

DOG BITES

# Of 67 dog bite-related claims in a year, 85% involved pit bulls

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RONEL Lewis turns 27 in December, but has little to celebrate. She was pregnant when she was scalped by dogs, one of which was a pit bull. She has since had her baby and has received no help to claim for her injuries.

Lewis is one of a number of people who are attacked by pit bulls every year in South Africa. According to DSC attorneys, they have had 67 dog bite-related personal injury claim queries for this year alone and 85% are related to pit bulls.

But for people like Lewis, who lives in an underprivileged community, help has not been forthcoming.

Lewis was scalped and her hair has not regrown. She also lost one of her ears and had a hole in her stomach.

She gave birth to a little girl four months ago. She was pregnant in January when attacked by three dogs, one a pit bull, while doing her gardening work in Penhill.

She spent nearly two months at Tygerberg Hospital where reconstruction surgeries took place and is now unemployed and has no identity document after it was destroyed during the attack.

The City's Law Enforcement previously confirmed the dogs were removed from the owner's premises and that he would be facing a charge in terms of the Animals Keeping By-Law.

"I do not have an identity document and I am unable to work," Lewis told *Weekend Argus*. "My baby was born in July and I have four other children, one of which is 2 years old.

"I was promised a lot when the attack happened and I had a lawyer who came to see me, but now he is gone and says he cannot help me. My hair has also not grown back and I do not know what to do anymore.

"I have been wanting to place a claim but no-one has helped me."

The issue of pit bull attacks came under spotlight a year ago after a number of fatal attacks in the country and in the Western Cape.

Last year, The Sizwe Kupelo Foundation rallied for the breed to be banned and held meetings with the Department of Agriculture Land Reform and Rural Development, DALRRD.

Minister Thoko Didiza discussed investigating the genetics and DNA of the breed and the foundation called for the dogs not to be registered as domestic animals according to legislation.

The foundation submitted 139 000 signatures of a petition to the minister after a boy aged 10 in Gelvandale, Gqebera was mauled to death by a pit bull.



RONEL Lewis was scalped during an attack by dogs, one of which was a pit bull. She has since given birth to a baby girl months after the attack and has not been helped to make a personal injury claim. | Supplied



OLGA Grill, 88, died after being mauled by two pit bulls.

Kirstie Haslam, a partner at DSC Attorneys said the incidents involving dogs were disturbingly on the rise.

"Our firm alone has had 67 dog bite-related personal injury claim queries this year so far and we estimate 85% are related to pit bulls."

She cited just a few of the recent incidents in South Africa.

In April this year, Zibeke Liyakhanya Mthi, 5, died after he was mauled by two pit bulls in the Eastern Cape.

In March, Olga Grill, 88, was mauled to death by a neighbour's two pit bulls as she hung the washing out in her yard in Bonteheuwel, Cape Town.

In November 2022, a three-year-old boy, Kekesto Innocent Saule was mauled to death by two pit bulls in Phomolong, Free State.

In the same week, a 15-month-old toddler was attacked and killed by a pit bull in the Eastern Cape.

Haslam said victims also had their own rights legally: "If you're attacked

and injured by a pit bull, you have the right to claim compensation from the owner. The amount usually covers medical costs incurred, loss of earnings and general damages for pain and suffering. Factors affecting the outcome include where the attack took place, the severity of the injury, age of the plaintiff and circumstances of the attack."

Haslam said the legal position in South Africa was that a dog owner can be held (civilly) liable, in terms of the *actio de pauperte*, which provides for strict – ie no fault – liability, where the animal was found to have behaved *contra naturam* (with unnatural ferocity, or similar behaviour).

She added if the owner is proved to have been at fault with regard to the circumstances of the dog harming somebody, either through negligent or deliberate action or inaction, they may be held liable for the proven damages.

"There's no requirement that the

claimant prove fault, negligence or intention. In order to challenge this ruling, an owner must prove the dog was provoked or was defending itself from abuse," she explains.

"There is also the prospect of criminal prosecution of the dog owner, for example, the Animal Matters Amendment Act provides in section 1(1) that, 'Any person as a result of whose negligence an animal causes injury to another person, shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding two years'.

"In the tragic case that a child is bitten and killed, parents do have a right of recourse (civil claim) against the owner of the animal and then there is the burial of the child.

"In the event that the parents suffer a diagnosable psychiatric injury (over and above the grief which would naturally follow such a loss), they may have claims in their own right for that psychiatric injury, which could possibly include general damages for pain

and suffering and loss of amenities of life, as well as any associated loss of earnings/earning capacity," she adds.

She advised if you believe you have a valid dog bite claim, you schedule a consultation with an experienced personal injury lawyer.

"You will need to present all relevant evidence, including witness statements, photographic evidence, medical records and reports, including a case number from the police."

Reggie Ngobho of DALRRD said testing was still under way to determine the genetics of the breed: Once concluded, the department will inform the public and the foundation.

"The intention of this testing is not to prevent dog attacks, but to assist to implement necessary processes to deal with dog behaviours, including determination on the root causes and the specific breed of dog causing damage."

Kupelo said they were glad that people were standing up for their rights and that their foundation had shed light on the issue.