

Center for Justice and Accountability

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

<https://cja.org/what-we-do/litigation/yousuf-v-samantar/>

Campaign and Advocacy

General Mohammed Ali Samantar, Somalias former prime minister and minister of defense, presided over the killings and torture of countless civilians in the 1980s. In 2004, CJA filed a civil suit against Samantar on behalf of Somali survivors. Samantar was found liable for human rights atrocities and ordered to pay \$21 million in damages to our clients. This historic case established the important precedent that simply having held a government office does not shield perpetrators of human rights crimes from prosecution.

The 1980s was the last decade that the Siad Barr dictatorship ruled with a bloody fist over Somalia but before its ultimate collapse, armed forces committed increasingly widespread and horrific atrocities mass detentions of political prisoners, torture, and murder.

Bashe Yousuf, then a young businessman, was arbitrarily detained, tortured, and kept in solitary confinement for over six years.

Aziz Derias father and brother were abducted by Somali soldiers, threatened with execution, and never seen again.

Buralle Mohamoud, a rural goat herder, was abducted and tortured by Somali soldiers, along with his two brothers, who were summarily executed.

Ahmed Gulaid, then a Somali soldier, was arbitrarily detained and shot by firing squad, but miraculously survived, waking up under the bodies of other Somali soldiers with whom he had served.

These are the stories from the four Somalis with CJAs help who filed a 2004 lawsuit in a U.S. district court against Mohamed Ali Samantar, Somalias former vice president, defense minister and prime minister. The suit claimed Samantar ordered the killings and torture of members of their clan.

CJA was able to file the suit in the United States because Samantar had moved to Fairfax, Virginia, where he has lived openly since 1997.

In 2012, in open court and in the presence of CJAs clients, Samantar finally accepted responsibility for his crimes. The U.S. district court awarded our clients \$21 million in damages.

In addition to being the first case ever to hold a Somali official accountable for human rights crimes committed under the Siad Barr regime, the case established two crucial precedents.

Although he raised no factual challenge to CJAs case, Samantar petitioned the U.S. Supreme Court claiming immunity for acts he said were taken in his official capacity, and therefore shielded by the Foreign Sovereign Immunities Act. But in 2010, the Supreme Court ruled that the Foreign Sovereign Immunities Act does not shield the conduct of individual officials.

Second, in 2012, the Fourth Circuit held that immunity for official acts cannot extend to torture, extrajudicial killing, or any other universally recognized human rights violations because no foreign official has the authority to commit international crimes.

CJA continued to advocate for General Samantars removal from the United States until his death on August 19, 2016.



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GERALD GRAY LEGACY CIRCLE

GERALD GRAY FOUNDED CJA IN 1998 AND CONTINUES
WORKING TO HELP TORTURE SURVIVORS TODAY.

Join the Gerald Gray Legacy Circle

To join, please let us know that you have included CJA in your estate plans, insurance policy, or planned giving instrument by contacting us at center4justice@cja.org. We will ensure your gift supports CJA's mission and welcome you to the Gerald Gray Legacy Circle.

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***"We will never catch all the torturers—but we will always catch some,
and none of them will ever know who is next."***