

Unocal's conduct met the *actus reus* and *mens rea* requirements for liability under the ATCA for aiding and abetting forced labor. Accordingly, we reverse the District Court's grant of Unocal's motion for summary judgment on Plaintiffs forced labor claims under the ATCA.

NOTES

1. *Jus cogens* norms are norms of international law that are binding on nations even if they do not agree to them.
2. From Section [3] which has been omitted.

CASES

CASE 1. *Foreign Assignment*

Sara Strong graduated with an MBA from UCLA four years ago. She immediately took a job in the correspondent bank section of the Security Bank of the American Continent. Sara was assigned to work on issues pertaining to relationships with correspondent banks in Latin America. She rose rapidly in the section and received three good promotions in three years. She consistently got high ratings from her superiors, and she received particularly high marks for her professional demeanor.

In her initial position with the bank, Sara was required to travel to Mexico on several occasions. She was always accompanied by a male colleague even though she generally handled similar business by herself on trips within the United States. During her trips to Mexico she observed that Mexican bankers seemed more aware of her being a woman and were personally solicitous to her, but she didn't discern any major problems. The final decisions on the work that she did were handled by male representatives of the bank stationed in Mexico.

A successful foreign assignment was an important step for those on the "fast track" at the bank. Sara applied for a position in Central or South America and was delighted when she was

assigned to the bank's office in Mexico City. The office had about twenty bank employees and was headed by William Vitam. The Mexico City office was seen as a preferred assignment by young executives at the bank.

After a month, Sara began to encounter problems. She found it difficult to be effective in dealing with Mexican bankers—the clients. They appeared reluctant to accept her authority, and they would often bypass her in important matters. The problem was exacerbated by Vitam's compliance in her being bypassed. When she asked that the clients be referred back to her, Vitam replied, "Of course, that isn't really practical." Vitam made matters worse by patronizing her in front of clients and by referring to her as "my cute assistant" and "our lady banker." Vitam never did this when only Americans were present and in fact treated her professionally and with respect in internal situations.

Sara finally complained to Vitam that he was undermining her authority and effectiveness; she asked him in as positive a manner as possible to help her. Vitam listened carefully to Sara's complaints, then replied, "I'm glad that you brought this up, because I've been meaning to sit down and talk to you about my little