

Rights Action – May 14, 2012
GUATEMALA-CANADA – Mining Manipulations

CBC “The Current” radio interview (May 20, 2012)

**LEGAL DECISION (2010) AGAINST CANADIAN GOVERNMENT AND
AMBASSADOR TO GUATEMALA
for 2007 slandering of film-maker about a documentary (“El Estor
Evictions”) concerning illegal forced evictions Mayan-Qeqchi
communities in Guatemala, on behalf of Canadian mining
company HudBay Minerals (that bought out Skye Resources)**

‘For us, the case has always been about more than what one ambassador said in one meeting,’ explained Klippenstein. ‘It is about a Canadian government that promotes the interests of its own mining companies above the human rights interests of people in the developing world.’ (Murray Klippenstein, lawyer)

BELOW:

- Link to May 10, 2012, radio interview, CBC “The Current”, about Canadian nickel mining in Guatemala, and about how then Canadian ambassador to Guatemala slandered the “El Estor Evictions” documentary film
- Links to “El Estor Evictions” and “All That Glitters Isn’t Gold” films by Steven Schnoor
- Media release by Klippensteins law firm, June 2010, Concerning slander ruling against Canadian government and ambassador to Guatemala
- Toronto Star story, June 17, 2010, “Former Canadian ambassador guilty of slander”
- New Internationalist story, September 2010, “Cook feels the heat. Canadian ambassador to Guatemala guilty of slander”

WHAT TO DO: see below

- Please re-post and re-publish this information
- Get on-off Rights Action’s listserv: www.rightsaction.org
- Follow Rights Action on Facebook: www.facebook.com/RightsAction.org

Radio interview, May 10, 2012

CBC’s “The Current” interviews film-maker Steven Schnoor about his legal suit against the Canadian ambassador to Guatemala for slandering his “El Estor Evictions” documentary film.

<http://www.cbc.ca/thecurrent/episode/2012/05/10/checking--in-4/>

Around minute 12 of the May 10, 2012, edition of “The Current”

<http://www.cbc.ca/radio/media/audioplayer.html?categoryid=2185449222>

(Film) EL ESTOR EVICTIONS

January 2007 (10 minutes), by Steven Schnoor

<http://rightsaction.org/video/elestor/index.htm>

About Canadian nickel mining company (Skye Resources/ HudBay Minerals) related illegal, forced evictions of indigenous Mayan Qeqchi communities in eastern Guatemala.

(Film) ALL THAT GLITTERS ISN'T GOLD: A story of exploitation and resistance

2008 (10 minutes), by Steven Schnoor

<http://www.youtube.com/watch?v=-tmqXc5rX8s>

All That Glitters Isn't Gold tells the stories of community members residing near Goldcorp's "San Martin" open-pit/ mountain-top removal, cyanide-leaching gold mine in Honduras' Siria Valley. Villagers discuss the serious harms and violations they have experienced since the mine began operating – including health problems related to water contamination and depletion - contesting Goldcorp's claims that the mine has been a model of beneficial development for the community and has caused no adverse effects.

Media release by Klippensteins law firm, June 2010

**JUDGE RULES THAT CANADIAN AMBASSADOR SLANDERED DOCUMENTARY VIDEO MAKER
AMBASSADOR AND THE CANADIAN GOVERNMENT ARE 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.

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". The judge order aggravated damages against the Canadian government for this behavior.

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."

Toronto Star story:

FORMER CANADIAN AMBASSADOR GUILTY OF SLANDER

June 17, 2010, Denise Balkissoon

<http://www.thestar.com/news/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.

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.

New Internationalist story

COOK FEELS THE HEAT. CANADIAN AMBASSADOR TO GUATEMALA GUILTY OF SLANDER

<http://www.newint.org/columns/currents/2010/09/01/cook-canadian-ambassador-guatemala/>

In January 2007, Canadian doctoral student Steven Schnoor made a short documentary video that chronicled human rights abuses in Guatemala as a result of forced evictions carried out by military police on behalf of Vancouver-based mining company Skye Resources.

The video features a woman desperately protesting the evictions facing her Mayan Q'ech'ni community in El Estor in eastern Guatemala. Still photographs of the violent expulsions, including that of houses being burned to the ground and of a man in utter despair, lend further testimony to the community's ordeal. Soon after Schnoor's video began to circulate on YouTube, two representatives from the non-governmental organization Breaking the Silence (BTS) raised their concerns to Kenneth Cook, then Canada's ambassador to Guatemala.

In a formal meeting held at the Canadian embassy, the ambassador told BTS that the video was not credible. He stated that the woman in the documentary was a paid actor and that the photos depicted in the film were actually taken decades earlier, within the context of that country's civil war.

BTS confronted Schnoor with these accusations but he adamantly assured them of the authenticity of the film's material, and wrote to the ambassador and to the Department of Foreign Affairs, seeking a retraction and an apology, along with an explanation. He received instead a routine form letter some months later. Schnoor filed an Access to Information request. A year later, he obtained 200 pages consisting largely of blacked-out emails.

Compelled to safeguard his reputation, as well as to defend the voices of the people at the centre of the dispute, Schnoor contacted lawyers Murray Klippenstein and Cory Wanless, who took on the case pro bono and launched a lawsuit against Cook and the government of Canada in the small claims court.

'For us, the case has always been about more than what one ambassador said in one meeting,' explained Klippenstein. 'It is about a Canadian government that promotes the interests of its own mining companies above the human rights interests of people in the developing world.'

In court, Cook testified that, in his mind, he 'did not impugn' Schnoor's credibility. The Canadian government argued that the former ambassador was merely presenting an alternate side of the dispute.

Justice Pamela Thomson saw otherwise. In a courtroom void of any mainstream media, Thomson delivered a long judgment concluding that the ambassador's comments were 'defamatory' and that on the basis of those comments, 'any reasonable person would conclude that [Schnoor] was a maker of fraudulent videos'. She said that Cook's conduct was 'reckless' and that he 'should have known better' when he made those comments.

The judge also drew attention to the behaviour of the Canadian government subsequent to the slander. She held that the 'dead silence' that Schnoor received in response to his attempts to get an adequate explanation from the government was 'spiteful and oppressive'.

Thomson awarded the filmmaker \$5,000 in general damages from Cook and the government, \$2,000 in aggravated damages from the Canadian government and \$2,930 in legal costs. The Canadian government did not appeal Justice Thomson's ruling.

In the meantime, Schnoor plans to make more documentaries about Canadian mining companies operating abroad. His lawyers hope that the case will set a precedent. 'Canadian officials shouldn't be making comments that undermine the legitimate voices of local people,' said Klippenstein. 'We hope that this case is a wake-up call.'

TAX-DEDUCTIBLE DONATIONS

for very under-funded and courageous community-based organizations in Honduras and Guatemala working and struggling for community controlled development, defense of the environment, justice and human rights, and resisting the harms and violations caused by global (mainly Canadian) mining companies. Make check 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 can be made (anonymously): www.rightsaction.org

In Canada: <https://www.canadahelps.org/DonationDetails.aspx?cookieCheck=true>

In USA: <https://npo.networkforgood.org/Donate/Donate.aspx?npoSubscriptionId=488>

DONATIONS OF STOCK can be made (anonymously): info@rightsaction.org

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