

# Constitution Reform Forum **TT**

## From maximum leader to maximum participation

Email: [cforumtt@gmail.com](mailto:cforumtt@gmail.com)

Tel:

August 3, 2015

### MEDIA RELEASE

#### **DISCLOSURE OF CL FINANCIAL INFORMATION: MINISTER MUST COMPLY WITH COURT RULING**

The Constitution Reform Forum (CRF) hails the High Court judgment handed down by Mr. Justice Boodoosingh as outlined in **CV 2013 – 01162 Afra Raymond vs. The Minister of Finance and the Economy**, which mandates the Minister to provide Mr. Raymond with the details of the CL Financial bailout as he (Mr. Raymond) had requested under the Freedom of Information Act (FOIA).

The significance of this judgment should not be underestimated. By objecting to the Minister's refusal to accede to Mr. Raymond's request, Justice Boodoosingh was sending a clear message that public officials must recognize the public's right to information about the functioning of public authorities. Citing comments made by Justice Jamadar in a similar matter in 2008, Justice Boodoosingh emphasized that the FOIA provides for a statutory right to information held by public authorities, and (that) its effect is to broaden and deepen the democratic values of accountability and transparency.

It is against that background that the CRF urges the Minister of Finance not to lodge an appeal against the ruling. We are convinced that taking such a course of action will not only be an unnecessary drain on the treasury, but it will also demonstrate a lack of commitment by the government to the spirit and intent of the FOIA. That tendency to want to keep the details of the collapse and subsequent government bailout of CL Financial away from the public eye was very much in evidence in the Minister's original insistence to find grounds, however weak, for exemption from disclosure of information.

For example, one of the Minister's arguments was that the request was not made in conformity with Section 13 (1) of the Act which states that the application for information must be made on a form provided in the schedule. Another argument was that the information sought in one of the requests constituted information related to a private company. Both of these were thrown out by Justice Boodoosingh. In the case of the second, the judge countered that once the public authority held records of the information of the private entity, then the issue of exemption did not apply. In general, the judge argued that, while provision is made in the Act to treat certain types of documents as exempt documents, those conditions did not apply to most of the documents requested in this particular instance.

The CRF is therefore urging the Minister of Finance to comply with the High Court ruling, and in particular to accede to Mr. Raymond's requests as subsequently adjusted by the Judge (Para. # 50). In short, the requested information, as outlined below, must now be made public.

# Constitution Reform Forum **TT**

## From maximum leader to maximum participation

Email: [crforumtt@gmail.com](mailto:crforumtt@gmail.com)

Tel:

### **Request 1**

Any interim, preliminary, draft or unaudited statements of CL Financial Limited for the years 2008-2011 which were relied upon to prepare the affidavit of Minister Winston Dookeran filed on 3 April 2012 in High Court proceedings CV 2011 – 01234, Percy Farrell and others v Clico and others.

### **Request 2**

The presentation made to Members of Parliament in September 2011 as a briefing for the debate on the Central Bank (Amendment) Bill and the Purchase of Rights and Validation Bill, 2011, including copies of all slides, power-point slides, tables, charts, schedules, text or other information which comprised that presentation.

### **Request 3**

Any list of the creditors of CL Financial existing as at the date of the request, the names of the EFPA holders, the dates of the repayment of EFPA holders and the identities of those whose investments have been repaid.

**Signed:**

**Olabisi Kuboni**  
*Chair, CRF.*