

Thursday, November 11, 2004

Somali Expatriates Charged With War Crimes

Two Men Accused Now Live in Northern Virginia

By William Branigin

A California-based human rights group has filed lawsuits accusing two Somali residents of Northern Virginia of war crimes, including ordering torture, killings, rapes and other acts of brutality against a rival clan during the 1980s when they held positions of power in their homeland.

Mohamed Ali Samatar, a former defense minister and prime minister of Somalia, and Yusuf Abdi Ali, a former colonel who commanded a notorious Somali Army battalion, were accused of bearing responsibility for human rights violations committed during the military regime of the late Somali president Mohamed Siad Barre, who was deposed in 1991.

The lawsuits, seeking unspecified damages, were filed in federal court in Alexandria Wednesday by the San Francisco-based Center for Justice and Accountability and the Reston law firm of Cooley Godward LLP on behalf of eight Somali plaintiffs.

They represent the latest effort by private groups to hold accountable alleged human rights violators who have found safe haven in the United States, sometimes by abusing the country's political asylum process.

Human rights groups say hundreds of war criminals from various countries have found refuge in the United States, living quiet lives in places such as suburban Washington. Although U.S. immigration law has provisions

designed to keep them out and to deport them if they are found, enforcement has often been lax, victims' advocates complain.

Samatar, a resident of Fairfax, came to the United States in the early 1990s after his wife was granted political asylum. Abdi Ali, known to Somalis by his nom de guerre, Tokeh, meaning "the crow," received military training in the United States in 1986 and 1990 and sought refuge in Canada when the Siad Barre government collapsed. He landed in the United States after he was deported from Canada in 1992 because of his human rights record, and he eventually prevailed in a six-year legal battle with U.S. immigration. He now lives and works in Alexandria.

"These cases once again illustrate the need for reform of the immigration laws," said Sandra Coliver, executive director of the Center for Justice and Accountability. "The immigration service knew since at least 1992 that these men were in the U.S., and they had clear evidence of their participation in egregious human rights violations."

Bob Vieth, an attorney with Cooley Godward, said Samatar and Abdi Ali "should not be permitted to live in impunity in the United States."

Abdi Ali, reached at his home in Alexandria, refused to comment, saying he needs to consult with his lawyer.

According to Somali human rights activists, Samatar was responsible for a devastating aerial bombing campaign that killed thousands of civilians in the northern Somali city of Hargeisa in 1988 during efforts to crush an insurgency by an Isaaq-clan opposition group called the Somali National Movement.

U.S. immigration officials who tried to deport Abdi Ali have said he ordered the execution of more than 100 unarmed Isaaq men in northern Somalia at around the same time.

In filing the lawsuits, the center hopes to build on previous successes in suing foreign human rights violators in the United States -- if not actually collecting on the judgments.

In a case filed by the center last year, a federal judge ordered two former Salvadoran defense ministers living in Florida to pay damages to torture victims, including Juan Romagoza, who runs a clinic for the indigent in Washington, D.C. In a separate case in September, another former high-ranking Salvadoran, a resident of Modesto, Calif., was found responsible for involvement in the 1980 assassination of Salvadoran Archbishop Oscar Romero and ordered to pay \$10 million to one of the cleric's relatives.

Among the plaintiffs in the suit against Samatar is Bashe Abdi Yousuf, a former businessman in northwestern Somalia and Isaaq clan member who lives in Atlanta.

He says he was arrested in November 1991 for participating in a group that sought to improve conditions at a local hospital, repeatedly tortured and held in solitary confinement in a small windowless cell for more than six years. He fled Somalia after he was released from prison in 1989 and arrived in the United States in 1991.

"I was fortunate to survive, but many others did not," Yousuf said in a statement. He said he hopes the lawsuit "sends a message that perpetrators of human rights [abuses] will be held accountable for their crimes." Five other plaintiffs in the suit -- four men and a woman -- are anonymous because they fear reprisals if they are identified, Coliver said. Four of the five still live in Somalia, and one is in Kuwait.

They include a farmer who was arrested with his two brothers while tending the family's camels in northern Somalia in 1984, according to the complaint against Samatar. The brothers were among

45 prisoners who were summarily executed, the complaint says.

Another plaintiff is a woman who was allegedly tortured and raped repeatedly during more than four years of imprisonment.

In addition, a former noncommissioned officer in the Somali army alleges that he survived a massacre of fellow Isaaq members of the military in June 1988. The two other plaintiffs against Samatar are a former college student who says he was shot and left for dead in a July 1989 mass execution at Jezira Beach south of the capital, Mogadishu, and a mechanic who says he lost four brothers in the same massacre.

The lawsuit charges that Samatar, as defense minister from 1980 to 1987 and prime minister from 1987 to 1990, "exercised command and control over the Armed Forces of Somalia" and "conspired with or aided and abetted subordinates" in committing acts of torture, extrajudicial killing, rape, arbitrary

detention, war crimes and crimes against humanity.

The complaint against Abdi Ali was filed on behalf of two anonymous Somali farmers, also members of the Isaaq clan, who alleged they were tortured by soldiers under the colonel's command as well as by Abdi Ali himself.

One, a woman, says she was four months pregnant in 1984 when she was detained and that she lost her unborn baby as a result of beatings. On one occasion, she alleges, she was beaten during interrogation by Abdi Ali himself. She spent six years in a crowded cell in Hargeisa before she was released in 1990, she says.

The second plaintiff alleges he was severely tortured, often in Abdi Ali's presence, after being detained in December 1987. He says Abdi Ali shot him in March 1988 and ordered guards to bury him, but that the guards subsequently realized he was not dead and took a bribe from his family in return for releasing him.