



## **MEDIA STATEMENT**

### **Protecting the right to peaceful protest and public safety**

*29 March 2021:* Gun Free SA welcomes the release by the Minister of Police Bheki Cele of the Panel of Experts Report on Policing and Crowd Management.

The release of the Panel Report comes at a time of low public trust in the police, in particular the way in which the police have abused their authority and misused the less-lethal weapons at their disposal when managing crowds and protest action, sometimes resulting in serious injury and death. This Report is therefore very relevant and can provide clear guidance on developing a more effective and responsive policing agency.

The Director of GFSA and a member of the Panel, Adèle Kirsten, notes that a significant section of the Panel Report addresses the context of protest action in South Africa and the right to peaceful protest, recommending that measures be put in place to strengthen a culture of peaceful protest and to protect the constitutional right to peaceful assembly. She adds that, “the police and especially the Public Order Policing (POP) units must be seen as facilitating the right to peaceful assembly which should be a pillar of crowd management doctrine”.

While the Panel Report makes a range of recommendations for strengthening national instructions governing public order policing, which includes a new crowd management doctrine, it also makes proposals to develop standards for the use of less-lethal weapons: this includes, the shotgun and rubber bullets, stun grenades, tear gas, and water cannons. For example, it is known that KIPS (Kinetic Impulse Projectiles – rubber bullets) are difficult to use safely and effectively and should be prohibited for use at short range and their use be restricted to circumstances where a threat to life or a threat of serious injury exists, and where all other means to protect life have been exhausted. In addition, the practice of skip firing KIPS should be discontinued as it decreases accuracy and increases the risk for indiscriminate use.

Furthermore, the prohibition against the use of the R5 rifle and other weapons capable of automatic fire in crowd management should be formalised in regulations issued by the Minister of Police in terms of section 10 of the Regulations of Gathering Act. Such a prohibition should apply not only to POP units but to other law enforcement units which may be deployed in support of POP, for crowd management purposes.

Kirsten cautions “that the value of the Panel’s work will only be realised if there is political will to adopt the recommendations and commitment from SAPS to implement them”.

### **Additional information**

The Panel of Experts was established in April 2016 by the Minister of Police in terms of the recommendations of the Marikana Commission of Inquiry. The Commission of Inquiry was established because of the killing of 34 mineworkers at Marikana.

The Report is the result of a two-year process during which a panel consisting of local and international top ranking police officers, along with representatives of police unions, and non-state experts, explored the challenges facing the South African Police Service (SAPS). The findings and recommendations contained in the Report are the outcome of consensus of the Panel members.

The 595-page Report (including annexures) contains 136 recommendations. Of these 45 are aimed at improving police professionalisation, accountability and integrity. The remaining 91 recommendations are aimed at enabling SAPS to better manage crowds, including disruptive or violent protests, through improvements to training, equipment, practice and amendments to existing laws and regulations.

### ***Report available ONLINE***

The Panel of Experts Report is available at:

[https://www.saps.gov.za/resource\\_centre/publications/panel\\_of\\_experts\\_2021.pdf](https://www.saps.gov.za/resource_centre/publications/panel_of_experts_2021.pdf)

### ***Marikana Panel of Experts - TIMELINE***

- 16 August 2012: 34 men, most of them striking mineworkers, are shot dead by police at Marikana.
- 31 March 2015: Marikana Commission of Inquiry Report submitted to President Zuma. Report recommends that a Panel of Experts be established.
- April 2016: Panel of Experts established under Judge David Ntshangase.
- July 2018: Final Report of Panel submitted to Minister of Police, Bheki Cele.
- 29 March 2021: Release of Panel of Experts Report.