



The Chernobyl of the Amazon Rainforest - How Chevron Committed Ecocide | Steven Donziger

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acTivism Munich (acTV): Thank you for joining us today. Would you start by introducing yourself?

Steven Donziger (SD): My name is Steven Donziger. I'm an attorney from the United States. I live in New York City and I am a human rights attorney, and I've represented, amongst other cases, indigenous groups in Ecuador's Amazon for many years in litigation against Chevron over massive oil pollution in the Amazon.

acTV: In 2011, you won the lawsuit against Chevron (back then known as Texaco) for an oil spill in the Ecuadorian Amazon. You spent a lot of time with the indigenous peoples living there. Can you tell us why you got involved in this case?

SD: Well, I was asked to get involved by an Ecuadorian attorney who was living in the United States. So initially in the 1990s, I joined a team of lawyers from different countries that investigated and determined that this was an awful problem and that people were dying. And these very vulnerable communities needed help. So that team filed the lawsuit. I was part of a team and I've always been part of a team, so it's not my case. And we were appalled by what Chevron had done. It was actually done by Texaco, which later was bought by Chevron. So it's now Chevron's responsibility and they made the decision for decades to deliberately dump billions of gallons of cancer causing toxic oil waste onto indigenous ancestral lands and into the waterways, the rivers and the streams that the local residents relied on for their drinking water, for their bathing and for their fishing. And over time, you know, many years, the cumulative impact of this basically dumping poison into the water supply and into the food supply and onto the lands created thousands of cases of cancer, and many, many people have died and continue to die. This is a problem that has existed for 50

years without Chevron cleaning it up. And frankly, I think it is a vivid example of the problem that the world, the globe, we all have, all of humanity has with the fossil fuel industry, which is just to exploit resources and pollute and harm vulnerable communities and run away with the profits. And the process accelerates global warming and accelerates the destruction of the planet. So, you know, our team is trying to do its part along with the leaders of these very courageous communities in Ecuador to hold one company accountable for massive pollution. But you know, symbolically, it means a lot more than just one case. You know, we're sending a message to the industry that you can't do this, you can't pollute, you can't do this to communities and you can't continue to burn fossil fuels in ways that put our future in peril. So we're really proud of our work. We won the case. It's been affirmed by six different appellate courts, 28 different appellate judges, including the highest courts of Ecuador and Canada, Canada for enforcement purposes. Chevron still refuses to pay. So the problem still exists, and we're doing what we can to force Chevron to pay, but it is a really great example on the one hand of a historical accomplishment by indigenous communities to win the case. It's also an example of corporate malfeasance, corporate criminality, on the other hand, and ultimately, Chevron needs to be held fully accountable.

acTV: In 2019, you were charged with contempt of court for refusing to surrender your computer, cell phone, and other electronic devices. You spent nearly three years on house arrest and more than a month in jail. Can you talk about the personal cost this case has had on you?

SD: Let me say this, and you know people in Germany and other countries in Europe that might watch this interview, I want you to understand that the United States is not perhaps what you think it is in terms of our judicial system. And what happened to me is just extraordinary. The case was in Ecuador. I live in New York. So, you know, when Chevron lost the case, they came back and they were able to get a judge, a US judge, to appoint a private law firm, a Chevron law firm, to prosecute me criminally for contempt of court because I refused to turn my computer over with all its privileged information, all the identities of my clients in Ecuador to Chevron. There had never been such an order issued in US history. This is all protected privileged information. So I appealed the order, and while it was under appeal, the trial judge, who has financial investments in Chevron, charged me with criminal contempt. The charges were rejected by the regular public prosecutor. So he then appointed a private Chevron law firm named Seward & Kissel to prosecute me directly, and that law firm had me detained in my home for two years and two months before I could even get a trial. And I was charged with the crime, the so-called crime, because I assert my innocence. I don't believe there was a crime, but they claim there was this crime. The maximum sentence was six months and I was in for four times that amount over two years prior to even my trial. And then the judge denied me a jury. The same judge that locked me up for over two years prior to trial was the fact finder in the trial, which was very biased in favour of Chevron. I was prosecuted again, not by the government, but by a Chevron law firm. And it was the nation's first corporate criminal prosecution, and it's frankly a very scary

thing that happened here. I've never heard of this happening in any rule of law country or any country for that matter. I mean, not even China would do something like this, you know, a country that has a legal system completely run by the party. So, you know, as a result of all that, I have been in detention now for almost 900 days, 893 days, to be exact. And I have another three more months before my sentence ends that included a six month prison sentence in federal prison here. No lawyer, by the way, has ever spent even a day in prison for my level of offence. And this judge sentenced me to six months. And the Bureau of Prisons, which is the organisation that runs the prisons in the United States, furloughed me to my home after 45 days because they're like, Really, you shouldn't be here. There's no reason for you to be in prison. But I'm still serving my sentence and I'm not free. I'm just doing it at home. The personal ordeal has been obviously intense and shocking and a very poor reflection on the United States judiciary in the United States government. And really the power of Chevron and the fossil fuel industry in this country to control our courts is extraordinary, and I'm shocked it happened. But people very much need to be aware of it because I believe it's a playbook that the fossil fuel industry, at least in the United States, plans to use to try to silence lawyers and activists who hold them accountable for their pollution and their contributions to the climate crisis. So it's something people need to be made aware of.

acTV: Do you regret taking on this case?

SD: No.

acTV: Now let's talk about ecocide. You have stated that the disaster in Ecuador is the "Amazonian Chernobyl". Can you explain in more detail what you mean by that?

SD: Sure. Well, this is very important. Ecocide, a panel of scholars headed by Philippe Sands and an incredible activist named Jojo Mehta, recently produced a definition of ecocide as the world's fifth atrocity crime alongside, you know, crimes against humanity, genocide, war crimes, etc. And the idea that the deliberate engagement of practises that destroy the environment in such a way that it threatens human life could become a crime that's prosecutable under the criminal laws under international law is really important. And I think it's important that this happened. I think what Chevron did in the Amazon of Ecuador is the very definition of ecocide. I mean, to make a deliberate decision to dump cancer causing oil waste into the water supply that thousands of people rely on for their drinking water, their bathing in their fishing. I mean, what could be worse than that? And the idea that a corporation can do that and get away with it is not criminal. Whereas if a government were to do the same thing, they could be prosecuted under the other, you know, atrocity crimes. It is not fair. Private corporations that engage in conduct that destroys human life in this way on a mass scale need to be held accountable in the most serious of ways. So ecocide, I think, is a mechanism to do that and also a mechanism to, I think, change the incentive structure so that the leaders of these big fossil fuel companies, the oil companies, the mining companies know

that they could be held personally accountable under criminal international law if they engage in these practises that destroy the environment. I think it'll change their risk calculus in a way that will lessen the degree of pollution happening in the world and save a lot of lives so people again need to pay attention to ecocide. There's a website called stopecocide.earth, look it up, it's really important people become educated about this.

acTV: How do you think the case against Chevron would have turned out if ecocide had been recognized as an international crime?

SD: Well, look, I think if the crime had been in existence when Texaco first went into Ecuador, it might not have happened. I mean, this whole, you know, this pollution was not an accident. I want to be very clear. It was designed to pollute as a way to lower production costs. So there was an intentional act by Chevron, its predecessor company, to engage in toxic dumping on a wide and systematic scale. I mean, look, what happened, you know, in Germany, in World War Two, that was a systematic planning to exterminate certain groups of people, Jews amongst them. This was a systematic planning to dump toxic waste to destroy the environment, that in a way that you would know indigenous groups would be decimated if not made extinct. So I think it might not have happened had the law been on the books, and I think if the law was on the books and they did it, I think they would be punished in a way that would send a very important message to the industry not to engage in such behaviour.

acTV: As it stands right now, it's a David versus Goliath struggle: Indigenous peoples protecting their habitat against big corporations seeking to exploit it for profit. What was your impression when you were in the Amazon and talked to the indigenous peoples about this fight?

SD: Well, it just kills you. I mean, it just gets you right in the heart. The level of human suffering due to Chevron's toxic dumping is widespread and deep. Many people have died, I personally know several people who have died of cancer who were exposed to their toxic oil waste who lived in this region. It's a 1500 square mile region. No one knows the precise number of people who have died because of this, because there's never been a study and certainly Chevron doesn't want to fund such a study. The results would be quite embarrassing. But the global public health community needs to understand that in the Amazon of Ecuador, where Chevron operated, is a massive public health problem, the likes of which I don't think the world has ever seen. I mean, that's why it's called the Amazon Chernobyl. It is probably the world's worst oil pollution. And again, you know, people think about the Deepwater Horizon spill by BP in the Gulf of Mexico here in the United States ten years ago. This dwarfs that by a magnitude of ten. It's so much bigger and it's in such a delicate ecosystem. So it hurts to see the human impact. As a lawyer it makes me distraught to think we, although we won the case, we haven't delivered a concrete remedy yet to the people. It makes me sad to see how our court systems are so weak, they cannot force a fossil

fuel company after 28 years of litigation to actually clean up a pollution that they have admitted to and been held responsible for by various courts. It's a problem or legal system, I don't think, as a general matter, I'm not just talking about the United States, I'm talking about legal systems throughout the world, just don't seem to be able to force the fossil fuel industry to take responsibility for its misconduct. And you see this over and over again in many, many, many cases, this amongst them.

acTV: You've stated that Chevron has not yet paid its \$9.5 billion fine, even though your team won the case. Do you think the company will ever pay that amount? And is the fight against Chevron over or does it continue?

SD: Well, yes, I do think they will pay. I think there are lawyers out there, not me, but others who are working in teams to force them to pay by going after their assets in other countries. They stripped all their assets from Ecuador, so there's nothing to collect there. But yes, I do think they will definitely pay this judgement. And I think it has to happen soon. I mean, I don't think they should wait to be forced by a court to pay it. I think they should just agree to sit down with the communities and repay it, and do the cleanup. So people will not continue to die. You know, in terms of my own personal will, I will continue to speak out about this. Right now, I'm under detention. I can't really work, can't travel. But there's many people working on this. This is not the Steven Donziger case. It's a case about the people of Ecuador, of the Cofán, the Quechua, the Secoya, the Siona and other rural farmer communities who won an important legal battle. And they have other lawyers and they will continue to fight, and I will continue to support them and do what I can to help them. But I definitely believe Chevron at some point, hopefully in the near future will be forced to pay this judgement in full.

acTV: Thank you very much for your time Steven! Your work is very inspiring and we wish you good luck in your fight!

SD: Can I just mention one more thing? If you want to help the communities and help me, I'm still under threat and unable to work. We have a legal defence fund that you can reach by going to a website called www.freedonziger.com. You can make a donation, we've had thousands of people around the world donate and that's how we've been able to survive fighting this monster called Chevron all these years, and we need as much support as possible. Even if you cannot donate, please go to freedonziger.com, there is a lot of information. There's news articles and you can give us your email and join our campaign and you'll get regular updates on the case. So again, please go to freedonziger.com and I really appreciate your time.

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