



Rhino case postponed over video

18 September 2015 | Justice

The trial in which four Chinese nationals stand accused of trying to smuggle 14 rhino horns out of Namibia has been postponed until next month after the defence objected to the screening of video footage yesterday. Although the court was prepared and ready to view a video recording submitted by the State, the defence argued that the recording had no forensic significance. Li Xiaoliang, Li Zhibing, Pu Xuexin and Wang Hui appeared in the Windhoek Regional Court yesterday for the continuation of their trial. In addition to 14 rhino horns worth more than N\$2.3 million, the suspects were found in possession of a leopard skin worth N\$50 000. The items were found in two suitcases at Hosea Kutako International Airport on March 24 last year. State witness Jean Körner, the Surveillance Shift Manager at the Windhoek Country Club Casino and Resort, was set to

testify on video footage that was taken on March 23, while the accused were staying at the Windhoek Country Club shortly before their arrest. Chief Inspector Barry De Klerk of the police's Protective Resources Unit last year testified during the bail hearing of Li Xiaoliang, Li Zhibing and Pu that this footage shows Pu and a fourth person instructing the other two accused to collect suitcases from vehicles before they carried them to a hotel room. The suitcases in the video recording are identical to those in which the rhino horns were found at the airport. Defence lawyer Orben Sibeya yesterday refused that the video recording on a USB memory stick be screened in court, arguing that it has no forensic significance. Sibeya said the defence had received the video recording on a USB stick and not a DVD copy of the original video recording. The original DVD recording had been compiled by forensic expert Dr Paul Ludik. According to Sibeya, the defence had written a letter to the State on June 10 requesting a copy of the DVD recording but by June 22, they received a response that the State did not have a copy of the disc. Until now, the defence has not received a copy of the DVD, Sibeya said. He said the defence was not prepared to proceed without first seeing the original DVD made by Ludik. "We have reasons to challenge the USB recording. The recording of the DVD is not even here at court," Sibeya said. He said if the State was willing to disregard the video footage the defence was willing to proceed with the trial. State Prosecutor Simba Nduna argued that the trial started in August and the issue was never raised by the defence until yesterday. Nduna said there was ample time for the defence to raise the issue and that they should not point fingers at the State now. Nduna said he too had only seen the USB version of the recording and not the original DVD. He added though that there is no difference between what is contained on the DVD recording and on the USB stick. "What is contained on the stick he [Sibeya] collected came from the same source. The State had an honest approach throughout the trial," said Nduna. According to Nduna, the DVD recording is in fact a sealed court exhibit, which Sibeya said he did not know. Magistrate Alexis Diergaardt said it was a joint oversight by the State and the defence. "I do not want the two of you to fight." The trial will continue from October 19 to 22. ELLANIE SMIT



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