

## Doe vs. Unocal

Doe vs. Unocal Settled; Unocal to Compensate Villagers  
Unocal has agreed to settle the claims in Doe v. Unocal and compensate the villagers who sued the firm for complicity in forced labor, rape, and murder. Read the full press release [here](#)

Plaintiffs in this case seek redress for the human rights abuses associated with the Unocal pipeline project in Burma. The plaintiffs are Burmese peasants who suffered a variety of egregious violations at the hands of Burmese army units that were securing the pipeline route. These abuses included forced relocation, forced labor, rape, torture, and murder. In addition to EarthRights International (ERI), counsel for the plaintiffs includes Paul Hoffman, the Center for Constitutional Rights, Hadsell & Stormer, and Judith Brown Chomsky.

In a landmark decision in 1997, a U.S. federal district court in Los Angeles agreed to hear Doe v. Unocal. The Court concluded that corporations and their executive officers can be held legally responsible under the Alien Tort Claims Act for violations of international human rights norms in foreign countries, and that U.S. courts have the authority to adjudicate such claims.

After three years of discovery, the plaintiffs presented evidence demonstrating that, in the Court's words,

“Unocal knew that the military had a record of committing human rights abuses; that the Project hired the military to provide security for the Project, a military that forced villagers to work and entire villages to relocate for the benefit of the Project; that the military, while forcing villagers to work and relocate, committed numerous acts of violence; and that Unocal knew or should have known that the military did commit, was committing and would continue to commit these tortious acts.”

The Court also concluded that "the evidence does suggest that Unocal knew that forced labor was being utilized and that [Unocal and Total, a co-venturer in the Yadana project] benefited from the practice" and that "The violence perpetrated against Plaintiffs is well documented in the deposition testimony filed under seal with the Court." Nonetheless, the Court dis-



missed the case, concluding that Unocal could not be held liable unless Unocal wanted the military to commit abuses, and that plaintiffs had not made this showing. Plaintiffs have appealed this decision.

On September 18, 2002, the United States Court of Appeals for the Ninth Circuit reversed the District Court's decision allowing the lawsuit against Unocal to go forward. The three-judge panel held that the District Court was wrong in determining that the plaintiffs had to show that Unocal controlled the Burmese military's actions in order to establish Unocal's liability. The Ninth Circuit held that the plaintiffs need only demonstrate that Unocal knowingly assisted the military in perpetrating the abuses for Unocal to be held liable. Under this standard, the Court determined that the plaintiffs had presented enough evidence to go to trial.

Most recently, in February 2003, the Ninth Circuit Court decided to rehear the appeal before an eleven-judge en banc panel. Although the Court's decision erases the previous ruling, the plaintiffs are confident that the Court will again hold that Unocal may be found liable.

Regardless of the pending appeal's outcome, however, the courts' earlier opinions fully validates what the victims have alleged. Never again can Unocal deny that its project was built with the blood and tears of innocent people. No longer can there be any doubt that Unocal's involvement in Burma is morally reprehensible. The victims' voices have finally been heard, and Unocal is forever shamed. That is an enormous victory for a group of people who have literally risked their lives to tell their stories to the world.

Because the plaintiffs' state law based claims against Unocal were dismissed without ruling on them, plaintiffs have refiled those claims in California state court. Unocal petitioned the federal court to reassert jurisdiction over those claims, but the Court rejected Unocal's motion.

Subsequently, on August 20, 2001, Unocal's motion to dismiss the case from state court was rejected. Unocal argued to the state court that the federal court's dismissal barred plaintiffs'



state case because federal and state law are the same. The Court did not accept that argument, noting that state law differs from federal law. Unocal also made a number of arguments based upon the decisions of the U.S. Supreme Court and the U.S. Court of Appeals for the First Circuit that struck down Massachusetts' Burma Sanctions law. In particular, Unocal argued that it would violate the U.S. Constitution for a state court to hear plaintiffs' claims because doing so would intrude upon U.S. foreign relations, and that plaintiffs' claims are pre-empted by the federal Burma sanctions law. The court rejected all of these arguments.

June 11, 2002 marked another precedent-setting day in the case against Unocal when the lawsuit survived Unocal's motion for summary judgment. The Superior Court of California's decision makes the case against Unocal the first in U.S. history in which a corporation will stand trial for human rights abuses committed abroad.

In that decision, Judge Victoria Chaney held that the case against Unocal should go to trial because there are material issues of fact with respect to whether Unocal is responsible for human rights violations. Specifically, the Court found evidence that would allow a jury to find that Unocal's joint venture hired the military and that Unocal is therefore vicariously liable for the military's human rights abuses, and to conclude that Unocal breached California Constitutional and statutory law in its operations. In the first phase of the trial, Judge Chaney concluded that the Unocal subsidiaries involved in the Project are not sham entities. On September 14, 2004 Judge Chaney ruled that the plaintiffs are entitled to a trial on their other theories of liability. In so doing, she rejected Unocal's argument that she should dismiss the case in light of her prior decision, noting that decision "does not preclude [the plaintiffs] from proving defendants controlled specific aspects of the Yadana project to an extent beyond that permissible by a mere owner."

Judge Chaney had set a trial date for June of 2005 for a jury trial on the plaintiffs' claims of murder, rape, and forced labor. In March of 2005, Unocal agreed to compensate the plaintiffs in a historic settlement that ended the lawsuit. Read the full press release [here](#)