

No. 24-856

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IN THE  
**Supreme Court of the United States**

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CISCO SYSTEMS, INC., *et al.*,

*Petitioners,*

*v.*

DOE I, *et al.*,

*Respondents.*

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

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**BRIEF OF PERSECUTED CHRISTIAN MINORITIES  
AND SUPPORTING ORGANIZATIONS AS  
*AMICI CURIAE* IN SUPPORT OF RESPONDENTS**

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<b>Cases</b>	
<i>Att’y Gen. v. Eichmann</i> , 36 I.L.R. 5 (Dist. Ct. Jerusalem 1961) (Isr.) . . . . .	21
<i>Burnett v. Al Baraka Inv. &amp; Dev. Corp.</i> , 274 F. Supp. 2d 86 (D.D.C. 2003) . . . . .	17
<i>Everson v. Board of Education</i> , 330 U.S. 1 (1947) . . . . .	6
<i>Jesner v. Arab Bank, PLC</i> , 584 U.S. 241 (2018) . . . . .	19
<i>Kashef v. BNP Paribas, S.A.</i> , No. 1:16-cv-06218 (S.D.N.Y. Oct. 17, 2025) . . . . .	31
<i>Kiobel v. Royal Dutch Petroleum Co.</i> , 569 U.S. 108 (2013) . . . . .	17
<i>Nestle USA, Inc. v. Doe</i> , 593 U.S. 628 (2021) . . . . .	17
<i>Sosa v. Alvarez-Machain</i> , 542 U.S. 692 (2004) . . . . .	1, 20, 22
<i>United States v. Altstötter et al.</i> , 3 T.W.C. 954 (1947) . . . . .	21-22

*Cited Authorities*

	<i>Page</i>
<i>United States v. Brandt et al.,</i> 2 Trials of War Criminals before the Nuremberg Military Tribunals under Control Council Law No. 10 [T.W.C.] 171 (1946) . . . . .	21
<i>United States v. Pohl et al.,</i> 5 T.W.C. 958 (1948) . . . . .	22
<i>United States v. von Weizsäcker et al.,</i> 14 T.W.C. 308 (1949) . . . . .	22
 <b>Statutes and Other Authorities</b>	
U.S. Const. amend. I . . . . .	6
18 U.S.C. § 2333 . . . . .	17
18 U.S.C. § 2333(a) . . . . .	17
18 U.S.C. § 2339B . . . . .	17, 26
18 U.S.C. § 2339(d)(2) . . . . .	17
28 U.S.C. § 1350 . . . . .	2
28 U.S.C. § 1350 note . . . . .	2
7 Nazi Conspiracy and Aggression (U.S. Chief Counsel for the Prosecution of Axis Criminality ed., 1946) . . . . .	11

*Cited Authorities*

	<i>Page</i>
Afr. Ctr. for Strategic Studs., <i>Africa Surpasses 150,000 Deaths Linked to Militant Islamist Groups in Past Decade</i> (July 28, 2025), <a href="https://africacenter.org/spotlight/en-2025-mig-10-year/">https://africacenter.org/spotlight/en-2025-mig-10-year/</a> . . . . .	14
Aid to the Church in Need, <i>Religious Freedom in the World Report</i> (2025), <a href="https://acninternational.org/religiousfreedomreport/reports/global/2025">https://acninternational.org/religiousfreedomreport/reports/global/2025</a> . . . . .	4
Amnesty Int’l, <i>Nigeria: Decade after Boko Haram Attack on Chibok, 82 Girls Still in Captivity</i> (Apr. 14, 2024), <a href="https://www.amnesty.org/en/latest/news/2024/04/nigeria-decade-after-boko-haram-attack-on-chibok-82-girls-still-in-captivity/">https://www.amnesty.org/en/latest/news/2024/04/nigeria-decade-after-boko-haram-attack-on-chibok-82-girls-still-in-captivity/</a> . . . . .	15
Anoush Baghdassarian, <i>Revisiting Actus Reus: A Survey of Aiding and Abetting Convictions in International Criminal Law</i> , 40 <i>Ariz. J. Int’l &amp; Comp. L.</i> 238 (2023) . . . . .	22
Letter from Preet Bharara, U.S. Att’y for the S. Dist. N.Y., to Counsel for BNP Paribas S.A. (June 27, 2014) . . . . .	31
Hannah Brockhaus, <i>Christian Survivor of Terrorism: ‘Pray for Boko Haram’</i> , EWTN News (Jan. 22, 2025), <a href="https://www.ewtnnews.com/vatican/christian-survivor-of-terrorism-pray-for-boko-haram">https://www.ewtnnews.com/vatican/christian-survivor-of-terrorism-pray-for-boko-haram</a> . . . . .	33

*Cited Authorities*

	<i>Page</i>
Charter of the International Military Tribunal art. 6(c), Aug. 8, 1945, 82 U.N.T.S. 284 . . . . .	20
Christian Solidarity Worldwide, <i>Briefing: Attacks on Places of Worship</i> (Nov. 17, 2025), <a href="https://www.csw.org.uk/2025/11/17/report/6662/article.htm">https://www.csw.org.uk/2025/11/17/report/6662/article.htm</a> . . . . .	13
Comm’n on the Responsibility of the Authors of the War and on Enforcement of Penalties, Report Presented to the Preliminary Peace Conference (Mar. 29, 1919), <i>reprinted in</i> 14 Am. J. Int’l L. 95 (1920) . . . . .	20
Complaint, <i>United States v. Lafarge S.A.</i> , Cr. No. 22-444 (WFK) (E.D.N.Y. filed Oct. 18, 2022) . . . . .	25
Control Council Law No. 10: Punishment of Persons Guilty of War Crimes, Crimes against Peace, and Crimes against Humanity art. 2(c), Dec. 20, 1945, 3 Off. Gazette Control Council Ger. 50 (1946). . . . .	20
Council of Eur. Comm’r for Hum. Rts., <i>Observations on the Human Rights Situation of People Affected by the Conflict between Armenia and Azerbaijan over the Karabakh Region</i> , Doc. CommHR(2024)1 (Jan. 12, 2024). . . . .	12
Emmerich de Vattel, <i>The Law of Nations</i> bk. II (Joseph Chitty ed., Cambridge Univ. Press 2015) (1758) . . . . .	19

*Cited Authorities*

	<i>Page</i>
Ray Downs, <i>Human Rights Activist Tells of Coptic Christians' Plight in Egypt</i> , Christian Post (Dec. 12, 2011), <a href="https://www.christianpost.com/news/human-rights-activist-tells-of-coptic-christians-plight-in-egypt.html">https://www.christianpost.com/news/human-rights-activist-tells-of-coptic-christians-plight-in-egypt.html</a> . . . . .	27
<i>Egypt Church Blast Death Toll Rises to 23</i> , Reuters (Jan. 4, 2011), <a href="https://www.reuters.com/article/idUSTRE7010M020110104/">https://www.reuters.com/article/idUSTRE7010M020110104/</a> . . . . .	10
Mohaned Elnour, <i>The Forgotten War on Sudan's Christians</i> , Tahrir Inst. for Middle E. Pol'y (May 9, 2024), <a href="https://timep.org/2024/05/09/the-forgotten-war-on-sudans-christians/">https://timep.org/2024/05/09/the-forgotten-war-on-sudans-christians/</a> . . . . .	13
Kareem Fahim & Liam Stack, <i>Fatal Bomb Hits a Church in Egypt</i> , N.Y. Times (Jan. 1, 2011), <a href="https://www.nytimes.com/2011/01/02/world/middleeast/02egypt.html">https://www.nytimes.com/2011/01/02/world/middleeast/02egypt.html</a> . . . . .	10
Freedom House et al., <i>Why Are There No Armenians in Nagorno-Karabakh? Fact Finding Report</i> (2024), <a href="https://freedomhouse.org/sites/default/files/2024-11/NO-ARMENIANS-IN-NK-DDF-FH_FACT-FINDING_REPORT_FULL_VERSION.pdf">https://freedomhouse.org/sites/default/files/2024-11/NO-ARMENIANS-IN-NK-DDF-FH_FACT-FINDING_REPORT_FULL_VERSION.pdf</a> . . . . .	11
Macram M. Gassis, <i>Sudan: Country of Terrorism, Religious Persecution, Slavery, Rape, Genocide, and Man-Made Starvation</i> , 50 Cath. U. L. Rev. 905 (2001) . . . . .	31

*Cited Authorities*

	<i>Page</i>
Mark W. Graham, <i>30 Key Moments in the History of Christianity</i> (2026) . . . . .	10
Sidney H. Griffith, <i>Christianity in Syria, in 2 The Cambridge History of Religions in the Ancient World</i> (Michele R. Salzman ed., 2013) . . . . .	8
Hugo Grotius, <i>The Law of War and Peace</i> bk. II (Stephen C. Neff ed., Cambridge Univ. Press 2013) (1625) . . . . .	19
Oona A. Hathaway et al., <i>Aiding and Abetting in International Criminal Law</i> , 104 Cornell L. Rev. 1593 (2019) . . . . .	22
Hum. Rts. Watch, <i>Egypt: Mass Attacks on Churches</i> (Aug. 21, 2013), <a href="https://www.hrw.org/news/2013/08/21/egypt-mass-attacks-churches">https://www.hrw.org/news/2013/08/21/egypt-mass-attacks-churches</a> . . . . .	10
Int'l L. Comm'n, <i>Principles of International Law Recognized in the Charter of the Nürnberg Tribunal and in the Judgment of the Tribunal</i> , [1950] 2 Y.B. Int'l L. Comm'n 375, principle VI(c) . . . . .	21
International Court of Justice, <i>Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)</i> , Provisional Measures, 2021 I.C.J. 361, ¶¶ 92, 98(1)(c) (Dec. 7) . . . . .	12

*Cited Authorities*

	<i>Page</i>
Judgment, <i>United States v. BNP Paribas S.A.</i> , No. 1:14-cr-00460 (S.D.N.Y. May 1, 2015) . . . . .	31
James Madison, <i>Memorial and Remonstrance against Religious Assessments</i> (1795), <i>reprinted in</i> 8 <i>The Papers of James Madison: Congressional Series</i> (Robert A. Rutland & William M.E. Rachal eds., 1973) . . . . .	5, 6
Minority Rts. Grp., <i>Copts in Egypt</i> (Oct. 2017), <a href="https://minorityrights.org/communities/copts/">https://minorityrights.org/communities/copts/</a> . . . . .	9, 10
Dispatch from Johann H.H. Mordtmann, Ger. Counsel General for Armenian Affairs, to Hans von Wangenheim, Ger. Ambassador to the Ottoman Empire (June 6, 1915), <i>reprinted in</i> <i>The Armenian Genocide: Evidence from the German Foreign Office Archives, 1915–1916</i> (Wolfgang Gust ed., 2014) . . . . .	11
Note, <i>Liberty of Conscience, Political Process Theory, and Founding-Era Free Exercise</i> , 130 <i>Harv. L. Rev.</i> 1118 (2026) . . . . .	5, 6
Jecinter Olweny, <i>Sudan: Drone Strikes Repeatedly Hit and Destroy Bishop’s Residence in El Obeid, Sudan</i> , Ass’n of Member Episcopal Conferences in E. Afr. (Mar. 6, 2026), <a href="https://communications.amecea.org/index.php/2026/03/06/sudan-drone-strikes-repeatedly-hit-and-destroy-bishops-residence-in-el-obeid-sudan">https://communications. amecea.org/index.php/2026/03/06/sudan- drone-strikes-repeatedly-hit-and-destroy- bishops-residence-in-el-obeid-sudan</a> . . . . .	31

*Cited Authorities*

	<i>Page</i>
Open Doors Int'l, <i>World Watch List 2026: Compilation of All Main Documents 26</i> (Jan. 2026), <a href="https://www.opendoors.org/research-reports/wwl-documentation/WWL2026-Compilation-of-main-documents.pdf">https://www.opendoors.org/research-reports/wwl-documentation/WWL2026-Compilation-of-main-documents.pdf</a> . . . . .	7
Thomas Payne, <i>Common Sense</i> (Cambridge Univ. Press 2015) (1776) . . . . .	5
<i>Persecution of Armenians in Artsakh: A Testimony by Marina Simonyan</i> , Save the Persecuted Christians (Sept. 16, 2024), <a href="https://savethepersecutedchristians.org/persecution-of-armenians-in-artsakh-a-testimony-by-marina-simonyan/">https://savethepersecutedchristians.org/persecution-of-armenians-in-artsakh-a-testimony-by-marina-simonyan/</a> . . . . .	29
Rerooted Archive, <i>No Choice But to Flee: The Forced Deportation and Persecution of the Armenian Population of Nagorno-Karabakh</i> (Apr. 2025), <a href="https://www.rerooted.org/justice-reports/no-choice-but-to-flee">https://www.rerooted.org/justice-reports/no-choice-but-to-flee</a> . . . . .	11, 12
Rerooted Archive, <i>Angel Ajemian</i> (last visited Mar. 25, 2026), <a href="https://www.rerooted.org/syria-archive/p/angel-ajemian">https://www.rerooted.org/syria-archive/p/angel-ajemian</a> . . . . .	25
Egon Schwelb, <i>Crimes against Humanity, in Perspectives on the Nuremberg Trial</i> (Guénael Mëttraux ed., 2008) . . . . .	20

*Cited Authorities*

	<i>Page</i>
<i>Some Survivors of Egypt’s Coptic Church Attack React</i> , Afr. News (Aug. 8, 2024), <a href="https://www.africanews.com/2017/06/29/some-survivals-of-coptic-church-attack-reacts/">https://www.africanews.com/2017/06/29/some-survivals-of-coptic-church-attack-reacts/</a> . . . . .	27
Statute of the International Criminal Tribunal for Rwanda art. 3(h), Nov. 8, 1994, 33 I.L.M. 1600 (1994) . . . . .	21
Statute of the International Criminal Tribunal for the former Yugoslavia art. 5(h), May 25, 1993, 32 I.L.M. 1203 (1993) . . . . .	21
U.N. Comm. on the Elimination of Discrim. against Women, <i>Report on the Inquiry Concerning Nigeria Conducted under Article 8 of the Optional Protocol to the Convention</i> , 35 U.N. Doc. CEDAW/C/NGA/IR/1 (Sept. 4, 2025) . . . . .	14, 15
U.N. Indep. Int’l Fact-Finding Mission for the Sudan, <i>Sudan: A War of Atrocities: Report</i> , U.N. Doc. A/HRC/60/22 (Sept. 22, 2025) . . . . .	14
U.S. Comm’n for Int’l Religious Freedom, Annual Report 2013 (2013) . . . . .	14
U.S. Comm’n on Int’l Religious Freedom, Annual Report 2025 (2025) . . . . .	9

*Cited Authorities*

	<i>Page</i>
U.S. Comm’n on Int’l Religious Freedom, <i>Countries</i> (last visited Mar. 25, 2026), <a href="https://www.uscirf.gov/countries">https://www.uscirf.gov/countries</a> . . . . .	7
U.S. Comm’n on Int’l Religious Freedom, <i>Policy Update: Religious Freedom and U.S. Policy in Post-Assad Syria</i> (July 2025), <a href="https://www.uscirf.gov/sites/default/files/2025-07/2025%20Syria%20Policy%20Update.pdf">https://www.uscirf.gov/sites/default/files/2025-07/2025%20Syria%20Policy%20Update.pdf</a> . . . . .	9
U.S. Comm’n on Int’l Religious Freedom, <i>USCIRF Sounds Alarm for Attacks Against Religious Communities in Sudan</i> (Apr. 19, 2024), <a href="https://www.uscirf.gov/news-room/releases-statements/uscirf-sounds-alarm-attacks-against-religious-communities-sudan">https://www.uscirf.gov/news-room/releases-statements/uscirf-sounds-alarm-attacks-against-religious-communities-sudan</a> . . . . .	14
U.S. Dep’t of Just., <i>Lafarge Pleads Guilty to Conspiring to Provide Material Support to Foreign Terrorist Organizations</i> (Oct. 18, 2022), <a href="https://www.justice.gov/archives/opa/pr/lafarge-pleads-guilty-conspiring-provide-material-support-foreign-terrorist-organizations">https://www.justice.gov/archives/opa/pr/lafarge-pleads-guilty-conspiring-provide-material-support-foreign-terrorist-organizations</a> . . . . .	25-26
U.S. Dep’t of State Off. of Int’l Religious Freedom, 2022 Report on International Religious Freedom: Syria (2022), <a href="https://www.state.gov/wp-content/uploads/2023/05/441219-SYRIA-2022-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf">https://www.state.gov/wp-content/uploads/2023/05/441219-SYRIA-2022-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf</a> . . . . .	8

*Cited Authorities*

	<i>Page</i>
U.S. Dep’t of State Off. of Int’l Religious Freedom, <i>2023 Report on International Religious Freedom: Egypt</i> (2023), <a href="https://www.state.gov/wp-content/uploads/2024/05/547499-EGYPT-2023-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf">https://www.state.gov/wp-content/uploads/2024/05/547499-EGYPT-2023-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf</a> . . . . .	10
U.S. Dep’t of State, <i>2019 Report on International Religious Freedom: Syria</i> (2019), <a href="https://www.state.gov/wp-content/uploads/2020/05/SYRIA-2019-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf">https://www.state.gov/wp-content/uploads/2020/05/SYRIA-2019-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf</a> . . . . .	8-9
U.S. Dep’t of State, <i>2023 Report on International Religious Freedom: Sudan</i> (2023), <a href="https://www.state.gov/wp-content/uploads/2024/04/547499-SUDAN-2023-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf">https://www.state.gov/wp-content/uploads/2024/04/547499-SUDAN-2023-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf</a> . . . . .	13
U.S. Holocaust Memorial Museum, <i>The Armenian Genocide (1915-16): Overview</i> (last visited Mar. 25, 2026), <a href="https://encyclopedia.ushmm.org/content/en/article/the-armenian-genocide-1915-16-overview">https://encyclopedia.ushmm.org/content/en/article/the-armenian-genocide-1915-16-overview</a> . . . . .	10
Univ. Network for Hum. Rts., <i>We Are No One: How Impunity for Three Years of Atrocities is Erasing Nagorno-Karabakh’s Armenians 120</i> (Dec. 2023), <a href="https://www.humanrightsnetwork.org/publications/we-are-no-one">https://www.humanrightsnetwork.org/publications/we-are-no-one</a> . . . . .	12-13

*Cited Authorities*

	<i>Page</i>
Elies van Sliedregt, <i>Individual Criminal Responsibility in International Law</i> (2012) .....	22
John Witte, Jr., <i>Reclaiming the Blessings of Religious Liberty: Religion and the American Constitutional Experiment</i> , 23 <i>Ecclesiastical L.J.</i> 289 (2023) .....	5

## INTERESTS OF *AMICI CURIAE*<sup>1</sup>

*Amici* are a coalition of non-governmental organizations dedicated to protecting religious minorities and advancing accountability for religious persecution worldwide, with a particular focus on Christians persecuted abroad. *Amici* include the American Syriac Union, Christian Solidarity International, Compassion and Sustainable Development Africa, Coptic Solidarity, Foundation for Religious Freedom, In Defense of Christians, International Committee on Nigeria, the Armenian Apostolic Church of America Eastern U.S. Prelacy of the Holy See of Cilicia, Rerooted Archive, and a Diocesan Archbishop of the Armenian Apostolic Church, who, through humanitarian support, documentation, advocacy, and survivor-centered engagement, encounter firsthand the recurring reality that victims of religious persecution often lack any meaningful redress. Because such persecution is frequently accomplished through facilitation—including funding, logistics, surveillance, technology, weapons, and other forms of substantial assistance—*amici* have a vital interest in ensuring that accountability mechanisms remain capable of reaching those who enable persecution even when they are not the final hand that carries it out.

### INTRODUCTION

Religious persecution is among the gravest and most persistent forms of oppression faced by vulnerable

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1. No counsel for a party authored the brief in whole or in part and no person or entity, other than *amici curiae* and their counsel, made a monetary contribution to the preparation or submission of the brief.

communities worldwide. When rising to the threshold of devastation required for atrocity crimes which are recognized as law of nations violations under *Sosa v. Alvarez-Machain*, 542 U.S. 692 (2004), religious persecution is the quintessential harm that laws governing atrocity crime accountability were created to prevent. This threshold requires that the religious persecution be widespread and systematic. Accordingly, such persecution must be committed by a network of actors and is frequently carried out with knowing facilitation—funding, logistics, surveillance, technology, weapons, and other material support—that makes persecution possible at scale.

As demonstrated by *amici's* firsthand engagement with victims in Syria, Egypt, Artsakh, Sudan, and Nigeria, religious persecution rising to the level of atrocity crimes is ever-present. Should the actors facilitating these harms act from, or be found within, the United States, narrowing the Alien Tort Statute, 28 U.S.C. § 1350 (ATS) and the Torture Victim Protection Act, 28 U.S.C. § 1350 note (TVPA) in the manner Petitioners propose would allow U.S.-based actors to provide material means for systematic oppression while remaining categorically beyond civil redress. Where an industry's services can be predictably abused, it is neither novel nor onerous to require reasonable diligence to reduce that risk. Holding a U.S. actor potentially liable when it knowingly provides substantial assistance that enables torture, genocide, or other atrocity crimes therefore does not impose an unfamiliar duty; it aligns with settled due diligence expectations that businesses should not allow their platforms, products, or services to become reliable tools for severe wrongdoing. To hold to the contrary would be to not only leave victims without a viable pathway to

accountability but would also undermine the Nation's foundational commitment to religious liberty and the core Constitutional principle that those who enable the evil of religious coercion must not operate with impunity.

### SUMMARY OF ARGUMENT

The ATS and the TVPA have long functioned as critical mechanisms for victims of the world's worst abuses to seek civil redress against their perpetrators. If those statutes are narrowed in the manner Petitioners propose, victims whom the Court would readily recognize as atrocity-crime victims deserving of justice would nonetheless be left without a viable pathway to accountability, not because their harms are any less severe, but because the law would be stripped of its ability to reach those who substantially facilitate persecution rather than personally commit every final act.

*Amici's* submission proceeds by arguing that (1) freedom from religious persecution is a central pillar upon which this country was founded; (2) religious persecution is rampant abroad; and (3) because religious persecution is frequently accomplished through facilitation, removing aiding and abetting liability would deny redress in many of the cases that these statutes are meant to reach.

1. Religious persecution is a core evil the Founders sought to prevent, evident in the foundational and constitutional history of protecting religious minorities from coercion and violence. Construed against that backdrop, any ambiguity in the scope of the ATS and TVPA should not be resolved in a manner that disables accountability for those who enable religious persecution.

To do so would be profoundly at odds with the Nation's foundational commitment to religious liberty and freedom from religious persecution.

2. Religious persecution is rampant abroad, with nearly two-thirds of the global population living in countries where religious minorities face persecution or discrimination. *See* Aid to the Church in Need, Religious Freedom in the World Report (2025), <https://acninternational.org/religiousfreedomreport/reports/global/2025>. While religious persecution is a reality for all religious groups, particularly minorities, this submission focuses on the persecution of Christians, as experienced by coalition members. If one understands the harms of religious persecution as pervasive and severe, then one must also understand the inability to redress these harms as equally severe.

3. Finally, *amici's* accounts underscore the human stakes of the Court's decision. The stories presented in this submission describe persecution that is explicitly tied to faith and that is frequently executed through systematic coercion and support networks rather than through isolated acts. If U.S.-based actors can provide substantial assistance making such persecution possible, yet remain categorically beyond civil accountability under the ATS and TVPA, the resulting impunity for religiously-motivated persecution would effectively strip the statutes of their intended reach.

## ARGUMENT

### I. Freedom from Religious Persecution is a Central Pillar upon Which This Country was Founded.

Religious persecution was an evil the Founders sought to prevent. See Note, *Liberty of Conscience, Political Process Theory, and Founding-Era Free Exercise*, 130 Harv. L. Rev. 1118, 1131 (2026) [hereinafter *Liberty of Conscience*]. Concern about such persecution was foremost on the Founders' minds when drafting the First Amendment. *Id.*

James Madison advocated for religious freedom by warning of the consequences of the alternative, writing “[t]orrents of blood have been spilt in the old world, by vain attempts of the secular arm, to extinguish Religious discord.” James Madison, *Memorial and Remonstrance against Religious Assessments* (1795), reprinted in 8 *The Papers of James Madison: Congressional Series* 295, 302 (Robert A. Rutland & William M.E. Rachal eds., 1973). John Dickinson, a Continental Congress delegate, warned that a lack of religious freedom “fuels animosities, and persecutions have been raised which have deluged the world in blood and disgraced human nature.” John Witte, Jr., *Reclaiming the Blessings of Religious Liberty: Religion and the American Constitutional Experiment*, 23 *Ecclesiastical L.J.* 289, 289 (2023).

Thomas Payne wrote of the colonies that the “new world hath been the asylum for the persecuted lovers of civil and religious liberty from every part of Europe. Hither have they fled...from the cruelty of the monster” Thomas Payne, *Common Sense* 34 (Cambridge Univ. Press 2015) (1776).

The Framers, seeing this rampant religious persecution, championed religious liberty. *Liberty of Conscience, supra*, at 1131. This principle informed the ratification of the First Amendment, which was adopted “explicitly for the purpose of preventing religious persecution” against religious minorities. *Id.* at 1131. Indeed, this Court described the First Amendment “in light of its history and the evils it was designed forever to suppress,” referencing that “[t]he centuries immediately before and contemporaneous with the colonization of America had been filled with turmoil, civil strife and persecutions, generated in large part by established sects determined to maintain their absolute political and religious supremacy.” *Everson v. Board of Education*, 330 U.S. 1, 8, 14 (1947).

Thus, freedom from religious persecution is crucial to the history, tradition, and principles of our nation. There can be no doubt that, should a U.S. actor facilitate such religious persecution abroad, it would not be tolerated by the Founders of our nation. Insofar as the Court finds the ATS and TVPA to be ambiguous, they should interpret them in a way that is consistent with this Nation’s commitment to freedom from religious persecution.

Sadly, the “[t]orrents of blood,” Madison, *supra*, at 302, that the Founders used to describe religious persecution continue for Christian communities around the world today. To rule that individuals who aid and abet religious persecution should not be liable under U.S. law would be to contradict the Founders’ intent to prevent such persecution.

## **II. The Persecution Feared by the Founders of this Country is Rampant Abroad.**

In many ways, the religious persecution the Founders sought to prevent remains pervasive today. Multiple organizations, working with the U.S. government or independently, have come to remarkable findings on the widespread prevalence of persecution of Christian communities. The U.S. Commission on International Religious Freedom (USCIRF) currently identifies 34 countries as severely violating the religious freedoms of their citizens, including Christians, through government repression or the work of uncontrolled terrorist and rebel groups. *See* U.S. Comm'n on Int'l Religious Freedom, *Countries* (last visited Mar. 25, 2026), <https://www.uscirf.gov/countries>. Open Doors, an independent monitoring organization often cited by the Executive Branch, reports that there are currently over 388 million Christians suffering high levels of persecution for their faith, meaning that one in seven Christians around the world are living in such conditions. *See* Open Doors Int'l, *World Watch List 2026: Compilation of All Main Documents 26* (Jan. 2026), <https://www.opendoors.org/research-reports/wwl-documentation/WWL2026-Compilation-of-main-documents.pdf>. As of 2026, this statistic includes 4,849 Christians murdered and 4,712 Christians detained globally, as well as innumerable communities intimidated and devastated by the destruction of 3,632 churches and Christian properties. *Id.* at 30, 34–39.

### **A. Recent Events Confirm the Scope and Seriousness of the Severe Religious Persecution that Christians Face Abroad.**

Persecution against Christian communities occurs in countries across the world in various forms. *Amici* work

directly with Christian communities in the five countries listed below, and highlight their conditions to reflect broader patterns of faith-based persecution around the world.

**1. Syria.** Syria is home to one of the world's oldest Christian communities, with Christian presence in the region dating to the earliest centuries of the faith. *See* Sidney H. Griffith, *Christianity in Syria*, in 2 *The Cambridge History of Religions in the Ancient World* 138 (Michele R. Salzman ed., 2013). But years of war, displacement, and sectarian persecution have devastated that community. The U.S. Department of State's Office of International Religious Freedom has reported that the population of Christians in Syria, which numbered roughly 1.5 million before 2011, may have fallen to as few as 300,000 by 2022. *See* U.S. Dep't of State Off. of Int'l Religious Freedom, 2022 Report on International Religious Freedom: Syria 3 (2022), <https://www.state.gov/wp-content/uploads/2023/05/441219-SYRIA-2022-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf>.

During the height of the Syrian civil war, Christian communities were subjected to overt and severe sectarian violence by non-state extremist groups, most notably ISIS. These abuses included mass killings, kidnappings, forced displacement, and the destruction of churches and religious heritage sites. In areas under ISIS control, Christians were explicitly targeted on the basis of their religious identity, often forced to flee or face violence, which contributed to a dramatic decline in the Christian population. *See, e.g.*, U.S. Dep't of State, *2019 Report on International Religious Freedom: Syria*

2, 3, 9, 12–16 (2019), <https://www.state.gov/wp-content/uploads/2020/05/SYRIA-2019-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf>.

More recently, USCIRF has designated Syria a Country of Particular Concern in light of ongoing and serious violations of religious freedom. Recent reporting describes multiple mass killings, kidnappings, and other egregious acts of violence against religious minority communities, including Christians, during the country’s unstable political transition. *See* U.S. Comm’n on Int’l Religious Freedom, Annual Report 2025, at 64–65 (2025) [hereinafter USCIRF Annual Report 2025]; U.S. Comm’n on Int’l Religious Freedom, *Policy Update: Religious Freedom and U.S. Policy in Post-Assad Syria* (July 2025), <https://www.uscirtf.gov/sites/default/files/2025-07/2025%20Syria%20Policy%20Update.pdf>

**2. Egypt.** Egypt is home to an estimated 10 to 15 million Christians, the vast majority of whom belong to the Coptic community, which comprises approximately ten percent of the country’s population. *See* USCIRF Annual Report 2025, *supra*, at 51. Among the world’s oldest persisting Christian communities, the Copts are indigenous people with a presence in the region spanning nearly two millennia. *See* Minority Rts. Grp., *Copts in Egypt* (Oct. 2017), <https://minorityrights.org/communities/copts/>. Yet their enduring history has not ensured their future protection.

Rather, Egypt’s Coptic Christians continue to face repeated, well-documented incidents of sectarian violence and discrimination from coordinated groups of assailants, particularly in rural Upper Egypt, which authorities

frequently fail to adequately investigate or remedy—often resulting in impunity, and at times reflecting state acquiescence or worse. *Id.* Such violence against Coptic Christians has devastated Christian life in Egypt. The acts of violence are iterative, continuous, and widespread, including more than a decade of massacres at churches across the country, in addition to churches and Christian homes frequently set ablaze. See U.S. Dep’t of State Off. of Int’l Religious Freedom, *2023 Report on International Religious Freedom: Egypt* 16–17, 39 (2023), <https://www.state.gov/wp-content/uploads/2024/05/547499-EGYPT-2023-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf>; Hum. Rts. Watch, *Egypt: Mass Attacks on Churches* (Aug. 21, 2013), <https://www.hrw.org/news/2013/08/21/egypt-mass-attacks-churches>; Kareem Fahim & Liam Stack, *Fatal Bomb Hits a Church in Egypt*, N.Y. Times (Jan. 1, 2011), <https://www.nytimes.com/2011/01/02/world/middleeast/02egypt.html>; *Egypt Church Blast Death Toll Rises to 23*, Reuters (Jan. 4, 2011), <https://www.reuters.com/article/idUSTRE7010M020110104/>.

**3. Artsakh.** As the world’s first and oldest Christian nation, see Mark W. Graham, 30 Key Moments in the History of Christianity ch. 7 (2026), Armenia and its people have long experienced religious persecution.

The Armenian Genocide, often labeled the first genocide of the 20th century, *e.g.*, U.S. Holocaust Memorial Museum, *The Armenian Genocide (1915-16): Overview* (last visited Mar. 25, 2026), <https://encyclopedia.ushmm.org/content/en/article/the-armenian-genocide-1915-16-overview>, was carried out by the Ottoman Empire to

rid the nation of its Christian infidel community. The architects of the Armenian Genocide openly expressed their intentions to “liquidate [their] internal foes, i.e., the indigenous Christians.” Dispatch from Johann H.H. Mordtmann, Ger. Counsel General for Armenian Affairs, to Hans von Wangenheim, Ger. Ambassador to the Ottoman Empire (June 6, 1915), *reprinted in* The Armenian Genocide: Evidence from the German Foreign Office Archives, 1915–1916, at 225 (Wolfgang Gust ed., 2014). Continuing impunity for the Armenian Genocide not only inspired future atrocities, most notably, the Holocaust,<sup>2</sup> but also fueled the most recent cycle of violence against Armenians.

In late 2023, Azerbaijan expelled the entirety of the ancient Armenian Christian community from its indigenous homeland of Artsakh for the first time in millennia. Over 120,000 Armenians were forcibly displaced in the span of just eight days. *See, generally*, Freedom House et al., Why Are There No Armenians in Nagorno-Karabakh? Fact Finding Report (2024), [https://freedomhouse.org/sites/default/files/2024-11/NO-ARMENIANS-IN-NK-DDF-FH\\_FACT-FINDING\\_REPORT\\_FULL\\_VERSION.pdf](https://freedomhouse.org/sites/default/files/2024-11/NO-ARMENIANS-IN-NK-DDF-FH_FACT-FINDING_REPORT_FULL_VERSION.pdf).

Azerbaijan’s campaign of displacement included blockades, starvation, and military force. *See, generally*, Rerooted Archive, No Choice But to Flee: The Forced

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2. Hitler used the lack of accountability for the Ottoman Empire’s crimes to justify his own extermination of the Jewish population, instructing his men, on the eve of the invasion of Poland, that they had no need to fear punishment because, “who still talks nowadays of the extermination of the Armenians?” 7 Nazi Conspiracy and Aggression 753 (U.S. Chief Counsel for the Prosecution of Axis Criminality ed., 1946).

Deportation and Persecution of the Armenian Population of Nagorno-Karabakh (Apr. 2025), <https://www.rerooted.org/justice-reports/no-choice-but-to-flee>. Azerbaijani leadership was clear about its intent, issuing a public government postage stamp depicting the government’s fumigation of Artsakh, *id.* at 31; building a military trophy park displaying dehumanizing Armenian caricatures, *id.* at 163; and calling the Christian Armenians “Jackals,” “dogs,” “wild beasts,” “predators,” “a wild tribe,” “our main enemies,” “barbarians and vandals” infected by a “virus,” and “a cancerous tumor of Europe.” *Id.* at 218.

The campaign culminated in September 2023 when the entire population was forcibly displaced. As the Council of Europe’s Commissioner for Human Rights concluded, Armenians “had no choice but to leave the region and to do so immediately.” Council of Eur. Comm’r for Hum. Rts., *Observations on the Human Rights Situation of People Affected by the Conflict between Armenia and Azerbaijan over the Karabakh Region* ¶14, Doc. CommHR(2024)1 (Jan. 12, 2024) (emphasis added).

Further, despite binding provisional measures issued by the International Court of Justice, *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)*, Provisional Measures, 2021 I.C.J. 361, ¶¶ 92, 98(1)(c) (Dec. 7), Azerbaijani state actors carried out widespread attacks on Armenian churches, cemeteries, museums, and monuments, alongside organized historical revisionism. More than 180 such attacks were documented between December 2020 and July 2023. Univ. Network for Hum. Rts., *We Are No One: How Impunity for Three Years of Atrocities is Erasing Nagorno-Karabakh’s Armenians*

120 (Dec. 2023), <https://www.humanrightsnetwork.org/publications/we-are-no-one>.

**4. Sudan.** An estimated 5.4 percent of Sudan's nearly 50 million people are Christian, while approximately 91 percent are Sunni Muslim. See U.S. Dep't of State, *2023 Report on International Religious Freedom: Sudan 3* (2023), <https://www.state.gov/wp-content/uploads/2024/04/547499-SUDAN-2023-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf>. In Sudan, current conditions facing Christian communities build on a longstanding history of persecution of religious minorities, particularly during the three-decade rule of Omar al-Bashir. During that period, a strict, Sharia-based legal system was imposed nationwide, regardless of the diversity of religious affiliation of Sudanese people. Mohaned Elnour, *The Forgotten War on Sudan's Christians*, Tahrir Inst. for Middle E. Pol'y (May 9, 2024), <https://timep.org/2024/05/09/the-forgotten-war-on-sudans-christians/>. Reports from that era document a pattern of intimidation and harassment directed at Christian communities, including the destruction of places of worship, persecution of religious leaders, and confiscation of church property. *Id.*

Since April 2023, the outbreak of civil war has introduced new and acute forms of violence affecting Christian communities. Within days of the conflict's onset, armed actors reportedly attacked a church in central Khartoum. See Christian Solidarity Worldwide, *Briefing: Attacks on Places of Worship* (Nov. 17, 2025), <https://www.csw.org.uk/2025/11/17/report/6662/article.htm>. As the conflict spread, churches in areas of active fighting were

subjected to strikes, raids, looting, and acts of violence against clergy and congregants. *See, e.g.*, U.N. Indep. Int'l Fact-Finding Mission for the Sudan, *Sudan: A War of Atrocities: Report ¶¶* 113–14, U.N. Doc. A/HRC/60/22 (Sept. 22, 2025); U.S. Comm'n on Int'l Religious Freedom, *USCIRF Sounds Alarm for Attacks Against Religious Communities in Sudan* (Apr. 19, 2024), <https://www.uscirf.gov/news-room/releases-statements/uscirf-sounds-alarm-attacks-against-religious-communities-sudan>.

**5. Nigeria.** Over the past decade, Boko Haram has been responsible for the deaths of tens of thousands of civilians, with estimates exceeding 27,000 killed in Nigeria alone. *See* Afr. Ctr. for Strategic Studs., *Africa Surpasses 150,000 Deaths Linked to Militant Islamist Groups in Past Decade* (July 28, 2025), <https://africacenter.org/spotlight/en-2025-mig-10-year/>. Its campaign of violence included subjecting abducted girls and women to forced marriage, sexual violence, or coercive conversion, and forcibly recruiting boys as child soldiers. The group has repeatedly targeted churches, clergy, and religious gatherings, carrying out attacks designed to terrorize and displace Christian communities. *See, e.g.*, U.S. Comm'n for Int'l Religious Freedom, Annual Report 2013, at 101–2 (2013).

In April 2014, Boko Haram garnered worldwide attention for kidnapping 276 schoolgirls from Chibok. The abducted students included a significant number of Christian girls, who were reportedly singled out for forced conversion. *See, generally*, U.N. Comm. on the Elimination of Discrim. against Women, *Report on the Inquiry Concerning Nigeria Conducted under Article 8 of the Optional Protocol to the Convention*, ¶¶ 23, 35 U.N. Doc. CEDAW/C/NGA/IR/1 (Sept. 4, 2025).

Years later, the consequences of that attack remain unresolved: In 2024 it was reported that 82 of the girls were still missing, with many believed to have been subjected to forced marriage, coercion, or continued captivity. *See id.* ¶36; Amnesty Int’l, *Nigeria: Decade after Boko Haram Attack on Chibok, 82 Girls Still in Captivity* (Apr. 14, 2024), <https://www.amnesty.org/en/latest/news/2024/04/nigeria-decade-after-boko-haram-attack-on-chibok-82-girls-still-in-captivity/>. Since the Chibok kidnapping, at least 1,400 students have been kidnapped from Nigerian schools by Boko Haram, primarily “with a view to converting and marrying them by force.” CEDAW, *Report on Nigeria Inquiry, supra*, ¶¶ 27–28.

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Together, these recent events confirm that severe religious persecution of Christians is neither isolated nor episodic, but within each context is widespread, systematic, and ongoing. Limiting avenues for redress would not diminish the reality of these harms; it would only ensure that many of their victims are left without justice.

### **III. Instances of Religiously Motivated Persecution Might Not be Redressed if the Court Removes Aiding and Abetting Liability for the ATS and TVPA.**

Religiously motivated atrocity crimes are quintessential violations of international law norms. Eliminating aiding and abetting liability could create an accountability gap that is especially dangerous to communities persecuted for their faith, given that the direct perpetrators often benefit from impunity in the

country where the crime occurred. Thus, the victims often have no recourse to justice in their home country; and if the U.S. will not hold its own facilitators accountable for their harms abroad, the victims are cut off from justice.

This section accordingly addresses the practical consequences of Petitioners' proposed narrowing. It begins by explaining why aiding and abetting liability is necessary to preserve victims' access to justice and to avoid insulating U.S.-based facilitators of religious persecution from civil accountability. It then explains that religious persecution is the kind of clearly defined, universally recognized norm fitting comfortably within the ATS/TVPA framework. Finally, it gives voices to the victims themselves, grounding these legal consequences in lived experience.

**A. Eliminating Aiding and Abetting Liability Would Have Serious Practical Consequences.**

Without aiding and abetting liability in the ATS and TVPA, there would be several recurring situations in which victims of religious persecution would lack meaningful redress if left to rely on other existing statutes, even where a U.S. nexus is substantial. Consider first the case in which a U.S. actor provides substantial assistance—through conduct occurring in the United States sufficient to satisfy the domestic “touch and concern” inquiry—to a foreign government which persecutes its Christian community. If sovereign immunity forecloses suit against the foreign state, and the U.S. actor's role is insulated by the narrowing Petitioners seek, the victim is left without a civil remedy.

Consider next the case in which a U.S. actor provides comparable domestic material support to a terrorist group committing atrocity crimes abroad. Unless the victim falls within the limited class of plaintiffs who can invoke the Anti-Terrorism Act, 18 U.S.C. § 2333, civil recovery may be unavailable, *see* 18 U.S.C. § 2333(a); *Burnett v. Al Baraka Inv. & Dev. Corp.*, 274 F. Supp. 2d 86, 98 (D.D.C. 2003); and while criminal prosecution under federal material support statutes may be possible, *See* 18 U.S.C. §§ 2339(d)(2), 2339B, that avenue depends on enforcement discretion and may not result in any relief for the victims. Further, these statutory gaps are compounded when the U.S. Government declines to designate an armed group as a foreign terrorist organization, as liability under these alternative statutes is then unavailable regardless of the severity of the underlying atrocities. The core point is structural: relevant alternative statutes do not permit foreign “alien” victims to bring civil claims, nor do they allow for the full range of liable actors to be held accountable, in instances where a remedy should be available.

Further, read against this Court’s extraterritoriality and pleading jurisprudence, eliminating aiding and abetting liability would constrict the ATS and TVPA to a scope that cannot reasonably be squared with congressional intent. Under *Kiobel*’s presumption against extraterritoriality, *see Kiobel v. Royal Dutch Petroleum Co.*, 569 U.S. 108, 116–17 (2013), and *Nestle*’s requirement that plaintiffs allege more than “general corporate activity” in the United States, *Nestle USA, Inc. v. Doe*, 593 U.S. 628, 632 (2021) (Thomas, J., plurality opinion), removing aiding and abetting liability would leave the statutes with only a vanishingly small field of operation—largely limited

to cases in which a U.S. defendant, acting in the United States, personally commits the underlying violation on U.S. soil. The statutes would no longer reach the far more common scenario in which U.S.-based conduct knowingly and substantially enables atrocities carried out overseas.

If the statutes are narrowed in the way Petitioners urge, a predictable result is that an entire category of victims of religion-based atrocities—despite holding otherwise valid claims and demonstrating substantial U.S.-based facilitation—will be locked out of court. Such an outcome would do more than deny compensation: it would create a gap in which U.S. individuals or corporations can knowingly enable persecution from within the United States and face no civil accountability. This would layer impunity atop atrocity, a result irreconcilable with the purposes of the ATS and TVPA.

Finally, aiding and abetting liability under the ATS and TVPA is consistent with existing U.S. legal regimes that impose responsibility on actors for knowingly facilitating grave harms. Existing due diligence statutes ensure that there is not impunity for companies that are complicit in acts such as human trafficking or money laundering. The goal is to mitigate perpetrators having access to the financial or technological tools to enable their crimes. In the same way, aiding and abetting liability deters companies from supporting mass atrocities, within a legal framework that parallels existing enforcement schemes. If banks can be held liable for not having a money laundering protocol, surely such entities should be liable for knowingly and substantially assisting atrocity crimes. It is not an onerous expectation and would help prevent

U.S. actors from supporting religious persecution around the world.

**B. Religious Persecution is a Paradigmatic Violation of a Specific, Universal, and Obligatory International Law Norm.**

Under this Court's ATS framework, a plaintiff must point to an international law prohibition that is "specific, universal, and obligatory." *Jesner v. Arab Bank, PLC*, 584 U.S. 241, 252–53 (2018). Religious persecution—especially when implemented through the familiar toolkit of atrocity crimes described in this brief (torture, extrajudicial killing, enforced disappearance, and severe deprivations of liberty imposed because of faith)—meets that standard. Far from a contested or merely aspirational concept, persecution on religious grounds has long been treated as a core concern of international law.

Religious persecution of Christians was specifically referenced by Hugo Grotius in his foundational 17th-century work on international law, as an object of opprobrium under the law of nations. Hugo Grotius, *The Law of War and Peace* bk. II, ch. 20, § 50, at 291 (Stephen C. Neff ed., Cambridge Univ. Press 2013) (1625); *see also* Emmerich de Vattel, *The Law of Nations* bk. II, § 59, at 158 (Joseph Chitty ed., Cambridge Univ. Press 2015) (1758). Grotius considered this prohibition as furnishing States with a lawful basis under the law of nations to wage war against another State that persecuted Christians on the basis of their religion. Grotius, *supra*, bk. II, ch. 20, § 49, at 290; *see also* Vattel, *supra*, bk. II, § 62, at 159–60. It is notable that these works, predating the enactment of the ATS, reflect the position of the law of nations with respect

to religious persecution which would have been accessible to the First Congress when enacting the Statute. Religious persecution thus fits within the “historical paradigms familiar when [the ATS] was enacted.” *Sosa*, 542 U.S. at 732.

The prohibition of religious persecution under customary international law crystallized in the 20th century. In the aftermath of the First World War, an Allied Commission concluded that those who committed “offences against the laws and customs of war or the laws of humanity, are liable to criminal prosecution.” Comm’n on the Responsibility of the Authors of the War and on Enforcement of Penalties, Report Presented to the Preliminary Peace Conference (Mar. 29, 1919), *reprinted in* 14 Am. J. Int’l L. 95, 117 (1920). As examples of such offences, the Commission referenced the Ottoman Empire’s persecution of its Christian minorities. Egon Schwelb, *Crimes against Humanity, in Perspectives on the Nuremberg Trial* 120, 123 (Guénael Mëttraux ed., 2008).

After the Second World War, persecution on the basis of religion was further crystallized as a quintessential atrocity crime. The International Military Tribunal (IMT) at Nuremberg codified “persecutions on ... religious grounds” as crimes against humanity. *E.g.*, Charter of the International Military Tribunal art. 6(c), Aug. 8, 1945, 82 U.N.T.S. 284; Control Council Law No. 10: Punishment of Persons Guilty of War Crimes, Crimes against Peace, and Crimes against Humanity art. 2(c), Dec. 20, 1945, 3 Off. Gazette Control Council Ger. 50 (1946). Shortly thereafter, the U.N. International Law Commission characterized criminal responsibility for crimes against humanity—including religious persecution—under international law

as a core legal principle affirmed by the IMT. *See* Int'l L. Comm'n, *Principles of International Law Recognized in the Charter of the Nürnberg Tribunal and in the Judgment of the Tribunal*, [1950] 2 Y.B. Int'l L. Comm'n 375, principle VI(c), at 377.

More recently, religious persecution has been recognized as an international crime prosecutable in various jurisdictions, including the *ad hoc* international tribunals for the former Yugoslavia and Rwanda, which the U.S. was instrumental in establishing. *See* Statute of the International Criminal Tribunal for the former Yugoslavia art. 5(h), May 25, 1993, 32 I.L.M. 1203 (1993); Statute of the International Criminal Tribunal for Rwanda art. 3(h), Nov. 8, 1994, 33 I.L.M. 1600 (1994). The post-World War II accountability regime thus further underscores that atrocities committed on the basis of religion are not peripheral to the “law of nations,” but central to it.

As these international criminal mechanisms were built, they were designed to reach all culpable participants, including accessories—reflecting the reality that widescale persecution is commonly accomplished through systems and support structures rather than isolated acts by individual perpetrators. *Cf.* *Att’y Gen. v. Eichmann*, 36 I.L.R. 5, ¶197 (Dist. Ct. Jerusalem 1961) (Isr.) (“in general, the degree of responsibility increases as we draw further away from the man who uses the fatal instrument with his own hands and reach the higher ranks of command”). The subsequent U.S. Nuremberg tribunals convicted numerous former-Nazi functionaries of aiding and abetting atrocity crimes. *See, e.g., United States v. Brandt et al.*, 2 Trials of War Criminals before the Nuremberg Military Tribunals under Control Council Law No. 10 [T.W.C.] 171, 198 (1946); *United States v. Altstötter et al.*,

3 T.W.C. 954, 1055–56, 1118, 1132 (1947); *United States v. Pohl et al.*, 5 T.W.C. 958, 1174 (1948); *United States v. von Weizsäcker et al.*, 14 T.W.C. 308, 478 (1949).

The law of nations thus recognizes liability for aiding and abetting international crimes. *See, generally*, Elies van Sliedregt, *Individual Criminal Responsibility in International Law* 111–31 (2012); Oona A. Hathaway et al., *Aiding and Abetting in International Criminal Law*, 104 *Cornell L. Rev.* 1593 (2019); Anoush Baghdassarian, *Revisiting Actus Reus: A Survey of Aiding and Abetting Convictions in International Criminal Law*, 40 *Ariz. J. Int'l & Comp. L.* 238 (2023). The crimes of genocide, persecution, and attacks on religious objects are grave offenses that soundly satisfy step one of the test under *Sosa*, 542 U.S. 692.

### **C. The Narrowing that Petitioners Urge Would Bar the Claims of Victims of Religious Atrocity.**

The real-world stakes of Petitioners' proposed narrowing are not hypothetical. *Amici* work directly with Christian communities affected by religious persecution, and the accounts that follow—from Syria, Egypt, Artsakh, Sudan, and Nigeria—reflect recurring patterns of faith-based violence and coercion.

The following narratives are offered not as an exhaustive survey, but as representative, first-hand accounts demonstrating what is at stake if the Court forecloses aiding and abetting liability. They reflect the same core reality across contexts: faith-based persecution is often carried out through organized campaigns and support structures, and victims commonly lack any realistic avenue for redress in the locale where the

harm occurred. Narrowing the ATS and TVPA would place U. S.-based facilitators of those campaigns beyond civil accountability. The following accounts make these consequences concrete:

**1. Syria.** Angel tells the story of her husband and father-in-law's brutal kidnapping, torture, and killing by ISIS.

My husband owned an ice factory outside of Aleppo. From 2011 to 2013, the area of the factory was controlled by extremists, including ISIS, but he heard it had been liberated so he tried going back to work. There was no cell network so he went to work for four days and on the fifth day would come back to Aleppo to see us. One time, after four days of work, my husband did not come home. I soon found out my husband and his father were kidnapped for the main reason that they were Christians and needed to be punished. We believe neighbors told ISIS that the factory owners were Christian.

After that my torture started – imagining everyday they are tortured, hit, without food, without water, and constantly suffering. ... But I had to put on a brave face for my children who were far too young to understand.

After one month, the first call came. It was someone who had been kidnapped together with them for a week. He told me where my husband was. I thought he was lying because everyone knew that my husband was gone and maybe this man just wanted to upset me. But then he said,

“You have three candles.” My husband used to say that our kids were candles that lit up our life. When he said that I knew that he had been with them. He told me they just wanted to punish my husband and his father because they were Christian. Then he hung up for fear he was being listened to.

We kept trying to find any information, but we could not get any news. Nothing. I was not sleeping, not eating. Even drinking water would make me think of him and then the water would not go down my throat.

Three months later, the next call came. A man said, “Martyrs are praised near their Lord.” I knew they were dead.

I really wanted to get the bodies back because they were saying he was dead but when you do not see it with your own eyes you don't believe it. For three days, his friends were going to the checkpoints to try to get the bodies. It was so dangerous with attacks coming from both sides. We could not risk sending a Christian to get them because they could get kidnapped too. The Red Cross went with their white flag to the other side and took photos of my father-in-law and Minas, my husband. But still they did not hand over the bodies. His uncle and friends saw the photos. I knew that my husband would look different from torture, starvation, thirst, and stress. My father-in-law had a heart attack in there and half of his body was paralyzed.

Officials refused to turn over the bodies, saying that “if they gave us the bodies we would take them and do a burial at the church. And if we did the funeral at a church, it would be in a Christian way which was not their wish.”

We had a funeral and a burial service but without the bodies. There were no bodies. We put their photos and that was how we did the funeral.

Rerooted Archive, *Angel Ajemian* (last visited Mar. 25, 2026), <https://www.rerooted.org/syria-archive/p/angel-ajemian>.

The persecution of Angel’s family was part of a widespread, systematic attack against Christians in Syria. If there were a U.S. actor that had facilitated the harm against Angel’s husband and father-in-law, she would have no recourse for justice if the law were narrowed in the way Petitioners propose. That would not only be contrary to the purpose of these statutes, but also inconsistent with already-existing U.S. caselaw.

Indeed, the U.S. Department of Justice (DOJ) has already deemed aiding and abetting ISIS’s crimes in Syria to be criminal. *See* Complaint, *United States v. Lafarge S.A.*, Cr. No. 22-444 (WFK) (E.D.N.Y. filed Oct. 18, 2022) [hereinafter *Lafarge* Complaint]. In 2022, the cement company Lafarge pleaded guilty to providing material support to ISIS. *See* U.S. Dep’t of Just., *Lafarge Pleads Guilty to Conspiring to Provide Material Support to Foreign Terrorist Organizations* (Oct. 18, 2022), <https://www.justice.gov/archives/opa/pr/lafarge-pleads-guilty->

conspiring-provide-material-support-foreign-terrorist-organizations. Even though the *Lafarge* case proceeded under 18 U.S.C. § 2339B, the federal criminal material support statute, *Lafarge* Complaint, *supra*, at 1–2, the case reflects the Executive Branch’s considered view that material assistance to ISIS warrants serious legal consequences. The DOJ has made clear that knowingly providing material support to ISIS is a grave offense for which the perpetrator must face accountability. Closing the courthouse doors to civil aiding and abetting claims premised on the same kind of material assistance would be in tension with that enforcement posture and would unnecessarily narrow the mechanisms available to deter and remedy ISIS-linked abuses.

**2. Egypt.** In Egypt, Cynthia and Mina share harrowing stories of the religious persecution they have witnessed and been subjected to on the basis of their Christianity.

None of the criminals who committed crimes against Copts were prosecuted in any way.

My friend, Michael, was killed by the Egyptian military while at a protest with his fiancé, Vivian. Suddenly, Vivian said she did not feel Michael’s hand in hers. She then saw him caught in the wheels of a military vehicle that drove onto the pavement and ran him over. His skull was fractured and his legs were nearly severed from his body. As she sat next to him crying and calling for help, soldiers gathered around Michael, brutally beating and kicking

his motionless body. Vivian threw her body over his to protect him. She begged them to stop, but military officers beat and cursed her; they called her an infidel, “Christian sons of dogs,” and worse.

Ray Downs, *Human Rights Activist Tells of Coptic Christians’ Plight in Egypt*, Christian Post (Dec. 12, 2011), <https://www.christianpost.com/news/human-rights-activist-tells-of-coptic-christians-plight-in-egypt.html>.

Mina, at 10 years old, watched his father get shot because he would not renounce his Christian faith:

When I was ten years old, I was traveling on a bus with my father to a monastery. In an attack claimed by [the] Islamic State, gunmen ambushed a group of Coptic Christians killing 29 people and wounding 24 others. We saw dead people, just dumped on the ground. They were going to kill everyone on the bus. There were around 15 gunmen. They asked my father for identification and to recite the Muslim profession of faith. When he refused, saying he was a Christian, they shot him and everyone else in the car. I do not know why my brother and I were spared when other children were shot.

*Some Survivors of Egypt’s Coptic Church Attack React*, Afr. News (Aug. 8, 2024), <https://www.africanews.com/2017/06/29/some-survivals-of-coptic-church-attack-reacts/>.

**3. Artsakh.** Thirty-three-year-old Marina Simonyan shares her personal testimony of the horrors her community faced as Azerbaijanis took over Artsakh.

I worked at the Artsakh Human Rights Defender's office as the head of the educational, research, and analytical department. Both as an individual and as a professional I witnessed such things that I could never imagine I would witness even in the worst of nightmares.

It was September 27, 2020 when Azerbaijan launched a large-scale war against the whole territory of Artsakh. Azerbaijanis were deliberately targeting civilian infrastructures, carrying out assassinations of Christian civilians. These are not just mere words but facts recorded by the staff of the Human Rights Defender. They tried their best to humiliate and psychologically terrorize us all.

All this was followed by the blockade of Artsakh. On December 12, 2022, Azerbaijan closed the only road connecting Artsakh to Armenia and the whole world. Electricity and gas supplies were cut, we were deprived of minimum living conditions. People were standing in line for hours at night just to get a small piece of bread. Cases of fainting were recorded in those lines, followed by cases of starvation. Imagine, in the heat of summer, pregnant women had to walk miles to get to a medical facility for a check-up.

There were many cases when pregnant women had miscarriages due to malnutrition.

September 19, 2023, in the afternoon when the children were at school ... I can't forget those days. A chaotic situation arose. Parents were unable to contact their children while Azerbaijan continued to bomb. The city was constantly being bombed by drones. It was hell. I also remember a case when a child had a stroke from fear in the school yard. Azerbaijanis had already entered Christian rural communities and reached the capital city Stepanakert. The inhabitants of the villages were forced to flee their homes barefoot, leaving everything behind. All that our grandparents and parents told us, we witnessed ourselves.

*Persecution of Armenians in Artsakh: A Testimony by Marina Simonyan, Save the Persecuted Christians (Sept. 16, 2024), <https://savethepersecutedchristians.org/persecution-of-armenians-in-artsakh-a-testimony-by-marina-simonyan/>.*

**4. Sudan.** The late Bishop Macram Gassis of Sudan described the history of persecution he and his congregations in Sudan experienced under Omar al-Bashir's government:

My diocese of El Obeid in central Sudan is two and a half times the size of Italy with a total of six million inhabitants. ... It is of paramount importance to bear in mind that Sudan is a

multi-racial, multi-cultural and multi-religious nation. ... Such cultural diversity, such richness is normally a source of blessing and wealth. Not in Sudan; the Islamic Fundamentalist dictatorship views the diversity willed by the creator as something negative, as an obstacle to the abstract dreams of politicians and religious extremists. ...

Make no mistake about it: Religious persecution is one of the central practices of the Islamic regime of Khartoum. Just listen to their public declarations: "Sudan," they say, "is an Arab, Muslim country."

On February 8, 2000, on the feast of St. Bakhita, an Antonov bomber dropped five bombs on a schoolyard in Kauda in the Nuba Mountains, Holy Cross Catholic School, where more than fifty students were studying under the trees. Nineteen students and a teacher were either killed on the spot, or died later of their wounds. Many were maimed by the shrapnel.

When one of Khartoum's officials was confronted with evidence about the bombing, he said, "The bombs landed where they were supposed to land."

Recently, this past Christmas, I knelt there in the courtyard in Kauda where my children died. ... They died because they wished to have an education. They died because they wished to

live in peace with their neighbors. ... And they died because they believed in Christ.

Jecinter Olweny, *Sudan: Drone Strikes Repeatedly Hit and Destroy Bishop's Residence in El Obeid, Sudan*, Ass'n of Member Episcopal Conferences in E. Afr. (Mar. 6, 2026), <https://communications.amecea.org/index.php/2026/03/06/sudan-drone-strikes-repeatedly-hit-and-destroy-bishops-residence-in-el-obeid-sudan>; see also, Macram M. Gassis, *Sudan: Country of Terrorism, Religious Persecution, Slavery, Rape, Genocide, and Man-Made Starvation*, 50 Cath. U. L. Rev. 905 (2001).

The persecution faced by Christian communities in Sudan like Bishop Gassis's parish likewise occurred against the backdrop of widespread, systematic atrocities carried out with near-total impunity. Should culpable facts arise, holding a U.S. actor accountable for aiding and abetting such persecution would be in line with existing precedent.

Indeed, the Judiciary has upheld the Executive's efforts to hold secondary actors liable for knowingly providing substantial assistance to regimes committing mass atrocities in Sudan. For example, BNP Paribas pleaded guilty in 2014 to conspiring to violate U.S. sanctions against Sudan, and a federal court entered judgment against the bank. See Letter from Preet Bharara, U.S. Att'y for the S. Dist. N.Y., to Counsel for BNP Paribas S.A. (June 27, 2014); Judgment, *United States v. BNP Paribas S.A.*, No. 1:14-cr-00460 (S.D.N.Y. May 1, 2015). More recently, a federal jury in the Southern District of New York found BNP Paribas civilly liable for substantially assisting the Sudanese regime's campaign of ethnic cleansing and mass violence. See *Kashef v. BNP Paribas, S.A.*, No. 1:16-cv-06218 (S.D.N.Y. Oct. 17, 2025).

Although arising under different statutory frameworks, these cases reflect a settled principle in U.S. law: that U.S.-based assistance for foreign regimes engaged in atrocity crimes may give rise to serious legal consequences. Foreclosing civil aiding and abetting liability under the ATS and TVPA would needlessly narrow the tools available to deter and remedy such conduct for those who cannot pursue accountability under alternative statutes.

**5. Nigeria.** Afordia tells the story of when she and her husband were ambushed by Boko Haram members. Attacks like this by this and other groups continue today.

What happened to us on October 29, 2014 in Mubi was an attack from Boko Haram terrorists. They stopped me and my husband to ask both of us to come out of the car which we did and the Boko Haram started asking him if he was a Muslim or an Infidel. He said, "I'm not a Muslim. I'm not an Infidel. I'm a Christian." That was when he was asked to turn to the righthand side of the road which he did, and immediately got out of the car, knelt down, and started praying. Suddenly I saw Boko Haram shoot him and they shot him five times in the head, killing him. After they finished killing him they came back to me and they were asking me questions. "Are you an Infidel?" I said the same as my husband and I closed my eyes. I was so afraid that they would kill me. I raised my two hands to the sky. I was praying in my heart "Lord receive my soul today because I will go and see you." Then I heard a shout saying to leave me alone and that no one asked them to kill this woman. I was able to get away.

When I went back later to get my husband's body it was dried in the sun. I was so bothered. Sleepless nights. I was not myself. I was just walking like a mad woman. To me, life doesn't mean anything anymore. They are killing us by gun, roasting by fire, and killing us with stones. I ask that the world prays for us and also for Boko Haram to stop this cruel thing they are doing.

Hannah Brockhaus, *Christian Survivor of Terrorism: 'Pray for Boko Haram'*, EWTN News (Jan. 22, 2025), <https://www.ewtnnews.com/vatican/christian-survivor-of-terrorism-pray-for-boko-haram>.

Angel, Vivian, Mina, Marina, Bishop Gassis's parishioners, Afordia, and their relatives would be left with no avenues to justice in the U.S. against a U.S. facilitator of these crimes, should the statute be narrowed in the way Petitioners propose.

\* \* \*

The Court should preserve the ability of the ATS and the TVPA to reach those in the U.S. who aid and abet religious persecution and related atrocity crimes. To hold otherwise would foreclose relief for victims whom the law exists to protect, immunize meaningful categories of culpable conduct, and undermine the United States' longstanding commitment to religious freedom and accountability for the world's most serious abuses.

**CONCLUSION**

For the foregoing reasons, the judgment of the court of appeals should be affirmed.

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March 2026

## **APPENDIX**

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