

AFFIDAVIT

I, Kamilya Mohammedi Tuweni Al Kindy, do hereby make oath and swear:

1. THAT I am an adult female of sound mind, born on 7 August 1965 in Zanzibar, Tanzania.
2. THAT I moved with my family to the United Arab Emirates in 1979.
3. THAT I am a citizen of the United Arab Emirates and presently reside in Dubai.
4. THAT I am not married and have three children.
5. THAT I previously worked for the telecommunications company, Etisalat, in Dubai but had left the company as I felt the salary was insufficient to support my family and so was looking for new business opportunities.
6. THAT on 7 January 2007, I travelled from the United Arab Emirates to Tanzania with two Omani business men by the names of [REDACTED] and [REDACTED] to act as their interpreter as they did not speak much English. I attach a copy of the page from my passport number A1764712 with my personal details (marked '1') and a further page showing the entry visa which I obtained on arrival in Nairobi on 9 January 2007 (marked '2')
7. THAT on 9 January 2007, we travelled to Kenya as [REDACTED] and [REDACTED] were interested in exploring the possibility of starting a tea and coffee business in Oman. I hoped that after this trip I would also be able to go into business in the tea trade. In Kenya, we met our Kenyan host, [REDACTED] in Dar es Salaam and then travelled by car to Malindi where we checked into the Eden Rock Hotel.
8. THAT at approximately 3.30pm, there was banging on the door to the room I was sharing with [REDACTED]. When I opened it, four policemen burst into our rooms and started searching our luggage and checking our documents. They were not wearing uniforms and did not show us any identification. They said they were looking for Somali infiltrators but when they found nothing wrong, apologised to us and left.
9. THAT three hours later, about fifteen armed men arrived at the hotel, identifying themselves as from the Kenyan Counter Terrorism Force. They first took us to the police station in Malindi. Two hours later we were taken to the police station in Mombasa where we slept for one night before being moved to the police headquarters in Nairobi. We were kept there for two hours and then moved to the Kileleshwa police station in Nairobi.

10. THAT I was not told why I was being held or if I was charged with any crime, although when we arrived at the police headquarters in Nairobi, an officer said "Welcome, Al Qaeda".
11. THAT my requests to contact my embassy, a lawyer and my family in Dubai were denied. After three days, I was able to call my brother after paying a bribe. [REDACTED] was also able to contact her daughter who found us a lawyer.
12. THAT we were told that we could be released if we paid about \$5000 USD as a bribe. We refused to pay the bribe. Another policeman by the name of Kilonso kept asking for money for our release.
13. THAT I signed a statement on the first day of but I do not know what it said. The police also took my fingerprints.
14. THAT we were interrogated on a number of occasions. The officers kept asking about my personal life and why I had come to Kenya. The first time they questioned me there were eight people in the room and they kept me there for 45 minutes. They also took pictures of me.
15. THAT after about one week, I was taken out of my cell and told to take my clothes off. I refused. I was so scared and thought I would be killed.
16. THAT I had a bad fever but was not given any medicine for it.
17. THAT the conditions in the police station were appalling. The male cell was full and some men slept on the floor in the corridor because of the overcrowding. [REDACTED] and I were put in the female cell. The toilets were very dirty, we had to clean everything ourselves, we only had one worn blanket to share between all of the inmates and we had to sleep on the floor.
18. THAT on 27 January 2007, [REDACTED] and [REDACTED] were sent back to Oman.
19. THAT on the same day, 27 January 2007, [REDACTED] was released. On the same night, three men took me to Namanga at the Tanzanian border. I was terrified as it is a long journey and I was alone with three men.
20. THAT when we reached the Tanzanian border, I was taken to an immigration office. After two hours, I was questioned by the Tanzanian authorities. They asked questions about my birth and why I was in Kenya. I showed them my passport and showed them the receipt for my Kenyan visa to prove that I was there legitimately and legally.
21. THAT the Tanzanian authorities refused to accept me as they said my documents were proper and legal and that I should be allowed to travel in Kenya freely. They added that the Kenyans had no right to do what they were trying to do.

22. THAT the police officers then took me to another police station two hours' drive from the border. They said that they were going to Nairobi to get my luggage and an airline ticket so that I could go home but that I had to stay in the police station in the meantime.
23. THAT I was taken to a cell underground. I tried to call [REDACTED] but the prison guard did not tell me the correct name of the police station so she did not know where I was.
24. THAT the conditions in the police station were terrible. Only a small corridor separated the women's cell from the men's cell. I could not stop crying. The men kept shouting at the prison guard to bring me to them. She asked them to give her hashish and in return, she promised to give me to them. She then said I was too sick and I would be no use to them that night but that she would make sure I got better so she could give me to them the next day.
25. THAT early the next morning, I was taken in a vehicle and driven for three hours. The police officers asked me again for money to release me. I said I could get money from the bank but they said that was useless.
26. THAT I was taken to a small airport. I was struggling and screaming that I was not getting on a plane without my passport. My legs were then kicked from below me and two men started hitting me with sticks. An officer threw my passport at me and then I was handcuffed and hooded and put on a plane.
27. THAT I did not know where I was going until I heard another passenger say that we were in Mogadishu.
28. THAT I was held with 23 other ladies in Somalia. The guards were paying attention to the other women who were taken for questioning. I was never questioned although I kept asking them to speak to me so I could show that I was from the United Arab Emirates and was innocent.
29. THAT the conditions in Somalia were terrible. There were holes in the walls from bombs and the people who were holding us did not give us food or water; a woman selling cloth nearby brought us macaroni and water in a jerry can. I had another bad fever in Somalia and was never given any medicine for it.
30. THAT when I was detained, I was wearing jeans and a t-shirt whereas the other women were covered. Because I was dressed differently, the women were suspicious of me and thought I was an American spy. They thought I had a recorder in my ring. At first, they would not even pray with me. They began to accept me though as I was translating for the Tanzanian lady, Fatma, and helped some of the pregnant women carry water and look after their children.
31. THAT none of the women were physically harmed but we could hear the men being beaten. The men would sometimes tell their wives about what was happening to them.

32. THAT we could hear the sounds of bombs coming closer and closer to us. Sometimes we could also hear the sound of nearby gunfire.
33. THAT after ten days, we were taken to a plane and landed somewhere in between Somalia and Ethiopia. We had to sleep outside with nothing to cover ourselves. We found bits of boxes and tried to use these as mattresses. It was very cold and the children cried all night long. When we went to the bathroom in the bush, the men would stand close to us.
34. THAT we were then taken to Ethiopia. We were put in a cell together and given blankets and mattresses.
35. THAT I went on hunger strike for three days until they took me for questioning.
36. THAT I was taken for questioning twice. They took my fingerprints and my photograph. I kept asking why I was there and all they would say that it was because of the Kenyans. I showed the American man asking me questions my passport and he said that he knew I should not be there.
37. THAT I was finally released on 23 March 2007. I had to arrange to get a ticket to fly home. I refused to go back through Kenya. I was put in a hotel in Addis Ababa on 24 March 2007 and then I travelled back to Dubai and was reunited with my family on 25 March 2007. There was a lot of media coverage about me and I attach copies of newspaper reports dated 15 March 2007 (marked '3'), 29 March 2007 (marked '4') and 19 April 2007 (marked '5').
38. THAT since I have returned to the United Arab Emirates, I have filed complaints with the police in Dubai, the Ministry of Interior and the Ministry of Foreign Affairs but I have had no further information on the progress or what action has been taken in relation to these complaints.
39. THAT while I was still detained my brother had written to the Kenyan Embassy in Abu Dhabi, and the Kenya National Human Rights Commission tried to take some action on my behalf, but to my knowledge nothing came of any of this.
40. THAT I do not feel able to go back to work because of what has happened to me. I also think it would be difficult to find work in Dubai or Oman as the newspapers carried the story of my detention in Kenya, Somalia and Ethiopia and as a result, my reputation has been damaged and people do not trust me. When I left Etisalat, I had lots of business contacts and believed that I would be able to do well in business. Now, people will help me if I need money but they will not do business with me. I do not want handouts; I want to work.
41. THAT I have nightmares about what happened, find it difficult to sleep and feel very anxious. I find it hard to trust people now and cannot go out and socialise like I used to; I prefer to stay on my own with my family. I am scared when I see police officers and when I travel abroad.
42. THAT I have been examined by Dr Brock Chisholm in London and I refer to the Psychological Assessment Report which he prepared about my condition and the effect on me of the experiences which I endured.

43. THAT I make this affidavit in support of legal proceedings against the Attorney General and government of Kenya for violating and promoting the violation of my rights.

Sworn to in London this.....day of February 2009

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Kamilya Mohammedi Tuweni Al Kindy
UAE PASSPORT Number.....

Before me
NOTARY PUBLIC