

# Climate Justice needs your support

The case of Huaraz points to the major responsibility of large energy companies

## STATUS QUO

- The Peruvian farmer and mountain guide Saúl Luciano Lliuya has filed a lawsuit against RWE. Due to climate-change induced glacial retreat, a devastating flood disaster threatens Saúl's house and large parts of the Andean city of Huaraz where up to 50,000 people could be affected.
- The energy company RWE, the largest CO<sub>2</sub> emitter in Europe, is responsible for about one half percent of all industrial greenhouse gas emissions since the beginning of industrialisation. Saúl Luciano Lliuya demands that the company pays 0.5% of the costs for the necessary protection measures in Peru.
- This legal case is the first of its kind in European courts. It has already been an important step towards new legal mechanisms for people affected by climate change as leverage for political solutions.
- 24.11.2015: Saúl Luciano Lliuya files the lawsuit, which is classified by the District Court Essen as "a legal matter with fundamental significance".
- June 2016: In its statement of defence, RWE disputes its own responsibility for climate change induced damage in the Andes and denies that Huaraz even faces a risk of flooding despite warnings from international scientists.
- 24.11.2016: The first oral hearing takes place amid great national and international interest – the decision was adjourned.
- 15.12.2016: The District Court Essen dismisses the civil lawsuit against RWE. However, the legal dispute is not over:
- 26.01.2017: Saúl Luciano Lliuya files an appeal before the Higher Regional Court Hamm against the negative ruling of the Regional Court Essen. The reasons for dismissing the lawsuit are wrong in the opinion of Saúl's lawyer Roda Verheyen. The Court's ruling disregards facts that were brought forward and alleges a general lack of legal causality. Verheyen views such a legal causality as established. The fact that multiple polluters are contributing to climate change impacts does not absolve individual polluters of responsibility. If necessary, Saúl Luciano wants to take his case to the highest court.

## OBJECTIVES OF THE LAWSUIT

1. To hold polluters like RWE accountable and incite them to shift to less damaging business models.
2. To support the claimant and citizens of Huaraz in reducing the risk of a disastrous flood.
3. To bring about national and international political solutions for protecting those who are most vulnerable to climate change.
4. To develop new legal mechanisms for people affected by climate change – as leverage for political solutions.



**¡ Para la gente de Huaraz !**

Contact: Julia Grimm ([grimm@germanwatch.org](mailto:grimm@germanwatch.org))

More info: [www.germanwatch.org/en/huaraz](http://www.germanwatch.org/en/huaraz)



The glacier lake Palcacocha with a provisional pump discharge system in the foreground, which is not sufficient to avoid a threatening tidal wave.



The map indicating the evacuation zones reveals the hazardous situation for people in Huaraz.



Saúl Luciano Lliuya in front of the District Court Essen on the first day of the oral hearing.

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## SUPPORT AND SOLIDARITY FOR SAÚL LUCIANO LLIUYA



The environmental and development organisation Germanwatch has decades of experience working towards global climate justice and supports Saúl Luciano with ideological guidance as well as with concrete advice, expertise, networking and public relations work.



The foundation “Stiftung Zukunftsfähigkeit” that is associated with Germanwatch supports Saúl’s with donations and fosters the work of Germanwatch in this context. “Stiftung Zukunftsfähigkeit” encourages voluntary donations in order to continue the support for Saúl Luciano’s lawsuit. For the Peruvian mountain guide the lawsuit against the energy company RWE is a great challenge. He alone cannot pay for the court and attorney fees.

Saúl Luciano needs additional resources for the judicial litigation so that scientific appraisals can be prepared and to enable his participation in the hearings of this legal precedent.

### THIS IS HOW YOU CAN SUPPORT SAÚL

- **SOLIDARITY:** Show your colours for Saúl and the people in Huaraz by sending strong signals for global climate justice.
- **AWARENESS:** Raise awareness for the correlation between energy production in Germany and climate impacts for the most vulnerable people in developing countries.
- **MOBILIZE:** As Saúl is filing an appeal, he needs more donations for court and attorney fees, travel expenses, scientific appraisals and other costs.

**The foundation “Stiftung Zukunftsfähigkeit” is covering the claimant’s court and attorney fees and is calling for donations:**

[www.betterplace.org/en/projects/35937](http://www.betterplace.org/en/projects/35937) and [www.stiftungzukunft.de](http://www.stiftungzukunft.de)

or directly:

GLS Gemeinschaftsbank eG, IBAN: DE 77 4306 0967 0014 0396 00,

BIC: GENODEM1GLS

*„I am happy to have become active and it overwhelms me how much interest and support I have received in my country and around the world. This gives me the courage and strength to move forward. Climate change affects all countries in the world. Therefore we have to stand up for justice.”*



The documentary filmmaker Christian Jentzsch directed "Last Chance for Our Climate – What is needed now", a film about climate change in which the case of Huaraz plays a central role. The documentary can be found in the media library of ARD: [www.tinyurl.com/klima-ard](http://www.tinyurl.com/klima-ard)



Coal-fired power plants like those from RWE are a significant contributor to climate change (Foto: A. Bernhard).



Saúl Luciano Lliuya and his father submitting the lawsuit to the District Court Essen.



Christoph Bals and Klaus Milke (Germanwatch and Stiftung Zukunftsfähigkeit) with Saúl Luciano at the open pit brown coal mine Garzweiler.

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