

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

AMERICAN CIVIL LIBERTIES
UNION OF MINNESOTA,

Plaintiff,

Civil File No. 09-CV-139 DWF/JJG

DECLARATION OF
KHALID ELMASRY

v.

TAREK IBN ZIYAD ACADEMY; et
al.,

Defendants.

Pursuant to 28 U.S.C. § 1746, I, Khalid Elmasry, declare that:

1. I reside at 2693 Red Splendor Circle East, Maplewood, Minnesota 55119.

My cousin, Hesham Hussein, was instrumental in the founding of TIZA and, until he passed away, held prominent positions with TIZA and the Muslim American Society of Minnesota. At his request, I previously served on the Board of Directors of the Minnesota Education Trust and have previously served as an informal advisor to TIZA, Mr. Hussein, and Asad Zaman. My daughter attended TIZA for kindergarten in the 2008-2009 school year.

2. I received a phone call from a friend and TIZA parent who prefers to not be identified on Saturday, January 16, 2010, asking me if I knew what the TIZA parent meeting was about that was scheduled for that day. I told him I did not and was unaware of a scheduled meeting. He explained that he had gotten a flier from his children who

attend the school. It was sent home to parents announcing a meeting for parents of TIZA students. He explained that he would probably attend and let me know what happened.

3. The parent called me later that evening and seemed upset. He explained that he had attended the meeting. He explained that when parents arrived, they were asked to sign in and were shown a 30 to 40 minute video of me. The video was of my testimony to a Minnesota State Senate Committee investigating lease aid for public charter schools in Minnesota. He explained that after the video, Asad Zaman got up and spoke to the attendees. Zaman did not address the claims I made in my testimony. Instead, he made personal attacks against me. He stated that I am the cousin of Hesham Hussein, the founder of TIZA and former Muslim American Society of Minnesota President who died two years ago.

4. Zaman went on to say that after Hesham died, I wanted to inherit TIZA for myself. He stated that I applied for a job at TIZA and after he reviewed my credentials, he decided against hiring me and gave the job to Magdy Rabeea instead because he was more qualified. These statements are false. I had and expected no formal association with TIZA, and never applied for a job there. Zaman had made similar claims at a parent meeting on July 5, 2009, which I took then as and still believe to be an attempt to discredit me and intimidate me. I have also heard from a number of people that he has made these false claims repeatedly since this past summer when he learned I had spoken to the Minnesota Department of Education. The parent went on to tell me that he asked Zaman if he had any proof of his claims. Zaman did not.

5. The parent then said that Zaman said that I have complained to the Department of Education about TIZA. Zaman then said, "It is very easy for anyone to go to the Department of Education and talk to them and sell their Iman [Islamic Faith]." I asked the parent if it was clear to him and others that Zaman was implying that I had sold my Iman. He replied that it was.

6. Zaman has knowledge of the fact that I have spoken to the Minnesota Department of Education along with the Senate committee. He also has knowledge of the fact that I am a witness for the ACLU's lawsuit against TIZA. He has been involved in a campaign of defamation and intimidation against me that has intensified over the past months. He has been spreading lies about me being disgruntled and wanting to shut TIZA down.

7. The TIZA parent explained to me that it seemed like there were "puppets" staged in attendance who got up to defend Zaman's claims and to bad mouth me and that it seemed like an orchestrated attempt to intimidate parents into believing that talking to any outside sources will shut the school down and be a violation of their Islamic faith. Another parent, Sameh Elshabana, got up and argued with the parent and lunged at him and they had to be separated. Elshabana seemed to be taking issue with the parent asking Zaman for proof about his false claims against me. The parent felt threatened and called 911, but hung up before the call was answered.

8. Zaman's recent false claim of me selling my faith is taken by me as a clear attempt to intimidate me from further testimony. I also take it as an attempt to incite violence against me and my family. It is well known in Islam that a Muslim who rejects

his or her faith is committing an act punishable by death. And there are many accounts of Muslims taking matters into their own hands and killing people they believe have sold or rejected their Islamic faith or Iman.

9. The overwhelming majority of TIZA' s enrollment is Somali, living in a community that has been troubled with many acts of random violence. I am concerned that Zaman could be exploiting this fact in the hope that word will reach a radical or unstable individual or group within the Twin Cities Muslim community that a Muslim has sold his Iman and is trying to shut down a Muslim school that serves Somalis.

10. This is a very troubling development that has me seriously concerned for the safety of my family and for my own safety. Because of these claims, I am considering refusing to serve voluntarily as a witness in the ongoing case.

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

Executed this 20th day of January, 2010.

s/Khalid Elmasry
Khalid Elmasry