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# JUDICIARY OF SEYCHELLES

19

2018/2019 REPORT



**Judiciary of Seychelles**  
**2018/2019 Report**

**Cover: Faces of the Judiciary**



## CONTENTS

FOREWORD BY CHIEF JUSTICE M. TWOMEY .....	2
THE JUDICIARY.....	3
Introduction to the Judiciary of Seychelles .....	3
STRATEGIC PLAN FOR THE JUDICIARY – VISION 2020 .....	4
THE SEYCHELLES JUDICIAL SYSTEM 2018/2019.....	6
Court of Appeal.....	6
Supreme Court.....	6
Constitutional Court .....	7
Magistrates’ Courts.....	7
Employment Tribunal .....	8
Family Tribunal.....	8
Rent Board .....	8
Juvenile Court .....	8
Revenue and expenditure of the Judiciary.....	8
JUDICIAL OFFICERS.....	9
Court of Appeal.....	9
Supreme Court.....	9
Magistrates’ Courts.....	10
Rent Board .....	11
Juvenile Court .....	11
Family Tribunal.....	11
Employment Tribunal .....	11
ORGANISATIONAL CHART OF THE JUDICIARY .....	12
COURT LOCATIONS.....	13
ACHIEVEMENTS, CHALLENGES AND DEVELOPMENT INITIATIVES 2018/2019.....	13
JUDICIARY HIGHLIGHT: PRESIDENT’S VISIT.....	16
JUDICIARY HIGHLIGHT: SOUTHERN AFRICAN CHIEF JUSTICES FORUM .....	17
RECRUITMENT AND PROFESSIONAL DEVELOPMENT .....	18
Table of Judiciary staff .....	19
COURT STATISTICS.....	24
Case Clearance .....	25
Backlog Elimination.....	37
Apostilles .....	44
Legal Aid Applications .....	44
MISCELLANEOUS.....	44
CONCLUSION.....	46

## FOREWORD BY CHIEF JUSTICE M. TWOMEY

The preparation of the Judiciary Report forces the Judiciary to step back from the day to day administration of the courts and reflect on the achievements of the Judiciary as a whole, challenges faced (and overcome) and what to prioritise as we move into 2020.

For ten years, through two successive strategic plans and Chief Justices, we have prioritised the reduction in the chronic backlog of cases that had accumulated over the years and which threatened the very legitimacy of the Judiciary. In 2015, when I began to tackle this problem I realised the necessity of increasing the number of judicial officers and actively managing the reduction of backlog as well as the ongoing need to modernise and improve the efficiency of the Judiciary, as much in the corridors as in the court rooms. We have restructured, and tweaked, and experimented. Although we are not yet able to claim a fully modern, fit-for-purpose judicial system, I believe that we are well on our way.

*Any numerical success is built on the dedication and diligence of the individuals who work in the Judiciary. There is no person in the Judiciary whose daily efforts are unnecessary even though they sometimes go unacknowledged.*

When you look at the statistics which form a large part of this report, it will become apparent that the backbone of the backlog has been broken, and we will continue to reduce it through the consistent hard work of the Judges and Magistrates and the Judiciary staff. This will in turn improve access to justice and its administration, and go towards rebuilding the reputation of the Judiciary in the eyes of the public.

In 2018/2019, we bid farewell to a number of colleagues and Judges and I want to thank them for their service. The Judiciary also welcomed new Judges and members onto the Supreme Court, Court of Appeal, Magistrates Courts and the Tribunals, and we trust that they will find their roles rewarding and fulfilling. The establishment of new staff committees has resulted in improved collegiality and teamwork. Skills development continues to be a priority for the Judiciary and we have ensured all judicial officers and staff have access to training opportunities. Stakeholder engagement and cooperation has also been positive. These are all achieved under the Vision 2020 strategic plan which we continue to implement.

One of the highlights of the period under review was the Judiciary's successful hosting of the Southern Africa Chief Justices Forum. This Conference saw 90 Judges and Chief Justices from 13 countries participating in discussions on performing the judicial function "Without Fear of Favour". Being the smallest jurisdiction in this Forum, arranging an international conference of this scale was no small task. However, the Judiciary staff, with the support of the Government of Seychelles, put on a first class event, both in terms of substance and logistics. The feedback from delegates was extremely positive, and I am thrilled that the Judiciary of Seychelles was able to create the platform for meaningful judicial interaction and engagement.

The 2018/2019 Report can only provide a snapshot of the work of the Judiciary, and it doesn't reflect the hard work of the Judiciary staff and judicial officers who work tirelessly to ensure the courts run smoothly. We talk about reform in numbers: hard, cold, measurable goals underpin the statistics littered through this report. However, it is important to remember that any numerical success is built through the dedication and diligence of the individuals who work in the Judiciary. There is no person in the Judiciary whose daily efforts are unnecessary even though they often go unacknowledged. I want to extend my sincerest thanks to each and every person who makes up the Judiciary, we could not have made this progress without you.



Dr. Mathilda Twomey

Jan 2019

### INTRODUCTION TO THE JUDICIARY OF SEYCHELLES

The Judiciary of Seychelles draws its judicial authority from Chapter VIII of the Constitution of Seychelles and consists of the Court of Appeal, the Supreme Court of Seychelles and such other subordinate courts or tribunals established by an Act pursuant to article 137 of the Constitution. The following courts and tribunals are also part of the Judiciary: the Magistrates' Courts established under the Courts Act 21 of 1964, the Family Tribunal and Juvenile Courts established under the Children Act 16 of 1982, the Employment Tribunal established under the Employment Act 2 of 1995, and the Rent Board established by the Control of Rent and Tenancy Agreements Act 5 of 1955.

The Court of Appeal is administered by the President of the Court of Appeal and has four Justices of Appeal appointed by the Constitutional Appointments Authority. It sits from time to time throughout the year, and has three terms or sessions in April, August and December respectively during which all five Justices of Appeal take hearings sitting as benches of three or five and deliver rulings together. It has the jurisdiction to hear and determine appeals from the Supreme Court and any other appeal permitted by an Act.



The Supreme Court is administered by the Chief Justice and currently has seven puisne Judges and a Master who are appointed by the Constitutional Appointments Authority to exercise judicial functions at the Supreme Court level. The Supreme Court has original power under the Constitution to hear and determine civil and criminal matters, supervisory jurisdiction over other courts and Tribunals, and original and appellate jurisdiction as granted to it by any Act. Judges of the Supreme Court may be co-opted to the Court of Appeal at the request of the President of the Court of Appeal to sit on specific cases where the Court of Appeal requires it. Chief Justice Twomey is appointed by the

Constitutional Appointments Authority as both a puisne judge and a Justice of Appeal however she is only salaried for the position as Chief Justice.

The Supreme Court sits daily during three terms or sessions in the year which are held from 10<sup>th</sup> January through 10<sup>th</sup> April, 10<sup>th</sup> May through 31<sup>st</sup> July and 1<sup>st</sup> September through 10<sup>th</sup> December as determined by the Supreme Court (Terms) Rule, 2016. Individual Judges may agree to sit during the court vacation periods to hear and determine matters which require extraordinary sittings. During the court vacation there is a duty Judge who is available to take urgent matters arising. All other court functions continue during the court vacations.

The Constitutional Court is constituted when two or more Judges sit together to determine cases which concern the application, contravention, enforcement or interpretation of the Constitution. Constitutional Court cases are usually held on Tuesdays during the Supreme Court session, however the Judges on the Constitutional Court bench may schedule to hear the matter on any day.

There are six appointed magistrates who hold sittings in Victoria and Anse Royale and on Praslin and La Digue. The courtrooms in Victoria sit all year with a court vacation during the December Supreme Court vacation.

The Rent Board is chaired by a magistrate and has five other members. Rent Board cases are administered by the Assistant Registrar of the Magistrates' Court, Victoria and sittings take place one day a week, at the Victoria Magistrates' Court.

The Family Tribunal is chaired by a Chairperson and two vice-chairpersons and has six members (two are full-time). The Family Tribunal sits three days a week at the Supreme Court Annexe. It is administered by the Secretary for the Family Tribunal which is based in the Supreme Court Annexe and has its own compliance, monitoring and enforcement officers.

The Juvenile Court is established under the Children Act to hear criminal cases in which a child stands accused of committing a crime. Until 2019, these cases were administered by the Victoria Magistrates' Court and was chaired by a magistrate sitting with at least two persons. These cases have been reallocated to the Supreme Court criminal division during 2019 and are being taken by one of two Supreme Court Judges sitting with the appointed members.

The Employment Tribunal functions from the Supreme Court Annexe on Ile du Port. It is chaired by a Chairperson and a vice-chairperson and has six members. The Employment Tribunal sits four days per week. It is administered by a Secretary for the Employment Tribunal and a secretariat which manages registry matters.

The administration of the Judiciary as a whole is overseen by the Chief Justice with the Registrar appointed to oversee the courtroom processes and statutory functions and a central administration to address all other functions.

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## STRATEGIC PLAN FOR THE JUDICIARY – VISION 2020

In February 2017, the Judiciary launched and signed up to a strategic plan which would span four years – 2017 to 2020. The strategic plan, titled ***Vision 2020*** was the output of a process of consultation with stakeholders on the successes of the Judiciary's previous strategic plan, its current position and its aspirations. Vision 2020 seeks to build on the successes of previous strategic plans and has eight strategic imperatives:

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***The Judiciary's vision is to be a dynamic institution with contented staff working together to promote fewer litigious disputes and faster case resolution by offering high quality, fit for purpose solutions for court users.***

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1. Streamlining Court Processes
2. Innovating Case Administration Systems
3. Revamping the Legal Aid Scheme
4. Encouraging Better Employee Relations
5. Repositioning the Judiciary's Public Image
6. Upgrading Public Infrastructure
7. Engaging Local Partners
8. Securing Greater Financial Autonomy

The Office of the Chief Justice oversees the roll out of the plan. Special committees are in place to oversee specific topics and individual sections are responsible for implementing the plan within their own sectors. The strategic plan is reviewed annually.

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## VISION OF THE JUDICIARY

The Judiciary's vision is to be a dynamic institution with contented staff working together to promote fewer litigious disputes and faster case resolution by offering high quality, fit for purpose solutions for court users.

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## MISSION OF THE JUDICIARY

The Judiciary's mission is to effectively and competently administer justice in accordance with the Constitution and laws of Seychelles in a timely, impartial and independent manner.

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## CORE VALUES

The Judiciary is committed to working for **excellence** in every task we do, maintaining our **independence** as the third branch of the state and watchdog of the Constitution, and at all times acting with **integrity**, maintaining a high standard of **ethics**, treating all persons with **respect** and showing **professionalism**.

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## VISION 2020 REVIEW

A great deal of progress has been made under Vision 2020. The Office of the Chief Justice continues to actively monitor the case management and the reduction of the court case backlog. Notably during 2018



and 2019 court recording systems have been introduced into all of the Magistrates' Courts and Tribunals enabling better and quicker resolution of matters with the elimination of the need for a hand written record. Furthermore, the case administration system, CCASS has been implemented in the Family Tribunal and Employment Tribunal enabling more transparency about pending cases and more efficiency in managing the cases.

The building of the new Magistrates' Courthouse on Ile du Port has made steady progress and will be completed during the next review period. Much needed renovations have been made to the courthouse in Anse Royale. Efforts have been made to improve the façade of the Palais de Justice which has suffered wear-and-tear and a pigeon infestation. Works inside the Palais de Justice include rewiring of the electrical system and preventative measures against termite and fungus infestation in line with Health Ministry recommendations.

After a long process, a new scheme of service has been approved and will be implemented with the budget in April 2020 enabling the Judiciary to better reward its employees. Furthermore, initiatives have been supported to provide staff with health and cancer treatment testing, as well as kidney functioning testing and self defence training. These initiatives have been suggested and organised by the staff themselves and supported by the Judiciary in order to ensure that it is responsive to the requests and needs of the Judiciary staff.



In 2018/2019 the Judiciary has actively engaged with other partners, departments and branches of government, in keeping in line with its efforts to enhance stakeholder engagement particularly on matters concerning the delivery of criminal justice (through the Criminal Division's stakeholder's meeting), meetings with the Bar Association, and actively involving stakeholders in

Judiciary functions such as the SACJF conference and the Vulnerable Witnesses session in December 2018. These interactions build relationships and enable the Judiciary to better understand the pressures and needs of other departments and therefore perform its role better. Through a series of TV interviews, radio interviews and activities the Judiciary has sought to enable the public to understand the role that the Judiciary plays in society helping to foster better understanding of and trust in the institution.

With regard to its financial autonomy the Judiciary has cultivated an open line of communication with the Executive and Legislature regarding its funding in order to secure its independence as well as its accountability for the use of public funds. Along with the other constitutional bodies, the Judiciary participated in consultations with the Ministry of Finance regarding the financial management by independent institutions.

The Judiciary is committed to sustaining the progress made under Vision 2020. A strategic plan is not a once-off exercise, and the goals of Vision 2020 remain relevant, and will continue to form part of the Judiciary's vision and mission going forward. The Judiciary looks forward to engaging with all stakeholders as it embarks on the development of its next strategic plan in the course of 2020.



## THE SEYCHELLES JUDICIAL SYSTEM 2018/2019

### COURT OF APPEAL

The Court of Appeal has taken strides to implement case management at the appellate level. Through the active oversight of the President of the Court of Appeal, it has eliminated its backlog of criminal cases and greatly reduced the number of pending cases in the civil division. As of 31 December 2019, there was only one civil case filed before 2017 and awaiting disposal.

In 2019, the Court of Appeal bid farewell to Justice Bernadin Renaud who retired from the Bench. A ceremonial sitting was held on Friday 12 July 2019 at the Palais de Justice to honour him on his last day of office and thank him for his contributions to the country and in particular to the Seychelles Judiciary in his 54 years of civil service.



Many of Justice Renaud's colleagues who took the stand praised him not only for his mentoring capacity but also for his passion, dedication and loyalty to the justice system. Being the longest serving judge, he will be sorely missed if only for his sound advice and valuable assistance pertaining to legal matters.

Justice Renaud has now taken up a new post as Chairman of the Seychelles Human Rights Commission.

The Court of Appeal also welcomed Ugandan jurist, Justice Lillian Tibatemwa-Ekirikubinza who was appointed in 2019. Mauritian judge, Justice Prithviraj Fekna, who was appointed to the Court of Appeal sadly passed away prior to starting on the Bench in August 2019.



(photo: Seychelles News Agency)

### SUPREME COURT

The Supreme Court continues to focus efforts on efficiency and modernisation, and has successfully reduced its running backlog despite a decline in the overall number of cases completed. As of 31 December 2019 the backlog of cases in the Supreme Court makes up a mere 7 % of the total pending cases (down from 20% in 2015) and the average age of pending cases is 389 days in the Civil Division.

On 9 March 2018 Judge Ellen Carolus was appointed as a Judge of the Supreme Court, having been the Master of the Supreme Court since October 2015. Senior Magistrate, Brassel Adeline was appointed as Master of the Supreme Court on 17 July 2018.





(photo: State House)

In 2019, the Supreme Court bid a sad farewell to Judge Seegobin Nunkoo, a Mauritian legal expert with particular insight into investigations of financial crime and mixed jurisdictions who had been with the Judiciary since he was sworn in on 12 May 2016. He was known for his compassionate approach to the family and property matters before his court and his firm rulings on judicial review and constitutional matters.

Judge Nunkoo sat as a Judge in the Civil and Criminal Division of the Supreme Court. He completed 162 civil cases, 23 criminal cases and 12 constitutional court cases.

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## CONSTITUTIONAL COURT

The Constitutional Court continues to hear important matters relating to the interpretation and application of the Constitution. In 2018 the Constitutional Court heard 19 matters. Notably, in 2018 the Constitutional Court was called on to determine the constitutionality of the appointment of the Human Rights Commissioners; the standing of an individual to challenge the appointment of the Constitutional Appointments Authority members; and the lawfulness of the actions of an Anti-Victimisation Committee set up in the National Assembly. Furthermore, the Court heard several matters related to the constitutional lawfulness and fairness of the decision to set up a tribunal of inquiry into the misconduct of a Supreme Court Judge.

In 2019, the Constitutional Court heard 19 matters and had the highest number of cases filed in any year to date, with 28 cases being filed. The Constitutional Court was required to determine matters relating to the failure to pass new regulations under the Misuse of Drugs Act, 2016. It further considered whether a Tourism Department Policy Statement breached the right to property; whether Art 920 of the Civil Code, which imposes forced heirship violates the Charter of Rights; and the legality of the actions of the National Assembly in quashing subsidiary legislation created by the Executive.

Details of the decisions delivered in 2018 and 2019 are available at [www.seylli.org](http://www.seylli.org).

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## MAGISTRATES' COURTS



The six magistrates remain the workhorse of the Judiciary handling all misdemeanours and the bulk of less serious felonies. The Magistrates Courts remain ill-housed at Unity House in Victoria pending the completion of the Magistrate Courthouse on Ile du Port. During 2018 and 2019 recording equipment was installed in the courtrooms and are now operational. This will allow the rolling out of the protocol for the Case Management processes currently being applied to the Supreme Court.

Mr. James Camille was appointed as a Magistrate on 17 July 2018 and Miss Brigitte Confait was sworn in as Magistrate by Chief Justice, Dr. Mathilda Twomey on 23 May 2019.

As of the end of 2019 the La Digue court house is closed pending relocation.



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## EMPLOYMENT TRIBUNAL

Despite difficulties in recruiting members to sit on the Tribunal, the Tribunal has achieved a case disposal rate of 79% of all filed cases. Disputes involving foreign nationals within the building industry and redundancies within one major Seychellois employer have contributed significantly to the number of cases before the Tribunal.

In December 2018, Edith Wong was appointed Vice-Chairperson to the Tribunal. In 2019, Magistrates Natasha Burian replaced Master Brassel Adeline as the Chairperson of the Tribunal after his appointment to the Supreme Court. Ms. Valerie Busetto, a long standing member, resigned her position as a member representing the employers on the Tribunal in 2019.

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## FAMILY TRIBUNAL

The Tribunal hears the highest volume of cases in the Judiciary, with sittings on Mahe, Praslin and La Digue. Matters involving domestic issues, ranging from abuse to access to children, maintenance and custody can all be brought to the Tribunal. The Judiciary is conscious of the personal impact that the Tribunal cases can have on the members and chairpersons and seeks to take steps to reduce the number of cases that each member hears, however recruitment of members is a challenge. During 2019, Magistrate Andy Asba and Magistrate Natasha Burian, who were the previous Chairperson and Vice-Chairperson of the Tribunal were rotated to other responsibilities, and Ms. Brigitte Confait was appointed as the Chairperson of the Tribunal. Ms. Samantha Aglae resigned her position in 2019 after a long term with the Tribunal and Mr. Somasundaram Rajasundaram and Ms. Larah Michaud were appointed as Vice-Chairpersons.

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## RENT BOARD

The Rent Board continues to be chaired by Magistrate Burian. In 2018 Mr. Serge Pompee was appointed as a member on the Board and serves with the other members. The appeal process from the Board is governed by section 22 of the Control and Rent and Tenancy Agreement Act. The two-step appeal process has caused difficulties with appellants and may need to be revised.

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## JUVENILE COURT

In 2019 the Juvenile Court was shifted to the Supreme Court from the Magistrates' Court in order to alleviate the cause list in the Magistrate's Court. Juvenile cases are taken by Judge Rony Govinden and Judge Laura Pillay assisted by lay members.




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## REVENUE AND EXPENDITURE OF THE JUDICIARY

For 2018 the Judiciary's allocation from the Consolidated Fund was SCR 80,418,000. However, the amount requested to meet the Judiciary's budgeted needs was not met in full, impacting the Judiciary's ability to cover security costs for Judicial Officers and much needed renovations of the Palais de Justice and Magistrates' Courts. Money for security was finally granted in 2019. Amendments to the Income and Non-Monetary Benefits Tax Act introduced a progressive taxation system which resulted in a net reduction in

the salaries of all Judicial officers, including those protected by security of tenure under the Constitution. The Judiciary received a completely clean financial audit for the year ending 2018.

In 2019, the Judiciary's allocation from the Consolidated Fund was increased to SCR 94,544,000, which included a grant from the Government of India for the construction of the Magistrates' Court. In September 2019, the Government announced cuts to good and services budgets across all government departments, requesting at least an 11% reduction in the approved budget. After negotiation, the Judiciary was specifically asked to return SCR 2.5 million of its allocated budget putting severe restraints on the plans for identified projects, including for the refurbishment of the Judiciary buildings. Simultaneously, recruitment was frozen across the civil service.

These reductions were made without consultation or appreciation for how these costs were allocated and their importance for the Judiciary's administration. The reductions directly affected the Judiciary's ability to operate the courthouses. The Judiciary appreciates that during challenging economic times adjustments in fiscal policy may be necessary, however, the Judiciary has a constitutional duty to protect its independence against the intended or unintended implications of external influence. It also has a duty to give effect to its constitutional mandate. The Judiciary is accountable under the Constitution to the Finance and Public Administration Committee of the National Assembly and remains concerned about the implications of budgetary cuts made in this manner by the Executive.

The Scheme of Service for the Judiciary staff was approved after prolonged negotiations and will take effect in 2020.

## JUDICIAL OFFICERS

### COURT OF APPEAL

The Court of Appeal consists of:

- Justice F. MacGregor, President of the Court of Appeal
- Justice A. Fernando
- Chief Justice M. Twomey
- Justice B. Renaud (Retired 2019)
- Justice F. Robinson
- Justice L. Tibatemwa-Ekirikuninza (Non-resident Justice of Appeal – Appointed 2019)

Assistant Registrar of the Court of Appeal: Mrs. Vivienne Vadivello



*Court of Appeal Judges, 2018/2019*

### SUPREME COURT

The Supreme Court consists of\*:

- Chief Justice M. Twomey
- Judge M. Burhan
- Judge R. Govinden
- Judge G. Dodin
- Judge S. Andre
- Judge S. Nunkoo (Term completed 2019)



- Judge M. Vidot
- Judge L. Pillay
- Judge E. Carolus (Appointed 2018)
- Master B. Adeline (Appointed 2018)

*\*Justice Durai Karunakaran (Resigned 2019, did not sit on any cases during 2018/2019)*



*Supreme Court Judges. 2018/2019*

Registrar of the Supreme Court: Mrs. J. Esticot

Deputy Registrars: Mrs. J. Lepathy (Civil); Ms. M-A Barbe (Criminal)

Assistant Registrar: Mrs. S. Andre

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## MAGISTRATES' COURTS

The Magistrates' Court consists of:

- Mr. Vipin Benjamin, Senior Magistrate
- Mrs. Mariam Ng'hwani, Acting Senior Magistrate
- Mr. Andy Asba, Magistrate
- Mrs. Natasha Burian, Magistrate
- Mr. James Camille, Magistrate (Appointed 2018)
- Ms. Brigitte Confait, Magistrate (Appointed 2019)



*Magistrates, 2018/2019*

Assistant Registrars for the Magistrates' Court: Ms. Edwige Aglae, Ms. Karen Quatre, Myriam Stravens, Lathimy Emerite, Juanita Rouillon

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## RENT BOARD

Mrs. Natasha Burian – Magistrate, Chairperson  
Mr. Ogilvy Delcy – Member  
Mrs. Farida Afif – Member  
Mrs. Melina Josephine - Member  
Ms. Julita Adela - Member  
Mr. Serge Pompee – Member, appointed in 2018

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## JUVENILE COURT

Judge R. Govinden – Presiding Judge  
Judge L. Pillay - Presiding Judge  
Mr. Ogilvy Delcy - Member  
Mrs. Colette de Comarmond - Member  
Mrs. Rosemary Elizabeth - Member  
Mr. Andre Valmont – Member

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## FAMILY TRIBUNAL

Ms. Brigitte Confait – Chairperson  
Mr. Somasundaram Rajasundaram – Vice-chairperson  
Ms. Larah Michaud – Vice-chairperson  
Mrs. Lena Cedras – Member  
Mr. Versange Atala – Member  
Mrs. Sylvette Evenor – Member  
Mrs. Elizabeth Gay – Member  
Mr. Robert Moumou – Member  
Mr. Jose Hollanda – Member  
Secretary to the Family Tribunal – Mrs. Jane Marguerite.  
Assistant Registrars – Dilis Laporte, Archil Libanatis, Gena Labrosse.

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## EMPLOYMENT TRIBUNAL

Mrs. Natasha Burian – Magistrate, Chairperson of Tribunal  
Ms. Alexandra Madeleine – Vice-chairperson  
Ms. Edith Wong – Vice-chairperson  
Mr. Patrick Nicette - Member  
Mrs. Josianne Moustache - Member  
Mr. Roc Henriette - Member  
Mr. Egbert Rosalie - Member  
Mrs. Valerie Busetto (resigned 2019) - Member

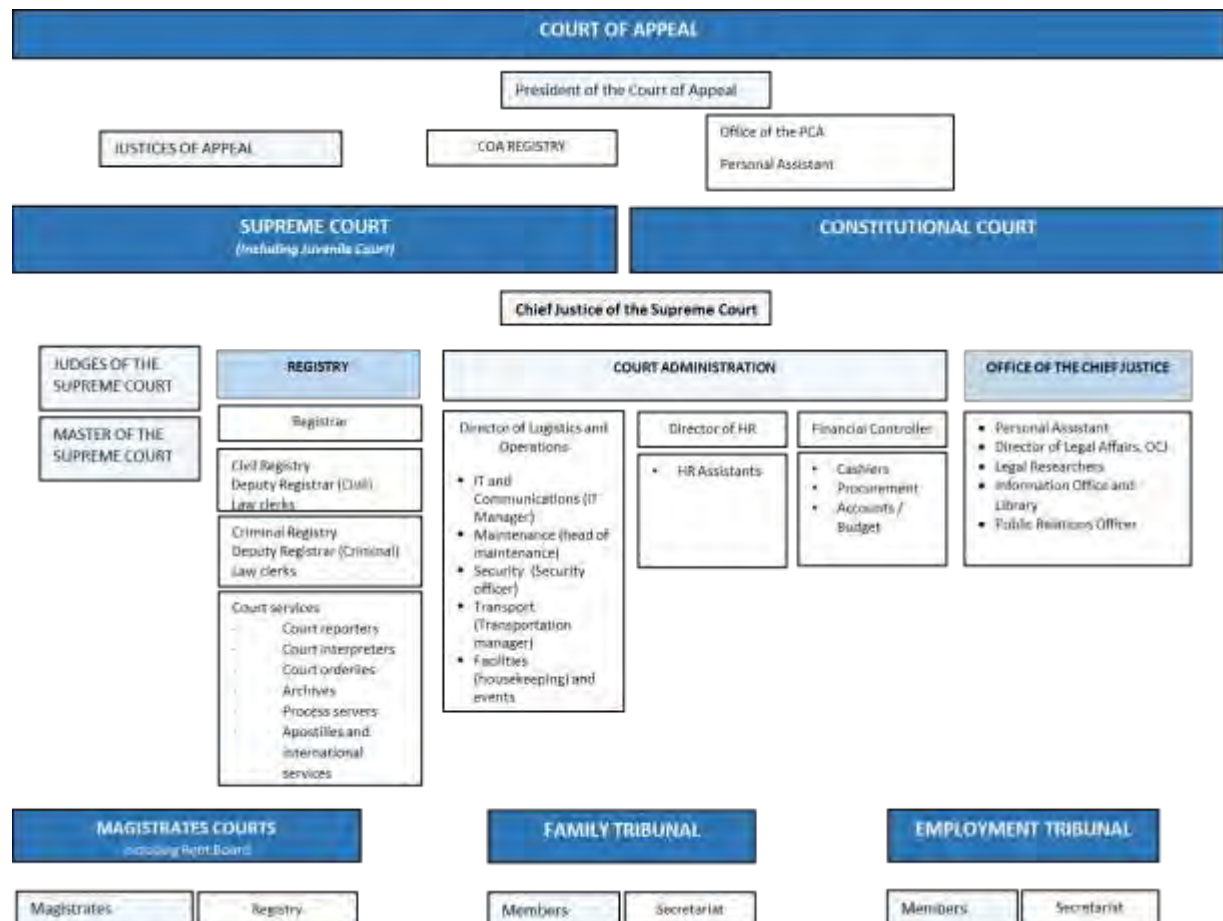
Mrs. Wendy Didon - Member

Mrs. Lizette Lablache -

Mr. Felix Charles - Member

Secretary to the Tribunal, Michel Valentin.

## ORGANISATIONAL CHART OF THE JUDICIARY





## COURT LOCATIONS

Court of Appeal  
First Floor, Palais de Justice  
Ile Du Port, Mahé  
422-4078

Supreme Court  
Palais de Justice  
Ile Du Port, Mahé  
428-5800

Magistrates' Courts Victoria  
Block A, Third Floor  
Unity House, Victoria, Mahé  
428-8702

Magistrates' Court Anse Royale  
Courthouse Building  
Anse Royale, Mahé  
428-5817

Magistrate's Court Praslin  
Pension Fund Building  
Grand Anse, Praslin

Magistrate's Court La Digue\*  
Courthouse, La Passe  
La Digue  
(temporarily closed, relocation in process)

Family Tribunal  
Supreme Court Annexe  
Ile Du Port, Mahé  
428-5826

Employment Tribunal  
Supreme Court Annexe  
Ile Du Port, Mahé  
428-5826

## ACHIEVEMENTS, CHALLENGES AND DEVELOPMENT INITIATIVES 2018/2019

### JUDICIAL COLLEGE OF SEYCHELLES (JUCOS) TRAINING EVENTS

#### *Judgment Writing*

As part of continued training for new and incumbent judges, magistrates and legal researchers, a workshop on Judgment Writing was held in the Auditorium at the Palais de Justice from 16th to 17th April 2018. The overarching aims and objectives of this training session led by Dame Linda Dobbs and Professor Penny Andrews (from the Judicial Institute for Africa - JIFA) were to enhance the skills of judges to craft and deliver judgments and all participants were keen to take advantage of this opportunity to refresh and hone their skills.

#### *Child and Vulnerable Witnesses*

In December 2018, the Judiciary convened a training on Working with Child and Vulnerable Witnesses, hosted by international expert, Judge Roger Coventry. Judge Coventry prepared a report outlining recommendations for different



stakeholders. Members of the Judiciary and court staff, prosecutors, private lawyers, social workers, specialist police and others interested in the welfare of children and the vulnerable participated in the training. Appreciative of the importance in ensuring all relevant stakeholders cooperate in ensuring the safety of vulnerable witnesses the Judiciary has set up multi-stakeholder liaison group to develop a National Plan for Working with Child and Vulnerable

Witnesses. The working group had its first meeting in 2019.

### ***Judicial Ethics and Independence***

In August 2019, JUCOS held a two day seminar on Judicial Ethics and Independence training provided with the support of JIFA. Mr. Andrew McCleod and Dame Linda Dobbs provided two days with the Judges, Magistrates and legal researchers and a one day training for members of the legal profession. The sessions were well attended.



### **CONSTITUTION DAY 2018 AND 2019**

In Celebration of Constitution Day, the Judiciary hosted its annual Constitutional Symposiums in 2018 and 2019 to discuss important constitutional developments. In 2018, the Constitution celebrated its 25 anniversary and the Judiciary participated in public engagements forums with other stakeholders regarding the progress made under the 1993 Constitution. The Chief Justice spoke regarding the progress made in the Judiciary under the Constitution and focused on the independence of the Judiciary. She finished her speech by urging the other branches of state and all persons to respect the independence of the Judiciary:

*“The Framers of our Constitution carefully drafted the constitution to ensure the institutional separation of powers – we bring different institutional skillsets to our tasks – it would be inappropriate for the courts to make laws, the executive to judge cases or the National Assembly to determine strategic policies. Moreover, none of us should interfere with the functioning of the Attorney General, the Ombudsman, the CAA or the police forces. The exercise of public power is a sacred honour. How we exercise our power is held in balance by checks that we exercise on each other and reinforced by the independent constitutional bodies established separately in the constitution. But it requires that all of the branches of government respect and honour the balance that is struck. And fiercely protect it. On this the 25th Anniversary of our Constitution the Judiciary calls for the other pillars of government and*

*relevant constitutional bodies to respect our independence and refrain from interfering in the noble work that we do.”*

In 2019, the Judiciary hosted a symposium entitled ‘*Constitutionally Speaking: Judicial impartiality, without fear or favour*’ in celebration of Constitution Day on 18 June 2019. Participants included judges, lawyers, legislators, the Ombudsman, the Attorney General, members of various commissions in the country and the general public. Speakers and topics included: Judge Rony Govinden “*Service without Fear or Favour, a Judicial Perspective*”; Frank Ally, Attorney-General “*The Executive Arm of the State and its role in Safeguarding Judicial Impartiality*”; Judge Bernadin Renaud “*Without Fear or Favour – A Human Rights Perspective*”; Bernard Georges “*The Legislature and Balancing the Three arms of State*”; Divino Sabino, Bar Association of Seychelles “*The Legal Practitioner and Judicial Impartiality*” and Edith Wong “*The Constitutional Court, a Year in Review*”



### **CAREER DAY**

In August 2019 the Judiciary hosted a youth engagement workshop with high school students that are considering pursuing a career in law. The workshop was opened by the Chief Justice, and over two days students engaged with different court staff. The workshop concluded with a mock trial.



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## BAR EXAMINATION

In 2018, six candidates sat the Bar Examination administered by the Board of Bar Examiners in terms of the Legal Practitioners' Act. Three candidates passed the examination, Ms. Vanessa Nicette, Ms. Emily Gonthier, and Mr. Ryan Laporte.

In 2019, eighteen persons sat the examinations, the largest number of individuals to take the exam to date. Of these twelve passed, Ms. Evelyn Almeida, Mr. Joshua Revera, Mr. Shane Chang-Seng, Ms. Corrine Rose, Ms. Priyanka Ramruchaya, Ms. Salina Sinon, Ms. Ephna Chang-Thiou, Ms. Valery Freminot, Ms. Shireen Denys, Ms. Neesha Monthy, Mr. Audric Govinden, and Ms. Shantana Barbe.

The increased pass rate may be attributable to provision of a preparation course by the University of Seychelles, in partnership with the Judiciary.

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## TEAM BUILDING EXERCISES

The Judiciary held a team bonding workshop and motivational event on 11 January 2019 with PFT Consultancy hosted by Patricia Francourt and Craig Francourt and Mr. Timothee Sinon.. The aim of the event was to foster an increasing maturity of relationship, mutual support and trust among the Judiciary team. It also highlighted the



importance of open communication and trust, of being good team players with positive attitudes whilst providing support and encouragement to each other. Much fun was had by all.

Training for managers and supervisors was held in September 2018 in partnership with the Productivity Unit in the Ministry of Employment, Immigration and Civil Status (MEICS) and the Guy Morel Institute.

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## CEREMONIAL SITTING FOR PRESIDENT RENE

A Ceremonial sitting was held on 2 April 2019 for Mr. France Albert Rene, former president and attorney of the Bar of Seychelles. Vignettes were shared by The Chief Justice, Dr. Mathilda Twomey, PCA Justice Francis MacGregor, Justice Fernando, Justice Renaud and Attorneys at Law Mr. Shah, Mr. Renaud, Mr Bonte, Mr Cesar and Mr. Rajasundaram.

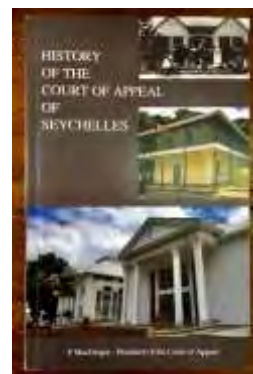
The ceremonial sitting was attended by Justices of the Court of Appeal, Judges of the Supreme Court, magistrates and attorneys and the spouse and family of the late Mr. Rene.



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## BOOK LAUNCH: HISTORY OF THE COURT OF APPEAL OF SEYCHELLES

In September 2019, the Court of Appeal launched the book "History of the Court Appeal of Seychelles", prepared by the President of the Court of Appeal, Francis MacGregor.



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## LANGUAGE AND TERMINOLOGY TRAINING FOR INTERPRETERS

The Judiciary has introduced a more active approach to training the Court interpreters in specialised and legal terminology over 2018/2019. The Court interpreters have had access to training on the maritime terminology with the Seychelles Coastguards, construction terminology, human anatomy, pathology and forensic medicine. Additionally, the interpreters received additional training in legal French in 2018 and 2019.



## JUDICIARY HIGHLIGHT: PRESIDENT'S VISIT



On 28 February 2019, His Excellency President Danny Faure paid an official visit to the Seychelles Judiciary at the Palais de Justice, a first in the history of Seychelles. The President and his delegation were given a tour of the premises by the Chief Justice and the Registrar. He visited the key departments and sections and interacted with the staff. The President had a meeting with all the Justices, Judges and Magistrates and a meeting with the senior management team.

Many matters were discussed for follow up, including the financial autonomy of the Judiciary, the salary structure for judicial officers and staff, housing allowances, tax treatment under the progressive income tax scheme, security concerns, the entitlements for retiring judges, the conditions of the Judiciary work environment and other matters. The President, in his capacity as the Minister for Legal Affairs, undertook to personally look into these matters.

The visit was highly appreciated by all staff members and the amount of time that the President took to greet the staff and witness first-hand the inner workings of the Judiciary.



## JUDICIARY HIGHLIGHT: SOUTHERN AFRICAN CHIEF JUSTICES FORUM

From 27 to 30 October 2019 the Judiciary of Seychelles hosted the Southern African Chief Justices Forum Conference and Annual General Meeting (SACJF 2019) welcoming 90 delegates from 13 countries. During this time, the Judiciary also hosted the Southern African Judicial Administrators Association (SAJAA) Annual Conference.



SACJF is a multinational forum of Chief Justices and senior judges from across Southern and East Africa. Established in 2003, SACJF aims to uphold the rule of law, democracy and independence of the courts through regional cooperation and solidarity. SACJF also facilitates judicial training and capacity building initiatives. Seychelles, the smallest member, joined SACJF in 2010. SAJAA represents senior court administrators and Registrars from the region. SACJF and SAJAA Member States meet annually in a different SACJF country every year, allowing the region's most senior jurists and administrative staff to reflect on critical issues impacting justice delivery in the region. In 2018, Seychelles was given the honour of hosting these prestigious events.

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***"[D]emocracy is not an event; it is a delicate status quo that requires the continued maintenance of a system of checks and balances that seeks to prevent the accumulation and abuse of power. The importance of the judiciary in maintaining and sustaining this status quo cannot be understated."***

President of Seychelles, Danny Faure

*Opening Address, Southern African Chief Justices Forum, 27 October 2019*

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Under the theme *Without Fear or Favour: Maintaining a Strong, Impartial, Independent and Accountable Judiciary* conference delegates discussed a broad range of issues that speak to the challenges faced by judges and the judiciaries on which they serve. In her welcome address, Chief Justice Twomey noted that "the aim of this conference is to reflect on our experiences and share lessons learnt with the ultimate aim of strengthening our respective judiciaries"

The 2019 Conference theme allowed judges to reflect on their ability to act without fear or favour and the impact that constitutional, political, legal, economic

and social dynamics may have in hindering or advancing the maintenance of strong, impartial and accountable judiciaries. SACJF 2019 provided the platform to discuss individual and institutional aspects of judicial independence through a variety of lenses including, the appointment and removal of judges; judicial impartiality and accountable recusal practices; financial autonomy and the resourcing of judiciaries; and accountability mechanisms. SAJAA 2019 allowed court administrators, which are essential to the administration of justice, to reflect on their role in supporting the judiciaries in which they work.

Through a series of interactive panel discussions, targeted questions and group work, SACJF 2019 allowed for the formulation of principles that can assist Chief Justices, governments and other stakeholders to advocate for the principled reform of institutional and constitutional arrangements necessary to create and maintain an impartial, independent and accountable judiciary.

The Conference was formally opened by, President of the Seychelles, Mr Danny Faure who noted in his opening address that, "that democracy is not an event; it is a delicate status quo that requires the continued maintenance of a system of checks and balances that seeks to prevent the accumulation and abuse of power. The importance of the judiciary in maintaining and sustaining this status quo cannot be understated."

The Judiciary is grateful for the support it received from the Government of Seychelles, Department of Foreign Affairs, the Commissioner of Police and the judiciary staff to ensure the successful hosting of this important event.



## RECRUITMENT AND PROFESSIONAL DEVELOPMENT

### OVERVIEW OF RECRUITMENT AND RETENTION

Recruitment of Magistrates and members of the Tribunals remains a challenge for the Judiciary. Retention of staff has improved however staff turnover remains quite high. Nevertheless, the Judiciary has a high number of persons (listed on page 24) who have diligently served the courts over a long period of time. Their commitment and loyalty to the Courts is appreciated.

#### 2018

In 2018 the Judiciary filled 23 vacancies which included replacement and creation of new posts such as Legal Researcher, Court Interpreters and Court Reporters. The Judiciary recruited a new System Support Manager to support and build on the IT infrastructure.

Ms. Karen Quatre was promoted from senior law clerk to Assistant Registrar. Ms. Jacqueline Port-Louis was promoted from Court Orderly to Senior Court Orderly.

Mrs. Yvette Orphee retired in February 2018 after 30 years' service to the Judiciary and having worked with at least eight Chief Justices through the years.

#### *New Judges recruited in 2018*

Judge Ellen Carolus

Master Brassel Adeline

#### *New Magistrates recruited in 2018*

Mr. James Camille

#### 2019

In 2019, the Judiciary filled up 30 vacancies which included replacement and creation of new posts such as Transport Officer, and Documentation Officer, Senior Human Resources Officer, Senior Accounts Assistant, Director of Operations and Logistics, Security Supervisor and Senior Legal Researcher.

In April 2019, Mr. Savy, the Director of Human Resources and Administration left the Judiciary after four years in the position. The Judiciary thanks him for his hard work over that time and the role he has played in its achievements.

In line with general operational restructuring new directorship positions were created, namely the Director of Human Resources and Administration was separated into two portfolios – Director of Human Resources (Ms. Nichole Mathurin was promoted from Senior HR Assistant into this position) and the Director of Operations and Logistics (Mr. Marcus Labiche). The Executive Legal Assistant position was transformed into the Director of Legal Affairs, Office of the Chief Justice (Ms. Joelle Barnes). A senior legal research position was created in the Office of the Chief Justice to support this office and Mr. Alan Wallis recruited for this role.

The post of Deputy Registrar, Criminal Division was created and Ms. Marie-Ange Barbe was promoted to this position from the post of senior Assistant Registrar. Mrs. Gena Labrosse was promoted from Senior Law Clerk to Assistant Registrar to the Family Tribunal.

Mrs. Claudia Antat the assistant Registrar to the Family Tribunal retired after 39 years in the Public Service. The Chief Justice held a lunch in her honour to thank her for her tireless service

#### *New Justices and Judges recruited in 2019*

Justice Prithviraj Fekna (recruited to the Court of Appeal, passed away 2019)

Justice Lillian Tibatemwa-Ekirikubinza (Court of Appeal)

#### *New Magistrates recruited in 2019*

Ms. Brigitte Confait

#### *Retirement/ Resignation of Justices and Judges*

Justice Bernadin Renaud

Judge Durai Karunakaran

Judge Seegobin Nunkoo



TABLE OF JUDICIARY STAFF

SUPREME AND MAGISTRATES' COURTS	2018			2019		
	Male	Female	Total	Male	Female	Total
<b>JOB TITLE</b>						
Registrar	-	1	1	-	1	1
Deputy Registrar	-	1	1	-	1	1
Deputy Registrar Criminal Division	-	-	-	-	1	1
Assistant Registrar	-	5	5	-	5	5
Senior Law Clerk	-	1	1	-	1	1
Law Clerk	-	7	7	-	7	7
PA to Chief Justice	-	1	1	-	1	1
Executive Legal Assistant to Chief Justice	-	1	1	-	-	-
Director of Legal Affairs in Chief Justice Office	-	-	-	-	1	1
Senior Legal Researcher	-	-	-	1	-	1
Legal Researcher	1	2	3	-	4	4
Chief Court Orderly	-	-	-	-	-	-
Senior Court Orderly	-	2	2	-	2	2
Court Orderly	1	15	16	1	14	15
Chief Court Reporter	-	-	-	-	-	-
Senior Court Reporter	-	2	2	-	2	2
Court Reporter	-	21	21	-	22	22
PR & Court Services Officer	-	1	1	-	-	-
Chief Court Interpreter	-	-	-	-	-	-
Senior Court Interpreter	-	2	2	-	2	2
Court Interpreter	4	7	11	2	10	12
Chief Process Server	1	-	1	1	-	1
Senior Process Server	1	-	1	1	-	1
Process Server	1	1	2	1	1	2
Senior Driver	11	-	11	11	-	11
Driver/Messenger	2	-	2	2	-	2
Private Secretary (Registrar's office)	-	-	-	-	1	1
Administrative Assistant	-	1	1	-	1	1
Director of Administration/Finance/HR	1	-	1	-	-	-
Human Resources & Admin Manager	-	1	1	-	-	-
Director of Human Resources	-	-	-	-	1	1

Director of Operations & Logistics	-	-	-	1	-	1
Senior Human Resources Officer	-	-	-	-	1	1
Human Resources Assistant	-	1	1	-	1	1
Manager System Support	1	-	1	1	-	1
System Support Officer	1	-	1	2	-	2
Programmer	1	-	1	1	-	1
Security Support Officer	1	-	1	1	-	1
Security Supervisor	-	-	-	-	1	1
Documentation Officer	-	-	-	1	-	1
Documentation Assistant, Senior	-	1	1	-	1	1
Documentation Assistant	-	2	2	-	2	2
Financial Controller	1	-	1	1	-	1
Accountant Assistant		1	1	-	1	1
Accounts Technician	-	1	1	-	1	1
Senior Accounts Assistant	-	-	-	-	1	1
Accounts Assistant	-	2	2	-	2	2
Cashier	-	3	3	-	3	3
Procurement Officer	-	1	1	-	1	1
Assist Administration Officer	-	1	1	-	1	1
Receptionist	-	1	1	-	1	1
Cleaner	2	11	13	2	10	12
<b>TOTAL</b>	30	97	127	30	105	135
<b>COMMERCIAL LIST</b>	2018			2019		
Job title	Male	Female	Total	Male	Female	Total
Assistant Registrar	-	1	1	-	1	1
Law Clerk	-	1	1	-	1	1
<b>TOTAL</b>	0	2	2	0	2	2
<b>COURT OF APPEAL</b>	2018			2019		
Job title	Male	Female	Total	Male	Female	Total
PA to President of Court of Appeal	-	1	1	-	1	1
Assistant Registrar	-	1	1	-	1	1
Legal Researcher	-	1	1	-	1	1
Law Clerk	-	1	1	-	1	1
Court Reporter	-	1	1	-	1	1
Receptionist/Clerk	-	1	1	-	1	1
Senior Driver	3	-	3	3	-	3

<b>Cleaner</b>	-	1	1		1	1
<b>TOTAL</b>	3	7	10	3	7	10
<b>FAMILY TRIBUNAL</b>	2018			2019		
<b>Job title</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
<b>Secretary of the Tribunal</b>	-	1	1	-	1	1
<b>Mediation Officer</b>	1	1	2	1	1	2
<b>Assistant Registrar</b>	1	2	3	1	2	3
<b>Court Reporter</b>	1	1	2	1	1	2
<b>Senior Law Clerk</b>	-	1	1	-	1	1
<b>Law Clerk</b>	1	3	4	1	3	4
<b>Receptionist/Clerk</b>	-	1	1	-	1	1
<b>Process Server</b>	2	-	2	2	-	2
<b>Senior Court Orderly</b>	-	1	1	-	1	1
<b>Documentation Assistant</b>	-	3	3	-	3	3
<b>TOTAL</b>	6	14	20	6	14	20
<b>EMPLOYMENT TRIBUNAL</b>	2018			2019		
<b>Job title</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
<b>Secretary of the Tribunal</b>	1		1	1	-	1
<b>Senior Law Clerk</b>	1	1	2	1	1	2
<b>Law Clerk</b>	-	1	1	-	-	-
<b>Process Server</b>	1	-	1	1	-	1
<b>TOTAL</b>	3	2	5	3	1	4

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## LONG TERM SERVICE

The Judiciary wishes to congratulate and thank the following people for their long service:

### **More than 40 years**

Mrs. Jeanine Lepathy

### **More than 35 years**

Mrs. Jacqueline Bastienne

Mrs. Jeanne d'Arc Jacqueline

### **More than 30 years**

Ms Quincy Dufrene

Mrs. Vivienne Vadivello

Ms. Lathimy Emerite

Mrs. Anne Marguerite Magloire

Ms Myriam Stravens

### **More than 25 years**

Mrs. Chantal Leste

Ms. Jacqueline Port-Louis

### **More than 20 years**

Mr. Nilsen Laurence

Mrs. Louisanne Leveau

Ms. Cecile Boniface



Ms Priscilla Lesperance

**More than 15 years**

Mr. Tony Alcindor

Mrs. Emmanuella Bonne

Mr Paul Bonnelame

Mr Walter Dailoo

Ms Jacqueline Morel

Mr Antoine Albert

Mrs Sumita Andre

Ms Marie-Angele Barbe

Ms Daniella Pool

Ms Edwige Aglae

Ms Karen Quatre

Ms Juanita Rouillon

Ms Dania Sinon

Mrs. Sandra Mussard

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PROFESSIONAL DEVELOPMENT

**Local Training and Events from Jan 2018 – Dec 2019**

Events	Dates	Participants
<b>Adobe Photoshop course</b>	July 2018	Jemina Lucas Steve Sinon
<b>Executive Leadership Training</b>	12 <sup>th</sup> -14 <sup>th</sup> September 2018 and 2 <sup>nd</sup> – 4 <sup>th</sup> October 2018	Senior Management staff, heads of sections and supervisors
<b>Team Bonding</b>	11 <sup>th</sup> January 2019	All staff
<b>General Court Knowledge and Terminologies</b>	March - April 2019	Court Interpreters
<b>Marine Terminologies</b>	17 <sup>th</sup> April 2019	Court Interpreters
<b>Supervisory Skills for Aspiring Supervisors</b>	4 <sup>th</sup> – 8 <sup>th</sup> June 2019	Bernadette Pompee
<b>Human Anatomy</b>	July - September 2019	Court Interpreters
<b>Youth Engagement workshop</b>	13 <sup>th</sup> – 14 <sup>th</sup> August 2019	Secondary school students with interest in law
<b>Labour Laws of Seychelles &amp; Industrial Relations</b>	October 2019	Marcia Govinden Freddy Pierre Louisa Louise
<b>Executive Leadership</b>	14 <sup>th</sup> – 16 <sup>th</sup> October	Rolly Barbe
<b>Finance for Non-Financial Managers</b>	11 <sup>th</sup> – 13 <sup>th</sup> November 2019	Marcus Labiche
<b>Certificate in Office Management</b>	2 years	Anne Bistoquet
<b>Certificate in Human Resource Management</b>	2 years	Marcia Govinden
<b>Diploma in General Management</b>	2 years	Marie-Angele Barbe
<b>Diploma in Office Management</b>	2 years	Shena Labrosse

### International events attended from Jan 2018 – Dec 2018 by Judges, Magistrates and Staff

Event	Dates	Location	Attendees
<b>Mauritius Constitutional Conference 2018</b>	13 <sup>th</sup> – 16 <sup>th</sup> March	Mauritius	Chief Justice, Dr Mathilda Twomey
<b>Best Practice Principles on Judicial Appointments</b>	22 <sup>nd</sup> – 25 <sup>th</sup> April	Johannesburg, South Africa	Chief Justice, Dr Mathilda Twomey; & ELA Joelle Barnes
<b>Core Skills for Judges Workshop</b>	23 <sup>rd</sup> – 27 <sup>th</sup> April	Cape Town, South Africa	Judge Ellen Carolus & Senior Magistrate, Vipin Benjamin
<b>Transformation of Judicial Services through Courts Digitisation &amp; Innovative use of technology</b>	22 <sup>nd</sup> – 24 <sup>th</sup> May	Nairobi, Kenya	Programmer, James Mukuwa
<b>CMJA 18<sup>th</sup> Triennial Conference &amp; Chief Justice Meeting</b>	9 <sup>th</sup> – 14 <sup>th</sup> September	Brisbane, Australia	Chief Justice, Dr Mathilda Twomey & PCA Francis MacGregor
<b>Specialist Human Rights Training Course</b>	1 <sup>st</sup> – 5 <sup>th</sup> October	Cape Town, South Africa	Judge Melchior Vidot & Judge Ellen Carolus
<b>Study Tours &amp; workshop in Spain and UK</b>	6 <sup>th</sup> – 14 <sup>th</sup> October	Spain & UK	Registrar, Juliana Esticot
<b>Third Conference on Judiciaries in the Indian Ocean</b>	15 <sup>th</sup> – 17 <sup>th</sup> October	Madagascar	Judge Gustave Dodin
<b>Southern African Chief Justices' Forum (SACJF) Annual Conference &amp; Annual General Meeting</b>	29 <sup>th</sup> – 30 <sup>th</sup> October	Malawi	Chief Justice, Dr Mathilda Twomey; Judge Samia Andre; & ELA Joelle Barnes
<b>Southern African Judiciaries Administrator Association meeting</b>	29 <sup>th</sup> – 30 <sup>th</sup> October	Malawi	Senior Assistant Registrar Marie-Angele Barbe

### International events attended from Jan 2019 – Dec 2019 by Judges, Magistrates and Staff

Event	Dates	Location	Attendees
<b>Judicial Institute for Africa – Core Skills</b>	28 <sup>th</sup> April – 3 <sup>rd</sup> May 2019	Cape Town, South Africa	Master Mr. Brassel Adeline, Supreme Court
<b>The Constitutional Courts/Councils, as guarantors of the Constitution and fundamental rights and freedom</b>	10 <sup>th</sup> – 12 <sup>th</sup> June 2019,	Luanda, Angola	Dr. Mathilda Twomey, Chief Justice, Supreme Court & Ms Joelle Barnes, Director of Legal Affairs

<b>UK International Leaders Programme – Alumni Conference</b>	31 July – 2 August 2019	Accra, Ghana	Magistrate Ms Brigitte Confait, Magistrates' Court
<b>SADC Judicial Roundtable on Wildlife Trafficking</b>	1 <sup>st</sup> – 3 <sup>rd</sup> August 2019	Gaborone, Botswana	Judge Mr Gustave Dodin
<b>Expert Group Meeting on the Role of Judicial Immunities in Safeguarding Judicial Integrity</b>	26 <sup>th</sup> – 27 <sup>th</sup> August 2019	Vienna Austria	Dr. Mathilda Twomey, Chief Justice, Supreme Court
<b>JIFA Environmental Law</b>	26 <sup>th</sup> – 30 <sup>th</sup> August 2019	Cape Town, South Africa	Magistrate Ms Natasha Burian, Magistrates' Court
<b>Advanced Records Management and Information Governance</b>	14 <sup>th</sup> – 18 <sup>th</sup> October 2019	Johannesburg	Mr Denis Hermitte, System Support Manager
<b>Judicial Exchange visit</b>	2 <sup>nd</sup> – 5 <sup>th</sup> November 2019	Maldives	Justice Mr Francis MacGregor, President of Court of Appeal, Judge Mr Mohan Burhan, Supreme Court & Assistant Registrar, Vivienne Vadivello
<b>Relaunch of the Mauritius International Arbitration Centre</b>	12th November 2019	Mauritius	Justice Mr Francis MacGregor, President of Court of Appeal and Mrs Gaetanne Gonthier
<b>2019 Annual Jurists Conference</b>	20 <sup>th</sup> – 23 <sup>rd</sup> November 2019	Diani, Kenya	Dr. Mathilda Twomey, Chief Justice, Supreme Court
<b>Colloque sur le bonheur et le bien-être</b>	28th -29th November 2019	Angers, France	Ms Emily Gonthier, Legal Researcher

## COURT STATISTICS

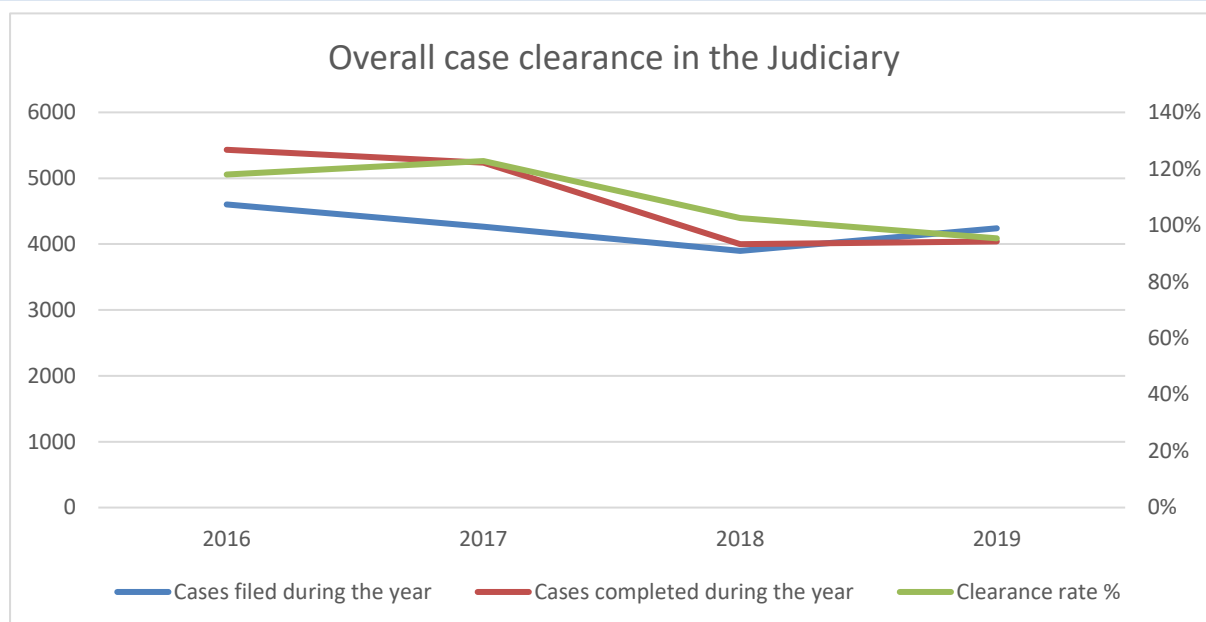
Court performance is measured primarily by considering two aspects of court performance. The first is the overall case disposal, and the second is the percentage that older cases (backlog) forms part of the total cases. The goal is to reach a plateau where the backlog is a nominal percentage of the total cases, and the number of completed cases is largely on par with the number of cases filed. The statistics on the pages that follow will show that the Courts are, by and large, in a healthy position, and have made great progress under the current strategic plan.

The Courts experienced a decrease in the case clearance in 2019 and an increase in the number of cases filed. The overall clearance rate dropped from 123% in 2017 to 103% in 2018 and 95% in 2019. This is caused by the vacancies on the bench and the inevitable plateauing as easier backlogged cases have been cleared quickly towards the beginning of the strategic plan. The Courts are aiming to achieve 100% disposal rates however the 95% disposal rate is still excellent performance. With the reduction of the backlog in the system there is less need for the courts to achieve over 100% clearance and as the Courts sit close to the target, the Judiciary is satisfied with the progress made.

The ability to complete cases is still dependent on the availability of the Bar and the willingness of the Bar and external stakeholders (the police, the medical profession, expert witnesses) to participate in the court cases.



## CASE CLEARANCE



<i><b>Total*</b></i>	<b>Cases filed</b>	<b>Cases completed</b>	<b>Clearance rate %</b>
2016	4602	5432	118%
2017	4266	5237	123%
2018	3897	3999	103%
2019	4239	4043	95%

\* Excludes statistics for the Family Tribunal cases, the nature of which do not have clear completion dates.

## COURT OF APPEAL

In 2018 and 2019 the number of civil cases filed in the Court of Appeal increased whereas there was a decrease in criminal appeals. Overall there was a minor increase in appeals filed from 2018 to 2019.

The Court of Appeal focused on completing criminal cases in 2018 in order to eliminate any backlog, which has now been achieved. In 2019, the focus shifted to the completion of civil cases in keeping with increase in the number of civil appeals filed.

The disposal rate increased from 77.3% in 2018 to 80% in 2019. The target for disposal rate is 100% with an acceptable variance of 10%. The increased term sittings in 2020 should enable the disposal of more cases in order to achieve the target.

### Overview

<b>2018</b>	<b>Civil</b>	<b>Criminal</b>	<b>Total</b>
<i>Cases pending as of 1 January 2018</i>	79	37	116
<i>Cases filed during the year</i>	117	46	163
<i>Cases completed during the year</i>	69	57	126
<i>Cases pending as of 31 December 2018</i>	127	27	154

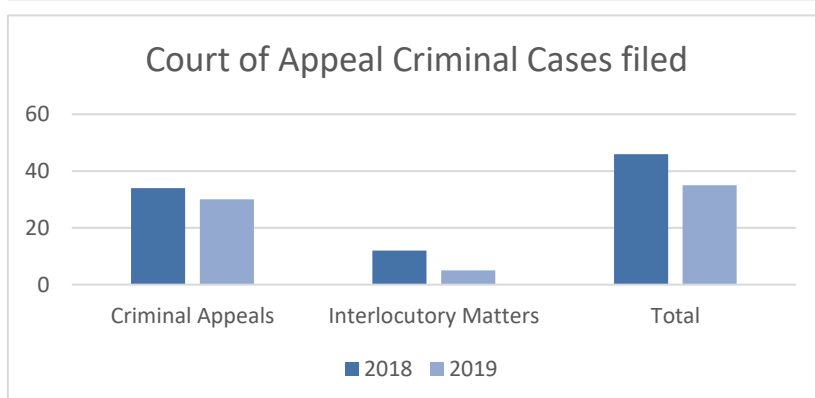
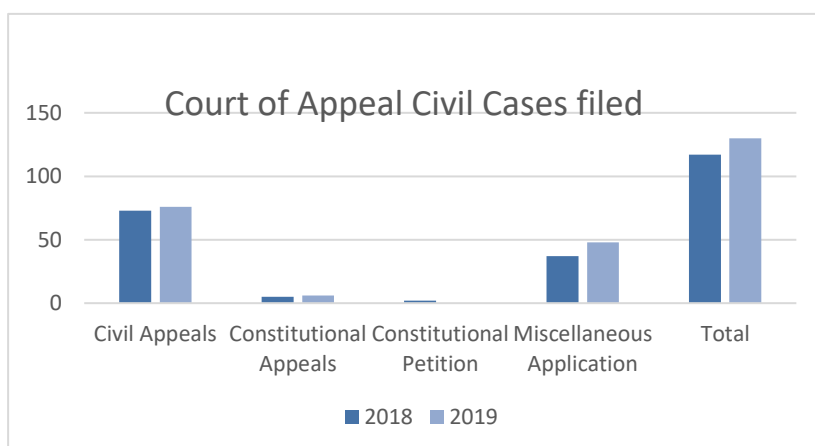
***Disposal of cases filed during the year (cases completed / cases filed)******2019****Cases pending as of 1 January 2019**Cases filed during the year**Cases completed during the year**Cases pending as of 31 December 2019**Disposal of cases filed during the year (cases completed / cases filed)*

<b>58.97%</b>	<b>123.91%</b>	<b>77.30%</b>
<b>Civil</b>	<b>Criminal</b>	<b>Total</b>
127	27	154
130	35	165
103	29	132
156	32	188
79.23%	82.86%	80.00%

***Analysis of filed case type***

<b>Criminal Cases filed</b>	<b>2018</b>	<b>2019</b>
Criminal Appeals	34	30
Interlocutory Matters	12	5
<b>Total</b>	<b>46</b>	<b>35</b>

<b>Civil Cases filed</b>	<b>2018</b>	<b>2019</b>
Civil Appeals	73	76
Constitutional Appeals	5	6
Constitutional Petition	2	
Miscellaneous Application	37	48
<b>Total</b>	<b>117</b>	<b>130</b>



***Comparative number of cases filed during the year***

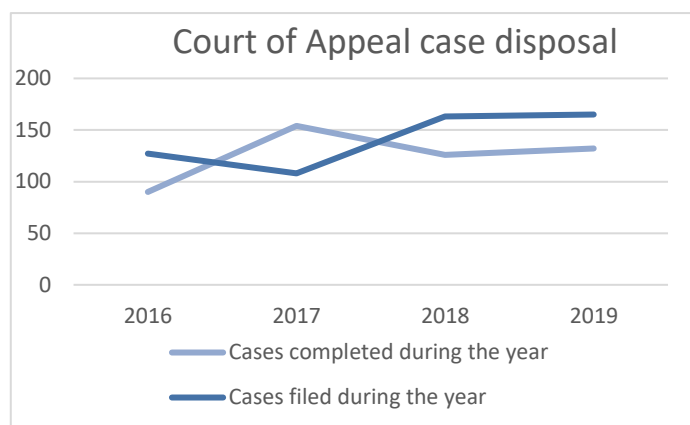
	Civil	Criminal	Total
2016	58	69	127
2017	72	36	108
2018	117	46	163
2019	130	35	165

***Comparative number of cases completed during the year***

	Civil	Criminal	Total
2016	51	39	90
2017	59	95	154
2018	69	57	126
2019	103	29	132

*Total comparative clearance rates*

	Cases filed during the year	Cases completed during the year	Clearance rate %
<b>2016</b>	127	90	<b>71%</b>
<b>2017</b>	108	154	<b>143%</b>
<b>2018</b>	163	126	<b>77%</b>
<b>2019</b>	165	132	<b>80%</b>




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**SUPREME COURT AND CONSTITUTIONAL COURT**

There was an increase in the number of cases filed in all divisions of the Supreme Court in 2019, most significantly in the Constitutional Court which saw the highest number of cases filed in one year to date. Whilst there was also an increase in the number of cases completed during the year, the disposal rate dropped below the target of 100%. The overall disposal rate is still within the acceptable 10% variance, however, the Constitutional Court clearance rate has dropped significantly.

The type of case filed in the civil division of the Supreme Court indicates that a large proportion of cases are Miscellaneous Applications which arise from another matter. There has been an increase in the number of court based mediations occurring in 2019.

**Overview**

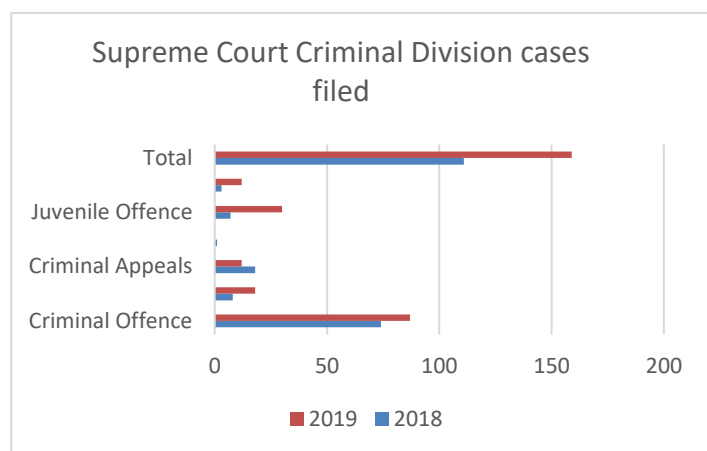
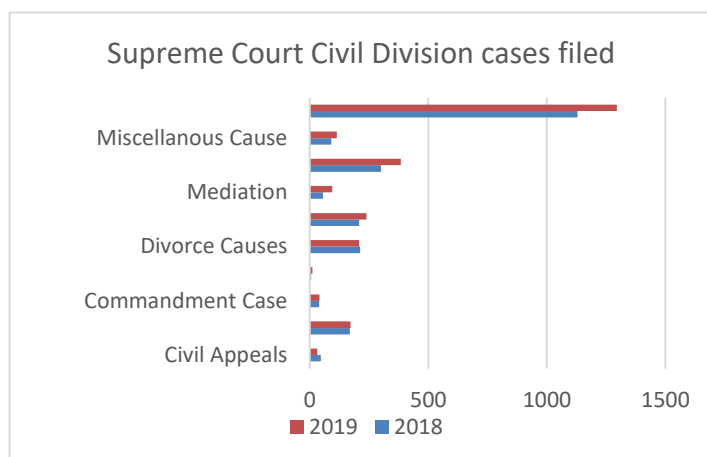
<u>2018</u>	Civil	Criminal	Constitutional	Total
Cases pending as of 1 January 2018	672	150	13	<b>835</b>
Cases filed during the year	1129	111	18	<b>1258</b>
Cases completed during the year	1173	128	19	<b>1320</b>
Cases pending as of 31 December 2018	646	133	12	<b>791</b>
Disposal of cases filed during the year (cases completed / cases filed)	103.90%	115.32%	105.56%	<b>104.93%</b>

<u>2019</u>	Civil	Criminal	Constitutional	Total
Cases pending as of 1 January 2019	646	133	12	<b>791</b>
Cases filed during the year	1296	159	28	<b>1483</b>
Cases completed during the year	1207	144	19	<b>1370</b>
Cases pending as of 31 December 2019	730	148	21	<b>899</b>
Disposal of cases filed during the year (cases completed / cases filed)	93.13%	90.57%	67.86%	<b>92.38%</b>

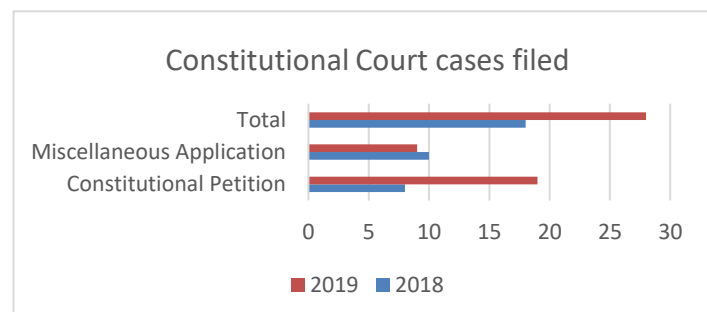


### Analysis of filed case type

Civil Division	2018	2019
Civil Appeals	46	31
Civil Suits	169	172
Commandment Case	40	41
Commercial Case	6	11
Divorce Causes	213	209
Ex parte	208	239
Mediation	56	95
Miscellaneous Application	300	384
Miscellaneous Cause	91	114
<b>Total</b>	<b>1129</b>	<b>1296</b>
Criminal Division	2018	2019
Criminal Offence	74	87
Criminal Miscellaneous Applications	8	18
Criminal Appeals	18	12
Miscellaneous Causes	1	
Juvenile Offence	7	30
<b>Further Holding Suspect</b>	<b>3</b>	<b>12</b>
<b>Total</b>	<b>111</b>	<b>159</b>



Constitutional Court	2018	2019
Constitutional Petition	8	19
Miscellaneous Application	10	9
<b>Total</b>	<b>18</b>	<b>28</b>



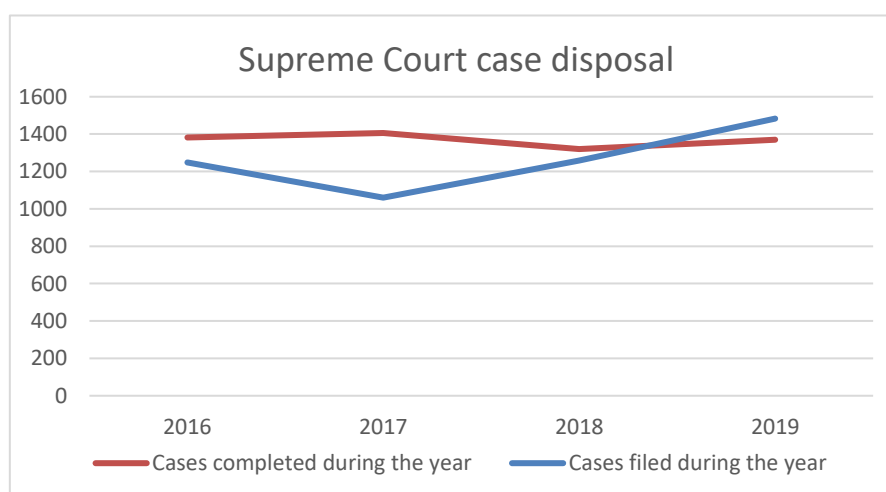
### Comparative number of cases filed during the year

Cases filed during the year	Civil	Criminal	Constitutional	Total
<b>2016</b>	1098	136	15	<b>1249</b>
<b>2017</b>	942	97	21	<b>1060</b>
<b>2018</b>	1129	111	18	<b>1258</b>
<b>2019</b>	1296	159	28	<b>1483</b>

### *Comparative number of cases completed during the year*

Cases completed during the year	Civil	Criminal	Constitutional	Total
2016	1147	209	26	1382
2017	1230	160	16	1406
2018	1173	128	19	1320
2019	1207	144	19	1370

### *Total comparative clearance rates*



Supreme Court	Cases filed during the year	Cases completed during the year	Clearance rate %
2016	1249	1382	111%
2017	1060	1406	133%
2018	1258	1320	105%
2019	1483	1370	92%

## MAGISTRATES' COURTS

The Magistrates' Courts consists of the Victoria Magistrates' Courts (MC VC) which has a civil and a criminal division (Rent Board cases are included in the civil division of the MC VC), the Anse Royale Magistrate's Court (MC AR) which only hears criminal cases originating from the South of Mahe, the Praslin Magistrate's Court (MC PR) which has civil and criminal cases and the La Digue Magistrates Court (MC LD) which has a few, predominantly criminal cases but also has civil jurisdiction.

In 2019 there was a significant increase in the number of criminal cases filed in the Magistrates Court in Victoria from 1398 in 2018 to 1775 in 2019. This caused the case disposal rate to drop from 117% to 91% however it is still within the acceptable range of variance. The case disposal in the criminal divisions of Praslin, Anse Royale and La Digue increased impressively in 2019.

### Overview

	Victoria		Anse Royale	Praslin		La Digue		Total
<u>2018</u>	Civil	Criminal	Criminal	Civil	Criminal	Civil	Criminal	
Cases pending as of 1 January 2018	252	829	211	9	69	0	10	1380
Cases filed during the year	377	1398	317	6	109	1	10	2218
Cases completed during the year	393	1647	259	2	79	0	6	2386
Cases pending as of 31 December 2018	235	579	270	13	99	1	14	1211
Disposal of cases (cases completed / cases filed)	104.24%	117.81%	81.70%	33.33%	72.48%	0.00%	60.00%	107.57%

	Victoria		Anse Royale	Praslin		La Digue		Total
<u>2019</u>	Civil	Criminal	Criminal	Civil	Criminal	Civil	Criminal	
Cases pending as of 1 January 2019	235	579	270	13	99	1	14	1211
Cases filed during the year	290	1775	325	6	53	0	10	2459
Cases completed during the year	298	1631	394	5	101	0	14	2443
Cases pending as of 31 December 2019	229	726	204	14	51	1	10	1235
Disposal of cases filed during the year (cases completed / cases filed)	102.76%	91.89%	121.23%	83.33%	190.57%		140.00%	99.35%

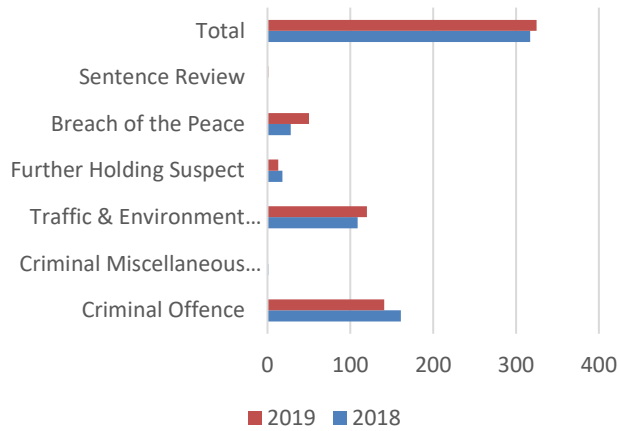
### Analysis of filed case type

Anse Royale Criminal	2018	2019
Criminal Offence	161	141
Criminal Miscellaneous Applications	1	
Traffic & Environment Offence	109	120
Further Holding Suspect	18	13
Breach of the Peace	28	50
Sentence Review		1
<b>Total</b>	<b>317</b>	<b>325</b>

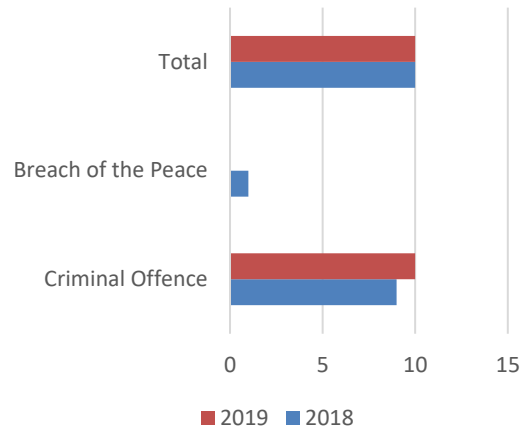
<b>La Digue Criminal</b>	<b>2018</b>	<b>2019</b>
Criminal Offence	9	10
Breach of the Peace	1	
<b>Total</b>	<b>10</b>	<b>10</b>
<b>La Digue Civil</b>	<b>2018</b>	<b>2019</b>
Civil Suits	1	0
<b>Total</b>	<b>1</b>	<b>0</b>
<b>Praslin Criminal</b>	<b>2018</b>	<b>2019</b>
Criminal Offence	67	31
Traffic & Environment Offence	37	15
Further Holding Suspect	1	2
Breach of the Peace	4	4
Minor offence		1
<b>Total</b>	<b>109</b>	<b>53</b>
<b>Praslin Civil</b>	<b>2018</b>	<b>2019</b>
Civil Suits	6	6
<b>Total</b>	<b>6</b>	<b>6</b>
<b>Victoria Criminal</b>	<b>2018</b>	<b>2019</b>
Criminal Offence	513	636
Criminal Miscellaneous Applications	30	73
Miscellaneous Causes	1	1
Breach of the Peace	45	74
Traffic & Environment Offence	688	910
Juvenile Offence	24	6
Further Holding Suspect	93	67
Public Inquiry/Inquest	2	8
Ex Parte	1	
Sentence Review	1	
<b>Total</b>	<b>1398</b>	<b>1775</b>
<b>Victoria Civil</b>	<b>2018</b>	<b>2019</b>
Civil Suits	238	122
Miscellaneous Application	83	87
Rent Board Case	56	81
<b>Total</b>	<b>377</b>	<b>290</b>



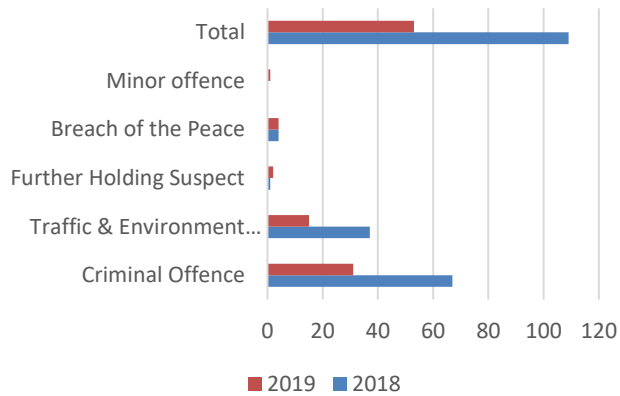
### Anse Royale Magistrates Court cases filed



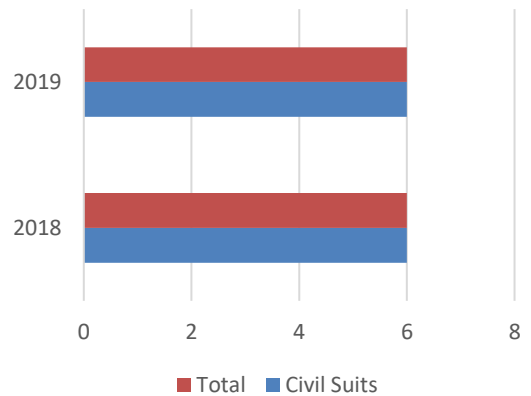
### La Digue Magistrate's Court criminal cases filed



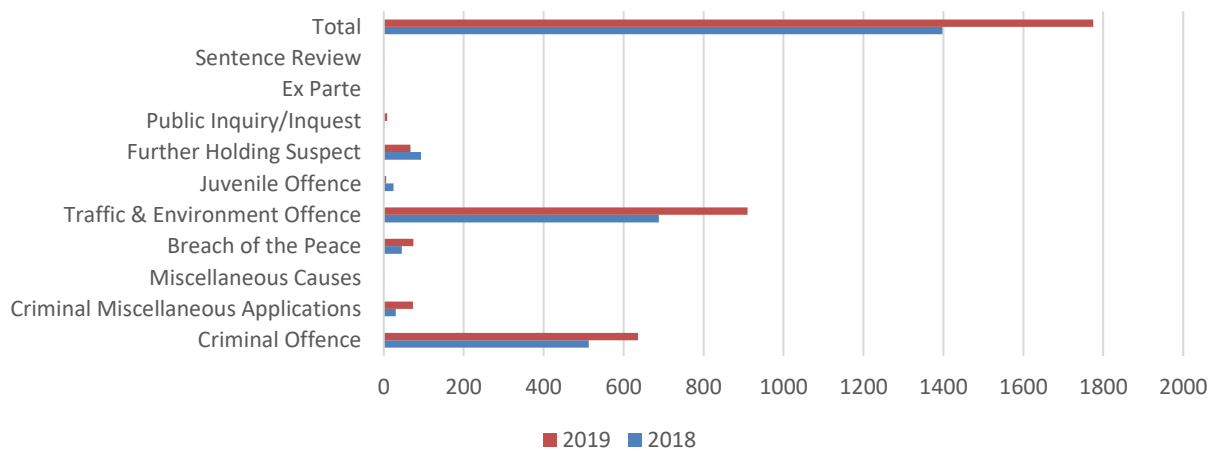
### Praslin Magistrate's Court criminal cases filed

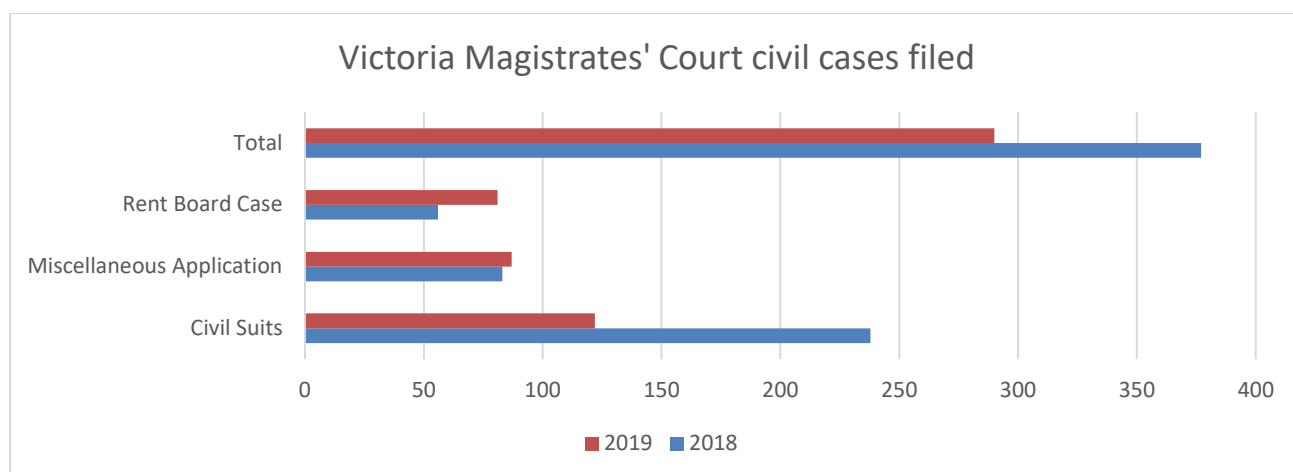


### Praslin Magistrate's Court civil cases filed



### Victoria Magistrates' Court criminal cases filed





***Comparative number of cases filed during the year***

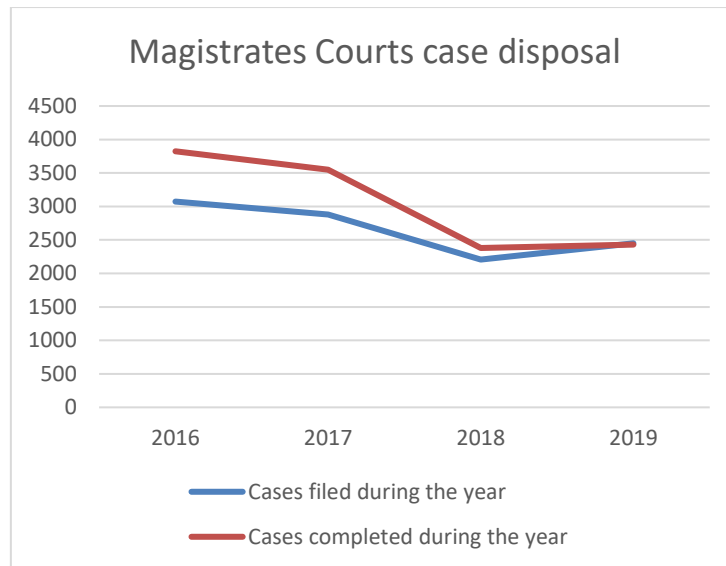
	Victoria		Anse Royale	Praslin	
	Civil	Criminal	Criminal	Civil	Criminal
2016	143	2309	509	2	110
2017	217	2125	459	7	70
2018	377	1398	317	6	109
2019	290	1775	325	6	53

***Comparative number of cases completed during the year***

	Victoria		Anse Royale	Praslin	
	Civil	Criminal	Criminal	Civil	Criminal
2016	350	2942	453	3	76
2017	222	2681	545	2	98
2018	393	1647	259	2	79
2019	298	1631	394	5	101

***Total comparative clearance rates***

Disposal of cases filed during the year (cases completed / cases filed)	Victoria		Anse Royale	Praslin	
	Civil	Criminal	Criminal	Civil	Criminal
2016	245%	127%	89%	150%	69%
2017	102%	126%	119%	29%	140%
2018	104%	118%	82%	33%	72%
2019	103%	92%	121%	83%	191%



Magistrates Court	Cases filed during the year	Cases completed during the year
2016	3073	3824
2017	2878	3548
2018	2207	2380
2019	2449	2429

## EMPLOYMENT TRIBUNAL

In the Employment Tribunal there was a decrease in the number of cases filed in 2019, and there was also a decrease in cases completed, however, it achieved a greatly improved overall disposal rate.

### Overview

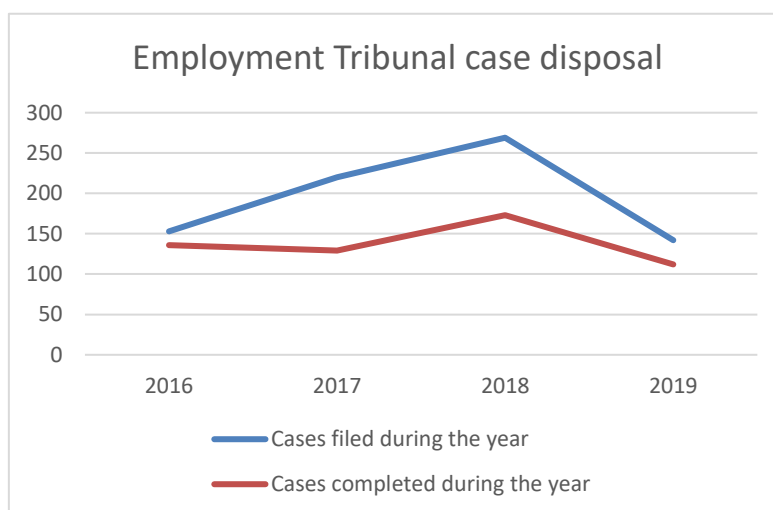
	2018	2019
Cases pending as of 1 January	125	221
Cases filed during the year	269	142
Cases completed during the year	173	112
Cases pending as of 31 December	221	251
<b>Disposal of cases filed during the year (cases completed / cases filed)</b>	<b>64.31%</b>	<b>78.87%</b>

Comparative number of cases filed during the year	
2016	153
2017	220
2018	269
2019	142

### *Comparative number of cases completed during the year*

<b>2016</b>	136
<b>2017</b>	129
<b>2018</b>	173
<b>2019</b>	112

### *Total comparative clearance rates*



<b>Year</b>	<b>Cases filed during the year</b>	<b>Cases completed during the year</b>	<b>Clearance rate %</b>
<b>2016</b>	153	136	<b>89%</b>
<b>2017</b>	220	129	<b>59%</b>
<b>2018</b>	269	173	<b>64%</b>
<b>2019</b>	142	112	<b>79%</b>

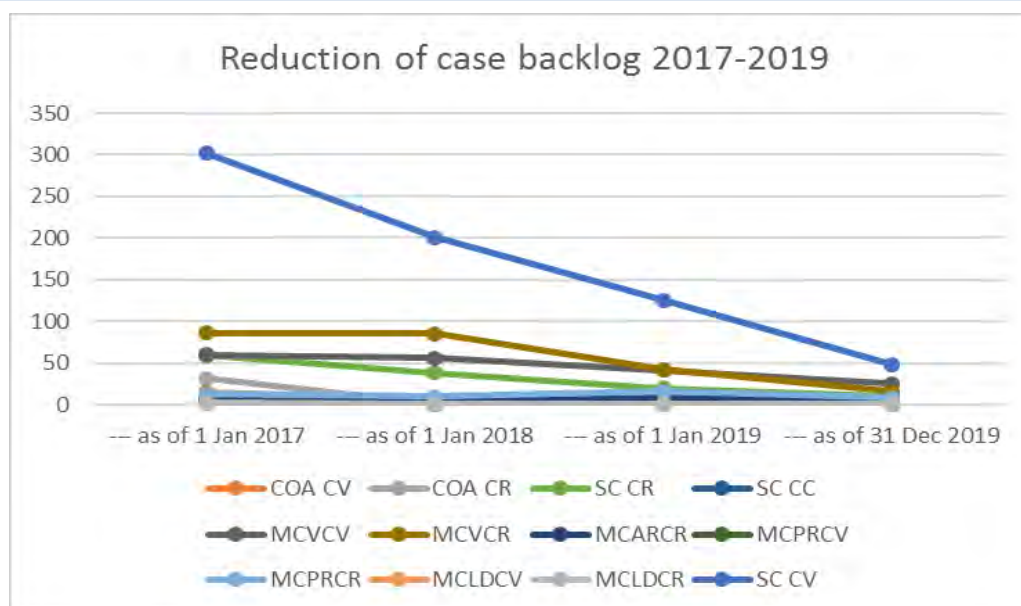
## **FAMILY TRIBUNAL**

The Family Tribunal continues to face a very high number of cases on a day-to-day basis. Due to the nature of the cases the Family Tribunal addresses, it may be seized with the same case for up to 18 years, therefore completion rate of cases is difficult to measure. The Family Tribunal implemented the CCASS case management system in 2019 which will assist with measuring performance going forward.

<b>2019</b>	<b>Mahe</b>	<b>Praslin</b>
<b>Cases pending as of 1 January 2019</b>	173 (cases inputted into CCASS)	28 (cases inputted into CCASS)
<b>Cases filed during the year</b>	1118	152
<b>Cases completed during the year</b>	618	104
<b>Cases pending as of 31 December 2019</b>	665	88



## BACKLOG ELIMINATION



The Judiciary has worked hard over a period of ten years to reduce the chronic backlog that existed in the Courts. This remains a priority under the strategic plan Vision 2020. Backlogged cases are those that were filed in the year three years or more prior to the current year. Therefore, for 2018 any cases filed before 31 December 2015 count as back log, and for 2019 any cases filed during or before 2016.

During the period under review the Courts have reduced the backlog by close to three-quarters from 400 backlogged cases pending on 1 January 2018 to 112 cases on 31 December 2019.

Four of the twelve court divisions have eliminated all backlog, meaning that one third of the Courts have achieved the target. Assessing backlog is more nuanced and it is necessary to consider the average age of the cases on the causelist, the type of case vs its age, and the percentage of the causelist that consists of backlog. However, 0% backlog would be the goal, but an acceptable position would be where the backlog makes up less than 10% of the total causelist. Currently the total number of backlogged cases (112) make up 4.82% of the total number of pending cases in the Court of Appeal, Supreme Court and Magistrates Court (2322 pending cases on 31 December 2019).

### Total number of backlogged cases across the Courts

	TOTAL BACKLOG:
--- as of 1 Jan 2017	580
--- as of 1 Jan 2018	400
--- as of 1 Jan 2019	258
--- as of 31 Dec 2019	112

### COURT OF APPEAL BACKLOG

	Civil	Criminal
Cases pending as of 31 December 2019	156	32
Backlog as of 31 December 2019	1	0
<b>Backlog as a percentage of total cases pending</b>	<b>1%</b>	<b>0%</b>

<i>Total number of backlogged cases</i>	Civil	Criminal	Total
--- as of 1 Jan 2017	15	31	46
--- as of 1 Jan 2018	6	0	6
--- as of 1 Jan 2019	5	0	5
--- as of 31 Dec 2019	1	0	1

<i>Total number of backlogged cases completed per year</i>		
	Civil	Criminal
<b>During 2017</b>	13	31
<b>During 2018</b>	6	n/a
<b>During 2019</b>	5	n/a

### *Age of backlogged cases*

*As of 31/12/18 Year of filing of all pending cases and average case age*

<b>Court of Appeal Criminal cases:</b>	2018	Total	Average age (days)
Criminal Appeals	22	22	170
Interlocutory Matters	4	4	86
<b>Total</b>	<b>26</b>	<b>26</b>	<b>157</b>

<b>Civil Cases</b>	2016	2017	2018	Total	Average Age (days)
Civil Appeals	5	43	68	116	324
Constitutional Appeals			4	4	90
<b>Miscellaneous Application</b>			7	7	56
<b>Total</b>	<b>5</b>	<b>43</b>	<b>79</b>	<b>127</b>	<b>302</b>

*As of 31/12/19 Year of filing of all pending cases and average case age:*

<b>Court of Appeal Criminal cases:</b>	2018	2019	Total	Average Age (days)
Criminal Appeals	3	28	31	219
Interlocutory Matters		1	1	30
<b>Total</b>	<b>3</b>	<b>29</b>	<b>32</b>	<b>213</b>

<b>Civil Cases</b>	2016	2017	2018	2019	Total	Average Age (days)
Civil Appeals	1	15	58	72	146	377
Constitutional Appeals				2	2	151
Miscellaneous Application				8	8	39
<b>Total</b>	<b>1</b>	<b>15</b>	<b>58</b>	<b>82</b>	<b>156</b>	<b>357</b>

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## SUPREME COURT BACKLOG

	Civil	Criminal	Constitutional	Total
Cases pending as of 31 December 2019	730	148	21	899
Backlog as of 31 December 2019	48	10	0	58
Backlog as a percentage of total cases pending	7%	7%	0%	6%

### *Total number of backlogged cases*

	Civil	Criminal*	Constitutional	Total
--- as of 1 Jan 2017	302	59	3	364
--- as of 1 Jan 2018	201	38	0	239
--- as of 1 Jan 2019	125	20	0	145
--- as of 31 Dec 2019	48	10	0	58

\*includes transferred juvenile cases from MC to SC)

### *Total number of backlogged cases completed per year*

	Civil	Criminal	Constitutional
During 2017	274	38	3
During 2018	123	24	n/a
During 2019	79	10	n/a

### *Age of backlogged cases*

*Year of filing of all pending cases and average case age*

### Constitutional Court

<i>As of 31/12/18</i>				
	2017	2018	Total	Average age (days)
Constitutional Petition	3	6	9	276
Miscellaneous Application	1	2	3	249
<b>Total</b>	<b>4</b>	<b>8</b>	<b>12</b>	<b>269</b>

### *As of 31/12/19*

	2017	2018	2019	Total	Average age (days)
Constitutional Petition	1	2	11	14	292
Miscellaneous Application	1	1	5	7	347
<b>Total</b>	<b>2</b>	<b>3</b>	<b>16</b>	<b>21</b>	<b>310</b>

**Civil Division**

As of 31/12/18															Grand Total	Average Age (days)
	2003	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018		
Civil Suits	1	3	3	1	1	4	2	2	11	9	16	23	61	130	267	725
Divorce Causes		1				1								64	66	205
Ex parte				1								2	4	51	58	205
Civil Appeals							1						7	24	32	307
Commercial Case								1	3	6	13	3	7	6	39	1065
Miscellaneous Application									1		2	5	12	71	91	261
Miscellaneous Causes									1	1	2	3	13	31	51	370
Mediation												1		22	23	153
Commandment Case												1	7	11	19	1065
Total	1	4	3	2	1	5	3	3	16	16	33	38	111	410	646	499

As of 31/12/19															Total	Average Age (days)
	2003	2006	2007	2008	2009	2010	2011	2013	2014	2015	2016	2017	2018	2019		
Civil Suits	1	2	3	1	1		1	4	4	6	8	32	60	141	264	624
Divorce Causes						1							4	63	68	164
Commercial Case								2	2	3	2	6	3	7	25	967
Miscellaneous Causes								1	1		1	7	9	57	76	321
Mediation											1		1	38	40	172
Ex parte											1	2	2	65	70	134
Miscellaneous Application											2	7	10	101	120	224
Commandment Case												5	6	31	42	267
Civil Appeals													3	22	25	199
Total	1	2	3	1	1	1	1	7	7	9	15	59	98	525	730	389

**Criminal Division**

<i>As of 31/12/18</i>	2012	2013	2014	2015	2016	2017	2018	Total	Average age (days)
Criminal Appeals			1		2	5	16	24	304
Criminal Miscellaneous Applications						1	1	2	322
Criminal Offence	2	2	3	3	2	18	57	87	429
Juvenile Offence				3	2	7	7	19	593
Miscellaneous Causes							1	1	179
<b>Total</b>	<b>2</b>	<b>2</b>	<b>4</b>	<b>6</b>	<b>6</b>	<b>31</b>	<b>82</b>	<b>133</b>	<b>427</b>



As of 31/12/19	2014	2015	2016	2017	2018	2019	Total	Average Age (days)
Criminal Offence	1	3	1	6	17	63	91	314
Criminal Miscellaneous Applications						11	11	148
Criminal Appeals					4	11	15	209
Juvenile Offence		3	2	4	2	19	30	507
Further Holding Suspect						1	1	22
<b>Total</b>	<b>1</b>	<b>6</b>	<b>3</b>	<b>10</b>	<b>23</b>	<b>105</b>	<b>148</b>	<b>328</b>

#### MAGISTRATES COURTS

	Victoria		Anse Royale	Praslin		La Digue		Total
	Civil	Criminal	Criminal	Civil	Criminal	Civil	Criminal	
<b>Cases pending as of 31 December 2019</b>	229	726	204	14	51	1	10	<b>1235</b>
<b>Backlog as of 31 December 2019</b>	25	16	4	0	8	0	0	<b>53</b>
<b>Backlog as a percentage of total cases pending</b>	11%	2%	2%	0%	16%	0%	0%	<b>4%</b>

#### *Total number of backlogged cases*

	Victoria		Anse Royale	Praslin		La Digue		Total
	Civil	Criminal	Criminal	Civil	Criminal	Civil	Criminal	
<b>As of 1 Jan 2017</b>	60	86	6	2	13	1	2	<b>170</b>
<b>As of 1 Jan 2018</b>	56	85	4	0	10	0	0	<b>155</b>
<b>As of 1 Jan 2019</b>	41	42	8	1	16	0	0	<b>108</b>
<b>As of 31 Dec 2019</b>	25	16	4	0	8	0	0	<b>53</b>

#### *Total number of backlogged cases completed per year*

	MC Victoria		MC Anse Royale	MC Praslin		MC La Digue	
	Civil	Criminal	Criminal	Civil	Criminal	Civil	Criminal
<b>During 2017</b>	30	64	8	2	7	1	2
<b>During 2018</b>	36	70	3	0	1	n/a	n/a
<b>During 2019</b>	16	26	6	1	8	n/a	n/a

**Age of backlogged cases***Year of filing of all pending cases and average case age***VICTORIA****Criminal**

<b>As of 31/12/18</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>Total</b>	<b>Average Age (days)</b>
Criminal Offence	2	4	6	15	32	287	346	239
Criminal Miscellaneous Applications				1		3	4	310
Public Inquiry/Inquest		1				1	2	967
Traffic & Environment Offence			2	4	6	164	176	129
Juvenile Offence				7	15	13	35	479
Breach of the Peace					1	14	15	123
Sentence Review						1	1	103
<b>Total</b>	<b>2</b>	<b>5</b>	<b>8</b>	<b>27</b>	<b>54</b>	<b>483</b>	<b>579</b>	<b>220</b>

<b>As of 31/12/19</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>Total</b>	<b>Average age (days)</b>
Criminal Offence	1	2	1	6	5	32	296	343	243
Criminal Miscellaneous Applications							11	11	102
Public Inquiry/Inquest		1					7	8	372
Traffic & Environment Offence			2	3	1	6	331	343	99
Breach of the Peace						1	20	21	125
<b>Total</b>	<b>1</b>	<b>3</b>	<b>3</b>	<b>9</b>	<b>6</b>	<b>39</b>	<b>665</b>	<b>726</b>	<b>171</b>

**Civil**

<b>As of 31/12/18</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>Total</b>	<b>Average age (days)</b>
Civil Suits	3	7	11	18	30	101	170	467
Miscellaneous Application				1	2	41	44	182
Rent Board Case				1	3	17	21	257
<b>Total</b>	<b>3</b>	<b>7</b>	<b>11</b>	<b>20</b>	<b>35</b>	<b>159</b>	<b>235</b>	<b>395</b>

<b>As of 31/12/19</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>Total</b>	<b>Average age (days)</b>
Civil Suits	3	5	6	11	14	36	70	145	578
Rent Board Case					2	2	28	32	230
Miscellaneous Application					1	6	45	52	195
<b>Total</b>	<b>3</b>	<b>5</b>	<b>6</b>	<b>11</b>	<b>17</b>	<b>44</b>	<b>143</b>	<b>229</b>	<b>442</b>

PRASLIN

***Criminal***

<b><i>As of 31/12/18</i></b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>Total</b>	<b>Average Age (days)</b>
Criminal Offence	2	1	5	7	17	55	87	399
Public Inquiry/Inquest		1					1	1499
Traffic & Environment Offence						9	9	82
Breach of the Peace						2	2	60
<b>Total</b>	<b>2</b>	<b>2</b>	<b>5</b>	<b>7</b>	<b>17</b>	<b>66</b>	<b>99</b>	<b>375</b>

<b><i>As of 31/12/19</i></b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>Total</b>	<b>Average age (days)</b>
Criminal Offence	2	1	1	3	8	14	15	44	673
Public Inquiry/Inquest		1						1	1864
Traffic & Environment Offence						2	1	3	380
Breach of the Peace							2	2	194
Minor offence							1	1	315
<b>Total</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>8</b>	<b>16</b>	<b>19</b>	<b>51</b>	<b>653</b>

***Civil***

<b><i>As of 31/12/18</i></b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>Total</b>	<b>Average Age (days)</b>
Civil Suits	1	7	5	13	421
<b>Total</b>	<b>1</b>	<b>7</b>	<b>5</b>	<b>13</b>	<b>421</b>

<b><i>As of 31/12/19</i></b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>Total</b>	<b>Average Age (days)</b>
Civil Suits	5	3	6	14	490
<b>Grand Total</b>	<b>5</b>	<b>3</b>	<b>6</b>	<b>14</b>	<b>490</b>

ANSE ROYAL

***Criminal***

<b><i>As of 31/12/18</i></b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>Total</b>	<b>Average age (days)</b>
Criminal Offence	2	6	62	124	194	105
Traffic & Environment Offence			14	49	63	294
Breach of the Peace			1	11	12	266
Further Holding Suspect				1	1	201
<b>Total</b>	<b>2</b>	<b>6</b>	<b>77</b>	<b>185</b>	<b>270</b>	<b>264</b>

<b><i>As of 31/12/19</i></b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>Total</b>	<b>Average Age (days)</b>
Criminal Offence	2	2	21	29	77	131	409
Traffic & Environment Offence			5	9	44	58	289
Breach of the Peace				1	13	14	130
Sentence Review					1	1	212
<b>Total</b>	<b>2</b>	<b>2</b>	<b>26</b>	<b>39</b>	<b>135</b>	<b>204</b>	<b>355</b>

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## LA DIGUE

### *Criminal*

<i>As of 31/12/18</i>	2017	2018	Total	Average age (days)
Criminal Offence	5	8	13	258
Breach of the Peace		1	1	173
<b>Total</b>	<b>5</b>	<b>9</b>	<b>14</b>	<b>252</b>

<i>As of 31/12/19</i>	2017	2018	2019	Total	Average age (days)
Criminal Offence	3	4	3	10	508
<b>Total</b>	<b>3</b>	<b>4</b>	<b>3</b>	<b>10</b>	<b>508</b>

### *Civil*

<i>As of 31/12/18</i>	2018	Total	Average Age (days)
Civil Suits	1	1	159
<b>Grand Total</b>	<b>1</b>	<b>1</b>	<b>159</b>

<i>As of 31/12/19</i>	2018	Total	Average Age (days)
Civil Suits	1	1	524
<b>Total</b>	<b>1</b>	<b>1</b>	<b>524</b>

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## APOSTILLES

Apostilles are issued by the Registrar of the Supreme Court.

In 2018: 27,609 apostilles were issued.

In 2019: 22,793 apostilles were issued.

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## LEGAL AID APPLICATIONS

During 2018, 784 legal aid applications were filed with the Judiciary. Of these 573 were granted, 170 were refused and 37 were cancelled and 4 were pending. During 2019, 797 legal aid applications were filed. Of these 605 were granted, 143 were refused and 14 were cancelled and 35 were pending.

## MISCELLANEOUS

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### LEGAL PRACTITIONERS IN SEYCHELLES

A Legal Practitioner is any person who is practicing law within the country and can include notaries, attorneys-at-law, persons granted limited rights to practice, members of the Attorney General's Chambers, and persons from overseas jurisdictions to whom temporary licences to practice are granted.

During 2018, two persons were admitted as attorneys, Ms. Shannon Jolicoeur who completed her pupillage with Mr. John Renaud and Mrs. Michelle Ebrahim who served her pupillage with Mr. Kieran Shah. During 2019, another two persons were admitted as attorneys, Ms. Karine Dick and Mrs. Tanya Thyroomoody, both having completed their pupillage with Mr. Bernard Georges.

Irene Guylianne Sirame, Evelyn Almeida, Ryan Shawn Laporte and Joshua Revera were sworn in as Assistant State Counsel on Friday 9th March 2018. Ms. Luthina Monthy was also sworn in as State Counsel. Ms. Esha Benoiton was also sworn in on 18 May 2018 as Assistant State Counsel. Mr. Stefan Rickford Knights and Mrs Aaishah Latifha Molle who were sworn in as State Counsels on Wednesday 26th July 2019, and also Mrs. Cythra Morel who was sworn in as Assistant State Counsel.

The Office of the Chief Justice is primarily responsible for the receiving of complaints against Legal Practitioners and has statutory responsibilities with regard to disciplining attorneys-at-law. Where the Office of the Chief Justice is unable to easily resolve a complaint, or where it appears that further investigation is required, the complaint is referred to a Judicial Committee for Legal Practitioners which was set up in 2018. This Committee consists of three senior judges of the Supreme Court, presided by the most senior (currently, Judge Burhan). It was set up in terms of the Legal Practitioners Act to investigate complaints of professional misconduct against legal practitioners. This Committee has heard and resolved matters referred to it by the Office of the Chief Justice.



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#### SUPREME COURT LIBRARY SERVICE

During 2018 and 2019, all books in the library have been covered, repaired and classified. Digital copies of all available Government Gazettes, Bills and Acts have been made and stored. Mr. Kevin Etienne-Cummings has been recruited to oversee the modernisation of the library.

In 2019, the Library was renamed the Andre Sauzier Law Library who was, from 1950 until his death in 2014, a critical member of the Judiciary of the Seychelles.

Also, as part of the efforts to modernize the Judiciary library, a reading room has been established. Members of the Judiciary, or visiting researchers, may access SeyLii on the online open access computer. With six chairs and a table ready for research, the reading room is a quiet location to read and study.

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#### DESTRUCTION OF EXHIBITS

The Judiciary holds evidence in criminal cases for the duration of the trial and sometimes the appeal related to that matter. It becomes necessary from time to time for the perishable, and contraband exhibits from these cases to be disposed of in a safe manner. We have worked closely with the police and the Anti-Narcotics Bureau of the Police force for incineration.

A policy for the procedures for the destruction and disposal of exhibits was developed and adopted.

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#### PRACTICE DIRECTIONS

##### *Court of Appeal:*

Practice Direction 1 of 2019 issued on 19 July 2019 – Submission of Judgments and Summaries

Practice Direction 2 of 2019 – Submission of Heads of Argument

##### *Supreme Court*

Practice Direction 1 of 2019 – Sitting of the Juvenile Court at the Supreme Court



## CONCLUSION

The past two years has seen significant change in the administration of the Judiciary. Looking to 2020, the Judiciary will be building on the achievements made to date. A new strategic plan will be devised to take effect in 2021.

*Persons responsible for the preparation of the Annual Report*

Chief Justice Mathilda Twomey

Juliana Esticot – Registrar of the Supreme Court

Joelle Barnes – Director of Legal Affairs, Office of the Chief Justice

Alan Wallis – Senior Legal Researcher, Office of the Chief Justice

Nichole Mathurin – Director of Human Resources

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