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FAMILIES OF VICTIMS MURDERED BY COLOMBIAN DEATH SQUADS PETITION U.S. SUPREME COURT TO
HOLD CHIQUITA ACCOUNTABLE

*After Chiquita admitted illegally financing Colombian terrorists, victims' families ask high court to
allow lawsuit for crimes against humanity*

JANUARY 7, 2015, WASHINGTON, D.C. — John Doe 9 (a pseudonym used to keep his family safe) was a hard worker in the Colombian banana plantations, a labor union leader, and the sole breadwinner in his family. In 1997, he was tortured, decapitated, and dismembered by the paramilitary terrorist group known as the AUC (United Self-Defense Forces of Colombia). Now, his widow and hundreds of other families with similar stories are seeking justice against banana giant Chiquita, which admitted illegally financing the AUC for years.

EarthRights International (ERI) and its co-counsel filed a petition to the U.S. Supreme Court on behalf of these families, urging the Court to consider the case against the Chiquita for financing paramilitary death squads in Colombia. The 11th Circuit Court of Appeals ruled that, despite the fact that Chiquita is a U.S. company that made decisions in the U.S. to finance the paramilitaries, in violation of U.S. criminal law, the victims' claims under the federal Alien Tort Statute (ATS) lacked sufficient connection to the U.S. to be heard in U.S. courts. The petition to the U.S. Supreme Court seeks to reverse that decision.

From 1997-2004, the AUC used Chiquita's financial support to spread terror in the banana-growing region of Urabá, Colombia, where it killed thousands of villagers, labor leaders, and community organizers, who were suspected of favoring leftist guerrillas or making trouble for the plantation owners. Chiquita admitted to paying the paramilitaries and in 2007 pled guilty to federal criminal charges for providing material support to a terrorist group. Although Chiquita paid a fine to the Department of Justice, the families of the many victims have yet to see justice.

Seeking justice from Chiquita in the company's home courts, the families filed a class-action lawsuit alleging that, in order to maintain its profitable control of banana growing regions, Chiquita abetted the paramilitaries in the commission of numerous human rights abuses including murder and torture.

"It seems pretty straightforward that when a U.S. citizen – a human being or a corporation – finances terrorism, victims of that terrorist violence should be able to try to prove their case in U.S. courts," said Marco Simons, ERI Legal Director and one of several counsel for the Colombian plaintiffs. "Especially now, when local authorities no longer have the power to hold Chiquita accountable because the company has sold all its interests and assets in Colombia. Where else should the victims go for justice?"



The plaintiffs are represented before the Supreme Court by veteran human rights lawyer Paul Hoffman, who also argued the 2013 case *Kiobel v. Royal Dutch Petroleum*, in which the Supreme Court added a new requirement that ATS cases must have a sufficient connection to the United States. “The Chiquita case clearly meets the test set out in *Kiobel*,” said Hoffman. “We have a U.S. corporation making decisions from the United States to finance terrorism in violation of U.S. law, and our nation has a strong interest in addressing this egregious conduct.”

The case before the Supreme Court is *Cardona v. Chiquita Brands Int’l, Inc.*, which includes the class action *Doe v. Chiquita Brands International*, originally filed in 2007 with several other Chiquita cases, and coordinated as No. 08-MD-01916 in the Southern District of Florida. Additional counsel for the plaintiffs include Cohen Milstein Sellers & Toll PLLC, Judith Brown Chomsky, Arturo Carrillo, and John DeLeon. Additional information is available at www.earthrights.org.

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EarthRights International (ERI) is a nongovernmental, nonprofit organization that combines the power of law and the power of people in defense of human rights and the environment, which we define as "earth rights." We specialize in fact-finding, legal actions against perpetrators of earth rights abuses, training grassroots and community leaders, and advocacy campaigns, and have offices in Southeast Asia, the United States and Peru. More information on ERI is available at <http://www.earthrights.org>.