

## KNOW YOUR RIGHTS UNDER LOCKDOWN!

Written by Administrator -

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### KNOW YOUR RIGHTS UNDER LOCKDOWN! ATTENTION: ALL MUSALLIS

Should members of the South African Police Services (SAPS) arrive at the masjid and attempt to close the masjid immediately, on the basis that they allege a contravention of the **Regulations issued under Section 27 (2) of the Disaster Management Act, 2002**, the following applies:

*An enforcement officer must, where a gathering in contravention of the regulations takes place:*

*(a) Order the persons at the gathering to disperse immediately, and*

*(b) If the persons refuse to disperse, take appropriate action which may, subject to the Criminal Procedure Act, 1977 (Act No 51 of 1977) include the arrest and detention of any person at the gathering.*

**If members of SAPS arrive at the masjid where you are praying, you have the following rights:**

1. Explain to the police official in charge that according to the Regulations, SAPS does **NOT** have the power to close the masjid.
2. Request an opportunity to contact your legal representative **IMMEDIATELY** !

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3. If the SAPS officials insist that the masjid must be closed, they **MUST** first issue a warning to everyone present to disperse.

4. After being warned, should anyone refuse to disperse, the SAPS may take steps to accompany you to the police station to issue a warning to you to appear in court, alternatively, to take appropriate steps such as arrest to secure your attendance at court.

5. If persons disperse after the warning has been issued then SAPS may **NOT** take further action.

6. If any person is arrested, their constitutional rights **MUST** be read out to them by the arresting officer. There is no need for pointing out other people or providing a statement immediately.

7. Section 35 of the Constitution states: *a. to remain silent;*

*b. to be informed promptly of the (i) right to remain silent; and (ii) of the consequences of not remaining silent;*

*c. not to be compelled to make any confession or admission that could be used as evidence against that person;*

*d. to be brought before a court as soon as reasonably possible, but not later than (i) 48 hours after the arrest; or (ii) the end of the first court day after the expiry of the 48 hours, if the 48 hours expire outside ordinary court hours or on a day which is not an ordinary court day;*

*e. at the first court appearance after being arrested, to be charged or to be informed of the reason for the detention to continue, or to be released; and*

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*f. to be released from detention if the interests of justice permit, subject to reasonable conditions.*

*g. At all times, arrested and detained persons have a right to choose and consult with legal representation.*

*All persons that have been arrested for allegedly committing an offence have the right:*

8. Should you require any legal assistance, please call one of the following emergency numbers:

1. YOUSHA TAYOB 082 926 5408 (JHB)
2. YUSUF ISMAIL 083 708 3413 (JHB)
3. YUSUF DOCKRAT 082 789 8449 (JHB)
4. ZAHEER ADAM 082 576 0802 (JHB)
5. ABDUR RAHEEM KAZI 083 786 9015 (DBN)
6. MOHAMED SALI 082 464 0567 (JHB)
7. MOULANA MOHAMED YUSUF SALOOJEE 083 226 8555 (JHB)

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