

Indonesian ExxonMobil accusers get day in court after 21 years



Indonesian villagers who are suing ExxonMobil for alleged human rights abuses will get their day in court after a judge ruled that their case can go to trial [File: Jessica Rinaldi/Reuters]

Medan, July 28 (RHC)-- A group of Indonesian villagers who are suing ExxonMobil for alleged human rights abuses will get their day in court after a judge ruled that their case can go to trial following more than two decades in legal limbo.

The 11 villagers from Aceh Province allege that they and their family members were tortured, sexually assaulted, raped and beaten in and around the ExxonMobil oil and gas plant located in the city of Lhoksukon during the late 1990s and early 2000s.

In a summary judgement dated July 22, US District Judge Royce Lamberth denied in part ExxonMobil's attempts to have the case dismissed, paving the way for the plaintiffs' allegations to be heard in court.

The case has languished in the US courts system since 2001, when the villagers first filed a claim with the District Court for the District of Columbia, due to legal challenges by ExxonMobil and a chronic backlog of cases.

While the court's reasoning remains under seal, it is believed that some of the claims of battery, assault, arbitrary arrest, detention, false imprisonment and conversion were denied in part due to the statute of limitations having expired.

Terry Collingsworth, a lawyer representing the plaintiffs, said that it had been a long road getting to this point. "I filed this case in 2001, 21 years ago, and finally we are going to get our day in court to obtain justice for our clients," Collingsworth told Al Jazeera.

One of the plaintiffs, listed in the lawsuit as Jane Doe to protect her identity, said that the trauma of her experience remains as fresh as the day it allegedly took place.

Jane Doe alleges that her husband, who has since died, was taken and beaten by members of the Indonesian army who were working as security guards at Arun gas field and that her son was also assaulted. "This ruling that the case can go to trial is the good news we have been waiting for," she told Al Jazeera through tears.

"I still remember the day they took my husband. They beat him and they beat my son in front of me. I can still see them hitting him when I close my eyes. I want justice for both of them."

Another plaintiff identified only as John Doe said he welcomed the ruling. "We want to go to America so that everything is clear. We want the court to hear everything so that we can ask for justice," he told Al Jazeera. "We have waited for all this time and our goal has always been to get to court from the beginning."

ExxonMobil has denied being aware of any human rights violations at the time and argued it cannot be held responsible for any abuses that did occur as it did not order or authorise them.

"We have fought these baseless claims for many years. The plaintiff's claims are without merit," ExxonMobil spokesman Todd Spitler said in a statement.

"While conducting its business in Indonesia, ExxonMobil has worked for generations to improve the quality of life in Aceh through employment of local workers, provision of health services and extensive community investment. The company strongly condemns human rights violations in any form."

The statement added that the company is "currently reviewing [Judge Lamberth's] decision and considering next steps." When asked about the statement, one of the John Does listed in the lawsuit described it as "nonsense." "ExxonMobil did not help anyone in Aceh, they are just telling stories to try and defend themselves now," he told Al Jazeera.

ExxonMobil – a merger between Mobil Oil Indonesia and US company Exxon – is alleged to have paid members of the Indonesian military \$500,000 per month to guard its oil and gas plant in Lhoksukon during a long and bloody civil war between Acehese separatists and the Indonesian Army.

The 11 plaintiffs allege that the security guards conducted sweeping raids in local villages, where they assaulted innocent residents under the pretext of rooting out suspected separatists.

No date has yet been set for the trial, which will be contingent on the plaintiffs being granted visas to visit the US to give their testimony in person. In April, ExxonMobil was slapped with a rare penalty after

Lamberth ruled that the oil giant pay \$288,900.78 in legal fees and expenses to the plaintiff's counsel following a botched deposition.

"This will definitely be a trial to watch, though Exxon may look to settle now," Michel Paradis, a human rights lawyer and lecturer at Columbia Law School in New York, told Al Jazeera.

"Up to this point, Exxon had every incentive to fight, if only to deter similar suits in the future. That calculus changes now because there is no longer any 'in terrore' benefit and the risks are now all stacked on Exxon's side," Paradis added, referring to the Latin phrase for a legal threat.

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