FIREARMS AMNESTY DECLARATION

NOTES REGARDING THE PRESENTATION TO REPRESENTATIVES OF VARIOUS FORUMS: 11 JANUARY 2010

Representatives of various forums were invited to an information session by Ms Jenni Irish-Qhobosheane, Secretary of Police.

Present:
Secretary of Police, Ms Irish-Qhobosheane
Hunters Forum: Past-chairman Herman Els; Vice-chairman Adri Kitshoff
SA Hunters Court Case Lawyer: George Nell
Collectors: Carvell Webb
SASSF: Barend De Beer
SAGA, Gun Dealers, SA Wingshooters and others: MJ Hood and his associate
CFR: Dir Bothma, Snr-Supt Govender.

Introduction:
Ms Irish-Qhobosheane started the information session and repeated it continuously during the course of the presentation that the main intention of the amnesty period is to encourage responsible firearm ownership.
The intention of the amnesty is not to criminalise people who are not essential criminals. Through the amnesty, the SAPS will try to reach people who may have access to obsolete firearms or who are still in possession of illegal firearms or ammunition.

She apologised for the short notice of the meeting and the view of industry that the invitations were not well organised. However, she noted that this is only the first meeting and that they will in future endeavour to involve more institutions.

She also mentioned that we all are concerned about the irresponsible use of firearms and need to find common ground, and that the department want to bring firearm owners on board a lot more.

The Department will soon form a National Monitoring Team to monitor the amnesty process and she invited two delegates from our industry to serve on the team. Other sectors approached include institutions like Gunfree SA and Business against Crime.
After the meeting, it was decided to forward the names of Carvel Webb on behalf of Collectors, Juan Kotze on behalf of accredited associations of the hunters forum. However, we will propose 3 persons. Barend De Beer will forward us all the name of a person on behalf of Sport Shooting by Tuesday 12 January.

Daily reports will be collated and submitted by the Designated Amnesty Officer at every police station to Provincial and from there to National and the National Monitoring Team, who will oversee the amnesty process. The team should preferably be made up by persons close to Pretoria.

Document handed out:
Ms Irish-Qhobosheane handed out a document, of which the details are included below. Discussions regarding the various issues are in *Italics*

Background:

- The reduction of the number of firearms in circulation is an important part of the Department's strategy to combat violent crime.
- The last amnesty in 200 was an unqualified success.
- With the conclusion of the implementation of the Firearms Control Act, 2000, it is an opportune time to declare another amnesty to further reduce the number of firearms in the country.

Successes Achieved During the Previous Amnesty:

- 17 665 illegal firearms seized and confiscated by police during operations
- 33 723 illegal firearms handed in under the amnesty
- 46 631 licensed firearms voluntarily surrendered
- 98 632 firearms removed from circulation

The Department does not expect the figures to be quite as high with the second round of amnesty

Approach to the Reduction of Firearms:

- Advocate the voluntary surrender for destruction of licensed firearms through the process prescribed in the Firearms Control Regulations
  On this point, Carvel Webb raised the concern that the public is not aware that all firearms must be checked for heritage value before being destroyed and are therefore reluctant to hand in firearms with heritage value. He urged that the message be communicated to the public that if a firearm has heritage value, it can be protected.

- Simultaneous police operations to search for and seize illegal firearms.
  Ms Irish-Qhobosheane once again stressed the fact that this is mainly aimed at criminals using firearms for criminal operations

- Surrender of illegal firearms under the amnesty
  Such as firearms inherited by never registered, stored by individuals for firearm owners who emigrated, at attorneys' offices regarding deceased estates, etc.

- Allow for people who missed the cut off date for relicensing to license their weapons (under certain circumstances)
  M Hood mentioned that his causes confusion with the public, as the firearms are still legal and therefore don't .
  It was clarified that, although this leniency from the Minister happens simultaneously with the amnesty period, the application for such a firearm licence does not form part of the amnesty whilst the SAHGCA court case is still pending, as the firearms are not illegal.
  A person who did not apply for renewal, will hand in his application form for a licence at the Designation Firearms Officer (NOT the Amnesty Officer).
  The applicant will keep the firearm in his/her possession and don't need to hand it in to the SAPS. Only illegal firearms have to be handed in.
  Ms Irish-Qhobosheane mentioned that the SAPOS would like to finalise the interim Court Order during the amnesty period if possible, to prevent people who used that as reason not to re-license, to be criminalised.

Provisions of the Amnesty:

- The amnesty provides for a procedure, whereby (subject to control and audit measures) a firearm may be surrendered.
- A person may apply for a license in respect of a firearm under the amnesty.
- The surrender of licensed firearms must be performed in terms of the Firearms Control Regulations, through a formal process, in order to have the licenses cancelled.
- As with previous amnesties and voluntary surrender of firearms, no compensation will be paid for the surrender of a firearm, whether legal or illegal.

Focus of the Amnesty:

- Individuals who have knowledge of whereabouts of firearms and ammunition.
- Individuals who inherited firearms and did not apply for licenses
- Individuals who sold or disposed of licensed firearm in a legal manner, but is still in possession of firearms parts or ammunition
- Manufacturers, gunsmiths and firearm dealers with surplus, obsolete and redundant firearms, ammunition and firearms parts
- Storage facilities where firearms and ammunition are stored *(eg at airport, etc)*
- Individuals who store firearms or firearms parts without legal authorisation to do so (*eg individuals storing on behalf of people who emigrated, attorneys dealing with estates, etc.)*
- Private security companies with obsolete, redundant or surplus firearms.

Question re silencers: In terms of the current definition, a firearm part does not include silencers. However, should the amendment bill and regulations be promulgated and come through during the amnesty period, a silencer will in terms of that definition be a "firearm part" and will have to be surrendered if it is not for a specific firearm without a valid firearm licence.

Date of the Amnesty:

- **11 January 2010 to 11 April 2010**

Other:

- Public Destruction scheduled for 15 January:
  G Nel pointed out that a notice was published in the Government Gazette on 13 December, but that a list of firearms to be destroyed were not published. C Webb raised concern that some firearms with heritage value which have not been checked, might be destroyed.
  Ms Irish-Qhobosheane and Dir Bothma would discuss ways around this to ensure such firearms are not being destroyed, which will then be discussed with the Commissioner and Minister. She will revert back to us by Tuesday 12 January.

- SAHGCA Court Case:
  She confirmed that they would like to resolve the court case asap.

- Hold-up at Criminal Record Centre:
  She mentioned that they recognised the time delay problem at the CRC and they

will look at measures to address that.

- Communication:
  She requested us to communicate a message of supporting the amnesty as a measure to ensure responsible firearm ownership to our members and the public.