

The right to protest:

A handbook for protestors and police



The Freedom of Expression Institute
21st Floor Sable Centre
41 De Korte Street
Braamfontein, Johannesburg
+27 11 403 8403

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Freedom of Expression Institute

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PLEASE NOTE that this handbook is simply to give people information, it is not official legal advice. This means that if we made any mistakes in the handbook, the people who wrote it cannot be held responsible. Also be aware that the law may have changed since we wrote this handbook.

The handbook has not been officially approved by any local, provincial or national government authority.

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The Freedom of Expression Institute
21st Floor Sable Centre
41 De Korte Street
Braamfontein, Johannesburg
Tel: +27 11 403 8403

Original document written by Simon Delaney, Freedom of Expression Institute
This plain language English version researched and written by Anne Harley, Ruth Modipa and Britt Sable, Centre for Adult Education, University of KwaZulu-Natal; and Henry Seton, Freedom of Expression Institute
Illustrations by Kathy Arbuckle, Centre for Adult Education, University of KwaZulu-Natal

Cover photograph: Residents of the Princess Crossing informal settlement march through the streets of Johannesburg demanding that the housing department address their housing issue, Thursday 14 June 2007. Pic: Halden Krog. 14/06/2007. (c) The Times

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The right to protest:



These people helped us to write the book:

System Cele
Thina Khanyile
Marriette Kikine
Makoma Lekalakala
Thelumusa Lembede
Mluleki Lugayeni
William Maila
Thabang Makhele
Minenhle Mbatha
Nelly Mgenge
Ntombifuthi Mkhelho
Louisa Motha
Zodwa Nsibandé
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Some people also shared their experiences of protesting with us - the people of Maandagshoek and of South Durban, and the KwaZulu-Natal Subsistence Fishermen Forum.

We also got some help from the South African Police Services and the Johannesburg Metro Police Department.

We would like to thank them all very much for their help.

About this handbook

This handbook is for community activists, people who work for newspapers, television and radio, local authorities (like local councils and metro councils) and the police. The handbook gives information about the laws about protesting in South Africa, especially the Regulation of Gatherings Act - but it is important to remember that there are other laws that have to do with protesting. For example, if you are a member of a trade union and you want to protest about something to do with work, then there are laws like the Labour Relations Act you must also follow. If you are a member of the police, there are other laws you have to follow, like the Criminal Procedures Act.

This handbook was first written by a lawyer at the Freedom of Expression Institute (FXI). FXI then asked the Centre for Adult Education (CAE) at the University of KwaZulu-Natal to make it easier to read. FXI and CAE held workshops with people from communities and organisations who have been involved in protests to find out about their own experiences of protesting and what they thought other communities and organisations should know about protesting and the law. People from communities and organisations who have not been involved in protests also came to the workshops, to talk about what they had heard about the law, and what they wanted to know about the law.

If you would like to tell us what you think of this handbook, and how to make it better, you can contact us at the address on the cover.

How to read this book

On the next page you will see a list of things that are in this book, and the number of the page where you can find information about them.

We have put many different stories from real protests in this handbook to help explain the laws. We have explained the difficult words used in the laws on the side of the page where those words are written. We have put information about who could help you, or where you could get more information about the things on a page, on the side of that page. We have also put in checklists to help you check that you have done what you need to do.

What is in this handbook

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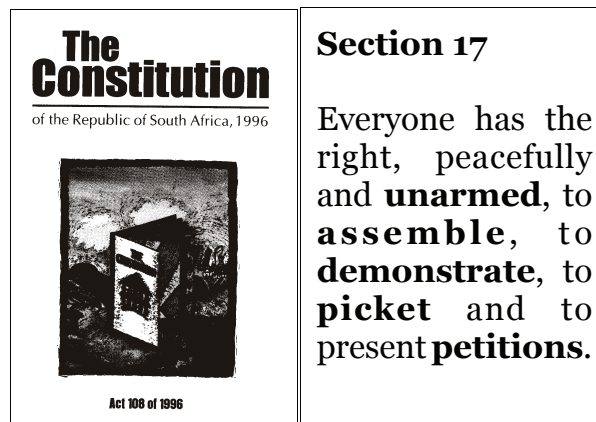
Why we wrote this handbook

There were nearly 11 000 protests in South Africa last year. This means there are about 30 every day. Most of the protests are peaceful, but sometimes, protests become violent.



But I thought we had a right to protest!

We do have a right to protest - a right that we fought for in the struggle against apartheid.



So the Constitution says we have a right to protest, as long as we do it peacefully. The old apartheid laws that made it hard for people to gather and protest have now gone. And the new law, The **Regulation of Gatherings Act**, says that “every person has the right to assemble with other persons and to **express** his views on any matter freely in public and to enjoy the protection of the State while doing so”.

So why do protests become violent?
Why do protestors and police fight?



Part of the problem is that the protestors or the police sometimes do not follow the laws about protesting. The Regulation of Gatherings Act tries to help both protestors and police. It tells both sides what they should do, and how they should do it. It tries to make sure that they talk about the protest before it happens, and work out a way to make it peaceful.

FXI tried to find out why there are problems with protests even though there is this law. We found out that sometimes the protestors or the police do not know what the law says, or use the law the wrong way. So we wrote this book to help police and protestors know about the law, and how to use it.

Where did the Regulation of Gatherings Act come from?

In 1991 there was a lot of political violence in South Africa. The President at that time, F.W. de Klerk, set up the Goldstone Commission of Inquiry to look at why this was happening, and what could be done about it. The Goldstone Commission made suggestions about what they thought should happen. One of these suggestions was that there should be a new law about public protests and gatherings that would help as the country worked towards the first democratic elections. So a new law, the **Regulation of Gatherings Act**, was written, and became law on 14 January 1994 (although it only started being used in November 1996).

The people who wrote the Act only meant for it to help during the time of elections. They did not mean for it to last forever. They said that they thought there were mistakes in the new law, and that it could be made better, but that because there was not a lot of time before the election, it should become law and then be changed later.

The main reason for the Act was "to regulate the holding of public gatherings and **demonstrations** at certain places; and to provide for matters connected therewith". That means the Act was there so everyone would know what they could and could not do while they held a gathering or demonstration.

This handbook talks about what this Act says - but it is important to remember that there are also other laws that have to do with gathering and protesting. We will talk a little bit about these other laws, too.

Words you might not know:

- unarmed** - not carrying any weapon, for example a gun or knife.
- assemble** - when people gather or get together in a place.
- demonstrate** - a protest to show how you feel about something. In South African law, it means a protest with 15 or less people.
- picket** - a protest where protesters stand in a particular place to try to stop others from entering (for example, non-strikers going to work), or to make sure those entering know what they are protesting about.
- petitions** - documents asking someone to do something, usually signed by many people.
- Regulation** - rule or law about something.
- Gatherings** - In South African law, a protest of 16 people or more together in the same public place.
- express** - say what you think or feel.

What does the law say?

Words you might not know:
unarmed - not carrying any weapons, for example a gun or knife.
assemble - when people gather or get together in a place.
demonstrate - a protest to show how you feel about something. In South African law, it means a protest with 15 or less people.



The law talks about

- who can protest
- where you can protest
- how you can protest
- what you have to do before you gather
- what you have to do during your gathering
- what happens if you or anyone else breaks the law.

Who can protest?

As we have seen, Section 17 of the Constitution of our country says that "everyone has the right, peacefully and **unarmed**, to **assemble**, to **demonstrate**, to **picket** and to present **petitions**". And the Regulation of Gatherings Act says "every person has the right to assemble with other persons and to **express** his views on any matter freely in public and to enjoy the protection of the State while doing so".

So anyone and everyone can protest, even if they are not a South African citizen. BUT, if there are 16 or more of you, then your protest is called a **gathering**, and there are special rules that you have to follow. We will talk about these rules later.

Words you might not know:
picket - a protest where protesters stand in a particular place to try to stop others from entering (for example, non-strikers going to work), or to make sure those entering know what they are protesting about.

Real stories

In August 2007, the Concerned Residents of Soweto, People Opposing Women Abuse (POWA), Positive Women's Network, Forum for the Empowerment of Women, One in Nine Campaign, the Joint Working Group, and the 07-07-07 Campaign, held a joint protest about the murder of two **lesbians**, Sizakele Sigasa and Salome Massoa.

In January 2006, thousands of people living in Mabopane, outside Tshwane, gathered to protest about bad services in the area.

In August 2005, members of the Treatment Action Campaign (TAC) held a march at the Frontier Hospital in Queenstown to protest about the slowness in giving HIV positive people anti-retroviral treatment.

Where can you protest?

You cannot protest on someone else's land (like shopping malls or convention centres), if they have not given you permission. So the Act is about protests that happen at places that are outdoors and public (like roads, parks, public open places). But the Act says there are even some public places you are not allowed to gather unless you have special **permission**:

- ✗ You are not allowed to gather closer than 100 metres (about as long as a soccer field) to a court, unless it is a Saturday, Sunday or public holiday, or you have written permission from a magistrate.
- ✗ You are not allowed to gather in or near Parliament in Cape Town, unless you have written permission from the Chief Magistrate of Cape Town.
- ✗ You are not allowed to gather in or near the Union Buildings in Pretoria/Tshwane, unless you have written permission from the Director General: Office of the State President.

There might also be laws in your town and city about places that are owned by the local council (for example, soccer stadiums). You can find out about these laws from the local council.

Real stories

In the protest about the murder of Sizakele Sigasa and Salome Massoa, people gathered at Meadowlands Stadium in Soweto, and then marched to Meadowlands Police Station to **picket**, read messages of support, and give a **memorandum** to the station commissioner asking for a good **investigation** into the murders.

During the **public servants** strike in 2007, Union members gathered outside schools and hospitals to picket.

In March 2005, residents of Kennedy Road informal settlement in Durban blocked the N2 to protest that land they had been promised by the council had been given away.

In September 2007 farm workers, small farmers, and people who live on farms gathered next to the main taxi rank in Grahamstown, before toyi-toying into town, holding placards. They were protesting about the bad conditions on farms.

Words you might not know:

petitions - documents asking someone to do something, usually signed by many people.

express - say what you think or feel.

gathering - 16 people or more together in the same public place.

lesbian - a woman who likes another woman in a sexual way.

permission - to be allowed to do something.

picket - a protest where protesters stand in a particular place to try to stop others from entering (for example, non-strikers going to work), or to make sure those entering know what they are protesting about.

memorandum - something in writing about what you are protesting about.

investigation - looking into, examining, finding facts.

public servants - people employed by the government, for example teachers, nurses, government officials.

Words you might not know:

assemblies -

people gathered together in a place.

processions -

people moving together (for example, people walking or marching together).

sit-ins -

to sit down in a particular place and refuse to move.

picketing -

protesting by standing in a particular place to try to stop others from entering (for example, non-strikers going to work), or to make sure those entering know what they are protesting about.

vigils -

A kind of protest where people stand silently, often with candles, keeping watch.

blockades -

putting things in the way (for example, in a road) so nothing and no-one can get through.

illegal -

against the law.

permission -

to be allowed to do something.

Alternative -

another/different.

How can you protest?

As we have already seen in the stories of real protests, there are many different ways that people gather to protest - **assemblies**, demonstrations, gatherings, marches, **processions**, mass meetings, **sit-ins**, **picketing**, **vigils**, road **blockades**, and so on. Road blockades are **illegal**. Sit-ins are illegal unless you have **permission** from the person who owns the place where you do the sit-in. But other protests are legal as long as you follow the law.

Real stories

APF affiliates block main road through Soweto this morning in protest against pre-paid water meters

This morning (Tuesday 5th October) over 400 people from the APF affiliates - the Soweto Electricity Crisis Committee and the Phiri Concerned Residents Committee - blocked the main road through Soweto (Old Potch Road) for over an hour to protest against the forcible installation of pre-paid water meters in Soweto. Scores of heavily armed police, wielding batons and firing stun grenades, eventually broke-up the blockade. In the process 11 comrades were arrested on charges of 'public violence' - they have been taken to the Moroka Police Station where a sizeable crowd of comrades are presently attempting to negotiate their release.

www.mg.co.za

In November 2004, students at the University of KwaZulu-Natal went to a meeting with the University management to talk about their worries that they might be forced out of the University. The meeting did not go well, and the students went into the office of the Vice-Chancellor (the head of the University) and refused to leave. This kind of protest is called a sit-in.

In September 2007, the Treatment Action Campaign (TAC), the National Education, Health and Allied Workers Union (NEHAWU), Cosatu, the People's Health Movement, The SA Municipal Workers' Union, the Groote Schuur Crisis Committee and the **Alternative** Information and Development Centre (AIDC), held a candlelight vigil outside Groote Schuur Hospital in Cape Town to protest about the hospital closing 60 beds.

BUT, remember that if there are 16 or more of you, there are special rules you have to follow. We will talk about what these are and how you follow them on the next pages.

What must you do BEFORE the gathering?

If there are 16 or more of you, then your protest is called a gathering, and you must tell the local authority (local council or metro council). You can read about how to do this on this page. If there are 15 or less of you, then your protest is called a demonstration, and you do not have to tell the local council - but you still have to follow rules. You can read about these on page 20.

1 The person who is organising the gathering (called the ‘**convener**’) must tell the local council what you plan to do as early before the protest as you can. This is called ‘giving notice’. The law says you should do this at least 7 days before the protest. If you cannot tell them at least 7 days before, you must tell them why you were not able to give notice earlier. You must tell them at least 48 hours (2 days) before the gathering. It is important to tell the local council as early as possible. This is because sometimes different people want to protest on the same day. This can cause problems.

You must give notice to the local council in writing, and it must be signed by the convener (if you are not able to write, someone at the local council must help you do this). You can use a special form to give notice. Different local councils use different forms, so you should ask your own local council for the one they use. But in law any notice that has all the things that need to be in it is fine (you can find a list on page 11).

Who should you give the notice to?

You must give the notice to the person in the local council who is responsible for this (in charge of this). This person is called the ‘**responsible officer**’. If there is not such a person, or you cannot find out who the person is, you must give it to the chief executive officer (CEO) or the person below him/her. This person is then the ‘responsible officer’. If there is no local council in your area or it is not working, you should give your notice to the magistrate of the district where you will be gathering. The magistrate will then be the ‘responsible officer’ for the gathering.

If a member of the SAPS gets information that there will be a gathering, and he or she thinks the local council does not know about it, he or she must tell the local council.

Words you might not know:

convener - the person who is the leader of the gathering, and is organising it.
responsible officer - the person from the local council who is supposed to take care of gatherings.

How do you give the notice?

You can go to the council offices, and give it to the person; or you can post it to them; or you can fax it to them.



Make sure you keep a copy of your notice. Make sure you have proof that you gave it to the local council or magistrate or police. Proof means something like a fax **receipt** if you faxed it, or a receipt from the post office if you sent it by registered mail, or the signature of the person you gave it to if you **delivered** it by hand. If you faxed your notice, it is a good idea to check that they got it - local councils get lots of papers, and it could easily get lost.

But isn't having to give notice against the Constitution?
The Constitution says anyone can protest; but the Act seems to say **only** if you tell the local council, and **only** if you tell it long before. It sounds to us a lot like having to ask for **permission!**



'Giving notice' should not be about asking permission - it should just be letting the local council know that you are using your **constitutional** right.

What must be in your notice?

Your notice MUST have:

- a. The name, address, telephone/fax number of the **convener**, and the person under him or her (called the '**deputy**').
- b. The name of the organisation holding the gathering, if it is an organisation which will be holding the gathering.
- c. The reason or reasons why you want to have the gathering.
- d. The time and date when the gathering will happen, and how long it will be.
- e. Where it will happen.
- f. How many people you think will be there.
- g. How many marshals (the people who will be responsible for things like making sure everyone does what they are supposed to do) there will be, how people will know they are marshals, and their names, if you are able to give them. The Act does not say how many marshals there must be, but it is a good idea to have about 1 marshal for every 10 protestors.
- h. If you did not hand your notice in at least 7 days before, the reason why you were not able to do this.
- i. If you plan to hand over a document like a **petition** or a **memorandum**, where you will do this and who you will give it to. Remember to tell the person you plan to give it to, and to tell them as soon as possible. Tell them in writing, and keep a copy, so you have proof that you have told them.
- j. If you will march or move from one place to another:
 - you must say exactly where you will go, and how you will get there - which streets you will go down to get there,
 - you must say where and when people will gather, and when they will start moving,
 - you must say where and when the march will end, and where people will **disperse** (leave) from,
 - you must say how people will get to the gathering place, and how they will disperse,
 - you must say the number and type of vehicles (eg. cars, buses, taxis) that will be there.

Words you might not know:

receipt - something in writing that says that something has been done, for example a piece of paper that says a fax has been sent.

delivered - handed over something.

permission - to be allowed to do something.

constitutional - to do with the Constitution.

convener - the person who is the leader of the gathering, and is organising it.

deputy - the person just under the convener/leader, the next person in charge.

petition - document asking someone to do something, usually signed by many people.

memorandum - something in writing about what you are protesting about.

disperse - to leave, sometimes in different directions.

There is an example of a notice on the next page.

Notice Under Regulation of Gatherings Act

The Responsible Officer

Inspector Isaac Maake

Johannesburg Metropolitan Police Department

I am aware of the provisions of the Regulation of Gatherings Act, 1993 (Act No. 205 of 1993) and wish to notify you in terms of section 3 of the Act of an intended gathering. The particulars are as follows:

1. CONVENER

	Name	Address	Telephone Number	Other Numbers
Convener	Petros Mafude	39 Phule Street	011 555555	N/A
Deputy Convener	Dudu Khoza	1008 Evaton S.	011 655665	N/A

2. ORGANIZATION

The convener is acting on behalf of the (state the full name of the organization)

Freedom of Expression Network (FXN)

3. THE GATHERING

3.1 The purpose of the gathering is to

To protest and draw awareness to the misimplementation of the Regulation of Gatherings Act.

3.2 The gathering will be held

Time	Date	Duration
11.00 am	30/08/07	4 hours

3.3 The venue for the gathering is (give full particulars of the place)

The corner of De Korte and Station Streets, Braamfontein AND
The Gauteng Legislature (corner of Market and Rissik Streets, City Centre)

3.4 We anticipate (number) 1 500 of participants to attend the gathering.

3.5 We appointed (number) 150 marshals. The list of names of these marshals is enclosed on a separate sheet of paper. The marshals shall be made identifiable in the following manner:

Red armbands

- 3.6 If the gathering is in the form of a procession or march
- 3.6.1 If the gathering is in the form of a procession or march, state the exact and complete route of the procession (attach separate sheet of paper if necessary):

From corner of Station + De Korte streets north to Jorissen Street. Turn right and proceed east on Jorissen. Turn right at Bertha and head south over Mandela Bridge. Turn left at Market and proceed east until arriving at Gauteng Legislature at corner of Market and Rissik Streets.

- 3.6.2 The participants will assemble at (time) 11.00am at (place) the corner of De Korte and Station streets, Braamfontein
- 3.6.3 The procession will commence at (time) 12.00am at (place) as above
- 3.6.4 The procession will end at (time) 14.30pm at (place) Gauteng Legislature, Market + Rissik Streets and the participants will disperse (time) 15.00pm
- 3.6.5 The participants will be transported to the place of assembly by (state mode of transport) buses and from the point of dispersal by buses
- 3.6.6 The number and types of vehicles to form part of the procession are one car with sound system.
- 3.6.7 If the procession should pass within a radius of 100 metre from a court building, attach the written permission from the magistrate.

4. TIME OF NOTICE

If notice is given later than seven days before the gathering, state reasons why notice was not given in a timely manner.

5. PETITIONS

We wish to hand over a petition to (name or designation of person to receive the memorandum)

Safety and Security Minister Charles Ngakula

at (place where petition must be handed over)

Gauteng Legislature (corner of Market + Rissik Streets, City Centre)

The above person was notified on 20/08/07 (date) at Via Fax (place) of the above arrangement.

6. OTHER FACTS PERTAINING TO THE GATHERING

State what arrangements have been made for:

- 6.1 Parking for vehicles and buses Buses to be parked in Braamfontein

2 The Act says that when a **responsible officer** gets given notice of a gathering, he or she must talk to the police about the plans, and whether these need to be changed in any way. The person from the police is called the ‘**authorised member**’. Remember that different groups might want to protest on the same day; so it might be a good idea to change the day of a protest, or where it happens, or what time. But it is hard to change plans, so any changes need to be done very quickly. If the plans need to be changed, the responsible officer must ask the **convener** to come to a meeting. If the plans do not need to be changed, then the responsible officer must tell the convener that the gathering can go ahead as planned. The responsible officer must tell the convener these things within 24 hours of getting the notice.

a. If the local council says and does nothing

If you do not hear anything from the local council within 24 hours of them getting the notice, then you can go ahead with your gathering as you said you would in your notice.

Real story

A shack-dwellers’ movement leader faxed notice to the local council that they planned to march. He called to check that they had got the notice. They were not asked to come to a meeting, so they went ahead with their protest. At the start of the march, the police said that the march was illegal because the convener did not come to a **Section 4 meeting**. This is against the Act - if you do not hear anything from the local council within 24 hours, you can go ahead as you planned. The leader showed the police the copy of the faxed notice, and said they had not heard anything in 24 hours. The police let the march go on.

b. If the local council agrees that the gathering can go ahead as you planned

If the local council says it agrees with your plans, you can go ahead with your gathering as you said you would in your notice. But you must follow the plans you wrote in your notice. If you need to change your plans, you must tell the local council as soon as possible to see if you can make a change. But if the local council does not agree, or you do not do what you said you would do, you have gone against the law and you could be arrested.

Real story

In May 2007, the KwaZulu-Natal **Subsistence Fishermen** Forum held a picket to protest that they could no longer fish at Durban Bay, piers and beaches. They had asked for a meeting with Transnet and the National Ports Authority to talk about this, but this did not work. They gave their notice on time, and were given permission. They did everything they said they would. A petition was given to someone from Transnet.

Words you might not know:

responsible officer - the person from the local council who is supposed to take care of gatherings.

authorised member - the member of the police who is supposed to take care of gatherings.

c. If the local council asks you to come to a meeting to discuss your plans

The local council may ask you to come to a meeting to talk about your plans. This is called a **Section 4 meeting**.

The local council must ask you to do this within 24 hours of getting your notice - otherwise you can go ahead with your gathering as you said you would in your notice.



The **responsible officer** in the local council can invite the **authorised member** (from the police) to come to this meeting. You should always go to this meeting if you are asked. If you do not go to the meeting, then the local council and the police can meet without you. They can decide on changes to your plans, and you must then do what they say.

If you go to the meeting, you must be prepared to discuss any changes that the local council or the police suggest. The meeting must take place in good faith. This means that everyone should try to work things out fairly and not be difficult.

The local council or the police may ask you to give more information than is in your notice. You should give this information if you think this is reasonable. For example, if you say that people will get to the gathering on buses, the local council could ask you where the buses will park. This is a reasonable thing to ask, because the buses need to park somewhere, and they could block traffic. If you say you plan to hand a **memorandum** to the mayor, the local council could ask for proof that you have told the mayor this. But the local council cannot ask you for proof that the mayor will be there, since this is not something you have control over. It is not reasonable for them to ban songs, vuvuzelas or whistles at your protest.

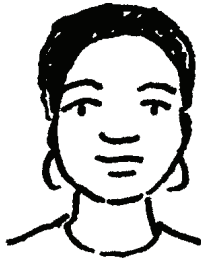
Words you might not know:

convener - the person who is the leader of the gathering, and is organising it.

Section 4 meeting - the meeting between the convener, the responsible officer, and the authorised member (i.e. the organisation that wants to protest, the local council, and the police). Sometimes called a 'golden triangle meeting'.

Subsistence Fishermen - fishing only enough to live, not to make lots of money.

memorandum - something in writing about what you are protesting about.



What happens if the local council asks us to change our plans in a way we think is completely unfair?

If the local council and/or the police ask you to change your plans, you should talk to them about this and try to agree. But if you cannot agree, and the local council and/or the police say you must change your plans, you have to listen to them OR ask a judge to **overrule** what they want. This means that the judge says that what the council or police are asking is unfair, and that they cannot ask it. You can read about how to do this on page 18.

There are also other things you might be asked. It is reasonable for the local council or the police to ask you for a copy of your ID book, but they cannot keep it. It is not reasonable for them to ask you for money.

Real stories

When Abahlali baseMjondolo gave notice to the eThekweni council that they planned to march on 28 September 2007, the convener was asked to come to a **Section 4 meeting**. At the meeting, the **responsible officer** asked Abahlali to change the times of their march. Abahlali agreed to do this, although they were not happy about it, because the responsible authority said that the march would be **prohibited** if they did not agree to the changes.

In July 2007 communities in South Durban protested about explosions, fires, and leaking gas at an ENGEN refinery which was harming people in the area. The local council has not used the laws to stop this. The South Durban Community Environmental Alliance handed in their notice on time, and were asked to come to a meeting. They said in the notice that they wanted to picket at all the ENGEN refinery gates. The police asked them to only picket at the main gate, and they agreed (although they said it was their right to picket at all the gates).

d. If the local council prohibits the gathering (says it cannot take place)



The Act says that the local council can **prohibit** your protest. BUT, it can only do this if ALL of these 3 things happen:

1. They have had a meeting with the **convener**, and the **responsible officer**, the police, and the convener have not agreed about the plans.
2. They have good information, which has been given under oath (that is, someone has sworn that he or she is telling the truth) that you may:
 - badly disturb traffic (cars and/or people),
 - hurt or harm people in the gathering or other people,
 - cause bad damage to property, for example to shops or cars or houses.
3. The police say that they would not be able to stop these problems (disturbing the traffic, or hurting people, or bad damage) from happening.

Remember that your protest can also be **prohibited** if you did not give 48 hours notice.

If your protest is prohibited, you must be told that it has been prohibited and why it has been prohibited. The letter telling you this must be given to the convener by hand. If it cannot be given by hand, then it must be put in a newspaper or some other public way so the convener will definitely see it.

Real stories

In November 2005, residents of Foreman Road in Durban gave notice to the eThekweni council that they wanted to march and hand over a **memorandum** to the mayor. The council **prohibited** the march because there would be no-one from the mayor's office to give the memorandum to. This is illegal. The Act says a gathering can only be prohibited because of all of the 3 things listed above.

The Landless People's Movement (LPM) has had 2 gatherings prohibited. Both times, LPM gave their notice to the council 7 days before, as they were supposed to. The first time, the council prohibited the gathering as soon as they got the notice. This is illegal. The Act says a gathering can only be prohibited after a Section 4 meeting has happened.

Words you might not know:

overrule -

when someone who has more power says that their decision is the one that counts, and not the decision made by someone with less power.

Section 4 meeting -

the meeting between the convener, the responsible officer, and the authorised member (i.e. the organisation that wants to protest, the local council, and the police). Sometimes called a 'golden triangle meeting'.

responsible officer -

the person from the local council who is supposed to take care of gatherings.

prohibited -

prevented, stopped, not allowed.

convener -

the person who is the leader of the gathering, and is organising it.

memorandum -

something in writing about what you are protesting about.

How to appeal

Words you might not know:

prohibited - prevented, stopped, not allowed.

overrule - when someone who has more power says that their decision is the one that counts, and not the decision made by someone with less power.

urgent - must happen very soon.

application - to ask for a decision.

legal - allowed by law.

If a gathering is **prohibited**, the only thing you can do is to ask a judge or a magistrate to **overrule** the local council. Remember that you can also ask for a judge or magistrate to overrule a change to your plans that you think is unfair. This is called ‘appealing’.

- 1** You must go to your local magistrate or high court within 24 hours of being told in writing that your protest is prohibited.
- 2** You must tell the clerk (in a magistrate’s court) or the registrar (in a high court) that you want to make an **urgent application** for permission to march.
- 3** The clerk or registrar will help you to do this.
- 4** You can also contact one of the organisations in the ‘Who can help’ box on pages 23 and 24 for help.

The Act says that if a magistrate or judge agrees with the local council that a gathering cannot go ahead, then the police can stop that gathering from happening.

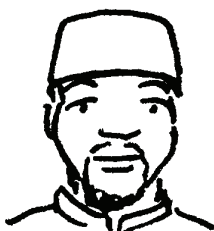
Real stories

In February 2006, the shackdwellers movement Abahlali baseMjondolo gave notice to the eThekweni council that they planned to march. The council **prohibited** the march.

Abahlali asked the Durban High Court to overrule the council and allow the march to go ahead. The court agreed that the march should be allowed to go ahead, and said that the council had been wrong to prohibit the march.

The judge said:

- that the march was **legal**;
- that the police should not do anything to stop the march or make it difficult for people to march;
- that the council should have to pay Abahlali’s legal costs.



But many small organisations can’t pay for a lawyer! This makes it very hard to use our right to gather, and to say what we think!

Preparing for Gathering Checklist

You can use this checklist when you plan and get ready for a gathering. This list helps you check that you have done everything that the Regulation of Gatherings Act says you need to do.

- You have given notice to the local council at least 7 days before the gathering, or, if you cannot give 7 days notice, at least 48 hours before the gathering (you can use the example of a notice on pages 12 and 13 to help you).
- You have decided who the marshals (the people who will be responsible for things like making sure everyone does what they are supposed to do) are and they know that they will be the marshals.
- The marshals have some kind of clothing or arm bands that makes them stand out from the others, so everyone can see that they are marshals.
- The convener and his or her deputy have been to a meeting with the police and local council, if they were asked to do this. They have changed the plans for the gathering if they were asked to, and if the changes were fair.
- The marshals have been told of any changes that have been made to the plans.
- You have done everything that you are able to do to make sure that everyone who will be in the gathering:
 - follows the law about carrying dangerous weapons (you can read more about this on the next page);
 - is not dressed like someone from the police or the army;
 - is not wearing a mask or something that hides their face so you cannot see who the person is.
- Someone has told the local council if the gathering will not be happening after all, or if it will be held on another day.
- You have made an appeal to a magistrate or judge, if the local council said that the gathering cannot take place, or if the local council wants your plan changed in a way that you think is not fair.
- You have kept copies of everything to do with the gathering (like the notice you gave to the local council, letters from the local council or police, proof that you faxed or posted something, anything to do with any appeal you made to a magistrate or judge), and written down what happened at any meetings, or in any phone calls you had with the local council or police or magistrate. Make sure you write down the dates that things happened.

Words you might not know:

marshals - the people who will be responsible for things like making sure everyone does what they are supposed to do.



What do you have to do AT the protest?

1 You must make sure the **marshals** know what you said you would do in your notice, and any changes to your plans that were made at a Section 4 meeting (see page 15).

2 You must make sure everyone can see who the marshals are, for example by the clothes they are wearing.

You must follow the rest of these rules even if you are having a demonstration (of 15 people or less), not only if you are having a gathering (of 16 people or more).

3 You must make sure the people involved in the gathering or demonstration:

- X** do not break the law about dangerous weapons.
- X** do not wear clothes that make them look like police or soldiers, or wear masks or anything that will make it difficult to see who they are. They can wear face paint, but only if it does not make it hard to see who they are.
- X** do not block the entry to hospitals, fire stations and other emergency buildings. You can block the entry to other buildings only if there is another way that people can easily get in or out of the building.

4 You cannot force anyone to be a part of the gathering. For example, you cannot make someone who was watching your march march with you.

5 You cannot say or sing anything, or carry something with writing on it, like a placard or a banner or a poster, that might cause hatred or violence to anyone or any group of people because of their race, their language, their religion, the fact that they are a man or a woman, or their culture. For example, you can say, “Phansi {the name of a person}”, but you cannot say “Kill the {the name of group of people, like women, or Muslims, or White people}”.

6 You cannot say or do anything that is likely to cause violence against anyone, and you cannot do anything which stops peace or goes against the rights of others. This is called ‘public violence’.

The law about dangerous weapons

You may not carry a weapon that could seriously hurt someone if it was used against him or her. You may not carry something that looks so much like a gun that most people would think it was a gun. You also may not carry traditional weapons such as knobkerries.

Protest Checklist

You can use this checklist during your protest, or afterwards. This list helps you check that you have done everything that the Regulation of Gatherings Act says you need to do.

- You have a copy of your notice, and of any other documents to do with your protest (for example, a letter from the local council saying you can protest, or any changes that were made to your plans, or a document from the judge or the magistrate, if you appealed and you won).
- You have a copy of this handbook, and, if possible, a copy of the Regulation of Gatherings Act.
- You have enough marshals (1 marshal for every 10 people at your gathering), and they know what is supposed to happen, and any changes that have been made to the plans.
- The marshals are wearing some kind of clothing or arm bands that makes them stand out from the others, so everyone can see that they are marshals.
- No-one at the protest:
 - is breaking the law about carrying dangerous weapons (you can read more about this on page 20);
 - is dressed like someone from the police or the army;
 - is wearing a mask or paint or anything else that hides their face so you cannot see who the person is.
- No-one is blocking the entry to hospitals, fire stations and other emergency buildings. No-one is blocking the entry to any other building unless there is another way that people can easily get in or out of the building.
- No-one is forcing anyone else to be a part of the gathering/protest/march.
- No-one is singing anything, or saying anything, or shouting anything, or carrying a placard or a poster that might cause hatred or violence.
- No-one is saying or doing anything else that might cause violence.

What happens if someone breaks the law?

Words you might not know:

water cannon - large container that shoots water out, used by the police to make people disperse.

disperse - to leave, sometimes in different directions.

found guilty - a judge or magistrate says you did do the things the police said you did.

attention - get the person to notice, to see what is going on.

convener - the person who is the leader of the gathering, and is organising it.

deputy - the person just under the convener/leader, the next person in charge.

official languages - the 11 languages in South Africa that should be used by the government - English, Afrikaans, isiNdebele, isiXhosa, Sesotho, Sepedi, Setswana, siSwati, Tshivenda, Xitsonga and isiZulu.

command - in charge of, authority.

It seems that both protestors and police sometimes do things they are not supposed to do.

Real stories

In May 2007, the community from the greater Maandagshoek area protested against mining companies starting to mine on their land. They did not give notice, because they held the protest on their tribal land. They placed stones on the community road to stop mining vehicles from coming onto the land. The police arrived and arrested 18 people for public violence. The people were kept in prison for 7 days without going to court.

In August 2005, the Treatment Action Campaign held a protest at Frontier Hospital in Queenstown. They had permission to protest, but were not allowed to go into the hospital. But they did go into the hospital. The police dispersed the protestors. TAC said they used too much force.

In February 2007, the Freedom of Expression Institute and social movements held a picket against the SABC. There were less than 15 protestors, so they did not have to give notice. The police tried to stop the protest. The protestors would not stop, and they were attacked by the police, and one person was badly hurt.

The Landless People's Movement in Johannesburg planned a march in Pretoria to give a memorandum to the Department of Housing. They planned to use trains to get to Pretoria and back. But on the day of the march, the train to Pretoria was more than an hour late. The convener called the police in Pretoria to tell them about this problem. The police said it would be fine for them to start the march an hour and a half late. The march happened peacefully.



Sometimes, protestors do not give notice properly, or do not follow the law about where they can protest, or do not do what they are supposed to do during a gathering.

Sometimes, the police try to stop legal protests, or do not follow the law about how to disperse people.



If the protestors break the law:

If you protest, you have to follow the rules of the Regulation of Gatherings Act that we have talked about in this handbook. If there are 16 or more of you, you have to give notice that you plan to protest, and do what you said you would do in your notice (for example, you must **disperse** when you said you would, even if the person you were planning to give a document to has not come yet). If you need to change your plans on the day of the march, you should tell the local council and the police and see if they will agree. But they do not have to agree. If they do not agree, and you do change your plans, you can be arrested. You could get a fine of up to R20 000 and/or have to go to jail for up to one year, if you are **found guilty**.

At a protest, only a police officer who is a Warrant Officer or above can disperse the protestors. This officer can only do this if he or she has good reasons to believe that there will be danger to people or property if the protest goes on. To disperse the gathering he or she can/must:



- ✓ try to get the **attention** of the best people, like the **convener** or his or her **deputy** (for example, by going up to him or her or calling him or her);
- ✓ order them in a loud voice in at least two **official languages** (and, if he or she can, in the language spoken by most people in the protest) to disperse within a reasonable time (i.e. they must have enough time to leave);
- ✓ if, after that time, they have not dispersed or have not started to disperse, he or she can order the police under his or her **command** to disperse the people. The police are allowed to use force such as rubber bullets and water cannons, but only as much force as is actually needed at that time to disperse people. So usually, the police are not allowed to use weapons that could cause bad injury or death - but if the protestors are very violent, the police can use whatever they need, including metal bullets, to prevent other people from being hurt, or bad damage to property.

Who can help?

Centre for Applied Legal Studies

Private Bag 3
Wits University
2050 South Africa
Tel: (011) 717 8600
Fax: (011) 403 2341

Freedom of Expression Institute

21st Floor, Sable Centre
41 De Korte Street
Braamfontein,
Johannesburg 2017
Tel: (011) 403 8403
Fax: (011) 339 4109

Lawyers for Human Rights

Pretoria

357 Visagie Street
Pretoria 0002
Tel: (012) 320 2943
Fax: (011) 339 2665

Johannesburg

23 Jorissen Street
Braamfontein 2001
Tel: (011) 339 1960
Fax: (012) 320 2949

Durban

20th Diakonia Avenue
Durban 4001
Tel: (031) 301 0531
Fax: (031) 301 0538

Stellenbosch

P.O. Box 719
Stellenbosch 7599
Tel: (021) 887 1003
Fax: (021) 883 3302

Who can help?

Legal Resources Centre

Cape Town

5th Floor
Greenmarket Place
54 Shortmarket Street
Cape Town 8001
Tel: (021) 423 8285
Fax: (021) 423 0935

Durban

71 Ecumenical Centre
20 St Andrews Street
Durban 4001
Tel: (031) 301 7572
Fax: (031) 304 2823

Grahamstown

116 High Street
Grahamstown 6139
Tel: (046) 622 9230
Fax: (046) 622 3933

Johannesburg

4th Floor
Elizabeth House
18 Pritchard Street
Johannesburg 2000
Tel: (011) 836 9831
Fax: (011) 836 8680

Pretoria

5th Floor
Centenary House
Bureau Lane
Pretoria 0002
Tel: (012) 323 7673
Fax: (012) 321 6680

If you are arrested

The law says that the police can ONLY arrest you if:

- they want to charge you (officially say you broke the law) and take you to court or
- if they are investigating (looking into, finding facts about) something, and they think you might have had something to do with it.

There are also rules that the police must follow when they arrest you:

- ✓ The police must tell you that you are being arrested. If the police ask you to come with them to the police station, you do not have to go unless they arrest you.
- ✓ The police must make sure you cannot run away. So if you try to run away, or stop them from arresting you, they can use force. But they can only use as much force as they need to stop you from running away. This is why it is better not to try to stop them from arresting you.
- ✓ The police officer must tell you why you are being arrested (what crime you have done), unless you are actually doing a crime at the time they arrest you.

If the police do not follow these rules, then they have broken the law. So if the police arrest you and there is no good reason for them to think you have done something wrong, or if they arrest you just to scare you, they have broken the law. If the police did not tell you that you were being arrested, and you were not doing anything wrong, then they have broken the law.

Look at the checklist on page 26 to see what you should do if you are arrested. If the police arrest you, you can usually pay bail money to the police or the court, and go home until the date of your court case.

Going to court

You must be taken to court within 48 hours of being arrested. If the 48 hours ends after 4 pm on a weekday, then you must be taken to court on the next day, before 4 pm. If the 48 hours ends on a weekend or a public holiday, then they must take you to court on the first court day, before 4 pm. If you are not taken to court within 48 hours, the police are breaking the law.

This is an example of the form you should be given by the police if you are arrested during a gathering. You should be given the form at the police station. It tells you why you have been arrested, and what your rights are.

SERIAL NUMBER
H 742051

English

NOTICE OF RIGHTS IN TERMS OF THE CONSTITUTION

(SECTION 35 OF ACT NO. 108 OF 1996)

(1) You are being detained for the following reason:
1. PUBLIC VIOLENCE
2. GATHERING ACTS - SEC 205

(2) As a person who is detained you have the following rights:

- (a) you have the right to consult with a legal practitioner of your choice or, should you so prefer, to apply to the Legal Aid Board to be provided by the State with the services of a legal practitioner;
- (b) you have the right to challenge the lawfulness of your detention in person before a court of law and to be released if such detention is unlawful;
- (c) you have the right to be detained under conditions consonant with human dignity, which shall include at least the provision of adequate accommodation, nutrition, reading material and medical treatment at state expense; and
- (d) you have the right to be given the opportunity to communicate with, and be visited by, your spouse or partner, next-of-kin, religious counsellor and a medical practitioner of your choice.

(3) As a person arrested for the alleged commission of an offence, you have the following rights:

- (a) you have the right to remain silent and anything you say may be recorded and may be used as evidence against you;
- (b) you are not compelled to make a confession or admission which could be used in evidence against you;
- (c) you have the right to be brought before a court as soon as reasonably possible but not later than 48 hours after your arrest or 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;
- (d) you have the right, at the first court appearance after your arrest, to be informed of the reason for your continued detention, or to be released; and
- (e) you have the right to be released from detention if the interests of justice permit, subject to reasonable conditions.

(4) You can exercise all the abovementioned rights at any stage during your detention.

CERTIFICATE BY DETAINEE

I, _____ (name of detainee) hereby certify that I have been informed in _____ (state language) of my rights in terms of the Constitution as set out above by _____ (name of person who informed the detainee) and that I understand the contents thereof.

DATE: 2007-09-28 (Informed) TIME: 15:00 (Informed) PLACE: SYDENHAM (Informed)

SOUTH AFRICAN POLICE SERVICE
 2007-09-28
SYDENHAM

SIGNATURE/THUMBPRINT OF DETAINEE: _____
 SIGNATURE OF PERSON WHO INFORMED THE DETAINEE: TOUBRIZI SIKET CN. KHATHI

CERTIFICATE BY THIRD PERSON AS WITNESS (if required)

I, _____ (name of member) hereby certify that _____ (name of detainee) has been informed in my presence in _____ (state language) of his/her rights in terms of the Constitution as set out above by _____ (name of person who informed the detainee) and that the contents thereof has been explained to him/her but that he/she refuses to sign the above certificate.

DATE: _____ (Informed) TIME: _____ (Informed) PLACE: _____ (Informed)

SIGNATURE OF THIRD PERSON _____

Conflict with Police/Arrest Checklist

You can use this checklist if you have been questioned by or arrested by the police. This list helps you check that you have done everything that the Regulation of Gatherings Act says you need to do, and that the police have done everything they are supposed to do.

- You have been polite (not rude) and have shown respect to the police BUT you have told the police that you know what your rights are.
- You have been very careful about what you say to the police. Anything you say may be used against you in court. The only information you have to give is your name and home address. You have the right to not say anything else, no matter what questions they ask. But you must show your identity book if they ask for it.
- You have said nothing to other protestors if you are arrested. Anything you say can be used against you in court.
- You have not fought with the police or refused to be arrested if the police try to arrest you. The police have the right to use reasonable force to arrest you (this means they can use as much force as they need to).
- The police have given you a form to sign that says why you are being arrested, and that tells you your rights.
- You have been to court within 48 hours of your arrest, not including weekends and holidays. The Constitution says that this is your right.
- You have asked to see a lawyer as soon as possible after you arrive at the police station. If you do not know a lawyer, then ask to see your family and ask them to get you a lawyer. If you do not have money to pay for a lawyer, the government will pay for one. This is called Legal Aid. The Constitution says that this is your right.
- You have kept copies of everything to do with the police and your arrest (like the arrest form you signed, any videos or pictures, anything your lawyer gave you) and written down what happened at any meetings with the police or prosecutor (the lawyer who argues on the side of the police). Make sure you write down the dates that things happened.

Who can help?

Legal Aid Board

Head office

Tel: (012) 481 2700

Fax: (012) 341 8747

Bloemfontein (051) 447 2136

Cape Town (021) 236 398/9

Durban (031) 304 3162

East London (0431) 420 245

Johannesburg (011) 836 0421

Port Elizabeth (041) 542 724

Bail Proceeding Checklist

This checklist deals with what happens if you are arrested and need to apply for bail (money you pay so that you do not have to go to jail before you go to court). You should know about bail BEFORE you have your protest so that you can make plans if you need to get it. The government does not have to give you a lawyer to help you get bail.

- You have got all possible information about the arrest of the person wanting bail, including:
 - when, where, and why they were arrested.
 - what crime they were arrested for.
 - what police station they are held at, and who the investigating officer (the police officer responsible for the case) is.
 - when they are going to appear in court.

- You have got all possible information about the person wanting bail, including:
 - his or her full name and the address where he or she lives.
 - where he or she works, and how long he or she has worked there.
 - whether the person has been arrested before, and if he or she was found guilty.
 - whether the person is poor or rich, and how many people (children and adults) need the person's money to live.
 - something to show that the person is a good person, for example that he or she works hard, cares for his or her family and community, goes to church.

- You have found out the day and time the person will go to court - the police station should have this information. Never be late for or miss a court hearing. If you do not arrive on time or come on the day, a warrant for your arrest may be issued, and you may also lose your bail money.

- If the person is arrested for something that is not very serious, the police or prosecutor can give bail without the person having to go to court - the police station should be able to tell you this. If a magistrate or judge has to decide if the person should get bail, he or she will think about:
 - if the person will be a danger to anyone.
 - if the person will run away or not come to court when he or she is supposed to.
 - if the person will tell witnesses to say something that is not true, or threaten them or make them scared.
 - if the person will hide or get rid of things that could be used in court against them (like a gun or knife).
 - if the person will do anything to try to stop the proper court process from happening.
 - if letting the person go on bail will cause violence (for example, because other people are very angry that the person has been let out).

- You have kept copies of everything to do with the bail (like bail applications, court papers, and police records), as well as the things listed above.

If the police break the law:

There are 4 things you can do if you think that the police have broken the law. You can find out about each of these things on the next few pages. However, in the past these things have not always worked for people who try to complain about police. So it is a very good idea to ask one of the organisations in the ‘Who can help?’ boxes on pages 23 and 24 for help if you want to complain about the police. Whatever you do, it is very important that you get and keep as much information as you can about what happened, like a doctor’s report if you have been beaten, and photographs.

a. Complaining to the Independent Complaints Directorate

The Independent Complaints Directorate (ICD) deals only with complaints about the police. It was set up by the government to investigate when police do something seriously wrong. It is not part of the police. You can write to the ICD at the address on this page (you should write to the office that is in your province).

When you write to the ICD with a complaint, you should send copies of any papers to do with what you are complaining about.

b. Complaining to the police

If you believe that a police officer acted wrongly, you can complain about him or her to the police.

If you want to complain about a police officer, you must find out his or her name, and the name of the police station where he or she is from. You can phone the station commissioner of the police station and say that you want to complain. You can also go to the police station and speak to the station commissioner. All complaints will be written down (or, if you complain over the telephone, recorded) so that there is a record of all complaints that have been made about police. This means that if you complain about a police officer, the police cannot later say you did not complain.

If the station commissioner does not help you, or does not help you enough, then you can complain to the provincial commissioner. The police station you complained to must give you the name, telephone number and address of the provincial commissioner.

Who can help?

Independent Complaints Directorate

Head Office

Private Bag X 941
Pretoria 0001
Tel: (012) 392 0400
Fax: (012) 320 3116/7

Regional Office - Western Cape

Private Bag X 9173
Cape Town 8000
Tel: (021) 480 2000
Fax: (021) 426 0705

Regional Office - Free State

Private Bag X 20708
Bloemfontein 9300
Tel: (051) 406 6800
Fax: (051) 430 8852

Regional Office - Northern Cape

Private Bag X 6105
Kimberly 8301
Tel: (053) 807 5100
Fax: (053) 832 5615

Regional Office - KwaZulu-Natal

Private Bag X 54303
Durban 4000
Tel: (031) 310 1300
Fax: (031) 305 8214

c. Laying a criminal charge against the police

If you think the police broke the law in the way that they arrested you, or if you were hurt by the police, then you can lay a criminal charge against the police (officially say they broke the law).

- 1** Ask to see a lawyer as soon as possible after you arrive at the police station. If you do not know a lawyer, then ask to see your family and ask them to get you a lawyer. If you do not have money to pay for a lawyer, the government will pay for one. This is called Legal Aid. The Constitution says that this is your right.
- 2** If you have been hurt, see a doctor as soon as possible. If you have been arrested, ask to see a doctor (this will be the district surgeon, who is paid by the government). This is your right. Make sure you write down the doctor's name. Make sure the doctor makes a medical report. You will use this in the criminal case against the police.
- 3** Make a statement (a written document, that you sign is true) to a lawyer as soon as possible. They will help you to lay a charge against the police officer or officers who hurt you.
- 4** If you are charged, tell the judge or magistrate as soon as you get to court that you were hurt by the police. If the police would not let you see a lawyer or a doctor, tell the magistrate or judge this. Then these things are written down in the court record, and will be part of the evidence (what the judge looks at to finally decide).

One of the organisations in the 'Who can help?' boxes on pages 23 and 24 can help you lay the charge.

d. Making a civil claim against the police

This is when you take the police to court to ask for money to pay you for the harm the police have done to you. (When you lay a criminal charge, you do not get any money). This is also called suing. You sue the Minister of Safety and Security, because the Minister is responsible for anything that is done by a police man or woman while they are on duty (doing their official work).

To sue the police, you need to get help from a lawyer. One of the organisations in the 'Who can help?' boxes on pages 23 and 24 can help you. You must sue within 12 months of when the police harmed you, including 1 month's notice that you are going to sue.

Who can help?

Independent Complaints Directorate continued

**Regional Office -
North West Province**
Private Bag X 2017
Mafikeng 2745
Tel: (018) 397 2500
Fax: (018) 381 1495

**Regional Office -
Gauteng**
Private Bag X 25
Johannesburg 2000
Tel: (011) 220 1500
Fax: (011) 333 2705

**Regional Office -
Eastern Cape**
Private Bag X 7491
King Williams Town
5600
Tel: (043) 604 3500
Fax: (043) 604 3535

**Regional Office -
Limpopo Province**
Private Bag X 9525
Polokwane 0700
Tel: (015) 291 9800
Fax: (015) 295 3409

**Regional Office -
Mpumalanga**
Private Bag X 11325
Nelspruit 1200
Tel: (013) 754 1000
Fax: (013) 752 2602

Conclusion

As we have seen, we have a right to come together and say what we think about things in our country - a right to protest. We fought hard for this right in our struggle for democracy. But having the right to protest does not mean that we can do what we like. The law, and especially the Regulation of Gatherings Act, says how we can protest in a way that prevents problems and violence - what protestors have to do, what local councils have to do, and what police have to do.

As we have seen, protests often happen peacefully, with no problems. But protestors, local councils, and police sometimes do things they are not supposed to do, and this can cause problems.

The Constitution and our right to protest peacefully is for all of us - rich and poor, black and white, protestors and police. We have to keep struggling for this right - but we also have to respect it.



Notes

Notes

References

As well as talking to lots of people (see page 2), we also looked at these things when we wrote this handbook:

<http://www.foei.org/en/get-involved/take-action/maandagshoek>

<http://www.groundwork.org.za/Press%20Releases/28May07.asp>

<http://abahlali.org/node/840>

<http://www.archive.org/details/JoeSlovoMarchAgainstForcedRemovalsInCapeTown>

www.mg.co.za

www.grocotts.co.za/specialreports_detail.php?mmID=54

www.mambaonline.com/article.asp?artid=1187

www.iol.co.za/index.php?set_id=1&click_id=6&art_id=vn20060124070832893C463834

www.buanews.gov.za/view.php?ID=05082515451002&coll=buanew05

www.thestar.co.za/index.php?fArticleId=3862020

<http://www.aidc.org.za/?q=node/view/385>

Research & Education in Development. 2005. *Research report: Establishing a historical record of violations of the Regulation of Gatherings Act and the right to freedom of assembly amongst social movements in Johannesburg*. Johannesburg: Freedom of Expression Institute

Memeza, M. 2006. *A critical review of the implementation of The Regulation of Gatherings Act 205 of 1993: A local government and civil society perspective*. Johannesburg: Freedom of Expression Institute.

The Regulation of Gatherings Act, No. 205 of 1993.