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“Significant step forward in holding Anvil Mining to account”: Statement by The Canadian Association Against Impunity regarding the ruling of the Superior Court of Quebec

Montreal. The Superior Court of Quebec has ruled today that the case against Canadian corporation Anvil Mining Limited in relation to alleged involvement in a 2004 massacre in the Democratic Republic of Congo can proceed to the next stage.

The class action against Anvil Mining was filed in the District of Montreal on 8 November 2010 by The Canadian Association against Impunity, an organization representing survivors and families of victims of the Kilwa massacre. Anvil Mining is accused of providing logistical support to the Congolese army who raped, murdered and brutalised the people of Kilwa in a massacre in 2004. According to the United Nations, over 70 civilians died as a direct result of the military action, including some who were executed and thrown in mass graves

In his decision, Judge Benoît Emery dismissed Anvil Mining’s attempt to have the case thrown out and concluded that there were sufficient links to Quebec to found the Quebec court’s jurisdiction over the case. Judge Emery also dismissed Anvil Mining’s argument that Quebec was not the appropriate forum and that the case should rather be brought in the DRC or Australia. Judge Emery stated:

(translation) "In fact, at this stage of the proceedings, everything indicates that if the Tribunal dismissed the action on the basis of article 3135 C.C.Q. [*which allows the court to decline jurisdiction if another forum is more appropriate*], there would exist no other possibility for the victims to be heard by civil justice" " Patricia Feeney, President of The Canadian Association against Impunity, said “We strongly welcome this decision. It represents a significant step forward in the process of trying to hold Anvil Mining to account and to bring some justice to the victims of the massacre and their families”.

The court will now consider whether the case should be certified as a class action, allowing all those who suffered in Kilwa to bring claims against Anvil Mining. A hearing on the class certification is scheduled for June.

ACCI is represented by the law firm Trudel & Johnston.

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Editor’s Notes:

1. Members of the Canadian Association against Impunity include Congolese citizens affected by the events which unfolded in Kilwa in October 2004. Representatives of the organisations RAID, ACIDH, Global Witness and CCIJ, act as Board Members of this association.

2. Additional press materials include: a timeline, backgrounder and document titled *Kilwa Trial: A Denial of Justice, A Chronology October 2004-July 2007* which can be accessed at:

www.raid-uk.org/work/anvil_dikulushi.htm