



# RIGHTS WHEN ARRESTED

## KNOW YOUR RIGHTS

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### IF ARRESTED, YOU HAVE THE RIGHT TO

### SECTION 35 (1)

- 1** Remain silent (and be told of your right),
- 2** not be forced into making a confession,
- 3** be brought before court as soon as possible, but no later than 48 hours after arrest.
- 4** When you appear in court, **be charged OR informed of why you'll continue to be held OR to be released**, and
- 5** **be released from detention if the interests of justice permits** (with reasonable conditions, such as bail).

### IF DETAINED, YOU HAVE THE RIGHT TO

### SECTION 35 (2)

- 1** Be informed promptly of why you are being detained,
- 2** From the time of arrest (even before you have been charged), to see your attorney,
- 3** Challenge your detention in a court of law,
- 4** If locked in a cell, to decent conditions,
- 5** Communicate and be visited by family, a religious counsellor, and/or medical practitioner.



AVAILABLE ONLINE

[www.protestguide.org.za/rights-arrest](http://www.protestguide.org.za/rights-arrest)