



4 Desember 2019

The Minister of Police
Private Bag X 9152
Cape Town
8000

Honourable Mr. Cele,

REQUEST FOR URGENT CLARITY ON FIREARMS AMNESTY DECLARED ON 27 NOVEMBER 2019

On 27 November 2019 a Firearms Amnesty period was declared and published under your signature in Government Gazette No 42865. This declaration of the Amnesty was preceded by a long period of correspondence from myself to you with repeated requests for a meeting to discuss such a possible amnesty. It was also preceded and followed by other correspondence and press publications after you announced the amnesty at a meeting and press conference held on Thursday 28 November 2019 at Leriba Lodge in Pretoria.

For easy reference I provide you with references to the correspondence and related publications in date order.

1. On 11 June 2018 I sent you a letter in which I requested an urgent meeting to discuss amongst other matters, a possible amnesty. I simply had no response from your office on this letter. A copy of my letter to your office is available at this link as [Appendix 1](#).
2. In July 2018, after repeated telephone calls to follow up on my request in the letter dated 11 June 2019, I was offered the opportunity to meet with your legal advisor, Adv. Chemane, on 10 July 2019. At the meeting myself and Mr Juan Kotze on behalf of the Hunters Forum, a group of accredited hunting associations, discussed the matters I initially requested to discuss with you. We were promised feedback within at most two weeks, but just never heard a single word from your office again.
3. On 11 July 2018, I sent you a further letter on behalf of the Hunters Forum in which I thank you for the opportunity to meet with Adv. Chemane. I again stressed the fact that there is material uncertainty and I offered the assistance the Hunters Forum members may be able to render to the SAPS in the matters identified. I once again did not receive any response to this letter. A copy of the letter is available in this link as [Appendix 2](#).
4. On 19 February 2019, I again sent you a letter in which I requested an opportunity to meet with you in an attempt to discuss some of the problems experienced with firearms licensing as well as a possible amnesty. I again offered the assistance and support from SA Hunters in these matters. I did not receive any response to this request. A copy of the letter is available in this link as [Appendix 3](#).
5. On 26 April 2019 I eventually wrote an open letter to his Excellency, the State President, Mr Ramaphosa. In this letter I offered the assistance of legal firearm owners on behalf of the members of SA Hunters and I pleaded for the opportunity to sit down and talk about possible solutions to some of the problems experienced. A copy of the letter is available in this link as [Appendix 4](#). I received an acknowledgement of receipt from the office of the State President, which I appreciate highly.



6. On 7 May 2019, I followed up my previous letter to his Excellency, the State President, with a further letter, after I had the opportunity to ask a question on firearm ownership at a meeting held by His Excellency on 29 April 2019, to which I was invited. I again offered the assistance of the legal firearm owners to attend to some of the problems experienced with legal firearm ownership. A copy of the letter is available in this link as [Appendix 5](#).
7. On 4 June 2019 I received a formal response from the Office of the President to acknowledge receipt of my letter and referring me to your office with the advice that I should rather meet with you as Minister of Police to discuss the matters at stake. A copy of the letter is available in this link as [Appendix 6](#).
8. On 13 June 2019 I again wrote you a letter in which I congratulated you on being re-appointed as Minister of Police and I again pleaded for the opportunity to talk to you on the problems experienced with firearms ownership. A copy of the letter is available in this link as [Appendix 7](#). I received acknowledgement of receipt of this letter from your office by E-mail and was promised that a meeting would be scheduled in due course.
9. Despite various telephone conversations with your office during which I was informed that a meeting would be scheduled, no appointment was made for me to meet with you and on 13 August 2019, I again sent a letter to your office to request that you please allow me the opportunity of a discussion to share some views and possible proposals with you. A copy of the letter is available in this link as [Appendix 8](#). Despite a range of telephone calls to your office after this date no meeting appointment was scheduled yet.
10. On 15 August 2019, you sent a letter to the Speaker of the National Assembly requesting Parliament to consider an amnesty for the period from 1 October 2019 to 31 March 2020. In this letter you also requested that amnesty should not allow an application for a license of a firearm handed in if “documentary proof of previous ownership cannot be produced”. You may have attached a copy of the draft amnesty notice to the letter to the Speaker of Parliament. The correspondence is not clear on this matter. The date stamp of the office of the Speaker on the letter you sent looks like 21 August 2019. A copy of the correspondence is available in this link as [Appendix 9](#).
11. On the same date you also sent a similar letter to the Chairperson of the National Council of Provinces. A copy of the letter is available in this link as [Appendix 10](#).
12. On 11 September 2019 the Portfolio Committee on Police was briefed by the SAPS Leadership on a possible amnesty. A copy of the presentation made is available in this link as [Appendix 11](#). The Portfolio Committee on this date did not take a vote on the possible amnesty and instructed the SAPS leadership to provide some more detail and answers to a host of questions. This meeting seems to have received a copy of the draft notice on the Amnesty which was signed by yourself on 28 August 2019. A copy of the draft notice is available in this link as [Appendix 12](#). Please note that this draft notice already shows only 3 police stations to be excluded from the Amnesty.
13. On 23 October 2019, the Portfolio Committee on Police received an updated brief on the possible Amnesty from SAPS Management. Please note that this brief included an indication that in the view of the SAPS Leadership, after completing risk assessments throughout all provinces, there are a list of 46 Police Stations that would be excluded from the Amnesty. Please see page 12 of the presentation available on this link as [Appendix 13](#).

The Portfolio Committee on this date supported the Amnesty but decided to add a condition namely **to request the Minister to declare a separate process for the renewal of expired licenses that should run concurrently to the amnesty period** and the Deputy Minister agreed to indeed consider the suggestion. Please refer to the Minutes of the Portfolio Committee meeting available in this link as [Appendix 14](#) for confirmation hereof.
14. On 31 October 2019, the General Assembly in Parliament considered the report from the Portfolio Committee of Police flowing from the meeting held on 23 October 2019 and

approved the report from the Portfolio Committee, inclusive of the request that the Minister should declare a separate process for the renewal of expired licenses that should run concurrently to the amnesty period. Please see a copy of the report of the Portfolio Committee to Parliament available at this link as [Appendix 15](#). The last page of the document presents the Portfolio Committee Report. Please note that a copy of the Amnesty Notice to be published was not presented to the General Assembly on this date.

15. On 26 November 2019 the National Commissioner of Police, most likely at the request of the Chairperson of the Portfolio Committee, in writing provided the list of names of 46 Police stations which are excluded from the Amnesty. A copy of the letter is available in this link as [Appendix 16](#).

16. On 27 November 2019, the notice of the Firearms Amnesty was published in the Government Gazette No 42858 under your signature. This notice was already signed and dated on 28 August 2019.

It should be abundantly clear that it is the proposed notice of the Amnesty that you sent to the Speaker of Parliament on 15 August 2019 already, with merely the dates of the Amnesty amended at a later stage. In this notice you also identify only three police stations to be excluded from the amnesty, being Isipingo, Bellville South and Kanyamazane. This stands in stark contrast to the list of 46 police stations that are excluded from the amnesty as reported in writing to the Chairperson of the Portfolio Committee on Police just the previous day. A copy of the notice is available in this link as [Appendix 17](#).

17. On 28 November 2019 you announced the Firearms Amnesty formally at a press conference and meeting held at Leriba Lodge Hotel in Pretoria. When questioned about the variance in the number of police stations (between the data submitted to the Portfolio Committee and the number included in the notice of the Amnesty) at the press conference you responded by stating an amendment to the notice will be published that will include a different list of police stations. At the same meeting, you (as widely reported by various news agencies and press reports) also stated that there is now a period of 6 months during which individuals with firearm licenses that lapsed **may apply for renewal of those** licenses.
18. Over the weekend of 29 and 30 November 2019 you were also widely quoted on exactly the same matter, being that owners of firearms of which the licenses lapsed now have a period of 6 months during which they may apply for **renewal of such licenses**.
19. On 2 and 3 December 2019 the guidelines on how the amnesty should be attended to, signed by the Commissioner of Police apparently on 28 November already, were distributed to DFO's. A. Copy of the Guidelines marked "Confidential" is provided at this link as [Appendix 18](#).
20. A training session for all DFO's is scheduled for 5 December 2019. The intention of this session is to train and prepare DFO's to manage the Amnesty, while the amnesty is already running from 1 December 2019.

Against the background of the information provided above, I would like to bring the following to your attention.

- a. When the SAPS Management made a presentation to the Portfolio Committee on Police on 11 September, pretending that the notice to be given on the Amnesty is still available in draft format, the Portfolio Committee was most likely misled, as by then the notice was already signed on 28 August 2019.
- b. When the SAPS Management made the second and revised presentation to the Portfolio Committee on Police on 23 October 2019, the Committee was certainly misled as the Committee was informed that 46 police stations were excluded from the Amnesty, while at that time the notice of the Amnesty was already signed on 28 August with only 3 police stations excluded from the Amnesty in this notice.

- c. When the SAPS Management on the same date informed the Portfolio Committee that the DFO's were trained to implement the Amnesty, the Committee was most likely misled as the training for implementation of the Amnesty will only be done on 5 December 2019.
- d. When the Deputy Minister on 23 October 2019 indicated to the Portfolio Committee on Police that the recommendation or suggestion from the Portfolio Committee that a separate process for the renewal of expired licenses that should run concurrently to the amnesty period will be considered, the Portfolio Committee was misled as the notice declaring the Amnesty was by then long ago signed on 28 August 2019 already. No consideration was given to this suggestion of the Portfolio Committee at all.
- e. When the report of the Portfolio Committee on Police was presented to the General Assembly in Parliament on 31 October 2019, the General Assembly was most likely misled with the information that the Minister would be requested "to consider a separate process for the renewal of expired licenses that should run concurrently to the amnesty period". At this time the Amnesty notice was long ago signed on 28 August already. No consideration was given to the recommendation made as reported to the General Assembly.
- f. The notice to be published in the Government Gazette was also not made available to Parliament on this date and it could be contended that the requirement of Section 139 of the Firearms Control Act (no 60 of 2000 as amended) was not met in this regard.
- g. When the Commissioner of Police on 26 November 2019 wrote to the Chairperson of the Portfolio Committee and presented the list of 46 police stations that are excluded from the Amnesty, the Chairperson was most certainly misled as by this time the notice to declare the amnesty was already signed and the publication finalised and it contained the names of only three police stations against the list of 46 presented by the Commissioner.
- h. When the Amnesty Notice was published in the Government Gazette on 27 November containing only the list of 3 police stations that were excluded from the amnesty, the public at large was misled, if the Leadership of SAPS was indeed of the opinion that 46 police stations should be excluded from the Amnesty.
- i. When on 28 November 2019 you personally introduced the Amnesty at the press conference at Leriba Lodge, you publicly stated that there is a period of six months available for the licenses of firearms of which the licenses lapsed to be renewed. You clearly misled the public as no provision is made for relicensing of any firearm in the Amnesty notification and conditions. The process to renew an existing license and apply for a new license is materially different from each other. The Amnesty process only provides for application of a new license for a firearm surrendered under Amnesty.
- j. When you were reported in the Citizen on Monday 2 December 2019 as stating that you admit that the Firearms Registry cannot control the flow of license renewal applications, you most certainly did not contribute to increasing trust in the ability of the SAPS and the Firearms Registry to be able to manage the process of either firearms licensing or the Amnesty at all. A. Copy of the article from the Citizen is available at this link as [Appendix 19.](#)

Honourable Minister, it certainly is no wonder that the public at large and especially owners of firearms with licenses that lapsed are at a complete loss on what is required of them and what they should do. At this point in time there is huge uncertainty amongst the public on whether they could trust the police to safely keep any firearm handed in under the Amnesty.

The history of previous Firearms Amnesties in RSA clearly shows that it did not contribute anything to remove any firearm used in criminal acts from the streets. The presentation of the SAPS Management made on 23 October 2019 to the Portfolio Committee on Police clearly identifies that the majority (77 073) of the total of (122 783) firearms surrendered during the two previous amnesties (2005 and 2010) were merely unwanted legally licensed firearms that were surrendered

while only 45 719 of these firearms were identified as “illegal firearms” many of which may have been licenses that were also legally licensed before. It should be noted that it was reported to the Portfolio Committee of Police at an earlier date that **not a single one of all these firearms could be connected to or linked to any crime.**

From the reports of firearms lost from the custody of the SAPS it should be abundantly clear that the Police is not trusted to safely keep any firearm surrendered to them. May I be so blunt as to state the following:

- The public does not trust the police to safely keep and destroy firearms surrendered.
- The members of the Portfolio Committee on Police have their doubts about the ability of the police to safely keep firearms surrendered and to with good order manage an amnesty process.
- Some of your colleagues in Parliament certainly have their doubts about the ability of the police to safely keep firearms if surrendered.
- Even one of your biggest allies, Gun Free South Africa, have doubts about the ability of the police to safely keep and eventually destroy all firearms surrendered.
- Given the above misgivings, doubt exists as to whether this amnesty can be in the public interest, as is required in section 139 of the Act, especially in the light of the factors highlighted in this letter.

Lastly, there is huge uncertainty about the process to be followed should a member of the public want to actually make use of the Amnesty and surrender a firearm under the Amnesty. Will such an individual be allowed to apply for a license like the Act allows? According to your notice in the Government Gazette only if documentary proof of previous ownership could be provided and if the application for a license is made within 14 days from the date on which the firearm is surrendered. Several unanswered questions present themselves. The requirement of the “previous ownership” does not appear in Section 139. Is this requirement not *ultra vires* section 139? Who must have owned the firearm? Will a license be issued if the competence of the individual is not valid? Will the competence renewal application be accepted with the application for a license? Nobody can answer these questions at this point in time, not even your DFO’s, yet the clock is ticking away on an Amnesty period that already started on 1 December 2019.

In all the time while this process unfolds there is no record of any communication from the SAPS to the public to inform them of any process or to give them any answers to any questions like those posed above.

I must bring to your attention, the fact, that if members of the public do not know and understand what to do, if they do not trust a process, and if they believe any process to be unreasonable and unfair, all that will happen is we will see massive public disobedience. Look at what happened to a process perceived to be unfair and unreasonable like E-toll. The public will, like they chose to ignore E-toll, just ignore the Amnesty process now announced.

I would like to once again plead with you. Please get representatives from all interested and affected parties together and talk about possible ways to meaningfully solve the mess we have and experience around firearms licensing and this Amnesty. Please also include those opposed to public ownership of firearms, but just talk to people that do care about this matter.

Firearms owners and their representative organisations certainly want a meaningful process of licensing, they do not want crime to run at the levels we have in RSA at present. They do not want criminals to possess firearms and they are prepared to support the principles and a process of well-regulated firearm ownership.

Talk to the unions representing police officers. I am confident that even the unions are dissatisfied with the process at present and the way their members are required to now manage an Amnesty where there is more uncertainty than any certainty and a process which is distrusted overall.

If, as is reasonable to infer at this stage, you intend to address the current **relicensing** impasse, by way of, and under this Amnesty (contrary to what the Portfolio Committee and Parliament requested – they requested a separate process), and leaving aside the question as to whether it is at all possible to address relicensing in terms of Section 139, then it cannot be denied that firearm owners are members of the public contemplated in section 4 of the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000). Given the above sequence of events, it follows that their rights in terms of this section are violated.

I plead with you, please recall the present firearm amnesty process and issue a revised and new notice declaring an amnesty, after having spoken to all role players, that would hopefully be supported by everybody in the country. The present process is fatally flawed and will most certainly not deliver the results you may hope to achieve.

I look forward to hearing from you at your earliest convenience.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Fred Camphor', with a stylized flourish extending to the right.

Fred Camphor
CEO: South African Hunters and Game Conservation Association