

JASA Media Release

Justice Alliance of South Africa

1 Ruskin Road, Bergvliet, Cape Town 7945
Tel: 021-713-3259 Fax: 0866 727474 jasalaw@mweb.co.za
www.jasa.za.net www.justicealliance.org.za



Embargo: None
12 August 08

Enquiries: John Smyth QC
083 653 8804

JASA TAKES MINISTER NQAKULA, JACKIE SELEBI AND FIREARMS APPEAL BOARD TO COURT

JASA has filed papers in the Cape High Court seeking declarations that the refusal to pay compensation to persons who surrender firearms as required by the Firearms Control Act, 2000 offends against the Constitution.

For over 4 years since the relevant legislation came into force the Minister and National Police Commissioner have refused to comply with section 137 of the Act. JASA alleges in its affidavit that the State has acted 'unreasonably and arbitrarily, and without procedural fairness, in that most applications are rejected out of hand, ignored or simply filed away', contrary to section 33 of the Constitution which requires just administrative action for all persons.

Both individuals and dealers have suffered financial hardship; in one of several supporting affidavits filed in court it is alleged by one dealer that she suffered a loss of over R.2m as a result of refusal by all three Respondents to assist her after she had surrendered her stock of firearms. In another affidavit a lady of over 70 years of age tells of how she was treated with disdain and discourtesy, and repeatedly told she was not entitled to compensation, when she surrendered one firearm at her local police station. JASA alleges a further breach of the Constitution in that section 25 forbids deprivation of property without compensation.

JASA lays the blame for this appalling state of affairs squarely on the shoulders of the Minister and SAPS Commissioner who, on 8 June 2005 and 12 October 2005 respectively, stated in Parliament, in defiance of the Act, that no compensation would be payable to those surrendering firearms.

Parliament clearly intended that s.137 of the Act should encourage the surrender of firearms, a aim which JASA wholly supports in our crime-ridden society. The Minister and SAPS take a different view. Ultimately the Constitutional Court judges must decide.

Affidavits and the Notice of Motion filed in the suit may be found on our websites

JASA
Upholding Justice in the Public Square

Executive Board

Tim Makamu (Chairman), Stephen van Rhyn (Vice-Chairman), Tendai Musikavanhu,
Nigel Desmond, Roger Gifford, John Smyth