

TO THE HONORABLE MEMBERS OF THE
INTER-AMERICAN COMMISSION ON HUMAN RIGHTS,
ORGANIZATION OF AMERICAN STATES:

PETITION ALLEGING VIOLATIONS OF THE HUMAN RIGHTS
OF RICHARD S. LEHMAN BY THE REPUBLIC OF PANAMA,
WITH A REQUEST FOR AN INVESTIGATION AND HEARING ON THE MERITS

AND

REQUEST FOR PRECAUTIONARY MEASURES UNDER
ARTICLE 25.1 OF THE COMMISSION'S REGULATIONS

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TABLE OF CONTENTS

	Page
I. INTRODUCTION	1
II. FACTUAL BACKGROUND	4
A. The Will	4
B. Campaign of False Criminal Charges	6
1. The False Murder Charge	6
2. The False Theft/Gang Charge	6
3. The Illegal Interpol Red Notice Alert	7
4. The Extortion/Defamation Charge	7
C. Report to Panamanian Authorities of Ongoing Corruption and Abuse	8
D. The False Arrests	9
1. The First False Arrest	9
2. The Second False Arrest	11
E. Other Threats and Interference	11
III. EXHAUSTION OF REMEDIES	13
IV. TIMELINESS	14
V. NO OTHER INTERNATIONAL PROCEDURE PENDING	14
VI. STATE RESPONSIBILITY FOR HUMAN RIGHTS VIOLATIONS	15
A. Right to Work	15
B. Right to Personal Liberty	16
C. Freedom of Movement	17
D. Right to Judicial Protection	18
E. Right to Equal Protection	19
F. Right to Privacy	20
VII. REQUEST FOR RELIEF	20
VIII. REQUEST FOR PRECAUTIONARY MEASURES	22
IX. CONCLUSION	22

I. INTRODUCTION

Richard S. Lehman, by and through undersigned counsel, petitions this Honorable Commission for relief from ongoing violations of his human rights by the Republic of Panama. Mr. Lehman, a lawyer by profession was appointed to administer the Last Will and Testament (the "Will") of Wilson Charles Lucom, his long standing client and friend who spent the last years of his life in Panama. The Will left almost all of his client's \$50. million estate to feed the poor children of Panama, who die from malnutrition at the rate of two children every three days.

From the time Mr. Lehman was appointed as executor of Mr. Lucom's will, the courts, law enforcement and immigration authorities in Panama have been corrupted in an attempt to intimidate Mr. Lehman and interfere with his professional obligations to preserve and protect the Estate of Lucom.

Within one month after Mr. Lehman started to administer the will in Panama, Lucom's widow, Hilda Piza Lucom, tried to nullify the will and claimed that the entire fortune was hers with nothing to go to the children of Panama. All of the actions in the Panamanian Court have been taken in the name of Mrs. Hilda Lucom, who is 86 years old. She suffers from Parkinson's disease and a heart condition and has admitted in Panamanian court documents that she is not in a physical or mental condition to give any testimony regarding legal actions she has brought; nor is she competent to probate the Lucom Estate. The legal actions are in fact being taken in Mrs. Hilda Lucom's name by Mrs. Hilda Lucom's children from her first husband who was the scion of a powerful Panamanian family, the "Arias Family".

Within two months of his appointment, the Panamanian criminal justice system was perverted in an effort to remove Mr. Lehman from his job and duties as a fiduciary in Panama. Mr. Lehman was subjected to five completely false and unconstitutional arrest warrants in Panama. In defiance of its obligations to Mr. Lehman to review the allegations promptly, the Panama Supreme Court Justice delayed one year before throwing out one of these false arrest warrants. All of this has been accompanied by false arrests in Panama and a litany of human rights abuses by the Panama justice system.

The official lawlessness against Mr. Lehman was blatant, convoluted and practiced with impunity. In one instance, Mr. Lehman was illegally arrested by the Panamanian Police and held under armed guard for 15 hours on a criminal charge that weeks earlier had been held to be illegal by all nine justices of the Panama Supreme Court. All of this was done solely to prevent him from completing his vocation as a fiduciary to preserve and protect the Estate of Lucom, and thereby to give effect to the bequest on behalf of the poor children of Panama.

Mr. Lehman, after defending the will in Panama at great personal and financial cost to himself, is now at immediate risk of being deprived of his position (and the poor children of Panama risk being deprived of the bequest Mr. Lucom intended) by a member of the Panama Supreme Court, who is corruptly attempting to name Mrs. Hilda Lucom as sole executor of the Estate of Lucom.

The Republic of Panama, on multiple occasions, has been made aware of the ongoing abuse of its criminal justice system. It has failed to respond or correct the ongoing abuse. Mr. Lehman's petitions to competent authorities in Panama have been consistently ignored. The Republic of Panama, by act and omission, is responsible for

six separate but related human rights violations.

Specifically, Panama has violated Mr. Lehman's right to work and freely follow his vocation under Article 6 of the Additional Protocol in the Area of Economic, Social and Cultural Rights (the "Protocol of San Salvador") and Article XIV of the American Declaration of the Rights and Duties of Man (the "American Declaration"); his right to personal liberty, including the right to be free from arbitrary arrest under Article 7 of the American Convention on Human Rights (the "American Convention"); his freedom of movement under Article 22 of the American Convention; his right to judicial protection under Article 25 of the American Convention; his right to equal protection under Article 24 of the American Convention; and his right to privacy under Article 11 of the American Convention.

This petition is submitted pursuant to Article 23 of the of the Rules of Procedure of the Inter-American Commission on Human Rights (the "Commission Rules"), which provides that any person may submit petitions to the Commission regarding a violation of a human right recognized in, among other treaties, the American Declaration, the American Convention, and the Protocol of San Salvador. The Republic of Panama has ratified all three of these treaties. Mr. Lehman requests a declaration from the Commission setting forth these human rights violations by Panama with recommendations to correct the abuse and compensate Mr. Lehman.

In addition, Mr. Lehman requests precautionary measures pursuant to Article 25 of the Commission Rules. Precautionary measures are adopted in serious and urgent cases, such as this one, to prevent irreparable harm. As set forth below, without this Commission's immediate intervention, it is likely that Mr. Lehman will be removed as

executor through corruption on the part of one Justice of the Panama Supreme Court, Mr. Lucom's \$50 million estate will be looted by members of the Arias family, with nothing going to the intended beneficiary, the poor children of Panama.

II. FACTUAL BACKGROUND

A. The Will

Wilson Charles Lucom passed away on June 2, 2006. (Exh. 2.) According to his will, his estate is to be distributed as follows: \$1 million to the Mayo Clinic in the United States, which provided care for him to fight bladder cancer; approximately \$2 million to be divided amongst friends, relatives and employees; a large home and annuity of \$240,000 per year for Mrs. Hilda Lucom, to whom he was married when he died; a \$200,000 per year annuity for Isabel Clark, his stepdaughter from his first marriage; and the remainder of his fortune, approximately \$50 million, to be administered by a foundation in benefit of the poor children of Panama:

The main objective of the FUNDACIÓN WILSON C. LUCOM TRUST FUND is to feed needy children in Panama. I instruct my trustees to find an area where there are children's schools that don't have meals for lunch, and lack the usual needs and those provided by schools where lunch is provided. *[sic]*

(Exh. 1.)

On July 5, 2006, the Panamanian Probate Court approved Mr. Lucom's will and appointed Mr. Lehman as sole executor. (Exh. 2.) In late 2006, after his appointment as executor, Mr. Lehman traveled to Panama to make the necessary arrangements to carry out Mr. Lucom's instructions. On August 18, 2006, the Panamanian law firm of Infante & Perez Almillano filed a complaint on behalf of Mrs. Hilda Lucom to have Mr. Lucom's will nullified. (Exh. 3.) The result of the nullification would be to void the gift

to the poor children of Panama and leave the entire estate to Mrs. Hilda Lucom. (Exh. 3.) On November 30, 2006, at a meeting to try to resolve the dispute over the will, Hector Infante, of Infante & Perez Almillano, offered Mr. Lehman \$3 million bribe if he would resign as executor and permit the nullification of the Will to occur. (Exh. 9.) Mr. Lehman refused to forego his oath as Executor. Mr. Lehman received a legal opinion from one of Panama's largest law firms advising him of his legal duty to continue as executor. (Exh. 15.)

On May 4, 2007, the Superior Court in Panama approved Mr. Lucom's will but appointed two additional executors apart from Mr. Lehman: Mrs. Hilda Lucom and Mr. Christopher Ruddy. (Exh. 4.) Mr. Ruddy, who also has been the target of false allegations, intimidation, and bribery attempts, has as a result stopped participating as an executor.

The Superior Court's decision to approve the will and add Mrs. Hilda Lucom and Mr. Ruddy as additional executors was appealed to the Panama Supreme Court where the case is currently pending. The appeal was made by Mrs. Hilda Lucom who continued to try to nullify the Will in spite of her appointment as co-executor. Mr. Lehman accepted the Superior court decision and continues to defend that decision before the Panama Supreme Court.

In spite of the fact that as of the date of this petition Mr. Lehman has fully protected and preserved the Lucom Estate at his own cost of millions of dollars, and in spite of the fact that Mrs. Hilda Lucom is incompetent to serve as an administrator, Panama Supreme Court Justice Oyden Ortega recently made known his intention to appoint Mrs. Hilda Lucom as the sole executor and administrator of Mr. Lucom's inheritance. There is simply no legal basis for such a position, and appears to be the

result of corruption. Mr. Lehman has filed a complaint against Mr. Ortega with the National Assembly of Representatives and has asked the justice to recuse himself from the case. (Exh. 23.)

B. Campaign of False Criminal Charges

1. The False Murder Charge: On September 11, 2006, shortly after Mr. Lehman's appointment as Executor and the challenge to nullify the will, Infante & Perez Almillano, the same firm law challenging Mr. Lucom's will, purportedly acting in the name of Mrs. Hilda Lucom, falsely accused Mr. Lehman and Mr. Ruddy of murdering Mr. Lucom. (Exh. 5.) The prosecutor declared that the allegations were baseless and recommended dismissal of the charges. (Exh. 5.) On March 9, 2007, the Superior Court of Justice dismissed the murder charges finding that there was no evidence that Mr. Lehman and Mr. Ruddy were in any way responsible for Mr. Lucom's death. The court ruled and that the charge should be considered to be a false accusation under Panama law. (Exh. 6.)

2. The False Theft/Gang Charge: In a separate complaint filed on September 11, 2006 by Infante & Perez Almillano purportedly on behalf of Mrs. Hilda Lucom, Mr. Lehman and Mr. Ruddy were falsely accused of "the aggravated offense of swindle, falseness, illegal exercise of profession and unlawful association to commit offences." (Exh. 7.) Mr. Lehman's Panamanian attorney, Victor Crosbie, was also falsely accused of this crime. That complaint portrayed everyone involved in Lucom's Will (other than Mrs. Hilda Lucom) as part of gang intent on stealing the proceeds of the Estate. The complaint even charged the notary who drafted the will, all of the witnesses to the will, and related parties. (Exh. 7.) The complaint called for the "preventive

detention” of Mr. Lehman. (Exh. 7.) On September 10, 2007, Tania Sterling Bernal, the Fourth Circuit Prosecutor in Panama, indicted Mr. Lehman and issued a warrant for his arrest (“Gang Theft Warrant”).

The Superior Court granted Mr. Lehman’s preventative Habeas Corpus petition on November 21, 2007, declaring the arrest warrant illegal, unconstitutional, and in violation of several of Mr. Lehman’s judicial rights in Panama. (Exh. 8.)

3. The Illegal Interpol Red Notice Alert: Even after the Superior Court had cleared Mr. Lehman of all of the Gang/Theft charges completely, the Gang/Theft Prosecutor, Tanya Sterling, refused to implement the Court’s decision. Worse still, the Prosecutor provided Mrs. Hilda Lucom’s attorney, Hector Infante, with an outdated arrest warrant for Mr. Lehman’s arrest on the false charges that had been thrown out by the Superior Court.

That outdated Gang/Theft Warrant was then sent, in the name of the Panamanian government, from the offices of Infante & Perez Almillano directly to Interpol. (Exh. 10.) Based on this outdated arrest warrant, Interpol issued a “Red Alert” Notice, which is a category used for dangerous criminals and terrorists. This Red Alert Notice ordered Mr. Lehman’s arrest in 180 countries. Mr. Lehman’s Panama attorneys discovered the perversion of the Interpol Red Alert system by the Panamanian government and worked to have the Notice cancelled. On January 31, 2008, the General Secretariat of Interpol Panama certified to Interpol that Mr. Lehman and Mr. Crosbie “are not sought by any authority” and the Red Notice Alert was revoked. (Exh. 10.)

4. The Extortion/Defamation Charge: As part of the continuing campaign to prevent Mr. Lehman from fulfilling his vocation, on August 28, 2007,

Infante & Perez Almillano filed a complaint on behalf of Hector Infante personally accusing Mr. Lehman of “defamation and slander” and extortion. (Exh. 11.) On October 2, 2007, the Fourteenth Circuit Prosecutor in Panama issued a warrant for Mr. Lehman's arrest on charges of offenses "against honor and defamation" (“Extortion/Defamation Warrant”). On November 26, 2007, the Superior Court denied Mr. Lehman’s Habeas Corpus petition, declaring the Defamation Warrant to be legal. Mr. Lehman appealed this decision to the Panama Supreme Court. Mr. Lehman’s appeal on the Habeas Corpus motion lay dormant within the Chambers of Panama Supreme Court Justice Harley Mitchell for almost one year, although Panamanian law required action on the petition within 24 hours. As a consequence, Mr. Lehman could not return to Panama for a year and was precluded from carrying out his duties to defend the Will. The circumstances surrounding this delay are highly unusual.

On October 8, 2008, almost a year after Mr. Lehman’s habeas appeal was filed, the Supreme Court of Panama en banc unanimously reversed the Superior Court and declared that the preventive detention of Mr. Lehman on the extortion/defamation charge was illegal. (Exh. 12.) On November 7, 2008, the Supreme Court of Panama sent a letter to Mr. Parodi, the new prosecutor in the 14th Circuit, stating that the arrest warrant against Mr. Lehman was illegal. (Exh. 25.)

C. Report to Panamanian Authorities of Ongoing Corruption and Abuse.

In April 2008, Mr. Lehman sent a detailed report of the ongoing legal abuses to the Attorney General of Panama. (Exh. 21.) On May 13, 2008, Mr. Lehman sent a copy of this report to the President of Panama. (Exh. 22.)

On November 25, 2008, shortly after the Supreme Court granted Mr. Lehman habeas corpus relief, Panama's National Transparency Council Against Corruption ("Transparency Council") sent a letter to the Chief Justice of the Supreme Court of Panama pursuant to Executive Decree 179. (Exh. 14.) Enclosed with the letter was Mr. Lehman's report to the Attorney General "on the extreme abuse of the criminal justice system in Panama, in order to distort the testator's [Wilson Lucom] last will." (Exh. 14.) The report "points out that two [Panamanian] Judges have acted unlawfully in the investigation of [complaints against Mr. Lehman]." (Exh. 14.) The Transparency Council requested the Chief Justice to take appropriate action. (Exh. 14.) To the best of Mr. Lehman's knowledge, the Chief Justice has not to this date responded to the letter from the Transparency Council.

D. The False Arrests

1. The First False Arrest: On January 21, 2009, after all arrest warrants against him had been declared illegal and Interpol's Red Alert Notice was revoked, Mr. Lehman flew to Panama to hold a press conference announcing a new "united fund" of charities to fulfill the requirements of Mr. Lucom's will.¹ This alliance of Panamanian charities was an important step in distributing the money from Mr. Lucom's estate to the poor children of Panama.

On Friday, February 6, 2009, Mr. Lehman returned to Panama to meet with the charities and legal counsel. On the same day, as he was about to return to Florida, Mr. Lehman was pulled off his return flight to the United States by immigration officials. According to the immigration officials, orders had been received (since Mr. Lehman's last visit to Panama in January) to detain Mr. Lehman based on the Extortion/Defamation

¹ Press Conference available at www.youtube.com/watch?v=nXuApcigDzc.

Warrant, which, as explained above, had been declared illegal by the Supreme Court of Panama on October 8, 2008. Mr. Lehman was taken into custody by the Panamanian Police Department. To carry out the private goals of members of the Areas family, Panama's law enforcement system abused its authority to carry out the arrest of Mr. Lehman to create an atmosphere of fear within Panama's supporting charities.

On February 7, 2009, in order to free Mr. Lehman from the Panama Police, the new Fourteenth Prosecutor, William Parodi, was persuaded to send a letter to the Panamanian National Police revoking the arrest warrant. Mr. Parodi admitted that "the Second Superior Court of Justice, by way of official document No. 5668-S, dated December 10, 2008, notified him of the judgment by the Supreme Court of Justice en banc that declared the detention of Mr. . . . Lehman illegal." (Exh. 26.) Mr. Lehman was held by Panamanian police for nearly 15 hours, from 8:00 p.m. on February 6, 2009 until 10:30 a.m. the next morning, when Mr. Parodi finally informed the police of the Supreme Court's habeas corpus order freeing Mr. Lehman.

Mr. Parodi, however, refused to clear Mr. Lehman with the Panama Immigration authorities. In order to leave the country, therefore, Mr. Lehman had to request the Clerk of the Supreme Court to issue a letter to the National Immigration Services stating that the Court had declared the arrest warrant illegal. That letter was issued on February 9, 2009. (Exh. 27.) Mr. Lehman had been precluded from leaving Panama for an extra two days while he obtained an immigration clearance that should not have been required of him and should have been granted two days earlier.

Mr. Lehman has filed a complaint against William Parodi, the Fourteenth Prosecutor. (Exh. 17.) He has charged Mr. Parodi with unlawfully imposing restrictions

against Mr. Lehman's personal liberty, abuse of authority, and violation of the duties of public employees.

2. The Second False Arrest: On Monday evening February 9, 2009, Mr. Lehman, boarded a plane to return to Florida. However, a new detention order had been received by the immigration authorities. This was based on the Gang/Theft warrant, which, as explained above, the Superior Court declared illegal on November 21, 2007. (Exh. 8.) The Fourth Prosecutor refused to nullify the arrest warrant despite the order from the Superior Court. Despite the Superior Court's ruling, Circuit Judge Dianna Hurtado also refused to nullify the arrest warrant. Mr. Lehman had to petition the same Superior Court of Panama for assistance. Mr. Lehman may be the only defendant in Panamanian legal history that needed to submit two habeas corpus actions to free him from arrest warrants on the same false charges. Mr. Lehman has filed a disciplinary complaint for contempt against Tania Sterling Bernal, the Fourth Prosecutor. (Exh. 16.)

E. Other Threats and Interference

In response to these false charges and a threat made to Mr. Lehman's criminal lawyer in Panama, Dr. Jose Acevedo, Mr. Lehman filed an extortion complaint against Hector Infante listing the legal abuses and ongoing corruption of the criminal justice system. (Exh. 18.) The complaint was summarily dismissed on September 29, 2008 by the Sixth Circuit Prosecutor, Zuleika Moore. (Exh. 24.)

The Panamanian Prosecutor attempted to justify that summary dismissal by claiming that the illegal actions against Mr. Lehman were designed to make him resign his position as executor, rather than deprive him of property. (Exh. 24.) In other words, according to the prosecutor, Mr. Lehman's rights and position as executor are not

protected under Panamanian law. On November 18, 2008, Mr. Lehman filed objections to the Prosecutor's summary dismissal of his extortion claims against Mr. Infante. (Exh. 28.)

In addition to the above-mentioned direct interference with Mr. Lehman's attempts to carry out his duties as Executor of the Lucom Estate through corruption of and abuse by the Panamanian judicial, law enforcement and immigration authorities, Mr. Lehman's attorneys in Panama also have been subjected to harassment. Mr. Crosbie, Mr. Lehman's attorney, has been targeted with arrest warrants and was, as a result of the Interpol Red Alert Notice, falsely arrested in Columbia and Panama. Mr. Lehman's criminal attorney, Dr. Acevedo, was threatened by his supervisor with the loss of his job if he continued to represent Mr. Lehman.

Simultaneously with the issuance of the first illegal arrest orders, members of the Arias Family made Mr. Lehman the target of a slander campaign in Panama. The family owns a newspaper with worldwide distribution. The newspaper published stories reporting the false allegations against Mr. Lehman and Mr. Crosbie. (Exh. 20.) On October 11, 2007, Mr. Lehman filed a complaint in a Florida court against the newspaper, asserting a claim for defamation. (Exh. 29.)

Hector Avila, a Panama talk radio host who informed the Panamanian people about the attempts to steal the Lucom Estate through abuses of governmental authority, led a march on the Supreme Court demanding justice for the poor children of Panama. He was shot through his jaw by an unknown assailant. (Exh. 19.) This attempt on his life was made one week after his protest march. (Exh. 19.)

III. EXHAUSTION OF REMEDIES

Article 31 of the Commission's Rules of Procedure provides that "[i]n order to decide on the admissibility of a matter, the Commission shall verify whether the remedies of the domestic legal system have been pursued and exhausted to accordance with the generally recognized principles of international law." The purpose of the requirement to exhaust domestic remedies is to give the violating State an opportunity to correct the problem.

As outlined above, the violations of Mr. Lehman's human rights are the result of ongoing and systematic abuse and corruption of the civil and criminal justice systems of Panama, and the law enforcement and immigration authorities, to carry out the objective of members of the Arias Family to remove Mr. Lehman as Executor of the Lucom Estate. Mr. Lehman's success in defending criminal charges or asserting civil liability in one or more individual lawsuits will obviously not cure this problem. Indeed, Mr. Lehman was falsely arrested *after* the courts had ruled that arrest warrants issued against him were illegal. Moreover, clearly some of the Panamanian judges and justices are the very individuals who have been corrupted. In an attempt to resolve the abuses of Mr. Lehman's human rights, therefore, requests have been made to the highest Panamanian authorities, who are most competent to resolve the ongoing practice of corruption, including the Attorney General of Panama, the Chief Justice of the Supreme Court of Panama, and the President of Panama. These requests have gone unanswered.

In addition, Mr. Lehman's case has been reviewed by the Transparency Council. The Transparency Council was created by Executive Decree No. 179, dated October 27, 2004, to identify "administrative deficiencies that could generate corruption acts" and

submit a report to “competent authorities.” (Exh. 14.) The Transparency Council submitted its report to the Chief Justice of the Supreme Court of Panama, on the abuse of Mr. Lehman's rights, on November 25, 2008. There has been no response to that report. To the extent the Transparency Council and other authorities that have been contacted can provide effective and adequate relief, Mr. Lehman has pursued and exhausted them. Mr. Lehman thus seeks assistance from the Commission to investigate the ongoing legal abuses and make recommendations for appropriate action and compensation.

IV. TIMELINESS

Pursuant to Article 32(1) of the Commission’s Rules of Procedure, “the Commission shall consider those petitions that are lodged within a period of six months following the date on which the alleged victim has been notified of the decision that exhausted the domestic remedies.” As stated above, the Transparency Council sent notice of the ongoing corruption to the Chief Justice of Panama's Supreme Court on November 25, 2008. (Exh. 14.) No action has been taken. While the Chief Justice did not issue a decision or explanation regarding why the legal abuse reported by the Transparency Council would not be investigated, this petition is filed within six months of the Transparency Council’s decision to inform a “competent authority” that appropriate action should be taken. This petition, therefore meets the deadline set under Article 32(1) of the Commission’s Rules of Procedure.

V. NO OTHER INTERNATIONAL PROCEDURE PENDING

Article 33(1)(a) of the Commission’s Rules of Procedure, provides that “[t]he Commission will not consider a petition if its subject matter . . . is pending settlement pursuant to another procedure before an international governmental organizational.” The

ongoing abuse and corruption of the Panamanian criminal justice system, and resulting harm to Mr. Lehman's fundamental human rights, is not being considered by any other international organization.

VI. STATE RESPONSIBILITY FOR HUMAN RIGHTS VIOLATIONS

A. Right to Work

Mr. Lehman has the right to freely follow his vocation under Article 6 of the Protocol of San Salvador and Article XIV of the American Declaration. He has been an attorney in the United States for 40 years and has an unblemished and highly decorated career. Mr. Lucom had been Mr. Lehman's client and friend for over 30 years. Mr. Lucom and the Panamanian Courts appointed and affirmed Mr. Lehman as an executor because of this professional and personal relationship with the deceased Mr. Lucom. Mr. Lehman has the right, recognized in the Protocol of San Salvador and the American Declaration, to fulfill his professional duty and responsibility to carry out the last wishes of his client and friend, Mr. Lucom.

As a result of the fraudulent criminal allegations, illegal arrest warrants and extraordinary judicial delays involving Mr. Lehman's personal freedom, Mr. Lehman's right to work has been violated. First, Mr. Lehman's role as executor of Lucom's will has been directly attacked in the courts with false allegations. Also, the practical effect of having the illegal arrest warrants hanging over his head has been to keep Mr. Lehman on several occasions from traveling to Panama to effectively carry out Mr. Lucom's instructions. Panama is responsible for this abuse of its criminal justice system, which is reflected by the failure of the Panamanian courts to observe their own rules and procedures.

Panamanian law requires courts to act on habeas corpus filings and appeals immediately and publicly. Article 2608 of the Panama Judicial Code, for example, provides that when a habeas corpus judgment is appealed, “[t]he Appeals Court shall enter judgment in the case within the following twenty-four hours with review on the orders.” Yet, Mr. Lehman’s appeal of the habeas judgment regarding the Defamation Warrant was pending before Justice Harley Mitchell of the Supreme Court of Panama from December 3, 2007 through October 12, 2008. This was approximately 11 months that Mr. Lehman was unable to travel to Panama to work on the execution of Mr. Lucom’s will. Furthermore, there are unusual circumstances surrounding this delay. The false Interpol Red Alert notice and the fact that the arrest warrants were enforced even after the courts declared them illegal, has further interfered with Mr. Lehman’s duties as executor and thus his right to work.

Indeed it appears that one Supreme Court justice, Justice Oyden Ortega, has already decided that if Mr. Lehman is successful in defending the will then he will be forced out of the way anyway and replaced by the aged and infirm Mrs. Hilda Lucom, with no rights to recover the extraordinary expenses Mr. Lehman has incurred to defend the Will for three years.

B. Right to Personal Liberty

Article 7 of the American Convention guarantees Mr. Lehman the right to be free from arbitrary arrest. Article 7 also provides that “[n]o one shall be deprived of his physical liberty except for the reasons and under the conditions established beforehand by the constitution of the State Party concerned or by a law established pursuant thereto.”

As described above, Mr. Lehman was illegally arrested on February 6, 2009, and held for nearly 15 hours. The arrest was based on a warrant that was declared illegal by the Supreme Court of Panama on October 8, 2008. On November 7, 2008, the Supreme Court informed the Prosecutor, Mr. Parodi, that the arrest warrant he had issued against Mr. Lehman was illegal.

Nevertheless, Mr. Parodi refused to revoke the arrest warrant for immigration purposes despite the clear mandate from the Supreme Court. To allow Mr. Lehman to leave the country, the Supreme Court of Panama sent a letter to the National Migration Services on February 9, 2009, three days after Mr. Lehman's arrest, to inform them that the preventative detention of Mr. Lehman had been declared illegal.

The criminal justice system of Panama was abused to incarcerate Mr. Lehman on an arrest warrant that had been declared illegal by the courts. Mr. Lehman's false arrest, therefore, was a violation of his right to personal liberty under the American Convention.

As stated, Mr. Lehman was prevented from leaving Panama a second time, on February 9, 2009, on an arrest warrant that was ruled illegal and dismissed 15 months prior to the arrest.

C. Freedom of Movement

Under Article 22 of the American Convention, "Every person has the right to leave any country." Mr. Lehman's right to movement was violated when he was not allowed to leave Panama on February 6, 2009 and again on February 9, 2009.

When Mr. Lehman was arrested on February 6, 2009, he had already boarded an airplane preparing to return to the United States. His arrest, as explained above, was illegal and arbitrary. In addition to violating Mr. Lehman's right to personal liberty, the

Panamanian authorities illegally prevented him from leaving Panama on February 6, 2009.

Furthermore, between the time of his arrest on Friday, February 6, 2009, and the Supreme Court's letter on Monday, February 9, 2009, a new impediment was received by immigration based on the invalid Gang/Theft Warrant. That arrest warrant, as stated above, had been declared illegal by the Superior Court on November 21, 2007. Ms. Bernal, the Fourth Circuit Prosecutor, however, refused to nullify the illegal arrest warrant and the Panama Circuit Court refused to provide assistance to Mr. Lehman, causing a further delay of Mr. Lehman's departure from Panama. This was a further illegal restriction of his movement in violation of his rights under Article 22 of the American Convention.

D. Right to Judicial Protection

Article 25 of the American Convention secures the right to judicial protection against violations of fundamental rights. Most of Mr. Lehman's efforts to seek judicial protection for his rights, however, have been unsuccessful or improperly delayed. For example, Mr. Lehman's appeal of his habeas corpus judgment, as explained above, took nearly 11 months when the law requires an immediate resolution.

Also, after Mr. Lehman was arrested, the Circuit Court refused to nullify the Extortion/Defamation Warrant despite the Supreme Court's October 8, 2008 order declaring the warrant illegal. Article 25 of the American Convention provides that States shall undertake "to ensure that the competent authorities shall enforce . . . remedies when granted." Yet the Circuit court refused to enforce the Supreme Court's decision.

The corruption of Panama's criminal justice system also has interfered with Mr. Lehman's fundamental right to counsel. Mr. Crosbie, Mr. Lehman's attorney, was subjected to false allegations, illegal arrest warrants, the illicit Interpol Red Alert Notice and, consequently, to false arrest in Columbia and Panama. This treatment was intended to force Mr. Crosbie to resign as Mr. Lehman's attorney and thus leave Mr. Lehman defenseless against the onslaught of false complaints and arrests. In addition, Dr. Acevedo, Mr. Lehman's criminal attorney, was threatened with the loss of his job if he continued to represent Mr. Lehman

Finally, on September 29, 2008, a Panamanian prosecutor summarily dismissed Mr. Lehman's complaint that resulted from the threats to his lawyer on the basis that the actions against Mr. Lehman were designed to make him resign his position as executor, rather than "make a disposition to the detriment of his assets." (Exh. 24.) In other words, because Mr. Lehman's personal property or assets were not in jeopardy, according to the Panamanian prosecutor, he had no recourse. According to the prosecutor, Mr. Lehman's rights and position as executor are not protected under Panamanian law. Thus Panama has violated Mr. Lehman's right to judicial protection of his fundamental rights.

E. Right to Equal Protection

"All persons are equal before the law. Consequently, they are entitled, without discrimination, to equal protection of the law." Article 24 of the American Convention. The Panamanian criminal justice system has been corrupted to intimidate and interfere with Mr. Lehman's duties as executor. At the same time, as explained above, Mr. Lehman has been denied judicial protection. Panama has violated his right to equal protection of the law.

F. Right to Privacy

Article 11 of the American Convention provides that “[n]o one may be the object of arbitrary or abusive interference with his private life . . . or of unlawful attacks on his honor or reputation [and] [e]veryone has the right to protection of the law against such interference or attacks.” By allowing the abuse of its criminal justice system to continue unabated, Panama is responsible for the unlawful attacks, in the form of false allegations and false arrests, on Mr. Lehman’s honor and reputation.

Mr. Lehman, who had never been arrested prior to becoming executor of Mr. Lucom’s will, has been falsely accused of horrendous crimes by Panamanian prosecutors, illegally taken into custody by Panamanian police and immigration agents, and has, at Panama’s request, been the subject of a worldwide Interpol Red Alert Notice, reserved for the world’s worst criminals. These attacks on Mr. Lehman’s character would not have been possible without the connivance and abuse of authority of the Panamanian criminal justice system. Panama, therefore, has violated Mr. Lehman’s right to protection against such interference and attacks.

VII. REQUEST FOR RELIEF

If the Commission can identify the competent authority in Panama to grant Mr. Lehman relief from the pervasive corruption, Mr. Lehman respectfully requests the Commission to act as mediator to explore with that representative the possibility of a friendly settlement of this dispute. If no friendly settlement can be reached, Mr. Lehman respectfully requests that the Commission prepare a report setting forth all the facts of this case and the applicable law, and declaring that Panama is responsible, through acts and omissions, for the violation of Mr. Lehman’s rights affirmed in the American

Convention on Human Rights, Additional Protocol in the Area of Economic, Social and Cultural Rights, and the American Declaration of the Rights and Duties of Man, and other international agreements and instruments of international law.

In addition, Mr. Lehman respectfully requests that the Commission make the following recommendation to Panama:

1. That an investigation be conducted of the ongoing abuse of Panama's criminal justice system including an inquiry into why current transparency and anti-corruption policies and procedures have been ineffective.
2. That necessary measures be taken to give legal effect to the obligation to protect Mr. Lehman from the misuse of the civil and criminal justice system in Panama and to prevent further attempts to intimidate Mr. Lehman and interfere with his work as an executor of Mr. Lucom's will.
3. That those responsible and complicit in the corruption of Panama's criminal justice system be effectively punished.
4. That adequate reparation be made to Mr. Lehman for the violations of his human rights established herein, including pecuniary compensation. Mr. Lehman has spent millions of dollars of his own money defending Mr. Lucom's will and defending himself from the false charges made against him. In addition, Mr. Lehman has suffered injury to his reputation, his law practice and mental stress.
5. That any other action or relief that the Commission considers appropriate and just be provided.

VIII. REQUEST FOR PRECAUTIONARY MEASURES

Mr. Lehman further requests that the Commission, in accordance with Article 25 of the Commission Rules, call upon Panama to adopt precautionary measures to guarantee that Mr. Lehman can carry out his duty as executor of Mr. Lucom's will without further harassment or endangerment. Because Mr. Lehman has been unable to travel freely to Panama, he has been unable to fulfill the final wishes of Mr. Lucom, and charities that perform life-saving services to Panama's poor children are being deprived of the funds that should rightfully be put to such work. If the organs of the Panamanian State continue to be abused, to permit the looting of Mr. Lucom's estate by members of the Arias family, it will be impossible for Mr. Lehman to carry out his duties as executor. Precautionary measures, therefore, will guard against irreparable and potentially devastating harm to the rightful beneficiaries of Mr. Lucom's will, the poor children of Panama. In light of the attempted murder of Mr. Avila, an outspoken proponent for carrying out the will bequest of Mr. Lucom, Mr. Lehman may also be at risk. Although the attempted murder of Mr. Avila is unsolved, the fact that he was attacked shortly after his participation in a very public protest related to this dispute, could be a sign that the situation is escalating to violence. Indeed, two U.S. Congressmen have written to the U.S. Embassy in Panama to express their concern for the safety and wellbeing of Mr. Lehman during his trips to Panama to fight the charges against him and address the legal matters related to Mr. Lehman's estate. (Exh. 13.)

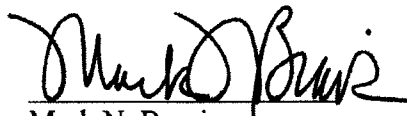
IX. CONCLUSION

Starting almost immediately after his appointment as executor and continuing to this day, Mr. Lehman has been subject to a series of false criminal indictments and false arrest warrants, issued without any investigation, that have impeded his ability to travel

freely to Panama to perform his duties as executor of Mr. Lucom's will. The tide of ongoing corruption of the criminal justice system has been so broad and sweeping, that even when the false allegations have been exposed in a court of law as baseless and were dismissed, the abuse against Mr. Lehman continues unabated. Indeed, Mr. Lehman was subjected to arbitrary and illegal arrest *after* courts in Panama ruled that the arrest warrants were illegal and should be nullified. Competent authorities in Panama have been notified of this ongoing abuse of its criminal justice system but have failed to respond or take action.

Based on the foregoing account, Petitioner respectfully requests the Commission to grant precautionary measures; declare this petition to be admissible; mediate a settlement and, if no settlement can be reached, investigate the situation, with hearings and witnesses as necessary; declare Panama in violation of Mr. Lehman's human rights; and recommend appropriate remedies, including compensation.

Respectfully submitted,



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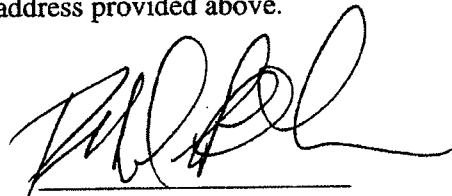
Counsel for Petitioner, Richard Lehman

STATEMENT OF PETITIONER

By signing this petition, I, Richard S. Lehman, a United States citizen, attest to the truthfulness of the facts set forth above. As the Petitioner, I declare that I do not wish my identity to be withheld from respondent, the Republic of Panama.

Moreover, pursuant to Article 23 of the Rules of Procedure of the Inter-American Commission on Human Rights, I designate the attorneys identified above to represent me before the Commission. All notices and communications from the Commission in relation to this case should be sent to my counsel, at the address provided above.

Date: March 6, 2009



Richard S. Lehman