

# US firm wants Kenyan victims of 1998 attack compensated

Elvis Ondieki : 3-4 minutes : 8/6/2022

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Margaret Achieng Jow Prays during the 20th anniversary of the August 7, 1998 bombing of the US Embassy in Nairobi, at the August 7th Memorial Park in Nairobi on August 7, 2018.

Photo credit: Dennis Onsongo | Nation Media Group

An American firm that has been litigating for Kenyans seeking compensation over the August 7, 1998 bomb blast has proposed a law change in the US that may provide a path for local victims to be paid.

Musolino and Dessel, a firm based in Washington, sent its draft amendment to Congress in May.

It seeks to modify a number of provisions in the Justice for United States Victims of State Sponsored Terrorism Act, a law that has been in effect since 2015.

The law change seeks to include Kenyans and Tanzanians injured as a result of the twin bombings in Nairobi and Dar es Salaam as beneficiaries. For those who have died, their spouses or next of kin are to get the compensation.

The firm wants those who have secured court orders for compensation against terrorist groups to get their dues through the US government.

It mentions 351 Kenyans who were in a lawsuit against the group blamed for the 1998 carnage, al-Qaeda.

“In the suit, the District Court properly awarded individual damages against al-Qaeda in favour of 351 Kenyans of \$5 million in compensatory damages for non-economic injuries per plaintiff, plus prejudgement interest, plus \$150 million per eligible plaintiff as punitive damages,” the draft says.

“The court properly found that those damages, established during a bellwether evidentiary hearing, applied to eligible Kenyan victims of the 1998 embassy bombings.”

One amendment guarantees compensation to “a holder of a judgment, the surviving spouse or next of kin of a holder of a judgment against al-Qaeda in the federal litigation”.

The firm did not immediately respond to our queries on the progress of the proposal. A document by the US Department of Justice shows that it registered to lobby for congressional action on March 21.

The law change may finally bring relief to Kenyans who bore the brunt of the attack that took place this day 24 years ago.

Non-American victims have been left out of compensation programmes. A US lawyer explained to the Sunday Nation why that is the case.

“There is no law or legal basis in the US for Kenyan victims of the embassy bombing to claim compensation from the US,” said Lyle Solomon, a principal attorney at Florida-based Oak View Law Group.

He added that Congress “has been very proactive” in providing help to terrorism victims.

“It has established the Office for Victim Assistance, the Office of Justice for Victims of Overseas Terrorism and the Office for Victims of Crime. These help coordinate emergency help to victims and continue with assistance throughout their fight for compensation,” Mr Solomon said.

“Unfortunately, none of these rights are available to Kenyan victims of the 1998 attack.”

Because of a lack of appropriate laws, Mr Solomon said, American courts have dismissed cases filed by Kenyans against the US government.

“It is apparent that at this moment, there is no clear path for Kenyan victims of terrorism to enforce their rights or seek compensation from the US government,” he said.