

Source: <https://nation.africa/kenya/counties/nairobi/sh88m-property-sale-in-somalia-and-why-nairobi-court-blocked-use-of-funds-westlands-house-on-terrorism-charges-4658598#story>

The High Court has blocked the sale or transfer of an apartment in Nairobi's Westlands area suspected to have been purchased from funds linked to terrorism as proceeds originated from the sale of a house in Somalia.

Justice Nixon Sifuna also allowed the preservation of over Sh8.5 million held in two bank accounts at I&M Bank, suspected to be proceeds of crimes, for 90 days. Assets Recovery Agency (ARA) moved to court seeking the preservation of the funds held at the bank in the names of Gibriel Cusman Moxamed and Jibca Services Limited.

The apartment was identified as unit 1 Green Peaks, erected on a plot along Eldama Ravine Road, in Nairobi and registered in the name of Jibca Services Limited, where Mr Moxamed is a co-director.

"The same is hereby certified as urgent and orders hereby granted allowing the application as prayed. The orders to last for 90 days from today," Justice Prof Sifuna said.

The agency said it received information on April 8 of a suspected case of terrorism financing and money laundering. This was after Mr Moxamed and the company received funds from Abdinasir Ali Mahamud, who has been listed on the OFAC Treasury Sanctions Network Financing Houthi aggression and instability in Yemen.

The court was informed that the funds were wired between February 29 and March 1, 2024, to Jibca Services, after the sale of a house in Somalia.

"That the funds were supported by a house sale agreement between the 1st respondent (Moxamed) as the seller and Abdinasir Ali Mahamud as the buyer for \$2,200,000," the agency said in the application.

The agency added that its investigations revealed that the funds held by the company and later transacted by Mr Moxamed are questionable. ARA said the house in Nairobi worth more than Sh100 million was allegedly purchased with funds whose source is questionable. Mr Moxamed, the agency said, is a Somali-born UK national and one of the two directors of the firm and the company incorporated on February 9, this year. The court heard that between February 29, and March 1, 2024, the company received a total of \$560,000 from the sale of a house in Somalia.

The funds were then rapidly transferred with \$510,000 sent to Jibca's shillings account and \$50,000 was sent to Mr Moxamed's bank accounts. Between March 11 and 14, this year, the company's shillings account received Sh67.88 million from the dollar account, the agency added.

From the funds, Sh66 million was transferred to Siana Properties Ltd, for part payment of Unit 1 Green Peaks, in Westlands. One of the accounts at I&M Bank holds Sh6.77 million and \$293, while a second bank account holds Sh1.8 million.

"The investigation established that transactional activities in the account held by the 1st and 2nd respondents are inconsistent with the explanation and documents provided to support the transaction," Mr Bernard Gitonga, an investigator with the agency said.

When asked about the source, the agency said Mr Cusman could not give a clear description of the source of the funds and the supporting transactions he provided, are inconsistent. “That pursuant to section 82(2) of the Proceeds of Crime and Anti-Money Laundering Act, there are reasonable grounds to believe that the funds and the house are tainted property and proceeds of crime,” the agency said. ARA told the court that there was a risk of the funds being withdrawn or transferred out of the country before the investigations are complete. The investigating officer said Mr Abdinasir Ali Mahamud is a perfect match for “Abdinasir Ali Mahamud” who is listed on OFAC- Treasury sanctions network financing Houthi aggression and instability in Yemen. The said Mahamud had indicated in his documents that he was Somali’s ambassador to Malaysia in 2016 but ARA said investigations showed that the ambassador of Somalia to Malaysia then was Abuukar Abdi Osman.

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