

WORLD FOR PEOPLE

INTERNATIONAL



Contact

- 📍 **Leigh Day
Panagram
27, Goswell Road
London
EC1M 7AJ**
- ☎ **+44 (0)20 3504 8519**
- ✉ **international@leighday.co.uk**
- ✂ **@leighdayintl**
- 🌐 **leighday.co.uk**
- 📮 **DX 53326 Clerkenwell**

Published by Leigh Day © August 2024

Reproducing this publication in whole or part without permission from Leigh Day is strictly prohibited.

Due to the nature of Leigh Day's work, this brochure contains graphic descriptions and imagery related to human rights abuses. This includes violence, torture and sexual abuse. If you would like to access a text-only version of the brochure, please contact us at info@leighday.co.uk

Left:

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.

Open cast mine in Chingola.

Monterrico clients hooded, detained and tied together while walking.



Contents

Welcome	6
Defending Rights	8
How we Work	9
Advocacy and Working with Others	10
Gathering the Evidence	11
Occupational Injury	12
Namibia – Uranium Mining, Rio Tinto	13
South Africa – Mercury Poisoning, Thor Chemicals	14
South Africa – Asbestos-Related Disease, Cape Plc	15
South Africa & Lesotho – Silicosis, Anglo American and AngloGold	16
Bangladesh – Shipbreaking, Zodiac Maritime Limited	18
Bangladesh – Shipbreaking, Maran (UK) Ltd	19
Environment	20
Ivory Coast – Toxic Waste Dumping, Trafigura	21
Nigeria – Oil Spills, Shell Bodo	22
Nigeria – Oil Spills, Shell Ogale	23
Nigeria – Oil Spills, Shell Bille	24
Colombia – Water Pollution, Amerisur Resources Ltd	25
Zambia – Vedanta Resources and Konkola Copper Mines	26
Zambia – Lead Poisoning, Anglo American South Africa Limited	28
Brazil – Environmental Pollution, Brazil Iron Limited	30
Madagascar – Environmental Pollution, Rio Tinto	33
Security and Human Rights	32
Peru – Monterrico Metals	33
Tanzania – African Barrick Gold (Acacia Mining)	34
Tanzania – Petra Diamonds	35

Tanzania – London Bullion Market Association (LBMA)	36
Kenya – Camellia Plc	37
Mozambique – Gemfields Limited	38
International Corporate Corruption and Espionage	40
United Kingdom – Corporate Spying Infiltration, K2	41
Saudi Arabia – Spyware, Ghanem Al-Masarir	42
Kingdom of Bahrain – Spyware and Transnational Repression, Dr Shehabi and Mr Mohammed.....	44
Rwanda – Spyware	45
UAE – International Corruption / Whistleblowing, EY	46
Saudi Arabia – Bribery	47
Worldwide Reach	48
Exploitation and Modern Slavery	50
Lithuania & England – Human Trafficking, Houghtons	51
Malawi – Child Labour On Tobacco Farms, BAT and Imperial	52
Sexual Abuse	54
Kenya & Uganda – Sexual Abuse, British Airways	55
Thailand – Sexual Abuse, Mark Frost	56
Kenya – Sexual Abuse, Simon Harris	57
Gender and Sexual Violence	58
Malawi – Gender and Sexual Violence, PGI Group Ltd / Lujeri Tea Estates	59
Malawi – Security and Human Rights, Camellia Plc	60
Kenya – Sexual Abuse, Unilever	61
Civil Law Claims Against the British Government	62
Iraq – Torture, Baha Mousa	63
Pakistan, Morocco, Afghanistan & Guantanamo Bay – Rendition and Torture, Binyam Mohamed	64
Thailand & Libya – Rendition and torture, Belhaj, Boudchar and Al-Saadi	66
Iraq – Detention and Abuse, Iraqi Civilians	68

Iraq – Friendly Fire, British Soldiers	70
Afghanistan – Torture, Serdar Mohammed	71
Public Law Cases Against the British Government	72
Yemen – Arms Trade, CAAT	73
Saudi Arabia – Arms Trade, BAE Systems	74
Palestine – Gaza, Arms Trade	75
Ethiopia – Aid Money and Human Rights Abuses, Mr O	76
Chile – Extradition, The Pinochet Case	77
Afghanistan – Civilians, Right To Life	78
Cyprus – Refugees, R (Bashir & Ors) v Secretary of State for the Home Department	80
Diego Garcia – Asylum Seekers	81
Historic Cases	82
Japan – Prisoners of War, British Soldiers	83
Germany – Prisoners of War, Polish Civilians	83
Kenya – Torture, Mau Mau	84
Kenya – Unexploded Munitions, Maasai	86
Leigh Day's International Team	88
Richard Meeran, Partner and Head of International Department	88
Sapna Malik, Partner and Head of International Department	89
Martyn Day, Senior Partner	90
Daniel Leader, Partner.....	91
Oliver Holland, Partner	92
Tessa Gregory, Partner	93
Paul Dowling, Partner	94
Matthew Renshaw, Partner	95
Melanie Jaques, Partner	95
Pushing the Boundaries, Taking a Stand	Back Page

Welcome

Leigh Day is a UK law firm that works for individuals and communities harmed or treated unlawfully. Our international human rights and environmental specialists represent people worldwide fighting for justice and challenging powerful corporate and government interests.

CASES INVOLVING

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

Many of our clients live in countries where they have little chance of accessing justice or getting the legal representation they need to assert their rights.

We often represent people or groups that 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 groundbreaking cases before the English courts.

We are recognised for our broad expertise on the human rights issues arising from business activities.



Leigh Day is a leader in its field; few compare to them on tackling complex matters involving human rights abuses committed by UK companies operating in the UK and abroad.

Chambers and Partners 2024



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.

Images • Partner Nichola Marshall meets with clients in the Ivory Coast. • Head of the International Department Richard Meeran and team and client Daniel Thakamakau. • Associate Kavita Modi meets with clients. • 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 caused by 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 often means travelling to and working in challenging environments.

We are fortunate to have lawyers who speak a wide range of different languages. Our internal capacity and use of interpreters allows us to take clear instructions and provide clear advice to our clients when English is not their preferred 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 adapted our working practices to ensure that we maintained the exceptional standard of service we provide to our clients. In the wake of the pandemic, many of the practices we employed, have also helped us to strengthen our connections with our clients living abroad. We 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 of these practices and relationships, in 2020 and 2021, despite being in the midst of a global pandemic, we successfully resolved cases on behalf of clients all over the world. This included Afghanistan, Tanzania, Bangladesh, Kenya, the UAE and Malawi.



Page 8: Richard Meeran, Head of the International Department, 3 March 1996. • This page: Leigh Day team meeting clients in South Africa. • Martyn Day, Senior Partner of Leigh Day, with Mau Mau Veterans outside the Royal Courts of Justice in 2011.



Advocacy and working with others

Our clients' cases often have important consequences not only for our clients, but for other people in the communities we work in, and for people in other parts of the world. That's why we think it is important to build relationships with local, national and international organisations so we can work together to advocate for improved protection for human rights and the environment.

In many cases, local organisation and lawyers 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

To find out what happened we often commit significant resources to conducting factual investigations, which can take us all around the world. From private archives to consultations with local experts, we are committed to discovering the evidence necessary to give our clients the best opportunity to obtain justice. 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 demonstrate to the court that the parent company in Britain should be held 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 has 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.



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.

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.

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.



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.

Mercury poisoning victims win £1.3m in landmark case

Ian Burrell

A British multinational chemical company has agreed to pay £1.3m in compensation to 20 South African workers who were poisoned by mercury.

Four of the black workers have died and a number of the others are suffering severe brain and other neurological damage.

The workers had accused Thor Chemicals Holdings, of Margate, in Kent, of adopting working practices in South Africa which would not have been allowed in Britain.

Yesterday's landmark settlement, which followed the filing of claims for damages in the High Court in London, has serious implications for British businesses with operations in developing countries.

The settlement was announced after a report in *The Independent* last month highlighted the case. Similar claims are being pursued against other British companies owning uranium mines and asbestos plants in southern Africa.

One of the Thor workers, Albert Dlamini, 30, received £100,000 for injuries which have left him walking on crutches and unable to speak properly. He said: "Working for Thor has destroyed my life. I feel very bitter that this British company has come to my country and adopted working practices that would never have been accepted in its own country."

The workers first realised something was seriously wrong when three men were taken into



South African employees Gideon Nkala (left) and Patrick Hlengawa who gave evidence against the UK firm Thor

hospital in 1992, suffering from severe mercury poisoning.

Peter Cele, 21, died seven months later. Englebert Ngcobo, 55, was in hospital for three years before he slipped into a coma and died.

They had all worked at Thor's mercury plant at Cato Ridge in Natal. The operation had been set up by the English parent company using technology and systems of operation which had been developed in Britain.

Thor had operated a mercury plant at Margate which, during the 1980s, was repeatedly criticised by the Health and Safety Executive for bad working practices and the over-exposure of British workers to mercury.

Under pressure from the HSE, Thor closed down its mercury operations in Britain in 1987 and expanded them in South Africa, where the plant relied on Zulu-speaking casual,

untrained and unskilled labour.

In bringing their claim, which was also made against the Thor chairman Desmond Cowley, the workers enlisted the support of experts in occupational medicine and toxicology.

In their evidence, the workers testified that rather than trying to reduce mercury levels in the environment, the company adopted a policy of trying to control mercury exposure by replacing workers who had high levels of mercury with new casual employees. Others, they said, were sent to work in the garden until their mercury levels dropped.

Thor had fought to prevent the workers' claims being heard in a British court, even appealing to the House of Lords. But the case had been set for a three-month trial in October.

No one at Thor was available for comment yesterday.

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.

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 settlement amount reflected Cape's precarious financial position.

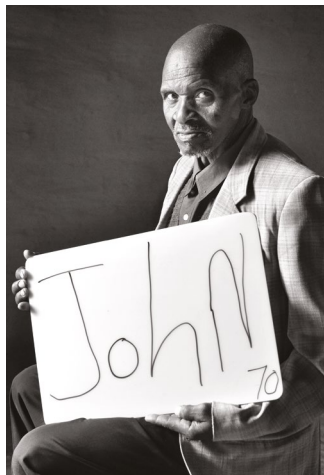


Hendrik Afrika, asbestosis sufferer; South African claimant in the case of *Lubbe v Cape Plc* and name sake of the Hendrik Afrika Trust. • Stef Jansen, Mesothelioma sufferer and claimant. • Sign for Asbestos Street in Prieska, adjacent to the blue asbestos crushing mill. • Community protest action. • Photographs: Hein du Plessis.

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).

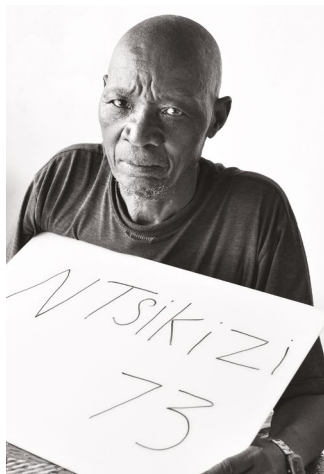


The mine has robbed me of my health
John Kobe

I have been broken by the mine. I am deaf and my lungs are damaged
Tumo Petrus Matsau.



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



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

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



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.



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 maintains that Zodiac knew the methods involved in dismantling vessels in Chittagong, yet it sold the Eurus London to a third party – in full knowledge that it would be broken up in unsafe conditions.

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.

The Defendant applied to the Court for the case to be struck 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."



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.

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.

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



Nigeria

Oil spills, Shell 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.

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. Shell claim to have almost completed a clean-up of the area. However, they have restricted the claimants' access to information, hindering their ability to independently assess the quality of the clean-up. As a result, the claims will be back in Court in May 2025 to determine whether Shell have adequately remediated the oil spills.

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



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

£1.00 (FR €3.20)
Thursday 04.08.11
Published
in London and
Manchester
guardian.co.uk

Shell admits liability for massive spill

Exclusive Landmark case could lead to flood of claims from Niger delta

John Vidal Bodo, Nigeria

Shell has accepted full liability for two massive oil spills that devastated the environment and local livelihoods in a region of the Niger delta, opening the door for a series of similar damages claims against the company in British courts.

The 2008 spills at Bodo in Ogoniland, which experts say could make up a spill as large as the 1989 Exxon Valdez disaster in Alaska, when 10m gallons of oil leaked into the ocean, are expected to take up to 20 years to clean up.

Until now Shell has claimed that less than 40,000 gallons was spilt at Bodo

Inside
John Vidal on how Shell oil spills ruined a Niger delta community
Page 18 »

that year, and placed the blame on local vandals. But papers seen by the Guardian show the company has now accepted responsibility for ruptures of the Bodo-Honny pipeline, which pumps 120,000 barrels of oil a day, after a class-action suit in London over the last four months.

Compensation expected to run into hundreds of millions of dollars will be set later this year, and with an average of three oil spills a day in the Niger delta, many other impoverished communities are now likely to seek damages for oil pollution against Shell.

"The news that Shell has accepted liability in Britain will be greeted with joy in the delta," said Patrick Naughton, coordinator for the Centre for Environment, Human Rights and Development in Port Harcourt. "The British courts may now be inundated with legitimate complaints."

The class action suit was bought by

Leigh Day and Co, the London law firm that represented victims of toxic waste dumped in Ivory Coast by a ship leased to the oil company Trafigura in 2006.

The crude oil that gushed unchecked from the two Bodo spills, which occurred within months of each other, destroyed a network of creeks and inlets on which 69,000 people depend for food, water and fuel. Shell consistently blamed the spills on local youths who, it argued, sabotaged its network of pipelines.

"Ten years ago you would have seen rich, lush vegetation here," Neniharini Zabby, head of conservation at the Centre for Environment, Human Rights and Development, told the Guardian. "Now it is all dead. The mangroves have been killed. The oil has got deep into the sediments. Without a complete cleanup to international standards this community has a hopeless future."

No attempt has been made to clean up the oil, which has collected on the creek sides, washes in and out on the tides and has seeped deep into the water table and farmland.

According to the communities in Bodo, the company has offered £3,500 and 50 bags of rice, 50 bags of beans and a few cartons of sugar, tomatoes and groundnuts in compensation. The offers were rejected as "insulting, provocative and beggary" by the chiefs of Bodo, but later accepted on legal advice.

Shell first discovered oil in the region in 1956. According to Amnesty International, more than 13m barrels have been spilt there since, twice as much as in last year's BP oil spill in the Gulf of Mexico.

Later this week a UN report will implicate the company in the overall environmental disaster in the Niger delta, which has seen more than 7,000 oil spills since 1989. The UN Environment Programme report, funded by Shell, will be presented to the president, Goodluck Jonathan.

Continued on page 2 »

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.

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 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 its primary 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.



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

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.

Colombia

Water pollution, Amerisur Resources Ltd

Leigh Day acted for a community of small-scale Colombian farmers and their families, in environmental pollution compensation claims against UK-based Amerisur Resources Ltd (the UK parent company of Amerisur Exploración Colombia Limitada). The claimants alleged that their local waterways and land were polluted following a large oil spill in Putumayo in 2015. The spill was originally caused by an armed attack by an outside group on five crude oil tankers on Amerisur's platforms.

The attack led to substantial amounts of oil spilling into the streams and wetlands. The claimants argued that Amerisur ought to have predicted attacks of that nature, and under Colombian law it was responsible for the damage caused and for a failure to clean up adequately afterwards.

Although this case was brought under Colombian law, it was pursued in England because the company is based in England and therefore falls under the jurisdiction of the courts of England & Wales. After legal proceedings were issued in the London High Court in December 2019, there were plans to sell Amerisur to GeoPark Colombia for £240 million, which could have deprived the claimants of potential compensation. The claimants obtained a freezing injunction against Amerisur, requiring the company to preserve around £4.5 million worth of its UK assets, to protect any future interests of the claimants.

Following a preliminary issues trial in July 2022, the High Court dismissed Amerisur's arguments that under Colombian law the claims were out of time and that Amerisur could not be held liable as the parent company. The claims were settled in 2023 on a confidential basis, with no admission of liability.



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

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 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 food, and their livelihood, was from farming and river fishing. 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 joint statement to the right:

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



“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.”

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 local residents and ensure the clean-up of the communities' contaminated land.

In December 2023, the Johannesburg High Court dismissed the application to certify the class action. In April 2024, permission to appeal this decision to the Supreme Court of Appeal was granted. The appeal is expected to be heard in early 2025.



Mbuyisa Moleele lawyer Tshego Raphuti and Leigh Day lawyer Charlotte Armstrong with Kabwe community representatives. • Leigh Day Partner Richard Meeran talks to community members affected by lead poisoning in Chowa, Kabwe District. • The former Kabwe mine and mine dump, April 2004. • Kabwe mine dump, April 2004. The villages of Kabwe are situated in close proximity to these dumps

Brazil

Environmental pollution, Brazil Iron Limited

Leigh Day represents 103 residents from two quilombola communities (descendants of Afro-Brazilian slaves) in environmental pollution claims against UK registered mining companies, Brazil Iron Limited and Brazil Iron Trading Limited.

The claimants live in close proximity to the Fazenda Mocó mine ("the Mine") in the state of Bahia, Brazil. The Mine is operated by the Brazilian subsidiary of the defendant companies, Brazil Iron Mineração Limitada ("BIML").

The claimants allege that the operations of the Mine have polluted their land, crops and water sources and that the explosions at the Mine have caused structural damage to their homes. They also allege that they have been disturbed by dust and noise from the Mine and that some of the claimants have suffered physical and psychological injuries as a result of the Mine's operations.

The Secretariat of Health for the State of Bahia inspected the area in early 2021 and confirmed that due to the mining operations, the two communities were at risk of physical and mental illness and that the drinking water in the area was not fit for human consumption.

BIML has repeatedly breached the terms of the environmental authorisations under which it was permitted to conduct experimental mining, leading the State environmental regulator INEMA to suspend mining activity in April 2022.

Many of the claimants are farmers and reliant on social welfare programs. In addition, their families have occupied the land for a number of generations. Quilombola communities attract special protection under Brazilian law in relation to the use of their land, such as the right to be consulted before works or activities that impact their land are licensed.

The claims were issued in the High Court in London in September 2023. In October 2023, the claimants obtained a temporary injunction against Brazil Iron to halt alleged intimidation and harassment by representatives from the Mine. The claimants alleged that two employees from BIML tried to coerce some of them into abandoning their claims against the English companies. In November 2023, the High Court ruled that letters sent directly to the claimants by agents of the defendants was also contact that was not allowed under the terms of the injunction order. The defendants dispute the allegations of harassment and a final determination of whether the injunction should stand will be made at a further hearing later in 2024.

In April 2024, the claimants filed details of their claim at the High Court. In June 2024, the defendants applied to challenge the jurisdiction of the English court to hear the case, which will be determined at a hearing later in 2024. The claimants will argue that the English courts are the appropriate venue for the case because they would be unable in practice to obtain access to justice in Brazil.

Madagascar

Environmental pollution, Rio Tinto

Leigh Day acts for a group of villagers from the Anosy region in Madagascar in a legal claim against the UK/Australian mining company Rio Tinto Plc. The claim relates to the loss and damage suffered as a result of the operation of the QIT Minerals Madagascar (QMM) ilmenite mine in the Fort Dauphin area. Specifically, it concerns the alleged contamination of local water sources with dangerously high levels of toxicants, particularly uranium and lead, which pose a significant risk to the health of the communities.

Ilmenite, which is used to manufacture titanium dioxide, a white pigment used in paints, food, and cosmetics, is extracted by QMM from the sands along the edge of Lakes Besaroy and Ambavarano. Studies have shown that mine wastewater containing high levels of uranium and lead has been discharged into the surrounding environment. The villagers rely on local waterways for all their domestic needs, such as drinking, washing clothes, fishing and cooking, and regularly draw water from the waterways allegedly contaminated by QMM.

Blood tests carried out in the community have shown elevated blood lead levels exceeding World Health Organisation thresholds, for which medical care is recommended. Lead is especially harmful to young

children and can cause permanent brain damage leading to a range of cognitive and behavioural disorders, while exposure to uranium can interfere with bodily development, particularly in children and pregnant women, as well as increasing cancer rates and damaging kidney function.

The Anosy region in southern Madagascar has a population of approximately 500,000 people living with high poverty rates, deepening food insecurity and water scarcity.

Leigh Day sent a letter before action to Rio Tinto Plc in April 2024. Rio Tinto has publicly disputed claims that the QMM mine has polluted water bodies in the area.



Security and human rights

As valuable raw materials such as copper, gold, and oil become ever more scarce, 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 the Global South.



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.



Monterrico clients blindfolded and detained on a cattle platform where they were left overnight. • Monterrico clients handcuffed and detained at the Rio Blanco site. • 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.

Leigh Day client, Samwel Mwita, who was made paraplegic after a bullet pierced his spine, receives medical treatment in hospital. 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. • 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.

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

Tanzania

Security and Human Rights, London Bullion Market Association (LBMA)

Leigh Day is instructed by the families of two artisanal miners from Tanzania who died in 2019 after working at the North Mara Gold Mine in Tanzania. The Mine, dubbed one of the deadliest mines in Africa, has a long and troubling history of allegations of human rights being committed against local people in and around the mine.

Leigh Day's case is not against the mine, but against the London Bullion Market Association (LBMA). The LBMA is the gatekeeper of the London bullion market, which is the largest in the world. It sets the compulsory standards and policies which underpin around US\$ 300 billion of gold traded in London each week. The claimants state that despite a widely reported pattern of systematic human rights abuses associated with the mine over many years, the LBMA has continued to certify gold from the mine, therefore wrongly certifying that gold originating from the mine was untainted by serious and longstanding human rights abuses.

The claimants allege that the effect of removing LBMA accreditation would have been commercially and reputationally disastrous to the mine, as its refiner would lose access to the London gold market.

This would have forced the mine to finally put a stop to the systematic human rights abuse of artisanal miners.

The legal issues raised by this case turn on whether a certification body, like the LBMA, can be held legally responsible for a flawed certification process which causes or contributes to ongoing human rights abuses.

This is a fast-developing area of law, examining when a person or entity can be held legally responsible for harm caused by another.

The claimants will argue that a certifying body, owes a duty of care to victims of human rights abuses following a failure to properly conduct human rights due diligence.



Kenya

Security and Human Rights, Camellia Plc

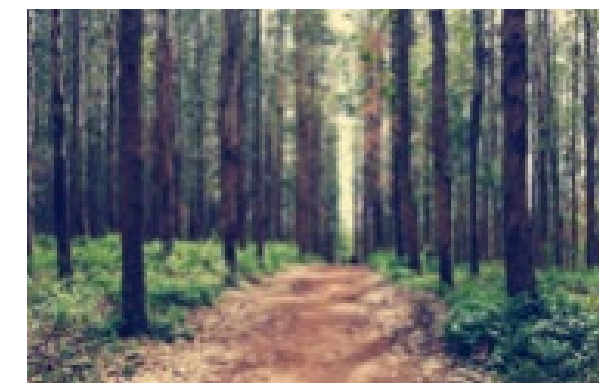
In 2021 Leigh Day settled a case on behalf of 85 Kenyans who live in proximity to Kakuzi Plc's agribusiness operations in Murang'a County, Kenya. The claims were based on allegations of serious human rights abuses against local residents by security guards employed by Kakuzi Plc ("Kakuzi"), a company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

A settlement was reached on behalf of the claimants, which encompassed three primary elements. The first element was 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, including: (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; (4) building three new roads accessible to the community to give people better access to local amenities; and (5) the establishment of a Technical Working Group to survey and demarcate land which has been previously donated by Kakuzi.

Thirdly, Kakuzi 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 and complemented by the design and implementation of a human rights defender's policy. It was agreed this would be within 12 months of the settlement. The claims were settled without an admission of liability.



Photograph of path running past Kakuzi macadamia plantation • Photograph of Kakuzi Property sign. Photograph of path running through Kakuzi forest.

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.



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.



Artisanal miners sift through the stones and mud dug from pits at an artisanal mining site, hoping to find a ruby.



Artisanal miners being subjected to cruel and degrading treatment after being caught on the mining concession area.



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.

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 km².

Leigh Day employee Matthew Renshaw conducts interviews with "garimpeiros" who were chased from the Montepuez Ruby Mine to a nearby artisanal gold mine.

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 suffered harms after being targeted by companies for campaigning activity, or for attempting to raise awareness about illegal practices.

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.



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.

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



Kingdom of 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 al-Masarir, a Leigh Day client.

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 the Kingdom of 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 was placed under police protection due to a possible threat to his life. In February 2021, the Kingdom of Saudi Arabia applied to overturn the Court's decision, arguing that the Courts of England and Wales lacked jurisdiction to hear the claim because the Kingdom, as a sovereign state, is immune from the Court's jurisdiction. The first hearing took place in June 2021, with a judgment handed down by Mr Justice Julian Knowles on 19 August 2022, finding for Ghanem on each of the points raised by the Kingdom of Saudi Arabia's application.

In December 2022, the Kingdom of Saudi Arabia appealed the High Court's judgment, including the Court's order that the Kingdom is to pay Leigh Day £150,000 on account of Ghanem's legal costs. The Court of Appeal granted the Kingdom of Saudi Arabia with permission to appeal in May 2023, but refused to vary the costs order made against it. Following



the Saudi regime's failure to comply with the court's orders, Leigh Day applied to the Court and was granted with an order that unless the Kingdom made payment of £210,000 as security for Ghanem's costs by a set date, its appeal would be struck out without further order. The Kingdom of Saudi Arabia refused to provide this security and maintained its assertion of sovereign immunity in relation to Ghanem's claim. The Kingdom's appeal was therefore dismissed by the

Court, and it was ordered to confirm whether it wished to defend all or part of Ghanem's claim and file its defence. The Kingdom of Saudi Arabia's previous solicitors are no longer acting for the Kingdom, and it refuses to engage further in these proceedings. Ghanem remains committed to pursuing his claim against the Kingdom of Saudi Arabia and he will soon be applying to the Court for it to make a judgment in his favour against the Kingdom.

Kingdom of Bahrain

Spyware and Transnational Repression, Dr Saeed Shehabi and Mr Moosa Mohammed

Leigh Day is currently representing Dr Shehabi and Mr Mohammed in their claims against the Kingdom of Bahrain. The two Bahraini dissidents have been engaged in political activism to highlight and condemn human rights abuses in the Kingdom of Bahrain for a number of years.

Dr Shehabi and Mr Moosa claim that in 2011, the Kingdom of Bahrain infected their laptops with malicious surveillance software known as FinSpy. The spyware is made by the Anglo-German technology company, the Gamma group. The dissidents believe that the infection was carried out, directed, authorised or caused by the Government of Bahrain or its agents.

In a previous High Court hearing in February 2022, the Government of Bahrain argued that it is immune from the jurisdiction of the Courts of England and Wales, that the dissidents' application for permission to serve out of the jurisdiction on the Kingdom of Bahrain should be set aside and that the High Court does not have jurisdiction to hear the claims and therefore they should be dismissed. Dr Shehabi and Mr Mohammed argued that because the allegations relate to personal injury

caused by acts or omissions in the UK, the exception in the State Immunity Act 1978 applies and the Kingdom of Bahrain is not afforded immunity in respect of these proceedings.

In a judgment handed down in February 2023, the High Court dismissed the Kingdom of Bahrain's arguments. The Court ruled that the Kingdom of Bahrain does not have immunity under the State Immunity Act 1978 in relation to its alleged use of FinFisher surveillance software to infiltrate the computers of Dr Shehabi and Mr Mohammed. The Kingdom of Bahrain appealed this judgment, and an appeal hearing took place before the Court of Appeal in July 2024. In October 2024, the Court of Appeal dismissed the Kingdom of Bahrain's appeal and ruled each of the points raised by the Kingdom in the favour of Dr Shehabi and Mr Mohammed



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 May 2022 and they were granted permission to serve their claim on the Republic of Rwanda in September 2022. The process to serve on the Republic of Rwanda was complex and therefore service was only effected on Rwanda in April 2024. Faustin and Violette await the Court's decision on their claim.



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.

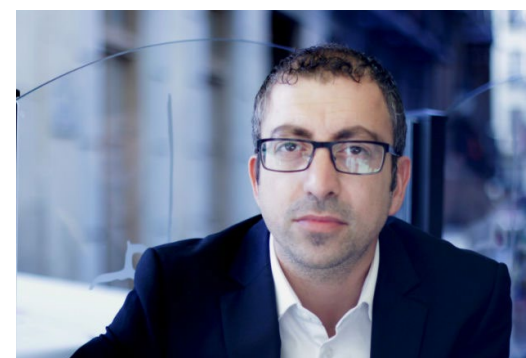
In finding against the EY Defendants the court relied on the Supreme Court's landmark decision in Vedanta (in which Leigh Day acted for the claimants), which found that a UK-based parent company could be liable for damage arising out of the activities of its overseas subsidiary.

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.

Saudi Arabia

Bribery

Leigh Day acts for Lt Col Ian Foxley, a whistleblower who raised concerns that corrupt payments totalling many millions of pounds were being regularly paid to high-ranking Saudi officials.



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.

Amjad Rihan, Leigh Day client

These payments were to secure a major government defence deal with the Saudi Arabian National Guard, known as the SANGCOM Project

At the time, Mr Foxley was Programme Director for GPT Special Project Management Ltd (GPT), an Airbus subsidiary which the MOD had engaged to assist in the delivery of the SANGCOM Project. Mr Foxley escalated his concerns to senior officials at the Ministry of Defence (MOD), which reported his disclosures to GPT without his knowledge or consent.

Mr Foxley claims that on learning of his disclosures, GPT's Managing Director (a senior Saudi Princess) threatened to have him thrown in jail in Riyadh, causing him to flee Saudi Arabia in fear of his safety.

After returning to London, his contract with GPT was terminated, which Mr Foxley contends has left him unable to obtain employment in the Defence industry.

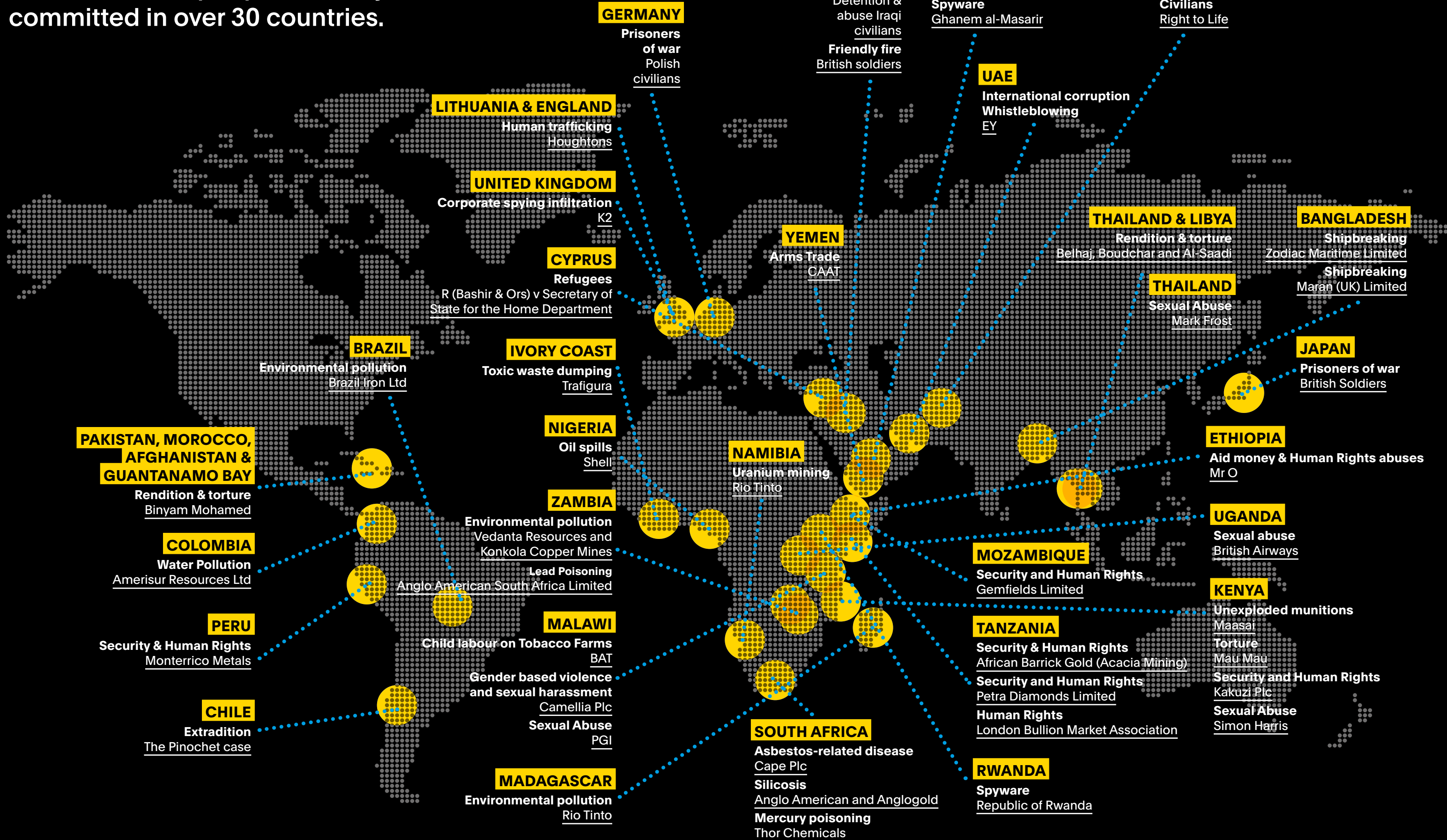
A subsequent investigation by the Serious Fraud Office led to GPT pleading guilty to an offence of corruption resulting in fines and confiscations totalling £28 million.

Mr Foxley's case is that evidence uncovered in the criminal proceedings has revealed that the corruption was orchestrated and maintained at the highest levels of the British Government, from as early as the 1970s.

Mr Foxley is bringing a legal claim in the High Court against GPT and the MOD. Mr Foxley claims that the defendants' unethical and unlawful behaviour in making/authorising/sanctioning bribery has caused him significant economic loss, primarily by way of loss of future employment opportunity.

Mr Foxley's case highlights the crucial role of those who bravely risk their financial security and reputation to blow the whistle. Without his disclosures, this high-level corruption and bribery might never have come to light.

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

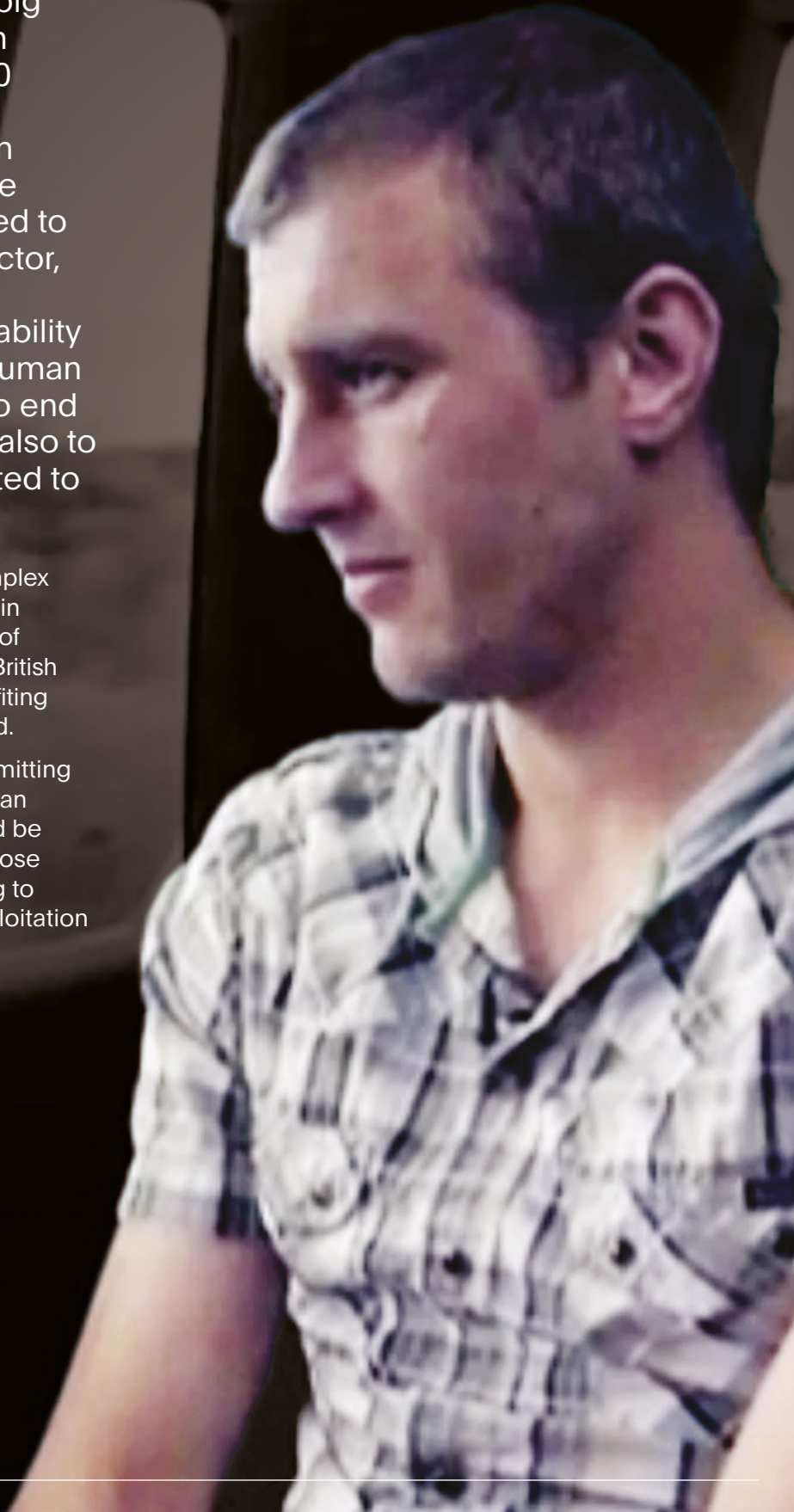


Exploitation and modern slavery

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.



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.



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. • 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 per 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 of 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 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.



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

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.


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

Words of a client after settling their claim (2016)

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.

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.

However much this reminds me each and everything happened in the first, in the other side I feel hope, I feel that I am going to be  again because I think I am going back to school and I am going to have treatment - that gives me hope for life.

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 eight 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.



Gender and sexual violence

Leigh Day represents individuals around the world who have been subjected to Gender-Based Violence (“GBV”) and sexual abuse. Women and children are especially vulnerable to exploitation within their communities and human rights violations against them are sadly prevalent across many countries and industries.

Since 2019, Leigh Day has been instructed by several female plantation workers in relation to claims for compensation arising out of serious allegations of sexual assaults and/or sexual harassment sustained in the course of their employment at tea and nut plantations owned by British multinational companies in Malawi and Kenya.

The risk of rape, sexual abuse and harassment of women working on plantations worldwide is longstanding and well-documented.

There is a systemic problem of male workers at plantations abusing their positions of power in relation to the women working under their supervision. This abuse of power often takes the form of rape, sexual assault, sexual harassment, sexual coercion and discriminatory behaviour.

This is because the features of plantation work, which in the most part involves unskilled labouring work, often performed alone in the fields, render female workers particularly vulnerable to sexual violence and discrimination. In addition, the temporary and informal nature of the work creates a power imbalance between employers and employees, which can easily be abused by male supervisors.



Malawi

Gender and sexual violence, PGI Group Ltd / Lujeri Tea Estates

Leigh Day represented 36 Malawian women who alleged that they had experienced gender-based violence (including, in some cases, rape) and sexual harassment while working on tea estates in Malawi’s Mulanje and Thyolo districts. The women were employed by Eastern Produce Malawi Ltd (“EPM”), an indirect subsidiary of Camellia Plc.

Lujeri supplies some of the UK’s most well-known tea brands such as PG Tips, Tetley and Yorkshire Tea, as well as a number of Britain’s biggest supermarkets, including Waitrose, Marks & Spencer, Tesco and Sainsbury’s, for their own-brand tea. In March 2021, a Sunday Times investigation revealed that “under pressure from the buyers”, Lujeri had commissioned Impactt, an ethical trade consultancy, to investigate allegations of sexual abuse on the estate. According to the Sunday Times’ report “the findings were damning”,

At around the same time as the Sunday Times investigation, Lujeri’s Rainforest Alliance accreditation was suspended, as a result of unannounced investigation audits, which found various areas of non-compliance against the relevant Rainforest Alliance standards, including sexual harassment. It was reinstated in October 2021.

The case was settled out of court on a confidential basis without admission of liability in July 2022.



Malawi

Gender and sexual violence, Camellia Plc

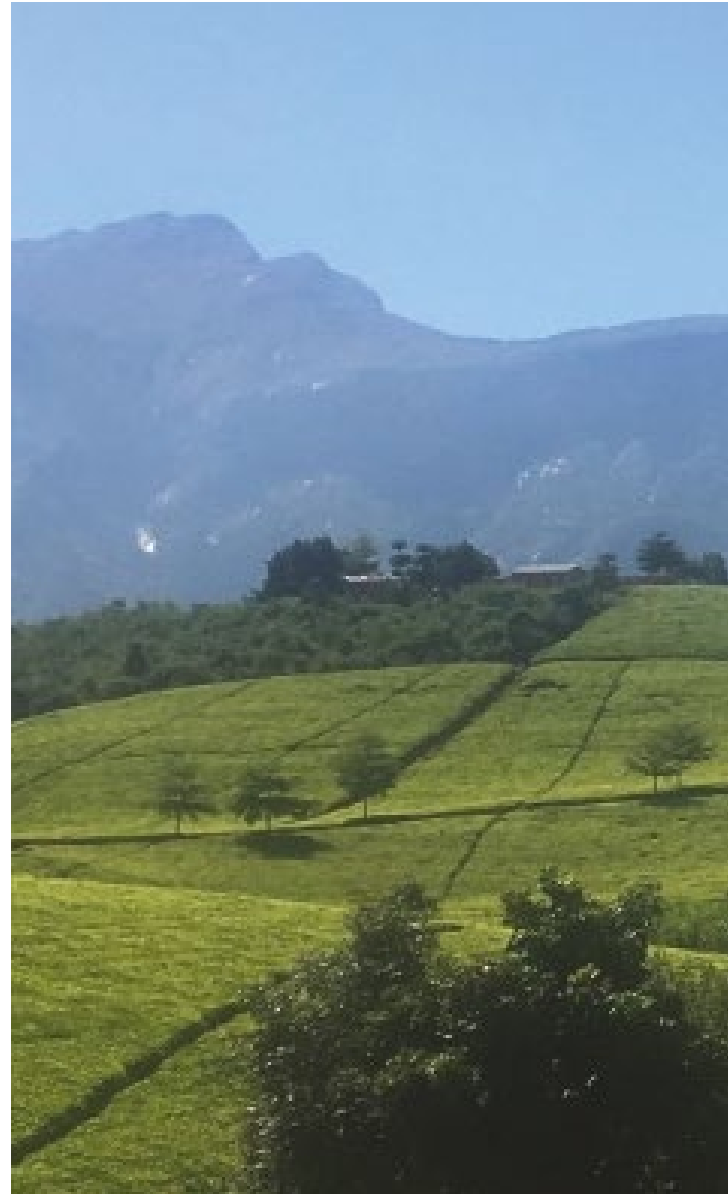
Leigh Day represents 36 Malawian women who allege that they have experienced gender-based violence (including, in some cases, rape) and sexual harassment during the course of their work on tea estates in the Mulanje and Thyolo districts of Malawi, while employed by Eastern Produce Malawi Ltd “EPM”), 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 included 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.



Kenya

Gender and sexual violence, Unilever

Leigh Day is acting on behalf of more than 80 Kenyan women who allege that they have experienced sexual harassment and gender-based violence during the course of their employment on Kenyan tea estates owned at the time by Unilever Plc.

Some of the accounts reported by the claimants (including being sexual harassed by male supervisors or being coerced into a sexual relationship for fear of losing their job) echo many of the concerns raised by female plantation workers across the world and are representative of wider systemic issues across the agribusiness supply chain - the tea industry in particular.

The claims are brought in negligence, on the basis that there was a clear and systemic problem of sexual harassment and gender-based violence on the tea estates and that Unilever Plc, as the parent company, owed the claimants a duty of care to take all reasonable steps to prevent them from being subjected to sexual mistreatment

On 29 September 2023, legal proceedings were issued against Unilever Plc in the High Court in London.



Civil law 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 after being detained, 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 British 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 British 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.

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.



Client, Binyam Mohamed

Minefield in Guantanamo Bay, Cuba



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.

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 onboard.

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 British 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 British 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.

Abdul Hakim-Belhaj meets UK ambassador, Cori Crider of Reprieve with Fatima Boudchar; Fatima's son and Leigh Day partner Sapna Malik.



10 DOWNING STREET
LONDON SW1A 2AA

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.

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.



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



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



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.

Andrew Julien,
Leigh Day client



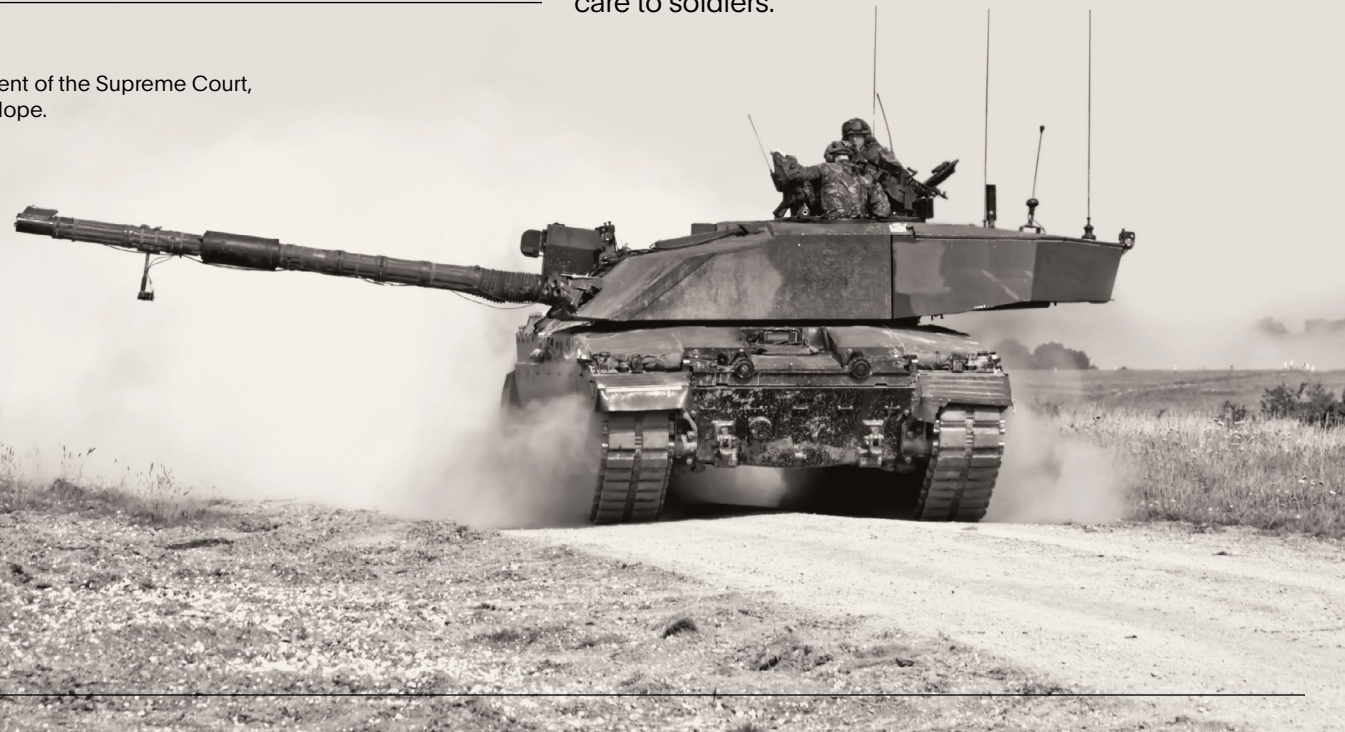
The Challenger claims are about alleged failures in training, including pre-deployment and in-theatre training, and the provision of technology and equipment ... At the stage when men are being trained ... or decisions are being made about the fitting of equipment to tanks or other fighting vehicles, 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.

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.

Lord Hope

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



Afghanistan

Torture, Serdar Mohammed

Leigh Day 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 Mohammed'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 British 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.



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 British Aerospace Engineering (BAE) Systems.



“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.”

Lord Justice Moses

BAE was concerned it would lose a large Saudi arms sale if the investigation was not discontinued and lobbied the British 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 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.

Palestine

Gaza, Arms Trade

Leigh Day represents Oxfam in its intervention in a legal challenge to the British Government’s decision to continue to licence the sale of arms to Israel.

The case is brought by Global Legal Action Network, and Al-Haq, an independent Palestinian human rights organisation. It challenges the continuing grant of licences for the export of weapons and military equipment to Israel for use in Gaza despite serious allegations and compelling evidence that there is a clear risk Israeli forces might use the equipment to violate international humanitarian law. The hearing is due to take place in the High Court on 8-10 October 2024.

As a humanitarian organisation operating in Gaza, Oxfam has been given permission by the court to present evidence and make legal arguments on Israel’s attacks on and destruction of public utilities and objects indispensable to civilian life (particularly critical water infrastructure projects built by Oxfam), efforts to deny or impede the passage of humanitarian assistance, and attacks on aid workers.

Oxfam’s evidence is highly relevant to an assessment of the risk of Israel’s non-compliance both with international humanitarian law and its commitment to comply with the obligation not to arbitrarily deny access to humanitarian assistance. These are both key aspects of an assessment of whether the licensing of arms sales should continue.

Oxfam previously intervened in a case brought by Campaign Against Arms Trade (CAAT) which challenged the UK government’s granting of export licences for arms sales to Saudi Arabia engaged in war in Yemen. The Court of Appeal ruled the government’s procedure for granting licences to export arms to Saudi Arabia was unlawful. CAAT was represented by Leigh Day in its legal challenge.



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.

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.



Afghanistan

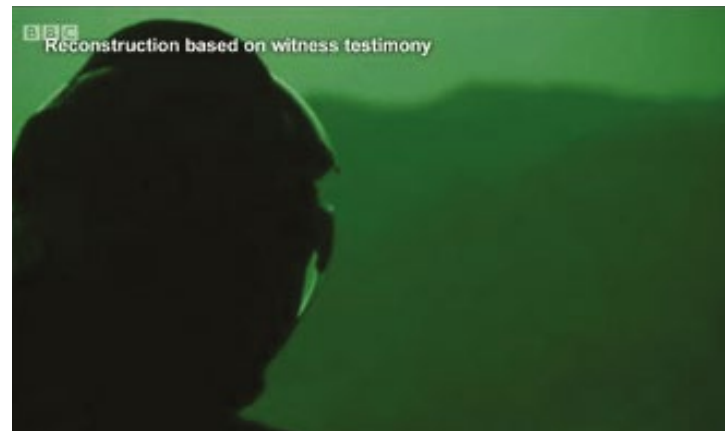
Civilians, Right to Life

In 2019, Leigh Day brought judicial review proceedings on behalf of two Afghan families whose relatives were shot and killed by British special forces during night raids in Helmand province, Afghanistan in 2011 and 2012.

Human rights Judicial Review claims were brought against the British Government alleging that it failed to fulfil its obligations to protect life and to conduct prompt and effective investigations into the civilian deaths.

The allegations at the heart of the claims concerned 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 raised by these cases were particularly significant 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.

The bereaved families challenged the British Government's failure to properly investigate the circumstances surrounding the killings of their relatives, pursuant to the investigative duty under Article 2 (right to life) of the European Convention on Human Rights. In the course of proceedings, the Ministry of Defence (MOD) was compelled to disclose internal military records suggesting that contemporaneous concerns about unlawful killings had been raised within Special Forces, that the problem may be widespread and involve hundreds of incidents, and that it had not been properly investigated and perhaps even covered up. In the face of this new evidence, the UK government conceded the judicial review proceedings and agreed to establish an independent public inquiry. The statutory inquiry is being chaired by Lord Justice Haddon-Cave and its terms of reference require it to look at activity by UK Special Forces in their conduct of deliberate detention operations (DDO) in Afghanistan



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

during the period mid-2010 to mid-2013; concerns and allegations made regarding unlawful activities during these operations including allegations of murder; and the adequacy of the response of the MOD and investigations by RMP into such allegations. The Inquiry began hearings in October 2023. Leigh Day represents the bereaved Afghan families participating in the Inquiry. 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.

[Day Three 11 October 2023 Opening Hearing – Independent Inquiry relating to Afghanistan \(iia.independent-inquiry.uk\)](https://tinyurl.com/y5f8ew6m)

<https://tinyurl.com/y5f8ew6m>



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.

The claimants in this case washed up on a stretch of Cypriot coastline that is part of the British-run Sovereign Base Area. They had been fleeing conflict, including 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 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 stopped by the British Government in 2017.

The British Government also 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 in 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.



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

Diego Garcia

Asylum seekers, British Indian Ocean Territory ('BIOT')

Leigh Day is instructed by a group of Tamil asylum seekers who have been held in perennial purgatory on the militarised island of Diego Garcia since October 2021, after the boat they were travelling on fell into distress in the Indian Ocean.

Since their arrival on the island, which is part of an archipelago currently known as the "British Indian Ocean Territory", our clients have been detained in a fenced and guarded camp and housed in tented accommodation.

The United Nations refugee agency, the UNHCR, has concluded that Diego Garcia is not a suitable location for our clients to be held long-term following a site visit by the UN in November 2023. In March 2022 former Prime Minister, Liz Truss, called for our clients to be brought to the UK for their own safety. That request was seemingly ignored and no suitable long-term solution has yet been proposed by the Foreign, Commonwealth and Development Office ('FCDO') or BIOT Administration ('BIOTA').

Leigh Day acts across a range of litigation on behalf of those stranded on the island, including in claims for international protection. In 2023, our clients succeeded in a judicial review challenge in the BIOTA Courts which determined that BIOTA had an obligation to provide

our clients with legal aid. Leigh Day also succeeded in a judicial review challenging the fairness of the BIOT Administration's process for determining whether our clients can safely be returned to Sri Lanka.

For those whom the BIOT Administration has now determined cannot be returned to Sri Lanka, Leigh Day now acts in a claim challenging the failure of the UK Foreign Secretary to promptly relocate those clients to a safe third country.

A legal team from Leigh Day will travel to Diego Garcia in July 2024 for a judicial review hearing which will determine whether the group of asylum seekers, which includes around 15 children, are being unlawfully detained in the fenced compound. We understand this will be the first judicial review hearing to take place on the island.

Leigh Day's international group claims department is instructed in a group claim against the Commissioner for injury caused to the claimants since their arrival on Diego Garcia.



Clients taking part in a silent protest against their detention and treatment in Diego Garcia.

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.



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.

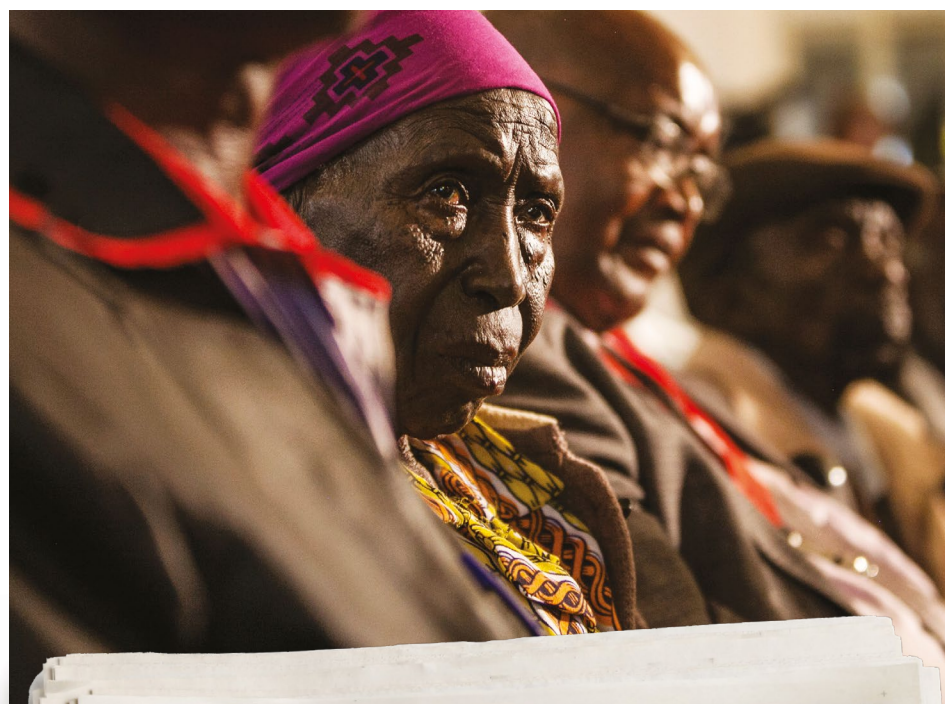
The High Court in London ruled against the British Government on both points.

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.



Claimants in Kenya • claimants meet with Leigh Day team in Kenya • 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 • The Lead claimants and their legal team outside the High Court in London in 2011 • Mau Mau veterans celebrating settlement in 2013 • Partner, Martyn Day with Mau Mau clients, Ndiku mutual, Paulo Nzili and Wambugy Nyingi in London • Members of the Mau Mau War Veterans Association in Kenya.



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

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 ('MOD'). 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 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 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 litigation against multinational corporations and 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.

Sapna Malik

Partner and Head of International Department

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 British 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.



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."



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 British 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.

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 includes:

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 British 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; and

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.

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.



Matthew Renshaw

Partner

Matthew has been a solicitor in Leigh Day’s international department since November 2012.

Specialising in corporate accountability cases; seeking to hold British companies to account for serious human rights violations and environmental damage that occurs in other countries. He has spent much of his time working on behalf of Nigerian individuals and communities in claims involving allegations of environmental harm caused by Shell’s operations in the Niger Delta. This includes working on a claim brought on behalf of the Bodo community which resolved in 2014 and working on the Ogale and Bille jurisdictional challenges on which the Supreme Court ruled in February 2021. He has also worked extensively on claims concerning allegations of human rights abuses against artisanal miners at British-owned mines, including in Mozambique (in claims against Gemfields Limited) and Tanzania (in claims against Petra Diamonds Limited).



Melanie Jaques

Partner

Melanie has a specialist expertise in international law and claims arising out of war and armed conflict. She has been involved in some of the most significant legal cases against the British Government in recent times, including:

The successful Iraqi Civilian Litigation on behalf of hundreds of Iraqi nationals against the British Ministry of Defence for their alleged unlawful detention and/or mistreatment by British Forces in Iraq, including the landmark case of Alseran and Ors v Ministry of Defence, in which all four claimants were found to have been subjected to inhuman and degrading treatment and unlawful detention in breach of the Human Rights Act and the 1949 Geneva Conventions; A case against the UK security Services on behalf of Abdul-Hakim Belhaj, a former Libyan dissident, and his pregnant wife, illegally rendered to Gaddafi’s Libya in 2004. The case settled out of court in 2018 and resulted in an unreserved apology in Parliament by the Attorney General on behalf of the Prime Minister. (Belhaj & Anor v SIS & Ors). In recent years, Melanie has developed a Gender-Based Violence (“GBV”)

practice, successfully representing Malawian plantation workers in relation to claims for compensation arising out of serious allegations of sexual assaults and/or sexual harassment sustained in the course of their employment on tea and nut plantations owned by British companies in Southern Malawi. She is currently acting in a claim against Unilever Plc on behalf of a group of over 80 Kenyan women who allege that they have been subjected to sexual assault, sexual harassment, and/or other forms of serious mistreatment by men who were employed to work on Unilever’s former tea estates in Kericho, Kenya.

Melanie has a PhD in international humanitarian law. Her book, “Armed conflict and displacement: the protection of refugees and displaced persons under international humanitarian law” was published by Cambridge University Press in 2012. Prior to joining Leigh Day, Melanie was a visiting research fellow and teaching associate at Queen Mary, University of London, where she taught public international law and international law of armed conflict.

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



+44 (0)20 3504 8519



international@leighday.co.uk



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



leighday.co.uk



DX 53326 Clerkenwell

Published by Leigh Day © October 2024

Reproduction of this publication in whole or part without permission from Leigh Day is strictly prohibited.