

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)

In re: :
JANE DOE, *et alii*, :
Plaintiffs, :
versus : Civil Action No. 05-701
YUSUF ABDI ALI, :Next Event Currently Scheduled: 25 July 2005
Defendant. :Depositions of Plaintiffs, *in situ*, in Hargeisa, historic
:Somalia, East Africa
:

***PRAECIPE AND NOTICE OF MOTIONS AND MOTIONS BY YUSUF ABDI ALI
FOR RECONSIDERATION OF 29 APRIL 2005 ORDER, INTER ALIA,
DIRECTING PLAINTIFFS' DEPOSITIONS TO TAKE PLACE IN HISTORIC
SOMALIA AND 28 JANUARY 2005 ORDER, INTER ALIA, AUTHORIZING
PLAINTIFFS TO PROCEED ANONYMOUSLY, AND MOTION FOR
PROTECTIVE ORDER TO BAR PLAINTIFFS FROM TAKING WITNESS
DEPOSITIONS IN HISTORIC SOMALIA, AND CONTINGENT MOTION BY
YUSUF ABDI ALI FOR CERTIFICATION OF QUESTION(S) FOR
INTERLOCUTORY APPELLATE REVIEW, AND FOR THE ISSUANCE OF A
STAY OF PROCEEDINGS PENDING APPELLATE REVIEW***

Dear Madam Clerk:

1 July

KINDLY TAKE NOTICE that, on Friday, ~~24 June~~ 2005, at Ten o' Clock in the forenoon (Eastern Daylight Time), or as soon thereafter as counsel may be heard, the undersigned, viz., counsel for your defendant, intends to be heard in respect of his "MOTIONS BY YUSUF ABDI ALI FOR RECONSIDERATION OF 29 APRIL 2005 ORDER, INTER ALIA, DIRECTING PLAINTIFFS' DEPOSITIONS TO TAKE PLACE IN HISTORIC SOMALIA, AND 28 JANUARY 2005 ORDER, INTER ALIA, AUTHORIZING PLAINTIFFS TO PROCEED ANONYMOUSLY, AND MOTION FOR PROTECTIVE ORDER TO BAR PLAINTIFFS FROM TAKING WITNESS DEPOSITIONS IN HISTORIC SOMALIA, AND CONTINGENT MOTION BY YUSUF ABDI ALI FOR

KET

CERTIFICATION OF QUESTION(S) FOR INTERLOCUTORY APPELLATE REVIEW, AND FOR THE ISSUANCE OF A STAY OF PROCEEDINGS PENDING APPELLATE REVIEW,” set forth hereinafter.

Thank you for your attention and courtesies.

Respectfully submitted,

/s/Joseph Peter Drennan
JOSEPH PETER DRENNAN
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ATTORNEY AND
COUNSELLOR,
IN PRAESENTI,
FOR YUSUF ABDI ALI

MOTIONS BY YUSUF ABDI ALI FOR RECONSIDERATION OF 14 JUNE 2005 ORDER, INTER ALIA, DIRECTING PLAINTIFFS' DEPOSITIONS TO TAKE PLACE IN HISTORIC SOMALIA, AND 28 JANUARY 2005 ORDER, INTER ALIA, AUTHORIZING PLAINTIFFS TO PROCEED ANONYMOUSLY, AND MOTION FOR PROTECTIVE ORDER TO BAR PLAINTIFFS FROM TAKING WITNESS DEPOSITIONS IN HISTORIC SOMALIA, AND CONTINGENT MOTION BY YUSUF ABDI ALI FOR CERTIFICATION OF QUESTION(S) FOR INTERLOCUTORY APPELLATE REVIEW, AND FOR THE ISSUANCE OF A STAY OF PROCEEDINGS PENDING APPELLATE REVIEW

COMES NOW, before this Honorable Court, your defendant in respect of the above-encaptioned cause, viz., YUSUF ABDI ALI, by and through his undersigned attorney and counsellor at law, *in praesenti*, viz., Joseph Peter Drennan, and pursuant to the provisions of, *inter alia*, The Constitution of the United States of America, Article 1, F. R. Civ. P. 10 (a), F. R. Civ. P. 26 (c) (1), F. R. Civ. P. 44, F.

R. Civ. P. 59 (e), 28 U.S.C., § 1292 (b), and F. R. App. P. 8 (a), respectfully: i.) for reconsideration of the Order entered by this Honorable Court, *sua sponte*, of the 14 June 2005, *inter alia*, directing that plaintiffs' Depositions be given from Somalia, during the week of 25 July 2005, so as to move the time frame for such depositions of plaintiffs, or, for that matter, any other discovery depositions, so as not to coincide or otherwise to conflict with the impending criminal trial of your defendant's wife, *viz.*, Intisar Kahlif Farah, during the week of 25 July 2005; ii.) for a protective order precluding your plaintiffs from taking any witness depositions in the territory presently known as historic Somalia, all of which presently lacks a government recognized by the United States of America; iii.) for reconsideration of ~~28 January 2005~~ the Order entered by this Honorable Court in the subject antecedent action (*Jane Doe, et alii, v. Yusuf Abdi Ali*, Civil Action No. 04-1361); & iv.) contingently, your defendant would further move this Honorable Court for the certification for immediate appellate review, of the issue of whether, *vel non*, this Honorable Court may constitutionally receive evidence given by parties or witnesses from historic Somalia, a land that is presently bereft of a government recognized by the United States of America, and for a stay of the instant proceedings pending any such appellate review; and, in support whereof, your defendant would direct the attention of this Honorable Court to the following considerations, *viz.*

A. Introduction

The instant cause, filed on the 13th of June 2005, *id est*, less than a fortnight ago, represents, essentially, a recommencement of an assortment of civil claims brought against your defendant, *viz.*, Yusuf Abdi Ali, a Virginia domiciliary and Legal Permanent Resident Alien of the United States of America, by two plaintiffs who are each adult Somali individuals said to reside in the territory of historic Somalia, which, significantly, has no government that has been recognized by the Government of the United States of America, who have each been granted leave by this Honorable Court to proceed anonymously, over the objections of your defendant. The putative jurisdictional basis for your plaintiffs' subject action is asserted to be the Torture Victims Protection Act, Pub. L. No. 102-256, 106

Stat. 73, and Alien Tort Claims Act, codified at 28 U.S.C., § 1350. In the Complaint filed in the subject antecedent action, on 10 November 2004, your plaintiffs purported to assert and make actionable a veritable litany of odious wrongdoing, all of which was said to have been perpetrated in Somalia, in the 1980s, which your plaintiffs have characterized variously as, *inter alia*, “torture”, “war crimes” and “crimes against humanity”. Your defendant, through his pleading to this Honorable Court as well as in the arguments of the undersigned at the numerous hearings before this Honorable Court that have been held in the instant litigation has, consistently and steadfastly, denied the substance of the subject charges, as well as to assert that, since the alleged occurrences all date back *over fifteen years*, with some aspect of the subject allegations dating back *over twenty years*¹, the instant action time-barred, under the governing ten year Statute of Limitations. Beyond that, your defendant, through the undersigned, duly apprised this Honorable Court of the recent decision of the United States Court of Appeals for the Eleventh Circuit in the case of *Arce, et alii v. Garcia and Cassanova*, 400 F. 3d 1340 (11th Cir. 2005) (Decided 28 February 2005), which persuasive authority essentially put paid to the premise of your plaintiffs' plea for equitable tolling, *viz.*, that your plaintiffs somehow should be excused from compliance with the applicable Statute of Limitations because they lived under tyranny, under the regime of Siad Barre, and, likewise, in the aftermath of the fall of the said regime, because of turbulent conditions in Somalia. Your defendant also stressed that, inasmuch as your plaintiffs apparently made no efforts, whatsoever, to secure the requisite permission and travel documents to come to the United States in order to prosecute their case, they should not be afforded relief from the requirements of Local Rule 30 (A), that they appear for deposition at the undersigned's law office, upon the issuance of appropriate notice by your defendant.

In late April of 2005, incidentally, after your defendant gave his deposition in the Virginia law office of your plaintiffs' counsel, and after your defendant had moved for terminating sanctions under F.

¹ See, e.g.: “COMPLAINT FOR TORTURE; ATTEMPTED EXTRA JUDICIAL (sic.) KILLING; CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT; ARBITRARY DETENTION; CRIMES AGAINST HUMANITY; AND WAR CRIMES.” at Page 5, ¶ 18, *et seq.*, which references alleged wrongdoing supposedly attributable to your defendant, said to have occurred “[o]n or about an evening in early October, 1984 . . .”.

R. Civ. P. 37, upon your plaintiffs' continued failure to appear for deposition, your plaintiffs moved for a voluntary dismissal with conditions, under the provisions of F. R. Civ. P. 41. On 29 April 2005, this Honorable Court granted the said latter motion, *inter alia*, allowing your plaintiffs to recommence their action, which they manifestly did, on 13 June 2005.

The said re-filing of the instant action was accompanied by a certification by your plaintiffs, *inter alia*, arranged to make the logistical preparations to have the plaintiffs testify, by way of a live video and audio feed, commencing on 25 July 2005, to a courtroom of this Honorable Court, in Alexandria, Virginia, with a judge or magistrate judge of this Honorable Court to preside over said depositions. It bears mention here that, *inter alia*, at the 29 June 2005 hearing in the antecedent action, your defendant, through the undersigned, indicated to this Honorable Court, *inter alia*, essentially, that your defendant was adamantly opposed to your plaintiffs' being allowed leave to testify from East Africa, in any event, but that, notwithstanding that this Honorable Court, *sua sponte*, ordained the live video link solution, your defendant, through undersigned counsel, at the very least, desires that undersigned counsel exercise the defendant's prerogative of his counsel's being physically present wherever the plaintiffs would be directed to testify, even if your defendant, personally, would have to stay behind and participate in the depositions from the video link feed to the courthouse in Alexandria, Virginia.

Just two weeks ago, per a letter despatched to the undersigned from plaintiffs' counsel, a true copy of which is annexed hereunto and incorporated herewith by reference thereto, *qua* "Exhibit 'A'", your plaintiffs' foreshadowed their desire to testify from Somalia, and indicated, without specifying any details, that they intended to have several of their witnesses testify from Somalia as well. Before the undersigned could respond to said letter, your plaintiffs recommenced the instant action on the next business day, and filed their "Certification" with this Honorable Court. Significantly, just as your plaintiffs' deigned to initiate the subject antecedent action on 10 November 2004, hiding behind

pseudonyms, so did they recommence their stale and meritless cause, again hiding their supposed true identities from the public.

The very day following the re-filing of the Complaint and the aforesaid “Certification”, *id est*, on 14 June 2005, this Honorable Court entered an Order, a true copy of which is annexed hereunto *qua* “Exhibit 'B'”, *inter alia*, adopting your plaintiffs’ “Certification”, *in toto*, including the plaintiffs’ proposed scheduling of their deposition testimony, *in situ*, from Hargeisa, historic Somalia, and further ordering, *inter alia*,

“ . . .that plaintiffs’ counsel certify to the Court that the depositions (of the plaintiffs) do not violate the laws of the place where the deponents will be present when they are questioned [.]”

14 June 2005 Order at p. 2.

B. The Reasons for the Instant Motions for Reconsideration

i. The Situs of the Proposed Depositions is Lawless and Dangerous:

The record herein, including the extensive proceedings contained in the subject antecedent proceeding, is replete with descriptions and documentation of the colossal human human and political tragedy that characterizes contemporary Somalia. Today, the Government of the United States recognizes no government over the region historically known as Somalia, including the war ravaged City of Hargeisa, where your plaintiffs propose to take an oath or affirmation and give their respective depositions,, and has not recognized any government in such territory since recognition of the former regime of Siad Barre, which fell in January of 1991, was withdrawn.

Annexed hereunto, and incorporated herewith by reference thereto, as if set out in full, *qua* “Exhibit 'C'”, is a true copy of the profile of Somalia issued by the United States Department of State and posted at the State Department's Official Internet Website (hereinafter referenced *qua* “The State Department Profile”).² Although the Issaq clan, to which your plaintiffs are said to belong, calls its rump redoubt in

² Said profile may be found at the following URL, viz.: <http://www.state.gov/r/pa/ei/bgn/2863.htm>

the northern region of historic Somalia the “Republic of Somaliland”, The State Department Profile observes, *inter alia*, that:

“The self-declared, and unrecognized by the international community, Republic of Somaliland consists of a regional authority based in the northern city of Hargeisa, including a President, Vice President, Parliament and Cabinet officials.”

(The State Department Report @ p.7 thereof).

In contradistinction to to the manifest refusal of the Government of the United States to confer recognition upon the “Republic of Somaliland,” The State Department Profile includes rather more hopeful and sympathetic references to the aborning Transitional Federal Government of the Somali Republic, as exemplified, *inter loci*, in the following statement, viz.:

“Somalia has no national government at present; however, a two-year reconciliation process led by the Inter-governmental Authority on Development (IGAD) concluded in October 2004 following the formation of a transitional parliament, known as the Transitional Federal Assembly, in August 2004 and the election of a Transitional President in October 2004. *The formation of transitional governing institutions, known as the Transitional Federal Government, is currently ongoing.*”

(*Id.* @ p. 6 thereof).

Your defendant respectfully submits that, although the Government of the United States has yet to recognize the Transitional Federal Government, upon information and belief, it is only because of the current fledgling nature of the Transitional Federal Government, which is currently in the midst of a contentious and difficult process aimed towards establishing itself inside Somalia (it was formed in exile, in Kenya, and only completed transfer of officials and parliamentarians from Kenya to Somalia proper. Annexed hereunto and incorporated herewith, as if set out in full, *qua* “Exhibit 'D'”, is a true copy of an online news story posted yesterday, *id est*, 23 June 2005, in the reputable online publication *Han-Geeska Afrika Online*, entitled “Washington Urged Somalia Rapid Relocation,” which, upon information and belief, provides, *inter alia*, a reasonably accurate account of the current state of efforts

on the part of the Transitional National Government to establish itself inside Somalia, as well as of the hortatory efforts by the State Department to urge the factions comprising the Transitional National Government to agree “. . . a viable national plan for relocation and security.”³

In sum, your defendant respectfully submits that, since Somalia has no government that has been recognized by the United States Department of State, then the place generally known as historic Somalia, including the place where the depositions of the plaintiffs would be given per the aforesaid 14 June 2005 Order of this Honorable Court, then the place has no law, whatsoever, *ipso facto*, at least no law worthy or susceptible of recognition by this Honorable Court.

Besides being a lawless place, historic Somalia is also extremely dangerous. Annexed hereunto, and incorporated herewith by reference thereto, as if set out in full, *qua* “Exhibit ‘E’”, is a true copy of the United States Department of State Travel Warning respecting Somalia, which is stated to be current, at least as of this writing, *id est*, 24 June 2005 (hereinafter “Travel Warning”). *Inter alia*, the Travel Warning states that:

“The Department of State warns U.S. citizens against all travel to Somalia, including the self proclaimed 'independent Republic of Somaliland'. Inter-clan and inter-factional fighting can flare up with little warning, and *kidnapping, murder, and other threats to U.S. citizens and other foreigners can occur unpredictably in many regions. There is no U.S. Embassy or other U.S. diplomatic presence in Somalia*”

(Travel Warning @ 1) (emphasis added).

That your plaintiffs would seek to draw this Honorable Court into conducting legal proceedings in a lawless and dangerous land is, to say the least, disturbing. It is more disturbing that, throughout the course of the subject proceedings, in the face of the dire authoritative pronouncements from the State Department, your plaintiffs have persistently painted a veritable Potemkin Village of “Somaliland”, as being some sort of benign locale, and we respectfully submit that such a flight from reality is suggestive, to say the least, of a political agenda in advancing this suit, all of which would be

³ Said article may be readily located on the Internet at the following URL, *viz.*:
http://www.geeskaafrika.com/somalia_23june05.htm

susceptible of the appellation curious, if nothing else, were it not so prejudicial to your beleaguered defendant, and potentially hazardous to the undersigned.

Beyond the foregoing problematical considerations is to be added the small matter of the integrity of the subject proceedings and security in the Hargeisa “courtroom”. Absent the presence of his counsel, as it were, on the ground, at the situs of the subject depositions, query as to how your defendant could determine, *inter alia*: whether, *vel non*, the witnesses were subject to intimidation and threats, say by the proverbial armed militiamen or “policemen”, standing outside the door; whether, *vel non*, the witnesses were counseled during breaks in the proceedings; whether, *vel non*, the witnesses were being verbal or non-verbal cues during the course of their respective testimonies; the occurrence of any other off-camera activities either in the “courtroom” or its environs, either during the course of the proceedings, or else immediately before or after such proceedings, or else any other intuitive or observational methods that could only be done on the scene in order to ascertain just who these mysterious, elusive plaintiffs are, let alone vetting their dubious putative *bona fides* –more about that later.

If all of the foregoing considerations weren't enough reason to scrub Hargeisa as a venue for the subject deposition testimony to be given by your plaintiffs and their supposed “witnesses”, the fundamental impossibility of providing security to the “courtroom” ought, we respectfully submit, to disqualify anywhere in Somalia from being an appropriate situs for conducting the subject depositions. Since, upon information and belief, Somalia has become a haven and fertile recruiting and training ground for al-Qaeda, the siting of any American legal proceedings anywhere in that troubled land would appear inherently risky. Who would provide security? The American military, upon information and belief, has not conducted military operations in Somalia since 1993, in the aftermath of “Black Hawk Down”. Upon further information and belief, there is no United Nations presence in Somalia at present, much less any “blue helmets” of foreign troops acting under the auspices of the United

Nations. Undoubtedly, in the absence of any U.S. diplomatic presence, dispatching U.S. Marshals to Hargeisa would be infeasible if not impossible.

The undersigned takes the foregoing Travel Warning seriously, but he takes the requirements of providing full and competent representation to your defendant in this matter equally seriously, and is, therefore, of the view that the only way that such professional demands can be satisfied would be to go to meet and depose the plaintiffs wherever they are directed to testify, albeit he is mindful of the profound risk of traveling to Hargeisa at this particular time, and, especially, for this particular, politically charged case. Hence, much as he would prefer that this Honorable Court require the plaintiffs, at the very least, to give their evidence, in a reasonably safe third country, if not here in Virginia, he will go to the situs of the depositions, wherever they are to be held, irrespective of possible danger to himself. Query though as to why he would be put in the position of making such a choice, especially since, your plaintiffs, in their proverbial second bite at the apple represented by the instant, refiled action, are able to exact a greater handicap for your defendant in this action than would have been the case had your plaintiffs and their witnesses journeyed to Ethiopia to give their evidence, as they all offered to do on the last go-around before this Honorable Court.

ii. This Honorable Court's Writ Does Not Run to Somalia and any Determinations by this Honorable Court as to What Constitutes "Law" in Historic Somalia Today Constitutes an Impermissible Infringement Upon the Prerogative of the Executive Branch Under Article I of the Constitution of the United States

The Government of the United States of America has not conferred recognition upon any of the factions competing for power and legitimacy in historic Somalia. As earlier stated in the antecedent action, the United States has evidently declined to confer recognition upon the "Republic of Somaliland", and, upon information and belief, is taking a "wait and see" action with respect to the Transitional Federal Government of the Somali Republic, which, at this writing, is struggling to establish an administrative presence in Somalia. Such decisions, per Article I, are the sole and

exclusive prerogative of the Executive Branch, which includes the State Department, and are, therefore, a non-justiciable issue in respect of this Honorable Court, which is governed by the provisions of Article III. Respectfully, the reason that your defendant urges that such observation is preclusive here is that, *inter alia*, when this Honorable Court mandates that plaintiffs' counsel make certifications of the law governing Hargeisa, for instance, the immediate subsidiary questions arise: what law? whose law? "Somaliland's?" The "Transitional Government's ? To the extent that it is the latter, the record is clear per the 29 March 2005 letter from the Honorable Ibrahim Sheikh Ali, Minister of State for Foreign Affairs for the Transitional Government of the Somali Republic, which was earlier submitted to this Honorable Court, a copy of which is also attached hereto, and incorporated herewith by reference thereto, as if set out in full, *qua* "Exhibit 'F'", that Government objects to the instant proceedings. Any recognition of "Somaliland law" would manifestly appear to contravene the apparently deliberate non-recognition of "Somaliland by the Executive Branch. Hence, any decisions by this Honorable Court regarding *any law* in Somalia would appear to exceed the writ afforded the Judiciary Branch under Article III.

iii. The Manifest Constitutional Concerns Said Forth in the Foregoing Analysis Can Readily be Obviated by Moving the Situs of the Subject Depositions to a Country Recognized by the United States

As adverted to above, and as fully reflected in the record of the subject antecedent action, your plaintiffs had already made provisional plans to bring the plaintiffs and their "witnesses" to Addas Ababa, Ethiopia, to testify, at a modern hotel, and had cleared such plans with the Ethiopian Government.

iv. Lingering Questions Concerning Your Plaintiffs' True Identity Make a Face-To-Face Deposition All The More Critical In Order to Ensure Your Defendant's Fundamental Right to Confront His Accusers

Tellingly, at the time of the dismissal of the antecedent action your plaintiffs voluntarily dismissed the subject antecedent action, they had furnished nary a document to establish or prove their supposed,

respective true identities –an occurrence that was remarked upon by this Honorable Court at the last hearing in respect of said matter. Since then, *id est*, at the end of May, your plaintiffs did furnish some putative documents respecting their identity; however, such documents manifestly raise more questions than they supposedly answer. For one thing, upon information and belief, the putative passports furnished by the parties, *viz.* Documents P 0608 – P0612, appear to be manifestly bogus passports supposedly issued this earlier year; the reason that your defendant can determine this is that such documents, by their respective tenor, were issued by the “Somali Democratic Republic,” a state that ceased to exist altogether in 1991. In other words, such putative passports would be roughly akin to passports being issued in 2005, in the name of the “Union of Soviet Socialist Republics” --and just as valid. Beyond that, it is widely known in East Africa that there are no meaningful controls whatsoever over the issuance of Somali passports, or, for that matter, birth certificates, and, in support of such proposition, your defendant would refer this Honorable Court to the 19 February 2005 article by Benjamin Joffe-Walt, of *The Age* newspaper, from Melbourne, Australia, dated 19 February 2005, and entitled “Somalia's Struggle for Order –Chaos and Machine-guns Rule This East African Country,” a true copy of which article is annexed hereunto, and incorporated herewith by reference thereto, as if set out in full, *qua* “Exhibit 'G'”.

Although the putative copy of a birth certificate for one plaintiff and an identification card for the other supposedly date back to the mid-1980s, your defendant, understandably, harbors grave doubts about the validity of such documents as well. Accordingly, on this date, your defendant has formally demanded from your plaintiffs immediate production of the originals of said latter documents, (*viz.*, “*confidential*” document #s P 0623, P 0624 & P 0625), so that such originals can be subject to non-destructive forensic analysis by defendant's forensic chemist, *viz.*, Erich Specken, of Specken Forensic Laboratories, of Okemos, Michigan, in order that such documents may be subject to non-destructive testing and analysis so as to assay the questioned documents' respective authenticity. In such regard,

pursuant to the Protective Orders previously entered in the subject antecedent action, viz., Document No. 32 (Magistrate Judge Poretz's Protective Order) & Document No. 36 (Judge Brinkema's Protective Order), the defendant has, concomitantly proposed this date to your plaintiffs that the said Mr. Specken be afforded leave to view and examine the said putative identity documents, and, in the process thereof,, to learn the supposed "real" names of the plaintiffs. Mr. Specken is familiar with the requirements of court protective orders respecting confidentiality and is willing to be bound by any such order(s).

v. Your Plaintiffs' Invitation to This Honorable Court to Have Somaliland Host Proceedings In the Instant Action Effectively Puts Paid to Their Supposed Need to Remain Anonymous

Your defendant also moves this Honorable Court to reconsider its ruling in the antecedent case affording the plaintiffs' leave to proceed anonymously, in light of their apparent willingness to give evidence directly from their "Somaliland" redoubt, which seems utterly at odds with their supposed fear of retribution from imagined "Red Beret" squads, supposedly roaming the "Somaliland" landscape over fifteen years after the collapse of the Siad Barre regime which was presented to this Honorable Court back in January of this year, when the issue was last addressed. Your defendant respectfully urges this Honorable Court forthwith to Order your plaintiffs to comply with the mandate of F. R. Civ. P. 10 (a), in such regard.

C. The Current Schedule for the Subject Depositions Needs to be Moved in Order to Prevent Prejudice to Your Defendant's Wife

Kindly incorporate by reference, as if set out in full, the attached Affidavit, of even date, by Peter D. Greenspun, which is designated herein *qua* Exhibit "H".


D. In the Event that this Honorable Court Were to Deny the Foregoing Request for Relief, Your Defendant Prays for Certification of This Question for Interlocutory Review and for a Stay of Proceedings Pending Appellate Review.

The unique and extraordinary circumstances posed by the instant case make the specter of irreparable harm obvious. Simply put, if he were to lose the instant case, his appellate rights would be

meaningless as he would likely have to labor under a recommencement of removal proceedings by the federal government upon being branded as a "war criminal" simultaneous to prosecuting any appeal at such late date.

E. Conclusions

WHEREFORE, upon the foregoing premises considered, your defendant ever prays that this Honorable Court modify its 14 June 2005 Order herein, *inter alia*, to direct that no deposition testimony herein, whether it be from the plaintiffs or else the plaintiffs' witnesses be taken or given in historic Somalia, and that the date(s) of any deposition testimony be charged accordingly so as not to coincide or otherwise interfere with the upcoming criminal trial of your defendant's wife, *id est*, during the week of 25 July 2005, and for such other and further relief in such regard as this Honorable Court may consider to be just and fitting, including the requirement that your plaintiffs' true names be included in an Amended Complaint; alternatively, your defendant herein would pray that this Honorable Court certify for immediate interlocutory review the question posed by the taking of evidence by this Honorable Court from an area with no government recognized by the United States, and, concomitantly, to stay the instant proceedings pending any such appellate review, and for such other and further relief as this Honorable Court may deem just and fitting under the existent circumstances.

Respectfully submitted,

/s/Joseph Peter Drennan
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ATTORNEY AND
COUNSELLOR,
IN PRAESENTI,
FOR YUSUF ABDI ALI

F. Certificate of Service

I, Joseph Peter Drennan, undersigned, hereby and herewith certify that, on the 24th of June 2005, a true cyclostyled facsimile of the foregoing was despatched by carriage of First Class Mail, through the United States Postal Service, with adequate postage prepaid thereon, enshrouded in a suitable wrapper, unto:

Robert R. Vieth, Esquire
Scott Johnson, Esquire
Daniel J. Wadley, Esquire
Tara M. Lee, Esquire
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Counsel of Record for Plaintiffs;

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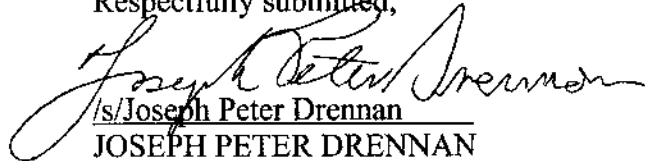
Co-Counsel of Record for Plaintiffs; and

Peter D. Greenspun, Esquire
Melinda J. VanLowe, Esquire
Greenspun & Mann, P.C.
10605 Judicial Drive
Building A-5
Fairfax, Virginia 22030-5167

*Counsel of Record for Intisar Khahlif Farah,
in Criminal Case No. 1:05cr163; and that, on even date,*

Peter D. Greenspun, Esquire, Scott Johnson, Esquire, Tara Lee, Esquire, Helene Silverberg, Esquire, Melinda J. VanLowe, Esquire, and Robert R. Vieth, Esquire, were also served, electronically, with a true copy of the foregoing,, at the respective known *e-mail* address(es) of each.

Respectfully submitted,


/s/ Joseph Peter Drennan
JOSEPH PETER DRENNAN

Cooley Godward LLP

Exhibit "A"

ATTORNEYS AT LAW

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June 10, 2005

Joseph Peter Drennan, Esq.
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SCOTT A. JOHNSON
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Re: Jane Doe, et al. v. Yusuf Abdi Ali

Dear Joseph:

As we prepare to refile the above action, I write to address several issues.

First, we are in the process of making arrangements for the deposition of the plaintiffs via videoconference per Judge Brinkema's ruling on April 29. Considering counsels' calendars, the week of July 25 is available on everyone's schedule. We understand from the Court that it is available that week as well. Thus, we will arrange for the plaintiffs' depositions to begin on Monday, July 25, 2005, and run through Thursday, July 28 or Friday, July 29, 2005. Because of the time difference, we will be proposing to the Court that the depositions begin at 8:30 a.m. our time and run until approximately 2:30 p.m.

Second, we anticipate that we will again seek to take the depositions of non-party Somali residents as potential witnesses. We anticipate that we will be conducting their depositions in Somalia, but in light of the concern you have expressed with regard to your travel to Somalia, we are willing to provide a video-link to allow you to remain in this area and participate in the depositions. We think it unlikely that the Court will allow the use of its facilities for these witness depositions, so we will be arranging for the video-link to be routed directly to a conference room here in our office. We anticipate that these depositions will begin immediately following the depositions of the plaintiffs and will continue until completed, probably by Wednesday, August 3, 2005, or Thursday, August 4, 2005, as you have informed us that you are available on those dates as well. We plan to send out notice shortly.

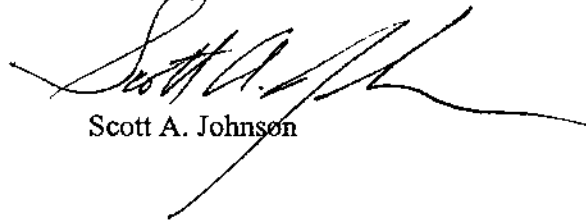
Third, you have in the past mentioned your desire to have IME's performed on the plaintiffs. Although you have not moved for any such examination as required by the Rules, and we may oppose such motion, we suggest arrangements for any such examination begin sooner rather than later. As you know, plaintiffs are unable to travel to the United States, whether for

Joseph Drennan, Esq.
Page Two

deposition, trial testimony, or medical examination. However, should the Court order an IME, plaintiffs will be made available upon reasonable notice for examination in a reasonable alternative location, such as Somalia, Ethiopia, or Djibouti.

Please feel free to contact me should you have any questions.

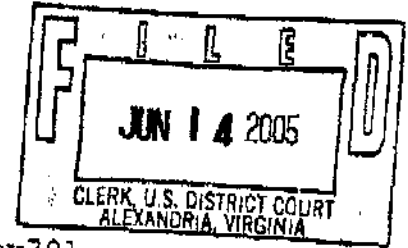
Sincerely,

A handwritten signature in black ink, appearing to read "Scott A. Johnson", with a long horizontal flourish extending to the right.

Scott A. Johnson

Exhibit "B"

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division



JANE DOE, ET AL.,

Plaintiffs,

v.

YUSUF ALI ABDI,

Defendant.

No. 1:05cv701

ORDER

On April 29, 2005, plaintiffs voluntarily dismissed civil action 1:04cv1361 without prejudice. Plaintiffs have now refiled their claims, along with a Certification Pursuant To Order Of April 29, 2005 ("Certification"), which represents that plaintiffs have complied with the conditions set forth by the Court regarding arrangements for deposing plaintiffs from Somalia via video technology. The Court finds the Certification to be acceptable.

Plaintiffs' counsel also has represented that both parties are available during the week of July 25, 2005. Accordingly, it is hereby

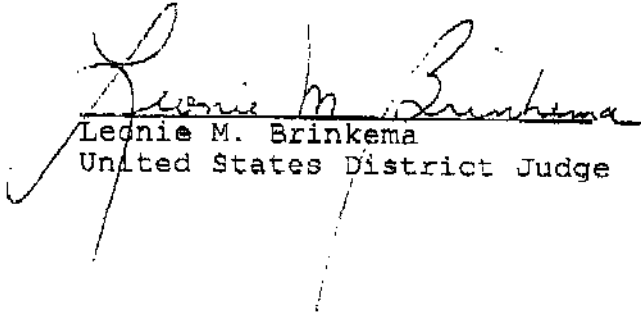
ORDERED that plaintiffs' depositions will be conducted from 8:30 a.m. until 2:30 p.m. Virginia time for a maximum of four days beginning on July 25, 2005. As either the undersigned judge or Judge Poretz will preside over each day's depositions and will administer the affirmation to the deponents, it is further

ORDERED that plaintiffs' counsel certify to the Court that the depositions do not violate the laws of the place where the deponents will be present when they are questioned; and it is further

ORDERED that to avoid any waste of the Court's time and resources, plaintiffs' counsel ensure that all technology is present and working each day in advance of the scheduled start time for the depositions. To this end, counsel may continue to work directly with the Court's technology staff.

The Clerk is directed to forward copies of this Order to counsel of record.

Entered this 14th day of June, 2005.


Leonie M. Brinkema
United States District Judge

Alexandria, Virginia



Exhibit "C"

Bureau of African Affairs
April 2005

Geography
People
History
Government
Political Conditions
Economy
Defense
Foreign Relations
U.S. Relations
Travel/Business
Background Notes A-Z

Background Note: Somalia



PROFILE

OFFICIAL NAME:
Somalia

NOTE: Somalia has been without a central government since 1991, and much of the territory has been subject to serious civil strife. There is no official U.S. representation in Somalia. Statistical data on Somalia in this report date from 2002 and are subject to dispute and error.

Geography

Area: 637,657 sq. km.; slightly smaller than Texas.
Cities: *Capital*--Mogadishu. *Other cities*--Hargeisa, Berbera, Merca, Kismayo, Bosasso, Baldoa.
Terrain: Mostly flat to undulating plateau rising to hills in the north.
Climate: Principally desert; December to February--northeast monsoon, moderate temperatures in north, and very hot in the south; May to October--southwest monsoon, torrid in the north, and hot in the south; irregular rainfall; hot and humid periods (tangambili) between monsoons.

People

Nationality: *Noun*--Somali(s). *Adjective*--Somali.
Population (July 2001 est., no census exists): 7,488,773 (of which an estimated 2-3 million in Somaliland).
Annual growth rate (2001 est.): 3.48%.
Ethnic groups: 85% Somali, 15% non-Somali (Bantu and Arabs).
Religion: 99.9% Muslim.
Languages: Somali (official), Arabic, Italian, English.
Education: *Literacy*--total population that can read and write, 24%: male 36%; female 14%.
Health: *Infant mortality rate*--123.97/1,000 live births. *Life expectancy at birth*--total population: 46.6yrs.
Work force (3.7 million; very few are skilled workers): *Pastoral nomad*--60%. *Agriculture, government, trading, fishing, industry, handicrafts, and other*--40%.

Government

Type: None.
Independence: July 1, 1960 (from a merger of the former Somaliland Protectorate under British rule, which became independent from the UK on June 26, 1960, and Italian Somaliland, which became independent from the Italian-administered UN trusteeship on July 1, 1960 to form the Somali Republic).
Constitution: None in force. Note: A Transitional Federal Charter was established in February 2004 and is expected to serve as the basis for a future constitution in Somalia. In August 2004, the Somali Transitional Federal Assembly (TFA) was

established as part of the IGAD-led Somalia National Reconciliation Conference in accordance with the Charter. The Somalia National Reconciliation Conference concluded following the election of a Transitional President in October 2004. Branches: *Executive*--Somalia has had no functioning national government since the United Somali Congress (USC) ousted the regime of Maj. Gen. Mohamed Siad "Barre" in January 1991. The present political situation in much of Somalia is marked by inter-clan fighting and random banditry, with some areas of peace and stability. On October 10, 2004, Abdullahi Yusuf Ahmed was elected Transitional Federal President of Somalia for a five-year period. *Legislative*--parliamentary (Transitional Federal Assembly, established in August 2004. On November 3, 2004, Ali Mohamed Gedi was appointed Prime Minister of Somalia; Ghedi was voted out of office on December 11, 2004, but was re-nominated in the following week and approved by the Transitional Federal Assembly on December 24, 2004.) *Judicial*--Supreme Court: not functioning; no nationwide system; Islamic (shari'a) and secular courts in some localities.

Political party: None functioning. Legal system: none functioning.

Note: In 1991 a congress drawn from the inhabitants of the former Somaliland Protectorate declared withdrawal from the 1960 union with Somalia to form the self-declared Republic of Somaliland. Somaliland has not received international recognition, but has maintained a de facto separate status since that time. Its form of government is republican, with a bicameral legislature including an elected elders chamber and a house of representatives. The judiciary is independent, and various political parties exist. In line with the Somaliland Constitution, Vice President Dahir Riyale Kahin assumed the presidency following the death of former president Mohamed Ibrahim Egal in 2002. Kahin was elected President of Somaliland in elections determined to be free and fair by international observers in May 2003. Parliamentary elections are scheduled to take place on March 29, 2005. Suffrage: 18 years of age; universal (no nationwide elections).

Administrative subdivisions: 18 regions (*plural*--NA; *singular*--Gobolka). Awdal, Bakool, Banaadir, Bari, Bay, Galguduud, Gedo, Hiraaan, Jubbada Dhexe, Jubbada Hoose, Mudug, Nugaal, Sanaag, Shabeellaha Dhexe, Shabeellaha Hoose, Sool, Togdheer, Woqooyi Galbeed.

Central government budget: N/A.

Defense: N/A.

National holiday: July 1 (June 26 in Somaliland).

Economy

GNP: N/A.

Annual growth rate: N/A.

Per capita income: N/A.

Avg. inflation rate: N/A.

Natural resources: Largely unexploited reserves of iron ore, tin, gypsum, bauxite, uranium, copper, and salt; likely petroleum and natural gas reserves.

Agriculture: *Products*--livestock, bananas, corn, sorghum, sugar. Arable land--13%, of which 2% is cultivated.

Industry: *Types*--sugar, textiles, packaging, oil refining. Most industry defunct since 1991.

Trade (1999): *Exports*--\$110 million (f.o.b., 1999 est.): livestock, bananas, hides and skins, sugar, sorghum, corn. *Major markets*--Saudi Arabia, Yemen, United Arab Emirates, Italy, Pakistan. *Imports*--\$314 million (f.o.b., 1999 est.): food grains, animal and vegetable oils, petroleum products, construction materials. *Major suppliers*--Djibouti, Kenya, Brazil, Saudi Arabia, India.

Aid disbursed (2002): \$174.4 million. Primary donors--European Union, United States, Australia, Canada, Denmark, Egypt, Finland, France, Germany, Italy, Japan, Netherlands, Norway, Sweden, Switzerland, United Kingdom, World Bank. U.S. aid--\$29.6 million.

GEOGRAPHY

Somalia is located on the east coast of Africa on and north of the Equator and, with Ethiopia, Eritrea and Djibouti, is often referred to as the Horn of Africa. It comprises Italy's former Trust Territory of Somalia and the former British Protectorate of Somaliland (now seeking recognition as an independent state). The coastline

extends 2,720 kilometers (1,700 mi.).

The northern part of the country is hilly, and in many places the altitude ranges between 900 and 2,100 meters (3,000 ft.-7,000 ft.) above sea level. The central and southern areas are flat, with an average altitude of less than 180 meters (600 ft.). The Juba and the Shabelle Rivers rise in Ethiopia and flow south across the country toward the Indian Ocean. The Shabelle, however, does not reach the sea.

Major climatic factors are a year-round hot climate, seasonal monsoon winds, and irregular rainfall with recurring droughts. Mean daily maximum temperatures range from 30°C to 40°C (85° F-105°F), except at higher elevations and along the east coast. Mean daily minimums usually vary from about 15°C to 30°C (60°F-85°F). The southwest monsoon, a sea breeze, makes the period from about May to October the mildest season at Mogadishu. The December-February period of the northeast monsoon also is relatively mild, although prevailing climatic conditions in Mogadishu are rarely pleasant. The "tangambili" periods that intervene between the two monsoons (October-November and March-May) are hot and humid.

PEOPLE

The Cushitic populations of the Somali Coast in the Horn of Africa have an ancient history. Known by ancient Arabs as the Berberi, archaeological evidence indicates their presence in the Horn of Africa by A.D. 100 and possibly earlier. As early as the seventh century A.D., the indigenous Cushitic peoples began to mingle with Arab and Persian traders who had settled along the coast. Interaction over the centuries led to the emergence of a Somali culture bound by common traditions, a single language, and the Islamic faith.

Today, about 60% of all Somalis are nomadic or semi-nomadic pastoralists who raise cattle, camels, sheep, and goats. About 25% of the population are settled farmers who live mainly in the fertile agricultural zone between the Juba and Shabelle Rivers in southern Somalia. The remainder of the population (15%-20%) is urban.

Sizable ethnic groups in the country include Bantu agricultural workers, several thousand Arabs and some hundreds of Indians and Pakistanis. Nearly all inhabitants speak the Somali language, which remained unwritten until October 1973, when the Supreme Revolutionary Council (SRC) proclaimed it the nation's official language and decreed an orthography using Latin letters. Somali is now the language of instruction in schools, to the extent that these exist. Arabic, English, and Italian also are used extensively.

HISTORY

Early history traces the development of the Somali state to an Arab sultanate, which was founded in the seventh century A.D. by Koreishite immigrants from Yemen. During the 15th and 16th centuries, Portuguese traders landed in present Somali territory and ruled several coastal towns. The sultan of Oman and Zanzibar subsequently took control of these towns and their surrounding territory.

Somalia's modern history began in the late 19th century, when various European powers began to trade and establish themselves in the area. The British East India Company's desire for unrestricted harbor facilities led to the conclusion of treaties with the sultan of Tajura as early as 1840. It was not until 1886, however, that the British gained control over northern Somalia through treaties with various Somali chiefs who were guaranteed British protection. British objectives centered on safeguarding trade links to the east and securing local sources of food and provisions for its coaling station in Aden. The boundary between Ethiopia and British Somaliland was established in 1897 through treaty negotiations between British negotiators and King Menelik.

During the first two decades of this century, British rule was challenged through persistent attacks by a dervish rebellion led by Mohamed Abdullah, known as the "Mad Mullah" by the British. A long series of intermittent engagements and truces ended in 1920 when British warplanes bombed Abdullah's stronghold at Taleex.

Although Abdullah was defeated as much by rival Somali factions as by British forces, he was lauded as a popular hero and stands as a major figure of national identity to many Somalis.

In 1885, Italy obtained commercial advantages in the area from the sultan of Zanzibar and in 1889 concluded agreements with the sultans of Obbia and Aluula, who placed their territories under Italy's protection. Between 1897 and 1908, Italy made agreements with the Ethiopians and the British that marked out the boundaries of Italian Somaliland. The Italian Government assumed direct administration, giving the territory colonial status.

Italian occupation gradually extended inland. In 1924, the Jubaland Province of Kenya, including the town and port of Kismayo, was ceded to Italy by the United Kingdom. The subjugation and occupation of the independent sultanates of Obbia and Mijertein, begun in 1925, were completed in 1927. In the late 1920s, Italian and Somali influence expanded into the Ogaden region of eastern Ethiopia. Continuing incursions climaxed in 1935 when Italian forces launched an offensive that led to the capture of Addis Ababa and the Italian annexation of Ethiopia in 1936.

Following Italy's declaration of war on the United Kingdom in June 1940, Italian troops overran British Somaliland and drove out the British garrison. In 1941, British forces began operations against the Italian East African Empire and quickly brought the greater part of Italian Somaliland under British control. From 1941 to 1950, while Somalia was under British military administration, transition toward self-government was begun through the establishment of local courts, planning committees, and the Protectorate Advisory Council. In 1948 Britain turned the Ogaden and neighboring Somali territories over to Ethiopia.

In Article 23 of the 1947 peace treaty, Italy renounced all rights and titles to Italian Somaliland. In accordance with treaty stipulations, on September 15, 1948, the Four Powers referred the question of disposal of former Italian colonies to the UN General Assembly. On November 21, 1949, the General Assembly adopted a resolution recommending that Italian Somaliland be placed under an international trusteeship system for 10 years, with Italy as the administering authority, followed by independence for Italian Somaliland. In 1959, at the request of the Somali Government, the UN General Assembly advanced the date of independence from December 2 to July 1, 1960.

Meanwhile, rapid progress toward self-government was being made in British Somaliland. Elections for the Legislative Assembly were held in February 1960, and one of the first acts of the new legislature was to request that the United Kingdom grant the area independence so that it could be united with Italian Somaliland when the latter became independent. The protectorate became independent on June 26, 1960; five days later, on July 1, it joined Italian Somaliland to form the Somali Republic.

In June 1961, Somalia adopted its first national constitution in a countrywide referendum, which provided for a democratic state with a parliamentary form of government based on European models. During the early post-independence period, political parties were a fluid concept, with one-person political parties forming before an election, only to defect to the winning party following the election. A constitutional conference in Mogadishu in April 1960, which made the system of government in the southern Somali trust territory the basis for the future government structure of the Somali Republic, resulted in the concentration of political power in the former Italian Somalia capital of Mogadishu and a southern-dominated central government, with most key government positions occupied by southern Somalis, producing increased disenchantment with the union in the former British-controlled north. Pan-Somali nationalism, with the goal of uniting the Somali-populated regions of French Somaliland (Djibouti), Kenya and Ethiopia into a Greater Somalia, remained the driving political ideology in the initial post-independence period. Under the leadership of Mohamed Ibrahim Egal, prime minister from 1967 to 1969, Somalia renounced its claims to the Somali-populated regions of Ethiopia and Kenya, greatly improving its relations with both countries.

Egal attempted a similar approach with Ethiopia, but the move towards reconciliation with Ethiopia, which had been a traditional enemy of Somalia since the 16th century, made many Somalis furious, including the army. Egal's reconciliation effort toward Ethiopia is argued to be one of the principal factors that provoked the military officers, led by Maj. Gen. Mohamed Siad Barre, to stage a bloodless coup on October 21, 1969, bringing an abrupt end to the process of party-based constitutional democracy in Somalia.

Following the coup, executive and legislative power was vested in the 20-member Supreme Revolutionary Council (SRC), headed by Maj. Gen. Siad Barre as president. The SRC pursued a course of "scientific socialism" that reflected both ideological and economic dependence on the Soviet Union. The government instituted a national security service, centralized control over information, and initiated a number of grassroots development projects. Barre reduced political freedoms and used military force to seize and redistribute rich farmlands in the interriverine areas of southern Somalia, relying on the use of force and terror against the Somali population to consolidate his political power base.

The SRC became increasingly radical in foreign affairs, and in 1974, Somalia and the Soviet Union concluded a treaty of friendship and cooperation. As early as 1972, tensions began increasing along the Somali-Ethiopian border; these tensions heightened after the accession to power in Ethiopia in 1973 of the Mengistu Haile Mariam regime, which turned increasingly toward the Soviet Union. In the mid-1970s, the Western Somali Liberation Front (WSLF) began guerrilla operations in the Ogaden region of Ethiopia. Following the overthrow of the Ethiopian Emperor in 1975, Somalia invaded Ethiopia in 1977 in a second attempt to regain the Ogaden, and the second attempt initially appeared to be in Somalia's favor. The SNA moved quickly toward Harer, Jijiga, and Dire Dawa, the principal cities of the region. However, following the Ethiopian revolution, the new Ethiopian government shifted its alliance from the West to the Soviet Union, and the Soviet Union supplied Ethiopia with 10,000 – 15,000 Cuban troops and Soviet military advisors during the 1977-78 Ogaden war, shifting the advantage to Ethiopia and resulting in Somalia's defeat. In November 1977, Barre expelled all Soviet advisers and abrogated the friendship agreement with the U.S.S.R. In March 1978, Somali forces retreated into Somalia; however, the WSLF continues to carry out sporadic but greatly reduced guerrilla activity in the Ogaden. Such activities also were subsequently undertaken by another dissident group, the Ogaden National Liberation Front (ONLF).

Following the 1977-1978 Ogaden war, desperate to find a strong external alliance to replace the Soviet Union, Somalia abandoned its Socialist ideology and turned to the West for international support, military equipment, and economic aid. In 1978, the United States reopened the U.S. Agency for International Development mission in Somalia. Two years later, an agreement was concluded that gave U.S. forces access to military facilities in Somalia. In the summer of 1982, Ethiopian forces invaded Somalia along the central border, and the United States provided two emergency airlifts to help Somalia defend its territorial integrity.

From 1982 to 1988 the United States viewed Somalia as a partner in defense in the context of the Cold War. Somali officers of the National Armed Forces were trained in U.S. military schools in civilian as well as military subjects. Paranoid and weakened following the Ogaden war, the Barre regime violently suppressed opposition movements and ethnic groups, particularly the Issaq clan in the northern region, using the military and elite security forces to quash any hint of rebellion. By the 1980s, an all-out civil war developed in Somalia. Opposition groups began to form following the end of the Ogaden war, beginning in 1979 with a group of dissatisfied army officers known as the Somali Salvation Democratic Front (SSDF). In 1981, as a result of increased northern discontent with the Barre regime, the Somali National Movement (SNM), composed mainly of the Issaq clan, was formed in Hargeisa with the stated goal of overthrowing of the Barre regime. In 1988, at the President's order, aircraft from the Somali National Air Force bombed the city of Hargeisa in northwestern Somalia, the former capital of British Somaliland,

killing nearly 100,000 civilians and insurgents. The warfare in the northwest sped up the decay already evident elsewhere in the republic. Economic crisis, brought on by the cost of anti-insurgency activities, caused further hardship as Siad Barre and his cronies looted the national treasury.

By the end of the 1980s, armed opposition to Barre's government, fully operational in the northern regions, had spread to the central and southern regions. Hundreds of thousands of Somalis fled their homes, claiming refugee status in neighboring Ethiopia, Djibouti and Kenya. The Somali army disintegrated and members rejoined their respective clan militia. Barre's effective territorial control was reduced to the immediate areas surrounding Mogadishu known as the Benadir, earning Barre the title "Mayor of Mogadishu" and resulting in the withdrawal of external assistance and support, including from the United States. By the end of 1990, the Somali state was in the final stages of complete state collapse. In the first week of December 1990, Barre declared a state of emergency as USC and SNM forces advanced toward Mogadishu. Barre began to lose control over his own militia groups and became increasingly isolated. In January 1991, armed opposition factions drove Barre out of power, resulting in the complete collapse of the central government. Barre later died in exile in Nigeria. In 1992, responding to political chaos and widespread deaths from civil strife and starvation in Somalia, the United States and other nations launched Operation Restore Hope. Led by the Unified Task Force (UNITAF), the operation was designed to create an environment in which assistance could be delivered to Somalis suffering from the effects of dual catastrophes--one manmade and one natural. UNITAF was followed by the United Nations Operation in Somalia (UNOSOM). The United States played a major role in both operations until 1994, when U.S. forces withdrew.

The prevailing chaos in much of Somalia after 1991 contributed to growing influence by various radical Islamic groups, including al-Tabliq and Al-Ittihad Al-Islami (Islamic Unity). These groups, which are among the main non-clan-based forces in Somalia, share the goal of establishing a fundamentalist Islamic state. While each organization differs in its approach, Al-Ittihad supports the use of violence to achieve that goal and has claimed responsibility for terrorist acts in the region. In the mid-1990s, Al-Ittihad came to dominate territory in Puntland as well as central Somalia near Gedo. It was forcibly expelled from these localities by Puntland forces as well as Ethiopian attacks in the Gedo region. Since that time, Al-Ittihad has adopted a longer-term strategy based on integration into local communities and establishment of Islamic schools, courts, and relief centers.

After the attack on the United States of September 11, 2001, Somalia gained greater international attention as a possible base for terrorism--a concern that became the primary element in U.S. policy toward Somalia. The United States and other members of the anti-terrorism coalition examined a variety of short- and long-term measures designed to cope with the threat of terrorism in and emanating from Somalia. The United Nations also took an increased interest in Somalia, including proposals for an increased UN presence and for strengthening a 1992 arms embargo.

GOVERNMENT

Somalia has no national government at present; however, a two-year reconciliation process led by the Inter-governmental Authority on Development (IGAD) concluded in October 2004 following the formation of a transitional parliament, known as the Transitional Federal Assembly, in August 2004 and the election of a Transitional President in October 2004. The formation of transitional governing institutions, known as the Transitional Federal Government, is currently ongoing. For administrative purposes, Somalia is divided into 18 regions; the nature, authority, and structure of regional governments vary, where they exist.

Principal Government Officials

Somalia has no national government at present; however, Abdullahi Yusuf Ahmed was elected as Transitional Federal President of Somalia in October 2004 and Ali Mohamed Gedi was approved by the Transitional Federal Assembly as Prime Minister on December 24, 2004. While a cabinet is expected to be formed in the

coming weeks, all Somali officials are currently resident in Nairobi and have not established governing institutions inside Somalia.

The self-declared, and unrecognized by the international community, Republic of Somaliland consists of a regional authority based in the northern city of Hargeisa, including a President, Vice President, Parliament and Cabinet officials.

Other Ministers N/A

Ambassador to the United States-- vacant

Ambassador to the UN--Ahmed Abdi Hashi, representing the now-expired Transitional National Government, which occupies Somalia's seat at the UN.

POLITICAL CONDITIONS

In the wake of the collapse of the Somali Government, factions organized around military leaders took control of Somalia. The resulting chaos and loss of life promoted the international intervention led by the United States, UNITAF. That operation was followed by the United Nations Operation in Somalia (UNOSOM), which ended in 1994. Since 1991, there have been fourteen efforts at national reconciliation; to date, none has been successful. Various groupings of Somali factions have sought to control the national territory (or portions thereof) and have fought small wars with one another. Dahir Riyale Kahin was elected President of the self-declared "Republic of Somaliland," which is made up of the former northwest provinces of the Somali republic, in presidential elections deemed free and fair by international observers in May 2003. In 1998, the area of Puntland in the northeast declared itself autonomous (although not independent) as the "State of Puntland" with its capital at Garowe. Puntland declared it would remain autonomous until a federated Somalia state was established.

Efforts at mediation of the Somali internal dispute have been undertaken by many regional states. In the mid-1990s, Ethiopia played host to several Somali peace conferences and initiated talks at the Ethiopian city of Sodere, which led to some degree of agreement between competing factions. The Governments of Egypt, Yemen, Kenya, and Italy also have attempted to bring the Somali factions together. In 1997, the Organization of African Unity and the Intergovernmental Authority on Development (IGAD) gave Ethiopia the mandate to pursue Somali reconciliation. In 2000, Djibouti hosted a major reconciliation conference (the 13th such effort), which in August resulted in creation of the Transitional National Government (TNG), whose 3-year mandate expired in August 2003. In early 2002, Kenya organized a further reconciliation effort under IGAD auspices known as the Somalia National Reconciliation Conference, which concluded in October 2004. In August 2004, the Somali Transitional Federal Assembly (TFA) was established as part of the IGAD-led process. Abdullahi Yusuf Ahmed was elected Transitional Federal President of Somalia on October 10, 2004 and Ali Mohamed Gedi was approved by the Transitional Federal Assembly as Prime Minister on December 24, 2004 as part of the continued formation of a Transitional Federal Government (TFG). While a cabinet is expected to be formed in the coming weeks, all officials are currently resident in Nairobi and have not established governing institutions inside Somalia.

The absence of a central government in Somalia since 1991 has allowed outside forces to become more influential by supporting various groups and persons in Somalia. Djibouti, Eritrea, and Arab states supported the now-defunct TNG, which became one faction among many in Somalia. Ethiopia has provided political support to Somaliland and assisted a group of southern warlords organized as the Somalia Reconciliation and Restoration Council (SRRC), which opposed the TNG.

ECONOMY

Somalia lacks natural resources and faces major development challenges, and recent economic reverses have left its people increasingly dependent on remittances from abroad. Its economy is pastoral and agricultural, with livestock--principally camels, cattle, sheep, and goats--representing the main form of wealth. Livestock exports in recent years have been severely reduced by periodic bans, ostensibly for concerns of animal health, by Arabian Peninsula

states. Drought has also impaired agricultural and livestock production. Because rainfall is scanty and irregular, farming generally is limited to certain coastal districts, areas near Hargeisa, and the Juba and Shabelle River valleys. The agricultural sector of the economy consists mainly of banana plantations located in the south, which has used modern irrigation systems and up-to-date farm machinery.

A small fishing industry has begun in the north where tuna, shark, and other warm-water fish are caught, although fishing production is seriously affected by poaching and the lack of ability to grant concessions because of the absence of a generally recognized government. Aromatic woods--frankincense and myrrh--from a small and diminishing forest area also contribute to the country's exports. Minerals, including uranium and likely deposits of petroleum and natural gas, are found throughout the country, but have not been exploited commercially. Petroleum exploration efforts, at one time under way, have ceased due to insecurity and instability. Illegal production in the south of charcoal for export has led to widespread deforestation. With the help of foreign aid, small industries such as textiles, handicrafts, meat processing, and printing are being established.

The absence of central government authority, as well as profiteering from counterfeiting, has rapidly debased Somalia's currency. By the spring of 2002, the Somali shilling emitted by the TNG had fallen to over 30,000 shillings to the U.S. dollar. The self-declared Republic of Somaliland issues its own currency, the Somaliland shilling, which is not accepted outside of the self-declared republic.

There are no railways in Somalia; internal transportation is by truck and bus. The national road system nominally comprises 22,100 kilometers (13,702 mi.) of roads that include about 2,600 kilometers (1,612 mi.) of all-weather roads, although most roads have received little maintenance for years and have seriously deteriorated.

Air transportation is provided by small air charter firms and craft used by drug smugglers. A number of airlines operate from Hargeisa. Some private airlines, including Air Somalia and Daallo Airlines, serve several domestic locations as well as Djibouti and the United Arab Emirates. The UN and other NGOs operate air service for their missions.

The European Community and the World Bank jointly financed construction of a deepwater port at Mogadishu (currently closed). The Soviet Union improved Somalia's deepwater port at Berbera in 1969. Facilities at Berbera were further improved by a U.S. military construction program completed in 1985, but they have become dilapidated. During the 1990s the United States renovated a deepwater port at Kismayo that serves the fertile Juba River basin and is vital to Somalia's banana export industry. Smaller ports are located at Merca, Brava, and Bossaso. Absence of security and lack of maintenance and improvement are major issues at most Somali ports.

Radiotelephone service is available to both to regional and international locations. The public telecommunications system has been destroyed or dismantled, but cellular phone service is readily available throughout the country. Somalia is linked to the outside world via ship-to-shore communications (INMARSAT) as well as links to overseas satellite operators by private telecommunications operators (including cellular telephone systems) in major towns. Radio broadcasting stations operate at Mogadishu, Hargeisa, and Galkayo, with programs in Somali and some other languages. There are two television broadcast stations in Mogadishu and one in Hargeisa.

DEFENSE

There are no Somali armed forces. Before the collapse of the Siad Barre regime and dissolution of the national armed forces in 1991, the Somali National Army was made up of the army, navy, air force, and air defense command. Various groups and factions throughout Somalia currently control militias ranging in strength from hundreds to thousands. These militias are in general poorly trained and lightly armed, although some groups possess limited inventories of older armored

vehicles and other heavy weapons and small arms are prevalent throughout Somalia.

FOREIGN RELATIONS

Somalia followed a foreign policy of nonalignment for a brief period following independence. In 1970, the Siad Barre regime declared a national ideology based on scientific Socialism and aligned its foreign policy with the Soviet Union and China. In the 1980s, Somalia shifted its alignment to the West following a territorial conflict with Ethiopia over the disputed Somali-populated region of the Ogaden from 1977-78, which was supported by the Soviet Union. The central government also sought ties with many Arab countries, and continued to receive financial and military support from several Arab countries prior to its collapse in 1991. Five countries, including Saudi Arabia, Libya and Egypt, extended recognition to the now-expired Transitional National Government and continue to provide assistance to Somalia.

The status of expatriate Somalis has been an important foreign and domestic issue. The Somali-populated region of the Horn of Africa stretches from the Gulf of Tadjoura in modern-day Djibouti through Dire Dawa, Ethiopia, and down to the coastal regions of southern Kenya. Unlike many countries in Africa, the Somali nation extends beyond its national borders. Since gaining independence in 1960, the goal of Somali nationalism, also known as Pan-Somalism, has been the unification of all Somali populations, forming a Greater Somalia. This issue has been a major cause of past crises between Somalia and its neighbors--Ethiopia, Kenya, and Djibouti.

In 1963, Somalia severed diplomatic relations with the United Kingdom for a period following a dispute over Kenya's northeastern region (Northern Frontier District), an area inhabited mainly by Somalis. Related problems have arisen from the boundary with Ethiopia and the large-scale migrations of Somali nomads between Ethiopia and Somalia.

In the aftermath of the 1977-78 Somali-Ethiopian war, the Government of Somalia continued to call for self-determination for ethnic Somalis living in the Ogaden region of eastern Ethiopia. At the March 1983 Nonaligned Movement summit in New Delhi, President Siad Barre stated that Somalia harbored no expansionist aims and was willing to negotiate with Ethiopia over the disputed Ogaden region.

Since the fall of the Barre regime, the foreign policy of the various entities in Somalia has centered on gaining international recognition, winning international support for national reconciliation, and obtaining international economic assistance.

U.S.-SOMALI RELATIONS

Although the U.S. never formally severed diplomatic relations with Somalia, official relations were interrupted by the fall of the government and have not been fully reestablished in the continued absence of a national government. The United States maintains informal contacts with a number of entities in Somalia.

Principal U.S. Officials

Ambassador--vacant

The U.S. Embassy has been closed since 1991. U.S. contacts with Somalia, including consular coverage, are maintained by U.S. Embassy Nairobi, Kenya.

TRAVEL AND BUSINESS INFORMATION

The U.S. Department of State's Consular Information Program provides Consular Information Sheets, Travel Warnings, and Public Announcements. **Consular Information Sheets** exist for all countries and include information on entry requirements, currency regulations, health conditions, areas of instability, crime and security, political disturbances, and the addresses of the U.S. posts in the country. **Travel Warnings** are issued when the State Department recommends that Americans avoid travel to a certain country. **Public Announcements** are issued as a means to disseminate information quickly about terrorist threats and

other relatively short-term conditions overseas that pose significant risks to the security of American travelers. Free copies of this information are available by calling the Bureau of Consular Affairs at 202-647-5225 or via the fax-on-demand system: 202-647-3000. Consular Information Sheets and Travel Warnings also are available on the Consular Affairs Internet home page: <http://travel.state.gov>. Consular Affairs Tips for Travelers publication series, which contain information on obtaining passports and planning a safe trip abroad, are on the Internet and hard copies can be purchased from the Superintendent of Documents, U.S. Government Printing Office, telephone: 202-512-1800; fax 202-512-2250.

Emergency information concerning Americans traveling abroad may be obtained from the Office of Overseas Citizens Services at (202) 647-5225. For after-hours emergencies, Sundays and holidays, call 202-647-4000.

The National Passport Information Center (NPIC) is the U.S. Department of State's single, centralized public contact center for U.S. passport information. Telephone: 1-877-4USA-PPT (1-877-487-2778). Customer service representatives and operators for TDD/TTY are available Monday-Friday, 8:00 a.m. to 8:00 p.m., Eastern Time, excluding federal holidays.

Travelers can check the latest health information with the U.S. Centers for Disease Control and Prevention in Atlanta, Georgia. A hotline at 877-FYI-TRIP (877-394-8747) and a web site at <http://www.cdc.gov/travel/index.htm> give the most recent health advisories, immunization recommendations or requirements, and advice on food and drinking water safety for regions and countries. A booklet entitled Health Information for International Travel (HHS publication number CDC-95-8280) is available from the U.S. Government Printing Office, Washington, DC 20402, tel. (202) 512-1800.

Information on travel conditions, visa requirements, currency and customs regulations, legal holidays, and other items of interest to travelers also may be obtained before your departure from a country's embassy and/or consulates in the U.S. (for this country, see "Principal Government Officials" listing in this publication).

U.S. citizens who are long-term visitors or traveling in dangerous areas are encouraged to register their travel via the State Department's travel registration web site at <https://travelregistration.state.gov> or at the Consular section of the U.S. embassy upon arrival in a country by filling out a short form and sending in a copy of their passports. This may help family members contact you in case of an emergency.

Further Electronic Information

Department of State Web Site. Available on the Internet at <http://www.state.gov>, the Department of State web site provides timely, global access to official U.S. foreign policy information, including Background Notes and daily press briefings along with the directory of key officers of Foreign Service posts and more.

Export.gov provides a portal to all export-related assistance and market information offered by the federal government and provides trade leads, free export counseling, help with the export process, and more.

STAT-USA/Internet, a service of the U.S. Department of Commerce, provides authoritative economic, business, and international trade information from the Federal government. The site includes current and historical trade-related releases, international market research, trade opportunities, and country analysis and provides access to the National Trade Data Bank.

Exhibit "D"



The President of Somalia in exile "I'm Going Home" Mogadishu

Somalia Government will operate from Jowhar and Mogadishu



Addis Ababa (HAN) June 23, 2005

French poet looms in El Balla Hagona of UNDP

In the course of his address, the President USA said the Somalia: In Depth



Returning to the Mogadishu Address, the President Horn of Africa Radio

clarify the choice before every Somali president

Listen to the interview with OLF Chairman (Stream) (RealAudio)

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- Somalia News
- Ethiopia News
- Eritrea News
- IGAD News

GEESKA AFRIKA ONLINE & HAN: Managing Editor/Publisher: Nur Kafi



GEESKA AFRIKA ONLINE DAILY NEWS AND VIEWS SOMALI DAILY NEWS

Washington Urged Somalia Rapid Relocation



Dr. Abdullahi Mohamed (Deputy Editor Geeska Afrika Online) Djibouti (HAN) June 23, 2005

Washington Urged Somalia Rapid Relocation Djibouti (HAN) June 23, 2005



Somalia Government will Operate from Jowhar and Mogadishu

The best hope for peace in our Region is the expansion of security in all the IGAD zones

But there still remains a major split over where its base should be: the dangerous capital Mogadishu or the provincial town of Jowhar.

The U.S. State Department said in a statement the current Somali reconciliation process -- the 14th such attempt since warlords toppled military dictator Mohamed Siad Barre and ushered in a state of anarchy in 1991 - was at a critical stage.

"It is imperative that a viable national plan for relocation and security be formally agreed upon by a broad quorum," the statement said.

The Somali interim group has begun establishing itself in the town of Jowhar, where it will be based until security is restored in the capital, Mogadishu, a spokesman said on Wednesday.

"The government is in the process of setting itself up in Jowhar and the prime minister [Ali Muhammad Gedi] laid the foundation for the construction of a larger airport yesterday [Tuesday]," Hussein Jabiri, director of information in the prime minister's office, said.

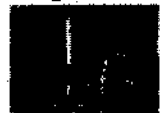
The Transitional Federal Government (TFG) has been based in the Kenyan capital, Nairobi, for the eight months since its formation, and only began relocating to Somalia on 13 June.

Jabiri said the entire cabinet was expected to move to Jowhar, 90 km north of Mogadishu, by 1 July, Somalia's independence day.

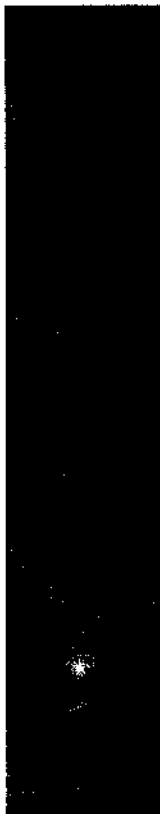
He said the expansion of the airport in Jowhar would cost US \$ 900,000, and added that the expanded airport would facilitate the work of the government, which was expected to remain in Jowhar for "several months".

Poor lighting at the airstrip in Jowhar had forced a plane transporting President Adullahi Yusuf Ahmed from Nairobi to Somalia on 13 June to fly instead to neighbouring Djibouti. The President later flew to Yemen on official duties.

A section of the government disagreed with the decision to install the administration in Jowhar, and in May moved to Mogadishu saying it wanted to restore normalcy to the city so the government could operate from there.

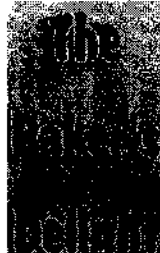


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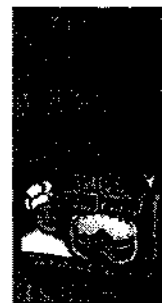


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IGAD ZONE LINKS

About 100 members of the 275-strong parliament, led by Speaker Sharif Hassan Shaykh Aden, earlier this month started an effort to rid Mogadishu of illegal roadblocks manned by armed militiamen, who were being asked to move to designated camps in the city.

"The government has no objection to that [efforts to restore security in Mogadishu]," Jabiri said. "It is a positive thing that should be supported."



► Somalia Government will Operate from Jowhar and Mogadishu

Mogadishu (HAN) June 23, 2005- Somalia's president and parliament speaker met, but did not heal a rift over the government's return home, while Washington urged a rapid completion of the relocation to end 14 years of anarchy.

But there still remains a major split over where its base should be: the dangerous capital Mogadishu or the provincial town of Jowhar.

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HAN Bulletin is your independent, online intelligence resource edited and published by the regional political historian, veteran newsman and founder of www.geeskaafrika.com (Geeska Afrika Online 1985). Each week he taps his vast network of international intelligence sources to bring you credible insights into geo-political and geo-strategic developments for the Horn of Africa. Contact at nurkafi@geeskaafrika.com (Managing Editor/Publisher)

Friday June 24, 105

Exhibit "E"

Travel Warning

United States Department of State
Bureau of Consular Affairs
Washington, DC 20520

This information is current as of today, Fri Jun 24 2005 10:03:39 GMT-0400 (Eastern Standard Time).

SOMALIA

December 07, 2004

This Travel Warning is being issued to remind Americans of continued concerns about the security situation in Somalia. This supersedes the Travel Warning of June 7, 2004.

The Department of State warns U.S. citizens against all travel to Somalia, including the self proclaimed "independent Republic of Somaliland". Inter-clan and inter-factional fighting can flare up with little warning, and kidnapping, murder, and other threats to U.S. citizens and other foreigners can occur unpredictably in many regions. There is no U.S. Embassy or other U.S. diplomatic presence in Somalia.

There have been attacks against foreigners in the self-declared "Republic of Somaliland" in northern Somalia. The Sanaag and Sool Regions in eastern Somaliland, bordering on Puntland (northeastern Somalia), are subject to insecurity due to potential inter-clan fighting. There have also been several fatal attacks against international relief workers, including Westerners, throughout Somalia and Somaliland. In addition, serious fighting has occurred in the Mogadishu area, the Puntland region in northern Somalia, and the districts of Gedo and Bay (especially the vicinity of Baidoa) in the south. Territorial control in the Mogadishu area is divided among numerous groups; lines of control are unclear and frequently shift, making movement within this area extremely hazardous.

U.S. citizens are urged to use caution when sailing near the coast of Somalia. Merchant vessels, fishing boats and recreational craft alike risk seizure and their crews being held for ransom, especially in the waters near the Horn of Africa and the Kenyan border.

The U.S. government cannot provide services to U.S. citizens in Somalia. U.S. citizens who plan to travel to Somalia despite this Travel Warning are urged to register and obtain updated information on travel and security from the U.S. Embassies in neighboring countries. Travelers to the self-declared "Republic of Somaliland" should register with the U.S. Embassy in Djibouti, and travelers to Puntland or southern Somalia should register with the U.S. Embassy in Nairobi.

The U.S. Embassy in Djibouti is located at Plateau du Serpent, Boulevard Marechal Joffre, Djibouti City; telephone (253) 35-39-95. The after-hours telephone number is (253) 35-13-43. The mailing address is Ambassade Americaine, B.P. 185, Djibouti, Republique de Djibouti. The workweek in Djibouti is Sunday through Thursday. The U.S. Embassy in Nairobi is located on United Nations Avenue, Gigiri, Nairobi, Kenya; telephone (254)(20)363-6000; after-hours emergencies (254)(20)363-6170. The mailing address is P.O. Box 606 Village Market 00621, Nairobi, Kenya.

U.S. citizens should also consult the Department of State's Consular Information Sheet for Somalia,

the Worldwide Caution Public Announcement, and the East Africa Public Announcement, which are located on the Department's internet website at <http://travel.state.gov>. American citizens may obtain up-to-date information on security conditions by calling 1-888-407-4747 toll-free in the United States or 1-202-501-4444 from overseas.

This site is managed by the Bureau of Consular Affairs, U.S. Department of State.

External links to other Internet sites should not be construed as an endorsement of the views contained therein.

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Transitional Federal Government of Somali Republic

MINISTRY OF STATE FOR FOREIGN AFFAIRS

Joseph Peter Drennan,
Attorney-at-Law,
218 North Lee Street,
Third floor,
Alexandria, Virginia 22314-2660

Tuesday, March 29, 2005

Subject: JANE DOE, et alii v. YUSUF ABDI ALI
Civil Action No. 04-1361, before the
United States District court for the
Eastern District of Virginia (Alexandria Division)

Dear Drennan,

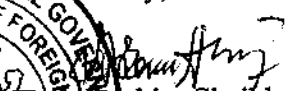
Having seen the subject litigation, the Somali National Transitional Federal Government be known that it has set up Somali National Reconciliation Commission, with a responsibility to undertake all reconciliation efforts in Somalia, in accordance with new National Transitional Charter (constitution). The litigation of this kind and other similar ones in the American courts or elsewhere will interfere with the policy, embodied of the Somali Reconciliation Commission to engage itself with truth and reconciliation efforts.

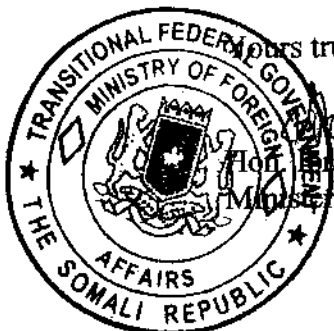
According to the Commander of the 26th Sector of the Somali National Army Gen. Mohamed Said Hersi (Morgan) Col. Yusuf Abdi Ali was not the Commander of 5th BDE, CDR in 1984, but its commander was Col. Omar Haji Mohamoud. Furthermore the areas the plaintiffs mentioned in their litigation were not under the responsibility of 5th BDE, CDR, kindly see the Map in their locations.

In view of this, the allegations made by these two anonymous Issaq plaintiffs has no foundations other than to make obstacles for the Somali reconciliation mission.

The Somali National Transitional Government calls for the courts of the United States of America not to give any consideration for this case and similar ones by allowing the Somali Reconciliation efforts take its course.

Yours truly,


Ibrahim Sheikh Ali (Jebbo)
Minister of State



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Exhibit "G"

Somalia's struggle for order

By Benjamin Joffe-Walt

Age correspondent

Mogadishu

February 19, 2005



Warlords and militias run Somalia, which has been without a government for 14 years.

Photo: Alexia Webster

Chaos and machine-guns rule this East African country.

Enter the Baaba and Maama toy shop in Somalia, where there is no government, and you will find toy guns, war toys and miniature explosives.

Out the back, a man sells Somali passports and birth certificates, work permits and visas from neighbouring Kenya, Djibouti and the United Arab Emirates. He and other passport vendors say they will sell to anyone and that even the mayors, elders and regional authorities come to them.

"You are Somali?" the passport-maker asks me. Of course not, he is told, this journalist is about to become one. "OK," he answers with a long chuckle, and out come the stamps - zillions of them. Ten minutes, \$US35 (\$A44.43) and many stamps later, a brilliant rendition of a legitimate passport is produced for Somalia's newest citizen.

A few months ago some Kenyans stirred up controversy when they bought Somali passports and went to Europe, claiming asylum. They were sent back, but the incident raised many eyebrows to the danger of a country without a government, an ideal base for international crime and terrorism.

The government of Siad Barre fell in 1991 and for more than a decade the country has been leaderless, a machine-gun the only respected authority.

Decimation defines recent Somali existence, its landscape. Once a beautiful city, the capital Mogadishu is in disorder, about as far from its former glory as possible. The makeshift international airport is a debacle. The control tower is empty, there is no one in uniform, no baggage checkers, nothing. As each converted cargo plane lands, cars drive right up to the plane as if to hijack it. Barrels of fuel lie everywhere, and if one wanted to blow up the entire airstrip you would simply need a match.

There are at least five such airports in the city, one for each warring clan. The authorities at each airstrip have their own stamps, their own fees, their own leaders.

A national president was elected last year, but the instability and fighting precludes the new leader's ability to return safely to his own country. President Abdullahi Yusuf has repeatedly promised a return to Mogadishu from exile, and requested 15,000 troops from the African Union to help him do it.

Mr Yusuf says his plans for his country are modelled on his successes in the northern Puntland region, where he was regional president. A new country modelled on Puntland's regional administration has some worried, though, as "functioning" is hardly the term.

A local parliamentarian in Puntland, Asha Gelle, says: "There is no central government and those regional administrations that do exist have no authority. An elder pronounces himself mayor and becomes the king of a small country - with border posts at each end of the village."

The checkpoint is run by a gaggle of well-armed young men acting like eight-year-old boys in the Wild West. Everyone drives like cowboys, acts like cowboys, fights like cowboys. There is no authority and no discipline. Even their commander, "Dawa" ("The Fox"), has no authority over them. A passing driver, Abdi Nasser, says: "There are no laws. We are in a country where no one can control anyone else. People here fight every hour, it's a regular thing."

Weapons are freely available throughout the country. Each town has a gun market where one can buy an AK-47 on the spot for about \$US200.

Most Somalis say they want a central government again, but few are hopeful it can work.

"Mogadishu people think they don't need a government," says a produce vendor. "The president can never return, never."

Even the country's leaders are pessimistic. "Certainly with outside soldiers the whole process will fail," says Mr Gelle.

"The leaders are already organising their militias against the foreign soldiers. They are saying it's like when the Americans came - they will receive African Union troops in the same way."

Things went very wrong for American troops when they entered Somalia in 1993 (as depicted in the Hollywood film *Black Hawk Down*). Since then, non-African nations have been hesitant to get involved, arguing that Somalia's neighbours must bear the burden of making peace.

After September 11, though, new fears of a terrorist haven in lawless Somalia sparked renewed efforts to regenerate a national government.

The challenge will be immense. There are no good hospitals, no social services and no system of property.

"No one owns anything," says Abda Azziz, a port worker. "Your land is yours until someone takes it, your car is your car until it is stolen - that is the law here."

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Exhibit "H"

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

JANE DOE and
JOHN DOE,

Plaintiffs,

v.

YUSUF ABDI ALI,

Defendant.

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Civil Action No. 1:05 cv 701-LMB-BRP

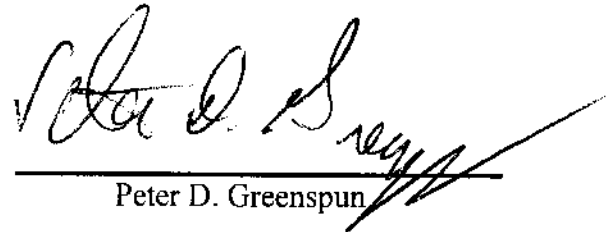
AFFIDAVIT

Commonwealth of Virginia}

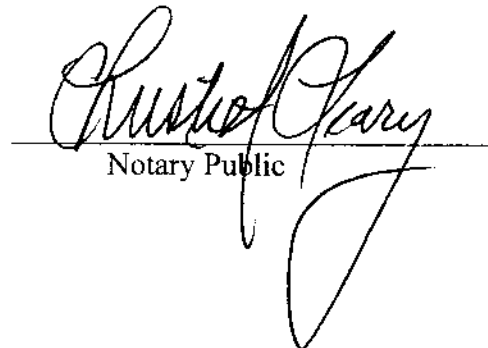
Peter D. Greenspun, first being duly sworn, deposes and says that:

1. I currently serve as counsel of record for Intisar Kahlif Farah regarding a criminal charge alleging naturalization fraud, Criminal Case Number 1:05cr163, which is now pending in this Court before the Honorable Gerald Bruce Lee.
2. The criminal charge against Mrs. Farah centers around statements that she provided on immigration documents to procure United States citizenship. On April 20, 1995, Mrs. Farah attended a naturalization ceremony. One day before the ten year statute of limitations tolled, on April 19, 2005, the Government indicted Mrs. Farah alleging naturalization fraud. Specifically, the indictment alleges that Mrs. Farah made materially false statements on her application for naturalization and other immigration documents. A copy of the indictment is attached hereto.
3. Because the offense alleged involves incidents that occurred well over ten years ago, Mrs. Farah's defense will rely heavily upon witness testimony.
4. Mrs. Farah is the wife of Yusuf Adbi Ali, the defendant in the above-captioned case. It is possible Mr. Ali will be called as a witness at trial in the criminal case. It also appears that Mr. Ali will need the advice of his counsel regarding said testimony.
5. In addition, while investigation is continuing, it appears possible that Joseph Peter Drennan, counsel for Mr. Ali in the above-captioned case, may also be a witness in Mrs. Farah's case.

6. Mrs. Farah's criminal trial is scheduled for four days, including July 27, 2005, the same dates as this Court ordered deposition of the Plaintiffs in the present civil action, where the Plaintiffs will appear for the deposition in Hargesia, in historic Somalia.
7. Mrs. Farah's ability to mount an adequate defense will be severely hampered should Mr. Ali and Mr. Drennan be required to participate in depositions in Somalia on the date of her trial. It is critical for Mr. Ali to be available to appear as a witness in Mrs. Farah's case.
8. Mrs. Farah will be prejudiced if Messrs. Ali and Drennan are not available for consultation and pretrial testimony given the nature and age of the allegation, the nature of the alleged false statement and the need to be able to make witness decisions depending upon the flow of trial.


Peter D. Greenspun

Sworn to and subscribed before me, a Notary Public, by Peter D. Greenspun, this 17th day of June, 2005.


Notary Public

My Commission expires: 2/28/06