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Our reference: Mr Kotze

28 October 2019

Your reference: Mr Malatswa Molepo

Ms Tina Joemat-Petterson,

VERY URGENT

The Chairperson,

Parliamentary Portfolio Committee on Police,

C/o The Parliamentary Communication Service,

E mail: mmolepo@parliament.gov.za

Dear Minister,

**REQUEST FOR INTERVIEW WITH THE CHAIRPERSON OF THE
PARLIAMENTARY PORTFOLIO COMMITTEE ON POLICE IN
RESPECT OF DECISION ON 23 OCTOBER 2019 TO SUPPORT A
FIREARMS AMNESTY IN TERMS OF SECTION 139 OF THE
FIREARMS CONTROL ACT (ACT 60 OF 2000).**

REGSPRAKTISYNS / LEGAL PRACTITIONERS: Juan Kotze B.Juris (UP) LLB (SA)

YOUR LEGAL BACK-UP

1. I act on behalf of National Hunting and Sportshooting Association (NHSA), a firearm owners association, which is in terms of the Firearms Control Act also an accredited hunting- and sports shooting association.
2. Writer hereof also represent the Hunters Forum in respect of the proposed firearms amnesty. The Hunters Forum is a forum of all accredited hunting associations, whose member associations represent approximately 180 000 hunters, who are all firearm owners. The Hunters Forum ("the Forum") has been in existence since 2004 and has made valuable contributions to the implementation of the Firearms Control Act.
3. The Forum used to have regular meetings with SA Police Service ("SAPS") officers representing the Central Firearm Registry and convened as the SAPS / Hunters Consultative Forum. The terms of reference of the Consultative Forum is to discuss firearm related matters. The Forum has unfortunately been unsuccessful to get any meaningful cooperation from SAPS during the last year to discuss firearm related matters in general, and the amnesty in particular.
4. Writer hereof has addressed a letter dated 15 October 2019 to the Minister of Police and the Commissioner of Police, (and other Police members who are involved in the amnesty process) with a request that the amnesty be discussed with writer hereof before it is declared. We didn't have any reponse from anyone and all indications are unfortunately that SAPS wants to push the amnesty through parliament **without any public participation**.

REGSPRAKTISYNS / LEGAL PRACTITIONERS: Juan Kotze B.Juris (UP) LLB (SA)

YOUR LEGAL BACK-UP



5. We have followed the Parliamentary Portfolio Committee on Police ("the Committee") meeting of 23 October 2019 and believe that there are very important aspects that should be brought to your attention before you report to Parliament on the proposed amnesty.
6. It is clear that the Police Service didn't brief the Committee on the complexity of the legal definition of "unlawful firearms" and the legal uncertainty that exists in respect of current court orders that have a direct impact on firearm ownership and which firearms are considered to be "illegal" firearms. It will later impact on the prosecution and freedom of citizens.
7. We would like to share very important information about the effect of the court orders and the definition of "illegal firearms" with you. It is submitted that Colonel Cloete from SAPS Legal services's assurance to the Committee "that there are no court orders preventing the declaration of amnesty" on which the Committee's decision to support the amnesty is based, is very simplistic, misleading and not accurate.
8. The Deputy Minister of Police, Mr Mathale's assurance to the Committee that the amnesty will not be aimed at firearms owners with lapsed firearm licences, is also not in accordance with statements that were recently made by SAPS management.
9. SAPS did not report accurately or honestly to the Committee and it seems that SAPS will abuse the amnesty process to exert pressure on citizens (who legitimately own firearms), to hand their firearms

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into SAPS 13 stores pending new applications for licences as part of the amnesty process in order to get rid of "excess" firearms. We have in our letter pointed out to SAPS that there are alternative ways available to defuse the dispute.

10. The amnesty process is of great importance because as many as 450 000 firearm owners, who have for good reasons not renewed their firearm licences, may be affected. Some of them acted in terms of interim court orders which are still in place (not only the GOSA-matter) and are actually legally in possession of their firearms or lack any intention to commit a crime. SAPS will also admit that thousands of firearm owners were during the period July 2017 and June 2018 turned away from relicensing their firearms in terms of Judge Tolmay's order in the Second SA Hunters case, which stated that it was not necessary to relicence firearms and that offences were not being committed by a failure to do so.
11. If gunowners believe that they are being treated unfairly, that the amnesty is designed to disarm them, and therefore decide not to take part in the amnesty, such firearm owners may later be arrested and prosecuted for the alleged illegal possession of firearms and may face long terms of imprisonment. It is respectfully submitted that your Committee has a duty to avoid such a situation.
12. Any attempt to compel or coerce law abiding citizens to hand firearms in, will be perceived that the Government wants to unfairly



disarm firearm owners and it may lead to civil disobedience, which we believe should at all cost be avoided.

13. We believe that it is in the public's interest that this uncertainty should be cleared up before the amnesty is announced and **therefore take up the invitation in the press release to request an interview with the Chairperson.**

14. Please let me know when it will suit you to interview Dr Herman Els, the Chairperson of NHSA, and writer hereof. We shall attend even at short notice.

15. It will also be appreciated if you can provide us as soon as possible with the following:

15.1. The minutes of the meeting of 23 October 2019;

15.2. The decisions that were taken by the Committee;

15.3. The draft amnesty declaration that was tabled by the Police;

15.4. The conditions of the proposed amnesty;

15.5. The proposal that the Committee will make to parliament;

15.6. The date when the Committee's report will be tabled to Parliament.

16. Your urgent attention and reply will be appreciated.

Yours faithfully,

(signed J KOTZE)

JUAN KOTZE

REGSPRAKTISYNS / LEGAL PRACTITIONERS: Juan Kotze B.Juris (UP) LLB (SA)

YOUR LEGAL BACK-UP





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Our reference: Mr Kotze

29 October 2019.

For attention: Adv Van Zyl SC

The Director of Public Prosecutions,

Johannesburg.

VERY URGENT

BY E MAIL.

Dear Adv Van Zyl,

**REQUEST FOR URGENT MEETING TO DISCUSS DEFINITION OF
"POSSESSION OF ILLEGAL FIREARMS" AND S VS DU RANDT.**

1. INTRODUCTION.

I represent National Hunting and Shooting Association (NHSA), which is a firearm owners association and also an accredited hunting and sport shooting association as provided for in terms of the Firearms Control Act (Act 60 of 2000) ("FCA").

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YOUR LEGAL BACK-UP

2. PURPOSE OF LETTER.

- 2.1. The purpose of this letter is to request an urgent meeting to discuss the legal position in respect of the possession of firearms. In this doicument, I will give a brief summary of the present problem.
- 2.2. I will also hand you a bundle of all the judgments, court orders and Police instructions that had been issued at different times.

3. PRESENT LEGAL POSITION.

- 3.1. As you are aware, there have over the past few years been various *interim* court orders and judgments that have affected the rights of firearm owners.
- 3.2. The legal question as to when a firearm is legally possessed, is presently a complex matter, where the legal developments have to be taken into consideration when a decision to prosecute is taken.

4. STATE V DU RANDT.

- 4.1. It has come to our attention that the State has charged a Mr Du Randt in the Gauteng High Court for the illegal possession of a firearm of which the licence had expired. The State alleged that Mr Du Randt illegally possessed the firearm on 15 January 2018.
- 4.2. The evidence was that the firearm had been licenced in terms of the Arms and Ammunition Act (Act 75 of 1969) ("green licence") and that Mr Du Randt had renewed the licence in terms of the Firearms Control Act (Act 60 of 2000) ("white licence"). The new white licence however lapsed during 2014 because Mr Du Randt failed to renew the licence.

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5. TOLMAY DECISION.

5.1. On 4 July 2017 Judge Tolmay delivered a judgment in the matter of S A Hunters v The Minister of Safety and Security and made the following order:

“1. *Section 24 and 28 of the Firearms Control Act (Act 60 of 2000) are hereby declared unconstitutional;*

2

3. *All firearms (licenses) issued in terms of the Firearms Control Act (60 of 2000), which were due to be renewed in terms of section 24 of the Firearms Control Act, shall be deemed to be valid until the Constitutional Court has made its determination on the constitutionality of the aforesaid sections.” (my emphasis).*

5.2. On 6 June 2018 the Constitutional Court set the above order aside.

5.3. It is therefore clear that **on 15 January 2018, when Mr Du Randt allegedly committed the offence, the Tolmay decision was still of force** and anyone who possessed a firearm with an expired license, would lack criminal intent to commit the particular offence.

6. THE 2009 SA HUNTERS INTERIM ORDER.

6.1. It is also pointed out that Mr du Randt was also legally covered by the *interim order* that was given on 26 June 2009 by Judge Prinsloo in the matter of S A Hunters v Minister of Safety and Security when he ordered:

“That all firearm licences contemplated in subsection 1 of item 1 of the Schedule of the Firearms Control Act (old green licences) shall



be deemed to be lawful and valid pending the final adjudication of the main application” (my insertion).

- 6.2. The main application has not been determined yet and the *interim order* is still in place.
- 6.3. The Police initially accepted that the order covered **All** green licences (irrespective whether it had taken part in the re licensing process, or not). During February 2016, Commissioner Pahlane issued a directive and stated that the order **was only applicable to licenses that had not “migrated” to the new system.**
- 6.4. This interpretation is in our view incorrect and affects the rights of hundreds of thousands of firearm owners whose firearms had been licenced before 1 July 2004. During our proposed meeting, I shall also provide you with the whole judgment and Senior Counsel’s opinion which indicate that the *interim order* **was not intended to cover only green licences that had not migrated to the white system.**

7. **GOSA INTERIM ORDER.**

The interpretation is also the subject of the presently pending case of GOSA vs The Minister of Police. This order interdicts the Police from accepting any firearms or demanding that such firearms be handed over to it for the sole reason that the licence for such firearm had expired.

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8. AMNESTY.

- 8.1. A policy decision on the matter becomes extremely important in view of the 2019 / 2020 firearms amnesty that will come into operation on 1 December 2019 and will run until 31 May 2020, will cover “unlicensed firearms”, whilst there is serious legal uncertainty about which firearms are being legally possessed, and which not.
- 8.3. It is also pointed out that the amnesty will provide that all firearms that will be the subject of the amnesty, will have to be handed in at Police stations pending new firearm licenses. The Police’s interpretation will include any firearm of which a white licence has expired (irrespective whether it previously had a green license) to be illegally possessed.
- 8.4. A serious legal confrontation is foreseen at the end of the amnesty period because the Police will argue that anyone who had not taken part in the amnesty, will then be in unlawful possession of such firearms and must be prosecuted.
- 8.5. All indications are that approximately 450 000 firearm owners are finding themselves in this predicament.

9. ABSENCE OF MENS REA: POLICE TURNED APPLICATIONS FOR RE LICENSING AWAY.

The problem is compounded by the fact that thousands of firearm owners, who had the opportunity to re license firearms during the 11 month period of July 2017 until June 2018, when the Tolmay judgment was in force, were turned away by the Police and informed that their re licence applications will not be accepted because of the pending court case.



10. TOLMAY DISADVANTAGED GROUP.

This "Tolmay disadvantaged group" (which counts to more than 200 000 persons) have subsequent to the Constitutional Court judgment never had the opportunity to renew their firearm licenses. Those gunowners are now being regarded by SAPS as being in "unlawful possession" of their firearms and one should expect that they will intimidate gunowners (who are actually in legal possession of their firearms) to:

- 10.1. hand in their firearms for destruction or
- 10.2. hand in firearms and apply for new licences; and
- 10.3. (especially after the success of the Du Randt prosecution) make arrests after the expiry of the amnesty period.

11. REFUSAL TO ACKNOWLEDGE ALL GREEN LICENCES AND TO APPLY SECTION 28 (6) OF THE FCA.

11.1. The Registrar has been requested to acknowledge that All Green licences are valid (as per the 2009- S A Hunters order) and to apply section 28(6) of the FCA to grant an extension of time to re license firearms with expired white licences.

11.2. The advantage will be that such firearms;

- 11.2.1. will not be regarded as being in illegal possession;
- 11.2.2. can be re licenced in terms of administrative arrangements;
- 11.2.3. will not be subject to an amnesty;
- 11.2.4. will not have to be handed in; and
- 11.2.5. will not be the subject of criminal prosecutions for illegal possession thereof.

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12. HANDING OF FIREARMS INTO SAPS 13 STORES.

Section 139 of the FCA provides that any person who wants to take part in the amnesty, has to hand such firearm into a SAPS 13 store pending the outcome of their new licence applications.

13. PUBLIC'S RELUCTANCE TO HAND IN FIREARMS.

In view of the public's perception that the Police can not be trusted with the safeguarding of their firearms, (and the legal position as set out above), it is expected that a large number of firearm owners will refuse to hand their firearms in and to take part in the amnesty (because that will demand an admission that the firearm was in illegal possession- which is not true).

14. URGENT REQUEST FOR MEETING.

Writer hereof would like to urgently have a meeting with you in order to discuss this extremely important matter. It is pointed out that a recurrence of the S v Du Randt matter can also not be afforded and that steps will have to be taken to rectify the position. The details of the case can also be discussed during our proposed meeting.

15. URGENCY.

- 15.1. It is expected that the amnesty will be declared during the next few days. It is also expected that once the amnesty is announced, it will cause a public reaction about the uncertainty of the definition of which firearm is legally possessed.

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15.2. In view of the prosecution of Du Randt, I respectfully submit that the NPA will urgently have to take a policy decision on prosecutions for the alleged illegal possession of firearms.

16. Please acknowledge receipt hereof.

17. Your urgent attention will be appreciated.

Yours faithfully,


JUAN KOTZE

PRAKTISYNS / LEGAL PRACTITIONERS: Juan Kotze B.Juris (UP) LLB (SA)

YOUR LEGAL BACK-UP



SA Jagters- en Wildbewaringsvereniging
SA Hunters and Game Conservation Association

Bewaring deur volhoubare benutting / Conservation through sustainable utilisation

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Geakkrediteer deur SAPD as Jagtersvereniging: Nr 400001; Sportskietorganisasie: Nr 1300091; Beroepsjagvereniging: Nr 1300124
Accredited by SAPS as Hunting association: No 400001; Sport shooting organisation: No 1300091; Professional hunting association: No 1300124

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.



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.

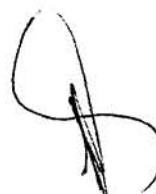
I plead with you, please recall the present firearm amnesty process and issue a revised and new notice declaring an amnesty, after having spoken to all role players, that would hopefully be supported by everybody in the country. The present process is fatally flawed and will most certainly not deliver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

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

Yours sincerely



Fred Camphor
CEO: South African Hunters and Game Conservation Association



IN THE HIGH COURT OF SOUTH AFRICAGAUTENG DIVISION, PRETORIA

CASE NO:

In the matter between:

NATIONAL HUNTING AND SHOOTING
ASSOCIATION ("NHSA")

Applicant

and

MINISTER OF POLICE

First Respondent

THE NATIONAL COMMISSIONER
OF THE SOUTH AFRICAN POLICE SERVICE
Cited herein in his capacity as the
REGISTRAR OF FIREARMS

Second Respondent

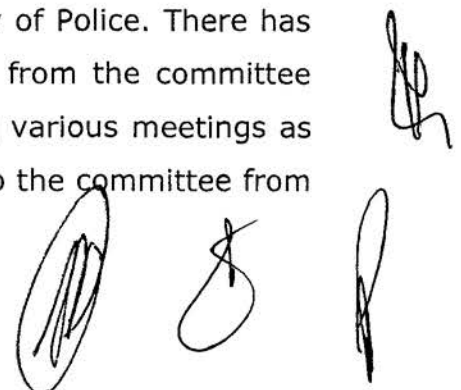
SUPPORTING AFFIDAVIT

I, the undersigned,

STEPHEN PETER PALOS

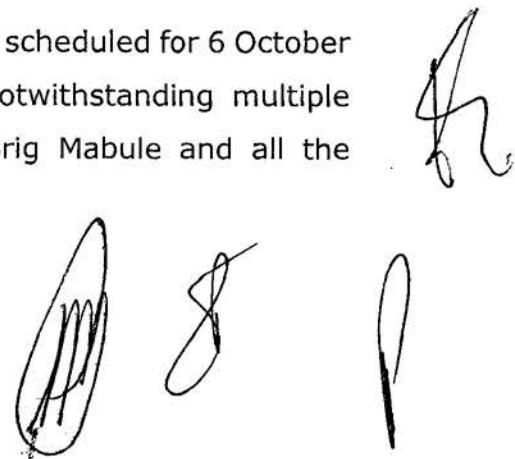
do hereby make oath and state that:-

- 1 The facts to which I attest are within my personal knowledge and is to the best of my knowledge and belief both true and correct.
- 2 I am the Chief Executive Officer of the Confederation of Hunters Association of South Africa, an association accredited in terms of Section 8 of the Firearms Control Act, Act 60 of 2000 (The Act)
- 3 I am also the current Chairperson of the Hunters Forum, a forum established in 2005, open to all hunting associations accredited in terms of the Act. This forum represents in excess of 100 000 members by last estimation.
- 4 The Hunters Forum has historically met with representatives of the SAPS Central Firearm Registry (CFR) usually thrice per annum wherein matters relating to the effective and efficient implementation of the Act are discussed. Minutes of these meetings are available.
- 5 The Hunters Forum, along with other stakeholders representing broader or different firearm specifics, has also met from time to time with the Civilian Secretariat for Police.
- 6 On 24th and 25th March 2015, as Chairperson of the Hunters Forum, I attended and made a presentation to a two-day summit called by the Portfolio Committee for Police in the Parliament of South Africa entitled a "National Firearm Summit".
- 7 Since that summit, I have also included that Portfolio Committee's content advisor in much correspondence relating to the work of the Hunters Forum and its interaction with SAPS/CFR and the Secretary of Police. There has been general acknowledgement of our contribution from the committee and the Chairperson of the 5th Parliament, including various meetings as well as some invitations to address and/or present to the committee from

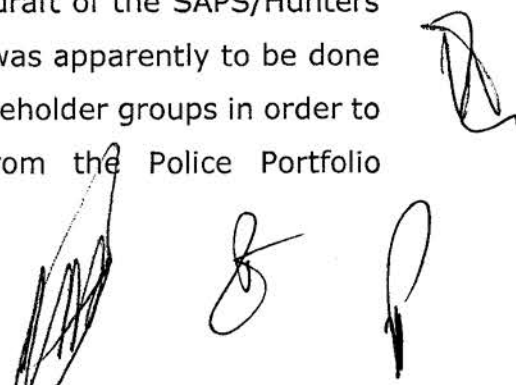


time to time. There has not as yet been any such interaction with the committee of the 6th Parliament with the Hunters Forum, but we trust such shall occur soon.

- 8 From the date of the 2015 summit, there was a change of Secretary of Police and with that all interaction to that office ceased for a long period. The previous Secretary, Jenni Irish-Quobosheane had maintained regular meetings with representatives involved with firearm issues including from both those in favour of legitimate firearm ownership and those whose aim is to further restrict or even outlaw firearm ownership. Her replacement, Reneva Fourie made no attempt to engage stakeholders who support firearm ownership and we had no knowledge of whether she contacted those totally opposed to firearm ownership. We were, however, aware that much behind-the-scenes work was continuing on new draft legislation.
- 9 Shortly after the summit Brig. LJ Mabule was appointed Section Head of the CFR. He immediately appeared to be reluctant to continue the long-standing engagement between SAPS/CFR and the Hunters Forum in the SAPS /Hunters Consultative Forum. There was due to be a meeting on 7 April 2015 and instead of attending, an email was sent to the Hunters Forum secretary by CFR Head Secretary that day. I attach hereto the correspondence in this regard, our reply also sent in copy to Secretary of Police, Reneva Fourie and Portfolio Committee Content Advisor, Irvin Kinnes, marked as annexure SP1.
- 10 On 7 July 2015 the SAPS /Hunters Consultative meeting was attended by four regional colonels of the CFR. Brig Mabule and others tendered their apologies. This meeting proceeded productively in good spirits, as was the previous norm.
- 11 The next SAPS /Hunters Consultative meeting was scheduled for 6 October 2015. There were no arrivals from SAPS/CFR notwithstanding multiple reminders being send to the Head Secretary, Brig Mabule and all the regional colonels.

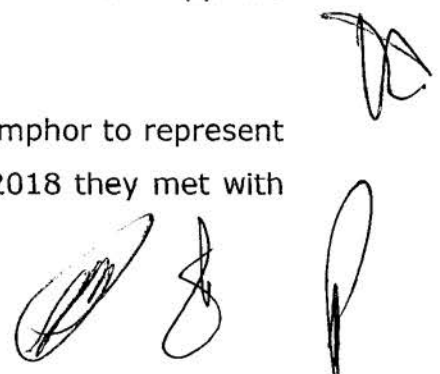
The block contains three handwritten signatures or initials in black ink. The top one is a large, stylized signature. Below it are two smaller, more compact signatures or initials.

- 12 On 8 March 2016 I attended a meeting in Parliament with the Chairman of the Portfolio Committee, the content advisor, other staff of the committee and stakeholders from the firearm dealers, security industry, sport shooters and training providers. Present for SAPS were Maj-Genl M Mamotheti, divisional head of FLASH (Firearms, Liquor & Second-hand Goods) and Lt-Gen N Masiye, divisional head for Visible Policing. At this meeting, among other things, the Portfolio Chair **Mr F Beukman reiterated the need for SAPS to engage stakeholders. Gen Mamotheti undertook to attend SAPS /Hunters Consultative Forum engagements.**
- 13 On 31 March 2016 the Hunters Forum secretary sent a notice/invitation for the next meeting scheduled for 18 April 2016 to Gen Mamotheti, Brig Mabule, the CFR Head Secretary and nine regional colonels and senior CFR officers. On 12th April 2016 I sent a reminder and on 13th received notice that FLASH management would not be available. I then enquired about CFR staff availability. On 18th, the day of the intended meeting, I received notice that CFR would not attend either, as Brig Mabule was on leave for the week.
- 14 On 21 June 2016 a notice was sent for another meeting of the SAPS / Hunter Consultative Forum to be held on 5 July 2016 to Gen Mamotheti, Brig Mabule and the Divisional Commissioner of Vis-pol, copying the Chairman & Content Advisor of the portfolio committee. After sending of this invitation a change of leadership of the FLASH unit occurred and Gen Jaco Bothma, a long-standing previous head of the CFR had taken over from Gen Mamotheti. Gen Bothma attended the meeting on 5th July 2016 with three other officers. This was followed by him attending again on 17 October 2016.
- 15 This period included working between a small group of Hunters Forum representatives and Gen Bothma towards a re-draft of the SAPS/Hunters Consultative Forum's Terms of Reference. This was apparently to be done across a spectrum of firearm representative stakeholder groups in order to formalise the instructions in this regard from the Police Portfolio



Committee.


- 16 In early 2017 the mood changed totally inexplicably however. From that point on all attempts to communicate were ignored and a litany of problematic, confusing and in some cases ultra vires directives relating to various aspects of firearm administrative matters were sent by SAPS. Many were related to long-standing problems within interpretation and implementation of the act and its regulations, and these directives were highly prejudicial to the legitimate firearm owning public. All efforts to communicate or engage with SAPS/CFR were totally ignored and meetings with stakeholders seemed to be altogether ended.
- 17 In an attempt to find a solution, I resorted to communicate with the Secretary of Police. There had been a new appointment in Mr Alvin Rapea. I approached this from the broader firearm community perspective, outside of just the accredited hunting associations. After much effort a meeting of stakeholders was held in Pretoria on 22 March 2019 attended by representatives including hunting, sport-shooting, collectors, firearm dealers, security industry, firearm training industry, general private firearm ownership and the Gun-free South Africa organisation. Again we attempted to begin a proper stakeholder dialogue process which could address practical problems as well as legislative corrections towards a workable firearm registry, this time hopefully with the Secretary of Police as facilitator. We believe that this is firmly within their mandate according to the Civilians Secretary of Police Act.
- 18 Due to technical problems experienced by their administrative staff the stakeholder group eventually had to prepare the actual minutes of that meeting and this I submitted to the Secretary on 17 May 2019, with a request that he comments thereon and that the various initiatives that were decided upon at the meeting begin. Despite various further follow-ups since then, the Secretary has never again responded and it appears that channel of stakeholder engagement is also dead.
- 19 The Hunters Forum mandated Juan Kotze and Fred Camphor to represent it during discussions about the amnesty. On 10 July 2018 they met with

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the Minister's legal advisor, Adv Chemane. We have not since heard a word from the Minister, his advisor or the CFR.

20 In light of the facts hereinbefore mentioned I must state that, apart from occasional opportunities afforded us to address the Parliamentary Portfolio Committee for Police during the 5th parliament, there is absolutely no channel of communication, let alone legitimate stakeholder engagement, for the representatives of legal and legitimate firearm owners in South Africa either with SAPS/CFR or with the Civilian Secretariat for Police.

21 I further confirm that neither myself nor the Hunters Forum were approached for any comments on the Amnesty.


X
Deponent.

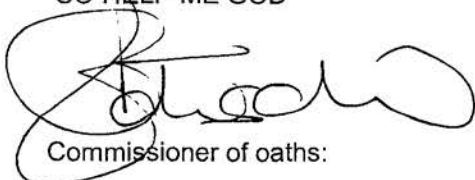
I, the undersigned commissioner of oaths, confirm that before the deponent signed the statement in my presence on 9 December 2019 at Pretoria, he replied as follows to the following questions:

Are you aware of the contents of the statement? Yes,

Do you have any objection to taking the oath? No

Do you consider the oath to be binding on your conscience? Yes

"SO HELP ME GOD"

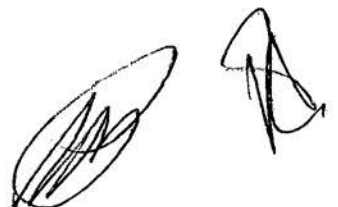

Commissioner of oaths:

Full names:

Address:

Capacity:

RAGEL GOTTSCHICK
COMMISSIONER OF OATHS
PARALEGAL
APPOINTED ON 1 OCTOBER 2010
REFERENCE: RG252/10
45 VILLA STREET
CLYDESDALE
PRETORIA





09 April 2015

Chairman: Stephen Palos
Vice-Chairman: Andre van der Westhuizen
Secretariat: huntersforum@gmail.com

Brig L J Mabule
Section Head: Central Firearms Registry
E-mail: MabuleL@saps.gov.za

Dear Brig Mabule

RELATIONSHIP BETWEEN SAPS AND HUNTERS FORUM

The e-mail received from Kagiso Matlala on 7 April 2015 at 12:53, which was written on your instruction and sent to the Hunters Forum refers. (This mail is included on Page 2 of this letter for ease of reference.)

The Hunters Forum respectfully and urgently requests clarity on aspects of the contents of this e-mail message. In particular, we believe that there is a misunderstanding regarding the nature and scope of the Hunters Forum as demonstrated in particular by the following phrase in the mail, namely: *"the impasse between your association, Others and this office"*.

The Hunters Forum is NOT an association. It is a collective of each of the various associations that are accredited for hunting in terms of Sec 8 of Act 60 of 2000. It must be noted that according to 2004 Regulation 2 (7) (d) these associations must also "show a capacity to advance the purposes of the act". In the 12 years that the Hunters Forum has been in existence, it has greatly contributed to setting the standards required by both the spirit and the letter of the act. Through its continuing liaison with SAPS-Central Firearm Registry as well as the Secretariat of Police, it has done much to identify problem areas in both the interpretation and implementation of the act. Representatives of firearm owner as well as the SAPS administration at station level have played a constructive role in identifying these problems.

I assure you that no impasse exists in the relationship between the Hunters Forum and SAPS. In fact, this relationship prevented many potential deadlocks during these years of engagement. The recent Firearm Summit indicated an even bigger and better role for forums such as this one going forward.

It must be noted that many of the forum members travel from as far as the Western and Eastern Cape, Kwa-Zulu/Natal, Free State and Limpopo at their own costs. Therefore, it was extremely disappointing to arrive for the scheduled meeting on 7 April 2015, only to find that we would not have the opportunity to discuss matters of critical importance on the agenda.

The next scheduled meeting of the SAPS/Hunters Consultative Forum is on 7 July 2015. As chairman of the Hunters Forum, I have been mandated to request a meeting with yourself at your

Members: SAHGCA, PHASA, CHASA, NSA, SA Wingshooters, Lowveld Hunters and Game Conservation Association, Bushveld Hunters and Game Conservation Association, Cedarhunt, Riversbend Hunt & Clay Club, KZN Hunting and Conservation Association, ECGMA, SA Sport Shooting and Hunting Federation.

convenience to clarify the situation with the intention to resume this crucial and successful stakeholder engagement between firearm owners and the SAPS.

I look forward to your positive response.

Yours faithfully



Stephen Palos
Chairman Hunters Forum and SAPS/Hunters Consultative Forum

cc: **Mr Irvin Kinnes Portfolio Committee on Police**
Secretary of Police, Ms Reneva Fourie

Mail from Kagiso Makhudu as received on 7 April 2015 at 12:53

From: **CFR-Head: Secretary** <MakhuduKagiso@saps.gov.za>

Date: 7 April 2015 at 12:53

Subject: FW: INVITATION to Hunters/SAPS Consultative Forum on Tuesday, 7 April 2015 at 16:30 at SAHGCA national office

To: "huntersforum@gmail.com" <huntersforum@gmail.com>

Cc: Mabule LJ - Brigadier <MabuleL@saps.gov.za>, Motau Sello - Colonel <MotauS@saps.gov.za>, Ndukula Danisile <NdukulaD@saps.gov.za>, Kibido Sibongile - Colonel <KibidoSibongile@saps.gov.za>, Dolo Malesela - Lieutenant Colonel <DoloM@saps.gov.za>, Sikhakhane PN - Colonel <SikhakhaneP@saps.gov.za>, Semono Lawrence - Lt Col <SemonoL@saps.gov.za>, Maremane Moyaba <MaremaneMoyaba@saps.gov.za>, Phage Jane - Major <PhageJS@saps.gov.za>, Masser Isabel <MasserI@saps.gov.za>, Sindane David - Lieutenant Colonel <SindaneD@saps.gov.za>

INVITATION TO HUNTERS /SAPS CONSULTATIVE FORUM

Good morning, Magda.

By direction of the Section Head: Central Firearm Register: Brigadier Mabule;
This serves to acknowledge receipt of your e-mail dated 2 April 2015.

Please take note that it is this offices bona fide interest to interface with all stakeholders within the firearms environment.

However the impasse between your Association, Others and this office has caused that we seek legal advice on our participation in this forum.

Our participation, therefore is put in abeyance until further directives.

Hope you find the above in order.

Kagiso Matlala

Secretary: Acting Section Head

Central Firearm Register

Tel: 012 353 6104

Fax: 012 353 6269

E-mail: Makhudukagiso@saps.gov.za





HE 16

SAPS 548

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**SOUTH AFRICAN POLICE SERVICE
AMNESTY FORM**

(Section 139 of the FIREARMS CONTROL ACT, 2000)

INSTRUCTIONS FOR COMPLETION OF FORM

This form must be completed in black ink / A separate form must be completed for each firearm handed in / All the information must be provided / The form must be completed in triplicate and the DUPLICATE copy must be handed to the owner.

FOR OFFICIAL USE

OB NUMBER		SAPS 13 NO	
POLICE STATION		PROVINCE	

PARTICULARS OF PERSON HANDING IN FIREARM

SURNAME				INITIALS			
FULL NAMES							
ADDRESS							
TEL CODE		TEL NO (H)		CELL NO			
ID NUMBER		PASSPORT NO					
NATIONALITY							

**PARTICULARS OF FIREARMS, AMMUNITION, EXPLOSIVE DEVICES
OR EXPLOSIVES SURRENDERED** (Indicate with an "X")

TYPE	Pistol		Rifle		Revolver		Shotgun		Carbine		Rifle / Shotgun Combination		
ACTION	Semi-Automatic (if applicable)				Automatic (if applicable)								
Calibre:				Year manufactured (if known):				Make:		
Manufacturer's serial no:				Number of rounds of ammunition:								
Every name and address engraved in the metal:												
Other (firearm parts etc.) (Describe):												
Explosive devices and explosives (hand grenade etc.) (Describe):												

DECLARATION

I, the above mentioned and undersigned, declare that —

"I intend/do not intend to apply for a licence to possess the particular firearm which I have surrendered to the South African Police Service. In the case where I intend to apply for the specific firearm licence, I confirm that I must lodge this application(s) within 14 days of the date hereof, failing which the South African Police Service will destroy the above firearm(s), ammunition and/or firearm parts in accordance with Regulation 93(4) of the Firearms Control Regulations, 2004.

I furthermore acknowledge and agree that, if I did not indicate my intention to apply for a licence to possess such item and lodged such application within 14 days hereof, the item will be forfeited to the State and that I am not entitled to any compensation for the above-mentioned item. I further acknowledge that the South African Police Service may, in its sole discretion, decide not to destroy the item, but to deal with it in terms of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) as imposed by the South African Heritage Resources Authority or their nominated agents as informed by Regulation 104 (5) of the Firearms Control Regulations, 2004.

I accept this form as being an official acknowledgement of receipt for the above mentioned items.

SIGNED AT.....ON THE.....DAY OF.....20.....

SIGNATURE OF PERSON/ APPLICANT HANDING IN ITEMS

SIGNATURE OF SAPS MEMBER RECEIVING ARTICLES
NO / RANK / NAME

* DELETE WHICHEVER IS NOT APPLICABLE



HE 17

Private Bag X540, PRETORIA, 0001

150

Verwysing Reference	: 3/5/2/293
Navrae Enquiries	: Brigadier (Dr) Bopape : Colonel Borman
Telefoon Telephone	: 012 393 9003 : 012 640 9008
E-Pos E-Mail	: BopapeLS@saps.gov.za : Bormanbe@saps.gov.za

**DEPUTY NATIONAL COMMISSIONER
POLICING
HEAD OFFICE**

- A. The National Head
DIRECTORATE FOR PRIORITY CRIME INVESTIGATION
- B. All Divisional Commissioners
SOUTH AFRICAN POLICE SERVICE
- C. All Provincial Commissioners
SOUTH AFRICAN POLICE SERVICE

**NATIONAL CRIME COMBATTING FORUM (NCCF) INSTRUCTION 10 OF 2019:
OPERATION FIREARM AMNESTY 2019/2020**

1. The Firearms Control Act, 2000 (Act No. 60 of 2000) as amended (hereafter referred to as "the "Act") and the Firearms Control Regulations, 2004 (hereafter referred to as "the "Regulations") provide for the surrendering of firearms and/ or ammunition by persons in unlawful possession thereof during the amnesty period.
2. In terms of section 139 of the Act, the Minister may by notice in the Government Gazette declare an amnesty in order to allow any person who is in unlawful possession of illegal/unwanted *firearms, ammunition and/or firearm parts* the opportunity to surrender such without the fear of being prosecuted for the unlawful possession.
3. Section 139 (2) of Firearms Control Act, 2000 (Act No. 60 of 2000) also provides that such amnesty will be valid if it is approved by Parliament.
4. The Parliament has approved the Firearm Amnesty 2019/2020 to commence from **01 December 2019 to 31 May 2020**.
5. **Objectives of the Firearm Amnesty 2019/2020 are:**
 - 5.1 To reduce the number of illegally possessed firearms in circulation in South Africa.
 - 5.2 To provide firearm owners with the opportunity to hand in unwanted firearms.
 - 5.3 To prevent crime, violence and to promote safety.
 - 5.4 To address the fundamental causes of crime in order to effectively protect our community.
 - 5.5 To ensure people living in South Africa feel safe and have no fear of crime.

6. OPERATIONAL GUIDELINES

6.1.1 The following are the operational guidelines:

6.1.2 **Guidelines:** Firearms Amnesty 2019/2020: Surrendering of illegal/unwanted firearms, ammunition and/or firearm parts by a person who is in unlawful possession thereof, the following procedure must be followed: Attached as per Annexure "A"

- Complete Amnesty Form
- Complete SAPS 522(a)
- Complete SAPS 522 (b)- Forfeiture of firearm
- SAPS 521- Notification of lost stolen/ found firearms
- Open SAPS 13 (f) firearm file
- SAPS 594-Success Capturing report
- Capturing on the OPAM System
- Forward report to PROVJOC
- Firearm IBIS testing (at Provincial Offices)
- PROVJOC to report at NATJOC.

6.1.3 All Provincial Commissioners must compile Firearm Amnesty 2019/2020 Operational plans and execute operations to ensure safety and stability during the implementation of Firearm Amnesty and consider the following:

- Provincial Centralized operational guidelines;
- Joint Operational Command and Control; and
- Operation to be intelligence driven;
- Provincial Crime Combating Forums to Monitor the Firearm Amnesty 2019/2020.

6.1.4 All signed operational plans to be forwarded to National Operational Command Centre before 12:00 on 29 November 2019 to the following contact details below:

Colonel BE Borman Tel: 012 640 9008/9000/9225
Email: Bormanbe@saps.gov.za

Lt Col Mthembu
Tel: 012 640 9008/ 11
Email: MthembuMillicent @ saps.gov.za

6.1.5 A Central Firearms Register desk will established at NATJOC for the duration of the operation under the command of Section Head: Firearms Compliance and Enforcement, Brigadier (Dr) LS Bopape can be contacted at 082 779 8729.

7 Members from Component: Firearms, Liquor and Second-Hand Goods Services will be deployed at the NATJOC during office hours for the duration of the operation.

8 All surrendered firearms must be **registered on the OPAM under "OPERATION FIREARM AMNESTY 2019/2020"**.

Two handwritten signatures in black ink are located at the bottom right of the page. The first signature is a stylized, cursive 'A' or 'B' with a long horizontal stroke. The second signature is a more complex, cursive signature with multiple loops and a long horizontal stroke.

**NATIONAL CRIME COMBATTING FORUM (NCCF) INSTRUCTION 10 OF 2019:
OPERATION FIREARM AMNESTY 2019/2020**

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10. Provinces are requested to dedicate members to this operation to ensure that there is a distinction difference between Operation Firearm Amnesty 2019/2020 and day to day operations.


**LIEUTENANT GENERAL
DEPUTY NATIONAL COMMISSIONER: POLICING
SF MASEMOLA**

Date:
2019 -11- 2 8

Minister Cele and Parliament bungle Firearm Amnesty

by Andrew Whitfield MP - DA Shadow Minister of Police

153

Date: **04 December 2019**

Release: **Immediate**

In terms of Section 139 (2) (a) of the Firearm Control Act a notice to declare a firearm amnesty will only be valid if it is approved by Parliament.

Police Minister Bheki Cele and the majority of the members of the portfolio committee on Police have rushed the approval of the firearm amnesty and in so doing may have exposed Parliament and SAPS to unnecessary and costly litigation.

At the outset the Democratic Alliance (DA) warned that the process should be approached with caution and due diligence so as not to cause confusion.

The DA has now written to Minister Cele encouraging him to terminate the current amnesty notice and restart the process. A new notice should be sent to Parliament so that all technicalities can be ironed out by SAPS and presented to Parliament for approval.

Below is the timeline of the process as it has unfolded:

On 28 August 2019 the Minister tabled a notice to declare an amnesty with the Speaker of Parliament. The notice had as its commencement date the 1st of October 2019.

On 11 September the Committee Chairperson added the firearm amnesty as a last minute item to the agenda for the committee and SAPS hurriedly presented to the committee with a presentation designed for the NCOP. The committee rightly sent SAPS back to address a number of concerns and shortcomings.

On 23 October SAPS returned to the committee with the original notice which still had its commencement date as 1 October. The committee could not retrospectively approve the amnesty and so, in its meeting, it amended the commencement date from 1 October to 1 December and referred the matter to the National Assembly (NA). The DA reserved our rights.

On the 21st of November a report from the portfolio committee was tabled in the National Assembly. No notice was attached to this report (not the original notice nor an amended notice) and the committee, up to this stage, had not been provided with the final amended notice. In the debate in the NA the DA opposed the amnesty notice and the report citing procedural concerns relating to the notice and its commencement date.



On the 27th of November the Minister of Police gazetted the notice with the amended commencement date of 1 December but his signature on the notice is dated 28 August 2019 which was the date of the draft notice.

Finally, the committee had agreed to a list of 46 police stations to be excluded from the amnesty. The notice gazetted by the Minister on 27 November 2019 only listed 3 police stations.

In their haste, the Minister and the Portfolio Committee have caused unnecessary confusion which may well lead to costly legal action being brought against the Minister and Parliament.

The notice to declare an amnesty must be withdrawn by the Minister so that SAPS can ensure that all technicalities are dealt with and the notice must be sent back to Parliament.

The DA will not allow Parliament to become a rubber stamp for the Executive.

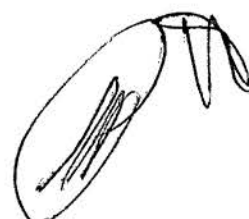
Media Enquiries

Andrew Whitfield MP
DA Shadow Minister of Police
072 613 9265

DA

One Nation with One Future built on Freedom, Fairness, Opportunity and Diversity for All.

Unsubscribe from DA Press Mailers

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IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

CASE NO:

In the matter between:

NATIONAL HUNTING AND SHOOTING
ASSOCIATION ("NHSA")

Applicant

and

MINISTER OF POLICE


First Respondent

THE NATIONAL COMMISSIONER
OF THE SOUTH AFRICAN POLICE SERVICE
Cited herein in his capacity as the
REGISTRAR OF FIREARMS

Second Respondent

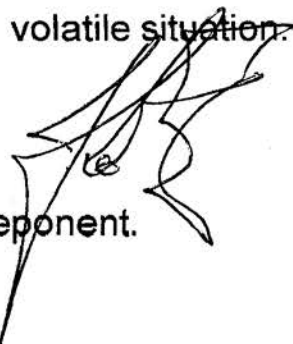
SUPPORTING AFFIDAVIT

I, the undersigned **JUAN KOTZE**, hereby make oath and state as follows:



1. I am a major male and the Applicant's attorney of record. I practice under the name and style Juan Kotze Attorneys from 142 Leeuwpootstreet, Boksburg.
2. The facts herein contained fall within my personal knowledge and are true and correct.
3. I have read the Applicant's affidavit and confirm the contents thereof in so far as it refer to me.
4. I confirm that I have, on behalf of the Applicant drafted and send the following letters:
 - 4.1. To the Minister of Police, Hand delivered on 15 October 2019, **annexure HE 11**;
 - 4.2. To the Chairperson of the Parliamentary Portfolio Committee by e mail on 28 October 2019. Attached hereto as **annexure HE 12**. I phoned her secretary on 29 October 2019, who confirmed that they had received it;
 - 4.3. To Adv Z van Zyl SC on 29 October 2019, Annexed hereto as **annexure HE 13**. Adv Van Zyl replied that he was too busy to see me and referred the matter to his head, Adv Chauke SC. I met with adv Britz who undertook to take the matter up with her superiors, but I haven't had any feedback since.
5. I have not had any reply in respect of my attempts to defuse a very volatile situation.

Deponent.



I, the undersigned commissioner of oaths, confirm that before the deponent signed the statement in my presence on 11 December 2019 at Pretoria, he replied as follows to the following questions:

Are you aware of the contents of the statement? Yes,

Do you have any objection to taking the oath? No

Do you consider the oath to be binding on your conscience? Yes


"SO HELP ME GOD"

Commissioner of oaths:

Full names:

Address;

Capacity:


INALIZE DU PLOOY
 Kommissaris van Ede/Commissioner of Oaths
 Praktiserende Prokureur/
 Practising Attorney RSA
 3^{de} Vloer/3rd Floor 339 Hilda Str/St 339
 Hatfield, PRETORIA



IN THE HIGH COURT OF SOUTH AFRICAGAUTENG DIVISION, PRETORIA

CASE NO:

In the matter between:

NATIONAL HUNTING AND SHOOTING
ASSOCIATION ("NHSA")

Applicant

and

MINISTER OF POLICE

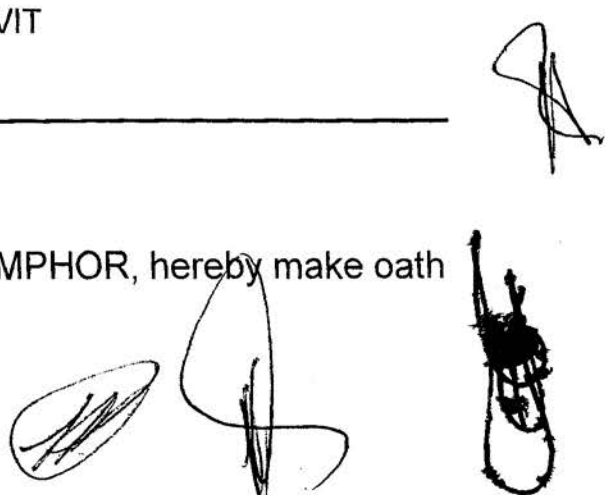
First Respondent

THE NATIONAL COMMISSIONER
OF THE SOUTH AFRICAN POLICE SERVICE
Cited herein in his capacity as the
REGISTRAR OF FIREARMS

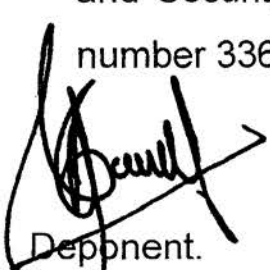
Second Respondent

SUPPORTING AFFIDAVIT

I, the undersigned ROELOF FREDERICK CAMPHOR, hereby make oath
and state as follows:



1. I am a major male and the Chief Executive Officer of S A Hunters and Game Conservation Association, with head office at 7 Mountain Drive, Derdepoort Park, Pretoria.
2. The facts herein contained fall within my personal knowledge and are true and correct.
3. I confirm that I am the author of the letter addressed to the Minister of Police dated 4 December 2019 under the title, "REQUEST FOR URGENT CLARITY ON FIREARMS AMNESTY DECLEARED ON 27 NOVEMBER 2019." which is attached hereto as **annexure FC 1**.
4. I also confirm the correspondence referred to in the letter.
5. I also confirm that the High Court Application SA Hunters and Game Conservation Association has instituted against the Minister of Safety and Security in the North Gauteng High Court, Pretoria, under case number 33656/09, has not yet been settled or finalized.


Deponent.

I, the undersigned commissioner of oaths, confirm that before the **OATH AFFIRMATION** on December 2019 at Pretoria the deponent has affirmed the statement in my presence on December 2019 at Pretoria as follows to the following questions:

Are you aware of the contents of the statement? Yes answers in his/her presence:

Do you have any objection to taking the oath? No

Do you consider the oath to be binding on your conscience? Yes

"SO HELP ME GOD"

(ii) Do you have any objection to taking the prescribed oath or affirmation? Answer: No

(iii) Do you consider the prescribed oath or affirmation to be binding on your conscience? Answer: Yes

Signed and sworn before me at Pretoria on this 9th day of December 2019

after the Deponent declared that he/she is familiar with the contents of this statement and regards the prescribed oath as binding on his/her conscience and has no objection against taking the prescribed oath.

Commissioner of oaths:

Full names:

Address:

Capacity:

COMMISSIONER OF OATHS:
NICOLAAS JOHANNES RUDOLPH ROETS

DATE:
REF: 9/12/2019