

MEDIA ADVISORY for Apr. 12, 2018

Contact:

Marie Condron, 213-925-9605, mlcondron@gmail.com

Josh Kamensky, 323-326-7438, joshkamensky@gmail.com

FORMER ISRAELI PRIME MINISTER EHUD BARAK SUED FOR DEATH OF AMERICAN CITIZEN IN HUMANITARIAN FLOTILLA RAID

9th Circuit Appeal Will Determine Whether Former Foreign Government Officials Are Above the Law

WHAT:

Press conference and hearing of a landmark appeal before the U.S. Court of Appeals, 9th Circuit, which will test the protections claimed by former foreign officials against a growing international demand for accountability in the face of gross abuses of human rights. The case of *Doğan v. Barak* seeks to hold former Israeli Prime Minister Ehud Barak accountable for his responsibility, as defense minister, in the unlawful death of humanitarian and American citizen Furkan Doğan.

WHO:

Civil rights attorneys **Dan Stormer** and **Brian Olney**, Hadsell Stormer Renick LLP
British barrister [Rodney Dixon](#) and solicitor **Sehriban Dogan** (no relation), experts in international human rights law, representing the **family of Furkan Doğan**, humanitarian and U.S. citizen unlawfully killed by IDF

WHERE:

Courtroom 3, 9th Circuit Court of Appeals, 125 S. Grand Ave, Pasadena, CA 91105.
The press will be held on the front steps of the building.

WHEN:

Thursday, April 12, 2018

8 a.m. press conference; 9 a.m. hearing

WHY:

Dogan v. Barak asks whether former foreign government officials should face no consequences for international human rights violations such as extrajudicial killing and torture, or whether their victims can demand justice in a civil court of law.

At a time that the operator of a black site associated with illegal torture has been nominated to head the U.S. Central Intelligence Agency, the question of accountability of government officials for human rights abuses is painfully topical.

In May 2010, Doğan was aboard the *Mavi Marmara*, one of a flotilla of six ships carrying 700 unarmed civilian human rights activists bringing humanitarian supplies to Gaza, when the civilian fleet was attacked by Israeli Defense Forces (IDF). At the time, Barak was Minister of Defense and was responsible for the operation. After boarding the *Mavi Marmara*, IDF forces killed nine of the passengers, and a tenth later died of their wounds. 18-year-old Doğan, born in Troy, NY, was filming the operation when he was attacked and killed.

“Furkan Doğan boarded the *Mavi Marmara* to bring aid to the people of Gaza,” said Hakan Camuz, representative of Doğan’s family and liaison to the ten *Mavi Marmara* passengers who were killed in the operation. “Commandos shot him five times, the final time to his head at point blank range. He was holding a video camera when he was executed. The man who orchestrated his execution should be held accountable.”

The case has proceeded through twists and turns. Barak was originally served a summons for wrongful killing pursuant to the Torture Victim Protection Act, the Anti-Terrorism Act and the Alien Tort Claims Act following an appearance at the Thousand Oaks Civic Arts Plaza in 2015. (The original complaint can be found at <http://cl.ly/dacJ>.)

The case came before Judge Otis Wright in a federal civil trial in the United States District Court, Central District of California. Judge Wright dismissed the case on grounds of foreign sovereign immunity.

However, a growing body of law suggests that such immunity may be more limited than previously held; a recent case before the 4th Circuit, *Yousuf v. Samantar*, denied immunity to Mohamed Ali Samantar for extrajudicial killing, torture, and arbitrary detention by government agents under his control while serving as Prime Minister and Minister of Defense of Somalia, contradicting outcomes such as Judge Wright’s decision and the *Matar v. Dichter* case before the 2nd Circuit granting immunity to the former head of the Israeli Security Agency. The appeal marks the first time these issues will be addressed by the 9th Circuit.

“We all know that governments can act with the lawlessness of pirates,” said Dan Stormer of Hadsell Stormer Renick LLP, the lawyer for the Doğan family in the United

States. “We all know that government officials can order death with the mercilessness of terrorists. What we don’t know, and what this case will show us, is whether our courts have the courage to call torture and murder by their proper names, or whether they’ll be cowed by official sanction of lawless acts.”

International law has also tightened the case for Barak’s civil responsibility, most notably the British House of Lords’ *Pinochet* decision denying official-acts immunity to a former Chilean head of state accused of directing widespread torture. As the *Yousuf* court explained, “In the decade following Pinochet, courts and prosecutors across Europe and elsewhere . . . commenced criminal proceedings against former officials of other nations for torture and other violations” of universally recognized human rights norms.

###