

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF DEFENCE

NO. 2958

27 January 2023



MINISTRY OF DEFENCE AND MILITARY VETERANS

Republic of South Africa

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<http://www.dod.mil.za>**NOTICE IN TERMS OF SECTION 19(2) OF THE DEFENCE ACT, 2002 (ACT NO.: 42 OF 2002)**

Notice is hereby given under section 19(2) of the Defence Act, 2002, (Act No. 42 of 2002) that the President acting in terms of section 201(2)(a) of the Constitution, authorised the employment of 2700 members of the South African National Defence Force enrolled in terms of sections 52 and 53 of the Defence Act, 2002 for the prevention and combating of crime and maintenance and preservation of law and order in the Republic of South Africa under Operation PROSPER. The period of deployment is from 16 December 2022 to 16 March 2023.

MS TR MODISE, MP

MINISTER OF DEFENCE AND MILITARY VETERANS

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Republic of South Africa**

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**CODE OF CONDUCT: OP PROSPER DEPLOYMENT OVER THE PERIOD
16 DECEMBER 2022 - 16 MARCH 2023**

**THE EMPLOYMENT OF THE SOUTH AFRICAN NATIONAL DEFENCE FORCE
FOR SERVICE IN COOPERATION WITH THE SOUTH AFRICAN POLICE
SERVICE IN THE PREVENTION OF CRIME AND MAINTENANCE AND
PRESERVATION OF LAW AND ORDER IN THE REPUBLIC OF SOUTH AFRICA
FOR OPERATION PROSPER FROM 16 DECEMBER 2022 – 16 MARCH 2023**

1. In addition to the Code of Conduct for uniformed members of the South African National Defence Force (SANDF) and for the purposes of Operation PROSPER, deployed members must at all times adhere to the mission's specific Code of Conduct for the duration of the operation.

MANDATE

2. Operation PROSPER (OP PROSPER) is authorised in terms of section 201(2)(a) of the Constitution of Republic of South Africa, 1996 read with section 19 of the Defence Act, 2002 (Act No. 42 of 2002). In terms of the aforementioned sections, the South African National Defence Force (SANDF) is authorised for service in cooperation with the South African Police Service (SAPS) in the prevention and combating of crime and maintenance and preservation of law and order in the Republic of South Africa with specific reference to declared hotspot areas and restricted to:

- a. Protection of National key points and critical infrastructure.
- b. Patrols.
- c. Preserve life and protect property.
- d. Roadblocks and Vehicle Control Points (VCPs).
- e. Ensure freedom of movement of own Forces.
- f. Cordon and searches.

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THE EMPLOYMENT OF THE SOUTH AFRICAN NATIONAL DEFENCE FORCE FOR SERVICE IN COOPERATION WITH THE SOUTH AFRICAN POLICE SERVICE IN THE PREVENTION OF CRIME AND MAINTENANCE AND PRESERVATION OF LAW AND ORDER IN THE REPUBLIC OF SOUTH AFRICA FOR OPERATION PROSPER FROM 16 DECEMBER 2022 – 16 MARCH 2023

3. The guidelines are drawn up to assist Units and/or FSEs of the SANDF deployed on Op PROSPER in fulfilment of the mandate. These guidelines are applicable for the full duration of the Operation in order to ensure effective command and control, legal compliance and legitimacy. Tactical commanders are, however, allowed to issue specific guidelines/instructions/orders for their specific area of responsibilities in line with these Guidelines. Any material deviations must be approved by the Chief of Joint Operations (CJ Ops).

GENERAL PRINCIPLES

4. Upholding and enforcement of the law within the Republic remains the primary responsibility of the SAPS. When the SANDF is employed in cooperation with the SAPS, SANDF members have the same powers and authority as the SAPS, excluding the investigation of crime. Notwithstanding this, SANDF members may perform tasks and duties they are adequately trained and equipped for.

PROCEDURES

5. The SANDF's cooperation with SAPS is limited to protection of life and property during crime combating operations.

YOUR CONDUCT MAY NOT DAMAGE THE IMAGE OF THE SANDF

6. During the employment, members of the SANDF must always treat the public with respect and human dignity and exercise a high level of tolerance and restraint.

7. SANDF members are not permitted to make any unauthorised statements to either the public or the media.

8. Any statements required for the purposes of an investigation by the SAPS must be given after consultation with and in the presence of a Military Legal Practitioner.

9. Do not use foul language when communicating with the media or civilians.

GENERAL FORCE PROTECTION

10. SANDF members have an inherent right to self-defence.

11. This **right to self-defence** may be exercised to defend oneself, other members, prime mission equipment (PME), property, SAPS members and any member of the public **where life is threatened and/or where there is an imminent threat of serious injury or destruction of property**. Where there have been live firing it must be reported and recorded within reasonable time, the report to include the place, how many rounds were fired and the outcome of the action in self-defence.

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12. The firing of warning shots is prohibited.
13. The principle of minimum force should always be applied, whilst keeping that in mind, minimum force will depend on the weapon issued to the deployed forces.
14. All incidents must be reported as soon as possible to the relevant authority via the normal chain of command.
15. Mission objectives must be kept in mind when determining the amount of force that would be required to ensure a successful mission.
16. The Code of Conduct will be amended as of when the situation develop.

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