



## Ordine internazionale e diritti umani

International Legal Order and Human Rights  
Ordenamiento Jurídico Internacional y Derechos Humanos  
Ordre juridique international et Droits de l'Homme

### **OF PIRATES AND MULTINATIONALS: THE ALIEN TORT STATUTE AND THE EXTRATERRITORIAL PROTECTION OF HUMAN RIGHTS BY THE CIVIL JURISPRUDENCE OF THE UNITED STATES**

The object of this paper is the ambiguous normative content of the Alien Tort Statute, a law issued in 1789 by the first Congress of the United States, which states: "The district Court shall have the original jurisdiction of any civil tort only, committed in violations of the law of the United States or treaty of the United States ". The mystery about its purposes (the parliamentary works have not come to us, so according to the Friendly judge the law is "a kind of legal Lohengrin; although it has been with us since the first Judiciary Act ... no one seems to know from whence it came"), the clamor aroused by the *Filártiga* case of 1980 and the famous dictum of the Court of Appeals of New York: "the torturer has become - like the pirate and slave trader before him - *hostis humani generis*, an enemy of all mankind", as well as the last attempt, even if aborted, to use the ATS to affirm the civil liability of multinationals in the US courts for crimes committed in the context of predatory globalization, have made this internal law an unprecedented legal case in which the international law research in its historical roots the normative spirit to face the main challenges of contemporaneity.