

De: National Security Archive archive@GWU.EDU
Objet: Chiquita Sues to Block Release of Files on Colombia Terrorist Payments
Date: 8 avril 2013 16:58
À: NSARCHIVE@HERMES.GWU.EDU

Chiquita Sues to Block Release of Files on Colombia Terrorist Payments

Banana Giant Fears National Security Archive "Media Campaign"

Company Says SEC Should Withhold Info on Illegal Transactions

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Washington, DC, April 8, 2013 -- Chiquita Brands International last week filed a "reverse" Freedom of Information lawsuit to block the release of records to the National Security Archive on the company's illegal payments to Colombian terrorist groups, according to the complaint filed in U.S. District Court. At issue are thousands of documents the company turned over to the Securities and Exchange Commission (SEC) from 1998-2004 as part of an investigation of the company's illegal transactions with leftist insurgents and right-wing paramilitaries from the United Self-Defense Forces of Colombia (AUC).

Two years ago, the Archive published "The Chiquita Papers," a declassified collection of more than 5,000 pages of internal Chiquita documents turned over to the Department of Justice and the Federal Bureau of Investigation as part of a criminal investigation of more than \$1.7 million in payments to the AUC over six years, and for nearly three years after the group was formally designated as a terrorist organization. That case resulted in a 2007 sentencing agreement in which Chiquita admitted to more than ten years of payments to a variety of Colombian guerrilla and paramilitary groups.

The Chiquita Papers included evidence that Chiquita and its Colombian subsidiary had received tangible benefits from those transactions, undermining one of the key aspects of the company's defense: that it had never received "any actual security services or actual security equipment in exchange for the payments." Chiquita's "reverse" FOIA complaint now claims that the news headlines based on the documents were part of "a media campaign to publicize biased mischaracterizations of the documents."

"We strongly reject Chiquita's assertion that we mischaracterized information found in their own corporate records," said Michael Evans, director of the Archive's Colombia Documentation Project. "Chiquita admitted to more than a decade of regular payments to death squads and narcotraffickers," he added. "Now, Chiquita wants to cover up the documents that would let us judge for ourselves whether those payments were extortion or security for banana operations, or both."

Among the evidence that Chiquita did, in fact, benefit from its "sensitive payments" is a 1994 legal memo indicating that Colombian insurgents provided security at some of Chiquita's plantations in Colombia. The memo says that the general manager of Chiquita operations in Turbo told company attorneys that "Guerrilla Groups" were "used to supply security personnel at the various farms." A subsequent draft of the same memo includes annotations asking, "Why is this relevant?" and, "Why is this being written?"

Another document published by the Archive in April 2011 shows that Chiquita also paid right-wing paramilitary forces for security services--including intelligence on guerrilla operations--after the AUC wrested control of the region from insurgents in the mid-1990s. The March 2000 memo, written by Chiquita Senior Counsel Robert Thomas and based on a conversation with managers from Chiquita's wholly-owned subsidiary, Banadex, indicates that paramilitaries formed a front company to disguise "the real purpose of providing security." The unidentified Banadex official said Chiquita "should continue making the payments," because the company "can't get the same level of support from the military."

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