

COURT ONLINE COVER PAGE

IN THE HIGH COURT OF SOUTH AFRICA
Gauteng Local Division, Johannesburg

CASE NO: **2025-000035**

In the matter between:

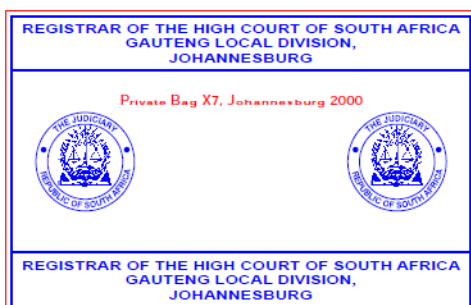
National Director of Public Prosecutions Plaintiff / Applicant / Appellant

and

Defendant / Respondent

Coram Wilso J 11 February 2025 Court 11A Order granted TINYIKO CHAUKE

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ELECTRONICALLY SIGNED BY:

**Registrar of High Court , Gauteng
Local Division,Johannesburg**

11 FEB 2025

Wilson J

IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, JOHANNESBURG)

CASE NO: 35/2025



In the *ex parte* application of:

THE NATIONAL DIRECTOR OF

PUBLIC PROSECUTIONS

APPLICANT

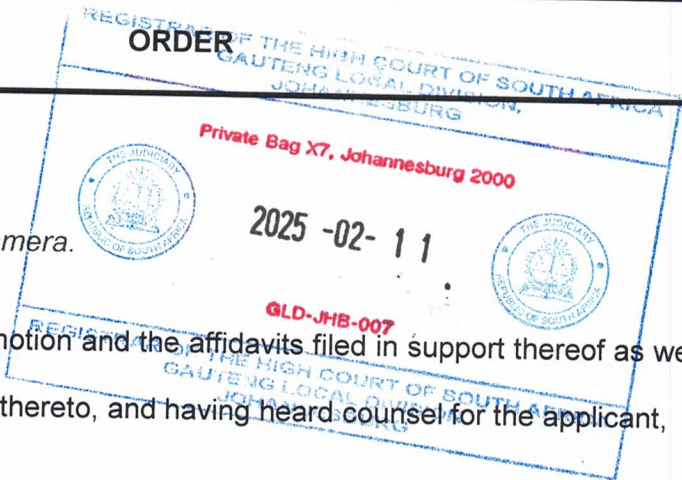
In re: an application in terms of section 23(1)(a), (b) and (c) read with section 23(2)(a) of the **Protection of Constitutional Democracy Against Terrorist and Related Activities Act 33 of 2004 (POCDATARA)**



On 11 February 2025.

Before Justice Wilson *in camera*.

Having read the notice of motion and the affidavits filed in support thereof as well as the annexures attached thereto, and having heard counsel for the applicant,



IT IS HEREBY ORDERED WITH IMMEDIATE EFFECT:

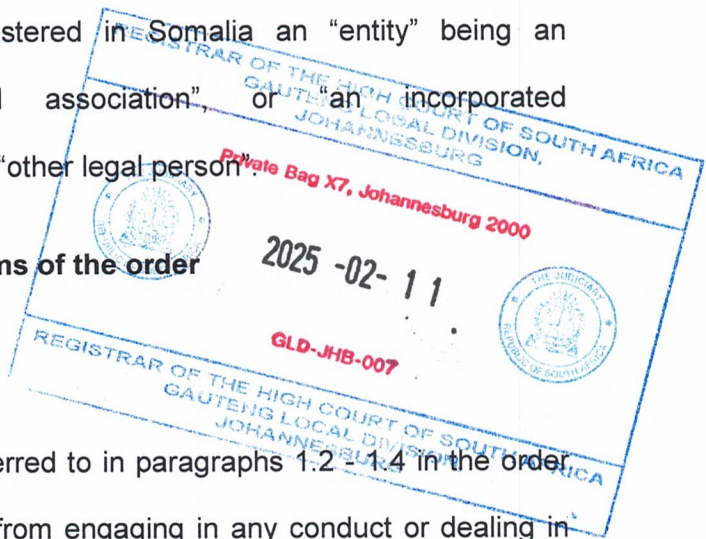
Entities to which the order relates

1. For purposes of this order the following 4 entities are recognised as being entities as defined in the Prevention of Constitutional Democracy Against Terrorist and Related Activities Act 33 of 2004 ("POCDATARA")

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regarding which there are reasonable grounds to believe that they have committed, participated in or facilitated the commission of the offence of terrorism which is a specified offence as defined in POCDATARA:

- 1.1. Abdirizak Mohamed Abdi Jimale (Jimale), an "entity" being "a natural person".
- 1.2. Bashir Abdi Hassan (**Hassan**) with ID number 7904106385186 an "entity" being "a natural person".
- 1.3. Almisbaax Pty Ltd, previously known as Heeryo Trading Enterprise Pty Ltd, registered in South Africa with registration number 2012/189591/07 an "entity" being a legal person.
- 1.4. Heeryo Trading Enterprise referred to as Heeryo Trading Enterprise registered in Somalia an "entity" being an "unincorporated association", or "an incorporated association" or "other legal person".



Prohibitions and obligations in terms of the order

- 2. It is hereby ordered that
 - 2.1. the entities referred to in paragraphs 1.2 - 1.4 in the order are prohibited from engaging in any conduct or dealing in any matter with any property owned or controlled by or on behalf of, or at the direction of, or otherwise associated with the person referred to in paragraph 1.1 or any other person

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or entity which is linked to Al-Shabaab, Da'esh/ISIS or the ADF.

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2.2. Any person or entity referred to in paragraph 1 of this order is prohibited from performing any act contemplated in section 4 of POCDATARA (financing of terrorist activities) for the benefit of, or on behalf of, or at the direction of, or under the control of any other person or entity.



2.3. the entities referred to in paragraphs 1.2-1.4 of the order are prohibited from receiving monies solely for the purposes of transferring such monies, including physical notes, to any person or entity for any reason, irrespective of whether it is done through a "cash sent" facility at a bank or through the hawala system.

Service of a notice of this order

3. A notice of the order must be served on the person identified in paragraph 1.2 in his personal capacity and in his capacity as Director of the entities referred to in paragraphs 1.3 and 1.4 of this order as well as at the registered address of the entity identified in paragraph 1.3 supra

4. The Applicant must also serve a notice of the order on

4.1. First National Bank (FNB) at care@fnb.co.za and info@fnb.co.za;

4.2. Hello Paisa at customer.support@hellogroup.co.za;

4.3. Mama Money at mama@mamamoney.co.za;

4.4. SELPAL at support@selpal.co.za and



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4.5. any person or entity who may, to the knowledge of the applicant, be affected by this order in an attempt to make this order more effective.

Reconsideration

5. Any person who has an interest in the order or who is affected by the order must give notice of his or her intention to ask for reconsideration of the order should it wish to challenge the order



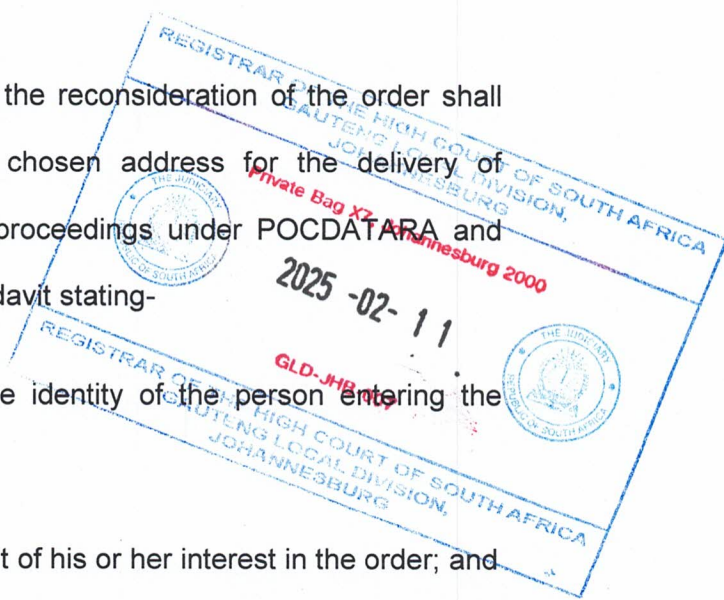
6. Such notice shall be delivered to the National Director via the State Attorney -

6.1. within 14 days after service of this order; or

6.2. within 14 days after the date upon which notice of this order was published in the Government Gazette

whichever is the later.

7. A notice of intention to ask for the reconsideration of the order shall contain full particulars of the chosen address for the delivery of documents concerning further proceedings under POCDATARA and shall be accompanied by an affidavit stating-



7.1. full particulars of the identity of the person entering the appearance;

7.2. the nature and extent of his or her interest in the order; and

7.3. the bases upon which he or she intends to ask for reconsideration.

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8. The applicant, through its attorney, shall within 3 days of receipt of the notice of intention to ask for the reconsideration of the order,

8.1. provide the person who furnished the notice to the applicant with a copy of the application, or

8.2. inform the party in writing that it is refusing to make a copy of the proceedings available to the person or entity as well as the reasons for such refusal.



9. In the case of a person applying for reconsideration, such application shall be made:

9.1. upon 5 days' notice (or such shorter period as the court may determine on good cause shown) in cases of urgency.

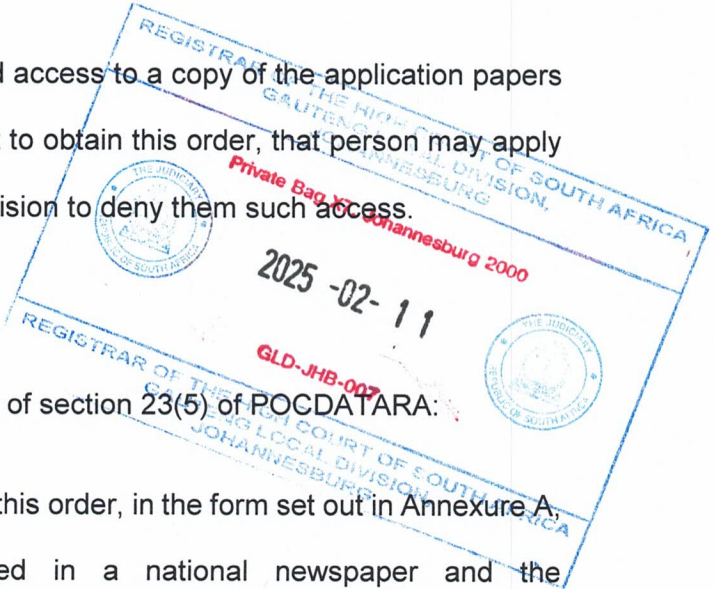
9.2. in all other cases, upon at least 14 days' notice to the applicant.

10. If a person has been denied access to a copy of the application papers relied upon by the applicant to obtain this order, that person may apply to court to set aside the decision to deny them such access.

Publication

11. The applicant must in terms of section 23(5) of POCDATARA:

11.1. cause notice of this order, in the form set out in Annexure A, to be published in a national newspaper and the Government Gazette as soon as practicable after the order is granted.



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11.2. maintain on the website of the National Prosecuting Authority, a record of all orders made under sec 23(1) of POCDATARA.

12. The applicant is ordered to file in the court file a copy of

- 12.1. the publication in a National Newspaper;
- 12.2. the publication in the Government Gazette;
- 12.3. the returns of services of entities that were served.



Security concerns

13. A copy of the application and order issued by the court must be retained by the Registrar and the court file and its contents must be kept in a locked cabinet or safe and any request for access to the application or the court file must be made to the applicant's attorney of record.

BY ORDER OF THE COURT

THE REGISTRAR OF THE HIGH COURT



ANNEXURE A

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NOTICE IN TERMS OF THE PROTECTION OF CONSTITUTIONAL DEMOCRACY AGAINST TERRORISM
AND RELATED ACTIVITIES ACT 33 of 2004 (POCDATARA)

The National Director of Public Prosecutions (NDPP) applied for and was granted a prohibition order in terms of section 23(1) read with section (2)(1) of POCDATARA in the High Court of South Africa (South Gauteng Division, Johannesburg) on 11 February 2025 in case number 35/2025.

- 1 The order was made in relation to the following entities:
 - 1.1 Abdirizak Mohamed Abdi Jimale (Jimale), an "entity" being "a natural person".
 - 1.2 Bashir Abdi Hassan (Hassan) with ID number 7904106385186 an "entity" being "a natural person".
 - 1.3 Almisbaax Pty Ltd, previously known as Heeryo Trading Enterprise Pty Ltd, registered in South Africa with registration number 2012/189591/07 an "entity" being a legal person.
 - 1.4 Heeryo Trading Enterprise referred to as Heeryo Trading Enterprise registered in Somalia an "entity" being an "unincorporated association", or "an incorporated association" or "other legal person".
- 2 There are reasonable grounds to believe that these entities have committed, participated in or facilitated the commission of the offence of terrorism which is a specified offence as defined in POCDATARA.
- 3 The following prohibitions and obligations were ordered namely that:
 - 3.1 the entities referred to in paragraphs 1.2 - 1.4 in the order are prohibited from engaging in conduct or dealing in any matter with any property owned or controlled by or on behalf of, or at the direction of, or otherwise associated with the person referred to in paragraph 1.1 or any other person or entity which is linked to Al-Shabaab, Da'esh/ISIS or the ADF.
 - 3.2 Any person or entity referred to in paragraph 1 of this order is prohibited from performing any act contemplated in section 4 of POCDATARA (financing of terrorist activities) for the benefit of, or on behalf of, or at the direction of, or under the control of any other person or entity.
 - 3.3 the entities referred to in paragraphs 1.2-1.4 of the order are prohibited from receiving monies solely for the purposes of transferring such monies, including physical notes, to any person or entity for any reason, irrespective of whether it is done through a "cash sent" facility at a bank or through the hawala system.
- 4 A copy of the order can be obtained from the applicant's attorney of record (see paragraph 13.)
- 5 Take notice that non-compliance with this order may amount to a criminal offence.
- 6 Such notice shall be delivered to the National Director via the State Attorney –
 - 6.1 within 14 days after service of this order; or
 - 6.2 within 14 days after the date upon which notice of this order was published in the Government Gazette
 whichever is the later.
- 7 A notice of intention to ask for the reconsideration of the order shall contain full particulars of the chosen address for the delivery of documents concerning further proceedings under POCDATARA and shall be accompanied by an affidavit stating-
 - 7.1 full particulars of the identity of the person entering the appearance;
 - 7.2 the nature and extent of his or her interest in the order; and
 - 7.3 the bases upon which he or she intends to ask for reconsideration.
- 8 The applicant, through its attorney, shall within 3 days of receipt of the notice of intention to ask for the reconsideration of the order,
 - 8.1 provide the person who furnished the notice to the applicant with a copy of the application, or
 - 8.2 inform the party in writing that it is refusing to make a copy of the proceedings available to the person or entity as well as the reasons for such refusal.
- 9 In the case of a person applying for reconsideration, such application shall be made:
 - 9.1 upon 5 days' notice (or such shorter period as the court may determine on good cause shown) in cases of urgency.
 - 9.2 in all other cases, upon at least 14 days' notice to the applicant.
- 10 If a person has been denied access to a copy of the application papers relied upon by the applicant to obtain this order, that person may apply to court to set aside the decision to deny them such access.
- 11 Wherever this order states that you must deliver or serve any notice, affidavit or other process document on the applicant, you must deliver or serve them on the applicant at the following address:
 The State Attorney: Mr MM Mahloko
 95 Albertina Sisulu Street & Kruis Street
 North State Building
 Johannesburg
 Ref: 4053/2024/P14 MM Mahloko/AFU
 Tel: 081 787 6363 / 011 220 4087
 Email: MEMahloko@npa.gov.za and copy to: sdevilliers@npa.gov.za

