

**SUPREME COURT OF SEYCHELLES**

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**Reportable**  
[2020] SCSC 403  
CR50 / 2019

**REPUBLIC**  
(rep. by Evelyn Almeida)

**Prosecution**

and

**NADIA RICHMOND**  
(rep. by Nichol Gabriel)

**Accused**

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**Neutral Citation:** *Republic v Nadia Richmond* (CR 50/2019) [2020] SCSC 403 (07 July 2020).  
**Before:** Vidot J  
**Summary:** Admissibility of confession  
**Heard:** 06 July 2020  
**Delivered:** 07 July 2020

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**ORDER**

Confession admitted

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**RULING**

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**VIDOT J**

[1] The accused stands charged with drugs related offences. These include possession with intent to traffic contrary to section 9(1) of the Misuse of Drugs Act and simple possession contrary to section 8(1) of the Act. The drugs involved are MDMA ecstasy, heroin and cannabis herbal material. During the prosecution case they sought to introduce a confession allegedly made by the Accused. The confession was recorded by Juliette Naiken and witnessed by Laurine Constance, both officers of the Anti-Narcotics-Bureau. The defence objected to the confession being admitted as evidence. Therefore, the Court

decided to hold a voir dire. The prosecution called the 2 above named ANB officers as witnesses whilst the defence decided not to call anyone and neither did the Accused give evidence.

- [2] The defence argues that the confession was not obtained voluntarily. Indeed, it is a prerequisite that for a statement to be rendered admissible, it must have been obtained voluntarily; see **R v Chadwick (1934) 24 Cr. App. R 138**. The grounds of involuntariness argued by the Accused are that the confession was obtained through duress and that there was fear of oppression exercised on the Accused.
- [3] A confession made by an accused person may be admitted as evidence provided that it was obtained voluntarily and that it is relevant. However, the truth a confession is not directly relevant to the voir dire, though the manner in which the confession was obtained may have an important bearing on the question of its truth, for a statement made in consequence of violence, or some other powerful inducement, is much less likely to be true than one which is given freely; see Cross on Evidence, 10<sup>th</sup> Edition, p383.
- [4] The prosecution witnesses largely corroborated one another. They maintained that the Accused gave the statement freely. She was informed of her constitutional rights and particularly her right to have a lawyer present but she chose not to avail herself of such right. They said that the Accused was relaxed and “normal” and that there was no duress exercised on the Accused. She was even cautioned and informed that she did not have to say anything, but she decided otherwise and finally signed the statement. According to the prosecution witnesses the Accused related the story to them and it was recorded and they deny that the Accused was told that if she did not make the confession, she would be tried and spend years in prison. In fact they maintained that there was no oppression placed on the Accused and that she was cooperative.
- [5] I am satisfied that the prosecution witnesses were being truthful. The defence did not through cross examination establish otherwise. In fact, I find that questions put in cross examination were quite feeble that did not establish that the confession was obtained through duress and fear of oppression and the fact that the Accused did not call any evidence did not assist her with her objection.

[6] Therefore, based on the above I find that the confession was obtained voluntary and so pronounce that it is admissible.

Signed, dated and delivered at Ile du Port on 07 July 2020

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Vidot J