SUPREME COURT OF SEYCHELLES

Reportable
XP 33/2025

In the matter between:

EX PARTE: THE GOVERNMENT OF SEYCHELLES **Petitioner**
(rep. by Miss Sophie Vel)

Neutral Citation:	Exparte: *The Government of Seychelles* (XP 33/2025) (22nd April 2025)
Before:	Judge Burian
Summary:	For an interim order pursuant to Section 3 of the Proceeds of (Crime Civil Confiscation) Act 2008
Heard:	17th April 2025
Delivered:	22nd April 2025

ORDER

The Court proceeds to make the following orders:

(i) I issue an Interim Order pursuant to Section 3 or the Proceeds of Crime (Civil Confiscation) Act 2008 as amended prohibiting the Respondent or any other person specified in the order from disposing of or otherwise dealing with whole or any part of the property, or diminishing the value of the property as set out in the table appended to this Notice of Motion.

(ii) For an order to seize the property described in the Table attached to this application.

(iii)On the making of an orders under (i) & (ii) above, Miss Vickie Poussou of the Asset Management Unit of the Department of Finance shall be appointed as Receiver over all of the said property to manage keep possession or dispose of, or otherwise deal with any other property in respect of which she is appointed in accordance with the courts directions, pursuant to Section 8 of the Proceeds of Crime (Civil Confiscation) Act 2008 as amended;

(iv) A copy of this Order to be served on the Respondent, Victoria Nathalie HURST (N.I.N 991-1151-1-0-53) of Bel Ombre, Mahe, Seychelles; and

(v) A copy of this order is to be served on the Registrar General and they are not to effect any transfer of the property as described in the table found in paragraph 2.

RULING

BURIAN J

[1] This is an ex-parte application under Section 3 of the Proceeds of Crime (Civil Confiscation) Act 2008 (POCA) as amended. The Applicant the Government of Seychelles seeks the following reliefs.

(1) For the matter to be heard as a matter of extreme urgency;

(2) For an Interim Order pursuant to Section 3 of the Proceeds of Crime (Civil Confiscation) Act 2008 as amended prohibiting the Respondent or any other person specified in the order from disposing of or otherwise dealing with whole or any part of the property set out in the Table appended to this Notice of Motion.

(3) That on the making of an order under (2) above, Miss Vickie Poussou of the Asset Management Unit of the Department of Finance or such other person as this court shall direct be appointed as Receiver over all or part of the said property to manage, keep possession or dispose of, or otherwise deal with any other property in respect of which he is appointed in accordance with the court's directions, pursuant to Section 8 of the Proceeds of Crime (Civil Confiscation) Act 2008 as amended; and

(4) For an order providing for Notice of any such order to be given to the Respondent or any other person directed by the court;

(5) Such further or other order as the court shall deem just and proper in all circumstances in this case.

[2] I have considered the details contained in the affidavit dated 16th April 2025 of Sergeant Dave Jeanne currently attached to the Financial Crime Investigation Unit (FCIU) Seychelles and its supporting exhibits. It is clear on perusal of the said affidavit and annexures attached therein that Sergeant Jeanne has conducted investigations in respect of the specified property as set out in the Table to the Notice of Motion namely parcel H 3062 of 1823 sqm :

Item	Description	Estimated Value in SCR
	Parcel H3062	3,500,000

[3] It is clear from the investigations done by Sergeant Jeanne that the said Respondent is being investigated because she was in possession of a parcel of land, namely H 3062 believed to derive from criminal activities, namely, drug trafficking and money laundering.

[4] In his affidavit Sergeant Jeanne avers that his investigation began after the FCIU was requested by the Commissioner of Police to perform a financial investigation on the assets of the late Derreck Poris (hereinafter 'the deceased'). The deceased was well known and suspected of being involved in various drug transactions and importations across Seychelles before his death. At the time of his death he was in a relationship with the Respondent.

[5] As part of the investigation several documents were received and it was discovered that the Respondent owns property purchased on the 23rd January 2018 from one Laurette Isnard for a sum of SR 1,500,000/-. An investigation was carried out into the financial means of the Respondent and it was discovered that she has held an inactive bank account with the Seychelles International Mercantile Banking Corporation t/a Nouvobanq opened on the 1st June 2018 and another inactive account opened on 25th February 2014 with the Mauritius Commercial Bank (MCB) leading to the belief that she could not have obtained the

property legitimately owing to the fact that her accounts have never generated that much funds or even close to it to be able to purchase the property in question.

[6] Further investigations revealed that the Respondent started working in the year 2012 and was earning a monthly salary of SR 7,960/- and that there is also no record of the Respondent applying for a loan with any financial institution. With no such loans or proof of legitimate source of earnings to pay for the property in question, it has led the police to believe that she acquired the property from illicit conduct presumably drug trafficking.

[7] The police have also obtained a statement from the seller of the property in order to understand the manner in which the sale took place and she has stated on record that she has never owned any immovable property. She further explained that she had been approached by the deceased in the year 2014 to assist him with a land transaction. She herself did not own property and that she had not known Danny Monthy from whom she allegedly purchased the property from on the 30th December 2014. She confirmed that she never paid any money to Mr Monthy for the purchase of any property nor had she ever received any money for the sale of parcel H3062 from the Respondent. She confirmed that her name was used to conceal the source of funds and true beneficiary of the property and that the transaction was prepared through an Attorney-at-Law. She further confirmed that the deceased had paid her SR 10,000/- for her help in facilitating the transactions.

[8] Mr Danny Monthy was also questioned as part of this investigation and he stated that it was Neddy Micock who had shown interest in buying the property and it was only upon having sight of the transfer document that he became aware that the purchaser on record was listed as one Laurette Isnard but later discovered the real owners to be the deceased and the Respondent. The payment for the sale of the property was made by cash instalments which he collected from the office of the Attorney-at-law. According to Sergeant Jeanne, Mr. Neddy Micock is currently serving a life sentence in prison for drug related offences.

[9] That through the evidence of several witnesses the police have been able to establish that the Respondent is also linked to other offences involving money-laundering schemes whereby monies were being transferred through various money changers to several foreign

individuals overseas in Oman and which money is believed to have also derived from illicit activities and similarly used to purchase the property in question.

[10] That the investigation has also linked the Respondent to the offence of human and drug trafficking whereby a Seychellois citizen was held in Iran as collateral to secure a drug consignment for the Respondent and the deceased.

[11] It has been observed that during the years 2017-2019, the Respondent was travelling extensively, between Seychelles, South Africa, Dubai and Kenya. It has been concluded that all these trips could not have been financed from her salary and there are no traces of her purchasing any foreign currencies for her travels.

[12] Sergeant Jeanne further states in his affidavit that his investigations reveal and it is his belief under Section 9 of the POCA that;

(i) The Respondent is in possession or control of specified property that is to say, the property set out in the Table appended to the Notice of Motion and that the said property constitutes directly or indirectly the benefit from criminal conduct.

(ii) The Respondent is in possession or control of the specified property that is to say, the property set out in the Table appended to the Notice of Motion and that the said property is the proceeds of criminal conduct namely drug trafficking and Money Laundering.

(iii) The total value of the specified property is not less than SCR 50,000.

[9] Learned Counsel Miss Sophie Vel is moving for the aforementioned orders and relies on the contents of the affidavit filed by Sergeant Jeanne dated 16th April 2025 and other annexed documents referred to herein in the said affidavit.

[10] Giving due consideration to all the aforementioned facts set out in the said affidavit and annexures, this court is satisfied that there are reasonable grounds to believe the Respondent is in possession of specified property that is the property set out in paragraph [2] herein and in the Table to the Notice of Motion and that the said property constitutes direct or indirect benefit from criminal conduct referred to above. This court is further

satisfied that that the total value of the property mentioned in the said Table is over SCR 50,000.00.

[11] I therefore proceed to make the following orders:

(i) I issue an Interim Order pursuant to Section 3 of the Proceeds of Crime (Civil Confiscation) Act 2008 as amended prohibiting the Respondent or any other person specified in the order from disposing of or otherwise dealing with whole or any part of the property, or diminishing the value of the property as set out in the table appended to this Notice of Motion.

(ii) For an order to seize property described in the table attached to this application.

(iii) On the making of an orders under (i) & (ii) above, Miss Vickie Poussou of the Asset Management Unit of the Department of Finance shall be appointed as Receiver over all of the said property to manage keep possession or dispose of, or otherwise deal with any other property in respect of which she is appointed in accordance with the courts directions, pursuant to Section 8 of the Proceeds of Crime (Civil Confiscation) Act 2008 as amended;

(iv) A copy of this Order to be served on the Respondent, Victoria Nathalie HURST (N.I.N 991-1151-1-0-53) of Bel Ombre, Mahe, Seychelles.

(v) A copy of this order is to be served on the Registrar General and they are not to effect any transfer of the property as described in the table found in paragraph 2 above.

Signed, dated and delivered at Ile du Port on 22nd April 2025.

Judge Burian