**ARREST AND DETENTION GUIDANCE**

This advice is designed to be generic and adapted into security plans as appropriate to a specific context, dependent on the risk analysis.

**Definitions**

***Detention***: Staff members are kept under the control of an individual or group. While there is no serious threat to life, there is also no clear pre-condition for release. Typically, but not always temporary in nature.

***Arrest*:** This term is used to describe detention by government authorities (normally the police, but also the army) or the ‘presumptive authorities’.

**Introduction**

Arrests & detentions are usually the result of real or perceived infringements of the law and local customs. It is possible that during an arrest a detainee may be beaten, threatened or verbally abused. People can be arrested for a multitude of reasons, and it is crucial to try to reduce the possibility of arrest by including in a detailed risk analysis a clear understanding of the local context, both in legal and behavioural terms. It is essential that all staff know what to do in the event of their arrest.

Circumstances for arrest and detention often differ from country to country and region to region. Know your context and be prepared.

**Mitigating the Risk**

In terms of reducing the risk of arrest/detention, much depends upon the context. Even then it is not always possible to anticipate and prevent. However, the way in which programmes are executed, and the interpersonal skills of programme staff can help, as well as affect the ease of resolving an arrest or detention. Transparency, good communications, integrity and respectful attitudes may also help. It is possible that an arrest is made for spurious or politically motivated reasons. However, the vast majority of arrests tend to result from legal infringements that may be avoided. Consider the local laws and customs, and find out what issues need to be considered:

* Know the context in which you are operating
* Be extremely cautious about taking photographs. In many countries, particularly in conflict situations, photography is regarded with suspicion and can give rise to accusations of spying.
* Do not give unauthorised lifts in agency vehicles – individuals may have affiliations you are unaware of. Never transport items on behalf of others.
* Ensure all visas and relevant documentation are up to date.
* Carry a photocopy of your passport and visa page at all times, as well as travel permits and agency ID.
* Respect local laws and customs and do not flout them, whether you agree with them or not.
* If stopped by police, or at a checkpoint, do not antagonise officials. Remain polite at all times.

**Upon Arrest/Detention**

The following is not exhaustive but offers some suggestions to consider.

* Remain calm; do not become angry or aggressive.
* Try not to hand over your passport or identity documents, if you are carrying them.
* Try to make sure someone knows you have been detained, and arrange for them to contact your agency immediately
* If you do not speak the language, ask for an interpreter.
* Do not attempt to bribe officials – this could exacerbate the situation.
* If arrested, try to gain a clear understanding as to why. If detained, try to listen to your captors to understand what motivates them and what they want or hope for.
* Do not make promises in order to secure a quick release. Be sympathetic to captors’ requests and make it clear you are taking them seriously and will follow them up. However, you should also make it clear that you do not have decision-making authority and must communicate with your headquarters. Negotiate to be allowed to do this.

For those managing the issue the following may be helpful:

* Raise an immediate alert when an arrest or detention is reported
* If a staff member is arrested and his/her whereabouts are unknown, the first priority is to establish where s/he is and under whose authority.
* In the case of an international member of staff being arrested, the relevant embassy should be informed, and consular help sought.
* Ensure that the agency has contact with a local lawyer and contact them immediately.
* When it is clear who has arrested the staff member and where s/he is, the objective should be to ensure that the person’s rights are protected. People may be arrested without formal charges being brought, in which case focus on a charge being articulated within a defined time period. Insist on due process of law and seek legal advice accordingly.
* Adopt a conciliatory method of communication – do not become antagonistic.