Mr James P. McGovern  
Co-Chair  
Tom Lantos Human Rights Commission  
United States Congress  
Washington, D.C., USA

Mr Christopher H. Smith  
Co-Chair  
Tom Lantos Human Rights Commission  
United States Congress  
Washington, D.C., USA

Dear Co-Chairs,

The European Parliament’s Subcommittee on Human Rights held on 22 June an exchange of views with US human rights lawyer Mr Steven Donziger. The exchange with the Members of the European Parliament took place in the context of the Subcommittee’s ongoing legislative work on human rights due diligence and corporate accountability.

Mr Donziger was invited as a key member of the legal team that won an historic judgment against the US corporation Chevron for discharging toxic waste in the Ecuadorian Amazon from 1964 to 1992. His intervention focused on the difficulties of defending the human rights of vulnerable groups, particularly of indigenous peoples, as well as on equal access to justice for all victims.

In addition to the substantive matters related to the work towards an EU framework on corporate due diligence, the US lawyer’s intervention also touched upon his own extraordinary situation. We understand that he is a target of what seems to be a Strategic Lawsuit against Public Participation (SLAPP), currently being litigated by Chevron in relation to his successful involvement in the above-mentioned court case. Mr Donziger informed the Committee that in retaliation for his role in helping his clients win a significant environmental judgment against Chevron in Ecuador, he had been sued in New York by the company for billions of dollars. He also told us that he is on house arrest (now for 11 months) with no trial on a contempt charge after he refused to turn over confidential client information and instead appealed the relevant court order, which remains pending. As we continue to look into Mr Donziger’s situation, we find his treatment concerning and not consistent with what has traditionally been the strong support in the United States for the rule of law generally and for protection for human rights.
rights defenders in particular. It also has caught our attention that 29 Nobel laureates have issued a statement of support for Mr Donziger and demanded his freedom.

The United States and the European Union share a strong partnership that stretches over more than six decades. Our partnership is constructed on a solid foundation of common values, which includes commitment to the rule of law, the democratic process and the respect for universal human rights. The protection of human rights defenders and access to justice for all are some of the key values that the US and the EU have defended jointly all over the globe.

Lawyers play a vital role in preserving, protecting and perpetuating the rights of the citizens, by guaranteeing their access to justice. The lawyers’ capacity to enjoy freedom of speech and execute their role independently, in respect of professional secrecy, and independently of their clients’ causes, acts or omissions are fundamental to the preservation of the health of our democracies. The 1990 UN Havana Convention establishes also some obligations for the states for the protection of the legal profession.

I would therefore kindly invite you to look into this matter in your capacity as Co-Chairs of the Tom Lantos Human Rights Commission at the United States Congress and follow it up in a way that you consider most appropriate in the context of the Congressional work.

The Subcommittee of Human Rights that I chair will be continuing its legislative work on the human rights due diligence framework throughout this year. I would be very much interested in continuing our dialogue on this matter in particular but also on other issues related to our common cause of defending human rights, democracy and the rule of law across the globe. Should you agree, our respective staff could liaise to identify a suitable timing to set up a phone call.

A similar letter has been addressed to Mr Steve Cohen, Chair of the Subcommittee on the Constitution, Civil Rights, and Civil Liberties at United States Congress.

Yours sincerely,

Maria Arena

cc: David McAllister, Chair of the European Parliament’s Committee on Foreign Affairs
Radoslaw Sikorski, Chair of the European Parliament's Delegation for relations with the United States of America