**FOR WRITTEN REPLY QUESTION 6**

**NATIONAL ASSEMBLY**

**36/1/4/1(202100018)**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 11 FEBRUARY 2021 (INTERNAL QUESTION PAPER NO 1-2021)**

**6. Mr P A van Staden (FF Plus) to ask the Minister of Police:**

1. Whether any actions will be taken against the organisers and participants of the Economic Freedom Fighters’ recent mass gathering on 20 November 2020 at the Brackenfell High School, where the numbers, firstly, exceeded the number allowed by a court order that approved the march and secondly clearly far exceeded the limit of 500 persons allowed in terms of the Disaster Management Act, Act 57 of 2002, and Regulations relating to COVID-19 and, secondly, where the participants clearly also did not adhere to the minimum social distancing and wearing of masks as required; if not, why not; if so, what are the relevant details;
2. whether any actions will be taken against the organisers in terms of section 18(2)(b) of the Riotous Assemblies Act, Act 17 of 1e56, which provides that any person who incites, instigates, commands or procures any other person to commit any serious offence, whether at common law or against a statute or a statutory regulation, shall be guilty of an offence and liable, on conviction, to the punishment to which a person convicted of actually committing that offence would be liable; if not, why not; if so, what are the relevant details;
3. whether he will make a statement on the matter? NW6E

**REPLY:**

Yes, a case docket was opened and is being investigated. The case relates to the various contraventions of the Regulations of Gathering Act, 1993 (Act No. 205 of 1993). These contraventions include the failure to comply with conditions imposed, in respect of the gathering, as well as failures to comply with instructions and orders of the South African Police Service (SAPS).

A total of eight persons were arrested for public violence, in respect of incidents of violence that occurred on that day.

With regard to the failure to comply with the Regulations, in terms of the Disaster Management Act, 2002 (Act No. 57 of 2002), it is important to note that at the time of the march the Regulations, applicable to Alert Level 1 had to be complied with, in terms of Regulation 69, read with Regulation 80. The failure to comply with the provisions relating to gatherings were not criminalised and the failure to comply with the provisions, relating to the wearing of masks and social distancing were not criminal offences for which police could have arrested the perpetrators. The only obligation on law enforcement officers that applied at the time, was to disperse gatherings that took place in contravention of the Regulations. The SAPS did disperse the gathering.

(2) A case docket, Brackenfell CAS 237/11/2020, was opened, in terms of Section 18(2)(b) of the Riotous Assemblies Act, 1956 (Act No. 17 of 1956). This case relates to one of the persons, who incited violence on the day of the march. No case docket, in terms of the latter Section was opened against the organisers of the gathering and the reason for this is the fact that the conduct of the conveners are already the subject of an investigation, in terms of Brackenfell CAS 236/11/2020. The incidents of violence is also the subject of the public violence case dockets, which are being investigated.

(3)The Minister will decide whether he will make a statement on the matter.

Reply to question 6 recommended

**GENERAL NATIONAL COMMISSIONER: SOUTH AFRICAN POLICE SREVICE
KJ SITOLE (SOEG)
Date**: 2021-02-19

Reply to question 6 approved

 **MINISTER OF POLICE
GENERAL BH CELE, MP
Date: 03/03/2021**