

# Leigh Day



**INTERNATIONAL**



# Pushing the boundaries, taking a stand

## Contact

**Leigh Day**  
Panagram  
27 Goswell Road  
London  
EC1M 7AJ  
UK

**Telephone**  
+ 44 (0)20 7650 1200

**Email**  
international@leighday.co.uk

**Twitter**  
@leighdayintl

**Web**  
leighday.co.uk

**Post**  
DX 53326 Clerkenwell



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**Above.** Pastor Christian Lekoya Kpandei,  
Bodo fish farmer and Pastor.

**Opposite. 1:** Leigh Day represented the  
Bodo Community in the Niger Delta, whose  
environment was devastated by two massive  
oil spills from the Shell owned Trans-Niger  
Pipeline in 2008. **2.** Open cast mine in  
Chingola. **3.** Monterrico clients hooded.



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# Welcome

Leigh Day is a British law firm that works for individuals and communities who have been harmed or treated unlawfully. Our international human rights and environmental specialists represent people all over the world fighting for justice and challenging powerful corporate and government interests.

Many of our clients live in countries where they have little chance of accessing justice or getting the legal representation they need in order to assert their rights. We often represent people or groups who have already spent years trying to get recognition for the harm done and obtain reparation from British companies or the British Government.

Ever since it was founded in 1987, Leigh Day has pushed the boundaries of the law to hold the powerful to account. We have obtained justice for many thousands of people and brought ground-breaking cases before the English courts in cases involving:

- **Harmful operations of British multinationals overseas;**
- **Modern slavery;**
- **Sexual abuse;**
- **Grave human rights abuses by British Government forces or officials; and**
- **Cases of historical injustice.**

Leigh Day is the leading law firm representing international victims in these areas.



We are recognised for our broad expertise on the human rights issues arising from business activities. Our cases have led the development of the law in this area and our lawyers are frequently invited as legal experts to the UK Parliament, the United Nations, and a host of other international meetings. Our team is also known for our expertise in navigating the complex laws applicable to claims against the British Government. These cases cut across national and international laws, including the European Convention on Human Rights, the Geneva Conventions and UN Security Council Resolutions.

## Leigh Day

*“ They are fabulously committed and extremely competent. They have the guts to go and spend weeks in difficult environments and then take the claims to the UK courts.*

**CHAMBERS AND PARTNERS**  
An independent publication that ranks the best lawyers in 185 jurisdictions, 2016



1: Partner Nichola Marshall meets with clients in the Ivory Coast. 2: Head of the International Department Richard Meeran and team and client Daniel Thakamakau. 3: Associate Kavita Modi meets with clients. 4: Bodo women paddling through oil polluted waters looking for firewood and periwinkles, Bodo, Rivers State, Nigeria.





# Defending rights

We believe passionately that every individual and community, no matter who they are or where they live, is entitled to defend their human rights, including their right to justice.

We act for people who have suffered harm and whose rights have been violated by corporations and government.

We are not afraid to take on daunting challenges. We have a history of helping some of the most marginalised communities take on the most powerful interests – and win.

We help clients all over the world who have suffered harm from British companies or the British Government to pursue their cases in England. There are many reasons why people may be unable to access courts in their own country. For example, local courts may be under-resourced so that cases are seriously delayed. Victims may have little confidence in the local justice system because they think it is biased or corrupt.

Those harmed may not be able to find local lawyers with the necessary expertise, resources and willingness to take their case on against powerful opposition. The British Government can also usually only be sued in British courts. We believe that first-rate legal advice should be available to all, not just governments or multinational companies.



# How we work

Understanding clients' needs is our first priority. We act on our clients' instructions and in their best interests.

## Working with our clients

Whether in person, by phone or in writing, we communicate as regularly as possible with clients to provide advice and updates and to find out how they want us to pursue their case.

Whenever possible, we meet our clients in person; we believe that meeting face to face is the best way to truly understand our clients' needs. This can involve travelling for many hours, often to isolated and sometimes dangerous places.

Many of our clients speak languages other than English and we routinely engage interpreters so that we can provide clear advice and take instructions. In addition, many of our lawyers speak more than one language.

As a law firm based in England, we are regulated by an independent body, the Solicitors' Regulation Authority. We must meet high standards of professional and ethical conduct in all our dealings with our clients and the courts. When we act for international clients, we bring the same client-centred approach to our work and apply the same high standards.

During the COVID-19 pandemic, we have had to adapt our working practices in order to maintain the exceptional standard of service we provide our clients. We have forged close working relationships with NGOs, lawyers and civil society stakeholders across the world in order to manage our cases despite not being able to travel. As a result, during 2020 and 2021 we successfully resolved cases on behalf of clients all over the world: from Afghanistan to Tanzania; Bangladesh to Kenya, UAE to Malawi.

**Opposite page: 1.** Martyn Day, Senior Partner of Leigh Day, with Mau Mau Veterans outside the Royal Courts of Justice in 2011. **2.** Richard Meeran, Head of the International Department, 3 March 1996.

**This page: 3 & 4.** Leigh Day team meeting clients in South Africa







## Advocacy and working with others

Our clients' cases often have important consequences for others in the community and for people in other parts of the world. We regularly work alongside and build relationships with local, national and international organisations in order to advocate for improved protection for human rights and the environment.

In many cases, local organisation and lawyers have been working to highlight the issues raised by our clients before we become involved. We believe that working collaboratively with such groups is mutually beneficial. For example, bringing a case in England often attracts significant media attention and can help raise public awareness of the human rights issues highlighted by local advocates. At the same time, the presence of a network of supportive organisations on the ground can help our clients resist intimidation by or for the companies they are suing.

Working to prevent future human rights violations is a key objective of our work. In addition to bringing cases to court, we pursue other strategies to strengthen the law in order to stop human rights abuses from happening in the first place. In particular, we advocate before national and international forums, such as the British Parliament and at the United Nations, to promote access to justice and to secure greater legal protection of human rights.

## Gathering the evidence

### What happened?

We often commit substantial resources to conducting factual investigations in-country, including obtaining documentary and witness evidence. In pursuing our clients' cases we frequently ask medical, scientific, environmental and other experts to conduct tests, prepare reports and give expert opinion to the court.

### Who is responsible?

It is often difficult for those adversely affected by companies to know who is legally responsible for the harms they have suffered. The structure of large multinational corporations is generally complex. Typically, British-based companies have subsidiaries that carry out their activities in other countries. To avoid responsibility for damage around subsidiary operations, such companies frequently rely on legal principles of "separate personality" – meaning that in law one company is a separate "person" that may not be responsible for the actions of another.

Over the past 30 years, Leigh Day's cases have developed the law in England and established the principle that parent companies can owe a direct "duty of care" to those affected by the harmful activities of their overseas operations. If the British company exercised control and direction over its subsidiary, we can gather evidence to persuade a court that the parent company in Britain is also legally responsible. Our approach has gained increasing recognition at an international level.

### Access to information

Many companies restrict the information that is available about how they organise themselves and how they operate. Similarly, the British Government has often withheld important documentation regarding its activities in different countries.

Companies and the Government often deploy strategies to try to prevent disclosure of relevant information. However, Leigh Day's specialists have developed effective ways of countering these strategies. Our experts have the skills and experience needed to obtain and analyse complex company data and large amounts of documentation, in various languages, in order to successfully bring claims on behalf of our clients.

We also use procedures in the British courts whereby companies and the Government can be compelled to disclose relevant documentation, including internal emails, reports, photographs and video footage.

Our aim is to ensure that our clients, and the court, have all the documents that are relevant to the case, regardless of where or how those documents are held.





# Occupational injury

Multinationals operating in developing countries frequently benefit from less stringently enforced health and safety laws and standards. Injured workers often find it more difficult to obtain compensation at a local level.

Through a series of ground breaking cases, Leigh Day have managed to hold UK companies to account for failing to ensure workers have safe and healthy work environments in their overseas operations.



Alpheos Blom, lead claimant in Blom & Ors v Anglo American South Africa Ltd

## SOUTH AFRICA

### Asbestos-related disease

#### Cape PLC

Leigh Day represented 7,500 South African asbestos miners in a claim against Cape plc and the insurers of Gencor, a South African mining company.

The claimants were former miners or relatives of deceased miners employed at, or living in the vicinity of Cape's blue and brown asbestos mines in the Northern Cape and Limpopo provinces respectively. Cape's South African mines contained the most hazardous forms of asbestos. Black miners were exposed to extraordinarily high levels of dust. Approximately 500 of our clients' claims were for mesothelioma, a fatal asbestos-related cancer of the lining of the lungs. A significant number of the claimants had been employed in the mines as young children without any protection from the dust.

Leigh Day brought the case in the UK courts. Cape contested the jurisdiction for three years, arguing that the case should be heard in South Africa. The case went all the way up to the House of Lords before the claimants were permitted to proceed with the case in the UK. The South African government intervened in the case in support of the claimants. The decision on jurisdiction was made on the basis of the legal principle established in an earlier case pursued by Leigh Day for Namibian miners against Rio Tinto plc.

In 2003 Leigh Day successfully negotiated an out of court settlement, which was an important victory in this long running case. However, the delays and challenges by Cape meant that of the 7,500 claimants who initiated the case, 1,000 did not live to see it successfully concluded. The amount of the settlement reflected Cape's precarious financial position. ●



1: Hendrik Afrika, asbestosis sufferer; South African claimant in the case of Lubbe v Cape PLC and name sake of the Hendrik Afrika Trust. 2: Stef Jansen, Mesothelioma sufferer and claimant. 3: Sign for Asbestos Street in Prieska, adjacent to the blue asbestos crushing mill. 4: Community protest action.

PHOTOGRAPHS: HEIN DU PLESSIS





## SOUTH AFRICA

### Mercury poisoning Thor Chemicals

Leigh Day represented 42 South African workers who had been poisoned by mercury at the Thor factory in KwaZulu-Natal, South Africa. This was the first multinational human rights case in the UK.

Thor Chemicals, a British company manufacturing mercury-based products, came under pressure from the UK Health & Safety Executive over the high levels of mercury in its UK workforce. Rather than improve conditions at the UK factory, the company decided to transfer its operations, including plant and managers, to South Africa.

The Thor plant in South Africa operated in an even more dangerous manner. Workers whose mercury levels hit the upper limit were dismissed or sent to work in the garden. Two workers died of mercury poisoning, one after being in a coma for three years. Many others were poisoned and suffered from a range of severe physical and psychological injuries. Criminal prosecution in South Africa resulted in Thor being fined a mere £3000 for breaches of health and safety regulations. This was no deterrent.

Leigh Day helped the claimants bring their case in the UK, where Thor Chemicals Holdings continued to be based, and secure significant compensation from the company following

settlements reached in 1997 and 2000. The 2000 settlement followed a successful legal challenge by Leigh Day against Thor's attempt to shift its assets beyond our clients' reach. In 2000, Thor announced that it had changed its name to Guernica (the name of the town bombed by fascists in the 1930s in the Spanish civil war) supposedly to signify the fascist attacks made against the company. This demonstrated the powerful deterrent effect of the UK legal case. ●



## NAMIBIA

### Uranium mining Rio Tinto

Leigh Day acted for a former miner at the Rossing Uranium Mine in Namibia. The case was against the owners of the mine, Rio Tinto plc, and was the first case of its kind in the UK against a multinational parent company.

Our client contracted throat cancer, which he alleged was the result of excessive exposure to dust in the mine.

Rio Tinto argued that the case should be heard in Namibia. It was accepted that it was impossible for him to obtain funding for legal and expert assistance for such a complex case in Namibia, whereas in England Leigh Day were willing to act for him on a no win no fee basis or funded by legal aid.

The decision about where the case should be heard went to the Court of Appeal and then to the House of Lords. In a landmark judgment, the Law Lords ruled that the case should remain in the English courts. The case set a legal principle that was subsequently applied by the House of Lords in 2000 in a case against Cape plc for 7,500 South African asbestos miners. ●

*“ There is every reason to believe that this case calls for highly professional representation, by both lawyers and scientific experts, for the achievement of substantial justice, and that such representation cannot be achieved in Namibia. ”*

LORD GOFF OF CHIEVELY  
House of Lords Judgment, 1997





## SOUTH AFRICA & LESOTHO

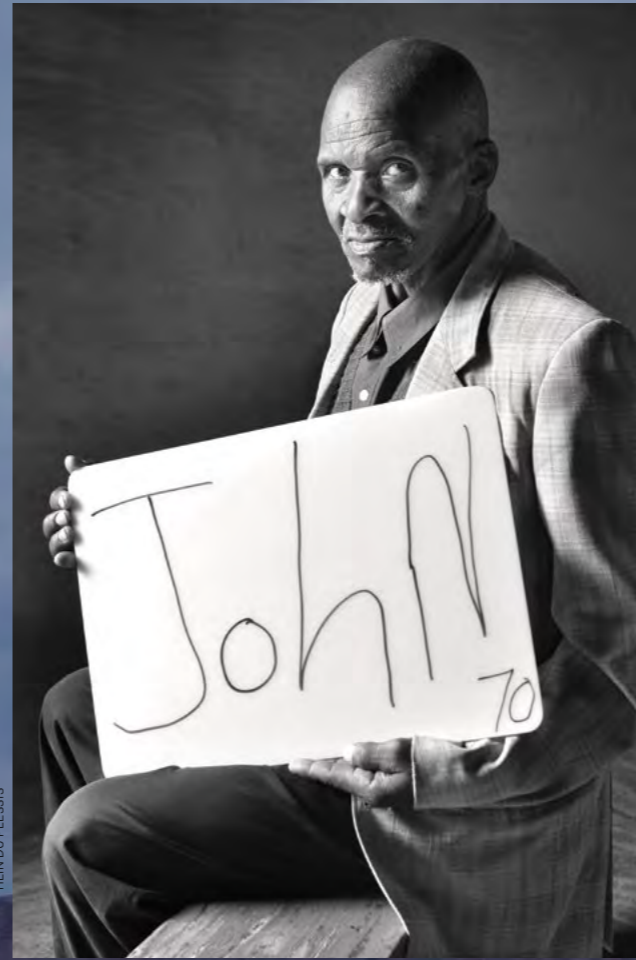
### Silicosis Anglo American and AngloGold

In landmark cases pursued in South Africa, Leigh Day worked with South African lawyers for 4,388 former miners against Anglo American South Africa Ltd (AASA) and AngloGold Ashanti (AngloGold).

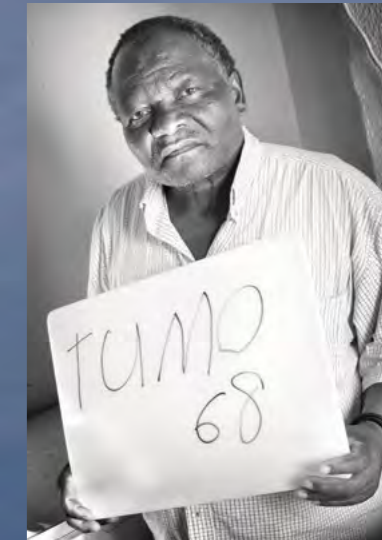
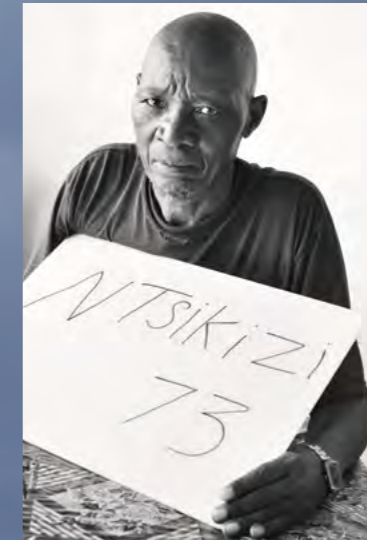
The case was brought against these companies for failing to protect their workers from excessive dust. Silicosis, a debilitating and incurable lung disease, affects as many as 25% of South African miners. Silicosis sufferers have a much higher risk of contracting tuberculosis. Tuberculosis combined with silicosis is very serious and often fatal. Most of the claimants reside in rural areas in South Africa and Lesotho, from which so-called "migrant labourers" were recruited under apartheid, and where tuberculosis is endemic.

In September 2013, AASA agreed to pay compensation to 23 test claimants. This case, brought in conjunction with the South African Legal Resources Centre, was the first ever settlement of silicosis claims for gold miners in South Africa. The test cases were commenced in 2004 and took 9 years to conclude.

Leigh Day and South African attorney Zanele Mbuyisa then pursued a mass silicosis group claim against AASA and AngloGold on behalf of 4,365 former gold miners or relatives of deceased gold miners. A landmark settlement was reached in March 2016 on behalf of the victims for R500 million (£23 million). The settlement vehicle that was established is called the Q(h)ubeka Trust: Qubeka was the surname of the lead claimant in the litigation, and "Qhubeka" means "go forward" in Xhosa. The function of the Trust is to medically assess the claimants and evaluate their eligibility for compensation. This settlement will first and foremost bring much needed financial relief to the victims and their families. The settlement scheme provided a model for subsequent settlement of a silicosis class action in South Africa. ●



HEIN DU PLESSIS



*“ This chest illness that I got while working at the mine is not curable. I fear it will kill me. Every time I have trouble breathing or my chest pains, I become afraid. If I die, what will happen to my family? ”*

NTSIKIZI MTSHIKWE

*“ I have been broken by the mine. I am deaf and my lungs are damaged ”*

TUMO PETRUS MATSAU

*“ The mine has robbed me of my health ”*

JOHN KOBE



Left: Mrs Nojinza Mtoto (to left side), widow of Zolile Mtoto, claimant in Blom & Ors v Anglo American South Africa Ltd.

Below: Lesotho, home to thousands of former gold miners, now suffering from silicosis





## BANGLADESH

### Shipbreaking

#### Zodiac Maritime Limited

Leigh Day represented a 38-year-old Bangladeshi man who lost a leg and the sight in one eye whilst dismantling a ship previously operated by Zodiac Maritime, a London-based shipping company.

Metal cutter Mohamed Edris was working alongside 100 others on the 19,600-tonne container ship Eurus London, managed by Zodiac Maritime before being sold for scrap, at the Ferdous Steel Corporation shipyard in Chittagong when the incident occurred.

His job had been to cut away the 40-tonne propeller with a blow torch. A large metal platform had been placed below the propeller to stop it falling into the mud on the beach. The propeller broke free and sprung back slicing off his left leg below the knee, blinded him in one eye and nearly broke his back. Leigh Day maintain that Zodiac knew the methods involved in dismantling vessels in Chittagong, yet it sold the Eurus London on in the full knowledge that it would be broken up in unsafe conditions. Mr Edris' claim has been successfully resolved. ●

The Defendant applied for strike out, arguing that they were no longer responsible for the ship once they sold her. This argument was rejected by the High Court and the Court of Appeal. The Court of Appeal held that Maran had an arguable duty of care to shipbreaking workers in Bangladesh, even where there were third parties involved in the transaction. Maran could have insisted that the vessel was sold to a "green" yard, but instead chose the notorious beaches of Chattogram, as this would attract greater profit. Lord Justice Bean said: *"On the Claimant's case, the Defendant obtained the highest possible price for the Vessel and sought to wash their hands of responsibility for anything, however foreseeable, which happened after that... if the Claimant is indeed able to prove the factual averments which she makes, it would be a poor system of justice that gave her no remedy against this Defendant."* ●

## BANGLADESH

### Shipbreaking

#### Maran (UK) Limited

Leigh Day represents MD Khalil Mollah, 32, who was killed after falling from a great height while working on a vessel owned by Maran (UK) Ltd, the UK company of Greek shipping giant, Angelicoussis Shipping Group. The claim brought on behalf of Khalil's wife and son, is for negligence and, breach of common law duty of care. The claimant argued that Maran is legally liable because the company had a responsibility to take all reasonable steps to ensure that the end of life sale and disposal of the vessels for demolition would not endanger human health, damage the environment and/or breach international regulations.



PHOTO: © ANDREAS RAGNARSSON

1: Shipbreaking workers, in Chittagong.  
Inset: Leigh Day client, Mohamed Edris



# Security and Human Rights

As valuable raw materials such as copper, gold, and oil become ever more difficult to locate, multinational companies are increasingly operating in areas already occupied by local communities, including Indigenous peoples.

Often the human rights of people living in the vicinity of these operations are overlooked, in favour of efficiencies and profit. The excessive use of force, including live ammunition and even torture, has been the result.

Due to weak legal protections and access to legal representation in host countries, often victims are unable to obtain justice at the local level.

Leigh Day have successfully obtained compensation for individuals who have suffered human rights violations perpetrated by state and private security forces at or around the operations of UK multinationals in developing countries.

Monterrico clients hooded and detained on a cattle platform where they were left overnight



## PERU

### Security and Human Rights Monterrico Metals

In 2009, Leigh Day represented a group of 33 indigenous Peruvians in the High Court in London. The claim was against the British parent company Monterrico Metals plc. Our clients alleged that, following a protest about environmental issues, they were tortured, beaten and sexually abused by the Peruvian police and mine employees at Monterrico's Rio Blanco mine in August 2005.

In June 2009, Leigh Day obtained freezing injunctions in the UK and Hong Kong High Courts over Monterrico's assets worldwide. We did this to protect our clients' interests against the financial impact of Monterrico's decision to relocate to Hong Kong.

Although the company did not admit liability, in July 2011, three months before the trial was scheduled to take place, it agreed a confidential settlement with our clients to pay costs and compensation. ●



1: Monterrico clients blindfolded and detained on a cattle platform where they were left overnight. 2: Monterrico clients handcuffed and detained at the Rio Blanco site. 3: Associate Solicitor, Mary Westmacott with client Leonidas Cruz Granda.





## TANZANIA

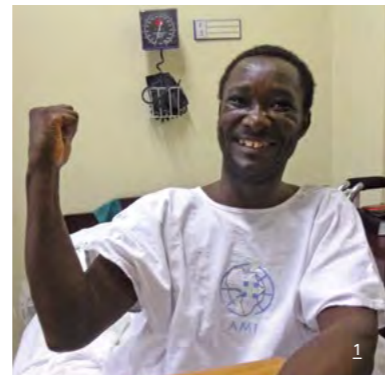
### Security and Human Rights African Barrick Gold (Acacia Mining)

Leigh Day initiated proceedings in the High Court in London in March 2013 on behalf of Tanzanian villagers who lived near the mine. The villagers were seeking compensation from African Barrick Gold plc (now Acacia Mining plc) and its Tanzanian subsidiary, North Mara Gold Mine Limited (NMGML), for injuries and deaths at the companies' North Mara mine in Tanzania.

Shortly after proceedings were commenced in England, NMGML tried to take our clients to court in Dar es Salaam in Tanzania where they had no legal representation. To protect our clients from being sued without access to lawyers, Leigh Day successfully sought an urgent anti-suit injunction in the High Court in London. As a result, the companies had to discontinue the Tanzanian proceedings, which the English judge criticised as being an attempted "Tanzanian torpedo" designed to pre-empt the English proceedings. The villagers' case was therefore able to continue in the English High Court.

In 2015, the claims of 13 villagers regarding deaths and injuries at the mine, which were denied by Acacia Mining and NMGML, were settled out of court. ●

1: Leigh Day client, Samwel Mwita, who was made paraplegic after a bullet pierced his spine, receives medical treatment in hospital.  
2: Ghati Magige holds a photo of his son, Emmanuel Magige, who was shot and killed and for whose death an action was brought against African Barrick Gold. 3: The North Mara gold mine is located on the doorstep of neighbouring villages.



## TANZANIA

### Security & Human Rights Petra Diamonds

Leigh Day represented over 70 Tanzanians who alleged that they were the victims of serious human rights violations perpetrated by security forces at Williamson Diamond mine in Tanzania. The mine is 75% owned by Petra Diamonds Limited, a company based in England.

The allegations including serious physical assault, false imprisonment, shootings and, in 10 cases, incidents resulting the death of a miner. Due to fears of reprisals against them, the identities of the claimants were protected by an Anonymity Order throughout the case.

As a result of the case, Petra Diamonds launched an investigation into the allegations of human rights abuses at the mine. Their investigation showed that their security company, Zenith Security, was responsible for using excessive force, causing injuries, mistreatment and the loss of life. The investigation uncovered evidence that Zenith had adapted their ammunition to fire metal projectiles instead of rubber rounds. The investigation also uncovered allegations of gender based violence.

Leigh Day reached a comprehensive and wide-ranging settlement (without an admission of liability) with Petra in May 2021. The settlement included compensation for the individual claimants and a package of measures aimed at improving the lives of the wider communities now and in the years to



come. The package included establishing an Operational Grievance Mechanism which accords with the UN Guiding Principles of Business and Human Rights; implementing a medical support programme to provide assistance to victims of human rights violations in the area; community projects aimed at economic development; access to hospital records; access to the mine in order to collect firewood; and publishing a human rights defenders policy. ●



1: George Joseph Bwisige, leader of a group seeking empowerment for victims of human rights abuses at the Williamson Diamond Mine, Kishapu District 2: Zenith security guards posing for photograph at Mwadui (source, Facebook, 3 September 2019).





## MOZAMBIQUE

### Security and Human Rights Gemfields Limited

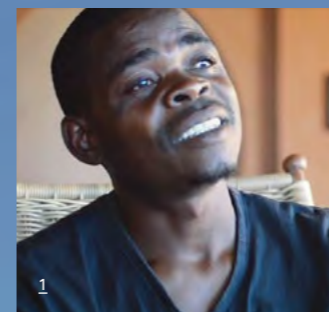
In 2019, Leigh Day settled a case on behalf of 273 claimants from around the Montepuez area in northern Mozambique. The claimant group consisted of artisanal ruby miners and local villagers from the communities in the vicinity of the Montepuez Ruby Mine (MRM). MRM is 75% owned by British gemstone mining company, Gemfields Limited, which is also the owner of the prestigious Fabergé brand.

The claimants alleged that the mine's security forces, which included employees of MRM and public and private security forces acting on behalf of the mine, had committed serious human rights violations. Claimants alleged that they had been

shot, beaten, raped and/or sexually abused, subjected to cruel and degrading treatment, unlawfully detained, and/or forced to carry out menial labour. Leigh Day also represented the families of a number of artisanal miners who were killed on the mine including by being shot, beaten to death, or buried alive in mine shafts.

Additionally, residents from the village of Namucho, which is within MRM's mining concession area, allege that they were subjected to harassment from the mining company over several years. The villagers told us that on one occasion the whole village was burned down by representatives from the mining company.

Although Gemfields made no admission of liability in agreeing the settlement, it recognised that violence had occurred on the mining area near Montepuez.



The settlement agreement has three main elements. Firstly, the settlement includes offers of financial compensation for each of the claimants and provides important redress.

For many it will allow them to access medical treatment for serious physical and psychological injuries suffered as a result of the abuse.

Secondly, under the settlement, MRM has agreed to provide the Namucho community with agricultural projects and training. It is hoped that this will give long term, sustainable income and economic development for the villagers.

Thirdly, Gemfields has also agreed to set up an independent Operational Grievance Mechanism (OGM) which will provide redress for any victims found to have suffered abuse at the mine which Leigh Day have been unable to represent.

Grievance procedures should be put in place by all companies who wish to adhere to the United Nations Guiding Principles on Business and Human Rights, and advocated for by industry best practice. However, it is hoped that the Gemfields OGM will provide a model for access to justice for victims of human rights abuses in relation to mining companies globally. Under the OGM, an independent panel consisting of a number of experts will consider complaints of alleged victims and will determine compensation where appropriate in Mozambican law. The OGM will be monitored by an independent organisation which has expertise in business and human rights. ●

**Background:** The MRM mining concession area in the Montepuez District of Cabo Delgado in Mozambique covers 10,000 km<sup>2</sup>. **1:** A claimant explains how he was shot in the leg by MRM's security team. He broke his back when he fell into a mine shaft after being shot and his leg was later amputated below the knee as a result of the gunshot. **2:** Leigh Day employee Matthew Renshaw conducts interviews with "garimpeiros" who were chased from the Montepuez Ruby Mine to a nearby artisanal gold mine. **3:** Artisanal miners sift through the stones and mud dug from pits at an artisanal mining site, hoping to find a ruby. **4:** Artisanal miners being subjected to cruel and degrading treatment after being caught on the mining concession area. **5:** The villagers of Namucho, which is within the MRM concession area, allege that they were continually harassed by the MRM security teams and forcefully evicted on at least two occasions when their houses were destroyed.







## KENYA

### Security and Human Rights Camellia plc

In 2021 Leigh Day settled a case on behalf of 85 Kenyans who live in proximity to Kakuzi Plc’s agribusiness operations in Murang’a County, Kenya. The claims were based on allegations of serious human rights abuses against local residents by security guards employed by Kakuzi Plc (“Kakuzi”), a company within the Camellia Group.

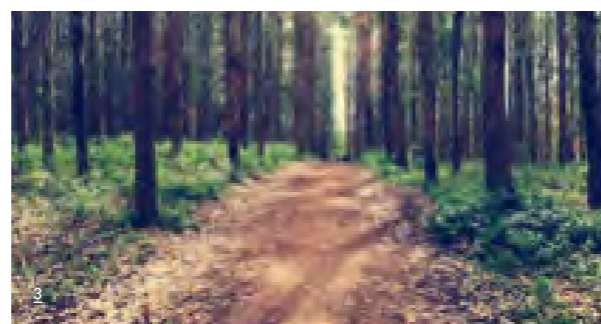
Each of the Claimants alleged that they had been physically assaulted by Kakuzi’s guards and the claims included (1) allegations of rape by guards (2) allegations that guards had violently broken up demonstrations against Kakuzi and (3) the case of a young man who was allegedly beaten to death by Kakuzi guards in May 2018.

The legal claims were brought with the support of the Kenya Human Rights Commission, the Centre for Research on Multinational Corporations (SOMO) and the Ndula Resources Centre. The Defendants to the claims were Camellia Plc and the Camellia Group companies Linton Park Plc and RBDA Ltd. The settlement reached on behalf of the Claimants has three primary elements, the first of which is the payment of financial compensation to each of the 85 claimants.

The second element is a series of measures for the benefit of the communities on and around Kakuzi’s farm. These include: (1) the funding of charcoal kilns and access to firewood so local communities can produce and sell sustainable charcoal; (2) building two social centres for community meetings; (3) employing predominantly female Safety Marshalls to give visible reassurance to those using access routes and particularly women; and (4) building three new roads accessible to the community to give people better access to local amenities (5) the establishment of a Technical Working Group to survey and demarcate land which has been previously donated by Kakuzi.

Thirdly, Kakuzi has confirmed that it will develop and implement an Operational-level Grievance Mechanism.

(‘OGM’) to allow any other allegations of human rights abuses to be resolved fairly and quickly without need to go to court. The OGM will be compliant with UN Guiding Principles on Business and Human Rights. The OGM will be complemented by the design and implementation of a human rights defenders policy, to be implemented by Kakuzi within 12 months of the settlement. The claims were settled without an admission of liability. ●



1: Photograph of path running past Kakuzi macadamia plantation 2: Photograph of Kakuzi Property sign. 3: Photograph of path running through Kakuzi forest.

## MALAWI

### Security & Human Rights Camellia PLC

Leigh Day represents 36 Malawian women who allege that they have experienced gender-based violence (including, in some cases, rape) and sexual harassment during the course of their work on tea estates in the Mulanje and Thyolo districts of Malawi, while employed by Eastern Produce Malawi Ltd (“EPM”), an indirect subsidiary of Camellia plc. These claims were issued in the High Court in London on 31 October 2019 against Camellia Plc, Linton Park Plc, Robertson Bois Dickson Anderson Limited, together “the English Defendants” and EPM.

On 11 February 2021, an innovative settlement of the claims was agreed between the parties. It includes compensation for the Claimants and the establishment of a number of measures designed to improve the safety and security of EPM’s female employees and improve conditions for women in the wider community. These measures include a Women’s Empowerment Initiative which will fund projects to improve the skills, employment opportunities, and educational attainment of women and girls in and around EPM’s operations.

In addition, EPM has agreed to make changes to its working practices designed to improve the safety and working conditions of women working on its estates. Importantly, EPM has established an independently monitored Operational-level Grievance Mechanism to ensure that any individual who wishes to raise a grievance in relation to gender-based violence and/or sexual harassment at its operations is able to obtain appropriate remedy promptly. The Operational-level Grievance Mechanism will be overseen by international experts.

This is a ground-breaking settlement, which provides not only compensation for the Claimants, but also significant changes to the working practices at EPM, and a wide range of measures which should also bring meaningful improvements and opportunities to women and children in the communities in which EPM operates for years to come. ●



Tea estate, Mulanje District, Malawi





# International corporate corruption and espionage

In the cases we deal with, the stakes can be high, both for the people we act for, and those we claim against. Sometimes defendant companies employ unlawful methods against campaigners, whistleblowers and others seeking to expose corruption and wrongdoing, in order to protect their own interests.

Leigh Day's International Department acts for individuals who have been caused harm by UK companies when trying to do the right thing.

For example, Leigh Day represents individuals who have been made to suffer adverse career consequences as a result of seeking to expose wrongdoing and corruption overseas. We also act for campaigners who have been unlawfully spied upon by corporations seeking to elicit confidential information to undermine the campaign.

[More information on our webpage here](#)

## UNITED KINGDOM

### Corporate spying infiltration K2

Rob Moore was engaged and paid by Mayfair-based K2 Intelligence to work on 'Project Spring' and to infiltrate and spy on the campaigners' anti-asbestos network for the benefit of K2's client. The network comprises eminent anti-asbestos campaigners whose activities, internationally, are focused on the prevention of asbestos-related diseases. In a document entitled 'Phase One Report', Moore articulated the initial aims of the Project and set out the blueprint for obtaining information, stating "I would like to engage with IBAS [International Ban Asbestos Secretariat] and LKA [Laurie Kazan-Allen] in the most genuine and heartfelt way possible so that I can establish both an intellectual and emotional connection with LKA".

Moore claimed to be a documentary filmmaker who wanted to make a film exposing the hazards of asbestos and to establish a 'Stop Asbestos' charity. Under this cover Moore embedded himself into the heart of the network, and from 2012 to 2016 gained access to highly confidential information, valuable to K2's clients. His activities included covertly recording discussions with ban asbestos campaigners, including the Claimants, as well as talks given at private meetings. Invoices produced by Moore show that K2 paid him a total of £336,000 in fees and £130,400 in expenses.

Legal proceedings against K2, its Executive Managing Director Matteo Bigazzi, and Robert Moore, were initiated in October 2016. The Claimants were eminent anti-asbestos campaigners Laurie Kazan-Allen; Rory O'Neill; Krishnendu Mukherjee; Sugio Furuya and Harminder Bains. They sued for breach of confidence, misuse of private information and breach of the Data Protection Act. In October and November, the High Court granted injunctions against Moore and K2. Moore handed over more than 35,000 documents - 650 of which he claimed were passed to K2.

In March 2017, despite strenuous resistance, K2's clients' identities were revealed to be: Wetherby Select Ltd, a holding company in the British Virgin Islands; Kazakh asbestos industry lobbyist Nurlan Omarov; and Daniel Kunin, a politically well-connected US national also directly involved in Kazakhstan's asbestos industry. It was alleged that the aim of Project Spring was to obtain information about the anti-asbestos campaign, its funding and its strategies particularly in relation to a ban on the importation and usage of chrysotile (white asbestos) in Thailand and Vietnam. It was alleged that over the course of the project K2's client made multiple requests for information via Matteo Bigazzi. These requests included requests for country-by-country updates from regional ban asbestos conferences and requests for information as to the campaigners' expectations of when asbestos bans would be implemented. ●

In November 2018 K2 agreed to pay the Claimants substantial damages.



Sugio Furuya, Coordinator of the Asian Ban Asbestos Network and Laurie Kazan who established the International Ban Asbestos Secretariat.



## SAUDI ARABIA

### Spyware

#### Ghanem al-Masarir

Leigh Day is currently representing Ghanem al-Masarir, (Ghanem) a prominent satirist and human rights activist who is a vocal opponent of the Saudi Regime. Leigh Day, on behalf of Ghanem, issued a legal claim in the UK High Court against the Kingdom of Saudi Arabia alleging that Ghanem was targeted with spyware known as Pegasus.

Ghanem alleges that the Saudi regime infected his mobile phone with the spyware, which allowed them to access his microphone and camera to hear and record what he was doing.

Experts confirmed that Ghanem had been sent malicious texts containing links that looked like they were from reputable courier companies but, when clicked, led to domains associated with the Pegasus spyware. They concluded with a high degree of confidence that the state responsible for targeting Ghanem was Saudi Arabia.

Ghanem is bringing a claim for personal injuries resulting from the misuse of private information and harassment in relation to the spyware. He is also bringing a claim relating to an attack he suffered which he believes was directed by the Saudi regime. Ghanem has been placed under police protection due to a possible threat to his life.

Leigh Day issued Ghanem's claim in the High Court in November 2019 but because the case is against a foreign government, it was necessary to apply for permission from the court so that Ghanem could serve his case on the Kingdom of Saudi Arabia. The High Court granted permission in January 2020. Ghanem is bringing the case in the English courts on the basis that he was targeted with the spyware and assaulted whilst he was in the UK,

where he has lived for the last 16 years. By granting permission to serve the case the court agrees that there is an arguable case against the Kingdom of Saudi Arabia.

In February 2021, the Kingdom of Saudi Arabia made an application to reverse the decision of the court arguing that the English court had no power to try the claim because as a State they were immune from the court's jurisdiction. The first court hearing took place In June 2021. ●



Ghanem al-Masarir, Leigh Day client

## RWANDA

### Spyware

#### 1) Faustin Rukundo (2) Violette Uwamahoro v the Republic of Rwanda

Leigh Day is currently representing husband and wife, Faustin Rukundo (Faustin) and Violette Uwamahoro (Violette) in their claim against the Republic of Rwanda. Faustin and Violette allege that Faustin's phone was targeted with Pegasus spyware during the WhatsApp hacking in April 2019.

Faustin's WhatsApp account was confirmed as one of 1400 targeted globally over a two-week period.

Facebook, the owner of WhatsApp, issued proceedings in the United States of America against NSO, the company that creates the software.

Faustin is an activist and member of the exiled political opposition group the Rwanda National Congress. Faustin and Violette are bringing a claim for personal injuries resulting from the misuse of private information, harassment, and intentional infliction of emotional distress in relation to the spyware.

Leigh Day issued Faustin and Violette's claim in the High Court in July 2021. ●



Faustin Rukundo and Violette Uwamahoro





## UAE

### International corruption / whistleblowing

#### EY (formerly Ernst & Young)

Leigh Day acted for Mr Amjad Rihan, a former partner in the accountancy firm EY (formerly known as Ernst & Young) in a legal claim against various entities in the EY Network. Mr Rihan claimed that he was forced to resign from the firm after he refused to participate in a cover up of suspected money laundering at a major gold refiner in Dubai. In its judgment of 17 April 2020, the High Court in London found that the EY Defendants had repeatedly breached professional and ethical obligations in their handling of the audit and awarded Mr Rihan \$10,843,941 (US dollars) and £117,950 in damages.

Mr Rihan was the partner responsible for a 2013 'assurance' engagement in relation to a Dubai gold refiner, Kaloti Jewellery International. The purpose of the engagement was to provide reasonable assurance to end users, including consumers, trade associations and bullion banks, that Kaloti's gold was not connected with money laundering, terrorist financing or armed conflict.

During the engagement Mr Rihan and his team uncovered serious violations of the applicable standards, including billions of dollars' worth of cash transactions; importing large quantities of gold from Moroccan suppliers which had been coated with silver to avoid gold export restrictions; and transactions with high-risk countries such as Sudan, DRC and Iran without proper due diligence.

After Mr Rihan escalated these matters to EY's 'global office' in London, the London-based EY Defendants took control over the approach to the Kaloti audit and,

in collaboration with the Dubai regulator, participated in various measures which were designed to obscure the audit findings from public view and scrutiny. The court found that the audit reports that were eventually published were misleading as they avoided any attention being drawn to the audit findings. Meanwhile Mr Rihan was left with no choice but to resign and put the findings into the public domain, which he did in 2014. After Mr Rihan blew the whistle, the individuals behind the company which supplied the silver-coated Moroccan gold were convicted on charges related to money laundering and drug trafficking in a French court in 2017.

Mr Rihan's case is the first time that 'global' UK-based entities in a multinational enterprise have been held legally accountable for harm arising in the context of an audit or assurance engagement overseas. In finding against the EY Defendants the court relied on the Supreme Court's landmark decision in Vedanta (in which Leigh Day acted for the Claimants), which found that a UK-based parent company could be liable for damage arising out of the activities of its overseas subsidiary. Mr Rihan's case also raises important questions about the integrity of certification processes such as those which underpinned the Kaloti engagement, and particularly whether further independent oversight is now required to restore confidence in such schemes. ●

Mr Rihan commented:



Amjad Rihan, Leigh Day client

*“Almost seven years of agony for me and my family has come to an end with a total vindication by the court. My life was turned upside down as I was cruelly and harshly punished for insisting on doing my job ethically, professionally and lawfully in relation to the gold audits in Dubai. The court ruled in my favour and found that EY breached its duties towards me, for which I am very grateful. I hope that EY uses this judgment as an opportunity to improve and take the necessary measures to avoid anything like this ever happening again.”*





# Environment

The activities of multinational corporations can cause widespread pollution and massive environmental degradation, particularly in the extractive areas of mining, oil and gas. Companies in these sectors often operate in countries with weak environmental protections where there are lower production costs, and the ability to influence the development or enforcement of environmental regulations.

The lack of local law and regulations, or gaps in the means of enforcing them, renders it difficult or impossible for local people to protect their environment and to secure rights that are dependent on a healthy environment.

Leigh Day specialise in representing individuals and communities all over the world who have suffered ill-health and damage to their local environment from the effects of pollution and environmental degradation.

Children running along a pipeline near the Konkola Copper Mine in Zambia



## IVORY COAST

### Toxic waste dumping Trafigura

Leigh Day represented some 30,000 claimants in the Ivory Coast against Trafigura, a multinational oil trading company, in one of Britain's largest ever group actions.

In 2006, Trafigura transported hazardous waste from The Netherlands to the Ivory Coast. The waste was offloaded to a local contractor in Abidjan, the country's commercial capital, and subsequently dumped at 12 different sites in the city. Following the dumping of the waste, residents began to

suffer with symptoms ranging from headaches and skin rashes to severe respiratory problems; some 100,000 people sought medical treatment in local hospitals.

Leigh Day issued proceedings in the High Court in London at the end of 2006. After a long legal battle involving around 20 experts, the claims were successfully settled out of court in September 2009. ●



1



2



3

1: A client leaves a settlement meeting with the Leigh Day team. 2: Partner Nichola Marshall meets with clients in Abidjan. 3: Clients wait to meet their legal team.





## COLOMBIA

### Water pollution Amerisur Resources Ltd

Leigh Day acts for Colombian small-scale farmers and their families, in claims for compensation from UK-based Amerisur Resources Ltd for pollution of water and land arising from a large oil spill in Putumayo in 2015, following the sabotage of oil tankers by a third party.

Amerisur Resources Ltd was the UK parent company of Amerisur Exploración Colombia Limitada, which owned block concessions for oil exploration and production. The claimants belong to remote communities living in southern Colombia Inin Putumayo, near the Ecuadorian border, who used to rely on the local waterways for drinking, bathing and fishing.

After instituting legal proceedings in the High Court on 30 December 2019, the claimants obtained a freezing injunction against Amerisur, which required the company to preserve around £4.5 million of its UK assets. The need for the injunction arose because a court hearing had been scheduled to approve the £240million sale of Amerisur to GeoPark Colombia, and the delisting of Amerisur

from the Alternative Investment Market (AIM). There was serious concern that had the sale proceeded in the absence of a freezing injunction, the company's assets would have been dissipated and that there would consequently be a real risk that any subsequent judgment would have been unenforceable. In granting the injunction the court agreed that this was a significant risk.

The claimants allege that the pollution has been caused by an attack by an armed group on five tankers containing crude oil from Amerisur's platforms, leading to large amounts of oil spilling into the streams and wetlands. They claim that under Colombian law Amerisur are responsible for the damage caused by such attacks – given their predictability – and also for a failure to clean up adequately afterwards. Although this environmental pollution case is brought under Colombian law, it is being pursued in England because the company is based in England and therefore falls under the jurisdiction of the UK courts. ●



Photo taken by Comisión de Justicia y Paz of a contaminated water source in the Claimants' communities

## NIGERIA

### Oil spills Shell Bodo



“ We hope that Shell will take their host communities seriously now... We are thankful for the strength and perseverance of our international lawyers, Leigh Day, for their tenacity to end this case in the way that it has.”

CHIEF SYLVESTER KOGBARA  
Former Chairman of the Council of Chiefs and Elders of Bodo

In January 2015, the High Court in London approved a landmark settlement in a case brought by Leigh Day on behalf of residents of the Bodo fishing community in Ogoniland in the Niger Delta. The claim was against a Nigerian subsidiary of the multinational Shell.

Bodo sits on the Atlantic coast of Nigeria, an area with one of the highest concentrations of biodiversity in the world. The vast majority of the community made their living from fishing in the mangrove creeks.

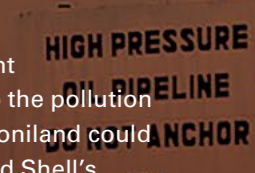
Shell has been extracting oil in the region since the 1950s and in 2008/9 two large oil spills caused catastrophic damage to Bodo's sensitive mangrove swamps. The spills caused the biggest recorded loss of mangrove habitat in history. The oil spills ruined the livelihoods as well as the environment of the people who live in Bodo. For years, Shell failed to make any real efforts to clean up the area or to compensate the Bodo community.

In 2011, the United Nations Environment Programme estimated that cleaning up the pollution to enable a sustainable recovery of Ogoniland could take up to 30 years. The report criticised Shell's control and maintenance of oilfield infrastructure in Ogoniland and found that its limited attempts at cleaning up the area had been wholly ineffective. Shell initially offered the community £4,000 in compensation.

Leigh Day took the case of Bodo villagers to the High Court in London. In 2013, four months before the case was due to go to trial, a landmark settlement was reached with Shell on behalf of the community for £55 million. This has helped the residents of Bodo to diversify into other areas of work while they wait for the area to be cleaned up.

Leigh Day has also relentlessly pushed for Shell to clean up its spills in line with international standards. As a result, Bodo is now subject to a comprehensive clean-up programme by internationally recognised experts in oil spills. ●

1: Bodo fishermen paddling through a heavily oil polluted creek, Bodo, Rivers State, Nigeria.





## NIGERIA

### Oil Spills Shell Bille

Bille is a riverine community which consists of around 45 islands. Between 2011 and 2013 oil spills from Shell's apparatus caused massive oil spills into the rivers around the community. An estimated 13,200 hectares of mangrove swamp has been damaged by the pollution. The oil has killed most of the fish in the rivers, and Bille's fishing population has been left without a source of food.

Both the Ogale and Bille Communities have instructed Leigh Day to compel Shell to clean-up the oil and to seek financial compensation for the losses they have suffered.

#### The jurisdiction litigation

The Ogale and Bille communities' claims were joined together in the courts. The communities allege that Royal Dutch Shell (RDS), which is based in the UK, is responsible for the oil pollution because it exercises control over operations in Nigeria. They also allege that the Shell Petroleum Company of Nigeria, a subsidiary of RDS, is also responsible.

RDS disputed that it is legally responsible for the oil spills, saying that it is just a parent company and that it has no legal duty to people in Nigeria. However, after five years, Shell's jurisdictional challenge was rejected by the UK Supreme Court in February 2021. The Supreme Court ruled that RDS was arguably liable for the harm caused to the Communities' land.

Following the judgment, SPDC submitted to the jurisdiction of the UK courts, meaning the communities can now proceed with their claims to trial against both RDS and SPDC. The trial is likely to lead to the disclosure of internal Shell documents about its environmental practices in Nigeria. ●



A sign erected in the Ogale community warning residents of the dangers of drinking, fishing and swimming in waters polluted by Shell.



Houses on the Bille creek in Bayelsa State, Nigeria. The Bille creek was devastated by oil spills from Shell infrastructure between 2011 and 2013



## NIGERIA

### Oil Spills Shell Ogale

At least 40 oil spills from Shell's infrastructure in the Ogale community since 1989 have caused serious contamination to the community's land and waterways. Ogale is a fishing and farming community. It relies on the Ogale Stream which runs through the land for farming, drinking, washing and fishing. The Community also used boreholes, but these are now so polluted that they are not safe for consumption or use. The United Nations Environment Programme (UNEP) carried out testing there in 2010 which found that water in the community was dangerous and unfit for human consumption as a result of the oil contamination. The oil pollution has also ruined the Community's farmland. ●





## ZAMBIA

### Environmental pollution

#### Vedanta Resources and Konkola Copper Mines

Leigh Day represented 2,577 Zambian villagers who took action against UK based Vedanta Resources Ltd (Vedanta) and its Zambian subsidiary Konkola Copper Mines (KCM) as a result of alleged damage to their land and water from copper mining effluent.

The Claimants were members of are members of four artisanal farming communities next to the Nchanga Copper Mine, which was operated by Vedanta’s subsidiary KCM. Vedanta bought a controlling share in KCM in 2004. Vedanta is one of the largest mining companies in the world with an asset base of almost US\$40 billion spread across the world. KCM, is the largest copper mining company in Africa and Zambia’s largest private sector employer with around 16,000 employees.

It operates a number of mines in Zambia including the Nchanga Copper Mine, which is the world’s second largest open cast copper mine.

The communities, Shimulala, Kakosa, Hippo Pool and Hellen claimed that polluted water was affecting their health causing illnesses and permanent injuries. The polluted water was their primary source for drinking, washing, bathing and irrigating their farmlands.

The Claimants’ primary source of livelihood was farming as well as some fishing from the rivers. The alleged pollution devastated crops and affected fishing, greatly impacting the earnings of the local people.

Leigh Day issued proceedings on behalf of the villagers against Vedanta and KCM in the High Court in London in July 2015.

In September 2015 both Vedanta and KCM challenged the jurisdiction of the English courts to hear the claims. Integral to their challenge was the contention that the case against Vedanta was bound to fail.

In April 2019 the UK Supreme Court rejected the defendants’ legal challenge. This was a landmark decision in terms of English law on jurisdiction and a clear affirmation by the Supreme Court that a tort law duty of care may be owed by a multinational parent company in respect of the operations of its overseas subsidiary. Under English law, companies who make public commitments to safeguard communities and the environment may be held legally responsible for harm that arises from the failure to implement these commitments.

The claims settled without proceeding to a full trial in December 2020, with the parties releasing the following joint statement:

*“Without admission of liability, Vedanta Resources Limited and Konkola Copper Mines Plc confirm that they have agreed, for the benefit of local communities, the settlement of all claims brought against them by Zambian claimants represented by English law firm Leigh Day”.* ●



1: Client living nearby the mine surveys her land. 2: Pipes discharging effluent into the Mushishima River which it is alleged is being polluted by the Copper mine. 3: A client meets with Leigh Day to give instructions to the team about their claim. 4: Chairman of Kakosa with, Leigh Day clients.







## ZAMBIA

### Lead poisoning

#### Anglo American South Africa Limited

Leigh Day, in conjunction with Johannesburg attorneys Mbuyisa Moleele is working on a class action against Anglo American South Africa Ltd filed in the Johannesburg High Court on behalf of more than 100,000 individuals living in the vicinity of the Kabwe lead mine in Zambia who are believed to have been poisoned by lead. The application for certification of a class action is brought by 13 representative plaintiffs on behalf of children under 18, and girls and women who have been or may become pregnant in the future. The purpose of the legal action will be to secure compensation for victims of lead poisoning, as well as blood lead screening for children and pregnant women in Kabwe, and clean-up and remediation of the area to ensure the health of future generations of children and pregnant women is not jeopardised.

Kabwe was the world's largest lead mine and operated from around 1915 until its closure in 1994.

From 1925 to 1974, its most productive period, the mine was owned and operated and/or managed by Anglo American South Africa Ltd.

The mine is situated in close proximity to villages comprising around 230,000 residents. Generations of children have been poisoned by the operations of the Kabwe mine, originally known as Broken Hill, which caused widespread contamination of the soil, dust, water, and vegetation. The main sources of this poisonous lead were from the smelter, ore processing and tailings dumps.

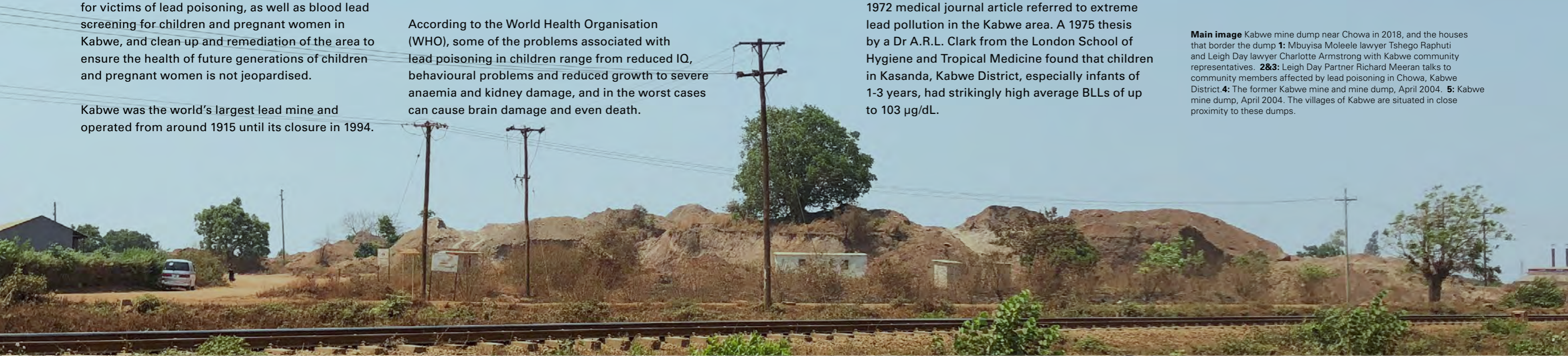
According to the World Health Organisation (WHO), some of the problems associated with lead poisoning in children range from reduced IQ, behavioural problems and reduced growth to severe anaemia and kidney damage, and in the worst cases can cause brain damage and even death.

In Kabwe, in young children aged up to five years old, published studies have consistently found massively elevated BLLs. In the most affected townships around Kabwe around 50% of children have BLLs higher than 45µg/dL the threshold above which medical antidote treatment is required. Nearly all the children in these areas have BLLs above 20 µg/dL, the level at which urgent action is required to reduce exposure.

The scale of this environmental health disaster has been evident for decades. For example, a 1972 medical journal article referred to extreme lead pollution in the Kabwe area. A 1975 thesis by a Dr A.R.L. Clark from the London School of Hygiene and Tropical Medicine found that children in Kasanda, Kabwe District, especially infants of 1-3 years, had strikingly high average BLLs of up to 103 µg/dL.

The case has been filed in the South African courts where the head office of the respondent company, Anglo American South Africa Ltd, is based. It is alleged that from 1925 to 1974, Anglo American SA played a key role in controlling, managing, supervising and advising on the technical, medical and safety aspects of the mine's operations and that it failed to take adequate steps to prevent lead poisoning of the local residents and ensure the clean-up of the communities' contaminated land. ●

**Main image** Kabwe mine dump near Chowa in 2018, and the houses that border the dump **1:** Mbuyisa Moleele lawyer Tshego Raphuti and Leigh Day lawyer Charlotte Armstrong with Kabwe community representatives. **2&3:** Leigh Day Partner Richard Meeran talks to community members affected by lead poisoning in Chowa, Kabwe District. **4:** The former Kabwe mine and mine dump, April 2004. **5:** Kabwe mine dump, April 2004. The villages of Kabwe are situated in close proximity to these dumps.



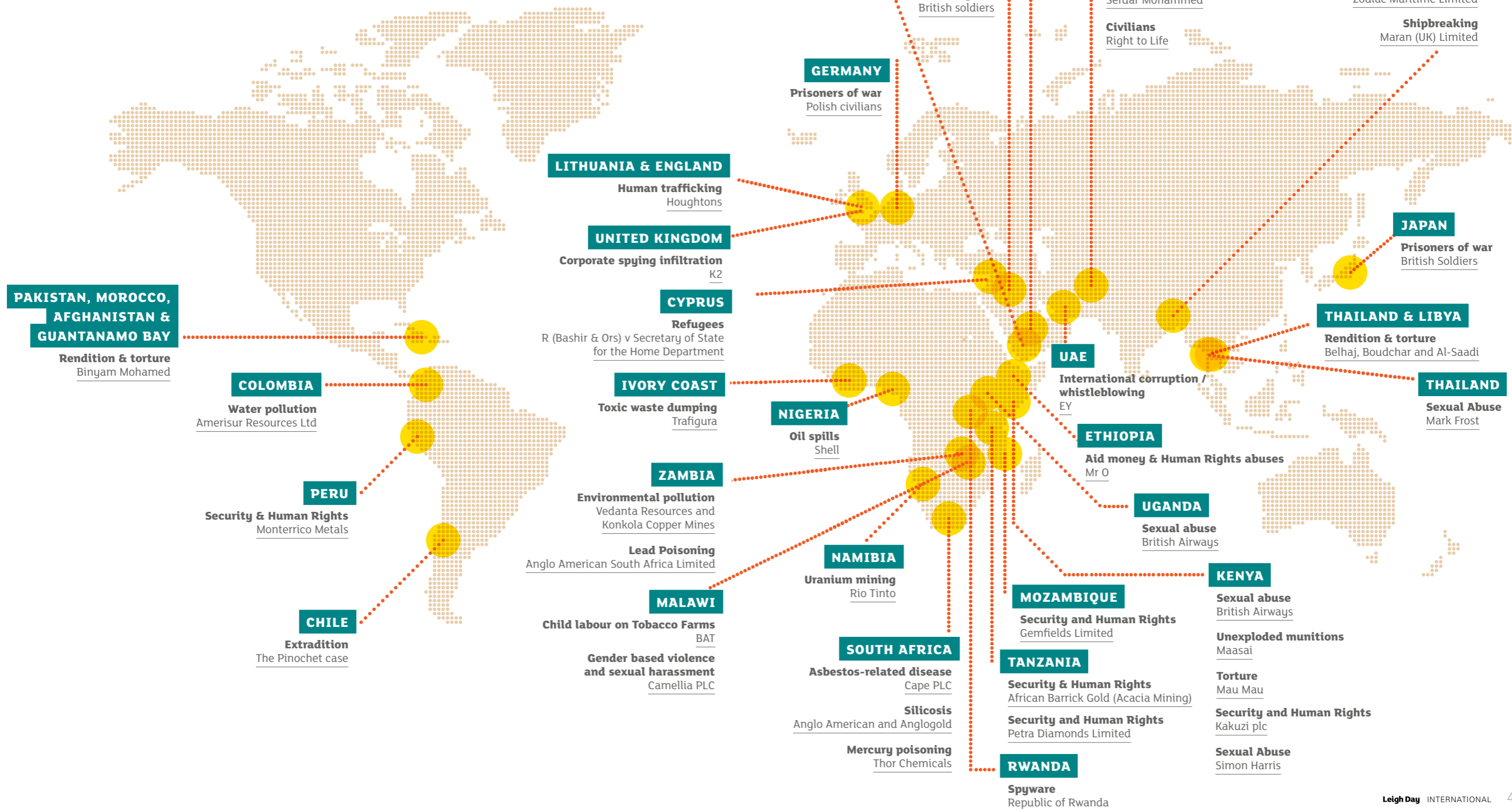




# Leigh Day

INTERNATIONAL

Leigh Day's International team has helped tens of thousands of people access justice for harm committed in over 30 countries.







# Exploitation and modern slavery

Exploitation and modern slavery is big business. It is estimated to be worth £115 billion worldwide. More than 40 million people are believed to be affected, including almost 25 million people trapped in forced labour. The overwhelming majority are subjected to labour exploitation in the private sector, often in construction, agriculture or domestic work. Corporate accountability for these widespread and serious human rights abuses is essential not only to end the suffering of today's victims, but also to prevent more people being subjected to such abusive practices in future.

We are using our legal expertise in bringing complex claims to help combat modern slavery, whether in the UK or overseas. We are representing victims of human trafficking to pursue civil claims against British companies and organisations involved in or profiting from the exploitation to which they are subjected.

We are also advocating for improved laws, submitting evidence for example to the British and Australian Parliaments regarding improvements that could be made to the law to give greater protection to those at risk. We work with a range of activists seeking to improve access to justice for the victims of exploitation and modern slavery.



Laurynas Kelpsa

VIDEO SCREEN GRAB COURTESY OF THE GUARDIAN, UK

## LITHUANIA & ENGLAND

### Human trafficking Houghtons

In 2016, Leigh Day achieved substantial compensation for the first six claimants to ever bring a High Court case against a British company for modern slavery. The case alleged that the company, DJ Houghton Catching Services Limited, and its Director and Company Secretary (collectively, "Houghtons") had subjected victims of human trafficking to severe labour exploitation on farms across the UK.

The claimants were trafficked from Lithuania and put to work on farms throughout the UK. The farms to which the Houghtons sent workers supplied chickens and free-range eggs, including for major companies that produce brands such as "Happy Eggs", available in supermarkets across the country.

The workers alleged that they were subjected to a gruelling schedule; harassed, assaulted and threatened by supervisors; housed in appalling conditions; and kept in a constant state of uncertainty. The workers stated that they were punched and taunted by supervisors for not working fast enough and that one man would intimidate workers using aggressive Rottweiler dogs. The workers suffered a range of psychiatric and physical injuries.

In June 2016, Leigh Day secured a High Court judgment in respect of six of the workers that the Houghtons had failed to pay workers the statutory minimum wage, had made unlawful deductions from their wages and had failed to provide adequate facilities to wash, rest, eat and drink.

In December 2016, Leigh Day achieved a large compensation settlement for the six men, covering all aspects of the claims against the Houghtons. In 2017, Leigh Day enforced the settlement agreement to ensure our clients received their compensation.

However, the Houghtons refused to settle the claims of 11 further workers, raising a new defence that only the company, which had no assets, could be liable for the claimed contractual and statutory breaches and the individual defendants (the Director and Company Secretary) were not personally liable.

After a four day preliminary issue trial in February 2019, Leigh Day secured a key High Court judgment that the individual defendants were personally responsible for causing the company's breaches and were liable to pay the workers compensation. The Judge found that the individuals subjected the workers to a "gruelling and exploitative work regime" and "cannot...have honestly believed that what was being done by them to the chicken catchers was morally or legally sound". Then in April 2021, Leigh Day secured significant compensation awards for the workers after a quantum trial. The case has attracted a lot of media attention. The publicity surrounding the first six workers led to Leigh Day receiving information about the location of one of the men alleged to have arranged the trafficking and been involved in the abuse of dozens of workers, including with the use of aggressive dogs. As a result, the first criminal proceedings in the case were commenced in Lithuania in 2017. ●



THE GUARDIAN UK



**Top:** Edikas Mankevicius is alleged to have used aggressive dogs to threaten and intimidate the Houghtons' workers to keep them in check. He now faces criminal prosecution. **Bottom:** Workers wait to be picked up in the middle of the night outside one of the Houghtons' properties which were allegedly pest infested, filthy and overcrowded. **Opposite:** Laurynas Kelpsa is one of six claimants to have received compensation after bringing the first ever civil claim against a British company in the English High Court for modern slavery. A total of 17 claimants have pursued their case against the Houghtons in England.





## MALAWI

### Child Labour on Tobacco Farms BAT and Imperial

Leigh Day represents over 10,000 Malawian tobacco tenant farmers, including hundreds of children, in a legal action against British American Tobacco (BAT) and Imperial Brands plc (Imperial) accusing them of being complicit in the use of forced and child labour on tobacco farms in Malawi. The claim was issued in the High Court in December 2020.

The group of farmers and their family members accuse the tobacco companies of unjust enrichment, namely that they made huge profits from the leaves that were picked by the farmers who were effectively forced to work for very little pay under fear, duress and false pretences and were left no option but to put their children to work on the farms too.

It is argued that the child farmers carry out much the same work as the adult farmers including building ridges for planting, harvesting tobacco leaves, applications of toxic pesticides and bundling tobacco leaves. They claim that work regularly prevents them from attending school and they often work gruelling 10-12 hour days.

Many tenant farmers claim that their total earnings are on average no more than £100 to £200 for the work of a family of five for 10 months.

The tenant farmers and their families live on tobacco farms 10 months a year picking the leaves. The tenant farmers work on land owned by contract farmers who enter into contracts with leaf buyers for the sale of tobacco grown on their land. They then bring in the tenant farmers to fulfil those contracts on their behalf. The leaf buyers sell on the leaves to multinational cigarette manufacturers, including BAT and Imperial who effectively set the prices paid for the tobacco leaves.

A typical tenant farmer grows and harvests tobacco on around one hectare of land. An average

of four workers are needed for a farm this size. However, the claimants argue that the amount the tenant farmers are paid for their crop is too low for them to be able to afford to employ workers to help on the farms.

As a result, they have no option but to rely on their children to work on the farms.

The claimants claim that the amounts paid at the end of the season are normally very significantly less than what the tenant farmers were promised and sometimes they are paid nothing at all after deductions for loans and interest.

Many of the farmers say they are induced to travel from their homes in southern Malawi to the farms in the north under false pretences. They claim that they are often deceived about what work they will be doing, the working and living conditions, and the amount they will be paid. Contract farmers often provide loans to the tenant farmers with excessive interest rates that effectively leave them in debt-bondage.

The tenant farmers allege that they are not provided with any protective equipment for the work and many suffer injuries and illness including Green Tobacco Sickness. Many claim to have been threatened with physical violence and financial penalties if they try to leave the farms and they are all heavily dependent on the contract farmers for food, household products and money throughout the season.

The Defendants applied to strike the claim out in March 2021, however after a 2 day hearing before Mr Justice Martin Spencer in May 2021, the Defendants application was refused. The claim will now proceed in the High Court. ●

PHOTOS BY: @DAVID LEVENE AT THE GUARDIAN



**1:** A tenant farmer filling up his watering cans – so that he can irrigate his tobacco seedling nursery nearby. **2:** A tenant farmer and his family head to the tobacco fields. **3:** A tenant farmer and his son clear the tobacco field in preparation for the seedlings. **4:** Aerial view of tobacco seedling nurseries.





# International sexual abuse

We represent survivors of abuse perpetrated by charity workers, missionaries and individuals working for British organisations overseas who, by virtue of their status and comparative wealth have been able to exploit some of the most vulnerable children in the world.

Sadly, as international travel has become cheaper and wifi has become more widespread, 'sex tourism' has increased to a frightening level. Many of our clients have been subjected to horrendous abuse directed by a third party over live video links.

Our clients are from disadvantaged, poor and marginalised communities in developing countries, which not only puts them at greater risk, but also makes it harder for them to hold their abusers to account. The team at Leigh Day works closely with local and international law enforcement and non-governmental organisations to obtain compensation for our clients and recognition of the acts of abuse they have suffered.



## KENYA & UGANDA

### Sexual abuse British Airways

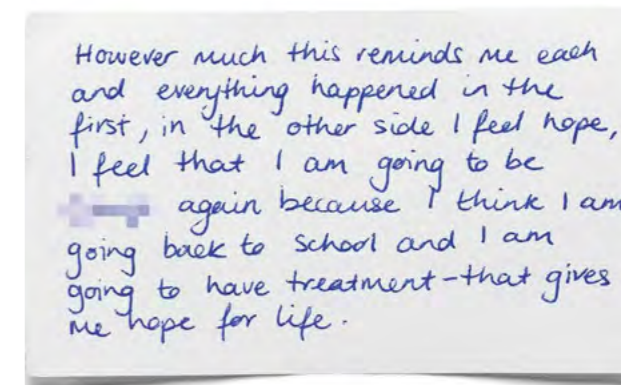
Simon Wood, a pilot for British Airways, sexually abused many children and young people in Kenya and Uganda over a 10 year period. We represented 22 Kenyan and 15 Ugandan children and young adults who had been sexually abused by Simon Wood. Some of the survivors had been repeatedly raped. Psychiatric assessments found many of the children were suffering from serious psychiatric injuries.

The survivors claimed that Simon Wood, a British Airways pilot was able to access children and carry out the abuse through his voluntary work as part of British Airways' charitable work. They alleged that British Airways was negligent because it failed to take steps to prevent the abuse even though suspicions were reportedly raised on many occasions with the airline.

*"I am so happy because as a child I have been listened to"*

Words of a client after settling their claim (2016)

The case has successfully settled. It is hoped that the settlement will go some way to helping the children to recover from the trauma they had suffered. ●



Words of a client after settling their claim

## THAILAND

### Sexual abuse Mark Frost

Mark Frost preyed on young boys from poor, desperate families in Thailand. He groomed them with sweets, gifts and allowing them to play in his swimming pool. After winning their trust he committed horrific acts of abuse against them. Some of the abuse was live streamed and directed by another man.

At his sentencing in February 2017, the judge described Frost's acts as "the most appalling catalogue of sexual abuse", abuse which was "horrific and deeply disturbing". We represented the survivors in claims for compensation against Mark Frost. The settlement we have reached will enable these 8 boys to access therapeutic treatment and return to school. ●

## KENYA

### Sexual abuse Simon Harris

Simon Harris abused many vulnerable street children in Kenya over the course of several years. At his sentencing, the judge said, "It is abundantly clear you have an unlawful sexual interest in young boys." After they had courageously testified against Harris in his criminal trial, we represented these children in bringing civil claims against Simon Harris. Settlement of these claims has meant that these children have the chance to get off the street and access a brighter future. ●





# Claims against the British Government

Leigh Day's cases on behalf of British and overseas citizens whose rights have been breached by the British Government, have led to essential justice for our clients. This is despite the massive pressure brought to bear by the State in such cases. By pursuing these cases our clients have helped to uphold the rule of law. These cases have involved extraordinarily complex legal issues, involving international law, the laws of war and national laws of different countries.

Colonel Daoud Mousa, father of Baha Mousa

## IRAQ

### Torture

#### Baha Mousa

Baha Mousa, a 26-year-old hotel receptionist, and nine others were detained by British Forces in Basra, southeastern Iraq, in September 2003. Thirty-six hours later, Baha Mousa was dead. He had been beaten and subjected to "conditioning techniques" such as hooding, sleep deprivation and stress positions. An autopsy found 93 separate injuries on his body, including fractured ribs and a broken nose.

Leigh Day represented the family of Baha Mousa and the nine detainees in civil proceedings against the Ministry of Defence for torture and unlawful treatment. In July 2008 the Ministry of Defence agreed a settlement worth £2.83 million.

In May 2008, the UK Government announced that a public inquiry would be held to examine the circumstances which led to the death of Baha Mousa and the ill-treatment of nine others and the degree to which the use of "conditioning techniques" – banned by the UK Government since 1972 – was authorised by the Army Chain of Command. Leigh Day jointly represented the nine victims and the family of Baha Mousa in the public inquiry.

In 2011 the inquiry was concluded and in his report the Inquiry Chairman, Sir William Gage, was highly critical of the Ministry of Defence for systemic failings which he directly implicated in the death of Baha Mousa. ●



Baha Mousa with his wife and sons.

## PAKISTAN, MOROCCO, AFGHANISTAN & GUANTANAMO BAY

### Rendition and torture

#### Binyam Mohamed

British resident, Binyam Mohamed, was detained in Pakistan in 2002. He was held and tortured for two years, initially in Pakistan and then in secret detention facilities in Morocco and Afghanistan. He was then transferred to the notorious US detention facility at Guantanamo Bay, from which he was finally released in 2009.



Client, Binyam Mohamed

Leigh Day represented Binyam Mohamed in civil proceedings against the British security services, Foreign Office and Home Office. We obtained disclosure from the British Government about their involvement in Binyam Mohamed's detention and interrogations. We then represented Binyam Mohamed to successfully sue the British Government for complicity in his unlawful detention and mistreatment.

In 2008, the English High Court ruled that the British security services had facilitated the interrogation of Binyam Mohamed in Pakistan despite knowing that his detention there was unlawful. The Court also found that they had continued to facilitate his interviews for the US authorities during the following two years despite knowing that Binyam Mohamed was being held in secret detention outside US custody. The High Court further found that Binyam Mohamed had been subjected to treatment in Pakistan that, had it been administered by UK officials, would have breached the UK's ban on torture.

Binyam Mohamed's civil claim was successfully resolved in 2010. The litigation led to an announcement by the British Prime Minister of a public inquiry, called the 'Detainee Inquiry', to examine the UK's role in the improper treatment of detainees held in counter-terrorism operations overseas. ●





## THAILAND & LIBYA

### Rendition and torture

#### Belhaj, Boudchar and Al-Saadi

In early March 2004, Abdul-Hakim Belhaj, a former opponent of the Gaddafi regime in Libya, and his pregnant wife, Fatima Boudchar, were detained and tortured in a CIA blacksite in Bangkok and then rendered to Libya.

Later that month another Gaddafi opponent, Sami al-Saadi, his wife and their four young children were abducted in Hong Kong and rendered to Libya. The children, who were then aged between six and 12, were utterly terrified during the rendition flight. They were held in an unlit section of the aircraft, not knowing whether their parents were on board.

Once in Libya, Abdul-Hakim Belhaj and Sami al-Saadi were both detained, tortured and subjected to flagrantly unfair trials before being sentenced to death. They were both subsequently released in March 2010.

Ms Boudchar was imprisoned in Libya for four months while pregnant. She was released just three weeks before giving birth, by which time her health, and that of her baby, was in a precarious state.

After the fall of the Gaddafi regime in Libya in 2011, confidential documents were discovered in the offices of Libyan intelligence officials in Tripoli which showed the apparent involvement of the British security services – MI5 and MI6 – in the extraordinary renditions of Abdul-Hakim Belhaj and Sami al-Saadi and their families. These included a fax apparently sent from MI6 to the Libyan intelligence services on 1 March 2004, in which MI6 informed the Libyans of Mr Belhaj's whereabouts in Malaysia.

Leigh Day, working together with the non-governmental organisation Reprieve, issued proceedings in the English High Court in June 2012 on behalf of both families against Jack Straw (former Foreign Secretary), Sir Mark Allen (former

Head of Counter-Terrorism at MI6), MI6, MI5 and various government departments.

In December 2012, the claim by Sami al-Saadi and his family was settled for £2.23 million in damages. Abdul-Hakim Belhaj and his wife offered to settle their claim for £1, but only on condition of a public apology and admission of liability. Their offer was not accepted. In 2013, the Government attempted to get the claim struck out on the grounds that it involved the alleged acts or omissions of other states and might give rise to criticism of those states, particularly the USA. Leigh Day successfully resisted the application. In a 2017 judgment that had a wide-reaching impact, the Supreme Court ruled in favour of allowing Abdul-Hakim Belhaj and his wife to continue their claims.

On 10 May 2018, the Attorney General, Jeremy Wright QC MP, gave an unreserved apology to Mr Belhaj and Ms Boudchar on behalf of the Prime Minister for the UK Government's role in their 'detention, rendition and suffering'.

The couple also received the apology by letter from the Prime Minister herself.

In a ground-breaking statement to the UK Parliament, the Attorney General unreservedly apologised for the 'harrowing experiences' that the couple suffered after they were detained in South East Asia before being rendered to Libya.

Mr Wright acknowledged that the UK Government had 'sought information about and from you' during the time Mr Belhaj was imprisoned and tortured by the Gaddafi regime.

Fatima Boudchar was at Parliament with her son to hear the apology and witness this historic event.

The full text of the Prime Minister's apology, delivered by the Attorney General on 10 May 2018 is shown opposite. ●



Abdul Hakim-Belhaj meets UK ambassador.



From left to right – Cori Crider of Reprieve with Fatima Boudchar; Fatima's son and Leigh Day partner Sapna Malik.

#### “ Mr Belhaj and Ms Boudchar –

*The Attorney General and senior UK Government officials have heard directly from you both about your detention, rendition and the harrowing experiences you suffered. Your accounts were moving and what happened to you is deeply troubling. It is clear that you were both subjected to appalling treatment and that you suffered greatly, not least the affront to the dignity of Ms Boudchar, who was pregnant at the time.*

*The UK Government believes your accounts. Neither of you should have been treated in this way.*

*The UK Government's actions contributed to your detention, rendition and suffering. The UK Government shared information about you with its international partners. We should have done more to reduce the risk that you would be mistreated. We accept this was a failing on our part.*

*Later, during your detention in Libya, we sought information about and from you. We wrongly missed opportunities to alleviate your plight: this should not have happened.*

*On behalf of Her Majesty's Government, I apologise unreservedly. We are profoundly sorry for the ordeal that you both suffered and our role in it.*

*The UK Government has learned many lessons from this period. We should have understood much sooner the unacceptable practices of some of our international partners. And we sincerely regret our failures.*



10 DOWNING STREET  
LONDON SW1A 2AA





# IRAQ

## Detention and abuse Iraqi Civilians

Leigh Day has represented hundreds of Iraqi civilians in claims against the British Government. The claims involve allegations of assaults, unlawful detentions, inhuman and degrading treatment, torture and unlawful killings by British soldiers in Iraq between 2003 and 2010.

Following out of court settlements of over 320 cases between 2008 and 2014, several key legal issues in the remaining cases were decided by the English courts, including the Supreme Court, from 2014 to early 2017.

Then, in December 2017, a High Court judge delivered a landmark judgment following full trials in four test claims, finding that the Claimants had been subjected by the British military to inhuman and degrading treatment and unlawful detention in breach of their rights protected by the European Convention on Human Rights, English law and the Geneva Conventions. All four Claimants were awarded damages. ●



1: Sapna Malik with Iraqi clients and Former Member of Parliament Jo Whalley. 2: Partner Sapna Malik interviews a client in Syria.



British soldiers subject Iraqi prisoners to degrading and inhumane treatment at Camp Bread Basket, Basra, Iraq, on 15 May 2003.





## IRAQ

### Friendly fire British Soldiers

On 25 March 2003, the fourth day of the Iraq War, a British Challenger II tank was mistakenly attacked by a fellow British tank. Two soldiers were killed and another two crewmen were seriously injured in the so-called friendly fire.

Leigh Day represented the family of Corporal Stephen Allbutt, who was killed in the incident, and Daniel Twiddy and Andrew Julien, two soldiers seriously injured in the attack. The claim against the UK Ministry of Defence was that it had been negligent because it failed to adequately train and equip them and/or their tanks with technology that could have prevented the injuries and death.

The Ministry of Defence argued that it did not owe a duty of care because the deaths and injuries occurred in battle and are therefore covered by the doctrine of combat immunity. It also argued that the claim raised issues about military resources and procurement, which are political rather than judicial. These arguments were defeated in the High Court, the Court of Appeal and the Supreme Court. In the end, the claimants decided not to proceed with the case. However, the case established an important legal principle regarding the State's duty of care to soldiers. ●

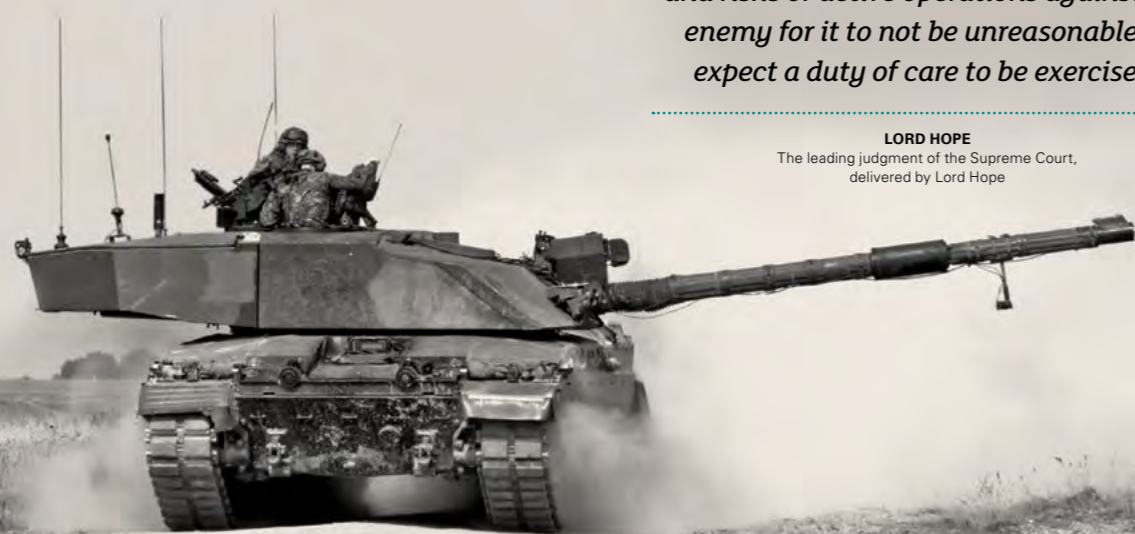


Andrew Julien, Leigh Day client

*“ The Challenger claims are about alleged failures in training, including pre-deployment and in-theatre training, and the provision of technology and equipment... At the stage when men are being trained... or decisions are being made about the fitting of equipment to tanks or other fighting vehicles, there is time to think things through, to plan and to exercise judgment. These activities are sufficiently far removed from the pressures and risks of active operations against the enemy for it to not be unreasonable to expect a duty of care to be exercised. ”*

**LORD HOPE**

The leading judgment of the Supreme Court, delivered by Lord Hope



## AFGHANISTAN

### Torture Serdar Mohammed

Leigh Day has represented more than 20 Afghan citizens in claims against the British Government. The claims relate to allegations of unlawful detention, inhuman and degrading treatment, assaults and unlawful killings by British soldiers in Afghanistan between 2005 and 2013. The majority of these claims were stayed pending judgment in the leading case of Serdar Mohammed, but are now being progressed.

Serdar Mohammed was arrested in Afghanistan in April 2010 and detained without charge for 104 days by British Armed Forces. He was then transferred to Afghan custody, where he alleges he was tortured, forced to thumbprint a confession and sentenced to a lengthy prison term following a 15-minute trial in a language he did not understand. In July 2015, the UK Court of Appeal ruled that Serdar Mohammad's detention beyond 96 hours was unlawful. The Ministry of Defence appealed the decision and the matter came before the Supreme Court.

In January 2017, the Supreme Court held that, further to various United Nations Security Council Resolutions, British forces had the lawful power to detain prisoners in Iraq and Afghanistan for a period in excess of 96 hours, provided this was "necessary for imperative reasons of security".

However, the Supreme Court also found that British forces had a duty to provide adequate procedural safeguards to such detainees in order to avoid their detention becoming arbitrary and that Serdar Mohammed had been deprived of these minimum safeguards. ●





# Public law cases against the British Government

Leigh Day's work representing the most marginalised individuals around the world repeatedly grapples with the most challenging human rights issues of our time. Acting for clients around the world, our public law cases hold the UK Government to account for the decisions it takes that have consequences that reach far beyond the UK's borders and advance human rights through cases in regional and international courts outside the UK. At their heart, many of these cases aim to ensure that governments act justly and fairly and that there is accountability and transparency for their actions. Leigh Day continues to fight tooth and nail for our clients to secure meaningful change.



## The Royal Courts of Justice

## YEMEN

### Arms Trade CAAT

Leigh Day represented Campaign Against Arms Trade (CAAT) in its challenge to the government's decision to continue to license the sale of arms to Saudi Arabia. The government continued to grant licences despite serious allegations and compelling evidence that there was a clear risk Saudi forces might use the equipment to violate international humanitarian law (IHL) in their ongoing bombardment of Yemen.

Leigh Day argued that the decision to grant the licences was against the law as the Secretary of State for International Trade is under a duty to refuse licence applications if there is a 'clear risk' that the arms 'might' be used in 'a serious violation of IHL'.

The court ruled the government's procedure for granting licences to export arms to Saudi Arabia was unlawful. In their judgment, the Master of the Rolls concluded that it was 'irrational and therefore unlawful' for the Secretary of State to have reached decisions about export licensing applications without making at least some assessment as to whether or not past incidents amounted to breaches of IHL and, if they did, whether measures subsequently taken meant there was no longer a "clear risk" that future exports might do so. The judges said: "The question whether there was an historic pattern of breaches of IHL ... was a question which required to be faced." The Secretary of State for International Trade must now reconsider licences in accordance with this correct legal approach. ●





## SAUDI ARABIA

### Arms Trade

#### BAE Systems

Leigh Day represented two organisations – Campaign Against Arms Trade (CAAT) and The Corner House – who were challenging a decision by the Director of the Serious Fraud Office (SFO) to stop an investigation into alleged corruption in arms sales to Saudi Arabia by BAE Systems.

BAE was concerned it would lose a large Saudi arms sale if the investigation was not discontinued and lobbied the UK Government to have it dropped. Saudi Arabia had threatened to cancel the arms deal and withdraw diplomatic and intelligence co-operation if the investigation went ahead.

In April 2008, in a landmark judgment, the High Court in London ruled that the SFO Director had acted unlawfully in stopping the investigation. In his judgment, which was highly critical of the Government, Lord Justice Moses stated:

*“No one, whether within this country or outside, is entitled to interfere with the course of our justice. It is the failure of Government and the defendant to bear that essential principle in mind that justifies the intervention of this court.”*

In July 2008, the House of Lords overturned the ruling, finding that, while it “is extremely distasteful that an independent public official should feel himself obliged to give way to threats of any sort”, the decision was one that the SFO Director was lawfully entitled to make given the threat to national security.

Despite this ruling, CAAT stated that the case has had a great impact on public perceptions of the arms trade, making it harder for the Government to intervene in such a blatant manner on BAE’s behalf again and raising awareness of the issue of the influence of arms companies within Government. ●

## CHILE

### Extradition

#### The Pinochet case

In 1998 a Spanish judge issued an indictment against General Augusto Pinochet, president of Chile between 1973 and 1990, for human rights violations. His regime had been responsible for the disappearance of more than 3,000 people and the torture of thousands more. Among the victims were Spanish citizens. An international arrest warrant was issued and a request made for his extradition to Spain.

Pinochet, who was in London receiving medical treatment at the time, argued that as a former head of state he was immune from prosecution and ought not to be extradited.

Leigh Day represented the non-governmental organisation Human Rights Watch in giving

evidence to the House of Lords to argue against granting Pinochet immunity from prosecution.

In January 1999, the Lords ruled that Pinochet was not entitled to immunity and could be extradited to Spain for crimes of torture that were committed after 1988, which was the year the UK agreed to be bound by the United Nations Convention against Torture.

Although the final decision reduced the number of criminal charges Pinochet had to answer, the ruling was ground-breaking. It recognised the principle that national courts could try cases of torture and crimes against humanity, even if they are committed in another territory and by leaders of other states. ●

## ETHIOPIA

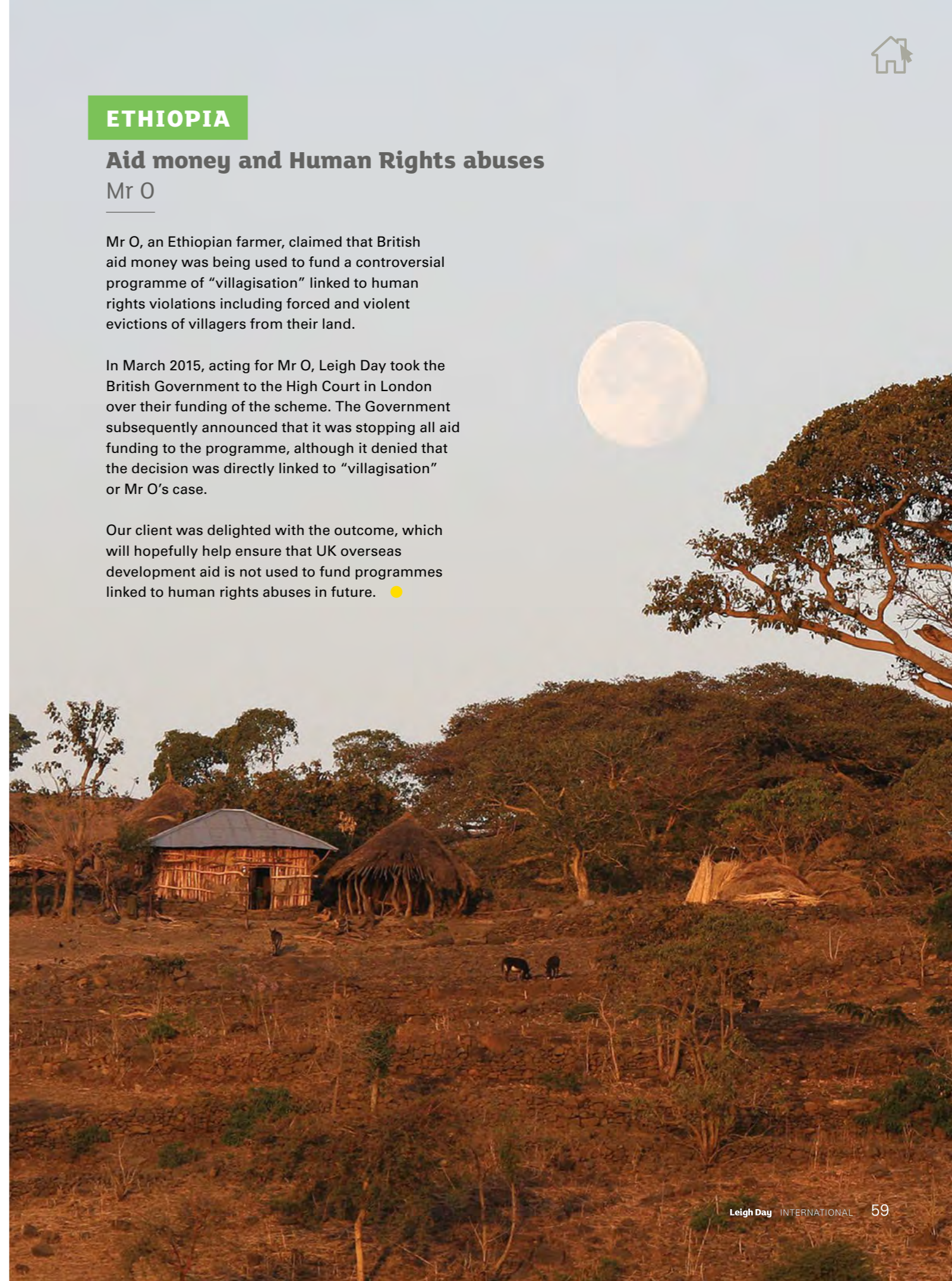
### Aid money and Human Rights abuses

#### Mr O

Mr O, an Ethiopian farmer, claimed that British aid money was being used to fund a controversial programme of “villagisation” linked to human rights violations including forced and violent evictions of villagers from their land.

In March 2015, acting for Mr O, Leigh Day took the British Government to the High Court in London over their funding of the scheme. The Government subsequently announced that it was stopping all aid funding to the programme, although it denied that the decision was directly linked to “villagisation” or Mr O’s case.

Our client was delighted with the outcome, which will hopefully help ensure that UK overseas development aid is not used to fund programmes linked to human rights abuses in future. ●



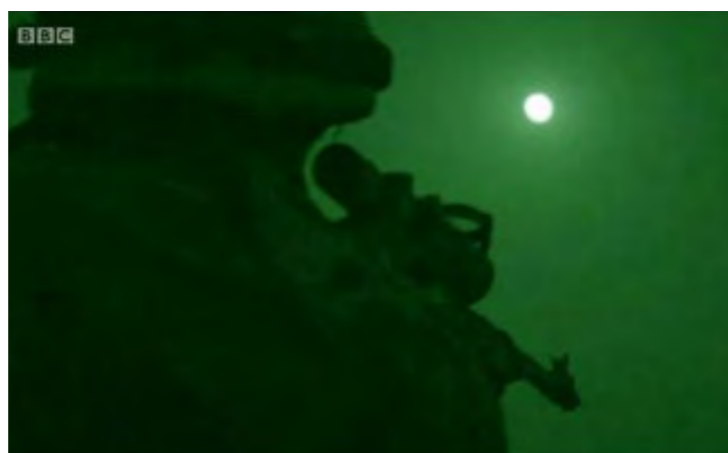
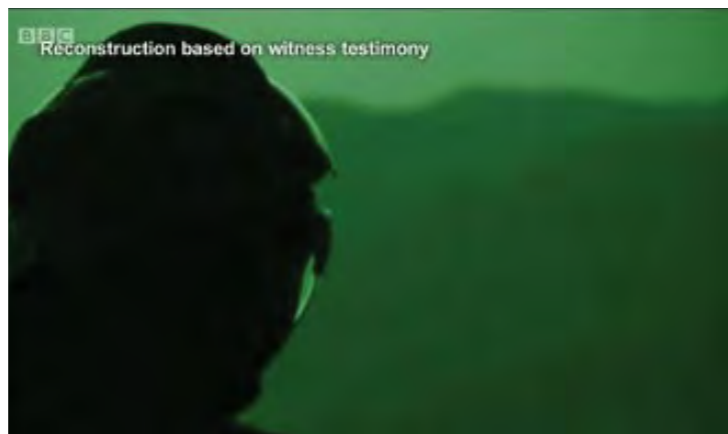


## AFGHANISTAN

### Civilians

#### Right to Life

Leigh Day represents families of Afghan civilians killed by British Armed Forces in the course of night-time raids in 2011/2012. Brought as public law proceedings, these human rights claims challenge the alleged failure by the UK Government to fulfil its obligations to protect life and to conduct prompt and effective investigations into the deaths. The allegations at the heart of the claims are of the utmost seriousness concerning the planning, conduct and aftermath of night-raids in Afghanistan by British Armed Forces, and the potential criminal liability of members of the Forces. The questions these cases raise assume particular significance when considered in the wider context of credible and widely reported allegations of systemic unlawful killings of unarmed civilians by British special forces in Afghanistan. ●



A joint BBC Panorama and Sunday Times investigation exposed allegations of gross misconduct by British Forces in Afghanistan, including possible war crimes

## CYPRUS

### Refugees

#### R (Bashir & Ors) v Secretary of State for the Home Department

In 2019 Leigh Day settled a case on behalf of six refugee families who had been stranded for more than 20 years on a British military base in Cyprus. The Claimants had been shipwrecked in 1998 as they crossed the Mediterranean in a fishing boat operated by people smugglers. They washed up on a stretch of Cypriot coastline that is part of the British-run Sovereign Base Area. The Claimants had been fleeing conflict, including those in Iraq and Sudan, and were attempting to make the crossing from Lebanon to Italy to seek asylum.

The Claimants were recognised as refugees in 2000, but the British Government denied responsibility for them, claiming that the Refugee Convention does not apply to the Sovereign Base Area. Cyprus too would not accept responsibility for the Claimants because they had arrived on British territory.

The British Government housed the families in abandoned military accommodation on the base, which had been due to be demolished in 1997 and which were found in 2008 to have been built with asbestos. The remote Richmond Village, as the settlement was known, had no public amenities and was in a complete state of disrepair.

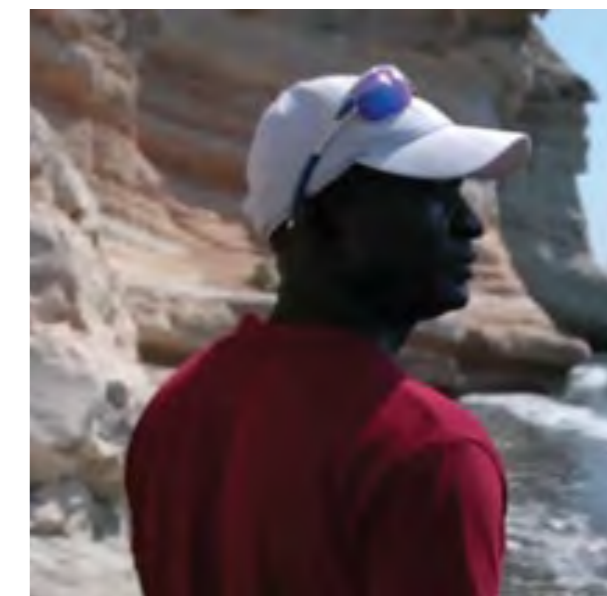
The families were left with limited access to healthcare and what little financial support they received was cut off by the British Government in 2017. The British Government had also previously destroyed a building that had been used as a school to educate the refugee children.

The British Government denied responsibility for the refugees and argued that the 1951 Refugee Convention did not extend to the Sovereign Base Area.

The Claimants challenged in the High Court the decision of the Home Secretary to refuse them leave to enter to UK. The Claimants were successful in the High Court in 2015 and in the Court of Appeal in 2017.

The British Government again appealed to the Supreme Court and an interim judgment was handed down in 2018 confirming that the Refugee Convention did apply to the military bases.

At the end of 2019, just prior to a final hearing at the Supreme Court, the British Government finally accepted responsibility for the Claimants, over 20 years after they had been marooned, and granted the Claimants indefinite leave to enter the UK. All the families have now moved to the UK and started a new life in the UK. ●



A client in Cyprus who successfully sought indefinite leave to enter the UK.





# Historic cases

Leigh Day has represented survivors of human rights violations committed sometimes decades earlier. Such cases pose particular challenges as a result of the long passage of time.

Some of our clients have received not only much needed compensation payments, but also long-overdue recognition of the harm suffered. Several cases have resulted in landmark decisions with implications for other survivors around the world.

Jane Muthoni Mara, Mau Mau veteran



## JAPAN

### Prisoners of war British soldiers

In the 1990s, Leigh Day represented thousands of former British prisoners of war detained in Japanese camps. In November 2000, the British Government agreed to make voluntary payments of £10,000 to each surviving Briton held prisoner by the Japanese during the Second World War. Over 20,000 former prisoners of war and internees received compensation. ●



Former British Prisoner of War on the Mall, London.

## GERMANY

### Prisoners of war Polish civilians

In 1999, Leigh Day was asked by the Federation of Poles in Great Britain to work with them to bring a claim against the German Government on behalf of former slave labourers in Nazi Germany. Proceedings were also issued in the USA against German firms. Leigh Day subsequently entered into negotiations with the German and Polish governments and went on to resolve the claims on behalf of former slave labourers in Nazi Germany. ●





# KENYA

## Torture Mau Mau

On 23 June 2009, Leigh Day issued five test cases against the British Government for compensation for alleged torture during the Kenya Emergency (1952-1960). The torture cited by the five Kenyan claimants included castration, systematic beatings and rape.

The case was strongly defended by the British Government over a four-year period on the grounds that liability for these events had passed to Kenya and that they occurred so long ago that the claims were time barred.

The High Court in London ruled against the UK Government on both points.

A settlement was finally reached and on 6 June 2013, the then Foreign Secretary, William Hague, in a statement to the House of Commons expressed regret that thousands of Kenyans had been subjected to torture and other forms of ill-treatment at the hands of the British colonial administration in the 1950s.

He announced that the British Government would pay compensation to Leigh Day's 5,228 clients, as well as gross costs, to the total value of £19.9 million, and would finance the construction of a memorial in Kenya to the victims of colonial era torture; this was unveiled in central Nairobi in September 2015.

This landmark case was the first time the British Government had been held to account for colonial era abuses.

In the course of the case, as a result of enquiries raised by the claimants, the Foreign and Commonwealth Office discovered thousands of secret colonial era files held in its archives. The files also contained secret colonial era documents from 37 other former colonies including Malaya, Cyprus and Aden. These documents are slowly being released into the public domain, stimulating new research into British colonial rule around the world. ●



*"I wish to congratulate all the people of Kenya and Great Britain on the breakthrough announcement that Britain will pay compensation to Kenyan victims of colonial-era torture and brutality... The British lawyers who represented the Kenyan victims are deserving of particular praise."*

ARCHBISHOP DESMOND TUTU, 2012



1 & 2: Claimants meet with Leigh Day team in Kenya. 3: Partner, Daniel Leader addressing crowds of veterans and victims at the Hilton Hotel in Kenya as the British High Commissioner delivers his statement of regret. 4: The Lead Claimants and their legal team outside the High Court in London in 2011. 5: Mau Mau veterans celebrating settlement in 2013. 6: Partner, Martyn Day with Mau Mau clients, Ndiku mutual, Paulo Nzili and Wambugy Nyingi in London. 7: Members of the Mau Mau War Veterans Association in Kenya.

This page. Top: Claimants in Kenya. Middle: Times article covering the case. Bottom: The lead claimants in London with their legal team.







## KENYA

### Unexploded munitions

#### Maasai

In 2001, Leigh Day represented 228 people from the Maasai ethnic group who had been seriously injured or killed by unexploded bombs at the British Army's practice ranges in central Kenya.

These claims were concluded in 2002 when a settlement was reached with the UK Ministry of Defence. For the first time, the Ministry of Defence accepted limited liability for the deaths and injuries, many of them involving children, and agreed to pay the claimants a total of £4.5 million in compensation. A subsequent agreement in 2004 saw another 1,100 Kenyans being compensated by the MoD. ●



**This page:** Kenyan bomb victims outside Houses of Parliament, London. **Opposite:** Client, Kipise Louroikeek and Martyn Day



*“ This is a picture of me and Martyn outside the House of Commons when I came across to England for the mediation of our claims. I had never before even been to a town never mind flown in an aeroplane to London. But it was worth it. My lawyers obtained for me compensation from the British Army for what happened to me. I can at last walk tall within my community.*”

**KIPISE LUROLKEEK**  
One of the members of the Maasai ethnic group  
represented by Leigh Day (2015)





# Leigh Day's **International team**



**Richard Meeran**  
**Partner and Head of International Department**

**Richard is Head of the International team and has been a partner since 1991.**

He specialises in multinational litigation in which he has been

instrumental for 25 years. His

work has transformed the law on the liability of multinational parent companies and securing the court's jurisdiction over them. The notion of a parent company duty of care was novel when Richard first published on the subject and ran the first cases for South African mercury poisoning victims against Thor Chemicals. This duty of care principle is now widely recognised both legally and as a matter of corporate governance.

Richard's notable cases include the South African asbestos miner's litigation against Cape plc, the landmark jurisdiction ruling in *Connelly v Rio Tinto*, claims by Peruvian torture victims against

Monterrico Metals and the first successful test cases and settlements of silicosis claims against Anglo American and AngloGold by South African gold miners. He acted for Tanzanian villagers shot by the police in the case against African Barrick Gold. He obtained a breach of confidence injunction for anti-asbestos campaigners whose network was infiltrated by a spy working for a corporate intelligence company. He is currently acting for a group of Colombian campesinos claiming compensation from Amerisur for alleged oil pollution of waterways. He is also working with South African lawyers in a prospective lead poisoning class action against Anglo American South Africa for thousands of Zambian children living near the Kabwe lead mine.

Richard has given evidence to the House of Commons Human Rights Committee on the subject of business and human rights and presented at numerous international conferences, including on numerous occasions at the United Nations in Geneva as a legal expert on business in human rights.

In 2002 he won the Liberty/Justice Human Rights Lawyer of the Year award for his work.

## Martyn Day **Senior Partner**

**Martyn led the International team in the cases against Trafigura, Shell in Nigeria and Vedanta in Zambia.** He has also acted against the British Government in the Mau Mau case, the Kenyan munitions injuries cases, and for former Japanese prisoners of war.

Martyn is co-author of 'Toxic Torts', 'Personal Injury Handbook', 'Multi-Party Actions' and 'Environmental Action: A Citizens Guide'. He regularly addresses lectures, seminars and the media on environmental issues.

In 2014 *Modern Law* gave him an award for 'Outstanding Achievement' and the University of Warwick awarded Martyn an honorary doctorate in law. The spokesman from the University said:

*"Martyn is identified as a star individual and described as without question one of the most knowledgeable and experienced environmental lawyers in the country."*



**Sapna Malik**  
**Partner**

**Sapna specialises in holding the British military and security services to account.**

Sapna's cases arising from the Iraq war include those of:

Baha Mousa who was unlawfully killed in British military custody; teenagers who drowned while in British military custody; and many men cruelly abused by British forces during the notorious Camp Breadbasket incident. She has led the litigation brought by over 900 Iraqi citizens against the British Ministry of Defence and in respect of which a landmark judgment was delivered in 2017. Sapna acted for former Guantanamo Bay

detainee, Binyan Mohammed, the Libyan dissident, Sami al Saadi and his young family, in their successful claims against the British security services for alleged complicity in their extraordinary renditions and unlawful treatment by foreign states. In 2018 Sapna secured a public unreserved apology for her clients Abdul Hakim Belhaj and his wife Fatima, from the Prime Minister for the UK Government's role in their detention, rendition and suffering, including by the Gaddafi regime in Libya.

From 2015-16, Sapna's international cases were heard in the UK Supreme Court on five occasions. Sapna was a member of the Foreign Secretary's Advisory Group on Human Rights from 2010 until 2015. In 2019 Sapna won the Law Society's Human Rights Solicitor of the Year Award.



**Tessa Gregory**  
**Partner**

**Tessa specialises in international and domestic human rights law cases.**

She has a varied caseload representing individuals and NGOs in some of the most challenging and high-profile human rights cases of

the day and her work has received widespread acclaim. Described as "extraordinary" by the legal directories, her Legal 500 directory review in 2020 notes that she is "a stand-out public lawyer who brings tenacity, intelligence and a wealth of experience to her cases". Tessa's recent international work has included:

- A number of public and private law claims relating to British army abuse in Afghanistan, including alleged unlawful killings of civilians by

British Forces and subsequent alleged failures to properly investigate which are the subject of ongoing proceedings in *Saifullah v Secretary of State for Defence*;

- Representing the UN Special Rapporteur on Human Rights and Counter-Terrorism in her intervention in ongoing proceedings challenging the Secretary of State for the Home Department's decision to deprive a young woman of her British citizenship;
- Successfully representing six refugee families who had been stranded for more than 20 years on a British military base in Cyprus in their claim for recognition under the Refugee Convention by the UK Government and for leave to enter the UK, in *R (on the application of Tag Eldin Ramadan Bashir and others) (Respondents) v Secretary of State for the Home Department (Appellant)*, for which Tessa was awarded the Times' Lawyer of the Week;
- *Song Mao (and others) v (1) Tate & Lyle Sugar Industries; and (2) T & L Sugars Limited*, a commercial court claim brought on behalf of 200 Cambodian villagers.





# Leigh Day's **International team**



**Daniel Leader**  
Partner

Dan specialises in international human rights and environmental law, with a particular focus on business and human rights. Dan has extensive experience of cases against parent

companies, complex group actions and mass tort claims, as well as cross-border disputes and jurisdictional issues. His cases include:

- *Rihan v EY Global Ltd* [2020]. A whistle-blowing claim on behalf of a former EY partner who refused to sanction a cover up of audit findings of money laundering and conflict minerals in the Dubai Gold trade.
- *Lungowe v Vedanta plc* [2019] (with Martyn Day and Oliver Holland). Claims on behalf of 1,826 Zambian farmers arising out of damage to the environment caused by harmful discharges from the Konkola copper mine. The Supreme Court set out the jurisdictional principles in cross-border claims against parent companies.
- *Okpabi v Royal Dutch Shell plc* [2018]. Claims on behalf of two Nigerian communities arising from systemic oil pollution by Shell's Nigerian subsidiary.
- *AAA v. Unilever plc* [2018]. A case on behalf of 218 Kenyan tea workers who contend that Unilever failed to protect them from the foreseeable risk of ethnic violence in 2007.
- *AAA v. Gemfields Ltd* [2019]. A claim by 300 individuals for personal injury arising out of serious human rights abuses on and around a ruby mine in northern Mozambique.
- *The Bodo Community v. Shell Petroleum Development Company Ltd* [2015] (with Martyn Day). A claim by a community of 30,000 Nigerians for compensation and remediation of their lands arising out of

extensive oil spills in the Niger Delta which settled for £55m in 2015.

Other cases include the landmark "Mau Mau litigation" (*Mutua v FCO* [2013]) which resulted in reparations for 5,000 victims of colonial era torture at the hands of the British colonial authorities, *The Baha Mousa Inquiry* [2010] into torture by the British Army in Iraq.

Dan has a longstanding interest in public policy in business and human rights and was external expert member of the UK Government Steering Board which oversees the implementation of the OECD Guidelines for Multinational Enterprises (2014-17). He has extensive experience in Africa and has lived in Kenya and Congo (DRC) where he worked with local lawyers on strategic litigation and access to justice issues. He was awarded the Bar Council's Sydney Elland Goldsmith award for his pro bono work in Africa.



**Oliver Holland**  
Partner

**Oliver is a partner in the international department where he specialises in international business and human rights actions.** Oliver has worked on the following cases:  
In 2015 he represented over 15,000 Nigerian fisher

folk for the loss and damage they suffered as a result of two oil spills that occurred in late 2008 in Bodo Community in the Niger Delta. Shell agreed a landmark compensation package of £55m to compensate the Claimants.

- In April 2019 he represented over 1800 Zambian villagers in the Supreme Court where the claimants obtained a landmark judgment on jurisdiction and parent company liability, allowing the claims to proceed in the English courts (*Lungowe & Others v Vedanta Resources plc & Konkola Copper Mines*). He is currently representing that group in respect of their substantive claims in the High Court.
- He represented Sierra Leoneans in a legal action against *Tonkolili Iron Ore Ltd* regarding claims the company was complicit in human rights abuses

by the police (*Kadie Kalma & Others v African Minerals Ltd & Tonkolili Iron Ore (SL) Ltd*). The claims went to trial at the beginning of 2018 which included the Judge hearing evidence from witnesses in Sierra Leone.

- He has represented Bangladeshi shipbreaking workers in pioneering legal cases against British shipping companies who send their vessels to Bangladesh to be broken up in extremely hazardous conditions (*Mohammed Edris v Zodiac Maritime and Hamida Begum (on behalf of MD Khalil Mollah) v Maran (UK) Limited*)
- Oliver is currently representing around 2,000 Malawian tobacco farmers and their children in their claim against *British American Tobacco Plc* in respect of claims of forced and child labour on farms supplying tobacco to the company.



**Paul Dowling**  
Partner

**Paul specializes in international civil litigation. His practice spans human rights, environmental litigation, international corruption and whistleblowing.** Sources

describe Paul as 'an excellent lawyer' who is 'incredibly dedicated' and shows 'excellent client handling skills'. Since joining Leigh Day Paul's notable cases have included:

Acting on behalf of Iraqi civilians in relation to allegations of torture and abuse by British soldiers

- Representing former members of the armed forces in a claim against the MOD concerning a 'friendly fire' incident in Iraq (*Allbutt & Ors v Ministry of Defence* [2013] UKSC 41)
- Acting for a group of Kenyan tea pickers in

relation to human rights violations during the 2007 post-election violence in Kenya (*AAA & Ors v Unilever PLC and Unilever Tea Kenya Ltd* [2017-2018])

- Successfully representing a former partner of Ernst & Young at trial who was forced out of the firm after he raised concerns regarding money laundering and conflict minerals in the UAE (*Mr Amjad Rihan v Ernst & Young Global Ltd & Ors* [2020] EWHC 910 (QB))

Paul speaks fluent Spanish and has a particular interest in the impacts of extractive industries in Latin America. Paul has been asked to provide expert briefs to the Colombian judiciary on issues of international law relating to the impact of extractive industry projects on indigenous peoples.

Paul also has a keen interest in issues concerning corruption and accountability in the professional services and financial sectors. Paul is a contributing author to *Accountability, International Business Operations and the Law* published by Routledge, 2019.



# Leigh Day

## Pushing the boundaries, taking a stand

Leigh Day is a British law firm that works for individuals or communities who have been harmed or treated unlawfully. Our international human rights and environmental specialists represent people all over the world fighting for justice and challenging powerful corporate and government interests.

**Contact us for an open and honest discussion.**

**Leigh Day**  
Panagram  
27, Goswell Road  
London  
EC1M 7AJ

**Telephone**  
+44 (0)20 3504 8519

**Email**  
[international@leighday.co.uk](mailto:international@leighday.co.uk)

**Twitter**  
[@leighdayintl](https://twitter.com/leighdayintl)

**Web**  
[leighday.co.uk](http://leighday.co.uk)

**Post**  
DX 53326 Clerkenwell

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