



## Press release

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Contacts:

Donald Moncayo, UDAPT Coordinator: +59399393977808

Pablo Fajardo, Lawyer: +59399393977811

María Eugenia Garcés, Press officer: +593999225516

### ECUADOR WAGES LAWFARE ON INDIGENOUS PLAINTIFFS AFTER HISTORIC LEGAL VICTORY AGAINST CHEVRON

**Despite suffering five decades of some of the world's worst oil-related contamination at the hands of Chevron and winning an historic 28 year legal battle that has yet to result in a clean up of its toxic legacy, Indigenous plaintiffs in the case are now under legal attack from its own government. In an effort to appease Chevron and court investors for oil industry expansion plans, the Attorney General reactivated a discredited investigation accusing Indigenous plaintiffs of bribing the judge that found in their favor based on a preponderance of the evidence, much of which was Chevron's own sample showing elevated levels of soil and water contamination. Last week, prosecutors traveled to Indigenous communities and forced named plaintiffs to testify--including a 100 year old elder--crimanlizing and persecuting the very people poisoned by the company's drill and dump practices.**

Those called to testify are named plaintiffs in the historic litigation *Aguinda v Chevron*, and members of the Union of People Affected by Texaco (Unión de Afectados por Texaco - UDAPT). They are under investigation for bribery of Judge Nicolás Zambrano, who issued the lower court ruling in 2013 that found Chevron guilty of egregious contamination and rights abuses.

The depositions were taken on Wednesday, September 15, and Thursday, September 16, by two police officers at the service of the Attorney General's Office. The first took place in San Pablo, a Seikopai Indigenous community, that once saw its rivers run black with crude, and who have lost thousands of hectares of ancestral territory to the oil industry, agro-industrial plantations, and colonization. Prosecutors then traveled south down a Texaco constructed road to depose Maria Aguinda, the namesake of the litigation, who's house sits meters from a poorly remediated waste pit left by the company.



Adding insult to injury, the investigation allegedly intends to show that María Aguinda, Elías Piaguaje, Justino Piaguaje and other members of the Indigenous Seikopai and Kichwa Indigenous nations, offered money to Judge Nicolás Zambrano so that he would rule against the oil company for environmental damages--an absurd claim since the company's own evidence showed elevated levels of contamination, and an eight-year investigation into Judge Zambrano by Chevron yielded no evidence of wrongdoing and was ordered closed by the local district attorney. Meanwhile, many of those who provided testimony have lost family members to cancer and other oil-related health impacts.

The action by the Attorney General's Office is an overt favor to Chevron, who has refused to recognize the judgment handed down by the Ecuadorian judicial system. It's a disturbing sign that the new right-wing government of Guillermo Lasso, who is seeking to bolster its reputation with investors with market-friendly policy reforms, is subverting its own judiciary and the constitutional rights of its people after a decision from an arbitration panel found Ecuador must implement measures to annul the judgment, prevent its enforcement, and pay Chevron's legal costs and "moral damages."

This is not the first time that the attorney general's office has engaged in efforts to undermine the Ecuadorian plaintiffs quest for justice. It filed briefs supporting Chevron before Canada's Supreme Court to prevent enforcement of the judgment by communities who, with no recourse in Ecuador, were forced to pursue the oil giant's assets in countries around the world. The office of the attorney general has also defended the legitimacy of the arbitration panel ruling before the country's National Assembly, despite the implications for Ecuador's sovereignty.

The audacity of Chevron and willingness of the Ecuadorian government agencies to criminalize and persecute the very people poisoned by the company and denied justice for half a century is the real crime. The Ecuadorian government is doing Chevron's bidding in hopes of resolving the decades long legal conflict to inspire investor confidence at the expense of the rights of its own people. These defenders of human rights, the rights of nature, and the Amazon are being victimized yet again by Chevron and betrayed by the very agency that is charged with protecting and guaranteeing the rights of Ecuadorian citizens.

*Below are excerpts of testimonies provided by interrogated plaintiffs:*

"The lawsuit against Chevron's lawsuit was filed 28 years ago. I didn't bribe anyone... I haven't paid anyone... I freely and voluntarily give my testimony version because I do not have resources for myself, let alone for paying judge..." said lead plaintiff **María Aguinda** through an interpreter.

"... we know the evidence that was presented and that there were deaths and illnesses as well as the contamination of the rivers and the death of fish, I know that very well. I don't know the judge nor have I seen or heard that he was offered or even given money., We don't have money,



not even for our food, let alone even worse to offer money to other people., We are people of humble means." **Emilio Lucitante.**

"Now that I have the opportunity, I can say we don't have any money to collect or to offer because we are poor people..." **Elías Piyaghujhe.**

"I am a plaintiff in the lawsuit against Chevron because this company contaminated the Aguarico River (...) from this moment on, the people of our community continued to die...my daughter died of cancer...death is still among our relatives in the community... it is a lie that our community has offered money to the judge." **Luis Payaguaje.**

In native Paikoka, viainterpreter

"I saw a lot of crude oil coming down the Aguarico River, but also in the Shushufindi River there was a greater amount of crude oil, so I stopped fishing because the fish were dying. I don't know him, I only heard that he was an authority." "I have not seen any money given or offered." Delfin Leonidad Payaguaje Payaguaje, San Roque Parish, Shushufindi

"I am also a named plaintiff of the Texaco-Chevron case..on the knowledge of the bribery case of the former Judge Nicolas Zambrano, in reality, I did not know him nor have I met him, nor have I heard that any person of my nationality or any external person paid or offered him any money, this is new to me, nor do I know what "bribe" means (...) don't have any money to collect or to offer because we are poor people." Emilio Marttin Lucitande Yaiguaje, Farmer, San Roque Parisch, Shushufindi Canton

"... I am a plaintiff in the lawsuit against Chevron because this company contaminated the Aguarico River (...) from this moment on the people of our community continued to die, as a result of this contamination by Chevron my daughter died of cancer (...) death is still among our relatives in the community (...) it is a lie that our community has offered money to the judge. Luis Agustin Payaguaje Piaguaje, Community of San Pablo de Katesiaya.

"I am a signatory for my nationality, the SIEKOPAI We do not have economic resources to pay anyone--, none of us. We have always shown exactly what has happened with the contamination inside the communities, at no time did we know or hear that we, members of the community SIEKOPAI have paid anyone. I mean, where are we going to get the money to pay? We are poor people. Besides, I do not know Judge Nicolas Zambrano and what they say is a lie. It is worth mentioning that we have suffered from some illnesses such as cancer, leukemia because of the contamination..." Javier Piaguaje Payaguaje, Community of San Pablo de Katesiaya

"... all the disaster of oil pollution was in the streets, in the streams, and all that flowed into the Aguarico River,,e thought that those fish that I fished would not cause harm, we fed on fishing, then I moved to live in the San Roque Parish, a community of San Pablo de Katesiaya,



where I observed that the entire river was awash in oil; there, I observed that the whole river was full of oil, it made me sad to see that the people bathed in the river; we drank from that water, we saw the dead fish, the animals that drank the water began to die, the people began to die from cancer (...).) that's why we thought about filing a complaint regarding the contamination. Yes, I was one of the people who signed the lawsuit." Benancio Freddy Chimbo Grefa, Cyabeno Canton, Tarapoa Paris, Kichwa nationality

"...that's why we filed a complaint against Chevron Texaco, because of the consequences of our community members who have died of cancer" "Yes, I signed the lawsuit against Chevron Texaco" ]"...we don't even have enough to eat..." Gloria Lucrecia Tanguila Grefa, Farmer, Parish Union Milagreña

"The land is contaminated, it does not produce our crops, the plants grow and die before the fruit is ripe(...) because of the water of the Quichayacu River, we have white spots on our bodies, fungus on our feet, the waste pits that Texaco left behind are still contaminated, in the estuary, the oil is still there. We have not given any money to anyone." Francisco Matías Alvarado Yumbo, Farmer, Unión Milagreña Parish

"For some time now the contamination has been the same, but it has become more complicated and everything that is part of the water, going towards the river, is totally contaminated; there is no way to catch fish, all the crops that are near the estuary dry up and die, when that contamination gets wet with that rainwater, we get pimples and spots on our skin, this lawsuit [against Judge Zambrano] was two years ago and it has been followed up until today (referring to the lawsuit against the former judge), but the Chevron lawsuit was 28 years ago". "I freely and voluntarily give my declaration because I do not have the resources to pay the judges, nor do I have resources to...". Victoria Maria Aguinda Salar, Housewife, Dayuma Parish, Rumipamba Sector, She needed interpreter

"...Chevron is lying and telling the State Officials that we Amazonians do not live in a contamination zone; back then we lived all this in the flesh, and saw the pollution (...) it affects our health, food, crops and economy (...) we are suffering (...) we ask the Ecuadorian State and the Judges for Chevron to remedy the damage caused to the Amazonian territory. We are poor people, we don't have enough, let alone pay a lawyer or judge). "I haven't even ever met the judge". Lidia Alexandra Guinda Aguinda, Public Employee Dayuma Parish, Rumipamba Commune.

"The representatives of Chevron have not yet faced up to the damages caused in our communities. There are people whose health is affected, the animals are dying because of the consumption of water. We have not given any money to anyone, on the contrary, we don't even have money for our food." Antonio Aguinda Salazar, Farmer, Dayuma Parish, Rumipamba Community



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AFECTADAS POR LAS  
OPERACIONES  
PETROLERAS DE TEXACO