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CJA STATEMENT ON THE DISMISSAL OF THE HUMAN RIGHTS LAWSUIT AGAINST FORMER SOMALI GENERAL ALI SAMANTAR

(Alexandria, Virginia). On April 27, 2007, the Federal District Court for the Eastern District of Virginia dismissed the human rights lawsuit filed against former Somali General Mohamed Ali Samantar for his role in torture, extrajudicial killing, war crimes and other abuses committed against the civilian population of Somalia in the 1980s. The plaintiffs in this case, represented by San Francisco-based human rights organization Center for Justice & Accountability (CJA) and pro bono co-counsel from Cooley Godward Kronish LLP in Reston, Virginia, will appeal the decision. General Samantar left Somali in 1991 and currently resides in Fairfax, Virginia.

The judge ruled from the bench and will issue a written opinion at a later date. She stated that the Foreign Sovereign Immunities Act (FSIA) prevents the plaintiffs in this case, who are victims of torture and other abuses, from bringing a case in the US against a former foreign official such as General Samantar. The judge's ruling did not address the merits of the case which alleges that General Samantar had command responsibility for torture, killing and other abuses committed by his troops. The judge did address the severity of the claims against General Samantar when she stated, "And I want to make sure it's understood clearly that the allegations are obviously very serious. The kind of conduct that is described in the complaint is conduct that civilized societies ought not to tolerate."

Pamela Merchant, Executive Director of CJA stated, "While General Samantar is living in Northern Virginia and enjoying impunity, the people who suffered under his military command still wait their opportunity for accountability. We are disappointed with the court's ruling, but we are confident that we will prevail on appeal."

CJA has been successful in several other suits for similar abuses committed by high-ranking former officials from a number of countries. The case against General Samantar, like these other cases, was brought under the Alien Tort Statute (ATS) and the Torture Victim Protection Act (TVPA).

The case against General Samantar details the torture and mass-killings of the Somali people by members of the military under Samantar's command. During the period of brutal military dictatorship of the 1980s, General Samantar held the top military position in the country. The stories of survival and loss of CJA's clients and plaintiffs in this case represent a small sampling of the abuses committed by General Samantar's army:

- In 1981, members of Samantar's military arrested and tortured Bashe Abdi Yousuf for joining a student group dedicated to improving conditions in local schools and hospitals. They kept him in solitary confinement for six and a half years.
- In 1984, General Samantar's soldiers arrested John Doe I and his two brothers while they tended their camels and other livestock in a rural area of Somalia. Soldiers tortured the three

brothers for four days. On the fourth day, John Doe I's brothers were brought before an army firing squad and executed.

- In 1985, Jane Doe, a secondary school student, was arrested and brought to the local military headquarters. Men in uniform subjected her to various forms of torture. She was raped at least fifteen times. Jane Doe spent three and a half years in jail.
- In the spring of 1988, General Samantar's subordinates began arresting and summarily executing members of their own army from the Isaaq clan. John Doe II, a non-commissioned officer and mechanic in the army, was among those arrested and put in front of the firing squad. He suffered only flesh wounds from the shots, but had to hide among the dead bodies until the soldiers left.
- In June 1988, the brutality of the Somali National Army reached a peak with the indiscriminate bombing of the populated city of Hargeisa. During the bombardment, Aziz Deria lost his father and brother who were abducted by twenty soldiers who stormed the family's home while they hid from the bombing. The father and son were never seen again.

While a setback, this recent development does not mark an end to the on-going commitment to justice shared by all those who suffered under General Samantar's command. CJA commends their courage and dedication, and will honor their commitment through continued zealous advocacy for accountability.

CJA is a San Francisco-based human rights organization that works to end impunity by bringing to justice perpetrators of human rights abuses, especially those who live in or visit the United States. www.cja.org. Cooley Godward Kronish LLP serves pro bono co-counsel with CJA in the representation of Somali survivors of torture and other human rights abuses.

For more information and background on the case, please visit www.cja.org.