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### **Nestlégate civil lawsuit, January 24th and 25th 2012: What will the court decide?**

On 24 and 25 January 2012, the multinational food-industry corporation Nestlé and the Swiss private security firm Securitas will be in court in Lausanne, Switzerland, defending themselves against a civil suit for spying on the “anti-globalization” movement ATTAC. The “Nestlégate” scandal, revealed in June 2008, is back at center stage.

Nestlé and Securitas are accused of illegal surveillance and violations of privacy against ATTAC and some of its members. Both a criminal and a civil case were filed after Télévision Suisse Romande revealed on June 12th, 2008 that an ATTAC working group in Canton Vaud, who was writing a book about Nestlé’s policies (« Attac contre l’empire Nestlé », 2004), had been infiltrated and spied on by a Securitas employee on behalf of Nestlé. The woman joined the ATTAC working group in 2003 under the false name “Sara Meylan”, attended private meetings (sometimes at members’ homes), gathered restricted information and prepared detailed reports on them and as well as on third parties for Nestlé. As a member of the group, she had access to internal information, to all the research by the authors, and to their sources and contacts, both in Switzerland and abroad. The criminal charge was based on several infringements of privacy and data protection laws. The civil charge is based essentially on a violation of ATTAC and of the authors’ person and privacy.

During the criminal investigation, Nestlé and Securitas claimed initially that the spying ended with the departure of “Sara Meylan” in June 2004. On September 26th, 2008, ATTAC denounced to the examining magistrate another Securitas spy, still active in ATTAC in 2008 under her real name. When this second secret agent was uncovered, the companies said that this agent had not written any confidential reports for Securitas and Nestlé after 2005.

When Nestlégate was publicly revealed in 2008, the scandal received high media coverage, and a political condemnation of such practices by 62 Swiss National Council and 12 Council of State members. The manifesto can be read at [www.suisse.attac.org/76-parlementaires-signent-un-appel,1958](http://www.suisse.attac.org/76-parlementaires-signent-un-appel,1958). Even the head of the Justice Department, Eveline Widmer-Schlumpf, condemned these infiltration practices.

Nestlé tried to justify the spying by citing security issues related to the G8 summit in Evian. Justification which is absurd as “Sara Meylan” joined the working group in September 2003, clearly after the G8 summit’s end (June 1st-3rd 2003) and ATTAC is known as a peaceful organization. The Civil Court President qualifies in a provisional measure’s statement dated August 8th, 2008 that the spying was unlawful and that privacy violation had taken place.

The criminal proceedings were dropped on July 29th, 2009. The cantonal examining magistrate at the time accepted the statements by Nestlé and Securitas and gave as one reason for dismissing the case the three-year statute of limitation of the Data Privacy Act – although the second Nestlé-Securitas agent was still active in ATTAC in 2008!

Now, after almost 4 years, the civil proceedings will come to trial. The trial is open to the public, and is thus a unique opportunity to shed light on the activities of Nestlé and Securitas. Numerous witnesses will be heard, particularly the Securitas employees who collected information and filed secret reports on ATTAC and its members as well as the Nestlé recipients of those reports.

The trial will take place at the Tribunal d’arrondissement of Lausanne located in the Palais de justice de Montbenon from 9:00 until 17:00, January 24th and 25th, 2012.

Attac is organizing a public lecture with Susan George who wrote the foreword to “attac contre l’Empire Nestlé” and is a party to the lawsuit. The conference is titled after her latest book: “Their crises, our solutions”. This conference will take place at the “Buffet de la Gare” in Lausanne, on January 23rd at 20:00.

Further information on ATTAC’s website [www.suisse.attac.org](http://www.suisse.attac.org)

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