

DECLARATION OF DIEGO BORJA

I, Diego Fernando Borja Sanchez, declare under penalty of perjury under the laws of California and the United States as follows:

1. I am an Ecuadorian citizen born on November 15, 1976, in Quito, Ecuador. I have personal knowledge of the facts stated in this declaration. I give this declaration with full volition and without any threat or inducement.

2. I have read the complaint submitted by Ermel Chavez Parra, Pablo Fajardo and Juilo Preto to the Sucumbios Regional Office of the Judiciary Council, bearing the received date of October 19, 2009. I submit this declaration to respond to certain statements in that document.

3. The complaint refers to audiovisual recordings that Wayne Hansen and I made of four meetings. I understand that Chevron Corporation has previously provided copies of those recordings to representatives of the Ecuadorian and United States Governments.

4. The complaint asserts that “the videos are a fabrication conceived by the Ecuadorian attorneys representing Chevron” in a case pending in the Provincial Court of Sucumbios. That assertion is false in both respects.

5. First, the videos are faithful and accurate recordings of the meetings. The videos are not fabricated in any sense.

6. Second, the videos were not “conceived” by Chevron’s Ecuadorian attorneys. I conceived the idea to record the meetings. I did not discuss my plan to record any of the meetings with anyone from Chevron or any of its attorneys. As far as I know, no one from Chevron was aware that I was planning to record any of the meetings. Moreover, I never told anyone from Chevron or any of its attorneys that I attended, or had decided to attend, any of those meetings until after the meetings had occurred. No one from Chevron or any of its attorneys ever encouraged or directed me to attend any such meetings. I met with Chevron attorneys after the first three recorded meetings. I decided on my own to accept the invitation of Mr. Carlos Patricio Garcia Ortega to meet in his offices on June 22, 2009, because I was concerned that if I did not do so, he would become suspicious and the safety and welfare of myself, and my wife and son who were still living in Quito at the time, could be at risk.

7. The complaint also refers to statements by Carlos Patricio Garcia in an interview with La Luna radio, which are inaccurate. For example, I did not invite Carlos Patricio Garcia to my office. I did not tell Garcia that I was head of logistics for Texaco, that I was involved in gathering evidence in the field, that I had “the proof against Texaco in the *Oriente*,” or that I was the nephew of Dr. Rodrigo Perez Pallares. Indeed, in the radio interview, Garcia refers to me as someone who “infiltrated,” not as someone who said he was employed by Texaco. I am not the nephew of Dr. Perez.

8. Garcia's statements are incorrect in other respects. For example, I did not conduct the meetings. I was invited to them by Garcia and Aulo Gelio Avila. The meetings were not "planned at Texaco's headquarters," as Garcia is quoted in the complaint as saying. As far as I could tell, the meetings were planned by Garcia and the participants on his side. They certainly were not planned by me or, to the best of my knowledge, Texaco.

Executed under penalty of perjury under the laws of California and the United States this 7th day of December, 2009, in San Ramon, California.

Diego Fernando Borja Sanchez