

Ex-Somali official Mohamed Ali Samantar may be sued in U.S., Supreme Court rules

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A group of Somalis who allege torture and killings by the former government of their homeland may pursue their lawsuit against a former prime minister now living in Fairfax County, the Supreme Court ruled Tuesday.

The justices ruled unanimously that a federal law that protects foreign governments from lawsuits filed in the United States does not cover individuals such as Mohamed Ali Samantar, who was defense minister and prime minister in the 1980s and early 1990s in the now-ousted government of Mohamed Siad Barre.

While Samantar's interpretation of the Foreign Sovereign Immunities Act is "literally possible," Justice John Paul Stevens wrote for the court, a close reading "supports the view of respondents and the United States that the Act does not address an official's claim to immunity."

The court warned that its decision was narrow and that Samantar might have other legal claims of immunity when a district court reconsiders the suit. "Whether petitioner [Samantar] may be entitled to immunity under common law, and whether he may have other valid defenses to the grave charges against him, are matters to be addressed" by lower courts, Stevens [wrote](#).

But the legal organization that represented those who sued Samantar said the decision gives teeth to the remedy Congress supplied to let victims recover damages from those who have moved to the United States after committing human rights violations in their home countries.

"Faced with a choice between accountability and immunity, the Supreme Court squarely came down in favor of accountability," said Pamela Merchant, executive director of the Center for Justice and Accountability in San Francisco. "Congress passed the Torture Victims Protection Act because they did not want torturers who have committed serious human rights crimes to seek safe haven in the United States. The Supreme Court's decision means that the U.S. will not serve as a safe haven."

Lawyers for Samantar and some members of the diplomatic corps had argued to the court that a decision in favor of Bashe Yousef and four other Samantar accusers could have powerful foreign policy implications, and could open U.S. officials to lawsuits in foreign courts.

The case is *Samantar v. Yousef*.