



THE CENTER FOR JUSTICE & ACCOUNTABILITY

Bringing Human Rights Abusers To Justice.

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**U.S. SUPREME COURT TO REVIEW HUMAN RIGHTS CASE AGAINST FORMER  
SOMALI DEFENSE MINISTER**

**Somali Defense Minister Seeks to Evade Accountability for Atrocities;  
Survivors Continue to Seek Their Day in Court**

*Washington, D.C., September 30, 2009:* The U.S. Supreme Court has agreed to review the first human rights case ever filed addressing human rights abuses committed in Somalia during the brutal Siad Barre regime. The key issue under review is whether the defendant in the case, Fairfax Virginia resident and former Somali General and Defense Minister Mohammed Ali Samantar, is immune from civil suit in the U.S. for human rights abuses committed in Somalia. No person has ever been held legally responsible for the abuses committed by the military government against the civilian population of Somalia in the 1980s.

"This case stands for the proposition that the U.S. cannot be a safe haven for human rights abusers like Samantar and we are confident that the Supreme Court will not allow U.S. law to be manipulated to undermine this principle," said the Center for Justice and Accountability's Executive Director, Pamela Merchant. Currently, survivors of torture, extrajudicial killing and other grave human rights abuses can seek justice against their abusers in U.S. courts under the Torture Victim Protection Act (TVPA), provided these abusers are found in the U.S. In 1991, President George H.W. Bush signed the TVPA into law, laying out in clear terms the commitment to make U.S. courts available to survivors of international human rights violations.

The suit, *Yousuf v. Samantar*, was brought by the Center for Justice and Accountability (CJA) and pro bono co-counsel Cooley Godward Kronish LLP on behalf of five torture survivors: Bashe Abdi Yousuf, a young business man detained, tortured, and kept in solitary confinement for over six years; Aziz Mohamed Deria, whose father and brother were abducted by officials and never seen again; John Doe I, whose two brothers were summarily executed by soldiers; Jane Doe, a university student detained by officials, raped 15 times, and put in solitary confinement for over three years; and John Doe II, imprisoned for his clan affiliation, who was shot by a firing squad, but miraculously survived by hiding under other dead bodies.

The suit was filed in the U.S. District Court for the Eastern District of Virginia in 2004 and was dismissed on sovereign immunity grounds in 2007. The district court ruled that the Foreign Sovereign Immunities Act (FSIA) immunized former General Samantar from

civil suit in the United States. On January 8, 2009 the U.S. Court of Appeals for the Fourth Circuit reinstated the case and held that the FSIA would not immunize General Samantar from suit. For a copy of the decision and more information and background on the case, please visit [www.cja.org](http://www.cja.org).

CJA is a San Francisco-based human rights organization dedicated to deterring torture and other severe human rights abuses around the world and advancing the rights of survivors to seek truth, justice and redress. CJA uses litigation to hold perpetrators individually accountable for human rights abuses, develop human rights law, and advance the rule of law in countries transitioning from periods of abuse.