

## Chiquita settles suits with families of slain missionaries, geologist

Jane Musgrave - Palm Beach Post Staff Writer

Updated 6:56 p.m Monday, Feb. 5, 2018 Filed

WEST PALM BEACH- On the eve of trial, banana giant Chiquita Brands International on Monday settled lawsuits accusing it of being responsible for the decades-old deaths of five Central Florida missionaries and an Alabama geologist during Colombia's bloody civil war.

Jury selection was suspended in U.S. District Court when both sides announced they had reached a confidential settlement.

"It has been a very lengthy journey for the families of the victims, and we hope this agreement can bring them some closure," said attorney Ramon "Ray" Rasco, who represented the families of the six Americans those killed by rebel groups in the 1990s.

He declined to release details of the settlement. Before trial, those familiar with the cases said it was expected jurors would be asked to award the families tens of millions of dollars.

In a statement, Chiquita officials said they were "pleased to have reached an amicable resolution," noting that it was taken over by new owners in 2015, when it was purchased by two Brazilian companies. Its national headquarters is now in Fort Lauderdale.

"This litigation related to events that occurred over 20 years ago during the time of Colombia's civil war, when many Colombians and others endured profound pain at the hands of Colombian terrorist organizations, both from the left and the right," it wrote. "With this matter concluded, Chiquita will continue its focus on being a good citizen and partner in the countries where we do business."

In the lawsuits filed in 2008, Rasco and other attorneys accused the company of violating the federal Anti-Terrorism Act by funding a Colombian rebel group that is blamed for the deaths of thousands in the war-torn country, including the missionaries and the geologist. The act allows U.S. citizens to sue if they or their loved ones are victims of international terrorism.

After numerous appeals, U.S. District Kenneth Marra paved the way for this week's trial by rejecting Chiquita's claims that it was under duress when it paid roughly \$220,000 to the Revolutionary Armed Forces of Colombia, commonly known by its Spanish acronym FARC.

# ARTLOG

“Where support is given to a known terrorist group having only violent organizational goals — with no philanthropical, education, or other socially useful purposes — certainly there is at least a jury question as to whether the payments were made with the requisite ‘knowing or intending,’” Marra wrote in a 61-page order last month.

In criminal charges brought by the U.S. Department of Justice, the company in 2007 paid a \$25 million fine after admitting it paid another Colombian terrorist group \$1.7 million. As part of its guilty plea to a charge of doing business with a terrorist organization, the company also admitted it paid money to FARC.

Three of the missionaries, part of the Orlando-area New Tribes Mission, in 1993 were kidnapped at gunpoint in front of their wives and children and held for \$5 million ransom. Roughly a year later, two other New Tribes missionaries were kidnapped.

Years passed before the families learned the men had been killed. Colombian prosecutors blamed the deaths on FARC guerrillas.

Frank Pescatore Jr. was part-owner of an Alabama-based oil and gas exploration company when he was kidnapped in 1996 while working on a project in Colombia. His captors demanded \$2.5 million in ransom. Although his family worked with the FBI and the U.S. Embassy, he was fatally shot in 1997 during an escape attempt.

In a letter to Chiquita, FARC claimed responsibility for his death and demanded money from the firm if it wanted to continue to do business in Colombia.

The company also faces scores of similar lawsuits filed by the families of slain Colombian nationals. In those lawsuits, also pending before Marra, Chiquita is accused of violating the federal Alien Tort Act.

While filed in courthouses throughout the nation, the lawsuits were consolidated and moved here so the similar accusations could be considered by one judge. One of the reasons they were assigned to Marra is the proximity of South Florida to Colombia.