## **SEDITION ACT**

#### CHAPTER 11:04

Act 10 of 1920 Amended by 172/1961 8/1962 36 of 1971 136/1976

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#### CHAPTER 11:04

### **SEDITION ACT**

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Sedition

#### CHAPTER 11:04

#### **SEDITION ACT**

An Act to provide for the punishment of seditious acts and seditious libel, to facilitate the suppression of seditious publications, and to provide for the temporary suspension of newspapers containing seditious matter.

Commencement.
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#### [9th April 1920]

Short title.

1950 Ed.

Ch. 4. No. 6.

10 of 1920.

**1.** This Act may be cited as the Sedition Act.

Interpretation. [36 of 1971].

**2.** (1) In this Act—

"Court" means the High Court or a Judge thereof;

- "identifiable group" means any section of the public distinguished by colour, race, religion or ethnic origin or profession, calling or employment;
- "newspaper" means a periodical publication containing any public news or comments thereon or any discussion of political matters;
- "periodical publication" includes every publication issued periodically, or in parts or numbers at intervals, whether regular or irregular;
- "publication" includes all written or printed matter, and every thing whether of a nature similar to written or printed matter or not, containing any visible representation, or by its form, shape, or in any manner capable of suggesting words or ideas, and every copy and reproduction of or extract from any publication;
- "publish", in relation to a seditious publication, includes publish the publication, either by itself or as part of a newspaper or periodical or otherwise than as part of a newspaper or periodical, for distribution to the public;
- "seditious publication" includes every publication, whether periodical or otherwise, having a seditious intention;
- "statements" includes words spoken or written or recorded electronically or electromagnetically or otherwise, and signs or other visible representations.

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(2) In any prosecution for an offence under this Act a person shall be deemed, until the contrary is proved, knowingly to have been in possession of a seditious publication, if the same is found in any place or thing over which he has the possession, custody, power, or control.

- **3.** (1) A seditious intention is an intention—
  - (a) to bring into hatred or contempt, or to excite intention. disaffection against Government or the Constitution as by law established or the House of Representatives or the Senate or the administration of justice;
  - (b) to excite any person to attempt, otherwise than by lawful means, to procure the alteration of any matter in the State by law established;
  - (c) to raise discontent or disaffection amongst inhabitants of Trinidad and Tobago;
  - (d) to engender or promote -
    - (i) feelings of ill-will or hostility between one or more sections of the community on the one hand and any other section or sections of the community on the other hand; or
    - (ii) feelings of ill-will towards, hostility to or contempt for any class of inhabitants of Trinidad and Tobago distinguished by race, colour, religion, profession, calling or employment; or
  - (e) to advocate or promote, with intent to destroy in whole or in part any identifiable group, the commission of any of the following acts, namely:
    - (i) killing members of the group; or
    - (ii) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction.

(2) But an act, speech, statement or publication is not Limitation. seditious by reason only that it intends to show that the Government

Meaning of seditious intention. [36 of 1971].

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has been misled or mistaken in its measures, or to point out errors or defects in the Government or Constitution as by law established, with a view to their reformation, or to excite persons to attempt by lawful means the alteration of any matter in the State by law established, or to point out, with a view to their removal by lawful means, matters which are producing, or have a tendency to produce—

- (*a*) feelings of ill-will, hostility or contempt between different sections of the community; or
- (b) feelings of ill-will, hostility or contempt between different classes of the inhabitants of Trinidad and Tobago distinguished by race, colour, religion, profession, calling or employment.

(3) In determining whether the intention with which any act was done, any words were spoken or communicated, or any document was published, was or was not seditious, every person shall be deemed to intend the consequences which would naturally follow from his conduct at the time and under the circumstances in which he so conducted himself.

Offences. [36 of 1971].

Determination

of intention.

- **4.** (1) A person is guilty of an offence who—
  - (*a*) does or attempts to do, or makes any preparation to do, or conspires with any person to do, any act with a seditious intention;
  - (b) communicates any statement having a seditious intention;
  - (c) publishes, sells, offers for sale or distributes any seditious publication;
  - (*d*) with a view to its being published prints, writes, composes, makes, reproduces, imports or has in his possession, custody, power or control any seditious publication.

(2) Subject to subsection (3), a person guilty of an offence under this section is liable—

(*a*) on summary conviction to a fine of three thousand dollars and to imprisonment for two years; or

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(b) on conviction on indictment to a fine of twenty thousand dollars and to imprisonment for five years, and any seditious publication, the subject matter of the charge, shall be forfeited.

(3) Notwithstanding any other written law to the contrary where a person is charged summarily with an offence under this section the magistrate shall-

- (a) inform him that he may, if he so requires, be tried indictably by a jury instead of being tried summarily and explain to him what is meant by being tried summarily; and
- (b) after so informing him ask him whether he wishes to be tried indictably by a jury or consents to be tried summarily.

and if the person charged requests to be tried indictably, the magistrate shall proceed with the matter as if it was a preliminary enquiry.

(4) A person shall not be convicted under this section for communicating, importing or having a seditious publication or statement in his possession, power, or control, if he proves that he did not know and had no reason to suspect that the publication or statement was seditious.

### POWER TO PROHIBIT IMPORTATION OF SEDITIOUS PUBLICATIONS

5. (1) Whenever the President is of opinion that any Power to publication or statement is seditious, the President may, if he thinks importation of fit, by Order, prohibit the importation into Trinidad and Tobago of seditious that publication or statement and also, in the case of a periodical [36 of 1971]. publication or statement, of any past or future issue of that publication or statement.

(2) Any person who imports, prints, publishes, copies, reproduces, communicates or has in his possession, power, or control any publication or statement of which the importation is for the time being prohibited by Order is liable on summary conviction to a fine of ten thousand dollars or to imprisonment for three years or on conviction on indictment to imprisonment for five years, and the publication or statement shall be forfeited.

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		Where the importation of a publication or statement e being prohibited by Order, any person—
		(a) to whom such a publication is sent without his knowledge or privity; or
		(b) to whom such a publication or statement is sent in execution of an order given before the prohibition on its importation came into effect; or
		(c) who has such a publication or statement in his possession, power or control at the time when the prohibition on its importation comes into effect,
	police station	th deliver it to the person in charge of the nearest and if he fails to do so is liable on summary conviction we thousand dollars or to imprisonment for two years.
	convicted of be fined or in	Any person who complies with subsection (3) or is a breach of the provisions of that subsection shall not mprisoned for having imported the same publication or for having it in his possession, power, or control.
	service author contains a pu	The Postmaster General or any person in the public brised by him who suspects that any postal packet blication or statement of which the importation is for g prohibited shall send the packet to the Comptroller and Excise.
Ch. 78:01.	Customs Act Act may be p	This section shall have effect as if it formed part of the , and a person punishable under that Act and also this unished under either that Act or this Act, but shall not wice for the same offence.
	SUSPI	ENSION OF NEWSPAPERS CONTAINING SEDITIOUS MATTER
Suspension of newspapers containing seditious matter.	seditious libe either <i>in lieu</i> as to all or ar	<ul><li>Where any person is convicted of publishing a el in any newspaper, the Court may, if it thinks fit, of or in addition to any other punishment, make orders ny of the following matters, that is to say:</li><li>(a) prohibiting either absolutely or except on conditions to be specified in the order, for any period not exceeding one year from the date of</li></ul>

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- (b) prohibiting either absolutely or except on the conditions to be specified in the order, for the period aforesaid, the publisher, proprietor, or editor of that newspaper from publishing, editing, or writing for any newspaper, or from assisting, whether with money or money's worth, material, personal service, or otherwise, in the publication, editing, or production of any newspaper; and
- (c) that for the period aforesaid any printing press used in the production of the newspaper be used only on conditions to be specified in the order, or that it be seized by the Police and detained by them for the period aforesaid.

(2) Any person who contravenes an order made under this section is guilty of an offence.

(3) Nothing in this Act affects the power of the Court to punish any person contravening an order made under this section for contempt of Court; but a person shall not be punished twice for the same offence.

#### POWER TO PROHIBIT CIRCULATION OF SEDITIOUS PUBLICATIONS

7. (1) Where on the application of the Director of Public Power of Prosecutions it is shown to the satisfaction of the Court that the prohibit issue or circulation of a seditious publication is or, if commenced or continued, would be likely to lead to unlawful violence, or appears to have the object of promoting feelings of hostility between different classes or races of the community, the Court shall make an order (in this Act called a "prohibition order") prohibiting the issue and circulation of that publication (in this Act called a "prohibited publication") and requiring every person having any copy of the prohibited publication in his possession, power, or control forthwith to deliver every such copy into the custody of the Police.

(2) An order under this section may be made *ex parte* on the application of the Director of Public Prosecutions in Chambers.

Court to circulation of seditious publications. 36 of 1971 136/1976].

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(3) It shall be sufficient if the order so describes the prohibited publication that it can be identified by a reasonable person who compares the prohibited publication with the description in the prohibition order.

(4) Any person on whom a copy of a prohibition order is served by any member of the Police Service shall forthwith deliver to that police officer every prohibited publication in his possession, power, or control, and, if he fails to do so, he is guilty of an offence.

(5) Any person to whose knowledge it shall come that a prohibited publication is in his possession, power, or control shall forthwith deliver every such publication to the person in charge of the nearest Police Station.

(6) The Court may, if it thinks fit, either before or after or without service of the prohibition order on any person, issue a warrant authorising any member of the Police Service, not below the rank of sergeant, and his assistants to break, enter, and search, either by day or night, any building or place specified in the order, and any enclosure, room, box, receptacle, or thing in such building or place, and to seize and carry away every prohibited publication there found, and to use such force as may be necessary for the purpose.

(7) A copy of the prohibition order and of the search warrant shall be left in a conspicuous position at every building or place so entered.

(8) The owner of any prohibited publication delivered or seized under this Act may, at any time within fourteen days after the delivery or seizure, petition the Court for the discharge of the prohibition order, and the Court, if on the hearing of the petition it decides that the prohibition order ought not to have been made, shall discharge the order and shall order the publication delivered by or seized from the petitioner to be returned to him.

(9) Every prohibited publication delivered or seized under this section with respect to which a petition is not filed within the time prescribed above or which is not ordered to be returned to the owner shall be taken as forfeited and shall be dealt with in such manner as the President may direct.

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#### **SUPPLEMENTAL**

8. Unless otherwise provided, every person guilty of an Punishment for offences. offence under this Act is liable on summary conviction, to a fine [36 of 1971]. of five thousand dollars and to imprisonment for two years.

9. A person shall not be prosecuted under this Act without Consent of the written consent of the Director of Public Prosecutions.

Director of Public Prosecutions. [172/1961 GN 8/1962 136/1976].

10. Nothing in this Act prevents a prosecution under the Saving of Common Law or under any other Act; but a person shall not be punished twice for the same offence.

**11.** A prosecution for an offence under section 4 shall be Limitation on legal commenced within twelve months after the offence is committed.

**12.** No person shall be convicted of an offence under section 4 Evidence. on the uncorroborated testimony of one witness.

13. If a magistrate is satisfied by information on oath that there Search warrant. is reasonable cause to believe that an offence under this Act has been or is about to be committed he may grant a search warrant authorising any police officer to enter any premises or place named in the warrant, with such assistance as may be necessary, and if necessary by force, and to search the premises or place and every person found therein and to seize anything found on the premises or place which the officer has reasonable ground for suspecting to be evidence of an offence under this Act.

other powers.

proceedings. [36 of 1971].

[36 of 1971].

[36 of 1971].

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### SUBSIDIARY LEGISLATION

### PROHIBITED PUBLICATIONS ORDER

made under section 5(1)

Citation. **1.** This Order may be cited as the Prohibited Publications Order.

Schedule. **2.** The publications set out in the Schedule and any past or future issue of those publications are prohibited from being imported into Trinidad and Tobago.

#### **SCHEDULE**

103/1952.	The Soviet Weekly
	For a Lasting Peace, for a People's Democracy
201/1952.	Caribbean News published by Billy Strachan
	<i>World Trade Union Movement</i> (Fortnightly Illustrated Journal of the World Federation of Trade Unions) published by W.F.T.U. Publications Ltd.
157/1953.	West Indian Clarion
	Caribbean Clarion
	West Indian News
7/1954.	Caribbean Challenge
	Caribbean Gazette
45/1954.	Caribbean Advocate
67/1954.	Caribbean Review
136/1954.	Soviet News
148/1954.	The Mask is off!
154/1954.	Caribbean News published by Bill Strachan
	<i>World Trade Union Movement</i> (Fortnightly Illustrated Journal of the World Federation of Trade Unions) published by W.F.T.U. Publications Ltd.
	Teachers of the World published by W.F.T.U. Publications Ltd.

	Se	dition		Ch. 11:04	13
	Prohibited Pi	ublicatio	ns Order		[Subsidiary]
Publication	Countr	y of Ori	igin	Description and Publisher	106/1967.
Bulletin of the World Council of Peace	Austria			Published monthly by the International Institute for Peace in Vienna.	
Active Co-Existence— Documents and Reflections on the Political, Economic and Cultural Aspects of International Co- operation	do.			Published irregularly by the International Institute for Peace, Vienna.	
Peace and the Sciences	do.			Published quarterly by the International Institute for Peace, Vienna.	
Information Bulletin	Bulgaria			Published every two months in Sofia by the T.U.I. of Food, Tobacco and Beverage Industries.	
World Marxist Review	Canada			Printed by Eveready Printers, Toronto, and distributed by Progress Books, 42– 48 Stafford Street, Toronto 3, Ontario, Canada.	
The Marxist Quarterly	do.			do.	
China Pictorial	People's F China	Republic	e of	Published monthly in Peking in many languages including English, French and Swahili. Distributed by Guozi Shudian, P.O. Box 399, Peking, Editorial Office: Baiwanzhuang Road, Peking 37.	

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[Subsidiary]	Prohibited Publications Order								
106/1967.	Publication	Description and Publisher							
	China Reconstructs		People's China	Republic o	of	Published monthly in Peking by the China Welfare Institute.			
	Chinese Literature		do.			Published monthly in Peking. Distributed by Guozi Shudian, P.O. Box 399, Peking. Editorial Office: Pai Wan Chuang, Peking 37.			
	Evergreen		do.			Published bi-monthly in Peking by the All- China Youth Federa- tion and the All-China Students Federation, 3 Yu Ho Chiao, Peking.			
	Peking Review		do.			Published weekly in Peking by the Foreign Languages Press, Pai Wan Chuang, Peking 37.			
	Women of China		do.			Published bi-monthly in Peking by the National Women's Federation of the People's Republic of China. Distributed by Guozi Shudian, P.O.Box 399, Peking. Editorial Office: 82 Teng Shih K'ou, Peking.			
	People's China		do.			Published monthly in Peking. Distributed by Guozi Shudian, P.O. Box 399, Peking.			

	S	Sedition Ch. 11:04			15
	Prohibited I	Publication	ns Order		[Subsidiary]
Publication	People's Republic of From:			Description and Publisher	106/1967.
Official Press Releases	People's China	Republic	of	<ul> <li>From: <ul> <li>(i) New China News Agency.</li> </ul> </li> <li>(ii) Press Department of Diplomatic Missions.</li> </ul>	
Eastern Horizons	do.			Printed by Commercial Press Ltd. Published in Hong Kong. Controlled by the Chinese People's Govern- ment (C.P.G.).	
News from Cuba, alias Cuba News, alias Weekly News from Cuba.	Cuba			Distributed weekly by Cuban Embassies.	
Revolucion	do.			The Official Government paper, Communist and pro-Castro.	
Cuba Socialists	do.			The theoretical organ of the Revolution.	
Ноу	do.			Communist newspaper.	
Verde Olivo	do.			Cuban Armed Forces magazine.	
Obra Revolucionairio	do.			Produced by the Institute of Sport, Education and Recreation.	
Servicio de Informacion	do.			A news service in Spanish put out by the offices "Casa de las Americas"	

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[Subsidiary]	Prohibited Publications Order								
106/1967.	Publication	Country of Ori	gin	Description and Publisher					
	El Mundo Cientifico	Cuba		The Spanish edition of the World Federation of Scientific Workers "Scientific World" published by the Associacion de T r a b a j a d o r e s Cientificos de Cuba, Cespedes 53, Santa Clara, Cuba.					
	Granma	do		Organ of the Communist Party of Cuba.					
	World Student News	Czechoslovakia*		Published monthly by the International Union of Students, Vocelova 3, Prague 2.					
	News Service	do		Published fortnightly in Prague by the International Union of Students, Vocelova 3, Prague 2.					
	Trade Union Press	do		Published fortnightly in Prague by the World Federation of Trade Unions.					
	The Democratic Journalist	do		Published monthly by the International Organisation of Journalists, Vinohradska 3, Prague 1.					
	Land and Labour	do		Published every two months in Prague by the T.U.I. of Agriculture and Forestry.					

\*Czechoslovakia is now called Czech Republic.

	Sedition		Ch. 11:04	17
1	Prohibited Publicatio	ns Order		[Subsidiary]
Publication	Country of Ori	igin	Description and Publisher	106/1967.
Information Bulletin	Czechoslovakia		Published in Prague once in two months by the T.U.I. of Commercial, Office and Bank Workers.	
Czechoslovak Life	do		Published monthly in English, French, Swedish and Italian by the Orbis Publishing House, Prague.	
Information Bulletin	do		Published monthly in Prague by the T.U.I. of Metal and Engineering Industries.	
For Democratic Education	do		Published, possibly monthly, in Prague by the T.U.I. of Teachers (F.I.S.E.).	
Transport Workers of the World	do		Quarterly review published in Prague by the T.U.I. of Transport, Port and Fishery Workers.	
Women of the Whole World	East Germany		Published monthly by the Women's Interna- tional Democratic Federation in Berlin.	
Information Bulletin	do		Published in Berlin by the T.U.I. of Public and Allied Employees.	
Afro-Asian Bulletin	Egypt		Published in Cairo by the Afro-Asian Peoples' Solidarity O r g a n i s a t i o n . Normally a monthly but in fact published irregularly.	

18	Ch. 11:04 Sedition							
[Subsidiary]	Prohibited Publications Order							
106/1967.	Publication	Country	of Orig	in	Description and Publisher			
	Information Bulletin	Finland			Published monthly in Helsinki by the T.U.I. of Building, Wood and Building Materials Industries.			
	Revolution	France			Formerly known as "African Revolution". Published monthly in English, Spanish and French from 40 Rue Francois ler, Paris 8e.			
	World Federation of Democratic Youth Information Service	do.			Published fortnightly in Budapest.			
	World Federation of Democratic Youth News	do.			Published in Budapest.			
	World Youth	do.			Published fortnightly in French, English, German and Swedish by the W.F.D.Y., Budapest, Hungary.			
	Information Bulletin	do.			Probably published in Hungary by the T.U.I. of Chemical, Oil and Allied Workers.			
	Textile and Clothing Workers in the World	Italy			Published once every two months in Milan by the T.U.I. of Textile and Clothing Workers.			
	The Afro-Asian Journalist	Indonesia			Published every two months by the Afro- Asian Journalists Association from Press House, Djkarta.			

	Sedition				Ch. 11:04	1	9
	Prohibited Pul	olication	s Order			[Subsidiary	y]
Publication Korea	Country North Kore		gin 	Pul Published by th	<i>ption and</i> <i>blisher</i> in Pyongyang e Foreign ges Publishing	106/1967.	
Korea Today	do.			do.			
News from Hsinhua News Agency	United King	gdom			by S. Chinque, ncery Lane, W.C.2.		
World Marxist Re- view—Problems of Peace and Socialism	do.			Books L	d by Central td., 37 Gray's ad, London, nonthly.		
Peace, Freedom and Socialism—Problems of Peace and Socialism	do.			Marxist intendec territorie by Centr	with "World Review" but for overseas s. Distributed al Books Ltd., 's Inn Road, W.C.1.		
Scientific World	do.			London Federat Scienti: 40 Go Londor English Russiat	fic Workers, odge Street , W.1., in , French,	,	
The Carib	do.			dissiden group of from 37	monthly by a t pro-Chinese West Indians 4 Gray's Inn ondon, W.C.1.		

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[Subsidiary]	Prohibited Publications Order								
106/1967.	Publication	Country of Origin			Description and Publisher				
	Comment		United Kingdom .			Published weekly by the Communist Party of Great Britain, 16 King Street, W.C.2.			
	Labour Monthly		do.			Published monthly by the Trinity Trust, 134 Ballard's Lane, N.3.			
	Marxism Today		do.			Published monthly by the Communist Party of Great Britain, 16 King Street, W.C.2.			
	Challenge		do.			Published monthly by the Young Communist League, 16 King Street, W.C.2.			
	Vanguard		do.			A pro-Chinese Com- munist periodical published monthly from 33 Anson Road, N.7.			
	The Broadsheet		do.			Published monthly by the China Policy Study Group, 85 Holden Road, N.12.			
	The Daily Worker no The Morning Star	ЭW	do.			Published daily by the Daily Worker Co- operative Society Ltd., 75 Farringdon Road, London E.C.1.			
	Malayan Monitor		do.			Published monthly from 41 Croftdown Road, N.W.5. Claims to be an official organ of the Malayan Communist Party.			

		Se	dition		Ch. 11:04	21
		Prohibited Pi	ıblicatio	ns Order		[Subsidiary]
Publication	Country	y of Or	igin	Description and Publisher	106/1967.	
Miners International News		United Kingdom			The organ of the T.U.I. of Miners, published by W.F.T.U. Publica- tions, believed, monthly in London.	
The Worker		United Sta	tes of Ar	merica	Published weekly by the Publishers News Press, Inc., New York. An organ of the C.P.U.S.A.	
Culture and Life		U.S.S.R.			Published monthly in Moscow by the Union of Soviet Societies for Friendship and Cultural Relations with Foreign Countries.	
Moscow News		do.			do	
New Times		do.			Published weekly from 16/2 Gorky Street, Moscow.	
Soviet Union		do.			Published monthly in Moscow from 8 Ulitsa Moskrina, Moscow K.9.	
Soviet Woman		do.			Published monthly in Moscow by the Soviet Women's Committee and the Central Council of Trade Unions of the U.S.S.R.	
Tass and Novosti		do.			Official releases.	
International Affairs		do.			Published monthly by the All-Union Society "Knowledge".	

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[Subsidiary]	Prohibited Publications Order							
113/1967.	<ul> <li>All publications of World Peace Council (W.P.C.).</li> <li>All publications of World Federation of Trade Unions, (W.F.T.U.) and the Trade Departments (Trade Unions International or T.U.I.'s) of W.F.T.U.</li> <li>All publications of World Federation of Democratic Youth (W.F.D.Y.).</li> <li>All publications of International Union of Students (I.U.S.).</li> <li>All publications of World Federation of Scientific Workers (W.F.S.W.).</li> <li>All publications of International Association of Democratic Lawyers (I.A.D.L.).</li> <li>All publications of World Federation of Teachers' Union (F.I.S.E.).</li> <li>All publications of International Organisation of Journalists (I.O.J.).</li> <li>All publications of International Radio and Television Organisation (O.I.R.T.).</li> <li>All publications of International Medical Association (I.M.A.).</li> <li>All publications of Peace and Socialism Publishers, Prague, Czechoslovakia.</li> <li>All publications of the Trade Union Publishing House, Moscow.</li> <li><i>Publication</i> Country of Origin Country of Origin Chairman Mao Tse China Country of Origin Chairman Mao Tse China C</li></ul>							
	Guyana Information Bulletin	Guyana		America, P.O. Box 4224, Havana, Cuba. Issued by the Information Bureau of the People's Progressive Party, Freedom House, 41 Robb Street, Georgetown.				

All publications of the Foreign Languages Press, Peking, China.

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All publications of the Foreign Languages Publishing House, Hanoi.