



the case against royal dutch shell

corporate
human rights
abuse

On November 10, 1995, nine Ogoni leaders (the "Ogoni 9") were executed by the Nigerian government after being falsely accused of murder and tried by a specially created military tribunal. Those executed included world renowned novelist and human rights activist Ken Saro-Wiwa, the leader of the Movement for the Survival of the Ogoni People (MOSOP), John Kpuinen, a Deputy President of MOSOP's youth wing, Saturday Doobee, Daniel Gbokoo, Felix Nuate, and Dr. Barinem Kiobel. The executions were the result of collaboration between the company then known as Royal Dutch Petroleum Company and Shell Transport and Trading Company, p.l.c., ("Shell") and the military government to repress protest against Shell's oil business in Nigeria.

Shell also engaged in a campaign of increased militarization to violently repress peaceful demonstrations by MOSOP. From 1990-1995, the Nigerian government, at the request of Shell, would use heavy violence and conduct massive raids to repress the protests. In 1993, for example, Karalolo Kogbara was beaten and shot by government troops while protesting the bulldozing of her crops in preparation for a Shell pipeline. Uebari N-nah was shot and killed in October 1993 near a Shell flow station at Korokoro, Rivers State, Nigeria.

In 1996, CCR began a series of cases against Royal Dutch Shell, to hold Shell accountable for these human rights violations.

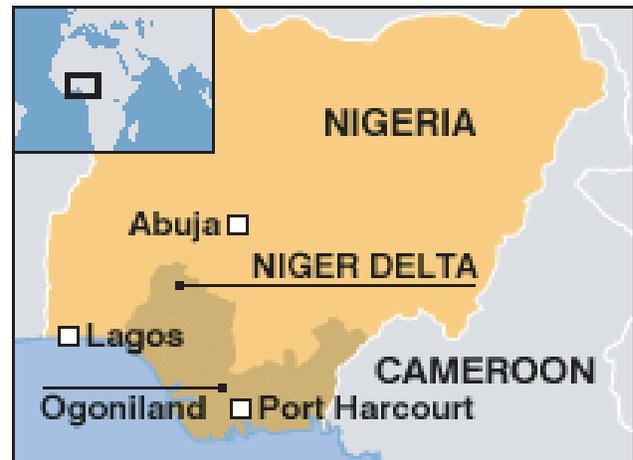
who are the ogoni?

The Ogoni people are an ethnic minority community who live in the Niger Delta region of southern Nigeria, the area of Rivers State also referred to as Ogoni. Ogoni is home to several global environmental treasures including the third-largest mangrove forest in the world and one of the largest surviving rainforests in Nigeria. It is also the location of 90% of Nigeria's oil resources.

Oil drilling by international corporations, including Shell, has had a devastating impact on the region's environment. Oil spills and de-forestation have stripped this land of its environmental resources, destroying the Ogoni's economy, which is based on subsistence farming and fishing. Gas flaring, done here more than anywhere in the world, makes any

remaining land too hot to farm and has led to severe pollution, acid rain and cancer rates.

Poverty has dramatically increased as a result of the Nigerian oil industry, with 80% of residents living on less than US\$1 per day. Meanwhile companies like Shell reap huge profits, and the Nigerian government brings in 80% of its budget from oil revenues.



what is MOSOP?

Movement for the Survival of the Ogoni People (MOSOP) was founded in 1990 and is a human rights group committed to using nonviolence to stop the exploitation of the Ogoni and their resources by both the Nigerian government and Shell. MOSOP quickly found wide support. In 1993, at least half the Ogoni population supported MOSOP and its agenda and joined MOSOP in protest. One of the largest demonstrations included an estimated 300,000 people.

what happened to the plaintiffs?

As the peaceful movement of Ogoni grew, the Nigerian government and Shell escalated their campaign against MOSOP. On May 21, 1994, four Ogoni tribal leaders were killed. This tragedy led to the Rivers State Internal Security Task Force to conduct nightly raids to search for the killers. The Task Force raided 60 towns and detained and beat several hundred men who the Task Force believed were involved in MOSOP, even though there was no connection between the deaths and MOSOP.

In 1994, a three-man tribunal was created and appointed by the Nigerian government to try Ken Saro-Wiwa and eight other Ogoni leaders involved in

MOSOP for the murder of the four tribal leaders. The tribunal charged the men with the murder of the four tribal leaders, and denied them access to counsel, a fair trial, and the opportunity to appeal the decision. They were tortured and mistreated, as were their relatives, during the course of the trial. The Ogoni 9 were hanged on November 10, 1995, despite an international outcry against the executions themselves and the tribunal's violation of international law.

how was shell oil involved?

Shell, which began oil production in Ogoni in 1958, has a long history of working closely with the Nigerian government to quell popular resistance to its practices. The oil company and its Nigerian subsidiary SPDC provided monetary and logistical support to the Nigerian police. In 1993, SPDC requested an increase in security and promised to provide monetary support to the Nigerian police force, which it called upon frequently for "security operations," which often amounted to raids and terror campaigns.

As resistance built through MOSOP during the early 1990s, Shell continued its close relationship with the Nigerian military regime. Shell monitored Ken Saro-Wiwa, his detention and tribunal. SPDC and the Nigerian government coordinated a public relations campaign to discredit the movement, attributing airplane hijacking, kidnapping and other acts of violence to Saro-Wiwa and MOSOP.

Shell was intimately involved in developing the Nigerian government's strategy leading to the unlawful execution of the Ogoni 9. Shell held several meetings with the Nigerian government to discuss strategy and bribed at least two key witnesses to give false testimony against Saro-Wiwa. Brian Anderson, the Managing Director of SPDC, met with Owens Wiwa, Ken's brother, and offered to trade Ken Saro-Wiwa's freedom for an end to the protests against the company.

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

I and my colleagues are not the only ones on trial...there is no doubt in my mind that the ecological war that the company has waged in the Delta will be called to question..."
- Ken Saro-Wiwa, 1995



what is the status of the cases against shell?

The cases *Wiwa v. Royal Dutch Shell*, *Wiwa v. Anderson*, and *Wiwa v. Shell Petroleum Development Company* were filed by the Center for Constitutional Rights (CCR) in the United States, because of the defendants' activities in the United States. They charge the defendants with complicity in violations including summary execution, crimes against humanity, torture, inhuman or degrading treatment or punishment, arbitrary arrest and detention.

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. The cases were filed in 1996 (Shell), 2001 (Anderson) and 2004 (SPDC).

Shell has made many attempts to get these cases thrown out of court, which the plaintiffs have defeated. The cases are in various stages. In 2002, a group of Philadelphia lawyers brought a case related to these cases and that case is now pending before the U.S. Court of Appeals for the Second Circuit.

help the ogoni people protect their community

CCR needs your help to hold Shell accountable for the execution of the Ogoni 9, the persecution of the Ogoni people and the destruction of their land. Ogoni is still under attack today, and it must stop now. Here's what you can do:

educate yourself and others:

1. Share this information with others in your community. Get more information at www.ccrjustice.org.
2. Write a letter to the editor of your local paper about the human rights crisis in Ogoni.
3. Join CCR's online action list to get more updates on strategic actions you can take.

stand in solidarity with the Ogoni:

The Ogoni have still not received compensation for the destruction of their homes, environment and economy. The destruction of the environment continues on a daily basis.

demand:

1. Clean-up and remediation of the Niger Delta
2. Compensation to those impacted by oil extraction in the region
3. An end to the gas flares

Contact CCR at events@ccr-ny.org to get more involved.