



THE NATIONAL ASSEMBLY OF SEYCHELLES

REPORTS ON THE NATIONAL ASSEMBLY PROCESS

ON THE TRNUC AND RECOMMENDATIONS

FOREWORD

This compilation of reports is intended to bring to a close the engagement of the National Assembly of Seychelles in the initial process of the Truth, Reconciliation and National Unity Commission (TRNUC).

The TRNUC was established in August 2018 following a bi-partisan motion in the National Assembly. The Act which established the Commission provided for a copy of its final report to be submitted to the National Assembly after being presented to the President of the Republic.

Subsequent to a motion approved in the National Assembly, a debate on the report was held in sittings of August 1st to 4th, 2023, with the intention framed by the Assembly Business Committee to focus on the recommendations in the report and thereby add the Assembly's voice to what should be considered in the implementation of the recommendations in the Report.

The first report in this compilation is presented as the Majority Report, from the LDS (Linyon Demokratik Seselwa) which is the party in Government. The second, labelled the Minority Report, presents the position of the Opposition (United Seychelles) in reference to the Majority Report . The two documents are submitted with the approval of the National Assembly as the representations of the views expressed during the deliberations on the TRNUC Report. They are presented with the expectation that the views of both sides of the National Assembly will be taken into consideration in the implementation of the recommendations in the TRNUC Report.



SPEAKER



MAJORITY REPORT



The Truth, Reconciliation and National Unity Commission (TRNUC)

**Report on the National Assembly Deliberations on
the Process and Recommendations of the
Commission**

July 5th, 2023

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1. Scope and Preliminary

This Report is prepared and submitted by the National Assembly guided by the scope of the “Recommendations”¹ submitted by the Truth, Reconciliation and National Unity Commission through the President of the Republic of Seychelles and in accordance with Section 14(1) of the Truth Reconciliation and National Unity Commission Act 2018² (herein after ‘the Act’).

The National Assembly is mindful that the Commission exercised its investigatory and reporting functions as guided by Section 8(1) of the Act, and it would be remiss of the National Assembly to venture into an investigative exercise or call into questions the findings of the Commission.

Notwithstanding the above, it is within the powers of the National Assembly under Order 30 of the Standing Orders 2020³ to consider any report laid before it.

It is noted that the composition of the National Assembly merits a report reflective of opinions of all parties. This report is not intended to be used as complete account of the debates in the National Assembly of the 1st to the 4th August, 2023. Original texts of the debates may be procured by formal request to The Hansard⁴ of the National Assembly.

1.1 The Truth Reconciliation and National Unity Act 2018

The Truth Reconciliation and National Unity Act 2018 was passed by the National Assembly on the 2nd August 2018 as a bipartisan law receiving the complete support of members present in the House. The Act was assented to by the President of the Republic at the time (Mr. Danny Faure) on the 7th September 2018⁵.

The Act came into being following a motion on the 2nd November 2016 brought by the then Leader of the Opposition Wavel Ramkalawan which read as follows:

Vi lenportans ki tou dirizan dan nou pei in mete dernyerman lo size Linite e Rekonsilyason Nasyonal;

Vi Loportinite ki Eleksyon Lasanble Nasyonal in donn nou Nasyon, pou abord sa size dan en fason onnet e ouver;

Vi, lefet ki pros 40an apre koudeta 1977, i ankor annan Seselwa ki santi soufrans, an rezilta serten lensidan ki h arrive pandan sa bann lannen, Lasanble Nasyonal i demande

¹<https://www.nationalassembly.sc/publications/trnuc-reports-2023s/trnuc-recommendations>

²<https://www.nationalassembly.sc/publications/trnuc-reports-2023s/trnuc-commission-act-9-2018>

³<https://www.nationalassembly.sc/publications/parliamentary-procedures/standing-orders-2020>

⁴<https://www.nationalassembly.sc/verbatim>

⁵<https://www.statehouse.gov.sc/news/4106/president-faure-assents-to-the-truth-reconciliation-and-national-unity-commission-act-2018>

ki en Komite Lasanble Nasyonal pour Laverite, Rekonsilyasyon e Linite Nasyonal, i ganny etabli avek bann lobzektif swivan:

- i) Ekout tou Seselwa ki santi ki son Drwa in ganny afekte depi 1977, e met lo rikord sa ki zot dir;*
- ii) Etidye bann diferan zouti e metod travay ki lezot pei dan menm sitiasyon istorik ki Sesel in servi pou avanse lo sa semen, e desid lo en metod travay apropiye pour nou pei;*
- iii) Propoz avek Gouvernman en striktir pou egzamin sa bann konplent, pour ki enn fwa pour tou, nou anmenn laverite lo sa kin arive dan listwar resan nou pei e anmenn solisyon e lape pour bann dimoun afekte, avek bi pou permet nou Nasyon avanse avek konfyans dan lavenir;*
- iv) Fer rekomandasyon lo polisi ki nou kapab adopte e aksyon ki kapab ganny pran, pour diminyen divizyon politik dan nou pei e fer grandi sans Linite Nasyonal.*

The motion similarly garnered support from both parties in the National Assembly at the time being the Parti Lepep and Linyon Democratic Seselwa (LDS).

The Act saw three amendments during its 4-year life, that is the Truth Reconciliation and National Unity Commission (Amendment), 44 of 2021⁶, the Truth Reconciliation and National Unity (Amendment) Act, 19 of 2022⁷ and finally the Truth, Reconciliation and National Unity Commission (Amendment) Act, 36 of 2022⁸. The objective behind the final two amending Acts was similar in that they sought to lengthen the mandate of the Commission which had embarked on the task of considering continually emerging cases and complaints from victims and witnesses of the 1977 Coup D'état and events surrounding and following it.

1.2 The Commission

The Commission became fully operational on the 9th August 2019 following the swearing in of the first five Commissioners in accordance with Section 14(1) of the Act. The Chairperson appointed under Section 4(2) of the Act was Mrs. Gabrielle McIntyre who saw through the Commission's mandate until finality on the 31st March 2023.

The Commission mandate was to receive complaints in respect of the alleged violations, to gather, collate and analyze information and evidence with respect thereto, and make determinations on cases and recommendations for redress.⁹

⁶ [https://old.seylli.org/sc/Act 44 - The Truth Reconciliation and National Unity Commission \(Amendment\) Act 2021.pdf](https://old.seylli.org/sc/Act 44 - The Truth Reconciliation and National Unity Commission (Amendment) Act 2021.pdf)

⁷ <https://seylli.org/akn/sc/act/2022/19/eng@2022-09-30>

⁸ [https://www.gazette.sc/sites/default/files/2022-12/Act 36 - 2022 - Truth, Reconciliation and National Unity Commission \(Amendment\) Act 2022.pdf](https://www.gazette.sc/sites/default/files/2022-12/Act 36 - 2022 - Truth, Reconciliation and National Unity Commission (Amendment) Act 2022.pdf)

⁹ Section 3(3) of the Act

1.3 The Final Report

Section 11(4) of the Act stipulated that the final report of the Commission would be submitted to the President who should make it public and lay a copy before the National Assembly within one month of receiving it.

The laying of the reports before the National Assembly occurred on the 31st March 2023.

The Assembly Business Committee chaired by the Speaker of the National Assembly resolved on the 13th July 2023 that the report would be considered by the National Assembly during the first week of August 2023.

2. Motions

2.1 Motion 14th June 2023

On the 14th of June 2023, the order of business on the Order Paper¹⁰ included a Motion tabled by the Leader of Government Business, Honorable Bernard Georges, which read as follows:

'Prenan kont rapor Komisyon Laverite, Rekonsilyasyon e Linite Nasyonal (TRNUC) ki ñ ganny depoze devan Lasanble an konformite avek lalwa TRNUC. An vi lenportans e lanpler sa rapor e dan lentere:

- *Trouv en mwayen pou konklir travay ki reste pou Komisyon fer;*
- *Etabli en fason pou protez arsiv sa Komisyon ;*
- *Sizer en fason pou komemor bann viktim Dezyenm Repiblik;*
- *Propoz en mekanizm pou konsider konpansasyon e reparasyon pou sa ki ñ soufer ;*
- *Promouvwar rekonsilyasyon e linite nasyonal ;*

Lasanble i deside ki letan apropiye i ganny akorde pou deba ganny fer lo rapor TRNUC par Lasanble Nasyonal.'

The Motion received 23 votes for, 0 votes against and no abstained votes.

It is noted that the Order Paper also featured a Motion by the Leader of the Opposition, Honorable Sebastien Pillay, which did not proceed.¹¹

¹⁰ <https://www.nationalassembly.sc/order-paper/revised-order-paper-sittings-tuesday-13th-wednesday-14th-june-2023>

¹¹ Assembly Verbatim from the 14th June 2023- <https://www.nationalassembly.sc/node/2195>

2.2 Motion 1st August 2023

On the 1st of August 2023 the National Assembly convened and a motion without notice was made by Honorable Leader of Government Business in the National Assembly, Honorable Bernard Georges, and the motion text read as follows:

'Ki sa lasanble I konstitye son lekòr dan en komite lasanble an antye pou kapab envit de anyen manm komisyon TRNUC pou fer en prezantasyon e pou lasanble kapab angaz avek zot.

Swivan kwa , lasanble ava kontinyen deba lo rapòr TRNUC avek bi prepar en rapòr pou soumet avek gouvènmàn'

The motion was duly seconded and passed by majority vote of 20 to 0 with 10 members abstaining from the vote.

3. Former Commissioners' Presentations

The National Assembly sitting in a committee of the whole assembly received two former commissioners of the TRNUC - Mr Michael Green who had served as Vice Chairperson of the Commission since its conception and Mrs. Marie-Therese Purvis who was a founding commissioner.

The two former commissioners acknowledged first and foremost that in view that the mandate of the Commission had lapsed in March of 2023, they were appearing as private citizens willing to convey their experience on the Commission to the National Assembly in the spirit of continuity in the process which they had for so long been a part of.

The main points in the presentations of the Commissioners, with which the members engaged in questioning, are summarised as follows.

3.1 A Successor Body

The Commission completed its mandate on the 31st of March 2023 upon delivery of the final report. It is noted that the Commission had the mandate to submit periodic reports as per Section 11(2) of the Act. The Commission confirmed that a report submitted in 2021 had recommended that a Successor Body be set up after the Commission has ceased to exist to continue the work of the commission.

The Commission had received 507 complaints from its onset, 371 of which met the admissibility criteria for prima-facie determination. It noted that the cases that did not meet these criteria of admissibility for consideration by the Commission was

mostly due to lack of supporting information or documents. This resulted in the inability for the Commission to proceed with cases or alternatively the withdrawal of complaints outright by the alleged victims.

The Commission however, in undertaking the 371 cases, found it difficult due to time and resource constraints to complete transcription and translation of all its cases. Further the Commission did not manage to secure a mechanism for keeping of records of the Commission in audio visual format or as transcribed in their reports and case files for accessibility, an activity which the former Commissioners explained is necessary to ensure that the exercise undertaken by Commission is made public and may act as a deterrent of re-occurrence.

The former Commissioners proposed the creation and administration of a Successor Body appropriately resourced to complete the work that is left to be done which former Commissioner Green estimates to be around 389 sessions to be transcribed and 319 to be translated and archived. The former Commissioners assured the Assembly that there are former staff of the Commission who are already familiar with the job that are ready to take up the tasks if the proposition is accepted and actioned upon.

3.2 Role of the National Assembly

It is noted that the Act provides in section 11(4) that the report shall be laid before the National Assembly. The report consisting of 6 volumes and list of 47 recommendations was handed to the Speaker of the National Assembly on the 31st of March 2023, satisfying the requirements of the Act.

Following the interaction of the Members with the former Commissioners in Committee, the Assembly reconvened for debate. The Speaker directed that debate would be in accordance with precedence for debates in which all Members would be able to address in turn according to order requested by the respective caucuses for their Members. He allocated a maximum of 45 minutes for the two Leaders and 30 minutes for the other Members.

3.3 The Report and the Truth

The legitimacy of the report was addressed by the former Commissioners who reminded the Assembly that all determinations were made after hearing witnesses and investigation of cases and consensus of all presiding Commissioners. They noted that special in camera hearings on sensitive matters were held, for which they advise that the records should remain at all times private.

The former Commissioners reminded the National Assembly that the standard of proof used by the Commission is on 'the balance of probabilities' in comparison to the criminal standard before Courts of Seychelles which decide on 'proof beyond a reasonable doubt'. The former Commissioners reassured the Assembly that through their mandate the Commissioners were impartial and always proceeded with the intention of bringing forth the truth for the purpose of achieving reconciliation and national unity.

The former Commissioners reiterated that without the truth there cannot be pardon, without which it will be difficult to reach reconciliation. It is the position of the former Commissioners that all reasonable steps were taken by the Commissioners to arrive at the truth in cases decided upon.

3.4 The Mandate of the Commission

It has been submitted by the Commission through its report and the Commissioners that the mandate of the Commission as read with the interpretation provisions set out in section 2(8) of the Act, more precisely the definition of the word 'violations', being restricted to human rights abuses committed in relation the Coup D'état of 5th June 1977 up to 1993, and including violations prior to or after those dates as the Commission deemed relevant, did not restrict their powers.

The former Commissioners asserted that their investigation and determinations in cases occurring after 1993 was well within their mandate and supported by evidence that showed a nexus between the continued abuses and the coup of 1977 as the same political party remained in power up until 2020.

It is noted that the mandate of the Commission was not to punish or imprison perpetrators and the Commissioners extend their belief in forgiveness, reconciliation and unity in all cases.

3.5 Reparations

The Commission submitted as part of their final report a Reparations chapter as guidance to the relevant authorities and institutions on how justice could be achieved in cases. The reparations chapter included a monetary reparations structure which lists maximum amounts assigned to each type of abuse or harm. The structure was guided by national and international law, with the engagement of international experts and comparative data from other jurisdictions which have been faced with similar events and obligations for compensation. It is noted that the structure formed part of the Reparations policy and was amended as reflected in the final report. The former Commissioners expressed the view that this policy will aid the Successor Body to determine and take up reparations payments to victims.

4. National Assembly Debate on Recommendations

The National Assembly composition at the time of the debate stands at twenty-five (25) Members of the majority party being the Linyon Demokratik Seselwa (LDS) and Ten (10) Members from the opposition United Seychelles (US). This section attempts to summarise the position of the two parties on the background to the TRNUC exercise with views on the Coup D'état of 1977 and its aftermath. But it is principally concerned with ideas and propositions around the Recommendations of the Commission from each party, respectively.

4.1 General Debate

Much of the debate focused on the Coup D'état and the subsequent exercise of power by the SPUP/SPPF, and the circumstances and events over the years covering the TRNUC mandate.

The majority LDS condemned the coup in strong language and argued that it led to many violations and injustices, as covered in the TRNUC Report. They gave examples of murder, disappearances, imprisonment, forced exile and deprivation of human and civil rights. They charged former President Albert René with responsibility and also attributed responsibility to the party as a whole.

The US opposition argued that the coup had righted social wrongs and injustices and had led to social progress and development. They condemned crimes and injustices that had occurred and stated that they should never happen again but that the record of President René and the party had to be looked at as a whole.

The US opposition questioned the need for the National Assembly to debate the TRNUC Report, saying that legislation did not provide for it and that the President should proceed directly with the implementation of the recommendations in the report of the commission.

The LDS Government party countered that it was appropriate for the National Assembly to give its own views on the report and its recommendations, and that this was not prohibited by the Standing Orders of the Assembly.

4.2 Recommendations

Both parties endorsed the recommendations in general. The LDS majority however expressed reservations in regards to some and the manner in which they should be implemented, while the US opposition called for their implementation in their totality.

4.2.1 Justice

The Commission's recommendations around the subject of Justice are that perpetrators be investigated and prosecuted, subject to the grants of amnesty barring criminal liability, and further that such perpetrators be dismissed from the public service and offices and barred from holding such positions.

It was the general view of the LDS majority of the House that this recommendation should not be adhered to entirely by the Executive. They expressed the need to balance justice with reconciliation in that dismissing and banning senior members of the governments or of the Seychelles Defence Forces, not granted amnesty or immunity, from taking up employment in the public service or Defence Forces, would cause a situation of 'an eye for an eye leaves everyone blind' and in essence jeopardising the goals of unity and reconciliation. It was argued by the majority that the recuperating of unlawful gains from the Coup D'état to compensate victims should be considered as a primary measure and the proper legal and procedural frameworks be considered.

The US Opposition expressed the view that the National Assembly should not decide how the recommendation should be adopted but that it should be implemented in its totality as called for by the Commission.

4.2.2 Memory

The memory of the victims of the Coup D'état features as an objective of the Commission. The Commission recognizes in its recommendations that memory can be preserved through means of keeping adequate records and creating outreach programs to improve public understanding on the work of the Commission as well as using other means of media to maximise accessibility to their final report.

Both sides expressed support for the technical and structural requirements requested by the Commission to preserve its records, reports and procedures. They also supported that a correct and impartial account of the period of history under question be properly put on record by an independent and competent historian. On that point however, the US opposition, while accepting the recommendation, questioned whether this could be done objectively and impartially.

The LDS majority was more emphatic that memory should extend towards a memorial for the victims identified by the Commission. They made various suggestions on how this could be accomplished such as for a monument to be established, for their names to be recorded in a prominent place such as the 'Peace Park' in Victoria and for the declaration of a one-day memorial.

The US questioned whether such a memorial would not in fact inhibit unity and how decisions would be made on whom to memorialize, and expressed the view that they would be necessarily subjective. They added that the lives lost in the prevention of counter coups and mercenary attacks needed to be immortalized as well for the object of national unity not to be lost.

4.2.3 Guarantees of Non-Recurrence

Both sides were firm in their expression that there should be no recurrence of events or actions considered violations or injustices. A number of Members from both sides called for necessary measures to ensure this.

The LDS members laid emphasis on the efforts that have already been adopted even before appearing on the recommendations of the Commission. These include merit-based recruitment in the public service, freedom of journalism and free speech, capability of police and army officers being strengthened through training on their functions, powers, human rights and ethics. The Members explained that the Government has shown understanding of the need for all institutions to be strengthened to undertake their respective roles and responsibilities and contributing to non-recurrence.

The members posited that further emphasis should be laid on training in the human rights field to be administered to officers in uniform, that the support should extend to attractive remuneration packages undermining the need to fall into corruptive practices.

However, the US opposition suggested that some injustices may still be occurring such as in reference to the conduct of army personnel and in regards to pressure from government bodies for persons not to engage in opposition activities. The US members of the National Assembly alleged that bribery, favoritism and corruption still exist in the public service, that practices such as appealing directly to the President and Ministers continue to be used and that the various institutions mandated to investigate unlawful practices such as the Anti-Corruption Commission and the Office of the Auditor General should engage in works of oversight and investigation to curtail these practices.

On the subject of abuse of authority, the Opposition alleged that human rights abuses were taking place currently in army and police operations. They referred to the legal challenge to the 10th amendment of the Constitution and supported the recommendation that this amendment be reversed.

The members of LDS also requested that the concerned bodies commence investigations into the claims of sexual abuse at NYS as reflected in the recommendation of the Commission.

Members supported the recommendation that sensitization on the use of social media and promotion of respectful disagreement be followed up. The LDS majority recognized that hate speech through social media platforms should not be overlooked and appropriate measures to tackle this concern should be taken.

4.2.4 Reparations

Both sides recognized that the Commission has recommended a spectrum of reparations, the most prominent being apology to the victims and monetary compensation. The need for both was accepted but the two sides differed markedly on who should be responsible and how they should be implemented.

On the subject of apology, both sides repeatedly commended the action of former President Danny Faure in conveying an apology to the victims.

The US Opposition argued that the TRNUC report called on the state to be responsible in regards to both apology and compensation and that this should be accepted unequivocally. In other words, the State should tender apology to the victims and be responsible for meeting monetary compensation.

The LDS Government side did not dispute the responsibility of the State but argued that those responsible for the injustice which had been caused had a primary responsibility in both apology and compensation. They called for both the perpetrators as identified in the TRNUC Report and for the political party which had been in power to join in the apology. On the need for monetary reparations, they felt that those who had benefited, such as heirs and successors of the perpetrators, should also be included in making reparations. They supported the establishment of a Victims Trust Fund into which voluntary contributions and mandatory deposits from seizure of assets from sale of property acquired by the party in power would be made.

In further argument, the LDS side said that Seychellois taxpayers of today and innocent persons in general could not be expected to pay while the US side said the measures being proposed such as seizure of assets and of the political party allocation from the State amounted to a politically motivated move to close down the US party.

The LDS majority further suggested that requests for compensation be reasonable bearing in mind the need to maintain financial stability in the country and the effect that payments would have on state resources and social programs.

The US Opposition reiterated the need to remain in strict accordance with the Commission report. The majority recommendation of individual perpetrator contributions and party contribution to the Victims' Trust Fund was dismissed and they stated that the State should take sole responsibility in reparations and compensation or else more discord would be created, and the aim of reconciliation would not be met.

The US stated that steps should have been taken during the existence of the Commission to call upon US as a political party to come forward if it was being accused as a perpetrator, which would have enabled it to claim amnesty and immunity from criminal and civil prosecution if they so wished, as other perpetrators have.

The recommendations that mental health support should be afforded to victims was supported by the LDS majority members, advocating that such support should be extended to families and those traumatized from the events in one way or another. The members remained conscious of the difficulties in Human Resources that the Ministry of Health faces currently in the field of mental health.

On the establishment of a task force or commission of enquiry recommended by the Commission to take up unresolved cases, the LDS members agreed that this is necessary for continued efforts in respect of persons who remain missing and to bring closure to many families still in search of their loved ones or for cases which have not been resolved by the Commission. Some Members from the majority party added that action must be taken to incorporate the needs of such a Commission within the budget considerations for the year 2024.

The US members also objected to the view that the current leadership of US had any involvement in the violations determined by the Commission, and it followed therefore individual apologies from the current composition of the party was not necessary.

The US members advised however that the State through the executive should meet with the Victims' Committee to find a way forward as legitimate expectations from the victims for compensation have been created.

5. Acknowledgments and Call to Action

The Members and Leadership of the National Assembly extended gratitude towards the Truth, Reconciliation and National Unity Commission. They expressed appreciation for their hard work and expertise that had guided the investigations and findings. They commended their commitment to upholding the mandate which they had been assigned.

The National Assembly also commended the courage of victims and witnesses who had appeared before the Commission, their willingness to provide evidence and insight into their experiences which have been pivotal in shedding light on the events and circumstances which had been under consideration.

The National Assembly calls for action as follows:

1. The State to take appropriate steps to follow up on the TRNUC Report, in particular for the implementation of its recommendations so as to complete the process required in its mandate which will preserve the truth and further the objectives of reconciliation and national unity.
 2. The establishment of a Successor Body which is recommended by the Commission and supported by the National Assembly as the means by which decisions may be made on the recommendations and implemented by State institutions.
 3. Consideration by the Successor Body of the views expressed by the National Assembly in the implementation of the Commission's recommendations in general.
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MINORITY REPORT



OFFICE OF THE LEADER OF THE OPPOSITION

***Position of the United Seychelles
Caucus on the Proposed National
Assembly Report arising from the
debate on the TRNUC Report and
Recommendations***

Introduction

On Sunday 6th August 2023 at 20:35 hrs, a proposed Report on the National Assembly Deliberations on the Report of the Truth and National Reconciliation Commission (TRNUC) was emailed by the Speaker to Caucus Leaders of the National Assembly for their consideration. However, the United Seychelles Caucus believes that this proposed report should be reviewed with the hopes of ensuring a true, impartial, and concise summary of points put forward by both sides.

It is equally important to note that this is not an attempt to delay the closure of the engagement of the National Assembly in regard to the TRNUC report; however, in the spirit of transitional justice, there remains a need for a true and transparent document to be drafted where both sides points are presented.

As stated in the report sent by the Speaker *"It is submitted for the approval of the National Assembly as a true and fair account of the deliberations with the expectations that the views of both sides will be considered."*

Therefore, to be able to have such a true and fair account of the deliberations, it is submitted here that a majority and minority report may be better suited to meet the threshold of a true and fair account of both sides. This is based on the premise that one report will not truly be able to encapsulate all the points made by both sides, especially considering the importance attached to the future of the claims made by victims who have come forward. A majority and minority report is more suited and will adhere to the principles of fairness by allowing both sides an opportunity to present their position on the TRNUC report and recommendations.

Let us not forget the words of the then Leader of the Opposition in November 2016.

"iv Fer rekonmandasyon lo polisi ki nou kapab adopte e aksyon ki kapab ganny pran, pour diminey divizyon politik dan nou pei e fer grandi dan Linite Nasyonal."

It is important to note that the LDS majority party is also the party in power and as such to preserve the right of the US minority party to participate fully and contribute its views especially after statements by the LDS majority seeking to ban United Seychelles as a political party. United Seychelles urges the National Assembly to consider the following propositions and findings to ensure that there is indeed unity not only nationally but also politically and seek to reclaim the bi-partisan spirit which started the TRNUC process.

Preliminary

Overall, the report sent by the Speaker does not do enough to reflect a true representation of the positions of the members of the NA; We note that there have been misinterpretations and inaccurate statements included in the proposed document. In addition, several important elements of the debate have not been included and this calls into question the completeness of the report. The following paragraphs seek to identify these statements and establish the position of the United Seychelles Caucus to the proposed report.

Presentation by two Former Commissioner

The United Seychelles Caucus thank the former commissioners for attending the National Assembly and presenting their experiences whilst sitting on the commission. However, the report fails to mention that on several occasions the two former commissioners contradicted each other on key aspects of their work. For example, on whether a list of perpetrators has indeed been given to the President, which is a crucial aspect of the work done by the Commission. To note the Speaker confirmed the existence of this list and stated that this was given to the President but is being kept confidential. Queries on the list resulted in contradictions whereby Mr Michael Green stated it is the President who will decide on which name of perpetrator to send to the Attorney General. Furthermore, when queries were raised as to whether the report tabled before the Assembly can be altered Mr Michael Green said yes whereas Mrs Marie-Therese Purvis claimed this was not possible. To note the standing orders of the National Assembly supports Mrs. Purvis' claims. There were also queries on the mandate of the TRNUC and the analysis that because the TRNUC acted beyond its mandate it was not able to complete its work. Awareness of such contradiction must be noted to allow for a full and true account to presentation made by the former commissioners, and such contradictory statement may affect the perception of the general public.

Successor Body

According to the former commissioners, they were unable to complete transcription and translation of 371 cases and as such they proposed the creation of a Successor Body to complete the work that has been left undone. Moreover, a reparations policy which was drafted by the Commission was also to be applied by the Successor Body (see page 4 Volume V Reparations Policy). Whilst the US side firmly has no objections that the recommendations should be implemented; safeguards must be put into place so that the Successor Body does not act outside its mandate as its predecessor has done already. The role and functions of the Successor body is unclear, the TRNUC Act makes no mention of such body allowing the US Caucus to surmise that the act intended for the commission to

complete its work. Furthermore, connecting reparations to the successor body without a clear template on how this should be done is contrary to the spirit of the act.

Mandate of the TRNUC

According to section 2 (8) of the Act and as stated at page 10 of the report under paragraph 3.4 "... provisions set out in section 2 (8) of the Act, more precisely the definition of the word 'violations' being restricted to human rights abuses committed in relation to the Coup D'état of 5th June 1977 up to 1993 and including violations prior to or after those dates as the Commission deemed relevant did not restrict their power."

Furthermore, the assertion further down paragraph 3.4 that there was a 'nexus between the continued abuses and the coup of 1977 as the same political party remained in power up until 2020' shows the complete biased nature in the approach of the commission to the cases that the Commission chose to listen to. The primary aim of the Commission was to investigate the actions and events surrounding the coup up to 1993, simply using the premise that the same political party was in power is wrong and flouts the rights of members of United Seychelles. The main exercise of the Commission was to bring justice and reconciliation between the victims and named perpetrator and again, the party was never named a perpetrator and thus, simply allowing cases to be heard based on the fact that the same political party was in power was wrong and unjust. United Seychelles does not defend the actions of perpetrators as identified in the list submitted to the President. But in the absence of this list and the refusal of the ruling party to share this information it would seem that there is collusion to have United Seychelles declared a perpetrator even if the TRNUC report makes no mention of this.

It also appears that the threshold for complaints was significantly low and only on the premise of the any crime that occurred during the time that the political party was in power, further evidenced by the statement of Mr Michael Green, 'the same political party remained in power up until 2020. It is important to note that at the return to multiparty in 1993 several attempts were made at restoration. The commission chose to reopen even these cases.

National Assembly Debate on Recommendations

In the debate in the National Assembly the LDS majority wanted to pick and choose which recommendations are implemented and were particularly vocal that the recommendation below not be implemented.

The Commission recommends that where any senior member of Government or SPDF that has been deemed a perpetrator and has not been granted amnesty or immunity from

criminal prosecution, the person in question be banned from taking up further employment with the Government of Seychelles or its Defence Forces

Yet whilst they felt that this should not be implemented the LDS majority was adamant others who were not in Government should pay for their actions. It is to be noted the US Caucus argued that are some of the perpetrators on the list given to the President supporters of LDS and therefore it would seem that they should be absolved of all blame. The same double standard can be evidenced in a statement from the report submitted by the Speaker:

“They charged former President Albert Rene with responsibility and also attributed responsibility to the part as a whole”

In fact, several of the party members went further and firmly declared that United Seychelles should be banned from future elections and its members should also be prohibited from presenting themselves as candidates in future elections. A clear breach of the constitution. Such statement contradicts the original aim expressed by former Leader of the Opposition Honourable Ramkalawan in seeking political unity. Furthermore, it evidences the fact that the LDS Government party is out on a vengeful political agenda to bring an end to the United Seychelles Party. It also further demonstrated the double standard as denounced by the United Seychelles Caucus.

The LDS majority also sought to change the report by adding a recommendation that would find United Seychelles as a perpetrator. Members of United Seychelles argued that this was against the rules and process of the National Assembly. It is important to note that the Speaker's report makes no mention of this.

The United Seychelles Party has never at any point in the history of the work of the TRNUC been called in to give evidence or been named as a perpetrator, and yet through most of the points made by the LDS Government party seeks to attach majority of liability to the Party and negates the actual acts by the identified and named perpetrators which the whole process and aim of the TRNUC is to bring the perpetrators and victims together to reconcile after an established violation.

United Seychelles was able to prove in the debate that there had been numerous meetings between the Leader of Government Business with the Vice-Chairman of the Commission Michael Green, which called into question the impartiality of the commission and the perceived bias in attempting to find United Seychelles as a perpetrator. United Seychelles in the debate pointed out that the party has not been mentioned in the report as a perpetrator.

United Seychelles in spite of its many reservations regarding the process of TRNUC supported that the recommendations as set out in the report should be implemented. It argued that the recommendations cannot be altered, and it is irrelevant whether the Government agrees with them or not.

Memory

Undoubtedly, the memory of the victims of the Coup D'état should be preserved; however, the need for correct and an unbiased account remains imperative, as to the manner in which this will be achieved should be decided by the members of the National Assembly. Furthermore, strict guidelines and frameworks should be put in place to ensure that the memorialisation of victims is done with the permission of the victims and the victims family. One must always remember that the purpose of the Commission was to bring reconciliation for the victims and not the Government trying to play the blame game. United Seychelles brought forward the issue of the mercenary attack of 1981 and that this is an important event in the timeline between 1977 and 1993.

Guarantees of Non-recurrence

In the debate non-recurrence of event was firmly agreed on, but a blind eye to actions and events still occurring illustrates that the TRNUC's report is simply being used as a political tool rather than a mechanism to bring national unity. Consensus should have been reached on the fact that indeed the perpetrators will be held to account but that does not mean that the risk of certain actions recurring, case in point the tenth amendment to the constitution.

Reparations

The Commission recommends reparations to be made guided by its Reparations Policy. But its important to consider several issues around this issue.

- According to the UNHR, Reparations should be proportional to the gravity of the violations and the harm suffered. Therefore, the aim of reparation is not to punish the perpetrator but to ensure that the victim is appropriately compensated for harm suffered. The TRNUC report Volume V Reparation Policy seeks to empower the Successor Body to assess the appropriate reparations to be awarded in individual cases; therefore, the majority side should not be allowed to make suggestion on the type or sources of reparations. This is not part of the recommendations as this clear and this clearly implies that the successor body will continue the work of the TRNUC. This means TRNUC did not complete its work because it did not stick to its mandate.
- It is incorrect to state that both sides repeatedly commended the action of former President Danny Faure in conveying an apology to the victims. In actual fact, it is only

the LDS side that commended the act of former President Danny Faure and seeks to use this to infer that the rest of the party should follow suit; again, a party that was never named a perpetrator during the existence of the Commission. This also shows the double standard, perpetrators who are in the LDS Government are to remain anonymous but United Seychelles members who had nothing to do with their actions have to apologise for their actions.

- The State should tender an apology, that is the current State, they should not be availed from their own obligation of offering an apology as an apology seeks to act as a catalyst to healing and reconciliation. The fact that the State has the power to assure the non-recurrence of such events happen also contributes to unity.
- LDS concerns of the source of funds to compensate the victims should concern the named perpetrators. A punitive approach. This goes against the spirit in which the TRNUC act was brought forward. Its intent was never punitive. LDS also seeks to attach the perpetrator status to the US party even after the dissolution of the Commission. This is wrong and unacceptable. The National Assembly is not the TRNUC nor is it a court of law.
- Stating that taxpayers should not have to contribute is an oxymoron to the fact that it is the taxpayers who have contributed to the budget of the Commission and all its expenses. To date almost 100 million SCR has been spent on the Commission.
- At page 15 of the proposed report, "US side said the measure being proposed is... amounted to a politically motivated move to close down the party," is inaccurately recorded and written. Several members of the LDS side openly stated that the party should be banned, the records will show this. Therefore, to merely suggest that US stated that it was politically motivated is wrong as the report fails to support the statement with words spoken by members.
- The constant argument that the current State should have no responsibility towards the Victim Funds suggests that they do not believe in the process LDS pushed for in 2016 and today they do not see the need to contribute towards restoration, thus washing their hands and promoting a blame culture, flouting the much-promoted transitional justice. This will never lead to National Reconciliation.
- On the establishment of a task force to take up unresolved case, does that therefore not counter LDS position of maintaining financial stability of the country, yet funding for a Successor Body is already required and now a further body which will inevitably require a budget, which will come from taxpayer's money. Will that not bring instability to the country?

- Current leadership of US was never called before the Commission as perpetrator and therefore, has no obligation to provide an apology. The suggestion is an attempt for LDS to get the party to self-incriminate itself for actions that they were not present at the time for.

Conclusion

To conclude, it is clear that should the report be allowed to be presented to the Executive without amendments, it will be a clear infringement of rights afforded to United Seychelles to provide its position but more importantly for it to protect its Party after having been directly attacked by the majority side. It is evident that beneath the surface of the debate, the primary objective has been about revenge by LDS rather than transformation and restoration. Furthermore, significant dangers remain if the vengeful agenda of LDS is allowed to fester, the hope of national unity and cooperation will indefinitely be obscured and eventually lost.

The Commission was not mandated to punish nor imprison perpetrators but was rather concerned with forgiveness, reconciliation and unity was at the heart of the process, therefore, the recommendations drafted by the commission seeks to ensure that the above-mentioned is promoted.

Given that TRNUC process was deemed complete, and a report presented, the US Caucus feels its recommendations should be adopted. It will be up to the Government to work on the frameworks and safeguards that is needed to ensure that the function of the proposed Successor Body is clear, transparent, and neutral. It must ensure that it remains free of any interference. The successor body must implement the recommendations of the TRNUC commission, and its scope should be limited to what the TRNUC Report sets out.

The US Caucus feels It is for all the people of Seychelles that the process must be seen to be fair and just, where regardless of majority versus minority, both sides are afforded their right to present their position on the recommendations in a report that they have prepared.

Addendum:

At the time of concluding this report given the short notice afforded to the US Caucus by the Speaker of the National Assembly the following issues have come to light:

1. The report purported by the Speaker to have been prepared by the National Secretariat was first sent to the Leader of Government Business Honourable to correct. Even if the Speaker Hon Roger Mancienne who is also the Leader of the LDS Party (the same party in Government) alleges this was done because he intended for Honourable Georges to present the report this shows a certain level of bias in this

process. Only after he and Honourable Georges had agreed on the report did he send it as a report of the National Assembly. The US Caucus would not have been aware of this had two tracked changes made by Hon. Georges in the report appeared in the version sent to the leaders of the US Caucus, all others had been deleted. The US Caucus views this as a serious breach of trust further giving basis to the argument that this whole process is being done with a malicious intent.

2. The National Assembly is not following Order 30 of the standing orders. In fact, Order 30(3) states there should be a motion with notice and the report on the consideration of the TRNUC report should only state if the Assembly agrees with the recommendations or not. The process being used by the Speaker and the Leader of Government Business is aimed at bypassing the standing order so the Assembly presents to the executive an assessment of the culpability of United Seychelles in the TRNUC report. Yet the TRNUC report makes no mention of United Seychelles as perpetrator.
3. The President in an interview declared United Seychelles as a perpetrator yet none of the TRNUC recommendations or the report say this. He further berated its current leaders on the issue of apology. In his interview the President uses the same language as seen in the report sent by the Speaker. This is a strange coincidence and points to collusion between the executive and the Speaker of the National Assembly. This further illustrates that the concerns expressed by United Seychelles that the LDS majority wants to ban United Seychelles, using means necessary and in doing so ensure that United Seychelles cannot take part in the elections of 2025.
4. Proposals for amendments to the Political Parties Registration Act clearly state that a political party will be deregistered if it is to be investigated for transgressions such as those for which the President seeks to find United Seychelles.
5. No consideration has been given to the issue of prescription as it relates to possible transgressions. No consideration has been given to fundamental rights as enshrined in the Seychelles Constitution that relates to association, equal protection before the law, right to a fair trial. The LDS majority has shown blatant disregard to this.