

SUPREME COURT OF SEYCHELLES

Reportable
[2021] SCSC ...
MC17/2021

In the matter between:

THE REPUBLIC
(rep. by Mr. Powles)

PROSECUTION

and

BAHRAAN BALOCH
(Present – Unrepresented)

1ST ACCUSED

GANI GULAMI
(Present – Unrepresented)

2ND ACCUSED

AKBAR BALOCH
((Present – Unrepresented)

3RD ACCUSED

CIRAG BALOCHI
(Present – Unrepresented)

4TH ACCUSED

AMAN BUZURGZADH
(Present – Unrepresented)

5TH ACCUSED

ABDUL REHMAN
(Present – Unrepresented)

6TH ACCUSED

AFZAL JALAL
(Present – Unrepresented)

7TH ACCUSED

RASHID ROUSSI
(Present – Unrepresented)

8TH ACCUSED

Before: M. Burhan, Judge
Heard: 18 November 2021
Delivered: 18 November 2021

ORDER

Burhan M

[1] I have considered the application made by learned Counsel for the Applicant Mr. Powles who is seeking an order pursuant to Section 74(3) Anti-Money Laundering

and Countering the Financing of Terrorism Act (“AMLCFT Act”). The application is made in respect of a quantity of cash found on board an Iranian vessel, totalling SCR 2,213,892.50, details of which are set out in the Table attached to the Notice of Motion dated 16 November 2021.

- [2] The said Iranian vessel “Al Shaheen”, was intercepted on the 6th of November 2021 by the Seychelles Coast Guard after being suspected of carrying illicit proceeds namely; controlled drugs and illegitimate and illegal cash.
- [3] Learned Counsel for the Applicant seeks to rely on the affidavit of Sergeant Dave Jeanne of the FCIU dated 16th November 2021. At the very outset, I wish to state giving due consideration to the amount seized stated in the Table to the Notice of Motion, I am satisfied that the amount exceeds SCR 50,000.00.
- [4] Having considered the facts set out the affidavit of Mr. Dave Jeanne, paragraphed 18 to 35, I am satisfied that the large amount of cash as specified above was found in various compartments of the said dhow. It has also been brought to the notice of court that most of the notes seized and recovered were crisp new notes. In addition, paragraph 9 of the affidavit indicates that several packets of substances suspected to be controlled drugs, were found on board the said vessel. In addition, several documents and loose papers and other relevant materials, which had been taken into custody from the dhow have to be analysed and investigated.
- [6] Further, Sergeant Dave Jeanne at paragraph 16 states that “there are reasonable grounds to believe that the dhow was transporting controlled drugs and the cash taken into custody were proceeds of the said controlled drugs”. I am therefore of the view that further time should be given for the investigation of the source of this money. I am also of the view that the facts set out in paragraph 36 and 37 of the affidavit also need further investigation by authorities.
- [8] The Captain on being questioned in respect of the large amount of cash found on board has denied any knowledge of the money being on board, which to this Court is strange because as Captain he should be responsible and aware of all the cargo on

board. This also indicates the Captain is not claiming the money found on board the vessel.

[9] I am also of the view that the statements made by the Captain in his reply to the submissions of learned Counsel for the Applicant have to be further investigated by the authorities. It also has been set out in the affidavit that investigation at present is being impaired due to the Covid situation prevailing as several suspects have contacted the Covid 19 flu and have been quarantined.

[10] Having considered all the aforementioned facts, as the cash represents proceeds of crime or is intended to be used in connection with criminal conduct. I am of the view that at present further time for investigations must be granted. I therefore grant the necessary application, for further detention of the said sum of money for a period of 60 days, which would be from the 18th November 2021 till the 18th of January 2021.

Signed, dated and delivered at Ile Du Port on 18th November 2021

M. Burhan
Judge