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CENTRE FOR COMPARATIVE AND PUBLIC LAW
AT THE FACULTY OF LAW, THE UNIVERSITY OF HONG KONG

*Duke University – University of Hong Kong
Asia – America Institute in Transnational Law
and
Centre for Comparative and Public Law*

Seminar

Sovereign Immunity versus Human Rights: The Samantar Case

Professor Curtis A. Bradley
Duke Law School

Wednesday, 30 June 2010, 4:00 - 5:30 pm

Kong Siu Luey Lounge, Robert Black College, University Drive, University of Hong Kong

The speaker will discuss the relevance of sovereign immunity to international human rights litigation in U.S. courts, an issue addressed by the U.S. Supreme Court in its recent decision in *Samantar v. Yousuf*. For the last thirty years, U.S. courts have allowed victims of human rights abuses from around the world to use an old U.S. statute, the Alien Tort Statute, to sue foreign officials for violations of human rights law. This practice, however, may be inconsistent with customary international law norms of governmental immunity. In *Samantar*, the Supreme Court concluded that the U.S. sovereign immunity statute (the Foreign Sovereign Immunities Act) did not apply to these suits, but it left open the possibility that U.S. courts could grant immunity to foreign officials as a matter of both U.S. common law (which may in turn be informed by international law) and pursuant to suggestions of immunity from the U.S. State Department.

Professor Curtis Bradley is the Richard A. Horvitz Professor at Duke Law School and is co-director of the Law School's Center for International and Comparative Law. After graduating from Harvard Law School in 1988, Professor Bradley clerked for Justice Byron White on the U.S. Supreme Court, and then practiced law for several years at the law firm of Covington & Burling in Washington, D.C. Before coming to Duke in 2005, he taught at the University of Colorado and the University of Virginia, and he also served as Counselor on International Law in the Legal Adviser's Office of the U.S. State Department. His courses at Duke include International Law, Foreign Relations Law, and Federal Courts. Professor Bradley has written numerous articles concerning both international law and U.S. foreign relations law, and he is the co-author of *Foreign Relations Law: Cases and Materials* (Aspen Press 3d ed. 2009). He is currently working on a book concerning international law in the U.S. legal system, to be published by Oxford University Press.

Please register with Flora Leung at fkleung@hku.hk.

ALL ARE WELCOME!

