



Seychelles Legal Information Institute

GUIDELINES

Selection criteria for publication of Supreme Court and Court of Appeal judgments on SeyLII¹

A core object of SeyLII is to provide free and unrestricted online access to judgments of the superior courts of Seychelles (the Supreme Court and Court of Appeal).

SeyLII follows the Supreme Court Judgments Protocol (November 2013) in defining a “judgment” as a reserved decision, meaning a decision that a Judge or Justice of Appeal has taken time to consider and write before delivering in Court in a standardised form. It does not matter whether the document is labelled as a “judgment”, an “order”, or a “ruling”.

SeyLII publishes both reported and unreported judgments.

Reported judgments are judgments which have been selected for publication in the Seychelles Law Reports (SLR) or Seychelles Court of Appeal Reports (SCAR). SeyLII publishes all reported judgments, subject to omitting headnotes and other editorial content.

Unreported judgments include:

- judgments which were not, or have not yet been, selected for publication in the SLR or SCAR; and
- the as-delivered text of reported judgments.

In keeping with the core principles of the Free Access to Law and LII movements, the starting point is that all unreported judgments (except for adoption and paternal/maternal descent proceedings, which cannot legally be reported on) should be published on SeyLII. There are three reasons for this:

- SeyLII is not primarily a publisher or editor, but rather a facilitator of direct public access to information.
- Courts in Seychelles are not in the practice of identifying and marking judgments as reportable or not reportable.
- Publishing all judgments without exception enables fair and balanced scrutiny of the workings of the Judiciary, which encourages transparency and confidence in the impartial administration of justice.

¹ These guidelines have been prepared with reference to the NATIONALLII training resources prepared by the African Legal Information Institute (AfricanLII).

There are however some categories of judgments which have little or no value as legal precedent and which are by their nature unlikely to include other information of legitimate public interest. These categories include:

- judgments by consent;
- decisions on routine procedural matters involving no contested question of law; and
- decisions on routine and uncontested ex parte and divorce applications.

Unreported judgments which are immediately identifiable as falling within one of these categories should not be published on SeyLII. Any doubt should be resolved in favour of publication.

There are other categories of judgments which may have precedential value and/or be of legitimate public interest but which involve inherently private or sensitive interests that may be harmed by publication. These categories include:

- contested divorces and matrimonial property decisions;
- guardianship decisions;
- decisions on appeal from the Family Tribunal;
- decisions in contested probate and succession matters;
- decisions in criminal proceedings involving sexual offences; and
- decisions in criminal proceedings involving child abuse or domestic abuse.

Unreported judgments which are immediately identifiable as falling within one of these categories should be considered for anonymisation before publication in accordance with the SeyLII Guidelines on “Redaction of sensitive information in judgments”.

If a SeyLII editor considers that a judgment within one of these categories should not be published at all (even in anonymised form) because the potential harm in publication outweighs the public interest, that recommendation should be made to the Board of SeyLII in writing. The judgment should not be published until the Board makes a decision. The Board may consult the Chief Justice before making its decision.