



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 Helderburg 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 breathe 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.

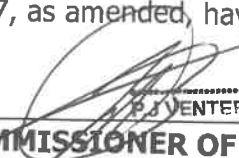
I know and understand the content of this declaration.

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 Strand 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.


..... CAPT
P.J. VENTER
COMMISSIONER OF OATHS

Full names: PICCOLI J Venter

Designation: CAPT

Business address: Strand SPS

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

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