

Preacher takes bail fight to High Court

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Self-proclaimed prophet Jackson Babi has approached the High Court to appeal against a decision by the Windhoek Magistrate's Court to deny him bail.

The flamboyant Babi claims magistrate Linus Samunzala misdirected himself in law and fact when he denied him bail. In September, the lower court refused to release Babi on bail, citing he failed to give convincing evidence to be released pending his trial.

The court also ruled there was a likelihood Babi would interfere with the investigations. Babi's lawyer Kadhila Amoomo argued the court's decision to refuse him bail was not supported by fact.

It is his argument that Babi has not been convicted of any offence and two of the alleged offences emanate from the same conglomerate of facts.

"The learned magistrate also failed to take into account that two of the cases which the appellant (Babi) faces (that is possession and dealing in rhino horns and hunting of wildlife) emanate from the same conglomerate of facts and therefore should have been taken into account when evaluating the candidacy of granting the appellant bail," argued Amoomo.

Amoomo further argued that the court relied on facts and statistic that were not presented in court during the bail hearing.

However, the prosecutor Salomon Kanyemba argued the grounds of appeal were repetitious, unclear and lacked specificity.

Kanyemba said Babi failed to place sufficient information before the court and/or to refute the evidence of the State proving that a strong prima facie case was made out against him.

"The investigating officer linked the appellant and his firearm to a similar offence that was committed in the Gobabis district of Omaheke region. It was upon such credible evidence that the learned magistrate relied to make a finding that the appellant has shown a propensity to commit similar offence," said Kanyemba.

It was the State's submission that there is nothing on record indicating that the presiding officer considered irrelevant information or facts.

Thus, his appeal should be dismissed, said Kanyemba.

Babi was arrested in May along with Frizans Naululu Dumeni on charges of being in possession of two rhino horns, a firearm and ammunition without a licence.

The prosecution claims Babi and Dumeni were in possession or dealt in two rhino horns at Babi's residence in Kleine Kuppe in Windhoek on 26 and 27 May.

It is alleged the much sought-after horns are linked to the poaching of two rhinos found dead and with their horns removed in the area of Gobabis in May.

According to court records, Babi has another case pending in the Gobabis Magistrate's Court, where he faces charges of illegal hunting of specially protected game in the Gobabis district.

Police investigations also led to the arrest of two more suspects, Alberto Mbwale and Joseph Matheus.

In his third case, Babi alongside co-accused Ananias Ananias are facing bribery charges for allegedly offering investigating officers N\$13 000.

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