



VOLUME II

**HISTORICAL CONTEXT
AND
OVERVIEW OF MAIN EVIDENCE**

9 AUGUST 2022

VOLUME II

This volume of the Final Report includes a chronology of historical events relating to the Coup d'état of 1977 and the various social, political, and economic contexts of Seychelles that laid the framework for the commission of gross violations of human rights. It is to be noted that the Commission heard over 1,000 witnesses and many of their individual stories are contained in the Case Determinations of Volume III. Due to resource constraints, this Volume is not as comprehensive as the Commission would have liked, but it nonetheless contains a recount of the main evidence and the patterns adduced by the Commission from that evidence and sets out the context in which human rights violations occurred.

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Chapter One

1 Overview

1.1 Early colonial history – French and British

Seychelles is one of the world's smallest countries, constituted of a group of 115 islands (41 granitic and 74 coralline), with a total land area of about 455 sq km, spread over a maritime zone of over 1.3million sq km in the western Indian Ocean, approximately 1,600km from the east coast of Africa. It has a population of 99,426 (in 2022). The islands were colonized by France in November 1756 but they remained uninhabited until August 1770 when a small group of twenty-eight people¹ traveling from Mauritius (then named Ile de France) set up camp on St Anne Island. By 1778 the beginnings of the present town of Victoria had started as the administrative center, and land on Mahé and other nearby islands had been apportioned by the resident 'Commandant' to French colonists who had sufficient numbers of slaves to work on their property, known as an '*habitation*' (ie a land concession). The land was allocated and not purchased, and a '*habitation*' was a parcel of land of about 45 hectares stretching from the mountain ridge to the coastline.² By 1804, thirty-four years on, the population had increased to over 3,500 people - over 300 white French residents, almost 100 free blacks³ and over 3,000 slaves, all working on large plantations owned by the French settlers and a few free blacks⁴.

In 1811, towards the end of the Napoleonic wars, Seychelles together with the other French western Indian Ocean islands of Mauritius and Reunion were taken over by the British, as ratified in the 1814 Treaty of Paris⁵. Seychelles remained a British colony for 165 years, from 1811 to 1976.

During the first six years of British colonization the number of slaves doubled to over 6000 as more people were brought in to work on the plantations in the production of copra and cotton. Additionally, over the next thirty-seven years after the abolition of slavery, more than 2,800 persons found on slaving ships in the western Indian Ocean region were offloaded in Seychelles by the British Royal Navy⁶ as 'liberated Africans'. Even when slavery was finally abolished in Seychelles in 1835 slave labour was still used on the outer islands as it was not possible to enforce the Abolition of Slavery Act of 1833⁷. Furthermore, ex-

¹ '...fifteen white men, seven black slaves, five Indians and one black woman' - Ecott T (2015) The Story of Seychelles. Outer Island Books, Seychelles. p8

² Shillington K (2009) History of Modern Seychelles. Macmillan Publishers Ltd, p11

³ The term 'free black' was used to refer to non-enslaved non-white persons, be they of African, Malagasy, Malay or mixed-race origins. Shillington K (2009) Ibid. p12

⁴ Ecott T, Ibid.

⁵ Shillington K (2009) Ibid, and Ecott T (2015) ibid.

⁶ Ecott T (2015) Ibid.

⁷ Shillington K (2009) Ibid, p22

slaves had very limited choices as they did not own property and had no money, as ensured by the ‘*Code Noir*’, the civil law that applied to slaves up until then. As described by Twomey⁸, this Code

...equated slaves with moveables, the ownership and sale of which were regulated by the ordinances and customary practices applied to other moveables. The main dispositions of the Code prohibited both marriage and concubinage with whites, and stated the incapacity of the slave to possess or inherit property, to contract or to initiate legal action.

In Seychelles slave labour was succeeded by various systems, including the “*de mwaye*”⁹ system and a four-year bonded labour agreement on plantations where the freed slaves had to work as “apprentices” in order to become fully emancipated¹⁰. In effect there was no attempt to redistribute land and, as elsewhere in slave-based economies, the colonists who profited hugely from slave labour had no obligation to put in place adequate procedures and institutions to actually ensure the abolition of slavery. As observed by McAteer¹¹ the legacy of slavery “...was not easily erased, and it continued for many years to emphasize the racial and social divide between Black and White”. This is also acknowledged by Twomey¹² who noted that “...two parallel or hybrid histories can be written in the period of colonisation: one for the French settlers and one for the slaves. This hybridity contributes to the character and nature of its legal tradition” and to the development of the Seychellois society generally.

1.2 British Administration

For the first sixty-one years of British colonial rule Seychelles was administered from Mauritius as a dependency. This arrangement proved to be frustrating for the local landowners and merchants, and with the support of the colonial governor, Sir Arthur Gordon, in 1872 they were granted some political autonomy with the establishment of a ‘Board of Civil Commissioners’ led by a Chief Civil Commissioner who also nominated the board members¹³. The Board had the power to devise certain local legislation and to take control of financial and trade matters. It was in place for sixteen years, after which it was replaced by a new constitution and governing structure in 1888, comprising an Executive Council and a Legislative Council, both presided over by the ‘Administrator,’ a position almost equivalent to that of governor¹⁴.

In November 1903, thirteen years later, Seychelles became a crown colony under its first Governor, Ernest Sweet-Escott, who had been the Administrator since 1899. At the turn of the century the economy was

⁸ Twomey M (2017) *Legal Metissage in a Micro-Jurisdiction: the Mixing of Common Law and Civil Law in Seychelles*. City Print, Wellington, New Zealand. p10

⁹ Freed slaves had the option to continue living on the landowner’s property provided they ‘shared’ half of everything they produced with the landowner.

¹⁰ Scarr D (2000) *Seychelles since 1770 – History of a Slave and Post-Slavery Society*. C. Hurst & Co. (Publishers) Ltd. p50

¹¹ McAteer W (2000) *Hard Times in Paradise*. The Cromwell Press, UK. p xii

¹² Twomey M (2017) *Ibid*, p7

¹³ Scarr D (2000) *Seychelles since 1770 – History of a Slave and Post-Slavery Society*. C. Hurst & Co (Publishers) Ltd.

¹⁴ Shillington K (2009) *Ibid*, p29

focused on exports of mainly vanilla, coconut oil, copra and turtle shells. Laws were promulgated through ‘Ordinances’ issued by the governor¹⁵. The population of Seychelles was approximately 19,000 people, with about 15,000 living on Mahe, 1,600 on Praslin, 1,074 on La Digue and 370 on Silhouette. The number of males and female were roughly balanced. From the 1880s, with greater development in agriculture, trade and small industries, more economic opportunities opened up for traders from India and Asia, and they took over much of the inter-island trade from the control of Mauritian merchants. A school system had also started to develop through the interventions of the Catholic and Anglican churches¹⁶.

By the 1920s the main political force in the country was the Planters’ Association, a grouping of large landowners set up in 1927 and given a seat on the Legislative Council. The association was thus able to petition the colonial government on various matters related to its interests, including the direct appointment rather than election of new unofficial members to the Legislative Council. In 1939 a new association – the Seychelles Taxpayers Association - was formed and after three years they joined forces with the Planters’ Association to create the Seychelles Planters and Taxpayers Association (SPTA). This gave the group of landowners (generally known as ‘*gran blan*’) a majority of unofficial membership on the Legislative Council¹⁷.

The number of Seychellois unofficial representatives on the twelve-member Legislative Council had increased to four by 1948, and for the first time they were elected, but only by a restricted number of citizens, given franchise on the basis of property ownership and literacy. The number of eligible voters amounted to approximately 2,000 people – about 9% of the population at the time and mostly male, as they were the ones who generally held land ownership. This meant that only the landed strata of the population, through the STPA, was represented in the legislature¹⁸. They were still, to a large extent, the descendants of the French colonists, although by November 1940 one “...representative of the labouring class”¹⁹ of African descent, Joachim Arrisol, working for the Union Lighterage Company and member of the STPA, was appointed as an ‘unofficial member’ of the Legislative Council, a position he held until 1952. The British Governor of the time, Arthur Grimble (in office from 1931 to 1942), observed in his communications with the Colonial Office that while the employers (ie. the landowners) were “...not necessarily oppressive towards their workers, justice was always granted as a favour, not as a right.” And he concluded that: “This kind of attitude has bred revolutions elsewhere, and only the extreme docility of the local worker has saved Seychelles.”²⁰

For those who worked for the plantation owners, opportunities to voice their complaints and lobby the colonial government in their own interests, were very few indeed. One Seychellois who attempted to draw

¹⁵ McAteer W (2000) *Hard Times in Paradise - The History of Seychelles 1827-1919*. Pristine Books, Seychelles, pp195 -199

¹⁶ Shillington K (2009) *Ibid*

¹⁷ Shillington K (2009) *Ibid*, p

¹⁸ Franda M (1982) *The Seychelles – Unquiet Islands*. Westview Press Inc. USA. p14

¹⁹ McAteer W (2008) *To Be a Nation - The History of Seychelles 1920 - 1976*. Pristine Books, Seychelles, p155

²⁰ McAteer W (2008) *To Be a Nation - The History of Seychelles 1920 - 1976*. Pristine Books, Seychelles, p155.

attention to the plight of the country's poorer people was Charles Collet²¹, a 'non-white' Seychellois of Mauritian origin who studied law in London during the mid-1930s. From 1937 he was also the General Secretary of the London-based League of Coloured Peoples. (The League was an organization set up in 1931 by a Jamaican doctor, Harold Moody, aiming to challenge racial discrimination in Britain and overseas by peaceful and persuasive means). One of the actions taken by Collet in May 1937 was to present to the Colonial Office a lengthy Memorandum outlining certain reforms which he considered to be desirable in Seychelles, to bring about social justice and economic development. A copy was also sent to Governor Grimble. While Collet's recommendations were generally well-received by the Colonial Office and the Governor, the advent of World War II (1939 to 1945) appeared to have taken precedence over the proposed reforms²².

Upon his return to Seychelles in 1946 as a qualified barrister, Collet kept activating for greater social justice, especially with regard to the poorer sectors of the community. In 1948 he was selected for the post of acting attorney-general by the Governor, Selwyn-Clarke (1947 -1950), and later the same year he and his wife, Marie-Cecile Collet also a barrister, were appointed as unofficial members of the Legislative Council. As acting attorney-general some of his main responsibilities were to revise existing laws and ensure the enforcement of the tax laws. Collet thus became the tax collector-in-chief and he initiated a drive to collect tax arrears from the landowners. His zeal for pursuing tax defaulters was seen as a campaign against the landowners and merchants, who garnered the support of the Legislative Council and the Chief Justice of the time, MD Lyon, to discredit Collet as far as possible. After a couple of years some of his decisions on the payment of tax arrears were challenged in court and reversed by the Chief Justice. Collet was himself later prosecuted for tax evasions and was disbarred in 1954²³. When Albert Rene returned to Seychelles in 1958 after qualifying as a barrister in UK, he and Collet became good friends with a common purpose: "...casting off the imperial yoke" and bringing about "...fundamental change in class relation and social hierarchy".²⁴ Rene actually considered Collet as his political mentor during the period 1959 to 1961 when Collet returned to UK, and before he died in 1962.²⁵

Participation in World War II to some extent contributed to raising people's awareness of the country's untenable social and economic situations, as well as to their human rights. Almost 2,000 Seychellois men had volunteered to serve in the British army Pioneers Companies in Egypt, the Middle East and Italy, from the beginning of 1941. Apart from 51 casualties, the rest of the Pioneers were repatriated in 1956 under conditions that they considered as a breach of contract. The war veterans also established the Tobruk Club, for the main purpose of providing assistance to war and post-war veterans, as well as advocating for their interests. This grouping of 'ex-service men' as they came to be known, enabled them to eventually voice their dissatisfaction with the way their service had been terminated, without appropriate compensation from

²¹ Shillington K (2014) *Albert Rene: the Father of Modern Seychelles*, A biography. UWA Publishing, Australia, p57; McAteer W (2008) *Ibid*, p122-123.

²² Shillington K (2014) *Ibid*. p58.

²³ Scarr D (2000) *Seychelles since 1770 –History of a Slave and Post-Slavery Society*. C.Hurst & Co. (Publishers) Ltd, London. p157-159; McAteer W (2008) *Ibid*, p222-223; Shillington K (2014) *Ibid*. p66-71.

²⁴ Shillington K (2014) *Ibid*. p60.

²⁵ Shillington K (2014) *Ibid*. p56.

the British government²⁶. Over time the Tobruk Club evolved into a social gathering space with a bar where political activists not allowed into the Seychelles Club engaged in social and political debates as well as many arguments.²⁷

The post-war years brought about constitutional reforms, including a new constitution in 1960 which extended suffrage to taxpayers as opposed to landowners only, the election of members to sit on the Legislative Council and it put into force an ordinance on trade union rights.²⁸ With the gradual expansion of formal education, the return of the ex-service men who had served in the British Pioneers Companies between 1941 and 1956, and growing awareness of political moves in the African region for decolonization and independence, other groups of people (other than the landowners and taxpayers) started to express their needs to be heard, and making demands for greater political representation and development. It is to be noted that with the return of the Pioneers, unemployment had almost doubled and people had become poorer because the substantial yearly remittance by the soldiers serving overseas had stopped²⁹. Growing dissatisfaction with the colonial authorities was becoming more apparent. The next chapter focuses on the establishment of political parties and their roles in bringing about social changes.

²⁶ See Case 439 RFA Seychelles (Royal Fleet Auxillary) – see details in Volume III.

²⁷ During the 1990s it became a place for political discussion and spying – see Case 382 Jude de Commarmond, and Case 405 Peter Henri, in Volume III.

²⁸ McAteer W (2008) Ibid, p282.

²⁹ McAteer W (2008) Ibid, p183.

Chapter Two

2 Shifts to Party Politics and Independence

2.1 Formation of Political Parties

The first political parties began to emerge in 1959 after the ‘Association Ordinance’ was passed by Governor Thorp. Harry Payet, a former Pioneer in the Second World War, set up the Seychelles People’s Convention Party, to draw attention to the plight of the workers who were being exploited by the landowners and merchants¹.

Charles Collet and Albert Rene were involved in promoting the Independence Party, which had started off as the Seychelles Progressive Association originally established by Collet.² However, it seems that these political parties were short-lived. In 1963 the Seychelles Islanders United Party (SIUP) was formed by Refined Jumeau and Harry Payet, which became the basis for the Seychelles People’s United Party (SPUP) in 1964 led by Albert Rene. Also, in June 1964 the Seychelles Democratic Party (SDP) led by James Mancham was registered. While both parties advocated for more rapid development and greater social justice in the colony, the SDP initially stood for continued integration with Britain, whereas the SPUP pressed for associated status and moves towards independence from the start³.

It appears that during his second period of work and study in Britain (1962 to 1964) René had already decided on forming a political party oriented towards socialism, affirming his commitment to taking Seychelles to independence and bringing about the necessary transformation for a fairer society⁴. While working at the Westminster Bank in London Rene met up with other Seychellois living in the area and initiated the setting-up of a political party that would advocate for independence: the start of the Seychelles People’s United Party (SPUP). While in transit through Kenya on his way back to Seychelles in May 1964 Rene made contact with members of the Seychellois community living in East Africa, including Guy Sinon, Phillibert Loizeau and Esme Jumeau, who he knew as union activists there, and gained their support for his political plans⁵. Sinon and Jumeau joined Rene in Seychelles in July 1966, as members of the SPUP’s executive committee. The SPUP was registered as a political party soon after Rene’s return to Seychelles in early June 1964.

Meanwhile James Mancham had qualified as a barrister in London in 1961, and upon his return to Seychelles he decided to challenge the “...*laissez-faire* and complacency...” that was “...rampant

¹ McAteer W (2008) To be a Nation – The History of Seychelles 1920-1976. The Cromwell Press, UK. p276-279.

² Shillington K (2009) History of Modern Seychelles. Macmillan Publishers Ltd. p59

³ McAteer W (2008) Ibid. p293

⁴ Shillington K (2014) Albert Rene - The Father of Modern Seychelles: A Biography. UWA Publishing, Australia. p88-91.

⁵ Shillington K (2009) History of Modern Seychelles. Macmillan Publishers Ltd. p80

throughout the whole administration.”⁶ He stood as a candidate supported by the Seychelles Islanders United Party (SIUP) in a by-election for the vacant seat on the Legislative Council for the Victoria and Outlying Islands District, in August 1963. He resolved to oppose the STPA’s move to seek “...immediate self-government” as he strongly believed that Seychelles was not ready for this, and that the privileged few were simply trying to maintain control to protect their own interests.⁷ Mancham won the seat and at 24 years old he became a member of the Legislative Council. He bought a printing press and together with David Joubert they produced a newspaper – the *Seychelles Weekly* - mainly in response to the STPA’s paper, *Le Seychellois*, which refused to print his letters. Very soon after the launching of the SPUP, Mancham announced the formation of a new political party, also in June 1964 – the Seychelles Democratic Party. In September 1965, through a by-election, Rene was elected as member of the Legislative Council for Praslin and La Digue, defeating David Joubert of the SDP. As soon as he joined the Legislative Council Rene called for a revision of the Constitution and elections through universal adult suffrage.⁸ It soon became evident that the two-party leaders would be taking over political leadership from the STPA and that the two parties’ ideological differences were contentious and deep-rooted. As observed by Campling et al⁹ “...with hindsight, it was perhaps inevitable that relations between them would deteriorate into violent contestation.” This perception was already a concern for the British colonial authorities in 1966, when the governor, Bruce Greatbatch, noted in one of his telegrams to the Foreign and Commonwealth Office, that “...one of our main dangers is that politics in Seychelles should degenerate into party warfare”.¹⁰

Building up support for the parties’ ideologies and exerting political pressure on the colonial government were done mainly through articles published in their weekly newspapers (*Seychelles Weekly* of SDP and *The People* for the SPUP), public meetings and the establishment of workers unions. The Government Workers Union was formed in 1963 with David Joubert as its president, and the SPUP founded the Seychelles Transport and General Workers Union (STGWU) in August 1964, under the leadership of Guy Sinon. In the same year the SDP re-formed the Stevedores and Dock Workers Union¹¹. The unions enabled the political parties to build up support from the working strata of the community, and consequently political loyalty and partisanship was always expected from the union members.

Workers’ strikes were the main means of compelling employers and the government to improve working conditions and job security – the most significant ones being the STGWU construction workers’ strike at the American tracking station in early September 1964 and the ‘general strike’ in June 1966 led by the Building and Construction Workers Union - another union set up by the SPUP. Their demands were for increased pay and improved working conditions, but with Albert Rene as the Union’s legal advisor, the colonial government viewed the strike as being politically motivated. Governor Oxford declared a state of

⁶ Mancham J R (1983) *Paradise Raped*. Methuen London Ltd. p47

⁷ Mancham JR (1983) *Ibid*, p48

⁸ Shillington K (2009) *History of Modern Seychelles*. Macmillan Publishers Ltd. p83

⁹ Campling L, Con fiance H and Purvis MT (2011) *Social Policies in Seychelles*. Commonwealth Secretariat and United Nations Research Institute for Social Development. p18

¹⁰ Telegram PF/95 from Governor Greatbatch to Secretary of State, Foreign Office, 14 March 1966, Confidential No.49.

¹¹ Shillington K (2009) *Ibid*, p81

emergency and British naval troops were brought in for assistance, although no violence occurred.¹² Four years later, with the assistance of James Michel¹³, then an employee of Cable and Wireless, the company's 'Local Staff Union' organized a strike in 1970, which lasted for three months because their demand for a 20% wage increase had been refused.

In the early 1960s the British colonial powers had started the process of decolonization, spurred by economic downturns and increasing nationalism in the various African and Asian colonies after the Second World War, as acknowledged by Prime Minister Harold Macmillan in his speech of February 1960 to the South African parliament dubbed the 'wind of change'.¹⁴ He noted that like other nation states, these countries were pressing "...their claim to an independent national life", and there was no way of stopping it. During that decade at least 27 former colonies in Africa, Asia and the Caribbean became independent countries. In December 1960 the United Nations had adopted Resolution 1514 (XV) which put forward the "Declaration on the Granting of Independence to Colonial Countries and Peoples", with a Special 1963, Committee – known as 'the Committee of 24'¹⁵ - established to ensure the implementation of the Declaration. From 1972 to 1980 the Committee was headed by the Tanzanian permanent representative to the UN, Salim Ahmed Salim, who was a staunch advocate for decolonization. The UN Committee of 24 also supported the work of the Organisation for African Unity (OAU) founded in May and its Liberation Committee. The latter was based in Dar es Salaam, and it had the strong support of Tanzanian President, Julius Nyerere, who actively promoted decolonization and socialism. The SPUP was recognized as a 'liberation movement' by the OAU in 1972 and received support from the Liberation Committee.¹⁶

2.2 Moves towards Self-Government

The early 1960s was also characterized by intensifying rivalries between the Eastern and Western powers, and their allies, as part of the 'Cold War'. After averting the Cuban missile crisis both sides were intent on expanding their political and strategic control of the world. One of the consequences was a secret agreement between the Americans and the British in 1965, to build a military base in the Indian Ocean on a group of islands selected from the Mauritius and Seychelles groups, declared a new colonial territory and named the 'British Indian Ocean Territory' (BIOT)¹⁷. Three islands of Seychelles - Aldabra, Farquhar and Desroches - were to be annexed to the Chagos Archipelago to form the BIOT. In return an international airport was to be built on Mahe. Mancham felt he had to agree¹⁸ while Rene strongly objected to the project, a subject he

¹² McAteer W (2008) *To be a Nation – The History of Seychelles 1920-1976*. The Cromwell Press, UK. p303-305.

¹³ Michel J (2011) *Distant Horizons- My Reflections*. Rila Publications, London, p 60.

¹⁴ Address by Harold Macmillan to Members of both Houses of the Parliament of the Union of South Africa, Cape Town, 3 February 1960.

¹⁵ UN Special Committee (1962); UN Resolution 1654 (XVI) 27 November 1961, established a Special Committee of 17 members and on 7 December 1962, the General Assembly added seven seats to the committee, bringing the number to 24 (UNGA Resolution 1810).

¹⁶ McAteer W (2008) *To be a Nation – The History of Seychelles 1920-1976*. The Cromwell Press, UK, 365; Shillington K (2009) *Ibid*, p90.

¹⁷ McAteer W (2008) *Ibid*, pp254-263; Shillington K (2009) *Ibid*, pp72-74.

¹⁸ Mancham J R (1983) *Paradise Raped*. Methuen London Ltd. p65.

brought to the attention of all visiting constitutional advisors and tabled at the London constitutional conferences of the early 1970s. He also tried to lobby the UN Special Committee on De-colonisation.

In its 1967 working paper to the UN General Assembly¹⁹ the UN Special Committee recommended that the Assembly call upon "...the administrative powers to respect the territorial integrity of Mauritius and Seychelles and to refrain from using all three territories [the third one being St Helena] for military purposes." For various reasons, including pressure from European environmentalists to preserve Aldabra, the project did not happen. The Americans already had a satellite tracking station on Mahe built in 1963, and they finally decided to build their military base on the Chagos island of Diego Garcia. The three Seychelles islands were returned at independence in 1976.

Meanwhile a few attempts were made by the colonial authorities to explore "...the various paths of constitutional evolution open to the territory, taking account of the wishes of the people and the realities of the local situation"²⁰ - in the words of the new British Secretary of State, Anthony Greenwood. It was agreed that a constitutional advisor would be sent to Seychelles in the near future. However, prior to the appointment of the advisor, two members of the British parliament visited Seychelles in July 1964 on a fact-finding mission for the Secretary of State. They met with the two new political party leaders among others. Their confidential report recommended elections through universal adult suffrage and a move towards full internal self-government within five years²¹. A day after their arrival a bomb exploded at the Seychelles Club while they were attending a dinner-dance there celebrating Bastille Day (14th July) – the first of a few intermittent bomb explosions that occurred over the following decade.

The next step taken by the colonial government was the appointment of the constitutional advisor, Colville Deverell, who visited the islands in February 1966 and produced a report advising on possible options for moving towards self-governance, along with a proposed new constitution. Major recommendations that were implemented included the establishment of the new Constitution in 1967, the merging of the Executive and Legislative Councils into a single and larger Governing Council, with some members elected through universal adult franchise for the first time. The number of elected seats was also increased from five to eight.²²

The new Governing Council, chaired by the Governor, consisted of three ex-officio members, four nominated and eight elected members, and elections for those members were held in December 1967. The SDP maintained their campaign for integration with Britain whereas the SPUP advocated for 'associated status' that would lead to independence eventually²³. The results clearly indicated an overwhelming shift

¹⁹ UN Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples - Working Paper to the National Assembly (2 March 1967) A/AC.109/L.374.

²⁰ McAteer W (2008) Ibid, p298.

²¹ McAteer W (2008) Ibid, p298; the two Parliamentarians were Humphrey Berkeley (Conservative) and Lena Jeger (Labour).

²² McAteer W (2008) Ibid, p301-303; and Shillington K (2009) Ibid, p83.

²³ McAteer W (2008) Ibid, p309.

to party politics - one seat went to Dr. Hilda Stevenson-Delhomme, an enduring member of the STPA but in this instance standing as an independent candidate, and the only female member of the Council at the time; the SDP won four seats and SPUP won three, although the SPUP had received more of the votes (48.5% as opposed to the SDP's 40.8%)²⁴. This was due to considerable imbalance in the number of voters per constituency while using the 'first past the post' system, an anomaly which remained highly contentious between the two parties and the colonial government throughout the negotiations for independence²⁵. Rather than addressing the issue directly however, the colonial authorities eventually agreed during the 1970 constitutional conference, to double the number of candidates to be elected per constituency in future elections – a decision that provided no solution to the problem²⁶.

In its report of July 1968 the UN Special Committee had observed that the setting up of the Governing Council as a step in the constitutional arrangements for Seychelles "...is inadequate to promote the process of decolonization since the key powers remain concentrated in the hands of the Governor and the Governing Council's role is limited only to consultation and advice."²⁷ It appears that this was a view also held by the two political party leaders. Within five months of the establishment of the Governing Council, Rene and Mancham travelled to London at the beginning of May 1968 to meet with the Minister of State at the Commonwealth Office, Lord Shepherd, and discuss "constitutional alternatives" and the building of the airport. According to Commonwealth Office correspondence about the visit, both leaders agreed, together and separately, that the country should move to self-governance.²⁸ It was decided that Lord Shepherd would visit the islands and make further recommendations. He came on a one-week visit in September 1969 and one of his main recommendations was the holding of a constitutional conference in London for representatives of the Seychelles Governing Council and the British government.

The conference took place in March 1970. The outline of a new constitution was agreed, along with a new governance structure that introduced the concept of separation of powers: the Governing Council would be replaced by a Legislative Council with fifteen elected members; the Governor would appoint a Chief Minister who would then form a council of ministers and together they would become the Executive. However, the Governor retained control of external affairs, defense, internal security, public service and the information services; he could also over-rule the ministers and certify legislation²⁹. The Seychelles population at that time was about 54,000 people.

General elections for representatives on the new Legislative Council were held in November 1970 and the majority party that emerged was the SDP with 52.8% of the votes. While the SPUP received 44% of the

²⁴ McAteer W (2008) Ibid, p451, Note 29.

²⁵ Shillington K (2009) Ibid, p84 - 85

²⁶ The main problem was that the number of voters per constituency varied widely, but the 'first past the post' system of allocating seats to candidates did not take that into account at all. So doubling the number of seats did not address this issue in any way.

²⁷ UN Special Committee (1962).

²⁸ Commonwealth Office (1968) PF/95 of 13th and 20th March 1968 and 20th and 24th April 1968, from A J Fairclough to Governor Greatbatch.

²⁹ Foreign and Commonwealth Office (FCO) - Note to the Prime Minister, October 1971. UK Archives.

votes they only got five seats on the Council compared to the SDP's ten, mainly due to the shortcomings of the electoral system mentioned above. The issue of "irregularities" in past elections had been raised by Rene with the UN Special Committee during his visit to New York in July 1969, much to the displeasure of the Governor, Bruce Greatbatch who maintained that all had gone according to plan.³⁰ Two new parties – 'Le Parti Seychellois' formed by Dr. Stevenson-Delhomme and 'Seychelles Christian Labour Party' led by Finley Roselie – also took part in the election but their candidates received very few votes.

As leader of the majority party Mancham was appointed as Chief Minister in November 1970 and he in turn appointed four ministers; they, along with three ex-officio members formed the executive, known as the Council of Ministers, chaired by the governor. Fifteen elected members, including Rene as leader of the party in opposition, constituted the Legislative Assembly. The SDP's political outlook was still focused on closer association with Britain whereas Rene then came out for immediate independence. The next five years saw the development of a number of large projects, including the construction of an international airport in 1971, the extension of the port, a few housing projects and a range of hotel developments through foreign investments.

From the time of the 1967 elections the SPUP had gained greater support from the Organisation of African Unity (OAU), and by 1970 the party was considered as the one standing for 'liberation' by the OAU's Liberation Committee³¹. A branch of the SPUP had been set up in Kenya, which was also involved in fund raising for the party, and before the 1970 election the SPUP received two new land rovers as gifts from the OAU. Mancham had strongly objected to this in a Governing Council meeting³² and when he became Chief Minister, he often complained to the colonial authorities of OAU assistance to the SPUP³³. During a visit to Kenya together with David Joubert in January 1972, at the invitation of the Kenyan President, Mancham took the opportunity to put forward his objection to OAU interference with regard to their support to the SPUP's calls for independence. In January 1973 Mancham contacted the General Secretary of the OAU pointing out that the SPUP is a minority party in Seychelles and therefore the OAU should refrain from providing financial and other assistance to it.³⁴ In the view of Governor Greatbatch, however, Mancham was only guessing on such assistance.³⁵

Political rivalry intensified under the new governing structure from the beginning of 1971 to 1974, when the SDP finally accepted the decision for Seychelles to become an independent country. Rene, during a visit to London in September 1971 had expressed the view to officials of the Overseas Development Administration (ODA) that the Government was adopting a policy of 'freezing out' the opposition from

³⁰ Telegram 171 to Secretary of State from Governor of Seychelles, U.K Mission New York's telegram No. 1316 and my 169, 4 July 1969.

³¹ Shillington K (2009) History of Modern Seychelles. Macmillan Publishers Ltd. p90-91

³² McAteer W (2008) Ibid, p330

³³ Lane's report – (FCO Mancham) of 8 Oct 1971.

³⁴ Telegram from Chief Minister's office, Reference 2041.

³⁵ Telegrams No. Personal 43 and 44 of 29.4.72, Reply of 29.4.72 and 4.5.72 – Exchange of telegrams between the Foreign and Commonwealth Office and the Governor, B Greatbatch.

participation in Seychelles development³⁶, which he found very unfair and frustrating. As a member of the Legislative Assembly, he claimed that he was not aware of what was going on, as all decisions were made within the Council of Ministers. The Governor's response³⁷ was that this was in the nature of the new constitution which they had all agreed upon, and that in any case he did not expect the "...extreme personal animosities" between the two leaders to improve. He observed that their tendency was to see political issues as conflicts between personalities. He further noted that he had "...never known any developing country where the Opposition were on anything other than very bad terms with the ruling party."³⁸

Notwithstanding the Governor's outlook, Rene continued in various fora, including the UN Special Committee, the OUA Liberation Committee and the British media, to press for independence and to express his dissatisfaction with the government and the ruling party. Reports from the Foreign and Commonwealth Office (FCO) to the Governor, about Rene's visit to London in September 1971 refer to statements he made about him and his party taking the option of "...mak(ing) life difficult if they wanted to" and noting that "[a] few lightning strikes and unfriendly welcomes for tourists could wreck the image of Seychelles as a great tourist centre".³⁹ Considering that a few violent actions had already occurred by then – the bombing of Radio Seychelles in May 1971 and two other bomb explosions (prior to the Queen's visit in March) on 14 February 1972, at Adam Moosa's shop and at the Reef Hotel – such statements were viewed by the government as threats of possible violent protests by the opposition⁴⁰. Suggestion that Rene's SPUP party was instrumental in causing the bomb explosions came out in the trial of Guy Pool⁴¹ who was accused of placing the bomb, and was convicted and sentenced to 12 years in prison, in late 1972⁴².

Workers' strikes by the Government Workers' Union in early April 1972, a few weeks after the Queen's visit for the opening of the airport, added to the contentious partisan politics of the time. The Union, originally founded under the auspices of the SDP, organized the strike calling for substantial pay increases, with the support of the SPUP. During speeches at the Esplanade, it was reported that Rene had suggested to the crowd of about 2,500 people that they had the option of going to see the Chief Minister at his office with regard to their grievances. A smaller group of strikers subsequently converged around the offices of Mancham and some of his Ministers for several hours and caused a riot. They were finally dispersed by the riot police using teargas. Mancham called for the SPUP leaders to be prosecuted and for tougher action from the police. He also deplored the involvement of a few Swiss Catholic priests who had supported the

³⁶ Report from Ian Watt of the Foreign and Commonwealth Office (1971) to the governor, Bruce Greatbatch. FCO/ (HGS 22/14) filed under FCO 40/509

³⁷ Governor's reply to Ian Watt of 29 September 1971, FCO/PF/95

³⁸ Ibid, p2.

³⁹ Reports to Governor, from Ian Watt, FCO, Visit To London By Mr. F.A. Rene, SUPU, 16 September 1971; and E N Belling, a British journalist in the Queen's journalist team, on 24 March 1972 following meeting with Rene.

⁴⁰ Ibid, Exchange of telegrams between the Foreign and Commonwealth Office and the Governor, B Greatbatch – March 1972.

⁴¹ He worked as a senior security guard at the hotel.

⁴² See the serialized reportage on the case in Seychelles Weekly newspaper, "The Guy Pool trial", from June 2006 to January 2007, accessed at <http://www.seychellesweekly.com/June%202022,%202007/Page%2018.html>, on 21 July 2022.

workers' demands and protests, as evidenced through articles in the Church's monthly *l'Echos des Iles* magazine. The Church was also considered as partisan, with the majority of the priests showing support for the SDP and a small group of the younger ones showing greater allegiance to the SPUP. To counter the actions of the young Swiss priests Mancham proposed that the Government should introduce a system of work permits for priests for stricter control, something the Governor did not allow.⁴³

At the end of April 1972 Mancham travelled to London to express his various concerns to the colonial office. It should be noted that the portfolio for internal security was directly under the Governor. In response to the FCO reports of Mancham's visit, Governor Greatbatch stated that Mancham had wanted "...tough action against opposition regardless of evidence or rule of law"⁴⁴, and went on to explain that Mancham "...basically objects to Police impartiality as he wants police to arrest Opposition supporters regardless of evidence while any action against his own supporters on evidence leads to angry protest."⁴⁵ The Governor also added that he had repeatedly told Mancham that the Police had to be impartial and he was not to interfere – an issue that was to resurface after the coup d'état of 1977 under the one-party system⁴⁶.

Plans to strengthen the effectiveness of the Police Force were put forward soon after the incidents of April 1972. The colonial government agreed on reorganizing the Police structure -including the appointment of a deputy commissioner; upgrading the quality of the Force by establishing a police training school and also the setting up of a Dog Section project⁴⁷. In his testimony before the TRNUC Mr. Eric Chang Waye⁴⁸ recalled that in August 1972 the Dog Unit was established at Union Vale. Its principal objective was to assist with the tracking, searching, and recovery of articles such as drugs and missing persons, as well as the detection of explosives. Mr. Chang Waye was among the first group of four constables who were sent to UK in April 1972 for training for the Unit, and in June 1973 he was promoted to the rank of Inspector and was placed in charge of the training and care of the Dog Unit. He remained in this position until 1976 when, he recalled, there was a transformation of the Police Force, with all senior officers from different sections being required to undertake a training program at the Police training school on Praslin delivered by British advisors. The purpose of the training was to build up the capacities of the police officers as the country moved to independence.

2.3 Independence

With the appointment of a new governor, Colin Allan, in 1973, Mancham took the opportunity to seek the colonial government's confirmation of its position regarding Seychelles. In his speech at the swearing-in ceremony of the new governor he stated his preference and asked for a decision as follows:

⁴³ Report from Governor Greatbatch to AC Stuart of the FCO, PF/96, of 16 October 1973.

⁴⁴ Telegrams No. Personal 44 of 28 April 1972 from Governor Greatbatch; and Telegram No. Personal 43 to Governor of 28 April 1972.

⁴⁵ Telegrams No. Personal 47 of 4 May 1972 from Governor Greatbatch.

⁴⁶ See Chapter 5, under Section 5.4 – Politicizing of the Police Force, p89.

⁴⁷ Telegram No. Personal 47 of 4 May 1972, from Governor Greatbatch to FCO.

⁴⁸ Case 286, Hearing No.130 on 24 November 2020.

Britain's actual policy as declared in the United Nations, to the effect that she stands ready and willing to grant Seychelles independence whenever a majority would vote for it, presents a situation which can only be to the advantage of the opportunists. The perpetuation of this situation means carrying on living in an atmosphere of uncertainty and fear, of threats and confusion, if not of bomb explosions. We must put our house in order. We must have a clear view ahead. Above all we must forever ensure that the opportunists are never given the opportunity of dominating the wish of the majority. The sooner Britain tells us squarely what she has in mind for us, the better. We want closer ties. Will she give this to us, and if so, when?⁴⁹

Within a few weeks the Governor confirmed that Mancham was to go to London in early March 1974 where he would be provided with the answers he sought. In London he was informed by Dennis Grennan, an advisor on decolonization to the newly elected Labour government, that integration with Britain was not an option, and that he "...should go for a policy of independence as early as possible".⁵⁰ Having finally acknowledged that he had no other choice, Mancham returned to Seychelles and informed his party members accordingly. The next evening, he explained the situation to the population over the radio and proposed the holding of early general elections. These would be followed by another constitutional conference with the British government to determine the Constitution that would take Seychelles to independence.

From the time of Mancham's appointment as Chief Minister in 1970 the British authorities had consistently maintained that 'associated status' was a most unlikely option but Mancham seemed very reluctant to accept this position⁵¹. At the same time there was clear indication of a certain level of indecisiveness on the part of the British colonial government about the immediate future of Seychelles: while their professed policy was that "...the wish of the people must be the main guide to action"⁵² there appeared to be a lot of prevarications, even when Mancham proposed a referendum to determine what the people wanted, a suggestion that was ignored by the colonial government⁵³.

Early general elections (due by the end of 1975) were called for 25 April 1974, under the same conditions as in 1970 (of seven double-member constituencies of various sizes, plus one single-member constituency) with no change in electoral boundaries, in spite of insistent requests for change made by Rene on several occasions. Rene and Guy Sinon had also tried to table this issue during meetings with officials of the FCO in March 1974 during their visit to London, but nothing changed. The SDP won thirteen seats with 52.4% of the votes while the SPUP got only two seats with 47.6% of the votes, an increase of 3.6% for the SPUP compared to results of the 1970 election. This was to be the last multi-party elections for the next nineteen years.

⁴⁹ Mancham J (1983) *Paradise Raped*. Methuen, London Ltd. London. p113.

⁵⁰ Mancham J (1983) *Ibid*, p115; Shillington K (2014) *Albert Rene, the Father of Modern Seychelles- a Biography*. UWA Publishing, Australia, p173.

⁵¹ Numerous communications between the FCO and the Seychelles Governors between 1972 and 1974 make that clear.

⁵² FCO Note of 4 October 1971, about the Chief Minister's Visit, from DN Lane to ICL Alexander.

⁵³ McAteer W (2008) *Ibid*, p340 – 343.

The constitutional conference was held in London in March 1975 chaired by the Parliamentary Under-secretary at the FCO, Jane Lestor. A group of 22 participants from the two main political parties attended the conference – 12 from the SDP and 10 from the SPUP, including their party leaders. An interim constitution was approved and it was agreed that a coalition government would be set up, no fresh elections would be held and the new government would lead the country to independence no later than 30th June 1976. The proposal for a coalition government appears to have come from the British representatives and Rene originally⁵⁴, the latter's main motivation being his frustrations with the 1974 election results and considerations of alternative means for the SPUP to come to power. As stated in his biography, this led him to conclude that:

...if he was to be denied the opportunity of fulfilling his mission to transform Seychelles by constitutional means, then he would have to pursue it by non-constitutional means. In other words, he would have to seize power by coup d'état. He himself has acknowledged that the broad outline of this fateful decision was made in the immediate aftermath of the 1974 election⁵⁵.

The decision to move to a coalition government surprised the majority of people in Seychelles, considering the intense and divisive party rivalry that had existed since 1964. Mancham maintained that the idea was presented to him by Ms Lestor and the British representatives⁵⁶ practically as a *fait accompli* and that his party colleagues had very mixed feelings about the idea of a coalition with the SPUP. Eventually Mancham came to the conclusion that it might be a way of bringing about national reconciliation, as implied by the British government. In the view of James Michel⁵⁷, however, the coalition with the SDP was "...a fudged decision that could never last". He noted that Rene also managed to persuade Mancham to opt for the country becoming a republic at independence, as "...a shrewd move with an eye to a different future as, with the Queen no longer Head of State in such a system, it would be easier to effect a political coup should that become necessary."⁵⁸

In his evidence before the Commission Mr. Roch Chang-Time⁵⁹ recalled meeting with a group of SPUP delegates returning from the March 1975 Constitutional Conference in the Heathrow Airport departure lounge. The group included Ogilvy Berlouis, Mathew Servina and Philibert Loizeau, and he noted, as he knew them quite well, they got chatting. Mr. Chang-Time was a police officer serving with the CID at the time and he was heading home after a four-month training program in UK. He recalled at one point Ogilvy Berlouis making the remark: "we've already ditched him in a hole", referring to Mancham and the SDP. Mr. Chang-Time was rather surprised and asked: "which hole?" And Berlouis explained that they'd forced Mancham to accept independence for Seychelles as a republic, and then he added: "as soon as we take over we're going to chuck him out". Upon resuming his post at the CID Mr. Chang-Time wrote a report about

⁵⁴ Mancham J (1983) *Ibid*, p133; Shillington K (2014) *Albert Rene, the Father of Modern Seychelles- a Biography*. UWA Publishing, Australia, p

⁵⁵ Shillington K (2014) *Ibid*, p.180

⁵⁶ Mancham J (1983) *Ibid*, 132-133.

⁵⁷ Michel J (2011) *Distant Horizons- My Reflections*. Rila Publications, London, p 80.

⁵⁸ Michel J *Ibid*, p 81.

⁵⁹ Case 127, Hearing No.128 on Friday 20 November 2020.

this incident and handed it over to the Commissioner of Police, Mr. T. Booth. He advised the Commission that he checked on the follow up to his report a while later but he heard nothing more.

The evidence before the Commission, including Albert Rene's own speech to his recruited group of men on the night of the Coup D'état (as set out in Chapter Three below), establishes that Albert Rene – whatever his motives - had been planning the implementation of a coup d'état for a least two years prior to the granting of independence. As Gonzague d'Offay, then a Minister in the coalition government, asserted before the Commission⁶⁰ Rene only pretended to concur with the idea of a coalition; meanwhile he was training people to stage a coup. In Mr. d'Offay's view, Rene had his own selfish ambitions but Mancham did not see this and he put too much trust in Rene.

The new coalition government was sworn in on 1 October 1975 at Government House. Mancham became Prime Minister and Rene, as leader of the minority party, was appointed as Minister for 'Works and Land Development'. Ten new members, five from each party, were nominated to the Legislative Assembly and six new ministers were appointed, including four from the SPUP. The final part of the Constitutional Conference in London in January 1976 decided on Seychelles - including the four islands that had been made part of the BIOT since 1975 - becoming an independent republic within the Commonwealth at midnight on 28th June 1976. Mancham was to become the executive President, and he would appoint a Cabinet of Ministers from among members of the Legislature, with Rene as Prime Minister. The Chief Justice and the president of the Court of Appeal were also to be appointed by the President. As observed by McAteer⁶¹, "...although political pluralism was protected by the Constitution, Seychelles was in fact to be governed as a one-party state. There was no provision for a Leader of the Opposition."

2.4 The First Republic

At independence on 29 June 1976 the coalition government was expected to run for another three years before fresh elections were due to take place, in 1979. This had also been agreed upon at the Constitutional Conference of January 1976. The last election had taken place in April 1974 and according to the 1976 Constitution elections were to be held every five years⁶². Work was in progress for a five-year development plan, land had been purchased for housing and agricultural development, and Mancham believed that with the approaching first anniversary of independence the government could congratulate itself "...on the fact that things were progressing."⁶³ According to the evidence of Paul Chow⁶⁴, an advisor to President Mancham at the time, the economy was doing particularly well between 1974 and 1976, with large increases in investments and a lot of money in the banks. In his view Mancham was happy with the coalition and he tried hard to 'integrate' with Rene and to give him as much leeway as possible.

⁶⁰ Hearing No. 93, on Friday 24 July 2020.

⁶¹ McAteer W (2008) *To Be a Nation – The History of Seychelles 1920-1976*. Pristine Books, Seychelles, p373.

⁶² 1979 Constitution of Seychelles.

⁶³ Mancham J *Ibid*, p 193

⁶⁴ Paul Chow, Hearing No.64 on Thursday 28 May 2020 as general witness.

This outlook of optimism is clearly expressed in the ‘Seychelles Handbook’, produced in June 1976 by the President’s office⁶⁵. It provides an overview of the government’s responsibilities and outlines the main aims of the coalition government during its first mandate. It refers to the country’s economic development plans for the period of 1976 to 1980, drawn up by the coalition government and being in the process of implementation by the various ministries. In his introduction to the Handbook President Mancham stated that the main aims of the development plans were to diversify the economy and broaden its base, so as to earn more foreign exchange, reduce the reliance upon imports and create more job opportunities.” The overriding purpose of the plan was to “...improve the standard of material well-being of the community and to widen opportunities for a further and more varied life that the future should present to its members.” He noted that his government’s duty was to make Seychelles “...if not a wealthy country, then at least a prosperous one with stability and without poverty.”⁶⁶

Dr. Maxime Ferrari, Minister for Labour and Social Security in the coalition government concurred that this arrangement had brought about “...greater tranquility” and “...less tension in the air”.⁶⁷ However, he also observed that at independence in June 1976 “...(T)he people nevertheless remained cautious and, on both sides, did not show great trust in the leaders.”⁶⁸ As the coalition government progressed, he noted that “...people were becoming more uneasy. They didn’t quite know what to think of the artificial political situation where the leaders appeared insincere.”⁶⁹

Daniel Belle⁷⁰ a leading member of the SDP who took over from Mancham as Legislative Assembly representative for Victoria North in 1976, believed that the coalition government did help to make the country move ahead and reduce the fear of violent actions linked to political rivalries. He noted Mancham’s growing trust in Rene as they progressed, and the rapid growth in tourism as a result of direct foreign investments promoted by the coalition government and Mancham personally during his many overseas trips.

Mr. Gonzague d’Offay also spoke of the progress being made under the coalition government and claimed that by 1975 the Government had already built a lot of low-cost housing, 1000 houses had been built and plans were in place to build more. According to Mr. d’Offay, everything was working out well in the country, tourism was doing well and there was increased foreign investment resulting from the political stability of the country.⁷¹

Rumours of a planned coup and the disappearance of Gilbert Morgan

Rumours of a plan by the SPUP to overthrow the coalition government through a coup d’etat had already surfaced in early 1977, in particular in relation to the disappearance of Gilbert Morgan in the evening of 7th

⁶⁵ President’s Office (1976) Seychelles Handbook. Government Printer, Union Vale.

⁶⁶ President’s Office (1976) Seychelles Handbook. Government Printer, Union Vale, p(iii).

⁶⁷ Ferrari M (1999) Sunshine and Shadows – A Personal Story. Minerva Press, London, p125.

⁶⁸ Ferrari M Ibid, p133.

⁶⁹ Ferrari M Ibid, p143.

⁷⁰ Hearing No.183 on Thursday 22 July 2021, as a general witness.

⁷¹ Gonzague d’Offay, Hearing No. 93 of Friday 21 July 2020, as general witness.

February 1977⁷². Based on the evidence before the Commission, it is clear that Mr. Morgan was privy to the coup plans being made by Albert Rene, that he was recruited to the group by Raymond Bonte and Phillippe d’Offay and that he deliberately took actions to foil Mr. René’s plans to implement a coup by disclosing the plans to President Mancham. It was also alleged that he did this possibly for the purpose of opening the way for his own plans to launch a coup and install himself as President. The Commission notes that his wife, Mrs. Sylvia Morgan, recalled that back in 1975 Mr. Morgan was getting interested in politics, and he occasionally had small group meetings outside on a vacant property near to their home, together with Phillippe D’Offay, Raymond Bonte, a guy called Jamaican, and Tata Desaubin.

Mrs. Barbier-Hassan⁷³ who was working as personal secretary to Mr. David Joubert, Minister for Tourism and Aviation at the time, informed the Commission that they had received warnings of the planned coup from Gilbert Morgan in early 1977. Morgan had called at Mancham’s office, which was in the same building as hers, and informed him. Mr. Joubert told her that he was also aware of Morgan’s warnings. She claims that Joubert tried to persuade Mancham to take the situation seriously but to no avail, even after Morgan’s disappearance.

Such warnings are confirmed by Mr. Bill Mohamed⁷⁴, a member of the Police Special Branch and bodyguard to Mancham at the time. Mr. Mohamed stated that Mr. Morgan had informed Mr. Mancham that Mr. René and colleagues were doing gun practice on Recifs Island and that Mr. Mancham thereafter told Mr. René what Mr. Morgan had told him about this, naming Mr. Morgan in the process. Mr. Mohamed added, however, that many people had told Mr. Mancham that Mr. René was planning a coup, and every time someone told him about this, Mr. Mancham called Mr. René and informed him of what he had been told, even mentioning the names of the people who had told him. Mr. Mohamed attributed this to Mr. Mancham being oblivious to security concerns. Mr. Mohamed also recalled telling Mr. Mancham about a report he had received about bullet casings having been found on Recifs Island, and in front of him Mr. Mancham called Albert René and told him what he had heard from Mr. Mohamed. According to Mr. Mohamed Mr. René told Mr. Mancham to stop believing “those stupid things”.

Gun practice on Recifs Island was confirmed by Mr. John Pool in a sworn statement to the Commission on 10th March 2020. Mr. Pool, along with three friends often went fishing as well as poaching birds and rabbits on Recifs Island in their fiberglass boat. He and one of his friends worked at the Supreme Court at the time. He recalled going there early one Saturday morning in late May 1977 and after catching bagsful of birds and rabbits they heard someone calling them. A man emerged from the bushes carrying a shotgun. He greeted them and introduced himself as the guard on the island working for the government, and said that he would not report them as he was also Seychellois, but he asked them to leave the island. Meanwhile one of Mr. Pool’s friends, Guy Mondon (deceased), recognized the person as ‘Tinal Marengo’ and they started having an argument. After taking a look around they realized that there were other men with guns, including

⁷² See Cases 31, 32, 33 – Sharon, Derek and Sylvia Morgan, Case Determination, Volume III.

⁷³ Marie-Ange Barbier-Hassan, Hearing No.244 on Monday 17 January 2022, as general witness.

⁷⁴ Hearing No.95, on Tuesday 28 July 2020, and additional sworn statement.

Phillipe d'Offay. They decided to leave before anything else could happen and as they got to their boat they saw a speedboat nearby with Phillipe Lucas on board. Lucas tried to hide behind a gunny bag.

Mr. Pool stated that a few days later he was approached by Mr. Antoine Lau-Tee, the CID investigator in the case of Gilbert Morgan, for a statement, after Mr. Lau-Tee had been informed of the incident by Guy Mondon. Mr. Pool was too scared to do so but learnt later on that Mondon had actually accompanied Lau-Tee to Recifs in relation to his investigations. Mr. Pool also noted that they did not divulge that they had been catching birds and rabbits on the island as this was not allowed. He also claimed that following this incident, he and Mr. Mondon were spied upon by the Special Branch. He alleged that Rolly Marie, a coup participant, sent Special Branch members to spy on them, to make sure they did not tell anyone about what they had seen.

Mr. Antoine Lau-Tee⁷⁵ informed the Commission that he received evidence from Mr. John Pool and some other fishermen that prior to the coup they were fishing at Recifs when they observed several people in a boat. The persons in the boat pointed guns at them and told them to leave. Mr. Pool advised him that the guns were not hunting guns but “big guns like AK-47s”. Mr. Lau-Tee wrote a report and gave it to Special Branch.

Mr. Solano Savy gave evidence⁷⁶ that he was an officer in the Police Mobile Unit who had been asked to assist with the search for Gilbert Morgan who disappeared on 7 February 1977 from the Reef Hotel bar. He claimed that they received information that ‘strange activities’ were taking place on Recifs Island and he and other police officers took a small police boat called ‘Hirondelle’ to the Island. He had to swim ashore and there they saw stands that had been erected for target practice with guns; there were empty bullet shells everywhere on the ground, along with dead birds and dead rabbits. They picked up some of the items as exhibits which were handed over to his sergeant who made a report to Special Branch. Mr. Savy claims that they discovered afterwards that in Special Branch at that time about half of the officers supported the coup d’etat. Later they heard that Mr. Mancham, before he left for England for the last time, had enquired from his Prime Minister as to the activities on Recifs Island, and Rene had told him that people were shooting birds and rabbits to eat. Mr. Savy noted that Mr. Mancham was a person with a good heart and he couldn’t envisage anyone with a nasty heart.

While Mancham claimed that his aim during that period was to settle his party’s differences with Rene’s and work together through the coalition government, he admitted that he had received warnings from various sources about a take-over plot in the making⁷⁷. These included information from the CIA, the American Charge d’Affaires of that time, Greg Matson and President Kenyetta’s Ambassador at Large, Bruce McKenzie. The latter had come to Seychelles in April 1977, especially to warn Mancham of a planned coup by Rene, with Tanzanian assistance, and he told Mancham that his best option was to “...do him before he does you”.⁷⁸ Mancham observed that McKenzie was being melodramatic but nevertheless

⁷⁵ Antoine Lau-Tee – Hearing No.31 on Jan. 06 2020, and Hearing No.34 on Jan.09 2020.

⁷⁶ Hearing No.2 on Tuesday 10th September 2019.

⁷⁷ Mancham J R (1983) Paradise Raped. Methuen Ltd, London, p12 – 13

⁷⁸ Mancham J R (ibid) p12

he was worried. He was negotiating for intelligence assistance from the CIA, but for various reasons this did not materialize in time. It appeared that, overall, Mancham trusted the loyalty of his Prime Minister, and so he departed for the Commonwealth Heads of Government Conference on 31st May 1977.⁷⁹

Barely a year after independence, in the night of 5th June 1977, the coalition government was deposed in a coup d'état led by the Prime Minister, Albert Rene, and a small group of twenty-one SPUP activists while Mancham and most of his ministers were in London attending the Commonwealth Heads of Government conference and celebrations of the Queen's Silver Jubilee. In interviews reported in Rene's biography⁸⁰ Rene confirmed that he had the support of the Tanzanian government and he received assistance in the form of firearms, uniforms and military training during the preparatory stages, as well as military backup and further training of the newly established army afterwards. He also explained that he had actually transported some of the small arms from Tanzania in his personal luggage using his diplomatic privileges⁸¹. President Julius Nyerere was a strong advocate of 'Africanised' democracy through one-party systems. He was the first head of state to visit Seychelles a few days after the coup⁸². Rene also had the support of Paul Berenger, leader of the MMM of Mauritius who 'happened' to be in Seychelles at the time of the coup. He was observed among Rene's group at Central Police Station on the day of the coup by Mr. John Dookley, then a police officer on duty.⁸³

⁷⁹ He would not return to Seychelles until Sunday 12 April 1992, at Rene's invitation, after the government had agreed to moving back to a multiparty system. See Chapter Seven, 7.1 Return to Multipartyism, p120.

⁸⁰ Shillington K (2014) Albert Rene – The Father of modern Seychelles – a biography. UWA Publishing, Western Australia, p200.

⁸¹ This is also confirmed in his address to the coup team at l'Exile on the night of the coup.

⁸² Michel J (2011) Ibid, pp84 – 89.

⁸³ See Case 125 John Dookley, in Volume III.

Chapter Three

3 The Coup d’Etat

In order to understand the events that resulted in the widespread abuse of human rights in Seychelles, necessitating the establishment of the TRNUC, the Commission sought to obtain as much evidence as possible about the coup, its planning, its participants, its implementation and the justifications for it.

3.1 Planning and Preparations for the Coup

In his first two addresses over the national radio after the coup, Rene maintained that he had been asked by the armed men involved to form a new government, and after some serious considerations he had accepted. According to all sources consulted and as confirmed in his biography¹, this was totally untrue. The justification provided is that it was “...a deliberate ploy to give as much legality to the new government as possible”². Phillippe Lucas³ supposed that Rene was not going to put himself into a trap: if the team had failed, he would have denied any responsibility, saying he never sent anyone to take over the country. James Michel⁴ stated that “Rene was the architect of the coup...” and he had “...handpicked an inner circle of nine collaborators whom he knew he could trust” – Michel included. Michel further explained that Ogilvy Berlouis was the second in command and he was also the SPUP permanent representative to the OAU Liberation Committee, based in Dar es Salaam since 1974.

Berlouis underwent military training while in Tanzania and he was also responsible for the secret recruitment and military training of potential coup participants, with the support of the Tanzanian government. As described in “History of Modern Seychelles”⁵, while living in Tanzania, Berlouis organized for the training of three of the nine “collaborators”, MacDonald Marengo, Raymond Bonté and Philippe Lucas, by the Tanzanian military, from January 1977. James Michel was also sent for some military training in Zanzibar. All nine collaborators had to recruit volunteers from amongst SPUP supporters in their communities just before the planned coup. Some military training was provided for selected recruits on Recifs Island by the three trained ones⁶. The recruits were apparently not told what they were volunteering for, except that it was for a special project for the SPUP⁷.

¹ Shillington K (2014) Albert Rene – the Father of Modern Seychelles, a Biography. UWA Publishing, Australia. pp199-206.

² Shillington K (2009) History of Modern Seychelles. Macmillan Publishers Ltd, Oxford. p124.

³ Hearing No.29 of Thursday 14 November 2019.

⁴ Michel J (2011) Distant Horizons – My Reflections, p85 – 87. Rila Publications Ltd, London. Also in Hearing No. 22 on Tuesday 5 November 2019.

⁵ Shillington K (2009) *Ibid*, p118 – 122.

⁶ Shillington K (2014) *Ibid*, p203. This was also noted by the police, having been informed by some fishers – as described on p24.

⁷ James Michel, Hearing No. 22 on Tuesday 5 November 2019, as general witness.

Philippe Lucas in his evidence before the Commission⁸ explained that he was Rene's driver, and as a member of the core group recruited by Rene for the coup, he received some training in gun handling in Tanzania, through a contact in the Tanzanian army introduced to him by the late Mathew Servina. While there he also met up with Ogilvy Berlouis. He was trained to use a Kalashnikov (automatic rifle) and he claims that he had also used a shotgun for hunting, prior to 1977 when people could have guns under license in Seychelles. Mr. Lucas stated that he had heard about gun training on Recifs Island but he was not involved. However, this is most likely untrue because he was seen there on a boat by Mr. John Pool and his colleagues.

Raymond Bonté explained to the Commission⁹ that he had been recruited by Ogilvy Berlouis to join the coup group. He was not aware as to when exactly the coup was to happen but he spent about a week in Tanzania in early 1977 where he received some training in how to handle guns. Mr. Bonté claimed that had he known about the details of the coup plans he would have informed Gilbert Morgan about it, as they were good friends – a view that the Commission totally refutes, considering the evidence provided in Case Determinations 31, 32 and 33 implicating Mr. Bonté as a perpetrator in the disappearance of Gilbert Morgan¹⁰. He explained that on the day of the coup his responsibility was to lead the group that was to take control of the Central Police Station in town, which they did successfully. Mr. Bonté noted that several high-ranking police officers had already agreed to support the coup, and so the takeover happened smoothly. He also observed that there was no debriefing meeting after the implementation of the coup d'état.

Maxime Ferrari¹¹ informed the Commission that as a member of the coalition government and Vice-President of the SPUP at the time, he was aware that the coup was coming, that something was going to be done to radically change the system in Seychelles. However, he claimed he had no idea of how it was going to be done until it happened. The plans were made by Rene, James Michel and Ogilvy Berlouis and everything was kept secret. He was told lies when he asked questions.¹² Finally he was put in the confidence of Mr. Rene only a few days before the coup. Rene had told him that Mr. Mancham would leave Seychelles to go to England and whilst he was flying over Sudan he would be overthrown. Later on, Rene told him that he had postponed it for a day or two, for the takeover to happen on a Saturday when Mancham would already be in London. Dr. Ferrari was therefore aware of the planned coup d'état and he made sure not to disclose what he had been told¹³. It is also to be noted that, like Rene, Dr. Ferrari had organized for his wife and some of their children to be out of the country at the time of the coup.

⁸ Hearing No. 3 on 11 September 2019.

⁹ Hearing No.29 of Thursday 14 November 2019.

¹⁰ See Cases 31, 32, and 33 Sharon, Derek and Sylvia Morgan, in "Verbatim Report of Seychelles Coup by Acting Commissioner of Police P J Somerville (On Secondment) From Metropolitan Police", from British Archives.

¹¹ Hearing No. 1 on 9 September 2019.

¹² James Michel confirms this in his book 'Distant Horizons' p87 that Dr. Ferrari "...had an inkling of the impending coup, but he was not aware of the full details, being informed of exactly what would happen on the night itself."

¹³ This is also confirmed in his book "Sunshine and Shadows" p143.

In his testimony before the Commission Mr. James Michel¹⁴ also claimed that only a few members of the coup plotters knew when exactly the coup was going to happen, and it did not include Dr. Ferrari, because he talked too much. He also confirmed that four members of the group¹⁵ received gun training in Tanzania - including himself in the use of SLRs (self-loading rifles) – and this was organized by Ogilvy Berlouis who was representing the SPUP in Dar es Salaam. Mr. Michel further noted that shooting exercises were done on Recifs Island for other recruits to the group in early 1977.

In his address to the coup participants at his home at l'Exile in the night of 4th June 1977, Rene noted that the coup had been in preparation for the past two years, arms had been brought into the country secretly and they already had the support of the police. He also acknowledged the presence of certain police officers at their meeting that night (See Rene's speech below at Section 3.2). Support for the coup by the police is also confirmed by James Michel.¹⁶ The reports of the Police Commissioner Michael Rowling and the Acting Commissioner of Police, P.J. Sommerville, who was standing in for the Police Commissioner at the time of the coup, provide further details of who these officers were, as outlined further below.

Mr. Rowling's report of the "Seychelles Coup d'Etat"¹⁷ outlines a number of reasons for the weakening of the Police Force that he noted "...may have contributed to the ease of the coup". Among various factors he highlighted the undermining of police integrity and impartiality by politicians, in the years before and after independence, as the politicians expected loyalty from the local officers. This was exacerbated by the attitudes of Mancham – both as Prime Minister and then President – who expected total loyalty from the police force. In his view "...Mancham would not accept under any circumstances that Seychellois officers should show loyalty to anyone other than him, before or after independence."¹⁸ He provided several examples of instances where Mancham "...broke all the basic rules of management" by direct interference in the work of the Force, especially after independence. He cited instances where Mr. Mancham would invite local officers of various ranks to State House and discuss police-related matters without informing their superiors and encouraged them to by-pass the Commissioner and his Deputy; they were sometimes also given drinks and money while on duty. Mr. Rowling noted that this "...inevitably created divisions within the Force and angered the junior officers who did not receive favours."¹⁹ He also pointed to the limitations of the Special Force (then the only armed unit of the Police Force) in terms of numbers, capacity, training and limitations in providing the unit with appropriate accommodation that would enable them to come together quickly – the latter being an issue that the government of the time had failed to address. However, in spite of all the shortcoming of the Force, Mr. Rowling was of the view that:

¹⁴ Hearing No.22 of Tuesday 5 November 2019, as general witness.

¹⁵ Phillipe Lucas, Raymond Bonte, Macdonald Marengo and James Michel.

¹⁶ Hearing No.22, *ibid*.

¹⁷ Michael Rowling: Seychelles Coup d'Etat. 15 June 1977. Report sent to the Overseas Police Adviser of the Foreign and Commonwealth Office, in confidence. Note: Mr. Rowling was out of the country on leave at the time of the coup.

¹⁸ Michael Rowling: Seychelles Coup d'Etat. 15 June 1977. Report sent to the Overseas Police Adviser of the Foreign and Commonwealth Office, in confidence. p2.

¹⁹ *Ibid.*, p2.

“...the existing resources would have been sufficient to overwhelm instantly an attack of the kind reported on 5 June. It is inconceivable to me how in Seychelles, a place renowned for gossip and lack of privacy, that the attack could be planned, prepared and take place without Special Branch knowledge. The failure to gather, record and pass on information concerning the coup must raise the most serious doubts about the probity and integrity of Special Branch officers from the top to bottom.”

The Commission received evidence in relation to Cases 31, 32 and 33²⁰ that Rolly Marie, also determined to be a perpetrator in the disappearance of Gilbert Morgan, was acting as a mole while he was an officer in Special Branch prior to the coup. Unbeknownst to the Special Branch leaders he was passing on information to Albert Rene while at the same time providing certain reports of SPUP activities to suggest that he was keeping the SPUP under surveillance.

3.2 Motivations for the Coup

Reasons vary as to why some people supported the Coup d’Etat. It was claimed by Dr. Ferrari²¹ that Mr. Mancham wanted to create a one-party state (a reason given by Rene for the coup in his speech over the radio in the evening of 5th June 1977). and this was made clear through speeches in the Legislative Assembly. In particular he identified a speech made by Mr. Emmanuel Moulinie, an SDP member of the Assembly, who proposed that they should become united into one party and forget about an opposition, since they were doing very well in the coalition. Dr. Ferrari claimed that this disturbed him, as Mancham had also suggested postponing the 1979 elections on the pretext of allowing for more time for the implementation of the national development plans. He also referred to earlier events which undermined his trust in Mancham: he noted that after the elections of 1974, in which the SDP won 13 seats and the SPUP won only 2 seats in spite of receiving 47.6% of the votes, people started revolting in town. There were demonstrations of workers coming together and going to Mancham’s office and throwing stones. The police arrested some of them and Mancham was a bit disturbed. The SPUP representatives requested a meeting with him, and Dr. Ferrari claimed that during this meeting Mancham said “If you don’t behave, I will lock you up”. Dr. Ferrari claimed that all of these factors precipitated his personal support for the coup d’etat of 1977.

However, Mr. Daniel Belle²² expressed the view that through the coalition Mancham already had power over the two parties and he was gaining in popularity in any case. He believed there was no reason for Mancham to postpone the 1979 election as he was most likely going to win. He further observed that in the end it was Rene who wanted to be president for life, through the one-party system he put in place. Gonzague d’Offay also informed the Commission that Mancham never wanted a one-party state and never wanted to be President for life. Mr. d’Offay was categorical before the Commission that Mancham was not that type of person.²³ Notably, Dr. Ferrari also informed the Commission that the SPUP thought that they would not win an election because they had the impression that the United Kingdom Government was still sustaining

²⁰ See Cases 31, 32, and 33 Sharon, Derek and Sylvia Morgan, Determination in Vol III.

²¹ Hearing No.1 on Monday 9 September 2019.

²² Hearing No. 183 of Thursday 22 July 2021.

²³ Gonzague d’Offay, Hearing No. 93 of Friday 24 July 2020.

Mancham and would not allow Rene to get into power. According to Dr. Ferrari this is what encouraged Rene to take power via a coup.²⁴

The Commission sought to access the speeches referred to by Dr. Ferrari from the Legislative Assembly to ascertain the veracity of his claims but it was advised that they could not be found in the Assembly's archives. However, a report from Governor Greatbatch (1970 to 1973) to the Foreign and Commonwealth Office (FCO) mentions Mancham's wish, as Chief Minister, to have "...control of law and order which would enable him to lock up and destroy the opposition"²⁵. The Governor surmised that Mancham's urge to have such control may well drive him to seek independence for the territory, as "[T]he thought of himself as Head of State also gives him much pleasure!"²⁶

Other witnesses gave different reasons for their support and involvement in the Coup D'état. Philippe Lucas²⁷ advised the Commission that Mr. Rene was his boss, he was his driver and Mr. Rene had told him there would be a coup and that he should take part in it, but Rene didn't talk much about his plans for the coup. Mr. Lucas recalled how a few weeks before the coup he had taken Mr. Rene to a meeting at State House, and when he came out Mr. Rene looked very disturbed. Along the way to l'Exile he told Mr. Lucas that Mancham had really made him angry; he had told Rene that he should remain Prime Minister for life, and he, Mancham, would stay as President for life. Then, a couple of weeks after that incident Mr. Rene said to him: "that day, our day is close."

Mr. Rolly Marie²⁸, then a sergeant in the police Special Branch, advised the Commission that he was approached by Mr. Rene in early 1977, and Mr. Rene expressed his dissatisfaction with the government that he was a member of, and Mr. Marie was sympathetic to his views. They met again in April, when there was mention of the coup, and on 4th June 1977 Mr. Marie was told by Mr. Rene that he would be operating a walkie-talkie and should report everything to Mr. Rene. Mr. Marie claims that he was not aware of Mr. James Michel's role in the coup being also related to communication, until after the coup. He accompanied Mr. Rene to 'Radio Sesel' during the day on 5th June and there were three to four other walkie-talkies in operation. While giving the impression that he only assisted Mr. Rene on the technical aspects, Mr. Marie was a known active member of the SPUP and, as indicated above, suspected by the Police authorities of being an informant for quite a while before the coup²⁹.

Mr. Donald Bertin³⁰ informed the Commission that his participation in the Coup was motivated by his hunger and general poverty. At the time he was employed by the company Bodco as a painter and life was always a struggle. He couldn't remember who recruited him to the group, and he claims that he was not

²⁴ Ibid.

²⁵ B. Greatbatch – Report of 'Meeting in London on Seychelles Affairs' held on Friday 20 July 1973, sent to the Hong Kong & Indian Ocean Department of the FCO, on 20 September 1973.p2. From British Archives.

²⁶ *Ibid.*, p2.

²⁷ Hearing No.29 on Thursday 14 November 2019.

²⁸ Hearing No. 29 on Thursday 14 November 2019.

²⁹ Verbatim Report of Seychelles Coup by Acting Commissioner of Police P. J. Sommerville (On Secondment from Metropolitan Police) Sunday 5th June 1977. Appendix A.

³⁰ Hearing No. 16 on Monday 14 October 2019 and Hearing No.23 on Wednesday 6 November 2019.

aware of the coup plans until the evening of 4th June 1977 when he was called to a meeting organized at l'Exile. At that meeting the men were organized in groups of 15 to 20 members and they were explained what was to be done by Ogilvy Berlouis, Tinal Marengo and Phillippe Lucas. Rene joined the meeting later, towards the end. Mr. Bertin was part of the group led by Berlouis and Lucas, that was to take over the armoury at Mont Fleuri, and his job was to cut the fence and tie up people.

For other witnesses, the coup d'état was driven by the need for revolutionary change in Seychelles, to liberate the population through the adoption of a socialist form of Government. Mr. James Michel³¹ in his evidence before the Commission explained that there was an overwhelming need for radical social change. He observed that, as a member of the SPUP executive committee since 1974, they had fought for independence but that was not enough. While independence had brought a shift from colonial rule there was no social justice, the class system endured and land remained in the hands of a tiny group of people. He further expands on the need for the coup in his book³² thus: "...the creation of an egalitarian society was always foremost in our minds. A generational change was required. We realized that this could not be done overnight but the process had to be initiated."

However, given the extensive plan for social progress that had been adopted in the plans of the coalition Government in the Seychelle Handbook referenced above, it was more likely than not that Rene was tired of playing second fiddle and that, as numerous witnesses have testified before the Commission, it was the desire for power and control that primarily motivated the plans of Rene. Indeed, according to Gonzague d'offay, as Minister of Lands, Rene deliberately delayed the implementation of the housing plan set out in the Seychelles Handbook, which was to be funded by a close friend of Mancham, Adnan Kashoggi, in the realm of USD 59 million, as a means of justifying the coup.³³ As a result of the coup, that funding was not provided, and the plans outlined in the Seychelles Handbook were replaced by the aspirations of the SPPF Policy Statement: 'Onward to Socialism' published in September 1978³⁴.

It must also be noted that the 1960s and 1970s saw the end of the colonial period, when almost all former colonies of western European countries became independent states. This sometimes happened through negotiations and peaceful means but it could also be violent, resulting in social unrest and civil wars. Additionally, in many instances political succession in the newly-independent states took place through coup d'etats for a wide variety of reasons.³⁵

3.3 The Coup d'Etat – 4th and 5th June 1977

In the late hours of Saturday 4 June 1977, a group of armed men including Ogilvy Berlouis, James Michel, Macdonald Marengo (alias Tinal), Noel Marengo, Armand Kilindo, Maxwell Marengo, Allen Moustache,

³¹ Hearing No. 22 on Tuesday 5 November 2019.

³² Michel J (2011) *Distant Horizons – My Reflections*. Rila Publications Ltd, London, p111

³³ Gonzague d'Offay, Hearing No. 93 of Friday 24 July 2020, as general witness.

³⁴ *Onward to Socialism – SPPF Policy Statement*, September 1978, Government Press, Seychelles.

³⁵ See Mais, C. (2020) *Anti-Colonialism and Imperialism (1960's-1970's)* in Ness, I., Cope. Z (eds), *The Palgrave Encyclopedia of Imperialism and Anti-Imperialism*, Palgrave, Macmillan, Cham.

Norcy Chung Loye, Raymond Bonte, Philippe Lucas, Donald Bertin (alias Kadede), Amede Bonnelamme, Philippe D'Offay, Ogilvy Letourdie (alias Jamaican), Francis Rachel, Dambert Adrienne, Rolly Marie, Eric Zatte, Yvon Pool, Flo Payet, Raoul Albert and Claude Vidot (alias Ti Claude) joined together at the home of Albert Rene at l'Exile. Their purpose was to receive final instructions with respect to the execution of a coup d'état to overthrow President James Mancham. At the meeting the group leaders were provided with camouflage uniforms, a few weapons, mainly the AK47s brought into the country illegally, and, according to Philippe Lucas and Maxime Ferarri, they were also given small white pills and a tot of whiskey each.³⁶

The Commission received from an anonymous source a tape recording of a speech Albert Rene made to the men present at his home that night, prior to the implementation of the coup d'état of 1977. The tape was verified as authentic by former-President James Michel, when he appeared before the Commission on 5th November 2019. Former-President Michel confirmed that he was present at the meeting on the night in question and he had made the recording. The transcribed and translated speech reads as follows:

...you will understand why we're staying quiet, and now it is necessary for it to be done, because we had realized that there was no other way for it to be done, except one of these days – in the first instance we had to gain our independence, so that we could be on our own - one of these days we have to seize power because otherwise we will never be able to create a socialist system in this country to help everyone. And for us to do this we had to play a big game with Mancham, letting him believe that we were truly with him, and this has affected many of our supporters. I believe the man who just joined us here has also been affected.

But we had to do it for the simple reason that Mr. Mancham and his group, every time there was going to be an election they found all kinds of ways to turn it in their favour. Even if we hold elections in 1 year, 2 years, 3 years and everyone comes and tells us they will support us, when the time comes to vote (recording not clear) Mr. Mancham wins, as he has the backup of those people who prevent him from losing by giving him more money to make sure that their money is protected.

So, we've decided and it took us 2 years, slowly; for example there are a lot of people who asked us how we managed to get arms into the country. It is simple, we did it through the fact that I personally, I received them and I brought them over. I have travelled with them, and once I even gave them to the Chief of Police to carry. He didn't know, he came and took my bag and I let him do so... Good.

All of you, we contacted you all a while back, to check on your principles if (recording not clear) ...the party and the same principles we believe in. And what is happening tonight is that we have decided, okay, it is time for us to do a coup d'état in Seychelles. For us to do a coup d'etat in Seychelles it is necessary that we seize all the arms found in Seychelles. This is the first thing, and this is our first task

³⁶ Philippe Lucas gave evidence that he saw the pills and was told that they would make you strong. The pills were handed out when they were all together and were not given to everyone. He stated that he did not personally receive one but it was like a round Panadol. Dr. Ferrari gave evidence that he was told by one of the Coup participants, Dambert Adrienne, that he was given a small pill that looked like an aspirin and a little 'topet' of Whiskey.

tonight. Arms held at home are worth nothing, and men without arms are also worth nothing. As it is, even if there is the police, if they have no arms... (left unfinished). Secondly, as I've said, and as you all know, the police is with us. As you have seen for yourselves, there are certain police officers here this evening and there will be others who you will meet tonight who are also with us. All of this has taken time to nurture and to make sure that everything works in our favour.

Our way is clear, and up until now, from the last news I've received it is clear that there are no suspicions and we believe that everything will go very well. The biggest force will focus on Mont Fleuri where it is necessary for us to cut into and enter the armoury. And this man here now knows exactly what job he is going to do. And our job is to ensure that he has complete protection while he is doing this job. Once we've done this, the power will fall in our hands. After that each section leader knows exactly what to do, as they've told you how everything will work from there on. You have all received training in how to use the SLRs. Is there anyone who feels he cannot do it? Is there anyone among us who feels he still doesn't understand how this works? We would like to know because that is the same weapon we will find when we enter the armoury. We also have a bigger weapon, and that is a submachine gun. You have raised it up (addressing someone in the group) and this is an SLR, like the police has and we will get them later on, but for the time being we will use this.

All of us who are here, there is a point I want to make very clear: no one has taken any oath or whatever but the fact that we are here all together today makes us realize that no one will betray each other. If there is anyone who feels that he will be afraid when he gets there, or they will leave, or they will run away or anything, tell us now; because our code of work is that if one man escapes, we will shoot him. It could be me or any of us. Is that clear? (Yes, yes, they answered).

Because in our system there should be no unease; we have studied, we have spent much time together and now it is time to act. If there is anyone amongst us who feels they cannot proceed, tell us. Now, it is possible that some of us may not be feeling well, you can play a quieter role such as guarding but there is no going back at this point. Is everything clear? Is there anyone who would like to add anything? Good, do you all feel like you know everything about the SLR? Now, one last thing (recording not clear) as some of you will be proceeding openly, you will wear camouflage. I believe the best way is for the section leaders to get dressed first and then you will each take your men and they will do the same".

According to evidence received by the Commission from various sources³⁷, just before 2 AM on June 5th the men were sent to execute the Coup D'état. Their primary aim was to take control of the armoury at the Mont Fleuri police barracks, the Central Police Station, the Cable & Wireless headquarters in Victoria, the airport and the radio station at Union Vale. Ogilvy Berlouis commanded the group of men who were charged with taking over the armoury at Mont Fleuri, and it included Philippe Lucas, Amedé Bonnelame, Francis Rachel, Ogilvy Letourdie (alias Jamaican), Donald Bertin (alias Kadede) and Joseph Mellon. Mr. Mellon was assigned the job of cutting open the armoury door, which he attempted to do with an oxy-acetylene torch.

³⁷ See for example, Case: 001 Dorothy Chang-Him et al; Case: 122 Rock Jeanny, Case: 166 & 496 Winsley Joubert & Hagson Fred in Volume III.

Raymond Bonté was in charge of taking over the Central Police Station, where there was a small armoury that was taken over. He was also responsible for the detention of the senior British police officers at Central police station, prior to their expulsion from the country. Mrs. Nolla Beaufond³⁸ recalled her late husband, Ange Esparon's account of how he was ordered from Central to pick up the British police advisors who lived in the Beau Vallon region and to drive them to the central police station to be locked up. Mr. Esparon was in charge of the Beau Vallon region at the time and he had no choice but to do as he was told.

In his verbatim report to the Foreign and Commonwealth Office the Deputy Police Commissioner, P.J. Sommerville³⁹ gave details of his observations of the implementation of the coup while being detained at the Police Headquarters from about 2.15 that morning. He had been alerted by other officers of gun firing at the Special Force unit and he had gone to the H.Q. (at Central Police Station) to look into the matter. When he got there, he was grabbed by armed men in combat dress, searched roughly and his wrist watch and wallet taken away, after which he was locked up in a cell together with several other senior police officers. He identified Raymond Bonté, Philip D'Offay and others as the ones in charge, and observed that there were no uniformed police in sight in the station area where he was grabbed.

Mr. Sommerville noted that over the course of the morning more arrests of police officers followed, including Superintendent Sicobo, Stevenson who was in charge of CID, Mott – in charge of Special Branch, Stone of Special Force and DSP Fontaine who held the keys to the Central police station armoury. The armed men demanded the keys from Fontaine and when he hesitated, they pushed the rifle barrels into the cell and threatened to shoot. Mr. Sommerville instructed Fontaine to hand over the keys. The armoury was opened and all the weapons were taken away.

Over the course of the morning Mr. Sommerville noticed James Pillay walking past in uniform and sometime later Deputy Superintendent Fontaine was released from the cell and then he also went past in uniform. Loizeau and Ferrari were seen accompanied by armed men entering and leaving the Headquarters and they learned that Albert Rene was using the Police Commissioner's office as the "Operations Control Room". He noted that those "openly involved in organization" were Rene, Loizeau, Ferrari, Hodoul, Lo Pinto and Sinon, and from the Police side "Dept. Supt. Savy, Insp. Morin, Insp. Charles were all actively engaged in controlling operations"⁴⁰. Mr. Sommerville asked to speak to Rene on several occasions but he was refused. In the afternoon all the British officers and the Chief Justice were taken to the airport under armed escort and sent back to UK on an Air France flight.

James Michel noted that he was responsible for securing the port as well as for communications generally. In his account of the coup⁴¹ he also observed that he and his team had to ensure the shutting down of the Cable & Wireless building and the taking control of the radio station. James Michel reported back to Rene

³⁸ Case 498: Nolla Beaufond, Hearing No. 261 of Wednesday 2 March 2022; see details in Volume III.

³⁹ Verbatim Report of Seychelles Coup by Acting Commissioner of Police P. J. Sommerville (On Secondment from Metropolitan Police) Sunday 5th June 1977. In the absence of Mr. Michael Rowling, the Police Commissioner, who was on overseas leave, Mr. Sommerville was acting in that position.

⁴⁰ *Ibid*, p4.

⁴¹ Michel J (2011) Distant Horizons – My Reflections. Rila Publications Ltd, London, p88

by walkie-talkie. Rene was guiding the operations from the garden of Maxime Ferrari's house at Val Riche, overlooking Victoria.

Dr. Ferrari⁴² explained that Rene chose the garden of his house because of good radio connections, and from there they also had a good panoramic view of the town and particularly of the Mont Fleuri area and the police barracks that were to be attacked. According to Dr. Ferrari⁴³ Rene switched on his transmitter at one minute before 2am and gave the go-ahead for the attack to start. Two minutes later they heard a gunshot followed by shooting which went on for some time. About ten minutes into the attack Rene was informed by James Michel that a policeman and one of their men had been killed. Dr. Ferrari relates that the gunfire went on sporadically for over an hour, during which time Rene was kept informed of progress made by the group leaders: the Central police station and its armory was among the first places taken over, along with the Mont Fleuri police barracks where all police personnel had disappeared from the scene. He also notes that the shooting must have woken up his son, Jean-Francois, who walked into the garden half asleep, wondering what was going on.

Jean-Francois Ferrari⁴⁴, then 17 years old, recalled being awoken in the early hours of Sunday 5th June 1977 and looking out of the front door where he saw his father and Rene seated close to the balustrade overlooking Mont Fleuri. He went over and asked them what was happening and he was told by his father to go back to bed, but he did not. He stayed with them and witnessed some moments of the coup at a distance. He heard the noise of shooting and witnessed Rene on a walkie-talkie communicating with some people. He could not recall what Rene was saying as he was talking quietly, except for one occasion when Rene asked: "has X arrived?" He later gathered that 'X' was James Pillay, who was to become the Police Commissioner shortly afterwards.

On many occasions Jean-Francois was asked to go and make coffee, which he did. He stayed with them until around 6am when Rene asked him to switch on the radio in his car because he wanted to hear what was being said on the first six o'clock news. Jean-Francois recalled very clearly that the first thing that came on air was a song entitled: "It's a brand, new day" followed by the news and some announcements. Radio Seychelles announcers Marjorie Baker and Douglas Cedras, who he later understood had both been primed before the implementation of the coup, began to make announcements informing the people of Seychelles that there had been a coup d'état and that President Mancham had been overthrown. People were told to stay calm and to stay in their homes. After hearing the radio announcements Rene stayed a while longer and then around 8am announced that he would drive back to his house which was a couple of kilometers up the road. He agreed to meet up with Dr. Ferrari at the Central Police Station at 9am.

As had been agreed both Rene and Dr. Ferrari arrived at around 9am at the Central Police Station and they proceeded to the Office of the Commissioner of Police. The man who was to be the new Commissioner, James Pillay, was already there along with Ogilvy Berlouis. Other pre-determined units of Coup members continued to implement the tasks that had been allocated to their groups. This included arresting all foreign

⁴² Hearing No.15 of Friday 11 October 2019.

⁴³ Ferrari M (1999) *Sunshine and Shadows – A personal story*. Minerva Press, London. P 155 – 160.

⁴⁴ Hearing No.6 on Monday 16 September 2019.

police officers and foreign Government employees for deportation and making sure the airport and seaport were secure⁴⁵.

Ms. Mahrookh Pardiwalla, the wife of Jacques Hodoul, informed the Commission that Mr. Hodoul was at their home for the whole night of 4th June 1977. It was only later in the morning of 5th June that his brother, Paul, came to their house by car and told Mr. Hodoul that they had to go out and help. She also noted that Mrs. Oliaji's statement that Jacques Hodoul had told her, during the cocktail they attended in the evening of 4th June, that his wife was on Silhouette that night, was not correct.

Mrs Soona Oliaji⁴⁶ recalled hearing gun shots in the late evening of Saturday 4 June, after returning to her home at Mont Fleuri from a dinner party. Being of a curious nature, she decided to go back out to see what was going on. She got into her car and drove to Mont Fleuri police station where she found some police officers sitting on the low wall in front of the station. When she asked about the gun shots, they explained that there was a group of six men with guns who had arrived by car and they had gone to the Special Force armoury. They claimed that they were not able to inform Central as the phones were not working. She offered to drive them there but they declined, and she noted that they did not seem to be much concerned. So Mrs Oliaji decided to go to Central Police Station on her own. Upon getting there she found herself facing a man in camouflage clothes who pointed a gun straight at her as she was about to get out of her car. She realized then that something terrible was happening and drove back home and tried to call some of the senior British police officers whose contacts she had, but their phones seemed to be dead. She tried phoning Mr. Justin Pragassen, a Minister in the coalition government and Mr. Albert Rene but, while their phones rang, they did not pick them up. She then called Cable and Wireless to find out why some lines worked and some did not, but the person who answered could not explain this. By then Mrs. Oliaji was wondering whether there might have been a foreign invasion. Finally, she called Dr Ferrari and told him what she had witnessed. He told her there was nothing to worry about and she should go to bed. By then it was about 3 AM. Mrs. Oliaji noted that it was only a few days later that she learnt more about the coup and the events that had taken place, as there was no official news provided.

As a driver for the Mont Fleuri-based Special Support Unit (SSU) on duty that night, Percy Dingwall⁴⁷ recounted how he drove around with Jamaican picking up the foreigners, including the Attorney General Mr. O'Brien Quinn and his wife, and Superintendent John Stone of the Police Mobile Unit, who were to be repatriated to UK. They also picked up senior Seychellois police officers such as Mr. Max Fontaine and Mr. Ahkon (alias Tikon), and on the orders of Commissioner Pillay, the latter were transported to Central Police Station to be detained. The Seychellois officers were then called to Mr. Pillay's office and if they agreed to work for the new government they were released to go on duty. Dingwall carried on with such driving duties for the coup members for the whole week, and he recalls feeling privileged to be involved. He was 26 years old at the time, and he was a brother-in-law of James Michel.

⁴⁵ Ferrari M (1999) *Sunshine and Shadows*, *ibid*; Phillipe Lucas, *ibid*; James Michel, *ibid*.

⁴⁶ Hearing No. 22, of Tuesday 5 November 2019; and see Case 100: Soona Oliaji in Volume III.

⁴⁷ Special Hearing on Wednesday 25 September 2019.

In his testimony before the Commission Mr. Phillippe Lucas⁴⁸ explained that during the day of 5th June different armed units were organized to ensure the security of the more sensitive areas, such as the airport and seaport. He and Mr. Berlouis had to carry out regular checks at the airport during the course of the day and the following days. This was part of their contingency plan to ensure that the coup was successful.

Mr. John Pool, in his sworn statement of 10 March 2020, informed the Commission that as a staunch supporter of the SPUP at the time, he was asked on 6th June to join the coup makers to help out, and he did so for three days. He stated that there were two groups of participants in the Coup: those who would take action on 5th June 1977 and those who were on stand-by. This was in case there was an immediate counter-coup, or to replace those who were tired. Mr. Pool recalled that in the morning of 6th June he received a call from his friend Samuel Charlette, who participated in the Coup, asking him to come and help them because they needed more drivers. So Mr. Pool went to help, and he met another of his friends there also helping, Dambert Adrienne. Mr. Adrienne's foot was swollen and he informed Mr. Pool that he was part of the team that had cut the doors of the armoury at Mont Fleuri and he hurt his foot when he tried to kick it open.

Mr. Pool explained that different people involved in the take-over had been placed at different stations around the island, some at La Gogue, one at Cable & Wireless, one at the Court, one at New Port, and one at the Old Port. Mr. Pool was in charge of taking them food, and he noted that once these people were at their stations, it seemed they were forgotten about by René; and they carried on as they saw fit. Mr. Pool observed instances of the coup participants raiding the cold storage for meat, and filling up their cars for free from the petrol station. The owners of both places were too afraid to object, so they just gave them the keys and they helped themselves. This did not feel right for Mr. Pool, and he decided to stop getting involved with these people after the third day.

Mr. Jemmy Belle, then a member of the Police Mobile Unit (PMU) under Mr. Isnard, recounted to the Commission his experience of the coup.⁴⁹ At 7.30 A. M. on 5th June he reported to Central Police Station as ordered through an announcement on the radio. There he saw Phillippe d'Offay at the gate with a gun and Dr. Ferrari in full combat dress, with two pistols in his belt directing things. Mr. Belle claimed that from then on they were made to work non-stop; he was first posted on guard at State House, then moved to l'Exile at Albert Rene's house from 6 June for about two weeks, before they were finally allowed to return to PMU, now under the command of Andre Kilindo. Back at PMU there was a re-organisation of shifts and a selection of officers, including himself, who were to oversee the security of Mr. Rene's home.

Four off-duty police officers at the Mont Fleuri barracks also provided the Commission with their recollections of the night of the coup d'etat and its immediate implications for them. Winsley Joubert⁵⁰, a police officer based at the Special Force (later PMU) headquarters at the time, gave evidence that on the night of the Coup he saw Berard Jeannie and Michel Roucou on sentry duty, after returning from a dance at 'Klib Rochon' with some colleagues. He and one of his roommates, Hagson Fred, finally settled down

⁴⁸ Hearing No.3 of Wednesday 11 September 2019.

⁴⁹ Hearing No.29 of Thursday 13 November 2019, in Case 154 – Jemmy Belle.

⁵⁰ Hearing No. 8 on Wednesday 18 September 2019, in Case 146 – Winsley Joubert; and see combined determination of Case 146/496 in Volume III.

in the barracks to sleep around 1.00 A.M. but they were soon awoken by gunshots. They quickly realized that there was a problem and the place was under attack. As they crawled towards the bathroom and opened the door to look for an exit they were faced by two people in camouflage clothes with their guns pointed at Mr. Joubert. They were ordered at gunpoint to put their hands up and walk downstairs. While being escorted downstairs he noticed a person lying on the landing of the outside staircase, groaning like he was in the death throes. They were told to step over him. When he reached downstairs two other people came and kicked him in the back of his knees and he fell to the ground. The men pressed Mr. Joubert to the ground and put their booted feet on his head. They tied his hands behind his back and tied his feet together before dragging him on the tarmac, which tore into his back, and then they threw him near the wall of the compound.

He observed Hagson Fred also tied up and lying near the wall, and when Hagson asked: “What’s going on?” a man came and hit Mr. Fred, shook him and told him to keep quiet. This was confirmed by Mr. Hagson Fred⁵¹ who described how he was dragged by the collar to the other side of Mr. Joubert and both of them were hit on the head with a metal bar and left on the ground. Mr. Fred remained very still for a long time, as he was afraid of being further assaulted or killed. At some point he very likely passed out as well.

Both Mr. Joubert and Mr. Fred affirmed that they heard several gun shots while they were on the ground and on at least two occasions the bullets ricocheted from the tarmac close to them, causing sparks to fly around. They also observed blood from the man who was lying on the landing of the staircase dripping to the ground. They later surmised that this person may have been Francis Rachel, one of the coup perpetrators. Mr. Joubert reckoned that he and Mr. Fred remained by the wall for hours, to the point that he thought Hagson Fred was dead. Every so often the armed men put the muzzle of a gun on Mr. Joubert’s body and kicked him in the head with their boots, but he did not move, also pretending to be dead.

Meanwhile Mr. Joubert observed that the men had brought along gas cylinders to help cut open the armoury door, which was a short distance from where they were. The cutting went on for quite a while but the door did not break off. At some point he heard them banging with something like a big hammer but it still did not break. Then they both heard a vehicle drive in close to the armoury and Mr. Joubert noticed all the arms being loaded onto it. Mr. Joubert also recalled that just before they left one of the armed men close to him said: “This one is dead,” indicating Mr. Fred, and another one replied: “Give me the gun and we’ll see if he is really dead”, but he was told not to do this by the other one. As they left, Mr. Joubert heard the men shouting: “we’ve won, we’ve done it!” all the way past Mont Fleuri police station heading towards Victoria, and he heard the firing of their guns as they went.

Mr. Joubert then managed to untie himself and Hagson Fred and they decided to get out of the place and seek assistance. According to Mr. Fred they first went into the office where they saw the body of Berard Jeannie leaning forward on the desk. They noticed a bullet hole with bloody particles stuck around it on the back of the wall. Shocked by this whole scene, they decided to go and call on one of his uncles, also a police officer, who lived within the compound close to the cemetery wall. When his uncle did not open his door Mr. Joubert and Mr. Fred agreed to climb over the cemetery wall and go to the house of a lady they

⁵¹ Hearing No.145, on Thursday 22 April 2021, in Case 496 – Hagson Fred.

knew at Rochon. She was the sister of another police officer, Mr. Patrick Lablache from Praslin. As they went along, crouching all the way, they observed a car driving past with armed men pointing the muzzles of their guns out of the car windows and from the car boot, which was open. They took cover between the graves, and finally got out of the cemetery safely.

At the lady's house at Rochon Mr. Joubert and Mr. Fred met two other police colleagues, Patrick Lablache and Justin Sophola, who had reached the place earlier. They heard announcements over the radio that twenty-two brave men had joined together to take over the country. Sometime later they heard an announcement calling on all police officers to report to their respective stations and so they all returned to Mont Fleuri where they met with Mr. Isnard who queried their absence from the PMU.

Mr. Joubert recalled that even if he was full of sorrow he was required to report for duty. He went and got changed and at around 11.30am was transported to Central Police station along with others of his colleagues. Upon arrival they were arrested and held in an area below the office of the Police Commissioner. Mr. Joubert observed some of his colleagues standing around, some without shirts, others without shoes. He sat and waited until around 2pm when he was detailed to go to the Long Pier where he was left on duty for two days.

In his evidence before the Commission, Mr. Patrick Lablache⁵², a police officer based at the Mont Fleuri barracks at the time, explained how Percy Dingwall had asked him to change shifts with him, so that Dingwall would take the midnight to 8am shift, while Lablache did the 4pm to midnight one. As Mr Lablache was getting ready for bed after his shift he heard a shot downstairs and he and his roommate, Justin Sophola, decided to go down and check. On the landing of the staircase, they came across a collapsed person, with a lot of blood around. They had to step over the body in the dark and once downstairs they realized that the armoury was being attacked. They managed to make their way through the cemetery, to his sister's house at Rochon where they stayed for the rest of the night. He confirmed that they were joined by Winsley Joubert and Hagson Fred in the early morning and when they heard the radio announcement around 6am, calling for police officers to return to duty, they all walked back to the barracks.

Near the barracks they were met by three men in guerilla camouflage who asked the officers to follow them. They were led to the sentry room where, Mr Lablache recalls, he saw the body of Berard Jeannie leaning forward on the desk, a chunk of his hair stuck to the wall at the back and blood all over the place. This was confirmed by Mr. Joubert who noted that this made them realize the predicament they were in. However, he felt there was nothing they could do, and after a while they were all taken to the Central Police Station, to be assigned various duties. Mr. Fred, on the other hand, recalled that he was told to get dressed as he was to go on duty straightaway. He was sent to National House as a sentry, on his own, and he had to stay there until lunchtime the next day.

Guy Roucou⁵³, the duty Sergeant responsible for the deployment of guards assigned to different beats and for carrying out random checks on the beats on a regular basis that night, gave evidence that around 10pm,

⁵² Hearing No.104, on Monday 14 September 2020, in Case 301 – Patrick Lablache.

⁵³ Hearing No. 3, on Wednesday 11 September 2019, in Case 001 Dorothy Chang Him et al.

after getting back from his first round, he found Berard Jeannie at his desk and they had a chat before Guy Roucou went home briefly. While at home, in the compound of the SSU headquarters, he heard shooting and rapid fire, around 1am. He heard tracer bullets going over the cemetery. He did not have any arms with him and did not know what was happening, but he thought it might be an attack by foreigners. His first reaction was to pick up his baby and tell his wife that they had to get out of there as they did not live far from the camp and anything could happen. They went through the cemetery on the side of Corgat Estate, aiming to go to a neighbor's who lived higher up the hill. As they ran through the cemetery bullets were crisscrossing high up over their heads. Having left his wife and baby at the neighbour's he attempted to return to the camp but the shooting continued.

He stayed in the cemetery until around 5 or 6am, when he heard a call saying that all officers at the camp should come down with their hands up. He moved out of the cemetery and joined the others assembled at the big apple tree in the grounds. He then went to the guard room and saw that Berard Jeannie was dead. Mr. Isnard, who was at the camp, rallied the police officers and the people who were there with guns, and asked the officers if they were ready to work. From there they were all taken to the Central Police Station, where Mr. Roucou saw some other police officers, including some in the cells, along with civilians who had been arrested, and who he believed had nothing to do with the Coup. He saw Philippe d'Offay with an AK47, and Philippe Lucas was also there. The radio was announcing that there had been a coup d'état and that there was a curfew and that people should stay in their homes.

Other witnesses confirmed that armed men patrolled the streets on the day of the coup and made sure that the radio instruction that everyone should stay in their homes was abided by. Mr. Walter Constance⁵⁴ gave evidence that in the early hours of 5 June 1977 he was walking with some friends from the Pagoda near the Central Police Station and he observed activities inside the station. He saw two cars stop near the Anglican Church and people with guns got out and told the taxi drivers to go home because they had to clear the streets in town. The taxi drivers were not happy with the instruction and the armed men fired a warning shot and the taxis left. Mr. Constance stated that the men with guns then came to his group and told them they had to go home. He heard people screaming and noticed various commotions around; one of the armed men fired a shot on the road as a warning. Mr. Constance noticed that one of the persons in his group named Albert, did not move, and so he went back to grab him, pulling him along. The men fired another warning shot on the road and Mr. Constance was injured on his foot by the ricocheted bullet.

For the first four days after the coup a twenty-four-hour curfew was imposed and then it was lifted during the hours of daylight. A night curfew remained in force for another week from the fifth day. During the first two days after the coup all licensed firearms owned by individuals were collected; people were requested over the radio to deposit them at the nearest police station. In his first broadcast over the radio in the evening of Sunday 5th June Rene appealed for calm and outlined his alleged reasons for the coup while pretending that he was not involved in the planning and execution of it:

People of Seychelles, early this morning you have heard on Seychelles Radio that Seychellois have decide to overthrow the government of Mr. Mancham and they have asked me to form a new

⁵⁴ Hearing No.176 of Tuesday 13 July 2021.

government. After I accepted to do this, I believe it is my duty to explain to you several things so that you can understand.

Let us firstly take what was happening in Seychelles lately, and secondly, for me to give you an idea of how I expect the country to work in the future. I believe when I am done you will understand why I have accepted to form a government that will work for the benefit of the people of Seychelles and that will guarantee the people all its freedom.

Of course, today was eventful and naturally I will not be able to tell you much. I have to form a government and I have to make sure that no one in the country suffers because of the changes that have just happened.

Simply put, I have agreed to form a government because I have also been worried about a lot of things lately. Lately Mr Mancham had created a situation where he would stay President for life. And more and more he was putting our country in a position where we were becoming slaves to rich people and to people overseas.

Not too long ago I told him that before we postpone elections for 7 years like he was asking, we have to make a referendum and ask the people for their views. I explained to him that I would have to consult the people of Seychelles and in particular the people who elected me here. Mr Mancham replied that he will postpone the elections anyway, whether I liked it or not. This showed me once and for all that he was adopting the attitude of a dictator. I shared this impression with as many people as I could because it was necessary for me to inform the people of what was going on. And consequently, I cannot blame anyone if they felt it necessary to do this coup d'état.

I believe that now we will have a chance to make this country work in a way that the majority of Seychellois will be satisfied. For us to be able to do this we will need that cooperation from everyone. But since this morning I feel that the cooperation is already present.

From tomorrow afternoon I will be able to explain to you on Seychelles Radio how our new government will work and I will be able to start announcing who will form the new Seychelles government. But for today I implore everyone to cooperate with all orders given, stay home today and tomorrow morning also. Everyone should stay home until new orders are given.

Everyone who works at the hospital, at the electricity department, at the airport and hotels can go to work. Also, anyone who has any flights to take can leave. I am also asking all foreign countries to not interfere in what is going on in Seychelles. We will respect all our good relations with any foreign country but at the same time we will not tolerate anyone who wants to make us their lackeys.

As I have stated earlier, tomorrow I will speak longer but for today I ask you one more time to stay calm and not to excite anyone. This is a difficult time and it is not a time to play around. I thank you all who have listened to me tonight. Till tomorrow. Good bye and good night.

3.4 Immediate Casualties of the Coup

According to all accounts the coup was not a bloodless one, as allegedly intended by Rene. Three people were killed on the day of the coup and of those three, two are the subject of complaints before the Commission: Berard Jeannie - a policeman on duty shot at close range while sitting at his desk in the sentry

room at the Mont Fleuri police barracks⁵⁵ and Davidson Chang Him - an opposition activist shot by Philippe d'Offay, one of the coup participants, in the grounds of the Central Police Station in the afternoon of 5th June.⁵⁶ The third person who lost his life was Francis Rachel – one of the coup participants who was apparently shot by accident by one of his colleagues, probably at the Mont Fleuri barracks. No enquiry was ever carried out to determine the circumstances of the three deaths that occurred during the coup take-over.

Berard Jeannie

The Commission's determination of the complaint made before it concerning the unlawful killing of Berard Jeannie is set out in Case Determination 122 of Roch Jeannie, in Volume III of this report. The facts established before the Commission were that Berard Jeannie together with Michel Roucou were police officers on sentry duty at the SSU headquarters at Mont Fleuri on the evening of 4th June 1977. In his evidence before the Commission Michel Roucou⁵⁷ recalled that he queried Berard Jeannie's presence on duty that evening, because he had expected to be working with a man called Payet (known as Tipa), but Berard explained that he had been asked to stand in for Payet. Mr. Roucou then went on patrol as was their routine and on his return, he found Berard seated at the desk eating a bowl of "ladob patat" (sweet potatoes cooked in coconut milk). At around 2.10am he decided it was time to do another patrol, but as he picked up his flashlight he heard a shot and saw a bullet hit Berard Jeannie in the head, splitting it open. At the same time two men burst in, Donald Bertin (alias Kadede) and Philippe Lucas. Donald Bertin was holding a roll of Elastoplast in his hand and some rope while Philippe Lucas was holding a gun, a new type of gun which was not an SLR. Then he saw another man come in behind them, a large man holding a big club. He used the club to break the glass partition at the side of the room and jumped behind it. Mr. Roucou was then tied up onto a chair in a corner of the room by Donald Bertin, who also put a strip of Elastoplast over his mouth. He did not observe anything else but he heard noises outside, including gunshots and the cutting of the armoury door. He was finally freed a few hours later by Mr. Isnard who was in charge of the camp.

While the Commission has been unable to satisfy itself to a balance of probabilities of the identity of the shooter who killed Berard Jeannie, it nonetheless considers that all those present at the armoury that night bear individual responsibility for the death of Berard Jeannie, on the basis that it is more likely than not that these individuals provided material assistance in the implementation of the act – breaking into the armoury in the implementation of the Coup - that resulted in the unlawful killing of P.C. Jeannie.

Davidson Chang Him

With respect to the death of Davidson Chang Him investigated by the Commission in Case 001, the evidence obtained by the Commission established that he was a well-known Democratic Party activist for the north region of Mahe. According to evidence before the Commission⁵⁸, in the morning of 5th June one of the coup perpetrators, Philippe d'Offay, together with some armed police officers went to Chang Him's

⁵⁵ See Case 122 Roch Jeannie, Volume III.

⁵⁶ See Case 001 Dorothy Chang-Him et al, Volume III

⁵⁷ Hearing No. 12 on Tuesday 8 October 2019, as witness in Case 122.

⁵⁸ See Case 001, Dorothy Chang Him et al, Volume III.

home at Bel Ombre in a police vehicle, with the intention of arresting him. When they didn't find him they took Harry Adrienne, his 19-year-old son, hostage. The kidnapping of Harry Adrienne forms a separate case that was investigated by the Commission.⁵⁹ Evidence received indicates that Harry was taken to the Central Police Station and locked up as a means of luring his father to the station. Harry Adrienne⁶⁰ recalled how Philippe d'Offay, as he was about to lock the door, said to him: "if your father loves you he will come looking for you". Later in the day Albert Rene came into the room and asked Harry where his father was. When he replied with great fear that he didn't know, Rene asked him: "if you knew where he was would you tell us?"

The investigation by the Commission into the death of Mr. Chang Him established that Mr. Chang Him went to Central Police Station around 4 PM, having heard that his son Harry Adrienne had been taken hostage. When Mr. Chang Him arrived at the station he was ordered by Philippe d'Offay to put his hands up and move towards the detention cells. The Commission is satisfied that even though Mr. Chang-Him was complying with the instructions given, Mr. d'Offay shot him in the back at close range.

The Commission's investigation established that it was more likely than not that Albert Rene perceived Mr. Chang Him as a threat to the success of the coup and he was being sought on that basis. The fact that the coup participants were looking for Mr. Chang Him from the morning of that day, and the decision that was made to kidnap his son as a means of luring him to the police station, further underscores the inference that Mr. Chang-Him was perceived as a threat to the stability of the coup d'état that had just taken place.

Francis Rachel

As no complaint was made before the Commission with respect to the death of Francis Rachel the Commission did not investigate his death. However, at an appearance as a witness before the Commission on 24 November 2021, Marc Rachel, the son of Francis Rachel⁶¹, informed the Commission that he would like to know what happened to his father. The evidence received by the Commission in relation to this incident did not establish how Francis Rachel actually came to be shot, nor why he was not taken to hospital immediately following receipt of his injuries. The off-duty police officers⁶² at the Mont Fleuri barracks who came across a body on the landing of the barracks' staircase and who gave evidence of labored breathing, all later assumed that it was Francis Rachel they had stepped over, presumably because he was said to have been in the group that took over the Mont Fleuri armoury, but at the time they agreed they had not recognized the person as it was very dark.

In her testimony before the Commission Mrs. Jane Naiken,⁶³ a staff nurse on duty during the night of 4th June 1977, explained how Francis Rachel (whom she knew as they came from the same neighbourhood) – dressed in camouflage, was brought to the hospital that night by a group of noisy armed men also dressed

⁵⁹ See Case 144 Harry Adrienne, Volume III

⁶⁰ Hearing No.20, on Friday 18 October 2019, in Case 144.

⁶¹ Hearing No.233 of Wednesday 24 November 2021, as witness in Case 184: Jonas Estico; see Volume III for details.

⁶² See evidence of Winsley Joubert and Hagson Fred – Cases 146/496 in Volume III.

⁶³ Hearing No. 176, on Tuesday 13 July 2021; and see Case 316 Jane Naiken in Volume III.

in camouflage. They tipped him onto the one free bed on the ward and left. She noticed that he was unconscious; there was a large gash in the left side of his head, and part of the brain and cerebral fluid were coming out of it. She noted that within five minutes he was declared dead by the doctor on duty. While preparing to move Mr. Rachel to the mortuary she bandaged up his head, and recorded items found on him – two rounds of rope around his waist, 10 to 12 bullets in a side pocket and a nylon sandal on one foot.

The general explanation for the loss of Mr. Rachel's life given by Mr. James Michel is that: "In the chaos of ricocheting bullets..." he was "...shot and killed"⁶⁴. Mr Michel⁶⁵ also notes that not being "...a professional fighting force" and some of the group having "...bolstered their confidence with liquor" some tragic mishaps were to be expected. Dr. Ferrari⁶⁶ recalled going to Mr. Rachel's home at Anse Louis together with Paul Hodoul to inform his wife of his death.

Francis Rachel was the only one of the three who received a hero's funeral the next day, presided over by Dr. Ferrari and James Michel, and he was described as a martyr of the revolution⁶⁷. The following year the street between Le Chantier and the Clock Tower was renamed 'Francis Rachel Street' in his honour.

3.5 The Liberation Memorial Fund

As noted above, there is no evidence of any enquiry having been carried out in relation to the three deaths caused by the coup. However, on 31 October 1977, by Decree 24, President René established a 'Liberation Memorial Fund'. The main objective of the fund was "(i) to provide for the maintenance, education, benefit or advancement of those persons who were wholly or substantially maintained by the three persons who died on Liberation Day, 5th June, 1977, namely: (a) Berard Jeannie; (b) Francis Rachel; and (c) Davidson Chang-Him."

Part of the complaints made before the Commission in Case 001 Dorothy Chang Him et al and Case 122 Roch Jeannie, was that following the deaths of Davidson Chang Him and Berard Jeannie their families did not benefit from the Liberation Memorial Fund as they were legally entitled to do. Evidence received by the Commission from members of the families, members of the Board of trustees that administered the Fund as well as from documentary sources, clearly indicates that of the three persons named, only the family of Francis Rachel benefitted directly from the Fund over a considerable period of time. All members of the Chang Him family⁶⁸ who came before the Commission and the family of Berard Jeannie⁶⁹ maintained that they never received any benefits from this fund. The Commission's investigations into those allegations are set out in full in the determinations of Cases 001 and 122. Notably, the Commission found it more likely than not that the family of Davidson Chang-Him were denied their legal right to benefit under the

⁶⁴ Shillington K (2009) *Ibid*, p123.

⁶⁵ Michel J (2011) *Ibid*, p87.

⁶⁶ Hearing No.15 of Friday 11 October 2019, as a general witness; also see Case 001 Dorothy Chang Him et al, in Volume III.

⁶⁷ Shillington K (2009) *Ibid*, p123.

⁶⁸ Case 001, Dorothy Chang-Him et al, Volume III.

⁶⁹ Case 122, Roch Jeannie, Volume III.

fund. With respect to Berard Jeannie, the evidence established that Mr. Jeannie did not leave any direct beneficiaries following his death; however, two of his relatives did receive some assistance from the Liberation Memorial Fund.

The Commission further established that the purview of the Fund was later extended to include compensation for certain family members of soldiers from the Seychelles Peoples Defence Forces (SPDF) who had been injured or killed while in service. It was also advised that originally money for the Fund was obtained through donations, following an appeal made by the government after 5th June, but later the funds came from fees and disciplinary fines imposed on members of the army. Records obtained by the Commission indicated that after 1999 money for the Liberation Memorial Fund came from the Social Security Fund, and except for 1980, the Fund was not audited or accounted for to the Ministry of Finance - see details in the determinations of Cases 001 and 122.

3.6 The First Days after the Coup

Witnesses before the Commission recalled the tensions of the first few days after the coup when a total curfew applied and everyone had to stay at home. For many people the term “coup d’etat” and “curfew” were completely new concepts and it took time for people to adjust. They noted that instructions were given to the public over the national radio and ‘security groups’ of SPUP supporters, which later became the Militia, went around the island checking on people and ensuring that the orders were being followed. The total curfew was lifted during daytime after a few days, and the night curfew remained in force for another week. Mrs. Ginette Sinon⁷⁰ recalled the militia coming to her home the day after the coup, to fetch her husband, Justin Pragassen, a Democratic Party Minister in the coalition government. The family was terrified, not knowing where he was being taken, as also confirmed by their son, James Pragassen, who provided a statement on the matter to the Commission. They found out afterwards that Mr. Pragassen and Phillipe Moulinie, the other DP Minister who had not travelled to London for the conference, were taken to the radio station and forced to make statements to the public about maintaining the peace and co-operating with the new government. Mrs. Sinon and James Pragassen both noted that this experience traumatised Justin Pragassen to the point that he finally went into exile.

Mrs Soona Oliaji⁷¹ recounted her experience of this time, when a group of the coup participants came to her house during the curfew time, requesting for some provisions from her shop. When she said that the curfew prevented her from going out, Claude Vidot who appeared to be leading the group, told her that he would send an army escort with her to the shop. She had no choice but to follow the orders; they selected the goods they wanted and asked her to do an invoice which was paid after a few days.

Within the first week after the coup Rene formed a new cabinet of seven ministers, and suspended the Legislative Assembly. In a second radio broadcast in the evening of 6th June he put forward the intentions

⁷⁰ Mrs Ginette Sinon Case 264. See details in Vol III.

⁷¹ Mrs Soona Oliaji Case 100. See details in Vol III.

of his new government. The next chapter provides details of these proceedings and the government's gradual moves towards a one-party system and dictatorship of the State.

Chapter Four

4 The Second Republic – moves towards one-party government

The day after the coup, in the evening of 6th June, Rene made a second radio broadcast to present the way forward. He still maintained his stance that he had been asked by the group that staged the coup to set up a new government and he outlined the composition and objectives of this new government. He observed that the new government expected "...a new sense of discipline and new sense of responsibility" and that "...the law would be applied to everybody equally".

He named the seven newly-appointed Ministers – Maxime Ferrari as Minister of agriculture, Guy Sinon for foreign affairs and tourism, Jacques Hodoul for education, Mathew Servina for employment and health, Philibert Loizeau for public works and transport, and Ogilvy Berlouis and James Michel as Ministers of State for internal affairs and for the civil service and information respectively. He also announced that the 1976 constitution and the Legislative Assembly were suspended and the new President was to rule by decree until a new constitution was agreed upon shortly. However, all other existing laws and the legal system would remain in force. He also indicated that the system of rates paid by the owners of houses would be abolished as a means of encouraging people to build their own homes; that the Nageon's land at Pointe Larue and other land would be purchased for the construction of houses for people in need, and the system of price control would be strictly enforced¹.

The new government's outlook was further elaborated in a press conference given by Albert Rene on 8th June 1977, and broadcast over the radio; it was also reported to the Foreign and Commonwealth Office (FCO) by the British High Commission in Seychelles². Extracts sent by the London correspondents on 9th June were as follows:

Q. Who were the coup participants?

A. I have not yet been able to sort out who took part, how many of them there were and how they got their training. I know nothing about weapons and I don't even know what they are using.

Q. When do you see the country getting back to normal?

A. It depends very much... We have certain information from London that there is a possibility of Mr. Mancham recruiting mercenaries. As a result, we are putting quite a number of our young men under training... Everybody wants to go back to work... Unless people interfere from outside, there will be no problem here. But if they do and we have to call in external help we will do so... We will try to ask all our friends with whom we have good relations, Great Britain, France, America, African countries, anybody anywhere who would be prepared to help us to maintain our government.

Q. Why were the members of the Police and the Chief Justice made to leave the country so quickly?

¹ Shillington K (2009) History of Modern Seychelles. Macmillan Publishers Ltd, Oxford. p126 - 127.

² FCO Tel No.132 of 9 June 1977, from BHC Victoria, 0913352 (Declassified).

A. ...The past President had within his confidence only a very few individuals and those very few individuals are the ones that now have had to leave the country.

Q. Is your government a more left wing one than the previous one?

A. The government will be slightly more to the left than the last one purely because the last one was very much to the right.

Q. Development plan?

A. We will follow the many parts of the Development Plan which coincide with the principles of our party policy

Q. Most pressing problem?

A. The most pressing problem for the government is housing... next one is to re-organize the government... in a proper fashion and without any of the old colonial system that hindered us.

Q. Land ownership?

A. ...Land needed for housing will be purchased and the owner will be compensated what we consider to be a fair price... based on the return he is getting from the land now.

Q. Elections?

A. First we have to establish an independent commission that will create a new constitution... and subsequently elections will be held... at a point before June 1979.

Q. Can you control the people who have put you into power?

A. Yes, I am absolutely sure.

Q. Have any of the authors of the coup been given a place in your government?

A. Yes, one of them will be the Minister of State for internal affairs.

Q. Foreign policy?

A. The policy of "friend to all, enemy to none" is not to be continued as such... we shall condemn those countries' policies with which we do not agree.

Q. Relations with South Africa?

A. Our relations with South Africa will be quite simple. We have been trading with South Africa. This trade has been increasing. We will not encourage it to increase any further. We will join other nations in condemning South Africa for its policy of apartheid...

Q. Recognition?

A. We have not yet received any formal diplomatic recognition... We have not heard at all from Russian or Chinese embassies.

Q. American tracking station?

A. Nothing will happen to the American tracking station.

4.1 International Recognition of the New Government

According to the evidence of Dr. Ferrari³ and Paul Chow⁴, apart from Tanzania which sent a plane-load of soldiers as reinforcement on the day after the coup, France was one of the first countries to recognize the new regime. Dr. Ferrari noted that the French Ambassador to Seychelles was fully in favor of the coup and he was quick to send his congratulations a few hours following its implementation. The French Minister of Cooperation, Mr. Robert Galley, visited Seychelles on 29th June 1977, promising French aid to the new government, and Dr. Ferrari was invited to Paris soon after to discuss further assistance.

As well as Tanzania, France, the USSR and China, a number of other governments, including India, Australia and Madagascar recognized the new government within days of the coup⁵. The UK had some reservations about recognizing Rene's government, in view of Mancham's intended participation in the Commonwealth Heads of State conference, but after sounding out the views of other European countries and the US, the UK and US recognized the government by 13 June 1977⁶. The US Charge d'Affaire anticipated that President Rene would value humanist principles and maintain a commitment to human rights.⁷

Meanwhile, in London James Mancham had received news of the Coup D'état in the early hours of 5th June through a phone call from Adnan Khashoggi in Paris, who explained that he had received the news from the captain of his yacht moored in Port Victoria, Seychelles⁸. Mancham related how it took him several hours to apprehend the situation, blaming himself for having trusted Rene to a large extent, in spite of several warnings from various sources, including the American Charge d'Affaires, Greg Mattson, and Kenya's Ambassador at Large, Bruce McKenzie⁹. He sought the assistance of both the British and French governments but he soon realized that neither of them would take the initiative "...to bring back constitutional legality"¹⁰ to the country.

Gozague d'Offay was part of James Mancham's delegation to the Commonwealth Conference and in his evidence before the Commission¹¹ he explained how there was no sign of any controversial activity or feelings when Rene saw them off at the airport on 1st June 1977. The Coup came as a shock to him, when

³ Ferrari M (1999) *Sunshine and Shadows*, *ibid*, p167; Maxime Ferrari – general witness: Hearing No.15 of Friday 11 October 2019.

⁴ Hearing No. 7 of Wednesday 18 September 2019; and Hearing No. 8 of Thursday 19 September 2019.

⁵ FCO TELNO 137 of 10 June 1977 - Telegram from UK High Commissioner to Seychelles Mr. Pugh, from Kew Gardens archives. It is to be noted that the USSR Charge d'Affaire arrived in Seychelles six days before the coup.

⁶ Letter of 17 June 1977 to Mr. Pugh from the East African Department of the FCO, from Kew Gardens archives.

⁷ Mattson Greg (1978) *Seychelles Development and Trends: a final report*, September 1978, US Bureau of African Affairs. Also US 1978 Human Rights Country Report for Seychelles.

⁸ Mancham J (1983) *Paradise Raped*, *ibid*, p10

⁹ *Ibid*, p12

¹⁰ *Ibid*, p199

¹¹ Hearing No.93 on Friday 24 July 2020.

Mancham called him in the morning of 5th June, asking him to come to his room for a meeting. Following the Coup they both lived in exile until 1992 when the multiparty system was reintroduced.

4.2 Immediate Changes – consolidating internal and external security

1976 Constitution revoked

The coup d'état in Seychelles was in effect an act of treason under the Constitution of 1976. One of the first actions taken by Rene was to revoke the 1976 Constitution by the 'Seychelles (Constitution) Proclamation 1977'¹² registered by 27 June 1977. However, many provisions were left in place, including Chapter III on 'Protection of Fundamental Human Rights' which was almost entirely unchanged and so remained in effect even when certain procedural changes were later made through decrees and proclamations.¹³ The impact of the revocation of the 1976 Constitution on the protection of human rights in Seychelles is addressed in detail in Volume III of this Final Report.

Re-adjustments of the Police Force

Following the expulsion of the five British senior officers who were leading the Force, new appointments were made within days of the coup. Mr. James Pillay, an acting Superintendent at the time, and from all evidence before the Commission¹⁴, a collaborator with the coup perpetrators, was appointed as Police Commissioner a few days after the coup. He, together with Rene and Ferrari, were managing the operations from the office of the Police Commissioner from the first day of the coup. One of his roles was to ensure the allegiance of all senior officers to the new government.

As noted by Mr. Tyte Morin¹⁵ over the course of that day police officers who had been locked up in the night, including himself, Mr. Max Fontaine and Inspector Sicobo, were called individually to Mr. James Pillay's office and asked whether they wanted to work for the new government. Those who agreed were then posted to various places considered as sensitive areas (such as State House, National House, the Port, Radio Seychelles, Cable and Wireless) for the next few days without much of a break. This was confirmed by Mr. Jemmy Belle, Hagson Fred and Winsley Joubert in their testimonies before the Commission¹⁶. Mr. Morin was posted to work in the communications room at Central police station for the period. He also noted that with the expulsion of the British police senior officers the organization and operations were bound to change.

Mr. Roch Chang-Time¹⁷, a senior officer in the CID unit at the time, informed the Commission of his promotion to the position of Deputy of the CID about a week after the coup. He claimed that he was simply called to the office of Mr. Pillay and told that he would be appointed to the position "just like that," without

¹² Seychelles (Constitution) Proclamation, 27 June 1977.

¹³ *Ibid.*, section 2.

¹⁴ See section 3.2 of Chapter 3.

¹⁵ Hearing No.35 on Friday 10 January 2020, Tyte Morin, as general witness.

¹⁶ See Cases 154 Jemmy Belle, 146 Winsley Joubert and 496 Hagson Fred, and refer to details in Chapter Three.

¹⁷ See Case 127: Roch Chang-Time, Volume III.

any documentation or other expected procedures being done. He was even ordered to share the office of the then Head of CID, Mr. Jean Larue, which he was not happy about, but he was given no choice.

Within two weeks of the coup Mr. Antoine Lautee, then a lead investigator in the CID unit, was appointed as Superintendent for Administration at HQ¹⁸, a position that had not particularly been in his field of interest nor training. Mr. Lautee expressed that view that the decision may have been related to the fact that he had been the main investigator in several major criminal cases, including the disappearance of Gilbert Morgan (TRNUC Cases 031, 032, and 033) and others. He recalled that soon after the coup Mr. Pillay had asked him to hand over the file of the Gilbert Morgan case, which he was told was at the request of Mr. Rene, and that was the last he heard of it.

Other cases before the Commission indicate the early removal of those who were not considered likely to be loyal to the new government, within the first year following the coup. Mr. Bill Mohamed¹⁹ a member of Special Branch at the time, who had been selected to be James Mancham's personal bodyguard under the coalition government, was transferred to general duties after the coup and then forced to resign from the Force in November 1978. Mr. Mohamed claimed that he was informed by Commissioner James Pillay that this decision was due to pressure being put on him "from above". Other police officers, including John Dookley and Patrick Lablache²⁰, left the Force in 1978 because they observed that after the coup, the newly established army significantly undermined the role and actions of the police.

The United States Human Rights report of 1978²¹ also noted that:

...shortly after its installation in power, the new regime issued a decree giving broad new powers to the Seychelles police, including rights of search, seizure and arrest without warrant. The decree also provided fines and imprisonment of up to three years for offenses including acts, statements or writing deemed prejudicial to public safety. Since its issuance, however, the police authority conferred by this decree has been employed sparingly. Constitutional protections related to the integrity of the person have been largely respected despite abrogation of the constitution itself.

The Commission notes that over time these new powers of the police, with the backing of the army, were used consistently to intimidate and victimise people who were considered to be against the system, as evidenced by the many violations recorded by the Commission – see details of cases in Volume III.

Confiscation of all arms from civilians

The confiscation of all arms in the country was another immediate action taken by the coup perpetrators. In addition to the confiscation of all arms from the Police armouries (as described in Chapter Three) all civilians who had arms under license were requested to hand them in to the police. Announcements over

¹⁸ See Case 077 – Antoine Lautee, Volume III.

¹⁹ See Case 106 – Bill Mohamed, Volume III.

²⁰ See Case 125 – John Dookley, and Case 301 – Patrick Lablache, Volume III.

²¹ US Department of State - 1978 Country Report on Human Rights Practices: Seychelles (1978) Bureau of Democracy, Human Rights and Labor, USA.

the radio from 5th June, for about a week, called on all persons owning licensed weapons and ammunition to hand them over to the nearest police station. Mr. Roch Chang-Time and Mr. Bill Zialor²² (then posted at Port Glaud police station), both recalled being instructed by their senior officers to go to people's homes and collect all weapons and to deliver them at the Central Police Station. Mr. Chang-Time informed the Commission that he first went to his own home to retrieve his pistol and upon returning to the police station with his pistol in hand, one of the people in camouflage clothes pointed a gun at him. He was only allowed in when he explained that the pistol was broken. Mr. Zialor told the Commission of being given orders to retrieve an old hand-gun from a Frenchman living on l'Islette island off the coast of Port Glaud.

Mrs. Nolla Beaufond²³ informed the Commission that her husband, Mr. Ange Esparon (deceased), was in charge of the Beau Vallon region, and on 5 June he was instructed to collect all the guns deposited at Beau Vallon, Glacis and Anse Etoile police stations and take them to Central Police Station. He was also asked to pick up the British police advisors and drive them to the Central Police Station as well. Mrs. Beaufond stated that her husband told her that along the way they briefly considered using the collected guns to resist the coup makers, but once they realised that the latter were using AK47s, the British advisors suggested that they drop the idea, because they would all be killed.

Establishing an Army

Prior to the coup d'état Seychelles had no army. A "Special Force" under the colonial government, later renamed the Police Mobile Unit (PMU), was the only unit of the Police Force that had regular access to arms. An immediate consequence of the coup was the matter of internal and external security, to deter any potential counter-coup attempts. In his testimony before the TRNUC Mr. James Michel²⁴ confirmed the necessity for utmost vigilance by the coup perpetrators, from the night of 5th June 1977, referring the Commission to details provided in his book²⁵ about the measures that were put in place for national security immediately after the coup – in other words for the purpose of safeguarding and defending the revolution. He stated that Ogilvy Berlouis was the one responsible for setting up an army, under presidential decree, for the protection of the new government. Recruitment started immediately and in the interim they obtained the assistance of a contingent from the Tanzanian Army.

The arrival of Tanzanian soldiers in the afternoon of 5th June was also noted by Mr. Paul Chow and Mr. Tyte Morin in their evidence before the Commission. Mr. Chow²⁶ stated that on the day of the coup around one hundred Tanzanian soldiers landed at the airport in a Hercules airplane. They were accommodated in tents at the southern end of the airport runway, at Pointe Larue. They were heavily armed soldiers and their role was to support the coup, to ensure that no actions were taken to unseat the new regime. Mr. Chow

²² Hearing No. 128 of Friday 20 November 2020, in Case 127: Roch Chang-Time; and Hearing No.106 of Wed. 16 September 2020, Bill Zialor: general witness.

²³ Case 498: Nolla Beaufond, Hearing No. 261 of Wednesday 2 March 2022.

²⁴ Hearing No.22 of Tuesday 5 November 2019, James Michel as general witness.

²⁵ Michel J A (2011) Distant Horizons – My Reflections. Rila Publications Ltd, London, p85-89.

²⁶ Hearing No.9 on Thursday 19 September 2019, and Hearing No.16 on Monday 14 October 2019, Paul Chow: See Case 017 – Paul Chow.

pointed out that, consequently, the coup perpetrators' claim that no foreign powers were involved in the coup was clearly not true.

Mr. Tyte Morin,²⁷ then the inspector in charge of Mont Fleuri Police Station, recalled that following his release from detention on 5th June he was taken to the Commissioner's office upstairs where he recalled meeting with James Pillay and thereafter with Dr. Ferrari. The latter informed him that Tanzanian troops would be arriving in the afternoon and that the new government also had the backing of the USSR.

According to the accounts of both James Michel and Rene²⁸ requests for assistance were made to the Tanzanian government and shortly after the coup over one hundred Tanzanian troops arrived in a Caribou aircraft to ensure their protection and to start training local recruits for the new army.²⁹ A military headquarters was immediately set up at Bel Eau and the four coup leaders who had received training in Tanzania were given leading roles in the fledgling army: Ogilvy Berlouis was appointed Chief of Defence Forces while Raymond Bonte, Macdonald Marengo, and Phillipe Lucas were each given the title of 'Commander'. James Michel received the rank of Captain and soon after 'Major' and he was also given the role of Director for political education in the new army. A more permanent training camp was built at Pointe Larue close to the airport and all the leaders had to recruit people into the army urgently.³⁰

Mr. Phillipe Lucas³¹ recalled being involved in setting up the training camp at Pointe Larue, and receiving training from the Tanzanians who came in batches of about 75, for periods of about three months at a time. He noted that they came with their own guns and other equipment. They assisted the Seychelles army from June 1977 to 1984 when the last batch left. The army also received assistance from the North Korean government in 1983, in the form of a group of about 70 soldiers who mainly worked alongside the local ones. Mr. Lucas was second in command under the Tanzanian soldiers and from 1980 to 1983 he was in charge of the Pointe Larue camp.

A "Commando Unit" was also set up under the command of Claude Vidot, to protect the person and family of President Rene. It replaced the VIP Protection Unit of the Police and it was based at Rene's home at L'Exile. The original group were recruited from amongst the coup participants, and they also received special training from the Tanzanians.³² Some members came from the police Special Force, and they were those who were trusted as being loyal to Rene.³³ A few witnesses from the army³⁴ informed the Commission of the existence of security personnel recruited at the time of the coup, known as the "kada" and they were the ones who carried out the 'dirty jobs' assigned by Rene. They were under the command of Claude Vidot,

²⁷ Hearing No.35 on Friday 10 January 2020, Tyte Morin, as general witness. Also see Case 444 – Tyte Morin.

²⁸ Michel J (2011) *Distant Horizons* (ibid) p85 – 89; Shillington K (2014) *Albert Rene – Father of modern Seychelles* (ibid) p216.

²⁹ Michel J, *ibid*, p 89.

³⁰ Michel J, *Ibid*, p 103.

³¹ Hearing N0.3 of Wednesday 11 September 2019, as witness in Case 001 Dorothy Chang Him et al; see details in Volume III.

³² Shillington K (2009) *History of Modern Seychelles*. Macmillan Education, Oxford, UK. P139.

³³ See evidence of VW34, Hearing No.188 Of Tuesday 3 August 2021, as general witness.

³⁴ Raymond Labaleine in Case 005; VW34, *ibid*.

and Rolly Marie who was in charge of presidential security from 5 June 1977³⁵. They were among the first persons recruited into the SPLA with effect from 5 June 1977 and according to the statement of Rolly Marie (of 25 February 2022) they included Frank Marie, Norcy Chung-Loye, Daniel Marengo and Gaetan Sinon who were under his command, and Floris Melanie, Ogilvy Antonio Tirant, Freddy Charles Lalande, Jean Bistoquet and Archange Roseline were under the command of Claude Vidot.

The Commission also obtained access to numerous army files which identified the servicemen attached to Presidential Security with effect from 5 June 1977, as Rolly Marie (Commander) Norcy Chung-Loye (21C), Claude Vidot (Commander), Ogilvy Antonio Tirant, Charles Phillip D'Offay (21C), Archange Anne Roseline, Floris Antoine Melanie, Marie Emmanuel Confait, Freddy Charlesia Lalande, Frank Eleonore Marie, Gaetan Paul Sinon, Daniel Antoine Marengo and Jean Harrant Bistoquet.³⁶ According to documents on the army files, in March 1978, the Presidential Personal Security, was under the command of Rolly Marie, followed by Lt. Norcy Changloye, 2/Lt Marie Confait, Frank Marie, Gaetan Paul Sinon and Daniel Marengo. Another group was assigned to Presidential Security at Residence under the command of Captain Vidot, followed by Corporal Ogilvy Antonie Tirant, Kevin Meme, Charles Gertrude, Geollif Dubel, Theodore Onezia, Albert Sinon, Gilbert Julienne, Justin Charlette, Willis Camille and Japhet Andre.³⁷ The Commission notes that the leadership of the army from the start was made up of individuals who received rank, not based on any military qualification, but on the basis of their loyalty to the party, demonstrated by their participation in the Coup d'état of 1977. This practice of loyalty to the party endured well past the introduction of the multiparty system, and it was expected by the leaders.

Recruitment into the SPLA

Recruitment into Seychelles' first army – the Seychelles People's Liberation Army (SPLA) – started immediately after the coup and a military training camp was built in July 1977 at Pointe Larue next to the southern end of the airport runway, under the command of the Tanzanian forces.³⁸ Mr. Lucas explained that intensive training by Tanzanian military personnel started soon after and the first passing-out ceremony of the first batch of trained soldiers took place on 11 November 1977. The three 'commanders' were also given basic training as military instructors so that they may train future recruits. By 1978 the SPLA consisted of three main units – the Presidential Security Unit (PSU) which included a Special Force based at l'Exile, and the Infantry³⁹. According to the evidence of Mr. Paul Hodoul, there was also a separate Air Wing created in 1978 under the Ministry of Agriculture and Fisheries, responsible mainly for monitoring maritime activities and ensuring the security of the Seychelles Exclusive Economic Zone (EEZ). It became a unit of the SPDF in 1985, after the enactment of the Peoples Defence Force Act of 1980.

³⁵ According to Rolly Marie's employment file.

³⁶ Confidential AHQs/1012-1/Vol 1/77, Seychelles Peoples Liberation Army, Attachment to Presidential Security

³⁷ AHQs/1012-1/Vol 1/78, Seychelles Peoples Liberation Army, Attachment to President's Office.

³⁸ Phillipe Lucas, *ibid.*

³⁹ Phillipe Lucas, *ibid.*

Mr. Paul Hodoul⁴⁰ an Admiral in the Seychelles Navy from 1978 to 1992, informed the Commission of his role as the chairperson of the SPUP Youth League soon after the coup. He noted that young people from this youth organization were actively encouraged to join the army. In fact, after he joined the army in 1978 one of his responsibilities was to recruit young people for the army, and he observed that there were many who agreed to join. In his testimony before the Commission, Mr David Savy⁴¹ (a Colonel in the Air Wing of the army and step-son of Rene) explained that many new recruits came from families in the lower income brackets and many were illiterate when they joined the training camp. Both Mr. Hodoul and Mr. Savy noted that discipline was often an issue in the army during those times, with no clear rules of procedure having been formally established. Mr. Frank Bonte, a member of the army from 1977 to 1982, and regional commander for the militia (southern region) explained to the Commission⁴² that many members of the militia went on to join the army as a means of obtaining a permanent job and moving away from social problems, and he strongly encouraged them to do so.

The policies, procedures and management of the army were eventually placed under the Defence Forces Council, a body established by the President as Commander in Chief, and he also acted as Chairman for the meetings, under the 1980 Defence Forces Act. The members were the Chief of the Defence Forces, the Chief of Staff, senior army personnel and, at times, a representative of the Tanzanian forces in the country. According to various members of the Council between 1980 and past 1986⁴³ and from records of some of the meetings, the Council addressed mainly issues of administration such as discipline, logistics, training, and promotion and demotion of soldiers. While a number of witnesses from the military before the Commission claimed that matters of state security were not discussed at the Defence Forces Council, the Commission rejects this evidence as patently false and notes that its request for full access to the Defence Council Minutes of meetings resulted in the provision of a limited number of records, with documents related to certain key months under investigation before the Commission being absent from the limited records provided. Nonetheless, those records that were provided did establish that matters of State Security were discussed and some witnesses before the Commission confirmed that the Defence Forces Council was the body that dealt with matters of security in Seychelles.⁴⁴

Setting up of the People's Militia

Separately and in addition to the army a people's militia was established, drawing upon those loyal to the SPUP. In his description of the coup preparations Mr. James Michel explained that the nine "collaborators"⁴⁵, hand-picked by Rene as the inner circle to lead the coup, had to recruit other supporters in the districts to assist with securing strategic locations all over the island immediately after the coup.

⁴⁰ Hearing No.42, on Tuesday 4th September 2020, Paul Hodoul as general witness.

⁴¹ Hearing No.42, on Tuesday 4th September 2020, David Savy, as general witness.

⁴² Hearing No. 91, on Wednesday 22 July 2020, Frank Bonte, as general witness.

⁴³ Raymond Bonte, Phillipe Lucas, Rolly Marie, David Savy, Paul Hodoul and Francois Jackson.

⁴⁴ See Case No: 22 Olivia Vincent.

⁴⁵ James Michel, Ogilvy Berlouis, Phillipe Lucas, Raymond Bonte, Macdonald Marengo, Claude Vidot, Rolly Marie, Phillipe d'Offay and one other.

According to James Michel, one of their main duties was to “...warn of any unknown shipping offshore”⁴⁶ and to ensure that all orders put out by the coup leaders were followed. Some of them were armed, having been issued with weapons taken from the Police armoury to l’Exile on the night of the coup. By the fifth day of the coup an additional contingent of Tanzanian troops had also been flown in to help with the defences⁴⁷.

One of the first assignments of the Tanzanian troops was to give basic weapons training to the district ‘security groups’ recruited for the purposes of ensuring the success of the coup. Once the army started taking shape, these groups were then integrated into one entity named “the Peoples Militia”. As the Militia leader for the district of Anse Royale, Mr. Dobbin Samson, informed the Commission⁴⁸ that the Militia had the role of civil guards. They were members of the Party who volunteered to keep watch at night especially. During weekends they also assisted with voluntary community work such as building secondary roads, cleaning and fixing water connections. Several witnesses from the defence forces⁴⁹ further explained that the militia was established to protect the revolution and prevent a counter-coup, to safeguard the country, especially around the coasts, as well as to provide backup to the regular army and the Police.

However, in his testimony before the Commission, Dr Maxime Ferrari⁵⁰ noted that, while the Militia was supposed to be watching over the safety of the country, its members also reported on those who were considered to be against the new system from the start, as Rene was always scared of a counter-coup. Dr Ferrari observed that over time people got scared of the Militia, a point corroborated by Roger Teeromooljee⁵¹ who was a member of the Militia for many years. He claims that they also acted as “the ears, eyes and arms of Mr. Rene” reporting back on people suspected to be against the system and keeping those people in check. Mr. Antoine Amsbury⁵², also a member of the Militia from 1978 until past 1993 when it was renamed the ‘National Guard’ noted that their main responsibilities had to do with ensuring the security of the country, and in particular watching out for invaders around the coasts. He explained that they were organized in groups of a dozen, from a platoon of about 60 persons per district, under the command of an army officer that maintained regional oversight. Mr. Amsbury also confirmed that they received orders ‘from above’ as to where and who to check on, and at times they went into people’s gardens and checked on particular households.

Mrs. Tessy Thomas⁵³, also a member of the militia in the late 1970s, informed the Commission that one of the roles of the militia was to spy for Mr. Rene. She noted that people were generally scared of the militia

⁴⁶ Michel, *ibid*, p89.

⁴⁷ Michel, *ibid*, p89; Paul Chow, Hearing No. 9, on Thursday 19 September 2019.

⁴⁸ Dobbin Samson, Hearing No. 14 on Thursday 10 October 2019, in Case 095: Jean-Baptiste Phillipe d’Offay.

⁴⁹ Dobbin Samson, Hearing No. 14 on Thursday 10 October 2019; Joe Raguin, and Frank Bonte, Hearing No. 91, on Wednesday 22 July 2020; Jason Jacqueline, Hearing No. 92 on Thursday 23 July 2020; and Simon Marie, Hearing No. 118 on Friday 16 October 2020, as general witnesses.

⁵⁰ Hearing No.15 of Friday 11 October 2019, as witness in Case 001: Dorothy Chang Him et al.

⁵¹ Hearing No.18 of Wednesday 16 October 2019 as general witness, and Case 187 Roger Teeromooljee, Volume III.

⁵² Hearing No.264 of Monday 7 March 2022, as a general witness.

⁵³ Hearing No. 65, on Friday 29 May 2020

and kept out of their way. She stated that she was aware of incidents where members of the militia prowled outside people's homes at night listening to their conversations and sometimes stealing things from their gardens.

4.3 Alleged counter-coup attempts, 1977 - 1978

Fears of counter-coups remained at the forefront of the new regime's operations, as evidenced by the testimonies of Mr. James Michel, Mr. Phillipe Lucas and Mr. Dobin Samson⁵⁴. In a speech over Radio Seychelles in early August 1977, two months after the coup, Rene stated that while "...the whole world had understood what happened in Seychelles on 5th June" and most people in the country were happy about the changes taking place, there was "a sore" that was coming up, threatening the progress of the country. He further stated that he had decided that this sore had to be removed: "...we have to do another operation and remove this sore once and for all." He alluded to some people who were spreading fear amongst the population, threatening to stage a counter-coup, as follows:

...for a couple of weeks certain people in Seychelles have started spreading rumours that there will be another coup d'état in Seychelles. That mercenaries are coming and Kenya is sending an army and that certain Ministers are organising a coup d'état. That next week certain people will drink champagne and that I will take a plane and I will leave. That the Ministers are fighting amongst themselves and so much more. The list is long and all of these are lies that certain people have spread in the past couple of days. There were those that even knew the date the coup d'état was to happen, and it was to be last Saturday or yesterday, Sunday. Today is Monday and nothing has happened. [...]

Now we have to work together and stop living in fear. Do not allow anyone to make us fear our own shadow. There is nothing that will happen in Seychelles that we will not be able to handle. For each sickness, either we have it or if not, we will look for its cure. We all have to stop these people from spreading fears in the heart of our people, in the minds of our children. This, we will do.

As of today, if someone tells us that such is going to happen, they will have to explain where they got this information from and who told them this. If they cannot tell us we will have to believe that they themselves have invented it and necessary measures will be taken against them. I make it very clear that the government, as representatives of the people, has decided to stop all false propagandas, the rumours and the quarrels, and this will start as of tonight. [...]

Our people want to work. They want to reconstruct their country and they will do it. No one will stop them. As of today, one of the biggest crimes we can consider to be committed against our country is spreading fear through lies and this crime we will erase it without mercy. Hopefully no one blames us and no one tells us they did not know. And that no one tells us that they believed the government was playing games. [...]

I promise the people of Seychelles tonight that as the person you have appointed to guide the future of this country, I solemnly take oath tonight before all the people that I will stop all the lies and quarrels affecting this country. I take oath to work for the people of Seychelles and that altogether we make a

⁵⁴ Ibid;

better life, a dignified human life. And if I fall down, I will get back up and continue to work until the end. This is a promise, and good night.⁵⁵

Just over a week after these ominous statements were made, the disappearance of a known Democratic Party supporter, Hassan Ali, occurred in the evening of 13th August 1977, the subject of Case 005 Carlette Tall before the Commission. Then eight months later, in April 1978, a group of 21 persons were arrested and detained, allegedly because of their involvement in the planning of a counter coup. This was the first of several group arrests in relation to supposed counter coups that happened during the sixteen years of the one-party system.

Second Disappearance of 1977 - Hassan Ali

The second disappearance, after Gilbert Morgan, occurred on 13th August 1977, of Hassan Umarji Ebrahim, known as Hassan Ali⁵⁶. His case was brought before the Commission by his wife, Carlette Ball née Tall, and the Commission has ascertained as follows: his car was found at a bend on the St Louis Road that evening, he has never been seen again since that date, and his whereabouts remain unknown. Barry Zelia, an eye-witness to his abduction, confirmed to the Commission⁵⁷ that Hassan Ali's way was blocked by a senior member of the Militia, Lina Bonnelame in her car, and that the persons who took Hassan Ali away were in the well-known state security car S1122. Whereas some witnesses in this case suggest that Hassan was in contact with Mancham and was involved in the organization of opposition activities, others maintain that his disappearance was more the consequences of personal grudges between him and Albert Rene. The two examples below illustrate the range of testimonies received by the Commission regarding the motivations for Hassan Ali's disappearance:

Mr. James Mancham's account in his book⁵⁸ refers to Hassan Ali's disappearance as being related to activities Hassan was doing because of his allegiance to the SDP. After the coup, on 12 August Mancham had sent over a hundred letters to various persons in Seychelles, including Hassan Ali, thanking them for their support while he was President. Hassan was a staunch SDP trade unionist and he decided to make multiple copies of the letter on his photocopying machine with a view to distributing them to SDP supporters on Mahe. He was warned by other SDP supporters, especially Mr. Felix Hoareau, then superintendent of the prison, that this was like carrying "your death warrant".

An Inspector based at Central Police Station at the time, Mivonne Barallon⁵⁹, informed the Commission that prior to his disappearance, Hassan had come to the police station on several occasions and reported that Albert René had threatened to kill him. Ms. Barallon claimed that in August 1977 in particular, Hassan

⁵⁵ Excerpts from Albert Rene's "Speech 2 months after Liberation on 5th June 1977" from SBC archives, translated from Kreol.

⁵⁶ See Case 005 Carlette Ball for details of the Commission's determination, Volume III. The first disappearance in 1977 was that of Gilbert Morgan on 7 February 1977 – See Cases 031, 032 and 033 (combined) Sharon, Derek and Sylvia Morgan, in Volume III.

⁵⁷ Hearing No.123 of Friday 13 November 2020, in Case 005.

⁵⁸ Mancham J (1998) Ibid, p213.

⁵⁹ See Case 053 Mivonne Barallon, Vol III.

came nearly every day to the police station, and his visits were recorded in the Occurrence Book. On the night of his disappearance, she went on the scene, and was later informed by one of her colleagues that Hassan had been bugging the SPUP office which was downstairs from his office in the Adam Moosa building. She stated that she was not aware of further investigations being carried out by the police in this case, although a file had been opened.

The Commission's examination of the disappearance of Hassan Ali is set out in detail in Case 005 Carlette Tall, Volume III.

April 1978 Arrests and detention

In April 1978 President Rene promulgated the "Preservation of Public Security (Emergency Powers) Regulations 1978" which enabled him to arrest and detain people "at the President's pleasure" for unspecified periods of time in the interest of public security. As explained by Mr. Bernard Georges⁶⁰, these regulations were already in place, enacted through Statutory Instruments made under the "Preservation of Public Security Ordinance (1965).⁶¹ This was a colonial piece of legislation put in force in many British colonial territories in the 1950's with a view to controlling independence movements, generally in Africa but also in other UK territories, including Seychelles. Mr. Georges noted that the legislation was used periodically by Rene after the Coup to curtail people's freedom of movement by the issuance of detention orders.

The first group of persons arrested and detained, supposedly on suspicion of planning a counter coup, took place on 29 April 1978, two days after Rene had left for China and North Korea, on his first official visit abroad since the coup. According to an article in the newspaper, *Weekend Life*⁶², and as observed by Dr. Ferrari, shortly after René's departure, Radio Seychelles announced that the Government had discovered a plot to overthrow them. Twenty-one persons were arrested.⁶³ According to a communiqué from the Minister of State for Internal Affairs, Mr. Ogilvy Berlouis, the arrests followed the discovery of several cachés of large quantities of arms and ammunition in Seychelles and there was concrete evidence that James

⁶⁰ Hearing No.6 Of Monday 16 September 2019, as witness in Cases 002 Lewis Betsy, and 003 Daniel Auguste.

⁶¹ The specific legal basis being Sections 3 (power to prohibit publication and dissemination of "matter prejudicial to public security"; to prohibit or restrict assemblies and the movement or transport of persons or property; to regulate food, liquor, medical supplies, arms, telecommunication services, and a host of other items and services; and to authorise such other things as the Governor determines in his discretion to be necessary) and 4(2) (emergency powers to detain persons or require persons to do work or render services) of the Preservation of Public Security Ordinance (Cap. 36), Ord. No. 1-1965 (11 January 1965).

⁶² Ferrari M, *ibid*, p180; *Weekend Life*, 6 May 1978.

⁶³ Ferrari M, *ibid*, pp180-181. The persons detained were Kitson Adeline, Winnie Adeline, Léon Barallon, André Beaufond, Daniel Bonté, Leslie Dine, Robert Frichot, Marie-Ange Generette, Andiana Hoareau, Gustave Hoareau, Félix Hoareau, Owen Hoareau, Pascal Larue, Jacques Lavigne, Michael Mason, Armand d'Offay, Julien d'Offay, Daniel Payet, Charles Sinon, Carlette Tall and Parvez Udhwadia; Document from Commissioner of Police, The National Archives of the UK (TNA).

Mancham and three members of the ousted Government were fully involved.⁶⁴ Mancham immediately denied his involvement.⁶⁵ However, Mr Gonzague d'Offay, an ex-Minister in the coalition government exiled in South Africa at the time, informed the Commission⁶⁶ that he had met with Mike Hoare in August 1977 to discuss the possibilities of staging a counter-coup.

In a press release about the counter-coup plot dated 20th June 1978, President Rene stated that "...it has been established beyond doubt that it was very closely connected with the one that succeeded in the Comores. ...the two were scheduled to happen around the same time. Those who had trained for the Seychelles coup were waiting hoping it will still take place, and the boat connected with it is still at Mombasa"⁶⁷.

A Detention Review Tribunal was set up by the Chief Justice, under the Detention Review Tribunal Decree, of 19 May 1978, supposedly to review the cases of the detainees within one month from the date of detention and make recommendations concerning the necessity or expediency of continuing the persons' detention, to the President. This may have been in response to pressures by the two lawyers who were representing some of the detainees in court proceedings (Ramniklal Valabhji appearing for seven of them and Mr. Walsh for one), for them to be released as they had been in detention for over 24 hours.⁶⁸ The Tribunal was chaired by Justice Lavoix-Pierre, a Justice of Appeal judge at the time, appointed by the Chief Justice and two other members appointed by the President, in accordance with the Decree.

That this tribunal was established as a veneer for allowing the detainees due process was noted by Mr. Bernard Georges⁶⁹ who informed the Commission that, as far as he was aware, the Tribunal met once, that it possibly met with some of the persons detained, but by the time they came to consider anything else the detention had elapsed and the people had been released. In his view this was the only time that political detainees were allowed to seek the assistance of lawyers and nothing more was heard of the Detention Review Tribunal after this event.

The Commission obtained a document from the archives of the United Kingdom, purportedly received by the British High Commissioner to Seychelles at the time, Mr. John Pugh, under the cover of a note to file dated 11 September 1978. The document explained that the attachment was a report of the Commissioner of Police which was put before the Detention Review Tribunal, which considered the detention of the twenty-one persons arrested. The document recorded as follows:

REASONS FOR THE ISSUE OF DETENTION ORDERS

Investigation revealed that D. Joubert, J. Mancham and A Uzice, had, during the months of February, March and April, contacted a prominent mercenary leader and asked for 200 men to support an attack

⁶⁴ Ferrari M, *ibid*, p180; *Weekend Life*, 6 May 1978.

⁶⁵ Ferrari M, *ibid*, p181.

⁶⁶ Gonzague d'Offay, Hearing No.119 of Monday 9 November 2020, as general witness.

⁶⁷ UK Archives, filed note dated 26 June 1978 from British High Commissioner to Seychelles, Mr J A Pugh.

⁶⁸ *Weekend Life* Publication, Saturday 6 May 1978, Vol 1, Issue No.45.

⁶⁹ Hearing No.

on the Seychelles. They had received over two million rupees from a highly financially influential Arab and had already made contact with certain Seychellois domiciled in the Seychelles and elsewhere. The plot, when revealed, proved to be simple but well conceived. Certain yachts has [*sic*] already been to the Seychelles and had smuggled arms into the Republic. Arms had been hidden in caves and in certain houses. The mercenaries in the meantime, had purchased a boat called ADVENTURA which was in Mombasa. The mercenaries, after being flown to Kenya, would take the boat and come to Seychelles. On the day of their arrival, groups of Seychellois on Mahe and Praslin were to stage an armed uprising. Roads would be blocked and houses also set on fire. The security forces would be bound to disperse to the various districts to put down the uprising. At the same time, the 200 mercenaries would land and take over key points in Seychelles, i.e. airport, power stations, Radio Seychelles, the New Port and Police Headquarters. The Army Camp and the house of the President were to be blasted out completely. Heavy arms had already been purchased by the mercenaries from a Monsieur DUPON from France. As soon as the take-over was complete, the ex-president and ex-ministers would fly in and take command. There would be a purge of all personnel connected with the present government and, contrary to the belief of some people, Joubert would take over as "Dictator".

Roles of Persons Detained

Investigation has revealed the role that each of the persons detained was to play in the invasions:

Andre Beauford and Gustave Hoareau

Left for Rhodesia where they discussed plans with mercenary leaders. They were to meet and guide the mercenaries to the key points in Seychelles and to co-ordinate movement and communication of the various armed local groups of Seychellois.

Felix Hoareau, Robert Frichot, Daniel Bonte and Michael Mason

They acted as agents of the group planning the invasion and supplied information to the group in England. They actively encouraged Joubert and Mancham to plan the counter-coup and financed the movement at local level. Mason was also to assist in providing transport for the mercenaries. Hoareau, Frichot and Bonte recruited some of the other detainees

Daniel Payet and Armand d'Offay

They were in direct contact with Joubert and had received instructions to assist with the invasion. They were to start an armed civil disturbance in Praslin, assist in hiding arms in Praslin and ensure that the Police of Praslin were neutralized. This they had begun to execute and had already arranged with two police officers to destroy the communication system and to seize arms in the possession of police. D'Offay had sent his wife to Mauritius to receive further instructions.

Owen Hoareau

Had been passing information to Joubert and Mancham on the present situation in Seychelles, advising them who could be relied upon, the position of the Army Camp and other places where arms were kept. He was also receiving information to pass to the various persons involved.

Winnie Adeline, Carlette Tall and Andiana Hoareau

Were carrying messages to and from the various persons involved. Messages were left with Andiana Hoareau at her residence and she then distributed these to Winnie Adeline and Carlette Tall at Chez Frangipani to be delivered to others involved in the counter-coup.

Parves Udwadia

Was engaged in supplying information to Joubert and Mancham in England and was arranging for small boats to be made available, if required, for the transportation of mercenaries from outer islands to Mahe. He was also actively involved in making arrangements for arms to be smuggled into Seychelles via a fishing boat which he was in charge of.

Leslie Dine, Pascal Larue, Julien d'Offay. Kitson Adeline, Leon Barallon, Charles Sinon and Jacques Lavigne

Were to instigate groups of people in each of their districts to rebel and to draw the attention of the security forces, thereby diverting attention from the mercenaries landing at various points in Mahe. They had already recruited small groups of people.

Arms

Acting on information received, searches for arms were made in various places and four automatic rifles were found hidden on private property. 1,500 rounds of 9mm bullets (made in Paris) were also found but these bullets were for rifles which the security forces have not been able to find yet.

Other arms were found near private residences, the owner of which is absent from the Republic. In view of this absence, it is not intended to divulge anything more in this report at present.

(Commissioner of Police).

One of those arrested, Marie-Ange Generette, née Lavigne, a Seychellois married to an American employee of the US tracking station at La Misere, was released after one week and ordered to leave the country within two days⁷⁰. The remaining twenty were held in detention for over two months, until early July: nine were released on 1 July 1978 subject to a requirement to report daily to the police; and the other eleven were released on 5 July 1978 but held under house arrest for some months.⁷¹ Ferrari wrote that the majority left the country soon after⁷² but he did not explain that they were pressurized to do so.

Four persons from this group of detainees testified before the Commission in relation to their arrests and detention: Carlette Ball, Julien d'Offay, Parvez Udwadia, and Charles Sinon.⁷³ They all asserted that they were detained for over two months and never charged for any wrong-doing, and to this day no clear explanation has been provided for their prolonged detention. They also claimed that they were not informed of the existence of the Detention Review Tribunal or ever brought before it. They observed that the families of some of the detainees had contacted Amnesty International, requesting their intervention. Amnesty International did make contact with the government, seeking further clarifications on the detentions and the conditions under which the persons were detained. The Government invited their representatives to visit

⁷⁰ Weekend Life Publication, article of 6 May 1978.

⁷¹ Communication of 6 July 1978, TNA. See also Ferrari M, *ibid*, Locations 2282-2288. See Case 245 Peter George Payet, in Volume III.

⁷² Ferrari M, *ibid*, p183.

⁷³ Carlette Ball – Case 005; Julien d'Offay – Case 166; Parvez Udwadia – Case 025; Charles Sinon – Case 128; see all cases in Vol III.

Seychelles to see the situation for themselves, but the detainees were released shortly before the visit happened.⁷⁴

4.4 Political Reforms of 1978 – 1979

Meanwhile, from 1978, a wide range of social and economic reforms were in process, as observed by the US Charge d’Affaire in Seychelles⁷⁵. They included the nationalization of all bus transport, the acceleration of low-cost housing schemes, the provision of nine years of free and compulsory education, and the amalgamation of all seventeen independent trade unions into one national federation. Announcements had also been made about the abolition of private medical practice by January 1979, and free health service for all. A study had also been initiated to look into the nationalization of land holdings “held for speculative purposes”. Mr. Mattson noted a statement made by President Rene in his speech on the first anniversary of the coup d’etat, setting forth a new government policy to restrict home ownership to one dwelling. He also referred to a letter sent out to teachers by Minister Hodoul (then Minister for Education) in late July 1978, stating that future promotions will be based “on political awareness” and loyalty to the government, which he claimed upset the teachers.⁷⁶ His report concluded that despite certain shortcomings, the government’s “...measures have been greeted with general approval from masses for whom promises of equal treatment and opportunity, a government-subsidized house and full employment “as dignified workers” have considerable allure.” (See Chapter Five for more details of the reforms).

4.5 Formalising the one-party system of governance

In the press conference given by Albert Rene on 8th June 1977⁷⁷ he had identified the creation of a new constitution and the re-organisation of the government as two major aspects of the system that needed urgent action. He observed that the “...the old colonial system that hindered us” had to be changed and that elections would be held once a new constitution had been established, in consultation with the people, before the end of June 1979.

A second congress of the SPUP was organized from 31 May to 2 June 1978, during which the party was reconstituted as the ‘Seychelles People’s Progressive Front’ (SPPF), with the aim of “promoting and safeguarding popular democracy,” where “...all the people will have the democratic right to express themselves.”⁷⁸ Among its stated objectives was the creation of “...a Socialist State wherein all citizens, regardless of colour, class, race, sex or creed, shall have equal opportunities and be afforded with the basic needs of life in a modern society...”⁷⁹. People who wanted to join the party had to adhere to socialist

⁷⁴ US Bureau of African Affairs – 1978 Human Rights Country Report for Seychelles.

⁷⁵ Mattson Greg (1978) Seychelles Development and Trends: a final report, September 1978, US Bureau of African Affairs.

⁷⁶ Mr. Mattson observed that “Hodoul was said to have been severely criticized by Rene for this action at recent cabinet meeting”.

⁷⁷ See Section 4 above, at page 65.

⁷⁸ Onward to Socialism - SPPF Policy Statement (1978), p8.

⁷⁹ Constitution of the Seychelles People’s Progressive Front, Schedule 2, in *Constitution of the Republic of Seychelles Decree, 1979*. Supplement of Official Gazette.

principles and demonstrate such adherence. The Party structure and membership were formalized into district-based ‘Branches’ where members within each district annually elected an executive committee that led the Branch. The Committee was the only body that could nominate candidates for elections to the People’s Assembly and only the SPPF Executive Central Committee had the power to veto any nomination. The President would also appoint the Chairperson of the People’s Assembly.

The main purpose of the Congress was to prepare the party for the formation of a one-party socialist state.⁸⁰ Members of the deposed party were invited to join the SPPF. At the Congress it was also agreed that a Constitutional Commission would be appointed to draw up a new constitution for the Second Republic within a year. Through the assistance of the Commonwealth Fund for Technical Cooperation Rene appointed a lawyer from the West Indies, Mr Justice Telford Georges, as the chairperson of the five-member commission. The other members were Mr. Bernard Verlaque, editor and publisher of the ‘*Weekend Life*’ newspaper, Mr. Jacques Hodoul, a Minister in Rene’s government, Mrs. Anne Athanasius and Mr. Gerard Quilindo, both close associates of the Party. The Commission was directed to undertake wide consultation with the public before formulating the constitution.⁸¹

Public Participation

Consultation took the form of public meetings organized by the SPPF branch administrators that were recorded and broadcast over the national radio. People were also invited to send their views in writing to the Constitutional Commission, through the Nation newspaper and the radio. The Commission produced a report of its proceedings at the end of its mandate⁸². Evidence received by the TRNUC in relation to the process of consultation indicates clearly that the government manipulated the process to ensure positive reactions towards the establishment of a one-party state.

Among those who advocated for a referendum, rather than just public meetings, were Yvon Savy (a land surveyor) and Guy Ah Moye (a medical doctor); they decided to organize public meetings to obtain people’s views on the one-party state. As Dr. Ah Moye explained to the Commission⁸³ their main concern was that the one-party system did not become too extreme. He described himself as a “democratic socialist” at the time, and he believed that certain principles had to be maintained – the three main ones discussed during the public meetings being the independence of the judiciary, an independent and fair civil service and more than one candidate in one-party elections. The three discussion sessions they organized at the Theatre des Palmes at Mont Fleuri were well attended and discussions focused mainly on the one-party system. The deliberations were broadcast as a ‘radio show’ on Radio Television Seychelles (RTS) but then both he and Mr Savy realized that their good intentions were being misused: the radio show contrived to suggest that

⁸⁰ Shillington K (2009) *ibid*, p142.

⁸¹ Shillington K (2009) *ibid*, p145.

⁸² Charting Our Course: Report of the Constitutional Commission to President F. A. Rene and Draft Instructions, by Telford Georges (1978). Government Press.

⁸³ Hearing No. 70, on Friday 5 June 2020, general witness.

the majority of those who attended the meetings were in favour of the one-party state whereas they felt that by then people were afraid to voice their views on multiparty democracy.

One of the participants in the public meetings, Mr. Ronny Vidot⁸⁴ recalled attending the second meeting at the Theatre des Palmes, along with about twenty other people, where discussions focused on the recent political change. He remembered putting forward the pros and cons of both systems – one-party and multiparty – and he felt that the participants and the public had appreciated his points, especially his view that it's the ballot in the end that will speak, and not the bullet. Mr. Vidot maintained that he was not one to be manipulated by politicians; he expressed his views openly and at the time he felt that the meeting was open and free. He was not aware until much later that the statements he had made had been edited to make them sound pro-Rene and the one-party system.

In his testimony before the Commission Mr. Ibrahim Afif⁸⁵, then a radio presenter of RTS, related how Dr. Ah Moye contacted him asking for coverage of the three meetings they were organizing. Mr Afif attended the first meeting and he observed that the participants could freely express themselves, and divergent were views presented. The meeting was jointly chaired by Dr Ah Moye and Mr Savy, and Mr Afif did not detect any attempt by the chairpersons to single out anyone or guide the discussions along any political lines. He decided to include a one-hour reportage of the discussions in his program 'Randevou avek laktyalite' ('an appointment with current events'). He noted that upon the broadcast of views from the first meeting the authorities questioned only one comment that someone had made about the need for an army and the cost of guns. RTS was directed to publicise in another of its programs – 'Kwen Kreol' ('Kreol corner') - a letter denouncing the views challenging the need for an army.

When he was in the process of editing the third reportage of the meetings, however, Mr Afif received an unexpected visit from the then Minister of State for Information, Mr James Michel, who instructed him to remove certain parts of the discussions, including comments made by Mr. Ronny Vidot about the disadvantages of a one-party system, on the grounds that it would confuse people. Mr Afif felt that he had no choice but to obey the orders, especially as he had noticed a gun in the Minister's bag on the floor. From then on, he passed the program over to Douglas Cedras, another RTS producer, who edited the content of further discussions recorded from two or three other such meetings (on the subject of a one-party state), held in various community centres and chaired by Mr Paul Hodoul. Mr Afif informed the Commission that he attended one of these meetings, at Grand Anse community centre and noticed that the participants had been bussed in from various districts and they were mostly in favour of a one-party government but he believed the numbers were not representative enough to disallow the possibility of a referendum.

Although the Constitutional Commission's report notes a relatively large number of communications received that recommended a referendum to determine the establishment of a one-party state, the Commission decided against the holding of a referendum on the basis that the term 'one-party state' could

⁸⁴ Hearing No.93, on Friday 24 July 2020, general witness.

⁸⁵ Hearing No.78, on Thursday 25 June 2020, in Case 273: Claude Moulinie.

not be adequately defined for the purposes of voting, and would most likely cause confusion⁸⁶ – a point considered as a lame excuse made up by the government to avoid the possibility of such an option.⁸⁷

The 1979 Constitution

The new constitution came into effect on 5th June 1979; it institutionalized the one-party state, mandating that all political activities “...shall be conducted under the auspices of the Seychelles People’s Progressive Front.”⁸⁸ The constitution of the Seychelles People’s Progressive Front (SPPF) was included as Schedule 2 (section 6) of the 1979 Constitution, and it stipulated as one of its aims the creation of a “Socialist State” and the eradication “...from society all forms of discrimination, oppression and exploitation.”⁸⁹ Article 4 also stated that the “...National Workers Union, the National Women’s Organisation and the National Youth Organisation shall operate under the umbrella of the Front”⁹⁰. This Article also enabled the nationalisation of all trade unions.⁹¹

The “Bill of Rights” contained in the Constitution of the First Republic, which enshrined civil and political freedoms was removed⁹². The list of human rights under the “Preamble” of the 1979 Constitution was simply stated as “the Intention” of the people of Seychelles but no provision was actually made to guarantee them⁹³. The constitution also provided for members of the SPPF only to stand for elections for seats in the new People’s Assembly.

The 1979 Constitution also established the “Armed Forces” under the direction of the President⁹⁴. Its main functions were:

- a) to defend Seychelles;
- b) to assist in the fulfilment by Seychelles of its international obligations;
- c) during a period in which a state of emergency has been declared under an Act, to provide assistance to civilian authorities –
 - i. in a civil disaster; or
 - ii. in the restoration of public order and security on being called out by the President;
- d) to perform, as directed by the President, functions and services of a civil nature so as to participate to the maximum extent in the task of national development and improvement.

⁸⁶ Constitutional Commission (1979) *Charting Our Course*; *ibid*, p2.

⁸⁷ Franda M (1982) *The Seychelles – Unquiet islands*. Westview Press Inc., USA. p56; also Dr. Guy Ah Moye, *ibid*.

⁸⁸ Constitution of the Republic of Seychelles Decree, 1979, Decree No. 14 of 1979, Sched.: Constitution of the Republic of Seychelles, art. 5(1) [hereinafter “Constitution of 1979”].

⁸⁹ *Ibid*, Schedule 2, Art.3(v) and (vi).

⁹⁰ *Ibid*, Article 4 – Membership.

⁹¹ Bernard Elisabeth, Hearing No.119 of Monday 9 November 2020 – General witness. Also noted in Greg Mattson’s final report – the amalgamation of Seychelles seventeen independent trade unions into a national federation.

⁹² Campling et al (2011) *Ibid*, p19.

⁹³ Franda M (1982) *Ibid*, p57.

⁹⁴ Constitution of the Republic of Seychelles, Decree 1979, Part VII (84) and (85).

The Constitution also vested in the President the powers:

- a) of constituting and abolishing offices in the service of Seychelles;
- b) of making appointment to offices so constituted; and
- c) of promotion, termination of appointment, dismissal and disciplinary control of persons so appointed to offices so constituted⁹⁵.

The new constitution thus gave the President extensive powers: he was the Head of State, which included the power to appoint all judges in the judiciary, the chairperson of the People's Assembly and the officers of the public service; he was the commander-in-chief of the armed forces, secretary general of the SPPF, and he could assume responsibility for various areas of government within the executive. The constitution in effect provided very few checks on executive powers⁹⁶. As noted by international observers⁹⁷ "...with gradual additions to his ministerial portfolio, by 1985 Mr. Rene was also Prime Minister and Minister of Finance, Planning and Foreign Relations and he led a Cabinet of only five members".

The Commission notes that the one-party state in Seychelles was established by the 1979 Constitution adopted by Presidential Decree and allegedly based on the desire of the people of Seychelles following a consultative process. It recalls that under international human rights law, a one-party system is not by itself improper, as there is no requirement that a State shall have more than one political party.⁹⁸ However, States, under any governmental system, are required to respect certain human rights that cannot be derogated, as specified under the Universal Declaration of Human Rights (UDHTR).⁹⁹ Accordingly, while the Seychelles Constitution of 1979 provided no legal basis for the recognition of opposition parties, the strategies used by the one-party system to suppress any political opposition violated the human rights owed to its citizens.

One-Party Elections

The first general elections under the one-party system were held in June 1979 to elect a President and members of the People's Assembly. Albert Rene was the only presidential candidate standing for election. Candidates for the 23 seats of the People's Assembly were selected by the SPPF Central Committee from amongst members of the Party, and more than one candidate could stand in a constituency. A new voters' register was drawn up from between March and June 1979, with a total of 27,929 voters registered. Voting was held in batches of districts spread over four days from 23 to 26 June 1979, and the results were announced on 27 June 1979. The elections were conducted under the direction of Mr. Serge Savy as Chief Electoral Officer. He declared that Rene had received 96% of the votes and the voter turn-out was of 96.42%. Twenty-three SPPF members were elected to the People's Assembly and a further two members,

⁹⁵Constitution of the Republic of Seychelles, Decree 1979, Section 99(1).

⁹⁶ See analysis of the political system at that by Bruce Baker, Director of the African Studies Centre, Coventry University, UK, and his article: Bruce Baker (2008) *Seychelles: Democratising in the shadows of the past*. Journal of Contemporary African Studies, Vol. 26, No.3, July 2008, p279-293. Taylor and Francis, UK.

⁹⁷ Economist Intelligence Unit (1986) Country Profile: Mauritius, Seychelles, 1986-87. EIU, London. p31

⁹⁸ The UDHR, for instance, enshrines the rights to freedom of association and to participate in government, but it does not mention political parties or a requirement of pluralism. UDHR, arts. 20, 21.

⁹⁹ *Id.*, art. 20.

namely Daniel Loizeau and Marie-Therese Choppy, were nominated by the President to represent the Inner and Outer Islands.¹⁰⁰

One-Party Government – from June 1979

The new Government was sworn in on 28 June 1979. A cabinet of nine Ministers was re-appointed as follows: Guy Sinon, the SPPF Secretary General became Minister for Administration & Political Organisation; Maxime Ferrari, the party's vice-president, was Minister for Planning & Development; Jacques Hodoul, the party's Political Secretary became Minister for Foreign Affairs. James Michel, SPPF Publicity secretary became Minister for Education & Information; Mathew Servina was appointed as Minister for Transport & Tourism; Philibert Loizeau took over the Ministry for Labour & Social Security. In addition, three Ministers of State were appointed in the President's Office: Karl St.Ange for Agriculture, Esme Jumeau for Youth and Community Development; and Ogilvy Berlouis retained responsibility for Internal Affairs and the Army. President Rene held responsibility for Finance and Economic Planning, as well as the position equivalent to that of Minister for Justice.

The newly elected members of the People's Assembly were also sworn in on 28 June 1979 in a meeting chaired by David Thomas, the special advisor to the President, assisted by Sheila Gemmell, who also worked in the President's office. Thereafter, John Renaud was appointed as Chairman of the Assembly with Madge Chetty as Clerk¹⁰¹.

Consequently, the various institutions of Government - the judiciary, legislature and executive - became one closely linked entity under the leadership of the President, and with the blurring of the boundaries between the party and the state, a one-party dictatorship came into effect. The new Constitution, having assigned extensive powers to the President, brought about a one-party system of government characterized by overreach of executive power, resulting in state oppression and numerous human rights abuses over the sixteen years of its existence¹⁰². Even when the country's governance changed to a multi-party system in 1993, the laws and institutions put in place during the one-party system together with the advantages of incumbency, ensured that the same government that came to power with the coup d'état of 1977 retained both executive and legislative power until 2016, and executive power up until 25 October 2020. And discrimination related to non-support of the government authorities and 'the Party' did not dissipate with the end of the one-party system, as evidenced by the 89 TRNUC cases related to human rights abuses that occurred after 1993¹⁰³.

¹⁰⁰ Reports from the Electoral Commission archives. Also: Shillington K (2009) *ibid*, p147.

¹⁰¹ MacGregor F (2004) *A Parliamentary History of Seychelles*.

¹⁰² As evidenced by the 375 complaints before the TRNUC.

¹⁰³ See list at Annex 1 of this report.

Chapter Five

5 Consolidation of the One-Party System of Government

During the celebration of the first anniversary of the coup, on 5th June 1978, Rene delivered a speech providing a fairly comprehensive overview of his government's plans for future developments, in view of the fact, he claimed, that there had been a "...transfer of power to the people". He observed that now more than ever before, people were able to express their views and make proposals through the party Branch system and through the media – Radio Seychelles and the press.

On the issues of education and health care he stated as follows: "For the people to be able to govern they must be educated". He outlined plans to establish "...an education system aimed at providing equal opportunities for all our children". Everyone would be guaranteed nine years free schooling and the opportunity to undergo further training for specific trades. "No one will benefit from a better education simply because his parents can afford it". With regard to the health system, there would be one freely accessible system for everyone, and private practice would be abolished.

As for the further development of agriculture and fisheries, the President referred to agreements with British and French governments for assistance to Seychelles in the development of its own tuna fishing industry. The building of a cold store for the use of fishermen was also in progress. With regard to the development of agriculture and increased production of the country's food requirements, he noted that:

Our food imports last year amounted to R60 million. It is obvious, therefore, that we need to grow more – in order to grow more, we need land.

Most people who own land have no interest in planting – most people who wish to plant have no land. Food production, therefore, inevitably falls and prices rise.

The government's decision on this was made clear: government was shortly going to pass a law to make it compulsory for every landowner to declare, within six months of the law coming into force, the kind of development they were making on their land, future plans they had and the extent of land they were capable of developing. Where possible government would assist landowners with their developments, with the provision of water supply and so forth:

However, if the landowner refuses to develop his land the Government will take over what is not being developed and will redistribute these lands to other people who do not have them and who are interested in agricultural work. The landowner will be compensated according to the revenue accruing from the land at the time of transfer.

Reference was also made to the development of the outer islands; a new boat that would ensure regular travel to the islands was on the way and airstrips were being built on some of the islands.

With housing being an area of priority for development, the President mentioned housing projects that had started on land already acquired by the government, and some of them with the assistance of the European Economic Community. The aim was for everyone to own their own homes, and in that regard the President

questioned the need to have landlords renting houses to tenants. He noted his government's decision "...to find ways and means to assist tenants to purchase the houses they occupy by paying for them in instalments in the same manner as they now pay rent".

A clear warning to government workers who were allegedly criticizing the system was made, especially to those who had "...supported the previous capitalist regime". Rene stated as follows:

Often a Government worker who supported the previous capitalist regime has been given a promotion because we felt that he worked well.

We have often been accused by our own party supporters of backing our enemies. We did not wish to penalize or punish anyone. [...]

Certain individuals, among them well-paid persons, have done everything possible to destroy what the people are doing. [...some examples were cited].

Throughout the year the Government has been aware of these devious acts and the various efforts to sabotage the new society and during the year we have not taken any action because we lived in the hope that our Seychellois brothers and sisters would gradually remove the grudges and bitterness from their hearts.

A year has gone past, but despite many improvements there are still some who continue to act in this manner. We know them.

As from today, we will not tolerate any longer those who sabotage the efforts the people are making. If there are Government workers - teachers, doctors, nurses, clerks, whoever they are – who are not prepared to give a helping hand and who are not prepared to work in order to establish and develop our new society, they should leave.

Let us hope that tomorrow we are not blamed for having acted.

The speech ended with brief outlines of the preparations for the new Constitution and an appeal to everyone to work harder, as one people.

The main elements of this speech were actually based on the contents of the newly published National Development Plan (1978), in particular the areas of Education, Health, Land Use and Housing, the public service and the role of the SPPF and its branches¹. The implications of the statements made in the speech was that this socialist government was going "to work with and for the people". As noted by the outgoing United States Chargé d'Affaires, Mr. Greg Mattson, in his final report² the new government that was installed by the coup "is increasing both the pace and scope of major reforms designed to revamp society

¹ National Development Plan 1978 to 1982, Seychelles Government.

² Mattson Greg (1978) Seychelles Development and Trends: a final report, September 1978. US Bureau African Affairs.

and bring about a “model socialist state”. This has resulted in an erosion of some personal freedoms and is likely to lead to increased social regimentation”.

The extent to which personal and other freedoms were restricted and controlled is evidenced by the many complaints brought before the Commission over the past two and a half years – a total of 373 cases in all³. The sections that follow illustrate the numerous human rights abuses that occurred and the state of oppression that resulted from the one-party system, and that endured well past the 1993 shift to a multiparty governance system⁴. The human rights violations are presented with reference to each one of the main elements mentioned in Rene’s speech above, namely: education and health reforms, land acquisition (related to agriculture and fisheries, and housing), politicization of the public service and restrictions on basic human rights because of State surveillance.

5.1 Education reforms

The education reforms of 1978 were meant to replace the largely selective system that had been in place from colonial times. A new set of education policies was instituted aiming to provide “education for all, education for life, education for personal and national development”⁵. The development plan focused on the provision of universal education from age 6 to 15+ years, and the expansion of secondary, technical and vocational training “in accordance with the manpower requirements of the country”⁶. The education reforms implemented over the period 1978 to 1983 included the following:

- The introduction of a zoning policy requiring all students to attend nine years of free compulsory primary schooling in their districts, and the abolition of all private schools by the end of 1982;
- The construction of new schools and upgrading of existing ones;
- The adoption of a new language policy which emphasized multilingualism in schools (Kreol, English and French became the national languages) and the introduction of Kreol as medium of instruction in the first years of primary school;
- The setting up of the National Youth Service, a two-year compulsory residential education program, following the ninth year of schooling, with a view to developing “the whole person” through community living and sharing;
- The setting up of a centralized curriculum development unit to produce syllabuses and instructional materials relevant to the local context;
- A review of the national system of assessment of students’ learning, and shifting towards a new system of home-grown national examinations (away from the Cambridge Examinations Syndicate’s O and A levels of the private schools);
- The establishment of Seychelles Polytechnic in 1983, as the one post-secondary training institution – it amalgamated all existing technical and vocational training programs.

³ See Cases in Volume III.

⁴ See the 371 case determinations detailed in Volume III.

⁵⁵ Ministry of Education policy statement, 1984.

⁶ Budget Address for 1978, made by President Rene in December 1977. Department of Administration and Information, Seychelles.

While most of the reforms were welcomed by the majority of the population, objections to the National Youth Service (NYS) gave rise to the first public protests since the coup, in October 1979. According to the evidence of Darius Oliaji⁷ (a student in Form 3 at Seychelles College at the time), Regis d'Unienville and Regis Francourt⁸, a meeting was organized for all Form 3 students, where they were informed about the NYS by President Rene. As part of educational reforms all students completing Secondary year 9 or Form 3 of the College and Regina Mundi Convent, would have to spend two years doing the National Youth Service programs on one of the outer islands, most likely Coetivy. Mr. Oliaji recalled Mr. Rene explaining that the living arrangements would be like a camp, they would be taught how to grow things, how to fish, and to learn other skills, which Mr. Oliaji observed, sounded like fun. Mr. Rene then announced that there would be a meeting for parents the next day in the school hall, where he would explain to them how the NYS was to proceed, and he asked the students to tell their parents to attend.

Mrs Soona Oliaji, mother of Darius, recalled that many parents objected strongly to the NYS⁹ at the meeting the following day, and when she pushed for a show of hands in favour of the project, only four people put up their hands. Mrs. Oliaji claimed that Mr Rene was so upset that he left the meeting without saying another word. Mrs. Jessy Laporte¹⁰ also observed that many parents in her community in Greenwich were against the NYS, but she did not attend the meetings and was not aware that her daughter's participation in the student demonstration that occurred, until after the event.

According to the testimony of Dr. Ferrari, the intention of Albert René was to remove children from the bad influence of their parents, but also, in line with the principles of socialism, to break down social barriers between richer and poorer children. Dr. Ferrari also noted that there was going to be no input by the churches¹¹, something which upset quite a lot of parents as well as the religious leaders.

Public protests against NYS, 11 and 12 October 1979

From the accounts of several witnesses before the Commission¹² a group of Seychelles College students decided to organise a demonstration against the NYS the next day. The main leaders of the protest were Simon Desnousse, Regis Francourt, Regis d'Unienville, Cyril Lau Tee and a few others. Mr. Regis d'Unienville recalled that they had met the evening before at the American cultural center together with John Dookley and planned the protest. They garnered support from students from the other year groups at their school, as well as the support of students from Regina Mundi Convent across the road. Mr. Darius Oliaji recalled that they started off by walking around the College playing field and shouting in protest but then a decision was made to march through town to the Ministry of Education at La Bastilles. Over a

⁷ Case 100: Soona Oliaji, see Vol III for details; and Hearing No. 22 of Tuesday 5 November 2019.

⁸ Case 103: Regis d'Unienville; Case 370: Regis Francourt; Case 180: Cyril Lau Tee, see Vol III for details.

⁹ See the testimonies of Mrs. Soona Oliaji, Case 100; Mrs. Jessy Laporte Case 050;

¹⁰ See Case 050 – Jessy Laporte, Vol III.

¹¹ Noting that originally schools had been set up by the Catholic and Anglican churches and religious education was a compulsory subject in all schools.

¹² Regis d'Unienville: Case 103; Regis Francourt: Case 370; Case 22: Olivia Vincent; Case 81: Mats Deutschmann;

thousand students decided to join in and on the way, they collected from Mrs Oliaji the cardboard posters that the students had prepared the day before at Darius's home. They also had the support of some of the other parents, who either joined the march or helped with refreshments, as did Mrs. Oliaji.

When the students reached the gates of the Ministry of Education and were not entertained by any senior official, they decided to march to State House gate and find the President. Mr. Oliaji recalled that they were surprised to find the gates open and when they walked up to State House, they saw a podium with a microphone and Mr. René already standing there. Mr. Rene asked the students to tell him what they wanted, and a few of the older boys went to the microphone and stated their views. Mr. Oliaji recalled one of them was Regis Francourt, who said: "Mr. President we do not want to go to NYS. The children do not want to go to NYS. I think you should scrap this idea". Mr. Regis Francourt confirmed that he did put a number of points to the President, including that the NYS should, at the very least, be delayed. In response, the President told them that the government would consider their demands, they should go home and they would get a response in the next few days.

After hearing from the President, the students left and went home. However, in the evening of that day, 11 October, Mr. Francourt recalled being taken from his home at Bel Air in an army jeep, to an interview with Ogilvy Berlouis at the Bel Eau headquarters. Reporters from Radio Seychelles were also present to record the interview. Mr. Berlouis wanted him to "confirm" that Gerard Hoarau and Paul Chow were the ones behind the organisation of the anti-NYS demonstration, and when he refused, Berlouis tried to persuade him by offering him a position in Mr. Rene's bodyguard team. Mr. Francourt recalled that he was kept by Berlouis until the early hours of the morning, as he was returned to his home around 2 AM. Mr. Regis d'Unienville maintained that the demonstration had been a completely unpolitical event as far as they were concerned, it was simply about their objections to the NYS.

The next day the students decided to continue with the protest; once again they marched to State House gates but they were not allowed in. They decided to head towards Mont Fleuri and, as observed by Mr. d'Unienville, they ended up trespassing onto the premises of Seybrew and Seybake where they helped themselves to beers and cakes. Mr. Francourt also recalled that along the way they were joined by many adults who were expressing anti-government views and as they went back through town the situation became somewhat chaotic. Mr. Francourt noted that people opposed to the government, especially Democratic Party supporters, decided to take advantage of the students' demonstration to express their own grievances, and on a few occasions the event culminated into rioting. A government vehicle was set on fire¹³, and finally the demonstrators were dispersed by the police and army shooting tear gas and rubber bullets at the crowd. A number of people – adults and students - were arrested, including Mr. Francourt; a curfew was imposed and all schools were closed down for one week. In a short speech over the radio that

¹³ The car, belonging to the Town and Country Planning division, was being driven by Mr. Noel Laporte at the time and he was not perceived as a supporter of the government. See the testimonies of Jessie Laporte - Case 050, and Max Racombo – Case 046, in Vol III.

evening Rene referred to "...reactionaries manipulating the students' cause for their own political purposes..."¹⁴ and action would be taken to stop them.

Mr. Francourt also noted that another contentious issue that added to their dissatisfaction with the way things were going, was the government's decision to regionalize sports, and football in particular. This had been discussed at a meeting held at the Pirates Arms on 7th October 1979, less than a week before the student demonstration. The proposal was opposed by many football enthusiasts, including Gerard Hoarau and Lewis Betsy who played for Rovers¹⁵, and by College students, Mr Francourt included, who played in the school football teams.

Counter-demonstration by SPPF supporters

The situation was further aggravated the following Monday, 15 October 1979, when the SPPF organized a large counter-demonstration, as a show of support for the government and the NYS project. They marched from Les Mamelles through town and on to State House where they were addressed by the President. Along the way Mr. Anthony Hunt¹⁶ (from Les Mamelles) and Mrs. Oliaji (from Mont Fleuri) were dragged from their homes by SPPF party activists claiming they were doing 'citizens arrests'. Their hands were tied behind their backs and they were forced to walk along with the demonstrators. Finally, Mr. Hunt was taken to Mont Fleuri police station by army commander Phillippe Lucas, on the instructions of the President¹⁷, where he was locked up in a cell until the end of the demonstration when he was released.

Mrs. Oliaji recalled being forced to walk all the way to Victoria, her hands held by two men walking on either side of her¹⁸, with the crowd of demonstrators shouting and hitting her on the head with their cardboard placards. By the time they reached the town she was very worried about her predicament in such a situation. At the clock tower she was spotted by Mr. James Pillay, the Commissioner of Police, who was driving around there, and he persuaded her captors to allow her to go with him in the car. She knew him well, and he took her to Central police station where she was given a cup of tea and was helped with getting herself cleaned up. She was allowed to leave some time later, but was advised by Mr. Pillay not to spend the night at her house as tensions were still very high. Mrs. Oliaji maintained that the aggression towards her was most likely linked to her outspoken stance on the NYS at the parents' meeting with Rene.

Mr. Ayub Suleman¹⁹ was also subjected to a similar ordeal as Mrs. Oliaji during this counter demonstration. He noted that he had been seen at State House gates the previous day, while looking for his daughter, as he had been informed that she had joined the demonstration. Mr. Suleman recalled being dragged from his office in town by Mr. Kersley St Ange, who told him the President wanted to see him. He was taken to State House with the crowd and when they got there a national flag was forced over Mr. Suleman's

¹⁴ Rene's speech from SBC archival materials.

¹⁵ See Case 002: Lewis Betsy, Vol III.

¹⁶ Case 013 – Anthony Hunt. See details in Vol III.

¹⁷ See testimony of Phillippe Lucas in Case 013 Anthony Hunt, Hearing No.29 of Thursday 14 November 2019.

¹⁸ She had insisted on having her hands untied, see testimony of Mrs Oliaji: Case 100, Vol III.

¹⁹ See Case 271: Ayub Suleman Adam, Vol III.

shoulders. After Rene had made his speech to his supporters, Mr. Suleman asked for the microphone, and he asked the crowd: “what have I done wrong?” He recalled that Rene warned him that the crowd might thrash him and then asked Phillipe Lucas to take Mr. Suleman home.

In his testimony before the Commission Mr. Paul Chow²⁰ noted that by October 1979 he and Gerard Hoarau were producing “underground leaflets” highlighting the abuses of the one-party system, and “publicising the things that the regime didn’t want people to know”. The only independent newspaper (*Weekend Life*) had been banned at the end of 1979, and the government had complete control over the media. Gerard Hoarau produced the content and Mr. Chow did the printing of a few hundred copies of the leaflets every week on stencils, in secret in his office. He operated a news agent and bookshop business in Victoria. The leaflets were distributed in the districts by other supporters of the underground opposition. He recalled that the NYS was an issue that upset many people, including supporters of the SPPF, and consequently he and Mr. Hoarau decided to provide support to the students’ demonstration through their publications. He acknowledged that the student demonstration then acquired a wider purpose in opposing the government in power, as he, Gerard Hoarau and others were exploring ways of challenging the one-party system.

Mr. Chow also recalled that there was a French military vessel in Seychelles manned by five or six Special Forces personnel, in order to protect French interests. These personnel were also involved in the training of the new armed forces of Seychelles. Mr. Chow made contact with them in an attempt to try and obtain the French Government’s agreement to allow the military personnel to help in the overthrow of the Rene regime.

Bomb explosion at Katiolo – 22 September 1979

The Commission also notes that the events of October 1979 occurred in the aftermath of another tragic incident related to state-security, where three teenagers were blown up by a grenade found on the beach in front of the Katiolo nightclub, in the afternoon of 22 September 1979. From the evidence of the families and surviving members of the group²¹ Patrick de Silva, Andre Etienne and Mickey Pouponneau were killed when an explosion occurred on the patch of ground next to the beach at Katiolo where they normally played football. According to the evidence of the surviving members of the group, they were tidying up the ground and getting ready to start the game, when Peter Pouponneau, the older brother of Mickey Pouponneau, picked up a chunk of metal shaped somewhat like a bottle. He threw it aside and, to their horror, it immediately exploded. The three died on the spot, and Peter Pouponneau, along with Daniel de Silva and Jack Esparon were all badly injured. Peter Pouponneau and Daniel de Silva were taken to Victoria hospital by Guy Pool, an army Captain based at the Pointe Larue camp, who arrived on the scene soon after the explosion. The army camp was about 500 meters from the Katiolo nightclub and the de Silva and Esparon families, who lived nearby, recalled shooting practice being done from the hill top into the sea, where floating barrels had been put out as targets. Peter Pouponneau also noted that a few days after the explosion, divers had come in an army boat to search for other such “missiles” in the sea around the area. The government, however, tried to cover up its responsibility by stating that the youngsters had gone diving in

²⁰ Hearing No. 9 of Thursday 19 September 2019, and see Case 017 Paul Chow, in Vol III.

²¹ See Case 500: Daniel de Silva and others, and Case 408: Steve de Commarmond, in Volume III.

the deep water and picked up “an unfamiliar object” they had brought ashore and played with on the beach²². Members of the boys’ families eventually had meetings with Rene and Berlouis. They were told some assistance would be provided on condition that they kept quiet about this whole incident; Berlouis also observed that this accident should teach the youngsters a lesson. The families felt they had no choice at the time, as there was no means of challenging the state system.

Arrests and Detentions of 15 – 17 November 1979

Exactly one month after the NYS demonstrations a group of 81 persons (75 men and 6 women)²³ were arrested and detained under ‘Detention Orders’ issued by the President, pursuant to the Preservation of Public Security (Detention) Regulations 1979, a legal instrument based on the colonial Preservation of Public Security Ordinance²⁴. On Friday 16 November 1979 President René announced a dusk to dawn curfew, banned political gatherings and put a prohibition on boat movements during the night. Certain French nationals were deported. In an address to the nation on 20 December 1979 President René said, *inter alia*, that the situation during November had been very serious and that an invasion from South Africa had been imminent.²⁵ (See details at Chapter 6 – Growing Opposition to the One-Party System of Governance)

Twenty of those arrested have brought their complaints before the Commission, including three who were perceived as being connected with the students’ demonstration – (John Dookley, Paul Chow and Noel Laporte)²⁶. All those arrested were accused of being involved in the planning of a counter-coup and the distribution of illegal pamphlets, although no charges were ever brought against any of them, and the Commission has received no evidence to suggest that any investigation was carried out. In this instance the Detention Review Tribunal was not brought into effect and the detainees were denied all of their due process rights.

²² See Nation article of 23 September 1979 entitled: ‘Three die in explosion’.

²³ See complete list of detainees at Annex... ; those who brought complaints before the Commission are: Lewis Betsy - Case 002; Royce Dias - Case 145; Rita Baillon; Case 106: Bill Mohamed; Jean Dingwall – Case 115; Willy Laporte – Case 034; Jean-Marc Fostel – Case 079; Mariette Naiken – Case 120; Will, Rene Quilindo – Case 232; Patrick Barallon – Case 092; Noel Laporte – Case 050; Jessy Laporte; Case 271 – Ayub Suleman Adam;

²⁴ The specific legal basis being Sections 3 (power to prohibit publication and dissemination of “matter prejudicial to public security”; to prohibit or restrict assemblies and the movement or transport of persons or property; to regulate food, liquor, medical supplies, arms, telecommunication services, and a host of other items and services; and to authorise such other things as the Governor determines in his discretion to be necessary) and 4(2) (emergency powers to detain persons or require persons to do work or render services) of the Preservation of Public Security Ordinance (Cap. 36), Ord. No. 1-1965 (11 January 1965).

²⁵ Ferrari M, *ibid*, p212.

²⁶ John Dookley - Case 125 ; Paul Chow - Case 017; Roger Mancienne - Hearing No.25 of Friday 8 November 2019, as general witness; and Case 050 – Jessy Laporte. Those who brought their complaints before the Commission are: Lewis Betsy - Case 002; Rita Baillon (Royce Dias) - Case 145; Bill Mohamed – Case 106; Jean Dingwall – Case 115; Willy Laporte – Case 034; Jean-Marc Fostel – Case 079; Mariette Naiken – Case 120; Will, Rene Quilindo – Case 232; Patrick Barallon – Case 092; Noel Laporte – Case 050; Jessy Laporte; Ayub Suleman Adam - Case 271, Harry Bonte – Case 434.

Most of the persons arrested were detained for periods of between five weeks and nine months, and upon their release they were advised by the Minister of Defence, Ogilvy Berlouis, to leave the country, as their security could not be guaranteed²⁷. Many of them left in 1980, including Gerard Hoarau, Paul Chow, Lewis Betsy, Jean-Marc Fostel and Harry Bonte.

The National Youth Service – 1981 to 1998

Meanwhile a Department of Youth and Community Development was created under the portfolio of the President, with the responsibility to set up the NYS villages. It was announced that the NYS would be open to all Primary 9 school leavers (then aged 15/16 years), and that it would not be compulsory. The ‘villages’ would be located on Mahe, students would be allowed to go on home visits and parents may have access to the villages as necessary. Land was acquired from private owners at Port Launay and Cap Ternay²⁸ and two NYS villages were built there.

The NYS Act (1980) was promulgated by presidential decree in December 1980 and the first village was officially opened on 1st March 1981 at Port Launay, with over 600 students. The second one, at Cap Ternay, opened in January 1982 to accommodate the second year of the program. The NYS was managed by a board chaired by the President and its activities were overseen by a director appointed by the President. The activities of the NYS were organized under two main programs: the study centre program which focused on formal schooling and the village life program, which involved all matters related to daily living. Two more villages were built on St. Anne Island in 1985 and 1986. The NYS Act was amended in 1990 to reduce the length of the NYS to one year and the program was finally phased out at the end of 1998. Over the 17 years of its existence approximately 13,000 students attended the NYS.

With regard to the declaration that the NYS would not be compulsory, it soon became clear that the reality was quite different: failure to attend NYS led to exclusion from further education, in particular exclusion from the Polytechnic, as evidenced by a number of cases brought before the Commission²⁹. The Polytechnic, established in 1983, brought together all post-secondary training programs (including A levels) into one institution, and admission to all its programs was conditional to having completed NYS. This requirement was further confirmed by three past directors of the Polytechnic³⁰.

People’s views on the effectiveness of the NYS vary widely, ranging from an institution aimed at political indoctrination to a system that opened up educational opportunities for young people and taught them skills for life, and often such views depended on people’s political affiliations. However, since no formal evaluation of the NYS was ever done, it is difficult to ascertain the extent to which it met its stated goals. It must also be noted that the culture of fear that developed from the imposition of the one-party system contributed largely to its acceptance by the majority of parents and young people. One of the

²⁷ Amnesty International Newsletter, February 1986.

²⁸ See Case 012 Shana Victor /Fabiola Mangroo, among others in Volume III.

²⁹ See Case 024 Sarah Carolus; Case 504 Ghislaine Lautee;

³⁰ Patrick Berlouis, in a witness statement in Case 024 Sarah Carolus; Marguerite Mancienne ; and Patrick Pillay, in a letter, dated 21 November 1988, to Mrs Sarah Carolus concerning the non-admission of her daughter, Ellen Carolus.

unacknowledged outcomes of the NYS was the extent of alleged sexual abuse that occurred, mainly at the request of the President and senior army officers³¹. In his evidence before the Commission Mr. Andre Vidot³² explained that there were small houses at Barbarons where Claude Vidot took girls selected by Mrs Benstrong. The Commission notes that this allegation was refuted by Mrs. Benstrong and that it encountered difficulties in obtaining information about the nefarious activities at NYS from other persons appointed in positions of authority at the various locations.

Mr Joseph Laramé³³, had been an ‘animateur’ at NYS – 1987 to 1989. In his testimony before the Commission, he claimed that on several occasions while working at NYS he witnessed army jeeps coming to the villages at Port Launay and Cap Ternay to pick up girls who were taken away for the weekends. However, the Commission found from his personal file that he was accused of having an affair with a student at the village where he was working and was subsequently sacked.

Mr. Pierre Morel³⁴ recalled that during his time as island manager on Marie-Louise Island (1881 to 1983) Rene used to come over to the island often and stay at the manager’s house. During the bird-laying season (May to August) NYS students were brought over to Desneufs, an island near Marie-Louise, to collect birds’ eggs. Mr. Morel observed that Rene often went over to Desneufs to sleep with girls from the NYS groups, and he noted that this was a well-known fact by everyone on the islands. Mr. Ensel Moustache recalled the stories he was told by the boys who were sent to Desneufs about sexual abuse of girls that they witnessed while they were there. Mr. Moustache used to work on the boats that went to the islands. However, Mrs. Yvette Antat, an ‘animatrice’ at the NYS villages from 1981 until they were closed in 1998, claimed that she had never been aware of such actions and that the allegation were shocking, but she conceded that it was possible as people would do anything for money and other assets³⁵.

In spite of many appeals by the Commission to those who may have been sexually abused during these periods by the leading politicians, very few have so far been willing to come forward.

Other human rights abuses were meted out to those who had been perceived as leaders of the anti-NYS student protests: Regis Francourt, Regis d’Unienville and Simon Desnousse, among others, were all denied the possibility of further studies after completing their O levels in November 1979³⁶. They were unable to obtain employment in the public service because of the security clearance system in place then (see section 5.4 below). In the case of Simon Desnousse the refusal of security clearance was confirmed by Mr. James Michel in a conversation with Mr. Ibrahim Afif³⁷ on 20th October 1982, the day after Simon Desnousse and

³¹ See evidence of witnesses before the Commission, namely Andre Vidot, Joseph Laramé, Ensel Moustache – Case 326.

³² Hearing No.138 of Tuesday 13 April 2021, as witness in Case 007: Angelin Labiche, see Vol III for details.

³³ Hearing No. 101 of Wed. 9 September 2020; see Case 243 Joseph Laramé, in Vol III.

³⁴ Hearing No. 262 of Thursday 3 March 2022, as general witness.

³⁵ Hearing No.252 of Thursday 3 February 2022, as general witness.

³⁶ From their evidence – after the students’ demonstration, they were only allowed back to school to sit for the O level exams, and then told to stay away from the school.

³⁷ Testimony of Ibrahim Afif, as general witness, Hearing No.45 of Friday 7 February 2020, and paragraph 106 of Case 022: Olivia Vincent, in Vol III.

Mike Asher were killed by State agents. The student protest leaders also testified to being frequently followed and harassed by state intelligence agents, and as a consequence they tended towards opposition to the one-party government and eventually joined the resistance movement. This led to increased harassment and threats on their lives, especially after the murders of Simon Desnousse on 19 October 1982 (three years after the student protests) and Gerard Hoarau on 27 November 1985³⁸, in London. Forced exile became the only option to ensure their safety, and Mr. d'Unienville left Seychelles in December 1985 while Mr. Francourt departed in 1987.

5.2 Health Reforms

At independence in 1976 Seychelles had a rudimentary public health care system comprising eight public health facilities (five on Mahe, one on Praslin, one on La Digue and one on Silhouette), three private practices, 15 doctors and five dentists, serving a population of about 60,500 people. The government that took over in 1977 committed to one freely accessible health system and the abolition of all private practices. It adopted the Alma-Ata Declaration of September 1978 and promoted WHO primary health care policies as a means of achieving the goal of “health for all”. A program to build health facilities in all districts was started and public finance was also dedicated to the training of doctors and other health workers.³⁹ By 1979 private practice was no longer allowed and all services were free at the point of use.

Dr. Guy Ah Moye⁴⁰ informed the Commission that, although he has always maintained a socialist outlook, he was not convinced that the one-party system was going to bring about the anticipated changes in the Seychelles society at the time. He advocated for greater consultation and openness but soon realized that Rene was wanting greater control and was being hypocritical. With regard to the banning of medical private practice, Dr. Ah Moye noted that Rene had said over the radio that this was to stop doctors coming to Seychelles simply to make money out of sick people. He observed that a number of local doctors left the system and the government had to employ foreign doctors on contract, which was more costly. Dr. Ah Moye also decided to go back to UK in 1979, and consequently he appreciated the fact that he learnt so much from the practices he worked for in UK.

The departure of local doctors who had been in private practice was also noted in the final report of the outgoing US Charge d’Affaire, Greg Mattson⁴¹. He observed that they had turned down offers of government jobs and were expected to leave Seychelles, and leaving the government with a potentially serious problem in the short term.

³⁸ Case 29 Joe Hoarau, in Volume III.

³⁹ Netsanet Walelign Workie, Emelyn Shroff, Abdo S. Yazbeck, Son Nam Nguyen & Humphrey Karamagi (2018) *Who Needs Big Health Sector Reforms Anyway? Seychelles’ Road to UHC Provides Lessons for Sub-Saharan Africa and Island Nations*. Research article published in online journal: *Health Systems & Reform*, 4(4):362–371, 2018, Taylor and Francis Group.

⁴⁰ Hearing No.20 of Friday 18 October 2019, as witness in Case 009 – Jimmy Zatte.

⁴¹ Mattson G (1978) *Ibid*.

It is to be noted that only a few of the cases before the Commission concern human rights abuses directly related to health care, in particular in relation to specialized health care provided overseas, whereby it was sometimes alleged that decisions as to who would benefit from specialized treatment overseas were determined on the basis of political affiliations⁴².

5.3 Land Use and Land Acquisition

The government's focus on the development of agriculture and housing projects necessitated access to land. In a country with a total land area of merely 455 sq km (approx.), of mostly hilly terrains, land is an especially scarce resource. In addition, the historical context of land ownership that was concentrated in the hands of a relatively small group of people – namely the descendants of the European colonisers – required a certain level of land redistribution. As noted in Rene's speech above, the government set about establishing new policies and changing the existing laws to ensure that people would have better access to land.

With regard to agriculture, the government's policy was to acquire land that was considered as underutilized, for re-sale to prospective farmers or to be developed as state-owned farms⁴³. This was made possible through the Lands Acquisition Act⁴⁴, a piece of legislation dating from colonial times, and substantially amended in 1977 to facilitate land acquisition by orders of the President. On the same basis, land acquisitions were made for the development of housing projects, and the Commission acknowledges that a large number of people benefitted from such housing schemes. The 1977 Act also made provision for compensation to be assessed on the basis of the open market value of the land and other assets found on the land acquired. Hence the first of such properties was purchased by the government by mutual agreement – some 130 acres for SR1.5 million - from the Nageon de Lestang family⁴⁵ for a housing development project at Pointe Larue in 1977.

However, subsequent amendments to the Act⁴⁶, in particular the one of 1978, specified that compensation "...shall be assessed at the average annual income accruing from the use, exploitation or letting of the land during the three years prior to the date of acquisition, excluding any income which was attributed to the use, exploitation or letting of any buildings..."⁴⁷. In effect these amendments determined that the buildings were to be assessed at market value, but the land not containing buildings was to be assessed based on the average income derived therefrom.⁴⁸ The Commission acknowledges that this value-based separation of the

⁴² See Case 005 Carlette Ball; Case 092 Patrick Barallon, in Volume III.

⁴³ Campling et al, *ibid.*, p24 .

⁴⁴ Land Acquisition Act, Act No.10 of 1977.

⁴⁵ See Case 043: Gilles Nageon de Lestang, Vol III.

⁴⁶ See details of amendments made to the Act in Volume III, Legal and Constitutional frameworks and critiques, section 5, p23.

⁴⁷ "Assessment of Current Use Value of Buildings" under Part III of Schedule 2 considered the assessment of buildings only at current market value.

⁴⁸ Land Acquisition Act (August 1978), Second Schedule, Part II ("Assessment of Value of Land by Returns Therefrom").

land from the buildings found on it, effectively allowed the land itself to be assessed at low or nil value.⁴⁹ A number of cases before the Commission attest to the application of this regulation, most often placing the complainants under duress by the acquisition of their land by Government for derisory compensation.⁵⁰

A further amendment to the Lands Acquisition Act (1978) - the amendment of 6/4/1987 – then removed the possibility for people to seek any form of redress, as specified in section 7(1):

No person shall challenge the validity or legality of any acquisition of land under this Act on any ground whatsoever and no court shall, in any proceedings and on any ground whatsoever, have jurisdiction to pronounce upon the validity or legality of such acquisition.

The Act was finally repealed in 1996, and replaced by the Acquisition of Land in the Public Interest Act, (Act 9 of 1996).

As expected, such overreach of power culminated in numerous cases of abuse, where people's properties were forcibly acquired, sometimes even without their knowledge⁵¹. Forcible acquisition was particularly prevalent in instances where people had gone into forced exile and their properties were acquired on the basis of the policy of acquisition from absentee landlords who were characterized as unjustly benefiting from the Seychelles without making any contributions to the society⁵². While the Act require that notification of acquisition of property belonging to absentee landlords be sent to the latest address known, the Commission was informed by Mr. Serge Rouillon⁵³, who was the Curator of Vacant Estates at the time (in the 1980s) that the sending of such letters was no more than a formality and no effort was actually made to locate the owner of property overseas in the event that there was no response. This is despite the fact that Government authorities more often than not knew how to contact such persons overseas or could have obtained those details from relatives still residing in Seychelles.⁵⁴

Cases related to land acquisition make up about one third of all cases brought before the Commission – an indication of the extent of controversies related to the laws at the time and their arbitrary application. And in practice the President had the final say in all cases of land acquisition. The Commission notes that those

⁴⁹ The Commission is of the view that any valuation that results in nil value being paid as compensation, when some amount would ordinarily be due for the thing of value being acquired, would not be adequate or effective compensation under international law, and would thus violate an individual's fundamental right to property. It notes in this regard that the proposition that large portions of land would have zero monetary value is particularly outrageous.

⁵⁰ See for example Cases 08, 26,60,61 Deltel family; Cases 35, 42, 249 the Stravens family; Case 100 Soona Oliaji; Case 13 Anthony Hunt; Case 331 Richard Ernestine and Case 37 Allen Ernestine; Case 06 Paul Michaud; Case 30 Madhuri Shah; Case 166 Julien d'Offay; Case 43 Gilles Nageon de Lestang; Case 352 Guyto Robert; all in Volume III.

⁵¹ Such as Case 23 Marie-Therese Abott; Case 304 Benjamin Chang; Case 264 Ginette Sinon; Case 38 Kenneth Sherwin;

⁵² See Case 002: Lewis Betsy; Case 050: Jessy Laporte; Case 003 Daniel Auguste; Case 034 Willy Laporte, among others, in Volume III.

⁵³ Hearing No.5 of Friday 13 September 2019, in Case 03 Daniel Auguste. See Volume III for details.

⁵⁴ See Case 003: Daniel Auguste; Case 293: Julita Delpech.

who were forced into exile were necessarily considered as against the system and as such they were victimized in various ways, including acquisition of their properties – as in the cases mentioned above (at footnotes 51 and 52). Other properties were acquired maliciously, especially in instances where the owners were perceived as being critical of the system – see for instance Case 81 Mats Deutschmann, Case 80 Jose St Ange, where successful hotel and tourism businesses were acquired in the 1980s⁵⁵. In Case 81, the hotel – the Flying Dutchman - was transferred to COSPROH, which later sold it to a private company. A few other properties were taken as part of favours for persons close to the President, such as Case 99 Mrs Mireille Auguste, Case 349 John and Joycelyn Fergusson and Case 464 MP Popat⁵⁶.

Another group of people who claimed that they were targeted by the one-party government are family members of ex-ministers or other prominent persons who worked for the coalition government or were known Democratic Party supporters. While Rene declared in the early days after the coup that these persons were free to return to Seychelles, provided they accepted the system and abided by the rules, in a number of cases the Commission found that the acquisition of their properties were questionable⁵⁷. In several instances the properties were acquired but then left undeveloped for many years, indicating that acquisition ‘in the national interest’ was abused on political grounds.

The Act was finally repealed in 1996, and replaced by the Acquisition of Land in the Public Interest Act, (Act 9 of 1996). Under Schedule 7, Part III of Chapter XVI, of the 1993 Constitution provisions were made for those who had had their lands acquired by the Government pursuant to the Lands Acquisition Act 1977 to seek a review of that acquisition and where the land remained undeveloped and not subject to a development plan by Government, return of the land acquired. Where that return was not possible, additional compensation could be made by Government in terms of monetary compensation or a combination of monetary compensation and land. The 1993 Constitutional provisions placed an obligation upon Government to negotiate in good faith with applicants seeking review of compensation paid but as numerous cases before the Commission established this was not the approach taken by Government. In numerous cases where Government had a constitutional obligation to return land to its original owners it failed to do so.

5.4 The Public Service – expected allegiance to the Party

As noted in Chapter Four, the 1979 Constitution gave the President total power over the public service⁵⁸. He had the power to constitute and abolish all offices in the public service, as well as make appointments to such offices, give promotion, terminate appointments, dismiss and maintain disciplinary control of

⁵⁵ Others include Cases 69/70 Georges Lefevre/ Vicky Lanza; Case 210 Phillipe Albert; Case 192 Louis Gedeon, among others, see Volume III for more details.

⁵⁶ See Cases 099 and 464 in Volume III for more details.

⁵⁷ See Case 085 Chrystold Chetty; Case 083 Simon Uzice; Cases 035, 042 and 249 Jules Stravens, Julita Evans, née Stravens and Rudolf Stravens; Cases 008, 026, 060, 061 The Deltel Family; Case 054 Mona Souyave; Case 264 Ginette Sinon (ex-wife of Justin Pragassen); also the sale of the Northolme Hotel to COSPROH – Case 066 Basil Soudy. See Volume III for details.

⁵⁸ Constitution of the Republic of Seychelles, Decree 1979, Section 99(1)

persons so appointed, as confirmed by Mr. Willy Confait,⁵⁹ who was a senior officer in the Department of Administration at the time. Mr. Confait also reminded the Commission of the prevailing attitude during the time of the one-party state, of “either you are with us, or you are not”⁶⁰; so if someone wanted to avoid trouble with the political authorities, such as termination of employment or potential arrest, they should stay quiet.

The presidential powers proffered through the Constitution were further elaborated in the Public Service Orders of 1985 promulgated by the President,⁶¹ which replaced the civil service General Orders of 1966, quoted in part as follows:

(a) The powers of constituting and abolishing offices in the Public Service, of making appointments to offices so constituted and of promotion, termination of appointment, disciplinary control including dismissal, of persons appointed to such offices are vested in the President under the Constitution.

(b) The Principal Secretary (President’s Office) shall make recommendations to the President in regard to matters mentioned in paragraph (a) above.

In his ‘Foreword’ to the 1985 Orders the President stated that this was not an update of the old General Orders (from the colonial period) but “...a completely new document which reflects the socio-political philosophy in a one-party democratic society and the practice of public administration based on that philosophy”⁶². Accordingly, members of the civil service were expected to show allegiance to the regime and its political party in order to obtain a position, retain their jobs and get promotion within the service. In order to ensure such political allegiance a system of “security clearance” was established by the one-party government, as detailed below.

Security Clearance

A system of “security clearance” was established in the President’s office whereby all existing civil service positions, new applicants to civil service positions, those recommended for promotions and for further training were vetted, largely on the basis of alignment with the party. This was confirmed by Mr. Dobin Samson and Mr. Charles Mellie who were employed in the presidential security unit at State House, and part of their responsibilities was to ensure the implementation of the security clearance process. They explained that they worked under the supervision of Mr. Rolly Marie who headed the presidential security unit at the time, although Mr. Marie claimed that he was not aware of the details of this process.

Mr. Samson informed the Commission⁶³ that in 1978 he was invited to join the security unit by Minister Berlouis, who at the time was based at State House. He was introduced to Mr. Rolly Marie who was already running the security unit. Mr. Samson was asked by Mr. Berlouis to sit with him on a committee that was set up to review the level of risks in the public sector; the other members of the committee were Ralph

⁵⁹ See the testimony of Mr. Confait in Case 002 Lewis Betsy, in Volume III.

⁶⁰ The “ek nou, pa ek nou” principle of the one-party government.

⁶¹ Section 17 - ‘*Administration of the Public Service.*’ Government of Seychelles, 1985.

⁶² Government of Seychelles (1985) Public Service Orders, 1st March 1985. First Edition, Foreword.

⁶³ Hearing No. 41 of Monday 3 February 2020, in Case 094 – Ramesh Naidoo.

Adam, principal secretary for Defence, Simone de Commarmond⁶⁴ and an Englishman, both of whom worked in the department of Public Administration. The role of the Committee was to classify government departments on the basis of high/low security risks, including the posts allocated to each department. Some of the criteria used were previous convictions, performance and political affiliations. Mr. Samson confirmed that the “with us, or not with us” (ek nou/ pa ek nou) principle did apply. He also noted that they often got calls from people requesting that they “block” certain persons for political reasons. One of his roles was to write reports and letters related to the work of the committee.

The Commission received evidence that supporters of the party were encouraged to be vigilant and report any opposition to the Government that came to their attention. This resulted in a process where neighbours reported on neighbours and the system of security clearance was used by persons with grudges against others to cause difficulties for those persons.⁶⁵

Mr. Charles Mellie informed the Commission⁶⁶ that as a member of the SPDF, with the rank of sergeant, he joined the Intelligence Unit in the President’s office in February 1986, working as a typist in M. Samson’s and Mr. Rolly Marie’s office, and he typed up many reports. On the issue of security clearance Mr. Mellie explained that, in his time, there was a form designed by the Department of Public Administration (DPA) that was used for screening public service employees, and the unit’s role was mainly to investigate for due diligence, and various other aspects including criminality and political affiliations. Police records were not consulted and the police had no say in the security clearance process at the time. They sought information from the district administrators and also built up their own “informant apparatus” involving people from the community, volunteers and others who they “cultivated”. Some people came forward in relation to specific cases and some organisations made their own selections and then went through the clearance process as a matter of routine. The unit reported directly to the President and he was the one who made the final decisions. Mr. Mellie observed that many people who were known supporters of the opposition were given jobs in the public service, and he was not aware of any “black-list” (as mentioned by certain witnesses before the Commission). He noted that this security clearance process ended around 2014. Now there is a new Intelligence Unit established under new laws and headed by Mr. Benediste Hoareau.

The Commission got an indication of the process of intelligence gathering by a member of the “informant apparatus” referred to by Mr. Mellie - Mr. Allen Rath who told of his experience as a member of the intelligence unit at State House, from November 1984 to 1998. In his evidence before the Commission⁶⁷ Mr. Rath explained that he normally worked on his own, seeking information about people he had been instructed to check on and he reported back to Mr. Dobin Samson. Mr. Rath noted that while he would not divulge how he actually worked, he recalled joining with people in ‘baka’ bars and such places, in order to build up relationships with people he wanted to get information from. To start with he was usually armed, carrying a revolver especially at night, and he was not aware of other members of the army who were doing

⁶⁴ She was principal secretary for Public Administration at the time.

⁶⁵ See for example Case 154 Jimmy Belle.

⁶⁶ Hearing No. 94 of Monday 27 July 2020, as a general witness.

⁶⁷ Hearing No.44 of Thursday 6 February 2020, as a general witness.

similar “surveillance” work. Mr. Rath stated that he did not know what happened to the information he collected and passed on, nor whether it had anything to do with security clearance.

That political affiliation with the party in power persisted as a decisive factor in the civil service, well past the change to a multi-party system of governance in 1993, is illustrated by a number of the cases heard by the Commission: among others, Mr. Luc Chang Ko – Case 39, Mr. David Andre - 130, Mr. Aman Chang Seng – Case 96, Ms Marie-Anne Andre – Case 360, Serge Low Hon – Case 251, whose dismissals, the Commission found, were all politically motivated. (See details in Volume III).

Consequences of Political Allegiance within the Public Service

Inevitably, over time the politicization of the public service became normalized, as attested by numerous complainants before the Commission⁶⁸. In addition, emphasis on political allegiance undermined the whole process of accountability within the public service, resulting in the perpetuation of an unjust system of patronage that provided benefits to supporters and discriminated against those perceived to be against the party⁶⁹. In that respect, those who had demonstrated their loyalty to the party also expected to be immune from the consequences of their actions, and the Commission was seized of a number of cases where public servants subjected to normal procedures and processes lamented those processes as constituting victimization because of the entitlements they expected under the patronage system. Notably, consequences for insubordination were invariably interpreted as instances of victimization by complainants before the Commission who, given their own commitment and immersion in a system that turned upon political loyalties, expected to receive blanket protection regardless of their own conduct.⁷⁰

Politicising of the Police Force

While the army was politically aligned to the party from the start, the police force had been established and trained by the British colonial government to be impartial in their roles as law enforcers. However, and as noted in the 1978 ‘Human Rights Country Report for Seychelles’ produced by the US State Department⁷¹ “...Rene’s coup-based government has been obliged to devote far greater attention and resources than its predecessor to internal and external security, particularly to cope with possible counter-coup efforts.” Consequently, and according to the evidence of six ex-police officers who brought their cases before the Commission, it soon became apparent after the coup that the police force was also expected to demonstrate

⁶⁸ See Case 002 Lewis Betsy; Case 015 Antoine Ally; Case 029 Roland Joe Hoarau; Case 039 Luc Chang Ko; Case 094 Ramesh Naidoo; Case 175 Selwyn Knowles; Case 130 David Andre; Case 228 Marguerite Affifi, Case 425 Paulina Michel; Case 360 Marie-Anne Andre; Case 417 Peter Boniface; Case 24 Amoosavaly Sarah Carolus; Case 96 Aman Chang Seng; Case 492 Roy Finesse; Case 84 Dora Michel; Case 93 Henri Barallon; Case 129 Sivanne Samynaden, Case 251 Claudette Low Hon, among others. In addition, there are numerous cases of sacking of police officers between 1981 and 1985 related to non-affiliation with the party in power – see details of the case determinations in Volume III.

⁶⁹ As illustrated by the cases listed here at footnote 68 and others contained in Volume III.

⁷⁰ See for example, Case 239 Trevor Mein; Case 226 Eddy Mussard; Case 203 May-Paule Katsa Carpin Charles; 129 Sivanne Samynaden.

⁷¹ US Department of State (1978) 1978 Human Rights Country Report for Seychelles, p2

political allegiance to the party in the performance of their duties⁷². They recount various incidents in the course of their work which were perceived as challenging the party lines and the authority of the military leaders⁷³. These officers were among the first batch that was dismissed in May 1981. As noted by Mr. Roch Chang Time⁷⁴ and Mr. Antoine Lau-Tee⁷⁵, it included almost all the heads of divisions in the Force at the time – Superintendent Marcel Confait, Superintendent Raymond Savy, Assistant Superintendent Ange Esparon, Assistant Superintendent Clet Delpech, Assistant Superintendent Roch Chang Time, Inspector Roger Legras, Inspector Mivonne Barallon (Case 053), Inspector Eric Chang Waye (Case 286), as well as Sergeant Gilbert Mathurin (Case 324), Corporal Sarah Wong (Case 260), Corporal Frida Forte (Case 298), Corporal Blaise Larue, Corporal Emile Derjacques (Case 48) and Corporal Solano Savy (Case 163). According to Mr. Chang Time the only senior officers who were not sacked at that time were Mr. Isnard, Mr. Andre Kilindo and Mr. Tyte Morin.

Mr. Lau-Tee, Ms Mivonne Barallon and Mr. Chang Time recalled being handed their letters of dismissal by the Police Commissioner Mr. James Pillay, who explained that this was being done on the orders of President Rene. No reasons were provided for their dismissal and it was with immediate effect. Mr. Lau-Tee considered their dismissal as part of a political purge, as they were perceived as not being supportive of President René's party, and therefore were viewed as against the regime. Mr. Lau-Tee noted that police officers were meant to be neutral but the system implemented by Albert René was such that if a person was not with the party, they could not be trusted. The Commission also notes the evidence of Mr. Tyte Morin who recalled Commissioner Pillay telling him that the police officers sacked in May 1981 were considered as a threat to the security of the country and could not remain in the police force because of their suspected association with opposition elements.⁷⁶

Mr. Morin further noted⁷⁷ that from then on the Police Force was expected to follow the orders of the Minister of Internal Affairs and the President. The Force became highly politicised and anyone who dared to question the authority of those leading the one-party state would be systematically removed from their positions. He recalled, for instance, the Commissioner of Police receiving batches of detention orders signed by Mr. Rene, that would be filled in by the Commissioner or senior officers, in accordance with a list that came with the detention orders. Police officers were then sent out to arrest the persons listed, and there was no option to question anything. This is confirmed by Bernard Racombo⁷⁸ who recalled being sent to arrest people with detention orders from the President, an act he considered as unlawful but he was not in a position to challenge it. Mr. Racombo was dismissed from the police in 1983. Another group of over a

⁷² See Case 077 Antoine Lau-Tee; Case 053 Mivonne Barallon; Case 286 Eric Chang Waye; Case 324 Gilbert Mathurin; Case 260 Sarah Wong; Case 298 Frida Forte; Case 163 Solana Savy; Case 498 Nola Beaufond;

⁷³ See the testimony of Ms. Mivonne Barallon, Case 053, paragraph 18, referring to an incident when she challenged MacDonald Marengo who wanted to lock up someone at Central police station – refer to Case determination in Volume III.

⁷⁴ Case No.127 Roch Chang Time, Hearing No. 128 of Friday 20 November 2020.

⁷⁵ Antoine Lau-Tee, Hearing No.

⁷⁶ Hearing No.35 of Friday 10 January 2020, as general witness.

⁷⁷ As witness in Case 104 Bernard Racombo, Hearing No.62 of Tuesday 21 May 2020.

⁷⁸ Case 104 Bernard Racombo. See details in Volume III.

dozen experienced police officers were made redundant in 2003, including Mr. Morin, allegedly for reasons of restructuring of the Force. The Commission also notes that in 2006 a senior army officer, Mr. Gerard Wayne Hive was appointed as Police Commissioner, and the merging of the functions of the two institutions continued.

5.5 Increased Surveillance by the State

In addition to the surveillance activities carried out by members of the State intelligence ‘teams’ (as described by Mr. Charles Mellie and Mr. Rolly Marie above) the government also used phone tapping, the checking of private mail and eavesdropping by the district SPPF Branch apparatus to maintain surveillance over those perceived to be against the system and those suspected of attempting to remove the one-party government; also those aligned with the party could easily fall under suspicion. Furthermore, the army and the police were used to intimidate those considered to be in opposition to the government and assisted in cementing the culture of fear that underpinned and propelled the continuation of the one-party state.

Telephone tapping and bugging

While telephone tapping is considered as normal practice in the maintenance of State security, during the one-party system in Seychelles it was also used as a means of targeting and victimizing people perceived to be against the system and to keep a check on those given positions of authority within the regime, including public servants and officers in the military. This is confirmed by expert witnesses⁷⁹ who were employees of Cable & Wireless at the time, and were instructed to carry out the procedures by their superiors. They noted that the practice was especially prevalent during the 1980s and 1990s, starting around 1979, from the main station in Victoria. They were told by their immediate supervisor as to whose phones were to be tapped, or bugged⁸⁰ and that they were doing this on the direct orders of Albert Rene. Large tape-recorders were used to record all the calls that were tapped. Mr. Theresine who worked for the company from late 1970s to 1988, observed that the phones of all of Rene’s ministers were tapped at the time, and possibly those of the principal secretaries as well. He also noted that Minister of Defence, Ogilvy Berlouis, set up a special phone in an office at Central Police Station through which he listened to calls made by army staff and local citizens whose phones were tapped.

Mr. Paul Michaud, who joined the company in 1990, observed that normally a court order would be required in the event that State authorities wanted particular phones to be tapped; however, during his period at Cable & Wireless this was often not the case. The instructions were simply given verbally, with the numbers to be tapped written on post-it notes, and any attempts at refusal on his part were met with threats of dismissal. This was denied by Mr. Gilbert Morin⁸¹, then the immediate supervisor of Mr. Michaud, who maintained

⁷⁹ Edison Theresine, Hearing No.118 of Friday 16 October 2020; Paul Michaud, Hearing No.96 of Wednesday 29 July 2020; Regis d’Unienville, Ad hoc Hearing No.6 of Wednesday 18 March 2020; Gilbert Morin, witness in Case 022 Olivia Vincent. See details in Volume III.

⁸⁰ The experts explained that tapping was done through a physical line linked to the main distribution frame, whereas bugging was done through electrical circuits using a small device placed under the phone, or on a wall nearby. At the time their immediate supervisor was Gilbert Morin.

⁸¹ Gilbert Morin, Hearing No. 83 of Friday 3 July 2020, as general witness.

that normally court orders were brought to him by members of the CID, and he used to file them away in a safe. He then gave instructions on notes to those who were effecting the phone tapping.

Mr. Michaud also noted that the practice increased during election time, and that in 1993, just before the first multi-party elections, people did a petition protesting against widespread phone tapping. Mr. Michaud emphasized before the Commission the starkness of the political and social climates at the time, and the resulting deep public mistrust between people and communities. He stated that the social practice when meeting in public at the time was to put one's hand under the table to check that there were no microphones, then to check over one's shoulder to make sure nobody was watching, before talking openly. Mr. Michaud observed that the only time people would feel safe to "talk politics" was when they were out fishing and could be sure there were no microphones or spies.

Mr. Regis d'Unienville, who was based at the Cable & Wireless station at Bon Espoir, Montagne Posée, informed the Commission that calls that were made directly from Bon Espoir could not be traced but those that passed through (mainly international calls) could be recorded. As a supporter of the MPR at the time he recalled taping Albert Rene's and other SPPF leaders' conversations on many occasions, and passing on information to his MPR colleagues locally and overseas. In view of his participation in the NYS protests of 1979, he noted that he was already considered as "an enemy of the state" and he was usually followed and harassed by state security.

It appears that the practice of phone tapping continued well past the return to multipartyism in 1993. In his evidence before the Commission Mr. Paul Desnousse⁸², brother to Simon Desnousse, recounted his experience in 2006 of his phone call to his uncle in South Africa, being intercepted by Albert Rene⁸³. Mr. Denousse was most surprised by this intervention and he recalled that in the end they had a long conversation about the murder of his brother and Rene's attempts at justifying his actions at the time. Mr. Gilbert Morin also noted that phone bugging ordered by the State was still being done in 2007 when he left Cable & Wireless, after being made redundant.

Interference with private mail

The monitoring of private mail through the postal services was also used as a means of controlling opposition to the system. Mr. Selwyn Knowles⁸⁴ who worked at the central post office for twenty-five years, from 1979, informed the Commission of a "checking system" that operated during the period that he was there. State security and Special Branch personnel had ready access to all mail that went through the postal services, and they would check on and take out the mail of people suspected of being against the system. This occurred on a regular basis and with the knowledge and co-operation of the post master, Romeo Quatre. Mr. Knowles noted that while many people were aware that this was going on, there was

⁸² Hearing No.28 of Wednesday 13 November 2019, Paul Denousse as witness in Case 022 Olivia Vincent, see Volume III for details.

⁸³ It is to be noted that Rene was no longer president at the time.

⁸⁴ Selwyn Knowles, Hearing No. 30 of Friday 15 November 2019 as general witness; and witness in Case 022 Olivia Vincent.

nowhere to go; people had no recourse to any due process. Mr. Gilbert Elisa⁸⁵ recalled seeing many unopened letters and parcels around in the post office, when he visited Mr. Quatre in the 1980s, during his visits to Seychelles on holiday. He was good friends with Mr. Quatre, he worked with the postal services in UK and he found this situation rather strange, especially after Mr. Quatre told him that he could do whatever he wanted with the letters and parcels.

The Commission also received evidence from an informant that members of the Intelligence Unit would collect bags of mail and transmit them to State House where they would reviewing the incoming mail from overseas to ascertain whether any letters contained information of a security concern to Seychelles. All letters would be steamed open for their contents to be reviewed and when those letters contained money it was retained and shared amongst those assigned the task. Any letters containing information of interest were shared with the President, other letters were re-sealed and others just discarded.

Press censorship

As observed in one-party governments generally, press censorship becomes the norm, and Seychelles was no exception⁸⁶. In its policy statement of 1978⁸⁷ under the section entitled “The Fundamental Freedom of Expression” the government stated as follows:

The Front believes that in a developing country, such as ours, there was no room for the so-called independent press of the capitalist countries. Every journalist must be committed to the cause of the people and the socialist construction of the country. If the press fails to contribute to this cause, it becomes an enemy of the people. The concept of the independent paper is misleading for it inevitably backs a certain group, or groups, be it big business, a foreign power, or an ethnic group, etc...

... It is not the intention of the Front to introduce press censorship in this country, but if on the other hand at any time it was felt that newsmen were being irresponsible and were using small circumstances purely for the sake of destroying the hard work of the people, the Front would have to take appropriate action.

Evidence before the Commission clearly indicates that press censorship occurred throughout the one-party period – see Paul Chow’s testimony about the prohibition of the printing of leaflets critical of government actions⁸⁸, the shutting down of the only non-state controlled newspaper, *Weekend Life* in October 1979 after reporting on the anti-NYS demonstrations, the instructions to SBC producer, Ibrahim Afif, on the reporting of the disappearance of Hassan Ali⁸⁹, and the biased editing of the “Konplo 412” programs broadcast in September 1982⁹⁰, the editing of overseas news from BBC, Reuters etc... to follow party lines⁹¹, to name

⁸⁵ Case 169 Gilbert Elisa; see Volume III for details.

⁸⁶ Ellis S (1996) Africa and International Corruption: The Strange Case of South Africa and Seychelles. *African Affairs* 95, pp 165-196, at pp 176 and 189.

⁸⁷ Onward to Socialism – SPPF Policy Statement, September 1978, Government Press, Seychelles, p57 - 58.

⁸⁸ Paul Chow, Hearing No.16 of Monday 14 October 2019, as general witness.

⁸⁹ Ibrahim Afif, Ad Hoc Hearing No.5 of Monday 24 February 2020.

⁹⁰ Ibrahim Afif, Hearing No. 45 of Friday 7 February 2020, as witness in Case 022 – Olivia Vincent.

⁹¹ See the testimony of Jean Ragain as general witness, Hearing No.183 of Thursday 22 July 2021.

but a few instances of such censorship. Criticism of the government or the President was simply not tolerated.

Control by the Party at district level

Soon after the coup the SPPF district “branch” system was established, where a district administration office was set up in each of the twenty-three districts, headed by an administrator nominated by the party. The administrator was required to set up a district committee, selected from among party members and including the elected member of the People’s Assembly, and their work was overseen by district co-ordinators appointed by the President. Mr Jean Ragain⁹², who was appointed as a co-ordinator in 1982, explained to the Commission the functioning of the district administration at the time. The co-ordinators were responsible for four to five districts at a time, and their main role was to take directives of the party central committee and other information to the district branches. They also had to ensure that all instructions were carried out, and they reported back to the central committee on a regular basis, through the Chief co-ordinator Mrs. Sylvette Pool, who was a member of the central committee. Mr. Ragain observed that, as well as organizing community-based activities at district level, the district administration was also involved in the recruitment of new members to the party, checking on people who required security clearance, land applications, business and other licenses that people applied for through other government institutions.

The Commission notes here the lack of clear division between the role of the SPPF and that of the State, with the result that allegiance to the party became a requirement for any form of advancement, as described above under Section 5.3. As noted by Baker:⁹³ “The ‘one-party rule’ mentality is still preserved in this institution. It is very hard, for instance, to distinguish when district administrators are acting in their role as government appointees and when as SPPF members.”

The district branch also worked closely with the Militia which played a significant role in surveillance of people in the communities, as observed by members of the Militia who came before the Commission⁹⁴ – see details at p50 (Sub section: *Establishing the people’s militia*). A number of witnesses before the Commission have related their experiences of followed and harassed by members of the Militia, including Mr. Philippe d’Offay, Cyril Lau Tee, Antoine Banane and Rene Kilindo,⁹⁵ all perceived non-supporters of the party. Mr. d’Offay recalled seeing members of the Militia in his garden on a regular basis, and alleged that one day a fire was started by his house. Mr. Lau Tee also claimed that he often observed them around his house, to the point that he sometimes gave them guinness. Mr. Kilindo’s brother was shot and killed by members of the Militia at Anse Royale and their case in court was dismissed. Mr. Jean Ragain recalled that Rene took power on the premise that his party would fight injustice, and bring about equality of

⁹² General witness, Hearing No.183 of Thursday 22 July 2021.

⁹³ Baker B (2008) Seychelles: Democratising in the shadows of the past. Ibid., p285.

⁹⁴ Roger Teeromooljee, as general witness, Hearing No.18 of Wednesday 16 October 2019; and Antoine Amsdbury, as general witness, Hearing No.264 of Monday 7 March 2022; .

⁹⁵ Case 095 Phillipe d’Offay de Rieux; Case 195 Antoine Banane; Case 232 Rene Kilindo. See details in Volume III.

opportunities for everyone, but unfortunately the system ended up being repressive and victimized people along party lines.

The Commission also received evidence that the district branch was of great importance to the SPPF, SPUP and later US during election time as it was the District Administration offices that acted as dispersal centers for the distribution of money and other materials goods as a means of securing a vote for the SPPF, SPUP and US. Indeed, the distribution of money, white goods just prior to elections were welcome and expected by party supporters⁹⁶.

5.6 Intimidation by Internal Security Forces

By the early 1980s the powers of the one-party government were firmly backed up by the army and the police force, the latter having become closely affiliated with the SPPF (see sub-section above: *Politicising of the Police Force*). Both were under the direct command of the Minister for Internal Affairs, Ogilvy Berlouis, and President Rene. After the coup the Police Mobile Unit (PMU) became the Special Services Unit (SSU) under the command of Andre Kilindo, a known supporter of the SPPF. This unit worked closely with the army and often joined up with it in various operations, supposedly in the public interest. In such a context, however, where loyalty to the regime had to be maintained, abuse of force and disregard for the rule of law often prevailed, as evidenced by numerous cases related to abuse by the army and the police brought before the Commission.⁹⁷ The Commission notes, for instance, the cases of group arrests and detention (in 1978, 1979, 1981, 1982, 1984, 1985...) where the police did not follow any due process; the detainees were never charged and no investigation was ever carried out, most likely on the orders of the Minister of Defence and the President. Cases involving shooting of innocent civilians by members of the army, such as Yvon Camille⁹⁸ in 1983, were not fully investigated by the police. By late 1980s the police seemed to rely more on the army to apprehend escaped prisoners, the most notable case being that of a group of prisoners who escaped from Grand Police prison in 1989/1990 and then went to hide away on Silhouette Island. An army team under the command of army officer, Mr. Joe Ragain, flew over from Mahe to capture them and in the event one of them was shot in the leg. After the other escapees were returned to Grand Police they were tortured for several days, as related by Mr. Joseph Edouard,⁹⁹ one of the escapees.

As noted above, after the coup an Intelligence Unit was set up in the President's office, under the direction of Mr. Rolly Marie¹⁰⁰, as part of the state security apparatus. He recruited other people to work with him, including Wills Rosette and Joachim Antoine who had come from the Special Branch of the police force. Mr. Marie assigned the officers to collect intelligence and conduct surveillance, the notes were typed up by Mr. Dobin Samson and then passed on the Minister Berlouis and the President. Over time, members of the army were also recruited to work in the intelligence unit, including Allen Rath and Jemmy Marengo. They were assisted by the police, as required. Members of this unit were all considered by the public as "spies of

⁹⁶ See Case 425 Paulina Michel, in Volume III.

⁹⁷ See Case 47 Adolf Barnsley Lebon; Case 145 Rita Baillon, among others, in Volume III.

⁹⁸ See Case 152 Yvon Camille, in volume III.

⁹⁹ See Case 299 Joseph Edouard, in Volume III.

¹⁰⁰ Rolly Marie, Hearing No.41 of Monday 3 February 2020, as a general witness.

the state” as reported by several witnesses who came before the Commission¹⁰¹. Mr. Rosette and Mr. Antoine confirmed being given instructions to monitor the activities of Simon Denousse, Mike Asher, and Alton Ah time, among others, and they reported back accordingly, until they heard that these persons had been eliminated¹⁰². According to Mr. Marie and Mr. Samson all intelligence operations were conducted on a need-to-know basis, and Mr. Samson claimed that he did not recall the contents of the reports he typed. Mr. Marie was replaced in this position by Mr Charles Mellie in 1986.

Human rights abuses were also evident within the army, where mistreatment of soldiers by their superiors continued well after the army mutiny and other alleged reforms of the army. The Commission recalls the evidence of several complainants that referred to physical as well as psychological abuses.¹⁰³

From the above overview of the government’s intention to bring about a “model socialist state,” it is clearly evident that within the first few years, the results were an erosion of personal freedoms, abuse of power, and the establishment of a system of patronage that favoured those who demonstrated allegiance to the party.

5.7 Increased Corruption

The Commission notes widespread allegations of corruption made during the period of the ‘second republic’, especially in relation to the acquisition of property and businesses, trading by the Seychelles Marketing Board (SMB) and access to State funds and foreign exchange. As explained by Mr. Robert Grandcourt¹⁰⁴ a state-owned hotel management company – Compagnie Seychelloise de Promotion Hôtelière (COSPROH) – was set up in August 1980 to oversee the management of hotels acquired by the government as part of the nationalisation of the tourism industry. Among the first establishments acquired were the Fisherman’s Cove, the Northolme and the Flying Dutchman hotels which were transferred to the government and COSPROH in 1981¹⁰⁵. The pattern noted by the Commission, and as confirmed by the report produced by a Commission of Inquiry on COSPROH set up by former President Danny Faure in 2018¹⁰⁶, was for the government to acquire the properties at minimal value, free of stamp duty, and then transfer to COSPROH for one rupee. Soon after COSPROH would sell the properties for large amounts of money, often to foreign companies, and there was little information as to financial transactions involved in the payments.

The Seychelles Marketing Board (SMB) was set up in 1984 with the objective of ensuring a reliable supply of all essential goods into the country and of setting the retail value of those goods through the implementation of a system of price control, ostensibly to ensure accessibility of essential goods to all

¹⁰¹ See references made to this in Cases 15-56-108 Brian Victor et al; Case 022 Olivia Vincent; Case 103 Regis d’Unienville; Case 020 Simon Ah Time and Case 135 Dean Morel, in Volume III.

¹⁰² Wills Rosette and Joachim Antoine, from statements given in Case 022 Olivia Vincent.

¹⁰³ See Case 075 Antoine Sinon; Case 087 Jean-Joseph Labiche; Case 086 William Germain, among several others.

¹⁰⁴ Hearing No. 46 of Monday 10 February 2020, as witness in Case 081 Mats Deutschmann.

¹⁰⁵ See Case 066 Basil Soundy, and Case 081 Mats Deutschmann, in Volume III.

¹⁰⁶ Interim Report of the Commission of Inquiry into the Disposal of Assets of the Former Compagnie Seychelloise de Promotion Hoteliere (COSPRPH) during the Privatisation of the Company. 15 June 2020.

Seychellois; but in effect it was practically used as a means of harassing private businesses and driving private merchants out of the market – private enterprise being incompatible with the socialist mindset. Before the Commission, Mr. Jayant Mayadas¹⁰⁷ explained that the Board of SMB was headed by a Council chaired by President Rene, with Mr. Mukhesh Valabji as his economic advisor. Over time the SMB expanded into a company with eight divisions, each headed by a general manager, and Mr. Valabji became the CEO. The list of essential goods to be subjected to price control was determined by the Council and no price control applied to SMB. This is confirmed by Mrs. Oliaji¹⁰⁸ whose business had been in wholesale and retail. With the advent of the SMB, which monopolised the importation of the majority foodstuffs, many smaller businesses went out of business and SMB acquired other retail shops purportedly in the national interest under the Lands Acquisition Act and set up SMB franchises in the districts of Seychelles where all goods had to be purchased through SMB¹⁰⁹. In addition, businesses not acquired were victimised because of their lack of political affiliation with the party and were often denied foreign exchange during the financial crisis of the early 2000s and denied approval of import permits, the latter purportedly subject to the direct authorisation of President Rene. Mr Mayadas noted that since the government had complete control over the imports of essential goods people had grounds for making such complaints, but he maintained the system still ensured the stable supply of goods. He also stated that the SMB’s accounts were audited by overseas auditors and reports were produced annually. The Commission also received evidence that prices were inflated through a system of invoicing from the suppliers to an intermediary company based in UK, which then made out fresh invoices to SMB at inflated rates. In his testimony before the Commission, former Principal Secretary for Finance and Governor of the Central Bank, Mr. Norman Weber¹¹⁰, noted that the Ministry of Finance had no information concerning the financial transactions of SMB as they never received its accounts and had no control over SMB. It did not need import permits as other businesses were required to do and it also controlled the issuing of such permits.

Mr. Weber also informed the Commission of irregularities related to the various Funds held by government, such as the Children’s Fund, the Liberation Memorial Fund and the Archbishop Macharios Fund. They were all under the direct control of the President and were never audited. For instance, loans from the Children’s Fund were given to members of the army¹¹¹ and the Ministry of Finance was not aware of such transactions. Mr. Weber noted that usually the procedures were there on paper but they were not always followed.

Another incident involving corrupt practices was the government’s illegal sale of arms to Rwanda in 1993, after taking over the cargo vessel “Malo” which contained a large consignment of arms destined for an insurgent group in Somalia. The vessel had crossed into the Seychelles Exclusive Economic Zone (EEZ) and had been intercepted by the local authorities. After removing the large consignment of arms on board, the Seychelles Government got into secret negotiations with one of the Rwandan genocide perpetrators, Colonel Bugasora, to sell a large portion of the arms confiscated, in contravention of the UN embargo on

¹⁰⁷ Hearing No.109 of Tuesday 3 August 2021, as general witness.

¹⁰⁸ See details in Case 100 Soona Oliaji, in Volume III.

¹⁰⁹ See for example Case 116 Antonio Savy

¹¹⁰ Norman Weber, Hearing No.124 of Monday 16 November 2020, as a general witness.

¹¹¹ See for instance Case 457 Jeffrey Figaro, in Volume III.

arms sales to Rwanda. Mr. Robert Ernesta, then a senior officer in the SPDF, recalled meeting the Colonel when the deals were being negotiated with the Seychelles government leaders, but he claims that he was not involved directly in the process. The sale of the arms was the subject of a report by Human Rights Watch¹¹² which gave details of Seychelles involvement, and the allegations were followed up by the UN Security Council Inquiry of 1996¹¹³.

At national level Mr. Ernesta was assigned the role of ‘chief of operations’ to recover the arms that had been taken from the boat by civilians. Mr. Ernesta¹¹⁴ explained that the arms were transferred from the ship to the army’s various armouries by soldiers and in the process some of the arms went missing. Soon after it became apparent that there was trading in arms taking place in the country, especially after an attack in September 1998, on an army jeep that was driving down past Morne Blanc, on the Sans Soucis Road. One of the soldiers, Lazare Adelaide was killed and the other, Giovannie Constance, was badly wounded. Mr. Ernesta was alerted and together with about 100 soldiers they organised raids in the area. They were ordered by the Chief of Staff to set up camp at the old Grand Police prison site (which had closed in 1996) where they took the two civilians they had caught, who were suspected of carrying out the attack. The two civilians, Andy Moumou and Benjamin Denis, were detained and tortured at Grand Police, before being prosecuted for murder in 1999. As the search for arms continued, Mr. Ernesta’s team became permanently established at Grand Police which turned into a *de facto* detention center. They were joined by a contingent of SSU police officers on a regular basis and this further eased the option of arresting and detaining people. By 2003 Grand Police was re-opened as a high-security prison for civilians, again under the management of the army.

¹¹² Human Rights Watch (1994) Re-arming with Impunity: Internatinal Support for the Perpetrators of the Rwandan Gnocide.

¹¹³ United Nations Security Council (1996) The United Nations and Rwanda 1993-1996.

¹¹⁴ Robert Ernesta, Hearing No. 10 of Friday 20 September 2019, as a general witness.

Chapter Six

6 Growing Opposition to the One-Party System of Governance

More active opposition to the increasingly oppressive one-party government grew over the 1980s, as indicated by a number of cases brought before the Commission. Attempts to challenge the system arose both internally and externally, especially through groups of Seychellois forced into exile. One of their organizations, started in South Africa by Gerard Hoarau and Paul Chow among others, and named ‘Mouvement Pour la Resistance’ (MPR), became more active, and over time the government’s response became more ruthless.

This chapter focuses on events related to the murder of Franco Piovana, in relation to an alleged coup plot, in February 1981; an attempted coup led by South African mercenaries in November 1981; arrests and detention of December 1981; the army rebellion of 16 to 18 August 1982; the murder of Simon Denousse and Mike Asher on 19 October 1982; the “republic of Praslin” alleged coup plot in September 1982; the attempted poisoning of Mr. Rene’s water supply; the murder of Michael Hoffman and Sonny Elisabeth, and attempted murder of Brian Victor on 21 July 1983; the disappearance of Alton Ah Time in September 1984; the murder of Gerard Hoarau in London on 29 November 1985; an internal coup attempt allegedly led by Ogilvy Berlouis in September 1986; the murder of Marjorie Baker and sacking of the Minister of Defence and senior army officers, and another external coup plot in 1986.

6.1 Murder of Franco Piovana, on 3rd February 1981

The testimonies of several witnesses before the Commission¹¹⁵ corroborate most of the facts related to the death of Mr. Franco Piovana, allegedly at the hands of members of the defence force. His body was found in the rocks at Carana beach on Thursday 4th February 1981, with several bullet wounds and stab wounds on the upper part of it. Mr. Paul Bedier, a former CID officer and fingerprint expert, informed the Commission that he went on the scene of the murder and they found the body, with bullet and stab wounds, bent over in a hole between two rocks at the northern end of the beach. Mr. Piovana was an Italian chef who had worked at Barbarons Hotel for some years and, according to the testimonies of some of the witnesses, he was planning to start his own restaurant and hotel business in partnership with the Deltel family on their estate at Grande Police.

This was confirmed by Mr. Alain Deltel¹¹⁶ and Mr. Anthony Hunt, who were good friends of Mr. Piovana. Additionally, they both noted that a few weeks before his death, Mr. Piovana had given them to understand that he was privy to a plot to overthrow President Rene, involving the commander of the Union Vale army camp, Raymond Bonte and Antoine Mannes, an informant of Mr. Rene’s, and that he had had meetings with these persons. That meetings to discuss such a coup plan had taken place at the Pirates Arms and at Anse aux Pins was noted by Mr. Ferley Etienne, who claimed that he had also been invited to join the

¹¹⁵ Paul Bedier – Special Hearing No.3 Of Tuesday 26 November 2019; Amede Esparon – Hearing No.61 of Monday 25 May 2020.

¹¹⁶ See Cases 8, 26, 60. 61 the Deltel family, and Case 013 Anthon Hunt; details in Volume III.

plotting group. He also claimed that another Italian restaurateur, Mr. Arturo d'Agostini, had been part of this group, which was strongly denied by Mr. d'Agostini.

While Mr. Deltel and Mr. Hunt expressed doubts about the authenticity of this alleged coup plot, they noted that Mr. Piovana trusted the supposed plotters and persuaded Mr. Deltel and Mr. Hunt to provide some financial assistance. Mr. Piovana had explained to them that he was putting together some funds to assist the soldiers who would be staging the takeover at State House, in case of injuries or deaths. However, the next morning, when Mr. Hunt and Mr. Deltel met up in town before Mr. Deltel went to the bank to withdraw the money as agreed, they saw Mr. Piovana's car parked near Kingsgate House but there was no sign of him. They later learned that he had been found dead at Carana beach that morning, and they were convinced then that the whole story of a coup plot had been a fraud, an extortion racket.

Mr. Amedé Esparon informed the Commission that he knew Mr. Piovana well from having provided supplies to Barbarons Hotel while Mr. Piovana was working there. He recalled that they often shared their views about the repressive government that was nationalizing all businesses. One day he passed Mr. Piovana while driving along the road at Anse Boileau and they stopped to have a chat, as they hadn't met for a while. He learned that Mr. Piovana had been away for over a year and he was back in Seychelles to establish his own yoghurt making business at Le Rocher. When Mr. Esparon asked him about financing for the business, Mr. Piovana explained that he had good contacts in high places and then he pointed to a briefcase full of US dollars on his car seat. The next day Mr. Esparon heard about his murder and he believed that it was most likely related to the money and not a coup plot.

The Commission contacted the alleged perpetrators mentioned by the witnesses - Mr. Raymond Bonte, Mr. Antoine Mannes and Mr. Jemmy Marengo and they all denied having any connection with the death of Mr. Piovana. Ms Lina Bonnelame, who was also named as one of those involved in the case, denied any responsibility as well. The Commission is not aware that the government pursued any further enquiry into the matter.

6.2 Attempted coup by South African mercenaries – 25 November 1981

In his book *The Seychelles Affair*, Mike Hoare¹¹⁷ gave an account of preparations for a possible coup d'état that stretched over a few years. He was first asked in 1978 by ex-Minister Gonzague d'Offay to assist in the overthrow of the regime of Albert René. In order to assess the feasibility of a counter-coup, he made a visit on 24 September 1978 to Mahé where he met Gérard Hoarau.¹¹⁸ At this stage, however, support from South Africa was not forthcoming. At Robert Frichot's request, he made a further visit to Mahé in order to attend the Liberation Day celebrations of 5 June 1980 where the Army's newly-acquired Russian weaponry

¹¹⁷ Hoare Mike (1987) *The Seychelles Affair*, Corgi Press, London, pp 12-13.

¹¹⁸ Hoare M, *ibid*, pp 30-34; and pp 39-42.

would be on display.¹¹⁹ Funding was apparently not secured until he received news in early June 1981 of a promise of US\$200,000.¹²⁰

Mike Hoare's account of the planning of the counter coup is confirmed by Gonzague d'Offay¹²¹ who recalled his first meeting with Mike Hoare in August 1977, after he had moved to South Africa following the coup. Mr. d'Offay noted that he and other Democratic Party supporters raised enough funds to finance Mike Hoare's reconnaissance visit of 3rd June 1978. Upon his return Mike Hoare produced a report which Mr. d'Offay took to London to share with Mr. Mancham and Mr. Edouard Camille, another Democratic Party activist (deceased). He recalled that Mancham did not really want to be involved in the planning but he was willing to return to Seychelles if they succeeded.

Paul Chow also gave detailed testimony on the background to this attempted coup d'état before the Commission. After being forced into exile following their unlawful detention in November 1979 for over six months, he recalled that he and Gérard Hoarau became more determined to remove the one-party system and return the country to democracy. Once they started to settle in UK they made contact with others who were in exile, and the counter coup plans moved on from there. He noted that it was Robert Frichot who had first connected them with Mike Hoare, through a friend in South Africa. According to Mr. Chow, if the plans had succeeded James Mancham would have formed the Government but the latter did not know in detail what was being done and did not even know when it was to happen. Mr. Chow stated that all that Mancham had done was to make a tape that endorsed the operation.¹²²

Chow also testified that the South African Government gave its approval: Gérard Hoarau went to stay with his parents in South Africa and met with people in the Defence Department there and got their go-ahead. The South African Government also provided guns for the mercenaries, which were delivered to Mike Hoare, but it did not sponsor them. He said that some of the mercenaries who were originally recruited were South African Special Forces soldiers, and that their commander asked the Government of South Africa to call them back with the result that Mike Hoare had to recruit others. Contact with the South African Government was made through Dolinschek who was a personal friend of Mike Hoare's.¹²³

¹¹⁹ Hoare M, *ibid*, pp 48-53.

¹²⁰ Hoare M, *ibid*, pp 40, 47-48, 58. Broadly similar evidence is given by Paul Chow, though it would appear to be second-hand. He said that while he was still being held in detention Mike Hoare had been engaged to carry out a "potential intervention". Frichot, a prominent lawyer who had settled in South Africa had been put in contact with him. Hoare came to Seychelles at the time of the 5 June celebration in 1980 to conduct a reconnaissance. People outside Seychelles, principally Frichot, had organised this, but nothing happened because of lack of money.

¹²¹ Hearing No.119 of Monday 9 November 2020, as a general witness.

¹²² Hearing No. 9 on Thursday 19 September 2019 - Testimony of Paul Chow.

¹²³ Hearing No. 9 on Thursday 19 September 2019 - Testimony of Paul Chow.

As to the financing, according to Mr. Chow, once he was in exile, he was involved in raising \$200,000 which was given by “a foreign investor in Seychelles” in secret. He said that Hoare accepted this as a down payment and that he would receive a further payment afterwards on successful completion.¹²⁴

On 25 November 1981 a group of 54 mercenaries landed at Pointe Larue International Airport and attempted to take it over, when the arms hidden in their bags were discovered by a customs officer. On the next day, the attempt having failed, most of them escaped in an Air India aircraft that had flown in as a regular flight while the attack on the airport was in progress. They hijacked the plane and together with the passengers on board, they flew to Durban in South Africa¹²⁵. Meanwhile, as explained by Paul Chow, he and nine other Seychellois activists were waiting in Nairobi, ready to fly over in a hired plane, if everything had worked out.

By all accounts the situation at the airport became chaotic. Mr. Alain Deltel¹²⁶ who was on duty as a radio technician in the communications room, recalled hearing much shooting and when he finally came out of the room in the morning, he was arrested by soldiers and taken to Anse aux Pins police station where he was locked up for a few hours. Mr. Deltel wondered whether his mistreatment was related to his perceived connection with Franco Piovana. Mr. Phillippe Lucas¹²⁷ informed the Commission that he was locked up for a while by the mercenaries who had stayed behind, whereas Mr. Raymond Bonte¹²⁸ explained that he was shot in the leg and had to be taken to the hospital. Soldiers from the Pointe Larue Camp, including Tanzanians, attacked the airport and in the event a soldier, David Antat, was killed. Most of the mercenaries got away on a hijacked Air India flight that flew them to Durban. The five left behind were arrested and put on trial in 1982. They were found guilty of treason, with four being sentenced to death and one to 20 years’ imprisonment.¹²⁹ Negotiations between the Seychelles and South African governments resulted in their repatriation, in return for sums of money to the Seychelles government that were never divulged. In South Africa 45 others were charged with offences relating to the hijacking of the Air India aircraft.¹³⁰

On 15 December 1981 the UN Security Council adopted Resolution No. 496 (1981), in which it condemned the mercenary aggression against the Republic of Seychelles and the subsequent hijacking¹³¹ and decided to send a commission of inquiry (“UNSC CoI”) “in order to investigate the origin, background and

¹²⁴ Hearing No. 9 on Thursday 19 September 2019 - Testimony of Paul Chow.

¹²⁵ Hoare Mike (1987) Ibid.

¹²⁶ Cases 08, 26, 60, 61 – the Deltel Family, paragraph 121.

¹²⁷ Hearing No.42 of Tuesday 4 February 2020.

¹²⁸ Hearing No. 41 of Monday 3 February 2020.

¹²⁹ UNSC CoI (17 November 1982), *ibid*, paras 16-18. President René later pardoned and expelled the sentenced mercenaries, perhaps as part of a deal between South Africa and Seychelles. Ferrari M, *ibid*, Locations 3639, 3672-3683, 4709-4720.

¹³⁰ UNSC CoI (17 November 1982), *ibid*, para 22.

¹³¹ UNSC Res 496 (15 December 1981) UN Doc S/RES/496, para 2.

financing of the mercenary aggression [...] as well as assess and evaluate economic damages, and to report to the Council with recommendations”.¹³² The UNSC CoI submitted its report on 15 March 1982.¹³³

6.3 Arrests and Detention of November 1981

Following the mercenary attack a number of persons were arrested and detained, pursuant to Regulation 2 of the Preservation of Public Security (Detention) Regulations 1978, by Order of the President. The group included Jean Dingwall and Bill Mohamed – both arrested and detained for a second time; Theophane Hoareau, Mervyn Laporte, and Gerald Forte (deceased)¹³⁴, who have all brought cases before the Commission. The purported public emergency at that time was the alleged counter-coup by the mercenaries who had landed at the airport on 25 November 1981. They were all detained, firstly at Central police station and then moved to Union Vale prison where they were kept in confinement for at least three months under stringent conditions; Mr. Mohamed was detained for five months and Mr. Dingwall for a total of twenty-two months. While they were occasionally taken to the police station to be interrogated by senior police officers, including the Commissioner of Police Mr. James Pillay and Mr. Tyte Morin, no charges were ever brought against them. They were never formally informed of the reasons for their arrests, except that it was suspected that they had had contacts with the coup plotters and some of the mercenaries.

Based on the evidence related to all five cases the Commission found that no investigation was ever carried out by the police to ascertain whether there was any evidentiary basis for the opinion of the President that the detainees had been engaged in acts prejudicial to public safety and the maintenance of public order.

6.4 Army Rebellion - 17 to 18 August 1982

According to the testimonies of several witnesses who were members of the SPDF at the time¹³⁵ the army mutiny occurred as a direct result of frustrations and continued mistreatment of the lower ranks by the military leaders, especially those based at the Union Vale Camp (UVC). Mr. Frank Kilindo, Mr. Danny Payet and Mr. Clive Moses recalled the changes that had happened at the UVC after the camp was put under the command of Major Macdonald Marengo. He had replaced commanding officer Raymond Bonte, after the latter had been injured in the mercenary attack of November 1981. From then on, they all observed that “things started to go downhill”.

They claimed that as well as their guard duty at night, which started after the mercenary attack, they had to do farm work, construction and other contractual work on the orders of Mr. Marengo, their commanding officer. Mr. Payet claimed that Mr. Marengo was doing business with Seycom at that time, and he used the soldiers to work on his farm, raising chickens and growing vegetables to sell to Seycom. They worked long

¹³² UNSC Res 496, *ibid*, para 3.

¹³³ UNSC ‘Report of the Security Council Commission of Inquiry Established under Resolution 496 (1981)’ (15 March 1982) UN Doc S/14905.

¹³⁴ See details of the cases in Volume III as follows: Case 115 - Jean Dingwall; Case 106 - Rehman Adil Mohamed aka Bill Mohamed; Case 079 – Theophane Hoareau; Case 174 – Mervyn Laporte; Case 298 – Frida Forte.

¹³⁵ Frank Kilindo: Case 027; Danny Payet, Clive Moses, Richard Bristol, Roland Tomkin: witnesses in Case 238 Judith Dupres and David Pouponneau; Case 155 Jovett Rath; Case 261 Jimmy Rangassamy; Case 354 Barry Tirant.

shifts without breaks for months. Mr. Kilindo and Mr. Payet stated that they had tried to raise their concerns with Minister Berlouis but his response was such was army life, and no action was taken. Additionally, those who expressed dissatisfaction with the way they were treated had to face punishment, including salary cuts, withdrawal of passes and short periods of detention. The former soldiers noted that they had no recourse, as there was no higher authority they could appeal to and so gradually the idea of a mutiny brewed within the army barracks to a point where a plan was formed: rogue soldiers would take up guns and arrest top military and government officials.

Mr. Frank Kilindo¹³⁶, then a Lance Corporal, testified that he and Jovett (Joe) Rath, a Private, were the ones who planned to launch a rebellion against the army leaders. This was confirmed by Mr. Joe Rath¹³⁷, who claimed that their good service, especially with regard to quashing the mercenary attack, was not appreciated; instead, they were treated like slaves and the situation had to change. So they then approached Nivard Vidot, a sergeant, asking him to join them and lead the plans. Their intention was to change the army leadership, and they had sought an agreement with Roy Bristol and Kenneth Pillay, who were more professional army officers, to replace the army leaders they sought to oust. Mr. Kilindo emphasised that the rebellion leaders had no political plan to replace the government, but they merely wanted the mistreatment to cease. However, over the course of 17 and 18 August the rebels lost control, they were attacked by Tanzanian soldiers and five rebel soldiers were killed.

Colonel Andre Ciseau¹³⁸ who was based at UVC at the time of the mutiny recalled being woken up in the night of 17 August by about twenty rowdy soldiers outside his door at the officers' quarters. They ordered him to come out with his hands over his head and moved him towards the cells, while some of them shouted: 'shoot him'. When they noticed that he had his pistol under his hands on top of his head one of them grabbed it and threw it into the bushes nearby. As he was being forced into the cell by a soldier who had his rifle at his back¹³⁹, the soldier was shot by Lt. Jeffrey Appoo who had also been locked up along with other officers earlier. The commotion continued outside with soldiers going by saying that since several of the officers had escaped, they should shoot the ones in the cells. After the mutiny had failed, Mr. Ciseau together with other officers went about collecting arms and ammunition and arresting some of the rebels.

Mr. Ciseau acknowledged that there had been instances of mistreatment, although he noted that it was not so prevalent at UVC. He also stated that the army leaders were not always up to the standard. Since the creation of the army many recruits had been sent for training overseas, in particular those trained as officers, and as a result they were ahead of the army leaders who had been appointed on the basis of their participation in the coup. In his view, after the rebellion the senior officers were more attentive to the needs of the soldiers.

¹³⁶ See details of the plans and execution of the mutiny in Case 027 Frank Kilindo, Volume III.

¹³⁷ See Case 155 Joe Rath, in Volume III.

¹³⁸ Hearing No.193 of Monday 6 September 2021, as general witness.

¹³⁹ Col Ciseau informed the Commission later via email that his name was Ellie Dubel.

By the morning of 17 August the rebels had taken over Radio Seychelles, the Central police station and they had set up road blocks at Bel Air and Le Chantier junctions¹⁴⁰. The rebels holding the radio station forced the news producers and readers to make announcements and appeals on their behalf. According to the testimonies of Marie-France MacGregor née Laporte, Philomena Ah Weng née Mathiot and Gail Jumeau née Talma¹⁴¹, they were the Radio Seychelles program presenters on duty over the course of those two days, and they had to deliver the day's program on the orders of the soldiers. Mrs. MacGregor and Mrs. Jumeau recalled their first encounter with the rebel soldiers, when they went to fetch the radio station keys in the early morning at Central police station. They noticed that there were no police officers about; they were informed that the police had been locked up and that the army was in charge and they were also taking charge of the radio. They were then driven to the radio station by soldiers in one of their vehicles, and when they went inside, they realized that the station had indeed been taken over. They were allowed to deliver the news bulletins but then they were told what to say and what music to play.

The three presenters related that over the course of the day some of the soldiers took over the microphone and made announcements, and many people called through the radio switchboard and asked to speak to the soldiers. On several occasions the soldiers appealed to the President to heed their calls and consider their plight. Mr. Rene was away on one of the outer islands at the time. Around 2.30 PM the soldiers decided to fetch around thirty people from English River, who they referred to as hostages, who would go on air and appeal to the President and the authorities on their behalf. This happened for a while and then these persons were allowed to go home.

Mrs. MacGregor noted that some of the soldiers appeared to be drunk. At one point when she went into the kitchen to make tea, a soldier who had been asleep woke up suddenly and shot his gun through the ceiling, which terrified her. She also observed that there seemed to be no clear leadership, as no-one seemed to be in charge of their operation. Mrs. Jumeau expressed a similar view; she recalled being taken back to the radio station the next day, 18 August, and found that the soldiers were still there, somewhat unclear as to what was to happen next. Later one of them informed the other soldiers that Tanzanian troops were on the way to town and she was relieved when the rebel soldiers agreed to take her home. Ms Mathiot, who took over from Ms. Jumeau, recalled being present when the Tanzanian soldiers arrived and cleared the rebels out of the station.

The testimonies of Mr. Kenneth Pillay, Joe Ragain and Mr. Roy Bristol¹⁴² confirm the participation of Tanzanian soldiers in putting down the SPDF mutiny. Mr. Bristol, who was second in command under Macdonald Marengo at the time, informed the Commission that he was called to report to Bel Eau

¹⁴⁰ See the testimony of Danny Payet, witness in Case 238 Judith Dupres; Hearing No. 4 of Wednesday 22 January 2020.

¹⁴¹ Marie-France MacGregor - Hearing No. 190 of Wednesday 4 August 2021, as general witness; sworn statement provided to the Commission by Philomena Ah Weng; statement provided to court martial board by Gail Talma in 1983, as confirmed.

¹⁴² Kenneth Pillay - Hearing No.188 of 2 August 2021, as general witness; Joe Ragain – Hearing No.107 of Thursday 17 September 2020, as general witness; Roy Bristol – Hearing No.236 of Monday 22 November 2021, as general witness.

Headquarters in the early morning of 17th August and it was only when he got there that he realized the seriousness of the situation. He had just returned from the Coetivy camp the evening before and he was supposed to be on leave. The Chief of Staff, Mr. James Michel, was in charge of the operations. Mr. Bristol noted a certain level of chaos and he was informed that the rebels had been calling for him over the radio, to come and assist them, as a leader. He was then given orders to take a group of soldiers and to go and take over UVC and Radio Seychelles. He recalled that there were around fifteen soldiers, including Tanzanians, and they went off in a Pinzgauer. They encountered road blocks on Bel Air Road which they cleared, and then drove to a spot overlooking UVC at Mont Buxton. From there they decided to walk down to the camp through the bushes, to better avoid the shooting that was going on. By then it was late evening and getting dark. They managed to take over the UVC camp by early morning of 18 August and then they moved to Radio Seychelles.

Mr Bristol recalled that there was some commotion at Radio Seychelles as well and the radio presenters had in effect been taken hostage. His group released them and cleared out the place. As they went into the radio station the phone rang and he was informed that the caller wanted to talk to a member of the army. It turned out to be a BBC correspondence and Mr. Bristol answered his questions. Apparently, the interview was broadcast internationally and Mr. Bristol was ordered by HQ not to talk to the press again. He was then ordered to remain at Radio Seychelles until further notice, and he stayed there for a week. During that period he and his group were also involved in collecting all arms that had been left lying about by the rebels. Other units assisted with this task, as noted by Mr. Kenneth Pillay.

Mr. Pillay recounted that he was based at Bel Eau as a field officer, and in the late afternoon of 17 August he was ordered by Mr. Ogilvy Berlouis to go to UVC to provide the rebels with the correct radio frequency for contact with Mr. Rene, who was on one of the outer islands at the time. The rebels had been appealing to Mr. Rene to consider their plight, over radio Seychelles as well. They had also appealed to Mr. Bristol and himself to give them a hand. Mr. Pillay noted that the main leaders of the rebellion were Nivard Vidot and Alain Rangassamy. He also confirmed that there was no pocket of mutiny at Pointe Larue or Bel Eau camps, as some people had alleged. When he was sent to UVC a second time, to again provide the radio contact to Rene, he noticed that most of the rebel soldiers were drunk and that the whole thing was falling apart. Then he and the group he was with started to arrest the soldiers, and some of them surrendered. They handcuffed them and drove them to Bel Eau HQ where they were left out on the verandah. Present at Bel Eau at the time were Macdonald Marengo, Leopold Payet, Ogilvy Berlouis and James Michel, the last two being the ones who were giving the orders.

Mr. Joe Ragain recalled being instructed by Ministers Michel and Berlouis to go to and take back the UVC camp. After doing some reconnaissance exercise he went with a group some 15 soldiers and set up camp at National House. They managed to take over control of the New Port and Cable and Wireless the next day. When he went into the Exile Club at Cable & Wireless he found several of the mutineers drunk or drugged. They were all taken in an army vehicle to Bel Eau camp. He and his group then moved to Central Police Station and by the following day, 18 August, they had accomplished their mission. Mr. Ragain expressed the view that the army commanders at the time were indeed abusing on the soldiers. They had no management skills but they resented the newly trained officers, including Mr. Ragain, who wanted to improve the army.

About two weeks after the mutiny, Mr. Bristol and Mr. Pillay were both discharged from the army, without any further explanations provided. They were given jobs in government departments. Mr. Bristol recalls asking Mr. Rene once in a casual meeting, about the reason for his dismissal and he was told that he was “a victim of circumstances”.

Varying accounts of the treatment of the detainees at Bel Eau were provided by different witnesses¹⁴³, but they all concurred that by then, in the evening of 18 August, President Rene was at Bel Eau, and together with Marengo, Michel and Berlouis, they set about interrogating some of the arrested soldiers, including Jovett Rath and Andrew Pouponneau. Mr. Rath recalled being tortured while being questioned as to who were behind the rebellion. He also observed Andrew Pouponneau bleeding on the floor and fighting for breath. He later learnt that Pouponneau had disappeared and suspected killed on the orders of the army leaders¹⁴⁴. According to the evidence Mr. Danny Payet, most of the soldiers who had surrendered were tied up in pairs and locked up in small cells at Bel Eau for about a week, after which they were transferred to the detention section at UVC. In November or December 1982 approximately 75 soldiers who participated in the rebellion were court-martialled. According to Mr. Frank Kilindo¹⁴⁵ most of them received varying sentences and were dismissed from the army; he was sentenced to eight years in prison for the offence of mutiny and dismissed with effect from the day of the mutiny.

The Commission has been unable to ascertain the exact number of persons killed during the army mutiny, except that it included a few soldiers and one or two civilians who were killed or injured in the cross fires. One civilian who lost her life at the age of 14 years was Jill Carpin¹⁴⁶, whose family home was a short distance from the radio station. According to the evidence of her brother Ralph, their house was hit by a rocket propelled grenade that had been fired at the Union Vale camp from Bel Eau. He and his sisters together with their parents were all locked up in the house trying to stay safe. His father was also injured in this crossfire and he died in December 1982.

Mr. Cyril Charles¹⁴⁷, a young soldier based at UVC at the time, was shot in the leg as he and a colleague tried to climb over the fence of the camp to escape the shooting that was going on. It was around 1PM on 17 August and he recalled that bullets, mortars and grenades were flying all over the place. They hid in a nearby ditch until a jeep with rebel soldiers drove by and picked them up. On the way to the hospital they were fired on again near Le Chantier and his friend was killed. While in hospital he claimed that he witnessed the suicide of Alain Rangassamy, one of the leaders in the rebellion¹⁴⁸. After three months in hospital Mr. Charles’ left leg had to be amputated; he was 21 years old and had spent less than two years in the army.

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¹⁴⁴ See details in Case 238 Judith Dupres, in Volume III.

¹⁴⁵ See Case 027 Frank Kilindo, in Volume III.

¹⁴⁶ See Case 440 Ralph Carpin, in Volume III

¹⁴⁷ Hearing No.188 of Monday 2 August 2021, as a general witness.

¹⁴⁸ See Case 261 Jimmy Rangassamy, in Volume III.

6.5 Republic of Praslin – alleged counter coup plot of September 1982

In September 1982, barely a month after the army rebellion, a group of about twenty people, mostly from Praslin, were arrested and detained for up to three months without charges, on suspicion of planning to establish Praslin as a separate republic. According to Mr. Tyte Morin¹⁴⁹, then Assistant Superintendent based at the Police Training School on Praslin, this was a scam conceived by one Harry Gontier de Bourbon (also known as Henri Michel de St Maurice), to extort money out of a group of people led by Mrs. Siana Holmberg, nee Adeline, who were all considered to be against the one-party government. Mr. Morin explained that Mr Gontier was a known trouble maker who had lived in Seychelles for a while in his youth, during which time he was convicted for a number of minor offences, including fraud.

While stating that he was not directly involved in the investigations of the case, Mr. Morin confirmed that he was in charge of directing the search party that went to Mrs Holmberg's house at Anse Kerlan on Praslin, and confiscated "...documentary evidence in the form of letters, descriptive notes/memos pertaining to the detachment of the Island of Praslin from the other islands of the Seychelles, turning it into "Republic of Praslin"...".¹⁵⁰ They also found lists of names of people who were to be "shadow ministers", ex-police officers who were to replace serving members of the Police on Praslin and others who were to be taken hostage, Mr Morin included. Mr. Morin recalled that orders for the arrests had come from the authorities on Mahe and, in his view, the main reason for the group's arrest was because their names featured on the lists found by the police.

The Commission received attestations from three persons who were arrested and detained in relation to this alleged coup plan: Patrick Lablache, Ralph Volcere and Phillippe Boule.

Mr Patrick Lablache¹⁵¹ recalled being arrested along with his brother Jonas Lablache and wife Lydia Payet at their home on Praslin. They were accused of planning an alleged "mutiny" on Praslin although no charges were ever brought against them. Mr Lablache noted that the group of twenty or so detainees were taken to Mahe and locked up in cells at different police stations, including Central, Beau Vallon and Anse Etoile. Mr Lablache and his colleague Jude Monnaie were detained at Anse Etoile Police Station for 48 days without any further explanation being provided. Upon his release Mr Lablache returned to Praslin to resume his job as a taxi driver, only to have his taxi license revoked one week later.

Mr. Ralph Volcere¹⁵² informed the Commission that at the time he was an activist for the MPR. He often went to Praslin to meet up with other MPR supporters, including Mrs. Holmberg. Mr. Volcere noted that she had been fooled by Mr. Gontier who was a crook, and she provided him with much information about the MPR activities. Mr. Volcere expressed the view that Albert Rene used Mr. Gontier to help him "detect" MPR supporters, and that the whole "republic of Praslin" issue was a complete fabrication, to try and denigrate those who opposed the system. Following his arrest Mr. Volcere was detained at Glacis police

¹⁴⁹ Hearing No. 86, on Wednesday 8 July 2020.

¹⁵⁰ From written statement of Mr. Tyte Morin submitted to the Commission, on 31 January 2020.

¹⁵¹ Commission Case 301 – Patrick Lablache; Hearing No. 38, on 15 January 2020.

¹⁵² Hearing No.236 of Monday 29 November 2021, as general witness.

station for over a month, without charges. During that period, he was taken to see Rene, who told him that his security could not be guaranteed and that he had better get his father to buy him a ticket out of Seychelles. Mr. Volcere first went to Mauritius and then in December 1982 he moved to UK where he joined up with Gerard Hoarau, Paul Chow and others, to try and bring about change from the one-party system.

Mr. Volcere and Mr. Lablache further noted that Mr. Gontier was also detained in connection with the case, and he left the country after his release. Attempts by the Commission to make contact with Mr Gontier has revealed that he passed away in November 2018 in the UK.

In his statement Mr Morin expressed the view that the whole alleged plan was a scam, an “absurd conspiracy” and he wondered whether the government of the day really saw it as a serious threat. However, according to Mr David Savy¹⁵³, then the CEO of Air Seychelles, and as a pilot who often flew to Praslin, the government presumably did take the alleged plot seriously because the country’s security was being challenged; he noted that during the same period there had been the mercenary attack in November 1981, the Army rebellion in August 1982, and partly as a consequence of such threats to the stability of the country, several large airlines had pulled out and tourism arrivals had fallen by 40%. Mr. Savy observed that he was also aware that Harry Gontier was the leader of this plan.

Mr. Ibrahim Afif¹⁵⁴, then the ‘controller’ at Radio Television Seychelles (RTS), informed the Commission that the “republik Praslin” story was a ploy to foment the perceived threats of another alleged mercenary attack. He was asked to produce a program suggesting such a plot for diffusion on RTS, which he did, but he considered the whole story to be merely a distracting event. As far as he was aware there was no plot to have Praslin declared a separate republic. By early December all the detainees had been released and nothing more was heard of the ‘Republic of Praslin’ plot, although other alleged threats to the one-party regime persisted.

6.6 Murder of Simon Denousse and Mike Asher 19/20 October 1982

Evidence of active opposition to the one-party regime and the government’s ruthless response is illustrated by Case 022¹⁵⁵, which concerns the murder of Simon Desnousse and Mike Asher in the night of 19 October 1982. In the early morning of 20 October 1982, the bodies of the two young men were found blown up in a car at Anse Forban. It was alleged by the government that they were involved in the making of bombs to be used in a counter attack by the UK-based MPR, led by Gerard Hoarau. The Commission notes that Simon Desnousse was one of the prominent leaders of the student demonstration against the National Youth Service in October 1979. As a consequence, he was denied opportunities to do further studies and obtain employment. He joined the MPR opposition group and went on arms training in South Africa together with Claude Moulinie¹⁵⁶, in relation to an MPR plan to destabilise the government. On completion of their

¹⁵³ Hearing No. 87, on Thursday 8 July 2020, as general witness.

¹⁵⁴ Hearing No. 45, on Friday 7 February 2020, as general witness.

¹⁵⁵ Case 022 Olivia Vincent and Paul Denousse; see details in Volume III.

¹⁵⁶ Witness in Case 022 Olivia Vincent; Hearing No. 60 of Friday 13 March 2020.

training Desnousse returned to Seychelles in early September together with Mike Asher, while Moulinie went via London to meet up with the MPR leaders there before the ‘destabilising’ plan was to be launched. It was to include the placing of bombs in a number of strategic places in town.

Evidence before the Commission ascertains that Desnousse and Asher were kidnapped by state security officials in the evening of 19 October 1982, and were taken to a building near l’Exile where they were interrogated by Albert Rene. They were then tortured and killed, most likely by members of the military, and their bodies were blown up in Mr. Desnousse’s car at Anse Forban in an attempt to pass off the murders as an accident. The Commission’s findings in relation to this incident are comprehensively set out in Case 22 Olivia Vincent¹⁵⁷.

6.7 “Konplo 412” series - Radio program justifying government actions against opposition

During the same period – late September and October 1982 – the government put out a series of about ten radio programs featuring excerpts of anti-government discussions amongst members of the MPR in London, recorded secretly in room No. 412 at the Carlton Tower Hotel. The program was named “Konplo 412” (the 412 Plot) after the number of the hotel room where the MPR members were having their meetings. Mr. Claude Moulinie¹⁵⁸ confirmed that he was one of the participants in the meetings and that they found out later that the room was bugged. He also stated that Mario Ricci, who was supposedly a good friend of Gérard Hoarau’s, had arranged for them to meet in that room, but then they realised that he was in fact working with Albert René. His evidence is corroborated by Paul Chow¹⁵⁹, who had met Mr. Moulinie in London and taken him to the meeting. Mr. Chow noted that the bugging was organised by Ian Withers, an Irish agent employed by Rene, who had bought a “safe-house” in London near the Carlton Tower Hotel, from where his spying activities were operated.

Mr, Ibrahim Afif¹⁶⁰ advised the Commission that he was the RTS technical producer of this radio series, and also a co-presenter along with Mrs. Francoise Shroff (a former part-time radio presenter) and the late Mrs. Majorie Baker, then Head of Radio Programmes. Mr. Afif recalled being summoned to State House one morning in late September 1982 and he was assigned the job of producing the program by Mr. Rene. He was instructed that the series was to be designed to show the Seychelles population that there were people abroad working to oust the government of President René; and the materials came from audio cassette recordings provided by the President and Mrs Geva Rene. Mr. Afif noted that the cassettes also came with copious notes carefully numbered against the player metre for quick reference. The majority of the notes were in President René’s own handwriting with probably a quarter of the notes written by Mrs Geva René.

¹⁵⁷ See details in Volume III.

¹⁵⁸ Witness in Case 022 Olivia Vincent; Hearing No. 60 of Friday 13 March 2020.

¹⁵⁹ Hearing No.16 of Monday 14 October 2019; Paul Chow confirmed that Ricci paid for the hotel room where they met and that Gerard Hoarau thought he was a good friend. Gerard spoke Italian and interpreted for Ricci when they first met in Seychelles; Ricci also funded the Rovers football club that Gerard managed. See Case 017 – Paul Chow in Volume III.

¹⁶⁰ Witness in Case 022 – Olivia Vincent; Hearing No. 45 of Friday 7 February 2020.

Mr. Afif explained that each program in the series lasted about 45 to 90 minutes and he had to produce them in a temporary technical suite set up in one of the large bedrooms of State House, under the supervision of Mrs. Geva Rene. None of the cassettes were allowed to be taken out of State House, and the final script was edited and authorised by Mrs Rene. Mr. Afif recalled that the first program of the series was aired very soon after the deaths of Simon Demousse and Mike Asher and that Mr. Claude Moulinie was heard in the very first programme of Complot 412, talking about “something” he and Simon were going to do in Seychelles.

Mr. Moulinie recalled hearing this first broadcast of the recordings of their meetings at the Carlton Hotel and his name being mentioned. It then became clear to him that the Seychellois authorities knew everything about the MPR plans and of his involvement. Mr. Moulinie contacted a lawyer, who, after consulting with René, advised him to go to the police station, which he did. Apparently, President René had told the lawyer that Rene had enough evidence to put Mr. Moulinie on trial for treason. At the police station Mr. Moulinie met briefly with the Police Commissioner and then he was interrogated by the police over a long period of time, and was pressurised to redo his statement several times until they were satisfied with it. A few days later he was taken from his home in the car S1122 to State House, to an office where he was faced by Geva René and Ibrahim Afif, with soldiers standing about. They interviewed him about the MPR activities, recorded it, and broadcast it over the radio. At the end of the broadcast, they played the song of Mickey Mancham: “Pardon” (Asking for forgiveness).¹⁶¹ Mr. Moulinie noted that all of this was to humiliate him. At the same time his MPR contacts, especially Paul Chow and Gérard Hoarau, never spoke to him again.

6.8 Attempted poisoning of Mr. Rene’s water supply

Sometime in the first half of 1983 it was alleged that there had been an attempt to kill Albert Rene by poisoning the water supply of his home at l’Exile. The incident was first brought to the attention of the Commission by a witness, Mr. Andre Vidot¹⁶² who had been a sergeant major in the army working at Grand Police camp in 1983. Mr. Vidot claimed that one Albert Simon was sent to Grand Police high security prison after being accused of putting poison in the water source that supplied the President’s home with potable water. The President was alerted to the problem by the presence of dead fish in the fish pond that he maintained as part of their water supply system. Mr. Jemmy Marengo, a member of the army working at l’Exile at the time, also mentioned this incident of attempted poisoning.¹⁶³

That such an incident happened was confirmed by David Savy, Rene’s step-son, through a statement to the Commission.¹⁶⁴ In the statement Mr. Savy noted that on the day in question his mother had informed him that she had had to stop by his house for a shower, because there had been an interruption in their water supply at l’Exile. She explained that the two water tanks at her house had to be emptied and cleaned out

¹⁶¹ On 23 April 2021, a Commission’s investigator requested the recording of the interview of Claude Moulinie by Ibrahim Afif which was broadcast by SBC in late October 1982. This request was acknowledged and registered by SBC on 23 April 2021. On 20 May 2021, SBC informed the investigator that SBC could not locate the recording of Claude Moulinie’s statement, but did not provide any reason as to why they could not retrieve the statement.

¹⁶² Witness in Case ... Hearing No. 138 on the 13th April 2021.

¹⁶³ See Volume III - Cases 16-56-108: Hoffman, Elisabeth and Victor; see paragraph 289, Jemmy Marengo as witness.

¹⁶⁴ Statement to the TRNUC given by David Savy on Friday 14 May 2021.

because they had learned of an attempt by one of the security staff to put poison in their water supply. His mother told him the matter was being investigated. Mr. Savy explained that the water to the main house at l'Exile comes from a mountain stream from deep in the forest.

6.9 Murder of Michael Hoffman and Sonny Elisabeth and attempted murder of Brian Victor – 21 July 1983

Another allegation of a counter coup plot surfaced in July 1983, involving three young men, Michael Hoffman, Sonny Elisabeth and Brian Victor.¹⁶⁵ It was alleged that local business people who were against the government were planning a counter coup and they were being assisted by Michael Hoffman who was trying to purchase arms through army contacts that he had at l'Exile. In the process two of them were killed by members of the army in an ambush at Sans Soucis.

According to evidence received by the Commission, in the evening of 21 July 1983, two members of the army, Jemmy Marengo and Francois Lesperance, were assigned to lead the three young men to Sans Soucis, under the pretext of facilitating the arms deal. They were in fact led into an ambush by a group of soldiers, in a spot down the road from the l'Exile driveway, on a trail into the tea plantation. Victor who was driving all five men in his car, was instructed to drive to the place where Victor, Elisabeth and Hoffman were badly beaten up. Once they were considered as dead, their car was driven further up the Sans Soucis road by one of the soldiers and then tipped down a ravine with the three men in it, in an attempt to cover up their killing, as being the result of a car accident. Hoffman and Elisabeth were found dead in the car the next morning but Victor managed to crawl out during the night and seek assistance from a house further down the road. In the morning of 22 July 1983 he was admitted at Victoria hospital with serious injuries, and he suffers from the side effects of these injuries to this day. The Commission's findings in relation to this incident are comprehensively set out in Cases 16-56-108: Hoffman, Elisabeth and Victor in Volume III.

6.10 Disappearance of Alton Ah Time – 13 September 1984

Evidence received by the Commission indicates that Alton Ah Time was opposed to the one-party government and he was regularly spied on by members of the State House intelligence team¹⁶⁶. In her testimony to the Commission Ms. Julia Ah Time¹⁶⁷, sister to Alton Ah Time, recounted the family's attempts to find out what happened to Alton. She recalled her mother going to see Mr. Rene some weeks after Alton's disappearance and being told by Rene that her son had disappeared because he was a member of the secret MPR. When her mother pointed out that Alton should then have been arrested, Rene did not reply. Ms. Ah Time noted that the family was aware that Alton liked going to the Honey Pot club where he met up with friends who were not supporter of the one-party system, and they knew that he was being followed by state security people. Surveillance on their home and on their movements continues after Alton's disappearance, especially after their mother in desperation had a T-shirt printed with the question:

¹⁶⁵ See Cases

¹⁶⁶ See Case 020 – Simon Ah Time, and Case 135 – Dean Morel, in Volume III.

¹⁶⁷ Hearing No.205 of Wednesday 22 September 2021, Julia Ah Time.

Where is my son Alton?, that she wore every time she went to town. She had tried to take Alton's case to court but was advised by both the AG and the Chief Justice at the time that it would not be feasible.

Mr. Ralph Volcere, who was an MPR activist working with Gerard Hoarau when he went into exile in UK in early 1984, informed the Commission that a few weeks before his disappearance, Alton Ah Time had been to Mauritius to meet up with Gerard Hoarau. They discussed anti-government activities, but also present was Frank Lafortune who reported on Alton to the authorities when he got back to Seychelles, as he was acting as a double agent for the government. See further details of the Cases 20 and 135 in Volume III.

6.11 Regatta Arrests and Detention – 30 September 1984

The Regatta was an annual event organized by the Round Table – a well-known non-government organization at the time. Fairs and boat races were organized, mainly in the area of Beau Vallon beach. According to the evidence of several witness before the Commission¹⁶⁸ a group of persons opposed to the government decided to organize a demonstration in town on the day of the regatta, on Sunday 30 September 1984. Cyril Lau-Tee recalled that the plan was to walk from town to Beau Vallon, led by himself and Kathleen Pillay.¹⁶⁹ The organizers had secretly produced banners and posters for the march and they were to meet in front of the Catholic cathedral on the Sunday morning.

However, all the witnesses attest to the fact that no demonstration had actually started and therefore they were not breaking any law. Before any gathering happened, a truckload of PMU officers arrived on the scene and arrested 41 persons who were in the vicinity of the cathedral and other nearby places in town. They were detained in cells at Central police station and charged with unlawful assembly and refusal to disperse when ordered to do so by the police, under the Public Order Act (Cap. 41)¹⁷⁰. They were all released the next day and 39 of them were later tried in the Magistrate's court before judge Mr. V Alleear¹⁷¹. The judgement was finally delivered on 1 August 1985, almost one year after the alleged unlawful acts. Apart from five accused who were found not guilty on both counts, the others were given varied suspended sentences (of between one year and one month) and fined SR750 each.

Meanwhile, one of the accused, Royce Dias¹⁷² who kept being harassed by security personnel, had drugs planted in his car by SSU officers, and he was then prosecuted, convicted and sentenced to five years in prison. Police officers who appeared as witnesses in this case affirmed that the planting of drugs on people was sometimes used as a means of catching those perceived to be working against the system¹⁷³.

¹⁶⁸ Cyril Lau-Tee: Case 180; Ghislaine Lau-Tee: Case 504; Bernard Racombo: Case 104; Rita Baillon: Case 145; Case 093: Henri Barallon; Case 095: Phillipe d'Offay, all in Volume III.

¹⁶⁹ Daughter of the Commissioner of Police, James Pillay.

¹⁷⁰ It must be noted that this Act denied people the right to assemble freely; written permission had to be sought from the police at least a week prior to any gathering being held.

¹⁷¹ See court findings in case: *The Republic v Kathleen Pillay et al, 1 August 1985*.

¹⁷² See Case 145 Rita Baillon, and further details of the case in Volume III.

¹⁷³ For example the testimony of Guy Roucou, in Ad hoc Hearing No.3 of Tuesday 26 November 2019, as witness in Case 022 Olivia Vincent.

Earlier in that same month, on 2 September 1984, Mr. Jean Dingwall, along with three other persons who lived at his place at Anse Royale¹⁷⁴, were arrested and detained for various periods. Mr. Dingwall was first detained at Mont Fleuri police station for three weeks, then transferred to Central police station for three months, after which he was transferred to Long Island prison for 22 months before being released, without charges being brought against him.

6.12 Murder of Gerard Hoarau - 29 November 1985

Gerard Hoarau, one of the founding members of the MPR was shot dead outside his home in Edgware, north London, on 29th November 1985. According to the evidence of Paul Chow,¹⁷⁵ Gerard Hoarau was shot by someone using a machine gun, who took cover in the garden of an Asian family next door to Gerard Hoarau's house, and eleven bullets went into his body. Mr. Chow claimed that the killer had been hired by agents of Ian Withers, who was employed by Albert Rene to carry out surveillance on them and on the activities of the MPR in London and elsewhere. His assassination is apparently still being investigated by the UK Scotland Yard.

That Gerard Hoarau had for some time been under surveillance by his agents was confirmed by Mr. Ian Withers in his testimony before the Commission.¹⁷⁶ Withers testified that after the mercenary attack of 1981 he was employed by Rene to carry out surveillance on Gerard Hoarau and the MPR group, in South Africa and in UK. He also kept the British Foreign Office informed of these activities, as they had an interest in trying to influence Rene's decisions, in particular regarding the death sentences passed on the mercenaries arrested in Seychelles. Withers confirmed that his agents used to attend MPR meetings and one of them passed himself off as a mercenary under a false name when the MPR was recruiting mercenaries. He also noted that he had hired the telephone tapping company of William Underwood in UK, under a separate contract, to do all the phone bugging and eavesdropping. The tapes were sent to the company's office in Brighton by courier service and then put on the Friday flight of Air Seychelles, to be delivered to the President's office. They were labelled as music tapes.

Mr. Withers also confirmed having bought a house near to Gerard Hoarau's house, under a false name through one of his business companies, to facilitate their surveillance activities. It was set up as a "monitoring station" and the money for the purchase of the property, £56,000, came from Seychelles. While avoiding to admit any direct participation in the murder of Gerard Hoarau, Mr. Withers acknowledged being in London at the time, together with Ogilvy Berlouis, up until 27 November (two days before the killing) when he returned to Seychelles, leaving Berlouis in London. He further noted that, having received news of the murder, President René called him to a meeting of high-level security personnel on 29 November,

¹⁷⁴ See Case 115 Jean Dingwall; Case 185 Michel Rangasamy, in Volume III. Also arrested at the same time were Barry Tirant and Roland Tomkin.

¹⁷⁵ Hearing No.16 of Monday 14 October 2019; and see Case 017 -Paul Chow, in Volume III.

¹⁷⁶ Hearing No.16 of Monday 14 October 2019, via Skype.

with a view to determining how to deal with local reactions to this news. He observed that Rene “seemed to be - I would almost say - upset” by the situation.

It would appear that the UK authorities have so far not charged anyone in connection with the killing of Gérard Hoarau.¹⁷⁷ Withers stated that as an intelligence source it was “a great loss to Seychelles”,¹⁷⁸ but in view of Hoarau’s significant role in the armed opposition, the regime would certainly have had a motive for his murder. The fact that the regime, through his agency, had Gerard Hoarau closely under surveillance for some time is circumstantial evidence for finding that he was implicated in some way.

In his memoir Dr. Ferrari presents a mail he received from David Fischer, former US Ambassador to Seychelles in which he writes “I don't know if you know that the gun that killed Gérard Hoarau was purchased in North Carolina and that France Albert René signed the export permit.”¹⁷⁹

The Commission also notes the evidence it has received that the MPR was seen as the biggest threat to the revolution by President René’s government. The Commission’s findings in relation to the assassination of Gerard Hoarau are set out in Case 29 Joe Hoarau in Volume III.

6.13 Internal Counter coup attempt – September 1986

Another plot for a counter coup was discovered in September 1986, this time allegedly planned from inside the government. According to evidence received by the Commission this attempt was led by then Minister of Defence, Ogilvy Berlouis, together with others who had been involved in the Coup of 1977, including Rolly Marie, Phillipe Lucas, Norcy Chung Loye and Raymond Bonte. The plan was to remove Rene from the Presidency, while he was overseas attending the non-aligned summit, from 1st to 6th September 1986 in Harare, Zimbabwe.

According to Robert Ernesta¹⁸⁰, then second in command at Grand Police camp under Col ‘Tinal’ Marengo, he was first alerted to a possible counter coup plan after Marengo had returned from an official visit to Austria, sometime in 1985, together with Berlouis who had been the leader of their delegation. Apparently, they had been gifted special pistols and Ernesta was asked to find the right bullets for them. Following this, he was asked to fix the guns (AK47s) allocated to Berlouis, Lucas, Bonte and Rolly Marie, which he did. Then during the course of 1986, they often came to the camp for gun practice. One evening he was called to the camp headquarters by Col Marengo and told to get his unit together because they were going to take over the country that evening. Mr. Ernesta recalled questioning him about this coup plan and he learnt that it was led by Berlouis, and the army leaders felt they were being side-lined and fooled. After over an hour’s discussion, Mr. Ernesta informed Col Marengo that he was not going to participate. He alerted other senior

¹⁷⁷ As recently as 2018 UK police raided Withers’s house with a warrant alleging a conspiracy of Ogilvy Berlouis, Albert René, John Dutcher and himself to murder Gérard Hoarau. Withers said that he was questioned in detail but released after 24 hours. Hearing No. 1 on Monday 14 October 2019 - Testimony of Ian Withers.

¹⁷⁸ Hearing No. 1 on Monday 14 October 2019 - Testimony of Ian Withers.

¹⁷⁹ Ferrari M (1999) *Ibid.*, Appendix XIV.

¹⁸⁰ Hearing No.179, Friday 16 July 2021

officers at the camp, placed his unit on standby and waited through the night. Next morning Col Marengo informed him that he had gone to inform James Michel and all was under control. He also told him that Mr. David Savy had informed the President of this plan.

In his testimony before the Commission David Savy¹⁸¹, (step-son of Rene, senior officer in the Army and a flight captain for Air Seychelles) explained that he was informed of the coup plan by Col 'Tinal' Marengo in the evening of 5th September 1986 and he immediately set about finding the quickest means of informing Rene in Harare. On the advice of Rene's secretary, Mr Savy called Rene via his fax machine, from Bel Eau HQ where he had gone to inform James Michel of the alleged plan. Rene expressed disbelief but he realised that he had to be back in the country as soon as possible. He landed in the early morning of 6th September, having been assisted by Rajiv Gandhi who lent his private plane for the journey. Mr Savy explained that he and Col Claude Vidot picked up Rene directly from the aeroplane and drove him home to l'Exile.

Mr Savy further recounted that meanwhile, during the night of 5th September, after learning of the planned coup, James Michel, in collaboration with Col Leopold Payet, Col Claude Vidot, Bod Noddin and Paul Hodoul, organised for a military exercise in the town area, as for an emergency, to try and delay any possible action until Rene returned. This was questioned by Berlouis, who was in effect second-in-command during Rene's absence, and he wanted to know what was going on and why he had not been informed. Michel told him that it was a routine exercise although done as a bit of a surprise. In his version of the events Michel¹⁸² described how he put the Bel Eau army camp that was under his command on full alert.

There was much speculation as to the motivation for this particular counter-coup attempt. Michel¹⁸³ observed that "...the true picture may never emerge," as Berlouis consistently denied his involvement while 'Tinal' Marengo maintained that the plans were real. Cyril Lau-Tee¹⁸⁴ who went into exile in UK in 1986 and joined the MPR group there, noted that there was a lot of discontent among the army Majors; they claimed that Rene had promised that there would be rotation for the presidency but he had held on to power for almost ten years. He also observed that Berlouis had made many contacts with the London MPR group by then.

According to Stephen Ellis¹⁸⁵, an academic researcher at the African Studies Centre in Leiden, the Netherlands, amid concerns in the US Department of Defence over Seychelles' government's pro-Soviet tendencies, Ogilvy Berlouis was invited to America and was received at the Pentagon in October 1985¹⁸⁶. Ellis speculated that within the context of the Cold War, and the American government's interests in Seychelles, where it had a satellite tracking station, it appeared that Berlouis was viewed as a possible

¹⁸¹ Hearing No. 49, Thursday 13 February 2020, Closed session.

¹⁸² Michel J (2011) *Distant Horizons- My Reflections*. Rila Publications, London, p 105.

¹⁸³ Michel J (2011) *Ibid.* p106

¹⁸⁴ Hearing No.83 of Friday 3 July 2020, and see Case 180 Cyril Lau-Tee, in Volume III.

¹⁸⁵ Ellis S (1996) *Africa and International Corruption: The Strange Case of South Africa and Seychelles*. *African Affairs* 95, pp 165-196, at pp 176 and 189.

¹⁸⁶ This visit was also noted by Ian Withers, who had met up with Berlouis in London immediately prior to the murder of Gerard Hoarau.

replacement for Rene. According to Ellis this counter-coup plan also had the support of the South African intelligence services.

Mr. David Savy¹⁸⁷ also expressed the view that there was the involvement of some foreign agency and/or government, possibly the CIA. He confirmed that Berlouis had travelled to the USA in 1985 to pursue negotiations regarding the US tracking station at La Misere, and that Rene had made it clear that he was not happy with the situation, especially with the Cold War, as Seychelles could be considered as a target. Mr. Savy observed that in 1985/86, technologically speaking, the USA was not ready to move out of Seychelles and hence they may have found a sympathetic person in Berlouis in their appeal for support.

Murder of Marjorie Baker – 6 September 1986

During the early morning of 6 September 1986 Marjorie Baker, head of radio programmes at Radio Seychelles - and the radio announcer who, together with Douglas Cedras, had informed the population of the coup d'etat of 5th June 1977 - was found dead in her car at Glacis, with several stab wounds around her neck and chest. A number of witnesses who testified before the Commission expressed various views as to the motivation for the murder, but all agreed that it was somehow linked to the coup plot of Minister Berlouis¹⁸⁸.

According to Mrs Fleurange Baker-Mckane¹⁸⁹, sister to Marjorie Baker and a police officer at the time of the murder, she heard of this planned coup plot from certain members of the armed forces and she informed Marjorie about it on 5th September 1986, as Mrs McKane knew that her sister had a close relationship with Rene. She also told Mr Raymond Bonte, as a good friend, about the “plans” when she met him on the same day, but he showed no particular reaction. Mrs Mckane further informed the Commission that upon Rene’s return from Harare on 6th September she went to see him in the morning at State House about her sister’s murder, and Rene confirmed that Marjorie had told him of the coup plans.

In his testimony before the Commission, Mr Ibrahim Afif¹⁹⁰, one of the managers of RTS, observed that Marjorie had been asked by Berlouis to make the announcements about the takeover of the presidency when the time came, as for the original coup, but being a close friend of Rene’s, she had called Rene and informed him of the plans. The coup plotters wanting to ascertain this, lured her to North East Point that night allegedly for questioning, with the assistance of her then partner, Douglas Cedras, who also worked at RTS as a senior technician.

That Cedras was implicated in the murder was also noted by Mrs Fleurange Mckane who explained that in a note written by Douglas while in detention, and brought to her father through unknown sources, Douglas stated that he had been offered SR15,000 to collaborate. In the note Douglas also stated that he was contacted by James Michel a few days before the event, and Michel asked him to drive Marjorie to a

¹⁸⁷ Hearing No. 49, Thursday 13 February 2020, Closed session.

¹⁸⁸ See Case 123 Juan Salaman, see details in Volume III.

¹⁸⁹ Hearing No.36, of Monday 13 January 2020.

¹⁹⁰ Ad hoc Hearing of Monday 24 February 2020.

particular spot at North East Point where certain persons needed to question her on security matters, as she seemed to be acting as a double agent; and he claimed that was the extent of his involvement. In response to enquiries by the Commission pertaining to this matter, former president Michel stated, in a letter dated 12 February 2020¹⁹¹, that these allegations were completely false, that they were "...malicious fabrications" intending to smear him in the eyes of the public and impugn his integrity.

Douglas Cedras was convicted of Marjorie Baker's murder in December 1986 and was sentenced to life imprisonment but he was pardoned by President Rene in 1993 after serving seven years of his sentence¹⁹².

Sacking of Army Majors and the Chief of Security

Mr Frank Marie, the head of the President's state security team at the time, testified before the Commission¹⁹³, that a few days after their return from Harare, Mr Rene called in each one of the alleged coup plotters to his office for individual meetings – they were Ogilvy Berlouis, Raymond Bonté, Rolly Marie and Norcy Chung Loye. Mr Marie had to search them and ensure that they were divested of all weapons before going into Mr Rene's office. After the meetings it was announced that the Minister of Defence, had handed in his resignation and three senior army officers had been pensioned off¹⁹⁴. President Rene then assumed the portfolio for defence and Mr Frank Marie was appointed as the chief of security for the President, replacing Mr Rolly Marie. Mr Frank Marie remarked that one of the reasons put forward for this attempted coup was that the senior army personnel were not happy with Mr Rene remaining in power for more than 10 years.

In their testimonies before the Commission the surviving members of the group that was dismissed from the defence forces, Mr Rolly Marie¹⁹⁵, Phillipe Lucas¹⁹⁶ and Raymond Bonte¹⁹⁷, stated that they were not involved in any coup plot. They affirmed that they were shocked at these allegations, but they felt they were not in a position to challenge the decisions. Mr. Marie observed that Rene could have made up this allegation as a means of getting rid of them, because he was wanting a change. Mr. Cyril Lau Tee¹⁹⁸, then in exile in UK, mentioned that the anti-government group he had joined in UK was aware of this counter-coup plot, and that there had been discussion of possibly joining together with the UK-based group, (See section 6.14 below).

Mr. Marie and Mr. Lucas recalled that once dismissed, Mr Rene bought off Mr Marie's house within three days, and Mr Lucas had his house acquired by the government without being paid any compensation. Mr Bonte expressed the view that this was a 'manipulation' by local opposition people along with international partners to destabilize the country. He said he was greatly pained by the accusations made and the

¹⁹¹ Letter from Former President Michel, of 12th February 2020.

¹⁹² Seychelles Nation of 3rd May 2014

¹⁹³ Hearing No.94, on Monday 27th July 2020, as general witness.

¹⁹⁴ Michel J (2011) Distant Horizons- My Reflections. Rila Publications, London, p 106.

¹⁹⁵ Hearing No. 41 on Monday 3rd February 2020.

¹⁹⁶ Hearing No.42 on Tuesday 4th February 2020.

¹⁹⁷ Hearing No. 41 on Monday 3rd February 2020.

¹⁹⁸ See Case 180 Cyril Lau Tee, in Volume III.

consequent ‘demotion’ he had to accept, but later Mr Rene apologized to him. He was put in charge of Long Island prison in 1999, until 2001 when he was moved from that position.

Following the dismissal of the senior army personnel the Defence Force Council was reviewed and a new set of younger and more professionally trained officers were appointed by the President. They included Admiral Paul Hodoul, Captain Francois Jackson and Major David Savy who was also nominated as the secretary to the Council. The latter explained that the aim was to move toward establishing a more professional military force.

Army Raids on Praslin – September 1986

Two weeks after the alleged coup plot, raids by a defence force team were carried out on Praslin, which were suspected of being related to Berlouis’ planned coup plot. In his testimony before the Commission Mr Victor Tirant¹⁹⁹, then a 2nd Lieutenant in the army and leader of the defence forces team sent to Praslin, explained that incidents of arson had been taking place on Praslin that were suspected of being politically motivated, intending to destabilise the government. On the direct orders of the President, he and his team were sent to Praslin, to help the police with the deterrence of such subversive activities. The thatched roof of the Praslin airport building had been set on fire in the early part of 1984 and they were aware of plans of possible fires in the Vallee de Mai and other strategic places on the island. According to Mr Tirant the persons suspected of involvement in these activities were friends of Ogilvy Berlouis, Phillipe Lucas and Raymond Bonte who had often visited Praslin during that period and they spent time with certain persons – including Benjamin Pierre-Louis, Antonio Morin, Wills Lesperance, his brother Hansley Lesperance, Walter Palmyre, Frank Ah-Kon and Gilbert Rose.

Three of the persons assaulted during these raids brought their cases before the Commission: Mr. Benjamin Pierre-Louis, Antonio Morin and Wills Lesperance.²⁰⁰ Mr. Pierre Louis, a businessman based on Praslin at the time, recalled how he was taken from his home at Baie St Anne at around 10.30am on 21st September 1986, by officers of the army and PMU, led by Mr Vic Tirant. He was taken to Grand Anse Police station, where he was badly beaten and locked up in a cell for the rest of the day and night. He was joined by others, including Antonio Morin, and they were both accused of instigating the soldiers on Praslin while being further beaten up and tortured. The next morning, he and Antonio Morin asked to see a doctor, and after being checked over by the doctor at the Baie St Anne hospital they had to be flown to Mahe for further treatment. They spent a week in hospital – with the first day under Police surveillance - before returning to Praslin. He stated that no charges were ever brought against them. While he was being assaulted Mr Pierre-Louis claimed that Mr. Tirant urged him to leave the country as this sort of treatment was not going to stop. His various business interests on Praslin had also been acquired by the government in November 1981. In January 1987 Mr Pierre-Louis emigrated to Canada where he received political asylum.

¹⁹⁹ Hearing No.133 on Friday 27th November 2020, in Case 21 Benjamin Pierre-Louis; see details in Volume III.

²⁰⁰ Hearing No.56 on Monday 9th March 2020, and see Case 21 Benjamin Pierre-Louis, in Volume III.

In his statement to the Commission²⁰¹ Mr Antonio Morin describes the beatings and torture he endured, including the barrel of a gun and a dagger being shoved into his mouth by Mr Vic Tirant. When he fought back the barrel of a machine gun was pushed up his anus, which drew blood and weakened him. He confirms witnessing the assaults on Benjamin Pierre-Louis and the two of them having to spend a week in hospital on Mahe as a result of the beatings they suffered at the hands of members of the army.

Mr. Wills Lesperance²⁰² explained to the Commission that all those arrested that day, including himself and his brother Hansley, were friends of Majors Berlouis, Lucas and Bonte who were often on Praslin for fishing trips, and they met up at Benjamin Pierre-Louis' restaurant at Grand Anse (the 'Britania' which Pierre-Louis was renting from Mr. Daniel Payet). Mr. Lesperance recalls that the Majors never talked politics and never mentioned any coup plans; at the same time there were many rumours going around about the fire at the airport that occurred shortly before their arrest. On the evening of 21st September 1986, he and several others were arrested by a team of army and PMU officers, and they were detained at Grand Anse police station. Some of them were beaten up by soldiers during the night. He noted that the police did nothing to stop the soldiers, and he believes he was spared because he was a cousin of Armantal Lesperance, then the SPPF District Administrator and leader of the Militia on Praslin, who was the one passing on information to the army team.

Two police officers who came before the Commission in relation to the case of Mr. Pierre-Louis confirmed that they had both heard of the incidents but they were not present at either police station on Praslin at the time. As police Regional Commander for Praslin from the end of September 1986, Mr. Andre Valmont²⁰³ was aware of the army activities but he claimed that he found no record of the incidents in the police occurrence books nor any report or case files related to these events. Mr. Robbie Felicie²⁰⁴ was a police officer working in general duties at Grand Anse Praslin police station during that period, and he recalled hearing about the incidents and beatings but he claimed he was not on duty that night. He expressed the view that, although it was not normal for people to be beaten up by security forces, such events did happen and the powers of the police had been taken away; it was clear that the army was in charge.

6.14 Plot of external Coup Attempt - October 1986

Following the murder of Gerard Hoarau in London on 29th November 1985, other Seychellois in exile continued with the planning of counter coups. According to the testimony of Cyril Lau Tee²⁰⁵ after he went into exile in UK in 1986, he joined up with the MPR group in London, and he got involved in a plan to launch a counter coup in October 1986. His uncle, Andre Laporte, was the leader of this plan, which was to involve a group of mercenaries (about 48 in total) that would assist a core team of Seychellois - including Mr. Lau-Tee - to take over the country. They received arms training at an army camp in Heston and they

²⁰¹ Sworn statement from Antonio Morin, taken on 11 July 2020.

²⁰² Hearing No.120 on Tuesday 10th November 2020.

²⁰³ Hearing No.75 on Monday 22nd June 2020.

²⁰⁴ Hearing No.90 on Tuesday 21st July 2020.

²⁰⁵ Hearing No. 83 of Friday 3rd July 2020, and see Case 180: Cyril Lau-Tee, and Case 034: Willy Laporte, in Volume III.

were given uniforms and berets with ‘SDF’²⁰⁶ printed on them. Supposedly they were to pass themselves off as members of the Seychelles army staging the coup, and once done, David Joubert was to be installed as President. Mr. Lau Tee also stated that during the planning for this event they had discussions with Ogilvy Berlouis, who had moved to London after his dismissal from government, but he was unwilling to accept the proposed post-coup arrangements. This counter-coup plan was confirmed by Bernard Racombo²⁰⁷ who was also involved in the counter coup plan with Mr. Lau-Tee. He had gone into exile in the UK in 1985 and had joined the MPR group.

Their strategy was for most of the mercenaries to enter the country at different times, after which four of them, including Mr. Lau-Tee, would fly to Nairobi and then leave East Africa on a frigate that would take them directly to the southern end of Mahe. The intention was for them to take over the Grand Police army camp and arrest the leaders. The other mercenaries would have been in the country already and they would also take over other strategic places. Their plans were apparently thwarted at an early stage. It turned out that three of the foreigners who they collaborated with were also involved in the kidnap of an ANC official in London. Mr. Lau-Tee testified that when Scotland Yard found out about this, they also uncovered the plot for a coup d’état in Seychelles, which put an end to the matter.

The Commission notes that the events described above all served to suppress opposition to the one-party government and to instill fear in people. Over the first ten years following the coup dozens of people were killed, hundreds were detained and a few people disappeared at the hands of the security forces. The numbers have never been officially declared. The army that was put in place to “protect the revolution” gained the upper hand over the police in supposedly maintaining law and order. In this regard numerous law abuses were condoned or ignored by the leaders of government who were also the leaders of the army, and had direct control over the police force. At the same time, and in spite of the government’s control over the media, such abuses became known to people in the community and some started speaking out. One of them was an Anglican priest, Wavel Ramkalawan, who was critical of the government’s actions in a sermon broadcast over the radio in May 1990. From then on Bishop Chang Him was requested by Rene to ensure that Father Ramkalawan’s sermons were not broadcast, by changing the church service schedules accordingly²⁰⁸. Pressure for change from outside of Seychelles also prevailed, as described in the next Chapter.

²⁰⁶ SDF - Seychelles Defence Force

²⁰⁷ Hearing No. 46 on Monday 10th February 2020, and see Case 104: Bernard Racombo, in Volume III.

²⁰⁸ Testimony of Bishop French Chang Him, Hearing No.189 of Tuesday 3 August 2021, as a general witness.

Chapter Seven

7 Return of Multipartyism

In the global context of the end of the cold war, the dissolution of the Soviet Union at the end of 1991 and the associated pressure on southern states to shift to more democratic systems of governance¹, finally reached around 1990. Rene was pressurised, both internationally and locally, into making that change somewhat reluctantly. In the ninth SPPF congress in early April 1991 and in his ‘Liberation Day’ speech of 5th June 1991 Rene stated that he would “quietly take himself off the scene” should people advocate for the return of a multiparty system². However, by the 4th December 1991, and after attending the Commonwealth Heads of Government meeting in Harare in October 1991, Rene called for an extraordinary party congress where he announced an immediate move from “a one-party popular democracy to a multi-party democratic structure”³. That he was pressurised to do so is evidenced by the testimonies of Paul Chow, Maxime Ferrari, Anthony Derjacques, and historian William McAteer, as referenced below⁴.

Plans were initiated to legalise other political parties, and for a new constitution to be drawn up by a representative commission, established through a general election. Rene made various public statements about the transition to a multi-party system of government, including open invitations to Seychellois in exile to return should they wish to. Many did so, as evidenced in almost half of cases of the Commission. Rene also invited James Mancham to return; and he arrived in April 1992, to much acclaim by his supporters. The new Democratic Party that he was to lead had already been registered by Paul Chow who had returned earlier in 1972. In his autobiography ‘*Global Citizen*’⁵ Mancham noted that the SPPF strategy to donate a state bonus of SR200,000 to each new political party that registered was in effect a means of dividing the opposition – a fact borne out by the registration of seven political parties in the early part of 1992 after the enactment of the ‘Political Parties (Registration and Regulation) Act 1991, and the results of the first multi-party election since the coup, in July 1992. Only three of the political parties got seats on the Constitutional Commission.

7.1 The 1993 Constitution

The Constitution was drafted by a group of twenty-two people selected from among representatives of the various political parties, who received five percent or more of the votes polled in the election, held in July

¹ See Scarr D (2000) *Seychelles since 1770: History of a Slave and Post-Slavery Society*. C. Hurst & Co (Publishers) Ltd., p199. Campling L, Con fiance H and Purvis MT (2011) *Social Policies in Seychelles*. Commonwealth Secretariat and UNRISD, p32; Baker B (2008) *Seychelles: Democratising in the shadows of the past*. Journal of Contemporary African Studies Vol. 26, No. 3, July 2008, p279 - 293. Hatchard J (1993) *Re-Establishing a Multi-Party State: Some Constitutional Lessons from the Seychelles*. Journal of Modern African Studies, 31(4), p612.

² McAteer W (2022) *Another Story – the History of Seychelles 1976 -2020*. Bell & Bain Ltd., Glasgow, UK. p127.

³ Shillington K, *ibid*, p207.

⁴ See testimony of Paul Chow, Hearing No.16 of Thursday 14 October 2019; Testimony of Maxime Ferrari, Hearing No.124 of Monday 16 November 2019; Testimony of Anthony Derjacques, Hearing No.96 of Wednesday 29 July 2020; and Shillington K (2009) *History of Modern Seychelles*. Macmillan Publishers Ltd, p200 – 206.

⁵ Mancham J (2009) *Seychelles Global Citizen: The Autobiography...* Paragon House Publishers, UK.

1992. As observed by Hatchard⁶ this had the effect of limiting the participants to members of political parties rather than enabling a broader perspective of views, especially those of people who are often marginalised, such as women, union members and different religious groups. The Commission started meeting on 27 August 1992, chaired by a government Minister, Joseph Belmont, and they were given a five-week schedule to complete the draft to present to the electorate for approval. The meetings tended to take a confrontational approach, as noted by Paul Chow who led the DP team, and in the end his group walked out. The SPPF team, led by James Michel continued with the process, since they had a majority on the Commission, and the proposed constitution was put out for approval in the referendum of November 1992. As it did not get the required 60% of the votes the Constitutional Commission had to return to the table in January 1993. This time around the discussions were broadcast on radio and television, members of the public were invited to make 15-minute submissions to the Commission and a new chairperson was appointed – the lawyer Bernardin Renaud. The Commission agreed on a final draft of the constitution in May 1993 and another referendum was held on 18 June 1993. The Constitution received the endorsement of 71.9% of the votes. General elections for a new president and the National Assembly took place on 23 July 1993; Rene was elected as president with 59.5% of the votes and the SPPF got most of the seats in the National Assembly – 81% of the 33 directly elected and proportional seats.

The new Constitution of the ‘Third Republic’ contained the “Seychelles Charter of Fundamental Rights and Freedoms” including a far-ranging set of civil and political rights, as well as socio-economic rights. However, with a large majority in the National Assembly, the SPPF could maintain control over the practice of those rights, as evidenced by major changes made to the Constitution and some of the regulations passed during the first five years of its mandate. One such major change to the Constitution was the amendment of 14 March 1996⁷, to create the position of ‘Vice President’, including a controversial clause that enabled the President to hand over power to the Vice President without elections being held – commonly known in Seychelles as “passing the baton”. This gave huge advantages to the incumbent party, as shown over time: Rene handed over power to James Michel in 2004, after being re-elected in 2003 and having held the position of President for 27 years; and Michel ‘passed the baton’ to Danny Faure in 2016 after 16 years in office. Recommendations made by the Constitutional Review Committee of 2009 had made recommendations to curtail this abuse of power, by the obligation to hold elections within 90 days of one President handing over power to the Vice President. The recommendation was ignored by the Executive until 2017 when former President Danny Faure finally assented to the amendment, which only took effect at the end of his term in 2020.

Another case in point where regulations were put in place to limit certain rights was the restrictions put on the right to assemble (Article 23) through the Public Order Act (1991). People wishing to organise public meetings had to apply for permission from the police at least one week in advance and permission could be denied without reasons being provided. It is to be noted that this was a means used by the SPPF government to restrict gatherings organised by the newly formed political parties, especially during electoral campaign

⁶ Hatchard J (1993) Re-Establishing a Multi-Party State: Some Constitutional Lessons from the Seychelles. *The Journal of Modern African Studies*, 31(4), p 605.

⁷ Constitution of the Republic of Seychelles (Fourth Amendment) Act, 19964 (Act No.14 of 1996).

periods. This clause was finally amended in 2015 after pressure from political parties, through the ‘Forum for Electoral Reform’ set up by a newly appointed Electoral Commission in July 2011⁸. The Electoral Commission replaced the ‘Electoral Commissioner’ (appointed by the President under Article 115 of the 1993 Constitution) who was considered to be partisan by the other political parties, to the point that all opposition parties boycotted the 2011 National Assembly elections and called for major reforms.

Ultimately the setting up of the TRNUC is an acknowledgement of the fact that in spite of the charter of human rights contained in the 1993 Constitution, violations of these rights did not abate with the return to multipartyism. In the words of Bruce Baker:⁹

[...] Although the institutional form of governance changed, in practice very little else did. The years 1993 to 2004 were a lost opportunity for democracy. Neither President Rene´ nor his SPPF party released their grip. Winning both the presidential and National Assembly elections in 1993, 1998 and 2012, though with declining majorities, they showed little inclination to allow other voices to be heard or the new constitutional freedoms to be expressed. Three years into multipartyism, the US State Department country report of 1996 claimed that ‘despite parliamentary formalities, the President continued to wield power virtually unchecked’. Indeed, the period of his ‘democratic rule’ saw the systematic undermining and corruption of the new political system (Ellis 2006). Every aspect of democracy faltered, largely due to deliberate tampering by a government that was still largely indistinguishable from the SPPF party. It was not that the new institutions were abolished; they were neutered. They were permeated by partisanship; manipulated to serve the interests of the SPPF. They functioned, but only in as much as they did not threaten the government-SPPF interests. President Rene´ did not prove to have any interest in allowing democracy to flourish.

These major concerns are clearly manifested in the grievances of the 89 complainants before the Commission, which relate to events that occurred after the 1993 Constitution came into force.

7.2 Continued Partisanship within the Government

Overall, the evidence from the 89 cases indicates that in fact political polarization worsened, and partisanship prevailed throughout the public service, and the government generally, after 1993. In particular, there was no delinking between the security services and the party; allegiance to the SPPF was expected of members of the army and the police, as indicated by several of the cases brought before the Commission.¹⁰ Notably, during the time of elections, members of the army were instructed by their senior officers to vote for the SPPF, and those who expressed dissent or were perceived to be supportive of the opposition parties were dismissed from the army or did not get their contracts renewed. As examples of

⁸ See Electoral Commission, Seychelles (2013) Report and Recommendations on Electoral Reform in Seychelles, presented to the Government in August 2013.

⁹ Baker B (2008) Seychelles: Democratising in the shadows of the past. *Ibid.*, p280 – 281. And Ellis S (1996) Africa and International Corruption: the Strange Case of South Africa and Seychelles. *Journal of African Affairs*, Vol 95, p165-196.

¹⁰ See Case 170 Brian Anacoura; Case 287 Jude Fred; and Case 190 George Malbrook.

such victimization the Commission recalls the case of Mr. Brian Anacoura (Case 170) who, along with six other soldiers, were locked up in cells at the Bel Eau Headquarters, a day after the September Presidential 2001 election, on grounds that they were SNP supporters. They were then sent off to the Grand Police camp for months, until the contracts of most of them ended. At the end of his contract, after eight months of what Mr. Anacoura considered as detention at Grand Police, he was called to a meeting at Bel Eau HQ headed by the Chief of Staff, Mr. Leopold Payet, who told Mr. Anacoura that he “will not tolerate anyone in the Force who does not support President RENE”,¹¹ and his contract was not renewed. Mr. George Malbrook (Case 190), a member of the army in 2001, also did not get his contract renewed on similar grounds as Mr. Anacoura.

Harassment of civilians who were perceived to be opposition supporters had become rampant during the one-party system, and this did not abate after 1993. Typical examples include the cases of Mr. John Gouffe, Mr. Peter Henri, Mrs. Christianne Kilindo, Mr. Ronny Etheve and Mr. Alain Ernesta.¹² Mr. Gouffe was beaten up by SSU officers on the day that President Rene announced the return to a multi-party system in 1991. He had gone out in his truck with a national flag tied up in the back, in celebration of the event. Mr. Gouffe also happened to be residing with his cousin, Mr. Wavel Ramkalawan, the current President, and together they had been involved in setting up a new political party.

Soon after the President’s announcement of the change to multi-party, Mr. Peter Henri was at the Tobruk Club wearing a ‘Parti Seselwa’ T-shirt, when he was harassed and followed by members of the army. He was then beaten up and left for dead by the roadside in Mont Buxton in the early hours of 23 December 1991. Mr. Ronny Etheve also endured beatings from the security personnel, and no police investigation was ever done in either case. Similarly for Mrs. Christianne Kilindo who brought the case of her son, Kenneth Kilindo before the Commission. Kenneth was badly beaten up by SSU officers after attending an SNP rally at Anse Royale during the 2015 presidential election campaign. He was grabbed on the road at Anse aux Pins after the rally, beaten and kept under guard at the hospital for two days without charges.

These cases are illustrative of the loyalty expected from the police force and the army by the SPPF government well past 1993. Neutrality of the force was not a concept acknowledged by those in authority, who, the Commission was informed, gave the orders. Whether the orders were lawful or not was clearly not a consideration, as demonstrated by Cases 205/207¹³ where orders from senior members of the party¹⁴ ended in the death of Claude Monnaie, after he received serious burns, when the truck he was driving was set on fire by security personnel in the early hours of Saturday 26 July 2003, on Praslin. The burning of the truck was motivated by an intention to target its owner, Mr. Walter Constance, because of his role as an outspoken activist for the opposition party. Another case in point is that of Livette Hermitte¹⁵ which

¹¹ As recorded in the minutes of the meeting, on the army file accessed by the Commission. See details in Case 170 Brian Anacoura, in Volume III.

¹² Case 126 John Gouffe; Case 405 Peter Henri; Case 141 Christianne Kilindo; Case 250 Ronny Etheve and Case 028 Alain Ernesta; see Volume III for details.

¹³ See Cases 205-207 Sidna Umbricht and Aruna Couchene, in Volume III.

¹⁴ In this instance the Vice President, James Michel.

¹⁵ See Case 090 Livette Hermitte, in Volume III.

concerns the murder of her son, Ricky Hermitte, by members of the State intelligence service in October 2006, allegedly on the instruction of Mr. Rene, who was no longer President at the time.

Opportunities for employment, promotion and further training in the public service still remained under the control of the party in power under the multi-party government, as attested by cases before the Commission¹⁶. Often, criticisms of the government system were not tolerated and people's employment were terminated for no clear reason. As noted by Mr. Charles Mellie,¹⁷ who worked in the State security unit in the President's office at the time, the system of security clearance continued during the multi-party system, up until 2014. He explained that all government entities were required to make an application for security clearance for any person they wished to employ, and information was often sought through the District Administrator of the district where the person lived. Mr. Mellie pointed out that the final decision always rested with the President, and that there were times when persons who had political affiliations with opposition parties were given approval by the President.

The Commission also has evidence indicating that on the orders of the political leaders, persons who were perceived as opposition supporters were victimised by the system through the refusal of licenses to start a business, to operate a taxi, and planning permission to build.¹⁸

7.3 Human Rights Abuses by Security Forces

The maintenance of law and order by the security forces in several instances took the form of joint operations between the police and the army, where overuse of force often resulted in the murder of people, that the State then tried to cover up. In 1998 the government set up an 'Anti-Drug and Marine Squad' (ADAMS) under the Police Force, with the responsibility to tackle the problem of drug trafficking that was considered to be aggravating nationally. They worked closely with the army, they had access to arms and over time the roles of the two units somewhat merged into one where the use of excessive force became normal. The Commission recalls the incident involving two escaped prisoners in 1999, David Sopha and Rival Dugas, who were shot and killed in a house at Pointe au Sel by a team of police and army personnel in the early hours of 19 February 1999. Guns were then placed on the bodies and it was reported through the media that the fugitives were armed and they had tried to shoot at the police. A report by CID was fabricated to enable the Attorney General's office to determine that an inquest into the killing of the two men would not be required¹⁹.

In another incident involving three prisoners escaping from Long Island prison in September 2003, one of the escapees, Abdul Aswad²⁰, was caught and killed before he could leave the island, and his body was then thrown into the sea, to suggest that he had drowned while trying to escape. His body was found floating in

¹⁶ See Case 360 Marie-Mai Andre; Case 015 Antoine Ally; Case 039 Luc Chang Co; Case 187 Roger Teeromooljee; Case 130 David Andre; Case 279 Flavien Lablache, among others, refer to details in Volume III.

¹⁷ Hearing No. 94 of Monday 27 July 2020, as a general witness.

¹⁸ See for example Case 089 Michel Rangasamy; Case 182 Clifford and Syloo Edmonds, among others.

¹⁹ See Case 147 Gerry Sopha in Volume III. Mr. Bernard Georges had noted in Case 134 Yvonne Balthide, that sometime on the 1980s the law had been amended to make the necessity for inquests in cases of unexplained deaths discretionary. The decision was made by the AG. Hearing No.214 of 12 October 2021.

²⁰ See Case 196 Jameela Bibi Aswad, in Volume III.

the sea near Cerf Island on 9 September 2003. Meanwhile, the other two escapees had managed to swim across to Mahe, but one of them, Antoine Joubert²¹, was later shot dead at Anse Louis, by a member of the army, as part of a joint police and army operation, on 24 September 2003 under the command of then Major Robert Ernesta. As far as the Commission could ascertain, no investigations or inquests were carried out in either case. An ultimatum had been put out by Government authorities through public broadcast, stating that if the prisoners did not turn themselves in within the given period, “no one would be responsible for their lives”. On the evidence received, the Commission notes that those in authority considered such warnings as sufficient basis to justify the impunity accorded to the security forces for unlawful actions taken against persons considered as bandits. Mr. Ernesta informed the Commission that the order he received from the chief of the army was: “shoot to kill”²².

Overuse of force by the security services is further demonstrated in Case 333²³ where Robin Henriette was shot and killed by army officers who turned up at his home on 9 January 2005, supposedly to arrest him, on suspicion that he had been involved in certain cases of theft. In the enquiry that was held afterwards the security forces tried to justify their actions by claiming that Robin was armed, when all evidence indicated that this was not true.

The blurring of the responsibilities between the Police and the Army was further exacerbated after the President decided to turn the army detention facility at Grand Police into a high security prison for civilians in 1989, under the command of the army. The camp remained under the command of Macdonald Marengo, who also managed the prison, assisted by second-in-command, Robert Ernesta, and guards who were members of the army. As noted by former Chief Justice Mathilda Twomey²⁴ this was not normal and the conditions there were terrible. Several cases before the Commission refer to serious human rights abuses suffered by persons arrested and detained without charges at Grand Police prison, during the period 1993 to 1996, after which the prison was moved back to Long Island, on the intervention of Mr. Mancham²⁵. One prisoner, Marc Lespoir, was shot and killed by an army guard who claimed that Marc was trying to attack him with an axe²⁶. A routine method of torture recalled by several of the victims involved tying up the person, already handcuffed, to a pole or the trunk of a tree so that their feet hung off the ground. They were then beaten on the soles of their feet with a piece of polythene pipe and hit all over with gun butts. If this did not produce the information being sought, they would be left hanging for hours and beaten again every so often²⁷.

²¹ See Case 134 Yvonne Balthide, in Volume III.

²² Robert Ernesta, Hearing No.236 of Monday 29 November 2021, as witness in Case 134 Yvonne Balthide.

²³ Case 333 Annette Henriette and Arianna Labrosse, see details in Volume III.

²⁴ Mathilday Twomey as witness in Case 220 Marie and Bernardette Lespoir, Hearing No. Hearing No. 135, Thursday 10 December 2020.

²⁵ Testimony of Paul Chow as general witness, Hearing No.64 of Thursday 28 May 2020.

²⁶ See Case 220 Marie and Bernardette Lespoir, in Volume III.

²⁷ See Case 400 Peter Antat, among others.

Even after the Grand Police civilian prison was closed in 1996, civilians were still taken there to be tortured as part of interrogations, often related to drug trafficking and illegal possession of arms.²⁸ The high security prison at Grand Police was re-opened in 2003 still under the command of the army. During the same period – 1998 to 2003 - a number of long-serving prisoners from the high security B-Block of Long Island prison were involved in armed robberies and attacks on people, apparently with the connivance of prison security staff which included soldiers who routinely did guard duty in B-Block. They were allowed out at night to carry out such raids and they would then be back in their cells by the morning – See Cases 242 and Case 403 for more details. By then the Long Island prison was under the command of Raymond Bonte²⁹, an ex-Major from the army, who claimed no responsibility for such abuse.

As noted by Baker: “This role of the army in internal security is a hangover from the days of the one-party state and the fear of coups and armed interventions from outside. It is incongruous, however, in a democracy.”³⁰

7.4 Abuses on Freedom of Expression

With the return to multipartyism a number of weekly newspapers were published, mostly linked to the political parties. One of the more critical ones - *Regar* produced by the Parti Seselwa in 1992 – was relentlessly targeted by the government through litigations over several years. They were sued eight times and, as the courts still remained under the control of the government, they were made to pay damages to various high-ranking government officials, at a total of about 12 million rupees³¹. Intolerance of criticism was also evident in the case of Alain Ernesta³² a professional musician, who was harassed and victimised by the security services because of his music, which was seen as critical of the government in power. His CDs were confiscated at the airport when they were brought into the country in May 2001, other copies were seized by members of the SPDF in Victoria while he was trying to sell them and he was then detained for one day at the Central Police Station without any reason being provided. It is to be noted that 2001 was also a presidential election year, when such abuses tended to increase.

Control over the media remained a serious concern, as illustrated by the protests outside the National Assembly on 3 October 2006 when the SPPF majority in the Assembly agreed to a government’s amendment to the Broadcasting Act that severely restricted the possibility of other people setting up private radio stations. License fees were made prohibitively high and political parties were not allowed to own radio stations. When the SNP opposed it and called on members of the public to come to the Assembly and sign a petition they had put out, the group of petitioners, along with two leaders of the SNP, were violently assaulted by the riot police (from the SSU) outside the National Library building where the

²⁸ See Case 18 Guilmer Mangroo; Case 186 Jules Assary; also the testimonies of Robert Ernesta, Hearing No.10 of Friday 20 September 2019, as general witness; and Hearing No. 11 of Monday 7 October 2019.

²⁹ He was appointed as a superintendent of the prison by the President in 1999, until 2004 when he was removed from the position.

³⁰ Baker B (2008) Ibid. p287.

³¹ See the testimony of Roger Mancienne (an editor of *Regar*) as general witness, Hearing No.25 of Friday 8 November 2019; and Baker B (2008) Ibid, p283.

³² See Case 028 Alain Ernesta, in Volume III.

National Assembly met³³. The group was accused of doing an ‘illegal gathering’ and tear gas and rubber bullets were fired at people, as observed by Gilbert Elisa (in Case 169) who was a passer-by that got injured. The public outcry that followed, and 2007 being an election year for the National Assembly, were most likely instrumental in the government’s decision to set up a panel of enquiry in January 2007 under an Irish judge, Michael Reilly, to investigate the matter – see the ‘Reilly Report’ of October 2007³⁴. A Media Committee was also put in place to review opposition access to the SBC outside the election campaign periods.³⁵ Additionally, President Michel set up a ‘Law and Order’ consultative committee to look into issues related to the maintenance of law and order, including the requirement of police permission for peaceful assembly, under the Public Order Act. However, as in many other instances where the government showed reluctance to release power, as noted above, the change in the Act did not happen until November 2015 – nine years later.

7.5 Tenth Amendment to the Constitution by the Current Government

On 5 May 2022, the Constitution of the Republic of Seychelles (Tenth Amendment) Bill No. 6 of 2022 (hereinafter “10th Amendment” or “Amendment”) was published in the Official Gazette. The 10th Amendment altered the Constitutional provisions relevant to the Defence Forces to give the Seychelles Defence Forces the right to enforce domestic law in relation to “public security, environmental protection, maritime security or maritime zones, and any other matters as may be specified in an Act”.³⁶ Effectively, the Amendment gives a fifth function to the military, explicitly enabling it to work alongside the Seychelles Police, the functions of which are also constitutionally defined,³⁷ outside of a declared state of emergency.³⁸ Notably, this amendment was effected and assented to by the President, his party having two-thirds of the seats in the National Assembly. At a press conference following his assent to the Amendment on 15 June 2022, President Wavel Ramkalawan reassured the population that they should not be concerned with the new Amendment. He stated as follows:

Firstly, the amendment changes the name of Seychelles People’s Defence Forces to Seychelles Defence Forces. This is a change to show how our defence forces is progressing. Today Seychellois are proud of their defence forces. I want to reassure the public that among the changes will also include new symbols for the SDF. Secondly this amendment in the Constitution makes it clear what is the role of the SDF and its power regarding public security, protection of the environment, maritime security among others. The defence forces is not replacing the police; it is the police that ensures peace and security in the country and the defence forces has other responsibilities. But whenever it is necessary, the police

³³ Wavel Ramkalawan and Jean-Francois Ferrari were beaten up and ended up in hospital. See also Case 169 Gilbert Elisa in Volume III.

³⁴ Reilly M (2007) Report of the Inquiry into the Events in Victoria on 3 October, 2006.

³⁵ Baker B (2008) Ibid, p287.

³⁶ Constitution of the Republic of Seychelles (Tenth Amendment) Bill, 2022, Bill No. 6 of 2022, sec. 3(a)(ii).

³⁷ See Constitution of the Republic of Seychelles, Constitution of the Republic of Seychelles (Preparation and Promulgation) Act, 1992, Act 2 of 1992 (21 June 1993), art. 161 [hereinafter “Constitution of 1993”].

³⁸ See *id.*, art. 163(1)(c).

force can invite the defence forces to assist and it should be legal and following all the laws of the country.

The Commission takes note of and fully endorses the position expressed by the Ombudsman concerning this Amendment, as set out below:

VII. OMBUDSMAN'S OBSERVATION & FINDINGS –

51. Having considered the provisions of the proposed Tenth Amendment Bill No 6 of 2022 alongside the original draft bill, the Ombudsman is of the opinion that the decision to seek to amend the Constitution of Seychelles is a violation of the letter and spirit of the Supreme Law of the land for the following reasons:

52. Rationale of the amendment is based on a fundamentally wrong premise – The amendment is clearly intended to address the anomaly that was created by the changes made to the Defence (Amendment) Act of 2020 which gave the Coast Guard policing powers which conflict with the constitutional powers of the Police Force. The amendment therefore is designed to bring the Constitution in line with the reality created by that Act - a premise that flies in the face of all recognised principles of Constitutional Law which require that where any law is in conflict with the Constitution, the Supreme Law shall prevail.

53. Power granted is to the entire Defence Forces and not confined only to the Coast Guard – The amendment will give direct constitutional powers to the Defence Forces to assist the Police Force in carrying out any of its functions under Article 161. The reference to “defence forces” is to all the units and is not confined to the Coast Guard. This will effectively do away with the current autonomy and independence of the Police Force.

54. Power covers all functions of Police Force – While the intention may be, as stated in the original draft bill, to restrict the use of the Defence Forces to assisting a public authority only in “certain circumstances”, seemingly listed in the explanatory statement as “enforcement of any written law in relation to matters such as public security, environmental protection, maritime security or maritime zones”, the current wording of the proposed Bill does not carry into effect any such restrictions. It effectively gives carte blanche to the Defence Forces as a whole, and not just the Coast Guard, to “assist the Police Force” in carrying out any and all of the latter’s constitutional functions. “Public security” covers all aspects of civilian law and is not confined to the EEZ and Seychelles’ ocean territory. As a consequence of these amendments, the Police Force could well find that all its activities and functions, as laid out in Article 161, may be completely impacted by all the forces within the armed forces and not just the Coast Guard. Such impact may also be of a permanent nature and not confined to only periods of a state of emergency as provided for presently.

55. Proposed change departs from letter and spirit of Constitution – The Police Force plays a vital and essential role in any democracy in ensuring that the rule of law is enforced. In Black’s Law Online Legal Dictionary policing is defined as “the function of that branch of the administrative machinery of government which is charged with the preservation of public order and tranquillity, the promotion of public health, safety and morals, and the prevention, detection and punishment of crimes.” This definition reflects the functions of the Seychelles Police force as presently set out in Article 161 of the Constitution.

56. The separation of civil policing from the military role occurred for fundamental reasons which we value as a cornerstone of our democracy. The spectre of members of the defence forces maintaining law and order or running any essential service in the country does not sit well with that notion of democracy even if the defence forces may assist civil authorities by providing technical assistance usually in connection with minor matters beyond the expertise

of the police. Any contemporary discussion of a change to that balance must consider all aspects including the effect of such a change within the existing legal framework.

57. Amendment fails to address issues of civil liability that may arise out of this cooperation – Any laws regulating the activities of the Defence Forces must be consistent with the constitutional authority. Therefore, if the maintenance of law and order is primarily the responsibility of the civilian Police Force, consideration must be given to what would be the outcome if something were to go wrong when the Defence Forces perform those extra-curricular activities within the civilian community. What if a civilian were to be killed by a member of the defence forces in a law enforcement or rescue operation? What would be the precise legal authority applicable to troops involved in a civil operation? Could they be sued by the civilian population? None of these aspects have been considered and/or addressed in the draft bill.

58. Proposed amendments do not consider consequences of policing actions by the defence forces – Not only should the position of each member of the defence forces be protected, but the community also needs to fully comprehend the legal structure within which the defence forces will be used outside traditional defence purposes in order to ensure that civil liberties are not breached. While the original draft bill made mention in its explanatory note of an intention that this relationship would be clarified and governed by developing protocols and memoranda of understanding, the published Bill No 6 of 2022 makes no mention whatsoever. Such frameworks should be formalised in an Act and not through administrative arrangements. However, no such legal framework is being proposed at this stage.

In addition to the sentiments expressed by the Ombudsman, the Commission is troubled by several aspects of this amendment from a perspective of truth and reconciliation, potentially affecting the country's ongoing transitional justice process.

Lack of institutional trust in the Defence Forces

First, the Commission recalls the culture of “*ek nou pa ek nou*” which had pervaded all aspects of society in Seychelles during and beyond the one-party State, and which was bolstered and enforced by none other than the military. The Commission has received a wealth of evidence in myriad cases before it of human rights violations committed by the various members of the armed forces, as noted above, and of the ensuing deep societal mistrust on both an individual level, with neighbour not trusting neighbour, and on an institutional level, with the faith of many sections of the populace deeply shaken and yet fragile vis-à-vis their Government. In addition, and importantly here, the Commission recalls the extensive evidence it has received indicating an historic and perhaps enduring lack of trust as between the police and the military, especially given the police's legal and political inability to hold errant members of the SPDF to account during the Second Republic despite clear evidence of severe human rights violations being committed by soldiers and their commanding officers. While the Commission recognises that a military in and of itself can be an essential and core organ of a State, here the Defence Forces thus have as of yet much work to do to demonstrate they can be trusted as an institution.

Though the Commission notes that the change in name from Seychelles People's Defence Forces to merely Seychelles Defence Forces may be a positive step in the direction of reconciliation and trust-building, it remains troubled at the history and legacy of the armed forces. As the evidence received before the

Commission made clear, from the outset of the Coup d'état of 1977, human rights violations were primarily committed by the armed forces of Seychelles, which were established to protect the revolution and the President installed by the Coup. These were the people with weapons and therefore "true" authority: the police were rendered ineffective and impunity reigned.³⁹ Human rights abuses by these actors included unlawful killing, enforced disappearance, torture, and numerous other acts which caused suffering to the people of Seychelles.⁴⁰

The reintroduction of the multiparty system in 1993 demanded a de-linking of the armed forces from the party that came to power through the Coup and its President. In favour of the armed forces' loyalty to upholding the Constitution; however, in effect, that de-linking did not occur. The fact that there was no *de facto* delinking between the armed forces and the party was made patently evident in the complaints before the Commission.⁴¹ The investigation of those complaints established that well past the 1993 Constitution, successive Presidents of Seychelles, still aligned with the party that had taken power with the Coup d'état of 1977, continued to use the armed forces to commit human rights abuses against those perceived to be against the Government in power.⁴² The Commission's investigations of complaints further established that ex-President René, later holding the position of President of the Party, continued to have at least *de facto* authority to order members of the armed forces to carry out human rights violations. The Commission has also found that the ex-President's continued use of the armed forces was with the acquiescence and knowledge of then President James Michel.⁴³

In addition, well into the 2000s, soldiers of the armed forces who identified as being against the Government in power were also subjected to human rights violations, including various forms of discrimination to punish them for that lack of allegiance, instilling and further reinforcing the pervasive sense of fear that the perception of any dissent would be severely punished.⁴⁴ Notably, in 2016, the Constitutional Court banned Colonel Roseline⁴⁵ and Major Simon Dine from voting in any election for a period of five years due to their attempts to use their position of authority to influence soldiers under their command to vote for the party. The Constitutional Court ruled their actions "particularly reprehensible and an abuse of their positions."⁴⁶

³⁹ See for example: Case Determination No. 053: Mivonne Barallon.

⁴⁰ See for example: Case Determination No. 005: Carlette Tall; Case Determination No. 016: Brian Victor; Case Determination No. 056: Williams Family; Case Determination No. 108: Myrna Issacks; Case Determination No. 022: Olivia Vincent; Case Determination No. 238: Judith Dupres; Case Determination No. 155: Joe Rath. See generally Volume III.

⁴¹ See Volume III; see also Volume II, 1993 Return to Multipartyism.

⁴² See for example: Case Determination No. 205: Sidna Umbritch; Case Determination No. 207: Aruna Couchene;

⁴³ See for example: Case Determination No. 90: Livette Hemitte; Case Determination No. 149: Mariyse Eulentin and Rolderick Larue.

⁴⁴ See for example: Case Determination No. 170: Brian Anacoura.

⁴⁵ The second highest ranking officer in the Seychelles People's Defence Forces.

⁴⁶ Savy & Ors arising in Ramkalawan v Electoral Commission & Ors (CP 01/2016) [2016] SCCC 17 (06 September 2016).

The Commission also discerned patterns where human rights violations were perpetrated because army personnel were used in what were civilian operations. The Commission recalls as notable in this regard two cases that resulted in the torture and mistreatment of civilians in 1998 who were picked up and taken to Grand Police, under the operational command of Major Robert Ernesta, on suspicion of harbouring weapons or drugs.⁴⁷ The Commission considers that these civilians would not have been subjected to these human rights violations if they had been escorted to a police station and questioned in a manner consistent with the rights guaranteed to them under the 1993 Constitution, without torture and with the exercise of their right to counsel and other fundamental due process rights.⁴⁸

Further, Mr. Ernesta himself acknowledged that the armed forces and soldiers in particular were ill-equipped to deal with what were civilian operations given their training, and should not be used to do so.⁴⁹ In this respect, the Commission recalls the evidence of Major Allain Pierre, who explained the transformation of a civilian into a soldier, whereby new recruits were deconstructed and rebuilt with the mentality of a soldier and part of that mentality required an ability and a willingness to kill.⁵⁰ Moreover, former Chief Justice Mathilda Twomey underscored that the shooting of Marc Lespoir at Grand Police by one of the armed military-trained guards may not have happened if the guards were civilians trained to be prison wardens.⁵¹ As Dr. Twomey, noted “putting civilians in a military prison was a big contradiction. A person who had received military training would automatically use his gun, whereas a civilian prison warden would not take that step”.⁵² Further, the number of escaped prisoners shot dead through purported joint police and military operations may not have occurred if the police had carried out those operations themselves, given the different training and mentality of a police officer and a soldier.⁵³

Considering the significant evidence of the long-term abuse of Seychellois citizens and the impunity that had traditionally attached to human rights violations committed by the armed forces of Seychelles, it came as somewhat of a surprise to the Commission that on 15 June 2022, President Wavel Ramkalawan gave his assent to the 10th amendment of the Constitution.

Extra-constitutional nature of the amendment

Second, the Commission recalls and reaffirms Article 163(1)(c) of the Constitution of 1993, which restricts the military’s assistance to the civil authorities to a “period of emergency”,⁵⁴ which in turn is defined as

⁴⁷ Case Determination No. 105: Abdul Majeed Aswad; Case Determination No. 186: Jules Assary.

⁴⁸ Constitution of the Republic of Seychelles, Constitution of the Republic of Seychelles (Preparation and Promulgation) Act, 1992, Act 2 of 1992 (21 June 1993), art. 18 [hereinafter “Constitution of 1993”].

⁴⁹ Hearing No.9 of Thursday, 19 September 2019. See for example the evidence of Robert Ernesta in the following: Hearing No. 10 of Friday 20 September 2019; Hearing No. 11 of Monday 7 October 2019; Hearing No. 25 of Monday 8 November 2019; Hearing No.68 3 June 2020.

⁵⁰ Hearing No. 70 of Friday 5 June 2020.

⁵¹ Hearing No. 135, Thursday 10 December 2020.

⁵² See Case Determination No: 220 Marie Lespoir and Bernadette Lespoir.

⁵³ See for example Case Determination No. 147: Gerry Sopha; Case Determination No. 134: Yvonne Balthilde.

⁵⁴ Constitution of 1993, art. 163(1)(c).

any period during which Seychelles is at war or when a declaration under Article 41 is in force.⁵⁵ The latter declaration by the President is only valid for seven days, though it can be extended by the legislature for up to three months. The Amendment therefore changes this completely by removing altogether the public emergency requirement and safeguard against Executive abuse.

The Commission recalls from the Ombudsman's findings that the purpose of the Amendment was putatively to regularise and make the Constitution reflective of the reality of Defence Forces, and specifically Coast Guard, assistance to the police in combatting the illicit drug trade and piracy within Seychelles' borders and Exclusive Economic Zone (EEZ). The Commission considers that as noted by the Ombudsman, such a strategy of amending the supreme law of the land to be reflective of a perhaps temporary reality, rather than the reverse approach of ensuring conformity of legislation with the Constitution, flies in the face of the principle of supremacy, especially given that 1) the constitutional removal of the public emergency safeguard is permanent, at least until such time as another amendment may be passed, and 2) the Amendment opens the door to a much greater likelihood of abuse, by both the Executive and enacted legislation, in several ways. For instance, the Commission highlights that the Amendment broadly names the Defence Forces as an institution, rather than specifying the Coast Guard, and that it was not clear from the language of the Bill itself that the Amendment would have any such restriction as to specific actors within the Defence Forces or specific activities within the broad mandate of "public security, environmental security, maritime security or maritime zones". The Commission thus fears that the Defence Forces will be used in everyday activities of the civil authorities, as there is nothing to prevent such a reality.

The Commission further notes that the National Assembly may now be able to legislate in an area that was previously constitutionally protected, by further expanding the mandate of the Defence Forces beyond "public security, environmental security, maritime security or maritime zones, and any other matters as may be specified in an Act". That is, once the door has been opened, further expansions may result. The Commission notes the breadth of each of these terms, as "public security" can be read to encapsulate much more than merely actions taken to combat the illicit drug trade, the purpose that was reasoned out by the Ombudsman. Further, the inclusion of both "maritime security" and "maritime zones", separated by the conjunction "or", suggests that the two are not the same but rather are two distinct categories in which the Defence Forces may operate. That is, the wording suggests that the Defence Forces may either act specifically to support maritime security, presumably by combatting piracy or the trade of illicit drugs, or otherwise operate in maritime zones, doing constitutionally and legislatively unrestricted actions that are now protected merely because they occur in such zones. Perhaps most troubling is in the catch-all provision "and any other matters as may be specified in an Act", which opens the door much more for the National Assembly to continue to expand the powers of the Defence Forces in internal or civil matters, thereby diminishing or potentially eliminating the distinction between the military and the police. The Commission

⁵⁵ *Id.*, art. 49.

notes that this would have far-reaching ramifications, some of which are noted in the Ombudsman's findings, *supra*.

The Commission cannot help but perceive certain similarities in this regard between this Amendment and the regime of Albert René, which of course went beyond the Second Republic, and which was characterised by broad and overstepping Executive powers, unchecked by the courts or National Assembly. Now that President Ramkalawan's party has control of two-thirds of the National Assembly, the Commission fears that the new powers given to the Defence Forces, and thus to their leader, the President and Commander-in-Chief, are indicative of a fundamental regression or back-sliding of the country and its constitutional democracy.

For these reasons, the Commission again concurs with the Ombudsman and views this Amendment as an extra-constitutional action that should be reversed by further amendment immediately.

7.6 Conclusion

The Commission notes that it is the duty of the State to ensure and protect the human rights of people. In the case of Seychelles, the Commission finds that over the 43 years of SPUP/SPPF/PL/US rule, change towards a democratic system of government and the protection of human rights has been slow, with deliberate obstructions put in place by the party that took over power through the coup d'état of 5th June 1977. As evidenced by the 373 cases determined by the Commission, the human rights of many people were violated, mainly for the purpose of retaining a monopoly on power by the party leaders. Consequently, illegalities and arbitrariness in the enforcement of the legal framework during that period, became the norm - as detailed in Volume III.

While one of the main aims of the TRNUC was to bring about reconciliation, the Commission has found that this issue remains contentious, as the system of patronage and partisanship still endures. An essential step that must be taken is the separation of political parties from government, along with the establishment of, and respect for democratic institutions within the government. As in other small societies, where closer contact between people is the norm, favours are expected; however, the associated tendency to undermine accountability within public institutions through a system of patronage and partisanship has to change if Seychelles is to move towards a more effective democracy.

ANNEX 1

Cases where the alleged violations occurred after the return of multipartyism in 1993

(39 Cases in Total)

Case 015	Case 147	Case 285
Case 018	Case 149	Case 287
Case 028	Case 153	Case 297
Case 039	Case 169	Case 302
Case 040	Case 170	Case 333
Case 087	Case 186	Case 340
Case 090	Case 187	Case 355
Case 091	Case 190	Case 360
Case 107	Case 202	Case 364
Case 126	Case 205/207	Case 403
Case 129	Case 211	Case 410
Case 134	Case 220	Case 427
Case 141	Case 226	Case 492