

Dole under pressure by customers to withdraw support from Shell vs. Kiobel

- [HUMAN RIGHTS](#)
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[Dole](#) is the target of a campaign by grassroots activist organisation [Sum Of Us](#), to pressure the company to withdraw its support from the amicus brief it filed on [Shell](#)'s behalf in the case of Shell vs. Kiobel, currently before the United States [Supreme Court](#). Sumofus.org sent out an email campaign on Oct. 29 encouraging the public to visit [Dole's Facebook page](#) and leave a message on the issue. As of 3 o'clock this morning, Dole's Facebook page has been inundated with hundreds of messages encouraging the company to act responsibly in this matter and withdraw their support of Shell such as:

"Mr. Delorenzo & Dole - Why are you standing with murderers by signing an amicus brief in support of Shell's quest to protect itself from criminal liability for [human rights](#) abuses it committed abroad? If you don't pull your name, we will hold YOU accountable." from Peter;

"Dole shouldn't compound its problem of human rights abuses by seeking immunity from future crimes. If you don't want to be held accountable for crimes, simply don't commit them. Pull your name from the amicus brief you filed in the Shell v. Kiobel case now." from Silvester;

"Your customers are well aware of your attempts to undermine our justice system's protection of human rights to ensure that corporate criminals get away with murder. Withdraw your name from the Shell vs. Kiobel brief you submitted immediately." from Jean and

"I do not buy Dole bananas or other products because Dole abuses the people who work for the company and abuses the environment. It is good that Dole is making their corporate stance more public as this will make it easier to encourage others to do likewise." from Hera.

Nobel Peace Prize laureate Desmond Tutu stated earlier this month that a decision by the U.S. Supreme Court to back Shell in an Alien Tort case would be an insult to justice.

"If the Supreme Court sides with Shell, it would represent a terrible step backward for human rights," he writes.

In a 71-page brief filed with the Supreme Court, the defendant argued that the Alien Tort Statute doesn't apply in Nigeria because that law doesn't extend to activity conducted on foreign soil.

The U.S. government has stated its partial support for Shell in the case, saying the Alien Tort Statute shouldn't be applied, in a brief filed by them in June in relation to the case.

Of the companies who have submitted briefs in support of Shell in the current court case, Dole is the most concerned with their public image. Many of the other companies supporting Shell such as Monsanto, Dow Chemical, Chevron, BP, Rio Tinto and pharmaceutical giants Glaxosmith Kline and Proctor and Gamble already have tarnished their reputations through other incidents and are less vulnerable to public pressure from their customers.

The outcome of the case will set a precedent for whether companies can be held accountable for human rights violations committed overseas.

At stake is whether or not corporations can literally get away with murder.

According to Sum Of Us, when the Ogoni people of Nigeria began to nonviolently protest Shell's oil development, Shell colluded with the Nigerian military regime to violently suppress opposition through extrajudicial killing, torture, and crimes against humanity. More than 60 villages were raided, over 800 people were killed, and 30,000 more were displaced from their homes.

The lawsuit was brought on behalf of the late Dr. Barinem Kiobel – an outspoken Ogoni leader and eleven other Nigerians from the Ogoni area of the Niger Delta. The case seeks damages and other relief for crimes against humanity, including torture and extrajudicial

executions, and other international law violations committed with defendants' assistance and complicity between 1992 and 1995 against the Ogoni people.

In 1994, Dr. Barinem Kiobel and MOSOP leaders were detained illegally based on spurious charges, held incommunicado in military custody, tortured, then tried by a special court established by the military government using procedures that violated international fair trial standards.

Why did Dole Foods file an amicus brief?

In Nicaragua and the Philippines, thousands of banana plantation workers were sterilized by a toxic that was banned in the 1970s by the US Environmental Protection Agency (EPA). **The pesticide, produced by Dow Chemical, caused asthma, cancer, miscarriages, and sterilization.**

Dole has also been accused of hiring a paramilitary organization designated a terrorist organization by the U.S. government to intimidate and murder trade union leaders and ensure they didn't join unions or demand collective negotiations. The paramilitaries allegedly also murdered small farmers so that they would flee their land and permit Dole to plant bananas, and keep profits high.

What is an Amicus Brief?

An amicus brief is a document which is filed in a court by someone who is not directly related to the case under consideration. The most classic example of an amicus brief is a document filed by an advocacy group such as the American Civil Liberties Union. The additional information which is found in such a document can be useful for the judge evaluating the case, and it becomes part of the official case record. Many nations allow people or entities to file such documents with their courts.

The tradition of accepting amicus briefs comes from a larger concept, the amicus curiae, or "friend of the court." A friend of the court may be interested in a case for various reasons, although he or she is not directly involved.

Who has submitted amicus briefings in the *Shell v. Kiobel* court case?

An extensive list of corporations have filed pro-Shell amicus briefs to the Supreme Court. This includes Monsanto, Chevron, BP, Rio Tinto, Dow Chemical, Ford, pharmaceutical giant Glaxosmith Kline, Proctor and Gamble, Honeywell, ConocoPhillips, IBM, General Electric. It also includes right wing think tank the Cato Institute, and the U.S. Chamber of Commerce.

Dole is the world's largest producer and marketer of fresh fruit and vegetable products, and number 4 in the 2011 list of the top ten most trustworthy companies according to Trust Across America, a think tank dedicated to unraveling the complexities of trustworthy business behavior. Although most people associate Dole with health and nutrition, they have also have a darker side with a history of treating their workers poorly, to the point of human rights abuses overseas, dogging them in the media.