

A U.S. District judge has granted an emergency request for the deposition of Colombian former paramilitary members by plaintiffs in lawsuits against Chiquita Brands International. 

The plaintiffs are accusing Chiquita of liability for murders allegedly committed by Colombian paramilitary group United Self-Defense Forces of Colombia (AUC) and other guerilla groups during the 1990s and through 2004.

Florida Judge Kenneth A. Marra believes there is sufficient evidence three former AUC members, who are potential key witnesses in the litigation, might disappear upon their imminent release from Colombian prison before they can be served with compulsory process to appear.

Paramilitary members Roldan Perez, Mangones Lugo and Rendon Herrera could all be called as witnesses in lawsuits alleging Chiquita 'funded, armed and otherwise supported the AUC' in order to produce bananas in an environment free from labor opposition and social disturbances.

The court has also approved the plaintiffs' motion to take the deposition of former Chiquita CEO and chairman Cyrus Freidheim, based on his age and importance as a witness.

Marra says in a court document dated April 7 the plaintiffs demonstrate "a reasonable basis to infer that the paramilitary witnesses are likely to become process-averse upon their release from Columbian prison."

"The court finds a legitimate urgency to the plaintiff's request to serve compulsory process and immediately depose the witnesses while they are still in the custody of Columbian government and prison authorities," Marra says.

"Plaintiffs adequately demonstrate that all three of the proposed deponents have material knowledge regarding the core allegations of the plaintiffs' complaints, and that all three, simply by virtue of their roles as prior AUC commanders -- combined with the individual trigger factors identified above -- have a strong incentive to disappear after they are released from prison."

He says the release could 'theoretically' occur at any time, but adds neither party is able to identify the respective release dates with any certitude.

Chiquita has opposed depositions taking place at this stage in the litigation process, claiming it would place an undue financial on the multinational and that the cost of

preparing for and taking the depositions will be wasted if the court ultimately grants the defendants' motions to dismiss.

Chiquita has also questioned whether the witness testimonies are required in a proceeding that has not progressed beyond the motion to dismiss phase.

The company also claimed in January that it had **uncovered evidence the witnesses may have been paid** in order to give false testimonies.

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