

IN THE SUPREME COURT OF SEYCHELLES

CriminalSide: CO13/2018

[2018] SCSC 1111

THE REPUBLIC

versus

ABISON DE GIORGIO

Accused

Heard: 6 December 2018

Counsel: Mr. George Thachett, Assistant Principal State Counsel for the Republic
Mrs. Alexia Amesbury Attorney at Law for the accused

Delivered: 7 December 2018

SENTENCE

Burhan J

[1] The convict Abison De Giorgio has been convicted of Counts 2, 3 and 5 that read as follows:

Count 2

Corruptly solicit or attempt to obtain gratification for oneself as reward for having done or forborne to do, anything in relation to any matter, actually or proposed, with which a

public body is concerned, contrary to Section 23 (1) read with Section 23(5) of the Anti-Corruption Act, 2016 (Act 2 of 2016) and punishable under Section 44 of the said Act.

Count 3

Causing any person to receive any writing with intent to extort or gain anything from any persons and knowing the contents of the writing, demanding anything from the person without reasonable or probable cause, and containing threats of any detriment of any kind to be cause to the person, by another person, if the demand is not complied with, contrary to and punishable under Section 284 of the Penal Code (Cap 158).

Count 5

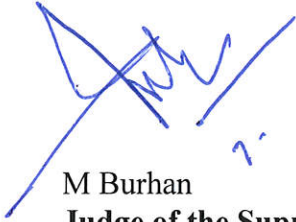
Disclosing without the written consent of or on behalf of the Anti-Corruption Commission, otherwise than in the course of that person's duties, to any unauthorised person, the contents of a document or information, which document or information relates to or has come to the knowledge of the person in the course of that person's duties under the Anti-Corruption Act contrary to section 14(1) of the Anti -Corruption Act 2016 (Act 2 of 2016) and punishable under Section 14 (2) of the said Act.

- [2] A person convicted of offences set out in Counts 2 and 5 under the Anti- Corruption Act 2016 (Act 2 of 2016) is liable to a fine of SCR 300,000.00 or to imprisonment for a term not exceeding 7 years or to both such fine and imprisonment.
- [3] A person on conviction of an offence under section 284 of the Penal Code as set out in Count 3 is liable to a term of 18 years imprisonment.
- [4] I have considered the plea in mitigation made by Learned Counsel for the convict. Learned Counsel for the prosecution concedes the fact that the convict is a first offender. The convict is a young man and the father of a young child. According to Learned Counsel for the convict, the convict is the sole breadwinner of the family as his wife has been made redundant in her job. Learned Counsel Mrs. Amesbury moved that the convict be given a suspended term of imprisonment.

- [5] I have considered the plea in mitigation. I observe that the convict has been a very high ranking officer in the Anti-Corruption Commission. He has been the Acting CEO and Communications, Complaints and Public Relations manager in the Anti-Corruption Commission, a Commission specially set up to investigate offences relating to corruption which the convict himself has been found convicted of.
- [6] Another aggravating feature in this instant case is that the accused attempted to shift the blame onto innocent co-workers who trusted him and were his colleagues and friends. This was very apparent when one considers the evidence given by the accused and the line of cross examination done on instructions given by him. Therefore it cannot be said that the convict expressed remorse and regret at what he had done. Considering all these facts, I am of the view that suitable deterrent punishment should be given by way of a term of imprisonment. The convict is sentenced as follows:
- [7] On Count 2 to a term of 5 (five) years imprisonment and a fine of SCR 25.000/= (twenty five thousand) in default of payment of fine 6 months imprisonment.
- [8] On Count 3 to a term of 8 (eight) years imprisonment and a fine of SCR 25.000/= (twenty five thousand) in default of payment of fine 6 (six) months imprisonment.
- [9] On Count 5 to a term of 5 years imprisonment and a fine of SCR 25.000/= (twenty five thousand) in default of payment of fine 6 months imprisonment.
- [10] I make further order that the terms of imprisonment of 5, 8 and 5 years imposed in respect of Counts 2, 3 and 5 run concurrently.
- [11] The 6 month terms of imprisonment imposed for each offence for non-payment of fine is to run consecutively. Therefore failure of the convict to pay the total fine of SR 75,000/= (seventy five thousand) would result in him serving a total term of 18 months imprisonment. This 18 month term of imprisonment is to run consecutively to the concurrent terms of imprisonment imposed above in paragraph [10] herein.

[12] Time spent in remand to count towards sentence. Right of appeal explained to convict.

Signed, dated and delivered at Ile du Port on 7 December 2018



M Burhan

Judge of the Supreme Court

