

## From The Courts ... Ex-magistrate lied at bail hearing

News - National | 2020-07-27

Page no: :

by [Werner Menges](#)



Jackson Babi. Photo: File



**FORMER** magistrate Jaco Kennedy told a “blatant lie” during a bail hearing following his second arrest on a rape charge in early 2016.

This was one of the comments made by judge Marlene Tommasi in a judgement in which she last week dismissed Kennedy's latest application to be granted bail.

The judge noted that during a bail hearing in 2016, Kennedy (33) told a magistrate he did not know the complainant in his second case and he was not at the scene where she was allegedly raped at Otjomuise, Windhoek, on 31 December 2015.

However, in his latest bail application in the Windhoek High Court, Kennedy admitted he had intercourse with the

complainant – but claimed this was with her consent.

Tommasi commented that, in light of his current admission, Kennedy blatantly lied during the bail hearing in the magistrate's court. This is a fact that will have an impact on his credibility during his trial, the judge said.

She also found that Kennedy contacted the complainant in his second case by cellphone near the end of January 2016, after the police had contacted him about the incident.

During the hearing of his bail application in the High Court he denied he had made contact with the woman at that stage.

Kennedy also claimed the complainant had sent him a message through Facebook in September 2017, and that she admitted in that communication they had consensual intercourse and offered to withdraw the charge against him if he paid her N\$20 000 and sent her flowers and biltong, Tommasi recounted in her judgement.

According to a police officer who testified during the bail hearing, the complainant is denying that she communicated with Kennedy.

Tommasi also noted Kennedy is charged with a serious offence and could receive a long prison term if convicted.

In light of that, it is conceivable he may interfere with the complainant to avoid a conviction and imprisonment if released on bail, she said.

Kennedy is charged with kidnapping and raping a woman in Windhoek on 3 January 2015. He was granted bail after a month in custody.

At the end of January 2016 he was arrested on another rape charge.

He has been kept in custody since his second arrest.

Arrested preacher to apply for bail

A SELF-STYLED 'prophet' who has been in police custody for the past two months after being arrested on charges of rhino poaching and dealing in or possessing two rhino horns, is planning to apply for bail this week.

Jackson Babi, who uses the title 'prophet' and is the founder of the House of Joy Ministries evangelical religious group in Windhoek, will launch a bail application in the Windhoek Magistrate's Court on Thursday, defence lawyer Kadhila Amoom informed magistrate Linus Samunzala during a court appearance by Babi and a co-accused, Frizans Naululu Dumeni, on Friday.

Babi (30) and Dumeni were arrested and charged after the police found two rhino horns and a hunting rifle allegedly used in a rhino poaching incident in the Gobabis area at Babi's house in Windhoek on 27 May.

Babi and another accused, Ananias Ananias, were also charged with attempting to bribe a police officer in a bid to get him to arrange bail for Babi near the end of June.

That case was postponed to 15 September for further investigations on Friday.

Compiled by Werner Menges

---