



## ARTICLE

# South African Police Service stealing the food off the table

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## Introduction

The South Africa Police Service (SAPs) have been involved in a number of arrests, and burning down of indigenous plants, farms and properties of very deprived communities whose livelihood and survival depends wholly on the land for survival. This is not only invasion of the private spaces and valuable property of defenceless communities, but it is also crime of the highest order which goes unnoticed and unpunished, especially when men and women in uniform take the law into their hands and inflict suffering on the poor. What do we mean when we say the police are stealing the food off the table? We say steal because almost all Cannabis (Dagga) arrests are unconstitutional and therefore unlawful. The victims are almost always innocent and their Dagga, money and belongings are almost never returned. Procedures should be followed according to the SAPS' own directive but they are never followed. To us, almost ALL Dagga arrests constitute THEFT. The police hardly ever use warrants, and are NOT ALLOWED to enter or search your private property, vehicle, bag or pockets without one.

The only reason why the Cops are acting with impunity is the lack of information on the rights of individuals, and what the police can, and cannot do in relation to Cannabis use. A precedent was set in 2020 in the Western Cape High Court confirming that a private space cannot be searched by the police without a warrant. A vehicle and a person's pockets and abode are all private spaces that cannot be searched without a warrant. This was clearly the result of the privacy judgment which was explicitly confirmed to the police by the circular of 2019. As we understand from the police themselves, the contents of this and other important notifications that are / should be sent out are either ignored or never received. Yet the police love overreacting whenever they see Cannabis and then use the drama to cover up ulterior motives and scare the victims into doing/bribing as they want them to. The general public is not aware of its rights in this regard and are exploited by the police so often that it has become the norm during arrests to

ignore the law, rather than to follow it. After all, the bribes and quotas to fill must be tempting.

## Misrepresentation of Facts on Cannabis

The indoor grow tents that the media and police love calling 'Hydroponic Dagga Labs', are in fact just grow tents. There is a dictionary full of equipment when it comes to Cannabis growing and making extracts. Many folk grow enough plants to make extracts from. Oil and dab making extraction equipment as well as plant fertilisers and hydroponic gardening equipment are all blanketed as 'drug labs' in the daily reports the police facilitate the media with. To the uninformed all this gear could easily be labelled a drug lab, but that is a dirty lie. It is a neatly positioned propaganda campaign to cover up corruption and continue the disabling of the poor and needy. A sinister overstatement that the public tend to believe if they read it enough... conjuring up images of mad scientists concocting evil drugs like Wouter Basson<sup>1</sup>. In our enlightened internet age surely most of the public can see through this but, sadly, the media persists. The media is flooded with significant amount of representation when it comes to Cannabis, from Algoa FM's stupid bust reports to EWN regurgitating the same (seemingly different) busts but in the end publishing the same hyped rehash of a flaky story, day after day after day. A typical example of these pieces of news are common place: see Algoa FM, Eyewitness news, Roodepoort Rekord, MSN News, Caxtons, EWN, 702, iol, Sowetan, News24. The list of publications that pump out these rubbish excuses for reporting goes on. Just google any one of them and add the terms 'dagga' and 'bust' or 'seize', the media's two popular metaphors for theft.

With the help of the media, often notified to arrive at the "scene of the crime" at the same time, the police are always keen for a photo opportunity. They also inflate the value of

<sup>1</sup> [https://en.wikipedia.org/wiki/Wouter\\_Basson](https://en.wikipedia.org/wiki/Wouter_Basson)

the Dagga seized with falsely estimated street values to make themselves look powerful. This is in fact "a contradiction of the most basic, foundational principles of what law enforcement is actually meant to be."

The 'bales of Dagga' we see in the news are simply part of the existing supply chain (there really is no other way to get Dagga from A to B other than to transport it!!) that often sustains vulnerable communities, both rural and urban, who have no choice during these difficult times. Interrupting the supply chain has little or no effect, except for creating poverty.

Fields of Green for All spoke to a police officer in Gauteng who told us that "the powers that be" did not even bother to distribute their directives and arrest circular to every police station in the country when they were issued following the September 2018 Constitutional Court judgment. It is no wonder then that the police are still arresting South Africans daily for Dagga and almost all the arrests are unconstitutional. The police seem to be left on their own to make up and break the law as they please. Nowhere is this more evident than in the ongoing, pointless Cannabis arrests that are an insidious tool enabling bribery and corruption and perpetuating poverty.

It is every stoner and their friend's responsibility to know their rights. This is the best protection against a corrupt police force. We have a dedicated page on our site (<https://fieldsofgreenforall.org.za/>) with frequently asked questions and best practice guidance plus a 24 hour helpline (+27 63 1740938) for arrests. Always be polite when dealing with the police, but never trust them and always know your rights.

## The economy of Pondoland and Dagga

Pondoland must be the best example of a poor rural community sustaining itself partly with Dagga. Yet our ignorant government saw it fit to send the police to spray the crops with glyphosate, a deadly poison that maims and kills. The police did not just stick to the Dagga crops, but sprayed ALL the crops, including food and people working in the fields, often children. Cannabis is the only cash crop in Mkumbi, a village of about 30 households. It was Fields of Green for All and the partnering lawyers that brought this to the public's attention along with affiliate non-profit the Umzimvubu Farmers Support Network whose Youtube channel is full of evidence. We went there in person and we have a timeline of events and a video from this government approved atrocious human rights violation that we call 'Police in Helicopters'. Reggae star John Holt even did a song about crop spraying of Cannabis.



Figure 1: Picture of Pondoland. Source: Photo by Ashraf Hendricks from Groundup

As seen from Figure 1, these families are the poorest of the poor, literally feeding and schooling their children with the extra income from the Dagga next to the mealies. We would like to know where is the harm in this and how does it compare to the catastrophic harm from crop spraying? These humble folk are now also potentially excluded (together with the rest of civil society) from consultations around the draft Cannabis for Private Purposes bill. The crop spraying may have only happened in Pondoland and Bergville, but the bales of Dagga that the police intercept is a countrywide occurrence.

## SAPS Stealing food off the table in broad day light

I indeed, with every bust in the news, the South African Police are stealing the food off the table and keeping the children from school. We are waiting for the government to have a change of heart and to see Dagga as an agricultural wonder that can help support the poor and not a dangerous dependence producing substance, as stated in the severely outdated 1992 Drugs and Drug Trafficking Act. It will be a good day when those words are erased from our South African law books forever.

As I wrote recently when I examined if there is actually any meaning behind arrests, the police and some media platforms are closely aligned in perpetuating the stigma around Cannabis. They both make it look like they are fighting crime but, in reality, Cannabis arrests are just the opposite. The pick-ups (bakkies) full of Dagga we see in the bust reports are transporting Dagga grown by craft growers from disadvantaged communities in rural areas. The Dagga is on its way from equally disadvantaged communities in urban areas where it gets divided up and sold to provide an income for all in the value chain. Those who do use Dagga within this value chain use it for their health or as a safe relaxant. Millions of poor people in our country do not have the land or means to cultivate their own Dagga. The government is leaving them with no choice but to participate in the unregulated market. This is NOT "drug syndicates in action" but rather the daily unregulated supply chain where GOOD PEOPLE DO SOBEY BAD LAWS! Why is this traditional, functional, vibrant part of our economy not legal and taxed like any other crop?

## Conclusion

So this behaviour by the SAPS is more ingrained as a widespread dysfunction (a deliberate bad habit of sorts) than it is a mere few accidental oversights. It is our responsibility as civil society to bring the masses to this understanding of the truth and expose this massive Dagga smoke and mirrors agenda the media and police are trying to cover up. Everyone that reads this should write to their local media that publishes these reports to complain and point them either to this piece or simply explain that you as reader would think more of a publication that does not regurgitate propaganda to protect corrupt officials at the expense of the poor. We can write to our local municipalities and police and complain, and support organisations such as Umzimvubu Farmers Support Network, Fields of Green for All and the Transnational Institute. Everybody should know their rights and report unlawful arrests to [Corruption Watch](#), to the [Human Rights Commission](#), to [Police misconduct](#) and to [IPI Dand Press Council](#) and [Fields of Green for all](#). The arrest you report may just be the one to change the right mind, so do it now.

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## About the Author



**Charl Henning** has a background in the tourism and music and creative industries. He works with Fields of Green For All and Join The Queue Dagga Arrest helpline since 2014, assisting the general public with administrative matters related to Cannabis arrests and court paper work among others.