

# KNOW YOUR RIGHTS

## POLICE AND MILITARY ACTION DURING LOCKDOWN

### WHAT IS A "LOCKDOWN"?

In the current context, a lockdown is an emergency protocol that requires South Africans to stay at home except for essential purposes.

### WHAT IS THE ROLE OF THE POLICE AND MILITARY DURING THE LOCKDOWN?

Law enforcement has to ensure that people follow the rules of the lockdown, and that essential services are delivered. Law enforcement includes police, traffic officers, military medical personnel, soldiers and correctional services officials (prison staff).

During lockdown, the police and the military are authorised to stop any person found in a public place, and to ask for reasons why that person is not inside their home. If those reasons are not related to an essential purpose, that person may be arrested, or fined, or both. They may also be kept in custody.

A person can also be arrested if:

- They are interfering with law enforcement's ability to do their job;
- They are intentionally exposing another person to COVID19.

### THE ONLY REASONS A PERSON MAY BE OUTSIDE OR IN A PUBLIC SPACE DURING THIS TIME, ARE:

1. If you are performing an essential service, and have a permit to do so
2. You are obtaining essential goods/services (like groceries)
3. You are seeking emergency medical attention
4. You are collecting a social grant

### HOW FAR CAN LAW ENFORCEMENT GO TO DO THEIR DUTIES?

Even during lockdown, the legal rules about the use of force against people still apply!

LAWYERS FOR  
HUMAN RIGHTS

## **THE POLICE AND MILITARY MAY ONLY USE FORCE AGAINST PEOPLE IN VERY STRICT CIRCUMSTANCES:**

When it is clear to the person that law enforcement is trying to arrest them, but they still resist or try to flee; *and* It is impossible for law enforcement to arrest the person without using force.

Even when force is allowed, law enforcement must use **only the amount of force that is reasonably necessary**, and proportional (fair) in the circumstances, **to overcome resistance or stop the person from fleeing**. Force may never be used for punishment, or to harm.

### **WHAT CAN I DO IF I SEE OR EXPERIENCE ABUSE OF POWER BY THE POLICE OR THE MILITARY?**

If you are a victim of abuse by the police or the military, or you see it happening to someone else, you can lodge a complaint with the **Independent Police Investigative Directorate**, or the **Military Ombud**.

Their numbers appear at the end of this pamphlet.

### **YOU CAN ALSO REPORT ABUSE TO THE PUBLIC INTEREST LEGAL SUPPORT HOTLINE**

If your rights are being violated during the lockdown period you can get **free legal assistance** from one of South Africa's public interest legal organisations.

**CALL THE HOTLINE ON  
+27 66 076 8845**

### **ALWAYS TRY TO GATHER THE FOLLOWING INFORMATION BEFORE YOU MAKE A COMPLAINT:**

1. Photos or videos of the incident, and any injuries
2. Vehicle registration numbers of officers involved
3. The names and contact information of any other witnesses

#### **MILITARY OMBUD (NATIONWIDE)**

076 609 2255 | 012 676 3818 | 081 512 4792 | 086 431 7739

#### **INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE**

**Eastern Cape** | 082 592 9888

**Free State** | 063 225 6081

**Gauteng** | 076 745 5718

**Limpopo** | 078 871 4811

**Kwazulu-Natal** | 079 895 2741

**Mpumalanga** | 072 881 4196

**Northern Cape** | 064 624 8203

**North West** | 078 163 6874

**Western Cape** | 073 890 1269

**LAWYERS FOR  
HUMAN RIGHTS**