



No slackness in Namibian courts, says magistrate

29 October 2014 | Justice

A Windhoek magistrate yesterday warned the prosecution not to paint a picture of laxity in the country's courtrooms and to expedite matters in courts. Magistrate Johannes Shuuvani was speaking at the Windhoek Magistrate's Court in Katutura when the State asked for another postponement in the case of three Chinese men accused of trying to smuggle 14 rhino horns worth more than N\$2 million out of Namibia. Li Xiaoliang, Li Zhibing and Pu Xuexin appeared on charges of possession and export of controlled wildlife products and for contravening the Prevention of Organised Crime Act. The matter was postponed on October 13 to last week Friday for the Prosecutor-General's decision, but it could not proceed because there was no translator at court and had to be postponed again until Monday. On Monday the State prosecutor, Simba Nduna, asked



(<https://d3rp5jatom3eyn.cloudfront.net/asse>)

that the case be postponed again to December 8 because the PG's decision had not been finalised yet. Magistrate Shuuvani said a picture of laxity is being created by prosecutors who are postponing court cases with promises that things would be finalised during hearings. "We must guard against this. We must try to do all that we can to expedite matters at our courts and try to improve the system and not to come up with excuses just to postpone because we can," said Shuuvani. According to Nduna the decision by the Prosecutor-General had not been finalised because the docket had been referred back to the police for further investigation. He said the office of the PG only received the docket last week and realised that there were certain aspects that needed further investigation. Defence lawyer Orben Sibeya argued that the three accused have been in custody for seven months and are still awaiting trial. He stressed that the defence had been in constant contact with the prosecutor as well as representatives of the PG office's and were under the impression that the office had received the docket a long time ago and not last week as indicated by the State. According to him the State had also indicated to the defence that the PG's decision would take only two weeks. "We should have had a decision today. To ask for another postponement is gravely unjust," said Sibeya. He submitted that the State should only be granted a postponement of two weeks as they had indicated that a decision by the PG can be finalised within that space of time. However, the State submitted that there are important investigations that need to be completed and that it is entirely up to the PG to make the call when the decision will be finalised. "The State cannot be held at gunpoint to hand down a decision," said Nduna. Magistrate Shuuvani wanted to know whether the State could give the assurance that the further investigations would be completed if the case was further postponed. Nduna said the investigators will do everything possible to complete their investigations by then. "I will ensure that the decision is ready by then," said Nduna. The case was then postponed to December 8 for a final decision by the Prosecutor-General. The three Chinese were caught with rhino horns valued at more than N\$2.3 million and a leopard skin worth about N\$50 000 in their luggage on March 23 at the Hosea Kutako International Airport. The three have maintained that they did not know what was in their suitcases. WINDHOEK
ELLANIE SMIT