Poca assets order against two abalone accused

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by Werner Menges

THE prosecutor general has bank accounts and six cars belonging to a Chinese citizen and a Namibian man facing charges of possessing and trying to export the shellfish abalone from Namibia in her sights.

In an urgent application heard by Deputy Judge President Hosea Angula in the Windhoek High Court yesterday, prosecutor general Martha Imalwa obtained a preservation order in terms of the Prevention of Organised Crime Act (Poca) in respect of three bank accounts in the name of Chinese citizen Geng Zhi, six cars registered in Geng's name, and one bank account in the name of Geng's Namibian co-accused, James Wallace.

The effect of the preservation order is that nobody is allowed to deal with any of the cars or the positive balances in the bank accounts while the order remains in force. A preservation order in terms of Poca is normally the first step that the prosecutor general takes when she intends to ask the High Court at a later stage to have assets which are alleged to be the proceeds of criminal activities declared forfeited to the state.

Geng and Wallace have been in police custody since they were arrested in Windhoek on 1 February.

Geng is charged with counts of dealing in rhinoceros horn, alternatively possession of rhino horn, and dealing in abalone, which is a controlled wildlife product, while Wallace is charged with possession of abalone.

A ruling on an application by the two men to be released on bail is due to be given in the Windhoek Magistrate's Court on Friday.

In an affidavit forming the backbone of her application for the preservation order, Imalwa stated that she had reasonable grounds to believe that the property covered by the order was the proceeds of unlawful activities in the form of contraventions of Namibia's Controlled Wildlife Products and Trade Act and the Customs and Excise Act, tax evasion and money laundering.

Imalwa informed the court that Wallace tried to send two boxes containing 35,2 kilograms of abalone, valued at about N$89 000, from Namibia to Hong Kong at the start of this month. The contents of the boxes were declared to be assorted dried foods consisting of rice, seafood and pasta when Wallace delivered it to a shipping agent.

Abalone was found in the two boxes when they were opened. When Wallace was questioned in connection with the shipment, he initially said it contained seaweed, before he said the contents included abalone which he had received from Geng, Imalwa claimed.

She added that when the police searched Geng's rented house in Ludwigsdorf in Windhoek, 44 kg of abalone was found in a fridge, a freezer and in dried form in a suitcase, while 29 pieces of rhino horn, weighing about 1,15 kg, were found in Geng's bedroom. A grinder and scale on which pieces of material looking like rhino horn were found were also seized from the house, while a police officer further discovered a photograph of rhino horn on a scale on an iPad in the house.

Wallace, who is involved in mining and the export of minerals from Namibia, is registered as a taxpayer in Namibia, but has not submitted a tax return to the Ministry of Finance since 1993, Imalwa said.

The bank account in his name which has now in effect been frozen has a credit balance of N$1 418.

Geng is in Namibia on a two-year work permit allowing him to work for a close corporation named Nam-Dan Import and Export CC, Imalwa said. However, in none of his bank accounts any payments of a salary from the close corporation are reflected, she informed the court.

In the period from December last year to February this year, Geng received payments of more than N$1,5 million into two of his three bank accounts, while deposits totalling more than N$436 000 were made into another account in his name from February 2012 to February this year, Imalwa said.

The deposits made into Geng's accounts are not consistent with a scenario of someone earning only a monthly salary in accordance with the conditions of his employment permit, Imalwa claimed.

His three bank accounts currently have positive balances totalling only about N$13 000.