

# Can Tobacco Executives Be Held Responsible for the Tobacco-Related Deaths of Their Customers?



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**"In the world, eight million people die each year from smoking tobacco. This is mass murder."**

**- *President Mujica, Uruguay***

**"If we admit that smoking is harmful to heavy smokers, do we not admit that BAT has killed a lot of people each year for a very long time?... I foresee serious criminal liability problems."**

**- *Ernest Pepples, Attorney for Brown & Williamson (U.S. tobacco manufacturer)***



# What potential charges?

## *Domestic*

- Manslaughter
- Criminally negligent homicide

## *International*

- Violation of right to health,
- Violation of the right to life,
- Violation of women's and children's rights
- Crimes against humanity



## DOMESTIC



Convince an Attorney General to open an investigation in a U.S. State

## FOREIGN



Open an investigation in another country

## INTERNATIONAL



Bring a human rights case in an international regional court



Global action for *everyone's* health.



# TRACK 1:

## Domestic

*Convince an Attorney  
General to open an  
investigation in a U.S. state*



# DOMESTIC

**“Philip Morris's actions...would constitute at least second-degree manslaughter, a Class B felony...Thus, the possibility of severe criminal sanctions, both for any individual who participated and for the corporation generally, put Philip Morris on notice that Oregon would take such conduct very seriously.”**

**- *Williams v. Philip Morris, Inc., (2006)***

**“If Philip Morris chooses to market an inherently dangerous product, it is at the very least perverse to allow the company to escape liability by showing only that its product was used for its ordinary purpose.”**

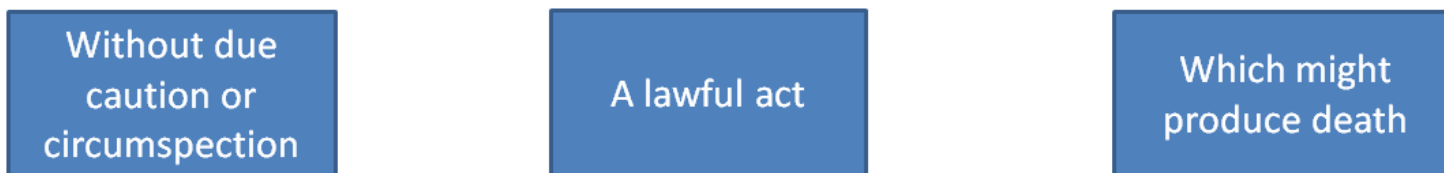
**- *Haglund v. Philip Morris, (2006)***



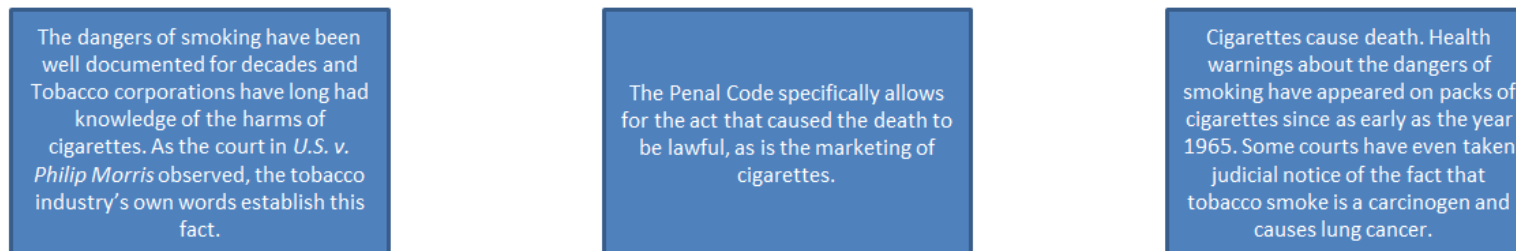
# DOMESTIC



## Elements of manslaughter



## Are these elements met by tobacco executives?



# TRACK 2:

## Foreign

*Open an investigation in  
another country*





# FOREIGN

## Legal Options

- Stand alone case
- As a way to exhaust domestic remedies before moving into a regional or international system

## Considerations

- Legal system
  - Criminal law structure
  - Corporate law
- Political climate
- Financial considerations



# TRACK 3:

## International

*Bring a human rights case  
in an international or  
regional court*



**“No other consumer product in the history of the world has come even close to inflicting this degree of harm on the world community. If anything else posed a threat to life of this magnitude, whether human induced or naturally occurring—be it world war, genocide or “ethnic cleansing”, natural disaster, or disease—it would demand immediate international action.”**

**- Neil Francey, *Tobacco Control Journal***



# INTERNATIONAL

International	Regional
International Criminal Court	Inter-American System
UN system	European System
	African System

Everyone has a right to life and to health

Government have a duty to enforce those rights

Allowing the tobacco industry to function at the status quo violates that duty

Remedies are available through international or regional courts



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