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ACIDH



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Congolese victims' pursuit of justice against Canadian Company goes to Supreme Court

Ottawa, 26 March 2012 – The Canadian Association Against Impunity (CAAI) has today filed an application with the Supreme Court of Canada on behalf of Congolese families. The families are seeking leave to appeal the Quebec Court of Appeal's decision to dismiss a human rights case against the Canadian corporation Anvil Mining Limited.

The appeal will decide whether victims will be able to hold Canadian companies accountable in Canadian courts, for their involvement in serious human rights violations committed abroad.

In November 2010, families of the Congolese victims, through the CAAI, filed a class action against Anvil Mining accusing it of having provided logistical support to the Congolese army who raped, murdered and brutalized the people of the town of Kilwa in the DRC. According to the United Nations, an estimated 100 civilians died as a direct result of the military action, including some who were executed and thrown in mass graves. Anvil Mining provided logistical support but claims it was requisitioned by the authorities and denies any wrongdoing.

In January, the Quebec Court of Appeal overturned an earlier decision of the Quebec Superior Court that found that Quebec had jurisdiction to hear the case, and that the victims would fail to get justice elsewhere – either in the Democratic Republic of Congo or in Australia, where Anvil Mining previously had its head office.

“All our attempts to seek justice have been fruitless”, said Adèle Mwayuma, whose two sons were executed during the massacre. “Canada is my only hope for holding someone responsible for the murder of my children,” she continued.

“We truly believe that Canada is our last resort and are asking the Supreme Court to give us the opportunity to challenge the Quebec Court of Appeal's disregard of the abundant evidence proving that access to justice in other countries has proved impossible,” said CAAI president Patricia Feeney.

“My father has not lived to see justice delivered,” said Dickay Kunda, whose father, a policeman, was badly beaten and tortured while in military custody. His 22-year old sister, Dorcas also died after being raped by soldiers. “But after more than seven years, we now look to the Supreme Court of Canada for justice.” he added.

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The Canadian Association Against Impunity is represented by the Montréal based firm Trudel & Johnston.

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