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Friday, January 13th

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Shell's Attorneys Ordered To Give Nigerian Activist's Widow Files For Dutch Lawsuit



A Shell logo is seen reflected in a car's side mirror at a petrol station in west London, Britain, January 29, 2015. REUTERS/Toby Melville/File Photo



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January 11, 2017

By Tom Bergin

LONDON (Reuters) – The widow of an activist executed after protesting against Royal Dutch Shell’s oil production in Nigeria has won access to legal documents for use in a legal case for damages against the oil giant that she says she plans to launch in the Netherlands.

A U.S. judge in December told Shell’s U.S. lawyers to give Esther Kiobel documents about Shell’s activities in Nigeria, according to her lawyers and a court transcript obtained by protest website royaldutchshellplc.com and seen by Reuters.

Kiobel alleges that Shell was complicit in the execution of her late husband, alongside author and environmental activist Ken Saro-Wiwa, by the Nigerian military in 1995 because it provided support and funding for the army in its crackdown of opposition to a Shell-led joint venture in the Niger Delta.

Shell said in a statement that it denied the allegations, previously made in a lawsuit against Shell in the United States.

“We have always denied, in the strongest possible terms, the allegations made by the plaintiffs in this tragic case,” a spokesman said in the statement.

It made no comment about the possibility of legal action in the Netherlands or the December court ruling on the documents.

Kiobel previously gained access to the documents and deposition transcripts she is now seeking but only for use in the U.S. lawsuit.

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Kiobel's lawyers said a court order prevented her from using the files in other legal actions or publicly discussing the contents.

Nonetheless, in an October filing Kiobel's lawyers said they sought the documents as part of their aim of proving cooperation between "the Nigerian junta and Shell in committing human rights violations".

The previous U.S. case was unsuccessful because the Supreme Court ruled in 2013 that claims could only be taken in the United States if an alleged transgression was guided from inside the country.

Kiobel's Dutch lawyer, Channa Samkalden, said the Dutch civil case would be filed in the next couple of months. Any damages are likely to be immaterial for Shell, analysts said, as Dutch courts rarely make the kinds of multi-million dollar awards common in the United States.

Marco Simons, a lawyer with environmental group Earth Rights in Washington who has seen the documents because he represented Kiobel in the U.S. lawsuit, said the material to be turned over would support the lawsuit against Shell in the Netherlands, where the courts have already agreed to hear other cases involving Shell's overseas activities.

"It would be extremely critical to have access to all of this evidence," he said.

Reuters has not seen the documents and cannot independently verify what Simons says about the relevance of their content.

Shell's law firm, Cravath, Swaine & Moore LLP, which asked the court to reject Kiobel's request, did not respond to requests for comment.

(Editing by Alison Williams and Alexander Smith)

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