



ANNUAL REPORT

2013



THE JUDICIARY
OF SEYCHELLES

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This Annual Report, 2013, is the second annual report that the Judiciary of Seychelles has produced in a row, back to back, establishing what I believe will now be a culture going forward to do so annually before the 31st March of each year.

I wish to congratulate the Co-Chairs of the Committee and the members that were charged with the responsibility of producing this report for a job well done. For the second year running we have a full documented account of the performance of the Judiciary for the year 2013. The report is accurate and critical reflecting a high level of self-examination. It is clear from the report that progress has been made in several areas of the operation of the Judiciary. I wish to thank all my colleagues, staff of the Judiciary and the other stakeholders with whom we must work for the industry that they exhibited in 2013.

It is equally clear that there is room for improvement in many areas. Those areas have been pointed out making it easy for the line managers and individual officers to respond with the right action.

2013 was a reasonably productive year and when you take into account the situation obtaining in 2009 it is fair to say that an unacceptable situation has been turned around to a new position of adequacy. Our vision however is nothing short of excellence. We have more work to do to get there but are well on our way. The foundations have been laid.

In 2013 one of the two Judges supported by the Commonwealth Secretariat arrived and started work to reduce the backlog that has plagued the Supreme Court for some years now. The second Judge is expected in April 2014. The Judges are here initially for three years but should it be necessary the Commonwealth Secretariat support can be extended for another three years to rid us of the backlog. In addition we have had the assistance of two court administration experts, one supported by the Commonwealth Secretariat [Ms Linda Dalton] on a short term consultancy and the other supported by the EUCAP Nestor Programme [Ms Agatha Bouten] on a medium term basis, who are working to strengthen our administration and work processes including skills training for our staff.

I take this opportunity to welcome into Senior Management Mrs Juliana Esticot, who joined the Judiciary as the Registrar of the Supreme Court in November 2013 together with Mr R Desilva, the Financial Controller, filling positions that had been vacant for more than a year. In a special way I do recognise the long service of Mrs J Lepathy, Deputy Registrar, who will clock 35 years of continuous service with the Judiciary in April 2014.

I assure the users of the courts that we remain committed and passionate as ever to serve them in a timely, impartial and independent manner, even as I come to the end of my tenure at the helm of this organisation. I can only say, as our national motto affirms, '*Finis Coronat Opus*' 'The end justifies the work!'



20 March 2014

INTRODUCTION

In a democratic country like Seychelles, the central institutions for creating, implementing, and interpreting the law are the three main branches of Government: a democratic Legislature, an accountable Executive and an impartial Judiciary. Judicial power is vested in the Judiciary by Article 119 of the Constitution of the Third Republic of Seychelles. As the 'third branch' of Government, the Judiciary is made up of Judges and Justices of Appeal, Magistrates, Registrars, administrative and court services staff.

Without independent courts, the law would not work. Through the court system, the Judiciary provides for the orderly settlement of disputes between two sides in a controversy and determines the guilt or innocence of those accused of violating laws. Judges thus interpret and apply the law. In one way, Judges take laws out of the law books and make it a living part of our lives.

Often, the Judiciary is called on to uphold limitations on the government. The courts protect against abuses by all branches of government. They protect minorities of all types from the majority, and protect the rights of people who cannot protect themselves. The Judiciary also embodies notions of equal treatment and fair play. The courts and the protections of the law are open to everybody.

STRATEGIC PLAN FOR 2010-2014

Seychelles is a litigious society, lacking mediatory traditions, which continues to face significant challenges in justice delivery. Addressing each of these challenges is critically important to achieving and maintaining public confidence in the administration of justice. The Judiciary has accordingly developed and published an inaugural Strategic Plan for 2010-2014 which defines and explains its current strategic direction. Copies of the full document are available upon request from the Supreme Court Library. Its core tenets are as follows:

VISION OF THE JUDICIARY

A centre of judicial excellence, independent and inspiring public confidence.

MISSION OF THE JUDICIARY

To effectively and competently administer justice in accordance with the Constitution and Laws of Seychelles in a timely, impartial and independent manner.

CORE VALUES

The leadership, management and services of the Judiciary are guided by four core values:

- a) Integrity – being professional and ethical;
- b) Dynamism – being creative and responsive to change;
- c) Teamwork – working collaboratively within the Judicial System and with all our partners;
- d) Quality service – consistently improving service delivery through continuous professional development.

STRATEGIC IMPERATIVES

For 2010-2014, the core strategic imperatives of the Judiciary are as follows:

- Streamline court processes, enforce constitutional and service standards in the administration of justice;
- Innovate our case management system;
- Revamp our legal aid scheme;
- Enhance our HR capacity, retention and administration;
- Improve our public image;
- Upgrade our basic infrastructures, particularly court rooms, library and information services and ICT support systems;
- Engage with law enforcement agencies, legal practitioners and other agencies to align our functional links;
- Engage with the Executive for greater administrative and financial autonomy.

STRATEGIC PLANNING BEYOND 2014

The term of the current Chief Justice expires in August 2014, coinciding with the expiry of the current Strategic Plan. In the second quarter of 2014, the Judiciary will conduct a review of both the Strategic Plan and the Tactical Plan which supports it. This review, which will include both internal and external stakeholders, will assess the implementation of the objectives in the current Plan and look ahead to key challenges and opportunities in the coming years.

OVERVIEW OF THE SEYCHELLES JUDICIAL SYSTEM

The Chief Justice is the head of the Judiciary.

COURT OF APPEAL

The court of final resort is the Court of Appeal of Seychelles. The Court of Appeal is headed by the President of the Court of Appeal, and currently has four Justices of Appeal. The President and two Justices of Appeal (including the only female Justice of Appeal) are Seychellois, and the other two Justices of Appeal are expatriates. Three of the Justices of Appeal are non-resident. All Judges of the Supreme Court are ex officio members of the Court of Appeal.

The Court of Appeal convenes in three annual sessions (usually in April, August and December) to hear and determine constitutional, criminal, and civil appeals from decisions of the

Supreme Court. Each session lasts for two weeks, and each appeal is heard by three Justices of Appeal. Usually the Court will deliver judgments in all matters heard before it on the last day of a session. While each member of the Court is entitled to deliver a separate judgment, and dissenting opinions are not uncommon, the majority of cases are determined by a single agreed opinion.

Interlocutory applications to the Court of Appeal can be heard and ruled upon by a single Justice of Appeal at any time.

SUPREME COURT

The Supreme Court, presided over by the Chief Justice, is the trial court for serious criminal charges, matrimonial disputes and high value civil claims. It is also the first court of appeal for all lower courts and tribunals.

As at 31 December 2013 there were eight Judges of the Supreme Court, including the Chief Justice. Four of those Judges were hearing criminal matters. All matters on the new Commercial List in 2013 were heard by the Chief Justice.

The Supreme Court is specially constituted as a Constitutional Court to hear and determine all matters relating to the application, contravention, enforcement or interpretation of the Constitution of the Third Republic. Constitutional matters must be heard by at least two Judges of the Supreme Court sitting together, with the most senior of those Judges presiding.

As at 31 December 2013, four Judges of the Supreme Court were Seychellois, while the Chief Justice and three other Judges were expatriates.

In the course of 2013, the term of one expatriate Judge expired; one Seychellois Judge was appointed, marking the first appointment of a female Judge of the Supreme Court; and two new expatriate Judges commenced their terms, one on placement through the Commonwealth Secretariat.

MAGISTRATES' COURTS AND TRIBUNALS

WITHIN THE JUDICIARY

The Magistrates' Courts of Seychelles handle less serious criminal charges and lower value civil claims. By far the greatest volume of litigation in Seychelles passes through these courts. There are seven permanent courtrooms in the Victoria Magistrates' Courts, with two courtrooms currently unoccupied. An extension court at Grand Anse, Praslin, with a small permanent staff, hosts a Magistrate on circuit from Victoria for one week each month.

As at 31 December 2013 there were two Senior Magistrates, both of whom are Seychellois, and three Magistrates, one of whom is an expatriate. Both Senior Magistrates and the expatriate Magistrate are female.

In the course of 2013, the term of one expatriate Senior Magistrate came to an end. She was in Seychelles on a year-long contract, on loan from the Judiciary of Mauritius, with the generous financial support of the United States Government. After her departure, a local Magistrate was promoted to Senior Magistrate.

The Juvenile Court is administered by the Judiciary within the auspices of the Magistrates' Courts. The current Chairman, a Senior Magistrate, is assisted by two male and two female Members. Each case is heard by the Chairman, one male and one female Member. Juvenile Court statistics are reported as part of Victoria Magistrates' Court statistics.

The Rent Control Board is an independent tribunal, also administered by the Judiciary, which sits twice a week. The current Chairman, the same Senior Magistrate who presides over the Juvenile Court, is assisted by two Members.

OUTSIDE THE JUDICIARY

The Family Tribunal handles child custody disputes, maintenance, violence in the home and other domestic disputes. The current Chairman, a Magistrate, is assisted by two Vice Chairpersons (one male, one female) and seven Members (four male, three female). The Family Tribunal is administratively independent but receives its budget from its Secretariat, which in turn receives it from the Ministry of Social Affairs. The Family Tribunal does its own reporting.

The Employment Tribunal (created in 2008) handles all employment disputes in which mediation has not produced a successful settlement. The current Chairman, the same Magistrate who presides over the Family Tribunal, is assisted by two Vice Chairpersons (one male, one female) and eight Members (four male, four female). The tribunal is administratively independent but receives its budget from its Secretariat, which receives it from the Ministry of Employment. The Employment Tribunal does its own reporting.

As at 31 December 2013, the Government of Seychelles was considering the reorganisation of the Family Tribunal and Employment Tribunal to bring them within the Judiciary. It is envisaged that this transition will affirm the independent status and social importance of the Tribunals in their current form, while providing support, administrative coherence, and accountability through the broader Judiciary structure. Provision will be made to accommodate the Tribunals in the special-purpose Magistrates' Court building currently planned for Ile du Port.

REVENUE AND EXPENDITURE OF THE JUDICIARY

There was an increase of recurrent expenditure by 9% during the year under review. Expenditure rose from SR 31.5 million in 2012 to SR 34.3 million during the 2013 fiscal year.

The main factors contributing to the increase were (i) the cost of migration of the Supreme Court and the Court of Appeal from Victoria to Ile Du Port in June 2013 following construction of the Palais de Justice, (ii) staff remuneration, and (iii) additional costs relating to goods & services consequent on the introduction of value added tax in January 2013.

Capital expenditure rose from SR 3.2 million during the year 2012 to SR 9.3 million in 2013, due to costs associated with the Palais de Justice project.

Revenue collected by way of court fees and fines increased by 6% during the year 2013, compared to SR 12.5 million for 2012. The increase in revenue correlates to the increased number of cases processed and concluded during the year under review.

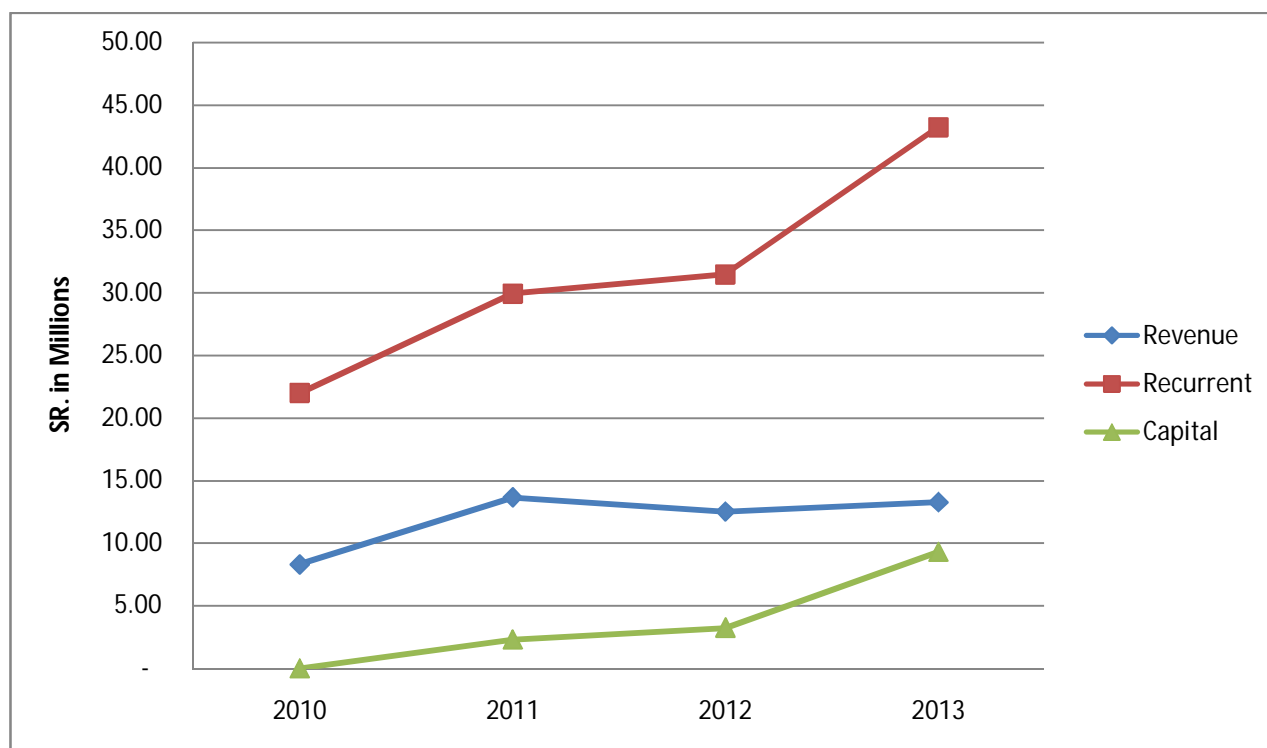
Table – Expenditure of the Judiciary: 2010 – 2013

Expenditure	2010 (SR)	2011 (SR)	2012 (SR)	2013 (SR)
Recurrent	21,991,000	29,933,000	31,463,508	43,217,053
Capital	-	2,300,000	3,237,000	9,300,973
Total	21,991,000	32,233,000	34,700,508	52,518,026

Table – Revenue of the Judiciary: 2010 – 2013

Revenue	2010 (SR)	2011 (SR)	2012 (SR)	2013 (SR)
Fees and Fines Collected	8,287,537	13,631,856	12,503,496	13,249,529
Total	8,287,537	13,631,856	12,503,496	13,249,529

Figure – Revenue, recurrent and capital expenditure of the Judiciary: 2010-2013



COURT OF APPEAL

PRESIDENT



Honourable Mr Justice Francis MacGregor

JUSTICES OF APPEAL



Honourable Mr Justice
Satyabhoosun Gupta Domah



Honourable Mr Justice
Anthony Fernando



Honourable Lady Justice
Mathilda Twomey



Honourable Mr Justice January Msoffe

CHIEF JUSTICE



Honourable Mr Justice Fredrick Egonda-Ntende

PUISNE JUDGES



Honourable Mr Justice
Durai Karunakaran



Honourable Mr Justice
Bernadin Renaud



Honourable Mr Justice
Duncan Gaswaga



Honourable Mr Justice
Mohan Burhan



Honourable Mr Justice
Gustave Dodin



Honourable Lady Justice
Fiona Robinson



Honourable Mr Justice Samith de Silva



Honourable Mr Justice Crawford McKee

MAGISTRATES' COURTS

SENIOR MAGISTRATES



Honourable Samia Govinden



Honourable Jankee Ramano



Honourable Laura Pillay

MAGISTRATES



Honourable Brassel Adeline



Honourable Kishnan Labonté



Honourable Mariam Ng'hwani

STAFF OF THE JUDICIARY

REGISTRAR



Mrs Juliana Esticot

HEADS OF DIVISION



Mrs Jeanine Lepathy
(Litigation)



Mr Wilson Belmont
(Administration)



Mr Ranjana Desilva
(Finance)

ASSISTANT REGISTRARS



Mrs Vivienne Vadivello
(Court of Appeal)



Mrs Nadia Servina
(Supreme Court, Criminal Division)



Mrs Sumita Andre
(Supreme Court, Commercial List)



Ms Marie-Ange Barbe
(Victoria Magistrates' Court)



Ms Lathimy Naiken
(Victoria Magistrates' Court)



Ms Myriam Stravens
(Praslin Magistrates' Court)

Table – Staff of the Judiciary: 2012-2013

SUPREME AND MAGISTRATES' COURTS Job title	2012			2013		
	Male	Female	Total	Male	Female	Total
Registrar	-	-	-	-	1	1
Deputy Registrar	-	1	1	-	1	1
Assistant Registrar	-	4	4	-	4	4
Senior Law Clerk	-	4	4	-	3	3
Law Clerk	1	6	7	-	9	9
PA to Chief Justice	-	1	1	-	1	1
Executive Legal Assistant to Chief Justice	-	-	-	-	1	1
Chief Court Orderly	-	1	1	-	1	1
Senior Court Orderly	-	1	1	-	1	1
Court Orderly	-	11	11	-	12	12
Chief Court Reporter	-	1	1	-	1	1
Court Reporter	-	14	14	-	18	18
Chief Court Interpreter	-	-	-	-	-	-
Senior Court Interpreter	1	-	1	1	-	1
Court Interpreter	4	10	14	3	10	13
Chief Process Server	1	-	1	1	-	1
Senior Process Server	1	-	1	1	-	1
Process Server	1	1	2	1	1	2
Senior Driver	7	-	7	9	-	9
Driver/Messenger	1	-	1	2	-	2
Private Secretary (Registrar's office)	-	1	1	-	1	1
Administrative Assistant	-	1	1	-	1	1
Director of Administration/Finance/HR	1	-	1	1	-	1
Human Resources Manager	-	1	1	-	1	1
Manager System Support	-	-	-	1	-	1

SUPREME AND MAGISTRATES' COURTS (continued)	2012			2013		
Job title	Male	Female	Job title	Male	Female	Job title
Senior System Support Recording Officer	1	-	1	-	-	-
System Support Officer	1	-	1	2	-	2
Programmer	-	-	-	1	-	1
Security Support Officer	-	-	-	1	-	1
Documentation Officer, Assistant	-	1	1	-	1	1
Documentation Assistant, Senior	-	1	1	-	1	1
Documentation Assistant	-	2	2	-	2	2
Financial Controller	-	-	-	1	-	1
Accountant Assistant	1	-	1	1	-	1
Accounts Technician	-	1	1	-	1	1
Accounts Assistant	-	2	2	-	2	2
Cashier	-	2	2	-	4	4
Procurement Officer	-	1	1	-	1	1
Receptionist	-	1	1	-	1	1
Cleaner	1	8	9	2	11	13
TOTAL	22	77	99	28	91	119
COMMERCIAL LIST	2012			2013		
Job title	Male	Female	Total	Male	Female	Total
Assistant Registrar	-	-	-	-	1	1
Law Clerk	-	-	-	-	1	1
Court Reporter	-	-	-	-	-	-
Court Orderly	-	-	-	-	-	-
Court Interpreter	-	-	-	-	-	-
Senior Driver	-	-	-	-	-	-
TOTAL	0	0	0	0	2	2
COURT OF APPEAL	2012			2013		
Job title	Male	Female	Total	Male	Female	Total
PA to President of Court of Appeal	-	1	1	-	1	1
Assistant Registrar	-	1	1	-	1	1
Law Clerk	-	1	1	-	1	1
Court Reporter	-	-	-	-	1	1
Receptionist/Clerk	-	1	1	-	1	1
Senior Driver	3	-	3	3	-	3
Cleaner	-	1	1	-	1	1
TOTAL	3	5	8	3	6	9

ORGANISATIONAL CHARTS

Figure – Organisational structure of Supreme Court and Magistrates' Courts

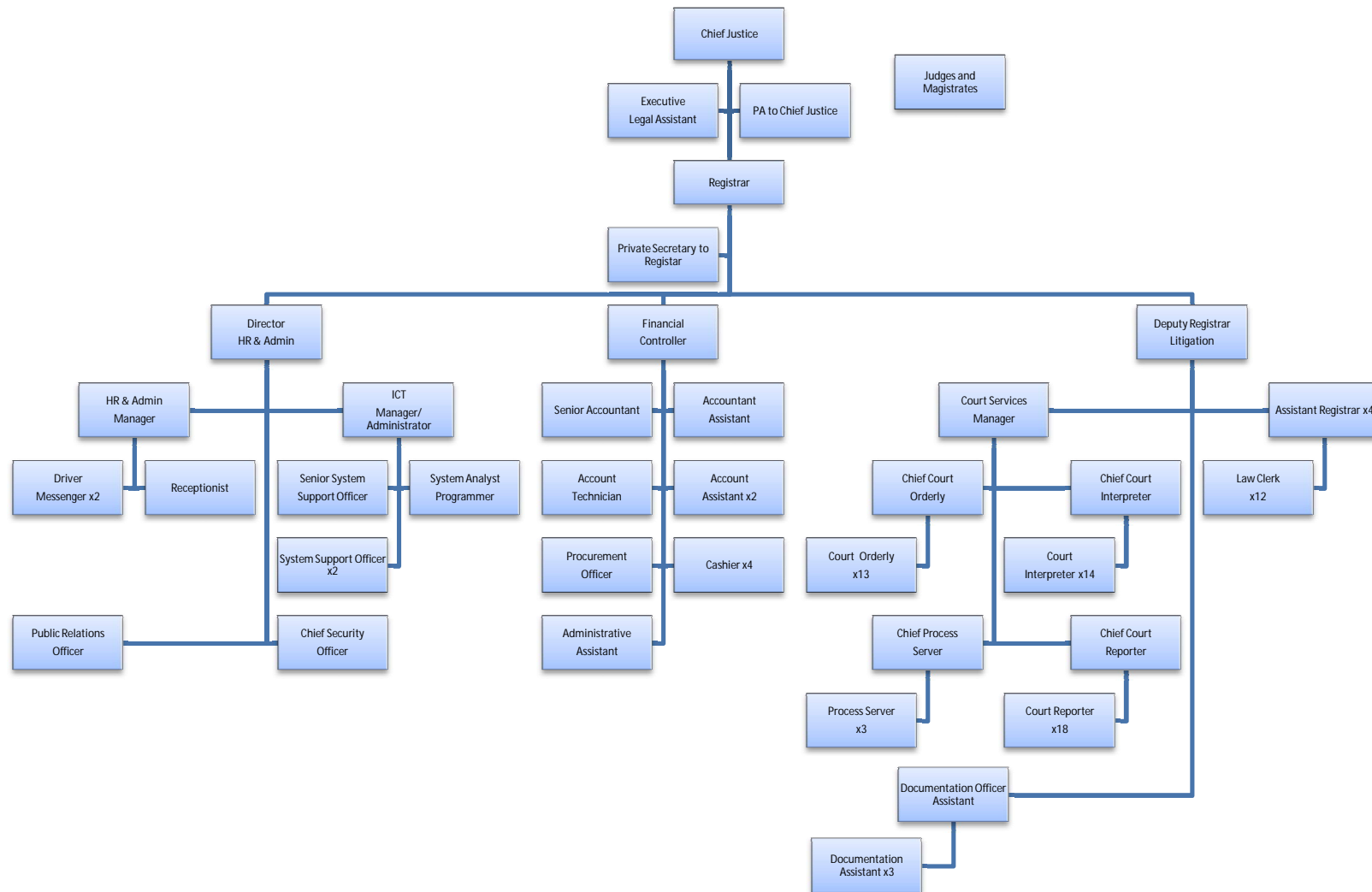


Figure – Organisational structure of Commercial List (Supreme Court)

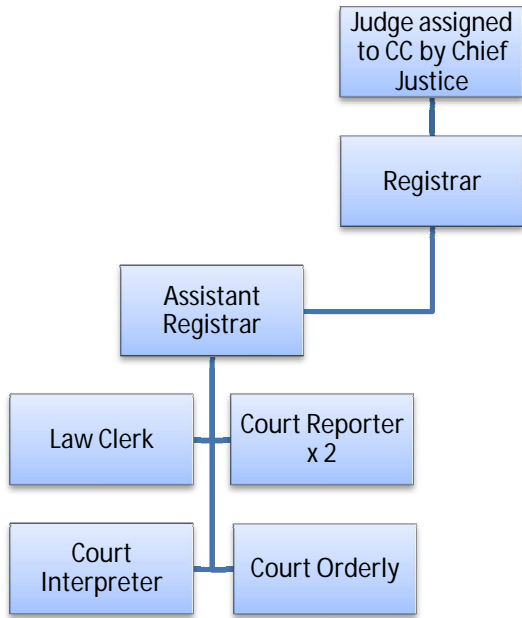
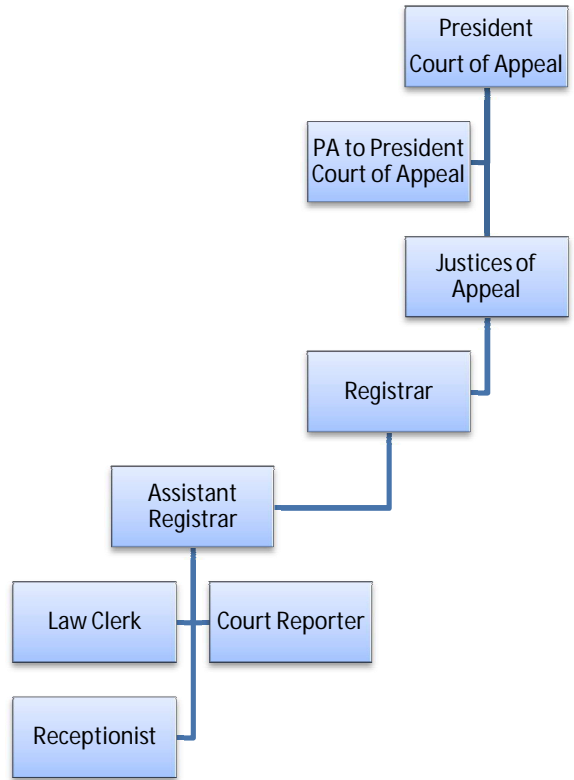


Figure – Organisational structure of Court of Appeal



Judges of the Supreme Court with staff of the Judiciary, 17 June 2013

COURT LOCATIONS

COURT OF APPEAL AND SUPREME COURT



MAGISTRATES' COURTS

Praslin



Praslin Magistrate Court
C/O Pension Fund Complex
Grand Anse Praslin

Victoria



Victoria Magistrate Court

II ACHIEVEMENTS, CHALLENGES, AND DEVELOPMENT INITIATIVES

The following section provides a broad overview of constraints and challenges addressed, projects completed and implemented, and ongoing reform and development initiatives in the 2013 calendar year.

NEW COURTS BUILDINGS

The Governments of Seychelles and the People's Republic of China supported the construction of the new Palais de Justice building at Ile du Port, which houses both the Supreme Court and Court of Appeal. A two-courtroom Supreme Court Annex at the front of the neighbouring plot of land is currently under construction. Design work is also underway for a new Magistrates' Courthouse, which will complete the "Judiciary precinct" at Ile du Port.

PALAIS DE JUSTICE PROJECT

The building was formally handed over to the Judiciary of Seychelles by the Chinese contractor, Quinjian Group, on 17 April 2013 following the visit of an inspection team from the People's Republic of China.

On 17 June 2013 the building was officially jointly opened by the Chief Justice and President of the Court of Appeal. The ceremony was attended by His Excellency the President James Michel, Former President James Mancham, the Vice President, the Speaker of the National Assembly, the Chinese Ambassador, foreign dignitaries from Mauritius, Tanzania and Uganda, and other distinguished guests. The remarks delivered by the Chief Justice, in which he expressed the appreciation of the Judiciary for the friendship and support of the peoples and Governments of China and the Seychelles, can be viewed online through the SeyLII website (www.seylli.org).

Palais de Justice is a modern court complex housing one Court of Appeal courtroom and nine Supreme Court courtrooms (including two large courtrooms equipped for jury trials and one smaller room suitable for a Master). It is equipped with advanced courtroom and security technologies that will assist in service delivery. One such technological advance is the installation of a digital signage system that conveys information about current Court sittings on electronic monitors to court users and other visitors. This system can also be used to deliver other information to whoever is present in the premises, in conjunction with the public address system which operates throughout the building. Each courtroom has a combined video and audio system for recording Court proceedings, and can be connected via live video link to a private room for children and vulnerable witnesses. There is also a document camera that allows capture (and recording) of documents and their display on monitors or projectors in the courtroom, allowing viewing by everyone in the court room at the same time.

The complex has the capacity now to hold people who have been brought to court involuntarily, holding them in dignity and some degree of comfort, away from the public glare that was the norm at the former location in Victoria. Provision has also been made for attorneys to be able to interview witnesses and clients in confidence, separately from their own robing quarters. Members of the public who come to Court no longer suffer the elements of

nature, with dedicated waiting spaces in internal public areas and increased seating in each courtroom.

It is the intention of the Judiciary to turn the Palais de Justice into a 'Green Court House'. Following the integration of two underground tanks for harvesting and storing of rain water, the Judiciary will propose to the Government, after a study, the possibility of harnessing solar power, given the wide area of the roof and windows structure. This will not only save money but also contribute to the preservation of the Seychelles environment.



Guests viewing the Supreme Court Exhibition at the opening of Palais de Justice, 17 June 2013

SUPREME COURT ANNEX

The plot of land immediately adjacent to the Palais de Justice was reserved for the development of additional Judiciary infrastructure.

The first of these developments, an Annex to the Supreme Court, was conceived with the support of the United Nations Office on Drugs and Crime (UNODC) and the Governments of Great Britain and the Netherlands. It is a single-storey two-courtroom structure intended to be devoted to maritime security issues, with dedicated facilities for a Piracy Chamber of the Criminal Division of the Supreme Court. The concept arose at the height of piracy activity in the Somali Basin with its corrosive impact on the Seychelles. The foundation stone for this structure was laid on 30 August 2013 and construction is in progress.

MAGISTRATES' COURTS

The second development planned for the land adjacent to Palais de Justice is a purpose-built Magistrates' Courthouse, the design for which will incorporate space and facilities for all current specialist tribunals (including Juvenile Court, Rent Control Board, and the Family and Employment Tribunals). Architectural plans and other consultants' reports are currently in development. The project is slated to take off in 2016, with completion scheduled for 2017.

INFORMATION TECHNOLOGY

Computer literacy and receptiveness to new technologies are continuing challenges within the Judiciary, as they are in other branches of government in Seychelles. Out of date court procedures and technologies were seen as a principal source of the heavy backlog which had accumulated in the courts by 2010. Delay resulting from this backlog was, in turn, seen as a prime factor in negative public perceptions of the judicial system.

While significant progress has been made towards short-term targets during the term of the current Strategic Plan, the Chief Justice has identified a number of medium-term information technology objectives which will require several additional years and significant financial and other resources to develop. These objectives include public online access to certain court records, electronic filing systems, and digitisation of archives.

CCASS – COMPUTERISED CASE ADMINISTRATION SYSTEM, SEYCHELLES

CCASS, or Computerised Case Administration System, Seychelles, was launched by the Chief Justice on 7 March 2012 with the aim of computerising all the registers in the Supreme Court and Magistrates' Courts and providing a tracking mechanism for the progress of cases through the system. The software was provided free of cost by the Judiciary of Uganda at the request of the Chief Justice. The installation and adaptation (transfer of technology) of the new system was funded by the British High Commission and UNODC as part of ongoing work to support the justice system under the United Kingdom and UNODC's anti-piracy programme.

As noted in the Annual Report 2012, CCASS was initially implemented only in the Supreme Court and the Victoria Magistrates' Court. In mid 2013 continuing improvements to the system enabled the database to be rolled out to the Court of Appeal. Development work also took place in 2013 to enable the Praslin Magistrates' Court to access and contribute to the database. From early 2014, for the first time, all courts will be able to access the centrally-managed system, benefiting staff as well as saving time and reducing inconvenience for parties.

The Judiciary is continually striving to improve the range, quality and timeliness of its management information and CCASS has become the central, critical tool to assist with this. Reports to provide information on workload, age of cases, case type, case status, individual caseloads etc. are now available, reducing reliance on hand-written manual registers. Registry staff gave priority in 2013 to improving the timeliness, accuracy, and consistency of data entry in CCASS, and case list reports by judicial officer and case type were improved.

A number of CCASS initiatives to automate the production of high volume court documents to reduce turnaround time for document production commenced in late 2013. The Plaintiff Note, Summons, Hearing of Notice and Notice to Appear in the Civil Division of the Supreme Court were used as “tests” and work on streamlining those processes will continue in 2014. Eventually it is intended that Criminal Division and Magistrates’ Court documents will also be generated from CCASS. This should eliminate much of the repetitive, time-consuming current processes for producing standard court documents and free up Registry staff to manage individual cases.

The CCASS programmer’s workload (and complexity of work) continues to increase as new initiatives and projects are identified. In an effort to prioritise, track, monitor and standardise the process for raising change requests and improve communication between CCASS user requirements and the programmer, a CCASS Change Request Committee, chaired by Judge Karunakaran, was formed in the third quarter of 2013.

The courts are now almost 100% reliant on CCASS for general registry processing and to provide management information and reporting. However, there are still a number of registry work areas where processes and analysis of workload volumes (eg process servers and legal aid) could be improved. 2012 was the launch of CCASS – 2013 saw major improvements – and 2014 should also bring significant benefits to the registry as CCASS continues to develop and streamline court processes and ultimately provide an improved service to all stakeholders.

SEYLII – SEYCHELLES LEGAL INFORMATION INSTITUTE

The Seychelles Legal Information Institute (SeyLII) website, www.seylli.org, was established in 2011 with substantial assistance from the African Legal Information Institute (AfricanLII). Like other LII projects around the world, SeyLII aims to provide free, reliable online access to essential legal resources – in particular, decisions of the superior courts and primary and secondary legislation. These resources have not previously been readily or cheaply available to most citizens of Seychelles. They should also make it easier for practitioners and judges to research the law, to prepare cases for hearing and to write fairly researched judgments and decisions.

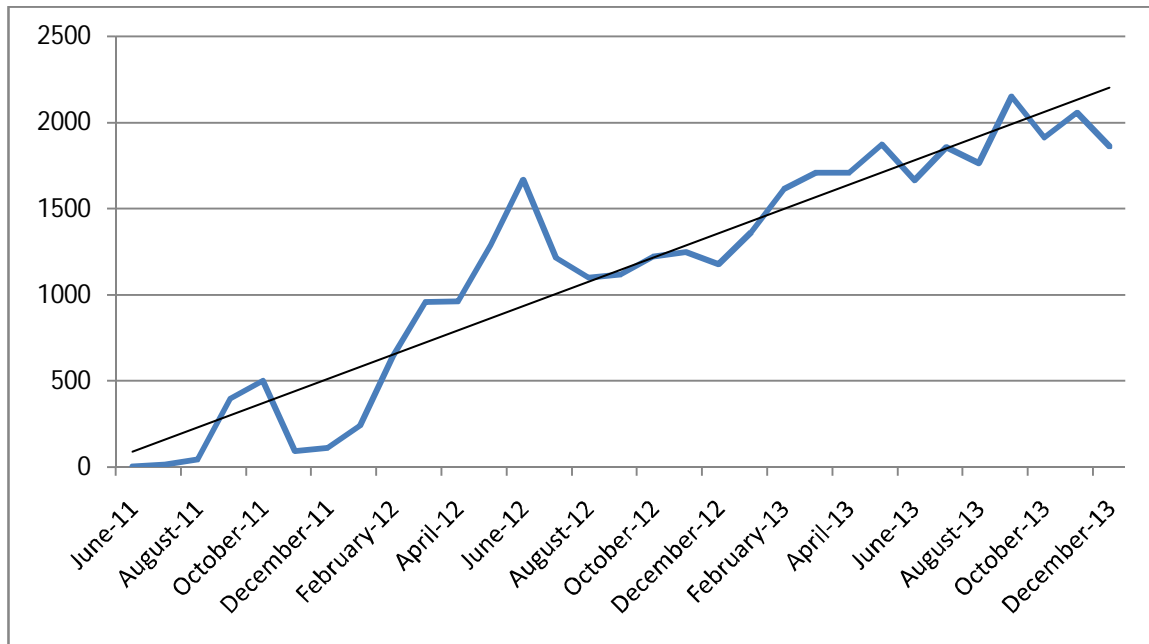
The quantity of information available from the SeyLII website increased very significantly in 2013. In addition to ongoing expansion of the case law and legislative databases (the “core” of the project), the Judiciary has been able to utilise the platform to communicate with Court users, particularly around the time of the move to Palais de Justice, and to provide access to speeches and presentations delivered in the course of various events hosted throughout the year. In September 2013 the Judiciary began publishing cause lists for the forthcoming week, at all three levels of the Court system, further empowering all interested citizens to track the activity of their courts.

Usage statistics for SeyLII to date are very encouraging. The number of unique visitors has risen steadily from 1,173 in the second half of 2011, to 12,190 in 2012, to 19,172 in 2013. There were almost 32,000 total visits to the SeyLII website in 2013 and almost 160,000 individual page views.

Table – SeyLII website usage: June 2011 – December 2013

Year	Month	Unique visitors	Total visits	Number of pages visited
2011	June	4	6	341
	July	16	33	2,492
	August	46	139	3,805
	September	398	585	4,811
	October	503	730	4,625
	November	93	180	1,567
	December	113	257	1,825
Total (7 months)		1,173	1,930	19,466
2012	January	243	492	1,744
	February	644	1,048	5,951
	March	960	1,686	12,929
	April	962	1,901	8,317
	May	1,290	2,537	9,721
	June	1,668	2,726	11,982
	July	1,214	1,793	8,389
	August	1,098	1,640	8,480
	September	1,118	1,647	8,359
	October	1,222	1,971	10,187
	November	1,248	2,010	8,886
	December	1,178	1,635	7,637
Total		12,190	21,086	102,582
2013	January	1,363	1,992	9,816
	February	1,610	2,419	12,247
	March	1,709	2,432	12,633
	April	1,710	2,593	15,638
	May	1,870	2,702	14,349
	June	1,663	2,386	10,831
	July	1,856	2,810	14,996
	August	1,765	2,718	13,576
	September	2,150	3,085	12,805
	October	1,913	3,014	14,159
	November	2,056	3,104	14,988
	December	1,859	2,662	13,406
Total		19,172	31,917	159,444

Figure – Unique visitors to SeyLII website: June 2011 – December 2013



While almost 40% of visits to SeyLII in 2013 were made from Seychelles, SeyLII was accessed from over 160 countries around the world – four times as many countries as in 2012. The heaviest overseas use of SeyLII (over 3,000 visits) was in the United Kingdom, followed by the United States, India, South Africa, Australia, Mauritius, the United Arab Emirates, and France. There was a dramatic increase in use of SeyLII in the African region, with over 400 visits from Kenya alone, and substantive visits made by users in 30 other African countries. It is expected that SeyLII's international appeal will grow further as the website continues to be expanded and developed.

Another dramatic increase is in the use of mobile devices such as smartphones to access information on SeyLII. 12% of all unique visits to the website in 2013 were made using a mobile device of some kind, compared to 5% in the second half of 2012. Mobile users in Seychelles alone accessed the website nearly 500 times.

The usefulness of SeyLII is perhaps best demonstrated by the number of returning users. More than 4,000 users (including 75 users on mobile devices) accessed the website 15 times or more in 2013, with almost 400 users returning more than 100 times.

As noted in the Annual Report for 2012, the most serious challenge to the development of SeyLII to date has been the non-availability of source materials, or availability only in a traditional paper-based format. The historic absence of structured filing systems has made it difficult to compile a complete set of Supreme Court judgments currently in force. Further, documents received only in hard copy require labour-intensive scanning, digital conversion, and proof reading before they can be uploaded to the website. This work has been given priority but will take considerable time and resources to complete. It has continued into 2014. Meanwhile, efforts are ongoing to ensure that judicial decisions and legislative materials can be delivered to SeyLII electronically in future.

Mrs Thelma Julie, Assistant Documentation Officer, is the current coordinator of SeyLII. Mrs Julie attended training at the African Legal Information Institute in South Africa in October 2011 and at Cornell University in New York, USA in October 2012. She also attended the Law via Internet conference on Jersey Island from 25-27 September 2013.

E-GREY BOOK PROJECT

Attorneys and judicial officers in Seychelles have never enjoyed access to a Grey Book of the kind traditionally produced in East Africa, where frequently cited legislation is compiled into a single volume that can be carried into and beyond the courtroom with ease. Throughout the first decade of the 21st century, it was not even possible to maintain a comprehensive hard copy legislative reference collection. The last consolidated Laws of Seychelles were published in 1991. A long-awaited revision exercise remained incomplete at the end of 2013. Practitioners remained reliant on a combination of looseleaf Gazette publications and some “unofficial” revised volumes, made available in hard copy only and at cost. Lack of reliable access to current legislation has been identified as a significant contributing factor to delay in advising clients and managing proceedings, leading to delay in delivering judgments, perpetuating backlog and hampering development initiatives.

A local contractor was commissioned by the Chief Justice in 2012 to collate and consolidate the entire 1991 Laws of Seychelles up to June 2012 in electronic form. Once that work was underway, it became apparent that Seychelles might be in a position to leapfrog the traditional Grey Book altogether, moving directly to an “e-Grey Book”. An electronic resource of this kind could not only be widely disseminated, free of charge, but could be downloaded and used offline on any PC, tablet or e-reader. SeyLII could provide the platform for a downloadable application, and a reference point for regular updates and additions.

A joint project proposal was created by SeyLII and African LII in early 2013 and, with the generous support of Indigo Trust, the project is now in motion. EUCAP Nestor (an EU maritime security capacity-building mission) led the way by providing funding to secure tablets for all current judicial officers. Many private attorneys are already using tablets in their own practice. It is anticipated that others will follow their lead when the e-Grey Book is released in the first half of 2014.

The Book will comprise approximately 80 pieces of primary legislation (including the Civil and Penal Codes), with their associated statutory instruments. SeyLII and African LII have collaborated on the initial data capture, and will continue to work together to bring the collection fully up to date and monitor subsequent amendments.

The most exciting aspect of the e-Grey Book project is its potential for expansion and replicability. If core legislation can be made available in this form, so too, with time, can the entire legislative database – and for that matter SeyLII’s entire archive of electronic case law. Where judicial officers and those who appear before them can work from shared electronic resources, even when offline, the efficiency and utility of court hearings can be dramatically improved.

COURT RECORDING AND TRANSCRIPTION

The former system of recording proceedings in the Supreme Court at Victoria was replaced in March 2010 following the purchase and installation of seven sets of digital audio recording apparatus. However, as reported in the Annual Report 2012, several thousand old magnetic cassette tapes, with associated stenographic or longhand notes, remained to be digitised and transcribed. This administrative backlog produced serious delays in the final resolution of some proceedings and has required significant time and resource commitment to resolve.

The digitisation project, which started in late 2012, was completed in July 2013, three months after the target date of April 2013. Records which have been digitised but not yet transcribed continue to be prioritised (with first priority given to records required for appeals to the Court of Appeal) and assigned for transcription to Court reporters who have completed their current records for the week.

It is unfortunately not proving possible to transcribe all of the digitised records, for a number of reasons including inaudible recordings, lack of resources, and lack of consistent information (eg missing dates and/or party names). However, all the records have been securely stored on the Judiciary network and will remain accessible in digital form.

Although the new digital recording and transcription system promises to be significantly more efficient, reliable and secure, further work is still needed to ensure that stenographers/court reporters are sufficiently productive and adequately supervised in the use of new digital technologies, including CCASS. One important step in this regard was the introduction by the Chief Justice of an internal protocol for Court reporters, in March 2013. This provides a framework for monitoring and managing the output of individual reporters to prevent the future accumulation of backlog.

The Government of the People's Republic of China (as the principal benefactor of the new Palais de Justice building) has provided a new digital recording system for all ten new courtrooms, including the Court of Appeal (which had previously continued to rely on the old magnetic system). Following the move to Palais de Justice in June 2013, the video projection and recording aspects of the Chinese system are now being used in conjunction with the audio digital recording system that was already in place in the old Victoria courts. The Court of Appeal has recruited a specialist Court reporter to assist with managing its transcription workload.

VIDEO-LINK TECHNOLOGY

At the end of 2013, the Government introduced new provisions into the Evidence Act and Criminal Procedure Code which substantially expand the situations in which Court hearings can be conducted remotely (by live video-link). Accused persons in custody can now "attend" routine remand and other preliminary hearings without having to be physically transported to Court, where the presiding Judge considers that to be desirable and practicable. Witnesses can also give evidence by video-link in any case where it is not reasonably practicable for them to come to Court (including but not limited to situations where the witness is outside Seychelles).

The safeguard built into the new provisions is that the video-link arrangement must not unfairly prejudice any party.

Both the Judiciary and the prison service require significantly enhanced video capacity to support the implementation of the new procedures. This has been made possible with the support of UNODC, which has agreed to procure six specialised video evidence units for installation at Palais de Justice, the new Supreme Court Annex, the Victoria and Praslin Magistrates' Courts, and the prison at Montagne Posée.

RECRUITMENT AND PROFESSIONAL DEVELOPMENT

RECRUITMENT AND RETENTION

Recruitment and retention of quality judicial officers continues to be a significant challenge facing the Judiciary in light of an acute shortage of legal professionals in the country. Resort has had to be made to recruitment of non-Seychellois Judges and Magistrates to fill the gap. For the duration of the current Strategic Plan the Judiciary has been requesting financial and administrative support from the Government for more appointments to assist with the reduction of backlog and elimination of undue delay in the court system. Considerable progress has now been made at all levels of the Court system, but there are still three vacancies in the Magistrates' Courts. It had been hoped that a specialist commercial Judge would be recruited to manage the new Commercial List in the Supreme Court, but this has not eventuated.

The Commonwealth has generously supported the Judiciary with the drawdown of the current backlog of cases before the Supreme Court through the appointment of two Judges (one of whom will arrive in April 2014) and one court administration expert, who has been providing specialist support within the Registries.

Recruitment of staff to fill important administrative positions also continues to be a challenge, inhibiting the ability of the Judiciary to plan and execute a number of activities and programmes including new development initiatives. The most significant achievement in 2013 was a local appointment to the crucial post of Registrar of the Supreme Court, which had been vacant for over a year. A new post of Financial Controller was also created and filled, and an expatriate lawyer joined the Judiciary as Executive Legal Assistant to the Chief Justice. Vacancies remain for a Court Services Manager, a Communications/Projects Officer, and a legally qualified Law Reporting Officer.

PROFESSIONAL DEVELOPMENT

With the support of the United States Government, the Judiciary has been able to implement a United States-based training programme for continuing professional development of Seychellois judges and magistrates. One Senior Magistrate benefited from this training in 2013, attending an intensive course in civil mediation at the National Judicial College in Reno, Nevada.

Members of the Judiciary have also received support to attend international training events, conferences, seminars and workshops on various subjects of particular interest to Seychelles and the Judiciary.

Table – International events attended in 2013

Event	Dates	Location	Attendees
Commonwealth Judicial Education Institute – Patron Chief Justices’ Meeting	14-18 April	Cape Town, South Africa	Chief Justice
INSOL/UNCITRAL/World Bank – Judicial Colloquium on Insolvency	18-23 May	The Hague, Netherlands	Chief Justice
East African Magistrates & Judges Association (EAMJA) – Meeting Towards a Judicial Platform for Counter-Terrorism and International Crimes	13-14 June	Dar es Salaam, Tanzania	Mr Justice Burhan, Supreme Court Lady Justice Robinson, Supreme Court
Conférence Judiciaire de l’Océan Indien	20-22 June	St. Denis, La Réunion	Lady Justice Robinson, Supreme Court
Office Management Workshop	24-28 June	Johannesburg, South Africa	Mrs Jemina Lucas, Personal Assistant to the Chief Justice
Southern African Chief Justices’ Forum and Annual General Meeting	2-3 August	Livingstone, Zambia	Chief Justice Mr Justice Dodin, Supreme Court
Induction Seminar for new Judges in Southern Africa	29-30 August	Johannesburg, South Africa	Lady Justice Robinson, Supreme Court
Regional Competition Policy Workshop for Judges	24-25 September	Gaborone, Botswana	Mr Justice Karunakaran, Supreme Court Mr Justice Renaud, Supreme Court
Law via Internet	25-27 September	Jersey Island, United Kingdom	Mrs Thelma Julie, Assistant Documentation Officer
INSOL International Africa Roundtable 2013	11-12 October	Lusaka, Zambia	Chief Justice
15 th Conference of Chief Justices’ of Asia and the Pacific	28-30 October	Singapore	Chief Justice

5 th Roundtable Meeting of the Asia Pacific Judicial Reform Forum	31 October – 1 November	Singapore	Chief Justice
14 th International Conference of Chief Justices of the World	13-17 December	Lucknow, India	Mr Justice Dodin, Supreme Court

Staff of the Judiciary received support to attend a combination of short and longer-term training courses throughout 2012 and 2013. The training plan for 2013 was impacted by the move to Palais de Justice in June 2013, which required significant additional commitment of time and resources from all key staff.

Table – Local training for staff of the Judiciary, 2012-2013

Venue key: Seychelles Institute of Management (SIM), Adult Learning and Distance Education Centre (ALDEC), Department of Public Administration (DPA)

Name	Division	Training	Venue	Commencement date
Danny Michel	Litigation	Supervisory Skills	SIM	May 2012
Nichole Mathurin	Administration	Strategic Human Resources Planning Forum	SIM	June 2012
Nadia Servina	Litigation	Certificate in Office Management	SIM	July 2012
Rodney Payet	Administration	Comptia Network +	SIM	October 2012
Andrew Athanase	Administration	Comptia Network +	SIM	October 2012
Thelma Julie	Litigation	Research Workshop	SIM	October 2012
Marie-Angele Barbe	Litigation	Research Workshop	SIM	October 2012
Marlyn Meme	Finance	Certificate in Procurement	SIM	December 2012
Danny Michel	Ag. Chief Court Interpreter	A Level Law	ALDEC	February 2013
Nadia Servina	Litigation	Diploma in Office Management (two-year course)	SIM	August 2013
Marie-Angele Barbe	Litigation	Diploma in General Management (two-year course)	SIM	August 2013
Nichole Mathurin	Administration	Diploma in Human Resources Management (two-year course)	SIM	August 2013
Sumita Andre	Litigation	Records Management	DPA	October 2013
Thelma Julie	Litigation	Records Management	DPA	October 2013

ESTABLISHMENT OF THE JUDICIAL COLLEGE OF SEYCHELLES

Many Judiciaries of the world have created Judicial Education Institutes with physical facilities and dedicated staff. While there is a definite need for an equivalent institution in Seychelles, the very small size of the local Bar and Bench means that it is not feasible to import the standard international model.

At the formal reopening of the Supreme Court in September 2013, the Chief Justice announced his intention to establish a “virtual” Judicial College for Seychelles, to be known as JUCOS. JUCOS will be governed by an Advisory Board responsible for its policy and programmatic development and delivery. The only current resident Justice of Appeal has accepted appointment as the inaugural Chair of this Board, and provision will be made for the activities of JUCOS as a line in the Judiciary budget in future years.

JUCOS will be responsible for determining the training needs of the entire Judiciary, extending beyond judicial officers to administrative staff, and how those training needs can best be met. Its proposals will be subject to approval by the Chief Justice.

CHIEF JUSTICE’S MEETINGS

During 2013, the Chief Justice received a number of visiting dignitaries and delegations from international organisations, as shown below, in addition to attending numerous meetings with local organisations (both governmental and non-governmental) and internal meetings within the Judiciary.

Judicial delegations from Tanzania and Rwanda travelled to Seychelles on study tours in August and October respectively, reinforcing the close and dynamic connections between Seychelles and its East African neighbours. The delegations spent considerable time meeting with staff in all aspects of the Judiciary’s organisational structure and exploring recent structural and technological innovations. A similar delegation from Uganda is expected in the first quarter of 2014.

Table – Chief Justice’s meetings, 2013

February	EUCAP Nestor delegation Ugandan Parliamentary delegation SADC Consultants UNODC Evaluation Team
March	World Bank delegation EUCAP Nestor delegation UNCTAD delegation
April	Ms Kaitlin Meredith, UNODC Minister Vincent Meriton Mr Tim Newman, Head of Technical Cooperation, Commonwealth Secretariat Admiral Jacques Launay, EUCAP Nestor Head of Mission Central Bank of Seychelles / Bankers delegation

May	EUCAP Nestor delegation United Kingdom Deputy High Commissioner Admiral Jacques Launay, EUCAP Nestor Head of Mission Appleby EU NAVCOR delegation
June	Ugandan Parliamentary delegation
July	Appleby Norwegian Ambassador UNODC Programme Officer UNODC Mission
August	EUCAP Nestor delegation Judge Dominique Hascher, Cour de Cassation, France, and Ms Fedelma Smith, Permanent Court of Arbitration (Mauritius) Tanzanian Judiciary delegation Ambassador Etienne de Poncin – EUCAP Nestor Head of Mission
October	Ugandan Parliamentary delegation Rwandan Judiciary delegation
November	EUCAP Nestor delegation

LOCAL EVENTS

The Judiciary organised or co-hosted four significant events in 2013, three local and one international, each of which provided important opportunities for broader engagement and networking with international and local facilitators and participants. All events were held in the new, purpose-built auditorium in the Palais de Justice at Ile du Port.

Event	Dates	Participants
Half Day Symposium on the Constitution of the Third Republic of Seychelles: The Role of the Judiciary in Constitutional Governance of Seychelles from 1993 to 2013 [held to mark the opening of Palais de Justice]	17 June 2013; resumed by popular demand for a full day on 2 July 2013	Current and retired judicial officers, attorneys and members of the legislature, including former President Mancham; representatives of the public service, civil society and industry; staff and students of the University of Seychelles Law School; interested members of the public
The New York Convention Road Show: International Arbitration Workshop [co-hosted by the International Council for Commercial Arbitration and the Permanent Court of Arbitration]	10 August 2013	Visiting presenter Judge Dominique Hascher, Cour de Cassation, France; visiting presenter from PCA Mauritius; judicial officers, attorneys,

		National Assembly members, representatives of the public service, civil society and industry, staff and students of the Law School
East African Judges and Magistrates Association: 3 rd Training Workshop on Responding to Terrorism, International and Training Crimes [co-hosted by the Institute for Security Studies and the International Commission of Jurists Kenyan Section]	18-21 September 2013	Judicial officers, prominent attorneys and technical experts from throughout East Africa and the International Criminal Court
Seminar on Construction Contracts [co-hosted with the Bar Association of Seychelles]	7-8 November 2013	Visiting presenter from private practice in France; judicial officers, attorneys, staff and students of the Law School

REFORM INITIATIVES

CODE OF JUDICIAL CONDUCT

The Seychelles Code of Judicial Conduct was published in May 2010. As a voluntary product of consultation among the Justices of Appeal, Judges, Master and Magistrates of Seychelles, it draws together the core elements of professional conduct for judicial officers in a single, accessible document for the first time. It was in this sense a companion document to the inaugural Strategic Plan. Copies are available through www.seylli.org.

CODE OF PROFESSIONAL CONDUCT FOR ATTORNEYS

As of 29 July 2013, all legal practitioners in Seychelles are subject to the Legal Practitioners (Professional Conduct) Rules, promulgated by the Chief Justice under the Legal Practitioners Act. This is a ground-breaking step towards greater transparency, accountability and effectiveness in the conduct of the local bar. It provides a natural counterpoint to the Code of Judicial Conduct.

Law is a profession, not a business, and the overriding duty of all legal practitioners has always been to uphold the rule of law and facilitate the administration of justice. The new Code provides a clear point of reference for all members of the profession, and all those who depend on their professional services. It reinforces the fundamental obligations of practitioners in

- acting honestly, fairly, diligently and competently in dealings with the courts, with other practitioners and with the public;
- managing client relationships and avoiding conflicts of interest;
- accounting strictly for money and other property received from and on behalf of clients;
- keeping clients informed and respecting client confidentiality;

- protecting and advancing clients' interests in litigation; and
- ensuring that court processes are supported and not abused.

Since the new Rules were promulgated and publicised, the Office of the Chief Justice has experienced a significant increase in the volume of complaints about the conduct of attorneys. Some of these complaints raise serious issues of professional integrity and competence and several have already resulted in disciplinary action (including formal warnings and directions to refund client money). All attorneys are deemed to be on notice of the fundamental obligations reflected in the Rules, and the Chief Justice has made it clear that historic patterns of unacceptable behaviour among a small minority of practitioners are not to be condoned or tolerated in future.

While the Code is enforceable by the Supreme Court, where necessary, it is hoped that the primary benefits of the Code will be aspirational and forward looking. With the establishment of a law programme at the University of Seychelles, a new generation of locally trained legal practitioners is emerging. The Code should serve as an affirmation to students and recent graduates of the dignity and history of their chosen profession, and a salutary reminder of the responsibility which accompanies that choice.



Judicial officers with members of the Seychelles legal profession, 17 June 2013

AMENDMENTS TO LEGAL PRACTITIONERS ACT

In October 2013, new rules were promulgated under the Legal Practitioners Act to clarify the procedure for examinations for admission of attorneys to the Bar and to prescribe the course content of the examination. That prescribed content has provided the framework of the syllabus for a newly-established vocational Bar training course, under the auspices of the University of Seychelles Law School, which will run for the first time in 2014.

Several significant amendments to the Act itself were introduced by the Government very late in 2013. With effect from 6 January 2014:

- The Supreme Court has discretion to exempt foreign-trained attorneys from local pupillage requirements, meaning that the Seychelles bar is now potentially open to foreign attorneys, albeit only in specified practice areas (Seychelles corporate and finance law, and any “foreign law”).
- Responsibility for granting licences to legal practitioners has been transferred from the Seychelles Licensing Authority to the Registrar of the Supreme Court, with associated powers for the Registrar to suspend or revoke licences for misconduct. (It is not yet clear how these new powers can be reconciled with the existing disciplinary powers of the Chief Justice / Supreme Court, which have not been amended. The Attorney-General’s chambers have been asked to advise on this issue.)

DELAY REDUCTION MEASURES AND TIME STANDARDS

On 8 September 2010, Delay Reduction Measures and Time Standards for the Supreme Court of Seychelles were formally adopted by the Judges of the Supreme Court and Justices of Appeal. These measures were regarded as the surest means of ensuring that the Judiciary tackles backlog in a systematic manner. The publication of time standards for different categories of cases was intended to provide one important tool for measuring the performance of courts and individual judicial officers (and for that matter, parties and attorneys) in an objective manner. While not set in stone, the Judiciary has publicly committed to the following benchmarks for different categories of case:

Civil suits	Not later than 24 months from filing
Interlocutory motions	Not later than 3 months from filing
Post judgment motions	Not later than 2 months from filing
Divorce petitions	Not later than 12 months from filing
Judicial review	Not later than 4 months from filing
Constitutional petitions	Not later than 6 months from filing
Civil appeals	Not later than 6 months from filing
Criminal cases	Not later than 12 months from filing
Criminal appeals	Not later than 6 months from filing

Compliance with these standards to date is considered later in this report. The full 2010 document is reproduced as Annex 1.

PRACTICE DIRECTION REGARDING SHORT CAUSES

The Chief Justice published one Practice Direction in 2013, which took effect on 1 October 2013. That Practice Direction is reproduced as Annex 2 to this report. It relates principally to civil "short causes" in the Supreme Court (that is, any Court appearance other than a substantive hearing in a contested proceeding). The Direction also has flow-on effects for criminal cases in the Supreme Court and all cases in the Magistrates' Courts.

The aims of the Direction were to reduce scheduling conflicts within and between the Supreme Court and Magistrate's Court (particularly following the move of the Supreme Court to Palais de Justice), to ameliorate the competing demands upon the time of attorneys, and to increase the time available for substantive hearings in all courts.

INTERNAL JUDGMENTS PROTOCOL (SUPREME COURT)

The Chief Justice issued several internal directives in 2013 concerning various aspects of Court administration, from the output of Court reporters to the procedures for quantification and collection of fees of Court.

The most significant of these directives was a comprehensive Judgments Protocol, finalised with effect from 1 November 2013, which governs the creation, delivery and distribution of reserved judgments, orders and rulings of the Supreme Court. The Protocol provides for the use of standard form templates for judgments, providing significant potential gains in efficiency and uniformity, and also establishes a system for systematically recording the details of judgments and saving digital copies, to build up a permanent electronic archive over time. That system will facilitate the regular publication of new judgments on SeyLII and the capture of judgments within CCASS for ongoing case tracking purposes. It is anticipated that a similar protocol will be developed and implemented for the Magistrates' Courts in the medium term.

COURT-ANNEXED MEDIATION

Alternative dispute resolution processes like mediation seek to alleviate pressure on the courts by providing a more flexible, quick and cost-effective route in which the parties have greater autonomy.

As noted in the current Strategic Plan, Seychelles is a litigious society, lacking mediatory traditions. Mediation has however actually been operating in the specialised context of the Family and Employment Tribunals (outside the auspices of the Judiciary) for some time, and it was an identified area of focus for the Judiciary in 2012. Provision was made for pre-trial mediation in the Rules which established the Commercial List in the Civil Division of the Supreme Court in April 2012. A Bar/Bench Symposium held in August 2012 expressed almost unanimous support for the development of a pilot project in Court-annexed mediation, particularly in commercial cases. The Chief Justice subsequently began working with the Attorney-General's Office and representatives of the World Bank to develop an appropriate statutory framework.

As with the professional conduct rules for attorneys, the exercise of the Chief Justice's delegated rule-making powers was significantly delayed by processes internal to the Attorney-General's Office. Such delay has been an unfortunate feature of reform efforts in the last several years, and continues to pose a challenge for the modernisation of the Judiciary.

The Supreme Court (Mediation) Rules, 2013 were finally promulgated on 28 October 2013. They provide for almost any pending civil dispute in the Supreme Court to be referred to mediation before trial, either at the request of a party or on the Judge's initiative. The mediator can be any other Judge of the Supreme Court, or any other person duly authorised by the Chief Justice. The mediation process is designed to be flexible and informal, providing maximum opportunity for the parties to negotiate directly with each other, while benefiting from the support and guidance of the mediator and any attorneys involved. There is no additional cost to parties, at least during the pilot phase. Timelines are strict, to ensure that a reference to mediation does not present an opportunity for delay. The process is confidential and parties need not worry that what is said will be used against them at trial if the mediation fails. If the mediation succeeds, and the parties reach a settlement, that settlement is formally recognised by the Supreme Court and becomes as binding as any Court decision, with no right of appeal.

Mediations under the new Rules will be administered by the newly-appointed Assistant Registrar, Commercial List.

Conscious of the need to build awareness and support for mediation processes in general (and the new Court-annexed regime in particular), the Chief Justice has invited a senior professional mediator/mediation trainer (and retired Judge) from the United States to spend a month in Seychelles in early 2014, providing training and support to all relevant stakeholders and participating in public outreach initiatives.

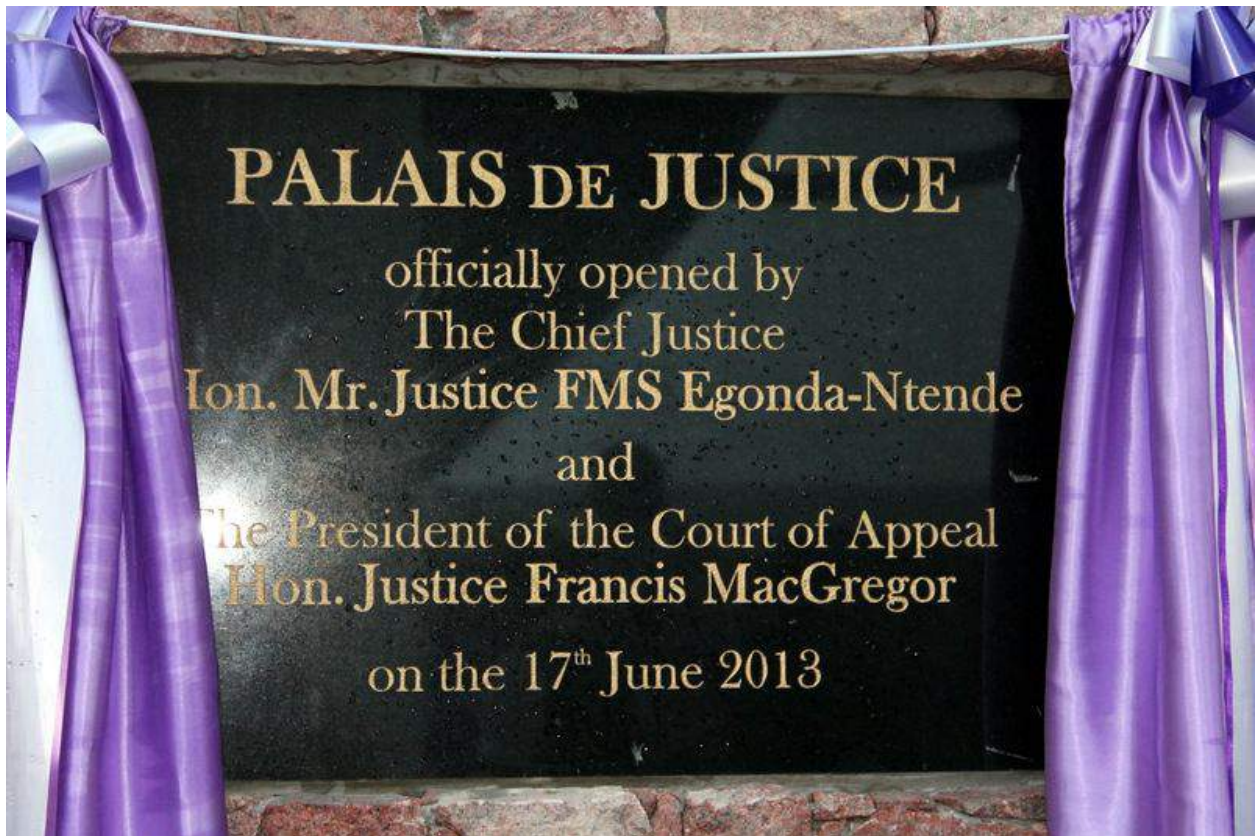
PROCEDURAL REFORM

Seychelles procedural law is generally outdated and in need of comprehensive reform. The Civil Procedure Code, in particular, has become a significant source of delay/inefficiency in some core aspects of the work of the Courts (for example, provisions requiring multiple Court appearances which do not substantively progress the relevant case). The legislation which governs Court fees and costs (including witness and juror expenses) is also particularly problematic – scattered across a variety of Acts and statutory instruments which are outdated, complex, and in some cases inconsistent with each other.

Seychelles has neither a Law Reform Commission nor a Government department specifically responsible for policy development in the justice sector. The Office of the Chief Justice has accordingly been required to take the initiative for reform in this area, to the extent that time and resources permit.

In October 2011 the Chief Justice established an advisory committee of prominent members of the Bar to consider the current status of the Civil Procedure Code and develop policy recommendations. Unfortunately, this committee proved unable to progress its task. In late 2013 a local attorney was approached by the Chief Justice to undertake the work on a direct consultancy basis. It is hoped that significant progress can be made in this way by mid-2014, with advisory support from members of the previously constituted committee.

In the area of Court fees and costs, the Chief Justice attempted to implement several urgent and necessarily piecemeal reforms in 2013, which were again delayed by processes beyond the Judiciary's control. In this context it became clear that a coordinated and comprehensive approach was required. In October 2013, the Chief Justice established a new special-purpose advisory committee with representation from the Attorney-General's Office, Ministry of Finance and the Bar Association, in addition to staff of the Judiciary. The Court Fees and Costs Committee is mandated to develop concrete recommendations for reform of the various legislative instruments currently in force in this area. Its work will continue throughout 2014.



Entrance to the new Palais de Justice, Ile du Port

SIGNIFICANT RECENT DECISIONS

The Judiciary is committed to making all reserved decisions of the Supreme Court and Court of Appeal publicly and freely available shortly after delivery, utilising the SeyLII online platform (www.seyllii.org). It is hoped that this commitment will facilitate the production of informed commentary and case notes by practicing attorneys and law students, which will in turn increase media and public awareness of significant Court decisions.

In 2013 there were several decisions that may be regarded as of particular public importance.

Trajter v Commissioner of Police [2013] SCSC 55 was the first in a line of judgments which culminated with the decision of the Court of Appeal in *Trajter v Morgan* [2013] SCCA 17. Mr Trajter had become a naturalised citizen of Seychelles, but his citizenship was almost immediately revoked. The Government subsequently detained and sought to deport him. Mr Trajter successfully invoked the ancient *habeas corpus* procedure. The Commissioner of Police was ordered to produce Mr Trajter in court so that the Chief Justice could investigate the lawfulness of his detention. The Chief Justice then ruled that he was being detained unlawfully because the Minister of Home Affairs had failed to comply with the statutory requirements for depriving someone of citizenship.

Brioche & Ors v Attorney-General & Anor [2013] SCCC 2 was a constitutional case brought by six of the crew of the "Charitha" vessel (facing charges relating to controlled drugs, firearms and turtle meat), together with two others who had been charged as conspirators/accomplices. They complained that the Attorney-General's decision not to prosecute the skipper of the Charitha had prejudiced their own right to a fair hearing. The Constitutional Court accepted that the exercise of the power to issue a *nolle prosequi* is subject to judicial review in exceptional circumstances. However, the Court emphasised that issuing a *nolle prosequi* and calling a former accused as a State witness is not, in itself, enough to establish discrimination or unfair treatment. The petition in question was dismissed as frivolous and vexatious.

Finally, *Sayid v Republic* [2013] SCCA 24 was a piracy appeal involving a Somali convict who had been 16 years old at the time of the offending. The Court of Appeal asked for submissions on the provisions of the Children Act dealing with conviction and sentencing of young persons, which had not been considered in the Supreme Court. The Court emphasised the responsibility of the Attorney-General for safeguarding the interests of any child involved in criminal proceedings, and the need to give express authorisation for the prosecution of a child or young person. As that authorisation had not been given in this case, the conviction could not stand.

III COURT STATISTICS

The introduction of CCASS has significantly enhanced the Judiciary's capacity for statistical analysis and reporting. CCASS is still however a work in progress, both as to scope and reliability. Many of the statistics in the inaugural 2012 Report, and a much smaller number of the statistics in this year's report, have had to be generated through manual review of physical files. Others generated from CCASS remain to some extent approximate (albeit many have been reviewed and refined since the 2012 Report). It is expected that the amount and accuracy of information available through CCASS will continue to improve with each passing year.

In 2012, the National Bureau of Statistics (NBS) began to publish a bulletin on crime, justice and security statistics. The latest bulletin is available for download at www.nbs.gov.sc. While that bulletin is a useful general reference point for readers of this report, the figures reported therein for the Judiciary cannot be relied upon to the extent they are inconsistent with the figures reported here. These early discrepancies are the result of ongoing development of internal processes for tracking and cross-referencing data from CCASS, and the style and format of external reporting requested by NBS to date. Work is underway to develop an integrated, more consistent reporting framework for future years.

COURT OF APPEAL

CCASS was extended to the Court of Appeal in mid 2013. The data in this year's report has accordingly been compiled using a combination of CCASS and manual records. From 2014 onwards, data will be taken exclusively from CCASS.

The Court of Appeal's overall workload has increased fairly steadily since 2007, principally because of increases in new filings which were not matched by increased completion rates. 2012 was an encouraging year, with more cases completed than filed for the first time since 2008. However, new filings significantly increased again in 2013. Criminal filings, in particular, nearly doubled from 2012. The total number of new cases before the Court was nearly 50% higher than in 2012, and nearly 25% higher than the previous highest number (in 2011).

While the Court was able to dispose of more criminal matters in 2013 than in any previous year (more than twice the number completed in 2012), the increased filing rates, coupled with ongoing delays associated with obtaining records of Supreme Court proceedings, meant that the overall pending workload at the end of 2013 had increased by 39% in the space of one year. That will place significant pressure on the Court in 2014.

Two notes of caution should be sounded in interpreting longer-term patterns in the Court of Appeal's workload. First, prior to 2013, when data was taken from manual registers, interlocutory applications ("cases within cases") were sometimes but not always separately registered. The data reported for 2007-2012 is inescapably variable in this regard. For 2013 onwards, all interlocutory applications filed are being separately registered in CCASS. Including those applications in the data showing the Court's overall workload slightly over-inflates the

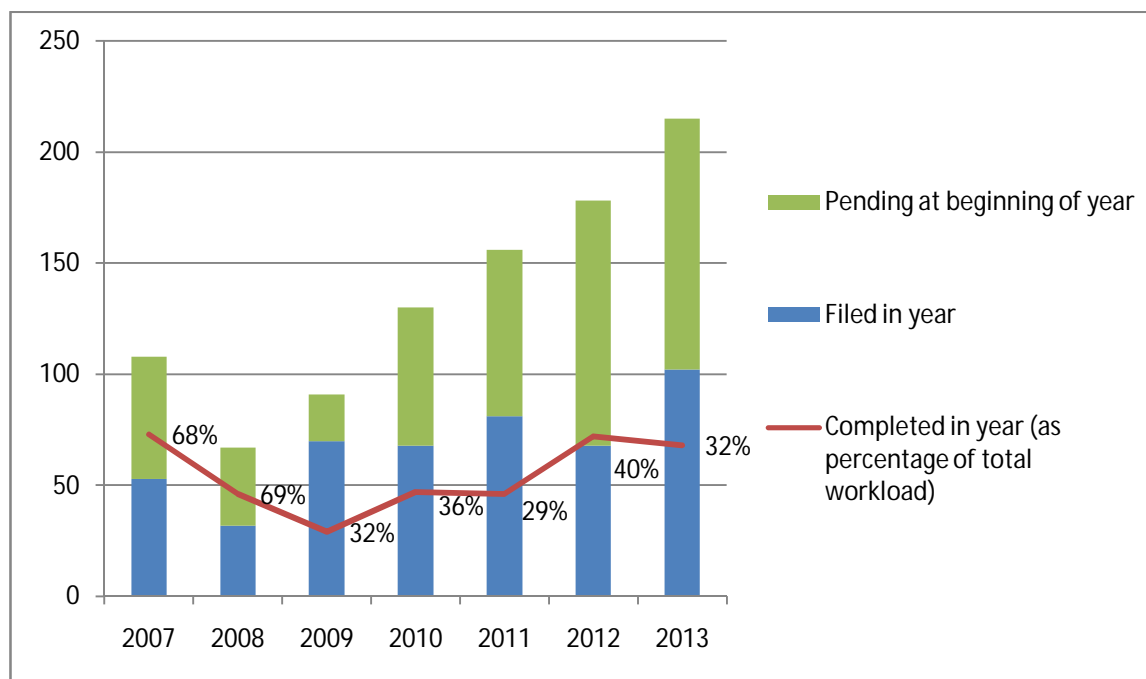
apparent increase in the workload for 2013 compared to earlier years. Omitting all miscellaneous applications has the opposite effect. Both options are shown in the table below.

Secondly, there is a slight discrepancy (of 7 cases in total) between the number of cases reported as pending as at 31 December 2012 and 1 January 2013. Again, this reflects increased accuracy in record-keeping and case tracking consequent on the implementation of CCASS. The 2013 figures will be used as the baseline for future reports.

Table – All cases before the Court of Appeal: 2007 – 2013

			2007	2008	2009	2010	2011	2012	2013
Pending at beginning of year	Civil	Substantive	41	21	6	30	33	70	60
		Interlocutory							
	Criminal	Substantive	14	14	15	32	42	40	53
		Interlocutory							
Total			55	35	21	62	75	110	113
Filed in year	Civil	Substantive	40	20	41	38	62	44	42
		Interlocutory							17
	Criminal	Substantive	13	12	29	30	19	24	35
		Interlocutory							8
Total			53	32	70	68	81	68	102
Total cases before Court			108	67	91	130	156	178	215
Completed in year	Civil	Substantive	60	35	17	27	25	61	25
		Interlocutory							15
	Criminal	Substantive	13	11	12	20	21	11	21
		Interlocutory							7
Total			73	46	29	47	46	72	68
Carried forward at end of year	Civil	Substantive	21	6	30	33	70	54	78
		Interlocutory							1
	Criminal	Substantive	14	15	32	42	40	52	66
		Interlocutory							2
Total			35	21	62	75	110	106	147

Figure – Workload of Court of Appeal: 2007 – 2013



SUPREME COURT

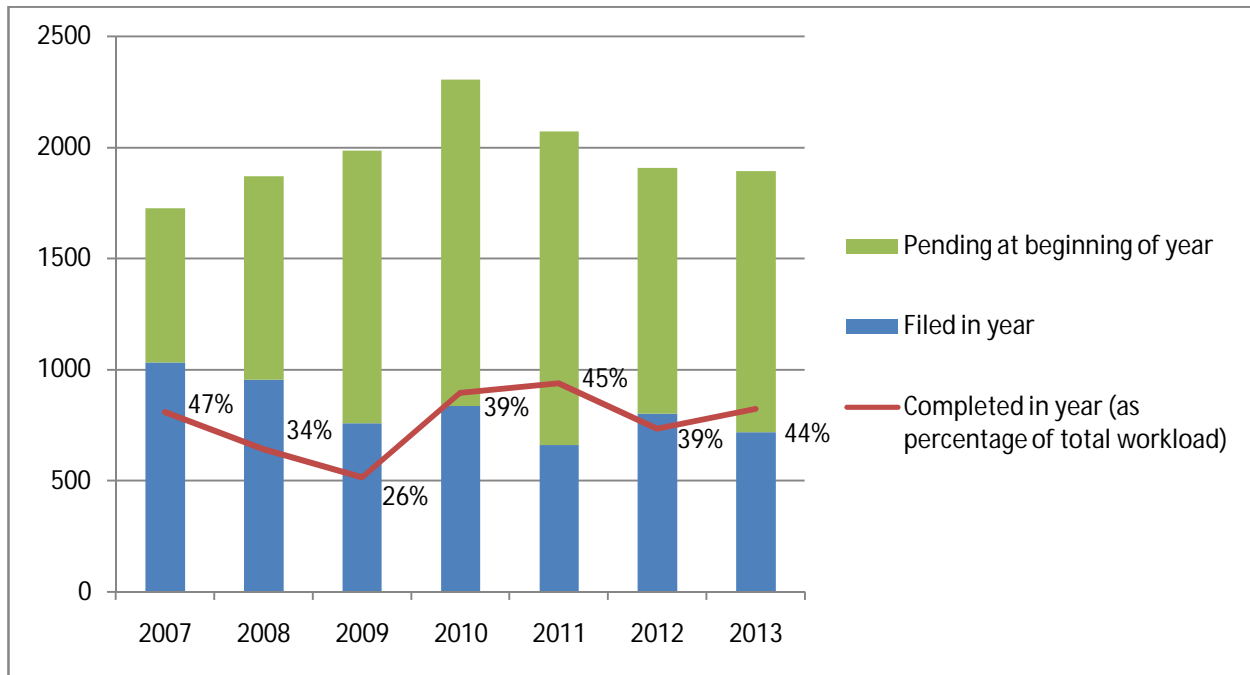
Although first-instance filings in the Supreme Court have decreased overall since 2006, a drop in completion rates in 2008 and 2009 meant that the number of cases carried forward at the end of each year sharply increased, to a peak of nearly 1,500 cases at the end of 2009. This resulted in a considerable increase in the Court’s overall first-instance workload, the effects of which are still being felt as the Court strives to reduce backlog. Cases completed exceeded cases filed in both 2010 and 2011, for the first time on record, and again in 2013, with the result that the backlog has now been brought back below 1,100 cases. Considerable further effort will be needed in 2014 and beyond if this progress is to be maintained and accelerated.

For explanation of the minor discrepancies in the table below (particularly between the number of cases reported pending as at 31 December 2011 and 1 January 2012), refer to the individual Registry statistics on the following pages.

Table – All first-instance cases before Supreme Court: 2007 – 2013 (excluding appeals and revisions)

	2007	2008	2009	2010	2011	2012	2013
Pending at beginning of year	693	916	1,225	1,468	1,409	1,105	1,175
Filed in year	1,034	954	760	837	662	802	719
Total	1,727	1,870	1,985	2,305	2,071	1,907	1,894
Completed in year	811	645	517	896	940	735	825
Carried forward at end of year	916	1,225	1,468	1,409	1,131	1,171	1,093

Figure – Overall first-instance workload of Supreme Court: 2007 – 2013

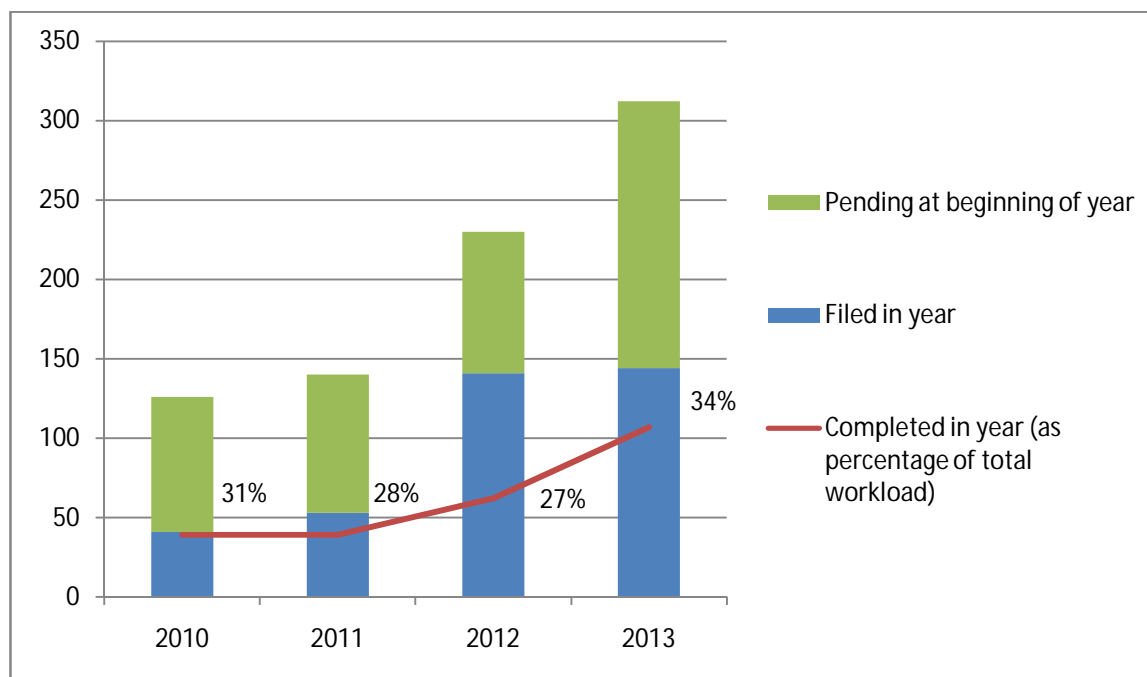


Data is available for all appellate filings in the Supreme Court (including applications for revision of sentence in criminal matters) beginning in 2010. Since that time, the number of appeals filed per year has increased by more than 250%. Completion rates have also increased significantly, by more than 170%. This has however been insufficient to prevent the accumulation of a considerable backlog. Filing rates did level off in 2013, indicating that continued improvement in case management by the existing Judges (including newly recruited Judges) may be sufficient to bring this backlog under control in 2014-2015. This area will be carefully monitored.

Table – All appellate cases before Supreme Court: 2010 – 2013 (including criminal revisions)

	2010	2011	2012	2013
Pending at beginning of year	85	87	89	168
Filed in year	41	53	141	144
Total	126	140	230	312
Completed in year	39	39	62	107
Carried forward at end of year	87	101	168	206

Figure – All appellate cases before Supreme Court: 2010 – 2013 (including criminal revisions)



CRIMINAL DIVISION

The Criminal Division began to use CCASS in 2012, with the aim of creating computerised records for all cases which were active as at 1 January 2011.

The figures reported for 2012 were compiled using a combination of CCASS and information from physical files. The updated figures reported below have been generated exclusively from CCASS, and include slight corrections to the 2012 reported figures as a result of improved accuracy in CCASS data entry and maintenance. As a result, there is a slight discrepancy (of 4 cases) between the total number of cases reported as pending as at 31 December 2011 and 1 January 2012. There is still a small amount of work remaining to bring complete consistency to CCASS data entry practices. This explains the second slight discrepancy in the table below, between the total number of cases reported as pending as at 31 December 2012 and 1 January 2013. It is hoped that discrepancies of this kind can be eliminated from future reports as Registry processes continue to improve.

The workload of the Criminal Division is small compared to the Civil Division, and there is significant variance in the level of new first-instance filings (serious criminal charges) from year to year. This contributes to the absence of a clear historical pattern in completion rates and case turnover ratios. While new filings rose again in 2013, the number of completed cases also rose, almost matching the previous highest recorded figure. Cases completed have now comfortably exceeded cases filed for three consecutive years. This indicates that, once the remaining historic backlog is cleared, it should be possible for the Court to dispose of all new filings in a timely manner.

Table – First-instance criminal cases before the Supreme Court: 2007 – 2013

	2007	2008	2009	2010	2011	2012	2013
Pending at beginning of year	86	122	121	141	191	173	173
Filed in year	84	95	55	83	27	69	83
Total	170	217	176	224	218	242	256
Completed in year	48	96	35	33	49	73	95
Carried forward at end of year	122	121	141	191	169	169	161

Table – Nature of charge in first instance criminal cases before Supreme Court: 2013

Charge	Cases completed in 2013	Cases pending as at 31 December 2013
Murder	2	2
Attempted murder	4	1
Manslaughter	4	8
Grievous harm	2	3
Unlawful wounding	0	1
Sexual assault	5	13
Causing death by dangerous driving	4	2
Controlled drugs	48	84
Piracy	3	3
Robbery	2	3
Attempted robbery	4	3
Abduction	0	1
Possession of firearms	0	1
Arson	0	1
Burglary	0	1
Theft	7	3
Stealing by servant	2	7
Forgery	2	6
Money laundering	0	2
Breaching condition etc	1	0
Conspiracy	0	1
Issuing cheque without provision	1	1
Making or having in possession currency notes	0	1
Obtaining money by false pretence	0	1
Aiding & abetting	0	1
Obstructing NDEA agents etc	0	1
Threatening NDEA agent	0	3
Assaulting NDEA agent	0	2
Demanding thing with threats with intent to harm	1	0
Assault	1	2
Failing to pay Social Security contribution	1	1
Fishing without a foreign licence	0	2
Application under section 6 CPC	1	0
Total	95	161

Appeals from criminal decisions of the Magistrates' Courts are recorded in a separate administrative register and have not historically been included in criminal case statistics.

Petitions for revision of Magistrates' Court decisions were recorded in the same register as first-instance criminal cases until 2012 (when a separate register was created), but were also not included in historic criminal case statistics.

Statistics for criminal appeals and revisions in 2010-2012 were generated manually for the purpose of the Annual Report 2012. The updated figures reported below have been generated from CCASS, and include slight corrections to the numbers of cases pending at the beginning of 2012 and completed during that year. As a result, there is a slight discrepancy (of 2 cases) between the total number of cases reported as pending as at 31 December 2011 and 1 January 2012. The 2012-2013 figures in this year's report will be used as the baseline for future reports.

A sharp increase in new filings in appeal and revision cases in 2012 (with a consequent increase in the pending caseload carried forward into 2013) was repeated in 2013. As in 2012, completion rates also increased, but not enough to absorb the increase in filings. The Criminal Division has accordingly now accumulated a significant (albeit recent) backlog of appeals, which will have to be actively addressed in 2014.

Table – Criminal appeals and revision cases before Supreme Court: 2010 – 2013

		2010	2011	2012	2013
Pending at beginning of year	Appeal	36	35	50	81
	Revision	11	11	8	8
Total		47	46	58	89
Filed in year	Appeal	17	27	67	102
	Revision	1	1	7	1
Total		18	28	74	103
Total appeals and revision cases before Court		65	74	132	192
Completed in year	Appeal	18	13	36	54
	Revision	1	1	7	8
Total		19	14	43	62
Carried forward at end of year	Appeal	35	49	81	129
	Revision	11	11	8	1
Total		46	60	89	130

Effective from January 2013, the Criminal Division opened a fourth separate register for miscellaneous causes (for example, applications for freezing orders brought by the Financial Intelligence Unit). Proceedings in that register are not yet being analysed for statistical and reporting purposes. That will be an area of focus for the Registry in 2014.

REMAND PRISONERS

The population of Seychelles was just under 91,000 at the time of the last census (August 2010). As at 31 December 2013, information provided by the Seychelles Prison Service indicates that remand prisoners constituted 18% of the total prison population of 715, putting Seychelles within the range of better performing jurisdictions in this regard. The current ratio of remand prisoners is nearly identical to the position in December 2012 but compares favourably to the position in December 2010 (29%), indicating significant improvements in efficiency of the disposition of criminal cases during 2011 and 2012.

18 of the 129 remand prisoners as at 31 December 2012 were Somali nationals awaiting trial on piracy charges. 7 of these were juveniles. No Seychellois juveniles were being held on remand.

LEGAL AID

Legal aid for matters before Seychelles courts and tribunals is administered by the Assistant Registrar, Criminal Division of the Supreme Court, pursuant to the Legal Aid Rules 1986 and the Legal Aid (Amendment) Rules 2012.

Records of applications for legal aid in the last four years have been maintained on a consolidated basis, across all jurisdictions and categories of case. The number of applications received per year has remained relatively constant. The largest number of successful applications (415 in 2013) relate to retaining counsel in criminal or civil matters. Applications are also granted in respect of advice and drafting alone (240 in 2013, mostly in respect of divorce petitions) and waiver of filing fees (15 in 2013, only half the number granted in 2012). While a significant number of applications are refused each year, the number of applications refused in 2013 dropped by nearly half from 2012 (only 83 applications refused in 2013, compared with 175 in 2012).

Total annual legal aid expenditure in Seychelles remained relatively constant between 2010 and 2012, at approximately SR 1 million, but increased by nearly 40% in 2013 to SR 1,434,450. This is notwithstanding a significant decrease in the number of legal aid grants for counsel in civil cases (from 135 cases in 2012 to 90 cases in 2013).

UNODC contributed significant additional funds in 2011 and 2012 to meet defence costs in 11 piracy cases accepted for trial in Seychelles. A much smaller amount was contributed in 2013, reflecting the lower number of piracy cases in the system.

The Legal Aid Act allows for recovery of costs in respect of cases funded by legal aid and payment of the same into a Legal Aid Fund. No evidence is available to show that this has ever been implemented. Attempts in 2012 to implement a Legal Aid Fund with its own account were rejected by the Ministry responsible for finance, and there has been no progress since. The administration of the Legal Aid Act needs to be revamped and the establishment of a Legal Aid Fund facilitated in accordance with the law, with the Fund to be grown through strict recovery of costs in appropriate matters.

Table – Legal aid in Seychelles: 2010 – 2013

		2010	2011	2012	2013
Applications filed		746	646	872	753
Applications granted	Retaining counsel in criminal cases	186	95	330	325
	Retaining counsel in civil cases	130	162	135	90
	Advice and drafting	240	216	202	240
	Waiver of filing fees	20	20	30	25
Applications refused		170	153	175	83
Total expenditure		c. SR 1,000,000	SR 932,000	SR 1,110,885	SR 1,434,450

CIVIL DIVISION

While CCASS has been operational in the Civil Division since the beginning of 2012, it was not practicable to enter data relating to cases closed before that time. Information on cases completed between 2006 and 2011, as reported in 2012, was accordingly collated manually and necessarily approximate (particularly in relation to ordinary civil suits and divorce petitions).

This year's report repeats the 2006 to 2011 statistics as initially reported. However, the decision has been made to include corrected/updated statistics for 2012, reflecting improvements in CCASS data entry and updating which continued to take place after the end of the 2012 reporting period. This results in a discrepancy (of 40 cases overall) between the number of cases reported pending as at 31 December 2011 and as at 1 January 2012. That correction arises principally from files which had been manually registered as pending but were in fact substantively resolved (or withdrawn/abandoned) in previous years: particularly ordinary civil suits and divorce/matrimonial petitions. A second significant correction is that substantially more divorce/matrimonial petitions were completed in the course of 2012 than previously reported (196 instead of 168).

While the accuracy of CCASS entry and updating by Registry staff in the Civil Division has improved considerably throughout 2013, a software glitch has resulted in CCASS-reported figures which are not entirely internally consistent. Those minor inconsistencies are apparent in the 2012-2013 figures shown in the table below. They do not undermine the utility of those figures for general trend and performance monitoring, but they do represent an unacceptable (albeit small) continuing element of uncertainty, which will be addressed as a priority in 2014.

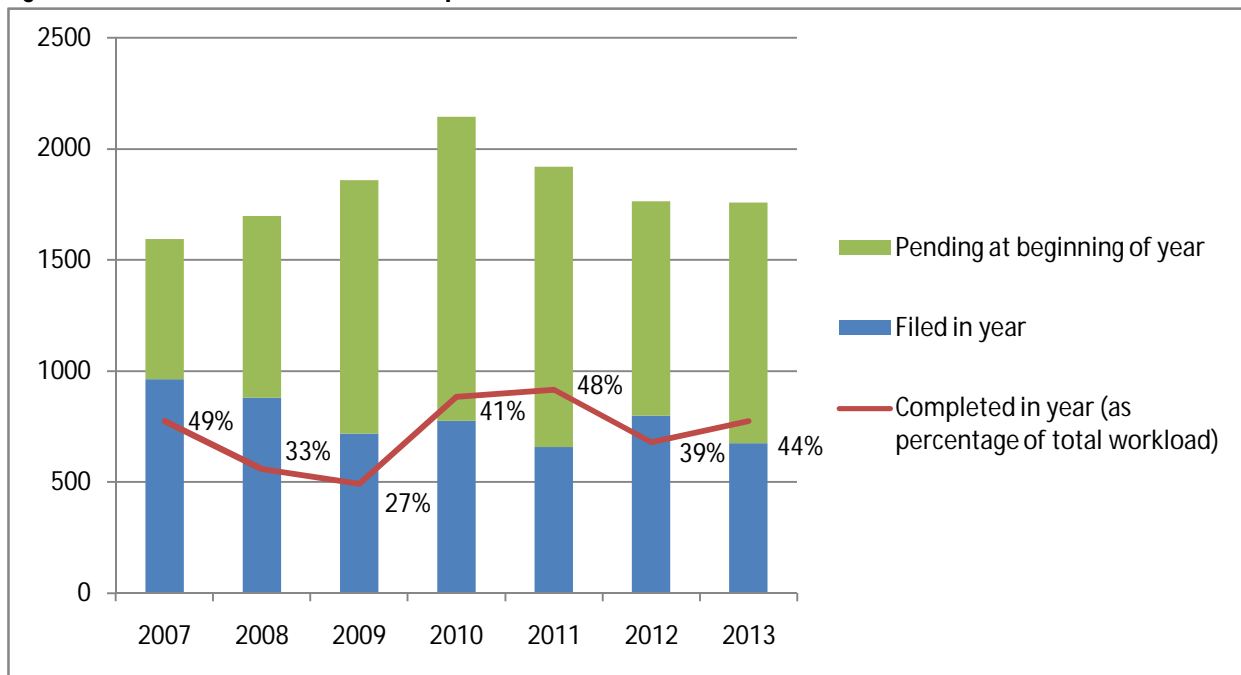
The figures for 2013 show an increase in the number of cases pending at the beginning of the year, compared with 2012. The main cause of this increase was a significant reduction in the cases completed in 2012 (681 in total), compared with the peak of 916 completed cases in 2011. The 2011 surge in completion rates had been facilitated by the lowest filing rates on record in that year, and is attributable in part to the transfer of approximately 160 pending cases to the Magistrates' Court following the enlargement of that Court's jurisdiction. Filings returned to previous levels in 2012, although they dropped again in 2013. The number of completed cases rose significantly again in 2013, although still falling short of the 2011 peak, both in absolute terms and as a percentage of the Court's overall workload.

The net effect of these fluctuations was that the overall pending caseload as at 31 December 2013 was slightly lower than in 2012 and significantly lower than the peak in 2009-2010.

Table – Civil cases before the Supreme Court: 2007 – 2013

	Case category	2007	2008	2009	2010	2011	2012	2013	
Pending at beginning of year	Civil suits	588	743	1,010	1,183	1,019	732	665	
	Ex parte	5	9	3	20	40	50	76	
	Divorce	2	23	72	106	138	133	143	
	Constitutional	12	19	19	18	21	17	14	
	Commercial	Not separately registered							24
	Appeals	22	23	35	38	41	31	79	
	Misc. causes	Not separately registered							55
	Commandments	Not separately registered							25
	Total	629	817	1,139	1,365	1,259	963	1,081	
Filed in year	Civil suits	377	383	359	357	243	168	119	
	Ex parte	382	299	196	177	202	194	163	
	Divorce	178	170	148	207	171	207	152	
	Constitutional	13	7	2	13	19	6	13	
	Commercial	Not separately registered						30	37
	Appeals	14	22	14	23	25	67	41	
	Misc. causes	Not separately registered						88	78
	Commandments	Not separately registered						40	74
	Total	964	881	719	777	660	800	677	
Total cases before Court		1,593	1,698	1,858	2,142	1,919	1,763	1,758	
Completed in year	Civil suits	222	116	186	521	522	235	269	
	Ex parte	378	305	179	157	192	168	146	
	Divorce	157	121	114	175	159	196	169	
	Constitutional	6	7	3	10	18	9	12	
	Commercial	Not separately registered						6	24
	Appeals	13	10	11	20	25	19	45	
	Misc. causes	Not separately registered						33	56
	Commandments	Not separately registered						15	54
	Total	776	559	493	883	916	681	775	
Carried forward at end of year	Civil suits	743	1,010	1,183	1,019	740	665	527	
	Ex parte	9	3	20	40	50	76	94	
	Divorce	23	72	106	138	150	143	136	
	Constitutional	19	19	18	21	22	14	15	
	Commercial	Not separately registered						24	38
	Appeals	23	35	38	41	41	79	76	
	Misc. causes	Not separately registered						55	77
	Commandments	Not separately registered						25	45
	Total	817	1,139	1,365	1,259	1,003	1,081	1,008	

Figure – Workload of Civil Division of Supreme Court: 2007 – 2013



MOTIONS AND PETITIONS

A separate register for motions and petitions (MAs) filed in the course of a pending civil suit was established in 2010. Before this, motions and petitions were not registered separately from the relevant civil suit and so were not counted towards the Court’s general civil workload.

Motions and petitions form a significant and growing number of all filings in the Civil Division (158 in 2010, 241 in 2011, 282 in 2012, and 307 in 2013). But they are not independent civil disputes, arising only in relation to a pre-existing case, and filed in the mother file for that case. Further, information about the disposal of motions and petitions filed in 2010 and 2011 (and to some extent 2012) has proved difficult to collate and enter in CCASS. In many cases the result is not clear on the face of the case file. Considerable efforts were made in 2013 to increase awareness among Judges, Registry and court staff of the need to keep clear and independent records in this regard, and it is hoped that the situation will continue to improve in 2014.

The figures published in the Annual Report 2012 regarding motions and petitions filed in 2012 were described as necessarily approximate. Those figures have since been revised (with the help of increasing information available on CCASS) and their accuracy considerably improved. Revised figures are provided below as a comparison point for 2013.

Motions and petitions filed from 2010–2013 have been omitted from the general statistics in this report because there is only two years of reliable data (2012 and 2013) to date. They should however be taken into account in considering the overall workload of the Civil Division. For example, 238 motions and petitions were completed in 2013, adding very significantly to the total of 773 completed stand-alone cases. 243 were carried forward, again adding significantly to the total of 998 pending stand-alone cases.

The clearance rate for motions and petitions in 2013 (cases completed as against cases filed) improved significantly from 2012, rising from 55% to 78%. That is encouraging progress. The figures do however suggest that the published time standard of three months for the disposition of interlocutory motions is still not yet generally complied with.

It is envisaged that Annual Reports in future years will incorporate statistics about motions and petitions within the general statistics for the workload of the Civil Division.

Table – Motions and petitions (MAs) filed in Civil Division of Supreme Court: 2012 - 2013

	Carried forward from previous year	Filed in year	Completed in year	Carried forward at end of year
2012	46	282	155	174
2013	174	307	238	243

COMMERCIAL LIST

A Commercial List within the Civil Division of the Supreme Court began operation in April 2012 with the promulgation of the Supreme Court (Commercial List) Rules. Cases of a commercial nature are assigned to this list with a view to fast-tracking the case to hearing so that, in at least 75% of cases, it takes no more than one year from filing to determination. Cases under the jurisdiction of the Commercial List but initiated before April 2012 are transferable from the ordinary Civil List on application of counsel, and new cases are being registered directly on the List. Administrative support is provided by a specially appointed Assistant Registrar, Commercial Division, and the case statistics are reported as part of the overall workload of the Civil Division.

The Chief Justice was responsible for all cases dealt with under the Commercial List Rules in 2012 and 2013. From 2014 the Commercial List will be managed by Justice Robinson.

As indicated in the table above, 67 cases were registered on the Commercial List between April 2012 and December 2013. Of the 30 cases filed from April to December 2012, 6 were completed within that year, and a further 17 were completed in the course of 2013 (leaving 8 outstanding as at 31 December 2013). Of the 37 cases filed in 2013, 7 were completed within that year, leaving 30 outstanding as at 31 December 2013. It is clear that, while there has been some encouraging progress, the one-year target for final determination of these cases has not yet been generally achieved. That will be a priority for the assigned Judge in 2014 and beyond.

It should be noted that a significant challenge encountered in the operation of the Commercial List to date is the unavailability of attorneys for near dates, even where the Court has prioritised the hearing of commercial cases. This is symptomatic of a general shortage of legal practitioners in Seychelles.

ASSET SEIZURE AND FORFEITURE

The Proceeds of Crime (Civil Confiscation) Act, 2008 and the Anti-Money Laundering Act, 2006 establish a judicial regime for the seizure and forfeiture of property obtained or received through criminal conduct. On application to the Civil Division of the Supreme Court (or the Criminal Division in cases where a criminal charge is already pending), private property of any kind can be temporarily seized (or “frozen”) or, ultimately, forfeited to the Republic.

Between 2009 and the date of publication of this report, more than 20 substantive applications have been filed by the Financial Intelligence Unit (FIU), working with the support of the National Drug Enforcement Agency. The Supreme Court has sanctioned the permanent forfeiture of approximately SR 200 million in cash to the Republic, in addition to the seizure of millions of rupees worth of assets including land, boats and vehicles. The Court has also considered a number of applications by affected private parties for relief and/or damages against FIU.

As at 31 December 2013, 9 applications by FIU and 2 applications by private parties were pending hearing. All were filed in 2012 or 2013.

APOSTILLES

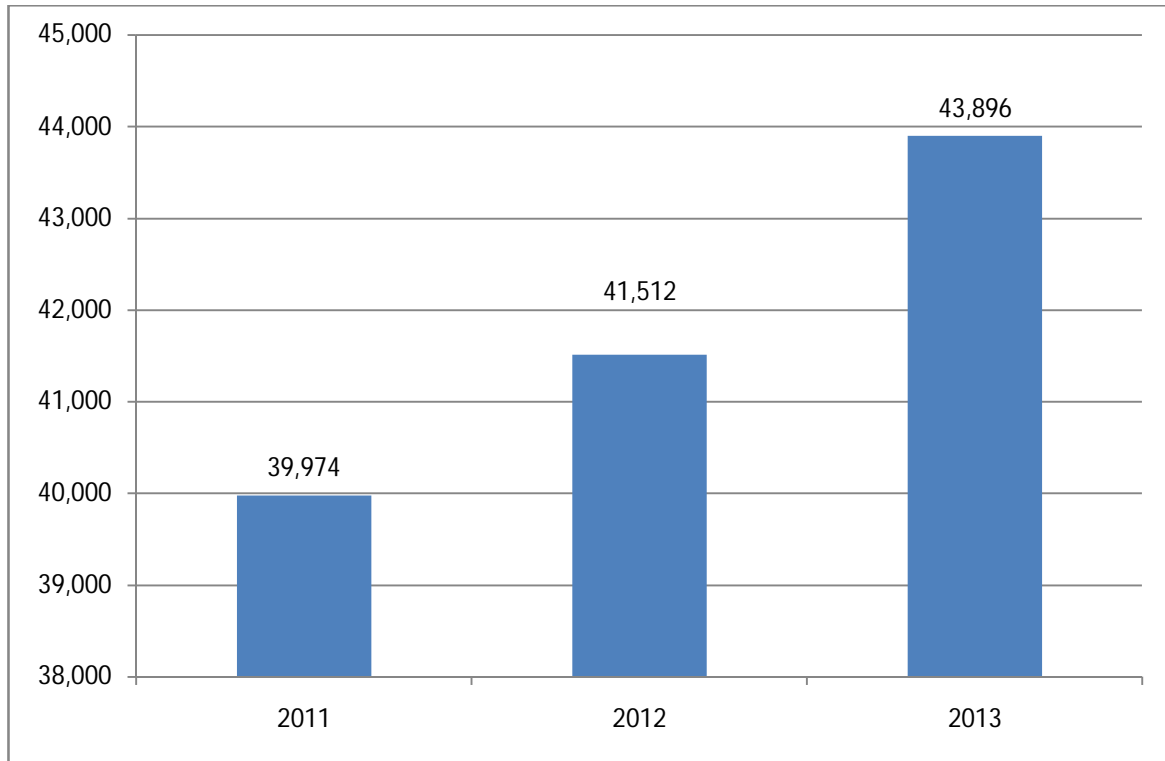
The Republic of Seychelles is a signatory to the “Hague Convention Abolishing the Requirement for Legalisation for Foreign Public Documents”, otherwise known as the Apostille Convention. A certificate prepared within the Civil Registry of the Supreme Court, and signed by the Registrar, confirms that the signature, seal or stamp on a public document is genuine and legalises the document for use in another country.

The workload associated with issuing these certificates (the “certificate” is in fact a standard stamp that is printed on the back of the document to be authenticated) is very significant and has not previously been reported. From the beginning of the fourth quarter of 2013, work commenced on moving from a manual register to a spreadsheet to track this high volume, non-judicial work area. That has enabled assessment of the overall volume of work in the last three years.

As indicated in the graph below, the number of apostilles requiring processing within the Registry increased from just under 40,000 in 2011 to nearly 44,000 in 2013. If the Registry was open every weekday of the year, that would amount to nearly 170 documents per day. Taking public holidays and scheduled Court closures into account, the figure is considerably higher.

Some countries have already moved to an e-register for processing apostilles. That may be something the Judiciary of Seychelles needs to consider if this workload continues to increase.

Figure – Apostilles processed within the Supreme Court Registry, 2011 - 2013



CONSTITUTIONAL COURT

Cases within the jurisdiction of the Constitutional Court are heard and determined by Judges of the Supreme Court and administered within the Civil Division. Constitutional petitions have accordingly been included in statistics about the Supreme Court's civil workload.

The following table provides an indication of the articles of the Constitution which have generated the most recent constitutional litigation. As reported in the Annual Report 2012, in 2011, the majority of decided cases concerned election law and rights of participation in the democratic process. There were also several unsuccessful petitions invoking the right to a fair hearing. In 2012, there was a similar focus on fair hearing rights. There were also two decided cases involving the right to property and one which resulted in the appointment of a Justice of Appeal being set aside (this decision was reversed on appeal).

In 2013, the focus on fair hearing and equal protection continued. The only successful constitutional petition arose from a conviction for contempt of court, which the Court of Appeal quashed and found to be a serious miscarriage of justice. The petitioner was awarded compensation from the State to reflect the seven days she spent in prison.

Table - Constitutional cases decided in 2013

(3 other petitions were dismissed for non-appearance of the petitioner and 1 was withdrawn by the petitioner)

Case number and medium-neutral citation for judgment	Articles of Constitution relied on	Result	Remedy (if applicable)
6/2008 [2013] SCCC 1	19 (fair hearing) 18(3) (right to information following arrest or detention) 18(11) (separate treatment of remand prisoners)	Petition dismissed	N/A
4/2012 [2013] SCCC 5	Section 14 Part 3 Schedule 7 (State acquisition and return of land)	Petition dismissed on preliminary objection	N/A
5/2012 [2013] SCCC 6	26 (right to dispose of property – justifiable limitations)	Petition dismissed	N/A
1/2013 and 2/2013 [2013] SCCC 7	27 (equal protection) 19(4) (retrospective increase in criminal penalty)	Petitions dismissed	N/A
4/2013 [2013] SCCC 8	19(13) (compensation for wrongful conviction)	Petition granted	Award of SR 200,000 compensation plus interest and costs
6/2013 [2013] SCCC 2	19 (fair hearing) 27 (equal protection)	Petition dismissed on preliminary objection	N/A

MAGISTRATES' COURTS

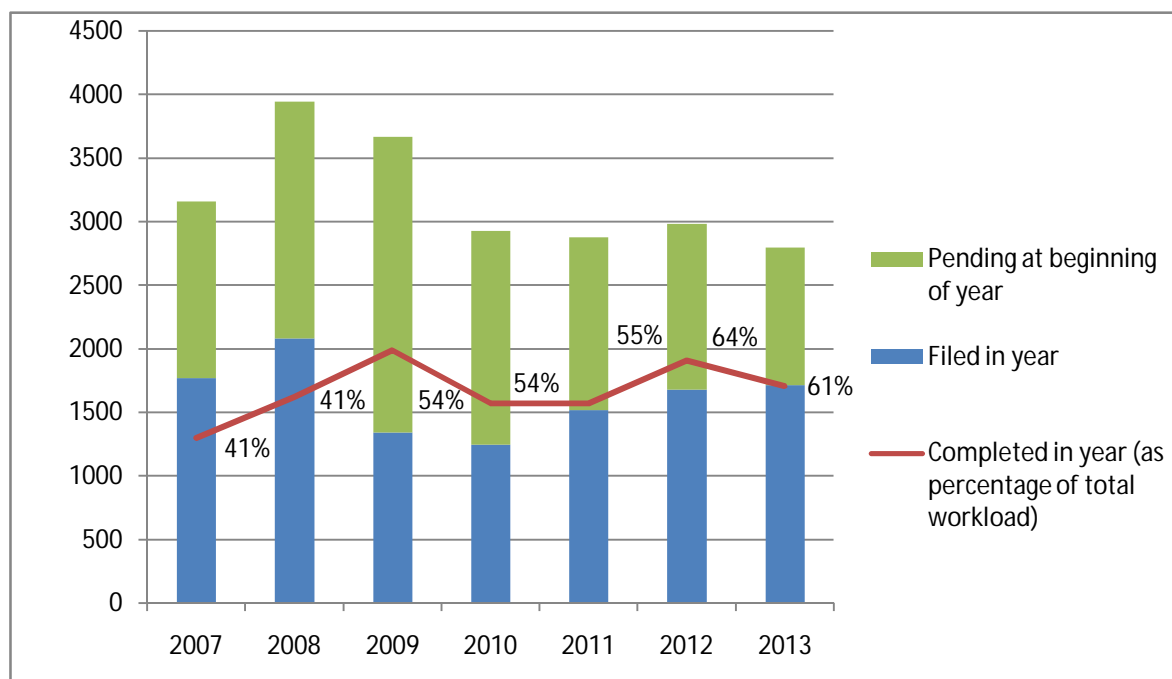
CCASS was introduced in the Victoria Magistrates' Court as from 2011 (as in the Supreme Court) and is now fully operational for active cases across all registers. Data for the Annual Report 2012 was generated from a combination of CCASS and information from physical files. Updated data for the Victoria Magistrates' Court for this year's report has been retrieved exclusively from CCASS. As it was not possible to extend the CCASS network to the extension Court on Praslin before the end of 2013, all Praslin case statistics have been generated manually again.

The overall workload of the Magistrates' Courts peaked in 2009, reflecting a surge in new filings in 2008, but has since been brought back down to well below 2007 levels. This has been done by completing sufficient cases to match or exceed new filings, even after filing rates began to rise again in 2011. The pending case load carried forward at the end of each year has been more than halved since 2008. However, the historic backlog remains significant. Assuming that the current trend of increasing filings continues, it will be necessary to significantly boost completion rates again in 2014 to make renewed progress in clearing the remaining backlog.

Table – All cases before Magistrates’ Courts: 2007 – 2013

	2007	2008	2009	2010	2011	2012	2013
Pending at beginning of year	1,387	1,861	2,325	1,680	1,357	1,308	1,080
Filed in year	1,773	2,084	1,342	1,249	1,520	1,679	1,717
Total	3,160	3,605	3,667	2,929	2,877	2,987	2,797
Completed in year	1,299	1,620	1,987	1,572	1,569	1,907	1,708
Carried forward at end of year	1,861	2,325	1,680	1,357	1,308	1,080	1,091

Figure – Overall workload of Magistrates’ Courts: 2007 – 2013



VICTORIA – CRIMINAL DIVISION

The number of criminal cases filed in the Victoria Magistrates’ Court dipped sharply in 2009-2010 before returning to approximately 2007 levels. A contemporaneous spike in completion rates meant that the overall workload of the Court, which had been increasing steadily, was able to be stabilised by 2011.

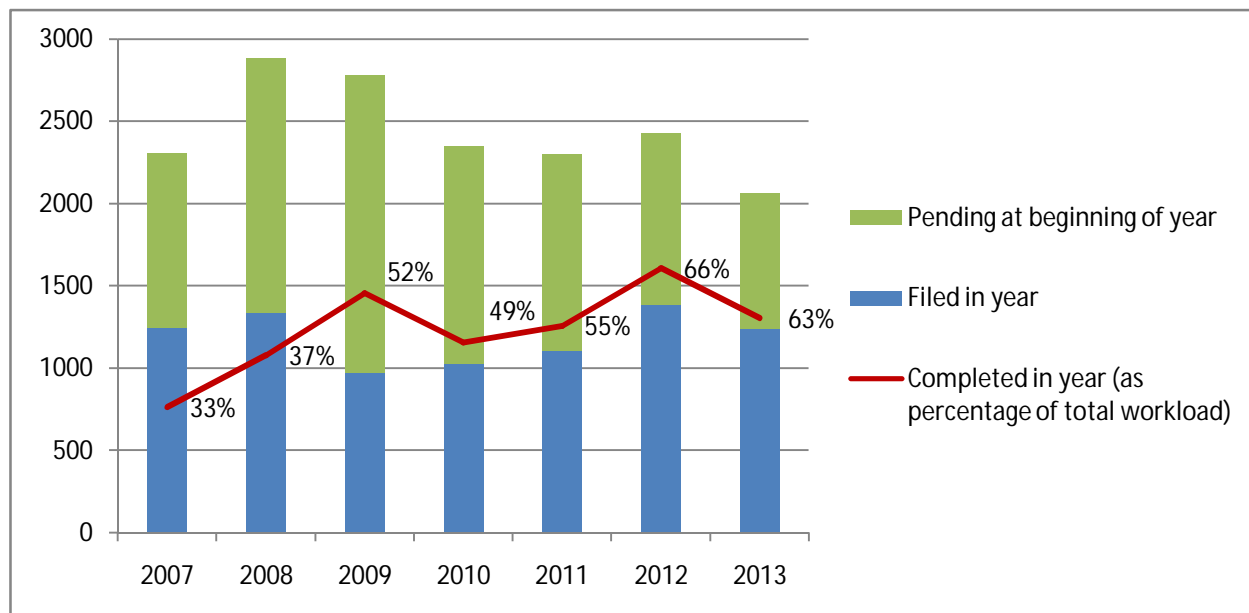
2012 saw the greatest number of cases completed to date, bringing the number of cases pending at the end of that year below 1,000 for the first time since these records began. Placed in context, the number of cases completed has now comfortably exceeded the number of new cases filed for five consecutive years. This development is partly attributable to a significant increase in the number of guilty pleas entered before trial, which frees up Court resources to deal with genuinely contested charges. It has allowed the Court to make significant and sustained progress in eliminating historic backlog.

The table below differs from the information reported in the Annual Report 2012 in including corrected information about completion rates from 2009 onwards. These corrections result from ongoing improvements in the accuracy of CCASS data entry and maintenance.

Table – Criminal cases before Victoria Magistrates’ Court: 2007 – 2013

	Case category	2007	2008	2009	2010		2011		2012		2013		
Pending at beginning of year	General	896	1,153	1,348	1,056	986	Charge	841	Charge	604			
							App 101	5	App 101	7			
							BOP	31	BOP	63			
							Inquest	6	Inquest	5			
							Ex parte	3	Ex parte	3	Anti-social bhvr	4	
						Total	875	Total	686				
	Juvenile	10	22	45	39	19	15		28				
	Traffic	153	369	413	219	191	144		107				
	Total	1,059	1,544	1,806	1,324	1,196	1,045		821				
Filed in year	General	875	1,126	907	Charge	601	Charge	670	Charge	763	Charge	710	
					App 101	199	App 101	195	App 101	241	App 101	177	
					BOP	92	BOP	83	BOP	146	BOP	111	
					Inquest	1	Inquest	3	Inquest	1	Inquest	3	
					Ex parte	4	Ex parte	6	Ex parte	8	Ex parte	12	
					Total	897	Total	957	Anti-social bhvr	3	Anti-social bhvr	1	
					Extradition	1	Extradition	0					
					Total	1,163	Total	1,014					
		Juvenile	33	40	14	12	25	39		40			
		Traffic	339	174	52	119	124	180		185			
	Total	1,247	1,340	973	1,028	1,106	1,382		1,239				
Total cases before Court		2,306	2,884	2,779	2,342		2,302		2,427		2,060		
Completed in year	General	618	931	1,189	Charge	842	Charge	796	Charge	1,000	Charge	741	
					App 101	112	App 101	182	App 101	239	App 101	179	
					BOP	22	BOP	73	BOP	114	BOP	128	
					Inquest	0	Inquest	2	Inquest	1	Inquest	7	
					Ex parte	1	Ex parte	4	Ex parte	8	Ex parte	12	
					Total	977	Total	1,057	Anti-social bhvr	0	Anti-social bhvr	5	
					Extradition	1	Extradition	0					
					Total	1,363	Total	1,072					
		Juvenile	21	17	20	32	29	26		36			
		Traffic	123	130	246	147	171	217		195			
	Total	762	1,078	1,455	1,156	1,257	1,606		1,303				
Carried forward at end of year	General	1,153	1,348	1,066	986	886	Charge	604	Charge	573			
							App 101	7	App 101	5			
							BOP	63	BOP	46			
							Inquest	5	Inquest	1			
							Ex parte	3	Ex parte	3			
							Anti-social bhvr	4	Anti-social bhvr	0			
							Extradition	0	Extradition	0			
					Total	686	Total	628					
	Juvenile	22	45	39	19	15	28		32				
	Traffic	369	413	219	191	144	107		97				
	Total	1,544	1,806	1,324	1,196	1,045	821		757				

Figure – Criminal workload of Victoria Magistrates' Court: 2007 – 2013



VICTORIA – CIVIL DIVISION

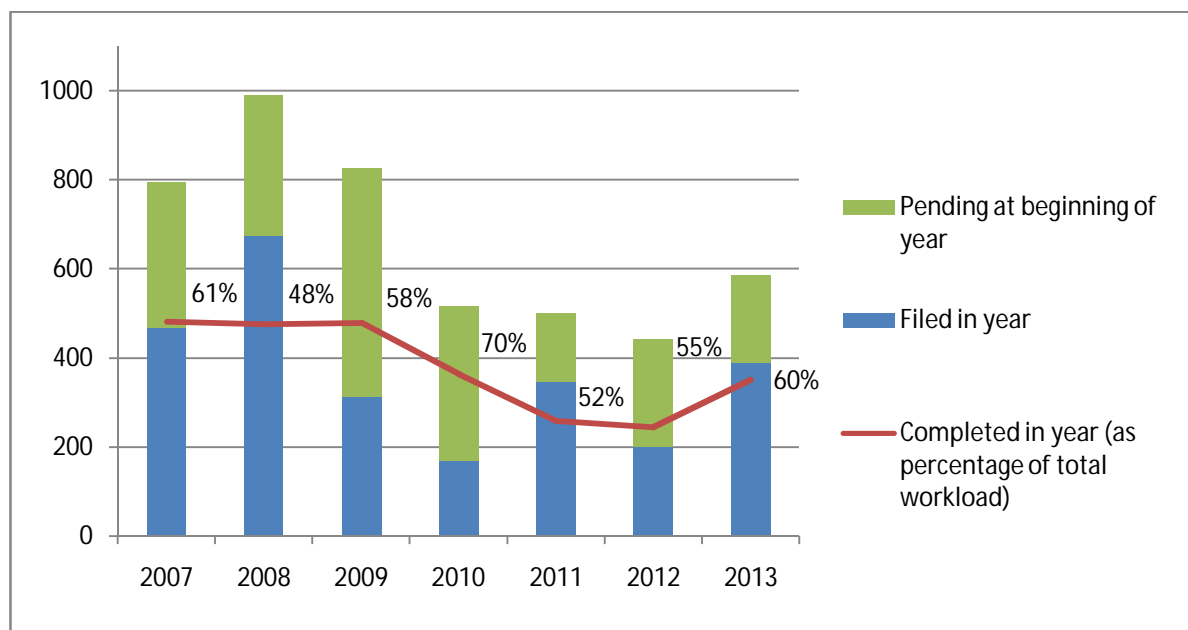
As noted above, the figures reported in 2012 were compiled using a combination of CCASS and information from physical files. The updated figures reported below have been generated from CCASS, and include slight corrections to the number of cases completed in 2011 and 2012, as a result of improved accuracy in CCASS data entry and maintenance.

The relatively small workload of the Civil Division in Victoria more than halved between 2006 and 2012, principally due to a decrease in new filings, but increased significantly again in 2013 as a result of the highest number of new filings since 2008. The number of completed cases, which had significantly declined every year since 2009, also increased in 2013 (by almost 45% from 2012). That kept the pending caseload as at 31 December 2013 below 2011 levels. But it prevented the Court from making further inroads into the historic backlog of cases, which remains considerable.

Table – Civil cases before Victoria Magistrates' Court: 2007 – 2013

	2007	2008	2009	2010	2011	2012	2013
Pending at beginning of year	327	314	513	348	153	241	197
Filed in year	469	675	313	169	346	201	390
Total	796	989	826	517	499	442	587
Completed in year	482	476	478	364	258	245	351
Carried forward at end of year	314	513	348	153	241	197	236

Figure – Civil workload of Victoria Magistrates' Court: 2007 – 2013



VICTORIA – SEPARATE ADMINISTRATIVE REGISTERS

Juvenile cases, which are heard by the Juvenile Court, are handled within the Criminal Division but recorded on a separate register. Traffic cases have also historically been recorded in a separate register within the Criminal Division.

Additional separate registers for breach of peace and applications for further holding of suspects (App 101) cases were established in 2011. Information on these cases has been separately noted for statistical purposes since 2010.

Ex parte cases and inquests are recorded in the same register as criminal offences but have also been separately noted for statistical purposes since 2010. Applications for anti-social behavior orders, also on the criminal offence register, began to be separately noted for statistical purposes in 2012.

A further separate register for motions and other miscellaneous applications (which form only a very small proportion of the Criminal Division's workload) was established in 2012. There is also a separate register for motions and petitions in the Civil Division, in which all summons to show cause are recorded. As in the Supreme Court, matters recorded in this register are not free-standing civil disputes, and so do not appear in the consolidated statistics in this report.

PRASLIN

The small workload of the Praslin Magistrates' Court is principally criminal (including breach of peace and traffic offences). Not all cases registered on Praslin are heard and determined there; many are brought back to Victoria for hearing (for example, where the accused is on remand in Montagne Posée Prison).

Criminal filings on Praslin have been significantly higher in the last two years, but the number of cases completed has remained fairly constant. This has created a considerable, and rapidly growing, backlog for the first time on record, with the case turnover ratio dropping dramatically from almost 100% in 2007 to only 36% in 2013. The number of cases carried forward as at 31 December 2013 may well exceed the number of new filings in 2014.

Table – Criminal cases before Praslin Magistrates’ Court: 2007-2013

	Case category	2007	2008	2009	2010	2011	2012	2013
Pending at beginning of year	General	1	2	5	5	6	16	48
	BOP	0	0	0	0	0	4	10
	Traffic	0	0	0	0	0	1	2
	Total	1	2	5	5	6	21	60
Filed in year	General	29	49	38	42	53	76	71
	BOP	11	15	11	6	10	12	4
	Traffic	16	5	5	0	5	5	9
	Total	56	69	54	48	68	93	84
Total cases before Court		57	71	59	53	74	114	144
Completed in year	General	28	46	38	41	43	44	43
	BOP	11	15	11	6	6	6	2
	Traffic	16	5	5	0	4	4	7
	Total	55	66	54	47	53	54	52
Carried forward at end of year	Criminal	2	5	5	6	16	48	76
	BOP	0	0	0	0	4	10	12
	Traffic	0	0	0	0	1	2	4
	Total	2	5	5	6	21	60	92

Figure – Criminal workload of Praslin Magistrates’ Court: 2007 – 2013

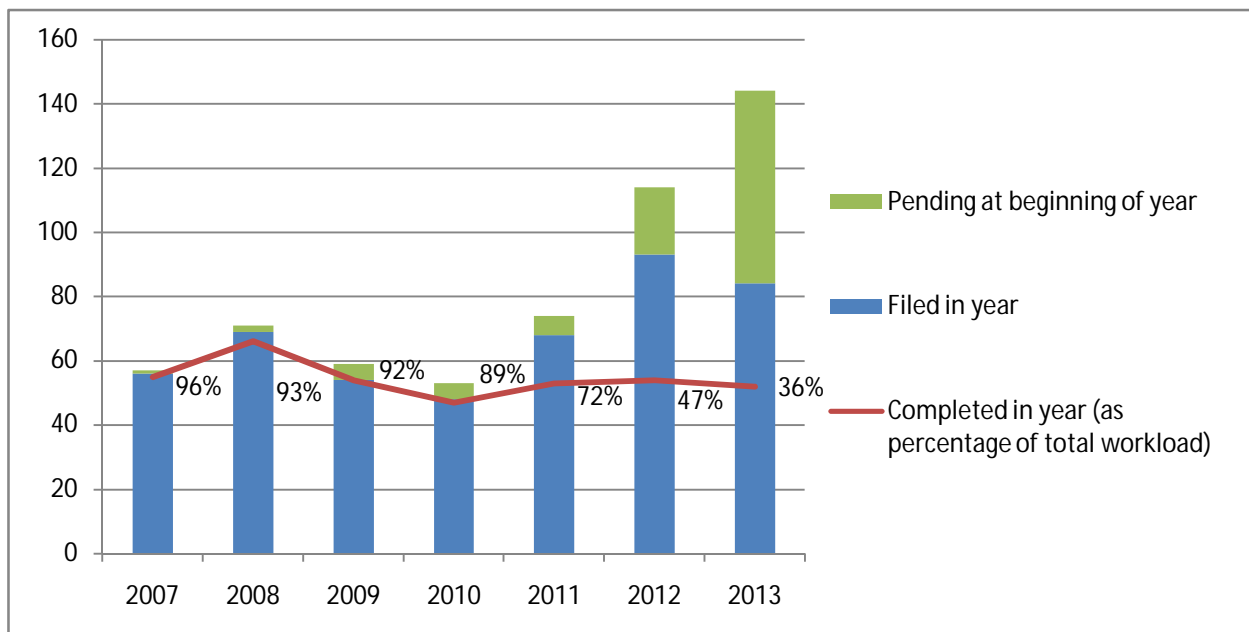


Table – Civil cases before Praslin Magistrates’ Court: 2007 – 2013

	2007	2008	2009	2010	2011	2012	2013
Pending at beginning of year	0	1	1	3	2	1	2
Filed in year	1	0	2	4	0	3	4
Total	1	1	3	7	2	4	6
Completed in year	0	0	0	5	1	2	2
Carried forward at end of year	1	1	3	2	1	2	4

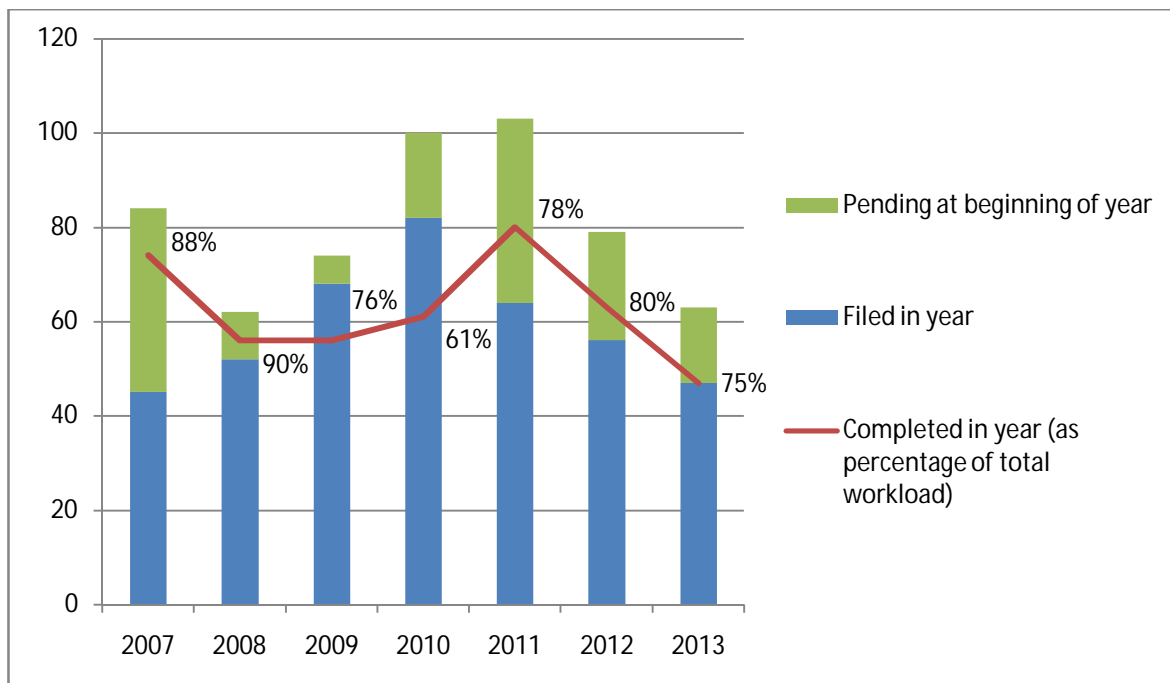
RENT CONTROL BOARD

The workload of the Rent Control Board, which sits in Victoria, is also small. It did increase considerably in 2010-2011 but has since returned to approximately 2008 levels.

Table – All cases before Rent Control Board: 2007 – 2013

	2007	2008	2009	2010	2011	2012	2013
Pending at beginning of year	39	10	6	18	39	23	16
Filed in year	45	52	68	82	64	56	47
Total	84	62	74	100	103	79	63
Completed in year	74	56	56	61	80	63	47
Carried forward at end of year	10	6	18	39	23	16	16

Figure – Workload of Rent Control Board: 2007 – 2013



IV PERFORMANCE MEASURES

COURT USAGE

Formal monitoring of court usage (that is, the amount of time that a courtroom is in active use) began in 2011. The work of Judges and Magistrates is of course not limited to the courtroom, and not all time spent in court is equally productive. Nevertheless how long each judicial officer sits has a relationship with productivity and a proper return on capital investment in court infrastructure and equipment.

Information collated in 2013 provides two distinct performance measures: the number of sitting days per year on which each courtroom was in session, and the average duration of those sessions.

The overall average daily use of Supreme Court courtrooms increased slightly in the last year, from 92 minutes in 2012 to 94 minutes in 2013. When analysis is limited to the six courtrooms that were in regular use throughout both years, the increase is more significant: from 92 minutes to 102 minutes per day, or 11% additional average sitting time.

By contrast, recorded average daily use of Magistrates' Court courtrooms (in Victoria only) decreased, from 113 minutes in 2012 to 93 minutes in 2013. Excluding F Court, which was only in use for five months of 2013, average daily use still decreased by almost 16%, from 113 to 95 minutes. This decrease can be attributed to three main factors: an initial period of disruption following the superior courts' relocation to Palais de Justice; double-booking and non-appearance by attorneys, which remains a chronic problem; and a continuing increase in the number of guilty pleas, which reduces time spent in calling cases which are not genuinely contested.

Work commenced in 2013 on automating the recording and analysis of court sitting data for each courtroom for both the Supreme Court and the Magistrates' Court. Previously this data was entered daily and analysis completed manually each month using a number of different formulas to capture the relevant data. The first phase of this development work has now been completed and the analysis of each day's sitting time is automatically available from CCASS, reducing the time spent by Registry staff in manually producing repetitive statistics.

Table – Court usage statistics for Supreme Court: 2013

		Courtroom								
		1	2	3	4	5	6	7	8	9
January (17 sitting days)	Days in use	14	9	5	7	11	6	0	0	0
	Average use (minutes)	144	131	58	212	113	47	N/A	N/A	N/A
February (22 sitting days)	Days in use	16	11	13	20	15	15	0	0	0
	Average use (minutes)	71	100	110	106	80	46	N/A	N/A	N/A
March (21 sitting days)	Days in use	16	11	14	20	15	18	0	0	0
	Average use (minutes)	107	99	134	136	136	67	N/A	N/A	N/A

		Courtroom								
		1	2	3	4	5	6	7	8	9
April (22 sitting days)	Days in use	2	2	5	19	15	20	0	0	0
	Average use (minutes)	128	25	62	113	86	80	N/A	N/A	N/A
May (21 sitting days)	Days in use	12	17	15	20	18	19	10	0	0
	Average use (minutes)	87	116	116	124	86	112	34	N/A	N/A
June (17 sitting days)	Days in use	14	13	12	14	17	15	12	0	0
	Average use (minutes)	121	100	78	96	78	84	38	N/A	N/A
July (23 sitting days)	Days in use	20	13	0	21	21	19	14	18	0
	Average use (minutes)	108	156	N/A	83	111	167	68	144	N/A
August (7 sitting days)	Days in use	0	1	0	6	4	7	0	1	0
	Average use (minutes)	N/A	50	N/A	17	135	84	N/A	8	N/A
September (18 sitting days)	Days in use	8	4	0	12	14	13	11	6	1
	Average use (minutes)	136	154	N/A	91	95	152	123	65	15
October (23 sitting days)	Days in use	11	13	0	21	20	14	19	13	4
	Average use (minutes)	125	119	N/A	127	85	94	81	64	69
November (20 sitting days)	Days in use	14	15	0	15	17	6	17	16	8
	Average use (minutes)	56	83	N/A	53	73	64	91	61	65
December (16 sitting days)	Days in use	0	6	0	6	6	3	7	7	6
	Average use (minutes)	N/A	72	N/A	43	93	58	154	69	63
Total months in use		10	12	6	12	12	12	7	6	4
Total days in use		127	115	64	181	173	155	90	61	19
Average daily use (minutes)		104	110	103	105	95	95	81	87	62

Figure – Average daily use of courtrooms in Supreme Court: 2012 - 2013

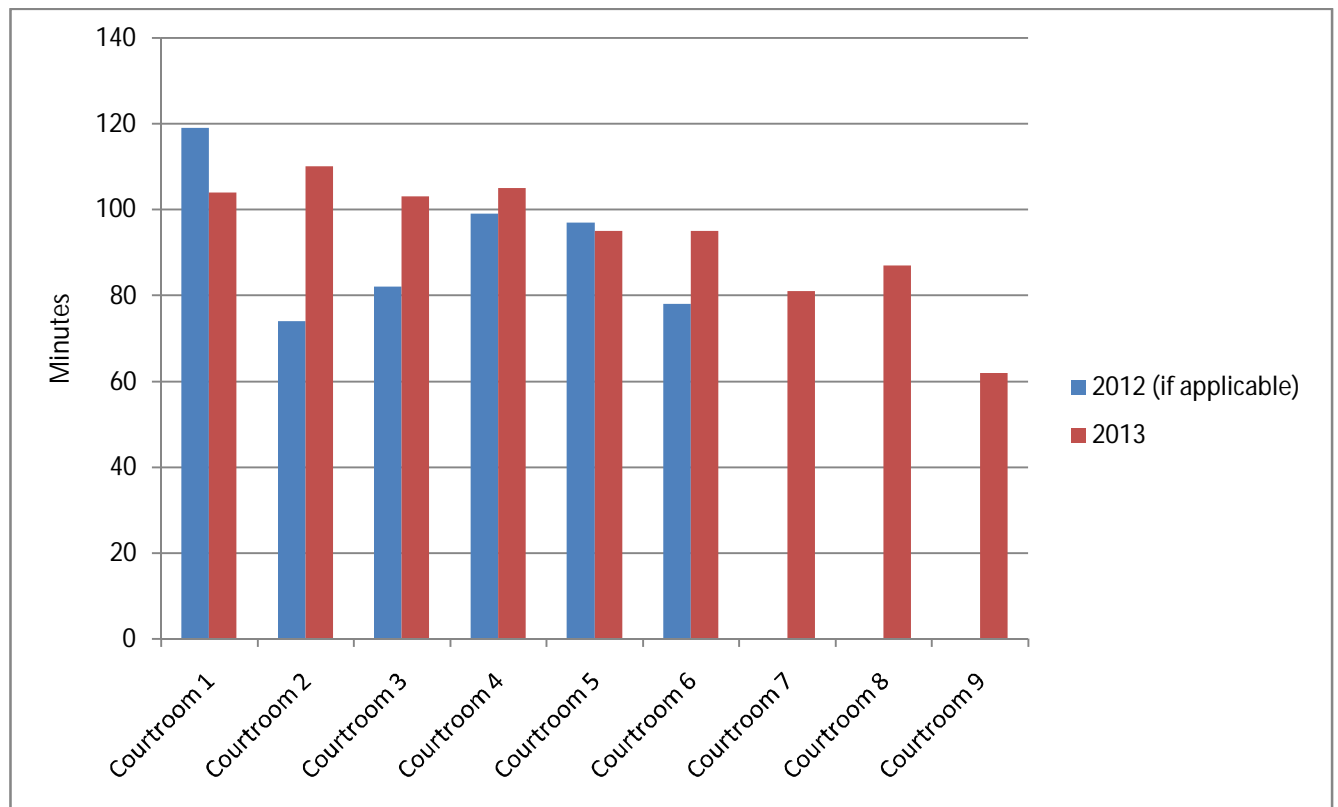
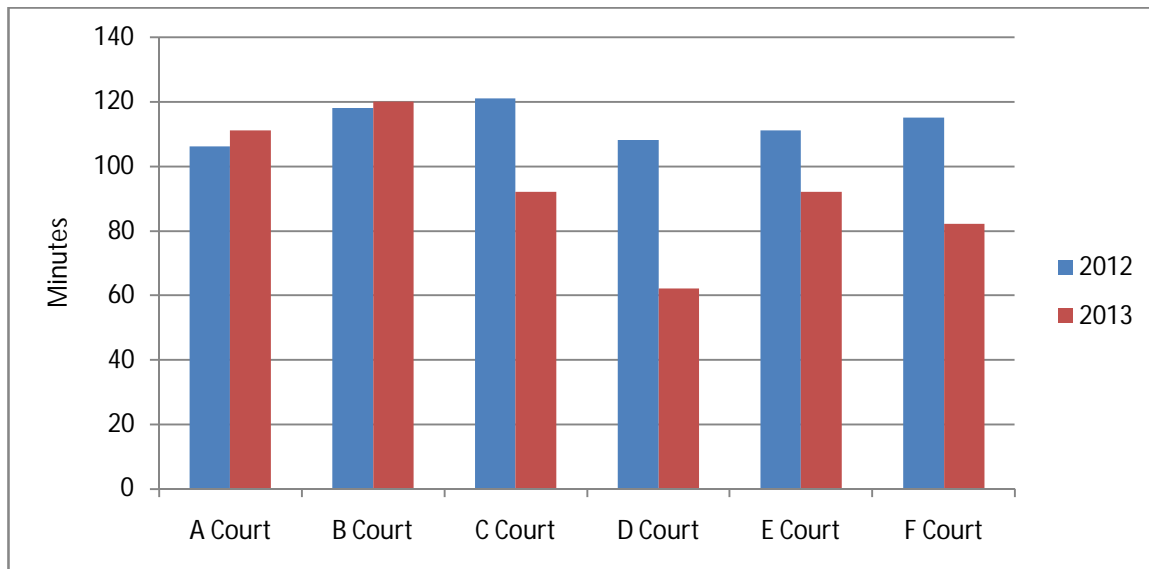


Table – Court usage statistics for Victoria Magistrates’ Court: 2013

		Courtroom					
		A	B	C	D	E	F
January (20 sitting days)	Days in use	14	12	14	2	18	4
	Average use (minutes)	121	123	95	48	122	155
February (21 sitting days)	Days in use	18	17	19	11	20	15
	Average use (minutes)	97	106	123	33	131	98
March (22 sitting days)	Days in use	21	17	20	3	14	17
	Average use (minutes)	117	129	153	12	99	82
April (22 sitting days)	Days in use	16	17	19	0	19	14
	Average use (minutes)	150	131	90	N/A	112	64
May (21 sitting days)	Days in use	14	14	20	20	15	11
	Average use (minutes)	118	142	100	84	82	56
June (17 sitting days)	Days in use	14	11	13	15	12	0
	Average use (minutes)	104	133	71	97	65	N/A
July (23 sitting days)	Days in use	21	17	19	18	7	0
	Average use (minutes)	109	143	61	55	56	N/A
August (7 sitting days)	Days in use	7	4	4	7	0	0
	Average use (minutes)	80	85	152	54	N/A	N/A
September (20 sitting days)	Days in use	11	12	14	19	16	0
	Average use (minutes)	63	129	63	74	86	N/A
October (23 sitting days)	Days in use	20	11	17	19	20	0
	Average use (minutes)	134	75	47	34	79	N/A
November (20 sitting days)	Days in use	15	10	12	15	16	0
	Average use (minutes)	106	87	55	59	70	N/A
December (19 sitting days)	Days in use	12	13	14	5	7	0
	Average use (minutes)	90	109	101	69	44	N/A
Total months in use		12	12	12	11	11	5
Total days in use		183	155	185	134	164	61
Average daily use (minutes)		111	120	92	62	92	82

Figure – Average daily use of courtrooms in Victoria Magistrates’ Court: 2012-2013



COMPLIANCE WITH TIME STANDARDS

Delay Reduction Measures, including uniform time standards for the completion of different categories of cases, were published in 2010 (see page 33 above and Annex 1).

It was expected to take time for the effects of reform in this area to be reflected in statistics, given the heavy existing backlog in most courts and the consequent pressures upon court time and resources. The Judiciary's commitment to the progressive elimination of backlog is however expected to produce continuing improvements in compliance with time standards with each passing year.

Key performance indicators in this respect for 2013 (as in 2012) include the age of completed cases, the age of cases outstanding (pending) at the end of the year, clearance rates (comparison between the number of cases filed and completed), and case turnover ratios (comparison between the number of cases completed and the total cases before the court).

Case turnover ratios have been provided as percentages in the graphs in the previous section which show the overall workload of each of the courts. The other three performance measures are addressed below.

AGE OF PENDING CASES

COURT OF APPEAL

There is no published time standard for the disposition of Court of Appeal cases. Nearly half of the 144 substantive appeals pending in that Court as at 31 December 2013 were filed in 2013; 35% were filed in 2012; and 15% in 2011. No pending criminal appeals were filed before 2011. One pending civil appeal, the oldest, was filed in 2010.

SUPREME COURT – CRIMINAL DIVISION

The published time standard for disposition of first-instance criminal cases is 12 months from the date of filing. The standard for criminal appeals is six months.

The Judiciary has been actively working with the Attorney-General's chambers to address the remaining backlog of first-instance criminal cases. While there are no longer any pending cases older than nine years old, a total of eight cases between five and nine years old remain in need of urgent attention. This figure is a significant improvement on the position as at 31 December 2012 (when there were 33 cases in this category), but remains unacceptable. The target is for all eight cases to be completed in 2014.

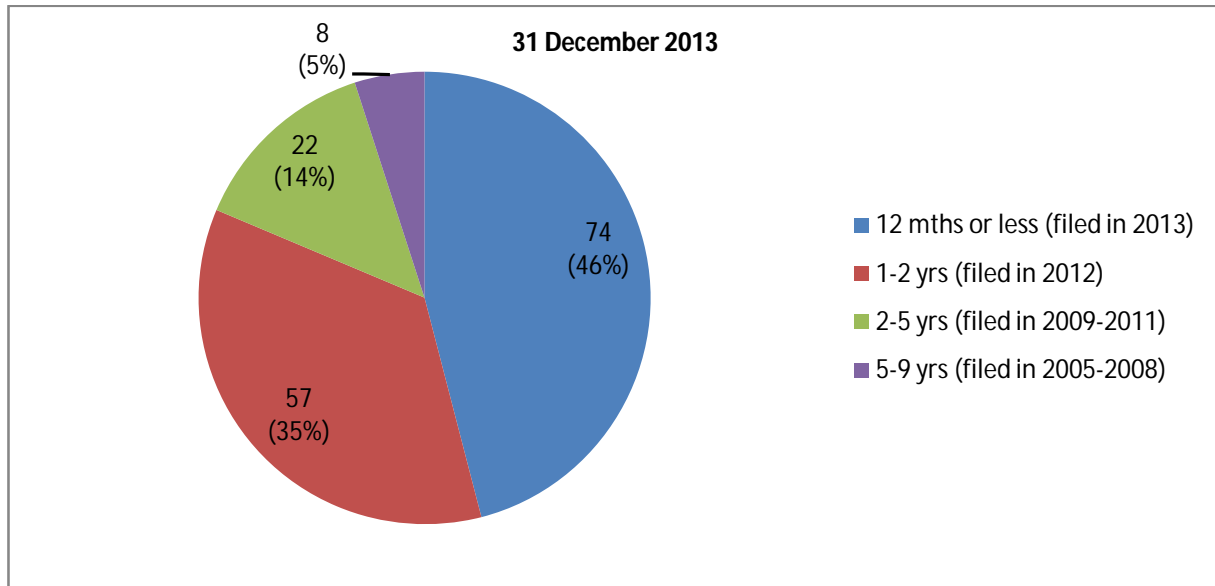
Comparative information is available for first-instance cases as at 31 July 2010, in addition to 31 December 2012. The 2010 figures are approximate only, but provide a broad indication of encouraging progress in clearing the backlog in 2011-2012. That progress has been even more significant in 2013, with nearly half of the pending caseload as at 31 December 2013 filed within the last 12 months (consistently with the published time standard for disposition).

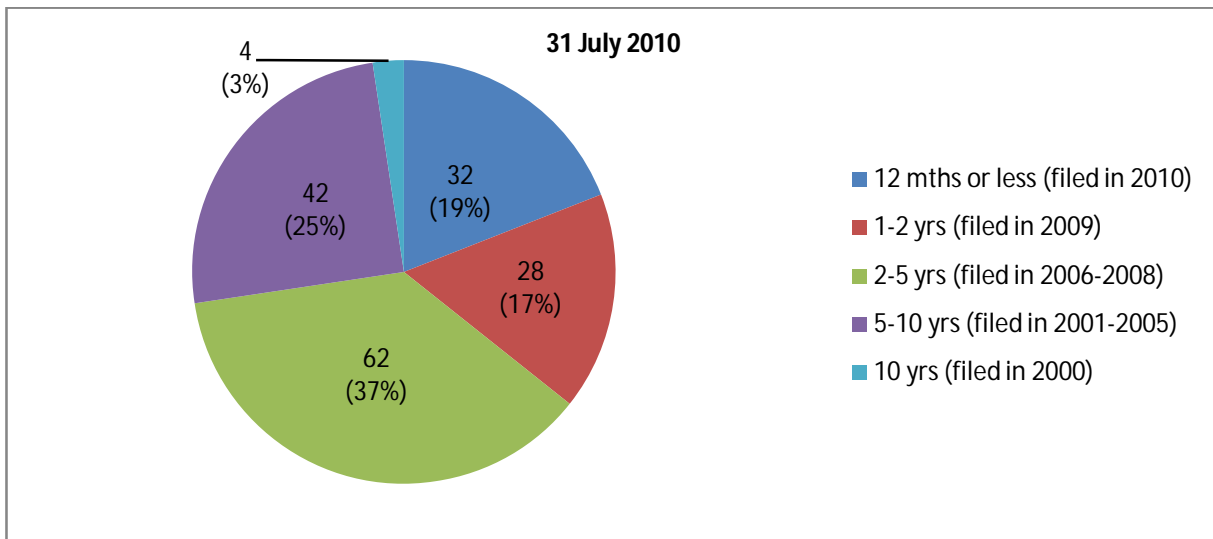
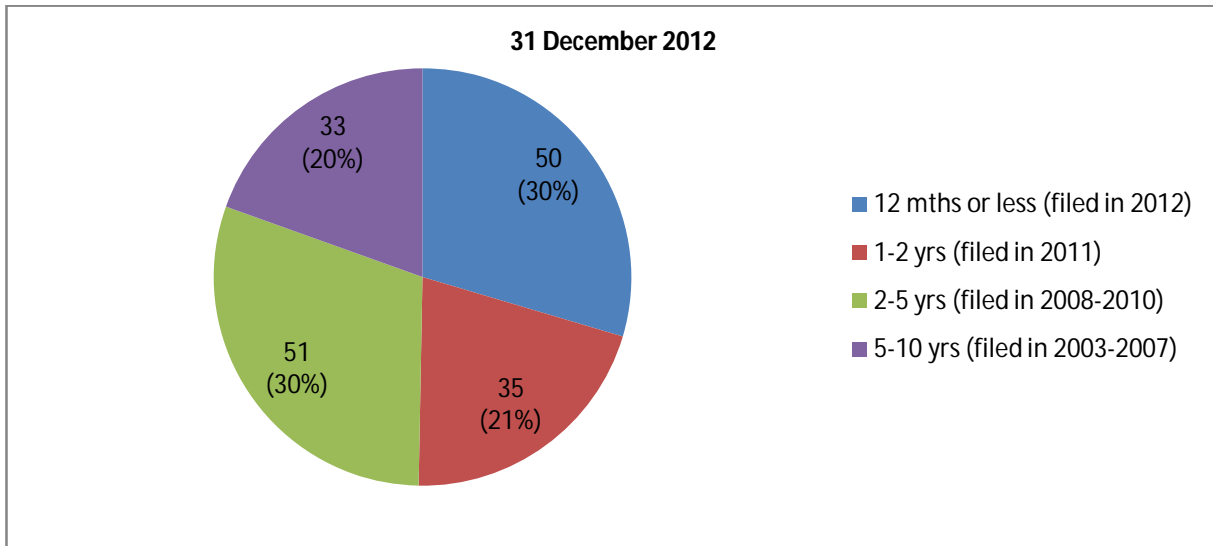
The average age of pending appeals has unfortunately not similarly decreased in 2013. However, the assignment of one of the new Judges of the Criminal Division to focus specifically on appeals is expected to assist with clearing the appellate backlog in 2014.

Table – Age of pending criminal cases before Supreme Court: 31 December 2012 and 31 December 2013

Age of case	First instance		Appeals		Revisions	
	As at 31/12/12	As at 31/12/13	As at 31/12/12	As at 31/12/13	As at 31/12/12	As at 31/12/13
Less than 12 months	50	74	65	92	5	1
12 months – 2 years	35	35	14	33	2	0
2 – 3 years	28	22	0	3	0	0
3 – 4 years	9	18	1	0	0	0
4 – 5 years	14	3	1	1	0	0
5 – 6 years	15	1	0	0	1	0
6 – 7 years	5	3	0	0	0	0
7 – 8 years	8	2	0	0	0	0
8 – 9 years	4	3	0	0	0	0
9 – 10 years	1	0	0	0	0	0
Total	169	161	81	129	8	1

Figure – Age of pending first-instance criminal cases before Supreme Court: July 2010, December 2012, and December 2013





SUPREME COURT – CIVIL DIVISION

The published time standards applicable in the Civil Division and in respect of which individual statistics are currently available are as follows:

Civil suits	Not later than 24 months from filing
Divorce petitions	Not later than 12 months from filing
Constitutional petitions	Not later than 6 months from filing
Civil appeals	Not later than 6 months from filing

As noted earlier in this report, a target of 12 months has been identified for disposition of cases on the new Commercial List, established in April 2012.

Table – Year of filing of pending civil cases before Supreme Court: 31 December 2013

Case categories: CS (civil suit); XP (ex parte); DC (divorce); CC (commercial); CA (appeal); MA (motion or petition); MC (miscellaneous cause); CM (commandment); CP (constitutional (includes constitutional MAs))

Year of filing	CS	XP	DC	CP	CC	CA	MA	MC	CM
2013	111	53	57	6	30	34	119	44	22
2012	86	18	11	1	8	23	101	33	23
2011	74	7	18	2	-	3	10	-	-
2010	71	10	25	3	-	7	9	-	-
2009	41	2	11	0	-	0	1	-	-
2008	31	4	3	2	-	8	1	-	-
2007	34	0	2	0	-	1	1	-	-
2006	21	0	4	0	-	0	0	-	-
2005	11	0	2	0	-	0	0	-	-
2004	11	0	2	1	-	0	1	-	-
2003	14	0	0	0	-	0	0	-	-
2002	7	0	1	0	-	0	0	-	-
2001	6	0	0	0	-	0	0	-	-
2000	3	0	0	0	-	0	0	-	-
1999	2	0	0	0	-	0	0	-	-
1998	1	0	0	0	-	0	0	-	-
1997 or earlier	3	0	0	0	-	0	0	-	-
Total	527	94	136	15	38	76	243	77	45

The registers for commercial cases, miscellaneous causes and commandments were established in 2012 so do not yet provide useful information about the average length of time taken to complete cases in those categories. The figures for motions and petitions are also of limited use given the ongoing work to improve the accuracy of data capture and tracking in this area.

The age of pending constitutional petitions and civil appeals, both of which should be resolved within 6 months of filing, was noted as of serious concern in the Annual Report 2012. The figures for constitutional cases have improved in 2013 but remain of concern. Only two of 11 pending constitutional petitions (and an additional 4 related motions and petitions) were filed in 2013. By contrast, 3 of the pending substantive petitions were filed in 2010, and the oldest was filed in 2004 (although judgment in the latter case was subsequently delivered in January 2014).

The average age of pending civil appeals has actually increased in 2013, with less than half of the pending cases filed in the last year (compared to 60% in 2012). That will have to be a focus for the Civil Division in 2014.

Comparative information is available for ex parte cases and divorce petitions as at 31 July 2010, in addition to 31 December 2012 (although the 2010 figures are approximate only). The published time standard for completion of divorce cases is 12 months. As at 31 July 2010, the oldest pending divorce petition was thought to be four years old (filed in 2006), but more than half had been filed in 2010. As at 31 December 2012, only 44% of pending cases had been filed in 2012. As at 31 December 2013, that percentage has decreased slightly again, to 42%, indicating a concerning deterioration in compliance with this time standard.

There is no specific time standard for ex parte cases, so the ordinary expectation of 24 months applies. As at 31 July 2010, of the 107 pending ex parte cases, the oldest was four years old (filed in 2006), but almost two thirds had been filed in 2009 or 2010. As at 31 December 2012, while the oldest pending ex parte cases were still four years old (filed in 2008), almost 65% had been filed in 2012, and 75% in 2011 or 2012. As at 31 December 2013, only 56% of pending cases were filed in 2013, and the oldest cases were five years old: another concerning deterioration. However, the percentage of cases filed in the last 24 months remained steady at 76%.

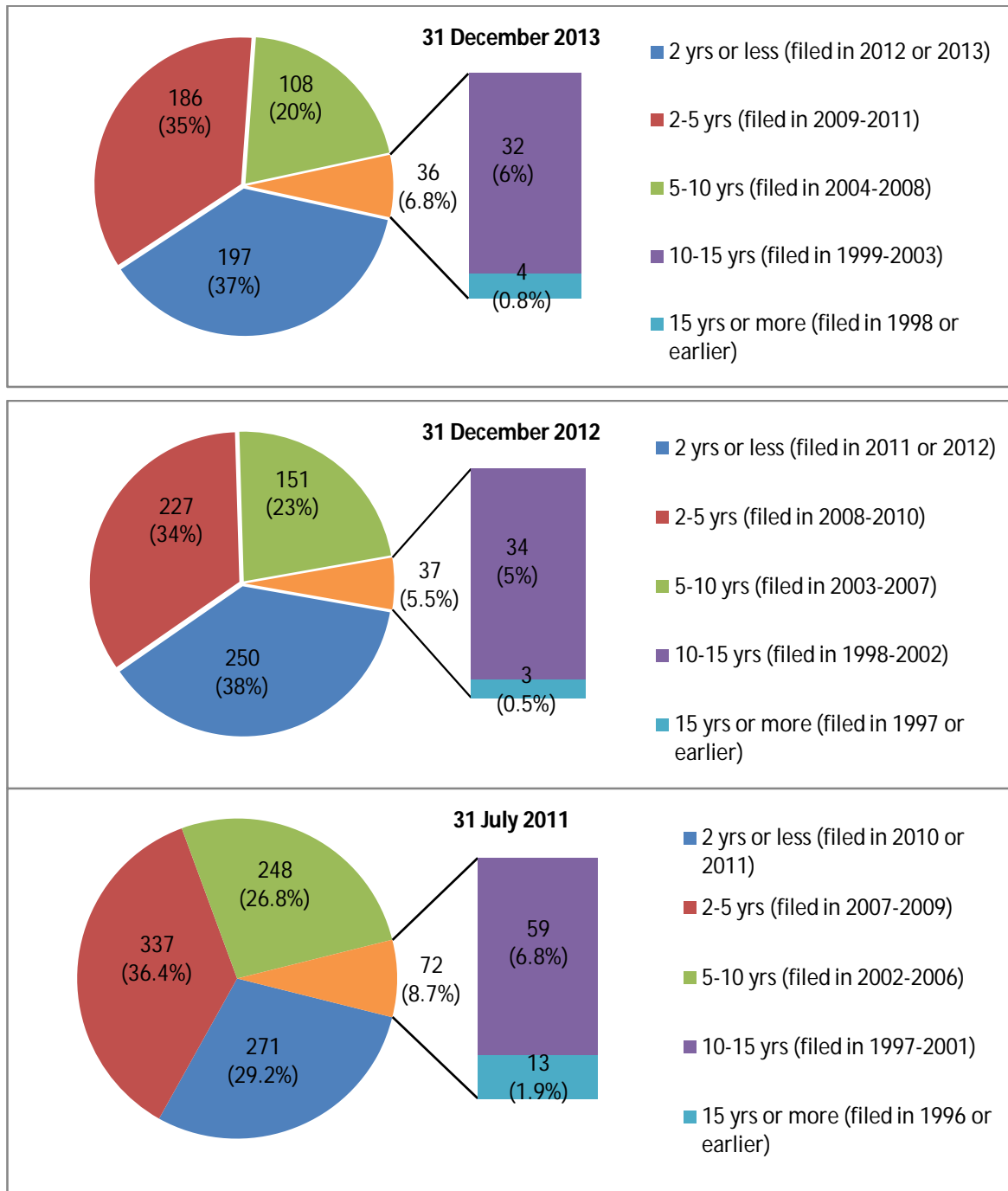
Comparative information regarding ordinary civil suits is available as at 31 July 2011, in addition to 31 December 2012 (although, again, the 2011 figures are approximate only as they were based on manual register counts).

Table – Age of pending civil suits before Supreme Court: July 2011, December 2012 and December 2013

Age of case	As at 31 July 2011		As at 31 December 2012		As at 31 December 2013	
	Number of cases	Percentage of total	Number of cases	Percentage of total	Number of cases	Percentage of total
Less than 12 months	115	12%	133	20%	111	21%
12 months – 2 years	156	17%	117	18%	86	16%
2 – 3 years	123	13%	106	16%	74	14%
3 – 4 years	111	12%	69	10%	71	13%
4 – 5 years	103	11%	52	8%	41	8%
5 – 6 years	86	9%	51	8%	31	6%
6 – 7 years	50	5%	36	5%	34	6%
7 – 8 years	54	6%	21	3%	21	4%
8 – 9 years	33	4%	24	4%	11	2%
9 – 10 years	25	3%	19	3%	11	2%
10 – 11 years	18	2%	18	3%	14	3%
11 – 12 years	14	1.5%	8	1%	7	1%
12 – 13 years	14	1.5%	3	0.5%	6	1%
13 – 15 years	13	2%	5	0.8%	5	0.9%
More than 15 years	13	2%	3	0.5%	4	0.8%
Total cases	928		665		527	

While the overall number of pending ordinary civil suits appears to be declining significantly, that is principally due to the creation of new registers for specific types of case (like miscellaneous causes and commandments). The age of the pending civil suit caseload has barely improved since 31 December 2012 (and the number of cases older than 15 years has actually increased). As at 31 December 2013, only a third of pending cases have a prospect of resolution within the two year time standard. Further, the numbers of suits which have been pending for more than five, 10 and even 15 years remain unacceptable. Many of these suits have not been pursued by the parties or their counsel, in some cases for a number of years. Nevertheless, it is the responsibility of the Court to identify and actively manage all such suits to prompt disposition. This work must receive priority in 2014.

Figure – Age of pending civil suits before Supreme Court: July 2011, December 2012 and December 2013



SUPREME COURT – AGE OF PENDING JUDGMENTS

Annex 3 to this report identifies all cases pending in the Supreme Court as at 31 December 2013 (excluding motions and petitions in the Civil Division) in which the parties were awaiting delivery of a judgment or ruling. There were 29 such cases in total, comprising 6% of the

pending criminal workload and 1% of the pending civil workload. That is a significant reduction from the position as at 31 December 2012, when there were 98 cases with pending judgments or rulings, comprising 9% of the pending criminal workload and 7% of the pending civil workload.

The published expectation (in both the Delay Reduction Measures and the Seychelles Code of Judicial Conduct) is for judgment to be delivered in the majority of cases within 60 days of conclusion of hearing. The length of time required for judgment delivery in practice remains unacceptable in a small number of cases. Judges of the Supreme Court will be expected to continue giving priority to upholding this time standard in 2014.

Figure – Age of pending criminal judgments and rulings before Supreme Court: 31 December 2013

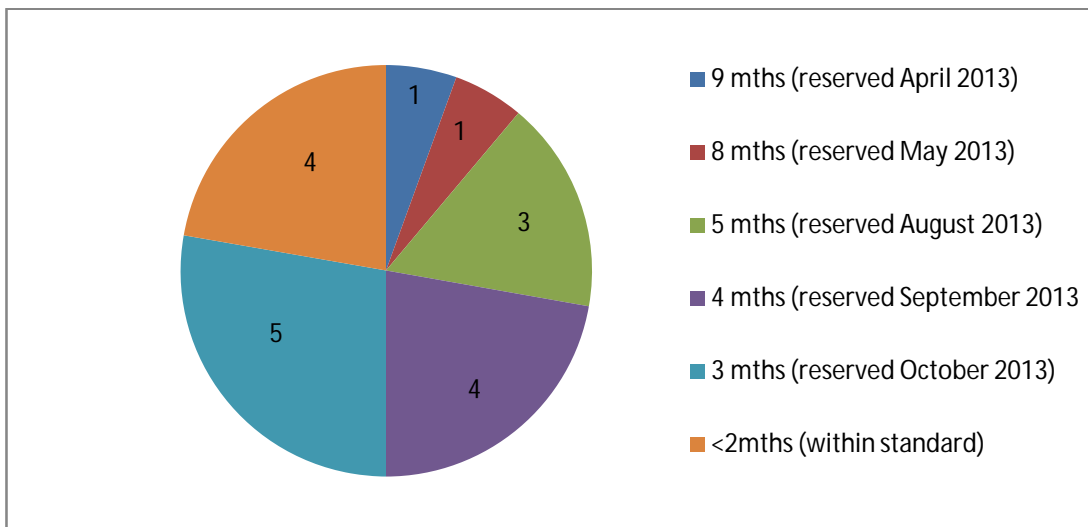
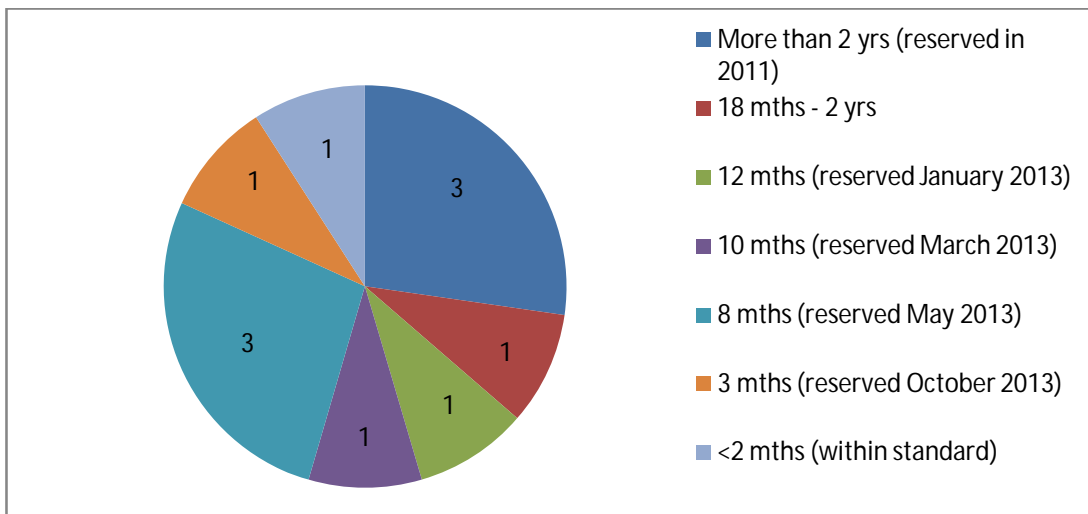


Figure – Age of pending civil judgments and rulings before Supreme Court: 31 December 2013



VICTORIA MAGISTRATES' COURT

There is no published time standard for the disposition of Magistrates' Court cases, but the basic Supreme Court standards (24 months for ordinary civil suits, 12 months for criminal charges) are of some use as points of reference. Information about the age of pending cases has been generated for the Victoria courts only (as CCASS has only just been installed in the small Praslin extension court).

87% of criminal cases pending in Victoria as at 31 December 2013 had been filed in 2013, compared to only 46% of the first-instance criminal cases pending in the Supreme Court. Over 86% of pending civil cases in Victoria had been filed in 2012 or 2013, again comparing favourably to first-instance civil cases in the Supreme Court (37%).

The three oldest pending criminal cases in Victoria were filed in 2006, and 97% of all pending criminal cases were filed in the last two years. That is a very significant improvement on the position as at 31 December 2012, when 86% of pending cases had been filed in the last two years, but 32 pending cases (nearly 4%) dated back to 2006 or earlier.

The changes in the Civil Division's pending caseload are more equivocal, with a significant increase in cases filed within the last 12 months (from 51% to 73%), but a countervailing increase in the number of cases more than two years old (from 2.5% to 14.4%).

Table – Year of filing of pending cases before Victoria Magistrates' Court: 31 December 2013

Year of filing	Criminal			Civil
	General	Juvenile	Traffic	
2013	540	25	90	172
2012	62	7	6	30
2011	16	0	1	33
2010	4	0	0	1
2009	2	0	0	0
2008	1	0	0	0
2007	0	0	0	0
2006	3	0	0	0
2005	0	0	0	0
2004	0	0	0	0
Total	628	32	97	236

Figure – Year of filing of pending criminal cases before Victoria Magistrates’ Court: December 2012 and December 2013

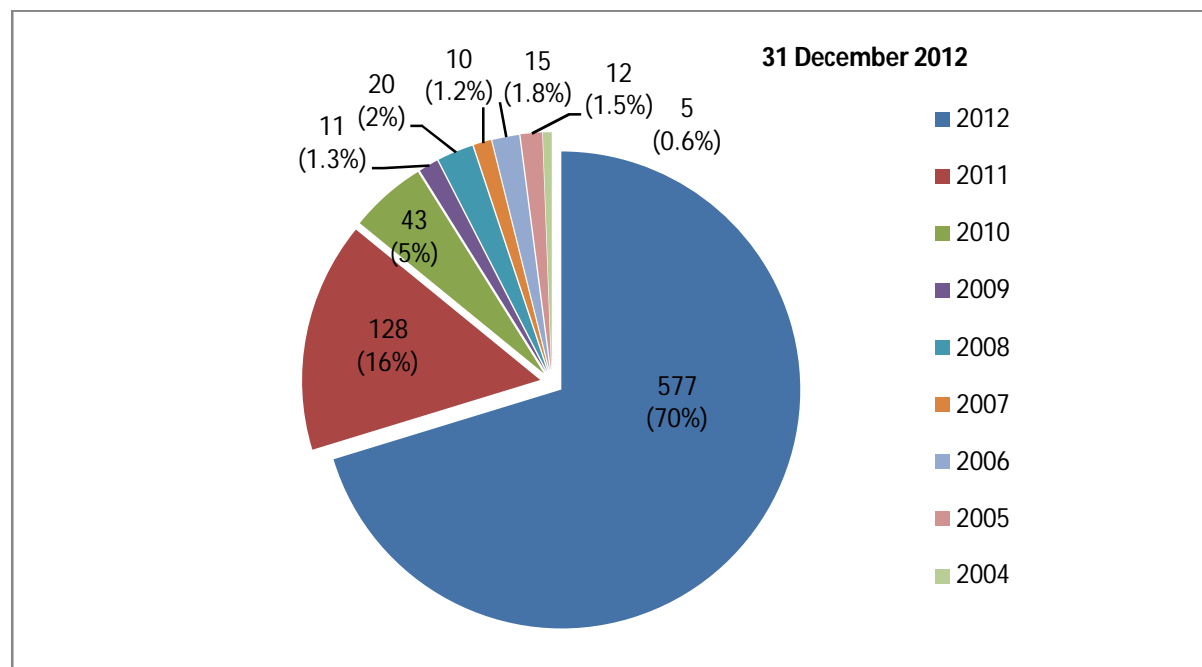
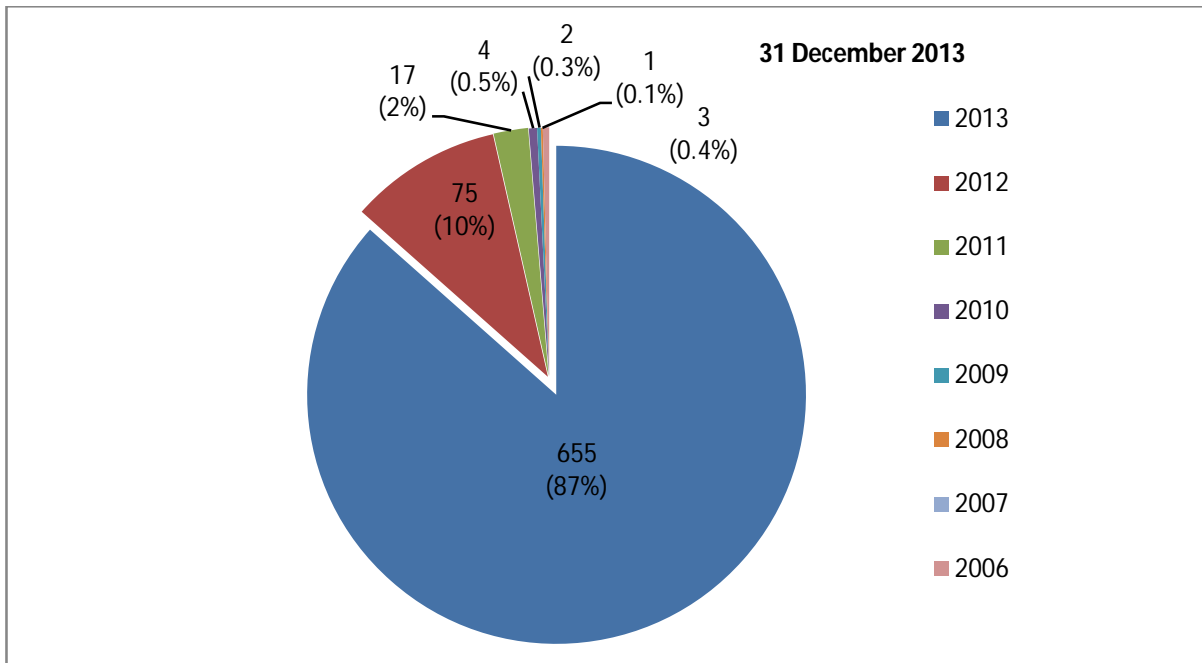
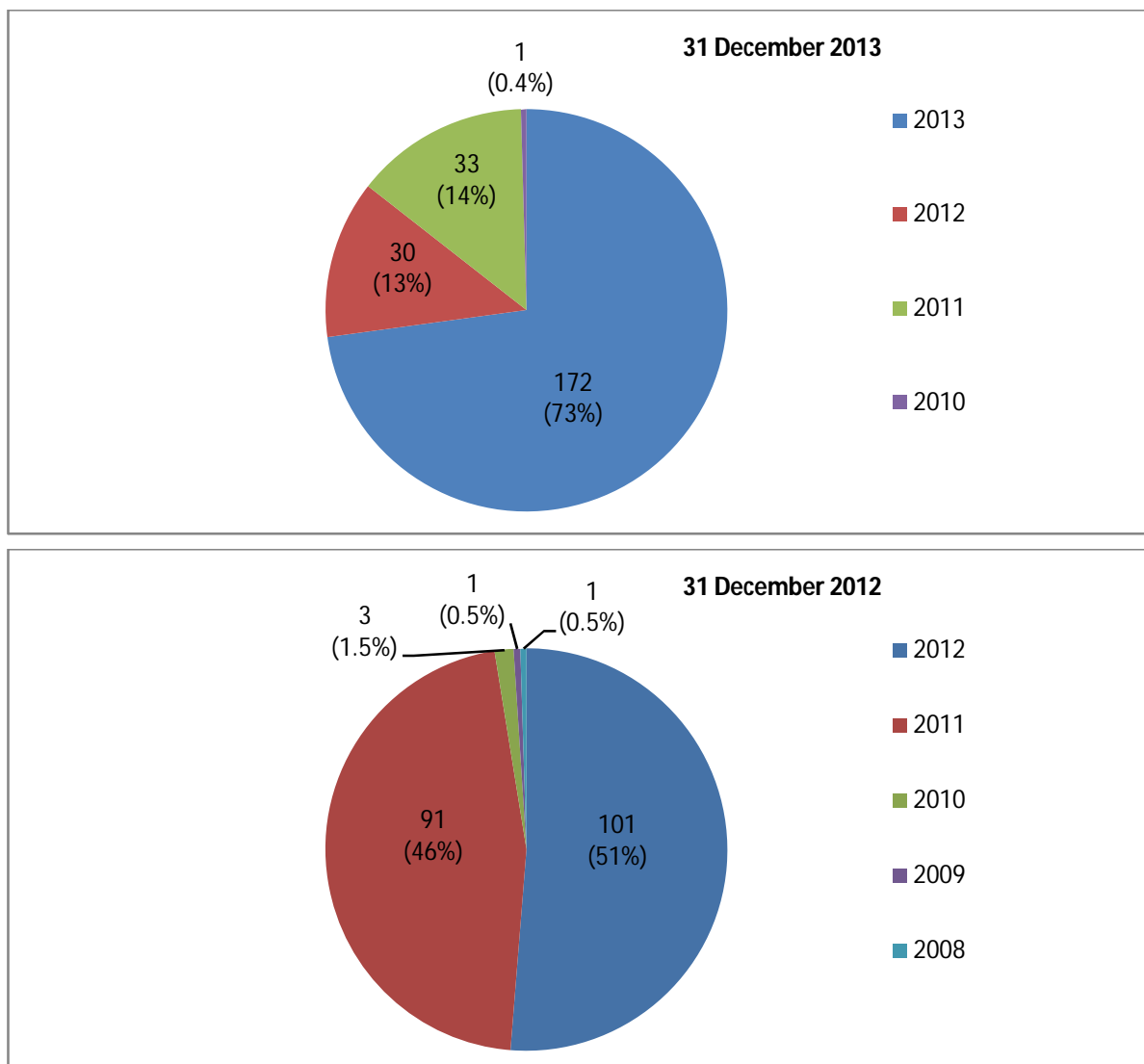


Figure – Year of filing of pending civil cases before Victoria Magistrates’ Court: December 2012 and December 2013



AGE OF COMPLETED CASES

SUPREME COURT – CRIMINAL DIVISION

157 criminal cases were completed in the Supreme Court in 2013 (including 54 appeals and 8 revision petitions).

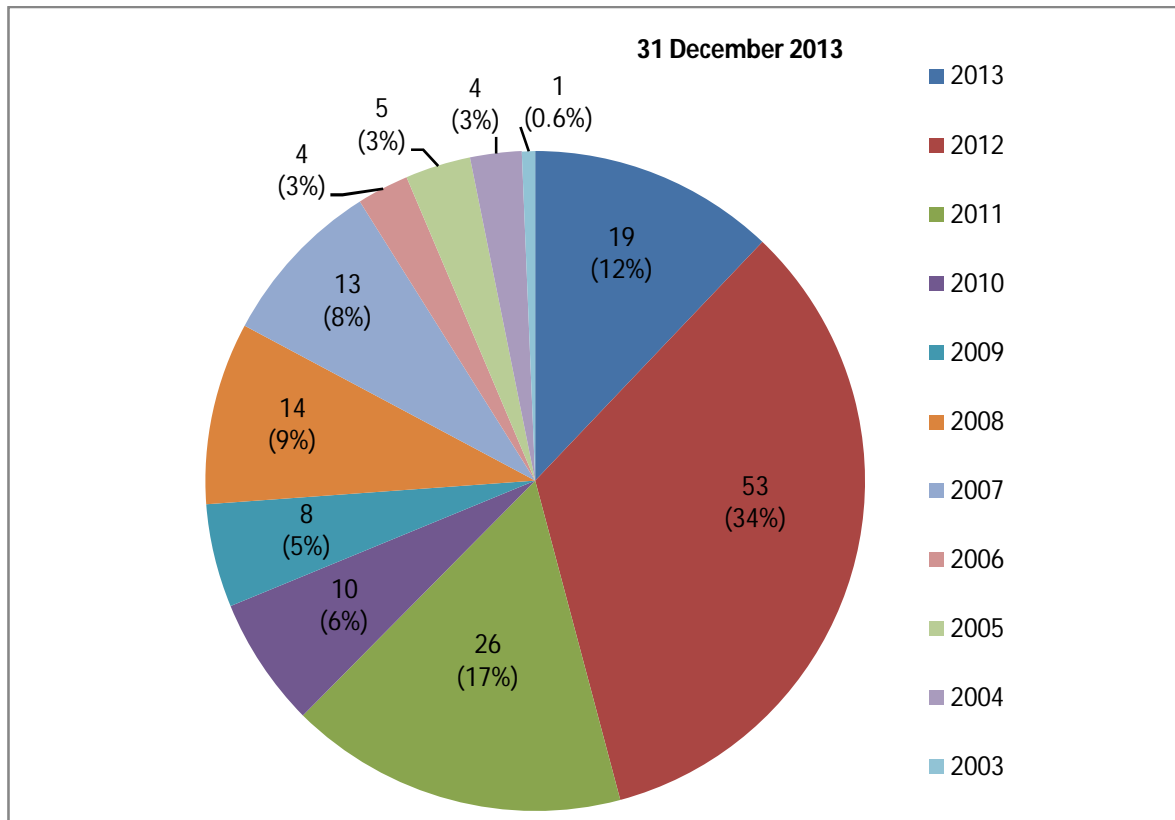
As at 31 December 2012, of the 116 cases completed in that year, 20% had been filed in 2012, and another 20% in 2011. However, another 40% of completed cases were filed between 2007 and 2010, and three first instance cases (2.6%) were more than 10 years old at the time of completion.

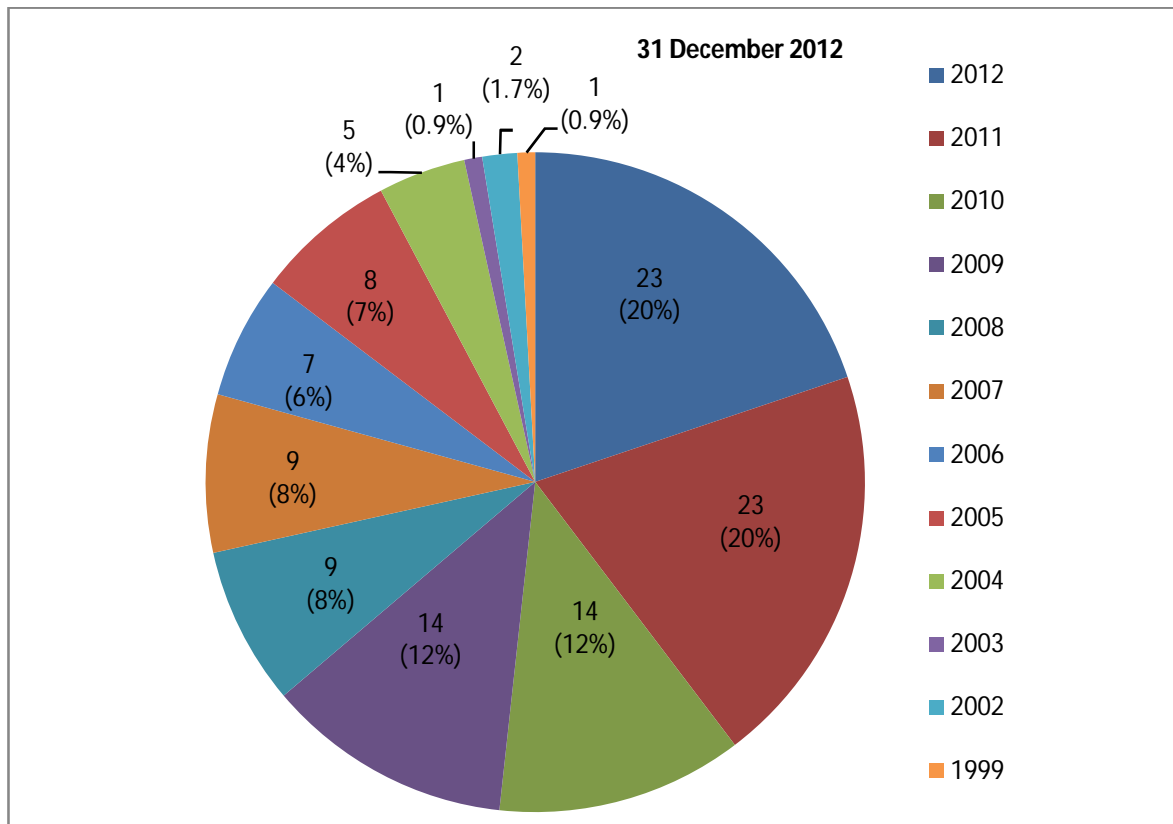
The spread of cases completed in 2013 is broadly similar to 2012, with 46% of all completed cases filed in 2012 or 2013, and another 37% filed between 2008 and 2011. However, only one completed case was 10 years old at the time of completion. That is consistent with the gradual clearance of the Criminal Division's historic backlog.

Table – Year of filing of criminal cases completed in Supreme Court: 2012 - 2013

Year of filing	First instance		Appeals		Revisions	
	2012	2013	2012	2013	2012	2013
2013	-	9	-	10	-	0
2012	19	16	2	32	2	5
2011	13	13	8	11	2	2
2010	13	10	1	0	0	0
2009	8	8	6	0	0	0
2008	0	13	8	1	1	0
2007	4	12	4	0	1	1
2006	3	4	3	0	1	0
2005	7	5	1	0	0	0
2004	2	4	3	0	0	0
2003	1	1	0	0	0	0
2002	2	0	0	0	0	0
1999	1	0	0	0	0	0
Total	73	95	36	54	7	8

Figure – Year of filing of criminal cases completed in Supreme Court: 2012 - 2013





SUPREME COURT – CIVIL DIVISION

775 stand-alone cases were completed in the Civil Division in 2013, including 45 appeals. 134 of those cases (commercial cases, miscellaneous causes and commandments) were recorded in newly created registers, and would historically have been included in the statistics for ordinary civil suits.

Of the cases completed in 2013, only one civil appeal and eight divorce/matrimonial petitions had been filed prior to 2009. All other pre-2009 cases were ordinary civil suits. The number and spread of completed civil suits that had been filed between 2000 and 2010 is indicative of the continuing focus of the Court on clearing backlog in this area. That said, the relatively low number of completed civil suits that had been filed within the last two years (as contemplated in the published time standard) remains of concern.

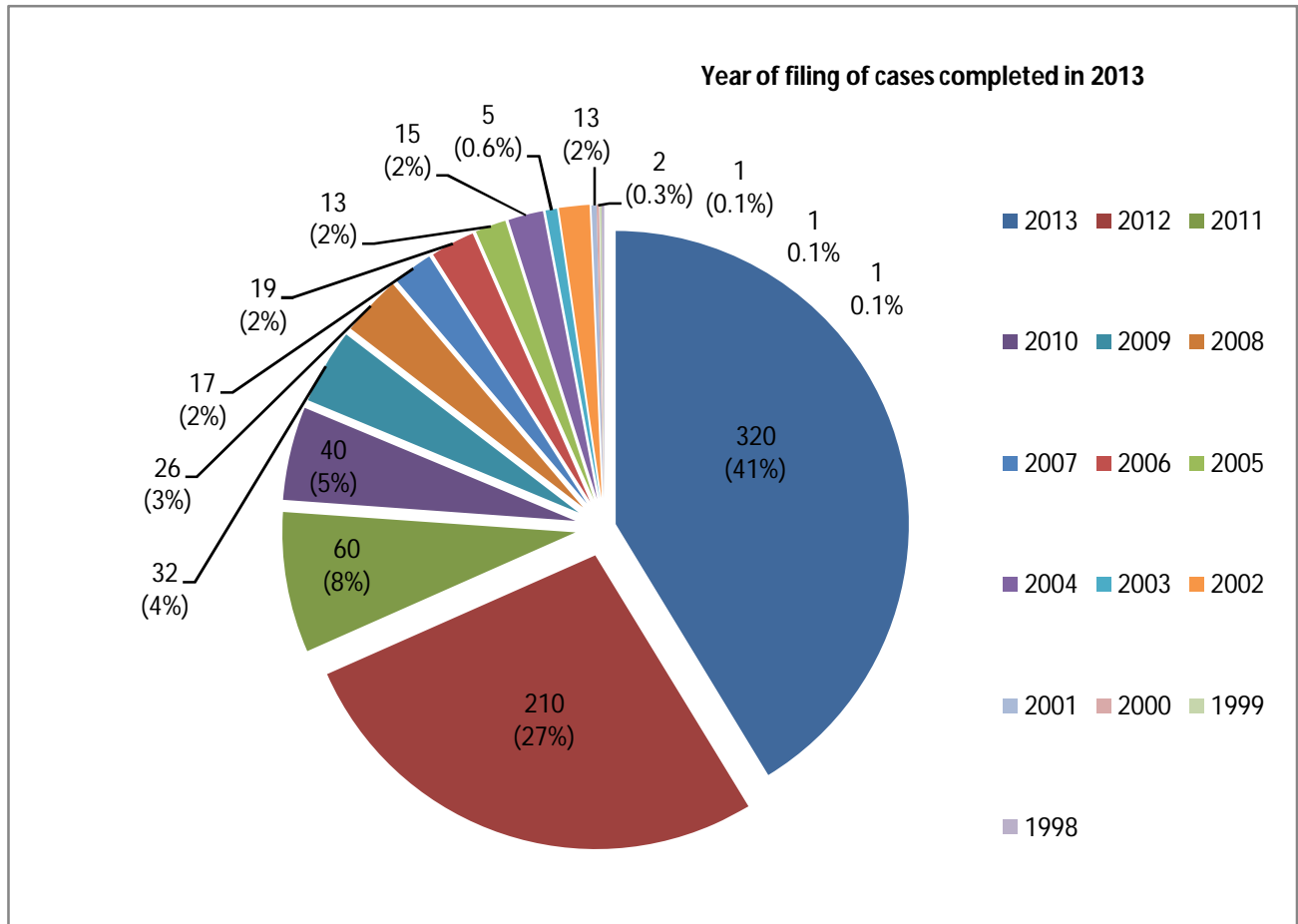
Table – Year of filing of stand-alone civil cases completed in Supreme Court: 2013

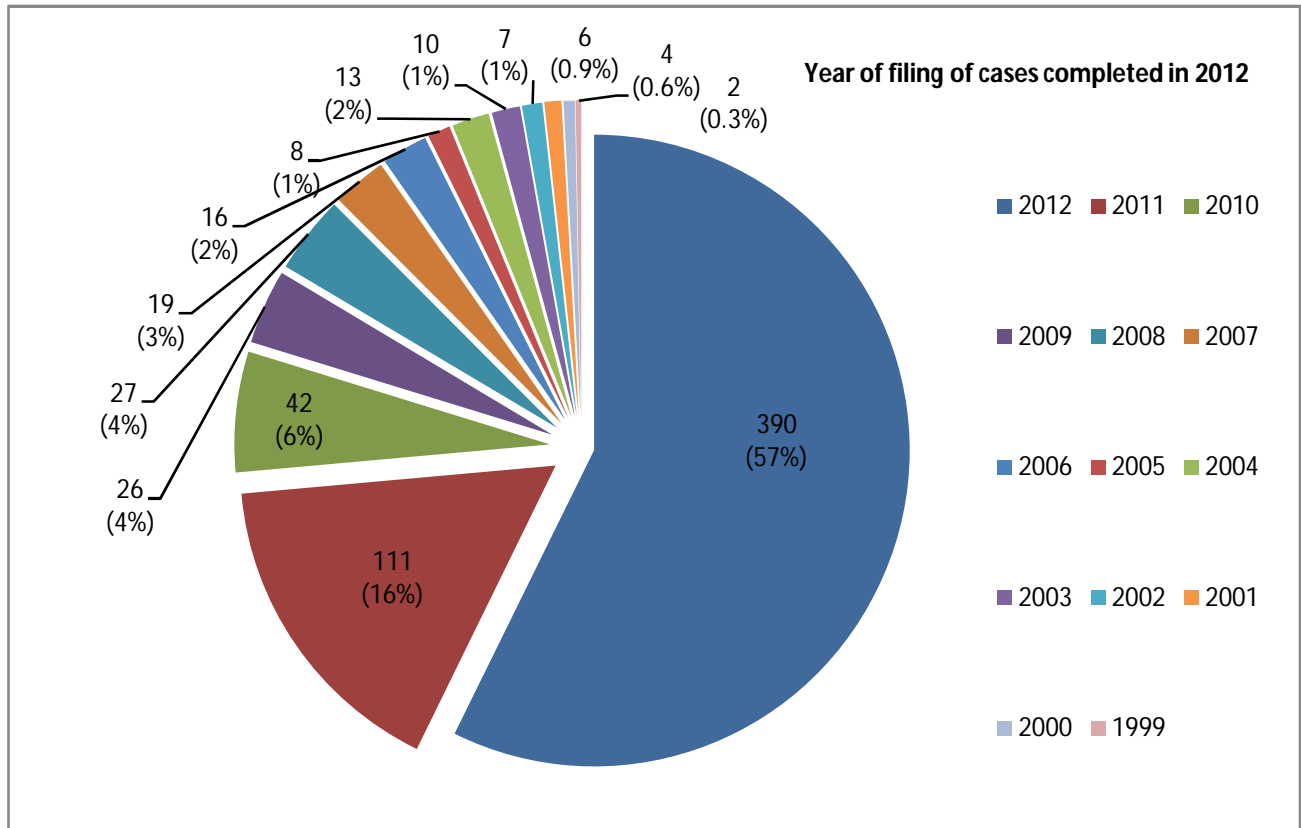
Year	Civil suit	Ex parte	Divorce	Constitutional	Commercial	Appeal	Misc. cause	Commandment
2013	8	110	95	7	7	7	34	52
2012	48	31	56	3	17	31	22	2
2011	45	3	8	1	-	3	-	-
2010	36	1	1	0	-	2	-	-
2009	29	1	1	0	-	1	-	-
2008	22	0	3	1	-	0	-	-

Year	Civil suit	Ex parte	Divorce	Constitutional	Commercial	Appeal	Misc. cause	Commandment
2007	17	0	0	0	-	0	-	-
2006	16	0	2	0	-	1	-	-
2005	11	0	2	0	-	0	-	-
2004	14	0	1	0	-	0	-	-
2003	5	0	0	0	-	0	-	-
2002	13	0	0	0	-	0	-	-
2001	2	0	0	0	-	0	-	-
2000	1	0	0	0	-	0	-	-
1999	1	0	0	0	-	0	-	-
1998	1	0	0	0	-	0	-	-
Total	269	146	169	12	24	45	56	54

Comparison with the age of cases completed in the Civil Division in 2012 suggests a generally increased focus on clearing backlog in 2013. The overall number of completed cases that had been filed in the same year decreased from 57% to 41%, while the number that had been filed in the last two years decreased less significantly, from 73% to 68%. The number of cases that were 2-6 years old at the time of completion increased from 17% to 20%.

Figure – Year of filing of civil cases completed in Supreme Court: 2012 and 2013





VICTORIA MAGISTRATES' COURT

Information about the age of cases completed in the Victoria Magistrates' Court has been compiled for the first time in this year's report, with comparative information also available for 2012. The table below shows that 61% of civil cases completed in 2013 had been filed in that year, comparing favourably to the position in the Civil Division of the Supreme Court (41%). The position is even more pronounced for criminal cases, with 45% of all completed cases in the Victoria Magistrates' Court having been filed in 2013, compared to 12% of cases completed in the Criminal Division of the Supreme Court.

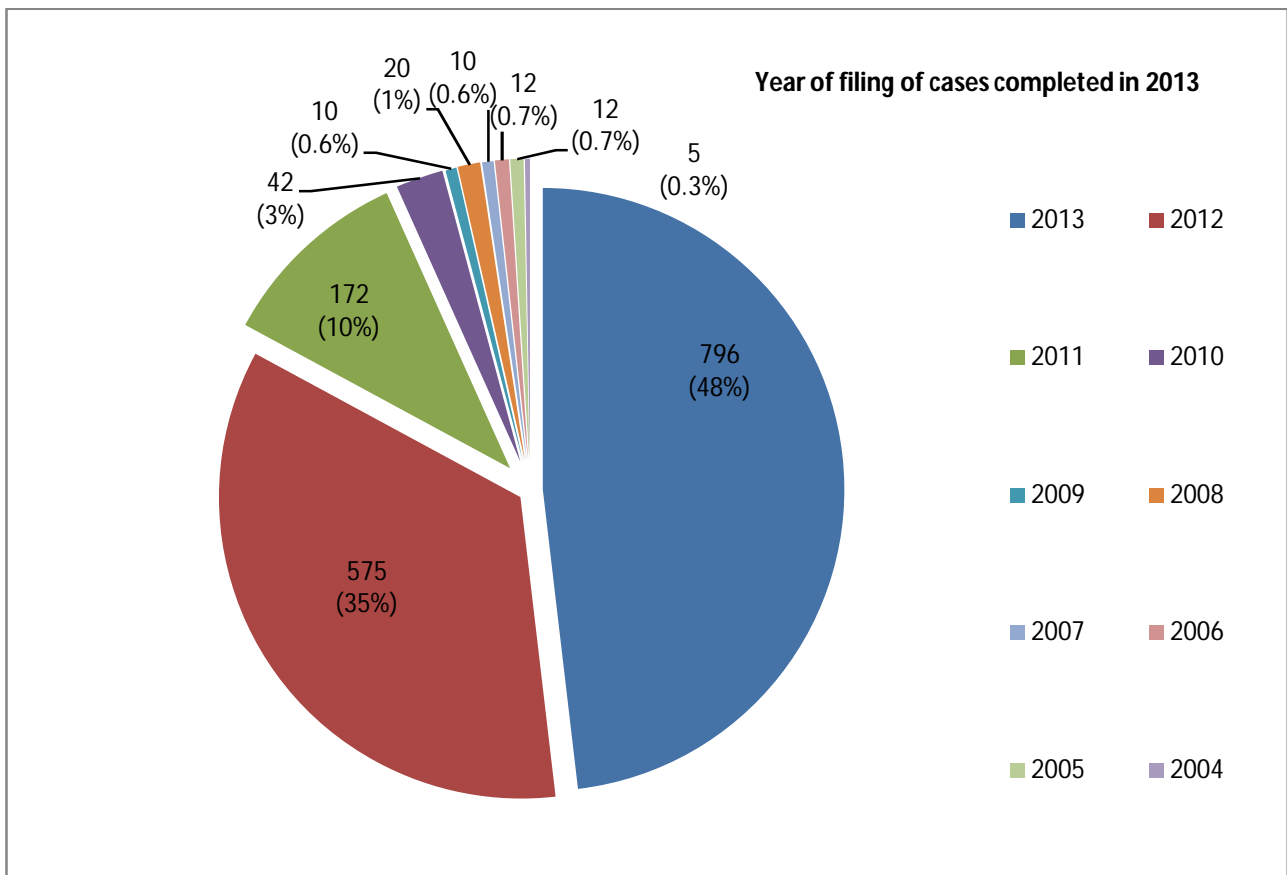
While the oldest criminal cases completed in the Magistrates' Court and Supreme Court were roughly the same age (2004 and 2003 respectively), the oldest civil case completed in the Magistrates' Court had been filed in 2008, a full decade after the oldest case completed in the Supreme Court.

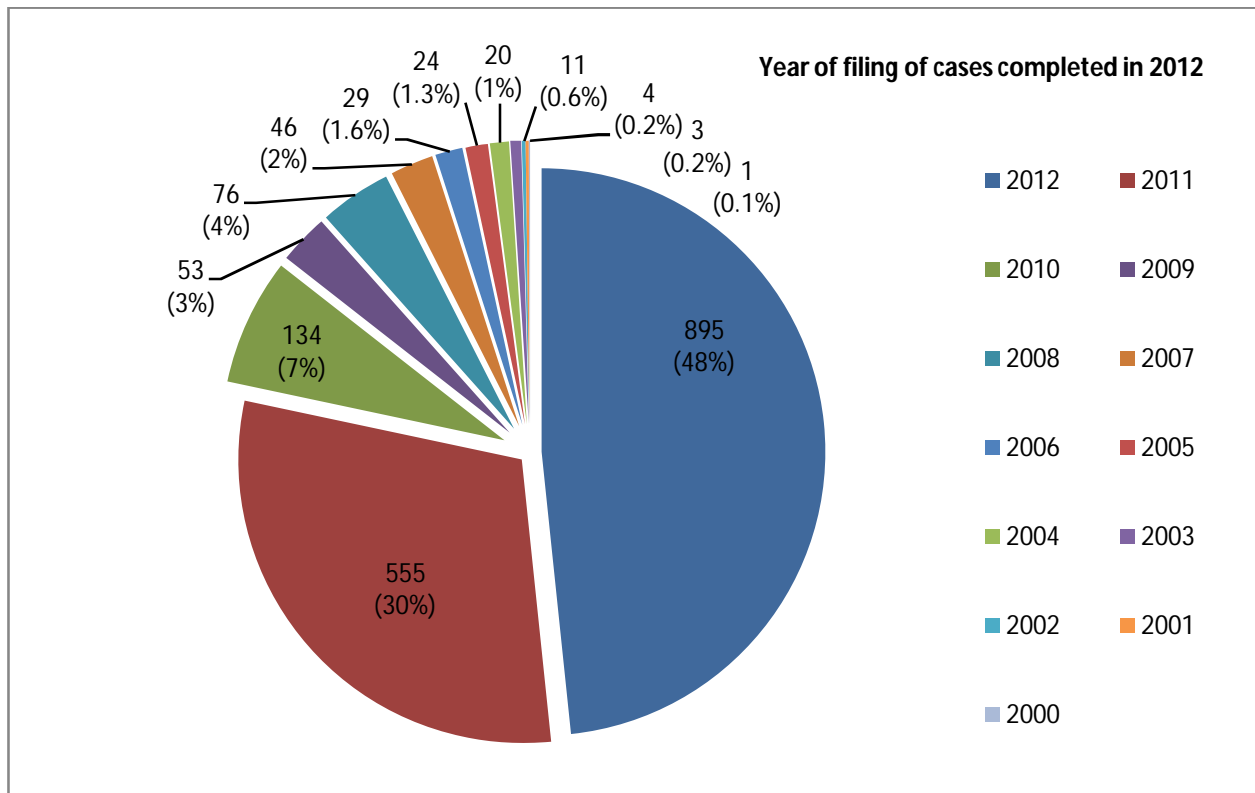
As demonstrated in the figures below (which compare the age of cases completed in 2012 and 2013), the number of completed cases that had been filed in the last three years increased significantly in 2013 (from 85% to 93%). This is consistent with the progressive reduction of the Court's historic backlog.

Table – Year of filing of all cases completed in Victoria Magistrates' Court: 2013

Year of filing	Criminal			Civil
	General	Juvenile	Traffic	
2013	472	15	95	214
2012	409	20	73	73
2011	100	1	11	60
2010	35	0	5	2
2009	9	0	0	1
2008	16	0	3	1
2007	6	0	4	0
2006	9	0	3	0
2005	11	0	1	0
2004	5	0	0	0
Total	1072	36	195	351

Figure – Year of filing of all cases completed in Victoria Magistrates' Court: 2012 and 2013





CLEARANCE RATES

Case turnover ratios, shown as percentage figures in the graphs of the “Court Statistics” section of this report, compare completed cases with a court’s overall workload in a particular time period (both newly filed and carried forward cases). In this way, case turnover ratios are indicative of a court’s capacity to reduce or eliminate a backlog of pending cases.

Clearance rates, by contrast, focus solely on the relationship between cases filed and completed in a particular period. A court’s clearance rate is therefore indicative of its capacity to manage ongoing workload and avoid the creation of new backlog. A rate of 100% indicates that a court is keeping pace with new filings; a significantly lower rate signals that the court’s workload may be unsustainable unless productivity is improved.

The figures which follow should be considered in light of the case turnover ratios and other performance measures set out in earlier sections of this report.

COURT OF APPEAL

There is no clear pattern to historical clearance rates in the Court of Appeal (which has a much smaller workload than the first instance courts). Completed cases comfortably exceeded filed cases from 2006-2008 but dropped dramatically in 2009 to less than 45% and remained at much lower levels for the next three years. 2012 was a much better year, with a clearance rate sufficient to begin reducing historic backlog, but that rate dropped significantly again in 2013.

Figure – Clearance rates (ratio of completed to filed cases) in Court of Appeal: 2007 – 2013

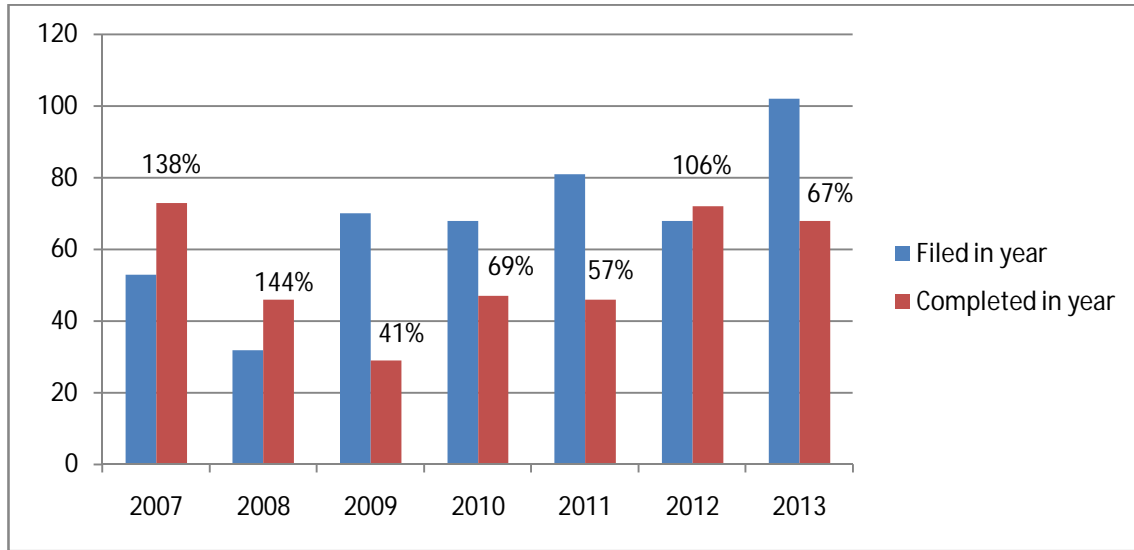
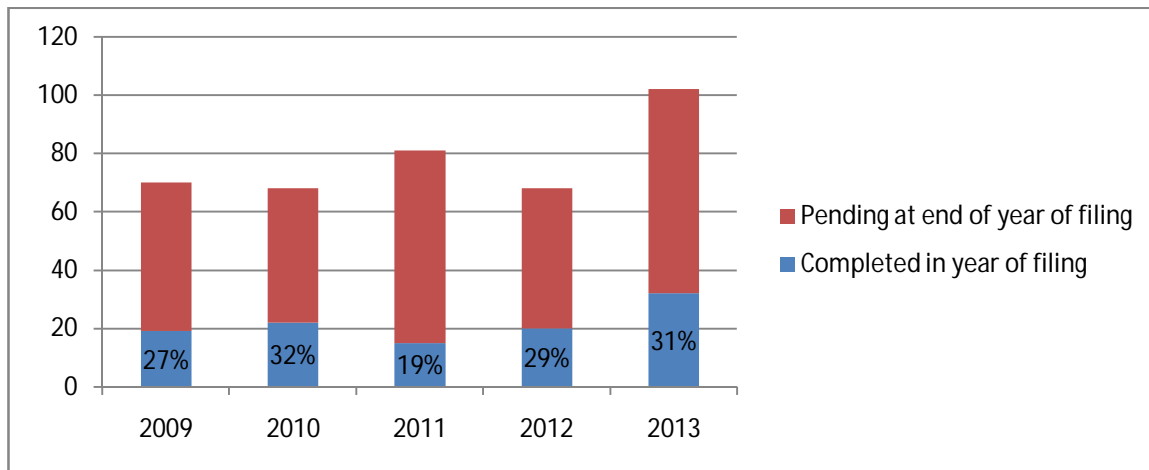


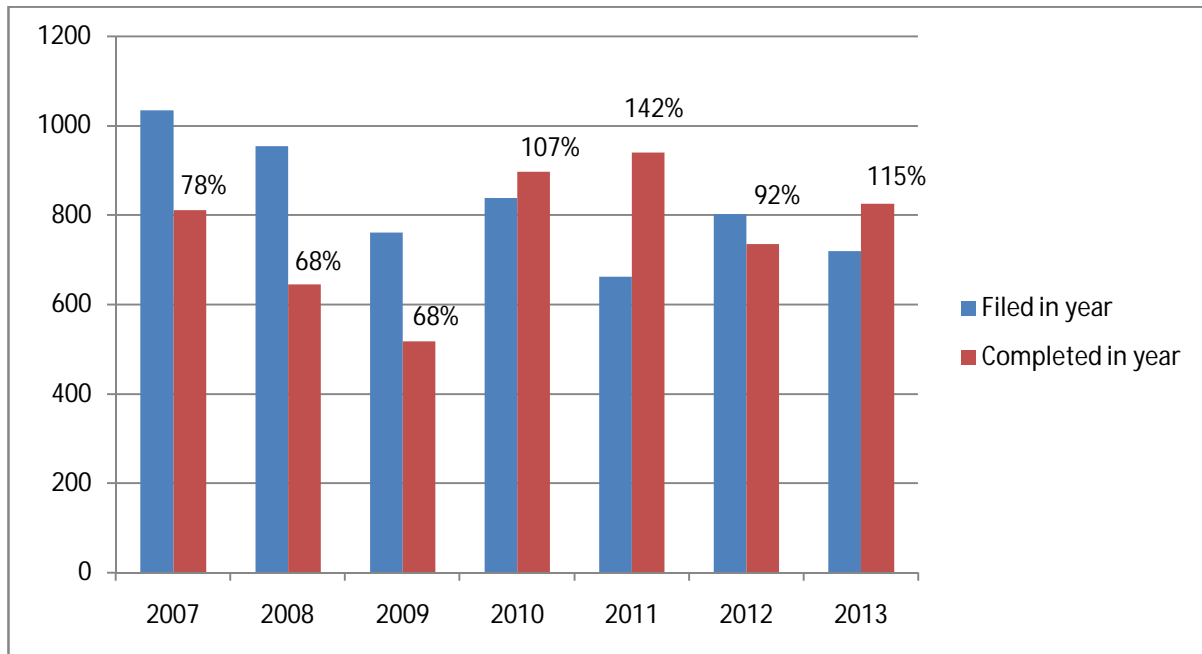
Figure – Clearance rates in Court of Appeal by year of filing: 2009 – 2013



SUPREME COURT

Clearance rates for the overall first-instance workload of the Supreme Court (combining civil and criminal cases) have improved significantly since 2009, notwithstanding a weaker year in 2012 (attributable primarily to a drop in the number of completed ordinary civil suits).

Figure – Clearance rates for all first-instance cases in Supreme Court: 2007 – 2013



There is no clear pattern to historical clearance rates for cases in the Criminal Division, reflecting the relatively small workload of the Division and year-to-year variance in filing levels. Completed first-instance cases have however now comfortably exceeded filed first-instance cases for three years in a row, further demonstrating progress made in clearing historic backlog. While the clearance rate for appeal and revision cases has been comparatively low (no more than 60%) in the last three years, that is principally due to steady increases in number of cases filed, which has been reflected but not matched by improved completion rates.

Figure – Clearance rates for first-instance criminal cases in Supreme Court: 2007 – 2013

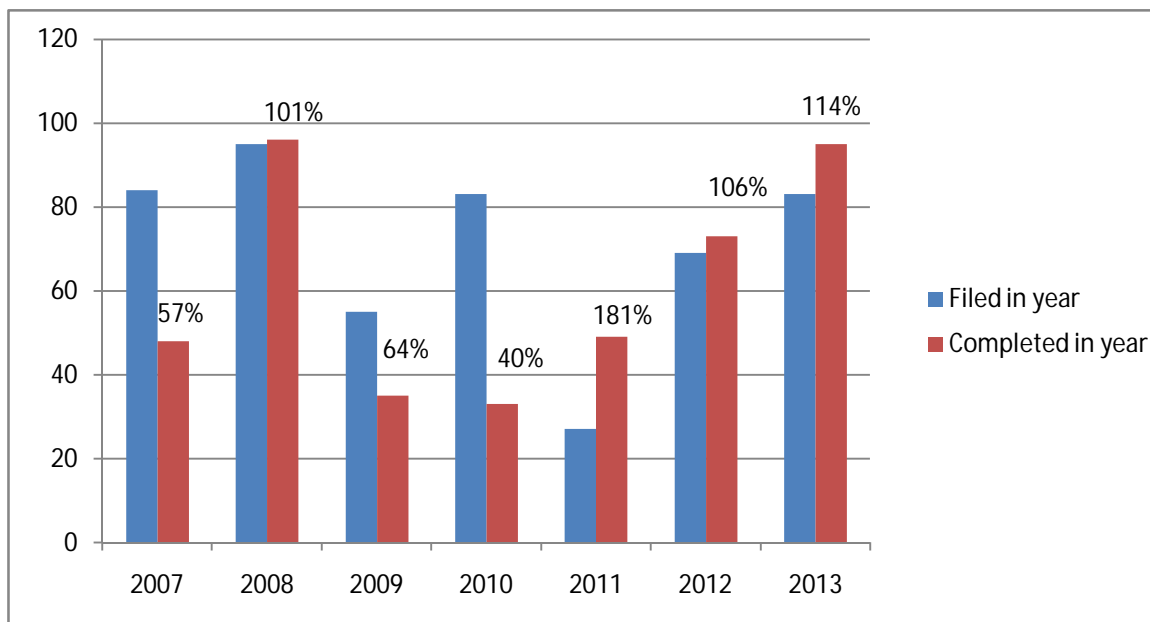
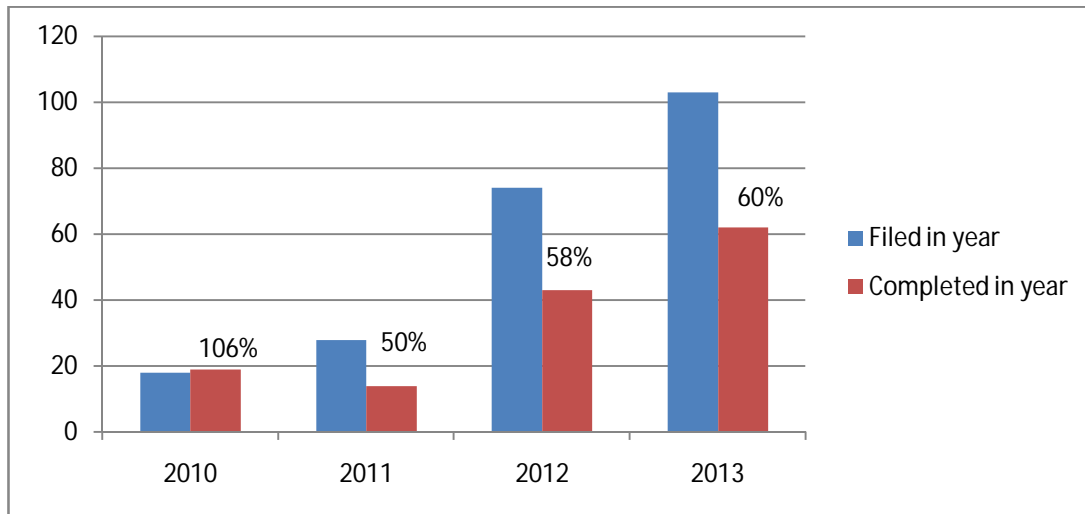


Figure – Clearance rates for criminal appeals and revision cases in Supreme Court: 2010 – 2013



There has been a dramatic improvement in clearance rates for first-instance civil cases since 2009 (notwithstanding a setback in 2012). While encouraging, this improvement is explainable in part by a gradual decrease in new filings.

The 2012 figures for civil appeals provide an example of the consequences of an unanticipated sharp increase in filings: where the number of completed cases remains relatively constant, backlog can accumulate quickly. An unprecedented increase in the number of appeals completed in 2013 has however brought the relevant clearance rate back under control.

Figure – Clearance rates for first-instance civil cases in Supreme Court: 2007 – 2013

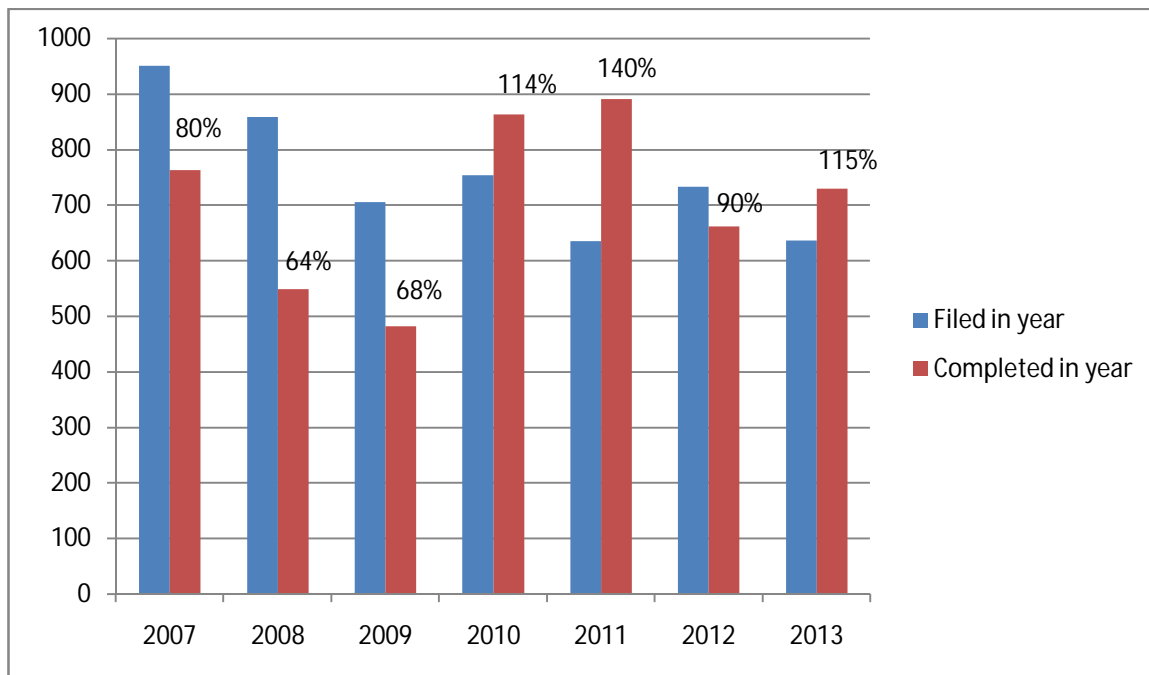
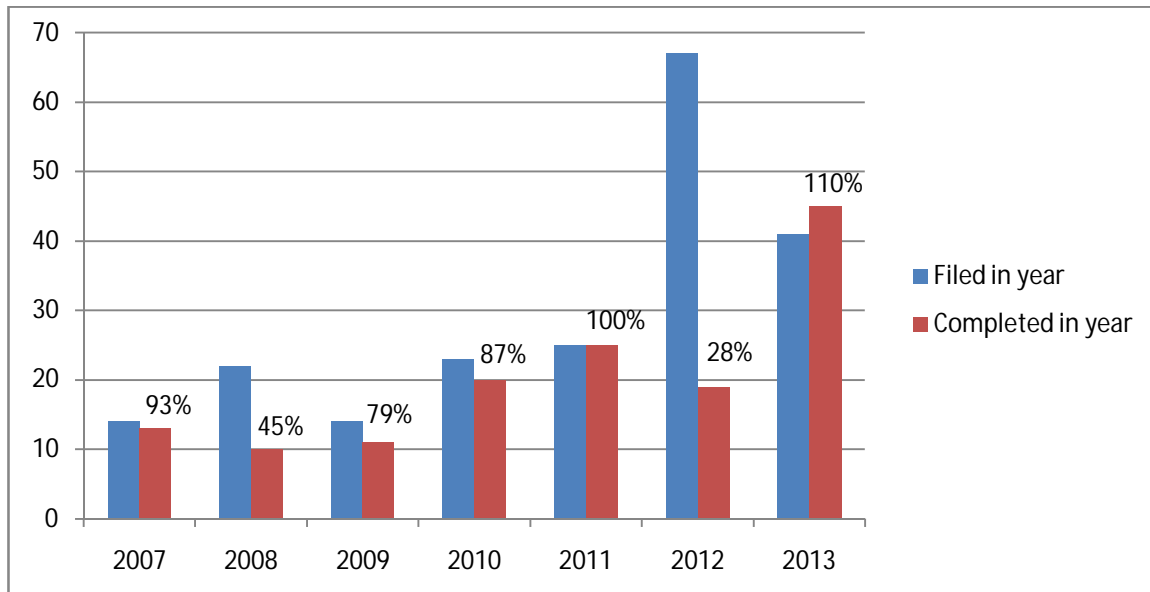


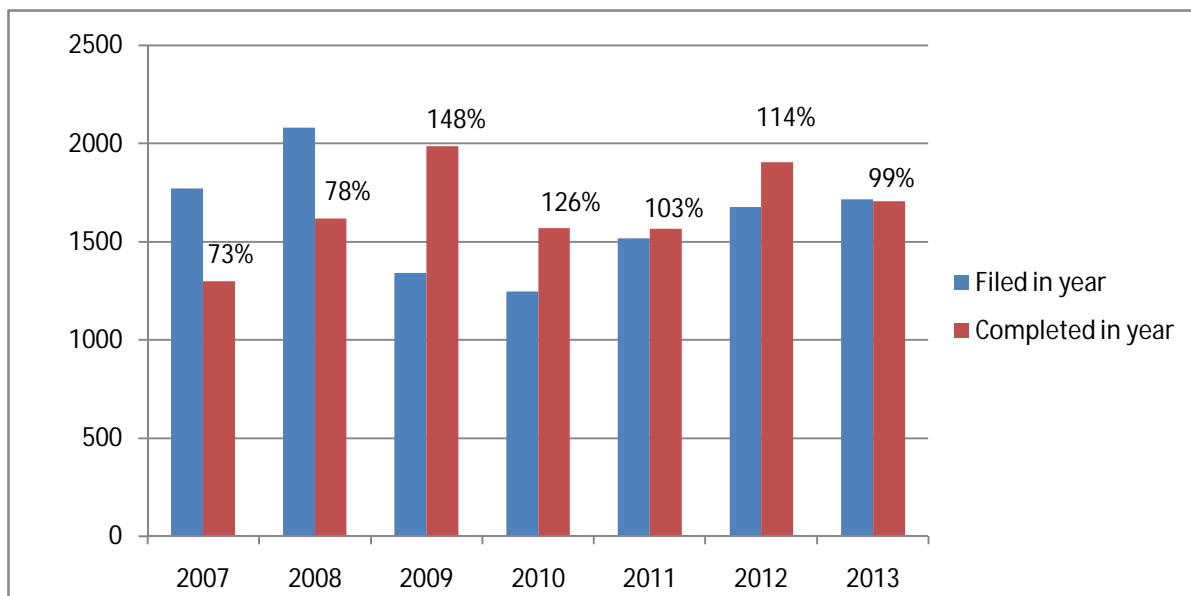
Figure – Clearance rates for civil appeals in Supreme Court: 2007 – 2013



MAGISTRATES' COURTS

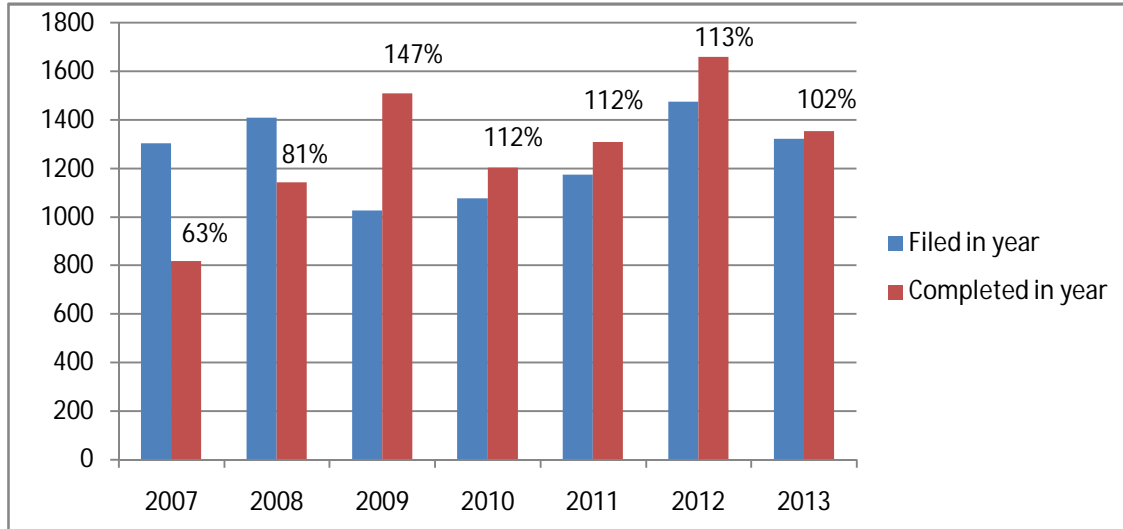
Overall clearance rates in the Magistrates' Courts (combining Victoria and Praslin statistics in both civil and criminal cases) provide a clear example of improvements in productivity, resulting in a workload that appears to be sustainable at current resource levels once existing backlog is cleared. The clearance rate for 2013 was the lowest since 2008, principally due to a spike in new filings in the Civil Division in Victoria, but still reached almost 100%.

Figure – Clearance rates for all cases in Magistrates' Courts: 2007 – 2013



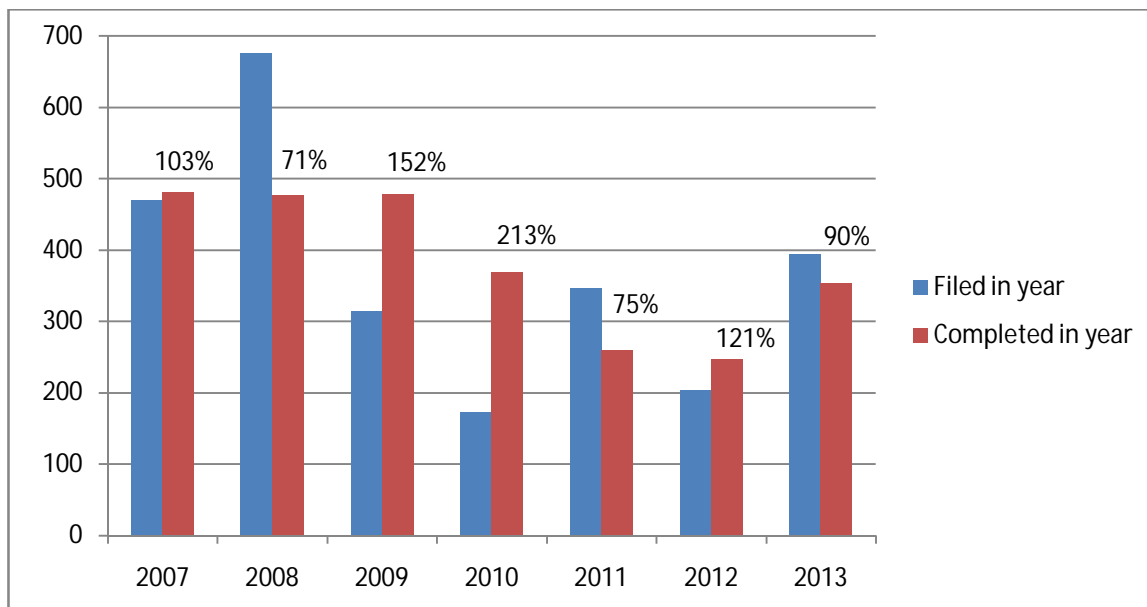
The figures in respect of criminal cases are particularly encouraging, reflecting both an absolute and relative increase in completed cases which has consistently outpaced a general increase in new filings.

Figure – Clearance rates for criminal cases in Magistrates’ Courts: 2007 – 2013



The (much smaller) civil workload of the Magistrates’ Courts presents a less consistent picture. While an overall decrease in filings from 2007-2012 was reflected in lower absolute completion rates, an increase in filings in 2013 was tracked by a renewed increase in completed cases. The courts have been able to complete more cases than were filed in the majority of the years under consideration, again indicating reasonable capacity to manage their civil workload on an ongoing basis.

Figure – Clearance rates for civil cases in Magistrates’ Courts: 2007 – 2013



LEGAL PRACTITIONERS IN SEYCHELLES

The Registrar of the Supreme Court is required to maintain a roll of attorneys-at-law admitted to practice in Seychelles. Licensing of legal practitioners, including attorneys, was managed by the Seychelles Licensing Authority until 2010. Between 2010 and 2013, due to an amendment to the relevant law, there was a dispute as to whether licensing is properly provided for by law. (That dispute has since been addressed as regards attorneys through amendments to the Legal Practitioners Act, discussed earlier in this Report, which take effect in January 2014.)

The Bar Association of Seychelles (BAS), which has provided the information in this section of the report, maintains its own records of attorneys in public and private practice in Seychelles. These records are compiled on the basis of observation only and do not reflect the licence status of private attorneys or membership of BAS. They should accordingly be interpreted with care.

In addition to qualified attorneys, there were three female pupils registered in Seychelles in 2013, two of whom have since been admitted to practice.

Table – Attorneys practicing in Seychelles: 2009 – 2013 (based on BAS observations)

Category of practitioner		2009	2010	2011	2012	2013
Attorneys-at-Law	Male	34	32	31	33	34
	Female	10	11	9	9	9
	Total	44	43	40	42	43
Senior Counsel (subset of Attorneys-at-Law)	Male	3	3	3	4	4
	Female	0	0	0	0	0
	Total	3	3	3	4	4
State Counsel	Male	10	7	9	11	12
	Female	5	3	2	4	3
	Total	10	10	11	15	15
Assistant State Counsel	Male	0	0	0	0	0
	Female	2	2	3	4	2
	Total	2	2	3	4	2
Public Prosecutors (not attorneys)	Male	5	5	6	3	3
	Female	5	5	4	6	6
	Total	10	10	10	9	9
Total attorneys active in Seychelles		56	55	54	61	60

SUPREME COURT LIBRARY SERVICE

The Supreme Court Library in the Palais de Justice houses a collection of about 11,000 general law books, Seychelles law reports, and law reports from other jurisdictions including England, France, Mauritius and mainland Africa. The Library collates hard copies of all judgments, orders

and rulings delivered by the Supreme Court, Constitutional Court and Court of Appeal from 1990 to present, in addition to statutes and official publications of the Government of Seychelles.

The Library is the research base for the Court and legal practitioners. While it is geared to meet immediate information needs, it cannot realistically be maintained as a full-scale research library. Law books are difficult to source locally and expensive to purchase internationally, and the budget for allocation of library resources is small. Restoration of degraded historic documents is an essential but expensive and time-consuming exercise. It is a continual challenge to provide efficient and cost-effective access to physical source materials.

Looking forward, digitisation in libraries and e-library services are the essential responses to changing user needs and expectations. In the long term, digitisation will ease the constant burden of expansion to house print copies. It is also expected to greatly increase the number and diversity of regular users of the Library's services.

While the vast majority of the Library's collection is likely to remain in print form for the foreseeable future, the establishment of the SeyLII website (which is coordinated by the current Librarian) and the recent promulgation of the Supreme Court Judgments Protocol have supported a focus on collating electronic copies of essential reference material. These copies can be retained as a soft copy archive, providing security for irreplaceable originals.

2013 ANNUAL REPORT COMMITTEE

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Judiciary Fun Walk, March 2013

Delay Reduction Measures and Time Standards for the Supreme Court of Seychelles

(Adopted by the Judges of the Supreme Court and Justices of the Court of Appeal on 8 September 2010)

1. In the Strategic Plan for the Judiciary its vision is to be a centre of Judicial Excellence. One of the hallmarks of centres of Judicial Excellence is the timely disposition of all matters that come before the courts. Many organisations often set time standards which are intended to be met by the organisation in its discharge of business. Time standards in relation to the hearing and disposition of the matters that come before the Supreme Court will provide the ‘beacon’ which the court aspires to ‘reach’ in the not too distant future.
2. Time standards also reflect the constitutional obligations imposed on the courts in the discharge of the business before it. At the same time, time standards as a feature of service standards of an organisation, will provide an indication to users of the courts and their legal advisors of the standards that they may expect and which the Supreme Court will hold them to when they choose to commence proceedings before the Supreme Court.
3. The standards herein are not set in stone and can be reviewed from time to time in case for instance there is such improvement that the current standards are rendered unrealistic or there are changes in the law that impose other standards or for any other reasonable cause.
4. Time standards will provide a scale upon which we can be able to measure the qualitative and quantitative performance of the court in an objective manner providing Management and the Judges with a warning for areas that may need special attention or otherwise whatever action may be needed to remedy the situation.
5. Nature of Proceeding/Time Standard by which matter must be determined

1.	Civil Suits	Not later than 24 months from filing
2.	Interlocutory Motions	Not later than 3 months from filing
3.	Post Judgment Motions	Not later than 2 months from filing
4.	Divorce Petitions	Not later than 12 months from filing
5.	Judicial Review	Not later than 4 months from filing
6.	Constitutional Petitions	Not later than 6 months from filing
7.	Civil Appeals	Not later than 6 months from filing
8.	Criminal Cases	Not later than 1 year from filing
9.	Criminal Appeals	Not later than 6 months from filing

6. From the commencement of a hearing of, for instance a civil suit, Judges shall endeavour to ensure that a case is heard from day to day until disposition and where that is not possible it must be adjourned to a near date with a view to concluding the trial as soon as possible. On average there should be no more than 4 adjournments from commencement of hearing to disposition. For this to happen there must be trial date certainty and suits ought only be given a hearing date when it is clear to the Judge that in the matter before him, the parties and their legal advisors are ready for trial. A Judge shall hold a preliminary hearing prior to setting a date for hearing at which he/she will review the case with the parties and their counsel and determine if it is ready for trial with no pre trial matters still in issue; be informed of the number and name of witnesses each party intends to call and how much time is necessary for hearing of the case; the issues that are on trial; nature of evidence intended to be adduced; whether parties will require court to summon their own witnesses or not; etc... The Judge may also at this stage explore the possibilities for mediation or a settlement of the case by agreement of the parties.
7. As an interim measure Judges shall review the list of all cases assigned to them and prioritise their management as follows:
 - a) That the oldest cases are brought forward upon a fast track to ensure that those cases are disposed of as soon as possible, without any further delays.
 - b) Secondly part heard cases should be completed as soon as possible.
 - c) Newer cases should then follow.
 - d) Judges shall avoid commencement of new trials when he or she has more than 20 part-heard cases not yet completed but rather should bring those part heard cases to a conclusion and then commence new ones.
8. Judges shall set aside one regular half-day each week for the hearing of all interlocutory motions and other short causes that on average need no more than 30 minutes to dispose of. This half-day should become well known to all staff and the attorneys for easy fixing of such matters. This will ensure that motions can be heard and disposed of on average within 6 weeks of filing and in any case not exceed the 3 month standard adopted herein above. This will eliminate fixing of a motion for instance to reinstate a case previously dismissed for absence of a party 6 months from the date such motion was filed.
9. As already provided in the Seychelles Code of Judicial Conduct judgments ought to be delivered in the majority of cases within 60 days of conclusion of hearing. Where at any one time a judge finds that he has more than 20 judgments pending it will be probable that this standard is not being met. It will be imperative for the Judge to set aside time (including cessation of new hearings) to clear all pending judgments without delay.
10. Judges shall be proactive, acting as their own case managers and ensuring that all proceedings, causes or matters before them for trial are heard and determined in a just, inexpensive and timely manner.

THE REPUBLIC OF SEYCHELLES
THE SUPREME COURT OF SEYCHELLES

PRACTICE DIRECTION NO.1 OF 2013

In order to reduce scheduling conflicts within and between the Supreme Court and Magistrate's Court, ameliorate the competing demands upon the time of attorneys, and increase the time available for substantive hearings in all courts, I issue the following direction regarding cause listing.

1. This direction shall take effect from 1st October 2013.
2. Substantive hearings in the Civil Division of the Supreme Court (which includes the Commercial List) shall not be cause listed before 10:00 am unless a Judge makes a contrary direction in a particular case.
3. Short causes in the Civil Division of the Supreme Court shall only be cause listed on Wednesdays. Any civil short cause in the Supreme Court which is fixed by a Judge for a day other than Wednesday shall be automatically transferred by the Registry to the cause list for Wednesday of that week.
4. Each Judge shall take civil short causes in his or her own courtroom every Wednesday at the specified time:

09:00 – 09:55 Chief Justice

10:00 – 10:55 Judge Karunakaran

11:00 – 11:55 Judge Renaud

13:00 – 13:55 Judge De Silva

14:00 – 14:25 Judge Robinson

14:30 – 14:55 Judge Dodin

15:00 – 16:00 New civil Judge (to be confirmed)

5. No other short causes in Supreme Court or Magistrate's Court proceedings shall be cause listed on Wednesdays. Any criminal short cause in the Supreme Court, and any civil or criminal short cause in the Magistrate's Court, which is fixed by a Judge or Magistrate for a Wednesday shall be automatically transferred to the Registry to the cause list for another day in that week.

6. Notwithstanding the preceding directions, in a situation of genuine emergency involving a matter not previously cause listed, any short cause may be brought before a Judge or Magistrate (as the case may be) on any day of the week.
7. Substantive hearings in all proceedings may continue to be cause listed on Wednesdays and shall, where so listed, take priority over civil short causes in the Supreme Court.
8. Any attorney who is unable to appear in the civil short cause list in the Supreme Court because of a scheduling conflict shall ensure that another attorney is adequately briefed to present short causes on his or her behalf.
9. For the purpose of this practice direction, a short cause is any appearance other than a substantive hearing in a contested inter partes proceeding.
10. Hearings of interlocutory motions and applications (MAs) shall be regarded as short causes unless the Judge or Magistrate directs otherwise.

Dated at Ile du Port this 3rd day of September 2013

FMS Egonda-Ntende

Chief Justice

ANNEX 3 PENDING JUDGMENTS IN SUPREME COURT CASES

Refer paragraph 9 of the Delay Reduction Measures and Time Standards for the Supreme Court of Seychelles (Annex 1): "As already provided in the Seychelles Code of Judicial Conduct judgments ought to be delivered in the majority of cases within 60 days of conclusion of hearing. Where at any one time a judge finds that he has more than 20 judgments pending it will be probable that this standard is not being met. It will be imperative for the Judge to set aside time (including cessation of new hearings) to clear all pending judgments without delay."

Criminal Division: as at 31 December 2013

18 pending judgments (out of 291 total pending cases)

[Cf. situation as at 31 December 2012: 24 pending judgments, of 258 total pending cases]

Case number	Parties	When judgment reserved
CO 59/2010	Republic v Ivans Steve Suzette	April 2013
CO 28/2006	Republic v Terrence Molle	May 2013
CN 11/2013	Dan Gamatis v Republic	August 2013
CO 84/2010	Republic v Melinda Denousse	August 2013
CO 20/2012	Republic v Kevin Neerghen	August 2013
CO 40/2010	Republic v Leo Hermitte	September 2013
CO 53/2012	Republic v Leslie Payet & Ors	September 2013
CO 55/2012	Republic v Robert Colin Dufrene	September 2013
CO 62/2010	Republic v Jadel Victor	September 2013
CO 53/2010	Republic v Oliver Hoareau	October 2013
CN 67/2012	Joel Vidot v Republic	October 2013
CO 2/2012	Republic v Patricia Julie Dine	October 2013
CO 29/2012	Republic v Marcus Meriton	October 2013
CN 4/2011	Philip Rath v Republic	October 2013
CO 10/2008	Republic v Mervin Sedgwick	November 2013
CN 23/2013	Salif Hashim v Republic	November 2013
CN 47/2012	Garry Julius v Republic	November 2013
CO 29/2009	Republic v Krishnamart & Co	November 2013

Civil Division: as at 31 December 2013

(excluding motions and petitions)

11 pending judgments (out of 1,008 total pending cases)

[Cf. situation as at 31 December 2012: 74 pending judgments, of 1,081 total pending cases]

Case number	Parties	When judgment reserved
CP 4/2010	Jerry Revera & Anor v Attorney-General & Anor	May 2011
CS 170/2010	Colin Dyer & Ors v Patrick Herminie	October 2011
CS 343/2008	Seychelles Savings Bank v Jayachandran Padayachy & Anor	October 2011
CS 117/2007	Narcisse Stevenson v Suzzara Jorre de St Jorre & Ors	June 2012
CS 262/2001	Estate of Pierre Ernest Vidot v Golden Sun Co (Pty) Ltd	January 2013
CA 55/2012	Caroline Shamhong v Hermanth Kumar & Ors	March 2013
CS 104/2010	Emmanuel Haidee v Andre Beaufond & Ors	May 2013
CS 248/2007	Estate of David Banane v Michael Banane & Ors	May 2013
CS 327/2010	Noella Barra v Doris Bristol & Anor	May 2013
XP 73/2013	Colin McLean	October 2013
CS 31/2013	Didier Jean v Ministry of Health & Ors	November 2013

