

CAS#:

89 | 07 | 2024

SAPS STATION:

RONDE BOSCH

MAGISTRATE COURT:

WYNBERG

INSP:

ROWAN DAVIDS

INSP203800



PREAMBLE TO STATEMENT * AANHEF TOT VERKLARING

Station
Stasie RondeboschCAS no
MAS no

07. 2024

PERSONAL PARTICULARS * PERSOONLIKE BESONDERHEDE

Title Titel	MR	Initials Voorletters	RJ	Surname Van	DAVIDS
First names Voornam	ROWAN JADE -LEE				
Identity number Identiteitsnommer	9007315231080				
Passport number Paspoortnommer					
Date of Birth Geboortedatum	19900731				
Nationality Nasionaliteit	RSA				
Race Ras	A	B	BI	W	
	A	X	Sw	W	
Country of Issue Land van uitreiking					
Age Ouderdom	33				
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	N/A				
Town/City Dorp/Stad					
Telephone number Telefoonnommer	Home Huis	Code	No	Work Werk	Code
Cellphone number Sellulêre telefoonnommer			No	Fax Faks	Code
			No		No
Postal Code Poskode					

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

Name of Institution/Organisation Naam van Instansie/Organisasie	SPCA				
Street name Straatnaam	c/o 1ST AVE 8 1ST ROAD				
Building/farm/plot/place Gebou/plaas/plot/plek					
Suburb/Extension/Area Voorstad/Uitbreiding/Gebied	GRASSY PARK				
Town/City Dorp/Stad	CAPE TOWN				
Telephone number Telefoonnommer	Home Huis	Code	No	Work Werk	Code
Cellphone number Sellulêre telefoonnommer			No	Fax Faks	Code
			No		No
Postal Code Poskode					

Would you like to receive information regarding this case via sms?
Wil u inligting in verband met die saak ontvang per sms?

Yes / Ja

No / Nee

E - Mail address
E - Pos adres

inspmanger@spca-ct.co.za

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

Title Titel	MR	Initials Voorletters	JHJ	Surname Van	AIETERSE
Telephone number Telefoonnommer	Home Huis	Code	No	Work Werk	Code
			No	Fax Faks	Code
			No		No
Postal Code Poskode					

28/07/2024

Date/Datum

Signature/Handtekening



STATEMENT * VERKLARING

Station Rondebosch CAS no 07, 2024
Stasie MAS no

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 MISDRYF/VOORVAL

Date and time of offence/Incident 20240728 and 1505 on 20240728 Or : Period: Between 1450 on
Datum en tyd van misdryf/voorval 20240728 and 1505 on 20240728 Of : Tydperk: Tussen 1450 op

Description of Offence/Incident
Beskrywing van Misdryf/Voorval

ANIMAL CRUELTY

Method used/Entrance gained
Metode gebruik/Toegang verkry

CRUEL BEATING HORSE WITH WHIP

Type of instrument used
Tipe instrument gebruik

HORSE + WHIP

SCENE OF CRIME * TONEEL VAN MISDAAD

Between: Name of place
Tussen: Pleknaam

and: Name of place
en: Pleknaam

Or / Of

Street name
Straatnaam

TOLL ROAD TO BELMONT ROAD

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

Suburb/Extension/Area
Voorstad/Uitbreiding/Gebied

RONDEBOSCH

Town/City
Dorp/Stad

CAPE TOWN

Postal Code
Poskode

--	--	--	--

Geographical block no
Geografiese blok no

--	--	--	--	--	--	--	--

Type of premises
Tipe perseel

STREET (PUBLIC)

28/07/2024

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 blanke foliopapier voorgesit word.



SWORN AFFIDAVIT

I, the undersigned

**ROWAN JADE-LEE DAVIDS
(ID 9007315231080)**

Do hereby make oath and state that:

1.

I am an adult male Inspector authorised thereto by writing under the hand of the magistrate of the Wynberg magisterial district in terms of Section 8 of the Animals Protection Act 71 of 1962 and 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 078 136 5633 and 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 July 2024 at approximately 15h36, our control room allocated a case of animal cruelty to me to investigate. I was informed that two guys were beating a horse on Toll Road in Rondebosch. I immediately responded to the location. When I got to the location I was informed by our control room that the horse was now standing at the Rondebosch police station. I then proceeded to the Rondebosch police station where I met with the complainant, Ms Doreen Southwood. The two suspects were also present at the police station and in custody. The horse was still attached to the cart and in the front property of the SAPS.

4.

I inspected the horse and noted that the horse was soaking wet from the rain and its hooves were in poor condition - the hooves were cracked. Further to this, when I inspected the cart, the name, telephone number and address of the owner was not on the cart, as is required in terms of Section 15(1)(e) of the City of Cape Town Animal Keeping By Law, 2021.

5.

I then proceeded to interview the witness, Ms Southwood. Ms Southwood informed me that she saw the horse being beaten cruelly several times with a whip by one of the men - this man was later identified as Teswal Solomons. The witness then chased after them to try and stop them from beating the horse, however the man would not stop. The witness then informed me that the other man, who was identified as Stanley Michaels, jumped off of the cart and tried to assault her with the whip and then started beating the horse with the whip.

The suspects were eventually apprehended by Compass Tactical Security and with the assistance of the SAPS, they were taken to the Rondebosch Police Station.

6.

At the police station, I questioned the suspects who identified themselves to me as Teswal Solomons and Stanley Michaels. I asked them if they had a valid E53 Operators Permit from the City of Cape Town to work the horse, and they informed me that they do not have a permit. Section 15(1)(g) of the City of Cape Town Animal Keeping By-Law, 2021 is clear in that no person may work any equine within the City of Cape Town if they are not in possession of a valid E53 Operators Permit from the City.

15. Control of working animals

(1) No person putting to work a working animal shall –

(a) permit the working animal to be in any public place whilst being incapable of pulling an animal drawn vehicle, suffering from injury or disease, or is otherwise unfit or unsuited to the intended work;

(b) permit the working animal to constitute a hazard to traffic using any public street or road;

(c) permit the working animal to constitute or be likely to constitute a source of danger or injury to any person or animal using a public street;

(d) permit the working animal to be in any public street or public place except when under their control;

(e) work any working animal which does not have on the name, telephone number and address of its owner;

(f) permit any working animal to draw any vehicle, or use any harness which does not comply with the SABS standards and criteria which may be determined by the City from time to time;

(g) work any working equine without a valid E53 Operators Permit where the person is noted as Driver;

(h) be younger than eighteen years of age; or

(i) be under the influence of drugs or alcohol.

7.

It is an offence in terms of Section 2(1)(a) of the Animals Protection Act 71 of 1962 for any person to cruelly beat an animal.

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; or

8.

After interviewing the witness and the two suspects, I went with Ms Southwood to go look for the whip that was being used to beat the horse with. Ms Southwood took me to the location where Compass Tactical Security apprehended the suspects on Belmont Road. I found the whip discarded in bushes. I took the whip into my custody as evidence. Ms Southwood confirmed that it was the same whip that they used to beat the horse with. The whip was booked into the SAP 13 under SAP 13 number 196.

9.

The suspects were charged and processed by the Rondebosch SAPS for charges of animal cruelty in terms of the Animals Protection Act 71 of 1962 and for contraventions in terms of

the City of Cape Town Animal Keeping By Law, 2021. Warrant Officer Rala informed the suspects of their rights and the reasons they are being detained.

10.

Photographs 1 to 7 were taken by myself, with my work cell phone, on 28 July 2024 at the Rondebosch SAPS. I created the folder labelled "Photographic Evidence" which contains the photos. I did not edit or alter these photographs in any way. The photographs are a true and accurate reflection of my findings.

11.

I hereby respectfully request to lay the following criminal charges against Mr Teswal Solomans and Mr Stanley Michaels:

1. Section 2(1)(a) of the Animals Protection Act 71 of 1962, for cruelly beating the horse with a whip; and / or
2. Section 2(1)(q) of the Animals Protection Act 71 of 1962, for being the owner of the animal and permitting the commission or omission of any of the above acts; and / or
3. Section 2(1)(q) of the Animals Protection Act 71 of 1962, for having knowledge of or being witness to the animal cruelty and failing to act or preventing the offences from taking place; and / or
4. Section 15(1)(g) of the City of Cape Town Animal Keeping By-Law, 2021 for working a horse without being in possession of a valid E53 Operators Permit from the City of Cape Town to work; and / or
5. Section 15(1)(e) of the City of Cape Town Animal Keeping By Law, 2021 for failing to display the name, telephone number and address of the owner on the cart.

12.

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

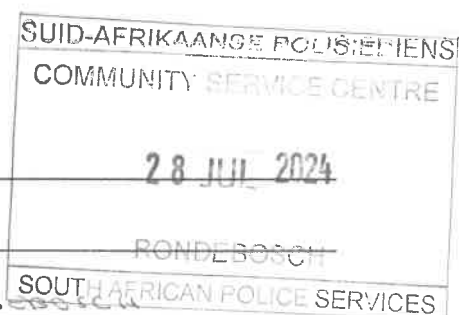
The deponent has acknowledged that he knows and understands the contents of this affidavit/declaration, which was signed and sworn to before me at Rondebosch on this the 28 day of July 2024, the regulations contained in Government Notice No R1258 of 21 July 1972, as amended, and Government Notice No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


COMMISSIONER OF OATHS

Full names: LUXOLO JAWUICA

Designation: Sgt

Business address: CHURCH STREET - Rondebosch





Reg. No. 100731 5231 080

Reg. No. 100731 5231 080

Reg. No. 100731 5231 080

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Reg. No. 100731 5231 080

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

ROWAN JADE-LEE DAVIDS

ID No. 900731 5231 080

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 **WYNBERG (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.

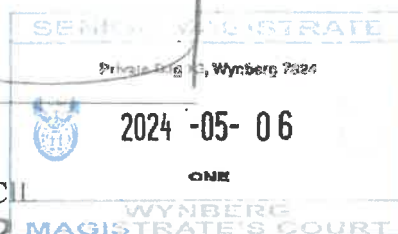
Given under my hand this 6 day of May 2024

Name

Hafiza Mohamed

Official Stamp to go here

Signed



SPCA NATIONAL COUNCIL

Authorisation No. **15232**

Holder's Photograph



SWORN AFFIDAVIT

I, Doreen Anne Southwood, an adult female with Identity Number 7411150081083, and on cellphone number 084 602 6390 hereby make oath and state in English that:

1.

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 28 July 2024 at approximately 14:50, I was standing in my kitchen and looking outside when I saw a carthorse with a carrier with two men on it heading down Toll Road from Edison Road. They were heading towards Lulworth Road. I saw one of the men, who was later identified as Teswal, continuously cruelly beating the horse with a whip unnecessarily. He continuously hit the horse, alternating from the one side to the other side (the rump area), and this continued a few times. I then ran out of the house and chased after them down the road to stop him from cruelly beating the horse. I kept on asking them why they are beating the horse and he said he was playing with the horse. I informed them that I have notified our security, and they must wait until the security and the SPCA arrives. They then took off and refused to wait. They continued to beat the horse and I ran next to them to try and stop them. I ran next to them down Lulworth Road while they tried to get away and Teswal continued to beat the horse, attempting to get the horse to run faster.

3.

At the end of the Lulworth Road they turned left into St Andrews Road. Teswal then gave the whip to the other man on the cart, who was later identified as Stanley, and instructed him to "get rid of me". Stanley then jumped off of the cart and attempted to assault me with the whip. He attempted to hit me with the whip, but I managed to jump out of the way. He attempted to do this twice. Stanley then started beating the horse with the whip on the right-hand side to make the horse move faster. I continued to run after them. At the end of St Andrews Road I lost them and they went left into Belmont Road towards Main Road. About 100 meters before Main Road they were apprehended by Compass Tactical Security. The security officers were later identified as Asiwe Mandodi and Pieter De Jager. Prinston Security also arrived to assist. The officer from Prinston Security was later identified to me as Mzukisi Gudlindlu with contact number 073 572 0991. A police vehicle then came down the road, and the two men approached the policeman and informed him that I am harassing them. I then approached the police official, who was later identified to me as Constable Gela, and explained to the police officer that they were abusing the horse and that they do not have the required documentation in order to work the horse. The police officer then instructed the two men to go directly to the Rondebosch police station and I got into the vehicle with the officer, and we followed them to the police station.

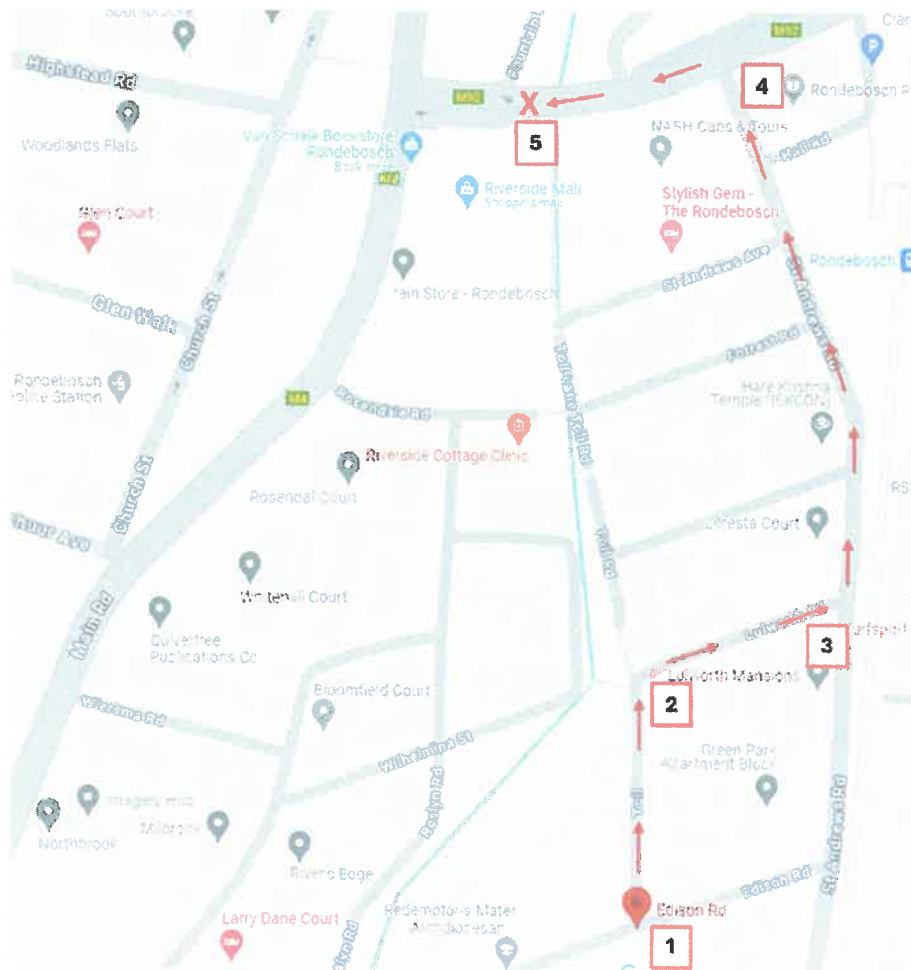
4.

At the police station I waited for the SPCA to arrive, and Inspector Rowan Davids arrived, and I explained the situation to him. I am of the opinion that there was no valid reason for the men to cruelly beat the horse as the horse was already moving. I also observed that the horse's hooves were in a bad condition.

5.

Below is a map of where I first saw them, indicated with a number 1. On the map, I indicated with a number 2 where they turned into Lulworth Road and then indicated with a number 3 where they turned left into St Andrews Road. On the map, I indicated with a number 4 where they turned left onto Belmont Road and with a number 5 and the X where they were apprehended by Compass Tactical Security.





6.

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 Rondebosch on this the 28 day of July 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: Mr C Redding

Designation: Constable

Business address: 68 Church street, Rondebosch,

PHOTO EVIDENCE

Taken by: Inspector Rowan Davids
Taken on: 28 July 2024
Taken at: Rondebosch SAPS

Photo 1 – horse that is soaking wet (at the Rondebosch SAPS)



PHOTO EVIDENCE

Taken by: Inspector Rowan Davids
Taken on: 28 July 2024
Taken at: Rondebosch SAPS



Photo 2 – the cart attached to the horse with no form of identification



PHOTO EVIDENCE

Taken by: Inspector Rowan Davids
Taken on: 28 July 2024
Taken at: Rondebosch SAPS

Photo 3 – the cart attached to the horse with no form of identification



PHOTO EVIDENCE

Taken by: Inspector Rowan Davids

Taken on: 28 July 2024

Taken at: Rondebosch SAPS

Photo 4 – cracked hoof



PHOTO EVIDENCE

Taken by: Inspector Rowan Davids
Taken on: 28 July 2024
Taken at: Rondebosch SAPS

Photo 5 – cracked hoof



PHOTO EVIDENCE

Taken by: Inspector Rowan Davids

Taken on: 28 July 2024

Taken at: Rondebosch SAPS

Photo 6 – cracked hoof



PHOTO EVIDENCE

Taken by: Inspector Rowan Davids
Taken on: 28 July 2024
Taken at: Rondebosch SAPS

Photo 7 – cracked hoof



Q 5549706

English

NOTICE OF RIGHTS IN TERMS OF THE CONSTITUTION

(SECTION 35 OF ACT NO. 108 OF 1996)

- (1) You are being detained for the following reason:

ANIMAL CRUELTY (ACT 71 OF 1962) AND
CONTRAVENING ANIMAL KEEPING BY LAW

- (2) As a person who is detained you have the following rights:

- (a) you have the right to consult with a legal practitioner of your choice or, should you so prefer, to apply to the Legal Aid Board to be provided by the State with the services of a legal practitioner;
- (b) you have the right to challenge the lawfulness of your detention in person before a court of law and to be released if such detention is unlawful;
- (c) you have the right to be detained under conditions consonant with human dignity, which shall include at least the provision of adequate accommodation, nutrition, reading material and medical treatment at state expense; and
- (d) you have the right to be given the opportunity to communicate with, and be visited by, your spouse or partner, next-of-kin, religious counsellor and a medical practitioner of your choice.

- (3) As a person arrested for the alleged commission of an offence, you have the following rights:

- (a) you have the right to remain silent and anything you say may be recorded and may be used as evidence against you;
- (b) you are not compelled to make a confession or admission which could be used in evidence against you;
- (c) you have the right to be brought before a court as soon as reasonably possible but not later than 48 hours after your arrest or the end of the first court day after the expiry of the 48 hours, if the 48 hours expire outside ordinary court hours or on a day which is not an ordinary court day;
- (d) you have the right, at the first court appearance after your arrest, to be informed of the reason for your continued detention, or to be released; and
- (e) you have the right to be released from detention if the interests of justice permit, subject to reasonable conditions.

- (4) You can exercise all the abovementioned rights at any stage during your detention.

CERTIFICATE BY DETAINEE

I, Tesha Solomans (name of detainee) hereby certify that I have been informed in English (state language) of my rights in terms of the Constitution as set out above by w/o Keta (name of person who informed the detainee) and that I understand the contents thereof.

DATE: 2024-07-28
(Informed)

TIME: _____
(Informed)

PLACE: Rondebosch
(Informed)

SIGNATURE/THUMBPRINT OF DETAINEE

SIGNATURE OF PERSON WHO INFORMED THE DETAINEE

CERTIFICATE BY THIRD PERSON AS WITNESS (if required)

I, _____ (name of member) hereby certify that _____ (name of detainee) has been informed in my presence in _____ (state language) of his/her rights in terms of the Constitution as set out above by _____ (name of person who informed the detainee) and that the contents thereof has been explained to him/her but that he/she refuses to sign the above certificate.

DATE: _____
(Informed)

TIME: _____
(Informed)

PLACE: _____
(Informed)

SIGNATURE OF THIRD PERSON

SAP 14/17 / 07/2024
CAS no: 107/2024
OB no: 2380/07/2024

SAPS
SAPD 14A

SERIAL NUMBER

Q 5549706

English

NOTICE OF RIGHTS IN TERMS OF THE CONSTITUTION

(SECTION 35 OF ACT NO. 108 OF 1996)

- (1) You are being detained for the following reason:

ANIMAL CRUELTY CASE 71 OF 1967 AND
CONTRAVENING ANIMAL KEEPING BY LAW

- (2) As a person who is detained you have the following rights:

- (a) you have the right to consult with a legal practitioner of your choice or, should you so prefer, to apply to the Legal Aid Board to be provided by the State with the services of a legal practitioner;
- (b) you have the right to challenge the lawfulness of your detention in person before a court of law and to be released if such detention is unlawful;
- (c) you have the right to be detained under conditions consonant with human dignity, which shall include at least the provision of adequate accommodation, nutrition, reading material and medical treatment at state expense; and
- (d) you have the right to be given the opportunity to communicate with, and be visited by, your spouse or partner, next-of-kin, religious counsellor and a medical practitioner of your choice.

- (3) As a person arrested for the alleged commission of an offence, you have the following rights:

- (a) you have the right to remain silent and anything you say may be recorded and may be used as evidence against you;
- (b) you are not compelled to make a confession or admission which could be used in evidence against you;
- (c) you have the right to be brought before a court as soon as reasonably possible but not later than 48 hours after your arrest or the end of the first court day after the expiry of the 48 hours, if the 48 hours expire outside ordinary court hours or on a day which is not an ordinary court day;
- (d) you have the right, at the first court appearance after your arrest, to be informed of the reason for your continued detention, or to be released; and
- (e) you have the right to be released from detention if the interests of justice permit, subject to reasonable conditions.

- (4) You can exercise all the abovementioned rights at any stage during your detention.

CERTIFICATE BY DETAINEE

I, Tesha Sobman (name of detainee) hereby certify that I have been
informed in English (state language) of my rights in terms of the Constitution as set out above by
W/O Kala (name of person who informed the detainee) and that I understand the contents
thereof.

DATE: 2024-07-28
(Informed)

TIME: _____
(Informed)

PLACE: Rondebosch
(Informed)

SIGNATURE/THUMBPRINT OF DETAINEE

SIGNATURE OF PERSON WHO INFORMED THE DETAINEE

CERTIFICATE BY THIRD PERSON AS WITNESS (if required)

I, _____ (name of member) hereby certify that
_____ (name of detainee) has been informed in my presence in
_____ (state language) of his/her rights in terms of the Constitution as set out above by
_____ (name of person who informed the detainee) and that
the contents thereof has been explained to him/her but that he/she refuses to sign the above certificate.

DATE: _____
(Informed)

TIME: _____
(Informed)

PLACE: _____
(Informed)

SIGNATURE OF THIRD PERSON

Whip that was taken into custody – used to beat the horse with



Incorporated Association not for gain

Co No. 1939/013624/08
NPO 003-244 • PBO 930004317



Ingelyfde Vereniging sonder winsoogmerk

Cnr 1st Avenue & 1st Road, Grassy Park, 7941
PO Box 3, Plumstead, 7801
Tel: 021 700 4158/9
Fax: 021 705 2127
inspectorate@spca-ct.co.za
www.capespca.co.za

SEIZURE NOTICE

To: Mr / Mrs / Ms <i>Teswal / Stanley</i>		Date <i>28/07/24</i>	
Address <i>Rondebosch SAPS</i>			
		ID No	
Tel No		Cell No	
Veh Reg No		Trailer Reg No	

The following animals have been seized:

02359

X1 Horse seized By Cape of Good Hope SPCA
X1 Whip seized By Cape of Good Hope SPCA
Regulation 468 on Reverse of this page.

CONTACT NUMBER: 0217004158/9.

The above-mentioned animals have been seized in terms of the Animals Protection Act 71 of 1962, read together with Regulation 468 issued in terms of Section 10(1)(b) and (c) of the aforementioned Act.

SIGNED & ACCEPTED BY: _____

PLACE: Konigsbosch SAPS TIME: 16H37

INSPECTOR: P. Davids

INVESTIGATION DIARY C 1
ONDERSOEKDAGBOEK

[illegible]