

**ACTIVIST GUIDE**

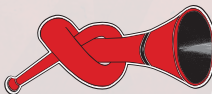
# **YOUR RIGHT TO PROTEST**



**Understanding the**

**Regulation of Gatherings Act,**

**arrests and court processes**



**RIGHT<sup>2</sup>KNOW**



# Everyone has the right to protest!

The right to protest is a vital way for people to speak out about issues that matter to them and make sure that people in power listen to their concerns.

Section 17 of the Constitution says that everybody has the right to protest, peacefully and unarmed. This includes protests which are non-violent but very disruptive.

This right is closely linked to other political rights in the Constitution, including freedom of expression and freedom of association (which means the right to associate with a cause, idea, or organisation).

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# About this booklet

The Right2Know Campaign is proud to produce a new edition of the activist guide to the Right to Protest. This is the 2nd edition of R2K's booklet, which was in turn a reproduction of material produced by the Anti-Privatisation Forum in 2007.

Our campaign is a product of many struggles by communities, social movements and NGOs that have come before us. The right to protest, freedom of expression, and equality before the law are central to all those struggles. More than ever, all who live and work in South Africa need to not only know these rights but be able to exercise them.

**Section 1** of this booklet provides basic information about any gatherings that can be seen as a form of protest, contestation or criticism in a public space. It explains the legal definition of a "gathering" and the legal rights and duties of the organisers.

**Section 2** is a new addition to the booklet, focusing on police brutality and the rules and regulations that govern the police at protests.

**Section 3** gives a basic explanation of court processes that may follow an arrest and what to do in those situations.

**Section 4** gives some general advice on protecting the right to protest, and some useful contacts for further information.

Knowledge is power! Take this booklet with you and use it in your struggle for social, economic and environmental justice.

## SECTION 1

# UNDERSTANDING REGULATIONS OF GATHERINGS ACT

## WHAT IS THE REGULATION OF THE GATHERINGS ACT?

The law that regulates the right to protest is called the Regulation of Gatherings Act (some people call it “the Gatherings Act” or the RGA for short). The ‘Gatherings Act’ was drafted in 1993 in a period of great political violence. The Goldstone Commission which investigated political violence and police brutality against protesters, recommended that a law be drafted to establish a new framework for the right to protest and change the role of police in protests.

As a result, the Gatherings Act has some good and some bad in it. It contains some important protections for the right to protest, and some sections that undermine the right to protest or are just outdated.

The Gatherings Act says what protest organisers must do before a protest, and what the authorities must do, and also what they can’t do. It also says that authorities must allow people to exercise this right, and can’t just ‘ban’ people from protesting. When there are serious concerns that protest is going to be unsafe, the authorities must engage with the organisers to find a safe way for the protest to happen. Only in the most extreme cases can the authorities prohibit a gathering from going ahead.

But authorities often abuse this process.

## WHAT IS A GATHERING?

In the Gatherings Act, the word “gathering” has a specific meaning – **it is a march, picket or parade of 16 people or more in any public space, that expresses any form of contestation or is critical towards any person, company or government body.** A gathering requires prior notification to the relevant local authority – usually a designated person or office in the municipality.

## IS IT TRUE THAT I MUST GIVE NOTICE ABOUT A GATHERING?

The Gatherings Act says that if you are organising a gathering that will be 16 people or more, you must first notify the ‘responsible officer’ from the municipality. We call this “giving notice”. If the march, picket or protest will be attended by 15 people or less, it is called a “demonstration” and you **don’t need to give notice** to the local authorities.

“Giving notice” is not the same as “asking for permission”. You do not need “permission” to exercise your right to protest!

## WHEN MUST I NOTIFY THE MUNICIPALITY (HOW MANY DAYS)?

According to the Act, you must ideally notify the authorities **at least seven calendar days** before the protest. When seven days is **not possible**, you **can give less than seven days' notice** but you must also give reasons why it is late.

**BUT** you must give at least 48 hours' notice. If you give less than 48 hours' notice, your protest can be banned without reasons.

## HOW DO I GIVE NOTICE ABOUT A PROTEST?

The convener of the protest must fill out a form called "Notice under Regulation of Gatherings Act" and give it to the local authority. The notice form should be available at all municipality offices. You should be able to email, fax or hand it in.

You must give the following info:

- The name, address, and contact details of the convener and the deputy convener
- The name of the organisation and the main reason for the protest
- The time, date, and location of the protest
- How many people you think will attend
- How many marshals there will be and how they will be identified (e.g. red arm band)
- If you will be delivering a memorandum to someone, you must give their name and the location.
- If it is a march, you must also give information about the route, where and when it will start, and where and when it will end.
- You must say how people will get to the gathering place, and how they will disperse.
- You must also say what vehicles will be part of the procession

### SPECIAL PERMISSION FOR PROTESTS AT PARLIAMENT, THE UNION BUILDINGS OR COURTS

The Gatherings Act says there are three places where you DO need to get permission, not just give notice: within 100 metres of Parliament, the Union Buildings or a Court Building. The Act says you must get permission from these authorities:

- Parliament – Chief Magistrate of Cape Town [021 461 6282]
- Union Buildings – DG of the Presidency [012 300 5354]
- Court buildings – magistrate of the district

This is a big problem with the Gatherings Act, because it says you must get 'permission' from the institution that you are protesting against.

## AFTER I GIVE NOTICE, WHAT HAPPENS?

The metro police or municipality may ask you to come to a meeting to talk about your plans. We often call this a Section 4 meeting (because it is discussed in Section 4 of the Gatherings Act). They must invite you within 24 hours of getting your notice.

### WHAT IF I GIVE NOTICE AND NOBODY CONTACTS ME?

If the convener has given notice at least seven days before the protest, and does not hear from the local authority, the gathering is automatically legal. Make sure you keep a copy of the notice form and your proof of delivery and bring it to the protest.

But you must also watch out: in some municipalities, officials wait until the last day before your planned gathering to call you to a meeting, and then try to make you change your plans or cancel the gathering when you have almost no time to respond or to inform your community.

By law they are not supposed to do this, but when it happens it puts you in a difficult position. If you suspect the authorities are going to try to do this (for example if they have done it before), it might be a good idea to demand a meeting well ahead of the planned protest.

## WHAT HAPPENS AT THE SECTION 4 MEETING?

The Section 4 meeting is only meant to be about logistics, where the police and municipal officials can raise legitimate concerns about the safety of the protest.

If there are any concerns, there must be a discussion between all the people at the meeting to negotiate a safe way forward (e.g. by making a change to the planned route of the march, or start time). There must be a fair discussion involving everyone – but many protest organisers complain that it is a one-sided process.

One tactic that protest organisers have adopted is to go to the Section 4 meeting in a large delegation to give each other support and make sure the authorities don't intimidate or pressure the convenors.

## CAN THE AUTHORITIES 'BAN' OUR PROTEST?

### THE RESPONSIBLE OFFICER CAN ONLY PROHIBIT A PROTEST IF:

1. There are legitimate concerns that the protest will lead to injuries, serious property destruction, or serious disruption to traffic AND;

2. There has been a meeting with the conveners, and all efforts to negotiate a safe gathering have failed AND;
3. The convener gets written reasons for why the gathering can't go ahead AND;
4. The police or traffic police write an affidavit, swearing on oath that says that they have reasonable grounds to believe that your protest may endanger the safety of protesters or the public, cause bad damage to property, or badly disrupt traffic.

### WHAT HAPPENS IF A GATHERING IS PROHIBITED?

If a gathering has been prohibited and still goes ahead, it will be treated as illegal. Anybody who goes to a prohibited gathering is committing an offence.

But if you believe that your gathering should not have been prohibited, you may approach a Magistrate's Court or High Court and ask the magistrate or judge to overturn the prohibition and allow the gathering to go ahead.

This is a big challenge because you may need to get legal advice at the last minute. If you find yourself in this situation, contact one of the organisations listed at the back of this booklet to see if they can help.

### RULES FOR ENDING A GATHERING

When a gathering has taken place lawfully, it must disperse at the time that the organisers said it would. At the protest, if the police give an order to disperse, it is an offence to disobey them and you may be arrested or forcefully dispersed. However, the police must obey certain rules when doing this – see Section 2 of this booklet.

## HOW DO AUTHORITIES ABUSE THE GATHERINGS ACT?

In many municipalities, officials have adopted their own rules / bylaws that demand protesters to do extra things before allowing a protest to go ahead, which are not part of the Gatherings Act.

### THE GATHERINGS ACT DOES NOT REQUIRE YOU TO DO THE FOLLOWING THINGS:

- Get a letter of permission from the local councillor or traditional authority, or a confirmation letter from the body that you are protesting against
- Pay a fee to get approval for the protest, or pay a deposit or sign an indemnity in case of property damage.
- Express your concerns or demands through a different avenue than a protest – e.g. by being called to a meeting with the municipal manager or councillor.

The authorities DO NOT HAVE THE RIGHT to make people jump through extra hoops or even pay a fee before they exercise their right to protest! If you face any of these restrictions, get in touch with a lawyer or other comrades who can give advice. In some areas, local R2K structures are even campaigning against these practices because they are an attack on our right to protest!

## STRATEGY & TACTICS: USING AND CHALLENGING THE REGULATIONS OF GATHERINGS ACT

It's clear that, while many of the worst abuses of the Right to Protest are actually not lawful in terms of the Regulation of Gatherings Act, the Act itself does not do enough to promote the right to protest, and puts many restrictions on our ability to exercise a basic constitutional right. This could mean that it is unconstitutional.

At the time of updating this booklet (December 2015) there were several pending legal challenges to the Act – by the Social Justice Coalition in the Western Cape, and the Treatment Action Campaign and Section27 in the Free State. These efforts must be supported, to strike down unfair laws and practices that undermine the right to protest.

But does that mean we should ignore the Act? In some cases protesters have gone outside of the Gatherings Act and there have been no consequences. In many other cases, protesters have gone outside the Gatherings Act and faced serious consequences – police have unleashed terrible

violence on protesters, or arrested people. This leads to a long criminal trial, prosecution and a criminal record. All of these consequences can be destructive to an organisation and individual activists.

As a result many activists have taken a decision to use the Regulation of Gatherings Act tactically – to know the Act inside out, and get all of the possible legal protections for protesters, and ensure that police don't abuse our rights.

### NATIONAL KEY POINTS ACT

It is common for officials to tell you that you can't protest at a certain location because it is a National Key Point. There is nothing in the National Key Points Act that restricts your right to protest.

Sometimes officials will say a certain place is a National Key Point when this isn't true – either because they are misinformed or because they are misleading you. You can check a list of National Key Points that was released in January 2015 at [www.r2k.org.za/?p=4260](http://www.r2k.org.za/?p=4260)



## SECTION 2

# THE ROLE OF POLICE AT THE PROTEST

You may be surprised to learn that there are strict rules to limit the police's use of force against protesters.

## WHEN CAN THE POLICE USE VIOLENCE?

### THE RULES ARE CLEAR:

- The police may only use force against protesters when it is necessary to prevent injury or death to a person or destruction of property, and when negotiation and all other measures have failed;
- Before resorting to force, they must give two warnings in at least two languages, and give people reasonable time to disperse;
- They may only use the minimum possible force under the circumstances.

These rules must be followed whether or not the protest is perceived to be illegal.

### UNDERSTANDING THE LEGAL RESTRICTIONS IN DETAIL:

Police can only use force against protesters when attempts to negotiate have failed and there are "reasonable grounds" to believe that danger to people or property **cannot be averted through other action.**

But even then, before police resort to violence, they must first go through several steps. These are outlined in the Regulation of Gatherings Act and SAPS National Instruction 4:

1. If there is a serious safety risk, and attempts to negotiate a solution have failed, police must first put “defensive measures” in place.
2. Police must then give a public warning in at least two official languages that action will be taken against protesters if the defensive measures fail
3. Police must then bring forward the ‘reserve’ section of the police who are responsible for “offensive measures”. According to the regulations, this should be used as a deterrent against further violence – in other words, you should be able to see that the police are preparing to use force.
4. Police must then give a second public warning in at least two official languages for people to disperse peacefully, giving a reasonable time frame.

If participants have not dispersed after receiving these two warnings, in the time provided, the commanding officer may authorise the police to disperse members using minimum possible force under the circumstances. Any use of force must be geared towards de-escalating conflict.

The police can take immediate action against anyone trying to do serious injury to another person or do “serious” damage to property – using minimum possible force.

Except for personal defence, police can **only** use force under the orders of the operational commander.

**WHAT IS A DEFENSIVE MEASURE?** e.g. forming a barrier, negotiating, cordoning off, blocking, isolating, patrolling, escorting;

**WHAT IS AN OFFENSIVE MEASURE?** e.g. searching, pushing back, evacuating, encircling, dispersing protesters, using appropriate force.

## WHAT WEAPONS CAN POLICE USE?

According to SAPS National Instruction 4, all Public Order Police must be equipped with a shield, a tonfa (baton), pepper spray, stun grenades, a shotgun (rubber bullets), and a 9mm sidearm (live ammo).

### DURING CROWD MANAGEMENT OPERATIONS, THE FOLLOWING RESTRICTIONS APPLY:

- **Pepper spray and tear gas:** may not be used unless specifically ordered by the operational commander. May not be used at all in confined spaces or in a stadium.
- **Rubber bullets (fired from a shotgun):** may only be used to disperse a crowd “in extreme circumstances, if less forceful methods have proven ineffective”.
- **Sharp ammunition (i.e. live ammo):** may not be used in crowd management.
- **Stun grenades:** the National Instruction 4 is silent on the use of stun grenades. Police training manuals state this must never be thrown directly at protesters, and must be rolled to avoid injury.

Any SAPS member who breaks these rules is guilty of misconduct – you can lay a charge at the local SAPS station.

## IDENTIFYING THE POLICE

### PUBLIC ORDER POLICE

The Public Order Police (POP) are responsible for policing protests. Their training is meant to emphasise the importance of conflict resolution and de-escalation, even when being provoked by protesters.



- You can identify a member of the Public Order Policing by the red badge with gold SAPS insignia on their chest. For most other police, the badge is blue.
- The officer's name is at the top of the badge.
- All police are under orders to ensure their name badge is visible. Any police member who removes their badge to hide their identity is violating an order.

EVERY POLICE MEMBER, INCLUDING POP MEMBERS, ALSO DISPLAY THEIR RANK ON THEIR SHOULDER:

*Captain*



*Lieutenant*



*Warrant officer*



*Sergeant*



*Constable*



## ORDINARY POLICE

Ordinary SAPS members may also be present, especially as the first people to arrive at a protest if the authorities were not notified about it.

## TACTICAL UNITS / PARAMILITARY UNITS

In extreme cases, paramilitary units such as the Tactical Response Team may be called in to assist Public Order Police. You can identify Tactical Response members because they wear blue berets. When paramilitary units become involved in protests, it indicates that SAPS believes it has lost control or is about to lose control of the situation and intends to disperse the protest using force. The paramilitary units have a reputation for much more aggressive methods.

## CRIME INTELLIGENCE OFFICIALS?

In some cases there may be plain-clothes officers present in the crowd. These could be operatives from SAPS Crime Intelligence Division. They are there to gather information, and will not take part in crowd control or necessarily identify themselves as members of the police.

## WHY ARE THE POLICE FILMING ME AT A PROTEST?

It's common to see police filming, taking photos or taking notes at a protest. In terms of National Instruction 4, SAPS collects detailed information about events and participants at protests. All video footage must be handed in and preserved as evidence and for evaluation and training.

## CAN I FILM OR PHOTOGRAPH THE POLICE?

YES. Some officers may try to stop you, demand that you delete footage or try to confiscate your equipment. You should do whatever necessary to keep yourself safe, but there is NO LAWFUL prohibition on your right to photograph/film/record the police.

*For more information on this right, visit [r2k.org.za/filmthepolice](http://r2k.org.za/filmthepolice).*

## I'VE BEEN THE VICTIM OF POLICE BRUTALITY. WHAT SHOULD I DO?

- Get medical treatment as soon as possible
- If possible get the violence on video or camera.
- Get the name and rank of the officers involved
- Take photos of any injuries as soon as possible afterwards
- Get a doctor's report
- You can take the following legal and administrative action:
  - » Lay a charge against the Member at the local SAPS station
  - » Lodge a complaint with the Independent Police Investigative Directorate (IPID)
  - » Pursue a civil claim – i.e. sue the police

SAPS must notify IPID of any use of force at a protest. Separately, IPID is also obliged to investigate any complaint of assault against a SAPS member.



## SECTION 3

# ARRESTS AND COURT PROCESSES

## POSSIBILITY OF ARREST OR DETENTION

At any kind of protest, you may have to deal with the police, especially if there are large numbers of protesters. The police often detain or arrest activists at protests. If you are at a protest and one or more police officers start to ask you questions that you do not want to answer or that may jeopardise the gathering or its purpose, tell them you refuse to answer. Do this calmly and without making threatening gestures.

## WHAT CAN I BE CHARGED WITH?

The most common charge under the Gatherings Act is 'illegal gathering' – either convening a gathering without giving notice, or attending a gathering that has been prohibited. Often protesters may also be charged with public violence, malicious injury to property, and assault. These offences are part of common law, not the Gatherings Act.

**'Public violence'** is a very broadly defined the unlawful and intentional commission, together with a number of people, of an act which assumes serious dimensions and which is intended forcibly to disturb public peace and tranquillity or to invade the rights of others.

**'Malicious injury to property'** consists of unlawfully and intentionally damaging the property of another.

**'Assault'** consists of unlawfully and intentionally applying force to another person, or inspiring a belief in another person that force will be immediately applied to them. (Assault with intent to cause grievous bodily harm is another form of assault, where the accused caused or intended to cause serious injury.)

The Gatherings Act also states that in the event of riot damage, the conveners and their organisations may be liable for any costs, unless they can show that they were not involved in the damage or that they took reasonable steps to prevent it. This is a bad provision because it means the organiser of the protester may be held responsible for the actions of a few opportunists.

## ARRESTS DURING PROTESTS

You can be arrested if a police officer sees you commit an offence or has probable cause to believe that you were involved in committing a crime. If you are arrested, the police must tell you what crime or offence you are suspected to have committed. In practice, they do not always do this. The police have the right to search you and your belongings without your consent if you have been arrested.

## WHEN YOU ARE BEING ARRESTED

- Never resist a police officer when you are being arrested – resisting arrest can add another charge against you.
- Be aware that police are authorized to use reasonable force to arrest you.

## THE RIGHT TO REMAIN SILENT

Once you have been arrested, you are required to give the police your name and home address but not any further information. No matter what they may say to you, you do not have to give the police any further information about yourself, your activities or the organisations you are involved with. Anything you say may be used against yourself or one of your comrades in court.

Again, remember, you have the right to remain silent and not to be forced to make a confession.

1. If you are headed to a protest where you believe you may get arrested, bring proof of address as this can facilitate quicker bail if you get arrested.
2. If you put in a police van and still have your phone on you, send the following information to a friend or legal representative:
  - » the name of everyone that was arrested with you
  - » the name of the arresting officer
  - » which police station you are being taken to or the registration number of the police vehicle you are in
  - » the contact details of someone who lives with you

**EQUAL EDUCATION LAW CENTRE ADVISORY**



## 1. LEGAL STEPS FOLLOWING ARREST

These are the steps that should follow once you have been arrested.

### 1.1. TRANSPORT TO THE POLICE STATION OR PROCESSING CENTRE

The transport may be by squad car or police van, depending on the number of persons arrested at the same time. If it is a group arrest, do not talk about the event or anything sensitive to other persons who have been arrested even if there are no police officers nearby.

### 1.2. THE IDENTIFICATION PROCESS

You are required to give your name and address. A police officer will take your fingerprints and you will be photographed.

### 1.3. HOLDING CELL

You may be put in a cell before you are charged.

### 1.4. INTERROGATION

Interrogation is usually just a conversation that occurs in the police car or when you have been arrested. It may also take place in an interrogation room. If you have been arrested during a protest, do not answer any questions the police ask you besides stating your name and address until you have had a chance to speak to a lawyer. Just say: "I am going to remain silent."

### 1.5. BAIL FOR MINOR OFFENCES

For minor offences, such as trespassing and injury to property, “police bail” can be granted. In such cases, if you have the money you can agree with the investigating officer that you will pay a certain amount as bail. This amount will be confirmed at the official bail hearing in court.

You will have to pay this amount in cash. Make sure to get a receipt for the full amount you pay, signed by the police officer who takes the money from you.

#### STRATEGIES THE POLICE MAY USE TO GET YOU TO TALK:

**LIE:** “You are not a suspect, just help us, tell us what happened?”

**TRUTH:** If you were not a suspect, you would not have been arrested. The fact that you have been arrested means you are suspected of having broken the law.

**LIE:** “If you do not answer the questions, we will charge you with resisting arrest.”

**TRUTH:** They cannot charge you with resisting arrest when you have already been arrested. Above all, you have the protected right to remain silent.

**LIE:** “All your friends cooperated and were freed. You are the only one left.”

**TRUTH:** Being released does not mean that you or your friends will be freed of charges, and you have no way to know if and under what conditions your friends have been released.’



## 2. DETENTION

Detention is the brief period for which you are held in custody while the police decide whether there is enough evidence to charge you. According to the law, the police must show reasonable cause for suspecting that you have broken the law. During detention, the police have no right to demand information about comrades, your activities or any organisations you belong to. You have the right to remain silent. Be aware that anything you say, including to other detainees, can be used against you and your comrades in a court of law.

You have the right to consult a legal representative of your choice, and communicate with and be visited by a spouse or partner, next of kin, chosen religious counselor, and chosen medical practitioner.

You may only be detained for a maximum of 48 hours, excluding weekends and public holidays. So if you are arrested on a Thursday or Friday, you may be detained until Monday when you must appear in court or be released.





## 3. FIRST APPEARANCE IN COURT

### 3.1. APPOINTMENT OF LAWYER

You have the right to a public defender (a lawyer appointed by the state) only at the stage of plea and trial, not for your bail application.

### 3.2. ARRAIGNMENT

This is the first step of a criminal prosecution. You are brought before the court to hear the charges against you. The charges are made by the prosecutor, who represents the State during the proceedings. After hearing the charges, you will be asked to enter a plea – either “guilty” or “not guilty”.

- **Pleading guilty:** You should not plead guilty until you have consulted a lawyer. You can change your plea later if you need to. It is the responsibility of the prosecutor to prove beyond reasonable doubt that you committed the offence you have been charged with. You do not have to prove that you did not commit the crime.
- **Plea bargain:** You can enter into a “plea bargain” with the prosecutor. A plea bargain is a negotiated agreement between you and the prosecutor in which you plead guilty in return for a sentence that you and the prosecutor agree on.

### 3.3. BAIL HEARING

First of all, the court must decide whether to keep you in custody until the trial. If the court decides to release you, it may do so on warning or bail. This means that the court trusts that you will return when you are called, and paying bail requires you to deposit a sum of money as security. The court will keep the deposit if you do not show up for all hearings until the case is completed. If you have a previous conviction or if the charge is serious, the bail hearing should be postponed for at least a week in order for you to prepare a formal written bail application and for the state to further investigate whether to recommend your release on bail. If you are not represented by a lawyer at your bail application, you should make a strong case for why you are not a “flight risk” (which means you will not run away or go into hiding if you are released) or a danger to other witnesses or to society and, therefore, should be granted bail. Remember, bail is not granted automatically.

If you have been arrested and want to apply for bail, you should clearly state all of the following that are applicable. These factors can help you get released on bail:

- You have no previous convictions
- You have a fixed residential address
- You are employed,
- Personal circumstances such as your age, income and number of dependents
- You are a person of good character



## 4. SENTENCING

If you make a plea bargain, the judge confirms the sentence that you and the prosecutor have jointly agreed on.

In the case of a plea bargain, the offences to which you plead guilty must be fewer in number and/or less serious than those with which you were charged. Also, the sentence should be shorter and less serious than the one you would have been at risk of getting if found guilty without a plea bargain.

If you are found guilty, you can plead for “mitigation,” or lessening of sentence. The following factors are considered as “mitigating factors,” or factors that can help reduce the sentence:

- Remorse (if you pleaded guilty, cooperated with the police, made a confession and expressed regret for your actions)
- Personal circumstances (your age in case you are very young or very old, whether you have dependents, your income and the adverse effect of the sentence on you and your dependents)
- No previous convictions (if this was your first offence)

## SECTION 4

# STRATEGIES TO PROTECT YOUR RIGHT TO PROTEST

## BEFORE THE SECTION 4 MEETING

- Plan as much as possible in your own organisation first. Decide on details such as the start and end time, the route, and how many people will come to support
- Notify the authorities that you will be having a protest as soon as possible rather than the last minute.
- Keep a copy of the notice form, as well as other documents passed between you and the authorities
- If you will be handing a petition or memorandum to someone at the protest, make sure you tell them before the protest
- It's advisable not to protest on Fridays in case you get arrested – unless you want to spend the weekend in jail!

## AT THE SECTION 4 MEETING

- Some organisations invite other experienced comrades to attend the meeting with them, to avoid being outnumbered or intimidated.
- At the start of the meeting, write down the name of each official.
- It's a good idea to record the meeting on your phone, in case any of the officials make a threat or say something that you can use in court. Let them know!
- If you think that the authorities may try to stop the protest from going ahead, alert a lawyer or a trusted comrade so you can call them during the meeting to get advice. If your march gets prohibited and you need a lawyer to challenge it in court, they also need as much warning as possible.
- If the authorities try to ban the protest, **you must get the reasons in writing.**

## AT THE PROTEST

- Make sure you have a copy of the notice form you submitted, and any other documents
- Keep a copy of R2K's Right to Protest handbook
- Make sure your marshals are well-organised and know the plan
- Make sure nobody at your protest is doing anything to disrupt or cause violence
- Be ready to take photos or video of any police brutality or other abuses
- No matter what the law says about your rights, if police demand that you do something and are threatening to arrest you or beat you up, **do what they say**. Keeping yourself and your comrades safe should be your first priority.
- Make sure you have lawyers, journalists or other comrades who you can call or SMS if you need help.

## USEFUL CONTACTS

### RIGHT2KNOW CAMPAIGN

National: 073 904 1626  
Western Cape: 021 447 1000  
Gauteng: 073 904 1626  
KZN: 083 498 1583

### CENTRE FOR APPLIED LEGAL STUDIES

011 717 8600

### FREEDOM OF EXPRESSION INSTITUTE (FXI)

011-482-1913

### SOCIO-ECONOMIC RIGHTS INSTITUTE OF SOUTH AFRICA (SERI)

011-356 5860

### LEGAL RESOURCES CENTRE

Johannesburg: 011 836 9831  
Cape Town: 021 481 3000  
Durban: 031 301 7572  
Grahamstown: 046 622 9230

### PROBONO.ORG

011 339 6080

### LAWYERS FOR HUMAN RIGHTS

012 320 2943

Find your local community advice office: [www.nadcao.org.za](http://www.nadcao.org.za)

**THE RIGHT TO PROTEST IS AN  
IMPORTANT WAY FOR PEOPLE  
TO SPEAK OUT ABOUT ISSUES  
THAT MATTER TO THEM AND  
MAKE SURE THAT PEOPLE  
IN POWER LISTEN TO THEIR  
CONCERNS.**

The Right2Know Campaign is proud to produce a new edition of this activist guide, which builds on the work of many struggles that have come before us. More than ever, all who live and work in South Africa need to not only know these rights but be able to exercise them.



**RIGHT2KNOW**

[www.r2k.org.za](http://www.r2k.org.za) | [@r2kcampaign](https://twitter.com/r2kcampaign) | Facebook: Right2Know Campaign