

AP21

Book 2 H/21

# YOUR LEGAL RIGHTS

2. Ask to see his Identity Document.  
 3. The policeman must inform you of the cause of your arrest.  
 Do not resist arrest:  
 A policeman can use force in arresting you and can shoot you if you try to escape. Once you have been arrested, you may be kept at a police station for 48 hours before being brought to court. At the police station you will be charged and a warrant for your detention will be made out.

## LEGAL ASSISTANCE:

1. Tell the police at the charge office that you want to see a lawyer.
2. If there is any difficulty ask to see a senior police officer.
3. You have a right to see a lawyer.
4. If you cannot afford a lawyer, ask the police to phone the Legal Aid Board who will find you a lawyer without charge.
5. Do not sign any statement till you have seen your lawyer.
6. If you do not know a lawyer, you or your family should ask your parish priest, catechist or minister to tell you how to find a lawyer.

## STATEMENTS:

1. You have a right to remain silent.
2. Do not sign any statement till you have seen your lawyer.
3. If you cannot read and write, tell the police but do not put your thumbprints on any pieces of paper.
4. It is NOT TRUE that your sentence will be lighter if you make a statement.

## IN COURT: YOU WILL BE ASKED TO PLEAD.

If you have committed the act you are charged with, it does not always mean you are legally guilty as there may be other factors such as self-defence.

So always plead not guilty until you have spoken with your lawyer who will advise you whether to plead guilty or not guilty.

You may be asked to give an explanation once you have pleaded not guilty. Then tell the court you will explain why you have pleaded not

guilty when you have spoken with your lawyer.

## BAIL:

It is your right to ask for bail but you may not get it. If your crime is serious only a magistrate can give you bail. **IMPORTANT - YOU YOURSELF MUST ASK FOR BAIL.** A magistrate cannot give you bail unless you ask for it.

## DETENTION:

### HOW YOUR FAMILY OR FRIENDS CAN HELP YOU.

1. They should go to the police headquarters in your area. They should ask what Act you are being held under. They should find out where you are being held.
2. They should try to get bail for you. They should go to the Clerk of the Criminal Court in which you appeared and ask him to arrange bail for you. It is important for them to contact the investigating officer. He can be the most helpful person in getting bail for you.
3. They should try to get a lawyer for you as soon as possible.
4. They should look for you at a police station during the time before you are brought to court.
5. After you have appeared in court, they should look for you at a prison or jail.
6. While you are being detained, they should bring you food parcels and clean clothes and visit you.
7. The jail officials have a duty to write to your family to tell them where you are. You are allowed to write to them too. (If you are held under Section 8 or Section 22 you do not have any of the rights mentioned in the last 2 paragraphs).

### SECTION 10 OF THE INTERNAL SECURITY ACT:

1. This is "preventive detention". The Minister of Justice may detain you for a stated length of time.
2. A Review Committee chosen by the Minister will review your case within 60 days of your detention and every 6 months after that. You or anyone else, (your family, priests, ministers, friends) may write to the Review Committee, through the Secretary of Justice. The Minister has to say what the recommendation of the Review Committee is, but he does not have to follow it.

3. Section 10 detainees are allowed visitors, food parcels, radios and newspapers and can write and receive letters.

### Section 6 of the Terrorism Act:

1. If you are being held under Section 6, a policeman with the rank of lieutenant-colonel, colonel or brigadier can detain you for interrogation in solitary confinement. He can detain

you until in his opinion you have answered his questions satisfactorily.

2. The police do not have to tell your relatives where you are being held.

You ARE NOT allowed to see a lawyer or any one except prison or police employees.

3. Your only rights are:
- (a) To write to the Minister of Justice about your detention;
  - (b) To receive a visit from a magistrate at least once every two weeks;
  - (c) To be given a Bible.

4. You should ask to see a priest or minister.

### SECTION 22 OF THE GENERAL LAWS AMENDMENT ACT:

Detention under Section 22 is almost the same as detention under Section 6. The only difference is that the period of detention under Section 22 is limited to 14 days. After the 14-day period has expired, the detention order has to be renewed in court.

Sometimes the person is detained under Section 6. That type of re-detention does not require a court appearance.

### ILLNESS DURING DETENTION:

If you are sick tell the police. They should arrange for a doctor to give you proper treatment. If you do not get proper medical treatment, ask your relatives to tell your lawyer immediately.

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AZAPO

# BLACK SOLIDARITY

DON'T BETRAY OR SABOTAGE THE MOVEMENT OF THE PEOPLE.  
 THE MOVEMENT OF THE PEOPLE CANNOT BE KILLED

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