



May 02, 2019

Ogoni: Dutch Court Assumes Jurisdiction in Case against Shell

A Dutch court has assumed jurisdiction to hear a lawsuit against Royal Dutch Shell, which has been accused to be complicit in the Nigerian government's execution, in 1995, of nine Ogoni activists, including world-renowned leader Ken Saro-Wiwa, who were protesting against Shell's exploitation of their homeland. In a preliminary decision, the court allowed the suit to go forward, subsequently ordering Shell to hand over evidence as well as permitting the hearing of witnesses. UNPO Member the Movement for the Survival of the Ogoni People (MOSOP) has received this court ruling with excitement, which can be regarded as an important step towards justice for the Ogoni victims and their families.

Below is an article published by [Sahara Reporters](#):

The District Court of The Hague has issued an interim ruling in favour of wives of Ogoni leaders killed in 1995 during the military era of Sani Abacha.

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The case, which was instituted by four wives of the slain leaders — Esther Kiobel, Victoria Bera, Blessing Eawo and Charity Levula — accused Shell of being involved in the decision by the Nigerian government that led to the killing of their husbands.

The plaintiffs are also calling on the court to order Shell to hand over more than 100,000 internal documents crucial to the case. Shell's lawyers have refused to do so, even though these documents were submitted as evidence in the US case.

Shell had said that the Dutch court lacked jurisdiction to hear the case, but the court ordered that the case must continue.

In its ruling on Wednesday [01 May 2019], the court ordered that the case should not be time barred, while also granting the prayers of the plaintiffs that Shell should hand over the confidential internal documents to the plaintiffs' lawyers, and that they would have the opportunity to examine witnesses.

Amnesty International, an international human rights organization, supported Kiobel's legal team to bring the case to the Netherlands in 2017, and detailed Shell's role in the arrests and executions in a briefing.

Commending the court for its ruling, Mark Dummett, Amnesty International's Head of Business and Human Rights, said the ruling would "set an important precedent for other victims around the world who are seeking to hold powerful corporations to account, and who struggle to access justice".

Dummett added: "This decision marks a vital step towards justice for Esther and the other plaintiffs."

"We salute Esther Kiobel, Victoria Bera, Blessing Eawo and Charity Levula. It's only because of their courage and persistence that we've got this far."

"The women believe their husbands would still be alive today were it not for Shell's relentless pursuit of profit, which encouraged the Nigerian government's bloody crackdown on protesters even when it knew the deadly human cost. Shell might now face questioning in a court of law about what they knew and how they contributed to this horrifying event in Nigerian history."

"Today's ruling will have great significance for people everywhere who have been harmed by the greed and recklessness of global corporations."

Amnesty International welcomed the court's decision to order Shell to release some internal documents but is disappointed that it did not order the release of all of those that Esther's lawyers called for.

Kiobel first filed a case against Shell in New York in 2002, but in 2013 the US Supreme Court ruled that the US did not have jurisdiction to hear the case – meaning the US courts never got to examine the substance of the allegations against Shell.

Below is a press statement issued by UNPO Member the Movement for the Survival of the Ogoni People (MOSOP) on the matter:

The Movement for the Survival of the Ogoni People (MOSOP) today [1 May 2019], received the court ruling against Shell Petroleum Development Company, SPDC, with deep feeling of excitement, though, not surprised.

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MOSOP believes justice can only be delayed but not denied, following the series of evidence that abound and facts that can never be totally suppressed.

We commend the various efforts by individuals, groups and institutions in support of this course for justice and also salute the unstoppable determination of the great Ogoni women and spouses of our late and unforgettable heroes of our struggle, Esther Kiobel, Victoria Bera, Blessing Eawo and Charity Levula, as well as the unbiased position of the Court in the matter.

It is our conviction that time is running out on Shell and her collaborators in perpetrating and covering up injustice in Ogoniland.

Speaking on this latest ruling, the MOSOP President, Comrade Legborsi Pyagbara, says Shell will definitely pay for the killings and other rights abuses and crimes it committed in Ogoniland during its reckless operations in the area.

Comrade Pyagbara said he is very optimistic that the ruling from the Dutch Court is "a key step towards expanding the frontiers of justice and making perpetrators of crime to realise that they can be held accountable even on their own soil". He called on the direct plaintiffs and the entire Ogoni people, as well as supporters of the struggle for justice all over the world to keep hope alive and remain resolute.

The District Court of The Hague today, May 1, 2019, issued an interim ruling in the case brought by the women with regard to Shell's involvement in the unlawful arrest, detention and execution of their husbands, the Ogoni heroes, by the Nigerian military.

It ruled in favour of the plaintiffs, that the court does have jurisdiction over the case and that this should not be time barred.

The court also ruled that Shell should hand over some confidential internal documents to the plaintiffs' lawyers, and that they would have the opportunity to examine witnesses.

No doubt, this decision of the Court serves as an encouragement and important precedent for other victims around the world, who are seeking to hold powerful multi- Nationals responsible for injustice and who struggle to access justice.

"Shell and Nigerian government are on trial....and we shall win", Ken Saro-Wiwa (1993).

Photo courtesy of [Wikimedia Commons](#).



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