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2021-07-22 [Roland Routh](#)



A bail appeal by three men accused of smuggling rhino horns failed in the Oshakati High Court when acting Judge David Munsu dismissed their appeal against the refusal of bail, by the Opuwo magistrate's court.

Uatjesavi Murumba, Richardt Kandjii and Uevisiano Ngovi Muzuma lodged their appeal after the magistrate dismissed their bail application on the basis that the applicants are likely to re-offend if released on bail, the seriousness of the offence and the interest of the public and the administration of justice.

According to them, there is no evidence implicating them and that there is no evidence that they have committed a similar offence before and are thus likely to re-offend if released on bail. The three men are facing charges of dealing in controlled wildlife products, possession of controlled wildlife products and hunting of specially protected game species.

It is alleged by the State that Murumba was found in possession of two rhino horns that he offered to sell to undercover police officers. It is further alleged that prior to the offering, Murumba was dropped at the meeting place at Omuhama by Muzuma and that Kandjii was the one looking for buyers for the horns and was present at the meeting but ran away when Murumba was arrested.

This evidence links all three men to the offences, judge Munsu stated. He further said that it is trite law that the State is under no obligation to prove its case against the accused in bail applications and that it is in fact the accused who have to show on a balance of probabilities that they are entitled to bail.

He further said the State only needs to show that it has evidence that will prove the guilt of an accused. Although Murumba and Muzuma challenged the admissibility of the evidence, they did not dispute providing information to the investigating officer, the judge stated. "During cross-examination of the second appellant (Kandjii), it was placed on record that it was the second appellant who was looking for a buyer. He went on to say that it surfaced that the first appellant went to the second appellant for blessings before embarking on poaching trips and that the second appellant ran away after the first appellant was arrested. According to the judge, there was further evidence from the investigating officer that three rhino carcasses were detected and their horns removed.

The investigating officer further testified that Murumba was in control of the horns, the judge narrated. He further said that the evidence shows that there is a prima facie case against the appellants and in such a case, a court would be entitled to refuse bail even if there is a remote possibility that an accused would abscond or interfere with State witnesses or with police investigations. Regarding the interest of society, the judge said that there is a public outcry against rhino poaching which is a reflection of the public interest.

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