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Somali torture victim who sued former Ohio resident relieved after winning day in court



(Paul Vernon/ Associated Press) - In this Friday, May 31, 2013 photo, Abukar Hassan Ahmed, right, talks about the civil court case against former Somali Col. Abdi Aden Magan during an interview as Nushin Sakarati, from left: Staff lawyer for the Center for Justice and Accountability; Christina Hioureas with Chadbourne and Parke LLP; and Kathy Roberts, staff lawyer for the Center for Justice and Accountability look on at The Associated Press bureau in Columbus, Ohio. Ahmed is seeking damages against Magan who was found responsible last year for torture suffered by Ahmed in the 1980s.

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COLUMBUS, Ohio — Torture victim Abukar Hassan Ahmed was living in London when he decided several years ago to search again for the man he says crippled him during interrogations in Somalia in the 1980s.

It took just a half-hour Internet search in 2005 to locate the former government official then living in Ohio. Ahmed finally got the chance to tell his story in court last week after a federal judge ruled in his favor in a lawsuit against the official, Abdi Aden Magan.

“Justice is universal,” Ahmed told The Associated Press after the hearing. Those “who try to torture a human being will be brought to justice anywhere he is. That is my message.”

Ahmed, a former human rights advocate in Somalia, alleged in a 2010 lawsuit that the beatings he endured at Magan's direction make it painful for him to sit and injured his bladder to the point that he is incontinent. He is seeking more than \$12 million in damages, though he's unlikely to ever see the money. Magan is believed to be living in Kenya, where even if he had the funds, he would be out of reach of U.S. courts.

Ahmed says the torture occurred when Magan served as investigations chief of the National Security Service of Somalia, a force dubbed the "Black SS" or the "Gestapo of Somalia" because of techniques used to gain confessions from detainees.

Magan, who lived for several years in Columbus, didn't present any evidence to dispute the allegations that he directed subordinates in carrying out human rights abuses under the regime of former dictator Siad Barre, federal judge George Smith ruled in November.

Magan declined to comment to the AP when the lawsuit was first filed by the San Francisco-based Center for Justice and Accountability, which has brought a number of similar lawsuits against overseas government officials accused of torture.

Magan fought the allegations in court filings for a while but stopped responding to additional court motions last year.

His former Columbus attorney said Tuesday that Magan was caring for his sick mother in Kenya. Court documents list Magan as representing himself. An email requesting comment sent to the address listed for Magan on the court docket bounced back.

Initially, Magan argued that the lawsuit was filed in the wrong country and too long after the alleged abuse. He also said he was immune from prosecution as long as he was acting within his official capacity and on behalf of the government.

The fact that he stopped fighting the case doesn't outweigh the due process he received, said Kathy Roberts, a Center for Justice and Accountability staff attorney.

"When you think about the hundreds and thousands of Somalis who were denied due process under his command and under his rule, then it seems incredibly fair in this case," she said. "He just simply realized he was going to lose and preferred to lose in absentia."

Ahmed, 67, now legal adviser to the president of Somalia, divides his time between London and Mogadishu, Somalia's capital.

Last year, a federal judge in Virginia ordered the former prime minister of Somalia, Mohamed Ali Samantar, to pay \$21 million in compensatory and punitive damages to several members of the minority Isaaq clan, who said they suffered brutal repression — including torture and mass killings — under the Barre regime.

Even though Magan has no money, "these types of suits are important for the victims who are able to have their day in court, tell their story, and have an authority recognize their suffering," Michael Scharf, a professor of international law at Case Western University in Cleveland, said in an email.

http://www.washingtonpost.com/national/somali-torture-victim-who-sued-former-ohio-resident-relieved-after-winning-day-in-court/2013/06/04/9c348740-cd33-11e2-8573-3baeea6a2647_story.html#