

**BEFORE THE AFRICAN COMMISSION FOR HUMAN & PEOPLES' RIGHTS**

**49th ORDINARY SESSION: April-May 2011**

**COMMUNICATION NO. 383/2010**

In the matter between:

**MOHAMMED ABDULLAH SALEH AL-ASAD**

and

**DJIBOUTI**

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**DECLARATION OF ZAHRA AHMED MOHAMED**

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I, Zahra Ahmed Mohamed, resident of Al-Mahra Governorate, Yemen hereby declare that:

1. I am 35 years old and am a citizen of Tanzania. I was born in Tanga, Tanzania in 1975. I presently live in Al-Mahra Governorate, Yemen with my husband, Mohammed Abdullah Saleh al-Asad, and our six children. My children and I moved to Yemen in late 2008.
2. I married Mohammed Abdullah Saleh al-Asad on 29 November 1991 in Tanzania.
3. Before his detention in 2003, my husband owned a business called the Al-Asad Trading Company in Dar es Salaam, Tanzania. He conducted his business on the ground floor of the building in which we also lived. Mohammed rented out the top floors of the building to some of our relatives and to other tenants.
4. Mohammed was a successful businessman in Tanzania. He had a good reputation in the community. He is a good man and until his disappearance, he had been treated well by others.

#### **Mohammed's Apprehension in Dar es Salaam, Tanzania**

5. On 26 December 2003 at around 9:00 pm, I was in my bedroom, and Mohammed was preparing for dinner with our family. Our eldest daughter told me that the police wanted to speak to Mohammed. I told my daughter that her father was in the dining room.
6. At the time, I was not worried because Mohammed was an upstanding businessman. I thought it was something small and routine. I never could have imagined that it would lead to so much tragedy.
7. A few minutes later, I heard loud yelling. Some men in civilian clothing were in the apartment. They put Mohammed in handcuffs and demanded his passport and mobile phone.
8. Because Mohammed's passport was in the office, the men took him downstairs to get it. I went onto the balcony to see what was happening. When the men took him out of the building, Mohammed's eyes were covered with black cloth. They quickly shoved him into a car and drove him away. When I saw the black cloth, I became very worried. I had never seen that before.
9. My young children were upstairs at a birthday party, but they heard the commotion from the arrest. The children were very upset and started crying. Their father had never been arrested before, and it was shocking. It was a terribly frightening experience, but it was just the beginning.

### **Immediate Efforts to Locate Mohammed**

10. Every day for the next few days, my family and neighbors went to the police station, immigration office and prisons in the area to find my husband. Each time they were told that no such person was in their records.
11. A few days after his arrest, I saw an immigration official on the news who said that Mohammed had been sent to Yemen because his passport was invalid. There were also newspaper articles about Mohammed saying he had been deported. See Henry Lyimo, Guardian (Dar es Salaam), *Yemenis, Italians Expelled*, 30 December 2003 [Exhibit H] and Roderick Ndomba, Daily News (Dar es Salaam), *Dar Deports 2,367 Aliens*, 30 December 2003 [Exhibit I]. At the time, I was relieved to hear that Mohammed had been sent to Yemen. I thought Mohammed would at least be safe in Yemen. Until that moment, all I could think about was the way they took Mohammed out of our home blindfolded.
12. When I heard on the news that Mohammed had been deported to Yemen, I called my father-in-law, Abdullah Saleh Mohsen al-Asad, who was in Yemen at the time. My father-in-law searched for Mohammed in Yemen and was told that Mohammed had not entered the country.
13. When my father-in-law told me that Mohammed was not in Yemen, I became really frightened. I realized that he could be anywhere and that I had no way to reach him. I had the feeling that I had truly lost my husband.
14. My family and I searched all over Tanzania for him. I heard terrible rumors about where he might have been sent. People speculated that maybe he had been picked up by the U.S. government and sent to Guantanamo, or that he had been sent to Somalia, Turkey, or Zanzibar. There was so much talk. I did not know what to believe. Reporters would come to interview me about what had happened to him, but the only thing I knew was that he was apprehended in Tanzania, and now he had been disappeared.

### **News that Mohammed had been sent to Djibouti**

15. When he could not locate Mohammed in Yemen, my father-in-law came to Tanzania and filed a *habeas* petition in a Tanzanian court. During the course of the case, the Government of Tanzania told the court that Mohammed had been sent to Djibouti and submitted a departure card to this effect. The Tanzanian court, hearing that Mohammed had been sent out of the country, dismissed the *habeas* claim. The final ruling from the Tanzanian court was not announced until September 2004. See The United Republic of Tanzania Departure Declaration Card, 27 December 2003 [Exhibit A] and *Republic v. Director of Immigration Services, ex parte Mohammed al-Asad (Habeas Corpus petition)*, High Court of Tanzania, 17 June 2004 [Exhibit E].
16. We did not know what to believe. It did not make sense that Mohammed would be sent to Djibouti, a country he had never been to and where he had no ties. No one in our

family had ever been to Djibouti. Also, I could not understand why even if Mohammed had been sent to Djibouti, he was not allowed to communicate with his family. I thought of traveling to Djibouti, but it was impossible: I had a family to take care of, including a new baby, and I was afraid.

17. I tried to get help from the Tanzanian Government to go to Djibouti, but they did not help. They told me to just go home and wait because Mohammed would come back. I learned later that Mohammed had been transferred from Djibouti to another location, nearly nine months before the Tanzanian court decision was announced. This meant that my trip to Djibouti would not have made a difference.

### **Additional Efforts to Locate Mohammed**

18. During the time of Mohammed's absence, I took many additional steps to try to find him, including seeking the assistance of the International Committee of the Red Cross (ICRC). I filed a tracing request concerning Mohammed with the ICRC office in Tanzania. I learned later that the ICRC never met with Mohammed during his detention in Djibouti or afterwards during his secret detention. See International Committee for the Red Cross Tracing Request, 2 February 2005 [Exhibit R].
19. I later learned from Mohammed's attorneys that the U.S. government routinely refused to inform the ICRC of the names, fate, or whereabouts of secret detainees who they held. So the ICRC was never permitted to meet with such detainees. When I learned this information, I felt again the great unfairness of Mohammed's persecution.
20. My family and I kept looking for my husband. I had to keep looking because I had to know what had happened to him. I had to know whether he was dead or alive. It was terrible to live with the uncertainty. I needed to know how to move forward down the path of my life and lives of my children. If Mohammed was dead, I needed to know where his body was. I needed to know if I was a widow, if my children had lost their father. But I also did not give up hope. I had to do all that I could.

### **News of Mohammed's Transfer to Yemen and the Family's Reuniting**

21. In May 2005, I finally heard the news that my husband had been transferred to a prison in Yemen. Even when I heard that Mohammed was in Yemen, I did not believe it until I spoke with him because I had heard so many different rumors about where he was being held during the many, many months that he was disappeared.
22. Once I had confirmation from my brother-in-law that he was in fact in Yemen, I quickly obtained passports to take the children to Yemen to be with their father. I was so eager to see Mohammed, but I was also afraid to see what the impact of his treatment had been. We never imagined anything like this could ever happen to our family.
23. Our first meeting while Mohammed was in prison in Yemen was very emotional. When I first saw him, I was so relieved to have him back. The children and I were allowed to embrace him and talk with him for the first time in more than a year. It was a joyous

occasion. But I also felt sad and helpless. He had lost a lot of weight, and I could see that psychologically he had been terribly impacted by the torture he had experienced.

24. Mohammed was held in prison in Yemen until 14 March 2006. He was never charged with any terrorism-related offense. Amnesty International and other human rights groups helped to obtain his release. I am grateful for their assistance.

### **Impact of Mohammed's Detention**

25. The whole time Mohammed was in detention in Djibouti and in the other secret prisons, we never received any news of his whereabouts or any information about his health, except for terrifying rumors. Having no communication with my husband and the father of my children for so long was almost unbearable. What had happened was very unfair to my family and me. Mohammed's disappearance had enormous psychological impacts and harmed my soul. I hope that the African Commission for Human and Peoples' Rights will make clear to the world that what my husband was subjected to was extremely unfair. What happened to my husband and others cannot be allowed to stand.
26. At the time of Mohammed's arrest, I was pregnant with our fifth child. I gave birth while Mohammed was in detention. When I went to the hospital without Mohammed to give birth, the nursing staff made snide comments and suggested that my husband had abandoned his family. It was so difficult to have a new child without my husband present.
27. Mohammed's disappearance was very hard on the other children as well. Every day my children would ask me where their father was, and I had nothing to tell them. The other kids at school knew that Mohammed was missing and would say hurtful things to my children. My eldest daughter, Fatima, was old enough to understand more about what had happened than the younger children. It was very painful for her especially.
28. During Mohammed's detention, life was very difficult. Mohammed's shop ran out of goods to sell and the business went into debt. My father-in-law tried to take care of the business, but he is very old, and it was difficult for him. My family helped and gave me money when they could, but it was very hard to feel that I was always asking for more. In addition to life's everyday necessities, I had to pay for the children's school fees.
29. After Mohammed's release our family has struggled to reunite. The children and I went to be with Mohammed in Yemen. At first, this was very difficult—the children did not speak Arabic and had a terrible time in school. Every day, they would come home from school crying. We tried going back to Tanzania, but when it became clear that Mohammed could not resettle there due to his immigration status, we moved permanently to Yemen. The children need to be with their father.
30. When Mohammed was released from prison, he tried to rebuild his business, but he found that he had lost everything—his merchandise, his customers, his credit rating, and his good reputation as a businessman. When Mohammed went back to Tanzania after his release, he could not do any business due to lack of a business permit. His attempts to

establish any business in Yemen were also not successful. Debts piled up while he was disappeared and even though his goods were sold to pay some of these debts, it was not enough and now he is left with no merchandise, no business, and ongoing debt. Now we live on what little we can scrape together.

31. I am relieved that Mohammed is back and that I have my husband and my children have their father. I don't like to think about the most terrible time in my life when Mohammed was disappeared, but the impact on all of us has been horrible, and it continues to this day. Mohammed still suffers physically and psychologically from the abuse. But I believe that my husband, my children, and I all deserve justice for what was done to us when he was disappeared and tortured.

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

Executed this 15<sup>th</sup> day of JAN 2011.

Z. AHMED

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**Zahra Ahmed Mohamed**