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[http://www.rightsaction.org/video/elestor/As\\_It\\_Happens\\_June\\_18\\_2010.mp3](http://www.rightsaction.org/video/elestor/As_It_Happens_June_18_2010.mp3)

**Connie Sinclair:** Every filmmaker is sensitive to a bad review. But sometimes a negative review isn't just dispiriting—it's inappropriate. And sometimes it's just plain wrong.

Steven Schnoor is a Toronto Ph.D. student and a documentary filmmaker. In 2007, he posted a nine-and-a-half minute video to YouTube depicting the forcible eviction of peasants from the El Estor region of Guatemala. The evictions were ordered by Canadian mining company Skye Resources, which is now part of HudBay Minerals. And when the video emerged, the Canadian Ambassador to Guatemala at the time, Kenneth Cook, gave it two thumbs down—and called it "a hoax".

Three years ago, when we last spoke with Mr. Schnoor, he was seeking an apology from the Ambassador and the Department of Foreign Affairs. This week he got a little more than that—in a Toronto courtroom.

We reached Steven Schnoor in Ottawa.

**Carol Off:** Mr. Schnoor, how has your case against the former Canadian ambassador to Guatemala, Kenneth Cook, how has it concluded?

**Steven Schnoor:** Well, the judge ruled in my favour in unequivocal terms. She said that the Canadian ambassador to Guatemala absolutely did slander me, that he raised questions about my credibility, and she awarded damages—both against the ambassador as well as aggravated damages against the Attorney General of Canada.

**CO:** You're speaking of Justice Pamela Thomson, who presided over that case.

**SS:** That's right.

**CO:** And this was in small claims court.

**SS:** That's correct—in Toronto.

**CO:** Why did you decide that you were going to take it to court? What had you—because last time we talked you were just seeking an apology from the ambassador. What became of those efforts?

**SS:** You know, I was greeted with nothing but a wall of silence. I sought an explanation, I was seeking clarification and an apology from the ambassador as well as from the Department of Foreign Affairs. It actually took about four months for Foreign Affairs to get back to me—it was Peter MacKay, the minister at the time, and he basically sent me a form letter which said nothing. It didn't address my concerns at all, and then even then I didn't really jump to litigate. Even then I decided I would see if I could file an access to information request with the department to see if I could glean from that any information that would help me understand why he did this. That took about a year to come back, and

I got a big stack of heavily censored documents. It was kind of at that point that I thought, if I'm going to seek any accountability here, I'm going to have to go through the court system, and so that's what I did.

**CO:** When we spoke last you described the video and what story you had been able to tell through that video. Can you just give us a recap of what the story is?

**SS:** Sure. Well, in January of 2007, I filmed the forced eviction of five indigenous Mayan Q'eqchi' communities from their ancestral lands in the El Estor region—it's in eastern Guatemala. These were forcible evictions that were carried out by hundreds of state police and military forces, and what happened is these mining company employees took chainsaws to people's homes while women and children stood by, watching the destruction, and in some cases people's homes were burned right to the ground. So the mining company released a press release saying that they maintained "a peaceful atmosphere during this action" and they also denied any responsibility for any violence that may have ensued over the two-day evictions, which you would perhaps recall from your own interview with the CEO of the mining company at the time, Ian Austin.<sup>1</sup>

Shortly after the video began circulating online, Canada's ambassador to Guatemala at the time, it was Kenneth Cook, spread misinformation about the video. What he stated was that the video lacks credibility because the impoverished Mayan Q'eqchi' woman who's kind of at the centre of the video, very passionately outspoken, she's complaining about the injustice of these forced evictions—that she was actually an actress whom I had paid to perform in this manner. And I also show some still photos in the video—some show people's homes being burned to the ground, they show people in despair as they're watching this destruction. He was claiming those photos weren't actually taken at the evictions as I claim; rather, they were really old photos—they go back to the Guatemalan internal conflict, which by the way ended in 1996, and that he had seen them many times and in different places over the years.

In other words, he portrayed me as a manipulative propagandist who had produced a fraudulent piece of work. And to me, I was really concerned that his actions seemed to defend the mining company's position and really discredited what are long-standing land claims, development and human rights needs of these impoverished local Mayan Q'eqchi' people who I show in the video. Throughout this whole process I have been really concerned that his actions may have been an example of a government that privileges Canadian extractive industries abroad over concerns for the rights and the well-being of the affected communities.

**CO:** As you point out, we did speak with the mining company about your film and their reaction to it. We also attempted to interview Kenneth Cook—we made several requests, and he declined to do that interview. To whom and in what way did Ambassador Cook distribute these remarks?

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<sup>1</sup> CBC Radio, "As It Happens." March 19, 2007. Audio available at: [http://www.rightsaction.org/video/elestor/CBC\\_AsItHappens\\_IanAustin\\_March192007.mp3](http://www.rightsaction.org/video/elestor/CBC_AsItHappens_IanAustin_March192007.mp3)

**SS:** Well, the allegations that were proven in court, have demonstrated that he had a meeting with four members of a Canadian rights advocacy group called the Maritimes-Guatemala Breaking the Silence Network, and they took it as truth. It's important to note here—this was not, you know, some guy off the street who was talking to them. This was the Canadian ambassador to Guatemala. They took his words as true and they were very upset at the prospect that I may have fabricated this piece of evidence, which they had been using in their work—legitimately using to advocate for the people in the region.

**CO:** What's happening at the mine now?

**SS:** The mine is not in operation. In fact, it was not in operation when I filmed the evictions. It's been mothballed for about thirty years now, and the company has been trying to raise a whole lot of money to get it up and running again. The people whom you see in the video are still there. They were re-evicted after my video was shot, and they returned to the land, and are still in those communities.

**CO:** I understand that you are attempting to get a bill passed that's been filed in Ottawa concerning how mines are run and what roles governments play. Can you just tell us what that is?

**SS:** Sure, that would be Bill C-300—the Responsible Mining Act introduced by Liberal MP John McKay. Very simply put, the bill just says that if you're a Canadian mining company operating abroad and you're out of compliance with human rights norms and some other standards, then you will lose public support. These companies get public support in generally three ways: Export Development Canada, Canada Pension Plan investment and the support of embassies. If anything, my case would point to one way in which embassies may be involved in supporting Canadian mining companies abroad who are involved in some problematic practices. It's not acceptable that we have two standards—one for us, and then one for poor people who live in developing countries.

**CO:** Alright Mr. Schnoor, thank you very much for speaking with us.

**SS:** Thank you very much.

**CS:** Steven Schnoor is a documentarian and Ph.D. student at York University in Toronto. Today, we reached him in Ottawa, on Parliament Hill.