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Congolese massacre survivors to pursue justice at the Supreme Court of Canada

Montreal, January 31, 2012 - The Canadian Association Against Impunity (CAAI), expressed its profound disappointment with last week's decision by the Quebec Court of Appeal overturning the decision of the Quebec Superior Court in the case against Anvil Mining Limited. While acknowledging the difficulties that the victims have encountered in their attempt to obtain justice, the appeal Court ruled that they lack the necessary legislation to allow the case to proceed in Quebec.

Anvil Mining, a Canadian corporation, is accused of providing logistical support to the Congolese army who raped, murdered and brutalised the people 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.

The CAAI, an NGO coalition representing relatives of victims of the 2004 Kilwa massacre, filed a class action in 2010 against Anvil Mining for its alleged role in the massacre. Anvil Mining denies any wrongdoing.

In the ruling last week, Justices Forget, Wagner and Giroux of the Quebec Court of Appeal, stated that there was insufficient connections to Quebec because Anvil Mining's Montreal office was not involved in decisions leading to its alleged role in the massacre. They also stated that they believe the victims could have sought justice in the DRC or Australia, where Anvil Mining had its head office.

"My quest for justice is not over" said Adele Mwayuma, whose two sons were executed during the massacres. "Our cause must be heard, otherwise what remains of Canadian justice?"

"We are deeply disappointed that the Court would deprive the victims of what could be their only remaining hope to seek justice," said CAAI president Patricia Feeney. "Despite yet another setback in the long road to justice, we will ask the Supreme Court of Canada to hear the case to determine whether the appeal court's interpretation of Quebec's jurisdiction is unduly restrictive, and whether it ignored abundant evidence indicating that access to justice in other countries has proved misleading," Ms. Feeney concluded.

"This case is crucial as it provides hope for numerous victims of atrocities to seek justice against companies who seek to profit with impunity while operating with corrupt regimes and judicial systems," said CAAI member Emmanuel Nkumba.

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

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