

THE HUARAZ CASE: SAÚL VS. RWE



**Glaciers are melting.
Responsibility is growing.**



For the people of Huaraz and global climate justice.

THE INITIAL SITUATION

- The Peruvian farmer and mountain guide Saúl Luciano Lliuya has filed a lawsuit against RWE. Due to climate-change induced glacial retreat, a glacial lake above the Andean city of Huaraz has grown and threatens to overflow or even break its dam. Saúl Luciano Lliuya's house along with large parts of the city are at risk of a devastating flood that would affect up to 50,000 people in Huaraz.
- The energy company RWE, Europe's largest CO₂ emitter, is responsible for around half a percent of all industrial greenhouse gas emissions. Saúl Luciano Lliuya demands that the company cover around 0.5% of costs for safety measures at the glacial lake.
- This lawsuit is the first of its kind in the whole world to reach this stage. In an important step, the case entered the evidentiary phase which creates political leverage to establish new legal mechanisms for people affected by climate change.



You can find a very impressive 6-minute film with background information here (German/English/Spanish): <http://germanwatch.org/en/huaraz>

OBJECTIVES OF THE LAWSUIT

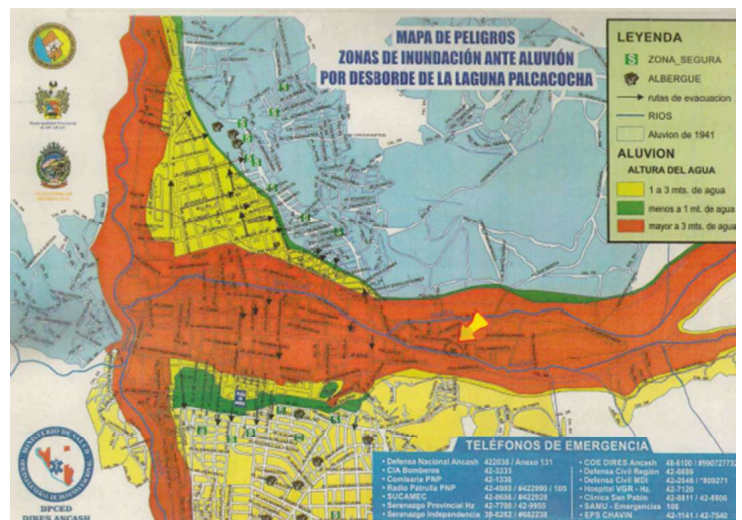
1. To hold polluters like RWE accountable and incite them to shift to less damaging business models.
2. To support the claimant and citizens of Huaraz in reducing the risk of a disastrous flood.
3. To bring about national and international political solutions for protecting those who are most vulnerable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



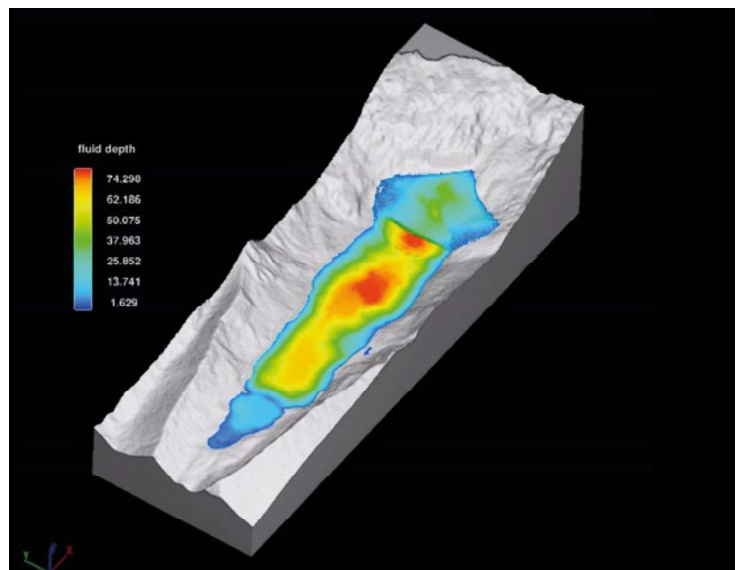
Saúl Luciano Lliuya (2nd from right) with friends and supporters in Bonn during the United Nations Climate Summit 2017 (COP 23).



The glacial lake Palcacocha with a makeshift pump discharge system in the foreground, which is not sufficient to avoid a dangerous tidal wave.



Highlighted in orange, the hazard map shows those city areas of Huaraz which are particularly threatened by high waters and a flood from the glacial lake Palcacocha (the arrow in the town center marks the location of the home of the Luciano Lliuya family).



A scientific study by the University of Texas at Austin ("Living under flood risk in Huaraz City: Hazards lie below glaciers") has calculated the specific threat situation (photo: "Flow-3D Simulation", www.vimeo.com/99250366).

CHRONOLOGY OF THE “HUARAZ CASE”

24.11.2015: Saúl Luciano Lliuya files the law suit which is classified by the District Court Essen as “a legal matter with fundamental significance”.

Juni 2016: In its statement of defence, RWE disputes its responsibility for climate-change induced damage in the Andes and denies that Huaraz even faces a risk of flooding.

24.11.2016: The first oral hearing takes place amid great national and international interest – the decision is adjourned.

26.01.2017: Saúl Luciano Lliuya files an appeal before the Higher Regional Court Hamm against the negative ruling of the Regional Court Essen of December 15th 2016.

13.11.2017: Parallel to the political negotiations at the UN Climate Summit in Bonn, the oral hearing of the appeal submitted by Saúl Luciano Lliuya takes place.

The Higher Regional Court Hamm states clearly that large emitters such as RWE are liable for supporting people in poorer countries affected by climate change. The climate-suit of Saúl Luciano Lliuya will therefore enter into the next phase.

30.11.2017: The Higher Regional Court Hamm announces its decision to enter into the evidentiary stage, thereby writing legal history. Comprehensive expert reports can be expected.

25.02.2018 and 14.03.2018: The Higher Regional Court of Hamm clearly rejects two statements of objection filed by RWE’s lawyers against the Court’s Order for the Hearing of Evidence and states once again: climate damages can give rise to corporate liability.

July 2018: Since plaintiff and defendant cannot agree on experts for the taking of evidence, the Higher Regional Court of Hamm announces that it will select them itself.

September 2018: The experts selected by the Higher Regional Court of Hamm accept their appointment. They will provide an opinion on the question of whether or not there is a serious threat of impairment to the plaintiff’s property. If this question is answered positively, there will be taking of evidence with regards to the defendant’s part of responsibility for this impairment due to RWE’s CO₂ emissions.

Current: On the recommendation of the experts, the Higher Regional Court of Hamm has made a request to the State of Peru to be allowed to inspect the premises that are the subject of the lawsuit. The Court is at present awaiting response from the competent authorities, which can take quite some time to process.

MEDIA RESPONSE

There have been reports on the “Huaraz Case” all around the world – online, on TV and in printed media.

Many big media in Germany and the world reported about this topic. The following is a tiny selection:

- The New York Times, www.tinyurl.com/ybsdboxg
- The Washington Post, www.tinyurl.com/ycxzdv14
- Deutsche Welle, www.tinyurl.com/ycxr8oee
- TIME Magazine, www.tinyurl.com/yd5838g6
- The Guardian, www.tinyurl.com/ycruq233



13 November, 2017: at the Higher Regional Court Hamm, Saúl Luciano Lliuya and his lawyer Roda Verheyen explained their expectations of the hearing to the press. At the time, nobody knew that their expectations would be exceeded with an unequivocal ruling by the judges.



On September 23rd 2018, Saúl Luciano Lliuya was honored with the Citizens’ Prize of Kassel, “The Glass of Reason”. Climate researcher Hans Joachim Schellnhuber and economist Claudia Kemfert praised the Peruvian’s achievements for climate justice.

Global climate justice needs your support.

“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.”

Saúl Luciano Lliuya, mountain guide and farmer from Huaraz/Peru



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 fossil energy production and climate impacts for the most vulnerable people in developing countries.
- MOBILIZE:** Since Saúl Luciano Lliuya's appeal was successful, the legal dispute now requires even more donations for court and attorneys' fees as well as for the necessary scientific reports.

Please support Saúl Luciano Lliuya in his model lawsuit against RWE. Your donation contributes, amongst other things, to the preparation of the expert reports needed in the evidentiary stage of the lawsuit and allows personal participation in the hearings of this legal precedent for global climate justice.

DONATIONS ACCOUNT

STIFTUNG ZUKUNFTSFÄHIGKEIT

Keyword **“HUARAZ“**

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The team of the environmental and development organization Germanwatch has been working on the subject of global climate justice for a long time and supports Saúl Luciano Lliuya with ideal guidance as well as with concrete advice, expertise, networking and public relations work.



The foundation “Stiftung Zukunftsfähigkeit” that is associated with Germanwatch supports Saúl Luciano Lliuya's charitable cause with donations and also fosters the work of Germanwatch in this context. “Stiftung Zukunftsfähigkeit” welcomes donations in support of Saúl Luciano Lliuya's lawsuit. The lawsuit against the energy company RWE is a major challenge for the Peruvian mountain guide. He cannot pay the court and attorneys' fees on his own.

All information about the “Huaraz Case” (videos, court documents, press releases etc.):
www.germanwatch.org/en/huaraz



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