

IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

CASE NO: CCT36/00

In the matter between:

GERRETH ANVER PRINCE

Appellant

and

**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

SUPPORTING AFFIDAVIT

I, the undersigned,

ONICA CECILIA MAPHAI

do hereby declare under oath and say:-

1.

- 1.1 I am an adult female, the Deputy Director of the Sub-Directorate: Policy for Substance Abuse under the Directorate: Mental Health and Substance Abuse in the Department of Health at Civitas, Struben Street, PRETORIA.
- 1.2 All facts deposed to herein by me are, unless the context otherwise indicates, within my personal knowledge and are, according to my personal knowledge and belief, both true and correct.
- 1.3 I have been the Deputy Director as from 1 November 1996.
- 1.4 I am a registered nurse and possess a degree in Nursing Education and Administration wherein I majored in Psychiatry and Psychology.
- 1.5 As from June 1987 to June 1988 I trained for Psychiatry Nursing Science.
- 1.6 From 1988 to 1990 I have been employed at Westford Hospital Pretoria where the State President patients are rehabilitated.
- 1.7 As from 1990 tot 1993 I taught Psychiatry Nursing Science at Kalafong Hospital.

- 1.8 From 1993 to 1996 I joined a private sector with special units opened for psychiatry at Denmar Institute, Garsfontein and also at Louis Pasteur. Under these private units my responsibility was detoxification of addicted people.
- 1.9 As a Deputy Director I am responsible for the designing of policy guidelines for the prevention of substance abuse, for treatment, rehabilitation and social integration of individuals who are abusing psychoactive substances.
- 1.10 I have an experience in dealing with people addicted to dagga smoking and who as a result thereof have become psychosis both as a nursing sister, as a tutor, as a worker in the private units and as a Deputy Director. I have been meeting and treating persons addicted to the smoking of dagga especially those, whose minds have been damaged by the smoking of dagga.

2.

Among them are patients who call themselves Rastafarians and who believe in the God, Jah. I have met these people at Westford wherein they had been inmates and have been there because of being accused of murder, rape,

assaults and many kinds of violence related crimes. Many had killed their relatives mistaking them with animals which is an effect of hallucination.

3.

In my experience as the Deputy Director of the Department I have noted that many people who are psychosis are from the Northern Province, the Eastern Cape and Natal which are provinces where cannabis is planted or grows wildly.

4.

I submit that addiction to cannabis and its negative effects know no bounds of religion and there is no way in which the smoking of cannabis by the Rastafarians cannot result in psychosis. Further I know of no hospital owned by the Rastafarians which is able to treat the psychosis. All of the Rastafarian suffering from brain damage due to the smoking of dagga end up in public hospitals where they are treated at the cost of the tax payers' money.

WHEREFORE I pray for the dismissal of the application with costs.

DEPONENT

I CERTIFY THAT THE DEPONENT HAS ACKNOWLEDGED THAT HE/SHE UNDERSTANDS THE CONTENTS OF THE DECLARATION WHICH WAS SWORN TO/AFFIRMED BEFORE ME ON THIS _____ DAY OF _____ 2001. THERE HAS BEEN COMPLIANCE WITH THE REQUIREMENTS OF THE REGULATIONS CONTAINED IN GOVERNMENT GAZETTE R1258, DATED 21 JULY 1972 AS AMENDED.

COMMISSIONER OF OATHS