



JUDICIARY OF SEYCHELLES

PRESS STATEMENT

From: The Judiciary

To: All media and press outlets

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The Tribunal arriving at Marie-Louise for its sitting



The Tribunal conducting a review at Marie-Louise prison

REVIEW OF SENTENCES UNDER MODA (MISUSE OF DRUGS ACT) 2016 - A RESOUNDING SUCCESS.

The current drug-related challenges facing Seychelles will, if left unchecked, result in a continuing increase in drug dependency, the overburdening of prisons and of the criminal justice system and insurmountable social ills. The Judiciary has therefore taken a proactive step in giving life to the provisions of MODA 2016 and specifically in terms of the transitional provisions contained in section 51 in a bold attempt to implement more innovative strategies to counteract the drug problem in Seychelles.

One new step in this direction is the Judiciary's rehabilitative rather than punitive approach in the sentencing of drug dependent persons. In line with its policy of early intervention, the court tries to identify drug motivated offending at the earliest possible stage. With the offender taking full responsibility for his or her actions, the court ensures access to all available treatment, education, rehabilitation and social re-integration programmes required. The aim is to find alternatives to incarceration for casual drug-users while helping them address the cause and consequences of drug abuse.

Possession of any drug is an offence under MODA 2016 and there are now clear indicative guidelines as to what sentences will be handed down depending on the type and quantity of drugs. All mandatory sentences have been replaced with indicative minimum sentences, with the court taking into account mitigating or aggravating factors when handing down a sentence.

Under MODA 2016 drug trafficking, including its organization, management and financing, irrespective of the quantity involved, is a core offence and the maximum sentence for this offence has doubled. Traffickers can now be prosecuted for any quantity of drugs, including fake ones, even when those have been manipulated to keep them below the statutory threshold. In giving the courts broader powers, MODA (2016) thus aims to facilitate the investigation and prosecution of drug trafficking offences.

In order to eliminate any perceived unfairness, all offenders serving sentences under MODA 1990 have been given a short window in which to apply to a special tribunal in order to review their sentences. This offers the possibility of remission for those on good behavior. Since MODA 2016 came into effect in June 2016, 210 cases have been filed and disposed of. 158 prisoners have been released under the new regulations, out of which 7 were sent for rehabilitation. 52 cases for aggravated offending were not granted remission. There are now no outstanding applications.

MODA 2016 is in line with the Judiciary's commitment together with other stake holders to outline and implement effective and workable solutions for drug control in Seychelles. The focus of these new initiatives is clearly on demand reduction, supply reduction and harm reduction without compromising the urgent necessity to deter and punish serious drug related crime. MODA (2016) ensures that there is consistency, transparency and proportionality in sentencing for all drug offences.

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