

No. 11-88

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**In the Supreme Court of the United States**

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ASID MOHAMAD, ET AL.,

*Petitioners,*

—v.—

PALESTINIAN AUTHORITY AND PALESTINIAN LIBERATION  
ORGANIZATION,

*Respondents.*

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On Writ of Certiorari to the United States Court of  
Appeals for the District of Columbia Circuit

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**BRIEF OF *AMICI CURIAE* LARRY BOWOTO ET AL. IN  
SUPPORT OF PETITIONERS**

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**STATEMENTS PURSUANT TO SUPREME  
COURT RULE 37**

*Amici* respectfully submit this Brief in support of the Petitioners pursuant to Supreme Court Rule 37.<sup>1</sup> All parties to this proceeding have consented to filing.<sup>2</sup>

**STATEMENT OF IDENTITY AND INTEREST  
OF *AMICI CURIAE***

*Amici curiae* Larry Bowoto et al. are nineteen Nigerians who are the Petitioners in *Bowoto v. Chevron Corp.*, No. 10-1536 (pet'n for certiorari filed June 20, 2011).<sup>3</sup> Both the *Bowoto* Petition and the instant case present the question of whether entities may be held liable for extrajudicial killing under the Torture Victim Protection Act of 1991, 28 U.S.C. § 1350 note.

*Amici* are members of the Ilaje ethnic group in

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<sup>1</sup> *Amici* affirm that no counsel for a party authored the brief in whole or in part and no person other than *amici* or their counsel made a monetary contribution to this brief.

<sup>2</sup> Consent letters have been filed with the Court by the parties.

<sup>3</sup> *Amici* are Larry Bowoto; Ola Oyinbo, on behalf of her deceased husband Bola Oyinbo and her minor children Bayo Oyinbo and Deji Oyinbo; Bassey Jeje; Margaret Irowarinun, Roseline Irowarinun, and Mary Irowarinun, individually and on behalf of their deceased husband Arolika Irowarinun; Bosuwo Sebi Irowarinun, Caleb Irowarinun, Orioye Laltu Irowarinun, Temilola Irowarinun, Adegorye Oloruntimjehum Irowarinun, Aminora James Irowarinun, Eniesoro Irowarinun, Gbenga Irowarinun, Ibimisan Irowarinun, Monotutegha Irowarinun, and Olamisbode Irowarinun, individually and on behalf of their deceased father Arolika Irowarinun.

the Niger Delta. In the *Bowoto* case, *amici* alleged that they and their deceased relatives were subjected to torture, extrajudicial killing, and other abuses by Nigerian security forces operating on behalf of Chevron Corporation and its subsidiaries. *Amici* Larry Bowoto and Bassey Jeje, together with decedents Bola Oyinbo and Arolika Irowarinun, were part of a group of protestors who occupied the Parabe Platform, an offshore facility operated by Chevron subsidiary Chevron Nigeria Limited (CNL). Several days into the protest, CNL called in Nigerian government security forces, who shot multiple protestors and killed two, including Irowarinun.

As detailed in the *Bowoto* Petition, the district court in that case dismissed claims brought by *amici* under the TVPA, ruling that corporations could not be held liable under that statute. That decision was affirmed by the Ninth Circuit. *Bowoto v. Chevron Corp.*, 621 F.3d 1116, 1126–28 (9th Cir. 2010).

Because the *Bowoto* Petition may be decided by the instant case, *amici* demonstrably have an interest in the outcome here. *Amici* have also briefed the issue of entity liability under the TVPA on five occasions, and their views may be of some assistance to the Court.

## SUMMARY OF THE ARGUMENT

The Torture Victim Protection Act allows claims against legal entities, including corporations, for torture and extrajudicial killing. The TVPA’s use of the term “individual” to describe defendants was intended only to exclude foreign states, not corporations or organizations.

The plain meaning of the term “individual”



encompasses legal entities. In ordinary usage “individual” is not indicative of human beings, but refers to any single entity. For over 150 years, courts have found that “individual” may include corporations, and against this background there should be no presumption that “individual” generally only refers to natural persons.

Moreover, the legislative history of the TVPA confirms that “individual” was not chosen to exclude corporations or organizations. The committee reports accompanying the enacted TVPA are abundantly clear that Congress deliberately chose the term “individual” to describe defendants in order to exclude foreign states who might otherwise be included under the term “person.” Until this point, Congress had used the terms “individual” and “person” interchangeably throughout the legislative history of the TVPA. Although one member of Congress suggested his intent to exclude corporations in a committee markup four years before the TVPA was passed, this remark is not properly considered legislative history and cannot be considered indicative of Congressional intent.

Nor does including legal entities under the term “individual” create inconsistencies. Congress did use the term “individual” to describe torture victims as well as torturers, but this type of usage is common throughout the U.S. Code. The criminal torture statute, for example, likewise uses the term “person” to describe both torturer and torture victim, and there is no dispute that corporations and other legal entities can be prosecuted under that statute.

Congress’ intent in passing the TVPA would be frustrated if legal entities were excluded from

liability. A primary stated goal of the TVPA was to expand the remedies for human rights abuses available under the Alien Tort Statute (ATS), 28 U.S.C. § 1350, by giving U.S. citizens the right to sue for torture and extrajudicial killing. At the time, Congress understood that legal entities could be sued under the ATS. To disallow similar suits by U.S. citizens would be an absurd result, unintended by Congress. In fact, Congress was aware of ATS suits against both foreign states and legal entities, but expressly chose only to exclude foreign states from the TVPA's reach.

Congress also intended the TVPA to ensure that torturers were held accountable for their acts and that victims had access to civil remedies. In this context, it would make no sense to exclude corporate and organizational authors of torture from liability. As this Court has noted in other cases, if the corporate treasury benefits from wrongful activity, the fruits of such violations should not be shielded from liability.

Given the ordinary meaning of the term “individual,” Congress’ stated reason for choosing the term, and the overall context and purpose of the TVPA, legal entities are liable for torture and extrajudicial killing under this statute.

## ARGUMENT

### **I. The word “individual,” by its plain meaning and its usage in the legislative history of the TVPA, encompasses legal entities such as corporations.**

*Amici* submit that the plain meaning of the term “individual” does not exclude legal entities such as

organizations and corporations. The ordinary usage of this term does not connote human beings as opposed to entities. Moreover, it is generally acknowledged that the term “person” includes legal entities, and the term “individual” is certainly no more indicative of being limited to human beings than the term “person.” Indeed, Congress used the terms “person” and “individual” interchangeably throughout the legislative history of the TVPA, belying any purported intent for the term “individual” to apply to a more restricted set of defendants.

**A. The plain meaning of the word “individual” includes entities.**

The term “individual,” by its plain meaning, includes corporations. In *Clinton v. City of New York*, 524 U.S. 417 (1998), this Court held that, in the context of the Line Item Veto Act, the term “individual” is synonymous with “person” and encompasses corporations and other entities. *Id.* at 428 & n.13 (citing Webster’s Third New Int’l Dictionary 1152, 1686 (1986)). The Court found that “Congress undoubtedly intended the word ‘individual’ to be construed as synonymous with the word ‘person.’” *Id.* at 428–29 (concluding “[t]here is no plausible reason why Congress would have intended” to exclude corporations from the definition of “individual”).

As *Clinton* found, the inclusion of legal entities is supported by the ordinary, dictionary definition of the word “individual.” For example, the Random House Webster’s Dictionary includes four general

definitions of the word “individual”:

1. a single human being, as distinguished from a group.
2. a person: *a strange individual*.
3. a distinct, indivisible entity; a single thing, being, instance, or item.
4. a group considered as a unit.

Random House Webster’s Unabridged Dictionary 974 (2d ed. 2001).<sup>4</sup> Although the first definition refers to a “human being,” it is in contradistinction to a *group* of human beings, not to a corporation, and the third and fourth definitions plainly encompass corporations and other entities. Furthermore, as this Court observed in *Clinton*, 524 U.S. at 428 n.13, the term “person” — which Congress undoubtedly often uses to include corporations — is also defined as “a human being.” Random House Webster’s Unabridged Dictionary 1445. Indeed, none of the general definitions of “person” suggests the inclusion of corporations; that definition is identified as peculiar to the law:

1. a human being, whether man, woman, or child: *The table seats four persons*.
2. a human being as distinguished from an animal or a thing. . . .
5. the actual self or individual personality of a human being: *You ought not to generalize, but*

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<sup>4</sup> A fifth definition is expressly qualified as being particular to the field of biology, and a sixth is specific to playing cards.

*to consider the person you are dealing with.*

6. the body of a living human being, sometimes including the clothes being worn:  
*He had no money on his person.*

7. the body in its external aspect: an attractive person to look at.

8. a character, part, or role, as in a play or story.

9. an individual of distinction or importance.

10. a person not entitled to social recognition or respect.

11. *Law.* a human being (**natural person**) or a group of human beings, a corporation, a partnership, an estate, or other legal entity (**artificial person** or **juristic person**) recognized by law as having rights and duties.

*Id.* Thus the ordinary meaning of “individual” is at least as, if not more, suggestive of legal entities than the ordinary meaning of “person.”

Certainly, the term “person” is often used in the law to encompass legal persons and natural persons alike. But the expansive legal usage of “person” does not entail any restrictiveness for the usage of “individual.” As the Ninth Circuit has noted, the term “individual” is not “a legal term of art that applies only to natural persons. . . . [I]ndividual’ as a general legal term does not exclude corporations[.]” *United States v. Middleton*, 231 F.3d 1207, 1210 (9th Cir. 2000).

In fact, this Court’s holding in *Clinton* — that the

term “individual” may include legal entities — is situated in a long line of similar decisions. In 1849, the Supreme Court of Mississippi determined that a statute taxing loans made by “individuals” applied to banks and other corporations. *Bank of United States v. State*, 20 Miss. 456 (1849). The court observed that “the term individual, when used in a general sense, may comprehend a corporation,” *id.* at 459, and that although the term “may be, and often is used, in contradistinction to banks or corporations . . . there is no necessary and invariable opposition of ideas in the term itself,” *id.* at 460. The Supreme Court of Ohio similarly held that “[t]he word ‘individual’ . . . embraces artificial or corporate persons as well as natural.” *State ex rel. Am. Union Tel. Co. v. Bell Tel. Co.*, 36 Ohio St. 296, 310 (1880). Thus, to exclude corporations from the ambit of “individuals” requires a legalistic gloss on its meaning to provide a more restrictive interpretation than is inherent in the word.

Although some courts have, in some contexts, found the word “individual” to exclude legal entities, the line of cases coming to the opposite conclusion continues to today, in both state and federal courts. *See, e.g., United States v. Middleton*, 231 F.3d at 1212–13 (concluding that 18 U.S.C. § 1030, which criminalizes acts that damage computers and cause losses of \$5,000 to “one or more individuals,” applies to protect corporate-owned computers); *Cruze v. Nat’l Psychiatric Servs., Inc.*, 105 Cal. App. 4th 48, 55 (2003) (noting that “the rule seems to be that the word ‘individual’ is broad enough to embrace corporations and partnerships, and that where the context does not indicate otherwise, the word includes corporations” (internal quotation marks

omitted)); *Georgetown College, Inc. v. Webb*, 313 Ky. 25, 28 (1950) (same); *Shively v. Belleville Twp. High Sch. Dist. No. 201*, 329 Ill. App. 3d 1156, 1165–66 (2002) (affirming decision that “the term ‘individuals’ as used in section 10-20.21(i) includes corporations” because drawing distinction between “individuals doing business as sole proprietorships” and “those doing business as corporations” would be “absurd”); *Morgan v. Galilean Health Enters., Inc.*, 1998 OK 130, \*8 n.16 (Okla. 1998) (“The word ‘individual’ includes corporations. . . . Its scope is broad enough to include corporations.”); *Community Corp. v. Atlantic Bus. & Community Dev. Corp.*, 901 F.2d 325, 328–29 (3d Cir. 1990) (“individual” can encompass corporate debtor); *Budget Serv. Co. v. Better Homes of Va. Inc.*, 804 F.2d 289, 292 (4th Cir. 1986) (same); *Tengasco Gas Gathering Co. v. Fischer*, 653 S.W.2d 469, 476 (Tex. Ct. App. 1983) (concluding that “‘individuals’ includes corporations” in a statute specifying to whom natural gas may be sold); *United States v. Badische & Co.*, 3 Cust. Ct. 528, 530 (1913) (noting that “numerous decisions have been given . . . in which the word ‘individual’ used in the statute has been held to include corporations and partnerships”).

Courts, including this Court, have been ruling for over 150 years that the term “individual” may include legal entities. There should therefore be no presumption that “individual” only applies to human beings.

**B. The legislative history indicates that, except for the stated reason to exclude foreign states, Congress generally used the term “individual” interchangeably with the term “person.”**

The legislative history of the TVPA further indicates that the statute was not intended to exclude corporations. As Petitioners note, Congress explained exactly why it used the term “individual” instead of “person” to describe the defendant: in order to exclude foreign states. Petitioners’ Br. at 43–46. Apart from this usage choice, throughout the legislative history of the TVPA, Congress used the terms “individual” and “person” interchangeably, demonstrating that any possible restrictive meaning of “individual” beyond that specifically mentioned in the legislative history was not intended by Congress.

1. The TVPA was introduced in both houses in the 102nd Congress. The House bill, H.R. 2092, used the term “individual,” *see* Torture Victim Protection Act of 1991, H.R. 2092, 102nd Cong., Torture Victim Protection Act of 1991, § 2(a) (as introduced Apr. 24, 1991); while the Senate bill, S. 313, used the term “person.” *See* Torture Victim Protection Act of 1991, S. 313, 102nd Cong., Torture Victim Protection Act of 1991, § 2(a) (as introduced Jan. 31, 1991). The Senate then struck out the original language of S. 313 and replaced it with language almost identical to H.R. 2092, the bill that eventually became law. *See* Torture Victim Protection Act of 1991, S. 313, 102nd Cong., Torture Victim Protection Act of 1991 (as reported in Senate Nov. 26, 1991). The Senate Judiciary Committee’s report on S. 313 explains that the term “individual” was used in order to avoid



conflict with the Foreign Sovereign Immunities Act:

The legislation uses the term “individual” to make crystal clear that foreign states or their entities cannot be sued under this bill under any circumstances: only individuals may be sued. Consequently, the TVPA is not meant to override the Foreign Sovereign Immunities Act (FSIA) of 1976[.]

S. Rep. No. 102-249 at 7. This language is mirrored in House Judiciary Committee’s report on H.R. 2092: “Only ‘individuals,’ not foreign states, can be sued under the bill.” H.R. Rep. No. 102-367 at 4. Neither report suggests any intent to exclude corporations, despite the fact that Congress was aware that legal persons had been sued for torture under the ATS. *See infra* Part II(A).

These reports should remove any doubt about Congress’ understanding of the word “individual.” To the extent that Congress deliberately chose the term “individual” to apply a more restrictive meaning than “person,” it did so in order to exclude foreign states, not corporations.

2. Prior to the final passage of the TVPA, when Congress chose “individual” to exclude foreign states, the terms “individual” and “person” were generally used interchangeably in the TVPA’s four-year legislative history. The original committee report on the TVPA in the 100th Congress noted that the bill would provide liability for “[a]ny person who . . . subjects another to torture.” H.R. Rep. No. 100-693 at 2; *see also id.* at 3. When the TVPA was reintroduced in the 101st Congress, and again

reported out of committee in the House, the committee report again used the terms “person” and “individual” interchangeably. *See* H.R. Rep. No. 101-55 at 1 (stating that the TVPA would provide “a civil action for recovery from persons engaging in torture,” then stating that the TVPA would “provide a Federal cause of action against any individual” who tortures another).

In the 102nd Congress, the House report on the final version of the TVPA continued to mix the terms, stating that the statute authorizes suits against “any individual who . . . subjects a *person* to torture.” H.R. Rep. No. 102-367 at 4 (emphasis added). The Senate Report did the same. *See, e.g.*, S. Rep. No. 102-249 at 8–9 (“The legislation is limited to lawsuits against persons who ordered, abetted, or assisted in the torture.”). The committee reports do not suggest that, aside from the specified reason for choosing “individual” to describe a TVPA defendant, Congress intended, or even was aware of, any other difference between its usage of “individual” and “person.”

3. As Petitioners note, Respondents have pointed to a statement by one member of Congress in a subcommittee markup four years prior to the enactment of the TVPA in order to suggest that the term “individual” was intended to exclude corporations. *Br. in Opp’n* at 20 n.3. In the opinion below, however, the D.C. Circuit wisely avoided reliance on this statement; as Petitioners correctly note, this statement is not legislative history and “is of no moment,” *Petitioners’ Br.* at 44. And even if it were legislative history, it dates from two Congresses prior to the passage of the TVPA.

Reliance on the exchange in the subcommittee markup would be error. In *California v. American Stores Co.*, 495 U.S. 271 (1990), this Court reversed a decision by the Ninth Circuit that relied heavily on statements made in a subcommittee hearing that were not included in the bill's legislative history. The issue in *California* was whether injunctive relief under the Clayton Act included divestiture when a suit was brought by private citizens rather than the U.S. government. The Ninth Circuit was persuaded by two statements made in a hearing before a subcommittee of the House Judiciary Committee, one of which explicitly said, "We did not intend . . . to give the individual the same power to bring a suit to dissolve the corporation that the government has," and ruled that the Act did allow divestiture. *Id.* at 287. This Court reversed, stating that the Ninth Circuit improperly relied on these statements because they were not confirmed elsewhere in the legislative history. *Id.* at 294.

When the TVPA passed in the 102nd Congress, there was no indication of any intent to exclude corporations in either committee report. Instead, as noted above, the reports provided a different explanation for the choice of "individual." The 1988 markup cited by Respondents is not legislative history that can be considered in interpreting the final statute. There is no evidence "that the Senators and Representatives who voted for the [bill] when [it] reached the floor knew of" this exchange, and the "subsequent legislative history does not so much as hint" at this conversation. *Edmonds v. Compagnie Generale Transatlantique*, 443 U.S. 256, 273 n.32 (1979). While committee reports represent an "exposition" of legislative intent, statements by

individual members do not. *Duplex Printing Press Co. v. Deering*, 254 U.S. 443, 474 (1921). There is no indication that the 100th Congress, beyond the members present at the markup, was aware of the discussion that Respondents cite — let alone that the members of the 102nd Congress had any inkling of what had transpired in a subcommittee markup four years before.

**C. Including legal entities among “individuals” does not create inconsistent results.**

Respondents have suggested that, because the TVPA uses the term individual to describe both the torturer and the torture victim, including legal entities in this term would necessitate inconsistent usage. Because legal entities cannot be torture victims, Respondents argue, they cannot be torturers either. Br. in Opp’n at 18–19.

*Amici* submit that Congress’ usage of the term “individual” was not inconsistent, and that similar usage is found throughout the U.S. Code. Congress was simply using a term whose full significance may not be relevant in every instance.

The U.S. criminal torture statute uses “person” in precisely the same way that the TVPA uses the term “individual,” referring to both the torturer and victim. *See* 18 U.S.C. § 2340(1). By Respondents’ logic, this statute uses the word “person” inconsistently because it implies that legal entities, which are generally included within the term “persons,” can be tortured. By the same logic, one would think that Congress believes that corporations can be kidnaped, *see* 18 U.S.C. § 1201(a), taken

hostage, *see id.* § 1203(a), sold into slavery, *see id.* § 1584(a), or made to commit forced labor, *see id.* § 1589(a), in addition to being tortured.

*Amici* do not believe that any of these statutes, including the criminal torture statute and the TVPA, presents a problem of inconsistent usage. While Congress may use words consistently, not every member of the set covered by a word is relevant to every use of the word. A word such as “individual” or “person” may include artificial entities, even though some uses of the word only apply to human beings. “Most words have different shades of meaning and consequently may be variously construed, not only when they occur in different statutes, but when used more than once in the same statute or even in the same section.” *Atlantic Cleaners & Dyers, Inc. v. United States*, 286 U.S. 427, 433 (1932).

## **II. The context and purpose of the TVPA demonstrate Congressional intent to include legal entities as possible defendants.**

The context and purpose of the TVPA suggest that the term “individual” should be read to include legal entities, including corporations. Congress’ purpose in passing the TVPA was to enhance remedies against violators of human rights, and especially to provide such remedies to U.S. citizens who could not bring ATS claims.

**A. Congress intended the TVPA to provide remedies to U.S. citizens who could not sue under the Alien Tort Statute. Although Congress was aware of ATS suits against both foreign states and legal entities, it only chose to exclude foreign states from the TVPA's reach.**

As Petitioners note, Congress intended that the TVPA would provide a remedy for torture and extrajudicial killing to U.S. citizens who could not bring such claims under the ATS. Petitioners' Br. at 50. When it passed the TVPA, Congress understood that both organizational defendants and foreign states had been sued for torture under the ATS. Nonetheless, the legislative history indicates that Congress only intended to exclude the latter class of defendants from TVPA liability. Congress did not intend for U.S. citizens to be excluded from remedies available to aliens against legal entities.

The legislative history of the TVPA specifically indicates that a motivating factor for passing the bill was Judge Bork's opinion in *Tel-Oren v. Libyan Arab Republic*, 726 F.2d 774 (D.C. Cir. 1984), which argued that torture claims could not be brought under the ATS. See H.R. Rep. No. 102-367 at 4; S. Rep. No. 102-249 at 4. There were two types of defendants in *Tel-Oren*. Congress was paying attention to who had been sued: the lead defendant was the Libyan government, and Congress made sure to exclude foreign governments from the TVPA. The remaining defendants, however, were all legal entities. See 726 F.2d at 775 (defendants on appeal included "the Palestine Liberation Organization, the Palestine Information Office, [and] the National

Association of Arab Americans”). Despite familiarity with *Tel-Oren*, there is no indication that Congress was concerned about legal entities as defendants.<sup>5</sup>

Thus, despite its awareness that legal entities had been and could be sued under the ATS, Congress gave no indication that such suits should be disallowed under the TVPA. Congress’ general statement of intent to provide similar remedies to U.S. citizens as those available to aliens entails the conclusion that the TVPA likewise allows suits against legal entities.

**B. The overall purpose of the TVPA indicates that corporations should be included.**

Statutory purpose is an important factor in evaluating Congress’ intent. For example, this Court in *Clinton* examined the purpose behind the relevant portion of the Line Item Veto Act, which it determined was to allow “a prompt and authoritative judicial determination of the constitutionality of the Act.” 524 U.S. at 428–29. The Court then concluded that Congress would not have intended to exclude

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<sup>5</sup> Congress’ understanding that legal entities could be sued under the ATS was correct, but, more importantly for present purposes, Congress had no reason to believe that legal entities could not be sued. No Circuit questioned that legal entities were subject to ATS liability until the Second Circuit’s split decision in *Kiobel v. Royal Dutch Petroleum Co.*, 621 F.3d 111 (2d Cir. 2010), *certiorari granted*, 181 L. Ed. 2d 29, 80 U.S.L.W. 3237 (Oct. 17, 2011), which remains the only case so holding. As Judge Posner noted in his recent opinion in *Flomo v. Firestone Natural Rubber Co., LLC*, 643 F.3d 1013 (7th Cir. 2011), the *Kiobel* decision is an “outlier,” based on incorrect factual premises and faulty legal reasoning. *Id.* at 1017–21.

corporations from the definition of “individual,” because to do so would undermine the purpose of expediting review of the statute at issue. *Id.* at 429.

This approach of examining the purpose of the statutory scheme is consistent with *United States v. A&P Trucking Co.*, 358 U.S. 121 (1958). There, this Court considered whether the term “whoever” applied to partnerships, despite their general lack of separate legal personality. Because the statute at issue was intended to “make[] regulations . . . for the transportation of dangerous articles binding on *all* common carriers,” the Court noted that “the conclusion is not lightly to be reached that Congress intended that some carriers should not be subject to the full gamut of sanctions provided . . . merely because of the form under which they were organized to do business.” *Id.* at 124. The Court concluded:

The business entity cannot be left free to break the law merely because its owners . . . do not personally participate in the infraction. The treasury of the business may not with impunity obtain the fruits of violations which are committed knowingly by agents of the entity in the scope of their employment.

*Id.* at 126. This conclusion is consistent with a long line of Supreme Court cases, most recently *Citizens United v. Federal Election Commission*, 130 S. Ct. 876 (2010), holding that corporations have similar rights as natural persons. *See, e.g., First Nat’l Bank v. Bellotti*, 435 U.S. 765, 780 n.15 (1978).

This approach dictates that the term “individuals” in the TVPA likewise encompasses



corporations. Congress' overall purpose in passing the TVPA was to fulfill its obligation "to adopt measures to ensure that torturers are held legally accountable for their acts" by providing "means of civil redress to victims of torture." H.R. Rep. No. 102-367 at 3.

As in *Clinton*, Congress' purpose in enacting the TVPA is antithetical to excluding corporations from liability. Congress would not have intended to create a gap in this redress scheme for abuses perpetrated by corporations — to allow "the treasury of the business" to "obtain the fruits" of torture by its agents with impunity. *A&P Trucking*, 358 U.S. at 126. Nor would Congress want U.S. citizens to be unable to sue corporations when, as it then understood, aliens could do so.

### CONCLUSION

For all these reasons, legal entities, including corporations, may be held liable for torture and extrajudicial killing under the TVPA.

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