



Africa Criminal Justice Reform
 Organisation pour la Réforme de la Justice Pénale en Afrique
 Organização para a Reforma da Justiça Criminal em África

COVID-19 and the defence force

Powers and functions

15 MAY 2020

Introduction

The President authorised the deployment of the South African National Defence Force (SANDF) in terms of his powers in the Constitution and Defence Act (42 of 2002) to assist with the COVID-19 natural disaster until 26 June 2020. The Constitution notes that the President may authorise the deployment of the defence force in co-operation with the police service.¹ The Defence Act mandates the President to authorise the deployment of the SANDF for service inside the country or in international waters, in order to:

- preserve life, health or property in emergency or humanitarian relief operations;
- ensure the provision of essential services;
- support any department of state, including support for purposes of socio- economic upliftment; and
- effect national border control.²

This infosheet describes the powers and functions of SANDF officials during the COVID-19 natural disaster and the ensuing lock-downs announced. On 1 May 2020 South Africa moved from the most restrictive lock-down level (Level 5) to a slightly less restrictive Level 4.

Overview of powers under natural disaster

Section 20 of the Defence Act provides an overview of the powers and duties of SANDF officials deployed under sections 201(2) (a) of the Constitution and 18 (1) Defence force Act.³ SANDF officials deployed for the period of the COVID-19 natural disaster has the same powers as South African Police Service (SAPS) officials under certain statutory provisions⁴ and includes the power to: ⁵

- arrest⁶
- conduct search and seizures⁷
- set up roadblocks and checkpoints⁸
- border control⁹
- traffic control¹⁰
- the use of force¹¹
- control and disperse gatherings¹²

SANDF officials do not have powers to investigate crimes. ¹³ SANDF officials who arrest or detain any person or seize any article or object must hand over the person and/or article to a SAPS official as soon as possible.¹⁴

SANDF officials may only exercise their powers and duties for the purposes of:

- successful execution of that deployment;
- prevention of crime;
- maintenance of law and order; or
- preservation of the internal security of the Republic.¹⁵

SAPS and SANDF officials are equals in rank and do not have the power to exercise command or control over each other.¹⁶ In respect of acts done or omitted by SANDF officials in fulfilling their duties, they have the same liabilities and indemnities in like circumstances, as if they were SAPS members.¹⁷

Below we elaborate further on SANDF officials' powers whilst deployed during the COVID-19 natural disaster.

SANDF officials may arrest you for violating the law or COVID-19 regulation

SANDF officials have the same powers as SAPS officials to arrest any person for contravening any law or COVID-19 regulation, with or without a warrant.¹⁸

At the time of making an arrest, an official has a duty to inform the arrested person of the cause of the arrest. ¹⁹ In the case of an arrest with a warrant, an official must hand over a copy of the warrant if the arrested person demands to see it.²⁰

An SANDF official must hand over the arrested person to a SAPS official as soon as possible.²¹

SANDF officials have the authority to arrest without a warrant

With reference to the Criminal Procedure Act, SANDF officials have the authority to arrest without a warrant any person:

- who commits or attempts to commit any offence in his/her presence;
- whom he/she reasonably suspects of having committed an offence referred to in Schedule 1 of the Criminal Procedure Act, other than the offence of escaping from lawful custody;
- who has escaped or who attempts to escape from lawful custody;
- who is in possession any housebreaking or car breaking implement, and cannot satisfactorily account for it;
- who is found in possession of anything reasonably suspected to be stolen property or property dishonestly obtained, and whom the official reasonably suspects of having committed an offence with respect to such thing;
- who is found at any place by night in circumstances which afford reasonable grounds for believing that such person has committed or is about to commit an offence;
- who is reasonably suspected of being or having been in unlawful possession of stock or produce;
- who is reasonably suspected of committing or of having committed an offence under any law governing the making, supply, possession or conveyance of intoxicating liquor or of dependence-producing drugs or the possession or disposal of arms or ammunition;

- who is in contravention of any law relating to the prevention or suppression of gambling or games of chance;
- who wilfully obstructs an official in the execution of his/her duty;
- who has been concerned in or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists that he/she has been concerned in any act committed outside the country which, if committed in the country, would have been punishable as an offence, and for which he is, under any law relating to extradition or fugitive offenders, liable to be arrested or detained in custody in the country;
- who is reasonably suspected of being a prohibited immigrant in the country in contravention of any law regulating entry into or residence in the Republic;
- who is reasonably suspected of being a deserter from the South African National Defence Force;
- who is reasonably suspected of having failed to observe any condition imposed in postponing the passing of sentence or in suspending the operation of any sentence under the Criminal Procedure Act, 51 of 1977;
- who is reasonably suspected of having failed to pay any fine on the date fixed by order of court;
- who fails to surrender to undergo periodical imprisonment under an order of court or any law relating to prisons;
- who is reasonably suspected of having committed an act of domestic violence as contemplated in section 1 of the Domestic Violence Act, 1998.²²

An SANDF official who arrest or detain any person must hand over the person to a SAPS official as soon as possible.²³

SANDF officials may search a person after he or she has been arrested

SANDF officials may search an arrested person and seize any article or item with or without a search warrant, which is in contravention of any law or COVID-19 regulation.²⁴ Articles or objects that may be seized by officials include:

- Articles or items which is concerned in or is on reasonable grounds believed to be concerned in the commission or suspected commission of an offence, whether within the country or elsewhere;
- Articles or objects which may afford evidence of the commission or suspected commission of an offence, whether within the country or elsewhere; or
- Articles or objects which is intended to be used or is on reasonable grounds believed to be intended to be used in the commission of an offence.²⁵

SANDF officials are required to hand over any unlawful article seized and arrested person over to a SAPS official.²⁶

SANDF officials may break open property to make an arrest

SANDF officials has the authority to break open, enter and search premises to arrest a suspect if they know or reasonably suspect that the suspect is on such premises.²⁷ This can only be done after officials audibly demand and state the reasons he or she wants to enter the property but fails to gain entry.²⁸

SANDF officials can arrest you without warrant for failure to provide name and address

SANDF officials has the authority to arrest without a warrant a person:

- whom he/she has power to arrest;
- who is reasonably suspected of having committed (or having attempted to commit) an offence;
- who, in his/her opinion, may be able to give evidence in regard to the commission (or suspected commission) of any offence.

and who:

- fails to furnish the official his/her full name and address
- furnishes the official a name or address, which he or she reasonably suspects to be false.²⁹

Where the official arrests a person for furnishing information reasonably suspected to be false, an official may detain a person for a period not exceeding 12 hours until such name or address has been verified.³⁰

SANDF officials may use force if you resist arrest, flee, or attempt to flee

SANDF officials may use force if a suspect resists arrest, flees, or attempts to flee.³¹ The force must be reasonably necessary and proportional in the circumstances, to prevent the suspect from fleeing.³²

The arrestor may use deadly force only if-

- the suspect poses a threat of serious violence to the arrestor or any other person; or
- the suspect is suspected on reasonable grounds of having committed a crime involving the infliction or threatened infliction of serious bodily harm and there are no other reasonable means of effecting the arrest, whether at that time or later.³³

SANDF officials may set up roadblocks or checkpoints

SANDF officials **may be authorised by the Chief of the Defence force or a designated senior official** to set up roadblocks or checkpoints on any public road or area where it is reasonable in the circumstances in order to exercise a power in section 215 of the Constitution.³⁴

Officials may set up a roadblock **without written authorisation from the Chief of the Defence force or designated senior official**, for the purposes of seizing certain objects or persons, if they reasonably believe that:

- an offence listed in Schedule 1 of the Criminal Procedure Act has been committed and the suspect is travelling in a motor vehicle in a particular area (see Schedule 1 attached);
- a witness to such an offence is absconding and is travelling in a motor vehicle in a particular area;
- a person who is reasonably suspected of intending to commit an offence listed in Schedule 1 of the Criminal Procedure Act and who may be prevented from committing such an offence by the setting up of a roadblock is, or is about to be, travelling in a motor vehicle in a particular area;
- a person who is a fugitive after having escaped from lawful custody is, or is about to be, travelling in a motor vehicle in a particular area; or
- any object which is concerned in, may afford evidence of, or is intended to be used in the commission of an offence listed in Schedule 1 of the Criminal Procedure Act, and which is, or is about to be, transported in a motor vehicle in a particular area.³⁵

Officials can search persons, vehicles or objects at roadblocks or checkpoints without a warrant and seize any article referred to in section 20 of the Criminal Procedure Act, which includes:³⁶

- articles or items which is concerned in or is on reasonable grounds believed to be concerned in the commission or suspected commission of an offence, whether within the country or elsewhere;
- articles or objects which may afford evidence of the commission or suspected commission of an offence, whether within the country or elsewhere; or
- articles or objects which is intended to be used or is on reasonable grounds believed to be intended to be used in the commission of an offence.³⁷

Any person whose rights have been affected by the search and seizure can demand from an official a copy of the written authorisation to hold the roadblock or checkpoint³⁸ and in the case where a roadblock was conducted without authorisation, the official must inform the person the reason for the setting up of the roadblock.³⁹

SANDF officials are required to hand over any unlawful article seized or arrested persons over to a SAPS official.⁴⁰

SANDF has the power to stop and direct vehicles in terms of road traffic legislation

SANDF officials may:

- when in uniform, require the driver of any vehicle to stop such vehicle;⁴¹
- regulate and control traffic upon any public road, and give directions necessary for the safe and efficient regulation of the traffic, which may include the closing of any public road;⁴²
- where he/she is of the opinion that the driver of a motor vehicle is impeding the normal flow of traffic, direct the driver to remove the vehicle from the road and follow another route with the vehicle;⁴³
- require any person to furnish his or her name and address and other particulars required for his or her identification or for any process if the officer reasonably suspects this person of having committed an offence in terms of the Road Traffic Act or any other law or, if in the opinion of the officer, he or she is able to give evidence in regard to the commission of any such offence;⁴⁴
- demand from the owner or driver of a vehicle to produce any document prescribed in terms of the Road Traffic Act.⁴⁵
- enter any motor vehicle and inspect such vehicle.⁴⁶

SANDF officials' powers in terms of effecting border control

An SANDF official has the power to-

- request anyone in the country who is reasonably suspected of being an illegal foreigner to identify himself or herself as a citizen or resident, or to produce a permit to be in the country;⁴⁷
- apprehend, question or arrest or detain without a need for a warrant an illegal foreigner and hand over the person to the SAPS; and⁴⁸
- seize or retain, without a need for a warrant, any firearm or other dangerous weapon in possession or under the control of an illegal foreigner and hand it over to the SAPS.⁴⁹

In order to control the illegal movement of goods or people across the borders of the Republic, any SANDF official may without warrant, search any person, premises, vehicle, vessel or aircraft, or receptacle of whatever nature.⁵⁰ The search may be conducted:

- at any place in South Africa within 10 kilometres, or any reasonable distance from any border between South Africa and any foreign state;

- in the territorial waters of South Africa;
- inside South Africa within 10 kilometres of or any reasonable distance from such territorial waters;
- or
- at any airport or within any reasonable distance from such an airport.⁵¹

SANDF officials may seize anything found in the possession of a person or premises, vehicle, vessel, aircraft or receptacle, which is in contravention of the law of the country.⁵²

SANDF officials are required to hand over any unlawful article seized/arrested persons over to a SAPS official.⁵³

SANDF officials are authorised to control gatherings or demonstrations

SANDF officials have the same powers as SAPS under section 9 of the Regulation of Gatherings Act to control authorised or unauthorised gatherings or demonstrations. Amongst other powers, officials:

- may prevent participants from proceeding to a different place or route or from disobeying any condition the gathering is subject to;⁵⁴
- may guide participants of a gathering along a route to ensure the proper flow of vehicle and pedestrian traffic and access to property and workplaces is least impeded.⁵⁵
- shall take reasonable and appropriate steps to protect persons and property.⁵⁶
- shall call upon persons participating in a gathering or demonstration to disperse and depart from the place of the gathering or demonstration within a specific time if he or she has reasonable grounds to believe that the gathering or demonstration will result in danger to persons and property and cannot be averted.⁵⁷
- may use force if participants do not disperse within the time specified by officials or have made no preparations to disperse or under certain conditions where the gathering or demonstration becomes violent.⁵⁸

SANDF officials may search your property to seize unlawful articles or objects

SANDF officials have the power to search property and seize objects or articles with or without a search warrant if they have reason to believe that there has been a contravention of any law or any regulation.⁵⁹

The following articles or objects may be seized with or without a search warrant issued by a magistrate or judge:

- objects or articles which is concerned in or is on reasonable grounds believed to be concerned in the commission or suspected commission of an offence, whether within the country or elsewhere;
- objects or articles which may afford evidence of the commission or suspected commission of an offence, whether within the country or elsewhere; or
- objects or articles which is intended to be used or is on reasonable grounds believed to be intended to be used in the commission of an offence.⁶⁰

Officials may only search without warrant any person/container/premises to seize the above article/object under the following circumstances:

- if the person concerned consents to the search for and the seizure of the article in question, or if the person who may consent to the search of the container or premises consents to such search and the seizure of the article in question; or

- the official on reasonable grounds believes (i) that a search warrant will be issued to him if he/she applies for such warrant and (ii) that the delay in obtaining such warrant would defeat the object of the search.⁶¹

SANDF officials are required to hand over any unlawful article seized/arrested persons over to a SAPS official.⁶²

SANDF officials may cordon off areas to conduct searches and seizures

SANDF officials may cordon off an area and may without a warrant search any person, premises or vehicle, or any object of whatever nature in that area.⁶³

Officials may seize any article found by him/her in the possession of a person or in that area which:

- is concerned in or reasonable suspected to be used in the commission or suspected commission of an offence,
- which may be used as evidence in the commission or suspected commission of an offence, or
- is intended to be used or is reasonable suspected to be intended to be used in the commission of an offence.

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Officials must receive written authorisation from the Chief of the Defence Force/officer designated by the Chief of the Defence Force to conduct such search.⁶⁵

The written authorisation to cordon off an area cannot exceed 24 hours.⁶⁶

Any member of the public, whose rights are affected by the search or seizure, can demand to be shown a copy of the written authorisation.⁶⁷

Further, SANDF officials are required to hand over any unlawful article seized/arrested persons over to a SAPS official.⁶⁸

SANDF officials may use force if you resist against their entry and search of your premises

Officials who may lawfully search any premises or person may use such force reasonably necessary to overcome any resistance against such search or against entry of the premises, including the breaking of any door or window of such premises.⁶⁹

The official must first audibly demand admission to the premises and notify the purpose for which he seeks to enter such premises before using force.⁷⁰ However, this may not apply where an official on reasonable grounds is of the opinion that any article which is in contravention of any law /regulation, and which is the subject of the search, may be destroyed or disposed of if the proviso is first complied with.⁷¹

SANDF officials are required to conduct searches in a decent and orderly manner

Members must conduct searches of persons or premises with strict regard to decency and order, and a woman must be searched by a woman only.⁷² If no female police official is available, any woman designated for the purpose by a police official must make the search.⁷³

Lodging a complaint against SANDF members

Members of the public can lodge complaints against SANDF members with the Office of the Military Ombud (Ombud). The Ombud is mandated in terms of the Military Ombud Act 4 of 2012 to investigate complaints lodged by a member of the public regarding the official conduct of a SANDF member.⁷⁴

Process to lodge a complaint:

- A member of the public or someone on his/her behalf may lodge a complaint.⁷⁵
- The complaint must be lodged within 90 days from the date on which the Complainant became aware of the act or omission concerned.⁷⁶
- The complaint must be lodged in writing on the prescribed complaint form which can be accessed here.⁷⁷
- Those who want to lodge a complaint with the Ombud are advised to provide their personal details and a description of the incident including date, time and place of incident on the complaints form.⁷⁸
- If a representative lodge the complaint on behalf of the Complainant, proof of authorisation from the member to represent him or her is required.⁷⁹
- The complaints form must be completed, signed and the form attaching all relevant supporting documentation can be submitted during lockdown in PDF form to: intake@milombud.org or fax to 086 523 2296.⁸⁰
- The Ombud must issue a written acknowledgment of receipt, including the case reference number to the Complainant within 14 days of receipt of the complaint.⁸¹
- The Ombud may not investigate a complaint relating to:
 - a case that is pending before a military or civilian court; or
 - a case on which a decision has been taken by a military or civilian court.⁸²
- The Ombud may refuse to investigate a complaint if:
 - the investigation may undermine channels of command, or constitute insubordination in the Defence Force;
 - the complaint is frivolous or vexatious;
 - the complainant has failed to lodge a complaint within a reasonable time as prescribed;
 - a matter has been referred for resolution through any other dispute resolution mechanism available.⁸³
- Any person aggrieved by a decision of the Ombud may apply to the High Court for review against that decision within 180 days of the decision of the Ombudsman.⁸⁴
- If the Ombud accepts the complaint, and after investigating a complaint, the Ombud must:
 - uphold or dismiss the complaint or issue an alternative resolution;
 - recommend an alternative resolution to the Minister; or
 - refer the complainant to the appropriate public institution for finalisation, if the matter falls outside his or her jurisdiction.⁸⁵
- If the Ombud upholds the complaint, the Ombud must recommend the appropriate relief for implementation to the Minister.⁸⁶
- The Ombud must immediately after finalisation of the investigation, and in writing, advise the Complainant and any other affected person of the outcome of the investigation.⁸⁷

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Appendix: Schedule 1 of the Criminal Procedure Act

- Treason.
- Sedition.
- Public violence.
- Murder.
- Culpable homicide.
- Rape or compelled rape as contemplated in sections 3 and 4 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, respectively.
- Sexual assault, compelled sexual assault or compelled self-sexual assault as contemplated in section 5, 6 or 7 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, respectively.
- Any sexual offence against a child or a person who is mentally disabled as contemplated in Part 2 of Chapter 3 or the whole of Chapter 4 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, respectively.
- Trafficking in persons for sexual purposes by a person contemplated in section 71 (1) or (2) of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007.
- Trafficking in Persons Act 7 of 2013.
- Bestiality as contemplated in section 13 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007.
- Robbery.
- Kidnapping.
- Child stealing.
- Assault, when a dangerous wound is inflicted.
- Arson.
- Malicious injury to property.
- Breaking or entering any premises, whether under the common law or a statutory provision, with intent to commit an offence.
- Theft, whether under the common law or a statutory provision.
- Receiving stolen property knowing it to have been stolen.
- Fraud.
- Forgery or uttering a forged document knowing it to have been forged.
- Offences relating to the coinage.

- Any offence, except the offence of escaping from lawful custody in circumstances other than the circumstances referred to immediately hereunder, the punishment wherefor may be a period of imprisonment exceeding six months without the option of a fine.
- Escaping from lawful custody, where the person concerned is in such custody in respect of any offence referred to in this Schedule or is in such custody in respect of the offence of escaping from lawful custody.
- Offences referred to in section 4 (1) and (2) of the Prevention and Combating of Torture of Persons Act, 2013.
- Any conspiracy, incitement or attempt to commit any offence referred to in this Schedule.

¹ s. 201(2)(a)

² s. 18(1) Defence Act.

³ Defence Act 42, 2002.

⁴ s. 13 (3), (6), (7), (8) and (9) South African Police Act 68 of 1995; s. 9, Regulation of Gatherings Act 205 of 1993; s. 21, 22, 23, 24, 25, 27, 29, 30, 32, 33, 34, 35, 36, 39, 40, 41, 44, 47, 48, 49 and 52 Criminal Procedure Act 51 of 1977; s. 9 and 41 Arms and Ammunition Act, 75 of 1969; s. 11(b), (g) and (i) Road Traffic Act 29 of 1989; s. 31 (b), (g), (h), (i) and (l) National Road Traffic Act, 93 of 1996.

⁵ s. 20 (1) Defence Act, 2002.

⁶ s. 23 (1), 39, 40, 41, 44 and 48 Criminal Procedure Act 51 of 1977.

⁷ s. 21, 22, 27 and 29 Criminal Procedure Act, 51 of 1977; s. 13 (6) SAPS Act, 68 of 1995.

⁸ s. 13(8) SAPS Act, 68 of 1995.

⁹ s.20 (9) (a)-(c) Defence Act, 2002; s. 13 (6) SAPS Act, 68 of 1995.

¹⁰ s. 11(b), (g) and (i), Road Traffic Act 29 of 1989; s. 31 (b), (g), (h), (i) and (l) National Road Traffic Act, 93 of 1996.

¹¹ s. 49 Criminal Procedure Act 51 of 1977, s. 9 (2) (b) – (e) Regulation of Gatherings Act, 205 of 1993, s. 27 (1) Criminal Procedure Act, 51 of 1977.

¹² s. 9, Regulation of Gatherings Act, 205 of 1993

¹³ s. 20 (3) Defence Act, 2002.

¹⁴ s. 20 (4) Defence Act, 2002.

¹⁵ s. 20 (2) Defence Act, 2002.

¹⁶ s. 20 (8) Defence Act, 2002.

¹⁷ s. 20 (5) Defence Act, 2002.

¹⁸ s.39, 40, 44 Criminal Procedure Act 51 of 1977.

¹⁹ s.39 (2) Criminal Procedure Act 51 of 1977.

²⁰ s.39 (2) Criminal Procedure Act 51 of 1977.

²¹ s. 20 (4) Defence Act, 2002.

²² s. 40 (1) Criminal Procedure Act 51 of 1977.

²³ s. 20 (4) Defence Act, 2002.

²⁴ s. 23 (1) Criminal Procedure Act, 51 of 1977.

²⁵ s. 20 Criminal Procedure Act, 51 of 1977.

²⁶ s. 20 (4) Defence Act, 2002.

²⁷ s. 48 Criminal Procedure Act 51 of 1977.

²⁸ s. 48 Criminal Procedure Act 51 of 1977.

²⁹ s. 41 (1) Criminal Procedure Act 51 of 1977.

³⁰ s. 41 (1) Criminal Procedure Act 51 of 1977.

³¹ s. 49 (2) Criminal Procedure Act 51 of 1977.

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- ³² s. 49 (1) Criminal Procedure Act 51 of 1977.
- ³³ s. 49 (2) (a) (b) Criminal Procedure Act 51 of 1977.
- ³⁴ s. 13(8) a –c SAPS Act, 68 of 1995.
- ³⁵ s. 13 (8) (d) SAPS Act, 68 of 1995.
- ³⁶ s. 13 (8) (g) (i) – (ii) SAPS Act, 68 of 1995.
- ³⁷ s. 20 Criminal Procedure Act, 51 of 1977.
- ³⁸ s. 13 (8) (g) (i) SAPS Act, 68 of 1995.
- ³⁹ s. 13 (8) (g) (ii) SAPS Act, 68 of 1995.
- ⁴⁰ s. 20 (4) Defence Act, 2002.
- ⁴¹ s. 11 (b) Road Traffic Act, 29 of 1989; s. 3 I (b) National Road Traffic Act, 93 of 1996.
- ⁴² s. 11(g) Road Traffic Act, 29 of 1989; s. 3 I (g) National Road Traffic Act, 93 of 1996.
- ⁴³ s. 11 (g) Road Traffic Act, 29 of 1989; s. 3 I (g) National Road Traffic Act, 93 of 1996.
- ⁴⁴ s. 3 I (h) National Road Traffic Act, 93 of 1996.
- ⁴⁵ s. 11 (i) Road Traffic Act, 29 of 1989; s. 3 I (i) National Road Traffic Act, 93 of 1996.
- ⁴⁶ s. 3 I (I) National Road Traffic Act, 93 of 1996.
- ⁴⁷ s.20 (9) (a) Defence Act, 2002.
- ⁴⁸ s.20 (9) (b) Defence Act, 2002.
- ⁴⁹ s.20 (9) (c) Defence Act, 2002.
- ⁵⁰ s. 13 (6) SAPS Act, 68 of 1995.
- ⁵¹ s. 13 (6) SAPS Act, 68 of 1995.
- ⁵² s. 13 (6) SAPS Act, 68 of 1995.
- ⁵³ s. 20 (4) Defence Act, 2002.
- ⁵⁴ s. 9 (1) (b) Regulation of Gatherings Act, 205 of 1993.
- ⁵⁵ s. 9 (1) (c) Regulation of Gatherings Act, 205 of 1993.
- ⁵⁶ s. 9 (1) (f) Regulation of Gatherings Act, 205 of 1993.
- ⁵⁷ s.9 (2) (a) (i-ii) Regulation of Gatherings Act, 205 of 1993.
- ⁵⁸ s. 9 (2) (b) – (e) Regulation of Gatherings Act, 205 of 1993.
- ⁵⁹ s. 21 and 22 Criminal Procedure Act, 51 of 1977.
- ⁶⁰ s. 20 Criminal Procedure Act, 51 of 1977.
- ⁶¹ s. 22 Criminal Procedure Act, 51 of 1977.
- ⁶² s. 20 (4) Defence Act, 2002.
- ⁶³ s. 13 (7) (c) SAPS Act, 68 of 1995.
- ⁶⁴ s. 13 (7) (c) SAPS Act, 68 of 1995.
- ⁶⁵ s. 13 (7) (a) SAPS Act, 68 of 1995.
- ⁶⁶ s. 13 (7) (b) SAPS Act, 68 of 1995.
- ⁶⁷ s. 13 (7) (c) SAPS Act, 68 of 1995.
- ⁶⁸ s. 20 (4) Defence Act, 2002.
- ⁶⁹ s. 27 (1) Criminal Procedure Act, 51 of 1977.
- ⁷⁰ s. 27 (1) Criminal Procedure Act, 51 of 1977.
- ⁷¹ s. 27 (2) Criminal Procedure Act, 51 of 1977.
- ⁷² s. 29 Criminal Procedure Act, 51 of 1977.
- ⁷³ s. 29 Criminal Procedure Act, 51 of 1977.
- ⁷⁴ s. 4 (1) (c) Military Ombud Act 4 of 2012.

⁷⁵ s. 4 (1) (c) (d) Military Ombud Act 4 of 2012.

⁷⁶ Regulation 4 (c), Military Ombud Complaints Regulations issued under Section 15 of the Military Ombud Act No.4 of 2012 published in GN No. No. 39375 on 6 November 2015. (Hereafter referred to as 'Regulations')

⁷⁷ <https://www.milombud.org/complaints/complaints-forms> s. 6 (1) Military Ombud Act 4 of 2012.

⁷⁸ Regulation 2.

⁷⁹ Regulation 2 (b).

⁸⁰ Regulation 3.

⁸¹ Regulation 5 (c).

⁸² s. 7. (1) (b) (c) Military Ombud Act 4 of 2012.

⁸³ s. 7 (2) (a) (b) (c) (e) Military Ombud Act 4 of 2012.

⁸⁴ s. 13 Military Ombud Act 4 of 2012.

⁸⁵ s. 6 (7) Military Ombud Act 4 of 2012.

⁸⁶ s. 6 (8) Military Ombud Act 4 of 2012.

⁸⁷ s. 6 (9) Military Ombud Act 4 of 2012.