Part III
ACTIONABLE HUMAN RIGHTS VIOLATIONS

Human rights cases in U.S. courts allege violations of a wide range of international law norms. The two chapters in this part discuss the substantive definitions of the violations, including both those that are specified by one or more authorizing statutes and those that rely on international law sources. Chapter 7 addresses over two dozen possible claims: historical violations that provide the “paradigm” for current Alien Tort Statute (ATS)\(^1\) claims; claims incorporated into one or more of the modern statutes; and additional international law norms that support claims under the ATS. Chapter 8 describes attempts to enforce human rights guarantees found in various treaties, including claims brought under the treaty provision of the ATS and claims brought directly under treaties.

\(^1\) 28 U.S.C. § 1350.
CHAPTER 7
HISTORICAL PARADIGMS, MODERN VIOLATIONS

A. INTRODUCTION

Each of the various statutes authorizing human rights litigation includes a distinct definition of which claims are actionable. The specific requirements of the major statutes, discussed at length in prior chapters, are summarized here:

- The Alien Tort Statute (ATS)\(^1\) is the broadest, authorizing claims for torts “in violation of the law of nations.”\(^2\) The Supreme Court in *Sosa v. Alvarez-Machain*\(^3\) defined such torts by reference to three international law violations recognized when the ATS was enacted in the late 18th century: piracy, safe conducts, and the rights of ambassadors. The Court concluded that the ATS triggers jurisdiction over human rights violations comparable to these historical paradigms in that they are widely accepted and clearly defined.
- The Torture Victim Protection Act (TVPA)\(^4\) applies only to two violations, torture and extrajudicial killing—the only claims that are actionable under all of the major statutes.
- The “state sponsors of terrorism” exception to the Foreign Sovereign Immunities Act (FSIA)\(^5\) grants jurisdiction over claims of torture, extrajudicial killing, hostage-taking and aircraft sabotage.

\(^1\) 28 U.S.C. § 1350.
\(^2\) The ATS also grants jurisdiction over torts in violation of a treaty, a topic addressed in Chapter 8.
\(^3\) 542 U.S. 692 (2004).