

SUPREME COURT OF SEYCHELLES

Reportable
MC 01/2026

In the matter between:

THE REPUBLIC
(Represented by Mr. Alvin Marie)

Applicant

And

STEPHEN OCHIENG NYANDIARE
(absent)

Respondent

Neutral Citation: *Rep vs Nyandiare* (MC 01/2026) 4th February 2026
Before: Burian J
Summary: Order for forfeiture of cash seized/Section 74(2) and 76(1) of the Anti-Money Laundering and Countering the Financing of Terrorism Act, 2020 (AMLCFT) as amended.
Heard: 4th February 2026
Delivered: 4th February 2026

RULING ON MOTION

N. Burian, J

[1] This is a ruling pursuant to a notice of motion dated 4th February 2026, brought by the Republic (“the Applicant”) against one Stephen Ochieng Nyandiare a 32-year-old Kenyan national of unknown address, holder of passport number: AK0992753 (“the Respondent”), which motion is supported by an affidavit of facts and evidence deposed by Police Constable Isabelle Rachel of FCIU, to which are exhibited the necessary documentary evidence in support.

[2] By its motion, pursuant to Section 76 (1) of the Anti-Money Laundering and Countering of Financing of Terrorism Act, 2020 as amended, (“the AMLCFT Act”), the Applicant applies to this court for the following orders;

“1. An order to hear the application as a matter of extreme urgency;

2. An order pursuant to Section 76 (1) of the AMLCFT Act for forfeiture of the seized cash in foreign exchange, namely, Euros 28,250/- amounting to the sum of SCR 493,954.075/- when converted; and

3. Such further or other orders as the court shall deem just and proper in all circumstances of this case.”

NOTICE OF MOTION MC 01/2026:

[3] The facts upon which these orders are being sought are that during a routine custom screening conducted on 20 November 2025, the Respondent was found to be in possession of EUR 28,250 in his hand luggage. The cash was seized by customs on the same date pursuant to section 74(2) of the AMLCFT Act. The Respondent did not object to the subsequent extension of the seizure.

[4] The amount seized exceeded the statutory threshold requiring declaration (SR50,000/-), and the Respondent failed to declare the cash as required by law. When questioned by officers, the Respondent provided multiple and conflicting explanations regarding the origin of the funds. At various times, he claimed that the money was a gift from an Ambassador of Comoros, identified as Matthias Anton Spies, who had met him in his hotel room at Mango House to hand over the cash. It is to be noted that the said Ambassador left the country on the 20th November 2025. The Respondent claimed that he had received the large sums of cash, without checking the denominations, and described the funds as a gift. He further stated that it was customary in his country to travel with large amounts of cash. Furthermore, investigations have shown that apart from carrying EUR 28,250/- in cash, the Respondent paid hotel and other expenses amounting to SCR 81,282.36/- using Apple Pay, MasterCard, and other electronic payment methods. The explanation provided by the Respondent is pending verification and no documentary or other supporting evidence was produced to substantiate any of these claims. He later on during further questioning provided a conflicting statement to the police alleging that he had received the monies from a Swiss friend.

[5] The Respondent further stated that he is a lawyer, businessman, and hotel investor. However, he failed to provide any documentation demonstrating lawful income, business activities, or

financial transactions consistent with these assertions. This lack of substantiation led the police to conclude that the Respondent had acted dishonestly in his representations.

- [6] An examination of the Respondent's mobile devices revealed chat messages on an application identified as "Chattti," which contained instructions on how to misrepresent the source of the cash. When considered together with the Respondent's inconsistent statements, and the fact that these messages were accessed while FCIU officers were present, the police concluded that the Respondent was deliberately concealing the origin and ownership of the funds, as well as their intended use, for the purposes of money laundering. Mobile devices were seized and are under analysis and communications have also been made with Interpol and other relevant authorities to verify the information received from the Respondent during the investigation.
- [7] CCTV footage was also obtained as part of the investigation which showed the Respondent and his nephew arriving at the airport on the 20th November 2025 in a taxi and the Respondent were observed on video removing packages of cash from his bag, handing one package to his nephew, and repacking another prior to passing through security screening. The Respondent's nephew was later observed at Unimoney BDC for a period of time which indicates his involvement in handling portions of the seized cash.
- [8] Additionally, the Respondent claimed to possess diplomatic and political status, including holding a diplomatic passport and having connections with government officials. These claims could not be verified and were internally inconsistent.
- [9] Taken cumulatively, the Respondent's failure to declare the cash, the inconsistent and unsubstantiated explanations for its origin, the suspicious handling and distribution of the money, the involvement of a third party, the absence of supporting documentation, the unverified claims of diplomatic status, and the reliance on electronic payments despite carrying substantial cash all led the police to believe that the seized funds may represent the proceeds of criminal conduct.
- [10] The source of income for the seized cash remains unknown. Based on the totality of the findings, the police have reasonable grounds to believe that the Respondent was concealing the true origin of the funds.

- [11] Under the Anti–Money Laundering and Countering the Financing of Terrorism Act 2020, concealment includes any act undertaken to hide, disguise, or obscure the true nature, source, location, ownership, or control of money or assets derived from criminal activity. Such concealment constitutes an essential element of the offence of money laundering. Attached to the application are exhibits IR1-IR19 which include a table of the conversion rate, depicting that the total value of the seized funds amounted to SCR 493,954.075.
- [12] The source of the cash seized could not be accounted for by the Respondent and still remains unknown, as such the Investigator had reasonable ground to believe, that the Respondent was concealing the true origin of the cash seized, and that concealment is an element of money laundering.
- [13] The Court takes note of the fact that the notice of motion has been heard ex-parte as the Respondent has not been served, taking note of the fact that according to the Department of Immigration, the Respondent left the jurisdiction shortly after being stopped at the airport by the authorities on the 20th November 2025 and has not since returned to the jurisdiction.

LAW AND ANALYSIS:

- [14] I have carefully examined the affidavit and documentary evidence of Police Constable Isabelle Rachel of FCIU in the light of the grounds upon which the Applicant seeks for the order specified at paragraph [2] above. It is to be noted that the Respondent has tendered no plausible explanation to contradict the evidence to show that the cash seized from him at the Seychelles International Airport on 20 November 2025 comes from legitimate sources and does not therefore constitute directly or indirectly the benefit from criminal conduct, or was not intended by any person to be used in connection with criminal conduct.
- [15] The Applicant seeks for an order of forfeiture of the cash seized in foreign exchange being Euros 28,250/- amounting to the sum of SCR 493,954.075/- when converted pursuant to Section 76 (1) of the AMLCFT Act which empowers this court to make such order, where, on merits, the case for the making of such order is made out.
- [16] Section 76 (1) of the AMLCFT Act is couched in the following terms;

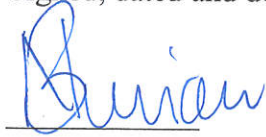
“76 (1) A judge may order forfeiture of any cash which has been seized under sub section (2) of Section 74 if satisfied, on an application submitted by the Attorney General, a prosecutor on behalf of the Anti-Corruption Commission of Seychelles, that the cash seized is not less than the prescribed sum or the judge has reasonable ground for suspecting that it directly or indirectly represents any person’s benefit from or is intended by any person for use in connection with any offence. (underlined emphasis is mine)

- [17] The word “may” in the provisions of Section 76 (1) indicates, that once satisfied that the cash seized is not less than the prescribed sum coupled with the fact that it has reasonable grounds for suspecting that it directly or indirectly represents any person’s benefit from, or is intended by any person for use in connection with any offence, the court has a discretion as to whether or not to make the order of forfeiture of the cash seized. Therefore, to exercise this Court’s discretion, I must have reasonable grounds for having the suspicion that the cash seized represents any person’s benefit from, or is intended by any person for use in connection with any offence.
- [18] Having meticulously examined the affidavit evidence along with the documentary evidence exhibited, I am satisfied, that there is sufficient evidence laid before this Court for me to have reasonable grounds for suspecting, that the cash seized from the Respondent on the 20th November 2025 at the Seychelles International Airport, directly or indirectly represents the Respondent’s benefit from or was intended by the Respondent for use in connection with the offence of money laundering. That is to say, I am satisfied, that the Applicant has made out a case for a forfeiture order of the cash seized.

ORDERS:

- [19] Therefore, in exercise of the powers conferred upon this court by the virtue of Section 76 (1) of the AMLCFT Act, I grant the application and order the forfeiture of the entire sum of Euros 28,250/- amounting to the sum of SCR 493,954.075/- when converted, to the Applicant (the Republic).
- [20] A copy of this order shall be served on both the Respondent and the FCIU.

Signed, dated and delivered at Ile du Port 4th February 2026.



Burian J

