

For Immediate Release  
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Contact: Lisa Cohen, 310-395-2544  
lisa@lisacohen.org

**CENTER FOR JUSTICE AND ACCOUNTABILITY FILES  
RESPONDENTS' BRIEF WITH U.S. SUPREME COURT IN  
*SAMANTAR v. YOUSUF***

*Court to Decide if Former Foreign Government Officials Who Use Torture,  
Rape and Killing As Tools of Repression Are Above the Law, or Whether  
Those Who Avail Themselves of All The Benefits of Living in the U.S. Must,  
Like all Other Americans, Submit Themselves to U.S. Law*

Washington, D.C. -- Today, the Center for Justice and Accountability (CJA) filed a brief with the United State Supreme Court on behalf of the respondents in the case of *Samantar v Yousuf*, NO. 08-1555. In this case, the Court will decide if former foreign government officials – who, after using their power to order torture, rapes, and killings of innocent civilians -- can choose to live in the United States while refusing to submit to its laws and refusing to accept responsibility for their actions.

Mohamed Samantar, the former Defense Minister of Somalia who has lived in Fairfax, Virginia for over ten years, headed the Somali military, which engaged in the rampant use of torture, rape, and summary execution to eliminate members of disfavored ethnic groups and political opponents. The five plaintiffs in the case, including two U.S. citizens, are survivors of the torture or representatives of family members who were killed under Samantar's command in Somalia. This is the first human rights case ever filed addressing human rights abuses committed in Somalia during the brutal Siad Barre regime.

The plaintiffs are Mr. Bashe Abdi Yousuf, an American citizen who, as a young business man was detained, tortured, and kept in solitary confinement for over six years; Aziz Mohamed Deria, also an American citizen, whose father and brother were abducted and killed by officials and never seen again; John Doe I, whose brothers were summarily executed by soldiers; Jane Doe, a university student who was detained by officials, raped 15 times, and put in solitary confinement for over three years; and John Doe II, who was imprisoned for his clan affiliation and shot by a firing squad, but who miraculously survived by hiding under other dead bodies.

“In this case, the Court will determine whether or not former foreign government officials who come to America and enjoy the benefits of being and living in America are above the law in a way that nobody else is in this democratic country,” stated Pamela Merchant, Executive Director of the Center for Justice and Accountability.

The Center for Justice and Accountability is working with lead Supreme Court counsel Patricia Millett of Akin Gump Strauss Hauer & Feld LLP and co-counsel Cooley Godward Kronish LLP on this matter. This case is part of Akin Gump's pro bono human rights & refugee practice.

CJA and Cooley Godward filed this civil lawsuit under the Torture Victim Protection Act (TVPA) seeking damages on behalf of the 5 survivors. The TVPA, passed by Congress in 1991, states that foreign government officials who torture and kill - including those who torture and kill U.S. citizens - are not above the law and must be held accountable for their actions. According to the TVPA, when the alleged torturer has chosen to live within U.S. borders and an effective judicial system is unavailable in the country where the crimes were committed - as is the case in Somalia - the torturer can be held accountable under the laws of the United States. Congress passed TVPA and President George H. W. Bush signed it into law because they did not want torturers who have fled from their crimes to seek safe haven in the United States.

Samantar responded to the complaint by arguing that he is protected under the Foreign Sovereign Immunities Act (FSIA), which provides a foreign state with immunity from lawsuits in the U.S. The Supreme Court will decide whether Samantar - a former government official who was sued in his personal capacity- is immune from civil suit in this case.

Akin Gump Strauss Hauer & Feld LLP and Cooley Godward Kronish LLP are pro bono co-counsel for the case before the Supreme Court. Amici curiae briefs in support of the respondents will be filed on January 27 and oral arguments are scheduled for March 3 at 10:00am. To view the brief filed today, go to [www.cja.org](http://www.cja.org).

### **About Center for Justice and Accountability**

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.

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