SUPREME COURT OF SEYCHELLES

Reportable
[2026]
CR 10/2026

In the matter of:

The Republic **Republic**
(rep. by Ms. Jean-Louis)

Carlos Almanza **Accused**
(rep. by Mr. Andre)

Neutral Citation:	*The Republic v Carlos Almanza CR 10/2026* [2026] (25 September 2026).
Before:	R. Govinden CJ
Summary:	Sentence - Importation of a controlled drug contrary to and punishable under Section 5 read with the second schedule of the Misuse of Drugs Act, 2016.
Heard:	21 July 2026
Delivered:	25 September 2026

ORDER

I proceed to sentence the convict to a term of 20 years' imprisonment;

The convict shall not be entitled to remission in view of the aggravating factors in the case;

Time spent on remand shall be deducted from the sentence;

If unsatisfied with this sentence, the convict may appeal against the same within 30 working days from today.

SENTENCE

Govinden CJ

[1] The Convict stands convicted on her own guilty plea on the following offence:

STATEMENT OF OFFENCE

Importation of a controlled drug contrary and punishable under Section 5 read with Second Schedule of the Misuse of Drugs Act, 2016.

PARTICULARS OF OFFENCE

Carlos Eduardo Rocha Almanza, a 32-year-old Bolivian national, holder of passport number LE78200, on the 21st February 2026, at the Seychelles International Airport. onboard Emirates Airlines flight EK708, imported into Seychelles a controlled drug. namely cocaine, having a total net weight of 3859.3 grams, with a total cocaine content of 2407.2 grams.

[2] Learned Counsel for the convict informed the Court that he had received the relevant document, had consulted with the convict with the assistance of the interpreter and that the convict was ready to take his plea. The charge was read and explained to the convict in open Court, whereupon he pleaded guilty. The Court accordingly convicted him on his own plea of guilt.

[3] The Prosecution informed the Court that nothing was known against the convict. He is therefore treated as a first offender for the purposes of sentence.

[4] The facts admitted by the convict are that on the 21 February 2026, at approximately 10:22 p.m., Emirates Airlines flight EK708 from Antananarivo landed at the Seychelles International Airport, Pointe Larue. The convict was amongst the passengers onboard that flight. The convict was subjected to a live check by Customs officers assisted by an Immigration Officer and a Police Officer. When questioned concerning the purpose of his visit to Seychelles, he communicated through Google Translate and stated that he had travelled to Seychelles for a holiday.

[5] That the convict had two pieces of luggage in his possession; a black cross bag and a blue suitcase. He was informed that a search would be conducted on both luggage. In the presence of the convict, Immigration and a Police Officer, a Custom Officer searched the

black cross bag. It contained one light blue mobile phone (XIAOMI), one charger, one black sunglass, several foreign currencies in denominations of: 12 notes of 20,000 Ariary, 1 note of 10,000 Ariary, 1 note of 500 Ariary, 1 note of 200 Ariary, 6 notes of 100 US Dollars, 1 note of 10 US Dollars, 2 notes of 1 Dollar, and his personal belongings.

[6] In the presence of the convict, Immigration and a Police Officer, the Custom Officer searched the blue suitcase. It contained eight trousers (three in brown colour, one in black colour, one in blue colour, one in grey colour, a pair of jeans), one jacket in red, white and blue colour, one black suit, a pair of white shoes and a brown envelope containing several travel documents. As the Custom Officer removed the clothes, it was noticed that eight (8) pieces amongst the other clothes had an unusual weight.

[7] When questioned concerning the trousers, the convict stated that they did not belong to him and that he was carrying them for another person. The suitcase and its contents were subsequently scanned and an organic substance consistent with a controlled drug was detected.

[8] Upon physical examination, a white substance was discovered on one of the trousers. A preliminary test returned a positive result for cocaine. The convict was thereafter arrested and taken to the Organized Crime Unit for investigation, and the relevant items were seized as exhibits. The suspected controlled drug was subsequently submitted to the Forensic Science Laboratory for analysis. The analysis confirmed the substance to be cocaine, having a total net weight of 3859.3 grams and a total cocaine content of 2407.2 grams.

[9] Following his conviction, learned Counsel requested that a Pre-Sentence Probation Report be prepared to assist the Court in determining the appropriate sentence. The Court granted that request. The Pre-Sentence Inquiry Probation Report records that he is 32 years old, having been born on the 7 September 1993, and is a citizen of Bolivia. He has been remanded at Montagne Posée Prison since the 23 March 2026.

[10] The convict reported that he does not know the identity of his father and that he was raised principally by his grandmother, Anna Maria, who is 74 years old. He has three maternal siblings, comprising two sisters and one brother. He has been in a relationship with his

partner, Vanessa Roca, aged 33 years, for approximately 16 years. They have two children. Frederick Flier Rocha Roca, aged 13 years, and Simoneth Kahory Rocha Roca, aged 8 years. Prior to his remand, he resided with his grandmother, partner and children in Bolivia.

[11] As regards his education and employment, the convict reported that he attended primary and secondary school in Bolivia. He began working at the age of 12 and has undertaken various forms of employment. Prior to his remand, he had been employed for a substantial period at an electronic and household goods warehouse.

[12] In explaining the circumstances leading to the offence, the convict stated that his grandmother had been diagnosed with breast cancer. He became concerned about obtaining sufficient funds to meet the costs associated with her medical treatment. According to the convict, in January 2026 he was approached by a person known as "*Bilcer*", who asked him to transport drugs. He was promised a payment of between USD 4,000 and USD 7,000. The convict admitted that he accepted the proposal. He stated that his motivation was to obtain money to assist with his grandmother's medical expenses, as his ordinary income was insufficient to enable him to raise the necessary funds within a reasonable period.

[13] The convict expressed remorse for his conduct and acknowledged the consequences which his incarceration would have upon his family. He also acknowledged that his actions could have contributed to the suffering caused by drug dependency in Seychelles. He expressed a wish to apologize to the people of Seychelles.

[14] Learned Counsel for the convict submitted in mitigation that the convict had pleaded guilty at the first available opportunity, had shown remorse, and had cooperated with the authorities from the outset, including expressing a willingness to assist with a controlled delivery, although this was hindered by a language barrier. Counsel further submitted that the convict had provided information concerning the intended receiver of the drugs and had therefore assisted the authorities. Counsel also referred to the convict's personal and family circumstances, including his two children aged 13 and 8 years, his relationship with Vanessa Roca, and the medical condition of his grandmother, which Counsel submitted had contributed to the financial difficulties that led to him being lured into committing the offence.

LEGAL ANALYSIS AND CASE LAW

[15] The offence before the Court is importation of a Class A controlled drug contrary to section 5 of MODA. In Dos Santos v Republic (SCA CR 16/2024) [2025] SCCA 2, the Court of Appeal confirmed that the maximum sentence for importation of a Class A controlled drug is life imprisonment and a fine of SCR 1,000,000, and that the indicative minimum sentence applicable to an aggravated offence involving a Class A controlled drug is 20 years' imprisonment.

[16] Counsel for the convict relied on the cases of the Republic v Beckett CO89/2023, the Court sentenced the accused to three and a half (3½) years' imprisonment and a fine of SCR 50,000, with time spent on remand to count towards the sentence. In Republic v Nakiganda (CO 91/2021) [2021] SCSC 864, the accused, who had imported 460.78 grams of heroin, was sentenced to six years' imprisonment, with time spent on remand to count towards the sentence. In Republic v Petrus Vermeulen [2022] SCSC 508 5, involving 694 grams of heroin, the accused was sentenced to five years' imprisonment. In Republic v Dos Anjos (CO 33/2022) [2023] SCSC 370, the accused, who had imported cocaine with a total cocaine content of 3,118.09 grams, was sentenced to eight years' imprisonment, with time spent on remand to count towards the sentence.

[17] The Counsel for the convict also referred to the case of Poonoo v Attorney-general SCA 38 of 2010 [2011] SCCA 30 where the Court held that "*Sentencing involves a judicial duty to individualize the sentence tuned to the circumstances of the offender as a just sentence. It cannot be likened to the mere administration of a common formula or standard or remedy.*"

[18] The Court of Appeal however held in Uwaoma v R (SCA CR 05/2023) [2023] (Arising in CR 56/2023) that "*It is my view that the sentence given in R V Dos Anjos by the Supreme Court was too lenient and that could have been the reason why having appealed against the sentence to this Court, the Appellant withdrew her appeal.*"

[19] Where an aggravating or mitigating factor applies, the Court is required expressly to identify the factor and give weight to it in determining the appropriate sentence.

Aggravating factors that support a more serious sentence set out in section 48(1) of MODA includes among other factors are:

(a) the presence and degree of a commercial element in offending, particularly where controlled drugs have been imported into Seychelles and;

(b) the involvement of an organized criminal group to which the offender belongs.

[20] Undoubtedly, both these factors are of relevance to the facts and circumstances of this case.

[21] The statutory framework therefore treats the existence and degree of a commercial element as a matter of particular significance where the offence involves the importation of controlled drugs.

[22] In the present matter, the convict's own account to the Probation Officer is that he was approached for the purpose of transporting drugs and agreed to do so in exchange for a payment of between USD 4,000 and USD 7,000. I therefore find that there was a clear commercial element to his participation in the offence.

[23] The offence is also objectively grave and involves the international importation of cocaine having a total net weight of 3859.3 grams and a cocaine content of 2407.2 grams. This was not possession of a small quantity for personal consumption. It involved the deliberate transportation of a substantial quantity of a Class A controlled drug into Seychelles.

[24] In the case of Dos Santos v the Republic the Court held at para 7 that: "*In my view importation, which also is a form of trafficking, is more serious an offence than trafficking. This is because a person importing dangerous drugs is attempting to deceive the border control officers of the country of his departure, arrival and the countries he is transiting. MODA also states where the offence is aggravated in nature, the Court shall have due regard to the indicative minimum sentence set out in the law.*"

[25] In Dos Santos v Republic, the appellant in that case was a Brazilian national who pleaded guilty to importing 2453.69 grams of cocaine into Seychelles. She was sentenced to 26 years' imprisonment, and her appeal against sentence was dismissed. The Court of Appeal confirmed the applicable statutory maximum and the indicative minimum applicable to

aggravated offending. This case is a particularly relevant because the quantity of cocaine involved is close to the 2407.2 grams of cocaine involved in the present case. Nevertheless, sentencing is not an arithmetical exercise and that each case must be determined according to its own circumstances.

[26] In Shabani Kizamba Shabani v Republic (SCA CR 03/2024) [2024] SCCA 20, the appellant had been convicted of agreeing with another person or persons to commit the offence of importation of a controlled drug. The Supreme Court had imposed a sentence of 12 years' imprisonment. The Court of Appeal increased that sentence to 18 years' imprisonment.

[27] In considering the seriousness of international drug offending, Fernando P stated in Shabani v Republic:

"*In my view importation, which also is a form of trafficking, is more serious an offence than trafficking in MODA. Section 48 of MODA sets out the aggravating factors that support a more serious sentence for offences under MODA. This is because a person importing dangerous drugs is attempting to deceive the border control officers of the country of his departure, arrival and the countries he is transiting in.*"

[28] The Court explained the additional seriousness associated with transporting dangerous drugs across international borders and attempting to evade the relevant border-control authorities.

[29] The Court of Appeal in Dos Santos v Republic also considered a number of previous sentencing decisions involving the importation of controlled drugs. These included R v Mohamedi Khalidi Mikidadi (CO 6/2022), involving 285.03 grams of pure cocaine and a sentence of nine years' imprisonment; R v Noeline Namatovu (CR 86/2021), involving 500.50 grams of cocaine and a sentence of ten years; R v Peter Nwachukuwa (CR 64/2021), involving 1,114 grams of cocaine with a cocaine content of 746 grams and a sentence of eleven years; R v Prince Amari (CR 45/2022), involving 1,892.27 grams of cocaine with a cocaine content of 1,342.85 grams and a sentence of fourteen years; and R v Nellie Kawinga (CR 80/2023), involving 874.33 grams of cocaine and a sentence of fifteen years.

[30] At the higher end of the sentencing trend, the Court of Appeal referred to Patrick Uwaoma v Republic (SCA CR 05/2023) [2023] SCCA 82, involving the importation of 4896.10 grams of cocaine. The sentence of 30 years' imprisonment imposed by the Supreme Court was upheld on appeal.

[31] These authorities provide guidance as to the manner in which Seychelles courts have approached substantial international importation offences. They do not, however, create a mathematical tariff for a sentence to be imposed.

[32] It was held in Suki V R (SCA 10 of 2019) by the Court of Appeal, that although the requirement for consistency in sentencing is one of the underpinning principles of equality before the law and a useful aid to assist a court in determining an appropriate sentence: in the final analysis however, each case must be decided on its own merits, since no two cases are the same. In Osama Brandon Casime & Hifa Noura Casime V R (SCA 07 & 08/2019) this Court held that: "*Sentences in and of themselves do not delimit the exercise of discretion and are not binding precedents. The sentencing exercise is not merely the imposition of a number in a previous decision presenting similar circumstances. Rather it is an exercise of discretion in which the Sentencing Judge must tailor a sentence according to the particular circumstances of the case.*"

[33] In Marengo V R (Criminal Appeal SCA 29/2018) the Court of Appeal stated that "*Sentencing is a discretionary power exercisable by the Court. It involves human deliberation of the appropriate sentence to be imposed for a particular offence in the circumstances of the case; it is not the mere administration of a common formula, standard or remedy.*"

[34] The appropriate sentence must therefore be determined according to the circumstances of the individual offender and offence.

[35] The guilty plea avoided the necessity of a trial and the consequent expenditure of judicial time and resources. In the case of Republic v Eugene Jude Laurencine (CO 55/2024), Adeline J took account of the early guilty plea and the consequent saving of judicial time and resources. The Republic v Laurencine, however, is readily distinguishable as a

sentencing comparator. It concerned trafficking by possession with intent to traffic in 99.39 grams of cocaine, rather than international importation of the quantity involved here. Moreover, in *Laurencine*, the Court expressly identified the absence of any commercial element as a mitigating consideration. That circumstance is absent here. The evidence contained in the Probation Report is that the convict knowingly agreed to transport the drugs for a promised financial payment.

[36] I further have regard to the established purposes of sentencing. In Lawrence v Republic [1990] SLR 47, those purposes were identified as deterrence, prevention, rehabilitation. reformation and retribution. In the circumstances of this case, deterrence assumes particular importance. Seychelles, as an island jurisdiction, has an obvious interest in protecting its borders against the international importation of dangerous controlled drugs. A person who deliberately agrees, for financial reward, to transport a substantial quantity of a Class A controlled drug into the jurisdiction must expect a significant custodial sentence.

[37] Deterrence, however, does not operate in isolation. The sentence must remain proportionate to the particular offence and offender. I therefore weigh the aggravating circumstances against the mitigating factors and personal circumstances properly established before the Court.

[38] On the aggravating side, the nature of the controlled drug, namely cocaine; the substantial quantity involved, being 3859.3 grams' net weight with a cocaine content of 2407.2 grams: the international character of the offence; the deliberate concealment of the controlled drug: and the commercial element arising from the promised payment of between USD 4,000 and USD 7,000.

[39] On the mitigating side, the convict's plea of guilty, his acceptance of responsibility, his status as a first offender, his expression of remorse and the personal and family circumstances disclosed in the Pre-Sentence Probation Report.

[40] Considering the effect which a lengthy custodial sentence will have upon the convict's partner and two minor children. That consequence is regrettable, but it is an ordinary and

often unavoidable consequence of imprisonment and cannot outweigh the seriousness of an offence of this nature.

[41] Of the comparative authorities, Dos Santos v the Republic is particularly instructive because it concerned 2453.69 grams of cocaine, a quantity closely comparable to the 2407.2 grams of cocaine content involved here. The 26-year sentence in that case was upheld by the Court of Appeal. The Court must individualize the sentence and give proper weight to the mitigation established in this case.

[42] The Court of Appeal in Dos Santos v the Republic held that "*The words "indicative minimum sentence" simply means 'pointing out to the least possible sentence' that can be imposed, which is 20 years. Also granting of a discount on the sentence to an accused who pleads guilty at the first instance, should mainly apply in my view to cases where the acceptance of guilt reduces the impact of the crime on the victim and saving them from the hassle of testifying and not necessarily in cases of importation, trafficking, and manufacture of controlled drugs or dangerous weapons, which has an impact on the whole community. I am not however unmindful of saving court time and resources. I am also of the view that in a country like the Seychelles, with a small population, the granting of a 1/3rd discount in the sentence as the Appellant had tried to argue, for pleading guilty for importation of class A drugs, and which is of an aggravated nature and by foreigners, by relying on the indicative minimum sentence will defeat the very objectives of the Act and worsen the drug problem that the country is trying to grapple with.*"

[43] Considering the statutory maximum and indicative minimum prescribed under MODA, the aggravating and mitigating factors applicable to the offence, the guidance provided by the Court of Appeal in Dos Santos, Shabani and Uwaoma, the other comparable sentences identified by the Court of Appeal, and the principles of proportionality and individualized sentencing. Having weighed all of those matters, the seriousness of this offence requires a substantial immediate custodial sentence. At the same time, the sentence must reflect the convict's guilty plea, his status as a first offender and the other mitigating and personal circumstances established before the Court.

[44]

ORDER

[45] In view of the above reasoning, all aforementioned facts and in also observing the principle of sentencing (see Lawrence v Republic [1990] SLR 47), I proceed to sentence the convict to a term of 20 years' imprisonment;

[46] The convict shall not be entitled to remission in view of the aggravating factors in the case:

[47] Time spent on remand shall be deducted from the sentence;

[48] If unsatisfied with this sentence, the convict may appeal against the same within 30 working days from today.

Signed, dated and delivered at Ile du Port on 25 September 2026



R. Govinden, CJ