

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

BASHE ABDI YOUSUF;	.	
AZIZ MOHAMED DERIA, in his	.	
capacity as the personal	.	
representative of the estate	.	
of Mohamed Deria Ali;	.	
AZIZ MOHAMED DERIA, in his	.	
capacity as the personal	.	Civil Action No. 1:04cv1360
representative of the estate	.	
of Mustafa Mohamed Deria;	.	
BURALLE SALAH MOHAMOUD;	.	
AZIZ MOHAMED DERIA, in his	.	
capacity as the personal	.	
representative of the estate	.	
of Abdullahi Salah Mahamoud	.	
(the deceased brother of	.	
Buralle Salah Mohamoud);	.	
AZIZ MOHAMED DERIA, in his	.	
capacity as the personal	.	
representative of the estate	.	
of Cawil Salah Mahamoud	.	
(the deceased brother of	.	
Buralle Salah Mohamoud); and	.	
AHMED JAMA GULAID,	.	
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	.	
Plaintiffs,	.	
	.	
vs.	.	Alexandria, Virginia
	.	February 23, 2012
MOHAMED ALI SAMANTAR,	.	12:00 p.m.
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	.	
Defendant.	.	
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TRANSCRIPT OF BENCH TRIAL  
BEFORE THE HONORABLE LEONIE M. BRINKEMA  
UNITED STATES DISTRICT JUDGE

VOLUME 1

(Pages 1 - 158)

COMPUTERIZED TRANSCRIPTION OF STENOGRAPHIC NOTES

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## P R O C E E D I N G S

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THE COURT: Go ahead, counsel.

MS. ROBERTS: Good morning, Your Honor. I want to thank you and the plaintiffs thank you for giving them an opportunity to have their day in court.

Obviously, our case has changed a little bit in the last couple of hours. In the light of this morning's default by the defendant, we've refined our case to speak really only to the issues of compensatory and punitive damages.

We plan to present testimony from each of our plaintiffs or from their surviving family members. I think the Court is aware that Aziz Deria was not at his home at the time when his father and brother were taken. So, his sister will be speaking to the issues of what happened there.

Punitive damages are given with a view to the enormity of the offense and require a showing that the defendant's actions were intentional, malicious, or were taken with wanton disregard for the rights of others.

So, we will be presenting some evidence on those points as well. And I really just want to give you an idea of what we plan to present to be sure it's what you want to hear from us. And for logistical reasons, this may not be the exact order, we are still working that out.

So, in addition to the plaintiffs and their family members, we'd like to introduce Ambassador Jim Bishop's expert

1 report, which speaks to the enormity of the crimes that were  
2 being committed in Somalia at that time, and in particular to  
3 the attack on Hargeisa in June 1988 when over 5,000 people were  
4 executed at the center of town for being Isaaq, and the nearly  
5 half million people that fled the country and were forced to  
6 flee from their own military at that time. Two of our  
7 plaintiffs are speaking to what happened to them during those  
8 attacks.

9           We would also like to present a short excerpt, very  
10 short excerpt from a deposition of a Somali military judge who  
11 served under General Samantar and overheard a conversation  
12 between General Samantar, the defendant, and the dictator where  
13 the dictator expressed concern for civilian life, and defendant  
14 General Samantar overruled his concern and insisting on bombing  
15 the town. Which he did.

16           We'd also like to present short video testimony of a  
17 civilian that was captured by Samantar's soldiers and was  
18 forced to dig mass graves with a Caterpillar bulldozer. That's  
19 about a 35-minute video I think if we put the whole thing in.  
20 And we will probably see if we can cut that.

21           We also expect to present some brief expert testimony  
22 from Colonel Culwell, who was the military attaché to the U.S.  
23 embassy in Somalia in the latter years of the regime. He will  
24 be speaking to the issue of punitive damages in a very limited  
25 way in that he visited Hargeisa after the bombing and the

1 civilian attacks, and he can talk about the extent of the  
2 damage.

3 We will also want to present testimony of the BBC  
4 reporter who interviewed General Samantar in 1989 when he  
5 admitted to giving the final okay to those operations. And  
6 that would also go to punitive damages.

7 THE COURT: All right. Well, we will see how it goes  
8 as the evidence comes in.

9 MS. ROBERTS: Okay. Thank you, Your Honor.

10 THE COURT: Call your first witness.

11 MS. ROBERTS: Our first witness will be Bashe Yousuf.

12 THE COURT: All right, Mr. Yousuf.

13 NOTE: The witness duly affirms.

14 BASHE ABDI YOUSUF, called by counsel for the  
15 plaintiffs, first duly affirming, testifies and states:

16 DIRECT EXAMINATION

17 BY MS. ROBERTS:

18 Q. Good morning, Bashe.

19 A. Good morning.

20 Q. Would you please state and spell your name for the record.

21 A. Bashe, B-a-s-h-e, Abdi, A-b-d-i, Yousuf, Y-o-u-s-u-f.

22 Q. When were you born?

23 A. I was born in Hargeisa, Somalia.

24 Q. When was that?

25 A. That was March 22, 1953.

1 Q. Would you please tell us a little bit about your childhood  
2 in Hargeisa.

3 A. Yeah. I was, I had, I was born, as I say, in Hargeisa. I  
4 had all my education up to the high school in Hargeisa. I was  
5 involved in Boy Scouts and I was really active young man when I  
6 was young.

7 Q. Directing your attention to 1969.

8 What noteworthy event happened in Somalia in that  
9 year.

10 A. In 1996 the government was, you know, the Muslim radical  
11 government in Africa was taken over by young officers which  
12 were called the Supreme Revolutionary Council. And they  
13 changed everything to a socialist country.

14 Q. Just to clarify your testimony, was that '96 or '69?

15 A. 1969.

16 Q. Thank you. And did you learn anything different in school  
17 after that?

18 A. Yeah, after that we were taught that the capitalism was  
19 the worst thing in the world. We were bombarded by socialist  
20 propaganda. And we were learning the revolutionary generals or  
21 colonels that were taking over, particularly the five major  
22 ones, which was one of them was Ali Samantar, and we call it  
23 Political Bureau.

24 Q. I am sorry, the Political Bureau?

25 A. Yeah.

1 Q. Did you learn anything about General Samantar outside of  
2 school?

3 A. Outside of school other than, you know, other than seeing  
4 his pictures and sometimes hearing from, what he is talking  
5 from the radio, I didn't learn very much.

6 Q. Where did you see his pictures?

7 A. Almost everywhere, mainly the government places. And  
8 almost everywhere.

9 Q. You mentioned the Political Bureau. Are you aware what  
10 the Political Bureau was?

11 A. Yeah, they were the five major members of the  
12 Revolutionary Council.

13 Q. And was General Samantar part of that?

14 A. Yeah, he was the second in command.

15 Q. Okay. Where do you live now?

16 A. I live in Atlanta, Georgia.

17 Q. And of what country are you a citizen?

18 A. I am a U.S. citizen.

19 Q. Okay. What do you do for a living?

20 A. I am actually a computer information system, and I am a  
21 tech support at the moment.

22 Q. When did you come to the United States?

23 A. I came in 1991.

24 Q. Okay. Now, directing your attention to 1981.

25 Where were you living in that year.

1 A. 1981 I was living in Hargeisa.

2 Q. What were you doing for work then?

3 A. I was a businessman.

4 Q. Who did you work with?

5 A. You mean by my work or--

6 Q. In your work, did you have employees?

7 A. Yeah. I didn't have-- It was mainly family work, a  
8 business.

9 Q. How successful was it?

10 A. It was actually really successful until I was put in jail.

11 Q. Okay. In 1981 was the military dictatorship still in  
12 power?

13 A. Yeah, they were.

14 Q. What, if anything, changed under the military dictatorship  
15 with respect to the schools in Hargeisa?

16 A. Hargeisa was, Somalia in general there was not much of the  
17 schools, but they have a very good quality before the  
18 revolution. After the 1960, there was a quantity, but the  
19 quality of the school was really bad. Teachers were not paid  
20 enough, so they were not going to the school. The grades of  
21 the schools were dropping. Almost you can say students were  
22 learning nothing.

23 Q. And in 1981, what was the state of healthcare in Hargeisa?

24 A. Healthcare was even worse than the education. I was in  
25 Hargeisa at the time, there was no electric lights. There was



1 only one generator in Hargeisa, and that wasn't working because  
2 the government would not provide any gas for that. So, it was  
3 dark day and night.

4 And there was not any kind, you know, little bit of  
5 medication. The doctors were not there, the same as teachers.  
6 And there was completely, there was not what you call a  
7 hospital at all.

8 Q. Anything else about the hospital?

9 A. The hospital we decided afterwards, you know, to help the  
10 people there. Most of us were actually young men then, I was  
11 only 26 or something at that time. And a group of my friends  
12 who mainly came from America, Europe or Arabia, when we saw how  
13 the city was really getting bad, we tried to help the little  
14 bit we can do.

15 So, we tried to clean up the hospital. We tried to  
16 buy some, you know, minor facilities for this hospital. And we  
17 tried to at the same time encourage the doctors to go with us.  
18 And we really did that.

19 Q. What was the first thing, if anything, that you-- Well,  
20 you mentioned that. What was the first thing that you did to  
21 address your concerns about healthcare and education in 1981?

22 A. In healthcare mainly what we did, what I said was  
23 cleaning. And at the same time, because I was a business, with  
24 other business guys, we collected money and tried to get some  
25 stuff, like syringe or some bandage or that kind of thing. We

1 took them, we bought them from Saudi Arabia.

2 In the school because the teachers mostly worked with  
3 my friends or worked by, what is that, classmates in high  
4 school, we tried to, you know, collect some money and tried  
5 them to, you know, provide them a little bit, a little money so  
6 they can afford to go back to school instead of staying out of  
7 school.

8 So, the teachers, most of them were going back to  
9 school and teaching the students.

10 Q. Did you ever bring the state of education and healthcare  
11 to the attention of the government?

12 A. Not really, but they got their own attention of this  
13 immediately. What they did was they thought that we were  
14 challenging them. We were young ourselves and we were naive,  
15 we didn't know what a dictatorship means. So, they took us as  
16 a challenge, and immediately they make us that we were angry,  
17 antirevolutionary.

18 Q. Okay. What was the government's reaction then when they  
19 thought, to this charitable work?

20 A. Immediately they arrested us, arrest the first group of  
21 us. And one of the others they were torturing and taking us  
22 from, at nighttime with security people, military and  
23 everything. They were coming to us one after the other.

24 Q. So, you and your friends who were doing this charitable  
25 work at the hospital, were you all of Isaaq background?

1 A. No. We were not all Isaaq, but the government made it  
2 only Isaaq. They didn't arrest the rest of the people, friends  
3 that was working in the hospital.

4 Q. So, turning your attention to November 1981. What  
5 happened to you on your last day of work in Hargeisa?

6 A. Well, what happened was I was in my working place, and at  
7 least three or four, I mean four or five military and security  
8 people came to my work, to my working place, and they asked me  
9 if I was Bashe. They didn't know my face, but they know all  
10 about me. And I told them yes.

11 Q. What did they do?

12 A. What they did was they, you know, they told me that they  
13 would have a chat with me. And they showed me their  
14 credentials-- I asked them actually who they are. And they  
15 showed me their cards.

16 So, I went with them with the Land Cruiser. And I  
17 was taken to confinement I would say.

18 Q. Where did they take you?

19 A. They took me to, a new building that was supposed to be an  
20 immigration office.

21 Q. Okay. And what happened? That was a government building?

22 A. They put me in a cell, I mean, in what is supposed to be a  
23 room, but it was a cell to me. And I was left there without  
24 food or nothing for two days.

25 Q. And what happened after two days?

1 A. After two days one of the military guard who was having,  
2 you know, a gun with him, opened my door. And there were  
3 several, you know, two or three plain, not in uniform, came to  
4 my office and they have took me to a conference room.

5 Q. Okay. Let me stop you there. You mentioned that there  
6 were military people. How were they dressed?

7 A. They were dressed in camouflage dress, the kind of, you  
8 know, military dress.

9 Q. Camouflage?

10 A. Yeah, camouflage.

11 Q. Anything distinctive about their uniforms?

12 A. Can you say that again?

13 Q. Were they Somali government uniforms, or were they some  
14 other kind of uniforms?

15 A. They were Somalia government for sure.

16 Q. I am sorry, I meant to ask if they were military uniforms  
17 or police uniforms?

18 A. No, no, military uniforms.

19 Q. So, when they took you to this conference room that you  
20 mentioned, what happened next?

21 A. They asked me about, you know, some, which I couldn't  
22 believe what they were asking me, I was put in jail for, if I  
23 was a friend with this guy, if I have chatted with that guy, if  
24 I know somebody. I said all of them yes. I didn't see  
25 anything wrong with being a friend to a friend, you know, to

1 somebody. If I had, for example, working in the hospital or  
2 all that-- They just, you know, things I did, they are asked  
3 me.

4 Q. So, when they were asking you about your friends, were  
5 they asking you about all of your friends, or was there a  
6 particular group that you could discern?

7 A. They were asking me any particular group, which I would  
8 say mainly tribal Isaaq, with the exception of one.

9 Q. Who was that exception?

10 A. Dr. Tani.

11 Q. Dr. Tani?

12 A. Yeah.

13 Q. So, how long did that interrogation last?

14 A. I don't know exactly the time, but I would say it was  
15 about two hours for the first one.

16 Q. What happened after that?

17 A. After that maybe, after maybe three weeks they came back  
18 to me and they asked me if I had throw a bomb.

19 THE COURT: I am sorry?

20 THE WITNESS: A hand bomb.

21 THE COURT: What did they ask you?

22 THE WITNESS: If I had thrown a hand bomb to military  
23 place.

24 THE COURT: In the three weeks, where were you in  
25 that three-week period?

1 THE WITNESS: I was in the same room.

2 THE COURT: In the same building?

3 THE WITNESS: Same building, same room that I was  
4 brought first in the first place.

5 THE COURT: All right.

6 BY MS. ROBERTS: (Continuing)

7 Q. How long were you held in that interrogation building  
8 altogether?

9 A. Altogether it would be three to four months.

10 Q. So, in your second interrogation they asked you if you had  
11 been throwing a bomb. What did you tell them?

12 A. I told them that I never had once even seen a bomb, let  
13 alone throwing it. And I never have been in military training.

14 And actually that time they called me, took me, come  
15 back to me in the nighttime about 12 clock, and I was taken  
16 out. I don't know where it was, which side of the city it was  
17 because I was brought out blindfolded, and I was in a Land  
18 Cruiser.

19 Q. Okay. Let me stop you there. There was an interrogation  
20 where they accused you of throwing a bomb. And then did they  
21 take you back to your cell?

22 A. Yeah, they took me back to my cell.

23 Q. So, then the next time that they came to you, how long,  
24 how long was it until the next time that the soldiers came to  
25 take you out?

1 A. Actually the same night.

2 Q. The same night?

3 A. Yeah.

4 Q. And did they blindfold me?

5 A. Yeah, they blindfold me. They took me in a Land Cruiser.

6 And I was taken from out of the city, the only way I can know

7 that it was out of the city because they stopped in the

8 control, and they were talking to the guard in there, giving

9 them a code name.

10 Q. When you say control, do you mean like a military

11 checkpoint?

12 A. Military checkpoint, yes.

13 Q. When they took you outside of the city, what happened?

14 A. Well, they took me, they start torturing me. First what

15 they did was they put my hands and they bound my legs together,

16 what we called MiG, and they tied me tightly. Somebody

17 pressing his foot on my back. And they, you know, tightened me

18 like that. Every time telling me to admit what I did, you

19 know, to admit that I had thrown that bomb.

20 When I, at first I was trying to be a man, be strong

21 and not cry. But later on I started crying because it was

22 painful. And they turn me over and poured water over my face,

23 which was just like drowning. I don't know how long it was,

24 but, you know, it was forever to me.

25 Q. Would you mind standing up to demonstrate for the Court

1 what you mean by the MIG position.

2 A. Yeah. What they did was they actually tied my hands  
3 together like that. And they tied my legs together. And put  
4 my, you know, put the string from, tied my back to my legs and  
5 stretch me all the way. And they put something heavy, I don't  
6 know whether it was foot or a stone, but some heavy stuff so I  
7 can be in a ball like, bent like a ball.

8 Q. Thank you. Were there any physical, visible injuries that  
9 you had as a result of being tied like that?

10 A. Yeah. There was, you know, it was cut all over my hands,  
11 my legs and my knees.

12 Q. Were you bleeding?

13 A. It was bleeding. And I actually when I was tortured, I  
14 would not be able to stand up for three days. Even I was going  
15 to the bathroom crawling.

16 Q. Were you able to recognize the voices of any of the people  
17 that were doing this to you?

18 A. Afterwards I was able to understand, you know, to  
19 recognize some of them. Mainly the guy who was torturing me at  
20 the time.

21 Q. Were you aware of how long you were held in the MIG  
22 position?

23 A. Not really. At the time it was, I was not time conscious  
24 at the time. But it was forever. It was long, long for us, as  
25 far as I am concerned.



1 Q. Was this type of treatment ever repeated?

2 A. Yeah, it was repeated to me at least four or five times.  
3 And they even use one time inside my cell an electric in my  
4 armpits.

5 Q. Was it just one time that they used the electric shock in  
6 your armpits?

7 A. Yes, it was only one time.

8 Q. And four or five times for the MIG and the water or--

9 A. Yeah, MIG and the water together, yeah.

10 Q. Why weren't you able to walk or stand after?

11 A. Because it was so painful and so, you know, hard. I was  
12 really-- Second day I was able to stand most of the time. But  
13 the first day, especially the first time, when I get up, I came  
14 completely hungry and thirsty. And I was not even able to  
15 move, you know, because all my hands and my legs get numb. So,  
16 it was hard to even stand up.

17 Q. Did you ever participate in any antigovernment activities?

18 A. Never.

19 Q. Did you ever participate in any protests?

20 A. No.

21 Q. You mentioned earlier that you were kept at this  
22 interrogation building for three to four months.

23 What, if any, document were you provided during that  
24 time?

25 A. Yeah, the one time almost after they have done their

1 interrogation, they gave us a document that was I think, what  
2 do you call, all our charge, what was written on.

3 Q. What were you charged with?

4 A. I was charged that I was a member of an illegal  
5 government, I mean, illegal party that was taking, you know,  
6 trying to overthrow the government.

7 Q. At that time were you a member of any organization?

8 A. Not that I know of.

9 Q. What's the highest sentence you could receive for that  
10 charge?

11 A. It was death penalty.

12 Q. Where was the trial?

13 A. The trial was in National Security Court.

14 Q. Had you ever seen that court before?

15 A. Yeah, I have seen it because when I was younger I was  
16 interested to be a lawyer, I guess. I always went to the  
17 courts to listen for the proceedings.

18 Q. What did you see when you arrived at the court?

19 A. When I arrived at the court, there was military people all  
20 around the court. And there was student uprising. The other  
21 side of the crowd, the soldiers. And we went inside the court.

22 And the judge, the people who were sitting on the  
23 judge chairs were military and a police guy, two judges. One  
24 of them was military guy, I think he was a Major. And a  
25 police, I think he was a Captain.

1 Q. Were they in uniforms?

2 A. They were both in uniforms, yes.

3 Q. And you could recognize those uniforms?

4 A. Oh, yeah.

5 Q. Were you allowed to testify?

6 A. No.

7 Q. Who did testify?

8 A. The only people who testified was the people who were  
9 torturing us, which was the witnesses of the government. The  
10 only thing my, you know, what is that, lawyer, told me, I asked  
11 him what's my options. And he said he will be lucky if he  
12 saves my skin.

13 Q. How did you recognize that the witnesses were your  
14 torturers?

15 A. Oh, those are guys who were with me for, torturing me for  
16 three, four months. I recognize their voice, everything of  
17 them.

18 Q. Okay. Were those witnesses, from what branch of the armed  
19 forces were those witnesses?

20 A. They were security people, military people and police, all  
21 together.

22 Q. When you say security people--

23 A. I mean National Security. Like CIA here, I guess.

24 Q. National Security Service?

25 A. Yeah, NSS.

1 Q. Okay. Are you familiar with the term "Uffo"?

2 A. Yeah, I am.

3 Q. Was UFFO an organization?

4 A. It was never an organization, but the government made it  
5 an organization.

6 Q. What do you mean when you say the government made it an  
7 organization?

8 A. The first time I have heard that Uffo is an organization  
9 was in a court. I didn't even hear that when I was being  
10 interrogated. The only time that they said I was a member of  
11 Uffo group was in the court. I never heard that before then.

12 Q. Had you ever heard of Uffo before?

13 A. Uffo is a Somali word, so it's--

14 THE COURT: I am sorry, what is it?

15 THE WITNESS: It is a normal Somali word, uffo, it is  
16 a breeze that comes before the rain.

17 BY MS. ROBERTS: (Continuing)

18 Q. How many defendants were on trial at once?

19 A. 25.

20 Q. What did you have in common with the other defendants?

21 A. We were all young, all came from, most of us came from  
22 outside of the country then. And all of them, but one, was  
23 Isaaq clan.

24 Q. And were these the people that you had been working with  
25 in the hospitals and in the schools?

1 A. Yeah, they were all of them working there.

2 Q. How long did the trial last?

3 A. Two days.

4 Q. Two days for 25 defendants?

5 A. Yeah.

6 Q. Were you convicted?

7 A. I was convicted for 20 years.

8 Q. What was your reaction when you heard the verdict?

9 A. Even though my lawyers have advised me to expect the  
10 worst, it still, when the names were called one after another  
11 from 20 years to life sentence, it sounded strange. And I  
12 thought in Arabic then I said, mustaheel, which means  
13 impossible.

14 Q. How many of the other defendants were convicted?

15 A. 20 of us.

16 Q. I am sorry, I didn't hear you.

17 A. 20.

18 Q. 20.

19 A. Four of them were released, I think. They were not  
20 charged for anything or they were not taken part of the-- I  
21 don't know the term that you use.

22 Q. Did you consider appealing?

23 A. There was no appealing for Supreme Court, none whatsoever.

24 Q. Where were you and the other convicted defendants taken  
25 after your trial?

1 A. We were taken to the main center, I think they call it  
2 Hargeisa Central Jail.

3 Q. Can you please describe the conditions of your confinement  
4 in the Hargeisa Central Jail.

5 A. Yeah. Hargeisa Central Prison was built in the colonial  
6 times, probably in 1940s or even older, I don't know. It was  
7 kind of old building. It was very dirty with cockroach, rats,  
8 mice was everywhere. And we were back in one room, all 20 of  
9 us. And there was no bathroom. We were using buckets as a  
10 bathroom.

11 Q. Were you allowed any visitors?

12 A. Yes.

13 Q. And did you have visitors?

14 A. Yeah, I have some, I have, you know, friends, family.  
15 With the exception of my father, he never came to me.

16 Q. Why not?

17 A. Because he can't stand, you know, me sitting in jail.

18 Q. How long were you held at Hargeisa Central Jail?

19 A. About eight, nine months.

20 Q. Could you please describe the conditions under which you  
21 left the Hargeisa Central Jail.

22 A. About I think 1 or 1:30 in the morning a military, you  
23 know, almost about 40 or 45 members of military came to all of  
24 us and we were taken in a truck, in the back of a truck. There  
25 was a caravan. In front of the caravan was an armored motor

1 car with a big gun, I don't know what you call it, on the top.  
2 And we were the second car. And there was another truck with  
3 military police, I think you call, with the red cap going  
4 behind us. And there was another motor car at the end of the  
5 caravan.

6 Q. Where did they take you?

7 A. First they took us all the way to Galkayo, which is almost  
8 the center of Somalia. And we were, we stayed one night in  
9 there.

10 Q. Okay. Bashe, I would like to direct your attention to a  
11 map to help clarify your testimony at this point.

12 Jamey, could we put up Demonstrative No. 3.

13 Bashe, can you indicate to the Court where Galkayo  
14 is?

15 A. Galkayo is the dot in the center, almost under the yellow  
16 part of the map.

17 Q. Okay. And could you go ahead and describe where else they  
18 took you after Galkayo.

19 A. After Galkayo they took us all the way to Mogadishu, which  
20 is the capital of Somalia, and we stayed there for three  
21 nights. After that we were taken to Labataan Jirow, which as  
22 far as I know is no man's land. It's somewhere in the middle  
23 of the country. I mean, south of the country.

24 Q. Let me just stop for a moment and point you to the map.  
25 Is this an accurate map of Somalia?

1 A. Yeah, it is accurate, as far as I can tell an accurate map  
2 of Somalia.

3 Q. Can you tell the Court what the area demarcated as yellow  
4 refers to?

5 A. Somalia is composed of two countries joined together. The  
6 yellow part is ex-British colonist part of Somalia, which we  
7 now like to call it Somaliland. The south is the Italian  
8 Somalia.

9 So, the Somali Republic was made up of the north and  
10 the south part of Somalia.

11 Q. Okay, thank you. Where did they take you first when you  
12 arrived at Labataan Jirow?

13 A. Well, when we were took to Labataan Jirow, they  
14 blindfolded us, so I really can't, we didn't see any part of  
15 it, but they unfold when they put us in a cell.

16 Q. So, could you-- So, they took off your blindfold in the  
17 cell, is what you're saying?

18 A. Yeah.

19 Q. Could you please describe that cell.

20 A. The cell was a small, you know, about four or five steps,  
21 I can take four or five, maximum five steps in both ways. You  
22 know, it was made of concrete. The wall, the outside part was  
23 longer, was thicker than if I stretch my hands. Inside there  
24 was a concrete table made of, table that was made of concrete,  
25 and a chair made of the same thing.



1                   At the other end there was, you know, kind of a  
2 bathroom that was cut for a bathroom.

3 Q.    Was that a plumbing toilet or--

4 A.    I mean, toilet, yeah.    Around the toilet, there was a  
5 shower too.

6 Q.    Was it plumbing or was it a dug toilet?

7 A.    Oh, it was a dug toilet.

8 Q.    Could you describe the door to the cell, please.

9 A.    The door was made up of, I would say two kind of iron  
10 doors.    The outside one was completely solid sheet of iron, you  
11 know, heavy iron.    The one inside was kind of, I think it was  
12 welded together, kind of a mesh door I would say.

13 Q.    Okay.    How many people were in that cell initially?

14 A.    In my cell there was only me and my friend, one of my  
15 friends.

16 Q.    And how long did the two of you stay in that cell  
17 together?

18 A.    As a matter of fact, it is hard for me to tell the time at  
19 that time.    As you can understand, my watch was taken.

20 Sometimes we don't know even the date because we have nothing  
21 to, you know, measure the day or the time.    But I would say  
22 about maybe six, seven months is maximum.

23 Q.    Okay.    And after six or seven months, what happened?

24 A.    My friend was taken from this cell, transferred to another  
25 cell.    I was in complete isolation for the rest of that.

1 Q. How long were you kept in complete isolation like that?

2 A. I was seven years for complete isolation. I did not speak  
3 with anybody. I didn't even remember, I was sometimes  
4 wondering if I still remember my, even my native language.

5 Q. Did you have anything to read?

6 A. I had with me two novels and a newspaper that I kept with  
7 me from my last jail.

8 Q. Are you familiar with the layout of Labataan Jirow?

9 A. Yes, I do.

10 Q. I would like to show you a drawing to help the Court  
11 understand your testimony about Labataan Jirow.

12 JAMEY, if we could put up Demonstrative Exhibit No.  
13 4.

14 THE COURT: Just for the record, the previous exhibit  
15 is what number?

16 MS. ROBERTS: I'm sorry, that wasn't an exhibit.  
17 It's only--

18 THE COURT: Then it will not be part of the appellate  
19 record.

20 MS. ROBERTS: It will not be part of the appellate  
21 record.

22 THE COURT: All right.

23 MS. ROBERTS: It is just to help Your Honor  
24 understand what he is going to describe.

25 THE COURT: All right.

1 BY MS. ROBERTS: (Continuing)

2 Q. Could you tell us or tell the Court which one of those  
3 cells was yours?

4 A. As you can see, the Labataan Jirow was kind of a  
5 triangular construction. I was on the left side on the top  
6 column, I mean, row of the cells. I was somewhere in the  
7 middle.

8 Q. What could you see from that cell when the door was  
9 opened?

10 A. I could see was that, what I call post card, only that  
11 part I have been seeing for seven years. The only change that  
12 came with me was the seasonal change, whether it is green or  
13 dry.

14 And the other thing I saw was the flag, that was  
15 right across the other side of the wall.

16 Q. Thank you. And I think I misspoke. I said when the door  
17 was open, but I meant when the outer door was open.

18 What would it be like when the outer door was closed?

19 A. You mean outer doors?

20 Q. The outer solid sheet, when that door was closed, was  
21 there light in your cell?

22 A. No, there was not.

23 Q. Is there anything missing from this drawing?

24 A. The only thing missing? Yeah, the only thing missing is  
25 the military.

1 THE COURT: I am sorry, is the what?

2 Q. The military?

3 A. Actually it was a jail, at the same time it was base, a  
4 military base. So, all around the sides there were military  
5 everywhere, tanks, there was-- I don't know the names of the  
6 weaponry, but a lot of heavy machines around.

7 Q. Okay. And you're talking about the Somali government  
8 military?

9 A. Oh, yeah.

10 Q. Could you please describe for the Court the conditions of  
11 your daily life in Labataan Jirow.

12 A. The condition was I think monotonous, it was the same all  
13 the time. In the daytime I used to see the light, that's when  
14 I didn't make misbehave or I did anything wrong because if I  
15 misbehave or if they decide that I was not behaving the way  
16 they want, the only door I had was closed. So, it would be  
17 dark 24 hours.

18 The food I was given was the poorest you can imagine  
19 in a third world country jail. I won't blame them. They would  
20 give me what they had. They gave me, they tried to give me as  
21 much as they can, but it was really poor.

22 There was no electric light. The place was full of  
23 cockroaches. You know, there was mice everywhere. There was,  
24 what is that, cockroach flying, you know, like you are in  
25 Atlanta airport, flying everywhere.

1           And it was really bad. One time I remember I fainted  
2 somehow, I don't know what was wrong with me. We use to, the  
3 bathroom, to put a bucket on the top of it, a full bucket of  
4 water so the rats will not come out.

5           One night I remember I tried to lift that bucket and  
6 I fell down, I fainted. And I remember it, a drop of water  
7 hitting me on my chest, which was coming from the, you know,  
8 the shower in there. And there was, I was covered with every  
9 kind of cockroach, mouse, rats, everything.

10           And I was, I was not sure where I was, so I have to  
11 crawl. When I see the small window of the outside, I figured  
12 out where I was.

13           From that night on, I tied myself to my bed so I will  
14 not be able, you know, because if I fainted and I hit one of  
15 those concrete chairs or tables, I might have died immediately.

16           So, I was, I didn't go outside for, I didn't go at  
17 nighttime anymore again in the bathroom.

18 Q.    Were you able to leave your cell?

19 A.    In the first part of when I was brought, when I was in  
20 Labataan Jirow, they gave us 15 minutes walk. Usually where  
21 the building goes, you know, a little bit outside, we used to  
22 walk around that for 15 minutes.

23           And all the doors that was toward this way were  
24 closed so we won't see my friends, you know, anybody in the  
25 jail.

1           After that, I don't know whether the politics has  
2 changed or what changed, but all of a sudden, that's when we  
3 were two persons together too, they stopped taking us outside  
4 and they put each one of us in a different cell.

5 Q.   So, what, if anything, did you do in order to leave your  
6 cell after that first six to seven months when you were given  
7 that chance?

8 A.   I don't know if anybody in here will imagine, but when you  
9 are in a cell for a long time--

10 Q.   Okay. Do you need a second?

11 A.   Give me a minute.

12           When you are in a cell for a long time, sometimes the  
13 most precious thing will be to see a star. Or just fresh air.

14           Thanks. I'm sorry.

15 Q.   Perfectly all right. Would you like me to repeat the  
16 question?

17 A.   I will try.

18 Q.   What, if anything, did you do in order to be taken out of  
19 that cell?

20 A.   Yes, sometimes I will argue with the soldiers or bang the  
21 door so I would be taken outside and see-- I will be taken to  
22 the-- What is that? The command officer, which is on the  
23 other side around here on the right-hand side of the colony  
24 there.

25 Q.   On the right-hand side of the drawing?

1 A. On that side of the prison. So, I will be taken across  
2 almost half, more than half of the prison. Just to get the  
3 stars and the fresh air, I will misbehave even though I will  
4 know that my door will be closed maybe for another month.

5 Q. Could you describe for the Court what it was like to be in  
6 solitary confinement.

7 A. I have been in torture for a long time. The worse torture  
8 you can go through is isolation. You turn into an animal.

9 THE COURT: You are going to need speak closer to the  
10 microphone.

11 A. Yeah, you completely turn an animal. It's really, really  
12 bad.

13 Q. How did it compare with your time at the interrogation  
14 center?

15 A. It was incomparable. There is nothing like isolation.  
16 You know, when you are tortured, it's painful in that time, but  
17 it's only physical. But when you are tortured mentally, there  
18 is nothing like it. It will affect you for the rest of your  
19 life.

20 Q. Over those years, were you allowed any communication with  
21 your friends who were in the other cells?

22 A. Yeah, probably that's what have saved us because we were,  
23 about a year when we were in jail or maybe one-and-a-half year  
24 I would think, we were able to make kind of north code.

25 Q. A kind of Morse code?

1 A. Morse code I mean. Morse code. So, we were able to  
2 communicate across the walls by bang, making two different  
3 sounds. Like, for example, this would be dot, and this would  
4 be bang.

5 So, the code is made of only two sounds. So, we were  
6 able to communicate with my friends on either side of my cell.

7 Q. One letter at a time?

8 A. Yeah, I mean, one letter at time, yeah.

9 Q. What sorts of things did you communicate with the other  
10 prisoners through the walls?

11 A. Actually I was, the guy next to, for example, next to my,  
12 my cell, was, you know, Ph.D. economist from-- What was the  
13 name of his school? London School of Economics. And he was my  
14 dictionary. So, the all books I have, I used to ask him. I  
15 learn most of, some of the, more than I know before because we  
16 were, you know, communicating a lot.

17 And one time I have even get medication through the  
18 wall.

19 Q. How did you end up getting medication through the wall?

20 A. One time my leg has turned blue, and it was not stretching  
21 enough. And I told my, you know, the guy next, the left side  
22 of my cell, who was a doctor, Dr. Ismal, I told him that I  
23 have, that my leg is blue. He told me, you know, a technical  
24 term, I don't remember now. And he said I might loose my leg  
25 if I don't do anything about it.



1 I tell him, what shall I do. He told me he has the  
2 medication, but he is not sure whether it has expired. At the  
3 same time he was not sure how to get that medicine to me  
4 because we were not supposed to talk or to tell them that, you  
5 know, the other person is sick, he will not talk to the  
6 soldiers.

7 Q. So, what did you do?

8 A. Well, what I told, tell him was he can throw the  
9 medication, wrap it with something and throw it outside. So,  
10 the only way, only time we can ask to get outside when we are  
11 getting, when they shave our hair and beard or to cut the  
12 nails.

13 So, he threw away, throw out, throw the medicine. I  
14 told them the soldiers I need to get my hair shaven. So, I  
15 seen the place that was, the medicine was thrown. And I took  
16 the medicine. And that is how I have, you know, saved my leg.

17 Q. When were you finally able to leave Labataan Jirow?

18 A. I was able in 1989.

19 Q. Do you know why you were released?

20 A. No, I didn't know. But later I found out there was a war,  
21 a really heavy war in 1988 in north part of the country where I  
22 am from, Hargeisa mainly. And all my people is in refugee  
23 camps. All my family were in the refugee camp.

24 So, I believe the government, I have no value for the  
25 government anymore.

1 Q. Could you please describe what happened when you were  
2 released.

3 A. Yeah. I was taken, I was again blindfolded, taken into a  
4 Land Cruiser. First we were released in three different times.  
5 I was the last group that was taken out. I was taken, I was  
6 put in a Land Cruiser, the back of the Land Cruiser with other  
7 three friends, other two friends of mine.

8 Q. Did you-- I am sorry, go ahead.

9 A. They have taken our, I mean, the blindfold somewhere in  
10 the middle where there is no city or anything, just an empty,  
11 you know, countryside.

12 Q. Did you recognize each other?

13 A. Not that part. Then they told us to urinate. And they  
14 didn't put the blindfold again. So, when we were, we came to a  
15 city, it was nighttime. So, a friend of mine who was next to  
16 the door, because we know geographically where the Labataan  
17 Jirow was, and we know the closest city to that in Somalia is  
18 Biadaba, and I used to be a teacher in Biadaba. And he asked  
19 me if I know this city. Is this Biadaba, he asked me. I said,  
20 no, it cannot be because it was like a picture I have in my  
21 mind how New York will be.

22 I told him it should be New York or somewhere, maybe  
23 we are in Kenya. But it turned out it was Biadaba actually.

24 Q. Did they return your clothes to you?

25 A. Did they what?

1 Q. Your clothes.

2 A. Yeah. The strange part was they took me to a, what is  
3 that, in a place where they put all the bags we had, and they  
4 told me, pick up your bag. I don't even remember what the bag  
5 looks like. I don't even remember what clothes I had.

6 So, I asked them, I look one of them-- Because there  
7 is no way I could. Then I remember I had a Rolex watch. And I  
8 told them I had a Rolex watch and that will be strange, nobody  
9 would ever, my friends have that kind of watch. And I asked  
10 them, I have a Rolex watch. Then I found because of that which  
11 one my bag was.

12 Q. How did your friends look to you when you were finally,  
13 when your blindfold was taken off?

14 A. When I was immediately released from the cell, I came  
15 face-to-face with one person. I didn't recognize him first. I  
16 recognized when he was smiling that he was my best friend. I  
17 can't even tell it was him because he changed so much.

18 Q. After your seven years of solitary confinement, were you  
19 finally able to see your father?

20 A. No.

21 Q. Why not?

22 A. Because my father was killed, he was shot while he was  
23 trying to see me when he heard that I came to Ethiopia.

24 He never, my father was an older person who was  
25 crippled and all, and he was waiting for, he let the rest of

1 the family to go to Ethiopia, but he was staying inside  
2 Hargeisa so he can take care of his father, I mean, his  
3 brother. When I was released and my mother went to him,  
4 because only women were able to go, you know, back to the city.  
5 And she told him that I was released. And he said, now I can  
6 go to Ethiopia too.

7 But when he was coming out, trying to go to-- What  
8 is that? Turopak (phonetic), which is another part, another  
9 Isaaq city, he was trying to go through there, but he was shot  
10 in the-- What is that? He was killed there by the military  
11 people.

12 Q. Did you decide to stay in Somalia or to leave?

13 A. I decided to leave.

14 Q. Why?

15 A. Because it was not safe for me, or for anybody for that  
16 matter in 1989.

17 Q. What did you do when you left Somalia?

18 A. I don't know how I get the passport or when the picture  
19 was taken because people were afraid even to make, to get  
20 passport for me. I don't know who made it today, but I was  
21 given a passport with my picture on it.

22 And there was, in Muslim calendar there is time  
23 called The Hajj. That means you can go to Saudi Arabia for the  
24 pilgrimage. So, I went there first. And I end up Djibouti, I  
25 came back to Djibouti.

1 Q. When did you finally come to the United States?

2 A. I came to the United States-- First we apply for  
3 political asylum in Djibouti. We were immediately given that.  
4 But we told them at least a time to see our family in the  
5 refugee camps. And maybe after one year we came to Djibouti  
6 back and came to America.

7 Q. Could you please explain for the Court how this experience  
8 has affected, excuse me, has affected your life.

9 A. It actually affected me in every way. Even today when I  
10 am standing, I still walk the four or five steps that I was  
11 pacing in my cell. I don't remember most of the numbers, the  
12 dates, even my, the birthday of my daughters. And I even  
13 forget my daughter was in the hospital.

14 Q. So, what did you forget on the day when your daughter was  
15 in the hospital?

16 A. My daughter in the hospital.

17 Q. What did you forget?

18 A. I was trying to take her to the hospital, and I went  
19 outside, I just drove, I didn't ever remember until my wife  
20 called me.

21 Q. What physical effects has this experience had, I know this  
22 is hard, I am sorry, what physical effects has this experience  
23 had on you?

24 A. I believe I was so depressed that I cannot even handle my  
25 own marriage. Even today when I feel everything, I lay down, I

1 like to in a dark place. To turn off the lights, close all the  
2 doors, that is the best place in my life now.

3 Q. Do you have nightmares?

4 A. A lot. Even last night, especially when I talk about it  
5 or remember, any of my friends calls me who were in jail with  
6 me, that's when I usually have the nightmares.

7 Q. You mentioned pacing. What do you mean by that?

8 A. What it is is whenever I stand up or smoke, I was so used  
9 to be-- When you are in a cell, you go around like a lion in a  
10 cage, you don't sit down. It's really, you have to, you know,  
11 go around, somehow, I don't know why.

12 So, when I stand up or smoke, I still go with the  
13 lengths of my jail, the five steps coming back, the same, same  
14 pace, I still do.

15 Q. Why do you think General Samantar is responsible for what  
16 happened to you?

17 A. General Samantar was the vice-president of Somalia, he was  
18 the commander of the military, he was the highest ranking  
19 general in Somalia. And from the start to the last, I was, my  
20 ordeal was in the hands of the military police, of the military  
21 people. From the jail I was, in the cell I was tortured,  
22 interrogated. Even Labataan Jirow was a military base, and he  
23 was there under his own direct command.

24 MS. ROBERTS: Thank you, Bashe. I have nothing  
25 further.

1 THE WITNESS: Thank you.

2 THE COURT: Thank you, sir, you may step down.

3 NOTE: The witness stood down.

4 THE COURT: Call your next witness.

5 MS. ROBERTS: Next witness would be Buralle Mohamoud.

6 Your Honor, this witness will be testifying in

7 Somali, so we need to have--

8 THE COURT: All right, our interpreter is the same

9 gentleman from this morning, correct? Counsel?

10 MS. ROBERTS: I believe so, yes.

11 THE COURT: Yes. All right. So, we will have the

12 witness affirmed.

13 NOTE: The witness duly affirms.

14 THE COURT: Now, I am going to ask the interpreter,

15 we need to hear you. So, if you will stand near the microphone

16 so when you are speaking English, I can hear you.

17 THE INTERPRETER: All right, Your Honor.

18 THE COURT: Go ahead.

19 BURALLE SALAH MOHAMOUD, called by counsel for the

20 plaintiffs, first duly affirming, testifies and states:

21 DIRECT EXAMINATION

22 BY MS. ROBERTS: (Through Interpreter)

23 Q. Good morning.

24 A. Good morning, Your Honor.

25 Q. Would you please state and spell your name for the record.

1 A. Buralle Salah Mohamoud.

2 Q. May I remind you to speak up and speak slowly for the  
3 translator.

4 Buralle, where do you live?

5 A. Burao, Sasha'anade.

6 THE COURT: I am sorry, what? You have to spell that  
7 for us.

8 THE WITNESS: Sasha'anade, which is district in  
9 Burao, that's a region in Somalia called Burao.

10 THE COURT: All right.

11 THE WITNESS: In Somaliland.

12 BY MS. ROBERTS: (Continuing)

13 Q. When were you born?

14 A. 1962.

15 Q. And where were you born?

16 A. Sasha'anade.

17 Q. What do you do for a living?

18 A. I live in what you call a countryside.

19 Q. And what do you do to earn your living?

20 A. I have goats and two camels.

21 THE COURT: Camels?

22 THE INTERPRETER: Camels.

23 THE COURT: Camels.

24 BY MS. ROBERTS: (Continuing)

25 Q. How long have you cared for goats and camels?



1 A. I born in the countryside and that's where I live, that's  
2 where I am.

3 Q. If I understand you, you have done that all your life?

4 A. Yes.

5 Q. Okay. Directing your attention to the year 1984.

6 Where did you live then?

7 A. I was in the countryside.

8 Q. In the same area?

9 A. Around the same area.

10 Q. How far was closest town?

11 A. Around hour, hour-and-a-half.

12 Q. Were there soldiers in your village?

13 A. I used to live in the village. The soldiers, they don't  
14 used to live there, but they used to come to the village.

15 Q. And were the soldiers from the Somali National Army or  
16 some other group?

17 A. They were Somali National Military.

18 Q. Okay. Was there a military base in your region?

19 A. The closest base was Beldeke (phonetic). And I used to  
20 see in also Burao.

21 Q. Do you know who the person was in charge of the military  
22 base in Burao?

23 A. Yes, I used to know, I know him.

24 Q. Who is that?

25 A. Kahiye.

1 Q. Did you know Kahiye's rank or how he was addressed?

2 A. Colonel Kahiye.

3 Q. How did you come to know Colonel Kahiye was in charge of  
4 the military base in Burao?

5 A. He used to come to the villages and he used to go around,  
6 and I know that he was in charge.

7 Q. Directing your attention to the year 1984.

8 Did Colonel Kahiye ever come to your home?

9 A. Yes.

10 Q. Would you please describe for the Court what happened on  
11 that morning.

12 A. We were, you know, village people, we used to herd goats  
13 and camels. One of the morning we have kind of ceremony, our  
14 family.

15 Q. Was that the ceremony of allah bari?

16 A. Yes.

17 Q. Okay. Could you explain what allah bari is.

18 A. Allah bari, it means when you beg to God, that you just  
19 wishing to have rain or peace.

20 Q. Okay. So, your family was celebrating allah bari when the  
21 soldiers came. And then what happened?

22 A. Yes.

23 Q. How many soldiers were there?

24 A. If I imagine, around maybe 60 or 70.

25 Q. And what kinds of weapons did they have with them, if any?

1 A. Rifle, AK or Kalashnikov.

2 Q. How were Colonel Kahiye and his soldiers dressed?

3 A. They were wearing camouflage.

4 Q. So, when the soldiers, when the 60 to 70 soldiers arrived  
5 at your home while you were celebrating allah bari, what did  
6 the soldiers do?

7 A. They circled us.

8 Q. Then what?

9 A. They just, you know, rounded up all of us. Then they  
10 started shooting us. At that time ask us to tell SNM.

11 Q. Did you know what they meant by the SNM?

12 A. Well, I didn't know, but they told us that they were  
13 looking for militia, SNM, that's what they were looking for.

14 Q. Okay. You mentioned shooting. Where were the soldiers  
15 shooting?

16 A. Just in our heads, on top, so we become frightened.

17 Q. Were you frightened?

18 A. Yes.

19 Q. What else did the soldiers do?

20 A. They asked us, you know, who cooking the food for.

21 Q. What did you tell them?

22 A. That this allah bari, we just begging God.

23 Q. Were the soldiers satisfied with that answer?

24 A. No.

25 Q. So, what happened next?

1 A. They rounded up me and my-- They rounded at that time me  
2 and my three brothers.

3 Q. I believe he said their names, yeah.

4 A. Abdullahi Salah. Awil, A-w-i-l S-a-l-a-h. And Burle  
5 Salah, B-u-r-l-e Salah, S-a-l-a-h.

6 Q. Where did the soldiers take you and your two brothers,  
7 Abdullahi and Cawil?

8 A. They put us in a truck.

9 Q. Where did you go?

10 A. Then they took us, they start driving the car, they took  
11 us to another military base by the name of Waridaad.

12 Q. And how long did you stay in Waridaad?

13 A. We spent that night.

14 Q. Could you please describe the conditions where they kept  
15 you and your brothers at the military base in Waridaad.

16 A. It was empty place. At that time the soldiers who pick up  
17 us or rounded up us and the soldiers, other soldiers, they were  
18 there together. So, we spend that night in that area.

19 Q. How many soldiers were there in that area?

20 A. 60 and 70 those who rounded up first place, first time,  
21 and also there was other more soldiers there.

22 Q. I just want to clarify, did you say that that was a  
23 military base or was it a military camp?

24 A. Actually it was a camp, those who rounded up us and the  
25 other soldiers, they were there together.

1 Q. Where did you sleep?

2 A. So, we slept, you know in that area, the circle area. It  
3 means--

4 Q. Inside or outside?

5 A. It's empty place. So, what they did is they circle us.  
6 So, we slept in the middle.

7 Q. What did they give you to eat and drink?

8 A. They didn't give us anything.

9 Q. So, what happened in the morning?

10 A. At that time they took us to, they put us to the truck and  
11 they drove, then they took us to a place called Magaalooyer.

12 Q. What happened when you got to Magaalooyer?

13 A. At that time they just took us from the truck. Then at  
14 that time they just get real strong rope, so they just tied us  
15 together in MiG way. At that time just they stepped on us,  
16 they stepped on our back and tightly they tied us.

17 Q. Did you say that was in the MiG way?

18 A. In a MiG way, yes.

19 Q. Would you please explain to the Court what the MiG way of  
20 tying means.

21 A. The MiG, they tie both your hands at the back together.  
22 And they just take one of your leg, they tie it together. And  
23 also the other one, the other leg, they tie it together. So,  
24 then they put you on your chest, that's it.

25 Q. And you mentioned kicking. Was that during the time that

1 they were tying you or after?

2 A. While they tied us, also they beat us.

3 Q. How did it feel to be tied like that?

4 A. It was very hard, very harsh. It was frightening. It's  
5 not something to do to a human.

6 Q. Was it painful?

7 A. It's more than pain. It was very harsh. We were just, we  
8 were very, it was very hard anyway.

9 Q. How long were you held in that MiG position?

10 A. After they take us, then put us, they load us to the  
11 trucks.

12 Q. Still in the same position?

13 A. Yes, in the MiG position they load us to the truck.

14 Q. Okay. And then what happened?

15 A. Then they took us to the Third, what you call, Battalion  
16 in Burao.

17 Q. Gass is division.

18 A. Gass or division.

19 THE COURT: I'm sorry, I missed that. What was that?

20 MS. ROBERTS: I am sorry, I was helping him with the  
21 translation. The word "gass" is division. I haven't worked  
22 with an interpreter that hasn't been thrown off by it. We  
23 didn't get a chance to prepare him.

24 THE COURT: You were taken to a division? The  
25 question is, after they were loaded into the truck, where were

1 they taken?

2 THE WITNESS: They took us to Burao, that's the Third  
3 Gass on the military.

4 THE COURT: All right.

5 BY MS. ROBERTS: (Continuing)

6 Q. When you say the Third Gass of the military, do you mean  
7 the Third Division headquarters in Burao?

8 A. Yes.

9 Q. Were you still in the MiG position at that time?

10 A. Yes.

11 Q. What happened when you got to the Third Division  
12 headquarters in Burao?

13 A. At that time they untied us. Then they asked us to come  
14 out from the truck. We were unable to get down. Just, you  
15 know, our, my hand and my legs, they just stayed the same  
16 position, they stuck.

17 Q. How long did it take to get from Magaalooyer when they  
18 tied you to when you got to the Third Division army  
19 headquarters in Burao?

20 THE INTERPRETER: Counsel, could you repeat that.

21 Q. How long did it take, how much time passed, if that's  
22 better, how much time passed between the time when they tied  
23 you in the MiG position at Magaalooyer to when they untied you  
24 at the Third Division army headquarters in Burao?

25 A. Could be hour, hour-and-a-half.

1 Q. And why weren't you able to get down from the truck?

2 A. Because the tie was very tight, the rope was very tight,  
3 that killed off-- Because I was unable to move because we were  
4 just, they put our chest to the floor. I didn't have enough  
5 strength to move my arm to put it back, or to my leg.

6 Q. So, when they untied you, what did they do next?

7 A. At that time we were unable to get up. Then they come  
8 back, and at that time they start just beating us, jumping on  
9 us, on our body. They just started moving our arms and our  
10 legs. Also they started jumping our backs or kicking our  
11 backs.

12 Then at that time they asked us by force to get out.  
13 Then at that time we come from the truck.

14 Q. How did it feel when the soldiers were jumping on you and  
15 shaking your limbs like that?

16 A. That was, that was very hard.

17 Q. So, what happened next?

18 A. Then they take us to the office. Then at that time they  
19 start taking information or notes.

20 Q. Was this the office on the military base?

21 A. That was inside the military base.

22 Q. And did they ask you anything?

23 A. They asked us questions. Those soldiers who first rounded  
24 up, they were the ones who said, those people, probably they  
25 hiding something, and we asked them and they didn't give us



1 information, they hide the information.

2 And they asked us if we do the same thing. We say  
3 no.

4 Q. Were they satisfied with your answer?

5 A. No.

6 Q. Were you charged with any crime?

7 A. Those soldiers who rounded up, they the ones who say just  
8 we hiding SNM, but I didn't know if they charge us another  
9 crime. And we didn't commit any crime.

10 Q. Did you have access to a lawyer during this questioning?

11 A. No.

12 Q. So, after, after this, after you gave your answers in the  
13 questioning and after you had been tied, what did they do next?

14 A. At that time they just put us in, what you call, they  
15 chain us by two, two/two, handcuff two/two, then they took us  
16 to the jail.

17 Q. Who were you handcuffed to?

18 A. My brother.

19 Q. So, they took you to the jail?

20 A. Yes. That jail was inside the military compound.

21 Q. Okay. How many other men were in the cell they brought  
22 you to?

23 THE INTERPRETER: Counsel, could you repeat that.

24 Q. How many other people were in the cell?

25 A. We were 13 people together.

1 Q. Did you get to know who the other men in the cell were?

2 A. I know all of them was from Isaaq.

3 Q. Are you a member of the Isaaq?

4 A. Yes.

5 Q. Could you please describe the conditions of your  
6 confinement in that cell.

7 A. It was small place. It was not a very big one. It was  
8 very, very crowded. And there was no windows.

9 Q. Was there any light?

10 A. No.

11 Q. Was there a toilet?

12 A. No.

13 Q. How clean was the cell?

14 A. Inside that cell we used to urinate and we used to poop.  
15 They took us to the bathroom only two days, two nights or two  
16 days. It was very harsh living condition.

17 Q. How healthy were the people in the cell?

18 A. It was, very poor, very bad. Some of them, they were  
19 throwing out, and nobody was getting--

20 Q. What were you given by the soldiers to eat and drink?

21 A. During the day maybe we used to have small portion of  
22 rice.

23 Q. Anything to drink?

24 A. Uh-uh, no.

25 Q. Were you permitted exercise outside of the cell?

1 A. Just during the time they used to open the door is when  
2 they gave us that rice.

3 Q. How long did you remain in that cell before you left the  
4 first time?

5 A. Four days, after four days. Four nights I mean. At that  
6 time they take us.

7 Q. Could you please describe what happened on the fourth day.

8 A. They took us to a place called rest house that is close to  
9 Burao. That was a military court, that's where they took to  
10 the people to convict.

11 Q. About how far away was rest house from the base?

12 A. Not that far.

13 Q. How long did it take to drive there?

14 A. Maybe 10 to 15 minutes distance. Short distance.

15 Q. Did they remove your cuffs when you got to rest house?

16 A. No.

17 Q. About how many other prisoners were taken to rest house at  
18 the time when you were there?

19 A. All 13 of us, we were together in one truck. And also  
20 they brought other people from the jail, around 80 people.

21 Q. How many soldiers were there?

22 A. It was a lot of soldiers inside and outside.

23 Q. What happened when you were taken to rest house? What  
24 happened when you got there?

25 A. At that time they charge us a crime.

1 Q. Did you have a lawyer?

2 A. We didn't hire a lawyer, and they not allow us to have a  
3 lawyer. One of the military attorneys, lawyers say that I am  
4 going to be your lawyer. And he was wearing military uniform.  
5 And we didn't hire him. And he didn't do anything for us.

6 Q. Did you believe him?

7 A. No.

8 Q. Did you even know you were going to be charged with a  
9 crime?

10 A. No, I didn't do anything, so I was not expecting to be  
11 charged in a crime.

12 Q. What evidence was presented against you?

13 A. They didn't have any evidence. So, the only things they  
14 have against us was allah bari, they say that we were cooking  
15 that food to SNM. That's how they build their case.

16 Q. Who accused of you cooking allah bari for the SNM?

17 A. Those soldiers who rounded up, they are the ones.

18 Q. Was there any other evidence against you?

19 A. No.

20 Q. Were you allowed to testify on your own behalf?

21 A. No.

22 Q. How long did this procedure last?

23 A. Maybe, there is a lot of people, maybe one hour-and-a-half  
24 to two hours. It was very quick. People was not trying to  
25 express their feeling, they were not asking any questions.

1 Q. So, 80 people were tried in one-and-a-half to two hours,  
2 did you say?

3 A. Yes. Because we are not free to speak. Not free, I mean.

4 Q. After the trial, what happened?

5 A. At that time they just loaded us back to truck, they took  
6 us to the jail.

7 Q. Did they remove your handcuffs at the jail?

8 A. No.

9 THE COURT: All right, counsel, it is 1:30, and I am  
10 giving my staff a break. We are going to only have a 45-minute  
11 lunch break today.

12 So, we will reconvene at 2:15.

13 MS. ROBERTS: Okay. Thank you.

14 NOTE: At this point a lunch recess is taken; at the  
15 conclusion of which the case continues as follows:

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1                                   A F T E R N O O N   S E S S I O N

2                   THE COURT: All right, Mr. Mohamoud needs to be back  
3 on the witness stand.

4                   MS. ROBERTS: I'm sorry, Your Honor, I believe he's  
5 still on his way up the court steps.

6                   THE COURT: All right.

7                   BURALLE SALAH MOHAMOUD, PLAINTIFFS' WITNESS,

8                                   PREVIOUSLY AFFIRMED, RESUMED

9                                   DIRECT EXAMINATION (Cont'd.)

10 BY MS. ROBERTS: (Through Interpreter)

11 Q. Good afternoon, Buralle.

12 A. Good afternoon.

13 Q. I think that your brothers' names may not have come out  
14 very clearly in the earlier testimony.

15                   THE COURT: No, we heard them.

16                   MS. ROBERTS: Okay.

17                   THE COURT: Cawil and Abdullahi.

18                   MS. ROBERTS: Abdullahi and Cawil.

19 Q. I will ask Jamey to put up the correct spellings so that  
20 you can verify them for the Court. If you look to the screen  
21 behind you, are those spelled correctly? Are those your  
22 brothers?

23 A. Yes.

24 Q. Okay. And when we were speaking before the break, you had  
25 just described your first trip to rest house, and I believe you

1 had just -- well, I'll just start right there. After, after  
2 that first visit to rest house and the trial, where did the  
3 soldiers take you?

4 A. They took us back to the jail.

5 Q. And how long total did you end up spending in this cell?

6 A. Eight nights or eight days.

7 Q. And during these eight days, at any time were your  
8 handcuffs removed?

9 A. No.

10 Q. At any time during these eight days, did the conditions in  
11 that cell improve?

12 A. No, it gets worse.

13 Q. Directing your attention to the eighth day of your  
14 confinement at the, at the military base in Burao, what  
15 happened on the eighth day?

16 A. In the morning, they load us truck. There was -- the car  
17 we were in, there was another car before the car we were in,  
18 and there's also another car behind us, and they took us to a  
19 rest house, and also, they brought all other people to rest  
20 house.

21 Q. So, how many prisoners do you think were at rest house on  
22 that eighth day, if you could estimate?

23 A. Around 80 people.

24 Q. And how many soldiers?

25 A. You mean the soldiers around the area or --

1 Q. At the court.

2 A. There was five or six of those people also in the court,  
3 but outside there's other soldiers.

4 Q. Was it more than 50?

5 A. I didn't count. Maybe there were more than 50. Inside  
6 and outside, there were soldiers.

7 Q. So, what happened when you first arrived at rest house?

8 A. Those people who work in the court, they come to the rest  
9 house. At that time, they were carrying a lot of papers,  
10 files.

11 Q. Which people were carrying files?

12 A. Those people who was forming the court.

13 Q. The soldiers?

14 A. You mean those soldiers who tried to charge us the crime  
15 or the judge or those people who's working for courts?

16 Q. Okay. Thank you. Please continue.

17 A. When they come to the court, they ask us to stand up. At  
18 that time, we stand up, and they say, you know, the court is in  
19 session. Then at that time, they start calling the names one  
20 by one. Some of them, they were convicted, you know, death.  
21 Some of them, they were sent to jail. And two people is being  
22 released, two old, old guys.

23 Q. What was your sentence?

24 A. Me and my brothers were being convicted to death,  
25 Abdullahi Salah, Cawil Salah, Buralle Salah.



1 Q. How many people were sentenced to death?

2 A. Death, it was very hot day. Maybe 42, more than 40  
3 people.

4 Q. How long did it take to read, for the court to announce  
5 these verdicts?

6 A. So they call your name, and then it takes, you know, not  
7 short time -- not long time to be convicted.

8 Q. How long -- I'm sorry, how did you feel when you heard  
9 that you and your brothers were sentenced to death?

10 A. We were told that they already kill us. We consider that  
11 death.

12 Q. After the sentences were read, what happened next?

13 A. So they just brought a big truck. There was a net hold on  
14 the truck.

15 THE COURT: I'm sorry, there was what?

16 THE INTERPRETER: A net.

17 THE COURT: All right.

18 THE WITNESS: So at that time, they start calling  
19 names those people who, who sentenced to death. The two are  
20 just to each other, they just handcuffed, and they just put to  
21 the truck two by two.

22 Me and my brothers, Cawil Salah, Abdullahi Salah,  
23 Buralle Salah, we were in queue close to each other. They were  
24 ahead of me. I was behind them.

25 Q. And what happened when the man who was calling the names

1 called out the names of each of your brothers and then you?

2 A. First they call my brothers. Then they call me.

3 Q. And then what?

4 A. Then he ask me, "Where are you?" when he call my name.

5 Then I said, "I'm here."

6 Then he did cry a little bit. So then he have a pen,  
7 so he bite his pen.

8 Q. And then after he bit his pen?

9 A. So he called the person who was having the key, that we  
10 being handcuffed together, so he called the person who had the  
11 handcuff key. Then he say, you know, "Handcuff him and just  
12 keep him here."

13 Q. Then what happened next?

14 A. So they separate me from the rest -- they put me on side  
15 in front of the court -- inside the court. So the rest of the  
16 group, 40 or more, so they took to the truck.

17 Q. So after they put your brothers and the other men on the  
18 truck, what happened to your brothers?

19 A. They took them to the field.

20 THE COURT: Well, at this point, counsel, even though  
21 there's no -- wait a minute. Even though there's no opposing  
22 counsel, you still can't put in hearsay or evidence where the  
23 witness has not indicated how he would possibly know. So  
24 you're going to have to rephrase the question.

25 MS. ROBERTS: You're right, Your Honor.

1 Q. Let me stop you there -- or the Court has stopped you  
2 there. After you saw the truck drive away, did you see your  
3 brothers ever again?

4 A. No.

5 Q. What did you hear after the truck drove away?

6 A. That -- I heard the shooting, that they killed my  
7 brothers.

8 Q. Did you hear anything else?

9 A. After they kill all of them, the truck who took them to  
10 the field come back.

11 Q. Did you ever see any of those other men that were on the  
12 truck with your brothers again?

13 A. No.

14 Q. How much time passed after the truck left with those men  
15 before it returned?

16 A. Maybe around 30 minutes or less than 30 minutes.

17 Q. Please describe what you observed when the truck returned.

18 A. At that time came the soldiers, they were carrying those  
19 handcuffs, empty ones.

20 Q. So when they came back with the empty handcuffs, what  
21 happened next?

22 A. At that time, they start handcuffing those people who get  
23 sentences. Then at that time, they again loaded to the truck.

24 Q. And what happened to you?

25 A. I was frightened at that time. I was in shock. So I knew

1 at that time, you know, they kill my brothers. Also, I was  
2 expecting them to also kill me.

3 Q. And then what happened?

4 A. When they loaded the truck, then the truck left, but me  
5 and there's also those two old other guys who had been  
6 released, three of us were there. Then one of the guard asked  
7 those two old guys, "Who are you?"

8 You know, "We've been released." That's what we told  
9 him.

10 Then he say, "Just go."

11 And I go with those two other guys, I go with them.

12 Q. Where did you go?

13 A. And I went to the market.

14 Q. What did you observe in the market?

15 A. So when I went to market and saw the people, they were  
16 really emotional. They were yelling.

17 Q. Why were they emotional and yelling?

18 A. Because they were mad or they were, what do you call,  
19 angry because the people have been killed.

20 Q. What did you do?

21 A. Then I went to my uncle's house. Then at that time, I  
22 started taking a shower. Then I became sick. I fell. I was  
23 having a fever because I have a lot of trauma. I was -- I was  
24 sleeping the house.

25 And late evening, they told me was someone looking

1 for me. A lady who worked the court, she's the one who  
2 said, "They looking for you."

3 Q. Let me stop you there. How long did you stay with your  
4 uncle?

5 A. Just only the rest of the day.

6 Q. And where did you go next?

7 A. Then I left the house. So I went to another house that  
8 owns by my uncle. I spent that night that house. In the  
9 morning, I starting, you know, leaving the city by foot.

10 Q. Do you know why you were let free?

11 A. I don't know.

12 Q. What effect has this experience had on your life?

13 A. Because they do me -- this side of my body I have a lot of  
14 problem. Sometimes I start shaking on my left side, that I  
15 have that kind of, you know, pain.

16 Q. Any other physical effects?

17 A. When I start, you know, having the flashbacks, when I  
18 have, you know, this flashback of what happened at that time, I  
19 really become frightened. And everything I do in that time  
20 when I start having those flashbacks, I forget everything I was  
21 doing.

22 Q. And are there any financial effects?

23 A. You mean economically? That's what you mean?

24 Q. Yes.

25 A. You know, I'm a village man. I used to have goats. You

1 know, the only problem I have is, you know, they kill my  
2 brothers, and physically I have a problem.

3 Q. Okay. Did your brothers have any children?

4 A. One of them has two boys.

5 Q. And who takes care of those boys now?

6 A. Me and my brothers, we are raising them, my family, me and  
7 my family.

8 MS. ROBERTS: Okay. I have nothing further. Thank  
9 you.

10 THE COURT: Thank you, Mr. Mohamoud. You may step  
11 down.

12 (Witness excused.)

13 THE COURT: Call your next witness.

14 MS. ROBERTS: Plaintiffs called Nimo Dirie.

15 THE INTERPRETER: Does she need an interpreter?

16 MS. ROBERTS: She speaks English.

17 (Affirmation given.)

18 THE COURT: Did you understand? You have to answer  
19 yes or no if you understand that question.

20 Reread the affirmation.

21 NIMO MOHAMED DIRIE, PLAINTIFFS' WITNESS, AFFIRMED

22 THE COURT: Mr. Wood, make sure that microphone is  
23 right in front of the witness, all right?

24 THE COURT SECURITY OFFICER: Right here?

25 THE COURT: Right in front.

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DIRECT EXAMINATION

BY MS. ROBERTS:

Q. Would you please state and spell your name for the record.

A. My name is Nimo Mohamed Dirie.

THE COURT: No, that's not going to work.

THE WITNESS: N-i-m-o M-o-h-a-m-e-d, Dirie,  
D-i-r-i-e.

BY MS. ROBERTS:

Q. May I remind to you speak up and speak slowly so that the  
Court can understand your testimony.

A. Okay.

Q. Where do you live today?

A. I'm living in Kuwait.

THE COURT: Kuwait?

THE WITNESS: Yes.

BY MS. ROBERTS:

Q. Who do you live with in Kuwait?

A. My husband and my six kids.

Q. That must keep you busy.

A. Yes, of course.

Q. What does your husband do?

A. He's, he's working at the University of Gulf. He's a dean  
of the Department of Physics.

Q. Where were you born?

A. I was born in Hargeisa.

1 Q. Is that in Somalia?

2 A. Yes.

3 Q. When were you born?

4 A. I was born October 18, 1970.

5 Q. When did you leave Somalia?

6 A. I leave Somalia in 1988.

7 Q. Why did you leave Somalia?

8 A. Because the war was happen and also my father was killed.

9 Q. What's your father's name?

10 A. My father's name, Mohamed Deria Ali.

11 Q. With the assistance of Mr. Wood, I'd like to direct your  
12 attention to what's been previously marked as Plaintiffs'

13 Exhibit 344. Do you recognize this document?

14 A. Yes. It's my father and my mother and my brother Aziz  
15 when he was young, when he was a baby actually.

16 MS. ROBERTS: Your Honor, we'd request to admit this  
17 photograph into evidence.

18 THE COURT: Yes, 344 is in.

19 (Plaintiffs' Exhibit No. 344 was received in  
20 evidence.)

21 BY MS. ROBERTS:

22 Q. What did your father do for work?

23 A. He was a businessman.

24 Q. How well did his business go?

25 A. His business doing well. He has many storages, a hotel,



1 and some houses.

2 MS. ROBERTS: I'm sorry, Mr. Wood, I should have  
3 given you our two exhibits at the same time.

4 Q. I have one more document, previously marked as Plaintiffs'  
5 Exhibit 345, that I'd like to ask you to take a look at. Do  
6 you recognize this document?

7 A. Yes.

8 Q. What is this document?

9 A. This is my brother Mustafa and my brother Aziz and my  
10 brother Ali (phonetic).

11 MS. ROBERTS: I'd like to move this photograph into  
12 evidence.

13 THE COURT: All right, it's in.

14 (Plaintiffs' Exhibit No. 345 was received in  
15 evidence.)

16 BY MS. ROBERTS:

17 Q. Is your brother Aziz in this courtroom?

18 A. Yes, he is.

19 Q. Can you tell us how is your brother -- how is your brother  
20 Aziz involved in this lawsuit?

21 A. He was -- he's, he's, he was the first this case because  
22 he started this case. He was starting this case.

23 Q. Can you tell us a little bit about your childhood?

24 A. Yeah. I was taken in my childhood in Hargeisa, Somalia,  
25 and I have two sisters and eight brothers. I was in grade

1 school at that time. We play together. We love each other.  
2 We were a big family.

3 Q. What was your brother Mustafa like?

4 A. My brother Mustafa, he was very smart and intelligent. He  
5 was good at school. He was working with my father.

6 Q. Do you remember when your brother Mustafa started working  
7 with your father?

8 A. Yes, I remember. He bought me a watch at that time and  
9 also shoes. We like each other. We close each other. I love  
10 him so much. He was a nice brother.

11 Q. Are you associated with a Somali clan?

12 A. Yes.

13 Q. What's your clan?

14 A. My clan is Cidagale.

15 Q. And is Cidagale --

16 A. Cidagale clan comes from Isaaq.

17 Q. What languages did you speak growing up?

18 A. Somali and also we learn Arabic in school.

19 Q. Okay. Directing your attention to May 1988, where were  
20 you living at that time?

21 A. I was living in Hargeisa.

22 Q. And who else was living in the family home at that time?

23 A. My six brothers, my mom, and my father and my other two  
24 sisters.

25 Q. Who was the oldest among the children in the house?

1 A. Mustafa.

2 Q. And how old was he at that time?

3 A. He was 22.

4 Q. Directing your attention to the time period from May 31,  
5 1988, until the end of July 1988, what was happening in  
6 Hargeisa?

7 A. The war was happening in Hargeisa.

8 Q. What did you do during the fighting?

9 A. We all, we stay in home. We are in the house all the  
10 time.

11 Q. Did your family support either side of the conflict?

12 A. No.

13 Q. Would you please describe what you heard of the fighting  
14 from inside the house?

15 A. We hear shooting, rockets, bombs.

16 Q. Could you please describe what of the fighting you could  
17 see from inside your house?

18 A. We saw soldiers outside the house.

19 Q. How old were you?

20 A. I was 18.

21 Q. And during this time period from May 31, 1988, through the  
22 end of July 1988, did any soldiers come to your house?

23 A. Yes. Every day they come to our house.

24 Q. And were they Somali government soldiers or other  
25 soldiers?

1 A. Yes, of course Somali government soldiers.

2 Q. What kind of weapons were they carrying, if any?

3 A. They carrying guns.

4 Q. Do you remember the first time the soldiers came to your  
5 house?

6 A. Yeah. They come to our house. Some was, some was outside  
7 our house and some come inside our house.

8 Q. How many of them were there?

9 A. I don't know the ones who's outside, but inside ten or  
10 nine. It was ten or nine.

11 Q. Do you know what date that was?

12 A. What? Can you repeat?

13 Q. What year did they first come to your house?

14 A. Yes. It was June 1.

15 Q. June 1?

16 A. Yes.

17 Q. 1988?

18 A. 1988.

19 Q. What did they do that first time?

20 A. The first time, they scare us, and they point us at the  
21 guns, and they collect us in the hallway our house, and they  
22 check our house, if we were behind the chairs.

23 Q. How did they scare you?

24 A. They point us at the guns, and they say to us, "Move,  
25 move."

1 Q. Did they threaten you?

2 A. They turn us --

3 Q. I'm sorry, I withdraw that question.

4 Other than pointing their guns at you and pointing at  
5 you, what else did they do to try to scare you?

6 A. Actually, they just yell at us and say to us, "Take away  
7 the, you know, curtains," or something like that.

8 Q. How many more times did the soldiers come to your house?

9 A. Every day they come to our house.

10 Q. Okay. Directing your attention to the 12th of June, 1988,  
11 what happened when the soldiers came that day?

12 A. That was I call my black day. They took my father and my  
13 brother and my cousin, Yousuf.

14 Q. So when the soldiers first came, how many were there on  
15 that day?

16 A. There were many of them outside. Inside around 12, inside  
17 our house.

18 Q. I'm sorry, and what did they do?

19 A. They scare us. They collect us as usual in the hallway.  
20 And my father wasn't with us that time. He was in his room.  
21 They went there, they took him, and they force him to go with  
22 them.

23 Q. And when they forced your father out of the house, do you  
24 remember what he was wearing?

25 A. Yes, I remember clearly. My father, he was touching my

1 head, and he was wearing a white shirt and a macawis in Somali  
2 culture they were called. It was green and blue.

3 Q. You mentioned he wore a macawis. Is that, is that what  
4 you're referring to?

5 A. Yes.

6 Q. And what is -- is that traditionally worn outside of the  
7 house?

8 A. Yeah -- no, it's like pajamas.

9 Q. After the soldiers took your father, did you ever see him  
10 again?

11 A. No.

12 Q. How old was your father at that time?

13 A. Huh?

14 Q. How old was he?

15 A. My father?

16 Q. When they took him.

17 A. Around 49.

18 Q. Did they take anyone else from the neighborhood?

19 A. Yeah.

20 Q. Who?

21 A. The guy who was our neighborhood, who was called Ali  
22 Sadex.

23 Q. Did the soldiers return to your house anymore that day?

24 A. Yeah.

25 Q. So, when they came the second time, what did they do?

1 A. They ask my mom where is her husband, and my mom  
2 said, "You took them guys."

3 And then they point to my brother Mustafa, who was  
4 beside my mom, and they said, "Who is he?"

5 And she said, "He's my son."

6 And they -- after that, they took my cousin and my  
7 brother Mustafa.

8 Q. How old was your cousin, Yousuf, at that time?

9 A. He was 18.

10 Q. And how old was Mustafa again?

11 A. He was 22.

12 Q. After these two visits to your house, did the soldiers  
13 return again?

14 A. Yes.

15 Q. And what happened the third time?

16 A. They took me and my mom and my eight siblings.

17 Q. Where did they take you?

18 A. They take us our neighbors' fence.

19 Q. And so after the soldiers took you to your neighbors'  
20 fence, did they stay with you, or did they go?

21 A. No, they stayed with us.

22 Q. What did the soldiers do?

23 A. They asked us our clan.

24 Q. Did someone in your family inform them of your clan?

25 A. Yeah. My brother Mustafa answer that, and he said, "We

1 are in the Cidagale."

2 Q. What does the name "Cidagale" mean literally in Somali?

3 A. It means into the sand.

4 THE COURT: I'm sorry, it means what?

5 THE WITNESS: Into the sand.

6 BY MS. ROBERTS:

7 Q. Based on what you heard, what did you think was going to  
8 happen to you?

9 A. Actually, we think they kill us. They will kill us, yeah.

10 Q. Were the soldiers doing anything else to make you think  
11 they were going to kill you?

12 A. Yes. They took my father, and also they say to us, "We  
13 will kill you." And one of the soldiers who was the leader, he  
14 was cutting a piece of sheet, and he said to us, "I will put on  
15 your eyes, and then after, I will kill you."

16 Q. Did you understand he was making blindfolds?

17 A. Yes.

18 Q. And what's the significance of blindfolds for you?

19 A. That means he will kill us.

20 Q. Did you see your brother Mustafa and Yousuf again?

21 A. No, I never see them again.

22 Q. What were the last words that you heard your brother  
23 Mustafa say?

24 A. He said -- when he said, "I will kill you," he said, "It's  
25 our day if you kill us."



1 Q. What happened next after they took your brother and  
2 cousin?

3 A. They took us, too, and they put us a truck.

4 Q. After they put your family in a truck, what was your  
5 family's reaction?

6 A. We were really shocked.

7 Q. What did the kids do?

8 A. They were crying a lot. And they say to us when they put  
9 the truck, they say to us, "Get down now, you stinky people."

10 Q. And so where did you go after you got back out of the  
11 truck?

12 A. Came back to our house, but we don't have -- we realize  
13 when we come back to our house, we realize we didn't have a  
14 key, because they took our keys, and we sit under the shade of  
15 the trees. And my mom was really, really shock, and she  
16 collect us there, and the shooting was happening and also  
17 rockets, bombs.

18 Q. Was your brother a member of Uffo?

19 A. No.

20 Q. Was your father a member of Uffo?

21 A. No.

22 Q. Were either your brother or your father members of the  
23 SNM?

24 A. No.

25 Q. What do you believe happened to them?

1 A. They killed them, because if they are alive, I would saw  
2 them one day.

3 Q. How was your life in Hargeisa after that?

4 A. It was so difficult because my mom was shock. We all  
5 shock. We didn't have a father, so -- and also my brother.  
6 And we didn't have any food. We have only little sugar and  
7 little rice there, and my mother was so depressed, and she was  
8 so shocked.

9           So middle of the night, and if I wake up, she collect  
10 us all the time in our hallway. I was the oldest at that time.  
11 When I wake up, I saw my mom sitting down and crying.

12 Q. When did you leave Somalia?

13 A. The war had been two months. The end of July in 1988.

14 Q. As you were leaving Hargeisa, what did you see?

15 A. I saw many bodies laying on the ground and smelling very  
16 bad, and I saw many, many soldiers sitting of the groups, and  
17 they discussed us all the time. They said to us, "We will kill  
18 you," when we leaving.

19 Q. If it isn't too troubling, would you please describe what  
20 you smelled?

21 A. It smells very bad, and I saw the bodies lay down on the  
22 ground and squishing and the blood is going all over the land.

23 Q. How many bodies?

24 A. It was maybe, maybe 50 or 60 bodies.

25 Q. Where did you go?

1 A. We go to -- we are out of Hargeisa, and we went to  
2 Ethiopia.

3 Q. And did you go to --

4 A. Camp refugee in Ethiopia.

5 Q. Could you please explain to the Court how this -- how  
6 these events have affected your life?

7 A. It affects my life because we lost our wealth there, and  
8 we lost our father, my brother, my cousin, and I cannot forget  
9 that, because it's inside my deep down heart.

10 Q. Do you have nightmares?

11 A. Yes, of course.

12 Q. How long did you live in a refugee camp?

13 A. One year.

14 MS. ROBERTS: Thank you. I have nothing further.

15 THE COURT: All right, thank you, ma'am. You may  
16 step down.

17 (Witness excused.)

18 THE COURT: Call your next witness.

19 MS. ROBERTS: Aziz Deria.

20 THE COURT: All right.

21 AZIZ MOHAMED DERIA, PLAINTIFFS' WITNESS, AFFIRMED

22 DIRECT EXAMINATION

23 BY MS. ROBERTS:

24 Q. Would you please -- I'm sorry, go ahead.

25 A. That's all right, go ahead.

1 Q. Could you please state and spell your name for the record.

2 A. Aziz Mohamed Deria. A-z-i-z, Mohamed, M-o-h-a-m-e-d,  
3 Deria, D-e-r-i-a.

4 Q. When were you born?

5 A. I was born May 29, 1964.

6 Q. And where were you born?

7 A. Hargeisa, Somalia.

8 Q. Where do you live now?

9 A. I live in Bellevue, Washington state.

10 Q. And with whom do you live?

11 A. I'm a single father of five. I live with my children, age  
12 7 to 20.

13 Q. Aziz, I want to ask you some questions about your  
14 capacity -- the capacity in which you're participating in this  
15 lawsuit.

16 A. Okay.

17 Q. Are you familiar with the term "estate representative"?

18 A. Yes.

19 Q. Are you acting as an estate representative?

20 A. Yes.

21 Q. What, what does that mean to you?

22 A. I'm representing deceased members of my family and  
23 Buralle's family.

24 Q. Okay. With the assistance of the court security officer,  
25 Mr. Wood, I would like to direct your attention to four

1 documents previously marked as Plaintiffs' Exhibits 330, 331,  
2 332, and 333.

3 First, if you would direct your attention to the  
4 document marked 330, Plaintiffs' 330, do you recognize it?

5 A. Yep.

6 Q. What is it?

7 A. It is a court document.

8 Q. It's a court document that does what?

9 A. That shows that I am a representative of the estate of the  
10 deceased members of two people here. One is -- let me find the  
11 name.

12 THE COURT: Well, counsel, the documents speak for  
13 themselves. My only question is for evidence purposes, these  
14 are not valid without a raised court seal. Do you have  
15 originals?

16 MS. ROBERTS: I believe that we do.

17 THE COURT: All right. I just want to make sure that  
18 that would be the --

19 MS. ROBERTS: Their authenticity was also stipulated  
20 by the defendant.

21 THE COURT: Then there's no question, all right. 330  
22 through 333 are in evidence. You may move on.

23 MS. ROBERTS: All four documents are in?

24 THE COURT: Yes.

25 (Plaintiffs' Exhibit Nos. 330 through 333 were

1 received in evidence.)

2 MS. ROBERTS: Okay. Thank you, Your Honor.

3 Q. Aziz, you testified that you were born in Hargeisa. Could  
4 you describe a little bit about your childhood in Hargeisa?

5 A. Yes. I had a beautiful life growing up. I was supported  
6 by my family, and I was raised well both emotionally and  
7 financially.

8 Q. Turning your attention to the early 1980s, what were you  
9 doing in Hargeisa in 1981?

10 A. I was a student.

11 Q. What was it like to be a student in Hargeisa in the early  
12 1980s?

13 A. Well, it was fine until that we had a military emergency  
14 situation. Do you want me to explain the whole thing now?

15 Q. Well, what was the significant change that happened in  
16 1981?

17 A. Well, General Gaani has been transferred to the 26th  
18 Sector of Somali Army, and he was actually my neighbor. As  
19 soon as he came to that location, he took over pretty much the  
20 different sectors of the government, including the police and  
21 the security forces. He was pretty much a one-man show. He  
22 took over the whole power structure of the government.

23 Q. And that power structure and government that General Gaani  
24 took over, did it include Hargeisa?

25 A. Yes.

1 Q. What changes did you observe in the schools after General  
2 Gaani took over?

3 A. We were okay until he arrested our teachers, and then we  
4 started protesting against the government, and he harshly  
5 crushed us with his soldiers.

6 Q. How did you hear about the arrest of your teachers?

7 A. I knew some of them were my own teachers from Farah Omaar  
8 High School. That's where I was going at the time. Some of  
9 the people that were arrested, one of them was Dr. Osman. He  
10 my father's personal doctor. Mohamed Barud was also working  
11 with my father. My father was the head of the Pepsi-Cola  
12 Bottling Company in Hargeisa, and he was working there.

13 Q. So, you mentioned that you joined with others in protest.  
14 Why did you protest?

15 A. I protested because I thought that the arrest -- there was  
16 no justice for arresting teachers without any reason  
17 whatsoever. He was just showing a power there, but there was  
18 no cause of their arrest whatsoever.

19 Q. How did the government respond to the protests?

20 A. Very harshly. They came up with their armored vehicles,  
21 and they shot about 20 students that day. They jailed about  
22 200 students. And after that, we insisted that we keep on  
23 continue protesting, and they keep on pretty much doing what  
24 they do good, which was come to the classrooms, take the  
25 students out of the classrooms, take the students out of their

1 houses, harass and intimidate parents.

2           And that's what they did. They just torture some of  
3 the students. They took them to jails.

4 Q. Did you personally arrest -- I'm sorry, did you personally  
5 observe any students being arrested?

6 A. Yes, both from the classrooms and the location we were  
7 protesting.

8 Q. How did you feel about the government doing these things?

9 A. Well, we were shocked. We thought the government supposed  
10 to protect us. We were innocent students who had no weapons  
11 against the government, but yet we were crushed so badly by the  
12 military forces led by General Gaani and Samantar.

13 Q. Why did you decide to leave Somalia?

14 A. I decided to leave Somalia because my life was in danger  
15 at the time.

16 Q. Why did you think your life was in danger?

17 A. I was one of the student organizers that were against the  
18 movement against the government and what they were doing to the  
19 students.

20 Q. When did you learn what happened to your father and  
21 brother?

22 A. I was here in the United States when I learned what  
23 happened to my family.

24 Q. And when was that?

25 A. That was in 1988. I think it was June.



1 THE COURT: I'm sorry, what year?

2 THE WITNESS: 1988.

3 THE COURT: And what month?

4 THE WITNESS: June.

5 I'm sorry, it was later that year, I'm sorry. June  
6 was when the war broke out, and it took me about two to three  
7 months to locate, so it was end of '88.

8 THE COURT: All right.

9 BY MS. ROBERTS:

10 Q. How did you feel when you heard the news about your father  
11 and your brother?

12 A. Well, I was on the phone for three months, and I thought  
13 the whole family was gone. They couldn't get out of Hargeisa  
14 and the war zone. And finally, I reached someone in Djibouti,  
15 and I -- he informed me that my father and my brother was  
16 killed, and at that time, the rest of the family were trying to  
17 move out of Hargeisa to Ethiopia, and that's when I learned the  
18 reality.

19 Of course, I didn't took it well, but at least some  
20 of my family members survived, so it was a good and bad news at  
21 the same time to me.

22 Q. Could you please describe for the Court how the loss of  
23 your father and brother has affected your life and that of the  
24 family?

25 A. It affected so badly because I did not -- I stop working

1 when the war broke out, because how can I even go to work? I  
2 don't even know where my family is. So I didn't work for about  
3 four months just trying to locate where they are.

4           After that -- my father was supporting me, and I was  
5 going to school here. He sent me to school here. I have to  
6 save the rest of the family. I was the oldest of the whole  
7 family, and my, you know, from going to school and trying to  
8 get a degree, I change into a survival mode. So now I have to  
9 save my family. And, you know, it was very difficult, long  
10 period.

11 Q. Do you have any mental effects that continue to today?

12 A. Yes. I do have insomnia, and I -- it took me about 15  
13 years to get my B.S. degree, because I have to save the family  
14 and I have to take care of them. I have to do a lot of things.

15           It caused a breakup of my marriage. My ex-wife was  
16 one of those people who were bombed by the Somali Air Force.  
17 She had post-traumatic disorder as a result of that action by  
18 the Somali Army, and she was sick for a long time. She's still  
19 sick today. And that caused the divorce. I have to take care  
20 of my children on my own.

21 Q. Why do you think General Samantar is responsible for all  
22 of this?

23 A. General Samantar clearly said while he was in Hargeisa, he  
24 gave the order for the shelling and the bombardment of the  
25 airplane -- Air Force, and he is the one behind it. He was the

1 right-hand man of Siad Barre, he was doing a lot of dirty work  
2 for him, and he did quite well for the dirty job of killing so  
3 many innocent civilians.

4 MS. ROBERTS: Thank you, Aziz. I have nothing  
5 further.

6 THE WITNESS: Thank you.

7 THE COURT: Thank you. You may step down.

8 (Witness excused.)

9 THE COURT: All right, your next witness?

10 MS. ROBERTS: Your Honor, we're going to now play a  
11 short excerpt from a video deposition with a BBC reporter.

12 THE COURT: All right. Now, my understanding is that  
13 Mr. Drennan participated in that deposition.

14 MS. ROBERTS: That's correct.

15 THE COURT: All right. Have you left in his portion  
16 of it as well?

17 MS. ROBERTS: I don't think he actually designated  
18 any portion of it.

19 MS. DRAKE: If I may, Your Honor?

20 THE COURT: Yes.

21 MS. DRAKE: We submitted -- the plaintiffs submitted  
22 their designations with the Court on ECF on Saturday night, I  
23 believe, and Mr. Drennan never responded with any counters.

24 THE COURT: All right, that's fine.

25 And just for the record, the name of this witness is

1 what?

2 MS. ROBERTS: I'm sorry, it's Elizabeth Ohene,  
3 O-h-e-n-e.

4 THE COURT: Thank you.

5 (Videotape deposition excerpt played as follows:)

6 ELIZABETH AKUA OHENE, PLAINTIFFS' WITNESS, SWORN

7 DIRECT EXAMINATION

8 BY PLAINTIFFS' COUNSEL:

9 Q. Good morning, Ms. Ohene. Would you please -- will you  
10 please state your full name for the record.

11 A. My name is Elizabeth Akua Ohene.

12 Q. And, Ms. Ohene, in what country are you in right now?

13 A. I am in the Republic of Ghana, in West Africa.

14 Q. And are you able to hear me clearly over our video link?

15 A. Yes, I am.

16 Q. And can you see me?

17 A. Yes, I can.

18 Q. And, Ms. Ohene, the reporter just administered your oath.

19 Do you understand that the testimony you will give today is  
20 given under oath?

21 A. Yes, I do.

22 Q. And do you understand that the testimony you are about to  
23 provide today will be played in a court of law here in the  
24 United States at a trial next week?

25 A. Yes, I do.

1 Q. Ms. Ohene, is there any medical reason why you cannot  
2 testify fully and completely today?

3 A. No.

4 Q. Ms. Ohene, of what country are you a citizen?

5 A. Ghana, a citizen of Ghana.

6 Q. And have you ever been a citizen of another country?

7 A. No. I have always been a citizen of Ghana.

8 Q. Ms. Ohene, what languages do you speak?

9 A. Well, I speak English.

10 Q. Yes.

11 A. I speak three Ghanian languages: Ewe, Twi, and Ghan. And  
12 if my life is at risk, I can probably make myself understood in  
13 French.

14 Q. Do you speak Somali?

15 A. No.

16 Q. Do you understand --

17 A. No.

18 Q. And I'm sorry to interrupt you.

19 Do you understand Somali?

20 A. No.

21 Q. Ms. Ohene, what is your educational background?

22 A. I, I went to the University of Ghana in Legon. I have  
23 done a postgraduate certificate of communications at the  
24 University of Indiana, Bloomington. I have done a press  
25 fellowship at Cambridge University in the UK. I think -- yeah.

1 Q. And what year did you receive the certificate of  
2 communications from the University of Indiana at Bloomington?

3 A. It was a, it was a trip organized by the Department of  
4 State -- State Department, U.S. State Department, and what it  
5 was was a trip to the U.S. where you did something at Indiana  
6 and then you went around and did things with other -- in other  
7 parts, and I had a trip around the United States, 1971.

8 Q. 1971. Ms. Ohene, what, if any, work do you currently do  
9 in terms of employment?

10 A. I said to myself that I am retired. I'm probably retired  
11 from the BBC World Service and also from the government of  
12 Ghana, but I still do some work for the BBC. Every once in a  
13 while, I write pieces for them, and I do commentary and  
14 research for them that for which I am paid, but that I think my  
15 main source of income is from my two pensions.

16 Q. And, Ms. Ohene, for the record, when you say "BBC," are  
17 you speaking of the British Broadcasting Company?

18 A. Oh, yes. Sorry. British Broadcasting Corporation, yes.

19 Q. Corporation, thank you.

20 A. Yeah.

21 Q. And you mentioned that you had retired from the  
22 government. What position did you have with the Ghana  
23 government?

24 A. Oh, between January 2001 to January 2009, I served as a  
25 minister of state in the government, minister in the Office of

1 the President, and the minister for higher education for  
2 six-and-a-half years.

3 Q. And prior to holding those minister positions in the  
4 government of Ghana, with whom were you employed?

5 A. The last employment before I got -- I came to serve in the  
6 government of Ghana was with the BBC World Service, and that  
7 was for, oh, 14-something years, from September 1986 to January  
8 2001, and that was mostly in London. I was mostly based in  
9 London, in the UK, from where they could send me wherever,  
10 mostly to all around Africa. The longest period I served  
11 outside the UK was to spend two years in South Africa as a  
12 correspondent.

13 Q. So just so the record is clear, you began working for the  
14 BBC in 1986?

15 A. Yes.

16 Q. And what types of jobs, positions did you hold within the  
17 BBC during your tenure there?

18 A. I was employed as a producer of radio programs, and which  
19 was a reporter. I left -- I was a deputy of what was called  
20 African English programs, in other words, the programs that are  
21 broadcast mostly to Africa in English.

22 Q. Could you provide examples of the types of countries, the  
23 names of the countries in Africa you covered during your tenure  
24 at the BBC?

25 A. Countries I reported from?

1 Q. Yes.

2 A. Myself? Oh, Zambia, Somalia, Kenya, Zimbabwe, Sierra  
3 Leone, Liberia, Senegal, South Africa, of course. I have been  
4 in Nigeria, Nigeria many times. And I think -- Zambia, Zambia.  
5 I think those are the ones that come to my mind immediately.

6 Q. Okay. As part of your job duties for the BBC, did you  
7 conduct interviews?

8 A. Yes. Making programs invariably involved a lot of  
9 interviewing, so you interviewed people. Sometimes you wrote  
10 up the interview that you had conducted, but more often than  
11 not, you played the interview that you had conducted in the  
12 program.

13 Q. Do you recall ever interviewing Mohamed Ali Samantar?

14 A. Yes, I do. He was at that time the prime minister of  
15 Somalia. I did.

16 Q. Do you recall the year that this interview took place?

17 A. I would say 1989.

18 Q. And do you recall sitting here today in what city the  
19 interview took place?

20 A. It was in London. Not in -- I didn't do it in the BBC  
21 studio. I had to go to his hotel, which was in the west end of  
22 London. I think it was the Churchill Hotel. It was in his  
23 hotel.

24 Q. And, Ms. Ohene, you said -- you testified that the  
25 interview took place at a hotel, is that correct, in London?



1 A. Yes, I did.

2 Q. And was your interview with Prime Minister Samantar a  
3 one-on-one interview?

4 A. Yes. It was one on one. Yes, it was.

5 Q. And did you interview him -- where did you interview him  
6 in the hotel?

7 A. It was a suite kind of, so in the, in the room like a  
8 sitting room just before where, you know, his bedroom was.  
9 That's where.

10 Q. And what language did Mr. Samantar use when he conversed  
11 with you during this interview?

12 A. English.

13 Q. Did Mr. Samantar ever speak any other language to you  
14 during the interview?

15 A. No, no.

16 Q. Do you recall whether Mr. Samantar ever asked for a  
17 translator during your interview of him?

18 A. No, no, he didn't.

19 Q. To your recollection, did Mr. Samantar have any trouble  
20 understanding your English?

21 A. No, no. I think he was -- he was quite fluent as I recall  
22 it.

23 Q. Was the interview you conducted with Prime Minister  
24 Samantar recorded?

25 A. Yes. I took a tape recorder to record the interview, so

1 it was recorded.

2 Q. And who operated the tape recorder?

3 A. I recall myself. It was at that time of years I been here  
4 we will record -- a Sony Professional. It is one of these  
5 little ones.

6 Q. And to your recollection, was Prime Minister Samantar  
7 aware that you were tape recording the interview?

8 A. Oh, yes, because I had to hold the microphone to his mouth  
9 literally, yes, and we would have gone through a trial thing to  
10 make sure that I was recording it. So normally you would tell  
11 the prime minister -- often -- I am not sure that I asked him  
12 to, but often what you do is you say, "We are about to start  
13 the interview. Would you state for the record your name and  
14 your title?" That's what we normally do.

15 I don't think I asked the prime minister that, but it  
16 would have been, "How is London?" or stuff like that.

17 Q. What I'd like to do now is I'd like to mark as Exhibit 1  
18 to the Ohene deposition what has been marked as Plaintiffs'  
19 Trial Exhibit 2A. There's a copy.

20 And the court reporter, I am going to hand you a  
21 copy. I will put that right there.

22 Ms. Ohene --

23 A. Yes.

24 Q. -- we are about to play a portion of an audio recording  
25 that has been marked as Exhibit 1 and PX No. 2A to this

1 deposition.

2 A. Okay.

3 Q. And if you would, let us know if you have any trouble  
4 hearing the audio over the video link. We're going to play  
5 parts of it right now.

6 (Audiotape excerpt played.)

7 Q. I stopped that there. Ms. Ohene, were you able to hear  
8 that audio recording from where you are sitting?

9 A. Yes, I did.

10 Q. And as you sit here today, do you recognize that voice  
11 that was on the recording just now?

12 A. Oh, yes. That was Chris Bickerton. He -- Chris Bickerton  
13 used to be very famous. He was a presenter of Focus on Africa  
14 program for years and years and years. He has sadly passed on  
15 now, but he was a famous presenter of the BBC African service  
16 programs. Chris Bickerton, that's who -- that's who it was.

17 Q. Okay. Thank you, Ms. Ohene. We're going to continue  
18 playing the tape now.

19 Oh, please, pardon me a moment. Were you able to  
20 hear the audio tape? Okay. Please play. Thank you.

21 (Audiotape excerpt played.)

22 (End of videotape deposition excerpt.)

23 THE COURT: Counsel, stop at this time. Are you  
24 going to introduce the Samantar interview this way or as a  
25 separate tape? This is not going to be sufficiently audible.

1 I'm not going to put my court reporter or my own ears through  
2 this.

3 MS. DRAKE: No, Your Honor, we are laying foundation  
4 through this testimony, but after, we'll move into admission  
5 2A, which is just a portion of the audio recording that she's  
6 listening to.

7 THE COURT: All right. And I need to tell you that  
8 the reason why I normally don't let video depositions in is,  
9 this is a perfect example of it. There was about 11 minutes of  
10 that video that was absolutely unnecessary for the reason why  
11 this woman is called as a witness.

12 She is here to authenticate the tape. All her  
13 background about Indiana University and all that is absolutely  
14 irrelevant, and if this were a case where she were live in the  
15 courtroom, I would have stopped all of that background, which  
16 just wastes everybody's time, and get to the essence of her  
17 testimony, which is, "Were you a BBC reporter back in 1986?  
18 During the course of that, did you have occasion to interview  
19 so-and-so?"

20 So I hope that any of the other videos that you're  
21 planning to play for the Court are adequately edited, because  
22 I'm not going to waste time listening to all of that preamble,  
23 all right?

24 MS. DRAKE: Your Honor, if -- with the Court's  
25 indulgence, if we had had time, we would have shortened it

1 because now it was just you hearing it, but for the jury --

2 THE COURT: I still wouldn't let that go to the jury.  
3 It's too much background that's not necessary. This woman is  
4 only an authentication witness, and a lot of what you asked her  
5 is nice background if people had unlimited time, but the reason  
6 why this Court moves expeditiously is we don't waste a jury's  
7 time or for that matter a court's time.

8 So I'm just alerting you now in case we go into  
9 tomorrow that I want the evidence better, better focused than  
10 that.

11 MS. DRAKE: Okay.

12 THE COURT: All right. So how much longer do we have  
13 on this?

14 MS. DRAKE: It's only about listening to the audio  
15 tape and about three minutes of questioning afterwards.

16 THE COURT: All right.

17 (Videotape deposition excerpt continued:)

18 (Audiotape excerpt played.)

19 THE PLAINTIFFS' COUNSEL:

20 Q. Ms. Ohene, were you able to hear the audiotape that was  
21 just played?

22 A. Yes, I did.

23 Q. And the female voice, do you recognize the female voice on  
24 the audio recording?

25 A. Yeah. That was me.

1 Q. And the male voice on the recording, do you recognize that  
2 voice?

3 A. Yeah. That would be Prime Minister Samantar at the time.

4 Q. I'm going to ask my assistant to resume playing the audio  
5 recording.

6 (Audiotape excerpt played.)

7 Q. Ms. Ohene, were you able to hear that portion of the audio  
8 recording?

9 A. Yes, I did.

10 Q. And was the female voice on that -- do you recognize the  
11 female voice in that recording?

12 A. Yes. That's me.

13 Q. And the person -- the voice responding to your questions,  
14 do you recognize that voice?

15 A. Yes. Prime Minister Samantar.

16 Q. Is the audio recording that you just heard an accurate  
17 replication of your 1989 interview of Samantar in London?

18 A. Come again? Is that a what?

19 Q. An accurate copy of --

20 A. Yes, it is. Yes, it is.

21 Q. And just so the question is clean, is the audio recording  
22 that you just heard an accurate copy of the recording that you  
23 made of your 1989 interview with Samantar?

24 A. To the best of my recollection, it is.

25 Q. I am going to now hand the court reporter what we will

1 mark as Exhibit 2. And in Ghana, Jonathan, it's, it's the  
2 document that has the green passport cover on the first page.

3 A. Yeah.

4 Q. And for the record, I've handed what's been marked as  
5 Exhibit 2 to the Ohene deposition. This is a document, Defense  
6 Exhibit P -- as in Peter -- in this matter.

7 A. Yeah. Defense Exhibit P, I think, yeah.

8 Q. Ms. Ohene, if you would, would you turn to page 2 of this  
9 exhibit?

10 A. Yeah.

11 Q. And let the record reflect that this exhibit is a copy of  
12 the passport of Mr. Samantar.

13 A. Yeah.

14 Q. And page 2 contains a photograph of Mr. Samantar as taken  
15 in his passport.

16 Ms. Ohene, would you please just raise the picture of  
17 what you're looking at so we can see it on the screen?

18 Thank you.

19 A. Yeah.

20 Q. Ms. Ohene, is the, is the man in this passport picture the  
21 same man you interviewed for the BBC in 1989?

22 A. Yes, he is.

23 Q. You can put that aside, Ms. Ohene.

24 I would now like you to take a look at what's been  
25 marked -- well, what will be marked as Exhibit 3 to the Ohene

1 deposition, and this is the document that's marked at the very  
2 bottom PX 005.

3 A. Um-hum, yes.

4 Q. And, Ms. Ohene, if you would, turn to what is marked as  
5 PX 005 and then page 4, 004.

6 A. Okay.

7 Q. And starting on the page, do you see in the middle of the  
8 page, Ms. Ohene, where it has the number 15, which indicates  
9 the time?

10 A. Yeah.

11 Q. You don't have to review it. Have you seen this document  
12 before, Ms. Ohene?

13 A. Yeah. It was -- yes, I have.

14 Q. Ms. Ohene, does the description of the audio recording  
15 reflected in PX 05 reflect an accurate transcription of your  
16 1989 interview with Prime Minister Samantar?

17 A. Yes, it does.

18 Q. Ms. Ohene, to the best of your knowledge, was your 1989  
19 interview of Prime Minister Samantar broadcast?

20 A. Oh, yes, it was, on Focus on Africa, yes.

21 Q. And Focus on Africa is a program on the BBC?

22 A. Yes. Yes, it's a program on the BBC. At the time, it  
23 goes out three times a day. The first edition goes out at 1500  
24 GMT, and then it goes out again at 1705, and then it goes out  
25 again at 1930 GMT.



1 Q. Did you listen to the broadcast?

2 A. Yes. Yes, I did. Well, often the first edition would go  
3 out when we are all still in the office and still scrambling to  
4 put out the second edition, so anybody who was working that  
5 would have listened to it in the office, yes.

6 Q. Did the broadcast on the BBC accurately reflect -- let me  
7 rephrase, excuse me.

8 Did the broadcast on the BBC network accurately  
9 reflect your recorded interview of Prime Minister Samantar?

10 A. Yes, it did.

11 Q. Ms. Ohene, what, if any, public reaction was there to the  
12 broadcast of your 1989 interview with Prime Minister Samantar?

13 A. Well, there was uproar in the Somali community. We had  
14 lots of phone calls from people really, and I think what caused  
15 the uproar was more the last question that I put to the prime  
16 minister about someone having called in to us and what the  
17 accusation was, that he was in charge of the Hargeisa  
18 operation. That was the bit that caused the uproar.

19 They were all terribly excited by it, you know.  
20 Everybody kept -- talked about it for weeks most excitedly,  
21 yes.

22 (End of videotape deposition excerpt.)

23 MS. DRAKE: Your Honor, plaintiffs would like to move  
24 into admission what's been marked as PX 2A, which is the audio  
25 recording that we heard, as well as PX 5 and 6, which are the

1 official transcriptions of that audio recording.

2 THE COURT: All right, they're in.

3 (Plaintiffs' Exhibit Nos. 2A, 5, and 6 were received  
4 in evidence.)

5 MS. DRAKE: And, Your Honor, thank you for the  
6 indulgence. Mr. Samantar under oath swore that he had never  
7 given this interview, that it wasn't him in the tape, and, in  
8 fact, accused counsel of creating a hoax tape, and that is why  
9 we had to go into so much detail with Ms. Ohene. So thank you  
10 for your indulgence.

11 THE COURT: All right, call your next witness.

12 MR. WHITEHEAD: Your Honor, we call Colonel Kenneth  
13 Culwell to the stand.

14 THE COURT: All right.

15 THE COURT SECURITY OFFICER: What's the last name?

16 MR. WHITEHEAD: Culwell.

17 COLONEL KENNETH CULWELL, PLAINTIFFS' WITNESS, AFFIRMED

18 DIRECT EXAMINATION

19 BY MR. WHITEHEAD:

20 Q. Good afternoon, Colonel Culwell. Will you please  
21 introduce yourself to the Court.

22 A. My name is Kenneth Culwell. I'm a retired Army colonel,  
23 U.S. Army. I live in Cadiz, Kentucky, which is in the western  
24 part of the state, near Lake Barkley. As I said, I was  
25 retired. I'm a founder of a local citizens group that's

1 focused on economic development.

2 Q. Thank you, Colonel.

3 I'd like to hand forward a document. This hasn't  
4 been previously marked as an exhibit.

5 THE COURT: What number do you want on it?

6 MR. WHITEHEAD: It would be PX 349, Your Honor.

7 THE COURT: All right.

8 (Plaintiffs' Exhibit No. 349 was marked for  
9 identification.)

10 BY MR. WHITEHEAD:

11 Q. Colonel Culwell, do you recognize this document?

12 A. I do.

13 Q. How do you recognize it?

14 A. Well, it has my name on top of it, and it talks about  
15 expert report as to the military command structure of Somalia,  
16 and I assisted in the preparation of it.

17 Q. So this is your expert report and CV?

18 A. Yes.

19 MR. WHITEHEAD: Your Honor, in the interest of time,  
20 we'd like to offer this as Plaintiffs' Exhibit 349.

21 THE COURT: All right, it's in evidence.

22 (Plaintiffs' Exhibit No. 349 was received in  
23 evidence.)

24 MR. WHITEHEAD: Thank you, Your Honor.

25 Q. Colonel, I'd like to focus on your experience in Somalia.

1 What military position have you held, if any, in Somalia?

2 A. I was the defense attaché in Somalia, which meant that I  
3 was working for the Defense Intelligence Agency, but I reported  
4 to the ambassador.

5 Q. And what time did you hold that position?

6 A. I reported to Somalia in the January-February time frame  
7 1990, and I was -- I departed one year later.

8 Q. And what training was required?

9 A. I attended the Defense Intelligence College here in the  
10 D.C. area in preparation for that assignment.

11 Q. After leaving that assignment, what, if any, experience do  
12 you have regarding Somalia?

13 A. After leaving that assignment, well, we were evacuated in,  
14 in January of '91. At the end of that year, I retired. I went  
15 to Italy and taught computer war games, specifically,  
16 logistics.

17 At the -- in December of '92, I was asked if they  
18 minded -- if I would mind if they recalled me to active duty,  
19 because the U.S. Army was headed back to Somalia, and they  
20 needed advice on terrain, personalities, just which way they  
21 should go in certain areas, and I said yes.

22 MR. WHITEHEAD: Thank you, Colonel.

23 Your Honor, I'd like to proffer Colonel Culwell as an  
24 expert on the Somali command structure during the Barre regime.

25 THE COURT: All right, I'll allow that to go forward.

1 BY MR. WHITEHEAD:

2 Q. Colonel, is your expert opinion in your report?

3 A. I'm sorry?

4 Q. Is your expert opinion contained in the report?

5 A. Yes.

6 Q. Thank you.

7 Colonel, what travel was required for your job as  
8 defense attaché?

9 A. I traveled all over Somalia. My office had a Beechcraft  
10 King Air. My office had also pilots for that. So we traveled  
11 to all of the various sectors: Hargeisa, we went to Berbera,  
12 and we went to the other sectors in the south.

13 Q. Colonel, you said you traveled to Hargeisa. What did you  
14 see there?

15 A. I saw a city in complete devastation, and you get a better  
16 view of that when you see it from the air.

17 Q. And when did that devastation occur?

18 A. Exactly, I'm not sure. Late '80s. Before I got there.

19 Q. Thank you, Colonel.

20 Colonel, I'd like to hand you Plaintiffs' Exhibit 64.  
21 Colonel, do you recognize this document?

22 A. I do.

23 Q. How do you recognize it?

24 A. It's a routine document used by the American Embassy  
25 abroad to communicate with the State Department.

1 Q. Thank you, Colonel.

2 Is there a common term used for this type of  
3 document?

4 A. They're called cables. They're called Telexes. They're  
5 called telegrams. Commonly they would say "cable."

6 Q. Thank you, Colonel.

7 And what training have you received regarding cables?

8 A. When I was at the Defense Intelligence College, we  
9 received specific instruction on how to prepare cables, a  
10 summary of what we saw, who we got it from, evaluation of the  
11 source, and so on, and routinely, we also received all of the  
12 State Department cables so that we could be up to speed on our  
13 various countries when we arrived.

14 Q. Thank you, Colonel.

15 And what was your experience with cables as the  
16 Somali defense attaché?

17 A. Every day, we'd probably review 10, 20, 30 of them,  
18 because the State Department, the CIA, the Office of Military  
19 Cooperation, and my office would send out cables practically  
20 every day. The State Department obviously had more people, so  
21 they would send out more cables, and we'd review -- the reading  
22 file would come around every day.

23 Q. What information is included in a cable?

24 A. It includes first of all a summary of what the preparer --  
25 the author saw, but what you'd have to understand is this is

1 communication between the author and an address in the State  
2 Department, and while it may give the information of a specific  
3 event, it should be tied together with everything else that  
4 that analyst saw at the other end. So one cable is only a  
5 piece of the pie.

6 Q. And who writes cables?

7 A. Anybody in the embassy, but it's released by the  
8 ambassador.

9 Q. So the ambassador approves transmission of cables?

10 A. Yes.

11 Q. And to what extent was writing cables a requirement of  
12 your job as a defense attaché?

13 A. My office received questions from the Defense Intelligence  
14 Agency generally related to military strength, personalities,  
15 locations, and my job was to go around and try to get answers  
16 to those questions, and when I answered them, I would send off  
17 my version of the cable.

18 Q. Are they official communications?

19 A. Oh, yes.

20 Q. Are they made at or near the time of the event that they  
21 report?

22 A. Oh, yes.

23 Q. Are they written by people with knowledge of the events?

24 A. Yes.

25 MR. WHITEHEAD: Your Honor, we'd like to offer

1 Plaintiffs' 64 into evidence.

2 THE COURT: It's in.

3 (Plaintiffs' Exhibit No. 64 was received in  
4 evidence.)

5 MR. WHITEHEAD: And we'd like to publish it, also.

6 THE COURT: Well, you don't need to. We don't have a  
7 jury. I just read it.

8 MR. WHITEHEAD: I understand. So the witness could  
9 see it.

10 THE COURT: I mean, if the witness needs it, but you  
11 have a copy of it in front of you.

12 THE WITNESS: I do.

13 THE COURT: Yeah.

14 THE WITNESS: I do.

15 BY MR. WHITEHEAD:

16 Q. Now, Colonel Culwell, would you please turn to paragraph  
17 9, beginning on page 3 of the document?

18 THE COURT: We can go ahead and put it on the screen  
19 so everybody can see it.

20 BY MR. WHITEHEAD:

21 Q. Can you read that for us?

22 A. Certainly. "Fully half the city has been extensively  
23 damaged. In some areas, entire city blocks have been leveled  
24 or damaged beyond repair. Life as it once must have been has  
25 ceased. Rubble of buildings, together with shell casings,



1 abandoned suitcases, the occasional desiccated corpse,  
2 anomalies, like four pairs of 1970s-style platformed disco  
3 shoes, litter the streets. The landmarks that lent grace to  
4 this once picturesque city: the theatre, the mosque, the  
5 Oriental hotel, et al., are in ruins. Much of the city is a  
6 ghost town whose repair (according to one of our USARCENT  
7 colleagues) would likely require two years, requiring maximum  
8 infusion of capital, equipment, expertise, and manpower."

9 Q. Thank you, Colonel.

10 To what extent is this description consistent with  
11 what you observed in your travels?

12 A. It's exactly correct.

13 Q. Thank you, Colonel.

14 Can you please turn to page 5, paragraph 13? And  
15 read that for us.

16 A. "Destruction of buildings clearly indicated that most  
17 damage was done by an attacking force moving from southwest to  
18 northeast; i.e., most of the damage to buildings was observed  
19 on the southward or westward faces of buildings located on the  
20 north and east sides of street. Given the direction of  
21 destruction, most of it had to have been inflicted by the  
22 Army."

23 Q. Thank you, Colonel.

24 And this is what the U.S. Department of State  
25 reported in October of 1988?

1 A. That's correct.

2 Q. What military force does the term "Army" at the end of  
3 this paragraph refer to?

4 A. Somali National Army.

5 Q. Colonel, given everything you know, in your expert  
6 opinion, how does this paragraph -- sorry, what does this  
7 paragraph indicate regarding the destruction of Somalia -- of  
8 Hargeisa?

9 A. It indicates that there was a large battle at that  
10 location. It also tells me that, that it had to come from  
11 something other than small arms.

12 Q. What type of --

13 A. I'd say artillery or air.

14 Q. Thank you, Colonel.

15 What other conclusions can you draw?

16 A. That there's mass devastation of that area.

17 Q. Thank you, Colonel.

18 What role would the highest-ranking military officer  
19 in Somalia play in the shelling of a major city within Somalia?

20 A. He would most likely approve it or authorize it. Given,  
21 however, the scarce resources in Somalia, he would have to  
22 allocate resources to it, so if he didn't approve it initially,  
23 he would certainly have to send resources to it after it was  
24 done --

25 Q. Thank you, Colonel.

1 A. -- so they could resupply.

2 Q. Thank you.

3 And based on your expert opinion and observations,  
4 what efforts were made to prevent civilian casualties?

5 A. None.

6 Q. In your expertise, what does that demonstrate to you  
7 regarding the military's efforts to save civilians?

8 A. I don't think they did any. I don't think they caused any  
9 effort to save civilians.

10 THE COURT: How can you tell that from, from the  
11 evidence that was before you?

12 THE WITNESS: The -- from the cable?

13 THE COURT: From the cable or from your personal  
14 observations.

15 THE WITNESS: When they shoot artillery and air  
16 without trying to evacuate the civilians, then indiscriminate  
17 killings of civilians will take place, and that's what it  
18 looked like happened.

19 MR. WHITEHEAD: Thank you, Colonel. I have no  
20 further questions.

21 THE COURT: Thank you, Colonel. You may -- you're  
22 excused.

23 (Witness excused.)

24 THE COURT: I think this is about the right time to  
25 take the mid-afternoon break. We'll take a 15-minute break and

1 reconvene at 10 after four.

2 (Recess from 3:55 p.m., until 4:13 p.m.)

3 THE COURT: Yes, sir.

4 MR. McLISH: Your Honor, Mr. Culwell -- Colonel  
5 Culwell laid the foundation for a number of the exhibits that  
6 we have put forward which are State Department cables.

7 THE COURT: All right.

8 MR. McLISH: I'd like to, if Your Honor will allow  
9 it, read those numbers.

10 THE COURT: Go ahead.

11 MR. McLISH: So it's 33 different exhibits, so it's  
12 Plaintiffs' Exhibit 1, 12, 14, 15, 27A, 30, 35, 40, 48, 49, 64,  
13 67, 102, 104, 113, 205, 206, 207, 208, 210, 211, 218, 234, 236,  
14 237, 247, 249, 252, 253, 263, 267, 279, and 282.

15 Those are all State Department cables, the  
16 authenticity of which were stipulated to by Mr. Drennan, and as  
17 Mr. Culwell testified, they're business records. I think they  
18 could also come in as public records.

19 THE COURT: Fine. They're all in.

20 (Plaintiffs' Exhibit Nos. 1, 12, 14, 15, 27A, 30, 35,  
21 40, 48, 49, 67, 102, 104, 113, 205, 206, 207, 208, 210, 211,  
22 218, 234, 236, 237, 247, 249, 252, 253, 263, 267, 279, and 282  
23 were received in evidence.)

24 MR. McLISH: Your Honor, could we also offer the  
25 expert report of former ambassador to Somalia Jim Bishop, which

1 is Plaintiffs' Exhibit No. 20?

2 THE COURT: That's in.

3 (Plaintiffs' Exhibit No. 20 was received in  
4 evidence.)

5 MR. McLISH: And before we're through, Your Honor,  
6 we'd probably move in some additional documents, but we'd like  
7 to move ahead now.

8 THE COURT: All right.

9 MR. McLISH: And Ms. Roberts will introduce our next  
10 presentation.

11 THE COURT: Yes, ma'am.

12 MS. ROBERTS: Good afternoon, Your Honor. We have  
13 had designated video deposition testimony, which there's really  
14 only a small portion that's relevant for the damages hearing,  
15 so my intention is to be -- is to read that, and we have  
16 Mr. Drennan's counters to that.

17 Sorry, I'm wrong. We have a shorter video that we  
18 actually would like to go ahead and play.

19 THE COURT: All right. Which witness is this?

20 MS. ROBERTS: This is the grave digger. His name is  
21 Ibrahim Abdullahi.

22 THE COURT: All right.

23 (Videotape deposition excerpt of IBRAHIM HAMED  
24 ABDULLAHI played as follows:)

25 DIRECT EXAMINATION

1 BY PLAINTIFF'S COUNSEL: (Through Interpreter)

2 Q. Please state your full name for the record.

3 A. My name is Ibrahim Hamed Abdullahi.

4 Q. When were you born?

5 A. 1942.

6 Q. And where were you born?

7 A. I was born in Hargeisa.

8 Q. Are you married, sir?

9 A. Yes.

10 Q. Do you have -- how long have you been married?

11 A. About -- more than, more than 30 years.

12 Q. And do you have any children?

13 A. Yes.

14 Q. How many children do you have?

15 A. There are more than 12, around 14, and there are my  
16 grandchildren.

17 Q. Is there a particular department or branch or agency that  
18 he work -- that you worked for?

19 A. It is the Ministry of General Works.

20 Q. And when did you begin working for the Ministry of General  
21 Works?

22 A. I was working for it for 30 years.

23 Q. And what year did you begin?

24 A. In 1960. In 1960.

25 Q. Sir, where were you living in May of 1988?

1 A. I was living in Hargeisa.

2 Q. And who was living with you at the time?

3 A. My family: my wife, my children, my mother.

4 Q. And what happened in Hargeisa in May of 1988?

5 A. We were asleep then -- we were asleep. Then we heard  
6 something like quake, earthquake, and then noise.

7 Q. What is the SNM?

8 A. I don't know what it is called in Somalia.

9 Q. What does it mean to you?

10 A. It was a movement that came to the town, to the, to the  
11 land, and they wanted to call and take it over.

12 Q. When did the SNM come into Hargeisa? When did that begin?

13 A. I told you 31st May.

14 Q. Now, were you a member of the SNM?

15 A. No, no, I do not know about that.

16 Q. Did you support the SNM?

17 A. No.

18 Q. Where were your wife and children when the fighting  
19 started?

20 A. They stay with me in that night that the fight started.  
21 In the morning, they left.

22 Q. Where did they go?

23 A. They went to Ethiopia.

24 Q. And what did you do?

25 A. When they left in the morning, in the evening, I was

1 arrested.

2 Q. Well, where were you when you were arrested?

3 A. In that evening, an officer came to me and told me to come  
4 out of the house.

5 Q. Did they come to your house?

6 A. Yes.

7 Q. And what kind of officers were they?

8 A. They were the officers from the government of the then  
9 regime, Siad.

10 Q. What kind of government officers? Were they police?  
11 soldiers?

12 A. They were military officers. I knew them -- the colonel  
13 who was commanding them.

14 Q. Okay. Before I go on, what date did this happen?

15 A. It was the 2nd June, 2nd June.

16 Q. In 1988?

17 A. Yes.

18 Q. You say you recognized the colonel that was with them.  
19 What was his name?

20 A. Mohamed Aalin.

21 Q. And how did, how did you recognize him?

22 A. I knew him initially. I knew him before. We were  
23 neighbors.

24 Q. Okay. And how many people were with him?

25 A. There were several officials. I don't know how many they



1 were, and I did not know them. Then they left -- he remained  
2 there with the soldiers who arrested me.

3 Q. So let me just clarify that. The officials who were also  
4 there, were they in uniform?

5 A. They were in their dress, in their official dress.

6 Q. What does that mean by "official dress"?

7 A. The military uniform, the usual uniform -- it is all the  
8 same uniform, dress -- all the same.

9 Q. All right. Did anyone tell you why the colonel and these  
10 soldiers came for you?

11 A. Yes.

12 Q. What -- why, why did they come looking for you?

13 A. They said we needed the Caterpillar.

14 Q. Can you describe -- what do you mean by "Caterpillar"?  
15 Can you describe it?

16 A. It is the name of the thing, and it's also called a  
17 shovel.

18 Q. Is it -- what -- is it a type of vehicle?

19 A. It is a tractor.

20 Q. A tractor. And could you describe this tractor?

21 A. Yes.

22 Q. Please describe it.

23 A. It is used for -- it digs the ground. It takes the soil  
24 from that place it dug and then throws it out -- takes it.

25 Then these places where they wanted to put the dead people --

1 Q. Okay. We will get to that.

2 How -- by the way, how did these soldiers know where  
3 to find you, where you live? How did they know where you  
4 lived?

5 A. Somebody knew my house.

6 Q. Let's go back to the question. What I wanted to know was  
7 did these soldiers -- they took you someplace? Did they take  
8 you someplace?

9 A. Yes.

10 Q. Does the place where you were taken have a name?

11 A. Yes.

12 Q. What is the name?

13 A. I was taken to a place called Malka-Durdura.

14 Q. Is Malka-Durdura in Hargeisa?

15 A. Yes. Yes, it is in Hargeisa.

16 Q. Where? Where in Hargeisa is it? Were there any landmarks  
17 nearby?

18 A. It is near the military headquarters.

19 Q. Please describe the physical detail of Malka-Durdura,  
20 starting with what does it look like?

21 A. It is a school, it is a school -- near a school and a  
22 valley. It's an area of a school, yes.

23 Q. Had you ever been there before?

24 A. Yes. My children are students in that school. I used to  
25 take my children from the school.

1 Q. What did you see at Malka-Durdura when the soldiers  
2 brought you there?

3 A. They took me to a place where there were dead bodies, dead  
4 bodies.

5 Q. About how many bodies were there?

6 A. There are many.

7 Q. Hundreds?

8 A. Yes.

9 Q. Well, let's stay on in this day. Did they look like they  
10 had been -- did they look recently dead?

11 A. Yes.

12 Q. All of them?

13 A. Yes. They died shortly before I reached there.

14 Q. Okay. I'm sorry?

15 A. Before I --

16 Q. Okay. Were the bodies dressed?

17 A. They were in their dress, their clothes.

18 Q. Were any of them in uniform?

19 A. Some in uniform, some of them in civilian dress, and they  
20 were tied together.

21 Q. The bodies were tied together?

22 A. Yeah. They were --

23 Q. How were the bodies tied together?

24 A. Ten, ten. Every ten dead bodies were tied together.

25 Q. Okay. Did you see any visible wounds on the bodies?

1 A. Yes. They had, they had bullet marks all over their  
2 bodies.

3 Q. How do you know they were bullet wounds?

4 A. Because I had seen it.

5 Q. What did the wounds look like?

6 A. The instant -- all over the body, from head to toe.

7 Q. So are you saying that the bodies had bullet wounds from  
8 head to toe?

9 A. Yes.

10 Q. Okay. And what did you do next?

11 A. I buried those that I could bury then, those that it was  
12 possible to bury then.

13 Q. How did you bury them?

14 A. I dug a hole. Then I put 11 dead bodies in the -- in the  
15 mouth of what I was using. Then I put it inside. Then I  
16 covered it, them with the soil.

17 Q. Did -- and were the soldiers there at the time, the  
18 soldiers that brought you there?

19 A. Yeah, they were with me.

20 Q. Did they help you bury the bodies?

21 A. I was -- they are putting the dead body in the shovel,  
22 then the covering I was using, and then I was doing the rest of  
23 it, putting the dead body in the place I dug, then putting the  
24 soil over, covering them with soil.

25 Q. How -- about how deep were the graves?

1 A. It was just hiding or burying the dead, and it was, it was  
2 just -- the idea was to just hide these dead bodies, put  
3 them -- bury them, to bury, to cover these dead bodies, and the  
4 way you know it's not -- some places are hard -- harder than  
5 some other places. So it depended on how soft the soil in that  
6 place was.

7 Q. Going back to how the soldiers were helping you -- just  
8 indulge me for a second -- how were the soldiers putting the  
9 bodies into the tractor?

10 A. I was putting the -- I was putting it down. Then they  
11 were holding the dead body together -- dead bodies together.  
12 Then they put it -- when they put it, that is when I put the  
13 dead bodies. They hold them together, they bring them there.  
14 Then that is when I was taking them to the --

15 Q. Did the bodies remain tied together when they were put  
16 into the tractor shovel?

17 A. They were still tied together.

18 Q. Okay. Do you know how many graves you dug that day?

19 A. That time, it was late in the evening. I came in the next  
20 day to continue with it.

21 Q. Okay. But do you remember how many graves you dug that  
22 first day?

23 A. From 80 to hundred.

24 Q. And how many bodies went into any one grave?

25 A. Ten people who were tied -- ten dead bodies who were tied

1 together.

2 Q. Okay. And how many hours did you spend that day burying  
3 bodies?

4 A. I came in three in the afternoon, three in the afternoon.  
5 It was one-and-a-half hours -- I came after -- let me start it  
6 from I came at three in the afternoon until 4:30, because there  
7 was, there was a curfew. People could not move, were not  
8 allowed to walk around after that. It was one hour -- I think  
9 it was one hour or one-and-a-half hours.

10 Q. Were you able to bury all the bodies there in that time?

11 A. Yeah. I did it in -- yeah, I did it very fast. I did it  
12 in hurry and very fast.

13 Q. Just to clarify, what date -- do you remember what date  
14 this was that you buried the bodies that first day?

15 A. It was second day of June.

16 Q. 1988?

17 A. Yes, 1988. And in the following morning, I came to the  
18 same spot.

19 Q. Okay. But before they came back, what did you do  
20 immediately after you finished burying the bodies on that first  
21 day?

22 A. I was, I was, I was taken to the military base, and I put  
23 the tractor there or the bulldozer, and they gave me a place to  
24 sleep, and they told me to leave early in the morning.

25 Q. Do you, do you know the name of the base where you were

1 taken?

2 A. It was called Birjeeh.

3 Q. Okay. And you say you were taken there -- well, tell me  
4 about the next day. What happened the next day?

5 A. I went back where I left the day, the previous day, where  
6 I left the previous day.

7 Q. Did the soldiers take you there?

8 A. Yes.

9 Q. And did they take you to Malka-Durdura?

10 A. Yes.

11 Q. And what did you see when you arrived there?

12 A. I met dead bodies more than those that I met the previous  
13 day.

14 Q. Okay. The thing that's confusing me is before you said  
15 you had buried all the bodies the day before. You didn't leave  
16 any out.

17 A. On the previous day, what I did was when I buried a number  
18 of them, of the bodies that were there, I was told to leave  
19 while there were some still remaining. Then in the early  
20 morning, I came to finish what I started.

21 Q. Okay. So then the next day, there were more bodies than  
22 you had left the day before?

23 A. Yes, yes.

24 Q. Do you know how the new bodies got to Malka-Durdura?

25 A. I just met them. My work was just to bury them.

1 Q. Did you see any wounds on these new bodies?

2 A. The bullet marks.

3 Q. Similar to the bodies the day before?

4 A. Yes, yes.

5 Q. And were they also bound, the new bodies?

6 A. Yes, every ten, they were ten, not more, not less. Every  
7 ten bodies were tied together.

8 Q. And after this day, did you bury bodies any other days?

9 A. Yes.

10 Q. Were all the bodies that you buried, were they buried at  
11 Malka-Durdura?

12 A. No.

13 Q. Where else did you bury bodies?

14 A. In the milk factory at Sinai.

15 Q. When you were burying bodies, did you ever find anyone  
16 alive among the bodies?

17 A. Yes.

18 Q. Could you describe what happened when you found that body?

19 A. I was working -- there were ten, ten, ten people -- ten  
20 tied together, ten of them tied together. When I buried  
21 several ten, the last ten that I thought will be my last body,  
22 a live person who moved his upper part of the body and asked --  
23 he said -- he asked to be untied.

24 Q. And what did you do?

25 A. I tried to look -- to check what was -- to check it -- I



1 wanted to see the guy, to look at the guy. Then the soldiers  
2 who were with me told me to go, told me to go back to my seat  
3 on the tractor. I went back to the thing.

4 Q. So what happened next?

5 A. They -- many soldiers -- many soldiers who sat, who took  
6 positions, who took positions -- in one line, an angle, then  
7 they made the place -- they opened fire on the place. They  
8 opened -- they opened fire on the dead bodies, and the one who  
9 was alive, then he became like dead like the rest.

10 Q. How long did you spend burying bodies?

11 A. It was months. It wasn't days. It was more than days.  
12 It was months. It took months.

13 Q. How many months?

14 A. A month and 28 days. This was when I was back -- I was  
15 doing -- in the month that followed this or the time that  
16 followed this, it was -- they were calling me whenever they,  
17 they needed me. And one and 28 -- 20 days, it was buried -- a  
18 continuous bout -- bouts of burying, of burying people, dead,  
19 dead bodies.

20 Q. Okay. And then the next month was -- and then the next  
21 month was lighter?

22 A. Was later.

23 Q. All right. Did you -- the entire time you were burying  
24 bodies, were you -- did you stay at the military base that  
25 entire time?

1 A. Most of the time.

2 Q. And where were you the rest of the time?

3 A. My house. My house was just near there.

4 Q. How long did you stay at the military base?

5 A. The military base -- the 20 days, they were telling --  
6 they were even order -- showing me the place to sleep. Then I  
7 told the colonel, "This place, I cannot be sleeping here. My  
8 house is just nearby."

9 Then he accepted. "Why can't you let me sleep in my  
10 house?"

11 Then he accepted, but my assumption was then that I  
12 was free, and they just went back to their camp, but when I  
13 realized that they were always around me, in the morning, they  
14 tell me to follow them.

15 Q. Okay. Did there ever come a time -- did any soldiers go  
16 with you to your house?

17 A. They went -- when they take me to my house, they pretend  
18 that they're leaving, but they never used to leave. They used  
19 to change duties. Every time, some were guarding me.

20 Q. Can you describe the sounds that you heard while the  
21 fighting was occurring in Hargeisa?

22 A. Yeah. The fire exchange, the bullets.

23 Q. Early -- in the beginning of your testimony, you mentioned  
24 an earthquake. Can you describe that sound in a little more  
25 detail?

1 A. When they were entering, we were asleep -- we were  
2 sleeping in our houses, and we had the quake. Then we put off  
3 the lights and sat and waited for what was -- not knowing what  
4 was happening. It continued until the morning.

5 Q. Were you ever aware of bombing in Hargeisa?

6 A. Yes. The aircraft were bombarding.

7 Q. How often did you see aircraft bombarding?

8 A. Several, several.

9 Q. Several what?

10 A. Several types.

11 Q. How long did the bombing last?

12 A. A month or less than a month, by a few days. It wasn't a  
13 full month, but around 20 days, 20 and more.

14 Q. Did you see any of the places in Hargeisa that had been  
15 bombed?

16 A. When I was on that side of a raised ground, in the raised  
17 ground of that side, I could see the flames and the burning  
18 inside the town.

19 Q. What did you see in the city after the bombing?

20 A. People ran away from town. The town was deserted. The  
21 town was destroyed. There was no even movement moving inside  
22 the town. It was empty.

23 Q. Could you describe -- sorry. Could you describe what the  
24 buildings looked like?

25 A. Houses were destroyed, some destroyed, some partially

1 destroyed.

2 Q. Did you see any casualties?

3 A. The dead bodies were all over.

4 Q. Were -- could you tell whether they were civilians or  
5 military?

6 A. The people in the markets and in town mostly were  
7 civilians.

8 Q. Were there women and children among them?

9 A. Yes.

10 Q. You mentioned the milk factory. Approximately how many  
11 dead bodies did you bury near the milk factory?

12 A. I'm not sure, but I can imagine -- I can estimate -- I can  
13 give estimate.

14 Q. An estimate is fine.

15 A. In the milk factory, 200 -- more than 200.

16 Q. Okay. And about how many were buried in Sinai?

17 A. The same.

18 Q. Did you ever see -- did you ever see any bodies in  
19 Hargeisa that were in uniform as soldiers of the Somali  
20 National Army?

21 A. I'm talking about the first days --

22 Q. The first day, yes.

23 A. Yes. The first, yeah. Many.

24 Q. When did you see them?

25 A. The first days.

1 Q. They were at Malka-Durdura?

2 A. The bodies I buried, most of them were in, in uniform,  
3 many of them. Too much.

4 Q. Were they also bound?

5 A. Yes.

6 Q. Do you know how many soldiers -- how many dead bodies --  
7 how many soldiers you saw among the dead bodies?

8 A. There was -- there was so many.

9 Q. Can you give us an estimate?

10 A. The people that I was -- took me a whole month to bury  
11 them daily. You estimate. You can do the estimation.

12 Q. Fair enough. So it's more than a hundred then?

13 A. They are thousand and something. Hundred was what I was  
14 burying in the early part of every day.

15 Q. Did you ever see bodies in school uniforms?

16 A. Yes, yes.

17 Q. When did you see those?

18 A. One of the days.

19 Q. Okay. Where were these bodies?

20 A. Malka-Durdura, near Malka-Durdura.

21 Q. Was there a school nearby?

22 A. Between the command headquarters and Malka-Durdura.

23 Between Malka-Durdura and the base, closer to the base. That's  
24 the command headquarters.

25 Q. Was there a school near there?

1 A. The school is called Malka-Durdura.

2 Q. Is that -- what kind of school is that? Is that a primary  
3 school? secondary school?

4 A. It was a middle school. I'm not sure. I'm not sure. It  
5 was long time ago, but it was a school.

6 Q. But it was not a university?

7 A. No, no, no, no.

8 Q. Okay. How many bodies did you see in school uniforms?

9 A. Along the road, I saw eight somewhere. On the other side,  
10 there are four. And they are brought there with a vehicle, by  
11 a vehicle.

12 Q. Okay. But you -- first of all, let me ask you, you  
13 didn't -- did you see the vehicle bring the bodies?

14 A. I was seeing it leaving.

15 Q. Okay. And what kind of vehicle was that?

16 A. It was a military vehicle.

17 Q. Was it a truck?

18 A. It was a big lorry, a truck.

19 Q. Okay. How did you come upon these bodies in school  
20 uniforms?

21 A. I stopped, I stopped between the eight and the -- the  
22 eight bodies and the four bodies.

23 Q. What were you doing right before you found the bodies?

24 A. I came from another place, and the colonel was leading me.

25 Q. And what were you -- were you on foot?

1 A. I was on the tractor.

2 Q. Okay. And, and who was with you?

3 A. Colonel was before me, and the other soldiers were behind  
4 me.

5 Q. Can you please describe what the bodies were -- how the  
6 bodies were dressed?

7 A. They were dressed in uniform, secondary school uniform,  
8 secondary school uniform, khaki, which was khaki.

9 Q. And could you tell how old these -- how old these people  
10 were?

11 A. From 20, 20, below 17, 16, 17 years old up to 20.

12 Q. And did you say anything to the soldiers?

13 A. Yes.

14 Q. What did you say?

15 A. I asked an officer who was standing there. I asked what  
16 happened, what happened to them, what happened to them.

17 Q. And did, did you get an answer?

18 A. Yes.

19 Q. What was the answer?

20 A. He cried.

21 Q. Okay. And what, if anything, did you do with these bodies  
22 in school uniform?

23 A. I buried them there.

24 Q. Okay. How many graves did you use to bury them?

25 A. The eight, I buried them together, and then the four.

1 Q. So that's two graves?

2 A. Yes.

3 Q. Okay. Do the mass graves about which you testified today,  
4 do they still exist today?

5 A. It was in a valley. Some of this work was cleared by the,  
6 the floods.

7 Q. Are you talking about Malka-Durdura?

8 A. Yes.

9 Q. Okay. How do you know that, that the floods have affected  
10 the graves at Malka-Durdura?

11 A. I went there.

12 Q. When did you go there?

13 A. Many times, many times. Those days and the other days.

14 Q. Okay. Well, what did you see at Malka-Durdura? Did  
15 the -- did you see the bodies after the flood?

16 A. Yes. The tie -- the ropes that were tied -- that tied got  
17 hold of on the roots of the trees. You can see the rope  
18 hanging from the root of a tree. Then when the next rain and  
19 the next flood comes, it cleared that.

20 Q. Okay. And did more bodies come up?

21 A. Yes.

22 Q. And you saw those as well?

23 A. Yes.

24 Q. Okay. And what, if anything, is happening to the graves,  
25 if you know, at the milk factory?



1 A. People settled there. Initially, it was an open place.  
2 People settled there now.

3 Q. So have those graves ever been excavated?

4 A. They settled there. They filled there.

5 Q. The graves at Malka-Durdura, have they ever been excavated  
6 by people?

7 A. Yes.

8 Q. Now, do you know when this occurred?

9 A. It was -- this was -- this started with the, with the  
10 floods. When the flood came, the bones were still outside,  
11 were brought outside. Then the people took the bones and  
12 buried them elsewhere.

13 CROSS-EXAMINATION

14 BY DEFENSE COUNSEL: (Through Interpreter)

15 Q. And how long had you known Colonel Aalin?

16 A. I knew him for a long time.

17 Q. More than ten years at that point?

18 A. When, when there were games and sports in the military, he  
19 used to -- he was known for his loud or big voice. It was many  
20 years.

21 Q. Did you see the soldiers burying their own dead?

22 A. No.

23 Q. You testified earlier this morning that you personally  
24 witnessed at least one person being shot and killed, correct?

25 A. He was wounded.

1 Q. He was wounded, and then he was shot and killed by the  
2 soldiers?

3 A. I cannot tell you whether he was injured -- I cannot tell  
4 whether he was injured or wounded. What I can say is -- all I  
5 saw was him raising up his upper part of the body and  
6 shouting, "Untie me. Untie me."

7 Q. All right. And you saw this person essentially executed,  
8 correct?

9 A. Yes, yes.

10 Q. Did you ever report that incident to Colonel Aalin?

11 A. He was even there. He was there.

12 Q. But you don't know if that person was wounded before they  
13 were shot?

14 A. What I remember is him saying, "Untie me, please." I was  
15 seeing just the upper part of the body.

16 Q. All right. So you went on doing these burials for a  
17 month, correct?

18 A. Two months and 28 days, but it was continuous, and it was  
19 for one month and 28 days. And after that, they used to call  
20 me on daily basis, come -- they tell me, "Come. Few, few dead  
21 bodies in different places."

22 Q. As time went on, most of those bodies were to the north,  
23 northern part of Hargeisa, weren't they?

24 A. I did not even go to the side of the north even once. I  
25 used to go -- it was mostly in the western side and Hawd.

1 Q. When did you finish the burials?

2 A. Yes, when I -- the two months -- up to two months and 28  
3 days is when I escaped, was when I escaped. I went to  
4 Ethiopia. I joined my family and my children.

5 Q. All right. And -- so during that entire period, Colonel  
6 Aalin was still in Hargeisa?

7 A. He did not go anywhere.

8 Q. So he was still in Hargeisa?

9 A. Then we met him still there, yes, yes.

10 Q. And you're absolutely certain of that?

11 A. Yes.

12 Q. All right. Now, after you fled to Ethiopia, after a time,  
13 you did return to Hargeisa, did you not?

14 A. I came back when the land, the land was -- when they  
15 entered and the other people, other group left.

16 Q. And approximately when was that?

17 A. It was -- it was after '91, after 1991. It was in 1991.  
18 It was in 1991.

19 Q. All right. So you -- and from 1991 to the present, you  
20 have -- from 1991 to the present, you've been living in  
21 Hargeisa?

22 A. Yes. I did not go anywhere else.

23 Q. All right. How did you first become aware of this  
24 lawsuit?

25 A. There are people looking to us there in Hargeisa and told

1 us to show them the mass graves.

2 Q. Who's "us"? When you say people came to us --

3 A. They came to me and told me, "Where did you, where did you  
4 bury these people?"

5 And then I told them.

6 Q. All right. How did you get to Djibouti?

7 A. I was called.

8 Q. How did you arrive here? Did you arrive by car or by  
9 plane?

10 A. I came by plane.

11 Q. Who paid for your air ticket?

12 A. These, these people.

13 Q. Who is "these people"?

14 A. These people from the court, these people from the court.

15 Q. You're not suggesting that the court paid for you to come  
16 here, are you?

17 A. Those who were coming from the courts.

18 Q. What court?

19 A. I understand you are two groups. The other group.

20 Q. What do you mean by "the other group"?

21 A. Not your side, but the other side.

22 Q. Okay. So you're not suggesting that I paid for you coming  
23 here. But your airfare was paid, correct?

24 A. Yes.

25 Q. And when did you arrive here?

1 A. I was here three nights.

2 Q. When you say, "I was here three nights," you mean  
3 by "here" the Palace Kempinski Djibouti Hotel?

4 A. Yeah, I'm talking about this hotel.

5 Q. All right. And who is paying for your stay here at the  
6 hotel?

7 A. The same group that was also doing it. That's what  
8 they're doing.

9 Q. You're also eating here, too, aren't you?

10 A. Yeah, I eat here. I eat my food. Then I go to the place  
11 I'm given and sleep.

12 When I finish now, I'm going to sleep after eating.  
13 After eating, I will sleep.

14 Q. And when do you plan on returning to Hargeisa?

15 A. When I'm told to go, I'm going -- when I'm told to go, I'm  
16 going. When I'm given the means to go -- even this afternoon,  
17 if I'm told to it's over, I'm going.

18 Q. All right. Why did you come here?

19 A. I have to give testimony for this -- I came to give  
20 testimony, to answer the question I'm asked. I tell you what I  
21 know.

22 (End of videotape deposition excerpt.)

23 THE COURT: All right, call your next witness.

24 MS. ROBERTS: Your Honor, I failed to note for the  
25 record and it probably was obvious that the defendant's

1 counters were included in that.

2 THE COURT: Right. That was obvious.

3 MS. ROBERTS: The next witness is Ahmed Gulaid. He  
4 will need translation.

5 AHMED JAMA GULOID, PLAINTIFFS' WITNESS, AFFIRMED

6 DIRECT EXAMINATION

7 BY MS. ROBERTS: (Through Interpreter)

8 Q. Good afternoon.

9 A. Good afternoon.

10 Q. Could you please state your name and spell it for the  
11 record.

12 A. Ahmed, A-h-m-e-d; Jama, J-a-m-a; Gulaid, G-u-l-u-d.

13 Q. I think that there may have been an error there.

14 A. I don't know.

15 THE COURT: All right, let's move along.

16 BY MS. ROBERTS:

17 Q. All right. When were you born?

18 A. I born '50.

19 Q. The 1950s?

20 A. 1950.

21 Q. 1950. And where were you born?

22 A. Hargeisa.

23 Q. And where do you live today?

24 A. Hargeisa.

25 Q. At any point, did you ever join the Somali National Army?

1 A. Yes.

2 Q. When was that?

3 A. 1968.

4 Q. When did you leave the service of the Somali National  
5 Army, if ever?

6 A. In 1988, after the war started in Hargeisa.

7 Q. Okay. We'll return to that.

8 Directing your attention to the year 1984, were you  
9 aware of an armed conflict in your region at that time?

10 A. Yes.

11 Q. What did you observe with your own eyes relating to that  
12 conflict?

13 A. I saw with my eyes a group from SNM militia, they went to  
14 the, to the mountain.

15 Q. And what happened to them?

16 A. Saw at that time they captured 27 of them.

17 Q. And what happened to them?

18 A. Saw they killed, you know, and some are in Hargeisa -- the  
19 ground in Hargeisa.

20 Q. Who executed these men in Hargeisa?

21 A. Military government.

22 Q. Where were you stationed in the year 1988?

23 A. Somewhere close to, in between Borama and Hargeisa.

24 Q. And where were you personally on June 4, 1998?

25 A. I was at Hargeisa General Hospital.

1 Q. Why were you in the hospital?

2 A. So I was working at the place. I was working. I get  
3 sick.

4 Q. Please describe for the Court what happened to you on the  
5 morning of June 4, 1988, in the hospital.

6 A. So someone, captain by the name Ismael Buba went to my  
7 house, and four of his soldiers that they have red hat and they  
8 driving a Land Cruiser --

9 Q. Let me stop you there. I want you to tell me what  
10 happened at the hospital.

11 A. The captain and his four soldiers, they come to me.

12 Q. And what did they do?

13 A. They asked me to come with them.

14 Q. And what were you wearing?

15 A. I have a flip-flop, you know --

16 Q. Macawis?

17 A. The traditional pajama, macawis, yeah, and a shirt, with  
18 no T-shirt.

19 Q. Okay. So where did they take you?

20 A. The Second Brigade, Birjeeh. That's where they took me  
21 to, military base.

22 Q. Was it the Second Brigade or the Second Division?

23 A. Gass, I think it's a battalion.

24 MS. ROBERTS: "Gass" is division.

25 THE COURT: Counsel, you can't --



1 MS. ROBERTS: Sorry, Your Honor.

2 THE INTERPRETER: Division. Sorry, it's my mistake.

3 Division 2.

4 BY MS. ROBERTS:

5 Q. And does the Second Division go by another name?

6 A. Yes. Second Division called 26th maybe, the sector.

7 Q. I think I heard you mention the name Birjeeh a moment ago.

8 What does that refer to?

9 A. It's a military base name.

10 Q. How did you enter the base?

11 THE INTERPRETER: Counsel?

12 BY MS. ROBERTS:

13 Q. How did you enter the base?

14 A. The men who brought me from hospital, they are the one who  
15 took me to the base.

16 Q. And did you enter through a checkpoint, or was there a  
17 different kind of entrance to the base?

18 A. The base has two doors. The base has two, anyway, two  
19 doors. It's a big base.

20 Q. Could you drive through the door, or did you have to walk  
21 through the door?

22 A. What happened was there's the captain who's driving the  
23 car. I am in that car with other four soldiers. So they knew  
24 the captain.

25 Q. All right. What did you see when you entered the base?

1 A. So what happened was when I come to the base, I saw all  
2 the, you know, military at that base, they are all -- all of  
3 them are in line, in queue.

4 Q. About how many soldiers?

5 A. Around 1,500. You know, I think there's different branch,  
6 but when they come together, there are gonna be a lot of  
7 people.

8 Q. And were these soldiers in uniform?

9 A. They were wearing camouflage.

10 Q. Okay.

11 A. And also, they have, you know, guns.

12 Q. And what did you do?

13 A. At that time, I was, you know, in custody.

14 Q. Did you stay in the car, or did you come out of the car?

15 A. Just at that time, they took me out from the car. I sit  
16 under the tree. So someone was watching me.

17 Q. Okay. What did you see and hear while you sat under the  
18 tree?

19 A. So at that time, they already clean your, you know,  
20 ammunition. The place we used to be, so someone already  
21 capture that area.

22 Q. I'm not sure I understood your testimony.

23 THE COURT: Well, counsel, before you go any further  
24 with this, you need to make me a proffer. What is this witness  
25 adding that's not been heard already so far in this proceeding?

1 MS. ROBERTS: He's a plaintiff, Your Honor.

2 THE COURT: He's one of your plaintiffs?

3 MS. ROBERTS: He's John Doe II in the complaint.

4 THE COURT: I'm working on the old one. All right,  
5 sorry. Go ahead.

6 THE INTERPRETER: Counsel, could you rephrase the  
7 word -- the question?

8 BY MS. ROBERTS:

9 Q. Yes. What I asked was what you saw and heard when you  
10 were sitting under the tree.

11 A. So what I hear was that when I sitting under that tree,  
12 they say, "Just clean your rifle, your weapon."

13 Q. So after the soldiers cleaned their weapons, what did they  
14 do?

15 A. Then take it back to their storage.

16 Q. Okay. And after they took it back to the storage, did  
17 they return to the parade ground, or did they do something  
18 else?

19 A. At that time, they asked them to come back to, to make a  
20 line.

21 Q. Okay. And then what happened?

22 A. What happened was at that time, maybe 11 or 12, 22, I  
23 don't remember, soldiers, which wear a, you know, red hat, they  
24 circled the whole group. So what they did was they sit all  
25 close to where the soldiers were filed, was filing. That's

1 where they, those red soldiers, soldiers with the red hat,  
2 that's where they sit.

3 Q. So the soldiers with the red berets, did they form a  
4 circle around the soldiers who had just cleaned their weapons,  
5 or was it in a different spot?

6 A. So what happened was when the soldiers, they took -- they  
7 saw their weapon, so they asked them to sit, but those red  
8 berets, they were different -- they were sitting different,  
9 different side.

10 Q. Okay. And so then what happened?

11 A. So the captain who pick me up from the hospital, he just  
12 pick up the -- he just throw the -- a note.

13 Q. He threw a note?

14 A. He took a, he took a note. He took out a note from his  
15 pocket.

16 Q. And what happened next?

17 THE INTERPRETER: Or list.

18 MS. ROBERTS: A list.

19 Q. And then what did he do?

20 A. So then he started reading the list. So he picked up the  
21 note -- the list, and he start reading the names on the list.  
22 So I was the first one to call. So then at that time, they  
23 asked me to go where those red brigades were sitting inside.

24 Q. Inside the circle of the red brigade -- or the red berets?  
25 And then what happened after that?

1 A. Then they -- the list keep coming. So everyone they  
2 called was coming with the red beret.

3 Q. How many people -- I'm sorry, let me take that back.

4 Did anyone at any point explain why the soldiers had  
5 been disarmed?

6 A. At that time, no.

7 Q. Okay. How many men were collected inside the circle of  
8 the red berets?

9 A. Including me, around 63.

10 Q. How do you know how many there were?

11 A. They count, they counted head-wise, 1, 2, 3, 4. That's  
12 how I know. Also, he was checking his list.

13 Q. Why did you count each other?

14 THE INTERPRETER: Counsel, each other or?

15 BY MS. ROBERTS:

16 Q. If I understood what you just testified, that those of you  
17 in the circle counted each other, I'm asking why did you do  
18 that?

19 A. They the one who counted us, but we can hear numbers  
20 they're reading, and I can see the people who's coming.

21 Q. Did you know any of the other men that were taken inside  
22 the circle of the red berets?

23 A. You mean those coming through that area?

24 Q. The men who were inside the circle with you.

25 A. I know most of them except maybe one or two. The reason,

1 because I was one of them.

2 Q. What did you all have in common?

3 A. We are all same clan, Isaaq.

4 Q. And what happened next?

5 A. So then those people with red berets, the command ask them  
6 to take the safe off their weapon. Then the other group,  
7 they've been ordered to get their weapon back.

8 Q. So after the rest of the soldiers got their weapons back  
9 and the red berets took the safeties off, what happened next?

10 A. So it means the red brigade, they were ready. The reason  
11 they take the safe from their weapon was just if we move or if  
12 we do anything, that's so they can shoot us. And so the other  
13 group, also they get their weapon back to defend the base.

14 Q. And so then what happened next?

15 A. The second in command of the brigade, that comes to, to  
16 the place.

17 Q. And what did you --

18 A. So what they told us, they say that you guys, you heroes.  
19 You fight with, you know, war, and what we're trying to do is  
20 take you back to Mogadishu.

21 Q. And did they take you to Mogadishu?

22 A. No. So what they did was they take us -- they told us to  
23 pack our, our bag, and when we tried to take our clothes,  
24 someone with the red berets will come with us, so we take our  
25 clothes.

1 Q. Okay. So after the Isaaq soldiers packed their  
2 suitcases -- did you by the way pack a suitcase?

3 A. No. I was also -- the watch I was wearing, I take it off,  
4 and I told one of my friends, you know, "Take this to my  
5 children, just to remember me."

6 Q. Why did you do that?

7 A. So -- just I look what's going on in the city, okay, and  
8 second, I look what's going on here in the camp, because we're  
9 all the same family. The rest of the civilians just gets  
10 destroyed, the whole city. They used artillery and airplanes,  
11 bombardment. The reason they just separate the rest of us from  
12 the group was at least probably to, just to kill us.

13 So the reason -- actually, what they did was they  
14 take us, they say that, you know, take your own weapon to the  
15 storage. Otherwise, had they not say that, then there would be  
16 a fight.

17 Q. Okay. So after -- actually, how long did it take for the  
18 other Isaaq soldiers to go and pack their bags?

19 A. So they were just leaving the compound, that base. And  
20 there's the other place called The Lane, which is basically  
21 military families live there. Probably in between 25 and 30  
22 minutes, they just told, "Pack everything."

23 Q. So after the other soldiers had packed their bags, what  
24 happened next?

25 A. So at that time, they took us to load all of our bags to a

1 big truck, and also with the people to go with that truck. So  
2 those red berets, some of them, they went to the front, you  
3 know, of the car, front seat. Some of them, they were with us  
4 at the back of the truck but still, you know, with their, with  
5 their weapon ready.

6 Q. Let me ask you a question just to back up a step. Does  
7 the uniform -- the army uniform that contains a red beret,  
8 what's the significance of that?

9 A. You mean the red beret?

10 Q. Yes.

11 A. It's a part of the 26th Section of the brigade. Every  
12 battalion or brigade has that red beret group.

13 Q. Are they military police?

14 A. Yes, they are military police.

15 Q. So where did they take you in this convoy that you  
16 described?

17 A. They took us to a section, to a section sector that  
18 belonged to the military police, or red berets.

19 Q. Was that the red berets' base of the 26th Sector? Did I  
20 understand that right?

21 A. Yes. That was in the same area.

22 Q. What happened when you arrived there?

23 A. So all the people, whatever they carrying, they asked us  
24 to put outside. At that time, they took all of us to cell, two  
25 cells.



1 Q. So where did the suitcases go?

2 A. They put it outside.

3 Q. And was anything else left outside?

4 A. Just our belongings. They just left outside. I was not  
5 carrying anything.

6 Q. Could you describe the conditions of your confinement in  
7 that place where they took you?

8 A. There was two small cells. Each one was, I think, 3  
9 meter, 3 meter. They just were crowded there. They just push  
10 us in. At that time, that place was really new. They finish  
11 at that time. The place was really new.

12 Q. And once you were divided into these two groups, were they  
13 evenly divided so it was about 30-plus people in each room? Is  
14 that right?

15 A. Not really. What they did was just they filled up one  
16 cell. Then they went to the next one.

17 Q. Okay. And what happened next?

18 A. At that time, you know, it started raining a little bit,  
19 so at 4 p.m., just they brought a pickup truck. So at that  
20 time, they opened the cells. So they just take out the first,  
21 the closest one, the first one. Just then they lock the cell.

22 So this -- the two sides of the door there's the two  
23 guys guarding. So what happens, when they open the door, the  
24 first -- they grabbed the first one. They just, they handcuff  
25 us like this (indicating). They pull you outside, so they

1 gonna cuff you.

2 Q. Were you in handcuffs or were you tied -- or were they  
3 tied?

4 A. They used a rope.

5 Q. Okay.

6 A. Then they gonna open the cell again, so they gonna pick up  
7 another one. Then they gonna tie him again, and just they  
8 gonna pick up another one. So they were doing four each time.  
9 Then they took the -- they put them into the pickup truck.

10 Q. Could you see the pickup truck from where you were being  
11 held?

12 A. Yes, when they opened the door.

13 Q. Could you see where they were taking them?

14 A. Yes. You know, we can hear that, you know, the pickup  
15 truck was going out of the, that compound. Then finally, I  
16 know it because they took me personally, and they took me out  
17 from the base. I know.

18 Q. We're going to get to that in just a moment, but what  
19 could you see and hear as they were taking out the men ahead of  
20 you?

21 A. So before we -- they packing their, their bag, I told them  
22 that, you guys, these people, they're gonna kill us, so don't  
23 get anything from your children or don't bag yourself. So  
24 don't do anything.

25 Then they say, "Well, why they gonna kill us? What

1 we did wrong?"

2 I told them that, you know, "They kill your brothers.  
3 The same thing they're gonna do to you."

4 Q. After the men were taken out ahead of you in the groups of  
5 four and you heard the truck drive away, did you hear anything  
6 else?

7 A. So the people I was with, I was with in the cell, I told  
8 them at that time, I say, "Listen, they took four people now.  
9 Listen, they gonna kill them. So you can hear the, hear, you  
10 know, the bullets."

11 Q. Did you hear gunfire?

12 A. Yeah. I told them, "Listen. Hear. So we can hear the  
13 bullets."

14 And also at that time, I told them, I said, "Okay.  
15 After they took these people, then the pickup truck will come  
16 back."

17 And right away, the pickup truck come back.

18 Q. Then when it -- oh.

19 A. Then they open the door.

20 Q. When it was your turn, your group's turn, where did they  
21 take you?

22 A. They took us to a place called Malka-Durdura. That's  
23 close to the base. So there's this place called tog, which is  
24 kind of, when there's a lot of rain, that place got a little  
25 bit flooded. So there's a lot of water goes that place. So

1 they called tog.

2 Q. I'm sorry, "tog"?

3 A. "Tog."

4 Q. Is that a Somali word?

5 A. It is -- okay. It is kind of, you know, it's a dry place,  
6 but when it rains or when there's a lot of -- you know, there's  
7 a lot of water coming, go in that area. It's not a lake. It's  
8 not a canal. Just when it rains, then there will be water.

9 Q. Is there a dry river bed?

10 THE INTERPRETER: Say again?

11 BY MS. ROBERTS:

12 Q. A dry river bed?

13 A. Kind of when it rains, then there's gonna be a lot of  
14 water goes in that area.

15 Q. Okay. So when they took you to this place at  
16 Malka-Durdura near the tog, could you please describe what you  
17 saw there?

18 A. There's a bank which really goes up to 3 meter down. And  
19 this is the ground. So it's got a little bit kind of -- so  
20 this is kind of -- and just they put two sticks like this here  
21 (indicating). So they tied the rope, one of them here and one  
22 of them here.

23 So the four, the four people, you know, they line up  
24 together. Their body was holding like this with the rope  
25 attached to the, to the tree or -- eight people was there. So

1 they will take two by two. They dropped to the, to the little  
2 canal or river two by two.

3 THE INTERPRETER: I need some clarification here.

4 THE WITNESS: Okay. So they would brought four  
5 people, and there's eight people right here. So they will  
6 grab -- two of them will grab one man. So they will throw the  
7 canal -- or the water. So first -- but they shoot maybe five  
8 times or ten times. First they will shoot. Then those two  
9 people, they will grab the person. So they gonna throw in the  
10 water.

11 BY MS. ROBERTS:

12 Q. Okay. Let me back up just a little bit and be sure that  
13 we -- everybody understands your testimony.

14 THE COURT: Wait. First of all, the witness should  
15 sit down. Thank you.

16 BY MS. ROBERTS:

17 Q. Please sit down.

18 You said that you saw, I think, two sticks, and then  
19 you were talking about people throwing people over. Are you  
20 talking about soldiers?

21 A. So what they do is first they took, took the people close  
22 to where the river bank is. They shoot them. They kill them.  
23 When they kill, two of the eight people sitting on the ground  
24 will -- on the side will come, they will grab the person who  
25 get shot or killed. So they gonna dump them on the water.

1                   So there's two sticks. So they gonna throw in  
2 between these two sticks, so the people are gonna pile up.

3 Q.    Okay. Thank you.

4                   Was there any water in the tog at this time?

5 A.    No.

6 Q.    Okay.

7 A.    No water.

8 Q.    How many groups had gone ahead of you?

9 A.    Six groups by four. 24.

10 Q.    So you were --

11 A.    I was Group 7.

12 Q.    Okay. And when your group was stood up between the poles,  
13 how, how was that -- where were you in that -- I'm sorry.

14 Where were you -- was your group tied between the poles, also?

15 A.    That's how they, how they were doing.

16 Q.    Could you please describe what happened to you when you  
17 were tied between the poles with your group?

18 A.    There's men sitting somewhere close to where they're gonna  
19 dump us. So he's going to give the order. The soldiers were  
20 supposed to shoot us. So then he's gonna say, "Those people in  
21 front of you are your enemy, so shoot them." You know, they  
22 gonna shoot you -- each of us get shot or gonna be shooting by  
23 five bullets.

24 Q.    Did they shoot you?

25 A.    Yes.

1 Q. And what happened?

2 A. So what happened was one of those people who get killed  
3 was on my right, and two of them was my left. So what happened  
4 was the rope that's holding the, the stick or the tree, that  
5 one, the bullet cut it off. So me and the guy close to me, so  
6 we fall on the ground. So the other people on our left, so  
7 they tilt this way (indicating).

8 Q. And what happened next?

9 A. So at that time, the commander give them orders, those  
10 people who shoot us, he say, "Just don't shoot them anymore.  
11 Just close your safe."

12 Then he just come and he was checking us. He was  
13 touching. At that time, I was still conscious. Then he  
14 said, "They're still alive, so shoot them. Give them five  
15 bullets each."

16 So at that time, I just -- so at that time, I -- so  
17 at that time -- so when they start shooting at that time, I  
18 just passed away. So I don't know whether I was, you know --  
19 first, I was unconscious. Then second, I was, you know, passed  
20 away.

21 Q. When you say you "passed away," do you mean you lost  
22 consciousness?

23 A. Yes.

24 Q. Could you please describe what you thought when you woke  
25 up?

1 A. So what happened, the first -- actually, they untied us,  
2 but they do, you know, tie the other group.

3 Q. So --

4 A. So my thinking was, Okay. You know you passed away. You  
5 already dead. Maybe this is, you know, a second life. Maybe  
6 they're gonna ask you a question. That's what I was thinking  
7 when I woke up, except that nobody asked me questions.

8 So at that time, they untied me. So -- but there was  
9 people on top of me, so I have to take them off from me. Then  
10 I, then I stood up, and at that time, I just sat looking at the  
11 sky, the, you know, the stars, and the people who shoot us.

12 Q. Did you recognize the bodies that you were buried under?

13 A. Could you repeat the question, counsel?

14 Q. Could you recognize the people whose bodies you had to  
15 climb out from under?

16 A. Yeah. I knew most of them. They were the same.

17 Q. What did you do next?

18 A. So at that time, I woke up. I stood up. So I just opened  
19 my arms like this (indicating). I touched my toes to find out  
20 if I have any broken bones or anything.

21 Q. Were you injured?

22 A. Yes.

23 Q. How were you injured?

24 A. I was injured right here, the cheek, belly area, and then  
25 one of the knees. I don't know.



1 Q. So what did you do next?

2 A. So what I done, I go back to the -- go back and I pick up  
3 my shoes.

4 Q. Where were your shoes?

5 A. So there's the place where they shoot us.

6 Q. Okay. So you found your shoes. And then what next?

7 A. Then I went -- then I went to my house. At that time, I  
8 was really very scared. I was really very scared. So while I  
9 was walking, sometimes, you know, I fell down. So I got up.

10 Q. Were you aware of an armed conflict going on at that time?

11 A. Yeah. When the, you know, when the conflict start, I was  
12 at hospital. So at that time, I know they were bombarding  
13 Hargeisa, using, you know, artillery and airplanes.

14 Q. What did you see and hear as you walked home?

15 A. You know, we knew there was conflict because they were  
16 bombarding the city. They took us to, to that base, and they  
17 shoot us. I knew what was going on. So also, before they  
18 shoot us, they have to pick us from, from the cell, and when we  
19 were going to the place they will try to shoot us, at that time  
20 we can hear or we could see the, you know, the artillery.

21 Q. What effect has this experience had on your life?

22 A. A lot. If I have, you know, if I remember what happens,  
23 sometimes even if I'm holding, you know, a cup or whatever,  
24 it's gonna, you know, it's gonna fall. Sometimes I have  
25 nightmares sleeping, and I remember what happened, so -- while

1 I'm sleeping on my bed. So, you know, I'm going to fall off  
2 from bed.

3 If I remember or I have flashback, sometimes I start,  
4 you know, crying not by, you know, voice but my eyes start  
5 watering.

6 You know, sometimes now if I will lose something, you  
7 know, I can't even remember. And now I start having, you know,  
8 I think I'm diabetic, I have high blood pressure, and my eyes  
9 are not good. And I used to have black hair. Now it's all  
10 become white. And I am -- my beard now is all total white.

11 Q. Why do you think General Samantar is responsible for what  
12 happened to you?

13 A. I was 19 years on the military. You know, you know, what  
14 they did was really bad, you know. He have to know. He have  
15 to know. The reason is because the whole town and city, they  
16 all destroyed.

17 All those 63, we were 63, all those 63, we were, you  
18 know, we were soldiers; we have uniforms. From three lines to  
19 captain, they were all in between. He have to know it,  
20 because, you know, those soldiers, you know, what they doing to  
21 the city, someone have to know what's going on.

22 MS. ROBERTS: Thank you. I have nothing further.

23 THE COURT: All right, that concludes the evidence  
24 for today.

25 (Witness excused.)

1           THE COURT: Counsel, how many more witnesses do you  
2 think you're calling tomorrow?

3           MS. ROBERTS: We actually only have a short excerpt  
4 to read from one more deposition, and then we'll be ready to  
5 close.

6           THE COURT: All right, that's fine. Then I think  
7 given what I have on my civil docket, why don't we push this  
8 off until 11:30 tomorrow morning, all right? And I'll hear the  
9 last of your testimony. Any further physical exhibits that you  
10 want entered into this record you'll need to move in at that  
11 point, and I'll allow a closing argument, and that will then  
12 conclude the trial.

13           I'm not at all sure you'll get -- well, I know you  
14 won't get an opinion tomorrow, because quite frankly, some of  
15 this testimony is at this point indecipherable, and I think  
16 I'll be needing the transcript to make sure that I'm on top of  
17 everything these witnesses have said.

18           Anything further on this case? Oh, we are going to  
19 have the motions docket in here, so you'll need to take your  
20 materials off.

21           Mr. Wood, can we make a room available?

22           You don't have to take them out of the building; we  
23 can just lock them up in one of the witness rooms; but you  
24 can't leave them on the table, all right?

25           MS. ROBERTS: Thank you, Your Honor.

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THE COURT: All right, we'll recess court then until tomorrow morning at 9:00.

(Recess from 6:00 p.m., until 11:30 a.m., February 24, 2012.)

CERTIFICATE OF THE REPORTERS

We certify that the foregoing is a correct transcript of the record of proceedings in the above-entitled matter.

\_\_\_\_\_  
/s/  
Anneliese J. Thomson

\_\_\_\_\_  
/s/  
Norman B. Linnell

I N D E X

	<u>DIRECT</u>	<u>CROSS</u>
<u>WITNESSES ON BEHALF OF</u>		
<u>THE PLAINTIFFS:</u>		
Bashe Abdi Yousuf	5	
Buralle Salah Mohamoud	39	
Nimo Mohamed Dirie	63	
Aziz Mohamed Deria	75	
Elizabeth Akua Ohene (by deposition)	84	
Col. Kenneth Culwell	98	
Ibrahim Hamed Abdullahi (by deposition)	109	129
Ahmed Jama Gulaid	134	

EXHIBITS

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EXHIBITS (Cont'd.)

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