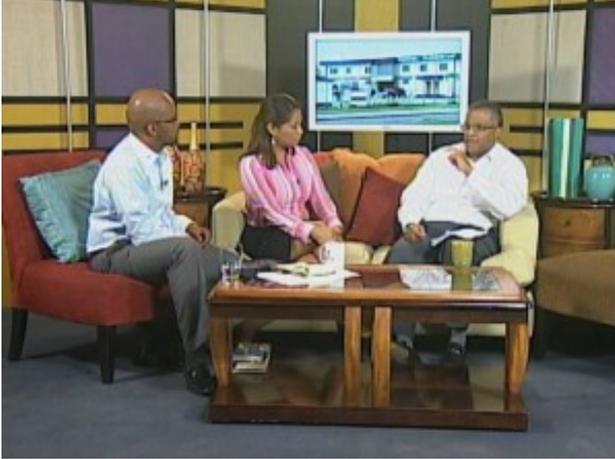


# Appeals Court rules acquisition of Belize Telemedia Limited unlawful, null and void | Channel5Belize.com

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When we left you last Friday, three judges of the Court of Appeal; Brian Alleyne, Dennis Morrison and Boyd Carey had unanimously handed down a ruling which declared that the government's acquisition of Belize Telemedia was unconstitutional. The full text of the one hundred and forty-nine page ruling was not read in court; but Justice Brian Alleyne said that the appeals by Dean Boyce and the British Caribbean Bank were upheld and that the acquisition of Belize Telemedia was unlawful therefore rendered null and void as of August 2009. We have complete and detailed coverage of this major crisis that has huge consequences locally and internationally for

Belize and one that is testing the rule of law. But we start with a comprehensive look at the ruling. This morning, Attorney Eamon Courtenay spoke to the reasons given by the Court of Appeal. Courtenay referred to Section seventeen of the constitution which authorizes compulsory acquisitions but for a public purpose. That particular section also sets out specific issues that any law that is going to be used to take possession of property must include.

## Eamon Courtenay, Attorney



Eamon Courtenay

*"The Court of Appeal went through the law and compared it to what the constitution requires and found that there are four main things that were not in the law and therefore the law did not comply with the constitution. So that was the first thing. The second thing was, you can only take private property for a public purpose. You must have a legitimate public purpose and the government gave a public purpose saying that they wanted to have stability, they wanted to have improved telecommunications service and they wanted to have reliable telecommunications service. When the government took over Telemedia in August*

*2009, the annual report for the previous year had not been approved by the then directors. It was subsequently approved by the Net Vasquez led Board of directors. So let's get it clear; the Net Vasquez board was reporting on the previous administration. Justice Morrison went and looked at that and listed all the good things that Mr. Vasquez was saying the previous managers of the company had done. So the judge said but wait, you're saying that the thing was not reliable, but here is Mr. Vasquez signing off saying it was reliable. You are saying it needed improvement, here is Mr. Vasquez signing off saying that it was improved. You were saying that you wanted low prices, here is Mr. Vasquez signing off saying that the prices were low. you are saying that it was going to be a stable harmonious environment, but in fact there have been continuous cases over*

*this thing. The third one is when the government is going to use its power to take away your property it must be proportionate. So, for example William, if you own, fifty acres and the government wants to run a road through it, they can't take the fifty acres, they must take only that which is proportionate, only that which is required to run the road and leave you with your property. Again, the judges went through this and said but wait, there was no need for you to take ninety-four percent of this company first of all. If you wanted stability, lower prices and so and so forth there's the P.U.C. so you don't have to take away people's property. So the court held that this was disproportionate, it was an excessive use of government power. And finally, the court found that the decision was arbitrary. What does that mean? The court says the government moved as if this was an emergency. You will recall it was a Monday morning special sitting, went through all three stages immediately. However, no opportunity was given to Telemedia to say listen, there is a problem here. We are giving you an opportunity to correct the situation. If you don't correct it, we're going to have to act. The court said, before you can take somebody's private property, you have to give them an opportunity to respond to whatever the problem is and give them a hearing. And if it doesn't satisfy your requirements then you can exercise the right."*

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