

SCHNOOR V. CANADA ([HTTP://WWW.SCHNOORVERSUSCANADA.CA](http://www.schnoorversuscanada.ca))

A legal case about role of the government of Canada supporting Canadian mining companies in Guatemala (and around the world), ignoring and/or not telling the truth about serious human rights violations & other harms

"These accusations are extremely serious and entirely, unequivocally false."

TO CONTACT Steven Schnoor or his legal counsel:
<http://www.schnoorversuscanada.ca/contact.html>

THE TRIAL is set for June 8th in Toronto

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FOR MORE INFORMATION about Canadian mining companies in Honduras & Guatemala, see below. (info@rightsaction.org, www.rightsaction.org)

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Readers of Rights Action's bulletins may recall a 10-minute video that we circulated in early 2007, documenting the violent evictions of five Mayan Q'eqchi' communities from their ancestral lands near El Estor, Guatemala -- land that they had recently reclaimed. The forcible evictions were carried out by hundreds of state police and military forces at the behest of Canadian mining company Skye Resources, which has since been purchased by Canadian mining company HudBay Minerals.

To view the El Estor Evictions: <http://rightsaction.org/video/elestor/index.htm>

Steven Schnoor, the creator of the eviction video, is presently suing the Canadian government and the former Canadian ambassador to Guatemala, Kenneth Cook, for defamation, over misinformation that the former ambassador allegedly spread regarding the video.

Information on the lawsuit, including a detailed and documented timeline that provides historical context for Canada's highly problematic history in the El Estor region of Guatemala, is available at: <http://www.schnoorversuscanada.ca>

BACKGROUND

Ambassador Cook spread misinformation about the video shortly after it began circulating online. This misinformation had the effect of defending the mining company's position and discrediting the long-standing land claims, development and human rights needs of impoverished local Mayan Q'eqchi' peoples. Sources have attested that Cook stated that the video lacks credibility for the following reasons:

1. The photographs shown in the video -- some showing homes being burned to the ground -- were not actually taken at the evictions; rather, they are actually old

photographs -- from as far back as the Guatemalan internal conflict (which officially ended in 1996) and have been used many times and in different places over the years.

2. The impoverished Mayan Q'eqchi' woman in the video who rails against the injustice of the forced evictions was actually an actress whom Schnoor paid to "perform" in this manner.

These accusations are extremely serious and entirely, unequivocally false. They discredit the legitimate voices of the Mayan people depicted in the video, and depict Schnoor as a manipulative propagandist. They deny the ugly reality on the ground, and imply that the indigenous peoples' voices of resistance and the images of the illegal evictions cannot possibly be real.

Ambassador Cook's defamatory statements had the effect of shielding Skye Resources from accusations of human rights abuses. His attack on the video appears to be an example of the Government of Canada's disturbing and ongoing practice of providing extensive support for Canadian mining companies even in the face of serious human rights abuses and social and environmental harms caused by these companies.

Contrary to the ambassador's claims, all photographs shown in Schnoor's video were indeed shot at the evictions near El Estor on January 8-9, 2007. They were all shot by photographer James Rodriguez, whose work is available at: <http://mimundo.org>

The woman at the centre of Schnoor's video -- the one whom Cook claimed to be a "paid actress" -- is Concepcion Kim Tiul. On the recent CTV "W5" episode that examines Canadian mining interests operating in Guatemala, she denies the ambassador's accusation of having ever been a "paid actress." Rather, she asserts that in watching her home being dismantled, with children to feed and nowhere else to go, she simply could not restrain her fury at the injustice that she beheld, and lashed out at the security forces and company officials overseeing the evictions. It was this fury that Schnoor captured on video.

The W5 episode also includes Schnoor and his legal counsel Murray Klippenstein discussing the evictions and the lawsuit. The 45-minute episode can be viewed online in its entirety at: http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/20100415/w5_paradise_lost_100415/20100417

THE EVICTIONS

HudBay Minerals presently lays claim to the land in question. HudBay acquired its claimed rights to the land when it purchased Skye Resources in 2008, which in turn acquired them from INCO in 2004. INCO initially acquired the land rights in 1965 from the military dictatorship that was ruling Guatemala at the time. Shortly after INCO's acquisition of the land, Guatemala's military dictatorship sought to clear the area in order to facilitate INCO's activities: it engaged in a brutal campaign of repression in the area, massacring, disappearing and displacing thousands of Mayan Q'eqchi' people who had been living there for generations. Those who were most outspoken in their resistance to the land-theft and repression that they faced, were often subjected to the severest forms of repression. This repression has continued to the present, with the

assassination last fall of community resistance leader Adolfo Ich Chaman, allegedly at the hands of mining company security personnel.

The people evicted in Schnoor's video are descendants of those who had initially been displaced over four decades earlier. In the fall of 2006, they decided to reclaim the land as rightfully theirs. They argue that the mining company's claims to the land are illegitimate, given the injustice by which INCO originally acquired it.

To add insult to injury, many suspect that the mining company may not even have legal title to the land in question. Whenever asked to produce its deeds, it refuses. Those who had returned to the area seek nothing more than a small plot of land for subsistence agriculture in order to sustain themselves and their families. They argue that they have nowhere else to go.

On January 8-9, 2007, backed up by the force of the army and police, workers in the employ of the mining company took chainsaws and torches to people's homes, while women and children stood by, watching the destruction of their homes. The mining company claimed that they maintained "a peaceful atmosphere during this action" and denies any responsibility for any violence that may have ensued over the two-day evictions.

Schnoor's video, along with photo-essays by photographer James Rodriguez and articles by Canadian journalist Dawn Paley, show that the evictions were anything but peaceful.

THE LAWSUIT

Upon hearing of the defamatory comments uttered against him, Schnoor initially contacted the ambassador as well as the Department of Foreign Affairs and International Trade, seeking an explanation, an apology and an inquiry into the matter. When none were forthcoming, Schnoor filed an Access to Information request with the department, seeking any information that might answer his questions and shed light on the matter, including the extent to which such behaviour may be symptomatic of a larger policy position which privileges Canadian extractive industries operating abroad over concerns for the rights and well-being of local communities.

After a year-long delay, he was sent a large envelope of heavily-censored documents.

Schnoor subsequently decided that a defamation lawsuit against Ambassador Cook was a necessary and more effective way to defend both his film and the voices of the indigenous Mayan Q'eqchi' that Canada has marginalized.

THE LEGAL COUNSEL

Schnoor is represented by the legal counsel of Murray Klippenstein and Cory Wanless, of Klippensteins, Barristers and Solicitors. Klippenstein and Wanless are no strangers to the issues of human rights abuses committed by Canadian mining companies operating abroad; in a different case, they are also the legal counsel for plaintiffs from the Ecuadoran Andes who are currently suing Canadian mining company Copper Mesa and the Toronto Stock Exchange related to violence and threats suffered by community members who opposed open-pit mining in their communities.

THE COST OF A LAWSUIT

Klippensteins has graciously agreed to accept Schnoor's case on a pro-bono basis, for the advancement of the public interest that such a suit may serve. Nonetheless, other costs associated with a lawsuit can be very large.

Anyone who may wish to make a donation in support of the case can do so at:
<http://www.schnoorversuscanada.ca/donate.html>

No contributions will be used for legal fees; rather, they will help pay for the countless ongoing expenses of a court case, including court fees, court document production costs, travel expenses for witnesses and numerous other out-of-pocket expenses. Even small donations would be greatly appreciated.

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EDUCATIONAL ACTIVITIES & MATERIALS

SPEAKING TOUR, ONTARIO (CANADA), MAY 2010: "Community resistance to harmful mining in Guatemala & Honduras" (To host an event: spring.kj@gmail.com)

DELEGATION TO HONDURAS, JUNE 26-JULY 4: First anniversary of June 28, 2009 oligarchic-military coup against the elected government (For information: annie@rightsaction.org)

- JOIN our listserv. Click: <http://www.rightsaction.org>
- 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 / 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"

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