



AMAZON WATCH



Institutions, Organizations and Individuals Advocating for Corporate Accountability Condemn Chevron’s Retaliatory Attacks on Human Rights and Corporate Accountability Advocates and See it as a Serious Threat to Open Society and Due Process of Law

December 18, 2013 - We, the undersigned organizations and individuals, condemn the actions by Chevron in its efforts to silence critics and ignore a \$9.5 billion judgment against it for environmental damage in the Ecuadorian Amazon. Chevron’s actions set a dangerous precedent and represent a growing and serious threat to the ability of civil society to hold corporations accountable for their misdeeds around the world.

Since Chevron launched its attack on those who have been working for decades to pressure the company to clean up the environmental damage caused by its operations in the Ecuadorian Amazon, independent journalists have been forced to turn over their material and nonprofit watchdog groups have faced massive legal actions designed to cripple their ability to work and undermine their ability to grow support for their efforts.

Attacks Free Speech

In a move opposed by The New York Times, ABC, CBS, NBC, Dow Jones, the Associated Press, the Hearst Newspapers, the Daily News, and the Gannett Company, Chevron used its legal might to launch a major threat to independent journalism when it won a decision to force documentary producer and director Joe Berlinger to turn over to Chevron more than 600 hours of raw footage.

Chevron has also targeted nonprofit environmental and indigenous rights groups and individual activists with subpoenas designed to cripple their effectiveness and chill their speech. By asserting that its most vocal critics are “conspirators” in efforts to bring Chevron to account for its environmental and human rights abuses, Chevron has attempted to force organizations to turn over all their internal planning and strategy documents and the identities of their supporters, who may then find themselves the target of further legal action. Some courts have resisted Chevron’s tactics, finding that they threaten the First Amendment rights of the organizations and individuals.

Vilifies Critics

Using the Racketeer Influenced and Corrupt Organizations Act (RICO), a law created to pursue mobsters, Chevron has cast its victims and virtually anyone who has supported their campaign, or been critical of Chevron – including NGOs, journalists, and responsible investors – as criminals. In an alarming affront to the principles of justice, they have managed to overwhelm opponents with unprecedented legal force (hiring 60 law firms and more than 2,000 legal professionals) and have convinced a U.S. court to brand their opponents as criminals while formally excluding all evidence of Chevron’s environmental harms. Chevron has paid hundreds of thousands of dollars to witnesses in the case, including a former judge who has admitted to accepting bribes in other cases. Chevron’s critics – and the very people harmed by the toxic pollution – have found themselves in a court process where they face secret witnesses, are unable to discuss evidence of environmental destruction, and can present their case only to a judge, rather than a jury – the same judge that suggested that Chevron should file the RICO suit.

Undermines the System of Justice and Judicial Sovereignty

In a threat to the nature of national sovereignty and an independent judiciary, Chevron took the unprecedented step of attempting to use an obscure arbitration procedure under the mantle of the U.S.-Ecuador Bilateral Investment Treaty to nullify the ruling of a sovereign domestic court even though Ecuador was Chevron's chosen forum. This despite the fact that Ecuador was not even party to the 19-year court case as the plaintiffs were the 30,000 affected indigenous and campesino people, and the case itself began before the Investment Treaty was even signed. The affected peoples have no right to participate in the arbitration, which will be decided by three private lawyers, who purport to have the authority to overrule the Ecuadorian courts – raising threats to the sovereignty of justice systems around the world, which could be rendered powerless in the face of truly unlimited corporate power.

These tactics represent a threat to any civil society effort to challenge corporate power and prevent abuses. We therefore condemn Chevron's actions as legal "scorched earth" tactics and as an unacceptable practice to respond to those who challenge corporate acts that damage human rights and the environment.

Advocacy in all of its forms is in jeopardy.

Sincerely,

Amazon Watch

Center for Environmental Health

Corporate Accountability International

EarthRights International

Food and Water Watch

Global Exchange

The Global Initiative for Economic, Social and Cultural Rights

OilChange International

The Pachamama Alliance

Rainforest Action Network

Sierra Club

350.org