

# Costa Rica Attorney Accuses US Investor of Duping Government Agency with NO PROOF

*Mr. Christian Leathey, Costa Rica Attorney, Accused David Aven of Duping SETENA. If Mr. Leathey's Statement was False, why isn't that Slander and Defamation?*

LOS ANGELES, CA, UNITED STATES, January 10, 2018 /EINPresswire.com/ -- Mr. Christian Leathey, attorney for Costa Rica, during his opening statement said, "David Aven "duped" SETENA", a Costa Rica Governmental Environmental Agency. Mr. Aven was so outraged by Mr. Leathey, false and slanderous statements, that he told his attorney he needed to respond to those false statements before he was cross-examination by Mr. Leathey.

After being sworn in, Mr. Aven's attorney asked Mr. Aven if he had an opportunity to watch the first two days of the proceedings. Mr. Aven responded affirmatively and then clearly told the arbitration panel that Mr. Leathey statement were totally false and categorically denied "duping" SETENA. Mr. Aven cautioned Mr. Leathey that he should be more careful about what he said because words have meaning and effect." Watch the hearing video below and see Mr. Aven's remarks.

Mr. Aven also testified that acquiring the SETENA Environmental permit was a long and expensive process that took over a year. He explained that Costa Rican professionals were hired including attorneys, architects and engineers to shepherd the project through the environmental permitting phase. According to Mr. Aven, prior to SETENA issuing their EV permit, MINAE sent a required clearance letter to SETENA stating there were no wet lands on the Las Olas project site. Based upon that letter, SETENA then issued their EV Permit to Las Olas. There was no charge by Mr. Leathey, that Mr. Aven "duped" MINAE into writing their clearance letter to SETENA, green lighting the project for development! Once SETENA Resolutions are issued, they become government orders that require all private and public persons, to comply with, including criminal prosecutors and Costa Rica Judges.



Mr. Christian Leathey Opening Statement



David Aven Questioned by his Attorney

Right after Mr. Aven made his opening comments, it was Mr. Leathey's turn to cross examine him. So the stage was set. Mr. Leathey made his lawyer testimony allegations that Mr. Aven "duped" the Government. Mr. Aven categorically denied those false "duping" allegations calling it fake news. The arbitration panel had to be carefully listening to Mr. Leathey's questions to Mr. Aven, to see if Mr. Leathey could provide proof for his opening "duping" statement. However, Mr. Leathey did not ask Mr. Aven one "duping" question or provide any evidence to back up his slanderous and defaming "duping" remark. Nor did Mr. Leathey elicit that information from any Government witness he later had an opportunity to question. Lacking that, the panel had to conclude that Mr. Leathey's accusation was false, since he presented no proof to back up his "duping" statement.



David Aven Questioned by Mr. Leathey

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Mr. Aven told me that he had been asked by an employee of the local municipality to pay a bribe of \$200,000 in cash to keep the project moving along.”

*Fernando Zumbado, Former Housing Minister*

During Mr. Aven's testimony, he asked the arbitration panel this simple question. "Before you accuse someone of a very serious crime of duping a government, shouldn't you first get the evidence to prove it?" Mr. Aven also asked, where is SETENA, where is their statement saying I "duped" them?" SETENA didn't give the Government that statement because it wasn't true. Mr. Aven commented, "what's ironic is that Costa Rica is the one that "duped" me, by shutting the project down after it was fully permitted. Then, because I wouldn't pay a bribe to Christian Bogantes, a MIANE director, the project was shut down and I was falsely accused of illegalities and criminally charged by Luis Martinez the "Criminal"

Prosecutor".

Frankly, to this reporter, who has witnessed a number of trials, it's quite unbelievable that a competent attorney would make such a serious criminal accusation of "duping" a Government, without having solid evidence to back it up. SETENA is part of the government and if Mr. Leathey's statement was true, it would have been very easy for him to get a clear statement from SETENA saying that David Aven "duped" them and explaining how. Then Mr. Leathey could have legitimately made the "duping" claim. However, he failed to do that, therefore, it's clear that Mr. Leathey "duping" remarks were false.

Arbitration hearings operate differently than normal trials. In Arbitration hearings each side assembles witness statement from people they believe can best help their case. the other side can then call those witnesses for cross-examination at the CAFTA hearing. CAFTA Arbitration proceedings are basically cross-examination hearings.

Costa Rica did not get a witness statement from SETENA, therefore the US investors could not cross-examine them, nor could they call SETENA employees as witnesses. According to Mr. Aven, "we tried to get a statement from SETENA, but were told us they couldn't give us one". Whats wrong with this picture, Costa Rica hides SETENA, doesn't get their witness statement, then Mr. Leathey provides lawyer testimony that David Aven "duped" SETENA! Does that seem fair or reasonable or even legal? We Report, You Decide?

According to Mr. Aven, Costa Rica failed to get witness statements from MINAE, SETENA, SINAC, TAA, MUNICIPALITY and INTA. All relevant agency that had direct dealings with the development Project, yet none were called upon to provide evidence or testimony. That has to speak loud and clear for everyone! "Actions speak louder than words" surely applies here! The only statements Costa Rica took were from low level Government bureaucrats that had little knowledge of the facts. As Mr. Aven testified at the hearing, "I never had any direct dealings nor spoke to any witnesses from whom Costa Rica got witness statements". "The one exception was Mr. Luis Martinez, who gave his witness statement and appeared for cross-examination at the CAFTA hearing".

Lawyer testimony is when an attorney makes an allegation with no proof, but proffers it as being true. Lawyer testimony is not evidence and is not permitted. None of Mr. Aven's statement were objected to by Mr. Leathey, nor were they contradicted by any Government witness. Therefore, all of Mr. Avens statements made at the hearing, stand as being truthful. So it begs the question once again, why isn't Mr. Leathey's false statement that Mr. Aven "duped" SETENA, not slander and libel? We Report, You Decide!

[Click here to see Mr. Avens testimony at CAFTA hearing](#) at the World Bank. [See CAFTA submission filings on ITA Website](#). Watch for more corruption reports and visit our website at [CRBUZZ.com](http://CRBUZZ.com).

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