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By its representative
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Accused No.5

Accused No.6

Accused No.7

Accused No.8

Accused No.9

Accused No.10

Accused No.11
For SEALS NOT PRIVATE !!
Director

MEMORANDUM OF COMPLAINT UNDER S.200 OF THE CRIMINAL
PROCEDURE CODE

The Complainant above named begs to submit as under:

1. That the address of the Complainant for the purposes of court notices, summons etc is as shown in the cause title and that of his counsel M/s. Pramila Associates, Ms. Geeta Menon, Mr. Manju.N.Gowda, Advocates 844-A, 2nd floor, 100 feet Road, Indiranagar, Bangalore 560038.

2. That the address of the accused for the aforesaid purposes is as shown in the cause title.

3. The Complainant is a registered company having been registered under the provisions of the Companies Act,1956 incorporated on 28th September 2004 at Bangalore. The copy of the certificate of incorporation is produced herewith as Document No.1. The Complainant Company has by its resolution dated 02-02-2007 authorized its Director-Manufacturing and Technology Mr. Mohammed Ghiase to conduct the above said case. The copy of the resolution is produced herewith as Document No.2.

4. The Complainant-company is a 100% export oriented unit (EOU) in the business of manufacturing garments. The Complainant Company has a factory in Bangalore. The Complainant Company uses the state of the art technology and its workers and employees are amongst the best paid in the garment industry. Since the Complainant company is a 100% EOU its customers are based outside India. The Complainant Company is a 100% subsidiary of Fibres & Fabrics International Pvt. Ltd.

For JEANUS KATA
The 100%
Director

The Complainant company has an Enterprise Resource Planning (ERP) based Market Resource planning (MRP) and advanced planning systems in all its units. It has a centralised ware house and CNC based cut room. It has 900 station computer controlled conveyerised Unit production system for sewing. That apart, it has a state of the art computer controlled washing plant which is one of its kinds in India. The Complainant Company has in-house hand brushing and spraying plant apart from garment printing and spraying plant. It has 400 station computer controlled conveyerised unit production system for quality inspection and finishing. The Complainant company along with its sister concern manufactures about 4 million garments every year which are all exported earning huge foreign exchange for the country. The working environment of the Complainant Company is health-friendly and hazard free and efforts are constantly made to ensure the maximum safety to its members. All the units of the Complainant Company have been given permission run three shifts viz. 7.00 am to 3.00 p.m; 3.00 p.m. to 11.00 p.m. and finally 11.00 p.m. to 7 a.m. Thus the Complainant Company has established and earned a name in the garment industry not only in India but abroad.

b. The complainant submits that the Complainant Company strictly adheres to all the acceptable international standards and is subjected to international and localised audits including social audits by independent agencies appointed by its foreign customers to constantly check on the labour standards, working conditions etc in compliance with the legal and social requirements of each of its customers. The authorities constituted under the various labour laws in India also conduct periodical inspections and the Complainant Company has been labour law compliant.

For JEANS KNOT PRIVATE LTD
Director

7. The complainant submits that a company by name G-Star based in the Netherlands is also one of its customers and the Complainant company supplies denim under the brand name of G-Star and trade-mark of Raw Denim entirely manufactured in its factory. The Complainant Company has been the major suppliers to the said company G-Star since more than five years.

8. The complainant submits that the first accused is the International Secretariat of an organization by name Clean Clothes Campaign and claims to focus on improving working conditions in the global garment and sportswear industries. The first accused claim that your campaign exists in 9 European countries namely Austria, Belgium (North and South), France, Germany, the Netherlands, Spain, Sweden, Switzerland and the United Kingdom. It is further claimed that the accused No.1 has task forces or project groups in Bulgaria and India and claims to be a loose, informal international partner network of NGOs, unions, individuals and institutions in most countries where garments are produced. The second and third accused is in charge of the day to day affairs of the first accused. The fourth accused is the Netherlands branch of the first accused. The fifth accused is in charge of the day to day affairs of the fourth accused. The sixth accused claims to be an independent non-governmental organization, based on solidarity with deprived groups in Indian society. The seventh to the ninth accused are in charge of the day to day affairs of the sixth accused and also comprise the office bearers of the said sixth accused.

The first, third and sixth accused have also hosted a website <http://www.cleanclothes.org>, <http://www.schonckleren.nl> and <http://www.indianet.nl> amongst other sites. The tenth and eleventh accused is the Internet service provider for the websites hosted by the first, third and sixth accused.

and
JEANS RISK PRIVATE LIMITED
Director

9. The complainant submits that an article was published in a magazine named Trouw in Dutch in Netherlands on 7th November 2005 which dealt with general problems of women workers in the textile industry in India in which G-star the customer of the Complainant concern, was cited as one of the several international companies who were supplied garments from India. The copy of the article published in the Trouw magazine is produced herewith as Document No.3 and its English translation is produced herewith as Document No.4. It may not be out of place to state that the majority work force of the Complainant Company is male oriented and women workers constitute comparatively small percentage of its work force considering the nature of work involved.

10. The complainant submits that as the name of its customer G-star was mentioned in the said article, the said company G-star requested the Complainant Company to investigate the allegations of working conditions in the Complainant concern. Meanwhile the Complainant company also initiated its process for getting SA 8000 international certification. It is pertinent to state that SA8000 is a global social accountability standard for decent working conditions, developed and overseen by Social Accountability International (SAI). SA8000 is based on the Universal Declaration of Human Rights and various (ILO) conventions. SA8000 covers the following areas of accountability: .. Workplace safety and health the right to organise, Discrimination, Workplace discipline, , Wages and Management system for Human Resources.

11. The complainant submits that since November 2005 all the accused have criminally conspired together with some Indian organizations and

for JEANS-KNIT PRIVATE LIMITED
Director

persons like Garment and Textile Workers Union (GATWU), Civil Initiative for Peace & Development (CIVIDEP), Bangalore. Women Garment Workers Front. New Trade Union Initiative, CCC Task Force-Tamilnadu. Sri. Jayaram, Sri.Mohan Mani, Sri. C.V.Gopinath amongst other persons and in pursuance to the said criminal conspiracy started creating documents and so called "reports" alleging labour and human right violations in the premises of our clients. Pursuant to the said conspiracy the 1st to the 9th accused contacted the complainant's customer based in Netherlands namely G-Star on 11th January and purports to have supplied information allegedly given by the Indian organizations and persons referred earlier. All the accused were aware that the said report had been fabricated and based on false information which was known to be false and reasonably calculated to harm the reputation and goodwill of the complainant. The said local persons and organizations in India who are affiliated and connected with all the accused purports to have conducted interviews of certain persons in September 2005 and November 2005 allegedly claiming that the said interviewed persons were workers of the Complainant concern. The said persons have in collusion with the accused fabricated the said interviews

12. The complainant submits that when G-Star contacted the complainant, they informed G-Star that the said allegations made by the 1st to 9th accused on the basis of the alleged information by the Indian organizations and persons referred to earlier were false and malicious. Not being satisfied with giving the said false information, GATWU sent a letter to the complainant on 11th February 2006 making false and baseless allegations against the complainant. This fact was also well within the knowledge and with the consent of all the accused. All accused were aware that these allegations were false and baseless. The complainant was advised

FOR JEANS KNIT PRIVATE LIMITED
Director

to ignore the letter sent by GATWU as the organisation was not registered as a trade Union and did not have the necessary workers of the complainant to legally recognize them under Indian law. This was followed by another letter on 25th march 2006 by GATWU which also contained false allegations also known to all the accused. However the fact remains that all the accused were aware that under the Indian law GATWU or any other organisations they were in conspiracy with, did not have the necessary minimum number of workers required to form a recognized trade Union under the Trade Unions Act in respect of our clients' factory. The copy of the said letter issued in the letter head of the associate of the accused viz GATWU even before its registration is produced herewith as Document no.5. This was followed by another letter dated 25th march 2005 once again before its registration. The copy of the said letter is produced herewith as Document No.6. Since GATWU was neither a registered Union nor did it have the sufficient workers of the Complainant Company, the Complainant Company in law was not bound to meet up with the said organisation and consequently ignored the said letters. In fact on enquiry the complainant now learns that the said GATWU did not even have a single worker of the complainant establishment as its member. The membership list obtained from the Registrar of Trade Unions is produced herewith as Document No.7 and the copy of the registration of GATWU is produced herewith as Document No.8

13. The complainant submits that the 4th accused published an article on 31st May 2006 on its website titled "G-Star is about breaking rules" in Dutch. The web page dated 31st May 2006 of the SKK is produced as herewith as Document -9. The English translation produced as Document No.10 is submitted that this was the first time the

FOR JEANS KING PRIVATE LIMITED
Director

Complainant Company came to know that allegations were being made by the accused against the Complainant Company. The Complainant company in turn contacted its customer G-Star seeking details of any communication from the accused regarding allegations involving the Complainant company. The said company then forwarded the communications and events leading to the publishing of the article. The copy of the said communication from G-star to the Complainant is produced herewith as Document No.11.

14. The complainant submits that the accused 1 to 9 purports to have contacted the customer of the Complainant Company on 6th December 2005 stating that they would provide the background information about the allegations in Trouw. On 11th January 2006, accused 1 to 9 sent an email to the customer of the Complainant company namely G-star alleging that on the basis of the information furnished by Indian organizations labour rights violations were happening in the factories of the Complainant concern. The copy of the said email sent to the Complainant Company by G-star along with the report is produced herewith as Document No.12 and 13. The said communication is based on the false premise submitted by the local Indian organizations that they represent the workers of the Complainant company. In fact GATWU does not have a single worker of the Complainant concerns as required under the Trade Unions Act nor was it or is a representative of the workers of the Complainant Company. It is pertinent to point out that one of the demands formulated in the said report was to the effect that the Complainant Company was to give recognition to GATWU. It is submitted that at that point of time, the said GATWU was not even registered and since it does not have the required members of the Complainant Company as required under law, there was no question of the Complainant Company

For JEANS KNIT PRIVATE LIMITED
Director

recognizing GATWU. It is pertinent to submit that none of the Indian organisations like GATWU, NTUI and other organisations and persons on whom the accused is in collaboration with etc are not reputed organizations.

15. The accused submits that in a mail sent by G-star to the Complainant Company setting out the events that took place, it was informed that accused 1 to 9 had contacted G-Star on 31st March 2006 and on 4th May 2006 about certain disturbing and incriminating evidences received from GATWU and threatened to go to the press.

16. The complainant submits that this led to the publishing of the article making false allegations against the Complainant Company on 31st May 2006. This was followed by another update on the website making further false and defamatory allegations against the Complainant Company on 2nd June 2006. The webpage published on 2nd June 2006 along with the English translation is produced herewith as Document No.14 and 15. This was also followed by an article in a newsmagazine Volkskrant and the same is produced herewith along with the English translation as Document No.16 and 17.

17. The complainant submits that in view of the false allegations being made the Complainant Company agreed to meet up with Indian local supporters of the accused on 9th June 2006. A fresh agenda alleging violations different from the letters issued by GATWU earlier was given in the meeting held on 9th June 2006. The copy of the agenda of the meeting with the fresh violations is produced herewith as Document No.18 submitted that it was in this agenda circulated that Complainant Company came to know about an investigation alleged to be conducted by

FOR DEANS KMT PRIVATE LIMITED
Director

an independent Fact finding Committee. The local Indian organisations were unable to place any specific cases of alleged violations. The copy of the minutes of the meeting held in the Complainant Company is produced herewith as Document No.19.

18. The complainant submits that on 21st June the Complainant Company was contacted by one Ms. Shakun claiming to be a member of a women's organization and forwarded a copy of a draft report said to have been prepared and requested for a meeting with the Complainant Company. The copy of the said communication and the copy of the draft report are produced herewith as Document No.20 and 21. The Complainant Company was surprised to see the contents of the draft report. It is submitted that the alleged fact finding team was not a statutorily appointed authority and was picked and chosen by the local organizations. It was obvious from the allegations made in the said report regarding no canteen facilities, no crèche and no ID cards that the so called workers interviewed were not workers of the Complainant Company. That apart the said report seemed to make allegations and hint at allegations of murder against the management of the Complainant Company.

19. The complainant submits that the Complainant Company replied questioning the validity and the legality of such a team and its report but nevertheless agreed to meet with the team. Accordingly three members from the said team met up with the representatives of the Complainant Company on 3rd July 2006. The said team then requested the Complainant Company to respond to 7 specific issues. Accordingly the Complainant Company furnished its response and the copy of the response is produced herewith as Document No.22.

For JEANS KNIT PRIVATE LIMITED
Director

20. The complainant submits that the Complainant company in the meeting of 3rd July 2006 learnt that the copy of the draft report had not been circulated to any member and it was surprising as to how the accused 1 to 9 got the report who published details about the same and forwarded the same to the customer of the Complainant company viz. G-Star. The complainant had at all stages cautioned the accused 1 to 9 on relying on the false information being supplied and published by them but the accused did not take any steps to verify the truth. The copy of one such mail said to have been sent on the basis of false information furnished by GATWU on 29th June to accused who in turn addressed it to G-Star who sent the same to the Complainant Company is produced herewith as Document no.23. One such false claim made was that the reports compiled by the local organisations was the basis of the alleged fact finding Committee. Thus all the accused with the aid and help of local organizations and persons have been systematically sending false information with the sole intention of blackmailing the Complainant company and defaming the Complainant company. It is submitted based on the said false information furnished the customers of the Complainant company including G-star are hesitant to continue business with the Complainant company thus causing huge loss financially and in reputation to the Complainant company.

21. The complainant submits that pursuant to the criminal conspiracy hatched by all the accused, in the last week of May 2006 and in the 1st week of June 2006 the accused have posted and hosted articles on their websites claiming that G-Star was breaking all rules with specific reference to alleged labour violations by the complainant who are the suppliers of Star. The said allegations made against the complainant are false and baseless and per se defamatory. A meeting held in the office the complainant with GATWU and NTUI and other representatives were also

File JEAN-PAUL FORTIN 1001
Director

unable to substantiate any case of alleged labour violations on 9th June 2006. Facilities like state of the art hygienic canteens, crèche, free transport, medical rooms, proper security, hygienic working conditions pay on par with some of the best in the industry have been provided by the complainant who is undisputable. None of the so called alleged labour violations were substantiated and brought out in the meeting with the complainant by the representatives of GATWU or other representatives. The complainants had all documentary evidences to back its claim that there was no substance or basis in the allegations made against the complainant. All the accused in collusion and in conspiracy systematically tried to label the minutes of the meeting of the complainant as false. On 14th June 2006 the 1st to the fifth accused informed our customer G-Star that the minutes of the meeting furnished by the complainant were false and went ahead and published the same in the website. The said publication which is false and defamatory has been published by all the accused in furtherance of the conspiracy to tarnish and damage the image, reputations and harm the business of the complainant.

22. The complainant submits that the customers of the Complainant Company including G-star has conducted independent audits and no cases or allegations made by either of the accused is found to be true. That apart, the accused have failed to come up with any substantial evidence to support their false allegations. All the allegations made and sent to various foreign agencies by the accused have been made, knowing them to be false.

23. The complainant submits that the accused once again appears to have given false information despite meeting with the Complainant Company and the same is evident in the mail of 15th June 2006 addressed by the

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Signature: [Handwritten Signature]

subject of getting GATWU to be recognized as an Union by the Complainant company through back-door and underhanded means despite the fact that they lack even one much less the necessary number of workers of the Complainant company to represent them. The allegations of physical harassment appears to have been given up and seems to give way to a new demand of insistence on recognizing GATWU through a process and procedure contrary to the Indian laws.

26. The complainant submits that since the Indian organisations and persons referred earlier were the key players in passing deliberate false information, the complainants were constrained to file civil suits against the local persons and organisations for injunction in the jurisdictional civil court in Bangalore and the Court being convinced that the complainant had made out a prima facie case issued an order of injunction against them on 28th July 2006 which was within the knowledge of the accused who were aware of it. The copies of the order of injunction issued in O.S16337/2006 and O.S16338/2006 is produced herewith as Document No.29 and 30

27. The complainant submits that being aware of the same the accused 1 to 9 got an article published in the Dutch newspapers in Volkskrant, NOS and Parool making allegations which were false and per se defamatory. The said articles were also published on the website on the internet. That the accused in utter disregard and in total disrespect of the order of injunction communicated the court order to the organizations and the press in Netherlands and USA started making a statement which was derogatory and undermining the judicial process in India. The article published in a newspaper in Netherlands namely "Parool" on 8th August 2006 is produced herewith as Document no. 31 and the translation is produced herewith as



Document No.32. The said article has been published after the communication of the order of injunction.

28. The complainant submits that the accused published another article about the court order published on the web site of Clean Clothes Campaign on 18th August 2006 which undermines the dignity and casts credibility to the Court order amounting to criminal contempt apart from disobedience of the order of injunction granted. The article published in the web-site is produced herewith as Document no.33. The copy of the article published in Dutch website is produced herewith as Document No.34.

29. The complainant submits that the accused have resorted to sending unconnected photographs to the press in Netherlands namely another newspaper named Trouw wherein an article on 22nd August 2006 shows a photograph totally unconnected with the complainant as an agitation against the Court order and G-star apparently outside the factory of the complainant. The copy of the article is produced herewith as Document No. 35. The true translation is produced herewith as Document No.36. The said photograph does not relate to any protest relating to the complainant and the same has not been taken outside the premises of any of the factories of the complainant. The complainant learns that the photograph relates to an earlier meeting held nearly a year back unconnected to the complainant or the matter in issue. The copy of the letter issued by one of the attorney who was in the said photograph clarifying that the same was taken in a seminar unconnected with the complainant is produced herewith as Document No.37. The use of an unconnected photograph to relate to the court order and protest against the customer of the complainant using the press and other organisations in Netherlands i.e. outside India is done

Director

willfully with intention to blatantly violate and circumvent the order of injunction granted by this Court. The accused are through various persons sending mails to the complainant company pressurizing them to withdraw the case thus interfering with the administration of justice.

30. The complainant submits that after being aware of the order passed by the Civil Court, all the accused from 11th August 2006 onwards started publishing articles on the web sites criticizing and commenting and making false and defamatory statements against the complainant and the court order in favour of the complainant. All the accused conspired to publish the said articles which was an attempt to subvert and interfere with the judicial process of the courts and administration of justice in India which amounts to criminal contempt of court in India. All the accused further conspired to send letters and publish the defamatory and false allegations against the complainant to the members of the public and all the international customers of the complainant.

31. The complainant submits that despite the fact that the Indian organizations and persons referred to earlier failed to substantiate their case in the civil court, the accused have continued to put up on the web site false and defamatory allegations against the complainant and despite calling upon them to remove the same failed to do so. Not being satisfied, the 1st to the fifth accused have allegedly given a complaint making false and baseless claims against the complainant to OECD and Dutch NCP. All the accused were fully aware that the claims and statements made therein were false.

FOR JEANS KANT PROGRAM LIMITED

Director

32. The complainant submits that apart from the articles published on the websites the accused have written letters to former, present and potential customers of the complainant calling upon them to co-erce and pressurize the complainant to withdraw the civil case as a condition precedent for doing business with the complainant. Some of the clients whom the accused have contacted have been threatened with bad publicity if they did not pressurize the complainant to withdraw. The accused have also instigated customers and general public to write to the complainant through the websites of the accused, letters calling upon the complainant to withdraw the civil suit. The copies of the article published in the website some of the mails received by the complainant is produced herewith as Document no.38 series.

33. The complainant submits that many of his friends and relatives had given a call to the factory and enquired about the articles published in the web-site and that has caused deep agony and distress to the complainant. The description of the complainant company by the accused in the Web-site are false, frivolous, vindictive and made in bad faith and not in public interest.

34. The complainant submits that the tenor and contents of the said articles published indicate the utter disregard and contempt to the judicial process and administration of justice in India by the accused. All the accused have resorted to an illegal campaign of trying to prevent the complainant from protecting their legitimate interests and property. The articles also seeks to undermine the judicial process and administration of justice in India and the functioning of the Courts in India thus insulting and tarnishing the image of the country with the sole aim of denying goods

FOR SEIZURE OF GOODS
Director

made in India thus resorting to unfair trade practices prohibited by WTO and GATT.

35. The complainant submits that the accused was also made aware of the that the Government and the labour departments have in December 2006, thoroughly investigated each and every allegation made by all the accused and in a report filed have found them to be false and baseless and has also come to the conclusion that the said malicious and defamatory systematic campaign undertaken by all accused was done with deliberate intention to harm and damage the reputation and image of the country and the complainant. The copy of the report is produced herewith as Document no.39.

36. The complainant submits that again on 10th January 2007 all accused have once again published articles on their websites making false and defamatory allegations against the complainant. In fact all the accused, through the website has been instigating the public and the customers of the complainant to force the complainant to withdraw the case which involved a legitimate protection of the complainant's rights. Clients like Ann Taylor, Tommy Hilfiger, GAP, Mexx, G-Star were all coerced by the accused to write letters to the complainant. The copy of the letters addressed by clients of the complainant is produced herewith as Document No.40 series Thus all the accused have indulged in a systematic, planned conspiracy to malign and cause harm and damage to the business, image and reputation of the country and the complainant by deliberately publishing false information about the complainant and the country which they were aware were false. In this connection the complainant has issued a legal notice and the copy of the same is produced herewith as Document

Get JAMES KILLIAN
Director

No.41. The accused have responded to the same and the copy of the same is produced herewith as Document No. 42 and 43. The Indian Embassy has also brought the said fact to the notice of the accused that the publication of the material by the accused was aimed at causing discrimination, hatred and violence against the country and the copy of the letter sent by the Indian embassy is produced herewith as Document No. 44. The articles published on 10th January and 1st February 2007 on the website is produced herewith as Document No.45 and 46.

37. The complainant submits that the complainant has reason to believe that the false defamatory articles published with reference to the country and the complainant have been done to deliberately malign, harm and cause injury to the country's and the complainant's reputation and goodwill in the business. The bonafides of all the accused in publishing the said false defamatory statements is circumspect and indicates deliberate malice and a hidden agenda to harm the reputation and goodwill of the country and the complainant at the instance of some vested interests. There is also no transparency and accountability in respect of the activities of the first to the ninth of you. That the said false defamatory publication is not in public interest and none of the accused have despite being called upon on various occasions to verify the truth of the allegations made have steadfastly refused to verify and continued publishing the false and defamatory materials.


38. The complainant submits that the said articles and references published in the websites are false and the same has been published by the accused knowing the same to be false and to defame the complainant's company. The publication of the said false defamatory statements is calculated to harm the reputation and cause injury to the country and the

PRIVATE LIMITED
Director

complainant. The tenth and eleventh accused being the service provider is under law liable for any defamatory articles published and hosted on websites for which the said accused are the provider as they are required to exercise due diligence and care in the matters sought to be published on the websites. None of the accused have taken due care and diligence to check the veracity of the allegations before publishing the same. The action of the accused in continuing to publish the false defamatory articles despite bringing to their attention the falsity of the same is indicative of a malicious conduct deliberately aimed to cause harm and injury.

39. The said publication on the websites and newspapers amounts to publication and the same has been published in all the countries having access to internet connection and read and seen by the public including existing and potential customers and final end customers purchasing the garments manufactured by the complainant. The said publications on the websites and newspapers have resulted in effecting and affecting has been felt in India and in Bangalore where the complainant has a registered office and have considerable reputation and goodwill. All the articles published on the website are accessible in India and in Bangalore and therefore this Hon'ble Court has the jurisdiction to try the matter.

40. The false and defamatory publications against the complainants have caused business losses, social losses amongst other damages suffered by the complainant. The customers are a fluctuating body whose names may not be known to the complainant and hence considering with wide publicity and access of large number of people around the world having access to the Internet the damage caused to the complainant of its reputation and goodwill is enormous. Continuous and persistent publication of the said defamatory and false articles despite being informed about the same being

ADVANCE LIMITED


false and baseless evidences clear malice on the part of all the accused. The continuous publication and hosting of the false defamatory material on the website amounts to a cyber crime and a cyberspace libel apart from being an international tort. The Internet as a medium is virtually boundless, creating virtual communities and a potentially vast global audience and, as such, defamatory statements published on the Internet have the potential to lead to "virtually limitless international defamation."

41. It is submitted that the written material published by the accused and the images shown and the representation of their alleged theories and ideas advocates and promotes hatred, discrimination and violence against the complainant and the country based on national origin thus being xenophobic in nature. That all the accused have resorted to threatening the complainant and the country through a computer system by publishing the xenophobic material which is based on national origin targeted at India and goods of Indian origin. All the accused have also used their websites to publish material to insult the country and the complainant publicly through a computer system on the grounds of national origin thus resulting in the country and the complainant being exposed to hatred, contempt and ridicule. All the accused have thus resorted in aiding and abetting each other in commission of the cyber crime of publication of xenophobic material. It is submitted that the accused are based in Netherlands which is a signatory to the Convention on Cyber crime and the Additional protocol to the said convention concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems. That cyber crime is an extraditable offence and the service provider is also equally liable when they allow the same to be published despite bringing to their notice the articles published were defamatory and false.

FOR JEANS KNEY PRIVATE LIM. CO.

Director


42. That none of the articles published are in public interest and despite bringing to the notice of the accused that the materials published were false, they have deliberately gone on to publish more of the same knowing them to be false. Thus the accused are all guilty of criminal defamation and that the remarks made against the complainant company does not fall within the exceptions of Sec 499 and 500 of I.P.C, the accused are guilty of offence under Article-2, Article-3, Article-4 and Article-5 of the Additional Protocol to the Convention on Cybercrime for which Netherland is a party and it is needless to mention that the offence committed by the accused under Cybercrime is an Extraditable. The copy of the Convention on Cybercrime and Additional Protocol to the Convention on cybercrime is produced as Document No.46 and 47.

PRAYER

Wherefore it is prayed that this Hon'ble Court be pleased to take cognizance and secure the presence of all the accused and punish the accused for offences under 499 and 500 of I.P.C and offence under Article-2, Article-3, Article-4 and Article-5 of the Additional Protocol to the Convention on Cybercrime for which Netherland is a party in the interest of justice and equity.

Dated: 09/02/07.

Bangalore


Advocate for Complainant

LIST OF WITNESSES

1. Mr RAJU THOMAS

FOR JEANNE KIMMY DE VRIJSE ALEXANDER


Director


S/o.Late K.M.Thomas.
Aged about 54 Years
Residing at No.33,Alfred Street,
Richmond Town Bangalore-25

2. Mr H.S.Shridharmurthy
S/o.Late Shankarappa
Aged about 57 Years.
R/o.No.1056.Samrudhi, 1st main,
2nd Phase,Bharath Nagar,
Vishwaneedam post
Bangalore-560091.

(Additional list of witnesses will be filed in due course).


LIST OF DOCUMENTS

1. The copy of the certificate of incorporation of the company. X
2. The copy of the resolution. ✓
3. The copy of the article published in the Trouw magazine.
4. The copy of the English translation of the Trouw magazine.
5. The copy of the letter issued in the letter head of the associate of the accused viz GATWU even before its registration.
6. The copy of the letter dated 25.3.2005.
7. The membership list obtained from the Registrar of Trade Unions.
8. The copy of the registration of GATWU.
9. The web page dated 31st May 2006 of the SKK.
10. The English translation of the web page dated 31st May 2006 of the SKK.
11. The copy of the said communication from G-star to the Complainant.
12. The copy of the said email sent to the Complainant Company by G-star.
13. The copy of the report by G-Star.
14. The copy of the webpage published on 2nd June 2006.
15. The copy of webpage English translation.
16. The copy of the article in a newsmagazine Volkskrant.

For JEANS KNOT PRIVATE LIMITED

Director

Certifying
Copy

17. The copy of the English translation of the article in a newsmagazine Volkskrant.
18. The copy of the agenda of the meeting with the fresh violations.
19. The copy of the minutes of the meeting held in the Complainant Company.
20. The copy of the communication.
21. The copy of the draft report.
22. The copy of the response.
23. The copy of E-mail said to have been sent on the basis of false information furnished by GATWU on 29th June to accused who in turn addressed it to G-Star who sent the same to the Complainant Company.
24. The copy of the email dated 15th June 2006.
25. The copies of the emails dated 14th July 2006.
26. The copy of the mail dated 20th July 2006.
27. The copies of the false defamatory material published on the web site of the accused.
28. The copies of the false defamatory material published on the web site of the accused.
29. The copy of the order of injunction issued in O.S16337/2006. ✓
30. The copy of the order of injunction issued in O.S16338/2006. ✓
31. The copy of the article published in a newspaper in Netherlands namely "Parool" on 8th August 2006.
32. The copy of the English translation of the article published in a newspaper in Netherlands namely "Parool" on 8th August 2006.
33. The copy of the article published in the web-site.
34. The copy of the article published in Dutch website.
35. The copy of the article.
36. The true translation of the article (Document No. 34)

FBI JERVIS BYE

Director

37. The copy of the letter issued by one of the attorney who was in the said photograph clarifying that the same was taken in a seminar unconnected with the complainant is produced herewith as Document No.37.

38. The copies of the article published in the website some of the mails received by the complainant.

39. The copy of the report.

40. The copy of the letters addressed by clients of the complainant.

41. The copy of the legal notice. ✓

42. The copy of the reply notice.

43. The copy of the reply notice.

44. The copy of the letter sent by the Indian embassy. ✓

45. The articles published on 10th January on the website..


46. The copy of the article published on 1st February 2007 on the website.

47. The copy of the Convention on Cybercrime.

48. The copy of the Additional Protocol to the Convention on Cybercrime.

Bangalore

Dated 09/02/07


Advocate For Complainant.

(Additional documents will be filed in due course).


VERIFICATION

I, Mohammed Ghiase, the complainant in the above case do hereby solemnly affirm and state that the contents stated above in paras 1 to 42 and the Documents produced are true to the best of my knowledge, information and belief

BANGALORE

DATED: 9/02/07

For JEANS KNIT PRIVATE LIMITED


COMPLAINANT
Director