

25 September 2014

Dear John Werth and PAAZA Executive Committee,

As per the procedures set out in the PAAZA Professional Code of Ethics, the Chairman of the Ethics Committee was requested by the Executive Director to conduct an initial investigation to determine if there was any substance to the allegations in the official complaint received on the 12<sup>th</sup> August 2014 from the Director of the Prague Zoo, Mr. Miroslav Bobek, after the euthanasia, at OR Tambo, of the eight Sitatunga donated by Prague Zoo to the Johannesburg Zoo (JhbZoo). This was duly completed and, as per PAAZA procedures, sent to JhbZoo for rebuttal. No rebuttal was received, in fact, no response was received. As a result, a full investigation was completed by the entire Ethics Committee, comprising: Judy Mann, Siani Tinley, and Michael Farquhar (Chairman).

**Ethics Committee Report:** Breach of PAAZA Code of Ethics by Johannesburg Zoo in the importation, and ultimate euthanasia, of eight Sitatunga from Prague Zoo

There are three allegations in the complaint which were dealt with separately:

- 1. The JhbZoo misrepresented itself as the final destination of the eight Sitatunga in question, in order to secure the donation of the animals from Prague zoo.**

PAAZA Code of Ethics states:

*2.3 - No member shall be party to deliberate misinformation, or the withholding of information, in order to promote and/or confirm trade in or movement of animals and plants, or to obtain the necessary permits for such actions.*

As early as March 2014, the JhbZoo and Mr. Clive Albutt signed an agreement drawing up the arrangement for the nine Sitatunga they were hoping to import from Europe. After the month long quarantine period at the JhbZoo approved quarantine facility, all but two (1.1.0) would be transported to Mr Albutt's farm in the Cape. Clearly in the documentation between these two parties and in JhbZoo internal communications, Mr. Albutt was the Buyer/Importer, and final destination of the vast majority of the animals, and was responsible for all the costs of this shipment other than those associated with the import permits, veterinary tests, and the costs associated with the quarantine period. However, in all official paperwork associated with this shipment (Gauteng import permit, Air waybill, proforma invoice, CITES permit, Certificate of Health) the JhbZoo is the Importer/Consignee/Final destination of the eight animals in question.

In addition, Mr. Miroslav Bobek, the Director of the Prague Zoo, states: *"After the landing of aircraft with antelopes at Johannesburg airport, we have coincidentally learned from the carrier (Lufthansa), that the final destination of the consignment was not Johannesburg zoo, but a private keeper – Mr. Clive Albutt, Cape Province, South Africa! As we has learned later, he was to deliver some animals to Johannesburg zoo in exchange for our Sitatungas!*

Member of:



**Chairperson:** Ms Esther van der Westhuizen; **Executive Director:** Mr John Werth

**Executive members:** Mr Michael Farquhar (Vice-chairperson); Ms. Judy Mann;

Ms. Annie Beckhelling; Ms. Siani Tinley; Mr. James Musinguzi; **Past Chair:** Dr Clifford Nxomani

**Postal:** P O Box 1586, Florida 1710 South Africa

**Tel:** +27 (0) 11 476 5200 **Fax:** +27 (0) 11 476 6354 **e-mail:** [johnw@zoosafrika.com](mailto:johnw@zoosafrika.com) **web:** [www.zoosafrika.com](http://www.zoosafrika.com)

**Registered Not-for-profit organization: 034-450-NPO**

*I find such manners of Johannesburg zoo extremely unethical. **The Johannesburg zoo has abused its reputation given by memberships in respected international zoo associations.** Johannesburg zoo acted as the importing zoo and final destination for the offered antelopes, while it arranged their import for a private breeder, completely unknown to us, and without any our agreement and approval.”*

And in a letter from Mr. Clive Albutt to the Director of the Prague zoo after the euthanasia of the animals, Mr. Albutt himself states: *“I, maybe, underestimated the need to inform you.”*

The eight Sitatunga that were sent to South Africa were chipped animals that form part of an international studbook for this species. One of the reasons that Prague zoo was prepared to send the animals to JhbZoo was because they are members of both PAAZA and WAZA, which require their members to submit studbook information. It seems extremely unlikely that Prague zoo would have donated the animals had they known that Mr. Albutt’s farm was the final destination for six of the eight animals sent, and yet this was the agreement signed by Mr. Albutt and the JhbZoo in March 2014. At no time during the months leading up to this shipment, was this information shared with the Prague zoo. In fact, Mr. Albutt’s name only became known to the Prague zoo by coincidence after the shipment.

Ethics Committee comment:

**MF** - *Given the current body of evidence, it is my opinion that JhbZoo and Mr. Albutt were well aware that Prague Zoo would not have supplied the animals to Mr. Clive Albutt, otherwise he would have requested them himself. As a result, Mr. Albutt and the JhbZoo entered into an agreement between themselves in March 2014, which clearly defined the roles of the two parties and the costs to be incurred by each party as well as how the animals would be divided up once quarantine was complete, and then the name of the Johannesburg zoo on all other official shipment documentation. Additionally, both parties failed to mention this in any way and at any time in their dealings with Prague zoo over several months leading up to this shipment. On this allegation, I find the JhbZoo guilty of wilful misrepresentation and of abusing their standing in PAAZA and WAZA to assist Mr. Albutt in securing this deal and thereby providing JhbZoo with 2 Sitatunga at minimal cost to the Zoo. Not only has this incident had serious repercussions for JhbZoo, it is also very likely, if not certainly, to tarnish PAAZA’s reputation internationally.*

**JM** - *I have read through the email communication between Jhb Zoo and Prague Zoo, as well as all of the contract information and at no point was it indicated that the animals were to be transferred to another facility, even though this is clearly what was planned, as per the motivation to the Jhb Zoo General Manager. On this point I would find the Jhb Zoo guilty of misrepresentation, or at the very least lack of full disclosure. The question remains as to whether this was intentional or an ‘oversight’.*

**ST** - *From all the information obtained from the attachments shared, the exclusion of Mr. Clive Albutt in the transactions/trading relationship between the JCPZ and Praha Zoo was certainly an obvious omission, and when translated back to the PAAZA code of ethics is an act of wilful misrepresentation. More so when both parties (JCPZ and Clive Albutt) omitted to mention their relationship with each other and the final destination of the Sitatungas to the supplier, Paha Zoo.*

- 2. The JhbZoo did not comply with local requirements for the importation of these animals from Europe. It was JhbZoo's responsibility to ensure that all permits and veterinary tests were in order before the animals left Prague zoo. This they did not do and as a result the animals were euthanized.**

PAAZA Code of Ethics states:

2.1 - All trade in fauna and flora (including import and export) must conform to international conventions and agreements, and to national and local ordinances. No animals or plants should be dispatched until the receiving party has confirmed that it is in possession of all necessary documentation to take delivery.

There are currently a number of issues surrounding the documentation for this shipment. In a letter sent to Dr Brett Gardner, Associate Veterinarian, JhbZoo from Dr Mpho Maja, Director: Animal Health, Dept. Agriculture, Forestry, and Fisheries (DAFF) on the 1<sup>st</sup> August 2014 (the day the animals arrived in SA – time of sending to be confirmed) informing the Importer, JhbZoo, that their consignment of eight antelope had been detained because a Veterinary Import Permit was not provided to the veterinary official at OR Tambo. In addition, the letter goes on to state that the animals were not placed in a vector protected facility during the pre-export quarantine period.

There are two issues here, one is the missing paperwork which should have been on the outside of the crates and apparently was when the crates left Frankfurt. What happened to this paperwork and who is to blame, if anyone, is entirely unclear. The second issue is that of the Schmallenberg virus, for which it appears that the animals should have been kept in a vector protected facility during their pre-export quarantine period and a test for the presence of this virus should have been conducted. As the importer, it was JhbZoo's responsibility to inform Prague zoo of all the importation requirements and according to Dr Maja, Director: Animal Health, DAFF, it has been a requirement to ensure Schmallenberg free antelope shipments from Europe since Dec 2013/Jan 2014. According to John Werth – *"The report I received from Dr. Brett Gardner was that when they applied for a permit in January 2014, testing for Schmallenberg was not a requirement."*

Ethics Committee comment:

**MF** - *Nevertheless, it was JhbZoo's responsibility to stay abreast of these developments and ensure that the correct paperwork was available when the animals arrived in this country.*

**ST** – *I see how easy it is to miss the issue of new legislation requirements coming in as (or just after) permits were applied for but still the law is meant to be followed up by the applicant, not for the new legislation to be handed to all by Government. An additional thought comes to mind in that if permits were applied for in Jan 2014 and this application just missed the introduction of new legislation, why in the months that passed after the permits had been approved and the trade in animals was activated, didn't the new legislation come to the attention of the JCPZ. There was a period of a least six months between permit application and the importing of the Sitatungas.*

**JM** - *Although I would find the Jhb Zoo guilty on this count, I can understand that between vets and changing legislation, this may have been missed or overlooked. This is not an excuse, as a WAZA and PAAZA member one would expect them to be abreast of current legislation. I would like to know how zoos are informed of changes in veterinary requirements.*

**3. Once it was realized that DAFF had stopped the shipment, the JhbZoo was “inexplicably lax and inactive” in dealing with the situation.**

PAAZA Code of Ethics states:

*3.1 - Members agree to the highest possible standards of animal husbandry, veterinary care, and housing for their animals so as to ensure the application of the principle of the five freedoms of animal welfare listed as follows:*

- 1. Freedom from hunger and thirst by ready access to fresh water and a diet to maintain full health and vigour;*
- 2. Freedom from thermal and physical discomfort by providing an appropriate environment including shelter and a comfortable resting area;*
- 3. Freedom from injury, disease and pain by prevention or rapid diagnosis and treatment;*
- 4. Freedom to express most normal patterns of behaviour by providing sufficient space, proper facilities and company of the animal's own kind, where applicable; **N/A in transport***
- 5. Freedom from fear and distress by ensuring conditions and treatment that avoid suffering.*

The eight Situngu were sedated in Prague and placed in their crates. The sedatives were administered to last approximately 30hrs, which covered the 24hr transport time plus some to spare. The shipment arrived on time at OR Tambo at 08h40 on 1<sup>st</sup> August and was then detained when the paperwork was found to be unsatisfactory. The animals were eventually euthanized on the 3<sup>rd</sup> of August. At no time during the period from their arrival to their euthanasia were the animals allowed out of their crates and no additional sedatives were administered.

The following is an excerpt from a media statement released on the 5<sup>th</sup> August – *“The National Council of SPCAs (NSPCA) is appalled at the suffering endured by these animals which were held in the Lufthansa cargo hold at OR Tambo International Airport for over two days while their fate was being decided. “This is a tragic incident and could have been avoided had the proper protocols been followed and decisive action taken by veterinarians in this country,” said Inspector Wendy Wilson of the NSPCA Special Investigations Unit. “When the crates were finally opened, it was discovered that the water bowls within some of the crates had been incorrectly placed which meant that the animals were without water for the duration of their travel and holding time. All the animals were in various stages of dehydration and four had already collapsed. There were signs of facial injuries and haemorrhaging as well as leg abrasions and hoof bruising as a result of these animals trying to reach their water bowls and free themselves from their restrictive crates. The animals were hugely stressed and it was very disturbing to see the blood splattered crates”*”

At no time, from the arrival of the animals on the morning of 1<sup>st</sup> August at OR Tambo until their euthanasia on the 3<sup>rd</sup> August, did anyone from JhbZoo, the Importer and holder of all the documentation, go to the airport even though they knew the animals were there and must surely have been aware of the conditions under which they were being kept. It appears to have been left to DAFF and the NSPCA to deal with them.

Numerous attempts were made by Praha and Interzoo to get JhbZoo to react. The Deputy Director of Praha Zoo even phoned the MD and GM of JhbZoo on their respective cellphones with the only result of two calls being: *“the first was information that the issue is known with a request to call later. The second call was information that the Joburg Zoo have order no Situngas and that he knows nothing about this case”*.

Ethics Committee comment:

**ST** - *Stands out the most for me where they were” inexplicably lax and inactive”. This for me was a huge breach of ethics. Even though there may have been a communication breakdown between JCPZ and Clive Albutt as to who was responsible for physically getting the animals to their quarantine facility, they were well aware of animals in crates that needed out.*

**JM** – *On this count I cannot but agree with the charge of negligence. At the very least the staff of Jhb Zoo should have been at the airport providing the animals with whatever care they could to alleviate their suffering. I also find the response of the Jhb Zoo to this situation rather disturbing. I understand that sometimes things go terribly wrong and that it is often difficult to work out how to handle a situation in the best possible way. However, at the very least there should have been immediate and clear communication with both PAAZA and Prague Zoo.*

**MF** – *I find this the most serious allegation of all. These animals were essentially abused for the 2 ½ days they spend, unsedated, in their crates at OR Tambo airport. The fact that not a single person from JhbZoo went to the airport during this time is inexcusable. It is possible that if there had been enough response and pressure from the JhbZoo, a compromise could have been found which did not involve the euthanasia of the eight animals. That aside, the JhbZoo was the importer, the letter from DAFF stating that the shipment had been seized went straight to the JhbZoo on the morning of the animals’ arrival and yet it was left to DAFF and the NSPCA to sort out the poor animals over the next 2 ½ days. I have no doubt that this incident will be used by our detractors as yet more evidence to support the “no zoos” campaign, and why not? As a PAAZA Accredited facility this has most certainly tarnished PAAZA, its Exec, and all its members.*

Suggested sanction against Johannesburg Zoo:

**JM** - *As to the sanction – I have no idea what is normal in a case like this. I would suggest that their accreditation of PAAZA remain suspended. That their management commits to a full ‘reformation’ and that they undergo a re-accreditation inspection after a period of x months (period to be determined by PAAZA and Jhb Zoo). As PAAZA I think that we should offer our assistance and support through this process, but we cannot excuse their behaviour. I would like to know if there are mitigating circumstances that we have not yet been made aware of. However, unless these are provided by Jhb Zoo we can only make a ruling on the evidence at hand.*

**MF** – *Given the severity of these allegations, the tragic outcome, and the lack of response from Johannesburg zoo I believe it is imperative that we are firm and clear in our sanction. My suggestion is that JhbZoo loses its Accredited status and its membership to PAAZA remains suspended until such time as the management of the Zoo has convinced the PAAZA Exec that they have identified exactly where things went wrong (i.e. Who should have ensure the permits were in order and why did they not do this? Who should have been at the airport to receive these animals and why were they not there? Who was responsible for misleading Prague zoo and why?) and put measures in place to prevent this from happening again. Thereafter, they can apply to be audited against the Accreditation or Operational standards, as they wish.*

**ST** - *The overall investigation, as per attachments shared, has resulted in a definite and unanimous outcome that JCPZ breached all three allegations put down by the ethics committee. A sanction is*

*required that will enable both a positive and repairing process in the aftermath of this incident, both nationally and internationally. I feel that JCPZ needs to identify and take ownership of where the problems lay and indicate to PAAZA on how they will be both taking action against these activities, as well as how they will be implementing corrective systems at their institution that fall in line with PAAZAs code of conduct. While this process goes forward I feel that their accreditation should be fully with-drawn and they should be suspended as members of PAAZA. This needs to be done until such time that they have come forward with the above clarity (in terms of both corrective and preventative measures). Once PAAZA has been able to receive, review, and support their findings and corrective systems, they can then have their membership reinstated and reapply for accreditation.*

PAAZA Ethics Committee

