

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

CASE NO: 2025-038124

In the matter between:

Henry Okah ,

Plaintiff / Applicant / Appellant

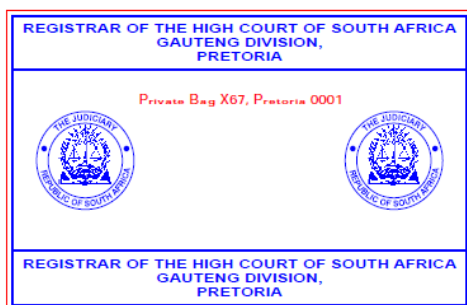
and

The Director-General, Department of Home Affairs, The Minister of Home Affairs, The National Director of Public Prosecutions, The Minister of Justice and Constitutional Development, The Minister of Correctional Services, The Minister of Police, Mrs Mohloba; Chairperson of the Case Management Committee, Zonderwater Maximum Correctional Centre, Zonderwater Parole Board, The Office of the Judicial Inspectorate for Correctional Services

Defendant / Respondent

Amended Document

NOTE: This document was filed electronically by the Registrar on 8/4/2025 at 10:11:57 AM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.



ELECTRONICALLY SIGNED BY:

Registrar of High Court of South Africa , Gauteng Local Division, Pretoria

**IN THE HIGH COURT OF SOUTH AFRICA
(NORTH GAUTENG, PRETORIA)**

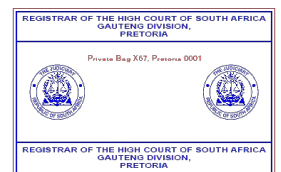
CASE NO: 038124/2025

In the matter between:

HENRY OKAH

APPLICANT

And



**THE DIRECTOR – GENERAL,
DEPARTMENT OF HOME AFFAIRS**

1ST RESPONDENT

THE MINISTER OF HOME AFFAIRS

2ND RESPONDENT

**THE NATIONAL DIRECTOR OF
PUBLIC PROSECUTIONS**

3RD RESPONDENT

**THE MINISTER OF JUSTICE AND
CONSTITUTIONAL DEVELOPMENT**

4TH RESPONDENT

**THE MINISTER OF CORRECTIONAL
SERVICES**

5TH RESPONDENT

THE MINISTER OF POLICE

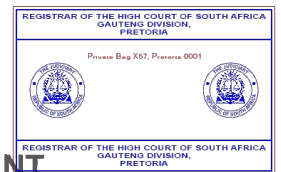
6TH RESPONDENT

**MRS MOHLOBA; THE
CHAIRPERSON OF THE CASE
MANAGEMENT COMMITTEE,
ZONDERWATER MAXIMUM
CORRECTIONAL CENTRE**

7TH RESPONDENT

THE ZONDERWATER PAROLE BOARD

8TH RESPONDENT



**THE OFFICE OF THE JUDICIAL
INSPECTORATE FOR CORRECTIONAL
SERVICES**

9TH RESPONDENT

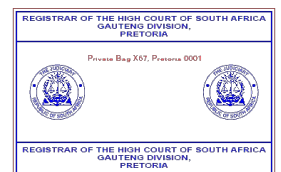
APPLICATION FOR A PROHIBITORY INTERDICT: AMENDED NOTICE OF MOTION

KINDLY TAKE NOTICE that **HENRY EMOMOTIMI OKAH (HENRY OKAH)** hereinafter referred to as the Applicant will at 10h00 on Tuesday 15 April 2025, or so soon thereafter as may be determined by the court, apply for an order in the following terms:

1. That this matter be regarded as one of urgency and that compliance with the Uniform Rules of Court ("Uniform Rules") pertaining to time periods, service and form be dispensed with in terms of Rule 6 (12)(a).

2. That condonation be granted

3. Pending the outcome of proceedings referred to in paragraph 4 below:



3.1 Interdicting and preventing First to Sixth Respondents and through them all members of the South African Police Services and the Department of Correctional Services, and, all immigration officials from taking any action whatsoever in consequence of First and/or Second Respondent(s), and /or persons acting under the authority of First and/or Second Respondent(s) having declared the Applicant to be an illegal foreigner as contemplated in section 32 of the Immigration Act No.13 of 2002 ("Immigration Act")

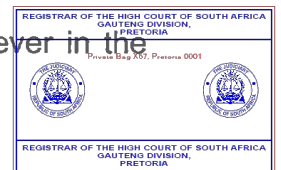
3.2 Interdicting Seventh Respondent and/or persons acting under the authority of Seventh Respondent from recommending the Applicant for release on parole whereas the Applicant never sought such release nor complies with the requirement for release on parole

3.3 Interdicting Eight Respondent and/or Parole Boards in the Gauteng Province and/or all persons acting under the authority of Eight Respondent from granting the Applicant's release on parole where the Applicant does not comply with the provisions of section 45(1) of the Correctional Services Act No.111 of 1998 and

other relevant provisions of the same Act, and further where the applicant does not indicate his wish to be released on parole.

3.4 Without derogating from the generality of the afore - said, interdicting and preventing First to Eighth Respondents and all persons acting under their authority from:

3.4.1 Forcibly affixing the Applicant's fingerprints to any document whatsoever in the absence of a court order to that effect;



3.4.2 Arresting and/or detaining and/or assisting in the arrest and /or detention of the Applicant on the basis of him being illegally present in the Republic;

3.4.3 Preventing the Applicant from leaving the territory of South Africa on any such travel document(s) as may entitle him to lawfully depart from a designated port of entry in the event of his release from ongoing detention by an order of the Constitutional Court;

3.4.4 Seeking and/or effecting and/or assisting to effect the Applicant's transfer to Nigeria or any other State;

3.4.5 Arresting and/or detaining the Applicant in the event of his release by the Constitutional Court on the basis of allegations in respect of which he had not formally been charged, prior to the bringing of this application.

4. The proceedings contemplated in paragraph 3 above are proceedings:

- 4.1 To be brought in the Constitutional Court challenging the lawfulness of the Applicant's detention in terms of section 35(2)(d) of the constitution;
- 4.2 The enquiry directed by the Judicial Conduct Committee in its 12 February 2025 ruling in complaint number JSC/25/03/24
- 4.3 An application for the rescission of the judgment and order of the Constitutional Court in S V Okah [2018] ZACC3 in the event that the enquiry mentioned in paragraph 4.2 above yields a favourable outcome
- 4.4 To be brought in the North Gauteng High Court Pretoria seeking a rescission of the preservation order on the Applicant's home granted to Third Respondent in North Gauteng High Court.
- 4.5 To be brought in the North Gauteng High Court Pretoria seeking a rescission of the attachment order granted to the South African Revenue Services (SARS) in North Gauteng High Court **case number 55659/21**
- 4.6 Brought by the Applicant upon his release from prison and which within 14 days challenges and decision of First and/or Second Respondent and/or the Department of Home Affairs (DHA) that revokes his (Applicant's) permanent residence permit issued by the DHA on 13 March 2007



5. Permitting the Applicant to at all times retain on his person copies of the sought order, for purposes of displaying same to any member of the South African Police Service and/or the Department of Correctional Services, and, to any immigration officer and/or any other peace officer, should such person(s) attempt to arrest the Applicant; so as to warn him or her to desist from taking any such actions which may result in the Applicant's arrest and/or detention

6. Granting any further and/or alternative relief as this honourable court deems



AND FURTHER TAKE NOTICE that documents hereto attached accompany and are in support of this application

AND FURTHER that if you intend to oppose this application, you are required to lodge your opposing papers after prior service on the Applicant with the Registrar of the above court as soon thereafter service of this Application upon you;

AND FINALLY TAKE NOTICE that the Applicant has appointed the following address at which he shall be served with opposing papers, and to which further correspondence should be sent:

1. **MR HENRY OKAH**
ZONDERWATER MAXIMUM

CORRECTIONAL CENTRE,

CULLINAN – PRETORIA

EMAIL: henryokah@gmail.com

sirwilly2k4@gmail.com



HENRY EMOMOTIMI OKAH

(APPLICANT)

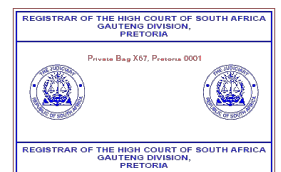
PRETORIA ^{4th} APRIL 2025



TO: THE REGISTRAR OF THE ABOVE
HONOURABLE COURT

AND TO: THE STATE ATTORNEY PRETORIA
GROUND FLOOR, SALU BUILDING,
316 THABO SEHUME STREET,
PRETORIA
(ATTORNEYS FOR FIRST, SECOND,
FOURTH, FIFTH, SIXTH AND
SEVENTH RESPONDENTS)

AND TO: THE NATIONAL DIRECTOR OF
PUBLIC PROSECUTIONS,
123 WESTLAKE AVENUE,
WEAVIND PARK,
SILVERTON, PRETORIA
EMAIL: Mmaphike@npa.go.za /
achauke@npa.gov.za



AND TO: THE ZONDERWATER PAROLE BOARD
1 JACARANDA ROAD, CULLINAN
PRETORIA

AND TO: THE JUDICIAL INSPECTORATE
CORRECTIONAL SERVICES
349 WITCH – HAZEL AVENUE,
ECO – ORIGIN PARK – BLOCK C3,
HIGHVELD, CENTURION 0157,
PRETORIA

