

**IN THE CONSITUTIONAL COURT OF SEYCHELLES**

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**Reportable**  
 [2023] SCSC ...  
 MA28/2023  
 (Arising in CP7 of 2023)

In the matter between

**THE SEYCHELLES HUMAN RIGHTS COMMISSION** **1<sup>ST</sup> PETITIONER**  
*(herein represented by Mr. Elvis David Julie)*

**THE OMBUDSMAN** **2<sup>ND</sup> PETITIONER**  
*(herein rep by Mrs. Nichole-Gherardi)*

**THE BAR ASSOCIATION OF SEYCHELLES** **3<sup>RD</sup> PETITIONER**  
*(herein rep by Mr. Khalyaan Karunakaran)*  
*(All rep. by Mr. Divino Sabino, Mr. Conrad Lablache and Mr. Georges Robert)*

**AND**

**THE SPEAKER OF THE NATIONAL ASSEMBLY  
 OF SEYCHELLES** **1<sup>ST</sup> RESPONDENT**

**THE PRESIDENT OF THE REPUBLIC OF  
 SEYCHELLES** **2<sup>ND</sup> RESPONDENT**

**THE ATTORNEY GENERAL** **3<sup>RD</sup> RESPONDENT**  
*(representing the Government of Seychelles)*

**THE ATTORNEY GENERAL** **4<sup>TH</sup> RESPONDENT**  
*(All represented herein by Mr. Mohamed Saley)*

**Neutral Citation:** *The Seychelles Human Rights Commissions & Ors v The Speaker of National  
 Assembly & Ors (MA28 of 2023 Arising in CP7 of 2023) [2023] SCSC*

**Before:** **Govinden CJ, Burhan J, Adeline J.**

**Summary:** **Leave to Appeal against Ruling on recusal of Judges**

**Heard:** **21 March 2023**

**Delivered:** **9 May 2023**

**Govinden CJ (Presiding), Burhan J, Adeline J.**

[1] This Ruling arises out of a notice of motion filed in Court as MA 28/2023 filed on 23 February 2023 by the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Applicant, namely Seychelles Human Rights Commission, the Ombudsman and the Bar Association of Seychelles (hereafter collectively referred to as the Applicants). The application follows an interim Ruling by the Constitutional Court in MA 230/2022 (arising out of CP 7 of 2022) where an application for recusal of Judges of the Supreme Court by the Applicants was unsuccessful. Therefore, the Applicants seek leave of this Court to appeal against the Ruling by the Constitutional Court in MA 230/2022.

[2] We are of the considered view, that a recusal application is an application that has to be considered as a separate independent application. The mere fact that in the registration of the case numbering it is mentioned “arising in CP7 of 2022”, the main case, should not mislead one to believe that a recusal application is an interlocutory application pertaining to the main case as is usually the case in respect of most miscellaneous applications. The recusal application in this instant case has nothing to do with the facts of the main case and therefore, is a separate and independent application in its own right. Further, the application for recusal is essentially civil in nature. This Court has given its final decision in respect of the application for recusal and therefore the appeal lies as of right. Giving due consideration to the above findings of this Court, we are of the view, that the aggrieved parties have a right of appeal to the Seychelles Court of Appeal available to them.

[3] The application is therefore dismissed.

Signed, dated and delivered at Ile du Port on 9 May 2023.

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**R GOVINDEN**  
**(PRESIDING JUDGE)**

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**M BURHAN**  
**JUDGE**

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**B ADELINE**  
**JUDGE**