**SUPREME COURT OF SEYCHELLES**

**Reportable**

[2023] SCSC

CO 77/2021

In the matter between:

THE REPUBLIC Republic

(rep. by Mrs Nissa Thompson)

and

ERIC LEON 1st Accused

*(rep. by Mr Basil Hoareau )*

LEEROY DUGASSE 2nd Accused

*(rep. by Mr Basil Hoareau)*

MARCUS FANCHETTE 4th Accused

*(rep. by Mr Bryan Julie)*

**Neutral Citation:** *Republic v Leon & Ors* (CO 77/2021) [2023] SCSC ( 31 January 2023).

**Before:** Burhan J

**Summary:** Conspiracy to commit Money Laundering – Money Laundering

**Heard:**  25 January 2023

**Delivered:** 31 January 2023

**SENTENCE**

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**BURHAN J**

1. The 1st accused Eric Leon pleaded guilty to the following offences and was convicted on his own plea of guilt on the 10 November 2022.

**Count 3**

*Conspiracy to commit money laundering contrary to section 3 (1) (c) and 3 (3) of the Anti-Money Laundering Act, 2006, and punishable under section 3 (4) of the said Anti- Money Laundering Act, 2006.*

*Eric Leon of Ma Joie, Lee-Roy Dugasse of Pointe Larue and Trevor Celeste of Point Au Sel during the period 1st January 2020 to 1st April 2021, at a place unknown in the Republic on Mahe, Seychelles, knowing or believing that the property, namely cash amounting to $7,500 (US), was or represented the benefit of criminal conduct, namely, money laundering, agreed with one another to possess and acquire such cash.*

**Count 4**

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

*Eric Leon of Majoie, on the 13th May 2020, at the JPL X Creole Spirit, Quincy Street, Victoria, Mahe, Seychelles, knowing or believing or reckless that the property, namely cash amounting to $2284.26 (US), was or represented the benefit of criminal conduct, namely, money laundering, removed such property from the Republic to Oman to someone with the name of Abdul Rahim Sulaiman Abdullah Al Balushi.*

**Count 5**

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

*Eric Leon of Majoie, on the 14th May 2020, at JPL X C Eden Plaza II, Eden Plaza, Victoria, Mahe, Seychelles, knowing or believing or reckless that the property, namely cash amounting to $1021.45 (US), was or represented the benefit of criminal conduct, namely money laundering, removed such property from the Republic to Oman to someone with the name of Moza Nasser Aziz Al Balushi.*

**Count 6**

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

*Eric Leon of Majoie, on 21st May 2020, at the JPL X Creole Spirit, Quincy Street, Victoria, Mahe, Seychelles, knowing or believing or reckless that the property, namely cash amounting to $1901.88 (US), was or represented the benefit of criminal conduct, namely, money laundering, removed such property from the Republic to Oman to someone with the name of Moza Nasser Aziz Al Balushi.*

**Count 7**

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

*Eric Leon of Majoie, on 19th June 2020, at the JPL X Creole Spirit, Quincy Street, Victoria, Mahe, Seychelles, knowing or believing or reckless that the property, namely cash amounting to $2085.31 (US), was or represented the benefit of criminal conduct, namely, money laundering, removed such property from the Republic to Oman to someone with the name of Moshin Abdul Rahim Sulaiman Al Balushi.*

**Count 8**

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

*Eric Leon of Majoie, on 21st June 2020, at the JPL X Creole Spirit, Quincy Street, Victoria, Mahe, Seychelles, knowing or believing or reckless that the property, namely cash amounting to $2084.40 (US), was or represented the benefit of criminal conduct, namely, money laundering, removed such property from the Republic to Oman to someone with the name of Idris Abdul Rahim Sulaiman Al Balushi.*

**Count 9**

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

*Eric Leon of Majoie, on 28th June 2020, at the Mahe Exchange LTD, Victoria, Mahe, Seychelles, knowing or believing or reckless that the property, namely cash amounting to $2075.84 (US), was or represented the benefit of criminal conduct, namely, money laundering, removed such property from the Republic to Oman to someone with the name of Maitham Hashim Hussain Al Balushi.*

**Count 10**

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

*Eric Leon of Majoie, on 29th June 2020, at the Mahe Exchange LTD, Victoria, Mahe, Seychelles, knowing or believing or reckless that the property, namely cash amounting to $1037.92 (US), was or represented the benefit of criminal conduct, namely, money laundering, removed such property from the Republic to Oman to someone with the name of Idris Abdul Rahim Sulaiman Al Balushi.*

**Count 11**

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

*Eric Leon of Majoie, on 6th July 2020, at the Mahe Exchange LTD, Victoria, Mahe, Seychelles, knowing or believing or reckless that the property, namely cash amounting to $2091.50 (US), was or represented the benefit of criminal conduct, namely, money laundering, removed such property from the Republic to Oman to someone with the name of Idris Abdul Rahim Sulaiman Al Balushi.*

**Count 12**

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

*Eric Leon of Majoie, on 7th July 2020, at the Mahe Exchange LTD, Victoria, Mahe, Seychelles, knowing or believing or reckless that the property, namely cash amounting to $2107.89 (US), was or represented the benefit of criminal conduct, namely, money laundering, removed such property from the Republic to Oman to someone with the name of Ismail Abdul Rahim Sulaiman Al Balushi.*

**Count 13**

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

*Eric Leon of Majoie, on 7th July 2020, at the Mahe Exchange LTD, Victoria, Mahe, Seychelles, knowing or believing or reckless that the property, namely cash amounting to $2662.31 (US), was or represented the benefit of criminal conduct, namely, money laundering, procured Clovis Raheriniaina to remove such property from the Republic to Oman to someone with the name of Moshin Abdul Rahim Sulaiman Al Balushi.*

**Count 14**

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

*Eric Leon of Majoie, on 10th July 2020, at the Mahe Exchange LTD, Victoria, Mahe, Seychelles, knowing or believing or reckless that the property, namely cash amounting to $2091.50 (US), was or represented the benefit of criminal conduct, namely, money laundering, removed such property from the Republic to Oman to someone with the name of Idris Abdul Rahim Sulaiman Al Balushi.*

**Count 15**

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

*Eric Leon of Majoie, on 16th July 2020, at the Mahe Exchange LTD, Victoria, Mahe, Seychelles, knowing or believing or reckless that the property, namely cash amounting to $2311.20 (US), was or represented the benefit of criminal conduct, namely, money laundering, removed such property from the Republic to Oman to someone with the name of Abdul Rahim Sulaiman Abdullah Al Balushi.*

**Count 16**

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

*Eric Leon of Majoie, on 22nd July 2020, at the Mahe Exchange LTD, Victoria, Mahe, Seychelles, knowing or believing or reckless that the property, namely cash amounting to $2333.87 (US), was or represented the benefit of criminal conduct, namely, money laundering, removed such property from the Republic to Oman to someone with the name of Hamed Khudabakhsh Lal Bakhsh Al Zadjali.*

**Count 17**

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

*Eric Leon of Majoie, on 23rd July 2020, at the Mahe Exchange LTD, Victoria, Mahe, Seychelles, knowing or believing or reckless that the property, namely cash amounting to $2242.96 (US), was or represented the benefit of criminal conduct, namely, money laundering, procured Clovis Raheriniaina removed such property from the Republic to Oman to someone with the name of Ibrahim Shihak Raisi.*

**Court 18**

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

*Eric Leon of Majoie, on 25th July 2020, at the Mahe Exchange LTD, Victoria, Mahe, Seychelles, knowing or believing or reckless that the property, namely cash amounting to $1859.95 (US), was or represented the benefit of criminal conduct, namely, money laundering, removed such property from the Republic to Oman to someone with the name of Ibrahim Shihak Raisi.*

**Count 19**

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

*Eric Leon of Majoie, on 28th July 2020, at the Mahe Exchange Ltd Victoria Mahe Seychelles, knowing or believing or reckless that the property, namely cash amounting to $1783.21 (US), was or represented the benefit of criminal conduct, namely, money laundering, used the national identity card of one Brenda Veronique Sedgwick to remove such property from the Republic to Oman to someone with the name of Ebrahim Shihak Raesi.*

**Count 20**

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

*Eric Leon of Majoie, on 30th July 2020, at the Mahe Exchange LTD, Victoria, Mahe, Seychelles, knowing or believing or reckless that the property, namely cash amounting to $1058.67 (US), was or represented the benefit of criminal conduct, namely, money laundering, used the national identity card of one Brenda Veronique Sedgwick to remove such property from the Republic to Oman to someone with the name of Ebrahim Shihak Raesi.*

**Count 21**

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

*Eric Leon of Majoie, on 7th August 2020, at the Mahe Exchange LTD, Victoria, Mahe, Seychelles, knowing or believing or reckless that the property, namely cash amounting to $1012.73 (US), was or represented the benefit of criminal conduct, namely, money laundering, removed such property from the Republic to Oman to someone with the name of Abdul Rahim Sulaiman Abdullah Al Balushi.*

**Count 22**

*Money laundering contrary to Sections 3 (1) (a) of the Anti- Money Laundering and Countering the Finance of Terrorism Act, 2020, and punishable under Section 3 (4) of the said Anti-Money Laundering and Countering the Financing of Terrorism Act, 2020.*

*Eric Leon of Majoie, on 28th September 2020, at the Mahe Exchange LTD, Victoria, Mahe, Seychelles, knowing or believing or reckless that the property, namely cash amounting to $867.95 (US), was or represented the benefit of criminal conduct, namely, money laundering, removed such property from the Republic to Oman to someone with the name of Abdul Rahim Sulaiman Abdullah Al Balushi.*

**Count 23**

*Money laundering contrary to Sections 3 (1) (a) of the Anti- Money Laundering and Countering the Finance of Terrorism Act, 2020, and punishable under Section 3 (4) of the said Anti-Money Laundering and Countering the Financing of Terrorism Act, 2020.*

*Eric Leon of Majoie, on 10th October 2020, at the Mahe Exchange LTD, Victoria, Mahe, Seychelles, knowing or believing or reckless that the property, namely cash amounting to $1739.93 (US), was or represented the benefit of criminal conduct, namely, money laundering, procured Clovis Raheriniaina to remove such property from the Republic to Oman to someone with the name of Abdul Rahim Sulaiman Abdullah Al Balushi.*

**Count 24**

*Money laundering contrary to Sections 3 (1) (a) of the Anti- Money Laundering and Countering the Finance of Terrorism Act, 2020, and punishable under Section 3 (4) of the said Anti-Money Laundering and Countering the Financing of Terrorism Act, 2020.*

*Eric Leon of Majoie, on 21st October 2020, at the Mahe Exchange LTD, Victoria, Mahe, Seychelles, knowing or believing or reckless that the property, namely cash amounting to $867.18 (US), was or represented the benefit of criminal conduct, namely, money laundering, removed such property from the Republic to Oman to someone with the name of Abdul Rahim Sulaiman Abdullah Al Balushi.*

**Count 25**

*Money laundering contrary to Sections 3 (1) (a) of the Anti- Money Laundering and Countering the Finance of Terrorism Act, 2020, and punishable under Section 3 (4) of the said Anti-Money Laundering and Countering the Financing of Terrorism Act, 2020.*

*Eric Leon of Majoie, on 27th October 2020, at the Mahe Exchange LTD, Victoria, Mahe, Seychelles, knowing or believing or reckless that the property, namely cash amounting to $1619.07 (US), was or represented the benefit of criminal conduct, namely, money laundering, procured Clovis Raheriniaina to removed such property from the Republic to Oman to someone with the name of Abdul Rahim Sulaiman Abdullah Al Balushi.*

**Count 26**

*Money laundering contrary to Sections 3 (1) (a) of the Anti- Money Laundering and Countering the Finance of Terrorism Act, 2020, and punishable under Section 3 (4) of the said Anti-Money Laundering and Countering the Financing of Terrorism Act, 2020.*

*Eric Leon of Majoie, on 3rd November 2020, at the Mahe Exchange LTD, Victoria, Mahe, Seychelles, knowing or believing or reckless that the property, namely cash amounting to $913.70 (US), was or represented the benefit of criminal conduct, namely, money laundering, removed such property from the Republic to Oman to someone with the name of Abdul Rahim Sulaiman Al Balushi.*

**Count 27**

*Money laundering contrary to Sections 3 (1) (a) of the Anti- Money Laundering and Countering the Finance of Terrorism Act, 2020, and punishable under Section 3 (4) of the said Anti-Money Laundering and Countering the Financing of Terrorism Act, 2020.*

*Eric Leon of Majoie, on 9th November 2020, at the Mahe Exchange LTD, Victoria, Mahe, Seychelles, knowing or believing or reckless that the property, namely cash amounting to $915.56 (US), was or represented the benefit of criminal conduct, namely, money laundering, removed such property from the Republic to Oman to someone with the name of Idris Abdul Rahim Sulaiman Al Balushi.*

**Count 28**

*Money laundering contrary to Sections 3 (1) (a) of the Anti- Money Laundering and Countering the Finance of Terrorism Act, 2020, and punishable under Section 3 (4) of the said Anti-Money Laundering and Countering the Financing of Terrorism Act, 2020.*

*Eric Leon of Majoie, on 12th November 2020, at the Mahe Exchange LTD, Victoria, Mahe, Seychelles, knowing or believing or reckless that the property, namely cash amounting to $916.49 (US), was or represented the benefit of criminal conduct, namely, money laundering, removed such property from the Republic to Oman to someone with the name of Idris Abdul Rahim Sulaiman Abdullah Al Balushi.*

**Count 29**

*Money laundering contrary to Sections 3 (1) (a) of the Anti- Money Laundering and Countering the Finance of Terrorism Act, 2020, and punishable under Section 3 (4) of the said Anti-Money Laundering and Countering the Financing of Terrorism Act, 2020.*

*Eric Leon of Majoie, on 10th December 2020, at the Mahe Exchange LTD, Victoria, Mahe, Seychelles, knowing or believing or reckless that the property, namely cash amounting to $1774.05 (US), was or represented the benefit of criminal conduct, namely, money laundering, removed such property from the Republic to Oman to someone with the name of Idris Abdul Rahim Sulaiman Abdullah Al Balushi.*

**Count 30**

*Money laundering contrary to Sections 3 (1) (a) of the Anti- Money Laundering and Countering the Finance of Terrorism Act, 2020, and punishable under Section 3 (4) of the said Anti-Money Laundering and Countering the Financing of Terrorism Act, 2020.*

*Eric Leon of Majoie, on 12th December 2020, at the Mahe Exchange LTD, Victoria, Mahe, Seychelles, knowing or believing or reckless that the property, namely cash amounting to $1387.63 (US), was or represented the benefit of criminal conduct, namely, money laundering, removed such property from the Republic to Oman to someone with the name of Abdul Rahim Sulaiman Abdullah Al Balushi.*

**Count 31**

*Money laundering contrary to Sections 3 (1) (a) of the Anti- Money Laundering and Countering the Finance of Terrorism Act, 2020, and punishable under Section 3 (4) of the said Anti-Money Laundering and Countering the Financing of Terrorism Act, 2020.*

*Eric Leon of Majoie, on 16th December 2020, at the Mahe Exchange LTD, Victoria, Mahe, Seychelles, knowing or believing or reckless that the property, namely cash amounting to $1648.63 (US), was or represented the benefit of criminal conduct, namely, money laundering, removed such property from the Republic to Oman to someone with the name of Abdul Rahim Sulaiman Abdullah Al Balushi.*

**Court 32**

*Money laundering contrary to Sections 3 (1) (a) of the Anti- Money Laundering and Countering the Finance of Terrorism Act, 2020, and punishable under Section 3 (4) of the said Anti-Money Laundering and Countering the Financing of Terrorism Act, 2020.*

*Eric Leon of Majoie, on 17th December 2020, at the Mahe Exchange LTD, Victoria, Mahe, Seychelles, knowing or believing or reckless that the property, namely cash amounting to $1492.67 (US), was or represented the benefit of criminal conduct, namely, money laundering, procured Clovis Raheriniaina to remove such property from the Republic to Oman to someone with the name of Abdul Rahim Sulaiman Abdullah Al Balushi.*

**Count 33**

*Money laundering contrary to Sections 3 (1) (a) of the Anti- Money Laundering and Countering the Finance of Terrorism Act, 2020, and punishable under Section 3 (4) of the said Anti-Money Laundering and Countering the Financing of Terrorism Act, 2020.*

*Eric Leon of Majoie, on 12th December 2020, at the Mahe Exchange LTD, Victoria, Mahe, Seychelles, knowing or believing or reckless that the property, namely cash amounting to $1563.21 (US), was or represented the benefit of criminal conduct, namely, money laundering, removed such property from the Republic to Oman to someone with the name of Abdul Rahim Sulaiman Abdullah Al Balushi.*

**Court 34**

*Money laundering contrary to Sections 3 (1) (a) of the Anti- Money Laundering and Countering the Finance of Terrorism Act, 2020, and punishable under Section 3 (4) of the said Anti-Money Laundering and Countering the Financing of Terrorism Act, 2020.*

*Eric Leon of Majoie, on 5th January 2021, at the Mahe Exchange LTD, Victoria, Mahe, Seychelles, knowing or believing or reckless that the property, namely cash amounting to $1765.91 (US), was or represented the benefit of criminal conduct, namely, money laundering, removed such property from the Republic to Oman to someone with the name of Abdul Rahim Sulaiman Abdullah Al Balushi.*

**Court 35**

*Money laundering contrary to Sections 3 (1) (a) of the Anti- Money Laundering and Countering the Finance of Terrorism Act, 2020, and punishable under Section 3 (4) of the said Anti-Money Laundering and Countering the Financing of Terrorism Act, 2020.*

*Eric Leon of Majoie, on 5th January 2021, at the Mahe Exchange LTD, Victoria, Mahe, Seychelles, knowing or believing or reckless that the property, namely cash amounting to $922.47 (US), was or represented the benefit of criminal conduct, namely, money laundering, procured Clovis Raheriniaina to remove such property from the Republic to Oman to someone with the name of Moshin Abdul Rahim Sulaiman Abdullah Al Balushi.*

**Court 36**

*Money laundering contrary to Sections 3 (1) (a) of the Anti- Money Laundering and Countering the Finance of Terrorism Act, 2020, and punishable under Section 3 (4) of the said Anti-Money Laundering and Countering the Financing of Terrorism Act, 2020.*

*Eric Leon of Majoie, on 11th January 2021, at the Mahe Exchange LTD, Victoria, Mahe, Seychelles, knowing or believing or reckless that the property, namely cash amounting to $383.41 (US), was or represented the benefit of criminal conduct, namely, money laundering, removed such property from the Republic to Oman to someone with the name of Abdul Rahim Sulaiman Abdullah Al Balushi.*

**Count 37**

*Money laundering contrary to Sections 3 (1) (a) of the Anti- Money Laundering and Countering the Finance of Terrorism Act, 2020, and punishable under Section 3 (4) of the said Anti-Money Laundering and Countering the Financing of Terrorism Act, 2020.*

*Eric Leon of Majoie, on 17th January 2021, at the Mahe Exchange LTD, Victoria, Mahe, Seychelles, knowing or believing or reckless that the property, namely cash amounting to $965.22 (US), was or represented the benefit of criminal conduct, namely, money laundering, removed such property from the Republic to Oman to someone with the name of Abdul Rahim Sulaiman Abdullah Al Balushi.*

**Count 38**

*Money laundering contrary to Sections 3 (1) (a) of the Anti- Money Laundering and Countering the Finance of Terrorism Act, 2020, and punishable under Section 3 (4) of the said Anti-Money Laundering and Countering the Financing of Terrorism Act, 2020.*

*Eric Leon of Majoie, on 18th January 2021, at the Mahe Exchange LTD, Victoria, Mahe, Seychelles, knowing or believing or reckless that the property, namely cash amounting to $645.91 (US), was or represented the benefit of criminal conduct, namely, money laundering, removed such property from the Republic to Oman to someone with the name of Abdul Rahim Sulaiman Abdullah Al Balushi.*

**Count 39**

*Money laundering contrary to Sections 3 (1) (a) of the Anti- Money Laundering and Countering the Finance of Terrorism Act, 2020, and punishable under Section 3 (4) of the said Anti-Money Laundering and Countering the Financing of Terrorism Act, 2020.*

*Eric Leon of Majoie, on 19th February 2021, at the Mahe Exchange LTD, Victoria, Mahe, Seychelles, knowing or believing or reckless that the property, namely cash amounting to $1309.22 (US), was or represented the benefit of criminal conduct, namely, money laundering, removed such property from the Republic to Oman to someone with the name of Idris Abdul Rahim Sulaiman Al Balushi.*

**Count 40**

*Money laundering contrary to Sections 3 (1) (a) of the Anti- Money Laundering and Countering the Finance of Terrorism Act, 2020, and punishable under Section 3 (4) of the said Anti-Money Laundering and Countering the Financing of Terrorism Act, 2020.*

*Eric Leon of Majoie, on 22nd February 2021, at the Mahe Exchange LTD, Victoria, Mahe, Seychelles, knowing or believing or reckless that the property, namely cash amounting to $292.43 (US), was or represented the benefit of criminal conduct, namely, money laundering, removed such property from the Republic to Oman to someone with the name of Idris Abdul Rahim Sulaiman Al Balushi.*

1. The punishment for the offence of Money Laundering under Section 3 (4) of the said Anti-Money Laundering Act, 2006 is a person is liable on conviction to a fine not exceeding R5,000,000 (five million) or to imprisonment for a term not exceeding 15 years or both.
2. The punishment under Section 3 (4) of the said Anti-Money Laundering and Countering the Financing of Terrorism Act, 2020 is a person is liable on conviction to a fine not exceeding R5,000,000 (five million) or to imprisonment for a term not exceeding 15 years or to both.
3. At the request of learned Counsel Mr. Hoareau and Mr. Julie, a probation report was called in respect of the 1st, 2nd and 4th accused. I will foremost proceed to consider the facts set out in the probation report of the 1st accused Eric Leon.
4. The accused Eric Leon is 56 years of age. He has two children. After completing his studies, he had joined the National Youth Service (NYS) and followed a course for electricians, however, he had not completed it. According to the report, the 1st accused started his employment as a labourer with Island Development Company (IDC) and had worked there for a period of one year. He had thereafter joined the Seychelles Police Force where he worked for 24 years. When he left the force he states, he was having the rank of Corporal. The accused states at the time of arrest, he had been self-employed as a taxi operator for the past 12 years.
5. I have considered the pleas in mitigation made by learned Counsel Mr. Hoareau who submits that the accused Eric Leon pleaded guilty without wasting the time of Court and even before the trial commenced. He further submits that the 1st accused is gainfully employed as a taxi driver for the past 12 years. Although the 1st accused was in the police he submits, this should not be held against him as the offence was committed 12 years after he left the police force. In his plea in mitigation, he relies heavily on the sentence given by the Court in the case of ***R v Gabriel* [2022] SCSC 355 (19 April 2022)** in which a suspended sentence was given to the accused for the offence of Money Laundering. Learned Counsel Mr. Hoareau submits that the value of the sum laundered set out in all the charges in this case if added together, is far less than the sum in the *Gabriel* case. He submits that the predicate offence in the *Gabriel* case was Trafficking in controlled drugs whilst in this case, it is Money Laundering. He admitted that though the offence in this case had been repeatedly committed over a period of time all the offences were of similar nature and though there are 36 transactions of Money Laundering, they should be considered as similar offences and the terms made to run concurrently. He referred to certain English cases: *“You have Gonzales and Samiento whereby there was money laundering in the sum of 700 pounds sterling and a sentence of 3 years was imposed”.* He also stated: “*We have Unous, 4 years imprisonment for conduct of laundering drug money by converting sterling into foreign currency”*. None of these cases were however produced or citations referred to. (At this stage Mr.Hoareau informs court that he referred to a book that contained the citations) .
6. The 2nd accused in the case Leeroy Dugasse too has pleaded guilty to the following offences and was convicted on his plea of guilt:

**Count 3**

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

*Eric Leon of Majoie and Leeroy Dugasse of Pointe Larue and Trevor Celeste of Point Aux Sel, during the period 1st January 2020 to 1st April 2021 at a place unknown in the Republic on Mahe, Seychelles, knowing or believing that the property, namely cash amounting to $7500 (US), was or represented the benefit of criminal conduct namely money laundering, agreed with one another to possess and acquire such cash.*

**Count 41**

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

*Leeroy Dugasse of Pointe Larue, on the 24th February 2020 at JPL Exchange Bureau de change in Seychelles, knowing or believing or reckless that the property, namely cash amounting to $1332.13 (US), was or represented the benefit of criminal conduct, namely money laundering, transferred and removed such property from the Republic to Trevor Celeste in the United Arab Emirates.*

1. Conspiracy to Money Launder attracts the same punishment as the offence of Money Laundering.
2. When one considers the facts set out in the probation report in respect of the 2nd accused, Leroy Dugasse, the accused is 31 years of age and the father of three minor children. The accused began his career as a constable trainee for one and a half years. Thereafter, he had joined the then National Drug Enforcement Agency, where he worked as an investigation officer for three years. The 2nd accused had thereafter worked with his mother as a transfer driver until he was remanded.
3. In his submission in mitigation, learned Counsel Mr Hoareau stated that the 2nd accused was the breadwinner in the family and his family depends on him. During his period in custody he has been unable to pay maintenance for his 8 year old child. He further submitted that the 2nd accused had left the police force and had not committed this offence whilst he was a police officer or soon thereafter. Mr Hoareau moved that Court not take this fact into account as he had left the police force 8 years ago.
4. I have considered the facts set out in mitigation by learned Counsel Mr Hoareau on behalf of the 1st accused Eric Leon and the 2nd accused Leeroy Dugasse. It should be borne in mind that Money Laundering is a serious financial crime. It has a detrimental effect on every society internationally as it attempts to make every criminal activity a legal one. Once cleansed the money is used for investment purposes, the flow of such funds results in the prices of assets to increase unrealistically. This has a detrimental effect on the economy of a country. It is the view of this Court that failure to take suitable deterrent action would result in money laundering thriving and therefore an encouragement for the connected illegal activities to continue and flourish. This in turn, brings about a threat to the stability of countries and has a serious social impact as well in a country like Seychelles. Basically, Money Laundering gives support and the assistance and encouragement to Criminal Conduct. It assists criminal activity by helping criminals retain or gain the benefit from criminal conduct (see ***R v Monfries* 2 Crim App Report (S) 3** also ***Compendium of Laws on Money Laundering, Suppression of Terrorist Financing & the Financial Intelligence Unit* by Perera, SA & Fernando CI, 2008**).
5. In the case of ***Republic v Chang Tave & Ors* (CO 55/2020) [2021] SCSC 525 (12 August 2021)** this Court referred to case law in respect of sentences usually imposed for such offences by Courts. In the case of ***R v Monfries*** (supra), it was held that prior to sentencing in offences of Money laundering the following factors should be considered:
6. The circumstances of assisting another to retain the benefit of drug trafficking/criminal conduct.
7. There need not be a direct relationship between the sentence for the laundering offence and the original antecedent (predicate) 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.
8. The criminality in laundering is the assistance, support and encouragement it provides to criminal conduct.
9. Regard should be given to the extent of the launderer's knowledge.
10. The Court also referred to the case of ***R v Lopez and Phillips* [2007] EWCA Crim 2515** where 60 transactions amounting to GBP 40,000 were conducted over a 16 months period, a sentence of 3 ½ years imprisonment was imposed.
11. I would first distinguish this case from the *Gabriel* case referred to by learned Counsel. In the *Gabriel* case the accused had acted recklessly and only in respect of one transaction, in respect of a property worth 3 million rupees. In this instant case, the 1st accused had knowingly and deliberately, on several occasions, continued to launder money for a period of over one year. Considering these facts and the seriousness of the offence as borne out by the sentence faced on conviction of an offence in the Seychelles, I am of the view that a custodial term should be imposed in respect of both the 1st and 2nd accused.
12. Giving due consideration to the plea in mitigation made by learned Counsel Mr. Hoareau and the circumstances set out herein, I proceed to sentence the 1st and 2nd accused as follows:

**1st Accused Eric Leon**

**Sentence on Counts 3 to 40**

A term of four years imprisonment on each of the Counts 3 to 40. I make order that the terms of imprisonment run concurrently.

In addition, I impose a fine of SCR 10,000 (ten thousand) on each of the Counts 3 to 40. In the event the fine is not paid a default term of three months imprisonment on each Count is imposed. The default terms of three months imprisonment to run consecutively for each Count and consecutive to the term of four years.

In total for all Counts the 1st accused will have to pay a sum SCR 370,000 (three hundred and seventy thousand) failure to pay this total sum would result in a total term of 9 years 3 months imprisonment to run consecutive to the 4 year term of imprisonment.

**2nd Accused Leeroy Dugasse**

1. In respect of the 2nd Accused Leeroy Dugasse, I impose a lesser term as he has only one Count of Conspiracy to commit Money Laundering and one Count on Money Laundering.

**Sentence on Count 3**

A term of 3 years 6 months imprisonment and a fine of SCR 10,000 (ten thousand). In default of payment of fine a term of 3 months imprisonment.

**Sentence on Count 41**

A term of 3 years 6 months imprisonment and a fine of SCR 10,000 (ten thousand). In default of payment of fine a term of 3 months imprisonment.

The terms of 3 years 6 months imprisonment in Counts 3 and 41 to run concurrently and the default of fine terms of imprisonments of three months to run consecutive to each other and the term of three years imprisonment.

1. The 4th accused in this case Marcus Fanchette was convicted on his own plea of guilt for the following offence:

**Count 43**

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

*Marcus David Fanchette of Point Larue on the 8th July 2020, at the Mahe Exchange Bureau de Change in Victoria, Mahe, Seychelles, reckless that the property, namely cash amounting to $2,618.72 (US), was or represented the benefit or criminal conduct, namely money laundering, removed such property from the Republic to Oman.*

1. On consideration of the facts set out in the probation report the 4th accused, Marcus Fanchette, after dropping out of school he had started working on a casual basis in the construction field and then worked as a shop attendant. Thereafter he had worked at the Four Seasons Resort as a carpenter and then as a steward. After leaving Four Season Resorts, the 4th accused worked as a driver at the Indian Ocean Tuna Ltd (IOT) and is currently a self-employed Taxi Driver.
2. Prior to the 4th accused pleading guilty, the prosecution requested that the words knowing or believing be removed from the particulars of offence and the word reckless remains. It is therefore clear that the accused has been charged for being reckless and committing the offence of Money Laundering in a sum of USD 2,618.72*.* There is only one charge against this accused and the charge is similar to that in the *Gabriel* case referred to herein, which is based on recklessness. It is also to be noted that the amount laundered is very much less than in the *Gabriel* case. I will therefore proceed to impose a similar suspended sentence on the accused.

**Sentence on Count 43**

I sentence the 4th accused Marcus Franchette as follows:

To a term of 6 months imprisonment which I suspend for a period of three years. I also impose a fine of SCR 10,000 (ten thousand). In default of payment of fine, three months imprisonment.

Nature of suspended term explained to the fourth accused.

1. Time spent in remand to count against sentence of the 1st and 2nd accused. Accused entitled to remission at the discretion of the Superintendent of Prisons.

Signed, dated and delivered at Ile du Port on 31 January 2023

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Burhan J