

29 May 1996

CERTIFICATION OF THE SOUTH AFRICAN CONSTITUTION

In accordance with the conditions published in the Sunday Times of 19th May I provide the following:

1) **Particular provision of, or omission from the Constitution to which objection is taken:**

Constitution of the Republic of South Africa Bill, 6 May 1996 (B34A-96)
Provision 11 LIFE, and
Provision 12 FREEDOM AND SECURITY OF THE PERSON

2) **Grounds for the Objection :**

2.1) The Constitution should apply, in general, to law abiding citizens. Once criminal has committed an act of attempting to take a life, or succeeding in taking a life, that person should forfeit all rights due to law abiding citizens and only rights governing criminals should apply. In this result the law-abiding person should also have the right of self-protection, whatever means they have at their disposal to stop, or attempt to stop criminal from taking their own life.

2. 2) The right to be free of all forms of violence equally should entitle a law-abiding citizen the right to defend that right, if it is being threatened. The actual definition of the force and manner that the threat can resisted, can then be written into Law. The Constitution should entrench right to protect oneself from violence or threat to life. This is in fact written into the European Convention on Human Rights.

3) The relevant Constitutional Principles contained in Schedule 4 with which the provision or omission does not apply:

Principle II - Everyone shall enjoy all universally accepted fundamental rights, freedoms and civil liberties, which shall be provided for protected by entrenched and justifiable provisions in the Constitution which shall be drafted after having given due consideration to *inter alia* fundamental rights contained in Chapter 3 of this Constitution.

R W Nixon

30 May 1996

CERTIFICATION OF NEW CONSTITUTIONAL TEXT

Thank you for your submission of 29 May 1996.

I have been asked by the President of the Constitutional Court to inform you that your submission will in due course be taken into account by the Constitutional Court.

M NIENABER