

IN THE SUPREME COURT OF SEYCHELLES

Reportable/Redacted

[2021] SCSC ...

CO 56/2020

In the matter between

THE REPUBLIC

(rep. by Mr. David Esparon)

PROSECUTION

and

SJ

(rep. by Mr. Daniel Cesar)

ACCUSED

Neutral Citation: *Rep v SJ & Ors* (CR 56/20) [2021] SCSC... 11 June 2021

Before: G. Dodin J.

Heard: 7 June 2021

Delivered: 11 June 2021

SENTENCE

Dodin J

[1] The Convict, SJ, has been convicted on his own guilty pleas to 37 counts mostly under sections 152 and 284 of the Penal Code and section 4 (1) read with section 3 (1) (e) & (f) of the Prohibition of Trafficking in Persons Act, 2014 (Act 9 of 2014) read with Section 22 (a) of the Penal Code. The names of the complainants/victims are not disclosed in this sentencing order to protect their identities and dignity. Any mention of any co-accused in this sentencing order is incidental and is not evidence against that co-accused. The charges to which the Convict has pleaded guilty and has been convicted are:

COUNT 1

Causing any person with the intent to extort, receive any writing demanding anything from one person without reasonable excuse or probable cause and containing threats or any injury or detriment of any kind if the demand is not complied with contrary to Section 284 of the Penal Code and punishable under the same Section.

Particulars of Offence

SJ, 20 years old, mechanical technician of Petite Paris, Mahe, without reasonable excuse sent in writing by way of Facebook messages containing demands with threats to BN, in the month of June 2020 demanding her to send her indecent photographs and to have sexual acts with him to avoid the circulation of her indecent in social media.

COUNT 2

Recruiting, harbouring, transferring and receiving a child, knowingly or recklessly disregarding that the person is a child, for the purpose of exploitation, whether or not by the use of force or other forms of means contrary to section 4 (1) read with section 3 (1) (e) & (f) of the Prohibition of Trafficking in Persons Act, 2014 (Act 9 of 2014) as read with Section 22 (a) of the Penal Code and punishable under section 4(1) of the Prohibition of Trafficking in Persons Act.

Particulars of Offence

SJ, 20 year old, mechanical technician of Petite Paris, Mahe, together with SJB of Marie Jeanne Estate, Praslin, recruited and transferred a minor girl namely JGBT of [. . .], Mahe, age 17 years in the year 2019 from Mahe to Praslin, knowingly and recklessly disregarding that the said JGBT is a child for purpose of exploitation.

COUNT 3

Statement of Offence

Recruiting, harbouring, transferring and receiving a child, knowingly or recklessly disregarding that the person is a child, for the purpose of exploitation contrary to Section 4 of the Prohibition of Trafficking in Persons Act, 2014, whether or not by the use of any means referred to in Section 3 (1) (a) to (g) of the Prohibition of Trafficking in Persons Act, 2014 (Act 9 of 2014) and punishable under section 4(1) of the same Act.

Particulars of Offence

SJ, 20 year old, mechanical technician of Petite Paris, Mahe, recruited and transferred a minor girl namely JC, aged 15 years in the year 2015 date and month unknown to the Republic from Mahe to Praslin, knowingly and recklessly disregarding that the said JC is a child, for purpose of exploitation.

COUNT 4

Statement of Offence

Having in possession of any indecent material for the purposes of or by way of trade or for public exhibition or distribution contrary to section 152 (1) (a) of the Penal Code and punishable under the same section 152 (1) of the Penal Code.

Particulars of Offence

SJ, 20 year old, mechanical technician of Petite Paris, Mahe, was found in possession of indecent materials namely nude and sexually explicit photographs and video of DMB of [. . .], Mahe for the purposes of or by way of trade in the month of June 2020.

COUNT 5

Statement of Offence

Making and/or having in possession of any indecent material for the purposes of or by way of trade or for public exhibition or distribution contrary to 152 (1) (a) as read with section 22 (a) of the Penal Code and punishable under the section 152 (1) of the same Act.

Particulars of Offence

SJ, 20 year old, mechanical technician of Petite Paris, Mahe, together with LMC of Anse Aux Pins, Mahe, in 2019 date and month unknown to the Republic, made for the purposes of trade and public exhibition and distribution indecent materials namely nude photographs of SE of [. . .], Mahe which were found in possession of said SJ in June 2020.

COUNT 6

Statement of Offence

Recruiting, harbouring, transferring and receiving a child, knowingly or recklessly disregarding that the person is a child, for purpose of exploitation, whether or not by the use of force or other forms of means contrary to section 4 (1) read with section 3(1)(e) & (f) of the Prohibition of Trafficking in Persons Act, 2014 (Act 9 of 2014) and as read with Section 22 (a) of the Penal Code and punishable under section 4(1)of the same Act.

Particulars of Offence

SJ, 20 year old, mechanical technician of Petite Paris, Mahe, together with SJB of Marie Jeanne Estate, Praslin, recruited and transferred a minor girl namely MKL of [. . .], Mahe, aged 17 years old, in the year 2018 date and month unknown to the Republic from Mahe to Praslin, knowingly and recklessly disregarding that the said MKL is a child, for the purpose of exploitation.

COUNT 11

Statement of Offence

Recruiting, harbouring, transferring and receiving a child, knowingly or recklessly disregarding that the person is a child, for purpose of exploitation contrary to Section 4 of the Prohibition of Trafficking in Persons Act, 2014 whether or not by the use of any means referred to in Section 3 (1) (a) to (g) of the Prohibition of Trafficking in Persons Act, 2014 (Act 9 of 2014) and as read with Section 22 (a) of the Penal Code and punishable under section 4(1) of the same Act.

Particulars of Offence

SJB of Marie Jeanne Estate, Praslin together with SJ of Petite Paris, Mahe, on a date unknown in March 2019 recruited and transferred from Mahe to Praslin, a minor girl of 15 years old namely GCCP of Mahe, knowingly and recklessly disregarding that the said GCCP is a child, for purpose of exploitation namely photographing nude and sexually explicit pictures of said GCCP.

COUNT 14

Statement of Offence

Carrying on or taking part in a business concerned with the making, producing indecent materials and hiring a person for that purpose contrary to Section 152 (1) (c) as read with Section 22 (a) of the Penal Code and punishable under the same section.

Particulars of Offence

LMC of Anse Aux Pins, Mahe together with SJ of Petite Paris, in 2019 were carrying on or taking part in a business concerned with the making, producing indecent materials and hiring a person for that purpose namely SAM of Les Mamelles.

COUNT 16

Statement of Offence

Recruiting, harbouring, transferring and receiving a child, knowingly or recklessly disregarding that the person is a child, for purpose of exploitation, whether or not by the use of force or other forms of means contrary to section 4 (1) of the Prohibition of Trafficking in Persons Act, 2014 (Act 9 of 2014) and as read with Section 22 (a) of the Penal Code and punishable under section 4(1) of the same Act.

Particulars of Offence

LMC of Anse Aux Pins, Mahe, together with SJ, 20 year old, mechanical technician of Petite Paris, Mahe, recruited a minor girl namely AV of [. . .], Mahe age 14 years old in the year 2017 date and month unknown to the Republic, knowingly and recklessly disregarding that the said AV is a child, for purpose of exploitation by way of taking sexually explicit or pornographic photograph of the said AV.

COUNT 17

Statement of Offence

Carrying on or taking part in a business concerned with the making, producing of indecent material by hiring a person for that purpose contrary to section 152(1)(c) read with Section 22(a) of the Penal Code and punishable under Section 152(1) of the Penal Code.

Particulars of Offence

AM of Belonie, Mahe together with SJ of Petite Paris, Mahe during the month of September 2019 at Bel Ombre, Mahe, carried on or taking part in a business concerning with the making, producing indecent material by hiring a person namely SED for that purpose.

COUNT 18

Statement of Offence

Having in a person's possession of indecent material for the purposes or by way of trade contrary to section 152(1) (a) of the Penal Code and punishable there under the same act.

Particulars of Offence

SJ of Petite Paris in the month of June 2020 was found in possession of indecent material of a person namely SED for the purposes or by way of trade.

COUNT 19

Statement of Offence

Carrying on or taking part in a business concerned with the making, producing of indecent material by hiring a person for that purpose contrary to section 152(1) (c) read with section 22(a) of the Penal Code and punishable under Section 152(1) of the Penal Code.

Particulars of Offence

JLM of North East Point, Mahe, AM of Belonie, Mahe and SJ of Petite Paris during the year 2019 at Providence, Mahe was carrying on or taking part in a business concerned with the making, producing of indecent material by hiring a person for such purpose namely SED.

COUNT 20

Statement of Offence

Carrying on or taking part in a business concerned with the making, producing of indecent material by hiring a person for that purpose contrary to section 152(1) (c) read with section 22 (a) of the Penal Code and punishable under section 152(1) of the Penal Code.

Particulars of Offence

SJ of Petite Paris together with AM of Belonie, Mahe during the year 2019 at Bel Ombre, Mahe was carrying on or taking part in a business for making, producing of indecent material by hiring a person for that purpose namely RLL.

COUNT 21

Statement of Offence

Having in a person's possession of indecent material for the purpose or by way of trade contrary to section 152(1) (a) of the Penal Code and punishable there under the same act.

Particulars of Offence

SJ of Petite Paris in the month of June 2020 was found in possession of indecent material of a person namely RLL for the purpose or by way of trade.

COUNT 22

Statement of Offence

Carrying on or taking part in a business concerned with making, producing indecent materials and hiring a person for that purpose contrary to section 152(1) (c) of the penal code and punishable under section 152(1) of the penal code.

Particulars of Offence

SJ and AM during the month of August 2019 at Bel Ombre, Mahe was carrying on or taking part in a business concerned with making, producing indecent materials and hiring as person for that purpose namely BMP.

COUNT 25

Statement of Offence

Having in the person's possession of indecent materials for the purposes or by way of trade or distribution to the public contrary to section 152(1) (a) and punishable under Section 152 (1) of the penal code.

Particulars of Offence

SJ on the 20th June 2020 at Petit Paris, Mahe was found in possession of indecent materials namely topless pictures or photographs of BMP for the purposes or by way of trade or distribution to the public.

COUNT 26

Statement of Offence

Carrying on or taking part in a business concerned with the making, producing indecent materials and hiring a person for that purpose contrary to section 152(1) (c) of the penal code and punishable under section 152(1) of the penal code.

Particulars of Offence

SJ and AM during the month of March 2020 at Bel Ombre, Mahe was carrying on or taking part in a business concerned with making, producing materials and hiring a person for that purpose namely KL.

COUNT 27

Statement of Offence

Having in possession of any indecent material for the purpose of trade or for public exhibition or distribution contrary to section 152(1) (a) of the Penal Code and punishable under the same section.

Particulars of Offence

SJ on the 20th June 2020 at Petit Paris, Mahe, was found in possession indecent materials for the purposes or by way of trade or distribution to the public namely topless pictures or photographs of KL.

COUNT 28

Statement of Offence

Recruiting, transporting or receiving another person by means of deception or misrepresentation by words or conduct as to the financial incentive or promise of award for the purposes of exploitation, contrary to section 3 (1) (e) of the Prohibition of Trafficking in Persons Act, 2014 (Act 9 of 2014) as read with Section 22 (a) of the Penal Code and punishable under section 3(1) of the same Act.

Particulars of Offence

SJ together with AM on the 29th June 2019 at Anse Aux Pins, Mahe was found to be trafficking in person by using means of deception by promising to pay MM a sum of money namely 20,000 Seychelles Rupees in order to bale to take nude photographs of the said MM.

COUNT 30

Statement of Offence

Carrying on or taking part in a business concerned with making, producing indecent materials and hiring a person for that purpose contrary to section 152(1) (c) as read with section 22(a) of the Penal Code and punishable under section 152(1) of the Penal Code.

Particulars of Offence

SJ and AM on the 29th June 2019 at Anse Aux Pins, Mahe were carrying or taking part in a business concerned with the making, producing indecent materials and hiring a person for that purpose namely MM.

COUNT 31

Statement of offence

Having in possession of any indecent material for the purpose of trade or for public exhibition or distribution contrary to Section 152(1) (a) of the Penal Code and punishable under the same section.

Particulars of Offence

SJ on the 20th June 2020 at Petit Paris, Mahe was found in possession of indecent materials namely nude photographs of MM for the purposes or by way of trade or distribution to the public.

COUNT 35

Statement of Offence

Carrying on or taking part in a business concerned with the making, producing indecent materials and hiring a person for that purpose contrary to section 152(1) (c) of the penal code and punishable under section 152(1) of the penal code.

Particulars of Offence

SJ and AM on a date in the year 2019 at view point La Misere, Mahe was carrying on or taking part in a business concerned with the making, producing indecent materials and hiring a person for that purpose namely SK.

COUNT 36

Statement of Offence

Having in possession of any indecent material for the purpose of trade or for public exhibition or distribution contrary to section 152(1) (a) of the Penal Code and punishable under the same section.

Particulars of Offence

SJ on the 20th June 2020 at Petit Paris, Mahe was found in possession of indecent materials namely topless photographs of SK for the purposes or by way trade or distribution to the public.

COUNT 37

Statement of Offence

Recruiting, transporting or receiving another person by mean of deception or misrepresentation by words or conduct as to the financial incentive or promise of reward for the purposes of exploitation, contrary to section 3(1) (e) of the Prohibition of Trafficking in Persons Act, 2014 (Act 9 of 2014) as read with Section 22 (a) of the Penal Code and punishable under section 3(1) of the same Act.

Particulars of Offence

SJ together with AM on dates unknown during the year 2019 at Espace building, Mahe and at Betty's Bed-Sitters Anse Aux Pins Mahe recruited a person namely CR by means of deception by promising to pay her a sum of SCR 50,000 and took nude photographs of the said CR.

COUNT 39

Statement of Offence

Having in possession of any indecent material for the purpose of trade or for public exhibition or distribution contrary to section 152(1) (a) of the Penal Code and punishable under the same section.

Particulars of Offence

SJ on the 20th June 2020 at Petit Paris, Mahe was found in possession of indecent materials namely nude photographs of CR for the purpose or by way of trade or distribution to the public

COUNT 41

Statement of Offence

Having in possession of any indecent material for the purpose of trade or for public exhibition or distribution contrary to section 152(1) (a) of the Penal Code and punishable under Section 152(1) of the Penal Code.

Particulars of Offence

SJ on the 20th June 2020 at Petite Paris, Mahe was found in possession of indecent materials namely topless photographs of KD for the purposes or by way of trade or distribution to the public.

COUNT 44

Statement of Offence

Having in possession of any indecent material for the purpose of trade or for public exhibition or distribution contrary to section 152(1) (a) of the Penal Code and punishable under the same section.

Particulars of Offence

SJ on the 20th June 2020 of Petite Paris, Mahe was found in the possession of indecent materials namely topless photographs of JL for the purpose or by way of trade or distribution to the public.

COUNT 49

Statement of Offence

Taking and having in possession of indecent photographs or pictures of a child without reasonable excuse contrary to section 152(1) (a) of the penal code and punishable under section 152(1) of the penal code.

Particulars of Offence

SJ on a date in the year 2020, at Carana Beach, Mahe took indecent photographs or pictures of a child namely nude photographs or pictures of TB without reasonable excuse.

COUNT 51

Statement of Offence

For the purpose or by way of trade or distribution to the public having in the person's possession indecent materials contrary to section 152(1)(a) of the penal code and punishable under section 152(1) of the penal code.

Particulars of Offence

SJ on the 20th June 2020 at Petit Paris, Mahe was found in the possession of indecent materials namely nude photographs or pictures of CP for the purpose or by way of trade or distribution to the public.

COUNT 52

Statement of Offence

Recruiting, harbouring, transferring and receiving a child, knowingly or recklessly disregarding that the person is a child, for purpose of exploitation, whether or not by the use of force or other forms of means contrary to section 4(1) read with section 3(1) (e) & (f) of the Prohibition of Trafficking in Persons Act, 2014 (Act 9 of 2014) and as read with Section 22(a) of the Penal Code and punishable under section 4(1) of the same Act.

Particulars of Offence

SJ and SJB on a date unknown during the year 2018 recruited a child by taking topless photographs of MB a girl of 16 years of age at several places on Praslin and by promising her a sum of money and paying her money.

COUNT 54

Statement of Offence

Recruiting, transporting or receiving another person by means of deception or misrepresentation by words or conduct as to the financial incentive or promise of reward for the purposes of exploitation, contrary to section 3 (1) (e) of the Prohibition of Trafficking in Persons Act, 2014 (Act 9 of 2014) and punishable under section 3(1) of the same Act.

Particulars of Offence

SJ on a date in the year 2019 at Amitie, Mahe at the stadium was trafficking a person namely VS by recruiting the said VS for the purpose of taking topless pictures and by way of deception promised her a sum of SCR 50,000 and later SCR 75,000 in order to deceive her into taking the topless photographs or pictures.

COUNT 56

Statement of Offence

Child Trafficking contrary to Section 4 of the Trafficking in Person Act as read with Section 22 (a) of the Penal Code and punishable under Section 4 of the Prohibition of Trafficking in Persons Act.

Particulars of Offence

SJ and SJB on a date unknown to the Republic during the year 2019 at Baie St Anne, Praslin, trafficked a child namely NL of 17 years of age, by recruiting and promising her a sum of SCR 8,000 and giving her alcohol in order to induce her to take nude photographs and pictures, knowingly and recklessly disregarding that the said NL is a child for purpose of exploitation.

COUNT 57

Statement of Offence

Recruiting, transporting or receiving another person by means of deception or misrepresentation by words or conduct as to the financial incentive or promise of reward for the purposes of exploitation, contrary to Section 3(1) (e) of the Prohibition of Trafficking in Persons Act, 2014 (Act 9 of 2014) as read with Section 22 (a) of the Penal Code and punishable under Section 3(1) of the same Act.

Particulars of Offence

SJB and SJ on a date unknown to the Republic in the year 2018 in an apartment in Praslin were trafficking a person namely KD by recruiting her by way of deception with a promise to pay her SCR 10,000 in order to take topless photographs or pictures of the said KD for the purpose of exploitation.

COUNT 59

Statement of Offence

Recruiting a child knowingly or recklessly disregarding that the person is a child for the purpose of exploitation by means of promising a sum of money contrary to Section 4 of the Prohibition of Trafficking in Persons Act as read with Section 22 (a) of the Penal Code and punishable under Section 4 of the Prohibition in Persons Act.

Particulars of Offence

SJB and SJ on a date unknown to the Republic in the year 2018 at Anse Kerlan, Praslin recruited a child of 16 years of age namely CD knowingly or recklessly disregarding that the persons is a child for the purpose of exploitation by promising her a sum of money to take topless photograph of the said CD in public place.

COUNT 60

Statement of Offence

Recruiting a child knowingly or recklessly disregarding that the person is a child for the purpose of exploitation by means of promising a sum of money contrary to Section 4 of the Prohibition of Trafficking in Persons Act as read with Section 22 (a) of the Penal Code and punishable under Section 4 of the Prohibition of Trafficking in Persons Act.

Particulars of Offence

SJB and SJ on a date unknown to the Republic in the year 2018 at Marie Jeanne Estate recruited a child of 16 years of age namely CD knowingly or recklessly disregarding that the person is a child for the purpose of exploitation by promising her a sum of money to take nude photographs of the said CD.

COUNT 61

Statement of Offence

Recruiting a child knowingly and recklessly disregarding that the person is a child for the purpose of exploitation by means of promising a sum of money contrary to Section 4 of the Prohibition of Trafficking in Persons Act as read with Section 22 (a) of the Penal Code and punishable under Section 4 of the Prohibition of Trafficking in Persons Act.

Particulars of Offence

SJB and SJ on date unknown to the Republic in the year 2017 on Praslin recruited a child of 16 years of age namely SE knowingly or recklessly disregarding that the person is a child for the purpose of exploitation by promising her a sum of money to take topless photographs of the said SE.

COUNT 63

Statement of Offence

Carrying or taking part in business concerned with the making, producing, hiring, distribution to the public of indecent materials contrary to Section 152(1) (c) as read with Section 22(a) of the Penal Code and punishable under Section 152(1) of the said Act.

Particulars of Offence

VA and SJ on a date unknown to the Republic in the year 2019 on Praslin, were carrying on or took part in a business concerned with the making, producing, hiring and distribution to the public or circulation of indecent materials whereby topless photographs of NA.

- [2] The Convict is now 21 years old and has no dependent. At the time of commission of these offences he was between 17 and 20 years old and lived with his grandparents. He has been co-operative with the investigations. He has pleaded guilty. Learned counsel for the Convict submitted that the Convict does realize that what he was involved in was bad and is very remorseful. He pleads for leniency and the mercy of the Court.
- [3] I have considered the mitigating factors put forth by learned counsel for the convict. I recognise, amongst other aspects particular to the Convict that he is young and a chance for him to lead an honest and fruitful life lies ahead of him. He has not wasted the Court's time by pleading guilty and expressed his remorse.
- [4] On the other hand I note that the Convict is serving a sentence for similar offences committed during the same period that the current offences were committed. I also must take into account that the persons affected were minors albeit above the age of 15. It was not just one child but several children as the charges reflect. These children needed the

protection of society and not exploitation for self-gratification or for enrichment by immoral and irresponsible adults.

[5] The law.

Section 152 provides:

152. (1) A person who-

(a) for the purposes or by way of trade or for the purpose of public exhibition or distribution to the public, makes, purchases, hires or has in the person's possession any indecent material;

(aa) makes, takes or has in the person's possession without a reasonable excuse an indecent photograph, sketch, drawing or picture of a child;

(b) for the purposes or by way of trade or for the purpose of public exhibition or distribution to the public conveys, exports or imports, causes to be conveyed, exported or imported or puts in circulation any indecent material;

(c) deals in indecent material or carries on or takes part in any business concerned with the making, producing, hiring, distribution to the public, export, import, public exhibition or circulation of any indecent material;

(d) advertises or makes known by any means whatsoever with a view to assist in the distribution or circulation of or traffic in any indecent material;

(e) publicly sells or exposes for sale any indecent material;

(f) exposes to view in a public place any indecent material;

(ff) willfully or negligently exhibits to a child any indecent material;

(g) publicly exhibits, appears, performs or takes part in or assist in any capacity with the public exhibition of any indecent show, entertainment or representation or any show, entertainment or representation tending to corrupt morals,

(h) publishes an indecent material,

is guilty of an offence and liable to imprisonment for five years.

[6] Section 284 provides:

284. Any person who, with intent to extort or gain anything from any person, and knowing the contents of the writing, causes any person to receive any writing demanding anything from any person without reasonable or probable cause, and containing threats of any injury or detriment of any kind to be caused to any person, either by the offender or any other person, if the demand is not complied with, is guilty of a felony, and is liable to imprisonment for eighteen years.

[7] Section 3(1) of Prohibition of Trafficking in Persons Act provides:

3(1) A person who recruits, transports, transfers, harbours or receives another person by any of the following means;-

(a) Threat;

(b) Use of force;

(c) Abduction;

(d) Fraud;

(e) Deception; including any misrepresentation by words or financial incentive or promise of reward or gain and other conditions of work;

(f) Abuse of power or of another person's position of vulnerability; or

(g) Giving or receiving of payments or benefits knowingly or intentionally, to achieve the consent of a person having control over another person,

For the purpose of exploitation, commits the offence of trafficking in persons and shall on conviction be liable to imprisonment for a term not exceeding 14 years, or such imprisonment and a fine not exceeding SCR500,000.

[8] Section 4(1) of Prohibition of Trafficking in Persons Act provides:

4(1) A person who recruits, harbours, transfers, receives a child, knowingly or recklessly disregarding that the person is a child, for the purposes of exploitation, whether or not by use of any means referred to in section 3(1)(a) to (g) commits the offence of child trafficking and shall on conviction be liable to imprisonment for a term not exceeding 25 years or such imprisonment and a fine not exceeding SCR800,000.

[9] I have given careful consideration to the mitigating factors and also consider the seriousness of the offences. Offences committed against minor children are looked upon as especially serious. I keep in mind that in imposing sentences the Court should not only consider punishment and retribution but also allowing the convict the opportunity to return to society as a responsible citizen and reformed character.

[10] I therefore impose the following sentences on the convict:

COUNT 1

Causing any person with the intent to extort, receive any writing demanding anything from one person without reasonable excuse or probable cause and containing threats or any injury or detriment of any kind if the demand is not complied with contrary to Section 284 of the Penal Code and punishable under the same Section.

Seven (7) years imprisonment

COUNT 2

Recruiting, harbouring, transferring and receiving a child, knowingly or recklessly disregarding that the person is a child, for the purpose of exploitation, whether or not by the use of force or other forms of means contrary to section 4 (1) read with section 3 (1) (e) & (f) of the Prohibition of Trafficking in Persons Act, 2014 (Act 9 of 2014) as read with Section 22 (a) of the Penal Code and punishable under section 4(1) of the Prohibition of Trafficking in Persons Act.

Twelve (12) years imprisonment

COUNT 3

Recruiting, harbouring, transferring and receiving a child, knowingly or recklessly disregarding that the person is a child, for the purpose of exploitation contrary to Section 4 of the Prohibition of Trafficking in Persons Act, 2014, whether or not by the use of any means referred to in Section 3 (1) (a) to (g) of the Prohibition of Trafficking in Persons Act, 2014 (Act 9 of 2014) and punishable under section 4(1) of the same Act.

Twelve (12) years imprisonment

COUNT 4

Having in possession of any indecent material for the purposes of or by way of trade or for public exhibition or distribution contrary to section 152 (1) (a) of the Penal Code and punishable under the same section 152 (1) of the Penal Code.

Two (2) years imprisonment

COUNT 5

Making and/or having in possession of any indecent material for the purposes of or by way of trade or for public exhibition or distribution contrary to 152 (1) (a) as read with section 22 (a) of the Penal Code and punishable under the section 152 (1) of the same Act.

Two (2) years imprisonment

COUNT 6

Recruiting, harbouring, transferring and receiving a child, knowingly or recklessly disregarding that the person is a child, for purpose of exploitation, whether or not by the use of force or other forms of means contrary to section 4 (1) read with section 3(1)(e) & (f) of the Prohibition of Trafficking in Persons Act, 2014 (Act 9 of 2014) and as read with Section 22 (a) of the Penal Code and punishable under section 4(1)of the same Act.

Twelve (12) years imprisonment

COUNT 11

Recruiting, harbouring, transferring and receiving a child, knowingly or recklessly disregarding that the person is a child, for purpose of exploitation contrary to Section 4 of the Prohibition of Trafficking in Persons Act, 2014 whether or not by the use of any means referred to in Section 3 (1) (a) to (g) of the Prohibition of Trafficking in Persons Act, 2014 (Act 9 of 2014) and as read with Section 22 (a) of the Penal Code and punishable under section 4(1) of the same Act.

Twelve (12) years imprisonment

COUNT 14

Carrying on or taking part in a business concerned with the making, producing indecent materials and hiring a person for that purpose contrary to Section 152 (1) (c) as read with Section 22 (a) of the Penal Code and punishable under the same section.

Two (2) years imprisonment

COUNT 16

Recruiting, harbouring, transferring and receiving a child, knowingly or recklessly disregarding that het person is a child, for purpose of exploitation, whether or not by the use of force or other forms of means contrary to section 4 (1) of the Prohibition of Trafficking in Persons Act, 2014 (Act 9 of 2014) and as read with Section 22 (a) of the Penal Code and punishable under section 4(1) of the same Act.

Twelve (12) years imprisonment

COUNT 17

Carrying on or taking part in a business concerned with the making, producing of indecent material by hiring a person for that purpose contrary to section 152(1)(c) read with Section 22(a) of the Penal Code and punishable under Section 152(1) of the Penal Code.

Two (2) years imprisonment

COUNT 18

Having in a person's possession of indecent material for the purposes or by way of trade contrary to section 152(1) (a) of the Penal Code and punishable there under the same act.

Two (2) years imprisonment

COUNT 19

Carrying on or taking part in a business concerned with the making, producing of indecent material by hiring a person for that purpose contrary to section 152(1) (c) read with section 22(a) of the Penal Code and punishable under Section 152(1) of the Penal Code.

Two (2) years imprisonment

COUNT 20

Carrying on or taking part in a business concerned with the making, producing of indecent material by hiring a person for that purpose contrary to section 152(1) (c) read with section 22 (a) of the Penal Code and punishable under section 152(1) of the Penal Code.

Two (2) years imprisonment

COUNT 21

Having in a person's possession of indecent material for the purpose or by way of trade contrary to section 152(1) (a) of the Penal Code and punishable there under the same act.

Two (2) years imprisonment

COUNT 22

Carrying on or taking part in a business concerned with making, producing indecent materials and hiring a person for that purpose contrary to section 152(1) (c) of the penal code and punishable under section 152(1) of the penal code.

Two (2) years imprisonment

COUNT 25

Having in the person's possession of indecent materials for the purposes or by way of trade or distribution to the public contrary to section 152(1) (a) and punishable under Section 152 (1) of the penal code.

Two (2) years imprisonment

COUNT 26

Carrying on or taking part in a business concerned with the making, producing indecent materials and hiring a person for that purpose contrary to section 152(1) (c) of the penal code and punishable under section 152(1) of the penal code.

Two (2) years imprisonment

COUNT 27

Having in possession of any indecent material for the purpose of trade or for public exhibition or distribution contrary to section 152(1) (a) of the Penal Code and punishable under the same section.

Two (2) years imprisonment

COUNT 28

Recruiting, transporting or receiving another person by means of deception or misrepresentation by words or conduct as to the financial incentive or promise of award for the purposes of exploitation, contrary to section 3 (1) (e) of the Prohibition of Trafficking in Persons Act, 2014 (Act 9 of 2014) as read with Section 22 (a) of the Penal Code and punishable under section 3(1) of the same Act.

Six (6) years imprisonment

COUNT 30

Carrying on or taking part in a business concerned with making, producing indecent materials and hiring a person for that purpose contrary to section 152(1) (c) as read with section 22(a) of the Penal Code and punishable under section 152(1) of the Penal Code.

Two (2) years imprisonment

COUNT 31

Having in possession of any indecent material for the purpose of trade or for public exhibition or distribution contrary to Section 152(1) (a) of the Penal Code and punishable under the same section.

Two (2) years imprisonment

COUNT 35

Carrying on or taking part in a business concerned with the making, producing indecent materials and hiring a person for that purpose contrary to section 152(1) (c) of the penal code and punishable under section 152(1) of the penal code.

Two (2) years imprisonment

COUNT 36

Having in possession of any indecent material for the purpose of trade or for public exhibition or distribution contrary to section 152(1) (a) of the Penal Code and punishable under the same section.

Two (2) years imprisonment

COUNT 37

Recruiting, transporting or receiving another person by mean of deception or misrepresentation by words or conduct as to the financial incentive or promise of reward for the purposes of exploitation, contrary to section 3(1) (e) of the Prohibition of Trafficking in Persons Act, 2014 (Act 9 of 2014) as read with Section 22 (a) of the Penal Code and punishable under section 3(1) of the same Act.

Six (6) years imprisonment

COUNT 39

Having in possession of any indecent material for the purpose of trade or for public exhibition or distribution contrary to section 152(1) (a) of the Penal Code and punishable under the same section.

Two (2) years imprisonment

COUNT 41

Having in possession of any indecent material for the purpose of trade or for public exhibition or distribution contrary to section 152(1) (a) of the Penal Code and punishable under Section 152(1) of the Penal Code.

Two (2) years imprisonment

COUNT 44

Having in possession of any indecent material for the purpose of trade or for public exhibition or distribution contrary to section 152(1) (a) of the Penal Code and punishable under the same section.

Two (2) years imprisonment

COUNT 49

Taking and having in possession of indecent photographs or pictures of a child without reasonable excuse contrary to section 152(1) (a) of the penal code and punishable under section 152(1) of the penal code.

Two (2) years imprisonment

COUNT 51

For the purpose or by way of trade or distribution to the public having in the person's possession indecent materials contrary to section 152(1)(a) of the penal code and punishable under section 152(1) of the penal code.

Two (2) years imprisonment

COUNT 52

Recruiting, harbouring, transferring and receiving a child, knowingly or recklessly disregarding that the person is a child, for purpose of exploitation, whether or not by the use of force or other forms of means contrary to section 4(1) read with section 3(1) (e) & (f) of the Prohibition of Trafficking in Persons Act, 2014 (Act 9 of 2014) and as read with Section 22(a) of the Penal Code and punishable under section 4(1) of the same Act.

Twelve (12) years imprisonment

COUNT 54

Recruiting, transporting or receiving another person by means of deception or misrepresentation by words or conduct as to the financial incentive or promise of reward for the purposes of exploitation, contrary to section 3 (1) (e) of the Prohibition of Trafficking in Persons Act, 2014 (Act 9 of 2014) and punishable under section 3(1) of the same Act.

Six (6) years imprisonment

COUNT 56

Child Trafficking contrary to Section 4 of the Trafficking in Person Act as read with Section 22 (a) of the Penal Code and punishable under Section 4 of the Prohibition of Trafficking in Persons Act.

Twelve (12) years imprisonment.

COUNT 57

Recruiting, transporting or receiving another person by means of deception or misrepresentation by words or conduct as to the financial incentive or promise of reward for the purposes of exploitation, contrary to Section 3(1) (e) of the Prohibition of Trafficking in Persons Act, 2014 (Act 9 of 2014) as read with Section 22 (a) of the Penal Code and punishable under Section 3(1) of the same Act.

Six (6) years imprisonment

COUNT 59

Recruiting a child knowingly or recklessly disregarding that the person is a child for the purpose of exploitation by means of promising a sum of money contrary to Section 4 of the Prohibition of Trafficking in Persons Act as read with Section 22 (a) of the Penal Code and punishable under Section 4 of the Prohibition in Persons Act.

Twelve (12) years imprisonment.

COUNT 60

Recruiting a child knowingly or recklessly disregarding that the person is a child for the purpose of exploitation by means of promising a sum of money contrary to Section 4 of the Prohibition of Trafficking in Persons Act as read with Section 22 (a) of the Penal Code and punishable under Section 4 of the Prohibition of Trafficking in Persons Act.

Twelve (12) years imprisonment

COUNT 61

Recruiting a child knowingly and recklessly disregarding that the person is a child for the purpose of exploitation by means of promising a sum of money contrary to Section 4 of the Prohibition of Trafficking in Persons Act as read with Section 22 (a) of the Penal Code and punishable under Section 4 of the Prohibition of Trafficking in Persons Act.

Twelve (12) years imprisonment

COUNT 63

Carrying or taking part in business concerned with the making, producing, hiring, distribution to the public of indecent materials contrary to Section 152(1) (c) as read with Section 22(a) of the Penal Code and punishable under Section 152(1) of the said Act.

Two (2) years imprisonment

- [11] The sentences for count 1, (7 years), counts 28, 37, 54 and 57 (6 years each) and counts 2, 3, 6, 11, 16, 52, 56, 59, 60 and 61 (12 years each) shall run concurrently with each other. Twelve years total.
- [12] The sentences for counts 4, 5, 14, 17, 18, 19, 20, 21, 22, 25, 26, 27, 30, 31, 35, 36, 39, 41, 44, 49, 51 and 63 (2 years each) shall run concurrently with each other (two years total) but consecutive to the 12 years imposed for counts 1, 28, 37, 54, 57, 2, 3, 6, 11, 16, 52, 56, 59, 60 and 61.
- [13] The total time to serve shall be 12 years followed by 2 years.
- [14] Time spent on remand shall be counted as part of the sentence.
- [15] The convict can appeal the sentences within 30 working days.

Signed, dated and delivered at Ile du Port on 11 June 2021.

G. Dodin

Judge