

June 7, 2019



Robert Zink, Acting Chief, Fraud Section,
& Daniel Kahn, Chief FCPA Unit Criminal Division,
Washington DC 20530

Via Email to: Criminal.division@usdoj.gov Fcpa.fraud@usdoj.gov

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John R. Lausch, Jr
US Attorney for the Northern District of Illinois,
219 S Dearborn Street, 5th Floor, Chicago, IL 60604

Dear Sirs/Madams:

I write to join the demand by Global Witness that the U.S. Department of Justice open an investigation of Chevron Corporation and its attorneys based on credible evidence of apparently corrupt conduct related to retaliatory litigation targeting Ecuadorian plaintiffs in the Lago Agrio case and human rights lawyer and activist Steven Donziger. Simon Taylor of Global Witness urged your office to investigate this evidence in a letter dated March 15, 2019. In a separate letter dated November 2017, Mr. Donziger – writing on behalf of himself and his Ecuadorian clients who won a civil judgment against Chevron over oil pollution – also urged the Department to open up an investigation based on significant and credible evidence attached to his letter.

The facts as set out in the Global Witness letter and the Donziger letter are deeply disturbing and seem not to be in dispute. They involve the following:

- Exorbitant witness payments – totaling at least \$2 million – by Chevron to an Ecuadorian man who admitted lying in U.S. federal court to try to taint a pollution judgment issued by Ecuadorian courts against the company. The witness, Alberto Guerra, admitted he was coached for 53 days by Chevron attorneys at the Gibson Dunn before making false statements under oath.
- Guerra later admitted under oath in a separate arbitration proceeding that he lied about several key facts in U.S. federal court that likely were known to Chevron and its counsel prior to the presentation of his testimony in U.S. federal court.
- A forensic examination of the computers of the Ecuadorian trial judge who issued the judgment against Chevron clearly demonstrated that Guerra's claim in federal court that the decision against the company was "ghostwritten" and given to the judge on a flash drive is false. This forensic examination – never reviewed by any U.S. judicial authority –

proved the trial judge wrote the judgment and that the core element of Chevron's defense to the judgement appears to be false.

These facts and others outlined in the Global Witness and Donziger letters are critically important to the fair administration of justice in any country, but they are of particular importance to our organization given that we engage in human rights, corporate accountability, and anti-corruption work. It is also extremely concerning that Chevron has been able to leverage this apparently paid and largely false witness testimony to target the reputation of Mr. Donziger, who has worked for more than two decades with the affected communities in Ecuador to try to hold Chevron accountable for what is considered one of the worst oil-related environmental disasters on the planet. That the judgment against Chevron has been affirmed by four layers of courts in Ecuador, including last July in a unanimous decision by the nation's Constitutional Court, only underscores our concerns.

The documents attached to the above-cited letters by Global Witness and Mr. Donziger provide in our view an ample basis with which to commence an investigation. Leaving these and other disturbing facts pointing to corruption unexamined would in our view be simply untenable for any country that respects the rule of law.

Sincerely,



Paul Paz y Miño
Associate Director
Amazon Watch