



National Lawyers Guild International Committee

International Association of Democratic Lawyers



September 20, 2021

Honorable Judge Preska:

As legal organizations and attorneys from the United States and around the world, we have closely monitored the case of Mr. Steven Donziger, a human rights attorney who, since 1993, has led an international team representing Indigenous communities and rural farmer communities struggling for environmental, economic, and health justice against Chevron for its role in the toxic pollution, environmental damage and health crisis caused in the Ecuadorian Amazon. Mr. Donziger ultimately helped these communities win a \$9.5 billion pollution judgment against Chevron in the company's preferred venue of Ecuador, where it insisted the trial take place and where it had accepted jurisdiction. This judgment has been confirmed by three layers of appellate courts in Ecuador, including the country's Constitutional Court. It was also validated for enforcement purposes by Canada's Supreme Court in a unanimous decision issued in 2015. Chevron vowed never to pay the judgement and threatened the affected communities with a "lifetime of litigation" unless they dropped their claims.

As a result of these successful efforts to hold the company accountable, for over a decade Chevron has pursued aggressive retaliatory litigation against Mr. Donziger in United States courts to silence, bankrupt and jail him. Because Mr. Donziger refused on ethical and legal grounds to turn over privileged documents to Chevron without first allowing for appellate review, Mr. Donziger faced civil contempt charges issued by Judge Kaplan. In July 2019, Judge Kaplan referred the case to the U.S. Attorney's Office for the Southern District of New York for criminal contempt prosecution, which the Office declined. Thereafter, Judge Kaplan took the extraordinary step of appointing a private law firm, Seward & Kissel (a firm with known ties to Chevron and Chevron-related entities), to prosecute Mr. Donziger despite the firm's well-documented conflict of interest. The Seward firm pushed for Mr. Donziger's unprecedented pre-trial detention and opposed his request for a jury trial.

Mr. Donziger has served over two years of home detention—incredibly considered a "flight risk" in the middle of a global pandemic—after vigorously participating in his defense and never before missing a court date. By his sentencing on October 1, 2021, Mr. Donziger will have been subject to 787 days of house arrest while the misdemeanor charge he faces carries a maximum sentence of six months and the longest sentence ever imposed on a lawyer in New York for the crime of contempt is 90 days of home detention.

We, the undersigned concerned bar organizations and jurists from around the world, thus urge you to sentence Mr. Donziger to time-served based on the length of his home detention and the unusual nature of a private prosecution where the charges were rejected by the U.S. Attorney Southern District of New York. We note that Mr. Donziger maintains his innocence and has a demonstrated commitment for almost three decades to the cause of human rights and to helping his Indigenous and *campesino* clients in Ecuador deal with on-going health and land issues as a

result of oil contamination. The extraordinary length of his pretrial home detention (over two years) alone warrants leniency at this time.

Signed,

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4. Alfonso David Barrientos Zapata, La Paz - Bolivia
5. Amazon Watch, Oakland
6. Asociación Americana de Juristas
7. Asociación Americana de Juristas Colombia, Bogota, Colombia
8. Asociación Nacional de Abogados Democráticos, Ciudad de México
9. Central Arizona National Lawyers Guild, Phoenix, AZ
10. Centro de Documentación en Derechos Humanos “Segundo Montes Mozo S.J.”
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11. Chicago ALBA Solidarity, Chicago, US
12. Comite Dialogo Ambiental, Salinas, Puerto Rico
13. Common Sense Legal Counseling, Somerville MA
14. Community Housing Transformation Centre, Montreal, Canada
15. Community Justice Center Fresno, FRESNO
16. CORAP, Kinshasa, RDC
17. CRED, Rome, Rome
18. Defending Rights & Dissent, Washington, DC USA
19. Democratic Lawyers Association of Bangladesh (DLAB), Dhaka, Bangladesh
20. Detroit & Michigan Chapter of the NLG, Detroit, USA
21. Ecojustice Legal Action Centre, Dundrum, Co Down, Ireland
22. European Association of Lawyers for Democracy and World Human Rights (ELDH),
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23. Future Law Institute (UK) , Bath, United Kingdom
24. Haldane Society of Socialist Lawyers , London
25. Hawai'i Institute for Human Rights, HONOLULU
26. HICHRP(Hawaii Committee for Human Rights in the Philippines), Honolulu, USA
27. Housing and Land Rights Network - Habitat International Coalition, Giza, Egypt
28. Indian Association of Lawyers, Mumbai , India
29. Interfaith Worker Justice - New Mexico, SANTA FE
30. International Association of People's Lawyers-Australia, Woy Woy, NSW, Australia
31. International Federation For The Protection Of The Rights Of Ethnic, Religious,
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37. Nakuru Reproductive Health Centre, Nakuru
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54. Progress Lawyers Network Brussels , Brussels
55. Project Blueprint, Marshfield, Massachusetts
56. Rainforest Action Network, San Francisco
57. Rainforest Relief, Minneola, Florida, USA
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