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Bail appeal fails in rhino horns case

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by Werner Menges



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AN Angolan teacher facing charges over the theft of 33 rhino horns during a burglary at Outjo last year was correctly refused bail by a magistrate in May, a High Court judge has ruled.

In a judgement delivered in the Windhoek High Court on Monday, judge Christie Liebenberg said he could not find anything wrong with the conclusions reached by magistrate Alweendo Venatius when he refused to grant bail to Angolan national Fortunato Jose Queta in the Windhoek Magistrate's Court in May this year.

As a result, the judge dismissed Queta's appeal against the magistrate's ruling.

Queta and three Namibians – Paulus Pendapala Herman, Petrus lipinge and Ludwig Nangolo – are facing charges of dealing in or possessing controlled wildlife products, possession of suspected stolen property, money laundering, and being accessories after the fact to the crime of housebreaking with intent to steal and theft.

The state is alleging that during August last year and in Windhoek they possessed and dealt in 33 rhino horns which had been stolen during a burglary at Outjo on 9 or 10 August last year.

The horns, valued at nearly N\$5 million, belonged to an Outjo area lodge owner who had rhinos at his private game

reserve dehorned in an effort to protect them against poaching.

During his bail hearing, Queta said he knew nothing about the charges he is facing and denied he had been found with any rhino horns in his possession.

An investigator attached to the Namibian Police's Protected Resources Division, Felix Ndikoma, testified during Queta's bail hearing that he had evidence that Queta had been acting as a middleman between people trafficking illegal wildlife products from Namibia and buyers in Angola.

Ndikoma said after the housebreaking and theft of the horns at Outjo, one of Queta's co-accused, Ludwig Nangolo, was contacted and offered rhino horns for sale.

Nangolo travelled to Windhoek, where two rhino horns were handed to him, Ndikoma said.

He also told the magistrate that Nangolo, Ipinge and Herman, who had contacted Queta in a bid to find a buyer for the horns, travelled from Windhoek to Oshikango on 11 August last year.

At Oshikango, they met Queta, who accompanied them to Ondjiva in Angola, where he introduced them to a Vietnamese man known as David Somni, who bought the two horns for N\$147 000, Ndikoma said.

After returning to Namibia, the three Namibians received another six rhino horns suspected to have been stolen during the Outjo housebreaking, and they drove back to Oshikango on 14 August, Ndikoma said. He continued that Queta again came to pick them up at Oshikango and took them to the same Vietnamese buyer, who bought the six horns for N\$670 000.

Queta was arrested at Omungwelume in the Ohangwena region at the start of March and charged with dealing in or possessing two rhino horns, Ndikoma also told the court.

He further said according to information he had gathered, Queta had been involved as a middleman in the trade of controlled wildlife products for the past two years.

Liebenberg remarked: "On the strength of the investigating officer's evidence, it would appear that [Queta] forms part of a multi-levelled operation in that he links the lower level perpetrators with higher level perpetrators in the furtherance of the illicit trade of rhino horns."

The evidence about which Ndikoma testified pointed to Queta's involvement with a criminal syndicate, the judge added.

He concluded that he was not convinced the magistrate exercised his discretion wrongly.

Defence lawyer Appolos Shimakeleni represented Queta in the appeal. Deputy prosecutor general Dominic Lisulo represented the state.