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1 relatively small and although it says method of payment as
 2 being cash, in one instance they had a donation of two pigs.
 3 That clearly wasn't cash. So I'm not absolutely certain that
 4 (b)(7) would have necessarily been aware of each and every
 5 single one of these things.
 6 The point is that it would be appropriate for
 7 (b)(7)(C) to say to (b)(7) listen, have you picked up all of
 8 this, you know, any kind of donations that we made in fuel or
 9 pigs or this, that or the other thing, and have you reported
 10 it. And if (b)(7)(C) had responded, yes, I've reported it --
 11 (b)(7)(C) the controller, (b)(7) has access to, you know, to
 12 the entries and so forth and so on. To me, it would be
 13 perfectly appropriate that (b)(7) not include it on his form.
 14 Now, whether that -- upon reflecting at this very
 15 instant, you know, whether that is absolutely precisely in
 16 conformity with the policy or whether the policy would
 17 require each and every person who had any knowledge to
 18 essentially repeat the procedure, I'm actually not sure.
 19 Q Do you know whether (b)(7) would review the
 20 submissions of his underlings?
 21 A I don't know.
 22 Q Did you have an expectation that he was reviewing
 23 the submissions of his underlings?
 24 A I didn't have an expectation that he was physically
 25 reviewing the document and signing off on the document. I

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1 had an expectation that as general manager that he would have
 2 been concerned that the documents were being filed on a
 3 timely basis and that everybody understood that they needed
 4 to file these documents on a timely basis and that it was a
 5 serious requirement.
 6 Q We talked briefly about the approval process for
 7 some payments and we will get back to that in more depth
 8 later, but for the time being, I want to understand that to
 9 the extent that (b)(7)(C) was approving a payment which
 10 would necessitate a disclosure on this form, there is the
 11 expectation that he is going to disclose that on his own
 12 form. Is that correct?
 13 A I think in my mind, it is fair to assume that he is
 14 certain that a disclosure of those payments is made, whether
 15 that disclosure be made by him or somebody that reports to
 16 him.
 17 BY (b)(7)(C)
 18 Q Do you know, is (b)(7)(C) required to approve all
 19 payments of this sort?
 20 A I don't. I honestly don't know. I'm sure that
 21 there is -- again, this is sort of more of a technical kind
 22 of auditing and accounting approval levels and so forth and
 23 so on, so I can't really tell you. Some of it would have
 24 been perhaps based upon classification, some of it would have
 25 been based upon amount.

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1 So when I see stuff like two pigs, you know, I
 2 honestly don't know whether he would have had to have
 3 approved that or not. On the other hand, he might have. It
 4 might have been, hey, listen, I am going to approve -- you
 5 know, whether it's a thumb tack, if it's going to the army
 6 command, I want to know about it and I'm going to approve it.
 7 I just don't know.
 8 Q Well, in your periodic meetings, what level of
 9 detail did you go through the sensitive payments? And by
 10 sensitive payments, I mean both the ones that would require
 11 FCPA disclosure and other types of sensitive payments.
 12 Q It was the kind of thing that we went through in
 13 some detail initially until a pattern was established. And
 14 let me explain that a bit. The guerrilla payments. The
 15 guerrilla payments would not have appeared on this list
 16 because they were not FCPA sensitive type payments, but the
 17 guerrilla payments, that obviously was quite a revelation for
 18 us and quite -- it was a big deal.
 19 So in the initial periods when we started
 20 experiencing this kind of extortion, first of all, that
 21 required -- not because there was a policy in place, but just
 22 good sense, that required discussing that at some pretty high
 23 levels in Chiquita; so it was discussed with me and I
 24 discussed it with my boss and so forth and so on.
 25 Q When you say initial periods, what time period are

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1 you referring to?
 2 A I want to say post-'87, but it's tough for me to
 3 refine it much beyond that. It would have been periods when
 4 we were beginning to own our own farms.
 5 Q Okay.
 6 A So initially, when these kind of payments were
 7 being made, there are a number of concerns, right? One
 8 concern -- a number of managerial concerns, not legal
 9 concerns. There was the legal concern, first of all, is it
 10 legal. We got beyond that, we got -- we've told the right
 11 people, both in and outside of Colombia, we got documentation
 12 blessing the transaction, that it was legal.
 13 Then there's the concern, well, you're dealing in
 14 cash, and you're not dealing in two pigs, you're dealing in
 15 cash and you're dealing in -- you know, maybe you're dealing
 16 in \$20,000, maybe you're -- you know, how do we know that
 17 somebody is not -- how do we know that that really is a
 18 legitimate extortion payment, that it's ending up where it's
 19 designated to be and how do we know that, you know, (b)(7)
 20 (b)(7)(C) isn't stealing it or (b)(7)(C) isn't stealing it or
 21 what have you?
 22 The short answer is that to some degree you don't
 23 know. I mean, unless you're going to go accompany them when
 24 they hand it off, which would not be advisable, there's a
 25 certain kind of -- there's a leap of faith, right?

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