



Corporate Legal Accountability Quarterly Bulletin – Issue 14, September 2014

Welcome to the 14th 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. The [Corporate Legal Accountability](#) hub on our website provides resources for non-lawyers as well as lawyers – including victims, advocates, NGOs, businesspeople, lawyers bringing lawsuits against companies and lawyers defending companies. It 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 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, Legal Researcher, at [aba \[at\] business-humanrights.org](mailto:aba[at]business-humanrights.org). Previous issues of this bulletin are available in [English](#), [French](#), [Russian](#) and [Spanish](#).

1. **New website:** [Business & Human Rights Resource Centre](#) has launched a re-designed website with navigation in seven languages. Our work relating to Corporate Legal Accountability is now one of the “[Big Issues](#)” on our site. It is accessible in French and Spanish, and we are working on increasing the content in other languages. We hope that you will find this site more user-friendly and welcome your comments.

Our new website also includes the “[Business & Human Rights Blog](#)” – highlighting the perspectives of our global team as well as those of external experts from both the human rights and business community. We intend for it to become a go-to place for the latest informed thinking on emerging business and human rights issues. If you are interested in contributing a guest post on corporate legal accountability, please contact us.

2. **Short survey:** Let us know what you think! The Resource Centre is seeking comments to help us assess and improve the Corporate Legal Accountability hub on our site as well as this Quarterly Bulletin and our Annual Briefing on Corporate Legal Accountability. It should only take a few minutes of your time. Please do tell us what you really think – criticisms are as helpful as positive comments. Your comments will not be made public. To provide feedback, please reply to this email on the following questions (or you may email your response to Elodie Aba at [aba \[at\] business-humanrights.org](mailto:aba[at]business-humanrights.org), with “Survey” in the subject line):

- Do you use the Corporate Legal Accountability section of our site? How often?
- Do you read our Corporate Legal Accountability Quarterly Bulletin and Annual Briefing?
- If so, to what extent do you find these things helpful in your work (please provide specific examples if you can)?
- Would you suggest any improvements?
- If you do not use any of our corporate legal accountability resources, is there something we could do to make them more useful to you?

Thank you for your feedback.

3. **New profiles of lawsuits on our Corporate Legal Accountability hub:** Over recent months we have added profiles of the following lawsuits to our website (for full case profile, click hyperlink):

London office:
1-3 Charlotte Street, 3rd floor, London W1T 1RD
+44 (20) 7636-7774
Registered Charity 1096664 in England & Wales

New York office:
333 Seventh Avenue, 14th floor, NY, NY 10001
+1 (212) 564 9160
501(c)(3) non-profit organization in USA

researchers based in Brazil, Colombia, Hong Kong, India, Japan, Kenya, Lebanon, Myanmar, Senegal, South Africa, UK, Ukraine, USA

- [Lawsuit against Auchan \(re factory collapse in Bangladesh\)](#): In April 2014 three NGOs filed a complaint in Lille, France against the retailer Auchan. The complaint alleges that Auchan misled its consumers regarding the conditions in which its clothing is manufactured through deceptive advertisements. Garments bearing the label of Auchan's clothing range were found in the rubble of Rana Plaza factory in Bangladesh following its collapse in April 2013.
- [Lawsuit against Tahoe Resources \(re alleged violence at Escobal silver mine, Guatemala\)](#): In June 2014, seven Guatemalan men filed a lawsuit in Canadian court against Tahoe Resources over injuries suffered during an April 2013 shooting at the company's Escobal silver mine. The plaintiffs claim the company's security personnel opened fire on a group of peaceful protesters.
- [Lawsuit against oil companies \(re gas flaring in Nigeria\)](#): In 2005 several Nigerian communities filed lawsuits in Nigerian court against oil companies operating in the Niger Delta and the Nigerian Government seeking to force an end to of gas flaring – illegal in Nigeria since 1984. Gas flaring causes illness and other harms in the communities adjacent to the flaring sites. Some Nigerian plaintiffs have recently turned to US courts to compel Chevron to share information regarding its flaring practices.

4. Lawsuit developments: There have been significant developments in a number of lawsuits profiled on the website, including the following (for full case profile, click hyperlink):

- [Abu Ghraib lawsuit against CACI](#): On 30 June 2014, a US federal appeals court overturned a lower court's dismissal and ruled that the case had sufficient US ties for a US court to hear the claims. The plaintiffs allege that CACI participated in torture and abuse of prisoners at Abu Ghraib prison in Iraq.
- [South African Apartheid litigation](#): In late August a US federal court dismissed this case against Ford and IBM. The judge found that the plaintiffs' claims that the companies had been complicit in abuses by the *apartheid* government did not have sufficient ties with the US to allow it to hear the case.
- [Lawsuits against Chiquita \(re Colombia\)](#): Chiquita appealed a decision allowing certain claims to go forward in a lawsuit in US court alleging the company was complicit in killings by Colombian paramilitary organizations. On 24 July 2014, the court of appeals ruled there were insufficient ties to the United States for US courts to hear the case.
- [Lawsuits against Cisco Systems \(re China\)](#): On 5 September 2014, a US court dismissed the case, ruling that the allegations did not have ties to the United States. The plaintiffs had alleged that Cisco was complicit in abetting torture of Falun Gong practitioners in China.
- [Lawsuits against Global Horizons \(re forced labour\)](#): Global Horizons and Maui Pineapple's trial is scheduled for November 2014 after a ruling in March 2014 that the plaintiffs may pursue damages against Global Horizons for allegedly abusing them and hundreds of other Thai migrant workers. The other defendant companies reached an out of court settlement in June 2014.
- [Lawsuit against Nestlé \(re child labour\)](#): On 5 September 2014, a US federal appeals court ruled that the plaintiffs may proceed with their Alien Tort lawsuit against Nestlé. The plaintiffs allege that they were trafficked from Mali as children and forced to work on cocoa plantations in Côte d'Ivoire that supply Nestlé.
- [Lawsuit against Nestlé \(re Colombia\)](#): On 21 July 2014, Switzerland's highest court rejected an appeal and confirmed that statute of limitations prevented the case from being heard. Nestlé was accused of complicity in the murder of a Colombian trade unionist working for its subsidiary Cicolac.
- [Shell lawsuit \(re oil spills & Bodo community in Nigeria\)](#): On 20 June 2014, the London High Court ruled that Shell could be held responsible for spills from its pipelines if it failed to take reasonable measures to protect them from malfunction and oil theft. This case is expected to go to trial in mid-2015.
- [US Deepwater Horizon explosion & oil spill lawsuits](#): On 4 September 2014, a US federal court found BP grossly negligent and guilty of wilful misconduct in the Deepwater Horizon explosion

and oil spill. The court also found Transocean and Halliburton guilty of negligence for their roles in the disaster.

5. New translations: We have translated the following case profiles:

- In Chinese:
 - [案例摘要：陆良化工、和平科技诉讼（有关云南铬渣污染）](#) [Lawsuit against Luliang Chemical Industry & Peace Technology (re heavy metal pollution in China)]
 - [案例摘要：康菲公司诉讼（有关中国石油泄露）](#) [Lawsuit against ConocoPhillips (re oil spill in China)]
- In French:
 - [Procès contre Auchan \(concernant l'effondrement d'une usine au Bangladesh\)](#) [Lawsuit against Auchan (re factory collapse in Bangladesh)]
- In Spanish:
 - [Perfil de demanda judicial contra Tahoe Resources por actividades en Guatemala](#) [Lawsuit against Tahoe Resources (re alleged violence at Escobal silver mine, Guatemala)]

6. Resource Centre events: CORE Coalition and Business & Human Rights Resource Centre, in association with the British Institute of International and Comparative Law, organised an event in London on 17 July, focusing on access to justice for cases of transnational corporate human rights abuses. The conference included discussion of barriers to accessing remedies and recommendations for reform; a presentation of emerging solutions; and global, US and UK perspectives. The video of the event is available [here](#).

7. Regional briefings on business & human rights: In August, the Resource Centre issued its first [Regional Briefing on Greater China](#) which examines business-related human rights abuses in the region. The briefing is available in English and Chinese. Part of the briefing addresses corporate legal accountability, including labour disputes, environmental lawsuits, corporate criminal liability. It highlights the rising trend of lawsuits in foreign jurisdictions when Chinese plaintiffs fail to obtain remedy in Chinese courts.

8. Quarterly Bulletin in French, Spanish & Russian: We are now also issuing this bulletin in French, Spanish and Russian (previous issues are available [here](#)). If you would like to receive it in French, Spanish or Russian, please let us know which version you wish to receive.

9. 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.