

**SUPREME COURT OF SEYCHELLES**

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**Reportable**  
[2021] SCSC  
CO 55/2020

In the matter between:

**THE REPUBLIC**  
*(rep. by Steven Powles)*

**Republic**

and

**NATASIA SAMENTHA CHANG TAVE**  
*(rep. by Clifford Andre)*

**1<sup>st</sup> Convict**

**STEVE PERCY CHANG TAVE**  
*(rep. by Clifford Andre)*

**2<sup>nd</sup> Convict**

**NICHOL GABRIEL**  
*(rep. by Bernard Georges)*

**3<sup>rd</sup> Accused**

**MICHAEL BASTIENNE**  
*(rep. by Rene Durup)*

**4<sup>th</sup> Accused**

**GARRY ALBERT**  
*(rep. by France Bonte)*

**5<sup>th</sup> Accused**

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**Neutral Citation:** *R v Chang-Tave & Ors* (CO 55/2020) [2021] SCSC 525 (12 August 2021)  
**Before:** Burhan J  
**Summary:** Conspiracy to commit money laundering – Money Laundering  
**Heard:** 29 July 2021  
**Delivered:** 12 August 2021

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**ORDER**

1<sup>st</sup> convict Mrs Natasia Chang Tave sentenced to:

Count 1- A term of three years imprisonment and a fine of SCR 25,000/ (twenty five thousand)

Count 2- A term of three years imprisonment and a fine of SCR 25,000/ (twenty five thousand)

Sentences of three years imprisonment in Count 1 and 2 to run concurrently. In default of payment of total fine SCR 50,000/ (fifty thousand) six months imprisonment to run consecutively to the term of three years imprisonment.

2<sup>nd</sup> convict Mr. Percy Chang Tave sentenced to

Count 1- A term of 3 years imprisonment and a fine of SCR 25,000/ (twenty five thousand)

Count 3- A term of 3 years imprisonment and a fine of SCR 25,000/ (twenty five thousand)

Sentences of three years imprisonment in Count 1 and 3 to run concurrently. In default of payment of total fine SCR 50,000/ (fifty thousand) six months imprisonment to run consecutively to the term of three years imprisonment.

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## SENTENCE

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### **BURHAN J**

[1] The 1<sup>st</sup> and 2<sup>nd</sup> convicts in this case were charged with the following offences;

#### **Count 1**

*Conspiracy to commit money laundering contrary to Section 3 (1) (b) and 3 (1) (3) of the Anti-Money Laundering Act 2006 as amended and punishable under Section 3 (4) (a) of the said Anti-Money Laundering Act.*

*Natasia Samentha Chang-Tave of Montagne Posee Prison, Mahe, Steve Percy Chang-Tave of Remand Centre, Bois De Rose, Mahe, Nichol Russel Gabriel of Pointe-Larue, Mahe, Michael Bastienne of Cascade, Mahe and Garry Mervin Albert of Beau-Vallon, Mahe during the period of 1<sup>st</sup> January 2018 and 28<sup>th</sup> February 2020, at a place unknown to the Republic on Mahe, Seychelles, knowing or believing that the property, namely the land and partly built dwelling house comprised in title No. J2850 situated in Port Glaud, Mahe, was or represented the proceeds of crime, agreed with one another to conceal or disguise the true nature, source, disposition, movement or ownership of the property or any rights with respect to it without lawful authority or excuse.*

**Count 2**

*Money laundering contrary to Section 3 (1) (b) of the Anti-Money Laundering Act of 2006 as amended and punishable under Section 3 (4) (a) of the said Anti-Money Laundering Act.*

*Natasia Samentha Chang-Tave of Montagne Posee Prison, Mahe during the period of 1<sup>st</sup> January 2018 and 28<sup>th</sup> February 2020, at a place unknown to the Republic on Mahe, Seychelles, knowing that the property, namely; the land and partly built dwelling house comprised in Title No. J2850 situated in Port Glaud, Mahe was or represented the benefit of criminal conduct namely; drug trafficking, or being reckless as to whether the said property was or represented the benefit of such conduct, concealed or disguised the true nature, source, disposition, movement or ownership of the said property or any rights with respect to it without lawful authority or excuse.*

**Count 3**

*Money laundering contrary to Section 3 (1) (b) of the Anti-Money Laundering Act as amended and punishable under Section 3 (4) (a) of the said Anti-Money Laundering Act.*

*Steve Percy Chang-Tave of Remand Centre in Bois De Rose, Mahe, between the period of 1<sup>st</sup> January 218 and 28<sup>th</sup> February 2020, at a place unknown to the Republic on Mahe, Seychelles, knowing or believing that the property, namely; the land and a partly built dwelling house comprised in Title No. J2850 in port Glaud, was or represented the benefit of criminal conduct namely; drug trafficking, or being reckless as to whether the said property was or represented the benefit of such conduct, concealed or disguised the true nature, source, disposition, movement or ownership of the said property or any rights with respect to it without lawful authority or excuse.*

- [2] Both convicts pleaded guilty to their respective charges and were convicted by Court on the 1<sup>st</sup> of June of 2021. The 1<sup>st</sup> convict is already serving a term of 6 years imprisonment while the 2<sup>nd</sup> convict is already serving a term of 4 years imprisonment imposed by this Court for drug related offences in SCSC CO 18/2019.
- [3] At the request of learned Counsel for both convicts, Mr. Clifford Andre, a probation report was called in respect of them and thereafter learned Counsel made a plea in mitigation on behalf of both the convicts. I have considered the facts contained in the probation report and the plea in mitigation.
- [4] According to the report, the 1<sup>st</sup> convict is 30 years old. The convict has expressed regret at what she has done and showed remorse for her act by pleading guilty to the charges. She is expecting the leniency from the Court and moves Court for a lenient sentence. The 1<sup>st</sup> convict in this case is the wife of the 2<sup>nd</sup> convict Percy Chang Tave. She has twins aged 6 years old. It appears from the report that the 1<sup>st</sup> convict obtained a seat at the School of Advanced Level Studies and specialised in English and French. She has been a teacher at the Secondary school at Point Larue for a period of 6 months and though intending to study law had changed her mind and applied for a job at Air Seychelles and worked as a Passenger Service Officer for a year and then as a parliamentary reporter. She had re-joined Air Seychelles where she worked as a cabin crew member. She was working as a director in the Northern Star Car Hire her father's car hire business at the time she was arrested. It appears from the report that she is suffering from low blood pressure. The probation recommends that the fact they are already serving a term of imprisonment be taken into consideration in sentencing both convicts.
- [5] It appears the mother of the convict blames the husband the 2<sup>nd</sup> convict Mr. Steve Chang-Tave for involving her daughter the 1<sup>st</sup> convict in controlled drugs as he had a strong influence on her. It appears at a young age her father had gone to prison and her mother went through depression and eventually fell victim to alcohol. The report further states one of her two elder sisters had passed away 12 years ago.
- [6] According to the probation report, the 2<sup>nd</sup> convict is 48 years old and married and having children twins from the 1<sup>st</sup> convict. The 2<sup>nd</sup> convict has three other children from previous

relationships aged 25, 20 and 11 years old. After completing his secondary school, the 2<sup>nd</sup> convict had completed two years at the National Youth Service (NYS). He had done a one year study at the Seychelles Polytechnic in art and design. He thereafter had been employed as a painter and artist and was self-employed for some time in the same profession before being employed at Chemical Service Company. He also had thereafter worked in the car hire business with his wife until his arrest and consequent remand.

[7] The probation report also refers to certain medical conditions affecting the 2<sup>nd</sup> convict namely high blood pressure, bladder stones and prostrate issues. He has also a swollen liver and spinal cord pain issues and difficulties in breathing.

[8] Learned Counsel Mr. Andre, in mitigation, submitted that by pleading guilty both convicts have saved the precious time of Court and witnesses and the inconvenience in coming to Court and giving evidence. He referred to the fact that both convicts have already pleaded guilty and been sentenced earlier by this Court and are presently serving their terms of imprisonment as convicts. He moved for a suspended sentence to be imposed, or a non-custodial term or as they are already serving a sentence that an appropriate sentence be meted out by this Court. He also moved for leniency considering the fact that the 2<sup>nd</sup> convict has medical issues and the fact that they have already been separated from their children as they have already been imprisoned for periods of 6 years and 4 years respectively. He stated now that they have been to Court, they are now reformed individuals and need to be given a chance to be free and law abiding citizens.

[9] I will next deal with the sentences the charges attract. Count 1, 2 and 3 attract a fine of SCR 5,000,000 or to imprisonment for a term not exceeding 15 years or to both in terms of section 3(4)(a) of the Anti-Money Laundering and Countering the Financing of Terrorism Act,2020.

[10] The background facts of the case are that the 1<sup>st</sup> and 2<sup>nd</sup> convicts conspired with the others to launder a sum of three million rupees by purchasing a property J2850 through one Gary Albert. The transfer document was prepared and when the money approximately totalling three million was deposited in the bank, the FIU was informed of a suspicious transaction and investigations by the FCIU commenced.

[11] The outcome of an FCIU (“Financial Crime Investigation Unit”) investigation proved that the money did not come from Gary Albert but from Natasia Chang-Tave (“1<sup>st</sup> convict”) and Steve Chang-Tave (“second convict”). Text and WhatsApp messages and a draft Will established a connection with the 1<sup>st</sup> and 2<sup>nd</sup> convicts. The 2<sup>nd</sup> convict admits his contribution was in a sum of SCR 900,000.

[12] I will now proceed to set down the sentences usually imposed for such offences by Courts. In the case of **R v Monfries [2003] EWCA Crim 3348 and [2004] 2 Cr.App.R (S) 3**, it was held that prior to sentencing in offences of Money laundering the following factors should be considered:

- a) The circumstances of assisting another to retain the benefit of drug trafficking/criminal conduct.
- b) There need not be a direct relationship between the sentence for the laundering offence and the original antecedent offence. If the antecedent offence can be identified, some regard may be given to the appropriate sentence for that offence when considering the appropriate sentence for money laundering.
- c) The criminality in laundering is the assistance, support and encouragement it provides to criminal conduct.
- d) Regard should be had to the extent of the launderer's knowledge.

[13] In this instant case, both convicts have directly been involved in the antecedent offences under the Misuse of Drugs Act and have accordingly been punished for the said offences by the imposition of a term of 6 years imprisonment on the 1<sup>st</sup> convict and 4 years imprisonment on the 2<sup>nd</sup> convict by this Court. The two convicts were well aware and had knowledge therefore of the antecedent offence. However, this Court must also take into consideration the fact that they have already been punished for the antecedent offence.

[14] Learned Counsel for the prosecution referred to the cases of **R v Lopez and Phillips [2007] EWCA Crim 2515** where 60 transactions amounting to GBP 40,000 were

conducted over a 16 month period, a sentence of 3 ½ years imprisonment was imposed. In the case of **R v Dennis Cave [2008] EWCA 1119** a sentence of 2 years and 4 months imposed in appeal as the accused had pleaded guilty.

[15] Having considered all the aforementioned facts and considering the fact that the 1<sup>st</sup> convict is already serving a term of 6 years imprisonment imposed by this Court and the 2<sup>nd</sup> convict is serving a term of 4 years imprisonment imposed by this Court and as by law, I am aware this sentence will run consecutive to what has already been imposed. I proceed to sentence the convicts as follows:

[16] 1<sup>st</sup> convict Mrs Natasia Chang Tave

Count 1- A term of three years imprisonment and a fine of SCR 25,000/ (twenty five thousand)

Count 2- A term of three years imprisonment and a fine of SCR 25,000/ (twenty five thousand)

Sentences of three years imprisonment in Count 1 and 2 to run concurrently. In default of payment of total fine SCR 50,000/ (fifty thousand) six months imprisonment to run consecutively to the term of three years imprisonment.

[17] 2<sup>nd</sup> convict Mr. Percy Chang Tave

Count 1- A term of 3 years imprisonment and a fine of SCR 25,000/ (twenty five thousand)

Count 3- A term of 3 years imprisonment and a fine of SCR 25,000/ (twenty five thousand)

Sentences of three years imprisonment in Count 1 and 3 to run concurrently. In default of payment of total fine SCR 50,000/ (fifty thousand) six months imprisonment to run consecutively to the term of three years imprisonment.

[18] Accused have a right to remission at the discretion of the Superintendent of Prisons. Copy of the sentence to be sent to the Superintendent of Prison.

[19] Right of appeal against sentence explained.

Signed, dated and delivered at Ile du Port on 12 August 2021

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Burhan J