Supreme Court to Hear Shell-Nigeria Abuse Case

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WASHINGTON (AP) -- The Supreme Court said Monday it will use a dispute between Nigerian villagers and oil giant Royal Dutch Shell to decide whether corporations may be held liable in U.S. courts for alleged human rights abuses overseas.

The justices said they will review a federal appeals court ruling in favor of Shell. The case centers on the 222-year-old Alien Tort Statute that has been increasingly used in recent years to sue corporations for alleged abuses abroad.

Other cases pending in U.S. courts seek to hold accountable Chiquita Brands International for its relationship with paramilitary groups in Colombia; Exxon and Chevron for abuses in Indonesia and Nigeria, respectively, and several companies for their role in apartheid in South Africa.

The Nigerians argue Shell was complicit in torture and other crimes against humanity in the country's oil-rich Ogoni region in the Niger Delta.

A divided panel of federal appeals court judges in New York said the 18th century law may not be used against corporations. More recently, appellate judges in Washington said it could.

In a second case the court agreed to hear, the justices will weigh whether the Torture Victims Protection Act of 1992 can be invoked against organizations, or only individuals.

The sons and widow of Azzam Rahim have filed a civil lawsuit against the Palestinian Authority and the Palestine Liberation Organization. The Palestinian-born Rahim was a naturalized U.S. citizen who was beaten and died in the custody of Palestinian intelligence officers in Jericho in 1995. Three officers were jailed for their role in the case, according to a State Department report.

But when Rahim's relatives sought money damages for his death, the federal appeals court in Washington said they could not use the 1992 law to go after the Palestinian organizations. The law may be applied only to "natural persons," the appeals court said.

The Nigerians' lawsuit stems from alleged human rights violations between 1992 and 1995. The suit claims that Shell was eager to stop protests about continuing oil exploration in the area and was complicit in Nigerian government actions that included fatal shootings, rapes, beatings, arrests and property destruction.

Specifically, the villagers claim Shell gave soldiers money, food and transportation, and allowed its facilities to be used as staging grounds.

A divided panel of the 2nd U.S. Circuit Court of Appeals in New York voted 2-1 to throw out the suit, saying corporations cannot be held liable under the Alien Tort Statute. The full appeals court split 5-5 on whether to rehear the case. The tie vote left the panel ruling in place.

The cases will be argued early next year.

The cases are Kiobel v. Royal Dutch Petroleum, 10-1491, and Mohamad v. Rajoub, 11-88.

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