

**IN THE SUPREME COURT OF SEYCHELLES**

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**Reportable**  
[2021] SCSC  
CR 03/2019

In the matter between

**THE REPUBLIC**  
*(rep. by Ms Kumar*

**Republic**

and

**Israel Labrosse**  
*(rep. by Ms Parmentier)*

**ACCUSED**

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**Neutral Citation:** *R v Labrosse* (CR 03/19) [2021] SCSC 44 (4th March 2021)

**Before:** Govinden CJ

**Heard:** 4<sup>th</sup> March 2021

**Delivered:** 4<sup>th</sup> March 2021

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**SENTENCE**

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**GOVINDENCJ**

[1] The convict, Israel Labrosse, of Anse Aux Pins, Mahe was charged with 3 counts of the offence of Trafficking in persons contrary to and punishable under section 3 (1) (a), (b) and read with section 5 (1) of the Prohibition of Trafficking in Persons Act 2014.

[2] The 1<sup>st</sup> count is particularized as follows; *“Israel Labrosse of Anse Aux Pins, Mahe, Director of Isra Construction, Anse Aux Pins, in April 2017, trafficked one MD Selim Reja, a Bangladeshi national, by recruiting him through deception and misrepresentation of financial incentives and working conditions and thereafter harboured and exploited him through forced labour, by the use of force and threats”*.

[3] The second and third counts are similar to the 1<sup>st</sup> count in terms of its content save that the persons alleged to have been trafficked are respectively Ali Houssein and Alauddin Mondal.

- [4] Mr Labrosse pleaded not guilty to the said charges and the case proceeded to trial. Following the conclusion of the case this court found him guilty on all counts as laid by the prosecution and convicted him accordingly on the 4<sup>th</sup> of February 2021.
- [5] Learned counsel for Mr Labrosse had applied for a Pre-sentencing Probation Report in respect of her client and this have been made available to the court and both counsels in this case. In this report the Probation Officer has referred to the negative impact that the commission of these offences had had on the personal; social and financial circumstances of the convict and his immediate family. References are also made to his attitude towards the offences. In that regard it is stated that he deeply regret the commission of these offences and the fact that he has paid back to the Virtual Complainants all the legal dues that he had owed them. After having considered all those circumstances the Probation Services recommends that the court imposes a suspended sentence coupled with a fine.
- [6] I have given careful consideration to the submissions in mitigation In favour of a lighter sentence and I have also thoroughly considered the content of the Probation Report and its recommendations.
- [7] Having done so I am satisfied that there are certain mitigating circumstances in this case. The convict is a young first time offender. He has paid all his debts that he owed his victims of human trafficking in this case. He has shown remorse and deeply regret the commission of these offences. I also bear in mind the circumstances of his family, which has been affected by these events.
- [8] However, on the other hand there are also aggravated circumstances in this case. The Statement of Offences in the three counts for which he stands convicted has been made to read with Section 5 (1) of the Prohibition of Trafficking in Persons Act. Section 5(1) refers to factors that are termed as “*aggravated circumstances*”. On the facts of this case I find that the aggravated circumstance to be that found in subsection 5 (1) (d) , namely that at all material times the accused person was in a position of trust with reference to the victims of trafficking .

[9] Under this Act a person who commits the offences of trafficking in persons under aggravated circumstances faces aggravated penalties. According to Section 5(2), if he is found guilty for committing an aggravated offence upon conviction he is liable to a term not exceeding 25 years and such imprisonment and a fine not exceeding SCR 800,000..

[10] I bear in mind both the mitigating and aggravated factors that exist in this case. Having done so I find that the aggravation in this case overshadows its mitigations. It is trite to say that human trafficking in all its aspects is becoming a major problem in this country. I take notice of the increasing rate of reported cases of this crime and its negative impact that it is having both on our reputation and on the lives of the victim of human trafficking. In that regard I find that for a sentence to be effective, it has to be sufficiently severe so as to prevent and deter the repeating of the offence.

[11] Having taken all of the afore mentioned into consideration I hereby sentence the convict as follows;

[12] He shall serve 3 years of imprisonment on each of the three counts that he stands convicted, these terms of imprisonment shall be concurrent with one another.

[13] Additionally, he shall pay a fine of SCR 25,000 on each count of which SCR 10,000 should go as compensation to the Virtual Complainants. All of these fines shall be paid by the 31<sup>st</sup> of March 2021, failing which the convict shall serve a term of 1 year of imprisonment, which shall run consecutive to the 3 years imprisonment.

[14] The convict has a right to appeal against this sentence to the Court of Appeal.

Signed, dated and delivered at Ile du Port, Victoria on the.....day of March 2021.

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GOVINDEN CJ