



Corporate Legal Accountability Quarterly Bulletin – Issue 11, December 2013

Welcome to the 11th issue of the Corporate Legal Accountability Quarterly Bulletin. To assist all those following corporate legal accountability issues, we send this bulletin to highlight key developments, new cases profiled on our site, updates to existing profiles, and other news. Our [Corporate Legal Accountability Portal](#) is an online information hub providing resources for non-lawyers as well as lawyers – including victims, advocates, NGOs, businesspeople, lawyers bringing lawsuits against companies and lawyers defending companies. The portal provides impartial, concise information about lawsuits against companies in which human rights abuses are alleged – its aim is to demystify these lawsuits. Each case profile includes materials from both the plaintiffs and defendants, to the extent they are available.

If you have something that you would like us to consider including in the next bulletin, know someone who would like to receive the bulletin, or wish to unsubscribe, please contact Elodie Aba, Corporate Legal Accountability Project Researcher, at aba@business-humanrights.org. Previous issues of this bulletin are available [here](#) in English, French and Spanish.

- 1. New profiles of lawsuits on our Corporate Legal Accountability Portal:** Over recent months we have added profiles of the following lawsuits to our portal (for full case profile, click hyperlink):
 - [Lawsuit against Argor-Heraeus \(re allegations of refining pillaged gold from Dem. Rep. of Congo\)](#): On 1 November 2013 the Swiss NGO TRIAL filed a criminal complaint with the Swiss federal prosecutor's office against Argor-Heraeus S.A., a Swiss gold refiner. The complaint alleged that the company had refined and profited from gold that was pillaged by an illegal armed group known to have committed human rights abuses in northeastern Democratic Republic of Congo.
 - [Aerial spraying ban lawsuit \(re banana companies in Philippines\)](#): In 2007 Pilipino Banana Growers and Exporters Association (PBGEA), Davao Fruits and Lapanday Agricultural Development filed a lawsuit against the City of Davao in a Philippine court, challenging the city's ban on the aerial spraying of pesticides. The city enacted the ban because of the negative health effects the pesticides were having on the local population. In 2009 the Court of Appeals stopped implementation of the ban, allowing banana companies to continue aerial spraying while the case is under review. It is now before the Supreme Court.
 - [Lawsuits against Kaweri Coffee Plantation \(part of Neumann Gruppe\) \(re forced evictions in Uganda\)](#): In August 2002 a group of Ugandans filed a criminal complaint in Uganda against Kaweri Coffee Plantation (part of Neumann Gruppe) over human rights violations committed in the District of Mubende in central Uganda. The plaintiffs allege that in August 2001, Ugandan military officials violently evicted over 2000 people from their land and burned down their houses, in order to lease the land to Kaweri for a coffee plantation. In March 2013, the court ordered compensation of approximately €11 million to be paid to those evicted. The defendants have appealed.
- 2. Lawsuit developments:** There have been significant developments in a number of lawsuits profiled on the portal, including the following (for full case profile, click hyperlink):

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- [Abu Ghraib lawsuits against CACI, Titan \(now L-3\)](#): In September 2013 a federal court ordered the Iraqi plaintiffs to pay CACI's legal expenses after their case alleging torture in Iraq involving the company was dismissed. On 20 September 2013 plaintiffs appealed the dismissal and the order to pay legal fees.
 - [Apartheid reparations lawsuits \(re So. Africa\)](#): On 20 September 2013 the plaintiffs asked for a rehearing to review the US Court of Appeal's decision that recommended dismissing the case, citing the US Supreme Court's limitation on extraterritorial application of the Alien Tort Claims Act in *Kiobel v. Shell*.
 - [Gold miner silicosis litigation \(re So. Africa\)](#): On 31 October 2013, the Johannesburg High Court issued an order consolidating the pending actions against South African gold mining companies brought by miners suffering from silicosis.
 - [Lawsuits against HudBay \(re Guatemala\)](#): In October 2013 lawyers representing women who alleged that security personnel hired by HudBay had raped them claimed that their clients (the plaintiffs) were being pressured to drop their lawsuit. The lawyers claim that HudBay's former subsidiary, Compañía Guatemalteca de Níquel (CGN), threatened to file criminal defamation cases in Guatemala against the women unless they drop their Canadian lawsuit. The companies have denied these allegations.
 - [Koh Kong sugar plantation lawsuits \(re Cambodia\)](#): In November 2013 Koh Kong Sugar met with Cambodian families who allege the company illegally took their land, and offered compensation to settle the dispute. The families have taken the company's offer under consideration.
 - [Lawsuit against Texaco/Chevron \(re oil pollution in Ecuador\)](#): On 12 November 2013 Ecuador's Supreme Court upheld the 2011 ruling against Texaco/Chevron for environmental damage but halved damages to \$9.51 billion. In the US lawsuit where Chevron accuses certain Ecuadorians and their lawyers of fraud, the trial was held in November, and the parties are awaiting the court's decision. In September 2013 an international arbitration tribunal ruled in favour of Chevron finding that agreements Texaco (now part of Chevron) signed with the Ecuadorian Government in 1995 insulated the company from having to pay the Ecuadorian judgment.
 - [US Deepwater Horizon explosion & oil spill lawsuits](#): Following a motion by BP seeking to limit some claims made under its settlement agreement, in October 2013 the US Court of Appeals sided with BP and asked US District Judge Carl Barbier to re-examine claims made under the agreement, and apply stricter criteria to determine their legitimacy.
3. **New translations:** We have translated the case profile for the [lawsuit against Nestlé in Switzerland, regarding violence against trade unionists in Colombia](#) into French and Spanish.
 4. **Quarterly Bulletin in French & Spanish:** We are now also issuing this bulletin in French and Spanish (previous issues are available [here](#)). If you would like to receive it in French or Spanish in future, please let us know.
 5. **Resource Centre briefings:**
 - [Corporate Legal Accountability Annual Briefing](#): We launched our second annual briefing in November. This briefing provides a global overview of trends and developments in the legal accountability field over the last year, and spotlights both barriers to access to remedy faced by victims of human rights abuse involving companies, and the limitations on extraterritorial jurisdiction in countries where companies are based. The briefing is available [here](#). The executive summary is available in [English](#), [French](#) and [Spanish](#).
 - [Business & human rights in the Middle East and North Africa](#): The Resource Centre recently launched its first [Regional Briefing on Middle East & North Africa](#). The briefing is published in Arabic, English and French. In examining how companies respect, or fail to

respect, the human rights of workers and communities in the region, it refers to lawsuits regarding Iraq against CACI (see above) and KBR; against Amesys regarding Libya; against Alstom and Veolia regarding the Occupied Palestinian Territories; and against managers of the Villaggio shopping mall in Qatar. The press release is available [here](#).

- Africa Oil Week 2013: The Resource Centre issued a Briefing Note in November on the occasion of Africa Oil Week identifying areas needing urgent action. It referred to lawsuits against Chevron, Shell, Talisman and the Nigerian government over alleged abuses by oil companies in Africa; government enforcement actions against oil firms in Chad, Gabon and Nigeria; and positive initiatives by oil firms. The briefing is available [here](#) in English, French and Portuguese.

6. Further lawsuits: We continue to consider a number of other lawsuits for profiling on the portal, many of them in courts outside Europe and North America. A chart detailing the case profiles which have been posted, those in preparation, and the lawsuits currently being considered for case profiles can be accessed [here](#). We are always looking to add cases to this list. If you have any suggestions of human rights lawsuits brought against companies that we should consider adding to our site, or lawyers whom we should contact, please let us know.