

IN THE SUPREME COURT OF SEYCHELLES

Criminal Side: CO 54/2013

[2016] SCSC 68

THE REPUBLIC

versus

RASHID LIWASA

Accused

Heard:

Counsel: Mr Kumar, Assistant Principal State Counsel for the Republic
Mr Camille for the accused

Delivered: 10 February 2016

SENTENCE

Dodin J

[1] The Convict, Rashid Mohamed Liwasa has been found guilty and convicted of one count of importation of a controlled drug into Seychelles, namely 683.7 grams of powder containing 287.1 grams of pure heroin (diamorphine), contrary to Section 26(1)(a) of the Misuse of Drugs Act and punishable under Section 29(1) read with the 2nd schedule of the Act as amended by Act 4 of 2012.

[2] The offence was committed on 25th August 2013.

- [3] Learned Counsel for the Convict moved to Court in mitigation to impose a lenient sentence on the Convict despite the law providing for a mandatory life sentence for the offence.
- [4] The Convict is indeed a first offender, a Kenyan National with 4 dependants including 3 minor children in Kenya and he appeared to have been given the drugs by another Kenyan National to take to Seychelles.
- [5] I have considered the submission of learned counsel in mitigation but I find that the law as it stands does not give the Court much discretion to impose a sentence lower than that prescribed particularly as no specific special circumstances has been set out which can be interpreted in favour of the Convict.
- [6] I therefore impose a sentence of life imprisonment on the Convict as the law prescribes.
- [7] He can appeal against the conviction and sentence within 30 working days.

Signed, dated and delivered at Ile du Port on 10 February 2016

G Dodin
Judge of the Supreme Court