

**ACCA Press Statement – Ruling of UK Court of Appeal on Unilever
Released on 15 August 2018**

The African Coalition for Corporate Accountability (ACCA) notes with disappointment the judgement handed down by the UK Court of Appeal (CA) in the matter AAA et al v Unilever and Unilever Tea Kenya (Ltd). The claimants, who are a group of 218 survivors of 2007 post-election attacks at a tea plantation in Kenya, alleged that, the UK-registered parent company and its Kenyan-registered subsidiary were each liable for failure to adopt adequate measures to protect them from an ethnic violence that occurred during the 2007 Kenyan elections, in which the Appeal Court declined jurisdiction over the case.

The ACCA is shocked that the CA overturned the Judge's decision at first instance on proximity without dealing at all with the substance of the Claimants' appeal on foreseeability and found that there was insufficient evidence against Unilever plc. It is with the greatest concern that ACCA notes further the failure by the Court to deal with Unilever's refusal to disclose the majority of relevant documentation and not consider the evidence of 5 ex-managers who testified that Unilever plc exercised detailed supervision and control over health and safety in its' Kenyan tea business.

The ACCA expresses its dismay at Unilever PLC's failure to reconsider its legal approach in the manner in which it is dealing with this case, as it also failed to take steps to maintain its leadership position in championing the campaign on Human Rights Due Diligence and access to remedy for victims.

The High Court found that this case cannot be brought in Kenya without placing the victims at serious risk of violence and intimidation. Instead of dealing with the substance of this case Unilever has sought to hide behind its' corporate structure to prevent the case from being heard in England. This approach hinders victims from accessing remedy, and contradicts Unilever's claim to respect the United Nations General Principles on Business and Human Rights.

The ACCA stands in solidarity with the 218 claimants, including the families of seven victims who were brutally killed, and strongly encourages them to continue seeking justice in bringing this case to the Supreme Court.

The ACCA further calls on African states to adopt legislation that will make human rights due diligence mandatory in their respective national legislation so that victims may easily access legal remedy. The ACCA calls upon Unilever's parent company operating in Africa to respect communities' rights before, during and after their operations and ensure that remedy is provided for adversely affected communities.

For more information on the ACCA and media requests, please contact Damian Oakes, coordinator@accahumanrights.org or Guillain Koko projects@accahumanrights.org.

