

Rights Action
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From Canadian/American clothing sweatshops in BANGLADESH to Canadian/American mining and repression in GUATEMALA, victims of horrific abuses and repression seeking (some sort of) justice and accountability in North American courts.

BELOW:

- Globe and Mail news article
- Protest Hudbay Minerals' annual shareholder meeting in Toronto, May 10
- How to support

CLASS ACTION LAW SUIT AGAINST CANADIAN RETAILER FOR BANGLADESH VICTIMS DIFFICULT, BUT NOT IMPOSSIBLE

By Jeff Gray, The Globe and Mail, Apr. 29 2013

<http://www.theglobeandmail.com/news/world/class-action-law-suit-against-canadian-retailer-for-bangladesh-victims-difficult-but-not-impossible/article11625354/?cmpid=rss1>

Western retailers and fashion brands are taking greater interest in the working conditions of contract workers overseas, as questions are raised in legal quarters about the potential for greater liability after disasters like the collapse of the Rana Plaza.

Lawyers in Canada say launching a class action on behalf of Bangladeshi victims against a Canadian retailer in court here would be very difficult, but not necessarily impossible. "I wouldn't rule it out or say it's impossible," said Dimitri Lascaris, a class-action lawyer with Siskinds LLP in London, Ont. "But it would be challenging."

Lawyers say any Bangladeshi plaintiffs suing here would face an uphill battle and that they would likely have to show some sort of direct, hands-on involvement or key decisions related to the factory took place in Canada, or involved Canadian personnel.

But many overseas garment factories are run by subcontractors, their relationships with Western retailers further obscured by middlemen and complex supply chains. And any lawsuit would also face strong arguments that the legal fight belongs in Bangladesh, where the events occurred and those directly responsible and affected live.

Several legal actions trying to hold Canadian mining companies accountable for the alleged human-rights abuses blamed on subsidiaries overseas have failed in recent years.

Toronto lawyer Murray Klippenstein, who represents a group of Guatemalan plaintiffs suing Toronto-based HudBay Minerals Ltd. over violence allegedly perpetrated by security staff at a mine the company once owned, said any lawsuit launched in court here against a Canadian retailer over a disaster like the one in Bangladesh would likely fail, unless Canadian laws change.

"I think that the current rules of contracts and corporate subsidiaries allow one to maintain the appearance of arm's-length dealings which doesn't actually fit reality these days," Mr.

Klippenstein said, noting that instant global communication makes it much easier to track conditions in factories overseas.

Still, Riyaz Dattu, a lawyer with Osler, Hoskin & Harcourt LLP in Toronto, who advised companies on these issues, says more cases involving alleged wrongdoing by subsidiaries in other countries are continuing to crop up in Canadian courts, and that companies are paying attention.

"There is increasingly a movement to find means for holding corporations liable for actions that they are taking abroad," Mr. Dattu said. "We're into uncharted territory, but it is not out of the realm of possibility that victims in overseas countries ... would look to Canadian courts."

RESIST HUSBAY: A Protest To Hold A Canadian Corporate Criminal Accountable!

- **WHEN:** Friday May 10, 9:30am
- **WHERE:** 150 King St. West, Toronto
- **MORE INFO:** <https://www.facebook.com/mininginjustice.solidarity>

(<https://www.facebook.com/events/154406751401998/>)

Once a year, the board of directors of Hudbay, a Canadian mining company infamous for human rights abuses around the world, converge in downtown Toronto.

Come out on May 10th...

... in solidarity with Mayan Q'eqchi' communities in their pursuit of justice for the violence carried out by Hudbay security in Guatemala.

... in solidarity with the Mathias Colomb Cree Nation as they stand up to Hudbay's efforts to criminalize them as they assert their rights to live off of and protect their land and waters as guardians of their territory.

BACKGROUND:

Recently, members of Indigenous Mayan Q'eqchi' communities from Guatemala started a long and groundbreaking process of bringing Hudbay to trial here in this country for deadly shootings and 11 gang-rapes by Hudbay security forces at their former mining project in Guatemala.

- (CBC TV news) SEEKING JUSTICE – (4 minutes), Part 1, Nov.25, 2012:
<http://www.youtube.com/watch?v=0fKT3vLA6qg> = A group of indigenous people from Guatemala say a Canadian mining company was behind violent crimes and the destruction of their villages and they have come to Canada seeking justice. Warning, this story has graphic images.
- (CBC TV news) A LONG ROAD – (4 minutes), Part 2, Dec.3, 2012:
<http://www.youtube.com/watch?v=k0O2sJtLqiw> = An update on a group of indigenous people from Guatemala who are in Canada seeking justice. They say Canadian mining company Hudbay is responsible for horrific crimes and to get the justice they want, they have a long road ahead.

- (Article) CLASHING WORLD VIEWS: “Avatar” Overlaps With A “John Grisham” Novel In Mayan Qeqchi Plaintiffs ~versus~ Hudbay Minerals Lawsuits, <http://rightsaction.org/action-content/clashing-world-views-crossroads>
- (Lawsuits) www.chocversushudbay.com

Here in Canada, the Mathias Colomb Cree Nation is being sued for hundreds of millions of dollars after holding two peaceful demonstrations outside of Hudbay's Snow Lake mine site. The Mathias Colomb Cree Nation has never been consulted by Hudbay or the province regarding this mining operation on their territory and has issued stop work notices to the company.

In response to their peaceful gatherings at the mine site, the Mathias Colomb Cree Nation has also been served an injunction, making it illegal for the MCCN people to go on their own territory, which is now considered mining company property. The effect of this injunction is that the MCCN people who live off of the land have been instantly criminalized and considered in contempt of court for continuing to hunt, fish, and protect the land and waters of their own territory.

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