

SUPREME COURT OF SEYCHELLES

Reportable
[2022] SCSC 96
MC 02/2022

THE REPUBLIC
(Presented Ms. Nissa Thompson)

APPLICANT

and

WALLAS FLORINE
(Self-represented)

RESPONDENT

Neutral Citation: *Rep v/s Florine* (MC 02/22) [2022] SCSC 96. 04 February 2022
Before: B. Adeline, J
Summary: **Detention of cash beyond the 14 days prescriptive period, Section 74 (3) (a) and (b) and Section 74 (4) of the AMLCFT Act**
Heard: 4th February 2021
Delivered: 4th February 2021

FINAL ORDER

Continued detention of the total sum of SCR 54,217.00 seized on the 21st January 2022 at the residence of the Respondent, Wallace Florine, at Beoliere, Mahe, Seychelles is hereby authorized for a further 30 days from the date of this Order.

ORDER ON MOTION

Adeline, J.

1. By way of a Notice of Motion supported by an affidavit of facts and evidence, sworn by one Corporal "Cpl" Emmanuel Perreau of the Financial Crime Investigation Unit ("FCIU") of the Seychelles Police Force, the Republic applies to this Court for an Order authorising the continued detention of cash seized pursuant to Section 74 (2) of the Anti-Money Laundering and Countering of the Financing of Terrorism Act, 2020, as amended ("the AMLCFT Act") on the 21st January, 2022.
2. The Respondent, Wallace, Florine who was present in court and unrepresented, was explained what the proceedings were all about and that he does have the right to legal

representation if he opts for it. He informed the court, that he will not contest the motion, and therefore, he sees no need to retain Counsel unless proceedings to forfeit the money is instituted in the future.

3. As per CpL Perreau's affidavit and oral testimony, upon receipt of credible information that the Respondent Wallace, Florine of Beoliere, Mahe, Seychelles was actively dealing in controlled drugs and concealing large amount of cash at his resident, a search was conducted by officers of the Anti-Narcotics Bureau ("ANB") of the Police Force on the 21st January 2022 at his residence where he lives together with his father, one Jourdan Boniface.

4. While the search was being conducted by ANB officers in the presence of the Respondent and his father, herbal materials suspected to be controlled drugs were found in the Respondent's bedroom and the house kitchen's cabinet. The Respondent admitted, that those found in his bedroom belonged to him, whereas, his father Jourdan, Boniface accepted responsibility for those found in the kitchen cabinet.

[5] As ANB Officers enquired as to whether there were any cash concealed, Jourdan Boniface informed them, that there were cash concealed under one of his pillows in his bedroom. That prompted a search in Mr. Boniface's bedroom where a dark blue waist pouch containing substantial amount of cash were found. The cash which were mostly Seychelles rupees, were counted adding up to the total sum of SCR 53, 875.00 plus a euro 20 note.

[6] Asked to account for the source of the cash, at the beginning, Jourdan Boniface stated, that the cash found derived from his part time job as a Florist given that he is paid SCR 2000 per month. Mr. Boniface then changed his story for a new version by saying, that

the Respondent gave him the pouch to hide without him knowing how much money were in the pouch.

[7] Both, the Respondent and his father Jourdan, Boniface were arrested. The latter opted to give a statement under caution, exhibit "EP1". Mr. Boniface confirmed, that he was given the pouch by his son Wallace, Florine who told him to keep it and that was when he saw ANB officers approaching the house.

[8] CpL Perreau avers, that the FCIU was informed of the search carried out at the residence of the Respondent and their findings, following which he was asked to report to the ANB office to complete other formalities. At the ANB office, the cash found and seized were counted in the presence of the Respondent and were handed over back to CpL Perreau for further financial investigation. CpL Perreau photographed the cash in rupees that were in different denominations, and the euro 20 note which upon conversion at the rate of euro = SCR 17.1, adds up to the total sum of SCR 54, 217.00.

[9] It is also avers by CpL Perreau, that he later did question the Respondent about the source of the total cash found. His answer, was that the total cash is his money of which SCR 8000.00 were proceeds of sales of jewellerys to JPL Exchange. According to CpL Perreau's disposition, as part of his investigation, JPL Exchange did confirm, that they did purchase jewellerys from the Respondent to the total value of SCR 7300.00 which sum was paid to him.

[10] CpL Perreau deponed, that the jewellerys sold to JPL Exchange were gold rings, pendants and earrings which the Respondent was unable to satisfactorily account for them. As per his deposition, this created a reasonable suspicion that the Respondent had obtained these jewellerys unlawfully. CpL Perreau averred, that the Respondent could

neither give the names of the individual whom he said gave the jewelleries to him, nor provide receipts to support his claim that he did purchase some of them.

[11] It is the evidence of CpL Perreau, that in a statement by Sub-inspector Johnny Malvina, EP1, who is attached to the ANB and is the officer in charge of all criminal investigations at the ANB, that the Respondent did give a statement, in which statement he admitted, that some of the cash were generated from the sales of drugs.


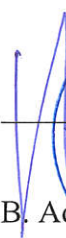
[12] It is averred by CpL Perreau, that since the Respondent has previously been caught with substances suspected to be controlled drugs, he has reasonable ground to suspect, that the Respondent is selling controlled drugs, and that as part of his drugs trafficking business, he is also receiving payments by way of jewelleries in exchange for drugs.

[13] CpL Perreau deponed, that in his attempt to account for the cash found and seized, the Respondent also told ANB Officers, that he is a farmer who runs a small farm at his residence, and that he is also a fisherman who does have a boat and does go fishing with friends. He could not give any details of these friends, or confirm the location where he sells his fishes.

[14] It is the testimony of CpL Perreau, that in a separate matter where the Respondent was apprehended in possession of a bag containing substances suspected to be controlled drugs heroin, a digital scale and some cash, he gave another statement before formal charge. In that statement, the Respondent admitted that these items were his except the digital scale. CpL Perreau stated, that this makes it clear to him that the Respondent is dealing in controlled drugs, and that the money seized at his residence are proceeds of crime, namely drugs trafficking. CpL Perreau explained, that the Respondent gave the money to his father to hide because he knows he cannot give a satisfactory account that the money is from a legitimate source.

- [15] CpL Perreau prays this Court for an Order authorising the continues detention of the cash seized at the residence of the Respondent, Wallace Florine, on the 21st January 2022 in the total sum of SCR 54, 217.00 as per details in the table attached to the Notice of Motion, which he suspects to be proceeds of crime or is intended to be used in connection with any criminal conduct, namely, drugs trafficking.
- [16] I have carefully read the supporting affidavit of CpL Emmanuel Perreau, which admittedly, is quite lengthy and detailed, and considered his oral testimony which I found quite eloquent. I am satisfied, that there are reasonable grounds for the suspicion by CpL Perreau that the total sum of SCR 53, 875 and euro 20 seized at the residence of the Respondent, Wallace Florine, on the 21st January 2022, are cash representing proceeds of crime or is intended to be used in connection with any Criminal conduct, namely, drugs trafficking.
- [17] I am equally satisfied, that further detention of the cash seized beyond the 14 days prescriptive period while its origin or derivation is further investigated, or consideration is given to the institution of criminal proceedings against the Respondent for an offence with which the cash is connected.
- [18] For the reasons stated in the preceding paragraphs of this Order, and in accordance with the provisions of Section 74 (3) (a) and (b) as well as Section 74 (4) of the AMLCFT Act, I hereby authorise the continued detention of the cash in the total sum of SCR 54, 217.00 seized on the 21st January 2022 at the Respondent's residence at Beoliere, Mahe, Seychelles for a period of thirty days as of the date of this Order.

Signed, dated and delivered at Ile du Port on the 4th February 2022.



B. Adeline
Judge of the Supreme Court