



ORGANISING A PROTEST

CIVIC ACTION

TOOLKIT & GUIDE FOR ORGANISING A PROTEST



RESOURCES AVAILABLE ONLINE

Visit: www.protestguide.org.za

Disclaimer:

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Created in partnership between:



**“Everyone has the
right, peacefully and
unarmed, to assemble, to
demonstrate, to picket
and to present petitions.”**

- Section 17 of the constitution

This guide has been designed to provide valuable resources and accurate information to those looking to organise a protest. Knowledge of your rights as a protest organiser and the surrounding legislation is key to ensuring that your protest is effective, safe and legal.

For more information please visit:

www.protestguide.org.za



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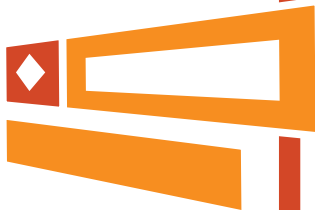
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INTRODUCTION

HOW TO USE THIS GUIDE



HIGHLIGHTS & ICONS

Highlights are used in this guide to draw attention to words and phrases that are particularly important. These **i HIGHLIGHTS** feature icons which help to better explain what the word or phrase refers to. These icons include:



HIGHLIGHTS

When you see a highlight, look for a block like this one to find out more.



Person
or role



Further
explanation



Form or
legislation



Online
resource



Warning



Place or
institution

Definitions for these items can all be found in the glossary on page 31

For all our online resources, please visit www.protestguide.org.za

TOOLS FOR SHARING



When you see this icon in the corner of a page, it means that the page was intended to be **torn out, copied and shared** amongst anyone involved in the organising of the protest or, where relevant, anyone participating in the protest.

In most cases, these tools, as well as many more, can be found online by **visiting our at www.protestguide.org.za**.



**The exercise of
[the right to protest]
shall take place
peacefully and with
due regard to the
rights of others...**

- PREAMBLE TO THE REGULATION OF GATHERINGS ACT

INTRODUCTION

YOUR RIGHTS & REGULATIONS



YOUR RIGHT TO PROTEST

Protesting has a long and powerful history in South Africa. It is vital that citizens have a lawful means of expressing their discontent, or political views. Because of this, and because it is such an important part of our civil and political rights, **the Constitution says in section 17:**

“Everyone has the right, peacefully and unarmed, to assemble, to demonstrate, to picket and to present petitions.”

CAN I BE BANNED FROM PROTESTING?

The   **REGULATION OF GATHERINGS ACT (RGA)** is intended to help people organising a protest do so in an organised and safe way. When you organise a gathering, **the authorities can't refuse to allow you to protest, except under very particular circumstances when a gathering might be prohibited** (see page 14). It is important to stay informed about the law, so authorities cannot abuse any of its processes.



VIEW THE RGA ONLINE

www.protestguide.org.za/rga



REGULATION OF GATHERINGS ACT (RGA)

This act outlines your roles and responsibilities in organising a protest, as well as those of your local municipality and the police. It seeks to 'regulate' how protests are conducted and managed. The object of the law is to try and achieve a balance between your right to protest, and the rights of others to go about their work and business without interference.

INFORMING AUTHORITIES

DEMONSTRATION

NOTICE NOT REQUIRED



15 PEOPLE OR LESS

GATHERING

NOTICE REQUIRED (SEE PAGE 8)



16 PEOPLE OR MORE

The RGA states that if you are organising a gathering that will be **16 people or more**, the **RESPONSIBLE OFFICER** from the municipality must first be notified. We call this “**giving notice**” (see page 8). If the march, picket, or protest will be attended by 15 people or less, it is called a demonstration and you don't need to give notice to the **LOCAL AUTHORITIES**, though some guidelines still apply.



RESPONSIBLE OFFICER

The RGA says this is the person appointed by the local authority to receive and deal with RGA proceedings.



LOCAL AUTHORITY

The RGA says that this means any local authority body established in terms of any law which applies in an area which forms part of the national territory referred to in section 1 of the Constitution of the Republic of South Africa. For instance, it would be your local municipality, like the City of Cape Town.

RG CHEATSHEET (PAGE 5)

RGa CHEATSHEET



DOWNLOAD

www.protestguide.org.za/cheatsheet

	DEMONSTRATION	GATHERING	PROCESSION (GATHERING)	PETITION (GATHERING)	SPECIAL PERMISSION
Definition	15 people or less	16 people or more	16 people or more moving from one place to another.	16 people or more where a petition is handed over.	Any demonstration or gathering which takes place at Parliament, the Union buildings or outside court.
Do I need to notify the responsible office?	No	Yes, 7 days prior	Yes, 7 days prior	Yes, 7 days prior	No. Instead, special permission must be obtained from the assigned authority at least 7 days prior.
What are the contents of the section 3 notice?	Not applicable	Basic notice (section 3 (3) a-g, i).	Basic notice, with route, start and end venues and times, vehicles and details of participant transport (section 3 (3) a-i).	Basic notice, with the place where and the person to whom it is to be handed over (section 3 (3) a-j).	Not applicable
Can my protest be prohibited?	Not covered in the RGA.	Yes, but only where section 5* is complied with	Yes, but only where section 5* is complied with	Yes, but only where section 5* is complied with.	Permission can be refused by the assigned authority.
Is there stipulated conduct for participants?	Yes, outlined in section 8 (4-10).	Yes, outlined in section 8.	Yes, outlined in section 8.	Yes, outlined in section 8.	Yes, outlined in section 8.
Can the police use force to disperse us?	The police can give an order to disperse if they reasonably believe there is a danger to persons and property as a result of the gathering or demonstration, and other means to prevent the risk have failed. If the crowd have failed to comply with an order to disperse (given in at least two official languages within a reasonable period), a commanding officers can issue an order for the use of force – which must exclude the use of weapons likely to cause serious injury or death – for dispersal only. The SAPS National Instruction provides more detailed guidance. Become familiar with these sections, as a failure to comply with them by SAPS officials can be misconduct.				
Can the convener, or organiser be held liable for riot damage?	Yes	Yes	Yes	Yes	Yes
Does the RGA create any offences to be aware of?	Yes, section 12 (1) c-e, g, i-k.	Yes, section 12 (1) a-k.	Yes, section 12 (1) a-k.	Yes, section 12 (1) a-k.	Yes, section 12 (1) a-k.

* This includes a serious threat to traffic, or possible injury, or extensive damage to property, and attempts having been made to negotiate.

SECTION 1

BEFORE
THE PROTEST

ASSIGNING ROLES

“The RGA requires that you assign a convener, deputy convener, and marshals as part of the planning process for your gathering.

This is the responsibility of the relevant organisation intending on holding the gathering. “Organisation” is understood very broadly as any “association, group, or body of persons”. So it could be your street committee, or your workers union, or your political party, or your student council, or simply just people who have organised to come together under a shared banner such as #FeesMustFall.



CONVENER

The person appointed to be **responsible for the arrangements of the gathering** by the organisation concerned. The convener leads on the requirements of the RGA from the side of the protesters. A deputy should also be assigned.



DEPUTY CONVENER

The deputy is the **second in command**. If, prior to the gathering, the convener can no longer take on the role, it makes sense for the deputy to **take on the responsibilities as convener**.



MARSHALS

Marshals are **appointed by the convener** to help **keep the protest organised and under control** on the day. The most important of their responsibilities is **overseeing accessibility** and **assisting in the progress** of the protest alongside the convener.

GIVING NOTICE

Section 3 notice must be sent to local authorities notifying them of your planned gathering.

The convener must notify the local authority.

This is referred to as a **SECTION 3 NOTICE** after the relevant section in the RGA. **EXAMPLES OF SECTION 3 NOTICES** for different metros can be found online.



SECTION 3 NOTICE

The RGA says that if you want to hold a gathering, you must submit a written document outlining the details of the convener, deputy convener, date, times, locations, procession route, marshal strategy etc. to the responsible officer.



SECTION 3 EXAMPLES

www.protestguide.org.za/section-3-examples

BY WHEN TO GIVE NOTICE

SECTION 3 NOTICE must be given to the responsible officer, at best, 7 days before the planned gathering. But when seven 7 days is not reasonably possible, the latest you can give notice is 48 hours before the gathering.

SECTION 3 CHECKLIST (PAGE 11)

If notice is given less than 48 hours before, the responsible officer may have grounds to prohibit the gathering. The convener must be informed of this cancellation.



7
DAYS
PRIOR

LOW RISK



2
DAYS
PRIOR

MEDIUM RISK OF BEING PROHIBITED



X
DAY OF
GATHERING

HIGH RISK

CONTENTS OF A SECTION 3 NOTICE

Metros have varying requirements for the contents of their section 3 notices. **As a general rule you should gather the following information about your gathering:**

- **Details of the convener** (name, address, contact information)
- **Details of the deputy convener**
- **Name of organisation** or branch calling the gathering
- **Location** of the gathering (certain locations may require **i SPECIAL PERMISSION**)
- **Purpose of the gathering**
- **Time, duration** and **date** of gathering
- Estimated **number of participants**
- Proposed **number of marshals** and their **details**
- Description of how **marshals** will be **distinguishable from participants** and the **public**
- If applicable, provide a **reason** for **notice** being given **later than 7 days before** the day of the **gathering**



SPECIAL PERMISSION

Any demonstration or gathering that takes place within 100m of parliament, a courthouse or the Union Buildings will require special permission from the assigned authority before proceeding.

When **organising a** **i PROCESSION**, you must also provide the following information:



- The exact **route of the procession**
- What **time** your participants will **come together**, where this will be, and the time you plan to **start moving**
- The **time and place** at which your **procession will end**
- **How participants** will be **transported** to the **starting point**, and will leave the **end point**
- The **number** and **types of vehicles**, if any, which will form part of the procession

And if you are handing over a **i PETITION** you must also provide:

- The place where and the person to whom it is to be handed over



PROCESSION

This is a gathering that moves from one place to another.



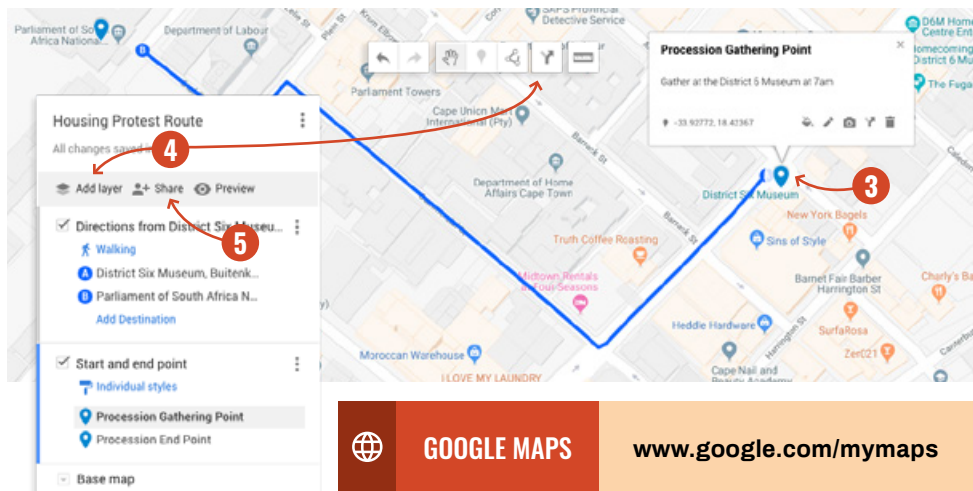
PETITION

A petition is a formal written request, typically signed by many people, appealing to authority in respect of a particular cause.



COPY & SHARE

PLANNING YOUR ROUTE USING GOOGLE MAPS



1

Create a Google account by visiting www.google.com/accounts.

2

Visit www.google.com/mymaps and click [+ CREATE A NEW MAP](#). Give your map a title and description

3

Enter an address or city to begin, or alternatively zoom and drag the map using the controls on the left to pinpoint the start of your route.

4

Add a new layer and click  to create a new set of directions. Once created, click and drag the route line to redirect your route into specific roads.

5

Click the share button to invite other organisers to collaborate on the map. You can give certain people permission to comment on and edit the map.

6

Once complete, you can share the map widely amongst marshals and participants. You can also print out the map and attach it to your section 3 notice.



HANDY METRO MAPS

www.protestguide.org.za/metro-maps

SECTION 3 CHECKLIST



CHECKLIST AVAILABLE ONLINE

www.protestguide.org.za/section-3

GENERAL INFORMATION

Protest type*: ☐ Demonstration (15 people or less) ☐ Gathering (16 people or more) ☐ Procession (gathering which moves from place to place)
☐ Petition (gathering where a petition is handed over) ☐ Special permission (any grouping outside a courthouse, parliament or union building)

Date*: _____ **Gather time*:** _____ **End time*:** _____

Gather location*: _____ **Procession end location:** _____

How will people be transported to the gathering point?: _____

How will people be transported from the end location?: _____

Procession departure time (gathering point): _____ **Procession arrival time (at destination):** _____

Number of vehicles present (if any): _____ **Which official will the petition be presented to? (if applicable):** _____

Types of vehicles: _____

PROCESSION ROUTE

PURPOSE OF THE DEMONSTRATION / GATHERING*

CONVENER DETAILS*

Full name: _____

Address: _____

Contact number: _____

DEPUTY CONVENER DETAILS*

Full name: _____

Address: _____

Contact number: _____

ORGANISING ORGANISATION*

Organisation name: _____

OR If not organised by an organisation:

I, the convener, acknowledge there is no organisation calling this gathering and I instead am responsible.

Convener signature: _____

MARSHALS & MARKINGS*

Where possible, please provide the names of the marshals who will be appointed by the convener.

Marshal 1: _____

Marshal 2: _____

Marshal 3: _____

Marshal 4: _____

Marshal 5: _____

Marshal 6: _____

How will your marshals be marked to distinguish them from participants, car guards or other officials? (eg. bibs, arm bands etc.)

Marshal markings: _____

WAS YOUR NOTICE SUBMITTED ON TIME?*

If this notice was submitted less than 7 days prior to the gathering, please provide a reason for the late submission.

Reason for late submission: _____

BEING CALLED TO A SECTION 4 MEETING

1 Once your notice is received by local authorities, they will assign a **responsible officer** to co-ordinate with the relevant authorities.

2 If they have concerns regarding your notice, the responsible office may decide to call a **SECTION 4 MEETING** within 24 hours of receiving it.

3 The responsible officer may call the **convener, deputy convener, authorized members**, as well as **representatives from other public bodies** or consultative forums to the meeting.

4 There may be a large number of people at the meeting. Because of this fact, it may be a good idea to **bring a relevant delegation** to help **manage negotiations**.

5 The **responsible officer** may want to **impose conditions** on the terms of your notice to try and better ensure:

- Car or human **traffic is not impeded**
- There is an **appropriate distance between** rival gatherings
- **Access to property** and workplaces
- The **prevention of injury** to persons or damage to property

6 If **agreements cannot be reached** around a certain condition, it may be **challenged** in the relevant **MAGISTRATES' COURT**. You must do this within **24 hours** of receiving notice.

SECTION 4 MEETING

The RGA says that the responsible officer can call all relevant stakeholders, including the Convener and Deputy Convener, to a meeting to discuss the finalising of the contents of the section 3 notice.

KEEP PROOF OF DELIVERY

If you use a courier to deliver your section 3 notice, always keep a copy of the proof of delivery! If you hand deliver it, keep a note of the date and time of delivery. This is important as the responsible officer only has 24 hours to request a section 4 meeting.

KEEP MEETING RECORDS

Be sure to get outcomes from this meeting in writing, as well as any personal notes of what is said for reference.

HAVING YOUR PROTEST PROHIBITED

In exceptional circumstances, a responsible officer can prohibit a protest. This decision may be challenged in the relevant Magistrates' Court.

In exceptional circumstances, a responsible officer can prohibit a protest. This can only be done where they have credible information that the gathering might:

- Result in a serious disruption of traffic, or
- Injury to participants and/or others, or
- Extensive damage to property, and
- In all the above cases, the police or traffic officers also won't be able to contain these risks.

If they have that credible information, they must then call the convener to a further negotiation to try and come to an agreement on how to prevent these risks through the notice. If, after this meeting, no condition can prevent these risks, the responsible officer can prohibit the protest.



MAGISTRATES' COURT

The Magistrates courts are the lower courts which deal with the less serious criminal and civil cases. They are divided into regional courts and district courts.

You can challenge the decision by a responsible officer to prohibit the protest, but you will have to do so in the relevant **i MAGISTRATES' COURT**. You must do this within 24 hours of receiving notice.

If your gathering is prohibited, but you go ahead with it anyway, you would be guilty of an offence in terms of the RGA and could be arrested on the day of the protest (see page 27).



FIND A COURT

www.justice.gov.za/contact/lowercourts_full.html



CONVENER CHECKLIST

BEFORE THE PROTEST

COPY & SHARE

BEFORE THE PROTEST THE CONVENER MUST:

Assign a **deputy**

Assign marshals and, as best practice, a **Chief Marshal**
who can **rally the marshals on the day**

Complete and submit the **section 3 notice**

Keep **proof of delivery** of your **section 3 notice**

If called, attend the **section 4 meeting** (see page 13)

Ensure **outcomes of the meeting are in writing**

Inform Marshals about the contents of the **section 3 notice**

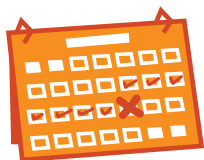
Prepare a list of **contacts for legal, medical and other assistance**
that might be called on if there are problems at the protest

Create a whatsapp group with the Deputy Convener and Marshals
for communication before and on the day of the protest



AVAILABLE ONLINE

www.protestguide.org.za/convener-checklist-before



NOTIFICATION TIMELINE

BEFORE THE PROTEST

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7 DAYS BEFORE

Submit section 3 notice to responsible party

Notes: _____

Complete

6 DAYS BEFORE

Notice to attend **section 4 meeting** may be received

Notes: _____

Complete

Convener to attend **section 4 meeting** (deputy optional)

Notes: _____

Complete

5 DAYS BEFORE

IF NECESSARY, submit application to overturn decision to prohibit protest or inhibiting condition to relevant magistrate (within 24 hours of notice)

Notes: _____

Complete

3 DAYS BEFORE

Final opportunity to submit **section 3 notice**. **Section 4 meetings** and any **interactions** with **magistrates** must be undertaken before protest.

Notes: _____

Complete

1 DAY BEFORE

Brief marshals on contents of notice. Arrange **meeting times** and **procedural details**. **Finalise petition** and arrangements for **handover** if relevant.

Notes: _____

Complete

PROTEST DAY!

Complete convener checklist (page 18) as well as the **marshals checklist** (page 20)

Notes: _____

Complete



AVAILABLE ONLINE

www.protestguide.org.za/timeline

SECTION 2

DURING THE PROTEST



THE ROLE OF THE CONVENER

“...the convener must take necessary steps to ensure the protest always goes peacefully.”

1

Bring the section 3 notice and make sure it is distributed to all the marshals

2

Communicate and organise the marshals, briefing them on all details

3

Ensure the protest goes as planned, and in line with conditions, and that there is no riot damage.

The **CONVENER CAN BE HELD LIABLE** for the actions of the protesters at the gathering. As a result, it is important that they appoint marshals who will help control the participants at the gathering. The convener must take necessary steps to ensure the protest always goes peacefully. They must ensure that marshals are clearly distinguishable e.g. by red or green armbands, or very distinctive clothing. It is a good idea to provide a copy of the notice to all marshals in good time prior to the event, and run through the particulars of it.

PROHIBITED CONDUCT (PAGE 24)



DAMAGE LIABILITY

Damage liability means that the law specifies a person as responsible for any damage, which might occur. That person can then be charged with an offence whether or not they were the person who actually did the damage.



CONVENER CHECKLIST

DURING THE PROTEST

COPY & SHARE



DURING THE PROTEST THE CONVENER MUST:

The convener must be present at the gathering	☐
Bring a copy of the section 3 notice with proof of delivery	☐
Ensure protest is conducted peacefully	☐
Ensure marshals are clearly marked	☐
Ensure the protest complies with the notice (make sure it starts on time, ends on time, and complies with the registered route)	☐
Distribute copies of prohibited conduct to participants (see page 22)	☐
Take reasonable steps to ensure no participant has possession of firearms or dangerous weapons	☐
Take reasonable steps to ensure no participant compels, or tries to compel, another person to participate against their will	☐
Ensure no riot damage occurs	☐
Help monitor and keep photographic and video records of any incidents with police , or otherwise, that can help with later cases	☐



AVAILABLE ONLINE

www.protestguide.org.za/convener-checklist-during

THE ROLE OF THE MARSHALS

“ Marshals are the conveners eyes and ears. They are responsible for overseeing the route, participant safety, and accessibility.

1

Take reasonable steps to ensure that no entrance to a building or premise is obstructed,

2

If there is a hospital, fire or ambulance station, ensure its entrance cannot be barred,

3

Guide protestors on the correct route,

4

Ensure that they are clearly marked and visible to the public and protestors,

5

Help the convener ensure the protest goes as planned, and in line with conditions.

Q

How many marshals should be present?

A

Advice from authorities suggests that you should try one marshal for every 10 participants. Also, mark them clearly (Distinctive arm bands, or brightly coloured t-shirts in the same colour are good options for high visibility).





MARSHAL CHECKLIST DURING THE PROTEST

COPY & SHARE



DURING THE PROTEST THE MARSHALS MUST:

Control the participants at the gathering	
Keep a copy of the route	
Help guide the participants along the prescribed route	
Help ensure the protest complies with the notice	
Help distribute copies of prohibited conduct to participants (see page 22)	
Ensure reasonable access to buildings or premises	
Ensure access to hospitals, fire and police stations and other emergency services is not barred by participants	
Take reasonable steps to ensure no participant has possession of firearms or dangerous weapons	
Take reasonable steps to ensure no participant compels, or tries to compel, another person to participate against their will	
Help monitor and keep photographic and video records of any incidents with police, or otherwise, that can help with later cases	



AVAILABLE ONLINE

www.protestguide.org.za/marshal-checklist-during

POLICE AT THE PROTEST

“According to the RGA, the police have the following powers at any demonstration or gathering.”

1

Preventing people from deviating from the scheduled route.

2

Guiding the participants during the gathering.

3

Preventing people from interfering with the gathering.

4

Under certain circumstances, the police can instruct participants to disperse.

As a general rule, **it is always best to comply with an order from a police officer.** For most participants, however, their great concern with regards to police is the **USE OF FORCE** against them, or being arrested (see page 27).

The use of force is regulated by the police's own **NATIONAL INSTRUCTION** as well as the RGA.

Except for personal defence, **police can only use force under the orders of the operational commander. Live ammo cannot be used** in crowd management. Nevertheless, if there is an incident it is worth becoming familiar with the National Instruction, as any member of the police who fails to comply with the rules is guilty of misconduct, and charges can be laid against them.

No member of the police is allowed to obscure their identifying name badge. It is a good idea for participants to keep video and photographic records of their protest.



WHEN CAN POLICE USE FORCE

The police can give an order to disperse if they reasonably believe there is a danger to persons and property as a result of the gathering or demonstration, and other means to prevent the risk have failed. If the crowd have failed to comply with an order to disperse (given in at least two official languages within a reasonable period), a commanding officer can issue an order for the use of force – which must exclude the use of weapons likely to cause serious injury or death – for dispersal only.



PROHIBITED CONDUCT

KNOW YOUR RIGHTS



COPY & SHARE

1

No person may have in their possession any **airgun, firearm, muzzle loading firearm, or imitation firearm** (as defined in **section 1 of the Firearms Control Act**).

8

No person shall **destroy** or do serious **damage**, or attempt to destroy or do serious damage to, any **immovable or movable property** (i.e. create "riot damage").

3

No person shall **incite hatred** of other persons or any group on account of their culture, race, sex, language or religion through a banner, placard, speech or singing.

4

No person shall perform any act or utter any words, which are aimed at, or likely to **cause or encourage violence** against a person or group.

5

No person shall **wear** any form of **clothing** that resembles any of the **uniforms worn** by members of the security forces, such as the **Police** or South African Defence Force.



DANGEROUS WEAPONS

This means any object capable of causing death or inflicting serious bodily harm, if it were used for an unlawful purpose. This would include for example a knife, brass knuckles, or knobkerrie.

6

No person may have in their **possession** any **DANGEROUS WEAPONS** (as defined in the Dangerous Weapons Act).

7

No person shall try and **compel any person to attend**, join or participate in the gathering or demonstration.

8

All persons must **comply** with an order of the **South African Police Services** to disperse if so given.

9

No person shall **wear** a disguise or **mask**, which **obscures** their **facial features** and prevents identification.





IDENTIFYING THE POLICE

WHAT THE BADGES MEAN

COPY & SHARE

PUBLIC ORDER POLICE

The Public Order Police (POP) are responsible for policing protests. Their training is meant to emphasise the importance of conflict resolution and de-escalation, even when being provoked by protesters.

1



OFFICER NAME

2

3



THE POP BADGE (VISIBLE ON CHEST)

1 OFFICER NAME

All police are under orders to ensure their name badge is always visible. Any officer concealing their badge is defying an order.

2 RED COLOUR

POP badges are set on a red background. For most other police officers, the badge would be blue.

3 SAPS INSIGNIA

The regular gold SAPS insignia is present in the center of the badge. Any officer with this insignia is a member of the police force.

POLICE OFFICER RANKS (VISIBLE ON SHOULDER)



Captain



Lieutenant



Warrant Officer



Sergeant



Constable



NATIONAL INSTRUCTION

www.protestguide.org.za/police-badges



ESCALATION OF FORCE

NATIONAL INSTRUCTION

COPY & SHARE

1 NEGOTIATION

Police must first attempt to negotiate with the crowd if there is a serious safety risk.

2 DEFENSIVE MEASURES

If the risk continues, they may put defensive measure in place, such as forming a barrier, escorting in a safer direction, or blockading.

3 FIRST WARNING

They then give a public warning in at least two official languages that action will be taken against protesters if the defensive measures fail.

4 PREPARATION TO USE FORCE

Police must then bring forward the 'reserve' section of the police who are responsible for offensive measures - they do this as a deterrent, so they should be seen to be preparing to use force.

5 SECOND WARNING

Police must then give a second public warning in at least two official languages for people to disperse peacefully, giving a reasonable time frame.

6 ATTEMPT TO DE-ESCALATE

If protestors have not dispersed after receiving these two warnings, the commanding officer may authorise the police to disperse members using the minimum possible force under the circumstances.

7 USING MINIMAL FORCE

The police can take immediate action against anyone trying to do serious injury to another person or do "serious" damage to property, but using minimum possible force.



SECTION 3

AFTER THE PROTEST



RIOT DAMAGE LIABILITY

An organisation can be held responsible for riot damage that occurs, because of the gathering. If there is no organisation, the convener might then be held liable. This section of the RGA has been challenged in court before for being unconstitutional, but it remains nevertheless.

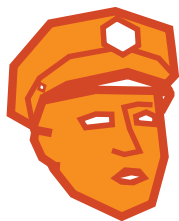
Any participant in a demonstration can be held responsible for resulting riot damage (as there is no official convener).

You can try and defend yourself against such liability by **showing you took reasonable steps to try and prevent the damage** happening – which is why it is so important to check off all your responsibilities outlined earlier.

“ If there is no organisation behind the protest, the convener might be held liable for any riot damage that results from the gathering. ”

POLICE BRUTALITY

Police brutality is a form of police misconduct where they use unjustified and/or excessive violence against you. In spite of the laws and instructions, which all try and ensure police conduct is peaceful and without force, **there is always a risk when police get involved that situations could escalate.** Police sometimes use more force than they do not need to, or they feel they have to escalate their use of force because of the situation. Either way, you are physically and emotionally at risk.



POLICE BRUTALITY

TAKING ACTION

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PROCEDURE ON THE DAY



SEEK TREATMENT

If you have sustained any injuries, be sure to seek medical treatment before taking any further action.



DOCUMENT VIOLENCE

If possible, attempt to record or photograph any violence you see taking place.



IDENTIFY OFFICERS

Get the name and rank of any officers involved. An officer cannot conceal his rank or badge.



DOCUMENT INJURIES

As soon as possible, take photos of any injuries you sustained.



VISIT A DOCTOR

Visit a doctor and get a full written report of all your injuries.

SAPS must notify IPID of any use of force at a protest. Separately, IPID is also obliged to investigate any complaint of assault against a SAPS member.

TAKING ACTION AGAINST LAW ENFORCEMENT



LAY A CHARGE

Visit the nearest SAPS station to where the protest was held and lay a charge against the officers involved.



COMPLAIN TO IPID

Lodge a complaint with the Independent Police Investigative Directorate (IPID) by calling 012-399-0000.



PURSUE CIVIL CLAIM

Seek legal counsel and file a lawsuit against the SAPS. The quality of your evidence from the day will greatly assist your case.



AVAILABLE ONLINE

www.protestguide.org.za/police-brutality

BEING ARRESTED



As well as common law crimes, you can be arrested for offences under the RGA that apply specifically to protest action. These include:

1

Convening a gathering and failing to notify the local authority.

2

As convener, failing to attend a scheduled meeting.

3

Failing to comply with the conduct outlined by the RGA for participating in a demonstration or gathering.

4

Failing to comply with the contents of the section 3 notice.

5

Failing to comply with police orders.

6

Convening or attending a prohibited gathering.

These offences are very broad, as a result, you are advised to **always try to comply with the RGA** to the best of your abilities to prevent the risk of arrest.

As best practice, if you are headed to a protest where you believe you may get arrested, bring **proof of address** as this **can facilitate quicker bail if you get arrested**.

The police can arrest you without a warrant of arrest if they believe you are busy committing a crime (e.g. while protesting without notification), but also if they believe you to be carrying a dangerous weapon, or if you are preventing them from doing their work. However, even in a protest or riot scenario, the police must ensure you are **! ARRESTED LAWFULLY**.



LAWFUL ARREST

An arrest is only considered lawful if:

- The police tell you that you are under arrest.
- The police have physical control over you when they arrest you.
- The police officer tells you why you are under arrest.



BEING ARRESTED

WHAT YOU SHOULD KNOW

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CRITERIA FOR LAWFUL ARREST



YOUR ARREST MUST BE ANNOUNCED

The police must tell you that you are under arrest, otherwise the arrest is not lawful.



POLICE MUST HAVE YOU UNDER CONTROL

An officer must have physical control over you when they arrest you, otherwise the arrest is not lawful.



A REASON FOR ARREST MUST BE PROVIDED

The police must tell you why you are under arrest, otherwise the arrest is not lawful.

ONCE IN CUSTODY



TRANSIT TO THE POLICE STATION

The police officer must take you to a police station as soon as possible, unless the warrant of arrest says they must take you to some other place. However in a protest situation, there will likely not be a warrant for arrest.



PROCESSING & INTERROGATION

Once at the police station or processing centre, you will be identified and might be placed in a holding cell before being charged. You might also be interrogated (questioned). It is highly advisable that you get legal assistance to help you through any process involving criminal charges.



AVAILABLE ONLINE

www.protestguide.org.za/being-arrested



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

“

If locked in a
cell, I have the
right to decent
conditions.

- SECTION 35 (2) OF THE CONSTITUTION

GLOSSARY

PEOPLE & ROLES



CONVENER

The person appointed to be **responsible for the arrangements of the gathering** by the organisation concerned. The convener leads on the requirements of the RGA from the side of the protesters. A deputy should also be assigned.



AUTHORIZED MEMBER

The RGA says this is the person from **the police who is authorised to represent them** in the relevant consultations and negotiations that form part of the Act's process.



DEPUTY CONVENER

The deputy is the **second in command**. If, prior to the gathering, the convener can no longer take on the role, it makes sense for the deputy to **take on the responsibilities as convener**.



RESPONSIBLE OFFICER

The RGA says this is the person appointed by the local authority to receive and deal with RGA proceedings.



MARSHALS

Marshals are **appointed by the convener** to help **keep the protest organised and under control** on the day. The most important of their responsibilities is **overseeing accessibility** and **assisting in the progress** of the protest alongside the convener.

FORMS & LEGISLATIONS



REGULATION OF GATHERINGS ACT (RGA)

This act outlines your roles and responsibilities in organising a protest, as well as those of your local municipality and the police. It seeks to 'regulate' how protests are conducted and managed. The object of the law is to try and achieve a balance between your right to protest, and the rights of others to go about their work and business without interference.



SECTION 3 NOTICE

The RGA says that if you want to hold a gathering, you must submit a written document outlining the details of the convener, deputy convener, date, times, locations, procession route, marshal strategy etc. to the responsible officer.

GENERAL INFORMATION



DEMONSTRATION

The RGA says that a demonstration is a **protest of fifteen (15) or less** people for or against any person, cause, action, or failure to take action. You do not have to notify the relevant authority of such a demonstration.



GATHERING

The RGA says it is a **march, picket or parade of 16 people or more** in any public space, that expresses any form of contestation or is critical towards any person, company or government body.



PETITION

A petition is a formal written request, typically signed by many people, appealing to authority in respect of a particular cause.



PROCESSION

This is a gathering that moves from one place to another.



LOCAL AUTHORITY

The RGA says that this means any local authority body established in terms of any law which applies in an area which forms part of the national territory referred to in section 1 of the Constitution of the Republic of South Africa. For instance, it would be your local municipality, like the City of Cape Town.



SPECIAL PERMISSION

You are required to apply for special permission from the specified authority in terms of the law if you want to hold your gathering at either the Union Buildings, Parliament, or outside any courthouse.



UN-NOTIFIED PROTEST

The RGA requires that all gatherings are notified. In reality, many protests won't be. Even for these protests, laws of conduct apply to police and other officials. This is because the Constitution states that everyone has a right to protest.



PROHIBITED PROTEST

A gathering which is prohibited, is prohibited by the responsible officer, only when they have credible information that the gathering might seriously disrupt traffic, injure participants or lead to extensive damage property. Before a protest is prohibited, a "section 4 meeting" is called to try and negotiate a compromise regarding the terms of the protest.



SECTION 4 MEETING

The RGA says that the responsible officer can call all relevant stakeholders, including the Convener and Deputy Convener, to a meeting to to discuss the finalising of the contents of the section 3 notice.



MAGISTRATES' COURT

The Magistrates courts are the lower courts which deal with the less serious criminal and civil cases. They are divided into regional courts and district courts.



ONLINE GLOSSARY

www.protestguide.org.za/glossary

USEFUL CONTACTS

RIGHT TO PROTEST HOTLINE

 0800 212 111

 www.r2p.org.za

CENTRE FOR APPLIED LEGAL STUDIES

 +27 (0)11 717 8600

 First Floor, DJ du Plessis Building,
West Campus
University of the Witwatersrand
Braamfontein, 2001, Johannesburg

 duduzile.mlambo@wits.ac.za

INDEPENDENT POLICE INVESTIGATIVE DIRECTIVE (IPID)

 +27 (0)21 941 4800

 First Floor, Fintrust Building,
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Bellville, 7530, Cape Town

 Private Bag X 43, Bellville, 7535

 complaints@ipid.gov.za (National)
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RIGHT 2 KNOW CAMPAIGN

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41 Salt River Rd, Salt River,
7925, Cape Town

 admin@r2k.org.za

TOOLKIT & GUIDE FOR
**ORGANISING
A PROTEST**



RESOURCES AVAILABLE ONLINE

Visit: www.protestguide.org.za