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Press release

Nigerian oil victims demand transparency from Shell via court Internal documents should shed light on responsibility for leaks

Amsterdam, 24 March 2010 – Today two Nigerian farmers and Milieudéfensie (Friends of the Earth Netherlands) requested that The Hague court force Shell to allow access to internal company documents via a request for disclosure. The request is part of a court case* brought by Milieudéfensie and four Nigerians against the oil concern, because of oil pollution in Nigeria. In the documents, the plaintiffs hope to find additional evidence for their position that Shell's headquarters in the Netherlands is liable for the actions of its subsidiary in Nigeria, and thus too for the oil leaks on which the case centres. Shell's headquarters has so far denied all responsibility. They also request access to documents concerning one specific oil spill, in the village of Oruma.

According to the farmers and Milieudéfensie, Shell's international headquarters located in the Netherlands is clearly in control of the operational management of its subsidiaries in other countries such as Nigeria. For this reason, they have subpoenaed both the Shell parent company and its Nigerian subsidiary in the case. But Shell denies that it has extensive information, influence and authority over its subsidiary's operations. The company has been unwilling to release documents which could prove otherwise in this case. Michel Uiterwaal, lawyer for the plaintiffs: 'My clients first requested access in May 2008. Since that time, Shell has released only a few documents and continues to refuse access to key documents.'

Obstacles

The refusal is characteristic of Shell's stance in the case. The company continues to create legal smokescreens and obstacles; for instance, the plaintiffs have been forced to serve an extra subpoena in the case, to the two former parent companies of the present Shell concern, as Shell maintains that it cannot be held liable for oil leaks that took place prior to these two main companies merging into the current parent company¹. And in December 2009, Shell requested an extra court session in which it argued that the Dutch court had no jurisdiction over Shell Nigeria. The court, however, ruled that it does have jurisdiction, a decision that Milieudéfensie has called the 'first major victory for the Nigerian farmers'.

Spokesperson Geert Ritsema of Milieudéfensie: 'Shell wants to prevent at all costs being held liable for damage the company causes in Nigeria. With this request for disclosure, we want to force Shell to stop playing games and face its responsibility. What Shell has allowed to happen in Nigeria would be unthinkable here [in the Netherlands]: imagine that Shell leaked thousands of litres of oil over farmlands in our country, without a clean-up or compensation for the farmers! We hope that the Dutch court will force Shell to follow the rules, not just at home but all over the world.'

Today Milieudéfensie and the Nigerian farmers were required to submit their response to the court regarding Shell documents in which the company has countered one of the subpoenas. They expect the deadline for this will now be postponed until a ruling has been made on the request for disclosure, so that they can also respond to the requested documents.

*The case of Milieudéfensie and four Nigerian farmers versus Shell actually consists of three cases of oil leaks in the Nigerian villages of Oruma, Goi and Ikot Ada Udo. The request for disclosure pertains to the Oruma case, in which two of the four farmers are plaintiffs. The cases have been brought to the court in The Hague, where Shell's international headquarters is located. The Nigerian farmers, who were left with no means of earning a living after

1 In 2005, Shell Petroleum NV and The Shell Transport and Trading Company merged, becoming Royal Dutch Shell Plc.

oil from leaking Shell pipelines streamed over their fields and fishing ponds, demand that Shell properly clean up the oil that remains on their land and request compensation for damages suffered.

For more information on the case, including background, a timeline and legal documents, see
www.milieudefensie.nl/english/shell/the-people-of-nigeria-versus-shell

For more information:

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