

**IN THE SUPREME COURT OF SEYCHELLES**

**Criminal Side: CR 28/2018**

**[2018] SCSC 899**

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**THE REPUBLIC**

versus

**Eric Jocelyn Dijoux**          Accused

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Heard:            2<sup>nd</sup> October 2018  
Counsel:        Mr. Hermanth Kumar, Attorney General for the Republic  
                      Mr. Danny Lucas for the accused  
  
Delivered:      9<sup>th</sup> October 2018

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**JUDGMENT AND SENTENCE**

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**M. TWOMEY, CJ**

- [1]     The accused, Eric Dijoux pleaded guilty on 2<sup>nd</sup> October to a charge of importation of a controlled drug, namely heroin, contrary to section 5 of the Misuse of Drugs Act 2016 and punishable under the said section read with the Second Schedule referred thereto in the said Act.
- [2]     I therefore hereby convict him of the said offence.
- [3]     The particulars of the offence as laid out in the charge sheet are to the effect that the accused person, a citizen of Madagascar, on 20 April 2018 imported into Seychelles a

controlled drug substance, weighing 930 grams in total which contained 555.83 grams of pure heroin (diamorphine).

- [4] The facts of the case as summarised by learned Counsel for the Republic are that upon landing in Seychelles, the accused informed the Immigration Officer that he did not have sufficient money to pay for the visa fee to enter Seychelles. The Immigration Officer became suspicious and together with an officer from the Anti Narcotic Bureau decided to check his luggage. A black pouch containing cannabis resin was found which the accused informed them was for his own personal use.
- [5] A body search was subsequently carried out on the accused. He was found to be wearing two boxer shorts. Once he was undressed, a bandage wrapped around his waist was discovered inside of which were two packets.
- [6] On examination by the forensic laboratory, the substances inside the two packets were confirmed to be heroin with a net weight of 930g in total of which 550.83 grams was pure heroin.
- [7] The accused stated to the court that he was the person who approached the Immigration Officer and informed him of his plight, that is, that he was carrying drugs on his person and that he did not know he was coming to Seychelles nor did he have any money on him.
- [8] Learned Counsel, Mr. Lucas for the accused has also submitted in mitigation that the accused is 47 years old, married with two young children, the youngest of which was 2 months old at the time of his commission of the offence. He submitted that by pleading guilty he has saved the court valuable time and expense. He has also submitted that the accused is a first offender with no previous criminal record and that his offence is an aberration and not his normal behaviour.
- [9] He had been employed in a construction company in Madagascar. His youngest child was born ill or fell ill; immediately after birth necessitating an operation. He approached someone in Madagascar for the loan of the money for the operation. He was asked to carry something out of Madagascar in return for the loan of money. He initially resisted but as his daughter's condition worsened, he felt compelled to act on the instructions.

- [10] Learned Counsel submitted that the accused was a victim of drug dealers in accepting to be a mule. He was given USD 200 for his part in the crime. He gave a statement to the police explaining everything at the earliest opportunity. He also took part in the failed controlled delivery. He did everything he could to assist the authorities. For these reasons Learned Counsel has pleaded for the clemency of this court.
- [11] The offence with which the accused is charged carries a minimum indicative sentence of twenty years with a maximum sentence of life imprisonment and a fine of SR1 million.
- [12] I have considered the facts placed by the learned counsel in mitigation before the court. I accept and take into account the fact that the accused has pleaded guilty without wasting the time of the Court, thereby expressing remorse and regret at the very first instance and that he expects the leniency of the court in so doing.
- [13] I also note that the accused is only 47 years of age, the father of two children, one of which is in need of an urgent operation.
- [14] I have considered all the mitigating circumstances including the fact that the accused is a first offender and driven to desperate measures given the circumstances of his daughter's health. I am also struck by the fact that he literally gave himself up to the authorities on arrival into Seychelles and fully cooperated with them.
- [15] Nevertheless the accused committed a grave offence exacerbated by the importation into Seychelles element of a substance that is wreaking havoc on our nation. The quantity of heroin, a Class A drug, he carried was also very substantial.
- [16] I intend therefore to impose a sentence that reflects the gravity of the offence while giving him an opportunity accused to reform himself.
- [17] I impose a sentence of eight years imprisonment.
- [18] Time spent on remand shall count towards sentence. The Convict can appeal within 30 working days.

Signed, dated and delivered at Ile du Port on 9 October 2018.

**M. TWOMEY**  
**CHIEF JUSTICE**