

IN THE SUPREME COURT OF SEYCHELLES

Criminal Side: CO13/2018

[2018] SCSC

THE REPUBLIC

versus

ABISON DE GIORGIO

Accused

Heard: 5 April 2018
Counsel: Mr George Thachett, Assistant Principal State Counsel for the Republic
Mrs. Alexia Amesbury Attorney at Law for the accused
Delivered: 6 April 2018

RULING

Burhan J

[1] I have considered the submissions made by learned counsel for the accused and the objections to bail made by learned counsel for the prosecution. The accused in this case has been charged for offences under sections 91 (a) and 284 of the Penal Code and sections 23(1) and (5), 44 and 14(2) of the Anti -Corruption Act 2016.

[2] The main grounds urged by learned counsel for the accused are that:

a) The accused has been in remand since the 5th of February 2018 and in the case of **R v Moses [2015] SCSC 62** and another, the accused were released on bail for a similar offence.

However, a copy of the judgment tendered to Court indicates the accused were not released on bail but remanded to custody. Bail was refused on the basis that the affidavit indicated there was an attempt to interfere with the proper prosecution of the said case refer to paragraph 13 and 14 of the said judgment tendered to court. This Court held in the case of **Republic v Daniel Monthy and Ors [2015] SCSC 199** that the possibility of the accused interfering with a witness or obstructing the course of justice are substantial grounds for the remanding of an accused. In fact, interfering with a witness in the view of the court is a stand-alone provision to warrant remanding.

b) Learned Counsel for the accused has gone into detail in regard to the investigations not been conducted properly, in that one lady officer had left the unit and had not been part of the investigation and stated further that the evidence that the accused wrote the alleged letter is false and learned counsel has gone to the extent of pointing out the hand writing differences between the letter sent to the complainant and the letter received by her.

These are matters Court cannot decide at this moment as it would be too premature to do so and improper for Court to come to any conclusion at this early stage, especially as a handwriting experts report has been called for and not yet received.

c) Learned counsel has also played down the seriousness of the charges on the basis that there is no minimum mandatory term of imprisonment. However as rightly pointed out by learned counsel for the prosecution, the accused was a senior officer in the special unit dealing with corruption and the charges indicate that he himself, has been engaged in corrupt practices in order to derail and interfere with the ongoing investigations in regards to the one Dolor Ernesta the complainant in this case.

In the view of this Court, the accused faces serious charges which attract terms of imprisonment ranging from 2 to 18 years. The fact that he himself was a lead investigator in the aforementioned ongoing investigation is an additional aggravating factor. In the light of this background, there exists substantial grounds to believe and a strong possibility exists that if the accused is released on bail, the accused being a trained officer, would attempt to interfere with the witnesses in this case who were his colleagues and well known to him. Further, trial is due to commence on the 1st of August 2018 and scheduled to conclude by end of September 2018. I see no unreasonable delay in the hearing of this case at present to warrant release of the accused on bail.

[3] For all the aforementioned reasons, I am of the view that substantial grounds exist to remand the accused to custody.

Signed, dated and delivered at Ile du Port on 6 April 2018

M Burhan
Judge of the Supreme Court