

CAFTA Treaty Arbitrators Refused to Follow the Law.

"Public confidence in the judiciary is eroded by irresponsible or improper conduct by judges. A judge must avoid all impropriety and appearance of impropriety."

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What are people called who don't follow the Law? Answer, "Criminals. Lady Justice doesn't care if you're a ditch digger, millionaire, prosecutor, Arbitrator or Judge. All are required to follow the law. The Arbitrators in this CAFTA case, Pedro Nikken, Eduardo Sequiros, and Mark Baker, seemed to have forgotten that "duty" somewhere along the way, because none of them followed the Law in this CAFTA Arbitration and this writer will show that clearly in this report.



Arbitrator Eduardo Siqueiros, Mexico City

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Resolutions of SETENA must be founded and well reasoned. Compliance will be obligatory both for individuals, and for all entities and public institutions.”

*SETENA, Costa Rica
Government Agency*

Below is one of many SETENA Resolutions that were legally obtained by the US Developers in Costa Rica. Here is an excerpt of key points in that resolution. There's a link at the bottom to the entire SETENA Resolution No. 1597-2008-issued JUNE 2, 2008.

(1) On November 8, 2007, this Secretariat received the Environmental Assessment Document (D-1) for the Project: Condominium Horizontal Residential Las Olas under the name of the company Inversiones Cotsco C&T S.A., represented by Mr. David Aven, file number D1-1362-2007-SETENA.

(2) On January 10, 2008, Mr. Eduardo Segnini Zamora, member of the Department of Institutional Management, and company officials of the developer conducted a field inspection on the project area.

(3) ARTICLE 19 of Costa Rica's Organic Law of the Environment" states: "The resolutions of the National Environmental Technical Secretariat (SETENA) must be founded and well reasoned. Compliance will be obligatory both for individuals, and for all entities and public institutions."
([click to rear full SETENA Resolution](#))

Article 19, is an important Law that needed to be followed by the CAFTA ARBITRATORS, but instead they completely ignored the law that simply said that SETENA Resolutions must be complied with by EVERYONE. However, the Arbitrators refused to follow the law in failing to

comply with that clear order.

SETENA was created in 1995 under Organic Law No 7554 and selected as the only agency that could issue "legally binding" Environmental Project permits. Said permits would only be issued after SETENA determined there wasn't any environmentally problems with the project site. SETENA was required to get extensive input from many other Government agencies before issuing their EV Permit. One included a clearance letter from MINAE clearing the site Environmentally. ([click to read MINAE Letter](#)). Once all the boxes were checked, only then would SETENA issue their EV Permit.

There was no BOX TO CHECK for SETENA to get a letter from the Developers stating they didn't know of any "potential wetlands". That box was fabricated by Costa Rica's attorneys after the fact, and then FRAUDULENTLY used by the Arbitrators in their corrupt ruling. There's no mention in Organic law 7554, or in the SETENA Resolutions, about developer knowing about and reporting "potential wetlands" to SETENA.

Factual evidence shows the Costa Rica functionaries, and the Arbitrators, all refused to comply with Article 19 and accept SETENA Resolution Determinations. There's not one mention of Article 19 Law in the entire Arbitration ruling. While the arbitrators accused Mr. Aven of engaging in unlawful acts, by not telling SETENA about a possible wetland, they were at the same time completely ignoring their obligations to comply with the Article 19 Law.

It didn't matter one bit to the Arbitrators that SETENA didn't say or write one word saying that Mr. Aven DUPED them or engaged in unlawful acts. It appears the arbitrators sole mission was to find the Claimants guilty of unlawful acts with no proof, as a way to invalidate legally acquired permits in their corrupt ruling. In their legal arrogance and ignorance, the ARBITRATORS appeared so intent on defaming and slandering Mr. Aven, for engaging in a non-existent crime of "DUPING" SETENA, that they completely ignored their own obligations to comply with Costa Rica's Article 19 law, and accept the determinations of SETENA Resolutions.

It's clear, that Article 19, requires everyone to comply with SETENA resolutions, no exemptions for Judges, Arbitrators, Prosecutors, and certainly no exemption for Mr. Christian Leathley, allowing him to spew defaming criminal hearsay statements in lieu of calling representatives from AGENCIES (SETENA-MINAE-SINAC-INTA-PROTTI) for direct testimony. Apparently Mr. Leathley failed to learn in Law School that the most important of the rules of evidence, is that in general, hearsay testimony is inadmissible and that almost all evidence must be sponsored by a witnesses who can be cross examined. Investigators should ask Mr. Leathley and the



Arbitrator Mark Baker, Houston, Texas



Arbitrator Perdo Nikken from Caracas, Venezuela

Arbitrators, why they failed to call representatives from SETENA-MINAE-SINAC-INTA to provide direct testimony?

SETENA issued additional Resolutions in 2004-2006-2007-2010-2011, all confirming no wetlands. Are we to believe the developer's also DUPED SETENA six times into issuing all those SETENA Resolutions? It's just preposterous for the State to proffer such nonsense, but it's even more preposterous for the ARBITRATORS to first admit that hearsay evidence into the hearing record, and then using it to rule against the claimants!

What is corruption? Generally speaking, it's abuse of entrusted power and can be classified as grand, petty and or political. Political corruption is a manipulation of policies, and rules of procedures. In the worst cases, corruption can cost people their lives, their freedom, health and money. In this ARBITRATION the initial corruption almost cost Mr. Aven his life and did cost him his freedom and health. The Arbitrators corruption also cost the US Investors, along with others who invested in the Las Olas Project, their health and the loss of millions of dollars. At that same time the Arbitrators received \$650.000 USD each for this outrageously corrupt ruling.

What is transparency? It's shedding light on corruption. Transparency ensures that public officials, attorney's, judges, ARBITRATORS "EVERYONE", act honestly and follows the LAW. It also means that the general public and law enforcement, can hold those who don't follow the Law "ACCOUNTABLE". Transparency is the surest way of guarding against corruption. That's exactly what this "CORRUPTION REPORT" is all about, shedding light on the ARBITRATORS CORRUPT RULING, for all to see. This corrupt ruling, along with the three Arbitrators, are the very definition of Corruption. They're all an insult and embarrassment to all legal professions. See More reports at <http://crbuzz.com/cafta-treaty-arbitrators-refused-to-follow-the-law/>

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