

SAP 14 / 31 / 08 / 2016

CAS 108 / 2016

SAPS 14A
SAPD

SERIAL NUMBER
R 0382722

English

No Legal Council

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:

Illegal Immigrant

(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

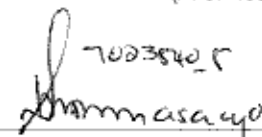
I, Sgt S.S. Masongo (name of detainee) hereby certify that I have been informed in English (state language) of my rights in terms of the Constitution as set out above by Katarina KRIZANIDVA (name of person who informed the detainee) and that I understand the contents thereof.

DATE: 2016-08-18
(Informed)

TIME: 17:25
(Informed)

PLACE: Mbatwani
(Informed)


SIGNATURE/THUMBPRINT OF DETAINEE


SIGNATURE OF PERSON WHO INFORMED THE DETAINEE

CERTIFICATE BY THIRD PERSON AS WITNESS (if required)

I, _____ (name of person) 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