



# Gun control & violence:

## South Africa's story





# Contents

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<b>Executive summary .....</b>	<b>2</b>
<b>Chapter 1: The victims – gun violence in South Africa .....</b>	<b>4</b>
1.1 Murder .....	4
1.2 Gun-related deaths.....	5
1.3 Gun-related injuries .....	7
1.4 Gun crime in the Western Cape .....	8
1.5 The face of gun violence .....	10
<b>Chapter 2: The weapons – guns in South Africa.....</b>	<b>12</b>
2.1 Licensed guns .....	12
2.2 Unlicensed guns.....	14
<b>Chapter 3: Lives saved or lives lost – the role of gun control in South Africa.....</b>	<b>16</b>
3.1 Phase 1: Colonialism and Apartheid .....	19
3.2 Phase 2: First years of democracy 1994-1998.....	19
3.3 Phase 3: Negotiating a new gun law 1999-2000 .....	20
3.4 Phase 4: Phased implementation 2001-2003 .....	22
3.5 Phase 5: Full implementation 2004-2009 .....	22
3.6 Phase 6: Breakdown < 2010 .....	25
<b>Chapter 4: Conclusion: gun control saves lives, poor enforcement kills .....</b>	<b>30</b>

# Executive summary

**This report documents the history of gun control in South Africa from the 1990s to date. It collates and analyses available data on three key players in every incident of gun violence – the victim, the perpetrator and the gun – to show that changes in gun control over the years have a direct impact on the probability of gun violence.**

Data on gun-related murders, injuries and other gun crimes in South Africa since 1990 show a distinct 'up-down-up' pattern. From a high in the late 1990s, all these crimes began declining in 2000, dropping steadily until 2010 when the drop is reversed.

Data on gun availability show the same pattern.

A number of published research reports have attributed the decline in gun-related violence in South Africa to the Firearms Control Act of 2000.

However, gun control is more than strengthening legislation; it is a comprehensive and co-ordinated strategy which reduces the availability of firearms through interventions to both collect and destroy existing weapon stockpiles and limit the flow of new weapons into communities.

Using this broad definition of gun control, this report shows that stricter gun control saved thousands of lives from 2000 to 2010.

In late 2010 gun violence began rising and currently 23 people are shot and killed and 138 survive an incident of gun violence every day in South Africa. Gun-related murders are almost equal to stab-related murders

and gun violence has overtaken motor vehicle accidents as the leading cause of paralysis following a traumatic spinal cord injury.

The steady increase in gun violence from late 2010 can be directly linked to a breakdown in gun control. Poor enforcement and compliance, whether inadvertently or due to deliberate criminality, has created a vacuum leading to an increase in the availability of guns.

Guns are designed to kill. Data show that gunshot injuries are 18 times more lethal than stab wounds. One in three people who are shot will die, while one in 55 people who are stabbed will die. Globally the link between the control of firearms to limit their availability and a reduction in gun-related death and injury is well documented and endorsed as an effective strategy to reduce crime and violence.

South Africa's own experience proves that gun control saves lives. What it also shows is that poor enforcement kills.

Unless urgent action is taken to recover and destroy existing stockpiles and limit the flow of new guns into communities, South Africa will again experience the unprecedented levels of gun violence of the 1990s.

## Chapter 1

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# The victims – Gun violence in South Africa

**South Africa's story of gun control and violence is one in which lives are saved and lives are lost. It is both a heartening story of life and a horror account of death, injury, heartache and suffering. It is a story that shows how gun control saves lives while its poor enforcement kills and maims people, destroys families and communities, and impacts the country as a whole.**

Like any story, it contains a large cast of many characters. One of these is 16-year old Dillan Cornelius, a young man from Manenberg in Cape Town, shot and killed in August 2013 as he walked home after visiting his friends.

Dillan's story is about the victims of gun violence, the weapons that kill and maim them, and the events that bring these together. This publication sets out the public policy changes, their implementation and the subsequent governance failures that led to the senseless death of a young man on an evening in 2013.

### 1.1 Murder

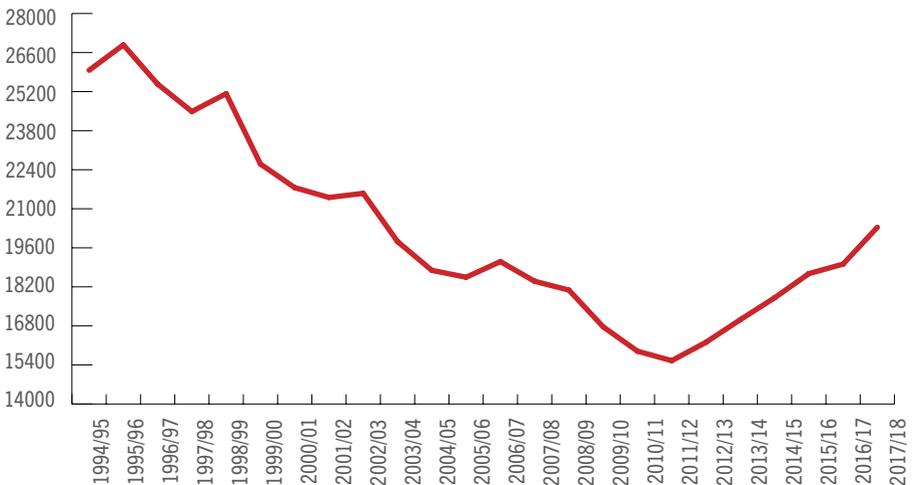
Between 1994 and 2010 murders in South Africa dropped significantly.

Between March 1994 and February 1999 murders went down 3%, from an average of 71 to 69 murders a day. The trend solidified to March 2004 with murders down a further 21%, from 69 to 54 per day. From 2004 to 2010/11 another significant decrease was recorded, with murder dropping from an average of 54 to 44 people a day – a 20% decline.

However, what looked like a robust downward trend was not maintained. From March 2011 to February 2018 a clear reversal emerged as murder increased 19% from 44 to 56 murders a day. Put differently, an additional 12 people are killed each day than were killed eight years ago, which means 12 more families and communities suffer loss, trauma and fear every day than almost a decade ago.

The murder rate in SA has therefore increased 17% over the past six years after dropping 55% in the previous 18 years, with the steepest decline between 2000 and 2010.

### *Murders in South Africa March 1994 – February 2018*



## 1.2 Gun-related deaths

The decrease in the number of people murdered in South Africa each day, and each year, and its subsequent increase, is mirrored in gun-related deaths.

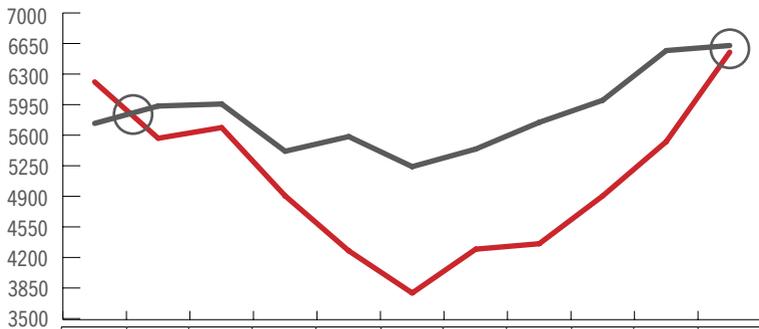
- Gun-related deaths were at their highest between 1994 and 1998. In this period between 30 and 34 people were shot and killed every day.
- From 2000 there was a steady decline in gun-related deaths. A 2009 national mortuary study shows that an average of 18 people were shot and killed each day in South Africa that year. As a child, Dillan Cornelius was growing up in a country where gun violence was in decline.
- But in 2011 this trend reversed, and gun-related deaths began increasing: an average of 23 people are currently shot and killed each day in South Africa. Dillan was killed in the winter of 2013.

A report commissioned by the Civilian Secretariat for Police on gun-related crime between 1999 and 2014 confirms this 'up-down-up' pattern, noting that in 2000/1, 50% of all homicides in South Africa were firearm-related, dropping to 30% in 2011/12, before rising to 41.3% in 2017/18.

Since 2011, deaths from gunshot have increased at a faster rate than stab-related deaths. More people were shot and killed nationally than were stabbed until 2006, when stab-related deaths overtook gun deaths. Although stab deaths passed gun deaths at this time, South Africa's overall murder rate continued to decline, showing that one weapon was not substituted for another. The net effect was that lives were saved.

While both stab and gunshot-related deaths have increased in recent years, the rise in gun-related deaths is much faster, narrowing the gap between the two. The latest crime statistics from the South African Police Service (SAPS) show that in 2017/18 gun-related murders equal stab-deaths (41.3% of murders in 2017/18 were gun-related, and 42% resulted from sharp instrument injuries, of which 30.7% were knives).

*Comparison of data on national gun-related and stab-related deaths 2006 – 2017/18*



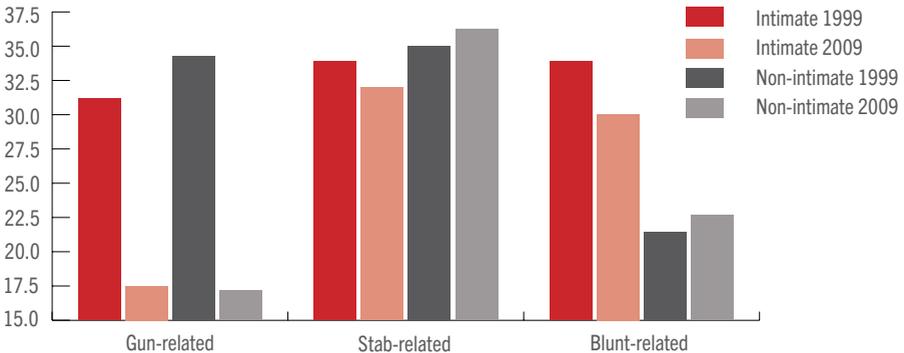
	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	SAPS 17/18
● Gunshots	6210	5565	5687	4905	4276	3793	4295	4357	4905	5526	6551
● Stabs	5735	5934	5957	5416	5584	5240	5441	5747	6000	6569	6627

Two national studies of femicide (the murder of women) by the Medical Research Council in 1999 and 2009 show that the number of women killed by their intimate partners dropped from an average of four women a day in 1999 to three women a day in 2009.

The drop in femicide reflects a substantial decline in the number of women shot and killed compared to deaths from stab and blunt injuries. Significantly,

this study confirmed that gunshot-related deaths were not replaced by deaths from other weapons and that the overall benefit of reducing gun deaths is lives saved.

*Women killed by intimate and non-intimate partners in 1999 and 2009 (%)*



### 1.3 Gun-related injuries

As with gun deaths, data on gun injuries are patchy, which means relying on estimates based on available information.

A comprehensive global study on gun violence and disability calculates that for every person shot and killed as many as six victims will survive, often with severe disabilities. Using South Africa's most recent gun-related death rate of 23 people a day, it is estimated that 138 people survive an incident of gun violence daily.

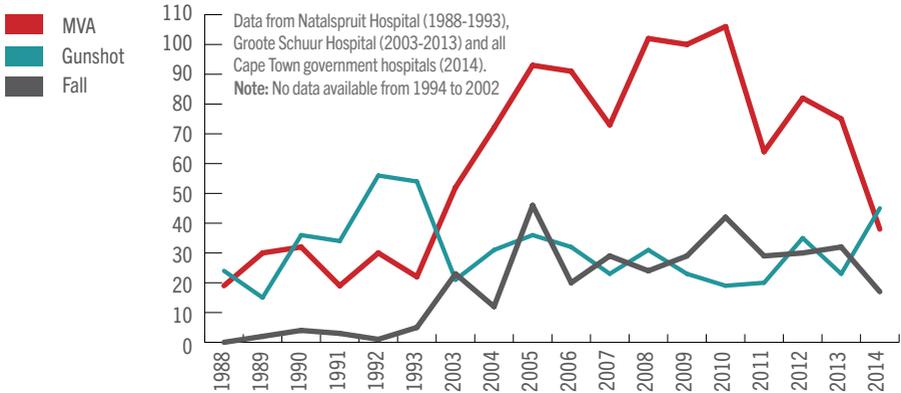
Severe disabilities are closely associated with spinal cord injury. According to a World Health Organization (WHO) study, trauma – specifically motor vehicle accidents – is the leading cause of these injuries worldwide, followed by falls and violence. However, South Africa is identified by the WHO as having a very high violence-related traumatic spinal cord injury rate, at 21%.

While South Africa does not keep a database of spinal cord injuries, local research shows a changing pattern in the causes of traumatic spinal cord injuries:

- Between 1990 and 1993, gunshots were the leading cause of traumatic spinal cord injuries (Natalsspruit Hospital).
- From 2003 motor vehicle accidents overtook gunshots, becoming the leading cause of traumatic spinal cord injuries (Groote Schuur Hospital).

- From 2005 gunshot-related traumatic spinal cord injury cases dropped unevenly until 2011, when numbers started rising again (Groote Schuur Hospital).
- In 2014 gunshots became the leading cause of traumatic spinal cord injuries, overtaking vehicle accidents (Cape Town government hospitals).

*Leading causes of traumatic spinal cord injury 1988 – 2015*



It is estimated that R6 billion (4% of South Africa’s national health budget) was spent treating gunshot injuries at state hospitals in 2014, which (accounting for inflation) amounts to R7, 2 billion as of mid-June 2018.

### 1.4 Gun crime in the Western Cape

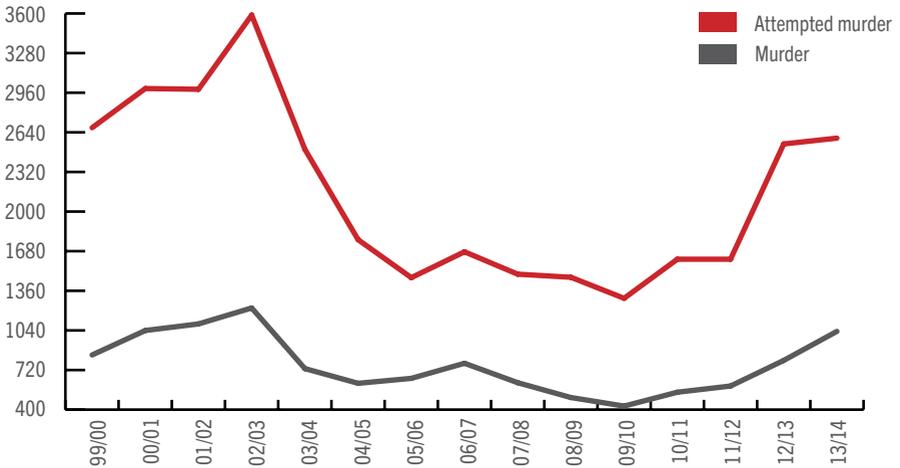
Gun-related murder and attempted murder in the Western Cape has followed the ‘up-down-up’ pattern of gun-related mortality and injury nationally, though the increase in gun crime from 2011 has been higher in this province.

Gun-related violence increased from March 1999, peaking in 2002/03.

Between March 2003 and 2009/10 there was a marked and steady decline in gun violence, although there was a slight rise in 2006/07.

In 2009/10 this trend reversed, and gun-related violence increased. In January 2016 the head of forensic pathology at Salt River, Cape Town’s largest mortuary, reported a 140% increase in gunshot murders over the preceding five years – from 290 in 2010 to 695 in 2015. In October 2017 there were reports of a “backlog of corpses from gun deaths” at the mortuary.

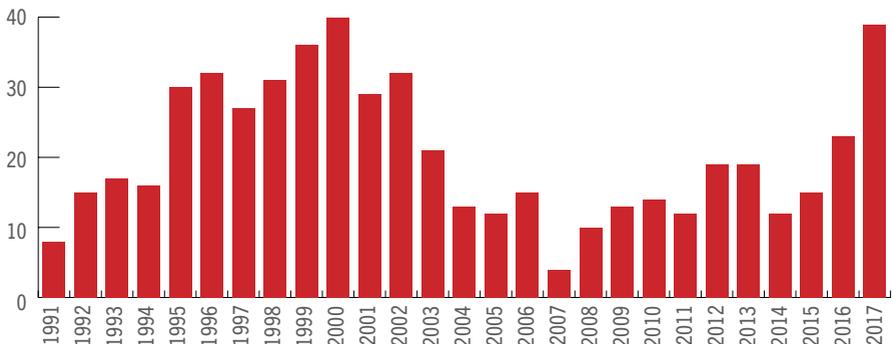
*Western Cape gun-related murder and attempted murder 1999/2000 – 2013/14*



Data from the Red Cross Children’s Hospital in Cape Town confirm the ‘up-down-up’ pattern, though the increase in later years began sooner – in 2008.

- Between 1991 and 2000, there was a steady increase in children admitted for treatment after being shot.
- The number of children requiring treatment for gunshot injuries significantly declined between 2002 and 2007.
- From 2008 children needing treatment after being shot steadily increased and in 2017, 40 children were admitted – one less than in 2000 – the highest number recorded.

*Children (0 to 12) treated at Red Cross War Children’s Hospital for gunshot injuries 1991 – 2017*



## **The Cape Flats**

A national study of gun-related crime in South Africa shows that while murder and attempted murder have increased nationally since 2011/12, the increases have been highest in the Western Cape. However, 50% of murders are linked to just 14 of the 150 police stations in the province: Bishop Lavis, Delft, Gugulethu, Harare, Khayelitsha, Kraaifontein, Lingeletu-West, Lwandle, Mfuleni, Mitchells Plain, Nyanga, Philippi, Philippi East, and Worcester. In other words, the high murder rate in the Western Cape is more a Cape Flats phenomenon than a province-wide trend.

This is confirmed by a study conducted by the University of Cape Town, the University of Washington, the Medical Research Council of South Africa and the Salt River and Tygerberg mortuaries.

The study assessed if there is an association between changes in legal and illegal firearm availability and gun-related homicide rates in Cape Town and made three key findings:

- As guns become less available, fewer people are shot and killed. In contrast, as guns become more available, the number of people that are shot and killed increases.
- Guns supplied illegally to criminal networks kill more people in the short term. While increased availability of guns – whatever their legal status – increases gun violence, guns that are illegally acquired kill more people in the short term.
- Communities living on the Cape Flats experience much higher levels of gun-related violence than other Western Cape communities, which is directly linked to the increased availability of illegal guns in this area from 2007.

## **1.5 The face of gun violence**

The face of gun violence is predominantly young black men living in metro areas:

- Men make up 89% of gun murder victims in South Africa.
- Men in metro areas have a notably higher rate of murder.
- Murder rates are highest among teens and young adults in the 15–29 age group followed by the 30–44 age group.



*Manenberg, Cape Town*

*Photo: Discott/Wikipedia*

## **THE LIFE AND DEATH OF DILLAN CORNELIUS**

More than 1,000 people were shot and killed in the Western Cape in 2013, but this statistic conceals the fact that each was a person with a name and a story, leaving behind a family and community devastated by their loss.

One such individual was Dillan Cornelius, who lived and died aged 16, in Manenberg on the Cape Flats. He had only recently returned to the area after spending two years away. His parents, who had feared for his safety, had sent him to live with his uncle in the quiet rural village of Vredendal on the West Coast. They had taken this drastic step in response to the stabbing to death of one of Dillan's fellow pupils at Phoenix High. This had taken place in front of young Dillan and "we feared for his safety," said his father.

Dianne and André Cornelius' fight to keep their son safe was lost on Saturday, 10 August 2013. As Dillan walked home that evening after visiting friends, he is said to have argued with a middle-aged man. The man left but returned shortly afterwards. He opened fire on Dillan, hitting him in the arm, leg and abdomen. Dillan was transported to GF Jooste Hospital where he later died.

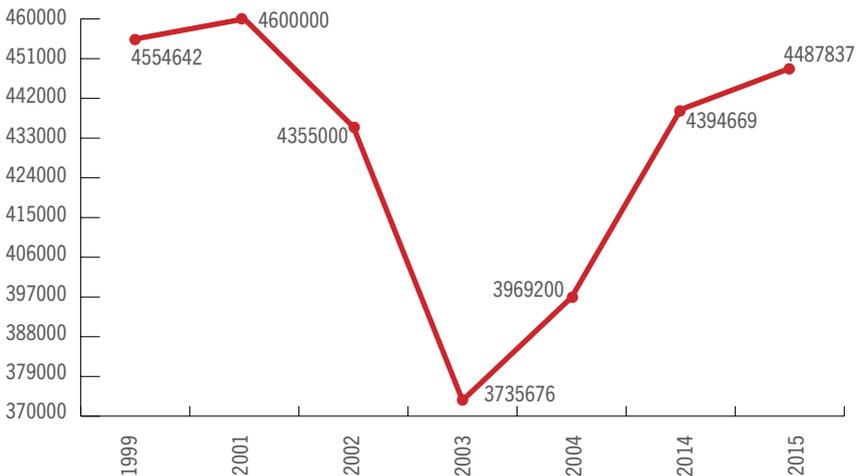
## Chapter 2

# The weapons – Guns in South Africa

By its very nature gun violence, including death, injury or threats has to involve a gun. The total number of registered guns in South Africa (owned by civilians, private security companies and the state) has dropped and risen over the years. The steep decline in gun availability from 2001 coincided with the phased enforcement of the Firearms Control Act (2000).

### 2.1 Licensed guns

*Licensed guns in SA 1999 – 2015*



While the total number of guns in South Africa in 2015 (the latest data available) almost matches that of 1999, the profile of gun ownership and the type of gun owned has changed significantly:

- **Fewer civilian gun owners:** In 1999 there were 2,027,411 individual gun owners; by 2015 this had dropped 14% to 1,749,034 individuals.
- **Fewer guns owned by civilians:** In 1999 civilians owned 3,554,366 guns – 78% of all firearms licensed in South Africa. In 2014 individuals owned 2,990,256 guns – 68% of all guns in South Africa.
- **Fewer licensed handguns but more long guns:** In 1999 there were 2,784,420 licensed handguns (pistols and revolvers) and 1,740,114 long guns (rifles and shotguns) registered to both the state and non-state actors. By 2014 handgun ownership dropped 22% to 2,164,322 while long gun ownership rose 21% to 2,192,898, showing that long guns have replaced handguns.

### **Profile of licensed gun owners**

Over 90% of gun owners are civilians. In 2014 (the latest data available) there were 1,763,161 licensed gun owners in South Africa (excluding the SAPS): 1,753,839 civilians; 2,330 private security companies; 6,569 non-official institutions other than security companies and 423 government departments excluding the SAPS. Assuming that all 150,000 SAPS Act employees own guns, individuals make up 92% of gun owners in South Africa.

Almost two-thirds of individual gun owners live in three provinces: Gauteng (37%), KwaZulu-Natal (14%), and the Western Cape (12%).

The overwhelming majority of gun owners in South Africa (81%) are men.

Almost two-thirds of licensed gun owners are over the age of 50:

- 25% are between 51 and 60 years
- 19% are aged 61-70
- 11% are 71-80
- 9% are older than 81 years.

In jarring contrast, the age of people accused of illegally possessing a firearm or ammunition includes:

- 27% below the lawful age of 21
- 14% are between 12-15 years of age
- 13% are 16-20
- 16% are 21-24
- 21% are 25-35
- 23% are 36 years and older.

### **Reasons for gun ownership**

The Firearms Control Act (2000) provides for several categories of licence to possess a firearm and ammunition: for self-defence, occasional

hunting and sports-shooting, dedicated hunting and sports-shooting, a private collection, a public collection, for business purposes, a licensed manufacturer, dealer or gunsmith. The holder of a firearm licence must renew this on a regular basis, with periods of validity ranging from two to 10 years depending on the type of licence held.

Data from the Central Firearms Registry (CFR) show that the majority (52%), of firearm-related applications submitted in the 10 years between 2004 and October 2014 were for self-defence, followed by applications for occasional hunting and sport shooting (33%).

## 2.2 Unlicensed guns

It is impossible to accurately estimate the number of unlicensed guns in South Africa but what's important is that unlicensed guns are highly prized by people who cannot access guns through legal channels and almost all unlicensed guns were once legal before they leaked into the illegal pool.

Diversion from the legal to the illegal market occurs in three ways:

- Loss and theft are the most significant. Contrary to perception, civilians are the greatest source of illegal guns in South Africa, losing on average seven times more guns than the police, though 2016/17 figures show that civilians lost 12 times more guns – an average of 25 guns a day compared to the police's two a day.
- Cross-border trafficking, though indications are that this is not a primary source; rather, handguns in particular are trafficked from South Africa to neighbouring countries.
- Fraud, corruption and poor enforcement of the law which means that people who do not meet the legal criteria of "fit and proper" are granted gun licences.

Handguns are particularly valued and feature prominently on the list of guns that are lost or stolen – a pattern that has remained constant from 1999 to date. Contrary to popular belief, AK47 assault rifles are seldom used to commit crimes (the exceptions being organised cash-in-transit and rhino poaching syndicates and some taxi-violence incidents); instead handguns are the weapon of choice. Between March 1999 and February 2014, handguns were used in 94% of murders, 94% of attempted murders and 97% of aggravated robberies.

In practice, then, most guns used in crime are handguns stolen from civilian owners.

Guns are robust commodities. When a legal gun leaks into the illegal market it can be used repeatedly to commit crimes until it is ‘mopped up’. There are various mechanisms to recover previously legal guns, but these are often costly and dangerous. Unless the taps through which legal guns leak into the illegal pool are closed, the leaks will continue. Stockpile management is key to reducing the risk of legal guns leaking into the illegal pool and includes securely storing legal weapons to prevent loss and theft; collecting and destroying obsolete, unwanted and recovered weapons; and keeping accurate records of who owns what weapons for which purpose.

Between 2000 and 2004, the SAPS identified reducing unlicensed guns as a central pillar of its five-pillar Firearms Strategy. Various police operations to reduce and eradicate the illegal pool and criminal use of firearms were undertaken including Operation Crackdown, Operation Sethunya and Operation Normalization, which recovered over 60,000 unlicensed firearms.

### **THE GUN THAT KILLED DILLAN CORNELIUS**

Sixteen-year old Dillan was shot three times by a man armed with a handgun. The gun was once legally owned by a private individual or a police member who carried it for self-defence before it was either lost or stolen. This particular gun was then recovered by the police or surrendered to them for destruction. Along with thousands of other guns recovered by or handed in to the police, it was kept in a secure SAPS-managed weapons store before being destroyed. Police records indicate that this gun had been destroyed.

But in 2012, the year before Dillan’s death, police officers began to notice that guns registered as having been destroyed by the police were being found at crime scenes on the Cape Flats, in gang-infested areas in Gauteng and in taxi violence incidents in KwaZulu-Natal. What was noteworthy about these recovered guns was how professionally their identifying numbers had been removed.

A coordinated campaign called Operation Impi began in December 2013, a few months after Dillan was killed. It involved recovering and ballistically testing guns to arrest perpetrators and permanently shut crime syndicates down. Having examined thousands of ballistics reports, the team realised that one or more corrupt police officials were involved in the nationwide syndicate.

In 2015 Colonel Christiaan Prinsloo, the Gauteng commander of Firearms, Liquor and Second Hand Goods Control at SAPS was arrested. In a plea bargain, Prinsloo admitted to stealing 2000+ guns and selling them to gangsters for R4,500 per firearm.

One of these guns killed Dillan Cornelius on 10 August 2013. Dillan’s killer, who ran away after the shooting, was identified by witnesses as having been recently released from prison.

## Chapter 3

# Lives saved or lives lost – The role of gun control in South Africa

**What are the conditions that have saved thousands of lives from gun violence or resulted in thousands of people, including Dillan Cornelius, being shot and killed (or injured or threatened) by a gun-wielding perpetrator?**

The evidence shows clearly that changes in South Africa's gun control regime and the enforcement of and compliance with these policies has had a direct impact on saving lives or contributing to deaths.

There are six distinct phases in the history of gun control in South Africa:

Phase	Year	Action
Colonialism and Apartheid Up to 1993	1775	First attempt to regulate the ownership of firearms in South Africa.
	1969	Arms and Ammunition Act passed to regulate gun ownership in SA.
First years of democracy 1994–1998	1994	<b>16 December:</b> 24-hour national firearms amnesty.
	1996	Government develops the National Crime Prevention Strategy (NCPS) which identifies firearms control as a priority.
	1997	Minister of Safety and Security appoints the Committee for the Investigation into a New Policy for the Control of Legal Firearms in South Africa.

Phase	Year	Action
Negotiating new gun law 1999–2000	1999	<p><b>7 March:</b> Section 8(1) of the Arms and Ammunition Act amended to prohibit lending of guns.</p> <p><b>3 December:</b> Firearms Control Bill gazetted.</p>
	2000	<p>Legally binding Protocol on the Control of Firearms, Ammunition and Other Related Materials in the Southern African Development Community (SADC Protocol) comes into force. SA is a signatory.</p> <p><b>1 April:</b> Operation Crackdown launched by SAPS.</p> <p><b>19 May:</b> Firearms Control Bill (B34 of 2000) tabled in Parliament.</p> <p><b>19-21 June and 15-23 August:</b> Public hearings on Firearms Control Bill.</p> <p><b>August:</b> SA Gunowners' Association (SAGA) lodges application to reveal government's "secret policy" underpinning increase in gun licence refusals.</p> <p><b>24 August:</b> SAPS identifies its four (later five) pillar Firearms Strategy.</p> <p><b>August:</b> Audit of state-owned firearms begins.</p> <p><b>August:</b> Overhaul of the Central Firearms Registry begins.</p> <p><b>August:</b> SAPS begins piloting Designated Firearms Officer and Firearm Registration Centre models.</p> <p><b>August:</b> SAPS begins campaign to encourage the voluntary surrender of legal firearms.</p> <p><b>12 October:</b> National Assembly approves the Firearms Control Bill.</p> <p><b>30 October:</b> National Council of Provinces approves the Firearms Control Bill.</p>
Phased implementation 2001–2003	2001	<p>United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UN PoA) adopted. SA is a signatory.</p> <p><b>4 April:</b> President assents to the Firearms Control Act (FCA) 60 of 2000, signing it into law.</p> <p>SAPS starts capacity building to support implementation of the FCA, including appointment and training of new staff and acquisition of new equipment; Firearm Free Zones pilot project begins.</p>
	2002	<p><b>June:</b> Minimum unit standards for firearm competency certification approved by the South African Qualifications Authority (SAQA).</p> <p><b>November:</b> South African Bureau of Standards 953-1 and -2 prescripts for the storage of firearms and ammunition gazetted.</p>
	2003	<p><b>27 March:</b> Draft Firearms Control Regulations published.</p> <p><b>1 April:</b> Operation Sethunya launched by SAPS.</p> <p><b>1 October:</b> Operation Normalization launched by SAPS.</p> <p><b>22 December:</b> Firearms Control Amendment Act (43 of 2003) approved by Parliament (clarifies certain definitions).</p>

Phase	Year	Action
Full implementation 2004–2009	2004	<b>30 June:</b> Court bid by SAGA to halt the FCA fails. <b>1 July:</b> Firearms Control Regulations (2004) promulgated and FCA fully implemented; SAPS five-year Firearms Strategy informs enforcement.
	2005	<b>1 January:</b> Licence renewal process under FCA based on gun owner's birthdate begins – to be phased in over four years. <b>1 January to 30 June:</b> National firearms amnesty.
	2007	Col Christiaan Prinsloo begins selling guns in police stores to gangsters on the Cape Flats.
	2009	<b>26 June:</b> North Gauteng High Court interim order granted whereby firearm licences issued under the 1969 Arms and Ammunition Act remain valid. <b>30 June:</b> SAPS five-year, five-pillar Firearms Strategy ends.
Breakdown aka “Implementation Relapse – Ministerial Intervention” 2010–onwards	2010	Audit of Central Firearms Registry (CFR) by Civilian Secretariat for Police and announcement of turnaround strategy by Minister of Police. <b>11 January – 11 April:</b> National firearms amnesty.
	2011 & 2012	SAPS reports clearing the CFR's backlog by processing over one million firearm-related applications in nine months. Incidents of firearm-related fraud and corruption start to surface.
	2013	<b>December:</b> Operation Impi launched.
	2014	Legally binding Arms Trade Treaty (ATT, adopted in 2013) comes into force, SA is a signatory.
	2016	<b>3 February:</b> SAPS issues National Instruction to standardise licence renewals processing; ruling challenged, case referred to Constitutional Court. Operation Impi effectively shut down due to political interference.
2018	<b>29 March:</b> Major-General Peter Jacobs (from Operation Impi) appointed head of police crime intelligence. Various cases against alleged gun smuggling syndicates revived and charges reinstated. <b>7 June:</b> Constitutional Court rules that firearm licence renewals are constitutional; ruling challenged by the Gunowners of SA (GOSA). <b>27 July:</b> North Gauteng High Court interim court order granted to GOSA, halting action by SAPS until case heard as part of normal court roll.	

### 3.1 Phase 1: Colonialism and Apartheid

↑ GUN NUMBERS    ↑ GUN DEATHS

When European settlers arrived in South Africa in 1652, their guns were used to oppress, control and dispossess indigenous people. Recognising the power that guns hold, various laws were passed over the centuries to keep guns in the hands of colonisers. The last of these, the Arms and Ammunition Act (79 of 1969) prohibited gun ownership by black South Africans. Over a period of 30 years, the Arms and Ammunition Act underwent 20 amendments, including the 1984 amendment enabling black people to possess guns.

### 3.2 Phase 2: First years of democracy 1994-1998

↑ GUN NUMBERS    ↑ GUN DEATHS

On 16 December 1994 the Minister of Safety and Security, Sydney Mufamadi, declared a 24-hour, no-questions-asked gun amnesty whereby anyone handing in a weapon would be exempt from prosecution. While the number of guns surrendered was insignificant, it signalled a commitment by South Africa's democratically elected government to address gun violence.

The following years saw a growing recognition that violent crime was one of the greatest threats to the new democracy. In 1996 Cabinet approved the National Crime Prevention Strategy as South Africa's roadmap to deal with crime by focusing on seven priority areas – firearms; crime against women and children; inter-group violence; motor vehicle theft (including hijacking); organised crime; white collar and commercial crime; and corruption.

In 1997, Minister Mufamadi appointed a Special Task Team to “produce progressive policy proposals which will contribute to a drastic reduction in the number of legal firearms in circulation in South Africa.”

As the Task Team undertook its work, the state tightened policy regulating firearms and in March 1999 an amendment to the Arms and Ammunition Act was passed by Parliament to regulate how a gun licence holder could lend a gun to another person. According to the minutes of the parliamentary meeting, “South Africa is the only country in the world, which has a formal licencing procedure, yet allows guns to be lent out to people who do not have licences.”

## **DENIALISTS ATTACK GUN CONTROL AND THE EVIDENCE THAT IT SAVES LIVES**

Despite overwhelming evidence and global recognition that gun control saves lives, the organised gun lobby in South Africa has consistently denied that gun violence can be reduced through stronger gun control and has repeatedly blocked attempts to regulate guns and gun ownership through legal challenges and in the media.

Three legal challenges directly impact the current enforcement of and compliance with the FCA:

- In 2009, as the transitional provisions of the FCA – which stipulate the procedure and timelines under which gun owners with Arms and Ammunition Act (1969) ‘green’ licences were to renew these under the FCA – were ending, the SA Hunters and Game Conservation Association (SAHGCA) challenged these provisions. On 26 June 2009, Judge Bill Prinsloo granted an interim court order under which ‘green’ licences remain valid pending the final outcome of the Association’s application to have certain sections of the FCA declared unconstitutional. The interim order (under which more than one million firearm owners have not yet been relicensed under the FCA) has still not been set down for a hearing as the Minister of Police has not filed an answering affidavit.
- In 2016, the SAHGCA challenged sections 24 and 28 of the FCA, which require gun owners to renew their gun licences on a regular basis. The application was lodged after the police issued a directive to standardise the licence renewal process, which had been unevenly enforced and complied with around the country. According to the SAPS, the directive was “prompted... by individuals and businesses not applying to renew their licences.” Figures reveal an overall compliance rate of 67% with s24 of the FCA (of the 191,488 firearm licences liable for renewal in the SAPS’ 2015/16 financial year, 128,419 applications were received). When the North

### **3.3 Phase 3: Negotiating a new gun law 1999-2000**

↑ GUN NUMBERS    ↑ GUN DEATHS

The Firearms Control Bill was approved by Cabinet in November 1999, and gazetted in early December. The public were invited to make submissions and the Portfolio Committee received over 3,000 written submissions.

On 19 May 2000 the Firearms Control Bill (B34 of 2000) was published in Government Gazette Number 21193. Public hearings on the Bill were held in June and August 2000 with 93 oral submissions made to Parliament’s Safety and Security Portfolio Committee.

On 24 August 2000, the day after the final oral submissions on the Firearms Control Bill, the SAPS outlined its Firearms Strategy in support of the Bill.

Gauteng High Court questioned the constitutionality of these sections, the Minister of Police's appeal was heard in the Constitutional Court. With input from Gun Free SA, which acted as Amicus Curiae, the Constitutional Court unanimously ruled on 7 June 2018 that s24 and s28, under which gun owners must renew their firearm licences on a regular basis or forfeit guns for which licences have expired to the state, are constitutional. In its judgment, the Court ruled that gun ownership is not a fundamental right under the Bill of Rights, but a privilege regulated by the FCA.

- In response, GOSA lodged an urgent application in the North Gauteng High Court to stop the police acting on the Constitutional Court ruling by fully implementing s24 and s28. In an order which directly contradicts the ruling of the highest court in South Africa, Judge Bill Prinsloo (the same judge who ruled in 2009) granted an interim interdict halting any action by the police until the case has been heard as part of the normal court roll. The Minister of Police has lodged an appeal.

## Media

When peer reviewed articles attributing the decline in gun violence rates in SA from 2000 to the FCA were published in international journals, gun violence denialists sought to discredit these by claiming that the Act was only implemented in 2004 and that lives saved from gun violence could not be attributed to the strengthening of the law.

Such claims are without basis. The FCA was being implemented before 2004, a fact confirmed by the gun lobby. For instance, in September 2003, an attorney complained that “since April (2003) his clients have noted a significant drop in the amount of firearm licences being approved. . . April was the month during which the police introduced a new system of assessing applicants for firearm licences.”

The SAPS leaders noted that:

*“Firearms change the nature of violent crime. Crimes committed with guns are more likely to cause serious injury and fatality. Gun crimes make headline news, striking fear into the hearts of local communities and international tourists and investors alike. . . The Firearms Control Bill. . . represents a major tool, essential to our fight against violent crime. . . (it) will help us reduce gun violence through more effective control of legal firearms and the resultant containment of loss of firearms into the illegal pool. . . It will help us develop a culture of responsible gun ownership and usage.”*

On 12 October 2000 Parliament's National Assembly approved the Firearms Control Bill and on 30 October 2000 the National Council of Provinces did the same. Press reports noted that the law would be phased in over five years, allowing gun owners time to re-apply for their licences.

### 3.4 Phase 4: Phased implementation 2001-2003

↓ GUN NUMBERS ↓ GUN DEATHS

The Firearms Control Act was assented to and signed into law by the president on 4 April 2001 and published and enacted on 10 April.

While it took a further three years for the Firearms Control Regulations to be finalised and adopted, the SAPS began to roll out a new, more intensive firearms control regime in line with the new law. The SAPS five-pillar Firearms Strategy focused on:

1. Regulation;
2. Capacity building;
3. Combating illegal and criminal gun use;
4. Public awareness and social crime prevention; and
5. Regional and sector cooperation.

While the SAPS claimed that the Firearms Strategy informed enforcement of the FCA only after the law was fully implemented on 1 July 2004, minutes, presentations and media reports show that the five pillars were being implemented from 2000, resulting in complaints from the organised gun lobby.

### 3.5 Phase 5: Full implementation 2004-2009

↓ GUN NUMBERS ↓ GUN DEATHS

The Firearms Control Act was fully implemented on 1 July 2004 following the promulgation of related Regulations. The FCA meets the internationally recognised Zimring gold-standard of firearms control. By regulating who can own what weapon for which purpose, it differs significantly from the previous Arms and Ammunition Act.

Supporting the Zimring standard is the introduction of a two-tier licensing system of competency certification and licensing as well as regular licence renewal.

#### MAIN DIFFERENCES BETWEEN ARMS AND AMMUNITION ACT (1969) AND FIREARMS CONTROL ACT (2000)

Zimring standard of limits	Criteria	AAA 1969	FCA 2000
Who	Age limit to own a gun	16 years	21 years
	Competency certificate showing knowledge of law and gun	No	Yes
	Comprehensive background checks include three interviews, one with spouse	No	Yes
	Licence renewal	No	Yes

Zimring standard of limits	Criteria	AAA 1969	FCA 2000
What	Limit on number of guns	12	Yes Not more than one handgun for self-defence
	SABS specifications on safes for secure gun storage, including safe inspection	No	Yes
Why	Limits on reason for gun ownership	No	Yes, must show need and belong to an association if special category gun owner

## TWO-TIER LICENSING UNDER THE FIREARMS CONTROL ACT

The two-tier licensing system involves establishing competency before issuing a licence:

- Like a learner’s licence to drive a vehicle, anyone applying for a competency certificate as a first step to obtaining a firearm licence must undergo a process of training and testing of the law and the gun by an accredited training association. The competency certificate thus sets a minimum standard of knowledge for owning a firearm.
- Having obtained a competency certificate, the person wishing to own a firearm must then apply for a licence, whereby the state undertakes a range of verifications to affirm whether an applicant is fit to own a gun. A separate licence is required for every gun.

### Fit and proper

To obtain a firearm licence the holder must be deemed “fit and proper” to own a firearm. The state determines this through interviews and based on the applicant’s track record, taking into account previous convictions, domestic violence orders, mental health and addictions.

### Renewals

The FCA requires firearm licence holders to regularly renew their licences, with renewal periods varying between two and 10 years. Imposing a limited duration for a gun licence provides for:

- Regular confirmation that the licensed owner is still a “fit and proper” person to have a firearm.
- An incentive to comply with the law by placing responsibility on the licence holder to maintain “fit and proper” behaviour since there is a risk the licence may be revoked.

Between 2004 and 2010, there was a marked decline in the number of guns in the country as the taps through which new guns flow into communities were tightened and the number of existing guns was reduced.

## **Limiting new guns**

### **Existing gun owners**

Under the transitional provisions of the FCA, gun owners with 'green licences' issued under the Arms and Ammunition Act had four years to renew their licences under the stricter provisions of the FCA. Many chose to not renew, opting instead to surrender firearms to the state, particularly during the 2005 national firearms amnesty, when over 45,000 legal firearms were handed in.

### **New gun owners**

From 1 July 2004, all applications for new gun licences were officially processed under the FCA. In late 2010 the SAPS admitted to backlogs when it announced a turnaround strategy at the Central Firearms Registry aimed at making it a "functional unit" that would deal with the backlog by July 2011. While the reasons leading to this backlog can be debated, what is clear is that firearm-related applications were not being processed, so limiting the number of new guns entering the system.

## **Reducing existing guns**

From 2000, the SAPS undertook a number of initiatives to recover licensed and unlicensed guns, including running public awareness campaigns to encourage the voluntary surrender of legal guns as well as police-led crime intelligence and search and seizure operations to recover illegally held guns.

In addition, a six-month firearms amnesty was held in 2005 which recovered over 80,000 guns (33,246 of which were unlicensed and 45,727 were legal). The slogan of the amnesty campaign was "Don't be caught in the crossfire ... be on the right side of the law!" targeting both those with illegally-held guns and gun owners who did not meet the criteria of the FCA, e.g. by owning too many guns or being under 21. A study examining the impact of the 2005 amnesty found that the most common reason for handing in a gun was that it was part of a deceased estate; the owner no longer wanted or needed it; the owner did not want to go through the renewal process; or there was uncertainty over meeting the new, stricter criteria of the FCA.

As gun availability declined in South Africa, so too did gun violence. Published, peer-reviewed journal articles have noted:

- The "strength, timing, and consistency of the decline in (the number of people shot and killed in five South African cities between 2001 and 2005)

suggest that stricter gun control through the FCA accounted for a significant decrease in homicide overall, and firearm homicide in particular.”

- “There was a very substantial difference in the rate of (women that were shot and killed in 1999 and 2009). The decrease is most likely explained by gun control legislation (Firearms Control Act)...with provisions for safer firearm use and ownership amongst its key features.”
- “Our study shows a decline in total firearm injuries in children from 2001 (to 2010 in the Western Cape)...demonstrating that strengthening firearm legislation can reduce firearm-related injury.”

### 3.6 Phase 6: Breakdown < 2010

↑ GUN NUMBERS    ↑ GUN DEATHS

In late 2010 poor enforcement of and compliance with the Firearms Control Act started to emerge.

#### **Inadvertent breakdown in enforcement**

Poor enforcement of the law need not be criminal in intent; dereliction of duty can result from a range of factors, including flawed target-setting, lack of resources and poor planning (as no comprehensive plan to manage firearms replaced SAPS’ five-year five-pillar Firearms Strategy when it ended in 2009).

#### **Target-setting**

In June 2010, the Minister of Police established a Task Team led by the Civilian Secretariat for Police to undertake an assessment of the implementation of the FCA. The Task Team noted major backlogs in the processing of licences with 1,387,487 firearm applications awaiting processing; 804,942 for renewals and 582,545 for new licences.

In November 2010, the Minister of Police promised to turn the CFR into a “functional unit” that would deal with the backlog by July 2011. SAPS figures reveal that the CFR met this target, processing over one million applications in nine months. According to the SAPS 2010/11 Annual Report the “remarkable increase” in the number of firearm licences, renewals and competency certifications that were processed during the financial year was due to “a nine-month turnaround strategy that was intended to address outstanding applications.”

Like other ill-considered ‘target-setting’ measures adopted by the SAPS to assess performance, the focus was on the target of processing over a million firearm applications, rather than ensuring that all firearm

applicants are “fit and proper” to possess a gun. This almost certainly compromised the firearms control management system.

### **Under-resourcing**

Designated Firearms Officers (DFOs), police officers who are specifically appointed and trained to implement the FCA at station level, are integral to the firearms control management process, particularly in excluding unfit people from owning a gun. DFOs are required to undertake three interviews with individuals known to a firearm licence applicant, including the applicant’s spouse and must inspect the applicant’s safe to ensure it conforms to SABS specifications. Fulfilling requirements like this is dependent on DFOs having time, phones and vehicles. However, parliamentary oversight visits and research show that resource shortages, including a lack of personnel, equipment (such as vehicles to conduct visits), time and capacity all impact on DFOs and thus the state’s ability to fully enforce the FCA.

### **Deliberate criminality**

Unlike poor enforcement, which can be inadvertent, criminality is intentional. In 2010, the Task Team appointed to turn the CFR around noted irregularities and corruption in the issuing of firearms licences, including:

- Issuing of licences to people who should have had their licences refused.
- Paying of bribes to ensure that licences are issued and to avoid delays.
- Licensing prohibited firearms which are then not accurately listed on the system.

Since then there have been several instances of fraud and corruption involving stakeholders within the firearms management system. High-profile incidents include:

- The section head of the CFR being suspended with immediate effect and later dismissed for bribery and corruption related to firearms licensing; and
- CFR police officers arrested for selling fraudulent licences to gang leaders.

It is not only the police that are involved in fraud and corruption:

- In 2013 one of South Africa’s biggest gun dealers, Dave Sheer Guns, was identified by the Hawks, South Africa’s Directorate for Priority Crime Investigation, as being at the centre of a large-scale corruption racket involving bribery and creating fraudulent permits to export weapons and ammunition to conflict countries including Sudan and Syria. Despite evidence from an employee, to date there have been no arrests.
- In a move aimed at addressing fraud and corruption in the issuing of

competency certificates, the quality assurance of firearms training institutions was transferred from the Safety and Security Sector Education Training Authority (SASSETA) to the Professional Firearms Training Council (PFTC), after the former had its quality assurance role removed due to lack of performance and the latter successfully registered with the Quality Council for Trades and Occupations as a professional body. In March 2016, the Secretary of the PFTC, Andre van Tonder, was caught on camera selling a training certificate. He was subsequently found guilty of fraud and de-accredited as a training provider.

In response to allegations of fraud and corruption in the firearms control management system, the Minister of Police established a two-person Committee of Inquiry in May 2013. Public submissions were solicited and a report finalised and submitted. Despite two applications under the Promotion of Access to Information Act by Gun Free South Africa to both the Ministry of Police and Parliament, the Committee's report has never been made public.

### **Leakage of legal guns into the illegal pool**

Over the years incidents involving insiders stealing and selling legal guns into the illegal market have come to light, including guns handed in during the 2010 national firearms amnesty being found in a Johannesburg arms cache in 2014. One of the most high profile cases is that of Christiaan Prinsloo, a senior police official who pleaded guilty to selling guns from police stores to gangsters on the Cape Flats.

### **ARMING GANGSTERS WITH STOLEN GUNS – THE PRINSLOO CASE**

In 2012 police began recovering a large number of guns that had been professionally 'cleaned' of identifying marks on the Cape Flats, proof that a sophisticated gun smuggling syndicate was at work.

To track the supplier and the guns, two senior police officials, Peter Jacobs and Jeremy Vearey, registered Operation Impi in December 2013. By analysing the serial and laboratory numbers on the components of recovered guns, the team realised that one or more corrupt police officials were central to the syndicate. They narrowed their investigation down to Colonel Christiaan Prinsloo, Gauteng commander of Firearms, Liquor and Second Hand Goods Control and respected 'firearms guru', arresting him in January 2015.

Under interrogation, Prinsloo confessed to his role in smuggling 2000+ guns and selling them to gangsters, and entered into a plea bargain. In June 2016 Prinsloo was sentenced to 46 years, though as some sentences run concurrently, this amounts to 18 years.

Court papers show that:

- 888 of the guns stolen by Prinsloo were forensically linked to 1,066 murders in the Western Cape between February 2010 and 31 May 2016.
- 261 children between the ages of 1 and 18 years old were shot between February 2010 and December 2015 with guns stolen by Prinsloo, 89 of them were killed, one being Dillan Cornelius.
- Of the 2000+ guns that Prinsloo admitted to stealing, more than 1,100 are still missing.

With Prinsloo in prison, Operation Impi turned its attention to prosecuting two of his accomplices, Alan Raves (a firearms dealer with a particular interest in heritage firearms) and Irshaad Laher (a businessman who allegedly acted as a middle-man, selling stolen guns to gangsters).

As a result of political interventions related to state capture, Major-Generals Vearey and Jacobs were demoted and the whole operation ground to a halt.

When Jacobs and Vearey challenged their demotion in the Labour Court, winning their case in August 2017, the SAPS responded by challenging the Labour Court's findings.

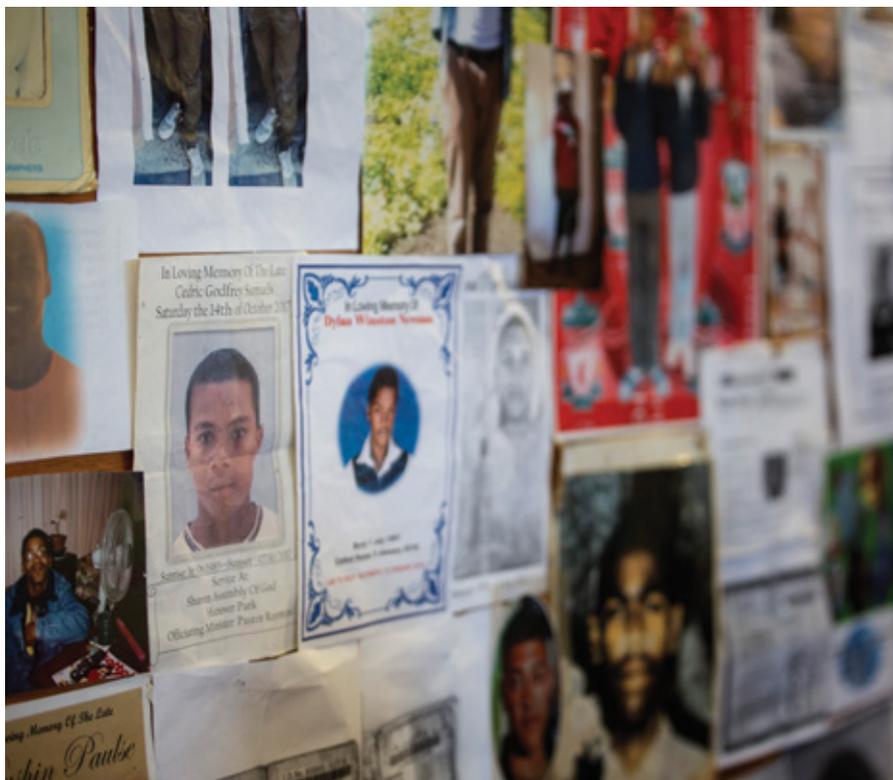
Consequently, the trial of Raves and Laher, as well as cases involving police officials implicated in fraudulently issuing sport shooting licences to gangsters (thereby allowing them to accumulate arsenals of ammunition as there are no limits on the amount of ammunition sports shooters can own), have stalled.

In early 2018, moves to shut down the 'guns to gangs' syndicate seem to have strengthened. In addition to Jacobs and Vearey being reinstated, the Raves and Laher pre-trial hearing is scheduled for early 2019 and 23 suspects, including 28s gang boss Ralph Stanfield as well as his wife, sister and three SAPS officers again face charges of corruption, fraud, possession of firearms and ammunition after these were dropped in 2016.

### **Poor stockpile management**

Stockpile management is key to preventing the diversion of legal state and privately owned guns, whether inadvertently or deliberately. It involves five steps:

1. Securely storing stockpiles to prevent loss and theft;
2. Regularly auditing stockpiles to ensure that stocks have not been breached and to also identify obsolete and unwanted stocks;
3. Collecting excess, obsolete, unwanted and recovered stocks;
4. Regularly destroying stocks; and
5. Keeping accurate records of who owns what weapon for which purpose.



*A wall of remembrance for victims of gang violence*

*Photo: Leila Dougan*

Particularly since 2010, stockpile management has failed at all five stages, though some have never fully functioned. For instance, despite numerous interventions to streamline the CFR, as of 2018 there are still two firearms record systems running in parallel, which creates loopholes and facilitates fraud and corruption in the issuing of gun-related applications, permits, licences and authorisations. The failure of comprehensive stockpile management, despite South Africa's legal obligations as spelt out in the FCA and SADC Protocol, the UN PoA and ATT, has facilitated a steady increase in the availability of guns, particularly unlicensed guns, and an associated increase in gun-related violence.

## Chapter 4

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# Conclusion – Gun control saves lives, poor enforcement kills

**Guns are designed to kill. Data show that gunshot injuries are 18 times more lethal than stab wounds: one in three people who are shot will die, while one in 55 people who are stabbed will die. South Africa's own experience proves that gun control saves lives. What it also shows is that poor enforcement kills. Globally the link between the control of firearms to limit their availability and a reduction in gun-related death and injury is well documented and endorsed as an effective strategy to reduce crime and violence levels.**

For any law to achieve its objectives, it needs to be both enforced by authorities and complied with by citizens. The Firearms Control Act marked a dramatic break with the apartheid-era Arms and Ammunition Act of 1969. As a result there has been significant resistance and non-compliance by some citizens, which has been facilitated by poor enforcement by authorities.

This 'compliance vacuum' is illustrated by the fact that 33% of gun owners licensed under the FCA failed to renew their licences in 2015/16 (according to the SAPS, of the 191,488 firearm licences up for renewal only 128,419 applications were received).

Yet when the SAPS issued a directive in February 2016 to standardise the firearm licence renewal process, which had been unevenly enforced and complied with, the impact was immediate. As soon as the law was enforced, compliance levels increased. Figures for gun licence renewal applications increased significantly; an average of 126,613 gun licence renewal applications were submitted in a year compared to the previous four years, when an average of 40,000 applications were submitted. Moreover, it appears that a legal challenge to the SAPS' 2016 directive did not impact on renewal applications, with licence renewal applications remaining high in 2016/17.

The development of policy to reduce gun violence and make South Africa a safer place for all citizens and residents led to the adoption of the Firearms Control Act of 2000. The implementation of this important law over nearly two decades, as documented here, stands as an important case study of the development and implementation of policy in democratic South Africa.

It attests to the waxing and waning quality of governance and administration over this period in a clearly discernible pattern underscored by multiple studies and analysis. The pattern is one of high levels of gun violence in the colonial and apartheid eras that did not shift until the adoption and implementation of the FCA in 2000 under the new democratic dispensation in South Africa.

The following decade registered a steady decline in gun violence in the period in which the FCA was implemented and enforced. What looked to be a vigorous trend, however, began to be reversed from 2010 after the adverse order from Judge Prinsloo. A sharp increase in gun violence and deaths followed, attributable to poor enforcement and associated compliance, under-resourcing, fraud and corruption, with gun-related deaths now matching stab-related deaths.

Dillan Cornelius was just one of the victims of this trend, murdered by a gun that leaked into a growing illegal pool of firearms. His death at only 16 is all the more devastating as the gun that killed him was sold by corrupt government officials from where it had been lodged for safe-keeping in a SAPS-managed weapons store in Gauteng. It found its way to the gang-infested Cape Flats of Cape Town and in an instant it was used to inflict the wounds that would end his life. Poor enforcement killed Dillan Cornelius.

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**Website:** [www.gfsa.org.za](http://www.gfsa.org.za)

**Email:** [info@gfsa.org.za](mailto:info@gfsa.org.za)

**Postal address:**

Gun Free South Africa,  
P.O. Box 3048, Killarney, 2193,  
Johannesburg, South Africa

**Twitter:** @GunFreeSA #GunFreeSA