

Plea Statement

By Jeremy Acton

Read at the first hearing in *Acton vs. the State (possession of dagga)* on 17 March 2011 in the Montagu Magistrates Court.

When asked to plead:

Your Honor,

I, Jeremy David Acton, will not plead guilty because it is not morally possible to admit to any alleged crime when

- 1) There is no apparent victim of the alleged crime, and
- 2) It can and will be shown in defense that the law against Dagga is unjust, and unjustifiable, and is motivated and sponsored by vested corporate money interests and the collusive interests of the State, and by foreign influence upon the State.

These vested interests include the pharmaceutical, fossil fuel, soya, alcohol, tobacco, logging, and biotech industries, and the State itself, which levies duties and taxes on many of the toxic, inferior and environmentally destructive products produced by these industries.

As is my right, and as I have been advised by legal counsel, I therefore refuse to enter a plea of 'guilty' and of 'not guilty', and instead enter a plea of **"Political persecution."**

I, without reservation, inform this court that the law against Dagga is in violation of the rights of citizens of the Global Cannabis Culture, who claim the right to recognition and protection under the UN Declaration of Human Rights, which is law in South Africa.

(Reference: "THE REPORT. Cannabis: *The Facts, Human Rights and the Law*" by D'Oudney, K. and D'Oudney, J. published by SRC Publishing, ISBN No 978-1-902848-20-4.) An original copy of this book was presented to the Court, and a copy thereof is presented as Annexure 7.

The law against Dagga violates rights expressed in sections 1, 2, 3, 7, 8, 9, 10, 12, 16, 21, 25, 26 of the UN Declaration of Human Rights. (See annexure A to this document, below: UN Declaration of Human Rights. The clauses violated by the law against Dagga are given in **bold** lettering. The actual rights violated are given in **underlined bold italic** lettering).

In South Africa the law against Dagga violates the Constitutional rights of citizens of the Dagga Nation, including the rights to freedom of choice, health rights, and spiritual rights. With reference to specific sections of the Bill of Rights, the law against Dagga is in violation of:

- | | |
|-----------|---|
| Section 9 | Equality |
| 10 | Human Dignity |
| 12. | Freedom and Security of Person |
| 14 | Privacy |
| 15 | Freedom of religion, belief and Opinion |

- 19. Political Right
- 24 Environment
- 27 Health care, Food, Water and social security (the emphasis on Health Care and Food)
- 30 Language and Culture
- 31 Cultural, religious and linguistic Communities
- 33 Just Administrative Action
- 36 Limitation of Rights
- 39 Interpretation of Bill of Rights

I note that in terms of Section 170 of the Constitution, this lower court is not permitted to enquire into or rule upon the constitutionality of any legislation. This court is therefore not able to give a free and fair hearing to this citizen's defense.

In view of the above references to the violations of human rights by the law against Dagga, any process that denies these rights, or which declares a citizen guilty without a free and fair hearing is effectively defending an illegal law.

Any case that is withdrawn or dismissed by a court to prevent a defendant from achieving access to the Constitutional Court should also be considered to be against the interests of justice, especially when other citizens are suffering persecution because the application of the law against Dagga, or any other unjust law, is allowed to continue.

The violation of the rights of citizens of the Dagga Culture by the law against Dagga, has the result that all procedures in the Criminal Procedure Act, when applied to Dagga prosecutions, are effectively criminal procedures by the State against its own citizens, and any court which blindly applies the Criminal Procedure Act in relation to Dagga prosecutions violates Section 8 Application of the Bill of Rights of the Constitution, and is guilty of perjury and aiding and abetting State tyranny against citizens.

Section 38 of the Bill of Rights (re Enforcement of Rights) permits a) Anyone acting in their own interest, b) Anyone acting on behalf of a person who cannot act on their own, c) Anyone acting as a member of, or in the interests of a group or class of persons, to approach a competent court alleging that a right in the Bill of Rights has been infringed or threatened and the Court may grant appropriate relief, including a declaration of right.

The Constitution, in Section 167 (6), also states that National legislation or the rules of the Constitutional Court must allow a person, when it is in the interests of justice and with leave of the Constitutional Court-(a) to bring a matter directly to the Constitutional Court; or (b) to appeal directly to the Constitutional Court from any other court.

I do not only speak here on my own behalf, or in my own defense.

As: the leader of the Dagga Party of South Africa, which is a registered political party in the Langeberg Municipality of the Western Cape, I claim on my own behalf, and on behalf of my fellow citizens who are members of the Dagga Culture of South Africa, that all cases pertaining to Dagga, including this case, are now a human rights issue and therefore a Constitutional matter, until at least, fair representation can be made to the Constitutional Court.

Be informed that the Dagga Culture of South Africa is the multiracial cultural minority in our country that respects and utilizes the Cannabis tree.

Go to THE REPORT PG 14. Read out the **WHOLE** page from top to bottom.

From Page 14 of “THE REPORT. Cannabis: *The Facts, Human Rights and the Law*” by D’Oudney, K. and D’Oudney, J. published by SRC Publishing, ISBN No 978-1-902848-20-4.) :

Scientific FINDINGS OF FACT regarding Cannabis

As Reproduced and collated from the Data and Conclusions of the Official Empirical Studies into long and short-term use and smoking of Cannabis, the following are:

THE FINDINGS OF FACT OF THE REPORT CANNABIS: THE FACTS, HUMAN RIGHTS, AND THE LAW.

Cannabis....

1. is not toxic in any possible quantity: i.e. it is *incapable* itself of inducing fatality in a human,
2. is not addictive, physically or psychologically: i.e. it does not induce physical or psychological dependence;
3. is not pathogenic, does not cause physical or mental deterioration, has no adverse effect on mental or physical health;
4. does not cause skill impairments;
5. is benign;
6. has no potential for abuse, or maltreatment of the user; Cannabis has no potential for harm or danger;
7. does not cause crime;
8. does not lead to the use of drugs;
9. mitigates, reduces, and can preclude the use of drugs;
10. Cannabis as Preventive Measure/Preventive Medicine is health enhancing: all use of benign Cannabis is medical, whether by the sick or hale: the fallacious arbitrary fictitious ‘distinction’ between ‘medical’ and ‘recreational’ use is exceedingly damaging.

Where Cannabis is concerned, the legislation of its Prohibition:

1. is in its entirety, without factual foundation;
2. is based on mendacity (lies);
3. is itself illegal on numerous grounds by Common, Substantive and International Law;
4. is perjurious in prosecution; perjury by the state is both implicit and overt in every Cannabis trial.
5. The acts of its enforcement are crime per se; people persecuted thereby qualify for Amnesty and Restitution (as for other Wrongful Penalisation);
6. The ignoring of these foregoing Findings of Fact by courts and legislators is ex parte, the crude and criminal denial of Justice.
7. In its replacement of the use of drugs alcohol, tobacco, etc. by young people and adults, Cannabis promotes health. All private cultivation, trade, possession and use are vindicated.
8. In regard to Cannabis legislation of substance control is damaging, lethal, and unlawful; all special regulatory control of Cannabis produces negative, damaging and/r lethal results, and is per se unlawful.
9. Cannabis related prosecutions are legally malicious, ie premeditated crime against the person.
10. Cannabis Relegalisation is legally mandatory, that is legislative amendment for the return to the normal status of Cannabis which obtained before the introduction on any controls.

(End of quotation)

Conclusion:

I respectfully ask this court to note the 'political persecution' plea, and to grant this citizen a fair hearing by referring the case directly to the Constitutional Court, as is my right, so that the law against Dagga can be fairly evaluated for the good of all citizens of South Africa.

Direct referral of this case to the Constitutional Court will ensure that taxpayers do not have to pay the costs of an expensive and time wasting appeal process that would result from a simple guilty finding by this local court.

I thank you, your Honor, for hearing this plea and this petition for justice by this citizen, and for the sake of all the other citizens of South Africa.

End

Annexure A

Universal Declaration of Human Rights

Following is the complete text of the United Nations Universal Declaration of Human Rights. The UDHR was adopted and proclaimed by General Assembly resolution 217 A(III) of 10th December 1948.

PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore, The General Assembly Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

1. Everyone charged with a penal offense has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense.
2. No one shall be held guilty of any penal offense on account of any act or omission which did not constitute a penal offense, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offense was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

1. Everyone has the right to freedom of movement and residence within the borders of each State.
2. Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.
2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

1. Everyone has the right to a nationality.
2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16

- 1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.**
- 2. Marriage shall be entered into only with the free and full consent of the intending spouses.**

3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

1. Everyone has the right to own property alone as well as in association with others.
2. No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

1. Everyone has the right to freedom of peaceful assembly and association.
2. No one may be compelled to belong to an association.

Article 21

- 1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.**
- 2. Everyone has the right to equal access to public service in his country.**
- 3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.**

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

1. Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.
3. Everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

4. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
 2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.
2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

end