

THE REPUBLIC OF SEYCHELLES
IN THE SUPREME COURT OF SEYCHELLES

(Holden At Victoria, Mahe Island)

THE REPUBLIC

VS.

MOHAMED AHMED DAHIR & TEN (10) OTHERS

Criminal Side No. 51 of 2009

Attorney General, Mr. R. Govinden for the Republic
Mr. A. Juliette for all 11 Accused persons

SENTENCE

Gaswaga, J

All the eleven accused persons have now been convicted as charged on counts 3 and 7 of the offences of piracy contrary to section 65 of the Seychelles Penal Code, Cap 158, and aiding and abetting the act of piracy contrary to section 65 of the Seychelles Penal Code as read with section 22(c) thereof.

The defence counsel in mitigation has urged the court to look at the respective ages of the minors and to consider the fact that they are all first offenders.

The accused persons will be considered as first offenders. The court takes note of the fact that all the accused are foreigners in this country where they will be serving considerable amount of time in a prison facility away from their country and family.

Their mitigation will therefore be considered in *toto*.

The evidence shows that the accused did not succeed in taking control of the ship or any property thereon. Neither did they injure any crew or damage the “Topaz”.

It must be further noted that the offences of piracy have affected maritime business for many countries especially those coastal states along the Indian Ocean and that part of the high seas where the accused had been arrested claiming to be fishing in unregistered vessels without flying a flag and armed with rifles. Each country and organization has suffered in its own way which to some extent has been reflected in the kind of sentences meted out on those that have been convicted on piracy charges in the relevant jurisdiction.

For Seychelles, an archipelago that almost entirely depends on the surrounding waters of the Indian Ocean the effects of any insecurity at sea are far reaching. There is no doubt that piracy activities in our waters have impacted adversely on a number of projects in the areas of tourism, fishing, transport and trade and investment on which a considerable percentage of Seychellois people depend. Piracy activities can also easily breed other evils such as drug and human trafficking as well as illegal fishing which in turn makes it too expensive for the Seychelles Government to patrol and protect its territorial waters.

This therefore calls for a sentence that would deter other would-be offenders out there from committing similar offences. Accordingly, each of the accused persons A4 to A11 shall be sentenced to a period of ten (10) years in prison on count 3. As for A1, A2 and A3 shall each be sentenced to ten (10) years in prison on count 7.

ORDER

The period the accused have spent in detention since their arrest on the 6th December, 2009 should count as part of this sentence.

The prisons authorities should make the necessary arrangements to detain in the right place each one of the accused according to their ages as guided by the Constitution.

Right of appeal against conviction and sentence explained.

D. GASWAGA

JUDGE

Dated this 26th day of July, 2010