



Corporación Colectivo de Abogados

Personería Jurídica 1292 de 1980 - Minjusticia

José Alvear Restrepo

"When I joined the board, I knew the company was making payments to paramilitary groups in Colombia." [1]

Chiquita Board Members:

Total Identification

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For more than six years, from 1997 to February 2004, Chiquita Brands International, through its subsidiary in Colombia, Banadex S.A., made monthly payments to the paramilitary structures in the regions of Urabá and Santa Marta, which resulted in more than 100 payments for more than \$1.7 million dollars. Chiquita Brands began to make these payments in 1997, following a meeting between then paramilitary chief Carlos Castaño and the then Banadex general manager. The payments were transferred in part through the Papagayo *Convivir*. [2] It should be recalled the US Secretary of State designated the AUC paramilitary structure as a foreign terrorist organization on September 10, 2001, which made it a crime according to US law for any citizen to knowingly provide material support and resources to said organization. [3] These resources, which turn Chiquita Brands into one of the most important financial sponsors of the United Self-Defense Forces of Colombia (AUC by its initials in the Spanish language), propelled the massive commission of crimes against humanity and grave human rights violations committed by paramilitary organizations in these two regions, including forced displacement, homicide, torture, and forced disappearance, among other crimes. [4]

Within this context, on November 5, 2001, 3,000 AK-47 assault rifles and 5 million 7.62 mm rounds of ammunition were unloaded and entered into Colombia from the ship named Otterloo. These weapons were unloaded in the port of Zungo, specifically on the docks of Banadex S.A., from where the weapons were taken on 14 trucks to paramilitary organizations in Córdoba and Urabá. Then paramilitary chief Carlos Castaño publicly admitted that this incident consisted in "*his best goal*." [5] Most of these weapons were also never surrendered as part of the paramilitary demobilization process undertaken between 2003 and 2006. On January 16, 2008, the continuation of the use of these weapons was exposed when 47 AK-47 assault rifles - apparently from the very same Otterloo- were confiscated by the Colombian national police from the paramilitary organization led by the "*demobilized*" Daniel Rendón Herrera, aka Don Mario, older brother of the former paramilitary chief Freddy Rendón Herrera, aka El Alemán. [6]

In addition to being sustained in both the Colombian and US judicial systems, the relationship between Chiquita Brands International and the paramilitary structure in Colombia –and therefore the responsibility of this enterprise in the commission of multiple crimes against humanity and grave human rights violations- has been further corroborated over the last year by such paramilitary chiefs as Salvatore Mancuso Gómez, aka Santander Lozada, Freddy Rendón Herrera, aka El Alemán, Rodrigo Tovar Pupo, aka Jorge 40, Nodier Giraldo Giraldo, aka El Cabezón or Jota, and Éver Veloza García, aka HH. [7]

On September 17, 2007, Chiquita Brands International pled guilty to the felony of “*Engaging in Transactions with a specially-designated Global Terrorist*” before the US District Court for the District of Columbia and was sentenced to paying 25 million dollars to the US Department of Justice. According to the government’s sentencing memorandum, the Court specifically determined that Chiquita’s payments to paramilitary organizations were “*reviewed and approved by senior executives of the corporation, including high-ranking officers, directors and employees.*” Additionally, the Court considered that, by no later than September 2000, Chiquita’s senior executives were informed that “*the corporation was paying the AUC and that the AUC was a violent paramilitary organization led by Carlos Castaño.*” Furthermore, a Chiquita attorney conducted an investigation into the payments in August 2000 and prepared a report, which made clear the “*Convivir was merely a front for the AUC and described the AUC as a ‘widely-known, illegal vigilante organization.*” Lastly, this same in-house attorney “*presented the results of his investigation to the Audit Committee of the Board of Directors during a meeting in defendant Chiquita’s Cincinnati headquarters in September 2000.*” [8] In exchange for accepting this responsibility, the Court decided not to prosecute criminal charges or to identify the individual responsibilities of the implicated directors, which also opened the door to move forward the criminal cases in Colombia as well as the eventual extradition of the responsible parties.

As a result of the aforementioned, since more than a year ago, different senior government officials and politicians from both Colombia and United States have repeatedly made statements in favor of the investigation and extradition of Chiquita Brands’ senior officials and officers. [9] The Colombian Attorney General’s Office has even allegedly taken action in this respect. According to the Union-Tribune of San Diego (USA), on March 20, 2007, the Colombian Attorney General said he would demand the extradition of “*eight people allegedly involved with Chiquita’s payments.*” [10] Although no one was identified at the time, attorney general Mario Iguarán Arana asserted that “[t]hey should be judged in Colombia, not only for the extortion payments, but also for the transport and safekeeping of 3,000 rifles.” [11]

Then, on December 7, 2007, the *El Tiempo* newspaper reported that the Attorney General’s Office issued an order to call the following Chiquita board members to make statements under charges for conspiracy to commit an aggravated crime and the financing of illegal armed groups: ROBERT W. FISHER, STEVEN G. WARS, CARL H. LINDER, DURK I. JAGER, JEFFREY D. BENJAMIN, MORTEN ARNTZEN, RODERICK M. HILLS, CYRUS F. FREIDHEIM Jr., and ROBERT OLSON. [12]

Nonetheless, in April 2008 attorney general Mario Iguarán Arana alleged that the extradition process could not yet be carried out due to not having “*identified and charged*” the implicated persons. “*There are indeed some Chiquita Brands directors, but we are not able to ask for them in extradition, rather we have to have some information contained in the agreement reached with the US court that includes a confidentiality agreement,*” asserted Iguarán. [13]

This last statement is even more surprising when it is taken into account that since the beginning of January 2008 Case Number No. 63.625 was filed before the Attorney General’s Office, which provides specific information on the identities of the Chiquita directors, executives, and senior employees implicated in this case as the responsible parties for the payments or the provision of weapons to paramilitary organizations, and as the alleged instigators and sponsors of crimes against humanity and grave human rights violations committed by these same organizations. [14]

Moreover, there are not only “*eight people allegedly involved with Chiquita’s payments*” that should be investigated. Due to their positions in management, auditing, finances or operations, at least 14 directors, executives and senior employees of Chiquita Brands International should be investigated and requested in extradition, namely CYRUS FREIDHEIM JR., RODERICK M. HILLS, ROBERT OLSON, MORTEN ARNTZEN, JEFFREY D. BENJAMIN, STEVEN STANBROOK, DURK I. JAGER, JAIME SERRA, ROBERT F. KISTINGER, JAMES B. RILEY, ROBERT W. FISHER, CARL H. LINDNER, KEITH LINDER, and STEVEN WARSHAW. [15]

Based on the previously described events, we demand the Attorney General Mario Iguarán carry out the corresponding legal proceedings to bring about the prosecution, capture, and extradition of the previously mentioned persons from Chiquita Brands International for the crimes committed in Colombia due to their involvement in the financing of the paramilitary structure and the introduction of weapons.

The Attorney General’s Office clearly does not need to wait for the United States to respond to its request in order to make progress in the investigation of the persons most responsible for the crimes committed. The Attorney General’s Office should take effective and timely measures that reflect its will in the fight against impunity; these actions should be supported by the respective administrative and judicial functionaries from both countries.

The following is each one of the implicated persons from Chiquita Brands:

Cyrus Freidheim Jr., chairman of the board of directors, chief executive officer, and chairman of the executive committee from March 19, 2002, [16] until May 25, 2004. [17]

Roderick M. Hills, director and president of the audit committee from March 19, 2002, [18] until June, 2007, [19] legal counsel to then President Ford in 1975, and president of the board of the Securities and Exchange Commission from 1975 to 1977. [20] According to the Los Angeles Times,

on December 22, 2003, he stated before the board of directors, "*we appear to [be] committing a felony.*" [21]

Robert Olson, vice-president, legal counsel, and secretary from 1995 until August 31, 2006. [22] According to the Washington Post, on April 3, 2003, Robert Olson told others on the board of directors that he and Hills thought the company had a strong defense and simply should let the Justice Department "*sue us, come after us.*" [23]

Morten Arntzen, director and member of the audit committee from March 19, 2002, [24] up to the present. [25] According to the Wall Street Journal, the Norwegian-American Morten Arntzen knew of the payments in April 2002, one month after joining the board. "*When I joined the board, I knew the company was making payments to paramilitary groups in Colombia,*" stated Morten Arntzen. [26]

Jeffrey D. Benjamin, director and member of the executive and audit committee [27] from March 19, 2002, [28] until February 6, 2007. [29]

Steven Stanbrook, director and member of the executive committee [30] from December 21, 2002, [31] up to the present. [32] Stanbrook was also a member of the audit committee from 2002 to 2004. [33]

Durk I. Jager, director [34] from December 2002 [35] up to the present, [36] and member of the audit committee from 2005 up to the present. [37] Jager, a Dutch national, worked with Proctor & Gamble from 1970 [38] to 2000, when he resigned from the board of directors. [39]

Jaime Serra, director from February 2003 [40] up to the present. [41] Serra, a citizen of Mexico, was the deputy secretary of the Treasury, secretary of Commerce and secretary of Finance of Mexico. [42]

Robert F. Kistinger, has held such positions as president, chief operating officer, director, member of the executive and audit committees, among other positions, since 1999. He has been with Chiquita for more than twenty years. [43]

James B. Riley, vice president and chief financial officer from 2001 [43] to September 2004. [45]

Robert W. Fisher, director and chief operating officer from March 19, 2002, [46] up to the present. [47] From 1991 to 1993 and from 1996 to 1998, Fisher was the chief operating officer of the Noboa Group's banana operations. Before joining the Noboa Group, Fisher spent 25 years at Dole Food Company, including the last four as president. [48]

Carl H. Lindner, president of the board of directors from 1984 until March 2002 and chief executive officer from 1984 to August 2001. [49] According to the magazine Mother Jones, from 2000 to 2004, he was largest private donor to political parties in the United States. [50]

Keith Linder, son of Carl H. Lindner, vice president of the board of directors and member of the executive committee from 1996 to 2000. [51]

Steven Warshaw, executive committee, president, chief operating officer, and chief financial officer from 1996 to 2000. [52]

End Notes

[1] Morten Arntzen, current director and member of the audit committee. (See: *Ex-Chiquita Director Faces Legal Jeopardy*. Cohen, Laurie P., Wall Street Journal, New York, August 2, 2007, <http://siliconinvestor.advfn.com/readmsg.aspx?msgid=23764163>).

[2] Case United States of America against Chiquita Brands. US District Court for the District of Columbia, Criminal No. 07-055, March 13, 2007, paragraphs 19, 21 and 82, <http://www.derechos.org/nizkor/corru/doc/indictment.html>.

[3] Case United States of America against Chiquita Brands. US District Court for the District of Columbia, Criminal No. 07-055, March 13, 2007, paragraph 5, <http://www.derechos.org/nizkor/corru/doc/indictment.html>.

[4] For instance, according to *Semana* magazine, “*the killings by 'Jorge 40' have occurred in territories where there are major businesses and enterprises. The part of the country with the most common graves, after Putumayo, is the area of Ciénaga and Fundación. There, the Attorney General's Office has detected more than 300 clandestine graves, surrounded by what was a prosperous banana industry, which included the participation of the controversial multinational Chiquita Brands.*” (See: *El Verdugo*. *Semana* magazine, June 30, 2007, http://www.semana.com/wf_InfoArticulo.aspx?idArt=104755). (For more general context, also see: *De la United Fruit Company a Chiquita Brands International, Cincinnati, Ohio, EEUU*. José Alvear Restrepo Lawyers' Collective. April 2006, http://www.sinaltrainal.org/index.php?option=com_content&task=view&id=119&Itemid=64; *Una Historia de Impunidad*. *El Espectador*, Editorial, September 22, 2007, <http://www.casamerica.es/es/horizontes/zona-andina/una-historia-de-impunidad?referer=/es/casa-de-america-virtual/literatura/articulos-y-noticias/contra-el-olvido>.)

[5] *Case No. 63.625*. 18th District Attorney's Office, National Unit against Terrorism, Resolution dated from August 1, 2003. (See also: *Report of the General Secretariat of the Organization of American States on the Diversion of Nicaraguan Arms to the United Defense Forces of Colombia*. Organization of American States, OEA/Ser.G, CP/doc. 3687/03, January 29, 2003, <http://www.grip.org/bdg/g2052.html>.)

[6] “*Last January 16 47 AK-47 rifles, which appear to have come from the 'Otterloo' ship, were confiscated from the 'Don Mario' organization. Through the 'Heroes de Castaño' Bloc, Daniel Rendón Herrera has taken over the areas of several former paramilitary chiefs and has killed 70 persons close to those who killed his friend Carlos Castaño. [...] Since at least a year ago, he began to appropriate the drug trafficking markets and 'military' spaces that were previously occupied by the former 'paras' Salvatore Mancuso,*

Diego Fernando Murillo Bejarano, 'Don Berna', and Ramiro Vanoy Murillo, aka 'Cuco'. [...] Of the more than 3 thousand 500 rifles from the 'Otterloo,' the demobilized persons only surrendered a small amount of them to the Uribe government within the AUC demobilization process. The authorities work with the hypothesis that 'Don Mario' is rearming his army, a hybrid between former self-defense forces and drug traffickers, with the remaining [weapons] [...]. 'Don Mario' officially appears among the persons that demobilized from the Élder Cárdenas Bloc, then at the command of is younger brother, aka 'El Alemán.' And even though the Government has reiterated that those who return to committing crimes automatically lose the benefits of the Law of Justice and Peace, no legal mechanism has yet to be enabled for this purpose." (See: 'Don Mario', *Narco Ligado a los Hermanos Castaño, es Ahora el Capo más Buscado del País*. El Tiempo, February 8, 2008, <http://www.derechos.org/nizkor/colombia/doc/mario.html>.) (See also: "Don Mario" Quiere Expandir a Sangre y Fuego su Negocio. El Colombiano, Medellín, February 8, 2008, http://www.elcolombiano.com.co/BancoConocimiento/D/don_mario_quiere_expandir_a_sangre_y_fuego_su_negocio/don_mario_quiere_expandir_a_sangre_y_fuego_su_negocio.asp.)

[7] By means of example, we include the following statements:

- In an interview on May 7, 2007, **Salvatore Mancuso** stated: "All of the banana companies paid us. Every one of them. [...] [T]oward the end of 1997, the father of Raúl Hasbún, a banana entrepreneur, died in a airplane accident. This resulted in a meeting of all the banana companies, in which Raúl Hasbún was named the banana company representative for dealing with the self-defense forces. Following this meeting, Raúl became the intermediary, and later a commander of the Bananero Bloc. Chiquita Brands Inc., Dole, Banacol, Uniban, Proban and Del Monte all entered into this agreement. They paid us one cent for every box of bananas that left the country. The rest of the companies of the sector made a contribution every six months. The Dole Company was in charge of collecting the money and completing the operation. The others had full knowledge [of the payments], which were registered as contributions to the Papagayo Convivir. [...] The sum of these contributions was distributed proportionally among Casa Castaño, the Bananero Bloc, a part for social investment, and another to pay off state institutions. [...] Raúl Hasbún explained its workings to Jorge 40, who was put in charge of duplicating the process in Magdalena. [...] The massacres allowed them to take apart the systems of social assistance negotiated with the unions." (See: Springer, Natalia. 'Todas las Bananeras nos Pagaban': Mancuso. El Tiempo, May 14, 2007, <http://colombia.indymedia.org/news/2007/05/64836.php>.)

- On the US news program "60 Minutes" of May 11, 2008, "[t]he former paramilitary chief **Salvatore Mancuso** assured that the multinational Chiquita Brands accepted paying the paramilitary groups for their security without there being any threats and he offered to reveal all of the ties between the multinationals with the paramilitaries in Colombia. [...] 'No it is not true they were pressured, says **Mancuso**. 'They paid taxes because we were like a state in the area, and because we were providing them with protection which enabled them to continue making investments and a financial profit, explained **Mancuso**. Additionally, the former paramilitary

chief assured that Chiquita Brands was not the only company that agreed to pay the paramilitaries for their security. 'All companies in the banana region paid. For instance, there was Dole and Del Monte, which I believe are U.S. companies,' he told the US network." (See: *Alianzas de Bananeras con 'Paras' Fueron de "Buena Gana"*. El Espectador, May 11, 2008, <http://www.elespectador.com/noticias/judicial/articulo-amenazas-de-bananeras-paras-fueron-de-buena-gana>.) (Also see: Steve Kroft. *The Price Of Bananas*. 60 Minutes, May 11, 2008, http://www.cbsnews.com/stories/2008/05/08/60minutes/main4080920_page3.shtml.)

- On the same news program 60 Minutes from May 11, 2008, **Salvatore Mancuso** assured that "there wasn't any need to pressure, blackmail or threaten the banana companies for them to pay the percentages. 'The truth is, we never thought about what would happen because [the representatives for the companies] did so willingly, claimed **Mancuso**.'" (See: *Todas las Bananeras de Urabá le Pagaron a las Auc'*, Asegura Salvatore Mancuso a CBS. El Tiempo, May 12, 2008, http://www.corporaciondemocracia.org/noti_detalle.php?idb=363.)

- According to **Freddy Rendón Herrera**, aka El Alemán, "[i]t is secret to nobody, especially in the area of Urabá, that the multinationals paid these funds through an intermediary of a corporation for the matter of security." (See: *Jefe Paramilitar 'El Alemán' Admite Pagos de Multinacionales Bananeras en Urabá*. El Tiempo, April 3, 2007, http://www.eltiempo.com/conflicto/noticias/ARTICULO-WEB-NOTA_INTERIOR-3499020.html.)

- **Rodrigo Tovar Pupo**, aka Jorge 40, also confirmed that Chiquita Brands gave money to paramilitary groups. (See: *Jefe Paramilitar 'El Alemán' Admite Pagos de Multinacionales Bananeras en Urabá*. El Tiempo, April 3, 2007, http://www.eltiempo.com/conflicto/noticias/ARTICULO-WEB-NOTA_INTERIOR-3499020.html.)

- A computer belonging to **Rodrigo Tovar Pupo**, aka Jorge 40, allegedly contained files verifying the shipment of cocaine to Europe on boats transporting bananas. "According to our intelligence reports, the company [used for these shipments] is named Chiquita", according to a report by the Attorney General's Office. (See: *Chiquita Brands Procede de la United Fruit, Firma Involucrada en Masacre de las Bananeras en 1928*. El Tiempo, Bogotá, March 18, 2007, <http://www.derechos.org/nizkor/corru/doc/chiquita.html>.)

- In testimony provided before the Justice and Peace Unit in June, 2007, **Nodier Giraldo Giraldo**, aka El Cabezón or Jota, nephew of former paramilitary chief Hernán Giraldo and financial chief of the *Resistencia Tayrona* Bloc, stated that Chiquita Brands made payments to this paramilitary bloc. (See: *Sobrino de Hernán Giraldo Destapa a Financiadores*. El Herald, June 15, 2007, <http://www.elheraldo.com.co/anteriores/07-06-15/judiciales/noti2.htm>.)

- In testimony provided before the Justice and Peace Unit on November 26, 2007, **Éver Veloza García**, aka HH, former paramilitary chief of the *Bananero* Bloc, "indicated that **Raúl Hazbún**, aka 'Pedro Bonito' or 'Pedro Aponte',

ordered the crimes committed by the self-defense forces in the area from 1996 to 2004. 'H.H.', who has admitted to his involvement in approximately 1,500 murders from 1995 to the middle of 1996, made his claims against Hazbún in the testimony proceedings reinitiated on Monday. In the hearing room where the proceedings were carried out many persons were present that the alleged emissaries of Hazbún had forced to abandon their land because it was needed by 'the boss.' [...] However, on November 25, 2004, [Hazbún] demobilized in the rural community of El Dos de Turbo (Department of Antioquia) as a low-level 'para.'" (See: *Empresario de Urabá fue Responsable de 1.800 Asesinatos en la Región, según 'H.H.'* El Tiempo, November 27, 2007, http://www.eltiempo.com/justicia/2007-11-28/ARTICULO-WEB-NOTA_INTERIOR-3834952.html.)

- In testimony provided before the Justice and Peace Unit on March 26, 2008, **Éver Veloza García**, aka HH, former paramilitary chief of the *Bananero* Bloc, *"implicated the current mayor of Carepa, Arnulfo Peñuela Marín, with the Convivir Associations that operated in the area of Urabá, and with the illegal activities of these groups. Alias 'H. H.' declared under oath before the prosecutor from the Justice and Peace Unit that mayor Peñuela Marín was a part of the board of directors of one of these Convivir and told that these associations were created in Urabá, from 1996 to 1997 by the entrepreneur Raúl Hasbún, who he assured belonged to the self-defense forces. Through the Convivir associations, the self-defense forces charged 'vacunas' [payments] and extortion from the banana companies in the region of Urabá, among them 'Chiquita Brands,' confessed the former paramilitary chief who commanded the presently demobilized Bananero Bloc."* (See: *Alias "H H" Salpica al Alcalde de Carepa con el Paramilitarismo*. Caracol Radio, March 26, 2008, <http://www.caracol.com.co/noticias/567920.asp>.)

- In testimony provided before the Justice and Peace Unit on June 9, 2008, **Éver Veloza García**, aka HH, former paramilitary chief of the *Bananero* Bloc, *"resumed testimony before the Attorney General's Office with new accusations against the ruling class from Urabá (Department of Antioquia). In the proceedings from yesterday, [he] implicated several political leaders from the area in alleged political agreements with the AUC. [...] In his testimony, he also reiterated the ties between the mayor from the municipality of Carepa, Arnulfo Peñuela, and the AUC, after the mayor had said he never had a relationship with Veloza. According to the former chief of the Bananero Bloc, the elected mayor, toward the end of the 90's the director of the Papagayo Convivir, accompanied him and another AUC commander, aka 'Doble Cero,' to meet with senior military commanders on several occasions."* (See: *Alias "HH" Implicó a Más Políticos de Urabá con Auc*. Juan Carlos Monroy Giraldo, El Colombiano, June 10, 2008, http://www.elcolombiano.com/BancoConocimiento/C/cf_alias_hh_implico_10062008/cf_alias_hh_implico_10062008.asp?CodSeccion=40.)

- In testimony provided before the Justice and Peace Unit on June 10, 2008, **Éver Veloza García**, aka HH, former paramilitary chief of the *Bananero* Bloc, *"reiterated that the banana companies supported the arrival of the self-defense forces to the region to combat the guerrilla. He also said that the Convivir were created to legalize the payments by the banana companies in order to militarily maintain the illegal group. He also stated that, in exchange for security, the banana companies paid the AUC 'three cents for*

every box of exported bananas.' And he admitted they used threats to force banana company employees to work when they organized strikes. He also admitted to the murder of banana workers. 'The banana companies never paid us to kill trade unionists, but with the money paid to the AUC many crimes were clearly committed against workers,' he stated. [...] The paramilitary chief revealed that many of the banana ships were loaded with drugs at several ports. Scuba divers paid by drug traffickers even 'fastened some drug-laden tubes to the hulls of the ships' at high sea to evade the control points of the security agencies. [...] 'Every month, 4,000 kilos of drugs left from our region to Panama and Central America,' asserted **Veloza García**." (See: "HH" Destapó las Finanzas "Paras". Juan Carlos Monroy Giraldo, El Colombiano, June 11, 2008, http://www.elcolombiano.com/BancoConocimiento/C/cf_hh_sigue_hablando_lcg_11062008/cf_hh_sigue_hablando_lcg_11062008.asp?CodSeccion=40.)

[8] *United States of America against Chiquita Brands International: Government's Sentencing Memorandum*. US District Court, Criminal No. 07-055 (RCL), September 17, 2007, <http://www.corporatecrimereporter.com/chiquita091607.htm>.

[9] By means of example, we include the following statements:

- "Extraditions should be from here to there [USA] and from there to here [Colombia] [...] The decision [to request them] is in the hands of the Attorney General's Office," stated president **Álvaro Uribe Vélez**. (See: *Uribe se Declara a Favor de la Extradición de Directivos de Chiquita Brand*. Caracol Radio, March 17, 2007, <http://www.caracol.com.co/noticias/403481.asp?id=403481>.)

- "It is certainly a hypocrisy that while here we fight to catch the bandits, to extradite them, there they make such indignant arrangements," stated vice president **Francisco Santos**. (See: *Colombia Quiere Juzgar a Chiquita*. CNN Expansion, September 19, 2007, <http://www.cnnexpansion.com/negocios/2007/9/19/colombia-quiere-juzgar-a-chiquita/view>.)

- "We hope the Attorney General's Office carries out the corresponding investigations, that they ask for all the information. We should request the Attorney General to look into this issue. An Interpol red notice for some of the senior executives of multinationals makes their life uncomfortable; at least they won't be able to leave the country," reiterated vice president **Francisco Santos**. (See: *Vicepresidente Dijo que Continuarán Investigaciones contra Chiquita Brands en Colombia*. La FM, Bogotá, September 12, 2007, <http://www.lafm.com.co/noticia.php3?nt=23779>.)

- "From a formal point of view, the US justice system has some parameters that deserve all of our respect, [however] this does not mean that the public is not somewhat perplexed that such an important case does not result in anyone going to jail," indicated foreign minister **Fernando Araújo Perdomo**. (See: *Fallo contra Chiquita en EEUU Genera "Perplejidad" en el Gobierno*. RCN, September 17, 2007, <http://ourlatinamerica.blogspot.com/2007/09/colombia-judge-approves-chiquita-plea.html>.)

- "Naturally [they may be prosecuted in Colombia]. What we are seeing here is a judicial case that has gone before American courts, in which Colombia has not had any participation," asserted foreign minister **Fernando Araújo Perdomo**. (See: *Los Tribunales Estadounidenses se Limitan a Multar con 25 Millones a la Multinacional que Financió Paramilitares en Colombia*. Telesur/Rebelión, September 20, 2007, http://www.nodo50.org/tortuga/article.php3?id_article=6584.)

- "The Ministry of Foreign Affairs lets it be known that if the conduct of officials from the banana company Chiquita Brands classifies as any crime in Colombia, with the support of the Attorney General's Office, we will request the extradition of these persons to the country," as reported in a press release from the **Ministry of Foreign Affairs**. (*Colombia Quiere Juzgar a Chiquita*. Ibid.)

- "The Government is analyzing the possibility that the unit in charge of the Nation's legal defense advises the victims of 'paras' in Urabá and Magdalena so the executives from Chiquita Brands may be held responsible in Colombia," stated interior minister **Carlos Holguín Sardi**. (See: *Bananera Chiquita Tendría que Pagar por Víctimas de los 'Paras', Considera Estados Unidos*. El Tiempo, September 12 de 2007, http://www.eltiempo.com/justicia/2007-09-13/ARTICULO-WEB-NOTA_INTERIOR-3720132.html.)

- "This is governed by international law standards that are in force in both countries. [...] There is the possibility that Colombia asks for US citizens in extradition, just as the United States may ask for nationals," stated interior minister **Carlos Holguín Sardi**. (See: *Colombia no Descarta Pedir a EEUU Extradición de Implicados en Pagos*. EFE, March 16, 2007, http://notiemail.com/noticia_print.asp?nt=10725807&cty=100.)

- "The agreement is unbecoming of the US justice system, because it creates the sensation that impunity may be bought for a few million dollars," reiterated interior minister **Carlos Holguín Sardi**. (See: *Bananera Chiquita Tendría que Pagar por Víctimas de los 'Paras', Considera Estados Unidos*. Ibid.)

- "It makes no sense that a transnational buys impunity for 25 million dollars either here or anywhere," indicated interior minister **Carlos Holguín Sardi**. (See: *Colombia Criticó Arreglo de Chiquita Brands en EEUU*. Canal RCN, September 19, 2007, <http://www.canalrcn.com/noticias/index.php?op=info&idS=742&idC=39991>.)

- "With these funds, terrorist groups have put our homeland into mourning. They should face justice," wrote former president **Andrés Pastrana**. (See: *Uribe Apoya Extradiciones de Ejecutivos*. Bogotá, Colombia/DPA, March 13, 2007, <http://ediciones.prensa.com/mensual/contenido/2007/03/18/hoy/mundo/922223.html>.)

- "I think [Chiquita] escaped any kind of appropriate sanctions. [...] We will take a good, hard look at how American multinationals operate around the

world, using Colombia as a model. [...] It really deserves an exhaustive effort to examine where we need legislation and if there are gaps in our criminal code that allow U.S. corporations to aid or abet violence in other countries that erode our credibility and our moral standing in the world. [...] Do our economic interests trump the war on terror? Are we making trade-offs? [...] If we are, at the very least the public should know about it," asserted **William Delahunt**, member of the US Congress and chairman of the House Foreign Affairs Subcommittee on International Organizations, Human Rights and Oversight. (See: *U.S. Bending Rules on Colombia Terror?* Josh Meyer, Los Angeles Times, July 22, 2007, <http://www.latimes.com/news/nationworld/nation/la-na-chiquita22jul22,0,186594.story?page=1&coll=la-home-center>.)

- *"Up to now, the Colombian government has not spoken with us about any extradition and we would have to follow our extradition treaty to the letter,"* asserted **Thomas Shannon**, US assistant secretary of state for Western Hemisphere Affairs. (See: *Gobierno Norteamericano Avala Gestión de Senadora Colombiana con las Farc*. Asdrubal Guerra, La W Radio, September 21, 2007, <http://www.wradio.com.co/nota.asp?id=483264>.)

- *"Chiquita's position is that the payments were made for protection, so they would not be attacked during the time of their presence in Colombia. [...] This justification is not acceptable,"* asserted **William Brownfield**, US ambassador in Bogotá. (See: *"La Justificación de Chiquita no es Aceptable"*. Semana Magazine, September 29, 2007, http://www.semana.com/wf_InfoArticulo.aspx?idArt=106545.)

- *"I hope that this [the extradition of the Chiquita directors] is not a problem between the two governments, I have no reason to believe it would be, because in the end the two governments and the two countries have the same objective and desire to eliminate the activities of the violent groups,"* asserted US ambassador **William Brownfield**. (See: *Estados Unidos no ve Problema que Colombia Pida en Extradición a Empresarios de Chiquita Brands*. Caracol Radio, October 1, 2007, <http://www.caracol.com.co/noticias/487506.asp?id=487506>.)

- *"I do not doubt in the slightest that there will be collaboration in accordance with our formal obligations and the excellent bilateral relationship we enjoy,"* asserted US ambassador **William Brownfield**. (See: *E.U. estaría Dispuesto a Extraditar a Colombia a Ejecutivos de Chiquita Brands, Afirma Embajador*. El Tiempo, October 22, 2007, http://www.eltiempo.com/justicia/2007-10-22/ARTICULO-WEB-NOTA_INTERIOR-3776950.html.)

[10] *Colombia Seeks Extradition of 8 people in Chiquita Payments to Terrorists*. Javier Baena, Union-Tribune, San Diego, USA, March 20, 2007, <http://www.signonsandiego.com/news/nation/terror/20070320-1501-terrorism-bananas.html>.

[11] *Colombia Seeks Extradition of 8 people in Chiquita Payments to Terrorists*. Ibid.

[12] *Diez ex Directivos de Chiquita fueron Incluidos en Investigación de la Fiscalía por Pagos a las AUC.* El Tiempo, December 18, 2007, http://www.freshplaza.es/news_detail.asp?id=2470.

[13] *Acuerdo de Confidencialidad ha Impedido Extradición de Directivos de Chiquita Brands.* El Universal, Colprensa, April 23, 2008, http://www.eluniversal.com.co/noticias/20080423/ctg_nal_extradicion_de_macaco_tendra_que_esperar.html.

[14] This is not the first time the Attorney General's Office asserted it has initiated legal actions to then later contradict itself. It should be remembered that Chiquita Brands admitted to having made payments to paramilitary organizations on April 24, 2003, before the US Attorney General's Office, which was made known in a press release issued on Monday May 10, 2004. Later, then attorney general Luís Camilo Osorio stated to the Colombian media that the government would initiate a criminal process against Chiquita Brands and seek the extradition of the responsible officials and directors.

Based on these statements, on June 10, 2004, the Lawyers' Collective filed a right of petition before the Attorney General's Office, which requested information on whether a criminal investigation had been opened, if this were the case, the file number, and the stage of the process.

Through order DNF No. 06123 of June 24, 2004, the Attorney General's Office responded to the right of petition, denying the requested information, arguing that there was no specification of the object of the petition, the grounds, or the motives in which this solicitation was based. On July 16, 2004, we reiterated the request of right of petition No. 009429, complementing it with the information indicated by the prosecutor. On August 9, 2004, we received a response, which asked us for more specific information, such as the exact place of the incidents, the complainant or complainants or other information with which the investigation could be located. On February 16, 2005, information was newly provided and we requested the same information as before.

On May 12, 2005, after having presented a writ for legal protection due to the violation of the right of petition, through order No. 005862, the Attorney General's Office replied "[...] *there is no criminal investigation at a preliminary or investigative stage where the mentioned citizen appears as a complainant or defendant.*" On May 16, 2005, the 27th Criminal District Court of Bogotá resolved the writ for legal protection under No. 0163 of 2005, declaring the inadmissibility of the motion, for having "*exceeded the motives that gave it origin.*" Lastly, on June 13, 2005, the Cundinamarca GAULA communicated to us that it had carried out a preliminary investigation filed under No. 72.025 for the alleged unjust extortion of the "*victim*" Chiquita Brands International.

In other words, more than two years after the information was provided, the Attorney General's Office never responded in a timely, serious or precise manner concerning the investigation that should have been initiated against Chiquita Brands for these incidents and, to the contrary, the only information that reached us concerning any investigation, Chiquita Brands appeared as the "*victim.*"

[15] Chiquita Brands International had the following directors and officials when the shipment of weapons entered on the Otterloo: Cyrus F. Freidheim, Jr., Morten Arntzen, Jeffrey D. Benjamin, Robert W. Fisher, Roderick M. Hills, Carl H. Lindner, Robert F. Kistingner, Robert W. Olson, James B. Riley. (See: *Chiquita Brands International 2001 Annual Report*. Chiquita Brands International, Inc. and Subsidiary Companies, Directors, Officers and Senior Operating Management, <http://www.chiquita.com>).

[16] *Chiquita Brands International, Inc. 10-K/A*. Securities and Exchange Commission, Washington, D.C., SEC File No. 1-01550, No. 950152-2-3445, April 29, 2002, <http://www.secinfo.com/dsvs7.33bq.htm>.

[17] *Cyrus Freidheim to Retire from Chiquita's Board of Directors*. Chiquita Brands International, Cincinnati, Ohio, April 12, 2004, <http://www.prnewswire.co.uk/cgi/news/release?id=120896>.

[18] *Chiquita Brands International, Inc. 10-K/A*. Ibid.

[19] *Congressmen Eye Chiquita Case*. Los Angeles Times, July 22, 2007, <http://www.latimes.com/news/nationworld/nation/la-na-chiquitaside22jul22,0,1652595.story?coll=la-home-nation>.

[20] *Ex-Chiquita Director Faces Legal Jeopardy*. Ibid.

[21] *Ex-Chiquita Director Faces Legal Jeopardy*. Ibid.

[22] *Chiquita Brands International, Inc. Form 10-Q*. Securities and Exchange Commission, Washington, D.C., June 30, 2006, http://yahoo.brand.edgar-online.com/EFX_dll/EDGARpro.dll?FetchFilingHTML1?SessionID=HhhIC2bI2E1w4Uo&ID=4573994.

[23] *In Terrorism-Law Case, Chiquita Points to U.S.* Washington Post, August 2, 2007, <http://www.washingtonpost.com/wp-dyn/content/article/2007/08/01/AR2007080102601.html>.

[24] *Chiquita Brands International, Inc. 10-K/A*. Ibid.

[25] See the official corporate web page for Chiquita Brands International, <http://www.chiquita.com>, last time reviewed: June 30, 2008.

[26] *Ex-Chiquita Director Faces Legal Jeopardy*. Ibid.

[27] *Chiquita Brands International, Inc. 10-K/A*. Ibid.

[28] *Chiquita Brands International, Inc. 10-K/A*. Ibid.

[29] *Form 8-K: Current Report*. Securities and Exchange Commission, Washington, D.C., February 6, 2007, http://yahoo.brand.edgar-online.com/EFX_dll/EDGARpro.dll?FetchFilingHTML1?SessionID=7W80CNVjuQ9_J8Q&ID=4942869.

- [30] *Chiquita Brands International 2002 Annual Report*. Chiquita Brands International, Inc., <http://www.chiquita.com>.
- [31] *Chiquita Brands International Selecciona a Steven Stanbrook para Entrar en su Junta Directiva*. Chiquita Brands International, Cincinnati, Ohio, April 12, 2004, <http://prnewswire.co.uk/cgi/release?id=95876>.
- [32] *Chiquita Brands International 2006 Annual Report*. Chiquita Brands International, Inc., <http://www.chiquita.com>.
- [33] *Chiquita Brands International 2004 Annual Report*. Chiquita Brands International, Inc., <http://www.chiquita.com>.
- [34] *Chiquita Brands International 2002 Annual Report*. Ibid.
- [35] *Chiquita Brands International elects Durk Jager to board of directors*. Chiquita Brands International, Cincinnati, Ohio, December 12, 2002, <http://www.prnewswire.co.uk/cgi/release?id=95484>.
- [36] *Chiquita Brands International 2006 Annual Report*. Ibid.
- [37] *Chiquita Brands International 2005 and 2006 Annual Report*. Chiquita Brands International, Inc., <http://www.chiquita.com>.
- [38] *B-Schools: Reading List*. Business Week Online, January 4, 2008, <http://www.businessweek.com/bschools/books/recommenders/jager.htm>.
- [39] *Chiquita Names Former P&G CEO to Board*. Business Courier, Cincinnati, Ohio, December 11, 2007, <http://cincinnati.bizjournals.com/cincinnati/stories/2002/12/09/daily40.html>.
- [40] *Chiquita Brands International Elects Jaime Serra to Board of Directors*. Chiquita Brands International Inc., Cincinnati, Ohio, February 3, 2003, http://goliath.ecnext.com/coms2/gi_0199-977948/Chiquita-Brands-International-elects-Jaime.html.
- [41] *Chiquita Brands International 2006 Annual Report*. Ibid.
- [42] *Chiquita Brands International elects Jaime Serra to Board of Directors*. Chiquita Brands International Inc., Cincinnati, Ohio, February 3, 2003, http://goliath.ecnext.com/coms2/gi_0199-977948/Chiquita-Brands-International-elects-Jaime.html.
- [43] *Chiquita Brands International, Inc. 10-K/A*. Ibid.
- [44] *Chiquita Brands International, Inc. 10-K/A*. Ibid.
- [45] *Chiquita Names John W. Braukman III as Chief Financial Officer; Manuel Rodriguez Promoted to Senior Vice President of Government & International Affairs*. Cincinnati, August 18, 2004, <http://www.prnewswire.co.uk/cgi/news/release?id=128521>.

[46] *Chiquita Brands International, Inc. 10-K/A*. Ibid.

[47] See the official corporate web page for Chiquita Brands International, <http://www.chiquita.com>, last time reviewed: June 30, 2008.

[48] *Chiquita Brands International, Inc. 10-K/A*. Ibid.

[49] *Chiquita Brands International, Inc. 10-K/A*. Ibid.

[50] Jodi Enda. *Are We Better Off: Welcome to Rangerville*. Mother Jones Magazine, May 3, 2004, http://www.motherjones.com/news/special_reports/2004/04/MJ100_201.html.

[51] *Chiquita Brands International 2000 Annual Report*. Chiquita Brands International, Inc., <http://www.chiquita.com>.

[52] *Chiquita Brands International 2000 Annual Report*. Ibid.