



Shell Must Defend Nigerian Rights Suit, Judge Says (Update1)

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By David Glovin

April 23 (Bloomberg) -- **Royal Dutch Shell Plc**, Europe's biggest oil company, must face a lawsuit seeking to hold it responsible for violations of international law by Nigeria's military government, a judge ruled.

U.S. District Judge **Kimba Wood** in New York refused today to toss out the case on jurisdictional grounds in a setback for Shell. A trial in the case, which was brought by relatives of human-rights activists killed in Nigeria, is scheduled to begin in New York on May 26.

"Once again Shell thought it could evade justice," Jennie Green, a lawyer with the New York-based Center for Constitutional Rights, which represents the plaintiffs, said in a statement. "Now, the public will have the opportunity to see how Shell's complicity with a murderous military regime was its standard operating procedure for doing business in Nigeria."

The case, filed in 1996, was brought under the U.S. Alien Tort Claims Act, which allows U.S. courts to hear suits by non-citizens claiming violations of international law.

In an opinion today, Wood threw out claims that Shell violated the activists' rights related to peaceful assembly. She said other claims alleging crimes against humanity may go forward.

"Although defendants are correct that there is not universal agreement on every element of a claim based on crimes against humanity, this limited inconsistency does not frustrate the court's jurisdiction to hear such claims," Wood said.

Stan Mays, a spokesman for The Hague-based Shell, declined to comment on Wood's ruling, though the company disputed allegations that it aided the military and said it worked to save the activists.

"Shell in no way encouraged or advocated any act of violence," the company said in a statement about the allegations against it. "Shell was not responsible for these tragic events."

The case is *Wiwa v. Royal Dutch Petroleum*, 96-cv-8386, U.S. District Court, Southern District of New York (Manhattan).

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