

## CASE REPORT \_\_\_\_\_

### **The Lahmeyer case: Construction with no regard for the human cost**

The Merowe reservoir dam is one of the biggest hydropower projects in Africa. At least 40,000 people were and continue to be affected by the construction of the dam and the resulting population resettlement. The building of the dam was planned and directed by the German engineering firm Lahmeyer International. The company was also in charge of the initial operations of the dam and the adjacent hydroelectric plant.

Lahmeyer began construction of the dam before any resettlement plans were agreed on with the affected population groups – contrary to international standards set out by the World Bank. The Sudanese government was unable to come to an agreement with the local population before the hydropower plant went in to operation in April 2008, but the building project continued regardless, flooding villages and forcing the residents to flee their homes. Between July 2008 and January 2009, the rising water in the reservoir forcibly displaced more than 4,700 families from more than 30 parts of the region. Inhabitants were deprived of their traditional territory and livelihoods: homes and crops were destroyed along with farm animals and belongings.

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### **Criminal complaint against Lahmeyer International managers for instigating a flood**

In May 2010 ECCHR submitted a criminal complaint against two senior employees at Lahmeyer International to the public prosecutor in Frankfurt am Main. The complaint contends that the two employees are responsible for the flooding of more than 30 villages, the displacement of over 4,700 families and the destruction of their livelihoods. In April 2011 the prosecutor in Frankfurt opened a formal investigation against three suspects and heard evidence from several witnesses. However, the proceedings have stalled since spring 2015.

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### **When corporations violate economic and social human rights**

The Lahmeyer case is symptomatic of the risks and consequences that large infrastructure projects pose to economic and social human rights. The sudden flooding of the settlement region forcibly displaced the Manasir people, causing

them to lose not only their homes but also their access to drinking water and food. This is a violation of the rights to adequate housing, food and water. Lahmeyer bears part of the responsibility for this violation.

Infrastructure projects are intended to promote development in a given country and thus should also benefit the local population. Yet authoritarian regimes such as the one led by Sudanese President Al Bashir often ignore the social and ecological impact such projects have on local people. Lahmeyer argues that it was the job of the Sudanese state to organize the resettlement. But in such situations it is not enough for a European company to rely on governments; instead it must independently address the human rights risks that arise.

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## **Corporate liability for collaboration with authoritarian regimes**

The criminal complaint against Lahmeyer aims to help those affected by the building of the reservoir dam to enforce their rights to information on what happened and who was responsible. The case also aims to make clear that corporations bear a heightened responsibility when they do business with authoritarian regimes like the Sudanese government. In such situations, corporations must more actively scrutinize whether their activities endanger human rights; they may not rely on the state in question to act in conformance with the law.

In the Merowe case the German company recklessly continued with the construction of the dam, an act which served to reinforce the Sudanese government's inhumane policies. The Lahmeyer employees failed to independently and thoroughly examine whether the resettlement had been completed. Despite warnings from the UN Special Rapporteur, the company was not prepared to halt construction until the resettlement of the affected population had been completed.

The German company's shared responsibility for the grave and flagrant violations of the right to adequate shelter, food and water must lead to criminal proceedings. Because German citizens were involved in the displacement, German prosecution authorities must comprehensively investigate what occurred in Sudan.

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European Center for Constitutional and Human Rights ([ECCHR](#)) e.V.