

THE ELEPHANT CASE - MORAL VICTORY FOR NSPCA

Judge de Villiers' announced: - "The application has been dismissed with costs" in the Pretoria Supreme Court on 21 February 2000. This bland statement concluded a matter which had begun on 14 October 1998 when the NSPCA had been awarded seizure of the elephants on the property of Riccardo Ghiazza / African Game Services. Before the elephants could be moved, Mr Ghiazza appealed the decision of the Magistrate. Then a review of the decision in the Supreme Court was called. This was heard on 07 and 08 September 1999. But by the time the Judge had ruled - in favour of the NSPCA - in February 2000, there were no elephants left on the property of African Game Services. All had been traded or sold!

The NSPCA claims that the ruling was much more than a moral victory. The detailed judgement is over 140 pages long, outlining how Judge de Villiers came to his conclusions. "This reasoning is very significant for the criminal trial which is scheduled to begin on 22 June," explained Marcelle French, the Executive Director of the NSPCA.

The Judge accepted evidence of ALL witnesses of the NSPCA that the training was cruel and caused suffering. He stated that there was, in all probability, deprivation of food, water and sleep. The Judge saw no reason why Indonesian methods of "training" elephants should be uncritically regarded in South Africa.

Craig Saunders - an accused in the criminal case who acted as a witness for Mr Ghiazza during the seizure trial - was singled out for criticism by the Judge. The attitude of

Mr Craig Saunders that the training was a means to an end was described as "somewhat callous". The Judge added that Mr Saunders was not an expert and that his opinions could not carry any weight, stressing that Mr Saunders "has a vested interest in the elephants" and that "his evidence that the sjamboks and bullhooks were only used in self defence is, on the balance of probabilities, untrue."

Witnesses for Mr Ghiazza led evidence during the case that the bullhooks had been blunted and the chains had been padded. Judge de Villiers claimed that this probably lessened the elephants' suffering to some extent but the training methods remained cruel. Nothing was done to change the training methods. "The evidence shows that they were unacceptable and brutal."

The judgement emphasises that even if it had not been known beforehand that the mahouts intended using such cruel methods of training, this should have become apparent when the training commenced and the injuries became apparent. "The welfare committee appointed by Mr Ghiazza did not give proper thought to their earlier resolution to call in experts to supervise the training. They were clearly going to allow the mahouts to continue training in the same fashion."

The next step is the hearing of the criminal charges laid against Riccardo Ghiazza / African Game Services, Craig Saunders, Wayne Stockigt and two Indonesian mahouts which are scheduled to be heard in the Brits Regional Court on 22 June 2000.

The poem below, by E. Lane of Sandton, won 2nd prize in the Poetry Institute of Africa's 1999 competition. Elaine donated a portion of her prize money to the NSPCA.

THE TULI ELEPHANTS' PLIGHT

*Abducted from our families without much ado
To be rigidly tamed for an overseas zoo,
Handled by Indonesian Mahouts, we are cruelly trained.
When we are unable to obey, we are repeatedly caned.*

*Our feet are fettered so we shuffle along.
How we long to go back, to where we belong.
We are unable to lie down and we cannot sleep.
We suffer so much. Our emotions run deep.*

*Food and water are denied us if we don't perform well.
Inflicted wounds on our heads are starting to swell.
We are not given bedding and we have no shade.
Hopes for our future are beginning to fade.*

*But wait. We see people out there, aware of our plight,
To get better conditions for us, they are putting up a fight.
Despite continuous monitoring and applications to Court,
All of their endeavours have come to nought.*

*We are still in captivity at the end of the day.
But the authorities are striving to pave the way
For future treatment to be kinder and more humane;
Lessening hurt and indignities to keep us healthy and sane.*