

**26 June 2020**

## **Media Statement: An inexplicable delay of justice**

British American Tobacco (BATSA) has described as “inexplicable” and “worrying” a decision not to consider an urgent application to lift the tobacco sales ban in this legal term.

The shock news will, the company says, cost South Africa more than R1.4 billion and thousands of jobs as justice is delayed by almost six weeks.

BATSA revealed that it had received communication this morning that the application being brought by it and others against the ban has been listed for August 5 and 6.

This is despite BATSA agreeing, on the instructions of the Judge President, with the State President and COGTA Minister, that the case should be heard on June 30.

All applicants, and the COGTA Minister on behalf of the government, had agreed the matter is urgent and needs to be resolved by the courts as soon as possible. This is why all sides agreed that the hearing should be scheduled for Tuesday, next week, and why all court papers had been filed by Wednesday 24 June.

Instead, an email was received this morning stating that the case has been delayed by almost six weeks into the next legal term. Having received the extremely strong replying papers from the applicants, the State President and COGTA have done a total volte face and now want the matter to be heard on 5 and 6 August, this despite their acknowledgement that it is urgent.

“This delaying of justice and a resolution of this issue is inexplicable. By the time the case is heard the ban will have been in place for four and half months during which time billions of illegal cigarettes will have been sold,” said Johnny Moloto of BATSA.

“In this almost six week delay alone the fiscus will lose more than R1.4 billion in excise tax alone as the massive cigarette trade tightens its grip on the country.

“Thousands of jobs stand to be lost in the economy as criminality becomes the new normal. We are considering all our legal options and will be liaising directly with the government, as we had both previously agreed that the matter was urgent and needed to be heard next Tuesday.

“Postponing a case that has been agreed, by both sides, to be urgent is something that we believe is unprecedented and is very worrying.”

Ends