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VICTIMS OF COLOMBIAN ATROCITIES WIN RIGHT TO SUE CHIQUITA FOR COMPLICITY UNDER COLOMBIAN LAW

Lawsuit alleging complicity in financing and arming
Colombian paramilitary terrorist groups will continue

WEST PALM BEACH, Fla. — Colombian villagers suing Chiquita Brands International for its complicity in atrocities committed by paramilitary groups will have their Colombian legal claims considered by a federal court, according to an order issued today by a United States federal district court judge in Florida. This comes on top of a decision from last year, which found that the court can also consider claims for the torture and killing of plaintiffs' family members under the Alien Tort Statute (ATS), a U.S. federal law that incorporates international human rights standards. Today's order increases the probability that the case will eventually go to trial.

Since 2007, EarthRights International and other groups have filed a number of lawsuits against Chiquita on behalf of thousands of victims of paramilitary violence in the Colombian region of Urabá. The plaintiffs claim that the company struck a business deal with paramilitaries and other armed groups in which the paramilitaries suppressed labor organization through both random and targeted violence in exchange for financial assistance and access to Chiquita's private port for arms and drug smuggling. Chiquita has admitted to paying the paramilitaries from 1997 to 2004 and has paid a criminal fine of \$25 million to the Department of Justice for providing material support to a terrorist group.

Judge Kenneth Marra of the Southern District of Florida had originally declined to consider the plaintiffs' Colombian law claims, but in today's order he reconsidered and withdrew that decision. This greatly strengthens the plaintiffs' case, since the question of whether the ATS applies to corporations or to actions committed outside the United States is currently in front of the U.S. Supreme Court in the case of *Kiobel v. Royal Dutch Petroleum*. Practically, the resurrection of the Colombian law claims means that much of the case will survive even if the Supreme Court were to limit the reach of the ATS against companies like Chiquita for their foreign conduct.

According to counsel for the plaintiffs, Marco Simons, "We're thrilled that the judge has recognized that our claims against Chiquita for violations of Colombian law can proceed in

this lawsuit. The plaintiffs have been waiting for justice for a decade and more, and this is one more step in the right direction for them to finally have their day in court.”

The decision on Colombian law was accompanied by another order that may cause further delays in the process. This second order gives Chiquita permission to send last year’s decision on the ATS claims to a federal appellate court, which will have the opportunity to determine whether, among other things, Judge Marra correctly concluded that the murder and torture of the plaintiffs’ relatives were war crimes.

EarthRights International (ERI) is a nonprofit, nongovernmental organization that combines the power of law and the power of people in defense of human rights and the environment. Focusing on earth rights, we work at the intersection of human rights and the environment. We specialize in fact-finding, legal actions against perpetrators of earth rights abuses, training for grassroots and community leaders, and advocacy campaigns that seek to end earth rights abuses and promote and protect earth rights. To learn more, please visit: <http://www.earthrights.org>.

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