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WLF Urges Ninth Circuit to Bar Tort Suits Alleging Extraterritorial Violations of International Law

(John Doe I v. Nestlé, S.A.)

“Congress passed the Alien Tort Statute in 1789 to allow the federal courts to hear cases involving piracy and assaults on ambassadors. It has been transformed by activist attorneys into a tool for second-guessing U.S. foreign policy and for attacking the overseas conduct of corporations.”

—Richard Samp, WLF Chief Counsel

WASHINGTON, DC—The Washington Legal Foundation (WLF) last evening filed a brief urging the U.S. Court of Appeals for the Ninth Circuit to uphold the dismissal of a long-running lawsuit filed by activists that charges chocolate manufacturers with aiding and abetting human rights violations by farmers in the Ivory Coast. In a brief filed in *John Doe I v. Nestlé, S.A.*, WLF argues that such claims require evidence that defendants’ conduct was “specifically directed” toward assisting the alleged human rights violations, and that such conduct may not be inferred simply because the manufacturers purchased cocoa from Ivory Coast farmers and provided them with other forms of aid.

The plaintiffs are citizens of Mali who, as children, worked on Ivory Coast cocoa farms. They allege that they were mistreated by the farmers and kept in slave-like conditions. For more than a decade, federal courts have permitted their lawsuit to go forward under the Alien Tort Statute (ATS), which authorizes tort claims based on violations of “the law of nations.” The plaintiffs argue that the chocolate manufacturers can be held liable for aiding and abetting slavery based on evidence that they took advantage of the lower prices available for cocoa produced under slave conditions.

WLF’s brief argues that a defendant cannot be held liable for the human rights abuses of those from whom he purchases products simply because he enters into normal commercial relations with alleged abusers. WLF also argues that the ATS protects against human rights abuses that occur in the United States, not elsewhere; Congress did not adopt the statute for the purpose of making U.S. judges the arbiters of working conditions throughout the world.

Celebrating its 41st year, WLF is America’s premier public-interest law firm and policy center advocating for free-market principles, limited government, individual liberty, and the rule of law.

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