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Plaintiff Esther Kiobel (R) speaks during a protest against Royal Dutch Shell Petroleum in front of the U.S. Supreme Court in Washington October 1, 2012. REUTERS/Gary Cameron

October 16, 2016

By Tom Bergin

LONDON (Reuters) – The widow of a Nigerian activist is planning to sue Royal Dutch Shell in the Dutch courts alleging the oil company was complicit in the execution of her husband by the Nigerian military in 1995, court documents filed in the United States last week show.

Esther Kiobel has filed an application in New York to secure documents from Shell's U.S. lawyers, which she could use in the Dutch action.

The filings with the U.S. District Court for the Southern District Court of New York said she planned to begin that action before the end of the year.

“Ms. Kiobel will demonstrate that Shell encouraged, facilitated, and conspired with the Nigerian government to commit human rights violations against the Ogoni people,” a memorandum in the application filed last week said.

A Shell spokesman said on Sunday: “Shell remains firmly committed to supporting fundamental human rights in line with the legitimate role of business. We have always denied, in the strongest possible terms, the allegations made by the plaintiffs in this tragic case.”

Kiobel previously took her lawsuit to the United States but the U.S. Supreme Court ruled in 2013 that the case could not be heard because the alleged activities took place outside the country.

In 2009 prior to that ruling Shell had agreed in the United States to pay \$15.5 million to settle lawsuits related to other activists executed at the same time as Barinem Kiobel, including author and environmental activist Ken Saro-Wiwa.

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Kiobel's lawyer did not immediately respond to a request for comment on Sunday.

John Donovan, who runs the royaldutchshellplc.com protest website, and who has advised Kiobel on the case said: "She's going after Shell in their home country, the Netherlands".

The Nigerian military cracked down heavily on local opposition to oil production by a Shell joint venture in the Niger Delta in the early 1990s. Kiobel alleges that Shell provided support to the military in its crackdown.

A Dutch court ruled in December that Shell may be sued in the Netherlands for oil spills at its subsidiary in Nigeria, although it did not say Shell was responsible.

(Editing by Greg Mahlich)



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