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Telemedia In Flux: Who's The Rightful Owner?

Mon, June 27, 2011



Tonight, the ownership of BTL is in flux - and so are hundreds of Telemedia employees: as the Ashcroft Alliance is making broad claims while the Prime Minister has just issued a statement indicating that he will quote, "fix it - providing an early and definitive legal end, doing whatever is legally required to

ensure that Telemedia remains the property of the government and people of Belize."

We'll come back to those late breaking developments...but we pick things up where we left you off on Friday night: the Ashcroft Alliance was back in charge of Telemedia - and the directors were having a Board Meeting. All that after a late afternoon re-assumption of control of the phone company which took less than 40 minutes to effect.

And while Ashcroft Alliance Chairman Dean Boyce was again bestride the BTL colossus, the government was in retreat after a bruising 150 page judgment from the Court of Appeal which declared that the August 2009 acquisition was unconstitutional. That board meeting finished at 8:30 - and within an hour, the Government appointed board was back in charge of the national phone company!

An incredible reversal and only 7news was there every step of the way - so we start tonight's news with a timeline of the weekend's events - Jules Vasquez reports:...

Jules Vasquez Reporting

When we got to BTL at 10:00 pm - police were all over the entrance to the compound Telemedia was once again in the hands of the government and the vehicles of the executive chairman, the company secretary and the chief operating officer were at the building with lights on in the executive offices.

We left there at 10:30 - police having secured the premises completely - and the government appointed board back in place. But when we got back at 11:40 - the restored - now deposed chairman Dean Boyce who had left the building as the boss three hours earlier, and his attorney Godfrey Smith were barred from entry - milling around at the gate looking tense , waiting for a more senior police officer to arrive:

Godfrey Smith, Attorney, Employee's Trust



"We are attempting to go in - we've said to them that the court has ruled - we are entitled to be there. We understand that former members of the management team of the board are inside probably shredding documents, destroying company property. I made an attempt to enter and the police officer actually assaulted

**Godfrey Smith**

me. Assaulted because I am an authorized agent of the management of the company and he has no right to at least stop me from going in. I have said to them to at least escort us in so you can see we don't have any state of authority - we can't arrest or lock up anybody, but even that they have refuse to allow us to

do."

The senior officer is head of the patrol branch Alford Grinage - who came shortly after - and Smith pressed him to respect the court order

Godfrey Smith, Attorney, Employee's Trust

"It was all over the news my friend."

ASP Alford Grinage, Officer Commanding, Patrol Branch

"My directive is that we are to take control of the gate and not allow you guys in. You can't get the documents for me right now?"

Godfrey Smith, Attorney, Employee's Trust

"I can go home and get it. All I am asking you though and don't jerk me around and take me for a fool - at least let us see what's happening."

ASP Alford Grinage

"I cannot give you that ok."



Godfrey Smith, Attorney, Employee's Trust

"I will go and get the judgment of appeal right now."

ASP Alford Grinage

"Get the court order, it says in there what the order of the court is we are so, so and so."

Smith sped off while the newly restored government appointed executive Chairman reading to leave having finished his business, chief operating officer Karen Bevans left as did the chairman - and police resumed their control of the gate.

Smith was back still pleading his case the judgment of the court in his hand.

Godfrey Smith, Attorney, Employee's Trust

"But the takeover took place today."

ASP Alford Grinage

"But I understand that it was illegal."

Godfrey Smith, Attorney, Employee's Trust

"How can it be illegal if the court says... - this is the president of the court "I would therefore grant the release sought by making the following orders" and then he lists the orders - this is the president of the court. So the police and the Prime Minister are bigger than the court of appeal? This is the orders of the court my friend."

ASP Alford Grinage

"I understand but I get a directive as to what I am to do."

Godfrey Smith, Attorney, Employee's Trust

"So in that case the police don't care about what the court of appeals say? So would you at least escort us to see because we left some of our papers in there today."

ASP Alford Grinage

"But you cannot go in there."

Godfrey Smith, Attorney, Employee's Trust

"We left our own private papers there. Can we at least go and check if they are secure?"

ASP Alford Grinage

"No you cannot go in the compound."

Godfrey Smith, Attorney, Employee's Trust

"If I get a judge to call would that make a difference? Or you don't care about the judge either."

ASP Alford Grinage

"Well maybe that would make a difference. I can't dictate that. I can't dictate what the judge will tell me, but my instructions are that we are to protect the compound and you are not to go in there and that's what we are going to do."

Smith was determined but Grinage was resolute and Smith and Boyce retired wearily even as more police piled into the area. The state had won this one - but Boyce was not about to give up.

We left at 12:30 - paramilitary police securing the fence.

Godfrey Smith, Attorney, Employee's Trust

"After midnight we realize that the police were saying to us that we will go come in without a perfected order. Our authorities tell us that notwithstanding the fact that we believe we don't need it we still say that we are going through the motions."



Going through the motions meant going to the general registry which is where we pick up the story the next day at noon - an office which is always closed on weekends - but Smith was in there with the registrar - and his court orders - he'd managed to get the judges of the court of appeals at the airport to tell the registrar to perfect the order:

Godfrey Smith, Attorney, Employee's Trust

"We attempted the judges who had handed down the decision; they were on their way to the airport. I went there and I ask for an audience through their orderly with them. They granted me the audience and I explain the urgency of the situation and they gave instruction to the registry to approve the order and get it perfected. I was then told by the registry to meet him down at 12 o'clock to get it perfected. I went there with the relevant papers and while we were in the process of getting it ready we were then told that notwithstanding the fact that three judges had given the instruction for it to proceed. The President of the Court of Appeal Mr. Sosa and Mrs. Morrison had a different view that it couldn't be perfected without the approval of Ms. Lois Young."

They got those papers to young later that afternoon, when uniformed police still had the compound secured - and the executive chairman had held a meeting of his board - with Directors like Carla Barnett leaving at the end of the two hour meeting.



Fast forward to Sunday evening at 5:30 - and the Prime Minister was at Telemedia's corporate headquarters leaving a meeting with the heads of department who had been getting directives from Dean Boyce who was still acting as Chairman:

PM Dean Barrow

"I thought it would be useful if the HODs could hear from me directly of re-assuring them of the position is as we declare it late on Friday and that that position will stand - that is the government is in control of the company. The government will remain in control of the company unless and until an enforcement order that would implement the rights that have been declared by the Court of Appeal is obtain by the appellants."

Jules Vasquez

"Sir but you told me on Friday night that you were quite satisfied with the declaration of the court that they went in without an order because declaration is what it is."

PM Dean Barrow

"Well that's just it. I was given a particular bit of advice Friday evening which the lawyers subsequently retracted. The retraction though was back up by reference to judgment of the court here which makes it absolutely plain that a declarative judgment without more cannot be enforced - that there must be subsequent action in order to enforce the rights declared. I am left in no doubt that our position - the position taken late on Friday night is very clearly the correct position. We are in no doubt at all that there is absolutely no way these people can regain in control of the company without first going to court for this enforcement order and we are in absolutely no doubt that the enforcement order can and will be successfully resisted."

Jules Vasquez

"So then you are not just doing this forestall the inevitable to hold on to few weeks - I mean I am saying the court has said that's its unconstitutional - it's just a matter of time - yes you will resist the enforcement order but it's the court the highest court in the country."

PM Dean Barrow



PM Dean Barrow

"No, that's just the point that the declaration of rights that the court have made until set aside by the CCJ will remain. The question is though when you seek enforcement will the court say the only way to enforce your right is by giving you back the company. That is where issue will be joined in terms of the interest of good administration, in terms of the need to avoid chaos, in terms of the need and not to prejudice third party rights that are meantime attached we are confident that we can get the court to say no what government did was unconstitutional, government perhaps has to be punished for that - you the previous owners of the company have to obtain redress for the violation of your rights - that can be done by a way of award in damages. There is no possibility the way I see it that this can have any quick termination and in the meantime the status quo which is that government remains in control of the company will prevail."

And as the PM left the compound, by force of the state - he's still in charge but the other side is determined to eject him with the force of the courts

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