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2022-09-21 [Roland Routh](#)



Prosecutor general Martha Imalwa has responded to articles published in the *New Era* and *The Namibian* about the trial of a Chinese businessman, Hou Xue Cheng, and his Namibian co-accused Hamutenja Hamutenya, whose cases were struck from the court roll recently.

The reason the charges on dealing in controlled wildlife products were dismissed was that neither the witnesses nor the docket was before the court.

According to the PG, the information contained in the articles was incorrect.

She explained that a special backlog court was set up to redress the backlog in the regional court, and a magistrate and prosecutor were identified and dedicated to running the special regional court.

As a result, she said, all the old criminal cases were transferred to the special court, and the dockets and charge sheets had to be transferred between the courts.

Unfortunately, she said, the docket for Cheng and Hamutenya was not transferred to the special court at the time the matter was supposed to be heard, and when the special prosecutor asked for a remand to trace the docket and the separation of trial, as two of the original accused absconded and another passed away, the presiding officer refused upon pressure from the defence.

After inquiries were made about the docket, it was discovered that the docket was still with the original prosecutor, and a summons was immediately issued and forwarded to the Namibian Police to ensure the accused answered to the criminal charges.

The accused are to return to court on 7 November to face their charges.

She further said the reason the docket was not submitted timeously is now subject to an internal investigation by her office.

Hou, fellow Chinese citizen Sha Zhiwei, Indian national Rajaiyah Kumar and Hamutenya were arrested in June 2014 after they had allegedly been caught dealing in ivory in Windhoek.

Another Namibian George Mashala was arrested on the same charge at the end of July 2014, but he passed away.

The warrants of arrest for Sha and Kumar that were issued in July 2016 after they absconded were extended.

They both vanished after being granted bail of N\$20 000 each.

The State has charged all five of the accused with dealing in four elephant tusks with a combined weight of 54 kilogrammes, valued at N\$598 000, in Windhoek on 11 June 2014.

Hou, Kumar and Sha are also charged with two counts of possessing controlled wildlife products without a permit.

In respect of those charges, the prosecution is alleging that the three men were in possession of a cheetah skin and a leopard skin in Windhoek on 12 June 2014 without having the required permits to possess the skins and that they also had seven zebra skins, a pangolin skin and a stuffed leopard head in their possession at China Town in Windhoek on 11 October 2014 without having permits to possess those wildlife products.

- *rrouth@nepc.com.na*

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