



RECOMMENDATIONS

JUSTICE:

The Commission recommends the investigation and prosecution of all persons alive deemed to have perpetrator status before the Commission, particularly including high-ranking members of Government and the former Seychelles People's Defence Forces (SPDF) and especially in those cases involving unlawful killing, enforced disappearances, and torture, in line with Seychelles' international obligations to do so. The Commission notes that some of these individuals may have received or been eligible for amnesty under the TRNUC Act, and thus this recommendation should therefore be read in light of relevant grants of amnesty that may bar such criminal liability.

The Commission recommends that where any senior member of Government or SPDF that has been deemed a perpetrator and has not been granted amnesty or immunity from criminal prosecution, the person in question be banned from taking up further employment with the Government of Seychelles or its Defence Forces.

The Commission recommends that those Government officials who have been found to bear perpetrator status for any of the gross human rights violations under its mandate, and who have not petitioned for or been granted amnesty and are still working in Government, be dismissed from their positions, pending court trials, and barred from future Government work.

The Commission recommends the investigation by the Anti-Corruption Commission or the Auditor-General into the corruption claims made before the Commission, especially in relation to the Management of the Seychelles Marketing Board and the Seychelles Peoples Defence Forces

The Commission recommends that the Government enforce its legislation on unexplained wealth vigorously and expeditiously.

MEMORY:

The Commission recommends the widespread and prompt dissemination of its full Final Report in all official languages of Seychelles, including in digests, in paper, post, and online formats, and other easily accessible versions. The Commission further recommends the preservation of the original version of its Final Report in national libraries or archives in perpetuity.

The Commission recommends that the Government of Seychelles set up and support the operation of an outreach programme that has the purpose of assisting in outreach and improving public understandings of the Commission's Final Report, especially the powers and limitations of the Commission to recommend amnesties and reparations. The Commission recommends that this be set up immediately, within 90 days of submission of the Final Report to the President.

The Commission recommends that the Ministry of Education adapt the Commission's Final Report as part of the required school curriculum for future generations as to know the history and legacy of human rights violations in Seychelles. The Commission recommends in this regard the publication of a condensed, "child-friendly" version of its Final Report for educational purposes, as well as other formats suitable to different school audiences. The Commission encourages the inclusion within this education and curriculum-building process of human rights experts and proposes that the subject of human rights in general form part of the school

curriculum as an important step in ensuring non-repetition of human rights violations. The Commission recommends that this be integrated into school curricula starting in the 2023-2024 academic year.

The Commission recommends the establishment of an Information Centre dedicated to the work of the Commission where the files and audio-visual record of the Commission is made available and that the Government commission an historian to write an objective and impartial account of the history of Seychelles starting from independence in 1976.

The Commission recommends the establishment of a successor body to carry out further exhumations or investigations into cases where the Commission was not able to conclude all the work needed. The Commission recommends that this body be established within six (6) months of the completion of the Commission's activities.

GUARANTEES OF NON-RECURRENCE:

The Commission recommends the training of all Government staff in basic rule of law principles, the limits of their authority pursuant to relevant legislation, procedural compliance, abuse of office, and conduct expected of public servants.

The Commission recommends the training of all Government staff in principles of professionalism, integrity, and institutional loyalty and that basic principles of professional conduct are strictly enforced.

The Commission recommends merit-based recruitment in the public service and a reassessment of the salary structure, including the payment of allowances as an incentive to carry out the basic duties of an employee.

The Commission recommends any allegations or evidence of patronage, favouritism, bribery or abuse of government to be promptly investigated and appropriately sanctioned.

The Commission recommends the abolition of any right to appeal to a government minister and proposes the establishment of appellate committees made up of independent and impartial persons with expertise in the relevant issue whose decisions are final. The Commission recommends that persons assigned to such boards be given a limited mandate of no more than 3 years.

The Commission recommends the enforcement of the ban on the offering of personal incentives in terms of money, housing, land, or other material goods as a means of securing a vote during an election and proposes an education campaign aimed at the general public informing of the illegality of such actions on the part of Government authorities and the inconsistency of such practice with a Government and country committed to upholding the rule of law and the rights of its citizens.

The Commission recommends that politicians follow the ethics and professional behaviour of their office and that public servants remain apolitical at all times.

The Commission recommends that the National Assembly take steps to initiate investigations into Executive interference in the public service which may hinder lawful exercise of their functions. The Commission further recommends the strengthening of the independence and adequate resourcing of the judiciary.

The Commission recommends training of the judiciary on human rights and on the ethics of judicial office and the establishment of an external body made up of non-Seychellois to address claims of misconduct on the part of the judiciary and with the authority to recommend sanctions for misconduct, including removal of a judge from office.

The Commission recommends a prohibition on members of the judiciary meeting with members of the public with active cases or the government in relation to any pending matter *exparte* to discuss the pending matter. All informal judicial meetings on pending proceedings must take place with both parties present.

The Commission recommends the development of an evaluation programme to monitor the performance of the judiciary, in particular its efficiency and regular community survey to gauge public confidence in the independence and fairness of the judiciary.

The Commission recommends that the intelligence services be prohibited from the promotion of a political parties' interests, that the functions of the intelligence service be precisely defined and limited to the gathering of information and that the intelligence services be subjected to an adequate supervisory body and to parliamentary oversight.

The Commission recommends that the National Assembly conduct a review or establish a commission to conduct a review of all the decrees and laws passed during the one-party State, with an eye to repealing those found to be inconsistent with the provisions of the Constitution of the Republic of Seychelles (1993 as amended).

The Commission recommends that all Government-established body corporates be authorised to administer their own finances through their own bank accounts, and the role of the Ministry of Finance be limited to overall budget approval of the allocation of funds to the body corporate. This should be clearly set out in a legislative act.

The Commission further recommends that the Auditor-General review the lawfulness of the conduct of the Ministry of Finance in relation to the Commission and other independent bodies.

The Commission recommends the strengthening of the Human Rights Commission and proper recognition of the need of the Human Rights Commission to be properly financed and its independence over the dispersion of its resources respected.

The Commission recommends the adoption of training measures for the Seychelles Police Force, to ensure arrest and detention is consistent with recognised standards human rights.¹

The Commission recommends the provision of proper training to the police and security forces on crowd control (riot management), and all other relevant security and legal issues concerned

¹ UN Peacekeeping, Human Rights Standards in Arrest and Detention: UN Peacekeeping PDT standards, Specialized training Material for Police 1st edition (2009).

with the management of demonstrations and riots, including education as to the respect of human rights involved in peaceful protests.

The Commission recommends that public order and internal security issues fall exclusively under the authority of the police.

The Commission recommends the immediate reversal of Constitutional Amendment No. 10.

The Commission recommends the provision of adequate training of all soldiers of the Defence Forces in areas of relevant international law, such as international humanitarian law, including the Geneva Conventions, to understand the duty to respect fundamental rights and freedoms, including principles of *hors combat* and civilian status.

The Commission recommends the provision of adequate training of all soldiers of the Defence Forces on courses in areas of international criminal law, such as the Rome Statute; in particular, on crimes against humanity, responsibility of commanders and other superiors, and gross human rights violations.

The Commission recommends the provision of adequate training of all soldiers of the Defence Forces on the importance of respect for the Constitution and the rule of law to ensure soldiers respect the principles of constitutionality in a democracy, and further recommends that the Government ensure accreditation of these programmes. The Commission further recommends the satisfactory completion of at least a minimum mandatory basic training in the areas mentioned above as a requirement and issue for consideration in determining promotions.

The Commission recommends the army and the police force services to develop policies promoting gender equality, outlawing sexual exploitation and violence against women

The Commission recommends that those persons that have been granted amnesty by the Commission to be included within educational programs for the SPDF, the Seychelles Police Force, and the Government more generally, to share their experiences and lessons learnt.

The Commission recommends that any place designated as a detention facility or prison, including police stations, should meet standards required by relevant laws and international instruments to which Seychelles is a party.

The Commission recommends the strengthening of the role of the Ombudsman and proposes that Government authorities be required to implement recommendations of the Ombudsman as a matter of course.

The Commission recommends that the Attorney-General and staff be subject to further or advanced compulsory training concerning their ethical obligations to the Court and on the professional conduct expected of counsel purporting to represent the Government.

The Commission recommends a strengthening of bodies with the responsibility for complaints against the legal profession in Seychelles and recommends the appointment of non-Seychellois to assess the merit of complaints made.

The Commission recommends the education of the Seychellois public in the use of social media to impugn and harm others and that it conducts an education campaign targeted on the legislation on hate speech and in which respectful disagreement is promoted.

The Commission recommends that the Government ensure that all journalists are able to freely exercise their right to freedom of expression without fear of victimisation, detention, intimidation, or harassment, especially on the basis of real or perceived political opinion.

The Commission recommends an independent inquiry into the claims of sexual abuse at NYS and education of the public more broadly to address the stigma attaching to victims of sexual abuse and that a safe environment be created for victims of sexual abuse to tell their stories and the provision of psychosocial services for all victims of sexual abuse.

REPARATIONS

The Commission recommends a State apology to all victims of the Coup D'état of 1977 and an expressed commitment by the State of non-repetition.

The Commission recommends the creation of mental health support to be made available to all victims, witnesses, suspects, and perpetrators, to assist those who have had to relive traumatising events, and/or have received negative public reactions, in the course of assisting the Commission in its fact-finding mandate.

The Commission recommends, in accordance with its Reparations Policy, the establishment of a successor body with a mandate of ascertaining the measure of reparations owed to victims in every case the Commission has determined and ensuring the implementation of those reparations. The Commission recommends the prompt implementation of that body's recommendations as to individual reparations.

The Commission recommends, in accordance with its Reparations Policy, the creation of a Reparations Trust Fund to ensure that any reparation recommendations are able to be provided to those found to have suffered human rights violations as expeditiously as possible.

The Commission recommends the establishment of a taskforce or commission of inquiry to investigate the fate and whereabouts of persons who remain missing and the whereabouts of those who have been found to be killed but their whereabouts still remain unknown, and to provide specific training to security and justice sector personnel on the human rights violation of enforced disappearance.