

CAS#: 570 | 04 | 2024

SAPS STATION: KHAYELITSHA

MAGISTRATE COURT: KHAYELITSHA

INSP: LWAZI NTUNGELE

INSP197851



PREAMBLE TO STATEMENT * AANHEF TOT VERKLARING

Station, Stasie KHAYELITSHA CAS no 570 04 2024
MAS no

PERSONAL PARTICULARS * PERSOONLIKE BESONDERHEDE

Title Titel M R Initials Voorletters L Surname Van NTUNGELE
First names Voorname LWAZI
Identity number Identiteitsnommer 9 9 0 2 0 5 5 3 2 6 0 8 4
Passport number Paspoortnommer Country of issue Land van uitreiking
Date of Birth Geboortedatum 1 9 9 9 0 2 0 5 Age Ouderdom
Nationality Nasionaaliteit SOUTH AFRICAN Citizenship Burgerskap SOUTH AFRICAN (RSA)
Race Ras A Br X W
Gender Geslag X F V

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
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
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 No 700 4158/9
Cellphone number Sellulêre foonnommer Fax Faks Code 021 No 705 2127
Would you like to receive information regarding this case via sms? Wil u inligting in verband met die saak ontvang per sms? Yes X Ja No / Nee

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

Title Titel M S Initials Voorletters N Surname Van VENTER
Telephone number Telefoonnommer Home Huis Code 078 No 801 3362 Work Werk Code 021 No 700 4153

22/4/24

Date/Datum

L. Ntungele

Signature/Handtekening



STATEMENT * VERKLARING

Station Stasie	KHAYELITSHA	CAS no MAS no	570	04 / 2024
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The following particulars in respect of the offence / incident is supplied:

Die volgende gegevens met betrekking tot die misdryf / voorval word verstrek:

PARTICULARS OF OFFENCE/INCIDENT * BESONDERHEDE VAN MISDRYF/VOORVAL

Date and time of offence/incident Datum en tyd van misdryf/voorval	2 0 2 4 0 2 2 4	-	H H M M 0 1 0 0	Or Of	Period: Between Tydperk: Tussen	H H M M on op
		and en	H H M M on op		Day of week Dag van week	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 CRIMINAL LAW (SEXUAL OFFENCES AND
RELATED MATTERS) AMENDMENT ACT 32 OF 2007 & THE ANIMALS PROTECTION ACT 71 OF 1962.

Method used/Entrance gained
Metode gebruik/Toegang verkry

BESTIALITY, ILL-TREATMENT, & TERRIFYING OF AN AN ANIMAL

Type of instrument used
Tipe instrument gebruik

PENETRATION OF ONE'S GENITALIA (PENIS) INTO THE GENITALIA (VAGINA)
OF A FEMALE PITBULL CROSSBREED DOG.

SCENE OF CRIME * TONEEL VAN MISDAAD

Between: Name of place Tussen: Pleknaam			
and: Name of place en: Pleknaam			
Or / Of			
Street name Straatnaam	MAHOBE STREET		
Building/farm/plot/place Gebou/plaas/plot/plek	B434B		
Suburb/Extension/Area Voorstad/Uitbreiding/Gebied	SITE C, KHAYELITSHA		
Town/City Dorp/Stad	CAPE TOWN	Postal Code Poskode	7 7 8 4
Geographical block no Geografiese blok no		Type of premises Tipe perseel	RESIDENTIAL

22/4/24
Date/Datum

L. Ntshong
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

**LWAZI NTUNGELE
(ID 9902055326084)**

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 with email address inspectorate@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 28 February 2024, the Cape of Good Hope SPCA received a report about a dog which was raped at B434B, Site C, Khayelitsha ("the property"). The dog's owner, Percival Qwanya ("Percival"), along with his cousin, Athenkosi Hempe ("Athenkosi"), witnessed the dog being raped by a man named Lubabalo Cekiso ("Lubabalo") on Saturday, 24 February 2024.

4.

Percival and his cousin, Athenkosi, found Lubabalo naked with Percival's dog named Sisi. Lubabalo admitted to both Percival and Athenkosi that he raped the dog. Due to the condition of the dog, Percival took her to Mzananda Animal Clinic on Tuesday, 27 February 2024. The matter was then reported to the Cape of Good Hope SPCA.

5.

I was assigned to investigate the matter. Upon my arrival to the property, I met with a woman who introduced herself to be Thandokazi Jarhiwe ("Thandokazi"), Percival's partner. Thandokazi informed me that Percival went to Khayelitsha South African Police Services (Khayelitsha SAPS) with his cousin, Athenkosi to report the incident and make statements as both of them witnessed the dog being raped.

6.

Thandokazi then pointed out where the suspect, Lubabalo, lives at B489B Mahone Circle, Khayelitsha. I went to the address provided to me and met with a man who introduced himself to be Thembelani Auwa, Lubabalo's brother ("Thembelani"). I asked Thembelani if Lubabalo was home and he told me that Lubabalo went out.

7.

I explained the concerns relating to Lubabalo's alleged rape of the dog named Sisi. Thembelani then confirmed that he is aware of the matter and that there was a community meeting held

I, Lwazi Ntungele, further state under oath and in English:

about it. Thembelani further stated that he was called immediately after his brother was found engaging in sexual activity with the dog.

8.

Thembelani then told me that Lubabalo is mentally unstable and he suspects Lubabalo was not thinking straight when he had sex with the dog. I told Thembelani that he must provide documentation supporting proof of such if it is the case.

9.

A report was obtained from the attending veterinarian, Dr Sune Ferreira ("Dr Ferreira") which examined the dog at Mdzananda Animal Clinic. Dr Ferreira's report details her examination of the dog named Sisi. The report indicates that Sisi, a five (5) to six (6) year old female Pitbull crossbreed dog, presented with clinical signs consistent with blunt trauma to the genital area.

10.

The clinical signs included a swollen and inflamed vulva and vagina with purulent bloody discharge. The report further states that these findings are indicative of secondary uterine/vaginal infection resulting from alleged human genitalia/penis penetration. Such trauma and infections can cause systemic illness, pain, discomfort, anxiety, and distress in dogs.

11.

The incidents described in the affidavits of Percival Qwanya and Athenkosi Hempe and in Dr Ferreira's report confirm that an offence has taken place. The unlawful and illegality of the offences committed by Lubabalo are evident in the contravention of Section 13 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007, which explicitly prohibits engaging in sexual acts with animals.

12.

Additionally, his actions violate Sections 2(1)(a) and 2(1)(r) of the Animals Protection Act 71 of 1962, which prohibit cruelty to animals and the causing of unnecessary suffering to animals through wanton, unreasonable, or negligent acts.

13.

Lubabalo's conduct in engaging in the act of bestiality with the dog, Sisi, constitutes voluntary human conduct in relation to the offences committed. His actions, as he confessed to and as witnessed by both Percival and Athenkosi, demonstrate deliberate and intentional participation in the sexual assault of the animal.

14.

Lubabalo's fault in terms of his intention and the offences he has committed is clear from his admission to Percival and Athenkosi that he raped the dog, as well as his voluntary participation in the act.

15.

His intention to engage in sexual activity with the animal demonstrates a disregard for both the law and the welfare of the animal, resulting in the commission of serious offences under the relevant legislation.

I, Lwazi Ntungele, further state under oath and in English:

16.

I hereby respectfully request that Mr Lubabalo Cekiso be charged in terms of Section 2(1)(a) of the Animals Protection Act 71 of 1962. 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 contrary to Section 2(1)(a) of the Animals Protection Act 71 of 1962. Bestiality inherently involves cruelty to animals as it subjects them to non-consensual sexual acts, causing physical and psychological harm. Engaging in bestiality would constitute cruelty under this provision.

In this case, the particulars of the offence include that on or about 24 February 2024, at B434B, Site C, Khayelithsa, the accused, Lubabalo Cekiso, did intentionally and unlawfully ill-treat and terrify to wit the Pitbull crossbreed dog named Sisi by causing penetration of his genital organs into or beyond the genital organs of the dog thereby causing unnecessary physical harm and distress to the dog.

17.

I hereby respectfully request that Mr Lubabalo Cekiso be charged in terms of Section 2(1)(r) of the Animals Protection Act 71 of 1962. Section 2(1)(r) of the Animals Protection Act 71 of 1962 addresses causing unnecessary suffering to animals through wanton, unreasonable, or negligent acts.

Bestiality inherently causes suffering to animals as it exposes them to non-consensual sexual acts, which result in physical injury, psychological trauma, and emotional distress.

The suspect did engage in wanton and unreasonable actions that cause unnecessary suffering towards an animal contrary to 2(1)(r) of the Animals Protection Act 71 of 1962. Bestiality inherently causes unnecessary suffering to animals as it subjects them to non-consensual sexual acts which causes physical and psychological harm.

In this case, the particulars of the offence include that on or about 24 February 2024, at B434B, Site C, Khayelithsa, the accused, Lubabalo Cekiso, did wantonly and unreasonably commit an act of bestiality by causing the penetration of his genitalia (penis) into the genitalia (vagina) of the Pitbull crossbreed dog named Sisi thereby causing the unnecessary suffering (including physical harm and distress) of the dog.

18.

I hereby respectfully request that Mr Lubabalo Cekiso be charged in terms of Section 13 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007.

Section 13 addresses bestiality as an offence and prohibits the act of engaging in a sexual act with an animal, or causing an animal to engage in a sexual act with a person or another animal.

Section 13 of the Criminal Law (Sexual offences and Related Matters) Amendment Act 32 of 2007 addresses the unlawful and intentional commission of an act which causes penetration to any extent whatsoever by the genital organs of a person into or beyond the mouth, genital organs or anus of an animal.

The suspect did engage in the unlawful and intentional commission of sexual acts with a dog. In this case, the particulars of the offence include that on or about 24 February 2024, at B434B, Site C, Khayelithsa, the accused, Lubabalo Cekiso, did intentionally and unlawfully cause the penetration of his genitals (penis) into the genitals (vagina) of the Pitbull crossbreed

I, Lwazi Ntungele, further state under oath and in English:

dog named Sisi and is therefore guilty of committing bestiality, an offence in terms of Section 13 of the Criminal Law (Sexual offences and Related Matters) Amendment Act 32 of 2007.

19.

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.

L. Ntungele
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 Khayelitsha on this the 22 day of April 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.

Z. Mdlayizano 22 APR 2024
COMMISSIONER OF OATHS

Full names: Mdlayizano Z

Designation: Constable

Business address: NO 4 Bonga drive Site B
Khayelitsha





ANIMALS PROTECTION ACT 71 of 1962

MAGISTERIAL AUTHORISATION

By virtue of the powers vested in me under section 8(1) of the Animals Protection Act 71 of 1962, I hereby authorise

LWAZI NTUNGELE

ID No. 9902055326084

A Qualified Inspector and an Officer for the **CAPE OF GOOD HOPE SPCA (Society for the Prevention of Cruelty to Animals)**, to exercise within the Magisterial District of **KHAYELITSHA (WC)**, all or any of the powers conferred by the said Act, and in particular those under Section 8(1)(a), (b), (c) and (d) and supporting Regulation No R468 2.(1), for the purpose of carrying out his/her duties as an Officer of the SPCA.

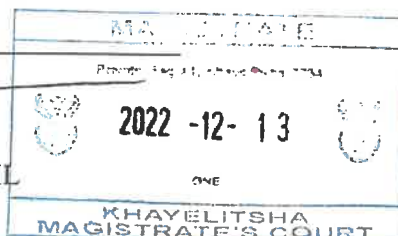
This Authority will remain enforceable only whilst the Appointee is authorised by the **CAPE OF GOOD HOPE SPCA** to act on its behalf.

Given under my hand this 13 day of December 2022

Name Linda Shirley Nyanga *Official Stamp to go here*

Signed

SPCA NATIONAL COUNCIL
Authorisation No. **14356**



Holder's Photograph



PASE

AFFIDAVIT



Suid-Afrikaanse Polisiediens

South African Police Service

Name and Surname

PERCIVAL QWANYA

Identity Number

870606 5214 086

Residential Address

B434 B MAHOBE STREET SITE C

KHAYELITSHA Cell: 073 4030 541

Occupation

NOT EMPLOYED

Work Address

NOT APPLICABLE

Tel:

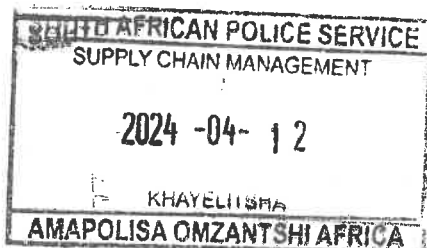
STATES UNDER OATH IN ENGLISH

ON THE 24 OF FEBRUARY 2024; APPROXIMATELY 01H00 AM I WAS SLEEPING WITH MY GIRLFRIEND THANDOKAZI THARHWE WHEN WE HAD MOVEMENT THAT WAS HAPPENING IN A SHACK THAT IS NEXT TO MY HOUSE, I THEN WOKE UP TO CHECK WHAT WAS HAPPENING IN THE SHACK; I LOOKED THROUGH THE WINDOW I HAVE NOTICED THAT THERE IS LIGHT THAT IS ON. AS NO ONE RESIDE IN THE SHACK, I DECIDED TO WAKE UP MY COUSIN BROTHER ATHENKOSI HEMPE, SO THAT WE CAN GO TOGETHER TO CHECK WHAT WAS HAPPENING IN THE SHACK. ON OUR ARRIVAL WE HAVE OBSERVED LUBABALO WHO RESIDE AT HOUSE NO 62614 MAHOBE CRESCENT. IMMEDIATELY ON OUR ARRIVAL LUBABALO SWITCHED OFF THE CANDLE LIGHT. AFTER THE SUSPECT SWITCHED OFF THE LIGHT, WE HAVE USED MY CELLPHONE TO LIGHT. WE HAVE OBSERVED LUBABALO WHO WAS NAKED; WE HAVE ENTERED INTO THE SHACK, LUBABALO REQUESTED TO DRESS UP, I HAVE MY DGS CALLED SISI,

I know and understand the content of the above statement. I have no objection in taking the prescribed oath. I consider the prescribed oath binding on my conscience.

Signature

I certify that the above statement was taken by me and the deponent declares that he/she knows and understand the contents of this statement. The statement was sworn to me and the deponent's signature was placed thereon in my presence at Khayelitsha on 2024-04-12 at 13:35



Commissioner of oath

M. ZENZO

(Full name and Surname)

Bonga drive, Site B Khayelitsha

Rank and Number

187/725810-1

AFFIDAVIT



Suid-Afrikaanse Polisie

South African Police Service

Name and Surname : PERCIVAL DWANYA
 Identity Number : 870606 5214 086
 Residential Address : B434B MAHOBE STREET SITE C
KNAYELITSHA Cell: 073 4030 541
 Occupation : NOT EMPLOYED
 Work Address : NOT APPLICABLE
 Tel: NOT APPLICABLE

STATES UNDER OATH IN ENGLISH

IT IS CROSS BREED FEMALE THAT BRINDLE AND WHITE IN COLOUR;
 THE DGS APPEARED TO STRESSING AS SHE WAS SHIVERING, CRYING
 AND WHINING. THE DGS RAN OUT OF THE SHACK, IMMEDIATELY
 I WENT TO CALL THE NEIGHBOURS, INCLUDING HIS PARENT/MOTHER
 AND HIS BROTHER, I HAVE OBSERVED THREE CONDOMS THAT WERE
 ALREADY USED. I HAVE CONFRONTED LUBABALO ABOUT THE SLEEPING
 WITH THE DGS HE ADMITTED THAT HE HAS BEEN SLEEPING WITH
 DGS HE FURTHER CONFIRMED THAT THIS WAS NOT A FIRST TIME
 RAPING THE DGS. ON THE 26 OF FEBRUARY 2024, WE HAD A COMMUNIT
 MEETING WITH RESARD THIS MATTER. THE SUSPECT WAS ASKED
 IF HE RAPED THE DGS AGAIN HE ADMITTED THAT YES HE RAPED THE DGS
 HE MENTIONED THAT SOMETIMES HE WAS USING CONDOMS AND SOMETIMES
~~ON~~ NOT USING THE CONDOM. AS THE DGS WAS CRYING AND APPEARED TO BE IN
 PAINS, I TOOK THE DGS TO MDZANANDA ANIMAL CLINIC ON THE 27/02/24
 I WOULD TO MENTION THAT LUBABALO WAS ARREST FOR SIMILAR OFFENSE

I know and understand the content of the above statement. I have no objection in taking the prescribed oath. I consider the prescribed oath binding on my conscience.

Signature

I certify that the above statement was taken by me and the deponent declares that he/she knows and understand the contents of this statement. The statement was sworn to me and the deponent's signature was placed thereon in my presence at Khayelitsha on 2024-04-12 at: 13:35

2024-04-12
 CA

Commissioner of oath

M. ZENZISO

(Full name and Surname)

Bonga drive, Site B Khayelitsha

Rank and Number: CSA/7225870-1



AFFIDAVIT



Suid-Afrikaanse Polisiediens

South African Police Service

Name and Surname: ATHENKOSI HEMPE
 Identity Number: 910216 5949 087
 Residential Address: C 843A AMANOLA STREET SITE C
KHAYELITSHA Cell: 0710 776 778
 Occupation: PART-TIME JOB; MAINTANCE
 Work Address: PLAITERKLOOF
N/A Tel: N/A

STATES UNDER OATH IN ENGLISH

ON THE 24 OF FEBRUARY 2024, AT APPROXIMATELY DINDO, I WAS SLEEPING AT MY COUSIN'S PLACE PERCIVAL QWANYA AT ADDRESS NUMBER B 434B MAHOBE STREET SITE C KHAYELITSHA; WHERE I HEARD A KNOCK THAT WAS FROM MY COUSIN. HE INFORMED ME THAT THERE IS LIGHT IN A SHACK THAT IS ON THE PROPERTY. HE FURTHER TOLD ME THAT THERE IS ALSO MOVEMENT TAKING PLACE, WITHOUT WAITING TIME I WOKE UP IMMEDIATELY. WE WENT TO CHECK INTO THE SHACK. ON OUR ARRIVAL WE HAVE OBSERVED THE GUY CALLED LUBABO WHO WAS NAKED; HE SWITCHED OFF THE CANDLE LIGHT AFTER HE SAW US. PERCIVAL USED HIS CELLPHONE TO PUT ON THE LIGHT. I HAVE OBSERVED THE GUY THAT WAS CRYING, APPEARS TO BE SHIVERING AND PAINING. I ALSO OBSERVED THREE CONDOMS THAT APPEARED TO BE USED.

I know and understand the content of the above statement. I have no objection in taking the prescribed oath. I consider the prescribed oath a binding on my conscience.

Signature: AHEMPE

I certify that the above statement was taken by me and the deponent declares that he/she knows and understand the contents of this statement. The statement was sworn to me and the deponent's signature was placed thereon in my presence at Khayelitsha on 2024-04-12 at: 13:34



72615010
L. KHAMFU

Commissioner of oath

L. KHAMFU

(Full name and Surname)

Bonga drive, Site B Khayelitsha

Rank and Number: CST 72615010

AFFIDAVIT



Suid-Afrikaanse Polisie diens

South African Police Service

Name and Surname

ATHENKOSI HEMPE

Identity Number

910216 5949 087

Residential Address

C 843A AMANDA STREET SITE C

Occupation

KHAYELITSHA Cell: 071 077 6778

Work Address

PART JOB; MAINTANCE

PLATTERKLOOF

N/A

Tel: N/A

STATES UNDER OATH IN ENGLISH

LUBABALO CONFESSED THAT HE RAPED THE DDS AND IT NOT THE FIRST TIME RAPING THE DDS. HE EVEN SAID THAT ON THE COMMUNITY MEETING THAT WE HAD ON THE 26 OF FEBRUARY 2024. LUBABALO'S MOTHER WAS NOT REMORSEFUL OR SHE WAS NOT SHOWING ANY SIGNS OF APPOLOSETIC, AS RESPONDEND BY SAYING WE WERE SUPPOSED TO CALL HER TO COME TO COLLECT THE BODY OF LUBABALO. THAT DID NOT SIT WELL ON ME, IT SEEMED AS IF WE ARE THE MURDEROUS. SHE FURTHER MENTIONED SHE IS PAYING FUNERAL POLICE FOR LUBABALO.

I know and understand the content of the above statement. I have no objection in taking the prescribed oath. I consider the prescribed oath binding on my conscience.

Signature AHEMPE

I certify that the above statement was taken by me and the deponent declares that he/she knows and understand the contents of this statement. The statement was sworn to me and the deponent's signature was placed thereon in my presence at Khayelitsha on 2024-04-12 at: 13:34



72615010
L. KHAMPEU.CST

Commissioner of oath

L. KHAMPEU

(Full name and Surname)

Bonga drive, Site B Khayelitsha

Rank and Number: CST 72615010



mdzananda
animal clinic

(In business since 2007)

Hospitalization Chart

Ref: 511/2/24
(Number taken from client card)

Date: 27-2-24

Patient Information



Pet's Name: Sisi

Species: ☒ Dog ☒ Cat

Breed: Tabby

Sex: Male ☒ Female ☒

Color: Black White Cream Brown Brindle Tan Tabby Tortoiseshell Ginger

Any special markings _____

Age: 2018 Sterilized: Yes ☒ No ☒ Weight on admission: 23.9 kg

Client Information

Name: Percival Surname: Quanyo

ID no: 87060652/4086

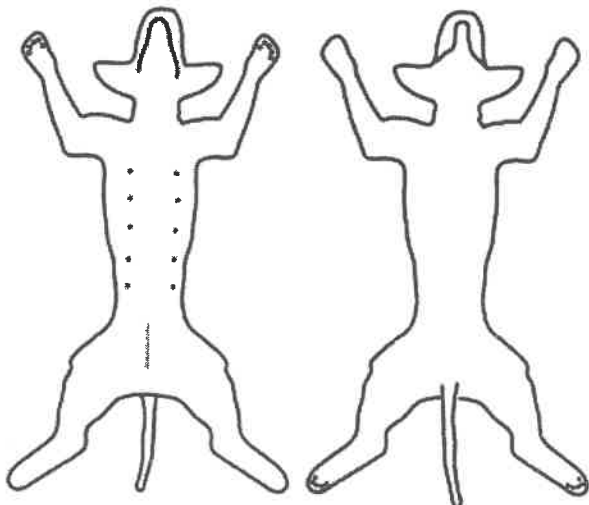
Address: B434 A Mahobe street, Site C, Khayelitsha

Phone 1: 0784030541

Phone 2: 0736140176/06989 82911

View Under

View From Top



Presenting Complaint:

Raped

Call out collected by:

Receipt no: _____

Paid: Yes ☐

No ☐

1. Vaccination: DAPPv/CPV _____ Last date: _____ Rabies: _____ Last Date: _____
2. When did you last see her/him eat or drink? yesterday
3. What kind of food do you feed? Rice, chicken, Pap, Samp & beans, Meat
5. Have you seen her/him poop or urinate? ☒ Yes ☐ No If yes (describe the poo and pee) Normal
6. Is your yard fenced? Yes ☐ No ☒
7. Can the dog go out? Yes ☐ No ☒
8. Has she had puppies before? Yes ☐ No ☐
10. Extra information client provides: _____

Physical examination

Temp: 39 °C Pulse: _____ bpm RR: _____ bpm MM/CRT: Pink / 1 sec

BCS (1-9): _____ Hydration (adequate/marginal/inadequate): _____ Mentation: Bar

	Y	N	Comment
General appearance	☒	☐	
Skin and coat	☒	☐	
Eyes, ears, nose, throat	☒	☐	
Lymph nodes	☒	☐	
Cardiovascular	☒	☐	
Respiratory	☒	☐	
Nervous system	☒	☐	
Muscular-skeletal	☒	☐	
Abdomen (GIT)	☒	☐	<u>Swollen Vagina + discharge Coming</u>
Blood smear	☐	☐	

Extra Notes: _____

Preliminary Diagnosis: Susp dog was raped

Client Consent

I, the undersigned, an adult major thereby authorize for my pet to be admitted into the clinic by the veterinarians and staff of this veterinary facility - Mdzananda Animal Clinic.

1. I understand that Mdzananda Animal Clinic staff will perform medical and surgical (including anesthesia) procedures as deemed necessary including further or alternative measures if required during the course of hospitalization.
2. I recognize that there is some degree of risk attached to any medical or surgical treatment/procedure and I have discussed concerns I may have with the veterinarian/veterinary nurse/Animal welfare assistant. I hereby absolve the staff of this facility from outcomes arising directly or indirectly from hospitalization, treatment, anesthesia and surgery for my pet.
3. I am aware that this facility does not provide 24hr monitoring of patients. Should I wish to have my pet monitored 24hrs a day while hospitalized I will make arrangements with the staff of this facility to take my pet to a 24hr hospital and I understand that all the to and at the other facility are entirely my own.
4. I grant this facility permission to use drugs off label (not necessarily licensed for use in my pet's species or for the specific condition my pet has) under veterinary supervision.
5. I understand that its clinic's policy to sterilize all animals before discharge (if not already sterilized) and give consent for my pet to be sterilized before returning home. I understand that this is done in the best interest of my pet's health and quality of life and in accordance with the animal keeping by laws of South Africa.
6. I understand to keep in contact daily to enable staff to inform me of the progress and any additional treatment required for my pet and all the costs involved. If I fail to do so I understand that the veterinarians will take a decision on my behalf to do what is best for my pet.
7. I grant the clinic permission to re-home or euthanize my pet if I haven't collected or contacted the clinic within one week of my pet's discharge. The clinic will make every effort to contact me on the details I have provided but I accept responsibility to contact the clinic I have not heard from the clinic each day my pet is staying in the hospital.
8. I accept full responsibility for any costs incurred in the treatment of my animal and understand that the money is non-refundable regardless of the outcome of the treatment.
9. I grant this facility permission to photograph my pet while in the care of the facility and to use such images for public relations purposes.
10. I understand that this facility is POPI compliant and by signing this document I have given the facility permission to collect my information. I also acknowledge that I will access the detailed information re compliance from the official website should I want to.
11. I hereby declare that I am unable to afford private veterinary care rates thus choosing your facility to treat my pet for their veterinary care.

I have read and understood the terms and conditions listed above.

Client Signature: _____

Witness: _____

Date: _____

Consultation done by: Sophetha

Admitted by: Sophetha

Date: 27/2/24

Hospital record

Fluid therapy

BAG NO	FLUID TYPE	STARTING TIME	FINISHING TIME	RATE	ANY ADDITIONS	DATE
1						
2						
3						
4						
5						
6						
7						
8						

DATE ADMITTED: 27/1
ADMIT WEIGHT: 23, 2
NEW WEIGHT:

REASON FOR ADMISSION:

DAY/DATE	29/2/24	1/3/24	2/3/24	3/3/24	4/3/24	5/3/24	6/3/24
Att NURSE/AWA/VET + DAYS IN HOSPITAL	Zael 3	Zael 4	Zael 5	Zael 6	Zael 7	Zael 8	Zael 9
DEFECATING	YES (NO) ?	YES NO ?	YES NO ?	YES NO ?	YES NO ?	YES NO ?	YES NO ?
URINATING	YES NO ?	YES NO ?	YES NO ?	YES NO ?	YES NO ?	YES NO ?	YES NO ?
EATING %	YES NO ?	YES NO ?	YES NO ?	YES NO ?	YES NO ?	YES NO ?	YES NO ?
DRINKING	YES NO ?	YES NO ?	YES NO ?	YES NO ?	YES NO ?	YES NO ?	YES NO ?
VOMITTING	YES (NO) ?	YES NO ?	YES NO ?	YES NO ?	YES NO ?	YES NO ?	YES NO ?
TEMP	38.4	38.5	38.2	38.2	38.2	38.2	38.1
MM COLOUR	pink	pink	pink	pink	pink	pink	pink
CRT	1/2	1/2	1/2	1/2	1/2	1/2	1/2
RR							
PULSE							
HYDRATION							
BEHAVIOUR/HAPTUS							
MEDICATIONS:							
1 Antecade	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4
2 Simbox 1.2 - 1 SC	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4
3 Debon 0.4 - 1	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4
4 Vitruen	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4
5	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4
6	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4
7	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4
8	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4
9	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4
DRIP RATE drops/sec							
VACCINATION	S/O: 10/3/24						
RABIES VAC	PIN REMOVAL:						
DEWORMING							
TICK/FLEA RX: NEXT DUE							
STERILIZATION							
PROCEDURE PERFORMED							

DATE:	Att Nurse/AWA/Vet		Sophata	
Hospitalization Day 1	MONITORING		VITALS	
	Daily weight	23.9	Temp °C	AM 39.0 PM
	Defecating	Yes No <u>Not sure</u>	MM	AM Pink PM
	Urinating	Yes No <u>Not sure</u>	CRT	AM 1 Sec PM
	Eating	Yes No <u>Not sure</u>	RR	AM PM
	Drinking	Yes No <u>Not sure</u>	Pulse	AM PM
MEDICATION		FREQUENCY		TIME GIVEN
1	Petcam = 0.95ml	<u>1</u> 2 3 4	✓	
2	Synulox = 1.2ml	<u>1</u> 2 3 4	✓	
3	Vitblo = 1.2ml	<u>1</u> 2 3 4	✓	
4	Cerenia = 2.3ml	<u>1</u> 2 3 4	✓	
5		1 2 3 4		
6		1 2 3 4		

DAY'S NOTES (Including x-rays and biochemistry alerts/results attached)

COMMENT:	TIME	SIGN
Owners saw the neighbor in the act of raping the dog. Suppken Vulva, yellowish discharge coming out. Dr advised for vaginal smear and admission for possible rape kit and monitoring.		
On examination the vulva was oedematous & contained purulent material. A swab was taken and a smear was made.		
Vaginal smear - Neutrophils 4+, epithelial cells.		

DATE:	28/2/24	Att Nurse/AWA/Vet	CK
Hospitalization Day 2	MONITORING		VITALS
	Daily weight		Temp °C
	Defecating	Yes No <u>Not sure</u>	AM 38.7 PM
	Urinating	Yes No <u>Not sure</u>	MM
	Eating	Yes No <u>Not sure</u>	CRT
	Drinking	Yes No <u>Not sure</u>	RR
		Pulse	AM PM
MEDICATION		FREQUENCY	
1	Petcam 0.46ml	<u>1</u> 2 3 4	✓
2	Synulox 1.2ml	<u>1</u> 2 3 4	✓
3	Rabican	<u>1</u> 2 3 4	✓
4	Nobivac	<u>1</u> 2 3 4	✓
5		1 2 3 4	
6		1 2 3 4	

DAY'S NOTES (Including x-rays and biochemistry alerts/results attached)

COMMENT:	TIME	SIGN
Still some Purulent Vaginal d/c. Habitus better today. Apparently to be to do rape kit now as too much time has lapsed. SPAY ✓		
She had pus present in her uterus which has been flushed out.		

7 March 2024

To whom it may concern

I was called into the consultation room on the 27th of February 2024 after a dog was brought to Mdzananda Animal Clinic that was allegedly raped. The clients that brought her in claimed to have caught the man in his act.

Signalment:

5-6 year old female, unsterilized, brindle, Pitbull cross dog named Sisi

Clinical presentation:

Habitus 3+

Her overall presentation on the table was depressed and passive.

She had a purulent bloody discharge from the vulva with a very swollen and inflamed vulva and vagina.

A vaginal smear confirmed a lot of white blood cells (neutrophils) and red blood cells with fibrinous strands indicative of uterine/vaginal infection.

Findings:

These findings are consistent with blunt trauma to the area and fits with the alleged rape claim.

Findings like these can be a result from human genitalia/penis penetration of the patient's genitalia, resulting in secondary uterine infections. Trauma and infections like these can cause systemic illness, pain, discomfort, anxiety and distress in dogs.

Please let me know should you have any other further questions.

Kind regards,



Dr Suné Ferreira

D12/9819



ANNEXURE/AANHANGSEL _____

Case No/Saak Nr 570/04/2024
Count No/Aanklag Nr 1

THE STATE versus/ DIE STAAT teen

Mr Lubabalo Cekiso

(Hereinafter referred to as the accused/ Hierna die beskuldigde genoem)

BESTIALITY

THAT the accused is guilty of the crime of contravening Section 13(a)(i) of the Criminal Law (Sexual offences and Related Matters) Amendment Act 32 of 2007 also read with Section 90 and 250 of the Criminal Procedure Act No 51 of 1977 (where applicable).

IN THAT on or about **24 February 2024** and at or near **B434B Mahobe Street, Site C, Ikwezi Park** in the District/Regional Division of **Khayelitsha**, the accused did unlawfully and intentionally: -

- (a) cause penetration to any extent whatsoever by his genital organs (i) into or beyond the genital organs of an animal, to wit the female Pitbull crossbreed dog named 'Sisi'.

ANNEXURE/AANHANGSEL _____

Case No/Saak Nr 570/04/2024
Count No/Aanklag Nr 2

THE STATE versus/ DIE STAAT teen

Mr Lubabalo Cekiso

(Hereinafter referred to as the accused/ Hierna die beskuldigde genoem)

CRUELTY TO ANIMALS

THAT the accused is guilty of the crime of contravening Section 2(1)(a) 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 **24 February 2024** and at or near **B434B Mahobe Street, Site C, Ikwezi Park** in the District/Regional Division of **Khayelitsha**, the accused did unlawfully and intentionally: -

- (a) ill-treat and terrify an animal, to wit the female Pitbull crossbreed dog named 'Sisi' by intentionally penetrating his genital organs into the genital organs of the dog thereby causing physical trauma and pain to the dog which constitutes the ill-treatment and terrifying of the dog named 'Sisi'.

ANNEXURE/AANHANGSEL _____

Case No/Saak Nr 570/α/2024
Count No/Aanklag Nr 3

THE STATE versus/ DIE STAAT teen

Mr Lubabalo Cekiso

(Hereinafter referred to as the accused/ Hierna die beskuldigde genoem)

CRUELTY TO ANIMALS

THAT the accused is guilty of the crime of contravening Section 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 **24 February 2024** and at or near **B434B Mahobe Street, Site C, Ikwezi Park** in the District/Regional Division of **Khayelitsha**, the accused did unlawfully and intentionally: -

- (r) wantonly and unreasonably cause the commission of an act which caused any unnecessary suffering to an animal, to wit the female Pitbull crossbreed dog named 'Sisi' by unreasonably committing the aforesaid acts of bestiality and the intentional penetration of his genitals into the genitals of the dog named 'Sisi'.



15 April 2024

ATT: Public Prosecutor at Khayelitsha Magistrates Court,

In the case of the State versus:

- Mr Lubabalo Cekiso (ACC 1).

The Cape of Good Hope Society for the Prevention of Cruelty to Animals (SPCA) request that the accused be charged for bestiality in terms of Section 13(a)(i) of the Criminal Law (Sexual offences and Related Matters) Amendment Act 32 of 2007 and for animal cruelty in terms of Sections 2(1)(a) and 2(1)(r) of the Animals Protection Act 71 of 1962.

Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007

Section 13: Bestiality - A person ('A') who unlawfully and intentionally commits an act -

"(a) which causes penetration to any extent whatsoever by the genital organs of;
(i) A into or beyond the mouth, genital organs or anus of an animal;"

is guilty of the offence of bestiality.

Animals Protection Act 71 of 1962

Section 2: Offences in respect of animals - (1) Any person who:

"(a) overloads, overdrives, overrides, ill-treats, neglects, infuriates, tortures or maims or cruelly beats, kicks, goads or terrifies any animal;"

"(r) by wantonly or unreasonably or negligently doing or omitting to do any act or causing or procuring the commission or omission of any act, causes any unnecessary suffering to any animal;"

shall, subject to the provisions of this Act and any other law, be guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding twelve months or to such imprisonment without the option of a fine.

Particulars of offence:

In that on or about 24 February 2024, Lubabalo Cekiso, did intentionally and unlawfully cause the penetration of his genitals (penis) into and beyond the genitals (vagina) to wit a Pitbull crossbreed dog named Sisi thereby ill-treating and terrifying the dog and causing unnecessary suffering to the dog.

The above offences committed satisfy the required elements of a crime.

Elaboration of the Elements of a Crime:

Act: Lubabalo Cekiso intentionally and unlawfully engaged in an act of bestiality, as defined by Section 13(a)(i) of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007, by penetrating his genital organs into and beyond the genital organs of the dog named Sisi.

Legality: The act of bestiality committed by Lubabalo Cekiso is expressly prohibited by law under Section 13 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007. Additionally, his actions constitute cruelty towards an animal and are thus illegal under Sections 2(1)(a) and 2(1)(r) of the Animals Protection Act 71 of 1962.

Causation: Lubabalo Cekiso's intentional penetration of his genital organs into the genital organs of the dog named Sisi directly caused harm to the animal, resulting in physical and psychological suffering.

Fault: Lubabalo Cekiso acted with fault by intentionally engaging in the act of bestiality and thereby disregarding the law and the welfare of the animal. His deliberate and voluntary participation in the sexual assault demonstrates culpability for the offences committed.

Should it be claimed that the accused is mentally unstable, we urge the state to put forward a Section 79 application (as an order of the court) to appoint mental health professionals to assess the accused's criminal capacity in terms of sections 77 and 78 of the Criminal Procedure Act 51 of 1977.

We respectfully urge the state to consider the severity of these offences and to proceed with charging Lubabalo Cekiso accordingly.

Please do not hesitate to contact me directly on 078 801 3362, 021 700 4153, or insp8@spca-ct.co.za for further information or clarification regarding this case.

Kind regards,



2024-04-15

Nicole Venter
Docket Inspector
Cape of Good Hope SPCA

2024-04-15
2024-04-15



CAS 570/4/2024

**CONTENTS:
EVIDENCE SUBMITTED BY SPCA**

REF:	DOCUMENT/ITEM REGISTER	
{A}	Affidavit: Inspector Lwazi Ntungele (4 Pages)	
	Khayelitsha Magisterial Authorisation No. 14356: Inspector Lwazi Ntungele (1 Page)	
	Affidavit: Percival Qwanya (2 Pages)	
	Affidavit: Athenkosi Hempe (2 Pages)	
	Mdzananda Animal Clinic Hospitalization Chart: Pitbull crossbreed dog named Sisi (5 Pages)	
	Veterinarian's Report with photographs of dog's swollen genitals: Dr Suné Ferreira (2 Pages)	
	Evidence Bag FSCC = 1018276 containing Vaginal Smear of Pitbull crossbreed dog named Sisi: SAPS 13 No. <u>1466/2024</u>	
{B}	Counts 1 to 3: Lubabalo Cekiso (3 Pages)	
	Letter to the Prosecutor (2 Pages)	
{C}	SAPS 5 Form (2 Pages)	
	SPCA Contents Page of evidence submitted (1 Page)	
	Note to the Prosecutor (1 Page)	
	I, <u>W/O Lwazi Ntungele</u> , confirm that I have received all of the above documents on this <u>22</u> day of <u>APRIL</u> 20 <u>24</u> <u>11:15</u> .	
	Signature: <u>[Signature]</u> <u>W/O</u>	

