

CFM Lawyers and Phillips Barristers: Plaintiffs react to Ontario Court of Appeal Ruling that Lawsuit Against Barrick Mining Corporation for Human Rights Abuse in Tanzania Cannot Be Heard in Canada

TORONTO ON, April 7, 2026: Today, the Ontario Court of Appeal released its decision in *Matiko John v Barrick Gold Corporation*. The decision prevents the plaintiffs from bringing a lawsuit in Ontario against the Toronto-based Barrick Mining Corporation for human rights abuses allegedly committed on its behalf by security forces at the company's mine in Tanzania.

The lawsuit against Barrick sets out allegations of killings, shootings, beatings, and kidnappings at the North Mara mine carried out with impunity by the Tanzanian Police Force (TPF). The plaintiffs allege that the TPF operates as private security for the mine. The Court, siding with Barrick, ruled that any claim for these abuses would nonetheless have to be brought in Tanzania.

Mine-related violence committed by the TPF against members of the local population has been ongoing for over a decade. A Tanzanian parliamentary inquiry, human rights groups, and local residents have estimated that the number of people shot and killed by security forces at the mine is somewhere between 77 and 100. Some estimates put the number of injuries as high as 304.

Evidence presented in the Ontario case shows that senior Barrick executives are responsible for and have been directly involved in oversight of security at the mine. A 2022 Memorandum of Understanding (MOU) between Barrick's subsidiary and the TPF was reviewed and approved by Barrick executives. Under the current agreement, the TPF provides a heavily armed security force at North Mara with 142 officers, and liaison officers working in the mine's security office, all paid for by Barrick's subsidiary.

"This decision undermines access to justice in Canadian courts," said Joe Fiorante, K.C., a partner at CFM Lawyers LLP and co-counsel for the plaintiffs. "Our courts should be open to victims who seek accountability against a Canadian company like Barrick that is in charge of security and human rights issues at its overseas mine."

The plaintiffs are largely impoverished rural farmers and small-scale miners. They survive on a subsistence livelihood, and do not have the means to pay for counsel in Tanzania. Expert evidence presented to the Court showed that a lack of legal aid funding and a prohibition on contingency fee agreements impose insurmountable barriers to justice for those like the plaintiffs who cannot afford to pay for a lawyer out of pocket.

Current conditions in Tanzania make the already tenuous possibility of legal action in the country even more unlikely and dangerous. In October and November of 2025, a wave of state violence swept Tanzania in the leadup to and aftermath of an election that international observers concluded did not meet democratic standards. A joint statement by the Foreign Ministers of Canada, Norway, and the UK expressed concern over "credible reports of a large number of fatalities and significant injuries as a result of the security response to protests".

"Access to justice is not achieved by forcing these plaintiffs to seek help from an extremely underfunded legal aid system in Tanzania to litigate a complex human rights claim against a multinational corporation," said Cory Wanless, a partner at Phillips Barristers PC and co-counsel for the plaintiffs. "The reality is, if this lawsuit is not heard in Ontario, it will not be heard at all."

"I am deeply disappointed that I have been prohibited from seeking justice for my son's death in a Canadian court even though Barrick is a Canadian company. I should be able to sue in Barrick's home court where I can be represented by experienced human rights lawyers," said Elizabeth

Matiko Irondo, a plaintiff in the case. “I cannot pay for a lawyer in Tanzania, and I can’t believe I have been told to instead ask for representation from a legal aid system with almost no resources.”

The Plaintiffs will seek leave to appeal the decision to the Supreme Court of Canada.

The ONCA judgment can be accessed here:

<https://coadecisions.ontariocourts.ca/coa/coa/en/item/24081/index.do>

For more information and key documents:

<https://www.cfmlawyers.ca/practice-areas/international-human-rights/>

<https://phillipsbarristers.ca/class-actions/human-rights-action-against-barrick-gold/>

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