

**IN THE SUPREME COURT OF SEYCHELLES**

**CO7/2017**

**[2017] SCSC 322**

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**The Republic**

Versus

**NEDY MICOCK**

**VIVIAN DOMINGUE**

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Heard: 4 April 2017  
Counsel: Ms Confait for Republic  
Mr Andre together with  
Mr Camille for both Accused persons  
Both Accused persons - present

Delivered: 4 April 2017

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**RULING**

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**M. TWOMEY, CJ**

1. The accused persons have made an application for bail. The right to liberty is a fundamental right enshrined in our Constitution but that liberty can be withdrawn where the individual becomes a threat to societal and legal order.

2. Hence, Article 18(7) of our Constitution limits the liberty of those individuals awaiting trial where the court is of the view that circumstances including the seriousness of the offence, the risk of flight, the protection of the suspects themselves or witnesses or the obstruction of justice are present and there is a danger of justice being thwarted by the grant of bail.
3. In their affidavits supporting their bail application the two accused persons offer an explanation and refutation of the NDEA's agent affidavit supporting his application for the accused persons to be remanded in custody.
4. Mr Andre has argued that some of those averments are not accurate.
5. I am not however satisfied that the flight risk has been addressed successfully by the accused persons. Both accused persons are Seychellois nationals who had relatives in Seychelles. The court cannot be so naïve to think that they had no knowledge that they were wanted by the NDEA; that a blue notice for their arrest issued by INTERPOL since May 2015 was not known to them. They moved beyond this jurisdiction in several countries rather than return to Seychelles to help the NDEA with their enquiries.
6. The lack of a passport did not seem to hinder Nedy Micoock's international movements.
7. I am not reassured that even without the issuance of a Seychellois passport that he might not flee this jurisdiction.
8. Further given the fact that the prosecution witnesses are known to the accused persons with one of them a next door neighbour of Mr Micoock, there is sufficient reason for fearing that if released the accused persons might interfere with them.
9. I am also of the view that given the seriousness of the offence with which they have been charged that is the importation and conspiracy to import over 35kg of heroin, punishable

by life imprisonment, there are very strong grounds why bail should be refused and I so order.

10. The accused persons are remanded for a further 14 days.

Signed, dated and delivered at Ile du Port on

**M. TWOMEY**

Chief Justice