

**REPUBLIC OF SOUTH AFRICA
NORTH-GAUTENG HIGH COURT
PRETORIA**

CASE NUMBER: 58668/2011

In the matter between:

JULIAN CHRISTOPHER STOBBS

1ST PLAINTIFF

KATHLEEN (MYRTLE) CLARKE

2ND PLAINTIFF

and

**NATIONAL DIRECTOR
OF PUBLIC PROSECUTIONS**

1ST DEFENDANT

**MINISTER OF JUSTICE
AND CONSTITUTIONAL DEVELOPMENT**

2ND DEFENDANT

MINISTER OF HEALTH

3RD DEFENDANT

MINISTER OF SOCIAL DEVELOPMENT

4TH DEFENDANT

**MINISTER OF INTERNATIONAL RELATIONS
AND COOPERATION**

5TH DEFENDANT

MINISTER OF TRADE AND INDUSTRY

6TH DEFENDANT

MINISTER OF POLICE

7TH DEFENDANT

COMBINED SUMMONS

TO THE SHERIFF OR HIS DEPUTY

Inform:

- The **NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS** at Victoria & Griffiths Mxenge (VGM Building), VGM Building (Corner Westlake & Hartley), 123 Westlake Avenue, Weavind Park, Silverton, Pretoria, 0184.
- The **MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT** at Momentum Building, 329 corner Prinsloo and Pretorius Streets, PRETORIA.
- The **MINISTER OF HEALTH** at Civitas Building, Floor 20, cnr Struben and Andries Streets, PRETORIA.
- The **MINISTER OF SOCIAL DEVELOPMENT** at HSRC Building, North wing, 134 Pretorius Street, PRETORIA.

- 3 -

- The **MINISTER OF INTERNATIONAL RELATIONS AND COOPERATION** at 460 Soutpansberg Road, Rietondale, PRETORIA.
- The **MINISTER OF TRADE AND INDUSTRY** at 77, Corner Meintjies and Esselen Streets, DTI Campus, Block A, 3rd Floor, Sunnyside, PRETORIA.
- The **MINISTER OF POLICE** at Wachthuis, 7th Floor, 231 Pretorius Street, PRETORIA.

(hereinafter called the defendants)

That:

- **JULIAN CHRISTOPHER STOBBS**, a major male resident at 34 Border Road, Sunrella, Lanseria and working as a freelance Art Director and Greensman in the film and television industry.
- **KATHLEEN (MYRTLE) CLARKE**, a major female, residing at 34 Border Road, Sunrella, Lanseria and working as a freelance Art Director, Food Stylist and Chef in the Film and television industry.

Director and Greensman in the film and television industry.

- 4 -

(hereinafter called the plaintiffs)

Institute action against them in which action the plaintiffs claim the relief on the grounds set out in the particulars annexed hereto.

Inform the defendants further that if the defendants dispute the claim and wish to defend the action, the defendants shall -

- (i) Within 20 (twenty) days of the service upon the defendants of this summons, file with the registrar of this court at corner of Paul Kruger & Vermeulen Street, notice of defendants' intention to defend and serve a copy thereof on the attorneys of the plaintiff's, which notice shall give an address (not being a post office or poste restante) referred to in rule 19(3) for the service upon the defendants of all notices and documents in the action.
- (ii) Thereafter and within 30 (thirty) days after filing and serving notice of intention to defend as aforesaid, file with the registrar and service upon the plaintiff a plea, exception, notice to strike out, with or without a counter claim.

- 5 -

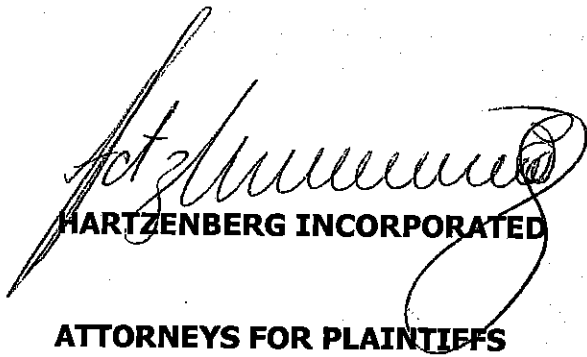
Inform the defendants further that if the defendants fail to file and serve notice as aforesaid, judgment as claimed may be given against the defendants without further notice to the defendants, or if having filed and served such notice, the defendants fail to plead, except, make application to strike out or counter claim, judgment may be given against the defendants.

Immediately thereafter serve on the defendants a copy of this summons and return the same to the registrar with whatsoever you have done thereupon.

Dated and signed at Pretoria on this the 10th day of October 2011.

REGISTRAR OF THE HIGH COURT

PRETORIA



HARTZENBERG INCORPORATED
ATTORNEYS FOR PLAINTIFFS

2nd Floor, One Hatfield Square Building

Corner of Burnett & Hilda Street

Hatfield, PRETORIA

P.O. Box 14544, Hatfield, PRETORIA, 0028

DOCEX: 27 Hatfield PLAINIFFS

Telephone number: (012) 362 – 8994

Facsimile number: (011) 362 – 6028

E-mail: info@hartzlaw.co.za

Reference: F. Hartzberg/ J84

CA: 17 Hatfield

PARTICULARS OF CLAIM

THE PARTIES:-

-1-

The first plaintiff:

- 1.1. is **JULIAN CHRISTOPHER STOBBS;**
- 1.2. is a major male;
- 1.3. resides at 34 Border Road, Sunrella, Lanseria;
- 1.4. works as a freelance Art Director and Greensman in the film and television industry since 2004 and a former Royal Navy Air Traffic Controller;
- 1.5. is an African medicinal plant landscape gardener and has been a member of Jazzfarm Healing Gardens CC from 1992 to 2003;

- 8 -

- 1.6. is the owner of the property known as the Jazzfarm, situated at 34 Border Road, Sunrella, Lanseria;
- 1.7. is a director of the Jazzfarm (Pty) Ltd that runs a going concern on the property known as the Jazzfarm;
- 1.8. is the life partner of the second plaintiff.

-2-

The second plaintiff:

- is a director of the Jazzfarm (Pty) Ltd
- 2.1. is **KATHLEEN (MYRTLE) CLARKE;**
 - 2.2. is a major female;
 - 2.3. resides at 34 Border Road, Sunrella, Lanseria;
 - 2.4. is a freelance Art Director, Food Stylist and Chef in the Film and television industry since 2006; and a former High School teacher with a BA (Fine Arts) Hons and HdipEd;
 - 2.5. is a director of the Jazzfarm (Pty) Ltd that runs a going concern on the property known as the Jazzfarm;

resides at 34 Border Road, Sunrella, Lanseria;

- 9 -

2.6. is the life partner of the first plaintiff.

-3-

3.1. The first defendant is the **NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS.**

3.2. The first defendant's main office is situated at Victoria & Griffiths Mxenge (VGM Building), VGM Building (Corner Westlake & Hartley), 123 Westlake Avenue Weavind Park, Silverton, Pretoria, 0184.

3.3. The first defendant is cited herein in his official capacity as head of the National Directorate of Public Prosecutions.

3.4. At a national level the seventh defendant is responsible for the institution and conduct of criminal proceedings on behalf of the State, the carrying out of any necessary functions incidental to institution and conduct of such criminal proceedings, and the discontinuance of criminal proceedings.

- 10 -

-4-

- 4.1. The second defendant is the **MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT.**
- 4.2. The second defendant's ministry and main office is situated at Momentum Building, 329 corner Prinsloo and Pretorius Streets, PRETORIA.
- 4.3. The second defendant is cited herein in his official capacity as head of the Department of Justice and Constitutional Development.
- 4.4. At a national level the second defendant is responsible for executive functions of justice and constitutional development.

-5-

- 5.1. The third defendant is the **MINISTER OF HEALTH.**
- 5.2. The third defendant's ministry and main office is situated at Civitas Building, Floor 20, cnr Struben and Andries Streets, PRETORIA.

- 11 -

5.3. The third defendant is cited herein in his official capacity as head of the Department of Health.

5.4. At a national level the third defendant is responsible for matters relating to health, more specifically the legislation relevant in this matter.

-6-

6.1. The fourth defendant is the **MINISTER OF SOCIAL DEVELOPMENT.**

6.2. The fourth defendant's ministry and main office is situated at HSRC Building, North wing, 134 Pretorius Street, PRETORIA.

6.3. The fourth defendant is cited herein in his / her official capacity as executive head of Social development.

6.4. At a national level the fourth defendant is responsible for the promotion of a caring and integrated system of social development services that facilitates human development and improves the quality of life in matters relating to social development. As such he has an interest in the administration of

At a national level the fourth defendant is responsible for the

- 12 -

laws which deal with prohibited drugs and the treatment of addicted persons.

-7-

- 7.1. The fifth defendant is the **MINISTER OF INTERNATIONAL RELATIONS AND COOPERATION.**
- 7.2. The fifth defendant's ministry and main office is situated at 460 Soutpansberg Road, Rietondale, PRETORIA.
- 7.3. The fifth defendant is cited herein in her official capacity as head of the Department of International Relations and Cooperation.
- 7.4. At a national level the fifth defendant is responsible for bilateral and multilateral interactions to protect and promote South African National interests and values, conduct and co-ordinate South Africa's international relations and promote its foreign policy objectives, monitor international developments and advise government on foreign policy and related domestic matters, contribute to the formulation of international law and enhance respect for the provisions thereof, promote multilateralism to secure a rules based international system. As such, she has an interest in any matter that may have an effect on South Africa's

- 13 -

compliance with international agreements in the area of crime prevention and law enforcement.

-8-

- 8.1. The sixth defendant is the **MINISTER OF TRADE AND INDUSTRY.**
- 8.2. The sixth defendant's legal and secretarial services office is situated at 77, Corner Meintjies and Esselen Streets, DTI Campus, Block A, 3rd Floor, Sunnyside, PRETORIA.
- 8.3. The sixth defendant is cited herein in his official capacity as executive head of the Department of Trade and Industry.
- 8.4. At a national level the sixth defendant is responsible to promote structural transformation, towards a dynamic industrial and globally competitive economy, provide a predictable, competitive, equitable and socially responsible environment, conducive to investment, trade and enterprise development and broaden participation in the economy to strengthen economic development. Sixth Defendant is cited herein by virtue of the fact that trade in products such as alcohol had traditionally been assigned to this ministry.

- 14 -

-9-

- 9.1. The seventh defendant is the **MINISTER OF POLICE**.
- 9.2. The first defendant's ministry and main office is situated at Wachthuis, 7th Floor, 231 Pretorius Street, PRETORIA.
- 9.3. The first defendant is cited herein in his official capacity as head of the South African Police Services.
- 9.4. At a national level the first defendant is responsible to prevent, combat and investigate crime, maintain public order, protect and secure the inhabitants of the Republic and their property, uphold and enforce the law, create a safe and secure environment for all people in South Africa, prevent anything that may threaten the safety or security of any community, investigate any crimes that threaten the safety or security of any community, ensure criminals are brought to justice, and participation in efforts to address the causes of crime.

LOCUS STANDI:-

-10-

- 10.1. For the past 20 – 30 years the plaintiffs have been using Cannabis (dagga) for recreational, medicinal, spiritual, therapeutic, creative and religious purposes.

- 10.2. The plaintiffs have also been making Cannabis available to visitors to the Jazzfarm for purposes of participating in medicinal ceremonies, cleansing ceremonies, therapy, spiritual rituals, worship and meditation, during which the use of dagga may play a part, and for the purposes of which it was made available to participants.
- 10.3. On or about Thursday, 12 August 2010 the plaintiffs were arrested, charged, and subsequently prosecuted in the Krugersdorp Magistrate's Court, for having contravened sections 4(b), 5(b) read with Part III of Schedule 2 of the Drugs and Drug Trafficking Act, 1992 (Act No. 140 of 1992), for having been in possession of cannabis.
- 10.4. On 16 May 2011 the plaintiffs issued out an application in the North-Gauteng High Court, for an order staying the prosecution in the Krugersdorp Magistrate's Court, in which the plaintiffs were accused on charges of possession and dealing in Cannabis, pending the outcome of proceedings in the High Court of South Africa in which proceedings the plaintiffs intended to challenge the constitutionality of sections 4(b), 5(b) and Part III of Schedule 2 of the Drugs and Drug Trafficking Act, 1992 (Act No. 140 of 1992), in possession of cannabis, as far as it relates to the possession and use of Cannabis.

- 16 -

10.5. The matter came before the Honorable Mr. Justice Bertelsmann on 19 July 2011 and the order attached as annexure "A" was granted.

10.6. On the strength of the order granted by the Honourable Mr. Justice Bertelsmann, the plaintiffs challenge the constitutionality of the criminal prohibition of Cannabis as provided for in sections 4(b), 5(b) read with Part III of Schedule 2 of the Drugs and Drug Trafficking Act, 1992 (Act No. 140 of 1992) on the basis that:

10.6.1. it is irrational and therefor inconsistent with the fundamental principles of the rule of law and legality;

10.6.2. it violates a number of their constitutional rights under the criminal prohibition of Cannabis Chapter 2 of the Constitution (the Bill of Rights);

10.6.3. the prohibition owes its existence to outdated and unfounded convictions on the harmfulness and dependence-producing effects of Cannabis, motivated in part by a now defunct racist political agenda;

- 17 -

10.6.4. the prohibition cannot be justified as a limitation in terms of section 36 of the Constitution.

10.7. The plaintiffs also approach the court in terms of section 38 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996):

10.7.1. on behalf of persons who cannot act in their own name;
and

10.7.2. in protecting the interests of a group of which they are members or a group or class of persons, especially those affected by the criminal prohibition of the possession and use of cannabis; and

10.7.3. acting in the public interest.

10.8. The plaintiffs bring this action to protect their own interests and rights and the interests and rights of all those members of the public that use or wish to use Cannabis.

- 18 -

JURISDICTION:-**-11-**

- 11.1. In terms of section 167 read with section 169, the High Court has jurisdiction to rule on the constitutionality of legislation of parliament.
- 11.2. The defendants all have their ministries and main departmental offices situated within the area of jurisdiction of this court.
- 11.3. The plaintiffs were arrested, charged and prosecuted within the area of jurisdiction of this court.

BACKGROUND:-**-12-**

- 12.1. For the past 20 – 30 years the plaintiffs have been using Cannabis for recreational, medicinal, spiritual, therapeutic and creative purposes.

- 19 -

- 12.2. The plaintiffs have also been making Cannabis available to visitors to their property, the Jazzfarm, for purposes of participating in medicinal ceremonies, cleansing ceremonies, therapy, spiritual rituals, worship and meditation, during which the use of Cannabis may play a part, and for the purposes of which it was made available to participants.
- 12.3. Many otherwise law abiding members of the South African society use Cannabis on a regular basis for a range of reasons relating to health, religion, culture and merely as a relaxant.
- 12.4. Sections 4(a) & (b), 5(a) & (b) read with Schedule 2 of the Drugs and Drug Trafficking Act, 1992 (Act No. 140 of 1992) prohibits the use, possession or dealing in any dangerous dependence-producing substance or any undesirable dependence-producing substance.
- 12.5. Cannabis (Dagga), the whole plant or any portion or product thereof, is listed in Schedule 2 of the Act, as an undesirable dependence-producing drug.

- 20 -

- 12.6. Section 21 of the Drugs and Drug Trafficking Act, 1992 (Act No. 140 of 1992) creates various presumptions relevant to inter alia the prosecution of offences relating to Cannabis (Dagga).
- 12.7. Section 22A(10) of the Medicines and Related Substances Act, 1965 (Act No. 101 of 1965), read with Schedule 8 of that Act, also prohibits the use or possession of cannabis except for research or analytical purposes.
- 12.8. Section 22A(10) of the Medicines and Related Substances Act, 1965 (Act No. 101 of 1965), read with Schedule 8 of that Act and sections 4(a) & (b), 5(a) & (b) read with Schedule 2 of the Drugs and Drug Trafficking Act, 1992 (Act No. 140 of 1992) (hereinafter collectively referred to as "the prohibition"), therefore prohibits and criminalises the plaintiff's conduct and exposes them to arrest, criminal prosecution and possible detention.
- 12.9. As stated the plaintiffs challenge the constitutional validity of the prohibition [only in as far as it applies to the possession and use of Cannabis (Dagga) by adults] on the basis that:

and Drug Trafficking Act, 1992

- 12.9.1. the prohibition is irrational and inconsistent with the fundamental principles of the rule of law and legality;

- 12.9.2. the prohibition violates a number of their constitutional rights under Chapter 2 of the Constitution (the Bill of Rights);
- 12.9.3. the prohibition owes its existence to outdated and unfounded convictions on the harmfulness and dependence-producing effects of Cannabis, motivated in part by a now defunct racist political agenda;
- 12.9.4. the prohibition cannot be justified as a limitation in terms of section 36 of the Constitution.

THE PROHIBITION IS IRRATIONAL:-

unfounded convictions

- 13.1. The legislative prohibition of the use and possession of Cannabis is irrational insofar as it prohibits the use and possession thereof by adults.

13.2. The prohibition is therefor inconsistent with the basic requirements of the South African Constitution that requires all exercise of public power to adhere to the principles of legality and rationality.

13.3. It is irrational for the following reasons:

13.3.1. the legislative history of the prohibition of Cannabis shows that it has at all times been motivated by reasoning that:

13.3.1.1. denied the mores of indigenous African societies;

13.3.1.2. relied on racist and imperialist notions of what medicinal and recreational substance use is acceptable;

13.3.1.3. relied on quasi-scientific evidence for assumptions of harmfulness and addictiveness that has never been widely

- 23 -

accepted in the scientific world and is no longer regarded as good science;

13.3.1.4. sought primarily to destroy aspects of indigenous African societies which were woven into the fabric of their culture and economies;

13.3.1.5. sought to introduce notions of the superiority of European customs and culture into the local legislative framework.

13.3.2. and which legislation:

13.3.2.1. had the effect of criminalising behaviour that was perfectly acceptable in many indigenous African societies;

- 24 -

13.3.2.2. had the effect of criminalising many persons who were otherwise law abiding and well functioning members of society;

13.3.2.3. served no legitimate governmental purpose, but in fact served many illegitimate purposes;

13.3.2.4. continues to cause the arrest and incarceration of tens of thousands of persons every year which persons are mostly black and poor, and as a result the prohibition wastes criminal law and penal resources while it neither serves nor achieves any legitimate purpose or goal of the criminal law system.

13.3.3. The content of the legislation prohibiting the use and possession of Cannabis:

- 25 -

13.3.3.1. has no rational basis for classifying it as dangerous, harmful or undesirable for all persons, or even for a majority of persons;

13.3.3.2. has no rational basis for regarding Cannabis as a dependence-producing substance comparable with truly dependence producing substances.

THE LEGISLATIVE PROHIBITION OF CANNABIS UNJUSTIFIABLY INFRINGES ON FUNDAMENTAL RIGHTS:-

-14-

Plaintiffs also allege that the prohibition is an unjustifiable infringement of the following fundamental rights under Chapter 2 of the Constitution (the Bill of Rights), namely:

14.1. the right to inherent dignity and the right to have dignity respected and protected (section 10); and

following fundamental rights under Chapter 2 of the Constitution:

- 26 -

- 14.2. the right to freedom and security of the person (section 12); and
- 14.3. the right not to be treated or punished in a cruel, inhuman or degrading way (section 12(1)(e)); and
- 14.4. the right to privacy (section 14); and
- 14.5. the right to freedom of association (section 18); and
- 14.6. the right to ecologically sustainable development and use of natural resources (section 24(b)(iii)); and
- 14.7. the right of access to health care services (section 27(1)(a)); and
- 14.8. being persons who belong to a cultural and religious community, the right not to be denied the right, with other members of that community, to enjoy their culture and practise their religion (section 31);

- 27 -

14.9. the right to equality (section 9).

-15-

15.1. The prohibition infringes the right to inherent dignity and the right to have dignity respected and protected.

the right to equality (section 9)

15.2. The effect of the prohibition of Cannabis is that users of Cannabis are stigmatised in the eyes of broader society as criminals.

15.3. As a result of the criminal offence, people who use Cannabis are at risk of arrest, prosecution and conviction for a victimless offence, simply because they seek to engage in conduct which is part of their experience of being human.

15.4. The prohibition builds insecurity and vulnerability into the lives of Cannabis users.

- 28 -

15.5. The existence of a law, which is not premised on any legitimate government purpose, and which punishes individuals for a victimless offence, degrades and devalues Cannabis users in the broader society.

15.6. As such the prohibition constitutes a palpable invasion of the dignity of Cannabis users and constitutes a breach of the plaintiffs, and other Cannabis users' right to dignity.

-16-

broader society

16.1. The prohibition infringes the right to freedom and security of the person.

and other Cannabis users' right

16.2. The prohibition denotes an intrusion into the bodily autonomy and self determination of Cannabis users.

16.3. Under circumstances where the use of Cannabis affects only the user and nobody else, the State has no business in regulating what an individual does if what he does does not adversely affect

- 29 -

that person, other members of society or place a burden on the State.

- 16.4. Conviction based on the prohibition can, and often does, lead to imprisonment of Cannabis users,

-17-

- 17.1. The prohibition infringes the right not to be treated or punished in a cruel, inhuman or degrading way.
- 17.2. The sanctions, namely arrest, prosecution and conviction for a victimless offence is cruel, inhuman and degrading.
- 17.3. The punishment far outweighs the "crime" as the use of Cannabis cannot objectively be seen as a wrong committed against the public or the State.

- 30 -

-18-

The prohibition contained in section Sections 4(b), 5(b) and Part III of Schedule 2 of the Drugs and Drug Trafficking Act, 1992 (Act No. 140 of 1992) infringes the plaintiffs' right to privacy as it prohibits an activity engaged in, in private and triggers a range of law enforcement powers that authorise the invasion of such private areas.

-19-

The prohibition infringes the right to freedom of association as cannabis users often belong to cultural, religious or social groups that congregate for activities that may include the use of cannabis.

-20-

- 20.1. The prohibition infringes the right to ecologically sustainable development and use of natural resources as cannabis is a natural product that can be used to stimulate economic activity in agriculture and a range of secondary industries.

- 31 -

20.2. The enforcement of the prohibition costs South African tax payers large amounts every year which could be better used for job creation and social security programs.

20.3. The prohibition also prohibits the development of the hemp (a by-product of the dagga plant) industry which would create jobs in the agriculture, bio-fuel, textile and medical industries.

-21-

21.1. The prohibition infringes the right to access to health care services.

21.2. Cannabis has proven and well-documented beneficial effects. Among these are: the amelioration of nausea and vomiting, stimulation of hunger in chemotherapy and AIDS patients, lowered intraocular eye pressure (shown to be effective for treating glaucoma), as well as gastrointestinal illness and effectiveness as an analgesic.

21.3. The prohibition is oppressive in that it prohibits and criminalises access to medicine which may alleviate illness and suffering.

- 32 -

-22-

- 22.1. The prohibition infringes the plaintiffs' rights, with other members of that community, to enjoy their culture and practise their religion.
- 22.2. The use of Cannabis is central to the cultural and religious convictions and practices of the plaintiffs.
- 22.3. The prohibition represents an unjustifiable breach of the plaintiffs' cultural and religious convictions.

-23-

- 23.1. The prohibition infringes the right to equality in that it discriminates unfairly against indigenous communities and members of such communities who use cannabis as part of their inherited culture.
- 23.2. The use of Cannabis is central to the cultural and religious convictions and practices of the plaintiffs.

23.3. The prohibition represents an unjustifiable breach of the plaintiffs' cultural and religious convictions.

The manner in and extent to which the prohibition infringes the aforesaid rights do not constitute a justifiable limitation as required by section 36 of the Constitution in that:

24.1. it serves no legitimate governmental purpose;

24.2. the measures used are not rationally connected to any government purpose;

and in that:

24.3. to the extent that there may be a legitimate government purpose, the infringement is disproportionate to the interests being served;

- 34 -

- 24.4. there are alternatives available to the State which is less intrusive;
- 24.5. comparing legislative developments and prosecutorial policy in other democracies, the prohibition can no longer be considered as justifiable in South Africa;
- 24.6. the prohibition ignores the emerging consensus in international discourse that the criminal prohibition of Cannabis is counterproductive and in fact supports the existence of organised crime.

-25-

Plaintiffs will give notice of these proceedings in terms of Rule 16A of the uniform rules of court but will also ensure that notice of these proceedings be given to all other known interested and affected organisations in civil society.

- 35 -

-26-

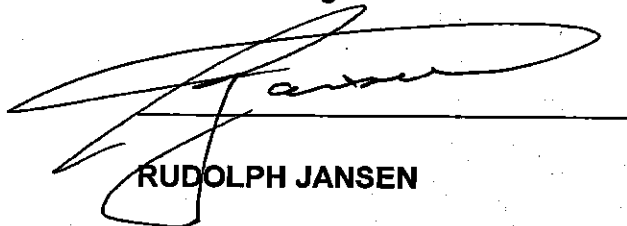
WHEREFORE the plaintiff claims for an order in the following terms:

- 26.1. declaring that the legislative prohibition against the possession and use of Cannabis (Dagga) by adults is inconsistent with the Constitution and therefore invalid;
- 26.2. that Cannabis be removed from the list of substances listed in Part III of Schedule 2 of the Drugs and Drug Trafficking Act, 1992 (Act No. 140 of 1992);
- 26.3. that Cannabis be removed from the list of substances in Schedule 8 of the Medicines and Related Substances Act, 1965 (Act No. 101 of 1965);

- 36 -

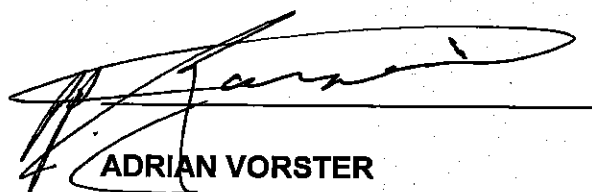
- 26.4. that all references to Dagga in section 21 of the Drugs and Drug Trafficking Act, 1992 (Act No. 140 of 1992) be expunged;
- 26.5. that the declaration of invalidity and the relief in consequence thereof be suspended for a period of two years to enable the legislature to pass appropriate legislation to regulate the cultivation, processing, distribution, sale, possession and use of Cannabis;
- 26.6. costs of suit;
- 26.7. further and / or alternative relief.

Dated and signed at Pretoria on the 11th day of October 2011.



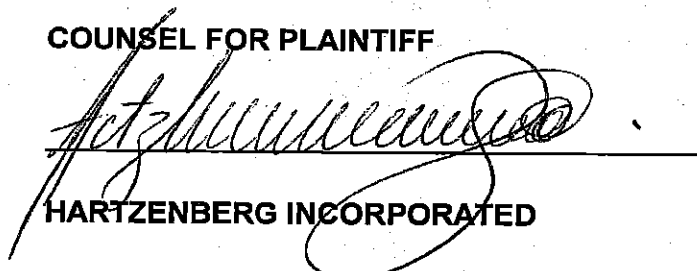
RUDOLPH JANSEN

COUNSEL FOR PLAINTIFF



ADRIAN VORSTER

COUNSEL FOR PLAINTIFF



HARTZENBERG INCORPORATED

ATTORNEYS FOR PLAINTIFFS

2nd Floor, One Hatfield Square Building

Corner of Burnett & Hilda Street

Hatfield, PRETORIA

P.O. Box 14544, Hatfield, PRETORIA, 0028

Telephone number: (012) 362 – 8994

Facsimile number: (011) 362 – 6028

E-mail: info@hartzlaw.co.za

Reference: F. Hartzberg/*JH*