

**SUPREME COURT OF SEYCHELLES**

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**Reportable**  
[2023] SCSC  
MC18/2023

In the matter between:

**THE GOVERNMENT OF SEYCHELLES**  
*(rep. by Brandon Francois)*

**Applicant**

and

**JOSHUA ONEZIME**  
*(Not present /Unrepresented)*

**Respondent**

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**Neutral Citation:** *Gov of Sey v Onezime* (MC 18/2023) [2023] SCSC (20 September 2023)  
**Before:** Burhan J  
**Summary:** Disposal Order under Section 5 of Proceeds of Crime (Civil Confiscation) Act (POCA).  
**Heard:** 12 July 2023  
**Delivered:** 20 September 2023

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**ORDER**

I proceed to issue a Disposal Order in terms of Section 5(1) of POCA, directing that the whole of the specified property described in paragraph 1 of the notice of motion totalling a sum of SCR 312,736.00 which includes currency in Euros, US dollars and Seychelles Rupees be unconditionally transferred to the Republic. I make further order that such transfer shall confer absolute title to the Republic free from any claim of any interest therein.

A copy of this Order to be served on the Respondent.

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**ORDER**

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## **BURHAN J**

- [1] On the 21 April 2023, the Government of Seychelles represented by State Counsel Brandon Francois, filed a notice of motion MC 18 of 2023 seeking a Disposal Order under Section 5 of Proceeds of Crime (Civil Confiscation) Act (POCA) in respect of the the specified property i. e. cash as described in paragraph 1 of the motion, totalling a sum SCR 312,736.00 comprising of Seychelles Rupees, Euros and US dollars. It is mentioned in the affidavit dated 21 April 2023 of Sergeant Terence Dixie attached to the motion that an application under Section 4 of the POCA (MC 82/2021) was filed and an Interlocutory Order was granted by this Court. A copy of the said Order has been attached to his affidavit as TD1.
- [2] Notice of the Disposal Order application was served on the Respondent on the 05 May 2023. However the Respondent failed to appear and thereafter the matter was fixed for ex-parte hearing. There was no challenge to the application or the evidence by way of affidavit filed by Sergeant Terence Dixie.
- [3] I have considered the facts set out in the Application and affidavit of Sergeant Terrence Dixie attached to the notice of motion. It is stated in the said application and affidavit filed that an Interlocutory Order under Section 4 of POCA was given by this Court on 11 March 2022 and has been in force for not less than 12 months in relation to the said specified property in the notice of motion and further and there has been no appeal from the said Interlocutory Order.
- [4] It is further stated that there is no pending application under Section 4 (3) of the POCA before any court on behalf of the Respondent or any other person in respect of the said property. I will proceed to accept the affidavit evidence placed before this court which is unchallenged and supported by the annexed document being the Interlocutory Order dated 11 March 2022.
- [5] I am satisfied on perusal of the said affidavit evidence and documents annexed to the Application that an Interlocutory Order has been given in respect of the said property on the 11 March 2022 and that in terms of Section 5 (1) of the POCA, the said order has

been in force since then for over a period of 12 months. I am also satisfied in terms of Section 5 (1) of the POCA that no appeal has been preferred by the Respondent or any person on his behalf from the said Interlocutory Order or any other Order. This Court, having considered all the salient facts before it, is satisfied that no injustice will be caused to any person in terms of Section 5 (10) of the said Act, if the Disposal Order be given.

[6] I therefore proceed to issue a Disposal Order in terms of Section 5(1) of POCA, directing that the whole of the specified property described in paragraph 1 of the notice of motion totalling a sum of SCR 312,736.00 which includes currency in Euros, US dollars and Seychelles Rupees be unconditionally transferred to the Republic. I make further order that such transfer shall confer absolute title to the Republic free from any claim of any interest therein.

[7] A copy of this Order to be served on the Respondent.

Signed, dated and delivered at Ile du Port on 20 September 2023.

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M Burhan J