

# THE SUPREME COURT OF SEYCHELLES

## MEDIA ACCESS GUIDELINES & GLOSSARY OF TERMS

1. The Judiciary recognizes that journalists and reporters perform an important and constitutionally mandated role to keep the public informed and to ensure transparency in the work of the Judiciary, and as such are the public watchdog over government institutions.
2. The Judiciary, Judicial Officers (which includes Judges, Magistrates, chairpersons, and members of statutory tribunals) and journalists alike share a common and important goal, which is to ensure that the public receives accurate and understandable information from the courts.
3. The Judiciary supports the presumption of public access to proceedings before the courts and generally, courts are open to the public, including

journalists, who can enter any courtroom with rare exceptions.<sup>1</sup>

4. Certain court judgments are available at <https://seylli.org/> or through the Public Relations Officer, and other resources and announcements are available on the Judiciary's website at <http://www.judiciary.sc/>.
5. The Judiciary has distinct differences from the other branches of government. Here are some legal principles and terms to be aware of:

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<sup>1</sup> Rule 59 of the Magistrates' Court (Civil Procedure) Rules and section 145 Seychelles Code of Civil Procedure provide for state that all sittings of the court shall be open to the public except when the law directs that they shall be held with closed doors, but the court may, in any particular cause or matter, if the court think necessary in the interest of public order or decency, order all persons not directly interested in such cause or matter, or any particular class of persons, to leave the court, during the hearing.

- 5.1. **Legal terms** – journalists do not need a law qualification to cover the courts, but it is essential to understand and be able to translate legal jargon and procedures for readers or viewers.
- 5.2. **Accuracy** – it is important for journalists to provide accurate, correct, and up to date information to the public at all times to avoid being misleading. This means that court judgments, and audio or video recordings are not to be amended or edited in any way that could alter the intended meaning. To assist in providing accurate information, judgment summaries will be provided in certain high profile hearings and judgments and these should not be amended, unless done in consultation with the relevant Judicial Officer.
- 5.3. **Impartiality** – cases are assigned to Judges and Magistrates randomly to ensure fairness

and integrity. Judicial Officers adhere to strict ethics guidelines, and recuse themselves from cases that constitute a conflict of interest or in which their impartiality might reasonably be questioned.

- 5.4. **Interviews** – Judicial Officers and court staff do not grant interviews on ongoing cases. Judicial Officers “speak” through comments made in open court or through written decisions. Journalists and reporters must rely on the official case proceedings or what is said in open court as their primary source of information. Court documents may be accessed from the clerk/registrar’s office and any inquiries should be directed to the attorneys in the case as listed on the case dockets if information is required while a case is still ongoing.

- 5.5. **Courtroom security and screening** - members of the public must pass through a metal detector and agree to any additional requested screening by court security officers to enter the courtrooms. In light of the Covid-19 pandemic, all members of the public, including the media, must adhere to all precautionary measures including; wearing masks, having their temperature taken, sanitizing and maintaining social distance when within the courts.
- 5.6. **Closed sessions** - certain proceedings are closed to the public and media e.g. sexual offence cases involving minors or proceedings that deal with classified information, trade secrets, and ongoing investigations. These rules are designed to protect the integrity of the process and preserve the right to a fair and impartial trial.

- 5.7. **Filming & Broadcasting** – Filming and electronic equipment will only be allowed in courts for the recording and broadcasting of court hearings at a Judge’s discretion. In these instances, journalists and reporters should liaise with the Public Relations Officer of the Judiciary timeously to seek permission from the Judicial Officers.
- 5.8. **Court Access Requests** – Any requests to access a courtroom or for any documents or information on a specific matter, should be done timeously through the Public Relations Officer to give the Judicial Officers time to prepare accordingly.
- 5.9. **Personal criticism of a Judge** - Personal criticism of Judicial Officers will not be tolerated. Focus must always be on the case and not the Judicial Officer.

## Glossary of Legal Terms

**Acquitted:** found not guilty (*akite*)

**Adjourn:** To suspend or postpone, especially a meeting or hearing to a future date (*anvoye; zafer in ganny anvoye pour en lot dat*)

**Admissible:** allowed as evidence in a court case agreed facts. Often in written form, a statement of facts agreed to by all parties. (*admisib*)

**Agreed facts:** Often in written form, a statement of facts agreed to by all parties. (*fe ki'n ganny agree*)

**Alleged / Allegation:** when something has not yet been proved in court (*alegasyon*)

**Appeal:** asking a higher court or authority to overrule the judgment, sentence or decision of a lower court or authority (*apel – fer apel*)

**Appellant:** the person or institution making an appeal  
(*apelan*)

**Applicant:** a person (it can be a natural person or legal person, such as a company or an institution) who applies for something. For example, a person or institution that applies to the court for an interdict or court order. (*aplikan*)

**Bail:** money paid by the accused to the court so s/he can go free until the trial which will decide whether s/he is guilty or not ☐ In criminal proceedings, the release of a prisoner from legal custody into the custody of persons acting as sureties, undertaking to produce the prisoner to court at a later date or forfeit the security deposited as a condition of release. The term may also be applied to the security, or to the person acting as surety. (*large lo kosyon*)

**Balance Of Probabilities:** the amount of proof that you need to win a civil action; when you weigh up the two sides in the civil action, you have to show that



your story is stronger than the other side's story on a balance of probabilities (*lo balans bann probabillite*)

**Beyond Reasonable Doubt:** the amount of proof needed for someone to be guilty in a criminal trial; the case has to be proved, beyond reasonable doubt – there must be no doubt at all (*san okenn dout rezonnab*)

**Bona Fide:** in good faith, believing that you are doing something you have a right to do (*de/an bonn fwa*)

**Burden Of Proof:** 1. The obligation on the party who asserts a matter to establish his/her case by adducing sufficient supporting evidence and/or argument to satisfy the required standard of proof. In criminal trials, the burden rests on the prosecution, except in the case of certain defences; 2. The obligation to adduce evidence sufficient to be considered by the jury at a trial. (*responsabilite pour prouve*)

**Cause Of Action:** The circumstance or combination of circumstances giving rise to a right to bring a legal action. (*koz daksyon*)

**Civil Action/Claim:** a case made by someone against another person or institution to claim money for damages or losses; also called civil suit (*aksyon sivil / Sa msye i'n anmenn en aksyon sivil kont son vwazen.*)

**Civil Law:** law pertaining to matters between private citizens (as distinct from criminal law, administrative law or industrial law), as in civil proceedings, civil remedy, civil wrong (*lalwa sivil*)

**Complainant:** person who makes a complaint or criminal charge against someone else at a police station (*konplenan*)

**Complaint:** information in written form giving details of an alleged criminal offence (*konplent*)

**Contempt Of Court:** Disobedience to or open disrespect of a court or legislature, its rules or orders,

or conduct likely to prejudice a hearing; breaking a court order or showing disrespect for the court, e.g. swearing at the magistrate or judge

**Conviction:** A finding that an accused is guilty of the crime charged found guilty of a crime by a court  
*(Kondannasyon; ganny kondannen)*

**Coram:** In the presence of.

**Corroboration:** To confirm and sometimes add substantiating or reinforcing testimony to that of another witness or party in a trial *(koroborasyon)*

**Counterclaim:** A substantive claim made by a defendant against the plaintiff, capable of grounding an independent action, but dealt with for the sake of convenience in the proceedings initiated by the plaintiff. *(demann rekonvansyonnel)*

**Creditor:** A person or entity to whom a debt is owed.  
*(krediter)*

**'Judgment creditor'**: party in whose favour judgment is given and to whom payment must be made

**Criminal Action**: a case made by the State to punish someone who has committed a crime; also called a criminal charge/case or prosecution. (*aksyon Kriminel*)

**Cross-Examination**: The interrogation of one party's witness by the opposing party - chance for the other side in a court case to ask you questions about your evidence

**Cumulative**: Added one to another, as in cumulative sentences (*kimilativ*)

**Damages**: Pecuniary compensation for damage suffered, as paid by the person causing it or awarded by a court in a civil law proceeding. money claimed for loss, harm or pain suffered (*domaz*)

**Debtor**: A person or entity who owes a sum of money to another (the creditor). (*debiter*)

**'Judgment debtor'**: party against whom judgment is given and must make payment to another party (the judgment creditor)

**Defence**: in pleading, the formal contesting of the plaintiff's statement of claim or the prosecutor's case by the defendant or the accused; a legally recognised justification or excuse, eg provocation, as a defence to murder collectively, the defendant and the legal agents of the defendant. Legal reason to explain or excuse what you did, e.g. you hit someone because you were provoked (*defans*)

**Defendant**: the person against whom a civil claim is made (civil) the other party against whom civil proceedings are brought against them; (criminal) a person charged with a criminal offence in a lower court (*defandan*)

**Delict**: a civil wrong done by one person against another, which might lead to a civil action (*deli*)

**Dismiss:** The ruling by a judge that all or a portion of a plaintiff's lawsuit is terminated at that point without need for further evidence; in criminal cases, it is when a charge is terminated (dismissed) against an accused person (*rezete ; dismiss*)

**Evidence:** information, including statements and documents, that is used as proof in a court case (*levidans*)

**Examination In Chief:** The questioning of a witness by the party who called the witness in a trial (*Premye legzaminasyon*)

**Expert / Expert Witness:** someone who has specialist knowledge of something and who could be called to court to give evidence on this (*Eksper; temwen eksper*)

**Formal Charge:** the paper in the Court that lists all the crimes that someone is charged with (*sarz*)

**Hearing:** A general term for the presentation of a matter before a tribunal.

**Hearsay Evidence:** Something you heard from someone else

**In Camera (In Chambers):** a hearing or court case without members of the public present .In private, i.e. in a judge's private room or in a closed court. (*an sanm zafer in ganny ekoute par Ziz an sanm*)

**Interim Order:** a court order that is temporary (for the time being) and not final (*lord enterim*)

**Interlocutory:** Interim; temporary or provisional, pending determination or final judgment

**Judgment:** The court's decision as to the rights of parties in an action brought before it, sometimes including the reasoning and any interpretation of phrases in legislation or awards which led the judge to the decision (*zizman*)

**Judgment By Consent:** A court's decision formalizing an amicable settlement by the parties

**Judicial Review:** a procedure by which a court can review an administrative action by a public body, referred to as exercising supervisory jurisdiction (*revi zidisyer*)

**Liabe / Liability:** when by law you are responsible for something or owe money; if a person or a company owes someone money, then they are liable for paying that money and can be taken to court if they don't pay; if the person owes R1000, then their liability is R1 000 (*responsab; responsabilite*)

**Locus Standi:** legal standing, the right to bring a case to court, e.g. a child does not have locus standi

**Mala Fide:** something done in bad faith, not in the way or in the spirit it should be done (*movez fwa*)



**Mitigation / Mitigating Factors:** Reasons why someone who has been found guilty of a crime should get a light sentence (*pledwari*)

**Mutatis Mutandis:** with the necessary changes

**Nolle Prosequi:** A decision by the state or by a plaintiff, in criminal or civil proceedings respectively, not to proceed with all or part of a case. This is usually issued by the Attorney General when the when the decision is made not to prosecute someone

**Notice Of Motion:** A written application to the Court requesting the Court to issue a ruling or order on a legal matter. These motions are the first step a party must take before the Court can weigh in on a legal matter. (*notis mosyon*)

**Particulars Of Claim:** The legal grounds for a civil claim, which are usually set out in the Plaint or, where applicable, the counterclaim. (*detay demann*)

**Party:** One of the sides or people involved in a court case or legal dispute - A person, group or organisation who takes part in a transaction or legal proceeding.

**Petition:** A written application for a legal remedy or relief that is only available if statutes or the rules of procedure permits it (*petisyon*)

**Plaintiff:** the person who makes a civil claim (*demandar*)

**Plea:** A contention put forward by one party in answer to the accusation of the other party, eg a plea of 'guilty' or 'not guilty' in a criminal case (*plede*)

**Pleadings:** Documents in civil actions where the parties set out their cases

**Plea and directions hearing (pdh):** In criminal cases usually when the accused pleads guilty or pleads guilty to sufficient charges to cause the prosecution not to proceed with the balance of the charges

**Prayer:** The specific request for judgment, relief and/or damages at the conclusion of a complaint or petition. (*demann*)

**Prescribe / prescription period:** Time-limit before a case falls away

**Pre-trial hearing:** A conference between the Judge and opposing counsel for the purpose of narrowing down the issues and to seek agreement on which matters should be presented at the trial.

**Prima facie:** At first sight, as it looks at first

**Prima facie case:** A court case supported by evidence capable of establishing it to the satisfaction of a jury in the absence of any evidence from the opposing side. (*en ka pou reponn*)

**Proceedings:** A general term for civil or criminal cases (*prose*)

**Prosecution:** The institution and conduct of criminal proceedings against an accused; (in a criminal trial) the side prosecuting as opposed to the defence / Bringing a case against someone accused of breaking the law / Public prosecutor. (*prosekiter*)

**Rebuttal:** Evidence called to rebut or destroy the effect of prior evidence

**Re-examination:** The time after cross-examination in a court case where your lawyer gets a chance to ask you some more questions

**Res judicata:** A matter that has been adjudicated by a competent court and therefore may not be pursued further by the same parties. In simpler words, the thing has been judged by the court, the issue before a court has already been decided by another court and between the same parties. Hence, the court will dismiss the case as it has been decided by another court. Res judicata applies to both civil and criminal legal systems.

**Respondent:** Person against whom an application (including an interdict), or an appeal, is made

**Set aside:** to cancel

**Sine Die (Case Adjourned):** When a matter is postponed without a fixed date being set for when the case will carry on (*san dat*)

**Standard of proof:** The degree to which a party must prove its case to succeed. In criminal cases, the burden of proof is on the prosecution, and the standard required of them is that they prove the case against the defendant “beyond reasonable doubt”. In civil cases, standard of proof is on a “balance of probabilities”. (*standar laprev*)

**State counsel:** person who presents the case against the accused in a criminal case; lawyer for the state - advocate who works in the director of Public Prosecutions’ office and who represents the state in court (*avoka leta*)

**Statement Of Defence:** Filed by the Defendant in a civil action denying or admitting the allegations made by the Plaintiff

**Stay Of Proceedings:** The permanent or temporary discontinuance of an action, by order of the court.

**Submission:** Proposition or argument presented by counsel to the judge or jury. (*soumisyon*)

**Suspended sentence:** A sentence pronounced but not carried into effect, as long as the offender does not offend again within a given period.

**Ultra Vires:** Acting or done beyond one's legal power or authority - translates to 'beyond the powers'. It is used to describe an act which requires legal authority or power but is then completed outside of or without the requisite authority

**Ultra-petita:** Meaning "beyond the request" in Latin, means that a court may not decide more than it has been asked to. The ultra petita rule highlights the

importance of good pleadings as a Court cannot generally give a litigant more than what they ask for.

**Voire-dire:** also called 'trial-within-a-trial', a hearing by the judge in the course of, but apart from, the main trial (and in the absence of the jury where the trial is by jury), in order to settle a question raised by either party concerning any fact which has to be assumed for the purposes of the trial proper, eg trial to decide whether certain evidence will be allowed, the hostility, expertise, or competence of witnesses, or the voluntariness of confessions. (*vwar-dir*)

For more information visit our website

[www.judiciary.sc](http://www.judiciary.sc)

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**Rony Govinden, J.**

**Chief Justice**