

Daniel Ortega
President of Nicaragua
Casa Presidencial, Managua, Nicaragua
via fax, in care of Nicaraguan Embassy in Washington DC: 202.939.6545

February 23, 2008

Dear President Ortega:

We are very concerned that, to date, there has not been a ruling on the case of the banana workers who were awarded a total of US\$809 million by Judge Socorro Toruño for illnesses they suffered due to exposure to the pesticide Nemagon. That decision was appealed by the Dole, Dow and Shell corporations. Workers expected a decision on the appeal by December 2, 2007.

For the past few years we have been following the case of the former banana workers who were poisoned by Nemagon, a pesticide manufactured by Dow and Shell and sprayed on Dole plantations. The former workers of plantations in Leon and Chinandega (1960s, 70s, 80s) have suffered cancers and other infirmities resulting from Nemagon exposure. Hundreds of former workers have died from Nemagon poisoning, including 116 during the time of this pending appeal. The chemical's deadly effects have already killed 966 people and damaged the health of at least 20,000 workers. Jacinto Obregón, an attorney for the workers has said: "These companies have committed an act of genocide against thousands of employees."

Here are some of the major developments in the case since lawsuits were initiated in 2001:

2001: The Nicaraguan National Assembly passed Law 364 to support the Nemagon victims in legal cases against the multinational companies.

December 2002: A Nicaraguan court ordered Dow Chemical, Shell Oil, and the Dole Food, to pay \$490 million to 583 banana workers, but Dow called the judgment "unenforceable" and the companies refuse to pay.

September 2005: Former banana workers met with representatives of the National Assembly and agreed on a new resolution—then passed by the National Assembly—favoring Nemagon victims, reiterating the 2001 Law 364. Workers had camped out in Managua since March.

December 2006: Chinandega District Judge Silva Toruño ruled in favor of 1300 workers' claim that their health had been severely affected by their exposure to Nemagon and Fumazone during the 1970s, ordering the multinationals that exported the chemicals to Nicaragua to pay US\$804,210,522 in compensation.

April-May 2007: Amvac Chemical Company agreed to settle out-of-court in Los Angeles. Although only 13 sterile men were named in this particular lawsuit (male sterility is the one problem accepted by the companies as caused by Nemagon), the case is expected to open the door for thousands of other former workers. This ruling prompted Dole to pursue out-of-court settlement with workers in Nicaragua; in Honduras, the company agreed to pay up to \$5,000 to banana workers in exchange for dropping legal claims against the company.

On February 11, 800 workers marched from Chinandega to the Leon courthouse, demanding that the Appeals Court judges rule on the appeal by the transnational fruit and chemical companies against Judge Toruño's ruling of the \$804 million award. We ask that you urge Judges Xochitl Cerda, Guillermo Pereira and Octavio Martinez to review the petitions and give the workers an answer immediately about the compensation for their suffering already awarded them by the lower court.

Thank you for your prompt attention to this matter.

Sincerely,

Brian J. Stefan Szittai, Coordinator

cc: Paul Trivelli, US Ambassador to Nicaragua; fax: 011-505-266-3861
Nicaragua Desk at the US State Dept; fax: 202-647-2597
US Senators Brown & Voinovich and US Representatives Latta, Kaptur, Kucinich, LaTourette, Regula, Ryan, Tubbs Jones ~ via email

The following people hereby urge you to take action on this matter as indicated in this letter: