

Marissa Vahlsging
Marco Simons (*pro hac vice* pending)
Rick Herz (*pro hac vice* pending)
EarthRights International
1612 K Street NW, Suite 800
Washington, D.C. 20006
Tel: 202-466-5188
Fax: 202-466-5189

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Jane Doe 8, et al.,

Plaintiffs,

V.

Chiquita Brands International, Inc., a New Jersey Corporation,

Defendant.

Cause No. 20-3244

COMPLAINT AND DEMAND FOR JURY TRIAL

On information and belief, Plaintiffs, by their attorneys, allege as follows:

ADDRESSES

1. All Plaintiffs can be contacted through their counsel, EarthRights International, 1612 K Street NW #800, Washington, DC 20006. The street and postal addresses of the individual Plaintiffs cannot be made public due to the substantial risk of violent reprisals against them. The street and postal address of Defendant Chiquita Brands International, Inc. (CBI), is 1855 Griffin Road, DCOTA Bldg, Suite C-436, Fort Lauderdale, FL 33004; their local office in New Jersey is 820 Bear Tavern Road, Trenton, NJ 08628.

I. INTRODUCTION

2. This case arises as a result of the actions of Defendant Chiquita Brands International, Inc., and its subsidiaries and affiliates (collectively, “Chiquita”), in funding, arming, and otherwise supporting terrorist organizations in Colombia in their campaign of terror against the civilian population of the Urabá region, in order to maintain its profitable control of Colombia’s banana growing regions. Plaintiffs are family members of trade unionists, banana workers, political organizers, social activists, and others targeted and killed by terrorists, most notably paramilitary organizations including the United Self-Defense Groups of Colombia (*Autodefensas Unidas de Colombia*, or AUC), from at least 1992 through 2004. In order to produce bananas in an environment free from labor opposition and social disturbances, Chiquita funded, armed, and otherwise supported these paramilitary groups. The deaths of Plaintiffs’ relatives were a direct, foreseeable, and intended result of Chiquita’s illegal and tortious support of terrorist organizations. Chiquita’s actions violated not only Colombian law and U.S. law, but also customary international law prohibiting crimes against humanity, extrajudicial killing, torture, war crimes, and other abuses.

II. JURISDICTION

3. The Court has jurisdiction over this case with respect to claims based upon laws of the State of New Jersey, any other applicable state, and/or the laws of Colombia.

III. PARTIES

4. The term “Plaintiffs” herein includes the named plaintiffs and the decedents on behalf of whom they bring this action.

5. Plaintiffs Jane Doe 213, Jane Doe 8, John Doe 211, John Doe 212, John Doe 213, John Doe 214, John Doe 215, Jane Doe 214, and Jane Doe 215 are residents and citizens of Colombia. They bring claims based on the death of their family member, John Doe 12, as well as their own injuries.

6. Plaintiffs Jane Doe 9, Jane Doe 217, Jane Doe 218, Jane Doe 219, and Jane Doe 220 are residents and citizens of Colombia. They bring claims based on the death of their family member, John Doe 13, as well as their own injuries. Jane Doe 217, Jane Doe 218, Jane Doe 219, and Jane Doe 220 additionally bring claims based on the death of their mother, Jane Doe 216.

7. Plaintiff Jane Doe 10 is a resident and citizen of Colombia. She brings claims based on the death of her sons, John Doe 14 and John Doe 15, as well as her own injuries.

8. Plaintiff Jane Doe 11 is a resident and citizen of Colombia. She brings claims based on the death of her sister, Jane Doe 12, as well as her own injuries.

9. Plaintiff Jane Doe 13 is a resident and citizen of Colombia. She brings claims based on the death of her partner, John Doe 16, as well as her own injuries.

10. Plaintiff Jane Doe 14 is a resident and citizen of Colombia. She brings claims based on the death of her partner, John Doe 17, as well as her own injuries.

11. Plaintiff Jane Doe 16 is a resident and citizen of Colombia. She brings claims based on the death of her partner, John Doe 19, as well as her own injuries.

12. Plaintiff Jane Doe 17 is a resident and citizen of Colombia. She brings claims based on the death of her son, John Doe 20, as well as her own injuries.

13. Plaintiff Jane Doe 18 is a resident and citizen of Colombia. She brings claims based on the death of her husband, John Doe 21, as well as her own injuries.

14. Plaintiff Jane Doe 19 is a resident and citizen of Colombia. She brings claims based on the death of her son, John Doe 22, as well as her own injuries.

15. Plaintiff Jane Doe 221 is a resident and citizen of Colombia. She brings claims based on the death of her son, John Doe 24, as well as her own injuries.

16. Plaintiff Jane Doe 20 is a resident and citizen of Colombia. She brings claims based on the death of her partner, John Doe 25, as well as her own injuries.

17. Plaintiff Jane Doe 21 is a resident and citizen of Colombia. She brings claims based on the deaths of her mother, Jane Doe 22, and her stepfather, John Doe 26, as well as her own injuries.

18. Plaintiff Jane Doe 23 is a resident and citizen of Colombia. She brings claims based on the death of her son, John Doe 27, and her husband, John Doe 28, as well as her own injuries.

19. Plaintiff Jane Doe 24 is a resident and citizen of Colombia. She brings claims based on the death of her partner, John Doe 29, as well as her own injuries.

20. Plaintiff Jane Doe 25 is a resident and citizen of Colombia. She brings claims based on the death of her partner, John Doe 30, as well as her own injuries.

21. Plaintiff Jane Doe 26 is a resident and citizen of Colombia. She brings claims based on her own injuries.

22. Plaintiff Jane Doe 27 is a resident and citizen of Colombia. She brings claims based on the death of her father, John Doe 105, as well as her own injuries.

23. Plaintiff Jane Doe 30 is a resident and citizen of Colombia. She brings claims based on the death of her mother, Jane Doe 31, as well as her own injuries.

24. Plaintiff Jane Doe 99 is a resident and citizen of Colombia. She brings claims based on the death of her mother, Jane Doe 100, as well as her own injuries.

25. Plaintiff Jane Doe 121 is a resident and citizen of Colombia. She brings claims based on her own injuries.

26. Plaintiff Jane Doe 122 is a resident and citizen of Colombia. She brings claims based on her own injuries.

27. Plaintiff John Doe 23 is a resident and citizen of Colombia. He brings claims based on his own injuries.

28. Plaintiff John Doe 32 is a resident and citizen of Colombia. He brings claims based on his own injuries.

29. Plaintiff John Doe 33 is a resident and citizen of Colombia. He brings claims based on his own injuries.

30. Plaintiff Jane Doe 28 is a resident and citizen of Colombia. She brings claims based on the death of her brother, John Doe 34, and her partner, John Doe 150, as well as her own injuries.

31. Plaintiff John Doe 35 is a resident and citizen of Colombia. He brings claims based on his own injuries.

32. Plaintiff John Doe 37 is a resident and citizen of Colombia. He brings claims based on his own injuries.

33. Plaintiff John Doe 39 is a resident and citizen of Colombia. He brings claims based on his own injuries.

34. Plaintiff John Doe 40 is a resident and citizen of Colombia. He brings claims based on his own injuries.

35. Plaintiff Jane Doe 32 is a resident and citizen of Colombia. She brings claims based on her own injuries.

36. Plaintiffs Jane Doe 33, Jane Doe 34, John Doe 48, John Doe 49, and John Doe 50 are residents and citizens of Colombia. They bring claims based on the death of their family member, John Doe 47, as well as their own injuries.

37. Plaintiff Jane Doe 35 is a resident and citizen of Colombia. She brings claims based on the death of her partner, John Doe 51, as well as her own injuries.

38. Plaintiff Jane Doe 36, Jane Doe 224, Jane Doe 225, Jane Doe 226, and John Doe 216 are residents and citizens of Colombia. They bring claims based on the death of their family member, John Doe 52, as well as their own injuries.

39. Plaintiffs Jane Doe 37, Jane Doe 38, Jane Doe 39, and John Doe 54 are residents and citizens of Colombia. They bring claims based on the death of their family member, John Doe 53, as well as their own injuries.

40. Plaintiffs Jane Doe 40, Jane Doe 41, Jane Doe 42, Jane Doe 43, Jane Doe 44, Jane Doe 227, John Doe 56, and John Doe 57, are residents and citizens of Colombia. They bring claims based on the death of their family member, John Doe 55, as well as their own injuries. Jane Doe 40, Jane Doe 42, Jane Doe 43, Jane Doe 44, John Doe 57, and Jane Doe 227 also bring claims based on the death of their family member, John Doe 217. Jane Doe 40, Jane Doe 42, Jane Doe 43, John Doe 57, and Jane Doe 227 also bring claims arising from the death of their family member, John Doe 218.

41. Plaintiffs Jane Doe 45 and John Doe 60 are residents and citizens of Colombia. They bring claims based on the death of their family member, John Doe 59, as well as their own injuries.

42. Plaintiffs Jane Doe 46, Jane Doe 47, John Doe 62, and John Doe 63 are residents and citizens of Colombia. They bring claims based on the death of their family member, John Doe 61, as well as their own injuries.

43. Plaintiffs Jane Doe 48, John Doe 65, and Jane Doe 228 are residents and citizens of Colombia. They bring claims based on the death of their family member, John Doe 64, as well as their own injuries.

44. Plaintiffs John Doe 66, Jane Doe 50, Jane Doe 51, Jane Doe 52, Jane Doe 53, and Jane Doe 54 are residents and citizens of Colombia. They bring claims based on the death of their family member, John Doe 67, as well as their own injuries. Jane Doe 49 is deceased and is represented in this action by her daughter Jane Doe 52.

45. Plaintiff Jane Doe 55 is a resident and citizen of Colombia. She brings claims based on the death of her partner, John Doe 68, as well as her own injuries.

46. Plaintiffs Jane Doe 56, Jane Doe 57, Jane Doe 58, John Doe 70, and John Doe 219 are residents and citizens of Colombia. They bring claims based on the death of their family member, John Doe 69, as well as their own injuries.

47. Plaintiffs Jane Doe 59, John Doe 71, and Jane Doe 60 are residents and citizens of Colombia. They bring claims based on the death of their family member, John Doe 72, as well as their own injuries.

48. Plaintiffs Jane Doe 61, John Doe 73, and John Doe 75 are residents and citizens of Colombia. They bring claims based on the death of their family member, John Doe 76, as well as their own injuries.

49. Plaintiffs Jane Doe 62, Jane Doe 63, Jane Doe 64, and John Doe 74 are residents and citizens of Colombia. They bring claims based on the death of their family member, John Doe 78, as well as their own injuries.

50. Plaintiffs Jane Doe 65, Jane Doe 66, and Jane Doe 67 are residents and citizens of Colombia. They bring claims based on the death of their family member, John Doe 79, as well as their own injuries.

51. Plaintiffs Jane Doe 68 and Jane Doe 69 are residents and citizens of Colombia. They bring claims based on the death of their mother, Jane Doe 70, as well as their own injuries.

52. Plaintiffs Jane Doe 75, Jane Doe 76, Jane Doe 77, and Jane Doe 78 are residents and citizens of Colombia. They bring claims based on the deaths of their family members, John Doe 82 and John Doe 220, as well as their own injuries.

53. Plaintiffs Jane Doe 79, Jane Doe 81, Jane Doe 82, Jane Doe 83, Jane Doe 84, Jane Doe 85, and John Doe 222 are residents and citizens of Colombia. They bring claims based on the death of their family members, John Doe 83 and John Doe 221, as well as their own injuries.

54. Plaintiffs Jane Doe 86, John Doe 84, Jane Doe 87, and Jane Doe 88 are residents and citizens of Colombia. They bring claims based on the death of their family member, John Doe 85, as well as their own injuries.

55. Plaintiffs Jane Doe 90, John Doe 88, Jane Doe 91, John Doe 89, John Doe 90, and Jane Doe 92 are residents and citizens of Colombia. They bring claims based on the death of their family members, John Doe 91 and John Doe 223, as well as their own injuries. John Doe 88 is deceased and is represented in this action by Jane Doe 91.

56. Plaintiff Jane Doe 93 is a resident and citizen of Colombia. She brings claims based on the death of her father, John Doe 92, as well as her own injuries.

57. Plaintiffs Jane Doe 94, Jane Doe 95, and John Doe 93 are residents and citizens of Colombia. They bring claims based on the death of their mother, Jane Doe 96, as well as their own injuries.

58. Plaintiffs John Doe 94 and Jane Doe 97 are residents and citizens of Colombia. They bring claims based on the death of their father, John Doe 95, as well as their own injuries.

59. Plaintiffs Jane Doe 98, John Doe 96, and John Doe 97 are residents and citizens of Colombia. They bring claims based on the death of their family member, John Doe 98, as well as their own injuries. John Doe 96 is deceased and is represented in this action by Jane Doe 98.

60. Plaintiffs Jane Doe 103, Jane Doe 104, and John Doe 102 are residents and citizens of Colombia. They bring claims based on the death of their family member, John Doe 103, as well as their own injuries.

61. Plaintiffs Jane Doe 105 and Jane Doe 106 are residents and citizens of Colombia. They bring claims based on the death of their family member, John Doe 104, as well as their own injuries.

62. Plaintiffs Jane Doe 109, Jane Doe 110, Jane Doe 111, Jane Doe 112, and John Doe 108 are residents and citizens of Colombia. They bring claims based on the death of their family member, John Doe 109, as well as their own injuries.

63. Plaintiffs Jane Doe 113, John Doe 110, John Doe 111, Jane Doe 114, Jane Doe 115, Jane Doe 116, John Doe 112, Jane Doe 117, and Jane Doe 118 are residents and citizens of Colombia. They bring claims based on the death of their family member, John Doe 113, as well as their own injuries.

64. Plaintiff John Doe 114 is a resident and citizen of Colombia. He brings claims based on the death of his brother, John Doe 115, as well as his own injuries.

65. Plaintiffs Jane Doe 119, Jane Doe 120, Jane Doe 123, Jane Doe 124, Jane Doe 141, Jane Doe 142, John Doe 116, John Doe 117, John Doe 118, and John Doe 119 are residents and citizens of Colombia. They bring claims based on the death of their family member, John Doe 120, as well as their own injuries.

66. Plaintiffs Jane Doe 230, John Doe 224, John Doe 225, and Jane Doe 125 are residents and citizens of Colombia. They bring claims based on the death of their family member, Jane Doe 229, as well as their own injuries. Jane Doe 125 also brings claims based on the death of her partner, John Doe 121.

67. Plaintiffs Jane Doe 126, Jane Doe 127, Jane Doe 128, Jane Doe 129, Jane Doe 130, Jane Doe 131, Jane Doe 132, Jane Doe 133, Jane Doe 134, Jane Doe 135, John Doe 123, John Doe 124, John Doe 228, John Doe 226, John Doe 227, and John Doe 229 are residents and citizens of Colombia. They bring claims based on the death of their family member, John Doe 125, as well as their own injuries. Jane Doe 231 is deceased and is represented in this action by her daughter, Jane Doe 232. Jane Doe 128 and John Doe 229 are deceased and are represented in this action by their children, Jane Doe 130, Jane Doe 131, and John Doe 123.

68. Plaintiffs Jane Doe 136, Jane Doe 137, Jane Doe 138, John Doe 126, John Doe 127, John Doe 128, John Doe 129 and John Doe 130 are residents and citizens of Colombia. They bring claims based on the death of their family member, John Doe 131, as well as their own injuries.

69. Plaintiffs Jane Doe 139, Jane Doe 140 and John Doe 132 are residents and citizens of Colombia. They bring claims based on the death of their family member, John Doe 133, as well as their own injuries.

70. Plaintiffs Jane Doe 143, Jane Doe 144, John Doe 134, John Doe 135, and John Doe 136 are residents and citizens of Colombia. They bring claims based on the death of their family member, John Doe 137, as well as their own injuries.

71. Plaintiffs Jane Doe 101, Jane Doe 102, John Doe 99, John Doe 100, John Doe 101, and Jane Doe 223 are residents and citizens of Colombia. They bring claims based on the death of their family member, John Doe 38, as well as their own injuries.

72. Plaintiffs Jane Doe 145, Jane Doe 146, John Doe 139, Jane Doe 233, Jane Doe 234, Jane Doe 235, and John Doe 230 are residents and citizens of Colombia. They bring claims based on the death of their family member, John Doe 138, as well as their own injuries. John Doe 139 is deceased and is represented in this action by Jane Doe 233, Jane Doe 234, Jane Doe 235, and John Doe 230.

73. Plaintiff Jane Doe 147 is a resident and citizen of Colombia. She brings claims based on the death of her partner, John Doe 140, as well as her own injuries.

74. Plaintiff Jane Doe 148 is a resident and citizen of Colombia. She brings claims based on the death of her husband, John Doe 141, as well as her own injuries.

75. Plaintiff Jane Doe 149 is a resident and citizen of Colombia. She brings claims based on the death of her son, John Doe 142, as well as her own injuries.

76. Plaintiff Jane Doe 150 is a resident and citizen of Colombia. She brings claims based on the death of her brother, John Doe 143, as well as her own injuries.

77. Plaintiff Jane Doe 151 is a resident of and citizen of Colombia. She brings claims based on the death of her husband, John Doe 199, and her sons, John Doe 180, John Doe 210, and John Doe 154, as well as her own injuries.

78. Plaintiff John Doe 144 is a resident and citizen of Colombia. He brings claims based on the death of his partner, Jane Doe 152, as well as his own injuries.

79. Plaintiff John Doe 145 is a resident and citizen of Colombia. He brings claims based on the death of his mother, Jane Doe 155, as well as his own injuries.

80. Plaintiff Jane Doe 156 is a resident and citizen of Colombia. She brings claims based on the death of her son, John Doe 146, as well as her own injuries.

81. Plaintiff Jane Doe 157 is a resident and citizen of Colombia. She brings claims based on the death of her son, John Doe 147, as well as her own injuries.

82. Plaintiff Jane Doe 158 is a resident and citizen of Colombia. She brings claims based on the death of her son, John Doe 148, as well as her own injuries.

83. Plaintiff Jane Doe 159 is a resident and citizen of Colombia. She brings claims based on the death of her partner, John Doe 149, as well as her own injuries.

84. Plaintiff Jane Doe 161 is a resident and citizen of Colombia. She brings claims based on the death of her brother, John Doe 151, as well as her own injuries.

85. Plaintiff Jane Doe 162 is a resident and citizen of Colombia. She brings claims based on the death of her partner, John Doe 152, as well as her own injuries.

86. Plaintiff Jane Doe 163 is a resident and citizen of Colombia. She brings claims based on the death of her brother, John Doe 153, and her father, John Doe 231, as well as her own injuries.

87. Plaintiff Jane Doe 165 is a resident and citizen of Colombia. She brings claims based on the death of her partner, John Doe 155, as well as her own injuries.

88. Plaintiff Jane Doe 166 is a resident and citizen of Colombia. She brings claims based on the death of her partner, John Doe 156, as well as her own injuries.

89. Plaintiff Jane Doe 167 is a resident and citizen of Colombia. She brings claims based on the death of her partner, John Doe 157, as well as her own injuries.

90. Plaintiff Jane Doe 168 is a resident and citizen of Colombia. She brings claims based on the death of her brother, John Doe 158, as well as her own injuries.

91. Plaintiff Jane Doe 170 is a resident and citizen of Colombia. She brings claims based on the death of her sister, Jane Doe 169, and her brother-in-law, John Doe 201, as well as her own injuries.

92. Plaintiff Jane Doe 171 is a resident and citizen of Colombia. She brings claims based on the death of her brother, John Doe 159, as well as her own injuries.

93. Plaintiff Jane Doe 172 is a resident and citizen of Colombia. She brings claims based on the death of her partner, John Doe 160, as well as her own injuries.

94. Plaintiff John Doe 162 is a resident and citizen of Colombia. He brings claims based on the death of his son, John Doe 161, as well as his own injuries.

95. Plaintiff Jane Doe 173 is a resident and citizen of Colombia. She brings claims based on the death of her partner, John Doe 163, as well as her own injuries.

96. Plaintiff Jane Doe 174 is a resident and citizen of Colombia. She brings claims based on the deaths of her father, John Doe 164, and her brothers, John Does 182 and 196, as well as her own injuries.

97. Plaintiff Jane Doe 177 is a resident and citizen of Colombia. She brings claims based on the death of her son, John Doe 167, as well as her own injuries.

98. Plaintiff Jane Doe 180 is a resident and citizen of Colombia. She brings claims based on the death of her brother, John Doe 168, as well as her own injuries.

99. Plaintiff Jane Doe 181 is a resident and citizen of Colombia. She brings claims based on the death of her partner, John Doe 169, as well as her own injuries.

100. Plaintiff Jane Doe 182 is a resident and citizen of Colombia. She brings claims based on the death of her partner, John Doe 170, as well as her own injuries.

101. Plaintiff Jane Doe 183 is a resident and citizen of Colombia. She brings claims based on the death of her brother, John Doe 171, as well as her own injuries.

102. Plaintiff Jane Doe 184 is a resident and citizen of Colombia. She brings claims based on the death of her son, John Doe 172, as well as her own injuries.

103. Plaintiff Jane Doe 185 is a resident and citizen of Colombia. She brings claims based on the death of her partner, John Doe 173, as well as her own injuries.

104. Plaintiff Jane Doe 186 is a resident and citizen of Colombia. She brings claims based on the death of her husband, John Doe 174, and her partner, John Doe 232, as well as her own injuries.

105. Plaintiff Jane Doe 187 is a resident and citizen of Colombia. She brings claims based on the deaths of her brother, John Doe 175, and her father, John Doe 176, as well as her own injuries.

106. Plaintiff Jane Doe 188 is a resident and citizen of Colombia. She brings claims based on the death of her son, John Doe 177, as well as her own injuries.

107. Plaintiff Jane Doe 189 is a resident and citizen of Colombia. She brings claims based on the death of her son, John Doe 178, as well as her own injuries.

108. Plaintiff Jane Doe 190 is a resident and citizen of Colombia. She brings claims based on the death of her partner, John Doe 179, as well as her own injuries.

109. Plaintiff Jane Doe 192 is a resident and citizen of Colombia. She brings claims based on the death of her partner, John Doe 181, as well as her own injuries.

110. Plaintiff Jane Doe 194 is a resident and citizen of Colombia. She brings claims based on the death of her mother, Jane Doe 195, as well as her own injuries.

111. Plaintiff Jane Doe 196 is a resident and citizen of Colombia. She brings claims based on the death of her husband, John Doe 183, as well as her own injuries.

112. Plaintiffs Jane Doe 197 and Jane Doe 236 are residents and citizens of Colombia. They bring claims based on the death of their family member, John Doe 184, as well as their own injuries.

113. Plaintiff Jane Doe 198 is a resident and citizen of Colombia. She brings claims based on the death of her brother, John Doe 185, as well as her own injuries.

114. Plaintiff Jane Doe 199 is a resident and citizen of Colombia. She brings claims based on the death of her partner, John Doe 186, as well as her own injuries.

115. Plaintiff Jane Doe 200 is a resident and citizen of Colombia. She brings claims based on the death of her partner, John Doe 187, as well as her own injuries.

116. Plaintiff Jane Doe 201 is a resident and citizen of Colombia. She brings claims based on the death of her father, John Doe 188, as well as her own injuries.

117. Plaintiff Jane Doe 202 is a resident and citizen of Colombia. She brings claims based on the deaths of her son, John Doe 204, and her partner, John Doe 189, as well as her own injuries.

118. Plaintiff Jane Doe 203 is a resident and citizen of Colombia. She brings claims based on the death of her brother, John Doe 190, as well as her own injuries.

119. Plaintiff Jane Doe 204 is a resident and citizen of Colombia. She brings claims based on the death of her mother, Jane Doe 205, as well as her own injuries.

120. Plaintiff Jane Doe 206 is a resident and citizen of Colombia. She brings claims based on the death of her partner, John Doe 191, as well as her own injuries.

121. Plaintiffs Jane Doe 207 and John Doe 233 are residents and citizens of Colombia. Jane Doe 207 brings claims based on the deaths of her parents, John Doe 192 and Jane Doe 208, her brother, John Doe 207, and her partner, John Doe 208, as well as her own injuries. John Doe 233 brings claims based on the death of his father, John Doe 208, as well as his own injuries.

122. Plaintiff Jane Doe 209 is a resident and citizen of Colombia. She brings claims based on the death of her partner, John Doe 193, as well as her own injuries.

123. Plaintiff Jane Doe 210 is a resident and citizen of Colombia. She brings claims based on the death of her partner, John Doe 194, as well as her own injuries.

124. Plaintiff Jane Doe 193 is a resident and citizen of Colombia. She brings claims based on the deaths of her daughter, Jane Doe 212, and her son-in-law, John Doe 209, as well as her own injuries.

125. Plaintiff Jane Doe 179 is a resident and citizen of Colombia. She brings claims based on the deaths of her sons, John Does 197, 198 and 200, as well as her own injuries.

126. Plaintiff Jane Doe 191 is a resident and citizen of Colombia. She brings claims based on the death of her brother, John Doe 202, as well as her own injuries.

127. Plaintiff Jane Doe 178 is a resident and citizen of Colombia. She brings claims based on the death of her father, John Doe 203, as well as her own injuries.

128. Plaintiff Jane Doe 237 is a resident and citizen of Colombia. She brings claims based on the death of her son, John Doe 234, as well as her own injuries.

129. Plaintiff Jane Doe 238 is a resident and citizen of Colombia. She brings claims based on the death of her husband, John Doe 235, as well as her own injuries.

130. Plaintiff Jane Doe 239 is a resident and citizen of Colombia. She brings claims based on the deaths of her sons, John Doe 236 and John Doe 237, as well as her own injuries.

131. Plaintiff Jane Doe 240 is a resident and citizen of Colombia. She brings claims based on the death of her partner, John Doe 238, as well as her own injuries.

132. Plaintiff Jane Doe 241 is a resident and citizen of Colombia. She brings claims based on the death of her stepson, John Doe 239, as well as her own injuries.

133. Plaintiff Jane Doe 242 is a resident and citizen of Colombia. She brings claims based on the death of her son, John Doe 240, as well as her own injuries.

134. Plaintiff Jane Doe 243 is a resident and citizen of Colombia. She brings claims based on the death of her husband, John Doe 241, as well as her own injuries.

135. Plaintiff Jane Doe 244 is a resident and citizen of Colombia. She brings claims based on the death of her husband, John Doe 242, as well as her own injuries.

136. Plaintiff Jane Doe 245 is a resident and citizen of Colombia. She brings claims based on the death of her son, John Doe 243, as well as her own injuries.

137. Plaintiff Jane Doe 246 is a resident and citizen of Colombia. She brings claims based on the death of her son, John Doe 244, as well as her own injuries.

138. Plaintiff Jane Doe 247 is a resident and citizen of Colombia. She brings claims based on the death of her partner, John Doe 245, as well as her own injuries.

139. Plaintiff Jane Doe 248 is a resident and citizen of Colombia. She brings claims based on the death of her son, John Doe 246, as well as her own injuries.

140. Plaintiff Jane Doe 249 is a resident and citizen of Colombia. She brings claims based on the death of her brother, John Doe 247, as well as her own injuries.

141. Plaintiff Jane Doe 250 is a resident and citizen of Colombia. She brings claims based on the death of her father, John Doe 248, as well as her own injuries.

142. Plaintiff Jane Doe 251 is a resident and citizen of Colombia. She brings claims based on the death of her partner, John Doe 249, as well as her own injuries.

143. Plaintiff Jane Doe 252 is a resident and citizen of Colombia. She brings claims based on the death of her son, John Doe 250, as well as her own injuries.

144. Plaintiff Jane Doe 253 is a resident and citizen of Colombia. She brings claims based on the death of her partner, John Doe 251, as well as her own injuries.

145. Plaintiff Jane Doe 254 is a resident and citizen of Colombia. She brings claims based on the death of her partner, John Doe 252, as well as her own injuries.

146. Plaintiff Jane Doe 255 is a resident and citizen of Colombia. She brings claims based on the death of her husband, John Doe 253, and her son, John Doe 254, as well as her own injuries.

147. Plaintiff Jane Doe 256 is a resident and citizen of Colombia. She brings claims based on the death of her brother, John Doe 255, as well as her own injuries.

148. Plaintiff Jane Doe 257 is a resident and citizen of Colombia. She brings claims based on the death of her uncle, John Doe 256, as well as her own injuries.

149. Plaintiff John Doe 258 is a resident and citizen of Colombia. He brings claims based on the death of his brother, John Doe 257, as well as his own injuries.

150. Plaintiff Jane Doe 258 is a resident and citizen of Colombia. She brings claims based on the death of her son, John Doe 259, as well as her own injuries.

151. Plaintiff Jane Doe 259 is a resident and citizen of Colombia. She brings claims based on the death of her son, John Doe 260, as well as her own injuries.

152. Plaintiff John Doe 262 is a resident and citizen of Colombia. He brings claims based on the death of his brother, John Doe 261, as well as his own injuries.

153. Plaintiff Jane Doe 260 is a resident and citizen of Colombia. She brings claims based on the death of her partner, John Doe 263, as well as her own injuries.

154. Plaintiff Jane Doe 261 is a resident and citizen of Colombia. She brings claims based on the death of her father, John Doe 264, as well as her own injuries.

155. Plaintiff Jane Doe 262 is a resident and citizen of Colombia. She brings claims based on the death of her husband, John Doe 265, as well as her own injuries.

156. Plaintiff Jane Doe 263 is a resident and citizen of Colombia. She brings claims based on the death of her son, John Doe 266, as well as her own injuries.

157. Plaintiff Jane Doe 264 is a resident and citizen of Colombia. She brings claims based on the death of her brother, John Doe 267, as well as her own injuries.

158. Plaintiff Jane Doe 265 is a resident and citizen of Colombia. She brings claims based on the death of her partner, John Doe 268, as well as her own injuries.

159. Plaintiff John Doe 270 is a resident and citizen of Colombia. He brings claims based on the death of his father, John Doe 269, as well as her own injuries.

160. Plaintiff Jane Doe 266 is a resident and citizen of Colombia. She brings claims based on the death of her partner, John Doe 271, as well as her own injuries.

161. Plaintiff Jane Doe 267 is a resident and citizen of Colombia. She brings claims based on the death of her brother, John Doe 272, as well as her own injuries.

162. Plaintiff John Doe 273 is a resident and citizen of Colombia. He brings claims based on the death of his partner, Jane Doe 268, as well as his own injuries.

163. Plaintiff John Doe 275 is a resident and citizen of Colombia. He brings claims based on the death of his uncle, John Doe 274, as well as his own injuries.

164. Plaintiff Jane Doe 269 is a resident and citizen of Colombia. She brings claims based on the death of her husband, John Doe 276, as well as her own injuries.

165. Plaintiff John Doe 278 is a resident and citizen of Colombia. He brings claims based on the death of his father, John Doe 277, as well as his own injuries.

166. Plaintiff Jane Doe 270 is a resident and citizen of Colombia. She brings claims based on the death of her husband, John Doe 279, as well as her own injuries.

167. Plaintiff Jane Doe 271 is a resident and citizen of Colombia. She brings claims based on the death of her partner, John Doe 280, as well as her own injuries.

168. Plaintiff Jane Doe 272 is a resident and citizen of Colombia. She brings claims based on the death of her son, John Doe 281, as well as her own injuries.

169. Plaintiff Jane Doe 274 is a resident and citizen of Colombia. She brings claims based on the death of her daughter, Jane Doe 273, as well as her own injuries.

170. Plaintiff Jane Doe 275 is a resident and citizen of Colombia. She brings claims based on the death of her brother, John Doe 282, as well as her own injuries.

171. Plaintiff John Doe 284 is a resident and citizen of Colombia. He brings claims based on the death of his brother, John Doe 283, as well as his own injuries.

172. Plaintiff Jane Doe 276 is a resident and citizen of Colombia. She brings claims based on the death of her partner, John Doe 285, as well as her own injuries.

173. Plaintiff Jane Doe 276 is a resident and citizen of Colombia. She brings claims based on the death of her partner, John Doe 285, as well as her own injuries.

174. Plaintiffs Jane Doe 277 and Jane Doe 278 are residents and citizens of Colombia. They bring claims based on the death of their family member, John Doe 286, as well as their own injuries.

175. Plaintiffs John Doe 288, John Doe 289, Jane Doe 279, Jane Doe 280, Jane Doe 281, and Jane Doe 282 are residents and citizens of Colombia. They bring claims based on the death of their family member, John Doe 287, as well as their own injuries. John Doe 289 is deceased and is represented in this action by Jane Doe 279.

176. Plaintiffs Jane Doe 283, Jane Doe 284, Jane Doe 285, Jane Doe 286, John Doe 291, John Doe 292, and John Doe 293 are residents and citizens of Colombia. They bring claims based on the death of their family member, John Doe 290, as well as their own injuries.

177. Plaintiff Jane Doe 287 is a resident and citizen of Colombia. She brings claims based on the death of her partner, John Doe 294, as well as her own injuries.

178. Plaintiffs Jane Doe 288, Jane Doe 289, John Doe 296, John Doe 297, John Doe 298, John Doe 299, and John Doe 300 are residents and citizens of Colombia. They bring claims based on the death of their family member, John Doe 295, as well as their own injuries.

179. Plaintiffs Jane Doe 290, Jane Doe 291, John Doe 302, and Jane Doe 292 are residents and citizens of Colombia. They bring claims based on the death of their brother, John Doe 301, as well as their own injuries.

180. Plaintiffs John Doe 304, Jane Doe 293, Jane Doe 294, and Jane Doe 295 are residents and citizens of Colombia. They bring claims based on the death of their family member, John Doe 303, as well as their own injuries.

181. Plaintiffs Jane Doe 296, Jane Doe 297, Jane Doe 298, and John Doe 306 are residents and citizens of Colombia. They bring claims based on the death of their family member, John Doe 305, as well as their own injuries.

182. Plaintiffs Jane Doe 299, Jane Doe 300, Jane Doe 301, Jane Doe 302, John Doe 308, John Doe 309, and John Doe 310 are residents and citizens of Colombia. They bring claims based on the death of their family member, John Doe 307, as well as their own injuries. John Doe 308 is deceased and is represented in this action by Jane Doe 300.

183. Plaintiffs Jane Doe 303 and John Doe 312 are residents and citizens of Colombia. They bring claims based on the death of their family member, John Doe 311, as well as their own injuries.

184. Plaintiffs John Doe 314, John Doe 315, John Doe 316, Jane Doe 304, and Jane Doe 305 are residents and citizens of Colombia. They bring claims based on the death of their family member, John Doe 313, as well as their own injuries.

185. Plaintiffs Jane Doe 306 and Jane Doe 307 are residents and citizens of Colombia. They bring claims based on the death of their family member, John Doe 317, as well as their own injuries.

186. Plaintiffs Jane Doe 308, Jane Doe 309, John Doe 319, and John Doe 320 are residents and citizens of Colombia. They bring claims based on the death of their family member, John Doe 318, as well as their own injuries.

187. Plaintiffs John Doe 323, Jane Doe 310, Jane Doe 311, Jane Doe 312, Jane Doe 313, and Jane Doe 314 are residents and citizens of Colombia. They bring claims based on the death of their family member, John Doe 322, as well as their own injuries.

188. Plaintiffs John Doe 325, John Doe 326, John Doe 327, Jane Doe 315, and Jane Doe 316 are residents and citizens of Colombia. They bring claims based on the death of their family member, John Doe 324, as well as their own injuries.

189. Plaintiffs John Doe 329, John Doe 330, Jane Doe 317, and Jane Doe 318 are residents and citizens of Colombia. They bring claims based on the death of their family member, John Doe 328, as well as their own injuries.

190. Plaintiffs Jane Doe 319, Jane Doe 320, Jane Doe 322, and Jane Doe 321 are residents and citizens of Colombia. They bring claims based on the death of their family member, John Doe 331, as well as their own injuries. Jane Doe 322 is deceased and is represented in this action by her son, John Doe 332.

191. Plaintiffs John Doe 334, Jane Doe 323, Jane Doe 324, and Jane Doe 325 are residents and citizens of Colombia. They bring claims based on the death of their family member, John Doe 333, as well as their own injuries.

192. Plaintiffs Jane Doe 326, Jane Doe 327, Jane Doe 328, Jane Doe 329, Jane Doe 330, Jane Doe 331, Jane Doe 332, Jane Doe 333, Jane Doe 334, John Doe 336, John Doe 337, John Doe 338, and John Doe 339 are residents and citizens of Colombia. They bring claims based on the death of their family member, John Doe 335, as well as their own injuries.

193. Plaintiffs Jane Doe 335, Jane Doe 336, Jane Doe 337, Jane Doe 338, John Doe 341, John Doe 342, and John Doe 343 are residents and citizens of Colombia. They bring claims based on the death of their family member, John Doe 340 (a minor), as well as their own injuries.

194. Plaintiffs John Doe 345, Jane Doe 339, Jane Doe 340, Jane Doe 341, and Jane Doe 342 are residents and citizens of Colombia. They bring claims based on the death of their family member, John Doe 344, as well as their own injuries. John Doe 345 is deceased and is represented in this action by his partner, Jane Doe 339, and his children, Jane Doe 340, Jane Doe 341, and Jane Doe 342.

195. Plaintiffs John Doe 347, John Doe 348, Jane Doe 343, Jane Doe 344, Jane Doe 345, and Jane Doe 346 are residents and citizens of Colombia. They bring claims based on the death of their brother, John Doe 346, as well as their own injuries. Jane Doe 346 is deceased and is represented in this action by her daughter, Jane Doe 343.

196. Plaintiffs Jane Doe 347, Jane Doe 348, Jane Doe 349, Jane Doe 350, Jane Doe 351, Jane Doe 352, Jane Doe 353, John Doe 350, and John Doe 351 are residents and citizens of Colombia. They bring claims based on the death of their family member, John Doe 349, as well as their own injuries.

197. Plaintiffs Jane Doe 354, Jane Doe 355, John Doe 353, and John Doe 354 are residents and citizens of Colombia. They bring claims based on the death of their family member, John Doe 352, as well as their own injuries.

198. Plaintiffs Jane Doe 356, Jane Doe 357, Jane Doe 358, Jane Doe 359, Jane Doe 360, John Doe 356, John Doe 357, John Doe 358, John Doe 359, and John Doe 360 are residents and citizens of Colombia. They bring claims based on the death of their family member, John Doe 355, as well as their own injuries.

199. Plaintiffs Jane Doe 361, Jane Doe 362, John Doe 362, John Doe 363, John Doe 364, and John Doe 365 are residents and citizens of Colombia. They bring claims based on the death of their family member, John Doe 361, as well as their own injuries.

200. Plaintiff Jane Doe 363 is a resident and citizen of Colombia. She brings claims based on the death of her father, John Doe 366, as well as her own injuries.

201. Plaintiff Jane Doe 29 is a resident and citizen of Colombia. She brings claims based on the death of her sister, Jane Doe 222, as well as her own injuries.

202. On information and belief, all Plaintiffs bringing this action on behalf of deceased family members are the heirs at law of those decedents under Colombian law, with the right to prosecute claims for their deaths.

203. On information and belief, all Plaintiffs bringing this action on behalf of deceased family members are the heirs at law of those decedents under Colombian law, with the right to prosecute claims for their deaths.

204. Defendant Chiquita Brands International, Inc. (“CBI” or “Chiquita”), is a United States-based corporation organized under the laws of the State of New Jersey. Its corporate headquarters are located in Fort Lauderdale, Florida. CBI is a leading international producer, distributor, and marketer of bananas and other produce; it is one of the largest banana producers in the world and a major supplier of bananas to Europe and North America. The company was founded in 1899 as the United Fruit Company, became the United Brands Company in 1970, and changed its name to Chiquita Brands International in 1990.

IV. NON-PARTIES OF INTEREST

205. On information and belief, at all times relevant herein, CBI wholly owned, dominated, and controlled C.I. Bananos de Exportación, S.A. (“Banadex”), headquartered in Medellín, Colombia. At all relevant times, Banadex produced bananas in the Urabá and Santa Marta regions of northeastern Colombia and, by 2003, was one of Chiquita’s most profitable banana-producing operations globally. At all times material herein, Banadex was an agent, alter ego, co-conspirator, and joint tortfeasor with CBI, with whom it cooperated in a joint criminal enterprise.

206. Upon information and belief, the individual designated in the Factual Proffer as Individual A is now known to be Cyrus Freidheim, former Chairman of the Board of Directors and former CEO of Chiquita. Freidheim knew of Chiquita's payments to the AUC and reviewed and authorized these payments.

207. Upon information and belief, the individual designated in the Factual Proffer as Individual B is now known to be Roderick Hills, former Chiquita Director and President of the Audit Committee. Hills knew of Chiquita's payments to the AUC and reviewed and authorized these payments. Hills implemented new procedures to hide payments to the AUC. Hills instructed Chiquita employees to continue making payments after learning that the payments were illegal.

208. Upon information and belief, the individual designated in the Factual Proffer as Individual C is now known to be Robert Olson, former Vice President and General Counsel of Chiquita. Olson knew of Chiquita's payments to the AUC and reviewed and authorized these payments. Olson also reviewed and approved new procedures to hide payments to the AUC.

209. Upon information and belief, the individual designated in the Factual Proffer as Individual D is now known to be Robert Kistingner, former President and COO of Chiquita Fresh Group. Kistingner knew of Chiquita's payments to the AUC and reviewed and authorized these payments. Kistingner instructed Chiquita employees to continue making payments after learning that the payments were illegal.

210. Charles Keiser, manager of Chiquita's operations in Colombia, personally met with leaders of the AUC to initiate payments and, later, to arrange a system to hide Chiquita's payments to the AUC.

211. William Tsacalis was the Controller and Chief Accounting Officer for Chiquita. Tsacalis knew about Chiquita's payments to *convivir* and the AUC and designed the new procedures for payments to the AUC after it was designated as a Foreign Terrorist Organization.

212. Upon information and belief, the individual designated in the Factual Proffer as Individual F is now known to be Álvaro Acevedo, a high-ranking officer of Banadex.

213. Upon information and belief, the individual designated in the Factual Proffer as Individual G is now known to be Víctor Buitrago, a Banadex employee.

214. John Ordman is a former Senior Vice President for Chiquita Fresh Group, who had operational responsibility for all of Chiquita's Colombian operations, and reported to Kistinger. Upon information and belief, the individual designated in the Factual Proffer as Individual J is now known to be Mr. Ordman. Ordman knew about and approved Chiquita's payments to *convivirs* and the AUC, and reviewed those payments for "reasonableness," including after the AUC was designated as a Foreign Terrorist Organization. Ordman knew about the AUC's FTO designation no later than 2002, but continued to be involved in approving payments.

215. Freidheim, Hills, Olson, Kistinger, Keiser, Tsacalis, Acevedo, Buitrago, and Ordman are referred to collectively as the "Non-Party Executives."

216. Plaintiffs are informed and believe, and on that basis allege, that the Defendant and the Non-Party Executives are responsible in some manner for the occurrences herein alleged and that the injuries to Plaintiffs herein alleged were proximately caused by their conduct, in that each caused, conspired to cause, worked in concert to cause, participated in a joint criminal enterprise that caused, or aided and abetted the injuries complained of, and/or was the principal, employer, or other legally responsible person for the persons who caused, conspired to cause, worked in concert to cause, participated in a joint criminal enterprise that caused, and/or aided and abetted such injuries. Whenever and wherever reference is made in this Complaint to any conduct committed by Chiquita, CBI, and/or Banadex, such allegations and references shall also be deemed to mean the conduct of CBI and Banadex, acting individually, jointly and severally, through personnel working in the United States and Colombia for the benefit of CBI and Banadex.

217. At all times herein material, with respect to the events at issue, Chiquita and Banadex conspired with each other, and/or participated in a joint criminal enterprise with each other, and/or acted in concert, and/or aided or abetted each other's actions, and/or were in an agency or alter ego or joint venture relationship, and were acting within the course and scope of such conspiracy, joint criminal enterprise, concerted activity, aiding and abetting, and/or agency or alter ego or joint venture relationship. As described herein, "agency" includes agency by ratification. Whenever reference is made in this Complaint to any conduct by Chiquita or any of the Non-Party Executives, such allegations and references shall be construed to mean the conduct of each of the abovenamed, acting individually, jointly, and severally.

218. At all times herein material, with respect to the events at issue, Chiquita conspired with, worked in concert with, participated in a joint criminal enterprise with, acted as the principal of, employed, and/or aided and abetted the violent terrorist organizations responsible for Plaintiffs' injuries, including but not limited to the AUC. These terrorist organizations were acting within the course and scope of such agency, employment, and/or concerted activity. The wrongful conduct alleged herein was perpetrated by Chiquita management and personnel, including the Non-party Executives, both in Colombia and the United States.

219. Plaintiffs are informed and believe and based upon such information and belief allege that CBI management and other personnel in the United States and in Colombia were informed of the ongoing events complained of herein and participated in the decision making, planning, preparation, ratification, and/or execution of the acts complained of.

V. STATEMENT OF FACTS

A. Chiquita Supported Paramilitary Terrorists in the Colombian Conflict.

220. Chiquita supported terrorist groups in Colombia by paying them and assisting them to obtain arms and smuggle drugs. Chiquita knew that these groups used illegal violence against

civilians and intended that they employ this strategy to quell social and labor unrest in the Northeast Colombian region of Urabá and safeguard the stability and profitability of Chiquita's enterprises in Colombia.

221. Among the terrorist organizations that Chiquita supported were paramilitary groups, including the Popular Commands (*Comandos Populares*, or CP); the demobilized wing of the former EPL (*Ejército Popular de Liberación*) known as Esperanza; the Rural Self-Defense Group of Córdoba and Urabá (*Autodefensas Campesinas de Córdoba and Urabá*, or ACCU) and its successor and parent, the United Self-Defense Groups of Colombia (*Autodefensas Unidas de Colombia*, or AUC). Whenever reference is made in this Complaint to the AUC or "paramilitaries," such references shall be construed to mean the AUC, the ACCU, and any other predecessor or constituent part of the AUC or the ACCU, including Esperanza and CP or other former elements of EPL.

222. Chiquita also paid violent guerrilla groups from the late 1980s through the late 1990s, including the FARC (*Fuerzas Armadas Revolucionarias de Colombia*), ELN (*Ejército de Liberación Nacional*), and EPL, including the EPL-Caraballo wing.

223. These paramilitaries and guerrillas operated in the banana-growing region of Urabá, an area located in the northeast corner of Colombia and South America, within the Department of Antioquia.

224. Before the 1960s, the Urabá region was lightly populated, mostly by indigenous communities, and remained isolated from the central government. The United Fruit Company, the predecessor to Chiquita, expanded to the Urabá region in the early 1960s and created a Colombian subsidiary, Banadex, which produced about ten percent of the region's bananas. Many workers migrated to the region as the banana industry grew.

225. In the 1980s, leftist, anti-government guerrilla groups including the FARC, the ELN, and the EPL were active in Urabá.

226. Paramilitary groups were originally legally sanctioned “self-defense groups” (*autodefensas*), authorized by a 1968 Colombian law to assist in the fight against the anti-government guerrillas. By 1991, however, the level of extrajudicial violence in which paramilitaries were implicated had become so great that the Colombian government adopted a new law criminalizing membership in and provision of support to the paramilitary groups.

227. Over the course of the 1980s, the paramilitaries maintained strong ties to the Colombian government and increasingly worked for and with powerful private groups that were opposed by the leftist guerrillas, including businesses, industrialists, large landowners, and bankers. They also became deeply involved in the drug trade, which gave them a steady source of income to procure arms. As a result, and despite the official criminalization of the paramilitaries, they became a central component of the government’s strategy to win the civil war. At all times relevant to this complaint, the AUC and other paramilitary groups in fact collaborated closely with the Colombian government and were used by the government to oppose anti-government guerrilla groups. *See infra* ¶¶ 253-274. The AUC’s efforts were directed toward the elimination of guerrillas and destroying the suspected bases of guerrilla support. In that effort, they were supported by banana companies like Chiquita, who benefited directly from the suppression of suspected guerrilla sympathizers, such as labor union leaders.

228. The most notorious of the paramilitary autodefensas in Urabá was known as *Los Tangueros*, formed by the wealthy Castaño family and named for its family ranch, Las Tangas. From the mid-1980s to the early 1990s, this death squad assassinated numerous individuals and especially targeted the EPL guerrillas. Although they rarely engaged in open combat with guerrilla units, they assassinated suspected guerrilla supporters and sympathizers.

229. In 1991, pressured by Los Tangueros, the EPL entered into a peace agreement with the Colombian government, under which most of its members – more than 2000 fighters –

demobilized. The demobilized wing formed a political party under the name *Esperanza, Paz y Libertad* (Hope, Peace & Liberty), generally known as Esperanza. Esperanza also developed its own armed wing, known as the Popular Commandos (*Comandos Populares*). A smaller faction of EPL refused to demobilize, forming the EPL-Caraballo wing.

230. Demobilized EPL fighters became targets of EPL-Caraballo, as well as of the FARC and ELN. In response, they re-armed and formed new paramilitary forces, including CP, which recruited new fighters. Former EPL guerrillas, including CP, were commonly stationed on farms and ranches throughout the banana-growing region.

231. The CP fighters were at least tacitly supported by the Colombian state, which took no action to oppose them.

232. In 1994, the Castaño family re-formed Los Tangueros into the ACCU, a brutal force focused on taking control of Urabá from the guerrillas.

233. Around 1995, the CP were essentially merged into the ACCU. The ACCU eliminated any resistance to this move by assassinating several CP leaders.

234. The ACCU thus became the largest and most well-organized paramilitary group in Colombia. The organization was distinguished by its central command, which coordinated the activities of local subdivisions, known as “blocs” and “fronts.” Both mobile and stationary units existed, and fighters received a base salary and food, a uniform, weapons, and munitions. The commander-in-chief of the ACCU was Carlos Castaño, a long-time paramilitary fighter.

235. In 1997, Castaño and the ACCU sponsored a summit of the Self-Defense Groups of Colombia, bringing together regional paramilitaries from across the country. This summit led to the formation of the AUC, a national federation uniting Colombia’s regional paramilitaries under Castaño’s leadership. At all times relevant to this Complaint, Castaño remained the leader of the AUC.

236. The AUC grew rapidly in size during the late 1990s and into the twenty-first century. In 1997, it comprised roughly 4,000 combatants. By 2001, Castaño claimed that the AUC had 11,000 members, though government estimates put the number somewhere between 8,000 and 9,000. By 2002, AUC forces were present throughout Colombia. AUC leaders have claimed that, at the time the process of demobilization began in 2004, the organization included as many as 17,000 armed fighters and 10,000 other associates, including informants, cooks, drivers, and computer technicians.

237. In order to undermine communities' and individuals' support for the guerrillas, the AUC and its constituent groups, including the ACCU, adopted a strategy of terrorism, routinely engaging in death threats, extrajudicial killings, attacks on civilian populations, torture, rape, kidnapping, forced disappearances, and looting. The AUC purposely used killings and cruelty to terrorize the civilian population into ceasing support for guerrilla groups.

238. While the AUC periodically engaged in direct combat with armed guerrilla forces, the vast majority of its victims were civilians. The AUC claimed that it was justified in targeting civilians with no known ties to guerrillas because guerrilla groups required the logistical support of local towns in order to operate in the region. Carlos Castaño, the AUC leader, described this strategy as “quitarle agua al pez” (draining the water to catch the fish), as the AUC sought to intimidate and coerce civilians to prevent them from providing support to guerrillas.

239. Inhabitants of small towns in contested rural areas were particularly vulnerable to AUC attack. The AUC would enter villages with lists of alleged guerrilla supporters and attempt to kill everyone on the list. AUC violence often caused entire communities to disperse, either due to threats of an impending massacre or in the wake of such massacres and the looting and destruction that commonly accompanied them.

240. The AUC also targeted anyone considered to share the guerrillas' leftist ideology, such as teachers, community leaders and activists, trade unionists, human rights defenders, religious workers,

and leftist politicians. The banana companies shared the AUC's opposition to these individuals and organizations. As part of its efforts to completely dominate the social and political life of the regions it controlled, the AUC also targeted anyone considered socially undesirable, including indigenous persons, persons with disabilities, persons with psychological problems, drug addicts, prostitutes, and suspected petty criminals.

241. The abuses of the AUC and its constituent groups, including the ACCU, covered a large area, affected a large population, and were carried out according to a systematic and well-coordinated plan between the government, the paramilitaries, and the companies that financed them. These groups operated throughout the banana-growing region of Urabá, as well as in other parts of Colombia. On many occasions from at least 1994 through 2004, they carried out multiple executions or mass-killings of civilians; by 1997, the ACCU and other AUC groups were already responsible for at least 150 such instances of mass-killings. From its founding, the AUC's activities and abuses have been carried out under the direction of a central command.

242. At all times relevant to this complaint, the AUC and its constituent groups, including the ACCU, participated in an internal armed conflict in Colombia, in which the paramilitaries were fighting on behalf of the government against guerrilla forces.

243. Through the ACCU, the AUC was subdivided into two blocs in Urabá, the Banana Bloc and the Elmer Cárdenas Bloc. While there had been paramilitaries under the control of the Castaño family in Urabá since the 1980s, the Banana Bloc was formally created in Urabá in 1994 under the ACCU. José Ever Veloza García – a.k.a. “H.H.” – was selected as one of the first commanders. In later years, the Banana Bloc operated through two fronts: the Turbo Front in Northern Urabá, under the command of H.H., and the Banana Front in the south, led by Raúl Hasbún.

244. The Elmer Cárdenas Bloc began as a private defense group that united with the ACCU in 1995. It was commanded by Freddy Rendón Herrera – a.k.a. “El Alemán” – and Elmer Cárdenas

until Cárdenas was killed by the guerrillas in 1997. The Elmer Cárdenas Bloc also received men, training, and assistance from the Banana Bloc. Both blocs received funding from the banana companies, including Chiquita, directly or through the *Convivir* Papagayo. *See infra* ¶¶ 245-252 (*convivir*).

B. The *Convivir* Were Created to Legitimize and Provide Support to the Paramilitaries.

245. Although paramilitarism had been declared illegal in Colombia, the Colombian government still needed the paramilitaries to assist in the armed conflict against the guerillas; Decree 356 of 1994 was therefore enacted as a new legal mechanism to provide cover and a legitimate avenue of funding for the AUC. Paramilitaries could easily reorganize and continue operating under Chapter 5 of this Decree, which allowed for the authorization of private groups to provide “Special Vigilance and Private Security Services.” These security groups, known commonly by their Spanish-language acronym “CONVIVIR,” consisted of civilians who received a license from the government to “provide their own security . . . in areas of high risk or in the public interest, which requires a high level of security.” *Convivir* were permitted to use arms that were otherwise restricted to military use.

246. The *convivir* units in Urabá were fronts for the ACCU and the AUC from their inception. Many were directed and populated by known paramilitaries; this was common knowledge in the region. As H.H. once remarked publicly, “Let us not deceive ourselves: all the *convivir* were ours.” The 17th Brigade of the Colombian Armed Forces, which was infamous for its close collaboration with the paramilitaries in Urabá, was given the authority to select members of the *convivir* in Urabá. *See infra* ¶¶ 264-272 (describing the close collaboration between the 17th Brigade and the paramilitaries).

247. Álvaro Uribe, who later became President of Colombia, was governor of Antioquia at the time of the creation of the *convivir*. Uribe authorized the funding, arming, and funneling of information to the *convivir*, thereby facilitating the sharing of such funds, arms, and information with

the AUC. Uribe expected the *convivir* groups to fight the guerrillas – both alongside the military and on their own, since they were often in a position to engage their opponents before troops could arrive. He justified arming these groups with long-range weapons after noting that their revolvers and smaller weapons were insufficient to combat the guerrillas.

248. On information and belief, the impetus to organize *convivir* groups in Urabá came from Raúl Hasbún, a banana plantation owner who served as an intermediary between the banana companies and the AUC, and who eventually became commander of the AUC’s Banana Bloc. Hasbún approached Uribe with the intention of creating a new *convivir* in Urabá. The paramilitaries, the government, and the banana companies saw the *convivir* as an ideal means of legalizing the companies’ payments to the paramilitaries.

249. The *convivir* units in Urabá facilitated communication and collaboration between the government and paramilitaries. The twelve units functioned as a network and sent intelligence both to the military and to paramilitary commanders such as Hasbún. The military and paramilitaries would both respond to information detailing the location of guerrillas, but often the military would allow the paramilitaries to take on the majority of the fighting, since the paramilitaries had better resources and fewer limitations on their conduct.

250. Chiquita and other banana companies often made payments to one unit, the *Convivir* Papagayo, which passed the money on to the AUC. *See infra* ¶¶ 306-311 (details on payment arrangements).

251. The banana companies recorded these as payments for “security services.” However, personnel of Chiquita and other banana companies both in the U.S. and Colombia knew that the *convivir* was directing these payments directly to the AUC. *See infra* ¶¶ 306-311; 392-393 (details on payment arrangements; meeting between Chiquita and paramilitaries).

252. In 1997, the Colombian Constitutional Court affirmed the legality of the *convivir* system but

prohibited *convivir* members from carrying restricted arms or conducting intelligence work. Many *convivir* units were dismantled, as these limitations crippled their effectiveness. The *Convivir* Papagayo was one of only two *convivir* units that remained, as it remained useful as a conduit for payments from Chiquita and other banana companies to the AUC. Arnulfo Peñuela, the director of the *Convivir* Papagayo at the time, has been prosecuted in Colombia for his ties to the AUC.

C. The AUC Acted Under Color of Authority of the Colombian Government in Committing the Acts Alleged Herein.

- i) The AUC and other paramilitary groups were founded with the cooperation of the Colombian Government, and were assigned by the Government to combat left-wing guerrillas using methods that included using criminal violence against civilians and unions.*

253. As part of the Colombian government's strategy for defeating the left-wing insurgency, senior officials in the Colombian civilian government and the Colombian security forces collaborated with the AUC and assisted the paramilitaries in orchestrating attacks on civilian populations, extra-judicial killings, murders, disappearances, forced displacements, threats and intimidation against persons including Plaintiffs.

254. Paramilitarism was state policy in the Republic of Colombia. Because the regular military was unable to effectively address the FARC insurgency, the Colombian government decided to facilitate the creation and funding of the AUC and other paramilitaries with the aim of using this unofficial force to defeat the insurgency.

255. As outside organizations placed increased pressure and scrutiny upon the military to improve its human rights record, military leaders decided to leave much of their "dirty work" – brutal violence against civilians and suspected guerrillas in violation of Colombian and customary international law – to the paramilitaries. Despite the fact that the AUC was a party to the armed conflict and thus was subject to the laws of war, one commander of the AUC asserted, "the Colombian military felt itself bound to the Geneva Conventions. The AUC was not."

256. As a result of this interdependence, longstanding and pervasive ties have existed between the paramilitaries and official Colombian security forces from the beginning. In the 1980s, paramilitaries were partially organized and armed by the Colombian military and participated in the campaigns of the official armed forces against guerrilla insurgents. Paramilitary forces included active-duty and retired army and police personnel among their members. Despite the 1989 Decree establishing criminal penalties for providing assistance to paramilitaries, the continued existence of military/paramilitary ties has been documented by Colombian nongovernmental organizations, international human rights groups, the U.S. State Department, the Office of the U.N. High Commissioner for Human Rights, and the Colombian Attorney General's office. Cooperation with paramilitaries has been demonstrated in half of Colombia's eighteen brigade-level Army units, spread across all of the Army's regional divisions. Such cooperation is so pervasive that the paramilitaries are referred to by many in Colombia as the "Sixth Division" – a reference to their close integration with the five official divisions of the Colombian Army.

257. Since 2006, considerable information on paramilitarism and the atrocities of the Colombian civil war has emerged as part of Colombia's Reparation and Reconciliation process. Largely using information derived from this process, Colombian authorities have charged members of Colombia's Congress, former lawmakers, the former head of the secret police, mayors and former governors with illegally collaborating with paramilitaries. According to testimony from Salvatore Mancuso, who succeeded Castaño as national commander of the AUC, Vice President Francisco Santos and Defense Minister Juan Manuel Santos met and collaborated with paramilitaries like Mancuso in a plot to extend the paramilitary model to Bogotá. Senior officers in the Colombian military, including but not limited to former Military Forces Commanders Major General Manuel Bonett, General Harold Bedoya, Vice Admiral Rodrigo Quinones, Gen. Jaime Uscategui; Gen. Rito Alejo del Rio, General Mario Montoya, Colonel Danilo Gonzalez, Major Walter Fratinni and Defense Minister

Juan Manuel Santos, collaborated with, facilitated, and/or aided and abetted the AUC in the commission of various attacks on civilian populations, extrajudicial killings and other atrocities against civilians, and/or gave tacit support to and acquiescence in the AUC's activities. General Montoya was linked to Diego Murillo, the former leader of an AUC-affiliated paramilitary group in Medellín. Many other high-ranking staff officers are known to have had close ties to the AUC and other paramilitaries, thereby creating a haven for the paramilitary activity in the very heart of the military establishment.

258. Boundaries between the AUC and the military at times were amorphous, as some paramilitary members were former police or army members, while some active-duty military members moonlighted as paramilitary members and became thoroughly integrated into these groups. Paramilitary leaders noted that Colombian security forces in Urabá allowed members of the AUC to serve as proxies in their pursuit of guerrilla forces, largely due to the military's operative incapacity to defeat the guerrillas on its own.

259. Colombian security forces in Urabá – with the knowledge and collaboration of high-level officials in the national government – have willfully failed to prevent or interrupt the crimes of the AUC, actively conspired with them, and coordinated activities with them. Documented examples in Urabá include:

- Allowing paramilitaries to establish permanent bases and checkpoints without interference, often within short distance of military bases for mutual support;
- Failing to carry out arrest warrants for paramilitary leaders, who move about the country freely;
- Withdrawing security forces from villages deemed sympathetic to guerrillas, leaving them vulnerable to attack by paramilitaries;
- Failing to intervene to stop ongoing attacks on civilian populations occurring over a

period of days;

- Sharing intelligence, including the names of suspect guerrilla collaborators;
- Sharing vehicles, including army trucks used to transport paramilitary fighters;
- Supplying weapons and munitions;
- Providing special military training;
- Allowing passage through roadblocks;
- Providing support with helicopters and medical aid;
- Communicating via radio, cellular telephones, and beepers;
- Sharing members, including active-duty soldiers serving in paramilitary units and paramilitary commanders lodging on military bases; and
- Planning and carrying out joint operations.

260. Accordingly, by late 1996, the AUC had become a major combatant in Colombia's civil conflict with the FARC. In most of the rural areas where the FARC had its strongholds, the Colombian military had ceded military operations to the AUC. By 2001, the conflict between the AUC and the FARC had become a notorious exchange of atrocities. The AUC became infamous for using tactics of terror on civilians living in and around areas that had been under FARC control, as a means of deterring support for the guerrillas and their ideologies.

ii) The AUC consistently operated in Urabá with the cooperation, coordination, and assistance of the Colombian Government when attacking civilians.

261. It was in Urabá that a model of collaboration between the paramilitaries, the business sector, and the government was developed and perfected. An alliance was formed between politicians, active military units, multinational companies, businessmen, and paramilitaries in order to impose a regime of terror and consolidate the dominance of the AUC, which would wrest control of the countryside back from the leftist guerrillas. The first paramilitary groups to operate in Urabá in a

systematic and continuous manner received special training from the Colombian military.

262. When the government or the military was not able to legally arrest or attack civilians, they would delegate the task to the AUC or to *convivir* associated with the paramilitaries to act on their behalf. These targets included suspected guerrilla sympathizers, including teachers, community leaders, trade unionists, human rights defenders, religious workers, and leftist politicians, as well as people with no known or suspected ties to the guerrillas but who were killed to terrify and dominate the civilian population. According to both H.H. and Raúl Hasbún, the military gave the AUC lists of people to kill when they felt impotent to fight the guerrillas themselves legally and constitutionally, or when they could not arrest and try them for any crime.

263. In addition to violently attacking civilians, the paramilitary performed other functions for the military in its war against the guerrillas. For example, at times, the military and paramilitaries would cooperate to evict communities from their land. In 2001, the paramilitaries carried out a food blockade in Urabá that severely affected the civilian population in an effort to “decrease the military capacity of the enemy.”

264. The AUC in Urabá consistently ran joint operations with the military. The 17th Brigade of the Colombian Army, located in the Urabá region, and the 4th Brigade, sister unit to the 17th Brigade in the Medellín region, were especially active in their support of and involvement in paramilitary activities, up to and including engaging in joint operations. For example, the Elmer Cárdenas Bloc of the AUC regularly received logistical support and transportation from the 17th Brigade and other units of the Colombian army and conducted joint operations with the 17th Brigade.

265. General Rito Alejo del Río Rojas, the commander of the 17th Brigade from 1995 to 1997 who was responsible for military operations in Urabá, was notorious for his collaboration and collusion with paramilitaries in the region. H.H. has described General del Río as one of the most

important factors in allowing the expansion of paramilitarism in Urabá, because of the cooperation and support he gave the AUC in the regions where the 17th Brigade operated and elsewhere.

General del Río was known as the “father of the paramilitaries” because he gave them uniforms and military training.

266. General del Río was finally arrested in 2008 and was convicted of homicide related to his collaboration with the AUC during his time as 17th Brigade Commander. H.H. has testified that he twice witnessed del Río meeting with the founder and national commander of the AUC, Carlos Castaño. Salvatore Mancuso testified that del Río met with him and other commanders to coordinate the paramilitaries' expansion throughout northern Colombia.

267. AUC paramilitaries could enter and leave the 17th Brigade's headquarters at will, with the knowledge and permission of General del Río. In one instance, H.H. discovered that a criminal whom the AUC sought was being held at the Brigade headquarters; he and others from the AUC went to the 17th Brigade, picked up the prisoner, transported him to the port at Turbo using a military van, and murdered him. Salvatore Mancuso reported a similar story. Furthermore, on his visits to the 17th Brigade – during which he often planned joint operations with General del Río and then-Captain Bayron Carvajal – H.H. was consistently allowed to recruit soldiers for the AUC.

268. General del Río's role in promoting and supporting paramilitarism was not merely the work of a single rogue military officer; rather it was part of the Colombian government's strategy to fight the guerrillas. On information and belief, many other army brigades had similar relationships with paramilitaries, including the 4th and 11th Brigades.

269. Gloria Cuartas, then the mayor of Apartadó, and others complained repeatedly and provided evidence to the General's superiors about his collusion with paramilitaries, but their complaints were ignored. Colonel Carlos Alfonso Velasquez Romero, a 17th Brigade officer, was investigated and discharged in January 1997 on the order of Army Commander Harold Bedoya when he tried to

report on the General and the 17th Brigade's close association with the AUC.

270. On information and belief, Colonel Anatolio Correa Figueroa and Colonel Santiago Parra Rubiano of the Urabá Police colluded with the AUC to block complaints against the AUC or their military collaborators from developing into investigations or prosecution.

271. In October 1997, members of the Army's 4th Brigade established a perimeter around the village of El Aro, in Antioquia. While the Army prevented entry and escape, members of the AUC entered the village and over a period of five days executed at least eleven people, burned most of the houses, looted stores, and destroyed pipes that fed the homes potable water. Upon leaving the village, the paramilitaries forcibly disappeared over thirty more people and compelled most of the residents to flee.

272. On February 19, 2000, the AUC selectively assassinated five civilians in the "peace community" of San Jose de Apartadó, in Urabá; reports indicated that members of the 17th Brigade were direct participants in the attack.

273. When asked to rank their collaboration between the AUC and the Colombian military on a scale of one to ten, with ten being maximum collaboration, H.H. rated it as a ten, specifically citing the helpfulness of General del Río and Colonel Carvajal.

274. This model of collaboration between the paramilitaries, the companies, and the government was so successful in Urabá that Raúl Hasbún explained it to Jorge 40, commander of the AUC in the Magdalena region, so he could implement it there. Thereafter, the model spread to many other regions of Colombia.

iii) The AUC took on numerous State functions in Urabá, including the maintenance of security and order, the disposition of personal and commercial disputes, the provision and regulation of social services, and the imposition of social rules.

275. Throughout Urabá, Santa Marta and other regions of Colombia, the AUC took on a wide variety of roles that are generally thought of as state functions. In many urban areas, the AUC

coexisted with civilian authorities and took on police and military functions, among others. In some rural areas – and particularly on banana plantations – the paramilitaries were virtually the only public authority.

276. The paramilitaries took on so many governmental functions in Urabá that it became a common saying in the area that “Here, paramilitaries and the State are the same thing.” It was the paramilitaries who would receive complaints from locals regarding criminal activity or conflicts with neighbors, and it was they who dispensed their brutal brand of justice in response.

277. In addition to settling disputes between individuals, the AUC became involved in social issues. The paramilitary organizations’ involvement in residents’ daily lives reached the extent of intervention in domestic issues, disputes between neighbors, collection of debts, and truancy from school.

278. The AUC was even able to control the roads; on information and belief, they were able to shut down stretches of the Pan-American Highway on some occasions in order to use it as a runway for planes arriving with weapons and ammunition and exporting drugs.

D. Chiquita Supported the Paramilitaries in Urabá.

279. Chiquita, as the successor to the United Fruit Company and the United Brands Company, has been involved in the production and exportation of produce from Central and South American nations, including Colombia, for over a century. At all relevant times, Chiquita produced bananas in the Urabá and Santa Marta regions of Colombia.

280. Starting the late 1980s, Chiquita changed its approach to growing bananas in Colombia, purchasing its own farms despite the risk that this would increase its vulnerability to armed groups. Indeed, Chiquita received – and started paying – extortion demands from guerrilla groups almost immediately after it started purchasing land.

281. In response, Chiquita supported the growth of right-wing, anti-guerrilla paramilitary terrorist

groups, while at the same time still purchasing more farms in Colombia.

282. On information and belief, from no later than 1992 until at least 2004, Chiquita provided material support, including money and services, to the AUC and its predecessors.

283. Chiquita's assistance helped the paramilitaries to consolidate as a decisive actor in the political, military, and social terrain of the banana region. In exchange for its financial support to the AUC, Chiquita was able to operate in an environment in which labor and community opposition to their operations and policies was suppressed.

i) Chiquita's decision to adopt an "owned-fruit" strategy exposed it to guerrilla threats.

284. Although Chiquita has operated in Colombia for many years, it typically purchased bananas from private farms.

285. In 1987 or 1988, Chiquita concluded that it would be more profitable to directly own banana farms. It made a business decision to purchase farms in Colombia and began to aggressively acquire farms in Colombia's banana zones: Urabá (centered on Turbó) and Magdalena (centered on Santa Marta). Chiquita's top management – including Ordman, Kistingner, President Keith Lindner, and the Board of Directors – made the decision to purchase farms in Colombia. This was referred to as switching from a "purchased-fruit" to an "owned-fruit" strategy.

286. Chiquita was able to benefit from the political instability in the region, including guerrilla violence, to buy bankrupt and financially distressed farms. For example, Chiquita purchased a farm known as 'La Negra' merely months after a well-known and well-publicized massacre of workers on that farm, which was reported on in all major Colombian news outlets in Colombia.

287. Chiquita was aware that guerrillas attacked farm managers and made extortion demands before and during the period that it decided to purchase farms in Colombia. One internal memo stated: "There was general discussion of the social, political, and guerilla situation in the Urabá zone," where Chiquita was planning to purchase farms. "Keiser provided an overview of the activity

in the zone. . . . all owners and employees are perpetually at risk of murder, violence and extortion by the guerrillas All of the marketing associations have had [] bombed or vandalized.”

288. Chiquita knew that it would become a target of guerrilla groups if knowledge of its ownership of farms became widespread. Thus, cognizant of the guerrilla threat, Chiquita tried to hide its ownership of the farms, through third parties.

289. Nonetheless, shortly after beginning to acquire farms, around 1988 or 1989, Chiquita did receive an extortion demand from the FARC; the threat was communicated by Keiser and Ordman to Chiquita personnel in Cincinnati, and there was a “corporate policy decision” made by top management in Cincinnati – including Kistingner – to make the payment.

290. The payments to the guerrillas were considered the cost of doing business in Colombia. For the next several years – pursuant to direction from the US – Chiquita formalized a system for paying guerrilla groups, ultimately paying the FARC, the ELN, and the EPL.

291. The guerrillas’ extortion threats were not idle. On several occasions, containers were intercepted and burned by guerrillas. Chiquita packing stations were attacked and burned. In the early 1990s, Chiquita facilities in Turbo were attacked and blown up by guerrillas.

292. Guerrilla activity generally disrupted banana operations for Chiquita, affecting productivity and profitability. Chiquita was concerned that the guerrillas held influence with workers and unions on their farms and that the guerrillas were behind strike activity; union activity was tracked, at times, by Chiquita’s security office.

293. Despite the extortion, Chiquita did not consider changing its “owned-fruit” strategy. To the contrary, it continued to aggressively acquire farms, while paying and negotiating with the guerrillas. As Ordman put it, Chiquita negotiated and tried not to pay a “filthy fortune.”

294. This strategy was extremely profitable for Chiquita. By the late 1990s Chiquita owned about 35 farms across Urabá and Magdalena and employed around 4,000 employees, and continued to

acquire farms until at least 2002. Between September 2001 and January 2004, the Colombian operations generated around \$50 million in profits; by 2003, Banadex was Chiquita's most profitable banana producing operation.

ii) Chiquita supported the AUC's predecessors.

295. Though Chiquita also made payments to the Colombian military and supported their antiguerrilla efforts, the company was concerned that the military's combat capacity was weak, and that they were unable to drive out the guerrillas.

296. No later than 1992, Chiquita began supporting anti-guerrilla paramilitary forces, both directly and through banana industry associations.

297. Chiquita paid former EPL fighters, including CP/Esperanza, for security on their farms. CP was armed with the assistance of both the army and the banana industry, and former EPL fighters were posted directly on banana farms – including Chiquita's.

298. In 1993, Chiquita secured an agreement with Esperanza in which Chiquita withdrew its own security guards from farms, to be replaced by former EPL fighters. Internal documents noted that the former guerrillas were "willing to insure peace in the farms in which they have most influence," specifically, Chiquita paid the group so that "people do not steal from us or damage the farms and so that there is a peaceful relationship with the workers."

299. Unlike the payments to guerrillas, payments to former EPL fighters/CP/Esperanza were not for extortion, but for security.

300. Chiquita knew that the former EPL fighters targeted workers and unionists suspected of having leftist or FARC sympathies.

301. Chiquita's reliance on EPL for security also put its own workers at risk of retaliation. In 1995, FARC retaliated against Chiquita farm workers suspected of having ties to EPL by massacring approximately 25 workers taken from a bus.

302. Chiquita also supported the CP through AUGURA, the main banana industry association. Chiquita was a member of AUGURA, and its Colombian counsel sat on AUGURA's board. Chiquita made contributions to AUGURA, which in turn supported the CP, with Chiquita's knowledge.

303. On information and belief, no later than 1995, Chiquita also began making payments to the ACCU's Banana Bloc, directly and/or through AUGURA.

304. Much of Chiquita's support was routed through *convivirs*. By 1996, Chiquita was paying the ACCU through the *convivirs*.

305. By 1997, the AUC – primarily through the ACCU – effectively controlled large swathes of territory – particularly in the towns and urban areas – as well as exerting influence in institutions such as labor organizations and local governments in these regions.

iii) Chiquita regularly made payments to the AUC.

306. Chiquita paid the AUC nearly every month during the period 1997–2004, making over one hundred payments to the AUC totaling over \$1.7 million. During those years, the AUC killed approximately 3,778 people and displaced approximately 60,000 in the Urabá region. And, according to data from the Colombian Center for Historical Memory, from 1995-2006, the paramilitaries were responsible for killing, massacring, or disappearing a minimum of approximately 101,156 Colombian civilians and committing approximately 10,506 acts of torture around the country.

307. Chiquita's payments to the AUC were reviewed and approved by senior executives of the corporation as well as high-ranking officers, directors, and employees. Chiquita's senior executives knew that the corporation was paying the AUC and that the AUC was a violent, paramilitary organization led by Carlos Castaño.

308. Some of Chiquita's payments were made directly to the AUC or to front organizations like the *Convivir* Papagayo. The majority of direct payments were made in the form of checks written to

the *convivir*, drawn on Banadex's Colombian bank account. Chiquita concealed the nature of these payments by recording them in corporate books and records as "security payments" or payments for "security" or "security services."

309. In September 2000, Chiquita's General Counsel, Robert Olson, was informed of the results of an investigation into Chiquita's payments to the AUC, which had been carried out by in-house Chiquita attorneys. That investigation confirmed that Chiquita's payments to the *convivir* were in fact supporting violent paramilitary terrorists; on information and belief, Chiquita and the Non-Party Executives already knew this. Chiquita executives were presented with the report, and Olson also reported the results to the company's Audit Committee. Cyrus Friedheim and Roderick Hills, CEO and Chair of Chiquita's Audit Committee, respectively, were present at this meeting. By March 2002, Chiquita's Controller, Robert Tsacalis, and Chiquita V.P. John Ordman had designed new procedures to disguise payments to the AUC. Olson, Hills and other individuals who had been present at the presentation of the investigation reviewed and implemented these procedures, and Ordman approved them in May 2002.

310. Under the new procedures, Banadex executives Álvaro Acevedo and Víctor Buitrago received checks with the intent that they would be withdrawn as cash and handed directly to the AUC. Acevedo received a check made to him personally and drawn on the Colombian bank accounts of Chiquita's subsidiary. Acevedo then endorsed the check and Acevedo or Buitrago cashed it. Acevedo hand delivered the cash to AUC personnel in Santa Marta. Corresponding tax liability was withheld and Acevedo and Buitrago reported and paid income tax as if the payments were actually being made to them instead of the AUC. Chiquita made payments in this way in order to conceal the fact that they were actually paying the AUC; it recorded these payments simply as income contributions.

311. Chiquita formed an agreement with the AUC, paying them in exchange for their services in

pacifying the banana-growing region and suppressing union activity. This agreement specified that Chiquita would pay the paramilitaries a fixed amount for each box of bananas exported. Chiquita did not report this agreement or these payments to the Colombian authorities at the time.

312. At all relevant times, Chiquita knew that the AUC was a violent, terrorist paramilitary organization, as its brutal aims and tactics were well-known in Colombia as a central feature of the Colombian civil war. On September 10, 2001, the United States government designated the AUC as a Foreign Terrorist Organization (“FTO”). That designation was well-publicized in the American public media, including in the Cincinnati Post on October 6, 2001, and in the Cincinnati Enquirer on October 17, 2001, as well as in the Colombian media. Following the designation, from on or about September 10, 2001, through on or about February 4, 2004, Chiquita made fifty payments to the AUC totaling over \$825,000.

313. On or about September 12, 2001, Buitrago paid the AUC in Urabá and Santa Marta by check in an amount equivalent to \$31,847.

314. On or about November 14, 2001, Acevedo and Buitrago paid the AUC in Urabá and Santa Marta by check in the amount equivalent to \$56,292.

315. On or about December 12, 2001, Acevedo and Buitrago paid the AUC in Urabá and Santa Marta by check in an amount equivalent to \$26,644.

316. On or about February 4, 2002, Acevedo and Buitrago paid the AUC in Urabá and Santa Marta by check in an amount equivalent to \$30,079.

317. On or about March 7, 2002, Acevedo and Buitrago paid the AUC in Urabá and Santa Marta by check in an amount equivalent to \$25,977.

318. On or about March 31, 2002, Acevedo and Buitrago paid the AUC in Santa Marta in cash in two equal payments in amounts equivalent to \$3,689 each.

319. On or about April 16, 2002, Acevedo and Buitrago paid the AUC in Urabá by check in an

amount equivalent to \$35,675.

320. On or about May 15, 2002, Acevedo and Buitrago paid the AUC in Urabá by check in an amount equivalent to \$10,888.

321. On or about May 31, 2002, Acevedo and Buitrago paid the AUC Santa Marta in cash in two equal payments in amounts equivalent to \$3,595 each.

322. In or about June 2002, Acevedo and Buitrago began making direct cash payments to the AUC in the Santa Marta region of Colombia according to the procedures referenced above.

323. On or about June 11, 2002, Acevedo and Buitrago paid the AUC in Santa Marta in cash in three payments in amounts equivalent to \$4,764, \$6,670, and \$6,269, respectively.

324. On or about June 14, 2002, Acevedo and Buitrago paid the AUC in Urabá by check in an amount equivalent to \$31,131.

325. On or about July 2, 2002, Acevedo and Buitrago paid the AUC in Urabá by check in an amount equivalent to \$11,585.

326. On or about July 9, 2002, Acevedo and Buitrago paid the AUC in Santa Marta in cash in an amount equivalent to \$5,917.

327. On or about August 6, 2002, Acevedo and Buitrago paid the AUC in Santa Marta in cash in an amount equivalent to \$4,654.

328. On or about August 15, 2002, Acevedo and Buitrago paid the AUC in Urabá by check in an amount equivalent to \$27,841.

329. On or about September 2, 2002, Acevedo and Buitrago paid the AUC in Santa Marta in cash in an amount equivalent to \$4,616.

330. On or about October 7, 2002, Acevedo and Buitrago paid the AUC in Santa Marta in cash in an amount equivalent to \$8,026.

331. On or about October 15, 2002, Acevedo and Buitrago paid the AUC in Urabá by check in

an amount equivalent to \$40,419.

332. On or about November 8, 2002, Acevedo and Buitrago paid the AUC in Santa Marta in cash in an amount equivalent to \$6,164.

333. On or about November 29, 2002, Acevedo and Buitrago paid the AUC in Santa Marta in cash in an amount equivalent to \$5,685.

334. On or about December 9, 2002, Acevedo and Buitrago paid the AUC in Urabá by check in an amount equivalent to \$47,424.

335. On or about January 21, 2003, Acevedo and Buitrago paid the AUC in Santa Marta in cash in an amount equivalent to \$7,954.

336. On or about January 27, 2003, Acevedo and Buitrago paid the AUC in Urabá by check in an amount equivalent to \$22,336.

337. On or about February 11, 2003, Acevedo and Buitrago paid the AUC in Santa Marta in cash in an amount equivalent to \$7,291.

338. In 2003, Chiquita consulted with attorneys from the District of Columbia office of a national law firm (“outside counsel”) about Chiquita’s ongoing payments to the AUC. Outside counsel advised Chiquita that the payments were illegal under United States law and that Chiquita should immediately stop paying the AUC directly or indirectly. Among other things, outside counsel advised Chiquita:

“Must stop payments.”
(notes, dated February 21, 2003)

“Bottom Line: CANNOT MAKE THE PAYMENT”
“Advised NOT TO MAKE ALTERNATIVE PAYMENT through CONVIVIR”
“General Rule: Cannot do indirectly what you cannot do directly”
“Concluded with: CANNOT MAKE THE PAYMENT”
(memo, dated February 26, 2003)

“You voluntarily put yourself in this position. Duress defense can wear out through repetition. Buz [business] decision to stay in harm’s way. CHIQUITA should leave Colombia.”

(notes, dated March 10, 2003)

“[T]he company should not continue to make the Santa Marta payments, given the AUC’s designation as a foreign terrorist organization[.]”
(memo, dated March 11, 2003)

[T]he company should not make the payment.”
(memo, dated March 27, 2003)

339. Although CBI’s Board of Directors agreed to disclose its payments to the AUC to the U.S. Department of Justice on or about April 3, 2003, on or about April 4, 2003, according to outside counsel’s notes concerning a conversation about Chiquita’s payments to the AUC, Olson said, “His and Hills’ opinion is just let them sue us, come after us. This is also Freidheim’s opinion.” On April 8, 2003, Hills and Kistingner met with two Chiquita employees and Acevedo and Buitrago, and instructed them to continue making the payments to the AUC. On April 24, 2003, Hills and Olson, along with outside counsel, met with Justice Department officials, who told CBI the payments were illegal. Nonetheless, Chiquita continued to make the payments through Acevedo and Buitrago until at least February 2004.

340. After a brief pause, Chiquita resumed making payments to the AUC in May 2003. On information and belief, this resumption was authorized by Olson, Kistingner, and Ordman, as well as Hills and Freidheim.

341. On or about May 12, 2003, Acevedo and Buitrago paid the AUC in Santa Marta in cash in an amount equivalent to \$6,105.

342. On or about May 21, 2003, Acevedo and Buitrago paid the AUC in Urabá by check in an amount equivalent to \$47,235.

343. On or about June 4, 2003, Acevedo and Buitrago paid the AUC in Santa Marta in cash in an amount equivalent to \$7,623.

344. On or about June 6, 2003, Acevedo and Buitrago paid the AUC in Santa Marta in cash in two payments in amounts equivalent to \$6,229 and \$5,764, respectively.

345. On or about July 14, 2003, Acevedo and Buitrago paid the AUC in Santa Marta in cash in an amount equivalent to \$7,139.

346. On or about July 24, 2003, Acevedo and Buitrago paid the AUC in Urabá by check in an amount equivalent to \$35,136.

347. On or about August 8, 2003, Acevedo and Buitrago paid the AUC in Santa Marta in cash in an amount equivalent to \$5,822.

348. On or about August 25, 2003, Acevedo and Buitrago paid the AUC in Urabá by check in an amount equivalent to \$12,850.

349. On or about September 1, 2003, Acevedo and Buitrago paid the AUC in Santa Marta in cash in an amount equivalent to \$6,963.

350. On or about October 6, 2003, Acevedo and Buitrago paid the AUC in Urabá by check in an amount equivalent to \$18,249.

351. On or about October 6, 2003, Acevedo and Buitrago paid the AUC in Santa Marta in cash in an amount equivalent to \$9,439.

352. On or about October 24, 2003, Acevedo and Buitrago paid the AUC in Urabá by check in an amount equivalent to \$30,511.

353. On or about November 5, 2003, Acevedo and Buitrago paid the AUC in Santa Marta in cash in an amount equivalent to \$6,937.

354. On or about December 1, 2003, Acevedo and Buitrago paid the AUC in Santa Marta in cash in an amount equivalent to \$6,337.

355. On or about December 2, 2003, Acevedo and Buitrago paid the AUC in Urabá by check in the amount equivalent to \$30,193.

356. On or about January 9, 2004, Acevedo and Buitrago paid the AUC in Santa Marta in cash in an amount equivalent to \$10,630.

357. On or about January 13, 2004, Acevedo and Buitrago paid the AUC in Urabá by check in an amount equivalent to \$27,958.

358. On or about February 4, 2004, Acevedo and Buitrago paid the AUC in Urabá by check in an amount equivalent to \$4,795.

359. On March 19, 2007, Chiquita pled guilty in U.S. District Court for the District of Columbia to one count of engaging in transactions with a specially designated global terrorist. The company's sentence included a \$25 million criminal fine, the requirement to implement and maintain an effective compliance and ethics program, and five years' probation.

iv) Chiquita's funding was material to paramilitary operations in the Urabá region.

360. Chiquita's support was important early funding for paramilitary groups in the banana region of Urabá beginning in the early 1990s. On information and belief, Chiquita, along with other business interests including banana growers and ranchers, funded pre-AUC paramilitary groups, such as the CP and the ACCU, in the early and mid-1990s. Chiquita's funding of these groups was substantial and included funding for guards on Chiquita farms.

361. Banana industry financing allowed paramilitary groups to enter the Urabá region, and later, the Santa Marta region. When paramilitaries first entered Urabá, they were provided safe haven and allowed to stay on and even live on some banana farms, including Banadex farms.

362. Since Chiquita's payments to the AUC were negotiated early on and centrally, the funds served as a key initial injection of resources for the AUC. This seed funding enabled them to raise the necessary manpower to engage in other war-making and fundraising activities on the ground.

363. Banana companies were determinative for starting and prolonging the armed conflict in the Urabá region, providing a permanent source of logistical and financial support that allowed the AUC to expand territorially while ensuring that the production and exportation of bananas would not be paralyzed by strikes promoted by the insurgency.

364. The paramilitaries that used Chiquita's money, such as H.H. and Hasbún, recognized that the payments were the motor to sustain and grow the self-defense groups. The money Chiquita paid to the AUC helped to fund a headquarters, buy vehicles, equipment, and weapons and ammunition.

365. Mancuso estimated that it cost \$250-300 per month to keep a soldier in the field. The \$1.7 million Chiquita paid the AUC would have supported 536 foot soldiers for an entire year, or 76 foot soldiers for the 1997-2004 time period. Payments from Chiquita would have also accounted for a substantial proportion of the arsenals of the AUC blocs operating in the banana regions.

v) Chiquita facilitated the AUC's arms shipments.

366. In 2001, Chiquita facilitated the clandestine and illegal transfer of arms and ammunition from Nicaragua to the AUC.

367. The Nicaraguan National Police and Army were involved in a deal that provided 3,000 AK-47 assault rifles and 5 million rounds of ammunition to a private Guatemalan arms dealership, Grupo de Representaciones Internacionales S.A. ("GIR S.A."), in exchange for weapons more suited to police work. GIR S.A., in turn, arranged to sell the AK-47s and ammunition for \$575,000 to Shimon Yelinek, an arms merchant based in Panama. In November 2001, Yelinek loaded the arms onto the *Otterloo*, a Panamanian-registered ship, with Panama as its declared destination.

368. Instead of docking in Panama, the *Otterloo* instead went to Turbo, Colombia, where Chiquita, through Banadex, operated its own private port facility for the transport of bananas and other cargo.

369. After the *Otterloo* docked at Chiquita's port in Turbo, Banadex employees unloaded the crates containing the rifles and ammunition. On information and belief, the AUC, which had free access to the port, then loaded these rifles onto AUC vehicles and took possession of them.

370. Chiquita was aware of the use of its facilities for the illegal transshipment of arms to the AUC, and intended to provide such support and assistance to the AUC. The documents accompanying the shipment declared that the crates that in fact contained arms were filled with

plastic and/or rubber balls. However, in unloading the crates, the Banadex employees used heavy lifting machinery that would not have been necessary to move the crates' declared cargo. After being off-loaded, the crates remained at Chiquita's facilities for at least two additional days before fourteen AUC vehicles arrived to take possession of the arms. At least some of the arms were received by Freddy Rendón Herrera, the commander of the Elmer Cárdenas Block of the AUC in Urabá.

371. Giovanni Hurtado Torres, a highly-placed Chiquita employee from the port at Turbo, and several Colombian customs officials have been prosecuted for their purposeful involvement in the *Otterloo* transaction.

372. On information and belief, Chiquita facilitated a number of other arms shipments to the AUC; one of these shipments of arms through Chiquita's port involved the entry of assault rifles.

373. In an interview with the Colombian newspaper *El Tiempo*, AUC leader Carlos Castaño subsequently boasted, "This is the greatest achievement by the AUC so far. Through Central America, five shipments, 13 thousand rifles."

374. The arms that Chiquita knowingly and intentionally aided the AUC to procure have been of substantial assistance to the AUC in its commission of untold crimes, including the killings and other conduct alleged herein. Many of these guns have not been turned in to the government and are still in use by the paramilitaries. In 2008, some were seized in Urabá from the Daniel Rendón Herrera's 'Heroes de Castaño' Front – another AUC subunit. The raid, executed by Colombian authorities, netted hand grenades, mortar rounds, Claymore mines, electrical detonators, and forty-seven AK-47 assault rifles; the assault rifles were traced to the 2001 *Otterloo* shipment.

vi) Chiquita facilitated the AUC's drug shipments.

375. Chiquita also assisted the AUC by allowing the use of its private port facilities for the illegal exportation of large amounts of illegal drugs, especially cocaine. The drug trade was a major source of income for the AUC, and Chiquita allowed the AUC access to its port facilities and ships for the

purpose of smuggling drugs.

376. Colombian prosecutors have charged that the AUC shipped drugs on Chiquita's boats carrying bananas to Europe. According to H.H., the AUC would tie drugs to the hulls of banana ships at high sea to evade the control points of the security agencies.

377. Cocaine hidden in Chiquita's banana shipments has been seized by the Colombian government on seven separate occasions. More than one and one-half tons of cocaine have been found hidden in Chiquita's produce, valued at over \$33 million. Two of the ships on which drugs were found were named the *Chiquita Bremen* and the *Chiquita Belgie*.

378. On information and belief, drug shipments could not have been attached to Chiquita's banana boats without the active collusion or willful ignorance of Chiquita employees. Chiquita could have prevented this drug trade and assistance to the AUC, but knowingly and purposely allowed use of its port and banana transportation boats for this purpose.

E. Chiquita's Conduct Aided and Abetted the AUC's Conduct Alleged Herein.

379. Chiquita's conduct aided and abetted the killings and other conduct alleged herein, which constitute violations of the laws of New Jersey, other applicable states, and Colombia. Chiquita 1) substantially assisted the AUC paramilitaries who personally undertook the wrongful acts alleged herein, and 2) knew that its actions would assist in the wrongful acts at the time it provided the assistance.

i) Chiquita substantially assisted the persons who personally committed the acts comprising Plaintiffs' claims.

380. Chiquita's payments and facilitation of drug shipments contributed significantly to the perpetration of the crimes committed by the AUC by improving the AUC's financial situation and enabling it to purchase weapons and other war material. *See supra* ¶¶ 360-365 (Chiquita's support to the AUC).

381. In addition to Chiquita's payments and facilitation of drug shipments, its assistance to the AUC in smuggling arms substantially and directly increased the paramilitaries' capacity to carry out its violent campaign against Urabá's civilian population. *See supra* ¶ 373 (smuggling of arms was major AUC achievement).

382. Most of the firearms that were transferred to the AUC from the *Otterloo* shipment have never been recovered. On information and belief they and other similarly obtained firearms have been used in the commission of war crimes, crimes against humanity, and other violations, including those alleged in this complaint. *See supra* ¶¶ 367-369 (*Otterloo* shipment).

ii) Chiquita knew and intended that its actions would assist in the illegal or wrongful activity at the time it provided the assistance.

383. Chiquita knew that its actions would assist the AUC to continue killing, torturing, and committing other acts of illegal violence against civilians in Urabá. The AUC's use of violent tactics, including extrajudicial killings, to terrorize innocent civilians living in areas under FARC control was well known in Colombia and was widely reported in the press in Colombia and the United States. In 1997, for example, the State Department noted:

[t]he many paramilitary groups took the offensive against the guerrillas, often perpetrating **targeted killings, massacres, and forced displacements of the guerrillas' perceived or alleged civilian support base . . . An active policy of depopulation, pursued by some paramilitary groups against communities suspected of guerrilla support**, was the primary cause of the growing internal displacement problem.

United States Department of State, *1997 Human Rights Report: Colombia*, at 2 (emphasis added).

384. In 1999, the State Department noted:

Paramilitary groups and guerrillas were responsible for the vast majority of political and extrajudicial killings during the year. Throughout the country, paramilitary groups **killed, tortured and threatened civilians suspected of sympathizing with guerrillas in an orchestrated campaign to terrorize them into fleeing their homes, thereby depriving guerrillas of civilian support**. The AUC paramilitary umbrella organization . . . exercised increasing influence during the year, extending its presence through violence and intimidation into areas previously under guerrilla control.

United States Department of State, *1999 Human Rights Report: Colombia*, at 2 (emphasis added).

385. The United States government designated the AUC as a Foreign Terrorist Organization on September 10, 2001, and that designation was well-publicized in the American public media. *See supra* ¶ 312 (US media coverage). The AUC's designation was even more widely reported in the public media in Colombia, where Chiquita had its substantial banana-producing operations.

386. Chiquita had information about the AUC's designation as a Foreign Terrorist Organization specifically and global security threats generally through an Internet-based, password-protected subscription service that Chiquita paid money to receive. On or about September 30, 2002, an employee of Chiquita, from a computer within Chiquita's Cincinnati headquarters, accessed this service's "Colombia – Update page," which contained the following reporting on the AUC:

US terrorist designation. International condemnation of the AUC human rights abuses culminated in 2001 with the US State Department's decision to include the paramilitaries in its annual list of foreign terrorist organizations. This designation permits the US authorities to implement a range of measures against the AUC, including denying AUC members US entry visas; freezing AUC bank accounts in the US; and barring US companies from contact with the personnel accused of AUC connections.

387. From on or about September 10, 2001, through on or about February 4, 2004, Chiquita made fifty payments to the AUC totaling over \$825,000. Chiquita never applied for nor obtained any license from the Department of the Treasury's Office of Foreign Assets Control with respect to any of its payments to the AUC.

388. On or about February 20, 2003, Olson and an in-house attorney had a conversation about the AUC's designation by the United States government as a Foreign Terrorist Organization. Shortly thereafter, Olson and the Chiquita lawyer spoke with outside counsel about Chiquita's ongoing payments to the AUC. Outside counsel advised Chiquita, through Olson and the in-house lawyer, that the payments were illegal under United States law and that Chiquita should immediately stop paying the AUC directly or indirectly. *See supra* ¶ 338 (advice of counsel about payments to the AUC).

389. Despite the February 26, 2003 communication from counsel advising Chiquita's executives against making payments to the AUC, on or about February 27, 2003, two Chiquita employees in Colombia paid the AUC in Urabá by check in an amount equivalent to \$17,434.

390. Despite the March 27, 2003 communication from counsel advising Chiquita executives against making payments to the AUC, on or about March 27, 2003, the same two employees paid the AUC in Urabá by check in an amount equivalent to \$19,437.

391. Chiquita's acts of assistance to the AUC were made with the intent that the AUC continue carrying out acts of killing, torture, and other illegal violence against the civilian population of Urabá in accordance with the AUC's strategy for suppressing the FARC and deterring its sympathizers. In exchange for its financial support to the AUC, Chiquita was able to operate in an environment in which labor and community opposition was suppressed. Chiquita's assistance was not given out of duress; rather it was part and parcel of the company's proactive strategy to increase profitability and suppress labor unrest by exterminating the FARC in the Urabá region.

392. Chiquita, along with other banana companies in Colombia, sought a meeting with the paramilitaries in late 1996 or early 1997. The meeting took place in Medellín, and Banadex General Manager Charles Keiser. It was decided at this meeting that the banana companies would pay the paramilitaries. Carlos and Vicente Castaño led the negotiations with the companies; as a result of the negotiations, H.H. was ordered to patrol large swathes of the banana-growing region.

393. Keiser personally met with leaders of the AUC and planned a system of payment. On information and belief, in order to operate its banana production in an environment free of labor opposition and social disturbances, Chiquita made an agreement whereby the company would pay the AUC a certain amount per box of banana exported, and would help to arm and otherwise support the AUC and other terrorist groups during the period of the killings and other conduct alleged herein.

394. The arrangement between Chiquita and the AUC was not one of duress; in fact, it was the banana companies that approached the AUC to initiate their relationship. Mario Iguaran, the former Attorney-General of Colombia, has charged that there was a criminal relationship between Chiquita and the AUC in which Chiquita supplied money and arms to the AUC in return for the “bloody pacification of Urabá.”

395. As part of its deal with Chiquita, the AUC provided protection services to banana plantations, dealing out reprisals against real or suspected thieves, as well as against social undesirables, suspected guerrilla sympathizers or supporters, and anyone who was suspected of opposing the AUC’s activities or social program.

396. By arming and financing the AUC, Chiquita intended to benefit from the AUC’s systematic killings of civilians. After its agreement with Chiquita, the AUC understood that one goal of its campaign of terror was to prevent work stoppages in the banana plantations. Anyone who disrupted the smooth operations of the plantations knew what the consequences could be. For example, one individual who worked in Chiquita’s offices at a plantation in Urabá was present when paramilitaries arrived at the plantation and summarily executed a banana worker who had been seen as a troublemaker because his slow work held up the production line. Another individual saw paramilitaries arrive to threaten banana workers after a salary dispute.

397. In concert with the army, which assisted banana growers by occupying banana plantations and arresting union leaders or forcing laborers to work during strikes, the AUC undertook an extensive campaign of murdering civilians in order to break the back of the unions. According to Gloria Cuartas, “They pulled out a map where they said which plantations allegedly had a FARC presence and started killing workers and union members, until the organizational structures of the union and the board of Sintrainagro [the local union of plantation workers] were left totally in the hands of the ‘Esperanzados’ [the ELN].” By that time, the ELN, which had previously been an anti-

government guerrilla group, had been coopted by the paramilitaries.

398. Chiquita's assistance also helped the AUC to gain access to its perceived opponents who worked for the company. José Gehiener Arias Ramirez, a Chiquita employee who was later killed by the AUC, repeatedly witnessed AUC members entering the Chiquita packing house to threaten workers from the Barrio Policarpa, whose residents were viewed as hostile to the AUC.

399. The stability and social control provided by the AUC was to Chiquita's benefit, in that it minimized the expenses incurred and eliminated disruptions in the exportation of bananas. As a result of the AUC's actions, Chiquita was able to dismantle social assistance programs to which the banana companies had agreed through negotiations with the unions in the 1980s, thereby lowering its production costs. The influence of the AUC in the leadership of the banana workers' trade unions was also to Chiquita's benefit, as it reduced labor strife.

400. As a result of the paramilitaries' intervention, Castaño was able to brag in 2001 that **"in the past three years there have been no strikes** in the banana-growing region, and the Sintrainagro unions work shoulder-to-shoulder with the employers to promote the economy of the] zone." Carlos Castaño, *Mi Confesión* (emphasis added).

F. Chiquita Joined the AUC's Conspiracy to Commit the Acts Alleged Herein.

401. By its conduct, Chiquita joined the AUC's conspiracy to eliminate the FARC through violent attacks on guerrillas and suspected guerrilla sympathizers and terrorization of the civilian population. The killings alleged herein, which constitute violations of the laws of New Jersey, other applicable states, and Colombia, were committed by members of the AUC in furtherance of the conspiracy. Chiquita's actions constituted conspiracy in that (1) two or more members of the AUC agreed to carry out their terrorist campaign against civilians, (2) Chiquita joined the conspiracy knowing of at least one of the goals of the conspiracy and intending to help accomplish it, and (3) one or more of the violations alleged herein was committed by someone who was a member of the conspiracy and

acted in furtherance of the conspiracy.

- i) Members of the AUC agreed to fight the FARC by means of illegal violence against particular classes of civilians, thereby constituting a conspiracy of two or more persons who agreed to commit a wrongful act.*

402. The AUC was formed based on agreement between its leaders, government backers, and private supporters, to eliminate the FARC through extermination of guerrillas and suspected guerrilla sympathizers and the systematic terrorization of the civilian population. The AUC purposely targeted civilians, even those with no known ties to the guerrillas. Thus the use of illegal, violent means, including war crimes and extrajudicial killings, was always central to the group's mission and strategies.

- ii) Chiquita joined the conspiracy knowing that the AUC intended to fight the FARC by means of illegal violence against particular classes of civilians, and intending to help accomplish that goal.*

403. Chiquita began conspiring with the paramilitaries no later than 1994; its first direct payments to the Banana Bloc of the ACCU were made no later than 1995. At a meeting with the paramilitaries in late 1996 or early 1997, Chiquita concluded an agreement with the ACCU or AUC whereby Chiquita paid the paramilitaries for their services supporting the banana plantations. These services consisted of threatening or killing civilians, including workers who attempted to strike, union leaders, alleged criminals, and small banana farmers who refused to sell or abandon their land. *See supra* ¶¶ 392-399.

404. Chiquita knew of the AUC's goal of eliminating the FARC through the killing of suspected sympathizers and innocent civilians. Chiquita also knew of the AUC's primary tactic of targeting civilians in order to intimidate this population from supporting the FARC. *See supra* ¶¶ 309-312 (Chiquita's knowledge). Chiquita joined the conspiracy intending to benefit from the AUC's strategy; the AUC's methods would reduce Chiquita's costs and risk exposure by suppressing labor unrest through the elimination of those who opposed the banana plantations or threatened their profitability.

405. Chiquita, as a co-conspirator, arranged illegal money payments, smuggled drugs and arms, and facilitated and condoned murders in furtherance of the conspiracy.

iii) The AUC's conduct alleged herein was committed by members of the AUC in furtherance of the conspiracy's goal of fighting the FARC by means of illegal violence against particular classes of civilians.

406. All of Plaintiffs' injuries and Plaintiffs' decedents' murders were committed by the AUC in furtherance of the conspiracy. The status of many plaintiffs and decedents as social activists, unionists, alleged criminals, and suspected guerrilla sympathizers, among others, led to their inclusion in groups perceived by the AUC and the State as being sympathetic to the FARC and ultimately to their injuries and murders. Other casualties were collateral damage that represented a foreseeable consequence as the natural result of the AUC's campaign to "drain the sea" of suspected guerrilla informants. *See infra* VI. (Plaintiffs' Injuries).

G. The AUC Acted as Chiquita's Agent in Committing the Acts Alleged Herein.

407. Chiquita formed an agreement with the AUC, paying them in exchange for their performance of inherently dangerous and tortious activities: the suppression of union activity and elimination of alleged FARC supporters and other undesirables. This agreement specified, among other things, that Chiquita would pay the paramilitaries a fixed dollar amount for each box of bananas exported. *See supra* ¶¶ 306-311, 393 (Chiquita's support to the AUC, Chiquita's agreement with the AUC).

408. Chiquita intended that the AUC continue carrying out acts of killing, torture, and other illegal violence against the civilian population of Urabá in accordance with the AUC's strategy for suppressing the FARC and deterring its sympathizers. In providing the AUC with money and assistance with their arms and drug trafficking, Chiquita intended that the AUC obtain arms and continue their practice of killing civilians, especially those civilians who were perceived as threats to the profitability of the banana industry. *See supra* ¶¶ 296-311 (intentional assistance and benefits to

Chiquita).

409. The leadership of the AUC did, in fact, carry out killings of union members, social organizers and other undesirable groups, as well as civilians with no known or suspected ties to the guerrillas, knowing that Chiquita expected and intended that they do so using the arms and money provided by Chiquita.

410. The AUC solved Chiquita's labor problems and kept down operational costs by killing and/or intimidating any worker that attempted to strike. *See supra* 391-393, 399-400 (suppression of labor was part of agreement). The paramilitaries also dealt out reprisals against real or suspected thieves and social undesirables, and targeted suspected guerrilla sympathizers or supporters who could have threatened Chiquita's operations, including independent business cooperative owners and anyone espousing views that could be characterized as leftist, such as opposition politicians, vocal trade unionists, community leaders, and social activists. *See infra* VI. (Plaintiffs' Injuries).

411. Chiquita authorized the AUC's strategy of killing, torture, and other illegal violence against civilians in Urabá. The AUC's agreement with Chiquita involved forcing people to work using threats and illegal violence, as well as the quelling of labor and social unrest through the systematic terrorization of the population of Urabá. *See supra* ¶¶ 392-393 (Chiquita's agreement with the AUC).

412. Furthermore, Chiquita acquiesced in the AUC's conduct after the fact by continuing to pay them – and finding new ways to conceal the nature of those payments – despite full knowledge that their support was being used to carry out the crimes alleged herein. *See supra* ¶¶ 312, 338-339 (knowledge of AUC as terrorist group, illegality of payments).

VI. PLAINTIFFS' INJURIES

Jane Doe 8, Jane Does 213-215, John Does 211-215/John Doe 12

413. John Doe 12 was the husband of Jane Doe 213 and the father of Jane Doe 8, John Doe 211, John Doe 212, John Doe 213, John Doe 214, John Doe 215, Jane Doe 214, and Jane Doe 215.

414. John Doe 12 was the owner of a small banana plot in Urabá, near the port in Turbo, which was used to ship bananas and which was also controlled by the AUC.

415. On September 5, 2004, several members of the AUC shot John Doe 12, causing his death. John Doe 12 had submitted a land reclamation claim in Urabá shortly before his death.

416. John Doe 12's murder is recognized as a paramilitary killing in Colombia's official Justice and Peace proceedings, a governmental process created as part of the demobilization of the AUC to find facts and establish accountability for paramilitary violence.

417. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 12 through its support of the AUC in Urabá. On information and belief, Chiquita benefited from the death of John Doe 12 by removing the owner of a small banana plot, thereby improving the chances for expanding Chiquita's operations.

Jane Doe 9, Jane Does 217-220/John Doe 13

418. John Doe 13 was the partner of Jane Doe 9 and the father of Jane Doe 217, Jane Doe 218, Jane Doe 219, and Jane Doe 220.

419. John Doe 13 was a community leader and a banana farmer on a small plot in Urabá.

420. In November 2003, he took a communal bus within Urabá. At the entrance to a farm, a group of three or four men belonging to the AUC, who controlled the Urabá region at the time, stopped the vehicle. They took John Doe 13 off of the bus and shot him multiple times.

421. John Doe 13 is recognized as a victim in the Justice and Peace proceedings of AUC commander Éver Veloza Garcia.

422. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 13 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

Jane Does 217-220/Jane Doe 216

423. Jane Doe 216 was the mother of Jane Doe 217, Jane Doe 218, Jane Doe 219, and Jane Doe 220.

424. In November 2000, Jane Doe 216 left her mother's house in Urabá. A group of men made her get out of her car in Turbo. She was never seen again.

425. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of Jane Doe 216 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

Jane Doe 10/John Doe 14/John Doe 15

426. Jane Doe 10's sons, John Does 14 and 15, were killed by the AUC in November 2002. A demobilized member of the AUC confessed to both of their killings. John Doe 15 was a banana worker on a farm in Apartadó and was killed by two members of the AUC known as "Jhon Jairo" and "El Cholo."

427. John Does 14 and 15 are both recognized as victims in the Justice and Peace proceedings of AUC commander Éver Veloza Garcia.

428. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the deaths of John Doe 14 and 15 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

Jane Doe 11/Jane Doe 12

429. Jane Doe 11's sister, Jane Doe 12, was murdered by the AUC in a public market in March 2002. A member of the AUC confessed to the killing.

430. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of Jane Doe 12 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

Jane Doe 13/John Doe 16

431. Jane Doe 13's partner, John Doe 16, was murdered by the AUC – in his mother's home and in front of his son – in Apartadó in September 1999. John Doe 16 was a banana worker on a farm in Santa Marta.

432. John Doe 16 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

433. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 16 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

Jane Doe 14/John Doe 17

434. Jane Doe 14's partner, John Doe 17, was murdered by the AUC in Apartadó in February 1998. John Doe 17 was a councilman and community leader, in a neighborhood of banana workers. After a meeting with community leaders in the Obrero neighborhood, John Doe 17 was ambushed by a group of armed men on his way home.

435. John Doe 17 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

436. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 17 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

437. On information and belief, Chiquita benefited from the death of John Doe 17 by removing a community leader whose actions threatened the stability and profitability of Chiquita's operations.

Jane Doe 16/John Doe 19

438. Jane Doe 16's partner, John Doe 19, was murdered by the AUC in June 1997 in Apartadó. John Doe 19 worked as a wood-cutter. Members of the AUC showed up at his house and threatened

the people there, asking for John Doe 19's whereabouts. John Doe 19 was murdered by these paramilitaries and his body was found a few blocks from his home.

439. John Doe 19 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

440. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 19 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

Jane Doe 17/John Doe 20

441. Jane Doe 17's son, John Doe 20, was murdered by paramilitaries in March 1997 in Turbo. Jane Doe 17 is recognized as a victim in the Justice and Peace proceedings, because her son was murdered by the paramilitaries.

442. John Doe 20 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

443. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 20 through its support of the paramilitaries in Urabá.

Jane Doe 18/John Doe 21

444. Jane Doe 18's husband, John Doe 21, was murdered by paramilitaries in March 1997 in Turbo. The murder has been recognized as a paramilitary killing in the Justice and Peace process.

445. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 21 through its support of the paramilitaries in Urabá.

Jane Doe 19/John Doe 22

446. Jane Doe 19's son, John Doe 22, was killed by paramilitaries in March 1997 in Chigorodó. John Doe 22 was a banana worker and was killed by paramilitaries in the presence of his partner.

447. John Doe 22 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

448. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 22 through its support of the paramilitaries in Urabá.

Jane Doe 221/John Doe 24

449. Jane Doe 221's son, John Doe 24, was murdered by paramilitaries in front of their house in February 1997. The paramilitaries forced Jane Doe 119 to call her son and have him return to the house, and then they killed him.

450. John Doe 24 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

451. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 24 through its support of the paramilitaries in Urabá.

Jane Doe 20/John Doe 25

452. Jane Doe 20's partner, John Doe 25, was murdered by paramilitaries in January 1997. John Doe 25 was a banana worker on a farm in Apartadó. On January 22, the paramilitaries rounded up several workers at a restaurant on the farm, and killed John Doe 25 and several others.

453. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 25 through its support of the paramilitaries in Urabá.

454. On information and belief, Chiquita benefited from the death of John Doe 25 by quelling dissent amongst banana workers that threatened the stability and profitability of Chiquita's operations.

Jane Doe 21/Jane Doe 22/John Doe 26

455. Jane Doe 21's mother and stepfather, Jane Doe 22 and John Doe 26, were murdered by the AUC in January 1997 in Turbo. Jane Doe 21, Jane Doe 22 and John Doe 26 were traveling by taxi

from Apartadó to Turbo – to collect a payment on the sale of a farm – when they were stopped by paramilitaries. Jane Doe 21 was detained and was forced to watch as the paramilitaries killed her parents.

456. Jane Doe 22 and John Doe 26 are both recognized as victims in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

457. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the deaths of Jane Doe 22 and John Doe 26 through its support of the paramilitaries in Urabá.

Jane Doe 23/John Doe 27/John Doe 28

429. Jane Doe 23's son, John Doe 27, and her husband, John Doe 28, were killed by paramilitaries in January 1997 in Mutatá. Four paramilitaries entered a cantina and shot and killed John Doe 27 and John Doe 28.

458. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the deaths of John Doe 27 and John Doe 28 through its support of the paramilitaries in Urabá.

Jane Doe 24/John Doe 29/Jane Doe 25/John Doe 30

459. Jane Doe 24's partner, John Doe 29, and Jane Doe 25's partner, John Doe 30, were murdered by paramilitaries in July 1996. John Doe 29 and John Doe 30 were leaders in a local communal action board in Chigorodó and were attending a meeting of that board. Paramilitaries arrived at the meeting and killed John Doe 29 and John Doe 30.

460. John Doe 30 is recognized as a victim in the Justice and Peace proceedings of AUC commander Éver Veloza García.

461. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the deaths of John Doe 29 and John Doe 30 through its support of the paramilitaries in Urabá.

462. On information and belief, Chiquita benefited from the deaths of John Doe 29 and 30 by removing community activists who threatened the stability of Chiquita's operations.

Jane Doe 26

463. Jane Doe 26's husband was murdered by the AUC in 1986. In June 1997, Jane Doe 26 was approached, mistreated, and threatened by several members of the AUC in Apartadó. The members of the AUC told her that she had twenty-four hours to leave the region.

464. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the assault, forced eviction and relocation of Jane Doe 26 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

John Does 23 and 105/Jane Does 27, 30, 31, 99, 100, 121, and 122

465. Jane Doe 31 and John Doe 105 were the parents of Jane Doe 27, Jane Doe 30, Jane Doe 100, Jane Doe 122, and John Doe 23. Jane Doe 100 was the mother of Jane Doe 99. Jane Doe 121 is the granddaughter of John Doe 105 and Jane Doe 31.

466. In July 1997, AUC paramilitaries visited a property in Apartadó, owned by John Doe 105 and Jane Doe 31, who were married. The AUC were looking for John Doe 105, who was not there at the time.

467. They disappeared Jane Doe 31 and her daughter, Jane Doe 100, killing them. Jane Doe 31 and Jane Doe 100 are both recognized as victims in the Justice and Peace proceedings of AUC commander Éver Veloza García.

468. Later, the AUC found and murdered John Doe 105. The AUC also threatened Jane Doe 27, Jane Doe 121, John Doe 23, and Jane Doe 122. All were told to leave Urabá, and they all fled.

469. Jane Doe 27 was attacked by the AUC again in 1999, after she had already relocated to Irra, forcing her to flee and relocate once again.

470. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the threats, forced eviction/relocation and displacement of Jane Doe 27, Jane Doe 121, Jane Doe 122, and John Doe 23 by and through its support of the AUC in Urabá, which at the time of the events was in control of the region. On information and belief, Chiquita also caused, intended, conspired in, and/or aided and abetted the deaths and disappearances of John Doe 105, Jane Doe 31, and Jane Doe 100 as a result of that same support.

John Doe 32

471. John Doe 32 was threatened and forced to relocate because of an attack by the paramilitaries in April 1996. John Doe 32 was a member of a political party, the Union Patriótica. On April 3, the paramilitaries killed ten members of the party who were gathered at a billiards hall. John Doe 32 was present for the killing but managed to escape. The next day, April 4, he was forced to flee Urabá.

472. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the assault, battery, forced eviction/relocation of John Doe 32 through its support of the paramilitaries in Urabá.

473. On information and belief, Chiquita benefited from the forced displacement of John Doe 32 because there was one less political activist who threatened the stability of Chiquita's operations in the region.

John Doe 33

474. John Doe 33 was threatened and assaulted by the AUC in December 1997 in Turbo. On December 20, the AUC carried out an attack and killed several people, which John Doe 33 witnessed. The AUC threatened the surviving witnesses and John Doe 33 was forced to relocate.

475. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the assault, battery, forced eviction/relocation of John Doe 33 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

Jane Doe 28/John Doe 34/John Doe 150

476. Jane Doe 28's brother, John Doe 34, was killed by the AUC in December 2002 in the Carepa municipality. John Doe 34 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

477. Jane Doe 28's partner, John Doe 150, was a banana worker in Apartadó. He was killed by the AUC in December 2000. On information and belief, the paramilitary responsible for the killing was known as "Cepillo". John Doe 150 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

478. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 34 and John Doe 150 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

John Doe 35

479. John Doe 35 was a banana worker working in Apartadó. In December 1998, John Doe 35 was kidnapped and tortured by members of the AUC. He was also threatened upon his release.

480. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the assault, torture and kidnapping of John Doe 35 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

John Doe 37

481. The Colombian army alleged that John Doe 37's father was a guerrilla. In September 1997, John Doe 37 was on a bus stopped by the AUC. The members of the AUC had a list of names; they

called John Doe 37 and removed him from the bus. He was told to and did leave Urabá after the threat.

482. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the threats and forced eviction/relocation of John Doe 37 by and through its support of the AUC in Urabá, which at the time of the events was in control of the region.

John Doe 40

483. John Doe 40 was a banana worker on a farm in Turbo; he was also a member of the Communist and Union Patriótica parties. In July 1997, the AUC threatened him and he was forced to flee Urabá.

484. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the threats, and forced eviction/relocation of John Doe 40 by and through its support of the AUC in Urabá, which at the time of the events was in control of the region.

485. On information and belief, Chiquita benefited from displacement of John Doe 40 because those torts removed a political activist who threatened the stability of Chiquita's operations in the region.

Jane Doe 32/John Doe 39

486. In June 1997, several banana workers and other individuals were rounded up by the AUC in Apartadó. They were taken to a nearby school where they were beaten, shot, threatened, and/or told to leave Urabá.

487. John Doe 39 was a banana worker and part of a union; he was also a member of several political parties, including the Communist Party and the Union Patriótica. He was a victim of this June 1997 incident. Members of the AUC threatened him and told him that he had twenty-four hours to leave. He fled and was displaced.

488. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the threats, and forced eviction/relocation of John Doe 39 by and through its support of the AUC in Urabá, which at the time of the events was in control of the region.

489. Jane Doe 32 was also detained by paramilitaries in Apartadó and told to leave the region in twenty-hour hours.

490. On information and belief, Chiquita caused, intended, conspired in, and/or aided the assault, displacement and other injuries of Jane Doe 32 by and through its support of the AUC in Urabá, which at the time of the events was in control of the region.

John Does 47-50/Jane Does 33-34

491. John Doe 47 was the son of Jane Doe 33 and the brother of Jane Doe 34 and John Does 48, 49 and 50.

492. John Doe 47 was a worker on a banana farm. In January 2002, John Doe 47 was murdered by the AUC. On that day, John Doe 47 was at the house of Jane Doe 33, his mother, when the AUC called for him. They took him away and killed him. His body was found by banana workers. He had been tortured, burned, and shot.

493. John Doe 47's death has been recognized as a paramilitary killing in the Justice and Peace proceedings.

494. On information and belief, Chiquita caused, intended, conspired in, and/or aided in the murder of John Doe 47 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

Jane Doe 35/John Doe 51

495. Jane Doe 35's partner, John Doe 51, was murdered by the AUC in March 2001. This murder has been recognized as a paramilitary killing in the Justice and Peace proceedings.

496. On information and belief, Chiquita caused, intended, conspired in, and/or aided the murder of John Doe 51 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

Jane Doe 36, Jane Does 224-226, John Doe 216/John Doe 52

497. John Doe 52 was the son of Jane Doe 224, the brother of John Doe 216, Jane Doe 225, and Jane Doe 226, and the nephew of Jane Doe 36, who treated him like a son.

498. In May 2002, John Doe 52 and his cousin were traveling from in a park in Urabá to a relative's house. Near the house, they were stopped by two men who detained John Doe 52. The next day, John Doe 52's family found him in the hospital morgue, where they were told that he had been found on the road to a farm. He had been tortured and murdered.

499. John Doe 52's murder has been recognized as a paramilitary killing in the Justice and Peace proceedings.

500. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 52 through its support of the AUC in Urabá, which at the time of events had full control of the region.

John Does 53-54/Jane Does 37-39

501. John Doe 53 was the son of Jane Doe 37 and the brother of Jane Does 38 and 39 and John Doe 54.

502. John Doe 53 was murdered by the AUC in March 2003 in Apartadó. This murder has been recognized as a paramilitary killing in the Justice and Peace proceedings.

503. On information and belief, Chiquita caused, intended, conspired in, and/or aided the murder of John Doe 53 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

John Does 55-57/Jane Does 40-44, Jane Doe 227

504. John Doe 55 was the son of Jane Doe 40, the father of John Doe 56 and Jane Doe 41, and the brother of John Doe 57, and Jane Does 42, 43, 44, and 227.

505. John Doe 55 worked as a banana farmer in Turbo. In August 1998, a member of the AUC, known as “Ponchi,” came to his house. He took John Doe 55 from his home, shot and killed him.

506. On information and belief, Chiquita caused, intended, conspired in, and/or aided the murder of John Doe 55 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

Jane Doe 40, Jane Does 42-44, Jane Doe 227, John Doe 57/John Doe 217

507. John Doe 217 was the son of Jane Doe 40 and the brother of Jane Doe 42, Jane Doe 43, Jane Doe 44, John Doe 57, and Jane Doe 227.

508. John Doe 217 was a banana worker in Urabá. In August 1996, John Doe 217 left his home in Urabá to play a game with a friend. He never returned. The following day, the vehicle in which he had been traveling appeared in a meadow in Urabá, abandoned.

509. John Doe 217’s disappearance was perpetrated by paramilitaries operating in Urabá, who killed him. His case is under investigation in the Justice and Peace process.

510. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the disappearance of John Doe 217 through its support of the paramilitaries in Urabá.

John Doe 57/Jane Doe 40/Jane Doe 42/Jane Doe 43/Jane Doe 227/John Doe 218

511. John Doe 218 was the partner of Jane Doe 40 and the father of John Doe 57, Jane Doe 42, Jane Doe 43, and Jane Doe 227. He was a banana farmer in Urabá.

512. John Doe 218 suffered from epilepsy. In October 2002, he had a seizure while he was in the municipality of Turbo. The AUC had warned him that they could not accept that he had seizures on the street, and therefore they killed him.

513. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the murder of John Doe 218 through its support of the AUC in Urabá, which at the time of events had full control of the region.

John Doe 59/Jane Doe 45/John Doe 60

514. John Doe 59 was the husband of Jane Doe 45 and the father of John Doe 60.

515. John Doe 59 was a farm worker in Turbo. In February 1997, he was murdered by paramilitaries. This murder has been recognized as a paramilitary killing in the Justice and Peace proceedings.

516. On information and belief, Chiquita caused, intended, conspired in, and/or aided the murder of John Doe 59 through its support of the paramilitaries in Urabá.

John Doe 61/John Does 62-63, Jane Does 46-47

517. John Doe 61 was the partner of Jane Doe 46 and the father of John Does 62 and 63 and Jane Doe 47.

518. John Doe 61 was driving a bus in March 1997, which was stopped by paramilitaries. The paramilitaries ordered all of the passengers off the bus, then murdered John Doe 61. This murder has been recognized as a paramilitary killing in the Justice and Peace proceedings.

519. On information and belief, Chiquita caused, intended, conspired in, and/or aided the murder of John Doe 61 through its support of the paramilitaries in Urabá.

Jane Doe 228, John Doe 65, Jane Doe 48/John Doe 64

520. John Doe 64 was the partner of Jane Doe 228 and the father of John Doe 65 and Jane Doe 48.

521. In December 1998, John Doe 64 was at his home when Colombian soldiers came to his door. Later that day, he was detained by members of the AUC, who told his partner that he was

being held; he was disappeared by the AUC. His murder has been recognized as a paramilitary killing in the Justice and Peace proceedings.

522. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the murder of John Doe 64 through its support of the AUC in Urabá, which at the time of events had full control of the region.

John Doe 67/John Doe 66/Jane Does 49-54

523. John Doe 67 was the son of John Doe 66 and Jane Doe 49 and the brother of Jane Does 50, 51, 52, 53, and 54. Jane Doe 49 is now deceased and is represented in this action by her daughter, Jane Doe 52.

524. In September 2000, John Doe 67 was murdered by members of the AUC in his family home.

525. On information and belief, Chiquita caused, intended, conspired in, and/or aided the murder of John Doe 67 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

John Doe 68/Jane Doe 55

526. Jane Doe 55's partner, John Doe 68, was a farmworker. He was taken from his home in August 2000 by members of the AUC and murdered. This murder has been recognized as a paramilitary killing in the Justice and Peace proceedings.

527. On information and belief, Chiquita caused, intended, conspired in, and/or aided the murder of John Doe 68 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

John Doe 69/Jane Does 56-58, John Doe 70, John Doe 219

528. John Doe 69 was the son of Jane Doe 56, the brother of Jane Does 57 and 58 and John Doe 70, and the father of John Doe 219.

529. John Doe 69 was kidnapped and murdered by the AUC in March 2001. This death is recognized as a paramilitary killing in the Justice and Peace proceedings.

530. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 69 through its support of the AUC in Urabá, which at the time of events had full control of the region.

John Does 71-72/Jane Does 59-60

531. John Doe 72 was the husband of Jane Doe 59 and the father of John Doe 71 and Jane Doe 60.

532. John Doe 72 was a truck driver who was murdered by the AUC in January 2001. This death was recognized as a paramilitary killing in the Justice and Peace proceedings.

533. On information and belief, Chiquita caused, intended, conspired in, and/or aided the murder of John Doe 72 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

John Does 73, 75, 76/Jane Doe 61

534. John Doe 76 was the father of John Doe 75 and the brother of John Doe 73 and Jane Doe 61.

535. John Doe 76 was a banana farmer who owned his own parcel of land. He and a companion, John Doe 78, were murdered by paramilitaries in March 1996. These deaths were recognized as paramilitary killings in the Justice and Peace proceedings.

536. On information and belief, Chiquita caused, intended, conspired in, and/or aided the murder of John Doe 76 through its support of the paramilitaries in Urabá.

John Does 74 and 78/Jane Does 62-64

537. John Doe 78 was the son of Jane Doe 62 and the brother of Jane Does 63 and 64 and John Doe 74.

538. John Doe 78 was a worker on a banana farm. He and a companion, John Doe 76, were murdered by paramilitaries in March 1996. These deaths were recognized as paramilitary killings in the Justice and Peace proceedings.

539. On information and belief, Chiquita caused, intended, conspired in, and/or aided the murder of John Doe 78 through its support of the paramilitaries in Urabá.

John Doe 79/Jane Does 65-67

540. John Doe 79 was the son of Jane Doe 65 and the brother of Jane Does 66 and 67.

541. John Doe 79 was disappeared by the AUC in December 2000, and was also, in or around that time, murdered by the AUC. His death was recognized as a paramilitary killing in the Justice and Peace proceedings.

542. On information and belief, Chiquita caused, intended, conspired in, and/or aided the disappearance and murder of John Doe 79 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

Jane Does 68-70

543. Jane Doe 70, the mother of Jane Does 68 and 69, was an agricultural worker and a member of the Sintrainagro union. She was also a member of the Union Patriótica party. In June 1996, she was murdered by paramilitaries. This death was recognized as a paramilitary killing in the Justice and Peace proceedings.

544. On information and belief, Chiquita caused, intended, conspired in, benefited from and/or aided the murder of Jane Doe 70 through its support of the paramilitaries in Urabá.

Jane Does 75-78/John Doe 82/John Doe 220 (a minor)

545. John Doe 82 and John Doe 220 were the sons of Jane Doe 75 and the brothers of Jane Does 76, 77, and 78.

546. John Doe 82 worked in construction in Urabá. In November 1999, paramilitaries arrived in a van to the farm where John Doe 82 was working on the construction of packing machinery. The paramilitaries asked for one of the workers, who was John Doe 82's cousin. John Doe 82 asked why they wanted that worker. When the paramilitaries asked again, he insisted on his question. The paramilitaries then tied him up and shot him dead in front of his colleagues.

547. John Doe 82 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza. His family received administrative reparations from the Colombian government for his murder.

548. John Doe 220 was a fourteen-year-old student when he found out that the AUC killed his brother John Doe 82 in November 1999. He then made public statements against the paramilitaries.

549. While John Doe 220 was at his brother John Doe 82's funeral in Urabá in November 1999, members of the same AUC group that had killed John Doe 82 arrived and began to intimidate him with a gun. They took him away with them.

550. John Doe 220 was never heard from again and the evidence indicates he was murdered by the paramilitaries who kidnapped him. When his family began to look for him and reported the kidnaping, they were threatened by paramilitaries.

551. John Doe 220's case is in the documentation phase in the Justice and Peace process. The Colombian Victims' Unit has also recognized his murder.

552. On information and belief, Chiquita caused, intended, conspired in, and/or aided the kidnaping and murder of John Doe 82 and John Doe 220 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

Jane Doe 79, Jane Does 81-85, John Doe 222/John Doe 83

553. John Doe 83 was the partner of Jane Doe 79 and the father of Jane Does 81, 82, 83, 84, and 85, and John Doe 222.

554. John Doe 83 was the president of a local communal action board. The board had a meeting in September 2001, and several members of the AUC interrupted. John Doe 83 was taken by the paramilitaries from the meeting and murdered.

555. On information and belief, Chiquita caused, intended, conspired in, and/or aided the kidnaping and murder of John Doe 83 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

556. On information and belief, Chiquita benefited from the death of John Doe 83 by removing a community leader whose actions threatened the stability and profitability of Chiquita's operations.

Jane Doe 79, Jane Does 80-85, John Doe 222/John Doe 221

557. John Doe 221 was the son of Jane Doe 79 and the brother of Jane Does 80, 81, 82, 83, 84, and 85, and John Doe 222.

558. In June 2000, John Doe 221 was in a store in Urabá when he was approached by several armed paramilitaries who made him leave the store and took him to an isolated place.

559. That same day, his family members started looking for him and found one of the paramilitaries who had detained him. This paramilitary told them not to worry, because they were just investigating. The next day, John Doe 221 was found dead at the entrance to a cemetery.

560. On information and belief, Chiquita caused, intended, conspired in, and/or aided the kidnaping and murder of John Doe 221 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

John Doe 84-85/Jane Does 86-88

561. John Doe 85 was the partner of Jane Doe 86 and the father of John Doe 84, Jane Doe 87, and Jane Doe 88.

562. John Doe 85 worked at a fruit company in Apartadó. He was murdered by the AUC, in front of Jane Doe 86, in February 2001. His death is recognized as a paramilitary killing in the Justice and Peace proceedings.

563. On information and belief, Chiquita caused, intended, conspired in, and/or aided the kidnaping and murder of John Doe 85 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

John Does 88-90/Jane Does 90-92/John Doe 91/John Doe 223 (a minor)

564. John Doe 91 and John Doe 223 were the sons of Jane Doe 90 and John Doe 88 and the brothers of Jane Doe 91, Jane Doe 92, John Doe 89, and John Doe 90. John Doe 88 is now deceased and is represented in this action by Jane Doe 91.

565. John Doe 91 was a farm laborer in Chigorodó. In April 1996, he was taken from his home by paramilitaries. He was murdered by the paramilitaries and his body was found by his family on the side of the road the next day.

566. John Doe 91's brother, John Doe 223 (a minor), was a student who also worked on his parents' farm in Urabá and sometimes on other farms. In April 1996, he was working on his parents' farm. Uniformed paramilitaries with long arms came by in the morning to ask for John Doe 91. Hours later, the family saw John Doe 223 with various paramilitaries going toward a school. The family found him dead the next day in the morgue.

567. On information and belief, Chiquita caused, intended, conspired in, and/or aided the kidnaping and murder of John Doe 91 and John Doe 223 through its support of the paramilitaries in Urabá.

Jane Doe 93/John Doe 92

568. Jane Doe 93's father, John Doe 92, was murdered by a paramilitary commander in March 1996 in connection with a land dispute.

569. On information and belief, Chiquita caused, intended, conspired in, and/or aided the kidnapping and murder of John Doe 92 through their support of the paramilitaries in Urabá.

John Doe 93/Jane Does 94-96

570. Jane Doe 96, the mother of John Doe 93, Jane Doe 94, and Jane Doe 95, owned a butcher shop and refused to pay a tax to the AUC. In June 1995, paramilitaries showed up on Jane Doe 96's home, tied her up, and threatened to rape one of her daughters. Jane Doe 96 tried to escape with her daughter but was shot by an AUC member and died.

571. On information and belief, Chiquita caused, intended, conspired in, and/or aided the kidnapping and murder of Jane Doe 96 through its support of the paramilitaries in Urabá.

Jane Doe 97/John Does 94-95

572. John Doe 95, the father of John Doe 94 and Jane Doe 97, was a farmer and a member of Union Patriótica party in Turbo. In January 1996, John Doe 95 was kidnapped by paramilitaries on the way to his farm. He was tortured and eventually murdered. This has been recognized as a paramilitary killing in the Justice and Peace proceedings.

573. On information and belief, Chiquita caused, intended, conspired in, and/or aided the kidnapping, torture and murder of John Doe 95 through its support of the paramilitaries in Urabá.

574. On information and belief, Chiquita benefited from the death of John Doe 95 by removing a political activist whose actions threatened the stability and profitability of Chiquita's operations.

John Does 96-98/Jane Doe 98

575. John Doe 98 was the partner of Jane Doe 98 and the stepfather of John Doe 96 and John Doe 97. John Doe 96 is now deceased and is represented in this action by Jane Doe 98.

576. John Doe 98 was threatened and killed by the AUC on the orders of a paramilitary commander known as El Aleman. This death has been recognized as a paramilitary killing in the Justice and Peace proceedings.

577. On information and belief, Chiquita caused, intended, conspired in, and/or aided the murder of John Doe 98 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

John Does 102-103/Jane Does 103-104

578. John Doe 103, the partner of Jane Doe 103 and father of John Doe 102 and Jane Doe 104, worked on a farm owned by his father in Apartadó. In September 2000, several members of the AUC showed up at John Doe 103's home, inquiring about his whereabouts. He was later found, murdered and his body was left on a banana farm.

579. On information and belief, Chiquita caused, intended, conspired in, benefited from, and/or aided the murder of John Doe 103 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

John Doe 104/Jane Does 105-106

580. John Doe 104 was the partner of Jane Doe 105 and the father of Jane Doe 106.

581. In September 2002, John Doe 104 was abducted from his home in Turbo – in the middle of the night and in the presence of Jane Doe 105 – and later murdered by the AUC.

582. On information and belief, Chiquita caused, intended, conspired in, and/or aided the murder of 104 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

John Does 108-109/Jane Does 109-112

583. John Doe 109 was the partner of Jane Doe 109 and the father of Jane Does 110, 111, and 112, and John Doe 108.

584. John Doe 109 was a laborer on several farms in Carepa. In April 1997, several paramilitaries abducted him from his home and murdered him. His body was found in a dumpster on a nearby farm. This death has been recognized as a paramilitary killing in the Justice and Peace proceedings.

585. On information and belief, Chiquita caused, intended, conspired in, and/or aided the murder of John Doe 109 through its support of the paramilitaries in Urabá.

John Does 110-113/Jane Does 113-118

586. John Doe 113 was the son of Jane Doe 113, the partner of Jane Doe 118, the father of John Doe 112, Jane Doe 116, and Jane Doe 117, and the brother of John Doe 110, John Doe 111, Jane Doe 114, and Jane Doe 115.

587. John Doe 113 lived with his family in Apartadó. In January 2001, several members of the AUC broke into his home, and killed him as he tried to escape.

588. John Doe 113's death has been recognized as a paramilitary killing in the Justice and Peace proceedings.

589. On information and belief, Chiquita caused, intended, conspired in, and/or aided the murder of John Doe 113 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

John Does 114 and 115

590. John Doe 114's brother, John Doe 115, was murdered by paramilitaries in Turbo in or around December 1996. This death has been recognized as a paramilitary killing in the Justice and Peace proceedings.

591. On information and belief, Chiquita caused, intended, conspired in, and/or aided the murder of John Doe 115 through its support of the paramilitaries in Urabá.

John Does 116, 117, 120/Jane Does 119-120, 123, and 141-142

592. John Doe 120 was the son of Jane Doe 119 and the brother of Jane Doe 120, Jane Doe 123, Jane Doe 141, Jane Doe 142, John Doe 116, and John Doe 117.

593. John Doe 120 was murdered by the AUC in or around June 2000. This death has been recognized as a paramilitary killing in the Justice and Peace proceedings.

594. On information and belief, Chiquita caused, intended, conspired in, and/or aided the attempted kidnapping and murder of John Doe 120 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

John Does 224-225, Jane Does 125 and 230/Jane Doe 229/John Doe 121

595. Jane Doe 229 was the daughter of Jane Doe 230, the mother of John Doe 224, and the sister of John Doe 225 and Jane Doe 125.

596. Jane Doe 229 worked at a banana growing company. In April 1996, she was driving a motorcycle from her home in Urabá when two paramilitary members known by the aliases “Cocullo” and “Machin” detained her and shot her in the head, killing her.

597. Jane Doe 229’s death was apparently provoked by her having helped a wounded person get to the hospital some days prior.

598. The Colombian Victims’ Unit has recognized Jane Doe 229 as a homicide victim.

599. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of Jane Doe 229 through its support of the paramilitaries in Urabá.

600. In or around April 2003, Jane Doe 125’s partner, John Doe 121, was murdered by the AUC in Urabá. John Doe 121 was an agricultural worker. Two men who were part of the Elmer Cardenas bloc of the AUC, including “El Mono,” murdered John Doe 121 when he was on his way to work at a farm. This death has been recognized as a paramilitary killing in the Justice and Peace proceedings.

601. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 121 through its support of the AUC in Urabá, which at the time of events had full control of the region.

John Does 123-125 and 226-229/Jane Does 126-135 and 231-232

602. John Doe 125 was the son of Jane Doe 128 and John Doe 229, the partner of Jane Doe 126, the father of Jane Doe 127 and John Doe 228, and the brother of Jane Does 129, 130, 131, 132,

133, 134, 135, 231 and John Does 123, 124, 226, and 227. Jane Doe 231 is deceased and is represented in this action by her daughter, Jane Doe 232. Jane Doe 128 and John Doe 229 are both deceased and are represented in this action by their children Jane Doe 130, Jane Doe 131, and John Doe 123.

603. John Doe 125 was murdered in or around October 1998 by the AUC. This death has been recognized as a paramilitary killing in the Justice and Peace proceedings.

604. On information and belief, Chiquita caused, intended, conspired in, and/or aided the murder of John Doe 125 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

John Does 126-131/Jane Does 136-138

605. John Doe 131 was the partner of Jane Doe 136 and the father of Jane Doe 137, Jane Doe 138, and John Does 126-130.

606. John Doe 131 was a laborer at a farm. He was murdered by the AUC in or around March 2003 in Turbo. This death has been recognized as a paramilitary killing in the Justice and Peace proceedings.

607. On information and belief, Chiquita caused, intended, conspired in, and/or aided the kidnapping and murder of John Doe 131 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

John Does 132 and 133/Jane Does 139 and 140

608. John Doe 133 was the partner of Jane Doe 139 and the father of Jane Doe 140 and John Doe 132.

609. John Doe 133 was murdered by the AUC in or around January 1999 in Turbo. This death has been recognized as a paramilitary killing in the Justice and Peace proceedings.

610. On information and belief, Chiquita caused, intended, conspired in, and/or aided the murder of John Doe 133 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

John Does 134-137/ Jane Does 143 and 144

611. John Doe 137 was the partner of Jane Doe 143 and the father of Jane Doe 144, John Doe 134, John Doe 135, and John Doe 136.

612. John Doe 137 was murdered by paramilitaries in or around October 1996 in Apartadó. This death has been recognized as a paramilitary killing in the Justice and Peace proceedings.

613. On information and belief, Chiquita caused, intended, conspired in, and/or aided the murder of John Doe 137 through its support of the paramilitaries in Urabá.

John Does 38, 99-101/ Jane Does 101, 102 and 223

614. John Doe 38 was the husband of Jane Doe 101 and the father of Jane Doe 102, Jane Doe 223, John Doe 99, John Doe 100, and John Doe 101.

615. John Doe 38 was murdered by paramilitaries in or around November 1996 in Apartadó.

616. This death has been recognized as a paramilitary killing in the Justice and Peace proceedings.

617. On information and belief, Chiquita caused, intended, conspired in, and/or aided the murder of John Doe 38 through its support of the paramilitaries in Urabá.

John Does 139 and 230, Jane Does 145-146 and 233-235/ John Doe 138

618. John Doe 138 was the son of Jane Doe 145 and John Doe 139 and the brother of Jane Doe 146, Jane Doe 233, Jane Doe 234, Jane Doe 235, and John Doe 230. John Doe 139 is now deceased and is represented in this action by Jane Doe 233, Jane Doe 234, Jane Doe 235, and John Doe 230.

619. John Doe 138 was murdered by the AUC in or around June 1999 in Chigorodó. This death has been recognized as a paramilitary killing in the Justice and Peace proceedings.

620. On information and belief, Chiquita caused, intended, conspired in, and/or aided the murder of John Doe 138 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

John Doe 140/Jane Doe 147

621. Jane Doe 147's husband, John Doe 140, was a banana worker in Apartadó. He was murdered by the AUC in May 2004.

622. John Doe 140 is recognized as a victim in the Justice and Peace proceedings of AUC commander Éver Veloza Garcia.

623. On information and belief, Chiquita caused, intended, conspired in, and/or aided the murder of John Doe 140 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

John Doe 141/Jane Doe 148

624. Jane Doe 148's husband, John Doe 141, was a banana worker who was murdered by the AUC in April 2004 in Apartadó.

625. On information and belief, Chiquita caused, intended, conspired in, and/or aided the murder of John Doe 141 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

John Doe 142/Jane Doe 149

626. Jane Doe 149's son, John Doe 142, worked as a banana farmer in Turbo. In August 2003, he was detained by members of the AUC and brought to another farm, where he was murdered. His stepfather and uncle had been murdered years before by the AUC.

627. On information and belief, Chiquita caused, intended, conspired in, and/or aided the murder of John Doe 142 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

John Doe 143/Jane Doe 150

628. Jane Doe 150's brother, John Doe 143, worked on a farm in Turbo that was owned by his father. He was murdered by the AUC in May 2003. On information and belief, the order was given by a paramilitary known as "El Viejo".

629. John Doe 143 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

630. On information and belief, Chiquita caused, intended, conspired in, and/or aided the murder of John Doe 143 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

Jane Doe 151/John Doe 199/John Doe 154/John Doe 180/John Doe 210

631. Jane Doe 151's husband, John Doe 199, was a banana worker in Apartadó. He was murdered by the AUC in November 2001. His sons were also murdered by the AUC.

632. Jane Doe 151's son, John Doe 180, was a banana worker who had been forcibly displaced from Apartadó. He worked as a bus driver assistant. In September 1997, the AUC paramilitaries stopped the bus that John Doe 180 was working on. They shot him dead when he stepped out of the bus.

633. Jane Doe 151's son, John Doe 210, was a banana worker. He was killed by the AUC in January 1999. He was first kidnapped at night from his house in Apartadó and then killed by the AUC paramilitaries. John Doe 210 is recognized as a victim in the Justice and Peace proceedings of AUC commander Éver Veloza Garcia.

634. Jane Doe 151's son, John Doe 154, was a banana worker. He lived in the town where his brother was murdered, but was forced to flee by the AUC. But he was unable to escape the AUC, who murdered him in September 2000.

635. On information and belief, Chiquita caused, intended, conspired in, and/or aided the murder of John Doe 199, John Doe 154, John Doe 180, and John Doe 210 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

John Doe 144/Jane Doe 152

636. John Doe 144's partner, Jane Doe 152, was a teacher in Apartadó. She was murdered by the AUC in November 2001.

637. On information and belief, Chiquita caused, intended, conspired in, and/or aided the murder of Jane Doe 152 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

John Doe 145/Jane Doe 155

638. John Doe 145's mother, Jane Doe 155, was murdered by the AUC in April 2001 in Apartadó.

639. Jane Doe 155 is recognized as a victim in the Justice and Peace proceedings of AUC commander Éver Veloza Garcia.

640. On information and belief, Chiquita caused, intended, conspired in, and/or aided the murder of Jane Doe 155 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

John Doe 146/Jane Doe 156

641. Jane Doe 156's son, John Doe 146, worked on a Banadex farm. He was murdered by the AUC in February 2003.

642. On information and belief, Chiquita caused, intended, conspired in, benefited from, and/or aided the murder of John Doe 146 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

John Doe 147/Jane Doe 157

643. Jane Doe 157's son, John Doe 147, was murdered by the AUC in February 2001. He was confronted near his home by a paramilitary, known as "Jorge", and killed.

644. On information and belief, Chiquita caused, intended, conspired in, and/or aided the murder of John Doe 147 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

John Doe 148/Jane Doe 158

645. Jane Doe 158's son, John Doe 148, was a banana worker in Apartadó. He was killed by the AUC in February 2001.

646. John Doe 148 is recognized as a victim in the Justice and Peace proceedings of AUC commander Éver Veloza Garcia.

647. On information and belief, Chiquita caused, intended, conspired in, and/or aided the murder of John Doe 148 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

John Doe 149/Jane Doe 159

648. Jane Doe 159's partner, John Doe 149, was a banana worker in Apartadó. He was murdered by the AUC in December 2000.

649. John Doe 149 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

650. On information and belief, Chiquita caused, intended, conspired in, and/or aided the murder of John Doe 149 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

John Doe 151/Jane Doe 161

651. Jane Doe 161's brother, John Doe 151, was a banana worker. He was murdered by the AUC, in his home, in December 2000.

652. John Doe 151 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

653. On information and belief, Chiquita caused, intended, conspired in, and/or aided the murder of John Doe 151 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

John Doe 152/Jane Doe 162

654. Jane Doe 162's partner, John Doe 152, was a banana truck driver. He was murdered by the AUC in October 2000.

655. John Doe 152 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

656. On information and belief, Chiquita caused, intended, conspired in, and/or aided the murder of John Doe 152 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

Jane Doe 163/ John Doe 153/John Doe 231

657. Jane Doe 163's father, John Doe 231, worked on a Banadex farm. In May 1997, AUC members under the orders of alias "El Burro" killed him on the farm.

658. John Doe 231 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

659. Jane Doe 163's brother, John Doe 153, owned a farm. He was driving in Apartadó in October 2000, when he was detained by members of the AUC. He was kidnapped and then murdered.

660. John Doe 153 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

661. On information and belief, Chiquita and the Defendants caused, intended, conspired in, and/or aided the murders of John Doe 153 and John Doe 231 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

John Doe 155/Jane Doe 165

662. Jane Doe 165's partner, John Doe 155, was murdered by the AUC on a banana farm in September 2000.

663. John Doe 155 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

664. On information and belief, Chiquita caused, intended, conspired in, and/or aided the murder of John Doe 155 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

John Doe 156/Jane Doe 166

665. Jane Doe 166's partner, John Doe 156, was a banana worker. He was murdered by the AUC in July 2000.

666. John Doe 156 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

667. On information and belief, Chiquita caused, intended, conspired in, and/or aided the murder of John Doe 156 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

John Doe 157/Jane Doe 167

668. Jane Doe 167's partner, John Doe 157, was a banana worker in Apartadó. He was disappeared and murdered by the AUC in or around March 2000.

669. John Doe 157 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

670. On information and belief, Chiquita caused, intended, conspired in, and/or aided the murder of John Doe 157 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

John Doe 158/Jane Doe 168

671. Jane Doe 168's brother, John Doe 158, was a banana worker. He was murdered by the AUC in April 1998 on or near Zunga, a loading dock for bananas.

672. On information and belief, Chiquita caused, intended, conspired in, and/or aided the murder of John Doe 158 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

Jane Doe 169/Jane Doe 170/John Doe 201

673. Jane Doe 170's sister, Jane Doe 169, and Jane Doe 169's partner, John Doe 201, were banana workers. They were forced to flee their home with their children. In September 1999, Jane Doe 169 was murdered by the AUC and John Doe 201 was disappeared by the AUC on the same day in Urabá. He has not been seen since and, on information and belief, was subsequently murdered.

674. On information and belief, Chiquita caused, intended, conspired in, and/or aided the murder of Jane Doe 169 and disappearance and murder of John Doe 201 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

John Doe 159/Jane Doe 171

675. Jane Doe 171's brother, John Doe 159, was the owner of a banana farm. He was murdered by the AUC in September 1999. His family was forcibly displaced.

676. On information and belief, Chiquita caused, intended, conspired in, benefited from and/or aided the murder of John Doe 143 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

John Doe 160/Jane Doe 172

677. Jane Doe 172's partner, John Doe 160, was a banana worker. He was told by the owners of the farm that he had been replaced by another worker, but John Doe 160 refused to leave until he received the severance he was entitled under the labor laws. He was murdered by the AUC in August 1999.

678. John Doe 160 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

679. On information and belief, Chiquita caused, intended, conspired in, benefited from, and/or aided the murder of John Doe 160 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

John Doe 161/John Doe 162

680. John Doe 162's son, John Doe 161, was in charge of the drains on a banana farm. He was killed in July 1999, in Apartadó, by the AUC paramilitaries.

681. On information and belief, Chiquita caused, intended, conspired in, and/or aided in the murder of John Doe 161 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

Jane Doe 173/John Doe 163

682. Jane Doe 173's partner, John Doe 163, was a banana worker on in Apartadó. In July 1999, he was working at the farm when two AUC paramilitaries came on motorcycles and killed him.

683. John Doe 163 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

684. On information and belief, Chiquita caused, intended, conspired in, and/or aided in the murder of John Doe 163 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

Jane Doe 174/John Doe 164/John Doe 182/John Doe 196

685. Jane Doe 174's brother, John Doe 182, was forcibly displaced within Urabá following a massacre in San José of Apartadó. The AUC then killed him in his new neighborhood.

686. Jane Doe 174's brother, John Doe 196, was also displaced following the massacre in San José of Apartadó. He was disappeared and killed by the AUC in Urabá in 1998.

687. Jane Doe 174's father, John Doe 164, worked as a driver (*cochero*) and was killed in July 1999 by the AUC paramilitaries who arrived at his house in Apartadó and shot him with a firearm.

688. On information and belief, Chiquita caused, intended, conspired in, and/or aided in the murder of John Doe 164, John Doe 182 and John Doe 196 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

Jane Doe 177/John Doe 167

689. Jane Doe 177's son, John Doe 167, was killed by the AUC paramilitaries in April 1999 in Apartadó.

690. John Doe 167 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

691. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 176 through its support of the AUC in Urabá.

Jane Doe 180/John Doe 168

692. Jane Doe 180's brother, John Doe 168, was a small farm owner. He was accused of being a guerilla collaborator and killed by the AUC in October 1998.

693. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 168 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

Jane Doe 181/John Doe 169

694. Jane Doe 181's partner, John Doe 169, was a banana worker in a farm in Carepa.

695. In September 1998, he was working on the farm when four men on two motorcycles arrived asking for him. In the packing building they told him to go to the office where the AUC paramilitaries were waiting for him; they tied him up and took him away. They killed him on exiting the farm.

696. John Doe 169 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

697. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the deaths of John Doe 168 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

Jane Doe 182/John Doe 170

698. Jane Doe 182's partner, John Doe 170, was a banana worker in Apartadó. In July 1998, when he was on the farm, armed men on motorcycles arrived and identified themselves as AUC paramilitaries.

699. They were looking for three of the workers, but they only detained and killed John Doe 170 because the other two fled.

700. John Doe 170 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

701. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 170 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

Jane Doe 183/John Doe 171

702. Jane Doe 183's brother, John Doe 171, was a banana farmer. He was killed in Carepa by members of the AUC paramilitaries.

703. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the deaths of John Doe 171 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

Jane Doe 184/John Doe 172

704. Jane Doe 184's son, John Doe 172, was a banana worker on the Epoban farm where he ran the producers' cooperative.

705. In May 1998, he was tortured and killed in his home in Turbo by three AUC paramilitaries. They tied him up and stabbed a screwdriver into his head before they shot him.

706. On information and belief, Chiquita caused, intended, conspired in, benefited from and/or aided and abetted the deaths of John Doe 172 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

Jane Doe 185/John Doe 173

707. Jane Doe 185's partner, John Doe 173, was a banana worker in Apartadó. He was detained by the AUC paramilitaries and then tortured and killed.

708. John Doe 173 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

709. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 173 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

Jane Doe 186/John Doe 174/John Doe 232

710. Jane Doe 186's husband, John Doe 174, was a leader of a communal action board in Apartadó.

711. In February 1998, he was in his house when the AUC paramilitaries came and took him away on a motorcycle; his whereabouts are unknown to this day. On informed and belief, he was murdered by these paramilitaries.

712. John Doe 174's death is recognized as a paramilitary killing in the Justice and Peace proceedings.

713. In July 1999, Jane Doe 186's partner, John Doe 232, was at home in Apartadó when about three armed AUC members entered his home and shot him dead. He was killed for ideological and political reasons.

714. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the deaths of John Doe 174 and John Doe 232 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

715. John Doe 232 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

716. On information and belief, Chiquita benefited from the death of John Doe 174 by removing a community leader whose actions threatened the stability and profitability of Chiquita's operations.

Jane Doe 187/John Doe 175/John Doe 176

717. Jane Doe 187's father, John Doe 176, was a banana worker. In December 1997, members of the AUC came to the farm and held a meeting there. After the meeting, they tied him up, took him away, and killed him.

718. Jane Doe 187's brother, John Doe 175, was detained by the AUC on his way to El Casco (Restrepo Girona) to request the cash benefits due as a consequence of his father's murder.

719. He was detained by members of the AUC paramilitaries who forced him on to a pick-up truck. They killed him in the town center of Apartadó.

720. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the deaths of John Doe 175 and John Doe 176 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

Jane Doe 188/John Doe 177

721. Jane Doe 188's son, John Doe 177, was a banana worker on the Santa Marta farm. In December 1997, he was in his house when three men who identified themselves as members of the AUC paramilitaries arrived there. They asked him to go with them. The following day, he was found dead.

722. John Doe 177 is recognized as a victim in the Justice and Peace proceedings of AUC commander Éver Veloza Garcia.

723. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 177 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

Jane Doe 189/John Doe 178

724. Jane Doe 189's son, John Doe 178, was a mechanic who worked in Apartadó. In October 1997, he was killed by the AUC paramilitaries who arrived at La Chinita and killed him there.

725. John Doe 178 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

726. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 178 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

Jane Doe 190/John Doe 179

727. Jane Doe 190's partner, John Doe 179, was a banana worker. He was abducted from his house by three members of the AUC, one of whom was alias "Mononegro." They took him and killed him near the banana farm.

728. John Doe 179 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

729. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 179 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

Jane Doe 192/John Doe 181

730. Jane Doe 192's partner, John Doe 181, was a banana worker. He was killed by AUC paramilitaries in August 1997.

731. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 181 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

Jane Doe 194/Jane Doe 195

732. Jane Doe 194's mother, Jane Doe 195, was forcibly displaced to Apartadó.

733. She was then found and kidnapped in August of 1997 by armed men from the AUC. The next day, she was found dead; on information and belief, she was murdered by the AUC.

734. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of Jane Doe 195 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

Jane Doe 196/John Doe 183

735. Jane Doe 196's husband, John Doe 183, was a banana worker. He was killed in April 1996 by paramilitaries.

736. John Doe 183 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

737. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 183 through its support of the paramilitaries in Urabá.

Jane Doe 197/Jane Doe 236/John Doe 184

738. Jane Doe 197's son and Jane Doe 236's partner, John Doe 184, was a banana worker. In March 1997, he was abducted from his house by five paramilitaries. His body was found in Chigorodó four days later.

739. John Doe 184 is recognized as a victim in the Justice and Peace proceedings of AUC commander Éver Veloza Garcia

740. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 184 through its support of the paramilitaries in Urabá.

Jane Doe 198/John Doe 185

741. Jane Doe 198's brother, John Doe 185, was a banana worker who was a member of the Unión Patriótica party. He was killed in March 1997 by paramilitaries, together with four other banana workers.

742. John Doe 185 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

743. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 184 through its support of the paramilitaries in Urabá.

Jane Doe 199/John Doe 186

744. Jane Doe 199's partner, John Doe 186, was a banana worker. In February 1997, after he made a claim for unpaid wages, he was killed by paramilitaries.

745. John Doe 186 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

746. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 186 through its support of the paramilitaries in Urabá.

Jane Doe 200/John Doe 187

747. Jane Doe 200's partner, John Doe 187, was a banana worker at a farm. In January 1997, he was murdered by paramilitaries in Apartadó.

748. John Doe 187 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

749. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 187 through its support of the paramilitaries in Urabá.

Jane Doe 201/John Doe 188

750. Jane Doe 201's father, John Doe 188, was a banana worker. In December 1996, he was murdered by paramilitaries in Apartadó.

751. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 188 through its support of the paramilitaries in Urabá.

Jane Doe 202/John Doe 189/John Doe 204

752. Jane Doe 202's partner, John Doe 189, was a banana worker at a Banadex farm and a member of the political party, Unión Patriótica. In December 1996, he was kidnapped and murdered by paramilitaries in Turbo. The paramilitaries disappeared his and Jane Doe 202's son, John Doe 204, in Apartadó, killing him.

753. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the kidnapping and death of John Doe 189, and the disappearance and murder of John Doe 204, through its support of the paramilitaries in Urabá.

754. On information and belief, Chiquita benefited from the death of John Doe 189 by removing a politically active Banadex employee whose actions threatened the stability and profitability of Chiquita's operations.

Jane Doe 203/John Doe 190

755. Jane Doe 203's brother, John Doe 190, was a banana worker. In November 1996, he was at a tavern in Chigorodó and was murdered by paramilitaries under the orders of a paramilitary leader known by the alias "Pablo."

756. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 190 through its support of the paramilitaries in Urabá.

Jane Doe 204 and Jane Doe 205

757. Jane Doe 204's mother, Jane Doe 205, was murdered by paramilitaries in October 1996. Jane Doe 205 and her husband owned a farm in an area where the paramilitaries organized one of their camps. After Jane Doe 205 and her husband refused to sell the farm, paramilitaries threatened and displaced them. After this, paramilitaries found Jane Doe 205 and killed her in Turbo.

758. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the forced displacement and death of Jane Doe 205 through its support of the paramilitaries in Urabá.

Jane Doe 206/John Doe 191

759. Jane Doe 206's partner, John Doe 191, was a banana worker at a farm. In September 1996, he was kidnapped and murdered by paramilitaries in Apartadó.

760. John Doe 191 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

761. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 191 through its support of the paramilitaries in Urabá.

Jane Does 207 and 208/ John Does 192, 207, 208, and 233

762. In 1996, Jane Doe 207's parents, Jane Doe 208 and John Doe 192, were forcibly displaced, kidnapped and murdered by paramilitaries in Turbo.

763. John Doe 207 was Jane Doe 207's brother. John Doe 208 was Jane Doe 207's partner and John Doe 233's father. In March 1997, John Doe 207 and John Doe 208 were disappeared by paramilitaries in Turbo, who murdered them. Before their disappearances, they received threats from the paramilitaries because they denounced the paramilitaries' murder of Jane Doe 208 and John Doe 192 to a prosecutor.

764. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the displacement, kidnapping and deaths of Jane Doe 208 and John Doe 192 through its support of the paramilitaries in Urabá.

Jane Doe 209/John Doe 193

765. Jane Doe 209's partner, John Doe 193, was a contractor for Banadex. In September 1996, he was murdered by paramilitaries in Carepa.

766. John Doe 193 is recognized as a victim in the Justice and Peace proceedings of AUC commander Éver Veloza Garcia.

767. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 193 through its support of the paramilitaries in Urabá.

Jane Doe 210/John Doe 194

768. Jane Doe 210's partner, John Doe 194, worked at a farm and was an activist for the political party Unión Patriótica. In May 1996, he was murdered by paramilitaries in Turbo.

769. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 194 through its support of the paramilitaries in Urabá.

770. On information and belief, Chiquita benefited from the death of John Doe 194 by removing a politically active farm worker whose actions threatened the stability and profitability of Chiquita's operations.

Jane Does 193 and 212/John Doe 209

771. In 1998, the AUC murdered Jane Doe 193's daughter, Jane Doe 212, and disappeared Jane Doe 212's husband, John Doe 209, in Turbo.

772. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of Jane Doe 212 and the disappearance of John Doe 209 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

Jane Doe 179/John Does 197, 198 and 200

773. The AUC disappeared and killed Jane Doe 179's sons John Doe 198 in 2001 and John Doe 197 in 2002 in Turbo. They were farmers.

774. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the disappearances and murders of John Does 197 and 198 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

Jane Doe 191/John Doe 202

775. Jane Doe 191's brother, John Doe 202, was a banana worker. In April 2001, he was disappeared and killed by the AUC in Carepa.

776. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the disappearance and murder of John Doe 202 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

Jane Doe 178/John Doe 203

777. Jane Doe 178's father, John Doe 203, was disappeared and killed by the AUC in Turbo in November 1999.

778. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the disappearance and murder of John Doe 203 through its support of the AUC in Urabá, which at the time of the events was in control of the region.

Jane Doe 237/John Doe 234

779. Jane Doe 237's son, John Doe 234, was killed in July 2004 by AUC paramilitaries who shot him dead without a word while he was traveling on a road in Urabá.

780. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 234 through its support of the AUC in Urabá, which at the time of events had full control of the region.

Jane Doe 238/John Doe 235

781. Jane Doe 238's husband, John Doe 235, received a phone call at home in November 2003 in Urabá, which caused him to leave the house. Shortly afterwards, his family was informed that the AUC paramilitaries had killed him there in the same neighborhood.

782. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 235 through its support of the AUC in Urabá, which at the time of events had full control of the region.

Jane Doe 239/John Doe 236/John Doe 237

783. John Doe 236 and John Doe 237 were the sons of Jane Doe 239.

784. John Doe 237 worked in a bicycle workshop in Urabá. In August 1997, a group of AUC paramilitaries arrived. They asked for him and then killed him.

785. John Doe 237 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

786. In October 2003, John Doe 236 was working in Urabá when he went out for water. Two AUC paramilitaries were waiting for him and killed him.

787. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 236 and John Doe 237 through its support of the AUC in Urabá, which at the time of events had full control of the region.

Jane Doe 240/John Doe 238

788. Jane Doe 240's partner, John Doe 238, was a banana worker.

789. John Doe 238 was at home in Urabá in November 2002 when a number of armed men belonging to the AUC paramilitaries arrived and told him to come outside because they needed to talk to him. He left with them and they killed him near a banana farm.

790. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 238 through its support of the AUC in Urabá, which at the time of events had full control of the region.

Jane Doe 241/John Doe 239

791. Jane Doe 241's stepson, John Doe 239, was a banana worker in Urabá.

792. In September 2002, John Doe 239 reclaimed a farm in Urabá that the paramilitaries had taken from his father in 1993. The paramilitaries had also killed his father at that time.

793. During his return from reclaiming the farm, on a road in Urabá, John Doe 239 was decapitated and killed by AUC paramilitaries. At the time, the AUC was in control of the region.

794. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 239 through its support of the AUC in Urabá, which at the time of events had full control of the region.

Jane Doe 242/John Doe 240

795. Jane Doe 242's son, John Doe 240, had been displaced from the department of Córdoba by the AUC paramilitaries and ended up in Urabá, where he worked on a ranch.

796. In July 2002, AUC paramilitaries killed him in Urabá. At the time, the AUC was in control of the region.

797. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 240 through its support of the AUC in Urabá, which at the time of events had full control of the region.

Jane Doe 243/John Doe 241

798. Jane Doe 243's husband, John Doe 241, was a small shop owner in Urabá.

799. In February 2002, a member of the AUC paramilitaries entered his store and shot him dead in front of the people present. The AUC had threatened him several days prior. Subsequently to the shooting, his wife was threatened by the paramilitaries and told she must leave the area.

800. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 241 through its support of the AUC in Urabá, which at the time of events had full control of the region.

Jane Doe 244/John Doe 242

801. Jane Doe 244's husband, John Doe 242, sold legumes.

802. In January 2002, he was killed by members of the AUC paramilitaries on a farm in Urabá. John Doe 242 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

803. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 242 through its support of the AUC in Urabá, which at the time of events had full control of the region.

Jane Doe 245/John Doe 243

804. Jane Doe 245's son, John Doe 243, was called to an appointment in September 2001, in a neighborhood in Urabá to pay money he owed someone. But when he arrived, armed men from the AUC paramilitaries who were waiting for him violently killed him.

805. John Doe 243 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

806. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 243 through its support of the AUC in Urabá, which at the time of events had full control of the region.

Jane Doe 246/John Doe 244

807. Jane Doe 246's son, John Doe 244, was killed by AUC paramilitaries in Northern Antioquia in August 2001, after fleeing Urabá in fear for his safety.

808. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 244 through its support of the AUC in Urabá, which at the time of events had full control of the region.

Jane Doe 247/John Doe 245

809. Jane Doe 247's partner, John Doe 245, was a construction worker.

810. He was disappeared by members of the AUC paramilitaries in April 2001. Subsequently, his body was discovered on a farm in the department of Sucre, where mass graves full of AUC victims were found.

811. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 245 through its support of the AUC in Urabá, which at the time of events had full control of the region.

Jane Doe 248/John Doe 246

812. Jane Doe 248's son, John Doe 246, was intercepted by armed AUC paramilitaries who shot him multiple times and killed him on a public street in a neighborhood in Urabá in March 2001.

813. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 246 through its support of the AUC in Urabá, which at the time of events had full control of the region.

Jane Doe 249/John Doe 247

814. Jane Doe 249's brother, John Doe 247, was a banana worker in a farm in Urabá.

815. In November 2000, John Doe 247 told Jane Doe 249 that he was concerned about going to work on the farm because the paramilitaries had called him to join him. John Doe 247 had previously served in the military. Three days later his body was found dead on a farm, killed by the AUC paramilitaries who controlled the region at the time.

816. John Doe 247 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

817. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 247 through its support of the AUC in Urabá, which at the time of events had full control of the region.

Jane Doe 250/John Doe 248

818. Jane Doe 250's father, John Doe 248, was a farm worker.

819. He was killed in June 2000 by AUC paramilitaries in Urabá, where he had a plot of land. John Doe 248 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

820. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 248 through its support of the AUC in Urabá, which at the time of events had full control of the region.

Jane Doe 251/John Doe 249

821. Jane Doe 251's partner, John Doe 249, worked as a driver.

822. In early 2000, John Doe 249 was taken away and killed by the AUC.

823. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 249 through its support of the AUC in Urabá, which at the time of events had full control of the region.

Jane Doe 252/John Doe 250

824. Jane Doe 252's son, John Doe 250, was killed by AUC paramilitaries in January 2000 near a in Urabá, after having been taken by force.

825. John Doe 250 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

826. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 250 through its support of the AUC in Urabá, which at the time of events had full control of the region.

Jane Doe 253/John Doe 251

827. Jane Doe 253's partner, John Doe 251, worked in farming and commerce.

828. In November 1999, witnesses saw AUC paramilitaries shoot and kill him in Urabá.

829. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 251 through its support of the AUC in Urabá, which at the time of events had full control of the region.

Jane Doe 254/John Doe 252

830. Jane Doe 254's partner, John Doe 252, was shot and killed by members of the AUC paramilitaries in May 1999 in a neighborhood in Urabá.

831. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 252 through its support of the AUC in Urabá, which at the time of events had full control of the region.

Jane Doe 255/John Doe 253/John Doe 254

832. Jane Doe 255's husband, John Doe 253, lived in Urabá.

833. Because of threats by the AUC paramilitaries, he was forced to flee to Medellín, where in February 1999, he was killed by the paramilitaries.

834. Jane Doe 255's son, John Doe 254, left his house in April 2003 to bathe in the river. There, he encountered a group of AUC members who patrolled the area. They took him away and he never returned. On information and belief, they murdered him.

835. John Doe 254 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

836. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 253 and the disappearance and killing of John Doe 254 through its support of the AUC in Urabá, which at the time of events had full control of the region.

Jane Doe 256/John Doe 255

837. Jane Doe 256's brother, John Doe 255, was taken away by men belonging to the AUC paramilitaries in Urabá in July 1998.

838. His father followed the murderers who upon discovering this threatened him and forced him to turn back. After some traveling around, John Doe 255 was tortured, burned with acid, and killed.

839. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 255 through its support of the AUC in Urabá, which at the time of events had full control of the region.

Jane Doe 257/John Doe 256

840. Jane Doe 257's uncle, John Doe 256, worked on various farms. He was on his parcel of land in Urabá when about three men from the AUC paramilitaries took him away and killed him in April 1998.

841. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 256 through its support of the AUC in Urabá, which at the time of events had full control of the region.

John Doe 258/John Doe 257

842. John Doe 258's brother, John Doe 257, was a banana worker, who was branded as a guerrilla for working on a particular banana farm and threatened as a result.

843. For that reason he moved to Medellín, until he was located by the AUC paramilitaries, who killed him waiting for a bus in March 1998.

844. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 257 through its support of the AUC in Urabá, which at the time of events had full control of the region.

Jane Doe 258/John Doe 259

845. Jane Doe 258's son, John Doe 259, was a student who lived in a neighborhood in Urabá.

846. In January 1998, the AUC paramilitaries tracked him down and killed him. John Doe 259 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

847. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 259 through its support of the AUC in Urabá, which at the time of events had full control of the region.

Jane Doe 259/John Doe 260

848. Jane Doe 259's son, John Doe 260, was hanging out with some friends in Urabá in November 1997. He was killed then and there by members of the AUC paramilitaries, along with two other people.

849. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 260 through its support of the AUC in Urabá, which at the time of events had full control of the region.

John Doe 262/John Doe 261

850. John Doe 262's brother, John Doe 261, was a furniture shop owner.

851. In October 1997, he was in a canteen located in a neighborhood in Urabá when members of the AUC paramilitaries arrived, took him away, and killed him with a firearm. John Doe 261 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

852. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 261 through its support of the AUC in Urabá, which at the time of events had full control of the region.

Jane Doe 260/John Doe 263

853. Jane Doe 260's partner, John Doe 263, was killed in Urabá in July 1997, by members of the AUC paramilitaries who thought that he was a guerilla collaborator. Two massacres occurred in the same area that year.

854. John Doe 263 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

855. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 263 through its support of the AUC in Urabá, which at the time of events had full control of the region.

Jane Doe 261/John Doe 264

856. Jane Doe 261's father, John Doe 264, was killed in June 1997 in a neighborhood in Urabá by the AUC paramilitaries.

857. John Doe 264 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

858. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 264 through its support of the AUC in Urabá, which at the time of events had full control of the region.

Jane Doe 262/John Doe 265

859. Jane Doe 262's husband, John Doe 265, was a driver. He was driving a vehicle in Urabá in July 1997 when a group of men from the AUC got on. They killed him and took his vehicle, which was never recovered.

860. John Doe 265 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

861. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 265 through its support of the AUC in Urabá, which at the time of events had full control of the region.

Jane Doe 263/John Doe 266

862. Jane Doe 263's son, John Doe 266, sold bananas.

863. In May 1997, John Doe 266 was traveling on a road when the vehicle he was driving was detained at an AUC checkpoint. The AUC took him out of the car and killed him.

864. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 266 through its support of the AUC in Urabá, which at the time of events had full control of the region.

Jane Doe 264/John Doe 267

865. Jane Doe 264's brother, John Doe 267, was a driver for a banana farm.

866. He was killed by members of the AUC in June 1997 in Urabá. They had fired several shots at him.

867. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 267 through its support of the AUC in Urabá, which at the time of events had full control of the region.

Jane Doe 265/John Doe 268

868. Jane Doe 265's partner, John Doe 268, was a farmer in the Urabá region.

869. He was killed by members of the AUC in May 1997 in Urabá. John Doe 268 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

870. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 268 through its support of the AUC in Urabá, which at the time of events had full control of the region.

John Doe 270/John Doe 269

871. John Doe 270's father, John Doe 269, was killed in February 1997 by paramilitaries. He was in a municipality in Urabá at the public road he used to drive to a different municipality.

872. John Doe 269 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

873. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 269 through its support of the paramilitaries in Urabá.

Jane Doe 266/John Doe 271

874. Jane Doe 266's partner, John Doe 271, was killed at his parcel of land in Urabá by paramilitaries in January 1997.

875. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 271 through its support of the paramilitaries in Urabá.

Jane Doe 267/John Doe 272

876. Jane Doe 267's brother, John Doe 272, was a banana worker at a farm.

877. When he was at a security checkpoint in Urabá, paramilitaries took his identification document. Days later, in January 1997, they killed him.

878. John Doe 272 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

879. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 272 through its support of the paramilitaries in Urabá.

John Doe 273/Jane Doe 268

880. John Doe 273's partner, Jane Doe 268, was in her house in Urabá when paramilitaries took her by force in January 1997.

881. They killed her on a road in Urabá.

882. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of Jane Doe 268 through its support of the paramilitaries in Urabá.

John Doe 275/John Doe 274

883. John Doe 274 was John Doe 275's uncle, but he raised him like a son. John Doe 274 was a driver in Urabá.

884. John Doe 274 was killed in Urabá in July 1996 by members of paramilitary groups.

885. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 274 through its support of the paramilitaries in Urabá.

Jane Doe 269/John Doe 276

886. Jane Doe 269's husband, John Doe 276, worked as a mason in Urabá.

887. He was taken to a neighborhood in Urabá by the paramilitaries and killed in July 1996.

888. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 276 through its support of the AUC in Urabá, which at the time of events had full control of the region.

John Doe 278/John Doe 277

889. John Doe 278's father, John Doe 277, was killed by paramilitaries in June 1996 in Urabá.

890. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 277 through its support of the paramilitaries in Urabá.

Jane Doe 270/John Doe 279

891. Jane Doe 270's husband, John Doe 279, was killed by paramilitaries in May 4, 1996 in Urabá.

892. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 279 through its support of the paramilitaries in Urabá.

Jane Doe 271/John Doe 280

893. Jane Doe 271's partner, John Doe 280, worked at a banana farm located in Urabá. He was in charge of loading and unloading bananas.

894. He was threatened by the AUC paramilitaries, so he relocated to Itagüí, where he was killed by the same paramilitaries in 1997.

895. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 280 through its support of the AUC in Urabá, which at the time of events had full control of the region.

Jane Doe 272/John Doe 281

896. Jane Doe 272's son, John Doe 281, worked at a banana producer in Urabá.

897. There, paramilitaries arrived and killed him in 1997. Because of this incident, all of his family left for a different municipality.

898. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 281 through its support of the AUC in Urabá, which at the time of events had full control of the region.

Jane Doe 274/Jane Doe 273

899. In April 2000, two armed and uniformed AUC members arrived at Jane Doe 274's family home in Urabá. They asked for Jane Doe 274's daughter, Jane Doe 273, who was at home. They then insulted and physically attacked her, and then tied up her hands and took her in a car. Jane Doe 274 witnessed this kidnapping. She never returned and, on information and belief, was murdered by the paramilitaries.

900. When Jane Doe 273's sister went to the base of the AUC paramilitaries to look for her, the paramilitaries told her not to look for Jane Doe 273 because they had already killed and buried her. The AUC paramilitaries who disappeared her were under the command of the individual known by the alias "El Paisa."

901. Jane Doe 273 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

902. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the disappearance and murder of Jane Doe 273 through its support of the AUC in Urabá, which at the time of events had full control of the region.

Jane Doe 275/John Doe 282

903. Jane Doe 275's brother, John Doe 282, was an active member of a leftist political party.

904. He was displaced from his plot of land in Urabá. He relocated to a different municipality in Urabá where he was disappeared and murdered by paramilitaries in August 1998.

905. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the disappearance and murder of John Doe 282 through its support of the AUC in Urabá, which at the time of events had full control of the region.

John Doe 284/John Doe 283

906. John Doe 284's adopted brother, John Doe 283, was a banana worker. He was at his house in Urabá in January 2001 when armed men belonging to the AUC paramilitaries took him from his house. They took him tied up to a farm where his body was found; on information and belief, they murdered him.

907. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 283 through its support of the AUC in Urabá, which at the time of events had full control of the region.

Jane Doe 276/John Doe 285

908. Jane Doe 276's partner, John Doe 285, was a farmer.

909. John Doe 285 was disappeared from his land plot in Urabá by AUC paramilitary groups in February 1998, who killed him.

910. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the disappearance and murder of John Doe 285 through its support of the AUC in Urabá, which at the time of events had full control of the region.

Jane Does 277-278/John Doe 286

911. John Doe 286 was the brother of Jane Doe 277 and the son of Jane Doe 278.

912. John Doe 286 was a banana worker. In June 1997, John Doe 286 was on a farm in Urabá. The paramilitaries removed him and the farm foreman, tied their hands behind their backs, and took them a few hundred meters away, where they slit both victims' throats. One of John Doe 286's coworkers informed his uncle of his death.

913. John Doe 286's murder has been recognized by the Colombian Victims' Unit. John Doe 286 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

914. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 286 through its support of the AUC in Urabá, which at the time of events had full control of the region.

Jane Does 279-282, John Does 288-289/John Doe 287

915. John Doe 287 was the husband of Jane Doe 279, the father of John Doe 288, Jane Doe 280, John Doe 289, Jane Doe 281, and the son of Jane Doe 282. John Doe 289 is deceased and is represented in this action by Jane Doe 279.

916. John Doe 287 was a banana worker in Urabá who belonged to a labor union. In January 2001, he was summoned by the AUC in Urabá. He left his home in the evening to comply with the order. His family was later informed that he had been shot and killed by the paramilitaries, who controlled the Urabá region at the time of the events. Subsequently, the same group told his family that he had it coming because he did something bad.

917. John Doe 287 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

918. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 287 through its support of the AUC in Urabá, which at the time of events had full control of the region.

Jane Does 283-286, John Does 291-293/John Doe 290

919. John Doe 290 was the son of Jane Doe 283 and the brother of Jane Doe 284, Jane Doe 285, Jane Doe 286, John Doe 291, John Doe 292, and John Doe 293.

920. John Doe 290 was a banana worker in Urabá. In January 1996, about two armed paramilitaries arrived at John Doe 290's house in Urabá. When he came out to see what they wanted, they shot and killed him. The apparent motivation for his murder was his visits to his family within Urabá, because the paramilitaries accused him of carrying information as a guerrilla informant.

921. John Doe 290 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

922. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 290 through its support of the paramilitaries in Urabá.

Jane Doe 287/John Doe 294

923. Jane Doe 287's partner, John Doe 294, left his house located in Urabá in November 2000, and never returned. Early the next morning, Jane Doe 287 was informed that the AUC had killed him in another neighborhood in Urabá. The AUC shot John Doe 294 and slit his throat with a machete.

924. John Doe 294 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

925. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 294 through its support of the AUC in Urabá, which at the time of events had full control of the region.

John Does 296-300, Jane Does 288-289/John Doe 295

926. John Doe 295 was the son of John Doe 296 and Jane Doe 288. He was the brother of Jane Doe 289, John Doe 297, John Doe 298, John Doe 299, and John Doe 300.

927. John Doe 295 worked as a fisherman. He was on his way home from work in Urabá in December 1999 when AUC members shot and killed him near his home.

928. John Doe 295 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza. The Colombian Victims' Unit has also recognized him as a victim.

929. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 295 through its support of the AUC in Urabá, which at the time of events had full control of the region.

Jane Does 290-292, John Doe 302/John Doe 301

930. John Doe 301 was the brother of Jane Doe 290, Jane Doe 291, John Doe 302, and Jane Doe 292.

931. John Doe 301 was a banana farmer on his own property in Urabá. He left his house in Urabá one evening in October 2000. The following day, his family learned of his death due to an announcement on the radio. This information was confirmed by some neighbors who saw him laid out at the entrance to his farm.

932. John Doe 301's family was informed that he had been killed by the "Bloque Bananero" of the self-defense groups, commanded by the paramilitary alias "Cepillo."

933. John Doe 301 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

934. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 301 through its support of the AUC in Urabá, which at the time of events had full control of the region.

John Doe 304, Jane Does 293-295/John Doe 303

935. John Doe 303 was the father of John Doe 304 and the brother of Jane Doe 293, Jane Doe 294, and Jane Doe 295.

936. John Doe 303 was a banana worker on a farm in Urabá and belonged to a labor union. In April 1996, a co-worker shot and killed him. Days before, the same co-worker had threatened John Doe 303 because he had not come to the meetings of an armed paramilitary group on the farm. Several people witnessed the murder.

937. John Doe 303 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

938. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 303 through its support of the paramilitaries in Urabá.

Jane Does 296-298, John Doe 306/John Doe 305

939. John Doe 305 was Jane Doe 296's son, and Jane Doe 297, Jane Doe 298, and John Doe 306's brother.

940. John Doe 305 sold merchandise in various stores in Urabá and worked as a bricklayer. In September 2002, John Doe 305 left the house in Urabá that he shared with his half-brother, John Doe 306.

941. People saw him walking in a neighborhood near his home that day. After that, he was never seen again. According to information obtained by his family from people in the community, he was detained by the AUC that had full control of the community at that time; they set curfews and administered everything in the local area. On information and belief, he was murdered by the AUC.

942. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the disappearance and murder of John Doe 305 through its support of the AUC in Urabá, which at the time of events had full control of the region.

Jane Does 299-302, John Does 308-310/John Doe 307

943. John Doe 307 was the son of Jane Doe 299 and John Doe 308, and the brother of John Doe 309, Jane Doe 300, Jane Doe 301, Jane Doe 302, and John Doe 310. John Doe 308 is now deceased and is represented in this action by Jane Doe 300.

944. John Doe 307 worked in a landfill in Urabá. In May 1997, two men who were traveling by motorcycle called out to John Doe 307 while he was fixing a tire on his bicycle on his way home from work. When John Doe 307 approached them, one shot him several times in the head and killed him. Some young men who worked near the place where John Doe 307's body was left informed the family of his death. When his family members arrived, they found him dead in the middle of the street.

945. John Doe 307 had told his family before his death that he had been threatened by the paramilitaries. His death has been investigated by the prosecutor's office in Urabá.

946. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 307 through its support of the AUC in Urabá, which at the time of events had full control of the region.

Jane Doe 303, John Doe 312/John Doe 311

947. Jane Doe 303 and John Doe 312's father, John Doe 311, worked in a store in Urabá.

948. In August 1998, various AUC members arrived in the store, robbed John Doe 311, and killed him.

949. The Colombian Victims' Unit has recognized John Doe 311 as a victim. His family has received administrative reparations from the Colombian government for his murder.

950. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 311 through its support of the AUC in Urabá, which at the time of events had full control of the region.

Jane Does 304-305, John Does 314-316/John Doe 313

951. John Doe 313 was the son of Jane Doe 304 and John Doe 314 and the brother of John Doe 315, John Doe 316, and Jane Doe 305. He worked in construction.

952. In August 1999, John Doe 313 left his house in Urabá. When he didn't return for lunch, his father started to look for him and was informed that John Doe 313 had gone toward the town center on a motorcycle. He never returned and no one knew of his whereabouts. On information and belief, he was murdered by the AUC.

953. John Doe 313 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

954. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the forced disappearance and murder of John Doe 313 through its support of the AUC in Urabá, which at the time had full control of the region.

Jane Does 306-307/John Doe 317

955. John Doe 317 was the partner of Jane Doe 306 and the son of Jane Doe 307. He left home in the early morning in April 1997 to work at a banana farm in Turbo. He was accosted on his way to work by several armed paramilitaries who shot him repeatedly, causing his death.

956. John Doe 317 has been recognized as a victim in the Justice and Peace proceedings of Raúl Emilio Hasbún Mendoza.

957. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 317 through its support of the paramilitaries in Urabá.

John Does 319-320, Jane Does 308-309/John Doe 318

958. John Doe 318 was the son of John Doe 319 and Jane Doe 308 and the brother of Jane Doe 309 and John Doe 320.

959. In October 2004, various AUC members broke into a gas station where John Doe 318 was working in Urabá. They gagged him, tied him up, and slit his throat. John Doe 318's coworker found him in the gas station and informed the authorities and his family.

960. John Doe 318's murder has been recognized in the Justice and Peace proceedings.

961. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 318 through its support of the AUC in Urabá, which at the time of events had full control of the region.

Jane Does 310-314, John Doe 323/John Doe 322

962. John Doe 322 was the son of Jane Doe 310 and the brother of Jane Doe 311, John Doe 323, Jane Doe 312, Jane Doe 313, and Jane Doe 314.

963. John Doe 322 worked at a banana farm in Urabá. In September 1996, paramilitaries arrived at his home in the same area wearing uniforms and carrying arms from the Armed Forces. The paramilitaries entered his home and harassed him verbally and physically before tying his hands behind his back and taking him to the farm where he worked. They killed him at the entrance of the farm.

964. The paramilitaries who killed John Doe 322 accused him of being a guerrilla collaborator and of having arms in his home. However, John Doe 322 was never politically active.

965. John Doe 322's case is included in the Justice and Peace process for Raúl Emilio Hasbún Mendoza. The Colombian Victims' Unit has recognized John Doe 322 as a victim. His family was granted administrative reparations by the Colombian government.

966. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 322 through its support of the paramilitaries in Urabá.

Jane Does 315-316, John Does 325-327/John Doe 324

967. John Doe 324, brother of Jane Doe 315, John Doe 325, John Doe 326, John Doe 327, and Jane Doe 316, was a councillor for a municipality in Urabá.

968. In July 1996, John Doe 324 was doing some work in a cemetery in Urabá. An armed paramilitary arrived and shot him several times, causing his death.

969. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 324 through its support of the paramilitaries in Urabá.

Jane Does 317-318, John Does 329-330/John Doe 328

970. John Doe 328 was the son of Jane Doe 317 and the brother of John Doe 329, John Doe 330, and Jane Doe 318. He was a mechanic.

971. In November 2000, John Doe 328 was at a restaurant (“estadero”) in a neighborhood of Frontino, Antioquia during the celebration of the mayor’s victory in elections that took place in October 2000. He accidentally spilled a drink on an AUC member. That AUC member, along with one other AUC member, shot John Doe 328 at point blank range, causing his instant death.

972. The perpetrators belong to the Elmer Cárdenas bloc of the AUC. Alias “Fredy” of the Elmer Cardenas bloc accepted responsibility for John Doe 328’s murder. The Colombian Victims’ Unit has also recognized the murder.

973. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 328 through its support of the AUC in Urabá, which at the time of events had full control of the region.

Jane Does 319-322, John Doe 332/John Doe 331

974. John Doe 331 was the son of Jane Doe 319 and the brother of Jane Doe 320, Jane Doe 322, and Jane Doe 321. Jane Doe 322 is now deceased and is represented in this action by her son, John Doe 332.

975. John Doe 331 worked as an administrator at a tavern in Urabá. About three AUC members entered the bar in April 2000; some ordered beer. When John Doe 331 turned to serve them, the AUC members shot him multiple times, causing his death.

976. The paramilitary Jorge Isaac Quinto Mejía of the “Banana Bloc” confessed to John Doe 331’s murder during a Justice and Peace hearing, and said it was because John Doe 331 was a “revolutionary.” However, John Doe 331 was not politically active. AUC commander Raúl Emilio Hasbún Mendoza also accepted responsibility for the murder.

977. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 331 through its support of the AUC in Urabá, which at the time of events had full control of the region.

Jane Does 323-325, John Doe 334/John Doe 333

978. John Doe 333 was the partner of Jane Doe 323 and the father of Jane Doe 324, John Doe 334, and Jane Doe 325.

979. John Doe 333 worked with *campesinos* on reforestation efforts in Urabá. In January 1997, a few men arrived at his office and took him out to ask some questions, with a deadline to respond to them. On the day of that deadline, John Doe 333 was waiting for his son outside a bank in Urabá when passersby saw about two paramilitaries drive by on a motorcycle and shoot him, which caused his death.

980. John Doe 333’s partner, Jane Doe 323, was a member of the Unión Patriótica. She was a social leader and ran a cooperative, and she had been displaced from the area since 1994.

981. John Doe 333 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

982. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 333 through its support of the paramilitaries in Urabá.

Jane Does 326-334, John Does 336-339/John Doe 335

983. John Doe 335 was the son of Jane Doe 326, the husband of Jane Doe 327, the father of John Doe 336, and the brother of Jane Doe 328, Jane Doe 329, John Doe 337, Jane Doe 330, Jane Doe 331, Jane Doe 332, Jane Doe 333, Jane Doe 334, John Doe 338, and John Doe 339.

984. John Doe 335 was a day laborer who worked in farming and livestock, among other jobs.

985. In March 1996, John Doe 335 was in the waiting room at a dentist's office when two paramilitaries appeared on motorcycle and told him to go with them. Later that day, the authorities found him at the entrance of a banana farm with bullet wounds in his back. His family learned of his death three days later, when they found him in a morgue in Urabá. At the time, the paramilitaries generally targeted residents of John Doe 335's municipality under the belief that they had knowledge about guerrilla activities.

986. John Doe 335 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

987. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 335 through its support of the paramilitaries in Urabá.

Jane Does 335-338, John Does 341-343/John Doe 340 (a minor)

988. John Doe 340 (a minor) was the son of Jane Doe 335 and the brother of Jane Doe 336, Jane Doe 337, John Doe 341, Jane Doe 338, John Doe 342, and John Doe 343. He was a student who worked in construction in his free time.

989. John Doe 340 was with friends in a barn in Urabá in August 1998 when several AUC members came by and shot him dead. John Doe 340 was seventeen years old at the time.

990. John Doe 340 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

991. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 340 through its support of the AUC in Urabá, which at the time of events had full control of the region.

Jane Does 339-342, John Doe 345/John Doe 344

992. John Doe 344 was the son of Jane Doe 339 and John Doe 345, and brother of Jane Doe 340, Jane Doe 341 and Jane Doe 342. John Doe 345 is now deceased and is represented in this action by Jane Doe 339, Jane Doe 340, Jane Doe 341, and Jane Doe 342. John Doe 344 was a banana worker. In June 1996, he left his home in Urabá to work at a farm. He never returned.

993. John Doe 344's relatives later found out that the paramilitaries operating in the area had disappeared and killed him. His forced disappearance has been recognized by the Colombian Victims' Unit and is in the documentation phase through the Justice and Peace process. His family has received administrative reparations from the Colombian government for his forced disappearance.

994. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the disappearance and murder of John Doe 344 through its support of the paramilitaries in Urabá.

Jane Does 343-346, John Does 347-348/John Doe 346

995. John Doe 346 was the son of Jane Doe 346 and brother of Jane Doe 343, Jane Doe 344, Jane Doe 345, John Doe 348, and John Doe 347. Jane Doe 346 is now deceased and is represented in this action by Jane Doe 343. John Doe 346 was an active member of the Workers and Public Employees Union (SINTRAOFAN).

996. John Doe 346 was killed in September 1994 by paramilitaries while he was walking through a neighborhood in Urabá.

997. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 346 through its support of the paramilitaries in Urabá. On information and belief, Chiquita benefited from the death of John Doe 346 by weakening the labor union.

Jane Does 347-353, John Does 350-351/John Doe 349

998. John Doe 349 was the son of Jane Doe 347 and John Doe 350, the permanent partner of Jane Doe 348, the father of Jane Doe 349 and Jane Doe 350, and the brother of Jane Doe 351, Jane Doe 352, Jane Doe 353, and John Doe 351. Jane Doe 347 and John Doe 350 are now deceased and are represented in this action by their children Jane Doe 351 and John Doe 351.

999. John Doe 349 was killed by paramilitaries in September 1996 on his way to a transportation terminal in Urabá. John Doe 349 was a public employee and served as the president of a municipal chapter of the Workers and Public Employees Union (SINTRAOFAN). At the time of his death, John Doe 349 was on his way to Medellín to negotiate a list of demands presented by the labor union.

1000. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 349 through its support of the paramilitaries in Urabá. On information and belief, Chiquita benefited from the death of John Doe 349 by weakening the labor union.

Jane Does 354-355, John Does 353-354/John Doe 352

1001. John Doe 352, husband of Jane Doe 354 and father of Jane Doe 355, John Doe 353, and John Doe 354, was intercepted and killed by paramilitaries in July 1996. He was on his way to work in Urabá.

1002. John Doe 352 belonged to the Workers and Public Employees Union (SINTRAOFAN). He was also the head of press for the Unión Patriótica party and a councillor for a municipality in Urabá in the early 1990s.

1003. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 352 through its support of the paramilitaries in Urabá. On information and belief, Chiquita benefited from the death of John Doe 352 by removing a union activist who threatened Chiquita's interests.

Jane Does 356-360, John Does 356-360/John Doe 355

1004. John Doe 355 was the partner of Jane Doe 356 and the father of John Doe 356, Jane Doe 357, and John Doe 357. He was the son of Jane Doe 358, and the brother of Jane Doe 359, Jane Doe 360, John Doe 358, John Doe 359, and John Doe 360. He was a transport coordinator for Banadex.

1005. In May 1995, John Doe 355 was in a restaurant in Urabá when several armed paramilitaries arrived and killed him.

1006. John Doe 355 is recognized as a victim in the Justice and Peace proceedings of AUC commander Raúl Emilio Hasbún Mendoza.

1007. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 355 through its support of the paramilitaries in Urabá.

Jane Does 361-362, John Does 362-365/John Doe 361

1008. John Doe 361 was the son of Jane Doe 361, the father of John Doe 362, and the brother of Jane Doe 362, John Doe 364, John Doe 363, and John Doe 365.

1009. In July 1996, John Doe 361 was on his way from his home to the farm where he worked in Urabá when he was intercepted by several paramilitaries who killed him by shooting him several times.

1010. John Doe 361's case is in the documentation phase in the Justice and Peace process.

1011. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 361 through its support of the paramilitaries in Urabá.

Jane Doe 363/John Doe 366

1012. Jane Doe 363's father, John Doe 366, was a bus driver. Paramilitaries operating in the Urabá region murdered his wife in 1994.

1013. In September 1996, John Doe 366 was driving in Urabá when several paramilitaries forced him to get out of the vehicle at the entrance to a farm. They then shot him dead.

1014. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of John Doe 366 through its support of the paramilitaries in Urabá.

Jane Doe 29/Jane Doe 222

1015. Jane Doe 29's sister, Jane Doe 222, sold raffle tickets on the banana farms in Urabá.

1016. In November 2002, the AUC paramilitaries detained her on a road in Urabá. They asked her what she was doing there. Minutes later, she was run over and killed. The AUC paramilitaries were known to use hit and runs to kill people, and on information and belief they killed Jane Doe 222.

1017. On information and belief, Chiquita caused, intended, conspired in, and/or aided and abetted the death of Jane Doe 222 through its support of the AUC in Urabá, which at the time of events had full control of the region.

VII. GENERAL ALLEGATIONS

1018. At all times, Chiquita and its executives knew or should have known that the AUC was a violent paramilitary organization continually engaging in vicious crimes and human rights violations against civilians in Colombia, including extrajudicial killing, torture, and forced disappearances. The acts described herein were inflicted under color of law and under color of official authority, and/or in conspiracy with, and/or in a joint criminal enterprise with, and/or in concert with, and/or on

behalf of those acting under color of official authority. The AUC has carried out its activities with both the tacit approval and active cooperation of official government security forces, pursuant to the overall war strategy of the Colombian government. Moreover, high-ranking officials from across the Colombian government have been implicated in paramilitary collaboration, including at least fourteen members of Congress, seven former lawmakers, the head of the secret police, mayors, and former governors. Furthermore, Chiquita's payments to the AUC were facilitated by *convivir*, which were licensed by and operated with the express authority of the government.

1019. The acts described herein were conducted in the course of an internal armed conflict as part of the Colombian government's war strategy. The AUC and other paramilitaries were parties to this armed conflict that engaged in combat with guerrilla armies on behalf of the government; they committed the abuses against Plaintiffs as part of their prosecution of this conflict. The AUC and other paramilitaries were engaged in this conflict in partnership with the Colombian military. The acts described herein were part of a widespread and systematic attack by the paramilitaries against the civilian population of the banana-growing region, as well as against several discrete sub-populations, including but not limited to leftist politicians, labor organizers, community activists, persons considered socially undesirable, and perceived guerrilla sympathizers. This attack spanned a large swath of land in Colombia, resulted in the deaths of thousands of individuals, and was directed by a centrally-commanded paramilitary organization. On information and belief, at all relevant times Chiquita had knowledge of this attack.

1020. The acts and injuries to Plaintiffs described herein were part of a pattern and practice of systematic human rights violations paid for, facilitated, condoned, confirmed, aided and abetted, and/or ratified by Chiquita and/or committed in conspiracy with the AUC.

1021. As a direct and proximate result of Chiquita's unlawful conduct, Plaintiffs have suffered and will continue to suffer harm including pain and suffering, personal injuries, property damage, harm

to their livelihoods, and extreme and severe mental anguish and emotional distress. Plaintiffs are thereby entitled to general and compensatory damages in amounts to be proven at trial.

1022. Plaintiffs' causes of action arise under and constitute torts under the following laws:

- i) Statutes and common law of the State of New Jersey and other applicable states, including but not limited to wrongful death, assault and battery, intentional infliction of emotional distress, negligent infliction of emotional distress, negligence, negligent hiring, and loss of consortium; and the
- ii) Laws of Colombia.¹

1023. Legal action by Plaintiffs in Colombia would be unsafe and futile. In June 2004, Chiquita sold its Colombian subsidiary, Banadex. On information and belief, Chiquita no longer owns any production operations in Colombia and is not subject to service there. Furthermore, the political and legal system in Colombia is characterized by virtual impunity for the crimes of paramilitaries and those who assist them. The vast majority of arrest warrants for paramilitary leaders are never carried out, and when such figures are arrested they are frequently released or allowed to escape from security facilities. Military officers accused of collaboration with paramilitaries are routinely exonerated or given token sentences by military courts. Prosecutors, investigators, and judicial officials who pursue cases of human rights abuses implicating paramilitaries are subject to death threats and assassinations, and many have had to resign or flee the country as a result.

1024. Legal action by Plaintiffs in Colombia would also result in serious reprisals. Individuals, and their lawyers, who seek redress for paramilitary crimes committed against them or their family members are regularly targeted for further retributive violence.

¹ While Plaintiffs will frame their Claims for Relief under New Jersey law, they also allege the analogous claims under the laws of Colombia, namely Articles 35, 37, 41-47, 63, 113, 397-99, 1494, 1568, 1571, 1579, 1614, 2302, 2341, 2343-44, 2350, 2355, and 2356 of the Colombian Civil Code; Articles 29-30, 94, 96-97, 103-21, 340, 347, and 454A of the Colombian Criminal Code; Law 54 of 1990; Law 222 of 1995; Law 446 of 1998; Law 975 of 2005; and Law 1448 of 2011; as well as case law interpreting these provisions.

1025. Chiquita took active steps to conceal its payments and other forms of support to the AUC. *See supra* ¶¶ 308-310 (decisions to conceal payments made at high levels within Chiquita).

1026. This concealment had the effect of preventing Plaintiffs from learning that Chiquita was responsible for their injuries. Plaintiffs were unaware of Chiquita's support of the AUC until shortly after Chiquita's guilty plea in March of 2007.

1027. Chiquita's concealment of its role in Plaintiffs' injuries prevented Plaintiffs from filing their claims at an earlier date.

1028. Plaintiffs were additionally unable to bring suit in Colombia or the United States until at least 2007 due to the poor security situation and the danger of reprisals, to which Chiquita's support of the AUC contributed.

1029. Several of the AUC paramilitary units active in the banana-growing region, including Bloque Norte and the Bloque Elmer Cárdenas, did not demobilize until 2006.

1030. Throughout and beyond this period, paramilitaries continued to kill and make threats against civilians in the banana-growing region. In 2006, several human rights workers received death threats, including lawyers challenging paramilitary violence.

1031. Plaintiffs were also absent members of a putative class action originally pled in *John Doe 1 et al. v. Chiquita Brands International, Inc.*, No. 2:07-3406 (D.N.J.), filed on July 19, 2007, which was consolidated into the multi-district proceeding *In re Chiquita Brands International, Inc.*, Case No. 0:08-1916 (S.D. Fla.) on February 20, 2008. District Judge Kenneth A. Marra denied class certification in the multi-district litigation on May 31, 2019.

VIII. CLAIMS FOR RELIEF

A. First Claim for Relief – War Crimes

1032. The allegations set forth in the above paragraphs are realleged and incorporated by reference as if fully set forth herein.

1033. The AUC's conduct alleged in this complaint constitutes violence to life and person, including extrajudicial killing, torture, mutilation, the taking of hostages, the carrying out of executions without previous judgment pronounced by a regularly constituted court, incidents of outrages upon human dignity, forced movement, and pillage.

1034. The AUC's acts violate the law of nations in that they were committed in the course of war crimes, because (1) an armed conflict was ongoing; (2) the AUC was a party to the conflict; (3) Plaintiffs and countless other victims of the AUC's acts did not take active part in the hostilities; and (4) the acts were committed in the course of armed conflict. These acts are thus war crimes regardless of whether the AUC acted under color of state authority.

1035. The war crimes described herein constitute torts that give rise to jurisdiction under the statutes and common law of New Jersey and other applicable states, as well as the laws of Colombia. Leaders, organizers, instigators, and accomplices participating in the formulation of these acts are responsible for all acts performed by any person in execution of such plan.

1036. Chiquita is liable to Plaintiffs because it aided and abetted, facilitated, condoned, paid, was reckless in dealing with, participated in a joint criminal enterprise with, confirmed, ratified, was the principal of, and/or conspired with the AUC in bringing about the war crimes committed against Plaintiffs.

i) The civil war in Colombia is an armed conflict within the meaning of the laws of war.

1037. The Colombian civil war is an "armed conflict not of an international character," as specified in Common Article 3 of the Geneva Conventions, which hold that in such cases, specific acts such as torture and "carrying out of executions without previous judgment pronounced by a regularly constituted court" constitute war crimes when committed against noncombatants.

1038. There is no dispute that at all relevant times, and up until the present, Colombia has been devastated by a long-standing civil conflict. This has been widely documented and, to Plaintiffs'

knowledge, has never been disputed in this or any other case. For example, the State Department noted in 1997 that the Colombian government's control of national territory "has been increasingly challenged by longstanding and widespread internal armed conflict and rampant violence" 1997 *Human Rights Report: Colombia*, at 1.

1039. During all times relevant to this complaint, the civil war in Colombia pitted the Colombian government – along with its paramilitary allies, including the AUC – against the FARC and other left-wing guerrilla insurgents. The Colombian civil war has continued uninterrupted since at least 1946, and has claimed the lives of over 300,000 people. Both Venezuela and Ecuador's presidents have referred to the FARC as a belligerent force. The Colombian government has engaged in prisoner exchanges with the FARC in the past. It held extensive negotiations with the FARC during the 1998–2002 time period, with involvement of the United Nations, and ceded a large portion of its territory to FARC control, referred to as the *zona de despeje*, or cleared zone. During that time, the FARC assumed the powers of government in the area under its control, including judicial and police powers.

ii) The AUC was a party to the armed conflict in Colombia.

1040. Once Colombia's various paramilitary groups consolidated in 1997 under the leadership of Carlos Castaño, the AUC became the most visible armed opposition to the FARC, which, by late 1996, had become Colombia's most prominent leftist rebel group. From that time until its demobilization, the AUC was a major combatant in Colombia's civil conflict with the FARC. In most of the rural areas where the FARC had its strongholds, the Colombian military ceded military operations to the AUC. By 2001, the conflict between the AUC and the FARC had become a notorious exchange of atrocities. *See also supra* ¶¶ 253-274 (the AUC role in the Colombian civil war as a tool of the Colombian government, and its campaign of violence against civilians).

iii) Plaintiffs did not take active part in the hostilities.

1041. Civilians are entitled to the protections of Common Article 3 of the Geneva Conventions if they are “[p]ersons taking no active part in the hostilities.” Neither surviving Plaintiffs nor decedents were party to the armed conflict in Colombia, as they were not members of the FARC, the AUC, or, indeed, any armed group that participated in the conflict. *See supra* Part VI (describing Plaintiffs).

1042. Plaintiffs’ decedents were not killed because they or anyone related to them had taken part in the hostilities in any way. Rather, they were victims of the campaign conducted against civilians by the AUC, partly in an effort to discourage support of the FARC. The AUC systematically murdered thousands of civilians without regard to whether they were actual participants in the civil war, as a warning to any potential guerrilla supporters. The AUC became known for using chain saws and machetes to dismember its victims in order to ensure that witnesses to this violence would never harbor or assist FARC guerrillas in their villages.

iv) Plaintiffs were killed in the course of the armed conflict.

1043. Decedents were not killed simply against the background of war; rather, the use of criminal violence and intimidation against civilians was part of the war strategy against the FARC agreed on by the AUC and the Colombian Government, in which Chiquita was intentionally complicit.

1044. The AUC used extremely violent means to take back areas held by the FARC and employed tactics of violence and terror to target civilians regardless of whether they were participants in the civil war, with the intention of discouraging civilians from supporting the leftist guerrillas. This military tactic is documented by the U.S. Department of State. *See supra* ¶¶ 383-384 (State Department reports documenting human rights abuses, including forced displacement).

1045. While this strategy was developed in Urabá, the model of collaboration between government and paramilitary was so successful that it was exported to the rest of the country and became part of the national war strategy. *See supra* ¶ 274 (paramilitarism model spread to Magdalena and elsewhere).

1046. Decedents were all members of particular groups that were targeted by the AUC as part of its war strategy. *See supra* ¶¶ 237-240 & Part VI. (AUC targeted particular groups, Plaintiffs' Injuries).

1047. In fact, all decedents were executed by the AUC as it used tactics of terror and violence, particularly in the areas that the FARC had a stronghold. They were not merely incidental victims during a time of war; rather, they were victims of the war strategies and goals agreed on by the AUC and the Colombian state.

B. Second Claim for Relief – Crimes Against Humanity

1048. The allegations set forth in the above paragraphs are realleged and incorporated by reference as if fully set forth herein.

1049. The conduct alleged in this complaint includes willful killing, disappearance, torture, forced displacement, and arbitrary arrest and detention constituting crimes against humanity, in that the AUC carried out these acts (1) as part of a widespread or systematic attack (2) against a civilian population. Leaders, organizers, instigators, and accomplices participating in the formulation of these acts are responsible for all acts performed by any person in execution of such plan. The acts of the AUC constitute crimes against humanity regardless of whether the AUC acted under color of state authority.

1050. The crimes against humanity described herein constitute torts that give rise to jurisdiction under the statutes and common law of New Jersey and other applicable states, as well as the laws of Colombia.

1051. Chiquita is liable to Plaintiffs because it aided and abetted, facilitated, condoned, paid, was reckless in dealing with, participated in a joint criminal enterprise with, confirmed, ratified, was the principal of, and/or conspired with the AUC in bringing about the crimes against humanity committed against Plaintiffs.

i) The killings alleged herein were part of a widespread and systematic attack.

1052. From at least late 1996, the AUC became a major combatant in Colombia's civil conflict with the FARC. In most of the rural areas where the FARC had its strongholds, the Colombian military had ceded military operations to the AUC. By 2001, the conflict between the AUC and the FARC had become a notorious exchange of atrocities. The AUC became notorious for using tactics of terror on civilians living in and around areas that had been under FARC control. *See supra* ¶¶ 237-240 (AUC strategy of targeting civilians in Urabá).

1053. The AUC killed thousands of civilians in Urabá. Their war strategy involved killing civilians in towns near guerrilla groups in order to intimidate the population from providing any support to the guerrillas. This included anyone supporting the guerrillas' ideology, such as teachers, community leaders, social activists, trade unionists, human rights defenders, religious workers, and leftist politicians. Many others not belonging to these groups were killed as well, as part of the AUC's efforts to establish complete dominance and deter support for the guerrillas.

1054. Decedents were all killed as part of a systematic attack on particular societal groups. *See supra* Part VI. (Plaintiffs' Injuries). In fact, all of Plaintiffs' decedents were executed by the AUC as it used tactics of terror and violence, particularly in the areas that the FARC had a stronghold. They were not merely incidental victims during a time of war; rather, they were victims of the war strategies and goals agreed on by the AUC and the Colombian state.

ii) The killings alleged herein were part of an attack that was directed against a civilian population.

1055. Decedents were killed as part of the AUC's strategy of terrorizing the civilian population of Urabá to discourage people from supporting the guerrilla insurgency. By design, this attack was carried out without regard to whether the victims were actual participants in the civil war. In fact, AUC commanders explicitly intended to kill civilians, with the understanding that such practices would deprive the guerrillas of their support base. *See supra* ¶¶ 237-241 & 383-384 (AUC's war

strategies, State Department reports).

C. Third Claim for Relief – Terrorism

1056. The allegations set forth in the above paragraphs are re-alleged and incorporated by reference as if fully set forth herein.

1057. The conduct alleged in this complaint constitutes violations of the customary international law prohibition on terrorism, in that the AUC (1) directed violence against a civilian population (2) in order to coerce or intimidate that population. The acts of the AUC constitute terrorism regardless of whether the AUC acted under color of state authority.

1058. The acts of terrorism described herein constitute torts that give rise to jurisdiction under the statutes and common law of New Jersey and other applicable states, as well as the laws of Colombia.

1059. Chiquita is liable to Plaintiffs because it aided and abetted, facilitated, condoned, paid, was reckless in dealing with, participated in a joint criminal enterprise with, confirmed, ratified, was the principal of, and/or conspired with the AUC in bringing about the acts of terrorism committed against Plaintiffs.

i) The killings alleged herein constitute violence directed against the civilian population of Urabá.

1060. Plaintiffs, decedents, as well as the vast majority of AUC targets in Urabá, were civilians and non-participants in Colombia's civil war.

ii) The killings alleged herein constitute violence directed against the civilian population of Urabá.

1061. The AUC targeted not only guerrilla sympathizers but anyone suspected of supporting their leftist ideology, such as teachers, community leaders, trade unionists, human rights defenders, religious workers, and leftist politicians. The AUC targeted civilians in towns and neighborhoods where guerrilla support was believed to be high because they claimed guerrilla groups could only operate in the region with the logistical support of local towns. *See supra* ¶¶ 237-241 (AUC war strategy).

1062. Killing the decedents was part of the general strategy of the AUC. Through these murders, the AUC intended to deter others from providing support or from expressing views that could be construed as supporting the FARC or their ideology. *See supra* Part VI. (Plaintiffs' Injuries).

D. Fourth Claim for Relief – Material Support to Terrorist Organizations

1063. The allegations set forth in the above paragraphs are realleged and incorporated by reference as if fully set forth herein.

1064. The conduct of Chiquita and the Non-Party Executives alleged herein constitutes violations of the customary international law prohibition on the illegal provision of material support to terrorist organizations, in that they (1) provided assets (2) to a terrorist organization (3) with the knowledge or intent that they would be used to carry out attacks on civilians (4) for the purpose of intimidating or coercing a civilian population. Chiquita's conduct constitutes material support to terrorist organizations, regardless of whether they acted under color of state authority.

1065. The acts of material support to the AUC, a terrorist organization, described herein constitute torts that give rise to jurisdiction under the statutes and common law of New Jersey and other applicable states, as well as the laws of Colombia. Leaders, organizers, instigators, and accomplices participating in the formulation of these acts are responsible for all acts performed by any person in execution of such plan.

1066. Chiquita is liable to Plaintiffs because it directly participated in the provision of material support to the AUC, and/or it aided and abetted, facilitated, condoned, paid, was reckless in dealing with, participated in a joint criminal enterprise with, confirmed, ratified, was the principal of, and/or conspired with others, including members of the AUC, to provide material support to the AUC, whose terrorist actions caused Plaintiffs' injuries.

- i) Chiquita and the Non-Party Executives provided assets to the AUC in the form of money, arms and logistical support.*

1067. Chiquita and the Non-Party Executives provided a variety of forms of material support to the AUC, including cash and assistance in trafficking weapons and drugs. The support that Chiquita provided was crucial to the AUC's success against the FARC in the area and its ability to continue killing civilians. Indeed, prominent AUC commanders considered the group's success in smuggling in massive quantities of arms – some of which were still being used by the paramilitaries to commit crimes as recently as 2008 – as one of the AUC's greatest achievements. This success was made possible partially by Chiquita's money and the use of Chiquita's port at Turbo. *See supra* ¶¶ 306-311, 360-365 & 366-378 (Chiquita's support to the AUC).

- ii) The AUC was at all relevant times a terrorist organization.*

1068. At all times relevant to this Complaint, the AUC was an organization engaged in acts of premeditated, politically-motivated violence against noncombatant targets. *See supra* ¶¶ 237-241 (AUC's strategy of terrorizing civilians).

1069. The AUC's terrorist activities have been well-known at all relevant times, and, on information and belief, Chiquita was aware of such activities. From September 10, 2001, until July 15, 2014, the AUC was been designated by the United States government as a Foreign Terrorist Organization. *See supra* ¶¶ 309-312 (Chiquita's knowledge). The AUC was only de-listed in 2014 because it no longer existed.

- iii) Chiquita knew and intended that the support it provided to the AUC would be used to carry out attacks on the civilian population of Urabá for the purpose of intimidating that population.*

1070. Chiquita knew of and intentionally supported the AUC's strategy of targeting civilians in order to intimidate the population of Urabá from supporting the FARC. Chiquita provided this support in exchange for security and stability on the banana plantations, which the AUC achieved through the murder or disappearance of civilians such as union leaders, community activists, and

suspected criminals. *See supra* ¶¶ 296-311 (knowing and intentional support).

E. Fifth Claim for Relief – Extrajudicial Killing

1071. The allegations set forth in the above paragraphs are realleged and incorporated by reference as if fully set forth herein.

1072. The extrajudicial killings alleged herein constitute torts that give rise to jurisdiction under the statutes and common law of New Jersey and other applicable states, as well as the laws of Colombia.

1073. The AUC committed acts of extrajudicial killing in that they carried out (1) deliberate killing of decedents (2) not authorized by a previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

1074. Chiquita is liable to Plaintiffs because it aided and abetted, facilitated, condoned, paid, was reckless in dealing with, participated in a joint criminal enterprise with, confirmed, ratified, was the principal of, and/or conspired with the AUC, which was acting under color of law through its collaboration with the Colombian civilian government and military, to bring about the extrajudicial killings committed against Plaintiffs.

i) The AUC's killings were carried out deliberately as part of the role assigned to them by the Colombian State to repress support of the FARC, but unauthorized by a judgment pronounced by any court.

1075. The AUC killed Plaintiffs' decedents as part of the Colombian state policy of intimidating civilians from supporting the FARC. *See supra* ¶¶ 253-274 (state action). The AUC committed many of these murders in the presence of family members or other community members, or they subsequently reported to the family that they were responsible for the killings. They openly killed civilians and discussed such killings in public in order to intimidate and threaten others.

1076. While the state supported the AUC in these efforts, they did not authorize them to commit these killings through a court judgment. In fact, AUC leaders have stated that the military would give them names of alleged guerrillas to kill when the state did not have enough evidence to prosecute

the individuals through Colombian courts.

1077. None of the decedents was killed pursuant to any judicial process at all.

1078. Killing the decedents was part of the general strategy of the AUC and Chiquita. Through these murders, the AUC and Chiquita intended to deter others from supporting the FARC or their ideology. *See supra* Part VI (Plaintiffs' Injuries).

F. Sixth Claim for Relief – Torture

1079. The allegations set forth in the above paragraphs are realleged and incorporated by reference as if fully set forth herein.

1080. The acts of torture alleged herein constitute torts that give rise to jurisdiction under the statutes and common law of New Jersey and other applicable states, as well as the laws of Colombia.

1081. The AUC committed acts of torture in that they (1) intentionally (2) caused Plaintiffs and their decedents to suffer severe mental or physical pain or suffering (3) for the purpose of punishing, intimidating or coercing Plaintiffs and their decedents.

1082. Chiquita is liable to Plaintiffs because it aided and abetted, facilitated, condoned, paid, was reckless in dealing with, participated in a joint criminal enterprise with, confirmed, ratified, was the principal of, and/or conspired with the AUC, which was acting under color of law through its collaboration with the Colombian civilian government and military, to bring about the torture committed against Plaintiffs.

i) The AUC caused Plaintiffs and their decedents to suffer severe mental and physical pain and suffering.

1083. Plaintiffs' decedents were in the custody of the AUC when they were tortured and killed. Some Plaintiffs witnessed AUC members seeking out their relatives and executing them. Other decedents were kidnapped and executed by the AUC; their family members only found out about their deaths after an anguishing period of uncertainty. At the time that the AUC paramilitaries murdered decedents, the paramilitaries had effective control of decedents by virtue of their numbers

and weapons.

1084. The AUC's torture and execution of the decedents caused them severe mental and physical pain. *See supra* Part VI (Plaintiffs' Injuries).

1085. The surviving Plaintiffs suffered severe mental and physical pain upon witnessing or learning of the murder of their family members. Individual Plaintiffs also experienced suffering when they were threatened against pursuing investigations of the deaths of their family members and were forced to flee the area. Furthermore, they suffered severe mental anguish due the feelings of threat and fright that the AUC might target them, too.

ii) The AUC tortured Plaintiffs and decedents as part of the role assigned to them by the Colombian State, to intimidate and deter them from supporting the FARC.

1086. The AUC would often force its victims to disclose names of other potential guerrilla supporters. They took workers from the plantations and tortured them to the point that many would invent stories and names in the hope that the paramilitaries would let them go. Two union leaders reported that the paramilitaries would use tactics such as tying the worker's hands and feet, using chainsaws or pliers to break them to pieces, and pulling out their nails. The AUC used torture against civilians to intimidate them from providing support to guerrillas, as part of their fight against the guerrillas on behalf of the government. *See supra* ¶¶ 253-274 (state action). On information and belief, the torture of Plaintiffs and decedents was intended to accomplish this goal.

G. Seventh Claim for Relief – Cruel, Inhuman, or Degrading Treatment

1087. The allegations set forth in the above paragraphs are re-alleged and incorporated by reference as if fully set forth herein.

1088. The acts of cruel, inhuman, or degrading treatment alleged herein constitute torts that give rise to jurisdiction under the statutes and common law of New Jersey and other applicable states, as well as the laws of Colombia.

1089. The AUC committed acts of cruel, inhuman, or degrading treatment in that they inflicted mental or physical suffering, anguish, humiliation, fear, and debasement upon Plaintiffs and their decedents. The acts described herein had the intent and the effect of grossly humiliating and debasing the Plaintiffs, forcing them to act against their will and conscience, inciting fear and anguish, and/or breaking their physical or moral resistance. Plaintiffs were placed in great fear for their lives and were forced to suffer severe physical and psychological abuse and agony.

1090. Chiquita is liable to Plaintiffs because it aided and abetted, facilitated, condoned, paid, was reckless in dealing with, participated in a joint criminal enterprise with, confirmed, ratified, was the principal of, and/or conspired with the AUC, which was acting under color of law through its collaboration with the Colombian civilian government and military, to bring about the cruel, inhuman, and degrading treatment committed against Plaintiffs.

i) The AUC inflicted mental and physical suffering, anguish, humiliation, fear and debasement on Plaintiffs and their decedents as part of the role assigned to them by the Colombian State, to intimidate and coerce civilians from supporting the FARC.

1091. The AUC used cruel, inhuman, and degrading treatment against civilians to intimidate them from providing support to guerrillas, as part of their fight against the guerrillas on behalf of the government. *See supra* ¶¶ 237-241, 253-274, 383-384 (state action; atrocious acts of AUC). Both decedents and surviving plaintiffs were victims of the AUC's cruel, inhuman, and degrading treatment. *See supra* Part VI (Plaintiffs' Injuries; mental anguish of decedents and survivors). The AUC targeted Plaintiffs' decedents because their actions and positions in the community were seen as supporting the FARC.

H. Eighth Claim for Relief – Violation of the Rights to Life, Liberty and Security of Person and Peaceful Assembly and Association

1092. The allegations set forth in the above paragraphs are realleged and incorporated by reference as if fully set forth herein.

1093. The violations of the rights to life, liberty and security of person and peaceful assembly and association alleged herein constitute torts that give rise to jurisdiction under the statutes and common law of New Jersey and other applicable states, as well as the laws of Colombia.

1094. The AUC violated Plaintiffs' and their decedents' rights to life, liberty and security of person and peaceful assembly and association in that they carried out (1) a systematic campaign of terror and violence (2) conceived and arbitrarily waged by state agents (3) hatched and calculated to suppress political opinion and expression.

1095. Chiquita is liable to Plaintiffs because it aided and abetted, facilitated, condoned, paid, was reckless in dealing with, participated in a joint criminal enterprise with, confirmed, ratified, and/or conspired with the AUC, which was acting under color of law through its collaboration with the Colombian civilian government and military, to bring about the violations of the rights to life, liberty and security of person and peaceful assembly and association committed against Plaintiffs.

i) Members of the AUC, as State agents and at the behest of State agents, carried out a systematic campaign of terror and violence.

1096. The AUC carried out a campaign of terror and violence against civilians to intimidate them from providing support to guerrillas, as a central strategy of their fight against the guerrillas on behalf of the government. *See supra* ¶¶ 237-241, 253-274, & 383-384 (atrocious acts of AUC; state action).

1097. Decedents were killed in the course of the AUC's terrorist campaign against civilian Populations.

ii) The AUC's campaign was hatched and calculated to suppress any political activity or expression that could be suspected of association with support for the FARC.

1098. One of the overriding purposes of the AUC's campaign of terror against civilians, including Plaintiffs and decedents, was to intimidate and coerce civilians in Urabá against supporting the FARC or, indeed, any political ideology that could be associated with the FARC. This could and

often did include the violent suppression of any form of political or social organization activity outside of those forms specifically endorsed by the paramilitaries and the government. *See supra* ¶¶ 237-241 (goals and tactics of AUC).

1099. Decedents were killed to suppress their political expression and to prevent them and others from giving political support to the ideologies associated with the FARC. *See supra* Part VI (Plaintiffs' Injuries).

I. Ninth Claim for Relief – Consistent Pattern of Gross Violations of Internationally Recognized Human Rights

1100. The allegations set forth in the above paragraphs are realleged and incorporated by reference as if fully set forth herein.

1101. The consistent pattern of gross violations of internationally recognized human rights alleged herein constitutes torts that give rise to jurisdiction under the statutes and common law of New Jersey and other applicable states, as well as the laws of Colombia.

1102. The AUC carried out a consistent pattern of gross violations of internationally recognized human rights against Plaintiffs, their decedents, and others in that the above-described abuses against Plaintiffs and decedents occurred within the context of numerous similar abuses and killings.

1103. Chiquita is liable to Plaintiffs because it aided and abetted, facilitated, condoned, paid, was reckless in dealing with, participated in a joint criminal enterprise with, confirmed, ratified, was the principal of, and/or conspired with the AUC, which was acting under color of law through its collaboration with the Colombian civilian government and military, to bring about the consistent pattern of gross violations of internationally recognized human rights committed against Plaintiffs.

i) The AUC committed its acts of abuse against Plaintiffs and their decedents in the context of a consistent pattern of abuses.

1104. The torture, murder, and other abuses committed against decedents, surviving Plaintiffs, and their family members was committed as part of and in the context of a consistent pattern of abuses

that constitute gross violations of internationally recognized human rights. These abuses include violations of the right to life, right to security of person, right to security of property, right to privacy, right to freedom of political expression and social organization, and many others.

1105. The specific acts constituting these violations include thousands of murders and incidents of torture and cruel, inhuman and degrading treatment, forced displacement, suppression of union activity and peaceful political dissidence. *See supra* ¶¶ 237-241 & 383-384 (AUC war strategy, State Department reports).

J. Tenth Claim for Relief – Wrongful Death

1106. The allegations set forth in the above paragraphs are realleged and incorporated by reference as if fully set forth herein.

1107. The acts described herein constitute wrongful death, actionable under the statutes and common law of New Jersey and other applicable states, as well as the laws of Colombia.

1108. Chiquita is liable to Plaintiffs because (1) their decedents died as a proximate result of Chiquita's acts and omissions and (2) their decedents would have been able to maintain an action against Chiquita for damages resulting from their injuries had they survived.

1109. As a result of the deaths described above, Plaintiffs have sustained pecuniary loss resulting from the loss of society, comfort, attention, services, and support of the decedents.

1110. Chiquita is liable to Plaintiffs because it aided and abetted, facilitated, condoned, paid, was reckless in dealing with, participated in a joint criminal enterprise with, confirmed, ratified, was the principal of, and/or conspired with the AUC in bringing about the wrongful deaths of the decedents.

i) The AUC caused decedents' deaths as a result of its overt acts of killing.

1111. The AUC's intentional abduction and execution of decedents, as part of its campaign of terror against the civilians of Urabá, which was intentionally and knowingly supported by Chiquita,

directly caused the deaths of decedents. *See supra* Part VI (Plaintiffs' Injuries).

ii) If decedents had not died, they would have been able to maintain an action for damages resulting from their injuries.

1112. Decedents' injuries – both physical and emotional – were caused by intentional and negligent actions and omissions of Chiquita. Had they not died, they could have maintained actions for damages against Chiquita under the laws of New Jersey and other applicable states, as well as the laws of Colombia. Their surviving family members therefore may maintain an action for their wrongful death.

K. Eleventh Claim for Relief – Assault and Battery

1113. The allegations set forth in the above paragraphs are realleged and incorporated by reference as if fully set forth herein.

1114. The acts described herein constitute assault and battery, actionable under the statutes and common law of New Jersey and other applicable states, as well as the laws of Colombia.

1115. Chiquita's actions alleged herein constitute assault and battery in that they (1) acted with the intention of causing offensive and harmful touching of Plaintiffs' or decedents' persons without their consent, and/or (2) they acted with the intention of creating the imminent apprehension that such touching would result, and (3) such touching or apprehension of touching resulted.

1116. As a result of these acts, Plaintiffs were placed in great fear for their lives and suffered severe physical and psychological abuse and agony.

1117. Chiquita's acts were willful, intentional, wanton, malicious, and oppressive.

1118. Chiquita is liable to Plaintiffs because it aided and abetted, facilitated, condoned, paid, was reckless in dealing with, participated in a joint criminal enterprise with, confirmed, ratified, was the principal of, and/or conspired with the AUC in bringing about the assault and battery of Plaintiffs and decedents.

- i) Members of the AUC attacked decedents intending to cause decedents to suffer harmful contacts or an imminent apprehension of an immediate harmful contact without their consent.*

1119. The AUC abducted and killed decedents, in some cases in front of Plaintiffs and their family members. In so doing, the AUC intended to cause decedents to suffer dangerous, harmful, and offensive physical contact without their consent, and also to frighten them with the imminent apprehension of such contact, and they also intended to frighten surviving Plaintiffs with the imminent apprehension of such contact. *See supra* Part VI (Plaintiffs' Injuries).

- ii) Decedents suffered harmful contacts or a reasonable, imminent apprehension of harmful contacts because of the AUC's attacks.*

1120. The AUC's acts of kidnapping, killing, and torture alleged herein included harmful physical contact that caused injury and death to decedents without their consent, and acts of physical and emotional intimidation that caused decedents and surviving Plaintiffs to suffer the fright and apprehension of immediate harmful physical contact.

L. Twelfth Claim for Relief – Intentional Infliction of Emotional Distress

1121. The allegations set forth in the above paragraphs are realleged and incorporated by reference as if fully set forth herein.

1122. Chiquita's outrageous conduct constitutes the intentional infliction of emotional distress and is actionable under the statutes and common law of New Jersey and other applicable states, as well as the laws of Colombia.

1123. Chiquita's conduct alleged herein constitutes intentional infliction of emotional distress in that it (1) was intentional and/or reckless, (2) was extreme and outrageous, and (3) caused (4) severe distress to Plaintiffs and decedents.

1124. As a direct and proximate result of Chiquita's acts, Plaintiffs were placed in great fear for their lives and were forced to suffer severe physical and psychological abuse and agony.

1125. Chiquita is liable to Plaintiffs because it aided and abetted, facilitated, condoned, paid, was

reckless in dealing with, participated in a joint criminal enterprise with, confirmed, ratified, was the principal of, and/or conspired with the AUC in bringing about the intentional infliction of emotional distress of Plaintiffs and decedents.

- i) Chiquita acted intentionally and recklessly, with the intent and/or deliberate disregard of the high possibility that its support, assistance, direction, and collusion with the AUC would cause the acts alleged herein and cause severe humiliation, mental anguish, and emotional and physical distress.*

1126. By continuing to provide financial support, arms, and assistance in smuggling drugs, as well as facilitating, condoning, and conspiring with the AUC to carry out the Colombian government's violent paramilitary campaign against civilians, Chiquita intentionally acted, with the intent and/or deliberate disregard of the high possibility that their conduct would lead to the abduction, torture, and killing of decedents, causing severe humiliation, mental anguish, and emotional distress to decedents, surviving Plaintiffs, and their families. *See supra* ¶¶ 20, 306-311, 360-365, 366-378, 392-393, & 401-412 (Chiquita's support to the AUC; aiding and abetting; conspiracy; agency).

1127. At all relevant times, it was in Chiquita's power to cease its assistance, support, facilitation, condonation, and conspiracy with the AUC and predecessor paramilitary groups or to prevent or prohibit such conduct, but instead it continued in its course of conduct continuously from no later than 1993 until at least 2004.

- ii) Chiquita's conduct was so outrageous in character and so extreme in degree, as to go beyond all possible bounds of decency, and to be regarded as atrocious and utterly intolerable in a civilized community, and was without privilege or justification.*

1128. Chiquita's conduct alleged herein violated the laws of Colombia, New Jersey, and the United States, as well as the law of nations. War crimes, crimes against humanity, torture, extrajudicial killing, cruel, inhuman and degrading treatment, violations of the right to life, liberty, security of person, and peaceful assembly and expression, terrorism, material support of terrorism, and consistent patterns of gross violations of internationally recognized human rights are acts that are so heinous that they are considered to be of universal and mutual concern to all nations of the world,

such that nations have a legally binding obligation to punish and prevent them. Chiquita's complicity in such acts is therefore so extreme and outrageous in character as to be completely unjustifiable and intolerable in a civilized community.

iii) Chiquita's actions in aiding, facilitating, paying, colluding with, and supporting the AUC caused Plaintiffs' and their decedents' distress.

1129. By continuing to provide financial support, arms, and assistance in smuggling drugs, as well as facilitating, condoning, and conspiring with the AUC to carry out the Colombian government's violent paramilitary campaign against civilians, Chiquita proximately caused the injuries alleged in this complaint. Its involvement in the AUC's activities – including providing arms, money, and other assistance – began before Plaintiffs' injuries were incurred, and Chiquita's aid to the AUC through 2004 continued to substantially assist paramilitaries even after Chiquita ceased payments and withdrew from Colombia. Chiquita's support foreseeably became a crucial component in the AUC's ability and motivation to attack Plaintiffs, decedents, and countless other civilians in Urabá. *See supra* ¶¶ 306-311, 360-365, & 366-378 (Chiquita's assistance to the AUC; assistance was substantial).

iv) The distress suffered by Plaintiffs is severe enough that no reasonable person could be expected to endure it.

1130. The AUC's torture and execution of the decedents caused them severe mental and physical trauma prior to their deaths. *See supra* Part VI (Plaintiffs' Injuries).

1131. The AUC caused the surviving Plaintiffs severe mental and physical pain in witnessing or learning of the murder of their family members. Individual Plaintiffs also experienced suffering in being threatened against pursuing an investigation of the death, being forced to flee the area, and feeling threatened and frightened that the AUC would also target them. These fears, disturbances, and traumas constitute genuine and substantial distress, of a sort so severe that no person could reasonably be expected to endure it.

M. Thirteenth Claim for Relief – Negligent Infliction of Emotional Distress

1132. The allegations set forth in the above paragraphs are realleged and incorporated by reference as if fully set forth herein.

1133. Chiquita's conduct constitutes the negligent infliction of emotional distress and is actionable under the statutes and common law of New Jersey and other applicable states, as well as the laws of Colombia.

1134. Chiquita's conduct constitutes negligent infliction of emotional distress in that (1) it owed Plaintiffs and decedents a duty to act with reasonable care, (2) it breached that duty, (3) emotional distress was reasonably foreseeable, (4) Chiquita's conduct proximately caused the distress, and (5) the distress was genuine and substantial.

1135. As a direct and legal result of Chiquita's wrongful acts, Plaintiffs and decedents have suffered and will continue to suffer significant physical injury, pain and suffering, and extreme and severe mental anguish and emotional distress.

1136. Chiquita is liable to Plaintiffs because it aided and abetted, facilitated, condoned, paid, was reckless in dealing with, participated in a joint criminal enterprise with, confirmed, ratified, was the principal of, and/or conspired with the AUC in bringing about the negligent infliction of emotional distress of Plaintiffs and decedents.

i) Chiquita breached its duty to Plaintiffs by failing to act so as to stop engaging in the conduct described herein, and by failing to take steps in its power to prevent or prohibit such conduct.

1137. By continuing to provide financial support, arms, and assistance in smuggling drugs, as well as facilitating, condoning, and conspiring with the AUC to carry out the Colombian government's violent paramilitary campaign against civilians, Chiquita breached its duty to Plaintiffs to act with reasonable care so as not to cause injury to them. *See supra* ¶¶ 20, 306-311, 360-365, 366-378, 392-393, & 401-412 (Chiquita's support, aiding and abetting, conspiracy, agency).

1138. At all relevant times, it was in Chiquita's power to cease its assistance, support, facilitation, condonation, and conspiracy with the AUC or to prevent or prohibit such conduct, but instead it continued in its course of conduct continuously from no later than 1993 until at least 2004.

ii) Chiquita's conduct alleged herein proximately caused Plaintiffs and decedents to suffer emotional distress so severe that no reasonable person could be expected to endure it.

1139. By continuing to provide financial support, arms, and assistance in smuggling drugs, as well as facilitating, condoning, and conspiring with the AUC to carry out the Colombian government's violent paramilitary campaign against civilians, Chiquita proximately caused the injuries alleged in this complaint. Its involvement in the AUC's activities – including providing arms, money, and other assistance – began before Plaintiffs' injuries were incurred, and Chiquita's aid to the AUC through 2004 continued to substantially assist paramilitaries even after Chiquita ceased payments and withdrew from Colombia. Chiquita's support foreseeably became a crucial component in the AUC's ability and motivation to attack Plaintiffs, decedents, and countless other civilians in Urabá. *See supra* ¶¶ 306-311, 360-365 (Chiquita's assistance to the AUC, assistance was substantial).

iii) At all relevant times, Chiquita knew that its conduct would and did proximately result in physical and emotional distress to the AUC's victims.

1140. From the moment of their first involvement with paramilitary groups, Chiquita was aware that its assistance, collusion, facilitating, and support would result in the killing, torture, and other abuses committed against countless civilians in Urabá by the AUC.

1141. At all relevant times, paramilitary groups like the ACCU and the AUC were notorious for their brutal methods and tactic of declining to discriminate between combatants and civilians. Their reputation and method were well known in general and to Chiquita in particular, and were the subject of any number of newspaper articles and investigations both in Colombia and abroad. *See supra* ¶¶ 309-312 (Chiquita's knowledge). Chiquita engaged the AUC to provide security, suppress union activity, and discourage FARC support despite its prior knowledge that the paramilitaries in

general – and the AUC in particular – used terrorism and violence against civilians as a strategy to carry out those goals. *See supra* ¶¶ 306-311, 360-365 (Chiquita’s intentional support).

1142. Despite its general knowledge about the paramilitaries’ tactics and specific understanding of the paramilitaries’ activities in Urabá, Chiquita specifically engaged, paid, facilitated, condoned, conspired with, and otherwise supported them to suppress union activity and discourage support of the FARC – the very activities for which their brutal tactics were notorious. Chiquita played this role with the knowledge and intent that the paramilitaries would commit the abuses alleged herein, and it continued to play this role as it became clear that its support was assisting with the torture, murder, and other abuse of Chiquita’s opponents. *See supra* ¶¶ 309-312 (knowing and intentional assistance).

iv) Plaintiffs’ and decedents’ distress was genuine and substantial.

1143. The AUC’s torture and execution of the decedents caused them severe mental and physical trauma prior to their deaths. *See supra* Part VI (Plaintiffs’ Injuries).

1144. The AUC caused the surviving Plaintiffs severe mental and physical pain in witnessing or learning of the murders of their family members. Individual Plaintiffs also experienced suffering in being threatened against pursuing an investigation of the deaths, being forced to flee the area, and feeling threatened and frightened that the AUC would also target them. These fears, disturbances, and traumas constitute genuine and substantial distress, of a sort so severe that no person could reasonably be expected to endure it.

N. Fourteenth Claim for Relief – Negligence/Negligent Hiring/Negligence Per Se

1145. The allegations set forth in the above paragraphs are realleged and incorporated by reference as if fully set forth herein.

1146. Chiquita’s conduct constitutes negligence and is actionable under the statutes and common law of New Jersey and other applicable states, as well as the laws of Colombia.

1147. Chiquita’s conduct constitutes negligence in that (1) it owed Plaintiffs and decedents a duty

to act with reasonable care not to injure them, (2) it breached that duty, (3) it was reasonably foreseeable that its negligence would cause injury, damage, loss, or harm to Plaintiffs and their next of kin.

1148. Chiquita's negligent actions include, but are not limited to, unreasonably disregarding the risk that persons in its employ would commit torts against Plaintiffs and decedents, and violating statutes and other laws designed to protect Plaintiffs and decedents.

1149. As a result of these acts, Plaintiffs and decedents suffered harm including, but not limited to, death, physical injury, and severe emotional distress.

i) Chiquita breached its duty to Plaintiffs by failing to act so as to stop engaging in the conduct described herein, and by failing to take steps in its power to prevent or prohibit such conduct.

1150. By continuing to provide financial support, arms, and assistance in smuggling drugs, as well as facilitating, condoning, and/or conspiring with the AUC to carry out the Colombian government's violent paramilitary campaign against civilians, Chiquita breached its duty to Plaintiffs to act with reasonable care so as not to cause injury to them. *See supra* ¶¶ 20, 306-311, 360-365, 366-378, 392-393, & 401-412 (Chiquita's support, aiding and abetting, conspiracy, agency).

1151. At all relevant times, it was in Chiquita's power to cease its assistance, support, facilitation, condonation, and conspiracy with the AUC or to prevent or prohibit such conduct, but instead it continued in its course of conduct continuously from no later than 1993 until at least 2004.

ii) Chiquita breached its duty to Plaintiffs by failing to act so as to stop engaging in the conduct described herein, and by failing to take steps in its power to prevent or prohibit such conduct.

1152. By continuing to provide financial support, arms, and assistance in smuggling drugs, as well as facilitating, condoning, and conspiring with the AUC to carry out the Colombian government's violent paramilitary campaign against civilians, Chiquita proximately caused the injuries alleged in this complaint. Its involvement in the AUC's activities – including providing arms, money, and other assistance – began before Plaintiffs' injuries were incurred, and Chiquita's aid to the AUC through

2004 continued to substantially assist paramilitaries even after Chiquita ceased payments and withdrew from Colombia. Chiquita's support foreseeably became a crucial component in the AUC's ability and motivation to attack Plaintiffs, decedents, and countless other civilians in Urabá. *See supra* ¶¶ 306-311 & 360-365 (Chiquita's support to the AUC, assistance was substantial).

iii) At all relevant times, Chiquita knew that the AUC was an organization dedicated to the use of terrorism and violence against civilians and that it would use violence against perceived opponents of Chiquita, and could have foreseen that this could and would cause physical and mental harm to the AUC's victims.

1153. From the moment of its first involvement with paramilitary groups, Chiquita was aware that its assistance, collusion, facilitation, and support would result in the killing, torture, and other abuses committed against civilians in Urabá by the AUC.

1154. At all relevant times, paramilitary groups like the ACCU and the AUC were notorious for their brutal methods and tactic of declining to discriminate between combatants and civilians. Their reputation and method were well known in general and to Chiquita in particular, and were the subject of any number of newspaper articles and investigations both in Colombia and abroad. *See supra* ¶¶ 309-312 (Chiquita's knowledge). Chiquita engaged the AUC to provide security, suppress union activity, and discourage FARC support despite their prior knowledge that the paramilitaries in general – and the AUC in particular – used terrorism and violence against civilians as a strategy to carry out those goals. *See supra* ¶¶ 306-311, 360-365, & 392-393 (Chiquita's intentional support).

1155. Despite their general knowledge about the paramilitaries' tactics and specific understanding of the paramilitaries' activities in Urabá, Chiquita and the Non-Party Executives specifically engaged, paid, facilitated, condoned, conspired with, and otherwise supported them to suppress union activity and discourage support of the FARC – the very activities for which their brutal tactics were notorious. Chiquita played this role with the knowledge and intent that the paramilitaries would commit the abuses alleged herein, and they continued to play this role as it became clear that their

support was assisting with the torture, murder, and other abuse of Chiquita's opponents. *See supra* ¶¶ 306-311, 360-365, & 392-393 (knowing and intentional assistance).

iv) The AUC's dedication to the use of terrorism and violence against civilians proximately caused Plaintiffs' and decedents' injuries.

1156. It was the AUC's tactic of using terrorism and violence to intimidate civilians, suppress union activity, and discourage support of the FARC – with the assistance and collaboration of Chiquita – that proximately caused the deaths of decedents and the mental and physical injuries to Plaintiffs.

v) Chiquita's acts of material support to the AUC, along with its acts of assistance, support, direction, and collusion, violated laws designed to protect Plaintiffs and decedents, the violation of which constitutes negligence per se.

1157. Chiquita's support of the AUC violated the statutes and common law of New Jersey and other applicable states, as well as the laws of Colombia, which were meant to protect Plaintiffs and others. These laws include Colombian statutes outlawing paramilitarism and implementing Colombia's international human rights obligations. The violation of these laws was negligent and willful, therefore constituting negligence *per se*.

O. Fifteenth Claim for Relief – Loss of Consortium

1158. The allegations set forth in the above paragraphs are realleged and incorporated by reference as if fully set forth herein.

1159. Chiquita's conduct caused surviving Plaintiffs to suffer loss of consortium and is actionable under the statutes and common law of New Jersey and other applicable states, as well as the laws of Colombia.

1160. At all times prior to their deaths, the decedents noted above were faithful, loving, and dutiful spouses, parents, children, and other family members to the Plaintiffs who are their spouses, children, parents, and other relatives, respectively.

1161. As a result of Chiquita's acts, those Plaintiffs who are the spouses, children, parents and other family members of the decedents have been deprived of the decedents' society, comfort, attention, services, and support, all to their damage, in an amount to be proved at trial. In addition, those Plaintiffs have suffered and incurred the expenses of funeral and burial for the decedents, in an amount to be proved at trial.

1162. Chiquita is liable to Plaintiffs because it aided and abetted, facilitated, condoned, paid, was reckless in dealing with, participated in a joint criminal enterprise with, confirmed, ratified, was the principal of, and/or conspired with the AUC in causing Plaintiffs to suffer loss of consortium.

WHEREFORE, Plaintiffs pray for judgment as hereinafter set forth.

IX. PRAYER FOR RELIEF

WHEREFORE, each and every Plaintiff prays for judgment against the Defendant in excess of \$75,000, as follows:

- a) For compensatory damages, including general and special damages;
- b) For punitive damages;
- c) For injunctive and declaratory relief as this Court deems appropriate;
- d) For disgorgement of profits; and
- e) For costs of suit, attorneys' fees and such other relief as the Court deems just and proper.

X. JURY TRIAL DEMAND

1163. Plaintiffs hereby demand a jury trial on all issues so triable.

Dated: March 25, 2020

Respectfully submitted,

/s/Marissa Vahlsing

Marissa Vahlsing
Marco Simons (*pro hac vice* pending)
Rick Herz (*pro hac vice* pending)
EarthRights International
1612 K Street NW, Suite 800

Washington, D.C. 20006
Tel: 202-466-5188
Fax: 202-466-5189

CERTIFICATION

Plaintiffs, by their undersigned counsel, hereby certify pursuant to L.Civ.R. 11.2 that the matters in controversy are not the subject of any other action pending in any court or of any pending arbitration or administrative proceeding, with the exception of the following:

The multidistrict litigation *In re Chiquita Brands Int'l Alien Tort Statute & Shareholder Derivative Litigation*, No. 08-MD-1916 (S.D. Fla.), pending before Judge Kenneth A. Marra, and individual cases coordinated thereunder.

Dated: March 25, 2020

Respectfully submitted,

/s/Marissa Vahlsing

Marissa Vahlsing
Marco Simons (*pro hac vice* pending)
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