

Amazon Defense Coalition

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Chevron “Cooked” Evidence in Ecuador Environmental Trial, According to Oil Giant’s Own Contractor

Diego Borja & Wife Worked For Chevron & Represented Oil Company’s “Independent” Lab To Test Contamination Samples

Washington, DC (April 6, 2010) – In a series of stunning revelations from recorded conversations, longtime Chevron contractor Diego Borja threatened to reveal damaging evidence “cooked” by Chevron in the environmental trial in Ecuador unless he received enough money for turning over secret videotapes to high-ranking Chevron executives in June 2009.

At one point, Borja laughed and said, “Crime does pay.”

Borja’s disclosures are found in a report released today by Grant W. Fine, a lawyer and investigator hired by the plaintiffs. The report covers more than six hours of audiotapes and 25 pages of online chats that were given to the plaintiffs by Santiago Escobar, a childhood friend of Borja who made the recordings.

Visit www.ChevronToxico.com/borja to view investigative report and supporting materials.

In the conversations, Borja said Chevron hired him to create four companies so his work for the oil company would appear “independent.” He suggested that the companies were connected to a laboratory to test contamination samples. Borja said the laboratory was not independent, but rather “belonged” to Chevron.

The investigative report also revealed that Borja’s wife, Sara Portilla, worked for Chevron for four years and represented Severn Trent Labs (STL), a US laboratory that Chevron described as an “independent” lab to test its contamination samples. Court documents obtained by Fine cite Borja and Portilla as representatives of STL. They both signed chain of custody documents with the Lago Agrio court that showed how the samples moved from the contamination site to the testing lab.

Borja – who Chevron always has cast as a good Samaritan – also said that Chevron is paying \$6,000 a month in rent for his large home with a swimming pool that abuts a golf course in a gated community near Chevron’s headquarters. Borja said that Chevron is paying him the U.S. equivalent of the salary he made in Ecuador, which was \$10,000, and is also paying the costs for a lease on an SUV and for personal security.

On the audiotapes, Borja said he has enough evidence to ensure a victory by the Amazon communities if Chevron failed to pay him what he was promised. Before turning over the videotapes to Chevron, Borja said he made sure Chevron “completely understood” he wanted payment for them.

He also said he had incriminating evidence against the oil giant stored on his iPhone and in an undisclosed location in Ecuador that he could use as leverage if Chevron betrayed him. Specifically, Borja said he has a notarized document that contains a version of events that would help the plaintiffs and that Portilla, his wife, is aware of the information.

Representatives of the Amazon communities reacted with shock to the audiotapes. “They prove at a minimum that Diego Borja is a real con man,” said Luis Yanza, President of the Amazon Defense Coalition, which represents the plaintiffs.

Yanza called on Chevron to investigate and disclose the information that Borja has stored on his iPhone and in Ecuador.

Yanza also called on authorities in Ecuador and the U.S. to examine the tapes and include them in their investigation of the videotaping scandal, which Chevron disclosed last August as a way to derail the trial. Chevron also cites the videotapes as evidence of corruption in its arbitration claim against the government of Ecuador, which Chevron filed in September, only four weeks after revealing the videotapes.

Escobar, who said he has known Borja since they were teenagers, said he decided to give the tapes to the plaintiffs because if “I keep quiet about immoral acts, then I become part of the immoral acts.” He said, “Diego always bragged to us about what he was doing with the testing samples to help Chevron avoid prosecution. Everyone knew he was Chevron’s dirty tricks guy. Overtime, I became more disgusted with what Diego was doing. The videotapes and his interest in switching sides was the last straw for me.”

Among other revelations, Borja said:

- If Chevron “tricked” him he would “immediately go to the other side... I have correspondence that talks about things you cannot even imagine, dude... I can’t talk about them here, dude, because I’m afraid, but they’re things that can make the [plaintiffs] win this just like that” at which point he snapped his fingers. He also said, “crime does pay.”
Transcript 4, October 1, 2009 p. 3, 7-9 and Transcript 1, October 1, 2009 p. 6
- Chevron had “cooked” the evidence and, if the U.S. judge who sent the case to Ecuador in the first place ever knew, he would “close [Chevron] down.”
Transcript 6, October 1, 2009 p. 10-11
- The energy giant used him to set up four dummy companies to make them appear to be independent of Chevron, but in fact they were controlled by Chevron.
Transcript 4, October 1, 2009 p.12-13 and Transcript 6, October 1, 2009 p. 8-10
- The laboratory that processed soil and water samples for Chevron to submit as evidence in the trial was not “independent” as the company represented to the court. “I have proof that they [the laboratories] were more than connected, they belonged to [Chevron],” said Borja, who also indicated he signed the contract to rent the house where Chevron’s laboratory was located.
Transcript 6, October 1, 2009 p. 6-8; Transcript 11, October 1, 2009 p. 6-7

Escobar also told Fine that Borja said he and wife stored testing samples in their refrigerator in their Quito office before mailing them to STL. (Test America, Inc., purchased STL in 2007.)

As a contractor for Chevron, Borja often worked at the contamination sites and collected evidence, yet he and Portilla also signed chain of custody documents with the court as STL representatives. Portilla signed them as an STL Project Manger and used the email address, sportilla@stl-inc.com. [Click here](#) to see Borja's and Portilla's signature on STL documents.

- Borja indicated that he and a person from Chevron, whom he referred to as his Florida-based boss, lied to gain entry into the independent laboratory that was processing the soil and water samples for the plaintiffs during the trial. (Yanza said he suspects the person is Ricardo Reis Veiga, a longtime Chevron lawyer based in Miami currently under indictment in Ecuador for lying about Texaco's remediation results.)

Transcript 6, October 1, 2009 p. 6-8; and Transcript 11, October 1, 2009 p. 10-12

- Borja said he has worked for Chevron on the Aguinda trial since 2004 and has signed numerous court documents – contrary to Chevron's claim at the time it released the videos that Borja was a mere "logistics contractor" for the company. Portilla has worked for Chevron for four years, and his uncle has been employed by Chevron for 30 years. Borja also said he has worked for Chevron since he was 24 years old (nine years ago). Chevron's legal team, Borja, his wife and uncle have office space in a Quito building his uncle owns.

Transcript 11, October 1, 2009 p. 6-8 and Transcript 4, October 1, 2009 p. 13

- Borja conceded there was no bribe of the Ecuador trial judge, Juan Nunez, in the videotapes -- confirming the long held contention of the plaintiffs and contradicting Chevron's assertions. With the videotapes, Borja said he did in "two days" what Chevron had been trying to do for a year, which was to get the judge dismissed.

Transcript 5, October 1, 2009 p.1, Transcript 19, October 1, 2009 p. 11

- Borja also said Chevron promised to make him a "business partner" for turning over the tapes. When Escobar said he would have it "made" once he became a partner of Chevron, Borja responded: "That's right, you dog... I mean, it's a brass ring brother." **Transcript 2, October 1, 2009 p. 6**

[Click on this link](#) to obtain the following information: the report, audiotapes, online chats, translated transcripts of both the tapes and chats, the STL documents, a document citing the inconsistencies between what Chevron said at the time the secret videotapes were released and what Borja said and photos of Borja's home near Chevron's headquarters in San Ramon.

Fine, a lawyer and investigator based in San Francisco, California, conducted the investigation. Fine also conducted an earlier investigation into Wayne Hansen, the so-called American "businessman" who claimed to be in Ecuador to identify contract opportunities for remediation work and partnered with Borja to videotape meetings with Nunez and others, using a spy pen and spy watch. Fine discovered that Hansen had never worked in remediation before, currently has no means of visible financial support and was sentenced to 32 months in a federal prison for drug trafficking over 275,000 pounds of marijuana.

About the Amazon Defense Coalition

The Amazon Defense Coalition represents dozens of rainforest communities and five indigenous groups that inhabit Ecuador's Northern Amazon region. The mission of the Coalition is to protect the environment and secure social justice through grass roots organizing, political advocacy, and litigation. Two of its leaders, Luis Yanza and Pablo Fajardo, are the 2008 winners of the prestigious Goldman Environmental Prize.