



Torture as Tort: Comparative Perspectives on the Development of Transnational Human Rights Litigation

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The controversial nature of seeking globalised justice through national courts has become starkly apparent in the wake of the Pinochet case in which the Spanish legal system sought to bring to account under international criminal law the former President of Chile, for violations in Chile of human rights of non-Spaniards. Some have reacted to the involvement of Spanish and British judges in sanctioning a former head of state as nothing more than legal imperialism while others have termed it positive globalisation. While the international legal and associated statutory bases for such criminal prosecutions are firm, the same cannot be said of the enterprise of imposing civil liability for the same human-rights-violating conduct that gives rise to criminal responsibility. In this work leading scholars from around the world address the host of complex issues raised by transnational human rights litigation.

There has been, to date, little treatment, let alone a comprehensive assessment, of the merits and demerits of US-style transnational human rights litigation by non-American legal scholars and practitioners. The book seeks not so much to fill this gap as to start the process of doing so, with a view to stimulating debate amongst scholars and policy-makers. The book's doctrinal coverage and analytical inquiries will also be extremely relevant to the world of transnational legal practice beyond the specific question of human rights litigation.

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