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Undersigned counsel has discussed this Motion with opposing counsel, who has indicated that the government does not oppose the granting of the requested relief. Further, undersigned counsel has discussed this Motion with Petitioner, who agrees to the limited delay for this purpose.

Date: *Nov 5*, 2010

Respectfully Submitted,



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Certificate of Service

I certify that on *Nov 5*, 2010, I caused a copy of the foregoing to be delivered to the Court Security Officer for filing with the Court and service on counsel for the respondents.



Darin Thompson

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~~ATTORNEY-DETAINEE MATERIALS~~

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

MOHAMMED ABDULMALIK,)	
)	
Detainee,)	
Petitioner,)	Civil Action No. 08-1440 (CKK)
)	
v.)	
)	
BARACK OBAMA, et. al.,)	
)	
Respondents.)	
)	

DECLARATION BY MOHAMMED ABDULMALIK

I, Mohammed Abdulmalik, declare the following statements are true to the best of my knowledge, information and belief.

1. In February, 2007, I was taken into custody by the Anti-Terrorism Police Unit (hereinafter, "ATPU") in my native country, Kenya. I was interrogated at different jails in Kenya for many days. During these interrogations, I was beaten, and threatened with genital mutilation, rape and death. Due to this torture, I made many false statements to avoid either further beatings or whatever horrible act they were threatening to commit. The Kenyans gave me to the Americans, who took me to Djibouti, Bagram, Kabul and Guantanamo Bay. At Bagram, I was deprived of sleep for weeks by guards and by the playing of loud music. I was interrogated every three or four hours. I don't remember very much of what happened while I was there, but I know I made many false statements to try to make it stop.

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2. I was born in Kisumu, Kenya, in 1973. My mother, Mwanaisha Mohammed, raised me in Kisumu until the early 1980s. My father left the family and moved to Mombasa , Kenya, when I was 3 three years old. When I was 10 years old, my mother, bother and sister moved to Mombasa.
3. When I was fourteen or fifteen years old, I took a job in the flour mill to support my mother, brother and sister. My mother was unable to provide for the family because she was suffering severe gastric ulcers that resulted in a terminal heart disease. At the flour mill, I packed flour bags for ten hours per day, earning approximately \$3.00 per day.
4. My mother died in 1992. My half sister took in my brother, sister and me. I continued to work at the flour mill to pay for my room and support the family .
5. I moved to Somalia in 1996. I lived in Somalia from 1996 until 2006. I met my wife, Faiza, there. We were married and had three children.
6. I moved to Somalia because I was searching for a better life. At that time, Somalia offered better opportunities to earn a living than Kenya. I am an Islamic healer. I heal people through prayer. In Somalia, I was able to practice my profession and achieved a strong reputation in the community.
7. In Somalia, I fished and worked on the docks, first in Ras Kamboni, then in Burgaabo,

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then in Mogadishu. In Ras Kamboni, I worked as a fisherman. In Burgaabo, I worked for a company that bought and sold lobsters. In approximately 2002, I had to move to Mogadishu, because the business in Burgaabo was only seasonal.

8. After I moved to Mogadishu, I met my wife Faiza, and we were married. In Mogadishu, I made money buying and selling goods. We had children and a home.
9. After I permanently moved to Somalia, I only returned to Kenya once, in 2000, for one month to see my family.
10. In December of 2006, the Ethiopians invaded Somalia and the country became an all-out war zone. As the Ethiopian army overran the country, it was too dangerous to remain there as a foreigner. I fled to Mombasa planning to continue on to South Africa, possibly to relocate there and give my family a better life. My wife and children were not able to travel because my daughter was only one month old, but I made sure they were safe with my mother-in-law before I left.
11. I fled to Kenya, traveling to Mombasa, where I planned to meet up with family members who could help me. While in Mombasa I stayed at the Ijara Hotel. At around 10:00 am on 13 February 2007, I was violently arrested and taken into custody by the ATPU in the Ramadan Hotel, opposite the Ijara Hotel. I was eating breakfast when at least 10 large policemen came in and took me out onto the road. There were three cars of them. They

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drew guns, took my wallet, then grabbed each limb and carried me into a waiting car. I was handcuffed with plastic zip-cuffs, shackled and hooded. They threatened to kill me. At some point my elbow was hit, and still hurts to this day. In the car, two of the policemen held pistols to each of temples, and one of them choked me and then crushed my head under his boot. Another still held a pistol to my head. The policeman continued to choke me until one of his colleagues said: "not so tight, we'll kill the guy like that."

12. I was then taken (hooded, blindfolded, and shackled) to the Inland Cargo Police Station in Mombasa, where they interrogated me until late at night. I saw three white men observing outside the interrogation room. I believe these men were US security personnel, and that they were working in cooperation with the Kenyan interrogators. The Kenyan interrogators told me that they thought I was trying to bomb the upcoming marathon in Mombasa. I didn't know what they were talking about. I said: "That's crazy! Why would I want to bomb the marathon?"

13. I was interrogated by at least 10 men. I was repeatedly abused. I was sitting in a chair cuffed behind my back, naked from the waist up for three to four hours. They shouted questions at me, asking where Saleh Nabhan and Mohammed Fazul were, and asking me about the statements Omar Said Omar had made years ago. When I gave answers they didn't like, they beat me and threatened to rape, castrate and mutilate me. The interrogators would box my ears, striking them with cupped hands simultaneously, from the front or the back, without warning, causing incredible pain, leaving my ears ringing.

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When I continued to tell them that I didn't know where Fazul and Nabhan were and that Omar Said Omar's statements were false they threatened to castrate me. They told me no woman would want me and I would be half a man. They threatened to crush my genitals with an iron hammer. They showed me the hammer and when I gave an answer they didn't like the man would pull back the hammer as if to strike. They also threatened to cut my penis and scrotum. Out of fear, I said what they wanted me to say. After they were done, they left me lying on the cold concrete floor, still cuffed behind my back, all night.

14. The next day, Kenyan police covered my face and took me in a caravan of three or four cars to the airport. I could see white men in one of the cars. I was put on a special plane to Nairobi. I was hooded, shackled, cuffed behind my back and taken to Kajiado Police Station. It was raining. I was thrown in a cell and left on the concrete floor still cuffed, shackled and hooded in my wet clothes overnight. I had a bucket for a toilet but I couldn't properly use it. About 8:00 am the next morning, I was taken to another room for questioning. I was still shackled and cuffed and still wearing my wet clothes, which were now urine soaked. I was questioned by about 5 or 6 Kenyan special agents, who said, "you'd better start talking, or we'll beat you." There, I saw more white men observing my interrogations. Kenyan Police Inspector Said, who is Somalian descent, was part of the interrogation team. They kept questioning me about Omar Said's statement, about Fazul and Nabhan and about whether I knew where any bombs and weapons were hidden. They threatened to "fuck" me and said, "today is the day." Every time I said I didn't know the answers to their questions there were more threats and more abuse.

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~~ATTORNEY GENERAL MATERIALS~~

15. On the morning of 16 February 2007, I was taken to the Magistrates Court at Kibera. The Chief Magistrate accused me of having been involved in bombings. They had a confession written out. She asked him to re-state my "confession" from the previous days and acknowledge that my confession was voluntary. I refused to do so, and asked for a lawyer. I saw a white person pacing outside the court room. The police took me from the courtroom. They were angry with me: they said, "we'll show you", and took me back to the police station.

16. I was next taken to Ongata Police Station. My eyes and ears were covered, and the Kenyan police said, "now, we will kill you." I was terrified. I was held at Ongata Rongai for a week or two. In the mornings, I would be interrogated peacefully, without violence, by a group of approximately 10 men. Then, later, sometimes at night, another group of men would come. They would handcuff and blindfold me, drag me from my cell and violently interrogate me. Other times, they would take me from my cell, blindfold and handcuff me, and tell me I was to be moved. They would drive me around, then return me to my cell.

17. Next, I was taken to Hardy Police Station. During interrogations at Hardy, a short man with a big ring threatened me with a gun. He said, "You must speak. We need Fazul now. We will take you to Mombasa. Show us where he stayed." While he said this, he had his pistol out, and pressed the muzzle of the barrel against my temple. He pushed my head back with the pistol.

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18. At Hardy and Ongata Rongai, I was threatened with rape, genital mutilation and death constantly when they interrogated me. I was terrified and said what they wanted me to say.
19. One night, Kenyan intelligence officers came and told me that they would take me “to another world.” They blindfolded me, put mufflers over my ears, and took me to Spring Valley Police Station. The police told me that they would beat me until I told them what they wanted to hear. One of my interrogators there was Inspector Wanjala. He wore an FBI badge and pretended to be with the FBI.
20. After three or four days in Spring Valley Police Station, on the evening of 25 or 26 February, I was again visited by Kenyan police. I was shackled, blindfolded, and they put mufflers over my ears. They took me out of the cell to a car. As they drove, one of the police inspectors said to me: “Now, you will forget Africa – you will go to Israel, America . . . Good-bye Africa. We will take you to another world. You will not return.”
21. Eventually, they arrived at an airport. Some white men took me out of the car, and I saw under the bottom of my blindfold a huge plane with a US flag painted on its side. Someone told me that I would be taken to Djibouti.
22. They stripped me naked, put me in a diaper and dressed me in a tracksuit. I was then

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shackled, with ear-mufflers, blindfolded, and put into a plane with about 10 American soldiers. At one point, the soldiers took my hood off and took me to the open door of the plane and made as if they were going to throw me out. I thought I was going to die. They hauled me back in, put my hood back on and chained me to the floor of the cargo plane. My eyes, head and mouth stayed covered the whole time. I could hardly breathe.

23. The flight took two to three hours and landed at what I believe to be a U.S. Air Base in Djibouti.

24. At the air base, I was taken into a shipping container, and given some water that said "Made in Djibouti" on the label. On the wall was a poster saying "Reptiles of the Horn of Africa", with pictures of snakes, lizards, and maps of Somalia and Djibouti. I had my hands and feet shackled together, and a mask was put on my face. They took me to another room, and the interrogations began. There were four of them: two guards and two interrogators. They said I was connected to people from all over the world. Someone told me that I would be held there, in a cage, for 100 years, for the rest of my life, unless I "admitted" to what they told me I had done.

25. A US interrogator told me, "You were coming to Kenya to destroy the marathon!" But I knew nothing about the marathon, and I told the interrogators this. The American interrogators said to me: "You have two possible journeys: one back to your family, or another that is very, very long. If you don't tell us what we want to hear, you will have a

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long, long journey; you will spend your life in a cage.” They accused me of saying good bye to my wife and sending money to her because I wanted to be a suicide bomber. This was not true. I said good bye because I did not know what would happen to me in captivity.

26. After a number of days, I was again taken on a plane. I was again stripped naked, put in a diaper and dressed in a tracksuit, shackled, with ear-mufflers, and blindfolded. I was put into a plane with American soldiers. I was shackled to the floor of the cargo plane for the duration of the journey, with my eyes, head and mouth covered. This time, the journey was longer, around 8-10 hours. I felt very alone, confused and scared. I had trouble breathing.
27. I was taken to what I now know to be Bagram Air Force Base in Afghanistan. I was there for about two months.
28. In Bagram, I was held in a wooden pen, not even as long as a man. It was like an animal cage. I was stripped naked and photographed. There were no windows, only electric lights kept on all the time. I had no idea what time it was, and interrogations were incessant. There was no night, no day, in Bagram. There was one song of Bob Marley, “No Woman, No Cry,” constantly blaring. Guards would make certain that you never fell asleep, and I was interrogated every three or four hours.. They again said that I had planned an attack on the marathon. They repeated their demand for me to confess to this

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three or four times but I did not. They told me I would spend the rest of my life in a cage.

29. At some point, I was taken to another prison in Kabul. I wasn't told the name of this prison. I was thrown in the back of a van and banged around the back like a sack of potatoes. In the unknown Kabul prison, Americans again stripped me naked, took photographs of me, weighed me, and gave me a blue jumpsuit to wear. The interrogations started once again. These interrogators were from the FBI in Washington DC. Someone said, "you tried to phone Somalia twice whilst you were in Kenyan custody. Who did you call?" I said, "I was trying to call my wife, to tell her what was happening. I never got through." Another interrogator said they thought I had tried to arrange a bombing. I didn't know what they were talking about. I was very confused, I had no idea what day it was, nor how long I was held there. They gave me a form with what I now know to be Miranda rights with small blanks on the end of each line for me to initial, only each blank had already been filled out except for the signature line at the bottom. I asked why it was already filled out and they laughed, apologized and brought out a clean copy. I asked if I had to sign and they told me I did not, so I didn't. After three days, I was returned to Bagram.

30. At some point, I was put on a plane and taken from Bagram to Guantanamo Bay. I was shackled, and chained to the floor of the cargo plane the entire time, with my eyes, head and mouth covered. In addition, this time, I was drugged for the journey.

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31. After I arrived at Guantanamo, I spent two months held in solitary confinement, only allowed to wear shorts. I have been at Guantanamo Bay ever since. I have told the FBI that I am innocent, and that I only said what I did before because I had being beaten, threatened, and/or deprived of sleep, and didn't want it to continue or start again, but they did not believe me.

I declare under penalty of perjury that the foregoing is true and correct.

Mohammed Abdulmalik
Mohammed Abdulmalik

10/13/2010
Date

D. Thompson
Darin Thompson
Witness/counsel for Abdulmalik

10/13/10
Date

Respectfully submitted,

D. Thompson
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