

WHAT TO DO WHEN YOUR HOUSE IS SEARCHED

- 1) Ask for the IDENTITY NO. and the NAME and RANK of the searching officer(s), especially if they are not in uniform. Make a note of these details. Include the date and time of their arrival.
- 2) Especially if you are alone and female it is legitimate to refuse entry until the ID card(s) have been pushed under the door or shown through a window. If this is refused phone the flying squad immediately. When such strange knocks occur, it is advisable to check out who it is first. On discovery immediately phone a friend and ask him/her to come over immediately and to contact a lawyer.
- 3) Ask the officers for a search warrant. Usually they must have a warrant, although in some cases they can search without a warrant. The Criminal Procedure Act, Security Legislation and the Emergency Regulations all make provision for search without a warrant.
- 4) Don't let a search take place without you or someone else you trust ACCOMPANYING the searching officer(s). It is your property and you have this right. Use it. In other words don't allow them out of your sight for one second while they are on your property. There is always the danger of drugs or other material being planted. This is an absolutely crucial point.
- 5) RECEIPTS must be given for anything removed from the premises. It is advisable to have a pen and pad during the search for you to record in as much detail as possible all the items that they are seizing. When the official receipt is written out, insist that every item is described properly and in detail, eg magazine, box, book, pamphlet is absolutely meaning less. You cannot in court claim these things back because you can't prove exactly what they were, ie it allows for disputes to arise and you will lose out. In other words insist on everything being described in detail on the receipt even if it takes all night. Inform them that everything they are seizing is of value and use to you and that you want them returned in the very near future. When signing the receipt, write this on the receipt. Often the police don't return your goods because they say they are valueless and they can easily and freely be obtained. It is necessary to point out to them that this is generally not the case.
- 6) You do not have to go to a police station to get a receipt. A

A valid receipt can be written on a blank piece of paper. It is valid if it:

- a) properly describes all the items seized
 - b) is dated and has the time of seizure
 - c) is signed by the seizing officer - who will state clearly his name, number and rank
 - d) states under what authority, regulation in law such items are being seized
 - e) is signed by yourself
 - f) is in duplicate - one copy for them, one for yourself.
- ensure that all the above is contained on the receipt.
- 7) Insist on the receipt being written and handed over to you personally immediately after the search. It would be illegal and allow for tampering if the receipt was only made out after some time after the seized goods are under their control.
 - 8) On the receipt make further note as to the physical conditions of the items seized, especially valuable items such as posters etc. Often goods are returned in a shocking condition and it is then difficult to prove that they were in a good condition prior to the search.
 - 9) Usually a search is intimidating even when it is clear that no-one is going to be detained. You may find yourself being totally confused with questions or demands or threats or just the physical presence of those searching. This can be confusing and disorientating. Be aware of what is happening so that you can control your reactions.
 - 10) By law, the only information you have to give the police is your name and address. YOU SHOULD NOT GIVE OTHER INFORMATION, unless your lawyer is with you. However, where such answers are not of much consequence to anyone - and a refusal to answer would result in a detention - then one must assess the situation on the spot. In such a case an answer would obviously be appropriate.
 - 11) YOU DO NOT HAVE TO SIGN ANY STATEMENT. No law or regulation says you have to. You do not have to MAKE a statement. If you decide to state your refusal to make your statement, cross out all your blank space on the page after you have finished writing.
 - 12) If questioning turns into an interrogation session, remind the

officer concerned that he has no power to do so and in fact must arrest or detain you first. Do not however provoke them and bear in mind the comments made in point 10. If they insist that you go elsewhere to make out a receipt or to discuss things - then point out the above mentioned point. Inform the officer that you will regard such a trip as an arrest and detention and ask him under what law you are being detained.

13) If you think your house might be searched ensure that nothing is left around that you don't want confiscated. Keep duplicates of valuables. Keep your house in order. Because the security police cannot find anything illegal in our ECC activities, they will look for other ways to bust us. A favourite way is to raid houses and search for banned literature and drugs. So make sure your house is clean.

14) On their departure - make a mental note of the vehicles they were driving - type, colour, registration. Record this in your notebook/pad. If there were irregularities this may assist the police in their investigations in quickly identifying those concerned. During the search make mental notes of the physical features of the searchers - after their departure jot these down next to their names, numbers and rank. If there were irregularities it may be useful to include descriptions in affidavits subsequently made.

Collection Number: AG1977

END CONSCRIPTION CAMPAIGN (ECC)

PUBLISHER:

Publisher:- Historical Papers Research Archive

Location:- Johannesburg

©2013

LEGAL NOTICES:

Copyright Notice: All materials on the Historical Papers website are protected by South African copyright law and may not be reproduced, distributed, transmitted, displayed, or otherwise published in any format, without the prior written permission of the copyright owner.

Disclaimer and Terms of Use: Provided that you maintain all copyright and other notices contained therein, you may download material (one machine readable copy and one print copy per page) for your personal and/or educational non-commercial use only.

People using these records relating to the archives of Historical Papers, The Library, University of the Witwatersrand, Johannesburg, are reminded that such records sometimes contain material which is uncorroborated, inaccurate, distorted or untrue. While these digital records are true facsimiles of paper documents and the information contained herein is obtained from sources believed to be accurate and reliable, Historical Papers, University of the Witwatersrand has not independently verified their content. Consequently, the University is not responsible for any errors or omissions and excludes any and all liability for any errors in or omissions from the information on the website or any related information on third party websites accessible from this website.

This document is part of a collection held at the Historical Papers Research Archive at The University of the Witwatersrand, Johannesburg, South Africa.