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SAAADA Media Statement

This media statement is in response to the irresponsible, irrational remarks that the Minister of Police, Bheki Cele, made on 14 January 2020.

SAAADA, the South African Arms and Ammunition Dealers' Association, represents firearms dealers, importers, manufactures, gunsmiths and related trades (broadly, the Gun Trade) in matters of common interest. These include legislation and the functions of government such as SAPS, Customs, SABS, theDTI and more.

Background

On the 14th of January 2020 a licensed firearms dealer in Johannesburg made use of the Firearms Amnesty of 2019 to surrender to the police a few hundred unwanted, legally possessed firearms together with a few thousand rounds of unwanted ammunition. They were outdated with no commercial value.

On the basis that all of these had been properly recorded in the dealer's register of firearms, these could have been legally surrendered at any time and did not require an amnesty. Nevertheless, the Minister of Police decided to make a public relations event of this. Through his utterances on the day, he displayed his ignorance, the poor advice he receives, and the ill intent he has toward all South Africans.

Minister Cele's irrational utterances included:

1. **"Firearms remain the enemy of our society."**
 - a. Criminals are the enemy of our society, both violent criminals as well as corrupt officials and politicians.
 - b. Guns don't cause crime, criminals cause crime.

2. **"One thing we are trying to put there, is that individuals should not have firearms."**
 - a. The clear implication of this is that Minister Cele only sees a future where the SAPS and SANDF (and criminals) have firearms. Citizens would be rendered defenceless victims while Cele and his ilk are protected by State funded security details.
 - b. Minister Cele has no respect for the age-old tradition of hunting and its invaluable contribution to nature conservation, has no respect for sport shooting, nor for protecting the country's wonderful firearms heritage through collecting.

- c. When saying this, Minister Cele confirmed that a pending amendment to the Firearms Control Act, Act 60 of 2000, (FCA) is being drafted. This has been done under a cloak of secrecy and with no consultation whatsoever with the primary stakeholders in the firearms community, including Dealers and the broader industry.
 - d. Minister Cele waffled that, although the FCA review was still in its early stages, its amendment would improve the safety of individuals and South Africa. This lie is exposed and discussed below.
 - e. Minister Cele said that, together with the amendment, security at borders would also need to be extensively tightened and monitored because guns such as AK47s were being smuggled through it. He omitted to mention the many thousands of guns stolen from and lost by SAPS, the Metro Police and the SANDF (discussed further below).
3. **“One funny thing about the present Firearms Act is that it allows individuals in South Africa to have an unlimited number of firearms, and definitely the incoming Act can’t allow that.”**
- a. Not one of the individuals with many licensed firearms (say more than twenty, because no-one has ‘unlimited’) has committed violent criminal acts with these. These law-abiding individuals that Cele fears are simply not a problem to society but are the easy target for political gain or for undisclosed, nefarious reasons.
 - b. Minister Cele said allowing individuals to own more than one firearm created issues with safety and contributed to the gun problems in the country. This is a lie, dismissed with contempt.
 - c. Minister Cele said that not allowing individuals to own more than one firearm would also assist with inspections and police would be able to track firearms efficiently.
 - i. More lies, as SAPS do no such inspections of individuals.
 - ii. More nonsense, as any properly functioning computer system (used to track firearms) has no limit on the numbers. SAPS computer system is a mess through their own ineptitude (discussed more below).
4. **“It is important to note that, during this amnesty period, there will be no indemnity for firearms handed over which have been used to commit crime.”**
- a. Not one firearm handed in under any of the previous Amnesties this century has been linked to a crime. Criminals simply do not surrender their tools, especially if there is any chance of facing prosecution for crimes committed with such a ‘gun of crime’.

The police have lost control

As illustrated in court papers submitted by SAAADA in June 2018, the Central Firearms Registry (CFR) has lost control of firearms in South Africa.

Under Bheki Cele’s leadership, since early 2018, CFR has wilfully disengaged dialogue with all the role players in the firearms fraternity, including dealers, hunters, sport shooters, collectors and more. SAAADA

was forced to resort to the courts to have CFR correctly implement critical aspects of the Firearms Control Act, nearly 20 years after it was enacted.

The National Commissioner of Police, General Khehla Sithole, admitted to Parliament in 2018 that it is “impossible” for the SAPS to fulfil its constitutional mandate, an admission that SAPS cannot protect South African citizens. Bheki Cele would now disarm these people and subject them to the merciless violent criminals rampant in South Africa, while he and his ilk are protected by taxpayer funded security details.

Barely 3 months ago the National Director of Public Prosecutions, Advocate Shamila Batohi, described a criminal justice system that has all but collapsed and told Members of Parliament (MPs) that it was understandable that people did not feel safe.

Analysis of the 2019 annual reports of the South African Police Service (SAPS) and the National Prosecuting Authority (NPA) indicate that the so-called category of “trio crimes” – vehicle hijackings, home robberies and robberies at businesses – appears to go almost entirely unpunished. The perpetrators are convicted in less than 5% of these violent contact crimes, crimes that are up-close and personal, and which instil fear in their innocent victims.

It is little wonder that South Africa ranks as the 9th most homicidal nation on Earth, and noteworthy that not even one of the Top 10 Most Homicidal Countries on Earth has permissive or unrestrictive firearm legislation. A safer society clearly does not follow from restrictive firearm ownership; it follows from an effective criminal justice system and a healthy economy offering people jobs.

Against this dire backdrop, the Minister of Police chooses to further compromise South Africans’ right to life, our right to bodily integrity and our right to live free from fear and violence. These fundamental rights are meaningless without the ability to protect them, and a firearm remains the only effective means for individuals to protect themselves and their families against violent criminal action.

The police have lost the money

The SAPS waste Hundreds of Millions of Rand annually, through frivolous legal fees and litigated awards that follow their wrongful actions. In fact, the National Commissioner of Police issued a directive in November 2019 with instruction to all SAPS members relating to arrest and detention of suspects. This 12-page document clearly describes unlawful police action that must cease.

The SAPS waste Hundreds of Millions of Rand annually, through the ineffective Enhanced Firearms Control System (EFRS) administered by the CFR. This system is overly complex, riddled with well-known errors and is fundamentally flawed. The very CFR is bureaucratically over-staffed by largely ignorant and inexperienced managers and adds little to the control of firearms in South Africa.

Against the backdrop of South Africa’s stagnant, dare we say recessionary, economy it was unsurprising that Treasury slashed the SAPS budget by Hundreds of Millions of Rand last year. Yet SAPS continue to waste in the area of law-abiding firearms control and fails to tackle crime, fails to make a real difference to South Africans.

Against this economic backdrop, the Minister of Police chooses to further weaken South Africa by effectively trying to kill the firearms industry. This industry contributes Billions of Rand to the fiscus annually, through import duties, VAT, corporate taxes, employee income taxes and more, not to mention the employment benefit to hundreds of thousands of people and the families they support.

The police have lost the guns

The SAPS and various Metro Police Departments lose thousands of firearms annually, and an unknown amount of ammunition (probably millions of rounds). Most of these losses remain unaccounted for, and go unpunished, unlike the severe penalties that await any negligent losses from civilian hands.

Worse yet, many of these firearms lost by SAPS (and by the SANDF) are fully automatic rifles that are the weapons of choice used for Cash in Transit heists, and many other violent crimes. These prohibited firearms do not come from licensed firearms owners in South Africa. Apart from those lost by SAPS, they are also smuggled in through our highly porous borders (supposedly protected by SAPS). No doubt some are recovered from the ANC's struggle-era arms-caches.

Innumerable calls from the responsible firearms fraternity for a proper, independent audit of state-controlled firearms remain ignored.

The media frequently reports on SAPS officials supplying firearms to criminals. The infamous Police Colonel Chris Prinsloo admitted to supplying some 2000 firearms to gangsters on the Cape Flats, and other areas. It's widely understood that the real number exceeded 10 000 firearms, most of which were handed in under previous amnesties to SAPS, in good faith by law abiding gun-owners. This case is probably one of the greatest travesties in SAPS history.

It is against this backdrop of corruption and incompetence that SAAADA does not feel that the Amnesty of 2019 is the most appropriate solution for the problems it purports to address.

Not one firearm handed in under any of the previous Amnesties of this century has been linked to a crime. Criminals simply do not surrender their tools, especially if there is any chance of facing prosecution for crimes committed with such a 'gun of crime'. The current Amnesty offers zero value in this regard and will not remove a single gun from the streets.

The undeclared focus of the Amnesty is to allow firearm owners, whose license has expired, the opportunity to get 'back into the system' by applying for a new license under the Amnesty. The Amnesty requires these firearms to be surrendered to the SAPS, and for these firearms to all be ballistically tested. SAAADA has three concerns in this regard.

1. Based on past performance, it is unlikely that SAPS can properly safeguard the potentially hundreds of thousands of firearms (and millions of rounds of ammunition). Many of these are likely to end up in criminal hands.
2. SAPS will waste Millions of Rand and years of effort to store, administer and ballistically test all these firearms, a test that is proven to have zero value. Several other cost-effective solutions to the expired license fiasco have been proposed to, and ignored by, SAPS.
3. SAAADA is concerned that SAPS will again resort to *mala fides* to refuse most of the license applications for spurious reasons, congesting an already ineffective system. The wastage here is not just the cost to SAPS, it includes millions of man-hours wasted by individuals and

organisations to prepare license applications against an unknown set of rules (also part of SAAADA's court case against CFR).

Conclusion

The South African Arms and Ammunition Dealers' Association again calls on the Minister of Police and the South African Police Service to engage in meaningful dialogue with the firearms community, so that we may work together towards a peaceful South Africa where citizens live safely, benefit from economic prosperity and are free to practice their legitimate and lawful pursuits.

Legally owned firearms, licensed firearm owners and the Gun Trade contribute to this solution in many ways including financially through their economic activities and through promoting proper gun control.

Jonathan Fouché
Chairman