

IN THE REPUBLIC OF TRINIDAD AND TOBAGO

IN THE HIGH COURT OF JUSTICE

Claim No: CV2025-03649

BETWEEN

TONJA-MELANIE MANNETTE

CLAIMANT

AND

PEARCE ROBINSON

DEFENDANT

Before: The Hon. Mr. Justice Westmin R.A. James

Date: 15th September 2026

Appearances: Mr. Farai Hove Masaisai, Ms. Mpule Williams and Ms. Chelsea Edwards,
Attorneys-at-Law for the Claimant

Ms. Nera Narine-Mollick, Attorney-at-Law for the Defendant

Defamation – Libel – Facebook Live broadcast – Natural and ordinary meaning – Chase Levels – Truth/justification – Fair comment/honest opinion – Distinction between fact and comment – Qualified privilege – Reynolds responsible journalism – Public interest – Verification – Failure to seek comment – Damages – General damages – Aggravated damages – Exemplary damages – Injunctive relief – Apology and retraction.

JUDGMENT

Background

1. By Claim Form and Statement of Case filed on 11th September 2025, the Claimant sought damages for defamation of libel against Pearce Robinson. The Claimant, Tonja-Melanie Mannette, an employee of the Ministry of National Security, alleges that a 49-minute Facebook live video posted by the Defendant on 14th March 2024, was defamatory. The video, titled "THE FULL THREAT AGAINST TRINIDAD AND TOBAGO #SSA @FOLLOWERS," allegedly portrayed the Claimant as part of a "Christian Coup" involving the Jerusalem

Bride Church and the Strategic Services Agency (SSA). The Claimant contends that these assertions falsely implied she was involved in a silent coup, criminal conspiracy, and was a threat to national security.

2. The Claimant sought the following reliefs:

1. Damages including general, aggravated and exemplary damages for the libel published by Defendant on the 14th day of March 2024 published on the Defendant's Facebook Account namely "Pearce Robinson" at [https://www.facebook.com/PearceRobinsonOfficial](https://www.facebook.com/PearceRobinsonOfficial;);

2. An order that the Defendant whether by himself, his servant(s), agent(s) or otherwise be prohibited and restrained from publishing or causing to be published and/or republished or causing to be republished any words, statements and/or innuendos defamatory complained of in the Pre-action Protocol Letter of the Claimant and in the statement of case herein;

3. An apology and public retraction in writing made by the Defendant to the Claimant containing a public retraction of allegations made in video post published by the Defendant on the 14th day of March 2024 in terms and form to be approved by the Claimant's Attorney and the Honourable Court. This public statement should take the same form as the original defamatory publication, being an equally highlighted post on the Defendant Facebook Account namely "Pearce Robinson" at <https://www.facebook.com/PearceRobinsonOfficial>;

3. Interest;

4. Costs;

5. All necessary and consequential Orders, Directions and Inquiries that this Honourable Court may Order;"

6. Any other relief that the Honourable Court may deem just and expedient.

3. The Defence filed on 16th October 2025, denies that the broadcast was defamatory and asserts it was a legitimate commentary on matters of national interest. The Defendant argues that the video addressed infiltration within the SSA, a topic already under public scrutiny in Parliament and the media. He claims the broadcast did not accuse the Claimant of wrongdoing and included a disclaimer stating the investigation discussed systemic issues rather than specific individuals. Furthermore, the Defendant maintains that the statement regarding the Claimant was true in substance, as she was indeed an SSA employee and a member of the Jerusalem Bride Church.

4. The Defendant further pleads the defences of justification, fair comment on a matter of public interest, and qualified privilege. He asserts that he acted in good faith as a journalist and exercised due care by including disclaimers and removing the video promptly once concerns were raised. The Defence denies liability for third-party comments made by viewers, stating they were not authorised or endorsed. Finally, the Defendant puts the Claimant to strict proof regarding her claims of emotional injury and professional damage, arguing she has adduced no independent evidence of reputational loss.

Claimant's Evidence

Tonja-Melanie Mannette

5. The Claimant, a Curriculum Research Officer I, describes her professional background and her long-standing familial history in law enforcement. She explains that her name was mentioned alongside her husband's in the Defendant's video, which she believes led reasonable viewers to associate her with criminal activity and a national security threat. She asserts that the video's impact was immediate, causing an influx of calls from shocked family and friends who were previously unaware of her specific place of employment.
6. Mrs. Mannette details the significant personal and professional toll the publication took on her life. She describes an incident where a security officer at her workplace became alarmed upon seeing her name on her ID, referring to her as "the famous Ms. Tonja-Melanie Mannette". She claims she was eventually removed from her duties as an Executive Aide II and reassigned to a different department after being told that trust in her had been lost. This professional displacement caused her significant distress and feelings of being shunned by colleagues who no longer spoke to her.
7. The Claimant's emotional state deteriorated, leading to bouts of depression, anxiety, and paranoia. She describes becoming so fearful that she began using her middle name, "Crystal," when meeting strangers to avoid being recognised from the video. She also highlights the strain on her family life, noting that she became distant from her children and suffered from the breakdown of her relationship with her sister-in-law, who believed the allegations in the video.
8. In her statement, Mrs. Mannette emphasises that she has always conducted herself with integrity and respect within her community. She argues that the Defendant's failure to issue a retraction or apology has caused profound and lasting harm to her reputation and career. She concludes that she brought the claim to vindicate her good name and seeks damages to compensate for the humiliation and financial hardship she has endured.

9. Mrs. Mannette was cross-examined regarding her professional reassignment and the alleged financial fallout. She admitted that while she was reassigned from Executive Aide II to a curriculum role, she remained employed by the Ministry of National Security. Counsel highlighted that the Claimant had not provided any documentation to the court proving she was placed on administrative leave, nor had she produced bank statements or pay slips to quantify the loss of her \$5,000.00 monthly allowance.
10. The Claimant was pressed on the specific language of the broadcast, with Counsel pointing to a disclaimer in the transcript where the Defendant stated some church members "had no idea whatsoever about this particular situation". Mrs. Mannette insisted that her name being listed among those "intricately involved" in the "Nexus" negated any such disclaimer. She agreed that she was only named a total of one time during the nearly 50-minute broadcast.
11. Regarding prior media coverage, Mrs. Mannette admitted that articles like "Christian Coup" had been published on 13th March 2024, *before* the Defendant's video, which already linked the church and the SSA. She further admitted that she took no action to contact the Defendant or correct the record for 14 months, until her legal letter was issued in May 2025. Counsel also put to her that she had not provided any medical or psychiatric evidence to support her claims of emotional distress.
12. In answer to the Court, Mrs. Mannette clarified that when she was reassigned, she was not explicitly told it was due to the post, but rather that "trust had been lost". She admitted that she never reported the incident involving the security officer at her workplace to any superior. The cross-examination concluded with the suggestion that the words complained of, when taken as a whole, caused no actual reputational harm.

Todd Jovan Mannette

13. Todd Mannette, a Police Constable and the Claimant's husband, provides a statement supporting his wife's claims. He recounts how he first heard about the Defendant's video through a coworker and subsequently watched it on his wife's Facebook account. He explains that the video falsely portrayed them as part of a "Christian coup" and a conspiracy to overthrow the government, which led their friends and family to view them as criminals or cult members.
14. He details the immediate professional and financial consequences for their household. On 12th March 2024, two days before the video's publication, he was questioned about his affiliation with the church and transferred out of his section, resulting in a loss of approximately \$4,000.00 per month in allowances. Combined with his wife's loss of \$5,000.00 in monthly allowances and her placement on administrative leave, the family

faced severe financial challenges, forcing them to cancel insurance policies and withdraw their children from extracurricular activities.

15. Mr. Mannette describes his wife as being traumatised and a "complete wreck" following the video's publication. He observed her becoming distant and absent-minded, noting that she was even withdrawn from their children, whom she normally loved dearly. He corroborates her claim that she began using a pseudonym with strangers out of paranoia and anxiety about reliving the experience.
16. Finally, he highlights the ongoing damage to their reputation and the isolation they faced. He notes that no one from his wife's workplace was willing to submit a statement in support of their case because they did not want to be associated with them. He asserts that the Defendant's video was the only source that mentioned them by name in connection with the SSA controversy and that no apology has ever been issued despite the video's removal.
17. During cross-examination Mr. Mannette admitted that he had been called into a meeting regarding his affiliation with the Jerusalem Bride Church on 12th March 2024, and was transferred out of his department that same day, which Mr. Mannette admitted occurred *prior* to the publication of the video. Consequently, he agreed that the video was not the cause for his transfer.
18. Mr. Mannette was challenged on his assertion that the video portrayed his wife as a "terrorist and criminal," to which he disagreed with Counsel's suggestion that no such reference was made. He admitted that none of the 527 viewer comments exhibited by the Claimant referred to her by name. Furthermore, he conceded that no independent witnesses had been brought forward to testify that their opinion of his wife had lowered as a result of the broadcast, nor were there documented disparaging messages from others.
19. Under further questioning, Mannette admitted that the primary facts stated about his wife, that she was employed by the Strategic Services Agency (SSA) and was a member of the Jerusalem Bride Church, were factually true. He initially struggled to define the term innuendo but later maintained that while the words themselves might not be derogatory, their placement within the context of the video was defamatory. He also agreed that the video's caption itself did not mention his wife by name.
20. In answer to the Court on whether other media reports already existed regarding the connection between the church and the SSA, Mr. Mannette admitted such reports existed but argued that the Defendant's video was unique because it specifically named his wife and tied her to the "Nexus" of a "silent coup" and an assassination. He also

acknowledged that his family members were unaware of his wife's specific place of employment until the video was published.

Defendant's Evidence

Pearce Robinson

21. The Defendant, a journalist based in London, explains his background and his focus on investigating matters of public concern in Trinidad and Tobago. He states that his 14th March 2024, broadcast was intended to address institutional and systemic issues regarding the overlap between religious organizations and national security institutions. He denies making any statements that accused the Claimant of wrongdoing or suggested she was involved in unlawful activity.
22. Mr. Robinson argues that the majority of the words complained of were general commentary on matters already in the public domain. He points out that his broadcast relied on established media reports and parliamentary discussions involving the Prime Minister. He maintains that the Claimant's name was only mentioned once as part of a larger list of individuals reported to be associated with both the SSA and the Jerusalem Bride Church.
23. He asserts that he acted responsibly by including language at the outset of the video stating that no specific private individuals were being accused. He also highlights that on 13th February 2025, he updated the video's caption to clarify that certain individuals with similar names were not involved. Robinson states that immediately upon receiving the Claimant's pre-action protocol letter, he voluntarily removed the video from public access to avoid further controversy.
24. The Defendant concludes by reiterating that his broadcast was a contribution to the public discussion on national governance and security. He claims he had no personal dispute with the Claimant and no reason to believe she had engaged in wrongdoing beyond the facts reported in the media. He maintains that the discussion was focused on institutional issues rather than private individuals and that he acted properly by relying on publicly available information.
25. The Defendant was cross-examined regarding his journalistic standards and the title of his broadcast. Mr. Robinson agreed he is a journalist and that the broadcast was scripted, but he denied the Claimant's characterisation of the "effect" of his words. He maintained that his discussion of a "silent coup" was distinct from the 1990 coup and was a legitimate commentary on public interest matters.

26. Mr. Robinson was challenged on his "investigations," eventually admitting that his verification consisted largely of reading reports already in the public domain and speaking to confidential sources whom he did not name in his witness statement. He admitted that none of the public news articles he relied upon mentioned Tonja-Melanie Mannette by name. Furthermore, Mr. Robinson revealed he was unaware of the legal concept of "Reynolds privilege" and admitted his script was not reviewed by an editor or legal authority before he went live.
27. Counsel focused on the delay in issuing disclaimers, noting that Robinson updated the video caption to protect others (the Wickhams) 325 days after the post but never issued a similar disclaimer for the Claimant. Mr. Robinson admitted he only removed the video in May 2025 because "lawyers had written" and not out of concern for the Claimant. He agreed he had the full control to delete derogatory viewer comments but chose to leave them up for over a year.
28. In answer to the Court as to why it was necessary to name specific individuals like the Claimant if his intent was to discuss institutional governance, Mr. Robinson responded that he believed it was important to show "how deeply rooted" the situation was. He concluded the cross-examination by asserting that he never alleged the Claimant was a member of a cult or conspiracy, claiming the facts he stated, her employment and church membership, were undisputed and not defamatory.

Issues for determination

29. Having considered the pleadings, the evidence, the transcript of the broadcast and the parties' submissions, the following issues arise for determination:
 - a) What single natural and ordinary meaning, including any meaning arising by reasonable inference, would the Facebook Live broadcast of 14th March 2024 have conveyed to the ordinary reasonable viewer concerning the Claimant?
 - b) Was that meaning defamatory of the Claimant?
 - c) If the publication was defamatory, has the Defendant established any of the pleaded defences of:
 - (i) truth or justification;
 - (ii) fair comment or honest opinion; or
 - (iii) qualified privilege based upon responsible journalism on a matter of public interest?

d) If liability is established:

- (i) what compensatory and, if appropriate, aggravated damages should be awarded; and
- (ii) whether exemplary damages are available.

30. The law of defamation seeks to maintain a principled balance between two important interests. The first is the right of every person to the protection of his or her reputation. The second is the right to freedom of thought and expression, particularly upon matters affecting government and the public interest. Freedom of expression does not, however, confer a licence to publish false statements of fact which unjustifiably injure another person's reputation. Conversely, the law must not be applied so broadly as to suppress legitimate criticism, investigation or comment upon matters of public concern.

Whether the words published by the Defendant on 14th March 2024 or any of them are defamatory of the Claimant in their natural and ordinary meaning, including inferred meanings

31. The approach that a Judge should adopt in determining whether words are defamatory was recently restated by the Privy Council in *Phillip Edward Alexander v Andrew Gabriel* [2026] UKPC 7. At paragraph 12 and 13 Lord Leggatt stated:

12. Deciding whether words are defamatory of a person (P) has two stages. The first stage is to decide what meaning the words complained of would be understood to bear by an ordinary, reasonable reader (or hearer). For this purpose, it is assumed that the words would be understood to have a single meaning. The words must be considered in their context, having regard to the nature of the publication in which they appeared. The second stage is to decide whether this meaning would lead ordinary, reasonable people to think worse of P (or to treat P less well). In Lord Atkin's classic formulation in *Sim v Stretch* [1936] 2 All ER 1237, 1240: "would the words tend to lower the plaintiff in the estimation of right-thinking members of society generally?"

13. The characteristics attributed to the ordinary, reasonable reader have been the subject of some judicial elaboration. The following description, or slight variations of it, has often been approved:

"The ordinary, reasonable reader is not naive; he can read between the lines. But he is not unduly suspicious. He is not avid for scandal. He would not select one bad meaning where other, non-defamatory meanings are available. The court must read the article as a whole, and eschew over-

elaborate analysis and, also, too literal an approach. The intention of the publisher is not relevant.”

This is a quotation from **Bonnick v Morris** [2002] UKPC 31; [2003] 1 AC 300, para 9. The description was itself based on a statement of Sir Thomas Bingham MR in **Skuse v Granada Television Ltd** [1996] EMLR 278, 285. As restated by Sir Anthony Clarke MR in **Jeynes v News Magazines Ltd** [2008] EWCA Civ 130, at para 14, this guidance has been approved by the UK Supreme Court in **Stocker v Stocker** [2019] UKSC 17; [2020] AC 593, para 35, and by the Judicial Committee as the final court of appeal in this jurisdiction in **Ramadhar v Ramadhar** [2020] UKPC 7; [2020] EMLR 16, para 32.

32. The passage quoted by the Board originated in **Bonnick v Morris** [2002] UKPC 31; [2003] 1 AC 300 at paragraph 9 and was based upon the observations of Sir Thomas Bingham MR in **Skuse v Granada Television Ltd** [1996] EMLR 278 at 285. The approach was subsequently restated in **Jeynes v News Magazines Ltd** [2008] EWCA Civ 130, approved by the Supreme Court in **Stocker v Stocker** [2019] UKSC 17; [2020] AC 593, and applied by the Privy Council in **Ramadhar v Ramadhar** [2020] UKPC 7; [2020] EMLR 16.
33. In **Skuse v Granada Television Limited** [1996] EMLR 278 at para 14 per Sir Lord Bingham MR explained:
 - a. “The court should give to the material complained of the natural and ordinary meaning which it would have conveyed to the ordinary reasonable viewer ...
 - b. *The hypothetical reasonable reader [or viewer] is not naïve but he is not unduly suspicious. He can read between the lines. He can read in an implication more readily than a lawyer, and may indulge in a certain amount of loose thinking. But he must be treated as being a man who is not avid for scandal and someone who does not, and should not, select one bad meaning where other non-defamatory meanings are available...*
 - c. *While limiting its attention to what the defendant has actually said or written, the court should be cautious of an over-elaborate analysis of the material in issue... Its audience would not have given it the analytical attention of a lawyer to the meaning of a document, an auditor to the interpretation of accounts, or an academic to the content of a learned article. In deciding what impression the material complained of would have been likely to have on the hypothetical reasonable viewer we are entitled (if not bound) to have regard to the impression it made on us.*

- d. *The court should not be too literal in its approach. We were reminded of Lord Devlin's speech in Lewis v Daily Telegraph Ltd. [1964] A. C. 234 at 277 'My Lords, the natural and ordinary meaning of words ought in theory to be the same for the lawyer as for the layman, because the lawyer's first rule of construction is that words are to be given their natural and ordinary meaning as popularly understood. The proposition that ordinary words are the same for the lawyer as for the layman is as a matter of pure construction undoubtedly true. But it is very difficult to draw the line between pure construction and implication, and the layman's capacity for implication is much greater than the lawyer's. The lawyer's rule is that the implication must be necessary as well as reasonable. The layman reads in an implication much more freely; and unfortunately, as the law of defamation has to take into account, is especially prone to do so when it is derogatory.'*
 - e. *A statement should be taken to be defamatory if it would tend to lower the plaintiff in the estimation of right-thinking members of society generally or would be likely to affect a person adversely in the estimation of reasonable people generally.*
 - f. *In determining the meaning of the material complained of the court is 'not limited by the meanings which either the claimant or the defendant seeks to place upon the words'.*
 - g. *The defamatory meaning pleaded by a plaintiff is to be treated as the most injurious meaning the words are capable of bearing and the question a judge sitting alone has to ask himself are, first, is the natural and ordinary meaning of the words that which is alleged in the statement of claim and, secondly, if not, what (if any) less injurious defamatory meaning do they bear?" [emphasis added]*
34. These principles were reaffirmed by Sir Anthony Clarke MR in **Jeynes v News Magazines Ltd** [2008] EWCA Civ 130, who summarised the applicable approach:
- "The legal principles relevant to meaning...may be summarised in this way:
- (1) The governing principle is reasonableness.
 - (2) The hypothetical reasonable reader is not naïve but he is not unduly suspicious. He can read between the lines. He can read in any implication more readily than a lawyer and may indulge in a certain amount of loose thinking but he must be treated as being a man who is not avid for scandal and someone who

does not, and should not, select one bad meaning where other non-defamatory meanings are available.

(3) Over-elaborate analysis is best avoided

(4) The intention of the publisher is irrelevant.

(5) The article must be read as a whole, and any 'bane and antidote' taken together.

(6) The hypothetical reader is taken to be representative of those who would read the publication in question.

(7) The delimiting the range of permissible defamatory meanings, the court should rule out any meaning which, 'can only emerge as the produce of some strained, or forced, or utterly unreasonable interpretation...'

(8) It follows that 'it is not enough to say that by some person or another the words might be understood in a defamatory sense.'

[34] It is not the function of the court simply to either reject or accept the meaning put forward by the Claimant. The court must reach its own conclusion..." (emphasis added)

35. The Court must therefore consider the impression conveyed by the publication as a whole, in the medium and manner in which it was communicated. The ordinary Facebook viewer is not assumed to pause, transcribe and subject each sentence to close textual analysis. Such a viewer will ordinarily receive the overall impression created by the title, language, tone, sequencing, repetition, accompanying imagery and the relationship between the different parts of the broadcast.
36. The Court is not restricted to choosing between the meaning pleaded by the Claimant and that advanced by the Defendant. It must arrive at its own determination of the single meaning which the publication reasonably bore. Meanings which depend upon a strained, forced or extravagant interpretation must be excluded.
37. The Court must also distinguish between a natural and ordinary inferential meaning and a true innuendo. A natural and ordinary meaning includes implications which an ordinary person may draw from the words and their immediate context without knowledge of external facts. A true innuendo depends upon special facts known to particular recipients of the publication and must be specifically pleaded and proved. No material extrinsic facts capable of constituting a true innuendo were pleaded in this case. The Claimant's case is

therefore properly analysed as one based upon the natural and ordinary meaning of the broadcast, including the reasonable implications arising from its context.

38. The Court must consider both the ordinary meaning of the words and the context, circumstances, and general knowledge surrounding the publication when determining if the words are defamatory of the Claimant: see *Pinard-Byrne v Lennox Linton* [2015] UKPC 41. In determining whether an imputation is defamatory, the opinion of the right-thinking people at the time, forum, and context are crucial considerations in determining whether a publication is defamatory. Some meanings when taken literally may be defamatory, but if it is obvious to the reasonable viewer or reader, from the tone and context, that the words are not intended to be taken literally, then the natural and ordinary meaning conveyed will not be a defamatory one. The meaning that the words carry, therefore, cannot be divorced from the context.
39. The importance of context is especially pronounced in relation to social media. In *Stocker v Stocker (supra)*, Lord Kerr emphasised that a court must be “particularly conscious of the context in which the statement was made”. The Court should not substitute dictionary definitions or an artificially literal construction for the impression which the words would convey in the setting in which the ordinary viewer encountered them.

The meaning

40. The Claimant contends that the natural and ordinary meaning of the publication, alternatively its inferential meaning or true innuendo, was that she:
- a) was a member of a cult or extremist organisation masquerading as a church;
 - b) participated in or assisted covert intelligence operations connected with the surveillance and assassination of Andy Daniel;
 - c) formed part of a clandestine network operating within the Strategic Services Agency and other protective services to facilitate a "silent coup" against the State;
 - d) constituted a threat to the national security of Trinidad and Tobago; and
 - e) was guilty of criminal, dishonest, unethical or even treasonous conduct.
41. The Defendant disputes those meanings. He submits that the ordinary viewer would merely have understood him to be stating two facts, namely that the Claimant was employed by the Strategic Services Agency and attended the Jerusalem Bride Church, both of which he says are substantially true. He further contends that the broadcast was directed at institutional governance rather than individuals, that he expressly stated that

not every member of the church was implicated, and that no reasonable viewer would understand him to have accused the Claimant personally of criminal wrongdoing.

Context

42. In determining that meaning, it is important to consider the structure of the broadcast rather than isolate the single occasion on which the Claimant's name appears. The Court has considered the whole of the 49-minute broadcast rather than isolating the sentence in which the Claimant's name appeared. The Court will set out the context. The broadcast was titled "THE FULL THREAT AGAINST TRINIDAD AND TOBAGO #SSA @FOLLOWERS." The title did not present the programme as a tentative inquiry into staffing practices or an abstract discussion of the relationship between church and State. It announced the exposure of what the Defendant described as a threat to the country.
43. At the outset, the Defendant encouraged viewers repeatedly to share the live broadcast and to invite others to listen. He said that the programme would deal with "serious business", that he was "not holding back", and that the audience should pay attention. These statements were capable of conveying that he was about to disclose important and previously concealed information rather than merely offer speculative political opinion.
44. The Defendant then described what he called the severity of the threat facing Trinidad and Tobago. He spoke of "puppeteers", a "clandestine shadow elite", corruption, deceit, enforced silence and persons who exposed wrongdoing meeting a "chilling fate". He stated that he was putting his life on the line and that he would reveal the full nature of the threat facing the country.
45. The Defendant said that his investigation had uncovered:

"a sinister web of surveillance, secret operations and unforeseen connections that culminated in the tragic assassination of Andy Daniel."
46. He described the matter as:

"a covert mission orchestrated by none other than the Strategic Services Agency."
47. He asserted that Andy Daniel had been monitored for several weeks, that tracking devices had been placed upon his vehicle, and that SSA officers had participated in an operation connected with his death.
48. The Defendant next introduced the Jerusalem Bride Church into that narrative. He stated that SSA operatives were involved in the Church and described it as being "far from ... a

simple place of worship". He said that the Church had served as a front, that it maintained an elite and secretive inner circle and that its pastor had foretold that something bad would happen to Andy Daniel.

49. The Defendant characterised his account as an exposé of:

"deceit, covert operations and prophetic warnings", and said that it revealed:

"the intricate connections between State intelligence, religious zealotry and the fate of individuals caught in the crossfire."

50. He described his narrative as "not ... fiction" but a "startling reality". Immediately thereafter, the Defendant announced:

"So, now, I am going to name individuals identified as part of this nexus, each playing a role in a story that intertwines faith, surveillance and secrecy."

51. He then stated:

"And, so, the confirmed members of the SSA that are also members of the Jerusalem Bride Church are..."

52. The first person whom he named was the Claimant. He then listed several other persons, including the Claimant's husband.

53. The Defendant continued by saying that the persons in the first group were directly confirmed as members of the SSA and that others named were distributed across the Police Service, Air Guard, Coast Guard, Criminal Investigations Department and government communications. He then said:

"when we look at the lay of the land and look at how intricately placed a lot of these people are, we have a problem."

54. He described the list as only a small part of a "mammoth number". The Defendant added that the involvement of those persons with the Jerusalem Bride Church:

"hints of a deeper, perhaps more orchestrated involvement, that transcends mere coincidence or casual affiliation."

55. He contrasted the alleged situation with the attempted coup of 1990 and told viewers:

"The coup we are witnessing has already occurred."

56. He repeated that the country had been silently infiltrated and that its institutions had been compromised.
57. The Defendant subsequently stated that there had been infiltration of “unqualified individuals” from the Church into key positions in the intelligence community and described the alleged situation as a major breach of the SSA and a significant compromise of the national security apparatus. He called for an election, a purge and restructuring of national institutions.
58. Later in the broadcast, the Defendant stated:
- “This list underscores a significant overlap between the Church, characterised by Pastor Brown’s apocalyptic visions and secretive operations and members of the protective services who might wield their professional capabilities in ways that blurs the lines between State responsibilities and private convictions.”
59. He then said:
- “I want to make a direct appeal to those of the SSA who are currently members of the Jerusalem Bride Church and who had no idea, whatsoever, about this particular situation. Some of whom know very well what is going on, but are also scared for their lives, and some of whom are inextricably involved.”
60. The Defendant added:
- “Because, we are not saying everybody is with a blanket breath. What I am saying is, my investigation calls into question the actions and intentions of these individuals and the institutions they represent.”
61. The Defendant also alleged that persons within the network had received “marching orders” and described the assassination as a “State sponsored assassination” carried out using public resources. He appealed to persons whom he had named to come forward and disentangle themselves from the Church and the operation.

The meaning of the broadcast

62. It is correct that the Claimant’s name was mentioned only once. Frequency of reference is relevant to the prominence and impact of a publication, but it is not conclusive of meaning. A single identification may be gravely defamatory where it is made at a critical point in a narrative and is attached to an allegation of serious wrongdoing.
63. The Court does not accept the Defendant’s submission that the Claimant was placed in a neutral list of persons having two coincidental affiliations. The list was introduced as

identifying persons who were “part of this nexus”, “each playing a role” in a story involving “faith, surveillance and secrecy”. That followed extensive allegations of covert surveillance, assassination, institutional infiltration and a silent coup.

64. The Defendant was asked why it was necessary to name the Claimant if the purpose of the broadcast was to examine systemic governance. He said that naming individuals was necessary to demonstrate how deeply rooted the matter was. That answer confirms that the names were not incidental biographical details. They were included to substantiate the breadth and penetration of the alleged network.
65. The ordinary viewer would not have placed the Defendant’s words into separate hermetically sealed compartments. Such a viewer would understand that the names supplied the human composition of the network which the Defendant had just described. The identification of the Claimant therefore acquired its meaning from its location in the Defendant’s narrative.
66. The Court has also considered the general qualifications upon which the Defendant relies. His statement that some church members had no knowledge of the alleged activities was capable of providing some protection to unidentified members of the wider congregation. It did not, however, identify the Claimant as one of the innocent or unaware persons.
67. To the contrary, having first named the Claimant as part of the “nexus”, the Defendant later divided the persons within that network into uncertain categories: some had no idea, some knew what was happening but were afraid, and some were “inextricably involved”. He gave the viewer no means of knowing into which category the Claimant fell.
68. The passage therefore did not operate as an effective antidote. It left the defamatory suspicion attached to every person deliberately named, including the Claimant. An ordinary viewer could reasonably conclude that the Defendant had identified her because his investigation had called her “actions and intentions” into question and because she was potentially among those knowingly or inextricably involved.
69. The principles concerning “bane and antidote” require the publication to be read as a whole. An antidote must sufficiently neutralise the harmful imputation. A vague qualification will not cure a specific identification where the remainder of the publication continues to associate the named person with a sinister network. Here, the Defendant neither withdrew the identification nor said that the Claimant was unaware of the alleged operation. Nor did he explain that he possessed no evidence against her beyond her employment and religious affiliation.

70. The Court nevertheless does not accept the most extreme meanings pleaded by the Claimant. The broadcast did not expressly state, nor would the ordinary reasonable viewer necessarily understand, that the Claimant personally planned, ordered or physically participated in the assassination of Andy Daniel. Nor did it necessarily mean that she personally committed treason or attempted forcibly to overthrow the Government. Those meanings require an interpretation more suspicious and scandal-seeking than the law permits.

71. In my judgment, the single natural and ordinary meaning conveyed by the broadcast was that:

The Claimant was a member of a covert and deeply embedded network comprising members of the Jerusalem Bride Church and the Strategic Services Agency which had improperly infiltrated Trinidad and Tobago's national security institutions, posed a serious threat to the security and governance of the country, and was associated with clandestine surveillance, the alleged State-sponsored assassination of Andy Daniel and a "silent coup"; and that there were reasonable grounds to suspect that the Claimant was knowingly involved in, or at least complicit in, that profoundly improper and potentially criminal enterprise.

72. This is more serious than an allegation that the Claimant's circumstances merely warranted neutral inquiry. The Defendant presented himself as reporting the results of an investigation which had uncovered a sinister network. He identified the Claimant as part of that network and stated that its members' actions and intentions were called into question. The meaning is therefore properly characterised as an imputation of reasonable grounds to suspect serious misconduct, broadly corresponding to a Chase level 2 meaning, rather than an unequivocal assertion that the Claimant had personally committed each alleged offence.

73. That meaning plainly tended to lower the Claimant in the estimation of right-thinking members of society, to cause others to shun or avoid her, and to injure her in her profession as an employee within the Ministry of National Security. An allegation that an officer within the national security apparatus is knowingly connected to a clandestine group which has infiltrated State institutions and is associated with surveillance, assassination and a silent coup strikes directly at her integrity, loyalty, trustworthiness and fitness to hold sensitive public employment.

74. The fact that none of the 527 exhibited comments mentioned the Claimant by name does not alter the meaning of the Defendant's own words. Those comments may bear upon proof of actual consequential harm and the extent to which viewers focused upon the

Claimant, but they do not erase the Defendant's deliberate identification of her in the broadcast.

75. I therefore find that the publication was defamatory of the Claimant.

Whether the Defendant has any recognisable defences in law to defamation?

76. The Defendant pleads the recognizable legal protections of justification (truth), fair comment on a matter of public interest, and qualified privilege. The Defendant maintains that he acted in good faith as a journalist and that the broadcast was a legitimate exercise of his constitutional right to freedom of expression.

Justification (Truth)

77. The Defendant pleads that the statements regarding the Claimant were true in substance and in fact. He identifies the "gist" of the publication as being that the Claimant was a member of the Jerusalem Bride Church and an employee of the Strategic Services Agency (SSA). In her Reply to Defence, the Claimant admits these two facts but argues they cannot justify the "defamatory sting" of the broadcast, which associated her with a silent coup and criminal conspiracy.

78. Section 3 of the **Libel and Defamation Act Chap. 11.16** states that: -

In any action for defamation or for libel, the defendant may plead the truth of the matters charged by way of justification in the same manner as he might do in a like action in a Court in England and the plea shall be a sufficient answer in law to any such action; and if, on the issue joined on such plea, a verdict is given for the Defendant, the Defendant shall have final judgment and recover his costs of suit.

79. The defence of truth or justification is a defence in which the Defendant alleges that the words complained of were true in substance and in fact. Because the law presumes that every person is of good character until proven otherwise, falsity is presumed in favour of the Claimant. It is therefore for the Defendant to displace this presumption by proving the truth of the allegations.
80. The burden is on the Defendant to plead and affirmatively prove that the defamatory imputation is true, both in its literal sense and in any secondary or innuendo meanings attributed to the words: ***Digby v Financial News [1907] 1 KB 502, 507.***
81. The requirements for a successful defence of truth are authoritatively summarised in **Gatley on Libel and Slander** at paragraph 11.9:

“[...] for the purposes of justification, if the defendant proves that “the main charge, or gist, of the libel” is true, he [need] not justify statement or comments which do not add to the sting of the charge or introduce any matter by itself actionable. It is sufficient if the substance of the libelous statement be justified, it is unnecessary to repeat every word which might have been the subject of the original comment. As much must be justified as meets the sting of the charge, and if anything be contained in a charge which does not add to the sting of it, that need not be justified. When considering the substantial truth it is important to “isolate the essential core of the libel and not be distracted by inaccuracies around the edge-however substantial [....]”

82. The meanings attributed to defamatory statements are often categorised according to the three Chase levels, as explained in ***Ramadhar v Ramadhar and others*** [2020] UKPC 7, adopting the decision of the Court of Appeal in England and Wales in ***Chase v News Group Newspapers*** [2002] EWCA Civ 1772:

“Chase level 1 is the most serious level of meaning and it applies where the defendant’s statement meant that the claimant has actually committed the wrong. So, if he said that the claimant has committed fraud, he will have to show that the claimant has indeed committed a fraud. Chase level 2 meaning applies where the defendant alleged only that he has reasonable grounds for suspecting that the claimant has committed a fraud. Then, to establish the truth of his statement, he will have to show that reasonable grounds did in fact exist. If, however, the meaning of what he said is merely that there are grounds for investigation, the meaning is Chase level 3 and he will simply have to show that there are such grounds, as where an official investigation has been instituted.”

83. During cross-examination, both the Claimant and her husband admitted she was an SSA employee and a church member. However, the Defendant admitted under cross-examination that he had no evidence of her personal involvement in criminal conduct beyond these two facts. The Claimant argued that naming her as part of a "nexus" of individuals in a story titled "THE FULL THREAT AGAINST TRINIDAD AND TOBAGO" created a Level 1 imputation of actual guilt which the Defendant failed to prove.
84. The Defendant proved, and the Claimant admitted, that she was employed by the SSA and was a member of the Jerusalem Bride Church. Those facts do not, however, constitute the defamatory sting. There is nothing inherently disreputable about employment by a State intelligence agency or membership in a church.

85. The sting lay in the imputation that the Claimant was knowingly involved in or complicit with a covert network which had improperly infiltrated national security institutions and was associated with surveillance, assassination and a silent coup.
86. The Defendant adduced no evidence that the Claimant:
- (a) participated in any covert operation;
 - (b) monitored Andy Daniel;
 - (c) knew that he was being monitored;
 - (d) participated in or knew of any plan to assassinate him;
 - (e) received instructions from the pastor of the Jerusalem Bride Church concerning her public duties;
 - (f) improperly obtained her employment or position through the Church;
 - (g) misused State intelligence or security resources;
 - (h) participated in an attempt to infiltrate or compromise the SSA; or
 - (i) had any knowledge of a planned or completed “silent coup”.
87. The Defendant admitted that none of the public news reports upon which he relied named the Claimant. His alleged confidential sources were not identified in his witness statement, their proximity to the matters was not established, and their alleged information concerning the Claimant was not particularised. No documentary, electronic or circumstantial evidence was produced connecting her to the alleged wrongdoing.
88. Even on a Chase level 2 meaning, the Defendant was required to prove the existence of objectively reasonable grounds for suspecting the Claimant’s involvement in the alleged misconduct. Her dual status as an SSA employee and church member, without more, did not constitute reasonable grounds to suspect complicity in surveillance, assassination, institutional infiltration or a coup.
89. The defence of truth therefore fails. The Defendant proved only the neutral facts surrounding the defamatory allegation and not the essential sting of the publication.

Fair Comment (Honest Opinion)

90. The Defendant next argues that the broadcast was a legitimate commentary on a matter of public interest, namely the infiltration of state institutions by religious groups. The Claimant pleads this defence is inapplicable because the broadcast consisted of assertions of verifiable fact rather than recognizable opinion.

91. In *Cheng Albert et al v Tse Wai Chun Paul* (2000) 10 BHRC 525, Lord Nicholls summarised the five core elements of the defence, which remain well-established and non-controversial:

- (1) The comment must be a matter of public interest.
- (2) The comment must be recognizable as comment as distinct from an imputation of fact.
- (3) The comment must be based on facts which are true or protected by privilege.
- (4) The comment must explicitly or implicitly indicate at least in general terms the facts on which the comment was made.
- (5) The comment must be one which could have been made by an honest person, however prejudicial he might be and however exaggerated or obstinate his views. It must be germane to the subject matter criticised.

Public interest

92. The Court of Appeal in *Riley v Murray* [2022] EWCA Civ 1146 cautioned against adopting a narrow view of what constitutes a matter of public interest. This broad and contextual understanding of public interest is consistent with the approach articulated by Lord Denning in *London Artists Ltd v Littler* [1969] 2 All ER 193 at 198. He stated:

"First, was the comment made on a matter of public interest? The judge ruled that it was not ([1968] 1 All ER at p 1088; [1968] 1 WLR at p 623). I cannot agree with him. There is no definition in the books as to what is a matter of public interest. All we are given is a list of examples, coupled with the statement that it is for the judge and not for the jury. I would not myself confine it within narrow limits. Whenever a matter is such as to affect people at large, so that they may be legitimately interested in, or concerned at, what is going on; or what may happen to them or to others; then it is a matter of public interest on which everyone is entitled to make fair comment. A good example is *South Hetton Coal Co. v. North-Eastern News Association* [1894] 1 Q.B. 133. A colliery company owned most of the cottages in the village. It was held that the sanitary condition of those cottages - or rather their insanitary condition - was a matter of public interest. Lord Esher M.R., said at p. 140, that it was "a matter of public interest that the conduct of the employers should be criticised." There the public were legitimately concerned. Here the public are legitimately interested. Many people are interested in what happens in the theatre. The stars welcome publicity. They want to be put at the top of the bill. Producers wish it too. They like the house to be full. The comings and goings of performers are noticed everywhere. When three top stars and a satellite all give notice to leave at the

same time - thus putting a successful play in peril - it is to my mind a matter of public interest in which everyone, Press and all, are entitled to comment freely.”

93. The integrity of the SSA, the relationship between religious bodies and national security agencies, the use of State surveillance resources and the circumstances surrounding an alleged assassination were unquestionably matters of public interest. The defence does not fail on that element.

Comment not fact

94. The critical questions are whether the defamatory imputation concerning the Claimant was recognisable as opinion and, if so, whether it was based upon proved or privileged facts capable of supporting that opinion.
95. The distinction between comment and fact is fundamental. In ***Theodore Guerra v Trinidad Publishing Company Limited and Nicole Duke-Westfield*** TT 2011 HC 109, Kokaram J (as he then was) observed that comment may take the form of deduction, inference, or criticism drawn from known or stated facts. The statement must allow the reasonable reader or listener to understand that it reflects an opinion and not an assertion of verifiable fact. At paragraph 46 he stated:

*(a) Comment is something which is or can be reasonably inferred to be a deduction, inference, conclusion, criticism, remark or observation. See **Branson v Bower [2001] EWCA Civ 791**.*

*(b) The first step is to deduce the meaning of what has been said in the proper context. **Associated Newspapers v Burstein [2007] EWCA 600**.*

(c) Comment can consist in a statement of fact if the fact appears to be a deduction or conclusion come to by the speaker from other facts stated or referred to by them or in the common knowledge of chaperons speaking and those to whom the word are addressed. The conclusion must be readily inferred.

*(d) To simply describe conduct as dishonourable is a statement of fact. For it to constitute comment there must be an allegation of specific things and that his conduct was dishonourable. To write that someone is “a disgrace of human nature” is a defamatory allegation of fact. But to say that “he murdered his wife and therefore is a disgrace to human nature” the latter word appears from the content to be comment. There must be a substratum of fact to support the comment. See **Telnikoff v Matusevitch [1992] 2 AC 343**, **Kemsley v Foot [1952] AC 345** **Crawford v Albu [1917] App. D. 102 (s. Af.)***

If a statement in words of fact stands by itself “naked without reference, either expressed or understood, to other antecedent or surrounding circumstances notorious to the speaker and to those to whom it was addressed” it may be understood as a statement of fact.

96. Similarly, in ***Rajnie Ramlakhan v Trinidad and Tobago News Center Ltd and Ramjohn Ali*** TT 2008 CA 9 Mendonça JA at paragraph 20 reaffirmed that whether a statement qualifies as a comment depends on its context and whether the ordinary reader would recognise it as such. He stated:

“To fall within the defence of fair comment the comment must be recognized by the ordinary reasonable reader as comment as distinct from an imputation of fact.”

97. At paragraph 21, Mendonça JA noted that whether the words satisfied the test depended on their context. He had this to say:

“Whether the words satisfy the test depends on the context in which they are used. In *Myerson v Smith's Weekly Publishing Co. Ltd.* (1923) 24 N.S.W.S.R 20, 26 Ferguson, J cites the following example.

“To say that man's conduct was dishonourable is not comment, it is a statement of fact to say that he did say certain specific things and that his conduct was dishonourable is a statement of fact coupled with a comment.”

98. Then, at paragraph 22, Mendonça referred to **Gatley on Libel and Slander**, and said:

“In *Gatley on Libel and Slander* supra, (at para 12.7) it is said the key to whether a defamatory statement is recognisable by the ordinary, reasonable reader as comment is whether it is supported by facts upon which the comment may be based. The example given by Ferguson J. referred to earlier is an example of this. The following example is also given in *Gatley* (at para 12.7)

“To write of someone that he is “a disgrace to human nature” is a defamatory allegation of fact. But if the words were, “He murdered his father, and therefore is a disgrace to human nature,” the latter words appear from the context to be merely comment.”

As was said in *O'Brien v Salisbury* (1889) 54 J.P 215, 216:

“It seems to me- as, indeed, I suggested during the argument- that comment may sometimes consist in the statement of a fact, and may be held to be comment if the fact so stated appears to be a deduction or conclusion come to by the speaker

from other facts stated or referred to by him or in the common knowledge of the person speaking and those to whom the words are addressed, and from which his conclusion may be reasonable inferred. If a statement in words of a fact stands by itself naked, without reference, either expressed or understood, to other antecedent or surrounding circumstances notorious to the speaker and to those to whom the words are addressed, there would be little, if any, room for the inference that it was understood otherwise than as bare statement of fact and then if untrue there would be no answer to the action: but if although stated as a fact it is preceded or accompanied by such other facts, and it can be reasonably based upon them, the words maybe reasonably be regarded as comment, and comment only, and if honest and fair, excusable;”

99. The Defendant did offer opinions during the broadcast. His views that an election should be called, that parliamentary oversight was required and that the alleged overlap raised serious governance concerns were recognisable as political comment. The defamatory statements concerning the Claimant were materially different, however. The Defendant did not say merely that, because several church members worked at the SSA, he wondered whether their independence might be affected. He stated that his “investigation” had “found”, “unveiled”, “revealed” and “discovered” a sinister web and then named the Claimant as part of the nexus.
100. The language and presentation were those of an asserted factual exposé. The Defendant claimed access to undisclosed sources and information and represented that the named persons had been “confirmed”. The ordinary viewer would therefore understand that the Defendant was asserting that his investigation had uncovered facts justifying the Claimant’s identification.

Based on stated facts that are true

101. The third element of the defence requires that the comment be based on facts that are true or otherwise protected. If the factual basis is not established, the defence fails. It must also be apparent what facts the opinion is based upon, so the audience can evaluate the fairness of the comment.
102. The only proved facts concerning the Claimant were that she worked at the SSA and attended the Church. Those facts could support an observation that there was an overlap in membership. They could not support the substantially more damaging opinion that there were reasonable grounds to suspect that she was knowingly involved in a clandestine network connected with institutional infiltration, assassination and a silent coup.
103. The defence therefore cannot be sustained by describing an unsupported factual allegation as opinion after publication.

The opinion must be honestly held

104. The final element is that the opinion must be one that could have been honestly held, even if it was prejudiced or strongly worded. As Lord Porter explained in **Turner v Metro-Goldwyn-Mayer Pictures Ltd** [1950] 1 All ER 449, a commentator need not be dispassionate; a degree of exaggeration or vehemence does not disqualify the comment from protection, provided it remains germane to the conduct criticised. A critic need not be mealy-mouthed in denouncing what he disagrees with. He is entitled to dip his pen in gall for the purposes of legitimate criticism: see Jordan CJ in **Gardiner v Fairfax** (1942) 42 SR (NSW) 171 at 174.
105. The Court is satisfied that an honest person, possessing only the two neutral facts proved at trial, could not reasonably have identified the Claimant as part of the sinister nexus described in the broadcast.
106. The defence of fair comment or honest opinion therefore fails in relation to the defamatory imputation concerning the Claimant.

Qualified Privilege

107. The Defendant also pleads that the publication was protected by qualified privilege because he had a social and moral duty to communicate information on national security governance, and the public had a corresponding interest to receive it. He asserts he acted responsibly by including disclaimers and removing the video promptly. The Claimant

argues that a public Facebook broadcast to 48,000 followers is not a "privileged occasion" and that any privilege was destroyed by malice and recklessness.

108. The protection commonly referred to as Reynolds privilege was explained in **Reynolds v Times Newspapers Ltd** [2001] 2 AC 127, **Bonnick v Morris** [2002] UKPC 31; [2003] 1 AC 300, and **Jameel v Wall Street Journal Europe Sprl** [2006] UKHL 44; [2007] 1 AC 359. It seeks to protect the responsible publication of material on matters of public interest, even where some defamatory factual allegations cannot ultimately be proved true. The defence was first promulgated by Lord Bingham of Cornhill in **Reynolds TD v. Times Newspapers Limited** [1998] EWCA Civ 1172 and further explained by Lord Hoffman in **Jameel v. Wall Street Journal Europe** (2006) UKHL 44.

109. In **Jameel (supra)** Lord Hoffman spoke to the approach to be taken by the Court when examining this question of whether the inclusion of defamatory material was justifiable. He said:

“If the article as a whole concerned a matter of public interest, the next question is whether the inclusion of the defamatory statement was justifiable. The fact that the material was of public interest does not allow the newspaper to drag in damaging allegations which serve no public purpose. They must be part of the story. And the more serious the allegation, the more important it is that it should make a real contribution to the public interest element in the article... But whereas the question of whether the story as a whole was a matter of public interest must be decided by the judge without regard to what the editor's view may have been, the question of whether the defamatory statement should have been included is often a matter of how the story should have been presented. And on that question, allowance must be made for editorial judgment. If the article as a whole is in the public interest, opinions may reasonably differ over which details are needed to convey the general message. The fact that the judge, with the advantage of leisure and hindsight, might have made a different editorial decision should not destroy the defence. That would make the publication of articles which are, ex hypothesis, in the public interest, too risky and would discourage investigative reporting.” (Emphasis added)

110. If it is established that the publication was in the public interest, the next question that must be considered is whether the publication was the product of responsible journalism. As Lord Nicholls said in **Bonnick v Morris and others** [2003] 1 AC 300 at para 23:

“[23] Stated shortly, the Reynolds privilege is concerned to provide a proper degree of protection for responsible journalism when reporting matters of public concern. Responsible journalism is the point at which a fair balance is held between freedom of expression on matters of public concern and the reputations of individuals. Maintenance of this standard is in the public interest and in the interests of those whose reputations are involved. It can be regarded as the price journalists pay in return for the privilege. If they are to have the benefit of the privilege journalists must exercise due professional skill and care.”

111. The onus is on the publisher to establish both that the publication was in the public interest and that the publication was the product of responsible journalism.
112. In determining whether the Defendants met the standards of responsible journalism, the Court must consider the non-exhaustive list of considerations in ***Reynolds (supra)*** which were listed in ***Kayam Mohammed v Trinidad Publishing Co.*** Civil Appeal No. 118 Of 2008 at paragraph 62 namely:

“a. The seriousness of the allegation. The more serious the charge, the more the public is misinformed and the individual harmed, if the allegation is not true.
b. The nature of the information, and the extent to which the subject-matter is a matter of public concern.
c. The source of the information. Some informants have no direct knowledge of the events. Some have their own axes to grind, or are being paid for the stories.
d. The steps taken to verify the information.
e. The status of the information. The allegations may have already been the subject of an investigation which commands respect.
f. The urgency of the matter. News is often a perishable commodity.
g. Whether comment was sought from the plaintiff. He may have information others do not possess or have not disclosed. An approach to the plaintiff will not always be necessary.
h. Whether the article contained the gist of the plaintiffs’ side of the story.
i. The tone of the article. A newspaper can raise queries or call for an investigation. It need not adopt allegations as statements of fact.
j. The circumstances of the publication, including the timing. “

113. Applying those considerations, the subject of the broadcast was plainly one of substantial public concern. That consideration weighs in the Defendant’s favour. The remaining material considerations do not.

Seriousness of the allegation

114. The allegations were exceptionally serious. They associated a public officer employed within national security with a clandestine network allegedly involved in the compromise of the State's intelligence system, covert surveillance, a State-sponsored assassination and a silent coup. The more grave the allegation, the greater the need for reliable verification before identifying a private individual.

Sources and verification

115. The Defendant said that he had consulted media reports and confidential sources. He accepted, however, that none of the public reports named the Claimant. No document or report suggested that she had engaged in misconduct.
116. The confidential sources were not identified even by description in his witness statement. The Defendant did not explain whether any source had direct knowledge of the Claimant, what was said about her, when the information was obtained, whether it was corroborated, or whether any source had a motive to implicate her.
117. The Defendant's verification of the Claimant appears to have been limited to confirming her employment and church membership. Those matters did not verify the defamatory sting. They verified only that she belonged to two broad classes of persons.

Failure to seek comment

118. The Defendant made no attempt to contact the Claimant before naming her. There was no evidence of urgency preventing such an approach. The broadcast was scripted. The Defendant had time to assemble and read a prepared narrative and a list of named persons.
119. An approach to a claimant is not invariably required. In this case, however, the Claimant could readily have been asked whether she had any knowledge of the alleged activities, whether her church membership influenced her public duties, and whether she had participated in any operation concerning Andy Daniel. Her response could have been included in the broadcast or could have caused the Defendant to reconsider naming her.

Tone and presentation

120. The broadcast did not confine itself to asking questions or calling for an investigation. It adopted the allegations as established findings of the Defendant's investigation. The tone was dramatic, urgent and accusatory. The Defendant said that a coup had already occurred and that a State-sponsored assassination had taken place. He did not inform

viewers that his only substantiated information concerning the Claimant was her employment and church membership.

Editorial safeguards

121. The Defendant admitted that the broadcast was not reviewed by an editor or legal adviser. The absence of legal review is not by itself fatal, particularly for an independent journalist, but it is relevant where grave allegations are made against a private individual upon the basis of unnamed sources and without prior contact.

Necessity of naming the Claimant

122. The Defendant said that naming individuals showed how deeply rooted the alleged problem was. That objective could have been achieved by identifying the number or categories of persons said to have dual affiliations without publishing the Claimant's name. The inclusion of her identity added considerable reputational harm but little demonstrated public value because the Defendant had no evidence that she had engaged in wrongdoing.
123. In the circumstances, the Defendant has not established that identifying the Claimant as part of the alleged nexus was the product of responsible journalism. The public importance of the general subject did not justify attaching an unverified allegation of grave misconduct to a private individual.
124. The defence of qualified privilege therefore fails.

Conclusion

125. The Defendant published to a wide Facebook audience a broadcast which, in its natural and ordinary meaning, conveyed that there were reasonable grounds to suspect that the Claimant was knowingly involved in or complicit with a clandestine network which had infiltrated Trinidad and Tobago's national security institutions and was connected with covert surveillance, a State-sponsored assassination and a silent coup.
126. That meaning was defamatory. The Defendant did not prove it to be substantially true. It was presented as the factual product of an investigation rather than recognisable opinion, and it was unsupported by a sufficient substratum of proved facts. The naming of the Claimant was not the product of responsible journalism.
127. Liability in defamation is therefore established.

Damages

128. In ***John v MGN Limited*** [1996] 2 All ER 35, 41, Sir Thomas Bingham M.R. explained that damages in defamation must compensate the claimant for the damage to their reputation, vindicate their good name, and take account of the distress, hurt and humiliation which the defamatory publication has caused.
129. The purpose of damages in defamation is to (1) to compensate for the distress and hurt feelings; (2) to compensate for any actual injury to reputation, which must be proved or may reasonably be inferred; and (3). to serve as an outward and visible sign of vindication: See Kangaloo JA in ***Civ Appeal No 166 of 2006 TnT News Centre Ltd v John Raphael***.
130. The recent decision of the Privy Council in ***Phillip Edward Alexander v Andrew Gabriel (supra)*** provides particularly relevant guidance. At paragraph 52, the Board stated:
- “A primary purpose of an award of damages for defamation is to vindicate (in the sense of repair or restore) the claimant’s reputation. To achieve this, it is generally necessary to award as damages a sum of money which is sufficient to demonstrate to the public that the claimant’s name has been cleared.”
131. The Board repeated Lord Hailsham’s observation in ***Broome v Cassell & Co Ltd*** [1972] AC 1027 at 1071 that the claimant:
- “must be able to point to a sum awarded ... sufficient to convince a bystander of the baselessness of the charge.”
132. The Board stated that the starting points are the gravity of the imputation and the extent of publication. It further recognised that the speed, reach and permanence of internet and social-media communications have immeasurably enhanced the capacity of a defamatory statement to spread and cause continuing harm.
133. Damages are presumed upon proof of libel. A claimant is not required to call a witness who says that his or her opinion was lowered before any compensatory award can be made. The absence of independent evidence of reputational harm may nevertheless affect the amount awarded, particularly where substantial consequential injury is alleged. To attract a substantial award of damages evidence should be provided or reasonably inferred: see ***Claim No. CV 2016-02996 Heidi Joseph v Ama Charles para 75***.
134. The usual factors to be taken into consideration in assessing damages in cases of libel and slander include:

- (a) the gravity of the defamatory meaning;
- (b) the claimant's position and standing;
- (c) the mode and extent of publication;
- (d) the likely propensity of the allegation to circulate;
- (e) the impact upon the claimant's feelings, personal relationships, reputation and career;
- (f) whether actual financial loss was proved;
- (g) the conduct of the claimant;
- (h) whether the defendant promptly withdrew the allegation or apologised;
- (i) the defendant's conduct after publication and during the proceedings; and
- (j) the need for an award sufficient to vindicate the claimant without being disproportionate.

The gravity of the defamation meaning

- 135. The libel did not merely accuse the Claimant of poor judgment or inappropriate association. It suggested reasonable grounds to suspect her knowing involvement in a clandestine network which had compromised national intelligence, posed a threat to the country and was connected with surveillance, assassination and a coup.
- 136. As observed in **Gatley on Libel and Slander**, the most serious defamations are often those which touch the core attributes of a person's character, including honesty, integrity, honour, courage and loyalty. The publication directly attacked the Claimant's integrity, patriotism, loyalty to the State and fitness to hold a position of trust.
- 137. I do, however, take account of the fact that the Claimant was named once in a lengthy broadcast and was not personally accused of carrying out the assassination. The defamatory meaning was one of reasonable suspicion of knowing involvement or complicity, not a direct conviction of murder or treason. That distinction is material to proportionality.

The Claimant's position and standing

- 138. The Claimant was employed within the Ministry of National Security. At the material time she performed duties as an Executive Aide II and was later reassigned as a Curriculum Research Officer I. Her work placed a premium upon integrity, loyalty, discretion and trust.
- 139. There was no evidence that the Claimant had previously been accused or found guilty of dishonesty, disloyalty, criminal conduct or misuse of public office. The Defendant did not establish any misconduct on her part. The allegation therefore struck at attributes central

both to her personal character and to her suitability for employment within national security.

Mode and extent of publication

140. The publication was made by Facebook Live to the Defendant's substantial social-media following. The Defendant invited viewers to share the broadcast and expressly sought to attract as many persons as possible. The publication was therefore intended for wide dissemination.
141. The evidence included hundreds of viewer comments. None expressly named the Claimant. That limits the extent to which the comments themselves prove that viewers focused upon her. They nevertheless demonstrate that the broadcast generated public engagement and that the subject matter was being actively discussed.
142. In *John v MGN Ltd (supra)*, the Court observed that a libel published to millions has a greater capacity to cause harm than a libel published to only a handful. Social media also creates the prospect of copying, sharing, private messaging and continuing accessibility long after the original broadcast.
143. The Defendant's broadcast remained publicly accessible for approximately 14 months. Although he removed it after receiving the pre-action letter, the length of time for which it was available materially increased the potential for dissemination.

Impact upon the Claimant

144. The Claimant testified that she received telephone calls from relatives and friends who were shocked by the broadcast and who had not previously known the precise nature of her employment. She described an encounter in which a security officer, upon seeing her identification, referred to her as "the famous Ms. Tonja-Melanie Mannette".
145. She said that colleagues became distant, that she felt shunned, and that she was later reassigned after being told that "trust had been lost". She experienced anxiety, fear and embarrassment and began using her middle name, "Crystal", when meeting strangers. She said that her relationship with her children and members of her extended family was affected.
146. Her husband described her as traumatised and withdrawn following the broadcast. His evidence corroborated a deterioration in her emotional state and her use of another name when interacting with strangers.
147. There are, however, important limitations upon the evidence:

- (a) no medical or psychiatric evidence was produced;
- (b) no treating professional testified;
- (c) no colleague gave evidence that the Claimant's reputation had been lowered;
- (d) the workplace security incident was not formally reported;
- (e) no viewer comment referred to the Claimant by name;
- (f) the Claimant was not expressly told that the broadcast caused her reassignment;
- (g) her husband's own transfer occurred two days before the broadcast and was therefore not caused by it;
- (h) there were pre-existing media reports concerning the Church and the SSA; and
- (i) no payslip, bank statement or employment record established the claimed loss of a \$5,000.00 monthly allowance or connected such loss to the publication.

148. I accept that the Claimant suffered real hurt, humiliation, apprehension and anxiety. Her evidence in that regard was substantially corroborated by her husband and is consistent with the gravity of the allegation. I do not, however, find that she proved a diagnosed psychiatric condition, a permanent loss of career, placement upon administrative leave caused by the broadcast, or any particular pecuniary loss.

149. The Claimant's damages must therefore compensate substantial injury to feelings and the inherent and reasonably inferred injury to reputation, while avoiding compensation for unproved financial or medical consequences.

The Conduct of the Claimant

150. There was no evidence that the Claimant provoked the publication, publicly attacked the Defendant or put her own conduct into controversy. Her employment and worship were not a sufficient basis for publishing the defamatory imputation.

151. The Claimant did not contact the Defendant until approximately 14 months after the broadcast. That delay is relevant to the extent of her immediate concern to secure removal or correction and to mitigation. It does not extinguish the cause of action or convert the publication into a lawful one.

152. The Court also takes account of the fact that the Claimant continued in employment and did not produce documentary evidence that she was placed upon administrative leave or that her allowance was removed because of the broadcast, or that she sustained a quantified financial loss as a result of the broadcast.

The absence or refusal of any retraction or apology

153. In ***John v MGN*** (supra) Sir Thomas Bingham MR stated:

“A successful plaintiff may properly look to an award of damages to vindicate his reputation: but the significance of this is much greater in a case where the defendant asserts the truth of the libel and refuses any retraction or apology than in a case where the defendant acknowledges the falsity of what was published and publicly expresses regret that the libelous publication took place. It is well established that compensatory damages may and should compensate for additional injury caused to the plaintiff's feelings by the defendant's conduct of the action, as when he persists in an unfounded assertion that the publication was true, or refuses to apologize, or cross-examines the plaintiff in a wounding or insulting way.”

154. The Defendant removed the video when the Claimant's lawyers wrote to him. That removal prevented further direct viewing from his page and is a mitigating factor. It was not, however, accompanied by a correction, retraction or apology.
155. The Defendant had previously amended the caption to clarify that other named persons were not involved but issued no corresponding clarification concerning the Claimant. He continued at trial to maintain that the publication was justified because the Claimant worked at the SSA and attended the Church, notwithstanding that those facts did not meet the defamatory sting.
156. In ***Alexander v Gabriel (supra)***, the Privy Council emphasised that “an apology not given is no mitigation whatever.” The possibility that a partial or qualified apology might have been offered does not reduce the injury where none was in fact made.

Comparable awards

157. Comparable awards provide guidance but do not operate as a tariff. Each case turns upon its own combination of meaning, reach, standing, conduct, harm and aggravation.
158. At the highest end of the spectrum of defamation awards in this jurisdiction, in ***Alfred I. Pierre v Francis Morean CV2018-02405***, an award of \$800,000.00 in general damages and \$100,000.00 in aggravated damages was made where a blogger conducted a persistent, multi-platform online campaign over the course of a year on Facebook. The defendant in that case made direct imputations that the claimant was dishonest and swindling clients out of property, issued threats against his life, and caused severe, documented financial ruin to his business. By contrast, in the present case, the Claimant

was named only once during a single forty-nine-minute live broadcast, was not subjected to threats of physical violence, and suffered no proved financial or medical ruin.

159. In mid-to-high spectrum cases involving serious allegations against public figures or professionals published across mass or social media, substantial awards have reflected direct imputations of moral turpitude or professional unfitness, such as in ***Lasana Liburn v Gordon Pierre CV2016-02398***, where \$450,000.00 in general damages inclusive of aggravated damages was awarded for grave social media accusations of paedophilia, and ***Nizam Mohammed v The Trinidad Express Newspaper Limited, Omatie Lyder and Ria Taitt CV2011-00264***, where \$325,000.00 in general damages inclusive of aggravated damages was awarded for false reports of disciplinary guilt against an attorney, mitigated by a prompt apology published the following day. Conversely, in ***Phillip Edward Alexander v Andrew Gabriel Civil Appeal No. P215 of 2019***, the Court of Appeal set aside a High Court award of \$525,000.00 general and \$250,000.00 aggravated damages, substituting an award of \$10,000.00 nominal damages where loose social media rhetoric and political hyperbole caused no proved business or reputational loss. The Privy Council subsequently set aside the Court of Appeal's judgment and remitted the matter to a High Court judge for assessment.
160. In ***Ricardo Eric Charles v CCN Television Limited and Attorney General CV2016-03205***, an award of \$60,000.00 in general damages inclusive of aggravated damages was made where a private citizen was erroneously featured as "Most Wanted" on television and Facebook for an outstanding traffic warrant. Although the underlying charge in ***Ricard Eric Charles (supra)*** involved a minor traffic offense, that authority establishes a baseline for unverified criminal or warrant imputations broadcast to the public without proved pecuniary loss.
161. In the present case, the imputations made against the Claimant were of substantial gravity, as linking a public officer within the Ministry of National Security to an elite network associated with Strategic Services Agency infiltration, covert surveillance, a silent coup, and a State-sponsored assassination strikes directly at her integrity, loyalty, and fitness for public trust. However, several key factors weigh significantly in mitigation of the quantum. The Claimant was named only once during the broadcast, and the defamatory meaning conveyed was one of reasonable suspicion of knowing involvement or complicity rather than a direct conviction of murder or treason. Furthermore, none of the exhibited viewer comments identified her by name, no medical or psychiatric evidence was adduced, no documentary proof established pecuniary loss or placement on administrative leave, and the Defendant voluntarily removed the video upon receiving the pre-action letter.

162. Balancing the gravity of the imputation and its fourteen-month online availability against the single oral identification, the absence of proved financial or medical loss, and the prompt removal of the post, the Court considers that an award of **\$200,000.00** in general damages is appropriate and sufficient to compensate the Claimant for hurt feelings and to vindicate her reputation.

Aggravated Damages

163. The Claimant also seeks aggravated damages. The general rule is that in claims for defamation, damages are assessed on a compensatory basis which includes special damages and aggravated damages. Aggravated damages remain compensatory. They are awarded where the manner of publication or the defendant's subsequent conduct increased the claimant's injury, humiliation or distress.

164. In *Sutcliffe v Pressdram Ltd* [1991] 1 QB 153 at 184, Nourse LJ identified potentially aggravating conduct, including:

"a failure to make any or any sufficient apology and withdrawal; a repetition of the libel; conduct calculated to deter the [claimant] from proceeding; persistence ... in a plea of justification which is bound to fail; the general conduct either of the preliminaries or of the trial itself in a manner calculated to attract further wide publicity; and persecution of the [claimant] by other means."

165. The Privy Council recently approved the relevance of these considerations in *Alexander v Gabriel*.

166. Several aggravating circumstances are present:

(a) the Defendant made an exceptionally grave allegation without approaching the Claimant;

(b) he presented the allegation as the product of an investigation notwithstanding that his public sources did not name her;

(c) he possessed no proved evidence connecting her to wrongdoing beyond her employment and church membership;

(d) the video remained online for approximately 14 months;

(e) although he issued clarifications concerning other persons, he gave none concerning the Claimant;

(f) he removed the video only after receipt of the legal letter and did not apologise or retract the allegation;

(g) he continued to plead and maintain truth on the inadequate basis that the Claimant was an SSA employee and church member; and

(h) he failed to acknowledge, even at trial, the difference between proving those neutral facts and proving the defamatory imputation.

167. I do not find that the Defendant conducted a prolonged personal campaign against the Claimant comparable to that in *Alexander v Gabriel (supra)*. Nor is there sufficient evidence that he threatened the Claimant with further revelations if she pursued the proceedings.
168. I consider an additional award of **\$50,000.00** in aggravated damages appropriate. That sum compensates for the added injury caused by the lack of verification, the prolonged availability of the publication, the absence of any apology or individual correction and the persistence in an unsustainable plea of truth.

Exemplary Damages

169. Exemplary damages are punitive and exceptional. They are distinct from aggravated damages and should not be awarded merely because the conduct was high-handed, careless or deserving of condemnation.
170. The recognised categories in *Rookes v Barnard* [1964] AC 1129, as applied in later Caribbean authority, include oppressive, arbitrary or unconstitutional conduct by servants of the Government; conduct calculated to produce a profit exceeding the compensation likely to be payable; and cases in which exemplary damages are expressly authorised by statute.
171. The Defendant is not sued as a servant of the Government. There was no evidence that he calculated that the anticipated profit, financial gain or commercial advantage from publishing the libel would exceed any compensation payable to the Claimant. The mere fact that the publication might attract viewers or enhance his profile does not, without more, establish the profit-based category.
172. The reprehensible features of the Defendant's conduct are adequately reflected in compensatory and aggravated damages. The claim for exemplary damages is therefore dismissed.

Injunctive Relief

173. The Claimant seeks an injunction restraining the Defendant from publishing the defamatory words or similar allegations.
174. A final injunction may be granted where liability has been established and there is a real risk of repetition. The order must nevertheless be framed with precision and should not prohibit lawful reporting or fair comment upon the SSA, the Jerusalem Bride Church, national security or any other matter of public interest.
175. The Defendant has maintained that his publication was lawful and has not apologised or acknowledged that the defamatory imputation was unsupported. Although the original broadcast was removed, his continued reliance upon truth creates a sufficient risk of repetition to justify a narrowly drawn injunction.
176. The Defendant shall therefore be restrained, whether by himself, his servants or agents, from publishing or republishing any statement which conveys that the Claimant was knowingly involved in, complicit with, or reasonably suspected of participation in:
- (a) the alleged surveillance or assassination of Andy Daniel;
 - (b) a covert network which infiltrated the SSA or national security apparatus;
 - (c) a “silent coup”; or
 - (d) any associated criminal or treasonous enterprise,
- unless such publication is protected by a lawful defence or is based upon materially different facts arising after the date of judgment.

Apology and Retraction

177. The Claimant also seeks an order compelling the Defendant to publish an apology and retraction in a form approved by her attorneys and the Court.
178. The absence of an apology is relevant to damages. A compulsory apology raises different considerations. An apology ordinarily conveys personal regret, and an order compelling a person to express a sentiment which he does not hold may be inappropriate and difficult to supervise. The Court’s declaration, damages award and injunction provide vindication without compelling the Defendant to profess contrition.
179. I therefore decline to compel an apology.

Disposal

180. Having regard to the above It is **HEREBY ORDERED** that:

[1] Judgment is entered for the Claimant against the Defendant for libel.

[2] The Defendant shall pay the Claimant damages including aggravated damages in the sum of \$250,000.00 together with interest at the rate of 2.5% per annum from the date of the Claim to the date of Judgment and thereafter 5% statutory interest until payment.

[3] The claim for exemplary damages is dismissed.

[4] The Defendant, whether by himself, his servants or agents, is restrained from publishing or republishing any statement conveying that the Claimant was knowingly involved in, complicit with, or reasonably suspected of participation in:

- (a) the surveillance or assassination of Andy Daniel;
 - (b) a covert network which infiltrated the SSA or national security apparatus;
 - (c) a "silent coup"; or
 - (d) any related criminal or treasonous enterprise,
- unless such publication is protected by a lawful defence or is founded upon materially different facts arising after this judgment.

[5] The Court declines to order the Defendant to publish an apology expressing personal regret.

[6] The Defendant shall pay the Claimant's prescribed costs assessed in the sum of \$47,131.85.

/s/ Westmin James
Westmin R.A. James
Judge