

Syllabus

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SUPREME COURT OF THE UNITED STATES

Syllabus

MOHAMAD, INDIVIDUALLY AND FOR ESTATE OF RAHIM,
DECEASED, ET AL. *v.* PALESTINIAN AUTHORITY
ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE DISTRICT OF COLUMBIA CIRCUIT

No. 11–88. Argued February 28, 2012—Decided April 18, 2012

While visiting the West Bank, Azzam Rahim, a naturalized United States citizen, allegedly was arrested by Palestinian Authority intelligence officers, imprisoned, tortured, and ultimately killed. Rahim’s relatives, petitioners here, sued the Palestinian Authority and the Palestine Liberation Organization under the Torture Victim Protection Act of 1991 (TVPA), which authorizes a cause of action against “[a]n individual” for acts of torture and extrajudicial killing committed under authority or color of law of any foreign nation. 106 Stat. 73, note following 28 U. S. C. §1350. The District Court dismissed the suit, concluding, as relevant here, that the TVPA’s authorization of suit against “[a]n individual” extended liability only to natural persons. The United States Court of Appeals for the District of Columbia Circuit affirmed.

Held: As used in the TVPA, the term “individual” encompasses only natural persons. Consequently, the Act does not impose liability against organizations. Pp. 2–11.

(a) The ordinary, everyday meaning of “individual” refers to a human being, not an organization, and Congress in the normal course does not employ the word any differently. The Dictionary Act defines “person” to include certain artificial entities “as well as individuals,” 1 U. S. C. §1, thereby marking “individual” as distinct from artificial entities. Federal statutes routinely distinguish between an “individual” and an organizational entity. See, e.g., 7 U. S. C. §§92(k), 511. And the very Congress that passed the TVPA defined “person” in a separate Act to include “any individual or entity.” 18 U. S. C.

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§2331(3). Pp. 2–5.

(b) Before a word will be assumed to have a meaning broader than or different from its ordinary meaning, Congress must give some indication that it intended such a result. There are no such indications in the TVPA. To the contrary, the statutory context confirms that Congress in the Act created a cause of action against natural persons alone. The Act’s liability provision uses the word “individual” five times in the same sentence: once to refer to the perpetrator and four times to refer to the victim. See TVPA §2(a). Since only a natural person can be a victim of torture or extrajudicial killing, it is difficult to conclude that Congress used “individual” four times in the same sentence to refer to a natural person and once to refer to a natural person *and* any nonsovereign organization. In addition, the TVPA holds perpetrators liable for extrajudicial killing to “any person who may be a claimant in an action for wrongful death.” See TVPA §2(a)(2). “Persons” often has a broader meaning in the law than “individual,” and frequently includes non-natural persons. Construing “individual” in the Act to encompass solely natural persons credits Congress’ use of disparate terms. Pp. 5–6.

(c) Petitioners’ counterarguments are unpersuasive. Pp. 6–11.

(1) Petitioners dispute that the plain text of the TVPA requires this Court’s result. First, they rely on definitions that frame “individual” in nonhuman terms, emphasizing the idea of “oneness,” but these definitions make for an awkward fit in the context of the TVPA. Next they claim that federal tort statutes uniformly provide for liability against organizations, a convention they maintain is common to the legal systems of other nations. But while “Congress is understood to legislate against a background of common-law adjudicatory principles,” *Astoria Fed. Sav. & Loan Assn. v. Solimino*, 501 U. S. 104, 108, Congress plainly evinced its intent in the TVPA not to subject organizations to liability. Petitioners next argue that the TVPA’s scope of liability should be construed to conform with other federal statutes they claim provide civil remedies to victims of torture or extrajudicial killing. But none of the statutes petitioners cite employs the term “individual,” as the TVPA, to describe the covered defendant. Finally, although petitioners rightly note that the TVPA contemplates liability against officers who do not personally execute the torture or extrajudicial killing, it does not follow that the Act embraces liability against nonsovereign organizations. Pp. 6–8.

(2) Petitioners also contend that legislative history supports their broad reading of “individual,” but “reliance on legislative history is unnecessary in light of the statute’s unambiguous language.” *Milavetz, Gallop & Milavetz, P. A. v. United States*, 559 U. S. ___, ___. In any event, the history supports this Court’s interpretation. Pp. 8–10.

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(3) Finally, petitioners argue that precluding organizational liability may foreclose effective remedies for victims and their relatives. This purposive argument simply cannot overcome the force of the plain text. Moreover, Congress appeared well aware of the limited nature of the cause of action it established in the TVPA. Pp. 10–11.
634 F. 3d 604, affirmed.

SOTOMAYOR, J., delivered the opinion of the Court, in which ROBERTS, C. J., and KENNEDY, THOMAS, GINSBURG, BREYER, ALITO, and KAGAN, JJ., joined, and in which SCALIA, J., joined except as to Part III–B. BREYER, J., filed a concurring opinion.

Opinion of the Court

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SUPREME COURT OF THE UNITED STATES

No. 11–88

ASID MOHAMAD, INDIVIDUALLY AND FOR THE ESTATE OF
AZZAM RAHIM, DECEASED, ET AL., PETITIONERS
v. PALESTINIAN AUTHORITY ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

[April 18, 2012]

JUSTICE SOTOMAYOR delivered the opinion of the Court.*

The Torture Victim Protection Act of 1991 (TVPA or Act), 106 Stat. 73, note following 28 U. S. C. §1350, authorizes a cause of action against “[a]n individual” for acts of torture and extrajudicial killing committed under authority or color of law of any foreign nation. We hold that the term “individual” as used in the Act encompasses only natural persons. Consequently, the Act does not impose liability against organizations.

I

Because this case arises from a motion to dismiss, we accept as true the allegations of the complaint. *Ashcroft v. al-Kidd*, 563 U. S. ____, ____ (2011) (slip op., at 1). Petitioners are the relatives of Azzam Rahim, who immigrated to the United States in the 1970’s and became a naturalized citizen. In 1995, while on a visit to the West Bank, Rahim was arrested by Palestinian Authority intelligence officers. He was taken to a prison in Jericho, where he was impris-

* JUSTICE SCALIA joins this opinion except as to Part III–B.

Opinion of the Court

oned, tortured, and ultimately killed. The following year, the U. S. Department of State issued a report concluding that Rahim “died in the custody of [Palestinian Authority] intelligence officers in Jericho.” Dept. of State, Occupied Territories Human Rights Practices, 1995 (Mar. 1996).

In 2005, petitioners filed this action against respondents, the Palestinian Authority and the Palestine Liberation Organization, asserting, *inter alia*, claims of torture and extrajudicial killing under the TVPA. The District Court granted respondents’ motion to dismiss, concluding, as relevant, that the Act’s authorization of suit against “[a]n individual” extended liability only to natural persons. *Mohamad v. Rajoub*, 664 F. Supp. 2d 20, 22 (DC 2009). The United States Court of Appeals for the District of Columbia Circuit affirmed on the same ground. See *Mohamad v. Rajoub*, 634 F. 3d 604, 608 (2011) (“Congress used the word ‘individual’ to denote only natural persons”).¹ We granted certiorari, 565 U. S. ___ (2011), to resolve a split among the Circuits with respect to whether the TVPA authorizes actions against defendants that are not natural persons,² and now affirm.

II

The TVPA imposes liability on individuals for certain acts of torture and extrajudicial killing. The Act provides:

“An individual who, under actual or apparent authority, or color of law, of any foreign nation—

¹ Respondents also argued before the District Court that the TVPA’s requirement that acts be committed under authority or color of law of a foreign nation was not met. Neither the District Court nor Court of Appeals addressed the argument, and we offer no opinion on its merits.

² Compare *Aziz v. Alcolac, Inc.*, 658 F. 3d 388 (CA4 2011) (TVPA excludes corporate defendants from liability); *Mohamad v. Rajoub*, 634 F. 3d 604 (CA DC 2011) (TVPA liability limited to natural persons); *Bowoto v. Chevron Corp.*, 621 F. 3d 1116 (CA9 2010) (same as *Aziz*), with *Sinaltrainal v. Coca Cola Co.*, 578 F. 3d 1252, 1264, n. 13 (CA11 2009) (TVPA liability extends to corporate defendants).

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