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Settlement Reached in Human Rights Cases Against Royal Dutch/Shell

On Eve of Trial, Settlement Agreements Provide \$15.5 Million for Compensation to Nigerian Human Rights Activists and to Establish Trust Fund

New York, June 8, 2009 — Today, the parties in *Wiwa v. Shell* agreed to settle human rights claims charging the Royal Dutch/Shell company, its Nigerian subsidiary, Shell Petroleum Development Company (SPDC or Shell Nigeria), and the former head of its Nigerian operation, Brian Anderson, with complicity in the torture, killing, and other abuses of Ogoni leader Ken Saro-Wiwa and other non-violent Nigerian activists in the mid-1990s in the Ogoni region of the Niger Delta.

The settlement, whose terms are public, provides a total of \$15.5 million. These funds will compensate the 10 plaintiffs, who include family members of the deceased victims; establish a Trust intended to benefit the Ogoni people; and cover a portion of plaintiffs' legal fees and costs. The settlement is only on behalf of the individual plaintiffs for their individual claims. It does not resolve outstanding issues between Shell and the Ogoni people, and the plaintiffs did not negotiate on behalf of the Ogoni people.

Plaintiff **Ken Saro-Wiwa, Jr.**, the son of Ken Saro-Wiwa explained, "In reaching this settlement, we were very much aware that we are not the only Ogonis who have suffered in our struggle with Shell, which is why we insisted on creating the Kiisi Trust." The Kiisi Trust—Kiisi means "Progress" in the plaintiffs' Ogoni language—will allow for initiatives in Ogoni for educational endowments, skills development, agricultural development, women's programs, small enterprise support, and adult literacy.

Judith Chomsky, cooperating attorney with the Center for Constitutional Rights (CCR), one of the attorneys who initiated the lawsuit, stated, "The fortitude shown by our clients in the 13-year struggle to hold Shell accountable has helped establish a principle that goes beyond Shell and Nigeria—that corporations, no matter how powerful, will be held to universal human rights standards."

Added **Jennie Green**, the CCR staff attorney who initiated the lawsuit in 1996, “This was one of the first cases to charge a multinational corporation with human rights violations, and this settlement confirms that multinational corporations can no longer act with the impunity they once enjoyed.”

Wiwa v. Royal Dutch Petroleum, *Wiwa v. SPDC*, and *Wiwa v. Anderson* are three lawsuits filed by CCR, co-counsel EarthRights International (ERI), and private law firms on behalf of relatives of murdered Ogoni activists and other injured Ogonis who were fighting for human rights and environmental justice in their homeland. Plaintiffs charged Royal Dutch Shell, Shell Nigeria, and Anderson with complicity in extrajudicial killing, crimes against humanity, torture, and other human rights claims.

Plaintiffs in the case include the relatives of the executed activists Ken Saro-Wiwa, John Kpuinen, Saturday Doobee, Daniel Gbokoo, Felix Nuate, and Dr. Barinem Kiobel. Dr. Owens Wiwa, Ken Saro-Wiwa’s brother, and Michael Tema Vizor brought claims for the torture and detention that resulted in their exile from Nigeria. Further claims were brought by Karalolo Kogbara, who lost her arm, and on behalf of Uebari N-nah, who was killed in attacks on Ogoni civilians.

Anthony DiCaprio, an attorney who has worked on the case for many years, commented, “Throughout this very long process, I have been humbled by our clients’ unwavering courage and resilience. Their satisfaction with the result that we have been able to achieve is extremely gratifying.”

Human rights attorney **Paul Hoffman**, trial counsel in the *Wiwa* cases and partner at the law firm of Schonbrun, De Simone, Seplow, Harris and Hoffman, noted, “This settlement is only a first step towards the resolution of still outstanding issues between Shell and the Ogoni people.”

Oil operations in Nigeria have been chief among Shell’s assets for many decades. Critics charge that Shell’s aim for the lowest possible production cost, without regard for the resulting damage to the surrounding people and land, has wreaked havoc on local communities and the environment, including the still on-going practice of gas flaring. In the early 1990s, the Ogoni, led by Ken Saro-Wiwa and the Movement for the Survival of the Ogoni People, began organized, non-violent protests against Shell’s practices. Shell grew increasingly concerned with the heightened international prominence of the Ogoni movement and made payments to security forces that they knew to be engaging in human rights violations against the local communities. The military government violently repressed the demonstrations, arrested Ogoni activists, and falsely accused nine Ogoni activists of murder and bribed witnesses to give fake testimony. The nine, including Ken Saro-Wiwa, were denied a fair trial and then hanged on November 10, 1995.



Said **Agnieszka Fryszman**, co-counsel with the law firm of Cohen Millstein Sellers & Toll, “The case has been pending for many years, and this settlement puts an end to what would likely have been yet another long round of appeals.”

Marco Simons, ERI Legal Director, stated, “The courts repeatedly rejected Shell’s efforts to dismiss this case, setting important legal precedents for the continued prosecution of corporations in breach of international law. This reinforces the plaintiffs’ demands that corporations such as Shell safeguard human rights and the environment.”

For complete documentation of the legal briefs and further background information, click [here](#) or visit www.ccrjustice.org, www.earthrights.org, and www.sdshh.com.

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