

PPT

PERMANENT
PEOPLES'
TRIBUNAL

SESSION of the Permanent
Peoples' Tribunal (PPT)

2010

THE EUROPEAN UNION AND TRANSNATIONAL CORPORATIONS IN LATIN AMERICA:

Policies, instruments and actors complicit
in the violations of People's Rights

14 and 15 May, Madrid



Enlazando
Alternativas

Red Birregional Europa -
América Latina y el Caribe

Organisations that participate from the Permanent People's Tribunal 2010

Acción Internacional para la salud – Latinoamérica y
 Acción Internacional para la salud – Latinoamérica y Caribe
 Alianza Mexicana por la Autodeterminación de los Pueblos
 (AMAP) (México)
 Alianza Social Continental
 Asociación de Usuarios del Agua de Saltillo (AUAS) (México)
 Associação de Pescadores e Aqüicultores da Pedra de
 Guaratiba (AAPP Guaratiba) (Brazil)
 Associació d'Amistat amb el Poble de Guatemala (Spanish
 State)
 Attac Madrid (Spanish State)
 Attac Vaud / Multiwatch (Switzerland)
 Ayuda de la Iglesia de Noruega (AIN)
 Consejo de Defensa de la Patagonia (Chile)
 CEIBA (Spanish State)
 CEIBA – Amigos de la Tierra Guatemala
 CENSAT - Agua Viva, Amigos de la Tierra Colombia
 Centre for Research on Multinational Corporations (SOMO)
 (Netherlands)
 Centre legale pro Afro Discendenti e Indigeni (Italy)
 Centro Agroecológico Terra Viva (Brazil)
 Centro de Derechos Humanos Tepeyac del Istmo de Te-
 huantepec (México)
 Centro de Estudios para la Justicia Social - Tierra Digna
 (Colombia)
 Centro de Estudos Ambientais (CEA) (Brazil)
 Centro de Estudos e Pesquisas e para o Desenvolvimento
 do Extremo Sul da Bahia (CEPEDES) (Brazil)
 Coalición Ecuatoriana de personas viviendo con VIH/SIDA
 (Ecuador)
 CODESA (Chile)
 Colectiva de Mujeres Hondureñas (Codemuh) (Honduras)
 Colectivo de Abogados José Alvear Restrepo (Colombia)
 Colombia Solidarity Campaign (UK)
 Collectif Guatemala (France)
 Coordinadora Nacional de Comunidades Afectadas por la
 Minería del Perú (CONACAMI)
 Comitê a Baía de Sepetiba pede Socorro (Brazil)
 Confederación Mapuche de Neuquén (CMN) (Argentina)
 Conselho Indigenista Missionário (CIMI) (Brazil)
 Corporación Social Para la Asesoría y Capacitación Comu-
 nitaria (COSPACC) (Colombia)
 Corporate Europe Observatory (Belgium)
 Campagna per la Riforma della Banca Mondiale / ManiTese
 (Italy)
 Ecologistas en Acción / Ekologistak Martxan (Spanish
 State)
 Ecosistemas (Chile)
 Entrepueblos (Spanish State)
 Federación de Indígenas Quechuas del Pastaza (FEDI-
 QUEP) (Peru)
 Fundación de Investigaciones Sociales y políticas (FISyP)
 (Argentina)
 Fundación Rosa Luxemburgo (Brazil)
 Foro Boliviano de Medio Ambiente y Desarrollo (Fobomade)
 (Bolivia)
 France Amérique Latine (France)
 Frente de Defensa Miguelense (FREDEMI) (Guatemala)
 Frente Nacional de Lucha (Guatemala)
 Fundación Misión Salud (Colombia)
 Greenpeace Chile
 Greenpeace Spain
 Grupo de Trabajo sobre Propiedad Intelectual / REBRIP
 (Brazil)

Grupo Nacional Contra la Deuda (Ecuador)
 Instituto de Estudios sobre Desarrollo y Cooperación Inter-
 nacional HEGOA (Spanish State)
 IFARMA (Colombia)
 Instituto Biofilia (Brazil)
 Instituto de Ciencias Alejandro Lipschutz (ICAL) (Chile)
 Jubileo Sur
 Movimento dos Atingidos por Barragens (MAB) (Brazil)
 Mesa de ONGs que trabajan con VIH/Sida (Colombia)
 Movimiento Fuerza de mujeres WAYLUU (Colombia)
 Movimiento Mundial por los Bosques (WRM)
 Movimiento Social Nicaragüense "Otro Mundo es Posible"
 (Nicaragua)
 Núcleo Amigos de la Tierra Brazil
 Observatorio de las Multinacionales en América Latina /Paz
 con Dignidad (Spanish State)
 Observatorio de la Deuda en la Globalización (Spanish
 State)
 Organización Nacional Indígena Colombia
 Otros Mundos Chiapas - Amigos de la Tierra México
 PACS – Instituto de Políticas Alternativas para o Cono Sul
 (Brazil)
 Red Colombiana de Personas viviendo con VIH/Sida
 Red de Acción en Agricultura Alternativa (RAAA) (Peru)
 Red de Usuarios de Servicios Públicos de la Costa Caribe
 (Colombia)
 Rede Social de Justiça e Direitos Humanos e Comissão
 Pastoral da Terra (CPT) (Brazil)
 REDES – AT Amigos de la Tierra Uruguay
 Sembrar (Colombia)
 Setem (Spanish State)
 Sindicato de Continental Tire (México)
 Sindicato de Trabalhadores Rurais de Anchieta, Estado do
 Paraná (Brazil)
 Sindicato dos Bancários e Trabalhadores no Sistema
 Financeiro do Extremo Sul da Bahia (SINDBANCÁRIOS)
 (Brazil)
 Sindicato dos Empregados em Empresas de Assessora-
 mento, Perícias, Informações e Pesquisas e de Fundações
 Estaduais do RS (SEMAPI) (Brazil)
 Sindicato Mexicano de Electricistas (SME) (México)
 Sindicato Nacional Revolucionario de Trabajadores de la
 Compañía Hulera Euzkadi (SNRTC) (México)
 AHORA Cooperativa TRADOC (México)
 Solidaridad Suecia-América Latina (SAL) (Sweden)
 Terra de Direitos (Brazil)
 Transnational Institute (The Netherlands)
 Unión de Comunidades Indígenas de la Zona Norte del
 Istmo (UCIZONI) (México)
 Veterinarios sin Fronteras (Spanish State)
 Via Campesina Brazil
 War on Want (UK)



Enlazando
Alternativas

May 2010

Red Birregional Europa -
América Latina y el Caribe



INDEX

PRESENTATION PERMANENT PEOPLE’S TRIBUNAL (PPT)

JURORS PPT MADRID 2010

CASES PRESENTED TO THE PPT MADRID 2010

Complicity of the European Union, its Members States and the international institutions with Transnational Corporations s

Agrenco	6
Aguas de Barcelona - Suez	7
Louis Dreyfus Commodities	8
Pescanova	9
Telefónica	10
UE/Empresas farmacéuticas	11
Syngenta	12
Banif - Santander; GDF-Suez	13
Hanes Brands Incorporated	14
Holcim	15
Stora Enso	16
Unión Fenosa (and other TNCs: Iberdrola, Gamesa, Preneal, Acciona, Gas Natural)	17
Continental	18
Goldcorp	19

Violations of national and international legislations and People’s Rights by Transnational Corporations

Bayer	20
British Petroleum	21
Canal de Isabel II	22
Carbones del Cerrejón Ltd.	23
Endesa - Enel	24
Impregilo	25
Nestlé	26
Perenco	27
Pluspetrol	28
Proactiva Medio Ambiente (Veolia)	29
Repsol YPF	30
Rio Blanco/Majaz Minería	31
Thyssen Krupp (TKCSA)	32

Session of the Permanent Peoples' Tribunal (PPT)
*THE EUROPEAN UNION AND TRANSNATIONAL CORPORATIONS
IN LATIN AMERICA: POLICIES, INSTRUMENTS AND ACTORS COMPLICIT
IN THE VIOLATIONS OF PEOPLE'S RIGHTS*

In the context of the Peoples Summits, the Bi-regional network Europe-Latin America and the Caribbean Enlazando Alternativas, has organised two Tribunal Sessions in the framework of the Permanent Peoples' Tribunal (PPT) on "Neoliberal Policies and European Transnational Corporations (TNCs) in Latin America and the Caribbean". These sessions exposed the violations of human rights, labour rights and environmental standards committed by more than 25 multinational companies based in the European Union and their subsidiaries (including Repsol YPF, Unión Fenosa, Suez, Unilever, Ence, Botnia, Shell and European banks such as BBVA and ABN-AMRO) in Latin America and the Caribbean.

In the first Tribunal in Vienna (2006), there were several cases against TNCs operating in the service sectors, infrastructure, energy, agro-food chain, finance and telecommunications, among others. The bi-regional process of documenting TNCs violations continued with a second Session held in Lima (2008), in which 21 cases were filed against TNCs involving 10 EU member states.

The PPT Session in Madrid, while bringing this work to a culmination will also open a new phase of work. It will be a moment to give visibility to the process and experiences accumulated in Vienna and Lima and other instances of PPT Hearings. This session of the Tribunal will focus not only on the TNCs but also on the European institutions, policies and actors who are complicit in creating an architecture of impunity for the operations of TNCs. In addition, the Tribunal will hear denunciations against the impunity of European TNCs and the impacts of their operations on the Rights of Peoples. The Tribunal will also initiate the debate on TNCs human rights violations in terms of "crimes against humanity."

The evidence gathered, the experience of campaigns and cumulative conceptual advances during the process of the various Tribunals organized between May 2006 and May 2010, will be the basis to move forward towards new articulations and strategies that seek to dismantle the power of transnational corporations. In this way the protection of people and the planet will be affirmed and moved towards practices of "living well" with a vision of collective well-being and global co-existence.



History of the Permanent Peoples' Tribunal

The PPT is an international “opinion tribunal” independent of State authorities. It succeeded the tribunal for crimes against humanity committed by the United States in the war against the Vietnamese people (the Russell Tribunals). Inspired by the Italian senator Lelio Basso, one of the leaders of the anti-fascist resistance in Italy. From the Russell Tribunals were born various organisms that took on the struggle for human rights for peoples amongst which is the Permanent Peoples Tribunal (PPT) that has become a permanent structure. The PPT is made up of nearly 130 members, named by the council of the **Lelio Basso International Foundation for the Rights and Liberation of Peoples**.

Its function is to expose and qualify in legal terms these situations in which charges are made of crimes against humanity yet are not judged by legal bodies and therefore remain unpunished.

Up until today there have been over 40 sessions of the PPT, judging facts that have happened in many countries and involving situations from genocide to ecological crimes. Cases such as impunity in Latin America (Bogota 1991), the Conquest of America and International Law (Venice, 1992), Permanent People's Tribunal on Global Corporation and Human Wrong (Warwick, 2000), neoliberal policies and European multinationals in Latin America and the Caribbean (Viena, 2006; Lima 2008), Transnational Corporations and the Rights of Peoples in Colombia - 2005-2008 (Berna, 2005; Bogota and Medellín, 2006; Chocó and Bogota 2007; Bogota, 2008).

Jurors of the Permanent Peoples Tribunal – Session in Madrid

PRESIDENT

Perfecto Andrés Ibáñez (Spanish State):

Member of the Supreme Judicial Council (CGPJ) between 1983 and 1985. Entered the Supreme Court in November 2000. Member of Democratic Justice from 1973 to 1977. Director of the Magazine “Jueces para las Democracia, Información y debate”.

SECRETARY GENERAL

Gianni Tognoni (Italy):

Doctor of philosophy and medicine. Director of the Institute of Pharmacological Research “Mario Negri”. One of the world’s leading experts in health policy and pharmaco-epidemiology. Permanent Advisor of the World Health Organization. TPP Secretary General of the last few years.

MEMBERS FROM LATIN AMERICA

Blanca Chancoso (Ecuador):

Human rights defender. Former head of the Confederation of Indigenous Nationalities of Ecuador (CONAIE).

Sara Larraín (Chile):

Ecologist and Chilean politician, presidential candidate in the elections of 1999. Program Director Chile Sustentable and current Coordinator of Cono Sur Sustentable.

Nora Cortiñas (Argentina):

Militant and defender of human rights in Argentina, co-founder of the Mothers of Plaza de Mayo Founding Line. Nora is a social psychologist and professor at the Faculty of Economics, University of Buenos Aires.

Bertha Oliva (Honduras):

General Coordinator of the Committee of Relatives of Detained-Disappeared in Honduras (COFADEH), an organization working for human rights in that country since the early eighties.

Alirio Uribe (Colombia):

Renowned human rights defender and one of the key figures in the chapter Colombia of the Permanent People’s Tribunal. President of the Colectivo de Abogados Jose Alvear Restrepo in Colombia.



Marcos Arruda (Brazil):

Economist and popular educator. He has served as an advisor to local governments and the Workers' Party (PT). He is involved with the Brazilian network on Multilateral Financial Institutions and is a co-ordinator of the Brazilian Jubilee 2000 Campaign.

MEMBER FROM UNITED STATES

Judith Brown Chomsky (US):

Senior lawyer on corporate crimes and human rights. With the Center for Constitutional Rights in New York she has brought legal suits against major oil companies and munitions manufacturers on behalf of villagers from Burma, Nigeria and Gaza. She has sued human rights abusers from Bosnia and East Timor.

MEMBERS FROM EUROPE

Antoni Pigrau Solé (Spanish State):

Professor of public international law at Rovira i Virgili University of Tarragona, author of numerous writings on international law and member of several academic circles on this subject. He is director of the Centre for Environmental Dret Tarragona (CEDAT) of the URV.

Carlos Taibo Arias (Spanish State):

Writer, editor and professor of Political Science and Administration at the Autonomous University of Madrid, where he led the Russian studies program at the Institute of Sociology of New Technologies.

Francesco Martone (Italy):

Former Italian senator. Diploma in Private International Law with a thesis on transnational corporations in the Third World and agreements on investment protection. Activist and environmentalist.

Roberto Schiattarella (Italy):

Economist and researcher. Professor of Economic Policy at the University of Camerino. Has publications on transnational corporations and production structure, international relocation and labor, among others.

Gustave Massiah (France):

Economist, urbanist, and political analyst. He was a professor of urbanism at the French Ecole spéciale d'architecture in Paris, as well as the head of the CRID (Centre de recherche et d'information sur le développement). Gustave Massiah is one of the founders of the French Attac, and had been its vice-president until 2006.

THE DESTRUCTION OF INDIGENOUS TERRITORY BY THE DUTCH MULTINATIONAL AGRENCO IN MATO GROSSO, BRAZIL

The EU is responsible for allowing the production systems of agro fuel to impinge upon the rights of indigenous people. Such is the case of the company Agrenco Group, with head quarters in Holland and a subsidiary company, Agrenco do Brazil. Financed by European banking, it violates human rights and provokes environmental deterioration and the displacements of local populations in the state of Mato Grosso, Brazil.

Although the rights of indigenous peoples are recognized by international legislation such as the International Covention on Civil and Political Rights, the International Covention on Economic, Social and Cultural Rights, the ILO Convention 169 and the United Nations Declaration on the Rights of Indigenous Peoples, the company systematically violates those rights by destroying the environments where these communities inhabit. The deforestation and the contamination of water and soil provoked by single crop farming of soy beans all impinge on the right to food, water, a healthy environment, health, free determination, etc.

The E.U, through its internal objectives of compulsory use of agro fuels, has caused an increase in the demand of products such as soy, jatropha, palm oil, etc. On the other hand it gives incentives to the production companies in the sector without establishing sufficient sustainability prerequisites. The E.U. also puts pressure on these countries to sign bilateral and bioregional agreements thus favouring the entrance of European companies.

The European Union has allowed the activities of Agrenco do Brasil to be developed in a favourable framework thanks to agreements with Brazil which date back to 1992. This preferential treatment has been strengthened by the Directive 2003, related to the promotion of the use of bio fuel and the Communication 2006, which establishes the threshold of a 5,7% of bio fuel use within the centre of the Union. And since this quantity is not produced within its borders, the EU imports agro fuel from regions such as Mato Grosso, without considering the social dimension of sustainability and the protection of human rights.

The company also benefits from the Brazilian programmes and of the sate of Mato Grosso for the production of bio diesel. In order to evaluate the issue it is important to point out that the governor of the sate, Blairo Maggi, is one of the major producers of bio diesel worldwide and that he has received financing from the Interamerican Bank of Development.

For all these reasons it is essential that the E.U. adopt a moratorium on incentives for agro fuel and the agro energy produced in large-scale monocultures.

**Organization presenting the accusation:
CEIBA (Spanish State).**

THE IMPACTS OF THE MANAGEMENT OF THE SPANISH FRENCH MULTINATIONAL AGUAS DE BARCELONA IN MEXICO

The multinational Aguas de Barcelona has caused various impact in Mexico through their subsidiary company Aguas de Saltillo. The private management of this multinational has caused the over-exploitation of the aquifer in the Municipality of Saltillo, causing deterioration of the water quality and affecting the economic, social and cultural rights of the poorest sector of the population by making their supply of drinkable water inaccessible.

In 2001 the multinational Aguas de Barcelona acquired their subsidiary in Saltillo (Coahuila State, México), under the name Aguas de Saltillo. In spite of the fact that the private management of this company has caused over-exploitation of the aquifers Aguas de Saltillo (Agsal) cancelled the conservation and water saving campaigns amongst its users and is still exploiting the same wells. Eventually this will entail serious problems of supply.

A deterioration of the quality of water is also a consequence of the over-exploitation of the aquifers. In fact, Agsal has not obtained the "Certificate of Sanitary Quality of Drinkable Water" demanded by the Secretary of Health. The distribution network is in very poor condition and there is a registered 40% leakage of transported water.

Domestic users from the low income sector, 92% of total users, have suffered the most from the negative aspects of the company's management, who has increased its earnings by implementing measures such as increasing the prices above inflation limits and not respecting what was established in the association contract. Neither does it comply with the agreements established between the company and the local government to charge lower prices to the poorest communities. There are excessive charges for connecting to the services of water and sewers. Water is also systematically cut off from those users who cannot afford the bills and the fines charged for reconnection are superior to the maximum established by the Law of Waters of the State of Coahuila for users of medium to high income. There is also an excessive charge for water supplied to non-regularised settlements and they make sure these users sign agreements for payments by credit with high interest rates which they cannot afford to pay. In many cases the accumulated debts become unplayable and Agsal suspends the services.

Also, as mentioned earlier, Agsal has acted illegally, with total impunity and protected by its main partner, the Municipality of Saltillo. When information is requested from the company, Agsal claims their right to keep privacy. This fact has obliged several members of the Association of Water Users to present "demands of revision", which have been resolved by the Access to Information Institute of Coahuila (ICAI) in favour of the claimants. However, the definitive responses of the company to such demands, and the data that figures on their web page or in public documents is false, incomplete or irrelevant.

Organisations presenting the accusation:

La Asociación de Usuarios del Agua de Saltillo (AUAS) de México.

THE EXPANSION OF MONOCULTIVATION BY THE FRENCH MULTINATIONAL LOUIS DREYFUS FACED WITH THE SURVIVAL OF THE GUARANÍ KAIOWÁ PEOPLE IN BRASIL

The French multinational company Louis Dreyfus has rapidly expanded in various Brazilian States, acquiring sugar mills and extending the boundaries of the sugar cane single crop plantations. This situation has had a serious impact on the Guaraní Kaiowá people, increasing the violence they are subject to by the plantation owners. It has also had an impact on the conservation of such valuable ecosystems as el Pantanal, a UNESCO world heritage site.

In 2005 the company expanded throughout various Brazilian states such as Sao Paulo, Minas Gerais and Mato Grosso do Sul. In 2009 it took shares in one of the second biggest sugar and ethanol producers, LDC-SEV Bioenergia, along with other multinationals such as Basf, Bayer and Syngenta.

Parallel to the increase in available land for single crop sugarcane farming in Mato Grosso, the violence against the Guaraní Kaiowá people increased. They live confined in their territory and without rights. According to the Indigenous Missionary Council (CIMI), the Guaraní-Kaiowá communities live in a state of extreme precariousness and the lack of land creates serious social problems such as the deaths of children resulting from malnutrition, suicides (mainly amongst young people between 12 and 18 years old), alcoholism and murder. These communities have long been the object of violence by the plantation owners and there have been incidences of murder and slave work in the sugarcane cutting. According to a testimony by the CIMI in 2007, "there is evidence of four murders of indigenous people that have occurred in sugar mill accommodations".

What is more, there is pressure on the government to lift the boundaries on indigenous territories so as to be able to change the legislation in order to allow new sugar mills to be installed in the region between the basins of the Paraguay and Paraná rivers. The activity of the multinational makes the land conflicts even worse and increases the destruction of the Cerrado in Mato Grosso, an ecosystem known as the "country of water" because it supplies water to the countries main hydrographic basins. In these basins are found many species in danger of extinction. It has also contaminated underground water sources including the Guaraní aquifer. According to Alessandro Menezes, from "Ecology and Action", "sugar cane monoculture can alter large areas of the Cerrado, compromising its biodiversity and causing damage to the surrounding area of Pantanal, a region considered a world heritage site by UNESCO".

In Minas Gerais the activity of the multinational Louis Dreyfus actually managed to divert the course of the San Francisco river without an environmental licence or technical studies. What is more, the sugar cane farming expansion process is so intensive in this State that it reaches the Buffer zone of Sierra de la Canastra National Park, considered by the Biodiversity Atlas in Minas Gerais one of extreme biological importance.

With regard to the labour field, the region's sugar mills have a long history of slave work and killings of workers. The majority of the cutters are immigrants or indigenous peoples.

Organisations presenting the accusation:

Comisión Pastoral de la Tierra y Red Social de Justicia y Derechos Humanos de Brasil.

SOCIAL AND ENVIRONMENTAL DESTRUCTION CAUSED BY THE SPANISH MULTINATIONAL PESCANOVA IN NICARAGUA

The fishing exploitation of the Spanish multinational is seriously damaging the Nicaraguan mangrove swamps. These ecosystems are the source of alimentary security and family subsistence of thousands of families in the area of Estero, Nicaragua. Its activities are provoking irreparable environmental damage as well as affecting the economic and social development of the zone's populations.

The Spanish multinational Pescanova has been freely exploiting the mangrove swamp region in Nicaragua. It's fishing operations take place in a zone of crucial biological, environmental and socio-cultural importance for its inhabitants, who are craft fishermen. Pescanova's fishing system is killing off young species that have not yet reached the reproductive stage, causing them to be threatened with extinction. Consequently, the zone's fishermen are forced to fish further away from the area, which means they are exposed to strong winds, a factor which has already caused several deaths. The local population depends directly on the ecosystem of the mangrove swamp to feed themselves and their families and are being deeply affected by its unstoppable deterioration.

The expansion practises of Pescanova have been worryingly increasing the levels of water contamination affecting the mangrove species. This tree plays an ecologically palliative role against possible climatic changes as it is a CO2 fixative, as well as immobilizing large quantities of sediments rich in organic matter. Pescanova currently has the concession to exploit 5,000 hectares in the region of El Estero, 30% of the total mangrove swamp area.

There are significant violations by the multinational of the labour rights of the people they employ. It subjects its workers to days of over 12 hours, deducting taxes from their overtime pay and limiting or prohibiting the workers' right to unions.

The Nicaraguan government breaches the duty imposed on it by the Political Constitution and national law, as well as the International Law of Human Rights and the labour agreements entered into in the framework of the International Labour Organisation and of which Nicaragua is a part. It also fails to comply with its duty to guarantee appropriate information to the population about the entering into agreement with contracts and agreements with international financial organisms and transnational companies, thereby creating a free trade zone regime, tax free, at the cost of the deterioration of living conditions of the zone's inhabitants dependent on the mangrove swamps.

Organisations presenting the accusations:

Movimiento social nicaragüense Otro Mundo es Posible, Alianza Social Continental y Jubileo Sur América, Veterinarios sin Fronteras (Spanish Estate).

TELEFONICA IN THE DOCK FOR VIOLATING TRADE UNION FREEDOMS AND THE FUNDAMENTAL RIGHT TO DIGNITY AT WORK IN CHILE

The Permanent People's Tribunal will hear the case presented against Telefonica Chile for violation of trade union freedoms, and violation of the fundamental right to work and to decent working conditions. This transnational company's practices are at odds with the international agreements disseminated by the International Labour Organisation and ratified by Chile.

Telefonica Chile is a subsidiary of Telefonica S.A. (The Telefonica group in Spain) which owns 97.89% of shares in the company. Telefonica has had a presence in the country since 1990, when national telecommunications and public services in Chile were privatised. Structural adjustment policies introduced by the Pinochet dictatorship and imposed on the Latin American economy under US guidance, by the World Bank and the International Monetary Fund, were taken advantage of by Spanish transnationals to become the leaders in Direct Foreign Investment (DFI) in Chile and Latin America.

The Pinochet State fired workers and fragmented the trades unions, and in that way "disciplined" the labour force. Telefonica Chile, as a subsidiary of Telefonica Spain, was backed by Spanish governments while they were setting up in the country. The Spanish State reached agreements with the Concertación governments, with whom they shared a neoliberal position. The relationship between the Spanish State and the transnational corporation allowed the investments to be made with full economic and legal guarantees. Telefonica installed themselves in Chile, hegemonizing the telecommunications sector, and creating a monopoly.

Capital flight in the 1990s had a huge impact on labour relations within the company. Telefonica has promoted a massive flexibilisation of production conditions, increasing their profits in exchange for increased externalisation of functions, which has allowed a great rise in the profit margins. During three consecutive years (2006, 2007 y 2008), Telefonica Chile has been sanctioned by the Work Directorate, for their practices of union persecution against the organised workers who stand up against their restructuring.

Organisation making the accusation:

Instituto de Ciencias Alejandro Lipschutz (ICAL) de Chile

THE VIOLATION OF THE RIGHT TO HEALTH AND LIFE IN LATIN AMERICA BY THE EUROPEAN UNION

The civil societies of Brazil, Peru, Colombia and Ecuador, countries affected by the confiscation of generic medicines in European harbours, are reporting the EU for violating the human rights to health and life of the populations of the affected countries by creating illegitimate and illegal obstacles to the access of generic medicine used to treat diverse illnesses.

The application of EU standards for custom measures against products that may violate intellectual property rights, has allowed custom authorities of harbours in member countries to seize generic medicines in transit, under the accusation of violating European patents. This has provoked the seizing of at least 18 cargos of legitimate generic medicines exported from India to developing countries, most of them in Latin America. However, the pharmacological products complied with the legislation of producer/exporter countries, as well as with multilateral agreements which regulate international trade and the protection of intellectual rights.

The confiscation is being therefore carried out under groundless legal justifications, accusing companies that produce generic medicine of infringing patents, when actually the medicines were protected by patents in European countries but not so in the countries of origin and destination.

As there was no possibility of entry for these medicines in the European market, pharmaceutical companies would not have been commercially affected in those countries where their patents are recognized. This is the way in which the E.U. is trying to impose the patents of pharmaceutical transnational companies to those countries where the products are not under the protection of these patents. With this attitude, the European Union is violating international rules in order to favour the private interests of their companies and is damaging the human rights of the peoples of those countries affected by the confiscation.

Also, the E.U. is contributing to the promotion of confusion between false and generic medicines in order to avoid competition, giving generic medicines a reputation of being pirated goods that are harmful to health.

For this reason, the civil societies of Brazil, Peru, Colombia and Ecuador, countries affected by the confiscation of generic medicines in European harbours, is denouncing the EU for violating human rights to health and life of the people of the affected countries, through the creation of obstacles, both illegitimate and illegal, to access to generic medicines used for the treatment of several illnesses which affect these populations.

Organisations presenting the accusation:

Acción Internacional para la Salud - Latinoamérica y Caribe, Coalición ecuatoriana de personas viviendo con VIH/Sida, Grupo de Trabajo sobre Propiedad Intelectual/REBRIP (Brasil), IFARMA (Colombia), Fundación Misión Salud (Colombia), Mesa de ONGs que trabajan con VIH/Sida (Colombia), Red Colombiana de Personas viviendo con VIH/Sida.

SWISS MULTINATIONAL SYNGENTA HIRES MERCENARIES FOR ITS INVESTMENTS IN BRAZIL WITH THE COMPLICITY OF THE EU AND THE WTO

Swiss multinational Syngenta has been accused of violating human rights in Brazil by hiring mercenaries, polluting soil with agro-toxics, criminalizing social protests and contaminating agro-biodiversity with their genetically modified seeds, amongst other impacts.

Syngenta produces, distributes and promotes the use of genetically modified seeds and agro-toxics. It also acts to privatize the right to free use of agro-biodiversity in order to gain worldwide monopoly of agriculture production. The multinational, through their predecessor Novartis and Zêneca, has been operating in Brazil since 1970.

The production, commercialization and consumption of Syngenta's genetically modified corn (Bt 11) was approved in Brazil in 2007. However, the impacts deriving from this decision, such as genetic pollution, the violation of farmer's rights to freely choose their productive and technological agricultural systems as well as the right of consumers to be informed about the origin of the product, were not taken into account. It also provokes irreversible damage to the biological diversity of the country. This approval was therefore the result of the multinational's lobby taking into account that several studies on genetical pollution were carried out on conventional corn and also on the effect of pollenisation on other varieties of genetically modified corn. Therefore Syngenta did not comply with the precaution principle established in Brazil.

The main environmental impacts due to intensive use of agro toxics are the pollution of water, soil and air. Both genetic and environmental pollution undermine the rights of farmers, breeders and the traditions of indigenous peoples. Farmers have the rights to an agriculture free of genetically modified crops, to nutritional and biological diversity as well as to agricultural and technological decentralization.

The E.U and the World Trade Organization (WTO) have a direct responsibility on this matter and are also accomplices of these reported cases of violations of human rights. The E.U is a consumer of genetically modified products grown in South America and at the same time promotes policies that favour the power of multinationals within the biotechnology sector. The WTO is a key institution regarding international agreements on patents. Brazil has legally supported the interests of multinational companies of the sector and has also limited farmers' rights to use, keep, exchange and sell seeds and other reproductive material.

In this specific case the decision of the court after an analysis of the case, and the popular verdict, would be of utmost importance. This decision could be taken to Brazil and be used to assist the existing resistance processes.

Organisations presenting the accusation:

Terra dos Directos and Sindicato de Trabalhadores Rurais de Anchieta (Brazil).

***ENVIRONMENTAL IMPACT ON BRAZILIAN AMAZONIA
BY THE SPANISH FINANCIAL GROUP SANTANDER,
ITS BRAZILIAN SUBSIDIARY BANIF AND THE FRENCH COMPANY GDF-SUEZ***

Santander bank, its Brazilian subsidiary Banif, the French company GDF- Suez and the French government, as a shareholder of the latter multinational company, have not respected human, social, cultural or environmental rights by constructing the hydroelectric power stations of Santo Antonio and Jirau on the river Madeira in the Brazilian Amazon. The European Union and Brazilian, French, Portuguese and Spanish governments are also accused of not providing protection mechanisms for the victims of this infrastructure.

The mentioned companies have taken part in or are currently taking part in the building of the huge hydroelectric power stations that have caused severe environmental damage, such as mercury pollution, loss of water quality and the destruction of the valuable ecosystems of the river Madeira. It must not be forgotten that the building work is situated on the Amazon's second largest river, considered a treasure of biodiversity, home to over 750 species of fish and 800 species of birds, many of whom are threatened species and several others unknown.

The work has also contributed to the increase of illnesses such as malaria, yellow fever and dengue, due to the change in the aquatic ecosystems and the proliferation of mosquitoes. All the above consequences added to the loss of natural resources and hence the livelihoods of the local population, and to the land the project occupies have resulted in the expulsion of indigenous peoples and farmers, who had confirmed land entitlement processes. The European Union and the French, Spanish, Belgian, Portuguese and Brazilian governments, countries in which the headquarters of the accused multinationals are based, have not provided protection for the inhabitants or the environment. Rather the opposite, they have promoted measures that favour the investments of these transnational companies without assessing whether they have respected and are respecting the basic rights of the inhabitants in a clear example of "anti-cooperation".

The accusation demands that the United Nations and the European Union put into motion effective measures of protection and remedy for the victims of violations of basic rights which the construction of these installations have caused.

Organisations presenting the accusation:

Movimiento de los Afectados por Represas (Brazil), Movimiento Popular (Brazil), Foro Boliviano de Medio Ambiente y Desarrollo y Setem (Spanish State).

THE VIOLATION OF THE RIGHT TO HEALTH AND SAFETY OF THE HANES BRAND WORKERS IN HONDURAS

The American transnational textile company Hanes Brands INC (HBI) is responsible for the violation of labour rights to health, occupational safety and social security of their workers. The European Investment Bank and the State of Honduras are also denounced as accomplices to the crimes committed by HBI.

In the textile factories of Hanes Brands Inc (HBI), employees work between 9 and 11 hours per day. Some factories work under the system called 4 X 3, which consists of compressing the weekly 44 working hours into 4 days of work, instead of the normal 6 days per week.

It must be noted that their work consists of assembling clothes pieces and that workers therefore have to carry out over 6,000 repetitive movements on a daily basis. The forced positions and repetitive movements of neck, back, waist, shoulders, arms and hands result in multiple damages to their health.

What is more, the company's medical system prevents workers from having their injuries treated at the specialized clinics of the Honduran Institute of Social Security, so the damages are not treated in time and in most of the cases become irreversible. For these reasons the HBI is accused of the violation of the labour rights to health, occupational safety and social security of the workers.

Honduras is also accused of being an accomplice to the violations of labour rights because of promoting special laws for the creation of tax free areas for garment factories. In these zones multinationals are exonerated of all type of taxes and there is an absence of monitoring policies to control the health and safety conditions of the workers.

The European Investment Bank (BEI) is also an accomplice, having given credit of 20 million Euros to the Central American Bank for Economic Integration (BCIE) with the purpose of supporting the infrastructure for the export of these factories' production.

Finally, the public offices for the protection of workers do not have the necessary Resources, and influence peddling between representatives of the employer's association and inspectors, directors, mediators, and solicitors is frequent. The workers are in a defenceless position and most of those affected resist approaching these offices because they lack trust in the authorities, the high costs of a lawyer and procedural expenses, and the time required for these actions.

Organization presenting the accusation:

Colectiva De Mujeres Hondureñas (CODEMUH), War on Want (United Kingdom).

**SWISS TRANSNATIONAL CEMENT COMPANY, HOLCIM,
VIOLATES ENVIRONMENTAL AND SOCIAL RIGHTS IN COLOMBIA,
MEXICO AND GUATEMALA**

The Swiss cement company Holcim is to be held responsible for environmental and social damages caused by their extraction activities in the city of Bogotá (Colombia), the municipality of San Juan de Sacatepéquez (Guatemala) and the municipality of Atotonilco de Tula (Mexico). The socio-economic and cultural impact on the inhabitants of the three regions named in the accusations include direct and indirect loss of life and the contamination or complete disappearance of water catchments.

Holcim's victims in these cases are rural communities that have been able to coexist in their natural surroundings for decades, but who are now faced with an industrialised model that is being imposed by force. This also affects urban communities fighting for their existence amidst misery and exclusion.

Holcim is a leading opencast mining company, whose operations consist of the extraction of minerals such as sand, limestone, gravel for the production of cement and aggregate. It produces a quarter of the cement in Mexico, amounting to more than 40 million tonnes.

The transnational operates in 16 countries in Latin America. In Colombia, Guatemala and Mexico it is not only present under its corporate name, but also participates as a shareholder in other cement manufacturers, gaining double benefits: as a transnational they benefit from the legal security these countries offer them (in Colombia President Uribe guaranteed 20 years of tax reductions: they pay only 15%, half of what national industry does). As a national company, they benefit from the flexibilisation mechanisms in the Kyoto Protocol in terms of right to pollute.

The pressure that Holcim's extraction operations exert on the inhabitants and ecosystems turns the territory into an uninhabitable place where, in addition to the loss of their economic livelihood and cultural traditions, the natural riches, appropriated and commercialised by capital, fill the pockets of the few, with no benefits for the region, and even less for the State.

Organisation making the accusation:

Otros Mundos, Friends of the Earth Mexico, CENSAT - Agua Viva (Colombia), Friends of the Earth Colombia.

THE CORRUPTION OF THE SWEDISH-FINISH MULTINATIONAL COMPANY STORA ENSO IN BRAZIL AND URUGUAY

The Swedish-Finish transnational company Stora Enso is accused of causing major impact on environmental, social and labour spheres in Brazil and Uruguay through its operations related to the increase of monoculture forest plantations for the paper industry. It has promoted the criminalization of social organisations and behaved in a corrupt manner in the states of Bahia and Río Grande do Sul in Brazil.

Stora Enso's expansion throughout the state of Bahia caused the deforestation of an ecosystem as valuable as the Atlantic forest and it continues to devastate as it carries out an intensive tree felling operation in an area of woodland reclamation. The working conditions of its employees have also deteriorated and cases of corruption through the bribery of politicians have been exposed in the municipality of Eunápolis. The impact has not only been felt in Bahia but also in Río Grande do Sul, where it illegally obtained borderlands. In this same state it colluded with the government of the State of Río Grande to fiercely suppress the social groups that reject the multinational Stora Enso's activity and occupy its lands.

In Uruguay, the activity of the European multinational, in partnership with the Chilean company Arauco, has provoked a large concentration of land ownership for single crop forest farming. The consequences severely affect the food sovereignty of the local populations who cannot access the land for their crops.

All these operations have received the direct and indirect support of the European Union as well as the Brazilian, Swedish and Finnish governments, who prioritise business interests over social justice and environmental issues.

Organisations presenting the accusation:

El Centro de Estudos e Pesquisas e para o Desenvolvimento do Extremo Sul da Bahia, la Vía Campesina Brasil, Amigos da Terra Brasil, Amigos da Terra Uruguai, Centro de Estudos Ambientais, Instituto Biofilia, Sindicato dos Empregados em Empresas de Assessoramento, Perícias, Informações e Pesquisas e de Fundações Estaduais do RS, Sindicato dos Bancários e Trabalhadores no Sistema Financeiro do Extremo Sul da Bahia, Conselho Indigenista Misionário, Centro Agroecológico do Extremo Sul da Bahia y el Movimiento Mundial por los Bosques.

THE COMPLICITY OF MULTILATERAL BANKING AND THE SPANISH GOVERNMENT ON THE IMPACTS OF FENOSA UNION IN LATIN AMERICA.

The Spanish multinational Union Fenosa-Gas Natural has had strong impact in Colombia, Guatemala, Nicaragua and México. This impact is a consequence of the company's operations to obtain high profits for supplying a public service such as electricity. But it has also been the consequence of a set of policies dictated by multilateral banking, the privileged relationship between the company and the governments of the mentioned countries, and also the aid given by the Spanish Government's Funds for Development.

The privatization of the energy sector was imposed in order to obtain credit from multilateral banking (World Bank, International Monetary Fund, Inter-American Development Bank, Central American Bank of Economic Integration, and the European Bank of Investments). Thanks to this process Union Fenosa/Gas Natural is today one of the leading transnational energy companies in Colombia, Guatemala, Nicaragua and Mexico.

There is also a privileged relationship between the company and the governments of the countries where their branches are located. Thus, in 2006, Union Fenosa was not sanctioned for contributing to the power disaster in Nicaragua and in 2009, after strong protests in Guatemala, the Government of this country decreed a State of prevention, similar to the State of emergency. It has also been documented that the Spanish government granted credit from the Funds for Development Aid (FAD) to Union Fenosa in Nicaragua just before this multinational entered the country.

One of the most serious impacts of the provision of electricity by Union Fenosa-Gas Natural in Colombia is the identification of 150 cases of people electrocuted on the country's Atlantic Coast as a result of the poor condition and absence of maintenance of the electrical infrastructure. In addition to this, the company has criminal responsibilities as a result of their connections with the paramilitary. In Guatemala, this company has been rejected by much of the population due to unsatisfactory service and high charges. During protests eight popular leaders were assassinated.

In Mexico, Union Fenosa- Gas Natural is developing a large wind power project in the Isthmus of Tehuantepec that infringes the 169 ILO Convention. Finally, in Nicaragua, the Spanish multinational is violating human rights due to the inefficiency of the service. The country undergoes daily rations that have affected most of the population for over a year, with the consequent economic and social disorders caused by this situation.

Organizations presenting the accusation:

Red Nacional de Usuarios de Servicios Públicos y el Centro de Estudios para la Justicia Social "Tierra Digna" (Colombia), Asociación para la Promoción y el Desarrollo de la comunidad CEIBA - Amigos de la tierra Guatemala, Frente Nacional de Lucha (Guatemala), Associació d'Amistat amb el Poble de Guatemala y Observatorio de la Deuda en la Globalización (ODG) (Estado español), Sindicato Mexicano de Electricistas (SME), Centro de Derechos Humanos Tepeyac del Istmo de Tehuantepec. A.C. (México), Alianza Mexicana por la Auto-determinación de los Pueblos (AMAP), Unión de Comunidades Indígenas de la Zona Norte del Istmo (UCIZONI) (México), Movimiento Social Nicaragüense "otro mundo es posible".

THE VIOLATION OF LABOUR RIGHTS BY THE GERMAN MULTINATIONAL CONTINENTAL AG IN MEXICO

The German multinational Continental AG has violated the labour rights of 1,164 workers of its Mexican subsidiary the Company Hulera Euzkadi, by illegally closing down the company. As well as dismissing all workers their trade union was ignored, the company impeded their right to strike, threatened their employees with penal reprisals and took away from them basic services such as health.

On December 16th 2001, the multinational Continental AG closed down the plant of one of its subsidiaries in Mexico, the Compañía Hulera Euzkadi, illegally dismissing 1,164 workers. This action violated the Federal Work Law because it was carried out without a trial before the Federal Board of Conciliation and Mediation (Junta Federal de Conciliación y Arbitraje), where the workers would have had the opportunity to defend their rights. It is only following a decision by this organism that a company can legally proceed to shut down a plant. The trade union was never notified by the company of the closure, only the workers were given notice of their dismissal and were told that they could collect their indemnity.

The company also violated the Law Contract of the Industry of Rubber Transformation for which reason the National Revolutionary Trade Union of the Hulera Euzkadi company – (SNRTE) initiated a strike two months after the closing of the plant. The strike was declared inadmissible and without any legal justification, which clearly shows the complicity of the Mexican government with the multinational. In order to increase the pressure on workers, national health services were denied to them and their families. The tragic consequence of this measure was the death of four people due to lack of medical service. The company even sent letters threatening those who did not accept the offers of the forth-coming redundancies with penal reprisals.

All of these factors are a violation against the ILO conventions, as well as against the directives of the Organization for Economic Cooperation and Development (OECD), but when SNRTE reported them they never received an answer. A demand was also presented before the Contact Point of the OECD in Germany and the German Ministry of Economy, who argued that the issue was not their responsibility but that of their counterpart in Mexico.

This lawsuit shows the complicity between the Mexican government, the OECD, the European Commission and the German government in the violation of social, human and economic rights of the SNRTE workers.

Finally the company solved the problem by exchanging the factory located in El Salto, in return for the unpaid salaries. But the politics used on the workers of the Hulera Euzkadi company and in other cases reported in Mexico, Ecuador, and even France, show the predatory character of this German transnational that maintains a systematic policy of violation of the labour rights of their employees.

Organizations presenting the accusation:

Sindicato Nacional Revolucionario de Trabajadores de la Compañía Hulera Euzkadi (SNRTE), México, AHORA Cooperativa TRADOC, México, Sindicato de Continental Tire Mexico, France Amérique Latina (FAL), France.

THE VIOLATION OF RIGHTS OF THE INDIGENOUS PEOPLE BY THE MINING MULTINATIONAL GOLDCORP IN GUATEMALA

The transnational mining company Goldcorp is accused of violating the rights of the indigenous people of Guatemala through its oil exploitation in the province of San Marcos. The company's large profits go straight to the Swedish, Norwegian and Irish shareholders' pension funds. The paradox of this case is that the social impact of the mining company, combined with its high income, benefit the payments of private pensions in Europe.

The transnational mining company Goldcorp is originally Canadian but has Swedish, Norwegian and Irish pension fund shareholders. It owns the Montana company in Guatemala which is carrying out the Marlin Mine gold and silver extraction project in San Miguel Ixtahuacán and Sipakapa (province of San Marcos). Goldcorp's mining operations have violated the right to consultation of indigenous people protected by Convention No. 169 of the International Labour Organisation (ratified by the Guatemalan Congress). It has also violated the right of self determination and self-government as well as the right to ownership, possession, use and administration of land and territories, according to the United Nations Declaration on the rights of Indigenous Peoples.

What is more there are reports of major environmental impact as they have contaminated the communities' drinking water.

They colluded with the Guatemalan government to criminalize social struggle and protest and have 18 court cases against the farming community in San Miguel Ixtahuacán. Conflict between the multinational company Goldcorp - Montana and the indigenous communities of San Miguel Ixtahuacán and Sipakapa has been constant from the moment the company started the land acquisition programme of land containing relevant minerals in 1999, through the Peridot Company. The mine has come to be a symbol of business aggression, which has produced a powerful indigenous and peasant movement against mining in Guatemala. Despite several years of protest, the communities continue to be ignored by the company and public institutions.

The mentioned pension funds have financed and profited from the mining operations and miners and therefore have contributed to the violation of human rights in Guatemala. Hence the accusation demands that the governments of the European Union do not ignore the impact of their foreign investments and that they enforce, through legislation, that the European economic interests comply with human rights.

Organisations presentating the accusation:

Frente de Defensa Miguelense (FREDEMI) de Guatemala, Collectif Guatemala (France), Ayuda de la Iglesia de Noruega (AIN), Solidaridad Suecia-América Latina (SAL).

RESPONSIBILITY OF THE GERMAN MULTINATIONAL BAYER IN THE CASE OF INTOXICACION OF 44 CHILDREN IN PERU

The German multinational Bayer was involved in the intoxication of 44 children in the Taucamarca community in Peru, 24 of them died. Despite this fact, the Congress of the Republic has not given a response to their demand for justice, nor have they obtained any results in the law courts.

The community of Taucamarca is situated 3 hours from the imperial city of Cuzco (Peru). There are a little over 300 inhabitants. They have no light, water or drainage systems in their houses. Poverty is prevalent and they survive from agriculture and livestock subsistence farming.

In October 1999 the community was the scene of the intoxication of 44 children who ate breakfast contaminated with a highly toxic pesticide, called Methyl Parathion (Paration) that has been banned since 1998. Of the 44 children 24 died and the others suffered neurological scarring and other consequences.

Although the judicial process for justice in the Congress of the Republic of Peru was initiated in 2001, there has still been no response. On a legal level, the teacher in charge of the school where the children were having breakfast was punished and the Department of Environmental Health, the National Agrarian Health Service and the Bayer Company were reported to the Seventh Section of the Specialised Court of Lima and asked for compensation for damages. Although in 2007 it seemed that the judge was going to order a conciliation hearing this has still not happened. In fact, the company is hoping that the case expires as it has done everything in its power to make sure the case is forgotten.

**Organisations presenting the accusation:
Red de Acción en Agricultura Alternativa (RAAA) de Perú.**

THE INVOLVEMENT OF THE BRITISH MULTINATIONAL OIL COMPANY BP IN THE FORCED DISAPPEARANCE OF MANY PEOPLE IN COLOMBIA

The British transnational company BP is accused of causing major impact on the environmental, labour and social situations and in particular on human rights in the state of Casanare, in Colombia. In their exploitation zones there have been 2,653 cases of forced disappearance and 9,000 cases of murder, the oil activity has caused forced displacement and has contributed to spreading the culture of fear.

Various reports from national and international human rights organisations have concluded that the oil extraction is connected to the violation of human rights. Within the areas of exploration and exploitation conceded by the Colombian government, all kinds of criminal activities have developed and these affect the population. There are studies that document 2,653 cases of forced disappearance and 9,000 cases of murder, the oil operations have caused forced displacement and the spreading of the culture of fear. This is why for a long time the affected communities did not enforce their rights or confront the oil giant BP.

What is more, small landowners in Casanare have been forced to sell up and leave their farms by paramilitary groups. These lands have then been used by BP for oil extraction. There are even testimonies to the fact that the British company's real estate solicitor was involved.

With regard to the impact on the environment, BP has caused earthworks, the drying-up of water-bearing strata and natural wells and there have been reports of river contamination due to waste from the oil operations. There is also major sound and light pollution. This means that the development of other activities such as agricultural or livestock farming by the local populations is impossible.

Concerning impact on the labour field, right of association is not guaranteed within the multinational company since workers who join unions are vetoed and the legality and legitimacy of the trade unions are not even recognized. Women are pushed into jobs at the bottom of the salary scale and there are no training centres for young people.

BP have limited themselves to building small scale housing solutions and training and making small contributions to community actions in the implicated areas which do not benefit the wellbeing of the whole community. This company has not acknowledged in the past or present that the social, environmental and work problems affect the whole municipality and not just their zones of operation.

Organisations presenting the accusation:

Corporación Social Para la Asesoría y capacitación comunitaria (COSPACC) de Colombia y Colombia Solidarity Campaign (UK).

CANAL DE ISABEL II, TRIBUNAL FOR THEIR TRANSNATIONAL ACTIVITIES IN COLOMBIA

The public Water Utility Canal de Isabel II, and its corporate group INASSA, owned by the Community of Madrid, will be brought before the Permanent Peoples' Tribunal, because “their dealings as a transnational allow their subsidiaries to behave in ways that threaten the rights of the populations, users and workers, and develops business practices that raise the price of public services, reduce their universality, encourage lack of transparency in management, casualise labour, undermine and damage the trades union movement, contaminate the environment, damage indigenous communities and plunder public wealth which should belong to the citizens”.

Thanks to the privatisation process underway in Colombia, Canal de Isabel II was able to buy Triple A in Barranquilla and Metroagua in Santamarta both departments in which the paramilitaries have not been eradicated. Indeed, they are still used as a tool with which to eliminate the trades unionists and social leaders who have opposed the privatisation of water.

Social and trades union leaders have mobilised against the handing over of their water resources and in favour of access to water (for example, in the municipalities of Sabanalarga or Taganga). They have rejected the erosion of workers rights within these companies and the deterioration of drinking water and sewage services for populations that, if they have water services at all, have seen their bills rise by 1000% between 1991 and 2006.

The transnational activity of Canal de Isabel II and its corporate group INASSA in Latin America, which is harmful to the rights of the affected populations and workers, the environment and public health, takes place through a tangle companies that get in the way of the audit processes conducted by the Community of Madrid. It is a 100% public company, which nevertheless has procedures and impacts that are identical to those of the transnational corporations that plunder the resources of Third World populations, with the complicity of their governments, and of the international financial institutions.

**Organisation making the accusation:
Attac Madrid (Spanish State).**

THE MULTINATIONAL CARBONES DE CERREJÓN AND ITS FORCED IMPLANTATION IN COLOMBIA, WITH THE COMPLICITY OF THE EU

Swiss and British-owned multinational Carbones de Cerrejón Ltd. has established itself in Colombia in indigenous and Afro Colombian lands surrounded by the violence perpetrated by the Colombian state and military groups. Opposition leaders have been murdered and the action of the police forces and the security services have caused displacement of the peoples.

Carbones del Cerrejón, a multinational of Swiss and British capital, in association with investors from Australia and Luxembourg, has established itself in Colombia, mainly in the Departments of La Guajira, Cesar and Antioquia, through the Anglo-American companies BHP Billiton and Xstrata – subsidiaries of the Swiss company Glencore. Coal is the country's second most exported product after oil and is exported to Europe (mainly to Germany, Great Britain and France) to supply heating and electricity. The installation and exploitation by this multinational in Colombia has been backed by the Colombian government through its use of extreme and violent measures, creating displacement of the indigenous and Afro Colombian peoples. The actions of the State police and the paramilitary groups in the territory where the mining company operates has provoked harassment, threats and assassination of the people who oppose it.

The coal is obtained at a very low cost due to conditions favourable to the exploitation granted by the Colombian government to this company, conditions which are not however favourable to its 3,500 workers, 800 of whom suffer from illnesses related to their work in the mine. By not supplying information on the exploitation conditions of the coal supplier this multinational makes the end user an accomplice to crimes against humanity.

The French Group Louis Dreyfus intends to install a coal power station dedicated in particular to the importation of Colombian coal to the city of Cherbourg, which has the only privately owned port in France. As well as taking advantage of the low costs in economic terms of Colombian coal and to increase its use in Europe, the project will on the one hand create a serious environmental impact on the population of Cherbourg, and on the other hand will perpetuate the violations of human rights of the indigenous peoples of Colombia.

Organizations presenting the accusation:

Movimiento Fuerza de mujeres WAYUU (Colombia); ONIC (Colombia); France Amérique Latine (France).

THE ENDESA PROJECT IN THE CHILEAN PATAGONIA WILL CAUSE A NATURAL DISASTER

The HidroAysén company, subsidiary of Endesa in Chile, plans to build 5 large hydroelectric power stations on the rivers of the Chilean Patagonia. These would cause the flooding of thousands of hectares of land of enormous natural and ecological value, affecting the third largest fresh water reserve in the world, and with it, the global climate.

HidroAysén is a company made up of Colbún and Endesa-Chile, the latter being controlled by Endesa-Spain, now property of the Italian company ENEL. This company plans to build 5 massive hydroelectric power stations in the Baker and Pascua river basins, in the Chilean Patagonia. The electricity produced will be transported more than 2,300 kilometres, towards Santiago de Chile and the mines in the North, through the longest high voltage power lines in the world.

The reservoirs for the hydroelectric power stations will flood a surface area covering 6,000 hectares, including agricultural and pastoral lands with a high tourist value, woodlands and the habitats of endemic species in one of the last almost virgin ecosystems on the planet. The project will mean the irreversible destruction of a territory of high ecological and natural value. The flooding and related works will provoke the extinction of species and will affect the world's third largest reserve of fresh water and the global climate.

The power lines themselves will cross 9 regions of Chile: 64 communities, including the territories of indigenous communities in areas such as Araucanía, as well as 14 protected wilderness areas. This will provoke massive deforestation, the displacing of some peasant farmer and indigenous communities and the division of others, cut off by the power lines. It will also affect a number of national parks.

The HydroAysén project will generate complete interregional iniquity given that, for technical reasons, 100% of the electricity will be transported to Santiago in the North, where the copper mines for export are located. That is to say, the Chilean Patagonia and another 9 regions will assume all the costs without receiving any of the electricity in return.

If the project goes ahead, Endesa and Colbún would go on to control 90% of the Central Interconnected System. This implies a total monopoly concentration of waters, electricity and capital. Endesa already exercises monopoly control in the country over rights to water and the electricity, and is capable of using all the machinery of power to push their projects through using a combination of pressures and political lobbying, the buying of favours, marketing and publicity. In order to meet their objectives or improve the private profits of the few, they dress up their projects in a halo and talk about "public progress". Just as they did when they built the Ralco hydroelectric power station in the Chilean Bío Bío.

Organisations making the accusation:

Greenpeace Spain, Greenpeace Chile, Ecosistemas Chile, CODESA Chile, CDP Chile.

ITALIAN MULTINATIONAL IMPREGILO IN COLOMBIA

Isagen Colombia and the Italian multinational Impregilo are participating in a joint venture to build a hydroelectric reservoir over the Sogamoso River in the northeast of Colombia. The management of the project has been rather opaque so far and the repression, persecution and murder of social leaders opposed to the project has been already reported. Also, strong social and environmental impacts are foreseen during its construction and putting into motion.

The hydroelectric project of the Sogamoso river is located in the Northeast region of Colombia and the company in charge of building the central is Isagen, a mixed public service enterprise. But the Italian firm Impregilo, through its subsidiaries Conalvias and Técnica Vial is also involved in carrying out a part of the construction works. The project has had a strong impact in the area, with the more serious consequences being the reported homicides of social and community leaders known for their defence of natural resources and communities, such as Honorio Llorente Meléndez.

The company is also accused of lack of transparency since the affected communities have not been informed of the total area covered by the project or when the environmental licence was given. Isagen has not had meetings with these communities in order to negotiate their displacements and compensation for the works.

At the very centre of the project area there is a topographic depression on the flexion of the river Chucurí which increases the risk of floods in the case of earthquakes, and the project itself is located precisely near Nido de Bucaramanga, a highly seismic area.

As with all major works involved in the construction of a hydroelectric central, there are serious environmental impacts on the river where the dam will be located: not only is the ecosystem preserved by the river destroyed but also that of the river banks. The climate will be modified and therefore the agriculture of neighbouring villages will be damaged, not to mention the privatization of the Sogamoso river, used exclusively by the managing company. All of these elements will cause deterioration or loss of the commercial networks of the products generated in the area.

As well as accusing the companies and the states of Colombia and Italy for supporting these companies, it's also worth pointing out the involvement of several financial entities in this project, such as Crédito Andino de Fomento, Bancolombia, Banco de Bogotá, Davivienda, Banco Popular, BCSC, Banco Santander, amongst others.

The company has just started the construction of the dam, a fact which should mean a unique opportunity for the Permanent Peoples' Tribunal to start a worldwide awareness campaign in order to avoid further damage to human and environmental rights.

Organisations presenting the case:

Consejo Latinoamericano de Iglesias (CLAI) and Campagna Per La Riforma Della Banca Mondiale (CRBM), Italy.

NESTLÉ USED A PRIVATE SECURITY COMPANY TO SPY ON THE ATTAC SWITZERLAND GROUP THAT WAS PREPARING A BOOK ON NESTLÉ'S OPERATIONS

In Spring 2003 Nestlé informed the Swiss cantonal police that they had infiltrated alter-globalisation organisations, a few weeks before the G8 summit in Evian.

Securitas, the largest security firm in the country, sent one of their agents as under-cover to the Attac working group on "Globalization and Multinationals" in the Vaud canton, which was preparing a book exposing Nestlé's operations. This agent attended all the group's meetings between Spring 2003 and June 2004. In January 2005 another Securitas spy was sent in, who did not leave the Attac group until September 2008, when he was discovered, after the infiltration was uncovered on a Swiss TV programme.

The espionage took place at the height of the fight against the privatisation and over exploitation of water and Nestlé's violation of union and workers rights. In 2000 and 2001, Attac Neuchâtel together with a citizens mobilisation managed to prevent Nestlé from winning the concession for Bottled Water in the town of Bevaix. From 2002 on, Attac supported the struggle of the citizens movement against the production of Pure Life for the over-exploitation of the Parque das Aguas in the city of São Lourenço, Brazil.

By hiring Securitas to infiltrate and gather information about persons active within the Attac organisation and about the content of their meetings, Nestlé illegally violated the privacy of the people present at the meetings. However, they also had access to information about people both inside and outside the country who collaborated with the Attac Vaud working group. In the case of information being leaked about, for example, activists working against Nestlé in Colombia, this information would mean a death sentence, given the impunity with which the paramilitaries have been assassinating union leaders and elements that "annoy" the transnationals.

The police of the Canton of Vaud are accused of being accessories, as they were informed of the infiltrations and took no action. The judicial system of Vaud, which closed the criminal case following a court investigation that left many questions unanswered and accepted a number of contradictions without comment, is also accused of providing impunity.

**Organisation making the accusation:
ATTAC Switzerland/Multiwatch .**

PERENCO AND REPSOL VIOLATE THE RIGHTS OF INDIGENOUS PEOPLES IN PERU

The French-English company Perenco and Spanish-owned Repsol YPF are implicated in threatening the survival of isolated indigenous groups in Peru. This aggression to indigenous groups has been supported by the Peruvian Government's policies and the complicity of the E. U.

The French-English company Perenco and the Spanish-owned Repsol YPF are implicated in threatening the survival of isolated indigenous groups in Peru.

This aggression to indigenous groups has been backed up by the policies of the Peruvian Government which has offered the country's natural resources to multinationals without considering the fundamental rights of the population in the affected areas. In fact the legislation that protects the rights of isolated indigenous groups has been made less restrictive for this purpose.

The complicity of the EU has also been denounced, because their communitarian policies facilitate free trade agreements and other mechanisms that allow the operation of multinationals in contexts where the violation of human rights occurs and goes unpunished.

The companies mentioned are accused of their operations in plots 39 and 67 because they violate fundamental rights to life, health, environment, free determination, the right to previous consultation, natural resources and the territory of the indigenous peoples in isolation (Waorani, Tagaeri, Taromene, Pananujuri, 67 Arabela and Aushiris) who live in the Loretana Amazonas. These oil exploitations are located in territories which are currently being considered to form part of a Territorial Reserve for indigenous communities in voluntary isolation.

As an answer to the aggression against the rights of these indigenous peoples, the Peruvian indigenous organization AIDSESEP applied for legal protection at the Supreme Court of Iquito, but the petition was denied.

The decision of the Constitutional Court regarding this petition is still pending.

**Organization presenting the accusation:
Ceiba (Spanish State).**

IMPACTS OF THE ARGENTINIAN MULTINATIONAL PLUSPETROL ON THE PERUVIAN AMAZONES AND THE QUECHUA PEOPLES

The Company Pluspetrol Resource Corporation, with head quarters in Holland and subsidiary of Repsol, is accused of polluting the basin of the Pastanza river in the Peruvian Amazonas and therefore impinging the rights of the Quechua population inhabiting the area. This company has been dumping toxic substances from oil production into the water of the Pastanza river for decades, with the connivance of the Peruvian state which has never demanded compensation for the damages.

The Dutch government is also accused, since in the year 2000 it allowed Pluspetrol to transfer the company head quarters from Buenos Aires to Amsterdam. Thanks to that change, the directive of the Pluspetrol Group has been able to benefit from the flexibility of the Dutch tax system. For these reasons, the Dutch government and the European framework are accomplices of the abuses carried out by Pluspetrol.

The company is violating the legally recognized rights of the Quechua people of Pastanza by contaminating their river, which is not only a source of food and water but also a place of cult, recreation and their environment. Pluspetrol ignores international legislation such as the ILO Convention 169 and the United Nations Declaration on the Rights of Indigenous Peoples, a legislation that recognizes the rights to territory and to free determination of original peoples. At the same time, it doesn't respect the environmental law passed in Peru in 1994, or the Peruvian and international organisms' recommendations on health and the right to water.

The Peruvian government supports the activities of the oil company through fierce police control of the indigenous communities inhabiting next to Pluspetrol's area of operations and by acting against the freedom of the zone's population.

Due to the fact that so many rights were violated, an organized social protest emerged but it was heavily repressed and persecuted by the authorities. As a result of that, some of the indigenous leaders were put into prison for up to eighteen months. They are now released and free of charges.

Organizations presenting the accusation:

Coordinadora Nacional de Comunidades Afectadas por la Minería del Perú (CONACAMI), Federación de Indígenas Quechuas del Pastaza (FEDIQUEP) (Perú) y Centre for Research on Multinational Corporations (SOMO) (Holanda).

***THE SPANISH MULTINATIONAL PROACTIVA MEDIOAMBIENTE
HAS VIOLATED THE HUMAN RIGHT TO WATER IN ECUADOR.***

The private management of water by Spanish multinational Proactiva Medioambiente has generated strong impacts in Guayaquil, Ecuador. The transnational company is accused of violating the human right to water, health and a healthy environment. The Inter-American Development Bank and the EU are also accused of complicity by the granting of credits that facilitate the activity of Proactiva and the impunity of its impacts.

The main shareholders of the Spanish multinational Proactiva Medioambiente are the construction multinational FCC and Veolia. Proactiva's branch International Water Services Guayaquil (Interagua) manages the provision of drinkable water and sewage system in the city of Guayaquil (Ecuador)

The transnational company is accused at the Permanent Peoples' Tribunal of having acquired this subsidiary in an illegal and illegitimate manner, and of violating the right to water as they are making water inaccessible for poor communities. It also prevents the right to live in a healthy and ecologically balanced environment, the right to health and to a decent life, all of which are recognized by the Ecuadorian Constitution. In short, the activity of this company violates the International Covenant on Economic, Social and Cultural Rights.

The Inter-American Development Bank (I.A.D.B.) and the European Union and its member states are also accused as direct accomplices to violations of the human right to water. These institutions have provoked the privatization of water and the use of this resource as merchandise through their institutional policies and the use of credit contract 1016OC-EC. One of the conditions that this credit demanded was the reduction of personnel, which also worked against the labour rights of workers.

As an indirect accomplice, the Spanish State is accused of using the FAD credit mechanism (illegitimate debt) to finance the construction of an infrastructure that was later transferred to the hands of a private operator.

Both the IADB and the Spanish State are accused of benefiting from the transference of resources from the South through payment by the external debt service.

**Organization presenting the accusation:
Grupo Nacional Contra la Deuda de Ecuador.**

THE SOCIAL AND ENVIRONMENTAL IMPACT OF THE SPANISH MULTINATIONAL HYDROCARBON COMPANY REPSOL IN ARGENTINA

Repsol is accused of unscrupulous action in Argentina in its unreasonable exploitation of non-renewable oil and gas resources, of denying the right to energy to Argentineans and of violating both its concession contracts and national and international legislation. The company has caused major and continual impact on the environment, the lives and culture of the local populations, in particular that of the indigenous communities in whose territories they operate.

Backed by the International Credit Organizations, Repsol has reached a position of complete control of Argentine energy which it has taken advantage of in order to implement an infrastructure that favours unreasonable use of resources. This situation has meant the reduction of hydrocarbon reserves to unsustainable levels, victims of abandon and speculation.

The company raises the tariffs of the Argentinean market to international prices, forgetting the costs and leaving a large section of the Argentinean population without the possibility of access to energy. Whilst the multinational company's oil income increases, so does poverty.

Repsol, at its deposit in Cerro Bandera, systematically violates the rights of the Mapuche community Lonko Puran, in the Province of Neuquén. The rights of the indigenous peoples are protected by the National and Provincial Constitutions, the International Agreements of the UN and the International Labour Organisation. Repsol does not respect the "ethnic and cultural pre-existence" of the indigenous peoples, the right to state recognition of its communities, to ownership and possession of the "lands which they traditionally inhabit" or the "participation in the management of its natural resources and other interests which affect them". The multinational company has acted in its own interest in the Community's territory, directly affecting community life and provoking the prosecution of community leaders and their loss of prestige, without acknowledging the community and their requests.

Organisations presenting the accusation:

Fundación de Investigaciones Sociales y políticas (FISyP) de Argentina y la Confederación Mapuche de Neuquén (CMN) de Argentina.

THE HIGHJACKING OF CITIZENS BY THE SECURITY SERVICE OF THE MULTINATIONAL MONTERRICO METALS IN PERU

The translational company Monterrico Metals, through their old subsidiary company Majaz, now called Río Blanco, developed a mining project in Peru which caused the violation of fundamental rights of the local population. The most serious case was the high-jacking and torture of 29 citizens by the security service of the company. Although the multinational is currently of Chinese ownership, when the facts occurred, in 2005, it was under British ownership.

The mining company Monterrico Metals, through their subsidiary Empresa Majaz which is now called Río Blanco, exploits copper in the Río Blanco mine located in the region of Piura, in northern Peru. Amongst the impacts of the mining company on the communities it is worth highlighting the illegal occupation by the company Rio Blanco of the peasant communities of Yanta, Segunda and Cajas, who never authorized the mining company to start the activities in their territory. The arrival of the company has put at risk the civil, political, economical, social and cultural rights of these communities. When they tried to reclaim their rights, the police force, under the instruction of the government and the mining company, responded with violence, resulting in four confrontations and deaths.

The barbarity of their actions became evident in August 2005 when 29 commoners were tortured and high-jacked in the camp of Minera Majaz S.A. The victims of this deplorable action pressed charges against the English company and claimed compensation for damages and injuries. The legal process is pending, to be solved at the High Court in London.

The communities' rejection of the mining project Rio Blanco provoked the criminalization of the protests in order to make them illegal. Around 300 commoners, local authorities, teachers, activists, lawyers and members of social organizations have been accused of criminal charges such as terrorism, high-jacking, instigation to crime and damages. With the complicity of the public prosecutors these reports of inexistent crimes were accepted without any evidence.

Serious environmental damages have occurred due to the exploration works, such as the pollution and widening of the area of exploitation without environmental permission. Currently, the subsidiary companies of Monterrico Metals control 35 mining concessions. All of them have been granted although they present a threat for the local swamps and forests, which are sources of water and areas of great endemic biodiversity.

Until May 2007 Monterrico Metals was an English company which carried out their work through their subsidiary Empresa Majaz S.A. In May 2007 the multinational was bought and sold on to several Asian companies until being bought by its current owners, the Chinese partnership Zijin.

Organisations presenting the accusation:

Coordinadora Nacional de Comunidades Afectadas por la Minería del Perú (CONACAMI) y Entrepueblos (Spanish State).

PARAMILITARY GROUPS EMPLOYED BY THE GERMAN MULTINATIONAL THYSSEN KRUPP IN BRASIL

The Atlantic Steel Company, Brazilian subsidiary of the German multinational Thyssen Krupp, is accused of impact on public health through its unmonitored storage of mud contaminated with cadmium, arsenic and lead. It is also charged with the violation of rights of workers who built the plant using paramilitary groups against those who objected to the project and the destruction of local craft fishing, their livelihood.

The Atlantic Steel Company is the union of the company Rio Doce with headquarters in Brazil, and Thyssen Krupp one of the biggest German steel and iron companies. The Atlantic Steel Company (TKCSA) is an industrial steel-making conglomerate with port facilities. In fact it is the largest factory in Latin America and owns a huge thermoelectric plant, a port with two compound terminals and a runway of 700 m that passes through a mango forest and the ocean. It has the support of the municipal, state and federal governments of Brazil through the National Bank of Economic and Social Development and tax exemptions. All production is exported to Germany, the US, Mexico and Canada.

The company is accused of not respecting environmental legislation and of seriously threatening public health by not controlling the build up of mud contaminated with cadmium, arsenic and lead. It is also charged storing It is also charged with the violation of rights of workers who built the factory using paramilitary groups against those who were against the project. The company's activity destroyed craft fishing and hence the livelihood of local people. In short, the subsidiary of Thyssen Krupp repeatedly violates the Universal Declaration of Human Rights, the Declaration on Development, the International Labour Standards (ILO) and the Constitution amongst other rights. What is more it does not adhere to the principles of the Organisation for Co-operation and Economic Development.

It promised to compensate the fishermen but they have received nothing despite having reached an agreement with the company through various channels. TKCSA also tries to reinforce its image of social responsibility by carrying out a number of social investments which no where near equal the cost to the environment even less that of the fishermen and their families, local production and public health.

The company declared in the German Parliament that the objections should be directed at the Brazilian Government, who approved the project and each stage of the work. As there are no Brazil-European Union treaties, the latter shows its complicity through its silence in response to the charges, letting the company get away unpunished.

Organisations presenting the accusation:

Associação de Pescadores e Aqüicultores da Pedra de Guaratiba (AAPP Guaratiba) (Brazil), PACS - Instituto de Políticas Alternativas para o Cono Sul, Comitê a Baía de Sepetiba pede Socorro.



PPT

PERMANENT
PEOPLES'
TRIBUNAL

**SESSION of Permanent Peoples'
Tribunal (PPT)**

14 and 15 May, Madrid.

2010



Red Birregional Europa -
America Latina y el Caribe