

## **APPENDIX C**

### **NOTES AND INTERVIEWS FROM KENYA**

- I. Notes on Ras Kiamboni**
- II. Sample of Kenyan Views**
- III. Confession of Omar Said Omar**
- IV. Written Statement of Mombasa Muslim Leaders**



## APPENDIX C-I:

### NOTES ON RAS KIAMBONI:<sup>1</sup>

#### THE 'ALI-ITIHAD MILITARY BASE AND TRAINING CAMP'

##### Part I: Mr. A. A., Local Fisherman/Seafood Businessman

###### Introduction

On 28 September I had a conversation with Mr. A. A., a member of Kenya's Orma community from Tana River District in Coast Province. He claims to have direct and indirect information on an "Islamic terrorist training base-camp" located at Ras Kiamboni, a coastal town some 10-20 kms. north of Kiunga at the Kenya-Somalia border. He did not offer the name of their organization, but other sources suggest this settlement-facility belongs to Ali-Itihad.<sup>2</sup>

A. A. served for about 12 years in the Kenya Army (he showed me his discharge document) and for the last several years he has operated a fish buying and selling business between the north Kenya coast and Malindi/Mombasa, buying fish, crabs, prawns and lobster from local fishermen. He has also just registered the North Coast Construction Limited, a company he intends to use to try and get public works construction contracts, mainly in his native Tana River District. (He showed me the registration certificate.)

The following notes are taken from this conversation, translated from Swahili.

###### Ras Kiamboni: The Location and Fishing Business

Ras Kiamboni is a small town, larger than Garsen, but much smaller than Lamu Town. During the rule of Said Barre, it had its own district commissioner/governor.

By motorized fishing boat, it is about 30 minutes north of the border at Kiunga, where there is also a Kenya Customs post.

Various tribes are found in the surrounding coastal and interior areas, on both sides of the border. These are: Galjel Somali, Bajuni, Pate, Boni and some Orma; the latter two groups engage mainly in livestock grazing. Most of the fishing is done by the Bajuni, many of whom are Kenyan. They tend to prefer to fish north of the border, and especially opposite the inland creek just above Ras Kiamboni that is fed by some fresh water, for two reasons: this combination of water is ideal for prawns and there are more fish and lobster in this area in general, and because catch from across the border is not subject to Kenya Fisheries' taxation.

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<sup>1</sup> This spelling is based on the informant's pronunciation; the author is aware of alternative spellings, especially 'Kambooni' (seen in the Project Harmony translated al-Qa'ida documents).

<sup>2</sup> For an alternative view regarding this group's possible linkages to international terrorism, see Dowden (2002).

A. A. has therefore been active in this area for some time; he has a residence (rented?) in Lamu Town as well as in Bura in Tana River. He hires a boat or boats to fish, and/or buys directly from local fishermen. He was last in this area in January of this year.

### **Arrival of Newcomers and the Establishment of the Training Camp/Base**

At that time he went as far as Ras Kiamboni where he has been going for this purpose for some time. From 1996, he noticed and was told about new, strange people who had recently arrived from unknown places. According to his fishermen contacts and own observations, they were not locals, but rather, Arabs and other more “European-looking type people” but who were Muslims. On this occasion, he was told there were only about 30 of these new-comers.

Over the last few years, their presence has increased, and he has continued to hear stories about them, including how they have completely taken over the area, especially since the departure of General Morgan (Barre’s in-law) from the Kismayu area farther north and who then passed into Kenya via Ras Kiamboni itself; he later returned to Kismayu before being driven out again, supposedly into Ethiopia. It appears his forced eviction reflected the desire of these newcomers to have no rival authority in the area, and apparently none has existed since that time.

Their numbers now appear to include Indonesians and other “Asian-looking people” as well as Arabs. From their arrival, they are said to have recruited a number of local Somali male youth to help them in language translation and menial tasks. They also built an impressive religious education center (*madrassa*) where these youth are being sent. Here they receive instruction in a particularly harsh and puritanical form of Islam; these teachings, and the changed resultant behavior, is said to have completely cut them off from their own families. According to locals, these newcomers are their “new parents.” Even local women who have been taken as wives are said to have broken off with their natal families. For example, it is claimed that the locals do not correctly follow Islamic slaughtering ritual, so that eating local food with local people who have prepared such food is ‘*haramu*’, or unclean. Such social exclusiveness has caused both resentment and fear among the local population.

This version of Islam is not imposed only on those closely associated with the newcomers, however. Local people who have been warned to stop smoking or chewing *miraa* and have then been found to continue to doing this have been summarily executed, “even later on the same day; you are given no time to change your way of life.”<sup>3</sup> In A. A.’s view, what they have imposed is not Islam, but “a form of devil-rule.”

In addition to the Islamic education center, there is also a military camp that appears to be the main residential area for these newcomers; it is about a five minute walk from Ras Kiamboni town center and about ten minutes from the sea front. During

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<sup>3</sup> A Somali businessman who had “taken refuge” in Nairobi later described how much of the local support that does exist for more ascetic versions of Islam stemmed originally from the reaction to the attempts to impose ‘European culture’ as part of the country’s adoption of ‘socialist’ following the 1968 coup. Especially important here were efforts to elevate the status of women that “violated our Somali culture.”

1996-97, the main structures there were cloth tents, but over the last several years, permanent (cement) structures have been erected. There is also a large footpath leading from this camp into the Boni Forest. It is said there are additional facilities there, but A. A. is unaware of what these might be. He has seen only three Land-Cruiser vehicles, but does not rule out the presence of others, especially in the thick forest area. He has not seen aircraft there, but they have many boats, including motorized sea-bikes that they use to move quickly from the shore to larger vessels offshore.

During his last visit, in January of this year, he saw about 200 of them jogging on the beach with rifles, what he perceived to be AK-47s. This was quite obviously military drilling. This group was comprised mainly of (non-local) Arabs, Indian-looking people, some Somali, and even one European.

Another reason for local resentment is the control they have imposed over the local fishing business. In 1997, while A. A. was in Kiunga, his hired boat and crew were apprehended by one of their sea-patrols. He was informed about this and had to pay \$800 to have them released. (This figure was based on the size of the catch; A. A. changed Kenya currency in Kiunga to get this money. He says there is a great deal of money-changing in this border area; I did not ask him what the rate was/is.) Payment is by the weight of the catch. Records are kept, so that if a boat leaves with catch that cannot be paid for, the boat is seized whenever it comes back if its crew does not make the required payment at that time. According to A. A., if payment is not made, "the boat owner could even be shot."

On certain days, fishing is prohibited altogether; crews are told to just stay away from the area.

At the same time, it seems those in the camp are extremely well-financed from external sources, since they send personnel to Kiunga and Lamu to buy provisions in great quantities. Some of these people have been seen with Kenya identity cards and even passports; though it is clear to locals they cannot be Kenyans.

According to local informants, Ras Kiamboni is the "central base" for operations covering a much wider area of Somalia. They are said to have other camps/bases in Gedo, Bardere, Luk, Bula-Hawa, and another across the Kenya border at Mandera. It is also said they have presence in El-Wak, Mogadishu and in northern Puntland (near the border with Yemen), where tribal leader Abdulahi Yusuf accommodates them for payment.

Before the 1998 US Embassy bombing in Nairobi, some Lamu residents had come to know the Arab who had married locally and started a fish business, eventually obtaining a contract to supply the Grand Regency Hotel in Nairobi. He also sold provisions directly to the Ras Kiamboni base.

### **Conclusion**

Mr. A. A. expressed great concern about the presence of this facility and community. This seemed to reflect both annoyance with the interference in access to preferred fishing grounds and the very ascetic/harsh form of Islam that has been imposed, and

to Kenya's - and the wider world's - security. Several times he referred to the US Embassy bombing and the recent terrorist attack in the US. He is convinced people connected to this group/settlement are involved whether directly or indirectly. He also expressed frustration that Kenyan security around the Kiunga border area seems to be so lax and porous: "The Kenya Police take no notice of them; when we complain or try to get their interest, they say that is not their concern since it is all outside Kenya." He is not aware of any particular interest that has been taken either by the local District Administration or by the KANU political leadership in Lamu District over this presence.

## **Part II: Report from a British Journalist**

### **Introduction**

I had a separate conversation with A. B., a reporter for UK newspaper. He had spoken with a European source at the UN offices in Nairobi, following the evacuation of their food-relief program in the southern Somalia area which took place after the attack in the US. The following summary contains some of the information he obtained.

### **Ras Kiamboni and Ali-Jihad**

The UN has had to evacuate its food-relief work from southern Somalia. At least two people of European origin have been killed in this area since 1995. Recently the UN mission was told no "white face" will be tolerated there again.

The UN received reports that an Ali-Jihad base had been established at Ras Kiamboni, but that Osama bin Laden has also been seen there, along with "many Afghans and Pakistanis." Al-Qaeda is also said to have bases in various parts of Somalia, including Mogadishu, where two of bin Laden's sons are said to be currently living. They also have a center in Puntland.

In several big towns in Somalia where Ali-Jihad is active they are active in the transport, banking and mobile phone businesses.

The UN source denied the allegation that some 500 local Somali staff had been infiltrated by Al-Qaeda.

## **Part III: Comment from a Lamu Tour Operator/Local Kanu Official**

### **Introduction**

I spoke with O. F., an old friend from Lamu who runs a tourist business and is also a local KANU branch official. His family's original home is the Kiunga area; they were displaced by the Shifta attacks about 40 years ago.

### **Insecurity and Fears**

O. F. attends District Development Committee meetings and has urged for increased security along the Kiunga border, both to combat general outlaw-robbery and to

prevent incursions from “this camp” that many people have heard stories about across the border. Given the absence of any recognizable authority in Somalia, he feels this should be a priority. However, government officials have yet to show any perceptible interest in these matters.

He fears that due to the high dependence of the Lamu economy on tourism, its people – whether seen collectively or as individuals – might be targeted by anti-Western/radical Islamic elements who view such close relations with non-Muslims as anathema. Only one such attack could kill the local tourist industry for ever, he feels.

He claimed not to have any direct knowledge of the Ras Kiamboni base-camp. However, due to his family ties and business relations with numerous local fishermen, he offered to find out what he could.



## APPENDIX C-II:

### A SMALL, UNREPRESENTATIVE SAMPLE OF MUSLIM VIEWS

I served my constituents for fifteen years, many of them Muslim. And I've lived in Mombasa since my school days, so I know these people very well. They are very good people, and they voted for me, even more than for Muslim candidates.

But there is one thing about them that is very bad. If I, as a Christian, commit a crime, even my friends who are Christians will say I did wrong, because what I did was criminal. But with Muslims, they will say: "What he did doesn't matter, because he is a fellow Muslim."

That is why terrorists can operate in Mombasa. I don't believe any Kenyan Muslim could do such thing; but they can know who these people are, and keep quiet, even if they don't support what they want to do, and some of them do support it [Interview, Former (non-Muslim) Member of Parliament from Mombasa; Nairobi, 13/02/07].

While it was not possible to conduct an actual survey to explore the distribution of particular attitudes<sup>1</sup>, it was possible to interview a small number of Muslims (all either living at the Coast or having done so for a considerable period in the past) and to ask them how they thought members of their population (and specifically *not* themselves in terms of their own, personal views), selected randomly, would answer questions that explore them "if all those interviewed were being completely honest."

This Appendix includes results obtained from seven such individuals, although not all questions were asked in each case. These are presented below, together with a brief description of the individual, without (as promised prior to the interview) revealing his/her identity. Without exception, however, those chosen for interviews are long-standing friends of the author, so that their candid cooperation was assumed, and was almost entirely forthcoming. Due to individual sensitivities to the topic, not every interviewee was asked every question.

Note, also, that since particular questions were dropped and added in the course of arranging and conducting these interviews, not all questions have the same number of responses. Finally, even some questions that were retained in the questionnaire were not asked in every case, depending upon their perceived level

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<sup>1</sup> Predictable self-defensive hostility resulted from the discovery (through one of the field-interviewers) in May, 2006, that a survey was being designed (on behalf of an anonymous client) of Muslims at the Coast regarding a number of public issues, as well as their views towards and level of engagement in various religious practices. After a draft questionnaire reached the CIPK (i.e., the Council of Imams and Preachers of Kenya), a front-page announcement-article appeared in a local weekly Muslim newsletter issue warning Muslims not to participate in the survey, as it was clearly "part of a campaign to fight Muslims," probably instigated by "foreign forces" (*The Friday Bulletin: The Muslim News Update*, 2006: 1-2).

of sensitivity for the particular respondent, and how much time there was for the interview.

### **Interview Introduction**

“Thank you for helping me. Of course, it will not be possible to conduct a survey with these questions, but let us suppose it were possible to pose them to Kenya’s adult Muslim population, or at least those living in and around Mombasa (and perhaps also in North Eastern Province). If people answered honestly, what percent do you think would agree (“Yes”), disagree (“No”), or would not be sure (“Don’t know”) to each one?”

### **Brief Comment**

As pointed out above, the small size of this ‘sample’ has not allowed for a more reliable set of ranges in terms of the responses to particular questions. Likewise, individual responses are likely to have been somewhat affected by the particular relationship each respondent has with the author.

Notwithstanding these severe limitations, several fundamental facts are evident. Among them, one is the universal agreement that Muslims in Kenya are denied the rights and respect they feel they deserve. Looking elsewhere, there is a marked pessimism about the prospects for peace in the Middle East, as long as Israel continues to exist.

Turning specifically to terrorism, acceptance of the involvement of Kenyans is seen as minimal. At the same time, however, there is little faith that were local Muslims to become aware of terrorist activity they would report this to the authorities. Finally, there appears to be some belief amongst Kenyans that Muslims might participate in a terrorist attack.

At the same time, there was widespread agreement that the history of terrorism in Kenya has affected fellow Muslims for the worse; a striking lack of agreement was evident, however, in terms of the likelihood of future attacks.

Altogether, and again keeping in mind the very ‘unscientific’ nature of this exercise, the results do highlight key issues relevant to this study, and should at least provoke further consideration of them as well as future areas of research.

<i>Respondent</i>	1 Former Member of Parliament (Coast Kenya)			2 Nairobi-based Senior Islamic NGO Official			3 Nairobi-based Senior Islamic NGO Official			4 Woman Professional- NE Province			5 Nairobi-based Professional Woman			6 Present Member of Parliament, Coast			7 Civic Representative, Coast Province		
	Yes	No	?	Yes	No	?	Yes	No	?	Yes	No	?	Yes	No	?	Yes	No	?	Yes	No	?
Do you approve of America's foreign policy towards Muslims?	5	90	5							8	90	2	5	94	1	0	50	0	0	90	10
Do you think Israel has a right to exist, even within its pre-1967 borders?	30	40	30	20	20	60				10	85	5	40	45	15				60	20	20
Do you think Kenya is safer with US military forces here?	0	95	5	0	80	20	20	80	0	20	60	20	40	50	10	30	70	0	5	90	5
Do you think Muslims in Kenya are given the respect and rights they deserve from other Kenyans and from the Kenya government?	15	80	5	0	100	0	5	95	0	15	80	5	30	60	10	20	80	0	20	70	10
Do you think those Muslim terrorists who have operated in Kenya have had at least some local Kenyan Muslims?	15	60	25	20	65	15				5	95	0	30	60	10				0	99	1
If you came to know anyone planning a terrorist attack in the name of Islam, would you report this to the Police?	20	70	10	10	35	55	25	75	0				35	55	10						
Would you be willing to participate in a terrorist attack against US, UK or Israeli interests in Kenya, even if you knew doing so might cost you your life?	25	55	20	70	5	25							65	25	10						
Would you be willing to participate in such an attack if you could be certain that only the people you had targeted would die?				99	1	0							80	20	0						
Would you be willing to participate in such an attack against US, UK or Israeli facilities, interests and/or personnel in Kenya as long as doing so would not put your own life in danger?	25	55	20										50	50	0						
Do you think it is likely that there will be another terrorist attack against the US or its allies and/or the Kenya government within the next 1-2 years?													65	25	10	10	90	0	15	85	0

<u>Respondent</u>	1			2			3			4			5			6			7		
	Former Member of Parliament (Muslim, Coast			Nairobi-based Senior Islamic NGO Official			Nairobi-based Senior Islamic NGO Official			Woman Professional-NE Province			Nairobi-based Professional Woman			Present Member of Parliament, Coast			Civic Representative, Coast Province		
<u>Question:</u>	Yes	No	?	Yes	No	?	Yes	No	?	Yes	No	?	Yes	No	?	Yes	No	?	Yes	No	?
For the next two ?'s	%			%			%			%			%			%			%		
Do you think the main interest of the US in its “war against terrorism” is to:																					
<i>Weaken Islam</i>							85			75			60			80			20		
<i>Gain economic benefits</i>							15			0			10			20		20	70		
<i>defend itself against future attacks</i>							0			10			30						5		
<i>not sure</i>							0			15			0						5		
Do you think the attacks that have occurred in Kenya have made the overall position of Muslims in Kenya:																					
<i>better</i>										0			20			30			10		
<i>worse</i>										100			80			70			70		
<i>about the same</i>										0			0			0			20		

## APPENDIX C-III:

### THE (DISALLOWED) CONFESSION OF OMAR SAID OMAR<sup>1</sup>

Anyone who followed the case and heard the evidence in court could see that (Omar Said) Omar was involved; it was just because of bungling, starting from the evidence-gathering, that they couldn't make the connection between what was found in his house and the hotel bombing [Confidential Interview, Western diplomatic official, Nairobi, 24 February, 2007].

It was clear these people were innocent, or at least that the government had no convincing evidence. Even the weapons used to convict Omar appeared to have been planted by the Police, since they were only discovered after he was taken into custody.

It seems they wanted to please the Americans and the Israelis by showing that at least they could convict somebody.

These were not educated people. No evidence was presented that they held any particular or religious views, let alone that they had spent any time outside Kenya. So as far as I can tell, no Kenyans have really been shown to have participated in any terrorist attacks here [Confidential Interview, local stringer for an international news agency who covered the trial of the suspects charged over the Coast attacks of 2002, Nairobi, 18 February, 2007].

As noted in the main text, new rules of evidence made the following statement inadmissible in court. Omar Said Omar was initially arrested for his involvement in the twin al-Qa'ida attacks of 28 November 2002 on the Paradise Hotel in Kikambala, Kenya and an Israeli airliner departing from Moi International Airport in Mombasa, Kenya. Omar was later cleared of all charges pertaining to his alleged involvement in these attacks. This inadmissible confession reiterates how al-Qa'ida operates in Kenya. Their activities in the recently declassified Harmony documents were remarkably similar to their operations along the coast of Kenya in 2002 and 2003.

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<sup>1</sup> This document was made available to journalists (who sought it from the Court Clerk) after it was submitted, but before the judge had ruled on its admissibility.

STATEMENT UNDER INQUIRY OF OMAR SAID OMAR

I John Mulalulu a Superintendent of Police and attached to Anti-Terrorism Police Unit Nairobi, I am inquiring into an alleged offence of murder contrary to section 203 as read with Section 204 of Penal Code.

That on the 28<sup>th</sup> day of November, 2002 at Paradise Hotel Kikambala in the Kilifi District of the Coast Province you OMAR SAID OMAR, SWALEH NABHAN, FAZUL MOHAMED alias ABDULKARIM, ABDULMALIK and others bombed Paradise Hotel using a Pajero car and as a result 15 people were killed. The said person also attempted to shoot down an ISRAEL - ARKAI aircraft near Moi Airport of Mombasa.

I do believe that you OMAR SAID OMAR are directly connected with the offence.

Do you wish to say anything in answer to the allegation?

I caution you that you are not obliged to say anything unless you wish to do so but whatever you say will be taken down in writing and may be given in evidence.

D.C.

signed.

Having understood the nature of the alleged offence the subject states the following:-

OMAR SAID OMAR  
C/O BOX 84996  
MOMBASA

I/D NO.10579669

OTHER DETAILS

DISTRICT	-	MOMBASA ISLAND
LOC.	-	MAJENGO
SUB-LOC	-	MSAJI
RESIDENCE	-	MAJENGO SOKONI

STATES IN ENGLISH

That I am the above named person aged 32 years. I was born in Mombasa in Guraya Area. I am the son of SAID OMAR SAID and UMURUMAN UTHEFA MOHAMED. My father died in 1976 and my mother is alive and lives in Kingorani. In my father's family we are only two I and my sister SOFIA SIAD OMAR who is married to KHAMIS MOHAMED.

In the year 1977 I joined Mtongwe Nursery School. In the same year I was taken by my uncle AWADHI OMAR SAID MKUNUBI in lamu. I joined Mukunubi Primary School until 1983 when I was again taken by my aunt NURU OMAR SAID to Mombasa and was enrolled to standard 4 in Mvita Primary School. I finished Standard 8 in 1987.

In 1988 I joined Sacred Heart Secondary School in Mombasa. I completed form 4 in 1991 and got grade of C-.

In the whole of 1992 I stayed in Mombasa doing nothing. In 1993 I enrolled myself at the Binary Computer Institute which I completed in the same year. In the Institute I learned Lotus 1,2 and 3, D-Base, Word Perfect and accounting packages.

After completing my Computer course in the same year I joined Mombasa Coffee Limited as casual Labourer until January 1994. In the same year I left Coffee Limited and was employed by Doshi Ceramic Limited as a Computer operator where I worked until August the same year.

Before August 1994 I stayed without a job. In October the same year I was employed at AL-NASSIR Hotel in Magongo as a cashier. I worked there until January 1996. Between January and August 1996 I again stayed without a job. In August 1996 I once again went back to Al-Nassir Hotel also as a cashier.

In 1996 I can also remember that I traveled to Eldoret to visit my friend HASSAN SAID OMAR who was in Moi University. While in Eldoret in October 1996 I was introduced to SULEIMAN who was a businessman by my friend HASSAN SAID OMAR.

In 1998 I met a friend of mine by the name ISSA OSMAN ISSA and he told me that he had relatives in Somalia. In 1999 I traveled to Lamu and from Lamu I went to MDOA IN southern Somalia. When I was leaving Kenya I had about Kshs.15,000/-.

On arrival at MDOA I found ISSA OSMAN ISSA. ISSA OSMAN ISSA told me to accompany him to Kisimayu to start a business of selling Lobster fish.

We started the business of selling Lobster fish with a capital of Ksh.60,000/-. In the business we were ISSA OSMAN ISSA, ABDULMALIK and ISSA TANZANIA whose real name was SULEIMAN.

We did the business until January 2000 when we moved to BUURGAO in Somalia. While in Buurgao ISSA OSMAN ISSA moved to MOGADISHU. ISSA TANZANIA followed and later ABDULMALIK followed them in April. I was left in BUURGAO and stayed there until November 2001 when I sold everything I had then I went to Mogadishu to join my comrades, ISSA OSMAN ISSA, ABDULMALIK, ISSA TANZANIA and other men I was introduced to by the names ABDULKARIM AND ABDULHAMAN ISSA OSMAN told me that ABDULHAMAN was the man in charge of financial control. I was also introduced to ABDULKARIM and I was told that he comes from U.S.A.

When we were in Kismayu that is the time when ISSA OSMAN ISSA talked to me about JIHAD (HOLY WAR). He told me that for somebody to join Jihad he should be physically fit and should be conversant with handling of firearms.

I listened to what ISSA OSMAN ISSA and I tried to learn from them. While still in Mogadishu ISSA OSMAN ISSA introduced me to weapon training.

I also remember that while we were in Somalia there was no established training camps but we used to be trained in the house where we were living. I was being trained alone because the rest had already undergone the same training. During the time of my training there were no other Kenyans. My instructors were other members of the group who had already received their military training.

ABDULHAMAN and ISSA OSMAN ISSA had offered to take me for further training in Afghanistan which I did not go because by that time the Americans had already invaded Afghanistan which I did not go because by that time the Americans had already invaded Afghanistan.

It was told by ISSA OSMAN ISSA. That the aim of the terrorist group was to fight all Americans, British, Israelites and Australians. While in Mogadishu every member of the team had a Pistol. There were also 3AK47 rifles and 8 hand grenades.

In December, 2001 I decided to get married. By then I had fetched US\$900 from the business I was doing of selling lobster.

When I told my comrades that I wanted to go back to Kenya they added me US\$400 and in total I had US\$1300.

From Mogadishu I traveled by an aeroplane upto Wilson Airport Nairobi. I had no passport by that time so I used a fake

Ethiopian passport which was taken by agents who deal with fake passports at the airport.

From Wilson Airport I went to Eastleigh 8<sup>th</sup> street where I booked a lodging at Burwako Lodge which is near the mosque.

I stayed in Nairobi for 2 days then I traveled to Mombasa on board Bussclass. Between January and February, 2002 I rented an apartment in Ganjoni area near micro garage. I stayed in the house alone and later ISSA OSMAN ISSA joined me.

Before ISSA OSMAN ISSA had left Somalia he had communicated to me through H.F. Radio that was in AL NASSIR HOTEL in Bondeni area. This by the name ISSA KOMBO ISSA. I had collected the ID Card at the GPO Mombasa and changed the picture.

I burnt the fake ID Card which was bearing the name ISSA KOMBO ISSA when I was staying in Tudor.

In Ganjoni house ISSA OSMAN ISSA had a wife by the name HALIMA who he had married in Kisumu in March or April, 2002. In the same house there was also a wife of FUMO MOHAMED FUMO by the name SAUDA. The landlady for the Ganjoni house was FAIZA. I paid Kshs.10,000/= for the Ganjoni house.

I stayed with ISSA OSMAN in the Ganjoni house for one month then I left and rented another house in Nyali. I paid Kshs.12,000/= for the house. I took my comrades ISSA

OSMAN ISSA and SAMIR SALIM and introduced them to the Land ford of the Nyali house.

By that time ISSA OSMAN ISSA was using a vehicle belonging to SWALEH NAHBAN a white Toyota corolla salon, which I do not know the registration number. LAt Nyali house ISSSA OSMAN ISSA was living with his wife HALIMA. SAMIR SALIM was also staying with his wife whose name I do not remember.

The landlord for Nyali house is by the name DESOUSA (GOA by tribe). The landlord stays in Tudor. In April, 202 I left Mombasa for Lamu where I stayed for 3 days then took a boat and traveled to Kismayu. The boat I used was MR. MIDRARAH, which I do not know the owner.

When I arrived in Kismayu I stayed in a hotel known as MEDINA. In Kismayu I was doing the business of buying and selling sea products. I stayed in Kismayu for 3 months.

While in Kismayu I was visited by ISSA TANZANIA and ABDULMALIK. This is when we talked about the operation which was to take place in Mombasa.

I did not know the time and place of the operation but I knew that there was place which was to be bombed.

Already the surveillence of the target had been done by ISSSA OSMAN ISSA, SALIM SAMIR, FUMO MOHAMED FUMO, SWALEH NAHBAN and HARUN BAMUSA (ALIAS SAID). ISSA TANZANIA

and ABDULMALIK also told me to prepare myself because the operation was to take place very soon.

I also recall while still at Kismaiyu my comrades ISSA TANZANIA and ABDULLMALIK told me to buy a cell phone and give the telephone number to ISSA OSMAN ISSA who was in Mombasa. ABDULMALIK gave me US\$300 to buy the cell phone.

In August, 2002 I returned to Mombasa through Lamu using a boat. When I arrived in Mombasa I went and stayed with SWALEH NAHBAN and FUMO HOHAMED FUMO in Tudor area. SWALEH NAHBAN and FUMO MOHAMED FUMO were also staying with their wives in the house. The wife of SWALEH NAHBAN was by the name SAUDA. The house at Tudor was rented by ISSA OSMAN ISSA. The house was rented at Kshs.20,000/= I stayed in this house until October, when I shifted to Majengo Mombasa.

In the same month of October, I bought a cell phone and a Sim card and also a credit card of 250/=. The cell phone number was 0722 403612. When I purchased the cell phone I gave the number to ISSA OSMAN ISSA as earlier agreed.

Between the month of August and October we frequently met with ISSA OSMAN ISSA at Mombasa Polytechnic mosque. In September, I also remember I met ABDULKARIM (FAZUL) in that mosque. One time ABDULKARIM (FAZUL) asked me about the help they had requested me for. I told him that I am available and ready when needed.

ABDULKARIM (FAZUL) told m to go to Lamu to see if I can get a boat, which can be ready available when needed. He ABDULKARIM ( FAZUL) also reminded me that there is something concerning HIHAD meaning terrorist act and it is going to happen within the Coastal region.

On 20<sup>th</sup> November, 2002 ISSA OSMAN ISSA gave me Kshs. 20,000/= while we were in the mosque for hiring an escape boat. ISSA OSMAN ISSA told me that I must keep my cell phone always open.

On 21<sup>st</sup> November, 2002 I left and went to Lamu. In Lamu I also rented a house for Ksh,6,00/=. This house was to be used by all of us when escaping to Somalia.

I did not rent the boat because I found out that there was a boat which was to leave Lamu to Somalia between 28<sup>th</sup>,29<sup>th</sup> and 30<sup>th</sup> of November, 2002 on normal business and it could accommodate us all.

I did not use the Kshs20,000/= which ISSA OSMAN ISSA had given me. The Ksh.6,000/= which I used for renting the house at Lamu was given to me by ISSA OSMAN ISSA. From Lamu I went back to Mombasa and informed ISSA OSMAN ISSA on who arrangements I had done. ISSA OSMAN ISSA told me that I should leave earlier to Lamu to wait for them and make arrangement for the escape boat. ISSA OSMAN ISSA told me that the operation was ready and I should not talk to anybody about it.

On 26<sup>th</sup> November 2002 I went to Lamu and on that day I slept in a lodging known as Marus lodge and the following day 27<sup>th</sup> November, 2002 I shifted to the house which I had rented for Kshs,6,000/= earlier. I also checked about escape boat and found it was ready.

On 27<sup>th</sup> November, 2002 I communicated with ISSA OSMAN ISSA through my cell phone and confirmed that the escape boat was ready.

On 28<sup>th</sup> November, 2002 at around 10.00am ISSA OSMAN ISSA called me on cell phone and told me that the operation was over and I should stay prepared because they were coming. They did not come that day.

On 29<sup>th</sup> November 2002 ISSA OSMAN ISSA, SWALEH NAHBAN and ABDULMALIK came to Lamu.

The whole operation was done by ISSA OSMAN ISSA, SWALEH NAHBAN, ABDULMALIK ISSA TANZANIA FUMO MOHAMED FUMO ABDULHAMAN, HARUN BAMUSA, SAIR SALIM, ABDULKARIM (FAZUL) and one OMAR SAID OMAR.

The task of shooting down the aircraft was undertaken by ISSA OSMAN ISSA, SWALEH NAHBAN and ABDULMALIK who was their driver. ISSA OSMAN ISSA and SWALEH NAHBAN both fired the missiles.

The task of bombing paradise hotel in Kikambala was undertaken by FUMO MOHAMED FUMO, and HARUN BAMUSA, who both died during the explosion.

I OMAR SAID OMAR was tasked to look for our escape boat.

ABDULKARIM (FAZUL) was in charge of the whole operation while ABDULHAMAN and ISSA TANZANIA were both in Somalia to wait for us.

The Pajero car which was used by the suicide bombers was purchased by SWALEH NAHBAN and it was blue in colour but I cannot remember the registration number. SWALEH NAHBAN was given the money to purchase the Pajero by ABDULHAMAN who was the financial controller of the whole group. I can also recall that on 28<sup>th</sup> November, 2002 ABDULKARIM (FAZUL) called me through my cell phone and asked me if ISSA OSMAN ISSA, ABDULMALIK and SWALEH NAHBAN had arrived. I told him that they had not arrived.

When ISSA OSMAN ISSA, SWALEH NAHBAN and ABDULMALIK arrived at Lamu on 29<sup>th</sup> November, 2002 they explained to me what had happened. They told me that they fired the missiles at the aeroplane but they did not get it.

We stayed in Lamu for 2 days and then we left for Somalia on board MV Saudi which I did not know. In Somalia we went direct to Mogadishu and stayed in an apartment. When we arrived in Somalia we joined ABDULHAMAN and ISSA TANZANIA who were already there.

In Somalia we were doing nothing and ABDULHAMAN used to give us money for use.

I stayed in Somalia until May, 2003. while in Somalia ISSA OSMAN ISSA used to communicate to ABDULKARIM (FAZUL) and he told me that after the Kikambala bombing ABDULKARIM (FAZUL) went to Ethiopia and he had returned to Kenya again.

I left Somalia in May, 2003 and before leaving I was given US\$900 by ABDULHAMAN to come and spend while in Kenya. When I was leaving I left my cell phone with ABDULMALIK but I came with the Sim card which I threw away when I was arrested by Police on 1<sup>st</sup> August, 2003.

Before leaving Somalia I was given an assignment of looking for targets in Mombasa at tourist hotels like Diani Beach Hotel, Inter-continental and other hotels which are frequented by tourists. I was also told to look for cruise ships at the Kilindini harbour.

I do remember that I have been shown several photographs by the Police and I was able to intensify the following.

1. HARUNI BAMUSA - He was a member of our group who died during the Kikambala bombing.
2. FAZUL (ABDULKARIM - ABLUQMAN) - He is a member of our group, a senior member of AL-QAEDA and was the one who did the surveillance work of Moi Airport Mombasa.

FAHIDI - I know that he was involved in the 1998 bombing of US Embassies in Kenya and Tanzania.

3. ISSA TANZANIA (real name SULEIMAN). He is also a member of our AL-QAEDA group. He was arrested in Somalia in April, 2003.
4. YAHYA SHEIK - He was involved in bombing of US Embassies in Kenya and Tanzania in 1998.
5. SAID BAMUSA - He is a brother to HARUNI BAMUSA but he is not a member of AL-QAEDA.
6. MUSA BAMUSA - He is a brother to HARUNI BAMUSA and SAID BAMUSA but not a member of AL-QAEDA Group.
7. SWALEH NABHAN - He is a member of our AL-QAEDA group.

I was also shown currencies for the following countries.

1. SOMALIA
2. ETHIOPIA
3. QATAR
4. BAHRAIN
5. USA
6. KENYA
7. YEMEN
8. MAURITIUS
9. COMOROS

I know these currencies belong to FAZUL because he has been collecting currencies from different countries.

I was shown a ID Card number 9632997 bearing the name of MOHAMED MWAKUZA KUZA with a photograph of ABDULMALIK who is one of our group member.

I was shown a basic weapon land written training manual which I did not know about. I could understand it to be on train of AK47 Rifles and bullets which I could explain how it works.

I was again shown two receipts which I identified as the ones which were given tome when I paid the house rent trough an agent.

I can also remember that during our operation, we used the following code words.

1. RAIN - All is well
2. DRY - A lot of police operations or security is tighty or no tourist activities.
3. NJULUKU - Money
4. WEDDING - Operation or attacks on targets
5. GUEST - Visitors
6. GIRLFRIEND - Wife

We also used codes on our telephone numbers as below: \_

1234567890

9876543210

This means that 1 stands for 9, 2 stands for 8, 0 stands for 0 etc

For example 0722403612 will read as 0388607498. during the operation we also used the following e-mail numbers.

1. Dagama 06 2003 @ yahoo.com - for me OMAR SAID  
OMAR
2. Livingstone 707 @ yahoo.com - for me OMAR SAID  
OMAR
3. Mselaibrah 73 @ hotmail.com - for ABDULMALIK
4. Kidule 89 @hootmail.com. - for ISSA OSMAN ISSA
5. SUSANALEX 999 @ yahoo.com - for HASSAN SAID  
OMAR
6. Dhiopporko @ yahoo.com. - for HASSAN SAID  
OMAR
7. Seyyidhassan @ yahoo.com - for Hassan said Omar
8. Marcopolo 2004 @ Europe.com. - for SWALE NAHBAN

I remember that on 14<sup>th</sup> May, 2003 I received an e-mail from ABDULMALIK who was in Somalia.

He wanted to know if I had arrived in Mombasa. He told me that things in Somalia were fine and he wanted to know if there was anything new concerning some of our comrades whom he was staying with in Somalia.

He also wanted to know if the Police were looking for them. He wanted to know if there was anything new concerning me. He told me that I should keep in touch with him and inform him of any new activities.

On 26<sup>th</sup> May, 2003 I again received another e-mail from ABDULMALIK. He wanted to know if I had received his first e-mail. He also wanted if the situation in Mombasa was normal and inform them if all was well.

He also wanted to know if it was possible to start the surveillance which he had talked about when I was leaving Somalia in May, 2003.

On 18<sup>th</sup> June, 2003 I received an e-mail from ABDULHAMAN who wanted to know how I was doing because it was a long time since I had communicated personally to him.

He also told me that he wanted to send ABDULMALIK to Mombasa.

He also asked me about ABDULKARIM (FAZUL) and how far I had gone with the surveillance work.

On 4<sup>th</sup> July, 2003 I remember sending an e-mail to HASSAN SAID OMAR who was a big friend of mine and whom I had once visited at Moi University Eldoret.

HASSAN SAID OMAR had previously asked me the contacts of ABDULMALIK who was also a long friend of his. I told HASSAN SAID OMAR to give me his e-mail so that I could contact him incase I got ABDULMALIK'S e-mail. By that time I had the e-mail number of ABDULMALIK but I could not give HASSAN the address without first consulting ABDULMALIK.

ABDULMALIK later told me to give e-mail address to HASSAN and I gave him.

On 7<sup>th</sup> July, 2003 I received an e-mail from ABDULMALIK. In this e-mail he asked me how are things in Mombasa. He told me that all of them in Somalia are well. He also talked about my wife who was expectant and he told me not to worry and God will help me. He further told me to sent him the e-mail address of ISSA OSMAN ISSA (ALIAS MTI) He wanted to know if I had any contact with ISSA OSMAN ISSA.

On 8<sup>th</sup> September, 2003 I received an e-mail from HASSAN SAID OMAR. He told me that he has a new e-mail address. He further told me to tell ABDULMALIK that his new e-mail address was dhioppoko @ yahoo.com.

I also remember on 14<sup>th</sup> July, 2003 I received an e-mail from ABDULMALIK. He told me that he had received all my letters and thanked me. Concerning my wife he told me that God is there and he was praying for me.

He told me that our BOSS ABDULHAMAN was not with them. He gave me the e-mail of our boss ABDULHAMAN which was susan-alex 999 @ yahoo.com and he also told me that he will give me another e-mail the following day.

On 19<sup>th</sup> July, 2003 I tried to send an e-mail using dagama 062003 @ yahoo.com. to another e-mail of mine livingstone 707 @ hotmail.com which failed because of the spelling.

I remember, that during the month of June, 2003 around 25<sup>th</sup> to 26<sup>th</sup> I went to JUSTLAND PROPERTY which deals with rental houses. On arrival at the offices I found a secretary. I told her that I was looking for a house to rent within Mombasa Island costing between Kshs.10,000/= to 12,000/=.

The secretary referred me to the manager where by the manager told me that there are two apartments one in Tudor and another at SPAKI area. The manager told me to pay Kshs. 200/= for viewing the apartments. I was given a person from the office to go and show me the apartments in Tudor and Sparki.

We went to Tudor but did not like the apartment. We proceeded to Sparki where I identified the apartment.

We went back to the offices where I was told to pay Kshs. 6,000/= for agreement I also paid Kshs.2,000/= for deposit and another Kshs.12,000/= for the rent of that month. I paid in total Kshs.30,000/= and was given 2 receipts one for Kshs. 6,000/= and another one for Kshs. 24,000/=

The receipts which were given to me were bearing my fake names of AHMED ALI MOHAMED. The manager asked me the date I would like to move into the house. He told me to go to the apartment and see the landlord who will give me the key.

I went to the landlord who showed the receipts and he gave me the key.

In the beginning of July, FAISAL ALI NASSOR approached me and requested if I would allow him to stay in the house w3ith me. I agreed and he came. Later in the same month FAIZAL ALI NASSOR told me that he has communicated with ABDULKARIM (FAZUL) and that he FAZUL had also requested to come and live in the same house. I agreed and FAZUL cam and stayed in the house. This apartment is near Ronald Ngala primary school and also near a tent used as a church by Pastor Lai.

The house is 2 roomed with 2 toilets, a kitchen and an opening which we were using as a sitting room. Inside the house I had 1 Sanyo TV (black and white, utensils, 11 mattress and 1 plastic carpet which is green in colour with white sports.

When FAZUL and FAIZAL came to live in the house, they brought in one 5 deater sofaset which was red in colour with cream and black sport. One computer and window curtains. I used to visit ABDULKARIM (FAZUL) and FAIZAL ALI NASSOR in that apartment frequently because I was still living in Majengo with my wife at that time.

By the time when I was arrested by Police on 1<sup>st</sup> August, 2003 FAIZAL and FAZUL were living in that house.

That's all.

OMAR SAID OMAR

CERTIFICATE

I OMAR SAID OMAR certify that I have given the above statement voluntarily without any threat, fear or promise of any kind.

OMAR SAID OMAR

CERTIFICATE

I John Mulaulu certify that the above statement was given to me by the suspect voluntarily without any threats, fear, offer or promise of any kind.

JOHN MULAULU

## **APPENDIX C-IV:**

### **Written Statement of Mombasa Muslim Leaders**

#### **Contents:**

The following two pages are a letter from Mombasa Muslim Leaders addressed to the Honorable Njenga Karume, Kenya Minister for Defense. The letter is dated 25 February, 2007.

#### **Background:**

Following several mass-demonstrations and recent threats by Muslim leaders in Mombasa to disrupt the international cross-country championships held in the coastal city on 24 March 2007, the Minister of Defense, Hon. Njenga Karume, met with representatives of the Mombasa Muslim community. Under the aegis of the Council of Imams and Preachers of Kenya ('CIPK'), they evidently took advantage of this opportunity to present him with the following statement setting out a broader set of issues and grievances.

February 25<sup>th</sup> 2007

Hon Njenga Karume, EBS  
Minister for Defense  
Government of the Republic of Kenya  
Nairobi

Dear Honourable Karume

1. We acknowledge your invitation to meet the Muslim leaders. As we address you today, we do so, on our own behalf, on behalf of other Muslim leaders elsewhere in the country who are concerned by these matters and who we have consulted and also on behalf of millions of Kenyan Muslims.
2. At the onset we need to let you know that as Muslim Leaders, we have practised a lot of restraint and patience amid very difficult and provocative moments in the last four years of NARC rule. We have always sought consultation, including meeting President Kibaki a number of times. Therefore, today we shall be very honest and frank with you. Where we seem to be on the harsher side, we ask for your understanding, as Muslims today suffer even worse treatment.
3. First, we wish to reiterate that Muslims in Kenya, who are Kenyan citizens, are citizens by right. We do not owe it to any government, political party or person being citizens. Time and again, Muslims are made to feel as if favours are being granted to them by others. Muslims are made to feel as if they need to plead for certain things to be done for them. Today, Muslims are more aware and reject these patronising approaches.
4. Honourable Minister, your docket is that of the Minister for Defence. We shall address you shortly in that capacity. However, as a Minister in your government, we shall, in a most frank manner, address you in matters that touch on the safety, security and citizenship of Muslims in Kenya. We are aware, though you are a Minister like others; you also enjoy close relationship with many in the cabinet, including the President.
5. Our responsibility today is merely, to let you know, for the information of your government, the depth of anger and disillusion that we as Muslim Leaders, have for your government, which we helped propel into power. We who are here, held private discussions, here in Mombasa, with the Leader of the Official Opposition, as Hon Mwai Kibaki was then in late 2002, together with others. Upon agreements in that meeting we strongly supported NARC and Hon Mwai Kibaki for President.
6. Your government has the primary responsibility to serve Kenyans, whether Muslims or not. This responsibility primarily starts with upholding of the constitution and the rule of law. Indeed your government was a creation of our country's constitution. And your government enjoys power today because of our laws. It is these laws that make all Kenyans, including Muslims, pay taxes which are then used by your government to pay all government expenditures and projects. The responsibility of your government includes the protection of life, security, rights and freedoms of every Kenyan, including Muslims. Where a person has committed an offence, the

person is first presumed innocent in accordance with the law. Secondly he is brought to a court of law. Thirdly he is given opportunity to defend himself against charges that are defined by the law. And finally, if found guilty, he is sentenced in accordance with the law.

7. Hon Minister, your government has treated Muslims in a way, never seen before in the history of this country, either during the Kenyatta or Moi administrations. Indeed, your government has treated Muslims in a way never experienced by any community in Africa even under the worst dictators. We shall detail to you a few examples. But before we do so, let us recap what has happened recently in Somalia  
Somalia has been fighting for 16 years without any threat to Kenya. When the Islamic Courts Union (ICU) took over it enjoyed unprecedented peace. Indeed because of this peaceful situation, a delegation of Kenyan Muslim leaders visited Mogadishu with the knowledge of Kenya's Minister for Foreign Affairs. Also a number of Kenyans, Muslims and non-Muslims went to Somalis for business ventures. Your government even hosted the ICU leadership in Kenya several times. However, when Ethiopia and American governments moved into Somalia to fight the ICU, your government took sides. Your government first of all broke all international conventions by refusing refugees, including children, women and the elderly, and instead returned them to their death to the battle field.
8. The examples, only a few, we would like to illustrate to you Hon Minister include:
  - a. Your government arrested and tortured Kenyan Muslims who were returning from Somalia during the latest war. Those Muslims were returning to their country! As said earlier, some of those of Muslims were coming from business ventures. We have not seen other Kenyans who have come from war torn areas of Uganda, Sudan and Eritrea being arrested. Why these?
  - b. Your government ignored all constitutional guarantees given to citizens as if Muslims were not citizens. No Muslim so far has been brought to any court of law and charged with any offence. Instead, Muslims were held in excess of 30 days, being moved from one police station to another, without being allowed access to lawyers or relatives.
  - c. Your government allowed foreign agents to interrogate and torture Muslims
  - d. Worst of all, your government has "deported" 26 Kenyan Muslims to Mogadishu. When you take a Kenyan to Mogadishu and you tell that government: "These are the people who were fighting against you" what would you expect to happen to these Kenyans? When you take Kenyans to Mogadishu where there is no established government or any court of law, what do you expect to happen to them?
  - e. Can you really, Honourable Minister or President Kibaki, today look at Muslims in the face and tell them that you are protecting them as you swore to do by the constitution? Can you Honourable Minister or President Kibaki, stand in public and state that Muslims should feel safe under your government? Of course not. Muslims are always guilty, according to actions of your government.
9. Therefore, Honourable Minister, as Muslim Leaders, we have refused to be enslaved by those people who we voted for into power. We have refused that we can pretend that all is well to the international communities, when our sons, daughters and relatives are in Mogadishu thrown there by your government. We have refused to

keep quiet and do nothing when your government actively works with other foreign government to harass, torture and even kill our people. We say enough is enough!

10. Honourable Minister, we hope you are in Mombasa for the good of our country or to enjoy the nice environment in this peaceful region. But as a Minister for Defence, like other Kenyans have spoken, we do not wish to imagine that your government will be lured into making Kenya, and the coastal area as Bases for the Americans. If you do not know yet, Honourable Minister, Muslims worldwide and also Muslims in Kenya are at war with the American government. This is no more secret. American government has declared war on Islam and Muslims. They are the superpower. But we believe that only Allah has all the power. Therefore, we besiege your government to think of Muslims as part of this country and therefore an important constituency you must listen to, while the American government is not.
11. Finally, Honourable Minister, Muslims are in Kenya to stay. We have been tortured, arrested and taken to Somalia to be put to death. But perhaps what is now most humiliating for us is for President Kibaki, Ministers Tuju and Kamanda, when they address public rallies to attack the Muslims and their leaders. This bespeaks a thousand words of what they hold of Muslims and their leaders. It is as if to let the world know that, Muslims and their leaders are a people who do not deserve their respect and a people who can be dealt with. This is offensive and humiliation per excellence. And with a government like this, what else should Muslims do? For us is to rely on God as we resist all forms of subjugation and discrimination. And to Allah we have put all our trust. And to Him we shall all return. Then it is He who shall adjudge who amongst us is truthful.

Thank you