



Court revives lawsuit against former Somali PM

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By **MATTHEW BARAKAT**, Associated Press Writer

ALEXANDRIA, Va. —

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A federal appeals court has reinstated a human rights lawsuit against a former prime minister of Somalia who is accused of overseeing killings and other atrocities.

The 4th U.S. Circuit Court of Appeals in Richmond ruled Thursday that plaintiffs can sue Mohamed Ali Samantar of Fairfax, Va., who was defense minister and prime minister of Somalia in the 1980s and early 1990s under dictator Siad Barre.

The lawsuit alleges that Samantar was responsible for killings, rapes and torture, including waterboarding, of his own people while in power, particularly against disfavored clans.

The lawsuit was filed in 2004 at federal court in Alexandria under the Torture Victim Protection Act. U.S. District Judge Leonie Brinkema tossed out the case in 2007, ruling that Samantar was entitled to immunity under a separate U.S. law, the Foreign Sovereign Immunities Act.

But the appellate court ruled that the law does not extend immunity to individuals, only to foreign states themselves and their agencies.

The ruling sets up a split among federal circuits. The 9th U.S. Circuit Court of Appeals in California, for instance, has ruled that individuals are eligible for immunity under the law.

Samantar's lawyer, Fred B. Goldberg, said Friday that he intends to appeal — he can ask to 4th Circuit for a rehearing or appeal to the U.S. Supreme Court. The fact that a circuit split exists makes it more likely that the Supreme Court would agree to hear an appeal, he said.

Samantar has declined numerous requests for an interview.

Pamela Merchant — executive director for the San Francisco-based Center for Justice and Accountability, which brought the suit on behalf of several Somali plaintiffs, said it only makes sense that Samantar, who has lived in the U.S. for more than 10 years, should be subject to U.S. law.

"It is an important step in ensuring that human rights abusers who seek safe haven in the U.S. will be held accountable in our courts," she said in a statement.

The appeals court's ruling was unanimous, with Judge William B. Traxler, an appointee of Bill Clinton, writing the opinion, joined by Judge Robert B. King, also a Clinton appointee. Judge Allyson Kay Duncan, an appointee of George W. Bush, writing a concurring opinion that differed only on one small point.

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