

### Requirements for a Lawful Arrest

- 1.1.1. An arrested person must be shown the warrant of arrest (if a warrant has been issued).
- 1.1.2. An arrested person should be informed of the reasons for their arrest.
- 1.1.3. Physical control should be taken over the arrested person by the person executing the arrest, unless the arrested person submits to the arrest. Physical control means touching the arrested person or the submission of his body by force when the arrested person resists arrest or flees.
- 1.1.4. Once arrested a person must be informed of his legal rights in a language that they understand. These are:
  - the reasons for their arrest
  - that they are entitled to consult with a legal representative of their choice
  - their right to remain silent
  - being made aware of the consequences of making a statement

These rights are now entrenched in our Bill of Rights.
- 1.1.5. An arrested person is to be taken to the nearest police station "as soon as possible" after being apprehended. However, there is no specified time period within which one has to be brought to the nearest police station and this leaves the process open to abuse.
- 1.1.6. An arrested person must be brought before a court within 48 hours of their arrest.
- 1.1.7. The arrest with or without a warrant should be properly authorised and there should be a specific basis for arrest.
- 1.1.8. It should be kept in mind that the underlying basis for arrest is normally to ensure a suspect's appearance at a court. There are other means employed to bring a person before court, namely the issuing of a summons or the giving of a written warning where the Police are satisfied that the suspect will appear at court, or where the offence is minor.