

**THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ABUKAR HASSAN AHMED,

Plaintiff,

v.

ABDI ADEN MAGAN,

Defendant.

: CASE NO. 2:10-cv-00342

:
: Electronically Filed

:
: District Judge: George C. Smith
: Magistrate Judge: Mark R. Abel

: **DECLARATION OF**
: **HASSAN MOHAMED OMAR IN**
: **SUPPORT OF MOTION FOR**
: **SUMMARY JUDGMENT**

Pursuant to 28 U.S.C. § 1746, I, Hassan Mohamed Omar, hereby declare and state as follows:

1. I am over eighteen years of age and am otherwise qualified to testify to the facts set forth below. All of the facts rendered herein are based upon my personal knowledge, save where I indicate otherwise.
2. I am a former Professor of maritime law at Somali National University in Mogadishu, Somalia. I taught at the Somali National University between 1977 and 1990.
3. I first met Abukar Hassan Ahmed in 1964 in Mogadishu, when we were both students at an intermediate school called Commerciale. We subsequently both taught law at Somali National University.
4. I believe it was in 1981 that Abukar was first arrested and detained in the Central Prison in Mogadishu. I learned of Abukar's detention from other faculty members at Somali National University. They told me that Abukar had been arrested because he was critical of the Siad Barre regime's actions, including its actions contravening human rights.

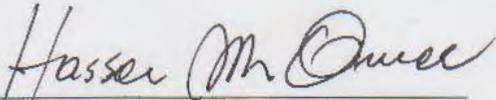
5. As I knew one of the guards at the Central Prison, I was able to visit Abukar there. I visited Abukar in prison 3 times during his detention, which I believe lasted about 5 years. I visited Abukar twice on my own and once with Amina Daoud, a childhood friend of Abukar.
6. I believe that Abukar was detained again in late 1987 or early 1988. I found out about Abukar's detention because his mother told me about it. About a week after Abukar was detained, one of my former students told me that he had heard that Abukar was being detained at the National Security Service ("NSS") prison at NSS Headquarters. I tried to contact Abukar at that time but he was uncontactable. It was not possible to contact someone being detained by the NSS at that time. When I learned about Abukar's detention, I became very concerned for his safety.
7. I and other faculty members at Somali National University contacted Amnesty International in Holland to see if that organization could provide assistance to Abukar. We informed Amnesty International that we believed Abukar had been arrested and detained in the NSS prison for his views. Amnesty International responded to our communications and we corresponded with them about Abukar's detention. I believe that Amnesty International contacted the Somali Government about Abukar's detention.
8. About 3-4 months after Abukar was released from this detention, he returned to the Somali National University. When Abukar returned to the university, I spoke with him about what happened to him while he was detained by the NSS. Abukar appeared very disturbed and depressed. He looked physically weak and very afraid for his safety. He did not seem like the normal Abukar that I knew. Abukar told me that he had been tortured during his detention and that Colonel Abdi Magan was one of those responsible

for his torture. He also showed me the court papers releasing him from detention. Seeing Abukar in this diminished state and hearing about his torture made me feel ill and that there was no rule of law in Somalia. I felt that what happened to Abukar could happen to anyone in Somalia at that time. I gave Abukar the letters that I had received from Amnesty International during his detention.

9. I have never met Colonel Magan, but I recall that he had a bad reputation as being someone who detained people without legal reasons and tortured them. He also had a reputation for arresting those who criticized the Siad Barre regime, including intellectuals. I heard this from others, including academics and police officers in Somalia. It is for these reasons when I had heard about Abukar's detention that I was very concerned for his safety.
10. My wife and children escaped from Somalia to Sweden in 1992. In 1995 I was able to join them in Sweden, where I currently live.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my recollection.

Dated: May 22, 2012


Hassan Mohamed Omar