

# ACTIVITY REPORT - 2020

\*Sherpa





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## EDITO

7

## GLOBALIZATION AND HUMAN RIGHTS

8

Corporate liability of parent and instructing companies for  
their subsidiaries and subcontractors

9

Facilitating access to justice

13

Protecting the public debate

15

Multinational companies' role in armed and conflict zones

19

Violation of workers' rights throughout the supply chain

22

Environmental damage

26

## ILLICIT FINANCIAL FLOWS

30

Corruption and embezzlement of public funds

31

Tax havens and money laundering

37

## CONTRIBUTIONS AND PUBLICATIONS

40

## TEAM

44

## BUDGET

48

# EDITO



In 2020, the pandemic that has hit the planet has shed light on the dysfunctions that Sherpa has been fighting for the past two decades, in particular the vulnerability of workers at the bottom of the supply chain, the exhaustion of the current model defined by private economic actors and as well as the deprivation of countries' resources.

Sherpa, along with its partners, members and supporters, will continue to oppose short-term responses that obey the injunctions of the most powerful and ignore the needs of the most affected populations, with a vision of the world and of the law that is protective, egalitarian, ecological and innovative.

This will require taking certain multinational such as Total and Casino to court to ensure that due diligence is truly enforced, fighting against their organized opacity and the complacent governments that allow it, returning the proceeds of corruption to the victims, and continuing to wage the fights that have brought us together for 20 years.

With your support and that of the team that I thank here, we will succeed.

Sandra COSSART — Executive director

# GLOBALIZATION AND HUMAN RIGHTS

Globalisation has changed peoples' lifestyles. New trade opportunities, particularly those offered by the transport revolution, have enabled companies to expand their production activities to developing countries.

Unfortunately, fundamental human and environmental rights are constantly neglected in favour of systematic cost-cutting and an ever-increasing production pace.

Industrial disasters have multiplied at an alarming rate, causing sometimes irreversible social and environmental damages. However, the lack of regulations adapted to globalisation makes it difficult to establish legal accountability and obtain compensation for damages.

Through its "Globalisation and Human Rights" program, Sherpa's goal is to foster economic players' liabilities, at national, European and international levels. At the same time, our organization fights against the fundamental imbalance between victims and companies in terms of access to justice, often due to the transnational nature of litigations, but also to the existence of inadequate procedural rules. Finally, the impunity of economic actors is often the consequence of strategies implemented by these same actors to limit the regulation of their sector and hinder public debate on their activities; Sherpa denounces these strategies and pleads for their regulation or even prohibition.



# CORPORATE LIABILITY OF PARENT AND INSTRUCTING COMPANIES FOR THEIR SUBSIDIARIES AND SUBCONTRACTORS

**Sherpa has been working for many years for the implementation of a binding legal framework to make economic actors, in particular transnational companies, accountable.**

## Covid-19 pandemic and employees protection in value chains

The Covid-19 pandemic has led Sherpa to question even further the role and place of economic actors in the sanitary, social and economic crisis. The pandemic has indeed placed at the center of the debates the consequences of systematic environmental damage (the appearance of zoonoses such as Covid-19 can be caused by deforestation and the destruction of natural habitats), the uncontrolled deployment of global supply chains and the deprivation of public resources essential to the functioning of public health services.

The pandemic has also had a greater impact on the most exposed workers in global value chains.

In particular, the increase in Covid-19 cases contracted in the workplace has revealed that many companies have prioritized profits over the health and safety of their employees. This is the case of Teleperformance, the world leader in call centers, whom we sent in 2019 a demand letter to respect its duty of vigilance within its subsidiaries abroad. In 2020, Sherpa strengthened its advocacy to protect the most impacted workers at the end of the chain.

## Implementation of the law on the duty of vigilance

2020 is the third year of implementation of the 27 March 2017 law on the Duty of Vigilance of parent and instructing companies.

This law, which is the undeniable success of Sherpa's advocacy, enshrines in the Commercial Code a legal obligation of prudent and diligent behaviour for companies that employ, directly or in their subsidiaries, at least 5,000 employees in France or 10,000 employees worldwide.

The duty of vigilance requires companies to establish, implement effectively and publish "reasonable vigilance measures to identify risks and prevent serious violations of human rights and fundamental freedoms, health and safety of persons and the environment". It's the first legislation in the world that covers the entire supply chain, since the measures must also apply to the activities of subsidiaries, subcontractors and suppliers with which a business relationship is established. These measures must be formalised in a vigilance plan which provides material support for the duty of vigilance.

## DUTY OF VIGILANCE RADAR

As of 2019, Sherpa has launched a project to monitor the implementation of the law, with the creation of the website duty of vigilance radar ([www.vigilance-plan.org](http://www.vigilance-plan.org)). Alongside the Datactivist cooperative, a data analysis specialist, and with the support of Business & Human Rights Resource Centre, Sherpa and CCFD-Terre Solidaire sought to determine whether the public and financial reference databases (Infogreffé, Sirene, Orbis) made it possible to identify precisely the companies subject to the duty of vigilance law.

This work exposes the opacity of corporate information in France, hindering citizen monitoring of the implementation of the duty of vigilance law; it attempts to compile a non-exhaustive list of companies that appear to be subject to the law, based on publicly available information.

In the 2020 edition, Sherpa and CCFD-Terre Solidaire have identified 265 companies concerned, 72 of which do not have an identified due diligence plan, i.e. approximately 27% of companies. Among them are some behemoths of the French economy, such as McDonald's, Yves Rocher, Avril, Castorama, EuroDisney, Bigard, France Télévisions, KPMG, or Picard.

**MINING WITH MEANING  
→ PROTECTING HUMAN RIGHTS  
AND THE ENVIRONMENT →  
IN THE SHIFT TO CLEAN ENERGY**

France's Duty of Vigilance law and the supply chains of the minerals used for the energy transition

**le radar  
du devoir  
de vigilance**

**IDENTIFIER LES ENTREPRISES  
SOUMISES À LA LOI**



## "MINING WITH MEANING" : DUTY OF VIGILANCE AND MINERALS USED IN THE ENERGY TRANSITION

In a study published in October 2020 on vigilance in minerals supply chains used in the energy transition, Sherpa developed an analytical framework and examined the measures presented in the vigilance plans of nine French companies (Eramet; Imerys; EDF; Engie; Nexans; Total S.A.; Bolloré; PSA Automobiles S.A; Renault).

Sherpa sought to verify whether the vigilance plans published by these companies, which are subject to the duty of vigilance law, contained reasonable vigilance measures to identify these risks and prevent these violations.

The research shows that the vigilance plans examined do not meet the obligations of the law on the duty of vigilance, as the risks linked to these minerals rarely appear, and the measures presented are often imprecise and detached from the companies' activities. Companies often simply present tools that they were already using before the law existed, such as audits or certifications, but which in practice do not allow them to avoid damage related to the use of these minerals.

During this study Sherpa was denied access to the list of French companies subject to the EU Conflict Minerals

Regulation (EU Regulation 2017/821) in the name of trade secret and customs data confidentiality. Based on the advice of the Commission for access to administrative documents (CADA), Sherpa filed an appeal before the Administrative Court of Paris against the decision of the Ministry of Ecological Transition to access this list and denounce the argument of trade secret and the opacity of economic actors.

## Reinforcing the obligations for economic actors at European and international levels

Sherpa's advocacy is part of an international civil society movement aiming at ending the impunity of economic actors regarding human rights violations and environmental harms, and to facilitate access to justice for victims. Sherpa contributes to this movement, both at the European and international levels.

### BRINGING THE LAW ON THE DUTY OF VIGILANCE TO THE EUROPEAN LEVEL

The progress enacted by the French law on the duty of vigilance cannot be achieved if it remains isolated, especially in Europe. National coalitions are driving legislative developments in this area in several European countries, and proposals for comparable legislation are beginning to emerge, as in Germany for example. Most importantly, **legislation at the European Union level** is under discussion.

In April 2020, the European Commissioner for Justice, Didier Reynders, announced that a draft legislation on duty of vigilance (directive or regulation) should be published in the first half of 2021. Also, in September 2020, Lara Wolters, rapporteur for the European Parliament's Committee on Legal Affairs (JURI), published a draft report, which will be put to a vote in early 2021.

In order to foster the movement in which Sherpa has played a key role, the association continued to carry out a series of activities in 2020 such as sharing at the European level its experience in mobilising around the duty of vigilance law, strengthening the capacity of European civil society organisations into interpretation of the various legal avenues, making the content of this law known, reporting on its implementation and fueling the European advocacy: meeting of legal experts, participation in workshops for NGOs, conferences, visits to decision-makers, publications of legal articles.

Internationally recognised for her expertise, Sandra Cossart participated in a webinar entitled "Towards Effective EU Mandatory Human Rights & Environmental Due Diligence Legislation" alongside Didier Reynders and Lara Wolters, on 8 June 2020.



**ECCJ**  
European Coalition  
for Corporate Justice

Some of these activities have been carried out within the European Coalition for Corporate Justice (ECCJ), a Brussels-based organization that coordinates the actions of national coalitions working on these issues. Sherpa has been a member of ECCJ Steering group since its creation and has contributed to set up its priorities and to the various legal working groups, including those concerning the content of a future directive or European regulation on the duty of vigilance. We have also been solicited by Italian, German, Finnish, Luxembourg, Dutch and Swiss networks of organizations to promote, in their national contexts, awareness of the importance of binding legislation in this field. Finally, alongside the organizations of the French Citizen Forum on CSR, Sherpa published a document of recommendations on this future legislation.

These interventions aimed in particular to recall the importance of a transversal regulation combining the creation of new obligations applicable to companies with civil and criminal liability mechanisms as opposed to sectoral regulations prescribing only transparency (reporting) or compliance measures.

## SUPPORTING NEGOTIATIONS ON A BINDING INTERNATIONAL TREATY ON BUSINESS AND HUMAN RIGHTS

In 2014, the UN Human Rights Council adopted a resolution sponsored by South Africa and Ecuador, creating a working group to draft a legally binding instrument on transnational corporations and human rights. After presenting the elements of the treaty in 2017, and a preliminary draft in 2018, the working group released the first version of the draft treaty in July 2019. In October 2020, a new negotiating session took place.

Alongside the other members of the French Coalition for a UN Treaty and of the Treaty Alliance, Sherpa analyzes what came out of these negotiation sessions and calls on French and European decision-makers to actively participate.

Despite the sanitary context that limited the participation of civil society in the negotiations, an essential driver of the process, Sherpa and the other organizations involved called on States to take advantage of the sixth negotiation session to advance on the issues of legal responsibility of multinationals, prevention of human rights violations and environmental damage, and access to justice for people affected by the activities of companies.

## Strengthening the digital industry regulatory framework

Private actors play a central role in the development of projects that involve the massive collection and automated processing of personal data, particularly in the course of their partnerships with public authorities.

Human rights concerns related to the emergence of “mass surveillance” today arise both from the practices of public authorities and those of private actors, including multinational companies in the digital or military sectors.

It is sometimes difficult to understand the legal basis applicable to these private actors in the context of their projects, because of their opacity, their transnational character or the lack of understanding of the technologies at work. Are these practices illegal? Should they be? What are the obligations of private actors in this regard? What are the risks and impacts on human rights, in particular the right to privacy or freedom of expression?

To explore these questions and better identify the actors involved and their respective responsibilities, Sherpa has initiated a project with the Clinique de l’École de Droit de Sciences Po for the academic year 2020 - 2021 entitled “Mass surveillance - role of private actors, digital law and human rights”, and will continue its research on these issues.

# FACILITATING ACCESS TO JUSTICE



**In 2020, Sherpa continued to denounce the obstacles faced by economic crimes victims in accessing justice and proposed legislative changes to lift them.**

## Draft law on European Public Prosecutor’s Office, environmental justice and specialized criminal justice

Within its work on access to justice, Sherpa has mobilised to ensure that the bill on European Public Prosecutor’s Office, justice and specialized criminal justice is up to the challenge.

On the one hand, this bill aimed at adapting French criminal procedure to the creation of the European Public Prosecutor’s Office, which is now competent to prosecute offences affecting the financial interests of the European Union. It also included a section devoted to environmental justice, providing in particular for the designation of specialized courts in criminal matters and the development of negotiated justice such as the creation of a new category of public interest judicial agreement concerning environmental offenses.

Furthermore, the transposition into French law of provisions relating to the new European Public Prosecutor’s Office, although offering new means of investigation to fight fraud on a European scale, does not come with sufficient procedural guarantees. Indeed, this transposition constitutes a new worrying step that ratifies the demise of the investigating magistrate and does not sufficiently guarantee the place of civil parties. Sherpa has alerted public authorities and civil society to the risks of a lack of procedural guarantees in line with existing procedural law.

Sherpa has published a set of recommendations:

- Creating genuine environmental jurisdictions competent in both civil and criminal matters;
- Renouncing the development of negotiated justice in environmental matters;
- Strengthening access to environmental information held by companies;
- Creating separate offences of environmental endangerment and damage;
- Enabling extraterritorial enforcement of environmental criminal law.

A legislationon the European Public Prosecutor's Office, environmental justice and specialized criminal justice was adopted on 24 December 2020. In particular, it provides for the designation of judicial courts with special competence in environmental matters, both in civil and criminal matters.

## Access to evidence and summary process

In 2020, Sherpa has long denounced the obstacles preventing victims, impacted by the activities of multinationals, from accessing information that would allow them to access justice and compensation of their damages. The association was facing a concrete example litigating against the company Perenco and its refusal to enforce an order to seize documents at its premises. More specifically, in two academic articles Sherpa has highlighted the flaws in the mechanism for access to evidence instituted by article 145 of the Code of Civil Procedure.

Sherpa demonstrates that today, in France, a multinational company can avoid the enforcement of probationary judicial decisions by a simple refusal, protected by its economic power, without any effective lever of constraint being applied. Sherpa calls for a reform of the law in this respect, in particular through increased transparency obligations for companies, the establishment of a right to access this type of information, or the adoption of new rules of evidence imposing a spontaneous and complete communication.

## Reporting failures to the OECD National Contact Point (NCP)

Sherpa has dealt with the French NCP on numerous occasions for the last decade, always with unsatisfying results. This soft law mechanism, which we only use where hard law cannot be exercised, is often captured by private actors and proves ineffective in providing reparation for damages caused to victims. Indeed, it will never constitute real access to justice, understood as access to an independent and impartial judge with the power to make enforceable decisions.

In 2018 and 2019, Sherpa has repeatedly denounced the failings of the French NCP, including its lack of impartiality, independence and transparency. After calls for a reform of the NCP's composition and mode of governance, and in the absence of a response, Sherpa alongside most of the prominent NGOs decided to no longer take part in the discussions deemed useless initiated by the NCP.

In February 2020, Sherpa and a large network of NGOs again refused to participate in the "annual dialogue meeting with civil society".

### OECD Watch

However, Sherpa remains active in the OECD Watch coalition, a European network that accompanies communities and workers in the recourse to NCPs, in particular to support various partners who still resort to NCPs in the absence of available legal remedies.

# PROTECTING THE PUBLIC DEBATE



**Whether it is by carrying out its actions for greater corporate accountability, or for better regulation of financial flows throughout the world, Sherpa targets economic actors with significant and multiple resources that are used to reduce access to justice and information, and the democratic space in general. Through its programs, Sherpa strives to defend the democratic space.**

## Fighting SLAPP suits

Civil society actors, including Sherpa, are increasingly targeted by so-called SLAPP (Strategic Litigation Against Public Participation) from companies whose objective is to silence us. These complaints are based on ever more creative grounds: defamation, violation of the presumption of innocence, harassment, denigration.

These strategic lawsuits aim to put pressure on, financially weaken and isolate any journalist, whistleblower or organisation that would shed light on the activities and harmful practices of economic giants such as the Bolloré or Vinci groups. The aim is to dissuade them from investigating, so that trade secret remains well kept, at the cost of general interest and freedom of expression.

In 2019, following Sherpa and its partners' advocacy, the companies Socfin and Socapalm withdrew their appeal in the defamation lawsuit brought against Sherpa. After these legal victories, Sherpa continues the fight, in particular within the collective "On Ne Se Taira Pas!" by drafting, relaying and signing op-ed alerting to SLAPP suits.



## Protecting whistleblowers



Sherpa helped set up “On Ne Se Taira Pas” in 2017 to initiate legislative reforms to put an end to SLAPP suits and to mobilise civil society collectively when one of its members is a victim.

Thus, in 2020, Sherpa was able to support the progressive mobilization of the European civil society on this issue, in reaction to the murder of journalist Daphne Caruana Galizia, targetted by more than forty proceedings at the time of her killing.

In particular, we participated in the European SLAPP Symposium in February to discuss strategies to fight SLAPP at European level. In June, the association co-signed with more than 100 organizations an open letter calling on the European Union to put an end to SLAPP suits by adopting a directive on the matter, reforming the European regulations that currently facilitate these suits, and supporting victims.

A European coalition against SLAPP lawsuits, which will include Sherpa as a member, will be formally created in 2021 to continue this campaign.



Sherpa actively participated in the creation of the House of Whistleblowers (MLA), founded on 22 October 2018 and is an active member of its Board of directors.

### TRANSPOSITION OF THE WHISTLEBLOWERS DIRECTIVE IN FRANCE

Although France was a pioneer in this regard by adopting the Sapin 2 law, the protection provided by this legislation remains deficient to date. The current system requires whistleblowers to first report to their employer the malfunctions they witness, which too often end up by exposing them. The culture of whistleblowing is insufficient to deal with recalcitrant or even delinquent companies: it is not uncommon for an employee to be dismissed for having reported a problem. Even if such a dismissal could be discriminatory and nullified, this situation is nonetheless terribly anxiety-provoking, destructive and discouraging.

The European directive on the protection of whistleblowers, adopted on 23 October 2019, has taken the measure of this democratic problem by removing this first stage and extending the protection

of whistleblowers, thus offering an opportunity to overcome the limitations of the French law and to amend it. It includes a “non-regression clause”, which guarantees the democratic objective of reinforcing whistleblowers’ protective measures during its transposition.

France, like the other countries of the European Union, has one year left to transpose this directive. Many leading actors have stressed the importance of an ambitious transposition: the Defender of Rights, the Council of Europe, the French National Consultative Commission on Human Rights and the Economic, Social and Environmental Council.

Already mobilized before Sapin 2 law, Sherpa is today fully involved in the drafting of the transposition text, thanks to its expertise. In particular, we are asking for the scope of protection to be extended, whistleblower protection measures to be strengthened, and future legislation be clearer, more transparent and accessible.

## Fighting trade secret

Since the transposition into French law of the European directive protecting trade secret in July 2018, Sherpa has taken part -with the Stop secret des affaires coalition- in civil society’s opposition to preserve fundamental freedoms.

Despite warnings from journalists, NGOs, trade unions and citizens, the French law, marked by big corporations’ and business banks’ lobbies, is an unprecedented offensive against public interest and right to information. This law, which is too vague and too large, is in fact being used more and more to hinder the investigative and analytical work of journalists and NGOs in particular.

### IMPLANT FILES – SHERPA HAS MOBILISED ALONGSIDE LE MONDE AND SOME 40 ASSOCIATIONS AGAINST A SERIOUS OBSTACLE TO THE FREEDOM OF INFORMATION

In an international collaborative investigation, more than 250 journalists and 59 media have highlighted the danger of medical implants such as certain defibrillators, insulin pumps, hip replacements, etc. The investigation called “Implant Files” denounces the lack of control and traceability of medical devices, known examples being the PIP breast implants and Essure sterilization implants. The investigation reveals an increase in the number of incidents related to the lack of control of medical devices. According to Le Monde, in the United States, more than 82,000 deaths and

1.7 million injuries were recorded between 2008 and 2017. The French organization LNE/G-MED, responsible for issuing the European certificate of conformity (CE) to these products, refused to give Le Monde the list of devices to which it had issued the precious label, as well as those that had failed to obtain it. The Commission for Access to Administrative Documents (CADA) ruled in favor of the organization, taking up its argument that the information was commercial or strategic and protected by trade secret.

Faced with this refusal which constitutes a serious obstruction to the freedom of information concerning public health issues, several associations, including Sherpa, joined *Le Monde* which referred the matter to the administrative judge, after having been refused access to information on medical implants also on the basis of trade secret.

The refusal of the request for access to information concerning large companies is a new alarming signal of information blocking, in the name of trade secret, and represents an obstacle to the work initiated by Sherpa on economic actors’ liability.

After 3 years of legal battle, it is a mixed victory obtained by the collective of 43 associations. The administrative court has given LNE/G-MED one month to communicate to *Le Monde* and its journalist Stéphane Horel the list of medical devices already on the market and having obtained the CE label from this certification body.

The court based its decision on the respect of freedom of expression justifying a right of access to LNE/G-MED data. Indeed, the judgment states: “With regard to the aim of the journalistic investigation in progress, which is to reveal possible failures in the medical device certification system in order to alert the public authorities and the public to the risks to public health, the communication of this information relating to medical devices already on the market contributes significantly to the public debate on general interest and, moreover, allows for better traceability of defective devices, in accordance with the public health objective of guaranteeing the safety and reliability of medical devices”.

Nevertheless, the judgment ruled in favor of LNE/G-MED on the other requests concerning the list of CE-certified devices not yet on the market, and the list of products to which the label has been refused. The administrative judge considered that this “would be tantamount to revealing confidential information relating to the commercial strategy of manufacturers”. This ambiguity, which is difficult to justify with regard to the issues raised by the right to information in public health matters, demonstrates that the trade secret law continues revealing its dangers.

**TRADE SECRET AND CONFLICT MINERALS**

In order to follow the implementation of the European Regulation in France, aiming at preventing the exploitation and trade of certain minerals from financing armed conflicts or fueling human rights violations, Sherpa requested in November 2019 from the Ministry of Ecological Transition in charge of monitoring the Regulation, the identity of the French companies concerned by the text.

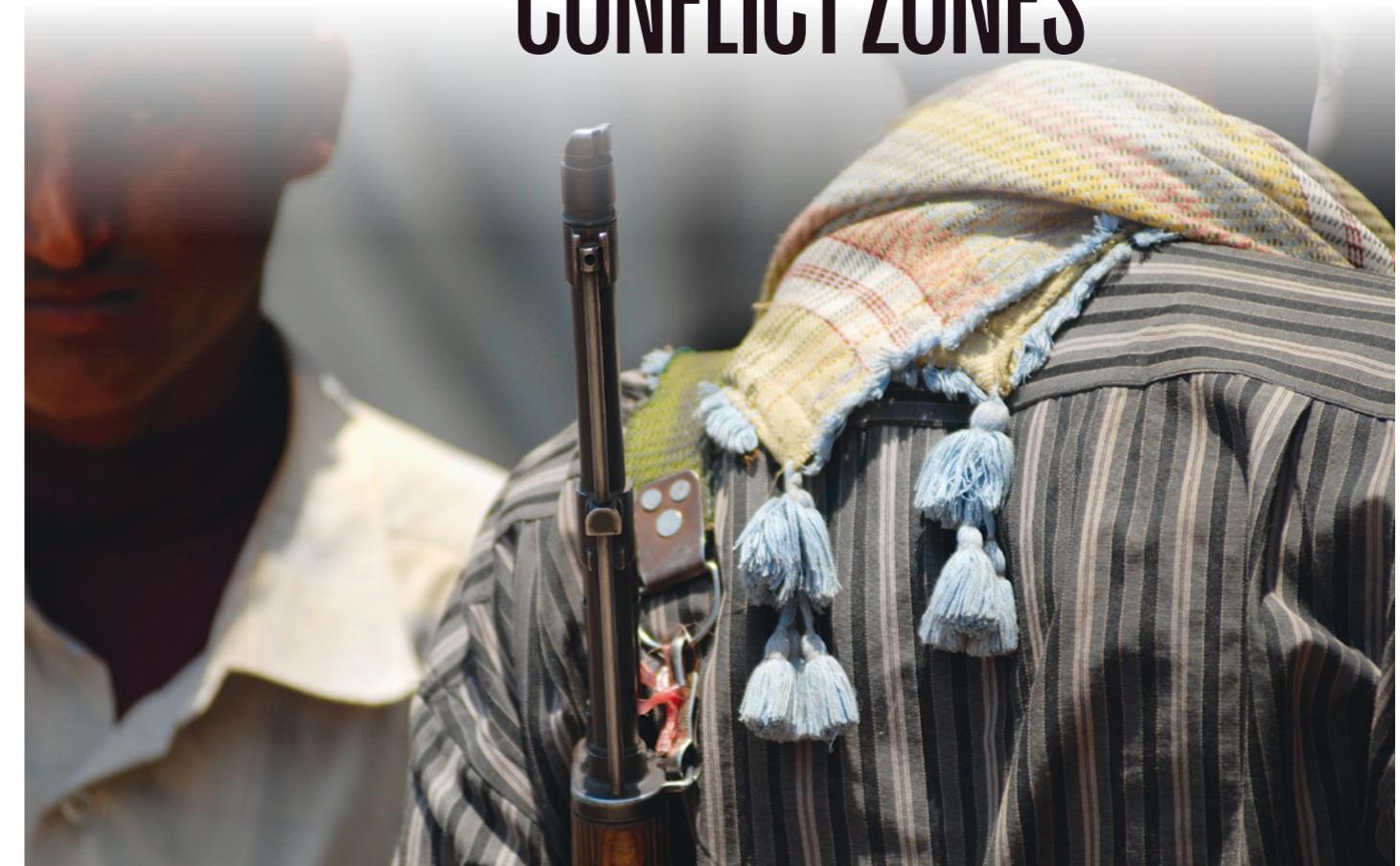
Despite a favorable note by the CADA, which stated that “the communication of a list of these companies is not, by itself, likely to infringe on trade secret”, the administration refused to communicate the list of companies concerned, invoking in particular trade secret and thus locking access to any information relating to the companies. This refusal to communicate information of a general nature, which is also essential to the analysis of the risks of human rights violations in the sensitive sector of the exploitation of raw materials, shows that the trade secret law, far from protecting economic actors, is in fact used as a weapon of massive opacity.

Sherpa has filed an appeal before the Administrative Court of Paris to have the administration communicate, in accordance with the CADA's note, the list of companies concerned by the European Regulation.

**Developing tools to face lobbying strategies**

The capture of powers, particularly sovereign powers, by economic actors raises the question of the creation of the norm. Indeed, multinationals have direct and indirect influence on the making of law, thanks to intensive lobbying and capacities of influence tenfold, relying in particular on information technology.

In 2020, we continued to be part of a working group whose objective is to draw the contours of the phenomenon of private sector's insidious lobbying in public policies. This working group is focusing in particular on the creation of a position paper and recommendations to improve the regulation of the growing influence of companies. As this is an international issue, we wish to be part of the networks working on these subjects at least at the European scale.

**MULTINATIONAL COMPANIES' ROLE IN ARMED AND CONFLICT ZONES**

**While the prosecution and conviction of natural persons for international crimes is now accepted at both the international and national levels, companies' liability as legal entities, and their executives in the perpetration of these crimes is hardly ever recognized.**

However, multinationals are likely to participate in and benefit directly or indirectly from crimes committed in conflict zones. Their involvement can take many forms: through subsidiaries in the area and the use of private security forces, through the delivery of arms, through the supply of raw materials from conflict zones and other forms of direct or indirect financing of potential abuses.

## LAFARGE

### HISTORIC INDICTMENT OF THE PARENT COMPANY

**COUNTRY:** Syria  
**TARGET COMPANY:** Lafarge and Lafarge Cement Syria  
**LEGAL BASIS:** Complicity in crimes against humanity and war crimes, financing of a terrorist enterprise, deliberately endangering people's lives, work incompatible with human dignity  
**PARTNER:** European Center for Constitutional and Human Rights (ECCHR)

#### → FACTS

Between 2012 and 2015, Lafarge, now Lafarge Holcim, owned at 98.7% a plant located between Raqqa and Manbij in northern Syria, managed by Lafarge Cement Syria (LCS). In 2012, when conflicts have escalated, in the northern part of the country, Lafarge repatriated its expatriate employees but asked Syrian workers to stay and keep the plant running. Throughout 2013, conflicts intensified, and ISIS took over the northern Syrian territory. Risks for the lives of employees increased on the roads surrounding Lafarge plant. Arrangements were then made between LCS and several armed groups, including Daesh, in order to maintain operations at the plant.

#### → SHERPA'S WORK

On 28 June 2018, the company was indicted on charges of complicity in crimes against humanity, violation of an embargo, financing a terrorist enterprise and endangering others.

On 7 November 2019, the historic indictment of Lafarge as a legal entity was upheld on appeal by the Investigation Chamber of the Paris Court of Appeal, which, however, cancelled the indictment on charges of complicity in crimes against humanity committed in Syria and Iraq by the Islamic State organization. Nevertheless, the Chamber rejected the admissibility of Sherpa and ECCHR as civil parties in this case, in line with the current trend towards narrowing the scope of civil action by associations.

An appeal to the Court of Cassation has been lodged against both the decision declaring the associations' inadmissibility and the judgment lifting the indictment against Lafarge on the charge of complicity in crimes against humanity.

The associations hope that France's highest appeals court will set a jurisprudential precedent in matters of admissibility of associations regarding complicity in crimes against humanity by overturning this ruling. 2020 was dedicated to preparing the appeal in collaboration with lawyers and partners and to continuing to advocate for the recognition of the role of companies in conflict zones.

Lafarge's activities in Syria, in a context where extremely violent crimes have been committed, including within the factory itself, against Syrian employees who remained on site, are a perfect illustration of how multinationals can benefit from conflicts and commit human rights violations. The fact that judiciary finally recognizes the extent and seriousness of these allegations is a step forward for the plaintiffs and the fight against impunity.

## YEMEN AND FRENCH ARMS

### SALES

**COUNTRY:** Yémen  
**LEGAL BASIS:** Complicity in war crimes, complicity in crimes against humanity, torture

#### → FACTS

The coalition of Arab states led by Saudi Arabia has been conducting a military campaign in Yemen since 2015. Many NGO's and UN reports demonstrate the commission of war crimes and multiple violations of international humanitarian law by the warring parties.

From the beginning of the conflict in 2014, France granted arms export licenses to Saudi Arabia and the United Arab Emirates. Despite the scale of the impact on civilian populations, France has maintained these licenses on the basis of increased control over the flow of arms to the region. In addition, several reports highlight the presence of French equipment in conflict zones, supporting multiple war crimes.

#### → SHERPA'S WORK

Sherpa and 5 other associations (Action Sécurité éthique républicaines, Les Amis de la Terre, Salam for Yemen, Médecins du Monde, Action Contre la Faim) filed an appeal with the Council of State on 19 November 2019 following the rejection by the Paris Administrative Court of Appeal of a request to suspend French arms exports to Coalition countries involved in the war in Yemen.

By ordinance of 26 September 2019, the Administrative Court of Appeal reversed the decision adopted by the Paris Administrative Court, which, after 18 months of adversarial debate, had deemed itself competent to hear the request submitted, although it rejected it. The court had refused to question the Prime Minister's decision refusing to suspend the licences to export arms to the coalition.

This decision, which was adopted in a non-adversarial manner, without a collegial and public hearing, constitutes a clear retreat from the rule of law, as the administrative court of appeal ruled that the issuing of licences authorizing the export of arms constituted an "act of Government", for which no judicial control is possible.

It is nevertheless urgent to put an end to the sale and maintenance of arms by France to the Coalition countries involved in the war in Yemen in order to ensure compliance with France's international commitments, in particular the Arms Trade Treaty (ATT) and the EU Council Common Position 2008/944/CFSP.

## VOLTALIA

**COUNTRY:** Myanmar  
**TARGET COMPANY:** Voltalia  
**LEGAL BASIS:** Complicity in serious violations of international humanitarian law  
**PARTNERS:** Info Birmanie, Reporters Without Borders and Justice for Myanmar

#### → FACTS

On 16 September 2019, the United Nations Fact-Finding Mission on Myanmar (formerly Burma) released its report on the Burmese military's economic interests in the country. This publication follows a 2018 report that established serious human rights violations in Kachin, Shan and Rakhine states as well as grave breaches of international humanitarian law committed between 2011 and 2018.

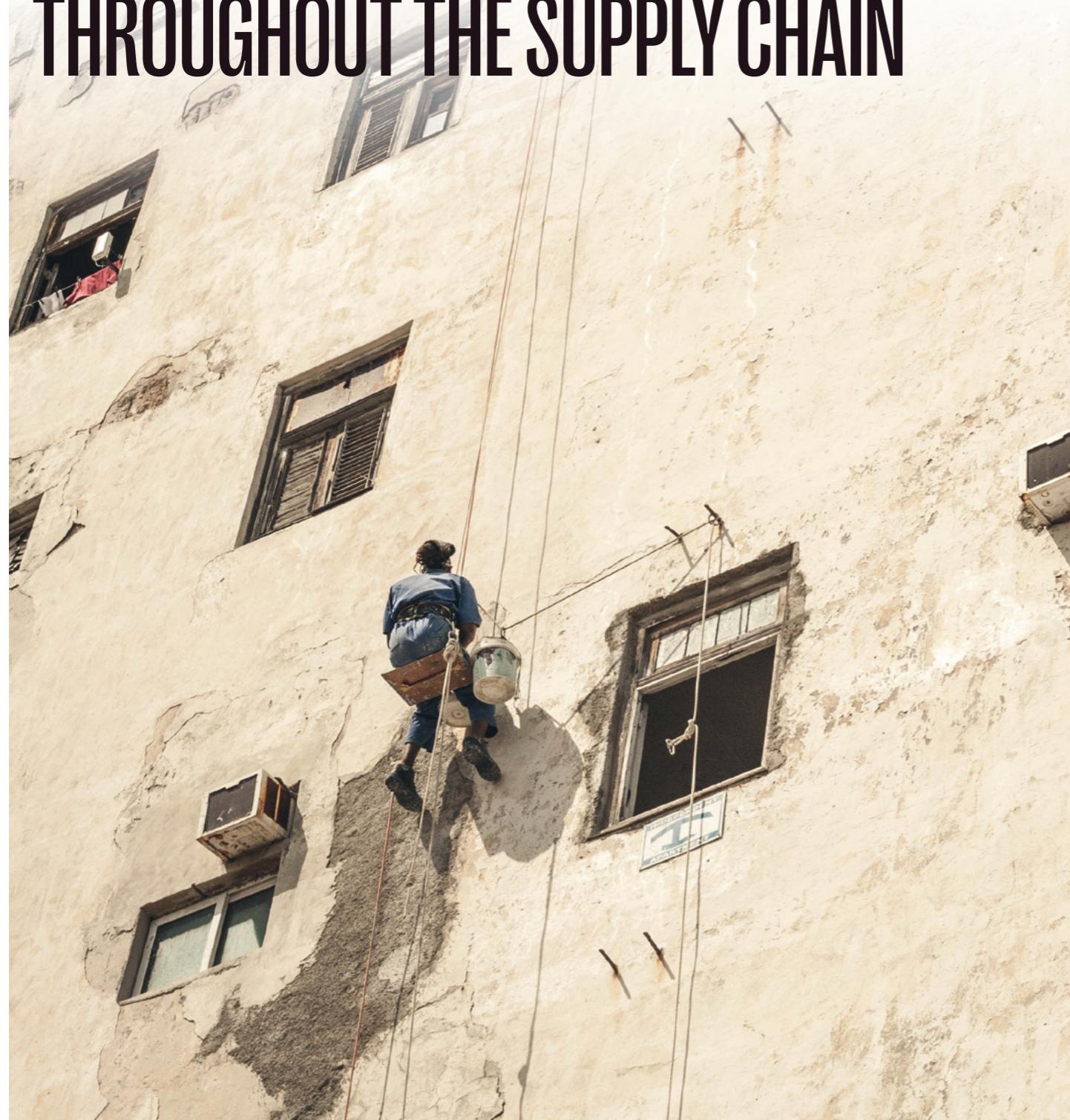
The September 2019 report confirms the Burmese military's interests in the country's economy, particularly in areas where human rights violations are most severe and widespread. It provides a non-exhaustive list of Burmese and foreign corporate groups that have allegedly contributed, directly or indirectly, to serious violations of international humanitarian law.

Among these companies is MyTel, one of the country's leading telecom operators, which is a joint venture subsidiary of the Burmese military-controlled MEC group. By providing electricity to a telecom company close to a government muzzle, the opposition and the press by blocking independent media websites, Voltalia risks aiding government censorship and human rights violations.

#### → SHERPA'S WORK

On 25 May 2020, Sherpa, Info Birmanie, Reporters Without Borders (RSF) and Justice For Myanmar sent a letter asking Voltalia, a French company specialized in the supply of renewable electricity, to end its commercial relationship with MyTel. Sherpa and its partners continue to work on this case and will decide on the follow-up according to the evolution of the situation.

# VIOLATION OF WORKERS' RIGHTS THROUGHOUT THE SUPPLY CHAIN



**The flagrant global disparities in workers protection, which allow multinationals to optimize their profit margins, foster serious forms of labor exploitation that mainly affect women and children.**

The tragedy of Rana Plaza, which killed 1138 people in Bangladesh in 2013, remains one of the most infamous disaster illustrating these modern forms of exploitation. To defend workers and shed light on the legislation's flaws and shortcomings, Sherpa tries to bring into play companies' liabilities whose activities result in rights' violations within their production chain.

Modern forms of labour exploitation, such as work incompatible with human dignity, servitude and forced labour, are punishable under a number of offences in the Criminal Code. By demonstrating the link between the activities of subsidiaries and the French parent company, Sherpa wants to ensure qualifications of French criminal law are applied to offences committed abroad by multinationals and thus to effectively combat their impunity.

In addition, to promote a responsible corporate image, companies publish ambitious ethical commitments ensuring that workers' rights are fully respected throughout the production chain. However, there are unacceptable gaps between these ethical commitments and the reality in the plants of some of these companies. The basis of misleading commercial practices must allow to sanction this discrepancy by giving ethical commitments a binding legal value, and helping to rebalance the power struggle between workers, consumers and multinationals.

## VINCI

**COUNTRY:** Qatar

**TARGET COMPANY:** Vinci

**LEGAL BASIS:** Forced labour and bonded labour, human trafficking, work incompatible with human dignity, deliberately endangering people's lives, unintended injuries and unlawful concealment

**PARTNER:** Comité contre l'esclavage moderne (CCEM)  
(Committee Against Modern Slavery)

### → FACTS

Qatar has undertaken a vast infrastructure modernization program in view of hosting the 2022 World Cup. In this context, Vinci has won major contracts worth billions of euros, and employs around 6,000 migrants on its construction sites through its Qatari subsidiary (Qatari Diar Vinci Construction or QDVC) as well as many subcontractors.

During its investigations in 2014 and 2018, Sherpa collected information revealing potential inhuman and dangerous working conditions imposed by Vinci through QDVC, in violation of international and even local laws: 66 hours of work per week in violation of Qatari law, lack of equipment necessary to protect workers from heat, and collective accommodation that would be incompatible with human dignity.

### → SHERPA'S WORK

In 2018, Sherpa had carried out a new field investigation which led to the filing in November of a new complaint with the CCEM (Committee Against Modern Slavery) and six former employees of QDVC against Vinci, Vinci Construction Grands Projets (VCGP), its Qatari subsidiary QDVC and their representatives on the same ground. This complaint concerned facts similar to those covered by the first complaint filed in 2015, which would have occurred between 2014 and 2016.

With no response from the public prosecutor's office, a claim for criminal indemnification was filed in February 2019. The senior investigating judge of the Tribunal de Grande Instance of Nanterre to whom the cases were referred opened a judicial investigation in November 2019, which is still ongoing.

### → THE SLAPP SUITS

Vinci filed a defamation suit against Sherpa and several of its employees. Vinci asked for 350,000 euros in damages before reconsidering the amount requested in 2018 to finally ask for a symbolic euro. In 2019, Sherpa requested a stay of proceedings pending the conclusion of the criminal proceedings, which was granted. The procedure is still suspended awaiting the conclusion of the criminal proceedings.

## SAMSUNG

**COUNTRY:** China  
**TARGET COMPANY:** Samsung  
**LEGAL BASIS:** Misleading commercial practices  
**PARTNERS:** ActionAid– Peuples solidaires, Indecosa-  
 CGT

### → FACTS

Samsung prides itself on having adopted ethical commitments that are widely spread on the Internet where it claims to be contributing to "a better world". However, the NGO China Labor Watch, which infiltrated Samsung's factories, published well documented reports as early as 2012 denouncing numerous violations of workers' fundamental rights in their Chinese plants: child labour, inhumane working conditions, lack of safety measures.

### → SHERPA'S WORK

Sherpa and ActionAid lodged a complaint with a claim for criminal indemnification on 25 June 2018, which triggered an investigation in August 2018, in which the senior investigating judge of the Tribunal de Grande Instance (TGI) of Paris was appointed.

After recognizing the jurisdiction of the Tribunal de Grande Instance of Paris, the investigating judge indicted on 17 April 2019, Samsung Electronics France, the French subsidiary of the electronics giant, for misleading commercial practices. This is the first time in France companies' ethical commitments are likely to constitute commercial practices that bind their issuer.

Samsung argued that NGOs are not licensed to file complaints under consumer law, which includes deceptive marketing practices. In 2020, Sherpa along with ActionAid has fought for their complaint to be declared admissible. The decision on this procedural issue is expected in 2021.

In 2020, Sherpa was joined in this fight by UFC Que Choisir, which also filed a complaint against Samsung on the same basis.

## World Cup 2022. New complaint against Vinci for "forced labor" in Qatar

22/11/2018, 12:03:09



The NGO Sherpa, the Committee against Modern Slavery (CCEM) and six former Indian and Nepalese employees of Vinci in Qatar lodge a complaint in Paris against the French construction group and its Qatari subsidiary, particularly for "forced labor", have announced Thursday the two organizations.



# ENVIRONMENTAL DAMAGE



**It is time to recognize that economic globalization is at the root of climate change and destruction of biodiversity.**

Sherpa can no longer ignore the decisive role that large companies play in the destruction of our ecosystem, when 71% of global GHG emissions are estimated to come from the 100 most polluting companies, according to a recent report by the NGO Carbone Disclosure Project.

Regulating globalisation through law will require the accountability of those who pollute the planet and hinder access to the basic resources needed by all humanity. International awareness is growing. Fatou Bensouda, the Prosecutor of the International Criminal Court, announced

in September 2016 that her office would look into crimes involving “ecological devastation, illegal exploitation of natural resources or unlawful expropriation of land”.

At the national level, Sherpa is involved in two ambitious litigation cases against oil companies, Total, on global warming, and Perenco, on the issues of biodiversity protection and serious damage to the environment, thanks to the inclusion in 2016 of the concept of “ecological prejudice” in the Civil Code. A formal notice was also sent to the Casino group for its involvement in deforestation and violation of indigenous peoples’ rights in Amazonia.

## PERENCO

**COUNTRY:** République Démocratique du Congo

**TARGET COMPANY:** Perenco SA

**LEGAL BASIS:** Instruction measures in discovery and ecological prejudice

**PARTNER:** Amis de la Terre France

### → FACTS

Perenco is a leading independent oil and gas group operating in Northern Europe, Africa, Latin America and South East Asia. No official figures are given on the group's turnover, but it is estimated to be worth more than €5 billion in 2017, ranking the French family Perrodo, which owns the group, as the thirteenth richest in France.

Perenco is the only oil operator in the Democratic Republic of Congo (DRC), where its activities have reportedly caused serious environmental damage, provoking strong reactions from local populations and authorities.

Numerous reports, some of which emanate from official authorities, denounce water pollution particularly through the discharge of crude from damaged pipelines, air pollution particularly through the practice of gas flaring in unsafe conditions, and soil pollution in the region where Perenco operates.

The multinational is particularly opaque about its structure and management. Presented and presenting itself as a French company in the DRC, Perenco SA, the group's French business, denies nevertheless any involvement.

### → SHERPA'S WORK

In transnational litigation, victims or associations trying to enforce the liability of the parent company are confronting the opacity and dilution of responsibility put in place by multinational companies.

Before taking action on the basis of ecological damage, Sherpa has designed a probative pre-litigation strategy in order to obtain documents that would attest Perenco SA's involvement in DRC operations and its control over Congolese companies.

Sherpa used for the first time against a multinational company a civil procedure that makes it possible to obtain on a non-adversarial request from the judge a decision authorizing a bailiff to seize documents “by surprise” in the premises of a company.

The company refused to execute the order obtained in 2019, preventing the bailiff from accessing the premises to seize the documents, thus opposing the execution of a decision yet legally enforceable.

The associations tried to obtain a new similar measure through another summary procedure.

After having been rejected in the first instance and on appeal, they have appealed to the Court of Cassation in order to bring this fight for access to information, evidence and justice before the highest judicial jurisdiction.

## TOTAL

**COUNTRY:** France and international

**TARGET COMPANY:** Total S.E.

**LEGAL BASIS:** Law on the duty of vigilance (Article L. 225-102-4 of the Commercial Code) and prevention of environmental damage (Article 1252 of the Civil Code)

**PARTNERS:** Notre Affaire à Tous, Eco Maires, France Nature Environnement, ZEA and fourteen local authorities.

### → FACTS

As a major energy company, Total accounts alone for nearly 0.9% of global greenhouse gas emissions.

Total is not committing to a downward emissions trajectory that would limit global warming to +1.5°C, as required by the Paris Agreement, and continues to invest billions of euros a year in fossil fuels, whereas it could prepare for the future by committing to renewable energy production projects.

### → SHERPA'S WORK

On 19 June 2019, along with fourteen local authorities and four associations, Sherpa issued a formal notice to the multinational Total to comply with the law on the duty of vigilance by taking the necessary measures to deal with climate change.

Although Total mentions climate change in its vigilance plan published in March 2019, unlike the previous one, but the measures announced are clearly insufficient and fall short of the efforts needed to comply with the international objectives recognized by the Paris Agreement. This is the first formal notice sent under the duty of vigilance law.

On 28 January 2020, in the absence of action by Total, the organizations and local authorities filed a lawsuit against Total under the duty of vigilance and Article 1252 of the Civil Code.

In October 2020, Total raised a procedural objection: the oil company believes that the Nanterre Court of Justice does not have jurisdiction over the implementation of

the duty of vigilance and asked that the case be brought before the Commercial Court. Sherpa believes that neither the letter nor the spirit of the law on duty of vigilance are in keeping with this. A decision is expected in early 2021.

In May 2020, in parallel to this litigation on the duty of vigilance, Sherpa also referred the matter to the Autorité des Marchés Financiers (AMF) concerning Total's climate communication. More specifically, *Notre Affaire à Tous* and Sherpa reported to the AMF potential contradictions, inaccuracies and omissions in the oil company's financial documents and recent public communications regarding climate risks.

## **CASINO**

**COUNTRY:** Brazil, Colombia, France and international  
**TARGET COMPANY:** Casino Group Guichard-Perrachon  
**LEGAL BASIS:** Failure to comply with the duty of vigilance (Articles L.225-102-4 and 5 of the French Commercial Code)  
**PARTNERS:** Canopée, Commission Pastorale de la Terre, Envol Vert, Mighty Earth, *Notre Affaire à Tous* and the indigenous representative organizations COIAB, FEPIPA, FEPOIMT and OPIAC

### → FACTS

Cattle ranching is the main source of deforestation in South America, especially in Brazil and Colombia. According to the Brazilian space agency, deforestation of the Amazon rainforest has reached its highest level in twelve years.

This farming also has consequences on human rights as cattle farms encroach on the territories of indigenous populations and frequently resort to forced labor.

The Casino group is the leading retailer in Brazil through its subsidiary GPA and in Colombia through Grupo Exit. 47% of the group's worldwide sales are in the South American market.

In June 2020, based on products sold in Casino supermarkets in Brazil, the association Envol Vert identified several farms responsible for deforestation and land grabbing in the group's beef supply chain.

### → SHERPA'S WORK

On 21 September 2020, the coalition of associations and organizations representing indigenous peoples put Casino on formal notice to exclude beef derived from deforestation from its supply chain. The French law on duty of vigilance obliges Casino to take appropriate and effective measures to prevent serious human rights violations and environmental abuses resulting from the activities of its suppliers. The organizations also reserve the right to seek compensation for damages caused by the company's failure to exercise due diligence.

In December 2020, Casino's counsel responded to the letter of formal notice, arguing that the due diligence measures implemented by the group were satisfactory in light of the minimum obligation provided for by the law, and that its duty of vigilance stopped at its direct suppliers. This response is part of a restrictive vision of the law, which Sherpa will strive to fight in the upcoming legal proceedings by relying on the text of the law and the intention of the legislator.

activities. While this Action Plan could have been a first in environmental and social terms, the Bolloré group has still not met its commitments negotiated with Sherpa and has offloaded its responsibilities to the company Socfin.

### → SHERPA'S WORK

Faced with the businesses' refusal to affirm their willingness to implement the measures of the said Plan, particularly environmental measures, Sherpa maintained its position before the Belgian NCP: the unilateral voluntary measures proposed by Socfin could not call into question the implementation of the Action Plan. In this context, Sherpa and its partners issued a summons on 27 May 2019, to Bolloré S.A. to compel it to implement the Action Plan in Cameroon, which should be considered as a contract not executed to date.

In 2020, Bolloré raised procedural objections, one of which was that the NGOs' action would constitute a breach of confidentiality applicable to NCP mediation.

Sherpa and its partners replied that, in accordance with the rules applicable to mediation, and unless the NCP mediation is rendered ineffective, confidentiality does not apply in cases where the mediation has resulted in an agreement, which can be produced in court to seek enforcement.

The pleadings on this incident will take place in January 2021.

## **SOCAPALM**

**COUNTRY:** Cameroun  
**TARGET COMPANY:** Bolloré Group  
**LEGAL BASIS:** Forced execution of contractual obligations  
**PARTNERS:** ReAct, GRAIN, FIAN-Belgium, Pain pour le prochain, SYNAPARCAM, FODER, SNJP, L'amicale des Riverains d'Edéa and the trade union SATAM

### → FACTS

Socapalm, a subsidiary of the Belgian plantation holding Socfin, a Bolloré group company, is the largest palm oil producer in Cameroon. Its activities generate many tensions with communities because they would alter the quality of their environment, deprive them of arable land and fishing grounds, and pose a serious risk to their health. The working and housing conditions of the workers would be outrageous.

Sherpa filed a "specific instance" before the French OECD National Contact Point (NCP) in 2010. It aimed to identify and address the breaches of the OECD Guidelines for Multinationals by the concerned companies. Mediation was initiated under the French NCP auspices between Sherpa and the Bolloré group, leading to the conclusion in 2013 of an "Action Plan" to improve the living conditions of the communities impacted by Socapalm's



# ILLICIT FINANCIAL FLOWS

Developing countries would lose at least €750 billion each year because of illicit financial flows, i.e. funds obtained, transferred or used illegally, resulting mainly from bribery, money laundering and tax evasion.

These illicit financial flows impede social and economic development, divert domestic and foreign investments from the sectors where they are most needed, thereby depriving the population of decent education and health systems.

In order to combat this scourge, Sherpa, through its Illicit Financial Flows program, is fighting today corruption, embezzlement, money laundering and the use of tax and judicial havens.



# CORRUPTION AND EMBEZZLEMENT OF PUBLIC FUNDS

**Corruption is the perversion of a decision-making process aiming, for the corrupter, to obtain undue advantages through the complacency of unscrupulous political decision-makers.**

It undermines the fundamental principles of good governance, the equal access of citizens to markets, jobs and public services, based on merit and capacity. It confuses the notion of general interest, feeds mistrust of governments and diverts wealth that should normally go to the people. The concealment of corrupt patterns, the time it takes to disclose the scandals and the difficulty of access to evidence political or economic decision-makers' sense of impunity.

Thanks to the investigative works of civil society, NGOs, whistleblowers and journalists, Sherpa has highlighted the most serious situations in which private interests take precedence over general interest. Sherpa therefore put forward innovative proposals to ensure that assets embezzled as a result of corruption are restituted for the benefit of the victim populations.

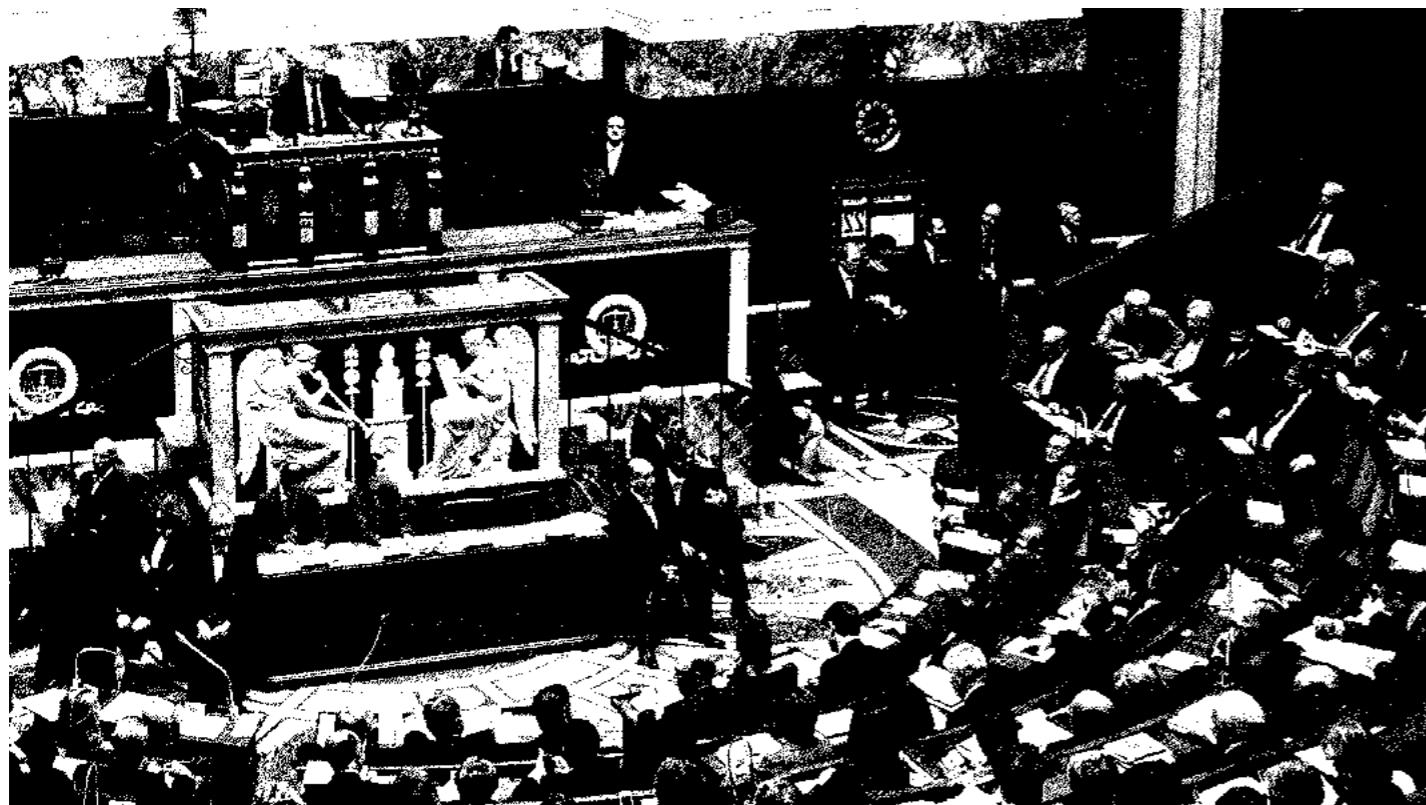
## Admissibility of anti-corruption associations

Obtaining the approval provided for in Article 2-23 of the Code of Criminal Procedure is necessary for any association wishing to exercise the rights recognized to civil parties in corruption matters.

Sherpa obtained it for the first time in February 2015 for a period of 3 years. The renewal scheduled in 2018 proved particularly difficult. It took more than a year and an appeal before the Administrative Court to finally obtain the approval, in October 2019.

The long silence of the Ministry has made it very difficult for Sherpa to intervene in the cases in which the association was a civil party, such as the «Balkany» case or the case of the Uzbek ill-gotten gains. In the case of the Libyan financing of Nicolas Sarkozy's campaign, a decision of the Investigation Chamber of the Paris Court of Appeal rendered on 24 September 2019, largely validated the investigation as well as the constitution of Sherpa as a civil party, which was being challenged by the former president's counsel.

Despite this decision, the delay in issuing the approval has jeopardized Sherpa's activities. The 3-year validity period is too short and does not fit at all with the judicial period. The fight of NGOs against corruption is subject to the decision of the Ministry of Justice in order to take legal action in cases that could embarrass the political power. Approval as it exists today therefore makes it difficult for anti-corruption NGOs to take legal action.



## “III-Gotten Gains”

“III-gotten gains” (IGG) is public assets and property misappropriated from a State’s budget and placed abroad for personal use. It is an illicit enrichment, i.e. a substantial increase in the assets of a public official, or any other person, unjustifiable in terms of income by that person and done at the expense of the populations victims of such spoliations. The World Bank estimates the annual cost of assets and property diverted from developing countries and placed abroad to be between \$20 billion and \$40 billion. Since 1991, the misappropriation of public assets has been considered a human rights violation following a decision by the UN Economic and Social Council.

Sherpa initiated the first complaints filed in 2007 in the so-called IGG cases, which concern suspicions of embezzlement of public funds by members of the ruling families of Gabon, Congo and Equatorial Guinea. Today, these legal cases affect many other countries, and have led to pioneering decisions.

### RETURNING ILLEGAL ASSETS TO VICTIM POPULATIONS

In 2019, Sherpa and Transparency International France supported Senator Jean-Pierre Sueur’s bill on the allocation of assets derived from transnational corruption, pointing out the importance of adopting such a law for France, which hosts a part of these illegal assets. The bill was adopted by the Senate, followed by a report by two MPs in November 2019, but no date had been set for its vote by the National Assembly.

In 2020, Sherpa continued its advocacy on the concrete modalities for the restitution of ill-gotten assets to victim populations, despite the abandonment of the initial bill. On the occasion of the restitution of the assets of Gulnara Karimova, daughter of the former president of Uzbekistan, to the country, Sherpa defended the establishment of a legal framework to supervise the restitution of assets and to ensure transparency, traceability, accountability of the process and the inclusion of civil society.

A new bill providing for the restitution of ill-gotten assets to the population of the concerned countries should be discussed in the National Assembly early 2021.

## IGG - SYRIA

### TARGET PERSON:

Rifaat El Assad

### LEGAL BASIS:

Embezzlement of public funds, corruption

and aggravated money laundering in organised gang

### → FACTS

Having fallen out of favor with the regime of Bashar Al Assad, the former head of the Syrian “Defense Brigades”, Rifaat Al Assad, was placed under house arrest in Syria as of 1984 and then exiled in 1998. Since his arrival in France, he has had considerable assets, whose total value would in all likelihood far exceed the cumulative amount of salaries and wages generated by his known activities.

### → SHERPA'S WORK

Sherpa filed a claim for criminal indemnification on 6 March 2014, to the National Financial Prosecutor’s Office which highlights the crucial importance of associations’s action in the fight against corruption. At the end of an investigation that lasted nearly five years, it appeared that Rifaat Al Assad would have, throughout the period of his alleged exile from Syria, illegally benefited from Syrian public resources concealed through a web of shell companies scattered in Europe and in tax havens. This case has thus placed at the heart of the debates the demise of the offence of money laundering and the presumption of illegality of assets or income as established by the law of 6 December 2013.

In June 2020, the judicial court of Paris sentenced Rifaat Al-Assad to 4 years in prison, notably for laundering in organized gang of embezzlement of Syrian public funds at the end of a trial held in absentia in December 2019. The former head of the Syrian “Defense Brigades” has appealed and the next hearing will take place in the spring of 2021.

This decision of particular importance in the current Syrian context highlights the urgency of establishing a legal framework in France for the restitution of looted assets. Such a framework must imperatively be accompanied by guarantees of transparency, accountability and traceability. The case emphasizes the importance of a binding legal framework to ensure that the restituted assets do not fall back into the corruption circuit.

## IGG - UZBEKISTAN

### TARGET PERSON:

Gulnara Karimova

### LEGAL BASIS:

Money laundering in organized gang

and corruption of foreign agent

### → FACTS

Gulnara Karimova, the eldest daughter of the president of the Republic of Uzbekistan, set up in 2009 and 2010 civil real estate companies in Paris through which she has acquired property in France for a total of about 50 million euros. These properties were allegedly purchased through acts of corruption.

### → SHERPA'S WORK

In February 2013, a judicial investigation was opened by the Paris financial pole against X for money laundering in organised gang and corruption of foreign agent. In June 2014, Sherpa constituted itself as a civil party. In September 2014, the assets were seized. Sherpa, although it had contributed to the progress of the investigation, was refused participation in the prior recognition of guilt hearing (CRPC), as it was awaiting the renewal of its “anti-corruption” approval, which it subsequently obtained.

After seven years of proceedings, the Uzbek chapter of the IGG cases was closed in July 2019 in the absence of Sherpa by CRPC accepted by the parties and the return

of these illegally acquired real estate assets - worth tens of millions of euros - to Uzbekistan.

Nevertheless, the country is still ranked 157<sup>th</sup> out of 180 by Transparency International's Corruption Perceptions Index. Sherpa and Transparency International France have advocated that the return of these funds should be accompanied by guarantees of transparency, accountability and integrity to ensure the returned funds do not fall back into the channels of corruption.

To highlight the dangers of the CRPC in this type of case, Sherpa published a legal article in the Dalloz publications on 2 June 2020, on the disadvantages of negotiated justice in financial crime cases.

In this article, Sherpa demonstrates that the fight against economic crime carried out by non-governmental organizations like Sherpa does not match well with negotiated justice mechanisms where the place of the victims is limited and the responsibility of the actors reduced, particularly in cases of ill-gotten gains.

In September 2020, Swiss authorities announced that they had signed a framework agreement for the return of assets confiscated from Gulnara Karimova to Uzbekistan. Approximately 800 million euros are currently blocked by Switzerland in connection with criminal proceedings related to Gulnara Karimova.

This framework agreement with Uzbekistan makes Switzerland an example in the confiscation and restitution of ill-gotten assets: the safeguards detailed in the agreement between the two countries are intended to ensure not only that the confiscated assets are not at risk of falling back into corruption channels, but also that they will be used in a way that benefits the Uzbek population.

Despite the large sums at stake and suspicions that several senior Uzbek officials were involved in the contentious corruption schemes, France has not provided any information on the restitution process. It is important that France in turn provides itself with a legal mechanism for the restitution of ill-gotten assets to the benefit of the spoliated populations.

## IGG - EQUATORIAL GUINEA

**TARGET PERSON:** Teodoro Obiang Jr.

**LEGAL BASIS:** Concealment of embezzlement of public funds, concealment of misuse of corporate assets, concealment of breach of trust and concealment of corruption, bribery of foreign public officials and private individuals, aggravated laundering committed in an organized gang of the proceeds of criminal offenses, in particular embezzlement of public funds, misuse of corporate assets, corruption and breach of trust.

**PARTNER:** Transparency International France

### → FACTS

Teodoro Obiang is the son of the President of Equatorial Guinea, one of the poorest states in the world despite significant oil resources. He has multiplied, in France in particular, the sumptuous expenses of real estate (townhouse on avenue Foch), and of pomp (sports cars, luxury clothes), irrelevant to his income.

### → SHERPA'S WORK

In 2007, the associations Sherpa, Survie and Fédération des Congolais de la Diaspora filed a complaint with the Paris Prosecutor's Office. They denounced the actions of five foreign heads of state, including Teodoro Obiang Jr., accusing them of embezzling public funds, the proceeds of which were invested in France. In 2008, Transparency International France and a Gabonese national lodged a complaint before the Paris investigating judge, implicating three foreign heads of state, including Teodoro Obiang Jr. as well as certain members of their entourage.

This first trial of a foreign public official for corruption and money laundering constitutes a strong message in the fight against impunity and grand corruption at the international level.

In June 2017, Mr. Obiang was condemned by the Correctional Court of Paris to a 3-year suspended prison sentence and the confiscation of all his assets on French territory, worth an estimated 150 million euros, for the laundering of misuse of corporate assets, laundering of embezzlement of public funds, laundering of breach of trust, and laundering of corruption. He was also fined 30 million euros with a suspended sentence.

In February 2020, the Paris Court of Appeal confirmed the suspended prison sentence and the confiscation of his property on French territory and removed the suspension of the fine. Mr. Obiang has appealed to the Court of Cassation and the hearing will be held in 2021.

This conviction is not only that of Teodoro Obiang Jr., but that of a large-scale money laundering model to be found in all cases of ill-gotten gains. The recent indictments of Parisian intermediaries in some of these cases, the famous «facilitators» who were previously spared in the ill-gotten gains cases, are another signal of firmness.

In December 2020, the International Court of Justice (ICJ) ruled in favor of France in rejecting Equatorial Guinea's appeals against the seizure eight years ago of an "hôtel particulier" on Avenue Foch in Paris belonging to the son of President Teodoro Obiang. The 16 judges of the ICJ, which has its seat in The Hague, rejected Equatorial Guinea's argument that the building belonged to its diplomatic mission in France and as such benefited from the immunity guaranteed by the Vienna Convention of 1961 on diplomatic relations.

## International corruption

### SARKOZY - LIBYA

**TARGET PERSON:** Nicolas Sarkozy

**LEGAL BASIS:** Corruption of foreign public officials

### → FACTS

In 2012, documents published by Mediapart alleged the existence of a payment of 50 million euros by the Libyan regime of Muammar Gaddafi for the financing of Nicolas Sarkozy's presidential campaign in 2007. The official amount of Nicolas Sarkozy's presidential campaign in 2007 was 20 million euros. On 19 April 2013, the Paris Public Prosecutor's Office opened a judicial investigation against X for active and passive corruption, influence peddling, forgery and use of forgeries, misuse of corporate assets, money laundering, complicity and concealment of these offenses.

### → SHERPA'S WORK

Sherpa filed a claim for criminal indemnification because of the exceptional nature of the alleged acts with regard to the accusation of a former President of the Republic. The case involves suspicions of illicit financing of his presidential campaign by means of foreign funds. At the beginning of 2018, the procedure gave place to indictments, in particular that of Nicolas Sarkozy for corrupting public officials abroad.

In October 2020, Nicolas Sarkozy was indicted for criminal conspiracy as part of the investigation into suspicions of Libyan financing of his 2007 presidential campaign. This indictment, unprecedented in France for a former president, highlights the collective dimension of the facts of which he is accused, and emphasizes the complex nature of this case.



## RIO TINTO

**TARGET PERSON:** François de Combret

**LEGAL BASIS:** Active bribery of foreign public official, passive or active bribery of persons not holding public office, influence peddling, laundering of these offenses.

### → FACTS

As revealed by Mediapart in 2016, François de Combret, closely linked to Guinean President Alpha Condé, allegedly monetized his influence in 2011 for the benefit of Anglo-Australian mining giant Rio Tinto. For nearly \$10.5 million paid by the company's executives, this former senior French official allegedly helped obtain the renewal of the mining giant's concession on the Simandou mountain deposit, considered the world's largest iron reserve. The British Serious Fraud Office opened an investigation into the suspicious transaction in 2017.

### → SHERPA'S WORK

In July 2020, Sherpa asked the National Financial Prosecutor's Office to open an investigation for corruption, influence peddling and money laundering to cast light on the activities in Guinea of François de Combret, a former senior French official, ex-managing partner of the Lazard bank and close to Guinean President Alpha Condé, in relation to a mining concession permit involving the Anglo-Australian company Rio Tinto.

## OUR ADVOCACY AGAINST CORRUPTION AND EMBEZZLEMENT

Thanks to its litigation activities, Sherpa has become a privileged observer of developments and flaws in the fight against corruption and embezzlement and provides recommendations to specialized organizations and institutions.

Thus, the UN FACTI (Financial Accountability, Transparency and Integrity) Panel composed of 17 members from the political and academic worlds, as well as from the civil society in the private and public sectors, consulted civil society, including Sherpa, on 28 April 2020. In the summary of these consultations, several of Sherpa's remarks were noted by the Panel: importance of criminal justice actions conducted by associations that should be extended in national laws, need for more protection for journalists and activists denouncing corruption, non-effectiveness of the lists of tax havens, need to qualify tax evasion as a violation of human and environmental rights, lack of independence of the public prosecutor's office, responsibility of financial intermediaries and financial advisors in human and environmental rights violations and lack of means

and tools to sanction them, necessity of the role of NGOs in the restitution of assets.

In 2020, Sherpa also made a contribution in the call to civil society launched by the French Ministry of Foreign Affairs denouncing the lack of resources of the French Anti-Corruption Agency (AFA), the Autorité de Contrôle Prudentiel et de Résolution or the Autorité des marchés financiers for their controls, the key role of financial intermediaries, the under-regulation of certain actors such as the so-called Big Four accounting firms, the lack of a legal framework for the restitution of assets and so on.

In June 2020, Sherpa also made a contribution presenting its feedback as an anti-corruption association on the Sapin 2 law concerning the joint seizure of the Inspection générale de la Justice and the Inspection générale des Finances in order to make a first assessment of the implementation of the law.

Finally, in November 2020, Sherpa contributed to the public consultation launched by the French AFA on its draft update of anti-corruption recommendations for public and private actors.

## Networking

Publiez Ce Que Vous Payez

Sherpa is part of the Publish What You Pay (PWYP) platform which aims to make the extractive sector more transparent and accountable.

Sherpa is also part of the UNCAC Coalition which aims to promote the ratification and implementation (transposition) of the UN Convention against Corruption. The coalition was created in 2006 with the objective of mobilizing civil society on these actions at the national, regional and international levels. It is composed of 350 civil society organizations in 100 countries. Sherpa was elected to the UNCAC Board in June 2020.

# TAX HAVENS AND MONEY LAUNDERING



**Tax havens are a mass-dissimulation weapon for financial transactions used by the ultra-rich and multinationals, helped in their opaque arrangements by a series of financial or legal intermediaries.**

Civil society, NGOs, whistleblowers and journalists regularly underline the economic and social consequences of such practices. Indeed, corrupt practices enable economic actors to hide the potentially fraudulent origin of their income or turnover (corruption, money laundering) and deprive many States of income, particularly tax revenue, which is essential for the provision of quality public services and thus for the fulfillment of economic, social and cultural rights.

Opacity and arrangement are also levers to ensure impunity by exporting the harmful impacts of activities to less willing jurisdictions.

## Money laundering and illegal concealment

### BALKANY

**TARGET PERSON:** Patrick et Isabelle Balkany  
**LEGAL BASIS:** Tax fraud, corruption, laundering of tax fraud and corruption

#### → FACTS

For nearly twenty years, the Balkanys were able not only to take advantage of elective offices for personal benefit, but also to evade all tax and regulatory reporting obligations.

#### → SHERPA'S WORK

On 6 December 2013, the Paris prosecutor's office opened a judicial investigation for tax fraud laundering concerning the Balkany couple. In October 2014, they were indicted for tax fraud laundering, corruption and corruption laundering.

On 20 April 2015, Sherpa filed a complaint as a civil party in this case and followed the investigation. The trial took place in June 2019. Sherpa had to skip the hearing due to the temporary absence of anti-corruption approval. On 13 September 2019, Patrick Balkany was convicted of tax fraud and sentenced to four years imprisonment and ten years of ineligibility, which he appealed. In March 2020, the court of appeal confirmed the sentence of four years in prison, suspended for one year, but without a committal order.

On 18 October 2019, Patrick Balkany was also sentenced for money laundering to five years imprisonment and ten years of ineligibility. In May 2020, the Court of Appeal confirmed this conviction. The Balkany couple decided not to appeal.

In this case, it was essential to denounce the role played by financial intermediaries. The facts show that the financial engineering set up by a fiduciary company may have made it possible to dispose of funds whose real origin was accounts held with a Swiss banking institution. The assets would thus escape all reporting obligations required by French law. The role of banks and financial actors in the evasion of financial resources and money laundering can no longer be ignored.

### MALTA

**TARGET COMPANIES:** BNP Paribas, la Société Générale, Natixis, le CIC et Rivage Investment

**LEGAL BASIS:** Aggravated corruption laundering, complicity in aggravated laundering, aggravated concealment of corruption

**PARTNER:** Daphne Caruana Galizia Foundation

#### → FACTS

On 16 October 2017, Maltese journalist Daphne Caruana Galizia was murdered while investigating a corruption scandal involving prominent Maltese political and business figures. Just two months later, French banks, through subsidiaries or branches, and a portfolio management company granted a loan to Electrogas Malta Limited, the company at the heart of the murdered journalist's revelations.

The investigation conducted by the Maltese police revealed that the manager and shareholder of Electrogas, Yorgen Fenech, was one of the instigators of the journalist's murder. The assassination was allegedly carried out because of her revelations about potential corruption during the privatization of the Maltese gas sector to the benefit of the Electrogas company. Mr. Fenech was then probably one of the main Maltese beneficiaries of this company. Mr. Fenech also confessed to the Maltese police last June that the contract concluded by Electrogas with the state-owned oil company Enemalta was tainted by corruption.

#### → SHERPA'S WORK

On 30 September 2020, Sherpa and the Daphne Caruana Galizia Foundation asked the National Financial Prosecutor's Office to open an investigation for facts of aggravated laundering of corruption, complicity and aggravated concealment against four French banks and an investment fund regarding a large operation of loans for the benefit of Electrogas in the exploitation of the Maltese gas market. A few months before the conclusion of these loans, Daphne Caruana Galizia had made revelation of corruption.

Sherpa became an expert in the fight against the laundering of assets derived from corruption and embezzlement.

Thus, when France was evaluated during the 4th evaluation round conducted by the Financial Action Task Force, Sherpa indicated in a note that, although the French anti-money laundering system is relatively successful, both from a preventive and curative point of view, there are still gaps in the anti-money laundering system, either

in the applicable rules or in their effectiveness. Changes are needed to ensure an effective anti-money laundering system (open format of beneficial owner information, extension of the scope of application of the anti-money laundering provisions of the Monetary and Financial Code to auditors and tax advisors, establishment of a legal framework for the restitution of assets, etc).

### Networking



Sherpa is a member of the Plateforme Paradis Fiscaux et Judiciaires (PPFJ), which carries out collective expertise and advocacy work on the measures to be taken to reduce financial opacity, effectively combat tax evasion, promote greater regulation of capital mobility, lift bank secrecy and finance sustainable development.

### Impact of the use of tax havens on the environment

In 2018, economists highlighted the statistical correlations between the use of tax havens on the one hand, and environmental damage on the other.

The study reveals that a certain number of highly polluting and notoriously environmentally damaging activities are legally constituted in tax havens, thus escaping the various established protection regimes, particularly reporting obligations.

The report shows that 68% of the foreign capital invested in the nine largest multinationals associated with the deforestation of the Amazon forest (soy and beef production) between 2000 and 2011 was transferred via tax havens. A total of 16 billion euros would have not only escaped the authorities but would also have been used to finance activities that destroy biodiversity.

In this respect, Sherpa has sought to explore legal means to make economic actors accountable for the environmental impact of their financing and tax policies.

To this end, the association, in partnership with the Sciences Po Law School Clinic for the 2019 - 2020 academic year, has been working on the project entitled: "Tax evasion practices and environmental damage: how to make companies and states accountable?".

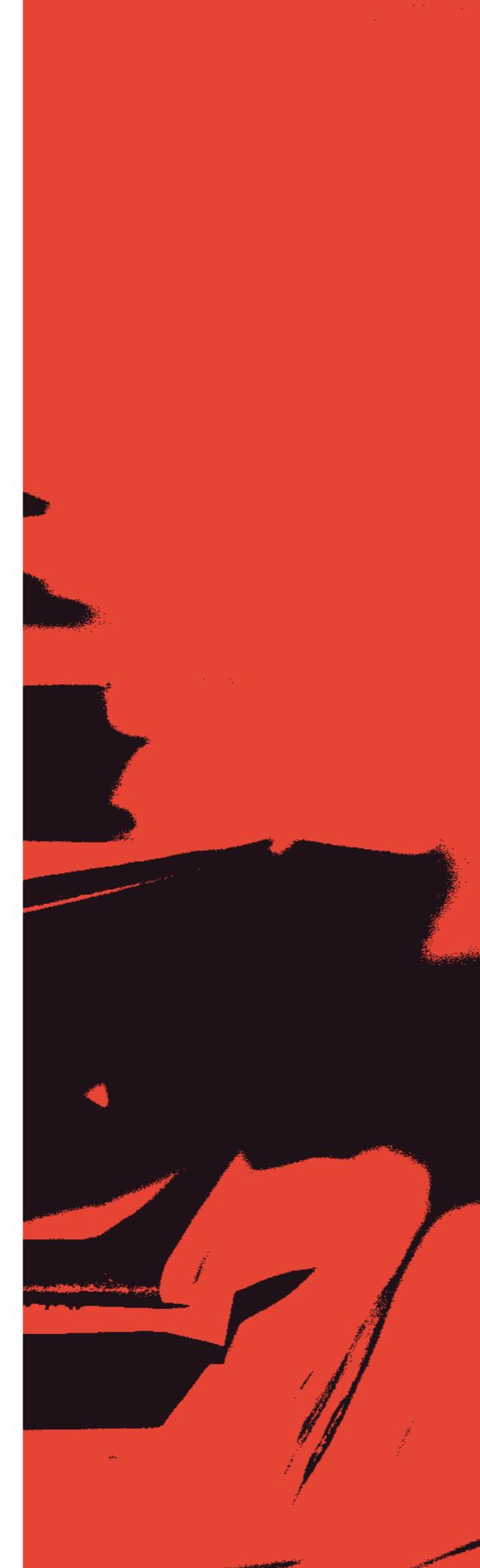
Finalized in June 2020, this first study identifies the advantages and limitations of various legal bases to make the involved actors accountable. On the basis of this first study, Sherpa approached several key partners in late 2020 to define a subsequent strategy of investigation, legal research and advocacy.

# COMMUNICATION AND PUBLICATIONS

Thanks to your support and commitment, Sherpa continues to reach historic milestones battles in the fight against corruption and human rights violations by companies.

Several media highlights have marked 2020: the summons of Total for its impact on climate change, the formal notice to Casino group based on the duty of vigilance, the announcement by the European Commissioner Didier Reynders of a draft European legislation on the duty of vigilance, or the conviction of Rifaat al-Assad for laundering of embezzled Syrian public funds in an organized gang.

While communication spaces are monopolized by large corporations, Sherpa's media visibility is important, because it allows not only the topics on which its team works to exist, but also the voice of the communities and victims we represent to be heard.



# SHERPA'S COMMUNICATION IN A FEW FIGURES

12  
OP-ED PUBLISHED

60  
PRESS RELEASES

SEVERAL DOZEN  
INTERVIEWS GIVEN

3 NEWSLETTERS SENT TO  
OUR 14 347 SUBSCRIBERS

9 500  
SUBSCRIBERS  
IN DECEMBER 2020

11 500  
11,500 FOLLOWERS  
IN DECEMBER 2020

## Le Monde

Tribune  
Patrick Lefèvre  
Président du Réseau International France  
Présidente Léopoldine  
Présidente de Shérpa

Biens mal acquis : « La France doit se doter d'un dispositif législatif répondant aux garanties de transparence »

Menu  
**MEDIAPART**  
MAR. 29 JUIN 2021 - ÉDITION DU MATIN  
LE JOURNAL LE STUDIO LE CLUB DEPUIS 48 HEURES LES BLOGS LES ÉDITIONS  
Secret des affaires et transparence minéraux de conflits: Sherpa saisit la justice  
14 OCT. 2020 | PAR ASSOCIATION SHERPA | BLOG | LE BLOG DE ASSOCIATION SHERPA

**Liberation**  
Biens mal acquis  
En dix ans, une trentaine de dirigeants ciblés  
Grâce à la pugnacité d'ONG, d'anciens ou actuels chefs d'Etat Mécédorates, qui voyaient en Paris un eldorado pour l'argent qu'ils avaient détourné, sont désormais dans le collimateur de la justice.

**RLDA** DROIT DES AFFAIRES

RLDA 7112  
Les limites actuelles de la lutte contre les crimes économiques : le point de vue de l'ONG

Après le regard d'Emmanuel Daoud, voici les réponses de Sandra Cossart et Laura Bourgeois, de l'ONG Sherpa, sur l'efficacité des moyens de preuve mis à disposition des victimes de crimes économiques.



**DAJLOZ** Actualité  
Le quotidien du droit  
• ÉDITION DU 29 JUIN 2021  
Editions précédentes

Le droit en débats   
Les forces et les faiblesses de la transposition du parquet européen en droit français



# CONTRIBUTIONS AND PUBLICATIONS

Sherpa's expertise was regularly sought out in 2020, in particular on the duty of vigilance law, the Lafarge case or the fight against corruption.

## Publications

**29 MARCH 2020**  
Collective op-ed : "Il faut absolument empêcher les entreprises de verser des dividendes en 2020", *L'Obs*.

**4 APRIL 2020**  
L. Chatelain and S. Cossart, "Loi sur le devoir de vigilance des sociétés mères et entreprises donneuses d'ordres : premières mises en demeure et actions en justice", *Cahiers de droit de l'entreprise*, n°2, Mars-Avril 2020.

**10 APRIL 2020**  
Collective op-ed : "La justice fiscale plutôt qu'un appel aux dons!", *Mediapart*.

**5 MAY 2020**  
Op-ed : "Responsabiliser les acteurs économiques en gouvernant la mondialisation par le droit", *Mediapart*.

**7 MAY 2020**  
Collective op-ed : "Coronavirus : faire taire les lanceurs d'alerte nuit gravement à la santé publique", *Libération*.

**15 MAY 2020**  
Op-ed by Sherpa and UNI Global Union, "Le géant français des centres d'appel mis en demeure de mieux protéger ses salariés", *Bastamag*.

**25 MAY 2020**  
Droits de l'homme, les liaisons dangereuses du français Voltalia avec la Birmanie, article by Arnaud Vaulerin, *Libération*.

**24 JUNE 2020**  
Collective op-ed : "Devoir de vigilance : la protection des droits humains en péril", *La Croix*.

**29 JUNE 2020**  
Publication of the 2020 study by Sherpa and CCFD on the implementation of the duty of vigilance by companies subject to the law of 27 March 2017 (on the website [www.plan-vigilance.org](http://www.plan-vigilance.org)).

**4 AUGUST 2020**  
Rifaat Al-Assad case: interview with Laura Rousseau, published on the UNCAC Coalition website.

**24 AUGUST 2020**  
Collective op-ed, "La France ne peut pas être complice": NGOs call for action against fires in the Amazon, *FranceInfo*.

**16 SEPTEMBER 2020**  
Collective op-ed, "Des risques majeurs sur le climat" NGOs call for the abandonment of the agreement between the European Union and Mercosur, *FranceInfo*.

**5 OCTOBER 2020**  
S. Cossart and L. Bourgeois, "L'article 145 du Code de procédure civile: un outil insuffisant pour la preuve des violations économiques de droits fondamentaux", *Revue Semaine Sociale Lamy* n°1923.

**16 OCTOBER 2020**  
Op-ed by Sherpa, "Assassinat de Daphne Caruana Galizia : trois ans plus tard, quelle protection pour les journalistes?", *Mediapart*.

**29 OCTOBER 2020**  
Publication of the study by Sherpa "Mining with meaning" on due diligence in the supply chains of minerals used in the energy transition by French multinationals.

**12 NOVEMBER 2020**  
P. Maugeolle and L. Chatelain, "Towards EU Legislation on Corporate Accountability: the Need to Address Environmental Harms", *Business and Human Rights Resource Centre*.

**18 NOVEMBER 2020**  
Publication of a series of recommendations to reinforce the Bill on the European Prosecutor's Office and specialized criminal justice.

**26 NOVEMBER 2020**  
Collective op-ed, "Les droits humains et la protection de l'environnement et du climat avant les profits : trois principes pour refaçonner le commerce et l'investissement afin de surmonter la crise", *l'Humanité*.

**1<sup>ST</sup> DECEMBER 2020**  
Collective op-ed, "Pour chaque journaliste menacé avec violence en Europe, cent autres sont réduits au silence par des lettres provenant d'avocats", *Le Monde*.

**2 DECEMBER 2020**  
Collective op-ed, «Bien mal acquis : "La France doit se dorer d'un dispositif législatif répondant aux garanties de transparence", *Le Monde*.

**8 DECEMBER 2020**  
Op-ed by Sherpa, "La responsabilité environnementale ne se négocie pas!", *Le Monde*.

**8 DECEMBER 2020**  
C. Mensous and F. Pelloux, "Les forces et les faiblesses de la transposition du parquet européen en droit français", *Dalloz-Actualités*.

**9 DECEMBER 2020**  
S. Cossart, L. Bourgeois and E. Daoud, "Les limites actuelles de la lutte contre les crimes économiques : le point de vue de l'ONG", *Revue Lamy Droit des affaires*.

## Contributions

**16 JANUARY 2020**  
Hearing of Sherpa by the National Consultative Commission on Human Rights of the National Action Plan for the implementation of the UN Guiding Principles on Business and Human Rights.

**29 JANUARY 2020**  
Contribution by L. Chatelain at the International Staff Meeting de UNI Global Union.

**30 JANUARY 2020**  
Contribution by S. Cossart at the symposium "Entreprises et Communs – Nouveaux contrôles sur le pouvoir économique" organized by the university of Nanterre.

**12 FEBRUARY 2020**  
Contribution by S. Cossart at OECD Forum on Due Diligence in the Garment & Footwear Sector

**20 FEBRUARY 2020**  
Contribution by J. François at seminar "Il rispetto dei diritti umani sul lavoro nelle catene di fornitura globali", *Pescara*.

**24 FEBRUARY 2020**  
Contribution by L. Chatelain at the European SLAPP Symposium.

**25 FEBRUARY 2020**  
Contribution by L. Chatelain at the Core Annual Partners Meeting ("Putting the Duty of Vigilance law into practice").

**27 FEBRUARY 2020**  
Contribution by S. Cossart at the Master Class Développement durable, on Sherpa's experience in involving stakeholders in the company.

**30 APRIL 2020**  
Contribution by L. Rousseau at the UN Panel FACTI on the illicit financial flows.

**14 MAY 2020**  
Participation of S. Cossart In the webinar "Three Years On: How Has The French Duty of Vigilance Law Influenced Human Rights Due Diligence".

**11 JUNE 2020**  
Participation of S. Cossart in the webinar "Towards Effective EU Mandatory Human Rights & Environmental Due Diligence Legislation" with Didier Reynders and Lara Wolters.

**17 JUNE 2020**  
Contribution by S. Cossart to OECD Global Forum for Responsible Business Conduct ("Making remedy enforceable: Mandatory due diligence legislation and the right to remedy").

**15 DECEMBER 2020**  
Contribution by L. Chatelain to the CSR Platform ("Loi devoir de vigilance : bilan et perspectives").

**1<sup>ST</sup> JULY 2020**  
Communication by S. Cossart in the webinar "Holding the powerful to account".

**25 SEPTEMBER 2020**  
Contribution by S. Cossart within the training course for magistrates - lawyers - attorneys on Governance and CSR: "Le respect des droits humains au cœur de la performance extra-financière".

**7 OCTOBER 2020**  
Contribution by S. Cossart to the seminar "Access to Remedy" organized by the German Ministry of Justice and the European Agency for Fundamental Rights.

**28 OCTOBER 2020**  
Hearing of L. Chatelain by the Committee on Human Rights and Humanitarian Aid of the German Bundestag.

**18 NOVEMBER 2020**  
Contribution by L. Chatelain to Business and Human Rights Forum ("Regional trends and dialogue in Western European and Others Group").

**4 DECEMBER 2020**  
Contribution by S. Cossart at the International Bar Conference "Droits humains, environnement et gouvernance : nouvelles responsabilités des entreprises et de leurs avocats".

**8 DECEMBER 2020**  
Contribution by S. Cossart at the German Institute for International and Security on the impact of Covid-19 on multinational value chains (Re-thinking Supply Chain Resilience Amid and Beyond Covid-19).

# TEAM

Sherpa brings together committed jurists, lawyers and specialists with varied profiles and international experience. Sherpa also functions thanks to the commitment of its 11 administrators and the generous support of the volunteers, whom we warmly thank. We are particularly grateful to the six talented and committed interns for their involvement:

Léa Karila-Cohen, Martin Meric, Nina Meriguet, Mathilde Silvestre, Felix Pelloux and Anne Rozes.



**Sandra Cossart**  
Executive Director

On 1 November 2017, Sandra became Sherpa's Executive Director. Before this position, she was the head of Sherpa's Globalisation and Human Rights department for 8 years. Sandra Cossart, an international lawyer, began her career within international organisations, such as the European Parliament and the Council of Europe, before working for several years in Moscow as head of a European Union cooperation project in Russia. She then joined a law firm where she practiced as a lawyer, advising and litigating while also being involved in refugee aid associations. In 2002, she moved to London and developed a consulting business for Russian companies before joining the Business and Human Rights Resource Center. She joined Sherpa in 2010.



**Marie-Laure Guislain**  
Head of litigation for the  
Globalisation and Human Rights  
department

Lawyer by training, she has worked in Argentina on economic and social rights in a human rights organisation, in the management of development projects and in the production of a documentary on migrants. In Colombia, she accompanied communities displaced as a result of the armed conflict, to protect their rights and natural resources before joining Sherpa in 2012.



**Laura Rousseau**  
Head of Illicit Financial Flows  
program

Laura is a legal expert specialized in international and European law. Previously, she worked during 4 years in the field of money laundering and terrorism financing prevention for an important public institution. Prior to this experience, she worked as an analyst in the financial security sector for an investment bank and for an energy trading platform. Laura also acquired an extensive criminal litigation experience with a law firm in Paris. She joined Sherpa in 2018.



**Simon Quet**  
Fundraising and Administrative  
Manager

Simon graduated from Sciences Po Lille in 2009 and started working with the NGO Aide et Action on a Franco-Guinean program, in particular on mining industry. He then integrated the Cultural Action and Cooperation Service of the French Embassy in South Sudan, where he was supporting Local Civil Society Organization in developing and implementing development projects during the independence of the country. In 2012, he joined the humanitarian sector, working mainly on water and food security issues in South Sudan, Irak and Central Africain Republic. During his last mission in 2016 and 2017, he led Action Against Hunger Emergency Programs in CAR, supporting mainly populations displaced and affected by the ongoing civil war. He joined Sherpa in January 2018 after working abroad for 7 years.



**Chanez Mensous**  
Advocacy and Litigation Officer –  
Illicit Financial Flows

Lawyer specializing in banking and financial law and PhD candidate in European law, she works as legal advisor at the illicit financial flows department. After a career of nearly four years in a bank, in an asset management company as well as in international law firms in Paris and Luxembourg which allowed her to acquire a good understanding and expertise of supervision issues related to banking and finance, she started academic research on European financial law and the financial stability of the EU, and teaches European law at the university as well as at Sciences Po Paris. She joined Sherpa in 2019.



**Lucie Chatelain**  
Advocacy and litigation officer –  
Globalization and Human Rights

Lucie was an associate in the international arbitration team of a law firm in Paris. She also worked for the United Nations Special Rapporteur on the situation of human rights defenders, while volunteering with several organisations involved in the defense of migrants' rights. She holds a Master's degree in Economic Law from Sciences Po Paris and a LLM in International Law from the University of Cambridge. She also studied in Brazil and in Ecuador, where she lived for a year. She joined Sherpa in 2019.



**Jean François**  
Advocacy Officer, Globalization  
and Human Rights Department

Trained as a lawyer, Jean has worked for the association France Terre d'asile in running of accommodation and support centres for asylum seekers. He also contributed to the works of the Institute for Human Rights and Business. He joined Sherpa in May 2019.



**Diane Zeegers**  
Communication Officer

A graduate of the University of Paris-Sud in Cultural Heritage Law, Diane began her career in the cultural and digital sector. Her legal skills and her interest in the global functioning of a company gradually led Diane to take an interest in communication and marketing. Her interest in law, media and digital led her to the management of legal content on the web, within a law firm particularly attached to the referencing of its various websites (SEO/SEA) and to media relations. Diane then worked for a communication agency specialised in law and finance, before joining Sherpa in December 2020.



**Tiphaine Beau de Loménie**  
Project Officer

Within the team, she works on updating Sherpa's handbook "Regulating Transnational Companies – 46 Proposals". She is also developing Sherpa's actions on Technology, Business and Human Rights. She joined the team for the first time between 2016 and 2018, to work on the Law on the duty of vigilance of parent and ordering companies. Following an experience as a litigation lawyer in a Parisian law firm, Tiphaine returned to Sherpa in September 2020. Previously, she also spent some time at the Permanent Mission of France to the UN in Geneva and at a consulting firm specialized in Corporate Social Responsibility (CSR). She holds a Master's degree in Economic Law from Sciences Po Paris and passed the Paris Bar. She also studied in the United States, at UC Berkeley School of Law.



**Laura Bourgeois**  
Advocacy and litigation officer –  
Globalization and Human Rights

Laura practiced business litigation for a few years as a lawyer with the law firm CMS Francis Lefebvre Avocat, focusing amongst other topics on private international law and civil procedure. In addition, Laura has held a variety of operational and supervisory voluntary positions for Rotaract, and is a member of the University of Berkeley's Research Center for Comparative Equality and Anti-Discrimination Law. She holds a Master's degree of private international Law from University of Paris X Nanterre, and studied Anglo-American Law in England (London South Bank University), and in California (University of California, Irvine). She joined Sherpa in 2020.



**Franceline Lepany**  
President

After a career in labour law and having held several professional elective offices (CNB, Paris Bar Association), she is now an honorary lawyer. As part of her work with associations, she has also taken an interest in problems relating to trafficking in human beings through sexual exploitation (former president of the association Les Amis du bus des femmes) and labour (member of the Board of Directors of the Committee against Modern Slavery).

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Board of Directors:

**Franceline Lepany**, President  
**Sylvie O'dy**, Treasurer  
**Everyne Serverin**, Secretary  
**Eric Alt**, Member  
**Chantal Cutajar**, Member  
**Mireille Delmas-Marty**, Member  
**Jonathan Kaufman**, Member  
**Jean Merckaert**, Member  
**Julia Mello Neiva**, Member  
**Gregory Regaignon**, Member  
**Laurence Sinopoli**, Member

# BUDGET

## 2020 RESSOURCES

**753 582 €**

Operational subventions	734 885 €
Donations from individuals & Miscellaneous	18 697 €

## 2020 EXPENDITURES

**651 901 €**

Programmatic expenditures	557 293 €
Operating expenses	94 608 €

# THANKS TO OUR PARTNERS

Sherpa warmly thanks the people and foundations that make these successes possible including:





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