

URGENT ACTION

ENVIRONMENTAL LAWYER UNFAIRLY JAILED

On 1 October, Steven Donziger, a human rights lawyer and environmental rights defender, was sentenced to six months in prison on a politically motivated 'contempt of court' charge. He had spent more than two years under house arrest in a process that United Nations experts found lacked any legal basis, was in violation of numerous fair trial standards, and was in retaliation for his work as a lawyer. As ordered by the judge on 1 October, on 27 October Steven reported to prison to start his six-month sentence, with his appeal still pending. He must be released immediately and unconditionally.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

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

Dear Attorney General Garland,

Steven Donziger is a US lawyer and environmental rights defender who has represented victims of oil dumping in a case against Chevron Corporation in Ecuador. He was held under pre-trial house arrest for over two years, after he refused to comply with a court order to hand over his electronic devices, as the disclosure could compromise attorney-client privilege and put his clients at risk. The detention follows a long-running smear campaign 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, 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. The Working Group concluded that his detention appears to be in retaliation for his legal representation of Indigenous communities in Ecuador.

Despite serious concerns over the lack of independence, objectivity and impartiality of the judge involved in the proceedings, Steven Donziger was sentenced on 1 October to the maximum penalty of 6 months in prison and denied the possibility to be released pending appeal. On 27 October, he reported to prison to begin his sentence after an appeals court upheld the decision on his release pending appeal.

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

Sincerely,

ADDITIONAL INFORMATION

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 an emblematic case against Chevron Corporation, following accusations that the corporation was responsible for what is widely considered one of the worst oil-related environmental disasters in contemporary history.

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 was under house arrest for over 800 days and there is a coalition of organizations [advocating](#) on his behalf. On 26 October, the United States Court of Appeals for the Second Circuit upheld the decision to deny bail without providing any justification as to the necessity and proportionality of the measure. The Court of Appeals nevertheless ordered an expedited resolution for the pending appeal on the conviction and sentence, which is expected to be carried out by the end of November. However, Steven Donziger is required to start serving his prison sentence regardless of the pending appeal. On 27 October, as ordered by the judge, Steven Donziger reported to prison to begin serving his sentence. He is now being held at a federal prison in Danbury, Connecticut.

PREFERRED LANGUAGE TO ADDRESS TARGET: English.

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 20 December 2021

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: Steven Donziger - He/him (pronouns)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/AMR51/4915/2021/en/>