
Ruling against imposing an exhaustion requirement in Rio Tinto Papua New Guinea case

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Hbss Law reported that US Federal Court again rejected arguments from Rio Tinto late last week in a massive human rights claim brought by South Pacific islanders claiming the world's largest mining company conspired with the government of Papua New Guinea in crimes against humanity, racial discrimination and war crimes.

In the most recent ruling, Judge Margaret M Morrow held that the heinous nature of the allegations led to the court's conclusion not to impose an "exhaustion requirement" with respect to the claims.

An exhaustion requirement would require the Court to explore the possibility of dismissing the case in the US, leaving plaintiffs to start the legal process all over again in Papua New Guinea.

Mr Steve Berman lead attorney and managing partner at Hagens Berman Sobol Shapiro said that "Rio Tinto has tried every possible stalling tactic to prolong the case. Now that the court has rejected Rio's arguments again, we're eager to move this case forward so that the people of PNG can receive the justice they deserve."

Mr Berman said that "We are anxious to show the world evidence of the company's participation in these international law violations from former senior level army officers. We are eager to introduce evidence showing that Rio supplied gunships and supplies and facilitated war crimes in order to keep revenues from their mine flowing."

Mr Barman said that "We can only hope that Judge Morrow's thorough and reasoned opinion will allow victims in this case an opportunity to prove the allegations against Rio for its indefensible human rights violations."

The case, originally filed in 2000 in US District Court in Los Angeles, seeks to represent Bougainville island residents exposed to toxins resulting from Rio Tinto mine operations and those who were injured or killed during the political and social conflict between Rio Tinto and PNG citizens, which began in 1989 and raged until 1999.

According to a declaration by General Singirok commander of the Papua New Guinea Defence Force at the time of the alleged atrocities in the 1990s "The PNGDF was Rio Tinto's personal security force and was ordered to take action by any means necessary."

Rio Tinto has argued for years that despite the Alien Tort Claims Act explicitly stating that foreign nationals can bring suit in the US against companies that violate international law, plaintiffs in the Rio Tinto case should not be allowed to do so. Rio Tinto is the parent company of subsidiary US Borax Inc headquartered in Los Angeles.

(Sourced from hbsslaw.com)

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