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Groundbreaking Federal Court Decision: Catholic Church Officials Subject to Alien Tort Statute

Judge of the United States District Court (Eastern California) says rape and sexual abuse of children and a conspiracy to cover-up those crimes by Mexican and United States-based Cardinals are actionable as “crimes against humanity” and “...cruel, inhuman, and degrading treatment” under the Alien Tort Statute.

(Los Angeles, CA) In a groundbreaking decision, a Federal judge in California today denied a motion by attorneys for the Catholic Church to dismiss a lawsuit based on a unique international law against two Cardinals and a priest for their roles in the sexual abuse of a Mexican man as a boy in 1997, saying the plaintiff has sufficiently plead rape and sexual abuse of children as “...cruel, inhuman, and degrading treatment” and crimes against humanity.

The case, filed in April, 2010 by attorneys Jeff Anderson and Anthony DeMarco, named as defendants American Cardinal Roger Mahony, the Roman Catholic Archbishop of Los Angeles and Cardinal Norberto Rivera and Father Nicholas Aguilar Rivera of the Diocese of Tehuacan in Mexico.

Using the international law-based Alien Tort Statute ("ATS"), a Mexican man, identified in the lawsuit as “Juan Doe I” alleges that, in 1997, when he was twelve-years old, he was sexually abused by Fr. Aguilar and that this abuse occurred because the other Defendants' conspired to conceal the previous widespread sexual abuse of children committed by Fr. Aguilar.

The lawsuit was the first to use the Alien Tort Statute to litigate a clergy sexual abuse. Normally the ATS is used in cases of torture and other international crimes against humanity.

Jeff Anderson, one of the attorneys for the Plaintiff called the decision “a defining moment in the effort to hold church officials accountable for what is clearly an international tragedy.”

Attorney Anthony DeMarco added that it is “a tremendous victory, not only for our client, a courageous survivor, but also for the dozens of children that were abused by Fr. Nicholas Aguilar Rivera and for the children worldwide who have been victims of the institutionally orchestrated conspiracy to conceal and cover up child sex abuse and rape.”

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