

REPLY TO QUESTION 1090

36/1/4/1(202200135)

NATIONAL ASSEMBLY

FOR WRITTEN REPLY

QUESTION 1090

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(INTERNAL QUESTION PAPER NO 12-2022)

1090. Ms Z Majozi (IFP) to ask the Minister of Police:

Whether, noting that it appears that there is still no comprehensive policy governing the use of rubber bullets, despite the fact that the Independent Police Investigative Directorate has recorded 91 fatal crowd management incidents between 2012 and 2021, and that it is likely that the bulk of these deaths involved the use of rubber bullets, any progress has been made on the drafting of a comprehensive policy governing the use of rubber bullets; if no policy is in the pipeline, what is the reason for that; if so, what are the relevant details?

NW1340E

REPLY:

The use of force is currently regulated through the provisions of the South African Police Service Act, 1995 (Act No. 68 of 1995), relating to the use of minimum force that is reasonable in the circumstances and when effecting an arrest in terms of section 49 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).

In 2014 the National Commissioner of the South African Police Service approved National Instruction 4 of 2014 to determine how gatherings must be dealt with on an operational level. National Instruction 4 of 2014 provides *inter alia* that approved rubber rounds may only be used as offensive measures to disperse a crowd in extreme circumstances, if less forceful methods have proven ineffective. The rubber rounds presently approved for use by the South African Police Service are less lethal than the rubber rounds which were previously used.

The Minister of Police also approved the *Professional Use of Force Policy and Guidelines for the South African Police Service* in 2018. The basic premise of this Policy is that the police must, in the performance of their duties, act professionally and must operate and execute their functions within the framework of the law, and subject to ethical standards governing the Police Service. This Policy supplemented the *Policy and Guidelines on Policing of Public Protests, Gatherings and Major Events* of 2011, which provided a framework to facilitate the development of appropriate guidelines by the South African Police Service on the use of force in relation to crowd control and management.

Both the National Instruction 4 of 2014, and the Professional Use of Force Policy were reviewed by the International Panel of Experts appointed by the Minister of Police to implement the recommendations of the Farlam Commission of Inquiry into the Marikana events. The Final Report titled *Panel of Experts Report on Policing and Crowd Management* was publicly launched by the Minister of Police on the 29th of March 2021. The Panel recommended that the SAPS review National Instruction 4 of 2014, which the SAPS subsequently finalised. This revised National Instruction is subject to approval by the National Commissioner of the SAPS.

The recommendations of the Panel of Experts relating to the Regulation of Gatherings Act, 1993 are being addressed in the South African Police Service Amendment Bill 2022, which proposes to also amend the Regulation of Gatherings Act, 1993. The South African Police Service Amendment Bill, 2022, is a priority Bill which will be submitted to Parliament this year.



GENERAL BH CELE
MINISTER OF POLICE, MP

DATE: 08/05/2022
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