



**Corporate Legal Accountability Quarterly Bulletin – Issue 9, June 2013**

Welcome to the 9th 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](mailto:aba@business-humanrights.org). Previous issues of this bulletin are available [here](#).

- 1. Alien Tort Claims Act & US Supreme Court:** On 17 April 2013 the Supreme Court affirmed a lower court's dismissal of the *Kiobel v. Shell* case and restricted the application of the Alien Tort Claims Act (ATCA) in cases involving allegations of abuse outside the United States. The Court's decision significantly narrows the range of human rights cases that can be brought under ATCA. It requires a closer connection to the United States than many US courts interpreting ATCA have required in the past. However, the exact scope of this decision will become clearer as US courts apply this new ruling to pending ATCA cases such as the [lawsuit against ExxonMobil re Aceh](#) and the [lawsuit against Rio Tinto re Papua New Guinea](#). Our special page [Kiobel case: US Supreme Court Review of Alien Tort Claims Act](#) features articles and commentaries on the Supreme Court's decision written by journalists, victims' lawyers, business lawyers, NGOs, academics and others.
- 2. 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 Agua Mineral Chusmiza \(re indigenous water rights in Chile\)](#): The indigenous Aymaran and Atacama communities of Chusmiza and Usmagama brought a lawsuit in Chile challenging the right of Agua Mineral Chusmiza to bottle and sell water from their ancestral lands. The communities alleged that the company had illegally deprived them of their land and water. The Supreme Court confirmed that Chilean law recognises the communities' ancestral water rights and granted the plaintiffs 90% of the water output.
  - [Lawsuit against Alstom & Veolia \(re Jerusalem tram line\)](#): In 2007, Association France Palestine Solidarité (AFPS) and the Palestinian Liberation Organization (PLO) sued Alstom and Veolia in France. The plaintiffs alleged that the companies' involvement in a consortium which contracted with the Israeli Government to build and operate a rail project in Jerusalem violated international law. The lawsuit was dismissed in 2011 and an appeals court affirmed the dismissal in March 2013. The court ruled that the international law cited by the plaintiffs could not be used against companies, but only created obligations between states.
  - [Lawsuit regarding pollution in Matanza-Riachuelo river basin in Argentina](#): In 2004 a group of residents of one of the worst-polluted towns along the Matanza-Riachuelo river basin sued 44 businesses operating along the river basin, the Government of Argentina and the City of Buenos Aires. The plaintiffs claimed that the extensive pollution of the river basin had damaged their health. In 2008 the Argentinian Supreme Court ruled in favour of the plaintiffs against the federal and provincial governments and the city. The courts did not rule on the companies' responsibility.
  - [Lawsuits regarding Koh Kong sugar plantation \(re Cambodia\)](#): In March 2013 a group of Cambodian villagers filed a lawsuit against Tate & Lyle and T&L Sugars Limited (a subsidiary of American Sugar Refining) in English court. The plaintiffs allege that Tate & Lyle purchased raw sugar from two companies (Koh Kong Plantation and Koh Kong Sugar Industry) that grew the sugar on land from which they were violently and illegally evicted in 2006.

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- 3. 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):
- [Abu Ghraib lawsuits against CACI, Titan \(now L-3\)](#): In March 2013, a US court granted CACI's motion to dismiss plaintiffs' claims that CACI interrogators conspired with soldiers to abuse detainees. The plaintiffs amended their complaint, and the defendants moved to dismiss the plaintiffs' Alien Tort claims in light of the Supreme Court's decision in *Kiobel*. The hearing on this and other motions was held on 10 May. The court has yet to issue its ruling.
  - [Lawsuit against adidas \(re University of Wisconsin and Indonesia\)](#): In April 2013, adidas agreed to pay severance to PT Kizone Indonesian workers after the factory shut down its operations. Fifteen universities had pressured adidas to provide legally-mandated benefits to workers who produce goods with the universities' logos.
  - [Lawsuit against Chevron \(re Texaco in Ecuador\)](#): There have been a number of developments in this case over recent months, including:
    - Chevron's lawsuit in US court alleging the Ecuadorian plaintiffs' lawyers committed fraud continues. The Ecuadorian plaintiffs' lawyers won a motion to compel Chevron's CEO to submit to questioning in this case.
    - In April 2013, the plaintiffs' environmental consulting firm said its evidence in the case against Chevron was "tainted". The plaintiffs claimed that Chevron pressured the consulting firm to change its position on the evidence in exchange for dismissing a separate Chevron lawsuit against the firm.
    - In May a Canadian court dismissed a lawsuit brought by the Ecuadorian plaintiffs seeking to enforce the Ecuadorian judgment in Canada.
  - [Lawsuits against Chiquita \(re Colombia\)](#): In April 2013, Chiquita sued the US Securities and Exchange Commission to prevent disclosure of documents relating to payments to a Colombian paramilitary group between 1997 and 2004.
  - [Lawsuits against Drummond \(re Colombia\)](#): In February 2013 a Colombian court sentenced a former contractor for Drummond to 38 years in prison for organising the killing of two labour leaders in 2001. The judge ordered prosecutors to investigate whether Drummond's president and several former employees had a role in the killings.
  - [Lawsuit against DynCorp \(re Colombia & Ecuador\)](#): In February 2013, a US judge dismissed the case on the basis that the Ecuadorian farmers could not prove a causal link between DynCorp's aerial spraying and their health problems and destruction of crops and livestock, after he rejected the testimony of a key expert.
  - [Lawsuits against HudBay Minerals \(re Guatemala\)](#): In February 2013 HudBay withdrew its opposition to having the case heard in Canadian court. The cases went to trial in early March.
  - [Lawsuit against Rio Tinto \(re Papua New Guinea\)](#): Following the US Supreme Court's ruling in *Kiobel*, the Supreme Court vacated a previous appeals court ruling that genocide and war crimes claims could proceed, and ordered the appeals court to reconsider the case in light of the *Kiobel* decision.
  - [Lawsuit against Shell/BASF \(re Brazil\)](#): In March 2013, Shell and BASF agreed to pay compensation to settle the lawsuit over pollution harming the health of former workers for a total of 629 million reais (about US\$316 million). The companies will compensate the workers and provide lifelong medical care. The companies also agreed to fund construction of health clinics.
  - [Lawsuit against Vedanta Resources \(re Dongria Kondh in Orissa, India\)](#): In a landmark decision in April 2013, India's Supreme Court upheld the ban on mining in the Niyamgiri hill range and ruled that the rights of the Dongria Kondh communities must be taken into account in making the assessment of whether the mining project will be permitted to go ahead.
  - [US Deepwater Horizon explosion & oil spill lawsuits](#): BP's trial for negligence has been on-going since February 2013.
- 4. New translations:** We have added one new French translation: [Procès Areva \(Niger\)](#). In addition, we have translated the following case profiles into Spanish:
- [Perfil de demanda judicial contra BP por actividades en Colombia](#)
  - [Perfil de las demandas judiciales contra Chiquita por actividades en Colombia](#)

- [Perfil de demanda judicial contra DynCorp por actividades en Colombia y Ecuador](#)
- [Perfil de las demandas judiciales contra HudBay por actividades en Guatemala](#)
- [Perfil de las demandas judiciales contra Monterrico Metals por actividades en Perú](#)
- [Perfil de las demandas judiciales contra Shell por actividades en Nigeria](#)

We will be adding more Spanish translations in the coming months, including for the Agua Mineral Chusmiza and Matanza-Riachuelo lawsuits mentioned above. We will also be translating more case profiles into Arabic, Chinese and French.

- 5. Quarterly Bulletin in Spanish:** In addition to this global Corporate Legal Accountability Quarterly Bulletin, we are also issuing the full bulletin in Spanish available [here](#). If you would like to receive it, please contact us. In the coming months and years, we will be issuing the full bulletin in English, Spanish and French, and we will launch the following regional versions: Africa bulletin (in English and French), Asia bulletin (in English), Eastern Europe & Central Asia bulletin (in Russian), East Asia bulletin (in Chinese), Latin America bulletin (in Spanish), Middle East & North Africa bulletin (in Arabic) and Brazil, Portugal & Lusophone Africa bulletin (in Portuguese).
- 6. Eastern Europe and Central Asia Regional Briefing:** In April the Resource Centre launched its first regional briefing for Eastern Europe and Central Asia. The briefing provides an overview of key business and human rights developments and trends in this region. It includes an overview of lawsuits and legal developments including descriptions of cases from Armenia and Bulgaria. The briefing and a press release announcing the briefing (both available in English and Russian), and past briefings on other regions, are available [here](#).
- 7. Working Group on business & human rights:** On 1 May the UN Working Group on business and human rights issued a statement on its country visit to the United States. The report is available [here](#). It noted that the *Kiobel* decision “has spurred thinking on...access to judicial remedy in US courts by victims of extraterritorial human rights abuse.”
- 8. 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.
- 9. Legal research intern:** We are pleased that Paula Custer, a national of Switzerland and Argentina, has joined us as a legal research intern. Her bio is available [here](#).