

DA 116

X Above all, you are not breaking the law. Gatherings with a common purpose are banned in most areas but you are not part of a gathering; you are a lone demonstrator and not breaking the law.

X The police may however intervene.

Just as the airways gives you an oxygen mask in the unlikely event of depressurisation, these notes will equip you to deal with the police if they should arrive.

Under the security laws:

X The police can detain without charge; that is the very issue you are demonstrating about. BUT that is not what they will be doing when they approach you.

X If the police arrive :

remain calm, you are behaving legally, do not get sidetracked into a slanging match.

they can ask your name and address; give it but they cannot question you.

Ask the policeman his name and number. There is no obligation to go with the police to a police station or anywhere else unless you are being arrested for a specified offence, or detained under a specific security law, if this is suggested -

Ask if you are under arrest. If so, under what law and for what offence?

(Don't suggest the Security laws - assume it can only be an arrest in the ordinary sense) - if it is an arrest -

Accompany the police to the station to be formally charged.

You are not obliged to say anything.

You are ordinarily entitled to bail.

You are definitely entitled to see your lawyer and family

Usually the offence they have in mind is a petty one, you should be released on warning.

The police have no right to hold you for 48 hours, before charging you.

They must charge you as quickly as they can.

The law obliges them to charge you within 48 hours. It does not give them a right to hold you for 48 hours.

And while waiting to be charged and released on warning or bailed out you cannot be denied access to a lawyer and your family.

X However, if they insist on acting illegally and threaten you go under protest with the police

X Insist on your rights.

X The police may tell you that you are obstructing traffic - vehicles, or pedestrians.

X Make sure you are not.

X Ask where you can stand and move there if its reasonable to do so.

X Suggest the alternative place yourself if there is any cause for complaint by the police.

X If you are obstructing you can be arrested for doing so BUT

It is a petty offence. Point out that it's unusual to arrest for petty traffic offences if you are not obstructing.

Don't pay an admission - rather get bail. Get out of that police station. Get your Lawyer. Let's sue them if we can.

X You are demonstrating to assert that the law must follow its proper course - if you have a brush with the police a firm assertion of your rights will help other demonstrators.

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