



Appeal backfires

Chinese smugglers get longer sentence

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Four Chinese men, who were originally handed 14-year sentences for wildlife crimes, including rhino horn smuggling, had the shock of their lives when their appeal ended with the High Court also convicting and sentencing them for money laundering.

Li Xiaoling, Li Zhibing, Pu Xuexin and Wang Hui were originally convicted and sentenced in 2016 in the Windhoek Regional Court for trying to smuggle 14 rhino horns and a leopard skin out of the country. Portions of their 14-year sentences were suspended. They have now been slapped with 20-year jail terms, of which five years were suspended, on condition they are not convicted of money-laundering or the export, possession or dealing in wildlife products. The court ordered that their sentences be backdated to their regional court sentencing date - 30 September 2016.

Xiaoling, Zhibing and Xuexin were caught with 14 rhino horns worth N\$2.3 million as well as a leopard skin worth about N\$50 000 in their luggage on 23 March 2014 at Hosea Kutako International Airport, while Hui, who is believed to be the kingpin, was arrested in May that year at the Windhoek Country Club Resort.

They were found guilty of dealing in controlled wildlife products, the unlawful possession of such products and their unlawful exportation. They were found not guilty of money laundering. Acting Judge Alfred Siboleka, in concurrence with Judge Dinnah Usiku and Judge Siboleka, not only dismissed their appeal last Friday, but also ruled they should have been found guilty of unlawfully acquiring, possessing, using or taking the proceeds of their unlawful activities out of Namibia.

Siboleka said the ultimate purpose of being found in possession of or dealing in rhino horns is to launder, and bring the local tourism industry to its knees.

"If this subtle onslaught is not tackled with an iron fist, irreparable damage to our wildlife is inevitable and certain," Siboleka said.

He said the four men booked into the Windhoek Country Club Resort for one day.

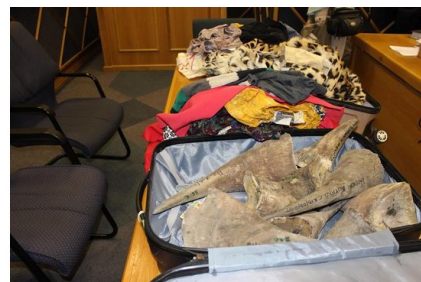
"The finer substantial details of their movements between the two rooms in which they were booked show that they were jointly and severally in association with each other."

According to Siboleka they were in full control of their luggage, which included the two suitcases in which the 14 rhino horns and the leopard skin were found.

"The group's joint and full control over their luggage continued to manifest itself, even up to the time when the officer informed them about the detection and removal from the conveyor belt of the two suitcases at the departure luggage point."

Siboleka said the four Chinese men used the proceeds of unlawful activities, which is what money laundering is, materially, all about.

"The fact that these products were detected at the departure luggage conveyor belt at Hosea Kutako International Airport, and were destined to be flown out of the country, shows that all the preparations required had gone past consummation, in that they had been finalised."



(<https://d3rp5jat0m3eyn.cloudfront.net/assebackfires2019-04-160.jpg>)

RED-HANDED: The rhino horns and leopard skin found in the luggage of the four Chinese men.

PHOTO: ELLANIE SMIT

Siboleka also referred to the fact that Xiaoling pleaded guilty to the charges, while taking all the blame on his shoulders and exonerating his co-accused.

“This conduct is a proof beyond reasonable doubt that they indeed were jointly and severally operating in common purpose as a group. This is an unassailable, credible acknowledgment that they all were aware of the presence of the 14 rhino horns and the leopard skin in the two suitcases.”

The Chinese men were represented by Nambili Mhata, while advocate Simba Nduna was the prosecutor.

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