

## NICARAGUA

Los Angeles court awards \$300,000 to 13 former banana workers for pesticide poisoning;  
case could open the door for thousands more poisoned workers



IRTF has been following the case of former banana workers poisoned by Nemagon, a pesticide manufactured by Dow and Shell, and sprayed on Dole plantations. RRN members wrote to Nicaraguan President Bolaños (Mar 26 2004), urging him to meet with banana workers camped out in the capital for over a month. 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. In December 2002, a Nicaraguan court ordered the companies to pay US \$490 million in damages to the banana workers, but the companies still have not respected the court order.

### POSITIVE DEVELOPMENTS FOR THE BANANA WORKERS:

**January 13, 2006:** The law firm Ojeda, Gutierrez, and Espinoza put a lien on Shell Oil Company after their clients (500 former banana workers from the Chinandega area) **won a multi-million dollar compensation claim in Nicaraguan courts.**

**March 21, 2006:** One of the best known banana worker leaders, Victoriano Espinoza, appeared at a press conference with Michael Carter, Vice President of Dole Food Company and members of the Nicaraguan government to announce they were **attempting to reach an out-of-court agreement. In return for dropping all the lawsuits by Nicaraguan workers against Dole and repealing Law 364** (the law passed in 2001 to support the Nemagon victims in legal cases against the multinationals), **Dole would hand over a lump sum of money to the Nicaraguan workers.**

**December 20, 2006:** Chinandega District **Judge Silva Toruño ruled in favor of the workers' claim** that their health had been severely affected by their exposure to the highly toxic pesticides Nemagon and Fumazone on banana plantations during the 1970s, **ordering the multinationals that exported the chemicals to Nicaragua to pay \$800 million in compensation.**

**April 15, 2007:** At a gathering of 1500 former banana workers in Chinandega, attorney Juan José Dominguez announced that **13 former Nicaraguan banana workers will receive a total of \$300,000** as a result of an out-of-court settlement in with Amvac Chemical Company in Los Angeles.

**May 27, 2007:** U.S. lawyer Juan Jose Dominguez continues to pursue a suit in a Los Angeles court where, "a U.S. jury will have the chance to weigh the accusation that Dole Food company knowingly used a pesticide manufactured by Dow Chemical Co. that sterilized workers in Latin America (Christian Miller, The Los Angeles Times, 5-27-07). Only 13 sterile men (male sterility is the one problem accepted by the companies as caused by Nemagon) are named in the Los Angeles case but **the case is expected to open the door for thousands of other former workers. Amvac Chemical Corp. (also sued by Dominguez) recently settled out of court for \$300,000 and Dole is in Nicaragua negotiating an agreement directly with banana workers** similar to one finalized recently in Honduras in which the company will pay up to \$5,000 to banana workers who agree to drop claims against the company.