

**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
	:	ABDIRIZAK MOHAMED WARSAME
	:	IN SUPPORT OF MOTION FOR
Defendant.	:	SUMMARY JUDGMENT

Pursuant to 28 U.S.C. § 1746, I, Abdirizak Mohamed Warsame, 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.

2. I currently live in the United Kingdom and I have lived here for approximately twelve years. From approximately 1987 to 1990, I served as the Deputy Attorney General for the Office of Ordinary Courts, in Mogadishu, Somalia. In my capacity as the Deputy Attorney General, I prosecuted cases presented by the national police. Through my work, I also interacted with employees of the National Security Service (“NSS”) and National Security Court (“NSC”). Therefore, I developed a great familiarity with the workings of the NSS and the NSC.

ABUKAR HASSAN AHMED'S DETENTION AND TORTURE

3. I met Abukar Hassan Ahmed in Mogadishu, Somalia in 1987 at my office. I remember that Abukar had an office near the US embassy in Mogadishu, which was close to my office at the Ordinary Court. I would often see Abukar around the area where we worked and we would go out for lunch together.
4. I knew that Abukar was a lawyer and a professor in Mogadishu. I had heard that he had been detained sometime before because he was openly critical about the actions of the Siad Barre regime. After I met Abukar, he told me about his arrest. I do not remember for how many years he told me he had been detained, but I remember it was a long time. I found Abukar to be a very intelligent and good person, who was both a quiet person but also outspoken about human rights.
5. I was in Mogadishu at the time that Abukar was arrested for the second time. I found out about his arrest when I went to Abukar's house and his mother told me that he had been arrested for political reasons.
6. I was upset when I heard Abukar had been detained and I thought that I could help him because of my connections in the court system. I tried to help Abukar in my personal capacity, not as Deputy Attorney General of Ordinary Courts, because I was afraid to draw attention to myself.
7. I recall that Abukar was detained in the NSS prison at NSS Headquarters. I went to the NSS prison to try and find out what had happened to Abukar. I asked if I could speak with Abukar, but I was not permitted to do so. I saw a neighbor of mine who worked there,

Colonel Abdullahi Agojiid, who was the second in command at the NSS Department of Investigations. He was known in my neighborhood just as “Agojiid.”

8. Agojiid told me that he was a lieutenant colonel in the NSS, just below Colonel Abdi Aden Magan, who was the Chief of the NSS Department of Investigations. Through my work, I also knew he had this role. I knew Agojiid because I lived in the same neighbourhood as him and I also knew him from his work at the courts. Later, when the NSC was dissolved in 1990, I recall that Agojiid was transferred to the Ordinary Courts where I worked. Through speaking with members of the Somali community and at work, I believe that Agojiid has since passed away.
9. During this visit to the NSS prison, I spoke with Agojiid about Abukar’s detention. At first, Agojiid refused to speak with me about Abukar. He told me that it was a very big case and that the order to detain him had come to Colonel Magan “from upstairs,” that is, from superior people in the chain of command. Agojiid told me that Colonel Magan was Head of Investigations and personally in charge of Abukar’s detention. This was also what I recalled from my work in the courts, I knew that Colonel Magan was in charge of NSS investigations and ordering interrogations.
10. Because I knew that the NSS Department of Investigations tortured prisoners as part of interrogation and I knew people who had been tortured themselves, I asked Agojiid if he could please try and ensure that Abukar was not tortured. He assured me, “We will not touch him,” but he told me that he could not say what his officers would do when he was not around to supervise.

11. As I was speaking with Agojiid, I saw a man inside the NSS Department of Investigations office. That man came out of the office and gave an order to Agojiid and then returned to his office. I asked Agojiid, "Is this Magan?" and Agojiid responded, "Yes." From this, it appeared to me that Colonel Magan was clearly in command of Agojiid and the NSS Department of Investigations prison.
12. Because of my work with the court, I heard a lot about the people who worked in the NSS. I remember that Colonel Magan's reputation was much worse than the average police officer when it came to interrogation and investigation.
13. In addition to meeting with Agojiid, together with one of my colleagues, I also went to speak with Nur Hassan Hussein, who was the Prosecutor General in the NSC, about Abukar's case shortly before Abukar was tried in early 1989. Mr. Hussein told me that he would help to speed up the process of bringing Abukar's case to court. I was encouraged by Mr. Hussein's willingness to try to help, since I was very concerned for Abukar's safety.
14. I recall that shortly thereafter, Abukar was tried before the NSC. I think that the reason why he was not detained longer was because I and other friends of Abukar's campaigning for his release, had brought his detention to Mr. Hussein's attention. Because the NSC is separate from the Ordinary Courts, I did not attend the trial, but I recall that some of Abukar's former students attended. After the trial had ended, I helped Abukar to pay the fine that secured his release. I do not recall the exact amount, but I believe it was around 15,000 shillings.
15. I recall that after Abukar was released, I saw that he had lost a lot of weight and appeared to be extremely thin and unhealthy. As one would expect, he looked very upset and sad. He told me that he had been very badly treated. He also told me that he often had nightmares

about the torture and that he had difficulty sleeping. I was very sad to learn that he was tortured and was also concerned about him.

16. Around July 1989, I invited Abukar to hide at my house so that he would not be arrested again. Abukar and I had gone to Abukar's home when we learned from his mother that Magan and his men had been waiting for him since the previous night. His mother and other family members appeared understandably very worried and anxious. She told Abukar to "hide himself," so we left immediately to hide Abukar in my house. By this time, the government was arresting and detaining a large number of people – anyone who expressed opposition to the regime. The country was on the verge of war and most people carried guns. It was a frightening place.
17. Because of the increased arrests and detentions leading up to the civil war and because of my concern for Abukar's safety, I urged Abukar to leave Somalia. I arranged for Abukar's escape to Kenya in my friend's Toyota Land Cruiser. I helped Abukar dress up like an Imam so that he could escape Somalia – he had grown out his facial hair to the length of a long beard and he put on an Islamic skull cap. I helped Abukar escape across the border of Somalia and into Kenya.
18. Shortly thereafter, around July 1989, I ran into Agojiid at a shop. We spoke about Abukar and Agojiid told me, "If we see him, we will kill him."
19. After I helped Abukar escape, I did not see Abukar for many years. After the fall of the regime a year later, there was a complete collapse of the policing and court structure, as it was all under the control of Siad Barre. There was no functioning judicial system for

several years. Abukar was lucky he escaped when he did. I managed to escape from Somalia in 1991.

20. I believe the next time I saw Abukar, was many years later in Wembley, England around 2001, after I had escaped Somalia and obtained asylum in the UK as well. I was very happy to see my old friend.

COLONEL MAGAN AND THE STRUCTURE OF THE NSS AND NSC

21. Before Colonel Magan was the head of the NSS Department of Investigations, I knew from my work that he was either in the military or the police. I had heard about Colonel Magan and his background through my work. Also, during that time in Somalia, to become a colonel, every candidate had to go to the military or police academy and then work his way through the ranks (for example, sub-lieutenant, lieutenant, captain, major, lieutenant-colonel and then colonel). The process could be sped up if the candidate showed loyalty to the political regime. This was well-known in Somalia, but I also saw it in practice where an individual would quickly advance because of his political loyalty. Many people were not necessarily qualified for the top jobs, but made it through the ranks because of their loyalty or clan background. To become a Chief of an NSS division, Colonel Magan would have had to show loyalty to the Siad Barre regime. From my experience, it would not be possible for Colonel Magan to have obtained that position without showing loyalty to the regime and the fact that he came from the same clan as Siad Barre would have helped him as well.
22. At that time, I believe head of the NSS was Mohammed Jibriel, although I am not positive if he was in that position during the time that Abukar was detained and tortured. The NSS was a separate organisation to the police, and the regional NSS sectors were also separated. The


NSS national department of investigations (Colonel Magan's division), had authority over the NSS Department of Investigations prison where Abukar was detained.

23. The NSC was also known as the "Marshall Law Court." Although there was already a functioning court system in place, the Ordinary Courts (under the Ministry of Justice), the Siad Barre regime created the NSC to try "political" crimes.
24. From my experience and knowledge of the Somali police and court systems during this period, orders of torture would have had to come from NSS superiors (or from Colonel Magan himself), not the NSC. The NSC did not have the authority to order interrogation techniques, such as torture. While head prosecutors, including Mr. Hussein, may have had authority in theory to authorize Colonel Magan and other members of the NSS to continue to detain Abukar, Mr. Hussein absolutely would not have had the authority to order interrogation techniques and torture. The NSS dealt with the procedure and strategy of interrogation and had sole authority to order specific interrogation tactics. In practice, the NSS detained individuals without informing or seeking and obtaining permission from the NSC.
25. Although the NSS was under a technical duty to inform the NSC if the NSS had detained anyone, the NSS would sometimes not tell the NSC about a detention for months or years. This is because once the NSS informed the NSC of the arrest, there were procedures that the NSS had to follow. This included that an individual could only be detained for a short period of time after which the NSS had to seek periodic NSC authorizations to extend such detentions.

26. The Ministries of Defense and Interior ("MoI") were also separated from the police and court system. The MoI reported to the NSS and was headed by Siad Barre. Mohammed Saleban "Dafle", Siad Barre's son-in-law, was the Minister of Interior during that time. Within the MoI was the Criminal Investigation Division ("CID") and the Police. These divisions became secondary to the NSS, as Siad Barre granted the NSS the utmost authority.

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 21, 2012



Abdirizak Mohamed Warsame