

Lago Agrio, march 21 - 2023

Ecuador denounced at the Inter-American Commission on Human Rights for interference in the Chevron Case

On Monday, 20 March 2023, the peoples affected by Chevron's (Texaco) operations in Ecuador appeared before the Inter-American Commission on Human Rights to denounce the Government of Ecuador for obstructing and jeopardising enforcement of the sentence and reparation of the areas affected by the contamination caused by Chevron's extractive processes in the Orellana and Sucumbíos provinces.

Lago Agrio, 21 March 2023. More than 30 years have passed since the lawsuit against Chevron began, and 11 years since the verdict was issued in favour of the Indigenous Peoples and settlers who live in the Orellana and Sucumbíos provinces. Yet, despite four rulings finding Chevron guilty of the damages caused, reparations have not reached the peoples who are victims of the oil company's crimes. The peoples affected by Chevron's operations hold the Government of Ecuador responsible for interfering in the private case in order to prevent the implementation of the sentence. They point to three factors.

First, the former State Attorney General, Iñigo Salvador, sent official documents by diplomatic pouch to the courts of Canada and Argentina, where proceedings were pending regarding the enforcement of the sentence against Chevron. As a result of the State Attorney's interference, these proceedings were set aside. The matter was particularly serious in Canada, where a final Supreme Court decision was pending that would have enabled the full enforcement of the sentence, but the case was shelved following Salvador's intervention. Additionally, the former State Attorney General made a series of public statements in which he seemed to defend Chevron's interests rather than the interests of the State of Ecuador.

Second, the Government of Ecuador has led a campaign to persecute the affected peoples, with the clear intention of supporting the transnational corporation. At the express request of former State Attorney Iñigo Salvador, the current State Attorney General – Diana Salazar – initiated investigations in mid-2021 against Amazonian residents for an alleged crime of bribery. The investigation sought to demonstrate that First Instance Judge Nicolás Zambrano issued a sentence in favour of the Amazonian peoples because supposedly he was offered money.

Third, since 2017, the Government of Ecuador has failed in its obligation to pursue an effective technical defence before the arbitration panel and before the Dutch justice system; such defence would be based on the sovereignty and institutionality of the State. The actions taken by the government's defence can be seen as careless and even negligent.

In 2018, the State of Ecuador filed an appeal for the annulment of the arbitration

award obtained by Chevron on 30 August of the same year. Although the Dutch courts have yet to issue a final ruling on the appeal for annulment filed by the State Attorney's Office, the Government of Ecuador is already complying with the award as if it were in force. It is precisely because of its compliance with this award that the Government of Ecuador has insisted on hindering the plaintiffs' attempts to turn to foreign jurisdictions in order to collect the damages awarded to them in the lawsuits against the corporation, unduly intervening without being a party to the proceedings.

These actions demonstrate that the State and Chevron are operating in a coordinated manner, and that the Government of Ecuador gives more importance to the enforcement of an arbitration award and the satisfaction of Chevron's shareholders than to the rights of its citizens. The intervention of the Government of Ecuador to prevent the communities from having a sentence issued by its own judiciary enforced goes against Ecuador's national and international human rights obligations.

Pablo Fajardo, lawyer for the plaintiffs in the Aguinda v. Chevron case, stated that it is regrettable that the Government of Ecuador, through the Attorney General's Office, is placing itself at the service of the transnational corporation and is seeking to disregard an enforceable verdict of the Ecuadorian judicial system. The judgement benefiting peoples and nature is based on human rights law instruments. The arbitration decision in favour of Chevron, against Ecuador, is based on a Bilateral Investment Protection Treaty. This case reflects the serious conflict with the system of protection of transnational corporations' economic rights; these corporations enjoy the complicity of many governments that turn against their own people, as is happening in Ecuador. This system is at odds with the human rights system that protects the excluded peoples of Latin America. In essence, it is an abuse of the rights of transnational corporations that subjugate the governments of small countries all over the world. "This is not just Ecuador's problem, it is a problem that affects humanity," Fajardo stated, adding, "Nowhere on Earth can money be more valuable than the lives of thousands of peasants and indigenous people."

Donald Moncayo, coordinator of the Union of People Affected by Texaco (UDAPT for its acronym in Spanish), called attention to the interference of former State Attorney Iñigo Salvador. He noted that Salvador's actions led the State of Ecuador to meddle in a private lawsuit. "The State Attorney's actions amount to treason, obstructing a verdict that ruled in favour of Ecuadorian citizens and that has been reviewed and ratified by all judicial bodies in the country, including the National Court and the Constitutional Court."

Plaintiff Lidia Aguinda stated that the State Attorney's actions will have serious consequences for the State of Ecuador, as they go against the rights of the citizens it is supposed to protect, thereby contravening its constitutional mandate. She emphasised that the State's actions are in clear violation of judicial independence and dishonour Ecuador's sovereignty while favouring Chevron.



Referring to the State's general budget, which includes 2 billion US Dollars to pay Chevron, Aguida added, "it seems the Government of Ecuador is more worried about satisfying Chevron's demands than the needs of the Ecuadorian people." Elias Piaguaje, President of the Indigenous Siekopai Nation, affirmed, "we have struggled for 30 years seeking justice and reparations. We have grown old in this battle, but we will continue struggling until we succeed in having our Amazonia repaired. We cannot leave our future generations with a legacy of death and destruction."

The leadership of UDAPT issued a call for the peoples of Latin America to unite and rise up in cases like this. "We cannot allow our governments to grant judicial security to transnational corporations, and to dismantle the entire system of protection of our human rights and the rights of nature, when we are attacked by these corporations. We also call on the Government of Ecuador to respect the verdict of the country's Constitutional Court, and to refrain from intervening in favour of Chevron. For the time being, we trust that the Inter-American Human Rights System will protect us from undue interference by the Government of Ecuador, order it to repair the rights violated and prevent future interventions that violate the rights of the Amazonian people."

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