

USA ENVIRONMENTAL LAWYER ARBITRARILY DETAINED

On 1 October, Steven Donziger, a lawyer and environmental rights defender who successfully represented victims of oil dumping in Ecuador, was sentenced to six months in prison on a politically motivated 'contempt of court' charge. He has already spent more than two years under house arrest in a process that United Nations experts found lacks any legal basis and is in violation of numerous fair trial standards. The UN Working Group on Arbitrary Detention found that his detention is in retaliation for his work as a lawyer for the Indigenous communities in Ecuador. He must be released immediately and unconditionally.

Write to the Attorney General urging the Department of Justice to:

- assume jurisdiction over the case instead of the private prosecutor, and pr
- promptly implement the UN Working Group's decision by ensuring that Steven Donziger is released immediately and unconditionally
- launch a full and independent investigation of the circumstances surrounding Steven Donziger's arbitrary deprivation of liberty
- take the necessary measures to ensure that corporations do not abuse the justice system to target and harass human rights defenders.

Write to:

Attorney General Merrick Garland
950 Pennsylvania Avenue NW
Washington, DC 20530
USA

Email: attorney.general@usdoj.gov

Salutation: Dear Attorney General Garland,

Please copy:

Arnold Anthony Chacon
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Additional information

Steven Donziger is a US lawyer and environmental rights defender who has represented victims of oil dumping in an emblematic case against Chevron Corporation in Ecuador, following accusations that the corporation was responsible for what is widely considered one of the worst oil-related environmental disasters in recent history. He has been under pre-trial house arrest since August 2019 after he refused to comply with a court order to hand over his electronic devices, arguing that such a disclosure could compromise the confidentiality of the communications with his clients and put them at risk. The detention follows a long-running smear campaign of intimidation and harassment against Steven Donziger and other human rights defenders by Chevron.

In September 2021, the UN Working Group on Arbitrary Detention found that Steven Donziger's deprivation of liberty is arbitrary because it lacks any legal basis and is in violation of several norms relating to the right to a fair trial, including the apparent lack of impartiality of the courts. Moreover, the Working Group concluded that his detention appears to be in retaliation for his work as a legal representative of Indigenous communities in Ecuador.

Despite serious concerns over the lack of independence, objectivity and impartiality of the judge who ordered the pre-trial house arrest and who has overseen the trial over criminal contempt charges, Steven Donziger was sentenced on 1 October to the maximum penalty of 6 months in prison and denied the possibility to be released pending an appeal.

Steven Donziger first began his work for environmental justice in 1993, when he visited Ecuador and became part of the legal team representing victims of oil dumping. In 2011, after years of judicial proceedings, a court in Ecuador found Chevron Corporation liable for causing serious environmental and health damage to the Amazon rainforest and the communities who lived there. The court determined that the corporation had deliberately discharged billions of gallons of oil waste onto Indigenous ancestral lands as a cost-saving measure and ordered to pay billions of dollars in damages.

After losing the case in Ecuador, Chevron moved all its assets out of the country to avoid paying damages and threatened the Ecuadorian victims with "a lifetime of litigation" unless they dropped their case. Chevron then filed a lawsuit in the USA against all the plaintiffs named in the Ecuador lawsuit as well as Steven Donziger and other lawyers, nongovernmental organizations and a number of experts who supported their case.

The judicial proceedings that followed since have been marred by flaws that have rendered Steven Donziger's detention arbitrary, including a lack of impartiality by the courts, a disproportionate interference with his right to liberty imposed as a means of circumventing attorney/client privilege, and a deprivation of liberty that has continued beyond the maximum period foreseen by the charges laid against him.

In 2019, the judge presiding over the civil case against Steven Donziger took the extraordinary decision to appoint a private law firm as special prosecutors over criminal contempt charges that the [US Attorney's office for the Southern District of New York](#) declined to pursue. On 6 August 2019, the judge presiding over the criminal contempt case ordered Steven Donziger to surrender his passport and

submit to both GPS tracking and home confinement. Steven Donziger has been deprived of his liberty since then.

The UN Working Group on Arbitrary Detention is a group of independent experts appointed by the Human Rights Council mandated to investigate cases of deprivation of liberty imposed arbitrarily or inconsistently with international standards. The opinions of the Working Group are authoritative decisions from a UN expert mechanism and carry legal weight. The obligations contained in the international treaties which form the basis for the Working Groups decision are legally binding upon states party. The United States has been a state party to the International Covenant on Civil and Political Rights since 1992.

Strategic lawsuits against public participation (SLAPP) suits are legal cases brought, or threatened to be brought, with the intention of silencing or intimidating public participation. SLAPP suits often target journalists, human rights defenders, civil society organizations, activists or academics with the aim of silencing them and deterring other critical voices. SLAPP suits are not necessarily aimed at protecting the honour or reputation of an individual or a corporation, but rather to intimidate, tire and deplete the financial and psychological resources of their target. The cost of fighting these legal actions can put extreme financial and other pressure on human rights activists forcing them to repurpose the already limited funds and resources from their work to defending the lawsuit. The litigation is often also successful in diverting the attention from the environmental or human rights issue to the legal defamation case itself.

Steven Donziger has been under house arrest for over 800 days and there is a coalition of organizations [advocating](#) on his behalf.