

**IN THE SUPREME COURT OF SEYCHELLES**

**CIVIL SIDE: MC 98/2014**

**[2017]SCSC**

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**FINANCIAL INTELLIGENCE UNIT**

Applicant

Versus

**JAMES ONEZIME**

Respondent

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Heard: 23 May 2017

Counsel: Mrs. Aglae for applicant (absent – excused)  
Mrs. Amesbury for respondent

Delivered: 26 May 2017

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**ORDER ON MOTION**

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**F. ROBINSON, J**

[1] This matter came before the court for hearing on 23<sup>rd</sup> May, 2017. The hearing of this matter has already started. Respondent was being cross-examined by Mr. Barry Galvin, State Counsel, then counsel, for the Applicant. The court has, on file, affidavits sworn by the then director, of the Applicant, Mr. Thomas Anthony Quilter; the then director, of the Applicant, Mr. Declan Barber; and the then deputy director, of the Applicant, Mr. Philip Moustache.

[2] Mrs. Aglae appeared on behalf of the Applicant and made application for adjournment of the hearing. It is to be noted that Mr. Esparon, Acting Attorney General, from the Chambers of the Attorney General, is counsel for the Applicant. Mr. Esparon was nowhere to be seen. Mrs. Aglae informed the court that she is not ready to proceed with the hearing, her excuse being that she had made request for court proceedings and had not received them yet. She informed the court that she

knew nothing about this matter. No valid reason was laid before the court as to why Mr. Esparon could not appear. It is to be noted that Mr. Esparon did not withdraw his appearance as counsel, for the Applicant, in this matter. The court ordered, further, disclosure in this matter. On 6 September, 2015, Mr. Esparon filed, in the Registry of the Supreme Court, a bundle – *"LIST OF DOCUMENTS FOR POTENTIAL USE IN CROSS-EXAMINATION"*. On 22 November, 2016, both counsel appeared before the court with respect to the hearing of this matter. The court stated that ***"We had already fixed a date for hearing next year 23<sup>rd</sup> May, 2017 whole day."*** The court is, therefore, at a loss to understand why Mr. Esparon could not have proceeded with this matter.

- [3] The court has made numerous orders, since 2014, extending the administrative freezing direction issued by the Applicant, on 24 February, 2014, with respect to Seychelles rupee account numbers 00276774, 00280038 and 00714306102 held in the name of the Respondent, James Onezime, with the Mauritius Commercial Bank (Seychelles) Limited. The current orders, MA381/2016 arising in MC98/2014 and MC 09/2015, were made by the court on 20 January, 2017. On 22 November, 2016, learned counsel for Respondent voiced her concern with regards to the delay to complete this matter. She reminded the court that the Respondent has had no access to the named bank accounts since 2014.
- [4] The court has considered the application for an adjournment of the hearing. It is the opinion of the court that the reason put forward by the Applicant is flimsy. For the reasons stated above, the court refuses the adjournment and dismisses MC98/2014.
- [5] In light of the above, the court is, further, of the opinion that the orders of the court - MA 381/2016 arising in MC 98/2014 and MC09/2015, extending the freezing direction of the Applicant freezing the amount of Seychelles rupees 814, 021. 22/- being the amount standing to credit, in the name of James Onezime, in Seychelles rupee account numbers 00276774, 00280038 and 00714306102, with the Mauritius Commercial Bank Seychelles Limited, should be revoked. The court revokes the said order made on 20 January, 2017, extending the freezing direction issued by the Applicant on 28 February, 2014.

[6] Copy of this order, under the hand of the Registrar of the Supreme Court, to be served on the Applicant and the Mauritius Commercial Bank Seychelles Limited, forthwith.

[7] The court orders accordingly with costs.

Signed, dated and delivered at Ile du Port on the 26 May, 2017.

**Fiona Robinson**  
**Judge of Supreme Court**