SUPREME COURT OF SEYCHELLES

Reportable
CO 03/2025

In the matter between:

THE REPUBLIC — **Prosecution**
(rep. by Mr Adam Afif)

versus

TREVOR KLAUS CUPIDON — **5th Accused**
(rep. by Mr Joel Camille)

Neutral Citation:	*The Republic v Trevor Cupidon* CO 03/2025
Before:	N.Burian, J
Summary:	Bail Application
Heard:	16th October 2025
Delivered:	11th November 2025

RULING ON BAIL

N.BURIAN, J

INTRODUCTION:

[1] This Ruling arises from an application for variation of remand of Trevor Klaus Cupidon (referred to as 'the accused) in which he is asking to be released on bail pending trial.

BACKGROUND:

[2] The accused was charged on the 26th March 2025 under an amended formal charge together with 9 others. Specific to the accused in question, he was charged under count 2, 3 and 4 for offences of *money laundering*.

[3] The accused has been on remand since his arrest in January 2025, he objected to being held on remand and it was determined by the Court on the 31st January 2025 that there were substantial grounds set out to remand him in custody. He again applied for variation of his remand along with his co-accused on the 12th May 2025. The accused's application was grounded on medical reasons. According to the affidavit in support of the motion, the accused had since the 11th March 2025 been experiencing certain ailments which had resulted in him having to consult with various medical practitioners and undergo two surgical interventions on the 16th and 23rd April 2025. Copies of the medical notes and appointment slips had been exhibited with the affidavit in support. It was averred that considering his current medical condition, including his ongoing symptoms and the need for further medical intervention, that it would not be suitable for him to remain in police custody. It was argued that his condition required continuous monitoring, proper hygiene care, access to medical facilities and the ability to undergo necessary surgical treatments without undue delay or complications. The Republic strenuously objected to the motion relying on the facts and circumstances as laid out in the initial affidavit duly sworn by Detective Corporal Ruddy Pillay and the 2nd affidavit duly sworn by Detective Sergeant Stenio Cadeau in support of their reply to the application.

[4] The first ground for their objections was centred around the seriousness of the offence of Money Laundering and it's potential to undermine the integrity of the financial system and to further facilitate criminal activity.

[5] The Prosecution did not deny the accused's medical condition but was of the opinion that he had been receiving treatment during his detention and that he could continue to do so whilst in police custody. It was argued that there is no evidence that accused could not fully recuperate or undergo further medical intervention whilst in detention.

[6] According to the Prosecution the investigations had led to the determination that the accused had close connections to a cross-border drug enterprise that transacts money and controls drugs internationally because he is charged with the offences of Money Laundering which is suspected to be related to the importation of controlled drugs. As such

there was a substantial risk that he would abscond if released on bail, especially given the potential penalty he faces.

[7] The Prosecution was also of the belief that there is a real risk of interference with evidence and witnesses if the accused was released on bail. It was averred that the investigation in this case has revealed that there is a pattern of deliberate financial manipulation, including the use of fraudulent cheque deposits, unauthorized withdrawals and foreign exchange transactions designed to evade regulatory scrutiny. It was averred that the digital evidence extracted during the investigation points to the accused having an active role in coordinating illicit transactions and knowingly engaging in activities to launder illicit funds, including using internal contacts within the banking system to bypass regulatory controls.

[8] After considering the notice of motion and supporting affidavit along with the submissions of counsel this Court on the 30th May 2025 refused to grant the application for the reasons that the accused's medical condition was being properly managed whilst on detention and there was no reason for the Court to believe that he could not continue being successfully treated for his condition whilst in detention. Further that the reasons for denying bail in January 2025 remained relevant and material essentially that the offence remained serious in nature, victim protection remained crucial, the evidence pointing to a well-organized criminal network, the potential for witness tampering and the high flight risk. Ultimately, the Court determined that there had been no substantial change in circumstances to warrant a variation of the accused's remand.

BAIL APPLICATION DATED 16 TH OCTOBER 2025:

[9] The current application before this Court is asking for an order that the accused be released on bail subject to conditions and further that the Court be pleased to order that the accused be permitted to work at his premises at DIGITECH so as to complete all pending orders relating to government contract, for provisions of services by DIGITECH to the named government agencies.

[10] It is averred in the affidavit in support that he has been and will continue to be on remand for an extended period of time before the completion of the trial and that the Constitution of the Republic of Seychelles guarantees his trial within a reasonable time. As such it is argued that he should be released on bail, subject to conditions so as to secure his appearance at the time of trial. It was further submitted that he has been advised and verily believes that the court has in past cases released accused persons on bail for similar offences and as such urges the court to exercise its discretion to grant him bail pending his trial.

[11] It is further averred that the Republic have in the past claimed that there is a potential risk that he will interfere with witnesses and potentially abscond if released on bail, but that these averments are not supported by any evidence, and he is able and willing to abide by any conditions imposed on him which the Court deems fit in the circumstances.

[12] Specifically he relies on the averments made in paragraph 9 through to paragraph 11 of the affidavit in support and the associated attachments exhibited as A1-A3. According to the accused he has pending contracts for services with the Government of Seychelles, namely the Seychelles Police Force, DRDM and MACE whereby he had undertaken to provide these departments with drones and/or digital services shortly prior to his detention and that as a result of his arrest he has been unable to complete his end of the agreement and/or render the services. He further states that these contracts need to be completed as a matter of urgency and they involve matters of national security.

[13] The Prosecution on their part have chosen not to file an affidavit in reply to the motion for variation, but have opted to leave it in the hands of the Court. They did however draw the Court's attention several points of observation in their submissions. Firstly, that any consideration to vary the remand requires the accused to demonstrate to the court that a change of circumstances has arisen to warrant a release to bail on conditions. In this instance it is submitted that the accused has failed to demonstrate any change in circumstances to warrant his release to bail. Secondly, it is submitted that relying on the accused's own averments contained in the affidavit in support of the motion, it is argued that the contract for services is allegedly between the company DIGITECH and the various

government agencies. As such, the company holds a separate legal personality from that of the accused and the question is posed as to whether the current circumstances entitles the lifting of the corporate veil and warrant and/or justify the accused's release from detention in order for him to fulfil these obligations.

LAW AND ANALYSIS:

[14] I have carefully listened to the submissions made before this Court and I have given close and meticulous consideration to the affidavit and documents in support of the application for release of the accused.

[15] It is well established that the Court may revisit a remand order only where the applicant demonstrates a material change in circumstances since the previous order. The onus rests upon the accused to show that such change is both new and relevant to the grounds upon which remand was originally ordered.

[16] The Court must, in assessing any application for bail or variation, balance the constitutional right to liberty against the interests of justice and public safety, having regard to:

- The nature and seriousness of the offence;
- The strength of the evidence;
- The risk of absconding;
- The likelihood of interference with witnesses or the course of justice; and
- Any other matter the Court considers relevant.

[17] It is my considered view that the seriousness of the offence remains undiminished. The offences for which the accused person is charged place the accused within the context of a transnational drug trafficking network, with significant organisational capacity, cross-border operations, and large-scale illicit proceeds. The alleged role of the accused in laundering these proceeds is neither peripheral nor administrative and it is allegedly integral to the operation and concealment of international criminal activity. Money laundering is inherently serious, regardless of the predicate offence, because it aims to conceal or disguise the illicit origin of funds, undermining the financial system. I also take

notice of the fact that there is an increase in drug related crimes in our country which are becoming more sophisticated (i.e. using financial schemes to conceal the source of funds) and that these crimes continue to have a negative impact on our society. These types of offences in my opinion must as such be considered with the upmost seriousness.

[18] This Court in its ruling delivered on the 30th May 2025 had meticulously considered various factors, including the real risk of both victim and witness interference in this case, the cross-border and transnational aspect of this crime and concluded that the evidence pointed to the involvement of a well-organised criminal group with the network having established connections outside of the jurisdiction of Seychelles, in Dubai, Oman, Iran, Nigeria and Nairobi amongst other locations. These factor remain relevant and therefore I am satisfied that there still exists substantial grounds to believe that the accused would have the means and access to resources, particularly through these connections to facilitate an escape by sea. I am further satisfied that the risk of interference with the witnesses are also real threats to the administration of justice; one that, in my view has not been adequately dispelled. Therefore, I can confidently determine that the initial reasons for which bail was denied by this Court continue to exist.

[19] I shall now consider whether there has been any change in circumstances that would warrant a variation of the order to remand the accused in custody. Specifically, whether the financial implications on the accused business in this instance warrant his release from remand.

[20] Authorities have consistently held that personal or business hardship, inconvenience, or pre-existing commitments do not in themselves amount to a material change in circumstances warranting release. In the case of *Republic v Viraf Udwadia*[1], the accused had applied for release on bail in a serious financial-crime matter similar to that of the accused. Mr. Udwadia had averred in his bail application that there had been a change in circumstances in that his wife was unable to run his business properties alone and that the business would fall into a dilapidated state and further that it was not practicable for him to run his business whilst in custody. Learned Judge Esparon in paragraph 30 of his ruling determined that the averments that Mr. Udwadia could not operate his business whilst in custody did not amount to a change in circumstances warranting the accused person to be released on bail and that there were other ways in which the accused could preserve and manage his business whilst he remained in custody.

[21] In the South African case of *Rohde v The State*[2], The Western Cape High Court refused bail with Salie-Hlophe J stating that granting bail would "offend the rule of law and make a mockery of the criminal justice system". Mr. Rohde had been convicted of murdering his wife and had applied for bail pending his appeal. Although he was charged with a more serious offence than that of the accused in the present case, he too relied on business and economic reasons in his application for bail, stating that his further incarceration would compromise his property and business interests and his ability to save his dire consequential financial interests. The court held that the consequences of incarceration are such that it undeniably has a domino and adverse effect on the life, welfare and finances of a prisoner however the 'novel' economic argument in bail applications of this nature is unfortunate and displaced stating that:

"This argument would mean that any prisoner whose financial circumstances are inevitably affected by incarceration should be released on bail in order to deal with the expected

[1] [2021] SCSC 580
[2] SCA Case Number: 483/2019

consequences of conviction... Incarceration comes with the inevitable consequence of financial hardship and impoverishment."

[22] I believe that the same reasoning applies to the accused who is currently on remand awaiting trial. The circumstances he relies on are not new. The alleged contracts and business engagements existed prior to his arrest and could have been anticipated at the time the original remand decision was made. The Court is not convinced that the accused's professional or contractual obligations, even if involving public institutions, can override the serious nature of the charge and the public interest in ensuring his attendance and the integrity of the case. I also find that the reasoning adopted by Judge Esparon in the case of *Udwadia* (supra) is applicable here. If the accused is unable to fulfil his contractual commitments whilst on remand, he may sub-contract the works, or the clients, if dissatisfied with the delays, can choose to terminate the contracts.

[23] The Court observes that business or financial inconvenience is a common and inevitable consequence of remand and as such is of the view that it cannot, by itself, constitute a sufficient ground for variation. To accept such an argument would in my view risk creating an unequal standard whereby those with business interests are treated more favourably than others, contrary to the principle of equality before the law. Therefore, the claim that *"I must go out to run my business"* cannot be accepted as a sufficient reason or a material change in circumstances warranting the release of the accused person or a reason to treat his case as exceptional.

[24] Further, as stated in paragraph 18 above there is no evidence that the risk factors identified in the initial remand order, including the risk of absconding or interference have diminished nor are there any new factual or legal developments that has been presented to this Court that would alter my earlier decision.

CONCLUSION AND ORDER:

[25] Having carefully considered the application and the submissions of counsel, the Court finds no material change in circumstances justifying a variation of the existing remand order. The grounds advanced relate solely to the accused's private commercial interests, which cannot outweigh the public interest in the administration of justice in a matter of such gravity. As such the application for variation of remand is denied.

Signed, dated and delivered at Ile du Port on 11th November 2025

N.Burian , J

Natasha Burian
SUPREME COURT
SEYCHELLES
Supreme Court Judge