

## **NSPCA Statement**

### **FACTS & FICTION OF THE TULI ELEPHANT CASE**

The National Council of SPCA'S (NSPCA) has laid criminal charges against Riccardo Ghiazza/African Game Services (AGS) under The Animals Protection Act No. 71 of 1962. This act lists offences in respect of the charges laid against AGS, as any person who:

- \* ill-treats, cruelly beats, goads or terrifies any animal; confines, chains, tethers or secures any animal unnecessarily or in such a manner or position as to cause that animal unnecessary suffering; unnecessarily under-feeds or denies water or food to any animal; uses on any animal any equipment or appliance which causes or will cause injury to such animal or which is used or attached in such a manner as will cause such animal to be injured or to suffer unnecessarily".
- \* fails to render veterinary or other medical treatment.
- \* confines, secures, restrains or tethers any animal under such conditions or in such a manner or position or for such a period of time as to cause that animal unnecessary suffering.
- \* confines, secures, restrains or tethers any animal without making adequate provision for suitable food, potable water and rest for such animal.
- \* causes, procures or assists in the commission or omission of any of the aforesaid acts, or being the owner of the animal, permits the commission or omission of any such act.

The NSPCA was granted custody of the 30 young elephants by Court Order on 14 October 1998 "to prevent further suffering". Ghiazza appealed against this Court Order which is currently being heard in the Brits Magistrates Court. The outcome of this appeal will determine where the animals are kept and who is in charge of their well-being while the criminal case against Ghiazza is heard. No date has yet been set for the criminal charges to be heard.

#### **SEQUENCE OF EVENTS**

- \* Early 1998: Riccardo Ghiazza approached South African National Parks with a view to obtaining young elephants from the Kruger National Park. His request was rejected.
- \* 12 May 1998: Mr Ted Steyn, Chairman of the Northern Tuli Game Reserve (NOTUGRE), Land Owners Association circulates a memo to all members stating "we have had an offer from an organisation to buy from us about 40 sub-adult elephants (15 year olds)". The biggest single owner of land in the Northern Tuli Game Reserve is Mashatu, which is controlled by Rattray Reserves of Mala Mala fame.
- \* 29, 30 and 31 July: Capture of 30 young elephants takes place in the Tuli Reserve and is supervised by wildlife veterinarian, Dr. Kobus du Toit, at the time a Trustee of the Rhino &

Elephant Foundation (REF). According to the Affidavit of Mr James Balog a freelance photographer, who was in the Tuli Reserve at the time as part of an extended study in both words and pictures of contemporary conservation issues, particularly those related to elephants: "all the elephant calves appeared to be in excellent condition. Their behaviour was the normal playful behaviour of all infant elephants and in textbook young elephant fashion, they stayed very closely attached to their mothers, rarely straying more than a few dozen yards. They also nursed and suckled regularly."

Mr. Balog was not allowed to photograph the actual trapping operation, in spite of his request to do so. He was staying at the same safari lodge as the capture team and was told one particularly striking story by them: "A young elephant was darted with a tranquilliser from the helicopter. Per normal procedure, the ground crew then tried to move in, but was chased off by the mother, who was standing guard over her comatose infant. The helicopter crew then had to tranquillise the mother as well. When she woke up, her child was gone." This incident is confirmed in the 'Report to the Botswana Department of Wildlife and National Parks : Elephant Capture Operation - Northern Tuli Game Reserve - August 1998' compiled by Mr Pete Le Roux, Manager of Mashatu Game Reserve. Mr. Balog stated further: "We encountered a herd of about 10 elephants approximately two miles from the site of this trapping 45 minutes later. I observed more seepage from their temporal glands than I have seen on any elephants before or since. This was an all but certain indication of extreme stress. They moved rapidly and steadily and would not let us approach closely." In contrast, the above mentioned 'Capture Report' states: "Residual disturbance to the elephant population appears to be negligible."

From the capture site in Botswana, the young elephants were transported initially to the game farm of Mr Chris Mostert near Hoedspruit, before being further relocated in groups to African Game Services near Brits.

\* 14 August 1998: Mr. Rick Allan, Manager of the NSPCA Wildlife Unit, inspected the premises of African Game Services near Brits to check on the condition of the young elephants. He found them housed in a newly-built equivalent of a warehouse. The young elephants were tethered and chained and were unable to touch each other. They were "wide eyed and making high pitched sounds". He saw training hooks and sjamboks in the facility.

\* 17 August 1998: Sekai, the African Environmental Working Group, issues a press release entitled "Abduction and Sale of young Botswana elephants for 'Mahout Style' training in South Africa". Subsequent to this press release, an article with photographs, was published by The Sunday Times (23 August 1998) and Sunday Independent of the same date.

\* 19 August 1998: Gareth Patterson, Rick Allan and Melanie-Ann Ferris of The Star received letters from Ghiazza's lawyers accusing them of making "false public statements" and requesting their retraction.

\* 20 August 1998: The Tuli elephant story was covered by Jenny Cruys-Williams on her show on Radio 702 with guests Gareth Patterson and Dr Andrew McKenzie in the studio, and Daphne Sheldrick, Rick Allan, Dr Kobus du Toit (Vet) and Dr Hym Ebedes (Vet) on the telephone.

\* 25 August 1998: The 'Elephant Management & Owners Association' (EMOA) called a meeting on 'The Relocation of Elephants from the Northern Tuli Game Reserve' attended by Environmental Affairs, Nature Conservation, Department of Agriculture, IFAW, Wildstock Association, two landowners from the Tuli Block, Dr Kobus du Toit, Dr Hym Ebedes. It is minuted that "NSPCA were not invited... as they (EMOA) wanted to avoid confrontation". It was agreed at this meeting that a committee would be formed and that the "Department of Agriculture would employ Dr Ebedes on a contractual basis who would monitor welfare of elephants".

\* 01 September 1998: Search warrant issued to NSPCA by Brits Magistrates Court to enter the premises of AGS on the 'reasonable grounds to believe that cruelty was taking place'. \* 02 September 1998: Qualified inspectors of the NSPCA with the search warrant and a police escort, gained access to the premises of AGS. The NSPCA officials were horrified at the condition of the young elephants and the evidence of cruelty. An inspection was made and video footage taken. Mr Ghiazza called in his lawyers at the same time, together with Dr. Clare Speedy (the vet employed by AGS) and Dr Hym Ebedes. The video material was impounded by the police on the request of Mr. Ghiazza's lawyers. Please refer to NSPCA Press Release dated 10 September which states the appalling conditions in which the young elephants were found.

\* 04 September 1998: The Supreme Court rules that the NSPCA may take possession of the video material, on condition that it is not released to the media but only shown to experts for scientific evaluation. The video footage is submitted to several internationally-renowned elephant experts (Dr. Cynthia Moss, Dr. Joyce Poole and Mrs. Daphne Sheldrick MBE, Dr. Iain Douglas-Hamilton), with a request to prepare Affidavits.

\* 14 September 1998: Letter from Mr Ted Steyn, Chairman of the Northern Tuli Game Reserve Trust (NOTUGRE) to Mr. Joe Matlhare, Botswana Dept of Wildlife & National Parks (DWNP) which states: "All things considered we believe that sending these sub-adult elephants to approved zoos and safari parks is a better option for them than being culled, or shot by farmers..., or being trapped in a starvation die-off which now looms as a distinct possibility. The overabundance of elephants has already caused a massive starvation die-off of grazers in the Tuli Reserve, such as wildebeest and zebra in a previous drought year."

In his statement, Mr. Keith Lindsay, Oxford ecologist says "The suggestion that the juveniles were likely to die anyway during the current dry period, and therefore were better off being taken into captivity, runs counter to the argument that the removals were a form of population reduction.... It is unlikely that in July and August (mid-dry season) the elephants were in malnourished condition; indeed if they were so, the capture would have risked their survival."

\* 09 September 1998: A letter co-signed by 30 International NGO's concerning the flaws in CITES regulations that allow the trade in wild young elephants from an Appendix II country is sent to Dr Pallo Jordan, South African Minister of Environmental Affairs and Tourism and to Mr. G. Kgoroba, Botswana Minister of Commerce.

\* Late September 1998: Various demonstrations outside the South African and Botswana Embassies in Washington and London.

\* 02 October 1998: AGS forms a Welfare Committee to monitor the training processes and treatment of the young elephants. The Welfare Committee recommends that the training hooks are blunted and that direct chaining onto the elephants' ankles, which has caused injury and scarring, is replaced by a broad 'anklet' made from blanket straps to which the chains are attached. The 'big three' wildlife conservation NGO's - World Wide Fund for Nature (WWF) South Africa, the Endangered Wildlife Trust and the Wildlife and Environment Society of South Africa issue a joint statement condoning the Tuli elephant issue in its entirety, without any reference to the NSPCA beforehand.

\* From approximately 2nd October onwards, with the court case pending, pressure by the NSPCA to check on the elephants on an ad hoc basis, combined with increasing media interest, Riccardo Ghiazza virtually stopped all handling of the young elephants. On the one hand, this meant the animals were not subjected to further mahout-style "training", but on the other hand, their wounds and abscesses are left unattended and are not treated on a regular basis.

\* 12 October 1998: Letter from Mr Ted Steyn, Chairman of NOTUGRE to Diane Gifford: "We are a private organisation with an investment in property in excess of Pula 100 million dedicated entirely to wildlife. We spent P6,3 million per annum... Being a private organisation, we have no obligation whatsoever to the public..." The potential sale of the 50 elephants @ R12,000 per head, (P8,400 ) would have created a total revenue of P420,000

\* 13 October 1998: Evening visit by Chantal Rutter of Radio 702 to AGS to look at the young elephants arranged at short notice. The concrete floor in the big warehouse is suddenly found to be covered with a big layer of bedding where prior to today, the young elephants had to sleep on the bare concrete floor.

\* 14 October 1998: The NSPCA applies to the Brits Magistrates Court for an 'Order to Seize' the thirty young elephants and remove them to a place of safety, pending the outcome of a Supreme Court case where the NSPCA will prosecute AGS for animal cruelty. The NSPCA is granted an Order to Seize "to prevent further suffering". Refer to the NSPCA Press Release dated 14 October 1998.

\* 15 October 1998: AGS applies to the Brits Magistrates Court for "due cause" as to why the Order should be revoked. "Due Cause" turns out to be the young elephants are "too ill and weak" to be moved according to Dr. Kobus du Toit. Refer to NSPCA Press Release dated 15 October 1998.

\* 16 October 1998: AGS argued in the Brits Magistrates Court on why the warrant issued to the NSPCA to seize the elephant should be set aside. The matter was adjourned until the following Tuesday (20 October) when an 'in loco' inspection would take place at the property of AGS with the assistance of international elephant experts. Refer to NSPCA Press Release of Fri 16 Oct confirming that the warrant obtained by the NSPCA was still in force and effect to seize the elephant to prevent further suffering. In view of the application being ongoing in court, the NSPCA has undertaken not to enforce the warrant. However, pending the finalisation of the application, 'any duly authorised employee of the NSPCA and/or experts will have free access to

the premises and the elephants'. Both applicant and respondent undertake not to remove any elephants from the premises.

\* 17 October 1998: REF appoints Dr Andrew McKenzie as its Vice Chairman and Director. Dr McKenzie is Managing Director of the Internet site 'Wildnet Africa'. He is also son-in-law of Mr T Steyn, Chairman of NOTGRE and seller of the thirty young elephants. Up until this time, REF is silent on the Tuli Elephant issue.

\* 19 October 1998: The group of experts called in by the NSPCA to assist in the case inspects the young elephants on site and the facility in which they are being kept. They were unanimous on the ages of the elephants: two are under two years (i.e. would still be suckling in the wild), twenty-four are between three and four years, and four are between five and six years of age. According to Pete Le Roux's 'Capture Report to Botswana Department of Wildlife & National Parks': "Only animals considered to be well independent of their mothers would be targeted. To this end it was agreed that only animals in excess of 1,5 metres at the shoulder (5 years plus) would be selected."

\* 20 October 1998: The 'in loco' inspection with the Magistrate takes place at Ghiazza's property and the court case continues. Although various media teams were present, only the SABC's "50/50" film crew was allowed access to AGS.

\* 21 October 1998: Invitations addressed to Randall Moore, Daphne Sheldrick, Joyce Poole and Diane Gifford received at 07h00 requesting attendance at REF's hastily convened discussion meeting planned for 07h00 on 22 October. Diane Gifford immediately contacted Dr McKenzie to say invitees had already left for Court in Brits and unable to be reached until 20h00 that evening. It was made clear that the NSPCA was not invited and neither were other members of their International Team of Experts.

\* 22 October 1998: Letter of apology faxed to Dr. McKenzie at 06h45 advising Daphne Sheldrick, Joyce Poole and Diane Gifford unable to attend the breakfast meeting at such short notice but Randall Moore would attend. Meeting cordially advised that the International Team of Experts and the NSPCA would be more than happy to meet anyone to discuss the issues around this case at a more convenient time. REF issues a press statement announcing the formation of a committee of wildlife veterinarians to give scientific opinions on proposals relating to the Tuli elephants. Several of the committee members are the very same veterinarians employed by Riccardo Ghiazza, and who are also members of the EMOA Committee.

\* 23 October 1998: It was agreed between the two legal teams that the NSPCA would undertake dawn-'till-dusk monitoring of the young elephants at AGS. Dr. McKenzie was interviewed on Radio SAFM's 'Talk at Will'. He publicly stated that he condones all aspects of the Tuli elephant issue, in spite of admitting on air that he had never visited the young elephants at AGS.

\* 26 October 1998: The 'big 3' wildlife conservation NGO's issue a further press release stating "We initially believed that both the training methods and equipment being used to tame these elephants were acceptable. However, we note that a certain level of cruelty may have ensued."

\* 27 October 1998: The Botswana Government suspends the sale of the additional 20 elephants destined for AGS due to their concerns about the welfare of the elephants at Brits.

\* 28 October 1998: Ann Cheater of the National Wildlife Unit of the NSPCA testifies in court that she had witnessed repeated beatings of the young elephants at AGS over the course of the previous days.

\* 30 October 1998: Surprise statement issued by MP for Agriculture, Mr. Derek Hanekom, advising the training of the Tuli Elephants was a pilot project to determine whether it could be an alternative to culling.

It should be stressed that, in spite of all kinds of accusations about having a "hidden agenda", "using the media to 'sensationalise this case'" and, more recently, being accused of being " an animal rights organisation", the NSPCA's prime and only concern is cruelty to animals and the prevention of further cruelty in terms of the Animals Protection Act.

The case against Mr Ghiazza and AGS is being laid on the grounds of the cruelty being inflicted on these young elephants.

Since the intervention and active involvement of the NSPCA, mahout-style training has been stopped and many positive alterations have been made. Since then the elephants have had time to pick up condition and their wounds and abscesses are healing slowly. What people will see at AGS these days is very different and much improved from the conditions in the past.

Nevertheless, the young elephants are victims of abuse, confined in unnatural conditions, deprived of all their rights and qualities of life. The NSPCA does not intend to return the animals to the Northern Tuli Game Reserve but has located three game farms which are happy to provide suitable new homes for these youngsters for the rest of their lives.

## IMPORTANT NOTES

1. The Limpopo Valley area commonly called "The Tuli Block" received 57mm of rain two weeks ago. In this semi-arid region, this is substantial rainfall which would have broken any drought situation that could have existed.

2. Removal of young elephants as a means of population control is completely ineffective, because mortality is highest among young elephants and they have no significant effect on consumption of vegetation and population size and growth. According to Oxford ecologist, Keith Lindsay "The suggestion that the juveniles were likely to die anyway during the current dry period and therefore were better off being taken into captivity, runs counter to the argument that the removals were a form of population reduction."

3. According to the '1977 Aerial Game Census' compiled by Mr. Pete Le Roux, "Elephant population is up by 164% over last year. This is obviously not a true reflection of population increase but is simply due to the fact that a larger percentage of the population was within the boundaries of the game reserve on the day that the count took place this year. Elephant

movement is extremely variable... This is incidentally the highest recorded population in the 13 years that formal censuses have been conducted." According to Keith Lindsay, Oxford ecologist, "As far as I am aware there is no clear policy on elephant population size and habitat conservation in the Tuli Block, apart from an oft-stated belief that there are simply "too many"... To date, such estimates that exist of "right number" (of elephants) are based on seat of the pants guesses or extrapolation from other areas".

4. The same 'Census Report' states "Wildebess: the population numbers are in fact higher than predicted and are of great concern as regards the impact being exerted on the available grazing.. We are now carrying close on 600% more wildebess than that number recommended to us by the Kruger National Park (1984). Zebra are up by 38%.... we are still however well over the recommended carrying capacity for the species... Eland numbers have increased dramatically... The destruction they are causing to various tree species within the reserve is becoming more pronounced and is indicative of a population under pressure. Impala (13958 animals in 1997): their impact on the environment should not be underestimated and a concerted effort should be made to reduce the population to a suggested maximum of 8000 animals."

5. Before the NSPCA intervened in this case, the elephants were hobbled on the front legs; one front and one rear leg were chained to the floor; the chains were wound so tightly that many of the young elephants contracted deep cutting wounds on their legs; the young elephants were undergoing 'mahout-style' training where they sustained multiple injuries in their faces, on their trunks and on their backs through the use of a training hook with a sharp tip, they were repeatedly beaten on the top of their heads they weren't able to touch each other (elephants in the wild are in constant body contact); they were chained to a bare concrete floor which resulted in pressure sores on their elbows and heads; the harsh manner they were chained meant they could only lie down to sleep with great difficulty which would have resulted in sleep deprivation. All of this so-called "training" (with the use of fear, hunger, thirst, stress, exhaustion, depression, etc.) is done so as to break the spirit of the young elephants.

6. In the light of the daily reports from qualified NSPCA inspectors on site, it is clear that the cruel and abusive treatment of these young elephants continues in spite of the intensive training methods having been suspended. As long as the Indonesian style controlling methods are employed, it is plain that the young elephants will be subject to ongoing cruelty.

7. In an interview with the SABC TV programme "50/50", Mr. Ghiazza stated that "... these animals are to be trained within six weeks or in exceptional circumstances within 3 months". It is impossible to train an elephant in such a short time period and this could explain the harshness of the "training" methods.

8. There is a clear difference in the behaviour of the young elephants towards visitors as opposed to mahouts. The elephants' fear, aggression and loathing towards the mahouts are apparent in their repeated attempts to attack them as have been observed and recorded on video footage.

9. The panel of experts are unanimous that these elephants will be behaviourally unpredictable as a result of the harsh Indonesian mahout style training they have endured. As has been proved internationally, such treatment may result in elephants that could injure or kill someone (every

year, between one and four elephant handlers/trainers are killed in zoos). Such elephants are then inevitably destroyed.

10. REF's "Animal welfare and Animal Rights Press Release of 30 October quotes Mrs. Marcelle French, Executive Director of the NSPCA "Where there is money and animals, there is always abuse". Dr McKenzie replies "This flies in the face of all attempts to integrate the NSPCA into the development of responsible protocols for the handling of wild animals in South Africa." It is important to note that at no time has the NSPCA been invited to attend any meetings whatsoever.

11. It is the NSPCA's considered opinion that were it not for the outcry this case has elicited, it is unlikely that the various committees set up to monitor events at AGS would have been formed eg. Welfare Committee formed 2 October 1998; Veterinary Committee formed on 22 October 1998;

CONTACT: Marcelle French, Executive Director of NSPCA or Barbara Nash on Tel. No.+27-(11) 907-3590/1/2/3; Fax. No. +27-(11) 907-4013; E-mail Address: [spca@global.co.za](mailto:spca@global.co.za)