

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

ABUKAR HASSAN AHMED,	:	CASE NO. 2:10-cv-00342
Plaintiff,	:	Electronically Filed
v.	:	District Judge: George C. Smith Magistrate Judge: Mark R. Abel
	:	
ABDI ADEN MAGAN,	:	DECLARATION OF ABDULKARIM SHABEL IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT
Defendant.	:	

Pursuant to 28 U.S.C. § 1746, I, Abdulkarim Shabel, 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 live in Hargeisa, Somaliland, and I have lived here since 2004.
3. I was an officer of Somalia's National Security Service ("NSS") from 1971 until 1992. After training from 1971 to 1973, I was posted in Puntland (in the northeastern part of Somalia) as a district commander. In 1974, I was promoted to Regional Director of Intelligence for the Puntland region. Finally, in 1976, I was promoted to Director of Finance, a position I held for 16 years, and I worked from then on at the NSS Headquarters in Mogadishu.

4. In my capacity as the NSS Director of Finance, I was aware in a general way of the structure and function of all departments of the NSS, because everything that required funding also required my approval. The NSS budget increased every year I served in this position.
5. Due to my training and years of experience in the NSS, I am quite familiar with the history of the NSS, its legal authority, and its command structure. I am also personally familiar with the Defendant in this case, Colonel Abdi Aden Magan.
6. As a result of the 1969 coup that brought Siad Barre to power, the Supreme Revolutionary Council ("SRC") seized power, killing or imprisoning members of the prior government. The top five members of the SRC comprised the "politburo," which ruled the country directly. In order of rank and authority the members of the politburo were: 1) Siad Barre, 2) Mohamed Ali Samantar, 3) Hussein Kulmiye Afrax, 4) Ahmed Suleiman Abdullah ("Dufle"), and 5) Ismael Ali Abokar.
7. The NSS was the official government security agency. In his capacity as the President of the SRC, Siad Barre created the NSS by enacting Law No. 14 on 15 February 1970. A true and correct copy is attached hereto as Exhibit 1. This law authorized NSS officers to search any person, property or house in the whole territory of the Republic of Somalia, and to take any property, if they were informed or had a well-grounded suspicion of a crime against the security of the state. *See* Exhibit 1, Art. 4. NSS officers were empowered to arrest any person on the same grounds. *See* Exhibit 1, Art. 6.
8. Law No. 14 further authorized the National Security Court ("NSC") to review NSS arrests after the fact, subject to the absolute authority of the SRC, by confirming or recalling the arrests. *See* Exhibit 1, Art. 6. By law, then, and in practice, NSS officers had the power to

make arrests without first obtaining authorization from the NSC. Furthermore, to my knowledge, the NSS did not wait to interrogate a person until first receiving an order from the NSC. The NSC also did not authorize, direct, or otherwise intervene in interrogations. That was not the NSC's function. Interrogations fell only within the NSS authority and not the NSC's authority.

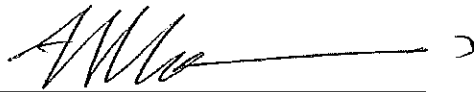
9. From 1972 to 1982, Ahmed Suleiman Abdullah ("Dufle") was the head of the NSS. From 1983 until at least 1989, Mohamed Jibril Muse headed the NSS.
10. The NSS was administered according to regions, with regions being composed of districts. Regional directors reported directly to the head of the NSS – at first Dufle and later Mohamed Jibril Muse. In addition, every NSS region kept a department in military intelligence.
11. For a time, the NSS had a functioning chain of command in which subordinates respected and obeyed their superiors. However, after the attempted coup in the late 1970s, the Barre Regime started targeting people based on their clan family, particularly the Isaaq and Hawiye, and their perceived opposition to the regime. Some people were put in positions of authority within the NSS based on clan-family loyalty and perceived support for the regime even though they had no training.
12. By the 1980s, things got out of hand. NSS officers acted with impunity. Even though some clan-families were targeted, nobody was safe. Even I was arrested multiple times on suspicion of supporting the Somali National Movement, a resistance movement in the northwestern part of Somalia, based on the arbitrary fact that I was born Isaaq. I was first arrested in 1985, again in 1987, and once more in 1989.

13. At NSS Headquarters, it was well known that Colonel Abdi Aden Magan was one of the officers promoted because of his clan affiliation (Marehan, same as Siad Barre) and loyalty to the regime. We officers at the NSS Headquarters all knew each other, and the reasons for Magan's promotion were not hidden from us. Magan had the reputation of being one of the cruelest officers, and it was generally known he was selected from among the Marehan officers to be Chief of the NSS Department of Investigations for this reason.
14. I first saw Colonel Magan in 1985, while I was being held at the detention facilities at the NSS Headquarters in Mogadishu. While I was incarcerated in a cell reserved for officers, I saw Colonel Magan, who at that time was a First Lieutenant, enter the facility with a detainee. I saw Colonel Magan and his men beat this man brutally until he passed out.
15. Though I did not personally witness it, I knew members of the NSS tortured many, many people, especially members of the Isaaq and Hawiye clans. After receiving reports of specific individuals being tortured, I had informal conversations with several officers at the NSS Headquarters. As a result of these conversations I concluded that NSS officers frequently tortured prisoners, especially if they were Isaaq or Hawiye, and I concluded further that the higher-ranking officers working in the NSS Headquarters knew the nature of NSS interrogation practices.

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: ~~June~~ 2, 2012

July



Abdulkarim Shabel

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	:	Magistrate Judge Abel
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ABDI ADEN MAGAN,	:	
Defendant.	:	

**EXHIBITS IN SUPPORT OF DECLARATION OF
ABDULKARIM SHABEL IN SUPPORT OF MOTION FOR
SUMMARY JUDGMENT**

Exhibit 1: February 15, 1970 Somali Law No. 14 (P-000979-981).

**Exhibit 1: February 15, 1970 Somali Law No. 14
(Bates Nos. P-00097; -981)**

LAW No. 14 of the 15 February 1970.
Establishment of the National Security Service.

THE PRESIDENT OF THE SUPREME
REVOLUTIONARY COUNCIL

HAVING SEEN the first Charter of the Revolution;
CONSIDERING THE NECESSITY to establish a National
Security Service;

APPROVES AND ENACTS

the following Law:

Article 1

(Establishment)

The National Security Service, with effect from the 8th January 1970,, is hereby established.

Article 2

(Staff)

1. The Staff of the National Security Service shall, by order of the President of the Supreme Revolutionary Council, consist of persons detached from the Army, Police and other sectors.

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2. The members of the National Security Service shall be governed by the Armed Forces Penal Code and existing disciplinary Regulations. Such disciplinary regulations shall apply until a special one for the Service is made by decree of the President of the Supreme Revolutionary Council.

Article 3

(Jurisdiction)

The National Security Service has jurisdiction over the whole territory of the Republic. Its services may be used for National interest anywhere outside the Republic, when and as need might be.

Article 4

(Power to search and sequester)

If urgent need be, the members of the National Security Service shall, without any warrant, have the power to search any person, property or house, and to sequester any property, in case they are informed or have a well-grounded suspicion that a crime was committed against the security of the State.

Article 5

(Power to enter for inquest)

The members of the National Security Service shall have the power to enter any licenced premise or any other concern to make an inquest thereon for purposes relating to the National Security.

Article 6

(Power to arrest)

1. The Members of the National Security Service shall, without any warrant, have the power to arrest any person, in case they are informed or have a well-grounded suspicion that a crime was committed against the security of the State.
2. The measures referred to in article 4, 5 and 6 shall be, without delay, transmitted to the competent National Security Court for the confirmation order.
3. The competent National Security Court shall, on receiving the notice of any of the measures referred to in the preceding paragraph, issue a confirmation order or recall the measure by a final decision.
4. The Supreme Revolutionary Council may change or set aside, in whole or in part, with or without remand, the decision referred to in the preceding paragraph.

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Article 7

(Compulsory co-operation)

Any person, Diplomatic Missions excepted, residing in the Somali territory shall be obliged to co-operate with the members of the National Security Service in the execution of their duty.

Article 8

(Termination of pre-existing Services)

On the establishment of the National Security Services, the Special Unit of the Police and Hafisca Wardonca Sirta of the Army shall cease to exist and all their files, instruments, transport and any other equipment shall be transferred to the National Security Service.

Article 9

(Emoluments, Pension and Gratuities)

Until special provisions are issued, the emoluments, pension and gratuities of the personnel of the Security Service to be instituted shall be governed by the regulations at the time being in force for the Army Forces.

Article 10

(Entry into force)

This Law shall come into force on the 8th January, 1970 and shall be published in the Official Bulletin of the Somali Democratic Republic.

Mogadishu, February 15, 1970.

THE PRESIDENT
of the Supreme Revolutionary Council
Maj. Gen. Mohamed Siad Barre