

OCTOBER 30TH, 2021

Comrades past, present and future vs. ING

This case indicts ING for establishing financial syndicates and cartels to fund ecocidal, socially disruptive activities by transnational corporations; and indicts the Dutch State for establishing the legal frameworks facilitative of ING's activities and for profiting from them. Evidence will be introduced of the impacts of ING finance and investment in coal plants, palm oil production and deforestation by witnesses from Indonesia, Cameroon, and Brazil.

HEARING III

13:00	Introduction
13:10	Prosecutor: Rodrigo Fernandez, SOMO
13:40	Witness: Meiki Paendong, WALHI West Java Defense Witness Public Jury #1
14:45	BREAK
15:05	Witness: Emmanuel Elong, SYNAPARCAM Defense Witness Public Jury #2
16:10	BREAK
16:35	Witness: Fabrina Furtado, Federal Rural University of Rio de Janeiro Defense Witness Public Jury #3
17:35	Closing Statements by the Judges
18:00	Dinner & Drinks



ACCUSED

ING Group

ING is a Dutch transnational banking and financial services corporation headquartered in Amsterdam. Its primary businesses are retail banking, direct banking, commercial banking, investment banking, wholesale banking, private banking, asset management, and insurance services.

CHARGES

FIRST CHARGE CONCERNING COMRADES, PAST, PRESENT AND FUTURE IN INDONESIA

Defendant 1 ING Group jointly and severally with Defendant 2, the State of the Netherlands, is charged with committing crimes under s.3 of the Intergenerational Climate Crimes Act in Cirebon region of Java in Indonesia by engaging in the following activities:

It is alleged *inter alia* that:

(a) Defendant 1 the ING Group, joined a consortium of artificial legal persons engaged in financial activities including arranging loans totalling USD 595 million to another consortium of artificial legal person led by the Japanese national named Marubeni Corporation amongs others, and intentionally aided, abetted and financed them to build the Cirebon Coal-fired Power Plant Project Unit 1 in the West Java region of Indonesia.

(b) That ING Group, who are residents of the Netherlands, knowingly financed the destruction of the sources of livelihoods of natural human persons and sources of life for fish, trees and other non-humans whose lives depend on the sea and the coastal ecologies of West Java, in order to empower members of the production consortia, to build and operate the Cirebon Coal-fired Power Plant Project Unit 1 to enrich themselves, the consortia, and the State of the Netherlands.

(c) That the financial support of ING Group to the Cirebon Coal-fired Power Plant Project Unit 1 caused pollution of seas, destroyed the interdependence of different life forms in the coastal regions, the interdependence of human and non-human lives, and made the land unfit for cultivation.

(d) That the financial support of the ING Group to the Cirebon Coal-fired Power Plant Project Unit 1 caused irreversible harm to the health of present and future generations of humans and non-humans disabling both from regenerating themselves and future generations.

(e) That, notwithstanding the fact that these adverse impacts to the ecologies and communities in the West Java region which arose from Cirebon Coal-fired Plant Project Unit 1 had been brought to the attention of the ING Group, ING Group wilfully increased its finance by nearly three times and led another consortium of artificial financial legal persons to lend USD 595 million for the larger, and more destructive Cirebon Coal-fired Power Plant Project Unit 2.

(f) That since 1885, the State of the Netherlands has used it authority to make laws that prioritise the survival of the ING Group over humans and non-humans in the regions of West Java, Indonesia and elsewhere.

(g) That the State of the Netherlands joined the World Trade Organisation, a consortium of states, to further expand the scope of activities of the ING Group and thereby increase their capacities to destroy lives and livelihoods of humans and non-humans in the West Java regions of Indonesia and elsewhere.

SECOND CHARGE CONCERNING COMRADES, PAST, PRESENT AND FUTURE IN CAMEROON

(a) That around 2010, through financial arrangements, the ING Group created an extended family of artificial persons belonging to multiple nationalities, amongst them those named SOCFIN, SocfinAsia, SocfinAf, Socapalm, SPFC, and concealed the fact that they were members of the same extended family under the financial control and authority of the ING Group, acting as the patriarch, with the malicious intention of grabbing land, water, forests and labours that belong to humans and non-humans in the Cameroon.

(b) That the State of the Netherlands acting through the World Trade Organisation coerced the State of Cameroon to allow the ING Group to enter Cameroon and occupy lands and establish palm oil plantations for its own benefit and that of the ING Group.

(c) That empowered by the State of the Netherlands, the ING Group aided, abetted, incited and financed Socfin to forcibly confiscate lands, evict people from land and establish palm oil plantations in order to profit from it.

(d) That Socfin and Socapalm, both members of the extended family of artificial persons created by the ING Group, formed armed militia to terrorise people, sexually violate women and forcibly evict people from their lands which they had inherited from their ancestors.

(e) That the palm oil plantations funded by the ING Group and executed by the extended family of artificial persons created by it, destroyed forests, homelands for many species, polluted the waters, deprived humans and non-humans of drinking water, their sources of life and livelihoods and violated the interdependent relationships between humans and non-humans on the confiscated lands with lasting impacts on future generations.

THIRD CHARGE CONCERNING COMRADES, PAST, PRESENT AND FUTURE IN BRAZIL

(a) The ING Group aided, abetted and incited several artificial legal persons, prominent amongst them being four artificial legal persons, known as the 'ABCD' Group that includes Archer Daniels Midlands, an American national, a second named Bunge, originally a Dutch national established in 1818 who has since acquired multiple nationalities, including the British Overseas Territory of Bermuda, the third named Cargill, an American national, and the fourth named Louis Dreyfus Company, a Dutch national, and financed them to forcibly confiscate land belonging to the humans and non-humans in different regions of Brazil, to deforest those lands and establish monocultural plantations of soy and sugarcane for profit, use poisonous pesticide that has caused intergenerational harm to the health and wellbeing of all species, and engage in violence and repression against the inhabitants of different regions of Brazil.

(b) ING Group financed Cargill, Bunge and another artificial legal person named COFCO, a Chinese national, to purchase Fiagril and Alianca, Brazilian nationals, after they were found guilty and fined 12 million Reals for deforesting northern Mato Grosso regions and illegally establishing soy plantations there, with a view to aiding and abetting Cargill, Bunge and COFCO to continue the criminal activities in the place of Fiagril and Alianca.

(c) Despite explicit prohibitions on buying, trading and exporting produce grown on confiscated and deforested lands in Amazonia after 2008, ING Group financed Bunge, Cargill, ADM and COFCO to purchase, trade and export agricultural produce illegally cultivated in different deforested regions of Amazonia.

(d) The ING Group financed Bunge, LDC, and Cargill to forcibly confiscate lands belonging to the communities in the Tapajos regions of Amazonia in the state of Para, the Guarani Indigenous regions of Southern Brazil and the Munduruku nation in the regions of Planalto Santareno.

(e) Since 2000, ING Group has financed Bunge, Cargill and Louis Dreyfus Company to use poisonous pesticides over large areas of land causing harm to multiple generations of different species living in the regions, the rivers, waters and trees, and deprived them of the conditions necessary for life.

(f) ING Group has refused to disclose information about the number of artificial persons it finances to undertake harmful activities, the extent, scale and scope of the harms that are regularly caused as a result, and the extent, scope and scale of activities undertaken by artificial legal persons acting on ING Group's financial directions.

(g) ING Group issued bonds to raise even more money under the name 'Green Bonds', with the intention of misleading the people of Brazil and those seeking to reclaim the conditions necessary for the lives of all species internationally, and used the money raised through the Green Bonds to finance the expansion of COFCO, Bunge, Cargill and Louis Dreyfus Company and empower them to confiscate more land, deforest larger areas of forests, expand commercial monocultural plantation agriculture and trade and export agricultural produce grown on confiscated land, and acted as their overseer and financial supervisor.

THESE ACTIVITIES, IF PROVED TO BE TRUE, CONSTITUTE INTERGENERATIONAL CLIMATE CRIMES AGAINST PAST, PRESENT AND FUTURE GENERATIONS OF HUMANS, NON-HUMANS, CULTURES AND ECOSYSTEMS IN INDONESIA, CAMEROON AND BRAZIL UNDER S.3 (A), (B), (C) AND (D) OF THE INTERGENERATIONAL CLIMATE CRIMES ACT.

PROSECUTOR

Rodrigo Fernandez, SOMO

Rodrigo Fernandez has worked as a researcher for SOMO since 2011. He specialises in tax avoidance, tax havens and shadow banking. Alongside his work at SOMO, he conducts postdoctoral research at the University of Leuven on the real estate/financial complex. Prior to that, he did postdoctoral research (2011-2013) at the University of Amsterdam on future scenarios for the Dutch welfare state. He received his PhD as well as a master's degree in Political Science from University of Amsterdam.

SOMO (Stichting Onderzoek Multinationale Ondernemingen - The Centre for Research on Multinational Corporations) is a critical, independent, not-for-profit knowledge centre on multinationals, which began in 1973.

WITNESSES

Emmanuel Elong,

SYNAPARCAM

Emmanuel Elong is president of Synergie Nationale des Paysans et Riverains du Cameroun (SYNAPARCAM) and a farmer from the village of Mbonjo, situated in a major rubber and palm oil production region in Cameroon. SYNAPARCAM is a Cameroonian rights organisation focused on protecting local communities in their relationships with multinational agribusinesses, especially around issues of land rights and environmental impacts. Emmanuel founded the initiative in 2010 as he mounted complaints against the corporation SOCFIN and one of their key stakeholders, the Bolloré Group. SOCFIN controls much of the palm oil and rubber production land in Cameroon, operating under their subsidiary Socapalm.

Meiki Paendong,

WALHI West Java

Meiki W. Paendong is the Executive Director of WALHI West Java. Wahana Lingkungan Hidup Indonesia (WALHI - Indonesian Forum for the Environment) was founded in 1980 and joined the Friends of the Earth International network in 1989. WALHI is the largest and oldest environmental advocacy NGO in Indonesia, uniting over 400 NGOs throughout Indonesia, with independent offices and grassroots constituencies located in 27 of the nation's 31 provinces. WALHI works on a wide range of issues, including agrarian conflicts over natural resource access, Indigenous and peasant rights, coastal and marine habitat health, and deforestation. WALHI also works on several intersectional issues such as climate change, women's rights and disaster risk management.

Fabrina Furtado,

UNIVERSIDADE FEDERAL RURAL DO RIO DE JANEIRO

Fabrina Furtado is a professor in the Department of Development, Agriculture and Society at the Federal Rural University of Rio de Janeiro (DDAS/UFRRJ), and within its graduate program in Social Sciences in Development, Agriculture and Society (CPDA). She is a researcher at the State, Labour, Territory and Nature Laboratory of the Urban and Regional Research and Planning Institute of the Federal University of Rio de Janeiro (Etern/Ippur/UFRJ) and at the GEMAP - Study Group on Social Change, Agribusiness and Public Policies (CPDA/UFRRJ).

She works in research projects on climate change and capitalisation of nature in Brazil; energy and mining; and women and megaprojects. Fabrina holds a Doctorate in Urban and Regional Planning from Ippur/UFRJ; Master's Degree in International Political Economy from the University of Warwick, England; Specialization in Political Ecology and Rural Development; and a degree in Economics and International Relations from the University of Reading, England.

JUDGES

Radha D'Souza

Radha D'Souza is a Professor of International Law, Development and Conflict Studies at the University of Westminster (UK). D'Souza works as a writer, critic and commentator. She is a social justice activist and worked with labour movements and democratic rights movements in her home country of India as an organiser and activist lawyer. D'Souza has a BA in philosophy from Elphinstone College (University of Mumbai) and a LLB from New Law College (University of Mumbai), and she completed her PhD in Geography at the University of Auckland. She is the author of *What's Wrong with Rights?* (Pluto, 2018) and *Interstate Disputes Over Krishna Waters* (Orient Longman, 2006) and works with the Campaign Against Criminalising Communities (CAMPACC) in the UK. Together with artist Jonas Staal she co-founded the *Court for Intergenerational Climate Crimes* (2021-ongoing).

Sharon H. Venne

Sharon H. Venne (Notokwew Muskwa Manitakan) is a Cree woman; BA (Hon), LLB, LLM and a PhD candidate in the history department of the University of Alberta. The background research to the many clauses on the Declaration on the Rights of Indigenous Peoples is included in her book: *Our Elders Understand Our Rights: Evolving International Law Regarding Indigenous Peoples* (Theytus Books, 1998). In addition, Venne has written numerous articles and edited materials related to the rights of Indigenous Peoples and Treaty Rights of Indigenous Peoples. Her most recent published article is 'Manufactured Consent – how state governments manufacture consent and use it against Indigenous Nations at the domestic and international level' in *Indigenous Peoples as Subjects of International Law* (Routledge, 2018) edited by Dr. Irene Watson.

Rasigan Maharajh

Rasigan Maharajh is an activist scholar who is primarily based in South Africa. Having occupied leadership roles in both mass democratic and a

national liberation movement, he served as national coordinator of the science and technology transition programme of the first post-apartheid government. After his deployment as Head of Policy at the Council for Scientific and Industrial Research, he is the founding Chief Director of the Institute for Economic Research on Innovation of Tshwane University of Technology since 2004.

From 2014, he has also served as the Node Head of the Department of Science and Technology and National Research Foundation Centre of Excellence in Scientometrics and Science, Technology and Innovation Policy. He is a Professor Extraordinary of the Centre for Research on Evaluation, Science and Technology of Stellenbosch University from 2015. He holds a PhD in Political Economy and Research Policy from Lund University in Sweden.

Nicholas Hildyard

Nicholas Hildyard is a founder and director of The Corner House, a UK research and advocacy group focusing on human rights, the environment, and development. Hildyard has written extensively on environmental and global justice issues. His publications include *Licensed Larceny: Infrastructure, Financial Extraction and the Global South* (Manchester University Press, 2016), *Corridors as Factories: Supply Chains, Logistics* (Corner House, 2019) and *Labour, Energy, Work and Finance* (Corner House, 2014).

CLERK

Jonas Staal

Jonas Staal is a visual artist whose work deals with the relation between art, propaganda, and democracy. He is the founder of the artistic and political organisation *New World Summit* (2012-ongoing). He co-directs the training camp *Training for the Future* (2018-ongoing), and with human rights lawyer Jan Fermon he initiated the collective action lawsuit *Collectivize Facebook* (2020-ongoing). With writer and lawyer Radha D'Souza he founded the *Court for Intergenerational Climate Crimes* (2021-ongoing).

FRAMER FRAMED

EXHIBITION DATES

25 SEPT '21
16 JAN '22

Climate Crimes (CICC) is a project by Radha D'Souza & Jonas Staal, commissioned by Framer Framed, Amsterdam.

ADDRESS

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OPENING TIMES

Tue - Sun, 12:00 - 18:00

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OCT 28, 2021
13:00-18:00
Comrades past,
present and future
vs. the Dutch State

OCT 29, 2021
13:00-18:00
Comrades past,
present and future
vs. Unilever

OCT 30, 2021
13:00-18:00
Comrades past,
present and future
vs. ING

OCT 31, 2021
13:00-18:00
Comrades past,
present and future
vs. Airbus

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