

HORN OF TERROR

**REPORT OF US - LED MASS EXTRA-ORDINARY
RENDITIONS FROM KENYA TO SOMALIA, ETHIOPIA AND
GUANTANAMO BAY JANUARY - JUNE 2007**

**PRESENTED TO THE KENYA NATIONAL COMMISSION ON HUMAN
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6th JULY 2007



**THE KENYA GOVERNMENT'S CULPABILITY IN THE EXTRA-
ORDINARY RENDITIONS, INCOMMUNICADO DETENTION AND
DISSAPEARANCE OF OVER 100 PEOPLE**

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July 6, 2007

Dear colleagues

It is now an acknowledged fact that Sub-Saharan Africa has several sites for the infamous extraordinary renditions in the US-led war on terror. With the widely publicized exposure of some of the biggest trafficking of suspects of terrorism designed to evade scrutiny by the law and human rights monitors, and, put bluntly, to outsource torture, Africa has recently been established to have perhaps the most ideal locations following the closure of secret prisons in Europe after they were uncovered last year.

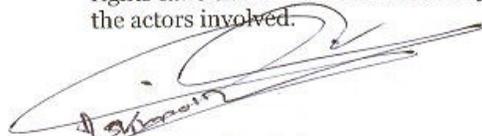
What has had many watchers of human rights stand up and take even keener notice has been the odd combination of actors and the shifting alliances made and broken as the US sought the most expedient of allies in the war on terror. That the Horn of Africa has been the theatre of intense activity in this phase of the war may not have surprised most given regional and global dynamics. What took them aback were the methods, the blatant violation of international law, national laws and human rights by nations eager to please the master and the extent to which they were ready to go to extract the maximum from the renditions for their own "national interests."

Thus innocent women and children of very tender ages found themselves hostages alongside dozens of male captives in a war they barely comprehended and in very chilling movements found themselves being shuffled from secret jails in one country to another with the possibility of their permanent disappearance becoming ever more real by the day.

Finally the incredible story of Kenya rendering its own citizens to war torn Somalia and denouncing them as they were further being rendered to Ethiopia - which holds the dubious distinction of being a leading human rights abuser in the region - is now being told as exposes are starting to be made of a US led operation that brooks no law, ethic or tradition that safeguards human rights, national sovereignty or fair treatment of victims of war.

That in a nutshell is the narrative in this first of detailed reports by the **Muslim Human Rights Forum**, which, we make bold to say, has been at the lead of efforts to track, document and establish the situations of the people arbitrarily arrested and detained illegally in jails in Kenya, Ethiopia and Somalia after the invasion of the latter by joint US-Ethiopian forces with active support from the Kenya government late 2006 and early this year.

We invite you to read through the document and hope to draw your attention to the suffering of the children, men and women covered by the report, the violation of the international human rights laws and standards and seek your support in demanding the necessary accountability of the actors involved.



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THE KENYA GOVERNMENT'S CULPABILITY IN THE EXTRA-ORDINARY RENDITIONS, INCOMMUNICADO DETENTION AND DISSAPEARANCE OF OVER 100 PEOPLE

REPORT

June

25, 2007

SUMMARY:

Muslim Human Rights Forum (MHRF) researched, tracked and documented the arrests and detention in Kenya and subsequent rendition to Somalia and Ethiopia of at least 100 people rounded up in early 2007 after the December 2006/January2007 fresh eruption of fighting in war ravaged Somalia.

The Forum has publicized its findings and shared them with partners around the world with the result of the exposure of one of the largest episodes of extra-ordinary renditions of prisoners in the war on terror.

The Forum is concerned that despite the revelations the fate of a majority of these prisoners remains under a very dark cloud as only between 24 and 37 of them may have been released so far with no official disclosures of the actual number and identities of those released or the captives still in custody by either the Ethiopian authorities or their partners in the renditions, to wit; the Kenyan, Somali or United States authorities. Worse; the whereabouts of some of those said to have been released remains a mystery.

MHRF is duly concerned with reports of torture during interrogation of the captives, lack of access by lawyers, consular officials, families or international monitors despite numerous pleas to the detaining authorities by various concerns around the world. More disturbing is the announcement that some of

them were facing undisclosed charges before military courts which are out of public visibility and whose procedures are unknown in legal processes.

The Ethiopian government has admitted only having held 41 prisoners whom it referred to as “suspected terrorists” giving rise to perturbing speculation about the fate of the rest even

when credible reports have revealed the presence in the country of hundreds of prisoners rounded up following the Ethiopian invasion of neighboring Somalia. These included the ones, like the group in question who were rounded up in neighboring Kenya as they fled the fighting or those who were taken up as prisoners of war inside Somalia and many others caught inside Ethiopia itself.

The MHRF documentation covered 152 persons, nationals of 21 countries all arrested inside Kenya between January 2 - 31, 2007. Of these 30 were either released in Kenya or repatriated to their home countries and four were charged in court. Four others are yet to be accounted for while the rest were said to have been “deported”.

According to the MHRF data 117 were rendered to Somalia and later on to Ethiopia on diverse dates in January and February 2007 and at least one extraordinary rendition to the US military detention facility at Guantanamo Bay in Cuba took place. A further rendition to the same facility occurred in June although it has not been clearly ascertained where exactly the subject was held prior to that.

The nationalities involved included Kenyan, US, British, French, Canadian, Swedish, Ethiopian, Eritrean, Tunisian, Omani, Yemeni, Rwandese, Tanzanian, Saudi, United Arab Emirates, Sudanese, Ugandan, Syrian, Comoros, Moroccan and Jordanian.

MHRF is most dismayed by the conduct of the Kenya government in the whole affair, from the capture to the deportation of the prisoners and thereafter - its denial of due process to the captives and basic rights such as access to legal counsel, consular representation, family, doctors or international monitors, holding most of them including children and expectant women incommunicado and beyond the legally permissible periods, before rendering them to countries where they feared harm, without recourse to national or international law.

The Kenya government not only facilitated the invasion of Somalia by Ethiopian forces who launched their forays from within Kenyan territory but also gave active support to US and Ethiopian intelligence and security personnel in the operation mounted on both sides of the border to capture those fleeing the fighting. This enabled the Ethiopian ground forces to rout the erstwhile Union of

Islamic Courts (UIC) fighters with the aid of US aerial bombardments that resulted in heavy civilian casualties.

To keep the hundreds of refugees away the Kenya government officially closed the border with Somalia on January 3. Those who managed to cross into Kenya to seek refuge were rounded up, put on trucks and dumped inside Somalia as the fighting raged. Close to 200 others were detained at police precincts near border points after some initial screening before eventually being airlifted to Nairobi. It is from among these captives the extra-ordinary renditions took place.

The captives, some with visible injuries and others evidently very ill, were shuffled, blindfolded and shackled, most times at night, around police stations in and around Nairobi, Garissa, Malindi and Mombasa to evade scrutiny after being arrested near the border points of Liboi, Kiunga, Hulugo and Mandera. During their incarceration they were interrogated by, among others, foreign security agents including those of the United States who, witnesses said, were in charge of the operation, raising serious questions of Kenya's sovereignty.

Perhaps most diabolical for the Kenyan government was its role in the rendition to Somalia of at least twenty Kenyans, alongside the detained foreigners and the extra-ordinary rendition of the Kenyan sent to Guantanamo Bay. These were followed by the government's stringent denial of the facts despite overwhelming evidence in the public domain.

The Forum authoritatively established that all captives rendered from Kenya to Somalia were within a few days in turn rendered to Ethiopia in whose jails they have languished ever since.

Even after bowing to pressure and finally admitting, in parliament, to having "deported 96 aliens" and producing flight manifests in court as proof of lacking any more jurisdiction in the matter, the government refused to give adequate disclosure about the Kenyans or the other nationalities and where and when they were held and rendered, lending fuel to all manner of speculation on the subject.

The flight manifests obtained by MHRF during hearing of 34 habeas corpus applications the Forum had filed in the High Court on behalf of the detainees listed 85 prisoners rendered in three night flights on January 20, January 27 and February 10 respectively. In all the three flights top Kenya police officers were in charge of the escort detail.

MHRF heard independent evidence of other persons, besides those in these flights, having been handed over directly to Ethiopian authorities. The veil of

secrecy, the silence and denials without giving full, frank and public disclosures may have at worse aided in the disappearance of an unknown number of people and in the least brought about so much confusion and anxiety.

It is for instance not clear how many suspected members of both the Oromo Liberation Front (OLF) and the Ogaden National Liberation Front (ONLF) caught in the Moyale and Mandera areas respectively were rendered to Ethiopia after crossing into Kenya during the fighting in Somalia in early January.

The captives whose numbers were given by various sources as having been between 40-70 were said to have been handed over directly to the Ethiopians despite their being considered insurgents by the latter, a handing over that is contrary to the Geneva Convention on the treatment of victims of war. It is noteworthy that some of these suspected rebels could have been Kenyan nationals with common ancestry across the border.

Even with the varying figures gathered it has been the MHRF's well founded conclusion that at least 100 people were rendered, a figure independently confirmed. Further the Forum has so far gathered proof of Kenyan citizenship of about eighteen of the detainees in Ethiopia at the end of May.

Evidence was furnished the Kenya government after it demanded for substantiation even where the burden of that proof rested on the government. Due to obvious limitations the Forum could not verify the nationalities of others caught in the theatre of the massive operation who were said to have been Kenyans.

The Forum was unable to establish the nationalities of 30 of the detainees who had been held in the country. There were also unconfirmed claims that some were Kenyans. MHRF found that the identification documents of all the captives had been confiscated by the investigating police officers in Nairobi. This aggravated the danger these people faced of being rendered stateless as Kenya continued to deny them.

After initial discussions about the fate of the Kenyans rendered to Ethiopia the government abandoned efforts to seek their return while other countries put pressure on the Ethiopians to release their citizens. In the meantime the current status of most of the prisoners is difficult to find out because the complicity of the Kenyan, Ethiopian and Somali governments in the renditions has made them most intransigent to deal with while other countries individually sought justice for their citizens. A majority of those remaining in custody are, not surprisingly, nationals of the three countries.

As we were finalizing this report eight detainees, 5 of them Kenyans were said to have been released from Addis Ababa and handed over to Kenyan

authorities at the border in Moyale while two Tanzanians were repatriated back home and set free. The whereabouts of the Kenyans remained unknown as neither did they get home nor did the government acknowledge receiving them. The Kenya police denied knowledge of the handing over.

At least one officially registered refugee, Rwandese Ibrahim Clement Muhibitabo was repatriated from Addis Ababa to Kigali despite having sought refuge in Kenya where he lived on an alien's pass in Nairobi with his wife and three children. He was promptly jailed on being returned to Rwanda, the country he had fled. Fears that he could be harmed were very real.

Such could be the fate of many others who it is believed had been registered as refugees and were residing in refugee camps in Kenya and elsewhere when they were arrested. Worse could be the destiny of the Eritreans, the Oromo and Ogadenis who were handed over to the Ethiopians despite the well known hostility between the latter government and the three lots.

According to one of the released Tanzanians, Mohamed Abushir Salim, only 4 detainees remained at the facility in which they were held in Addis Ababa after they were taken out on May 31, 2007. Those remaining included a Kenyan Salim Awadh Salim, Ayub Sfaxi a Tunisian (on a permanent French resident's permit), a Yemeni and another whose names were not given.

If indeed the facility held all the 41 detainees the Ethiopians officially acknowledged then it would appear that 37 people had so far been released and that more than 70 others had disappeared since they were rendered from Kenya, a most worrying inference indeed.

MHRF had prior to those releases ascertained that 24 had been freed and their whereabouts were known.

However it is the Forum's well considered contention that the circumstances of all these people, those said to have been released and those who seem to have "disappeared," are well within the purview of the three collaborating states Kenya, Somalia and Ethiopia who, with the US, must be held culpable.

THE TRAIL OF ARBITRARY ARRESTS, DETENTION WITHOUT TRIAL, TORTURE AND ILLEGAL DEPORTATIONS

The Forum managed to interview several of the detainees and - with the guarantee of maintaining their anonymity - with a number of security officers involved at some stages of the detentions. At some instances MHRF even ran into foreign security personnel as they did the rounds of some facilities in which the captives were held.

In some police stations MHRF gathered evidence from the police occurrence books (OB) in which the suspects were booked by officers from either the Anti-Terrorism Police Unit (ATPU) or the Criminal Investigations Department (CID), two of the various units of the Kenya Police Force that collaborated with other security organs in the operation.

However neither the ATPU nor the CID agreed to speak officially to MHRF and together with the police headquarters to which the Forum was frequently referred, they denied knowledge of any arrests choosing instead to take questioners round and round the various police formations.

MHRF trailed the movements of the 152 captives from various points of arrests to several police stations in Nairobi and its suburbs and documented their complaints of denial of their legal and human rights and the conditions they were held in violation of national and international standards.

At the police stations MHRF was told of “orders from above” and from the ATPU that the inmates should not be seen by anyone. The Forum witnessed the turning away of lawyers of some of the detainees and officers of the Kenya National Commission on Human Rights (KNCHR) which has legal authority to enter police stations.

However the Forum gained “unofficial” access to some detainees who granted it interviews which added up to the conclusions reached in this report and information shared with partners.

Some detainees were found to be in dire need of medical help but had either been flatly denied or in the case of one expectant woman, 27 year old Tunisian Ines Chine, who had a bullet lodged in her body, had been deprived of follow-up treatment. The Forum’s volunteers took medication to her and got a doctor to see her husband Adnan Naja who

had a serious bout of malaria while in custody at Ruai Police Station where Assad Bassam Sousak from Syria had his badly swollen foot treated by the same medic.

Two of the four Britons held, Hamza Chentouf and Shajahan Janjua¹ were both very ill while in custody at Kileleshwa and Hardy police stations respectively. They were in need of urgent medical attention which had been denied by the police despite several attempts by MHRF to organize doctors’ visits. Chentouf had an infection in the ear that was oozing puss badly. Janjua had serious

¹ The two with Mohammed Ezzoueck and Reza Afshar zadagen were eventually released after being flown to Baidoa upon the intervention of the British government

wounds in the foot and had lost all sensations in 3 of his toes. He also had a broken nose.

Daniel Josephs Maldonado from the US who was seriously ill at Spring Valley Police Station, where he had been held with his three children – including a six month old baby – was denied medical attention until he was deported to Huston, Texas to stand trial on terrorism charges.

Those finally renditioned were held at Ruai, Jomo Kenyatta International Airport, the Kenya Ports Authority's Inland Container Depot and Gigiri police stations. Other police stations included Spring Valley, Kileleshwa, Kilimani, Hardy, Karen, Ongata Rongai and Lang'ata all in Nairobi. Others were at Kiunga in Lamu district, Garissa, Mandera, Malindi and the Kilindini Port Police Station in Mombasa.

There were detainees, mainly Kenyans, who were arrested and questioned at Kasarani, Shauri Moyo and Ngong police stations before being released without charges. In all 17 of the 154 were released by the Kenya government. Eight others, the 4 from the UK and the American with his three children were repatriated to their countries. Only four cases were taken to court of which three were dismissed and one is still pending.

Besides the 34 habeas corpus applications the MHRF took to the High court in Nairobi 6 others were filed in Mombasa by families of Kenyan detainees where the High Court gave orders for their production. However the state defied the orders releasing only one, Salmin Mohamed Khamis before the ultimatum given by the court elapsed. Two others Fatuma Ahmed Abdurahman and her 4-year old daughter, Hafsa Swaleh Ali, were released days later following a campaign by human rights groups focusing on the child.

The other two Said Khamis Mohamed and Salim Awadh Salim were rendered to Mogadishu on January 27 as the matter was still in court. Contempt of court proceedings thereafter initiated against the commissioner of police and the commandant of the Anti-Terror Police Unit are yet to be finalized.

The state issued deportation orders for two Omani citizens, a businessman Ahmed Musallam Al-Ma'ashaani and his Omani police bodyguard Hassan Salim Kashub, after habeas corpus proceedings for their production in court had began. They were promptly flown to Muscat. But their United Arab Emirates interpreter Tuweil Kamilya Mohamed

Alkindi was in a bizarre move ordered deported to Somalia, which the state claimed was her country of origin, and even referred to her as a man in the deportation order, after an unsuccessful attempt to take her to Tanzania through which the trio had come to Kenya on a business trip.

Their Kenyan host Milly Muthoni Gakuo, with whom they had been arrested at a hotel in Malindi, was released from police custody at 3am, 18 days after their arrest. Kamilya was rendered to Mogadishu on January 27. On February 7 she was amongst other detainees taken to Addis Ababa where she remained in custody and was interrogated by American agents until she was released on March 23, arriving home in Dubai on March 25.

MHRF realized the futility of its cases and dropped its quest for the habeas corpus writs on March 28 after the state had produced the 3 flight manifests and argued that the subjects were out of the Kenyan courts' jurisdiction even though the renditions took place while the matter lay in court. A constitutional application in respect of Canadian citizen Bashir Ahmed Maktal was still pending at the High court in Nairobi when he was rendered to Ethiopia.

Amir Mohamed Mishal of the United States was severally taken out of his cell at Kileleshwa Police Station by American agents in diplomatic cars and taken to a hotel for interrogation. MHRF witnessed him being brought back from one such session on February 5 in a US embassy vehicle registration number 29CD389K. According to MHRF field reports:

... He confirmed that the individuals who had brought him were from the FBI who had collected him for interrogation. He also informed MHRF that he had been taken to a hotel somewhere in the city where he was interrogated in a hotel room. He was informed that he was in a lawless country and had no rights to legal representation. Therefore the FBI asked him to confess to links with Al-Qaeda or they would send him to Mogadishu. He further reported that he was shown photos of people they said he knew or had met in Somalia at a military camp, allegedly a terrorist training camp.

After denying any knowledge of Al-Qaeda and involvement with terrorism the FBI threatened him with torture and was given a day to make up his mind. The following day, 6th February 2007 the interrogators asked him who the visitors (MHRF team) were and what their business was. During the visit (on 6th) Mr. Meshal reports that they were very friendly...²

Mohammad Ezzouek similarly told MHRF that he had been interrogated by British agents who told him and his fellow British detainees they were in a lawless country where they could not expect to have their legal rights.

Mr. Ezzouek informed MHRF that they had been undergoing interrogation by both Kenyan and British security agents. MHRF located, visited and saw Mr. Ezzouek at Kileleshwa police station daily from 3rd February to 5th 2007.

² MHRF/KEN-SOM/REN/DOC 01/07

MHRF located Reza (Afshar zadagen) at Hardy police station and visited him from 3rd to 5th February 2007. MHRF located, visited and saw Mr. Chentouf at Karen police station on 3rd February 2007. He was in need of urgent medical attention which had been denied by the police despite several attempts by MHRF to organize doctors' visits. He had an infection in the ear that was oozing puss badly.

MHRF located visited and saw Mr. Janjua at Hardy police station from 4th to 6th February 2007. Mr. Janjua had serious wounds in the foot and had lost all sensations in 3 of his toes. He also had a broken nose. MHRF attempts to get him medical attention was fruitless. Hamza had also been undergoing interrogation by both Kenyan and British security agents. During the interrogation by British intelligence the 4 report that they were severally threatened with abandonment by the British government. They were told that they would be returned to Somalia and be left at the mercy of the TFG and the Ethiopian army³

During a fact finding mission to Kiunga in Lamu District on February 5, local people talked of foreign security personnel being involved in the hunt on the Kenyan side of the border for people fleeing the fighting in Somalia.⁴ Detainee Safia Benaouda (Sweden) on being released from custody in Ethiopia claimed her party had been shot at and arrested by white soldiers after crossing into Kenya around the Liboi area⁵. Below is an excerpt of a news report in the Swedish media⁶.

Benaouda said three men in U.S. uniforms led the Kenyan troops who detained her and other women and children fleeing Somalia on Jan. 18. Benaouda had traveled to Somalia with her fiancé, Munir Awad, a Swedish citizen of Lebanese descent. The couple was separated when they tried to leave the country after the Ethiopian military intervention in December.

Benaouda said she was captured on the border along with a group of women and children as they tried to cross into Kenya. The soldiers shot a woman in the group, she told the paper, but didn't give details.

They were brought to Nairobi and then returned to Somalia, blindfolded and handcuffed, before being transferred to a prison in the Ethiopian capital, Addis Ababa, she said.

The woman referred to above, Ines Chine (Tunisia), who was with Benaouda, claimed during interviews with MHRF while in police custody at JKIA that she had been shot by Kenyan security personnel in the company of white people.

³ *ibid*

⁴ K-Hurinet Kiunga Mission report

⁵ . Reprieve and CagedPrisoners reports: Safia Benouda Transcripts

⁶ Fri, 13 Apr 2007 12:40:30 a

According to the interviews the renditions were conducted in a most inhumane manner with the captives blindfolded, feet shackled and handcuffed to their backs. Fatma Ahmed Chande (Tanzania) who the MHRF interviewed on 18th May, 2007 at her parents' home in Moshi after being released from Ethiopia said they were ordered to kneel on the runway at the Jomo Kenyatta International Airport at 3 am while it was drizzling.

...It was so chilly and drizzling. We were bundled onto pick ups and driven to the runway. I saw very many people including women kneeling. The lady called [Tuweil] Kamilya (UAE) was sitting down crying. The men were blindfolded and had their hands handcuffed behind their backs. Their feet were chained. I was led to the group of women and ordered to kneel there too. An armed man came to me and pulled down my headscarf to cover my eyes as had been done the other women. There were many children. Some were crying loudly. The men had black hoods covering their heads. We stayed kneeling there for quite some time, till our knees ached. We were then taken up to the plane, still blindfolded. I could however see through my headscarf as it was of a light material...It was very scaring, cold and wet...⁷

Fatma had been arrested together with her Kenyan husband, Salim Awadh Salim who remained behind in custody in Ethiopia. Other spouses were also held together as in the case of Benaouda who was with her Swedish husband Mounir Awad. Another Swede Osman Ahmed Yassin was recently released from Addis Ababa but his wife and three children were left behind presumably because they had been living in Sweden on residents' permits and were not full Swedish citizens.

In most instances spouses were used to subtly pressurize one another to yield to the demands of the interrogators.

Halima Badrouline Hussein of the Comoros was rendered with her three children to extract information from her on the activities of her fugitive husband Fazul Abdullah Mohamed who is wanted for allegedly masterminding the bombing of the US embassies in Nairobi and Dar-es-Salaam in 1998. Before her release and return to the Comoros she and her children had endured a lot of interrogation both in Kenya and Ethiopia. Safia Benaouda said of Halima's interrogation in Ethiopia:

...After a few weeks they started to interrogate Halima. She was really destroyed after that. They took her for interrogation several times a week. They would take her around *fajr*, and keep her there until night time. Sometimes her children went with her. She told us that interrogating her were Americans, French, Italians, Swiss, Israelis, British and later on Libyans. She had lived in Pakistan before, and the Pakistanis also came to interrogate her in Ethiopia⁸.

⁷ MHRF: Fatma Chande interview Moshi 19/04/07

⁸ Caged Prisoners: Safia Benaouda interview

Prison conditions are appalling. According to Benaouda the prisoners were held in specially built dark metal cages without proper sanitation.

...About eight chicken-wire cages were built whilst we were there. There was no proper light in this prison. There were some windows but they were locked and covered with bars to leave only a small opening. There were metal covering on it so no light. Roof had a bit of light coming through. Mattresses to sleep on. The toilet was horrible. Always full and outside...

...They had built some new metal cages where the men were each kept alone. I could see (my husband) Mounir in his cage. There was one room for women. The Swedish men were kept there in those cages all the time. They were there permanently. Other men were being taken in or out, but the Swedish were always there in little cages. There was some light in little cages. They had to open the door to eat twice a day. I was in a separate room so I could not speak to Mounir. There were Ethiopian guards walking around all the time⁹.

From evidence gathered from the released detainees they were tortured to confess to either being terrorists or associating with known terrorists. Apart from the psychological torture there was physical torture including beatings with some ending up severely wounded. The beatings took place in Kenya and Ethiopia, say the former detainees. Fatma Ahmed Chande claimed a Kenyan interrogator had threatened to strangle her as he squeezed her head on a table while Benaouda said she had seen strangulation marks on her husband's neck. He was beaten in Kenya and Ethiopia, she added.

At least four babies were born in detention in Ethiopia included a baby boy to Ines Chine and Adnan Naja on the day they were released. A dozen women were found to be expectant while in custody in Ethiopia. Kenyan Halima Hashim Abdulrahman, who was pregnant when she was released in Kenya in February, gave birth to a baby boy as we were completing this account.

CONTINUING ARRESTS AND DETENTIONS

It is further disturbing that these arbitrary arrests have been going on particularly in Mombasa where very ignominious patterns have lately emerged. On March 31, 2007 heavily armed policemen cordoned off a whole residential area at Kongowea and harassed every one in sight as they sought "terrorists". After ransacking houses and terrorizing innocent people including women and children they arrested two people who they questioned for six hours before releasing them without charges. According to one of the two arrested there were Americans present during the interrogation¹⁰.

⁹ Cage Prisoners: Safia Benaouda interviews

¹⁰ MHRF Interview with Salmin Khamis Mohamed upon his release after being arrested at Kongowea 1/4/07

And in perhaps the most atrocious of these recent arrests 11 people including an 80 year old man and a school boy aged 14 were arrested after a late night orgy of lawlessness by the Anti-Terror Police Unit at Guraya in Mombasa on the night of April 24-25, 2007. After cordoning off the area and blocking the adjacent Jomo Kenyatta Highway, the heavily armed hooded security men proceeded to break down doors and parade undressed families in the rains at 3am as the officers had a field day, helping themselves to cash and valuables they found in the houses. 10 out of the 11 were released the following day without being charged and returned to their traumatized families. The remaining person Ibrahim Salim Obeidilla was deported to the Comoros despite his family having obtained a court order barring the state from so doing until a habeas corpus application for his production had been determined.

There were further arrests late May, reminiscent of these earlier ones, in which no one was brought to court and at least one other person was deported to the Comoros. Explaining the deportations Immigration Minister Gideon Konchellah claimed the two Islamic

religious teachers deported had been implicated in the 1998 bombings and were therefore taken back to their country. He did not say why they were not charged with the grave offences.

It is noteworthy that as the crackdown continued the state strongly defended the actions of the Anti-Terrorism Police Unit and defied court orders issued in accordance with Kenyan law. The state has continued issuing statements that cannot withstand serious scrutiny labeling the victims of the harassments and illegal actions as terrorists or their accomplices without offering proof or subjecting them to due process.

This has emboldened the security personnel to act with impunity and go a step further to carry out acts that are pertinently criminal like the thefts reported in the Guraya raid.

Kenya has argued that the presence of refugees from the conflict in Somalia was a threat to its national security and hence the reason for closing its border and ordering the return of refugees back to Somalia, actions that ran counter to both the international and national refugee laws and the principle of *non-refoulement* that prohibits the return of persons to countries in which they fear harm.

More mention should be made of the rendition to the Guantanamo Bay concentration camp. Abdulmalik Mohamed, a Kenyan who had been arrested in Mombasa Island in mid-February was after a month in police custody in Mombasa and Nairobi flown to the US military detention, becoming the first detainee rendered there since December 2004. The US department of defense

claimed in a statement released on March 26 that Abdulmalik had admitted to being involved in terrorist attacks in East Africa¹¹.

According to the statement, “Malik has admitted to participation in the 2002 Paradise Hotel attack in Mombasa, Kenya, in which an explosive-filled SUV was crashed into the hotel lobby, killing 13 and injuring 80. He also has admitted to involvement in the attempted shoot down of an Israeli Boeing 757 civilian airliner carrying 271 passengers, near Mombasa”.

Abdulmalik, had been held incommunicado at the Kilindini Port Police Station in Mombasa and later at the Ongata Rongai and Hardy Police stations in Nairobi. In a brief chat MHRF managed to have with him at the latter facility on February 23, he said he had been held on his return from Somalia and appealed for help. MHRF managed to locate his family in Nairobi and Mombasa.

The Kenya government which, like the American Embassy in Nairobi, denied that Abdulmalik was a Kenyan did not say why he had not been charged with the criminal offences in Kenya and instead was taken to Guantanamo Bay where the US holds people it claims are “enemy combatants” caught during fighting with America. The two governments

did not say where and how the alleged admissions were made granted that the detainee had not been accorded his right to counsel nor had any due process been observed.

This rendition like all the others, the arrests, detentions, interrogations - and indeed the entire operation - not only had all the hallmarks of close collaboration between Kenya and the US but was ample evidence of how much of its sovereignty the country had ceded to the American government. The same is noted of Ethiopia, the third partner besides the Somali Transitional Federal Government (TFG) in this phase of the war on terror. It was illustration enough of how much human rights and the rule of law had been put aside in the United States prosecution of its war, giving advantage to these two nations of the horn of Africa in their internal conflicts.

CONCLUSIONS

From the above exercise of tracking and documenting the arrests and extraordinary renditions MHRF has reached several conclusions and observations. MHRF notes the following:

¹¹ US Dept of Defense news release No. 343-07 of March 26, 2007

- a) It is now evidently clear that Kenya actively participated and aided in illegal renditions or expulsions in violation of national and international law.
- b) In its actions Kenya acted contrary to the provisions of Article 9 of the International Covenant on Civil and Political Rights (ICCPR), which Kenya ratified in 1976, that prohibits arbitrary detention.
- c) Whereas incommunicado detention may violate ICCPR article 7, Kenya police, both the regular and the Anti-Terrorism Police Unit engaged in an apparent policy of holding individuals detained in connection to the Somalia crisis in incommunicado detention, with no regard to the legal procedures underway in respect to several of these individuals in the Kenyan courts, the court orders of the Kenyan judiciary, or the standards embodied in the International Covenant on Civil and Political Rights (ICCPR) prohibiting torture and ill-treatment and providing safeguards for persons deprived of their liberty.
- d) In addition, dozens of individuals were held in police stations and other detention facilities in and around Nairobi for several weeks, long exceeding the standard 24- hour period for detention without charge and even the 14-day limit provided for pre-trial detention for capital offenses under Kenyan law.
- f) Most of the foreign detainees were denied visitation by consular officials while in detention in the country although in the same period they were interrogated by several individuals from the Kenyan anti-terrorism police unit as well as by people believed to be from security services of other countries.
- g) At the time of their deportation, several individuals were the subject of habeas corpus applications in the Kenyan courts. This was clearly in circumvention of the due process.
- h) Kenya clearly went against the principle of *non-refoulement* when it sent the detainees back to Somalia, the country from which they were fleeing and facilitated their being rendered to Ethiopia which most feared would harm them. Article 3 of the Convention against Torture, which Kenya ratified in 1997, states that no state party “shall expel, return (“refoul”) or extradite a person to another state where there are substantial grounds for believing that he would be in danger of being subjected to torture.”
- j) Kenya may have willfully rendered its own citizens stateless, a serious violation of international law, by deporting them and others legally residing in Kenya to Somalia without any judicial procedure. Article 12 of the ICCPR states that “no one shall be arbitrarily deprived of the right to enter his own country.”

- k) Kenya continues to conduct illegal arrests and arbitrary detentions in the guise of fighting terrorism as is evidenced by recent raids in Mombasa, arrests which are carried out without observance of procedures and limits established by national and international law.

RECOMMENDATIONS AND APPEALS

The **Muslim Human Rights Forum** is of the strongest conviction that the Kenya government is primarily responsible for the violations and disregard of both the international and national law, the disregard for the human and legal rights of the detainees, their continued illegal incarceration and all the suffering they were occasioned by the arbitrary arrests and illegal deportations.

Sharing culpability are the Ethiopian and the Federal Transitional Governments of Somalia both of who actively participated in the illegal actions. **MHRF** also holds the government of the USA culpable for the same actions as it participated at every stage and indeed seemed to have been firmly in charge of the operations even if behind the scenes.

It is therefore pertinent that the following appeals and recommendations be directed at the four governments as outlined below:

- i) MHRF calls on the Kenya government to undertake immediate efforts to secure the prompt return to Kenya of those Kenyan nationals who have been illegally deported as well as those foreign nationals who were Kenyan residents.
- ii) We also urge the Kenyan government to publicly and privately call on the government of Ethiopia and the Transitional Federal Government of Somalia to immediately acknowledge individuals detained in their respective countries and permit international access by diplomatic representatives and independent monitors such as the ICRC.
- iii) MHRF also urges the Kenya government to publicly and privately call on the US government to return Abdulmalik Mohamed from Guantanamo Bay to Kenya to be charged under Kenyan law with the criminal offences he is alleged to have committed. Further, we urge the Kenya government to call upon the US government to immediately close down the concentration camp and take the detainees before courts or tribunals recognized by international law.
- iv) 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 organizations, relevant consular representatives and lawyers and ensure due process.
- v) 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, released or transferred elsewhere 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 organizations, relevant consular representatives and lawyers and ensure due process.
- vi) The Transitional Federal Government of Somalia must make a full, frank and public disclosure regarding the identities and location of all foreign and Ethiopian prisoners held in its custody, released or transferred elsewhere in relation to the recent hostilities in the Horn of Africa. The TFG must facilitate immediate and full access to all prisoners by international humanitarian organizations, relevant consular representatives and lawyers and ensure due process
- vii) The governments of Canada, Comoros, Eritrea, United States, France, Kenya, Ethiopia, Rwanda, Saudi Arabia, Somalia, Sweden, Tunisia, United Arab Emirates, Oman, Yemen, Tanzania, Sudan, Uganda, Syria, Morocco and Jordan must make immediate and effective representations to the Kenyan, Somali, Ethiopian and US governments in relation to the apparent illegal detention, rendition and possible torture of their citizens.
- viii) All relevant governments must make full, frank and public disclosures regarding the identities and location of all prisoners in their custody or wherever they were transferred in relation to the recent hostilities in the Horn of Africa. All relevant governments must facilitate immediate and full access to all the prisoners by consular representatives and lawyers, and ensure due process.
- ix) The Kenya government should cease providing the US and Ethiopian governments or any others, facilities to launch military activity from within Kenyan territory and immediately close the Manda Bay US Military base in Lamu District.

- x) MHRF calls on the Kenya National Assembly to establish a Parliamentary Select Committee to probe the conduct of the Kenya Police and other security organs and government departments and their accomplices in the matters of abuse of the national sovereignty of the Republic of Kenya, arbitrary arrests, detentions without trial, illegal deportations and forced disappearances of the subjects.
- xi) We also urge the Kenya National Commission on Human Rights (KNCHR) to institute a public inquiry into the matter of arbitrary arrests, incommunicado confinements and detentions without trial, illegal deportation and forced disappearance of the subjects and make public its findings.
- xii) We call upon the Kenya government to immediately disband the Anti-Terrorism Police Unit until such a time, if found necessary, that there is a National Counter-Terrorism Policy in place. In the meantime the government need fully reinforce the entire police force with the requisite crime detection, prevention and combat capacity while beefing up the related sectors in a national security master plan.
- xiii) MHRF urges the US government to fully respect the sovereignty of the republic and people of Kenya and desist from undertaking or encouraging the Kenyan government to undertake, at the behest of the former, actions that are demeaning, abusive or detrimental to that sovereignty or acts that violate the Kenyan constitution, national and international law, the human rights of Kenyans and others within or outside the country's borders.



Al-Amin Kimathi
Chairman



Omar Mohamed
Programs Coordinator

ACKNOWLEDGEMENTS

MHRF is hugely indebted to many individuals and organizations who in one way or other gave a hand in the difficult task of unearthing the scenario covered by this report. It will be difficult to list them all here and therefore it is our hope that all of them accept our heartfelt gratitude and appreciation for their assistance. However a few mentions can be made here below to whom we say more than THANK YOU.

- a) The women and men who volunteered their time and resources, day or night and physically pursued the detainees around places of detentions.
- b) The responsive police officers who risked their jobs and cooperated with our volunteers and researchers
- c) The following organizations:
 - i) Jamia Mosque Committttee, Nairobi
 - ii) Kenya National Commission on Human Rights
 - iii) Kenya Human Rights Network
 - iv) South B Muslim Welfare Association
 - v) The Muslim Leaders Forum
 - vi) Supreme Council of Kenya Muslims
 - vii) Council of Imams and Preachers of Kenya
 - viii) Haki Focus
 - ix) Reprieve UK
 - x) Cage Prisoners UK
 - xi) Human Rights Watch
 - xii) Amnesty International
 - xiii) The Kenyan media
 - xiv) The international media
- d) The detainees
- e) The families of the detainees



African Express Airways

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

Aircraft 54-AND Flight No. 20527 Date 20/10/07
(Registration Marks and nationality)

Point of Lading NAIROBI Port of Unloading NIUGADISHU
(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. AHMED AH	✓							
2. SAKETA SAKRE	✓							
3. SAID SAIFA	✓							
4. NUR GUZARE	✓							
5. SHARIF JAMAL	✓							
6. SUMA SOLOMAN	✓							
7. ARDI ARNUH	✓							
8. DESALET KAMIR	✓							
9. OSMAN MOH'S	✓							
10. SALAH IBRIS	F							
11. SALANG NEAMA	✓							
12. JAMAL ABDAL	✓							
13. HANEN HASSAN	✓							
14. MOH ABULLAH	✓							
15. FAYD MOH'S	✓							
16. TATA DALISA	✓							
17. LAMA TAKAL	✓							
18. ABAS LAMI	✓							
19. KLUKETA TASHI	✓							
* 20. CLEMENTI CUMBI	✓							
21. IBRAHIM OBIAMRE	✓							
22. NUR MOH'S SMW	✓							
23. ALI AGDI	✓							
24. ABUKAR HUSENI	✓							
25. ABULLAH AMES	✓							
26. OSMAN ARDI	✓							
27. MOH'S HASSAN	✓							
28. SALAWA ABBUD	✓							
29. ABULLAH MOHA	✓							
30. ABUSANI ABURA	✓							
31. MOH'S KARRE	✓							
32. AMIN SHEKIL	✓							
33. MOHAMMAD MAN	✓							
34. ABU OSMAN MAN	✓							



African Express Airways

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

Aircraft 5Y-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)

SURNAME AND INITIALS	SEX				FOR USE BY OWNER OR OPERATOR ONLY	PCS.	WT	FOR OFFICIAL USE ONLY
	M	F	C	I				
1. TOWBIN KAMILIA M.	✓							
2. MUHAMED ABSHIR S.	✓							
3. IBRAHIM MUHAMED	✓							
4. USAMA M. AL FATMI	✓							
5. ISMAEL MUSLEH S.	✓							
6. SAMIL ABDULLAH	✓							
7. KHALID EL AHMED	✓							
8. MUNIER AWADH	✓							
9. AL-NASIF ABDUL A-U	✓							
10. SAFIJA BENACONDA								
11. HELIMA JEMENEH II.		✓						
12. JENHERA KEMALA.								
13. SAIDIA HUSSEIN N.	✓							
14. MARIAM AW OUMIN A.		✓						
15. SAJIA M. ALI				✓				
16. FATUMA M. ALI				✓				
17. HA.SIRA M.HAMMED				✓				
18. ABDI KADIR M. MAALI.	✓							
19. HALIMA BADRONDINE		✓						
20. LUCIMAN FAZUL H.				✓				
21. ASIYA FAZUL				✓				
22. SUMAIYA FAZUL				✓				
23. OSMAN YASIN	✓							
24. SOPHIA ABDINASIR				✓				
25. MOHAMMED USMAN				✓				
26. FATUMA USMAN				✓				
27. SALIM AWADH S.	✓							
28. FATUMA CHANDE	✓							
29. KASSIM MUSA	✓							
30. ALI MUSA MEGARUS	✓							
31. ABISALLA KHALIF T.	✓							
32. SAIDI HAMISI	✓							
33. SUFALEH ALI TUZA	✓							
34. ABDUL RASHID M.	✓							
35. BASHIR HUSSEIN C.M.	✓							



"ZTL"

Bluebird Aviation Limited
GENERAL DECLARATION - INWARD - OUTWARD
NAIROBI - KENYA

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	KENYAN	1K-2170-AZ
CAPT. A. NGANGA	CO-PILOT	"	1K-1700-AZ

PASSENGER MANIFEST

Surname & Initials	Form	To	For use by Owner or Operator	Official Use Only
SULTAN IZHAN TANJUA				
LIAMZA CHENTOUF				
MOHAMED EZZOUER				
REZA AFSEH ZADEGAN				
LENEJ CHINE				
ASSAD BASSAM SAJJAK				
MUHAMMED ODDIN MUSTAF				
AJUB ABDIRIZAK				
ADNAN NATAH NAJIB				
AMIR MOHAMED MESHAH				
KASSIM MUSA MWARUSI				
ALI MUSA MWARUSI				
ABDALLA KHAFAN IDOWE				
PC RICHARD KOKOL				
PC JULIUS LOKALE				
PC MICHAEL JEGO				
PC BRODWIN MWENDI				
PC RICHARD NURIKAT				
PC WESLEY MUTAI				
PC STEPHEN MUGEDI				

CARGO MANIFEST

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

**MINISTRY OF STATE FOR IMMIGRATION AND
REGISTRATION OF PERSONS**



Telegrams: "PRINCIM", Nairobi
Telephone: Nairobi 222022
All correspondence should be
addressed to the Principal
Immigration Officer and not
to individual members of the staff.
When replying please quote our ref.

DEPARTMENT OF IMMIGRATION
OFFICE OF THE DIRECTOR OF IMMIGRATION SERVICES
P.O. BOX 30191
NAIROBI, KENYA

**DECLARATION UNDER SECTION 8 OF THE
IMMIGRATION ACT, CAP 172 LAWS OF KENYA**

I, HON. GIDEON S KONCHELLA, Minister of State, for
Immigration and Registration of Persons responsible for
immigration matters, in the exercise of the powers vested in me by
Section 8 (1) of the Immigration Act, do hereby declare that:

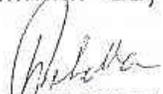
TUWEIN KAMILYA MOHAMED

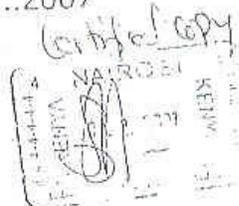
Who is not a citizen of Kenya and whose presence in Kenya is
contrary to national interest, be removed from Kenya to his
country of origin SOMALI immediately and further direct that
the said: ?

TUWEIN KAMILYA MOHAMED

Remain in Prison custody while arrangements for removal are
being undertaken, and this order is sufficient warrant to keep the
said **TUWEIN KAMILYA MOHAMED** in custody.

Dated.....26th day of January.....2007


**HON. GIDEON S. KONCHELLA, MP
MINISTER OF STATE FOR IMMIGRATION AND
REGISTRATION OF PERSONS**



Handwritten mark resembling a stylized 'E' or 'F'.

Handwritten text: *Accepted*

**REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MISC. CRIMINAL APPLICATION NO. 43 OF 2007**

HIGH COURT OF KENYA
CRIMINAL DIVISION
RECORDS
27 FEB 2007
NAIROBI

SWALEH ALI TUNZA & OTHERS APPLICANTS

VERSUS

KENYA POLICE
PROSECUTIONS BRANCH
27 FEB 2007
LAW COURTS
NAIROBI

THE COMMANDANT ANTI TERRORISM POLICE UNIT 1ST RESPONDENT
THE COMMISSIONER OF POLICE 2ND RESPONDENT
THE HON. THE ATTORNEY GENERAL 3RD RESPONDENT

REPLYING AFFIDAVIT

I ZACK TUM of Post Office Box Number 30036 attached to CID Headquarters NAIROBI in the Republic of Kenya do hereby make oath and state as follows:

- 1) THAT I am an Assistant Commissioner of Police as well as the Deputy Director of Operations at C.I.D. Headquarters, therefore competent to swear this Affidavit
- 2) THAT I have perused the Affidavits of Alamin Kimathi Sworn on 13th February, 2007 in respect to Application Nos. 45/07, 48/07, 49/07 and 68/07 and understood the contents thereof.
- 3) THAT I was one of the officers, who escorted and handed over 39 persons to the Somali authorities on 27th January, 2007.
- 4) THAT the original number of persons who were to be deported on the said date was 42 but 3 persons namely; Kassim Musa Mwarusi, Ali Musa Mwarusi and Abdallah Khalifan Tonde, were left behind due to breakdown of communication.
- 5) THAT by the time the Aircraft Flight No. AXK 527 took off the above mentioned persons had not arrived at the Airport therefore the Aircraft left without them.
- 6) THAT some other arrangements had to be made and the three subjects as well as lens, Chine were deported to Somalia on 10th February, 2007 (Annexed and Marked A) herewith is a copy of a manifest prepared by Blue Bird Aviation Limited)

- 7) THAT on 8th February, 2007 when the matter was in court this information had not been communicated to the State Counsel.
- 8) THAT the manifest of 27th January, 2007 indicated that the Kassim Musa Mwarisi , Ali Musa Mwarusi and Abdallah Khalifan Tonde had left on the said flight but I aver that they did not board the said flight due the said breakdown of communication.
- 9) THAT I state that the said subjects in the aforementioned Applications are not in the country.
- 10) THAT what is deponed hereto is true to the best of my knowledge, information and belief.

SWORN at NAIROBI by the said:

ZACK TUM

At Nairobi this 27th day Feb 2007


DEPONENT

BEFORE ME:



COMMISSIONER FOR OATHS/MAGISTRATE

Drawn & Filed by:

The Attorney General
P.O. Box 40112
NAIROBI.

To Be Served Upon:

Maobe Maotsetung & Co.
Advocates
Bruce House 8th Floor
Standard Street
P. O. Box 8066-00100
NAIROBI

KENYA-SOMALIA-ETHIOPIA RENDITIONS PROGRAM

STATISTICAL SUMMARY UPDATED TO JUNE

	Nationality	No. of persons arrested	M	F	C	No. of persons charged in court	No. discharged by court	No. still in court	No. persons convicted by court	No. released by police without charges	No. of persons deported to Somalia / Ethiopia/Other	No. of persons deported to home country	No. of persons unaccounted for	Released after Rendition to Ethiopia
1.	Kenyan	34	30	3	1	2	1	1	0	14	18	0	0	0
2.	Tanzania	3	2	1	0	0	0	0	0	0	3	0	0	3
3.	Uganda	1	1	0	0	0	0	0	0	0	1	0	0	0
4.	Rwanda	1	1	0	0	0	0	0	0	0	1	0	0	1
5.	Somalia	21	10	6	5	2	2	0	0	1	15	0	3	0
6.	Eritrea	4	4	0	0	0	0	0	0	0	4	0	0	0
7.	Ethiopia	23	20	2	1	0	0	0	0	0	23	0	0	3
8.	Tunisia	3	2	1	0	0	0	0	0	0	3	0	0	2
9.	Comoro	4	0	1	3	0	0	0	0	0	4	0	0	4
10.	Syria	3	3	0	0	0	0	0	0	0	3	0	0	3
11.	Jordan	2	2	0	0	0	0	0	0	0	1	1	0	0
12.	Yemen	2	2	0	0	0	0	0	0	0	2	0	0	1
13.	Oman	2	2	0	0	0	0	0	0	0	0	2	0	0

1 4.	UAE	1	0	1	0	0	0	0	0	0	1	0	0	1	
1 5.	S. Arabia	1	1	0	0	0	0	0	0	0	1	0	0	1	
1 6.	Canada	1	1	0	0	0	0	0	0	0	1	0	0	0	
1 7.	Sweden	4	3	1	0	0	0	0	0	0	4	0	0	4	
1 8.	Morocco	1	1	0	0	0	0	0	0	0	1	0	0	0	
1 9.	Britain	4	4	0	0	0	0	0	0	0	4	0	0	0	
2 0.	USA	6	3	0	3	0	0	0	0	0	1	4	1	1	
2 1.	Sudan	4	0	1	3	0	0	0	0	0	4	0	0	4	
2 2.	Unknown	27	24	3	0	0	0	0	0	0	27	0	0	0	
	Totals	22	16	1	2	1	4	3	1	0	15	122	7	4	28
	Nationalities	persons arrested	M	F	C	persons charged in court	persons discharged by court	matter still in court	persons convicted in court	released by police without charges	persons deported to Somalia / other	persons deported to home country	persons unaccounted for	Released after Rendition to Ethiopia	

NB: These are the releases MHRF had physically ascertained with various sources. However there are possibilities of others who are not covered by these statistics.

MUSLIM HUMAN RIGHTS FORUM

KENYA-SOMALIA-ETHIOPIA RENDITIONS MONITORING PROGRAMME

	NAME	NATIONALITY	STATUS	Charges	Remarks
1.	Aden Sheikh Abdullah [M]	Kenyan	Rendered to Mogadishu on 20.01.07	Nil	NOK ¹² known
2.	Saidi Shifa [M]	Kenyan	Rendered to Mogadishu on 20.01.07 IN ETHIOPIA	Nil	NOK Not Known
3.	Salam Ngama [M]	Kenyan	Rendered to Mogadishu on 20.01.07 IN ETHIOPIA	Nil	NOK Not Known
4.	Bashir Hussein Chirag Mohammed Sader [M]	Kenyan	Rendered to Mogadishu on 27.01.07 IN ETHIOPIA	Nil	NOK known
5.	Said Hamisi Mohamed [M]	Kenyan	Rendered to Mogadishu on 27.01.07 IN ETHIOPIA	Nil	NOK known
6.	Swaleh Ali Tunza [M]	Kenyan	Rendered to Mogadishu on 27.01.07 IN ETHIOPIA	Nil	NOK known
7.	Hassan Shaban Mwazume [M]	Kenyan	Rendered to Mogadishu on 27.01.07	Nil	NOK known

¹² NOK = Next of Kin

			IN ETHIOPIA		
8.	Hussein Ali Said [M]	Kenyan	Rendered to Mogadishu on 20.01.07 IN ETHIOPIA	Nil	NOK Not Known
9.	Tsuma Solomon Adam Ayila [M]	Kenyan	Rendered to Mogadishu on 27.01.07 IN ETHIOPIA	Nil	NOK Not Known
10.	Abdi Muhammed Abdillahi [M]	Kenyan	Rendered to Mogadishu on 27.01.07 IN ETHIOPIA	Nil	NOK known
11.	Salim Awadh Salim [M]	Kenyan	Rendered to Mogadishu on 27.01.07 IN ETHIOPIA	Nil	NOK known
12.	Abdulrashid Mohamed [M]	Kenyan	Rendered to Mogadishu on 27.01.07 IN ETHIOPIA	Nil	NOK known
13.	Kasim Musa Mwarusi [M] Brother to #17	Kenyan	Rendered to Baidoa 10 th Feb. 2007 IN ETHIOPIA	Nil	NOK known
14.	Ali Musa Mwarusi [M]	Kenyan	Rendered to Baidoa 10 th Feb. 2007 IN ETHIOPIA	Nil	NOK known
15.	Abdallah Halifan Tondwe [M]	Kenyan	Rendered to Baidoa 10 th Feb. 2007 IN ETHIOPIA	Nil	NOK known
16.	Nasru Tuko [M]	Kenyan	Rendered to Mogadishu IN ETHIOPIA	Nil	NOK Not

					Known
17.	Mohammed Said Mohamed [M]	Kenyan	Rendered to Mogadishu IN ETHIOPIA	Nil	NOK known
18.	Mohamed Abdulmalik [M]	Kenyan	Rendered to Guantanamo Bay Cuba	NIL	NOK known
19.	Kassim Otieno Omollo [M]	Kenyan	RELEASED FROM Nrb by ATPU on 26/02/07	Nil	NOK known
20.	Fatuma Ahmed Abdulrahman [F]	Kenyan	RELEASED FROM Mombasa by ATPU	Nil	NOK known
21.	Hafswa Swaleh Ali (Child) [F]	Kenyan	RELEASED FROM Mombasa by ATPU	Nil	NOK known
22.	Salmin Mohammed Khamis [M]	Kenyan	RELEASED FROM Nbi by ATPU	Nil	NOK known
23.	Millie Muthoni Gakuo [F]	Kenyan	RELEASED FROM Nbi by ATPU	Nil	NOK known
24.	Halima Hashim Abdirahman [F]	Kenyan	RELEASED FROM Nbi by ATPU	Nil	NOK known
25.	Hassan Haroon Yusuf [M]	Kenyan	RELEASED FROM Garisa by ATPU	Nil	NOK known
26.	Hajir Abdillahi [M]	Kenyan	RELEASED FROM Garisa by ATPU	Nil	NOK known
27.	Noor Sheikh Mohammed [M]	Kenyan	RELEASED FROM Garisa by ATPU	Nil	NOK known
28.	Mohamed Korane [M]	Kenyan	RELEASED FROM Garisa by ATPU	Nil	NOK known
29.	Hajir Mohammed Hur [M]	Kenyan	RELEASED FROM Garisa by ATPU	Nil	NOK known
30.	Hassan Adan Jibril [M]	Kenyan	RELEASED FROM Garisa by ATPU	Nil	NOK known

31.	Hajir Mohamed Mahamud [M]	Kenyan	RELEASED FROM Garisa by ATPU	Nil	NOK known
32.	Abdulghaffar Mohamed Ali [M]	Kenyan	RELEASED FROM Garisa by ATPU	Nil	NOK known
33.	Said Sheikh Abdullah ¹³ [M]	Kenyan	Discharged by court in Nbi	1	NOK known
34.	Sheikh Mohamed Salat ¹⁴ [M]	Kenyan	Matter in Garisa court on bond	2	NOK known

¹³ Said Sheikh Abdullahi [no 34] was charged with enlisting in a foreign army to fight the governments of Somalia without the authority of the President of Kenya. Acquitted by Makadara court in Nairobi.

¹⁴ Sheikh Mohamed Salat was charged with enlisting youth to fight in a foreign army. Matter still in court in Garisa. Sh. Salat is out on bail.

35.	Fatuma Ahmed Chande ¹⁵ [F] w/o # 14	Tanzanian with Kenyan residence	Rendered to Mogadishu on 27.01.07. RELEASED FROM ETHIOPIA	Nil	NOK known.
36.	Rashid Salim Amadi Mwanguzi [M]	Tanzanian	Rendered to Mogadishu on 20.01.07 IN ETHIOPIA	Nil	NOK Not Known
37.	Mohamed Abushir Salim [M]	Tanzanian	Rendered to Mogadishu on 27.01.07 RELEASED FROM ETHIOPIA 31.5.07	Nil	NOK known
38.	Ibrahim Odhiambo Wajal [M]	Ugandan	Rendered to Mogadishu on 20.01.07 CURRENT STATUS UNKNOWN	Nil	NOK Not Known
39.	Ibrahim Clement Muhibitabo [M]	Rwandan	Rendered to Mogadishu on	Nil	NOK

¹⁵ Wife of Kenyan citizen no. 11 on this list. Passport and Kenyan Resident's permit confiscated in TZ and Kenya respectively

		with Kenyan Resident's permit	20.01.07 RELEASED FROM ETHIOPIA ¹⁶		known
40.	Halima Badrudine Hussein [F]	Comoros	Rendered to Mogadishu on 27.01.07 RELEASED FROM ETHIOPIA	Nil	NOK known
41.	Luqmaan Fazul (15 years old) [M]	Comoros	Rendered to Mogadishu on 27.01.07 RELEASED FROM Ethiopia	Nil	NOK known
42.	Asma Fazul (13 yrs old) [F]	Comoros	Rendered to Mogadishu on 27.01.07 RELEASED FROM ETHIOPIA	Nil	NOK known
43.	Sumaiya Fazul Hassan (4 yrs old) [F]	Comoros	Rendered to Mogadishu on 27.01.07	Nil	NOK known
44.	Ahmed Osman Adhal [M]	Somalia	RENDERED. IN ETHIOPIA	Nil	NOK Not

¹⁶ Repatriated to Kigali on 1/6/07 was detained on arrival. Ibrahim was a refugee in Kenya before his arrest.

					Known
45.	Mulki Abdi Nasir [F] mother of # 46, 47 & 48	Somalia	Rendered to Mogadishu on 27.01.07 IN ETHIOPIA	Nil	NOK Not Known
46.	Sahara Ahamed (child) [F]	Somalia	Rendered to Mogadishu on 27.01.07 IN ETHIOPIA	Nil	NOK Not Known
47.	Abdallah Ahamed (child) [M]	Somalia	Rendered to Mogadishu on 27.01.07 IN ETHIOPIA	Nil	NOK Not Known
48.	Ibrahim Mohamed (child) [M]	Somalia	Rendered to Mogadishu on 27.01.07. RELEASED FROM ETHIOPIA with mother	Nil	NOK Not Known
49.	Abdulkadir Maalim [M]	Somalia	Rendered to Mogadishu on 27.01.07	Nil	NOK Not Known
50.	Ahmed Said [M]	Somalia	Rendered.	Nil	NOK

			IN ETHIOPIA		Not Known
51.	Kasnoor Hassan [M]	Somalia	Rendered. IN ETHIOPIA	Nil	NOK Not Known
52.	Nasir Omar [M]	Somalia	Rendered. IN ETHIOPIA	Nil	NOK Not Known
53.	Maryam Abdi Mohammed [F]	Somalia	Rendered. IN ETHIOPIA	Nil	NOK Not Known
54.	Zainab Mohamed [F]	Somalia	Rendered IN ETHIOPIA	Nil	NOK Not Known
55.	Fatuma Mohammed [F]	Somalia	Rendered IN ETHIOPIA	Nil	NOK Not

					Known
56.	Sh. Sharif Ahmed [M]	Somalia	RELEASED ON NEGOTIATIONS	Nil	NOK known
57.	Omar Abubakr Omar ¹⁷ [M]	Somalia	Discharged by court	3	NOK known
58.	Sheikh Abubakr Omar Adan ¹⁸ [M]	Somalia	Discharged by court	4	NOK known
59.	Sophia Abdi ¹⁹ [F] wife of Osman Ahmed	Somali	Rendered to Mogadishu on 27.01.07 IN ETHIOPIA	Nil	NOK known
60.	Fatma Osman [F] child of Osman Ahmed	Somali	Rendered to Mogadishu on 27.01.07 IN ETHIOPIA	Nil	NOK known
61.	Mohamed Osman [M] child of Osman Ahmed	Somali	Rendered to Mogadishu on 27.01.07 IN ETHIOPIA	Nil	NOK known
62.	Ahmed Hussein Abrar ²⁰ [M]	Somalia	Status unknown	Unknow	NOK

¹⁷ Son of no 58. charged with being in Kenya illegally

¹⁸ Charged with being in Kenya illegally

¹⁹ Wife of Swedish national arrested alongside husband and 2 children nos. 60 and 61. Husband no. 113 released. Her status and the children's not known

²⁰ Nos 62, 63 and 64 were visited and seen by MHRF in Kenyan police custody at Gigiri police station and have since disappeared. Their names do not appear in any of the flight manifests obtained by MHRF. The state has since claimed that these persons were not known to them. MHRF confirmed that they were no longer at the said police station. Their current status is UNKNOWN.

		[Puntland]		n	Not Known
63.	Mako Warsame Jama [F]	Somalia [Puntland]	Status unknown	Unknow n	NOK Not Known
64.	Noor Isaak Salat [M]	Somalia [Somaliland]	Status unknown	Unknow n	NOK Not Known
65.	Saleh Idris Salim [M]	Eritrea	Rendered. IN ETHIOPIA	Nil	NOK Not Known
66.	Tesfale Kidane Yusufi [M]	Eritrea	Rendered. to ETHIOPIA	Nil	NOK Not Known
67.	Osman Mohamed Badran [M]	Eritrea	Rendered. to ETHIOPIA	Nil	NOK Not Known
68.	Ali Afi Elmi [M]	Eritrea	Rendered. To ETHIOPIA	Nil	NOK Not Known
69.	Helina Semeneh [F]	Ethiopian	Rendered to Mogadishu on 27.01.07. RELEASED from	Nil	NOK Not

			ETHIOPIA		Known
70.	Jewhara Kemal [F]	Ethiopian	Rendered to Mogadishu on 27.01.07 RELEASED FROM ETHIOPIA	Nil	NOK Not Known
71.	Ibrahim Dawit [C] 1yr old s/o # 66 above	Ethiopia	Rendered to Mogadishu on 27.01.07 RELEASED FROM ETHIOPIA	Nil	NOK Not Known
72.	Abubakar Ahmed [M]	Ethiopian	Rendered. IN ETHIOPIA	Nil	NOK Not Known
73.	Saleh Idris [M]	Ethiopian Ogaden	Rendered to Mogadishu on 20.01.07. IN ETHIOPIA	Nil	NOK Not Known
74.	Abdikarim AbdiHaji [M]	Ethiopian Ogaden	Rendered. IN ETHIOPIA	Nil	NOK Not Known
75.	Abdi Abdullah Osman [M]	Ethiopian Ogadeni	Rendered. to ETHIOPIA	Nil	NOK Not Known
76.	Mohamed Ibrahim [M]	Ethiopian Oromo	Rendered. to ETHIOPIA	Nil	NOK Not Known

77.	Ahmed Hassan [M]	Ethiopian Oromo	Rendered. IN ETHIOPIA	Nil	NOK Not Known
78.	Jeilou Gedi [M]	Ethiopian Oromo	Rendered. IN ETHIOPIA	Nil	NOK Not Known
79.	Ahmed Hassan Aden [M]	Ethiopian Oromo	Rendered. IN ETHIOPIA	Nil	NOK Not Known
80.	Falmata Uga [M]	Ethiopian Oromo	Rendered. IN ETHIOPIA	Nil	NOK Not Known
81.	Tahafa Daksisa [M]	Ethiopian Oromo	Handed to ET army at Dohhley border IN ETHIOPIA	Nil	NOK Not Known
82.	Lama Takal [M]	Ethiopian Oromo	Rendered to Mogadishu on 20.01.07. IN ETHIOPIA	Nil	NOK Not Known
83.	Obsa Namara	Ethiopian Oromo	Rendered. IN ETHIOPIA	Nil	NOK Not Known
84.	Molu Geda [M]	Ethiopian	Rendered.	Nil	NOK

		Oromo	IN ETHIOPIA		Not Known
85.	Tafara Barsisa [M]	Ethiopian Oromo	Rendered. IN ETHIOPIA	Nil	NOK Not Known
86.	Mohamed Kassim [M]	Ethiopian Oromo	Rendered. IN ETHIOPIA	Nil	NOK Not Known
87.	Badada Lami [M]	Ethiopian Oromo	Rendered to Mogadishu on 20.01.07 IN ETHIOPIA	Nil	NOK Not Known
88.	Ali Mustafa [M]	Ethiopian Oromo	Rendered to ETHIOPIA	Nil	NOK Not Known
89.	Suleiman Msouba [M]	Ethiopian Oromo	Rendered. IN ETHIOPIA	Nil	NOK Not Known
90.	Dikka Galgalo [M]	Ethiopian Oromo	Rendered. IN ETHIOPIA	Nil	NOK Not Known
91.	Hussein Nur Guruse [M]	Ethiopian Ogadeni	Rendered to ETHIOPIA	Nil	NOK Not

					Known
92.	Adnan Naja [M]	Tunisia	Rendered to Baidoa 10 th Feb. RELEASED FROM ETHIOPIA	Nil	NOK Known
93.	Mrs Ines Chine [F] wife of Adnan Naja no. 91	Tunisia	Rendered to Baidoa 10 th Feb RELEASED FROM ETHIOPIA	Nil	NOK Known
94.	Ayub Sfaxi [M]	Tunisian ²¹	Rendered to Baidoa 10.02.07. IN ETHIOPIA	Nil	NOK known
95.	Yusuf Jamir [M]	Morocco	Rendered	Nil	NOK Not Known
96.	Hadia Ibrahim Mohamed Ali ²²	Sudanese	Rendered to Mogadishu RELEASED FROM ETHIOPIA	Nil	NOK Not Known
97.	Zeinab M. Ali [child] [F] d/o # 96 above	Sudanese	Rendered to Mogadishu on 27.01.07 RELEASED FROM ETHIOPIA	Nil	NOK Known
98.	Fatima M. Ali [child] [F] d/o # 96 above	Sudanese	Rendered to Mogadishu on 27.01.07 RELEASED FROM ETHIOPIA	Nil	NOK Known
99.	Hajira Mohamed Ali [child] [F] d/o # 96 above	Sudanese	Rendered to Mogadishu on 27.01.07 RELEASED FROM ETHIOPIA	Nil	NOK Known

²¹ Had French permanent residents' permit at the time of arrest

²²: At least 3 releases occurred in Ethiopia of people who were not initially in the MHRF list but were said to have been rendered from Kenya. This is evidence that there are probably others who remain unaccounted for. The three include Ali Jog, of Denmark, Ms. Hadia Ali Mohamed Ibrahim of Sudan (mother to # 97, 98 and 99) and a South African.

100.	Mohammad Odin Msatat [M]	Syrian	Rendered to Baidoa 10 th Feb RELEASED FROM ETHIOPIA	Nil	NOK known
101.	Asad Bassan Sausak [M]	Syrian	Rendered to Baidoa 10 th Feb RELEASED FROM ETHIOPIA	Nil	NOK known
102.	Usamah Nasif Alfayumi [M]	Syrian	Rendered to Mogadishu on 27.01.07 RELEASED FROM ETHIOPIA	Nil	NOK Not Known
103.	Alnasif Abdullah [M]	Jordanian	Rendered to Mogadishu on 27.01.07	Nil	NOK Not Known
104.	Rimal Azmi	Jordanian	Deported to home country	Nil	NOK Known
105.	Ismail Musleh [M]	Yemen	Rendered to Mogadishu on 27.01.07	Nil	NOK Not Known
106.	Khalid El Ahmed [M]	Yemen	Rendered to Mogadishu on 27.01.07	Nil	NOK Not Known
107.	Ahmed Musallam Alma'ashaani [M]	Oman	Deported to Oman from Kenya	Nil	NOK known
108.	Hassan Salim Kashub [M]	Oman	Deported to Oman from Kenya	Nil	NOK known
109.	Tuweil Kamilya [F]	UAE Dubai	Rendered to Mogadishu on 27.01.07 RELEASED FROM ETHIOPIA	Nil	NOK known
110.	Jameel Abdullah [M]	Saudi Arabia	Rendered to Mogadishu on 27.01.07	Nil	NOK Not

					Known
111.	Bashir Ahmed Maktal [M]	Canadian.	Rendered. IN ETHIOPIA	Nil	NOK known
112.	Yusuf Ali Haitagi [M]	Swedish	Rendered to Mogadishu on 27.01.07 RELEASED FROM ETHIOPIA	Nil	NOK Not Known
113.	Osman Ahmed Yassin [M]	Swedish	Rendered to Mogadishu on 27.01.07 RELEASED FROM ETHIOPIA	Nil	NOK known
114.	Safiya Benauda [F]	Swedish	Rendered to Mogadishu on 27.01.07 RELEASED FROM ETHIOPIA	Nil	NOK known
115.	Munier Awadh [M]	Swedish	Rendered to Mogadishu on 27.01.07 RELEASED FROM ETHIOPIA	Nil	NOK known
116.	Mohammed Ezzoueck [M]	British	Rendered to Baidoa 10.02.07. Handed to UK Foreign office. RELEASED	Nil	NOK known
117.	Reza Afshar zadagen [M]	British	Rendered to Baidoa 10.02.07. Handed to UK Foreign office. RELEASED	Nil	NOK known
118.	Hamza Chentouf [M]	British	Rendered to Baidoa 10.02.07. Handed to UK Foreign office. RELEASED	Nil	NOK known
119.	Shajahan Janjua [M]	British	Rendered to Baidoa 10.02.07. Handed to UK Foreign office. RELEASED	Nil	NOK known

120.	Amir Mohamed Meshal [M]	USA	Rendered to Baidoa 10.02.07. RELEASED FROM ETHIOPIA	Nil	NOK known
121.	Daniel Josephs Maldonado [M]	USA	Flown to USA by FBI 12.02.07	Nil	NOK known
122.	Mohammad Josephs 9 years [M]	USA	Flown to USA by FBI 12.02.07	Nil	NOK known
123.	Rahma Josephs 6 years [F]	USA	Flown to USA by FBI 12.02.07	Nil	NOK known
124.	Samia Josephs 7 months old [F]	USA	Flown to USA by FBI 12.02.07	Nil	NOK known
125.	Abikar Abdullahi Osman [M]	USA	Current status unknown	Nil	NOK Not Known
126.	Sakata Sakare [M]	Unknown	Rendered to Mogadishu on 20.01.07 IN ETHIOPIA	Nil	NOK Not Known
127.	Sharif Jamal [M]	Unknown	Rendered to Mogadishu on 20.01.07 IN ETHIOPIA	Nil	NOK Not Known
128.	Salah Idris [M]	Unknown	Rendered to Mogadishu on 20.01.07 IN ETHIOPIA	Nil	NOK Not Known
129.	Ahmed Hassan [M]	Unknown	Rendered to Mogadishu on 20.01.07 IN ETHIOPIA	Nil	NOK Not Known
130.	Mohamed Abdullah [M]	Unknown	Rendered to Mogadishu on 20.01.07	Nil	NOK Not

			IN ETHIOPIA		Known
131.	Mugeta Tasiifa [M]	Unknown	Rendered to Mogadishu on 20.01.07 IN ETHIOPIA	Nil	NOK Not Known
132.	Nur Mohamed Zain [M]	Unknown	Rendered to Mogadishu on 20.01.07 IN ETHIOPIA	Nil	NOK Not Known
133.	Ali Abdi [M]	Unknown	Rendered to Mogadishu on 20.01.07 IN ETHIOPIA	Nil	NOK Not Known
134.	Abdukar Hussein [M]	Unknown	Rendered to Mogadishu on 20.01.07 IN ETHIOPIA	Nil	NOK Not Known
135.	Abdullah Ahmed [M]	Unknown	Rendered to Mogadishu on 20.01.07 IN ETHIOPIA	Nil	NOK Not Known
136.	Osman Abdi [M]	Unknown	Rendered to Mogadishu on 20.01.07 IN ETHIOPIA	Nil	NOK Not Known
137.	Mohamed Hassan [M]	Unknown	Rendered to Mogadishu on 20.01.07 IN ETHIOPIA	Nil	NOK Not Known
138.	Sagawa Abdio [M]	Unknown	Rendered to Mogadishu on 20.01.07 IN ETHIOPIA	Nil	NOK Not Known
139.	Abdullah Mohamed [M]	Unknown	Rendered to Mogadishu on 20.01.07	Nil	NOK Not

			IN ETHIOPIA		Known
140.	Abdijani Ahmed [M]	Unknown	Rendered to Mogadishu on 20.01.07 IN ETHIOPIA	Nil	NOK Not Known
141.	Mohamed Garre [M]	Unknown	Rendered to Mogadishu on 20.01.07 IN ETHIOPIA	Nil	NOK Not Known
142.	Mohamed Adan [M]	Unknown	Rendered to Mogadishu on 20.01.07 IN ETHIOPIA	Nil	NOK Not Known
143.	Abdifatah Adan [M]	Unknown	Rendered to Mogadishu on 20.01.07 IN ETHIOPIA	Nil	NOK Not Known
144.	Saadia Hussein N. [F]	Unknown	Rendered to Mogadishu on 27.01.07 IN ETHIOPIA	Nil	NOK Not Known
145.	Mariam Ali Osman [F]	Unknown	Rendered to Mogadishu on 27.01.07 IN ETHIOPIA	Nil	NOK Not Known
146.	Hassan Mohammed Ilmi [M]	Unknown	Rendered to Ethiopia	Nil	NOK Not Known
147.	Zainab Mohamed [F]	Unknown	Rendered to Ethiopia	Nil	NOK Not Known
148.	Mohammed Ibrahim Mude [M]	Unknown	Rendered to Ethiopia	Nil	NOK Not

					Known
149.	Kin Qabdeed [M]	Unknown	Rendered to Ethiopia	Nil	NOK Not Known
150.	Sinsini Sheikh Mohammed [M]	Unknown	Rendered to Ethiopia	Nil	NOK Not Known
151.	Ahmed Hassan Barre [M]	Unknown	Rendered to Ethiopia	Nil	NOK Not Known
152.	Osman Mohamed [M]	Unknown	Rendered to Ethiopia	Nil	NOK Not Known