

# LAWYERS ARE RESPONSIBLE

Ambassador Jane Hartley  
US Embassy  
33 Nine Elms Ln  
Nine Elms  
London

Friday 3 May 2024

## **Lawyers Are Responsible Support the Presidential Pardon of Steven Donziger**

Lawyers Are Responsible are a group of lawyers: primarily solicitors and barristers, but also aspiring lawyers and legal academics. We challenge the legal profession's role in enabling the fossil fuel industry and believe in upholding the rule of law, as a cornerstone of social stability, prosperity and democratic values. We have signed a Declaration of Conscience, open to all members of the legal profession, in which we commit, amongst other things, to withholding our services in respect of (1) supporting new fossil fuel projects and (2) action against peaceful climate protesters. So far nearly 200 lawyers have signed the Declaration. The Declaration and further details can be found on our website at [www.lar.earth](http://www.lar.earth).

In March 2024, Steven Donziger stated that having exhausted all remaining legal options, he is seeking presidential pardon for his misdemeanour conviction, the result of a private prosecution conducted against him by US oil and gas company Chevron. This statement was accompanied by [a letter signed by 14 prominent US lawyers](#) calling on President Joe Biden to pardon him.

**Lawyers Are Responsible wish to add our names to the growing list of voices calling for Steven Donziger's pardon, as well as to those calling for an independent investigation into his treatment.**

## **The issue:**

### **Chevron in Ecuador**

Between 1972 and 1993, US oil firm Chevron, at the time operating as Texaco, dumped over 30bn gallons of toxic waste and crude oil into the Amazon rainforest in the north-east of Ecuador.<sup>1</sup> This has since been recognised as one of the most destructive acts of environmental damage ever recorded. Forests were contaminated across a 4400 square kilometre region, rivers turned black. Thousands of locals' health and livelihoods were severely affected, with a spike in cancer and birth defects recorded.<sup>2</sup> Experts now call the area the "Amazon Chernobyl".<sup>3</sup> The actions of Chevron in Ecuador almost certainly fall within the threshold of harm required by recent proposals for a crime of 'Ecocide'.<sup>4</sup>

American Attorney Steven Donziger represented Indigenous Peoples and farmer communities in an Ecuadorian lawsuit against Chevron brought in 1993. In 2011, the affected parties won a landmark \$9.5 billion judgement.

### **Chevron's private prosecution against Steven Donziger**

In retaliation, Chevron brought proceedings against Mr Donziger in the U.S. federal court for contempt of court in what has been described by US Attorneys as "the nation's first private corporate prosecution." It has been described as a SLAPP lawsuit (strategic litigation against public participation), or in other words, an intimidatory or vengeful case brought by rich and powerful corporations; SLAPPs are banned in many jurisdictions. The full timeline and details of this vicious private prosecution are set out in the following [letter](#), signed by 14 prominent US lawyers.

### **Arbitrary detention**

As a result Steven Donziger has spent 993 days detained in either federal prison or under house arrest. A sentence more than four times the maximum six-month sentence set out by law for a petty misdemeanour. In October 2021, the UN Working Group on Arbitrary Detention concluded that the proceedings brought against Steven Donziger, and sentences resulting from those proceedings were incompatible with standards of due process and human rights. The

---

<sup>1</sup> Ecocide in the Amazon, *The Ecologist*, <https://theecologist.org/2015/jul/17/ecocide-amazon-chevron-evades-95bn-restitution-order#:~:text=63%2C000%20million%20litres%20of%20toxic,Textaco%20has%20left%20in%20Ecuador>.

<sup>2</sup> Oil exploitation in the Amazon basin of Ecuador: a public health emergency, <https://scielosp.org/pdf/rpsp/2004.v15n3/205-211/en>

<sup>3</sup> See Chevron's "Amazon Chernobyl" Disaster in Ecuador: Lessons from the Frontlines, <https://globaljustice.yale.edu/news/chevrans-amazon-chernobyl-disaster-ecuador-lessons-frontlines>

<sup>4</sup> See the definition proposed by the independent expert panel, convened by Stop Ecocide International: "ecocide" means unlawful or wanton acts committed with knowledge that there is a substantial likelihood of severe and either widespread or long-term damage to the environment being caused by those acts. <https://www.stopecocide.earth/legal-definition>

working group found “very serious” violations of ICCPR articles 2, 9, 10, 11, 14, and 26.<sup>5</sup> The UN Working Group also urged the US Government to conduct “a full and independent investigation of the circumstances surrounding the arbitrary deprivation of liberty of Mr. Donziger and to take appropriate measures against those responsible for the violation of his rights.”<sup>6</sup>

### **Why a Presidential Pardon is an appropriate measure**

As [the 14 Attorneys who wrote to President Biden](#) set out, a pardon of Steven Donziger would serve three key purposes: It would confirm that the US executive branch will not tolerate the usurpation of prosecutorial discretion and the manipulation of the judiciary by a powerful corporation trying to silence a human rights lawyer who opposed them. It would reinforce the respect the US government owes toward its international human rights obligations. Finally, a pardon would serve the interests of justice, and would send a powerful message that the private corporate prosecution of environmental defenders will not be tolerated.

We are in the midst of a climate and ecological crisis. In February 2024, news broke that the 1.5C global warming limit set by the Paris agreement was exceeded for a full year.<sup>7</sup> The consequences of this will include the widespread loss of life and livelihoods, catastrophic harm to health, large scale population displacements and the destruction of critical infrastructure. The weaponization of law by powerful corporations to discredit and imprison environmental defenders - in the way Chevron has done with its prosecution of Steven Donziger - is not only deeply concerning but illustrates another tool in the armoury of powerful fossil fuel companies to deny and delay the urgent deep emissions cuts required for a survivable future.

### **Our Ask:**

We are thus requesting that you, in your capacity as Ambassador of the United States to the United Kingdom, impress upon President Biden the urgency of granting pardon to Steven Donziger.

We also ask that you publicly call for an impartial investigation into Mr Donziger’s treatment, as was deemed necessary by the UN Working Group on Arbitrary Detention.

We look forward to your response.

Yours faithfully,

---

<sup>5</sup> [https://www.ohchr.org/sites/default/files/2021-11/A\\_HRC\\_WGAD\\_2021\\_24\\_AdvanceEditedVersion.pdf](https://www.ohchr.org/sites/default/files/2021-11/A_HRC_WGAD_2021_24_AdvanceEditedVersion.pdf)

<sup>6</sup> Opinions adopted by the Working Group on Arbitrary, Detention at its ninety-first session, 6–10 September 2021

[https://www.ohchr.org/sites/default/files/2021-11/A\\_HRC\\_WGAD\\_2021\\_24\\_AdvanceEditedVersion.pdf](https://www.ohchr.org/sites/default/files/2021-11/A_HRC_WGAD_2021_24_AdvanceEditedVersion.pdf)

<sup>7</sup>World's first year-long breach of key 1.5C warming limit

<https://www.bbc.co.uk/news/science-environment-68110310>

*Lawyers Are Responsible*

**LAWYERS ARE RESPONSIBLE**