

# Human rights attorney Steven Donziger released after nearly 1,000 days in arbitrary detention

**Kevin Reed**  
27 April 2022

Human rights lawyer and environmental activist Steven Donziger was released on Monday after serving 993 days under house arrest, stemming from his decades-long fight against the global oil industry and Chevron's industrial poisoning of the Amazon rain forest and the people who live there.

After he walked free from his apartment in New York City for the first time in more than two and a half years, Donziger tweeted, "It's over. Just left with release papers in hand. Completely unjust that I spent even 1 day in this Kafkaesque situation. Not looking back. Onward."

Donziger has been subjected to a vindictive campaign against him by the US District Court in Manhattan, including disbarring him in New York State and sentencing him to 45 days in jail and home confinement on trumped-up contempt of court charges.

Two New York City federal court judges, who have close ties to the US oil industry, retaliated against Donziger for his legal victory against Chevron in an Ecuadorian court in 2011. The class action lawsuit resulted in \$9.5 billion in damages awarded to 30,000 farmers and indigenous people who live in the Lago Agrio oil field in northwestern Ecuador.

Speaking to *Gizmodo* on Monday, Donziger said, "I am exhilarated to be able to live fully again, extremely excited to be able to make the normal choices people in a free society get to make. I'm also stunned that I just spent two years and seven months of my life in detention in retaliation for my work in the climate justice field."

Amnesty International, along with the UN High Commissioner for Human Rights, called Donziger's arbitrary detention a violation of international law.

Daniel Joloy, senior policy adviser at Amnesty International, said following Donziger's release, "He should have never been detained for even one day, as it has been clear the whole process against him has been in retaliation for his human rights work that exposed corporate wrongdoings."

Joloy added that Donziger's release is not the end of the injustices against him and others, "Corporations must not be allowed to continue abusing the US justice system to silence and intimidate human rights defenders or anyone else exposing their wrongdoing."

Donziger began his work to expose the criminal industrial practices of Texaco (acquired by Chevron in 2001) in Ecuador in 1993. The giant US oil corporation, which was founded in 1902 and expanded into oil exploration and production in Latin America by the 1930s, began drilling for oil in Ecuador in 1964 and, between 1972 and 1992, operated oil wells in the northeastern region of the country.

Following the completion of the Trans-Ecuadorian pipeline in 1972, Ecuador became the second largest oil producer in South America and joined the Organization of the Petroleum Exporting Countries (OPEC). Originally in a consortium with Gulf Oil, Texaco exploited the considerable reserves in the jungle of Ecuador and over 20 years pumped 1.7 billion barrels of oil from the Lago Agrio fields.

Following the restructuring of the Ecuadorian oil industry and the creation of the national oil corporation Petroecuador, Texaco's contract expired in 1992 and was not renewed. During the two decades, however, the US-based oil monopoly destroyed the ecological systems in the region by dumping 16 billion gallons of toxic wastewater into the rain forest causing water

pollution, soil contamination and deforestation.

The class action lawsuit that was launched in 1993, and became associated with Donziger, sought to force Texaco to clean up the area and provide for medical care for the 30,000 inhabitants who were suffering from significant health issues including a wave of cancers, miscarriages and birth defects.

Texaco initially responded to the crisis in the 1990s by making an agreement with the Ecuadorian government to spend \$40 million in a faux clean-up operation in exchange for being released from liability. Donziger and a group of attorneys brought their class action lawsuit in New York City and the corporation responded by saying the remaining problems were the responsibility of Petroecuador.

After Chevron bought Texaco in 2001, the US court agreed to move the case to Ecuador in exchange for a promise from the corporation that it would accept the decision of the Ecuadorian judicial system. Donziger then participated in a campaign to inform the people of Ecuador about the devastating impact of the pollution in the Amazon region by the oil corporation. This included appearing in a documentary in 2009 called *Crude* which reviewed two years of the case and exposed the corrupt practices of Chevron in attempting to manipulate the Ecuadorian courts.

A provincial Ecuadorian court found Chevron guilty in 2011 and awarded the class action plaintiffs \$18 billion. On appeal, the verdict was affirmed all the way up to the Ecuadorian high court, the National Court of Justice, although the damages were reduced to \$9.5 billion.

Of course, Chevron then immediately reneged on its promise to abide by any ruling in Ecuador, first by moving its assets out of the country. The plaintiffs then filed enforcement actions in Canada, Brazil and Argentina seeking to confiscate Chevron's assets. While these efforts were unsuccessful, in 2018, the Permanent Court of Arbitration in The Hague ruled that the Ecuadorian judgment "should not be recognised or enforced by the courts of other States."

This was followed by counter-litigation launched by Chevron against Donziger in New York City using the Racketeer Influenced and Corrupt Organizations Act (RICO) to bring a raft of charges against him, including racketeering, extortion, wire fraud, money laundering, obstruction of justice, judicial bribery, coercion,

witness tampering, and arranging for experts' reports to be ghostwritten.

With US District Judge Lewis A. Kaplan assigned to hear the RICO case filed by Chevron against Donziger, a judgment was rendered that the company could not be forced to pay the Ecuadorian award in the US. Donziger responded by pointing out that Judge Kaplan should have recused himself because he held shares of Chevron stock.

Appeals filed by Donziger against some of Judge Kaplan's pretrial rulings were upheld by the Second Circuit Court of Appeals and the charges of contempt against him were filed while his appeals are still pending. When Donziger was ordered by the judge to turn over his computer and other electronic devices to Chevron so the company could search them for evidence, he refused.

Donziger has vowed to continue the fight against Chevron. He told Democracy Now! on Tuesday that the campaign for the people of Ecuador was strengthened during his detention. He explained, "we're ready to move on to the next part, which is really try to get the judgment that the people of Ecuador won complied with by Chevron so they can clean up the toxic pollution on their ancestral lands. That's where we're going to be focused now."



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