



### Corporate Legal Accountability Quarterly Bulletin – Issue 13, June 2014

Welcome to the 13th 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. Our [Corporate Legal Accountability Portal](#) is an online information hub providing resources for non-lawyers as well as lawyers – including victims, advocates, NGOs, businesspeople, lawyers bringing lawsuits against companies and lawyers defending companies. The portal 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@business-humanrights.org](mailto:aba@business-humanrights.org). Previous issues of this bulletin are available [here](#) in English, French and Spanish.

- 1. New commentaries on our Corporate Legal Accountability Portal:** Three experts on business & human rights have added their perspectives on corporate legal accountability in [new commentaries for our portal](#):
  - “Right to access to justice in environmental matters in the Republic of Kazakhstan”, Sergey Solyanik, Crude Accountability (available in English & Russian)
  - Q&A with environmental advocate Evgenia Chirikova, leader of the Movement to Defend Khimki Forest and the NGO “Ecological Defense of the Moscow Region” (available in English & Russian)
  - “Human rights defenders and access to justice for corporate human rights abuse”, International Federation for Human Rights (FIDH) (available in English & French)
- 2. New profiles of lawsuits on our Corporate Legal Accountability Portal:** Over recent months we have added profiles of the following lawsuits to our portal (for full case profile, click hyperlink):
  - [Lawsuit against Abbott Laboratories \(re Brazil patent law & access to medicines\)](#): In 2009 the Brazilian pharmaceutical company Cristália filed a lawsuit in Brazil challenging the validity of Abbott Laboratories’ patent on an HIV drug -- Lopinavir/Ritonavir (marketed as “Kaletra”). This drug forms part of Brazil’s public HIV/AIDS treatment programme, and the patented drug produced by Abbott is substantially more expensive than generic versions, such as the one produced by Cristália. According to public health advocates, the lower price of the generic drug would allow Brazil to treat more low-income HIV-positive people. In March 2012 the court ruled in favour of Cristália; Abbott’s appeal of this ruling is still pending.
  - [Lawsuit against ConocoPhillips \(re oil spill in China\)](#): In 2012 a group of Chinese fishermen filed a lawsuit against ConocoPhillips in US federal court claiming damages from a 2011 oil spill in Bohai Bay. The plaintiffs alleged that the oil spill caused widespread death and contamination of sea life, which the fishermen relied on for their food and income.
  - [Lawsuit against Luliang Chemical Industry and Peace Technology \(re heavy metal pollution in China\)](#): Two Chinese environmental NGOs filed a lawsuit in 2011 in Chinese court against Luliang Chemical Industry and its subsidiary, Peace Technology, alleging the companies discharged chromium-contaminated waste in Yunnan Province, causing an extraordinarily high cancer rate amongst local residents. This case is viewed as one of the first public interest lawsuits filed in China by environmental NGOs.

- [Lawsuit against Myanmar Pongpipat \(re Heinda tin mine\)](#): In May 2014, villagers from Myaung Pyo village in Myanmar filed a lawsuit against Myanmar Pongpipat, based in Thailand, and the Myanmar Government-owned Mining Enterprise 2. The plaintiffs seek compensation for damage allegedly caused by the nearby Heinda tin mining project. They claim wastewater from the mine contaminated the local water source harming their health, and damaged their houses and farmland.

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

- [Apartheid reparations lawsuits \(re So. Africa\)](#): In April 2014, the US District Court in New York ruled the plaintiffs could move forward with their Alien Tort claims against Ford and IBM and submit evidence about how the companies' activities relating to apartheid in South Africa concern the United States, in order to overcome the presumption against extraterritorial jurisdiction set forth by the Supreme Court in [Kiobel v. Shell](#).
- [Lawsuit against Blackwater \(re 16 Sep 2007 Baghdad incident\)](#): In May 2014, a US grand jury charged a former Blackwater security guard with the murder of an unarmed civilian in the 2007 Nisoor Square shooting incident in Baghdad. The manslaughter trial of three other former Blackwater guards is scheduled to begin in June, over the deaths of 14 Iraqi civilians.
- [Lawsuit against Chisso Corporation \(re Minamata disease\)](#): On 31 March 2014, the Kumamoto District Court ordered the Japanese Government, Kumamoto Prefecture and Chisso Corporation to pay ¥106 million in damages to three sufferers of Minamata disease, which is caused by mercury exposure.
- [PA Child Care lawsuits \(re "kids for cash" scandal\)](#): In April 2014, Robert Mericle, one of the owners of a private detention facility, was sentenced to one year in prison, fined \$250,000 and ordered to perform 100 hours of community service, after judges accepted bribes to sentence minors to the facility.
- [Lawsuit against Qosmos \(re Syria\)](#): In April 2014, the Prosecutor of the Paris Court announced the opening of a judicial investigation into allegations against Qosmos for complicity in acts of torture in Syria through its sale of surveillance equipment to the Syrian Government.
- [Lawsuits against Texaco/Chevron \(re Ecuador\)](#): In April 2014, the Supreme Court of Canada agreed to hear an appeal by Chevron of a lower court decision allowing plaintiffs to seek to enforce the US\$9.5 billion Ecuadorian judgment against Chevron in Canada.
- [Lawsuit against Thomson Safaris \(re land rights of Maasai in Tanzania\)](#): In April 2014, a US federal court ordered Thomson Safaris and its owners to give evidence (documents and testimony) regarding alleged "land grabs" and violence.
- [US Deepwater Horizon explosion & oil spill lawsuits](#): BP announced in May 2014 that it would ask the US Supreme Court to decide whether businesses must prove direct harm from the Deepwater Horizon oil disaster to collect payment from the 2012 settlement.

**4. New translations:** We have translated the following case profiles:

- In Russian:
  - [Описание дела: Судебное дело против AngloGold Ashanti отн. силикоза \(Южная Африка\)](#) [Lawsuit against AngloGold Ashanti (re silicosis in So. Africa)]
  - [Описание дела: Судебные дела против Shell \(отн. Нигерии- Kiobel & Wiwa\)](#) [Lawsuits against Shell (re Nigeria - *Kiobel & Wiwa*)]
  - [Описание дела: Судебное разбирательство против Union Carbide/Dow \(отн. Бхопала\)](#) [Lawsuit against Union Carbide/Dow (re Bhopal)]
- In Spanish:
  - [Perfil de demanda judicial contra Coca-Cola por actividades en Colombia](#) [Lawsuit against Coca-Cola (re Colombia)]
  - [Perfil de demanda judicial contra Ford por actividades en Argentina](#) [Lawsuit against Ford (re Argentina)]
  - [Perfil de demanda judicial contra Matanza Riachuelo por actividades en Argentina](#) [Lawsuit against Matanza Riachuelo (re Argentina)]

- [Perfil de demanda judicial contra Occidental por actividades en Colombia](#) [Lawsuit against Occidental (re Colombia)]
- [Perfil de demanda judicial sobre trabajadores bolivianos inmigrantes en Argentina](#) [Sweatshop labour lawsuit (re Bolivian migrant workers in Argentina)]
- [Perfil de demanda judicial contra Vedanta Resources por actividades en Orissa](#) [Lawsuit against Vedanta Resources (re Dongria Kondh in Orissa)]

## 5. Resource Centre events:

- CORE Coalition and Business & Human Rights Resource Centre, in association with the British Institute of International and Comparative Law, are organizing an event in London on 17 July, focusing on access to justice for cases of transnational corporate human rights abuses. The conference will include discussion of recommendations for action in the UK and the EU to address the issue, drawing on "[The Third Pillar: Access to Judicial Remedies for Human Rights Violations by Transnational Business](#)", by CORE, Intl. Corporate Accountability Roundtable and European Coalition for Corporate Justice; and "[Injustice Incorporated](#)" by Amnesty International. It will feature speakers from Legal & Human Rights Centre in Tanzania, the UN Working Group on Business & Human Rights, the UK Government, leading lawyers from the UK, Europe and USA including Martyn Day and Paul Hoffman, and the business sector.
- Business & Human Rights Resource Centre co-organised an event on 14 May in London with the University of Notre Dame Law School: *Does the World Need a Treaty on Business and Human Rights? Weighing the Pros and Cons*. A panel of international experts discussed the pros and cons of a [binding international treaty on business and human rights](#), a proposal that has received support from over 70 countries and over 100 international and regional NGOs. Video of the event is [here](#).

## 6. Regional briefings on business & human rights:

- Eastern Europe and Central Asia: In May, the Resource Centre issued its second [Regional Briefing on Eastern Europe and Central Asia: Workers and Minorities Bear the Brunt of Abuse](#), which examines breaches of workplace health & safety, impact of pollution on health, discrimination and labour rights abuses. It refers to lawsuits and regulatory action against Aeroflot, British Gas, Burgas shipyard, Centerra Gold, Chevron, ENI, Lukoil-Komi, and Volzhsky Machine Building Plant. The full briefing is available in [English](#) and [Russian](#).
- Western Europe: In May, the Resource Centre issued its first [Regional Briefing on Western Europe: A Challenge to End Business-Related Human Rights Abuses](#), which examines business-related human rights abuses in, especially amongst vulnerable groups such as migrant workers and minorities. It refers to lawsuits relating to workplace health and safety against France Telecom (now Orange) and Renault in France. The full briefing, in English, and an executive summary, in French and Spanish, is available [here](#).
- Eastern Africa: In April, the Resource Centre issued its first [Regional Briefing on Eastern Africa: Steep Rise in Allegations of Human Rights Abuse as Boom in Investment Brings Hope of Prosperity](#), which focuses on the impacts of mining, oil & gas, agribusiness, and the growing information & communications technology sector. It refers to lawsuits against African Barrick Gold, Kaweri Coffee Plantation, Kenya Pipeline Company, and Thomson Safaris. The full briefing is available [here](#).
- Francophone, Africa: In March, the Resource Centre issued its first [regional briefing on business & human rights in Francophone Africa](#), examining companies' impacts including their role in conflict, pollution and displacement of nearby communities, and treatment of workers. It refers to lawsuits against Anvil Mining, Archer Daniels Midland, Areva, Cargill, CNLC (part of China National Petroleum Corporation), Danzer Group, Nestlé, Siforco and Trafigura. The full briefing is available in [English](#) and [French](#).

7. **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.

**8. 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.