

news

● Court finds defendant in matter was not owner of animal

Kariega dog attack victim loses R2.4m damages claim

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After years of arguments and litigation, a Kariega man has lost his bid to have his former neighbour pay more than R2.4m in damages after he was attacked by a dog kept on her premises.

Yesterday, the Gqeberha high court handed down the judgment by judge Jannie Eksteen which set out the reasons why Avril Adams-August was not liable to pay any amount to Gideon Gerber after he was mauled by a "pit bull terrier-type dog" at his home on October 21 2016.

In his particulars of claim, Gerber, 54, of Viljoen Street,

Mosel, accused Adams-August of negligence after he was attacked by the dog, Gustav, as he was opening the gate of his property.

Gerber said he had warned his friend about the dog and, as he attempted to close the gate at about 10am, the dog had attacked him and bitten him on the left arm.

After the attack, Gerber was taken to Netcare Cuyler Hospital for treatment.

Gerber took the matter to the civil court, claiming about

R2.4m in damages after he was left with two noticeable scars on his left arm, unable to perform his work duties properly and struggled to take part in his hobbies, which included fixing vehicles for friends and family.

During court proceedings, Adams-August denied ownership of the dog and claimed she was not liable for the injuries Gerber sustained.

In her evidence, which was accepted by the court, Adams-August said the dog belonged

to her son, who had been given the pet by her estranged husband after they split up.

At the time of the attack, Adams-August's son, Rivaro, was in Gauteng looking for work.

According to Adams-August, she had left for work, leaving Gustav tied up in the back yard of her property.

At some stage, the dog had either been untied or managed to free itself while Adams-August's daughter, Mikayla, was at home.

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Charl Van Rooyen.

Eksteen found that Adams-August was a reliable witness who had at no stage contradicted herself, and had sufficiently explained where the confusion of ownership came

about after the SPCA and a municipal official visited her home with a notice to remove the dog.

Gustav was eventually removed and euthanised.

Eksteen found that Gerber had failed to prove that Gustav belonged to Adams-August and that she had acted negligently by allowing Gustav to escape her yard.

"In my view, Gustav had escaped through the house in consequence of the negligence of Mikayla and that [Gerber] had accordingly not established negligence on the part of [Adams-August]," Eksteen said.

Eksteen dismissed the claim with costs.

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Robbery plan was foiled by anti-theft measures, court told

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Murdered for his firearm, a G4S security officer was a victim of a botched cash-in-transit heist, where the loot his attackers attempted to steal was protected by anti-theft measures.

Testifying in the Gqeberha high court yesterday, G4S internal investigator turned compliance manager Steven Kruger said when he arrived at the scene on October 3 2019, it was confirmed that Clinton Wolmarans had been robbed of his service firearm.

He said that when he arrived at the Boxer Shopping Complex in Motherwell, Wolmarans had been lying facedown on the ground.

When they turned his body over, his gun holster was empty.

Wolmarans had been shot in the head. His partner on the day, Steve Ferreira, was lucky to escape with his life, suffering a gunshot wound to the hand.

Kruger said he had also noted that the cash canister Wolmarans and Ferreira had been handling at the time had been tampered with, and that various safety measures had been activated during the attack.

A hammer was also found at the scene which Kruger confirmed could have been used to open the canister as it would be impossible to do so with bare hands.

According to Kruger, the canister had a "dead-man switch" under its top handle and, if not deactivated through the relevant security measures, an alarm would have been triggered.

The security measures included a siren, the release of smoke and the heating of the inside of the canister to assist



ON TRIAL: Monde Sonaze leaves the dock of the Gqeberha high court yesterday
Picture: DEVON KOEN

in the staining of the cash when dye was released.

Kruger said all the measures had been successfully activated and this was evident at the scene.

At the start of the trial on Monday, Monde Sonaze, 37, pleaded not guilty to 10 charges, including one count of murder, two of attempted murder, robbery and illegal possession of a firearm and ammunition.

While Sonaze is the only person charged, the state says he acted in concert with other individuals.

According to the state, on the day of the shooting, the G4S cash vehicle arrived at about 12.30pm to load money into the Capitec ATM.

As Wolmarans and Ferreira exited the ATM cubicle where they had just loaded the money, they were confronted by the armed men, who instructed them to lie facedown on the ground.

During the commotion several shots were fired.

It is alleged the robbers forced a number of drivers out of their vehicles to make their getaway.

The trial continues.

Social and economic challenges under the spotlight at second heritage indaba

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Society leaders, academics, students and a wide segment of urban, rural and Khoi-San communities held a discussion yesterday on the social and economic challenges facing SA.

NMU's Centre for the Advancement of Nonracialism and Democracy (Canrad), in partnership with the Nelson Mandela Museum, hosted the second edition of the African Liberation Heritage Indaba.

The two-day event, which kicked off at NMU's Ocean Sciences campus yesterday, was held under the theme "Reflections of the Decolonisation and Transformation Project in SA".

"This is a gathering, if you like, to [interrogate] critical political questions," Nelson Mandela Museum chief executive Dr Vuyani Booi said of the apolitical dialogue.

"Sadly, the country is directionless. We don't have leaders serving as torchbearers to take us to where we ought to be."

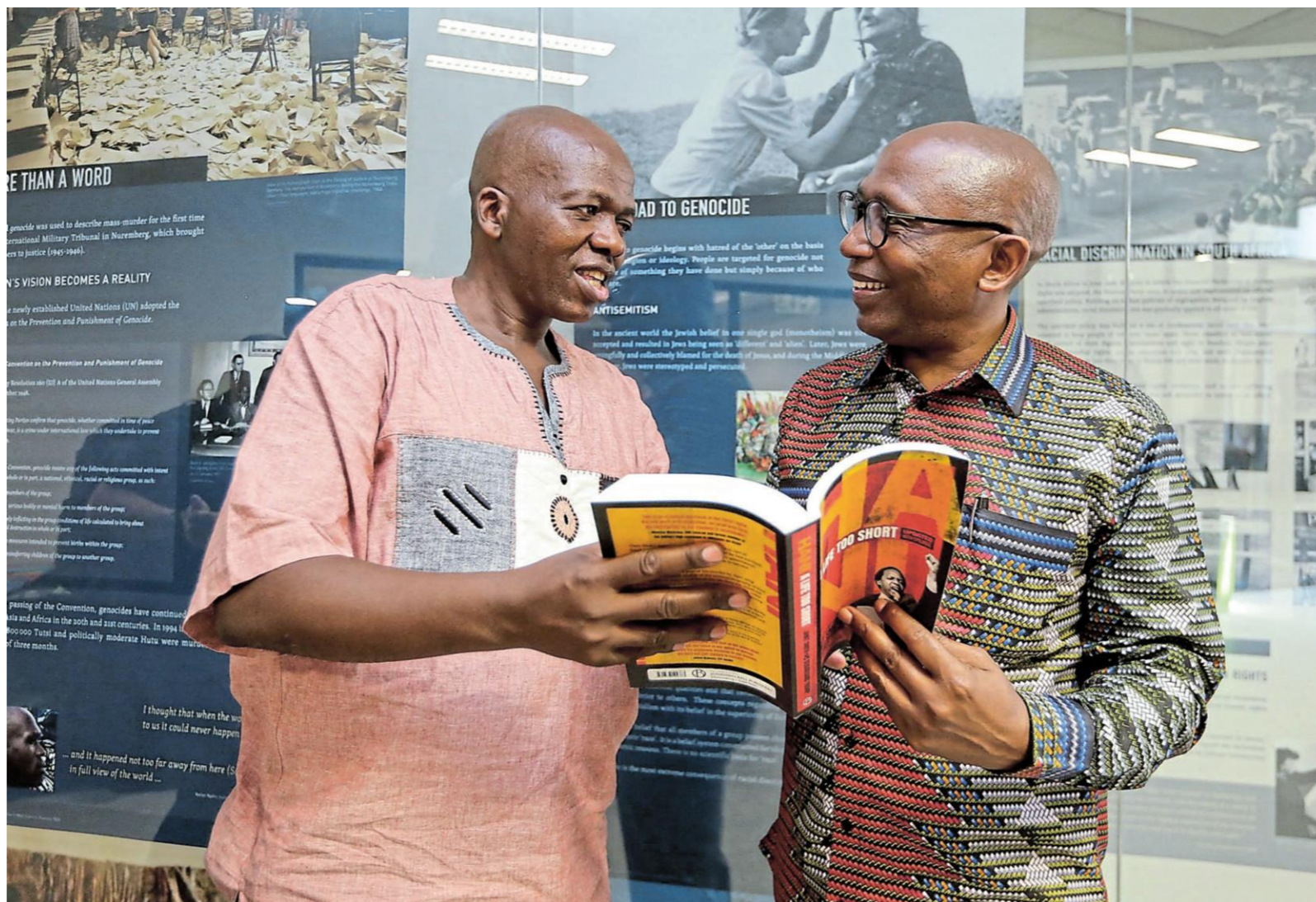
A doctor of philosophy in social sciences from the University of Fort Hare, Booi, who also holds a master of arts in visual and public history, said youth and women were central to the debate.

The pervasive land question featured prominently in the discussions on the first day as the gathering sought to proffer possible solutions to challenging social issues.

Goab principal chief Edmund Stuurman, speaking to The Herald, expanded on the land issue.

"For us [the Khoi], it's personal," he said.

"It's about the issue of land, and currently we still don't have the land; we don't have a say in it.



HOT TOPIC: NMU Centre for the Advancement of Nonracialism and Democracy director Prof Bheki Mngomezulu, left, and Nelson Mandela Museum chief executive Dr Vuyani Booi look through one of the books on display at yesterday's Indaba
Picture: WERNER HILLS

"But through heritage indabas like this, which we see as important for us to attend, we want our voices to be heard."

After heralding the inaugural dialogue last year, Canrad director Prof Bheki Mngomezulu said the centre espoused repositioning the university to bring pertinent issues to the fore.

Mngomezulu said the institution, by adopting a pro-youth stance, deliberately sought to provide a platform for students to engage in

impactful discussions.

"We are trying to bring students on board. As older people, we tend to decide the fate of this country. The youth must have a say on the kind of future they want," he said.

"We are now 30 years into the liberation struggle, and as the CEO highlighted, many questions remain unanswered.

"As a university, we're in a position to factor this into the curriculum, and among the key deliberation points is decolonising the curriculum."

Encompassing plenary sessions, the first of three yesterday, themed "African Youth as Architects of their Future", invited contributions from the SA Students Congress, Azanian Students Organisation and Pan Africanist Student Movement of Azania.

Former NMU student representative council president, Thembaletu Nyikilana, said the indaba, where a selection of books from the Nelson Mandela Museum's special library were on display, instigated a

necessary conversation.

"There are efforts to give students the airtime or conducive spaces to have these conversations.

"But could we do more to bring value to the conversation?"

"Yes, we could in terms of bringing value and kick-starting those [conversations] without waiting for an institution to visit the university," Nyikilana said.

Acting National Liberation Heritage Institute of SA chief

executive, and former SA ambassador to Brazil Mbulelo Rakwena said heritage, from a transformative agenda, was a hallmark of appropriating SA's diverse cultures.

"Dialogues are particularly important because they focus on value-driven discussions.

"These discussions seek to draw a connection to avoid social melee, where greed has become a more defining [epaulette], if you like, of success within our communities," Rakwena said.

Cop accused asks for postponement to prepare for bail bid

Devon Koen

Needing certain evidence to be clarified before continuing with a formal bail application, the lawyer for murder accused Sergeant Rudy Arends asked for the case to be postponed.

Arends, from Kamesh police station, was arrested on a string of charges last week — almost a year after Raul Damons, 31, was found in his Kariega home with his hands bound and a bullet wound to the head.

He made a brief appearance in the Kariega magistrate's court yesterday, where defence attorney George Malgas requested the postponement on behalf of his client.

Arends faces charges of murder, conspiracy to commit murder, and illegal possession of a firearm and ammunition for his alleged role in the December 30 2022 murder of Damons.

While Arends has not yet

pleaded to the charges, Malgas told The Herald last week that his client vehemently denied the allegations and that he had been friends with Damons.

Addressing the court, Malgas said he still needed to obtain clarity on certain evidence.

Damons was tied up in his Aalwyn Drive home and shot at point-blank range.

Police say the culprits fled in Damons' white VW Golf 6 GTI, found abandoned in Winterhoek Drive later that day.

Arends was arrested by members of the Gqeberha anti-gang unit on November 6 and has been in custody since.

He made his first court appearance last week alongside his co-accused, Clinton Minnie and Deilon Makoppa, who were arrested in January and September, respectively.

Arends is expected back in court on December 4 for a formal bail application.



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