



After 6 years, judge denies immunity for former Somali prime minister now living in US

By Matthew Barakat (CP)
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MCLEAN, Va. — A judge has denied legal immunity to a former Somali prime minister now living in northern Virginia who is accused in a federal lawsuit of torture and war crimes.

The judge's ruling, issued Tuesday in U.S. District Court in Alexandria, represents a significant reversal in the case against Mohamed Ali Samantar, who was a defence minister and prime minister of Somalia in the 1980s during the regime of dictator Siad Barre.

Two Somali men filed the lawsuit against Samantar in 2004, alleging that he oversaw abuses committed as part of the government's campaign of repression against the Isaaq clan in the northern part of the country.

But the case has languished in courts for more than six years. In 2007, U.S. District Judge Leonie Brinkema dismissed the case and determined that Samantar was entitled to immunity under federal law.

But last year, the U.S. Supreme Court sent the case back to Brinkema for further deliberation on whether Samantar deserved immunity.

Brinkema changed course this week after receiving a rare "statement of interest" from the State Department which said Samantar should not be entitled to immunity. The State Department reasoned that Samantar was not qualified for immunity because there is no recognized government in Somalia that can request immunity on his behalf.

Brinkema had requested guidance from the State Department back in 2006 and 2007 when she made her initial determination, but the State Department, then under the administration of George W. Bush, never provided any guidance.

The Center for Justice and Accountability, which filed the lawsuit against Samantar on the plaintiffs' behalf, said it is extremely unusual for the State Department to issue a statement of interest that recommends against immunity.

While the government determined that Samantar ought not be granted immunity, it made clear in its legal filing that it takes no view on whether the lawsuit against Samantar has merit.

Aziz Deria, one of the two plaintiffs who alleges that his father and other family members were killed by forces directed Samantar, said he is looking forward to the day when Samantar will have to answer his accusers in court.

Deria said he pursued the prosecution despite large pockets of opposition in the Somali-American community, which does not want to dredge up the past, or remembers Samantar as a military hero in Somalia's war against Ethiopia.

"He was a great military man, and a lot of people respect him," Deria, 46, said in a phone interview from Washington state. "But at the end of the day, he used the same army that he used to defeat Ethiopia to defeat his own people."

Samantar's lawyer, Joseph Peter Drennan, is now seeking to dismiss the lawsuit on other grounds. Drennan said Samantar denies the allegations, and Drennan said that a U.S. court is not the place to settle inherently political questions of who was right and who was wrong in a civil war more than two decades old.

Drennan also said the lawsuit seeks to hold Samantar accountable for alleged atrocities committed against the Isaaq clan without any direct evidence that Samantar participated in those abuses.

"He appears to be the target of this litigation mainly because he was a diplomat in the Siad Barre government and because he happens to live here" in the U.S., Drennan said.

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