

IN THE SUPREME COURT OF SEYCHELLES

CriminalSide: CO53/2018

[2018] SCSC 886

THE REPUBLIC

versus

NIZAM UDDI AHMED

Accused

Heard: 20 September 2018

Counsel: Mrs Lansinglu Rongmei , State Counsel for the Republic
Mr Leslie Boniface for the accused

Delivered: 20 September 2018

RULING

R. Govinden, J

[1] The accused person Mr Nizam Uddi Ahmed has been charged with seven counts of different charges of trafficking in persons contrary to Section 31(d) (e) and (g) as read with Section 5(1)(b) of the Prohibition of trafficking in persons Act 2014 punishable under Section 5(2) of the same Act.

[2] The Prosecution has as a result filed an Application for his remand in accordance with Section 179 of the Criminal Procedure Code as read with Article 18(7) of the Constitution, which is supported by an Affidavit deponed to by Sergeant Daria Rachel of the Seychelles Police Force.

[3] In the Application Prosecution avers that the remand is essential and necessary in this case as the offence is serious and is a heinous crime against human dignity and morality. That it is an aggravated offence of trafficking in persons, carrying with it a maximum

penalty of 25 years in imprisonment and a fine not exceeding Rs800,000/-. And that the victims are vulnerable witnesses being foreign nationals in an unknown place, with language barriers with no support system and fully at the mercy of the Respondent. And that the Respondent have kept the victims in fear, exercising control over them and exploiting them. And that there are substantial grounds to believe that the Respondent will interfere with the course of justice, if he is not remanded in custody.

- [4] Moreover, the Prosecution avers that the Respondent, namely Nizam Uddi Ahmed, being a foreign national has no fixed place of abode and is a GOP Holder in Seychelles which will expire soon.
- [5] It is also averred in the Affidavit that Seychelles has been in the Watchlist of human trafficking in persons monitoring body such as the UNODC and this case might further tarnish the reputation and good standing of Seychelles
- [6] The Prosecution Learned Counsel, Mrs. Rongmei, has vehemently submitted in favour of this Application whilst the accused person has objected to the Application. He said that he is an elderly person who has medical problems and that moreover the other legal documents in regards to this offence was signed by a co-director, a Mr Larue and he has not committed the offence. He is contesting the commission of the offence and he is ready to surrender his passport to the Court and he wishes to be released on bail.
- [7] I find that on the face of the Application that the Prosecution has made a sufficient case to satisfy this Court that it is necessary and in the interest of justice that the accused be further remanded in custody in pursuant to Section 179 and under Article 18(7) of the Constitution. Anything that he says in regards to the substantive offence will have to be decided during the course of the trial.

Signed, dated and delivered at Ile du Port on 20 September 2018

R Govinden , J
Judge of the Supreme Court