



THE CENTER FOR JUSTICE & ACCOUNTABILITY

Bringing Human Rights Abusers To Justice.

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Contacts:

Center for Justice & Accountability (San Francisco, CA):

Helene Silverberg, Attorney, (415) 544-0444 x308, hsilverberg@cja.org

Sandra Coliver, Executive Director, (415) 544-0444 x305, cell: (202) 422-4837

Cooley Godward LLP (Reston, VA):

Bob Vieth, Partner, (703) 456-8082

FORMER SOMALI PRIME MINISTER AND MILITARY OFFICER FACE LAWSUITS IN U.S. COURT FOR TORTURE, MURDER, CRIMES AGAINST HUMANITY

ACCUSED SOMALI WAR CRIMINALS LIVE IN VIRGINIA

Fairfax County, Virginia; Nov. 11, 2004. Mohamed Ali Samatar and Yusuf Abdi Ali (a.k.a. Tokeh), both residents of Virginia, were served within the last 24 hours with lawsuits accusing them of responsibility for war crimes and other human rights abuses committed in Somalia in the 1980s during the brutal military regime of Somali dictator Siad Barré. The suits were filed by the Center for Justice and Accountability (CJA) and Cooley Godward, LLP on behalf of several individuals who survived torture or lost loved ones under the regime. Ali Samatar was Minister of Defense of Somalia from 1980 to 1986 and Prime Minister from 1987 to 1990. He was served with the lawsuit at his home in Fairfax, Virginia. Tokeh was a commander of a Somali Army battalion from 1984 to 1989. He now lives and works in Alexandria, Virginia. The lawsuits were filed in Alexandria, in the U.S. District Court for the Eastern District of Virginia.

During the 1980s, the Somali Armed Forces committed egregious human rights abuses against civilians, most of them members of the Isaaq clan, who were perceived as potential opponents of the Barré government. No person – in Somalia or elsewhere – has ever been held legally responsible for the abuses committed by the military government.

Both defendants are being sued under the internationally-recognized doctrine of “command responsibility” whereby a military commander may be held responsible for

human rights abuses committed by subordinates if the commander knew, or should have known, about the abuses and failed to take all reasonable measures to prevent them or to punish the offenders. The defendants are also accused of conspiring with and aiding and abetting subordinates in abuses.

Lead attorney for the plaintiffs, Bob Vieth of the Reston, Virginia, office of Cooley Godward, LLP, stated, "We are committed to achieving justice for our clients who suffered so severely at the hands of these two individuals. These men should not be permitted to live in impunity in the United States."

Sandra Coliver, Executive Director of the Center for Justice & Accountability, which launched the lawsuit, stated, "It is outrageous that war criminals like these two men can live in the United States, just a few miles from the nation's capitol. Although the plaintiffs in these actions are from the Isaaq clan, we are not simply seeking justice for this clan, but for all people who have suffered severe repression under the military regime of Siad Barré. We hope that survivors from other clans will come forward."

Ali Samatar is accused of overseeing widespread and systematic use of torture, rape, prolonged arbitrary detention in solitary confinement, and indiscriminate mass executions.

Among the plaintiffs who filed suit against him is Bashe Abdi Yousuf. Bashe was a young businessman in 1981 when he was arrested by Somali security forces. He was charged with high treason, a crime that carried a mandatory death sentence by hanging, for his participation in a group seeking to improve conditions at a local hospital. He was severely tortured and tried before a kangaroo court, then spent nearly seven years in solitary confinement in a small prison cell approximately 6 feet by 6 feet.

Bashe is now a U.S. citizen living in Atlanta, Georgia. He had this to say about filing this historic lawsuit: "I was fortunate to survive, but many others did not. I hope with this lawsuit to give voice to the many people who suffered and the many people who died because of these men. I hope the lawsuit also sends a message that perpetrators of human rights will be held accountable for their crimes. The United States should not provide a safe haven to individuals who have committed gross human rights abuses around the world."

Other plaintiffs against the former Prime Minister include:

- A farmer arrested with his two brothers by Somali Army soldiers while tending the family's camels. Although he narrowly escaped execution, his brothers were murdered.
- A woman arrested when she was just a high school student, who was tortured and raped at regional Army headquarters. She was held in solitary confinement for 3½ years.

- A noncommissioned officer in the Somali Army who was rounded up with other Isaaq officers and shot by a firing squad. He received only a flesh wound and hid himself under the bodies of his dead friends until the soldiers left and he was able to escape.
- A college student who was also shot and left for dead by Army soldiers and security forces. He was buried in the sand on a beach near the Somali city of Jezira, where he remained until the soldiers left the beach and he was able to escape.
- A man whose four brothers were murdered during the Jezira Beach massacre.

Tokeh was a notoriously brutal military leader in the Gebiley region of northern Somalia. Soldiers under his direct command routinely tortured and murdered alleged opponents of the government, killed and looted livestock, blew up water reservoirs and destroyed homes. He personally ordered the torture and murder of civilians he claimed were helping the political opposition to the Barré government. In 1986, he graduated from a training program for foreign military officers at the U.S. Army Command and General Staff College in Fort Leavenworth, Kansas.

Two Somali farmers have filed the suit against Tokeh. Both were detained by soldiers under Tokeh's command, and both were tortured by these soldiers as well as by Tokeh himself. One, a woman, was four months pregnant in 1984 when she was detained. She lost her fetus as a result of the beatings she endured. She spent six years in a crowded prison cell with no window and only a single toilet. The second plaintiff was detained in December 1987 and severely tortured numerous times, often with Tokeh present. On one occasion, Tokeh shot him several times and ordered his bodyguards to bury the man.

The lawsuits were filed by the Center for Justice & Accountability (CJA) and the law firm of Cooley Godward, LLP (www.cooley.com). CJA, based in San Francisco, has obtained favorable jury verdicts in similar cases involving a total of six human rights abusers from Bosnia, El Salvador, Chile, and Indonesia who had come to live in the US. Cooley Godward LLP, is an internationally respected law firm that joins CJA in this action as part of its award-winning *pro bono* practice.

A photo of Ali Samatar is available upon request. For additional information about the case, please see CJA's website: <http://www.cja.org/>.