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Oil Giant Chevron Faces Appellate Court Today in Human Rights Litigation
*Court to Decide On New Trial for Nigerians Injured and Killed in Brutal Attack on
Community Protesters on Oil Barge*

San Francisco, CA, June 14, 2010 – Today, the United States Court of Appeal for the Ninth Circuit heard argument in the landmark human rights case, *Bowoto v. Chevron*. The Nigerian villagers who were shot and tortured in a brutal 1998 attack during a protest against the oil giant seek a retrial of their claims.

Today's arguments centered on whether the jury was given proper instructions when considering the case, especially on Chevron's responsibility for the attacks. The appeals court also considered whether prejudicial evidence was improperly allowed at the 2008 trial, and whether the trial court erred in dismissing claims for the killing of protestor Arolika Irowarinun. The three judges on the panel asked probing questions of both sides, demonstrating their command of the issues and the facts before them.

Theresa Traber of Traber & Voorhees argued for the plaintiffs in favor of a new jury trial during today's hearing. "The jury was denied the opportunity to consider facts under the appropriate legal test," said Traber. "We're confident that the Court of Appeals will want to ensure that the victims get a fair trial."

In *Bowoto v. Chevron Corp.*, No. 99-2506, the plaintiffs charged the multinational oil company with complicity in gross human rights abuses arising from its use of the notorious Nigerian military and "kill and go" mobile police against nonviolent protestors in the Niger Delta. The lawsuit is based on a 1998 incident in which Nigerian soldiers shot community activists protesting at Chevron's Parabe offshore platform and adjacent construction barge. The soldiers were paid by Chevron, ferried to the platform by Chevron and supervised by Chevron personnel. Two protesters were killed in the brutal attack—one shot in the back—and others were injured, including some who were tortured while in custody. The Ilaje community members were protesting environmental and economic harms caused by Chevron's oil production in the Niger Delta.

Lead plaintiff Larry Bowoto described what happened that day in 1998:

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As I was running down the stairs from the platform to the barge, I had my hands in the air, and I was shouting, “We are community protesters! What are you doing? We came here for a peaceful purpose. Why are you shooting us? We are not here for trouble. We are just protesters.” As I ran alongside the crane on the barge, I saw in front of me the white man in the Chevron shirt and hat in the midst of the soldiers.

Bowoto v. Chevron has set a number of important precedents for human rights litigation. As Marco Simons, Legal Director of EarthRights International (ERI) and co-counsel in this case noted, “This trial was the first time that a U.S. corporation faced a jury over allegations of violating the human rights of indigenous protestors in another country, and the first time that Chevron had to defend its action abroad in its own hometown.” Simons continued, “Although the trial itself was an important victory for human rights, we hope that the Court of Appeals will recognize that errors were made that compromised the result — it was especially troubling to see Chevron choose to demonize the Nigerian ethnic group as part of trying to prejudice the jury.”

Dan Stormer, of Hadsell Stormer Keeny Richardson & Renick (HSKRR), who was lead trial counsel in the *Bowoto* jury trial, added, “We are confident that the American legal system will not let this oil company profit from its killing of innocent people and destruction of the environment.”

Brought under the Alien Tort Statute (ATS), this lawsuit continues a trend of increased corporate accountability and liability for complicity in human rights abuses committed abroad. The ATS allows victims of serious human rights abuses abroad to seek redress in U.S. courts. While the jury did not find in favor of the plaintiffs, the aiding and abetting theory under which Chevron was accused makes clear that corporations can be held liable for abuses committed by third parties, including security personnel abroad. The case shows communities worldwide that they have legal mechanisms to hold corporations accountable in the U.S. court system.

In addition to Traber & Voorhees, ERI, and HSKRR, the plaintiffs are represented by Cindy Cohn and the Electronic Frontier Foundation; Robert Newman, Paul Hoffman, Siegel & Yee, Richard Wiebe, Anthony DiCaprio, Michael Sorgen, and Judith Chomsky and the Center for Constitutional Rights. On appeal the case is No. 09-15641.

About EarthRights International (ERI)

EarthRights International is a nongovernmental, nonprofit organization that combines the power of law and the power of people in defense of human rights and the environment, which we define as “earth rights.” We specialize in fact-finding, legal actions against perpetrators of earth rights abuses, training grassroots and community leaders, and advocacy campaigns. Through these strategies, ERI seeks to end earth rights abuses, to provide real solutions for real people, and to promote and protect human rights and the environment in the communities where we work.

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