

# International Law and Accountability



centerforconstitutionalrights  
*on the front lines for social justice*

# The Center for Constitutional Rights

The Center for Constitutional Rights is dedicated to advancing and protecting the rights guaranteed by the United States Constitution and the Universal Declaration of Human Rights. Founded in 1966 by attorneys who represented civil rights movements in the South, CCR is a non-profit legal and educational organization committed to the creative use of law as a positive force for social change.

CCR uses litigation proactively to empower poor communities and communities of color; to guarantee the rights of those with the fewest protections and least access to legal resources; and to train the next generation of civil and human rights attorneys.

Formed in order to work hand in hand with people's movements, CCR has lent its expertise and support to a wide range of movements for social justice. We are dedicated to defending the right to political dissent, combating the mass incarceration of both citizens and immigrants, and fighting government abuse of power. We strive to complete the unfinished civil rights movement through targeting racial profiling and other modern-day manifestations of racial and economic oppression and through combating discrimination that is based on gender or sexuality.

The Center for Constitutional Rights was the first organization to fight for the rights of the men held at Guantánamo Bay and has been at the forefront of the battles to end the use of offshore prisons; to end the practice of “extraordinary rendition” and torture; and to restore the fundamental right of *habeas corpus* and due process under the law.

## Universal Jurisdiction

CCR's case *Filártiga v. Peña Irala* was the breakthrough that has been recognized as “the *Brown v. Board of Education* of international human rights.” Based on the incorporation into U.S. law of “universal jurisdiction”—the idea that some acts are so heinous that perpetrators can be held accountable anywhere in the world—*Filártiga* opened the federal courts to claims of non-citizen victims of human rights abuse. This powerful precedent laid the groundwork for important international human rights prosecutions brought in other countries, including the prosecution of Chilean dictator Augusto Pinochet by Spain in 1998.



Dolly Filártiga holding a photo of her brother, Joelito, who was tortured and killed by Paraguayan police.

# WANTED



**George W. Bush**



**Radovan Karadžić**



**Emmanuel "Toto" Constant**



**Donald Rumsfeld**

## Strengthening International Law

The Center for Constitutional Rights has always worked for the strengthening of international human rights and humanitarian law. CCR includes international law claims in many of our domestic cases, seeking to have U.S. courts recognize these norms and thus strengthen protections and increase the remedies available to our clients. We also file numerous *amicus* briefs aimed at broadening the legal context for holding all human rights abusers accountable, no matter where the abuse occurs or who the victims are.

The Center's work in this area has contributed to a dramatic reshaping of the role of international law in the United States. CCR has sued both U.S. and foreign government officials, military and police commanders, and other notorious human rights abusers. Our cases have brought war criminals into U.S. courts, extended human rights accountability into the boardrooms of multi-national corporations, and paved the way for a more universal application of human rights and humanitarian standards around the world.

CCR uses its expertise and innovative legal strategies to bring justice to victims of human rights violations and hold violators accountable wherever they may be.

# Reviving the Alien Tort Statute

CCR pioneered the use of the Alien Tort Statute (ATS) and established the right of foreign victims to sue in U.S. courts for human rights violations committed overseas.

In 1979, CCR attorneys filed suit against a Paraguayan police commander on behalf of the family of Joelito Filártiga, the son of a prominent opponent of the right-wing Paraguayan regime, who was tortured and killed in Paraguay. To do so, CCR revived a 200-year old statute that allows non-U.S. citizens to sue for violations of customary international law or a treaty of the United States in U.S. courts.

Our victory in *Filártiga v. Peña Irala* opened the door for a series of ATS cases filed against government officials. CCR brought a lawsuit against Bosnian Serb political leader Radovan Karadžić for genocide, war crimes, and crimes against humanity committed in Bosnia-Herzegovina in the early 1990s. Our victory in that case laid the groundwork for ATS cases against non-state actors by establishing that individuals not working for any government can be held liable under human rights law.

Since then, CCR has further expanded the application of the ATS to create liability for human rights violations committed by corporations or other non-government entities, including private military contractors.

## Establishing Rape as Torture

The Center is committed to advancing women's rights and establishing women's rights as human rights. We have worked specifically to highlight rape and other forms of sexual violence as war crimes, crimes against humanity and a tool of genocide. The Center's case against Radovan Karadžić was the first time a U.S. court defined rape as a war crime, crime against humanity and a form of torture. Our case against Unocal was the first time a multinational corporation was charged with complicity in rape as a form of torture.

Through filing *amicus* briefs with the International Tribunals for the Former Yugoslavia and Rwanda, CCR contributed to the international recognition of rape as a form of torture and as a tool of genocide. CCR has also spearheaded ongoing efforts to ensure that domestic laws regarding sexual violence and other torture do not undermine international law.

# Landmark Cases

## **Filártiga v. Peña-Irala (1980)**

Revived Alien Tort Statute (ATS) for lawsuits by non-citizens in U.S. courts challenging violations of international human rights. Won a suit on behalf of the family of Joelito Filártiga, son of a prominent opponent of the right-wing Paraguayan regime, who was tortured and killed by Paraguayan police.

## **Republic of the Philippines v. Marcos (1986)**

Recovered New York real estate bought with illicit funds by Philippine dictator.

## **Martinez-Baca v. Suarez-Mason (1988)**

Sought justice for victims of Argentine death squads.

## **Linder v. Calero (1992)**

Exposed U.S. support for the Contras in Nicaragua as responsible for the 1987 murder of Benjamin Linder, an American community worker. 1992 decision won the right to sue for personal injury for war crimes.

## **Helen Todd v. Sintong Panjaitan (1994)**

Held Indonesian military official responsible for massacre in East Timor.

## **Paul v. Avril (1994)**

Won \$41 million judgment against Haitian military dictator responsible for torturing political dissidents.

## **Xuncax v. Gramajo; Ortiz v. Gramajo (1995)**

Held Guatemalan Minister of Defense responsible for torture, assault and false imprisonment.

## **Salas v. United States (1998)**

Required the U.S. to respond to an international tribunal for the first time with respect to allegations by ordinary citizens of gross human rights violations committed during U.S. invasion of Panama.

## **Doe v. Karadžić (2000)**

Won a \$4.5 billion judgment against Bosnian-Serb leader Radovan Karadžić for genocide, war crimes and crimes against humanity. The 1995 Second Circuit decision in this case recognized that rape and sexual violence constitute torture and genocide and laid the groundwork for cases against non-state actors, including multinational corporations.

## **Doe v. Unocal (2004)**

Reached an historic settlement with Unocal oil corporation in a case that alleged corporate complicity in human rights violations in Burma. Previous landmark rulings in this case established that companies can be sued in U.S. courts for human rights violations such as forced labor and rape.

## **Doe v. Constant (2006)**

Building on a grassroots campaign, this case won a \$19 million judgment against Emmanuel "Toto" Constant, leader of the right-wing paramilitary organization FRAPH for the systematic use of violence against women, including rape, for the purpose of terrorizing the Haitian population during that country's brutal military regime.

[www.CCRjustice.org](http://www.CCRjustice.org)

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