

17 February 2023

MY RESPONSE TO SO CALLED MASS SHOOTINGS

As a result of a number of recent unfortunate so-called mass shootings and the death of rapper AKA in South Africa, the media has again focused on the role of firearms and violence in South Africa. In doing so, it has given a voice to organisations such as Gun Free South Africa and the current Premier of Gauteng, Panyaza Lesufi.

Gun Free South Africa will always seek to justify its agenda by restating false facts and regurgitating emotional arguments that are short on truth and reality. As for Lesufi, he is a politician. He is a senior member of the most corrupt political party in the country that has bankrupted and morally corrupted our society. Enough said.

In response, to the argument of Gun Free South Africa demanding more regulation, pro firearm organisations react with indignation and try unsuccessfully, in my view, to argue what is an ideological debate with fact. Most participants in the firearm debate are unable to distinguish between ideology and fact and are unable to grasp

Partner: Martin John Hood *BA LLB*
Associate Attorney: Mouné Watkins *LLB*
Candidate Attorney: Jordan Letzler *BA LLB*

Molon Labe House
Unit 10 Woodview Office Park
1 Humber Street
Woodmead
Sandton

t: 011 234 7520
f: 086 249 7485
e: martin@mjhood.co.za
w: www.mjhood.co.za

that you are not going to win an ideological argument with fact. People believe what they want to believe, predominantly without much of a factual basis to support that belief because belief is a subjective concept. Anyone who engages in an ideological debate about an emotional subject, is going to effectively only argue with themselves and not do much to change people's opinions. Worse still, is the fact that in focussing on the death of AKA in particular, and in responding to only that incident, pro firearms organisations have ignored and therefore have denigrated the many other tragic firearm deaths in this country. We missed an ideal opportunity to use anti-firearms organisations focus on AKA's death against them. Instead, we let Gun Free South Africa choose the nature of the debate and the terrain and pro firearms organisations took the bait.

Factual arguments on the other hand, do not come through in sound bites. A factual argument needs a foundation, and that foundation needs to be solid and built over time. The best way to build that foundation is not to use your materials but to use your opponent's materials to build your argument and dismantle theirs.

Pro firearm organisations have also made the mistake of arguing that we have enough regulation in this country and that we do not need more regulation. That is, in my view, a false narrative. What we need is effective regulation based upon existing laws, not more laws.

Partner: Martin John Hood *BA LLB*
Associate Attorney: Mouné Watkins *LLB*
Candidate Attorney: Jordan Letzler *BA LLB*
Candidate Attorney: Gustav Snyman *LLB*

Molon Labe House
Unit 10 Woodview Office Park
1 Humber Street
Woodmead
Sandton

t: 011 234 7520
f: 086 249 7485
e: martin@mjhood.co.za
w: www.mjhood.co.za

Fidelity Fund Certificate Number: 01263/2022

Member Number: 8064

VAT Number: 4810158644

One organisation has grasped this reality and has taken steps to demand effective regulation based upon existing legislation. The South African Arms and Ammunition Dealer's Association obtained a court order in 2019 compelling the police to implement what is termed electronic connectivity. The Firearms Control Act provided for electronic connectivity to be in place before it was implemented in 2004, between dealers and the Central Firearms Registry. If this was in place, the Central Firearms Registry would receive regular data from dealers showing the sale of firearms and ammunition and therefore the whereabouts of such firearms and ammunition. All parties recognise this information would be an effective crime management tool. The South African Police Services have simply failed to put this in place, partly because of, yet again a corrupt tender that was eventually cancelled after Four Hundred Million Rand had been spent. The firearm dealers became so frustrated with the police's inability to correctly record the whereabouts of firearms and ammunition, that they obtained their court order in 2019 in the form of a structural interdict supervised by a High Court Judge to compel the issue, award, and implementation of a tender over a period of five years for electronic connectivity. Because the police are so inept, because government is so corrupt and inefficient, four years into the five year process, the tender has not yet even been awarded. The police went to court and obtained an extension to award the tender in September 2021 and the latest news that I have is that the State Attorney filed an affidavit (yes, on oath) saying the tender would be awarded on 28 December 2022. Strangely, the State Attorney cannot tell me now if indeed the tender has been awarded.

Partner:	Martin John Hood <i>BA LLB</i>
Associate Attorney:	Mouné Watkins <i>LLB</i>
Candidate Attorney:	Jordan Letzler <i>BA LLB</i>
Candidate Attorney:	Gustav Snyman <i>LLB</i>

Molon Labe House
Unit 10 Woodview Office Park
1 Humber Street
Woodmead
Sandton

t: 011 234 7520
f: 086 249 7485
e: martin@mjhood.co.za
w: www.mjhood.co.za

Fidelity Fund Certificate Number: 01263/2022

Member Number: 8064

VAT Number: 4810158644

In 2022 the Dealer's Association went back to court again to compel the police by way of certain declaratory orders to more effectively and equitably implement the existing Firearms Control Act. You would think that the police, if they get taken to court for a court order to tell them how to do their job, that they would respond and answer that they want to do their jobs properly and to explain that they indeed are doing so. Not so, they opposed the court application. Not only did they oppose it, but they do not want to deal with the merits of the application so that they took technical points about the relief asked in the court documents. They use a senior counsel well-known for taking such a dilatory approach and handsomely charging the State for her services at tax payer expense. The police and its Minister simply do not want their inability to implement existing legislation exposed for all of us to see.

Some examples of what the Dealers Association want, are the following.

Firstly they want confirmation of an already existing court order that the police have 21 days to process import and export applications. That court order was granted in 2015 and the police are still trying, eight years later to have that court order overturned. You have to ask why, if the regulations provide for that 21 day time period, why do the police want that court order overturned, and why have they done nothing to finalise their rescission application, using, I might add the same senior counsel known for her dilatory and expensive tactics?

Partner: Martin John Hood *BA LLB*
Associate Attorney: Mouné Watkins *LLB*
Candidate Attorney: Jordan Letzler *BA LLB*
Candidate Attorney: Gustav Snyman *LLB*

Molon Labe House
Unit 10 Woodview Office Park
1 Humber Street
Woodmead
Sandton

t: 011 234 7520
f: 086 249 7485
e: martin@mjhood.co.za
w: www.mjhood.co.za

Fidelity Fund Certificate Number: 01263/2022

Member Number: 8064

VAT Number: 4810158644

The Dealers Association want certain processes to be submitted, electronically when electronic connectivity is in place, directly to the Central Firearms Registry. No, the police still want you to manually submit forms to your designated firearm officer. This creates more work and is a manual process, in a digital age. You have to ask why the police want to use an archaic form of communication in a digital age?

The Dealer's Association want the police to tell the public and designated firearm officers what designated firearm officer's duties and functions are. No, police management don't want to do that. Have they ever heard of job description? Are they admitting they do not know what their officials should be doing? They certainly do not want to disclose this information publicly.

Therefore, I think it is reasonable to conclude that the firearm industry wants more effective regulation over the sale and distribution of firearms and ammunition based upon existing laws. The reaction of the police in opposing court cases arguing for effective regulation based on existing legislation tells me that the police do not want or cannot implement effective regulation. There can be no achievable point or objective in passing more laws when existing laws remain unimplemented.

Now we need to look at the conduct of the police themselves, particularly the Secretariat of Police and the Ministry of Police to confirm my concerns.

Partner: Martin John Hood *BA LLB*
Associate Attorney: Mouné Watkins *LLB*
Candidate Attorney: Jordan Letzler *BA LLB*
Candidate Attorney: Gustav Snyman *LLB*

Molon Labe House
Unit 10 Woodview Office Park
1 Humber Street
Woodmead
Sandton

t: 011 234 7520
f: 086 249 7485
e: martin@mjhood.co.za
w: www.mjhood.co.za

Fidelity Fund Certificate Number: 01263/2022

Member Number: 8064

VAT Number: 4810158644

The key to unlocking an analysis of their conduct, lies in what has because known as the Wits School of Governance Report called “The Analysis of the Effect of the Firearms Control Act on Crime.” This is a study that was conducted by the University of the Witwatersrand on the instruction of the Secretariat of Police for research purposes. It is independent academic research that analysed the effect of the Firearms Control Act on crime from 2000 to 2014.

It is available on my website at www.mjhood.co.za and partly on my MJ Hood & Associates Facebook group.

Firstly, Gun Free South Africa had access to this report although they have denied it, and they have not used this report because of what is set out a little bit later in this article. Similarly, the Secretariat of Police has not used this report because although it is independent academic research conducted and paid for on their instruction, it does not support the ideological objectives and bias of the Secretariat and therefore the Minister of Police against legal firearms.

I quote from some of the summaries relating to the findings that the Wits report made.

Partner: Martin John Hood *BA LLB*
Associate Attorney: Mouné Watkins *LLB*
Candidate Attorney: Jordan Letzler *BA LLB*
Candidate Attorney: Gustav Snyman *LLB*

Molon Labe House
Unit 10 Woodview Office Park
1 Humber Street
Woodmead
Sandton

t: 011 234 7520
f: 086 249 7485
e: martin@mjhood.co.za
w: www.mjhood.co.za

Fidelity Fund Certificate Number: 01263/2022

Member Number: 8064

VAT Number: 4810158644

The report concludes:

“there is little evidence that the Firearms Control Act has caused the decline in crime. The level of strong and sustained policing rather than the Firearms Control Act is a necessary condition for reducing firearm related crime. The Firearms Control Act is not sufficient to reduce firearm related crime in the absence of strong policing.”

“The Firearms Control Act is relevant to less than 5% of all crimes reported to the SAPS. In crimes of murder, firearms are only used in a third of cases.”

“strong policing must be maintained in order to achieve sustained decline in crime.”

There are many other similar statements, but the report concluded that effective policing is the single most important criteria for reducing crime and not any individual piece of legislation and specifically not the Firearms Control Act. What did the police, Ministry of Police and Secretariat of Police do with this report? They buried it and it was only unearthed by the Dealers Association and the Confederation of Hunting Associations of South Africa through a request for access to information and after much wailing and gnashing of teeth because the report simply does not suit the ideological agendas of government and minor vocal parts of civil society such as Gun Free South Africa.

Partner: Martin John Hood *BA LLB*
Associate Attorney: Mouné Watkins *LLB*
Candidate Attorney: Jordan Letzler *BA LLB*
Candidate Attorney: Gustav Snyman *LLB*

Molon Labe House
Unit 10 Woodview Office Park
1 Humber Street
Woodmead
Sandton

t: 011 234 7520
f: 086 249 7485
e: martin@mjhood.co.za
w: www.mjhood.co.za

Fidelity Fund Certificate Number: 01263/2022

Member Number: 8064

VAT Number: 4810158644

So are you in favour of effective regulation, through the use of existing legislation in conjunction with effective policing? I am because independent research confirms this. Arguing with statistics simply confuses what the argument should be about.

Effective implementation of existing laws with strong policing reduces crime. Passing more laws does not.

We must stop arguing with Gun Free South Africa with statistics and stop trying to change their minds. Rather argue for effective regulation using existing laws and implement them through effective policing. It works.

Martin Hood

martin@mjhood.co.za

Partner: Martin John Hood *BA LLB*
Associate Attorney: Mouné Watkins *LLB*
Candidate Attorney: Jordan Letzler *BA LLB*
Candidate Attorney: Gustav Snyman *LLB*

Molon Labe House
Unit 10 Woodview Office Park
1 Humber Street
Woodmead
Sandton

t: 011 234 7520
f: 086 249 7485
e: martin@mjhood.co.za
w: www.mjhood.co.za

Fidelity Fund Certificate Number: 01263/2022

Member Number: 8064

VAT Number: 4810158644