

This analysis seeks to look at legal issues concerned with case 504 f.3d 254. In the case Khulumani, the plaintiffs were South African citizens while the defendants were several corporate defendants. In the lawsuit, the plaintiffs claimed the defendants were liable for aiding and abetting liability under the Alien Torts Claims Act. The plaintiffs accused the defendants willingly and actively collaborating with the South African government in maintaining 'apartheid', a which was a racially based repressive system that restricted the majority black population while at the same time giving benefits to the minority white minority population.

The facts of the case are that the defendants were not directly involved in violating human rights under the 'apartheid' system but they indirectly did so by doing business with the government. In my own opinion, I would say that the defendants were guilty since subconsciously they knew that doing business with a repressive regime meant that you approve of their form of government. based on this case the 'plaintiffs' bar has gone ahead to state that a company can thus be sued under ATCA if it was simply only aware of violations of human rights being committed at any location in the world since this falls under the 'law of nations'.

In judgment, the second Circuit of the case reversed an earlier decision and held that a plaintiff can plead for a theory of aiding and abetting liability under ATCA.