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Somali In US Can be Sued For Torture

3:18 PM PDT, June 1, 2010

Washington... Victims of torture at the hands of foreign government officials won a victory in the Supreme Court Tuesday, when the justices ruled federal law does not automatically shield ex-officials from being sued for ordering killings and the abuse of prisoners.

In a 9-0 ruling, the high court rejected a claim of immunity from former Somali Prime Minister Mohamed Ali Samantar. While the Foreign Sovereign Immunities Act of 1976 shields foreign states from being sued in American courts, this shield does not protect the former officials of those states, the justices said.

Citing the words of Congress, Justice John Paul Stevens said "there is nothing to suggest we should read 'foreign state' to include an official acting on behalf of the foreign state."

The ruling clears away a major obstacle facing several former Somali citizens who say they and their families were subjected to killings and torture at the hands of Somali officials. They sued Samantar because he was living comfortably in retirement in northern Virginia. During the 1980s, he served as vice president and minister of defense in the brutal regime of Mohammed Siad Barre.

The lead plaintiff, Barre Yousuf, was at the Supreme Court in March when his case was heard and afterward described the killings and abuse carried out by Somali troops. "I was tortured with an electric shock and waterboarded," he said.

He sued Samantar under the Torture Victims Protection Act of 1991, but a judge had blocked the suit on the grounds that his claim conflicted with the other law giving immunity to foreign states.

"We are very thrilled with the court's decision today. Faced with a choice between accountability and immunity, the Supreme Court squarely came down in favor of accountability. It means that our clients and their families, who are victims of torture, rape and murder, will now be able to hold Mr. Mohamed Samantar, the man who is responsible for these horrific actions, accountable," said Pamela Merchant, executive director of the San Francisco-based Center for Justice and Accountability, which represents the Somali plaintiffs.

Samantar denied being responsible for torture and said his government was fighting a civil war against dissident groups.

It is not clear, however, that the ruling in *Yousuf v. Samantar* will open the courthouse door to other plaintiffs who sue ex-officials for torture and abuse carried out by other foreign regimes, particularly leaders of friendly states.

The State Department has insisted that such cases are "ordinarily appropriate for diplomatic, rather than legal, resolution," as the Obama administration told the justices in March and has been unwilling to permit prosecutions of ex-officials of friendly states. Somalia, by contrast, has had no functioning government for nearly 20 years.

Justice Stevens concluded his opinion by stressing the court was deciding only a "narrow" question. Even in Samantar's case, the ex-prime minister "may have other valid defenses to the grave charges against him," he said.

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