

**To:**

**Electoral Commission of South Africa**

- Mr Glenn Mashinini (Chairperson)
- Ms Janet Love (Vice-chairperson)
- Mr Sy Mamobolo (chief electoral officer)

Care of Ms Kate Bapela (spokesperson): bapelak@elections.org.za

**Ministry of Police**

- Mr Bheki Cele (Minister)

Care of Ms Sharon Gaehler (chief of staff): gaehlersmk@saps.gov.za

**South African Police Service**

- Lt General Sitole (National Commissioner)

natcomm@saps.gov.za and sitolej@saps.gov.za

**Civilian Secretariat for Police Service**

- Mr Alvin Rapea (Secretariat)

phumudzo.rapea@csp.gov.za and Phumu.Rapea@csp.gov.za

Also, care of Mr Peter Makhetha (Assistant): Peter.Makhetha@csp.gov.za

**REGARDING:**

**Declaring polling stations firearm free zones on 8 May 2019**

**DATE:**

**8 April 2019**

Dear Mr Mashinini, Ms Love, Mr Mamobolo, Mr Cele, Lt General Sitole, and Mr Rapea

With exactly one month to go until the national elections on 8 May 2019, we urge you to declare all polling stations across South Africa as Firearms Free Zones under the Firearms Control Act (2000).

Section 140 of the Firearms Control Act makes provision for Firearm Free Zones, stating that:

(1) The Minister (of Police) may, after consultation with the National Commissioner and the Secretary for Safety and Security, by notice in the Gazette declare any premises or categories of premises to be firearm-free zones, if it is -

- (a) in the public interest; and
- (b) in accordance with the objects of this Act.

(2) Unless authorised to do so in terms of a notice issued under subsection 20 (1), no person may -

- (a) allow any firearm or ammunition to be in a firearm-free zone;
- (b) carry any firearm or ammunition in a firearm-free zone; or

(c) store any firearm or ammunition in a firearm-free zone.

(3) A police official may, without warrant -

(a) search any building or premises in a firearm-free zone if he or she has a suspicion on reasonable grounds that a firearm or ammunition may be present in the firearm-free zone in contravention of a notice issued in terms of subsection (1);

(b) search any person present in a firearm-free zone; and

(c) seize any firearm or ammunition present in the firearm-free zone or on the person in contravention of a notice issued in terms of subsection (1).

(4) The Minister may prescribe measures to be taken regarding the demarcation of and placing of signposts on premises constituting a firearm-free zone in order to notify the public that the premises are declared a firearm-free zone.

We are aware that Section 38(1) of the Electoral Act makes provision for the prohibition of firearms and other weapons at polling stations, stating that:

No person, except for a member of the security services on duty at that voting station, may without the permission of the presiding officer, enter into the boundaries of a voting station while in possession of a fire-arm or of any other weapon identified as a weapon by a member of the security services.

However, we feel that the Electoral Act fails to take into account South Africa's current high levels of violence, particularly gun violence, which has risen significantly in the past 10 years from 18 people shot and killed a day in 2009 to 23 a day in 2018. Of relevance to the 8 May 2019 elections is that an analysis of party-political killings since January 2016 to date shows that 90% are gun-related, which underscores the urgency of interventions to reduce the risk and lethality of political violence in the lead up to and beyond 8 May.

While we recognise that many other, often longer-term interventions are needed to reduce political violence in South Africa, we believe that declaring polling stations as Firearm Free Zones under Section 140 of the Firearms Control Act:

1. Is an immediate and practical step that will protect the lives of electoral officials and voters, as gun-related violence is eighteen times more deadly than if a knife is used.
2. Sends a clear message that violence will not be tolerated and that firearms, because of their greater potential to kill compared to other weapons, pose a particular threat to holding free and fair elections, and will not be tolerated.

We are available to assist in any way possible, including providing additional information on firearms and political violence.

Yours Sincerely

**MEMBERS OF THE STOP POLITICAL VIOLENCE PARTNERSHIP:**

- Adèle Kirsten, Director, Gun Free South Africa: 082-853-9776, [adele@gfsa.org.za](mailto:adele@gfsa.org.za); and  
Claire Taylor, Specialist Researcher, Gun Free South Africa: 072 341 3898, [claire@gfsa.org.za](mailto:claire@gfsa.org.za)

- Lizette Lancaster, Manager, Crime and Justice Information Hub, Justice and Violence Prevention Programme, Institute for Security Studies: 083 321 2060, llancaster@issafrica.org
- Narnia Bohler-Muller, Executive director, Democracy, Governance and Service Delivery Unit (DGSD), Human Sciences Research Council: 012 302 2502, nbohlermuller@hsrc.ac.za; and Mia Swart, Research Director, Democracy, Governance and Service Delivery Unit (DGSD), Human Sciences Research Council: 012 320 2824, MSwart@hsrc.ac.za