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Rhino horns dealer loses bail appeal

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An Angolan accused of dealing in rhino horns lost his appeal against a ruling by a Windhoek magistrate that deprived him of bail when High Court Judge Christi Liebenberg upheld the initial decision by the magistrate.

According to Liebenberg, the High Court has no jurisdiction to interfere in a magistrate court matter if the presiding officer is convinced the magistrate was correct in his ruling.

“The trial court correctly exercised its discretion in favour of the evidence of the investigating officer – such evidence reliable and credible when weighed against the evidence of the applicant,” the judge said when he ruled on the appeal by Fortunato Jose Queta.

Windhoek magistrate Alweendo Venatius refused to grant Queta bail in May this year.

Queta together with Paulus Penapala Herman, Petrus Ipinge and Ludwig Nangolo face 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.

It is alleged by the State that during August last year in Windhoek they were in possession of 33 rhino horns that were stolen during a burglary at Outjo in August 2019.

The horns valued at N\$4.9 million were stolen from a private lodge near Outjo after the owner dehorned his rhinos to protect them from poaching.

During evidence presented at the bail hearing it was established that Queta is an Angolan citizen and a teacher by profession. It was further established that he entered Namibia unlawfully on several occasions and is involved in a syndicate dealing in prohibited wildlife products, Liebenberg said.

“From the investigating officer’s evidence it appears that the appellant is part of the link between locals who illegally obtain rhino horns, and the international market. Before he is contacted to confirm arrangements for a purchase the rhino horns go through various persons who link up in Namibia. Pictures are eventually sent to the appellant who thereafter either confirms the deal or not. Once confirmed, the appellant arranges the sale with a foreign buyer,” the judge remarked.

He went on to say that on the strength of the investigating officer’s testimony, it would appear that Queta forms part of a multi-levelled operation in that he links the lower level perpetrators with the higher level perpetrators in furtherance of the illicit trade of rhino horns.

“I am satisfied that the evidence by the investigating officer prima facie establishes the appellant’s involvement in this matter pertaining to a criminal syndicate, and is consistent with acting in common purpose in furtherance of the illicit trade,” the judge stated and concluded that he is not convinced that the magistrate exercised his discretion wrongly.

Queta was represented by Appolos Shimakeleni and deputy prosecutor general Dominic Lisulo represented the State.

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