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## TRANSLATION

**El Nuevo Diario. Nicaragua.**

**Testimony of former workers “courted” by three agents**

**“Dole bribed to make declarations against Nemagon victims”**

\* One was promised a U.S. visa, 50 Thousand dollars, a job, housing and lodging in the United States. \* The “investigators” for the company told him that “they were interested in finding bad things or things that would injure plaintiffs in their claims” and so “they convinced” Judge Chaney \* They looked for them throughout the country, they did not comply with what was offered, and now, repentant, they tell about the human misery that continues the tragedy to unsuspected levels.

Róger Olivas

END – CHINANDEGA 10/05/2010

Three agents of the transnational Dole Food Company took advantage of the need of 27 former workers of banana plantations in Nicaragua to recruit them and to declare against 11 victims of Nemagon and Fumazone, known as the Mejia case, and one victim in the Rivera case, pending in the Court of Judge Victoria G. Chaney of Los Angeles, California.

Seven members of a group of ex-banana workers who made sworn statements, revealed that the agents of the transnational banana company mentioned, the Costa Rican Luis Angel Madrigal Guevara, the Mexican Jose Francisco Valadez and Luis Carrizales, offered them bribes to make declarations against the victims of the toxic substance before Judge Chaney.

Juan Jose Herrera Jaquin declared that Valadez promised him an American visa, 50 Thousand dollars, a job, housing and lodging in the United States, in exchange for declaring against one of the victims of Nemagon and Fumazone, known as DBCP, but he refused, and he was “intimidated by Madrigal and several Americans”, who gave him 6,500 cordobas, and in the end he made the declaration.

On his side, Juan Jose Herrera Jaquin, said that Madrigal and Valadez, together with other people who looked North American, forced him to declare in favor of Dole, and if he refused they would file criminal charges. In exchange, he received 6,500 cordobas.

Fabiola de los Angeles Davila Gutierrez stated that “Dole’s investigators told her that they were interested in finding bad things or things that would injure Plaintiffs in their claims.”

The woman indicated that the agents told her to use part of the money (\$300/day) that they gave her, to buy people, and to obtain a signed declaration telling lies about the banana workers in the lawsuit.

Madrigal brought her from Guatemala, where she works, and offered her \$7,500.00. At the end he only gave her 4000 cordobas to make a declaration in a Managua hotel and to ask for protection because she

was afraid that Attorneys Antonio Hernandez Ordenana and Juan Jose Dominguez, of the Banana Workers Law Firm in Chinandega, would harm her because, according to the Costa Rican, they are dangerous people.

### **A Conspiracy of Dole Fruit Company agents**

Luis Madrigal intercepted Rufino Hermogenes Perez Ballesteros and asked him if he knew Francisco Donald Quinonez, Plaintiff in the Mejia case, who replied that they worked in the same banana plantation and was forced to sign a document, the content of which was against the victim.

Madrigal and Valadez took Antenor Cano Centeno up to Costa Rica, where he gave testimony but did not sign because he was not paid \$12,000 that had been offered.

“Francisco Valadez took out a portable computer and showed me the photograph of Julio Cesar Gonzalez of the Mejia case. I told him I knew him because we worked together in the same banana company. He told me to sign a document for him to insure that they were fellow workers, and they had to send it to the United States because the money was at hand. And for him to trust them, they would give him \$3,500.00, and he signed the document. I asked them to read the document to me, because in that moment was hands were full of grease, but they didn’t do it and they didn’t give me the money”, he stated.

Luis Madrigal, David Cascante and Luis Carrizales travelled to Matagalpa to visit Irvin Jacinto Castro Aguero, former worker in Chinandega banana plantations, who assured that the Dole agents broke several promises after he gave testimony in a Managua hotel.

### **They are sorry.**

The seven former banana workers showed repentance for having offered testimony to Dole’s agents, which was taken into account by Judge Victoria G. Chaney, to overrule the Mejia claim and to accuse attorneys Antonio Hernandez Ordenana and Juan Jose Dominguez of fraud.

They describe both lawyers as honest and as having worked hard for the Nemagon and Fumazone victims, used by the banana transnationals, although it had been banned.

They stressed that the banana companies forced workers to spray the pesticide without gloves, helmets or boots for their protection and which never paid social security.

They said that although the drums where the poison was stored had a skull as a sign of warning, the transnational companies did not care about the damage caused to thousands of workers which has been proven through laboratory tests.

The seven former banana workers said that the most tangible damage are several diseases to the eyes, kidneys and infertility. The fight of Nemagon workers is ten years old and 3000 former workers died with the hope of receiving an indemnity from the transnational companies.

Irvin Jacinto Castro Aguero requested that Judge Victoria G. Chaney travel to Nicaragua or send personnel from her court to investigate the reality of those affected by Nemagone and Fumazone and to

reject the recorded and televised interviews that the Dole agents delivered to her, which she blindly believed in.

The declarants requested that Judge Chaney open the Rivera and Mejia cases, and to hand down a favorable judgment for the eleven affected people. If not, the professionalism of the Judge would be questionable, since she is committing an injustice because it is proven that the American transnational companies marketed Nemagon and Fumizon in the Chinandega banana plantations during the 70's and the beginning of the 80's.

### **Did the Judge allow Dole Agents to Influence her?**

A source linked to the investigation revealed that in February 2009, the California Judge would open the Mejia law suit, but she allowed the investigations of Dole's agents to influence her. She took the 27 witnesses who "accepted" to declare in favor of the transnational company and she left the group of affected people in a state of defenselessness.

Judge Chaney said in her verdict that "In Nicaragua there is an atmosphere of threats, which as injured the progress of this case and of any other. I am here to protect our justice system and to acknowledge that I have failed the parties in my capacity to offer them a just trial. To all the parties, claimants and accused, and I am sorry about it, I would have liked to continue", she said.

In a term of three days – not allowing the attorneys Juan Jose Dominguez and Antonio Hernandez Ordenana, Judge Chaney accused them of fraud upon the Court and flagrant extortion of the accused.

"A fraud upon the Court happens when it can be shown, clearly and convincingly, that one party has set off a pattern targeted to interfere with the capacity of a judicial system to adjudicate a case impartially, using inadequate influence over a Judge, or obstructing in an unjustified way, the presentation by the opposite party, be it a claim or a defense", the Judge added.

Chaney qualified the conduct of Claimants and their attorneys as immoral, insidious and deep, since, according to her, there are massive quantities of evidence showing the recruitment and training of false plaintiffs to file cases in Nicaraguan as well as in American courts.

The Judge refers to uncontroverted evidence of systematic fabrication of work certificates, which were signed in blank and filled in later, to apply to any Plaintiff that was selected, "according to the whim of the attorney, his employees and his agents".

Chaney remains controversial since according to the sworn statement of the witness Juan Jose Herrera Jarquin, ex-banana worker, Luis Madrigal and Francisco Valadez were the ones who showed him a photograph of one of the persons affected by the toxic substance, and asked him if he had given a job certificate in favor of that person.

According to the Judge, attorneys Hernandez and Dominguez contacted these people so that they would not cooperate with the Dole investigators, which, in her opinion, fear-inspiring.

"It seems that they instructed the people to injure the investigators or any person who offered testimony about the illegal schemes that were going on in Nicaragua: bulletins have been distributed in parks to cause fear in the minds and in the hearts of the investigators, so they don't get near".

“Unfortunately, it has worked, Mr. Valadez is under criminal charges and is very worried for his entries and exits from that country, Nicaragua. He’s very worried for his safety and he has had to move constantly and he was not able to investigate in depth. He has to mind his back”, said Chaney.

In clear favoritism to Dole’s agents, the Judge said that Claimants in the Mejia and Rivera cases had filed fraudulent documents and have actively participated in a conspiracy to defraud this Court, get money from the accused and defraud them.”

She expressed having serious doubts on the good faith of any Claimant who has been injured as a result of his exposure to DBCP while he worked in banana fields.

The source linked to the investigation said that the supposed fraud mentioned by Judge Chaney tries to knock down the groups of Provost, Carlos Gomez, Walter Gutierrez and the Banana Workers Law Firm, representing thousands of people affected by Nemagon and Fumazone, who however, know well that the battle continues.