



the case against shell



Royal Dutch Shell, plc (Shell) began oil production in the Niger Delta region of Nigeria in 1958 and has a long history of working closely with the Nigerian government to quell popular opposition to its presence in the region. At the request of Shell, and with Shell's assistance and financing, Nigerian soldiers used deadly force and massive, brutal raids against the Ogoni people throughout the early 1990s to repress a growing movement against the oil company. The Center for Constitutional Rights (CCR), Earthrights International (ERI) and other human rights attorneys sued Shell for human rights violations against the Ogoni. The case will go to trial on April 27, 2009 in New York City.

who are the ogoni and why were they protesting?

Ogoni is the name of a region in the Niger Delta of southern Nigeria as well as the name of the ethnic group that lives in that region.

For the Ogoni and the people of Nigeria, oil and oil companies have brought poverty, environmental devastation and widespread, severe human rights abuses. Currently, almost 85 percent of oil revenues accrue to 1 percent of the population while, according to the African Development Bank, more than 70 percent of Nigerians live on less than US\$1 per day. Ogoni is home to several environmental treasures, including the third-largest mangrove forest in the world and one of the largest surviving rainforests in Nigeria. Oil drilling by Shell and other oil companies has had a devastating impact on the region's environment. Oil spills, gas flaring and deforestation have stripped the land of its environmental resources, destroying the subsistence farming and fishing based economy of the Ogoni.

what is MOSOP?

The Movement for the Survival of the Ogoni People (MOSOP) is a human rights group founded in 1990 that is committed to using nonviolence to stop the repression and exploitation of the Ogoni and their resources by Shell and the Nigerian government. Upon its founding, MOSOP quickly garnered wide support and in 1993, at least half the total Ogoni population publicly supported the group. Ken Saro-Wiwa, founding member and president of MOSOP brought worldwide attention to the human rights violations committed against the Ogoni through international campaigning and his poignant writing. He was nominated for a Nobel Prize and awarded the Right Livelihood Award and the Goldman Prize for his environmental and human rights activism.

what happened to the plaintiffs in this case?

As the peaceful movement of the Ogoni grew, so did the Nigerian government's and Shell's brutal campaign against the Ogoni and MOSOP. In early 1993, Shell requested military support to build a pipeline through Ogoni. When plaintiff Karalolo Kogbara was crying over the resulting bulldozing of her crops, she was shot by Nigerian troops and lost an arm as a result. In a separate incident later that year, plaintiff Uebari N-nah was shot and killed by soldiers near a Shell flow station; the soldiers were requested by and later compensated by Shell. Plaintiff Owens Wiwa was detained repeatedly under false charges in 1994 to prevent him from protesting; he was beaten and threatened throughout his detentions. Michael Vizer, another plaintiff, was arrested for his political activities and upon his arrest his daughter was raped. When he would not confess to a false charge, he was beaten and tortured. Mr. Vizer's son was also beaten and detained when he attempted to bring his father food.

The military dictatorship holds down oil-producing areas such as Ogoni by military decrees and the threat or actual use of physical violence so that Shell can wage its ecological war without hindrance... This cozy, if criminal, relationship was perceived to be rudely disrupted by the non-violent struggle of the Ogoni people under MOSOP. The allies decided to bloody the Ogoni in order to stop their example from spreading through the oil-rich Niger Delta.

- Ken Saro-Wiwa's closing statement at his trial

In 1994, Ken Saro-Wiwa and other Ogoni leaders were prevented by the military from attending a gathering; at that very gathering, four Ogoni chiefs were killed. The military governor promptly announced that Ken Saro-Wiwa caused the deaths, and he and other leaders were taken into custody. Despite the lack of any connection between MOSOP and the deaths, the military used the deaths as a pretext to conduct raids on 60 towns in Ogoni and to detain and beat several hundred men suspected of involvement with MOSOP.

A three-man tribunal was created by the Nigerian government to try the Ogoni leaders—known as the "Ogoni Nine"—for the murders of the four chiefs. The tribunal denied the

Ogoni Nine access to counsel, a fair trial, and the opportunity to appeal the decision.

how was shell involved?

Shell continued its close relationship with the Nigerian military regime during the early 1990s. The oil company requested an increase in security and provided monetary and logistical support to the Nigerian police. Shell frequently called upon the Nigerian police for "security operations" that often amounted to raids and terror campaigns against the Ogoni.

In response to growing Ogoni opposition, Shell and the Nigerian government coordinated a public relations campaign to discredit the movement, falsely attributing airplane hijackings, kidnapping and other acts of violence to Ken Saro-Wiwa and MOSOP.

Shell was involved in the development of the strategy that resulted in the unlawful execution of the Ogoni Nine. Shell told the Nigerian regime they needed to deal with Ken Saro-Wiwa and MOSOP. Shell monitored Ken Saro-Wiwa, and closely followed the tribunal and his detention. Prior to the trial, Shell Nigeria told its parent companies that Saro-Wiwa would be convicted and told witnesses that Saro-Wiwa was never going free. Shell held meetings with the Nigerian regime to discuss the tribunal, including with the military president Sani Abacha himself. Shell's lawyer attended the trial, which, in Nigeria, is a privilege afforded only to interested parties. Brian Anderson, the Managing Director of Shell's Nigerian subsidiary, met with Owens Wiwa, Saro-Wiwa's brother and offered to trade Saro-Wiwa's freedom for an end to the protests against the company. At least two witnesses who testified that Saro-Wiwa was involved in the murders of the Ogoni elders later

recanted, stating that they had been bribed with money and offers of jobs with Shell to give false testimony – in the presence of Shell's lawyer.

One month after the executions of the Ogoni Nine, Shell signed an agreement to invest \$4 billion in a liquefied natural gas project in Nigeria.

what's the status of the case against shell?

Beginning in 1996, the Center for Constitutional Rights (CCR), EarthRights International (ERI), Paul Hoffman of Schonbrun, DeSimone, Seplow, Harris & Hoffman and other human rights attorneys have brought a series of cases to hold Shell accountable for human rights violations in Nigeria, including summary execution, crimes against humanity, torture, inhuman treatment and arbitrary arrest and detention. The lawsuits are brought against Royal Dutch Shell and Brian Anderson, the head of its Nigerian operation.

The cases were brought under the Alien Tort Statute, a 1789 statute giving non-U.S. citizens the right to file suits in U.S. courts for international human rights violations, and the Torture Victim Protection Act, which allows individuals to seek damages in the U.S. for torture or extrajudicial killing, regardless of where the violations take place. The cases also allege that Shell violated the Racketeer Influenced and Corrupt Organizations Act (RICO) and violations of New York state law.

Shell has made many attempts to have these cases thrown out of court, which the plaintiffs have defeated. The United States District Court for the Southern District of New York has set a trial date of April 27, 2009. The plaintiffs eagerly await their day in court to hold the defendants accountable for their injuries and the deaths of their loved ones.

what you can do:

The Center for Constitutional Rights and EarthRights International are mobilizing support for this landmark lawsuit against Shell. Please contact lraymond@ccrjustice.org or han@earthrights.org for more information. Specifically, you can:

1. Educate yourself and others about the case against Shell: www.wiwavshell.org.
2. Join CCR and ERI's online action lists for updates www.ccrjustice.org; www.earthrights.org.
3. Plan an educational event in your school, church, house or elsewhere in your community.
4. Write an Op-ed or Letter to the Editor regarding this landmark trial.
5. If you are in or near New York City, come out to the trial or volunteer.

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