

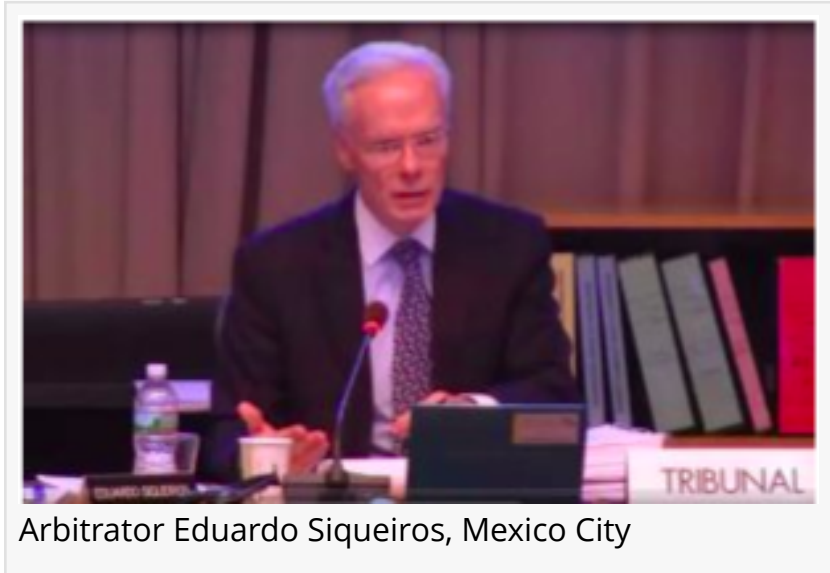
# CAFTA Arbitrators Abandoned the Rule of Law, Facts and Evidence

*It's a fundamental principle in the Law, no one can be prosecuted for doing something that 's not prohibited by Law. A principle the arbitrators totally ignored*

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A judge must be faithful to their professional competence in the Law and rely on facts and evidence in their rulings. In this Arbitration case, the Arbitrators abandoned the law, the facts and the evidence.

Newly appointed Supreme Court Justice, Brett Kavanaugh, said this in his confirmation hearing:



“Our rulings need to be accurate and correct because they affect peoples’ lives. Our rulings must be clearly explained so that both parties, even the losing party, clearly understands how we came to our decision and that it was JUST AND FAIR.”

“

It's very important in a republic that the people, including Judges, respect and comply with the Rule of law, for if we throw them to the winds, then what becomes of our civil government?”

*Elizabeth Cady Stanton*

In comparing Justice Kavanaugh's clear statement to the CAFTA Arbitrators written ruling, the reader will be scratching their heads trying to figure out the poorly written, un-clear and poorly explained ruling. I explained this in my four previous reports, below and want to expand on report No 4 in this report.

1. "AUTOPSY OF CORRUPT CAFTA ARBITRATION RULING"
2. "PROOF OF CORRUPTION IN COSTA RICA ARBITRATION

RULING"

3. "ANATOMY OF CORRUPTION IN COSTA RICA TREATY ARBITRATION"
4. "CAFTA TREATY ARBITRATORS REFUSED TO FOLLOW THE LAW"

In Paragraph 763 of their Ruling, the Arbitrators make this NON-FACTUAL statement: “and also fragmented the land in order to avoid the requirement of submitting a D1 Application to secure an EV permit for the easements”.

FACT: The Fragmentation along public roads was done in accordance with Costa Rica law. Both Mr. Aven and developers' expert, Mr. Luis Ortiz, testified, there was a Costa Rica law permitting the fragmentation, therefore it was legal and not prohibited.

FACT: Mr. Aven received advise from his Attorney stating that fragmentation along public roads was permitted under Costa Rica law. The attorney divided the land accordingly, but the law was ignored by the Arbitrators.

FACT: All lots were legally registered and construction permits for easements were legally issued by the municipality.

FACT: Arbitrators simply ignored Costa Rica law and sided with the State's false assertions, with no basis in either facts or evidence. The Arbitrators then illegally adopted the State's false hearsay narratives in finding against the Claimants.

Two big problems with the arbitrators actions:

1. FACT: Both the State and Arbitrators accused Mr. Aven of DUPING SETENA. Defrauding a Government is a serious crime, such allegations should be made carefully and only with conclusive facts and evidence, WHICH-DOESN'T-EXIST!!!

FACT: Proof of Intent to commit a crime is required before criminally charges can be filed.

FACT: There could be no intent, Mr. Aven's obtained legal advice saying THE LAW allowed the FRAGMENTATION.

FACT: There was no direct testimony from any Costa Rica agency, involved in creating the fragmentation, stating the Claimants acted illegally. Therefore, any assertions to the contrary were INADMISSIBLE HEARSAY!

FACT: The arbitrators should have ruled it inadmissible hearsay, but instead THEY ADOPTED the State's inadmissible hearsay into their ruling, with no direct evidence, and ruled against the Claimants.

2. FACT: In "ignorance and arrogance," the Arbitrators abandoned the rule of Law and threw the FACTS and EVIDENCE into the WINDS.

SECOND LAW THAT ARBITRATORS ABANDONED.

I wrote previously about the importance of Article 19 in SETENA Resolutions saying this: "The resolutions of the National Environmental Technical Secretariat (SETENA) must be well founded and reasoned. Compliance will be obligatory both for individuals, and for entities and public institutions."

FACT: There were no exceptions in Article 19! EVERYONE was required to comply! Yet, both the



Arbitrator Perdo Nikken from Caracas, Venezuela



Arbitrator Mark Baker, Houston, Texas

Arbitrators and the State's refused to follow the Law and due process.

FACT: To legally annul a SETENA Resolution, due process had to be followed. The State HAD-TO-FILE an annulment motion with the court. A hearing would be schedule and both parties could provide their arguments and evidence.

FACT: A Motion to annual the SETENA Permit was never field BY-THE-STATE, thereby depriving the developers of having their day in court.

FACT: Based upon their ruling, the arbitrators seemed to be perfectly FINE with the capital punishment (coup de grâce) the STATE carried out on the project and Mr. Aven, without direct witness testimony and without due process under COSTA RICA LAW.

Here's the important take away. FACT: Arbitrators accused Mr. Aven of UNLAWFUL acts, despite Costa Rica Law saying the acts were "LAWFUL". The arbitrators not only let the STATE proffer their hearsay testimony throughout the hearing, but THEY adopted it into their ruling, EVIDENCING "THE FIX WAS IN." Let me give you a simple hypothetical for clarity: "IMAGINE-IF-THIS-HAPPENED-TO-YOU?"

The police knock on your door and accuse you of robbing a gas station manager. You say it wasn't me. But you're arrested and brought before a Judge. The police officer tells the Judge, the manager of the gas station told him it was you who robbed him. The only evidence it the manager's alleged statement. You say, Judge, the manager is mistaken, who is this guy? You ask the Judge, "where's this "ALLEGED MANAGER" to tell the you and me that I robbed him"? The Judge said we don't need him, since we have the testimony from the police officer, stating the manager told him it was you. The Judge finds you guilty, fines you for robbing the gas station and sends you to prison.

You would be correct in saying, "WITH OUTRAGE", that could never happen since the "ALLEGED" manager never appeared in court to testify against me; and "THE LAW" REQUIRES my accuser "MUST" appear before me, in court, and give PERSONAL testimony. Yes, THAT'S THE LAW, but the Judge just ignored the Law!

FACT: The hypothetical would never happened in a, "REAL COURT OF LAW", because none of the hearsay testimony would have been permitted, and the Judge would have found the accused not guilty.

FACT: It was wrong, in the above hypothetical, for the Judge to find guilt without the accuser's required testimony. It was equally as wrong for the Arbitrators to do the same with the developers in their flawed Arbitration ruling. This is what corruption looks like, if NOT STOPPED, it could next happen to you, to me, or someone else. ([See-more-reports on CRBUZZ.COM](http://www.crbuzz.com))

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