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Cook feels the heat



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Canadian ambassador to Guatemala guilty of slander





Eviction chronicles human rights abuses in Guatemala. JAMES RODRIGUEZ / www.mimundo.org
<http://www.mimundo.org>

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'echni 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 You Tube, 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.'



JAMES RODRIGUEZ / www.mimundo.org (<http://www.mimundo.org>)

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.'

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