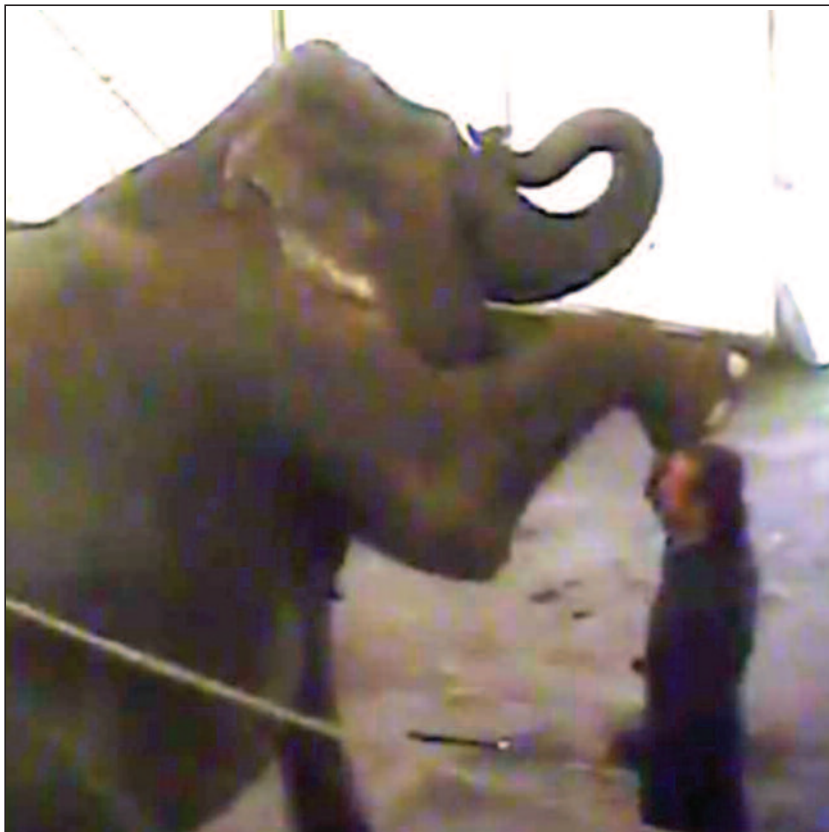


**Report of an investigation of
the use of elephants
at
The Great British Circus in 2009**

Prepared for
Minister Jim Fitzpatrick, MP
Department of Environment, Food and Rural Affairs



Animal Defenders International

Report of an investigation of the use of elephants at The Great British Circus in 2009

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1. Introduction

Animal Defenders International (ADI) has studied the use of animals in almost one hundred travelling circuses over the past decade. At least thirty of these studies have been in UK circuses. A comprehensive and candid body of evidence has been assembled which demonstrates that given the circumstances of constant travel, temporary and mobile accommodation that needs to be small and collapsible to fit on transporters, it is simply not possible for travelling circuses to provide the facilities necessary to keep their animals physically and psychologically healthy. This is especially the case for large exotic animals which, because they pose a potential danger to the public, suffer extreme regimes of confinement and restriction of movement including shackling, small cages, limited access to exercise.

Polls have indicated that 80% of the public support the banning of the use of wild animals in circuses. Although amendments were tabled to include a ban on wild animals in travelling circuses in both the House of Commons and the House of Lords during the passage of the Animal Welfare Act 2006 (AWA), these were withdrawn after Government assurances in both chambers, that such a ban would be implemented under regulation. This undertaking to Parliament has yet to be honoured.

A Circus Working Group was subsequently established by Defra to gather and evaluate evidence with a view to a ban under AWA regulations. ADI participated in the Working Group. However, the report of the Group has been roundly criticized for discounting much of the evidence before it could even be considered. Furthermore Defra has confirmed that this methodology would not be used again, when considering other regulations under the AWA. For the past year, we have been advised that Defra has been working on a feasibility study, which has yet to be made public.

The Government's inaction has encouraged the circus industry to challenge its will to ban the use of animals, and therefore for the first time in over a decade, last year elephants were brought to the UK to perform in a British circus. When the Great British Circus announced the incorporation of three elephants from Germany for their 2009 tour, ADI launched an investigation. This report is a summary of our findings.

Following the exposure of the suffering of these animals last year, the Government launched a 12 week public consultation on the use of wild animals in circuses, and this consultation closes on 15 March 2010. In addition to our submission to the public consultation, ADI presents this special report to the minister as a case study which illustrates the difficulty of enforcing the provisions of the AWA in order to protect animals such as elephants. Peculiar to the travelling circus industry is the large amount of video evidence that is necessary to prove suffering; gathering evidence is a lengthy and costly process. Other difficulties include finding the individuals involved in an industry that employs many itinerant and casual workers, the gathering of expert opinion and the establishment of the legal position – all before the statutory six month deadline. Although ADI has prosecuted cases in the past, it is not an effective way to protect animals in the particular circumstances of the travelling circus industry. Therefore in our view the only reasonable and practical way to protect such animals is to end their use in travelling circuses.

The evidence gathered during this investigation is mainly video footage and photographs. Hidden cameras were used to record the day-to-day life of the elephants when they were alone, and when workers were with them. Key sequences were extracted and presented to experts for their comments, with the full recording available.

On page 4, we provide extracts from the experts' opinions; their full opinions are contained in APPENDIX III.

At the very least, we believe that Defra minister Jim Fitzpatrick MP, should launch a full investigation of this case with a view to informing the Government's deliberations on the use of exotic animals in travelling circuses.

2. Expert Opinions – Extracts

Dr Mel Richardson

Wild animal vet; 40 years experience with captive elephants.

“Sonja, WannaManna, and Delhi are being caused unnecessary suffering due to inadequate husbandry arrangements and poorly trained and supervised staff. More specifically the day to day existence of these elephants is a living hell. I have viewed video recordings showing what can only be described as cruel, vindictive treatment being meted out with seemingly very little provocation on the animals part.”

“While grooming... the groom peppers his cleaning routine with surprise attacks of a brush in the eye or the end of a long brush handle into the mouth”

“Of course one would expect the groom to be trained and supervised by LH Hölscher... After we see LH Hölscher using a small goad, bull hook, and unidentified object from his pocket to inflict pain and subsequent screams of fear and pain, we understand that LH Hölscher has trained the groom... the screams betray the pain”

“LH Hölscher is not using the bull hook as a guide to communicate his desire for the elephant to move up or move back or stand still (steady). He is using it as a club to beat the animal. He is inserting the hook into the ear and on the ear flaps to torment the poor animal with maximum effect for the least effort on his part.”

“These elephants are all walking on eggshells. They live a life totally dependent on their tormenters, LH Hölscher and the groom, much like women or children living with an abusive husband or father. Never knowing when the next bout of pain will rain down. Never knowing what they did to initiate the attack.”

“Physically all three elephants are showing evidence of lameness and gait deficits. Delhi is a cripple...It is clearly a matter of animal abuse to put her through the performance I witnessed where she is the bottom of the pyramid.”

“Their continuing suffering and distress is made evident by the stereotypical swaying so amply demonstrated on the DVDs... Even elephant trainers are aware of the cause of the stereotypy, which is why LH Hölscher in one scene is observed using his hook to try to force WannaManna to stop the behaviour. He is aware she has checked out mentally. He is trying to bring her attention back to him before the show by using pain. These elephants are suffering and the person responsible is LH Hölscher.”

“Elephants are very social animals. They touch, jostle, reassure, and cajole each other almost constantly. But the three unfortunate animals with the Great British Circus are allowed none of this...essentially they are not allowed to be elephants.”

Dr Joyce Poole

Expert in elephant welfare; specialist in elephant acoustic communication.

“The three elephants are overweight and all exhibit an abnormal gait. Delhi, in particular, is suffering from severe arthritis, to the point where she has great difficulty bending either of her front legs. Even stepping onto the platform 15cm high appears to be difficult for her.”

“I recognize the vocalizations I heard on the DVDs as those of emitted in protest, fear and pain”

“The elephants’ patterns of behaviour are stunted and bear no resemblance to those of wild elephants... these individuals have undergone and continue to undergo great privation and psychological and physical suffering.”

“the elephants were often seen orienting toward the area where the food and water were kept and moving toward the handlers, should one of them be in the vicinity of the food/water. Their behaviour suggests that the elephants were begging since otherwise, throughout the DVDs, they seemed to freeze or move away from the handlers.”

“The ability for them to exercise, to socialise and to achieve mental stimulation in this environment is totally inadequate and, in my opinion, constitutes privation and suffering.”

“It is my conclusion, therefore, that they are deprived of the basic necessities and comforts of life, and that their poor mental and physical health is a condition resulting from this lack. I have no reservations in concluding that they are currently suffering and have been, over many years, subjected to undue hardship, privation and neglect.”

“They have been deprived of what is considered by elephant experts as appropriate space with the result that they are relatively young elephants in old bodies.”

“In my opinion, the sedentary lives of these elephants has caused them physical injury and mental anguish; they are in pain and are suffering.”

“Chaining precludes normal social interactions, prevents the formation of natural relationships and destroys any semblance of normal elephant behaviour patterns.”

“I was appalled at the level of violence that these individuals are subjected to. In the space of 70 hours of footage the handlers were caught on film at least 51 times striking... goading or hooking... the elephants with intent to cause pain.”

“it was possible to see that the elephants are covered with hook boils – old abscesses cause by the use of the bull hook.”

“Having studied elephant gestures and acoustic communication for decades it was obvious to me that the handlers did cause the elephants pain and suffering. They responded to the handlers with fear (backing away, freezing) and they screamed, squeaked and trumpeted, flinched and pulled away when they were treated with violence....Consequently, the action of striking an elephant also has negative psychological consequences for those nearby.”

“Since Delhi’s arthritis is so bad that she can only walk by swinging her totally stiff front legs out to the side, it seemed to me that Lars was forcing her into these difficult positions in the hopes that such a “warm up” would permit her to perform. She is obviously suffering unnecessarily.”

“As long as the authorities permit circuses to exhibit elephants such suffering and privation is probably “necessary.” In my opinion, however, this suffering is totally unacceptable and unwarranted and could be avoided by outlawing the use of elephants in circuses.”

“The elephants are suffering. Their suffering is caused by those who are immediately responsible for their care (the trainer, handler, groom) who strike, jab, prod, goad them, confine them on chains, and who deny them access to food, water, adequate space and the autonomy to exhibit their normal behaviour patterns. The owners of the circus must also be held accountable, since the treatment of these elephants is not unknown to them as it is typical of circuses everywhere. Finally, the authorities, who allow such practices to continue in spite of laws that must be intended to protect animals from such terrible abuse, must be held accountable.”

Samantha Lindley, BVSc. MRCVS

Edinburgh University; veterinary expert, behaviourist, experience with welfare of captive wild animals.

“These three elephants have been exposed to additional, unnecessary suffering because of gross breaches of care, apparent disregard for their health problems and flagrant physical abuse.”

“Each of the elephants has health problems .One...has an obvious forelimb problem... This appears to cause her to be slow when moved, she has obvious difficulty climbing onto even a low wooden platform and clear mobility problems even within the restricted space to which she has access.”

“Osteoarthritis, giving this degree of dysfunction, along with her abscess, should have precluded her from touring and performing. A decision to exclude her from the tour would not only have been good and standard practice but the humane option.”

“The African elephant is effectively alone... This elephant’s psychological disturbance (stereotypic behaviour) is severe and, in addition to the other environmental and psychological conflicts to which the elephants are exposed, this absence of social bonding, company and comfort is a likely contributor to the prolonged bouts of stereotypical behaviour witnessed.”

“It is clear from these videos that stereotypic behaviours in these elephants occur in immediate response to restriction of access to their resources: food, water, shelter, shade, each other, but also without any obvious trigger”

“For these elephants, there is no free access to any of the accepted five freedoms... they cannot avoid fear and distress because they are abused by both keeper and groom and escape is prevented by chaining and electric fencing. The absence of one freedom out of five...may be excused, but to restrict all five is unacceptable.”

“The implements for both care and control...are used indiscriminately and unpredictably. A broom may be used to brush gently and then at the next moment as a weapon to punish a perceived misdemeanour...This unpredictability increases the anxiety...not only are they uncertain as to whether pain or pleasure will be delivered when a given implement appears, both carer and abuser are the same person(s).”

“The suffering of these elephants is significant and unnecessary and should have been obvious to all those responsible for their care.”

“there are two elements to this suffering: that which cannot be avoided by having elephants in circuses and that which was imposed by a lack of care and by deliberate abuse of these animals.”

Professor Donald Broom, MA, PhD, ScD

Emeritus Professor of Animal Welfare Science Cambridge University; academic and expert.

"most training of elephants to the point where people can ride them and work close to them involves the use of severe intimidation of the elephants... The training of elephants for riding normally involves the use of a thin-bladed knife that is stuck into the neck of the elephant if it does not obey commands... If a threat of such an action is recognised by an elephant, it will feel fear."

"I have seen evidence of poor welfare, lasting for short periods in some cases and for long periods in others."

"The behaviour of the elephant clearly shows their fear of the men shown in the videos."

"The videos show many examples of stereotypies. In this and other species, if such behaviour is frequent or prolonged it is now viewed as evidence of very serious problems. No elephant should be kept or treated in such a way that it shows stereotypies."

"The performances by these elephants are the result of harsh training procedures, visible in the videos, and are only possible because the animals fear the people who are present in the ring."

Simon JR Adams, BSc, BVMS, MRCVS

Zoo & wildlife veterinarian; expert on improvement of welfare of captive species.

"Dehli's lameness would make her unfit to travel and prolonged periods of transport are likely to intensify and worsen her degenerative lameness in my opinion... By comparison the UK transport regulations for agricultural stock would prohibit the movement of such lame animals I believe."

"In her best welfare interests, I believe Delhi should be retired from circus life to a reputable elephant sanctuary... Delhi and Wanna Manna, appear to be closely bonded and so in their best welfare interests should ideally be kept together to avoid separation anxiety and distress."

"More welfare friendly 'Protected Contact' or 'Hands off' elephant management techniques cannot be successfully used in performing circus elephants in my opinion."

"I believe that 'dominance' training can only be achieved by inflicting painful stimuli to reinforce the dominant position of the handler or trainer."

"in the best interests of elephant welfare and staff and public safety, elephants should be banned from circuses in the UK."

See Appendix III for full text of expert opinions.

3. The Investigation at Great British Circus in 2009

This report is based on the findings of an ADI investigation of the use of three elephants imported from Germany to tour with the Great British Circus for the 2009 season. The investigation ran from early May to late July 2009. Almost 80 hours of video recordings were taken, with 250 photographs. The circus was tracked through 7 locations: Newark, Nottinghamshire; Glen Parva, Leicestershire; Tonbridge, Kent; Worthing, Sussex; Spilsby, Lincolnshire (off tour); Godstone, Surrey; Watford, Hertfordshire. The objectives were to focus on one non-domesticated species and gather a comprehensive overview of animal management including feeding and watering routines, health, suitability of accommodation, exercise, freedom of movement, training, performance and attitudes of workers.

ADI believes that this report clearly demonstrates that the system of local authority inspections cannot necessarily detect long-term husbandry problems, nor physical abuse. Inspections of animal health and welfare made by appointment and on a single visit (or even a series of pre-arranged visits) are not enough to establish longer term behaviour patterns, husbandry or welfare problems. The filming of events when the subjects are not aware of the observations (both animal and human subjects) is the only way to gain a true insight into the lives of wild animals in circuses.

The report also shows that given the circumstances, which necessitate restriction of movement (due to large, dangerous animals being in close proximity to the public); small and temporary enclosures which must be light enough to be dismantled and stored for transport; the necessity of making do with whatever space or substrate is available, it is not possible to provide such animals with the accommodation necessary to maintain full health and fitness. If the requirements of the code of practice under the Zoo Licensing Act were applied, these facilities would not be adequate.

3.1 Summary of Findings

The video recordings revealed a staggering level of casual violence: elephants hit in the face with metal elephant hook, broom, brush, pitchfork; a worker cruelly twisting an elephant's tail as if to break it; a concealed small hook used to inflict pain in the ring. The elephants are seen and heard on screen frightened, retreating, crying out when struck.

The elephants exist in extreme environmental and social deprivation; chained by one front and one back leg, barely able to take one step forwards or backwards for up to 11 hours a day, displaying disturbed, abnormal (stereotypic) behaviours; social contact restricted; both water and food restricted. Sonja is a wild-caught African elephant; during over 11 hours of observation, she spent nearly 40% of the time displaying stereotypic behaviour, and the two Asian elephants showed similar behavioural abnormalities. Such rocking, weaving, swaying and bobbing movements are not seen in the wild, and animal behaviourists believe that this demonstrates that the animal is suffering and is not able to cope with its situation.

Their access to water restricted; once given some water in the afternoon, the water barrels were kept on the other side of the electrified tape in the tent. This meant that they could not freely access water during the night.

When the circus moved to a new location, the elephants were loaded into their transporter after the last show, and had to remain inside until their tent was erected, resulting in many hours being shut away. For example during the move from Watford to Bushey on 19 July 2009, the elephants were kept inside the transporters for seven and a half hours – although the distance travelled was just five and a half miles.

Such levels of confinement and boredom inevitably lead to psychological problems.

Furthermore, it was noted that the animals were in poor health; one had been diagnosed with an extremely painful condition called degenerative joint disease and an abscess; another appears to suffer from some sort of trunk paralysis, and they appear to suffer a range of other conditions including other lumps, stiffness and arthritic conditions.

Whilst this report is specific to the Great British Circus tour in the UK in 2009, it should be noted that ADI's studies of animals in circuses in the UK and abroad has found an almost universal pattern to the husbandry and treatment of animals and there is a common circus culture. Abnormal behaviours have been found in all species.



(Left and right) A detachable brush head being used as a weapon to strike an elephant on the face and head.

3.2 The elephants, workers, GBC welfare policy

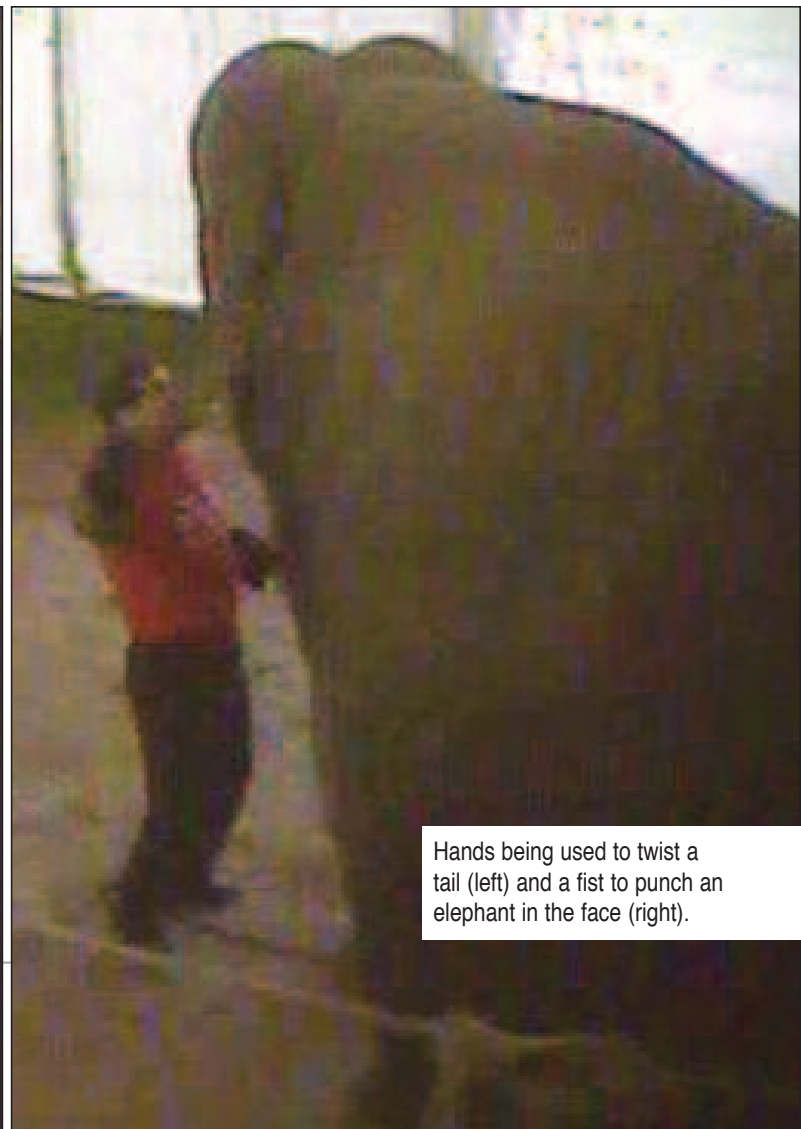
The elephants featured in the footage are Delhi, a 32 year old Asian elephant, Vana Mana also an Asian elephant, aged approximately 42 years and Sonja an African elephant who is 34 years old. All originated from the wild. As mentioned earlier, there are clear signs of serious health issues.

The workers who appear in the footage include the owners of the elephants, Mr LH Hölscher (LH) and his wife, Christine Hölscher (CH). LH is also the trainer and presenter. The groom, or animal keeper, carries out the majority of the husbandry duties and is responsible for most of the physical violence recorded. Although LH can also be seen abusing the elephants and using weapons. ADI was unable to ascertain the name of the groom in order to mount a prosecution, as the GBC refused to disclose it. However we would point out that under the Animal Welfare Act 2006, all involved must take some level of responsibility for what happened to these animals.

ADI investigators attempted to speak to circus owner Martin Lacey, and subsequently spoke to his representative, Rona Brown of the Performing Animal Welfare Standards International (PAWSI), who said that she was authorised to speak on behalf of both the Hölschers, and Martin Lacey.

Ms Brown reported that the groom responsible for the cruelty had been sacked by Martin Lacey in May. When questioned about the chain of authority at the circus, since the elephant act had been rented and the owner was self-employed, she explained that Martin Lacey was informed some three months after the alleged cruelty had taken place and that as soon as he saw the ADI film evidence he insisted that LH sack the groom, or the whole act would have to leave the circus. Although this second statement contradicts the statements made by Mr Lacey in the media in August, that the groom was sacked in May, it should be noted that the groom does not appear in the later video recordings.

Ms Brown refused to allow our agents to speak to Martin Lacey to ask the name of the groom, who had apparently returned to Romania. She undertook to find out his name, but did not produce it. Ms Brown later suggested that our agents speak to Chris Baltrop the PR representative for for the circus, who as a previous ringmaster, would be able to provide the name. However Mr Baltrop refused to do so, after having apparently consulted with Martin Lacey.



Hands being used to twist a tail (left) and a fist to punch an elephant in the face (right).

3.3 The incidents and the Animal Welfare Act 2006

Here, we describe a sample of the incidents of concern and discuss the potential for the Animal Welfare Act 2006 (AWA) to protect animals in travelling circuses, with particular reference to our findings.

Section 4 AWA: Outlines the responsibilities of those caring for animals:

S.4.1: A person commits an offence if:

- (a) an act of his, or a failure of his to act, causes an animal to suffer,
- (b) he knew, or ought reasonably to have known, that the act, or failure to act, would have that effect or be likely to do so,
- (c) the animal is a protected animal, and
- (d) the suffering is unnecessary.

It is clear to any right minded individual that to strike an animal with sufficient force and in a fashion to make them vocalize is inhumane, as are threats and verbal abuse.

Elephant movements described as “weaving”, “bobbing”, “swaying”: these are repetitive, abnormal behaviours, indicating that an animal is not coping with its environment. See definition in Appendix I.

Incidents recorded inside elephant tent, 7th & 8th May, 17th June and 4th July 2009:

The the incidents of cruelty and deficits in animal welfare provded below represent a sample of the full list of incidents which were identified and presented to independent experts for their opinion.

Furthermore these examples do not represent an exhaustive list of all observations and recordings. This is especially true of abnormal, repetitive behaviours (stereotypies) which occurred over many hours.

LH = LH Hölischer; CH = Christine Hölischer; the groom = unknown

- LH is unfixing the chains. He walks briskly towards Delhi, as he approaches her head, she tries to turn away. He appears to take something from his pocket, then lifts his arms, but his action is obscured. Delhi tries to wheel away and squeals. She flaps her ears afterwards¹.
- The groom has a broom and approaches Vana Mana, who is backing away. He points to the tent exit, approaches her and strikes her once on the top of the trunk with the broom handle. She turns towards the exit and moves out of the frame, but he is seen to swing up and out with the broom in her direction and a squeal is heard. She leaves the tent².
- Vana Mana is being cleaned. The groom is elevated off the ground (possibly standing on her leg) he jabs her in the face, then hits her in the top of the head five times, with the detachable brush head. He then gives her a couple of brush strokes and jumps down and moves to Sonja, picking up the broom handle. He jabs it at her front end (specific area not clear) a “clunk” is heard. She turns away³.
- The groom pokes at Sonja twice (off screen), he is not cleaning her. He moves to Vana Mana and pokes her front leg with the broom handle. She moves away and he very roughly brushes her head. He turns towards Delhi – she squeals and moves away. The groom holds Delhi’s ears, and pulls her ear to bring her nearer to him, he appears to be instructing her to lift her leg. All the while he is holding her ear. He then hits her leg when it is slightly off the floor and climbs onto her raised foot⁴.
- The groom has cleaned Delhi and is climbing off her front leg, which is raised and he has been standing on. He shouts at her and swings his arm, wielding the detachable brush head into her face twice. She pivots on one front leg, away from him, still holding him up. He jumps down and continues to groom her with the long handled broom, bashing at her flank. He takes a two-handed swing at her, but does not make contact – during the swing she squeals and attempts to pivot away⁵.
- The groom is brushing Vana Mana’s trunk, while she is weaving. He grabs her ear, shouts instructions to her, then releases her ear and punches her in the face area. He removes the brush head from the pole and holding her ear, climbs onto her raised leg. He roughly brushes/strikes her head. He dismounts her leg and walks towards Delhi waving the broom handle and hits at her face and with the full length of the pole⁶.
- LH is wearing his show costume⁷. Delhi is lifting her front right leg as he approaches. He has the short goad in one hand and the schooling whip in the other. He is standing next to her raised leg, lifting her leg higher whilst looking underneath her, jabbing the underside of the heel of her raised leg, whilst she is pivoting, to a small extent, on her left leg. She repeatedly squeals throughout. He inspects the sole of her right foot and she is leaning backwards. She is made to pivot around on her left foot with her right one raised level to her shoulder. She holds

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her tail at odd angles throughout⁷. (*This is taken to mean that a performance is imminent, which may influence human or the elephant's behaviour).

- Vana Mana is entering the tent. The groom hits her around the side of her face, close to her eye, with the pitchfork. He uses the full length of the fork (handle end). A clear sound is heard and she veers away from him. He approaches her head and she squeals and turns to him. He gesticulates towards the exit while calling her name, and pokes her in the cheek with the fork-handle. She slowly leaves the tent⁸.
- All elephants are weaving. LH and CH are in the tent. LH walks to the front of Vana Mana and swings the bullhook at her once. He moves towards Vana Mana and she moves her head away. He uses the full length of his arm and the bullhook to hit her in the head. Vana Mana steps backwards. CH watches throughout⁹.
- The groom is throwing sawdust on the wooden floor panel. He is behind Sonja, who steps back towards him and her tail touches his chest. He exclaims and wrings her tail by grasping with both hands and trying to bring his hands together; the movement is as if trying to break her tail¹⁰.
- The groom hits Delhi in the face with the long handled broom – she moves slowly away. He continues to brush her back feet. All the while Vana Mana is weaving. He then turns to Vana Mana and swings the long handled broom and hits her in the side of the ear – a contact sound is clearly audible. He grooms her back, for 3 strokes, then takes a full swing with the long handled brush at her head. He brushes her back end for a while and then hits her in the face with the heel of the brush. He then moves towards Delhi who is heard to squeal and walk backwards, displaying some stiffness of limbs¹¹. (*It was noted that her leg is being held at a strange angle, with her toe nails pointing outwards, rather than forwards).
- LH, wearing his show costume, is holding Delhi's right foreleg up, applying the short goad to her heel. She brings her leg down. He says something; she lifts her leg slightly off the ground and also leans back. He hooks the short goad into her ear, at the base. He directs the short goad at her front right leg, which she lifts. He has the short goad in her heel area. She brings her leg down and he uses the short goad to raise her leg backwards. He again hooks her ear, in the same place, and brings her forward. He taps her leg with the short goad and she lifts her leg into the air again and pivots away from him and then back. Her tail is swinging vigorously. LH jabs the short goad repeatedly into her heel while her leg is elevated for a prolonged time. She drops her leg to the ground he then uses the short goad to raise her foot again¹².
- The groom is working on an elephant and he swings the long-handled broom, with both hands, and jabs it into her face. A thud and a squeal are heard¹³.
- LH is in his show costume. He places the bullhook in Vana Mana's mouth, moves her forward a few steps. She is becoming stereotypic; it sounds as though he is telling her to "stop". LH hooks the top of her ear and pulls it down with constant pressure. She stops moving at this point. LH raises the hook from her ear and yanks it down hard, causing her head to lower. She whimpers loudly for a second or two. LH yanks down again, with less force, her head lowers. LH taps her ear flap with the hook¹⁴.
- LH is in his show costume, with the bullhook behind his back. He jabs Delhi behind the ear with the bullhook, end unseen, and as she moves forward he hits the back of her right leg – the sound is audible. She lifts the leg, while it is still elevated he disappears between Delhi and Vana Mana. Thuds are heard, Vana Mana is flapping her ears, as the top of the bullhook is seen raised over her back¹⁵.
- Food is scattered on the ground around Vana Mana's feed container. Sonja goes towards the feed box where Vana Mana has scattered her food, LH approaches Sonja and strikes her with the bullhook in the side of the head. The sound is clearly audible. Sonja turns away from him¹⁶.
- In footage shot from outside, into the tent, two people are clearly seen inside. One of the elephants is jabbed in the face with the handle end of a broom. The first jab is struck while the second man in the tent is giving a different elephant her feed box¹⁷.
- When LH is training the elephants outside, he is seen to punch Delhi in the head¹⁸.

Section 9 AWA: Outlines the duty of care:

S.9.1: A person commits an offence if he does not take such steps as are reasonable in all the circumstances to ensure that the needs of an animal for which he is responsible are met to the extent required by good practice.

S.9.2: Definition of an animal's needs include:

- (a) its need for a suitable environment,
- (b) its need for a suitable diet,
- (c) its need to be able to exhibit normal behaviour patterns,
- (d) any need it has to be housed with, or apart from, other animals, and
- (e) its need to be protected from pain, suffering, injury and disease.

In addition to the provisions of the AWA as described above, there are other guidelines and scientific recommendations, formulated by experts, on appropriate provisions for animals kept in captivity.

Those most appropriate for captive elephants are:

- (a) **Management Guidelines for the Welfare of Zoo Animals of the British and Irish Association of Zoos and Aquariums (BIAZA)**
- (b) **The Secretary of State's Standards of Modern Zoo Practice (SoSSoMZP)**

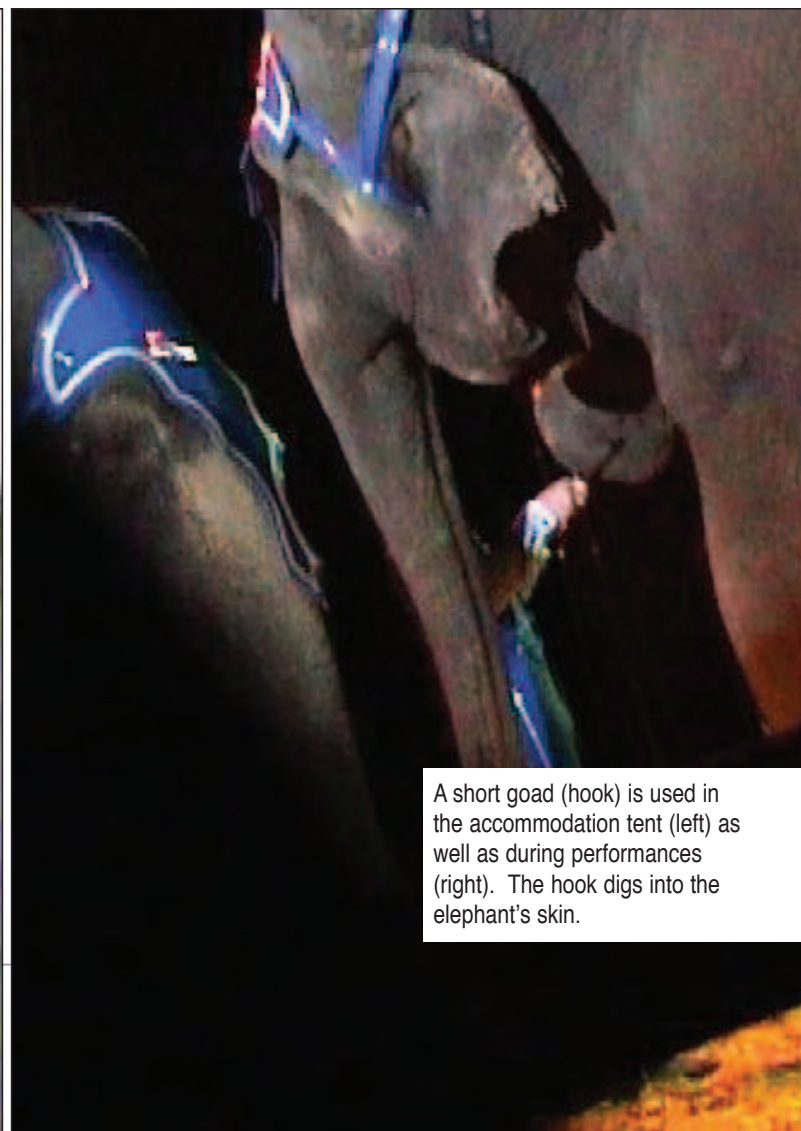
Below, we provide a comparison and discussion of these recognized standards of care and accommodation for captive elephants against those seen at the Great British Circus:

AWA S.9.2(a) The need for a suitable environment:

BIAZA guidelines: Indoor - must allow 200 sq m for 4 animals. The inside area therefore must ensure that elephants can move freely as a group and be able to move, turn and lie down.

Outdoor - the absolute minimum size for an outdoor enclosure is 2,000 sq m with extra space for more than 8 animals.

- During an average day the elephants were kept in three different types of accommodation: chained by two legs (a front leg and a hind leg) in a tent, in a small pen inside the tent (sometimes with access to the outside) and in an outdoor enclosure.
- The elephant tent is approximately 20 metres by 10 metres. Within the tent, only 2/3rd of the space is available to the elephants; the remainder is blocked by electric tapes, preventing the elephants from moving freely about the tent.
- Travelling from site to site is another stressor. For example, during the move from Watford to Bushey on 19 July 2009, the elephants remained inside the transporter for seven and a half hours – the distance travelled was just five and a half miles.



A short goad (hook) is used in the accommodation tent (left) as well as during performances (right). The hook digs into the elephant's skin.

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- There is no scientific evidence to support the contention that the animals simply get used to this lifestyle. In fact, some behaviourists suggest that frequent travel could actually increase stress and/or the levels and long-term effects, something which may not be readily identified.

BIAZA: *There is much more to a good outside area than just size. The environment MUST be positively challenging to the animals and should contain devices and structures which enrich the environment and encourage natural behaviour. Access to sand or soil for dust bathing is essential as is the provision of rocks, tree-stumps or equivalents for rubbing and scratching.*

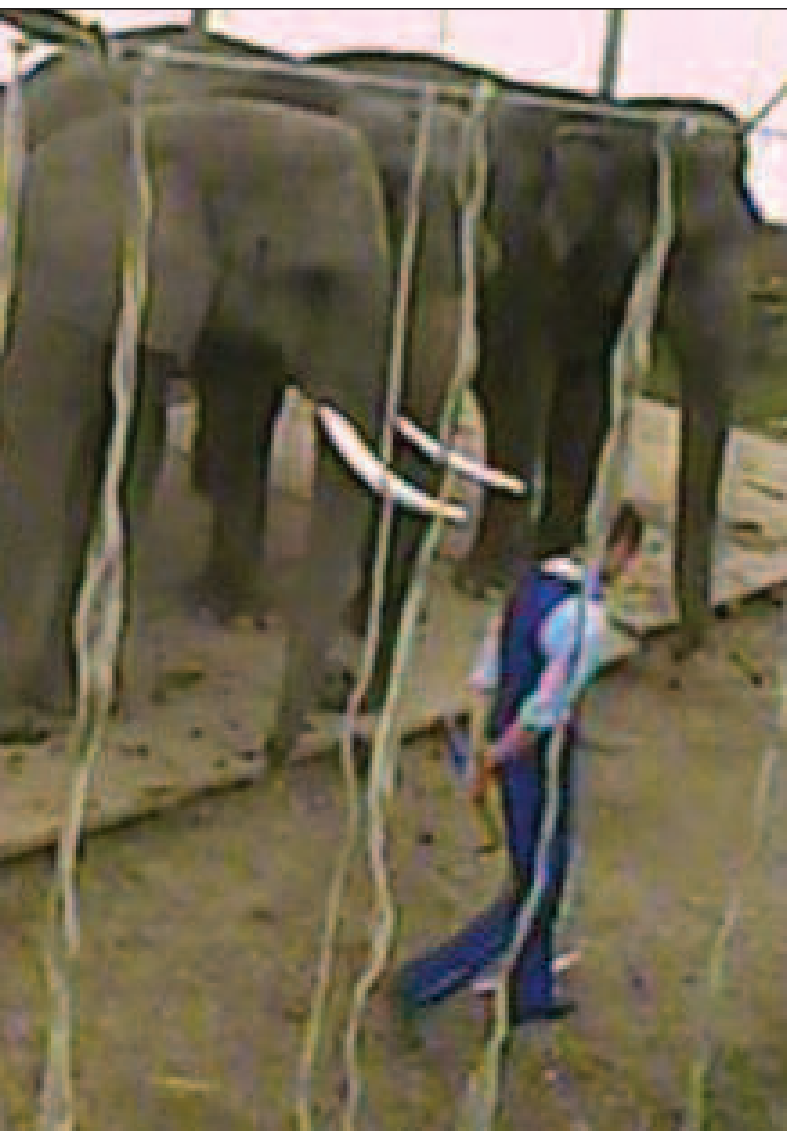
- The elephants spend more than half their day very severely restricted in their ability to move around. When they do have access to more space this lacks any serious enrichment – it is barren and lacks stimulation.
- We observed no provision of meaningful environmental enrichment during this investigation, just flat grass surfaces. There were no trees or food sources which the elephants could forage and no water for bathing. Access to these very basic items would be considered minimum requirements in a modern zoo. On a few occasions during the investigation the elephants appear to be able to reach trees, bushes or hedgerows outside the enclosure.

BIAZA: *Elephants MUST have access to water for bathing, especially during hot weather.*

- Where short periods of access to water were observed, this was only for drinking. In none of the footage of the outside enclosure was any water observed which would allow the elephants to bathe¹⁹.

SoSSoMZP: *The temperature, ventilation, lighting (both levels and spectral distribution) and noise levels of enclosures must be suitable for the comfort and well-being of the particular species of animal at all times. This includes - indoor housing must protect against extremes of sunlight, heat, draughts and cold, and provide appropriate humidity*

- It is unlikely that circus tents can be sophisticated enough to meet the species specific requirements for comfort and well-being laid down for zoos. For example, in a tent at a busy circus site, it is not likely to be possible to control noise and light levels. The temperature inside the tent will also be cold in the winter (and frequently damp), and much hotter than the outside in the summer.



LH Hölscher in his show costume, carrying a bullhook (ankus) (left) and a broom being used as a weapon (right).

AWA S.9.2 (b) The need for a suitable diet:

BIAZA guidelines: *If food is concentrated, animals may still experience hunger and a lack of foraging opportunities. Attempts MUST be made to closely match feeding activity seen in the wild. This can be done by feeding poorer nutrient food for longer periods.*

- The animals' access to food and water in comparison to their natural habitat. No green forage is seen on the footage, only concentrate pellets, hay and sawdust. Furthermore, water is restricted to when it is given by the keeper. The remainder of the time in the tent it is out of reach, behind the electric tapes (for example during the night).

SoSSoMZP: *Food provided must be presented in an appropriate manner and must be of the nutritive value, quantity, quality and variety for the species, and its condition, size and physiological, reproductive and health status.*

- The footage shows the elephants feeding on dry pellets from food boxes. Hay, in small piles, was also sometimes given. One animal was also observed eating sawdust which was spread on the ground²⁰.
- In the wild, feeding is a huge component of daily life for elephants; a considerable portion of their time (60–80% of waking hours) must be spent feeding in order to fulfil their nutritional requirements. During this time they consume 150–350 kg of wet weight forage⁴⁶. This was severely restricted in the Great British Circus.
- At Glen Parva, during 22 hours 32 minutes of filming the elephants spent only two 7 minute periods feeding from the food box given to each of them. This calculation was made by observing the point at which they first touch the food box with their trunks until the food box was taken away, so the actual feeding time could have actually been less²¹.

SoSSoMZP: *Fresh, clean drinking water of sufficient quantity must be available at all times for all animals requiring it.*

- During the same period at Glen Parva, the total time which the elephants had access to water was approximately 5 minutes. This was calculated from when any elephant started to drink until the point when any of them finished drinking. It was noted that the African elephant Sonja spent less time drinking than others²².
- The elephants' access to water was severely restricted both inside and outside of the tent. One third of the space in the tent was blocked by electric tapes with the water barrels beyond the tape. The elephants were seen to stretch their trunks through the electric tape towards the barrels in a number of instances. One elephant knocked a barrel over by doing this, but the water barrel was empty²³.
- When the elephants are given water, it is in small quantities. One barrel was moved near to the elephants; all three animals appeared to drink. However the barrel had been filled with just six buckets of water. Therefore six buckets of water was shared between the three elephants²⁴.
- Being able to see and smell water, but not being able to access it is likely to be very frustrating for the elephants. At times when LH or the groom appear and stand near the water barrels, the elephants are seen to move towards them²⁵.
- In one 104 minute length of footage, the elephants spend 66% of their time standing near or facing toward the water barrels. They are also often showing stereotypic behaviour when close to the barrels, which they cannot access²⁶.

SoSSoMZP: *The natural behaviour of the animals, particularly social aspects, should be considered when offering food and drink. Feeding and drinking receptacles, when used, should be of appropriate design and placed so as to be accessible and available to every animal kept in an enclosure.*

- Feeding was closely controlled by LH. When the food boxes were given to the elephants, they had to wait until all three boxes were in position. If any animal attempted to touch their food box, the elephant was deterred from feeding by LH using verbal or physical reprimands²⁷.
- In one incident, an elephant stepped off of the wooden floor panel whilst feeding. LH struck her three times in the face. The sound was audible. After this, the elephant stepped back onto to the wooden panel and continued feeding²⁸.
- One of the elephants, Vana Mana, was observed to have difficulties feeding, due to apparent paralysis in part of her trunk. She was seen to feed by throwing back her head to catch the end of her trunk to catch or throw the food into her mouth. Much of the food would therefore end up on the floor²⁹.
- Another social aspect of normal feeding is disturbed when Vana Mana is allowed to feed before Sonja, and then Delhi is released to feed with her. For them to see another member of their group feeding and to be chained up and unable to join her is likely to cause stress, especially when feeding periods are already short³⁰.

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SoSSoMZP: *Receptacles for food and drink should not be used for any other purposes.*

- The groom was seen using one of the elephant food boxes to hold water for cleaning the tent³¹.

AWA S.9.2 (c)The need to be able to exhibit normal behaviour patterns.

BIAZA guidelines: *Attempts should be made to provide for the expression of behaviours which are important to the elephant. Attempts should be made to provide animals with some choice and control over the way in which they spend their time. Reference to wild activity budgets will be required.*

- A shackle is placed on a front leg and the opposite hind leg. There is almost no slack on these chains, so the elephants are almost completely immobilized, they can take one step forward and one step back or lie down. They must stand and sleep where they urinate and defecate.
- The video evidences shows that the elephants were not provided with environmental enrichment, were chained during the night and were confined in a small space for much of the day. This obviously restricted the animals from carrying out normal behaviours without choice or control over how they spend their time. Lack of control over their environment and/or freedom of movement is known to cause stress in animals and can be seen exhibited as abnormal behaviours.

BIAZA: *Elephants MUST not be routinely chained for periods in excess of three out of 24 hours.*

- Video recordings and observations show that the elephants spend up to 11 hours each day shackled by their feet, more than 3 times the zoo maximum. They were chained from approximately 10 pm to 8 am.
- In addition, night time video camera footage of the elephants shows that chains are in place throughout the night. In this footage, all the elephants are seen with a front leg and the opposite back leg chained.

SoSSoMZP: *Accommodation should take account of the natural habitat of the species and seek to meet the physiological and psychological needs of the animal.*

- Timings of chaining were taken from footage shot continuously at Glen Parva. Throughout this footage, the elephants were seen to carry out pointless, repetitive, stereotypic behaviours. On one occasion Vana Mana was inside the tent, constantly sweeping the ground with her trunk for approx. 20 minutes³².

- **Sonja – African elephant**

Total time on screen: 10 hours and 58 minutes

Time displaying stereotypic behaviour: 4 hours 20 min - 39.5%

- **Asian Elephant – Vana Mana**

Total time on screen: 13 hours and 34 minutes

Time displaying stereotypic behaviour: 1 hour 50 min –13.5%

- **Asian Elephant - Delhi**

Total time on screen: 13 hours and 17 minutes

Time displaying stereotypic behaviour: 42 min – 5.3%

- These time budgets illustrate how the accommodation in a travelling circus does not cater for the animals' psychological needs. At many points, all three animals are seen to be carrying out stereotypic behaviours at the same time. At one point, Vana Mana was weaving so vigorously that Delhi, who was leaning on her, was being moved by her motion³³.

SoSSoMZP: *Enclosures should be equipped in accordance with the needs of the animals with bedding material, branchwork, burrows, nesting boxes, pools, substrates and vegetation and other enrichment materials designed to aid and encourage normal behaviour patterns and minimise any abnormal behaviour.*

- Sonja is clearly deeply disturbed. On one occasion where she repeats a stereotypic movement continuously for one hour and 58 minutes. Even assuming Sonja is never stereotypic when she is out of shot, which is highly unlikely, then she would still be displaying stereotypic behaviour for one fifth of the time (19%).
- There are points where elephants carry out behaviours which look like the “comforting” of one another. When Vana Mana is weaving repetitively, Delhi places her trunk across Vana Mana’s neck. Reciprocally, Vana Mana is seen to reassure Delhi as she is bobbing, moving in close to her and placing her open mouth gently across Delhi’s neck, causing her to become still³⁴.
- Stereotypic behaviours appear to be a source of annoyance for the groom and LH; on a number of occasions an elephant’s weaving appears to prompt the groom or LH to verbally or physically abuse the elephant in an attempt to make it stop³⁵.

AWA S.9.2 (d) The need it has to be housed with, or apart from, other animals

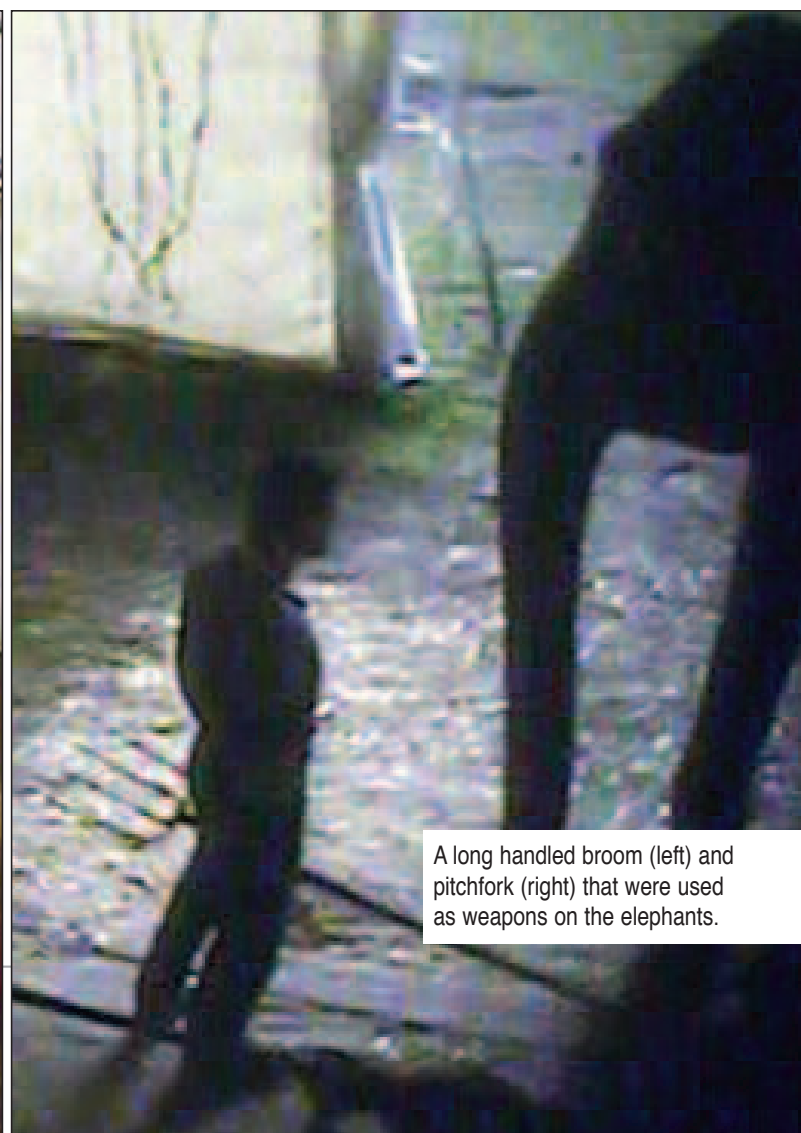
BIAZA guidelines: *Zoos should strive to ensure that for not less than 16 hours in any given 24 hour period, save in exceptional circumstances, compatible females have unrestricted access to each other...routine and prolonged separation of compatible cows MUST not be practised. Separation is taken to include any barrier which restricts complete physical access*

- Although the three elephants are free to touch each other both inside and outside the tent, the two Asian elephants clearly spend a lot more time together than with Sonja, the African elephant, who has no conspecific with which to interact.
- Due to the nature of the chaining by both their front and back legs for much of the time, the elephants are unable to perform natural social interactions and are restricted from enjoying “complete physical access”
- When the animals are shackled in parallel, the animals on the outside are unable to touch each other due to the animal in the middle being in-between them.

SoSSoMZP: *Enclosures must be of a size and design, and animals must be so managed as to:*

- a) *avoid animals within herds or groups being unduly dominated by individuals;*
- b) *avoid the risk of persistent and unresolved conflict between herd or group members, or between different species or age groups in mixed exhibits*

- On one occasion Delhi was observed to be chained up whilst the other two elephants were free to move around the tent³⁶.
- The restriction on space also means that the elephants cannot avoid each other should they wish. This is important as there are times when Sonja, the African elephant, is seen to knock or dig her tusk into Delhi's side. On one such occasion, the elephants had been separated by Vana Mana who was observed to change position to stand in between them³⁷.



A long handled broom (left) and pitchfork (right) that were used as weapons on the elephants.

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AWA S.9.2 (e) The need to be protected from pain, suffering, injury and disease

BIAZA guidelines: *The animals environment should be maintained so that physical distress is avoided.*

- In terms of keeping the elephants free from pain, suffering and injury or physical distress, the training methods and husbandry observed at the Great British Circus clearly did not achieve this.

BIAZA: *Every attempt should be made to ensure that fear is not a significant part of the life of elephants in captivity.*

- In addition to physical suffering, the constant use of violence and verbal abuse against the elephants would cause these intelligent animals fear and mental distress. On one occasion, it can be seen that when violence was threatened the animals reacted, showing they were fearful³⁸.

BIAZA : SOP for the ankus or hook [bullhook] *The ankus is the tool used to cue the elephant to maintain commands. It MUST be used with sensitivity and understanding. Some handlers hook their elephants around the lower edge of the ear (where the pinna meets the side of the face) to lead them. This is an extremely sensitive region.*

- A number of times the elephant trainer and the groom were seen to use the bullhook to hit and hook the elephants. This included the sensitive region at the ear described in the BIAZA guidelines. In order to stop Vana Mana from performing stereotypic behaviours, LH pulled down sharply on this part of her ear, twice, causing her to vocalize³⁹.

SoSSoMZP: *There must be systems for regular review, by the relevant veterinary and curatorial staff, of clinical, behavioural and pathological records and mortality. Husbandry and preventive medical practices must be reviewed where problems become apparent.*

- Delhi has stiff legs, this is apparent when she walks. The leg problem has been diagnosed as Degenerative Joint Disease (DJD) by veterinary surgeons commissioned by Great British Circus. The difficulties she has in carrying out simple movements are shocking. On attempting to enter the tent, Delhi was seen to slowly pivot and enters backwards, swinging her front legs in wide arcs. Once in the tent, she walks forwards but “dishes” her front legs out in a wide arc, still not bending them. When standing she lifts each leg widely to the side⁴⁰.
- Despite this Delhi is forced to perform acts including lifting her leg up and down repeatedly. In addition, there are a few incidences where LH is seen to be somehow ‘testing’ Delhi’s legs, when he uses the small bullhook to make her raise her leg up to shoulder height, where it is kept for a prolonged time. She is seen to be leaning backwards while this is going on, vocalizing and flapping her tail⁴¹.
- Delhi also has an abscess on her flank. LH uses a syringe to flush out the abscess and is seen massaging the area. While flushes were being carried out Delhi was seen to urinate and sway her back end. LH was not seen to use any gloves and repeatedly places the syringe back into the container used to flush out the abscess⁴².

SoSSoMZP: *Animals must be handled and managed only by, or under the supervision of, appropriately qualified or experienced staff. Handling must be done with care, in order to protect the animals well-being, and avoid unnecessary discomfort, stress or physical harm.*

- Both LH and the groom were seen to use a number of implements such as broom handles and heads and pitchforks to inflict violence. The groom used his bare hands to “wring” one elephants tail, bending it as though trying to break it and both men used their fists to punch the elephants⁴³. (See annex II)
- In another example, an elephant is caused unnecessary harm. The elephants are eating hay, the groom comes up behind Delhi and jabs her twice in the leg with the tines of the pitchfork. She stops in the doorway and he jabs her again in the leg⁴⁴.

SoSSoMZP: *All training programmes should provide a net welfare benefit to the animal.*

- Whilst some methods of training may be of benefit to animals, the punishment seen meted out in the Great British Circus footage, such as striking animals who attempt to eat before the trainer is ready, provides no welfare benefit.

SoSSoMZP: *Training methods should be based on positive reinforcement. Where negative reinforcement is used, it must never compromise the welfare of the animal.*

- The footage of elephants being struck with implements, punched, screamed and kicked out at demonstrates, we would submit, that welfare is compromised when these animals are punished.

References:

1. Video time code index 001
2. Video time code index 002
3. Video time code index 003
4. Video time code index 004
5. Video time code index 005
6. Video time code index 006
7. Video time code index 007
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44. Video time code index 044
45. Video time code index 045
46. Mason and Clubb. *A Review of the Welfare of Zoo Elephants in Europe.*

APPENDIX I Behavioural ethogram of stereotypic behaviour

It is necessary, when describing complex animal behaviour and human interaction over a period of time, to provide detailed descriptions of behaviour so that an accurate picture can be gained of the situation. The following are descriptions of the terms we have used to describe stereotypic behaviour.

Weaving

The elephant is seen to move her head from side to side, sometimes accompanied with a front foot lift when the head reaches the furthest point of the sway. This movement can sometimes be quite slow and difficult to spot at a glance. It is frequently more obvious when footage is speeded up (fast forwarded). Sometimes the animals will rest a rear leg. The movement is primarily horizontal.

Bobbing

The head of the elephant moves up and down in a “bobbing” or “nodding” fashion. This movement is primarily vertical. This is seen in isolation (especially by Delhi who has stiff front legs and who finds it difficult to move from side to side) but is also seen to be carried out in combination with weaving. In this case the animal will bob the head as it is moved from side to side.

Shuffling

One of the animals in particular (Vana Mana) is seen to repeatedly step backwards and then forwards intermittently in between other stereotypies.

APPENDIX II – Descriptions of implements/weapons used

The screen grabs (stills) shown in this report illustrate the various methods/implements used by the elephant trainer and the groom, to intimidate or punish the elephants with violence.

For consistency, we have described these as follows.

Brush head (see page 7)

Fists/hands (see page 8)

Short goad (hook) (see page 11)

Bullhook (or ankus) (see page 12)

Yard broom (see page 12)

Long brush (see page 15)

Pitchfork (see page 15)

APPENDIX III – Expert Opinions in Full

Dr Mel Richardson, DVM

Wild animal vet; 40 years experience with captive elephants.

I provide my opinion on the issue of whether the three elephants imported by The Great British Circus from Germany; Sonja (African, Wild born c. 1975), WannaManna (Asian, Wild born c. 1967), and Delhi (Asian, Wild born c. 1977), are being caused unnecessary suffering due to inadequate husbandry arrangements and poorly trained and supervised staff.

In reaching my conclusions I have relied upon records, documents, photographs and video clips which I cite and which I believe to be true, as well as my own knowledge and experience, which are described below.

I examined the following information and footage provided by Animal Defenders, International:

1. **Violence** – DVD and Time Code Index (TCI).
2. **Chaining** – DVD and TCI as well as Additional Information on Elephant Chaining Routine (10 hours per night [*up to 11 hours] as opposed to BIAZA recommendation of 3 hours).
3. **Husbandry and Health** – DVD and TCI.
4. **Transport** – DVD and TCI.
5. **Stereotypic Behaviours** – 1 of 2 DVD and TCIs.
6. **Stereotypic Behaviours** – 2 of 2 DVDs and TCIs.
7. **A circus – performances** – DVD and TCI.
8. **Feeding and Watering Patterns** – No DVD. TCI of 70 hours of video collected.
9. **Implements** – screen grabs of implements.
10. **Photographs:**
 - a. Winthorpe Newark, Nottinghamshire;
 - b. Spilsby, Lincolnshire;
 - c. Watford, Hertfordshire;
 - d. Glen Parva, Leicestershire.

Currently, and for the past 28 years, I have been a veterinarian providing medical and surgical care for captive wild and domestic animals. I graduated from the University of Georgia in Athens, Georgia, USA, in the College of Veterinary Medicine with a Doctorate in Veterinary Medicine (DVM) in 1982. My experience since that time includes providing veterinary care for both African and Asian elephants, zoo animals, domestic animals, as well as performing elephants such as these three: Sonja, WannaManna, and Delhi. Prior to Veterinary College I was employed as an animal caretaker at the Atlanta Zoo in Atlanta, Georgia, USA, and Lion Country Safari in Stockbridge, Georgia, USA. At the Atlanta Zoo I cared for two geriatric Asian females and at Lion Country I cared for ten African elephants. So as a caretaker and as a veterinarian I have cared for elephants in captivity for over forty years. At one time from June 1982 until March 1984 I administered to 52 elephants, 48 of which were newly arrived African orphans from the culling operations in Zimbabwe. I feel I have the expertise to judge elephant suffering and inadequate care.

Animal Welfare and Responsible Party

In my professional opinion as a veterinarian, Sonja, WannaManna, and Delhi are being caused unnecessary suffering due to inadequate husbandry arrangements and poorly trained and supervised staff. More specifically the day to day existence of these elephants is a living hell. I have viewed video recordings showing what can only be described as cruel, vindictive treatment being meted out with seemingly very little provocation on the animals part.

Most of the violent punishment is dispensed by the groom. From sticking Sonja in the face with a pitchfork to trying to break her tail, his actions can only be characterized as malicious. While grooming WannaManna and Delhi, the groom peppers his cleaning routine with surprise attacks of a brush in the eye or the end of a long brush handle into the mouth, seemingly trying to strike the sensitive area over the tush (the small tusk of the female Asian elephant).

Of course one would expect the groom to be trained and supervised by LH Hölscher, the performer, as to appropriate handling of the elephants. After we see LH Hölscher using a small goad, bull hook, and unidentified object from his pocket to inflict pain and subsequent screams of fear and pain, we understand that LH Hölscher has trained the groom. On many occasions the hidden camera misses the inciting weapon or the exact point of contact on the elephant; but the screams betray the pain.

LH Hölscher is not using the bull hook as a guide to communicate his desire for the elephant to move up or move back

or stand still (steady). He is using it as a club to beat the animal. He is inserting the hook into the ear and on the ear flaps to torment the poor animal with maximum effect for the least effort on his part. He is using a common technique employed by elephant trainers who feel the need to dominate and persecute the animal, out of fear for their own safety.

These elephants are all walking on eggshells. They live a life totally dependent on their tormenters, LH Hölscher and the groom, much like women or children living with an abusive husband or father. Never knowing when the next bout of pain will rain down. Never knowing what they did to initiate the attack.

Physically all three elephants are showing evidence of lameness and gait deficits. Delhi is a cripple. Her range of motion of all four legs is restricted with the fronts apparently the most affected. She appears to suffer from elbow arthritis in the front legs. It is clearly a matter of animal abuse to put her through the performance I witnessed where she is the bottom of the pyramid. In the long shots of the elephants parading outside on the grass, all three elephants are lame, with Delhi being the worse. She can bend her elbows, but prefers not to, due to pain.

Their continuing suffering and distress is made evident by the stereotypical swaying so amply demonstrated on the DVDs. Elephants and caged animals in general resort to this repetitive non-purposeful behaviour to cope with their predicaments. Even elephant trainers are aware of the cause of the stereotypy, which is why LH Hölscher in one scene is observed using his hook to try to force WannaManna to stop the behaviour. He is aware she has checked out mentally. He is trying to bring her attention back to him before the show by using pain. These elephants are suffering and the person responsible is LH Hölscher.

Finally it appears that these elephants appear to have no opportunity to engage in normal elephant behaviour. Elephants are very social animals. They touch, jostle, reassure, and cajole each other almost constantly. But the three unfortunate animals with the Great British Circus are allowed none of this...essentially they are not allowed to be elephants.

These elephants are denied any comfort, companionship, and hope of an elephant's life for what? So that we can be entertained and the owners of the circus can be enriched.

Dr Joyce Poole

Expert in elephant welfare; specialist in elephant acoustic communication.

I have studied elephants and worked for their conservation and welfare for 34 years. I received a Bachelor of Arts with High Honors in the Biological Sciences from Smith College in 1979 and a Ph.D. in Zoology from the University of Cambridge in 1982. My Ph.D. thesis was on musth and male-male competition in African elephants. I did my postdoctoral research at Princeton University studying the vocal and olfactory communication of elephants at Amboseli National Park, Kenya. I have carried out a long-term study of the vocal repertoire of African elephants. I have carried out observations of semi-captive African elephants; orphan elephants in Sri Lanka; I have made vocal recordings and made observations of captive elephants in Thailand and I have observed the behavior and a variety of human handling of captive elephants in Zimbabwe, in South Africa, in Botswana and in Kenya as well as in zoos in the United States.

I have read the ADI expert witness pack and viewed all of the DVDs, which focus on the behavior of one African (Sonja, 24 years) and two Asian female elephants (Vanna Manna, 42 years and Delhi, 32 years) travelling with the Great British Circus. I have been asked to consider whether they are suffering unnecessarily and whether their welfare is being adequately met.

The Shorter Oxford English Dictionary on Historical Principles, 1973, defines:

- "Privation": The action of depriving or taking away; the fact or condition of being deprived of or cut off from something; deprivation. The condition of being without some attribute formerly or properly possessed, the loss or loosely the mere absence of a quality or negative quality. The want of the usual comforts or especially of the necessities of life. All general privations are great because they are all terrible. Vacuity, Darkness, Solitude and Silence.
- "Suffering": That endures patiently; inured to suffering; submissive. That suffers, or is characterized by the suffering of pain, affliction or distress. Webster's dictionary further defines the word suffer as to sustain loss or damage.

The three elephants are overweight and all exhibit an abnormal gait. Delhi, in particular, is suffering from severe arthritis, to the point where she has great difficulty bending either of her front legs. Even stepping onto the platform 15cm high appears to be difficult for her. Sonja has pain in her hind legs (particularly her right hip and, it seems, both

APPENDIX III

feet) and is seen throughout the DVDs lifting first one foot and then the other off the ground. I recognize the vocalizations I heard on the DVDs as those of emitted in protest, fear and pain (see Poole and Granli 2009: <http://www.elephantvoices.org/multimedia-resources/elephantvoices-calls-database-contexts.html>). The elephants' patterns of behaviour are stunted and bear no resemblance to those of wild elephants. In the context of the life for which they have evolved, and that which is considered normal for an elephant, these individuals have undergone and continue to undergo great privation and psychological and physical suffering.

As far as I could see from the DVD, the elephants were not given free access to food or water as electrified drop wires protected these items. In the DVDs the elephants were often seen orienting toward the area where the food and water were kept and moving toward the handlers, should one of them be in the vicinity of the food/water. Their behaviour suggests that the elephants were begging since otherwise, throughout the DVDs, they seemed to freeze or move away from the handlers. Foraging (searching for and selecting food items, manipulating and masticating them) occupies 60% of an elephant's life in the wild. The larger and smaller scale movements involved in foraging and in the search for water are essential to an elephant's mental and physical health. A pile of hay, a bucket of pellets and a barrel of water, even when freely provided, are no substitute for these essential activities and, in my opinion, adds to the deprivation and suffering in their lives.

Elephants are the largest of land mammals, among the longest lived and, after humans, have the largest social network. They roam many kilometres a day to forage and to meet literally hundreds of other elephants. The environment that these three highly intelligent, social and inquisitive individuals are forced to endure is restricted to a tent, a small barren paddock, a trailer and a few minutes under the big top. The ability for them to exercise, to socialise and to achieve mental stimulation in this environment is totally inadequate and, in my opinion, constitutes privation and suffering.

Sonja, Vanna Manna and Delhi are deprived of a normal elephant life, which at its very essence should include some semblance of autonomy, the freedom to roam and to interact. They are prevented from behaving normally and they are required to behave in a manner never before seen in nature. It is my conclusion, therefore, that they are deprived of the basic necessities and comforts of life, and that their poor mental and physical health is a condition resulting from this lack. I have no reservations in concluding that they are currently suffering and have been, over many years, subjected to undue hardship, privation and neglect.

The elephants are housed together and appeared on the DVDs to like one another. This companionship must give them some measure of comfort in what otherwise is a terrible life. Yet, though they touched one another occasionally, they did not display the normal mutually interactive and cooperative relationships of wild elephants. I assume that this is due to the total lack of autonomy that they have to endure, which precludes the possibility of developing any semblance of a normal life and causes unnecessary suffering.

Sonja, Vanna Manna and Delhi are not being protected from pain, suffering, injury or disease. They have been deprived of what is considered by elephant experts as appropriate space with the result that they are relatively young elephants in old bodies. An elephant's flexible, padded foot and pillar-like legs are designed for walking long distances on rough, uneven surfaces, not for standing for long hours, days, weeks, months and years on a wooden platform or in the back of a truck. Their stationary existence and the uneven wear of their footpads causes improper posture of the feet, and consequently of the legs and spine, and leads to painful arthritis and other joint problems. In my opinion, the sedentary lives of these elephants has caused them physical injury and mental anguish; they are in pain and are suffering.

The DVDs and the report summarizing the entire footage indicate that the elephants are chained for 10 hours each day and that they are inside the tent on a 20x10 m platform for an additional 6 hours. Such confinement and chaining, in particular, thwarts an elephant's innate curiosity and frustrates its natural drive for movement. Chaining precludes normal social interactions, prevents the formation of natural relationships and destroys any semblance of normal elephant behaviour patterns. The chaining and confinement of elephants causes stereotypic behaviour - the mechanical repetition of the same posture, movement or utterance - which is not observed in wild elephants. For an elephant, adapted to continuous movement and the stimulation of a dynamic society, such forced social and physical inactivity leads to a state of vacuousness and, in my opinion causes elephants unnecessary suffering and privation.

The handlers used a number of implements to threaten, strike, jab, prod, goad and hook Sonja, Vanna Manna and Delhi, which included hands, whips, short goad, metal bar, long brush with head, detachable brush handle, pitchfork (both tines and handle) long stick, brush handle and bull hooks. I was appalled at the level of violence that these individuals are subjected to. In the space of 70 hours of footage the handlers were caught on film at least 51 times striking (with bull hook, pitchfork, broom handle), goading or hooking (with bull hook, short goad, pitch fork tines) the elephants with intent to cause pain. In some of the close-up footage (as in when the elephants are being loaded into the trailer) it was possible to see that the elephants are covered with hook boils - old abscesses cause by the use of the bull hook.

Having studied elephant gestures and acoustic communication for decades it was obvious to me that the handlers did cause the elephants pain and suffering. They responded to the handlers with fear (backing away, freezing) and they screamed, squeaked and trumpeted, flinched and pulled away when they were treated with violence. Elephants are capable of empathizing with others. Consequently, the action of striking an elephant also has negative psychological consequences for those nearby.

In addition, prior to each performance, Lars, used a goad to force Delhi into extremely difficult and unnatural poses – stretching her right front leg alternatively unnaturally high and then unnaturally out to the side. Since Delhi's arthritis is so bad that she can only walk by swinging her totally stiff front legs out to the side, it seemed to me that Lars was forcing her into these difficult positions in the hopes that such a "warm up" would permit her to perform. She is obviously suffering unnecessarily.

Safe performance in a circus by an animal as large and potentially dangerous as an elephant requires total domination and control and immediate compliance with every command. Noncompliance is not tolerated and is met with correction (harsh words, jabbing, prodding, hooking, etc) or punishment (striking, hitting, goading, etc). Handlers keep elephants under constant control by chaining them, and by preventing their innate curiosity and natural behaviour through frequent and gratuitously violent actions (as seen time and again on the DVDs). The result is a vacuous individual.

As long as the authorities permit circuses to exhibit elephants such suffering and privation is probably "necessary." In my opinion, however, this suffering is totally unacceptable and unwarranted and could be avoided by outlawing the use of elephants in circuses.

The elephants are suffering. Their suffering is caused by those who are immediately responsible for their care (the trainer, handler, groom) who strike, jab, prod, goad them, confine them on chains, and who deny them access to food, water, adequate space and the autonomy to exhibit their normal behaviour patterns. The owners of the circus must also be held accountable, since the treatment of these elephants is not unknown to them as it is typical of circuses everywhere. Finally, the authorities, who allow such practices to continue in spite of laws that must be intended to protect animals from such terrible abuse, must be held accountable.

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Qualified at Bristol Vet School in 1988. Interned at Glasgow Vet School, spent four years in mixed practice in Ayrshire and in 1993 became veterinary consultant at the Animal Behaviour Centre, Surrey. Has a behaviour practice; runs the Pain and Rehabilitation Clinic at Glasgow Veterinary School; 10 years on the Association of British Veterinary Acupuncturists Council (ABVA). Primary interests are the clinical causes of behaviour problems, chronic pain management in companion animals and the welfare of captive wild animals.

Elephants suffer in circuses. The circus environment is inherently unsuitable for wild animals and for elephants in particular. These three elephants have been exposed to additional, unnecessary suffering because of gross breaches of care, apparent disregard for their health problems and flagrant physical abuse.

Consideration of health includes psychological, as well as physical, health. Physical illness predisposes to psychological suffering and *vice versa*, e.g. chronic pain leads to anxiety and depression; anxiety and chronic "stress" can lead to physical problems such as skin disease. Each of the elephants has health problems. One (the 32-year old Asian) has an obvious forelimb problem and, as I understand, confirmed osteoarthritis in the joints of these limbs. This appears to cause her to be slow when moved, she has obvious difficulty climbing onto even a low wooden platform and clear mobility problems even within the restricted space to which she has access. There is a high chance that the osteoarthritis will cause her pain and suffering, not only during transport and performance, but even at rest. Chaining further restricts her available choices to attain some degree of comfort by altering her lying position. Osteoarthritis, giving this degree of dysfunction, along with her abscess, should have precluded her from touring and performing. A decision to exclude her from the tour would not only have been good and standard practice but the humane option. The second Asian elephant appears to have a degree of trunk paralysis, restricting her ability to feed efficiently, use her trunk in communication, water or dust bathing and other normal behaviours. Such an animal should be cared for in an environment particularly adapted for her needs and, again, good practice and care should have excluded her from touring. The African elephant is effectively alone. The company of other elephants, especially of the same family or

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herd, is of fundamental importance to elephants. There appears to be little bonding between her and the two Asian elephants who can, and do, provide each other with some comfort. This elephant's psychological disturbance (stereotypic behaviour) is severe and, in addition to the other environmental and psychological conflicts to which the elephants are exposed, this absence of social bonding, company and comfort is a likely contributor to the prolonged bouts of stereotypical behaviour witnessed.

Stereotypic behaviour represents an attempt on the part of the affected individual to remove itself from some conflict. This behaviour does not occur in wild-living animals and its presence is a strong indicator that there is something wrong with the environment, the social situation and/or the physical health of the individual. Stereotypic behaviours can occur in response to specific triggers, but as they become more established these triggers can become less apparent, more generalised and the threshold at which the behaviour starts becomes lower. It is clear from these videos that stereotypic behaviours in these elephants occur in immediate response to restriction of access to their resources: food, water, shelter, shade, each other, but also without any obvious trigger, although the absence of any mental stimulation or ability to behave normally are potentially constant triggers for these animals.

The husbandry and care of these elephants is compromised by the nature of their environment, although there is more that could have been done by management and carers to lessen the impact of the suboptimal conditions. In the assessment of animal welfare, the use of the "five freedoms", against which to measure the welfare of an individual or group, is helpful, although not definitive (i.e. some commonsense still needs to be applied in the assessment). For these elephants, there is no free access to any of the accepted five freedoms: the elephants cannot **avoid pain and suffering** since they are chained and/or restricted by electric tape, because two of them continue to work and travel despite disabilities and because all three demonstrate signs of mental suffering. They cannot perform **natural behaviours** because of lack of a normal environment and social grouping. They do not have unrestricted access to **appropriate food and water**; and they cannot choose to avoid wind, sun, rain or cold or find **comfort** or move at will through their, all be it, restricted environment. Finally they cannot **avoid fear and distress** because they are abused by both keeper and groom and escape is prevented by chaining and electric fencing. The absence of one freedom out of five, or it being less than complete (for example: few animals under man's control can express their full range of natural behaviours and it would not necessarily be in their best interests if they could), may be excused, but to restrict all five is unacceptable.

The impact of psychological suffering and the meaning of stereotypic behaviour have long been debated, but the consequences of physical cruelty are axiomatic. The husbandry methods inherent to keeping elephants in confined situations expose them to violence and the video evidence here demonstrates a culture of "dominance" by violence and threat of violence. This is carried out by the keeper, Lars, but copied by the grooms. The implements for both care and control (broom, pitchfork and bullhook) are used indiscriminately and unpredictably. A broom may be used to brush gently and then at the next moment as a weapon to punish a perceived misdemeanour (of which the elephant can have no understanding). This unpredictability increases the anxiety (anxiety involves being uncertain about an outcome) for the elephants and heightens their psychological stress, because, not only are they uncertain as to whether pain or pleasure will be delivered when a given implement appears, both carer and abuser are the same person(s). Arguments are often put forward that domination of elephants is necessary to maintain keeper safety, but these are not borne out by the numerous reports of keeper injury and death, nor by a logical examination of the behavioural consequences of abuse. One possible outcome is submission, progressing to *ennui* and learned helplessness (the animal has "given up"), but another is loss of control and aggression, endangering both keepers and public.

The suffering of these elephants is significant and unnecessary and should have been obvious to all those responsible for their care. There is no excuse or enactment that can prevail here; it is not necessary to keep elephants in these circumstances and it is not possible to regulate for their care because a) any inspection is a snapshot of proceedings and for any anomaly an excuse can always be made to explain a "transient" problem and b) inherently a circus cannot provide all that is needed to stop elephants suffering. Thus there are two elements to this suffering: that which cannot be avoided by having elephants in circuses and that which was imposed by a lack of care and by deliberate abuse of these animals.

Professor Donald Broom, MA, PhD, ScD**Emeritus Professor of Animal Welfare Science Cambridge University; academic and expert.**

I hold M.A., Ph.D. and Sc. D degrees from the University of Cambridge and I have been employed as Lecturer and then as Reader in the Department of Pure and Applied Zoology, University of Reading 1967-1986 and as Professor of Animal Welfare in the Department of Veterinary Medicine at the University of Cambridge 1986 – 2009). I have carried out biological and veterinary research since 1964. This research has been concerned with animal behaviour, stress physiology, animal welfare, animal management, disease transmission and interactions between man and other species. In particular I have studied the effects of housing, management procedures, transport and handling on animal welfare. Chairman of the E.U. Scientific Veterinary Committee, Animal Welfare Section 1990-1997, Member of the E.U. Scientific Committee on Animal Health and Animal Welfare 1997-2003, Vice-Chairman of the European Food Safety Authority Scientific Panel on Animal Health and Welfare 2003 – 2009 and continuing as a member of this Panel 2009 – 2012. Chairman of the O.I.E. (Organisation International des Epizooties = World Organisation for Animal Health) Working Group on the Welfare of Animals during Land Transport 2003 - 2006. Scientific advisor to the Council of Europe Standing Committee of the Convention on the Protection of Animals Kept for Farming Purposes 1987-2000. Member of the Farm Animal Welfare Council (Ministry of Agriculture, Fisheries and Food /DEFRA, U.K.) 1991-1999. Member of the Animal Procedures Committee (Home Office, U.K.) 1998 - 2006. Member of the NERC Special Committee on Seals 1986 - 96. Member of the Zoological Society of London Animal Welfare Committee 1986 - 1995.

I have been provided by ADI with DVD video recordings of animals and events presented to me as being of activities and premises of the Great British Circus.

Most captive elephants are chained or closely confined for much of their lives and force is also used in the training of almost all captive-bred elephants. I use the word “force” because most training of elephants to the point where people can ride them and work close to them involves the use of severe intimidation of the elephants. Elephants are powerful animals that can readily kill a human. Indeed elephants are the animal that most commonly causes the death of zoo and circus staff. The training of elephants for riding normally involves the use of a thin-bladed knife that is stuck into the neck of the elephant if it does not obey commands. Other training of elephants to allow close contact with humans also often involves the use of intimidating weapons for stabbing, hitting or electrically shocking the elephant. The facts that some elephants have to be taken from the wild and forcibly restrained and trained, that such methods of restraint and intimidation are used on the majority of trained elephants, and that there is a significant frequency of human trainer mortality, raise the question of whether or not it is ever acceptable to train elephants.

Elephants have a pain system that is very similar to that of humans. Their skin is thicker but the pain receptors are present in sufficient density to result in pain sensation and pain responses when the animal is subjected to pricking, heavy blows or electric shocks. If a broom handle or other relatively pointed object is pushed into a sensitive area on an elephant, or if such an area is hit with a hard object, or if an electric shock is administered, the elephant will feel pain. If a threat of such an action is recognised by an elephant, it will feel fear. Either of those feelings may result in detectable behavioural and physiological responses. Elephants may respond to noxious stimuli by retreat, avoidance, ear-shaking, shifting position frequently, or by certain vocalisations. The vocalisations are forms of trumpeting that are readily recognisable by those familiar with them (REF). All of these behaviours, including trumpeting (type 1) are indicators of poor welfare associated with pain, fear, distress and other suffering in the animals. Whenever the term poor welfare is used here it refers to some degree of pain, fear, distress or other suffering. If elephants did not feel pain and fear, it would not be possible for humans to intimidate them and thus for one of the methods to control or train them.

In several of the video sequences of elephants I have seen evidence of poor welfare, lasting for short periods in some cases and for long periods in others. The magnitude of poor welfare is a function of severity or intensity and of its duration. In some cases a brief event may have long-term consequences, for example, on 7.5.09 an elephant turns towards a man and he hits it in the front of ear region with a device that delivers electric shocks. The elephant trumpets (type 1 indicating distress) and turns rapidly away. Although the reaction is evident for only a few seconds, this experience could make the elephant fearful of this man on many subsequent encounters. In many of the sequences, the elephants are hit with a stick or with an electric goad. The behaviour of the elephant clearly shows their fear of the men shown in the videos. Fear is a major problem to elephants, as it would be to humans or other animals. The violent behaviour causes unnecessary suffering to the elephants.

Elephants whose welfare is poor because of long-term problems of inadequate housing or ill-treatment by people encountered frequently may show stereotypies. These are repeated actions with no obvious function, like swaying, pacing, trunk-swinging or route-tracing. The videos show many examples of stereotypies. In this and other species, if such behaviour is frequent or prolonged it is now viewed as evidence of very serious problems. No elephant should be kept or treated in such a way that it shows stereotypies.

In addition to the violent treatment meted out to these elephants, they are chained for long periods. Close confinement with a chain or other tether is a cause of poor welfare in animals, especially if it is prolonged, and there may be

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additional poor welfare because of injuries resulting from the chaining. Circuses are not able to keep elephants without chaining them.

These elephants are transported in road vehicles. This transport has risks of injury and will often cause fear and physiological disturbance. The performances by these elephants are the result of harsh training procedures, visible in the videos, and are only possible because the animals fear the people who are present in the ring. There may be some evidence of inadequacy in feeding and watering procedures for these elephants but I have not seen all of the videos so cannot be sure of this.

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It is my considered opinion that a circus environment cannot provide acceptable welfare standards for elephants based on the 5 needs of Animal Welfare as defined under the Animal Welfare Act of 2006.

There is evidence of both physical and behavioural disease in the video evidence presented of the elephants. Two of the elephants appear to be in good physical health. All three show signs of behavioural disease and stress in my opinion.

'Delhi' has severe front leg lameness, which is most probably due to Degenerative Joint Disease, in my opinion. If correct, this is both a painful and progressive condition making her unfit to perform as a circus elephant.

The elephant 'pyramid' act is particularly unsuitable for such a crippled elephant and potentially dangerous to both elephants and performers.

Transport- 'Dehli's lameness would make her unfit to travel and prolonged periods of transport are likely to intensify and worsen her degenerative lameness in my opinion. Sonya's tusks are problematic and potentially dangerous to the other elephants in unpartitioned transport trailer and these should be capped for transport or an effective partition provided. By comparison the UK transport regulations for agricultural stock would prohibit the movement of such lame animals I believe.

In her best welfare interests, I believe Delhi should be retired from circus life to a reputable elephant sanctuary, where expert care and treatment are available to live out the remainder of her life.

Delhi and Wanna Manna, appear to be closely bonded and so in their best welfare interests should ideally be kept together to avoid separation anxiety and distress.

Sonja shows signs of anxiety and 'problem' behaviour and could be potentially dangerous to other elephants and staff.

All elephant training and handling by circus staff, appears principally to use classic hands – on 'Dominance' elephant training techniques. This necessitates shows of aggression and physical and verbal dominance of the elephants by staff to ensure that the elephants learn to follow the directions and commands of staff. This is to protect the staff and to train the elephants. Under circus conditions this is essential to maximise staff protection as elephants are wild and hierarchical social group animals and will challenge for their position within a group. More welfare friendly 'Protected Contact' or 'Hands off' elephant management techniques cannot be successfully used in performing circus elephants in my opinion. In general in my opinion, the staff are not intentionally unduly cruel. However, this form of elephant training is in my opinion, cruel by necessity and should not be pursued, nor publicly portrayed, in the best interests of the elephant's welfare and staff safety. In comparison to agriculture, I believe, such use of physical punishment would not be permitted in the UK.

The danger of injury to inexperienced or new elephant handling staff is high using this form of training in my opinion, and should be assessed by the relevant Health and Safety authorities.

I would consider from my experience, of the video evidence supplied on the 'Violence' DVD. That the punitive actions exhibited towards the elephants by handlers and trainers is no more, or less than that required to enable staff to work reasonably effectively, and with a degree of safety with these potentially dangerous wild animals. I believe that 'dominance' training can only be achieved by inflicting painful stimuli to reinforce the dominant position of the handler or trainer.

Dominance training and close confinement of circus elephants in the poor welfare conditions available, is well documented to have caused dangerous accidents and deaths of staff when it breaks down when elephant's respond aggressively and control is lost.

For these reasons in the best interests of elephant welfare and staff and public safety, elephants should be banned from circuses in the UK.



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