



MEDIA STATEMENT

Hunters see reason, withdraw legal challenge to 2020 Firearms Amnesty, promise no future challenges

14 January 2020: Gun Free SA welcomes the decision by the National Hunting and Shooting Association (NHSA) to withdraw an urgent legal challenge it lodged on 11 December 2019 to force the Minister of Police to stop the 2020 National Firearms Amnesty. The six month Amnesty, the fourth in South Africa's history, began on 1 December 2019 and ends on 31 May 2020.

Papers filed by the Minister in response to the NHSA's founding affidavit comprehensively debunk and correct a range of myths and untruths made by the NHSA, including two assertions:

1. The NHSA claims that the Minister did not follow the correct process in declaring the 2020 Firearms Amnesty, which makes it illegal. Describing the NHSA's argument as "fatally flawed," the Minister shows in detail that the process followed was "valid and effective", which means the 2020 National Firearms Amnesty is legal.
2. The NHSA claims that the 2020 Amnesty impinges on the rights of gun owners whose licences have expired by requiring them to hand in their guns while they reapply for a firearm licence. It demands that an amnesty include provision for gun owners with expired licences to keep their guns while they renew their licences. In response the Minister makes four key arguments based on the law:
 - Expired licences cannot be renewed. The Firearms Control Act (2000) is clear, when a firearm licence expires, it no longer exists, which means that it cannot be renewed. Instead the holder of an expired licence needs to reapply for a fresh, new licence.
 - The law would need to be amended for expired licences to be renewed under an amnesty. Following on from the previous point, the only way in which expired licences could be renewed would be for the Firearms Control Act to be amended. The Minister does not have the power to amend legislation, only parliament can do this.
 - Indemnity follows surrender. The Minister does not have the power to grant amnesty to a person whose firearm licence has expired and who is thus in illegal possession. The only way indemnity can be given under the existing law is when the gun is surrendered to the police.
 - The amnesty infers rights to gun owners. The amnesty is voluntary and in fact confers additional rights to gun owners in that they can obtain indemnity from prosecution for being in illegal possession.

According to Adèle Kirsten, Gun Free South Africa's Director, "South Africa's experience of holding amnesties confirms they are effective at recovering guns, including unwanted, unlawful and illegal guns."

Over 120,000 firearms and 1.8 million rounds of ammunition were recovered in SA's past three amnesties (1994, 2005 and 2010). Over one third of the guns and ammunition recovered in the 2005 and 2010 amnesties were illegally-held (45,133 and 738,028 respectively).

Gun Free South Africa calls on all gun owners to aim for safety and hand in their guns during the 2020 National Firearms Amnesty.

Says Kirsten, "the biggest source of illegal guns in South Africa is civilians whose guns are lost or stolen." The Minister's answering affidavit shows that in 2018/19, 9,609 firearms were reported as lost or stolen nationally of which 607 (6.3%) were acquired and owned by the SA Police Service, the remaining 9,000 firearms were lost by/stolen from civilians.

Ends