

~~~~~

## **Rights Action update**

**Schnoor v. Canada - Chipping away at impunity of global mining industry**  
**June 17, 2010**

~~~~~

SCHNOOR V. CANADA:
Former Canadian Ambassador to Guatemala, Ken Cook, found guilty of slander

BELOW:

A press release from Steven Schnoor and his lawyers
A news article

FOR MORE INFO ABOUT THE CASE: Steven Schnoor (steven_s@yorku.ca), Murray Klippenstein (lawyer, 416-937-8634), Cory Wanless (lawyer, 416-598-0288)

FOR MORE INFORMATION ABOUT RESISTANCE TO HARMS BY CANADIAN MINING COMPANIES IN GUATEMALA: Annie Bird (202-680-3002, annie@rightsaction.org) & Grahame Russell (860-352-2448, info@rightsaction.org)

JUDGE RULES THAT CANADIAN AMBASSADOR SLANDERED DOCUMENTARY VIDEO MAKER: Ambassador and the Canadian government ordered to pay almost \$10,000.00 in damages and costs

Toronto: On June 16, 2010 an Ontario judge ruled that former Canadian Ambassador to Guatemala, Kenneth Cook, slandered Ph.D. student and videographer Steven Schnoor by making false statements about a documentary video that Schnoor made that was critical of the practices of a Canadian mining company.

[Watch the video: <http://rightsaction.org/video/elestor/index.htm>]

In January 2007, Schnoor made a short documentary depicting the violent eviction of Mayan subsistence farmers from their homes in rural Guatemala at the behest of a Canadian mining company. This documentary includes footage of a woman who protests loudly about the evictions. It also includes a number of still photographs, including one of a community member in despair with his head in his hand.

Justice Pamela Thomson has ruled that in a meeting conducted at the Canadian Embassy in Guatemala City in February 2007, Ambassador Cook said that the woman in the documentary was paid to act in the video and that the photograph of the man in despair was not taken at the evictions, but was a stock photograph that had been used before.

Justice Thomson held that the Ambassador's statements were defamatory

and were not true. She further held that "the Ambassador was reckless", and that "he should have known better". Justice Thomson also drew attention to the behaviour of the Canadian government in the months after the defamatory comments were spoken. She held that the "dead silence" that Schnoor received in response to his request for an explanation, retraction and apology, was spiteful and oppressive".

Steven Schnoor testified at trial that the Ambassador's comments served to undermine the credibility of the people in the video. "I am glad that there has finally been some accountability for the Ambassador's actions. As the judge said, this defamation was serious." Schnoor said.

"To me, this is a very big problem - it's not just about me and one particular video. I am concerned that this is an example of how the Government of Canada is quick to discount the voices of people who are harmed by Canadian mining companies. I hope that more Canadians will lend their voice to the growing numbers who are already saying that this is not what they expect from their government."

For more information, contact: Steven Schnoor at steven_s@yorku.ca; Murray Klippenstein (lawyer) 416-937-8634 (mobile); Cory Wanless (lawyer) 416-598-0288

More information can be found at www.schnoorversuscanada.com

* * *

FORMER CANADIAN AMBASSADOR GUILTY OF SLANDER: FILMMAKER ACCUSED OF FALSIFYING FOOTAGE OF DISPUTE BETWEEN GUATEMALANS AND CANADIAN MINING COMPANY

By Denise Balkissoon Staff Reporter

<http://www.thestar.com/news/gta/article/824518--former-canadian-ambassador-guilty-of-slander>

When his nine-minute documentary on a Canadian company's alleged human rights abuses in Guatemala was disparaged by Canada's ambassador to that country, a York University filmmaker took the federal government to small claims court.

And won.

[Watch the video: <http://rightsaction.org/video/elestor/index.htm>]

After three years of chipping away at a federal "wall of silence," Steven Schnoor emerged victorious Wednesday in a slander case against former ambassador Kenneth Cook. Justice Pamela Thomson said Cook was "reckless" and "should have known better" when he said Schnoor's film was falsified.

Thomson awarded the filmmaker \$5,000 from Cook and \$2,000 from the federal attorney general for not responding properly to Schnoor's complaints.

In 2007, Schnoor made the movie documenting the eviction of a group of Guatemalan Mayan people in El Estor by Skye Resources, a Vancouver-based company that has since merged with HudBay Minerals.

Soon after he posted it on YouTube, the 34-year-old PhD student heard from non-governmental organization workers in Guatemala that Cook had told them a woman in the movie was a paid actor. He also heard Cook had contacted a Catholic bishop to spread the claim that the documentary was untrue.

Cook had also apparently said that still photos in the documentary by Guatemala-based photographer James Rodriguez were years old, not from the current conflict.

Schnoor wrote to the Department of Foreign Affairs requesting clarification, but was dissatisfied with the "form letter" he received four months later. He made an Access to Information request. A year later, he received 200 pages of blacked-out emails.

Frustrated, he contacted lawyers Murray Klippenstein and Cory Wanless, who took his case pro bono. In February 2009, they filed the claim against Cook and the federal government in small claims court.

During the case, Cook and the government argued that the former ambassador was simply presenting an alternate side of the dispute, said Klippenstein. But Thomson sided with Schnoor.

"The judge's ruling shows that the Canadian government was willing to harm me, my reputation and the people in the video to defend Canadian companies operating overseas in problematic ways," said Schnoor.

After the judgment, Klippenstein said his client wanted the people at the disputed site in Guatemala "to have a fair chance.

"Unfortunately, the Canadian government seems to be on the side of mining companies. The ambassador had effectively silenced a voice Canadians need to hear."

The settlement also covers \$2,930 in costs as well as interest, but the filmmaker said he isn't taking money home. Costs such as flying in the witnesses who had spoken to Cook mean Schnoor is still "out a chunk of change."

Schnoor continues to make documentaries about Canadian mining companies abroad. The foreign affairs department did not respond to a request for comment.

* * *

WHAT TO DO

TO MAKE TAX-DEDUCTIBLE DONATIONS for indigenous and campesino

communities resisting the harms and violations of mining projects and carrying out their own environmental justice, community development and human rights projects in Guatemala and Honduras, make check payable to "Rights Action" and mail to:

* UNITED STATES: Box 50887, Washington DC, 20091-0887

* CANADA: 552 - 351 Queen St. E, Toronto ON, M5A-1T8

CREDIT-CARD DONATIONS: <http://rightsaction.org/contributions.htm>

* * *

EDUCATIONAL DELEGATIONS TO CENTRAL AMERICA: Form your own group or join one of our delegations to learn first hand about community development, human rights and environmental struggles (info@rightsaction.org)

EDUCATION IN YOUR HOME COMMUNITY: Contact us to plan educational presentations in your own community, school, place of worship, home (info@rightsaction.org)

WWW.RIGHTSACTION.ORG

- JOIN our listserv. Click: <http://www.rightsaction.org/lists/?p=subscribe&id=3>
- JOIN our newsletter mail list. Send name and address to: info@rightsaction.org
- CREATE YOUR OWN email and mail lists and re-distribute our information
- RECOMMENDED DAILY NEWS: [www.democracynow.org /](http://www.democracynow.org/)
[www.upsidedownworld.org /](http://www.upsidedownworld.org/) www.dominionpaper.ca
- RECOMMENDED BOOKS: Eduardo Galeano's "Open Veins of Latin America"; Howard Zinn's "A People's History of the United States"; Naomi Klein's "The Shock Doctrine"; Paolo Freire's "Pedagogy of the Oppressed"; Dr Seuss's "Horton Hears A Who"

* * * * *