1. Record Nr. UNINA9910782807603321 Autore Fletcher George P. Titolo Tort liability for human rights abuses / / George P. Fletcher Oxford;; Portland, Oregon:,: Hart Publishing,, 2008 Pubbl/distr/stampa **ISBN** 1-84731-796-0 1-4725-6453-7 1-282-04852-X 9786612048524 1-84731-463-5 Edizione [1st ed.] Descrizione fisica 1 online resource (222 p.) Disciplina 341.48 Soggetti Civil rights Government liability - United States State action (Civil rights) Torts (International law) Torture (International law) War (International law) War crimes Lingua di pubblicazione Inglese **Formato** Materiale a stampa Livello bibliografico Monografia Note generali Description based upon print version of record. Nota di bibliografia Includes bibliographical references and index. Introduction The New Rights -- 1 A Comparative Analysis of Tort Law Nota di contenuto -- 2 The Paradigm of Efficiency -- 3 Reciprocity -- 4 The Paradigm of Aggression -- 5 Torture as Aggression -- 6 The Jurisprudence of Sosa -- 7 The Liability of Accessories -- 8 Concluding Theses -- Appendix One -- Appendix Two -- Index Sommario/riassunto "Advancing a bold theory of the relevance of tort law in the fight against human rights abuses, celebrated US law professor George Fletcher here challenges the community of international lawyers to think again about how they can use the Alien Tort Statute. Beginning with an historical analysis Fletcher shows how tort and criminal law originally evolved to deal with similar problems, how tort came to be seen as primarily concerned with negligence and how the Alien Tort

Statute has helped establish the importance of tort law in international

cases. In a series of cases starting with Filartiga and culminating most recently in Sosa, Fletcher shows how torture cases led to the reawakening of the Alien Tort Statute, changing US law and giving legal practitioners a tool with which to assist victims of torture and other extreme human rights abuses. This leads to an examination of Agent Orange and the possible commission of war crimes in the course of its utilisation, and the theory of liability for aiding and abetting the US military and other military forces when they commit war crimes. The book concludes by looking at the cutting-edge cases in this area, particularly those involving liability for funding terrorism, and the remedies available, particularly the potential offered by the compensation chamber in the International Criminal Court."--Bloomsbury Publishing.