

WEBINAR

NEW USE OF FORCE LAW FOR SOUTH AFRICA



MONDAY
8 JUNE 2020
at 10h30 SAT

The May 15 decision of Judge Fabricius in the Pretoria High Court was scathing of the security forces' actions, and called for guidelines on the use of force. Are the limitations of section 49 of the Criminal Procedure Act, and its inability to guide the appropriate use of force by law enforcement officers, exposed once again?

Domestic legislation dealing with the use of force by law enforcement officials is dispersed across several pieces of legislation, including the South African Police Services Act, the Criminal Procedure Act, the Regulations of Gatherings Act and the Correctional Services Act. Few of these provisions are fully aligned to international law, and all are woefully inadequate in providing the needed clarity regarding how to understand whether force is necessary, urgent and proportionate to the harm it can cause, and whether everything has been done to avoid force being necessary in the first place.

A human rights-compliant approach to the use of force is notoriously difficult to implement, even for the most ethical of officers. In split seconds, law enforcement officers need to make complex judgments on the need and proportionality of the force to use. Guidelines and proper training are essential, but if there is to be accountability and we are to rein in impunity, it is to the law and not to guidelines that the courts will turn.

This webinar will discuss use of force legislation in South Africa and whether the time has come to consider a comprehensive new Use of Force Law.

- **Louise Edwards** – Programmes and Research Director, APCOF
- **Adv. Tseliso Thipanyane** – Chief Executive Officer, SA Human Rights Commission
- **Prof. Christof Heyns** – Director of the Institute for International and Comparative Law in Africa, University of Pretoria, and member of the UN Human Rights Committee
- **Themba Masuku** – Independent Policing Researcher
- **Hon. J Jeffery** – Deputy Minister of Justice and Constitutional Development South Africa

To join this webinar, please RSVP to Helene van der Watt: helene@apcof.org.za, who will provide you with the link to join using the WebEx platform.