

SUPREME COURT OF SEYCHELLES

Reportable

FH 09/2025

In the matter between:

THE REPUBLIC

(rep by Mrs. Hermitte)

REPUBLIC

And

HEATHER PREA

(rep. by Mr. Joel Camille)

1st Suspect

Neutral Citation:	<i>Republic v Prea</i> (FH09/2025) [2025] (04 April 2025).
Before:	A. Madeleine, J
Summary:	<i>Application for Further Holding of Suspect – Section 101 Criminal Procedure Code</i>
Heard:	3 rd April 2025
Delivered:	4 th April 2025

RULING

A. MADELEINE, J

Background

- [1] This ruling arises from the application of the police under section 101(1) of the Criminal Procedure Code (hereinafter referred to as the “CPC”) for the further holding of suspect Heather Prea.
- [2] The suspect was arrested on 2nd April 2025 at 1055hrs at the Organized Crime Unit Station and is being detained by the police on suspicion of her alleged involvement in the commission of the following offences: Conspiracy to import a controlled drug, Conspiracy to traffic in a controlled drug and Aiding and Abetting the importation of a controlled drug.

- [3] The application for further holding of the suspect has been served on the suspect who, through her Counsel, confirmed service and explanation of the same.
- [4] Counsel for suspect objected to the further holding of the suspect and moved the court to enlarge the suspect on bail pending investigations.

Affidavit in support of the Application

- [5] The application for further holding of the suspect is supported by the affidavit of Police Constable Margaret Dacambra which shows that on Friday 21st March 2025 at approximately 2032hrs, a South African national named Sonwabo Bomvana arrived in Seychelles on board Air Seychelles flight HM060 from Johannesburg, South Africa. Following line check, luggage verification and questioning of the South African national by law enforcement officials at the Seychelles International Airport, it was found that one of his luggage contained suspected controlled drugs. He was handed over to the police and later at the OCU station, a further search was conducted in the luggage of the suspect in his presence. As a result of the search the following were found –
- (i) 6 packets of herbal materials suspected to contain cannabis of the approximate total weight of 2170g;
 - (ii) 1 packet of a substance suspected to contain heroin of the approximate weight of 520g;
 - (iii) 1 packet of a substance suspected to contain cocaine of the approximate 60g.
- [6] Further investigation of the police reveal that on the day of the arrest of the South African national, an unidentified caller contacted the Air Seychelles VIP lounge on telephone number 2527955 (which number is registered on the VIP Lounge) inquiring about the South African national. Upon being informed that the said South African national has been arrested the caller abruptly ended the call.
- [7] Investigations show that the call was made from a private number which has now been identified as tel. no.2607343 registered in the name of suspect Heather Prea, who was arrested on 2nd April 2025.

- [8] Following the arrest of suspect Heather Prea, she gave a statement under caution in the presence of her counsel. She confirmed that some time back, she had purchased the SIM card for telephone no. 2607343 using her own identity card. She purchased the SIM card for her cousin suspect Vivian Domingue, known as Fawaz, who is a convicted felon currently serving a life sentence for the offence of importation of a controlled drug. She has been in contact with suspect Vivian Domingue whereby he contacts her on personal number which is 2517191 using tel. no. 2607343. The last telephone contact she had with suspect Vivian Domingue was on 1st April 2025.
- [9] Investigations show that tel. no. 2607343 is known to the OCU intelligence in several pending investigations in connection with drug related cases.
- [10] Upon being questioned by the officers of OCU in relation to tel no. 2607343, Suspect Vivian Domingue confirmed that he had mobile phone with tel. no. 2607343 in his possession during the 4 months prior to the riot at the prison. The phone is no longer in his possession.

Objection to the Application

- [11] Suspect Heather Prea objected to being remanded to custody pending completion of investigation. In support of her objection, her counsel submitted that she has cooperated with the police and the application does not contain any averment to justify her detention in custody, such that she can be released on stringent conditions including reporting to the police. Counsel also submitted that the suspect can still assist the police once released on bail.

Law and Analysis

- [12] Section 101(1)-(6) of the CPC provides as follows –

“101. Remand by court

(1) Subject to section 100, a police officer or other person who is holding a person without a warrant (in this section referred to as the "suspect") may, where the police officer or other person has reasonable ground for believing that the holding of the suspect beyond the period specified in section 100 is necessary—

(a) produce the suspect before a court; and

(b) apply in writing to the court for the further holding of the suspect.

(2) An application under subsection (1) shall state—

(a) the nature of the offence for which the suspect has been arrested or detained;

(b) the general nature of the evidence on which the suspect was arrested or detained;

(c) what inquiries relating to the offence have been made by the police and what further inquiries are proposed by the police;

(d) the reasons for believing the continued holding of the suspect to be necessary for the purpose of any further inquiries, and shall be supported by an affidavit.

(3) A court shall not hear an application under this section unless the suspect has been served with copy of the application.

(4) Where an application is made under subsection (1), the court shall release the suspect unconditionally or, where the court has reasonable ground for doing so, upon reasonable condition unless the court, having regard to the circumstances specified in subsection (5), determines that it is necessary to remand the suspect in custody.

(5) The circumstances referred to in subsections (4) and (7) are—

(a) where the court is a magistrate's court, the offence for which the suspect was arrested or is being detained is treason or murder;

(b) the seriousness of the offence for which the suspect was arrested or is being detained;

(c) there are substantial grounds for believing that the suspect will fail to appear for trial or will interfere with witnesses or will otherwise obstruct the course of justice or will commit an offence while on release;

(d) there is a necessity to keep the suspect in custody for the suspect's own protection or, where the suspect is a minor, for the suspect's welfare;

(e)the suspect is serving a custodial sentence;

(f)the suspect has been arrested pursuant to a previous breach of condition of release for the same offence.

(6)Subject to this section, where a court makes an order under subsection (1) for the remand in custody of a suspect, the period of remand shall not exceed 15 days.

- [13] I have carefully considered the application of the police for the further holding of Suspect Heather Prea in custody for the purposes of investigation and the Suspect's objection to the said application and her Counsel's plea for her release on bail subject to conditions.
- [14] I have also considered the overall circumstances of the application as made out in the supporting Affidavit: that the offences under investigation involved the participation of several persons in an alleged conspiracy to import controlled drugs in what the police describe as '*a well-organized fashion*'. The police require more time to complete their investigations. Also, the suspected controlled drugs involved are both Class A drugs (heroin and cocaine) and Class B drugs (Cannabis herbal materials), the approximate quantities are significant: 520g suspected heroin, 60g suspected cocaine and 2170g suspected cannabis herbal materials and having a commercial value of SCR800,000/-.
- [15] I am satisfied that the police have carried out inquiries relating to the offences for which the suspect has been arrested and detained and that further inquiries are proposed necessitating the further holding of the suspect in custody. Further, that the reasons given by the police for the continued holding of the suspect are necessary for the purpose of the further inquiries in view of the strong likelihood of interference with witnesses and obstruction of the course of justice, and the public interest.
- [16] Further, considering the general nature of the police' evidence in relation to the suspect alongside the provisions of section 101(4) read with section 101(5)(b) and (c) of the CPC, I am satisfied that the offences for which the suspect has been arrested and detained are serious in nature as meted out by severe penalties on conviction, and thus weighs more in favour of remanding the suspect in custody. I am also satisfied that the general nature of the evidence on which the suspect was arrested and detained weighs more in favour of remanding the suspect in custody.

[17] Therefore, in terms of the CPC 101(1) and (6) I hereby remand the suspect in custody for a period of 14 days and she shall be produced in Court on 17 April,2025.

Signed, dated and delivered at Ile du Port on 4th April 2025.



Madeleine, J

