeguard them from potential bad actors within the state security assets
In the context of shaping the language as relating to the definition of a terrorist - there is scope here to include in the definition terrorizing and threatening private individuals as well as commercial enterprise and state assets and it would be short sighted not to consider this.

Reason; No reason

1. No public comments were submitted in this category.

Of the "No I do not" comments, the vast majority of participants are concerned over the erosion of the Constitution of South Africa and, most notably, the Bill of Rights. Emphasis has been made on the threat to freedom of expression, freedom of association, freedom of religion, and to our democracy due to unclear and vague definitions of terrorism and terrorist activities. Concerns are raised over the amendments being abused to stifle criticism of the government or it's policies and proposals – essential to a functional democracy. Further concern ranges from the silencing of political opponents through to misinterpretation of the definitions by authorities – with remarks around moving backwards to Apartheid-era laws and legislation.

Suggestions from the "No I do not" public participants, include;

Reason; The proposed Bill in its entirety

1. I am opposed to the Bill as it does not give a clear definition of what a terrorist is or what terrorist activity is. Therefore it can be used indiscriminately and at will to silence and criminalise anyone that has a difference of opinion with you or associates with individuals who you deem to be dangerous, just because



they don't agree with you. It can be weaponized to silence and criminalize any person or organisation that the majority government for example feels threatened by. It does not take anyone into consideration Freedom of Speech and Expression.

2. I am reasonably sure this Bill will not survive a challenge in the Constitutional Court and should rather be scrapped or entirely rewritten. We cannot stifle any or all churches and NGOs that is playing a significant role in keeping this country afloat despite a terribly incompetent and inept government.

The ANC Government is and was exceptionally critical of the restrictions to the freedom of speech and association imposed by the Apartheid regime. They are now desperately trying to introduce similar restrictions with the aim to silence critics of their own mismanagement and incompetence as well as large tracts of its own criminality. This Bill is a definite move away from the South Africa envisioned by Mandela and the ANC Founders and towards a dictatorial state where an incompetent and thoroughly corrupt government, as so clearly indicated by the Zondo Commission findings, does everything it can to hold onto its power. This government is not interested in the people, but is presently only trying to protect the incompetence and criminals within its ranks, while allowing corruption to continue unabated.

3. It is important in a Democratic society that people be allowed to speak freely in the public domain and to constructively criticise anything that could be to the detriment of that society. Investigative journalism should never be silenced and those guilty of criminal activities need to be brought to book. The Bill, if passed, could allow draconian measures to be implemented that would have far reaching consequences against the public at large. Government officials who operate in a corrupt environment could use the proposed Bill to ill effect. This must be avoided.
4. It seems as if the ANC is taking a page out of the old National Party Apartheid regime to once again control and manipulate the population into submission without any rights. This bill must never be allowed into existence or we will once again become a society of voiceless sheep that are forced to follow the ANC blindly.
5. True democracy is a goal which the people of South Africa have fought for. By enforcing a bill such as this means that we agree to a dictatorship or a leadership that does not govern any longer but enforces any rule to suit their agenda. Look at China and see the results of a dictatorship. This government has been voted in to serve the public according to the Constitution and not to suppress the healthy debate on different view points which may not be to their liking. This Bill should never have been considered in any form whatsoever!

6. ***[excerpts from submission by Joseph Koetsier – view full submission in spreadsheet].***

WARNINGS FROM THE DAYS OF APARTHEID AND THE ZONDO REPORTS

South Africa has gone to the brutal experiences of the Apartheid Era till 1994 where people who criticized the government lost their lives (e.g., study the history of Steve Biko, Dulcie September, Chris Hani and many others). The work done by the Zondo Commission 3) shows adequately that for instance money laundering for whatever purposes became part of state capture and that all state institutions that could have prevented such developments were inadequate and corrupted.

TOO BROAD KEY CONCEPTS AND NO NEED FOR ADDITIONAL LEGISLATION

The key concepts in the present bill are too broad. It allows the transfer of powers to an untrustworthy state apparatus. In other words, we start at the wrong side of the equation. First the state apparatus should be uncaptured, which can be done through existing legislation. Additional regulations can still be added. But these regulations first should first be tested against the constitution with a parallel public input.

7. Nelson Mandela must be turning in his grave. Will the ANC then deem him a terrorist again, as the evil apartheid regime did? Now the evil apartheid handbook has been reopened.



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8. This Bill is extreme over-reach by the government. With this Bill so vague, any action or word from the public can be considered an act of terrorism! It is a democratic right of the public to voice their opinion - especially against such tyrannical bills.
 9. Government is there merely to manage the large projects too big for individuals to manage, funded by the taxes collected from the citizens eg roads, hospitals, schools, security etc. They are not there to dictate what private citizens may or may not think or say. the right to criticise has to be protected..... If terrorism cannot be clearly defined then it cannot be arbitrarily adopted as a general term with undetermined parameters because then it becomes the tool to control everyone as per the determinations of a few in power. The gospel will be overwritten by government, freedom to think and speak will be curtailed according to those in power this is totalitarianism in its deepest sense and mankind will be physical and spiritual slaves to the vagaries of the regime of the day.
 10. This would give the police a blank check to declare anybody an enemy of the state.
 11. We are supposed to have one of the best constitutions in the world. We are supposed to be a democracy, but the bill honours neither, nor does it define terrorism: a word now bandied about which has become all too simple to justify government clampdowns on civilians.
 12. Ek is totaal teen hierdie wet. Dit is n belaglike wetsontwerp wat eerbare burgers van die land onnodig aan bande le en stres veroorsaak. Ons Grondwet is teen hierdie tipe van beperkings op burgerlikes en ons Grondwet moet see vier bo enigiets anders.
 13. South Africa is a Democratic Country secured in it's Constitution.
It is imperative that the citizens are protected from being labelled as terrorists when the thoughts and activities in keeping our Dear Country Democratic might be construed as "Terrorism". The very broad description linked to "Terrorism" is too vague in the Bill. One could be labelled as a "Terrorist" for merely disagreeing with some Government policy, for instance.
While it is important to rid our country of people who are intent on destroying our finances and Municipalities which very clearly is against the good of our People, these should be rightly tried and convicted of being Terrorists.
Democracy is having Leaders and Policy Makers who are committed to the good of all the people of South Africa . The people of our Beloved South Africa should be able to have their say, without being called a "Terrorist". This very readily evolves into a country becoming a Dictatorship. We have seen what happens in those countries. Please do not allow South Africa to become like that.
 14. The passing of this law would undermine people's freedom - especially of speech and religion.
As South Africans we need to learn to live together in peace; learning to build each other up and encourage one another.
 15. Vague definitions! Can only provide Government with an opportunity to curb freedom of expression or any dissenting voice. Undemocratic! Also places all NGO's under undue scrutiny, while they are actually providing many of the services Govt (National, Municipal and Local) is FAILING to do.
 16. This is very reminiscent of an apartheid era law - if not worse. The world is moving dangerously towards fascism, why must SA be part of this?
 17. While terrorism and the funding of terrorist activities need to be addressed this bill is far too vague and can be manipulated to charge anyone who is critical of the this corrupt and failing government. Most people who criticise the government are labelled as being racist.
The bill raises the spectre of the Spanish inquisition where all that was needed for a person to finger someone for whatever reason and that person would be persecuted. We need genuine freedom in this country of expression, religion and social interaction.



Reason; Freedom of expression and association

1. "The government is hovering close to a detention without trial situation. If people are not allowed to express their views then the the pressure cooker bursts into violence to make a point. We don't need that type of situation. SA came about through talk and negotiations not incarceration and jail time.
2. *[excerpts from submission by Tim – view full submission in spreadsheet].*
 - a. Measures which may be interpreted to further restrict transactions by law-abiding entities.
 - b. Possible interpretation of words and clauses
 - c. Onerous delays in analyzing information collected by law-enforcement authorities, already a very serious problem.

I do support combating and reducing the ease with which terrorism and money-laundering are accomplished, whether against the interests of SA residents or of other countries; however this Bill (B15-2022) requires considerable revision.

A prime focus of legislation should be introduction of measures that would deal practically with matters such as disruption of public service, instilling fear in the population, and coercion/intimidation (whether by authoritarian officials or non-government entities)
3. If this Bill becomes law we can say goodbye to democracy. We won't be able to comment and participate as we do on this forum. It will also mean that the government will be able to act without consequences and being held to account.
4. Any restrictions on the freedom of thought and speech clearly will result in tyrannical government and stops being a democracy. A democratic Government is FOR the people BY the people, not a dictatorship
5. Constitutional right to freedom of expression and association will be infringed.
6. Ek kritiseer en oponer die regering oor Eskom, Spoomet en baie ander regeringsake. Ek is nie n terroris nie maar n belommerde landsburger.
7. This is just a lazy and cheap attempt by the ANC government to play Big Brother. I really thought we had enough of this crap under the Apartheid government of the National Party. There are ample laws in place for the SAPS to investigate and pursue Actual cases of terrorism.
8. Everyone should be allowed to discuss and participate in all changes to any Bill proposed by the government. It would be undemocratic to stop people having freedom of speech and to express their opinions.

By allowing this Bill you will be making this a dictatorship where nobody would be allowed to express any opinion.
9. This Bill is a direct challenge to freedom to protest and challenge government

The constitution must continue to protect freedom of speech and protest even though the government might feel strongly about a particular challenge from civil society

Next we will have "Education Centres" in SA ; arbitrary arrest of any person protesting against the government etc In other words a situation like Iran, China or Russia at present - Detention without trial

All legislation of this type ought to be challenged all the way to the constitutional court. In fact parliament ought to pick it apart even before a court challenge if the MPs are true democrats

It may be inconvenient for the current government to be the target of peaceful protest However rioting and destruction of property on the scale of July 2021 ought to be suppressed effectively and without question - always subject to court challenge and remedy.



10. As a person who does public speaking, I am of the view that my 'speeches' in particular with regard to our current political swamp, may be deemed as a terrorist act due to me undermining the State. I had the freedom and joy to be part of a protest calling for 'Zuma must fall', which again will be deemed as terrorism. It is my understanding that laws do exist to offset such criminality, but that they need to be implemented in its proper time and place.

Please do not take us back to pre-'94 on this score!

May I suggest that in the existing laws, more definitive expression is given to what constitutes terrorism activity. On the issue of financing such, SA has a strong banking and financial industry, it should be given the muscle to throttle such funding where it exists.

SA perhaps, do not need more laws, it need willpower to implement the existing ones! Amandla!

11. One cannot pass a bill to subdue all those who oppose you. This is fundamentally undemocratic.

Democracy has pros and cons and you have to live with both.

This will breed even worse corruption as the government will be able to hide behind this bill when challenged. This is the start of a failing democracy if this bill is passed

Reason; Definition of terrorist activity

1. I am strongly against terrorism but in this case it depends on how terrorism is defined. If the act considers as terrorism all comments and actions by parties that oppose the current ruling party or the government then SA will soon become more of a dictatorship with bills like these. It is quite strange that an organization like the ANC who employed terrorist tactics previously and opposed similar laws of the previous government, now want to introduce the same.
2. If this Bill is allowed to become law it will give the current government and future governments draconian powers to stifle any form of dissent and possibly even the right to gather in public or disagree with laws and decisions by the government. By claiming that this Bill in its current form will help combat terrorism they are trying to hide a dictatorial, human rights and undemocratic nature of the powers it will give the government. No government should have this kind of power.
3. The broad and open-ended definition of terrorism is dangerous as it can lead to dictatorship and criminalization of innocent citizens. Every citizen of South Africa should be allowed to think critically for themselves and not be pressurised into conforming to one-sided rhetoric. Free speech and religious beliefs should be maintained.
4. By leaving something so under defined, you leave the door open for a lot of loopholes and the possibility of unfair/unreasonable prosecution.
5. The loose definition of terrorist activity contained in the proposed bill would change the act that protects our constitutional democracy, and could potentially be used to criminalise any criticism of the government. This is step towards totalitarianism, endangering free speech, public comment, and investigative journalism. These issues must be addressed before such a bill can be passed.
6. The definition of terrorism must be more defined and to kept as simple as possible.
Having open dialogue and disagreement is foundational to a democracy such as ours. Our constitution was founded on the principle of dialogue.
Definition should be defined as per Google: "the unlawful use of violence and intimidation, especially against civilians, in the pursuit of political aims"
7. I feel that the definition of 'terrorist activity' is far too broad and could easily be used to oppress anyone with a divergent view from the so called norm of society. This has serious implications for churches and those who teach the Bible when it comes to views expressed in the Bible that may not gel with society views. Therefore I believe there needs to be a great deal more work done on providing a very clear definition of what terrorist activity constitutes.



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8. This is really scary stuff...Government needs to define who and what is a terrorist. Our civil liberties, freedom of religion and expression that we fought for are all at risk.
 9. I'm concerned our government is slowly taking away the rights of all citizens for a few criminals. The real criminals don't get punished anyway.
 10. This approach is similar to the US Patriot Act, which was passed in the wake of 9/11, and was later found to be unconstitutional.
Governments have been known to suppress human rights under the guise of fighting terrorism.

Reason; Definition of terrorist

1. This suggested bill is aimed to set the country on a course towards totalitarianism.
Without a proper definition of a terrorist there will be constitutional, financial, religious etc, terrorists should one dare to differ/ oppose this demonic government. Justice will not be found in any courtroom for terrorists.
2. I am afraid of what you may decide is terrorism ?? People will be too afraid to express their opinion on any subject as it may constitute an act of terror . No we can not allow this in a country where every one should have an opinion and not be afraid to express it . So i say no to this proposed bill.
3. This is a confused proposed law. When or when not to label someone as a terrorist. I'm afraid this law will be used against anyone who disagree with government policy and no one will be able to express their opposition to something evil happening in this our beloved country.
4. The threat of terrorism is exaggerated and the word terrorism is ill defined. The existing legislation is sufficient. No more legislation is needed on this topic.
5. The definition of terrorist used is so broad and gives government unlimited power and reach to classify any and everyone they disagree with as a terrorist or enabler. This will hamper freedom of speech, association and religion.
6. In a democratic, civilized society it is important that a clear definition and full description of a particular describing word (noun) should be given in such a way that every single citizen will interpret it exactly the same way i. e. no vague description which gives way for different interpretations.
Further to this a responsible government that cares about its citizens should consider all angles to protect innocent citizens and organisation's and act in a responsible fashion and not try to protect its faults to the detriment of its citizens.
7. Given that South Africa has sufficient legislation in place to combat terrorism and given that the definition of "terrorist" is so broad as to be a weapon against South African citizens in the wrong hands, I believe this bill, if passed into law, will do more harm than good.
8. Have no legal background so cannot comment with any real knowledge on the issues. However I saw what the use of " terrorism" as a term did to society in the "old" South Africa and believe it be very open to abuse and used to oppress reasonable opposition to draconian practices. Hence I am opposed to the use of loose terms such as this in any legal statement. Freedom of expression in a safe and non violent form must be allowed in law.

Reason; Freedom of Religion

1. The definition of *terrorist* needs to be clarified & established. There should be freedom of speech & religious expression & of property ownership, & you should not be branded a "terrorist" if you do not verbally agree, & if you are not compliant in your attitude, convictions & expression with someone else's opposing views, opinions, values, principles, political ideologies etc.
2. While I understand that this bill covers a very broad spectrum, I am very concerned that it will impact on possibly limiting or criminalizing our democratic right to be able to share our opinions freely and peacefully and that it will also limit our freedom of religion. The Lord forbid that we should ever be in a position



where we cannot exercise our right to comment on any controversial bill where either innocent basic human rights are infringed or where criminal activities are legalized. I strongly oppose any such bill. I would suggest that this bill be given more time and be open to more public opinion and also that more legal assistance be sought to cover all possible detrimental scenarios.

3. Freedom of Religion is a constitutional right and is threatened when the definition of terrorism can be moulded in a way that precludes religious freedom (I am not talking about 'religious freedom' that causes harm to others, that should not be permitted).

Furthermore, I am concerned that any person who is not in favour of vaccine mandates etc. could potentially be labelled as a terrorist. Such a situation interferes with freedom of speech and the right to bodily integrity (should vaccine mandates be implemented 'unilaterally').

4. Many churches and religious organisations are vocal during election times. They are also sometimes critical of the government and political leaders, corruption and the general state of the country. Does such openness and freedom of expression classify them as terrorists?

Reason; Other

1. Freedom of speech for individuals and the press is an essential part of a democratic society and must be protected at all costs otherwise South Africa will once again become an autocratic country in which people are afraid to speak again against injustice and prejudice.
2. Enige burger van n land moet en mag die reg hê om die regering te kritiseer indien hy/haar van mening is dat die regering nie tot voordeel van sy burgers optree nie.
3. Concern is that we cannot take part in political activities for a fruitful government. Government should support citizens and visa versa. Hear our needs. We need freedom to express opinions regarding policies.
4. This country has chosen democracy and freedom of speech. We would be going against everything that is sensible and right. I am certainly not for terrorism, for people who are driven by emotions, an ideology based on subjective opinions and knowledge. I support good, truth that has stood the test of time and most probably bible-based and precepts that are timeless.
5. This kind of law is exactly how the apartheid NP stifled demonstrations by the public when they were scared of the criticism.
6. The problem with the bill is that there is no proper definition given for terrorism. Terrorism cannot be defined merely as opposition to the state. The opposition should not be physically violent. So, terrorism should be defined as physical violence.

Having said this, one needs to bear in mind that these regulations will not do anything to stop terrorism. Terrorism is the outcome of a repressive state government, which suppresses the freedom of at least some of its citizens. Hence terrorists call themselves freedom fighters. And often they become terrorists due to violent oppression by governments.

So, these anti-terrorist bills are problematic, in that they do not stop terrorism but allow the state to become a dictatorship.

Hence, a peace-loving and including government will be the route to go.

A further concern is that the South African Government is implementing amendments dictated by the UN or UN agencies. This is merely a conformity to international pressures. This will lead to South Africa being ruled by foreign agents that do not have the best interest of the South African people at heart.

South Africa should not simply conform to the UN. Rather South Africa should show the way of peaceful co-existence which allows for sovereignty.



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7. It is far too vague in definitions and it is open to corruption and taking away people's freedoms in many areas.
 8. It feels like the government is victimising me. It feels like it is taking my rights away.
 9. The Bill should contain a clear counter balance which makes it clear that any criticism of government or related parties will not be curtailed. That where doubt exists, freedom of expression or association will prevail.
 10. The definition of terrorist and terrorist activity is not specified and is thus left open for interpretation. Exact definitions of terrorism or terrorist activity will be required. I do not agree with the proposed " Terrorist and Related Activities Amendment Bill " as the broad definition will certainly end any form of free speech and debate regarding important topics and subjects.

Reason; No reason

1. The Amendment Bill as proposed, sets a broad definition of "terrorist activity" and there is no single internationally agreed upon definition of "terrorism". The broad definition is problematic as it would enable the state to criminalise any citizen who supports one side of a controversial topic, or those who criticise or challenge the government's policies or legislation, as "encouragement" or "indirect" facilitation of terrorism. This proposed Bill places all outspoken non-profits, churches, and citizens at risk of being classified as terrorists.

Thank you

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