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19 June 2024

Ministry of Defence and Military Veterans  
Private Bag X427  
PRETORIA, 0001

For the attention of : Minister Thandi Modise  
: Ms Mantastsi Ramosana (PA to the  
Minister)

Per email : [modisethandi@gmail.com](mailto:modisethandi@gmail.com)  
: [Mantsatsi.Ramosana@dod.mil.za](mailto:Mantsatsi.Ramosana@dod.mil.za)

*and copied to the parties cited at the end of this letter.*

Dear Minister,

**IN RE: BARNEY MOLOKOANE CASE: SCHOOL OF ENGINEERS (KROONSTAD)  
NOTICE OF IMMINENT LEGAL PROCEEDINGS – ANIMAL WELFARE  
CONCERNS**

1. The above matter and our myriad of previous correspondence, which will be outlined more fully hereinbelow, refer.
2. The purpose of this correspondence is to, firstly, warn the South African Defence Force (the **SANDF**), as well as your Ministry, as being responsible for the SANDF, of serious animal welfare concerns pertaining to the hundreds of overstocked Black Wildebeest, kept by the SANDF at the Barney Molokoane Base, School of Engineers, Kroonstad, Free State (the **base**). Secondly, this correspondence should be considered a notice of imminent legal proceedings, should the SANDF fail to, alternatively refuse to, further alternatively neglect to act in terms of the aforesaid warning.
3. In order to fully ventilate the matter and provide you with the necessary context (since we can only assume that our previous correspondence have been left unread), we provide a brief summary of correspondence dispatched to the SANDF and/or your Office:-
  - 3.1. As early as 24 August 2023, our office directed correspondence to the Chief of the SANDF, General Maphwanya (**Chief SANDF**), copied to several high command officers within the SANDF regarding this matter. The SANDF was in this letter warned about its tendency to let potential disasters involving "biological assets" age, whilst forewarning the SANDF about contraventions of the Animals Protection Act 71 of 1962 (**APA**). **No response was forthcoming.**

- 3.2. On 31 August 2023, a follow-up letter was dispatched to the same recipients as alluded to in paragraph 3.1 above, indicating that the NSPCA is left with little recourse and will need to pursue legal avenues to address the looming crisis. **No response was forthcoming.**
- 3.3. On 22 September 2023, the first letter to yourself was addressed, copied to the Deputy Minister, Director-General and, again, Chief SANDF. The NSPCA reiterated that the situation "is reminiscent of the lead up to the disaster at the SAASIC base in Potchefstroom in 2018". The NSPCA highlighted that senior leadership in the SANDF "simply ignore any requests for information". During our first inspection on 11 August 2023, the NSPCA found nine dead animals and one dying, very little water, and no supplementary feed. The NSPCA emphasised that it is unclear as to how hundreds of wild animals ended up on only 200Ha. land and that the SANDF has no idea how many animals are on the property. Hundreds of Wildebeest have overgrazed the land to the point that large amounts of supplementary feed was already necessary at that stage. **No response was forthcoming,** save from a series of emails from the Personal Staff Officer in the office of Deputy Chief of Logistics, which later proved futile and did not lead to substantial solution, as this Officer did not have the requisite authority.
- 3.4. On 06 October 2023, the NSPCA attended a meeting (or a "Special Wildlife Site Visit", as coined by the Department of Defence (**DOD**) Logistics Division). Apart from outlining bureaucratic hurdles (such as the Logistics Division having to be informed first before the NSPCA inspects the premises) and setting unrealistic timelines for the live capture and translocation of the animals, the meeting proved to be fruitless. None of the decisions were actioned and the situation was not improved. This only led to wasteful "up-and-down" telephonic correspondence, trying to solicit action from anyone who is interested.
- 3.5. On 01 March 2024, the third correspondence was dispatched to your Office. The crisis was (temporarily) averted due to interventions taken by officers at the base itself, although the issue to be dealt with was far greater than their ranks. The NSPCA indicated its cooperation with the fact that the SANDF did not want to translocate the animals during hot months, but attempted to obtain assurances in writing that the translocation will take place. This fell on deaf ears. Your Office was requested to provide an undertaking that the stocking reduction would take place during March 2024, before winter and the next breeding season. **No response was forthcoming.**
- 3.6. Finally, on 17 May 2024, the NSPCA transmitted its final correspondence to you, indicating that the NSPCA has a constitutional mandate to prevent cruelty to animals, and further expressed concern at your Department's failure to respond to a letter of tremendous concern. The NSPCA recorded that should the inaction of DOD result in animals suffering, the correspondence will form record of our attempts to prevent it. **No response was forthcoming.**
4. Accordingly, we record the following:-
- 4.1. We pause to mention that during the periods elapsing between the correspondence alluded to in paragraphs 3.5 and 3.6 above, the NSPCA remained committed to ensuring the animals are reasonably cared for, by continuing communication with officials from the base. However, as previously mentioned, the matter at hand is far greater than their ranks allow. It is the NSPCA who, without remuneration, has been

ensuring that there are no further deaths, by travelling to the base, which is two-hours away from our location, and using local resources.

- 4.2. The NSPCA conducted an inspection on 28 May 2024. It is clear that there is no plan and the base has no indication of anything that should happen. At the time of inspection, there was no grazing available and there is reliance on external grass and refilling of water troughs. The NSPCA again expresses its concern, as problems will undoubtedly arise during the current winter months, when the need for food will become even more dire and inspections by ourselves will need to be increased. The problem is further exacerbated by the apparent increase in animals, after the breeding season.
- 4.3. To date, there is no indication from DOD why these animals (estimated at 300-400) are at the base, where they came from and why it is necessary to overstock hundreds of Wildebeest on a military base. Apart from the serious and apparent concern that this is a welfare concern in terms of the Act, it is further not only wasteful expenditure for the NSPCA – who relies on the goodwill of the public to do our work – but also to the ordinary taxpayer, having to fund the SANDF-budget to keep overstocked animals in sub-standard conditions. It is quite disingenuous for the SANDF to publicly complain about constrained budgetary measures, whilst the SANDF care for these animals unnaturally through feed and water provision, as well as veterinary attention for sick and/or injured animals (although such “care” in itself is worrisome and insufficient).
- 4.4. What is of further concern is the fact that feed orders are still delayed behind non-functional procurement processes, as alluded to in the correspondence received and more fully outlined in paragraph 3.3 above. This after what transpired in 2018 in Potchefstroom – which criminal prosecution is still pending and that made national news headlines for months.
5. As a precursor for our demands that will naturally follow below, we enlighten you with the following *dictum*, which cements the NSPCA’s authority to make such demands and to take decisive action in this matter failing your cooperation:
  - 5.1. The Constitutional Court in ***National Society for Prevention of Cruelty to Animals v Minister of Justice and Constitutional Development and Another***<sup>1</sup> at para 56 in dealing with the powers of the NSPCA in instituting a private prosecution had the opportunity to consider the matter of cruelty to animals within the broader context of the constitutional values that stood at the doorway of our society as well as the connection between animal welfare and the right to have the environment protected. Its views are located in the recognition that animal cruelty was prohibited both because of the intrinsic values we place on animals as individuals but also to safeguard and prevent the degeneration of the moral status of humans.
  - 5.2. Our Apex Court considered animals as ‘**sentient beings that are capable of suffering and of experiencing pain**’.<sup>2</sup> Yet, this consideration seems to be absent in any and all considerations (or rather, the lack thereof) by the DOD and SANDF.

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<sup>1</sup> 2017 (4) BCLR 517 (CC).

<sup>2</sup> As above.

- 5.3. We should also remain mindful that the Court in ***National Council of the Society for Prevention of Cruelty to Animals v Minister of Environmental Affairs and Others***<sup>3</sup> reasoned that although a functionary may not have an 'animal welfare mandate', it falls on that functionary (i.e., the DOD in this instance) to consider animal welfare implications.
- 5.4. The Supreme Court of Appeal in ***S v Lemthongtha***<sup>4</sup> held that "[c]onstitutional values dictate a more caring attitude towards fellow humans, animals and the environment in general."
6. Therefore, we demand the following:-
- 6.1. Provision of a clear, simple, and decisive plan, without bureaucratic impediments and being focussed on the welfare of the animals, for resolving the stocking density with severe urgency;
- 6.2. A strategy for funding to facilitate the aforesaid process;
- 6.3. Provision of supplementary feed and continuous sources of water in the interim; and
- 6.4. Notification of a readily available contact person, who is ultimately responsible for ensuring that animals do not suffer on the base.
7. You will note that much of the aforesaid was already requested from your Honourable self in our correspondence to your Office on 22 September 2023. Nonetheless, we request an urgent response per return addressing the aforesaid demands **by no later than seven (7) days from dispatch hereof.**
8. Should the DOD and/or the SANDF fail to, alternatively refuse to, further alternatively neglect to abide by the aforesaid demands, the NSPCA shall have no alternative than to take stringent legal action in this matter, in which this correspondence and all previous correspondence cited above shall be used in aggravation of.
9. The above should not be construed as being exhaustive of our rights, all of which are and remain strictly reserved.
10. We await your urgent response per return and trust that you shall be guided accordingly.

Sincerely,



**MARCELLE MEREDITH**  
Executive Director  
National Council of SPCAs

COPY TO: Deputy Minister of Defence and Military Veterans  
c/o Mr Thabang Makwetla  
Per email: [michael.kunene@dod.mil.za](mailto:michael.kunene@dod.mil.za)

<sup>3</sup> 2020 (1) SA 249 (GP).

<sup>4</sup> 2015 (1) SACR 252 (SCA).

AND TO: Director General, Defence and Military Veterans  
c/o Ms Sonto Kudjoe  
Per email: [secdef@dod.mil.za](mailto:secdef@dod.mil.za)

AND TO: Chief of the SANDF  
c/o General Rudzani Maphwanya  
Per email: [Rudzani.Maphwanya@dod.mil.za](mailto:Rudzani.Maphwanya@dod.mil.za)