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December 21, 2004

William H. Taft, IV
Office of the Legal Advisor
U.S. Department of State
L/EX Room 5519
2201 C Street N.W.
Washington, DC 20520-6419

Attention: Charles Allegrone

**Re: Supplemental 22 CFR 172.5 Information to Civil Subpoena ICO
Bashe Abdi Yousef, et al. v. Mohamed Ali Samantar
(Civil Action No. 1:04 CF 1360 LMB/BRP)**

Dear Mr. Allegrone:

I am writing on behalf of our clients, the plaintiffs in the above-referenced action before the United States District Court for the Eastern District of Virginia, Alexandria Division. This case was initiated for the purpose of holding Mohamed Ali Samantar responsible under the Torture Victim Protection Act, 28 U.S.C. § 1350, and the Alien Tort Claims Act, 28 U.S.C. § 1350, for crimes against humanity and war crimes committed in Somalia in the 1980s during the military regime of Somali dictator Siad Barre. By way of this letter, I am writing for the purpose of issuing a "Touhy Request," pursuant to 22 C.F.R. § 172.5, for the documents described below. I am enclosing a subpoena issued for production of the requested documents and a courtesy copy of the complaint.

The complaint covers acts of torture, murders, war crimes, and other crimes against humanity occurring under the command responsibility of Mohamed Ali Samantar. The requests, specifically set forth in Attachment A to the enclosed subpoena, are narrowly tailored to relevant documents regarding the specific allegations of that complaint.

At this time we are not aware of any witnesses from your agency, or any U.S. government agency, from whom we expect to request testimony. This request is procedurally appropriate and appropriate under court rules. The request does not violate any statute, executive order, regulation, directive, or privilege of which we are aware.

In connection with this request, on behalf of plaintiffs in the above cases, we are willing to pay in advance all expenses and costs associated with searching for and producing the requested documents.

Cooley Godward LLP

William H. Taft, IV
December 21, 2004
Page Two

In closing, thank you for your consideration and assistance. If there is anything we can do to further facilitate this process, please let us know, as our discovery cutoff in the case has been set for March 11, 2005.

Sincerely,



Tara M. Lee

TML:slw

Enclosure

228154 v1/RE
4w1m011.DOC

**Issued by the
UNITED STATES DISTRICT COURT**

DISTRICT OF

COLUMBIA

Bashe Abdi Yousuf, et al.

SUBPOENA IN A CIVIL CASE

V.

Mohamed Ali Samantar

Case Number:¹ 1:04cv1360 LMB/BRF
U.S. District Court for the Eastern
District of Virginia (Alexandria)

TO: William H. Taft, IV, Office of the Legal Advisor
Attn: Charles Allegrone, U.S. Department of State
L/EX Room 5519 - 2201 C Street N.W.
Washington, D.C. 20520 - (202) 647-8323

YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
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YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):
See Attachment A.

PLACE L.A.D. Reporting Company, Inc., 1100 Connecticut Avenue N.W., Suite 850 Washington, D.C. 20036 (202) 861-3410	DATE AND TIME 1/20/2005 9:00 am
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YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
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Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT) - Attorney for Plaintiff	DATE 12/21/04
ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER Robert R. Vieth, Esq., Cooley Godward LLP, 11951 Freedom Drive, Suite 1500, Reston, Virginia 20190-5656, (703) 456-8000	

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page)

¹ If action is pending in district other than district of issuance, state district under case number.

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AFFIDAVIT (RETURN OF SERVICE)

FK # 040899-P-04

CASE # 1:04CV1360 LMB/BRF

COURT OF United States District
ISSUANCE Court, Eastern District
Of Virginia, Alexandria
Division

PLAINTIFF: Bashe Abdi Yousof, Et Al

DEFENDANT: Mohamed Ali Samantar

TYPE OF WRIT: SUBPOENA DUCES TECUM / ATTACHMENT A TO DOS SUBPOENA / COMPLAINT FOR TORTURE; ATTEMPTED EXTRAJUDICIAL KILLING; CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT; ARBITRARY DETENTION; CRIMES AGAINST HUMANITY; AND WAR CRIMES JURY TRIAL DEMANDED

SERVE Name of Individual, Corporation, Etc. to serve: WILLIAM H. TAFT, IV, OFFICE OF THE LEGAL ADVISOR / ATTN: CHARLES ALLEGRONE
ON Address: US DEPARTMENT OF STATE, L/EX ROOM 5519 - 2201 C STREET, NW, WASHINGTON, DC 20520 (202)647-8323

Name of Requesting Attorney: Robert R. Vieth, Esquire Date of Return: RUSH

Address: 11951 Freedom Drive, Suite 1500, Reston, Virginia 20190-5656 No. of parties to serve: 1

Person Notified: Sharon Date Received: 12/22/2004 Telephone: 703-456-8055

I, PATRICIA LUDLOW, a Special Process Server authorized to serve process within this jurisdiction, state that I am 37 years of age with a date of birth of JUNE 16, 1967, hereby certify under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. I further state that I am not a party to this action or to the writ served, and the writ was executed in the following manner:

That at 1:05 PM on the 22ND day of DECEMBER 2004,

- I have personally served the above named person at the above address.
 In lieu of personally serving the above named person, I served OMAR PICKENS at the above address, whose title is:

HUMAN RESOURCES SPECIALIST

- I posted the WRIT on the front door of the above named person's residence at the above address after not finding the person, nor any family member over the age of 16 years there, and, after verifying the address to be correct.
 I have returned the Writ unexecuted at the request of the attorney.
 Witness fee was tendered in the amount of \$0.00

Signature of Person Served Date 12/22/2004

Signature of Server Date

NOTARY: STATE OF VIRGINIA, COUNTY OF FAIRFAX.

I, the undersigned, a Notary Public in and for the above mentioned jurisdiction, hereby certify that before me appeared the above named Process Server who under oath stated that all of the above is correct before me this 22ND day of DECEMBER 2004

Patricia Ludlow
Notary Public My commission expires 11/30/2006

Attachment A to DOS subpoena

A. Documents relating to human rights abuses committed by the Somali Armed Forces or security services in the 1980s, such as:

1. Documents relating to the conflict between the Somali National Movement and the Somali Armed Forces in and around Hargeisa, Somalia between May 1, 1988 and September 1, 1988
2. Documents relating to the killing of civilians at Jezira Beach on July 17, 1989
3. Documents relating to human rights abuses committed by Yusuf Abdi Ali (a.k.a. Tokeh)
4. Documents relating to human rights abuses committed by the Fifth Battalion of the Somali National Army in the area of Gebiley, Somalia
5. Any documents relating to the failure of the Somali government to prevent human rights abuses by the Somali Armed Forces
6. Any documents relating to the failure of the Somali government to punish those responsible for human rights abuses by the Somali Armed Forces

B. Documents relating to the formal structure and organization of the Somali government and political system and Armed Forces, such as:

1. Documents relating to the structure, organization, responsibilities and legal authority of the Ministry of Defense, including documents relating to the command authority of the Minister of Defense over the Somali Armed Forces and security services
2. Documents relating to the structure, organization, responsibilities and legal authority of the Office of Prime Minister, including documents relating to the command authority of the Prime Minister over the Somali Armed Forces and security services
3. Documents relating to the command structure, organization and military capabilities of the Somali Armed Forces including but not limited to the command structure and organization of the Somali National Army and the Somali Air Force
4. Documents relating to Mohamed Ali Samantar's command authority over the Somali Armed Forces and security services

5. Documents relating to the command structure and organization of the Somali military police
 6. Documents relating to the structure, organization, and legal authority of the National Security Court
 7. Documents relating to the structure, organization, and legal authority of the National Security Service (NSS)
 8. Documents relating to the command structure, organization and legal authority of the Defense Intelligence Security Agency (also known as the Hangash)
 9. Documents relating to the command structure and organization of the National Security Service
 10. Constitutions, laws, statutes, edicts, emergency decrees and declarations in force in the 1980s including but not limited to the National Security Law of 1970 (also known as Law No. 54), The Power to Detain Law of 1970 (also known as Law No. 1)
 11. The Somali military code, any field manuals or handbooks on operations and/or procedures distributed to soldiers and/or officers of the Armed Forces
 12. Documents relating to the training received by soldiers and officers of the Somali Armed Forces
 13. Documents relating to U.S. military trainers in Somalia, including the number of trainers, their location, and the character of the training they provided to the Somali Armed Forces, including all documents referencing the Office of Military Cooperation in Somalia
 14. Documents sufficient to show the United States Government's evaluation of the military capabilities of the Somali Armed Force
 15. The classified version of the CIA Factbook regarding Somalia during the Siad Barre regime
 16. The DoD's Congressional Presentation Documents regarding Somalia during the Siad Barre regime
- C. **Documents relating to U.S. interaction with representatives of the Siad Barre regime, such as:**
1. Documents relating to any meetings between U.S. ambassadors to Somalia Robert Oakley (1982-1984) Peter Bridges, (1984-1986), and Frank Crigler (1986 to

- 1989) and Somali government officials about human rights abuses committed by the Somali Armed Forces or security services
2. Documents relating to any meetings between U.S. ambassadors to Somalia Robert Oakley (1982-1984) Peter Bridges, (1984-1986), and Frank Crigler (1986 to 1989) and Mohamed Ali Samantar
 3. All communications between representatives of the Department of State and the U.S. embassy in Mogadishu relating to human rights abuses committed by the Somali Armed Forces or security forces
 4. Documents relating to any meetings between U.S. Department of State personnel in the U.S. embassy in Mogadishu and the Somali Ministry of Defense including but not limited to meetings with Mohamed Ali Samantar
 5. Documents relating to the participation of Mohamed Ali Samantar in the International Military and Education Training program
 6. Documents relating to the participation of Yusuf Abdi Ali in the International Military and Education Training program in 1986
 7. Documents relating to the participation of General Mohamed Gani in the International Military and Education Training program
 8. Documents relating to the participation of General Mohamed Said Hirsi (also known as General Morgan), in the International Military and Education Training program
 9. Documents relating to the participation of General Aden Abdullahi in the International Military and Education Training program
 10. Documents relating to the content/curriculum of the International Military and Education Training program in 1986 and at the time of Mohamed Ali Samantar's, General Mohamed Gani's, General Mohamed Said Hirsi's, and General Aden Abdullahi's participation in the program