

IN THE SUPREME COURT OF BELIZE, A.D. 2011

CLAIM NO. 317 of 2011

BETWEEN:

CPL. 950 DARREL USHER

Claimant

AND

YOLANDA SHACKRON
HARRISON LAWRENCE
ANGEL NOVELO
THE REPORTER

1st Defendant
2nd Defendant
3rd Defendant
4th Defendant

BEFORE: Hon. Chief Justice Kenneth Benjamin.
December 4th and 5th, 2013

Appearances: Mr. Mark Williams for the Claimant
Mr. Kareem Musa for the 1st Defendant
Mr. Phillip Palacio for the 2nd and 4th Defendants

JUDGMENT

[1] The Claimant is a serving member of the Belize Police Department holding the rank of Corporal. By a Claim Form filed on May 24, 2011, the Claimant brought a Claim in defamation seeking damages against the Defendants. The particulars of the Claim were set out in the Amended Statement of Claim filed on October 7, 2011.

[2] The underlying *fons et origo* of the Claim was the death of Christopher Galvez, the nephew of Yolanda Shackron, the first Defendant. The deceased met his death on December 22, 2009. The second Defendant is the printer and publisher of "The Reporter" newspaper, the fourth Defendant. It was pleaded that the third Defendant is

the editor of the said newspaper but he did not participate in the proceedings and no orders are being sought against him.

THE PLEADINGS

[3] The Claim is two-fold. It seeks damages for slander against the first Defendant of her speaking and publishing to one Albert Ciego on February 3, 2010 at the offices of the Reporter, certain words defamatory of the Claimant. The second part of the Claim seeks damages for libel against the remaining three Defendants for the publication of certain words defamatory of the Claimant appearing in an article in the issue of the Reporter of Sunday, February 7, 2010. In essence, the Claimant alleges that the first Defendant was interviewed by Albert Ciego, a journalist employed by the second Defendant for the Reporter newspaper and statements made by her concerning the Claimant were printed and published in the Reporter.

[4] The Claimant avers that the words expressly referred to him and were calculated to disparage him in his profession as a Police Officer. It was also pleaded that in their natural and ordinary meaning the words were defamatory of the Claimant and meant and were understood to mean that the Claimant was involved in or was responsible for the murder or killing of Christopher Galvez.

[5] The following relief was claimed:

“Against the First Defendant:

- (1) Damages for slander, including aggravated damages;
- (2) An injunction restraining the First Defendant, whether by herself, her servants or agents or otherwise, from publishing or causing to be published the same or similar words (complained of at paragraph 4 of the Statement of Claim) defamatory of the Claimant. Against the Second, Third and Fourth Defendants:
- (3) Damages for libel;

- (4) An injunction restraining the Second, Third and Fourth Defendants whether by themselves, their servants or agents or otherwise from publishing or causing to be published the same or similar words (complained of at paragraph 5 of the statement of Claim) defamatory of the Claimant;
- (5) Costs.”

Particulars of the facts and matters relied on in support of the award of aggravated damages were set out in the Amended Statement of Claim.

- (6) The words alleged to have been spoken by the first Defendant to Albert Ciego on February 3, 2010 were as follows:

“I was at a party along with my cousin when Usher (the Claimant) told me certain things which gave me the impression that he (Usher) was implicated in the death of my nephew (Chris Galvez). He took out his wallet and showed me a medal and a bracelet belonging to Chris. When I called Chris number, a phone that Usher had rang. We have a witness who saw what happened but the police don't want to take his statement. You could write it. I tell you to write it”

These words formed the basis of the cause of action based on slander against the first Defendant.

- (7) The newspaper article of February 7, 2010, on which the allegation of libel against the newspaper and its proprietor and publisher, the second and fourth defendants, appeared under the heading:

“Galvez family accuses police of cover-up.” The alleged offending paragraph read:

“Galvez's aunt, Yolanda Shackron, contends that Police Constable Darrell Usher implicated himself in Galvez's death when he took out his wallet at a friend's house and showed them Galvez's gold bracelet and his cell phone.”

The article was stated to have been contributed by Albert Ciego as a staff reporter.

(8) In her Amended Defence, the first Defendant denied having spoken or published to Albert Ciego, the words set out in the Amended Statement of Claim and she went on to deny having authorized or instructed Ciego to publish the words in the Reporter Newspaper. The Amended Defence denied that the first Defendant uttered or in any other manner communicated the words ascribed to her in the article printed and published in the Reporter.

(9) The Defence filed on behalf of the second, third and fourth Defendants admitted the publication of the report in the Reporter complained of by the Claimant and went on to state that the said report was founded on statements made to Albert Ciego as a journalist by the First Defendant in the conviction that the same were not false or contrived. The Defence further averred that "the defendant released the report in the public interest, on the justification that if Mrs. Shackron was indeed being harassed by the police, sharing this information with the public would afford her a certain measure of comfort and protection."

(10) On the state of the pleadings, learned Counsel on all sides candidly recognized that the focal-issue was the credibility of the first Defendant, Yolanda Shackron, vis-a-vis, the fourth Defendant's journalist, Albert Ciego. Further, there was no issue taken with the defamatory meaning ascribed to the words. There being a legal presumption that defamatory words are false, and there being no issue as to whether the words were published about the Claimant, the sole factual issue to be resolved was whether the words attributed to the first Defendant were indeed uttered by her to Albert Ciego.

THE EVIDENCE

(11) The Claimant stated that he was a serving Police Officer and has been assigned to various positions and departments. He signed out his position as second-in-command of the Special Patrol Unit in Belize City under now Inspector Henry Jemmott (then a Sergeant). In his witness statement he recounted how he became depressed and agitated when he became aware of the article appearing in the Reporter. He also detailed the effect on his common law wife and the negative comments and reaction

from members of the public. It was stated that he had been transferred from Belize City to Belmopan, his salary had been reduced and his prospects of promotion severely affected by the publicity flowing from the publication of the article.

(12) At trial, the Claimant adopted what was contained in the witness statement of Albert Ciego as part of his case. When cross-examined he corrected his Amended Statement of Claim to the effect that the first Claimant spoke the words to Albert Ciego on February 3, 2010 at her home at the Red House and not at the offices of the Reporter; this he described as a typographical error. He said that Albert Ciego told him that he was given an assignment by his employer to go to the 1st Claimant's residence and that he went to the Red House where he met with her and conducted an interview. The Claimant recalled that he met Ciego and he gave him the information verbally. However, he was not contacted by Ciego or anyone else before the article was published in the newspaper.

(13) The Claimant agreed that he had seen the 1st Defendant on television but she had never mentioned his name and the first time it was mentioned was in the article in the Reporter. Further, he stated in Court that he had never had an audience with the 1st Defendant although he had seen her at various events.

(14) Learned Counsel for the 1st Defendant cross-examined the Claimant as to the contents of the words attributed to his client. He denied that he was ever at any party at any friend's house or that he had spoken to the 1st Defendant or showed her a bracelet or a cell-phone. He was asked if he had ever worked for the 1st Defendant, which he denied, although he admitted having worked for her brother as security at a night club. This was at variance with what was said by Albert Ciego. He responded in cross-examination that not only did the 1st Defendant tell him that the Claimant used to work for her hence she knew his voice but that the Claimant told him that he used to work for the 1st Defendant.

(15) The Claimant stated that he did go to the place of business of family members of the deceased on the day following his murder. The reason he gave for doing so was to try to explain to the Galvez family what transpired on the previous night and that they were being misled by members of the Police Department. He made mention of certain things being said by one Police Constable Marlon Galvez who had given a written statement.

(16) It was put to the Claimant that reports were made against him that he had issued threats at the gathering. He said he was aware that reports had been made. He also said that he faced charges before an internal disciplinary tribunal and he was fined \$200.00 in respect of two charges one of which was for making threatening remarks. He stated the charge of threatening with a firearm was dismissed. In re-examination, he was directly asked and replied that although he had his firearm on his person he never took it out nor did he issue threats.

(17) The Claimant told the Court he was transferred to Belmopan after the article was published and while he did not go as far as to say that the article triggered his transfer he denied that the transfer was as a consequence of the disciplinary action taken against him for threatening the Galvez family. Consequent upon his transfer he said that he lost an allowance of \$230.00 per month. There was no actual documentary proof provided and in any event, it was not pleaded as special damages. He went on to say that he was not allowed to take the examination to render himself eligible for promotion to the rank of Sergeant. He specifically stated that he was verbally informed that he was not allowed to do so because of the "same matter". He did not specify which "matter". The Court was therefore left to ponder whether the disciplinary charges or the newspaper article provided the rationale for the denial of the opportunity to sit the promotion examination.

(18) Inspector Henry Jemmott gave testimony in support of the Claimant whom he described as an exemplary officer who always served dutifully and responsibly. He worked with the Claimant who was his second-in-command at the Special Patrol Unit in

Belize City. This witness stated that he was *unaware of any charges or disciplinary action ever having been taken or instituted against the Claimant. However, this was rendered untrue when he was cross-examined and admitted, to knowing of disciplinary action having been taken against the Claimant. Further, he wrote in his witness statement that "the Claimant was in line for promotion in the Police Department and it would seem fair to say that this particular incident and the adverse publicity generated by the article may have impacted negatively on his prospects for the said promotion."* In response to Learned Counsel he could not say if the Claimant had taken the promotion examination and he was thus constrained to agree that he could not give any particular reason why the Claimant was not promoted to Sergeant.

(19) In support of the Claimant, he stated that it appeared obvious to him that the Claimant had been "severely affected and disturbed" by the publication of the article.

(20) The Claimant presented Police Constable Alrick Arnold in support of his case. This Officer was tasked with serving the Statement of Case on the Defendants, which he did on May 27, 2011. In his witness statement, he stated that upon serving the 1st Defendant at the Red House on Vernon Street, she was heard to remark in his presence and that of four other persons:

"Tutsi want money from me after he done kill mi nephew."

Curiously, this witness admitted that he grew up with the Claimant, whom he had known since High School and whom he accepted as a good friend. This evidence was so fraught with suspicion, having regard to the relationship between the witness and the Claimant, that the Court was constrained to reject it as contrived to assist the Claimant's case.

(21) The evidence of the 2nd Defendant (who corrected his name to be Harry Lawrence as against Harrison Lawrence as set out in the rubric) was admirably forthright. From the outset it was admitted that the article was published in the Reporter

newspaper. It was pleaded that the article was published on the basis that the report was not construed or false having regard to the conviction of the 1st Defendant. In his witness statement he expressed confidence in Albert Ciego as a reliable reporter who had no reason to embellish or fabricate the story. Albert Ciego had worked with him from 2005 or 2006 after he had personally trained him. He spoke of what he perceived to be a plan by the 1st Defendant to mount a public campaign to expose the person she believed to be involved in her nephew's death.

(22) It was suggested that he had terminated the services of Albert Ciego after the present suit was filed. He dismissed this suggestion and explained that as part of a down-sizing exercise Junior personnel were let go. This was substantially corroborated by Albert Ciego himself who said that the newspaper was undergoing financial problems.

(23) In essence, Mr. Lawrence said that he had no reason to doubt the accuracy of the story as the reporter had been closely questioned by the news editor (who did not appear in the case) and because he regarded Albert Ciego as a conscientious journalist. In his words he was "fully aware of the risks involved" and took "full responsibility for the article."

(24) Albert Ciego was the reporter who interviewed the 1st Defendant at the Red House, her place of business, on Feb. 3, 2010. He was then a journalist employed by the Reporter newspaper since August 2007. Prior that he was a member of the Belize Defence Force before being seconded to the Belize Police Department as an Armourer. In that capacity, he was required to give expert testimony in both the Magistrate's Court and the Supreme Court. In his training, he said, he learned the importance of accurate reporting. This quality was repeated when he underwent in-house training as a journalist when he joined the staff of the Reporter.

(25) This witness was central to the factual issues in the case. He said the interview lasted forty (40) minutes and he made notes but did not record it as he did not have a

recorder with him. He said he read the notes back to the 1st Defendant who approved them and urged him to print what she had told him. He composed the story that appeared in the Reporter of February 7, 2010 from the said notes although he did not include many things that he was told.

(26) He agreed that in the article he did not render a verbatim account of what he was told. However, in the witness statement, he confirmed aspects of the words attributable to the 1st Defendant in paragraph 4 of the Statement of Claim. He said the 1st Defendant told him that: "She was (at) a party one night with some friends when Darrel Usher walked in. She said Darrel Usher had a medal. She said she recognized the medal as one she had given to her dead nephew, Christopher Galvez." She also told him she had called her nephew's cell phone and she recognised the male person's voice that answered as being that of Cpl. Darrel Usher. This witness went on to say that the 1st Defendant told him that she was able to recognize the voice as the Claimant was one of several police officers who had worked for her at the Red House when off-duty.

(27) He wrote that he had returned to see the 1st Defendant after the article was published and gave her a copy of the newspaper. He said she appeared pleased and she never questioned the content of the report, but rather she expressed to him that she liked the report.

(28) Subsequent to that interview, Albert Ciego interviewed the 1st Defendant on two other occasions which he identified. He was adamant that the 1st Defendant never objected to his report or accused him of faulty reporting.

(29) In response to Learned Counsel, Albert Ciego said that he did not have the notes he had taken because they were destroyed when he cleared his office in February 2011. He rejected a suggestion that he was unable to produce the notes as the 1st Defendant had never called any name to him.

(30) The witness said he called the Eastern Division to speak to Cpl. Darrel Uehor but he was told that no one by that name was there. He therefore went ahead and published the story based on his notes. His explanation which I find entirely plausible was that he did know the Claimant as a Police Officer but that he knew him as "Tutsi" and only later he got to learn his real name.

(31) Albert Ciego said that he met the Claimant on the street after the article was published. He rejected the suggestion that he approached the Claimant to give him the quotation by the 1st Defendant. He spoke of discussing "all kinds of things", but he never directly said in his written statement or in his viva voce testimony that he told the Claimant what the 1st Defendant told him.

(32) It is pertinent to note certain discrepancies that surfaced from the testimony of Albert Ciego. In the article, mention was made of the Claimant taking out a gold bracelet. However, the words attributed to the 1st Defendant referred to a medal and a bracelet and in his witness statement he stated that she told him the Claimant had a medal which she recognised as what she had given to her deceased nephew. Also, the Claimant said he had never worked for the 1st Defendant whereas the witness, Ciego, said he asked the Claimant if he had worked at the Red House and he responded in the affirmative.

(33) The 1st Defendant denied uttering the words attributed to her by Albert Ciego as set out in paragraph 4 of the Statement of Claim or authorizing the publication of the words complained of in the article. She denied knowing the Claimant although she knew of him. She insisted that she had never called the name of the Claimant. She said she founded a non-profit organisation known and registered as "Belizeans for Justice" and advocated for justice for grieving mothers and families who are the victims of violence in Belize. She stated that eye-witnesses to her nephew's murder had confided in her; and that in her mind, she thinks she knows, who is the perpetrator of her nephew's killing.

(34) In her witness statement, she said that the Claimant went to her property on Vernon Street with his firearm in his hand and threatened members of her family. She was only made aware afterwards that there were rumours that he was involved in her nephew's death and that he was one of the officers at the scene of the crime. However, in cross-examination she refused to say if her information points in the Claimant's direction.

(35) The 1st Defendant admitted knowing Albert Ciego as a journalist from the Reporter newspaper and being interviewed by him at her place of business on at least two occasions. She said he scribbled some notes unprofessionally but he did not show her what he wrote. She described what he wrote as "irresponsible journalism." Having said that, she accepted that she never contacted the newspaper after she read the article; although, she suggested that she did tell Albert Ciego "briefly" that the report was faulty. But she did accept that she did not make a big deal of the fact of the article being farfetched nor did she strongly protest its inaccuracy.

(36) All in all, the 1st Defendant said she never met the Claimant at any party and that she never mentioned his name to Albert Ciego or instructed him to print what she told him.

(37) Learned Counsel for the 1st Defendant drew attention to the differences in the wording of the article as against the alleged quotation in, paragraph 4 of the Statement of Claim as well as the differences with the witness statement of Albert Ciego. The main difference was the reference to a gold bracelet in the article, to a medal in his witness statement and to a medal and a bracelet in the alleged quoted words of the 1st Defendant. In his submissions on behalf of the 1st Defendant, Learned Counsel questioned the journalistic skills of Albert Ciego and it was posited that he reported on rumors that were circulating, which rumors were referred to by the Claimant and the 1st Defendant. However, Learned Counsel conceded his client ought to have done more to challenge the authenticity of the report.

(38) It was submitted on behalf of the Claimant that the 1st Defendant was cavalier in naming the Claimant as being involved in the murder of her nephew and the court was urged to accept the evidence of Albert Ciego in preference to that of the 1st Defendant. Much emphasis was laid on her omission to correct the inaccuracies which she said were in the newspaper article. Learned Counsel for the 2nd and 4th Defendants substantially repeated the submissions made on behalf of the Claimant. He reiterated that the 1st Defendant had given three interviews to Albert Ciego on separate issues and therefore it was unlikely that she would not have sought to have the inaccuracy addressed after publication of the article.

PROOF OF SLANDER

(39) The words ascribed to the 1st Defendant as having been spoken by her to Albert Ciego on February 3, 2010 are actionable without proof of damage since the words were spoken of the Claimant charging him with having committed a criminal offence punishable by death or imprisonment (Hellwig v Mitchell [1910] 1 K.B. 609 at p. 614 (Per Bray, J)).

(40) The Claimant was not present when the alleged words were uttered. Albert Ciego's evidence was vague as to what he discussed with the Claimant when he met him on the street. However, the content of the alleged quotation mentioned a medal which the 1st Defendant never disputed giving to the deceased nephew. It referred to the 1st Defendant saying she had a witness who saw what happened but the Police refused to take his statement. Central to the alleged quotation was the naming of the Claimant. There was an error in the Statement of Claim as to the place where the words were alleged to have been uttered; the error was conceded by the Claimant in his oral testimony. The words were denied by the 1st Defendant and it has been revealed in the evidence that she did not mention the Claimant's name in any of the other interviews with other-media sources. The witness, Albert Ciego, was unable to produce his notes. However, his witness statement repeated the key elements of the content of the quotation, namely, the name of the Claimant, the reference to a medal which the 1st

Defendant had given to her nephew and the detail of her recognising the Claimant's voice when she called the number of her nephew's cell phone. There was mention of a bracelet in the quotation as well as in the newspaper article but this was not mentioned in the witness statement. He was not questioned about it nor did he offer any clarification. In my view, these matters did not detract from the substance of the alleged quoted remarks which were tailored to convince the reporter that the Claimant was implicated in the death of her nephew.

(41) On the evidence, the Claimant has discharged the burden of proving that the words were spoken by the 1st Defendant and published to the reporter, Albert Ciego, on February 3, 2010.

PROOF OF LIBEL

(42) The Claimant submitted that in the absence of the notes of Albert Ciego and a recording, the credibility of Albert Ciego ought to be accepted as proof of libel. It was not disputed, that the 2nd and 4th Defendants are liable for the publication. The only issue is whether the 1st Defendant is also liable as having been the person responsible for providing the information that formed the nucleus of the words complained of in the article in the Reporter. The article ascribed the content of the offending paragraph to the 1st Defendant which she denied.

(43) Previously, at paragraph 34 above, I pointed out the discrepancies in the testimony of Albert Ciego vis-a-vis the article. Albert Ciego ought to have retained his notes which would have served to verify what he reported. Be that as it may, the kernel of what contained in the article was consisted with the witness statement of Ciego. There was reference to Darrel Usher, the Claimant, being implicated in the death of the 1st Defendant's nephew.

(44) The most significant matter, in my view, was properly highlighted by both Counsel for the Claimant and Counsel for the 2nd and 4th Defendants. The 1st

Defendant by her own admission was *acutely conscious* of the importance of accurate and responsible journalism. Yet, she did not seek to distance herself from the content of the article. This was particularly significant given that she obviously had access to media sources, having given several interviews and called a press conference. If the article was inaccurate and she wanted to be as meticulous as she was, in not calling the name of the 1st Claimant in her several interviews with members of the media, she had the opportunity to do so. Even when she was subsequently interviewed by the same reporter, Albert Ciego, on two occasions, she did not seek to upbraid him or deny him the interviews for having indulged in what she herself called irresponsible journalism. Accordingly, I hold that it is more probable than not that the 1st Defendant did utter the words that comprised the offending paragraph in the article published in the February 3, 2010 issue of the Reporter newspaper. The 2nd and 4th Defendants are therefore liable to the Claimant for Libel.

DAMAGES

(45) The Claim seeks damages against the 1st Defendant for slander and against the 2nd, 3rd, and 4th Defendants for Libel. An injunction is also sought against the 1st Defendant in respect of the words complained of in paragraph 4 of the Statement of Claim and against the 2nd, 3rd and 4th Defendants restraining the further publication of the offending words contained in the newspaper article of February 7, 2010.

(46) The Claimant testified that subsequent to the publication of the article he was transferred to Belmopan and his emoluments were reduced by \$230.00 per month. Such loss would be special damage being pecuniary loss capable of being estimated in terms of money. Special damage must be specifically pleaded (Ilkiw v Samuels [1963] 2 All ER 879). There was no pleading to that effect. In any event, the evidence did not definitively establish any causal link to the libel as there was the admission by the Claimant that he was found guilty and fined on a department charge for issuing threats which may well have been the reason for his transfer.

(47) At common law, damages are issued on a compensatory basis with the object of restoring the Claimant, as far as it is possible to do so in monetary terms, to the position he enjoyed before the wrong was committed. In the case of defamation, there exists a subjective element as there is no physical injury or pain against which damages can be measured. In **John v. MGN Ltd** [1997] D.B. 586, the Court of Appeal identified the three essential elements of general damages in defamation cases as follow:- (at pg. 611):-

“The successful plaintiff in a defamation action is entitled to recover, as general compensatory damages, such sum as will compensate him for the wrong he has suffered, that sum must compensate him for the damage to his reputation; vindicate his good name; and take account of the distress, hurt and humiliation which the defamatory publication has caused.”

These elements will overlap in most cases.

(48) In the present case, the Claimant also seeks aggravated damages against the 1st Defendant; however, this aspect of the Claim was dependent on the evidence of PC Alrick Arnold which, as stated previously, I do not believe. Further, although there was evidence of the 1st Defendant having made several appearances in the media, there was no reference to her calling the name of the Claimant. Accordingly, the Claim for aggravated damages fails.

(49) In paragraph 8 of the Statement of Claim, the Claimant stated that by virtue of the defamatory publication of the words complained of, he was brought into public scandal, odium and public ridicule and he suffered considerable distress and embarrassment. Further, it was pleaded that his character and reputation were injured in the estimation of right thinking members of society. In his witness statement, he said that when he read the article he became very depressed and agitated as people started calling him and members of his family to inquire as to the contents of the article. He stated that he received death threats and family members were abused. He further said that his common law wife moved out of his home at Hattievile in fear of her life, and that

he has since been subjected to adverse comments, offensive looks and unfavourable remarks from the general public. He expressed feelings of humiliation and embarrassment. The only supporting evidence came from Inspector Henry Jemmott, who wrote in his witness statement that it was obvious to him that the Claimant was severely affected and disturbed by the publication of the article which referred to him by his name. These matters were not in any way impugned in cross-examination.

(50) There can be no demur that the naming of the Claimant as being implicated in the murder of Christopher Galvez directly attacked his reputation both personally and professionally as a Police Officer in the eyes of anyone reading the newspaper article. The members of the Police Department would have been more discerning as they are professionally trained to make the distinction between an allegation and proven facts. No apology has been tendered by any of the Defendants to the Claimant. The Claimant's reputation is entitled to vindication and his hurt feelings must be offered some solace.

(51) The slander was published by the 1st Defendant only to Albert Ciego. However, it formed the basis of the article which appeared in the Reporter. Indeed, there was evidence from Albert Ciego that the 1st Defendant urged him to write what she told him.

(52) Mr. Harry Lawrence, the publisher of the Reporter, told the court that the newspaper is one of the more widely read newspapers in Belize enjoying circulation throughout the country in the towns and villages and that it published internationally with the main stories posted online on the newspaper's website. There was no indication as to whether this article was posted online. As to the wide publication of the article there can be no dispute.

(53) The awards by the Supreme Court in cases of defamation have been varied. In the case of Harry Lawrence v Ray Lightburn – Civil Appeal No. 4 of 1980, the Court of Appeal dismissed the appeal against an award of \$2,500.00 in respect of a newspaper article which alleged that the plaintiff was the leader of a gang in a politically

motivated attack in which a person was injured Awich, J (as he then was) awarded the claimant damages of \$10,000 in the case of Cedric D. Glowers v. Ray L. Menzies & Belize Port Authority – Action No. 281 of 2003 in respect of defamatory words stated in a letter which Conteh, CJ awarded the sum of \$25,000.00 to the then Prime Minister for allegations contained in a newspaper article (Said Musa v Anne Maria Williams et al – Claim NO. 376 of 2005). Damages of \$30,000 for defamatory words in a newspaper article were awarded to Senior Counsel in Lois Young Barrow v Andrew Steinhauer & Belize Times Press Ltd. – Claim No. 561 of 2006.

(54) Consistent with the way the case was pleaded by the Claimant, and having regard to the proof of separate publications in slander and libel, it behoves the Court to make separate awards in respect of each publication. Notwithstanding, the correlation between the publications and the equal gravity of the content, the court must nevertheless be mindful of double-counting. In the circumstances, I award damages in the sum of \$15,000.00 in respect of each publication. No arguments were presented in support of an injunction, therefore, the prayer for injunctive relief is refused.

ORDERS

(55) Judgement is entered for the Claimant:

1. Against the 1st Defendant of slander in the sum of \$15,000.00; and
2. Against the 2nd and 4th Defendants for libel in the sum of \$15,000.00

(56) The costs shall be prescribed costs in respect of each award in the individual sums of \$3,750.00 in accordance with the case management order.

DATED this 20th day of October, 2017.


KENNETH A. BENJAMIN
Chief Justice of Belize