

## Jailed farmer gets bail

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by Werner Menges



**AN OMARURU farmer sent to prison in April for killing a suspected poacher on his property has been released on bail pending the hearing of an appeal in the High Court.**

AN OMARURU farmer sent to prison in April for killing a suspected poacher on his property has been released on bail pending the hearing of an appeal in the High Court.

The farmer, Adrian Lang, who is also a land surveyor, appealed to the High Court after Swakopmund Regional Magistrate Gaynor Poulton had turned down his bail application pending an appeal against his sentence.

Magistrate Poulton convicted Lang on a charge of culpable homicide, two counts of negligent discharge of a firearm and one count of unlawful possession of a firearm in November last year.

Lang, a 63-year old first-time offender, was sentenced to an effective three-year jail sentence on 15 April.

After hearing arguments on the appeal, Acting Judge Maphios Cheda ruled on Wednesday that Lang may be released on N\$40 000 bail.

Lang was prosecuted in connection with an incident in which he shot at a suspected thief, one Gerson Sabatha, at Okapekaha Farm near Omaruru on 26 April 2009 and a second incident in which a suspected poacher, Joseph Hamukwaya (43), was killed while another alleged poacher was shot at on 14 October 2010.

The court heard that before the shootings, Lang and his family had repeatedly fallen victim to criminals who invaded the farm to poach, steal and rob. Due to constant losses of livestock to poachers, Lang eventually stopped cattle farming. The poaching continued unabated with unrelenting poachers setting their sights on game – with many animals dying a cruel death after being caught in wire snares.

The poachers even set up open-air butcheries in the veld slaughtering poached animals and drying the meat. Defence lawyer Louis Botes reminded Acting Judge Cheda during the bail hearing that on the day when Hamukwaya was shot, one of Lang's stud horses had to be freed from a wire snare.

Lang said he had met Hamukwaya and another suspected poacher on his farm later that day and shot at them when they fled, ignoring his calls for them to stop.

One of the shots struck Hamukwaya in the jaw and neck, killing him. Botes argued that medical evidence indicated that the deceased could have been struck by a ricochet bullet. Lang claimed he was shooting at the fleeing suspects' legs when he fired the fatal shot.

The magistrate ruled that he had acted negligently and convicted him of culpable homicide.

Two days after the sentence, Lang filed a notice of appeal and then applied for bail pending his appeal, but the magistrate dismissed that application.

Incarcerated at Walvis Bay Prison since then, poachers continued to prove a menace at Lang's farm, with a rhino dying after being ensnared.

Botes argued that Lang did not go out to look for trouble when he fired shots at intruders on his farm.

"His property, which he has a right to protect, was invaded by criminals," Botes argued.

He further said there is a reasonable possibility that an appeal court would conclude that Lang should not have been sent directly to prison. Public Prosecutor Anita Meyer defended the magistrate's decision, arguing that it has not been shown that the magistrate misdirected herself or that any irregularity occurred when she decided on the sentence.

Giving his ruling, Acting Judge Cheda said reasons for his decision would be handed down at a later stage. Lang's appeal against his sentence is due to be heard on 28 October.

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- What a shocking situation for Mr Lang to be in. For years this man has tried to protect his animals from the cruelest death - first his livestock which income for many employees and his family had to be stopped. Then the wild animals which are photographed by many visitors to the lodge. The income from having a licence to have hunters shoot under controlled conditions. Now his prize stud horses are harmed costing thousands. Who is the victim here. I believe Mr Lang returned to his house one day when a thief/criminal came running out of his kitchen. His elderly mother and wife were at home and his first fear was for their safety. This is mental and physical abuse by these criminals. The person being abused should not be prosecuted. The criminals should not be protected as they have no right being on his property. - Jeanette Reitzer | 1970-01-01 [384]
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