

CAS#: CAS 515 / 03 / 2024

SAPS STATION: STRAND

MAGISTRATE COURT: STRAND

INSP: WERNER TALJAARD

INSP198625



PREAMBLE TO STATEMENT * AANHEF TOT VERKLARING

Station, Stasie **STAND** CAS no **515** / **03** / **2024**
MAS no

PERSONAL PARTICULARS * PERSOONLIKE BESONDERHEDE

Title Titel	M	S	Initials Voortletters	N	Surname Van	VENTER										
First names Voornames																
NICOLE																
Identity number Identiteitsnommer	9	7	0	1	1	0	0	4	0	0	8	2	Race Ras			☒ NA ☐ Br ☐ A
Passport number Paspoortnommer	Country of issue Land van uitreiking															
Date of Birth Geboortedatum	1	9	9	7	0	1	1	0	Age Ouderdom			Gender Geslag			☒ M ☐ F	
Nationality Nasionaliteit	SOUTH AFRICAN (RSA)															

I am/am not a member of the SAPS with PERSAL no * Ek is lid/nie lid van die SAPD met PERSAL no

RESIDENTIAL ADDRESS * WOONADRES

Street name Straatnaam	N/A														
Building/farm/plot/place Gebou/plaas/plot/plek															
Suburb/Extension/Area Voorstad/Uitbreiding/Gebied															
Town/City Dorp/Stad															
Telephone number Telefoonnommer	Home Huis	Code	No	Work Werk	Code	No	Postal Code Poskode								
Cellphone number Sellulêre foonnommer				Fax Faks	Code	No									

ADDRESS--WORK/BUSINESS/INSTITUTION/ORGANISATION * ADRES--WERK/BESIGHEID/INSTANSIE/ORGANISASIE

Name of Institution/Organisation Naam van Instansie/Organisasie															
CAPE OF GOOD HOPE SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS															
Street name Straatnaam															
C/O FIRST ROAD & 1ST AVENUE															
Building/farm/plot/place Gebou/plaas/plot/plek															
SPCA BUILDING															
Suburb/Extension/Area Voorstad/Uitbreiding/Gebied															
GRASSY PARK															
Town/City Dorp/Stad															
CAPE TOWN															
Telephone number Telefoonnommer	Home Huis	Code	No	Work Werk	Code	021	Postal Code Poskode	7	9	4	1				
Cellphone number Sellulêre foonnommer				Fax Faks	Code	021	No	7052127							
Would you like to receive information regarding this case via sms? Wil u inligting in verband met die saak ontvang per sms?															
Yes ☒ No ☐															

CONTACT PERSON (IF APPLICABLE) * KONTAK PERSOON (INDIEN VAN TOEPASSING)

Title Titel	M	R	Initials Voortletters	J	H	J	Surname Van	PIETERSE							
Telephone number Telefoonnommer	Home Huis	Code	083	No	6788460	Work Werk	Code	021	No	7004158/9					

28 MARCH 2024

Date/Datum

Signature/Handtekening

Revision 1.1 Dated 2011-01-27

Page 1



SOUTH AFRICAN POLICE SERVICE

SUID-AFRIKAANSE POLISIEDIENS

SAPS 3M(b)
SAPD

Part A
Deel 1

STATEMENT * VERKLARING

Station
Stasie STRAND
CAS no
MAS no 515
03 / 2024

The following particulars in respect of the offence / incident is supplied:
Die volgende gegewens met betrekking tot die misdryf / voorval word verskrek:

PARTICULARS OF OFFENCE/INCIDENT * BESONDERHEDE VAN MISDRYFVOORVAL

Date and time of offence/incident
Datum en tyd van misdryf/voorval
H M S
and
H M S
on
op
Period: Between
Tydperk: Tussen
H H M M
Su M D W D V S
So M D W D V S

Description of Offence/Incident
Beskrywing van Misdryf/Voorval
CONTRAVENTIONS OF THE ANIMALS PROTECTION ACT NO. 71 OF 1962

Method used/Entrance gained
Metode gebruik/Toegang verkry
ANIMAL CRUELTY

Type of instrument used
Tipe Instrument gebruik
ROPE, EXCESSIVE FORCE, ABUSE, DOG

SCENE OF CRIME * TONEEL VAN MISDAAD

Between: Name of place
Tussen: Pleknaam

and: Name of place
en: Pleknaam

Or / Of

Street name
Straatnaam

Building/farm/plot/place
Gebou/plaas/plot/plek

Suburb/Extension/Area
Voorstad/Uitbreiding/Gebied

Town/City
Dorp/Stad

Geographical block no
Geografiese blok no

Type of premises
Tipe perseel

Postal Code
Poskode

RESIDENTIAL

28 MARCH 2024

Date/Datum

Signature/Handtekening

In a case of theft of a vehicle the statement must be continued on form SAPS 3M(c).
In a case of theft of a firearm the statement must be continued on form SAPS 3M(d).
In all other cases the statement must be continued on blank folio paper.

In die geval van diefstal van 'n motorvoertuig moet die verklaring op vorm SAPD 3M(c) voortgesit word.
In die geval van diefstal van 'n vuurwapen moet die verklaring op vorm SAPD 3M(d) voortgesit word.
In alle ander sake moet die verklaring op 'n blanko foliopapier voortgesit word.



SWORN AFFIDAVIT

I, the undersigned

WERNER ALWYN TALJAARD
(ID 9504055054086)

Do hereby make oath in English and state that:

1.

I am an adult male Inspector employed as such by the Cape of Good Hope Society for the Prevention of Cruelty to Animals ("SPCA") at corner of 1st Avenue and First Road, Grassy Park with contact telephone number/s 021 700 4158/9 and email address insp7@spca-ct.co.za.

2.

The facts contained in this affidavit fall within my personal knowledge unless indicated otherwise or unless it appears so from the context. The facts are also, to the best of my knowledge and belief, both true and correct.

3.

On the 16th of March 2024, I received a case about a man named Mr Mauritz Rossouw that strangled and killed a dog at the address of number 65 Hofmeyer Street, Strand. A video was received from the complainant, in which I observed three males and a female. One male suspect Mauritz Rossouw is seen on the video on top of a dog, attempting to strangle it with a rope. Additionally, the video showed two adult African males assisting the suspect in the act.

4.

It was seen that Mr Mauritz Rossouw was intentionally and in an unlawful manner, restraining the dog. The animal could be heard choking in the video, and the struggle went on for almost 10 minutes. The animal was repeatedly choked, and at one point, its body went limp, indicating that it had lost consciousness. The witness who took the video can be heard screaming at him to stop as he was killing the dog. She pleaded with him to leave the dog alone and get trained individuals from the SPCA or any welfare organization to collect the dog. She shouted at him multiple times that he was strangling the dog, but he did not listen. It is important to note that this act was not necessary. There was no urgency in removing the dog, and certainly, if they were scared of the risk of the dog's aggressiveness, they would not have undertaken to physically restrain the dog themselves. Instead, they would have waited until trained individuals could safely remove the dog. Therefore, it is directly due to their lack of foresight and brandish approach that they used a degree of force that was not proportional to the circumstances and was undeniably unnecessary.

I, Werner Alwyn Taljaard, further state under oath and in English that:

5.

On the 16th of March 2024, I received information that AWS (Animal Welfare Society) had the dead dog. Subsequently, I met with a member of AWS and collected the deceased animal, which was found inside a black body bag secured with a cable tie. I then proceeded to the complainant's residence at number 65 Hofmeyer Street, Strand, where I met with the complainant named Helena Burger. Mrs. Burger was visibly distressed, informing me that she had already completed an affidavit regarding the incident. During our conversation, Mrs. Burger identified the main suspect as Mr. Mauritz Rossouw and stated that she attempted to intervene during the incident. Mrs. Burger also provided information regarding Mr. Rossouw's residence, which she indicated as Plot 22 Firlands Equestrian Estate. Additionally, Mrs. Burger showed me a Protection Order she had against Mr. Rossouw, alleging his violation of it. I obtained copies of the affidavit and Protection Order before leaving the property with the deceased dog for postmortem examination at the Cape of Good Hope SPCA.

6.

I hereby respectfully request that **Mr Mauritz Rossouw** be charged in terms of Section 2(1)(a), 2(1)(b) and 2(1)(f) of the Animals Protection Act 71 of 1962;

7.

Section 2(1)(a) of the Animals Protection Act 71 of 1962 pertains to various forms of cruelty or mistreatment towards animals. The suspect did engage in actions that constitute cruelty or mistreatment towards an animal. In this case:

Cruelty and mistreatment of an animal, contrary to Section 2(1)(a) of the Animals Protection Act 71 of 1962.

Particulars of Offense: On or about the 14th of March 2024, at number 65 Hofmeyer Street, Strand, the accused, Mauritz Rossouw, did intentionally and unlawfully attempt to strangle a mixed breed dog named Olaf with a rope, thereby committing acts of cruelty and mistreatment towards the animal.

Section 2(1)(a): "*Overloads, overdrives, overrides, ill-treats, neglects, infuriates, tortures, or maims any animal.*"

7.1.

Cruelty by confining an animal under conditions causing unnecessary suffering, contrary to Section 2(1)(b) of the Animals Protection Act 71 of 1962.

Particulars of Offense: On or about the 14th of March 2024, at number 65 Hofmeyer Street, Strand, the accused, Mauritz Rossouw, did confine a mixed breed dog named

I, Werner Alwyn Taljaard, further state under oath and in English that:

Olaf under conditions causing unnecessary suffering, namely by restraining the dog with a rope in such a manner as to cause it unnecessary suffering.

Section 2(1)(b): *"Confines any animal unnecessarily or under such conditions or in such a manner or position as to cause that animal unnecessary suffering or in any place which affords inadequate space, ventilation, light, protection, or shelter from heat, cold, or weather."*

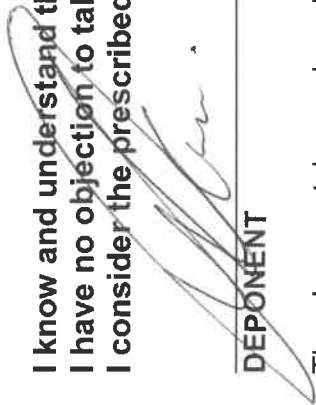
7.2

Cruelty by using an item causing injury or suffering to an animal, contrary to Section 2(1)(f) of the Animals Protection Act 71 of 1962.

Particulars of Offense: On or about the 14th of March 2024, at number 65 Hofmeyer Street, Strand, the accused, Mauritz Rossouw, did use a rope on a mixed breed dog named Olaf in a manner causing injury or suffering to the animal.

Section 2(1)(f): *"Uses on or attaches to any animal any equipment, appliance, or vehicle which causes or will cause injury to such animal or which is loaded, used, or attached in such a manner as will cause such animal to be injured or become diseased or to suffer unnecessarily."*

8.
**I know and understand the content of this declaration.
I have no objection to taking the prescribed oath.
I consider the prescribed oath to be binding on my conscience.**


DEPONENT

The deponent has acknowledged that he knows and understands the contents of this affidavit/declaration, which was signed and sworn to before me at Cape Town on this the 28th day of MARCH 2024, the regulations contained in Government Notice No R1258 of 21 July 1972, as amended, and Government Notice No R1648 of 19 August 1977, as amended, having been complied with.



COMMISSIONER OF OATHS

Full names:	Nashira Abrahams
Designation:	Commissioner of Oaths
Business address:	51 Rohm Road
	Goodwood
	7460



SWORN AFFIDAVIT

SURNAME & INIT

Helena Johanna Burger

ID

6509200032086

ADDRESS

65 Hofmeyersdorp Strand

TEL: HOME

—

TEL: WORK

—

CELL

0762508882

STATES UNDER OATH IN ENGLISH

Today Thursday 14/03/24 Mr Mauritz Rossouw came to the premises again - informing me that they are going to do work in the house etc, and build a wall where the sliding door is. He told me that our case will do nothing in court (I got an harassment order against Mr Rossouw). He and 2 other walkers he brought was trying to put the leash on Olaf (the dog) neck. They could not get it on, so I asked him why didn't the people from the animal shelter come as he said they would do. Then they proceeded to keep trying to catch the dog that was very scared by now. I kept telling Mr Rossouw

I know and understand the contents of this statement.
I have no objection to taking the prescribed oath.
I consider the oath as binding on my conscience.

SIGNATURE : M. Burger

I certify that the abovementioned was taken by me and that the deponent has acknowledged that he/she knows and understands the contents of this statement. This statement was sworn to before me and deponents signature was placed thereupon in my presence at

at Strand Police Station on 14 March 2024 time 15h00

SOUTH AFRICAN
POLICE SERVICE
SUPPORT

14 MAR 2024

STRAND

AMAPOLISA CMZANTSHI AFRICA

(Signature of Police Official)
COMMISSIONER OF OATHS

J. WASH WASH
(Full Name and Surname)

ST 2235765-1
(Rank & Peral Number)

STRAND SAPS

SOUTH AFRICAN POLICE SERVICE
African Police Service
6 ALTENA ROAD
STRAND
7140



SWORN AFFIDAVIT

SURNAME & INIT

H J Burger

ID

650 920 0652086

ADDRESS

65 Hofmeyersvlei

TEL: HOME

TEL: WORK

CELL

076250 8882

STATES UNDER OATH IN ENGLISH Report of incident

to phone the SPCA or similar people to give her a sedative or assist with getting her on the back. Then I heard Olaf crying that made my heart nearly stopped. They put a belt and a rope around her neck and Mr Rossouw lied with his full weight on her so she could not breathe. Her tongue was hanging and was blue. By the time they put her on the back she was not breathing. It was very very traumatic for me and my grandson (11). He gets seizures from all the stress on the premises. I made a video clip of the incident.

I know and understand the contents of this statement.
I have no objection to taking the prescribed oath.
I consider the oath as binding on my conscience.

SIGNATURE: H J Burger

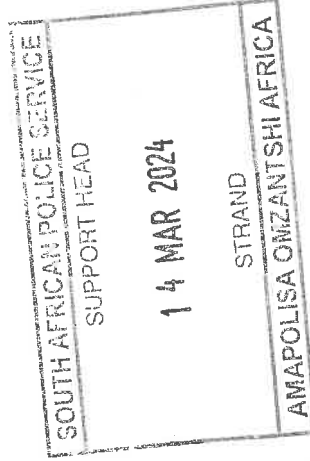
I certify that the abovementioned was taken by me and that the deponent has acknowledged that he/she knows and understands the contents of this statement. This statement was sworn to before me and deponents signature was placed thereupon in my presence at

at Strand Police Station on 14 March 2024 time 15h00

(Signature of Police Official)
COMMISSIONER OF OATHS

(Full Name and Surname)
F. W. van der Merwe

(Rank & Peral Number)
CST 72357651



STRAND SAPS
SOUTH AFRICAN POLICE SERVICE
African Police Service
6 ALTENA ROAD
STRAND
7140



REPUBLIC OF SOUTH AFRICA

FORM 2

[Regulation 3]

APPLICATION FOR PROTECTION ORDER

SECTION 2(1) OF THE PROTECTION FROM HARASSMENT ACT, 2011 (ACT NO. 17 OF 2011)

In the Magistrate's Court for the District of STRAND

Application number: H 165 / 2024

Name of complainant: H. J. BURGER

I form is to be lodged with the clerk of the courtIs the complainant in possession of or in the process of applying for a protection order against harassment or stalking as provided for in the Domestic Violence Act, 1998 (Act No. 116 of 1998).
Yes ☐ No ☐

PART A : APPLICATION

(*Delete whichever is not applicable)

*PLEASE INDICATE RELATIONSHIP WITH RESPONDENT ON DOTTED LINE:.....

1. PARTICULARS OF COMPLAINANT

Surname:	BURGER
Full names:	HELENA JOHANNA
Identity number:	650920 0052 086
Date of birth:	20/09/1965
Home or temporary address:	65 Hoffmeyerstreet strand
Home/contact telephone number/s:	076 250 8882
Work address:	—
Work telephone number:	—
Occupation:	—
E-mail address:	tishbite2009@live.com

*3.

PARTICULARS OF RELATED PERSONS AFFECTED BY HARASSMENT (A RELATED PERSON IS ANY MEMBER OF THE FAMILY OR HOUSEHOLD OF A COMPLAINANT, OR ANY OTHER PERSON IN CLOSE RELATIONSHIP TO THE COMPLAINANT):

Name:	Age:	Relationship to complainant:
Jeanie Mantz van Lapperberg	35	Daughter
Connor Eli Lusse	11	Grandson

4 INFORMATION REGARDING ACTS OF HARASSMENT

(Take note:

(a) Supporting affidavits by persons who have knowledge of the matter concerned may accompany this application and must be annexed as an annexure to this form.

(b) If reference is made to any documents, photographs, recordings, videos etc. —
 (i) the original thereof must at all times be kept by the complainant for purposes of submitting it as evidence in this application and a subsequent hearing that may take place;
 (ii) copies of documents and photographs may be attached to this form as an annexure; and
 (iii) copies of audio and video recordings may also be attached to this form as an annexure if it is furnished on a CD, DVD or other computer readable device and in a computer readable format and sealed in an envelope.)

(c) TAKE NOTE: All annexures to this document must be —

- (i) numbered alphabetically starting with "A"; and
- (ii) listed under paragraph 10, below.

Give full details of all incidents of harassment:

on Friday 08/03/2024 Salome Holdsworth (also living on the premises) has physically attacked by Mr. Maurice Rossouw and Andre de la Querra (He was in the room but i just saw Mr Rossouw shoving Salome inside her bedroom. I had to enter the house because she was screaming very loud for help. I helped her to take her last belongings and i made a video but not of the attack itself). While they were walking up and down Mr. Rossouw kept saying to me "you are next". That is the reason why my daughter bought locks to put on for our protection (also at night) Because we are women there and no protection. Before they left the premises they switched off our

electricity. Everything in the fridge has thawed and gone off. Now we struggle even more with a sick child also.

On the 10/03/2024 Mr Maurice Rossau came to the gate and took many photos of all of us, because we were sitting on the stoep. We didn't give him permission to photograph us, what does he want to do with the photo's?

On the 01/03/24 Mr Maurice Rossau and Andre de la Guerra came into our flat without permission while I was in the bathroom. I was not even dressed properly they invaded my privacy. At that moment I was alone there, when he Mr Rossau started taking pictures inside and refuse to leave. Knowing the and hearing of Mr Rossau's violent nature I had to wait till they finish and go.

This morning at 10h00 on 11/03/2024 Mr de la Guerra and Mr Rossau came to the gate with police and a generator. They started grinding of the locks (that was put there for our protection) I had the keys in my hand but they still continued grinding it off. My grandson had 2 attacks (seizures) because of the stress. I got a video clip when the 2 policemen helped my grandson inside.

Mr de la Guerra threatened to kill my cat when they went outside Mr Rossau threatened to have me killed. This is very upsetting and disturbing. I informed my family members and friends so that they know (if something may happen).

5. PARTICULARS OF RESPONDENT (PERSON RESPONSIBLE FOR HARASSMENT OF THE COMPLAINANT OR RELATED PERSON):

RELATIONSHIP BETWEEN COMPLAINANT AND RESPONDENT: NEIGHBOUR / FRIEND / COLLEAGUE / BOYFRIEND EX / GIRLFRIEND'S EX / WIFE'S EX / HUSBAND'S EX

***5.1 To be completed where the respondent is known to the complainant:**

Surname:	Rossouw	Age:
Full names:	Mauritz ID 581004 5010 086	
Home address:		
Address where respondent can likely be found:		
Telephone number:		
Facsimile number:		
E-mail address:		
Cellular phone number:		
Work address:		
Work telephone number:		
Occupation:		

***5.2 To be completed where respondent is unknown to the complainant and uses electronic communications to harass complainant:**

The name of the service provider which provides a service to the complainant or related person over which the harassing communication was received (for example XYD Internet service provider which provides an internet service to the complainant/related person who is the owner/user of the computer which received a harassing e-mail):	
The electronic communications identity number associated with the aforementioned service to which the harassing communication was sent (for example the Internet Protocol (IP) address assigned to the computer of the complainant/related person or cellular phone number or telephone number which received the harassing communication):	

The electronic communications identity number from where the harassing communication originated, where available (for example the e-mail address and/or IP address accompanying the harassing electronic communication or a web-address which contains harassing content or cellular phone number from which the harassing communication originated):	
Date, time and duration of harassing communication, if applicable (for example the complainant received a harassing cellular phone call on 12 December 2012 at 12h00 which lasted 12 minutes):	

***5.3 To be completed where respondent is unknown to the complainant and physically harasses the complainant:**

Will you be able to identify the respondent: Yes ☐ No ☐

- (a) Description of respondent:
-
-
-
-
-
-
-
-
-
- (b) Location where respondent can probably be found:
-
-
-
-
- (c) Any other information that might assist the South African Police Service in tracing the respondent:
-
-
-
-
-
-
-
-
-

(d) (i) Did the complainant or related person make a statement under oath or affirmation at a police station that he or she intends to apply for a protection order against harassment against a person whose name and address are unknown to the complainant: Yes ☐ No ☐

(ii) If the answer under paragraph (d)(i) is yes, please state the following particulars:

At which police station was the statement made:	
Date and time of making the statement:	
Reference number:	

6. INFORMATION REGARDING URGENCY OF APPLICATION

Submit the reasons why the court has to consider the application as a matter of urgency:

I threaten my life is very serious. Mr. Rossau got contacts all over and everytime they are on the premises he threatens me that I am next!! The 30 days of eviction notice is not even passed yet and he and Andre de la Quera keep harassing and insulting us. My court date is only on 07.10.2024 - it is still far off in the meantime we are being threatened and harassed.

7. TERMS OF PROTECTION ORDER

The court is requested to —

7.1

prohibit the respondent from —

- 7.1.1** engaging in or attempting to engage in harassment of the complainant;
- 7.1.2** engaging in or attempting to engage in harassment of the related persons whose particulars are provided in paragraph 3, above;

7.1.2 enlisting the help of another person to engage in harassment of the

***complainant/*related person;**

7.1.3 committing any of the following act/s:

- (a) No to use foul, insulting or abusive language on the complainant / family in any manner whatsoever
- (b) Not to threaten harass or intimidate the complainant / family in any manner whatsoever
- (c) Not to physically assault complainant / family in any manner whatsoever
- (c) Refrain from having direct or indirect contact with complainant / family in any manner whatsoever
- (e) Not to commit any act of Harassment ito. Act 17 of 2011

7.2

impose the following additional conditions that are necessary to protect and to provide for the safety and well-being of the ***complainant/* related person**:

- (a) Not to contact complainant or my family via any form of Social Media and Not to slander complainants name or family in Public or via any form of Social Media
- (b) Not to enter the Complainant's residence at:
- (c) Not to enter the Complainant's place of employment / school at:

7.3 order (mark appropriate space and complete where necessary):

*(a)	That a member of the South African Police Service is to seize the following weapon(s)
*(b)	That a member of the South African Police Service is to accompany the complainant or related person to the following residence:, to supervise the collection of the complainant's or related person's personal property set out in paragraph 8, below.
*(c)	That the station commander of the police station must investigate the matter with the view to instituting a criminal prosecution against the respondent.

***8. PERSONAL PROPERTY**

Property description:	Grounds on which property is considered to be personal property:	Address where property is kept:

9. POLICE STATION WHERE BREACH OF PROTECTION ORDER WILL LIKELY BE REPORTED

I am likely to report a breach of the protection order at the Gordon's bay,Lwandle,Strand,Somerset-West Police Station. Please circle your nearest Saps station name above. 7

10. INDEX OF ANNEXURES TO THIS FORM

Mark each Annexure alphabetically, starting with "Annexure A", and attach it to this form.	Give short description of Annexure, for example "statement of witness X", "CD with photographs".

WARNING:

- * It is a criminal offence to make a false statement in an affidavit for the application for a protection order.
- * The court may make an order as to costs against a party if it is satisfied that the party in question has acted frivolously, vexatiously or unreasonably.

N. Burger
 *Signature/*thumb print/*mark of *complainant/*person
 who applies for a protection order on behalf of
 the complainant

11/03/2024
 Date

PART B : CERTIFICATION

I certify that before administering the oath taking the affirmation I asked the Deponent the following questions and noted her answers in her presence as indicated below:-

- (a) Do you know and understand the contents of the above declaration? Answer: Yes
- (b) Do you have any objection to taking the prescribed oath? Answer: No
- (c) Do you consider the prescribed oath to be binding on your conscience? Answer: Yes

I certify that the Deponent has acknowledged that she knows and understands the contents of this declaration which was sworn to / *affirmed before me, and the Deponent's signature / *thumb print / *mark was placed thereon in my presence.

Dated at STRAND this 11 day of March 2024

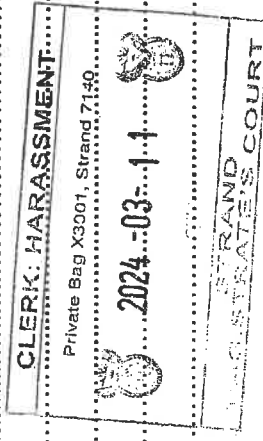
[Signature]
Justice of the Peace / Commissioner of Oaths

Full Names: C. VAN DER MERWE

Designation: ADMIN CLERK

Area for which appointed: STRAND

Business Address: GORDONS BAY ROAD, STRAND, 7140



To be completed by the clerk of the court

PART C:

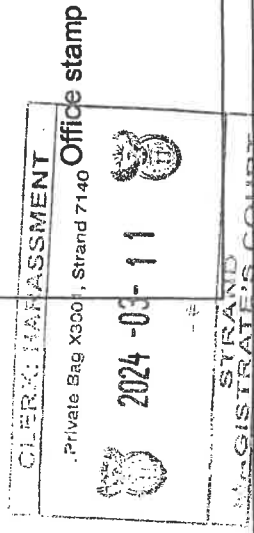
1. I, C. VAN DER MERWE, the clerk of the above-mentioned court, received the application for a protection order on (date): 11.03.2024 (time): 11H/5
2. I have completed the attached acknowledgement of receipt and handed it to the person who lodged this application for a protection order.

PART D:

The application for a protection order was submitted to (name and surname of magistrate):

..... on (date): (time):

Signature of clerk of the court: *[Signature]*





REPUBLIC OF SOUTH AFRICA

FORM 3

[Regulation 4]

INTERIM PROTECTION ORDER

SECTION 3(2) OF THE PROTECTION FROM HARASSMENT ACT, 2011 (ACT NO. 17 OF 2011)

(*Delete whichever is not applicable)

Take note: In terms of section 10(4) of the Protection from Harassment Act, 2011, the physical, home and work address of the complainant or related person must be omitted from the protection order (including any reference to such an address in documents annexed to the interim protection order), unless the nature of the terms of the order necessitates the inclusion of the address.

THE MAGISTRATE'S COURT FOR THE DISTRICT OF CAPE TOWN, SUBDISTRICT STRAND

HELD AT STRAND - C COURT - ROOM 10

APPLICATION NO. H 161 / 2024

In the matter between:

Helena J. Burger

(Complainant)

AND

Mauritz Rossouw

(Respondent)

1. PARTICULARS OF RESPONDENT

Name and surname: Mauritz Rossouw

Address:

Contact number (telephone number/cellular phone number/facsimile number/e-mail address (whichever is available)):

2. PARTICULARS OF APPLICATION

The complainant applied for a protection order against the respondent in terms of the Protection from Harassment Act, 2011 (Act No. 17 of 2011). This court, after considering the application, issued an interim protection order against the respondent.

3. PARTICULARS OF INTERIM PROTECTION ORDER

In terms of the interim protection order:

3.1 The respondent is prohibited by this court from —

(a) engaging in or attempting to engage in harassment of —

* (i) the complainant; and/or

* (ii) the following related person/s:

-
-
-
-
-

(b) enlisting the help of another person to engage in harassment of the complainant and/or abo-
related person/s; and/or

(c) committing any of the following act/s:

(i) NOT TO USE FOUL, INSULTING OR ABUSIVE LANGUAGE ON COMPLAINANT OR FAMILY

MEMBERS IN ANY MANNER WHATSOEVER.

(ii) NOT TO PHYSICALLY ASSAULT COMPLAINANT, FAMILY MEMBERS IN ANY MANNER

WHATSOEVER.

(iii) NOT TO COMMIT ANY ACT OF HARASSMENT ITO ACT 17 of 2011

*3.2 The court imposes the following additional conditions that are necessary to protect and to provide for the safety and well-being of the complainant or related person/s:

- (a)
- (b)
- (c)

*3.3 The court orders:

* (a)	That a member of the South African Police Service is to seize the following weapon(s):
* (b)	That a member of the South African Police Service is to accompany the complainant or related person to the following residence: to supervise the collection of the complainant's or related person's personal property set out in paragraph 8 of the application for a protection order, and such member is authorised to take all reasonable steps to effect the collection of the said property.

4. The respondent is called upon to show cause on 7/5/2024 - STRAND... (the return date) at 08:30 AM..... (time) at the abovementioned court, why the court should not issue a final protection order.

5. The return date specified in paragraph 4, above, may be anticipated by the respondent on not less than 24 hours' notice to the applicant and the court.

6. If the respondent does not appear on the return date and if the court is satisfied that —

(a) proper service has been effected on the respondent; and

(b) the application contains *prima facie* evidence that the respondent has engaged or is engaging in harassment,

the court must issue a final protection order.

7. A copy of the application of the complainant and the record of any evidence noted during proceedings are attached for the information of the respondent.

8. In terms of section 16 of the Act the court may make an order as to costs against a party if it is satisfied that the party in question has acted frivolously, vexatiously or unreasonably.

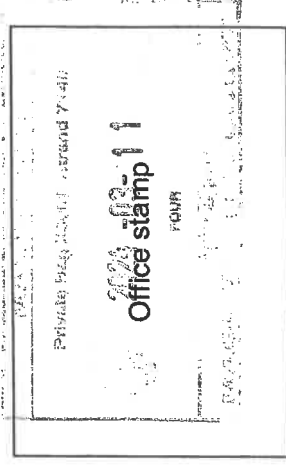
9. In terms of sections 3(3) and 15(a) of the Protection from Harassment Act, 2011, CHRISTIE V.D.MERWE..... (name and surname), who is a *clerk of court/*sheriff/ *peace officer is hereby directed to serve the interim protection order, a copy of the application for a protection order and the record of evidence noted on the respondent in accordance with regulation 28 of the Protection from Harassment Regulations 2013.

MAGISTRATE

DATE

11/3/2024

- #
- "harassment" means directly or indirectly engaging in conduct that the respondent knows or ought to know-
- (a) causes harm or inspires the reasonable belief that harm may be caused to the complainant or a related person by unreasonably-
- (i) following, watching, pursuing or accosting of the complainant or a related person, or loitering outside of or near the building or place where the complainant or a related person resides, works, carries on business, studies or happens to be;
- (ii) engaging in verbal, electronic or any other communication aimed at the complainant or a related person, by any means, whether or not conversation ensues; or
- (iii) sending, delivering or causing the delivery of letters, telegrams, packages, facsimiles, electronic mail or other objects to the complainant or a related person or leaving them where they will be found by, given to, or brought to the attention of, the complainant or a related person; or
- (b) amounts to sexual harassment of the complainant or a related person;



TAKE NOTE:

(a) A warrant of arrest has been authorised for the arrest of the respondent, the execution of which is suspended subject to the respondent's compliance with any specified prohibition, condition, obligation or order contained in this protection order.

(b) A respondent who contravenes any specified prohibition, condition, obligation or order contained in the protection order is in terms of section 18(1)(a) of the Protection from Harassment Act, 2011, guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding five years.



SWORN AFFIDAVIT

I, the undersigned

NICOLE VENTER
(ID 9701100040082)

Do hereby make oath in English and state that:

1.

I am an adult female Inspector employed as such by the Cape of Good Hope Society for the Prevention of Cruelty to Animals ("SPCA") at corner of 1st Avenue and First Road, Grassy Park with contact telephone number/s 021 700 4158/9 and email address insp8@spca-ct.co.za. The facts contained in this affidavit fall within my personal knowledge unless indicated otherwise or unless it appears so from the context. The facts are also, to the best of my knowledge and belief, both true and correct.

2.

On Friday, 15 March 2024, the Cape of Good Hope SPCA received a report, along with supporting footage, of a dog being strangled to death with a rope. Strangling a dog with any equipment is in contravention of Section 2(1)(a) and Section 2(1)(f) of the Animals Protection Act 71 of 1962, which prohibits acts of cruelty towards animals and mandates that they should not be subjected to unnecessary suffering. My colleague, Inspector Werner Taljaard ("Inspector Taljaard"), and I collected the carcass from Kyle Girodo ("Kyle"), an officer of the Heiderburg Animal Welfare Society (AWS Helderberg).

3.

Kyle signed the carcass of the dog over to the Cape of Good Hope SPCA and signed Admission Form A31015. Inspector Taljaard and I took the carcass, which was contained in a heavy-duty black bag, from Kyle's AWS vehicle and loaded it into our SPCA vehicle. The carcass was taken back to the Cape of Good Hope SPCA where Inspector Taljaard and I labelled the black bag with the dog's admission number. We thereafter placed the black bag in the cold room within the Cape of Good Hope SPCA's Hospital facility. I contacted Dr Collin Martin, a pathologist, to arrange that he conduct a post mortem of the carcass.

4.

Later that same afternoon, Inspector Taljaard and I went to speak with the witness, Ms Helena Johanna Burger ("Helena"). Upon our arrival at Helena's residence, 65 Hofmeyer Street, Van Ryneveld in Strand ("the property"), Helena spoke to Inspector Taljaard about what happened. Later that same evening, I contacted Helena telephonically on 076 250 8882 to get clarity on the situation. Helena explained to me that a man named Mauritz Rossouw ("Mauritz"), who is allegedly the assigned executor of the will of Andre La Querra, the owner of the property ("Andre"), attempted to take the dog, named Olaf, to be euthanased.

5.

Helena further explained to me that Andre told her that the SPCA would collect the dog for it to be put to sleep (euthanased) as he did not want to give the dog to anyone else. Helena explained that even though her and her family treated the dog as their own, Andre did not

I, Nicole Venter, further state under oath and in English that:

want them to keep the dog as the dog belonged to his late son. Helena informed me that this is why Mauritz came to the property with two of his employees on 14 March 2024. Helena told me that Mauritz said he had to take the dog to the SPCA to be euthanased on Andre's behalf as the SPCA wasn't able to collect the dog.

6.

When Helena noticed that the dog was scared of Mauritz and his employees, she told Mauritz that her daughter would be able to get the dog into the vehicle without hassle as the dog was comfortable with her daughter. Despite Helena's offer, Mauritz and his two employees started trying to catch the dog. Due to the dog becoming scared, Mauritz resorted to using force on the dog. Mauritz attempted to restrain the dog with force and the dog became increasingly frightened. Helena again informed Mauritz that her and her daughter could assist in getting the dog into the vehicle since the dog wasn't afraid of them. However, Mauritz continued to forcefully restrain the dog by holding it to the ground with his body and using a blanket. When the dog started screaming and became increasingly frightened, Helena attempted to intervene but was prevented from doing so by a woman identified (by Helena) as Mauritz' wife.

7.

Helena then started recording the incident with her Huawei cellular phone. In the video footage sent to the Cape of Good Hope SPCA by Helena, it can be seen that Mauritz and his employees restrain the dog and force it to the ground using their body weight against the dog and tying it with ropes. In the video, the dog can be heard crying out multiple times. Additionally, Helena can be heard pleading with them to let the dog breath but they respond dismissively and ignore Helena's requests. A white vehicle with registration number CFM 97715 is then reversed into the gate of the property and up to where Mauritz is holding the dog down to the ground.

8.

Towards the end of the video, Mauritz and his employees are seen securing the dog to a green plastic kennel. The dog appears to be distressed and in pain and discomfort which is evident by the strain seen on its face whenever the ropes and the kennel is moved as well as by the dog thrashing about in an attempt to get free. The struggled breathing and noises coming from the dog's throat can also be heard. Mauritz can be seen holding back a green rope which is secured around the neck and throat of the dog and pulled over the top of the plastic kennel, strangling the dog. The dog can be seen and heard struggling as the kennel is lifted into the back of the vehicle. This unreasonable act, as detailed, violates the Animals Protection Act 71 of 1962 due to its cruelty, due to Mauritz' failure to follow proper procedures for handling and euthanasia, and due to Mauritz's violation of the duty of care towards the animal.

9.

It was not acceptable nor reasonable for Mauritz and his employees to use excessive force in restraining the dog and to strangle the dog to death. Given that Mauritz could have waited for Helena's daughter to return to the property to help load the dog into the vehicle (as the dog would have been comfortable with Helena's daughter) it was unnecessary for Mauritz to restrain the animal with excessive force, and his conduct was not reasonable given the circumstances. The law requires that animals be treated humanely and with care, especially in situations involving euthanasia and capture or removal from a property.

10.

Additionally, Mauritz could have contacted the Cape of Good Hope SPCA to explain that he was unable to load the dog into his vehicle and arrange that the SPCA send an experienced

I, Nicole Venter, further state under oath and in English that:

Inspector to humanely capture the dog and load it into a vehicle. The suffering caused to Olaf, the dog which was mishandled (handled and restrained with excessive force and in a cruel manner) and further strangled to death was completely unnecessary and shall Mauritz have practiced reasonable duty of care, the unnecessary suffering of the dog could have been prevented.

11.

Pictures 1 to 15 seen in "**Photographic Evidence A**" are video-stills which were captured by myself using a Microsoft snipping tool on my work computer and at the Cape of Good Hope SPCA on 26 March 2024. I captured the video-stills of the video received by the SPCA. The video received was recorded by Helena Johanna Burger at 14 Mansfield Crescent, Mansfield, Gordons Bay on 14 March 2024 and with her Huawei cellular phone camera. The video-stills contained in the album "**Photographic Evidence A**" are a true and accurate reflection of my findings.

12.

Photographs 1 to 4 in "**Photographic Evidence B**" were taken by myself with my iPhone 8 cellular phone camera on 16 March 2024 at the Cape of Good Hope SPCA whilst Dr Collin Martin performed a post mortem on the carcass received on Friday, 15 March 2024. The photographs contained in the album labelled "**Photographic Evidence B**" have not been edited or altered in any way and are a true and accurate reflection of my findings.

13.

I placed the video footage I received on a CD labelled "**WhatsApp Video 2024-03-25 at 13.32.11_13.32.11_a60123ee**". I then placed the CD in a DVD cover and sealed it inside **Evidence Bag FSB-893715**. Strand South African Police Services (Strand SAPS) already has three (3) cases registered against Mauritz Rossouw with ID number 5810045010086, two (2) of which Mauritz is being charged for assault and another in which Mauritz is being charged for contravention of a harassment order opened against him.

14.

I know and understand the content of this declaration.
I have no objection to taking the prescribed oath.
I consider the prescribed oath to be binding on my conscience.

DEPONENT

The deponent has acknowledged that she knows and understands the contents of this affidavit/declaration, which was signed and sworn to before me at SPCans SPS on this the 28 day of MARCH 2023, the regulations contained in Government Notice No R1258 of 21 July 1972, as amended, and Government Notice No R1648 of 19 August 1977, as amended, having been complied with.

SOUTH AFRICAN POLICE SERVICE COMMUNITY SERVICE CENTRE	
28 MAR 2024	
STRAND	
AMAPOLISA OMZANTSHI AFRICA	

COMMISSIONER OF OATHS

Full names: Nicole J Venter

Designation: Capt

Business address: SPCans SPS

CAS 515/03/2024

SUID-AFRIKAANSE POLISIEDIENS



SOUTH AFRICAN POLICE SERVICE

AMAPOLISA OMZANTSHI AFRICA

VERKLARING - STATEMENT

Naam
Name Kyle Cirodo

Identifiseringsnommer
Identity number 840095209089

Woonadres
Residential Address

29 Knoothock Road Sir Lowryes Pass

Geboortedatum
Date of birth 09/10/1984

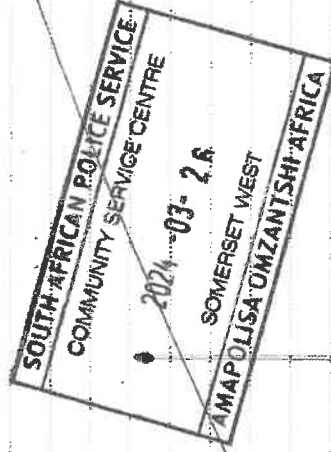
Tel no

Tel no(h)

(w) 0218560897 Sell Cell 0681007466

Verklaar onder eed in Afrikaans.
States under oath in English.

I Kyle Cirodo employed at animal welfare Weltevreden as an inspector, handed over the carcass of a dog in a black body bag To inspector Werner and Nicole of the SPCA on the 15th of March 2024 and signed Admission Form A31015



2.

Ek is vertrouwd met die inhoud van die verklaring en begryp dit. Ek het geen beswaar teen die aflegging van die voorgeskrewe eed nie. Ek bevestig die voorgeskrewe eed as bindend vir my gewete.
I know and understand the contents of this statement. I have no objection in taking the prescribed oath. I consider the prescribed oath to be binding on my conscience.

2024/03/26

Datum - Date

Ek sertifiseer dat bostaande verklaring deur my afgeneem is en dat die verklaarder erken dat hy/sy vertrouwd is met die inhoud van hierdie verklaring en dit begryp. Hierdie verklaring is voor my beëdig en verklaarder se handtekening / merk / duimafdruk is in my teenwoordigheid daarop aangebring

I certify that the above statement was taken by me and that the deponent has acknowledged that he / she knows and understands the contents of this statement. This statement was sworn to / affirmed before me and deponent's signature / mark / thumbprint was placed thereon in my presence

at Somerseet West op 2024/03/26 om 14:55

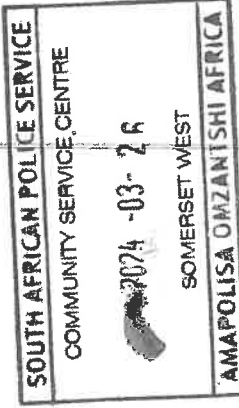
CST

721029.3

K.P. SUSANA

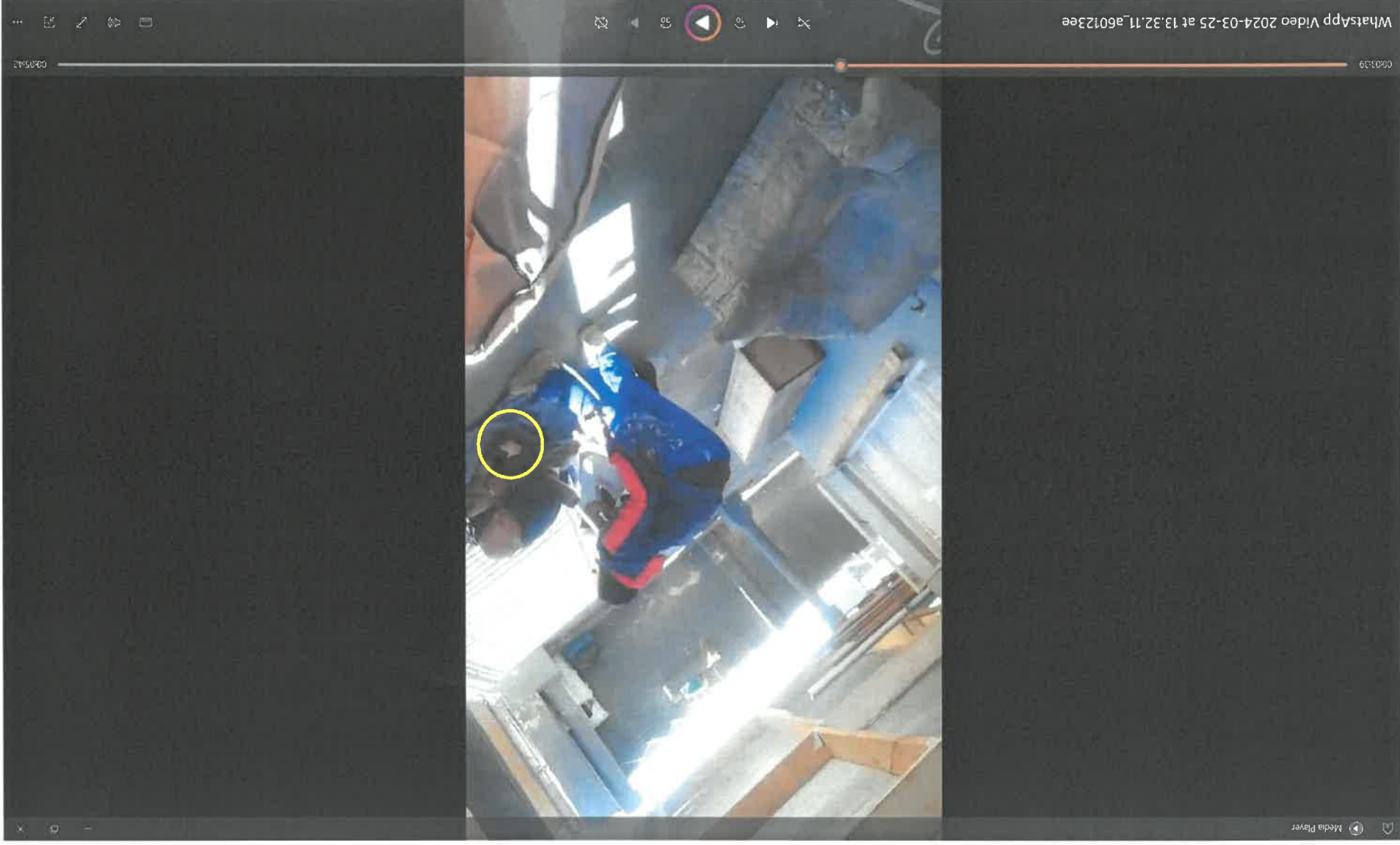
Kommissaris van eed - Commissioner of oaths

S A Polisiediens - S A Police Service
Hoofweg 181 - 181 Main road
Somerseet-Wes - Somerset West
021-8501303/25



Photographic Evidence A

Captured video-stills of "WhatsApp Video 2024-03-25 at 13.32.11_a60123ee"
Date taken: 14 March 2024
Address: 65 Hofmeyer Street, Van Rynveld, Strand
Taken by: Helena Johanna Burger
Taken with: Huawei Cellular Phone Camera
Video-stills captured by Inspector Nicole Venter



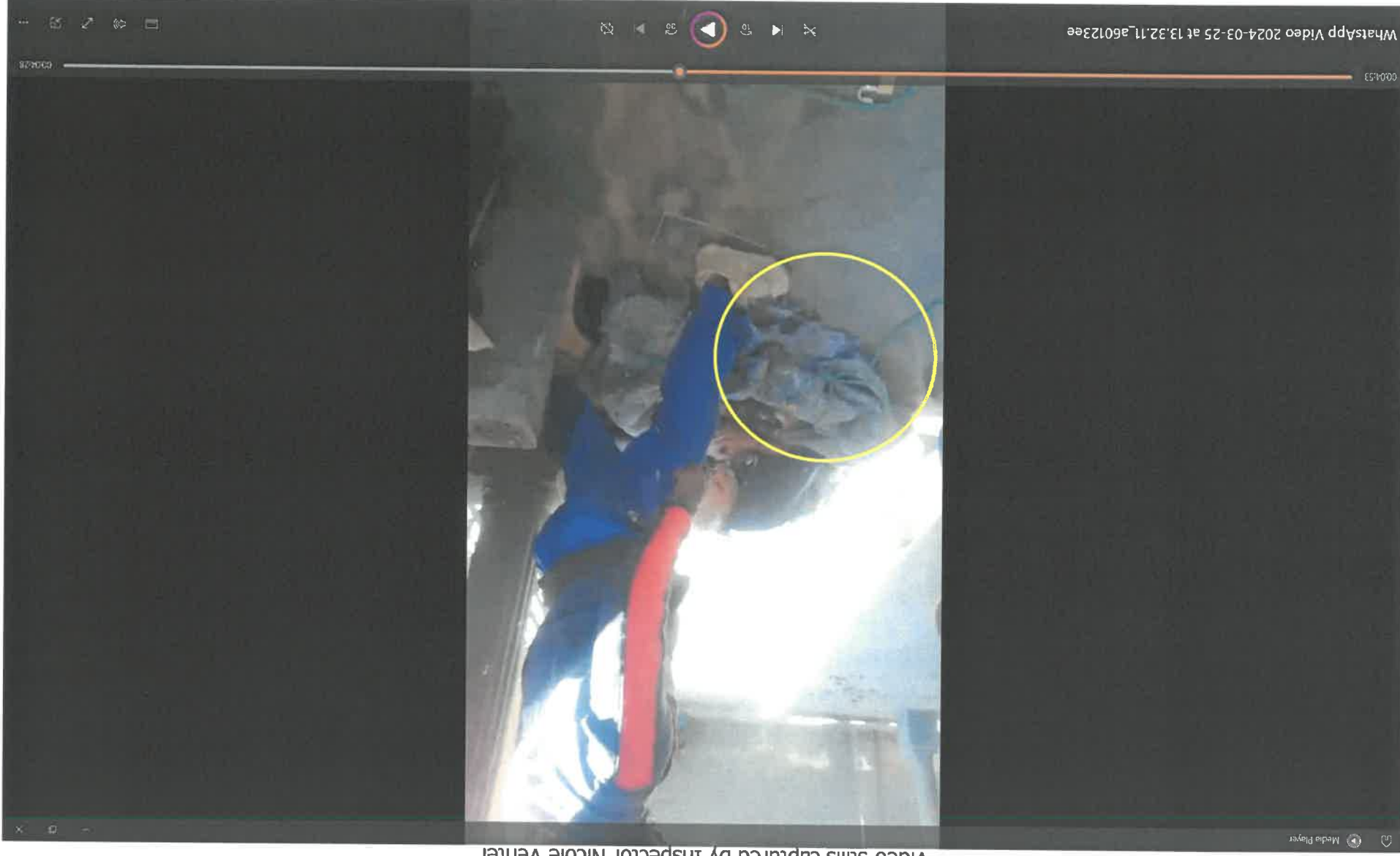
Picture 1: Depicting a video-still captured at timestamp 00:03:39. The video-still depicts Mauritz Rossouw and two of his employees holding something down to the ground. A tan dog's mouth can be seen from under the blanket.

Photographic Evidence A
Captured video-stills of "WhatsApp Video 2024-03-25 at 13.32.11_a60123ee"
Date taken: 14 March 2024
Address: 65 Hofmeyer Street, Van Rynveld, Strand
Taken by: Helena Johanna Burger
Taken with: Huawei Cellular Phone Camera
Video-stills captured by Inspector Nicole Venter



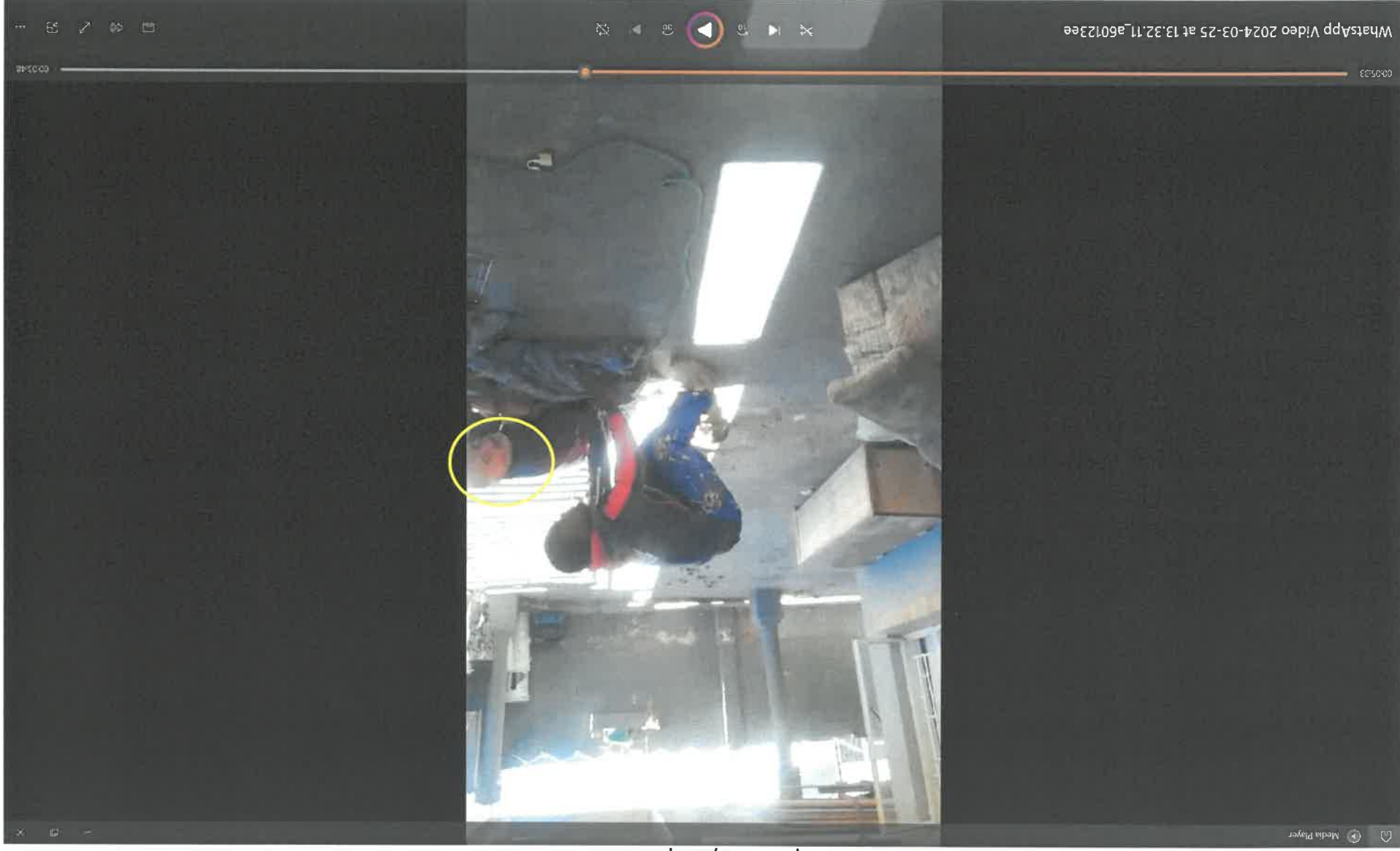
Picture 2: Depicting a video-still captured at timestamp 00:04:00. The video-still depicts the dog's face coming out from the blankets whilst it is being held down by Mauritz Rossouw and one of his employees.

Photographic Evidence A
 Captured video-stills of "WhatsApp Video 2024-03-25 at 13.32.11_a60123ee"
 Date taken: 14 March 2024
 Address: 65 Hofmeyer Street, Van Rynveld, Strand
 Taken by: Helena Johanna Burger
 Taken with: Huawei Cellular Phone Camera
 Video-stills captured by Inspector Nicole Venter



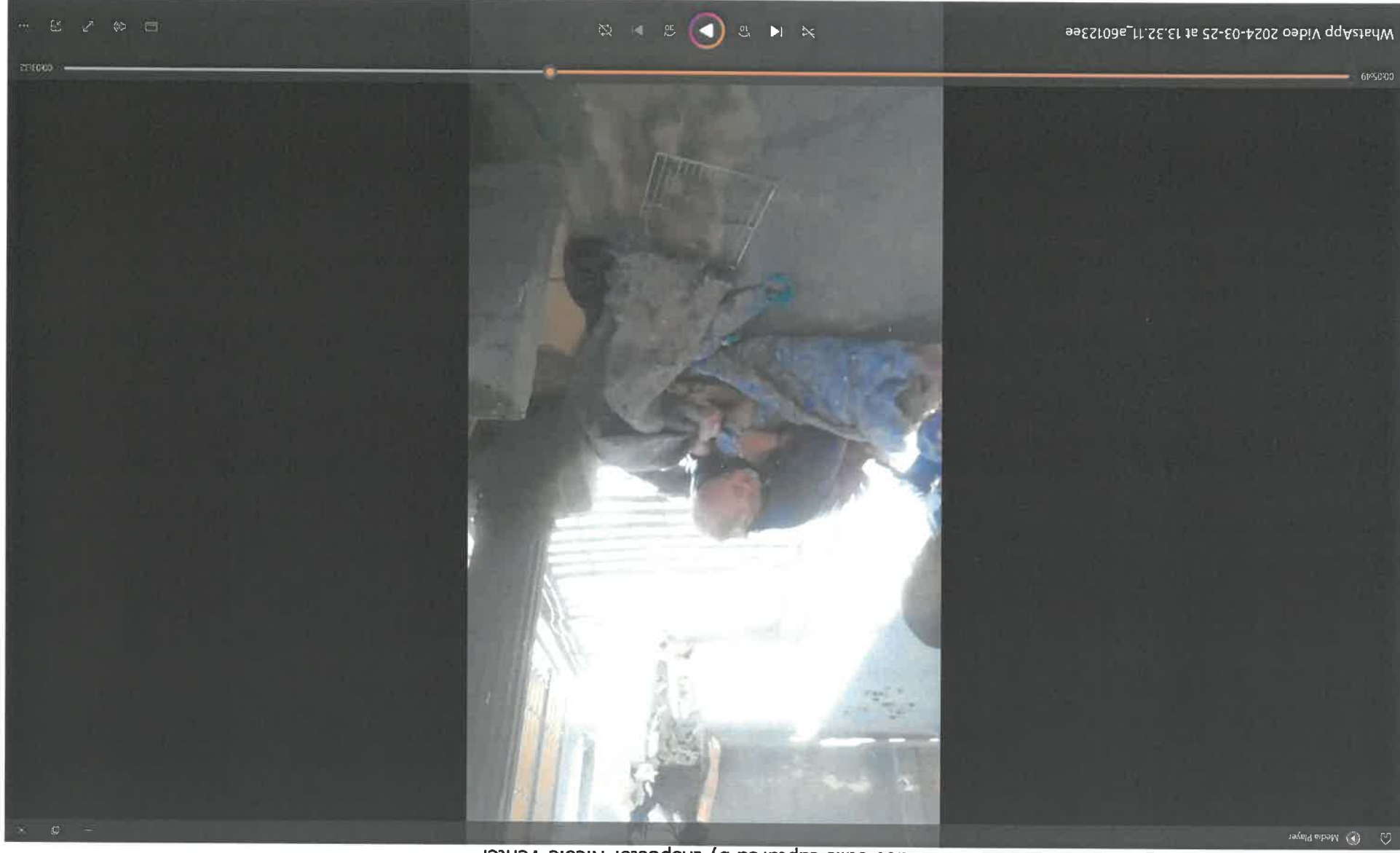
Picture 3: Depicting a video-still captured at timestamp 00:04:53. The video-still depicts the dog still being held to the ground by Mauritz Rossouw. The green rope attached to the dog can be seen on the floor next to where the dog is being held down. The dog's mouth can be seen from under the blankets.

Photographic Evidence A
Captured video-stills of "WhatsApp Video 2024-03-25 at 13.32.11_a60123ee"
Date taken: 14 March 2024
Address: 65 Hofmeyer Street, Van Rynveld, Strand
Taken by: Helena Johanna Burger
Taken with: Huawei Cellular Phone Camera
Video-stills captured by Inspector Nicole Venter



Picture 4: Depicting a video-still captured at timestamp 00:05:33. The video-still depicts a clear view of Mauritz Rossouw's face whilst he is still holding the dog down to the ground.

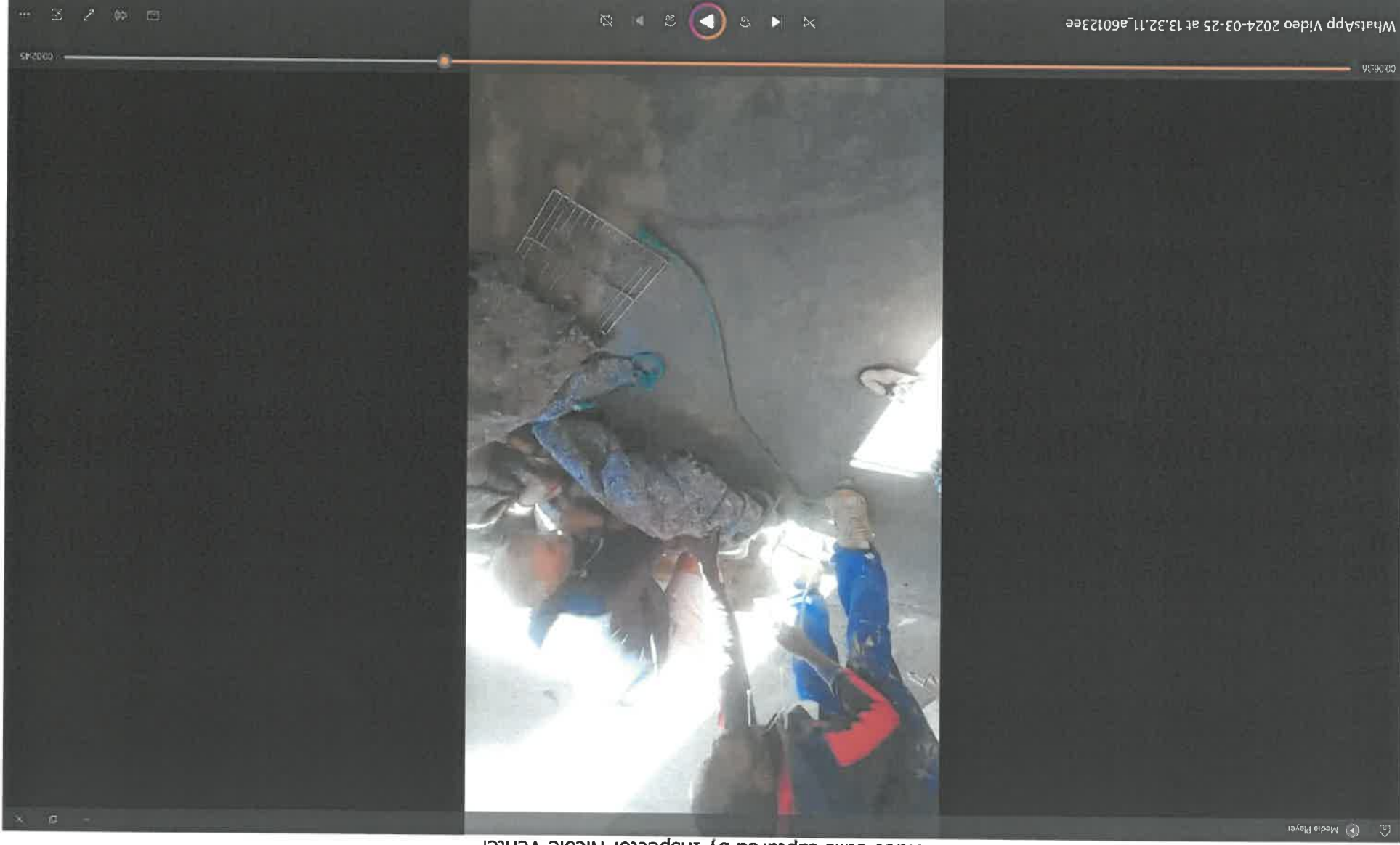
Photographic Evidence A
Captured video-stills of "WhatsApp Video 2024-03-25 at 13.32.11_a60123ee"
Date taken: 14 March 2024
Address: 65 Hofmeyer Street, Van Rynveld, Strand
Taken by: Helena Johanna Burger
Taken with: Huawei Cellular Phone Camera
Video-stills captured by Inspector Nicole Venter



Picture 5: Depicting a video-still captured at timestamp 00:05:49. The video-still depicts a clear view of Mauritz Rossouw's face whilst he is still holding the dog down to the ground. Note the green rope can be seen as well as the dog's legs under Mauritz Rossouw's arms.

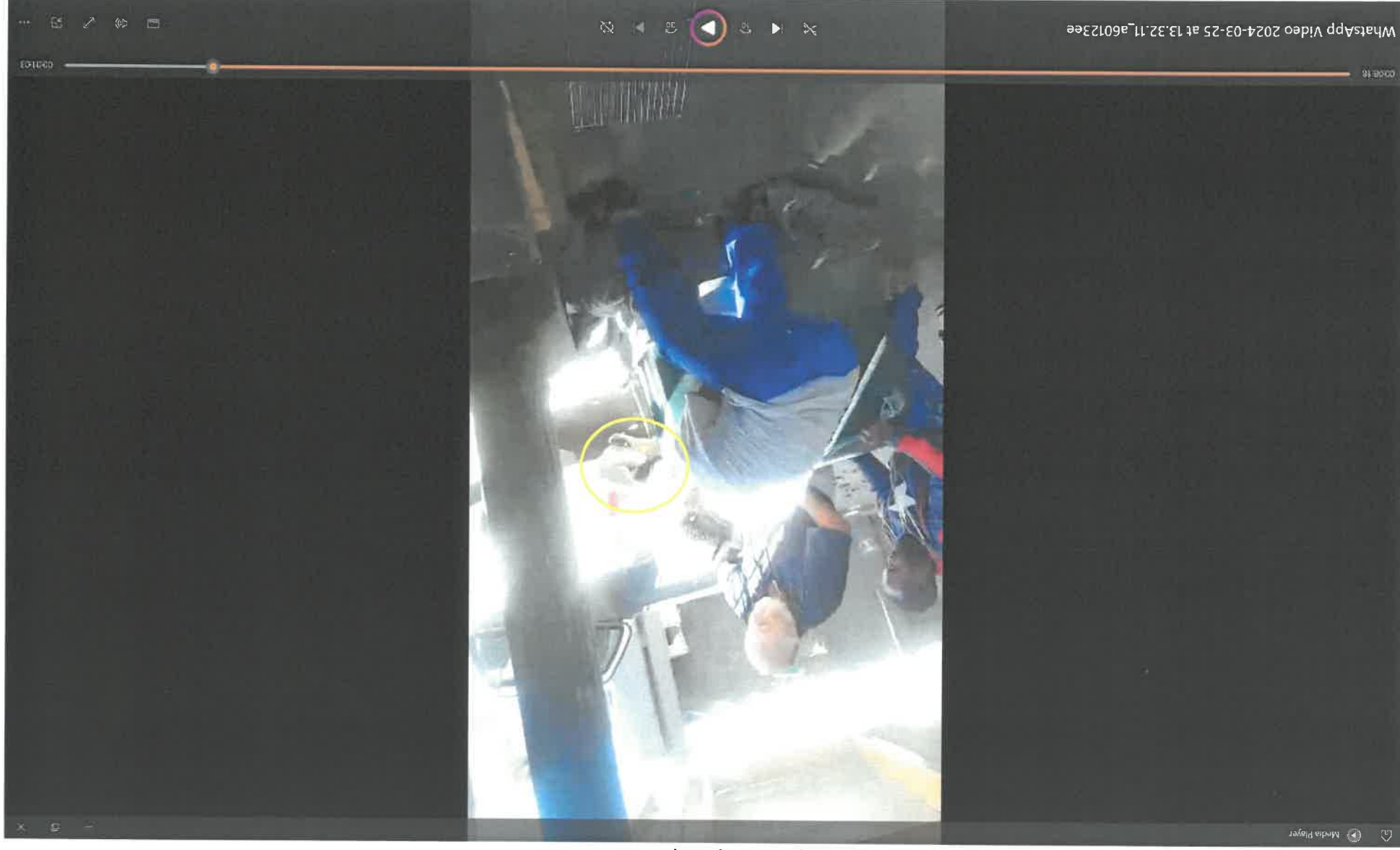
Photographic Evidence A

Captured video-stills of "WhatsApp Video 2024-03-25 at 13.32.11_a60123ee"
Date taken: 14 March 2024
Address: 65 Hofmeyer Street, Van Ryneveld, Strand
Taken by: Helena Johanna Burger
Taken with: Huawei Cellular Phone Camera
Video-stills captured by Inspector Nicole Venter



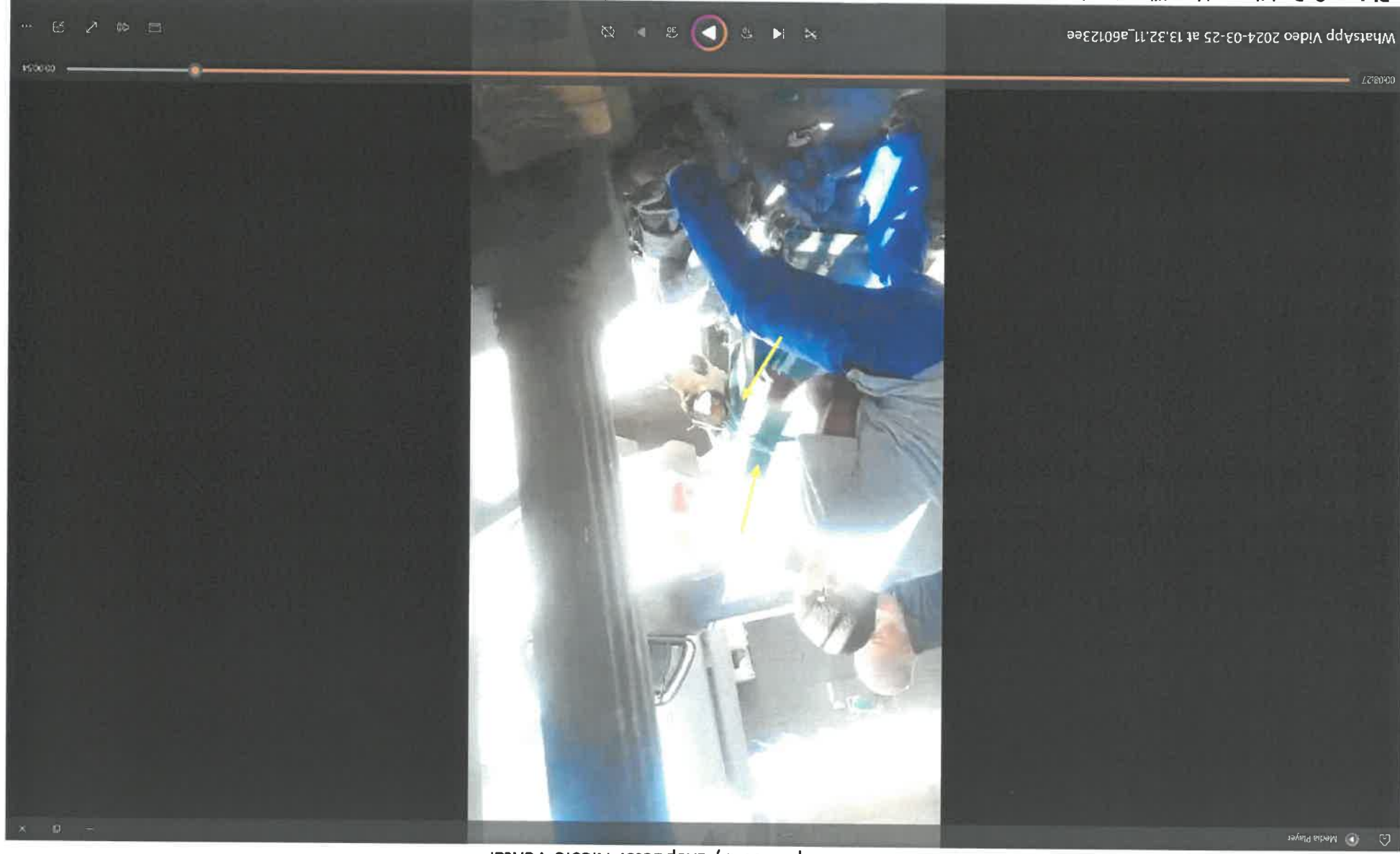
Picture 6: Depicting a video-still captured at timestamp 00:06:36. The video-still depicts one of Mauritz Rossouw's employees trying to attach another greenish rope to the dog being held to the ground by Mauritz Rossouw.

Photographic Evidence A
Captured video-stills of "WhatsApp Video 2024-03-25 at 13.32.11_a60123ee"
Date taken: 14 March 2024
Address: 65 Hofmeyer Street, Van Rynveld, Strand
Taken by: Helena Johanna Burger
Taken with: Huawei Cellular Phone Camera
Video-stills captured by Inspector Nicole Venter



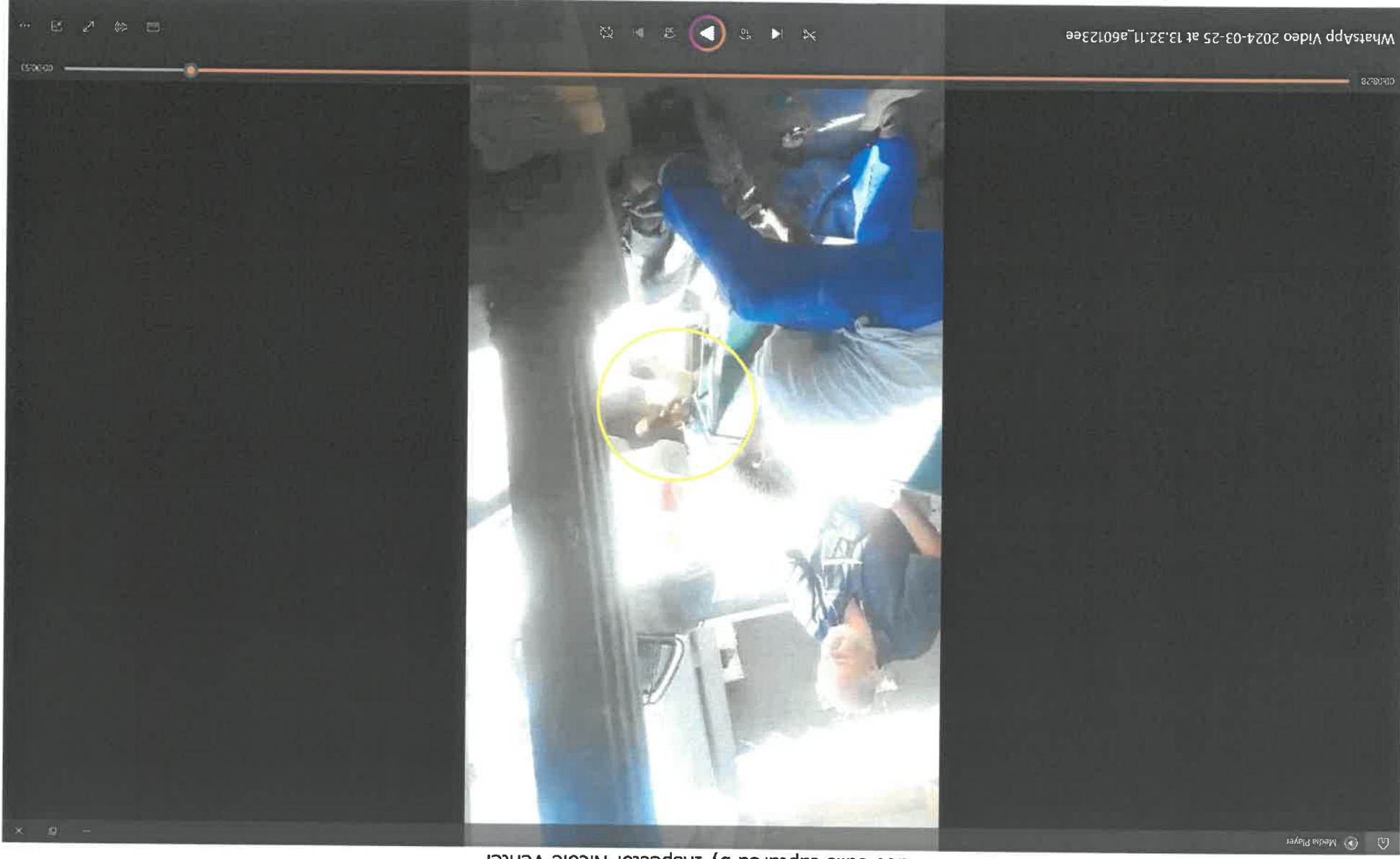
Picture 7: Depicting a video-still captured at timestamp 00:08:18. The video-still depicts the strain on the dog's face when the kennel is moved and the rope pulled on.

Photographic Evidence A
 Captured video-stills of "WhatsApp Video 2024-03-25 at 13.32.11_a60123ee"
 Date taken: 14 March 2024
 Address: 65 Hofmeyer Street, Van Rynveld, Strand
 Taken by: Helena Johanna Burger
 Taken with: Huawei Cellular Phone Camera
 Video-stills captured by Inspector Nicole Venter



Picture 8: Depicting a video-still captured at timestamp 00:08:27. The video-still depicts the rope pulled over the top of the kennel and from around the neck of the dog. The dog appears to be struggling.

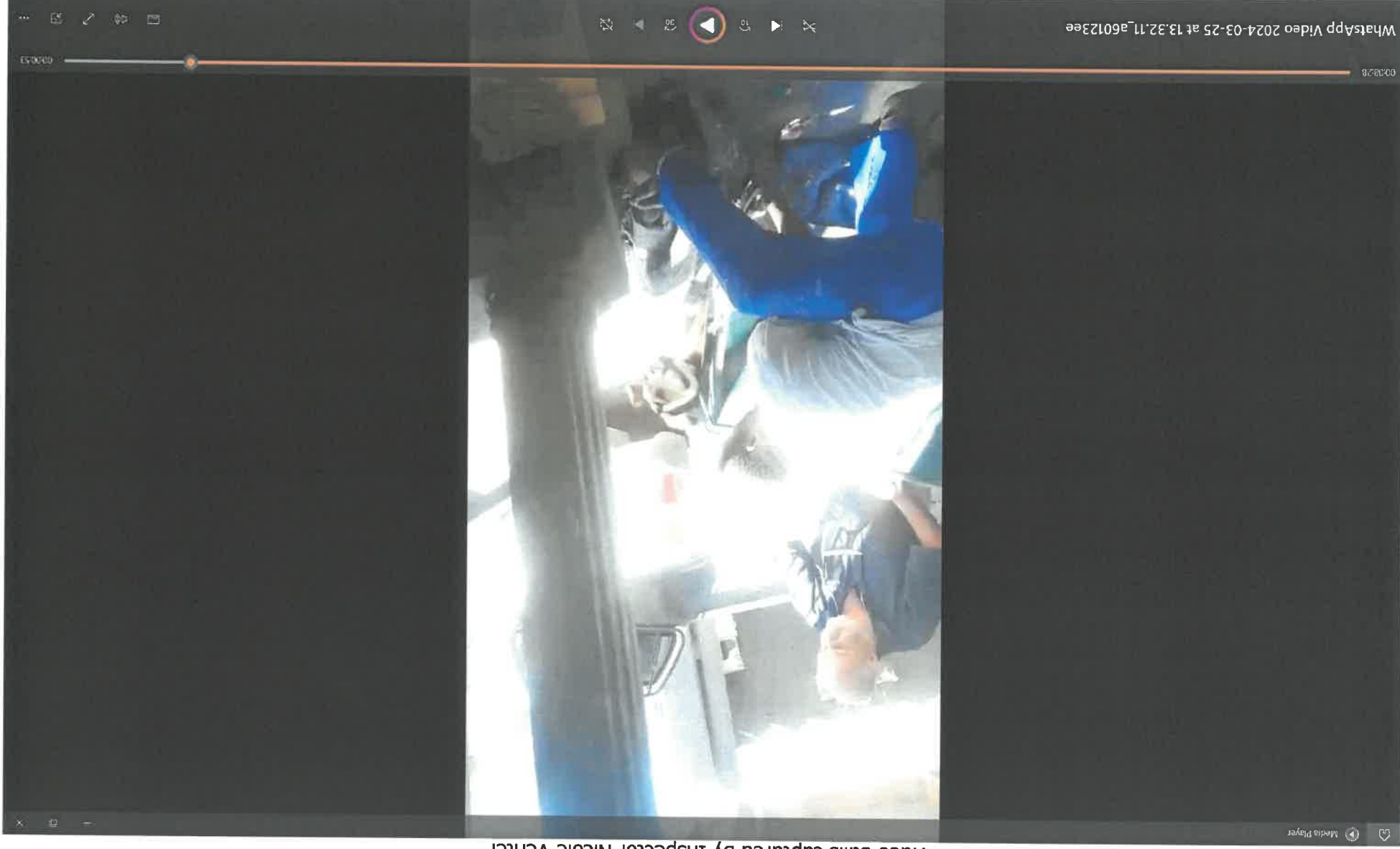
Photographic Evidence A
Captured video-stills of "WhatsApp Video 2024-03-25 at 13.32.11_a60123ee"
Date taken: 14 March 2024
Address: 65 Hofmeyer Street, Van Ryneveld, Strand
Taken by: Helena Johanna Burger
Taken with: Huawei Cellular Phone Camera
Video-stills captured by Inspector Nicole Venter



Picture 9: Depicting a video-still captured at timestamp 00:08:28. The video-still depicts the dog again thrashing its head around as well as the rope still attached to the neck of the dog.

Photographic Evidence A

Captured video-stills of "WhatsApp Video 2024-03-25 at 13.32.11_a60123ee"
Date taken: 14 March 2024
Address: 65 Hofmeyer Street, Van Rynveld, Strand
Taken by: Helena Johanna Burger
Taken with: Huawei Cellular Phone Camera
Video-stills captured by Inspector Nicole Venter



Picture 10: Depicting a video-still captured at timestamp 00:08:28. The video-still depicts the dog again thrashing its head around as well as the ropes still attached to the neck of the dog.

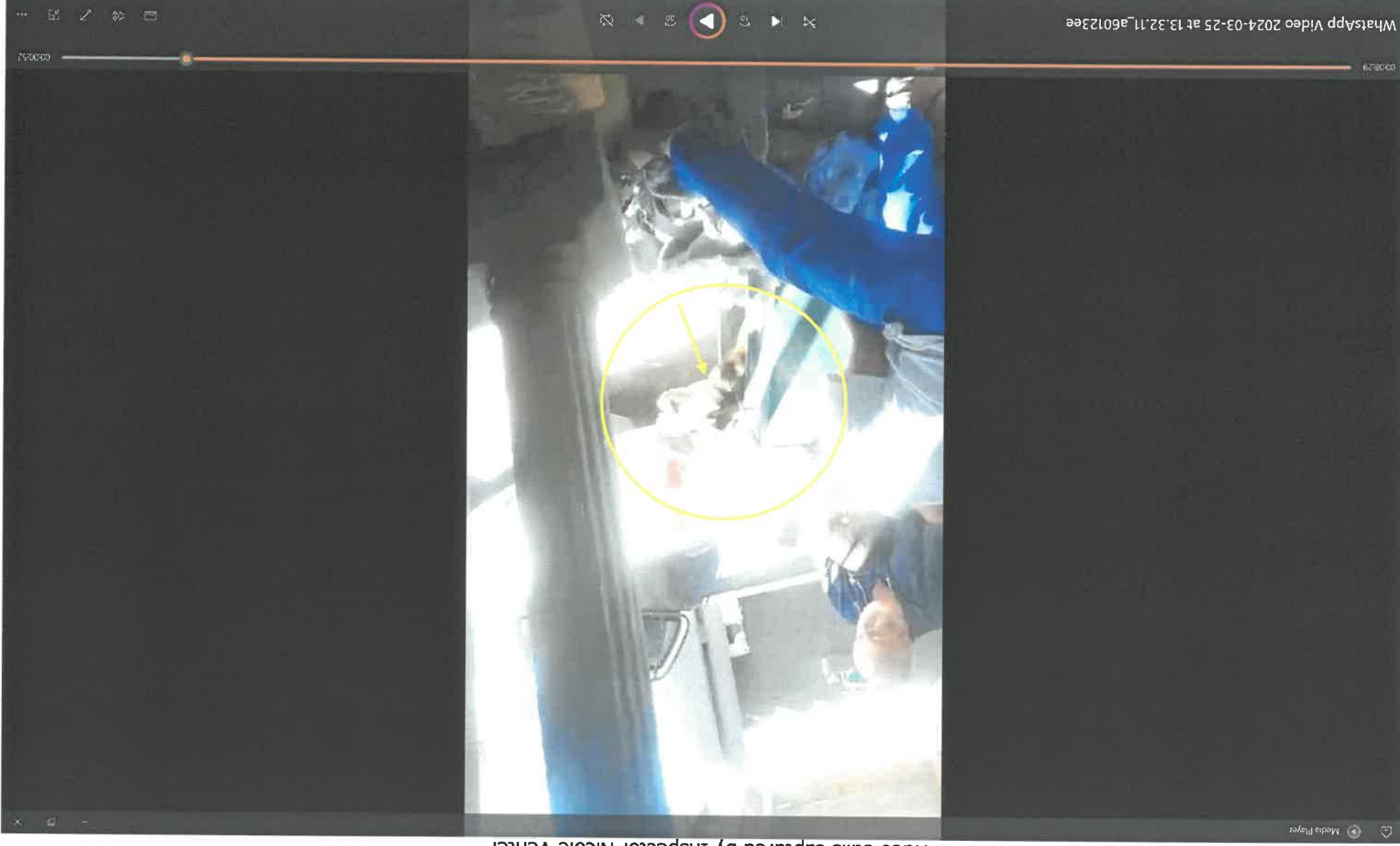
Photographic Evidence A
Captured video-stills of "WhatsApp Video 2024-03-25 at 13.32.11_a60123ee"
Date taken: 14 March 2024
Address: 65 Hofmeyer Street, Van Ryneveld, Strand
Taken by: Helena Johanna Burger
Taken with: Huawei Cellular Phone Camera
Video-stills captured by Inspector Nicole Venter



Picture 11: Depicting a video-still captured at timestamp 00:08:29. The video-still depicts the dog again thrashing its head around as well as the ropes still attached to the neck of the dog.

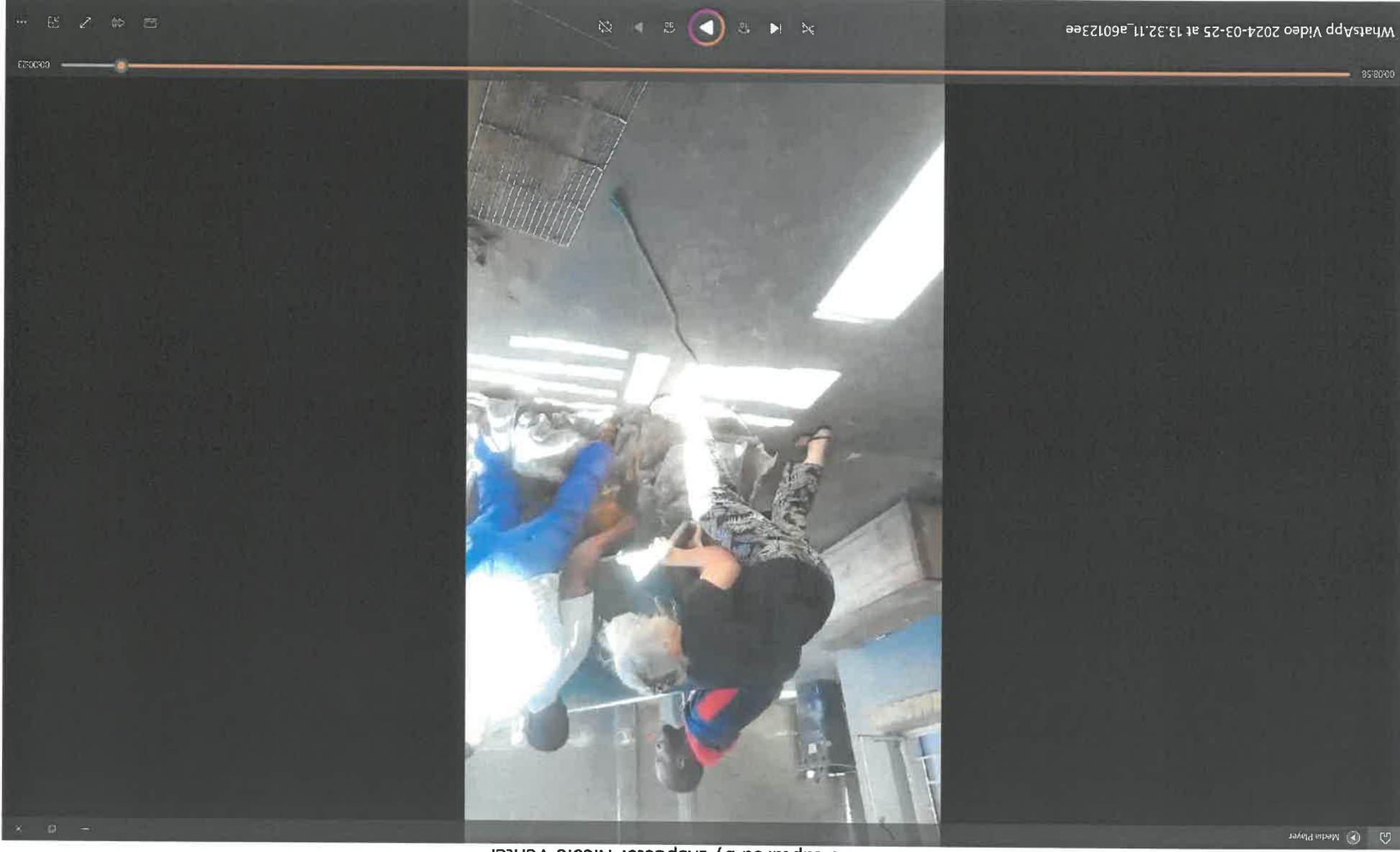
Photographic Evidence A

Captured video-stills of "WhatsApp Video 2024-03-25 at 13.32.11_a60123ee"
Date taken: 14 March 2024
Address: 65 Hofmeyer Street, Van Ryneveld, Strand
Taken by: Helena Johanna Burger
Taken with: Huawei Cellular Phone Camera
Video-stills captured by Inspector Nicole Venter



Picture 12: Depicting a video-still captured at timestamp 00:08:29. The video-still depicts the dog thrashing its head around and the rope can be seen tightly pulling around the throat of the dog.

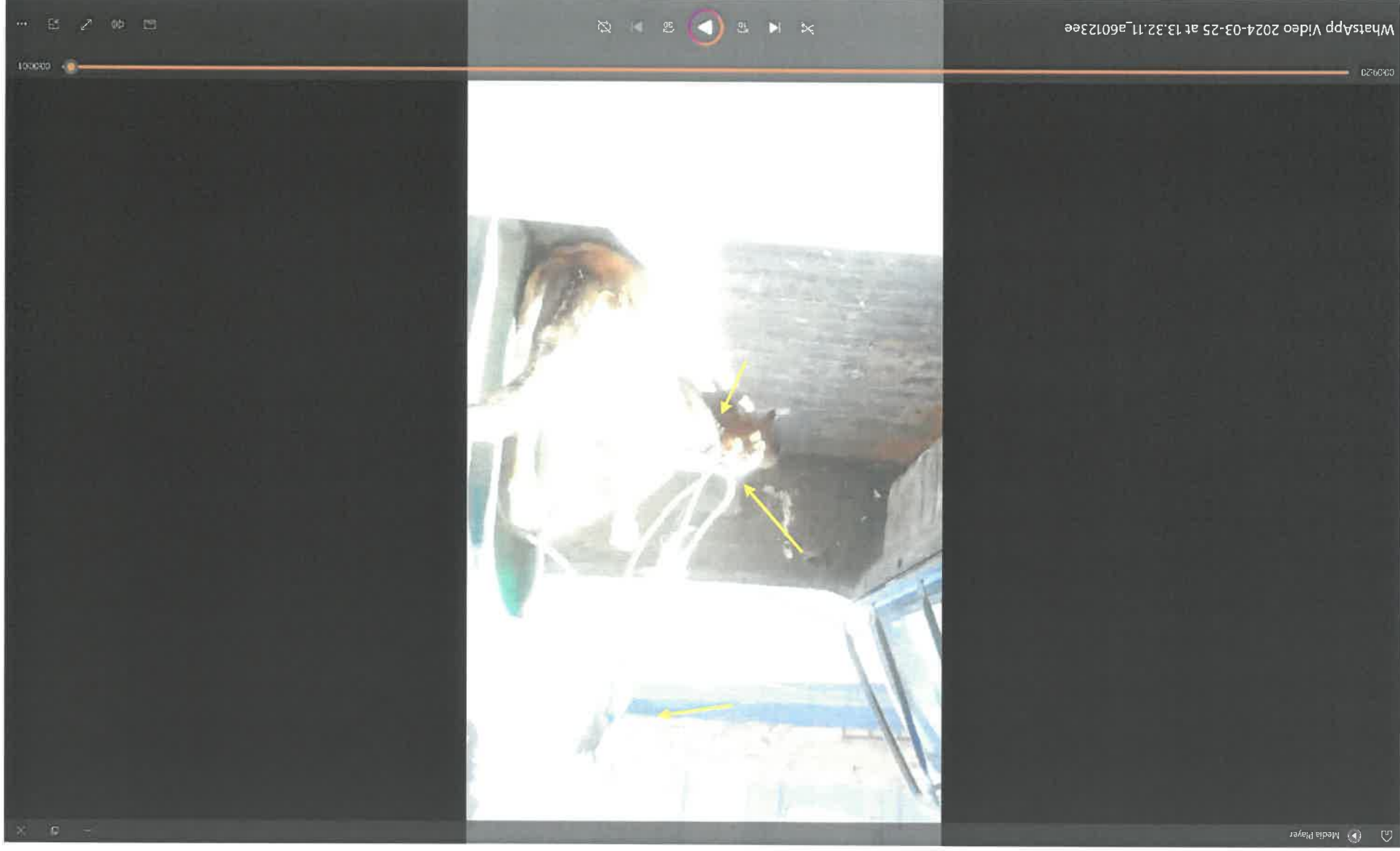
Photographic Evidence A
Captured video-stills of "WhatsApp Video 2024-03-25 at 13.32.11_a60123ee"
Date taken: 14 March 2024
Address: 65 Hofmeyer Street, Van Rynveld, Strand
Taken by: Helena Johanna Burger
Taken with: Huawei Cellular Phone Camera
Video-stills captured by Inspector Nicole Venter



Picture 13: Depicting a video-still captured at timestamp 00:08:58. The video-still depicts the people seen in the footage attempting to lift the dog, tethered and restrained to the green kennel tethered, up into the vehicle.

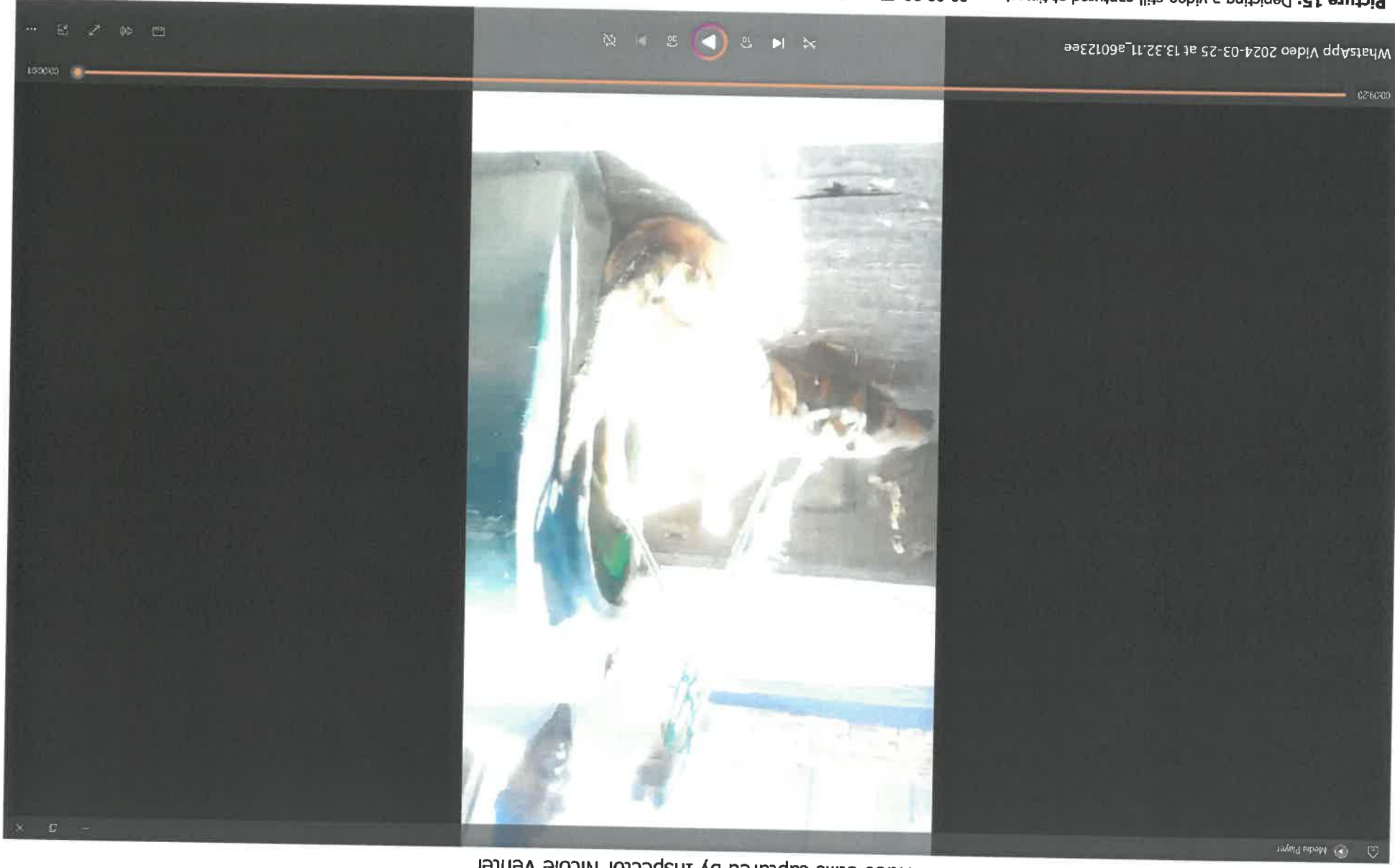
Photographic Evidence A

Captured video-stills of "WhatsApp Video 2024-03-25 at 13.32.11_a60123ee"
Date taken: 14 March 2024
Address: 65 Hofmeyer Street, Van Rynveld, Strand
Taken by: Helena Johanna Burger
Taken with: Huawei Cellular Phone Camera
Video-stills captured by Inspector Nicole Venter



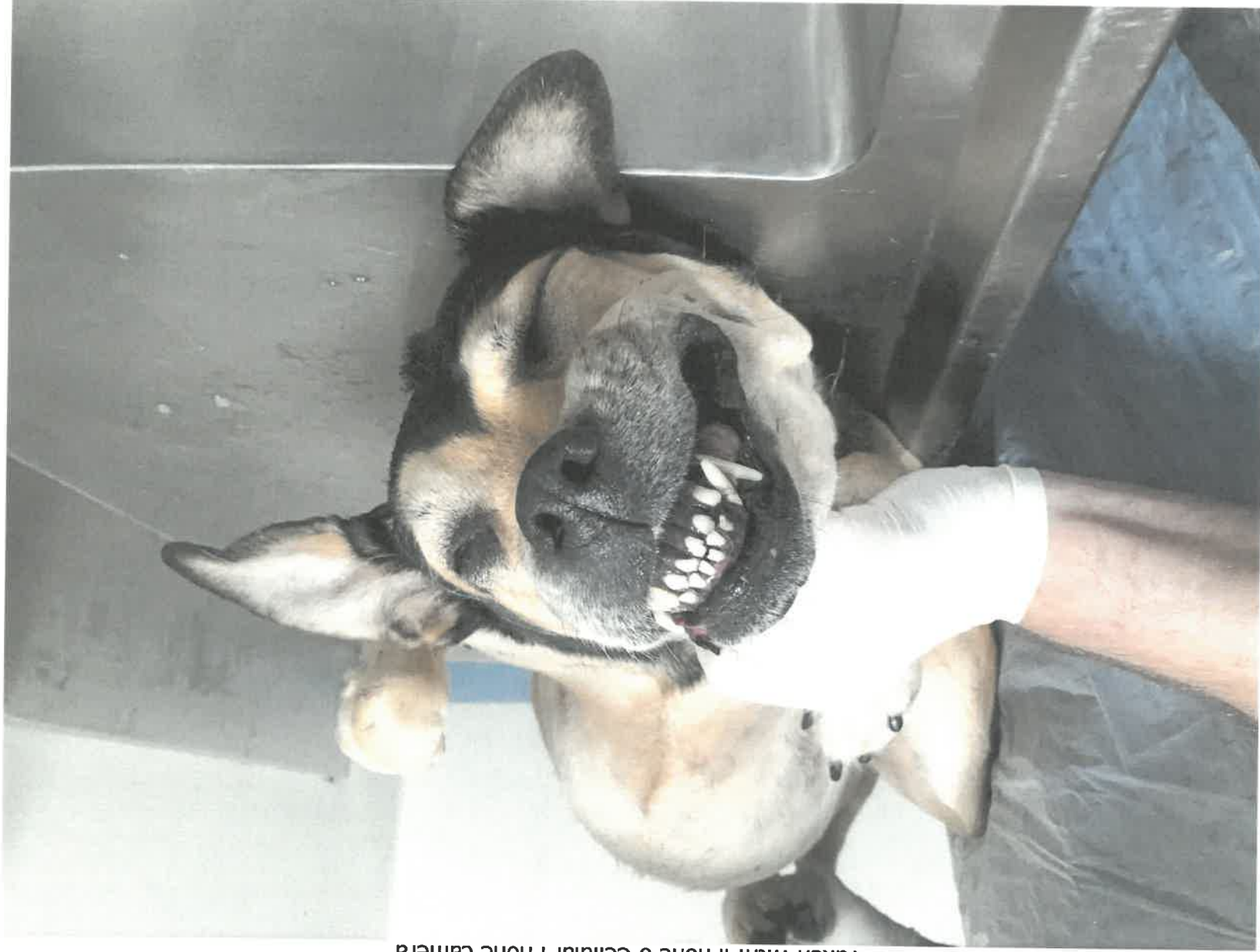
Picture 14: Depicting a video-still captured at timestamp 00:09:20. The video still depicts the rope tightly squeezing into the neck and throat of the dog.

Photographic Evidence A
Captured video-stills of "WhatsApp Video 2024-03-25 at 13.32.11_a60123ee"
Date taken: 14 March 2024
Address: 65 Hofmeyer Street, Van Ryneveld, Strand
Taken by: Helena Johanna Burger
Taken with: Huawei Cellular Phone Camera
Video-stills captured by Inspector Nicole Venter



Picture 15: Depicting a video-still captured at timestamp 00:09:20. The video still depicts the rope tightly squeezing into the neck and throat of the dog.

Photographic Evidence B
Date taken: 16 March 2024
Address: Cape of Good Hope SPCA, Grassy Park
Taken by: Inspector Nicole Venter
Taken with: iPhone 8 Cellular Phone camera



Photograph 1: Depicting a tan and black dog. The Tan and black colouration on the face is the same as the colouration on the face of the dog seen in video "WhatsApp Video 2024-03-25 at 13.32.11_a60123ee".

Photographic Evidence B

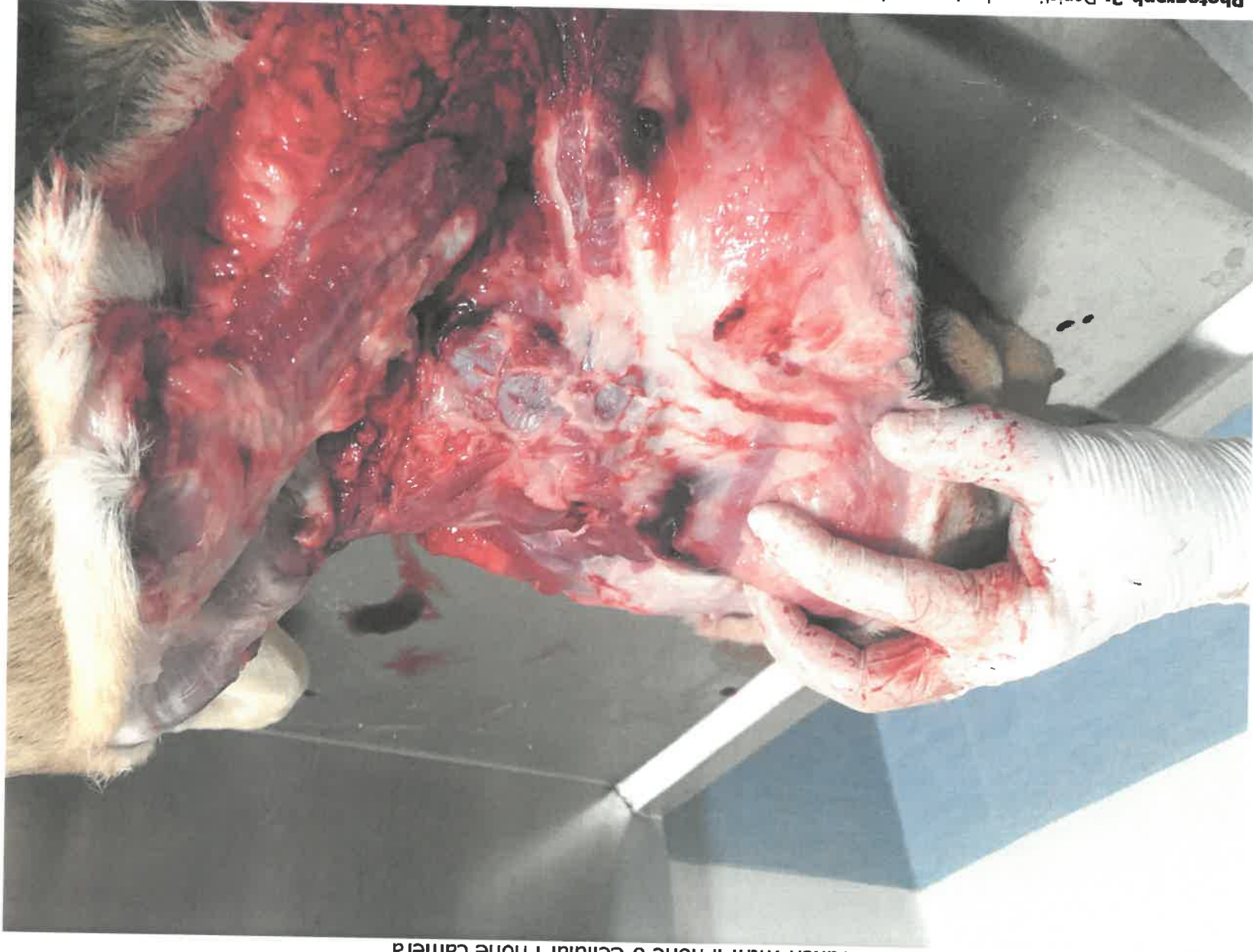
Date taken: 16 March 2024
Address: Cape of Good Hope SPCA, Grassy Park
Taken by: Inspector Nicole Venter
Taken with: iPhone 8 Cellular Phone camera



Photograph 2: Depicting subcutaneous bruising around the cranial of the neck of the dog seen in Photograph 1. The bruising around the neck of the dog is consistent with the tethers used on the dog as seen in video "WhatsApp Video 2024-03-25 at 13.32.11_a60123ee".

Photographic Evidence B

Date taken: 16 March 2024
Address: Cape of Good Hope SPCA, Grassy Park
Taken by: Inspector Nicole Venter
Taken with: iPhone 8 Cellular Phone camera



Photograph 3: Depicting subcutaneous bruising around the cranial of the neck of the dog seen in Photograph 1. The bruising around the neck of the dog is consistent with the tethers used on the dog as seen in video "WhatsApp Video 2024-03-25 at 13.32.11_a60123ee".

Photographic Evidence B

Date taken: 16 March 2024
Address: Cape of Good Hope SPCA, Grassy Park
Taken by: Inspector Nicole Venter
Taken with: iPhone 8 Cellular Phone camera



Photograph 4: Depicting subcutaneous bruising around the cranial of the neck of the dog is consistent with the tethers used on the dog as seen in video "WhatsApp Video 2024-03-25 at 13.32.11_a60123ee".

SWORN AFFIDAVIT**1**

Collin Armand Martin ID number 8205065266087 states under oath in English. I make this statement in terms of section 212 (4) of Criminal Procedures Act 51 of 1977.

2

I am a 41-year-old male working as a specialist veterinary pathologist for Idexx South Africa, where I have been employed since 2014.

3

I qualified as a veterinarian in 2008 at Onderstepoort Faculty of Veterinary Science. I am currently registered as a specialist anatomical veterinary pathologist with the South African Veterinary Council and my registration number is S020/06090. I worked as a veterinarian from 2009 to 2014 as a small animal clinician at Blue Hills Veterinary Clinic in Kyalami. I left Blue Hills to pursue an anatomical pathology residency with Idexx at Onderstepoort in 2014 and was trained by Dr. Liza Du Plessis, Dr. Sarah Clift amongst others at the faculty. I qualified with an MMedVet (Pathology) in 2020. I am currently a specialist veterinary pathologist for Idexx South Africa.

4

Due to unavailability of state post-mortem services, I was contacted by Nicole Venter (an Inspector for the SPCA Cape of Good Hope) on Friday the 15th of March 2024 and asked if I could assist with a post-mortem on a suspected cruelty case. History is apparent deliberate strangulation. There is allegedly already a case opened at Strand SAPS against the man which strangled the dog, CAS 328/03/2024.

5

I performed the post-mortem at the hospital section of the SPCA Cape of Good Hope on the morning of the 16th of March 2024 and made the following observations with Nicole Venter in attendance. The carcass was in a black bag labelled with admission number A31015.

The carcass was that of an adult, sterilised female, tan and black, medium sized mixed breed in good body condition (4/5). There was moderate autolytic change due to poor refrigeration of the carcass on Friday, which will obscure some pathology. External examination further revealed mildly congested oral and conjunctival mucous membranes.

During removal of the skin, there are multifocal, roughly 3-5cm, irregular, well demarcated areas of dark discolouration (consistent with haemorrhage/bruising) along the mid to cranial portion of the neck. Lesions were most severe ventrally around the pharynx and thyroid regions (please see photos 1 and 2).



Figure 1 - Subcutaneous bruising around cranial neck.



Figure 2 - More severe lesions on ventro-cranial neck.

The trachea and pharynx are still intact, but the mucosa is discoloured red due to postmortem haemoglobin imbibition.

The lungs are dark red, heavy and show oozing serosanguinous fluid on cut surface consistent with moderate pulmonary oedema.

All of the intra-abdominal organs show moderate to severe postmortem putrefaction and haemoglobin imbibition. The stomach only contains water. The intestine was empty. No other significant abnormalities were found.

6

Histological specimens of all organs and affected subcutaneous regions were preserved in formalin.

7

The pattern of circumferential bruising around the cranial neck with more severe lesions ventrally is entirely consistent with strangulation. Other changes to support

this would include mucous membrane congestion (due to partial obstruction of jugular veins) as well as pulmonary oedema. Strangulation, especially if done deliberately, is a cruel and painful method of death. Please correlate these observations with appropriate history in this case.

8

I know and understand the contents of this statement.

I have no objection to taking the prescribed oath.

I see the prescribed oath as binding on my conscience.

Collin Martin Cotton

DEPONENT

The deponent has acknowledged that he knows and understands the contents of this affidavit/declaration, which was signed and sworn to before me at Cape Town on this the 28th day of March 2022, the NA regulations contained in Government Notice No R1258 of 21 July 1972, as amended, and Government Notice No R1648 of 19 August 1977, as amended, having been complied with.



COMMISSIONER OF OATHS

Nashira Abrahams Commissioner of Oaths 51 Rohm Road Goodwood 7460
--

Full names: _____

Designation: _____

Business address: _____

ANNEXURE/AANHANGSEL _____

Case No/Saak Nr 515/03/2024
Count No/Aanklag Nr _____

THE STATE versus/ DIE STAAT teen

Mr Mauritz Rossouw
ID number 5810045010086
(Hereinafter referred to as the accused/ Hierna die beskuldigde genoem)

CRUELTY TO ANIMALS

THAT the accused is/are guilty of the crime of contravening of Section 2(1)(a), 2(1)(b), 2(1)(f), 2(1)(q), and 2(1)(r) read with Sections 1, 2 and 4 of the of the Animals Protection Act 71 of 1962, also read with Section 90 and 250 of the Criminal Procedure Act No 51 of 1977 (where applicable).

IN THAT on or about **14 March 2024** and at or near **65 Hofmeyer Street, Van Ryneveld** in the District/Regional Division of **Strand**, the accused did unlawfully and intentionally: -

- (a) ill-treat, torture and terrify an animal, to wit the tan and black female crossbreed dog named 'Olaf' by strangling the dog to death with a rope.
- (b) confine, tether, and secure an animal, to wit the tan and black female crossbreed dog named 'Olaf' by restraining the dog with a rope in such a manner as to cause the dog unnecessary suffering.
- (f) use on or attach to an animal, to wit the tan and black female crossbreed dog named 'Olaf', any equipment or appliance which causes injury and which is loaded, used or attached in such a manner as will cause such animal to be injured and to suffer unnecessarily by using a rope on and attaching a rope onto the dog in such a manner which caused injury, unnecessary suffering, and death to the dog.
- (q) cause the commission of the aforesaid acts to an animal, to wit the tan and black female crossbreed dog named 'Olaf' by unreasonably committing the aforesaid acts of mishandling and cruelly restraining the dog as well as strangling the dog to death using the rope.
- (r) wantonly and unreasonably cause the commission of any act which causes any unnecessary suffering to an animal, to wit the tan and black female crossbreed dog named 'Olaf' by unreasonably committing the aforesaid acts of mishandling and cruelly restraining the dog as well as strangling the dog to death using the rope, despite having the opportunity to let people which the dog was comfortable with, assist in humanely loading the dog into the vehicle as well as not practicing reasonable duty of care by using other available options.

Incorporated Association not for gain

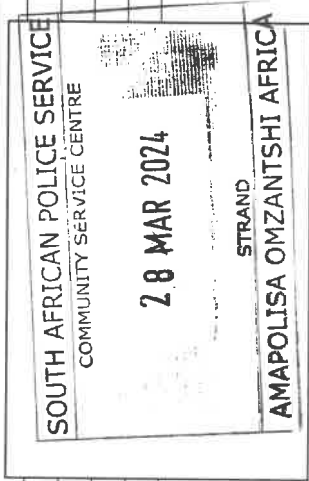
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NPO 003-244 • PBO 930004317



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CONTENTS

REF:	DOCUMENT/ITEM REGISTER
{A}	Sworn affidavit: Inspector Werner Alwyn Taljaard (4 Pages)
	Sworn Affidavit: Helena Johanna Burger (2 Pages)
	J59: Application for Protection Order (10 Pages)
	J62: Interim protection Order (3 Pages)
	Sworn Affidavit: Inspector Nicole Venter (3 Pages)
	Statement: Kyle Girodo (1 Page)
	Photographic Evidence A: Inspector Nicole Venter (15 Pages)
	Photographic Evidence B: Inspector Nicole Venter (4 Pages)
	Sworn Affidavit: Doctor Collin Armand Martin (4 Pages)
	Evidence Bag FSB-893715 containing 1 x CD with video footage "WhatsApp Video 2024-03-25 at 13.32.11_a60123ee": SAPS 13 No. 718 2024
{B}	Counts: Mauritz Rossouw (1 Page)
	Amounts (1 Page)
{C}	SPCA Contents Page (1 Page)
	Instruction from Prosecutor: Strand Magistrate Court (1 Page)
	I, <i>P. J. Venter</i> , confirm that I have received all of the above documents on this <i>28</i> day of <i>March</i> 20 <i>23</i> .
	Signature: <i>[Signature]</i> P. J. VENTER



CAS 515 | 03 | 2024
 [CAS 301 | 02 | 2024 | CAS 216 | 03 | 2024 | CAS 328 | 03 | 2024]

P. 21 (81/143198)

DISTRICT COURT PROSECUTOR
2024 -03- 28
STRAND

SAPS

Open new docket
 against Mauritz Rossouw

Can not add it to the
 3 cases today
 CAS 216/3/24

328/3/24

301/2/24

M. Heard