

CORE PUTTING PEOPLE
& THE PLANET AT THE
CORE OF BUSINESS

*
Sherpa



The logo for ECCJ, featuring a stylized grey circle with a yellow center, followed by the letters 'ECCJ' in a bold, grey, sans-serif font.
European Coalition
for Corporate Justice

CORE Coalition
Unit 2.12
The Foundry
17-19 Oval Way, London
SE11 5RR

t. 0203 752 5712

Mikael Staffas, CEO
Boliden Group
Klarabergsviadukten 90
P.O. Box 44, SE-101 20
Stockholm

CC. Olof Grenmark, Thomas Söderqvist

05th July 2018

Dear Mr Mikael Staffas,

RE: Boliden Mineral must abstain from any action that may block the Appeal Court in Sweden from hearing the case of Arica Victims v Boliden Mineral.

We are a group of NGOs concerned about issues relating to corporate accountability in the field of human rights. We write to call on Boliden Mineral to abstain from any action that may block the appeal in the pending case of *Arica Victims v Boliden Mineral* in Sweden.

In 1984, Boliden Mineral shipped more than 20,000 metric tonnes of hazardous mining wastes to Arica in northern Chile. There is convincing evidence that a huge number of people in Arica have been seriously injured by these wastes, as demonstrated in the successful Chilean lawsuits against the Chilean company Promel and the Chilean health authorities. This has been confirmed as well by Boliden Mineral, although the company denies its own responsibility for the injuries.

In 2013, Arica Victims – representing almost 800 individuals in Arica – sued Boliden Mineral in Skellefteå District Court in Sweden, claiming compensation for the harm caused by the Boliden wastes. Following more than four years of proceedings, the District Court

issued its ruling in the case in March 2018. Throughout the lawsuit, Boliden Mineral has not shown any interest in settling the case. After the District Court ruling – in its favour – Boliden Mineral publicly declared that it appreciated the full legal examination of the case, now having a ruling in its favour.

We acknowledge the position of Boliden Mineral to insist on having a comprehensive legal examination of the case, rather than settling it. However, under Swedish law, as with the laws of virtually every country in the world, a full legal examination involves the right to appeal. Arica Victims filed an appeal on 18 May 2018, and already within just a few days, the Court of Appeal in Umeå accepted the appeal and agreed to hear the case. The preliminary dates for the oral hearing are 22 January to 28 February 2019.

The District Court ruled that the Arica Victims are responsible for paying the procedural costs of 35 MSEK to Boliden Mineral. While the case is now pending in the Court of Appeal, Boliden Mineral is actively taking steps to have this part of the District Court ruling enforced. If Boliden is successful, it may block the case from being heard by the Court of Appeal.

We are disturbed that Boliden Mineral is seeking to block the appeal by pushing for early enforcement of its claim for compensation for procedural costs while the case is still pending in the Court of Appeal. We do not take a position on the merits of the lawsuit, but we think it is imperative that Boliden Mineral does not try to block the appeal. Blocking the proceedings by economic means would show that Boliden Mineral is afraid of having a full legal examination of its shipment of hazardous mining wastes to Chile, and would amount to a denial of access to remedy and a denial of justice for the Arica Victims.

If Boliden Mineral succeeds in blocking the appeal, it will have succeeded in blocking a full legal examination of the dispute; then we will never know whether Boliden Mineral was indeed liable for the harms to the Arica Victims; and Boliden will always be remembered for having used economic means to block a full legal examination of its shipment of mining wastes in the 1980s.

*This would be a most unfortunate result for both the Arica Victims and Boliden Mineral.
We therefore call on Boliden Mineral to abstain from any such action.
We await a confirmation from Boliden soon that no such action is intended.*

Yours Sincerely,

Corporate Responsibility Coalition (CORE)
European Coalition for Corporate Justice (ECCJ)
International Federation for Human Rights (FIDH)
Sherpa