**NATIONAL ASSEMBLY**

**36/1/4/1(202100235)**

# FOR WRITTEN REPLY QUESTION 1799

# DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 20 AUGUST 2021 (INTERNAL QUESTION PAPER NO 17-2021)

**1799. Mr H A Shembeni (EFF) to ask the Minister of Police:**

(a) What is the operational reasoning behind having the SA Police Service (SAPS) raiding the houses of poor persons suspected of looting during the protests that followed the arrest of the former President, Mr J G Zuma, (b) what (i) procedures and

(ii) laws did the SAPS rely on to raid persons’ houses and to confiscate alleged looted food items and (c) how did the SAPS determine which goods were looted and which goods were not?

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**REPLY:**

(a) The South African Police Service (SAPS) is obliged, in terms of its Constitutional mandate to prevent, combat and investigate crime, maintain public order, protect and secure the inhabitants of South Africa and to enforce the law. Police operations, which were conducted following the protest action that started, on 9 July 2021 and looting that started, on 11 July 2021, were informed by the need to restore public order, recover stolen property and enforce the law to deter further violent protests and footing.

(b)(i) Practical guidance for the procedures to be followed during searches and seizures were provided to the SAPS, in a circular issued, on 12 May 2016. This circular was distributed again to inform the procedures followed during operations, to recover stolen property, in July 2021.

(b)(ii) The SAPS relies on Sections 21 or 22 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), that provide for search and seizure with a warrant, as we!! as search and seizure without a warrant. The SAPS also relied on Section 13 of the SAPS Act, 1995 (Act No. 68 of 1995), to cordon off particular areas to ensure the safety of the public or to restore order, in particular areas.

(c) The SAPS required people, who were in possession of suspected stolen or looted items, to provide proof of purchase.

Reply to question 1799 recommended

**NATIONAL COMMISSIONERGENERAL: SOUTH AFRICAN POLICE SERVICE
KJ SITOLE (SOEG)
Date: 2021/09/15**

Reply to question 1799 approved

**MINISTER OF POLICE
GENERAL BH CELE, MP**

**Date:**