

Esther Kiobel

Mr Didier Reynders
Commissioner for Justice

Mr Thierry Breton
Commissioner for Internal Market

European Commission

Brussels, 17 June 2021

RE: The proposed Sustainable Corporate Governance legislation

Dear Commissioner Reynders,

Dear Commissioner Breton,

I am writing to you regarding the proposed Sustainable Corporate Governance legislation, and to call on you to ensure that the legislation provides access to justice for those who fall victim of corporates' human rights abuses, including people from my home region – the Niger Delta.

For decades now, this has been the most valuable oil producing region in Africa, and it is the main source of Nigeria's wealth. European oil companies, including Shell, Eni and Total have pumped billions of Euros-worth of crude oil from this region since the 1960s.

But most people there still live in poverty and the wealth is nowhere to be seen. Every year there are hundreds of oil spills which destroy our farms and the creeks where we used to fish. The sky is lit at night by the burning of gas flares and is filled with soot.

In the 1990s, the people of Ogoniland in the Niger Delta raised their voices at these injustices. But the Nigerian army crushed their peaceful protests. They burnt down villages, looted, raped and killed. Hundreds were arrested and tortured.

According to research by Amnesty International, the oil company Shell urged the government to deal with the protests, even after it knew that serious abuses were taking place.

On 5 November 1995, after an unfair trial, the regime hanged nine men, including my husband, Dr Barinem Kiobel. One of the others killed that day was the activist and writer Ken Saro-Wiwa, who had led the protests.

My husband was working in a senior position for the government. He had not been involved in the protests but had bravely tried to stop the army from carrying out their human rights violations and called on the government to withdraw its soldiers. He was a Christian and a man of peace who selflessly tried to help his community despite the risks.

Since that tragic day I have been fighting to hold to account those responsible for what happened to my husband – including the oil company Shell.

After two decades of seeking justice, the District Court of the Hague ruled in May 2019 that the case could be heard in The Netherlands. In the ongoing case, the Court is assessing the role that Shell played in the 'Ogoni Nine' – among them my husband – being sentenced to death and executed.

If it was not for a court within the European Union, I would not have had the opportunity to give testimony to a judge about Shell's involvement in the unlawful killing of my husband.

But it took more than 20 years of struggle to be provided the opportunity of a fair judicial proceeding; more than 20 years until I was allowed to request scrutiny over Shell and its part in the unfair trial and execution of peaceful men.

This is not acceptable.

Victims of human rights abuses are entitled to access justice and governments have an obligation to ensure this access. Victims of corporate human rights abuses face too many legal and practical hurdles in bringing cases against rich and powerful corporations.

I welcome the fact that the Commission is planning legislation that will establish legally binding duties for businesses to respect people and the planet. This is a great opportunity for the EU to show leadership in requesting companies to act responsibly.

But for this law to be truly effective, there must be fair rules that allow victims, like me and other widows of the "Ogoni Nine", to take European companies to court, regardless of where they operate.

Commissioner Reynders, a European legislation aiming at the protection of human rights must ensure that victims can raise their voice and seek justice – without decades of struggle.

Sincerely,

A handwritten signature in black ink, appearing to read 'Esther Kiobel', written in a cursive style.

Esther Kiobel