

# ARREST DETENTION and BAIL

COURT USER GUIDE, NUMBER 1



## ARREST:

### Who can arrest you?

The power of arrest is vested in the police as well as other law enforcement agencies

### What do you do if the police arrest you?

DO NOT try to resist the arrest;

Arrests conducted without a valid warrant of arrest are illegal.

A WARRANT OF ARREST is a document prepared by the police and signed by a judge or magistrate stating your offence and giving police the power to arrest you.

Although you have a right to remain silent, you MUST to questions concerning your personal details.

### At the Police Station:

Do not sign the statement until you are satisfied that the statement is accurate fully reflects what you have been telling the police.

Any form of threat, physical violence, promises or favours issued by the police officer to induce you to make a statement, or sign a statement is ILLEGAL. A statement obtained in such a manner CANNOT be used against you as evidence in court.

## DETENTION:

### How long can you be detained?

The police can detain you for a maximum of 24 (or 48) HOURS. After that, they must bring you to court.

After the 24 (or 48) hour time limit, ONLY a judge or magistrate can order you further detention.

If the police is unable to bring you to court within the 24 (or 48) hours time limit, you must be released on police BAIL except for those cases where you are suspected of having committed a capital offence (such as murder, armed robbery or drug trafficking).

It is illegal for the police to keep you longer than the 24 of 48 hours in custody without a court order.

### What can you do to be released from detention?

You can apply for bail at any stage of the investigation;

You can appeal to a higher court against a decision of the court, if the court refused to grant you bail.

## BAIL:

### What is Bail?

Bail is a process by which a detained person is temporarily released until the conclusion of investigation or trial.

YOU HAVE THE RIGHT TO BAIL, provided you meet the bail conditions.

### What are the conditions for bail?

Once the judge has decided to grant bail, he or she will determine the conditions of bail which you must fulfil. Normally bail conditions require the production of a surety.

Both WOMEN and MEN are equally eligible to stand surety.

PRODUCTION OF A SURETY: That is a person who guarantees to the court that you will return for trial.

ALL OFFENCES ARE BAILABLE, with the exception of capital offences.

BAIL IS FREE if the police or court clerk requests for payment, consult the judge, the court registrar, or a lawyer - DO NOT PAY unless they advice you to do so.



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