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 ADMINISTRATIVE ISSUES: Justice minister Yvonne Dausab. Photo: FILE

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PROBE INTO CHINESE BUSINESSMAN'S MISLAID DOCKET

Matter now scheduled for early November

A summons has been issued and forwarded to the Namibian Police for the return of service, to ensure that Chinese businessman Hou Xue Cheng and his co-accused answer to the criminal charges.

Ellanie Smit

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The justice ministry has dismissed reports that a docket in a matter involving Chinese businessman Hou Xue Cheng and his co-accused Hamutenja Hamutenya has disappeared. The men face charges related to dealing in controlled wildlife products.

In a statement to the National Assembly, justice minister Yvonne Dausab said an internal investigation has been launched to find out why the docket was not at court.

Regional court magistrate Leopold Hangalo last week struck the case from the court roll.

Hou and Hamutenya were scheduled to go on trial on three charges dating back to 2014. However, the latter was not present due to medical reasons, while the police docket on the matter was 'missing'.

Hou and Hamutenya were charged with one count of dealing in controlled wildlife products and two counts of possessing controlled wildlife products.

They were initially charged with three other accused - Chinese national Sha Zhiwei, Indian national Rajaiyah Kumar and Namibian George Mashala - but Sha and Kumar absconded following their release on bail in September 2014, and Mashala has since died.

Administrative blunder

Dausab explained that a special backlog court has been set up to address the backlog of cases within the Windhoek Regional Court.

According to her, a magistrate and a prosecutor have been identified to run this court. Consequently, all backlogged criminal cases on the regional court rolls were transferred to the Windhoek Magistrate Court for trial, she said.

Dausab added that dockets and charge sheets had to be transferred between the two aforementioned courts and the particular case appeared on 15 September at the special backlog court.

“Regrettably, the docket was not transferred to the prosecutor now handling the matter at the

magistrate's court at the time when the matter appeared in the special backlog court on the said date.”

She said the prosecutor tasked with handling the matter applied for a remand on a number of grounds which included tracing the docket, and consideration of separation of trial.

“The latter request was made in view of accused two and three who had been at large and against whom a warrant of arrest was issued and [is] pending.”

Fix it

The application for remand was, however, refused and the matter was accordingly struck from the court roll.

“Subsequently, inquiries were conducted into the reasons as to why the docket was not at court and the prosecutor who initially handled the matter confirmed that the docket is still with the Katutura Regional Court prosecution.”

Dausab said to rectify the issue, a summons was swiftly issued and forwarded to the Namibian Police for the return of service, thereby ensuring that the accused answer to the criminal charges. The matter is now scheduled to appear on 7 November and the normal process of administration of justice will take its course.

“In addition to this, an internal investigation is being conducted by the Office of the Prosecutor-General to determine why the particular docket was not submitted timeously together with all the other dockets.”