

IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

CASE NO: CCT 36/00

In the matter between:

GARRETH ANVER PRINCE

Appellant

versus

**THE PRESIDENT OF THE LAW SOCIETY
OF THE CAPE OF GOOD HOPE**

First Respondent

**THE LAW SOCIETY OF THE CAPE OF
GOOD HOPE**

Second Respondent

**THE SECRETARY OF THE LAW SOCIETY
OF THE CAPE OF GOOD HOPE**

Third Respondent

THE MINISTER OF JUSTICE

Fourth Respondent

**THE ATTORNEY-GENERAL OF THE
CAPE OF GOOD HOPE**

Fifth Respondent

AFFIDAVIT

I, the undersigned **BERNARD BROWN** do hereby solemnly affirm and say:

1. The facts herein contained are within my personal knowledge and belief, unless it appears otherwise from the context, and are both true and correct.
2. I am an adult male residing at 20C Parkwood Avenue, Parkwood Estate, Western Cape. I am known as Ras Bernard Brown.

3. I have been a practising Rastafari for over 20 years and the founder of the Burning Spear Movement since its inception in 1981.
4. I am authorised to depose to this affidavit on behalf of the Burning Spear Movement.
5. I have read the affidavit of the Appellant, Garreth Anver Prince, dated 22 January 2001 and confirm the contents therein insofar as they refer to me. I also confirm in particular, the contents of paragraph 3.13 relating to the Burning Spear Movement.
6. I furthermore confirm the contents of paragraphs 4.1 to 4.13 inclusive, 5.1-5.5 inclusive, and 6.1-6.2 inclusive of the aforesaid affidavit relating to the usage of the holy herb by members of the Burning Spear Movement and other genuine Rastafari who are not presently members of any House or of other formal Rastafari organisation in South Africa.
7. I further confirm that should an exemption be granted to genuine Rastafari to use and possess the holy herb (cannabis) for religious and spiritual practice and observance, that the Burning Spear Movement supports the position that the

Rastafari National Council be the responsible and governing body which liases with the authorities, and/or assists in its implementation and in the administration of the exemption granted. I further confirm that the Burning Spear Movement will abide any decision taken by the Rastafari National Council in this regard.

BERNARD BROWN

I certify that:

1. the deponent acknowledges to me that:
 - 1.1 he knows and understands the contents of this affidavit;
 - 1.2 he has an objection to taking the prescribed oath;
 - 1.3 he solely affirms that the contents of this affidavit are true and correct.

2. the deponent signs this declaration in my presence at CAPE TOWN on this 22 day of January 2001.

COMMISSIONER OF OATHS