

NATIONAL ASSEMBLY**FOR WRITTEN REPLY****QUESTION 2184**

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(INTERNAL QUESTION PAPER NO 36-2020)

2184. Mr A G Whitfield (DA) to ask the Minister of Police:

Whether any member of the SA Police Service (SAPS) has made use of (a) SAPS-issued sjamboks and/or (b) privately-owned sjamboks in the execution of their duties (i) during the Covid-19 lockdown period and/or (ii) at any other time since 27 April 1994; if not, what is the position in this regard; if so, what are the relevant details?

NW2752E

REPLY:

(a)(b) No members of the South African Police Service (SAPS) have been issued with sjamboks. In terms of Standing Order (General) 256 (Duties of the Relief Commander), SAPS members are inspected at the beginning of each shift. The equipment in the possession of members on parade are inspected before they are posted to execute their duties. Sjamboks are not part of the equipment issued by the SAPS. Privately-owned sjamboks are not allowed to be used by SAPS members in the execution of their duties. This is reiterated in the circular 1/1/4/1 over 3/34/1, dated 2020-05-19 (Use of force and torture: guidelines on the implementation and enforcement of regulations and directives, issued in terms of Section 27 of the Disaster Management Act, 2002 (Act No. 57 of 2002): Containment and Management of COVID-19) This circular was issued in response to the order, which was issued in the Khoza judgement. The following policies were also issued, regarding the use of force by members of the SAPS:

- National Instruction 1 of 2016 (The use of force in effecting an arrest).
- National Instruction 4 of 2014 (Public Order Police: Crowd management during public gatherings and demonstrations). Specific reference is made to the continuum of force and the equipment permissible in crowd management.

- National Instruction 6 of 2014 (The prevention and combating of torture of persons).
- (b)(i) Circular 1/1/4/1 over 3/34/1, dated 2020-05-19 (Use of force and torture: guidelines on the implementation and enforcement of regulations and directives, issued in terms of Section 27 of the Disaster Management Act, 2002 (Act No. 57 of 2002): Containment and Management of COVID-19). Paragraph 3 of the circular states that "The Regulations are aimed at containing and managing the COVID-19 virus and police action must support this aim". Paragraph 6.2.13 expressly provides that "Members may not use private equipment or equipment not issued by the SAPS such a "sjambok", etc."
- (b)(ii) National Instruction, 1 of 2016, was issued to regulate the use of force by SAPS members when effecting an arrest of a suspect, as provided for, in Section 49 of the Criminal Procedure Act, 1977. In terms of Standing Order (General) 256, the Relief Commander must, during each parade instruct the members under his or her command in the nature of their functions and duties, cautioning them regularly and strongly against any act of unnecessary violence on any person, as well as cautioning them against the use of objectionable language, but inculcating in them the value of loyalty, sobriety and an even temper. Currently the following Policies are *inter alia* governing the use of force:
- Circular 1/1/4/1 dated 2019-11-19 (Instructions relating to arrest and detention of suspects).
 - National Instruction 11 of 2019 (Arrest, treatment and transportation of an arrested person).
 - National Instruction 12 of 2019 (Arrest and treatment of illegal foreigners).
 - National Instruction 1 of 2016 (The use of force in effecting an arrest).
 - National Instruction 4 of 2014 (Public Order Police: Crowd management during public gatherings and demonstrations). Specific reference is made to the continuum of force and the equipment permissible in crowd management.
 - National Instruction 6 of 2014 (The prevention and combating of torture of persons).

Since April 1994, various policies and directives were issued or in place regarding the use of force, such as Standing Order (General) 341 (Arrest and the treatment of an arrested person until such person is handed over to the Community Service Centre Commander), Standing Order (General) 251 (Duties of the relief use of arms), Circular 18/5/1 over 1/1/4/1(5) dated 2003-07-18 (Special Service Order relating to the use of force in effecting an arrest). During this period sjamboks were not issued as SAPS equipment and members were not permitted to use sjamboks.


Reply to question 2184 recommended/~~not recommended~~



**GENERAL
NATIONAL COMMISSIONER, SOUTH AFRICAN POLICE SERVICE
KJ SITOLE (SOEG)**

Date: 2020 -10- 27

Reply to question 2184 approved/not approved



**MINISTER OF POLICE
GENERAL BH CELE (MP)**

Date: 08/11/2020