

**IN THE SEYCHELLES COURT OF APPEAL**

**[Coram: S. Domah (J.A), A.Fernando (J.A), J. Msoffe (J.A)]**

**Criminal Appeal SCA02/2015**

**(Appeal from Supreme Court Decision CR 78/2014)**

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Francis Azemia

Appellant

Versus

The Republic

Respondent

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Heard: 10 December 2015

Counsel: Mr. Nichol Gabriel for the Appellant

Mr. David Esparon for the Respondent

Delivered: 17 December 2015

**JUDGMENT**

**A. Fernando (J.A)**

1. The Appellant appeals against the Ruling of the Supreme Court of 30<sup>th</sup> January 2015 that he “can be tried again for the offence of murder as charged”.
2. He has raised the following grounds of appeal:
  - 1) “The learned Judge erred, in law and in fact by ruling that the Appellant falls under the exception to the rule against double jeopardy.
  - 2) The learned Judge erred in ruling that the Appellant did not have a defence of “autrefois acquit” thus contravening the Appellants right to a fair hearing under article 19(5) of the Seychelles Charter of Fundamental Human Rights and Freedoms.
  - 3) The learned Judge erred, in law and in fact in finding that the judgement of the Seychelles Court of Appeal dated 12<sup>th</sup> December 2014 specifically ordered the Attorney General to initiate a trial of the Appellant for murder.

