

# P.M. says enforcement order means paying compensation and damages | Channel5Belize.com

<http://edition.channel5belize.com/archives/56824>

August 2, 2011

Jun 27, 2011

Dean barrow



**The situation remains fluid. This afternoon we got an update from the Prime Minister. He admitted to News Five that he can't disregard the ruling of the Appeals Court but that doesn't mean that the government will hand over the company. In his view, handing over the company would be chaotic. So enforcement to him has another meaning.**

**Dean Barrow**

*"What the court handed down was what is known as a declaratory judgment—it declared what the legal position is. Such a judgment is not self-executing; you must thereafter go for an order further to the judgment to ask that the rights that were declared be enforced in a particular way. Unless and until that happens, the status quo remains and so government is still legally in control of the company and the board of directors headed by Net Vasquez is still very much enshrined. I am so confident of that now, even though right at the beginning I had been given different advice. But having seen the authorities, the case law to support this position, I am confident that I can say to anybody, any member of the public who is dealing with Telemedia; you continue to deal with the current board of directors and government will indemnify you against any lawsuit that may be threatened. The appellants are saying we should be in control and if anybody deals with the current board that is going to be proper and we will sue them. Government is prepared to give a legal indemnity saying we will pay whatever damages, we will finance whatever legal representation you need in case that you are sued, because we are so absolutely certain that our position is rock solid."*



**Jose Sanchez**

"I believe the Boyce attorneys, Godfrey Smith said that you and Mister Vasquez admitted so much in your Friday interviews that you accepted defeat and now you are changing your mind in just being gracious to leave."

**Dean Barrow**



*"Well it is true that as I said on the basis of the advice that I had received just as the judgment came down that I did take that position because of my respect for the court, because of my respect for the law, because of my respect for the judgment. The judgment does take immediate effect. It is just that the nature of the judgment being merely one that declares legal rights cannot be executed without this enforcement order. I believe they could go for an enforcement of the judgment even at Supreme Court level, but I'm not sure. I am not practicing law anymore and these things require research. But what is key to note is that without a doubt*

*they would get an enforcement order—there is no question about that—their legal rights have been declared. And they have to be put in a position where they can vindicate those rights. The thing is though that the enforcement, the vindication, does not necessarily have to take the form*

*of restitution of the property—reinstatement of control of the company. The court can well say third party rights have attached, there are various people who bought shares from the government—it would be chaotic if you people went back into the company. So for purposes of good administration, we will allow the government to keep the company and we will compensate you for the fact that the government took it, according to our Court of Appeal judgment—that the government took it unconstitutionally—we will give you redress by way of an award or damages. Remember that these people have to get paid the value of their shares in any case once government keeps the company. A court might well say on top of that, we will give you an award for damages for the fact that your rights were breached because of the unconstitutional taking. So they will get redressed if we aren't able to pursue an appeal successfully. But in order not to confuse the issue at all, let me just leave it at that. There is no way once that judgment stands that these people won't be given redress for the fact that their rights were, according to the Court of Appeal, violated.”*

**But in an ad released today by the government, the prime minister is saying that he will do whatever is legally possible for Telemedia to remain in the possession of the people and Government of Belize. What is legally possible can be interpreted in many ways; we don't know at this time but suffice it to say that the days ahead will be interesting and trying.**

 [Email This Story](#)