

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Case No. 08-01916-MD-MARRA/JOHNSON**

IN RE: CHIQUITA BRANDS INTERNATIONAL, INC.,
ALIEN TORT STATUTE AND
SHAREHOLDER DERIVATIVE LITIGATION

This Document Relates To:
ATS ACTIONS

07-60821-CIV-MARRA (Carrizosa)
08-80421-CIV-MARRA (N.J. Action) (Does 1-11)
08-80465-CIV-MARRA (D.C. Action) (Does 1-144)
08-80508-CIV-MARRA (Valencia)
08-80480-CIV-MARRA (N.Y. Action) (Juan/Juana Does 1-914)
10-60573-CIV-MARRA (Montes)
18-80248-CIV-MARRA (John Doe 1)
17-81285-CIV-MARRA (D.C. Action) (Does v. Hills)

Declaration of L. Kathleen Roberts

1. I am an attorney licensed to practice law in the State of California. The information contained herein is based on my personal knowledge. If called upon, I could testify in a court of law to the accuracy of the matters set forth herein.
2. Until recently, I served as the Legal Director for the Center for Justice and Accountability (CJA). I am currently serving as CJA's Senior Legal Advisor. I have worked for CJA since 2009.
3. CJA's mission is to deter torture, war crimes, crimes against humanity, and other severe human rights abuses around the world through civil litigation, policy, and transitional justice strategies.
4. For 20 years, CJA has sought to bring these human rights abusers to justice. In our first case, filed in 1998, we successfully sued a war criminal from the Bosnian War who had found safe haven in the United States.
5. Over the years, I have overseen and participated in legal teams taking testimony overseas, and I am familiar with CJA's prior cases requiring overseas testimony.
6. As far as I know, CJA's depositions overseas have all been voluntary, not taken through The Hague Convention process.

7. The transcripts and videos of voluntary depositions are routinely admitted at trial. I am unaware of any requirement that restricts admissibility to depositions taken pursuant to The Hague Convention.
8. For example, I oversaw a legal team taking testimony in *Yousuf v. Samantar*, 2012 WL 3730617 (E.D. Va. Aug. 28, 2012), appeal dismissed (4th Circ. 12-2178) (Feb 03, 2014). In that case, CJA represented seven victims in a civil suit against Somalia's former prime minister and minister of defense, General Mohammed Ali Samantar, who presided over killings and torture of countless Somali civilians in the 1980s. Our team took voluntary depositions overseas in Djibouti in 2011, and we presented that testimony in court in 2012. The deposition testimony was admitted without issue.
9. I also oversaw the legal team taking testimony in *Jara v. Barrientos Nunez*, No. 613-CV-14, 2015 WL 12852354 (M.D. Fla. Apr. 14, 2015), aff'd in part sub nom. *Jara v. Nunez*, 878 F.3d 1268 (11th Cir. 2018). In that case, CJA represented the family of Chilean folk singer, Víctor Jara, who was murdered during the *coup d'etat* of Chilean General Augusto Pinochet. The voluntary depositions in that case were also taken overseas, this time in Chile. Again, such testimony was presented at trial without issue.
10. In both cases, CJA obtained a verdict for the victims.
11. My understanding is that The Hague Convention provides for a time consuming, cumbersome process generally used as a last resort. A voluntary deposition gives the parties far more flexibility to schedule a deposition at their and the witness's convenience. Another advantage of a voluntary deposition is that it does not burden the foreign court.
12. While the Hague Convention process may be necessary for jailed or uncooperative witnesses, I can think of no reason why it should be mandated for family members, cooperative eye witnesses or parties to the litigation.
13. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on April 12, 2018 in Santa Monica, California.

By: 