

**IN THE SUPREME COURT OF SEYCHELLES**

**Civil Side: CO72/2017**

**[2018] SCSC 783**

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**THE REPUBLIC**

versus

**OSAMA CASIME**

1<sup>st</sup> Accused

**HIFA CASIME**

2<sup>nd</sup> Accused

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Heard: 24<sup>th</sup> July 2018

Counsel: Ms. Brigitte Confait for the Republic

Mr. Nichol Gabriel for the 1<sup>st</sup> and 2<sup>nd</sup> Accused

Delivered: 24<sup>th</sup> July 2018

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**RULING**

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**R. Govinden, J**

[1] Mr. Gabriel Counsel for the defence objected to the three original Pen drives to be admitted at this juncture by witness Legaie. Mr. Gabriel objection is based on the fact that he is now prejudiced and ambushed and is caught by surprise as the Pen drives were never disclosed to him at the time of Plea and Direction hearing and disclosures by Counsel for the Republic.

[2] Counsel for the Republic replied, that there is no prejudice given that three Pen drives content is contained in P17 which had been produced without objection from Mr.

Gabriel. The witness who is testifying has testified about the three Pen drives, however he has said that it was not in his possession when he testified this morning. He said that the content of the three pen drives which are video footages from the Post-Office, the Quadrant Building in Victoria and Sham Peng Tong Plaza are inside and is contained in exhibit P17 which is now produced. Mr. Gabriel had had no objection to the production of exhibit P17 in which is contained the content of the three pen drives.

[3] Effectively, Mr. Gabriel has admitted to the content of P17 coming into evidence and therefore the content of the three pen drives which is now sought to be produce.

[4] Accordingly, I find that there is no ambush, however I am concerned that this is something new, not disclosed to the defence. The content might or might not be the same content as P17 and the defence is entitled to view the content of the three pen drives and see for itself whether it commensurate and is similar to that of P17 so that the right to a fair hearing, and the right of sufficient opportunity to effect a defence is awarded to the defendant. Therefore, Mr. Gabriel you will be given time for you to view those three pen drives and see whether the content tally's with that of P17.

Signed, dated and delivered at Ile du Port on 24<sup>th</sup> July 2018.

R. Govinden, J  
**Judge of the Supreme Court**