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MASS RENDITION, INCOMMUNICADO DETENTION AND POSSIBLE TORTURE OF FOREIGN NATIONALS IN KENYA, SOMALIA AND ETHIOPIA

REPORT

22 MARCH 2007

Reprieve and Cageprisoners are deeply concerned for the fate of 63 prisoners believed to be held in secret detention in Somalia and Ethiopia, apparent victims of a mass rendition operation from Kenya involving nationals of at least 16 states: Canada, Comoros, Ethiopia, Eritrea, France, Kenya, Oman, Rwanda, Saudi Arabia, Somalia, Sweden, Tunisia, United Arab Emirates, United Kingdom, United States, and Yemen. Among the 63 are least four women and six children. The 63 prisoners were apparently transferred with no observance of any judicial process, and are at serious risk of torture.

Background

Many of the victims were among hundreds of people arrested in joint US, Kenyan and Ethiopian operations on the Kenyan/Somali border in December 2006 and January 2007. They were initially transferred to detention facilities in Kenya where they were held without charge for up to three weeks.

Then, in January and February 2007, according to flight manifests secured by Reprieve and Cageprisoners, 63 of these people were transferred from Kenya to Somalia. There appears to have been no judicial process or oversight of any of these transfers.

Further reports suggest that some if not all of these individuals were in turn transferred from Somalia to Ethiopia in February 2007. The reports indicate that the prisoners were transferred without any due process and are being held without charge. Many are being held incommunicado.

Kenya

Reprieve and Cageprisoners have gathered eye-witness and documentary testimony showing that at least 147 individuals were arrested and held incommunicado by the Kenyans in January and February 2007. The prisoners appear to have been held without charge by the Kenyan authorities for some weeks before at least 63 were illegally rendered into the hands of the Somali Transitional Government.

Reprieve and Cageprisoners researchers visited a prison in Garissa where some of the 63 had previously been held. The Reprieve and Cageprisoners researchers found 28 men, women and children crowded in to a small common area and two cells measuring eight by twelve feet. The cells were filthy and unventilated. Among the prisoners held at the time of the visit were two children aged nine and eleven who said they had been held there for two months. Reprieve and Cageprisoners have since later learned that the commanding officer of the prison was demoted and moved to another region as punishment for speaking to the researchers about “security related issues.”

Transfer to Somalia

Cageprisoners and Reprieve have flight manifests showing that 63 named individuals were transferred by the Kenyan authorities to Somalia in two groups, on 27 January and 10 February 2007. It is believed there was a further rendition flight on 20 January 2007. None of the transfers appear to have involved any judicial process or oversight.

Individuals named on the manifests include nine women and five children ranging in age from four to fifteen.

A British citizen transferred to Somalia in the early hours of Saturday 10 February described the journey:

We were woken up late in the night on Friday and told to pack our bags. We just had a few things like toothbrush, socks, t-shirt. From there we were put in the back of a mini-van and driven to an airport. Before the gates were checkpoints with Kenyan soldiers. It looked like a military place but I saw BA and Emirates airplanes there too. We remained in the vehicle. Many other cars were coming. Most of the officers were not in uniform. One of the men there was the one who had interrogated me in the first police station. They called him the Major. He popped his head in when I was speaking to a police-man who was bald with a prostration mark. We remained there for a while. More vehicles and police vans kept coming – around 10 vehicles in total. We could see that people were being held in the back of the vans but it was very dark so we could not see how many. This was when the bald Kenyan with the prostration mark was talking to us about pre-destination. It sounded as though he was trying to prepare us for something. Francis [the Kenyan anti-terrorist officer] was there as well.

Francis came to our vehicle and he had a bit of paper in his hand. I saw on the bit of paper it had a column with names. I saw my name, and the names of the other British citizens. The next column said “nationality” and opposite our names were “British.” At the top of the next column it said “ticket date-booked”. In the next column Francis put a tick. Then he moved onto the next vehicle.

“Prostration Mark” came to our vehicle. He said to us: whatever happens to you just understand why this is taking place. Other vehicles started driving towards a small jet. Not like a passenger airplane. There were big metal cargo containers with UN written on them next to the jets. Everyone

was handcuffed and blindfolded and put on the jet by Kenyans. Our hands were behind us and it was too uncomfortable to lean back.

There were thirteen prisoners on the flight. There were also Kenyan intelligence officers on the plane, but Francis was not one of them.

We flew for the whole night and landed in the morning, in daylight, on a runway. I was taken off the jet still blindfolded. I could hear the other prisoners being taken off the jet at the same time, and I could see a little through my blindfold. When I was off the plane I could hear loud Somali voices. I did not hear any Swahili voices. These two facts made me believe I was in Somalia. I was put in the back of a truck with the other 12 people who had been on my plane. I could see the uniform of the officers escorting us through my blindfold. I knew they were Somali not Kenyans as they were wearing Somali army clothes and blue army hats. All I could hear was Somali being spoken.

Somalia

Comorian citizen Halima Badrudine Hussein and her three children Luqmaan (15), Asma (13) and Sumaiya (4), were arrested in the Kenyan village of Kiunga on 7 January 2007. Fazul Abdullah Mohammed, Halima's husband, is wanted by the U.S. in connection with the 1998 bombings of the U.S. Embassies in Nairobi, Kenya and Dar-es-Salaam, Tanzania, and the 2002 Paradise Hotel bombing in Kikambala, Kenya. He is believed to be "at large." The family appear in an African Express Airways passenger manifest for 27th January 2007, and the arrival of the family in Mogadishu was confirmed by a Somali Transitional Government spokesperson on 29 January 2007.

In February 2007, Kenyan citizen Abdi Muhammed Abdillahi phoned his brother and his father from Somalia, using a cell phone provided by a guard. Mr. Abdillahi said there had been mortar attacks on the facility in which the prisoners were being held. Mr. Abdillahi reported that men, women and children were being held in squalid conditions.

Four British citizens were released from the detention facility in Somalia on 12 February 2007. Following their release, one of them described the prison to Reprieve and Cageprisoners in the following way:

We all filed down into an underground cell. It was pitch black. There were water bottles down there to pee into. The floor was dusty and dirty. There were rats and cockroaches. It did not smell good. Where the bottles were it smelled like a very dirty toilet. All of us who had been on the plane except the Tunisian Adnan's wife stayed in that cell.... All in the pitch black. The only time we saw light was when the door opened for them to go in or out. This was the area where there were Ethiopian and Somali troops. When I went up the stairs there were holes in the wall. I looked through the holes and could see Ethiopian and Somali soldiers standing outside, smoking, chewing khat. There were some anti-aircraft missiles being driven around. Huge armoured trucks full of Ethiopian and Somali troops. ...In the distance I could see a big sign that had some Somali writing and said Baidoa beneath that....

...The second or third day everyone except the Brits were taken out. We asked the Somalis where everyone had gone.... After the third day, they came for us as well. Smartly-dressed Somalis. They said pick up all your stuff. They brought us a big bag of sandals, shoes, trainers. They said take your shoes. There were around 14 pairs of sandals, perhaps more. We took our stuff. We were chained and blindfolded outside and put on the back of a truck. There were troops in the back. They were armed. We were driven for about 5 minutes before we stopped. We thought we were going to get it. I could hear big guns being cocked around us."

Ethiopia

Reprieve and Cageprisoners believe that many if not all of the prisoners rendered from Kenya to Somalia are now in Ethiopia.

Kenyan Abdi Muhammed Abdilahi phoned his family a second time in late February 2007 to say that he and others had been moved to Ethiopia. Abdi told his brother and father that he and others in detention in Ethiopia were being tortured, and that some of the women had been sexually assaulted by the Ethiopian guards. He reported that he had intervened to protect a pregnant woman from assault by the guards.

Reprieve and Cageprisoners believe that the family of Swede Osman Yassin (described below), and the wife and children of Fazul Abdullah Mohammed (discussed above) are also being held in Ethiopia.

Case-study 1

24 year-old U.S. citizen **Amir Mohammed Meshal** is currently being held in Ethiopia. Cageprisoners and Reprieve have learned that Mr. Meshal was detained on or around 21 January in a village on the Kenyan/Somali border. He was held in Kileleshwa police station in Nairobi. Whilst being held in Kileleshwa, Mr. Meshal told Kenyan human rights activists that he was being interrogated repeatedly by Kenyan and U.S. interrogators, and that the Federal Bureau of Investigation had threatened to send him to Somalia if he did not answer their questions.

A British citizen held in Kileleshwa with Mr. Meshal told Reprieve and Cageprisoners:

I was in that police station and the Egyptian American Amir Mohammed was brought in by the F.B.I. He said he was being handled by the F.B.I. and some other Kenyan intelligence officers...They took Amir the Egyptian American out. When he came back to the cell he was stressed and he had tears. He told me that they had taken him to the top floor of a hotel. They had said to him "You know Allah is up there. Well we are the F.B. I and we're on the same level. They said to him, 'Amir today is a hot day. I will put it very clearly to you. You are going to start getting tortured from tomorrow if you don't start coughing up information.'"

The attached Bluebird Aviation flight manifest shows that Amir Mohammed Meshal was flown from Nairobi to Baidoa, Somalia on 10 February 2007. Four British nationals who are

now free in the UK confirmed to Cageprisoners and Reprieve that they were on the same flight from Kenya to Somalia as Mr. Meshal, and were then held in the same facility in Somalia for some days.

In a letter to Condoleeza Rice of 20 March 2007, Human Rights Watch states that

[A]t some point between February 14 and the present, Mr. Meshal was transferred out of Somalia to Ethiopia. U.S. authorities, including F.B.I. officials, confirmed to journalists that Mr. Meshal is currently in custody in Ethiopia. It is not clear whether he is held in an Ethiopian facility, a jointly run U.S. and Ethiopian facility, or in a U.S. run facility in Ethiopia.

In a report of 21 March 2007, McClatchy Newspapers reported that Mr. Meshal had been seen by the U.S. State Department in Ethiopia where he was being held. The article stated that Mr. Meshal would be charged by the Ethiopians within two weeks.

Reprieve calls on the United States government to extend immediate and adequate consular assistance to Mr. Meshal, and to effect his immediate return home to the United States.

Case-study 2

Reprieve and Cageprisoners believe that four Swedish nationals may be held in Ethiopia.

Osman Ahmed Yassin is a Swedish citizen who was arrested in Hulugo on the Kenya/Somali border. He was transferred to Garissa police station and later Karen police station in Nairobi. Mr. Yassin was arrested with his wife Sofia and two children Fatma (7 months old) and Mohammed (three years old).

The attached flight manifest for Africa Express Airways Flight AXK 527 indicates that Mr. Yassin, his wife and children were rendered to Somalia from Kenya on 27 January 2007. There does not appear to have been any recognised judicial process or procedure before or after this transfer.

In February 2007, Mr. Yassin confirmed by telephone to his brother in Sweden that he, his family, and others including the Kenyan Abdi Mohamed Abdillahi (discussed above), had

been transferred to the custody of the Ethiopian authorities, and were held in a detention facility in Ethiopia.

Case-study 3

United Arab Emirates citizen and Arabic/Swahili translator **Kamilya Tuweil** reportedly travelled to Kenya from Tanzania on business with Millie Mithouni Gako, and two business associates from Oman. They were arrested by Kenyan anti-terrorist police on 10 January 2007 at the Eden Lodge Hotel in Mombasa, reportedly after refusing to pay a \$5000 bribe. The four claim they had never visited Somalia.

The group were first taken to police stations in Mombasa and then to Kileleshwa police station in Nairobi. Over the course of the month, all of the group except Kamilya were released.

Reports indicate that the Kenyan government attempted to deport Kamilya to Tanzania but Tanzanian officials denied her entry. Kamilya was then held at Kajiado police station in Kenya. On 27 January 2007 at 3 AM, Kamilya phoned Millie Mithouni Gako saying: “They have come for me.” Millie has not heard from Kamilya since.

Kamilya’s name appears on the attached 27 January 2007 manifest from African Express Airways flight 5Y –AXF from Kenya to Somalia.

Kamilya’s business associate Millie Mithouni Gako, arrested with her and subsequently released, said to Reprieve and Cageprisoners:

We heard that there were some people who...had been taken from Mogadishu to Addis Ababa.... How can I stay silent when my sister is suffering? I want Kamilya back to Dubai so that she can return to her children who are waiting there for her.

I really want the world to know the truth of what happened because we are not terrorists. We were only honest – this is because we did not give the \$5000.

Recommendations

Reprieve and Cageprisoners make the following urgent recommendations:

1. The Ethiopian government must make a full , frank and public disclosure regarding the identities and location of all foreign and Ethiopian prisoners held in its custody or transferred elsewhere, held or transferred in relation to the recent hostilities in the Horn of Africa. The Ethiopian Government must facilitate immediate and full access to all prisoners by international humanitarian organisations, relevant consular representatives and lawyers and ensure due process.
2. The Somali Transitional Government must make a full, frank and public disclosure regarding the identities and location of all foreign and Somali prisoners in its custody or transferred to Ethiopia or elsewhere, held or transferred in relation to the recent hostilities in the Horn of Africa. The Somali Transitional Government must facilitate immediate and full access to all prisoners by international humanitarian organisations, relevant consular representatives and lawyers and ensure due process.
3. The Kenyan government must make a full, frank and public disclosure regarding the identities and location of all foreign and Kenyan prisoners in its custody or transferred to Somalia, Ethiopia or elsewhere, held or transferred in relation to recent hostilities in the Horn of Africa. The Kenyan Government must facilitate immediate and full access to all prisoners by international humanitarian organisations, relevant consular representatives and lawyers and ensure due process.
4. The governments of Canada, Comoros, Eritrea, United States, France, Kenya, Ethiopia, Oman, Rwanda, Saudi Arabia, Somalia, Sweden, Tunisia, United Arab Emirates, United States and Yemen must make immediate and effective representations to the Kenyan, Somali and Ethiopian governments in relation to the apparent illegal detention, rendition and possible torture of their citizens, and secure their immediate return home.
5. All relevant governments must make a full, frank and public disclosure regarding the identities and location of all prisoners in its custody, held or transferred in relation to the recent hostilities in the Horn of Africa. All relevant governments must facilitate immediate and full access to all prisoners by consular representatives and lawyers, and ensure due process.



African Express Airways

PASSENGER MANIFEST
(I.C.A.O ANNEX 9. APPENDIX 2.)

Aircraft 54-AND Flight No. 20527 Date 20/1/07
(Registration Marks and nationality)

Point of Lading NAIROBI Port of Unlading MOGADISHU
(Place and Country) (Place and Country)

SURNAME AND INITIALS	SEX				FOR USE BY OWNER OR OPERATOR ONLY	PCS.	WT	FOR OFFICIAL USE ONLY
	M	F	C	I				
1. HUSSEIN AH	✓							
2. SAKATA SAKATE	✓							
3. SAID SAIFA	✓							
4. NUR GURARE	✓							
5. SHARIF JAMAL	✓							
6. SIMA SOLOMAN	✓							
7. ABDI ABDIWAHI	✓							
8. DESFALET KIMIF								
9. OSMAN MOH'S	✓							
10. SALAH IRIS	F							
11. SALANG NGAMA	✓							
12. JAMAL ABDAL	✓							
13. RAHMEN HASSAN	✓							
14. MOH ABDIWAHI	✓							
15. FAHID MOH'S	✓							
16. TAJA NALSISA	✓							
17. BLAMA TAYAL	✓							
18. ABAS LAMU	✓							
19. MUCETA TASHI	✓							
* 20. CLEMEN CORAS	✓							
21. IBRAHIM OBIAMBO	✓							
22. NUR MOH'S SMW	✓							
23. ALI AEDI	✓							
24. ABUKAR HUSEIN	✓							
25. ABUWAHI AHMED	✓							
26. OSMAN ABDI	✓							
27. MOH'S HASSAN	✓							
28. SAHAWA ABDIWAHI	✓							
29. ABUWAHI MOH'S	✓							
30. ABUWAHI AHMED	✓							
31. MOH'S KASSI	✓							
32. MOH'S SHEIKH	✓							
33. MOHAMED AMAN	✓							
34. ABUWAHI AMAN	✓							



African Express Airways

PASSENGER MANIFEST
(I.C.A.O. ANNEX 9. APPENDIX 2.)

Aircraft 57-AXF
(Registration Marks and nationality)

Flight No AXR527 Date 27/01/07

Point of Lading NAIROBI-KENYA
(Place and Country)

Port of Unlading MOGADISHU
(Place and Country)

SUII NAME AND INITIALS	SEX				FOR USE BY OWNER OR OPERATOR ONLY	PCS.	WT	FOR OFFICIAL USE ONLY
	M	F	C	I				
1. TOWELIN KAMILIA M	✓							
2. MOHAMED ABSHIR S.	✓							
3. IBRAHIM MOHAMMED	✓							
4. USAMA M. AL FATMI	✓							
5. ISMAEL MUSA S.	✓							
6. SAMIR ABDULLAH	✓							
7. KHALID EL AHMED	✓							
8. MUNIER AWADH	✓							
9. TAL-NASIF ABDUL A-U	✓							
10. SAFIJA BENACNDA			✓					
11. HELINA SEMENH II.			✓					
12. JENHERA KEMALA.								
13. SAIDIA HUSSEIN N.	✓							
14. MARIAM AW CUMMA			✓					
15. SAHIA M. ALI				✓				
16. FATUMA M. AW				✓				
17. HASIRA MOHAMMED				✓				
18. ABDI KADIR M. MAALI	✓							
19. HALIMA BADRONINE			✓					
20. LUCIMAN FAZUL H.				✓				
21. ASIYA FAZUL				✓				
22. SUMAIYA FAZUL				✓				
23. OSKIAN YASIN	✓							
24. SOPHIA ABBINASIR				✓				
25. MOHAMMED ESMAN				✓				
26. FATUMA ESMAN				✓				
27. SALIM AWADH S.	✓							
28. FATUMA CHANDE	✓							
29. KASSIM MUSA	✓							
30. ALI MUSA MUSA S.	✓							
31. ABASSA KHALIF T.	✓							
32. SAIDI HAMISI	✓							
33. SIKAHEH ALI TUZA	✓							
34. ABDUL RASHID M	✓							
35. BASTAR HUSSEIN M	✓							



Bluebird Aviation Limited

GENERAL DECLARATION - INWARD - OUTWARD



"ZTL"

Operator: Bluebird Aviation Ltd.
P.O. Box 52382, Nairobi, Kenya.

Aircraft Registration 4Y-VUP Date 10/02/07
Point of Clearance NAIROBI For Entry At BAIDOA
(Place & Country) (Place & Country)

ITINERARY OF AIRCRAFT & DECLARATION OF HEALTH

Airport	Departure Date	Airport	Departure Date

Illness (other than air sickness) that has occurred _____ For Official Use Only _____

Aboard during flight _____

Details of last disinfection or sanitary treatment _____ Time of Departure _____

Date and Time 10/02/07 Time of Arrival _____

CREW MANIFEST

Surname & Initials	Duties on Board	Nationality	Serial No. & Country of Issuance of Licence or Certificate of Passport
CAPT. M. ADAN	PILOT	KENYA	1K-2190-12
CAPT. A. NGANGA	CO-PILOT	"	1K-1760-12

PASSENGER MANIFEST

Surname & Initials	Form	To	For use by Owner or Operator	Official Use Only
SIYAH IZHAN TANJUA				
HAMZA CHENICUT				
MOHAMED EZZOUER				
REZA AFSHER ZADEGAN				
LENEJ CHINE				
ASSAD BASSAM SAJJAK				
MUHAMMAD ODEH MUSTAF				
AJUB ABDIRIZAK				
ADNAN NATAH NAH				
AMIR MOHAMED MESHAR				
KASSIM MUSA MWARUSI				
ALI MUSA MWARUSI				
ABDALLA RHAUFAN IDOWE				
DR. RICHARD KOREE				
CPL JULIUS LOKALE				
PC MICHAEL JEGO				
PC BRODLIN MWENDA				
PC RICHARD NWIRIKI				
PC WESLEY MUTAI				
PC STEPHEN MUGENT				

CARGO MANIFEST

Mark No. of Packages	No. & Type of Packages	Nature of Goods	Form	To	Gross Weight	For use by Operator	Official Use