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BACKGROUNDER: Wiwa v. Royal Dutch Shell and Wiwa v. Anderson – Oil Giant Goes on Trial for Complicity in Human Rights Abuses

Please Note: requests for interviews with plaintiffs and lawyers should be directed to Riptide Communications at (212) 260-5000

On April 27th in Federal District Court in New York a landmark human rights trial will begin. *Wiwa v. Royal Dutch Shell* and *Wiwa v. Anderson* are two lawsuits filed by the Center for Constitutional Rights (CCR) and co-counsel from EarthRights International on behalf of relatives of murdered activists who were fighting for human rights and environmental justice in Nigeria. The cases charge the corporation and Brian Anderson, then managing director of Shell Nigeria, for their complicity in the November 10, 1995 hanging of Ken Saro-Wiwa and other leaders in the nonviolent opposition to Shell's pattern of human rights abuses and environmental destruction: John Kpuinen, Saturday Doobee, Daniel Gbokoo, Felix Nuate, and Dr. Barinem Kiobel. The cases also include charges for the torture, detention, and forced exile of Mr. Saro-Wiwa's brother, Dr. Owens Wiwa, and Michael Tema Vzor; and the shooting of Karololo Kogbara and Uebari N-nah.

The defendants are charged with complicity in human rights abuses against the Ogoni people in Nigeria, including summary execution, crimes against humanity, torture, inhuman treatment, arbitrary arrest, wrongful death, assault and battery, and infliction of emotional distress. The cases were brought under the Alien Tort Statute (ATS) and the Torture Victim Protection Act (TVPA). The case against Royal Dutch Shell also alleges that the corporation violated the Racketeer Influenced and Corrupt Organizations (RICO) Act.

Nigeria has been chief among Shell's assets for many years. Critics charge that with the aim of production at any cost, regardless of the damage to the surrounding people and land, Shell disrupted thousands of lives and wreaked havoc on the environment. In the early 1990's, the people of Nigeria began to protest. Shell armed and transported Nigeria's state military police. It made specific requests for the most notorious "kill and go" police to attack certain communities. The oil giant acted in collusion with the military government to violently repress peaceful demonstrations against environmental destruction, and arrested and bribed witnesses. Nine leaders of the demonstrations were murdered, including the aforementioned well-known activist, writer and Nobel Peace prize nominee, Ken Saro-Wiwa. Saro-Wiwa's prominence helped make the story an international cause célèbre and now, more than 13 years later, a federal jury will hear evidence about whether Shell can be found liable for their complicity in the sham trial and executions of the Ogoni activists and the attacks on peaceful protestors.

Among the living people connected to the story are Ken Saro-Wiwa's son, Ken-Saro-Wiwa, Jr. who has been waiting 13 years for his day in court, and his brother, Owens Wiwa, who was himself detained and tortured repeatedly in 1994. As Ken Saro-Wiwa, Jr. put it to the New York Daily News late last year, "My father and eight others were executed for crimes they did not commit. They were seen as collateral damage so transnational business could continue pumping oil."

If the plaintiffs prevail, it will mark the first time a jury has ruled for plaintiffs in an ATS case against a multi-national corporation.