

## Background of a Red Alert

The first of two articles Irlanda Sotillo /Rafael Rodríguez [periodistas@estrelladepanama.com](mailto:periodistas@estrelladepanama.com)

The morning of January 26th, Attorney Victor Crosbie boarded a plane in San Jose, Costa Rica. The day before he had attended a strategy meeting in a difficult case he had been working on for over one year. He was now returning to Panama. However, he was taking advantage of the fact that his ticket allowed him to make a stopover in Medellin. He had a list of law books that were not available in Panama and that he intended to buy in the Colombian city.

Things were going well for Victor Crosbie. He had been living a sort of exile during part of 2007. In September, the opposing law office in the difficult case had filed a false criminal complaint against him. Although there was no evidence filed against him, a prosecutor had issue an arrest warrant for him. Crosbie was in Florida at that time and could not return to Panama without going to jail. At the end of November, however, the Second Superior Court ruled that the warrant for his arrest was illegal. Rid of that weight on his shoulders, he spent the Christmas holidays at home. Now, a week later, he would be going to Guadalajara, Mexico with his wife for his son's graduation from medical school.

Things changed in Medellin. The immigration officer spoke quietly to an officer wearing in a blue uniform with a white badge. Six or seven armed officers appeared immediately. They took Victor Crosbie to an office. An officer advised him that he was under arrest pursuant to an INTERPOL alert.

Crosbie protested. There was a mistake.

The officer looked at him coldly. "You are under arrest."

They took Victor Crosbie to sit outside where passengers looked at him. An armed inspector guarded him. He asked her why he had to be there, where people looked at him as though he were a criminal. She laughed.

Ha, ha, ha! She laughed, pointing at Victor. "You're not a crook! Ha."

Later, the officer who had arrested him came in. Crosbie started to get up and protest again, but the officer pointed at the chair.

"Stay put!"

At the time, a young man in plain clothes came, but he had a holstered semiautomatic and a badge that read D.A.S. (Administrative Security Department). Crosbie later found out his name was Vladimir and that he was studying law at night. He spoke to Crosbie courteously and quietly. "Look, sir, don't give them a reason to mistreat you. INTERPOL Panama issued a red alert for you. You're also classified as dangerous."

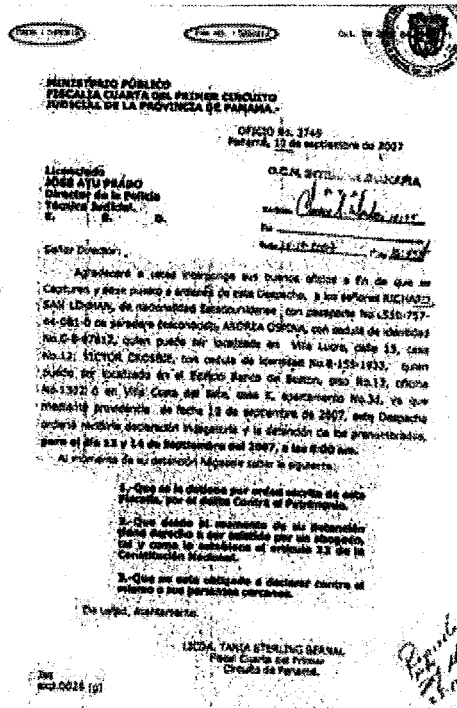
"Red alert?"

Vladimir pointed to a couple of posters on the wall with photographs of men who were wanted. One was a drug trafficker, the other a terrorist member of the FARC. "They are red alert. That's the highest level INTERPOL has."

Victor Crosbie thought he was dreaming. "What am I accused of?" he asked.

"I didn't see everything," Vladimir said. "It's something about a will."

Victor Crosbie sighed. It wasn't a bad dream. It wasn't a mistake either. It was an attack against him by



his adversaries in the difficult case, the one involving the will of millionaire Wilson Lucom.

*The warrant  
that just wouldn't quit*

At four forty-five in the afternoon on Wednesday, October 24, 2007, Detective Clarens Mendoza acknowledged receipt of a fax at the INTERPOL office in Panama. With 186 member countries, INTERPOL is the largest police organization in the world and its goal is to prevent or fight crime. In Panama, INTERPOL officers are detectives from the Bureau of Judicial Investigation, DIJ, in Spanish. The heading of the fax read "FOURTH PROSECUTOR'S OFFICE, OFFICE OF THE PROSECUTOR." The name, but not the signature of Attorney Tania Sterling, Fourth Prosecutor for the First Circuit appeared at the bottom. It was addressed to Director José Ayú Prado and requested his "good offices for purposes of arresting" Messrs. Richard Lehman and Victor Crosbie.

Richard Lehman is the executor of Lucom's will. Victor Crosbie, his principal assistant, was Lucom's friend and advisor. Since Lucom's death in June 2006, they both try to carry out his wish of giving the majority his fortune, some 50 million, to a foundation to help the poor children of Panama. Quite peculiarly, as evidenced in the header, the fax was not sent from the Prosecutor's Office; it was sent from telephone number 322-2122, and from a fax identified as "INPERIB". According to the Cable & Wireless 2007-2008 directory, 322-2122 is the fax number for the law office Infante & Pérez Almillano, while the identifier "INPERIB" appears on the website and email address for the same law firm. Infante & Pérez Almillano is the law firm that represents Lucom's widow, who is trying to nullify the will. Telephone calls from La Estrella de Panamá to the law office to obtain their version were not returned.

Prosecutor Sterling confirmed to La Estrella de Panamá, through a spokesperson, that she ordered the arrest of Lehman and Crosbie on September 10, 2007, but denied any knowledge of the fax. However, it served as a stimulant, albeit that it came from a private law office without a signature or supporting documentation. The following day, INTERPOL Panama asked San Jose, Washington and Bogota to verify if Crosbie and Lehman were in their territories.

On November 21 and 22, 2007 the Second Superior Court ruled on the habeas corpus actions filed by counsel for Victor Crosbie and Richard Lehman, declaring the arrest warrants were illegal, which had violated their constitutional rights. On November 23, the substantiating judge sent a request in writing to Director Ayú Prado "to void the contents of official letter No. 3645... issued by the Fourth Prosecutor."

And was that the end of it? "No way," said Crosbie. On December 3, 2007 INTERPOL Panama issued red alerts to 186 countries for the arrest of Victor Crosbie and Richard Lehman, quoting the same arrest warrant that the court had declared illegal 10 days before.

*False accusations*

"It's an original tactic", Victor Crosbie said to La Estrella de Panamá. "To manipulate criminal law with false complaints to win a civil action".

The first complaint was filed in September 2006; two months after Lucom's widow filed a motion to nullify his will. She and her attorneys accused executor Richard Lehman of murdering his client and requested his preventive detention for up to five years.

"It was an abuse of the justice system," said Crosbie. "There was no crime. Lucom died from natural causes." That was the finding of the First Superior Court in March, 2007. Lehman was dismissed. They weren't seeking to punish a criminal, but to intimidate and discredit the executor to keep him from defending the will."

At the same time they falsely accused Lehman of aggravated fraud and other crimes. "The fraud accusation was brilliant," said Crosbie, "if we ignore the fact it was fantasy. It includes an accusation of criminal conspiracy, where they depict Lehman as a 'gang' leader who had cooperated not only to murder Lucom, but to steal his fortune as well. In the alleged gang they include every friend Lucom had in Panama. Me, of course. His doctor, his secretary, even his driver —everyone who could testify regarding Lucom's love for Panama and his wish to help poor children".

What evidence was filed with these accusations?

"Nothing specific," said Victor Crosbie. "There were no proceedings on the aggravated fraud charge

due to lack of evidence, until the Court took the file from the prosecutor.”

What was the response? New accusations, including the one that brought about the arrest warrant that wouldn't quit. To add insult to injury, the red alert for Victor Crosbie warned: “PERSON CONSIDERED DANGEROUS”...

"It could have cost me my life," said Victor Crosbie. The Panamanian attorney recalled what happened to him on January 26th of this year for La Estrella de Panamá, when he was arrested in Medellín, Colombia on a red alert issued by Interpol Panama. The arrest warrant was sent unsigned and without any supporting documentation at Interpol Panama from an opposing law firm in the civil lawsuit regarding the will of millionaire Wilson Lucom. The Second Superior Court had ruled the arrest warrant for Crosbie was illegal; nonetheless, the highest level alert was issued to 186 countries, with the statement: "WARNING: PERSON CONSIDERED DANGEROUS."

Crosbie continued, "In Colombia there are people who are really dangerous and the Police don't see them. If I'd reached into my jacket, allegedly to get my glasses, they could have thought I was armed. Over there, they shoot first and then ask questions."

Detective Clarens, who prepared the red alert notice whereby Interpol Panama stated that Victor Crosbie is considered "dangerous", told La Estrella de Panamá that he is barred by law from discussing cases with members of the media. Inspector Marta González, the head of Interpol Panama at the time, is no longer in that position and is on vacation. DIJ director José Ayú Prado told La Estrella de Panamá that Interpol Panama has criteria for classifying people as dangerous or otherwise and that he doesn't know why Crosbie was considered dangerous. Major Edgar Pino, currently the head of Interpol Panama, told us through a spokesperson that he is barred by law from speaking to the media.

Jorge Mottley was the head of Interpol Panama in 1999 and 2000. He told La Estrella de Panamá that Interpol policy back then is still current, and that the wanted person is classified as dangerous or otherwise in keeping with the criminal charge.

Usually, the only offenses that merit such classification are homicide, terrorism and drug trafficking. Crosbie was held for five hours. He wasn't given anything to eat or drink, but things improved when he was taken to a supervisor's office. Initially, he informed Crosbie that they were going to take him to Bogotá where they usually held red alert people who were wanted, but he allowed Crosbie to show his professional license and Panamanian Bar Association membership card.

Upon seeing these credentials, he allowed Crosbie to explain the problem. He was finally deported to Panama. He ended up on the same COPA flight that he would have taken if he hadn't been detained. However, there were some differences. He had a first class ticket, but he was taken to the last row in coach, under orders not to move; not even to go to the bathroom.

In Tocumen uniformed police met him at the door as he disembarked. He was detained until Interpol detectives arrived, who took him to Ancon in a squad car.

Crosbie called Richard Lehman from his cell phone while they were on their way, and explained what had happened to him. Lehman, the executor of Lucom's will, had also been wanted in a red alert based on an illegal arrest warrant; fortunately, he was not arrested. It seemed the detectives understood the conversation because when he hung up, the younger man, whose name is Aristides Ortega, apologized to Crosbie.

"We have nothing against you," he confessed. Inspector Marta González, head of Interpol Panama said the same thing when he was released. "Why wasn't I released at Tocumen?" "We wanted to apologize." Crosbie had a hard time believing that.

## Documents and judges

Victor Crosbie returned to the Interpol Panama office with his attorney several days later. He felt compelled to correct the mistake for the country's sake, and for his personal and professional reputation.

He also wants to talk about the abuses.

"I have filed a disciplinary complaint against prosecutor Tania Sterling, and a criminal complaint for abuse of authority against director Ayú Prado. No society is perfect. In the United States we've seen cases where a defendant who can afford extremely skilled attorneys has been able to buy his freedom, but nobody is safe in a society where one can arrange to have an opponent arrested."

Prosecutor Sterling, who issued the arrest warrant, told La Estrella de Panamá through a spokesperson that she has no knowledge of any complaint filed against her.

Director Ayú Prado would not explain how Interpol Panama published a red alert for Victor Crosbie's arrest, in spite of the fact the Court had already found that the arrest warrant was illegal and the substantiating judge had provided notice of the judgment in a letter that his office received.

"I will have to explain that to a competent authority if there is a lawsuit," said the DIJ director to La Estrella de Panamá. He confirmed he has no notice of any lawsuit against him.

Since Crosbie is a party in the lawsuit, he has a right to all the documents in the case. Everything we have provided was delivered to Crosbie and came from the DIJ file. The second to the last one was issued on January 28, 2008; it was written in English to the Interpol General Secretariat in Lyon, France. "Dear colleagues," it read, "we courteously request cancelling the search for... Crosbie Castellero, Victor Antonio and Richard Lehman... because their arrest warrants have been revoked by our judicial authority. Thank you for your time and cooperation."

The document did not mention the arrest warrant had been declared illegal before the red alerts were published, or that they arrived at Interpol Panama in an unsigned fax from a law firm involved in a civil lawsuit with Crosbie and Lehman.

"There was no need to mention," said Crosbie, "that the time and cooperation of many people in many countries had been wasted, or any mention of the disdain the officers involved had for Interpol."

"They have harmed the country," stated Dr. Carlos Guevara Mann, a Political Science professor at the University of Nevada, U.S., and director general of Foreign Policy during the last administration.

"To be a part of an international organization like Interpol implies serious processing of matters handled through that organization. The abuse of mechanisms provided by Interpol to member States portrays us to the world as a State that lacks seriousness and scorns basic standards for international coexistence." The last document is dated January 31, 2008. Therein, the general secretariat that handles DIJ certifies that "Messrs. Victor Crosbie Castellero... and Richard Sam Lehman... are not wanted by any authority internationally." That isn't worth much to Richard Lehman.

"They published red alerts on Victor Crosbie and me everywhere in the world," he said in a telephone call with La Estrella de Panamá from his office in Boca Raton, Florida. "We're on file as criminals in who knows how many databases. Every time I travel I will have to worry about being arrested; something similar to what happened to Victor."

Lehman views his experience in Panama somewhat ironically. "I never had a run-in with the law, not even for running a red light. Now, in less than two years, I've been charged with more than 10 crimes, including having murdered a friend."

All but one of the complaints that were filed against him has been dismissed. The Supreme Court is entertaining a habeas corpus action in this case.

"They thought they could scare me," Lehman continued. "They were wrong. Wilson Lucom was my friend, and he told me before he died that with his bequest to the needy children, he was paying a debt to God. I swore, as the executor, that I would comply with his wish. I am not going to betray that oath." Furthermore, he is confident he will be able to do so.

The case of Lucom's will is also before the Supreme Court.

"Panama can be proud of the Independence of its judges," said Richard Lehman.

"Their judgments have been in accordance with law, which is all one can expect. Thus far they have stopped all abuses I have suffered. Since the law is on our side, they will rule in favor of Lucom's wish and the poor children of Panama."