TRUTH, RECONCILIATION
AND NATIONAL UNITY COMMISSION

VOLUME I

INTRODUCTION AND BACKGROUND

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Chairperson's foreword

It has been a privilege and an honour to have served as Chairperson of the Truth, Reconciliation and National Unity Commission (TRNUC) and I am grateful to the Constitutional Appointments Authority and former-President Danny Faure for the opportunity to do so.

In my capacity as Chairperson, I have sought to serve all the people of Seychelles fairly and impartially in laying a new foundation of nation-building grounded in respect for human rights and the rule of law in strict compliance with the TRNUC Act. I have strived throughout this process to ensure the highest standards of professionalism amongst Commissioners and staff and to ensure that all people engaged with the processes of the Commission were treated with respect and understanding.

Throughout the process, I have also been consistently aware that for the victims of human rights violations, knowing the truths about what occurred is often a precursor to moving forward, while for the Seychelles as a country, dealing with its past is the only way to ensure that its future is not forever haunted. I have also been acutely aware that this process of truth and reconciliation is essentially a national process and I have been guided throughout my mandate by the wisdom of the National Commissioners, whom I sought to support and encourage in the discharge of this difficult mandate.

While it has been an extraordinary experience, as with most Truth Commission processes, the TRNUC has not been without significant challenges.

Indeed, from the commencement of its operations, the Commission faced major obstacles pertaining to issues of capacity, resources, and cooperation on the part of relevant government entities. These obstacles persisted throughout the Commission's mandate and severely impacted the efficiency and effectiveness of its operations. Attempts by the Commission to have its difficulties addressed often failed to materialise in the additional support or resources desperately needed, and efforts made by the Commission to itself accommodate its shortfalls appeared to be foiled on every approach. Notably, unlike transitional justice mechanisms in other countries, the Commission received no international support from other governments or international organisations of States.

Despite the conditions under which it was forced to operate throughout its mandate, the Commission, and its dedicated staff, persevered and forged ahead with determination towards the Commission's mandated objectives. While all the Commission staff worked tirelessly it was the Commission's investigators, with whom I worked most closely, that faced the most challenges and difficulties in their work, namely Adele Serret, Sandra Pedder, Georgia Barra, Veronique Parcou-Petrousse and Desire Rouillon along with the driver/ Perpetrator Support Officer/ Witness Protection Officer, Mervin Camille and the receptionist/Victim Support Officer/ Witness Protection Officer, Bernadette Sinon. These members of staff were constantly pushed and asked to do more and were systematically frustrated by the many obstacles placed in their way. With tenacity and perseverance, the Commission achieved significantly more than it was resourced to do and perhaps more than it was ever intended to do. In that regard, a special note should be made of those international volunteers who provided their time and assistance to the Commission for the most part in a pro bono capacity. In particular, Justin Loveland, Nicholas Vialle, Demetri Wijesinghe, Marissa Kardon Weber and John Cubbon, all of whom were instrumental in the Commission's achievements of its objectives. In addition, a number of Seychellois volunteers also provided assistance to the Commission, especially in the translation of its record, of which I am equally grateful.

As a complaint-driven process, the complainants—many of whom had been silenced for 42 years—were at the heart of the Commission's work every step of the way. The Commission's deep-seated desire to ensure justice for the complainants propelled the Commission forward in the most difficult of circumstances. At the same time, throughout its mandate, the Commission strived to create an environment of trust whereby those who had participated in human rights violations would have the confidence to voluntarily engage in the Commission's processes. The Commission emphasised throughout that its functions were not punitive and that its primary objective was to bring closure to victims and hopefully reconciliation between people. In that respect, it strove to be the Commission for all Seychellois.

Unfortunately, the culture of fear that had marked the society of Seychelles since the Coup d'état of 1977 remained omnipresent throughout the Commission's execution of its mandate, particularly during the initial 18-month period when executive power remained in the hands of the political party considered responsible for the human rights violations alleged.[1] In this respect, the Commission was characterised as a political tool crafted by the then opposition as a means of taking political power. United Seychelles Party supporters viewed the Commission with suspicion and consistently questioned its impartiality and the integrity of its proceedings. This political context, coupled with entrenched political alignment and primacy of loyalty to the party captured in the notion of "with us or against us", impacted on the willingness of many complainants to come forward, or to come forward publicly. It also presented significant obstacles to truthful engagement in Commission processes by suspects and perpetrators. As a consequence of this difficult political climate, suspects and perpetrators, for the most part, remained in precarious denial. On the whole, for complainants, suspects, and perpetrators, the fear of political retaliation for engagement with the Commission was ever-present throughout the Commission's exercise of mandate. When executive power was transferred for the first time in 43 years in October 2020, suspicions about the role and purpose of the Commission were unjustifiably touted as vindicated.

In conclusion, the Commissioners and their staff did their utmost to ensure the success of the Commission. In that respect, I salute the efforts of all the Seychellois nationals involved in the work of the Commission, who have devoted themselves to fairness and impartiality in the Commission's proceedings and demonstrated an overwhelming motivation to end the deep political divisions in the country which had led to systematic discrimination against those not aligned with the party in power.

I hope that the work of this Commission and this report will be a foundational step towards uniting the people of Seychelles around a common agenda that will allow them to move forward in confidence and where the past no longer haunts their future.

Gabrielle Louise McIntyre

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[1] This period was from the swearing of the first Commissioners in May 2019, until the Presidential elections of October 2020.

Vice-Chairperson's foreword

On 29th June 1976, the Seychelles became an independent Republic. On the 5th of June 1977, the legally constituted government was overthrown through a brutal Coup d'état. Even though it was claimed that it was a bloodless coup, three people died on that day: one, a police officer in the course of his duties guarding the Armoury; the second, an ardent supporter of the deposed president; and the third, one of the participants in the coup. The one who was committing treason was honoured by having a street named after him while the other two were overlooked. The opening scene of the coup presaged what was to come. From that day onwards, the people were subjected to fear, murders, disappearances, expropriations, forced exile, imprisonment without accusation or trial, loss of employment, deprivation of educational opportunities, and a whole slew of other violations of their human rights. In 2018, the Truth, Reconciliation and National Unity Commission was established by law, and in 2019, it started functioning.

It has been an honour and a duty for me to serve on the TRNUC and I thank my fellow Commissioners for the trust they placed in me as the Vice-Chairperson. During my tenure I have endeavoured to remain impartial and fair. I have shown respect to all who came to TRNUC be they complainant, witness or perpetrator.

The TRNUC has, unfortunately, not benefitted from the support of all the players in our nation. There have been many who have felt threatened by what the TRNUC might reveal. The TRNUC has never been mandated to be a punitive organisation. It is set up to search for the truth about allegations of human rights violations and to try to unite the people of Seychelles so we can move forward to a better and more fraternal to-morrow.

It is widely accepted that in order to have reconciliation there must be forgiveness. Seychellois claim to be a Christian nation, and forgiveness is a core tenet of Christianity, and yet victims refuse to forgive and thereby defeat the goal of reconciliation. We have seen a few examples of victims forgiving the perpetrators, and it is my fervent hope that more will follow so that we achieve Reconciliation and National Unity and become a people united in fraternal peace and together move forward to a shared prosperity.

J.P. Michael Green

1. National Assembly Decision to establish the Truth, Reconciliation and National Unity Commission, 2018

Following the National Assembly elections held from 8 to 10 September 2016, for the first time since the Coup d'état of 1977, the opposition party, Linyon Demokratik Seselwa (LDS) gained a majority with 15 seats to the United Seychelles' 10 seats.[2] The United Seychelles Party had retained the Presidency under the leadership of President James Michel following the December 2015 Presidential election. That Presidential election was both contentious and historic. No candidate received 50% of the votes in the first round held on 3 to 5 December 2015 and, for the first time in the history of Seychelles, a second round of voting was held between 16 and 18 December 2015. In that second round, it was determined that sitting President James Michel defeated LDS presidential candidate Wavel Ramkalawan by 193 votes. Constitutional challenges to electoral irregularities and the validity of President Michel's win filed by Mr. Ramkalawan were dismissed by the Constitutional Court on 31 May 2016.[3]

Having won a majority in the National Assembly, the LDS began to advocate for redress of human rights violations that had allegedly been committed in Seychelles following the Coup d'état of 5 June 1977. On 2 November 2016, the leader of the opposition, Wavel Ramkalawan, tabled a motion before the National Assembly proposing the setting up of a Truth, Reconciliation and National Unity Committee ("Committee") within the National Assembly. This proposal was agreed unanimously following debate.

The Committee was mandated to listen to and record the grievances of those affected since 1977; to carry out a comparative analysis of reconciliation processes in other countries to provide the Government with recommendations on a suitable process for Seychelles and to make recommendations on policies to be adopted that could reduce political divisions and promote national unity in Seychelles. The objective of the Committee was to ensure that the truth was revealed so that the people of Seychelles could achieve peace and national unity. The duly established Bi-Partisan Committee was composed of Hon. Wavel Ramkalawan (Chairperson), Hon. Charles de Commarmond (Vice-Chairperson), Hon. Nicholas Préa (member), Hon. Bernard Georges (member), Hon. Basil Hoareau (member), Hon. Francois Adelaide (member) and Hon. Simon Gill (member).

Through extensive publicity, the Committee invited the general public to lodge their complaints through the filling of a grievance form, which detailed their name, complaint and remedy sought. The Committee received some 315 grievance forms, which alleged human rights violations against persons, life, property, liberty, and security. The Committee also undertook an examination of transitional justice

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[2] The United Seychelles Party was known as the Seychelles Peoples Progressive Front until June 2009 when it changed its name to Parti Lepep (Peoples Party). The party changed its name again in November 2018 from Parti Lepep to United Seychelles.

[3] Ramkalawan v Electoral Commission & Ors (SCA CP1/2016 b) [2016] SCCA 27 (08 December 2016); Ramkalawan v Electoral Commission and Ors (Valid votes) (CP 07/2015) [2016] SCCC 10 (31 May 2016); Ramkalawan v Electoral Commission & Ors (SCA CP 01/2016) [2016] SCCA 28 (09 December 2016); Ramkalawan v Electoral Commission and Ors (Election non-compliance and illegal practices) (CP 01/2016) [2016] SCCC 11 (31 May 2016);

processes in other countries as a basis on which to premise future recommendations with respect to a truth and reconciliation process for Seychelles.

On 22 April 2017, the Committee organised a symposium to sensitise the public to the possibility of setting up a truth commission and invited the public to share their suggestions with the Committee. Following that symposium, the Committee decided the best course of action was to draft a proposed law for the establishment of a truth commission with the assistance of international transitional justice expert, Mr. Richard Rogers. The Committee's report and proposed law was presented to the National Assembly and subsequently to the President of the Republic of Seychelles, Mr. Danny Faure, on 14 June 2018 (State House, 2018).[4]

The proposed bill for the establishment of the Truth, Reconciliation and National Unity Commission was debated in the National Assembly on 1 and 2 August 2018 and was agreed by the National Assembly on 2 August 2018. It was thereafter submitted to President Danny Faure to bring into operation on such date as he deemed by notice in the Gazette.[5] On 14 September 2018, the Truth, Reconciliation and National Unity Commission Act ("Act") passed by the National Assembly was enacted by the President.[6]

The establishment of the Commission by the National Assembly had been underpinned by calls for the establishment of a Truth, Reconciliation and National Unity Commission by civil society leader Mr. Barry Laine. Mr. Laine, founding member and Chairperson of the Truth, Reconciliation and Peace Commission, had submitted his report on the establishment of a truth commission in Seychelles to President Danny Faure on 28 July 2017. The report of Mr. Laine followed a study of truth and reconciliation processes in some 51 countries and extensive communications with the Seychellois public, including a public symposium held on 10 May 2017. Mr. Barry Laine was instrumental in the decision of the National Assembly to establish a truth and reconciliation process in Seychelles, and throughout the mandate of the Commission, Mr. Laine provided strong and much needed support to the Commission towards the achievements of its objectives. In particular, Mr. Laine prepared a comprehensive report that was delivered to the President in December 2020 advocating for a successor body to the work of the Commission that would monitor the implementation of Commission recommendations and thus, in contrast to the legacy of many other truth commissions, ensure that those recommendations were respected by Government. Additionally, Mr. Laine served as Chairperson of the TRNUC Victims Committee, established by the Commission pursuant to Section 8(2)(f) of the TRNUC Act, which worked with the Commission in the development of a victim-driven Reparations Policy, which is detailed further in Volume IV of this report.

1.1 The Truth, Reconciliation and National Unity Commission Act (14 September 2018)7

The Truth, Reconciliation and National Unity Commission Act 2018 (TRNUC Act) followed the approach to human rights violations that had been adopted by the National Assembly Committee.

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[4] Report of the Truth, Reconciliation and National Unity Committee, April 2018 (Annex 1).
[5] Verbatim Report, National Assembly Sitting, Wednesday 1 August 2018, Thursday 2 August 2018 (Annex 2).
[6] First Report, Annex 1, p.1; Truth, Reconciliation and National Unity Commission Act, 2018(14 of September), [hereinafter "TRNUC Act"] (Annex 3).

Rather than examine allegations of human rights violations more broadly, the TRNUC Act established a complaint-driven process whereby the Commission was vested with the authority to "receive complaints in respect of alleged violations, to gather, collate and analyse information and evidence with respect thereto, and to make decisions".[8] Complainants were given six months from the commencement of the Commission's mandate in which to file their complaints before it.[9] The Act allowed a victim, a representative of the victim, or a close surviving relative of a deceased victim to file a complaint.[10] As part of ascertaining the truth and fulfilling related objectives, the Commission was also mandated to identify the perpetrator of the human rights violations alleged and grant amnesty to a perpetrator on a full and frank disclosure and sincere apology to victims. It was further mandated to make recommendations on rehabilitation and reparations.[11]

Seven Commissioners were to be appointed under Section 4, which determined these would consist of "a Chairperson, a Vice-Chairperson, and five other Commissioners, two of whom shall be non-Seychellois who are not resident in Seychelles".[12] The Commissioners were given the discretion to appoint a Vice-chairperson, and also were meant to be accorded the necessary national and international staff to assist the Commission in the discharge of its functions.[13] The Act also set out a process for the removal of Commissioners, established the conduct of meetings and hearings, and granted the Commission all the powers of the Supreme Court of Seychelles.

1.2 Establishment of the Commission

On 9 May 2019, five of the seven Commissioners appointed by the President from candidates proposed by the Constitutional Appointments Authority pursuant to Article 4(2) of the Act were sworn in at a ceremony at State House.[14] They were as follows: Gabrielle Louise McIntyre (Australian, Chairperson), Michael Green, Marie-Therese Purvis, Rosario Pierre Domingue (Mauritian), and Jacques Koui Gbilimou (Guinean/Seychellois). From the date of the swearing of the first Commissioners, pursuant to Section 14(1) of the TRNUC Act, the Commission had three months in which to operationalise the Commission.

From the outset of the swearing of the first Commissioners, it became clear that limited-to-no attention, had been given to how the Commission would exercise its functions in practical terms. The original proposition made by the President's Office was that only the foreign Chairperson would work for the Commission full-time, and the other Commissioners would not be fully engaged in the work of the Commission and would be remunerated on an hourly basis. In that regard, the appointments of the National Commissioners had been conceptualised as more procedural than substantive. In line with this vision of the Commission, all but one of the National Commissioners appointed by the President was engaged in full or near to full-time employment with other entities at the time of their appointments. The other foreign Commissioner, Rosario Pierre Domingue, held full-time employment in Mauritius,

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[8] TRNUC Act, Sec 3 (3).
[9] TRNUC Act sec. 3(4).
[10] TRNUC Act, sec. 3(5).
[11] TRNUC Act, sec 12(4); sec 3(7) (e).
[12] TRNUC Act, sec. 4.
[13] TRNUC Act, sec. 9(1).
[14] First Report, Annex 1, p.1; TRNUC Act, sec. 4(2).

and there was no requirement or intention that Commissioner Domingue be based at the seat of the Commission or that he leaves his existing employment.

Aware of the importance of national ownership over any transitional justice process, the National Commissioners, strongly supported by the Chairperson, advocated against this vision of the Commission, premised on the notion that the National Commissioners' input to the work of the Commission would be minimal in that scenario. While acknowledgement of the type of work anticipated by a National Commissioner was eventually accepted, the issue remained that none of the National Commissioners had been informed that their engagement with the Commission would be full-time. As a result, in at least the initial period of the Commission's mandate, most continued with their other employment activities and attempted to marry those commitments with their newly acquired commitments to the Commission. After a period of time, most of the National Commissioners were able to disengage from their other employment activities, but this was not the case for Archbishop James Wong. Archbishop Wong laboured throughout the mandate of the Commission, coupling the full-time work of the Commission with his duties as Archbishop of the Anglican Church of the Indian Ocean region and also the Anglican Bishop of Seychelles.

The initial engagement of Commissioners in other employment left the substantial burden of rendering the Commission operational within the three-month period upon the Chairperson and the one National Commissioner who had no pre-existing employment obligations, Mr. Michael Green.[15] Nonetheless, the process of setting up the Commission was done in close consultation with all the Commissioners through email and other forms of communication, and all Commissioners made themselves fully available for regular decision-making meetings. From the outset, the consensus approach to all important decision-making by the Commission forged a strong team spirit amongst the Commissioners, which was to serve the Commission well in meeting the many challenges ahead.

On 21 May 2019, the sworn Commissioners held their first formal meeting.[16] At that meeting, the Commissioners determined that in accordance with Article 14(1) of the Act, their formal mandate would commence on 9 August 2019 and would complete on 9 August 2022.[17] The Commissioners agreed that throughout the preparatory period, prior to the formal start of mandate, they could carry out any tasks they considered necessary provided they did not seek to exercise their enforcement powers.[18] The Commissioners also reviewed their reporting obligations to the President and determined the scope of the Commission's mandate.[19] The Commission understood its mandate under the Act to be both temporal and thematic,[20] holding that the temporal aspect related primarily from 5 June 1977 until the restoration of the multiparty system in 1993, and the thematic mandate included events before and after those dates found relevant or connected to this period.[21]

Other matters discussed during the Commissioners' first meeting included the timeframe for review of the Commission's rules of procedure and evidence submitted to the Commissioners on 20 May 2019 by the Chairperson,[22] the procurement of office equipment and identification of permanent premises to

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[15] Upon the swearing of the other two outstanding Commissioners, Archbishop James Wong and Marie-May Leon on 27 June 2019 Mr. Michael Green was elected Vice-Chairperson by acclamation of the other Commissioners.
[16] First Report, Annex 1, p.10.
[17] First Report, Annex 1, p.10; TRNUC Act, sec. 14(1).
[18] First Report, Annex 1, p.10.
[19] First Report, Annex 1, p.10.
[20] TRNUC Act, sec. 2(8); TRNUC Mandate, p. 2-3, para. 6.
[21] First Report, Annex 1, p.10; TRNUC Act, sec. 2(8) ("in relation to… the Coup D'état of 5 June 1977").
[22] First Report, Annex 1, p.10.

house the Commission, the appointment of staff,[23] the creation of a budget for submission to the Minister of Finance under Section 15 of the TRNUC Act,[24] the creation of a website for the Commission,[25] the drafting of codes of conduct for Commissioners and staff and standard operating procedures to guide the work of staff, the preparation of a risk register and strategies for mitigation,[26] and the development of a work plan.[27]

At subsequent meetings, the Commissioners agreed to a timeline for the recruitment of staff positions, determined to launch a logo competition, to use the acronym TRNUC, and to several other necessary preparatory steps concerning staffing, media, budget preparation, communication, and procedure.[28] Notably, it was not until 27 June 2019 that the remaining two Commissioners, Commissioner Archbishop James Wong and Commissioner Marie-May Leon, were sworn into office.[29] Upon the swearing of the final Commissioners, Mr Michael Green was elected Vice-Chairperson by acclamation.[30]

It is to be underscored that in seeking to make the Commission operational within the three-month time period mandated, the Commission was offered very little, to no assistance, by Government authorities. The Commission appreciates that there may have been many reasons for this lack of support, including lack of capacity and appreciation for the logistical, substantive, and administrative work involved in the setting up of a truth commission from scratch. However, as is detailed in Volume II of this Final Report, an issue that cannot be ignored is the fact that appointments to the public service had, since the Coup d'état of 1977, been premised on loyalty to the party that had taken power with the Coup d'état. As that party continued to maintain executive power for the next 43 years, the public service remained highly politicised and was so at the time of the enactment of the TRNUC Act. The fact that the Commission would effectively expose abuses that occurred during that Coup-installed administration, which still held executive power at the time of the passing of the TRNUC Act, no doubt fortified political reluctance to provide the Commission with cooperation or to be seen to be providing the Commission with cooperation. Notably, truth commissions are generally transitional justice processes that follow regime change; yet, in Seychelles, there had been no regime change—just a loss of the majority in the National Assembly and the appointment in October 2016 of a new president who more openly promoted national unity.

The resistance on the part of the public service marred not only the Commission's experiences with the President's Office but all of its experiences with the public service, as is detailed further below. It must be underscored, however, that then President Danny Faure, who had assented to the TRNUC Act, had taken steps to redress some of the wrongs of the past prior to the establishment of the Commission. This included the symbolic step of abolishing 5 June as a national holiday and issuing an apology to the family of Police Officer Berard Jeannie, who had been unlawfully killed during the implementation of the Coup d'état of 1977.[31] Nonetheless, President Danny Faure's reconciliatory actions were not widely

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[23] First Report, Annex 1, p.10.
[24] First Report, Annex 1, p.11; TRNUC Act, sec. 15(1) ("The Commission shall prepare a budget and submit it to the Minister of Finance for approval").
[25] First Report, Annex 1, p.11.
[26] *Id.*, p.1-2.
[27] *Id.*, p.11.
[28] *Id.*, p.13-15.
[29] *Id.*, p.1, 16.
[30] *Id.*, p.1.
[31] *See* Case Determination No. 122: Roch Jeannie.

appreciated by the party to whom his allegiance remained. In this respect, the Commission appreciates the difficulties that public servants faced with respect to providing the Commission with assistance—and this in a context where loyalty to the party had long been a precursor to benefitting as a citizen of Seychelles.

To give but some very few examples of the conditions under which the Commission sought to be operational, the Commission had been allocated SR 3.5 million from the Consolidated Fund pending its preparation of a budget, but this fact was never communicated to it by the authorities. Rather, it discovered that information for itself sometime after it commenced activities through perusal of debates of the National Assembly. The Commission had assumed and been left to assume that the finances of its operations prior to the preparation of its budget were dependent on the allocation of resources direct from the President's Office. Thus, from the outset, the Commission was made beholden to financial approvals of the President's Office, and as is discussed further below, throughout its mandate was subjected to micro-managing and abuses of authority by the Ministry of Finance, which it deemed to be unlawful as not provided for by the TRNUC Act.

Further, the Commission was told that it would have to identify premises and buy its own furniture and office equipment. It was grateful to receive initial assistance in the identification of temporary premises in the office of the Human Rights Commission. However, the Commission was provided minimal guidance concerning relevant procurement rules. It was denied any dedicated administrative assistance or information with respect to how to process its purchase requests, and calls to a supposed contact point in the President's Office invariably remained unanswered or responses left matters unresolved, placing the Commission in the insidious position of its own efficiencies being severely undermined by the President's Office, upon whose assistance it was wholly dependent.

When the Commission was eventually instructed to submits its pro forma invoices with the identification of goods to be purchased to be finalised by the President's Office, this resulted in the Office of the President procuring computer equipment from a supplier from whom the Commission had not obtained a pro forma invoice, raising concerns within the Commission as to the bona fides of that purchase. That concern with respect to the bona fide of that purchase was magnified by the pirated software the Commission later discovered had been installed on its computers. The use of pirated software from the outset plagued the efficiencies of the Commission, creating numerous technical operational problems and left the Commission vulnerable to unauthorised access to its computer systems. Throughout its mandate, the Commission identified numerous suspicious activities on its systems, including documents prepared by the Commission identified as having been edited by persons not working with the Commission but with other Government entities, Commission access to documents denied on the basis that those documents were currently "locked for review" by persons not working with the Commission, and many other instances of what appeared to be unauthorised access to the Commission's work product, in addition to constant technical problems. Indeed, at times the technical problems were so severe that the Commissioners and staff were unable to work on their computer systems for prolonged periods. The computer technician employed to assist the Commission noted that he had never seen as many computer issues at any organisation as he had seen at the TRNUC. It is also to be noted that the Commission was also alerted to possible surveillance and interference with its activities, including instances of computer hacking and suspected house and telephone bugging.

Unfortunately, consistent requests by the Commission to the Ministry of Finance for authorisation to purchase non-pirated programs for its computer system were systematically denied by the Ministry of Finance. This was despite the fact that the use of pirated software is illegal, and the Commission made that abundantly clear to the Ministry as well as highlighting the consistent hinderances to its work caused by technical computer programming problems. As an independent entity, the Commission found

it unacceptable that it was effectively forced—by the Government, no less—to engage in continued illegal activity through the use of pirated software. Eventually, given the severity of the issues, coupled with the drafting burdens upon the Chairperson, the Chairperson purchased a new computer and non-pirated software at her own expense.

Other obstacles related to the Commission's set-up arose from objections on the part of the Ministry of Finance to process purchase requests of the Commission on the grounds that the Commission had not complied with proper procurement procedures in circumstances where that proof had been furnished to the Office of the President, but the Office of the President failed to pass that proof onto the Ministry of Finance. This in circumstances where the Office of the President was well aware that authorisation of payment depended upon the furnishment of that proof, which established full abidance by the procurement rules. Fortunately for the Commission, it was able to establish its full compliance directly to the Ministry of Finance.[32] Nonetheless, the failure of the Office of the President to provide that information itself to the Ministry of Finance exacerbated inefficiencies in the set-up of the Commission and reiterated to the Commission a potential lack of bona fides in the assistance being provided by the Office of the President. In this regard, the combination of consistent failures on the part of the President Office to comply with known procedures to the detriment of the Commission, led to the strong sense that there was the veneer of cooperation on the part of the Executive only, which went beyond chronic incompetence.

Another example is when the Commission identified a location for permanent premises. Conscious of following the correct procedures, the Commission cleared the location in question and the contract to lease the building with the Office of the President. The Commission was, however, never informed by the Office of the President that it was required to obtain approval of the Rent Board in entering into an agreement to rent the premises. This was in circumstances where the President's Office official who attended at the premises and gave approval to the Commission was a member of that Rent Board and knew the procedure by which the Commission had to comply but failed to disclose that knowledge to the Commission. As a result, the Commission fell afoul of applicable procedures in the leasing of its premises at Perseverance to which it moved into on 30 September 2019.[33]

In the preparation of its budget, and the recruitment of staff, the Commission was provided little, to no assistance, despite repeated pleas for dedicated administrative help. The President's Office did assist the Commission in the identification of budget lines, but the bulk of the task remained with the Commission and specifically the Vice-Chairperson, Michael Green. From the outset of its budget negotiations, the Ministry of Finance demonstrated an unwillingness to provide the Commission with even the most basic resources required, as detailed further below.[34] Indeed, throughout the

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[32] At the temporary premises that had been identified by the President's Office, the Commission was required to establish cabling for telephone services and internet connections. Again, it was required to obtain three quotes. When the Commission could not identify a third provider, it submitted the quotes obtained and identified its preferred supplier. As it had not secured three quotes, the President's Office identified a third supplier to quote for cabling at the Commission. Notably, this individual originally quoted just under the quotes of the other two suppliers; however, they had failed to include the correct number of contact points that had been requested by the Commission. When this was pointed out to the supplier, they maintained their original quote, which the Commission found suspicious. The Chairperson and Vice-Chairperson objected to the President's Office to the use of this supplier, and suggestions by the Chairperson that this supplier was not legitimate were ultimately sufficient for the President's Office to permit the Commission to use its preferred supplier.

[33] First Report, Annex 1, p. 5.

[34] The budget presented by the Commission for the 2019 period reflected the bare minimum required and was way less than the Commission originally requested. However, from its first meeting it was told to go back and

Commission's operations, the Ministry of Finance demonstrated disdain for the Commission and consistently took actions to undermine its operations and, in the Commission's eyes, hinder its potential of success.[35]

The Chairperson drafted staff contracts and job descriptions, and as the Commission had no telephone number or office equipment or administrative assistance, she advertised her own telephone number to interested applicants. The Chairperson received over 150 calls during the recruitment process, and job descriptions and other relevant information were sent from her personal email account to all interested persons. The President's Office did allow non-electronic applications to be received at its Office, to which the Commission was grateful. It was following this labour-intensive process that the Chairperson informed the President's Office that she would have to go to the media and expose the lack of assistance being provided to the Commission to become operational, as a means of managing expectations. Shortly thereafter, the Commission was provided with a dedicated, experienced administrative assistance, just a few weeks prior to the Commission's commencement of mandate.

On the close of the job application process, the National Commissioners took the lead on the interview and selection of Commission staff. Unfortunately, none of the applicants for positions at the Commission held the necessary basic skills sought by the Commission in its job descriptions. As was to be anticipated, there was a dearth of persons skilled in investigations and human rights, the latter subject being significantly under-developed in the culture of Seychelles. All the staff eventually recruited by the Commission were without any previous relevant experience, and most had very limited work experience as they were mostly in their mid-20s. The inexperience of staff, coupled with their small number, was to place significant burdens upon the Commissioners, and in particular the Chairperson as the only member of the Commission with relevant previous experience in transitional justice processes and the only person with legal training.

The first four members of the Commission's staff commenced work with the Commission on 1 August 2019, and remaining staff commenced during the proceeding months with the Commission's permitted staffing complement full as of March 2020.[36] Notably, it took some seven months for the Commission's authorised minimal staffing complement to be complete. Partly, this was due to early resignations of recruited staff members during the probation period following dissatisfaction with the high standards of productivity and professionalism required from all staff working at the Commission as well as the requirement that all staff multi-task in their day-to-day work. Notably, the Code of Conduct stipulation that prohibited the engagement of staff in political activities would also underpin the Commission's loss of staff further into its mandate.[37]

1.3 Training of Staff

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bring a greatly reduced budget for authorization because what it anticipated to be its needs was unacceptable to the Ministry.

[35] On 19 June 2019, Commissioner Green submitted a reduced budget submission for 2019 budget of SR 10,119,794.39 for the period of August 2019 until December 2020, to the Ministry of Finance. On 23 September 2019, the requested budget of the Commission for the end of 2019 was confirmed at only SR 8.5 million.

[36] Two staff members resigned and had to be replaced.

[37] During its mandate the Commission terminated a number of staff members for deliberate breaches of the code of conduct and insubordination. Notably, those terminations resulted in efforts to politicise the motivations of the Commission in the termination of those staff members and to turn what was a simple matter of professionalism into a public scandal. While those efforts were short-lived, they were none the less reflection of very regular attempts to unfairly politicise the work of the Commission.

As soon as the Commission's first staff were hired, the Commission Chairperson drafted extensive standard operating procedures to guide staff members in the processing of complaints filed consistent with international standards. The Commission also arranged training sessions for its staff and the Commissioners with the Ombudsman, who lectured the Commission on the importance of procedures; the Human Rights Commissioner, who explained the human rights framework; and Appeals Judge Fernando, who lectured on principles of due process. In addition, the Commission and its staff met with civil society leader, Mr. Barry Laine, to ascertain his concerns, from the standpoint of civil society, with respect to the mandate of the Commission and its envisaged operations.

As the investigators formed the engine of the Commission, particular efforts were made to develop the skills of these staff to conduct investigations in full compliance with applicable human rights standards. Role plays and other practical exercises were used to expedite the building of capacity given the short timeframe, of just a few days, that staff had to be trained prior to the commencement of mandate.

1.4 Constitutional Challenge to the Appointment of Foreign Chairperson

During the period that it was seeking to perform all tasks necessary to become operational, the Commission was served with a summons from the Constitutional Court concerning an injunction sought by renowned Seychellois human rights lawyer, and 2015 Presidential candidate,[38] Alexia Amesbury[39]. Ms. Amesbury had filed a petition objecting to the legality of the Constitutional Appointments Authority recommendation and the President's subsequent appointment of a foreigner as Chairperson of the TRNUC. The Commission was served with a summons to respond to a petition for an injunction to prohibit the Commission from taking any decisions prior to the resolution of the petition filed.

Prior to the hearing on the injunction, the petition against the appointment of the Chairperson was suddenly withdrawn by the petitioner, rendering moot any Constitutional Court ruling on the merits of the action.

1.5 Outreach and Cooperative Relationships

While the Commission was engaged in the technical aspects of its set-up, throughout the three-month period it also sought to raise public awareness about its mandate and the objectives of the Commission. The Chairperson prepared a series of articles on different aspects of its mandate that the Commission circulated to all media outlets in Seychelles and eventually posted on its website. These op-eds by the Commission were published widely in Seychelles.

The Commission also sought to develop cooperative relationships with broader elements of the Seychellois community and to meet with a cross-section of stakeholders. Given the limited availability of some of the National Commissioners, coupled with the intermittent availability of the other foreign Commissioner, Pierre Rosario Domingue, not all meetings could be held with all Commissioners present. Notably, the late swearing in of two of the Commissioners, coupled with the non-resident status of the other foreign Commissioner, meant that the Commission did not hold its first meeting with all Commissioners present until 8 July 2019.[40]

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[38] Ms. Amesbury founded the Seychelles Party for Social Justice and Democracy and was the first female candidate to stand for the Presidency.
[39] Ms. Amesbury was elected as a Commissioner to the African Commission on Human and Peoples Rights in February 2020.
[40] First Report, Annex 1, p.16.

Commission representatives visited the archives at the Ministry of Youth, Sports, and Culture, and requested a catalogue of documents from the Deputy Archivist, which was never received despite attempted follow-up.[41] Representatives of the Commission met with the Chief Justice of the Supreme Court and discussed possible support by the Court of the work of the Commission[42] pursuant to Section 8(2)(e) of the TRNUC Act. Commission representatives also met with the Chairperson of the Inter-faith Seychelles Community,[43] and members of the National Assembly.[44] The Commission met with Citizen Engagement Platform Seychelles (CEPS) representatives of civil society, representatives of all political parties (via the Electoral Commission), and the Seychelles Broadcasting Corporation. [45] The Commission also met with various groups and individuals from the diplomatic community, including the Chargé d'Affaires of the UK High Commission and the Second Secretary of the Indian High Commission, to explain the Commission's mandate and potential support for its operations.[46] The Commission also met with the Russian Ambassador to Seychelles and raised the issue of potential access to relevant historical materials held by the Russian authorities.

The Commission scheduled meetings with other commissions and institutions to discuss overlapping mandates and issues of cooperation. The Commission held meetings to this effect with the Ombudsman, the Information Commissioner, the Chairperson of the Public Services Appeals Board, the Anti-Corruption Commission, the Human Rights Commission, and the Lands Tribunal. Following these meetings, the Chairperson drafted Memoranda of Understanding with the aim of formalising cooperation between institutions, especially where there were overlaps in mandate.[47] All of these institutions expressed in principle agreement with the Memoranda proposed by the Commission, but none of the institutions actually entered into formal agreements with the Commission. Nonetheless, they did provide cooperation and support to the Commission throughout its mandate, and the Commission is grateful for that support. The Commission did enter into a formal memorandum of understanding with the Seychelles Inter-faith Organisation (SIFO), who gave their support to the Commission's reconciliation efforts.[48]

The Commission also met with the Commissioner of Police and his staff to discuss the cooperation of the police with the Commission pursuant to Section 8(2)(e) of the TRNUC Act, which provides that the Commission may "seek assistance from relevant authorities, including the Police [...] to achieve its objectives, including the provision of security to any witness". The Commission sought to formalise the cooperation of the police via a memorandum of understanding, but that was refused by the Police. The Commission was extremely disappointed with the attitude of the police to the Commission and the lack of cooperation demonstrated by the police throughout most of the Commission's mandate, which is detailed further below. However, the Commission was grateful to receive the cooperation of the Police with respect to the security of its premises and staff during hearings and at the public meetings scheduled by the Commission as detailed further in Volume V – Reparations.

The Commission also met with the army leadership, namely Chief of Staff, Colonel Roseline, and his staff, to secure the cooperation of the army with the work of the Commission, and in particular access

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[41] *Id.*, p.11.
[42] *Id.*, p.11-12.
[43] *Id.*, p.12.
[44] *Id.*, p.12.
[45] *Id.*, p.12, 13.
[46] *Id.*, p.16-17.
[47] With the exception of the Information Commission.
[48] Memorandum of Understanding, 23 July 2020.

to army archives which the Commission considered may be relevant to its work. While during that meeting, the army purported to support the Commission's objectives, the Commission was not satisfied that that support was genuine. For example, very early in its mandate, the Commission learnt that soldiers and ex-soldiers were positively cautioned against assisting the Commission and reliance was made on oaths of secrecy that had been taken.[49] As a result, numerous soldiers and ex-soldiers who appeared before the Commission, or were interviewed by its investigators, informed the Commission that they could not divulge any information about what happened in the army because they had taken the oath. While the Commission sought the assistance of the Chief of the Defence Forces to reassure soldiers and ex-soldiers that an oath under the State Secrecy Act did not prevent them from giving evidence before the Commission, that assistance was not readily forthcoming. In that sense, while the Chief of the Defence Forces was willing to clear individual soldiers "from the obligation under the act as by law established"[50]—an action that was not requested by the Commission and unnecessary in the Commission's view as the laws were not incompatible—a more blanket authorisation or reassurance that soldiers could provide evidence was refused.[51] By this means, the SPDF sought to control what evidence would be revealed before the Commission by ex-soldiers and current soldiers. This is despite the fact that a representative of the Attorney-General's Office had previously appeared before the Commission and publicly represented that an oath under the State Secrets Act did not prevent a person from giving evidence before the Commission, although it was proposed that the Commission should seek to ascertain such evidence "responsibly".[52] The Commission's further difficulties with the cooperation of the army are further detailed below.

The Commission also sought to develop a cooperative relationship with the Attorney-General and shared with the Attorney-General for comment its draft regulatory instruments. However, as further detailed below, the Commission's relationship with the Attorney-General unfortunately became fractured, as the Attorney-General ultimately sought to undermine the work of the Commission, call into question its competence, and unlawfully interfered with its proceedings, while also taking legal positions in contrast to the clear provisions of the TRNUC Act.

Despite these numerous challenges and obstacles in rendering the Commission operational, the Commission succeeded and was ready on 9 August 2019 for the commencement of its formal mandate in accordance with Article 14(1) of the Act.[53] After an official handing over ceremony at the National Assembly of the complaints that had been filed before the National Assembly's Committee on Truth and Reconciliation ("National Assembly Committee"), the Commission received over 300 complaints from the National Assembly Committee.[54] Numerous applicants who had filed before the National

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[49] See SPDF Correspondence from C. Roseline, Chief of the Defence Forces, HH/9513/CORR, Re: SPDF SUSPECTS AND WITNESSES BEFORE THE COMMISSION, 28 October 2019.

[50] See SPDF Correspondence from C. Roseline, Chief of the Defence Forces HH/9513/CORR, Re: AUTHORISATION FOR LIEUTENANT COLONEL (RETIRED) JOEL RAGAIN TO DISCUSS SEYCHELLES PEOPLE'S DEFENCE FORCES UNDER THE OFFICIAL STATE SECURITY ACT 1978, 29 July 2020.

[51] *Ibid.*

[52] Hearing No. 31 of Monday, 6 January 2020.

[53] TRNUC Act, sec. 14(1) ("The mandate of the Commission shall commence three months after the first Commissioners take the oath in accordance with Section 4(5) and shall end upon the delivery to the President of its final report").

[54] Notably, the Commission had made clear that the TRNUC Act made no legal provision for the Commission to accept complaints directly from the National Assembly Committee, and all complainants that had filed before that

Assembly Committee informed the Commission that they wished it to take up their complaint, and pursuant to the Rules of Procedure and Evidence, the Commissioners worked to determine the admissibility of the complaints that had been filed before it.[55] On 9 September 2019, the Commission started hearing complaints at the National House Hall.[56]

Prior to the commencement of its first hearings, the Commission was advised through the President's Office of the resignation of Commissioner Domingue.[57] Sadly, Commissioner Domingue passed away in Mauritius on 11 December 2020. Subsequently, in September 2021, Marie-May Leon and Eline Moses, the Commissioner who replaced Commissioner Domingue in April 2020, both resigned from the Commission through letters of resignation to the President. Following their resignations, the National Assembly amended the TRNUC Act, reducing the number of Commissioners to five.

In total, the Commission received 504 complaints from individual petitioners prior to the expiration of the time for the filing of a complaint of 9 February 2020 pursuant to Section 3(4) of the TRNUC Act. It rendered written decisions determining 373 of those complaints admissible for hearing before it. 43 complaints were deemed inadmissible, 50 complaints withdrawn and 38 complaints rendered dormant due to failures on the part of complainants to provide essential information for the purposes of determining admissibility. All complainants who had admissible claims were given the opportunity to be heard before the Commission. In total, the Commission heard over 1,100 complainants, witnesses, and suspects in 280 days of hearings.

2. Ministry of Finance

From the outset of the Commission's operations, the Seychelles Ministry of Finance showed a lack of appreciation for the needs of the Commission, a disregard for the legal framework underpinning the Commission, and hostility towards the objectives of the Commission. Throughout its mandate, the Commission was systematically refused the allocation of necessary resources, and the Ministry of Finance ("Ministry") consistently acted beyond the scope of its role by making unilateral decisions to alter the Commission's annual budget without any consultation with the Commission. The Commission reiterated on numerous occasions to the Ministry that pursuant to Section 3(2) of the TRNUC Act, it was a body corporate, and that the Ministry was ill-equipped to ascertain the Commission's funding needs. These protests were to no avail.

On the whole, it is the Commission's view that the conduct of the Ministry of Finance contravened Section 15(1) of the TRUNC Act, which stipulates that the Ministry must review and approve the proposed budget - not unilaterally determine it.[58] In that regard, throughout the mandate of the Commission, the Ministry consistently overstepped its authority by selectively dismissing specific proposals of the Commission and arbitrarily terminating staff positions. Given the politicisation of the public service as indicated above, and set out more comprehensively later in this report, the hostility of the Ministry of Finance was perhaps to be anticipated. Indeed, by wielding purported financial

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body were informed in writing, and through various media statements, that if they wished the TRNUC to take up their complaint they were required to reiterate their complaint before the TRNUC.

[55] First Report, Annex 1, p.4.

[56] *Id.*, p.5.

[57] In December 2019, the National Assembly determined to amend the Act to remove the requirement that there be two foreign Commissioners and to replace Commissioner Domingue with another national Commissioner. That replacement was made in April 2020.

[58] First Report, Annex 1.

authority, the Ministry of Finance demonstrated that it was well-placed to hinder the work of the Commission and that it would do so regardless of the conformity of any particular action with the applicable legal framework of the TRNUC, of the Ministry of Finance, or of the Constitution of the Republic of Seychelles.

Notably, from Commission representatives' first meetings with officials of the Ministry of Finance, those officials made clear to the Commission that they considered that the Commission would be unable to comply with its three-year mandate. Initial pleas by the Chairperson with the Minister of Finance to be accorded the basic resources necessary resulted in the advice to the Chairperson that she should "take another swim". Thereafter, the Commission encountered continuous financial difficulties, predominantly in the form of unilateral budget cuts and funding delays.[59]

From the outset of operations, as a body corporate, the Commission requested the operation of its own bank account.[60] This request was summarily denied without reason.[61] The Commission's attempt to appeal this decision was ignored.[62] Effectively, the Commission's lack of authority over its own resources left it vulnerable to the vagaries of the Minister of Finance as detailed further below.

2.1 Staffing – as controlled by the Ministry of Finance

At its height of operations, the Commission was supported by just 16 staff members comprising of five investigators, four stenographers, one witness support officer/receptionist/witness protection officer, one dispatch driver, one driver/perpetrator support officer/witness protection officer, one security guard, one secretary, one administrative assistant and one translator/interpreter. As a result, throughout, the Commission operated with a grossly insufficient number of staff members despite being seized of over 500 individual complaints, all of which required processing to determine admissibility, and for those accepted, intensive investigation thereafter.[63] The lack of adequate staffing placed an indisputably heavy burden on the Commissioners, who were responsible for handling the majority of the work, which is an atypical practice not commonly necessitated by other truth commissions.[64] In a stark comparison, the staff table of the Mauritius Truth and Justice Commission, which was mandated to explore the impact of slavery and indentured servitude in Mauritius, was supported by 69 qualified staff members and 25 paid consultants. The Mauritian Truth and Justice Commission was not required, as this Commission was, to undergo the labour-intensive processes of investigating and determining individual allegations or conducting amnesty proceedings. The South African Truth and Reconciliation Commission, often touted as the model for the TRNUC, was supported by no less than 540 qualified national staff, 21 foreign investigators, 36 researchers, and 33 foreign interns, while the Sierra Leone Truth and Reconciliation Commission was supported by 19 international experts, 116 national staff, three paid consultants, and 188 field staff. The Gambian Truth Commission was supported by 120 staff members, comprising qualified researchers, investigators, interpreters, and transcribers. Notably, the TRNUC could identify no other truth commission that had been forced to labour under the extreme resource and capacity constraints as the Seychelles Commission, nor that had been seized with the onerous task of assessing the veracity of individual complaints of human rights violations, and the

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[59] *See supra*, Fourth Report, note 54, at paras. 5-6.
[60] *Id.* at 5.
[61] *Id.*
[62] *Id.*
[63] *See supra*, First Report, note 1, at 2; *See* Fourth Report, note 54, at 3.
[64] *Id.* at 4.

appropriate individual reparations award, as well as individual petitions for amnesty, as opposed to establishing systematic patterns of human rights abuses more broadly.[65]

In September 2019, the Commission attempted to recruit an additional four staffers; however, this request was denied by the Ministry of Finance. In 2020, the Ministry further abolished the positions of Executive Secretary, Translator, and Outreach and Communications Officer without prior notice.[66] This was despite the Commission making clear that all these positions were vital to its institutional operations. Notably, this action on the part of the Ministry of Finance again ran afoul of Section 9(1) of the TRNUC Act, which provides that "The Commission may appoint such national or international staff or experts it deems necessary to assist it in the discharge of its functions". Requests by the Commission to be accorded legal staff and international experts to assist it in meeting its objectives were systematically denied by the Ministry of Finance. The arbitrary budgetary restrictions imposed by the Ministry, coupled with the subsequent and sustained elimination of vital staff positions, had significant consequences for the work of the Commission and its ability to communicate effectively about its work.

The abolition of the post of Executive Secretary in particular denied the Commission administrative leadership throughout most its mandate, while the refusal to fund the appointment of outreach and communications staff meant that the Commission was unable to engage more broadly with the general public. This prevented the website from being maintained at all throughout its operations.[67] This fact severely impacted the ability of the Commission to connect with the Seychellois people, and the world at large, through an informative website.[68] Repeated requests by the Commission to reinstitute positions for purposes of public outreach and trust-building with the broader community were systematically denied.

The lack of translators, archivists, and legal experts significantly hindered the Commission's ability to produce substantive work.[69] The Commission was permitted to employ only one interpreter, who was expected to provide interpretation services all day.[70] The Commission notes that the interpreter was often expected to be able to interpret accurately for eight hours a day, with very minimal breaks (often just 5-10 minutes after two hours of interpretation). Due to the highly complex and tiring intricacies of interpretation, this far exceeds best practices—which provide that any interpretation services above a half day generally require at least two interpreters, and when the subject matter is technical, as was regularly the case in the TRNUC context, best practices would employ two interpreters that alternate every 30-60 minutes. The situation of having only one interpreter was thus unacceptable as a matter of working conditions and put the integrity of the record into question.

In addition, regarding the translation of the written record, the failure to accord the Commission proper translation resources also significantly hindered the ability of the Commission to prepare and access its written record.[71] The Commission had up to four stenographers transcribing the record from Creole into English. As the record was considerable, there was consistently a huge backlog in the transcription of

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[65] *Id.* at 5.
[66] On 18 August 2019, the Commission submitted its budget for 2020 requesting the allocation of SCR 19 million. On 25 November 2019 the Commission was advised that the Ministry of Finance had reduced its budget to just over SR 12 million, the Ministry unilaterally determining for itself what staff posts and budget lines would be financed. See First Report, at 3.
[67] *Id.* at 13.
[68] *See supra,* Fourth Report, note 54, at 9.
[69] *Id.* at 4 -5.
[70] *Id.* at 7.
[71] *Id.* at 12.

the record, but an even greater backlog in the translation of the record. Like the Courts of Seychelles, the working language of the Commission is English, and the Chairperson can only work in English. Despite this, most testimony was of course given in the community's native Creole. To try and accommodate this resource failing, the Commissioners resorted to attempting to take verbatim notes during the hearing records so as to have access to some evidentiary basis for the preparation of determinations. Additionally, the denial of archival staff despite the statutory requirement that the Commission "shall keep and maintain a complete written and audio-visual record" [72] further underscored the Ministry of Finance's disregard for the statutory obligations of the Commission.

In addition, the Commission was consistently denied adequate transport facilities to support investigations or to dispatch witness notifications to witnesses and suspects, of which well over 6,000 letters were dispatched and only towards the end of its mandate was it permitted to procure adequate printing and photocopying facilities. [73] Moreover, of fundamental concern to the Commission throughout its mandate was consistent denial by the Ministry of any funds whatsoever to provide psychological support services for victims, particularly those who were and continue to be deeply traumatised by the events they suffered. The disregard shown by the Ministry, and broader Government, for the well-being of the Seychellois appearing before the Commission was nothing short of unconscionable.

The Ministry's refusal to abide by the Commission's budgetary requests, which were notably low for the operations in question, over the years resulted in significant setbacks. For much of 2019, the Commission was forced to work with a limited number of technological resources, operating with only four desktop computers and two laptops, which were shared amongst the entire staff.[74] Requests for additional computers were repeatedly denied. Thus, the Commission was unable to purchase basic office equipment including desks, chairs, printer ink, and digital recording devices, making it incredibly difficult to conduct witness interviews and complete basic tasks in a timely manner.[75] Staff members were without desks and without any means of recording interviews with complainants, witnesses, and suspects. Indeed, for periods of time the Commission was unable to print correspondence, the Ministry refusing to release any funds to pay for printer toner. Moreover, with any request made, the Commission was required by the Ministry to identify which specific staff member was to be allocated the resource in question and justify that the staff member's task required that allocation—a level of micro-managing that the Commission saw as unreasonable.

In October 2019, the Commission was finally provided with additional funds to purchase necessary equipment. However, in November 2019, the Ministry of Finance imposed an embargo on all further expenditures until the year's end, rendering it impossible for the Commission to utilise the newly acquired funds, which the Ministry simply returned to its own coffers. Nonetheless, the Commission had purchased desks, chairs, and other desperately required office equipment in December 2019, believing that it had the funds to do so. As a result of the actions of the Ministry, namely the re-allocation of those funds to itself in November 2019, coupled with the assertion by the Ministry that the Commission's 2020 budget had insufficient funds to pay the invoices for those purchases, they remained unpaid for over six months. This placed undue pressure on the business that had supplied the Commission, who, after continuous follow-up with the Commission seeking payment, staged a sit-in in

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[72] TRNUC Act, sec. 6(7).
[73] The Commission dispatched for hand delivery over 6,000 letters during the operation of its mandate.
[74] *See supra* First Report, note 1, at 2. And in many instances staff had to use their personal phones for recordings.
[75] *Id.*

the Office of the Chairperson and Vice-Chairperson in protest at the continued non-payment of invoices. The business owner also commenced legal action against the Commission, which was eventually not pursued when payment was finally made. The actions of the Ministry in this instance seriously impugned the integrity of the Commission as an institution and caused the Commissioners significant embarrassment.

2.2 Budget Control

In 2020, the Ministry cut the Commission's proposed budget by nearly half, in part due to complications posed by the COVID-19 pandemic.[76] This significant reduction in financial resources forced the Commission to limit its intended objectives for the year in order to conform to the allotted budget. Again, the Commission was being systematically denied the basic resources required for its operations in terms of equipment, transport, and staffing. In February 2021, the Ministry temporarily froze the Commission's minor capital expenditure for failure to complete its assets register. As the Chairperson's computer ceased to function in April 2021, purchase of a new computer became an urgent necessity. As the minor capital expenditure had been frozen, the Chairperson was required to provide written justification to support the purchase of a new computer, and upon the provision of that justification was further required to answer, to the satisfaction of the Ministry, several additional questions justifying that purchase prior to the Ministry authorising it. As the Chairperson had not previously been informed of the freezing of the minor capital expenditure by the one administrative assistant, the Commission thereafter challenged the legal authority of the Ministry to do so and specifically requested that it identify the legal provision that authorised it to take that action. In response, the Ministry provided its entire regulatory framework to the Commission. When the Chairperson's perusal of all of that legislation failed to identify any authorising provision, she requested the Ministry to do so. That request was ignored by the Ministry, but the freeze was thereafter lifted.

Notably, the Commission's failure to complete its asset registrar was a direct consequence of unilateral Ministry decisions concerning its staffing structure. The Commission has been supported throughout its operations with just one administrative assistant, who had to bear the responsibility of adherence to the Ministry's time-consuming and antiquated process for the processing of expenditures of the Commission, amongst other matters. The Commission had informed the Ministry of Finance on countless occasions of its dire need for additional administrative assistance in its staffing complement. While that need was highly visible to the Ministry of Finance, the Commission's requests were consistently denied.

The Ministry additionally deferred required payments to the Commission's legal representatives for well over six months without explanation, and neglected to pay outstanding debts to various service providers.[77] These delays resulted in a near-suspension of the Commission's email service, and the total loss of the Commission's printer maintenance service provider.[78] Most notably, the Ministry refused to disburse the rental fees for the Commission's office space, leaving the Commission in breach of its contractual obligation to the landlord of the premises.[79] The sudden refusal to finance the Commission's rental fees was purportedly predicated on a new directive issued by the President, who called for a 25%

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[76] *Id.* at 11. The Commission's proposed budget of SR 19 million rupees was reduced to SR 11,319,000.00.
[77] *Id.* at 7.
[78] *Id.*
[79] *Id.* at 6.

reduction in government rental expenditures.[80] The Commission had conveyed to the Ministry that it had been unable to negotiate a rent reduction and that it was contractually obliged to pay the rent agreed. Thereafter, the Ministry determined that the Commission should move its operations to a cheaper space, paying no regard to the fact that the Commission's premises had been specifically modified to accommodate a hearing room and that its mandate was temporally limited. Accordingly, the Commission refused to be forced to move to an alternative space and objected to the actions of the Ministry, which were in further hindrance of the efficient completion of its mandate. The Commission also objected in the strongest possible terms to the general lawlessness of the Ministry's actions in disregarding the Commission's contracted legal obligations to the building owner. The Commission received no adequate response.

Despite the fact that Ministry delays in the payment of Commission invoices seriously jeopardised the Commission's progress, the Ministry consistently dismissed such concerns.[81] In response to the Commission's plea for timely payments, the Ministry requested that the Commission refrain from issuing any ultimatums. This was despite the fact that the Ministry's consistent and significant delays in the processing of the Commission's financial accounts prevented the Commission from fully utilising all allotted funds by the end of the budgetary cycle.

The Ministry of Finance also took the unilateral decision to breach the contractual obligations owed to Commission staff through the denial of a one-year contract increase of salary of 5% and denial of the end of one year contract gratuity payment of 5%. Given the three-year mandate of the Commission, these provisions were a necessary incentive to hire staff on a contract that did not offer long-term career prospects. When the Chairperson objected to the legality of the decision of the Ministry and advised that staff would take legal action, she was informed that the decision had been taken and was applicable to all public servants. Notably, Commission staff are not public servants as confirmed by the Public Services Appeals Board,[82] although the Ministry of Finance had consistently treated the Commission as just another Government department.

Following extensive and lengthy Commission protests, the Commission was informed that the 5% salary increase, but not the gratuity payment, would be accorded to its staff. The Chairperson again informed the Ministry of Finance that the Commission staff had indicated that they would take legal action, which would be for the Ministry to defend as the Commission considered the Ministry's decision patently unlawful. Not only was it in breach of the contractual obligations that the Commission owed to its staff, but it also contravened Section 9(2) of the TRNUC Act, providing that "The appointment, function, duties, conditions of service of the staff or experts shall be established by the Commission".[83] Consistent with past practice, Commission objections were simply ignored and requests for explanations unanswered.

With the change of Executive Government in October 2020, the Commission hoped to improve its relationship with the Ministry of Finance and to secure adequate support for the last part of its mandate. Shortly after the October 2020 elections, the Commission met with the new President and Vice-President to set out its financial and administrative challenges and previous difficulties with the cooperation of Government entities. While the Commission received a sympathetic ear, it was not

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[80] *Id.*
[81] *Id.* at 7.
[82] Naomie Derjacques and The Truth, Reconciliation and National Unity Commission, Complaint No. 2196, 29 September 2021.
[83] *See* Fourth Report, note 54, at 6.

accorded the additional funding it desperately sought. Notably thereafter, as the Chairperson as spokesperson for the Commission continued to alert the general public to the resource deficiencies as background to the Commission's call for volunteer assistance, the President thereafter publicly criticised the Chairperson for raising financial constraints in the public domain, questioned her professionalism in doing so, and suggested there were problems with the Commission's administration given the turnover of staff and problems with the Commission's interpretation of its mandate.[84] These comments on the part of the President further underscored to the Commission its precarious political position, which proved to be ongoing and little-changed with the new administration.

Invariably, in seeking to secure the basic resources necessary to complete its mandate with the new Executive, the legacy of the Commission's past grossly inadequate resourcing haunted any consideration of its future needs, as did the impact of the COVID-19 pandemic and the corresponding economic situation of the country. While the Commission provided a compelling narrative for additional funding during the mid-term review, it was unsuccessful in securing any additional budgetary support other than the approval of payment of one pro bono international legal consultant based outside of Seychelles, who had been working for the Commission for free for well over 12 months.[85] The Commission's well justified immediate recruitment of eight such international legal consultants to continue until the end of mandate was rejected. A counterproposal was made that the Commission secure the services of eight local lawyers with remuneration of SR 5,000 a month (USD 388.54)—less than a tenth of the monthly remuneration requested. The Commission rejected this counter-proposal as completely unfeasible and unrealistic.[86] Any Seychellois lawyers with expertise in international human rights laws, if indeed available and willing to work with the Commission, would not accept remuneration less than that paid to an office cleaner. An offer of Government assistance to identify those proposed lawyers was also rejected by the Commission as potentially impugning its impartiality as an independent institution.

All other proposals made by the Commission in the mid-term review and 2022 budget submission were rejected outright or subject to a counterproposal. The Commission's request for resources to accommodate its heavy printing obligations were met with the proposal that the Commission send its requests to the Office of the President. Not only did this proposal pose logistical challenges given the staffing level of the Commission, and the lack of transport resources, it also impugned the Code of Conduct's confidentiality provisions—not to mention the inherent principles of independence and impartiality—under which the Commission operated. With respect to the Commission's need for adequate transport facilities, the Commission was told it would be provided a car by State House, but that car never materialised. With respect to the Commission's desperate need for stenographers and translators, the Commission was instructed to continue to seek additional volunteers and some proposed

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[84] Patrick Joubert, "Truth, Reconciliation and National Unity Commission (TRNUC) chairperson Gabrielle Louise McIntyre 'Resources remain an issue', says chairperson", Seychelles Nation (10 August 2021) <https://nation.sc/articles/10074/truth-reconciliation-and-national-unity-commission-trnuc-chairperson-gabrielle-louise-mcintyre--resources-remain-an-issue-says-chairperson>.

[85] Justin Loveland had commenced work with the Commission as a pro bono legal consultant in August 2020. From the commencement of engagement, he provided much needed research support to the Commission, particularly in dealing with controversial issues in conformity with international standards, such as the amnesty power.

[86] The Commission was able to remunerate the services of pro bono foreign legal consultants Justin Loveland and Nicholas Vialle. Mr. Vialle and Mr. Loveland coordinated their efforts and produced research into the legality of offences and regime in Seychelles from 1976-1993 and assisted in the determination of cases in full conformity with the applicable legal frameworks.

contacts were provided. None of these contacts materialised. The Commission's request for a short-funded international expert to assist in the finalisation of its reparations policy was rejected. Its repeated claim for resources to conduct outreach and community liaison were yet again rejected. As noted earlier, its repeated requests for funds to provide psychological support for its deeply traumatised victims were also rejected. It became increasingly clear to the Commission that the change in Executive Government amounted to little change for the Commission: the political shift certainly did not mean that it would be ensured the basic assistance required to meet its objectives in a professional manner. As such, the Commission continued its resolve to do the best it could with the limited resources allocated to it, with the awareness that that best may not be good enough to meet the expectations of the Seychellois people.

While the new Secretary of State of Finance appeared to accept that the contractual obligations made by the Commission to its staff had to be respected, the Commission was nonetheless required to consistently badger the Ministry of Finance to secure the payment of those obligations, to the detriment of the morale of its hard-working staff, and to the efficiencies of the Commission's operations.

Moreover, in November 2021, when the Commission sought to maximise its expenditure of its resources prior to the closure of the financial year, the Ministry of Finance again refused to authorise the Commission's purchase of desperately needed laptop computers, external drives, office equipment, and office supplies. Again, without reference to any legal authority to do so, the Commission was informed that it would not be permitted to purchase any new equipment as it was alleged that the Commission had never adhered to the need to update the fixed asset Registrar. The Commission was also informed that it would not be permitted to purchase consumables for more than a three-month period.

The Commission accepts that its assets Register may not have been up to the standard required, but it also must reiterate that it consistently made clear to the Ministry of Finance that the allocation of one administrative staff member to assist the Commission was grossly inadequate, particularly given the antiquated procedures and micro-managing approach of the Ministry of Finance. As the Commission was never provided with the legal basis for this action on behalf of the Ministry of Finance, it continued to protest the actions as unlawful. Yet, once again, much needed funds were returned to the Ministry of Finance coffers and the Commission commenced its new budget cycle without the basic equipment or materials required to discharge its mandate, having to find those funds within its 2022 budget allocation.

As the Commission's deadline for completion loomed, obstacles on the part of the Ministry of Finance continued to hinder its efforts to operate efficiently. For example, in early February 2022, the Vice-Chairperson, who is charged with maintaining the data base of Commission hearings, encountered difficulties with the USB ports on his laptop, which ceased functioning. The laptop was examined by the Commission IT consultant, and the Commission advised that it could not be repaired and that a new laptop should be purchased with certain specifications. The procurement procedures were followed, and the pro forma invoices submitted to the Ministry of Finance for preparation of a local purchase order in early March 2022. The Commission was then advised by the Ministry of Finance that it had to provide reasons for its requested purchase of the laptop; it was required to procure and submit a statement from its IT Consultant with respect to the condition of the laptop and why it needed to be replaced; the Commission was then required to provide the specifications of the defective laptop; it was required to resubmit its report on the laptop defects on the grounds that it was not detailed enough; it was told it was required to produce the laptop for inspection by the Ministry of Finance; it was then informed that a temporary second hand laptop could be borrowed from the Ministry of Finance for use by the Vice-Chairperson, which upon inspection by the Commission IT Consultant was rejected as not being viable; then on 25 March 2022, over three weeks since the Commission had made its purchase order request, four officials from the Ministry of Finance arrived at the premises of the Commission demanding to

inspect the defective laptop of the Vice-Chairperson. Thereafter, while on the Commission premises, the Ministry of Finance officials took it upon themselves to inspect the stationary stock of the Commission and made a unilateral determination that the Commission had enough stationary stock, that the Commission should reduce the amount of stationary stock requested in its pro forma invoice submitted on 16 March 2022, and informed that its current invoice would not be approved. Throughout their visit, Ministry of Finance officials were rude and aggressive to Commission staff. Requests for the legal basis for the latest actions on the part of the Ministry failed to result in the identification of any legal basis. Indeed, the Commission was provided with a copy of a "circular" as justification. Thereafter, the Commission was instructed to resubmit its proforma invoice request for stationary and reduce to less than half of its projected requirements. This process caused a delay of approximately six weeks in the Ministry of Finance processing of the Commission pro-forma request and in early May 2022 the Commission ran out of stationary stock and in particular A4 paper, which impacted upon its efficiencies in the dispatch of perpetrator notifications and the printing of its materials for the case files.

While the Commission time and time again voiced its objections to Ministry of Finance interference, that interference did not abate and it even appeared to intensify, calling into question the motivation for Ministry actions. Notably, on 6 May 2022, just a few months short of mandate, the Commission received a directive from the Ministry of Finance to encourage the Commission's staff to take their leave. While the Commission reaffirms the rights of workers under the laws of Seychelles and supports the individual's choice to take leave for the betterment of the worker and the Commission, it saw this directive by the Ministry as yet another attempt to undermine its independence by micromanaging its staff, which was particularly undesirable at a time when the Commission was working to complete investigations in 373 cases, draft determinations in all, hold amnesty proceedings, and complete its Final Report. The Commission again rebuffed the right of the Ministry of Finance to interfere with its operations and made it pointedly clear that at a time when the Commission was seeking to complete investigations, draft determinations, hold amnesty proceedings and draft its Final Report, staff would be encouraged to take their leave after 9 August 2022 and again reiterated that the Ministry was without legal authority to manage the operations of the Commission.

Shortly thereafter, the Commission encountered additional obstacles from the Ministry of Finance, resulting from the Ministry's continued failures throughout the Commission's mandate to ever accord the Commission the minimum transportation requirements to effectively dispatch its over 6,000 letters during the mandate and to facilitate its investigations, which regularly required investigator visits to Government entities and private homes. Due to Ministry refusals, the Commission driver/perpetrator support office/witness support officer was required to use his personal vehicle to service the needs of the Commission, and as the need for those services continued to increase, the Commission sought monthly remuneration for the fuel costs and wear and tear on the personal vehicle of that staff member. At the outset, the requested remuneration, which the Commission was forced to negotiate over some weeks, was reduced through taxation by close to one quarter of what the driver was owed. The Commission's requests for the sum agreed to be allocated inclusive of tax by payment of a higher sum was refuted until the Chairperson intervened and demanded that the Commission's already agreed allocation be paid in full. Thereafter, when special security circumstances required an intensive use of the perpetrator support officer's personal vehicle, over a period of three days of amnesty hearings, an additional insignificant amount of remuneration was sought to be paid for that period. That request resulted in telephone calls from the Ministry of Finance seeking details of the route of travel that had been taken by the perpetrator support officer in collecting the amnesty petitioners. A series of subsequent emails was received from the Ministry of Finance concerning the necessity of adopting the most economical transport route, and in response, the Vice-Chairperson protested the micro-managing of the Commission, which was met with a response from the Principal Secretary of Finance in support

of Ministry of Finance micro-managing. The entire experience resulted in much wasted time of the Commissioners and the understaffed administration in seeking to have those payments made through constant telephone calls and emails with the Ministry, which continued for weeks thereafter.

Regardless of the objections of the Commission, the Ministry of Finance's pedantic unlawful micromanaging continued unabated placing undue and completely unnecessary burdens on the Commission's operations and its limited resources. As yet another example, on 23 June 2022 the Commission submitted its three pro forma invoices for the purchase of consumables, namely kitchen towels and bins liners at a cost of around SCR 1,600 (USD 122.00). Delays on the part of the Ministry of Finance in processing the request resulted in those items running out. Then, on 4 July 2022, the Commission's administrative officer received a call from the Ministry of Finance to question the Commission's requested purchase order and sought specific details about the number of kitchen towels used per day by the Commission and emphasized that the Commission should refrain from ordering in bulk. The Ministry of Finance Officer also enquired about the security of the Commission's consumables and was informed that the landlord had taken measures to ensure the security of the stock. The Commission's administrative officer was then informed that the Ministry of Finance would conduct a "surprise visit" to analyze the current stock and internal procedures in place, prior to approval of the request to purchase kitchen towels and bin liners and asserted that as the Commission was budget dependent this would be a recurrent practice carried out by the Ministry.

Subsequently, on 5 July 2022, three officers from the Ministry of Finance made their "surprise visit" to the Commission and determined that the inventory forms were not being properly used by the Commission. Notably, on a previous visit, the Ministry had rejected the inventory methods of the Commission and demanded the implementation of time consuming and inefficient recording measures that had no impact whatsoever on the accuracy of the stock-taking. Following the 5 July 2022 visit, the Ministry of Finance informed the Commission that it would be permitted to purchase the bin liners requested but of the 36 packets of paper towel requested it would only be permitted to purchase 12. The Ministry of Finance further informed the administrative assistant that a further visit would be conducted by the Ministry of Finance to continue to monitor Commission compliance with Ministry of Finance procedures.

Notably, while the Ministry of Finance was monitoring the Commission's use of paper towels, the Office of the Auditor General Special Audit Report, Financial Assistance for Job Retention (FA4JR) Scheme had been published in June 2022, which concerned a Government scheme to assist businesses and non-governmental organisation to pay their employees' salaries and wages in order to prevent any redundancies in light of the economic meltdown brought about by the Covid 19 pandemic spreading across the world. The implementation of the scheme was governed by a committee, chaired by the Ministry of Finance, and the report of the Auditor General identified an overpayment of SRC 16.8 million (USD 1,178,268.) in the application of that scheme, which strongly suggested that the Ministry of Finance had more important issues that required its attention than the paper towel usage of the Commission.

On 18 July 2022, the Chairperson wrote to the Minister of Finance and informed the Minister that absent identification of the specific legal basis for the Ministry of Finance's interference in the operations of the Commission, entrance to the Commission by Ministry of Finance officials would be denied forthwith. At the time of the submission of this report, the Commission had received no response from the Ministry of Finance to that communication.

Notably, should the Commission have been accorded any funds whatsoever for legal action, funds which had persistently been denied by the Ministry of Finance, it would have seriously considered the

institution of judicial review proceedings against the Ministry of Finance itself. However, this denial of funds coupled with the simple fact that the Commission's capacity was so constrained meant that the Ministry of Finance was able to continue with its unlawful conduct unchecked, which was reminiscent to the Commission of the bygone one-party era.

Ultimately, the recurrent lack of resources, the budgetary constraints, and the micro-managing of the financial expenditures of the Commission, including unilateral determinations of the Commission's needs—coupled with the at-whim payment of Commission expenditures by the Ministry of Finance—made it incredibly difficult for the Commission to carry out the provisions of its mandate within the required three-year period.[87] The obstacles, hurdles, and obstructionist attitude of the Ministry of Finance have been a serious hindrance to the Commission in the discharge of its mandate. In light of the seriously detrimental impact of the arbitrary interference and abuses of authority demonstrated by the Ministry of Finance throughout the Commission's operations, the Commission has identified a number of recommendations in relation to the Ministry of Finance and urges their full implementation.[88]

3. International Assistance and Volunteers

In light of the budgetary constraints placed on the Commission from the outset, throughout its mandate the Commission attempted to obtain additional resources and technical support from international sources.

Prior to the start of mandate, when the Commission realised it would be denied by the Ministry of Finance the basic staffing resources required, it requested through the Ministry of Foreign Affairs assistance in investigations and record-keeping from the Commonwealth and provided a project proposal to the Ministry of Foreign Affairs to present to the Commonwealth in July 2019. No support was forthcoming.

The Commission also sought assistance through foreign embassies on the ground in Seychelles in the provisions of technical support and funding, including those of the United States, United Kingdom, France, Japan, and India. No support was forthcoming.

The Commission sent requests seeking technical and financial support to various national governments, including the Netherlands, Norway, and Sweden. Further requests were sent to many organs of the United Nations, including the United Nations Development Programme, UN Office on Drugs and Crime, the Office of the High Commission for Human Rights, and the World Bank. No support was forthcoming.

The Commission engaged the services of pro bono legal consultants to assist it in identifying international technical and financial support and advocate on its behalf for additional resources. Despite strenuous efforts, the Commission was unsuccessful in securing any support from States or international organisations of States in the discharge of its mandate.[89]

The Commission believes that the lack of international support for its mandate rested upon two obstacles.

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[87] *Supra,* Fourth Report, note 54, at 3.
[88] See Recommendations
[89] See Justin Loveland, *Amnesty and Accountability in Seychelles*, JUST SECURITY (Oct. 22, 2021).

The first is the unfortunate reality of the strict application of the doctrine of non-interference. In that regard, the Commission was mandated to investigate allegations of human rights violations made against the Government that took power with the Coup d'état of 1977 and that continued, in different variations—SPUP, SPPF, US—to hold executive power at the time of the Commission's commencement of mandate and up until October 2020. In that respect, foreign support for the work of the Commission was a politically sensitive matter, particularly given the actual lack of support being shown for the work of the Commission by its own country. While one might think that with the change of government in October 2020—the first time the opposition party ever took the presidency in fair and free elections—circumstances would change, it proved to be an equally politically sensitive matter to show support for the work of the Commission following the change of Executive Government, a fact which was made clear by the hesitancy and then lack of responsiveness on the part of the British High Commission and United States Embassy. This was so particularly in circumstances where the TRNUC was being identified as the catalyst for that regime change. Beyond the specific political situation of the country, internationally, it was the Commission's experience that States did not want to be seen to be "meddling" in the internal truth and reconciliation process of another State. While the subject of transitional justice was perhaps rightly seen to be a domestic matter, it was curious and fundamentally disappointing to the Commission that this was the excuse proffered, as of course both intergovernmental organisations and national governments themselves regularly finance and support various transitional justice endeavours around the globe—and here was a case of a desperate truth commission, established by the Government of Seychelles, reaching out to express a need for funding, *i.e.*, asking for beneficial "interference", and being ignored.

The second obstacle was the authority granted to the Commission in the TRNUC Act to grant amnesty for the violations of human rights listed in the Act. Among these violations are unlawful killing, torture, enforced disappearance, and rape—all widely recognised as gross violations of human rights. Notably, while the legal status of amnesty under international law is debated,[90] the policy of the United Nations and many countries that may have been in a position to assist the Commission with technical or financial support is that amnesty should not be granted for such human rights violations. Even though certain procedural protections were embedded into the Commission's ability to grant amnesty,[91] this subject-matter concern prevented certain States from providing any form of public or private assistance to the Commission. For instance, pursuant to the TRNUC Act, a petitioner for amnesty who provides a full and frank disclosure of their culpable acts "in relation to any violation and has offered sincere apologies to the victim or victims shall be granted an amnesty in relation to the acts or omissions that was part of the disclosure and apology".[92] While modelled after South Africa's truth-for-amnesty provisions, which themselves were widely contentious, governments like that of the United States took issue with the wording of this provision, arguing that the "shall be granted" phrasing removed discretion from the Commission and problematically mandated that perpetrators automatically be granted amnesty—in contravention of the principle that each case of amnesty should be individually assessed and decided, instead approaching the idea of "blanket amnesties". The United States suggested that the Commission pursue an amendment to the Act removing that wording (and substituting the more discretionary "may be granted" in its place), at which point it would consider green-lighting its support of the TRNUC process. However, as this discussion happened more than halfway into the Commission's mandate, the Commission determined it too politically contentious a process, and one that may not have yielded meaningful results in time, to seek such an amendment.

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[90] *See infra* Volume IV, setting out the basis of the Commission's amnesty power.

[91] *See* TRNUC Guidelines and Procedures on Amnesty, *available at* https://trnuc.sc/downloads/AMNESTY%20GUIDELINES%20TRNUC.pdf.

[92] TRNUC Act, sec. 12(4).

Further, coupled with the controversial provision of Section 12(4) is Section 12(6), which provides that a perpetrator who has been granted amnesty in respect of a violation shall not be liable criminally or civilly. This purported denial to victims of a civil right against a perpetrator, such as to recover damages in a later court proceeding, was seen by both the U.S. Department of State and independent experts to be broadly inconsistent with basic human rights norms, further removing the prospect of international support for the Commission. The Commission was even unsuccessful in seeking support specifically designed to support the victims, rather than the perpetrators, who had come before it bravely to put forth their complaints against powerful government actors.

While the Commission appreciates and understands that political obstacles and concerns about the consistency of its mandate with established international norms may have made international support difficult, the absence of international support by national governments and regional and international organisations of States for the work of the Commission remained deeply disappointing and effectively imperilled the success of the mandate. In that regard, the Commission was left to navigate difficult political terrain without any significant backing.

In this climate and well prior to the change of Executive Government in the Seychelles, the Commission had sought to alleviate some of its resource and capacity constraints through the recruitment of volunteer staff at no financial costs whatsoever to the Commission. To this effect, the Commission identified three young international experts willing to come to the seat of the Commission at their own expense to assist the Commission with investigations and legal drafting for periods of six months to a year or more. The Commission made application for GOPs for these persons, as it was informed it was required to do. At their own expense, each of the three persons undertook the medical examinations required and couriered the results to the Commission. Thereafter, the Commission was informed that entry into Seychelles would be refused for these people. The Commission was instructed by the Ministry of Employment to find Seychellois volunteers.

The Commission subsequently appealed the matter with Government authorities informing of the specific skills the identified individuals would bring to the Commission, skills not available amongst the Seychellois population as evidenced by the fact that none of the Commission's staff had the minimum qualifications or previous experience requested by the Commission in its first job advertisements, and no Seychellois lawyers had come forward to help. The Minister of Employment subsequently agreed to the entry of one of the volunteers with the condition that the Commission find a Seychellois understudy to work with the volunteer. The Commission protested the imposition of a mentoring obligation on a volunteer whose purpose was to assist the Commission, who was desperate for skilled assistance. The Commission advised that it did not have the capacity to take on additional unskilled staff and ultimately did not abide by this directive on the basis that it would further impede the efficiencies of Commission operations.

Due to the actions of Government authorities, it took six months before the Commission could secure the services of the one international volunteer accepted by the Government. The second volunteer the Commission sought to recruit was subsequently refused entry by the Ministry of Employment on the grounds that the Commission had already been permitted to bring one foreigner to Seychelles and it would not be permitted to bring another. Efforts to overturn this decision were to no avail, and eventually those remaining persons who had been willing to assist the Commission on a volunteer basis took up other positions due to the significant delay and ultimately the Commission's inability to have the matter resolved in its favour.

Given the objection of the Ministry of Employment to allow free foreign experts at the seat of the Commission in Seychelles, the Chairperson has worked with external international experts and interns who have provided valuable assistance to the work of the Commission, particularly in relation to

amnesty procedures which required extensive research. Throughout the discharge of its mandate, the Commission has worked with 30 international volunteers, all of whom warrant specific mention and are listed in Annex 4 to this Volume. The work of some of these volunteers has been facilitated by their universities, and various professors are also listed in Annex 4. The Commission has also received assistance from a number of international non-governmental organisations (NGOs), particularly in the development of its reparations policy, which is further detailed in Volume V.

In addition, the Commission received voluntary assistance from a number of Seychellois, who have assisted the Commission remotely in translation of its Creole record into English. These people also warrant specific mention and are listed in Annex 4 to this Volume, as are the two Seychellois students who interned with the Commission for a number of months along with the staffing table of the Commission at the time of the submission of this report.

4. Mental Health Support to Complainants, Witnesses, and Suspects

From the outset of its operations, the Commission sought budgetary funding to be able to provide mental health support to complainants, witnesses, and suspects. As detailed above, every request made to the Ministry of Finance was systematically rejected as an unnecessary expenditure. This unilateral decision of the Ministry of Finance to deny basic support being provided to individuals vulnerable by their engagement with the Commission placed the Commission in a precarious position with respect to its obligations to ensure that no harm came to a person through engagement with it. In that regard, many of the complainants before the Commission were highly traumatised individuals who were being asked to re-live before the Commission in detail their experiences. For many witnesses, the scheduling of their appearance before the Commission caused them high anxiety; many broke down in tears before the Commission, and while many expressed their relief and catharsis at finally being able to talk about what happened to them and lifting a weight off their shoulders, others were deeply disturbed by the process of re-living their experiences. The Commission noted throughout this that as was perhaps inevitable, the TRNUC process did contribute on some level to ongoing societal divisions. However, it was not just the complainants who were suffering. The handful of perpetrators who eventually disclosed to the Commission their involvement in human rights abuses also demonstrated signs of desperately needed mental health support.

The only on-site support the Commission had for those engaging with its processes was one Victim Support Officer who doubled as the Commission's receptionist and Witness Protection Officer and first point of contact at the Commission, as well as the Perpetrator Support Officer who also doubled as a driver and Witness Protection Officer. Neither of these individuals held the requisite qualifications to provide psycho-social support. Nonetheless, both Officers continuously monitored those appearing before the Commission and were quick to identify those that required follow-up support, which they themselves provided to the best of their ability.

In particularly serious cases, the Commission was able to secure voluntary psychological support, for which it is extremely grateful. In addition, with the assistance of volunteer support, the Commission held a number of group meetings for victims with a mental health expert. Unfortunately, one member of the victim support group, Franky Simeon, committed suicide in February 2022.

In addition to these activities, the Witness Support Officer, the Perpetrator Support Officer, and Commissioners Archbishop Wong and Koui Gbilimou held a number of informal meetings with complainants in the small number of cases where the perpetrators petitioned for amnesty. The purpose of those meetings was to prepare those complainants for that eventual process.

5. Social Media and Witness Harassment

Pursuant to Section 6(4) of the TRNUC Act, the meetings of the Commission "shall" be open to the public and the Commission "may" hold non-public meetings, if following consultation with the parties concerned the Commission is of the opinion that -

a) it is in the interests of justice;
b) there is a likelihood that harm may ensure to any person; or
c) reconciliation between the parties may not be achieved by the proceedings being conducted in public.[93]

Unfortunately, despite the primacy placed on meetings of the Commission being open to the public, within a short period from which the Commission commenced its public hearings, the harmful consequences of the Commission doing so started to become evident. Very early on in its proceedings, and in response to a second witness notification request to a public servant, the Commission's attention was drawn to the ridicule and abuse that had been directed at that person following their first witness appearance before the Commission. Following this alert, the Commission made an appeal to the general public of Seychelles to be respectful about persons engaging with the processes of the Commission, in which it underscored that abusing the witnesses that came before it was not conducive to the work of the Commission or its goal towards reconciliation. Despite these pleas, there was no perceptible change in the use of social media by Seychellois to ridicule, criticise, accuse, and abuse those that appeared before the Commission, whether in the capacity of complainant, witness, or suspect. The Commission was aware that in some cases, social media had a significant impact on the mental health of complainants, witnesses, and suspects.

As it became clear to the Commission that its requests for respectful commentary upon its work were being disregarded, the Commission regularly permitted those persons appearing before it who genuinely feared social media retaliation, to give their evidence in closed session before the Commission. This decision by the Commission was not well received by the general population, but the Commission maintained its position that as long as people maintained their disrespectful behaviour on social media, the Commission was essentially obligated to grant closed sessions hearings because 1) it reasonably anticipated that harm would accrue to person from a public appearance and 2) such would run contrary to its core mandates to "help bridge divisions caused by any violations", "provide closure for the victims and perpetrators of the violations", and "unite the people of Seychelles around a common agenda that will help them move forward in confidence and with a sense of common purpose, and ensure that such violations do not recur".[94]

In addition to social media abuse, there were also instances of harassment by members of the Seychellois community, of persons identified as suspects before the Commission who loitered outside suspects' homes, called out abuse or threats, and undertook other acts that were perceived by the suspect to be threatening. Given the limited support provided to the Commission by the police authorities as detailed below, it fell to the Commission itself to take action to deal with these instances of harassment, which generally involved the Commission Witness Protection Officers attending the home of the suspect, ascertaining details of the harassment, and carrying out a risk assessment and providing security advice. In addition, as in most cases the person accused of the harassment was identifiable to the person being harassed, the Commission's Perpetrator Support Officer would meet with that person and ensure that they ceased the threatening behaviour. In all instances, the Commission's staff were able to conclude the matter successfully.

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[93] TRNUC Act, sec. 6(4).
[94] *Id.*, sec. 3(7).

However, it was not just the Commission's complainants and witnesses that were subject to social media harassment. The Commissioners themselves were often subject to attacks aimed at impugning the integrity of the Commission as an institution and that of the individual Commissioners. In addition, early on during the Commission's proceedings, the Commissioners were warned by numerous members of the public that their lives were in danger and that a serving member of the SPDF, who continued to be armed, had made threats to harm the Commissioners. Concerned, the Commission responded by alerting the President to the threats that had purportedly been made and was responded by the Chief of Staff of the army, Colonel Roseline, who advised that all members of the SPDF were required to abide by the rule of law. No further action was taken by any Government authorities until the Chairperson drew public attention to the threats that had been made during a speech before SIFCO, which addressed some of the challenges being faced by the Commission and remarked that the threats had not been taken seriously by the police or other authorities in Seychelles and that she hoped that this signified that the threats were not serious. Notably, due to media attention on the issue, the police thereafter sprang into action and visited the premises of the Commission the following day and subsequently visited the homes of the Commissioners to carry out risk assessments. The Chairperson was also offered police protection, which she refused on the grounds that she would not continue the pattern of living in fear that had characterised the lives of so many in Seychelles. Notably, the actions of the police were short-lived. None of the Commissioners ever received any information on the conclusions of the risk assessments that had been made. Thereafter, during some of the Commission hearings any veiled threat made would be strongly rebuffed by the Chairperson and supported by the National Commissioners. In that regard, the Commissioners refused to be intimidated and in so doing sought to lead the broader community of Seychelles towards a feeling of confidence that their own personal safety was assured.

In addition, following the Commission's public and transparent amnesty proceedings[95], the Commission and individual Commissioners were subjected to abuse on social media for the conduct of those proceedings and, in particular, for the Commission's focus on reconciliation and forgiveness—central tenets of its mandate—which did not seem to be understood or appreciated by the broader community. This the Commission saw as a direct result of the Ministry of Finance's unreasonable decision not to accord the Commission with any resources whatsoever throughout its mandate for outreach and communication activities, by which it would have sought to educate the populace on amnesty generally and on the parallel use of its amnesty power to assist its mandate in achieving reconciliation and making reparations recommendations. The Commission also took the public's response to be reflective of a failure on the part of national authority figures to lead the national reconciliation process more generally. Such outreach and communications were a necessity that had been underscored by the Commission from the commencement of its mandate, at which time the point was made that the Commission itself would not bring reconciliation to Seychelles, but it would seek to lay a foundation for reconciliation and national unity, and that the achievement of these goals depended on the national political, civil, and religious leaders of Seychelles leading that process. Of particular note to the Commission were the statements made by the leadership of the United Seychelles Party during their 35th Annual Congress, which fell just days after the Commission's amnesty hearings in early June 2022. Not only was there no mention at that Congress of the necessity of a reconciliation process in Seychelles, but there was positive reinforcement of militant division on political grounds and adoration

[95] The Commission notes that the first of its amnesty hearings was held in closed session at the request of the victims, Case 16 Brian Victor, Case 56 Elizabeth Family and Case 108 Myrna Issacks but that the general public were informed of the scheduling of those proceedings and the identity of the amnesty petitioners. The Commission also held its final amnesty hearing in closed session following the public backlash against those perpetrators who had appeared in public session as detailed in Volume IV.

expressed for Albert René, despite all the public evidence of human rights violations committed during his and his party's rule. In the words of the President of the United Seychelles Party, Dr. Herminie:

> Our founding father, France Albert René, told us that the journey of SPPF, Lepep, and US are the one and the same journey to a better Seychelles. All those who want to change direction, all those who want to change that direction, will end up in a ditch, under a bridge.

While the Commission reaffirms the fundamental right of each person to freedom of expression, the Commission denounces such commentary as regressive and potentially inciteful of violence. The Commission considers that the technique of the US party to fear-monger and further the divisions in Seychelles to be little changed from the time of the one-party State, which it views as fundamentally disappointing evidence that reconciliation and national unity may yet be no more than a distant hope for the country.

6. COVID-19 and Health Issues

Throughout much of its mandate, the Commission was also impacted by the COVID-19 pandemic, and on more than one occasion had to suspend its hearing schedule due to COVID-19 infections at the Commission or to meet with the restrictions imposed by the Ministry of Health. As a result, the Commission did not complete its hearings by the end of 2021 as it had intended, and it had to sit for extended sessions towards the end of 2021. It ended hearing sessions in the first part of 2022 but held a number of ad hoc sessions thereafter, with the last being held on 13 July 2022. However, overall, COVID-19 did not unduly impact the underlying work of the Commission due to the volume of work that needed to be undertaken outside the hearing room, including the backlog of cases and evidence that had been accruing due to the lack of resources as detailed above. In that respect, time not spent in hearings was time spent on investigations, drafting case determinations, developing amnesty procedures, and working on the draft reparations policy, as well as drafting the Final Report.

Nonetheless the impact of Covid 19 was felt in the absence of Commissioners and staff for periods of time as a result of either contracting Covid or having to isolate as a result of being a close contact to a person that had contracted Covid. However, these issues were not as impactable as other health issues suffered by Commissioners and staff throughout the period of operations.

In that respect, the demands of the working environment took a toll on the health condition of the Commission's staff and absences of staff were extremely frequent and increased as the Commission moved towards the end of its mandate. This circumstances, of persistent staff absences due to illness, caused to further increase the pressure on the Commissioners.

7. Assessing Complaints and Case Determinations

The Commission established Rules of Procedure and Evidence to govern the receiving and processing of complaints filed before it.[96] For each complaint made an admissibility determination would be made to ensure that the complaint fell within the mandate of the Commission. The test for admissibility was low, with the complaints that were manifestly outside the mandate of the Commission being rendered inadmissible. Complainants whose complaints were found inadmissible were granted the opportunity to appeal that finding. Notably, a finding of admissibility was a 'prima facie finding' only, and a complaint rendered prima facie admissible may be rendered inadmissible following hearing and investigation or found not to be established on the evidence. Once the investigation was completed in

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[96] TRNUC Act, Rules of Procedure and Evidence (2019), Rules 24-26.

any particular case, the Chairperson assisted by two international lawyers prepared the draft determination for consideration by the other Commissioners based on all the evidence heard. In addition, in 2022, as the mandate loomed, a template was prepared to enable national investigators to provide assistance in the draft of the factual backgrounds in some cases. Unfortunately, due to the lack of resources for transcription and translation of the Commission's record, those determinations were more often than not prepared by reference to the Chairperson's hand-written notes of the hearing record. The draft determination would be circulated and then debated by the National Commissioners and all efforts made to achieve consensus.

Following agreement on the draft determination, perpetrator notifications would be dispatched to any person identified as bearing perpetrator status in the draft determination granting that person, or where deceased, their family members, the opportunity to respond to that perpetrator notification and to request reconsideration of the finding made. The procedure to apply for amnesty would also be provided in the perpetrator notification. In mid-July 2022, with the end of mandate looming, perpetrators were notified that the time for the petitions of amnesty had closed.[97]

Notably, while a few notifications were met with acceptance and requests for further information regarding the amnesty procedure, the large majority of perpetrator notifications elicited either no response or criticism of the finding, most often than not, based on claims of incompetence on the part of the Commissioners. Indeed, some responses to perpetrator notifications invariably accused the Commission of bias and even bullying of witnesses and suspects before it when the evidence produced by the witness before the Commission did not confirm the pre-existing and biased narrative of the Commission as to the events in questions. Further, Commission findings were rejected on grounds of the poor quality of the information heard before the Commission, which was purportedly nothing more than - third and fourth hand - hearsay, coupled with the fact that the events often occurred long ago and therefore any memory of Commission witnesses was unreliable. The Commission respected all responses made and the opinions expressed therein but was nonetheless confident that the determinations it made were firmly based on a reasoned consideration of the evidence adduced, which was rarely just purportedly unreliable witness testimony[98]

Nonetheless, the Commission must underscore the potential impact on the accuracy of case determinations, which have been drafted primarily from the Chairperson's handwritten notes of translations provided during hearings. As already indicated, the burdens placed on one interpreter allocated to the Commission for the most part of its mandate to provided interpretation for over five hours or more a day, often with minimal breaks, would have impacted negatively on the accuracy of the translation given. As a result, additional burdens were placed upon the national Commissioners in reviewing the drafts presented by the Chairperson to try to ensure their factual accuracy by reference to their own handwritten notes or creole transcripts; due to the limited resources accorded to translation of the record, they often had to work to verify the facts not by reference to transcripts but by reference to the audio hearing of the record, which served to extend the time spent on a given case. Further, efficient access to the audio hearing for that purpose was often complicated by the fact that no archival staff had been appointed to the Commission. Not only was the process of verification already inherently laborious, due to the large amount of evidence often provided in a case, but it was further hindered by logistical and ongoing resource challenges.

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[97] The Commission notes in that regard, in the large majority of cases, suspect notifications had been served on these people at least one year prior to the notification of perpetrator status and that very few had come forward in response to the suspect notification to take responsibility for their actions.
[98] See Volume lll.

As will be evident from Volume III of this report, the Commission has taken two approaches to the determination of its cases. Approximately one-third of its case determinations contain the record of evidence received within the determination and set out in precise details the reasoning of the Commission, the applicable law, including elements of the various violations alleged, and a detailed consideration of the merits of the complaint brought. Each of these determinations required considerable work, particularly in circumstances where transcripts were not available, and aimed to reflect the seriousness of the allegations being made and to demonstrate the care and respect with which the Commission received and considered the evidence of all of its complainants. However, severe resource constraints rendered it impossible for the Commission to give each complaint filed before it this level of attention, which, it notes, that each case deserved. In that respect, for the remaining roughly two-thirds of case determinations,[99] the Commission was forced to take a different approach, one which did not recount the entire record of evidence in the determination in detail, but nonetheless reflected the Commission's careful reflection of that evidentiary record and its findings thereto. Those cases are drafted in a two-part structure where certain preambular clauses are set out before the numbered findings are made. By adopting this approach, the Commission hoped to ensure that each of its 373 active prima facie admissible complaints heard had findings, which are a necessary precursor to the application of the Commission's policy on reparations.[100] Unfortunately, at the time of the filing of this report, not all determinations have been finalised and the remaining determinations will form Part 2 of Volume III, which should be completed no later than October 2022.

8. Non-Cooperation of Government Authorities

While all Government agencies with which the Commission interacted prior to its commencement of mandate ostensibly committed to cooperate with the Commission, as already indicated above, the politicisation of the public service following the Coup d'état of 1977, which was maintained throughout that Government's continued hold on power and beyond, severely impacted the cooperation actually given to the Commission. In that regard, there was primarily the veneer of cooperation only, and this stance seriously impeded the efficiencies of the Commission and substantially undermined its ability to meet its objectives.

Pursuant to Section 13(d) of the TRNUC Act, it is an offence for a person to refuse to produce any document when required to do so by the Commission. Under Section 8(2) of the TRNUC Act, the Commission may "(a) visit any establishment or place, enter on land or premises to gather information, or inspect property; (b) have access to public or private archives regardless of restrictions contained in the laws of Seychelles and may copies of any documents found therein". The Commission was also vested with "all the powers and rights of the Supreme Court", "for the purposes of effectively exercising its functions and powers [...]".[101]

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[99] The Commission notes that due to the file numbering scheme, which is based on the order the complaints were originally received by the Commission and does not necessarily correspond to the order in which the cases were determined, the case determinations in Volume III may appear as randomly alternating between these two formats.
[100] As at the date of the filing of the report 126 case determinations had been completed as set out in Volume III, Part I; 100 cases are pending before the National Commissioners for agreement, 63 are in the draft stage and 84 remain to be commenced. Following her departure on 30 August 2022, the Chairperson will finalise drafts pending before the National Commissioners on a voluntary basis. However, the remaining cases will be for the National Commissioners to complete. In that respect, while the Chairperson had offered to continue to assist externally based on a Service Agreement no such agreement was forthcoming.
[101] TRNUC Act, Section 8(3).

While the Commission was granted the legal authority to assert rights of access to documentary materials and powers to enforce, in practical terms, it was denied the capacity and the resources to do so. Grossly under-staffed and grossly under-resourced, the Commission lacked any and all capacity to take enforcement action against reluctant information providers. In that regard, the Commission simply could not afford in financial or temporal terms to be caught up in litigation over access issues and was concerned that it would have had a difficult time proving an assertion of deliberate withholding of materials in any event, even in the many instances where requests for documents took months, years, or simply went unanswered. Accordingly, the Commission took all measures possible to try to build trust and develop cooperative relationships with information providers consistent with its reconciliatory mandate.

As the Commission strived throughout to cultivate the trust of both main political parties in Seychelles, the lack of cooperation of Government authorities aligned with the party that had taken power with the Coup d'état of 1977 was quickly evidenced by regular failures to respond to requests for information. Examples of such failures are detailed in determinations of complaints set out in Volume III of this report. Coupled with those failures to respond, there were consistent failures to provide information requested on the grounds that the information could not be located or had been destroyed by fungus, mould, or flood. This was the stock standard response to Commission requests for police files and medical records. On other occasions, the Commission received only parts of the information requested, and files provided often failed to contain any materials relevant to the period the Commission was concerned with and had specified in its request. This was particularly the case in relation to army files. In that respect, the Commission believes it was reasonable to suspect that information being partially provided may have been deliberately doctored.

The non-cooperation of Government information providers with the Commission was intensified by the adversarial approach taken to the Commission by the Attorney-General and the advice given by the Attorney-General to information providers that they were not obligated to cooperate with the Commission. The rationale of the Attorney-General's approach is further detailed below. It is to be noted, as evidenced further in this report, that the Attorney-General's Office itself typically ignored Commission requests for the provision of information, which was further reflective of the dismissive and disrespectful stance adopted by the Attorney-General's Office to the work of the Commission.

As the Commission's end of mandate loomed closer repeated calls by the Commission for efficient cooperation on the part of Government information providers proved to be of limited affect and Commission investigators were forced to waste their extremely limited time in constant follow up with Government information providers. This was despite purported Ministerial commitments to providing efficient assistance to the Commission. This circumstance caused extreme frustration and stress for Commission investigators and the Chairperson charged with the preparation of case determinations. The consistent failures on the part of Government information providers to act diligently in the provision of information requested significantly impacted the efficiency of the Commission's processes and needlessly wasted the limited and precious resources of the Commission.

8.1 Establishing the Truth

A core and important objective of the Commission is "to ascertain the truth with respect to complaints of alleged violations".[102] Notably, by understanding what happened, a state can thereafter identify, prioritise, and undertake the reforms necessary to ensure that such violations do not recur. This is also closely intertwined with the right of victims to know the truth, a right recognised on the international level at least since the 1980s. This right embodies knowing what happened to a victim, the identities of those who participated in the events, the specific circumstances of the event(s), and the motivating factors for the commission of the violation.[103] In addition, the International Centre for Transitional Justice (ICTJ) has noted that the right to truth is intertwined with the right to an effective remedy.

Notably, Article 24 of the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law specifically states:

> [...] victims and their representatives should be entitled to seek and obtain information on the causes leading to their victimization and on the causes and conditions pertaining to the gross violations of international human rights law and serious violations of international humanitarian law and to learn the truth in regard to these violations.[104]

Further, multiple UN treaties and soft-law instruments recognise and seek to ensure the protection of the right to truth. The International Convention for the Protection of all Persons from Enforced Disappearance provides for the right to know the circumstances of the disappearance and the fate of the disappeared person.[105] Protocol I of the Geneva Conventions includes the right for families to know what happened to their relatives in times of armed conflict.[106] The right to truth has also been enshrined in instruments such as the UN Principles to Combat Impunity, UNGA Resolution 60/147; the "Study on the Right to the Truth, Report of the Office of the United Nations High Commissioner for Human Rights", UN Doc. E/CN.4/2006/91; and the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation, as noted above.

As a matter of customary international law, there is evidence of substantial State practice and *opinio juris* so as to indicate the existence of a customary norm. For instance, it is notable at the outset that a predominant number of national constitutions protect the 'right to seek information', and various national courts have mentioned the right to truth in their rulings. In particular, Colombia has recognised the right to truth in a 2005 law, explicitly guaranteeing this right in cases of human rights violations and international law crimes.[107] South Africa and the United States of America have passed respective Acts, which serve to enforce the disclosure of a broad range of information, including that regarding human

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[102] TRNUC Act, Section 3(7)(a).
[103] See United Nations Commission on Human Rights, Study on the Right to the Truth, Report of the Office of the United Nations High Commissioner for Human Rights, 8 February 2006.
[104] UN General Assembly, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, 21 March 2006, A/RES/60/147
[105] Seychelles became party to this Convention on 18 January 2017.
[106] *See* Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), art. 32, 8 June 1977, 1125 U.N.T.S. 3; *see also* Dermot Groome, "*The Right to Truth in the Fight against Impunity*" 29 Berkeley J. of In'l L. 176 (2010).
[107] Law No. 975 of 25 July 2005, 'Law on Justice and Peace' (Colombia), Art. 7.

rights violations committed in several countries which has assisted truth commissions in their work.[108] The Argentinian National Chamber for Federal Criminal and Correctional Matters, on different occasions, has indicated the importance the right to truth holds.[109] That country's Supreme Court has also provided a ruling on the right to truth in respect of the need for historical clarification, the need for healing, and as regards preventative measures.[110] The Human Rights Chamber for Bosnia and Herzegovina has ruled that families have the right to know the truth regarding the whereabout and fate of the missing male adults and children in the context of the Srebrenica case.[111]

As concerns *opinio juris*, or the "belief that a practice is rendered obligatory by the existence of a rule of law requiring it", States' participation and voting record before international organs are instructive. Especially noteworthy is UN General Assembly Resolution 68/165, where Member States acted in the General Assembly to respect and ensure the right to truth, and declared the International Day for the Right to the Truth concerning Gross Human Rights Violations and for the Dignity of Victims.[112] Consistent practices of the Human Rights Council and its predecessor, the Commission on Human Rights, have also recognised the right to truth.[113] Poignantly, the Human Rights Council held a discussion panel on the right to truth in 2010, during which multiple representatives of Member States spoke positive words and undertook commitments regarding the right to truth and its basis within international law.[114] In this context, the 2011 appointment of the UN Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of non-Recurrence is also notable.

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[108] United States Freedom of Information Act (FOIA); South Africa's Promotion of Access to Information Act.
[109] *See* Chamber for Federal Criminal and Correctional Matters of Argentina, Decision of 18 May 1995, case of Maria Aguiar Lapao, Rol. 450. *See also* Agreement of 1 September 2003 of the National Chamber for Federal Criminal and Correctional Matters (Camara Nacional en lo Criminal y Correccional Federal), case of Suarez Mason, Rol. 450; case of Escuela Mecanica de la Armada, Rol. 761; case of Maria Elena Amadio, Rol. 07/04-; Judgment of the Oral Tribunal in Criminal Federal Matters No. 3 (Tribunal Oral en lo Criminal Federal), case of Carlos Aleberto Telleid in and others — homicide (Amia Case), Rol. 487-00.
[110] Supreme Court of the Nation (Argentina), Judgment of 14 June 2005, S. 1767. XXXVIII, ''Simon, Julio Hector y otros s privacion ilegitima de la libertad'' case, Rol. No. 17.768.
[111] Decision on Admissibility and Merits of 7 March 2003, ''Srebrenica Cases'', case Nos. CH/01/8365 et al., para. 220 (4); *see also* para. 191.
[112] *See* "Right to the Truth", U.N. Res. A/RES/68/165, 21 January 2014.
[113] *See* Commission resolution 2005/66 and Council resolutions 2/105, 9/11, 12/12 and 21/7.
[114] The representative of Chile stated that the right to truth forms the basis of a fundamental need for protecting human dignity, effective justice and the fight against impunity. Canada reiterated that it has been a great supporter of the right to truth initiatives between the Human Rights Commission and Council since 2005. Belgium stressed that the right to truth is a fundamental element of transitional justice mechanisms that hold great importance within the State. Mexico emphasised that the right to truth is a stand-alone right and loosely related to other substantive rights. Bosnia and Herzegovina stated that it is a firm supporter a co-sponsor of the resolution on the right to truth. The United States stressed that the right to truth in inherently connected to the promotion of democratic ideals, human rights and justice, and that it is linked to Article 19 of the ICCPR. Colombia acknowledged the importance and value of the right to truth for society and victims of human rights violations. France stated that the right to truth is a necessity in combatting impunity. Turkey stated that there is no common definition of the nature and scope of the truth to truth, but that any individual has the inherent right to access information on their loved ones in cases of disappearance. Lastly, Switzerland emphasised that the right to truth holds importance within the States as it finds that it is connected to transitional justice systems, the right to justice, and the right to effective recourse. *See* OHCHR, "Human Rights Council holds panel discussion on right to truth" (9 March 2010), https://www.ohchr.org/en/press-releases/2010/03/human-rights-council-holds-panel-discussion-right-truth.

To be effective, a truth commission should be underpinned by a broad mandate.[115] An important example in that respect is the South African Truth and Reconciliation Commission, which was mandated to investigate and identify systematic violations committed by both the State and opposition groups to ensure a complete picture of the context in which violations occurred.[116]

Similarly, in Seychelles, the Commission has worked tirelessly to investigate key aspects and connections of various interrelated "truths". The Commission has received convincing evidence that the smothering of dissent and impotence of the police to investigate acts of the Government at the time were emblematic of the René administration, and importantly, purposefully designed policies acted to bury key truths away from the broader population.[117] For instance, the pervasive climate of "*ek nou, pa ek nou*" ("with us or not with us"), fostered by various Government actors and emboldened by the creation of the People's Militia; the myriad enforced disappearances that were never acknowledged by the State; the widespread impunity and corruption among all Government agencies, who have even today acted to prevent or obfuscate police and Commission investigations as noted above—have culminated in high levels of fear and suspicion among neighbours, effectively muting political dissent.[118] It is for this reason that the Commission has taken particular care to ascertain with sensitivity not only the specific truths relating to the human rights violations under its mandate, but the broader societal truths underpinning those violations.

In that sense, through its investigations of the complaints brought by victims, the link to the broader context, including economic crimes and societal effects, becomes clear. For example, the violations of forceful eviction, unjustified acquisition or loss of property or business, wrongful denial of the right to employment, wrongful termination of employment, and forced exile will all invariably affect an individual's economic status.[119] Making individual findings on a case-by-case basis therefore allowed the Commission to build its understanding of, and allusion to, a broader context of corruption, political favours, abuse of office, and discrimination which resulted in poverty for some, temporary inability to work pending asylum applications in another country for others, or general loss of assets or change in status for many. It is only in this way, linking specific violations to the underlying context or "truths" of the country, that the Commission can contribute to the lofty goals of "help[ing] bridge divisions", "provid[ing] closure", and, "unit[ing] the people of Seychelles around a common agenda".[120]

Yet, of course this process, too, was not without objection. While the Commission is satisfied that it unearthed broad contextual truths, it must also acknowledge that some of the more specific truths the Commission unearthed through its extensive investigations of individual complaints were often rejected as being an objective truth, especially if what the Commission determined did not accord with an individual's pre-determined idea of what the truth was in relation to that specific event. Time and again, the Commission was met with the claim that what resulted from the Commission's investigations, even when based on first-hand experience or direct from the mouth of the perpetrator, was not the truth. The Commission would then be presented with a different narrative of events, more often than not based on

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[115] Amnesty International, Truth, Justice and Reparation. Establishing an Effective Truth Commission, 11 June 2007, pp.14-15.
[116] Truth and Reconciliation Commission of South Africa Final Report, Volume 1, Chapter 8.
[117] *See* Volume III, *passim*.
[118] *See* Volume II.
[119] *See Id.*
[120] TRNUC Act, sec. 3(7).

no more than what that person had heard from unknown sources or had been told by someone else, without demonstrating that the person from whom they had heard or been told was themselves in a position to provide accurate information. Indeed, the Commission, while confident in the integrity of its investigative efforts, and while empowered to consider even this hearsay evidence, soon came to appreciate that perhaps the truth was not what was being sought, but rather confirmation of that which a person already believed to be the truth. This phenomenon, which seemed extremely widespread and deeply embedded in the culture of Seychelles, was yet another barrier towards the effectiveness of the Commission as a transitional justice mechanism.

Another phenomenon evident to the Commission from some of the complaints made before it was a sense of entitlement. The Commission recalls that the patronage system arising from loyalty to the party that had taken power with the Coup d'état of 1977 had created a culture of favours, and ensuing entitlement, in members of the Seychelles public. In that regard, the Commission was seized of a number of complaints in which the alleged human rights violation concerned a complaint about being subjected to an objectively legitimate and lawful process, to which complainant(s) felt they should not have been subjected given their demonstrated loyalty to the Government that had taken power with the Coup d'état. That is, having seen their peers rewarded with impunity for certain acts through demonstrations of political support, many complainants felt aggrieved that such favour vis-à-vis otherwise lawful government processes was not shown to them. As such, complainants interpreted and felt such instances of being so subjected to normal processes as evidence of victimisation by the party that they had always supported. In other cases, complainants complained about being denied benefits to which they considered themselves entitled but to which there was no legal right. In that respect, the Commission anticipates that some of its complainants will be disappointed with Commission findings in their cases which may, given the mindset, be difficult for them to understand as such findings by the Commission do not confirm that person's truth about their experiences.

9. State Responsibility for Human Rights Violations and the Identification of Individual Perpetrators

From the outset, certain provisions in the TRNUC Act signalled to the Commission that the Government of Seychelles in the design of the TRNUC Act may have hoped to distance the State from responsibility for human rights violations anticipated to be alleged.

For instance, Section 2(8) of the TRNUC Act defined the term "violations" in the context of those acts the Commission was mandated to investigate. This included any "human rights abuse committed during, or in relation to, the Coup d'état of 5 June 1977", listing 13 distinct violations in a criminal offence-style code.[121] According to UN human rights experts,[122] "violations" are understood to be acts committed by State forces or under colour of law for which the State bears responsibility, and "abuses"

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[121] "[…] (a) unlawful killing; (b) unlawful imprisonment or other deprivations of physical liberty; (c) torture; (d) rape; (e) enforced disappearance of persons; (f) kidnapping; (g) forceful eviction from legally owned building or land; (h) unjustified acquisition or loss of property or business; (i) wrongful denial of the right to employment; (j) wrongful termination of employment; (k) forced exile; (l) abuse of office by a Government official, including the executive, judiciary or legislature; or (m) other acts of a similar character causing suffering or injury to body or to mental or physical health". TRNUC Act, sec. 2(8).

[122] Representatives from OHCHR have advised that there is an important distinction between a violation of rights which States owe, and an abuse of those rights by non-State actors.

are understood to be committed by non-State actors and be unattributable to the State. However, the TRNUC Act's conflation of the two understandings[123] either demonstrated a lack of appreciation for that important distinction or reflected a desire to move the Commission's consideration of allegations made away from the responsibility of the State—and thus, members of the Government—towards that of the individual, who may or may not have been a state actor.

In addition, Section 7(b) of the Act directed the Commission to ascertain individual responsibility for human rights violations. Section 2(2) of the TRNUC Act defined a perpetrator as "a person who the Commission has found to have committed any violation and includes a person who gives an order, or materially assisted someone, to commit a violation".[124] There was no specific mandate conferred upon the Commission to determine the responsibility of the State for human rights violations—rather, it was directed to identify individuals responsible for "any violations".

While these provisions suggested a focus on individual responsibility, the Commission acknowledges that fundamentally it is a fact-finding and human rights-oriented body, not a criminal one. Further the Commission is bound under Section 3(9) of the Act to "abide by universally recognised legal principles and human rights norms".[125] In that regard, State responsibility is inherent to the Commission's mandate to assess human rights violations as human rights are rights owed by States to their citizens.

Accordingly, the Commission considered that the omission of an explicit mandate[126] to ascertain State responsibility did not impact its ability to determine that the actions of an individual were attributable to a state institution or organisation where the act committed by the individual was in that individual's capacity as an agent of the institution or organisation in question. Additionally, where the Commission was unable to identify the individual responsible for the commission of the human rights violation, but was nonetheless satisfied that the actions of that unidentified individual were as an agent of that State institution or organisation, it determined that institution or organisation "responsible" for the human rights violation for the purposes of recommendations of reparations for the victim.[127]

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[123] Under the Act, a "'violation' means human rights abuse…", TRNUC Act, sec. 2(8).
[124] *Id.*, sec. 2(2).
[125] *Id.*, sec. 3(9).
[126] *Cf.* Gambia (Truth, Reconciliation and Reparations Commission Act, 2017), sec. 14(1)(c); South Africa (Promotion of National Unity and Reconciliation Act 34 of 1995), chap. 3, sec. 14(a)(iv); Sierra Leone (The Truth and Reconciliation Commission Act 2000), sec. 6(1); South Sudan (Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan 2018), art. 5.2.2.1.
[127] *See generally*, Int'l Law Commission [ILC], *Draft Articles on Responsibility of States for internationally wrongful acts* (2001), *available at* https://legal.un.org/ilc/texts/instruments/english/commentaries/9_6_2001.pdf.

In essence, the Commission considered that responsibility may be attributed[128] to the State of Seychelles for a human rights violation where that violation arises from: (1) "conduct of any State organ";[129] (2) "conduct of a person o[r] group of persons or entities" exercising elements of governmental authority; (3) "conduct of an organ which has been placed at the disposal of a State by another State"; or (4) "conduct of organs acting outside their competence or contrary to instructions". [130] Further, responsibility of the State of Seychelles for a human rights violation may also be attributed from the conduct of a person or entity which is not a State organ but which is empowered by the laws of Seychelles to exercise elements of governmental authority, provided the person or entity is acting in that capacity in the particular instance at hand.[131] Accordingly, the State of Seychelles may bear responsibility for human rights violations attributable to the primary organs of the State as well as bodies that were authorised to exercise governmental authority, such as parastatal elements that exercised or retained certain public, governmental, or regulatory functions.[132]

In addition, the Commission sought to reconcile its broader human rights mandate with the provisions of its Act bearing on individual responsibility. In line with Section 6(8)(c) of the Act, the Commission's determinations of violations of human rights made clear that its findings were to a balance of probabilities standard and that any such determination of individual responsibility was not made in a criminal legal sense but in a factual or truth-seeking sense only.

In that regard, the Commission made clear that its power to determine individual responsibility was essentially the power to name names, or to identify perpetrators in the context of ascertaining the wider "truths" of what occurred in Seychelles during or in relation to the Coup d'état of 1977 and not for the purpose of establishing criminal legal responsibility.

Nonetheless, the Commission notes that even the power to name to a balance of probabilities proved challenging in practice and significantly intensified the investigative burden on the Commission. In the investigation of each individual complaint made the Commission was tasked with the obligation of trying to determine which specific individual was "responsible" for which acts rather than a more broad-based examination of whether the state could be held responsible for the human rights violation alleged. The focus on individual responsibility also increased the scope and complexity of the Commission's proceedings as it was mandated pursuant to Section 6(8)(a) of the TRNUC Act in the discharge of its functions to, *inter alia*—"(a) observe applicable and appropriate rules of natural justice and

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[128] The Commission notes that under international law, there are three categories for State Attribution: (1) institutional (structural and agency-based) links, (2) functional links, and (3) control-based links. Institutional links are based on the status of an entity within a State and attribution is automatic because the link between the physical actor and the State is organic and absolute: acts by de jure State organs are attributable to the State prima facie, due to the principle of the unity of the State; *See generally*, Int'l Law Commission [ILC], *Draft Articles on Responsibility of States for internationally wrongful acts* (2001), *available at* https://legal.un.org/ilc/texts/instruments/english/commentaries/9_6_2001.pdf.

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[129] *Draft Articles*, *supra*, art. 5 (defining "State organ" in Art. 6 as "the constituent, legislative, executive, judicial or other power, whether its functions are of an international or an internal character and whether it holds a superior or a subordinate position in the organization of the state").

[130] *Id.*, arts. 7-10.

[131] *Id.*

[132] *Id.*

international fair trial standards".[133] The Commission interpreted this provision as encapsulating certain basic due process guarantees for both victims and perpetrators, including notice requirements and the rights to respond, to confront witnesses, and sometimes to appeal.

Notably, while the Commission was committed to full adherence to the legal framework it had been given, in a small country like Seychelles, with a population of under 100,000, it is not apparent that a focus on individuals was the most conducive approach towards achieving reconciliation, especially given the culture of fear in Seychelles, coupled with the lack of autonomy of public servants, police officers, army officials, and other servants of the State. As detailed in the determinations of the Commission found in Volume III of this report, in many cases, the Commission has found the fact that the individual "perpetrator" was acting pursuant to State authority to be a substantially mitigating factor for that person's responsibility, especially where the human rights violation alleged was not an illegal act pursuant to the national legal framework in place at the time. In those cases, it has declined to characterise that individual as a perpetrator, while nonetheless holding the State responsible for the violation alleged as the legality of the act at a national level does not relieve the State of its responsibility to ensure its national legal framework accords with universally accepted human rights principles.

Purportedly, the Commission's focus on individual perpetrators was meant to assist reconciliation through the mandatory power conferred on the Commission to grant a perpetrator an amnesty for the human rights violations upon the fulfilment of certain criteria. Yet, in the political context in which the Commission operated, where loyalties to the party that had taken power with the Coup d'état of 1977 remained, and where cooperation with the Commission was actively discouraged, as detailed further below, the number of perpetrators that petitioned for amnesty before the Commission was extremely limited, so it remains to be seen what effects these practices had or will have on broader reconciliation and national unity.[134]

9.1 Response of the State

In determining the validity of the complaints filed before it, the Commission sought to call on the Attorney-General to answer allegations on behalf of the State as a matter of fairness and following concerns expressed in a public hearing by renowned human rights jurist and the Human Rights Commissioner, Bernard Renaud, that the Commission was not affording the State the right to answer. The Commission sent correspondence to this effect to the Attorney-General on 22 November 2019, 25 November 2019, 5 January 2020, 6 February 2020, 14 May 2020, 19 May 2020, and 4 June 2020. On 8 June 2020, the Commission received a partial response to those communications, which stated in relevant part as follows:

> The Attorney Generals Chambers position is that the Commission will need to make its findings and decisions [...] by gathering, collating and analysing all available information from, the alleged perpetrators and suspects in relation to allegations made by the complainant and then the Commission should make its decisions.
>
> When his Excellency the President receives the interim reports and final report of the Commission, the Attorney General can provide legal advice to the Government and the relevant

[133] *Id.*, sec. 6(8)(a).
[134] *See* Volume IV Amnesty.

> Government Official may disclose the Government's position with respect to any findings, decisions or recommendations of the Commission. As you are aware, under Section 11(5) of the Truth, Reconciliation and National Unity Commission Act, the Commission has a legal duty to submit all the documents and files in its possession to his Excellency the President and as such, the Attorney General will have access to those files if Government needs legal advice from the Attorney General on a particular finding of the Commission.

Following this response, the Commission requested the appearance of the Attorney-General to put his response formally and publicly on its record.[135] During that appearance, the Attorney-General emphasised his view that the Commission was intended to identify those persons who implemented the acts complained of; ascertain on whose instruction those acts were implemented; and exhaust investigative efforts in making its determinations, the veracity of which would later be considered by the Government. The Attorney-General gave the example of an allegation of unlawful arrest and stated that the Commission was to identify and question the police officers who made that arrest. Further, while the Attorney-General considered that he was not the person to answer on the part of the Government, he did agree that public servants called before the Commission were representative of the Government's position on allegations alleged.

In that regard, the Commission would like to note the cooperation provided to it by Patrick Lablache, who had a long career in the Ministry of Lands and who appeared before the Commission on behalf of the Ministry over 40 times as a witness to address complaints made in over one hundred cases. While Mr. Lablache was not immune from criticism for the evidence he gave, the Commission was satisfied that he appeared as a witness of truth and gave his best recollections of circumstances surrounding land acquisitions by Government. The Commission would also like to acknowledge the efforts made by Gerard Hoareau, also from the Ministry of Lands, to provide the Commission with his comprehensive assessment in relation to some of the complaints that had been made, in particular in relation to disputes over roads and land encroachments by Government.

The Commission would also like to acknowledge and thank those former police officers who appeared before it in the absence of the availability of police files and in particular Tyte Morin, Ernest Quatre, Guy Roucou and Raymond Louise who appeared on a number of occasions and also provided numerous statements in relation to other cases.

With respect to officials from the armed forces, the Commission acknowledges and thanks former SPDF officer, Robert Ernesta, who appeared before the Commission on numerous occasions and provided statements in relation to other cases.

The Commission would also like to acknowledge Paul Chow, Ibrahim Afif, Bernard Georges, Phillipe Boulle, Anthony Derjacques, Daniel Bell, Nichole Gabriel, Simon Gill, Dolor Ernesta, and Cyril Lau-Tee who were instrumental in the provision of context evidence to the Commission.

While these individuals in particular provided extensive assistance to the Commission, of great disappointment to the Commission was the failure of former President and original coup participant, James Michel to appear in person before the Commission. In that respect, prior to the commencement of its formal hearings the Commission had requested the appearance of Mr. Michel during its first hearing session in September 2019, in relation to Case 001 Dorothy Chang Him et al but that request

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[135] Commission Hearing No. 85 Tuesday 7 July 2020.

was declined on the grounds that Mr. Michel had no direct knowledge of the killing of Davidson Chang Him. When the Commission wrote three further letters in which it again requested the appearance of Mr. Michel on the basis that the evidence it sought was not restricted to the killing of Davidson Chang Him but related more generally to the planning for the coup, its implementation and events thereafter, Mr. Michel did appear but on Skype from Abu Dhabi. During that appearance Mr. Michel refuted that he had received two of the letters sent by the Commission but he did provide some of the evidence sought.

Thereafter and throughout its mandate the Commission served various suspect notifications on Mr. Michel that were responded to in writing and for the most part denied the allegations that had been made as malicious as detailed in the case determinations set out in Volume III of this report. As the seriousness of the complaints against Mr. Michel increased, the Commission again sought his appearance when it learnt that he was in Seychelles in 2021 but was informed that his health condition coupled with the threat of Covid 19 did not permit that appearance.

In early February 2022, when the Commission again learnt that Mr. Michel was in Seychelles, it determined to serve a summons upon him for his appearance before it which stated as follows:

> You are hereby summoned to appear before the Commission on 11 February 2022 at 9 o'clock in the forenoon to be examined with respect to the human rights abuse committed during, or in relation to, the Coup D'état of 5 June 1977 including the following matters:
>
> Case 005 Carlette Tall: the abduction and death of Hassan Ali Umarji Ali in August 1977.
>
> Case 238 Judith Dupres: the death of soldier Andrew Pouponneau following the army rebellion in August 1982.
>
> Case 022: Olivia Vincent: and kidnapping and death of Simon Desnousse in October 1982.
>
> Case 123: Juan Salaman: the death of Marjorie Baker in September 1986.
>
> Case 90: Livette Hermitte: the death of Ricky Hermitte on or about 19 October 2006.
>
> Case 149: Marise Eulentin and Rolderick Larue: the death of Damendra Eulentin in March 2007.
>
> Case 205: Sidna Umbricht: the burning of Walter Constance's truck on Praslin and death of Claude Monnaie on or about 19 August 2003.

Unfortunately, personal service could not be effected but the Commission attached the summons to the gate of Mr. Michel's home and was informed that the summons had been brought to the attention of Mr. Michel. The following day, the Commission learnt that Mr. Michel had again left Seychelles.

On 8 July 2022, the Commission sent the following correspondence to Mr. Michel:

> The Commission is coming towards the conclusion of its mandate and would like to give you one last opportunity to appear before it to and refute in person the numerous allegations of human rights violations that have been made against you of which you have denied in writing. The Commission notes that it strongly believes, as do many members of the Seychellois community, that you have knowledge about many of the human rights violations that occurred in Seychelles and that by disclosing the information you have you could bring closure to the

> victims and aid the reconciliation process. As an original coup participant and former President of the country, the Commission believes that you have a moral duty to do so.
> The Commission recalls that you have provided a number of reasons why you have been unable to attend in person, ill-health or Covid but these issues have not impacted your ability to appear in conferences around the world. As such, the Commission believes that you have the capacity to appear before it and that you have purposely chosen not to do so. This is disappointing not just to the Commission but to the people of Seychelles.
> The Commission stands ready to facilitate your physical appearance before it from now until 8 August 2022.

The Commission received a response to that correspondence on 20 July 2022, which stated as follows:

> I wish to acknowledge receipt of your letter dated 8 July 2022 inviting me to appear before the Commission.
> The Commission will be aware that I have cooperated with it to the best of my abilities, including via Skype, and replying fully to all the allegations and accusations against me in writing.
> My replies to the allegations and accusations were dismissed summarily by you, as borne out by the fact that you have designated me a "perpetrator" in a number of cases.
> Your providing me with "one last opportunity" to appear before the Commission will not change the judgement and/or conclusion that you have already arrived at. Consequently, not wishing to engage in an exercise in futility, I will have to respectfully decline your invitation to appear before the Commission. The people of Seychelles, for whom and with whom I have accomplished so much, will be the best judge of the allegations and accusations levelled against me.
> As for my participation in international conferences, you may please note that, since I left Seychelles I have participate physically in only one conference – Lloyd's Foundation Safer World Conference in London in May 2022 – and this against my physician's advice. Had I heeded his warning, I would not have been hospitalised upon my return to Abu Dhabi.

While this was the stance taken by former President Michel, the Commission maintains that even at the 11th hour it was willing to hear the evidence of former President Michel and, if appropriate, reconsider its findings with respect to perpetrator status as it has done in other case determinations where a comprehensive and compelling response has been made to notice of perpetrator status.

10. Disputes Over Mandate

While the Commission had from the outset sought a constructive relationship with all relevant Government authorities, the Commission's difficulties in obtaining the cooperation of Government entities intensified with disputes over the Commission's interpretation of the scope of its mandate.

Prior to its commencement of formal mandate, the Commission had discussed, internally and at length, its interpretation of Section 2(8) of the TRNUC Act, which reads: "'Violation' means human rights abuse committed during, or in relation to, the Coup d'état of 5 June 1977". The Commissioners unanimously determined to define the scope of the Commission's mandate as set out in Rule 2 of its Rules of Procedure and Evidence adopted by the Commission on the commencement of operations, as follows:

> Violation: Any human rights abuse committed during **or** in relation to the Coup d'état of 5 June 1977 until the restoration of multiparty democracy in 1993, including any violations prior to or

after those dates where the Commission is satisfied that violation(s) is of direct relevance to that period.[136]

Therefore, the Commission considered the words "during ... the Coup d'état of 5 June 1977" from Section 2(8) of its Act to be in reference to the Commission's primary temporal mandate, including the period of 5 June 1977, the date of the Coup, to 21 June 1993, the effective date of the Constitution of 1993, purported to have heralded a new age of rule of law and respect for human rights. Secondarily, the Commission considered the term "or in relation to" to be a thematic mandate that could go beyond the primary temporal `mandate but must still have some articulable link or nexus to the Coup d'état of 5 June 1977. The Commission determined that neither the temporal mandate nor the thematic mandate restricted the other.

In determining whether an individual and/or the State was responsible for a human rights violation committed *in relation to* the Coup d'état of 1977, the Commission considered the human rights violation alleged within the broader context of its understanding of the Coup d'état of 1977. For instance, the Commission considered as relevant the fact that France-Albert René took power with the Coup d'état of 1977 and retained unbridled executive power for 27 years. René then handed power to his Vice-President and protégé James Michel in 2004 pursuant to an amendment to the Constitution that was adopted on 1 August 1996 (Constitution of the Republic of Seychelles (Fourth Amendment) Act, 1996 (Act No. 14 of 1996)) which did not require a popular vote, and thus which was not sanctioned by the electorate. President Michel thereafter held executive power until 2016, at which time he handed over power to President Danny Faure pursuant to the same Constitutional provision, without an election. Concurrently, the party that came to power with the Coup d'état of 1977 retained executive and legislative power until losing the majority in the National Assembly in 2016. The fact that the party that came to power with the Coup d'état of 1977 maintained executive power through to October 2020, when President Wavel Ramkalawan was elected, established a seamless relationship between the Coup d'état of 1977 and Executive Government until October 2020.

In addition, the Commission considered as relevant the fact that the relationship of the Executive with the Coup d'état determined the affiliations of Government institutions. In that regard, it noted that individuals perceived not to be with the party that took power with the Coup d'état of 1977 were considered enemies of the revolution and were purged from Government employment and/or denied security clearance for employment in government institutions or government-affiliated organisations. The Commission has found in its case determinations that such purging often amounted to the violations of wrongful termination of employment and wrongful denial of the right to employment.[137] The purging (firing) of individuals considered against the Government and the denial of security clearance continued well past the reintroduction of the multiparty system in 1993, and at the time of the Commission's commencement of mandate, the public service still remained highly politicised and closely affiliated with the party that had taken power with the Coup d'état of 1977.

The Commission also considered pertinent the fact that many of the individuals holding government positions during the period of the one-party State remained in those positions after the introduction of the multiparty system. Not only did the allegiance of these individuals to the party that took power with the Coup d'état of 1977 continue, but it also remained a condition of their continued employment with the Government and government-affiliated institutions well past the year 1993. In addition, those

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[136] TRNUC Act, Rules of Procedure and Evidence (2019), Rule 2.
[137] *See* TRNUC Act, secs. 2(8)(i), (j).

perceived to be against the Government that took power with the Coup d'état of 1977 continued to be discriminated against in all government-controlled sectors of society, including education, health, housing, and social assistance, well past the introduction of the multiparty system.[138]

Further, the Commission considered relevant that the Seychelles People's Liberation Army (later Seychelles People's Defence Forces) and People's Militia (later National Guard) were both established by the party that took power with the Coup d'état of 1977 with the objective of ensuring that power was retained by those who had participated in the Coup. The Commission was satisfied that there was effectively no delinking between these institutions and the State with the introduction of the multiparty system. In that respect, the armed forces in particular continued to victimise those perceived to be against the SPUP/SPPF/US party well past the introduction of the multiparty system, including members of their own forces whose allegiance was questioned.[139]

Taking all of these considerations into account, in practice, the Commission considered the chapeau requirement that a human rights violation be related to the Coup d'état of 1977 to be met where it was satisfied that the human rights violation committed by an individual was politically motivated, or sanctioned, by the system introduced by the Coup d'état of 1977, or the human rights violation was linked to a State institution that was highly politicised as a result of the Coup d'état of 1977.[140] In adopting this approach to the interpretation of its mandate, the Commission was also guided by its overall objectives to establish the truth about the impacts of the Coup d'état of 1977 as a means of creating a stepping stone to a new way forward for all Seychellois. Notably, the National Commissioners, made up of broad sectors of Seychellois society and well familiar with the situation in the country from the Coup d'état of 1977, unanimously proposed and agreed to this understanding of the scope of the Commission's mandate.

10.1 Legal Challenges to the Commission's interpretation of its Mandate

While the Commission's Rules of Procedure and Evidence and its interpretation of the scope of its mandate therein were shared with the Attorney-General's Office and no concerns were then expressed,

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[138] External reports and news and academic articles also support the determination that even long after the 1993 return to multipartyism events may have transpired that amount to violations under the TRNUC Act. For instance, the US State Department Human Rights Report on Seychelles in 1996 stated that although democratic functions had by then been put in place, "the President continued to wield power virtually unchecked". Notably, while steps towards establishing non-derogable human rights in the Constitution of 1993 safeguarded the new political system, in the post-1993 world, the René administration's rule lingered through the heavy-handed funding of his own party, "non-partisan" yet State-owned media, and a remaining dominant party system. Bruce Baker, *Seychelles: Democratising in the shadows of the past*, Journal of Contemporary African Studies, 26:3 (2008), p 280.

[139] For instance, the Commission recalls that the Seychelles People's Defence Forces was created by the party that took power with the Coup d'état of 1977 and that despite the reintroduction of multiparty democracy, allegiance of the Defence Forces has remained with the party that came to power with the Coup d'état. See Savy & Ors arising in Ramkalawan v Electoral Commission & Ors (CP 01/2016) [2016] SCCC 17 (6 September 2016), paras. 15-17, 34-36; In addition, the Commission notes that in the verbatim of the debates on the TRNUC Bill before the National Assembly a Member of the National Assembly, Hon. Clifford Andre, stated "[...] there are a lot of people who work under us who are still instilling fear and are still persecuting people with a difference of opinion. And I believe when this Bill will be passed it will permit certain people who instil fear in others or persecute others, that they will no longer be able to continue because if these people show a link between what is going on today with the situation happening these people can still be brought before this Commission". The Commission further notes that this statement was not challenged by any member of the National Assembly debating the Bill.

[140] The Commission recalls that in a similar vein, the South African Truth Commission was empowered to grant amnesty to individuals for the Commission of human rights violations that had a political objective.

the Commission was later made aware that the Attorney-General did have an objection to the Commission's interpretation of mandate. Rather than communicate these concerns directly and amicably to the Commission, the Attorney-General took it upon himself to sue the Commission for what he saw as the overstepping of its mandate. In the latter half of 2020, the Commission was exposed to judicial challenges brought by the Attorney-General before the Supreme Court of Seychelles in two separate cases.[141] The first of those proceedings was initiated by the Seychelles People's Defence Forces, represented by the Attorney-General. The second set of proceedings was instituted against the Commission by the Seychelles Police Forces, again represented by the Attorney-General.[142] In addition, the Attorney-General made threats of additional legal action against the Commission for its consideration of alleged violations related to Section 2(8)(h), the "unjustified acquisition or loss of property or business", as outlined further below. Aside from judicial challenges, the Attorney-General additionally interfered with the work of the Commission by advising witnesses that the Commission's mandate did not apply beyond the events of 1993, when the single-party State system officially ended, and by threatening legal action against the Commission should it pursue the calling of one identified witness in particular, who was purportedly being represented by the Attorney-General.[143]

All of these issues are further elaborated below.

10.2 Seychelles People's Defence Forces

From the complaints that had been filed before the Commission, it was apparent that many of the human rights violations alleged related to actions that had been taken by the Seychelles People's Defence Forces (SPDF), commanded by the President as the Commander-in-Chief. As already noted above, while the Commission sought to build trusted and cooperative relationships with relevant institutions in Seychelles, when it came to government entities, the Commission primarily received the façade of cooperation only. It was obvious to the Commission that government entities had no interest in the Commission establishing the truth about the human rights violations alleged, particularly as those government entities maintained their political alignment to and support of the party that had taken power with the Coup d'état of 1977.

Indeed, as noted above, early in the Commission's proceedings it was brought to its attention that members of the SPDF were receiving instructions with respect to their evidence before the Commission. To verify this fact, the Commission was provided with a tape recording of a purported meeting between the leadership of the SPDF instructing their soldiers how to respond to the Commission and emphasising the necessity of protecting the reputation of the Defence Forces. The Commission made this allegation to the then Chief of Staff of the SPDF, Colonel Clifford Roseline, and requested that an investigation be undertaken. Col. Roseline responded to that request refuting the fact of any coaching of the SPDF with respect to their evidence before the Commission and seeking access to the evidence obtained by the Commission on which it had relied to make its allegation. The Commission refused that access in order to protect its source, and as far as it is aware no investigative action was undertaken by Col. Roseline.

While the Commission did not receive direct evidence of which former members of the army were coached with respect to their evidence before it, it was nonetheless persuaded on the evidence it had received that the SPDF had resolved prior to the commencement of the Commission's mandate that it

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[141] *Supra,* Third Report, note 114, at 7.
[142] ADD References.
[143] *Id.* at 7.

would not provide genuine co-operation with it. In addition, the Commission received compelling evidence of a former Major having contacted at least three of the Commission's witnesses to caution them about the evidence they would give to the Commission and to warn them of potential consequences. The Commission further notes that at least two members of the SPDF were removed from their posts following their appearance before the Commission. One of those persons was purportedly retired prior to their age of retirement, and the other was informed of a transfer from State House Presidential Security, without reason, that resulted in their resignation.

Another issue, also noted above, that became apparent to the Commission and which posed an obstacle to soldiers or ex-soldiers of the SPDF providing evidence to the Commission was the oath of secrecy the soldiers had all taken under the State Secrecy Act. In that respect, soldiers appearing before the Commission represented that they were not allowed to speak about what happened in the army due to the oath they had taken. Not convinced that the State Secrecy Act could be used as shield for non-disclosure of unlawful acts, especially in light of the Commission's broad investigative powers under the TRNUC Act,[144] the Commission requested the appearance of the Attorney-General to make that point, and State Counsel appeared on behalf of the Attorney-General to do so.[145] While the Commission notes that that presentation was not as clear as it could or should have been, the general point was made that the State Secrecy Act did **not** prevent disclosure to the Commission, particularly of unlawful acts, though of course the Commission was obligated to treat such material responsibly.

In addition, the Commission sought the assistance of the then Chief of the Defence Forces to provide a general directive to army soldiers that they were permitted to disclose information concerning their activities in the army before the Commission. By response to the Commission dated 22 September 2020, however, the then Chief of Defence Forces, Col. Roseline, stated as follows:

> SPDF is legal [sic] advised that the law provides for how and when TRNUC can hear official secrets without the authorisation of SPDF or another public authority. SPDF is legally advised that relevant the (sic) legal procedures are set out in Section 15 of the State Security Act, Cap 229, and the procedures were subsequently developed by Seychelles Court of Appeal. I fully appreciate the difficulty of relying on section 15 of the State Security Act since TRNUC may not be able to publish the evidence obtained during this procedure.
>
> As you should be aware, both the State Security Act and the Defence Forces (Offences) Act, Cap 59, prohibits (sic) me from giving the direction that you have suggested in your letter. If a member of the SPDF's Regular Force or Reserve Force wishes to disclose an official secret to TRNUC during a public hearing, that member will need to follow the law by making an application for authorisation to disclose the official secrets in accordance with the State Security Act. The application will be approved where the official secret is relevant to the mandate of the TRNUC.
> Accordingly, where a member of the SPDF's Regular Force or Reserve Force discloses an official secret in contravention of the rule of law that member maybe liable to such monetary fine or term of imprisonment pursuant to the Defence Force (Offences) Act.

This response of the then Chief of the Defence Forces made clear to the Commission that the Chief of the Defence Forces considered that both the States Secrecy Act and the Defence Forces Act prohibited him from providing a general authorisation to soldiers and ex-soldiers to assist the Commission by the

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[144] *See generally* TRNUC Act, sec. 8.
[145] Stephan Knights, Hearing No. 31 Monday 6 January 2020.

giving of evidence before it concerning their experiences in the army. This response underscored to the Commission the difficulties that were being faced by soldiers summoned to appear before it to make disclosures to it. As numerous soldiers made clear to the Commission, they understood that the State Secrecy Act prohibited them from disclosing any information about their activities in the army, whether lawful or unlawful. In that regard, while victims of army abuses were coming forward *en masse* and providing their evidence to the Commission about the human rights violations they endured, for the most part, those members of the SPDF identified as directly involved denied that involvement and/or denied any knowledge about the types of violations alleged.

10.3 Legal Proceedings Instituted by the Seychelles People's Defence Forces

On 25 November 2019, the Commission wrote to the Attorney-General and attached an admissibility determination to that correspondence. The admissibility determination was in regard to Case No. 217: Nella Hoareau, concerning the disappearance of Private Antat, and Case No. 310: Marie Rosalie and Linda McKeown, concerning the disappearance of Rodney Payet. In its cover correspondence, the Commission alerted the Attorney-General to the complaint that had been filed, expressed its sympathy for the complainants, and stated as follows:

> ...the Commission does not want to undertake any action that could impugn of processes currently pending before you.
>
> The Commission would be grateful for your advice as to the status of the case. If the investigation has indeed concluded the Commission would be grateful for your advice as to the communications with the family of the results of that investigation.

The admissibility determination that was attached to the 25 November 2019 correspondence made no final admissibility determination, but rather sought the provision of additional evidence prior to doing so, concluding simply as follows:

> The complaint of Ms. Roselie and McKeown relates to a disappearance that took place in 2018. The primary temporal mandate of the Commission is from the Coup d'état of 1977 until the reintroduction of multiparty democracy in 1993. However, the Commission recalls that it will examine complaints outside that time frame provided it is satisfied that there is a link to the Coup d'état of 1977. In this case, Rodney Payet disappeared while serving as a private with the Seychelles Peoples Defence Forces. The Commission notes that the Seychelles Peoples Defence Forces fall under the authority of the President as the Commander in Chief of the armed forces. In that respect, the Commission notes that the Government that came to power with the Coup d'état of 1977 retains executive power to date. Accordingly, the Commission is satisfied that it could examine the complaint on the basis that Presidential power remains with the party that originally came to power with the Coup d'état of 1977. That said, while appreciating the need of the family members of Rodney Payet to fully understand what happened to him, the Commission is concerned that its consideration of the case may negatively impugn the status of the matter before the Attorney General. **Accordingly, prior to making an admissibility determination the Commission will seek to liaise with the Attorney-General concerning the status of the case and revisit the question of admissibility once it has obtained further information.**

On 29 November 2019, the Attorney-General's Office responded to the Commission's 25 November 2019 correspondence. It advised that the police had forwarded the file to it on 5 September 2019 and that after perusal of that file, the Attorney-General's Office advised the Investigation Officer that additional evidence was required. The Commission was further advised that after receiving the

completed case file, the Attorney-General's Office would apply to the Supreme Court for an order under the Presumption of Deaths Act. The Commission was also advised that the family were being kept abreast of the investigation.

On 18 December 2019, the Commission responded to the above correspondence and advised:

> "[...] The Commission **would be assisted in its consideration of the admissibility of this matter** if it could access the case file and understand the extent of the investigation carried out and the evidence obtained".

The Commission received no response to that correspondence.[146]

Some six months later, on 9 June 2020, the Commission was informed by the Office of the Attorney-General that the SPDF had made a request to the Attorney-General's Chambers to represent the SPDF in judicial review proceedings against the Commission. The petition filed against the Commission was inspired by the above inquiries made by the Commission with respect to Cases 217 and 310 and it sought the issuance of an injunction against the Commission pending a determination of the merits of the complaint made.

The petition filed by the Attorney-General on the part of the SPDF alleged in relevant part as follows:

> 12. The Commission is about to make decisions in relation to the disappearance of Private Antat and Private Payet, and may further investigate these disappearances and recording any findings in the Commission's report.
>
> 13. The Commission acknowledges that the complaint is outside its mandate but the Commission has indicated that it has powers to investigate this matter because His Excellency the President and Commander-in-Chief, Mr. Danny Faure, is a member of the United Seychelles Party (formerly Seychelles People's Progressive Front), the political party that came to power during the Coup d'état of 5 june (sic) 1977 and still retains control over the Executive branch of Government.
>
> [...]
>
> 15. It is averred and contested that the Commission exceeded its jurisdiction by admitting a complaint that is manifestly outside its mandate and the Commission has taken irrelevant matters into consideration in the process of determining whether the complaint falls within the boundary of its mandate.

The supporting affidavit to the petition stated in relevant part as follows:

> 23. In the document referred to in paragraph 22,[147] I noted that the Commission indicated that it will first consult the Attorney General's Chambers before making its decision and as such I

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[146] On 18 June 2020, the Commission again wrote to the Attorney-General referring to its earlier correspondence and sharing the admissibility decision in the second case that had been filed in relation to the second victim of the complaint, which it had not provided earlier. Notably, the reasoning of that related decision was the same as that set out above.

[147] Reference to the "Decision on the Admissibility of the Complaint of Mrs. Nella Hoareau" dated 15 May 2020 and provided to the SPDF on 1 June 2020 by the Commission. Designated as Exhibit SPDF 9.

> contacted the Attorney General's Chambers to obtain advice on whether the Chambers is in contact with the Commission on this issue.
>
> 24. A State Counsel has informed me that the Attorney General Chambers has not received exhibit SPDF 9 and in any event, the Chambers will not be consulting the Commission on the disappearances of the Privates because such an investigation is outside the mandate of the Commission, and there are other lawful forums to initiate such investigation and obtain redress. I was advised and verily believe that the Attorney General or relatives of the Privates can petition the Court to enquire into their disappearance under the Presumption of Deaths Act.[148]

Notably, as the above correspondence shows, the Commission had in fact consulted the Attorney-General's Office and received a response and to claim otherwise in an affidavit filed before the Court was grossly misleading. Further, as was clear from the admissibility decision, and the correspondence to the Attorney-General, the Commission had made no finding on admissibility of the case pending the provision of further information from the Attorney-General. Accordingly, on 18 June 2020, Counsel representing the Commission gave the Commission's undertaking before the Court that it was not investigating these cases and informed the Court that contrary to the submissions made in the petition it had made no admissibility determination on the case and was not actively investigating the matter.

At the Supreme Court hearing of 26 June 2020, the Attorney-General reiterated its request for an injunction against the Commission preventing it from taking any decisions in relation to the disputed complaints. During that hearing of 26 June 2020, State Counsel submitted before the Court:

> [...] an undertaking does not guarantee us anything in terms of disobedience for not fulfilling such an undertaking. There is nothing the Court can do if the Respondent decide to breach the undertaking" and then claimed "[...] we have also received other information **as well that a decision was actually taken on this matter** and that is why we want to proceed your Lordship with the hearing of an injunction and once your Lordship gets a full appreciation of the application here your Lordship will understand that a decision has already been taken and further steps will only inflict harm on SPDF.[149]

In response, the Commission's Counsel objected to State Counsel's claim from the bar which was made without any evidentiary substantiation. The hearing of the merits of the request for an injunction was then scheduled for July 2020.

At the hearing on 13 July 2020, State Counsel alleged that the Commission was acting beyond its power, was "meddling" in matters that do not concern a statutory body, and noted that the Court should rein in the TRNUC which is "acting like an unruly horse", a statement which State Counsel then retracted but was widely reported in the media.[150]

The Attorney-General's submission on the merits of the petition filed on 8 August 2020 (MC 33/2020) submitted, inter alia:

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[148] Notably as the Attorney-General's Office had responded to the communication of the Commission as set out above this was a blatantly untrue statement made before the Court in a sworn affidavit.
[149] SPDF v TRNUC, G. Dodin Judge, Friday 26 June 2020.
[150] *See* Report in Seychelles Nation, dated 14 July 2020, Ruling in SPDF versus TRNUC case expected on July 31.

2. It will be argued that Commissioners took irrelevant considerations into account as their basis to be satisfied that the Commission can investigate the complaints, namely:

a. the Commissioner's ulterior political object to target its investigations on the Seychelles People's Progressive Front and their supporters, and this political object runs contrary to the Commission's statutory function under Section 3(8) of the Act to "carry out its functions in an open, impartial and transparent manner"; or

b. the correct test is not being used to determine whether a complaint can be investigated

[...]

24. It is submitted that the Commissioners cannot decide that they are going to investigate a complaint on the premise that Presidential power remains with the party that originally came to power with the Coup d'état of 1977 or that because the civil service is still highly politicized and persons supporting the government installed in power in 1977 are mostly the persons who hold high positions in Government to date. These considerations are irrelevant considerations and are improper motives to be investigating the complaints. The Commission's decision to investigate this matter is inspired by political views that are partisan. It is a stretch pretty far to state that "the Commission is satisfied that it could examine the complaint on the basis that Presidential power remains with the party that originally came to power with the Coup d'état of 1977". Based in the assertion by the Commission it is indicating that the Commission will specifically target the Seychelles People's Progressive Front and the people supporters of the Government who hold high positions in government to date, even if there is no logical connection between the complaints between the disappearance of the Privates and the Coup d'état of 1977.

[...]

26. The Commissioner's ulterior political object is to target its investigations on the Seychelles People's Progressive Front and their support runs contrary to the Commission's statutory duty function under section 3 (8) of the Act to "carry out its functions in an open, impartial and transparent manner".

The Commission continued to defend against the petition, submitted that it was misleading and in bad faith, *inter alia* because the Commission had not determined that the complaints of Privates Antat and Payet were admissible; it had merely written to the Attorney-General wishing to alert him in a cooperative way that it was considering the present complaints. As such, it was false to allege before the Court that the Commission was about to make decisions in these cases.

It has to be underscored that the Commission had made clear that it was seeking the advice of the Attorney-General because the Commission did not want to interfere with any ongoing proceedings. From its review of the materials that had been provided by the families, the Commission both appreciated the families' suspicion of the authorities, given the past in Seychelles, and the frustration expressed by the families that they were being denied their right to truth. Accordingly, when the Commission heard the undertaking given by the Attorney-General during his appearance before it on 7 July 2020,[151] that there would be a public hearing into the two soldiers' disappearance, the Commission thereafter advised the Court that as the Government had committed to this process, the Commission

[151] Hearing No. 84 of Tuesday, 7 July 2020.

considered the matter *sub judice*[152] before it as the matter would be fully investigated by a public inquiry. It thus informed the Court that it would not seek to further ascertain admissibility before it.[153]

The Commission notes that despite the clear undertaking that was evidenced by the Attorney-General during his appearance of 7 July 2020 before the Commission that a formal public enquiry would be instituted and that the families would have the chance to be legally represented and ask whatever questions they wished to date, as of 9 August 2022, no such process was instituted. The Commission considers this failure unconscionable and an affront to the families.

It must be stressed that the Commission considered that a challenge to its interpretation of the scope of its mandate was an appropriate challenge for an aggrieved institution to make. However, the Commission did not consider the SPDF brought its allegations in good faith as an aggrieved body, as they were without factual foundation. Further, the conduct of State Counsel in the way that challenge was brought was extremely disappointing to the Commission and it caused the Commission to lose faith in the bona fides of the Attorney-General in bringing that challenge on behalf of the SPDF.

This sense of a lack of bona fides was enhanced by the fact that in the petition filed by the SPDF in June 2020, in addition to challenging the Commission's interpretation of mandate, the Attorney-General on behalf of the SPDF alleged that the Commission had refused to return files to the SPDF that it had accessed.

In para. 8 of the Petition, it was alleged that:

> Firstly, between August 2019 and February 2020, the Seychelles People's Defence Force gave the Commission the physical and only copy of several personal files of persons who were formerly, and who are presently, employed in the Defence Forces. The Seychelles People's Defence Force sent a written demand on 21 May 2020 to the Commission to return the files. The Commission has refused to return the files.

In the supporting affidavit filed by Colonel Michael Rosette, the following was stated:

> 13. From August 2019 to June 2020, because I did not have access to the personal files of some officers in the regular forces and reserve forces, I encountered difficulties in carrying out my responsibilities under section 9 (2) of the Defence Act Cap. 58 and duties under Access to Information Act, 2018, to ensure that there is efficient administration and operational readiness of the Defence Forces since certain information from some of the files was needed to, among other things:
>
> (a) make real time decisions in our operations;
>
> (b) deal with requests for promotion in rank and other employment related issues connected to superiority and seniority;
> (c) see the antecedents of officers before imposing penalties for contravention of any provisions under the Defence Force (Offences) Act; and

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[152] Under judicial consideration and therefore should not be discussed or decided elsewhere to avoid influencing those proceedings.
[153] By letter, dated 7 December 2020, the Commission notified the family of its decision and of the withdrawal of the proceedings against it as detailed further below.

(d) respond to requests for information made by journalists and other persons under the Access to Information Act.

[...]

14. Between November 2019 and February 2020, some of the files in the possession of the Commission were returned to the Defence Forces but the Commission continued to request possession of the physical and only copy of several personal files of persons who were formerly, and who are presently, employed in Defence Forces. I complied with the requests and instructed officers to deliver the files that the Commission called for.

[...]

19. On 21 May 2020, I sent a letter the Commission demanding that files are returned. I also requested that the Commission give sufficient particulars on the connection between the disappearance of Private Antat and Private Payet in relation to the Coup d'état before I send them the files. [...]

20. I am informed and verily believe that the Commission through communication told the Officers of the Defence Forces that the Commission can withhold the files and that the Commission can investigate the disappearance of the Privates because His Excellency the President and Commander in Chief is a member of the Government that came to power through the Coup d'état.

To understand the veracity of this allegation, that the Commission refused to return files, the relevant background is set forth below.

On 21 May 2020, the SPDF wrote to the Commission on behalf of the Chief of Staff enclosing a number of files that had been requested. In that correspondence it was stated as follows:

> We also implore the commission to be speedy with the personal files we send to your office. Currently, the Commission has over 20 files belonging to the SPDF. The files in the Commission's possession are the sole and original copy of the SPDF. We sent some of these files since August 2019. SPDF needs these files in order to maintain efficiency in office operations so that we can account for all of our organizational activities and make quick and informed decisions based on information contained in the files.
>
> Also, the SPDF has specific duties under the Access to Information Act, 2018, which cannot be carried out if the files remain in the Commission's possession.

In light of this request, the Commission undertook to photocopy files and return them as soon as possible to the SPDF. Due to unilateral decisions taken by the Ministry of Finance, the Commission had at that time very limited photocopying ability and the files were often voluminous. In addition, again due to unilateral decisions of the Ministry of Finance, the Commission had one administrative officer and limited staff capacity to devote to photocopying. Further, the files to which the Commission was requesting access from the SPDF were predominately inactive files of ex-soldiers of the SPDF and deceased persons. These files did not appear to the Commission to be active files needed to "maintain efficiency in office operations" of the SPDF, as claimed. Moreover, even prior to this letter, when

specific request was made by the SPDF to the Commission to return a file within a specified period, the Commission consistently abided by those specific requests.[154]

In addition, on 28 May 2020,[155] then Chief of Staff, Clifford Roseline, appeared before the Commission. At that time, the Commission Chairperson said:

> [...] we would also like to express our appreciation to you with the army for providing us with files you are the most efficient file provider. You are probably the only one that regularly answers our request so we are very grateful to you for providing us with all the files we requested and I realise we do have a lot of them and we do return them when you ask for. So thank you for that.

The then Chief of Staff made no effort to correct the Chairperson and in particular to make the claim that the Commission was refusing to return files it had accessed from the SPDF at that time.

On 3 July 2020, following the filing of the petition alleging unreasonableness on the part of the Commission in returning the files, the Commission received from the Attorney-General a letter entitled "Letter of Demand for the Return of SPDF Properties", which stated as follows:

> I write this Letter of Demand on behalf of the Seychelles People's Defence Force (SPDF) to further request the return of all files and books listed in the appendix and any other property belonging to the SPDF that are currently in the Commission's possession. This demand for the return of materials also formed part of the legal action that the Attorney General filed before the Supreme Court.

On 7 July 2020, the Commission responded to that "demand" in relevant part as follows:

> The Commission recalls, as established by the evidence produced before it in the filings before the Supreme Court, that it has never refused the return of files to the SPDF when the SPDF had requested the return of specific files in its possession. As such, the Commission refutes your characterization of your letter as evidencing a "further" demand.
>
> As the Commission has never refused the return of files, nor previously been advised of the onerous burden placed upon the SPDF by the Commission's possession of the files, nor ever intended to disrupt the efficient operations of the SPDF, the Commission is more than willing to return the files to the SPDF as requested and in future to return files obtained "within a date specified by SPDF". In this respect, the Commission notes that the majority of the files of which return is requested by the "demand" **had already been returned to the SPDF** at the time of the "demand" and the remaining materials were returned on 7 July 2020.

As is evidence from the above, what the Commission observed in the conduct of those proceedings was a deliberate misleading of the Court in filings and submissions by the Attorney-General's Office coupled with false accusations that went to the heart of the integrity of the Commission as an institution. To the Commission, what the conduct of those proceedings revealed was the yet-partisan allegiance of the Attorney-General and the SPDF to the Government that had taken power with the Coup d'état of 1977. It appeared to the Commission that the real aim of the proceedings filed was to impugn the integrity of the Commission as an institution while ostensibly seeking to prevent the Commission from

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[154] For example, see email correspondence dated 10 January 2020 between Commission Secretary and Ms. Pilate.
[155] Hearing No. 64 of Thursday, 20 May 2020.

working to fulfil its mandate—to reveal the truth about the impact in Seychelles of the Coup d'état of 1977.

Unfortunately, throughout these proceedings, State Counsel also fit to threaten the Commission by the issuing of warnings to it conveyed through its Counsel that it should "watch out". On the whole, the Commission considered that the conduct of Counsel fell so far from the professional standard expected of a Government employee that it made a complaint to the Chief Justice of the Supreme Court with respect to the unprofessional conduct demonstrated.

The Commission made two complaints to the Chief Justice concerning the conduct of State Counsel before the Supreme Court dated 30 June and 13 July 2020 alleging that State Counsel unreasonably impugned the integrity of the Commission without evidentiary basis. By response dated 17 August 2020, the Commission was advised that the matter had been brought to the attention of the Attorney-General and State Counsel had been communicated with by the Chief Justice regarding his conduct in making statements during proceedings without supporting evidence, and informed that failure to adhere to the rules of civil procedure going forward may result in a referral to the Judicial Committee for Legal Practitioners. The Commission was further advised that it may wish to consult its legal representative concerning the statements made by State Counsel during the course of proceedings and possible legal avenues available.

Due to its resource and capacity constraints the Commission did not take further action. However, it remained deeply concerned with the aggressive and unprofessional conduct of State Counsel. The Commission further notes that throughout these proceedings the SDPF sought to issues press releases, highlighting its victories against the Commission which the Commission considered further indicative of a lack of good faith in the bringing of these proceedings against it.[156]

10.4 Non-Cooperation of the Seychelles Police Forces

Section 8(1)(e) of the TRUNC Act requires the police and law enforcement to provide assistance in furtherance of the Commission's general objectives, and specifically, to provide protection for testifying witnesses.[157] However, the Commission's relationship with law enforcement has remained rather contentious throughout the three years of its mandate, due to the police's general lack of engagement and refusal to cooperate with basic requests issued by the Commission.

As indicated above, from the outset, the Commission sought to establish a cooperative relationship with the Seychelles Polices Forces. Prior to the commencement of mandate, the Commission had met with the Commissioner of Police, Kisnan Labonte, and his subordinates, and shortly thereafter presented the Commissioner with a Memorandum of Understanding seeking to define and regulate the anticipated relationship between the Police and the Commission. The Commissioner of Police refused to enter the Memorandum of Understanding on the basis that it was "unnecessary". Notably, that refusal was never formally communicated to the Commission, but rather was eventually communicated informally following numerous follow-up communications to the police authorities by the Commission.

As such, from the outset, responses by the Police Force of Seychelles to Commission requests for assistance in the discharge of its mandate were either ignored, or lacklustre at most. As evidenced in the case determinations, set out in Volume III of this report, the Commission's requests for access to police investigative files were consistently unanswered, effectively wasting already scant Commission

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[156] *See* Seychelles People's Defence Forces (SPDF) Press Communique, 31 July 2020.
[157] TRUNC Act, sec. 8(1).

resources in consistent follow-up. When the requests were finally answered, and not all were, the consistent advice was that the file in question could not be located. The fact that the police failed to produce investigative files for perusal before the Commission led to inefficiencies in the Commission's investigative efforts as the Commission sought to obtain the information requested through other means. In that respect, there were ex-police officers and some current police officers that did provide assistance to the Commission by providing their recollections of the results of investigations in which they had participated, and the Commission was extremely grateful to have had their cooperation as already noted above.

Of particular concern to the Commission, especially in the climate of fear that prevailed in the Seychelles with respect to engagement with the Commission, was the assistance of the police in providing protection to its witnesses, suspects, and perpetrators who were engaged with the processes of the Commission. To alleviate the fears of a number of these people, the Commission sent witness protection requests to the Commissioner of Police, relying on the provisions of Section 8(2)(e) of the TRNUC Act to do so. Unfortunately, none of those requests were treated in a serious manner by the police. In essence, Commission requests were for the most part ignored. In February 2020, the Commission wrote to the Commissioner of Police with respect to its continuing failure to deal with a witness protection request made by the Commission in an appropriate manner. The Commission therein stated:

> The Commission notes that the obstacles it has endured in relation to seeking the cooperation of the police in matters of witness protection are not confined to this case. Indeed, all persons that the Commission have requested the police to assign witness protection have expressed their frustration at the lackadaisical approach of the police and the failure to demonstrate real concern for their welfare and the ability and willingness to offer the protection. Indeed, the Commission has been embarrassed to find that witness protection requests it has made have led to no action whatsoever on the part of the police up to six days after the request has been made. The Commission considers this, and all other instances of non-cooperation with the Commission unacceptable and a serious breach of the Constitutional obligation upon the police to assist the Commission as set out in its establishing Act.
>
> The Commission further notes, as a general matter, the lack of responsiveness of the police to its correspondence. In all but one occasion, when the issue concerned a request to tint windows of the Perpetrator Support Officer (a request which was refused without reason) the Commission has received no response from the police.
>
> The Commission notes that this non-cooperative attitude of the police has been experienced from its first attempts to engage with the police and have a memorandum of understanding agreed and signed. That request was refused by the police on the basis that it was unnecessary to secure cooperation.
>
> In all the circumstances, the Commission wishes to inform you officially for the record that it has fully lost confidence in the willingness and ability of the police to assist the Commission and provide protection to its citizens. The Commission will not hide these facts from the general public.

In March 2020, the Commissioner of Police responded to the correspondence of the Commission advising that the Commissioner had sought legal advice from the Office of the Attorney-General on 7 January 2020 via email, and had received a response to that request by letter of the Attorney-General dated 23 January 2020. The Commissioner of Police reproduced extracts from that advice as follows:

Section 8(2) (e) of the Truth, Reconciliation and National Unity Commission Act permits the Commission in conducting and managing its inquires and investigation: -

Seek assistance from relevant authorities, including the Police and Judiciary to achieve its objectives, including the provision of security to any witness.

The general law as contained in the Witness Protection Act No. 2 of 2015 protects the anonymity or identity of **a witness who is likely to be required as a witness before a Court or Tribunal**. Such protection ceases after the witness has testified. Mr. X (name withheld by me) has already testified at a public sitting and hence the question of protection his anonymity and identity is no longer in issue.
If Mr. X (name withheld by me) feels threatened due to his testimony before the Commission he is entitled to complain to the police like any other member of the public.
On the other hand, the Commission could hold non-public sittings under section 6 (4) of the Truth, Reconciliation and National Unity Commission Act, consistent with the provisions of section 4 of the Witness Protection Act and not seek to recommend Ad Hoc protective measures which will grant unequal protection of law to persons.

By letter dated 3 March 2020, the Commission responded in relevant part as follows:

The Commission is grateful to you for setting out your understanding of the legal obligations of the police pertaining to witness protection requests of the Commission based on the advice you received from the Attorney General. The Commission would like to underscore that it does not consider its proceedings analogous to court proceedings.

First, it must be noted that suspects and perpetrators are not detained pending an outcome of a matter, nor is it the intention to have them detained or imprisoned. Thus, unlike a serious criminal matter before a Court proceeding where the accused is likely to be detained at the time of the witnesses giving of evidence, and where the offence if proved will likely result in imprisonment of the convicted thereafter, suspects and perpetrators impugned before the Commission retain their liberty at all times. Further, all persons accused of gross violations of human rights are alerted by the Commission of the allegations made against them through correspondence and given the opportunity to answer.

Second, while the Commission confirms that Mr. [redacted] gave his evidence in closed session, the fact that he was called to give evidence was widely advertised as was the case name and number he was called to give evidence in. That particular case involves serious allegations of abuse by police and army authorities and high-level persons in both institutions would be well aware of the type of information Mr. [redacted] is in a position to provide the Commission. In that respect, the Commission disagrees with your assessment that "the request for protective measures for Mr. [redacted] is a non-issue as his identify (sic) through his testimony was never revealed to the public".

As the Commission has previously advised, it has established an internal witness protection unit whose role is to assess the risk to witnesses, complainants, suspects and perpetrators and to provide general advice on safety issues and to be ready to respond to issues of concern. However, this Unit will still need to call upon and require the cooperation of the police authorities. In that respect, the Commission would be grateful for your cooperation in ensuring that the integrity and welfare of persons that appear before the Commission and are assessed as being at risk by the Commission are sufficiently protected.

On 18 June 2020, the Commission again made a request for witness protection from the police. By letter dated 22 June 2020, the Police Commissioner responded to that request advising that the approach of the police to requests by the Commission would be guided by the response it had previously provided on 2 March 2020.[158]

On 24 June 2020, the Commission responded to the Commissioner of Police as follows:

> As the Commission outlined in its response to you of 3rd March 2020 to that 2nd March 2020 correspondence the Commission does not consider its proceedings analogous to those before a court or tribunal and therefore the legal advice upon which you rely, in which the general law of the Witness Protection Act No.2 2015 is considered controlling, is misguided and erroneous.
>
> As you were advised by the Commission in that correspondence, suspects and perpetrators are not detained pending an outcome of a matter, nor is it the intention of the Commission's Act to have them detained or imprisoned. Thus, unlike a serious criminal matter before a Court proceeding where the accused is likely to be detained at the time of the witnesses giving of evidence, and where the offence if proved will likely result in imprisonment of the convicted thereafter, suspects and perpetrators impugned before the Commission retain their liberty at all times. Furthermore, all persons accused of gross violations of human rights are alerted by the Commission of the allegations made against them through correspondence and given the opportunity to answer. This places witnesses appearing before the Commission at a substantially higher risk than witnesses appearing in Court or tribunal proceedings.
>
> Accordingly, the Commission fundamentally disagrees that support it requests from the police pursuant to Section 8(1)(e) of The Truth, Reconciliation and National Unity Commission Act ("TRNUC Act") must by necessity fit within witness protection that may be requested by any Court or Tribunal pursuant to the Witness Protection Act 2015 as proceedings under a Court or Tribunal are fundamentally different circumstances.
>
> Indeed, the Section of the Commission's Act specifying the support it may seek from the police is a broad-based provision and provides that the Commission may:
>
> "(e) seek assistance from relevant authorities, including the Police and judiciary to achieve its objectives, including the provision of security to any witness;"
>
> This provision is not clarified nor specified to mean that the provision of security to any witness can only be requested in conformity with witness protection measures that may be requested with respect to court or tribunal proceedings pursuant to the Witness Protection Act 2015 and to construe that provision as meaning so is erroneous as a matter of law.
>
> In this respect, I draw your attention to Section 161 of the Constitution which sets out the functions of the police force as:
>
> "(a) to maintain law and order in and preserve the internal security of Seychelles and any other area over which the Republic has proclaimed its jurisdiction;

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[158] The Commission notes that of the 500 witnesses heard by the Commission at the time of this correspondence, the Commission had made only six requests to the police for assistance in providing protection to witnesses that feared retaliation.

(b) to prevent and detect crime in Seychelles and over any other area which the Republic has proclaimed its jurisdiction; and

(c) to perform such other functions as may be prescribed by an Act"

Section 8(1)(e) of the TRNUC Act clearly prescribes support being provided to the Commission to assist it in achieving its objectives, including the provision of security to any witness. Notably, such support provided must be fit for the identified needs of the Commission. I.e., it must be aimed at assisting the Commission in achieving its objectives under the Act.

Moreover, other aspects of the Commission's Act underscore its sui generis nature, as exemplified in Section 8(1)(b) which provides that the Commission may:

"(b) have access to public or private archives regardless of restrictions contained in the laws of Seychelles and make copies of any documents found therein;"

As the Commission made clear in its letter of 3rd March 2020 the application to it of approaches formulated for Court or Tribunal proceedings pursuant to the Witness Protection Act 2015 is erroneous and defeats the mandatory directive of Section 3(8), namely:

"The Commission shall carry out its functions in an open, impartial and transparent manner".

This is the principle approach to which exceptions are set out in Section 6(4). Namely,

(4) The meetings of the Commission shall be open to the public. The Commission may hold non-public meetings if, after consulting with the parties concerned, the Commission is of the opinion that –

(a) it is in the interests of justice

(b) there is a likelihood that harm may ensure to any person; or

(c) reconciliation between the parties may not be achieved by the proceedings being conducted in public.

The Commission considers that the approach advocated by you based on the advice of the Attorney General is contrary to the spirit and objective of the Commission's Act. Effectively, you advocate that the Commission, as a matter of course, hold non-public hearings in every instance where a witness has reason to fear that his/her evidence before the Commission may place him/her at risk. This would apply to any witness who has information concerning the identity of persons who perpetrated human rights violations. The Commission considers such an approach fundamentally erroneous and contrary to the principle of transparency underpinning the Commission's Act and its objectives of establishing an objective public record of its findings.

Moreover, the Commission rejects as erroneous the advice of the Attorney General that for the police to stand ready to provide protection to persons potentially at risk as a result of their evidence before the Commission constitutes "unequal protection of law to persons". The Commission is identifying those persons that potentially need the protection of the law as a result of their engagement with the Commission and it considers that all persons at risk of injury to their person to be equally entitled to that protection whether they appear before the Commission or not. Moreover, the principle concerning unequal protection of law to persons is generally invoked when someone is denied that protection on discriminatory grounds. It is not

a principle applied to deny a person necessary protection of the law because another person does not need that protection. This conception of the principle is fundamentally erroneous.

In making its witness protection requests to you the Commission is asking that you undertake simple actions consistent with the role of the police to prevent criminal acts against its citizens. The Commission's witness protection requests ask for notification to all police stations that a person is deemed at risk by the Commission and that a police officer be provided as a contact person who stands ready to assist a witness who finds herself/himself at imminent risk. It is merely requesting the police to show that they care about the safety of Seychelles citizens and to demonstrate an impartial commitment to the rule of law. The Commission has made such a request to the police in relation to less than ten people out of the more than three hundred it has heard. Your resistance to providing this necessary support to the citizens of Seychelles and the work of the Commission based on erroneous legal advice is not only harmful to the work of the Commission but the reputation of the police.

As the Commission considers your approach to be fundamentally erroneous and contrary to your obligations under the Constitution it considers it imperative that you reconsider your position. The Commission would appreciate a response from you as soon as practicable.

The Commission received no further response from the Commissioner of Police, nor did the Police ever respond to any request for the protection for persons who genuinely feared retaliation for their cooperation with the Commission. In that respect, it fell to the seriously under-resourced Commission to respond to calls from complainants and suspects concerning threats received and to address those threats itself through mediation with the parties concerned. To address this issue, the Commission established a Witness Protection Unit and assigned existing staff the additional duties of responding to Witness Protection Requests and thereafter sought to convey to the general public that the Commission did have the capacity to ensure their protection following engagement with the Commission. In addition, the Commission permitted the use of pseudonyms to protect the identify of persons who considered themselves at risk and held hearings in closed session. The Commission considers the lack of cooperation provided by the police, in the climate of fear that pervaded Seychelles throughout its mandate extremely disappointing and, considering Section 8(2)(e) of the TRNUC Act, approaching unlawful in the failure of the police to comport with the Act as a law of Seychelles.

10.5 Interference in the Calling of Witnesses and the filing of Proceedings filed by the Attorney-General and the Seychelles Police Force

On 10 October 2020, the Commission received a communication from the Office of the Attorney-General, with the subject "Re: Notice of Judicial Proceedings against the Commission". In that correspondence, the Commission was advised by the Office of the Attorney-General that:

We act on behalf of Ms. Sheryl Vangadasamy, Principal Secretary in the Office of the Designated Minister. The Commission is hereby informed that Ms. Vangadasamy will not appear before the Commission in respect of Case 090 (Livette Hermitte) because the Commission has no authority to investigate the said matter. We have taken note that the Commissioners take the view that they do not have to consider the fact Ms. Vangadasamy is legally advised that she is not obligated to appear before the Commission. Further, we have taken note that the Commission has indicated that it will take action against Ms. Vangadasamy pursuant to section 13 of the TRNUC Act if she fails to appear before the Commission.

I wish to inform the Commission that Counsel is instructed by the Attorney General and the Commissioner of Police to institute legal proceedings against the Commission forthwith,

bringing all complaints in relation to any event that occurred after the Coup D'état ended in 1993 under the microscope of the Supreme Court. These proceedings are instituted in public interest and in good faith.

Also, we are informed by Ms. Vangadasamy that the staff at the Commission are calling her repeatedly and threatening her with arrest, prosecution and imprisonment. We humbly request that the Commission desists from calling Ms. Vangadasamy in relation to Case 090 (Livette Hermitte) or any other complaint which arose from an event that occurred after the Coup D'état ended in 1993. The Supreme Court will serve the relevant court documents on the Commission.

On 20 October 2020, the Commission responded to that communication as follows:

The Commission acknowledges receipt of your letter of 10 October 2020. The Commission notes your advice that "you act on behalf of Ms. Sheryl Vangadasamy, Principal Secretary in the Office of the Designated Minister". The Commission notes your information that Ms. Vangadasamy will not appear before the Commission upon your advice. The Commission queries the propriety of the Attorney-General representing an individual public servant.

The Commission reiterates that as an independent entity it is the Commission and not the Attorney General who interprets the mandate of the Commission. In that respect, the Commission finds it disconcerting and abhorrent to respect for the rule of law that you consider it appropriate to advise a witness summoned to appear before the Commission not to do so. The Commission considers such action on your part to constitute an unjustified interference in the work of the Commission.

The Commission further notes your advice that you will seek to institute legal proceedings against the Commission to limit its mandate to alleged violations of human rights that occurred between the periods of 1977 to 1993 on behalf of the Commissioner of Police. The Commission notes your advice that these proceedings are "instituted in public interest and in good faith". The Commission questions the "public interest" and "good faith" in the institution of proceedings that effectively aim to curtail the mandate of the Commission to shield the truth being exposed with respect to those responsible for gross violations of human rights committed at the behest of government authorities after 1993 and of which police failures to investigate suggest police complicity.

The Commission further notes the unfounded claims of harassment made against the staff of Commission. The Commission suggests that you ascertain the veracity of such dramatic allegations prior to making them.

The Commission wishes to make abundantly clear that it will not be bullied or coerced by you or your office and that it will continue to discharge its responsibilities in the interests of all those Seychellois who have filed complaints before it seeking to know the truth about allegations of human rights violations.

Notably, the complaint that the Attorney-General was seeking to prohibit the Commission from investigating, the case of Ricky Hermitte, which concerned a State authorised killing in 2006, in which the Commission found that the police were aware of the direct perpetrators but took no action against them because the killing had been requested by former President Albert René.[159] With regard to Ms. Vangadasamy, the Commission was only seeking evidence from her concerning what had happened to

[159] *See* Case Determination No. 090: Livette Hermitte, *joined with* Case No. 270: Gaetan Didon.

the police "investigative file" into the death of Ricky Hermitte, the Commission having received information that she held responsibility for the filing of police files at the relevant time.

On 16 October 2020, the Attorney-General, representing the SPF, filed a petition before the Supreme Court seeking to challenge the Commission's jurisdiction to hear complaints concerning allegations involving the police beyond the period of 1977 to the adoption of the new Constitution in 1993.

In the affidavit filed in support of the petition by the Deputy Commissioner, it was stated as follows:

> The Police Force seeking to challenge the Commission's decision to investigate the death of the late Ricky Hermitte and all other decisions taken by the Commission to admit and investigate complaints in relation to any event that arose after the Coup d'état ended in 1993 for the reasons stated herein.
>
> [...]
>
> 13. Since the operationalization of the Commission, the Police Force has been helpful to the Commission with the view of assisting the Commission in achieving its mandate, purpose and objectives as set out in section 3 of the Act.
>
> 14. Late 2019, the Police Force started to receive a few eye-catching requests, from the Commission which appear to be outside the mandate of the Commission, unlawful and illogical.
>
> 15. For instance, on 21 February 2019, the Police Force learnt that the Commission is investigating a complaint in relation to the killing of the late Jimmy Brian Denis which occurred near Boat House Restaurant on 16 May 2016. This was very eye-catching because –
>
> (1) the killing had nothing to do with the Coup d'état of 5 June 1977;
> (2) the Honourable Mr. Justice Vidot delivered a judgment in R v Joubert to settle this matter judicially;
> (3) Mrs. Gabrielle McIntyre, the Chairperson of the Commission acknowledges that the Commission's mandate ends in 1993 but then justifies the Commission's base to investigate this complaint by asserting that there was "an interference with the administration of justice on political grounds" which led to the acquittal of the accused person and resulted in the Commissioner of Police, and /or the former Attorney General, not charging another suspect for the death of the late Jimmy Brian Denis; and
> (4) the Commission justifies the investigation on the basis that the political party "that took power with the Coup d'état of 1977 retained both legislative and executive power until 2016 and retains power to date; [...]
>
> 16. Further, there have been several instances where the Commission is requesting assistance from the Police Force in the form of witness protection and even witnesses are requesting that they be allowed to have their motor vehicle tinted after appearing before the Commission in relation to matters where the Police Force was legally advised that the matters are not within the Commission's mandate given that the complaints do not constitute a violation within the meaning of section 2 (8) of the Act or because the complaints arose from an event that took place after the Coup d'état end in 1993.
>
> [...]

20. Further, the Police Force is gravely concerned that the Commission is acting in excess of its jurisdiction or alternatively making errors of law, and there is a risk that –

(a) the Police Force will misuse its powers and authority by assisting the Commission in investigating complaints that the Commission has no authority to investigate and, this may result in the Police Force being liable to pay damages in civil claims;
(b) the Commission may grant amnesty for serious offences relating to unlawful killing, rape, torture or other "violations" that recently occurred, given that the Commission is investigating recent alleged crimes, some of which are live complaints that the Police Force is currently investigating; and
(c) the Commission may publish interim reports and a final report that will undermine the work of the Police Force; give false representation to the public and world at large that the Police Force colluded with the then Attorney General and/or Judiciary to acquit the persons accused of killing the late Jimmy Brian Denis and other persons, and pervert the course of justice by making findings of matters that the Police Force is currently investigating.

The Attorney-General's affidavit in support of the petition in relevant part submitted as follows:

8. Before November 2019 and present, the Attorney General received complaints in writing and orally that the Commission is acting way beyond the boundary of its mandate, purpose and objectives by taking decisions to admit and investigate complaints in relation to events that arose after the Coup d'état ended in 1993.

[...]

12. At all times the Attorney General sought to be affable towards the Commission by providing guidance to the Commissioners on the laws of Seychelles in hope that the Commissioners will correct themselves by ceasing all investigations of complaints in relation to any event that arose after the Coup d'état ended in 1993. In fact, the Attorney General appeared before the Commissioners during its proceedings on live television and explained the ambit of the Commission's mandate. Moreover, the Attorney General's Chambers has provided written advice on the boundary of the mandate of the Commission.

13. The Commissioners have reject (sic) the legal positions taken by the Attorney General, Law Revision Commissioner, State Counsel, Commissioner of Police and other persons learned in law.

14. Moreover, in September 2020, Ms. Sherly Vangadasamy, the Principal Secretary in the Office of the Designated Minister, informed the Attorney General's Chambers that the Commission is investigating the death of the late Ricky Hermitte and that the Commission summoned her to appear before the Commission to give evidence. Ms. Vangadasamy was legal (sic) advised that the complaint before the Commission is not within the Commission's mandate and that she is not obligated to appear before the Commission. Ms. Vangadasamy informed the Commission that she is not appearing before the Commission and Gabrielle McIntyre, the Chairperson of the Commission, and the staff of the Commission proceeded to tell Ms. Vangadasamy to ignore the legal advice and threaten her with arrest, prosecution and imprisonment if she fails to appear before the Commission [...]

15. Attorney General is now forced to seek the Supreme Court's intervention in respect of the decisions taken by the Commission to investigate the death of the late Ricky Hermittee (sic) and

> every other complaint in relation to any event that arose after the Coup d'état ended in 1993, [...]

Notably, at his appearance before the Commission on 4 March 2020, the then Commissioner of Police, Krishan Labonte, in the context of the case of Dhamendra Eulentin,[160] who the Commission found was unlawfully killed in 2007, stated that if no one petitioned the Commission for amnesty in that case, nothing prevented him from opening an investigation into that matter.[161] However, there was no indication made before the Commission that the Commissioner of Police was in fact already investigating that case, or any other case for which the Commission had sought access to the police files. In fact, the Commissioner, after referencing Section 12 (6) of the TRNUC Act, stated that:[162]

> [...] if there are no people in Damendra's context or others who have [...] petitioned for amnesty. And if a person came to the police and when I said today, I don't have those files and files a complaint, the police will open a case and we will pursue a criminal investigation, because nothing stops me to investigate with just a complaint, that is the law.

Despite the above statement from the then Commissioner of Police, in an interview given to the Nation Newspaper, State Counsel claimed that the Commission was investigating cases outside of its mandate, and that this risked interfering with police work, which was inconsistent with the representations made before the Commission by the Commission of Police. State Counsel was further reported as stating in that interview:

> "One of the reasons for this, is that the Supreme Court judges have already given their authoritative findings and judgement in these matters, that have determined who is guilty or who is not guilty of a particular offence. And our position is that the Commission cannot know and or review the decision of the Supreme Court judge, or a judge of the Court of Appeal. [...] And then another thing, I think it is important also to point out that the police or the Attorney General is not trying to prevent the police (sic) from doing their lawful activities or lawful work, what they are trying to do is ensure that the Government is not accused of any abuse in any process, or misuse of powers, or anything of that sort".[163]

Needless to say, the Commission was astounded that a purported custodian of the rule of law was concerned to stop Commission investigations due to concerns that the Government would be accused of misuse of power. It also formed the opinion that the concern of the Attorney-General and the Seychelles Police Force was that the Commission would through its investigations, as it has so clearly done in its determinations contained in Volume III of this report, identify deliberate failings on the part of the police to investigate unlawful acts and call perpetrators to account because those crimes were either committed at the behest of the then Government, or the perpetrator's alignment with the party that had taken power with the coup d'état of 1977 protected those persons from lawful processes.

While the above petition was pending determination, on 13 November 2020,[164] three police officers who had been served suspect notifications in Case 333: Annette Henriette & Harianna Labrosse failed

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[160] *See* Case Determination No. 149: Marise Eulentin and Rolderick Larue.
[161] Hearing No. 54 Wednesday 4 March 2020.
[162] Section (6) Notwithstanding any written law – a criminal investigation or criminal or civil prosecution shall not be commenced or shall be discontinued, as the case may be, in respect of any matter for which an amnesty has been sought, until the final determination thereof by the Commission; [...].
[163] Seychelles Nation, Police File for Injunction against TRNUC, 7 November 2020.
[164] Hearing No. 123 of Friday, 13 November 2020.

to appear before the Commission as scheduled. When the Commission sought explanation for their absence, the three suspect witnesses informed the Commission that they had been advised by the Attorney-General that they were not required to comply with the Commission's request that they appear, as the Commission had no jurisdiction over the complaint filed by Ms. Henriette and Ms. Labrosse.

In response, the Commission rescheduled the three witnesses and advised them that a failure to attend could result in the Commission taking action against them pursuant to Section 13 of the TRNUC Act. In that respect, the Commission advised the three officers that it was the Commission, and not the Attorney-General, who had the authority to determine the scope of the mandate of the Commission, and that until the Supreme Court ruled to the contrary, the Commission had determined its *prima facie* jurisdiction over the complaint of Ms. Henriette and Ms. Labrosse. The three suspect witnesses subsequently appeared as requested.

10.6 Attorney-General's Challenge to the Commission's mandate over Land Acquisition

On 19 October 2020, the Commission received notification in relation to a complaint filed before it that the Government had taken action to dispose of land subject of that complaint.[165] The Commission was requested to take action to prevent the Government disposing of property subject of dispute before the Commission.[166] On 15 May 2020 and 7 August 2020, respectively, the Commission had directed requests to the Office of the President and the Office of the Principal Secretary for Land, requesting that the Government not dispose of land held by it which was subject to dispute before the Commission. While the second communication prepared by Commission investigators wrongly identified parcels of land held by private owners, the request that was being made was clear.

On 19 October 2020, the Attorney-General responded to that request in the following terms:

> [...] the Commissioners have no authority to deal with any matter in relation to immovable property acquired under the Lands Acquisition Act of 1977. Paragraph 14 of the Seventh Schedule of the Constitution sets out the manner in which any complaint in relation to immovable property acquired under the Lands Acquisition Act of 1977 shall be dealt with. It does not appear that the President or the National Assembly intended to give the Commission any powers to investigate or make recommendations on immovable property acquired under the Lands Acquisition Act of 1977. The President, Attorney General and the Members of the National Assembly were all aware of the Seventh Schedule of the Constitution and the recommendation from the judiciary to establish a Land Compensation Tribunal prior to drafting the Truth, Reconciliation and National Unity Commission Act, 2018.

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[165] *See* Case Determination No. 043: Gilles Nageon de Lestang, para. 15 ("...Bernard Georges, acting as attorney on behalf of the heirs of Etienne and Paule Nageon de Lestang, informed the Commission that it had come to the attention of his client that the Government may be subdividing the property subject to his complaint before the Commission, in preparation for selling part of it. Mr. Georges advised the Commission that if this information was correct, the alienation of some of the property would impact adversely on any relief which may be ordered once the complaint had been determined by the Commission. In this circumstance, Mr. George asked whether, in this and other cases concerning application for the return of property allegedly wrongfully acquired, the Commission could request or direct the Government not to alienate any part of these properties pending the Commission's enquiry into these matters...").

[166] *Id.*

We have advised the Principal Secretary for Land that her Ministry is not obligated to give the Commission any documents in relation to the list of complaints appended to the letter dated 7 August 2020 because these matters are outside the mandate of the Commission. Neither the Government nor a public officer should facilitate or condone the circumvention of paragraph 14 of the Seventh Schedule of the Constitution.

In drafting the Truth, Reconciliation and National Unity Commission Bill, the intention was to give the Commission powers to investigate "unjustified acquisition or loss of property or business". So it is difficult to fathom how the Commissioners reached a conclusion that immovable property acquired under the Land Acquisition Act of 1977 falls within the meaning of "unjustified acquisition of property". To avoid further litigation, the Attorney General would invite all the Commissioners to a meeting on 30 October 2020 at 2pm at the Attorney General's Chambers to first hear your perspective and to further clarify the law for the Commission, if the Commissioners so desire. The Commission can consider inviting its Attorney-at-Law to this meeting. Please indicate in writing whether the Commissioners are willing to attend this meeting.

If this matter remains unresolved, the Attorney-General on his motion as a custodian of the laws of Seychelles and a guardian of the Constitution may institute legal proceedings without further notice. Such proceedings would become necessary to prevent further circumvention of our Constitution.

We anticipate your full cooperation in resolving these concerns in an amicable manner.

The Commission responded to that letter of the Attorney-General on 26 October 2020. At that time, it informed in relevant part as follows:

With respect to the content of your letter the Commission considers your assertion that the Commission has no authority to deal with cases of complainants alleging "unjustified acquisition or loss of property or business" where acquisition was made pursuant to the Lands Acquisition Act, as erroneous.

Firstly, the plain meaning of the words "unjustified acquisition or loss of property of business" clearly mandates the Commission to consider complaints making such allegations.

Secondly, the Commission's consideration of such complaints is in the context of allegations of human rights violations through use of the Lands Acquisition Act to victimize perceived political opponents of the Government of President Albert René. In that respect, many of the complaints filed before the Commission allege a litany of human rights abuses showing a pattern of events commencing from unlawful imprisonment, unlawful termination of employment, denial of the right to employment, harassment and victimization by State Security, the Peoples Militia or army personnel, forced exile and finally unlawful acquisition of property. As very few complains before the Commission allege only unjustified acquisition of property the Commission's investigations are directed to determining the veracity of claims of allegations of human rights violations and victimization of which the acquisition of property forms part. The Commission does not interpret Constitutional provisions providing rights of review of acquisition to constitute a bar to the Commission's consideration of the human rights aspects of such complaints. Nor does the Commission consider it is in the interest of complainants or the establishment of an objective public record that complainants be made to bifurcate that part of the alleged human rights abuse related to acquisition of lands from their broader complaint.

Thirdly, while you advise the Commission that you have instructed the Principal Secretary of the Ministry of Lands that it has no obligation to provide requested files to the Commission because such complaints all relate to land acquisitions, the Commission wishes to advise you that your understanding is erroneous. Many of the complaints concerning land before the Commission allege abuse of Government power through the forced sale of land by complainants to Government for inadequate compensation. These complaints fall completely out of the realm of cases that may be relevant to compensation claims pursuant to paragraph 14 of the Seventh Schedule of the Constitution. In that respect, your fallacious legal argument for the non-disclosure of files does not impugn these cases.

Fourthly, prior to its commencement of formal mandate the Commission recalls meeting with you and discussing potential overlapping mandates with other Commissions and or Tribunals in Seychelles. No representation was made by you at that time that the Commission should hand all land acquisition matters to the Land Compensation Tribunal.

Fifthly, the Commission sought a meeting with the Lands Compensation Tribunal on 13th June 2019 and discussed the overlap of the mandate between the two institutions, prior to the commencement of its formal mandate. The Commission thereafter drafted a Memorandum of Understanding which it forwarded to Lands Compensation Tribunal, and it was informed by the Secretary of the Tribunal that it was agreeable to them. In this respect, the Commission recalls that during its discussions with the representatives of the Lands Compensation Tribunal it was agreed that the Commission would be best placed to deal with those claims that contained allegations of victimization and abuse of Government power in the acquisition of land. In that regard, the Commission retains the capacity to recommend resolution of a matter before it, should it contain no allegation of human rights abuses, be determined by the Lands Compensation Tribunal. In this respect, the Commission must reiterate, when it determines a matter for admissibility, the only determination made at that time is that the Commission will investigate the matter. It is only after that investigation is done that the Commission is in a position to make any recommendations,

In light of the above, the Commission considers your latest correspondence, coming on the back of earlier correspondence whereby you seek to unilaterally interpret the mandate of the Commission and limit its scope, as another representation of a general lack of cooperation on your part with the work of the Commission. The Commission does not believe it is a suitable course of action for it to negotiate with you regarding its interpretation of the scope of its mandate, especially given the passage of time in which it has been considering complaints of unjustified acquisition of lands with your full awareness. In that respect, should you choose not to reconsider the directive you have provided to the Principal Secretary for Land, the Commission will have to very seriously consider the institution of legal proceedings against you for your interference and obstruction of the work of the Commission.

On a final note, the Commission also requests that your State Counsel ceases and desists in the issuance of "warnings" to the Commission through the Commission's legal representative. As the Commission made clear in its letter of 20 October 2020, it will not be bullied or coerced by you or your office in the discharge of its mandate.

The Commission received no response to this communication from the Attorney-General. Notably, after some delay, the Ministry of Lands finally began to cooperate with the Commission in the provision of land files that had been requested in late 2020. This delay in cooperation on the part of the Ministry

substantially impeded the efficiencies of the Commission's operations and while the Commission's right to access the files was no longer disputed, the Commission continued to experience significant delays in the provision of files requested and its staff subjected to discourteous responses on the part of staff of the Ministry when they sought to expedite the provision of information through continuous follow up communications. Indeed, the Commission with its three-year mandate experienced delays of over a year or more with respect to information requested from the Ministry of Lands.

10.7 Conclusion of Legal Mandate Challenges

On 30 November 2020, the Office of the Attorney-General withdrew its proceedings against the Commission on behalf of the SPDF and the SPF and the Commission was awarded costs over the objections of State Counsel.[167] This withdrawal signalled a change of attitude to the Commission by the new President, who had taken office on 26 October 2020. It also signalled the end of communications between the Commission and the Attorney-General. The relationship was unfortunately so fractured that the Commission lost all confidence in the Attorney-General as a bona fide and cooperative partner. This situation was extremely disappointing for the Commission, who would have benefitted from the support of all Government officials in Seychelles, especially as it is that leadership who bears the responsibility of leading the people of Seychelles from the foundational work of the Commission towards reconciliation and a better future for all Seychellois. In that respect, the disregard shown by the Attorney-General and his office for the work of the Commission, and individual Commissioners, was to the detriment of the Seychellois community as a whole.

[167] Miscellaneous Cause 33 of 2020.



VOLUME I

ANNEX I

Report of the Truth, Reconciliation and National Unity Committee

April 2018

Acknowledgement

The Truth, Reconciliation and National Unity Committee would like to extend its appreciation to everyone who has collaborated with the Committee over the compilation of this report as well as all other staff who have provided technical support and assistance in this endeavour.

The Truth, Reconciliation and National Unity Committee composed of the members listed below, submits its Report to the National Assembly for consideration and approval.

Wavel Ramkalawan (Chairperson)

Hon. Charles de Commarmond (Vice Chairperson)

Hon. Nicholas Préa (Member)

Hon. Bernard Georges(Member)

Hon. Basil Hoareau (Member)

Hon François Adelaide (Member)

Hon. Simon Gill (Member)

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1. Genesis

The genesis of a Truth, Reconciliation and National Unity Commission lies in the events of the 5 June 1977 themselves. It was inevitable that an event which redrew the rules under which Seychelles had been operating, and the Seychellois living, (which sadly included abuses of human rights against persons and property, life, liberty and security) would eventually be scrutinised and its excesses undone.

Since the Truth and Reconciliation Commission of the mid 1990s in South Africa, there have been many such commissions established not only in areas of past conflict (such as Rwanda and Cambodia), but also in respect of past ills (such as historical slavery and indentured labour in Mauritius).

Each country is called upon at some point to confront its past, and each country must do so in a manner suited to its own experiences and appropriate to its own society. The reasons which led to a Seychelles commission were a desire to finally draw a line under the events of June 1977, which still cast a long shadow over the country, and the slow speed with which successive governments since the return to a multi-party system of government in 1992 have approached the issue.

2. Motion

A motion brought by the Leader of the Opposition, Hon Wavel Ramkalawan on 2 November 2016, that *'Vi lenportans ki tou dirizan dan nou pei in mete tou dernyerman lo size Linite e Rekonsiliasyon Nasyonnal;*

Vi loportinite ki eleksyon Lasanble Nasyonnal in donn nou Nasyon pou abord sa size dan en fason onnet e ouver;

Vi, lefe ki pros 40an apre koudeta 1977 I ankor annan Seselwa ki santi soufrans an rezilta serten lensidan ki'n arive pandan sa bann lannen;

Lasanble Nasyonnal I demande ki en Komite Lasanble pour Laverite, Rekonsiliasyon e Linite Nasyonnal 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 menm semen, e desid lo en metod travay apropriye pour nou pei;*

iii. *Propoz avek Gouvernman en striktir pou egzanmin sa bann konplent, pour ki enn fwa pour tou, nou anmenn laverite lo sa ki'n 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 Nasyonnal.*

("Given the importance attached to the issue of Unity and National Reconciliation by all leaders of the country recently;

Given the opportunity that the National Assembly election has given our nation to tackle this issue in an open and transparent manner;

Given that nearly 40 years after the Coup of 1977 there are many Seychellois who still feel deep suffering as a result of certain incidents that have happened since;

The National Assembly resolves that a National Assembly Committee for Truth, Reconciliation and National Unity be established with the following objectives:

i. Listen to all Seychellois who feel that their rights have been affected since 1977 and record their grievances;

ii. Study the different instruments and methods used by other countries in the same situation as Seychelles to move forward and decide on an appropriate formula for our country;

iii. Propose to the government a structure to examine those complaints, so that once and for all, light is shed on the truth of the events of our recent history, with the aim of finding solutions and peace for those affected, in order for our nation to approach the future with confidence;

iv. Propose recommendations on policies that can be adopted with appropriate actions, so as to reduce political division in our country and promote National Unity.

These were adopted unanimously by the House after a vigorous debate.

A National Assembly Committee was set up with the following Terms of Reference to guide its work.

3. Terms of Reference

'With an overarching view to settling past political divisions since the 1977 Coup D'état and uniting the country around a common agenda for a confident future where every Seychellois will have a sense of equal ownership and value, the National Assembly Committee on Truth, Reconciliation and National Unity adopts the following Terms of Reference for its work:

1. To shed the light of truth over events since 5 June 1977
2. To receive information in writing from any persons regarding complaints as to any action affecting their rights since 5 June 1977
3. To inventorise and classify heads of possible complaints with a view to assessing the size of the problem
4. To receive proposals orally or in writing from interested parties, and consider different methods used by other countries in similar situations, as to how best to approach and resolve the issues of unity and national reconciliation

5. To make proposals to Government on the structure and composition of the most appropriate national forum to deal with the issues of unity and national reconciliation, and the procedure it should utilise to that end.'

4. Aims

The aims of the project were thus identified early on as being:

- A truth-finding exercise to shed light on some events which had occurred after June 1977 and which remained shrouded in mystery
- An attempt to bring closure to some still unresolved matters
- An opportunity for both victims and perpetrators to confront issues remaining unresolved and to embrace the future together
- An occasion to foster national unity.

In seeking to achieve these ends, the Committee placed accent on reconciliation rather than retribution

5. Composition of Committee

The following members were appointed to the Committee:

- Hon Francois Adelaide
- Hon Charles De Commarmond
- Hon Bernard Georges
- Hon Simon Gill
- Hon Basil Hoareau
- Hon Nicholas Prea
- Hon Wavel Ramkalawan

At the Committee's first meeting, and in order to underline the national character of the issue and the unanimity of the Assembly on the matter, the following were appointed as Chair and Vice-Chair respectively:

Chairperson : Hon Wavel Ramkalawan, Leader of the Opposition

Vice-Chairperson: Hon Charles De Commarmond, Leader of Government Business

6. Work Methodology

The Committee early on decided that it was not going to act as the national reconciliation commission. It was agreed that this task would be better suited to a National Commission not made up of politicians. As its terms of reference indicate, the Committee would act as a facilitator to gather information on the scale of the events following the 1977 coup, the categories of these events, and the methods adopted by other countries with a similar history to confront their past, so as to suggest an approach appropriate for Seychelles.

Grievance Applications

In order to gauge the level of interest in the project for a Reconciliation Committee, the Committee felt it appropriate, as a first step, to invite members of the public to apply, by filling in a Grievance Form, for a review of their grievances. The Grievance Form, a copy of which is attached herewith, sought a number of details, including:

- Name and particulars of the complainant
- A short description of the complaint
- Remedy sought.

After extensive publicity in the media, including a press conference by the Committee chair on 8 March 2017, 315 grievance forms were received by the Committee. This enabled the Committee to analyse them into the following categories:

- Illegal arrest/assault/detention/imprisonment/kidnaping/disappearances/ murders/exile
- Wrongful termination from work/other work-related issues
- Witnesses to events of and following 5 June 1977/psychological trauma and persecution
- Medical malpractice/miscellaneous
- Loss of movable/immovable property/business.

Once the applications were received it became clear to the Committee that there was sufficient interest in the project for this to proceed. It was also clear that there was a substantial expectation among some applicants for retributive justice and compensation. Of the applications received, 16% requested the

return of property, 15% sought truth and justice, 10% sought an apology, 1.8% wished to let the commission decide, while 58% sought monetary compensation.

Foreign & Local Assistance

Given the history of Truth Commissions in various parts of the world, the Committee decided to seek the assistance of persons who had been involved in such commissions. Accordingly, two persons were identified to assist the Committee:

- **Pastor Chris Lodewyk**, a South African pastor who had been involved as a member of the support group to the South African TRC and had been actively involved as a panel member of other African TRCs, including that of Rwanda, which he had chaired.

- **Richard Rogers**, an international lawyer who had been involved with most post-South African TRCs, including those at Arusha, Bosnia and Cambodia.

Both these persons travelled to Seychelles. Both met with the President and worked with the Committee towards achievement of its mandate.

The Committee also met extensively with **Mr Barry Laine** who, through his NGO, Seychelles Truth, Reconciliation and Peace Platform (STRPP), was advocating for a national reconciliation forum.

Following a request from SIFCO a presentation on the work of the Committee, its aims and objectives was made to its members by the Committee Chair.

Symposium

In order to bring the work of the Committee closer to the population and to sensitize the people to the possibility of a Commission being set up, the Committee organised a public symposium on 22 April 2017. A panel of speakers, comprising Pastor Lodewyk, Anglican Archbishop Emeritus French Chang-Him, Mr Barry Laine, Ms Diana Benoit from the University of Seychelles Sir James Mancham International Centre for Peace Studies and Diplomacy and Hon Basil Hoareau, a member of

the Committtee, was designated and the public invited. The Vice-President launched the symposium. A large number of people, including the President of the Court of Appeal, Designated Minister, several minister, Chief of Defence Forces, the Commissioner of Police, the Roman Catholic Bishop, Religious Leaders, Diplomats and other prominent personalities attended the event, which was held at the ICCS.

Questions and comments from the floor were received and these can be summarised as follows:

1. There was observed to be low participation among the youth, prompting a call for the sensitization of the younger generations to that part of our history.
2. In view of the large call for retribution, more education towards restorative justice was called for.
3. The truth needed to be properly and transparently recorded.
4. A Commission to consider grievances should not have any politicians as members.
5. All claims should be properly addressed; people coming forward should be allowed the occasion to speak freely and openly.
6. A sound structure to care for victims was needed.

Truth, Reconciliation and National Unity Act

The Committee decided that the best way forward would be to draft a proposed law, with the assistance of Mr Rogers, and propose that to the Government for adoption. This was carried out during a series of working sessions in late 2017 and early 2018, and a copy of the draft law is attached herewith.

Salient Elements of the Proposed Law

1. There will be a Commission comprising 7 commissioners of good standing and moral character to be appointed by the President either after consultations with the Speaker of the National Assembly and the Chief Justice, or from a number of proposals additionally by the CAA, CEPS and SIFCO.

2. Two members of the Commission will be from overseas.
3. The Commission's task will be to receive complaints and hear victims and perpetrators with a view to ascertaining truth, create an objective and public record of events, help to bridge divisions, provide closure to victims and perpetrators, determine reparation and rehabilitation and unite Seychellois.
4. The meetings of the Commission will be public, and a record kept. The Commission may visit scenes of happenings.
5. Evidence given before the Commission shall not be used in civil or criminal cases.
6. The Commission has the power to grant an amnesty to perpetrators who apply for it, who speak the truth and who apologise to victims.
7. The Commission will, at the end of its work, report to the President.

7. Future Steps

It is hoped that once this report is approved by the National Assembly, the proposed law will be considered and approved by the Cabinet after which it can return to the Assembly in June 2018 for approval. If that calendar is respected, it is anticipated that the Commission may be appointed swiftly thereafter and commence its work during the second half of 2018. In that context, the timing of the release of this report to the Assembly at this Eastertide 2018, a period of reconciliation and hope, is no coincidence.

8. Government Initiatives

During the course of the Committee's mandate, the President in an address to the people of Seychelles through the National Assembly on 25 July, 2017, announced the creation of two committees, one to consider outstanding cases of compulsorily acquired land during the second Republic and the other to consider cases of abuse at the hands of the security forces, including the police. Members of the first committee

have been appointed but the committee has not commenced operation as at the date of this report. The second committee has not had appointments made to it.

On Maundy Thursday 2018 the President announced a public apology for the death on 5 June 1977 of constable Berard Jeannie, a police officer on duty who lost his life in the coup.

The Committee welcomes these initiatives as dovetailing, and possibly overlapping, with its mandate, and anticipates that the initiatives of the Executive Branch will find their proper place within the greater role of the National Commission anticipated by the draft law.

9. Thanks

The Committee wishes to record its appreciation to the following:

Pastor Chris Lodewyk and Mr. Richard Rogers, the two foreign experts; Mr. Terry Romain and Ms Jeline Quatre from the Secretariat; Mrs Irine Fonseka for her assistance; all victims or members of their family who came forward with their story; members of the public who attended the symposium; Hill Top Guesthouse and Mr. Dominic Camille for offering accommodation to our visiting guests.

A particular word of thanks to those who walked with us and had the patience to understand the enormity of the work involved.

Our hope now is that the Commission will be set up as soon as possible and work will begin so that the people of Seychelles will turn a new page and seek to put closure to that unnecessary chapter in our history. However, that history must be taught so that present and future generations know what happened and never repeat it.

The Committee calls on perpetrators and witnesses to come forward and help complete the mosaic.

The National Assembly of Seychelles

COMMITTEE ON TRUTH AND RECONCILIATION

GRIEVANCE FORM

COMPLAINANT'S DETAILS

Full name (s) : _____

NIN: _____

Age: _____ Sex: Male [ ] Female [ ]

Marital Status: _____

DOB: _____ Nationality: _____

Address: _____

Phone number: _____

Email Address: _____

Name of Respondent / Name of organization: _____

Postal Address: _____

Email Address: _____

Phone Number: _____

Please specify nature of your complaint(s) (Type of grievance(s)):

_____

_____

Please give details of your complaint(s) along with any additional materials:

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

Please state the type of remedy you are seeking:

_____

_____

_____

_____

_____

_____

_____

....

Signature of Complainant Date

NOTE: If you have previously initiated grievance procedures before any other Authorities, please attach all related document(s) upon submission of this form

FOR OFFICIAL USE ONLY

Date Received: Day _____ / Month _____/Year _____

Received by: _____

Designation: _____

CONSULTATION INFORMATION

Date(s) of consultation: Day _____/ Month _____/Year _____	**Result of consultation:**

FOLLOW-UP

Comments / Remarks _____

_____

_____

_____

_____

THE TRUTH, RECONCILIATION AND NATIONAL UNITY COMMISSION Bill, 2018

(Bill No. 1 of 2018)

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title and the Commencement
2. Interpretations
3. Mandate and Purpose
4. Appointment of the Commissioners
5. Removal of the Commissioners
6. Meetings, Hearings and Decisions
7. Functions of the Commission
8. Powers of the Commission
9. Secretary, Staff, and Experts
10. Status of Evidence and Testimony
11. Reports and Recommendations
12. Amnesty
13. Offences
14. Duration
15. Budget and Auditing of the Commission

THE TRUTH, RECONCILIATION AND NATIONAL UNITY COMMISSION BILL, 2018

(Bill No. 1 of 2018)

A BILL

OF

AN ACT to enable the President of the Seychelles to establish a Truth, Reconciliation and National Unity Commission to Promote National Unity and Reconciliation

ENACTED by the President and the National Assembly.

Short title and commencement

1. This Act may be cited as the Truth, Reconciliation and National Unity Act 2018, and shall come into operation on such date as the President may determine, by notice in the Gazette appoint.

Interpretations

2. In this Act—

(1) "Commissioner" means a member of the Commission and includes the Chairperson and Vice-Chairperson;

(2) "Perpetrator" means a person who the Commission has found to have committed any violation and includes a person who has given an order, or materially assisted someone, to commit such a violation;

(3) "Rehabilitation" means the psychological or mental support offered to both victims and perpetrators in need of such support, with a view to their achieving complete closure, including restoring their credibility in society;

(4) "Reparation" means the compensation, facility or concession made available to the victim;

(5) "Suspect" means a person who is suspected of having committed any violation and includes a person who is suspected of giving orders, or materially assisting someone, to commit such violations;

(6) "The Commission" means the Truth, Reconciliation and National Unity Commission established by the President, pursuant to this Act;

(7) "Victim" means a person having suffered any significant harm or detriment as a result of any violation;

(8) "Violation" means a human rights abuse committed during, or in relation to, the Coup D'état of 5 June 1977 and includes the following acts—

(a) unlawful killing;

(b) unlawful imprisonment or other deprivation of physical liberty;

(c) torture;

(d) rape;

(e) enforced disappearance of persons;

(f) kidnapping;

(g) forceful eviction from legally owned house or land;

(h) illegal acquisition of property or business;

(i) wrongful denial of the right to employment;

(j) wrongful termination of employment;

(k) forced exile;

(l) other acts of a similar character causing suffering, or injury to body or to mental or physical health.

Mandate and purpose

3.(1) The Mandate of the Commission shall be to receive complaints in respect of alleged violations and to gather, collate and analyse information and evidence with respect thereto, and to make findings.

(2) The objectives of the Commission are—

(a) to ascertain the truth with respect to complaints of alleged violations;

(b) to create an accurate and objective public record of the complaints of alleged violations;

(c) to help bridge divisions caused by any violations;

(d) to provide closure for the victims and perpetrators of the violations;

(e) to determine —

(i) the appropriate reparations for victims;

(ii) the appropriate rehabilitation for victims and perpetrators; and

(iii) whether or not to grant amnesty;

(f) to unite the people of Seychelles around a common agenda that will help them move forward in confidence and with a sense of common purpose and ensure that such violations do not reoccur.

(3) The Commission shall carry out its functions in an open, impartial and transparent manner.

(4) The Commission shall abide by universally recognised legal principles and human rights norms.

Appointment of the Commissioners

4.(1) The Commission shall consist of seven Commissioners, namely, a Chairperson, a Vice-Chairperson and five other Commissioners. Two Commissioners shall be non-Seychellois. The Commissioners shall be appointed by the President, as follows—

(a) the President shall select the Chairperson and the two non-Seychellois Commissioners from persons proposed by the Constitutional Appointments Authority;

[b] the remaining four Commissioners shall be selected by the President from candidates proposed by the following representative bodies, the Civil Engagement Platform Seychelles, the Seychelles Inter-faith Council, the Speaker of the National Assembly, and the Chief Justice. Each of the representative bodies shall propose two candidates from which the President shall appoint one Commissioner. The Commissioners shall designate the Vice-Chairperson from amongst their number; **or**

[c] the Commissioners shall be appointed by the President in consultation with the Speaker of the National Assembly and the Chief Justice from a list of a minimum of ten persons proposed to the President by the Constitutional Appointments Authority. The Commissioners shall designate the Vice-Chairperson from amongst their number.

(2) The Commissioners shall be persons of recognised good standing and high moral character, capable of performing their functions independently, impartially and in compliance with the highest ethical standards.

(3) Every Commissioner shall, prior to assuming office, take the following oath before the president:

''I solemnly declare that I will perform my duties and exercise my powers as a Commissioner of the Truth and Reconciliation Commission honourably, faithfully and impartially without fear or favour, affection or ill will. (So, help me God)''.

(4) No Commissioner shall be liable to any investigation, prosecution, action, or suit in respect of any matter or thing done by him or her in the discharge of his or her functions and duties under this Act.

Removal of the Commissioners

5.(1) A Commissioner may, at any time, resign as Commissioner with one month's notice by tendering her or his resignation, in writing, to the President.

(2) The President may, after consulting the Speaker of the National Assembly and the Chief Justice remove any Commissioner from the Commission for negligence or gross misconduct.

(3) Where a Commissioner dies, resigns or is removed from the Commission, the vacancy shall be filled in the same manner as that appointment was made under Article XXX.

(4) The Commission may discharge its functions notwithstanding one vacancy in its membership.

Meeting, hearings and decisions

6.(1) The meetings and hearings of the Commission (collectively "meetings") shall be held at such place and on such date and time as designated by the Chairperson.

(2) The quorum for the meetings shall be four commissioners, including the Chairperson or Vice-Chairperson.

(3) The meetings shall be chaired by the Chairperson and, in his or her absence, by the Vice-Chairperson.

(4) The meetings of the Commission shall generally be open to the public. The Commission may hold non-public meetings if the Commission is of the opinion that—

(a) it is in the interest of justice;

(b) there is a likelihood that harm may ensue to any person; or

(c) reconciliation may not be achieved by the proceedings being open.

(5) In making decisions, the Commission shall make every effort to reach consensus. However, if consensus cannot be reached, the Commission may make decisions by a simple majority of the quorum.

(6) The Commission may, if it so desires, invite experts to its meetings to assist the Commission, provided that the Commission shall not be bound to accept the opinion of such experts.

(7) The Commission shall keep written records of its proceedings. At the discretion of the Commission, the public shall be entitled to have access to the records of proceedings of the Commission.

(8) In the discharge of its functions, the Commission shall —

(a) observe applicable and appropriate rules of natural justice and international fair trial standards;

(b) not be bound by evidentiary rules that may undermine the object and purpose of the Commission;

(c) reach its decisions on a balance of probabilities; and

(d) respect the right to dignity of suspects, perpetrators, victims, and witnesses.

Functions of the Commission

7. The Commission shall perform such functions as are necessary to enable it to achieve its objectives, including, but not limited to:

(a) gathering evidence pertaining to the violations, including hearing live witness testimony;

(b) determining the responsibility of individuals in respect of any violations, providing its reasons and proposing measures to prevent the recurrence of such violations;

(c) preparing reports of its activities and findings, based on evidence it has assessed to be credible and reliable and submitting the same to the President;

(d) determining and recommending appropriate remedies;

(e) discharging other functions referred to in this Act.

Power of the Commission

8.(1) The Commission may make such rules of procedure and evidence as it thinks fit, in particular for the conduct and management of its inquiries and investigation.

(2) The Commission may—

(a) visit any establishment or place, enter on land or premises to gather information or inspect property;

(b) have access to public or private archives regardless of restrictions contained in the laws of Seychelles and make copies of any documents found therein;

(c) hold any hearing it deems necessary;

(d) summon any witness or suspect, examine him or her on oath, and compel the production of any document or article. A spouse of a suspect may not be compelled to testify against the suspect;

(e) seek assistance from relevant authorities, including the Police and Judiciary to achieve its objectives, including the provision of security to any witness;

(f) establish such sub-committees as it deems necessary and determine the seat thereof;

(g) hold meetings at any place, within or outside the Republic;

(h) in consultation with the appropriate government authorities, obtain permission from a foreign country to receive evidence from, or gather information in, that country.

(3) For the purpose of clarity, in exercising its powers, the Commission shall be vested with all the powers of the Supreme Court.

Secretary, staff and experts

9.(1) The Commission may appoint such national or international staff or experts as it deems necessary to assist it in the discharge of its functions.

(2) The appointment, functions, duties, conditions of service and benefits of the staff or experts shall be established by the Commission.

Status of evidence and testimony

10. Evidence given before the Commission shall not be admissible in any civil or criminal proceedings, other than in a prosecution for perjury.

Reports and Recommendations

11.(1) The Commission shall submit its reports outlining its investigations and findings to the President.

(2) The Commission may submit interim reports and shall submit a final report within a reasonable time after it has completed its inquiries.

(3) The final report shall include findings and recommendations with a view to achieving justice and national unity.

(4) The President shall make the final report public and lay a copy before the National Assembly, within two months of receiving it.

(5) At the end of its mandate, the Commission shall submit all the documents and files in its possession to the President.

Amnesty

12.(1) Any perpetrator seeking an amnesty ("petitioner") shall file a petition for amnesty with the Commission within the time-limit set by the Commission.

(2) The petitioner shall disclose in the petition all facts relating to the incident for which the amnesty is being sought, including and not limited to the following—

(a) the scene of the incident;

(b) a description of the incident, including the date it occurred;

(c) any loss suffered by any person.

(3) The petition shall include a statement of sincere apologies to the victim or victims. The Commission shall, as far as reasonably practicable, require the perpetrator to provide the apologies to the victim or victims in person;

(4) A perpetrator, who has provided a full and frank disclosure of his or her culpable acts in relation to any violation and has offered sincere apologies to the victim or victims, shall be granted an amnesty in relation to the acts or omissions that were part of the disclosure and apology.

(5) In determining whether —

(a) the petitioner has provided full disclosure of his or her culpable acts; and

(b) the apology is sincere, the Commission may hear testimony from the victim or victims, perpetrator, or any other person it deems appropriate.

(6) A person who has been granted amnesty in respect of a violation shall not be criminally or civilly liable in respect of the acts or omissions that were part of the disclosure and apology. The amnesty shall not affect any order by the Commission for reparations or rehabilitation.

Offences

13. A person who—

(a) fails to attend the Commission after having been summoned to do so;

(b) refuses to take an oath before the Commission;

(c) refuses, except in the exercise of his or her right against self-incrimination, to answer fully and satisfactorily to the best of his or her knowledge and belief, any question put to him by the Commissioners during the hearing;

(d) refuses to produce any document when required to do so by the Commission;

(e) knowingly gives false evidence, or evidence which he or she knows to be misleading;

(f) insults a Commissioner during a hearing;

(g) does anything in relation to the Commission which, if done in relation to a court of law, would constitute contempt of court,

commits an offence and shall be liable to a fine not exceeding SCR50,000 and to imprisonment for a term not exceeding 10 years.

Duration

14.(1) The Commission shall be a statutory corporation.

(2) The mandate of the Commission shall commence upon the Commissioners taking the oath in accordance with Section 4(6) and shall end upon the delivery to the President of its final report.

Budget and auditing of the Commission

15.(1) The Commission shall be allocated a budget from the

Consolidated Fund to cover its operation, including the remuneration of Commissioners and support staff.

(2) The Commission shall prepare a budget and submit it to the Minister of Finance for approval.

(3) The Commission may receive donations through the Ministry of Finance from local and foreign agencies or associations that do not have any vested interest in the outcome of any proceedings of the Commission.

(4) The remuneration, allowance and other benefits, if any, of the Commissioners shall be prescribed by the minister responsible for Public Administration prior to the appointment of the Commissioners.

(5) The accounts of the Commission shall be audited by the Auditor General.

THE TRUTH, RECONCILIATION AND NATIONAL UNITY COMMISSION BILL, 2018

(Bill No. 6 of 2018)

OBJECTS AND REASONS

The Bill seeks to make provisions to enable the President to establish a Truth, Reconciliation and National Unity Commission to promote National Unity and Reconciliation.

The Bill comprises of 15 sections.

Section 1 and 2 provides for short title, commencement and interpretation.

Section 3 provides for the mandate and purpose of the Act.

Section 4 provides for the appointment of Commissioners.

Section 5 provides for removal of Commissioners.

Section 6 provides for the meetings, hearings and decisions of the Commission.

Section 7 and 8 provides for the functions and powers of the Commission.

Section 9 provides for the appointment of Secretary, staff and experts of the Commission.

Section 10 provides for status of evidence and testimony.

Section 11 provides for Reports and Recommendations of the Commission.

Section 12 provides for amnesty.

Section 13 provides for offences and penalties.

Section 14 provides the duration of the Commission; and

Section 15 provides for the budget and auditing of the Commission.

Dated this 20th day of June, 2018.

FRANK D.R. ALLY
ATTORNEY-GENERAL

THE TRUTH, RECONCILIATION AND NATIONAL UNITY COMMISSION BILL, 2018

(Bill No. 6 of 2018)

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title and the Commencement
2. Interpretations
3. Mandate and Purpose
4. Appointment of the Commissioners
5. Removal of the Commissioners
6. Meetings, Hearings and Decisions
7. Functions of the Commission
8. Powers of the Commission
9. Secretary, Staff, and Experts
10. Status of Evidence and Testimony
11. Reports and Recommendations
12. Amnesty
13. Offences
14. Duration
15. Budget and Auditing of the Commission

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(1) "Commissioner" means a member of the Commission and includes the Chairperson and Vice-Chairperson;

(2) "Perpetrator" means a person who the Commission has found to have committed any violation and includes a person who has given an order, or materially assisted someone, to commit such a violation;

(3) "Rehabilitation" means the psychological or mental support offered to both victims and perpetrators in need of such support, with a view to their achieving complete closure, including restoring their credibility in society;

(4) "Reparation" means the compensation, facility or concession made available to the victim;

(5) "Suspect" means a person who is suspected of having committed any violation and includes a person who is suspected of giving orders, or materially assisting someone, to commit such violations;

(6) "The Commission" means the Truth, Reconciliation and National Unity Commission established by the President, pursuant to this Act;

(7) "Victim" means a person having suffered any significant harm or detriment as a result of any violation;

(8) "Violation" means a human rights abuse committed during, or in relation to, the Coup

D'état of 5 June 1977 and includes the following acts—

(a) unlawful killing;

(b) unlawful imprisonment or other deprivation of physical liberty;

(c) torture;

(d) rape;

(e) enforced disappearance of persons;

(f) kidnapping;

(g) forceful eviction from legally owned house or land;

(h) illegal acquisition of property or business;

(i) wrongful denial of the right to employment;

(j) wrongful termination of employment;

(k) forced exile;

(l) other acts of a similar character causing suffering, or injury to body or to mental or physical health.

Mandate and purpose

3.(1) The Mandate of the Commission shall be to receive complaints in respect of alleged violations and to gather, collate and analyse information and evidence with respect thereto, and to make findings.

(2) The objectives of the Commission are—

(a) to ascertain the truth with respect to complaints of alleged violations;

(b) to create an accurate and objective public record of the complaints of alleged violations;

(c) to help bridge divisions caused by any violations;

(d) to provide closure for the victims and perpetrators of the violations;

(e) to determine—

(i) the appropriate reparations for victims;

(ii) the appropriate rehabilitation for victims and perpetrators; and

(iii) whether or not to grant amnesty;

(f) to unite the people of Seychelles around a common agenda that will help them move forward in confidence and with a sense of common purpose and ensure that such violations do not reoccur.

(3) The Commission shall carry out its functions in an open, impartial and transparent manner.

(4) The Commission shall abide by universally recognised legal principles and human rights norms.

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(a) the President shall select the Chairperson and the two non-Seychellois Commissioners from persons proposed by the Constitutional Appointments Authority;

(b) the remaining four Commissioners shall be selected by the President from candidates proposed by the following representative bodies; the Citizens Engagement Platform Seychelles and the Seychelles Inter-faith Council. Each of the representative bodies shall propose five candidates from which the President shall appoint two Commissioners. The Commissioners shall designate the Vice-Chairperson from amongst their number.

(2) The Commissioners shall be persons of recognised good standing and high moral character, capable of performing their functions independently, impartially and in compliance with the highest ethical standards.

(3) Every Commissioner shall, prior to assuming office, take the following oath before the President:

"I solemnly declare that I will perform my duties and exercise my powers as a Commissioner of the Truth and Reconciliation Commission honourably, faithfully and impartially without fear or favour, affection or ill will. (So, help me God)".

(4) No Commissioner shall be liable to any investigation, prosecution, action, or suit in respect of any matter or thing done by him or her in the discharge of his or her functions and duties under this Act.

Removal of the Commissioners

5.(1) A Commissioner may, at any time, resign as Commissioner with one month's notice by tendering her or his resignation, in writing, to the President.

(2) The President may, after consulting the Speaker of the National Assembly and the Chief Justice remove any Commissioner from the Commission for negligence or gross misconduct.

(3) Where a Commissioner dies, resigns or is removed from the Commission, the vacancy shall be filled in the same manner as that appointment was made under section 4.

(4) The Commission may discharge its functions notwithstanding one vacancy in its membership.

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6.(1) The meetings and hearings of the Commission (collectively "meetings") shall be held at such place and on such date and time as designated by the Chairperson.

(2) The quorum for the meetings shall be four commissioners, including the Chairperson or Vice-Chairperson.

(3) The meetings shall be chaired by the Chairperson and, in his or her absence, by the Vice-Chairperson.

(4) The meetings of the Commission shall generally be open to the public. The Commission may hold non-public meetings if the Commission is of the opinion that—

(a) it is in the interest of justice;

(b) there is a likelihood that harm may ensue to any person; or

(c) reconciliation may not be achieved by the proceedings being open.

(5) In making decisions, the Commission shall make every effort to reach consensus. However, if consensus cannot be reached, the Commission may make decisions by a simple majority of the quorum.

(6) The Commission may, if it so desires, invite experts to its meetings to assist the Commission, provided that the Commission shall not be bound to accept the opinion of such experts.

(7) The Commission shall keep written records of its proceedings. At the discretion of the Commission, the public shall be entitled to have access to the records of proceedings of the Commission.

(8) In the discharge of its functions, the Commission shall —

(a) observe applicable and appropriate rules of natural justice and international fair trial standards;

(b) not be bound by evidentiary rules that may undermine the object and purpose of the Commission;

(c) reach its decisions on a balance of probabilities; and

(d) respect the right to dignity of suspects, perpetrators, victims, and witnesses.

Functions of the Commission

7. The Commission shall perform such functions as are necessary to enable it to achieve its objectives, including, but not limited to —

(a) gathering evidence pertaining to the violations, including hearing live witness testimony;

(b) determining the responsibility of individuals in respect of any violations, providing its reasons and proposing measures to prevent the recurrence of such violations;

(c) preparing reports of its activities and findings, based on evidence it has assessed to be credible and reliable and submitting the same to the President;

(d) determining and recommending appropriate remedies;

(e) discharging other functions referred to in this Act.

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8.(1) The Commission may make such rules of procedure and evidence as it thinks fit, in particular for the conduct and management of its inquiries and investigation.

(2) The Commission may—

(a) visit any establishment or place, enter on land or premises to gather information or inspect property;

(b) have access to public or private archives regardless of restrictions contained in the laws of Seychelles and make copies of any documents found therein;

(c) hold any hearing it deems necessary;

(d) summon any witness or suspect, examine him or her on oath, and compel the production of any document or article. A spouse of a suspect may not be compelled to testify against the suspect;

(e) seek assistance from relevant authorities, including the Police and Judiciary to achieve its objectives, including the provision of security to any witness;

(f) establish such sub-committees as it deems necessary and determine the seat thereof;

(g) hold meetings at any place, within or outside the Republic;

(h) in consultation with the appropriate government authorities, obtain permission from a foreign country to receive evidence from, or gather information in, that country.

(3) For the purpose of clarity, in exercising its powers, the Commission shall be vested with all the powers of the Supreme Court.

Secretary, staff and experts

9.(1) The Commission may appoint such national or international staff or experts as it deems necessary to assist it in the discharge of its functions.

(2) The appointment, functions, duties, conditions of service and benefits of the staff or experts shall be established by the Commission.

Status of evidence and testimony

10. Evidence given before the Commission shall not be admissible in any civil or criminal proceedings, other than in a prosecution for perjury.

Reports and Recommendations

11.(1) The Commission shall submit its reports outlining its investigations and findings to the President.

(2) The Commission may submit interim reports and shall submit a final report within a reasonable time after it has completed its inquiries.

(3) The final report shall include findings and recommendations with a view to achieving justice and national unity.

(4) The President shall make the final report public and lay a copy before the National Assembly, within two months of receiving it.

(5) At the end of its mandate, the Commission shall submit all the documents and files in its possession to the President.

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12.(1) Any perpetrator seeking an amnesty ("petitioner") shall file a petition for amnesty with the Commission within the time-limit set by the Commission.

(2) The petitioner shall disclose in the petition all facts relating to the incident for which the amnesty is being sought, including and not limited to the following —

(a) the scene of the incident;

(b) a description of the incident, including the date it occurred;

(c) any loss suffered by any person.

(3) The petition shall include a statement of sincere apologies to the victim or victims. The Commission shall, as far as reasonably practicable, require the perpetrator to provide the apologies to the victim or victims in person;

(4) A perpetrator, who has provided a full and frank disclosure of his or her culpable acts in relation to any violation and has offered sincere apologies to the victim or victims, shall be granted an amnesty in relation to the acts or omissions that were part of the disclosure and apology.

(5) In determining whether —

(a) the petitioner has provided full disclosure of his or her culpable acts; and

(b) the apology is sincere, the Commission may hear testimony from the victim or victims, perpetrator, or any other person it deems appropriate.

(6) A person who has been granted amnesty in respect of a violation shall not be criminally or civilly liable in respect of the acts or omissions that were part of the disclosure and apology. The amnesty shall not affect any order by the Commission for reparations or rehabilitation.

13. A person who — Offences

(a) fails to attend the Commission after having been summoned to do so;

(b) refuses to take an oath before the Commission;

(c) refuses, except in the exercise of his or her right against self-incrimination, to answer fully and satisfactorily to the best of his or her knowledge and belief, any question put to him by the Commissioners during the hearing;

(d) refuses to produce any document when required to do so by the Commission;

(e) knowingly gives false evidence, or evidence which he or she knows to be misleading;

(f) insults a Commissioner during a hearing;

(g) does anything in relation to the Commission which, if done in relation to a court of law, would constitute contempt of court,

commits an offence and shall be liable to a fine not exceeding SCR50,000 and to imprisonment for a term not exceeding 10 years.

TRUTH, RECONCILIATION
AND NATIONAL UNITY COMMISSION

VOLUME I

ANNEX II

Duration

14.(1) The Commission shall be a statutory corporation.

(2) The mandate of the Commission shall commence upon the Commissioners taking the oath in accordance with Section 4(6) and shall end upon the delivery to the President of its final report.

Budget and auditing of the Commission

15.(1) The Commission shall be allocated a budget from the Consolidated Fund to cover its operation, including the remuneration of Commissioners and support staff.

(2) The Commission shall prepare a budget and submit it to the Minister of Finance for approval.

(3) The Commission may receive donations through the Ministry of Finance from local and foreign agencies or associations that do not have any vested interest in the outcome of any proceedings of the Commission.

(4) The remuneration, allowance and other benefits, if any, of the Commissioners shall be prescribed by the minister responsible for Public Administration prior to the appointment of the Commissioners.

(5) The accounts of the Commission shall be audited by the Auditor General.

NATIONAL ASSEMBLY OF SEYCHELLES

Extract of Verbatim

Thursday 2nd August 2018

2nd Part National Reconciliation and Unity Bill, 2018

MR SPEAKER

Bonzour tou Manm Onorab. Bonzour Vis-Prezidan. Bonzour *Attorney General* e Mr Pool ou asistan. E bonzour tou dimoun ki a lekout e ki pe swiv travay Lasanble Nasyonal. Mon tou dabor prezant en leskiz pour ler ki nou konmanse sa se akoz *Bills Committee* I ankor pe rankontre e pe fer bann travay vizavi sa *Bill* ki nou debat lo la yer.

Good Morning all honorable members. Good Morning Vice-President. Good Morning Attorney General and your assistant Mr. Pool. And Good Morning to everyone listening and following the work of the National Assembly (NA). I will first of all present an apology for the time we have started and that is because the Bills Committee is still meeting and working on the Bill we debated on yesterday.

Bon nou pour demar nou sesyon ozordi mon panse nou pour antre an vi bann lamannman nou pour antre dan Staz Komite pour nou kapab diskit e pran bann lamannman. *Sergeant.* Eski mon kapab donn laparol *Chair Bills Committee.* Onorab Bernard Georges.

Good we will start the session today and I believe we will go directly into the amendments. We will go into the Committee Stage for us to be able to discuss the amendments. Sergeant. Can I give the floor to the Chair of Bills Committee. Honorable Georges?

HON BERNARD GEORGES

Mersi Mr Chair. Bonzour Vis-Prezidan. Bonzour tou bann Manm e bonzour nou bann telespektater ek bann dimoun ki pe ekout nou lo radyo.

Thank you Mr. Chair. Good Morning Vice President (VP). Good Morning all members and Good Morning all tele spectators and everyone listening to the radio.

Mr Chair mon ava zwenn avek ou pour prezant nou leskiz avek Lasanble e bann dimoun

ki pe swiv nou pour sa retar pour konmanse e sirtou avek Vis-Prezidan ki la depi 10er pe esper nou.

Mr. Chair I will join you in presenting our apologies to the NA and everyone following us for the lateness in starting and especially VP who has been here since 10am waiting for us.

Bills Committee in travay dan en fason ekstrememan dir depi bomaten 8er pour nou sey ariv devan Lasanble avek bann amannman final lo sa Prozedlwa ki devan nou.

Bills Committee has worked to the extreme since this morning at 8am for us to come before the NA with the final amendments on the Bill before us.

Mon ti a kontan remersye non selman bann Manm *Bills Committee* me osi nou de *Leaders* e *Attorney General* e *legal draftsperson* Mr Pool ki'n zwenn nou bomaten ensi ki ou e Deputy Speaker - dan en fason ki nou kapab en fwa pour tou mon krwar met devan nou Lasanble bomaten en Prozedlwa ki reponn a bann legzizans e a bann demann ki Lasanble ti fer yer pandan deba lo bann merit zeneral sa Prozedlwa.

I would like to thank not only the members of the Bills Committee but also our 2 Leaders and the AG and the legal draftsperson Mr. Pool who joined us this morning including you and your Deputy Speaker – as a way for us to once and for all put before our NA this morning a bill that answers to the demands and mandatory points that the NA made yesterday in its debate on the merits of this bill.

Devan bann Manm bomaten i sipoze annan e si pa ankor arive i pour arive tre byento Sekretarya pe fer kopi en versyon sa *Bill* avek bann modifikasyon ki *Bills Committee* ansanm avek Biro *Attorney General,* ti a kontan met devan Lasanble pour aprouvasyon bomaten.

Before each member this morning there should and if it is not there yet it will be soon. The secretariat is making copies of the version of the bill with the modifications that the Bills Committee together with the office of the AG, would like to present before the NA for approval this morning.

Bokou sa bann amannman i bann amannman relantivman senp e ki pa pour anmenn gran diskisyon me zis pour eksplike akoz sa i pran nou en pe letan bomaten, se ki preski sa *Bill* antye in bezwen ganny revwar e serten laranzman tipografik ek striktirel in nesesite.

Most of these amendments are relatively simple and will not bring about a lot of discussion but just to explain because this took us a while this morning, is that almost the whole Bill has been reviewed and certain typographical and structural arrangements has been made out of necessity.

Devan nou la donk nou annan en seri propozisyon amannman. Mon pa krwar Mr Speaker an vi detay ki nou pas ladan e letan ki nou annan devan nou ki i zistifye pour nou pas atraver sa bann lamannman enn par enn - *unless* ki Lasanble i egzize ki nou fer li.

Before us we therefore now has certain proposed amendments. I do not believe Mr. Speaker considering the details we have been through and the time we have before us that it is justified for us to go through these amendments one by one – unless the NA insists that we do it.

Sa ki nou ti ava propoze se ki Vis-Prezidan i dir nou si sa bann lamannman i zeneralman akseptab avek li *de sorte* ki nou ava kapab bomaten, konsider enn de bann keksoz ki *Bills Committee* pa'n kapab ariv lo en konklizyon lo la, e ki nou'n prefere met devan Lasanble li menm pour en desizyon ganny pran.

What we propose is that the VP tells us if these amendments in general is acceptable with the idea of sorting so that we can this morning consider a few things that the Bills Committee could not arrive to a conclusion upon and we preferred to put it before the NA for the decision to be taken.

An mezir mon pe koze Mr Speaker mon vwar ki bann kopi sa *Bill* pe ganny sirkile dan en fason ki sak Manm i annan en kopi devan li.

As I am talking Mr. Speaker I see that the copies of the Bill is being circulated in a way that

each member has a copy before them.

E zis pour bann Manm sezi sa ki nou pe fer, tou bann lamannman dan sa *Bill* in ganny *track* e zot paret devan sa *Bill* devan zot, pour ki zot kapab swiv pour sa ki in ganny tire e kisisa ki pe ranplas sa bann keksoz ki'n ganny modifye.

And just for the members to capture what we are doing, all the amendments in this Bill has been track and they appear on the Bill before you. So thay you can follow through on what have been deleted and what are the modifications.

Donk an rouz lo sa kopi devan zot, se bann amannman ki *Bills Committee* pe propoze fer. E parey mon dir mon pa pour pas an detay lo tousala. Zot ava vwar par egzanp premye amannman se dan son *long title* li menm kot nou anvi re entegre dan son *long title* rezonnman deryer lapwentman oubyen konpozisyon sa *Truth Reconciliation and National Unity Commission.*

So in red on the copies before you, are the amendments that the Bills Committee are proposing. And like I told you I will not go into the details. You will see for example the first amendment is in the long title where we want to add to the long title the reasoning behind the appointment or composition of TRNUC.

E noun kontan nou propoze olye repet ki i pour vin promouvwar Linite Nasyonal e rekonsilyasyon servi bann en mo ki ti dan Mosyon ki ti vin devan sa Lasanble – en fraz ki ti dan Mosyon ki ti vin devan Lasanble e ki'n ganny entegre dan sa *Bill* li menm anba Seksyon 3 pour ki tou dimoun I konnen en fwa ki nou lir sa *long title* egzakteman ki sa ki pe ganny fer.

And we are happy that we have proposed rather than repeat that it will be promoting National Unity and Reconciliation we used a word from the NA motion – the sentence in the motion that was before the NA that has been integrated in this Bill under section 3 so that everyone knows once we read the long title exactly why this has been made.

So we are proposing that the long title reads as follows: *'An Act to enable the President of the*

Seychelles to establish a Truth, Reconciliation and National Commission, to unite the people of Seychelles around a common agenda, that will help them move forward in confidence and with a sense of common purpose.'

Nou sizere ki sa i ankapsil dan en fason kler e senp motivasyon deryer sa *Bill.* Dan *Clause 2* sa *Bill* i annan detrwa amannman plito tipografik an sa ki konsern bann definisyon sa ki nou apel *'interpretation section'* nou'n fer enn de modifikasyon. Zis pour *highlight* sa ki nou pe anmennen se en nouvo definisyon - ou plito en nouvo legzanp, kisisa ki sa Komisyon i kapab regarde - e zot ava vwar sa dan *Clause 2 (8) (l)*

'Abuse of office by a Government official including executive, judiciary and legislation.'

We are suggesting that these are in capital letters in a clear and simple in regards to the motivation behind the Bill.
In clause 2 of the bill there are typographical amendments in regards to the definition in what we call the 'interpretation section' there has been some modifications. Just to highlight what we are bringing forth is a new definition – or a new example more or less in what the Commission can look into and in Clause 2 (8) (l)
'Abuse of office by a Government official including executive, judiciary and legislation.'

E lentansyon la se pour kouver okenn aksyon ki okenn dimoun in pran, ki'n annan en lefe negatif lo en viktim.

I posib ki sa aksyon ti en aksyon ki pa ti merite ganny pran me ki sa zofisye Gouvernman, swa en Ziz, en Mazistra en Minis oubyen menm en Manm Lezislatif - menm Lasanble Nasyonal li menm, oubyen son bann predeseser, in deside fer en aksyon ki zot pa ti devret. Me an fezan sa en viktim in arive.

The intention here is to cover the actions that anyone took, that has had a negative impact on a victim. It is possible that the action was one that should have not been taken but the Government officer, or the judge, a Magistrate a Minister or a Member of Legislation – even members of the NA, or their predecessors decided to act in a way they should not.

And in doing this a Victim happened.

E nou pe koz par egzanp en lakizasyon later dan en fason kot ou'n anvi fer li zis pour fer en dimoun soufer; oubyen en zizman ki'n ganny pase Ankour ki pa ti devret ganny pase; oubyen en Lalwa ki ti ganny pase ki pa ti devret ki ti pe target en endividi dan en fason malisye.

We are talking for example on a land acquisition in a way just to cause suffering to a person or a judgement before a court that should not have been delivered or a Law that was passed that should have not and that was targeting a certain individual in a malicious way.

Anba *Clause 3* nou proze *Bill* pa ti'n deklare ki pour annan en Komisyon. Alor nou'n azout sa la, e nou'n fer li kler ki *there will be established a Truth Reconciliation and National Unity Commission.* - *National* I ava pran en *capital (N)* Mr Chair.

Under Clause we proposed that the Bill had not declared that there will be a Commission. So we added this and we made it clear that *there will be established a Truth Reconciliation and National Unity Commission.* – *National* will have a capital (N) Mr. Chair.

Anba menm Seksyon nou osi propoze en peryod letan pour sa travay sa Komisyon ganny fer. E nou'n dir oubyen pour bann dimoun ki anvi vin devan sa Komisyon, pour zot fer zot laplikasyon. E nou'n azoute donk ki en konplenan en dimoun ki anvi fer en konplent, i ava fer li dan en peryod 6mwan depi ki sa Komisyon i konmans son manda.

Under that same section we also proposed a period of time for the work of the Commission to be done. And we said that anyone who wants to come before the Commission, will make their application. And we also added that a Complainant someone who made a Complaint will do this in a period of 6 months from when the Commission starts its mandate.

E nou'n anvi osi fer kler ki non selman sa viktim li menm I kapab depoz en konplent devan sa Komisyon, me osi en reprezantan, oubyen si sa viktim i mor enn son bann

Manm lafanmir ki ankor vivan i kapab fer li.

We want to make it clear that not only victims can bring their Complaints before this Commission but also a representative, or if the victim is dead a member of the family still alive can do so.

Me nou'n osi anvi e zot ava vwar sa dan *Clause 3 (6)* nou'n osi anvi ki okenn lezot dimoun - pa zis viktim, i kapab vin devan Komisyon pour koz - oubyen pour fer - pour donn en lanket sa Komisyon. E nou anvizaze la par egzanp ki kekfwa en dimoun i ganny mansyonnen par en viktim.

We also want and you will see that in *Clause 3 (6)* we also want other people – not only the victims, they can come before the Commission and talk – or to make – to give an investigation to the Commission. And we know that there will be people for example that may be mentioned by a victim.

E i pa ti anvi vin oubyen i pa ti'n deside pour vin devan Komisyon, me pandan lanket son non i ganny mansyonnen e donk I anvi vin devan ouswa eksplike - oubyen si i ti en *perpetrator* e ki i ganny mansyonnen konmkwa i ti en *perpetrator,* i anvi vin devan e fer en ave e aksepte sa ki in fer.

And they do not want to come or they had decided to come before the Commission, but during the investigation their names are mentioned and they therefore want to come forward or explain – or if there was a perpetrator and they want to come forward and make a confession and accept that they did it.

Donk *Clause 3 (6)* nou pe donn sa loportinite okenn dimoun *including* bann *perpetrators,* pour zot kapab fer en laplikasyon pour vin devan Komisyon pour zot ganny ekoute. E sa i en prensip lazistis natirel '*natural justice*' parey nou bann avoka nou kontan koz lo la - ki donn tou dimoun en loportinite pour zot desarz sa ki lo zot leker.

Therefore *Clause 3 (6)* we are giving the opportunity to anyone including perpetrators, for them to make an application to come before the Commission for them to be heard. And this principle of natural justice like we lawyers like to talk about – will give everyone an

opportunity for them to relieve what is in their hearts.

E annefe parey nou ava rapel yer dan bann deliberasyon ti ganny met devan ki, lentansyon se pa selman pour rod en lazistis pour viktim, malgre ki sa I enn bann gran prensip, me osi pour donn en loportinite bann dimoun ki koupab pour zot vin devan, e desarz sa douler, oubyen sa fardo ki zot pe anmennen pour ki laverite i ava ganny konnen.

And as a matter of fact we will remember that yesterday in our deliberations it wad put forward that the intention is not only to get justice for the victims, although this is one of the main principle, but also to give an opportunity to guilty persons to come forward and release the pain or burden that they are carrying so that the Truth will be known.

Dan C*lause* 4 Mr Speaker in annan en bann sanzman ase sibstansyel, lo lafason ki sa 7 Manm sa Komisyon pour ganny apwente. Dan son *Bill* avan - dan son propozisyon *Bill* avan ki *Cabinet* ti'n retenir, apwentman ti pour ganny fer - tou bann apwentman ti pour ganny fer par Prezidan, me en seri Manm ti pour ganny nonmen lo sa Komisyon par *SIFCO* avek *CEPS*. Nou propozisyon amannman se pa pour fer sa, akoz nou konsidere ki *SIFCO* ek *CEPS* pa 2 lenstitisyon ki kouver tou bann larelizyon oubyen bann *NGOs*.

In *Clause 4* Mr. Speaker there has been some substantial changes on the way the 7 members Commission will be appointed. In the previous Bill – its proposition before was that the Cabinet will retain, appointment was to be made – all appointments were to be made by the President, but certain members were to be nominated on this Commission by SIFCO and CEPS. We proposed an amendment that this is not done because we considered that SIFCO and CEPS are 2 institutions that covers religion or members of NGOs.

I annan serten dimoun ki deor e ki pa apartenir a sa de lenstitisyon e nou krwar ki dan son lapwentman sa Komisyon, Prezidan i bezwen annan en marz manev bokou pli larz, e i pa devret ganny kontrent dan bann dimoun ki i bezwen ganny nominen.

There are certain people that are abroad andbthey do not belong to any of these 2 institutions and we believe that in its appointment of the Commission the President needs a broader power and the president should have no constrain in nominating these people.

Alors sa ki nou propoze nou prefere fer se dir ki, tou bann apwentman pour ganny fer *by* Prezidan *from* bann dimoun ki pour ganny propoze par *Constitutional Appointment Authority - CAA*. Donk *CAA* i ava fer sa premye travay anmas non anvoy non anler kot Prezidan - plis non natirelman ki 7 e ladan Prezidan li i ava ganny sa diskresyon pour li apwent 7.

So what we are proposing and we prefer is, all appointments will be made by the President from people proposed by the *Constitutional Appointment Authority – CAA*. So *CAA* will do the first part and collect the names and send to the President – more that 7 names naturally and the President will have the discretion of appointing the 7.

E nou'n retenir propozisyon ki 2 Manm lo sa Komisyon pour dimoun ki etranze e ki pa viv Sesel - pour bann rezon ki'n sorti yer. Sa in ganny retenir.

E lespri se ki *Chairman* sa Komisyon, i pour bezwen en Seselwa me bann Komisyoner zot menm ava deside lekel ki pour vin sa Vis-*Chairman.*

E i posib i pa neseser, me nou pa'n anvi ankor enn fwa anmar zot lanmen. Zot ava deside lekel parmi sa 6 lezot ki zot ava apwente konman Vis-*Chairman.*

And we retained our position that 2 members of this Commission will be foreigners that does not live in Seychelles – for reasons that came out yesterday. This has been retained.

And the thought is that the Chairman of this Commission will have to be a Seychellois and the other Commissioners will decide amongst themselves who will be the Vice Chairman.

It is possible but not necessary, but we do not want to once again tie their hands. They will decide who amongst the 6 will be appointed as Vice Chairman.

Mr Chair dan *Clause 4 (5)* nou'n fer en pti lamannman avek sa *oath of office* ki pour ganny pran par bann *Commissioners* e nou'n azout '*swear* 'pour ki bann dimoun ki kretyen - bann *Commissioner* ki kretyen ava kapab '*swear,'* me bann ki pa kretyen oubyen ki pa anvi '*swear'* zot ava kapab fer en deklarasyon solannel.

Mr. Chair in *Clause 4 (5)* we have made a small amendment with the oath of office that will be taken by the Commissioners and we have added 'swear' so that the Commissioners that are Christians – the Commissioners that are Christians can 'swear', but those that are not Christians or that does not use 'swear' they can make a solemn declaration.

Anba *Clause 5* zot ava vwar ki nou annan en modifikasyon. Pour tir en Manm lo Komisyon avan sa *Bill* ti pe dir ki Prezidan i ava konsilte avek Sef Ziz e Speaker Lasanble Nasyonal, me etandonnen ki se *CAA* ki pour annan desizyon prezan, pou propoz bann Manm pour ganny apwente avek Prezidan, nou pe propoze ki ankor enn fwa i ava konsilte avek *CAA* e non pa avek sa de *Head* sa de lezot Brans Gouvernman.

Under *Clause 5* you will see that that there is a modification. To remove a member of the Commission before the Bill was stating that the President will consult the Chief Justice and Speaker of the NA, but since the decision will know lie with the CAA, to propose the members for appointment to the President, we are proposing that once again that he consults with the CAA and not with the 2 Head of the other branches of government.

An sa ki konsern travay sa Komisyon li menm anba *Clause* 6 zot ava vwar ki travay Komisyon pour ganny fer an piblik, me I posib ki dan serten ka Komisyon i ava ekout levidans an prive *in-camera* parey nou dir dan bann term legal.

Sa ki nou'n azoute zot ava vwar dan *Clause 6 (4)* se ki si Komisyon pour ekout dimoun an prive, zot pa pour annan sa desizyon zot menm. Zot pour bezwen konsilte avan avek bann parti konsernen - sa viktim oubyen sa dimoun ki'n vin devan. Zot ki pour deside. Komisyon ki pour deside, me zot a fer sa an konsiltasyon

avek bann dimoun ki konsernen.

In regards to the work of this Commission under *Clause 6* you will see that the work of the Commission will be done in public, but it is possible in certain cases for the Commission to listen to the evidence in private – in camera like we say in legal terms. What we have added in *Clause 6 (4)* as you will see is that the Commission will listen to people in private, they will not have the right to make that decision. They will have to consult first with the concerned parties – the victim or the person coming before them. They will decide. Commission will decide, but they will do this in consultation with the concerned parties.

Akoz nou'n anvi ki bann sa Komisyon i pa vin en zafer Komisyoner, me i vin en zafer ki sa Komisyon i pour bann dimoun ki pour devan li alor zot bezwen li zot osi pour ganny en *say* dan sa ki arive.

Because we want that Commission does not become an affair of Commissioners but an affair where this Commission will be for the people coming before it and they also need a saying what happens.

Dan *Clause 6 (5)* Komisyon i pour pran en desizyon par konsansis. Se sa ki nou ti ava swete, me ler zot pa kapab ariv en konsansis, nou'n konsidere ki zot pour bezwen annan en mazorite bann Manm. Setadir lo 7 zot bezwen annan 4 toultan ki an faver pran en desizyon.

In *Clause 6 (5)* Commission will take a decision through consensus. This is what we hope, but when this cannot be reached we have considered that they will need a majority of members. This means out of 7 they need 4 always in favor to take a decision.

So si zot pa kapab ganny 4 zot pa kapab pran sa desizyon. E sa pour fer sir ki bann desizyon i ganny pran par en mazorite pli gran ki posib.

Dan *Clause 6 (7)* lo lot paz - anler lo lot paz nou elarzi en pe bann keksoz ki Komisyon - bann rikord ki Komisyon I bezwen garde. E nou anvi zot gard par egzanp –

So if they cannot get 4 they cannot take this decision. And

this is to make sure that the decisions taken is based on the largest majority possible.
In *Clause 6 (7)* on the other page – at the top of page we have enlarged certain things that the Commission – the records which the Commission will have to keep. And we want the to keep for example –

(Interruption)

HON BERNARD GEORGES
... wi mon latansyon Mr Speaker eskiz mwan, mon latansyon pe ganny - mon pe ganny demande pour retourn lo *6 (5)* akoz aparaman sa ki devan nou mon pa'n dir.

... yes my attention Mr. Speaker excuse me, my attention is being – I am being aked to return on 6 (5) because apparently what if in front of us I have not stated.

Sa ki mon'n dir se ki ler i pran desizyon Komisyon i pour sey ariv a en konsansis. Sa ti la depi avan. Me si I pa kapab ariv en konsansis en Komisyon pour ganny pran par en mazorite bann Manm ki - bann mazorite bann Manm sa Komisyon. Setadir 4 o mwen 4 ou plis.

What I have stated is that when a decision the Commission will try and reach a consensus. This was already here. But if they cannot reach a consensus a decision will be taken based on the majority members that – a majority of members in this Commission this means 4 or more.

Ok mo 'mazorite' in ganny tire eskiz mwan Mr Speaker. Alor mon propoze ki nou azout apre *'by'* avan *'the member'* – *'by a majority of'* ok. *'the number of'* soz. Mersi pou tir mon latansyon lo la.

Okay the word majority has been removed my excuse Mr. Speaker. So I propose that we add *'by'* before 'the member' – *'by a majority of'* okay. *'The number of'*. Thank you for bringing my attention to this.

Mon retourn lo 7. Mon retourn lo *6 (7)* avan sa, propozisyon sete ki Komisyon I ava gard en rikord son bann *proceedings*. E nou'n ganny - in ganny sizere avek nou, ki sa pa ti ase eksplisit, alor nou'n fer li vin en pti pe pli kler.

I will back to 7. I am back on *6 (7)* before this, the proposition was that the Commission will

keep records of its proceedings. And we have – it has been suggested to us that this was not explicit enough so we have made it clearer.

E nou'n dir ki I pour gard en rikord konplet an ekri e osi *audiovisuelle*. Setadir tou bann *proceedings* ava ganny rikorde par televizyon e I ava ganny garde e tou bann egzibit ava kapab osi ganny ava bezwen ganny garde. E manm piblik i ava ganny akse avek sa bann rikord ki'n ganny fer dan piblik.

And we have said that it will keep complete records in writing and audiovisual. Meaning all proceedings will be records by television and it will be kept and all exhibits will also be kept. And members of the public will have access to these records that had been made public.

Setadir ki si i annan en temwen ki ganny ekoute an prive I pa pour ganny akse a sa rikord, me tou bann lezot rikord tou piblik pou ganny akse avek a nenport ki moman.

Fonksyon Komisyon napa bokou sanzman ki'n ganny fer anba *Clause 7* sof enn de modifikasyon ki zot ava konpran.

Meaning if there is a witness that has been heard in private they will not have access to this record but all other records all members of the public will have access to at any moment. The function of the Commission has not changed much under *clause 7* except for a few modifications which you will understand.

Nou'n anvi azout dan *7 (d)* *7 (d)* mo 'reparasyon.' - setadir ki Komisyon pour kapab fer en remed, me osi I pour annan posibilite pour li repar bann domaz ki'n arive.

We wanted to add in *7 (d)* the word *'reparation'* – meaning the Commission will be able to remedy but also there will be the possibility for it to repair certain damages that has happened.

Clause 8 I plizoumwen pa'n sanze; *Clause 9* parey e *Clause 10*. *Clause 11* zot ava vwar i annan en morso ki'n ganny *highlight* an zonn. E sa se en desizyon ki nou'n santi ki I bezwen ganny pran par Lasanble e non pa par en Komite Lasanble.

Clause 8 is more or less unchanged, *Clause 9* and *Clause 10* also. *Clause 11* you will see that there are certain parts that has been highlighted in yellow. And this is one decision which we felt should be taken by the NA and not by the NA Committee.

Se pour sa rezon ki nou *highlight* sa e nou'n met devan zot. E sa se ki e I annan pour fer avek rapor sa Komisyon. Avan sa, Komisyon ti annan posibilite me pa lobligasyon pour fer *interim reports,* e I ti annan en lobligasyon pour li donn son rapor final a lafen son travay, dan en letan rezonnab. Bann pwen ki'n ganny met devan nou e ki nou anvi met ki nou met dan *Clause 11 (2)* se ki Komisyon pour bezwen fer en rapor enterimer tou le 6mwan, e osi donn son rapor final dan en peryod 3mwan apre ki in konplet son lanket.

It is for that reason that we have highlighted this and we have put before you. And that has to do with the report of the Commission. Before the Commission had the possibility but not the obligation to make interim reports, and they were under an obligation to give a final report at the end of their work in a reasonable time. The points put before us and that we want it included in *Clause 11 (2)* is that the Commission will have to make an interim report every 6 months and also make a final report in a period of 3 months after it completes its investigations.

E nou ava retourn ler nou ariv lo *Clause 14* lo sa size *Sunset Clause* parey nou dir.

Kan eski travay Komisyon I sipoze fini? E sa set en deba ki nou espere ki nou ava annan la bomaten, e ki Lasanble I ava donn nou en direksyon lo kote nou devret ale.

Anba *Clause 11 (5)* nou'n dir ki en fwa ki rapor in fini ganny depose avek Prezidan, Prezidan ava pran tou sa bann dokiman - tou bann dokiman tou bann rapor - tou bann *proceedings,* tou bann *verbatim* - tou bann egzibit, tousala, e i ava depoz sa avek kirater Arsiv Nasyonal.

And we will coke back to this when we reach *Clause 14* on the Sunset Clause like we call it. When should the work of the Commission end? And this is a debate that we hope we will now this morning and that the NA will give us a direction on how we should proceed.

Under *Clause 11 (5)* we said that once the report has been given to the President, the President will take all these documents – all the documents and reports – all the proceedings, all the verbatim – all the exhibits, all these will be handed over to the curator of the National Archives.

E mo 'kirater' osi i manke alor nou ava azoute. Silvouple ant *'the' and 'the national archives' sa mo 'curator of the', 'curator of the national archives.* ' Mersi.

The word *'curator'* is also missing so we have added it. Please between *'the'* and *'the national archives'* the word *'curator of the', 'curator of the national archives'. Thank you.*

Napa gran sanzman dan *Clause 12* ki annan pour fer avek *amnesty,* me nou ti a kontan eksplike ki nou pa'n sourd lo bann keksoz ki'n ganny dir dan sa Lasanble yer, apropo *involvement* viktim dan *amnesty.*

There is no major change in *Clause 12* that has to do with Amnesty, but we would like to explain that we were not deaf on the things said in the NA yesterday in regards to involvement of victims in amnesty.

I en pwen enportan. I en pwen sansib. Eski kestyon in ganny demande yer en viktim I bezwen aksepte pour ki sa dimoun ki fer li dimal i ganny en *amnesty* oubyen non. *Bills Committee* in prefere reste lo propozisyon ki ti dan *Bill* a savwar. Annou les sa avek Komisyon, Komisyon i ava deside si pour donn en *amnesty* oubyen si i pa pour donn en *amnesty,* avek bann ki responsab, akoz si lentansyon se pour anmenn bann dimoun responsab pour vin devan, e pour koz laverite parey in ganny dir, ou pour bezwen ankouraz zot pour fer sa.

It is an important point. A sensitive point. Questions were asked yesterday if a victim has to accept that the person who committed the wrong gets amnesty or not. Bills Committee has preferred to stay with the proposition in the Bill. Let us allow this Commission, the Commission will decide if amnesty will be granted or not, with those responsible because if the intention is to bring those responsible forward, to tell the truth like it has been stated you

will have to encourage them to do this.

E si ou met en kondisyon ki zot viktim i bezwen aksepte si zot pour ganny *amnesty or not* dimoun pa pour vin devan. E donk en gran parti travay sa Komisyon pa pour *achieve.*

If you place a condition that their victims has to accept for them to receive amnesty or not people will not come forward. Therefore a large part of the work of this Commission will not be achieved.

Alor se pour sa rezon ki nou resite lo propozisyon mannyer i ete. E mon vin dan Mr Chair e mon fek ganny rapel, ki sa pwen I pour en pwen ki Lasanble I ava ozordi donn nou en gidans lo la. Nou, nou pa'n fer okenn modifikasyon, me I ava enportan pour nou ekout zot bomaten e pour nou ganny en direksyon lo kote nou devret ale lo sa pwen.

It is therefore for that reason that we will stay with the proposition as it is. And I have just been reminded Mr. Chair that this is one of the points that the NA will today give a guidance on. We, have not made any modification but it is important for us to listen to them this morning for us to get directions as to where we should go in regards to this point.

E mon vin finalman Mr Chair mon koz plis ki mon ti antisipe lo *Clause (14)* e sa se lafen manda oubyen konmansman e lafen manda sa Komisyon. E nou'n prevwar ki Komisyon pour konmans son Manda 3mwan apre ki bann premye Komisyoner I 'pret serman' - anba Lartik *Clause 4 (5)* e I pour fini ler I soumet son rapor avek Prezidan.

And finally Mr. Chair I have spoken more that I had anticipated on *Clause (14)* and this is about the end of the mandate or the start and ending of the Commissions mandate. We have foreseen that the Commission will start its mandate 3 months after the first Commissioners takes oath – under Article *Clause 4 (5)* and it will submit its report to the President.

Me nou pa'n anvi les sa larz mannyer i ete, alor nou'n met en provizyon dan *Clause 14 (2)* ki manda Komisyon pour ariv a en lafen *in any event* apre 3an. Setadir ki zot pour bezwen

travay en lankadreman 3an, me sa pa anpes zot fini bokou pli boner si zot travay I fini bokou pli boner. E se pour sa rezon ki nou gard - zot ariv alafen zot Manda ler zot depoz zot rapor avek Prezidan.

We did not want to leave this as broad as it was so we have inserted a provision in *Clause 14 (2)* that the mandate of the Commission will come to an end in any event after the 3 years. Meaning they will have to work in a period of 3 years, but this does not stop them from finishing earlier of there work finishes earlier. And it is for that reason that we kept – that they reach the end of their mandate when the report is submitted to the President.

Me in *any event* sa pa devret pli lontan ki 3mwan. E nou'n *highlight* sa akoz ankor en fwa sa pa en desizyon ki nou konman en *Bills Committee,* nou kapab pran. Se en desizyon Polisi ki Gouvernman ansanm avek Lasanble Nasyonal bomaten, pou bezwen pran.

But in any event this should not be longer than 3 months. And we have highlighted this because once more this is not a decision that we as the Bills Committee, we can take. It a decision of Policy that the government together with the NA this morning will have to take.

Dan *Clause 15* ki annan pour fer avek Bidze sel keksoz ki nou fer zot ava vwar se nou tir *15 (2)* nou met li *15 (1)* e vis versa. Alor nou napa gran amannman.

In *Clause 15* that has to do with the budget, the only thing that we have done and you will see we have removed *15 (2)* we have put it as *15 (1)* and vice versa. So there is no major change.

Alor vwala Mr Chairman vwala bann gran laliny bann amannman ki *Bills Committee* in fer bomaten. E nou met sa devan zot premyerman pour laprouvasyon Lasanble e osi pour lakseptasyon Vis-Prezidan. 2 pwen ki nou ti a kontan ekout zot lo la bomaten e ki *open for discussion* - enn se dirasyon manda '*Sunset Clause* 'e lot se partisipasyon viktim dan prosesis '*amnesty.*' Mersi Mr Chair.

So there it is Mr. Chair these the are the major amendments that the Bills Committee has

made this morning. And we are putting this before you firstly for the approval of the NA and also for the acceptance of Vice President. 2 points we would like to listen to this morning and that is open for discussion – one is the duration of the mandate *'Sunset Clause'* and the other one is the participation victim in the process of 'amnesty'. Thank you Mr. Chair.

MR SPEAKER

Mersi Onorab Georges. Bon okenn lezot Manm ki le entervenir lo sa bann lamannman? Si non mon ava ... Onorab Basil Hoareau.

Thank you Honorable Georges. Good. Any other members want to intervene on these amendments? If not I will... Honorable Basil Hoareau?

HON BASIL HOAREAU

Mersi Mr Chair. Mr Chair premyerman mon ti a kontan koz lo sa nouvo deskripsyon dan vyolasyon ki nou ekri 'labi lofis'. Mon krwar i en keksoz enportan ki i pe anmennen parske nou pe dir poudir si i annan bann zofisye Gouvernman ki in pran bann desizyon kot i annan 'labi lofis' then sa i ganny regarde konman en vyolasyon.

Thank you Mr. Chair. Mr. Chair firstly I will like to talk about this new description in violation that we have written as 'Abuse of office'. I think it is bringing something important because we are saying that if there are government officers who has taken decisions where by there has been abuse of office then this is regarded as a violation.

E Onorab Georges in donn legzanp par egzanp en desizyon Zidisyer. Me selman la ki nou pe dir se fodre nou montre sa 'labi lofis.' Pa zis vedir poudir akoz ou pa dakor avek en desizyon Zidisyer ki ou ganny donnen dan lepase, ki i vedir demen ou pour kapab anmenn sa devan *Commission.*

Fodre ou kapab etabli poudir sa dimoun in abiz son 'lofis.'

And Honorable Georges has given examples for example a decision of the Judiciary. But now we are saying that we have to show the abuse of office. It does not simply mean that because you do not agree with a decision from the Judiciary from the past that tomorrow you will come before the

Commission. You have to establish that this person has abused his office.

I kapab ki se en Ziz in ganny lo son desizyon mal, me si I pa'n abiz son lofis ou pa pour kapab anmenn en *case* devan *Commission.* Fodre ou anmenn labi - ou etabli poudir ti annan labi lofis.

E sa an menm tan nou pe fer poudir menm si en dimoun in desarz en fonksyon ofisyel, me si nou vwar poudir in abiz son lofis - par egzanp ek en Ziz si nou vwar poudir en Ziz letan in pran en desizyon devan Lakour in les li ganny gide par bann fakter ki ti ki pa devret gid li - bann fakter petet malis, ouswa *bias, then* i pour anmenn sa pour labi lofis e aksyon I kapab ganny pran.

It could be that a Judge got the decision wrong but there was no abuse of office and you cannot bring this case to the Commission. You have to bring an abuse – you establish that there was an abuse of office. And at the same time we are saying that even though a person held and discharged an official function, we also see that they have abused their office – for example with a Judge if we see that a Judge when he took a decision before the court he allowed himself to be guided by factors that should have not guide him – maybe malicious factors, or bias then this can be brought forward as abuse of office and it can be taken up.

Egalman ek bann zofisye Lapolis petet; zofisye dan Militer malgre ler ou pe gete zot poudir zot ti pe desarz en fonksyon ki Lalwa i dir ek nou kapab fer, me si ou'n abiz sa fonksyon, *then* sa i ganny regarde konman en vyolasyon, e en dimoun i kapab anmenn en *case* devan *Commission.*

Mon lot pwen ki mon ti a kontan zis petet en pwen bref lo la, avan mon bouz lo sa pwen eski nou bezwen konsantman viktim avan nou donn *amnesty?* Petet dan mon pe zis met sa *11 (2)* kot nou dir I pour konplet son i pour bezwen donn son *'final report within 3months after it has complete its enquiries.' Should it not read 'functions' rather than 'enquiries'?* Akoz napa landrwa ki nou servi *'enquiries'* ditou dan sa *Act,* me nou servi *the word 'functions'* poudir I annan bann fonksyon.

Equally with police officers; military officers although when

you look at them they were discharging a function that the Law states that we can do it, but if we have abused this function then this is regarded as a violation and a person can bring a case before the Commission. My other point is that I would like maybe just a brief point on this, before I go further on do we need the consent of the victims before we give amnesty? Maybe I am just putting this in *11 (2)* where we sai it will complete its work it will need to give *final report within 3months after it has complete its enquiries.' Should it not read ' functions' rather than 'enquiries'*? Because there is nowhere in the act where the word enquiry is used but we used the word functions to state that it has certain functions.

Petet zis pour fer li konsistan, nou dir *'functions'* akoz nou pa servi *'enquiries* okenn par apar ki la. Lot pwen pli enportan Mr Speaker eski pour donn *amnesty* nou bezwen ganny konsantman viktim? Mwan mon pa pour tro dakor avek sa. Mon konpran poudir en viktim poudir - I annan viktim I pour dir ek ou poudir "gete avan ki sa dimoun I ganny pardonnen, mwan ki devret deside si wi ouswa non I pour ganny pardonnen."

Maybe just to make it consistent we say functions why don't we use enquiries anywhere else apart here. The other important point Mr. Speaker do we need the consent of the victim to give amnesty? I do not really agree to this. I understand that the victims are – that there are victims who will say that 'look before this person is forgiven, I should decide whether yes or not to being forgiven'.

Already nou vwar poudir dan *8* mon krwar nou kit li menm *8* - les mon a gete - akoz avan I ti *8 - just go back to the original Bill;* - non i *12. Yes* i *still maintain* dan *12. Already* avan ki sa dimoun i ganny *amnesty,* menm si li i *apply* sa *perpetrator* pour demann en *amnesty, Commission* parey nou ti dir, i bezwen etabli sa aplikasyon, i annan en *apology* senser e ki sa dimoun in *disclose* tou keksoz. E *Commission* pour li determinen si sa *apology* I senser - si tou keksoz in ganny determinen, i kapab ekout sa viktim.

Already we have seen in 8 I think we leave it *8* still – let me

check – because previously it was *8* – just go back to the original bill – no its *12*. Already before these people are given amnesty, even if they apply amnesty for the perpetrator, the Commission like we have said, has to establish the application, there must be a sincere apology and this person has to disclose everything. And the Commission will determine if the apology is sincere – if everything has been determined, they can listen to the victim.

So already viktim i ganny I annan provizyon ki viktim pour ganny ekoute. Pour ganny ekoute. Mon pa konnen si petet nou si nou devret petet zis dir I pour *mandatory* pour *Commission* ekout viktim. Mon pa konnen. Akoz la ki nou pe dir pour le moman, nou pe dir poudir I kapab - i kapab ekoute.

So already the victim has the provision to be heard. To be heard. I don't know if maybe we should that it is mandatory for the Commission to listen to the victim. It will be mandatory for the Commission to listen to the Victim. I don't know. Because what we are saying here for the time being is, they can – the can hear.

Mwan petet ki mon pe mazinen pour nou ganny en balans nou dir be *ok*, annou fer *Commission* fer li vin *compulsory* e *Commission* I bezwen ekout sa viktim. Me desizyon *whether or not to grant amnesty,* I pa desizyon sa viktim.

I *Commission* me apre ki in ekout sa viktim. *So* nou dir poudir I bezwen ekout sa viktim akoz vre provizyon pour le moman i kapab dir ki *Commission* i kapab pa deside ekout viktim, e donn *amnesty* me nou a fer li *compulsory* poudir bezwen ekout sa viktim, me desizyon I reste avek *Commission.*

What I am thinking is that for us to balance it we say okay, let us make it compulsory and the Commission has to listen to the Victim. But the decision on whether to grant amnesty or not, is not that of the Victim. It is the Commission but after listening to the Victim. So we say that the Commission has to listen to the Victim because it is a provision for the moment it can state say that the Commission can decide not to listen to the Victim and give amnesty but we will make it compulsory that the victims be

heard but the decision stays with the Commission.

Akoz nou'n fer en pe keksoz dan sa laliny ozordi kot nou'n dir par egzanp - yer par egzanp nou ti dir poudir Lalwa mannyer i ete - *Bill* ki mannyer i ti ganny anmennen orizinalman, i pe dir poudir *Commission* i kapab ekout en *case in-camera.*

Because we have done things in this line for example we have said yesterday that Law the eay it is – Bill the way it was brought originally, it was saying that the Commission can listen to cases in-camera.

Ozordi nou'n fer en lamannman, kot nou pe dir poudir, avan ki *Commission* i deside pour ekout en *case in-camera* i bezwen ekout sa parti. Donn sa sans sa parti. Akoz yer mon ti donn en legzanp kot en dimoun li i pa anvi al an piblik, e li i al kot *Commission* i dir mon anvi sa *in-camera.*

Today we have brought an amendment where we are saying that before the Commission decides to listen in camera they must hear the party. Give the party a chance because yesterday I gave an example where someone does not want to appear in public and they go to the Commission and ask for an in camera.

Be si ou annan en sityasyon kot li *Commission,* I pran sa desizyon lo li menm, avan ki i konfirm sa desizyon I bezwen ekout sa parti akoz sa parti li en lot dimoun li i anvi ki sa I ganny fer an piblik. *So* nou'n dir taler ki avan ki Commission i fer sa, i bezwen ekout sa parti.

But if you have a situation where the Commission takes this decision themselves before confirming it with the party. They have to listen to the party because this party is another person and they want to be heard in public. So we have said earlier that before the Commission does this, it has to listen to the party.

Me desizyon I avek *Commission,* me selman ekout sa parti, gete ki sa parti I ganny dir, e pran kont sa ki sa parti in dir dan son desizyon. E egalman dan sa ka nou a dir avek *Commission* poudir, avan ki ou donn *amnesty,* ekout sa viktim e pran kont ki sa viktim in dir dan pran sa desizyon.

But the decision is with the Commission, but after listening to the party, see what they have to say and take into account what the party decides. And equally in this case we say to the Commission that before you grant amnesty listen to the Victim and take into account the decision taken by the Victim.

Akoz pour mwan i annan en danze, si ou dir i bezwen - fodre i annan konsantman sa viktim avan sa *amnesty* i vini. Premyerman ou riske vwar poudir bokou *perpetrator* pa pour vin devan, akoz i pour mazinen poudir "be gete si sa ki mon pe vin dir la i depan lo desizyon sa viktim, *then* i annan en gran posibilite, kot sa viktim poudir non."

Because for me it is dangerous if you need – there must be consent of the Victim before this amnesty happens. Firstly you risk seeing that many perpetrators will not come forward because they will think "look if what I am coming to say here depends on the Victim then there is a great possibility of the Victim saying No".

E alors i pour dir akfer ki mon bezwen vin devan e vin dir kan mon konnen poudir sa desizyon i pa desizyon *Commission* me desizyon sa viktim?

E dezyenmman lot keksoz se ki letan ou dir desizyon viktim ki desizyon viktim? Lo ki i baze sa? Eski sa viktim i dir ek li "anr sa *perpetrator* in marye ek enn mon fanmir li mon pardonn li."

"Sa enn ki la non, non, sa mon pa'n pardonn li. Zis mon pa anvi pardonn li.

So they will say why therefore will I come forward when I know that the decision is not for the Commission but that of the Victim.
Secondly the other issue is when you say the decision of the victim what decision is this? What is it based on? Will the Victim say " oh the perpetrator is married to my family therefore I forgive him". "This one here no, no, I don't forgive him. I just don't want to".

Ouswa I pa menm krwayans politik ek mwan, mon pa pardonn li, me sa enn ki menm parti politik ek mwan, mon pardonn li.

Or they do not have the same political beliefs as me I will not forgive him, but this one has

the same political belief as me and I forgive him.

So i *very subjective.* E mon pour mon I *live room* pour en dimoun *challenge* sa Lalwa dir *"equal protection of the Law."* I kapab *challenge* sa Lalwa dir napa *equal protection of the Law* anba Konstitisyon, akoz kategori. Akoz ou pe zis dir koumsa i depan lo desizyon sa viktim. Eski sa kategori i *illegitimate?* Si napa labaz - si i en desizyon arbitrer ki sa viktim i kapab pran?

So this is very subjective. And for me it leaves room for someone to challenge the law and say 'equal protection of the Law'. They can challenge this Law and say that there are no equal protection of Law under the Constitution because of categories. Because we are saying that it depends on the Victim. Is this category illegitimate? If there are no basis – if a decision taken by the is arbitrary.

So malgre ki ... Me parey mon'n dir mon krwar ki viktim i devret *get involved* e nou bezwen dir avek *Commission* ou bezwen ekout sa viktim. Avan ou pran desizyon ou bezwen ekout sa viktim. Sa desizyon *is yours,* me an konsiderasyon ou bezwen letan ou determinen si ou pour donn *amnesty,* pran sa ki sa viktim osi in dir ou. Mon krwar petet la nou a ganny en balans dan sa de Mr Chair. Mersi.

So although it... but like I have said I believe the Victim should be involved and we have to tell the Commission you need to listen to the Victim before you make any decision listen to the Victim. The decision is yours but in consideration when you are making your determinations on whether to grant amnesty or not you take into account what the Victim says. I think maybe now we will have a balance in these two Mr. Chair. Thank you.

MR SPEAKER
Thank you Honorable Hoareau. Honorable Ramkalawan.

HON WAVEL RAMKALAWAN
Mersi bokou Mr Chairman. Mr Chairman mon krwar ki premyerman mon krwar ki sa travay ki'n ganny fer lo sa *Bill* i anmenn nou plis ankor dan bon direksyon. E la petet mon ava konmans sa menm de pwen ki Onorab Hoareau in prezante.

Thank you Mr. Chair. Mr. Chairman I think firstly the work that has been done on this Bill has brought us closer in a good direction. And maybe I will start with the 2 points presented by Honorable Hoareau.

E petet zis mon pou fer li en pti git pli kler mon espere. Sa nouvo *(l)* ki nou pe azoute anba Seksyon *2 (8)* kot letan nou pe defini bann vyolasyon letan pe dir *'abuse of office by a Government official including executive judiciary or legislature'* mon krwar ki petet zis pour met sa e sa i en legzanp ki nou servi pandan ki nou ti pe zwenn.

And maybe for me to make it clearer, this new *(1)* that we are adding to *Section 2 (8)* where we define violations and it states *'abuse of office by a Government official including executive judiciary or legislature'* I think maybe just to put thisninto an example and this is one wildly used when we were meeting.

I annan par egzanp en fame ka Mr Royce Dias. Mr Royce Dias ki ti en oponan Leta ki zot ti rod tou fason pour silans li, tou dimoun I dir avek ou ki drog ti ganny plante dan son loto e apre sa zot ti trouv li koupab e sa msye ti al dan prizon.

E lo rikord - lo son rikord malgre ki Mr Dias in nepli avek nou, me lo son rikord i ankor annan sa tit Trafiker Drog. Me li osi tou i bezwen ganny klersi. E i for posib ki sa Komisyon, son fanmir ava vini poudir be nou bezwen klersi non nou fanmir e zot ava vin devan Komisyon - Komisyon i ava ekoute.

There is for example this famous case Mr. Royce Dias. Mr. Royce Dias was an opponent of the state and they tried in every way to silence him. Everyone tells you that the drugs were planted in his car and then he was found guilty and this man was sent to prison.
On record – on his record although he is no longer with us, but his records still has that title of Drug Trafficker. His name also has to be cleared. And this makes possible for the Commission, his family will come and say that we need to clear his name and they will come before the Commission - ;the Commission will listen.

E nou konnen osi ki mannyer Zidisyer ti ete sa letan

e I ava kapab ganny eklersi e son non i ava ganny sa ki i merite. Savedir ki Mr Royce Dias i pa ti en trafiker drog e menm sa santans ki in fer dan prizon pour sa lofans, i en santans ki i pa ti devret gannyen. Si tou bann levidans ki vini i kler ki mannyer keksoz i ava ete. *So* sa i pour kouver enpe sa bann sityasyon.

And we also know how the Judiciary was at that time and it can clear this up and his name will get whatever it merits. Meaning Mr. Royce Dias is not drug trafficker and at the same the sentence he served for this offence, was a sentence that should not have been passed. If all the evidence is clear on how things were. So this will cover some situations.

E i annan en lot legzanp ankor ki i ti ganny donnen dan Komite ki mon krwar i enportan e sa ti konsern en ladopsyon en zanfan kot Lakour ti dir wi en zanfan i kapab ganny adopte.

Me Lakour menm zour menm ki Lakour ti donn sa zizman, apre sa leta ti *call* en miting irzan Lasanble Popiler ki ti pas en Lalwa ki ti dir, "okenn adopsyon i bezwen ganny sertifye par Prezidan Larepiblik." E efektivman dan Parti Inik sa Lord Ladopsyon ti ganny kennsel!

So tousala ti bann la I de legzanp kot Zidisyer lo en kote ki nou fer antre - Zidisyer lo en kote in azir dan en fason ki pa apropriye - in annan en labi. Lo lot kote – L'Egzekitiv. L'Egzekitiv. an kolaborasyon avek Lezislatif pour zot taye pour pas sa Lalwa e sa in anmenn en lenzistis. *So* sa pwen la I enn ki tre enportan.

2enm pwen lo sa size *Amnesty.* Mr Speaker ou konnen premyerman mon krwar ki letan nou koz lo *amnesty* parfwa espesyalman bann viktim zot parske sa konsep in vreman antre dan *TRC* Sid Lafrik kot bokou dimoun i krwar ki tou dimoun ki vin devan i ganny *amnesty.*

E mon ti pe zis montre bann *chiffre* ki sa ankor enn fwa i ava gid nou, poudir pa krwar ki lafason ki Lalwa i ganny ekri la ki tou dimoun pour ganny *amnesty.* E la Mr Speaker mon ava donn ou legzanp Sid Lafrik. Sid Lafrik ti pran temwannyaz anviron 21mil viktim - 21mil viktim. E malgre ki zot ti pran netwayaz 21mil viktim, ti annan 2mil viktim anviron ki ti aparet pour bann *public hearings.* E Komisyon ti resevwar 7112mil laplikasyon pour *amnesty.*

Me dan sa 7112mil laplikasyon pour *amnesty* ti annan selman 849ka ki ti ganny aksepte - ki ti ganny *amnesty*.

5392mil ka pa ti ganny aksepte. *So* zis pour montre ki poudir e 5392mil ka ti ganny aksepte e bann lezot zot ti *withdraw* zot aplikasyon - ki poudir *amnesty* I pa en keksoz otomatik. E sa diskresyon pe ganny garde avek sa Komisyon. Me se la kot mon dakor avek Onorab Hoareau dan sa leksplikasyon.

Mon dakor avek son leksplikasyon, me selman an menm tan osi mon pe pran konesans ki sa I enn bann size ki'n leve lo medya sosyal e tou. Kot bann viktim i dir, be regarde fodre ki nou ganny konsilte.

Fodre ki nou ki tonm dakor pour nou donn sa *amnesty*. Mon konpran bann viktim, me selman mon ti fer resorti yer mwan osi, eski bann viktim zot menm zot, eski zot in pran kont ki si nou met sa *Clause* ladan, eski I pa pour efrey bann dimoun ki ti ava pare pour zot vin devan?

E ki zot konnen ki poudir zot anvi vin devan, zot anvi vin koz tou laverite zot anvi demann en leskiz, me si deza e ankor enn fwa mon regard lo *social media* kot i annan serten dimoun pe dir klerman zot pa pare pour zot pardonn personn!

Be si ou pe dir deza ki ou pa pare pour ou pardonn personn sa ki pour arive sa enn ki ti responsab i dir mon la pour le moman mon ariv 64an, mon annan tou mon laliberte alor mon reste trankil, mon reste se mwan. Mon pa vin devan.

E sa dan li menm li ki I pour fer? I pour fer ki dan sa listwar ki nou anvi ekri pour nou konn laverite, i pour annan detrwa sapit ki pour manke. Alor i annan sa dilenm. E mon krwar ki se la kot nou konman en Lasanble nou bezwen pran en desizyon.

Mwan mon anvi konn laverite. Se sa ki mon konman Wavel Ramkalawan mon anvi konnen. Mon anvi konn laverite. Alors si i annan okenn keksoz e la Lasanble i ava pran en desizyon si i annan okenn keksoz ki pour anpese ki sa laverite i ganny devwale, mon pa pour dakor avek. Alors mwan osi tou mon ti dir sa ki dan sa prosesis ki nou pe fer - lo en kote i annan viktim e lo lot kote i annan *perpetrators*.

E si nou anvi rekonsilyasyon *at* dan en serten pwen, sa de laliny I bezwen zwenn kanmarad. I bezwen *converge* parey nou dir. Be a ki

pwen ki sa *convergence* I arive e ki letan sa *convergence* I arive, se la ki nou kapab dir nou a pe bouz devan. Parey nou'n sanz *the long title 'to unite the people of Seychelles around the common agenda that will help them move forward'.*

E dan bann definisyon nou'n menm al pli lwen pour nou dir pour ki sa bann keksoz ki'n arive pa ganny repete. *So* viktim – *perpetrator*, me osi sosyete. Parske sosyete osi tou I bezwen aprann en leson. I bezwen tir en leson dan tou sa bann keksoz. Ki an mezir ki nou an mezir ki sa Komisyon pour rezourd sa bann problenm, pour ki i annan linite, then nou bezwen balans lo la.

E *so* mwan personnelman mon krwar ki si bann viktim zot pare pour zot konn laverite, e pour zot ganny re-konpansasyon - reparasyon neseser, *then* mon pour osi dir ki poudir fodre ki nou kapab bouz devan.

E mwan mon met sa la pour nou kapab koze. Be ler la swivan sa pwen ki Onorab Hoareau in fer resorti, ki sa Seksyon *12 (5) (b)* kot nou dir ... *'...the apology is sincere, the Commission shall hear the testimony from the victim or victims'* ensidswit. Konmsi I annan en *'shall'*. Tir *'may'* met *'shall'*. Wi - *ok*.

So la mon krwar nou pour bezwen annan en pti keksoz. Me apre sa lo *12* konmsi pour nou al lo sa nivo senserite *12 (4) - 12 (4).* Letan nou pe koz lo *'in relation to any violation and has offered sincere apologies'* si mon pa tronpe la Onorab Georges, Hoareau, De Commarmond ek *well* Onorab Adelaide ek tou bann lezot dimoun ki ti lo nou Komisyon - Onorab Andre tou - si mon pa tronpe letan nou ti pe fer nou miting lo Komite, nou ti pe dir ki sa *'sincere apologies'* Onorab Speaker tou - ki sa *'sincere apologies'* i bezwen ganny fer an personn.

Konmsi ou pa zis ekri en let dir, 'I *apologize.*' Me ki ou bezwen fer li an personn. Ki poudir i ava ariv sa moman kot sa dimoun ki'n donn sa *full disclosure* ensidswit - ki i *8 (3) 12 (3) - ok 12 (3). Ok 12 (3)* i kouver sa, kot i dir *'the Commission shall as far as reasonable, practicable require the perpetrator to provide the apologies to the victim or victims in person. '* Sa I *ok*. Sa pwen la I ganny kouver, be alors si zis sa *(b) - 12 (5) (b)* kot nou a tir sa *'may'* nou ava met *'shall'* apre sa nou ava tir *'or'* and *'any other person' yes 'and any person it*

deems appropriate. Mr Chairman mon krwar ki sa de pwen ki mwan osi tou mon ti anvi koz lo la. Mersi bokou.

MR SPEAKER
Mersi Onorab Ramkalawan. Onorab Ferrari.

HON JEAN-FRANCOIS FERRARI
Attorney General I ti anvi dire n keksoz mon kapab donn li laparol apre mon ava ... Mon annan zis en pti pwen mon ti a kontan fer in fact mon lo *12 (4)* e mon pa konn bann term legal, me selman lo sa premye laliny ki dir en *'perpetrator who has provided the full defined disclosure' now who decides whether it has been a full and frank disclosure?*

So it has to be in the opinion of the Commission. 'a perpetrator who, in the opinion in the Commission, or –

(Off-Mic)

HON JEAN-FRANCOIS FERRARI
5? So, *it's taken care of.*

(Off-Mic)

HON JEAN-FRANCOIS FERRARI
Ok. Mersi.

MR SPEAKER
Mersi Onorab Ferrari. Mon ava pas laparol avek *Attorney General* pour ou komanter.

ATTORNEY GENERAL MR FRANK ALLY
Mersi Mr Chairman. Petet mon ti a kontan fer serten komanter baze lo serten stetment ki'n ganny fer la bomaten - sirtou avek *amnesty.* Mon pa konnen si tou bann Manm i konfortab avek tou sa bann provizyon *amnesty,* ouswa si zot anvi klarifye a ki moman *amnesty* i ganny ... sa *perpetrator* ki anvi demann en *amnesty* eski i kapab fer li avan ki I donn son levidans? Ouswa apre ki son levidans i ganny donnen?

E la i petisyonn ouswa i annan tou lede loportinite pour li fer. Ouswa *otherwise* ki pour arive se ki mon vin devan mon donn levidans e apre mon demann mon petisyonn pour en *amnesty.* E prezan i pour depan lo Komisyon si i pour donn mwan en *amnesty.* Oubyen I pa pour donn mwan en *amnesty.*

Ouswa mon sey demann en *amnesty from the very beginning.* Sa I en keksoz ki petet nou ti kapab anmenn en pe plis presizyon lo la. Akoz mon dir sa? Se ki nou napa

Sesel en preskripsyon; savedir en dele letan ki Leta i kapab anmenn en *case* penal - *criminal* kont en dimoun.

E menm si dan sa Lalwa i dir avek poudir levidans ki ou donnen devan Komisyon, i pa pour admisiv - *admissible* dan en Lakour swa penal swa sivil me selman I kapab *trigger* en konplent ki en dimoun I kapab *then* fer avek Lapolis, e demann Lapolis pour fer lanket.

E la Lapolis pour oblize fer lanket. Akoz si mon - e Lapolis e vi ki sa temwannyaz sa dimoun in piblik, Lapolis pou annan tou bann pointers ki mannyer I pour kapab konmans en lanket e fini sa lanket! Akoz la sa dimoun pour al ekspoz son lekor *from the very outset,* e sa viktim li - parey Onorab Ramkalawan in dir sa viktim, i kapab dir be gete sa en louvraz Komisyon. Ou'n donn ou levidans devan Komisyon mon pe al fer mon konplent avek Lapolis e Lapolis li i *duty bound* pour li fer en lanket e evantyelman i vin lo *desk Attorney General,* pour li kapab deside eski mon pour pourswiv - I dan lentere piblik pour mwan pourswiv sa dimoun oubyen non. *Ok*? La i en desizyon ki bezwen ganny pran.

Parkont si sa dimoun li in ganny en *amnesty,* Lapolis i pa pour kapab pourswiv konmans en lanket kont sa dimoun ouver lanket e Biro *Attorney General* pa pour kapab pourswiv - si napa en lanket fer par Lapolis.

Me nou bezwen toultan mazinen, poudir en endividi I kapab prezant en konplent devan Lakour *so long* ki son dosye I konplet, e konmans en prosekisyon ki toultan nou apel li en *'private prosecution.'*

So si en dimoun I ganny en *amnesty* sa I pour anmar son lanmen, petet dan sa laliny mon ti a kontan propoze en lamannman dan Seksyon *12 (6)* poudir *'notwithstanding any provision to the contrary in any Law a person who has been granted amnesty in respect of the violation shall not be criminally'* eksetera zis pour fer sir.

Me parkont parey mon dir nou petet - pa konnen a ki moman, nou bezwen ... Mon pe zis *put to the Floor so that at least we can look at it.* Lo kote *amnesty* mon krwar *amnesty* I en provizyon ki nou pa dwatet *overlook* e petet nou dwatet les li get li, akoz yer deba in bokou santre lo *national reconciliation* lo en *amnesty.*

E nou pa anvi en sityasyon *or* petet pour serten dimoun mon ti a kontan en sityasyon, ki kit en laport ouver

baze lo serten levidans ki i ganny mete dan sa Komisyon, pour li kapab servi konman bann *pointers,* pour li *trigger* en *police investigation.* Ou vwar?

So sa en keksoz ki mon ti a kontan dir. Apre lo kote *relative* mon konnen nou'n *deal* avek dan *Committee Stage,* me selman mon ti ava sa I dan Seksyon (*if Mr Chairman* ou kapab *bear with me* en pti git) lo Seksyon *3 (5)* petet nou ti a anmenn en presizyon en *'close surviving relative' rather than just 'a surviving relative'* akoz nou kapab vwar bann dimoun a diferan degre - amwen ki nou anvi presiz bann degre; 3enm degre 4enm degre, me selman *otherwise 'close relative'* pour sa.

E lot lamannman ki sa I nou kapab fer li a nenport ki moman, pour nou dir poudir Prezidan apre ki in ganny sa rapor, i depoz sa rapor avek *'curator of Seychelles Archives'* zot ti'n met *'National Archives'* me apre ki mon verifye *'Seychelles Archives Act'* nou apel li *'Seychelles Archives'. So* avek *'curator Seychelles Archives.'* Mon *by virtue of* sa Lalwa *once* ki zot sa dokiman i ganny soumet avek *curator,* mon krwar *curator* i konnen ki son fonksyon. Nou pa pour bezwen mete poudir i pour bezwen *maintain* li in *accordance with the Law,* me selman nou kapab fer sa sanzman. Mersi Mr Chair.

MR SPEAKER

Mersi *AG.* Onorab Basil Hoareau.

HON BASIL HOAREAU

Mr Speaker. An relasyon avek sa dernyen pwen ki *AG* in *raise.* Mon krwar i en pwen pertinan an relasyon poudir ou kapab premyerman an relasyon avek *time limit,* mon krwar sa i ganny reponn par *Clause 12(1). Clause 1 (1)* i dir avek ou klerman poudir en *perpetrator* i bezwen *file* en petisyon pour *'amnesty within the time limit set by the Commission. '*

Ki nou pe espekte *Commission* fer, se ki *Commission* ler in ganny etabli, i pour bezwen vini dir piblikman, mon pe donn bann dimoun tou dimoun ki anvi *amnesty* 6mwan. Par egzanp *let's say* 6mwan li ki pour terminen pour zot file en *amnesty.*

Savedir si ou ou'n deside asiz lo asize pour en *perpetrator,* ou pa vini ou vin letan ki *case* in ganny file 7mwan apre ki *Commission,* in fini pibliy son *time limit,* ou, ou vini, *then* ou pa pour gannyen

akoz *Commission* in dir ek ou – in dir ou son *time limit.*

Me mon konpran la lot pwen *AG* mon konpran li se ki, ou annan en ka kot sa dimoun pa ankor ganny *amnesty,* me parey in dir sa in ganny fer an piblik me sa dimoun in vin dir sa, sa, sa e I donn tou fe. E la Lapolis napa nanryen pour le moman ki pe anpes Lapolis fer *investigation* ziska ler sa *amnesty* i vini.

So ki mwan mon pe sizere petet pour tyonbo sa sityasyon spesifik la, nou kas *6* an de - *ok*? Nou mete *'notwithstanding any written Law'* prezan nou met –

A. *Roman (i) 'a criminal investigation shall not be commenced or shall be discontinued as a case may be, in respect of any matter for which an amnesty has been sought until the final determination thereof by the Commission.'* Apre
B. La i a vin *and 2 - 1(2) 'a person who has been granted amnesty' so* nou *basically* i vin *the present 6. So basically* sa premye bout *Roman (i)*

i tyonbo sa sityasyon kot sa dimoun in demann en *amnesty* - e son aplikasyon - son petisyon pa ankor ganny *determine,* alors Lapolis dan en ka koumsa pa kapab fer *investigation,* ouswa si I ti'n konmanse i kapab ganny *discontinued* ziska ki *Commission* i fer li *determination. Obviously* si determinasyon *Commission is that - I will grant you an amnesty - then* sa dimoun pour tonm dan *2.* I ganny proteze.

Me si *Commission* pa donn li en *amnesty,* Lapolis I kontinyen avek son *investigation* ouswa I konman son *investigation* prezan li. Ou vwar? So pour nou tyonbo sa sityasyon spesifik ki *AG* in dir mwan mon krwar sa lamannman ki mon'n propoze mon mazinen i pran ka avek sa.

MR SPEAKER

Mersi Onorab Hoareau. Onorab Henrie.

HON GERVAIS HENRIE

Mersi Mr Chair. Bonzour tou dimoun Mr Chair anfet pwen ki *Attorney General* in fer, mon krwar, i en bon pwen refleksyon letan mon pe asize la mon pe sey rode bann landrwa ki annan sa size *amnesty* konmsi si i annan lekel bann *ground* legal ki dimoun i ganny *grant amnesty,* ouswa si zis sa ki nou

pe mete la kot en dimoun in donn senser in vreman donn laverite sis a i sifi.

Me bokou pei napa bokou anfet apepre en 18 pei atraver lemonn ki'n pas dan bann sityasyon parey nou, kot prezan zot in bezwen re rod re konsilyasyon - zot osi pas en *Amnesty Law.*

Be prezan lefe ki nou napa sa nou. Be eski napa en *Act* ki *cater 'for Amnesty* 'separeman sa travay ki sa *amnesty* ki li sa *Commission* I *National Commission* la pour donnen letan i fini son term 3an - eski *still* i reste son *amnesty* son *amnesty?* Eski *still* i pour annan validite legal? Mon pe demann sa mwan akoz mon vreman ti a kontan vwar ki bann *perpetrator* i vini fer sa *disclosure* volonter. Mersi.

MR SPEAKER

Mersi Onorab Henrie. Mon ava donn laparol Onorab William apre *AG* mon ava donn ou laparol. Onorab William.

HON WAVEN WILLIAM

Mersi Mr Speaker. Mr Speaker mon ti a kontan atir latansyon *AG* ou Vis-Prezidan ou Lasanble lo Lartik 13 *item (a)* avek *item (b).*

HON GERVAIS HENRIE

(Off-Mic)

MR SPEAKER

Non *AG* a reponn sa de *query* apre sa. Ale Onorab William. Ale. *AG* ava pran tou. Non *AG*?

ATTORNEY GENERAL MR FRANK ALLY

Mersi Mr Chairman. Bon pour reponn Onorab Henrie wi *amnesty* I pour *stand.* Nou napa en *Amnesty Act* separeman, me sa bann provizyon. Se sa lide ki mon ti dir, i ti a bon nou tre kler lo sa *issue Amnesty.* E petet nou dwatet get sa provizyon e sa propozisyon ki Onorab Hoareau in anmennen mon krwar I annan validite.

Mon konnen poudir Sid Lafrik zot ti annan en Komite ki ti *deal* avek *amnesty on its own, so* parkont isi nou pour annan menm Komisyon pour li pour ekout bann levidans e apre ki pour donn sa *amnesty.*

So I enportan pour nou kler lo sa prosedir. *This is why poudir* a ki moman. Akoz I kapab nou fini donn ou levidans ou, e avek sa antisipasyon pour ganny en *amnesty or* ou pour kapab petisyonnen e ganny en *amnesty* me apre ou pa gannyen e la ouver semen.

Ou konnen akoz nou dan nou Konstitisyon nou annan en provizyon ki dir ek nou ou bezwen ganny sarze e *tried within* en letan rezonnab. Me sa i *run from that* ki ou ganny sarze i pa vedir akoz ou'n komet en lofans 20an pase ki ou pa pour zanmen ganny pourswiv. Akoz sosyete osi i la. Lakour in dir - pa isi - me dan lezot pei. I dir bezwen fer sa balans ant ou drwa pour ou ganny en *fair trial* me osi drwa sosyete pour li ganny lazistis. *So* sa en pwen ki petet nou dwatet konsidere.

MR SPEAKER

Ok mersi. Onorab Georges oule entervenir.

HON BERNARD GEORGES

Lo sa pwen wi Mr Chair avek ou permisyon. Mon krwar I annan de keksoz fodre pa ki nou konfonn; enn se *amnesty* li menm. Se kan sa *amnesty* pour pran lefe? Eski parey nou dir an term Lalwa, eski i pour a priyori - savedir avan oubyen aposteryori savedir apre ki en demann in ganny fer? E mon krwar nou bezwen separ sa de keksoz. Premyerman *as to* en *amnesty* mon krwar nou annan plito – nou'n plito tonm dakor ki en *amnesty* i dezirab dan konteks sa ki nou pe fer, pour ankouraz dimoun pour vin devan e pour koz laverite.

E mon krwar ki nou'n osi plito dakor ki propozisyon ki'n ganny fer se ki viktim, avan i a ganny konsilte - e taler mon ava fer en propozisyon lo la ler nou pe *wrap-up* pour fer sir ki zot annan en *'say'* malgre ki desizyon pa pour zot.

Zot ava ganny sans pour koze me se pa zot ki pour deside si *amnesty* i devret gannyen oubyen lot. Sa mon krwar si mon konpran byen nou'n plito tonm dakor avek.

Kestyon prezan se ki mannyer ou pour protez en dimoun ki pe vin devan e ki pe fer en *full disclosure,* ki kapab antrenn en prosekisyon kriminel, oubyen en *case* sivil kont li san anpes li vin devan?

E se sa tou problenm ki nou annan. Mon en pti pe konsernen ki si nou met tro lareg, nou pour perdi nou lobzektif. Nou lobzektif se ankouraz dimoun pour vin devan. E ankouraz dimoun ler zot in vin devan pour zot kapab ganny en *amnesty* ler zot in fer en keksoz ki mal.

Mwan personnelman mon pa vwar ki mannyer en lafors Lapolis pour sot lo en dimoun ler dan konteks sa Komisyon, i pe vin koz laverite. Mon krwar

sa i ava defet lentansyon sa ki nou pe fer.

E mon pa vwar ki mannyer mon pa vwar *Attorney General* sa enn ki nou annan oubyen sa enn ki nou ti annan avan, oubyen nenport ki *Attorney General* responsab, ki pour tronpe e ki pour sot lo dimoun e pourswiv zot akoz zot in vin koze - akoz in vin koz laverite. Mon pa vwar ki sa i pour *amount to a fair trial* anba Konstitisyon - si menm zot fer li.

Donk kestyon se kestyon I reste e sa i reste dan tou bann Komisyon partou dan lemonn, si en dimoun I vin devan i fer en *full and frank disclosure,* apre i pa ganny *amnesty.* Me sa se nou pa pour kapab protez li kont sa. Sa set en risk ki sa bann dimoun i pran.

E mon krwar sel fason pour elimin sa risk se pour permet en petisyon ganny fer apriyori o konmansman. E en pti pe parey Onorab Hoareau in montre nou, mon krwar sa i ava en Regilasyon ki i ava fer anba *clause 12 (1)' ...'a petition within the time limits time by the Commission."* Se *Commission* ki li menm li ki pour dir bann dimoun ki anvi vin devan ki anvi fer en *disclosure,* i kapab fer li avan e nou ava donn zot si zot anvi otan garanti ki nou kapab donnen apriyori pour nou kapab ganny laverite; oubyen nou pa pour kapab donn zot sa garanti e zot ava deside pran sa risk zot menm.

E aposteryori zot ava ganny en *amnesty,* ouswa zot pa pour gannyen. Mon krwar lankadreman ki nou annan, i sifizan me si nou anvi prezan garanti parey Onorab Hoareau in propoze sa *lapse* letan garanti ki i pa pour annan en prosekisyon, la mon napa okenn problenm avek son propozisyon ki in fer.

MR SPEAKER

Yes Onorab Ramkalawan.

HON WAVEL RAMKALAWAN

Mr Speaker. Mon krwar sa ki nou pe koz lo la i tre enportan akoz mon annan leksperyans se pour sa ki letan ansyen Speaker Macgregor ti pe koze lot zour mon pa ti tro anvi ekout li. Akoz? Se parske mon rapel dan premye Lasanble letan Onorab De Commarmond i a rapel byen kot ti annan en lensidan e mwan ti vin devan en Komite Lasanble, e mon ti devwal - mon ti koze mon ti devwal tou sa ki mon ti'n fer, tou sa ki mon ti dir san okenn ezitasyon, mon ti pe *self-incriminate.*

E apre sa dan Lalwa ti dir ki konmsi Speaker si ou'n sa

levidans I kapab ekri e zot... Be apre sa Speaker Macgregor ti refize fer sa! E mon ti trouv mwan devan Lakour! Mon ti trouv mon devan Lakour pe defann mon lekor dan tou kalite fason. E finalman mon en debouryer e mon avoka ti madanm Anette Georges. Alors nou pe koz avek en nou a pe koz en *heavy weight* - nou pa pe koz bann avoka fay, fay. *(laughter)*

So parey mon pe dir sanmenm sa ki letan ansyen Speaker i koze lo lazistis, mon pa ekout li bokou mwan e i konn byen li! Alor mon pe pran sa - mon pe pran mon konman en legzanp - pour nou regard lezot ka, kot en dimoun I vini la pour le moman son lavi I trankil li e nou pe rod tou laverite - *rien* ki laverite e sa dimoun I dir be *ok* mon pare pour mon partisip ladan e letan i partisip ladan apre sa i trouv li, dan en ratyer byen fermen! Mwan mon pa anvi sa sityasyon. Mon pa anvi sa sityasyon.

E mon krwar ki poudir nou Komite ... E donk mon krwar ki ... mon la mon dakor avek Onorab Georges kekfwa i devret vin avan menm kot i ganny ekoute e ki sa Komisyon i donn li en mon krwar dan sa laliny ki *Attorney General* pe dir e mon dakor avek sa ki Onorab Georges pe dir parske, konman en dimoun ki'n pas dan sa sityasyon koumsa ...! *Ok.*

MR SPEAKER
Mersi Onorab. Mon a donn laparol avek *AG.*

ATTORNEY GENERAL MR FRANK ALLY
Akoz mon krwar nou bezwen get definisyon *perpetrator.* E *perpetrator* I vedir en dimoun ki Komisyon in vwar li in vwar ki in komet en vyolasyon. Ou vwar? E se ler ou'n komet en vyolasyon, *then* ou al ou ganny sa *time limit* pour ou anba Seksyon 12 pour al rod en *amnesty.*

So tan ki ou pa ankor vin en *perpetrator* ou pa vin ou pa kapab annan sa *standardize* - sa *standing* pour ou al rode. E parey Onorab Georges in dir ou bezwen deside si i pour a posteyori oubyen a priyori. Ou bezwen *file a petition,* me apre ki ou'n en *perpetrator. You have committed. So* kestyon se eski sa ki nou anvi?

MR SPEAKER
Mersi *AG.* Onorab De Commarmond.

HON CHARLES DE COMMARMOND
Bonzour Mr Speaker. Bonzour *VP* avek ou delegasyon, tou

dimoun. Lentansyon Mr Speaker sete pour sa zafer *amnesty* se pou permet en dimoun vin devan volonterman vin dir - vin akonte *whatever* ki i annan pour akonte, *in good faith.* E pour li zisteman pa ganny pourswiv.

Si i konnen i pou al ganny pourswiv i pa pour vini. I osi senp ki sa. E bann legzanp ki nou gannyen deor dan bann pei, i koumsa. I koumsa. I bezwen se sa ki apel en *amnesty* ou konpran?

So nou, nou bezwen drafte Lalwa dan sa direksyon. Sansan mon pa dir sa ki nou pe fer pour vin *futile* - me selman I pa pour anmenn li dan son konplet parey nou lentansyon. Sa rezilta ki nou pe rode nou pa pour ganny li. E pour difisil dan serten sirkonstans pour ganny *closure.*

E nou bezwen - e dimoun i bezwen konpran sa travay la, *otherwise* fransman plito nou pa perdi plis letan, nou ferm tou nou met laba. E si nou anvi al dan bout en travay byen fer, sa i bezwen ganny pran an konsiderasyon korekteman parey nou pe sey dir - be nou bezwen prezan drafte Lalwa.

E sa *amnesty* i bezwen aport son fri, kot en dimoun letan in vini *in good faith* in donnen in dir, in akonte - in donn lenformasyon ki personn pa ti ankor annan i annan e zisteman pour li osi - i pa zis en kestyon viktim li - pour li osi netway li osi I konman mon kapab dir sa - son ... I *redeem* la i la. Li osi in tir sa lour lo li. Be i pa devret annan sa pourswiv apre vwala.

MR SPEAKER

Mersi Onorab De Commarmond. Bon nou annan en konstrent letan osi tou, mon vwar I annan en siny ki nou kapab fini mon ava donn laparol Onorab Basil Hoareau. Onorab William ou ti annan en lot pwen pour fer sorti brefman – *ok.* Onorab Basil Hoareau nou a fini sa pwen apre nou ava *move on.*

HON BASIL HOAREAU

Mersi Mr Chair. Mr Chair mon krwar poudir letan mon pour get *Clause 12 (1)* mon pa krwar ki I anpes en *investigation* en *criminal investigation take place* ouswa en *civil prosecution take place,* pandan ki en i pe determin en petisyon pour en *amnesty.* Mon pa krwar sa i pour permet li. Sel keksoz ki pour permet li se *the time limit within which* sa bann petisyon I kapab ganny fer.

So li, li menm li i pou napa sa pouvwar poudir mon pe

enpoz bann kondisyon. Akoz si i pe fer sa i pe *go beyond* son *power. So this is why* mon krwar sa amannman ki'n ganny propoze, kot nou pe dir klerman poudir letan I annan en *amnesty* dek ki pa ankor determinen par *Commission, then* okenn *criminal prosecution or investigation* pa kapab *take place or civil prosecution* pa pour *take place.*

So sa mon krwar i enportan pour nou protez sa bann dimoun. E i annan en pwen ki mon krwar mon pa konnen i vre *perpetrator AG is right,* nou pe dir en dimoun ki'n fini ganny vwar par *Commission,* eski nou devret met dan nou definisyon met '*... means a person who has made a petition under section who has filed a petition under section 12 or who the Commission has found*' so ou pe dir i annan de *perpetrator* i annan en dimoun ki li I vini ki li I pa ankor ganny okenn *finding* lo li, me li I vin direkteman anba la akoz sansan i vedir ki toultan ki *Commission* pa fer en *finding* pour dir ou en *perpetrator, you do not become a perpetrator. So* eski nou ganny sa balans, nou pa bezwen met *something to that effect* - fer sa *distinction* between en dimoun ki li I pa ankor okenn *finding* ki an relasyon ek li, me i deside file en aplikasyon - *a petition under Section 12.*

MR SPEAKER
Mersi Onorab. *AG.*

ATTORNEY GENERAL MR FRANK ALLY
Mersi Mr Chairman. Mon ... *to* sa *extent* mon en pti pe dakor avek mon an akor avek sa ki Onorab Hoareau in dir. Me selman la nou pour annan en sityasyon kot nou bezwen donn en *conditional amnesty; 'subject to* 'akoz ou pa ankor donnen ou levidans ou. Ou pe ganny let ... a posteyori. *So it's something really to look at.*

Me mwan ti anvi zis met en pwen lo *12 (1)* lo kote sa *time limit set by the Commission.* Petet nou ti kapab deside si sa *time limit* pour ganny pibliye dan *Gazette* ouswa non. Akoz mon krwar pour nou fer bann manm piblik konnen ki *time limit* nou bezwen fer li piblik ouswa *Gazette or* en *daily newspaper or something to that effect.* Mersi Mr Chairman.

MR SPEAKER
Mersi *AG.* Mon a pas laparol avek Onorab William.

HON WAVEN WILLIAM

Mersi Mr Speaker. Mr Speaker mon bann pwen I lo Lartik *13.* Mon a konmans avek *A* zis pour mon pa konnen akoz letan ou pe koz somonn la nou pe dir ki, *'a person who fails to attend after have been summoned'* mwan mon anvi demande konmela avek realite avek sirkonstans ki nou pe viv, eski nou pe koz lo zis en somonn nou pe baz lofans komet lo zis en somonn?

Akoz parfwa en somonn letan I ganny *served* - i kapab ganny *misplaced.* Eski ozordi konbyen somonn avan ler ki ou realize ki sa i en lofans? Epi *AG* avan ou reponn mon ti a kontan port ou latansyon Lartik *13 (d) 'a person who refuses to produce any document'* e la ankor baze lo levennman e lespas letan ki sa levennman in arive letan - ou pe dir *'any document'* si dizon I annan serten dokiman ki sa akize ouswa *perpetrator'* pa kapab *provide'* eski i annan dan sa Lalwa ki dir i annan eksepsyon?

Epi mon lot pwen se lo (g) kot i konsern *'shall commit an offense and shall be liable to a fine of* R50mil' eski sa i en *maximum* ouswa i en sif ki pour ganny zwe avek? Letan ou pe dir *'shall be liable to',* eski nou devret met *maximum* ouswa i fini zis koumsa menm? Mersi. Mon ti a kontan leklersisman. Mersi.

MR SPEAKER

Mersi Onorab. *AG.*

ATTORNEY GENERAL MR FRANK ALLY

Mersi Mr Chairman. Bon lo kote somonn ler en dimoun I ganny en somonn pour li vin Ankour, normalman i annan en dokiman ki i ganny servi par en sa ki nou apel en 'lisye' oubyen en *process server.*

La sa dimoun i bezwen vin devan Komisyon e si i pa vini zot kapab *then* tir akoz Komisyon i annan tou pouvwar Lakour Siprenm. Savedir la i kapab tir en warant pour aret li pour li vin deva Komisyon. Me si i refize ... Mon donn ou en legzanp; si par egzanp i konnen i sipoze vin devan Komisyon in ganny en warant - in ganny somonn in fini ganny servi son somonn e i pran son semen i al aletranze e I reste aletranze pour enpe letan zis pour li kapab *avoid.*

So sa i annan en kantite eleman kot ou pour komet en lofans me la ou pour bezwen ganny sarze avek en lofans e *then* pourswiv pour sa lofans. *So* i pour annan en lanket ki pour ganny fer baze lo la.

Si ou'n *misplace* ler ou ganny en warant Lapolis I vin sers ou kot ou, i vin anmenn ou kot sa Komisyon la ou ava eksplik sa Komisyon ou a donn li en zistifikasyon. Ou a dir "be gete la mon ti krwar ozordi ti le ... mon ti krwar mon sipoze vin 9er saler zot ti'n dir mon vin *sorry* 2er saler somonn I dir 9er.

So i arive toulezour Ankour sa kot sa dimoun i bliye oubyen i pa vin ankour lo en somonn. Me selman i pour ganny pourswiv lo en ka ekstrenm kot i vreman *try to avoid* vin Ankour.

Lo kote dokiman wi I normalman ou pour ganny demande pour prodwir en dokiman si sa dokiman pa egziste, petet ou pa pour dan sa lot sa abilite pour prodwir la ou a donn en leskiz akoz ou pa kapab prodwir. Mon donn ou en legzanp enn mon bann premye *case* ki mon ti fer konman en zofisye Gouvernman, se dife *State House* ler ti annan en batiman *State House* ki ti ganny brile, *so* en kantite dokiman ler mon ti al gete en bann *filing cabinet* ti'n fini - tou perdi. *So* si nou pe al sey rod en dimoun i met en konplent kot sa dokiman ti dan sa *file* - ou pa pour vwar ti napa *information technology* sa letan pour nou *save* sa bann dokiman.

So i pour annan bann dan bann sityasyon kot en dimoun pour napa sa posibilite pour li soumet sa dokiman. Me selman si i kapab montre ki i dan posesyon sa dokiman e i pe refize. I kapab osi en labank par egzanp i kapab en nenport ki en dimoun oubyen en *entity*.

Lo kote *fine in fact* si ou pour get *draft* orizinal i ti *'not exceeding R50thousand and not exceeding a term of imprisonment of 10 years.'* Nou, nou'n fer li bokou pli senp ki en pe parey *penal code* kot i dir ou en *fine of R50thousand* e dapre Lalwa en Komisyon oubyen en Lakour i kapab donn ou *from R1 right up to R50* depandan; savedir pa plis ki R50mil depandan lo gravite ou lofans – *ok*? E term anprizonnman osi parey. I kapab donn *anything from a suspended sentence* oubyen en *fine* e la *'and'* i pour *mean 'or'* si i pour satisfer Onorab Andre *'and'* pour *means 'or'* la. Mersi.

MR SPEAKER

En moman en moman.

HON WAVEL RAMKALAWAN

Attorney mon ti anvi zis demann avan ki eleksyon ki ti

annan sa dife? Ki ti bril bann dokiman?

ATTORNEY GENERAL MR FRANK ALLY
Bon sa dife ki ti ganny mete an 1997.

MR SPEAKER
Vitman Onorab. William vitman.

HON WAVEN WILLIAM
Speaker mon ti anvi zis met devan *AG* lefe ki dan sa premye pwen ler in koze in dir 'refize' alors dan plas *'fail'* akoz I pa met *'refuses'* konmsi ou pli presiz li akoz ou'n servi sa mo refize *then* akoz nou pa fer li konsistan ek lezot fer li *'refuses'*. Akoz lafason ki ou'n eksplike.

MR SPEAKER
AG.

ATTORNEY GENERAL MR FRANK ALLY
Mon krwar bann Manm *Bills Committee* mon prefere *'fails to attend'* akoz I en*compass* I pli larz ki senpleman refize. Me *again* petet bann Manm *Bills Committee* pran sa an konsiderasyon. Dan plas *'fails to attend the Commission'* - *'refuses to attend the Commission'* anba *13(a)* Seksyon *13 (a).*

MR SPEAKER
Mersi *AG.* Mon a donn dernyen laparol Onorab Georges.

HON BERNARD GEORGES
Mr Chair mersi. Dernyen laparol pour sa Staz Komite oubyen avan ki nou *break?*

MR SPEAKER
Non mon le ...

HON BERNARD GEORGES
Akoz i annan plizyer pwen ki mon anvi fer sorti.

MR SPEAKER
Bon si. ..

HON BERNARD GEORGES
Mon pa konnen ki ...

MR SPEAKER
Si nou santi nou pa pour fini la, mon krwar nou pour *break,* akoz mon anvi rann lantenn avek *SBC,* akoz nou deza al bokou letan an plis. Si nou santi poudir nou annan ankor en pe travay pour nou fer nou a retournen 2er, me si ou santi ou kapab *wrap-up* ou fer li.

HON BERNARD GEORGES
Les mon seye Mr Chair. Les mon seye mon a sey *wrap-up.*

MR SPEAKER
Ok.

HON BERNARD GEORGES
Mersi Mr Chair. Mon a vin les mon si mon kapab konmans o konmansman epi fer enn de pti soz apre nou a retourn lo *amnesty* de minit.

Dan son *'long title'* i annan en propozisyon en modifikasyon mon ti a kontan propoze, *'an Act to enable the President of the Seychelles'* nou pa apel li *'the President of Seychelles'* alors nou kapab zis koup sa *'the. '*

E in ganny propoze anba *Clause 3* dan *3 (1)* e baz lo *'Truth Reconciliation and National Unity and capital (N).*

3 (6)' sorry 3 (5) 'a victim of a surviving close relative' AG in propoze *clause 3 (5) a surviving relative'* in ganny propoze pour fer *'close relative'*. Apre *'or close surviving relative'*.

MR SPEAKER
Kontinyen Onorab.

HON BERNARD GEORGES
Mersi. Apre nou al anba *Clause 11 interim reports* e la Onorab Basil Hoareau ti propoze ki nou servi sa mo *'functions'* olye mo *'enquiries'* konman dernyen mo dan *11 (2).* Mon konpran e mon napa en gran mo lobzeksyon, me mon krwar an servan mo *'enquiries'* bann *drafters* ti anvi dir ler zot in fini ekout zot lanket e non pa ler zot in fini zot fonksyon; kekfwa en keksoz enpe pli ...

Fonksyon pour *encompass* osi pour ekri en rapor tandis ki *'enquiries'* i le dir ler zot in fini zot lanket, la prezan zot ava ekri zot rapor. Tandis ki si nou met fonksyon zot rapor ava en fonksyon. Mon pe zis met sa devan. Me etandonnen ki e sa set en pwen ki nou pa'n vreman pas lo la bokou - etandonnen ki i annan sa kestyon *Sunset Clause,* mon ti ava propoze ki dan *11 (2)* dan son 2enm laliny *'shall submit interim report every 6 months and shall submit a final report within 3 months'* eksetera *'after completion'* mon ti ava propoze *'submit interim reports every 6 months and'* mon ti ava propoze ki nou met la *'subject to section 14 (2) shall submit its final report'*. Akoz *14 (2)* i dir ki i pour dan peryod 3an - son peryod se 3an.

Alor nou pe fer en *cross reference* avek ant sa 2 - pour ki I kapab fer son rapor me son *end stop* pour 3an. *11 (5)* in ganny propoze olye *'National Archives'* pour ranplas sa par

'curator of the Seychelles Archives.'

Mon a sot *amnesty* akoz I pour pran bokou plis letan e mon ava ... Non annefe se sa dernyen pwen ki mon ti anvi dir.

Retourn lo *amnesty* Mr Chair e vreman pour pa prolonz deba ditou - nou napa okenn ... I annan de kategori keksoz ki nou pe regarde la. Enn se proteksyon en fwa ki en dimoun in depoz son petisyon *amnesty* e la mon krwar nou'n tonm dakor ki propozisyon Onorab Hoareau i valab. I en tre bon propozisyon, akoz i donn sa proteksyon pandan ki en dimoun ... apre ki en dimoun in depoz son demann *amnesty.*

E sa mon krwar I en tre bon propozisyon. Me nou *still* pa ankor abord sa size sa dimoun ki anvi vin devan e ki anvi protez son lekor, par file en petisyon avan apriyori.

E mon pe demann mwan si dan *12 (1)* olye servi sa mo *'perpetrator'* nou zis servi en mo *'person'. '... a person seeking an amnesty shall file a petition for amnesty with the Commission within the time limit set by the Commission'* e azoute *'and may do so before testifying before the Commission. ' Ok* sa I permet li en petisyon apriyori.

E apre nou kontinyen 'a person' dan *12 (3)* e dan *12 (4)* nou kapab si nou anvi *neutral* servi mo *'the petitioner shall ... provided...'* Akoz si nou regarde dan *5 over the page* i kontinyen avek *'petitioner'* e dan *6* i retourn lo *'a person.'* Donk i pli *neutral* ki *'perpetrator.'* E mon pe propoz sa an Kontra distenksyon an propozisyon Onorab Hoareau pour re defini *'perpetrator'.*

Mon ti ava kontan finalman fer en propozisyon avek *12 (5) (b) ... 'the Commission may hear testimony from the victim or victims perpetrator and any'* - nou'n fini fer sa amannman, me *'the Commission shall'* mon ti a swete - mon ti ava propoze ki nou azoute *'as far as reasonable practicable'* egzakteman parey nou'n servi en pe pli lwen. Akoz i posib ki sa viktim pou'n mor.

E donk se pour sa rezon ki sa mo *'as far as reasonable practicable'* in ganny servi dan *12 (3). Dan 12(3) 'the Commission shall as far as reasonable practicable'* mon'n propoz sa formil *'shall as far as reasonable practicable'.* Vwala Mr Chair bann propozisyon ki mon retenir apre deba bomaten. Mersi.

MR SPEAKER
Mersi Onorab Georges. Onorab Basil Hoareau.

HON BASIL HOAREAU
Mr Chair mersi. Mr Chair mon konnen nou pe pran enpe letan me selman mon krwar i en *Bill* tre enportan ki *at least* nou a sey gard li *as much as* ganny li byen.

Mr. Chair thank you. Mr. Chair I know that we are taking some time but I think this a very important Bill so we should get it right as much as possible.

Mon dakor preski tou sa ki Onorab Georges in dir. *Anyway 'enquiries' – 'functions'* mon krwar *'functions'* i pour lir pli byen, me selman mon napa *issues* lo serten *enquiries.*

I agree with what Honorable Georges said. Anyway enquiries – functions I think functions reads better, but I do not have issues on certain enquiries.

Mon annan de pwen. Premyerman mon pa pour dakor avek Onorab Georges, mon dakor avek tou keksoz ki in dir eksepte sa anmenn dan *11 (2) 'subject to the words 'subject to clause 14 (2).* Mon krwar ki mannyer I lir la I lir byen li.

I have 2 points. Firstly I do not agree with Honorable Georges. I agree with everything that he has said except

Akoz? Nou pe dir gete avek *Commission* ou annan ou *maximum* 3an ou, me si dan 2an ou'n fini ou louvraz? Ou'n fini akoz i dir ou, *'within 3 months it has completed its enquiries.' So* si dan 2an ou fini *then* ou fini pli boner. Savedir ou dakor? *Ok.* Apre lot *issue* - aktyelman sa pwen letan Onorab Georges pe koze, mon krwar poudir petet *from Clause 12 (1) onwards* kot nou dir *'a person any person or a person seeking an amnesty'* nou byen konmanse larestan I devret zis swiv *'petitioner' for consistency.* Apre lo kote *'Commission may hear a testimony from the victim' 'perpetrator.'*

Apre Onorab Georges in fer en pwen pertinan I dir si viktim in mor. Me mwan mon krwar nou devret dir *'or a close surviving.'* Savedir sa *basically* nou dir avek sa dimoun sa dimoun ki'n fer sa aplikasyon, li ki ou bezwen son konsantman?

Par egzanp si en viktim sa fanmir viktim in mor fanmir ki'n fer aplikasyon otomatikman nou pour dir avek

sa dimoun be nou *we have no say* - akoz nou pa ti viktim me selman nou ki'n fer aplikasyon *at least now,* nou ki devret asiz dan plas viktim.

E pareyman eski si i pe ganny reprezante, eski son reprezantan akoz ... e akoz la ki nou ti kapab dir *'the Commission may hear a testimony from the complainant or any other person it deems necessary'. 'The complainant' will mean* poudir tou dimoun ki'n fer sa konplent; savedir swa i *close surviving family or* reprezantan sa viktim li i pour bezwen ganny ekoute. E si par egzanp la *'any person it deems appropriate.'*

Si prezan sa viktim par egzanp sa viktim i en viktim ki ankor vivan me selman pe ganny reprezante par en dimoun *then Commission* I dir nou anvi ekout sa viktim osi, akoz li I pour tonm *'the person deems any other person deems appropriate.'* Me selman annou fer sa konplenan ki mannyer ler nou kouver fanmir dan ka kot sa viktim in mor. *So* nou dir *'the Commission made the testimony from the complainant or complainants, perpetrator or any other person' it deems appropriate.'* Ki ou panse lo la?

MR SPEAKER

Mersi Onorab. *AG.*

ATTORNEY GENERAL MR FRANK ALLY

Mersi Mr Chairman. Mon pa konnen si petet ti a en bon keksoz pour nou servi sa mo *'complainant'* e dan plas met en *'complaint shall be filed within 6 months'* dan *3 (4)* nou met *'a complainant shall file a complaint'* prezan nou defini *complainant* konman *'the victim a legal representative of the victim, a close family member,* prezan dan plas nou met *'complainant.'* Devan *'complainant'* kot Onorab Hoareau in koz lo la.

E apre Onorab Georges in dir *when it comes to* ler kot *amnesty* e mon krwar Onorab Hoareau in fer sa pwen, ki nou ranplas *'perpetrator'* partou avek *'petitioner' so that then its 'petitioner'* ouswa apre *'complainant'* dan plas viktim. Mersi.

MR SPEAKER

Mersi *AG. Yes* Onorab De Commarmond.

HON CHARLES DE COMMARMOND

Mr Speaker. Zis en pti leklersisman e garanti eski sa zafer *amnesty* baze lo sa ki nou dir in antre eski letan ou'n donn

amnesty savedir sa dimoun pa pour ganny pourswiv apre? I kler sa? Mon le ki sa i kler ki dimoun i ganny li byen, pour ankouraz dimoun pour vin devan pour vin devan. Mersi Mr Speaker.

MR SPEAKER

Mon krwar in ganny li kler lo sa bout lo kote *amnesty* tou lede kote in dakor *AG* osi in dakor non ou'n ganny li kler. Bon nou ariv moman ... *Yes AG.*

ATTORNEY GENERAL MR FRANK ALLY

In fact Mr Chairman mon krwar sa ki Onorab Hoareau in propoze inisyalman sete san *'notwithstanding any criminal Law a criminal investigation'* apre in anmenn *civil prosecution,* me mon krwar I devret annan en *'criminal investigation or a criminal or civil prosecution shall not be commenced or shall be discontinued'.* E la parske *Attorney General* ki annan pouvwar pour li *discontinue* baze lo la, sa i pour i pour *override* en pti pe son pouvwar Konstitisyonnel. *So* me selman avek lespri sa Lalwa *then* i pour kapab *discontinue prosecution. Thank you.*

MR SPEAKER

Mon a donn en dernyen parol Vis Prezidan. Vis Prezidan.

THE VICE PRESIDENT MR VINCENT MERITON

Mersi Mr Chairman. Mr Chairman mon ti annan bann kestyon me fir e a mezir bann diskisyon in pran plas tou sa bann kestyon in ganny reponn e nou'n dakor ansanm avek *AG* avek lamannman ki tou lede kote in propoze. Mersi Mr Chairman.

MR SPEAKER

Mersi Vis Prezidan. Bon in ariv moman pour nou pran en vot lo bann amannman ki devan nou. Mon ava demann tou bann Manm ki an faver? Okenn Manm ki kont? Madanm Clerk.

MADAM CLERK

Mersi Mr Chair. Mon rikord rezilta inanim 25 Manm an faver. E personn kont. Mersi.

MR SPEAKER

Mersi savedir bann amannman in ganny aprouve. Mon kapab ganny en Mosyon pour *Third Reading.*

HON CHARLES DE COMMARMOND

Mersi Mr Speaker. Anba *Order 71 (1)* anba nou *Standing Order* mon le *move* ki the *Truth,*

Reconciliation and National Unity Commission Bill, 2018 as amended, i ganny lir en Trwazyenm Fwa.

MR SPEAKER
Mersi Onorab De Commarmond. Okenn Manm ki segonde?

HON BASIL HOAREAU
Mon segonn Mosyon Mr Speaker.

MR SPEAKER
Mersi Onorab Basil Hoareau. Mosyon in segonde. Nou kapab pran en vot. Tou Manm ki an faver? Okenn Manm ki kont? Madanm Clerk.

MADAM CLERK
Mersi bokou Mr Speaker. Ankor enn fwa mon rikord 25 Manm an faver. E personn kont. Mersi.

MR SPEAKER
Bon savedir sa *Bill* ki depi yer nou pe deliber lo la *the Truth, Reconciliation and National Unity Bill 2018,* in ganny aprouvasyon Lasanble e aprouvasyon i pa inanimite.

(APPLAUSE)

MR SPEAKER
Bon nou ava ganny en *Formal Third Reading.*

MADAM CLERK
Mersi bokou Mr Speaker. *This Act may be cited as a Truth Reconciliation and National Unity Act of 2018 and shall come into operation on such date as the President may determine by notice in the Gazette appoint.* Mersi Mr Speaker.

MR SPEAKER
Mersi. *Ok* zis annou re ganny li byen Madanm Clerk.

NATIONAL ASSEMBLY OF SEYCHELLES

Extract of Verbatim

Wednesday 1st August, 2018

Truth and Reconciliation and National Commission Bill, 2018
(1st Part)
MR SPEAKER

Good Morning Honorable Members and Good Morning everyone listening to the work of the National Assembly.

We will continue our work this morning where we stopped yesterday with the continuations of deliberations on the bill before us and then we have a motion on Order Paper. I will immediately ask Parliamentary Reporter to call in the Vice-President.

On the order paper this morning we have the *Election (Amendment) Bill,* 2018, *Truth Reconciliation and National Unity Commission Bill, 2018,* and *Control and Protection of Dogs Bills, 2018.*

I would like to welcome Vice-President Meriton amongst us, he is accompanied by the attorney General Mr Frank Ally and his assistant Mr Victor Pool. Vice-President and your team Good morning and welcome to the National Assembly. Yes Honorable De Commarmond.

HON CHARLES DE COMMARMOND

Non mon dir ou nou pe al pran *Truth Commission* la – en?

I am asking you whether we are going to take the Truth Commission now ?

MR SPEAKER

Wi nou ti'n konmans en pti koze *regards to Elections Bills.* Nou a kit li la, en pe pli tar nou ava *defer* li pli tar. *Ok?*
So mon kapab ganny en. Nou pou *skip Elections (Amendment) Bills,* 2018. E nou pou al lo *Truth Reconciliation and National Unity Commission Bill.* Mon kapab ganny en Mosyon pou *Second Reading.*

Yes we had started talking about the Elections Bills. We will leave it for a moment and later on we will comeback to it, we will defer for later. Okay ? So can I get an – We will skip the *Elections (Amendment) Bills,*

2018 and we will go on to the *Truth Reconciliation and National Unity Commission Bill.* Can I get a motion for *Second Reading*.

HON CHARLES DE COMMARMOND

Mersi Mr Speaker. Bonzour Mr Speaker. Bonzour Vis-Prezidan ek ou tim delegasyon. Bonzour tou Manm ki a lekout.

Mr Speaker anba *order* 64(2) nou *Standing Order* mon oule *move* ki *The Truth Reconciliation and National Unity Commission Bill, 2018* i ganny lir en Dezyenm Fwa.

Thank you Mr Speaker. Good Morning Mr Speaker. Good Morning Vice President and your delegation. Good Morning to all listening. Mr Speaker under *order* 64(2 of our *Standing Order* I move that the *The Truth Reconciliation and National Unity Commission Bill, 2018* be read for a Second Time.

MR SPEAKER

Mersi Onorab De Commarmond. Okenn Manm ki segonde?

Thank you Honorable. Any member seconds this?

HON AUDREY VIDOT

Bonzour Mr Speaker. *Motion seconded.*

Good Morning Mr Speaker. *Motion seconded.*

MR SPEAKER

Mersi Onorab Vidot. Bon Mosyon in ganny segonde. Mon ava *therefore* demann Vis-Prezidan pou entrodwir *Bill.* Vis-Prezidan laparol i pou ou.

Thank you Honorable. Good the motion has been seconded. I will therefore ask the Vice-President to introduce the *Bill.* Vice-President you have the floor.

THE VICE-PRESIDENT MR VINCENT MERITON

Mersi Mr Speaker. Mersi bonzour Mr Speaker. Bonzour tou bann, Manm Lasanble al. E tou dimoun ki a lekout.

Mr Speaker mon pe prezant devan Lasanble e Prozedlwa pou etablisman en Komisyon Laverite Rekonsilyasyon e Linite al pou zisteman promouvwar Linite al e Rekonsilyasyon dan pei.

Thank you Mr Speaker. Thank you and Good Morning Mr Speaker. Good Morning all Members of the National

Assembly and everyone listening. Mr Speaker I present before the National Assembly a bill for the establishment of a Truth Reconciliation and National Unity Commission to promote Unity and Reconciliation in the country.

Sa Prozedlwa li i osi reprezant loportinite ki devan nou tou ozordi. Loportinite pou ferm en sapit kontrovers nou listwar ; pou bouz *délavant* avek en nouvo souf sa ki nou kontinyen trenn fardo lo lepase avek nou. En loportinite pou ranforsi Linite al e Rekonsilyasyon dan pei. Mr Speaker moman ki devan nou i enn ki istorik. E mon swe ki nou apros sa prosesis ek matirite e avek bonn volonte. Ki nou demontre en grander lespri lasazes ki nou'n aprann atraver bann levennman lepase ; ki nou koz lo lavenir lo ki mannyer nou kontinyen batir nou pei. E asir byennet nou popilasyon.

This bill also represents the opportunities before us all today. The opportunity to close a controversial chapter in our history to move forward with a new breath without having to keep on carrying the burder of our past with us. An opportunity to reinforce National Unity and Reconciliation in the country. Mr Speaker this moment before us is a historic one. And my wish is that we apporach this process with maturity and good faith. That we show the depths of our wisdom from what we have learnt from the events of the past, that we talk about the future and how we will continue building our country and assure the well being of our population.

Mon rekonnet lenportans e nesesite adres bann febles lepase. Pou nou fransiz sal ot letap revolisyon nou . Nou pei Sesel in viv avek en rezilta nou listwar. Se nou listwar ki'n fer nou sa ki nou été ; ki'n anmenn nou lo sa pwen istorik kot nou été ozordi. Mr Speaker sa Prozedlwa devan Lasanble pa pou sanz nou listwar. Me i annan sa pouvwar pou permet sanz serten konsekans sa bann levennman lepase. Pou anmenn en lot kalite rezilta kot i annan rekonsilyasyon olye separasyon ; kot ou anmenn Linite al olye divizyon. Mon pa anba okenn ilizyon Mr Speaker, ki avek laprouvasyon sa Prozedlwa ki keksoz pou retourn normal. Oubyen ki bann ki ganny afekte pou fasilman bliy sa ki'n arive.

I recognise the importance and neccessity to address the weaknesses of the past. For our brutal honesty in regards to the events of the Revolution. Our country Seychelles has lived with the results of our history. It is our history that has made us who we are and that brought us to this historical moment today. Mr Speaker this bill before the National Assembly will not change history. But it has the power to change certain consequences of past events. To bring forth another result where there is reconciliation instead of separation and National Unity instead of division. I am not under any illusion Mr Speaker, that with the approval of this bill that things will return to normal or that those affected will forget what happened easily.

Travay sa Komisyon ki sa Prozedlwa pe propoze etabli, pa enn ki pou fasil oubyen ki senp. Pouvwar sa Prozedlwa Mr Speaker i *redemptive*. I pa pou efas bann lerer dan lepase. E pou kapab permet ferm sa paz konmans en nouvo sapit. Se pour kwa Rekonsilyasyon Linite al i enportan i osi enportan ki lepase. Mr Speaker nou bezwen bouz devan. Nou bezwen en nouvo konmansman pou lavenir. En lavenir kot nou rekonnet nou pase tou sa kantite keksoz ki byen. Tou sa kantite keksoz ki'n permet nou ariv kot nou'n arive, e osi rekonnet sa ki mal. Kot Seselwa i viv ek travay ansanm dan tou son diversite. Mon annan lespwar ki Seselwa i pare pou en sel pou en tel moman. Mon espere ki nou demontre matirite liminite avek kouraz. Mon ti a kontan sezi sa loportinite pou remersi Komi te Lasanble al lo Laverite Rekonsilyasyon e Linite al, pou travay ki zot in fer an preparasyon sa Prozedlwa. Mon oule remersi tou dimoun ki'n partisip dan sa prosesis. E swete ki bann deba ki swiv i sinifye sa Laverite Rekonsilyasyon e Linite al ki sa Prozedlwa i reprezante. Aprezan Mr Speaker mon demann Lasanble al pou konsider sa Prozedlwa. Mersi Mr Speaker.

The work of this Commission that this bill is proposing to establish, will not be easy and simple. The power of this bill Mr Speaker is *redemptive*. It will not erase the errors of the past and permit us to close this page and start a new chapter. It is for that reason Reconciliation and National Unity is as important

as the past. Mr Speaker we have to move forward. We need a fresh start for the future. A future were we recognize our past and all the good things. All the things that have permitted us to get here were we have reached and where we also recognize the wrongs. Where Seychellois people work together in all our diversities. I am hopeful that the people of Seychelles is ready for such a moment. I hope that we show maturity, unity and courage. I would like to take this opportunity and thank the National Assembly Committee on Truth Reconciliation and National Unity for the work you have done in preparation of this bill. I would like to thank everyone who participated in this process and I hope that the debates that follows will signify the Reconciliative Truth and Unity that this bill represents. Now Mr Speaker I ask the National Assembly to consider this bill. Thank you Mr Speaker.

MR SPEAKER

Mersi Vis-Prezidan. Bon deba i ouver alor lo merit zeneral avek prensip *Bill* ki devan nou. Sa se *Truth Reconciliation and National Unity Commission Bill,* 2018.

Mon ava donn laparol avek Onorab Ramkalawan.

Thank you Vice President. Good the debate is open on general merit and principle of the bill before us and that is *Truth Reconciliation and National Unity Commission Bill,* 2018. I will hand the floorover to Honorable Ramkalawan.

HON WAVEL RAMKALAWAN

Bonzour Mr Speaker. Bonzour Vis-Prezidan en bonzour tou Manm Lasanble e Vis-Prezidan avek ou delegasyon e tou dimoun ki pe ekout nou.Mr Speaker mon krwar ki ozordi sa ki nou pe diskite dan Lasanble, i en size tre enportan. E depi ki 6enm Lasanble in zwenn, nou'n form en Komite zisteman pou prepar sa travay ki nou pe regarde ozordi. E la mon osi mon ti a kontan remersi Vis-Prezidan pou son parol tre apropriye e remersiman an relasyon avek travay ki sa Komite in fer.

Byensir nou ti deza prezant nou rapor devan Lasanble. E se sanmenm sa rapor ki Lasanble ti prezant avek Gouvernman - avek Egzekitiv. E dan sa rapor ki nou ti prezante, ti osi annan en *Bill* ki nou ti'n travay lo la.

Good Morning Mr Speaker. Good Morning Vice President and Good Morning members of the assembly and Vice President and your delegation and everyone listening to us. Mr Speaker I think today what we are discussing in the national Assembly is a very important subject. And since the 6th Assembly have met, we have formed a committee to prepare the work that we are seeing before us today. And now I would like to thank the Vice President for his very appropriate words and thanks in relation to the work the committee has done. Of course we presented this report before to the NA (National Assembly) and it is that same report that the NA presented to the Government – the Executives. And in the report we presented, we also had a *Bill* we had worked on.

Petet i enportan pou nou, letan nou pe regard sa moman, parski in annan bokou reaksyon sorti kot plizyer dimoun, pou nou pran li dan en fason kalm e pou nou regarde kwa ki nou bezwen re vizite, afen ki nou kapab finalman *achieve* sa ki nou pe rode. E mon krwar ki pou dir ozordi wi nou anvi *closure*. *Closure* savedir ki laverite i ganny met devan e atraver sa laverite ki toultan nou koz lo la, ki nou tou nou ganny libere, e atraver sa liberasyon, atraver liberte - malgre ki pa tou bann boubou ki pou'n ganny geri, me selman omwen ki dimoun i ava kapab regard keksoz avek en lot fason.

It is important for us, when we are looking at this moment, because there has been a lot of reactions from several people, for us to take this in a calm way and for us to be able to see certain things that needs to be revisited so that we can finally achieve what we are looking for. And I believe that today, yes we want closure. Closure means that the truth comes out and through this truth that we are always talking about, that we are freed and through this liberation and freedom – although not all our wounds have healed , but at least people will be able to see things from a different point of view.

Mr Speaker mon anvi premyerman dir - e la petet si televizyon i *focus* lo sa bann *file* ki la - sa bann *file* ki la se bann *file* avek tou bann konplent ki nou konman en Komite nou'n gannyen. E i enportan pou mwan dir Mr Speaker ki,

kontrerman avek serten parol ki poudir *file* in perdi, form in disparet ensidswit - tou i la prezan - napa naryen napa okenn lenformasyon okenn dimoun ki ale. E atraver sa bann *file* ki la nou nou'n kapab fer nou travay. E sa travay Mr Speaker zis pou ou lir sa bann *file* - e mwan mon'n ganny sa privilez dan en serten sans pou mon regarde kwa ki dimoun in pas ladan. E mon anvi dir avek Vis-Prezidan i pa fasil. Sa morso nou listwar ki nou pe koz lo la, i en morso ki i anmenn bokou soufrans. E ant sa bann *file* i annan tou kalite zistwar. E mon krwar ki i pou enportan *at some point* kekfwa pou en etidyan ki a pe fer son degre ki a pe rod ekrir son *Thesis* pou nobou servi sa bann materyo ki la. E letan sa Komisyon i ava'n ganny etabli pou osi servi materyo ki pou sorti dan travay sa Komisyon pou nobou ekrir listwar nou pei.

Mr Speaker I want to say firstly that – and now maybe the television will focus on the files here - these files are the files of all complaints that we have received as a committee. It is important for me to state Mr Speaker that, contrary to certain rumors that these files are lost or have gone missing or dissapeared and others – all is present here. There is nothing and there are no information missing. And it is through these files that we have been able to work. And this work Mr Speaker just to read these files to us – and I have had the priviledge in a certain sense to see what people have been through. And I want to tell to the Vice President it is not easy. This part of our history that we are talking about is one full of sufferings. And between these files there are all sorts of stories. And I believe that it is important that at some point maybe for students that are doing their degrees to write a Thesis and be able to use these materials here. And when this Commission will be established they will also use the materials that will come out from the work of this Commission to write the history of our country.

Parske letan nou pe koz *closure,* nou pe osi koz fodre pa ki i ganny repete. Me i enportan osi pou dir ki dan sa 5 *files* ki annan la, i pa tou sa zistwar. Sa 5*files* i reprezant 317 dimoun ki'n vin devan, pou zot rakont zot zistwar. E pou zot dir kwa ki zot, zot in pas ladan. I annan bokou dimoun ki pa'n fer li. E mon mazinen ki poudir i

pou annan letan sa Komisyon i ava ganny etabli i pou annan lezot dimoun i pou prefere al direk devan sa Komisyon.
Me Mr Speaker ou konnen i annan en keksoz ki enportan. E se la kot nou bezwen met nou dan konteks. Sa bann ka ki'n ganny vin anmenn devan i pa kapab ganny konpare avek okenn lezot landrwa. E ptipti ki Sesel i ptipti, letan nou analize nou vwar ofet ki pou dir poursantaz nou popilasyon ki'n ganny afekte, i bokou pli o. Letan nou pe konpar li *per capita,* i bokou pli o avek sa ki'n arive dan lemonn.

Because when we are talking about closure, we are also saying that it should never be repeated. It is important to state that these 5 files here, is not the whole history. These files only represent 317 people that have come forward and have told their stories to say what they have been through. There are a lot of people that has not done so. And I think that when the Commission will be established there will be other people that will prefer to go there directly in front of the Commission. But Mr Speaker you know there is something important and it is there that we have to establish context. These cases brought forward cannot be compared to other cases in any place. Seychelles is so small and when we analyze we can see clearly as a matter of fact that that the pecentage of our population affected was a lot. When we compare this per capita, it is high compared to what has happened in the world.

Mr Speaker *Sud Afrique* sete pwen 0.5 zot popilasyon ki ti'n ganny afekte. Sesel se .05poursan son popilasyon ki'n ganny afekte. Deza la letan ou pe regard sa 2 i bokou plis sa ki'n pase Sesel. Me par kont letan ou regard *Rwanda* li i 12poursan son popilasyon ti ganny afekte. Donk letan nou pe regard nou sityasyon, nou pou vwar ki poudir i annan bokou. E dan sa bann *file* letan nou'n kategoriz zot, i annan 122 ka bann ka *illegal arrest, assault,* detansyon, lanprizonnman, *kidnapping,* bann dimoun ki'n disparet, bann mert ek bann dimoun ki'n al an-egzil. Sa parey mon pe dir se zis bann ka ki nou'n ki'n vin devan nou.
43 ka bann dimoun ki'n ganny terminen dan zot lanplwa e bann lezot size ki annan pou fer avek lanplwa. Bann temwen ki'n soufer bann troma psikolozik i annan 15 ka.

Medical malpractice 12 ka. E bann dimoun ki'n perdi later ki'n perdi biznes i annan 113 ka. Alor tousala se bann soufrans ki nou pep in pas ladan. E alor se pou sa rezon i enportan pou ki sa travay ki nou pe fer e sa Komisyon ki pou ganny etabli pli tar, i ava kapab fer en travay ki pou ed nou bann zanfan konpran sa ki'n arive e pour ki sa pa ganny repet ankor.

Mr Speaker in South Africa it was 0.5 percent of the population who were affected. Seychelles is .05 percent of its population affected. Already when you look at the 2 it is much more than what went on in Seychelles. But when you look at what went on in Rwanda were 12 percent of its population was affected. When we look at the situation we see that it was higher. And in these files when we have categorised them we have, 122 cases of Illegal Arrest, assault, detention, imprisonment, kidnapping, disappearances, murders and people who went in exile. This like I have told you these are just those that we have received before us. 43 cases of dismissals and other employment related issues. There are 15 cases of witnesses that have suffered Psychological Traumas. 12 cases of Malpractice. And there are 113 cases of people who have lost their lands and businesses. So all these are sufferings our people have been through. And it is for that reason that it is important the work we are doing, and this Commission is establish later on and it will be able to work and help our children understand what happened and so that this may never be repeated again.

Mr Speaker sa *Bill* ki devan nou, i koz lo ki mannyer pou nou promot Linite al ek Rekonsilyasyon. E letan nou pe koz Linite al ek Rekonsilyasyon i annan definitivman 2 parti ladan. I annan viktim, e apre sa i annan sa ki'n dan Lalwa i apel *perpetrator*. Savedir sa ki'n fer sa aksyon - sa ki'n koz dimoun pou soufer.

E la mon anvi fer kler, ki pou dir ankor enn fwa mwan personnelman e mon konnen ki pou dir Komite nou pa pe dan okenn fason - e sa Lalwa li menm li letan nou pou al dan son bann detay nou pou vwar, i pa pe koz donn lavantaz en group kont en lot group. I pa pe koz ki mannyer pou nou zis

pardonn sa bann ki'n fer sa lofans. I pa pe donn en lavantaz bann ki'n komet lofans konpare avek viktim. Nou realize ki poudir sa viktim, oubyen fanmir bann viktim, i pe kontinyen mars, avek bann sikatris. Me an menm tan osi nou espere ki pou dir bann ki'n komet bann lofans, bann ki koz sa soufrans, zot osi tou zot santi en sikatris dan zot leker.
E alor si sa ki'n fer sa krim, oubyen sa ki'n kree bann viktim, zot osi zot santi en sikatris parey ki sa viktim i santi en sikatris i pe mars avek en sikatris - e si mon kapab ariv en pozisyon kot tou lede i kapab koz ek kanmarad ekout laverite, e ansanm bouz devan, Mr Speaker mwan mon pou enn bann dimoun ki pou pli *happy*.

Mr Speaker this bill before us talks about how to promote National Unity and Reconciliation. And when we are talking about National Unity and Reconciliation there are definitely 2 parts to this. There are victims and then there are what is called by law as Perpetrators. This means those that have committed these actions - and caused the sufferings. And now I want to make it clear , one more time that I personally and I know the Committee also we are not trying in any way to – and this law when you go in its details we will see that , it is not talking about giving advantage to a group against that of another. It is not saying we will only forgive those that have committed these offences. It is not giving advantage to those that committed these offences compared to the Victims. We realize that victims or their family members are still walking around with the scars. But at the same time we also hope that those who committed these offences , or created these victims, they also feel some sort of scar, as the victims feels the scars as they walk around – and if I can reach a proposition where both sides talk to each other, listens to the Truths and moves forward, Mr Speaker, I will one of the happiest person.

Me solman mwan mon pa la pou mwan determinen kwa ki mannyer dimoun pou azir. Akoz mwan mon napa en manm mon fanmir ki'n disparet. Mon pa konnen sa soufrans. Mon'n ekout dimoun ki zot fanmir in disparet. Mon'n ede pou swiy larm dimoun ki'n pas dan sa soufrans. Mon'n asize, mon'n donn mon letan pou ekout zot soufrans. Defen Mrs Ah-Time

mon'n ekout li. Letan in koz avek mon lo sa garson Alton ki'n disparet.
Mon'n konn soufrans lafanmir Denousse. Mon'n koz ek lafanmir Hoareau. Lafanmir Chang-Him mon'n marye dan lafanmir Chang-Him - mon konnen zot soufrans. I en soufrans ki parey mon ti dir letan mon ti prezant rapor, i en soufrans ki ankor vivan. I ankor ou a krwar sa boubou in fek ganny koupe. Disan i ankor pe koule. Alor definitivman I en prosesis ki pou fermal e an menm tan osi i en prosesis ki sa bann dimoun lo kote bann viktim zot, zot pou bezwen regarde ki mannyer sa prosesis i avans devan.

But I am not here to determine how people will react because I do not have a family member that has disappeared. I do not this suffering. I have listened to people whose family has disappeared. I have helped wipe the tears of people who have been through this suffering. I have sat and given my time and listened to these sufferings. The late Mrs Ah-time, I listened to her when she spoke about her son Alton who disappeared. I have listened to the suffreings of thr Desnousse Family. I spoke to the Hoareau Family. I married into the Chang-Him family – I know their sufferings. It is a suffering like I stated in my report, it is a suffering that is still alive. There are those that are still fresh, like these wounds has just been cut. The blood is still flowing. So definitely it will be a painful process that these people especially the victims, they will have to see how they can move forward through this process.

Me lo lot kote sa ki'n permet oubyen ki'n partisip sa bann aksyon parey mon'n dir mon esper ki zot annan en sikatris dan zot leker. Pou ki zot a kapab zot osi tou annan en remord konsyans, e atraver sa remord konsyans pou vin devan pou dir, les mwan ed ou pou ou met en bandaz lo sa boubou, lo sa sikatris. Les mon ed ou pou ou kapab avans devan. E an menm tan osi ki mon pe fer sa ed mwan. Ed mwan osi tou pou met sa bandaz lo mon prop sikatris. Mon krwar ki se la kot i annan sa 2 kote, e parey mon pou dir ankor mwan mon pa'n en viktim direk. Gouvernman pa'n pran en gren later ki ti pou mon fanmir. Gouvernman sa letan pa'n *cancel* en biznes ki ti pou mon fanmir. Nou ti napa biznes. Gouvernman pa'n fer nanryen direk kont mwan. Me

nou bezwen koz pou bann viktim. Nou bezwen les bann viktim zot pran sa linisyativ. Nou bezwen les bann viktim pou zot vin devan.

On the one hand those that permitted or particpated in these actions like I have stated I hope that they have a scar in their heart so that they can also hace remorse and through this remorse they will come forward and allow me to help them to put some bandages on these scars. Let me help you move forward. And at the same time that I am doing this to help me put bandages on my own scars. I think this is where the 2 sides exist and like I will state again I am not a direct victim. The government did take a large plot of land from my family. Government at that time did not cancel a business for my family. We had no businesses. The governmetn did not do anything to me directly. But we have to speak out on behalf of the victims. We have to allow them to take this initiative and we have to let them come forward.

Mr Speaker sa prosesis ki nou anbark ladan, i pa en prosesis ki fasil. Mwan pase letan mon ti pe koz avek Speaker *Sud Afrique* Mrs Mbete -Speaker Mbete ou ti dan ou prezans Mr Speaker letan nou ti ariv *Angola* - letan mon ti dir avek li kwa ki nou pe al anbark ladan, li ki koman en dimoun ki'n en viktim *apartheid,* ki'n viv an-egzil *Angola* i ti regard mwan i ti dir "i pa fasil." "Sa ki zot pe al anbark ladan, i en prosesis difisil." E mon krwar li.

Letan Paster Ludovic ti vin isi pou li partaz avek nou son leksperyans *Sud Afrique,* i dir avek nou i pa fasil. I ti dir avek nou pran letan, organiz - i annan en kantite keksoz ki nou bezwen fer, pou nobou finalman bouze.

E letan nou ti organiz nou premye *symposium* ki ou menm ou Vis-Prezidan ou ti ganny sa loner pou lans li, nou ti santi sa lakoler parmi bann dimoun. Ti annan en kantite parol letan nou ti koz rekonsilyasyon, e la mon mazin letan Onorab Hoareau ti fer son prezantasyon - pe koz lo *'restorative justice', 'redemptive justice',* ti annan en leokri.

Mr Speaker the process we have embarked on, is not an easy one. Last month when I was talking to the Speaker of South Africa Mrs Mbete -Speaker Mbete, and it was in your

presence Mr Speaker when we were in Angola – when I told her that we are going to embark on this journey, she as a Victim of Apartheid, that lived in exile in Angola she looked at me and she told me "it is not easy". "What you are going to embark on, is a difficult process". And I believe her. When paster Ludovic came here to share his experience in South Africa he told us it is not easy. He told us that it will take time, organization – there are so many things we have to do for us to finally take off. And when we organized our first symposium that you ourself Vice President you had the honor of launching, we felt the anger of these people. There were a lot of words when we spoke about reconciliation, and now I remember Honorable Hoareau made his presentation – he spoke about restorative justice, redemptive justice and there was an outcry.

E nou aprezan nou'n pran tousala parske wi i annan leokri lo en kote. Me selman nou annan en travay pou fer e se sa kot mon anvi Seselwa ozordi i nou konpran nou, ki poudir i annan en travay pou fer. Nou ti kapab fasilman zis dir e nou kit sa laba ater nou, nou kontinyen. Nou ti kapab fer sa opsyon. E mwan mon konnen Mr Speaker mon'n ganny en kantite kritik konman *Chairperson* sa Komite me parey *Anglais* i dir, nou ti bezwen *"take the bull by the horns."* E ozordi nou'n ariv lo sa pwen. E ki mannyer keksoz pou prosede sa i ava depann lo lepep Seselwa.

mwan mon krwar ki pou dir nou'n sey met en platform. Nou'n sey met en fason pou nou kapab avans devan e alor mon espere ki nou a kapab fer li.

Mr Speaker sa prosesis ki nou pe pas ladan, byensir nou'n ganny akize. I annan serten dimoun ki'n menm dir "ar sa bann dimoun lo sa Komite e lo kote Lopozisyon, zot osi zot annan keksoz pou kasyet."

And we have taken up all these because yes there was an outcry from one side. But we have work to do and this is where I want the Seychellois to be aware today thatw e understand, that there is a lot of work to be done. We could have easily just said that we leave this there and we continue. We can choose this option. And I as the Chairperson of this committee I have been criticised a lot, but as the English says we had to *'take*

the bull by the horns.". And today we have reached this point. And how we are going to proceed on this will depend on the people of Seychelles. I believe that we are trying to establish a platform. We have tried to go forward and I hope that we can do it. Mr Speaker this process that we are going through, of course we have been accused. There are certain people that has even said 'that these people on the Committee are on the side of the opposition, and they also have things to hide.'

Mr Speaker mon anvi fer kler - nou napa nanryen pou kasyet - napa naryen pou nou kasyet.

Mon'n fer kler ki pou dir mwan personnelman, mon napa mon pa'n ranpli en form *greviance,* se parski mon napa en *greviance* pou mwan fer ki tonm dan sa bann kategori.

Mr Speaker I want to mske it clear – we have nothing to hide – there is nothing to hide. I have made it clear that I personally, I have not filled any form of Grievance and it is because I do not have a Grievance that falls in these categories.

Mon annan problenm. Mwan mon problenm se, sa ki'n arive avek bann lezot dimoun sa ki'n arive avek sa bann viktim. E mwan mon'n plito debout lo kote bann viktim - mon'n asiste zot mon'n ede. E nou napa nanryen pou nou kasyet.

Onorab Ferrari napa nanryen pou li kasyet. Dimoun i kapab dir ki dokter Ferrari li osi tou i ti dan koudeta.

Be se sa ki nou pe rode. Dokter Ferrari ti dan koudeta letan sa Komisyon i ava ganny etablir e in deza eksprim sa, sa dezir. I ti dan sa *symposium,* kot in debout li dokter Ferrari in dir," mwan mon pare pou vin devan pou mwan koz laverite !" Napa nanryen pou kasyet.

Onorab Georges lo lot kote in marye avek en madanm ki son papa ti en viktim direk. Mr Moulinien ti en Minis dan Gouvernman '77. I annan en soufrans me Onorab Georges in asiz lo sa Komite e nou'n kapab koze pou nou regarde ki mannyer keksoz pou bouz devan.

Letan mon regard bann lezot Manm - Onorab Larue son papa ti en viktim direk. Li osi tou konman en zenn zanfan in bezwen al viv an-egzil. I en viktim direk. Taler i pou koze li osi tou.

I have a problem. My problem is that, what has shappened to these people and these victims. And I am standing with the Victim – I have assited them and there is nothing to hide.
Honorable Ferari has nothing to hide. People can say that Doctor Ferari also was in the Coup D'etats. And that is what we are looking for. Doctor Ferari was in the Coup D'etats and when the Commission will be established and he has already express the desire to. He was in the symposium and he stood up and said 'I am ready to come forward and tell the Truth'. There is nothing to hide.
Honorable Georges on his side he is married to a woman whose father was a direct victim. Mr Moulinien was a Minister in the 1977 Government. He has a suffering adn we have been able to talk about it and see how we can move forward.
When I look at the other members – Honorable Larue her father was a direct victim. She also as a young child she had to go live in exile. She is a direct victim
Later on she will also speak.

Me *the one thing* napa nanryen pou kasyet. Travay ki nou'n fer nou pa'n anvi kasyet naryen. In menm annan dimoun ki'n dir *First Reading* pa'n ganny fer. Salerla *First Reading* ti en *First Reading* spesyal kot nou ti *sit* lo en zour spesyal pou nou zisteman pran sa *First Reading.*

Mr Speaker *perpetrators* pou ganny lazistis wi, lazistis i tou lede kote. Lazistis i pa zis vedir ki ou ganny pardonnen. Lazistis i osi vedir ki ou pas dan prosesis. En dimoun i fer keksoz mal - Mr Speaker en dimoun ki'n fer en keksoz mal i posib ki lazistis pou li, se en reprimann, set en santans, se en konpansasyon. I annan diferan fason ki sa i kapab deroule.

Alors Mr Speaker mwan mon krwar ki pou dir ozordi nou bezwen poz nou lekor en kestyon. Parske in menm annan dimoun ki'n dir Sesel pa pare pou sa. I annan dimoun ki'n dir klerman i pa devret ganny fer letan Parti Lepep i o pouvwar.

E sa in enn bann komanter for. I dir nou pa devret pas sa Lalwa la pou nou fer sa prosesis letan Parti Lepep i o pouvwar, akoz se zot ki'n bann - *well* letan mon pe dir sa se zot ki ti dan Gouvernman. Tou sa bann keksoz in ariv pandan zot "*watch.*"

Me kestyon ki mon demande kan eski alors sa pou

arive. Eski nou esper Parti Lepep sorti o pouvwar? Me si Lepep Seselwa i vot pou Parti Lepep kontinyelman ki mon espere - zot pa pou fer. *(laughter)*

But there is nothing to hide. The work that we have done we do not want to hid anything. There has even beem people that has stated that a First reading had not been done, when the first Reading was a Special one that was done when we sat on a Special day especially for that First Reading.
Mr Speaker I think that today we have to ask ourselves

Me selman dizon, dizon Lepep Seselwa i deside pou li kontinyen vot pou Parti Lepep dan Egzekitiv. Eski sa i vedir ki zanmen nou pou konmans sa prosesis? E an menm tan osi pandan sa letan. Laplipar bann *perpetrators* zot pou'n fini mor. Alors ki kalite prosesis eski nou pou annan.

Alor mwan mon dir avek dimoun ki a pir sa kalite largiman ki pou dir nou, nou bezwen fer li. Ofet nou pa ti ni pe devret pe fer li an 2018. Nou ti devret pe fer li 1993 retour miltiparti. Parski sa ti ava vedir 25an pase nou ti ava'n ouver sa bann *files.*

Me kestyon ki nou bezwen demann nou, eski 25an pase nou tri pou kapab fer en tel prosesis ? Mwan mon larepons se non. Nou pa ti pou kapab fer en tel prosesis, akoz latmosfer politik ti totalman diferan. Ozordi latmosfer politik i diferan e alor nou kapab asize e pou nou fer sa bann keksoz.

Mr Speaker mwan mon anvi dir ki fodre pa ki annan okenn konpromi. Fodre ki sa laverite an-antye i ganny met ater. E la ankor enn fwa i annan serten dimoun. Letan nou'n regard bann form, letan nou regard bann form e letan pe rode kwa ki dimoun i espekte.

Mr Speaker dan sa bann form ki nou annan, dan sa bann *file* ki nou annan la, i annan 58poursan dimoun ki pe rod en konpansasyon monneter. Dimoun ki a pe dir - pou lapenn mon'n ganny bate, pou lapenn mon'n al dan prizon, pou lapenn mon'n pas dan sa bann soufrans, mwan mon anvi en konpansasyon.

Dan bann form i annan 16poursan dimoun ki zot later in ganny pran ensidswit; "mwan mon pa anvi okenn lezot keksoz, mon anvi ki mon propriyete i retourn kot mwan."

"Ki mon ganny posesyon mon propriyete."

Dimoun ki pe rod senpleman laverite ek lazistis i annan 15poursan.

E bann dimoun ki senpleman anvi ki en dimoun re Gouvernman oubyen en *perpetrator* i debout e demann leskiz, ki pare pou aksepte, i annan 10poursan.

E i annan 1.8poursan bann dimoun ki dir mwan mon pou les Komisyon pou deside ki mannyer keksoz pou deroule.

Alor nou vwar ki pou dir parmi bann viktim, i annan diferan fason ki zot pe regard keksoz. Me selman nou bezwen mazinen ki poudir i annan 58poursan ki'n demann konpansasyon.

E la prezan i vin en lot largiman. I annan dimoun ki dir wi fodre pey sa bann dimoun konpansasyon. Me selman fodre pa ki *taxpayers* i peye. Les sa, sa bann dimoun ki'n fer zot ki'n fer ki'n *involve* les zot pey konpansasyon.

Ankor enn fwa i en size pou nou debat lo la. Eski i vreman nou pa anvi avans devan ? E letan ou deside pou ou avans devan. Parfwa pei li menm li i bezwen fer sakrifis.

Letan en dokter Lopital par egzanp i komet en *malpractise* olye fer tel loperasyon, i mal fer li. Se pa sa dokter ki pey konpansasyon. Se Minister Lasante ki pey konpansasyon.

Letan gard i fer en keksoz ankor en fwa amwen ki i annan en levidans kler pou pourswiv sa gard, parey in deza arive. Me apard sa se Gouvernman ki peye, se Leta ki peye. Se nou ki peye.

Alor tousala mon mazinen se bann size ki nou bezwen debat lo la. E nou, espere ki pou dir bann dimoun i ava kapab sezi tousala.

Mr Speaker i osi annan sa size *Amnesty* ki enn ban size ki'n koz bokou lemosyon - letan sa Lalwa ki nou pe pase ozordi, i osi koz lo dan Seksyon (12) ki pou dir en dimoun ki en *perpetrator* si i vin devan i koz laverite, e an plis ki sa i pare pou rankontre bann viktim e prezant zot son leskiz i pou annan posibilite pou li ganny en *amnesty.*

Bokou dimoun in dir be sa pa ase. Fodre ki ou osi anmenn sa viktim. Ki pou dir fodre sa viktim oubyen fanmir r sa viktim i aksepte pou donn sa *amnesty.* E ki i senpleman as moman ki sa *amnesty* i kapab donnen.

Mon konpran sa largiman. E taler ankor enn fwa nou pou diskit lo la. Me nou bezwen osi

nou bezwen osi balanse. Si ou ferm tou laport pou en dimoun vin devan volonterman pou li dir, "mwan ki ti responsab pou tel aksyon."

E alor konman sa dimoun ki responsab, mon pare pou zwenn fanmir bann viktim, pou mwan koz avek zot e pou mwan demann zot pardon. E mon espere letan mon'n fer sa avek tout senserite pou mon ganny pardonnen."

Si sa laport pa ouver. Kestyon se, eski en dimoun ki'n partisip dan en dan kek, aksyon kriminel i pou pare pou li vin devan?

Parske nou bezwen osi balanse e se la kot mon krwar dan sa deba viktim ek bann lezot zot ava fer nou konnen kwa ki zot pe mazinen. Nou bezwen mazinen ki poudir i annan en kantite keksoz ziska prezan ki dimoun pa'n vin devan.

Alor eski nou anvi konn laverite? E si nou anvi konn laverite tout laverite mon krwar ki i bezwen annan en laport ki ouver. E sa i ava'n enn bann size ki nou krwar - parski i annan bokou dimoun ki panse ki fodre ki sa viktim, oubyen fanmir sa viktim li ki donn sa lotorizasyon final pou dir *"ok* nou pardonn ou e nou dakor i donn i *grant* sa *amnesty."*

So sa pwen *amnesty* byensir i en size ki pou tre enportan. E pandan sa deba ki nou pe fer la, plitar letan nou rantre dan *Committee Stage* nou kapab ankor enn fwa balans tousala.

Mr Speaker, nou pa anvi tay avek tou keksoz. Nou anvi pas dan en prosesis ki pou kapab finalman anmenn nou pli devan. Nou anvi kapab bouz nou pei dan en direksyon kot i annan la gerizon. Kot bann sikatris viktim e sikatris *perpetrators* i ganny adrese.

Mr Speaker dan travay ki nou'n fer nou'n nobou apresye travay ki *Bills Committee* in fer lo sa *Bill.* Mwan menm mon avek nou group i annan serten lamannman ki nou ti a kontan diskite e sa bann keksoz nou ava fer li pandan Staz Komite.

Me mwan personnelman letan mon pe al terminen, e pli tar byensir pou annan bann loportinite pou koz ankor lo la - mwan mon senpleman anvi dir wi mon rekonnet ki poudir i ankor annan bokou lakoler - bokou lakoler. Me nou bezwen *deal* avek sa lakoler. Nou bezwen regarde ki mannyer nou pou bouz devan.

Menm parey dan en fanmir i annan lakoler. Papa pa kontan sa ki zanfan in fer, oubyen fiy pa kontan saki

manman in fer. I annan lakoler e sa fanmir i bezwen rod en fason pou li *deal* avek sa lakoler. E mon krwar ki sa i enn bann keksoz ki nou konman en pei nou bezwen fer. E nenport kwa ki nou fer - bann dimoun ki'n perdi zot lavi, oubyen bann dimoun ki'n disparet, nou pa pou kapab fer zot retournen.

Lafanmir Hoareau pa pou kapab - oubyen nou, nou pa pou kapab retir sa 35 bal ki ti penetre dan lekor Gerald Hoareau an Novanm 1986. Nou pa pou kapab retire sa.

Lafanmir nou e tou, nou pa pou kapab dir avek lafanmir Ah-Time la zot garson. Nou pa pou kapab fer sa.

I annan serten dimoun ki'n perdi zot propriyete ki ozordi i annan bann lezot keksoz ki lo zot propriyete kekfwa en *housing estate,* pa pou kapab dir avek zot be la i la nou pe al pous tou sa bann dimoun ki lo sa *housing estate* nou pe al kraz tou bann lakaz pou zot nobou ganny zot later. Non! Pa pou kapab fer sa.

Me an menm tan solman nou bezwen bouz devan konman en pei. Nou bezwen fer sir ki lazistis i ganny pratike. Nou bezwen fer sir ki gerizon i ganny fer. Nou bezwen fer sir ki laverite i ganny devwale. E nou bezwen fer sir ki lape i renye dan nou pei, akoz nou bezwen kontinyen mars ansanm. Nou pou kontinyen al dan menm laboutik ansanm. Nou pou kontinyen nou zanfan pou kontinyen al dan menm lekol, e nou pou kontinyen petet pas obor sa dimoun ki ti en *perpetrator* ki ankor vivan, pou nou regard li dan en serten fason.

Alors Mr Speaker avek sa detrwa parol, mon anvi dir ki sa *Bill* ki devan nou definitivman nou pou donn li nou sipor, apre ki nou'n fer serten lamannman ladan. Nou ava donn li nou sipor e nou ava regarde ki mannyer nou bouz devan.

E mon anvi osi terminen an dizan sa prosesis Rekonsilyasyon al i pa apartenir pou okenn endividi. Napa en endividi ki sa i pou li. Sa prosesis Rekonsilyasyon al ek Laverite, i apartenir pou lepep Seselwa. Mersi bokou Mr Speaker.

(APPLAUSE)

MR SPEAKER

Mersi Onorab Ramkalawan. Mon ava pas laparol avek Onorab Basil Hoareau.

HON BASIL HOAREAU

Mersi Mr Speaker. Mr Speaker sa *Bill* ki devan nou e ki anmenn nou ver en direksyon kot nou pe al ver Linite al nou pe al ver Rekonsilyasyon.

Se sa lobzektif sa *Bill.* E se sa ki apre nou'n pas dan sa legzersis ki sa *Bill* pe met an plas pou nou pas ladan konman en ki nou devret pe *achieve.* Nou devret pe *achieve* Linite al pou kot Seselwa i santi zot nou tou ansanm ini - ki napa okenn keksoz ki pe diviz nou. I en prosedir k enportan. I en prosedir kot i pou fermal. I en prosedir kot pou annan lemosyon ...

MR SPEAKER
Take a deep breadth Onorab Basil. Ou pou kapab kontinyen Onorab?

HON BASIL HOAREAU
(Mic Off)

MR SPEAKER
Ok. Ou pou kapab kontinyen Onorab?

HON BASIL HOAREAU
Non mon a pran parol apre.

MR SPEAKER
Bon nou ava rezerv ou drwa pou ou koze apre. Onorab Simon Gill oule entervenir. *Go ahead* Onorab.

HON SIMON GILL
Bonzour Mr Speaker. Bonzour *VP* avek ou delegasyon. Bonzour tou koleg Onorab. E bonzour tou manm piblik ki pe ekout nou ozordi bomaten.

Mr Speaker ozordi 01 Out 2018. I en zour ki mon konsider li konman en zour istorik dan nou Lasanble al - Lasanble al Sesel. I en zour istorik akoz nou pe pas en Prozedlwa e mon kontan mon tann leko pozitiv sorti kot Onorab Ramkalawan ki son kote, pou donn laprouvasyon sa Prozedlwa. E egalman mon kapab o depar dir ki lo sa kote latab ki mon prezante, nou pou donn nou sipor total enkondisyonnel sa Prozedlwa.

Konteni sa Prozedlwa Mr Speaker, i en konteni ki pou mark la Seselwa e ki pou mark enn bann levennman, bann akonplisman enportan lo Lasanble al. I pou permet nou fer Sesel rantre dan en letap enportan, son parkour istorik.

Mr Speaker sak , sak pei, dan en moman donnen son listwar, in bezwen fer f.as avek son pase. Dimansyon dan vergir ki mannyer i fer fas avek son pase in depan *or* in ganny kondisyonnen par lafason ki bann *leaders* politik bann dirizan politik in manifeste zot

determi lasazes, e pasyon pou adres son pase.

Me avek en sel bi. E mon konnen ki bi ki nou isi dan sa Lasanble - e mon konnen ki bi sa Komite spesyal ki'n travay lo sa Prozedlwa; nou konnen ki nou bi nou'n fer sa travay. E nou konnen ki zistans nou le anmenn Sesel, *or* nou konnen ki direksyon nou le Sesel i pran.

Mr Speaker dan nou Lasanble, e la deor dan sosyete Seselwa, i annan en nouvo zenerasyon *leadership*. En nouvo zenerasyon *leadership* ki diferan avek bann lezot zenerasyon ki i annan privilez pou diriz Sesel.

E sa zenerasyon ozordi Mr Speaker, dan sa Lasanble e dan sosyete Seselwa nou misyon se vwar en Sesel inifye. Nou oule vwar en Sesel rekonsilye avek li menm. Nou le vwar nou pep La Seselwa rekonsilye avek li menm.

E ler ou rekonsilye avek ou menm definitivman ou bezwen fer fas avek plizyer defi. Ti ava byen ki nou ti a bezwen fer fas avek nou pase avek sa moman istorik, ki nou plizoumwen dan sa Lasanble pe elabor bann nouvo stratezi pou nou anmenn Sesel pli lwen ankor.

Me bokou nou i krwar - e mon santi ki i annan en kours nou popilasyon i krwar, ki pou nou fer plis sikse ; ki pou annan plis stabilite ; ki pou annan plis partisipasyon entegral nou pep, nou bezwen adres en parti enportan nou listwar. E sa se bann levennman apre 5 Zen '77.

Mr Speaker a sa staz dan mon kapasite konman Depite Sekreter Zeneral dan Parti Lepep i enportan, ki mon dir ki nou regrete. E i malere ki i annan serten levennman endezirab ki'n arive dan nou listwar.

E mon dir sa avek tou senserite - avek tou lonnekte e respe pou tou sitwayen Seselwa. Nenport ki sitwayen Seselwa dan nenport ki parti lemonn kot zot été, ki'n santi zot afekte avek serten akt nou pase. Kot nou, nou'n dan *leadership* e nou regrete. Ankor enn fwa mon dir.

Alafwa ki nou dir nou regret e Mr Speaker, mon rekonnet probableman parfwa serten akt in ariv par serten linyorans. Par serten konportman parfwa ki lemosyon probableman in pran lespas dan nou kapasite pou rezonnen. E nou'n les nou ganny grive par lemosyon e fer serten akt ki'n afekte serten fanmir. E byensir negativman in devlop serten konportman

negativ lo lapar sa bann fanmir *or* endividi. E ki sa i enpakte lo zot partisipasyon *or* lentegrasyon dan sa prosesis ki nou ti ava voudre vwar tou Sesel, tou Seselwa pe inifye ansanm. Me malerezman nou pa'n kapab akonpli li.

Mr Speaker an menm tan ki nou dir nou regrete Mr Speaker, nou pa kapab regret tou keksoz. Nou pa kapab regrete ki nou'n elimin en gran poursantaz lenzistis dan sosyete Seselwa. Nou pa kapab regrete ki nou'n donn nou pep akse avek en ledikasyon, ki diferan e enkonparab avek en sityasyon ki mwan mon'n en viktim ladan dan mon pase.

Mon pa kapab regrete ki nou'n donn loportinite en gran poursantaz nou zenn, pou ganny akse avek en ledikasyon iniversiter, pou ganny akse avek en ledikasyon iniversel kot ou kapab angaz bokou plis nou sitwayen. E nou pa kapab regrete, kot nou'n elimin dan nou sistenm lasante 'Klas 'ou pa kapab regret sa.

Mr Speaker nou pa kapab regrete kot nou'n elimin en gran poursantaz nou popilasyon dan lapovrete ekstrenm, ki mon annan konesans vivan - mon fanmir in viv e in en viktim ladan. Mon pa kapab regret sa.

E mon pa kapab regret mon prop kondisyon Mr Speaker. Kot ozordi mon santi mon kapab pe debout *or* byensir la ozordi dan sa moman ki mon pe adres zot, bokou pli rezonnab ki mon ti ete 45an pase. I pa bann kondisyon ki mon ti dezire viv ladan. Me 45an pase Mr Speaker mon ti ni menm kapab predir 45an pli tar, si mon ti la dan sa Lasanble al pe adres La Seselwa ozordi.

E egalman mon bann koleg lo lot kote latab ki 45an pase zot ti ankor zanfan en bon pe nou, nou pa regrete ki ozordi nou reisi viv, grandi, e ganny en ledikasyon debaz; ki'n permet nou ganny elekte dan nou distrik e pe partisip dan sa nouvo zenerasyon *leadership* ozordi isi dan sa Lasanble ozordi bomaten, le 01 Out 2018.

Nou parkour nou tou mazorite nou isi dan sa Lasanble al i pa'n en parkour ki'n fasil. In en parkour ki'n ranpli avek bann defi. Pou noue pou nou fanmir. In en parkour ki nou fanmir in trimouse lannwit lizour. E nou pa kapab regrete ki 45an pli tar malgre bann defi lavi, malgre bann defi sosyete, nou pa kapab regrete ki nou ankor pe viv, e ki nou ankor omwen pa kapab koz lo lapar La Seselwa.

E Mr Speaker nou misyon ozordi nou nouvo zenerasyon *leadership* dan sa pei, e fitir zenerasyon Mr Speaker pou ziz nou lo en keksoz. Dan nou kapasite abilite pou nou anmenn Sesel ver sa Rekonsilyasyon ver sa Linite al.

Nou bezwen sa. I endispansab Mr Speaker. Fodre pa ki nou ganny tante. Mr Speaker mon repete fodre nou pa ganny tante avek serten bann eleman ekstremis dan nou sosyete, ki oule trenn nou - ki oule trenn nou pou anmenn divizyon dan sa pei.

Nou misyon se pou nou inifye sa pep. E nou bezwen tonm dakor servi tou kapasite abilite ki nou annan Mr Speaker, pou nou travay ver inifikasyon nou pep - ver rekonsilyasyon nou pep. E nou bezwen tonm dakor pou nou fer tou sa ki posib pou nou inifye nou pep. Vwar en Sesel ini.

Mon dir Mr Speaker kapasite e grander en *leader* dan nou politik Sesel pou ganny marke par son kapasite pou li *lead* en Sesel ki ini - *lead* en Sesel ki rekonsilye.

Mr Speaker mon lot pwen ki mon le koz lo la ozordi, se en mesaz - en mesaz pou nou bann *leaders* ki'n la '77. En mesaz pou bann *leaders* e fanmir ki la ozordi an 2018. E mesaz i senp.

Nou pe fas avek en moman ekstraordiner eksepsyonnel nou listwar. E nou pou osi ganny ziz-e par lafason. Par grander lespri ki nou manifeste pou nou kontribye pozitivman, pou nou kontribye dan sa nouvo demars pou nou vwar en Sesel ini. Pou nou vwar en Sesel ki rekonsilye avek li menm; pou nou vwar en pep rekonsilye avek son lekor. E pou nou bouz *délavant*. Pou nou sorti alafwa dan nou pase. Pou nou koz avek nou fitir. Pou nou kapab etablir sa nouvo vizyon e kree sa nouvo lespwar pou fitir zenerasyon Seselwa.

E mon ava dir zot annou pa per. Annou pa per sa nouvo defi. Akoz en gran poursantaz nou Mr Speaker, nou lentansyon i reste en lentansyon ki ti nob, ki ankor nob e ki pou ki nob.

E nou rekonnet dan tou nou bann bon lentansyon ki nou'n annan e ki nou ankor annan. Nou'n rekonnet e nou rekonnet ki nou pa bann zonm e ni bann fanm parfe. E ki dan nou sosyete napa okenn zonm/ fanm parfe.

Nou'n fer fot, nou pe fer fot nou pou kontinyen fer fot. Me en keksoz ki nou bezwen fer sir, se ki bann fot ki nou'n komet lepase ki ozordi an 2018 nou'n ganny nou en pli gran grander

lespri. Nou'n pli matir nou bezwen nou tou ansanm tonm dakor. Ki nou pa repete bann menm fot lepase. Se sa pli gran *"lesson"* ki nou bezwen aprann. Pa repete bann menm fot lepase.

E sirtou nou konnen sa bann fot ki nou'n komet, i afekte e in afekte. E si nou kolekte ankor i pou kontinyen afekte nou misyon nob ki nou annan. Ki nou anvi akonplir. Misyon pou vwar en Sesel ini. E vwar en Sesel rekonsilye e pou nou "Ansanm" pou mwan servi - mon kontinyen e ki mon kontan servi Mr Speaker *"Together!"* I sel lespwar ki nou kapab donn nou pep *'togetherness!' 'United '* Annou bouz devan. Annou pran nou pase Mr Speaker, ki nou'n tir sitan leson ladan. Annou *bury* li apre ki nou'n fini avek prosesis ki konteni dan sa nouvo Prozedlwa.

Mr Speaker dernyerman e konklizyon. Konklizyon se ki nou tou bann Manm Lasanble ozordi isi, annou zwe nou rol dan en fason pozitiv pou ki nou kapab kontribye pou anmenn sa prosedir ki dan sa Prozedlwa *délavant* - dan en fason pozitiv. Annou rasire ki nou depouy nou avek okenn lespri vanzans - rankin. E ki nou konpasyon, lanmour manifeste tou dilon sa parkour ziska ler nou fini rann lazistis, tou bann endividi, bann fanmir ki'n santi zot dan en fason ou en lot, ganny afekte, dan en moman nou listwar.

Mr Speaker avek sa detrwa mo, mon a dir ou mersi pou donn mon laparol. E mon swet boner sikse sa Komisyon ki pou ganny etabli. E mon swete ki avek en lespri ouver ki zot ava ganny gide par en lasazes nob, pou akonplir enn bann misyon enportan nou listwar. Mr Speaker mersi bokou.

MR SPEAKER

Mersi Onorab Simon Gill. Mon ava donn laparol prezan onorab Clifford Andre.

HON CLIFFORD ANDRE

Mersi Mr Speaker. Mr Speaker sa gran dirizan dan lemonn Mr Nelson Mandela ti dir e mon *quote - ''No one is born hating another person because of the* ***colour*** *of his skin or his background or his religion. People must learn to hate and if they learn to hate they can be taught to love for love comes more naturally to the human heart than its opposite. ''*

Mr Speaker mon'n konmans koumsa mon'n montre ki menm bann dimoun

ki'n pas atraver sityasyon, i kapab tir en konklizyon lo lanmour e respe pou lezot, menm si in pas atraver bann difikilte lavi. E sa in ganny enpoze lo li, akoz son krwayans ki ti annan sa lepok politik.

Mr Speaker letan mon pas lo merit sa *Bill,* mon vwar i pe koz lo kot ou *breach sa* divizyon ki'n ganny koze par serten vyolasyon. E sa i vreman enportan, akoz i montre ki letan nou aksepte ki i annan serten defayans, oubyen letan nou aksepte ki annan serten vyolasyon, ki'n koz douler avek lezot, se la kot nou kapab fer reparasyon.

Letan nou aksepte e la kot nou kapab vwar en solisyon lo ki mannyer nou tou ansanm - Onorab Gill in dir en mo ki kontan servi *"Together"* mon krwar sa i en mo pa zis li ki kontan servi. Me *"Together"* nou tou nou kontan servi sa mo akoz i fer en gran diferans, letan en group dimoun i asiz ansanm e diskit lo en sityasyon. Menm si ozordi nou kapab dakor pou nou dezagree lo serten size, me par lefe ki nou dakor dan sa laspe i fer ki nou grander lespri, i fer nou vin bann dirizan ki kapab get lwen e anmenn nou pei lwen.

Mr Speaker Sesel in pas atraver bokou, bokou sityasyon. E sa *Bill* pe dir ki nou pou adres bann sityasyon, bann vyolasyon plito ki'n ganny anmennen an rezilta koudeta '77.

Mon ti ankor zenn Onorab Gill ti pli aze ki mon bokou nou dan sa Lasanble Onorab Ramkalawan Onorab William, Onorab Georges bann ki pli aze ki nou ki bokou nou. Zot ti pli gran e zot ti konpran ki pe pase.

E mon a sa laz mon ti zis fransman dir ou pa konpran ki pe pase. Me ofir an mezir letan ou tann bann sityasyon mon konman *Chairman* Komite Anti-Viktimizasyon, *Chairman Truth Reconciliation Committee.* In dir ki i annan *file* devan li ki bokou konplent in ganny fer. kot nou osi konman Anti-Viktimizasyon bokou dimoun in vin kot nou kot zot santi zot in vin bann viktim ki'n ganny detaye dan sa Lalwa an referans avek zot krwayans sa 'lepok oubyen persekisyon ki zot ti gannyen en lepok.

Letan mon pe get rezondet par deryer sa Lalwa i dir an rezilta eski nou pou al osi lwen ki ozordi kot i ankor annan, i ankor annan serten dimoun ki pe sibir bann sityasyon lo bann baz ki pa apropriye ki pa neseser.

Mon kontan Vis-Prezidan in fer sa prezantasyon. E mon

konnen son lentansyon i bon. I annan bokou selman lezot dimoun ki travay par anba nou ki ankor pe *instil* lafreyer i ankor pe *still* persekisyon lo bann dimoun ki annan bann lopinyon ki diferan. E mon krwar letan nou ava pas sa *Bill* i ava permet sa bann dimoun osi ki in *still* bann lezot dimoun serten lafreyer oubyen serten persekisyon. Ki zot pa pou kapab dezormen kontinyen avek s akoz si sa dimoun i montre en lyen avek sa ki pe pase ozordi avek sa sityasyon sa dimoun i *still* kapab ganny anmennen devan Komisyon.

Mr Speaker douler i en keksoz ki pa fasil ganny repare. I pa fasil. E parfwa i menm pa kapab ganny repare. I enportan mon pou koz lo serten laspe letan nou al dan *Committee Stage* dan lo sa *Bill* li menm selman la nou pe koz lo merit zeneral. I enportan ki letan nou pe fer sa reparasyon i annan senserite par deryer.

Bokou dimoun pou dir ou en konpansasyon par ase oubyen i pa oule konpansasyon. I annan dimoun ki'n vin kot nou ki'n dir nou konpansasyon mon pa oule mon oule zis mon ganny dir mon ganny *afford* en pardon avek sa ki'n komet oubyen sa ki'n organiz serten aktivite kot sa dimoun in sibir.

Mr Speaker letan nou pe koz lo vyolasyon drwa imen nou Konstitisyon annefe i donn ou en 20tenn a en 30enn drwa ki ganny klasifye i ganny klasifye anba sapit (3) nou Konstitisyon, kot i koz *''Seychellois Charter of fundamental human rights and freedoms.''* Parey mon'n dir letan nou pe koz sa *Bill* me selman mon pou zis tous lo la. Letan sa *Bill* letan mon gete i pa pe *encompass* - i pa pe *encompass* sa ki dan nou Konstitisyon totalman i pe *encompass* par - me totalman. *So* sa nou ava vin lo la taler.

Me mwan Mr Speaker mon'n annan sa privilez pou mon servi mon pei dan diferan kapasite. E enn sa bann kapasite se dan militer. E en keksoz ki mon ti fer sir letan mon ti pe deservi mon fonksyon se bann dimoun ki ti anba mon konmann pa ti zanmen abiz drwa en lot dimoun. Sa ti mon responsabilite.

E mon ti fer sir ki mon ti donn zot sa direktiv letan nou ti pe fer en travay diferan travay nou fer letan nou ti pe fer sa bann travay pou fer sir ki nou pa abiz lo drwa bann endividi. Menm si in komet en lofans nou pa abiz lo son drwa pou nou fer sir ki demen napa reperkisyon

lo Leta pou ki nou ava reponn serten kestyon.

Me mon ti osi fer li mon drwa e mon devwar pou mon koz ek mon Siperyer. Konman en Kaptenn definitivman ti annan Mazor ki ti par lao mon Lyetnan Kolonnel e Kolonnel. *So* mon ti fer li mon devwar pou mwan koz avek zot dan en fason diplomatik letan serten sityasyon ti leve pou fer sir, ki napa reperkisyon *at least* anba direksyon ki ti annan la, pou ki napa serten reperkisyon lo Leta.

Alors Mr Speaker mou oule dir ki sa *Bill* in vin a en moman *opportun.* Mon dir sa akoz ozordi Sesel li menm in pran en lot direksyon konpare avek avan.

Onorab Gill in dir ki i annan sityasyon ki nou pa kapab denye anmenn benefis, wi dan tou sityasyon nou pou annan benefis e nou pou annan kot serten i sibir bann sityasyon ki pa dezirab.

Alors Mr Speaker se gras a sa dyalog - sa *togetherness* ki'n annan letan *LDS* in pran labar dan Lasanble al e i en *togetherness* ki'n fer ki ozordi nou'n kapab ganny en Lalwa ki pe vin devan Lasanble ki pou fer k i lepase i ganny gete i ganny mete de kote, e nou pa kontinyen avek sa lanmertim ki egziste par ler letan en sityasyon i leve kot nou tou nou kapab koze nou kapab vwar en solisyon.

Mr Speaker *having said that* mon oule tir en lot *quote* ki kapab fer nou mazin bokou keksoz. En *quote* - sa i sorti dan *Buddhism quote* kot i dir "you *cannot change the truth*" mon *quote "you cannot change the truth but the truth can change you."*

E sa i vreman realite. Ou pa kapab sanz sa ki'n arive me sa ki'n arive i kapab fer ou vin en dimoun pli *soft,* me i osi kapab fer ou vin en dimoun ki *rebellious.* Alors pou nou evit sa ekstrenm *rebellious* oubyen rekonfor en dimoun ki'n vin *soft* ou vin dan son leta natirel parey sa Lalwa pe fer provizyon, i enportan ki nou annan sa *Truth and Réconciliation Commission* i pou en Komisyon e ki letan mon pe get son Lalwa i pou annan ledan.

Alors i enportan ki nou kontinyen, met ledan dan sa Komisyon e bann dimoun ki pou ganny swazir par Prezidan i pou bann dimoun ki annan serten lentegrite.

Me osi Mr Speaker letan mon pe gete nou pou al lo la taler osi, *"The act may be cited at The Truth Reconciliation and National Unity Act 2018 and shall come in to operation on*

such date at the President may determined by notice in the official Gazette. "

Mon'n tous lo la akoz mon eksepte determi sa dat konmansman pa pou enn ki long. Pa pou enn ki ganny drage e dimoun ankor kontinyelman pe espere pou li anmenn son konplent, son konsern devan sa Komisyon. *Having said that Mr Speaker* mon ti a kontan reasir Vis-Prezidan e sa Lasanble ki mon pou donn mon full sipor sa Bill ki devan nou. Mersi.

MR SPEAKER

Mersi Onorab Andre. Bon mon annan plizyer entervenan lo mon lalis mon krwar nou avan pran – wi nou ava pran en Break nou ava retournen 11er pou nou kontinyen deba lo sa Prozedlwa ki devan nou.

(BREAK)

MR SPEAKER

Bon nou ava kontinyen nou travay, deliberasyon lo sa Prozedlwa ki devan nou, mon ava donn la parol Onorab Afif, Onorab Afif.

HON AHMED AFIF

Mersi Mr Speaker, bonzour Vis-Prezidan, bonzour tou bann Manm Onorab e tou dimoun a lekout, Mr Speaker sa *Bill* ki devan nou *Truth, Reconciliation and National Unity Commission Bill* i enn ki mwan mon fyer mon pe asiz lo sa kote latab, pour nou deliber lo sa *Bill* parske i ti enn ki nou ti promet dan, lo sa kote latab pandan peryod eleksyon ki nou pour anmenn en tel Komisyon an egzistans. Ozordi mon fyer ki sa pe arive.

Mr Speaker listwar nou pei malgre ki nou zis par lao 300 an depi ler sa pei in egziste, avek dimoun ki pe viv lo nou later, in en listwar ki'n en pe dir a serten moman letan. Me i ankor dir pour bokou dimoun e sirtou bann ki'n pas atraver serten levennman ki ozordi, nou pe trouv li neseser pour kapab adres sa bann douler ki zot pe santi e espere ki sa i ava en pa pour kapab anmenn en serten non selman lazistis, me en fason pour ed zot, kapab viv avek sa bann soufrans ki zot n annan.

Mr Speaker mwan mon rapel bann levennman *Coup D'état* parske mwan mon ti annan sa letan zis 10an - ankor en zenn zanfan mon ti dan senkyenm e listwar ki'n swiv mon'n pas ladan, mon ti en laz ki mon konpran ki pe arive e mon rapel byen soufrans serten mon bann zanmi lekol.

Mon rapel par egzanp mon menm mon ti tromatize a serten moman, kan mon zanmi lekol i vini i dir ek mon bomaten in ganny retar akoz son papa in ganny arete. E i pa konnen akoz e i pe plere, i vin lekol, mwan osi mon plere akoz mon per mon papa i ganny arete. Parske ou en zanfan ou pa konnen ki'n arive.

2 mwan apre *Coup D'état* en lot zanmi ki ti avek mwan, i pa ti vin lekol sa zour e apre midi ler mon al kot mwan, mon manman pe plere, mon papa osi i dan detres e i pe akonte ki mon zanmi son papa personn pa vwar li. E in en letan difisil. Me mwan malgre mon'n pas ladan mon pa pour zanmen kapab konpar sa ki mwan mon'n pas ladan avek leksperyans ki serten lezot dimoun in pas ladan.

Mon pa'n perdi en fanmir mwan. Mon pa'n ale dan prizon mwan. Mon fanmir pa'n al dan prizon. Mon pa'n ganny bate, me i annan lezot ki'n pas atraver sa bann soufrans.

E petet mon pa pour zanmen konnen, ki degre fermal sa bann douler i ete.

Mon krwar Sesel pa sel pei ki'n pas atraver en tel levennman. E ler Onorab Ramkalawan ti prezant bann sif i dir ki enn ti **.5poursan** popilasyon e Sesel i .05, alor 10 fwa plis par tet *d'habitants* dan en peryod letan. I en keksoz ki nou bezwen pran li serye, parske ou pa kapab annan dan ou pei devlopman, linite, larmoni ki nou tou nou swete i annan, si serten kous nou popilasyon pa zanmen trouv laverite, pa zanmen trouv sa rezon akoz keksoz i koumsa. I pa kapab zanmen aksepte ki listwar in koumsa. e zot anvi en keksoz ki pour permet zot kapab bouze dan lavi.

Alor ozordi, e mon ti a kontan remersye sa Komite ki'n prepar sa travay, mwan mon pa ti lo la, me zot klerman zot in fer bokou travay pour ekout dimoun pour fer resers lo meyer fason pour nou bouz devan, e vwala rezilta. Zot in prodwir en *Bill* ki pour kree lankadreman, pour kapab permet dimoun pour vin devan - pa devan en Komite, me devan en Lenstitisyon ki i annan en Lalwa, en lankadreman pour zot akont zot soufrans, e lo lot kote pour lezot dimoun dir laverite. Sa i ava ede anmenn linite, si sa Komisyon, sa Lorganizasyon i kapab met sa 2 dimoun ansanm e tonm dakor lo ki mannyer pour bouz devan; par egzanp lo en konpansasyon monneter, e i annan lankadreman pour li, e si i

annan en fason kot pa zis en dimoun ki pe fer sa travay, me i en Komisyon avek en manda kler, i en fason travay, mon krwar se sa lafason ki Sesel pour bouz devan.

Alor sa *Bill* ki devan nou, i pe fer egzakteman sa. I pe fer egzakteman sa - i pe kree en Komisyon, kree son manda, i dir ki mannyer i pour travay e mwan mon annan gran konfyans parske nou pa premye pei pour fer li, ki kapab ede pour fer sa kous popilasyon ki'n ganny afekte severman pour zot kapab ganny en rekour, pour zot kapab ganny lespwar pour zot kapab dir, "be nou kapab met sa deryer, nou pa pour zanmen bliye, me petet i en fason pour nou bouz devan."

Me Mr Speaker an menm tan mon ti a kontan demann avek Vis-Prezidan e Gouvernman pour konsider serten bann azisteman dan sa *Bill* ki la devan nou, ki mon krwar i neseser si nou anvi rafin li e fer li vin keksoz ki pli meyer. Par egzanp kot nou pe propoze pour annan en Komisyon ki Prezidan i apwente, mon krwar dan lespri pour anmenn, pour met bann dimoun ki sorti dan tou kous popilasyon, petet nou pa devret restrikte li avek zis bann dimoun ki sorti dan bann *NGO* e les li ouver pour ki nou ava annan par egzanp *CAA*, ki li i kapab fer rekomandasyon baze lo kriter ki'n ganny etablir pour bann diferan Manm, mon krwar sa ti ava en propozisyon.

Mr Speaker at the same time I would like to ask Vice President and the government to consider certain adjustments in the Bill that is before us, which I think is necessary if we refine it and make it something better. For example where we are proposing for a Commission that the President will appoint, I think in that same spirit, to include all the population maybe we should not restrict it to only people coming from NGO's and leave it open so we can have for example the CAA, that can make the recommnedations based on the criterias that has been established for the different members I think this will be one of the propositions.

E pareyman akoz si *CAA* ki apwent bann *Commissioners* anba 5 (2) par egzanp mon ti a propoze ki, si zot bezwen ganny tire i ava annan sa konsiltasyon ek Prezidan ek *CAA*. Mon krwar ki sa Komisyon li menm, akoz i en Komisyon serye, akoz enn son manda se trouv laverite,

mon ti a propoze osi ki par egzanp dan 6 (7) kot i gard rikord, zot gard tou rikord, depi *verbatim,* depi si i annan levidans odyo vizyel ki zot garde, parske son manda se donn laverite, e pour donn laverite pour listwar ti a bon annan sa bann keksoz ki ganny garde, byensir an sekirite e kan fodre gannyen, sa bann keksoz i ava la.

Mon krwar pour donn li son pouvwar, me an menm tan nou bezwen rekonnet ki sa Komisyon i pa en Lakour, i pa pe ranplas Zidisyer ki pe parey bann *Standing Committees* i annan, parey dan Lasanble, ou donn li pouvwar ki Lakour Siprenm i annan, me avek limit; parey pour donn somonn pour fer dimoun aparet pour donn lenformasyon.

And likewise because the CAA appoints the Commissioners under 5 (2) for example I will propose that, if they need to be removed there will be a consultation between the President and the CAA. I think that the Commision itself, because it is a serious Commission, and its mandate is a serious one, I will propose that or example in 6 (7) keeps records, they keep records, including verbatim, and also audio visual evidence because its mandate is to give the Truth, and to give the Truth for history it will be good to have these kept, of course secured and when it should be given these things will be here. I think I will give them the power but at the same time we have to recognise that the Commission is not a court, and it is not replacing the judiciary which is more or less like Standing Committees, like in the NA you have given it the same power of the Supreme Court but with a limit, for example in handing out summons for people appearing to give information.

Alors Seksyon 8 (3) par egzanp mon krwar i devret reflekte sa. E mon krwar Komisyon li menm, si nou anvi pran li serye e fer bann Manm sa Komisyon responsab, mon krwar nou devret donn en dele letan, par egzanp tou le 6 mwan.

Anba 11 (2) par egzanp, nou dir ki zot bezwen rann kont lo zot travay, ki zot in fer progre oubyen ki zot pa'n fer progre, me zot a dir konbyen ka zot in vwar e donn en rapor tou le 6 mwan.

So under Section 8(3) for example I think it should reflect

this. And I think the Commission itself if we want to take it seriously and make the Members responsible, I think we should give them a time limit to give a report every 6 months. Under 11 (2) for example we say they have to be held accountable for their work, that they have made progress or they have made none, but they will say how many cases they heard and give a report every 6 months.

E finalman sa ki mon ti a kontan propoze osi, se anba 11 (4) ek 11 (5) kot rapor i ganny prezante avek Prezidan, mwan mon ti a krwar i pli normal ki Prezidan apre 1 mwan ki'n resevwar, i kapab fer sa dokiman piblik, pa neseserman 2 mwan, mon pa vwar akoz i bezwen 2 mwan, parske i en rapor final. E answit dir osi ki sa rapor i pour ganny soumet avek Lasanble al pour son arsiv. Mon krwar sa set en keksoz ki mon ti ava sizere.

And finally what I would like to propose also is that under 11 (4) and 11 (5) where the report is presented to the President I think it will be better that the President one month after receiving the report, makes the document public, not necessarily after 2 months. I don't see why he will need 2 months as this is a final report. And also that the report be submitted to the NA for its archives. I thnk this is one other thing which I will suggest.

Mr Speaker finalman sa *Bill* ki la devan nou pour mwan i neseser. I neseser pour nou annan parske set en zouti ki pour anmenn parey son non e dir rekonsilyasyon pour anmenn laverite, i pour anmenn linite dan nou pei.

E sa tou lede kote latab i pour dakor avek, parske se sel fason pour en pti pei avek mwens ki 100mil dimoun kapab bouz devan. Alor pour mwan set en *Bill* ki pe al dan en bon direksyon, mon ti a kontan siporte e mon konnen ki mon bann lezot koleg osi pour donn zot lopinyon e pour koz lo lafason nou kapab kontiny sa travay pour anmenn Linite al dan pei. Mersi Mr Speaker.

Mr Speaker finally this Bill before us, for me is necessary. It is necessary for us because it is a tool which will bring like its name states Reconciliation and the Truth, it will bring unity in the country.
And this both sides of the table will agree with me and I would

like to support it and I know my colleagues also will give their opinions and talk about the ways we can continue to work and bring Unity in the Country. Thank you Mr Speaker.

MR SPEAKER
Mersi Onorab Afif. Bon mon annan Onorab Georges ki anvi koze, me i pa prezan pour le moman in alert mwan. Onorab Basil Hoareau pa ankor pare. Okenn lezot Manm ki i oule entervenir? Onorab Sebastien Pillay.

HON SEBASTIEN PILLAY
Mersi ...

MR SPEAKER
En moman, en moman, en moman Onorab, eski i annan en *speech list* lo le de kote? Akoz mon pa an posesyon *speech list*, se sa rezon ki mon pe sey al *randomly*. *Ok* mersi Onorab Ferrari. Bon wi, pa problenm Onorab De Commarmond. Ale laparol pour Onorab Sebastien Pillay. *Thank you.*

HON SEBASTIEN PILLAY
Mersi Mr Speaker, bonzour Mr Speaker, bonzour tou Manm Lasanble, bonzour Vis-Prezidan, *Attorney* Zeneral e lezot Manm ou delegasyon e bonzour tou dimoun ki pe ekout nou, oubyen pe swiv nou deba Lasanble pe enport kot ou ete ozordi bomaten.

Mr Speaker sa Prozedlwa ki devan nou i enn ki malgre nou pour oule vwar li dan diferan fason, i enn ki nou pa pour kapab koz lo la san en degre lemosyon, san en degre santiman, akoz apre tou i konsern lafason ki dimoun i santi, lafason ki dimoun pe panse, me pli enportan ankor lafason ki dimoun dan zot leker i apersevwar serten sityasyon ki a en moman donnen dan zot lavi, oubyen dan lavi zot fanmir zot in pas atraver.

Mr Speaker ozordi mon pour swazir pour et diferan avek mon retorik labitid akoz ozordi lo sa size Mr Speaker, nou annan loportinite koman en Lasanble pour nou, pour enn fwa pour tou anmenn inifikasyon nou pei lo en baz kot tou dimoun i santi poudir nou form parti en sel , nou form parti en sel desten. Mon dir sa Mr Speaker akoz bomaten ler mon pe antre Lasanble zis devan *staircase* ki mont anler pour al dan *Committee Room 3* i annan en *banner,* e lo sa *banner* i annan en morso Lim al nou pei.

E si nou tou nou'n pase nou pour vwar poudir anler i ekri "Koste Seselwa" e anba enn

bann dernyen fraz i annan en fraz ki dir "Reste touzour dan linite. "

Mon krwar ozordi nou tou Seselwa pe enport si nou santi nou'n ganny afekte par bann levennman, pe enport si nou santi bann levennman i pa relevan pour nou, nou bezwen konsider lenportans sa fraz Mr Speaker. Akoz? Akoz mon pa kapab mon Mr Speaker personnelman antre dan soulye en dimoun ki santi li afekte par sa sityasyon.

Obor mwan Mr Speaker mon annan en, mon annan plizyer fanmir, plizyer manm fanmir kot mon reste ki kapab vini akont ou zot bann prop leksperyans; lo en lot kote ou annan zanmi ki osi kapab vin rakont ou zot bann leksperyans. E sak dimoun zot leksperyans i pour zot. I *unique* pour zot. Sak dimoun i santi pour zot. Ler nou koz lo sa sif 0.5poursan Mr Speaker, mon en matematisyen mon asire bokou dimoun ki'n - bann etidyan matematik poudir be 0.5poursan ler ou konsidere i pa signifikan. Me son signifikan Mr Speaker se akoz degre separasyon dimoun dan nou pei - 0.5 poursan i bokou pli enportan ki sa.

Pour sak dimoun ki'n ganny afekte Mr Speaker i probab ki i annan 5 lezot dimoun ki'n santi sa soufrans; pour sak dimoun ki'n ganny afekte Mr Speaker i annan 5 dimoun ki'n osi santi menm soufrans. E sa se le pwen fondamantal ozordi ki nou, nou pe diskite. E si ozordi nou kapab met en lafen avek en deba ki'n ale pandan plizyer lannen, e dan 6enm Lasanble ozordi pe enport lo ki kote latab ou asize, nou tou koman Manm Lasanble nou devret fyer.

Nou tou koman Manm Lasanble nou devret fyer ki nou, nou pe ganny loportinite ozordi pour ini nou pep. E nou kapab swazir pour fer sa deba dan en fason kot nou anmenn plis linite. Nou kapab osi swazir Mr Speaker, sa i nou swa dan Lasanble nou annan *freedom of speech* pour nou koz lo bann size ki ensit plis divizyon.

Parfwa nou lemosyon parey mon'n dir i pour *get the better of us* e nou pour anvi koz lo bann size dan sa fason. Me koman Manm Lasanble nou pa pe fer en Lalwa pour zis sa group dimoun ki'n ganny afekte. Nou pe fer en Lalwa pour nou pei. Nou pe fer en Lalwa pour ki koman en pei nou kapab *deal* ek en sityasyon e *move* devan.

Mr Speaker nou bezwen servi listwar resan pour nou

ilistre bann keksoz ki nou pe dir. Mon rapel Mr Speaker pandan bann letan Kanpanny resaman, ti le 5 Zen en group ti desann rezouir par lefe ki nou santi poudir sa zour in en zour ki'n anmenn en *breathe of fresh air* - liberasyon, me en lot group ti desann sanze tou an nwanr.

Ziska kan alors ki nou pour kontinyen annan sa kalite divizyon dan nou pei? Ziska kan alors ki nou pour kontinyen annan sa polarizasyon dan nou pei? Koman *Leaders* ozordi nou, nou annan en loportinite pour dir Seselwa i en sel , e koman en sel nou bezwen bouz devan, e nou bezwen servi bann prosedir ki nou kapab etablir pour ed nou bouz devan. Zisteman dan lespri latransparans e dan lespri *fairness*, eski i *fair* ki en dimoun in soufer akoz i santi in soufer akoz le 5 Zen, me en lot pa'n soufer?

Pour sa dimoun ki'n soufer *it's not fair*. E se pour sa la baz deba ki nou pe fer ozordi dan sa Lasanble. Se sa la baz diskisyon ki nou pe fer lo sa Lalwa ozordi. E sa ki nou, nou bezwen fer, nou bezwen osi met an kont ki malgre ki sa Lalwa i promot en *redemptive justice*, en lazistis kot tou dimoun i kapab vin devan koze, me nou bezwen osi aksepte poudir i annan dimoun ki i anvi keksoz plis ki sa.

E prezan nou koman en Lasanble nou pour vwar nou dan sa ki nou kontan apel en *"catch 22."*Eski nou *give in to* sa group ki santi li pli vokal kot i anvi vwar en *retributive justice*?

Si nou get parkour bann Komisyon parey ki'n ganny fer dan lezot pei, nou'n vwar ladopsyon en metod kot tou dimoun i kapab vin devan pour koze, i fer li pli ouver, i fer li pli *unified,* akoz tou dimoun i santi li lib pour li kapab koze e prezan bann sityasyon bann fe ki'n arive dan lepase. Be si nou aktivman *seek* pour rod en *"retributive justice"*, eski i pour annan menm *freedom,* menm lespri ouver pour vin devan pour kapab koze.

Parmi sa plizyer dimoun ki'n prezant zot *case* devan sa Komisyon e devan Komite e dayer mon prezimen pour annan ankor dimoun ki pour vin prezant zot *case* devan Komisyon, i annan ladan ki pa anvi, oubyen ki pa neseserman pe rod *retributive justice*, me zot anvi konnen kwa ki'n arive, kwa ki'n pase.

Eski mwan mon devret *deny* zot sa drwa pour zot konnen kwa ki'n pase? Non Mr Speaker! Mon pa kapab *deny* personn drwa pour li kapab

seek en larepons pour en sityasyon ki li in pas ladan, mon pa kapab fer sa.

Me neanmwen osi mon pa kapab *deny* en lot dimoun ki santi poudir pandan sa peryod li in vwar li devlope. Me tou lede i bezwen zwenn. Tou lede pour bezwen zwenn a en moman donnen. Se sa lesansyel ki mon koleg Onorab Simon Gill ti pe avans devan nou. Se sa lesansyel ki nou koman en Lasanble nou pe fer ozordi, koman en Lasanble ozordi nou kapab swazir pour fer 2 keksoz – (1) nou kapab swazir pour get sa Lalwa koman *LDS* e Parti Lepep lo sa kote latab, e lo en kote zot dir zot ki ti la, zot ki ti fer.

Nou lot opsyon nou kapab swazir pou dir be nou, nou Lasanble al e koman Lasanble al nou pe met en pyer, en *foundation stone* dan sa batiman dan ki nou pour konsakre linite nou pei, e lesansyel pour anmenn nou pei ansanm. Se sa lot opsyon ki nou annan.

E mwan Mr Speaker malgre mon pour ganny kritike, malgre mon pour ganny atake lo medya, lo rezo sosyal, plizyer landrwa mon santi poudir dezyenm opsyon ki nou devret swazir. Sa opsyon kot nou, nou kapab vin ansanm e nou kapab anmenn en *closure*, Mr Speaker - sa mo i enportan en "*closure*" pour tou dimoun ki san zot, santi zot dan en fason ou en lot afekte par sa ki'n pase.

E la Mr Speaker i enportan akoz ler nou regard sa dimoun ki li i vin fer sa konplent, nou pa regard zis li nou, me nou osi bezwen mazinen ki ti annan son zanfan, ozordi i annan ki'n vin granmanman i annan pti zanfan ki'n ganny akonte bann levennman.

Se sa en sikatris ki o kour letan i kontinyen, i kontinyen repet son lekor, repet son lekor, be nou sa ki nou bezwen sey fer, sa ki nou bezwen sey fer koman en Lasanble ozordi, se fer sir sey fer tou sa ki nou kapab pour ki sa bann sikatris pa kontinyen an zenerasyon an zenerasyon kontinyen repet zot lekor. I pa pour fasil Mr Speaker.

A en tre zenn az Mr Speaker mon ti perdi mon manman, ozordi i pa fasil pour mwan *still just* pas dan lavi san ki mon mazin li. Nou tou ki eksperyans en *loss* dan nenport ki fason, nou pa kapab zis bliye sa *loss. It is not possible.* I pa imen pour nou kapab bliye. Ou konpran?

Sa ki'n perdi en propriyete par egzanp a sa moman donnen i pour annan son zeritye ki ti pou'n kapab benefisye ek sa

propriyete, ki ozordi petet son konteks sosyoekonomik ti ava'n meyer. I pa pour kapab bliye. E nou pa kapab dir li bliye. Me nou bezwen osi kree lespas pour ki si li i pe rod en larepons, en lendividi dimoun ki kapab donn li en larepons i kapab vin devan.

Akoz en keksoz ki nou pa devret fer Mr Speaker, se ki nou pa kapab ziz bann levennman lepase an servan konteks aktyel. Akoz si nou fer sa, konteks aktyel in etabli e nou tou mon krwar ki la anndan nou'n kontribye pour fer sa, nou'n, in etablir bann *précepte* legal, bann *précepte* drwa sitwayen ki ou bezwen swiv, ou bezwen *abide by*.

Si ou dir mwan en dimoun i en *perpetrator* e i pa oule vin devan, ou oule *compel* li e i pa kapab santi li *free* pour li koze, eski nou pou'n *achieve* sa ki sa Lalwa i anvi nou fer? Eski nou pou'n *achieve* sa ki nou koman en Lasanble nou anvi fer?

Mr Speaker nou tou ki la anndan koman politisyen nou tou ki la anndan i annan nou manm fanmir ki siport swa Lopozisyon, swa siport menm groupman politik ki nou siporte, nou tou ki la anndan. Me sa deba i pa *about* politik. Sa deba i *about* donn loportinite bann dimoun ki'n santi zot ganny afekte pour vin devan e ganny en larepons. *This is what this is about.*

E mwan mon pa kapab met mon lekor dan soulye personn la anndan ki'n ganny afekte. Mon pa kapab dir ou 'ar be ou pa'n ganny tro afekte, ou'n ganny pli afekte'! Mon pa kapab dir ou sa. Pa mwan ki pour fer sa desizyon, me mon kapab kontribye pour met an plas en *mechanism* ki ou ki'n ganny afekte ou kapab vin devan e met devan lafason ki ou santi, lafason ki ou'n pase.

So ler mwan mon pe koze lo sa Prozedlwa Mr Speaker e mon pour siport sa Prozedlwa parey i ete, akoz mon krwar i pour donn loportinite tou dimoun pour vin devan, e sa bann dimoun ki'n ganny afekte e sa bann dimoun ki nou anba sa Lalwa ou dir zot bann *perpetrators*.

I enportan sa. Nou bezwen kre sa kad pour ki dimoun i kapab vin devan. *But that is just the whole point* Mr Speaker. Ou konnen mwan toultan Mr Speaker mon fasinen bokou dimoun pa pour dakor ek mwan, nou'n toultan pran e la mwan pour koz lo la Mr Speaker, pran 5 Zen koman en zour ki diviz nou tou, nou ti menm kapab pran 5 Zen koman en zour ki *unite* nou tou. E sa

ki'n ganny afekte e sa ki santi en lot fason.

Nou kestyon ki nou, nou bezwen demann nou lekor, apre tou sa parkour ki nou'n fer dan politik dan sa pei, *for how long* ki nou pour polarize? Pour ki kantite letan ki nou pour sey divize? Nou pa pour zanmen kapab annan en sel parti akoz dimoun i annan son *freedom* pour li annan son krwayans politik - zis parey nou pa kapab annan en sel Larelizyon akoz tou dimoun i annan son *freedom to associate* son lekor.

Be nou kapab al lo en *précepte* pli fondamantal, pli enportan ki tou parti, tou relizyon ki nou ... tou ... nou ... Seselwa! E sa pei i pour nou tou e nou tou nou egalman annan drwa dan sa pei.

Akoz si ozordi Mr Speaker nou deside pour pran en lapros ki tant ver en kote, nou pa pou'n fer zistis *the whole process* ki nou pe fer ozordi. E mon konnen i annan dimoun pa pour kontan.

Mon konnen i annan dimoun ki'n eksprim zot lekor tre fortman lo la, e mon respekte sa. Mon pa kapab ni menm dir ki mon pa dakor ek sa akoz mwan pa dan sa soulye mwan. Me mon pe *appeal,* mon pe *plead* ek zot pour konpran osi i annan lezot dimoun osi ganny afekte ki dan en lot soulye; ki li osi i pe *seek* larepons, ki li osi i oule ganny larepons.

E si nou pran en lapros kot nou pa kapab anmenn larepons, *then* i pa pour posib pour nou kapab zisteman anmenn sa *closure* pour tou dimoun e nou pou'n *deny* loportinite lezot dimoun pour ganny *closure as oppose to allow* lezot dimoun pour ganny *closure*. Se sa ki kapab arive Mr Speaker.

E se sa ki nou, nou bezwen *be careful about* ozordi. Bokou pour ganny dir dan sa Lasanble Mr Speaker lo sa Lalwa. I pa tou ki mon pour dakor avek Mr Speaker, me selman mon pour respekte lopinyon tou dimoun. I enportan sa Mr Speaker, ozordi Mr Speaker avan ler ki bann Manm in koze labitid mon bezwen aksepte poudir parfwa mon *heckle* mon bann koleg lo lot kote latab, ozordi mon pa'n *heckle* personn mwan mon Mr Speaker. Mon pa'n *heckle* personn pour le senp rezon ki sa size ki nou pe koze la Mr Speaker i pa en size pour nou *joke about.*

I pa vedir poudir lezot size i bann size ki nou *joke about.* Be sa enn size ki la Mr Speaker i serye akoz mwan mon'n santi

divizyon dan mon fanmir akoz politik. E mon pa oule ki sa i vin en deba politik. Mon oule ki sa i vin en deba ant *what is right and what is wrong.*

And if it's right pour ki dimoun i ganny loportinite pour zot *get their day in the sun* pour zot kapab ganny loportinite pour met devan lafason ki zot santi, *then it is fair that we give them that chance to do so, but everyone should get that chance* Mr Speaker.

Nou pa kapab swazir lekel ki pour ganny sa sans. I plitar Mr Speaker mon pour annan serten kontribisyon pour mwan fer ler nou *move* lo *Committee Stage* e mon santi poudir nou'n ariv a en *juncture* dan nou devlopman, dan nou demokrasi ozordi, kot koman Seselwa nou pe apros en lot letap nou fitir, en fitir briyan, en fitir kot i annan en kantite ki nou kapab fer koman en , e nou devret toultan mazinen poudir koman en malgre tou nou diferans politik nou'n nobou *achieve* ki bokou lezot pei pa'n kapab fer. E nou koman en malgre tou nou diferans politik, nou en ki kapab vin ansanm avek konpasyon, avek imilite pour nou fransir tou baryer tou defi ki nou kapab ganny met devan nou.

Mr Speaker *les Seychellois* nou en *unique*, e sa *uniqueness* i baze lo nou abilite lo nou konpasyon. I baze lo nou lemosyon koman en pep. I baze lo nou krwayans koman en pep *to what is fair.* E nou'n en zenerasyon ozordi ki nou kapab *set the example* Mr Speaker. Nou kapab *set the example that revolutionary change* i parfwa pa neseserman anmenn *the best outcome*, be ki en sanzman pratik, en sanzman revolisyoner, en sanzman ki adapte avek letan, i anmenn plis benefis pour nou dan lonterm.

Me konteks ti enn dan lepase e konteks i enn ozordi. Les listwar ziz nou Mr Speaker. Les listwar ziz nou par lafason ki ozordi nou, nou enterpret sa konteks ki nou ladan e nou fer en diferans - pa pour yer, me pour le fitir. Mersi Mr Speaker.

MR SPEAKER

Mersi Onorab Sebastien Pillay. Mon ava donn laparol Onorab Bernard Georges.

HON BERNARD GEORGES

Mersi Mr Speaker. Bonzour tou bann Manm Onorab, bonzour Vis-Prezidan tou bann dimoun ki pe ekout nou dan lakour. Mr Speaker moman i *sobre* e mon krwar a en leksepsyon pre, ton

ki'n ganny adopte par bann entervenan dan sa Lasanble bomaten i montre *sobriété* avek lekel nou bezwen egzamin sa size.

Resaman nou ti fer en legzersis pour revwar nou *Code Civil* e en Manm ti dir dan en konteks, dan konteks sa ki nou ti pe fer, ki set en gran loner pour nou Lasanble, en gran loner pour nou koman en Lasanble vin sa Lasanble ki pour reviz en teks Lalwa osi enportan ki *Code Civil* pour donn sa teks ki nou pour revize avek bann zenerasyon ki pe vini.

E sa sete en parol ki fer bokou sans. E ozordi nou Lasanble i ganny li en lot loner, e sa se loner pour pas en morso Lalwa ki pour avek bonn fwa, perseverans, ek en bon latitid met en laliny anba en levennman ki'n anmenn bokou divizyon dan nou pei. Lekel divizyon i ankor pe persiste plis ki 4 deseni pli tar.

E mon krwar sa loner i pez lo nou tou, i en pwa enportan ki nou bezwen anmennen e ki nou'n ganny apele pour anmennen. Depi komansman sa lide atraver travay ki sa Komite in fer, ziska ozordi deba lo sa Lalwa ki'n ganny prepare, nou koman en pei nou'n anmenn en fardo enportan malgre ki nou pa'n toultan realize sa pwa ki nou ti pe anmennen.

Onorab ki'n koz avan mwan, in dir en keksoz tre enportan e mon krwar nou devret soulinyen - ki en sanzman revolisyoner parfwa i pa anmenn bann rezilta ki nou ekspekte, e en sanzman revolisyoner i bokou pli satisfezan dan bann rezilta ki i anmennen.

E mon krwar nou pa bezwen perdi sa loptik Mr Speaker akoz enn bann Tenm ki pour retournen toultan e ki nou pour bezwen viv avek, se sa Tenm ki Onorab Simon Gill in sey travay avek bomaten, eski *Coup D'État* ti neseser wi ou non?

E si *Coup D'état* ti neseser, eski i ti neseser pour defen Son Chang-Him ganny en kout bal dan son ledo?

Eski i ti neseser pour anmenn ledikasyon a laporte tou dimoun pour anmenn lakaz, pour redistribisyon later ki defen Hassan Ally ti bezwen disparet? Se sa kestyon ki devan nou la ozordi, e se sa kestyon ki nou, nou pa kapab pa fer fas avek? Akoz sa i pour retournen i pour fatig nou lannen ale, lannen vini.

La nou'n ganny en sans Mr Speaker pour nou enn fwa

pour tou met en striktir an plas, ki parey mon'n dir avek bonn volonte travay dir e senserite pour kapab tir en laliny anba sa keksoz, reponn sa bann kestyon met li deryer nou e bouz devan dan en lavenir briyan.

Mr Speaker nou pa'n koman en pei pas atraver bann keksoz ki bann lezot pei in pas atraver. Nou pa'n en *Argentine* kot dimoun ti zis disparet par santenn, par milye. Nou pa'n en *Chile* kot prizonnyen politik ti zis ganny met dan en avyon apre zet dan delo avek zot lanmen anmare dan Losean *Pacific.*

Nou pa'n en Sid Lafrik kot tou bann detenir politik ou tou bann detenir malgre ki kordgard kot zot ti ganny detenir ti napa peron, tousala ti mor akoz zot in tonbe dan peron. Nou pa'n en *Cambodia* kot *Khmer Rouge* in fer en milyon dimoun ou plis disparet. E nou pa'n en *Rwanda* kot dimoun ti ganny zet dan trou komen apre pandan ki zot ti vivan ros ti ganny anvoye lo zot.

Men's inhumanity to men Mr Speaker, i en keksoz ki, en parol ki bokou dimoun in dir. E set en keksoz ki nou pa'n ganny eparnye avek, akoz i annan en dimoun ki ti touy Son Chang-Him; i annan en dimoun ki ti ferm kaso lo dimoun. I annan en dimoun ki ti siny papye pour dir aret en tel *under the President's pleasure.* Hassan Ally pa'n ganny *abducted* par *aliens.* Deryer tousala i annan en dimoun.

E la ozordi nou pe donn sa bann dimoun en sans, lo en kote nou pe donn viktim en loportinite pour zot konnen kisisa ki'n arive, e lo lot kote nou pe donn en sans ek sa bann dimoun ki ti annan lakle kaso oubyen ki ti tyonbo fizi dan lanmen pour vin devan e pour dir "mwan ki ti fer sa." "Zot anvi konnen ki'n arive ek Hassan Ally? Mon ava dir zot."

Se sa ki nou pe fer ozordi akoz napa nanryen ki pli dir ki - pa konnen.

Nou koz *closure, "closure"* i en mo ki ne, akoz nou servi toultan i nepli annan en *meaning.* Me fodre nou donn li sa *meaning.* E la yer swar mon ti pe mazinen letan mon pe ekout nouvel lo sa avyon *Malaysian Airlines* ki'n disparet e mon pe regard bann fanmir ki ti pe ekspekte ki zot ti pour ganny en solisyon, ki mannyer ou mazinen Mr Speaker fanmir enn sa bann dimoun ki ti lo sa avyon i kalkile i dir, "be ki mon ...? La zot in vini zot in dir mwan ki sa avyon in ganny detournen apre in al kraze dan

losean, be sa bann dimoun abor ler zot in leve son bomaten an krwayan ki zot pe al *land Beijing* e zot in vwar ki zot pe ale, zot pe ale, zot pe ale zot pe ale, zot pe ale, zot konnen ki zot pe al pe al mor, ki mannyer zot in santi zot?

E ki mannyer zot fanmir ozordi ler zot mazin sa, ki mannyer zot viv? E set egzakteman sa ki bokou dimoun in bezwen viv avek dan nou pei. Ki sa ki'n arive bann fanmir Hassan Ally i demann zot lekor. Ki sa ki'n arive avek nou msye, nou papa, nou frer oubyen bann zanfan Son Chang-Him.

E mon pour mansyonn zis 2 akoz nou pa anvi al dan tou bann detay. Akoz ki fodre en boug ki ti'n al konplent akoz zot in vol son pei, akoz ki fodre i ti ganny en kout bal dan son ledo? Nou bezwen, nou bezwen koman en pei adres e reponn a tou bann, a tou sa bann problenm. I pa en kestyon montre ledwa. I pa en kestyon koupab, inosan, i en kestyon konn laverite.

Akoz Mr Speaker enn bann problenm avek sanzman revolisyoner ki pa'n ganny *thought through* se sa laspe arbitrer.

E bokou dimoun ozordi pe demann zot lekor be akoz sa in ariv avek mwan? Akoz tou sa keksoz ki'n arive i ti konpletman arbitrer. I annan dimoun ki'n perdi zot lakaz akoz zot ti siport politik ki pa ti akseptab. Me i annan lezot dimoun ki ti siport politik ki pa ti akseptab ki pa'n perdi zot lakaz.

Alor akoz ki enn in soufer e lot i pa'n soufer? E se sa bann kestyon ki fodre koman en nou reponn, e ler nou a'n reponn tousala nou ava konnen ki tou sa bann keksoz ki nou koze lo la ki le 5 Zen 1977 in anmennen, in anmennen plizyer keksoz, nou pa la pour kasyet listwar.

Listwar i la devan nou, nou vwar li. Kestyon ki nou bezwen demande se eski i ti neseser? E se sa kestyon ki fondamantal devan nou ozordi. Eski i ti neseser pour nou pas atraver en *Coup D'état* pour nou kapab ganny ledikasyon redistribisyon later, lasante? Akoz si i pa ti neseser, e mwan mon fermeman krwar ki i pa ti neseser, nou ti'n kapab gannyen tou sa bann keksoz san en *Coup D'état*, nou ava bezwen aksepte enn fwa pour tou i pa ti neseser, sa ki'n arive parey Minis, Vis-Prezidan in dir e Onorab Gill in dir dan son premye morso lentervansyon bomaten Onorab Gill in fer

mwan mazin dyalektik Marxist-Leninist kot tou keksoz i annan 3 porsyon *thèse, antithèse, synthèse* in fer en zoli tez, in fer en zoli *synthèse* me malerezman son *antithèse* dan milye in glis en pe, e li menm li in dir in fer en tre bon *thèse* bomaten, in dir wi bann keksoz in arive i regretab e zot *sorry*.

E nou kontan tann sa. E Vis-Prezidan in dir i annan en latmosfer politik ki diferan ozordi. E i vre i annan en latmosfer politik ki diferan ozordi. E se sa ki donn nou sa loner koman en Lasanble siport sa Lalwa ozordi, *take ownership* sa Lalwa. Akoz se 6enm Lasanble ki pour kapab dir e ki pour al dan liv zistwar pou dir se sa Lasanble ki parey Komite lo Laverite e Rekonsilyasyon al in travay ansanm.

Napa en moman ki sa Komite 7 dimoun sorti lo 2 kote latab pa'n tonm dakor lo bann gran laliny kot nou pe ale.

E se sa direksyon ki nou pei i bezwen, e se sa direksyon ki nou koman sa Lasanble nou bezwen donn nou pei ozordi. Akoz Mr Speaker? Annou pa bliy non sa Komisyon ki pe al ganny etablir. I en Komisyon Rekonsilyasyon. Wi i enportan. I en Komisyon Linite al wi i enportan. E mwan zot konnen mon'n koz lo Linite al.

Ler mon ti al *State House* pour al prezant liv Prezidan Michel avek tou son kritik ki mon ti gannyen, dan salon *State House* mon'n fer en *speech* kot mon'n dir avek Prezidan, "Prezidan ou pli gro defi e keksoz ki nou tou nou pe ekspekte se anmenn Linite al!" Nou'n dir. Akoz ou bezwen *speak truth to Power*. Ler ou ganny en loportinite ou bezwen sezi ou loportinite e fer li.

Me annou pa bliy premye mo dan sa Komisyon - *Truth* - Laverite - se sa a la baz rekonsilyasyon ek Linite al. Fodre laverite i ganny konnen. Fodre bann zanfan defen Son Chang-Him i kapab dir la, la lekel ki'n touy mon papa e la, la rezon akoz in fer li. E fodre bann fanmir Hassan Ally i konnen ki mannyer zot papa in mor, lekel ki ti responsab, e kote son lekor i ete.

Simon Desnousse, Gerald Hoareau tousala, nou pa kapab Mr Speaker fer en travay ki pa konplet. E fodre nou fer en travay kot laverite i ganny etablir premyerman pour ki nou kapab apre sa rekonsilye nou koman en e trouv Linite al ki nou pe koz lo la depi plizyer lannen.

E ozordi, ozordi mon kapab dir avek tou senserite ki dan sa deba Mr Speaker, dan sa

deba bomaten, senbol pli pwisan ki nou dan sa Lasanble nou pour rapel ki pour montre nesesite sa ki nou pe al fer, se mon Koleg Onorab Hoareau - en Manm ki sorti lo lot kote latab.

E se sa ki montre nou ki sa travay ki nou pe fer ozordi i pa en kestyon zot oubyen nou, nou pa pe vin montre zot ledwa. Sa ki arive, sa ki'n arive dan sa pei i responsabilite nou tou, viktim e *perpetrators* parey. Nou tou nou bezwen aksepte en par sa ki'n arive. E se koumsa ki nou pour kapab ansanm ariv kot nou oule ale. Si i annan viktim, si i annan dimoun ki responsab pour sa ki'n arive ek sa bann viktim, me i nou responsabilite al.

E se pour sa rezon Mr Speaker an konklizyon ki mon kontan lafason ki sa Lasanble pe apros sa keksoz. Nou pa pe fer li nou menm, e nou'n desid sa depi premye zour ki Mosyon in ganny anmennen devan sa Lasanble. I pa sa Lasanble ki pour anmenn linite. I pa Egzekitiv. I pa Zidisyer, i en an antye.

E se pour sa rezon ki nou nou'n deside travay inikman pour ekler Egzekitiv, pour dir avek Egzekitiv la, la sa ki nou, nou krwar, i devret sa veikil ki pour anmenn, ou ki pour rod laverite ki pour anmenn rekonsilyasyon e ki pour fer Linite al.

Striktir sa ki nou'n fer se en Komisyon al dan lekel nou'n dir nou koman politisyen nou pa pour kapab form parti. E nou pa devret form parti ladan nou, nou bann travayer dan bitasyon, nou nou'n pyose, nou'n klersi, nou'n netwaye, nou'n prepar later pour plantasyon vini, me nou pa pe vin nou menm nou plante. Sa i pour en lot dimoun, e i pour en dimansyon non selman an deor politik, me i pour en dimansyon al, kot atraver bann dimoun ki pour ganny swazir, atraver bann metod seleksyon ki pour ganny fer e nou, nou ava vwar sa dan Staz Komite, nou kapab ekspekte ki nou pour annan en Komisyon ki pour en levantay al.

E ki sa Komisyon i a kapab li prezan delivre lo sa 3 keksoz ki nou'n demann li delivre. Trouv laverite, promot rekonsilyasyon dan en fason ki nou ava kapab *achieve* linite.

Napa en baton mazik, sa ki pour arive i pour annan de moman enspiran, e i pour annan de moman depresif, sa nou bezwen aksepte, akoz sa travay ki Komisyon pour fer i pa pour en travay ki pour en travay ki pour gou pour fer, me i en travay ki pour neseser pour fer;

tel parey sa ners ki bezwen netway en boubou e met en pansman lo la osi sa Komisyon pour bezwen fer egzakteman parey.

I pour bezwen re ouver boubou, en keksoz ki pandan lontan nou bann Dirizan ti dir nou pa bezwen fer sa, pa al re konny en boubou, nou bezwen Mr Speaker, nou bezwen akoz sa boubou pa'n geri.

Si boubou ti'n geri pa ti pour bezwen, me i pa'n geri alor nou pour bezwen re ouver sa *plaies,* netway li e met en pansman lo la dan en fason ki ansanm nou ava kapab dir la prezan nou i en an bonn sante e i kapab bouz devan.

En dernyen parol Mr Speaker, sa Prozedlwa in ganny bokou kritik deor. Onorab *Leader* Lopozisyon in mansyonn sa taler ler dan son lentervansyon. Mwan mon lapel se annou pa rod divizyon a sa moman, nou en demokratik reprezantatif, se nou ki reprezant lepep.

Nou napa monopol lo tou bann lide, me nou annan en lobligasyon pour fer sa ki pli bon ki nou kapab. E i kler ki serten dimoun pour annan serten lezot lide ki zot, zot krwar an bonn fwa oubyen an move fwa sa se zot desizyon ki pli bon ki nou nide, me sa ki nou, nou krwar se ki sa ki nou pe propoze antan ki Reprezantan Lepep ki'n ekout lepep ki'n viv sa bann moman ki ozordi nou kapab dir parey in ganny dir sa ki'n arive i regretab i pa ti'n devret arive, se nou mon krwar ki'n kapab met ansanm en striktir ki pour reprezantatif e ki pour kapab delivre sa ki nou anvi delivre.

Alor Mr Speaker avek sa detrwa parol, mon ava rezerv serten lezot propozisyon an detay pour fer en pe pli tar, me mon ti anvi retourn lo mon pwen depar an konklizyon e dir ki annou *take ownership* sa *Bill.*

E annou mars avek en gran soulazman ek en gran lafyerte ki ozordi nou koman en Lasanble ki pe koz menm parol lo tou lede kote latab, nou kapab ofer sa Komisyon, sa *Bill* lo Komisyon Laverite, Rekonsilyasyon ek Linite al avek nou pep. Mersi Mr Speaker.

(APPLAUSE)

MR SPEAKER

Mersi Onorab Georges. Bon mon annan plizyer Manm ankor ki anvi entervenir lo sa Prozedlwa ki devan nou. Nou pour repran sa travay taler 2er, mon annan zis 2 pti lanons *pour* mwan fer avan nou *Break.*

Assembly Business Committee ABC pour rankontre 1er dan *Speaker's Conference Room* e i annan en *joint meeting Women's Committee* avek Komite *HIV/AIDS* zot pe rankontre toudswit lo la dan *Committee Room 3.* E apre si i posib mon ti a kontan ki Onorab Georges i vin en pti moman kot mwan dan mon lofis koman nou pran *break.* Bon avek sa nou *break* e nou retournen 2er.

(BREAK)

MR SPEAKER

Bonn apre midi tou Manm Onorab. Bonn apre midi Vis-Prezidan. , *Attorney* Zeneral e ou asistan Mr Pool. Bonn apre midi tou dimoun osi tou dimoun ki a lekout. E ki pe kontinyen swiv travay Lasanble al.

Avan nou kontinyen mon ti a zis kontan prezant en leskiz avek ou menm Vis-Prezidan avek ou lekip e tou bann Manm e dimoun a lekout deor pou sa pti retar ki nou'n gannyen. Me sa ti anvi ki sa *Assembly Business Committee* ti ankor pe *meet.*

Bon nou ava pran nou travay. Nou a kontinyen kot nou'n arete bomaten. E mon a donn laparol Onorab Basil Hoareau.

HON BASIL HOAREAU

Mersi Mr Speaker. Mr Speaker mon *apologize* sa ki'n arive bomaten selman mon ava kontinyen. Mon ti pe dir bomaten ki nou pou bezwen pas dan sa prosedir gerizon. E i enport ki nou pep i ganny geri. Wi pou annan 2 parti prensipal pou annan sa *perpetrator* ki nou'n *define perpetrator* dan Lalwa avek viktim.

Me i osi tou Seselwa i bezwen zwe son rol ladan Mr Speaker. Onorab Ramkalawan in donn nou en statistik - in dir ek nou *0.5%* dimoun in ganny afekte. Wi petet sa *0.5* i sa bann dimoun ki'n ganny afekte direkteman. Me *obviously* sa bann dimoun ti annan fanmir. Sa bann dimoun ti annan zanmi. E bann lezot koleg.

E sa zot bann fason ki zot in ganny afekte zot bann soufrans in osi reflekte lo lezot, lezot dimoun ki'n pre avek zot. E dan sa ka petet 0.5poursan ki'n ganny afekte direkteman. Me endirekteman probableman i pou pli gran poursantaz dimoun ki'n ganny afekte par sa bann akt

vyolasyon drwa imen Mr Speaker.

Mr Speaker i nou devwar - i nou devwar konman en pep ki swa ou viktim, ki swa ou en *perpetrator,* ki swa ou zis en Seselwa me ki sa prosesis pou pran lenpak lo nou tou i nou devwar pou nou pran nou rol zwe nou rol dan sa prosesis pou anmenn Linite al.

Thank you Mr Speaker. Mr Speaker I apologise for what happened this morning but I will continue. I was saying this morning that we need to go thorugh this process for healing. And it is important that our people is healed. Yes there will be 2 principal parties there will be perpetrators that we have defined under that law and Victmis.

But also Mr Speaker every Seychellois needs to play their role. Honorable Ramkalawan has given us a statistic – he told us that 0.5% people has been affected. Yes maybe 0.5% are people that have been directly affected. But obviously these people had families. These people had friends and other colleagues. And they have been affected in different ways and their sufferings reflects upon them directly and other people who were close to them. And in this case maybe 0.5% has been directly affected, but indirectly it will be a greater percentage of people affected by these violations of human rights Mr Speaker. Mr Speaker it is our duties – it is our duties as a nation whether you are victims or perpetrators, or you are a Seychellois and this process will have an impact on us all. It is our duty to play a role in this process to bring about National Unity.

Akoz mon dir mon devwar Mr Speaker? Mon dir sa parske nou Konstitisyon i dir ek nou ki a nou devwar. Lartik (40) Mr Speaker – (b) Ii dir ek nou, *"it shall be the duty of every citizen of Seychelles be to further National interest and to National Unity."*

So nou Konstitisyon i demann de nou, egziz lo nou sak Seselwa pou nou fer li nou devwar ki Linite al i ganny *achieve.* E sa prosedir, sa Lalwa pe anmenn nou ver sa lobzektif Mr Speaker. E nou bezwen fer sir ki nou sak Seselwa i fer sir ki sa i arive ki en fwa pou tou sa pep i bouz devan ini konman en sel , avek en sel desten ek en sel lobzektif.

Why I say it is our duty Mr Speaker. I say this because our

Constitution says that it is our right. Article (40) Mr Speaker – (b) tell us that, *"it shall be the duty of every citizen of Seychelles be to further National interest and to National Unity."* So our constitution asks us, it demands tha each one of Seychellois to work and make it our duty that Unity is achieved. And this procedure, this Law is bringing us towards this objective Mr Speaker. And we have to make sure that each Seychellois makes sure that this happens once and for all so that this country can move forwarded, unite with one destiny and one objective.

Mr Speaker letan mon get Lalwa, lalwa in *define* kisisa vyolasyon. In *define* i dir ek nou bann keksoz ki'n arive swa pandan le 5 Zen '77 ouswa ki relye avek 1977. Savedir menm bann keksoz ki'n kapab arive avan ouswa menm apre 1977 me ki annan en relasyon avek 5 Zen '77 Mr Speaker.

E Lalwa i dir ek nou kisisa bann vyolasyon. I dir ek nou bann dimoun ki'n perdi zot lavi dan en fason ilegal. Bann dimoun ki ganny arete dan en fason ilegal, tortir; bann akizisyon propriyete dan en fason ilegal ki pa zistifyab. Bann dimoun ki'n ganny forse pou al egzile.

E apre Lalwa ki enn ki ase akoz nou'n definir li dan en fason spesifik, me i annan sa dernyen bout ki la i ase *wild.* I dir ek ou okenn akt ki en pe parey sa bann ki'n mansyonnen anler.

Mr Speaker when I look at the Law, the law has define what a Violation is. It has define and satetd to us that these are things that occurred either during 5th June 1977 or that is related to 1977. And this means anything that could have happened before or after 1977 but in relation to 5th June '77 Mr Speaker. And the Law states what these violations are. And tells us that people who have lost their lives in anyway illegal way. People who were arrested in anyway illegal way, tortured and properties that were acquired in an illegal and unjustified way. People who were forced to go in exile. And the Law is one that is defined in a specific way but this last part is wild. And it tells you any act that is similar to those mentioned.

Par egzanp en akt ki pa ganny mansyonnen si i en dimoun ti ganny *deprive*

medical treatment par egzanp. Akoz son lopinyon politik ouswa pa ti ganny asiste. Ouswa i pa ganny asiste avek en lakaz par egzanp - en *shelter.* Sa i bann drwa ki kapab tonm ladan.

Parske nou'n dir si ou ti'n ganny *denied* en lanplwa, akoz ou lopinyon politik sa i en vyolasyon. Me nou pa'n dir klerman pou dir si ou met *denied* en *shelter.* Me i pou tonm ladan. I pou tonm dan sa *bracket* ki *wild* Mr Speaker e mon krwar ki enportan ki Seselwa i realize pa zis sa bann ki'n ganny mansyonnen spesifikman. Me i annan lezot drwa Mr Speaker.

Mr Speaker premye keksoz ki enportan pou nou nobou al dan sa prosedir - sa *process of National healing* se ki nou bezwen aksepte e rekonnet pou dir in annan labi drwa imen. In annan vyolasyon. Nou bezwen rekonnet e nou pa kapab zistifye sa dan okenn fason Mr Speaker. Dan mon lizye nou pa pou kapab zistifye sa Mr Speaker.

For example an act that is not mentioned is if someone was deprive medical treatment for example because of their political opinions or where not assisted. Or they are not assited with hous

(APPLAUSE)

HON BASIL HOAREAU

Mr Speaker mon ti dir en fwa dan sa Lasanble pou dir drwa imen ou pa gannyen sa. Ou'n ne avek. Personn pa donnen drwa imen. Nou drwa *in as a human being* ki ou ou'n ne avek. Bondye ki donn ou sa drwa. Personn imen pa devret kapab pran sa drwa ki Bondye in donn ou ki ou'n ne avek konman en zonm Mr Speaker. *Under no circumstances whatsoever* ou pou kapab zistifye sa Mr Speaker.

E mwan mon dir lemoman ki mon *acknowledge* sa ki nou rekonnet pou dir wi i annan labi e sa bann labi pa kapab ganny zistifye, sa i premye *step* - i premye pa pou nou kapab konmans sa *journey towards National Reconciliation* Mr Speaker.

Si toultan nou rod, nou sey defann nou pa pou zanmen kapab. E sa i pa pou anpes nou *heal* Mr Speaker. Nou bezwen dir wi, wi i annan sa bann keksoz mal ki'n arive. I annan bann keksoz ki pa ti devret arive Mr Speaker.

Mr Speaker si nou pran si nou toultan pran s prensip pou

dir *the end justified a means* nou pa pou al lwen Mr Speaker. Nou pa kapab zanmen aksepte sa. Ouswa i annan en *file* en lot fason ki serten - en loter *Grec* in met sa i dir ou *'the end excuses any evil."* Nou pa kapab aksepte sa. Nou pa kapab dir pou dir le bi ki'n ganny *achieve* i zistifye nenport ki aksyon ki nou'n pran pou *achieve* lo sa bi. Nou pa kapab Mr Speaker.

Mr Speaker pou met sa an perspektiv mon'n fer en pti resers pandan *lunch time* lo la. Sa gran pasifis Indian Mahatma Ghandi ti met sa an perspektiv senp. I dir ek ou si ou anvi pran ou mont, mon pou lager ek ou pou pran pou deprive ou *of your watch.* Si ou anvi aste ou mont mon pey ou mon aste. Si mon anvi ou donn mwan konman en kado mon demann avek ou silvouple donn mwan e ou ava donn mwan.

E la i dir avek ou koumsa pou dir ou annan drwa ou'n ganny sa mont ou, me i annan posibilite ou'n ganny li par 3 diferan fason. E sa 3 diferan fason i pou dir ou ki *status* ou annan ek sa mont. Eski ou en voler ou'n vol sa mont? Eski ou'n aste sa mont ek propriyeter sa mont? Eski ou'n ganny kado sa mont e ou'n vin propriyeter?

Alors ki dir ek ou pou dir ou pa zanmen kapab dir pou dir *"the end justified a means"* ou pa kapab. Akoz ou'n gannyen mont ou. Me i annan diferan fason ki ou kapab gannyen e sa fason ki ou'n gannyen i afekte ou stati.

Mr Speaker en ekriven Fransé Georges Bernanos i dir ek ou koumsa premye siny koripsyon dan sosyete se ki letan ou konmans servi sa prensip ki *"the end justified a means."* Sa i premye siny koripsyon dan sosyete. E nou, nou pa kapab zanmen dir *"the end justified a means"* Mr Speaker. Nou bezwen *être* fran e dir wi i annan keksoz ki'n pas mal. Nou vin devan nou dir ek bann viktim nou *sorry* nou *apologies* avek senserite dan sa *apology.* E bann viktim *hopefully* zot nobou trouv dan zot sa lafors e sa kouraz pou dir wi nou pare pou pardonnen.

E la Sesel pou bouz devan. E la Sesel pou dir nou ini e nou pe al ver en sel desten e ver en sel desti Mr Speaker.

Mr Speaker Lalwa in *provide* ki mannyer bann Komisyoner i devret ganny apwente. Pou lemoman mon pa pou al an tro an detay, parske mon mazinen plis ki annan *proposal* ki mannyer pou amann Lalwa pou apwente. Me

selman lapwentman pou ganny fer par Prezidan atraver pou lemoman atraver son pou annan 2 etranze - 2 manm Seselwa e nou pe dir sa 2 manm Seselwa zot a ganny *nominate* ansanm ek *Chairperson* par *CAA* pou lemoman.

Apre pou annan 7 manm antour. E apre sa 2 lezot manm - sa 4 lezot manm i ava annan 2 sorti par domi ki *SIFCO* a fer ouswa ki *CEPS* a fer. Me sa i depandan lo *final outcome* lo ki mannyer nou si nou deside pou amann sa.

Me sa ki enportan nou dir pou annan 2 etranze. Petet dimoun pou demann ou be akoz 2 etranze. Mwan mon krwar sa 2 etranze i enportan. Parske i vre i enportan pou nou annan nou Seselwa savedir 5 parmi sa 7 *Commissioners* pou Seselwa e i enportan pou nou annan nou Seselwa. Akoz nou Seselwa i konn nou kiltir nou mantalite nou , nou konn fason viv nou .

Me an menm tan i annan lavantaz letan, letan ou enn de etranze. Sa 2 etranze i kapab get keksoz dan en lot lanpler donn nou en pe leksperyans ki zot, zot in pas ladan. Petet kot zot in pas ladan ti annan *mistake* ki'n ganny fer pou anpes nou repet sa bann *mistake* petet dan sa prosedir ki zot, zot in pas ladan, pou dir be gete letan nou ti fer sa evantyelman nou ti vwar pou dir i mal.

Alors sa i a diriz nou i a fer sir pou dir nou pa pou repet menm fot ki lezot pei in komet. E zot ava anmenn serten lekspertiz Mr Speaker. E parey mon dir en serten lobzektivite dan sa demars.

E sa Komite evantyelman *Chairperson* i ganny apwente par Prezidan me son Vis-*Chairperson Vice-Chairperson* se sa *Commission.* Zot ki pou deside lekel ki zot pou dezinyen konman *the Vice-Chairperson.*

I enportan Mr Speaker ki letan nou get dan sa Komite - sa *Commission rather* nou realize pou dir i pa zis ou apwent ki Komisyoner ouswa ki *CAA* i kapab *nominate* nenport ki dimoun. I annan en kalifikasyon.

Malgre sa kalifikasyon i p en kalifikasyon akademik *as such,* me i en kalifikasyon ki i annan pou fer ek kredibilite e karakter sa dimoun. I dir ek ou pou dir pou ou ganny Apwente konman Komisyoner ou bezwen *''of recognized good standing and of high moral character.''*

Savedir i pe dir avek ou bezwen kapab desarz ou responsabilite dan en fason endepandan e enparsyal, kot personn pa pou vin met presyon

lo ou; kot ou, ou pou santi ou annan lentegrite. Sa i enportan Mr Speaker parske sa *Commission* i pou ganny fer par bann *Commissioners.* Si bann *Commissioners* dan zot menm zot pa *command respect then* sa *Commission* pou napa respe. Pa pou gannyen respe.

E si nou piblik Seselwa nou pa respekte sa *Commission, then* nou pou napa konfidans dan sa *Commission.* Nou pou napa konfyans lo zot. Dimoun pa *perpetrator* pa pou le vin koz zot. Viktim osi pa pou le vin kot zot.

Savedir i enportan ki letan nou met nou bann *Commissioners* e bann dimoun ki *command respect* ki nou annan konfyans dan zot e i no krwar zot pou kapab, ouswa nou konnen zot pou kapab desarz sa bann responsabilite.

Alors i enportan pou dir i annan kalifikasyon e kalifikasyon i annan pou fer avek entegrite ek karakter sa bann dimoun Mr Speaker.

Mr Speaker nou'n osi i enportan pou nou note ki nou bann dimoun an deor i note ki dan sa Lalwa Mr Speaker i annan provizyon ki sa bann Komisyoner pou annan *immunity from prosecution be it civil prosecution or criminal prosecution.* Zot pa pou kapab ganny *investigate* an relasyon bann akt ki zot fer konman en *Commissioner.*

Sa i trez enportan sa. Parske nou bezwen fer siny ki sa bann dimoun i fer zot louvraz san ki zot santi okenn lafreyer. San okenn lenterferans fason ki zot dan ti pou dir demen zot, zot kapab ganny prosekite.

Savedir zot lib e zot konnen pou dir zot pou kapab okenn kestyon pou ganny demande avek zot demen an relasyon ek zot responsabilite ki zot in desarze, an bonn fwa Mr Speaker. Alors sa i en keksoz enportan ki mon krwar ki nou bezwen met antet Mr Speaker.

Mr Speaker sa *Commission* son manda, son manda se pou li resevwar okenn laplikasyon kot in annan *allergy violation* savedir an dot mo kot okenn dimoun ki santi ki son drwa ouswa drwa son fanmir in ganny vyole i kapab vin devan sa *Commission* e dir vwala mon fer mon laplikasyon. E li *Commission* i son manda pou li al *investigate* sa konplent ki'n ganny fer devan li. Pou li rod lenformasyon, rod levidans e apre sa pou li donn en desizyon an relasyon avek sa konplent ki'n vin devan li Mr Speaker.

E li *Commission* i enportan pou nou note poudir *Commission* letan i fer sa louvraz i pa zis fer sa louvraz dan vid li. I annan en lot lobzektif ki i bezwen *attend* letan i pe sa louvraz. E sa lobzektif in ganny *set out* dan nou Lalwa klerman Mr Speaker.

E parmi bann lobzektif se ki pou li *ascertain* laverite. Parey nou'n dir *it's the Truth Reconciliation and National Unity.* Son premye keksoz i bezwen fer etabli kwa ki laverite. Kwa ki vreman ti pase? Ki mannyer bann dimoun i ganny afekte, lekel ki'n vyol zot drwa Mr Speaker. Sa i enportan.

En lot son bi enportan e prensipal i retir divizyon ki egziste par bann *perpetrator* ek bann viktim. Savedir retir divizyon re anmenn sa pep ver Linite al M Speaker. Nou'n koz Linite al Mr Speaker. La nou bezwen viv li fer li vin en realite Mr Speaker.

Mr Speaker enn son lot obzektif - nou'n met li konman lobzektif se pou li determinen. Ki reparasyon i pou donn bann viktim. Li ki pou determinen si en viktim i demann reparasyon. E ki kalite reparasyon i pou donnen. Si i annan reabilitasyon ki viktim ouswa *perpetrator* i bezwen ganny *go through* e li i ava asiste avek sa e se li ki pou deside si ou non i pou donn en *amnesty* en *perpetrator* Mr Speaker.

Nou'n koz lo reparasyon. Vre mon kapab konpran largiman ki ganny anmennen ki dir gete si en dimoun li k i vyol drwa en lot dimoun li ki devret pey sa reparasyon. Mon konpran lozik sa largiman. Dan en *perfect scenario* mon ti pou siport sa largiman. Me *unfortunately* nou napa en *perfect scenario.*

Akoz ou kapab par dir sa afekte sa viktim li menm. Parski si sa *perpetrator* napa sa *means* pou li vey sa viktim i napa i napa propriyete i napa nanryen. Savedir sa viktim malgre ki ou'n dir li i kapab ganny reparasyon e Tribinal e Komisyon i fer en Lord pou li ganny en reparasyon i pa pou gannyen. I pa pou zanmen gannyen.

Savedir le bi sa reparasyon ki ou ti anvi donnen pa pou arive ot sa viktim. Sel fason pou nou asire ki tou viktim i ganny en reparasyon, se fer sir poudir Leta ki pou peye.

E ou konnen ou kapab konpran dimoun pou dir be sa pa byen. Leta nou ki pou pey ...

dimoun Seselwa pou dir pou dir nou ki pou pey lepo kase pou en lot dimoun. Me sa i an realite parske sel fason sa viktim e reparasyon M Speaker.

E bomaten Onorab Ramkalawan in donn legzanp lopital pa sa ners ki peye, pa sa dokter ki peye laplipar de fwa. Se Gouvernman. Lapolis se Gouvernman ki peye.

E sel fason pou nou fer sir sa reparasyon i vin en realite, sa reparasyon ki i ganny donnen lord reparasyon ki ganny donnen par Komisyon i vreman ariv kot viktim sa viktim i trouv sa reparasyon se fer Gouvernman peye.

Unfortunately sa ki mon krwar i an realite akoz sansan nou riske penaliz sa viktim pou 2enm fwa. Letan i pou vini avek *hope* ki'n ganny en *reparation order from* Komisyon me zanmen i resevwar sa Komisyon, nou pe *basically unfair* soufer pou en 2enm fwa Mr Speaker. E mon pa krwar sa i nou bi ouswa i sa ki nou, nou anvi anmennen.

Mr Speaker en lot bout enportan sa Lalwa se ki konsern bann *meeting.* Ki mannyer sa bann *meeting* pou *take place.* E Mr Speaker se *Chairman* ki pou deside se *Chairperson* ki pou deside kler e kote *meeting* pou zwenn. E en keksoz enportan nou bezwen note dan sa Lalwa nou'n dir pou dir *meeting* zeneralman pou ganny *open to public.* Savedir piblik pou kapab ganny *attend* sa bann *meeting.*

Sa i enportan parske nou pe koz latransparans sa i enportan parske nou pe koz bonn gouvernans. Ki pou piblik i ganny akse e piblik i kapab vwar ki pe pase - dan sa bann *meeting* - sa bann *Hearing* Mr Speaker.

Me, me i dir *generally* savedir i annan bann sityasyon kot *Commission* pou kapab dir nou pou fer sa *in-camera.* An dot mo kot piblik pa pou ganny akse Mr Speaker.

E la Lalwa i dir ek ou sa *Commission* i kapab fer sa i *in term of justice* ouswa kot i annan *likelihood* ki en dimoun i kapab ganny *harm,* i kapab ganny afekte fizikman dan en fason par en lot dimoun. Ouswa kot i pe rekonsilyasyon pa pou kapab ganny *achieve.*

Petet mon kapab konpran bann dimoun pe dir be ki i annan pou kasyet? Akoz ki nou bezwen donn sa *Commission* sa drwa pou li dir dan serten ka, dimoun pa pou kapab vini?

Parey nou'n dir Lalwa in preskrir 3 pozisyon. *Public interest.* Annou donn en

legzanp dan *public interest.* I kapab sa viktim li menm. I kapab vin kot *Commission* e dir gete mwan mon pa anvi ki sa *Hearing* ouswa mon konplent i ganny fer devan piblik. I sa dimoun li menm, sa viktim li menm. Petet i anvi Serten *anonymity* - i pa anvi ki tou dimoun i konnen ki in pas ladan. Serten *privacy* an relasyon sa ka li in pas ladan.

So i vin kot *Commission* i dir mwan mon pa anvi sa. Sa i kapab dan lentere lazistis. Si *Commission* i vwar poudir dan sa ka prenon kont *wish* sa viktim i kapab dir dan lentere lazistis pou nou pa anmenn pa fer li dan piblik.

Likelihood i kapab. I kapab. Mon a donn ou legzanp en *perpetrator* i ti annan bann lezot *perpetrators* avek li. E li i anvi vin devan i anvi vin dir ou be gete mon ti en tel lensidan e ek mon ti annan *X, Y, Z.* Me si i per *Y* me *Y* i annan potansyel-man i kapab afekte mwan. Potansyel-man *Yi* kapab fer mon keksoz. I pou dan lavantaz pou dir a sa staz. Petet premye *Hearing* son 2enm *Hearing* ou ekout li *in-camera* san ki piblik i konnen. Parske si nou tro les li piblik, i kapab nou pa pou *achieve justice* dan serten ka.

Alors parey mon'n dir zeneralman i pou piblik, me eksepsyonnelman dan serten sirkonstans i kapab ganny fer *in- camera.* E mon krwar i zistifye nou bezwen donn sa *Commission* en diskresyon pou li deside, me nou pa'n diskresyon pou li deside me nou pa'n diskresyon total nou'n dir klerman i annan 3 kondisyon pou bezwen satisfer avan ki ou bezwen fer li *in-camera* Mr Speaker. Sa mon krwar i enportan. Mr Speaker en lot provizyon ki enportan se ki sa *Commission* si i santi letan i pe ekout en *case* i pe fer *investigation* i bezwen i ganny *expert.* I kapab - i pou kapab anmenn en *expert* dan son *meeting* pou asiste li. Par egzanp eski ou bezwen par egzanp en dokter. Petet i annan serten keksoz pou fer avek serten *injury* - serten sa dimoun pe dekrir ou ki kalite lenpak ki annan lo li.

Then en *medical expert* i kapab ganny envite pou vin lo *Commission* pou sa *case* e pou li donn ... pou li anba en Commission donn son lopinyon konman en *expert* Mr Speaker.

Mr Speaker i osi enportan pou note dan lespri latransparans, lespri bonn gouvernans, ki tou *proceedings* pou ganny rikorde - zis parey

Lakour. Tou *proceedings* i ganny rikorde e piblik *Commission* dan son diskresyon, i kapab donn piblik akse ek sa ban *proceedings.*

E sa i enportan Mr Speaker. I enportan parske pou nou kit sa koman en rikord premyerman dan sa -pandan sa *investigation* li menm pou ki dimoun demen si i anvi i santi pou dir i annan *statement* ki'n ganny fer ki pa korek, i kapab i kapab *go back to the record* pou dir be la, la ki ti pase latransparans e bonn gouvernans. Me osi i enportan pou dir parey nou'n dir evantyelman i pou *handover Commission* letan son manda i fini tou keksoz avek Prezidan.

E i enportan ki nou kit sa konman en dokiman pou listwar. E akoz sa i enportan, pou nou pa repet sa menm fot ankor dan nou listwar Mr Speaker?

Mr Speaker Lalwa i egzize ki *Commission* letan i desarz son fonksyon i bezwen fer li dan en serten fason. Premyerman nou dir i bezwen respekte sa ki nou apel *"rule of natural justice."*

Ki nou pe dir par *"rule of natural justice"*, se ki i bezwen endepandan. I bezwen annan lazistis ek *fairness* dan fason ki i ekout *case.*

Savedir i pa kapab ekout zis en kote i bezwen ekout tou dimoun e donn tou dimoun menm loportinite - menm loportinite pou met son *case* devan. Ouswa pou met son konsern devan Mr Speaker.

E nou'n dir - en keksoz enportan nou'n dir ki *Commission* i pa pou *be bound by the rules of evidence.*

E sa i enportan akoz si nou ti fer *Commission* mars parey en Lakour, ou annan en ta teknik-alite pou servi pou anpes en levidans rantre. Bann Avoka parmi nou la e mon asire bann lezot dimoun ki'n pas Ankour, i pou konnen ki bann teknik-alite Avoka i kapab servi pou dir ek li sa pe rantre. Sa rezidans i kapab relevan, me nou dir i pa *admissible.* I pe anpes levidans rantre.

E la dan sa ka nou a anvi sa bann teknik-alite nou. Nou anvi tou keksoz i ganny met dan sa *Commission.* Nou anvi ki tou laverite i sorti. Nou anvi ki sa *Commission* i kapab etablir vre laverite, san ki i bezwen en laverite ki baze lo teknik-alite.

Alors nou'n dir Lalwa levidans pa aplikab dan sa ka Mr Speaker. Nou'n dir osi poudir *Commission* pou bezwen ekout levidans. I pou bezwen menm kapab ekout temwen Mr Speaker.

E li ki pou determinen ki responsabilite bann dimoun kot in annan bann vyolasyon Mr Speaker. E apre li i pou bezwen prepar en rapor parey nou'n dir e li i fer bann *findings* lo si ti annan vyolasyon ouswa non e ki responsabilite sa bann *perpetrators* Mr Speaker.

Mr Speaker pour ki *Commission* i kapab fer son louvraz byen efektiv lazistis i ganny anmennen, nou bezwen donn sa *Commission* i bezwen annan serten pouvwar. E sa pouvwar Mr Speaker i *wild.*

Komisyon i kapab bann *Commissioners* zot kapab rantre dan nenport ki landrwa. Ki swa Lalwa prive, ki swa Lalwa piblik, kot zot vwar i annan i enportan pou zot ganny lenformasyon swa ki enportan pou zot dan zot lenvestigasyon zot bann konplent ki ganny met devan zot. E zot kapab *inspect* bann propriyete.

Zot kapab par egzanp in dir spesifikman zot kapab ganny akse avek okenn lasiv, lasir piblik lasiv prive. Zot kapab somon, somonn bann temwen Mr Speaker e egzamin bann temwen. E zot kapab *compel* okenn dimoun. Menm en dimoun ki pa'n vin devan pou li aparet devan Komisyon pou li konn levidans ouswa prodwir okenn dokiman. E i annan en pouvwar menm pou li *compel* bann sispek.

Savedir si ou dan en sityasyon kot li en *perpetrator* pa'n vin devan. Me sa viktim in vin devan sa viktim li i donn son levidans son bann lenformasyon avek *Commission* e i nonmen lekel sa *perpetrator,* sa *perpetrator* pou ganny i kapab ganny *compel* i kapab ganny somonn par Lakour par *Commission* pou li aparet devan li e pou demann ganny demann kestyon.

Nou'n dir Mr Speaker ladan, pou dir en *spouse* savedir en madanm ouswa en msye i en *perpetrator* i pa kapab ganny kriye.

Mwan mon annan mon rezervasyon lo la Mr Speaker. Mon annan en rezervasyon. Akoz mon dir mon annan en rezervasyon? E pli tar mon pou *move* en lamannman pou sa ganny tire. Mon konnen lo ki sa i baze. Sa i baze lo nou Lalwa konmela dan *Criminal Law.* Anba nou *Criminal Procedure Code* i vre poudir en *spouse* zeneralman pa kapab kriy li pou donn levidans. I vre sa. Eksepte petet si i en lofans kont sa *spouse* li menm. Ouswa en zanfan sa *spouse.* La i pou kapab vin donn levidans.

Me Mr Speaker letan mon get par egzanp *L'Angleterre. L'Angleterre* i annan *inroad* ki'n ganny fer an relasyon avek sa *culpability of a spouse.* Par egzanp i dir ek ou *L'Angleterre* an '84 letan zot ti amann zot Lalwa i dir ek ou pou dir en *spouse* i kapab don levidans kont son msye ouswa son madanm, an relasyon okenn *assault* in arive lo en dimoun anba 16an.

Ouswa kot okenn seksyon *assault* ki'n arive kot en dimoun anba 16an. Savedir i dir ek ou en *spouse* menm si sa dimoun sa viktim i pa en *relative of a spouse,* i pa son zanfan me sa *spouse* i kapab vin donn levidans. Akoz? Akoz nou pe dir pou dir nou anvi etablir laverite dan serten lofans kot nou *free* pou dir bann lofans ki sitan serye.

Nou konnen lobzektif. Lobzektif dan lepase akoz nou dir nou pa anvi kas en fanmir ou pa anvi fer en *spouse feel* i bezwen vin donn levidans kot son msye ouswa son madanm, e sa i kapab kas fanmir i kapab annan en ta lenpak.

Me nou bezwen osi gete kwa ki nou pe fer dan sa Lalwa. Sa Lalwa nou pe dir Linite al. Sa Lalwa nou pe dir nou anvi tou laverite no anvi to dimoun ki konnen ki'n pase vin dir. Me akoz si no vreman anvi sa - si sa i sitan sa lenportans akoz ki nou bezwen dir en *spouse* pa kapab vini? Mwan mon dir en *spouse* osi i kapab devret ganny *compared* pou vini si nou anvi etabli tou laverite e *rien* ki laverite Mr Speaker.

Mr Speaker alors mwan mon pou *move* evantyelman ki nou retir sa bout kot nou pe *"exclude culpability of a spouse"* Mr Speaker.

Mr Speaker nou vwar pou dir sa *Commission* i *seek* asistans bann lezot Lotorite. Bann lezot *bodies.* Par egzanp Lapolis. Petet si i santi pou dir i annan serten arestasyon i bezwen ganny fer. I kapab al kot Lapolis. Si i santi i annan serten *investigation* petet ki pou bezwen ekspertiz Lapolis, i pou kapab al kot Lapolis e demann sa lekspertiz e salye sa lasistans. Egalman i kapab i anba lasistans Lakour. Par egzanp si i anvi donn en *injunctive relief* par egzanp; malgre ki nou'n dir donn pouvwar en *Supreme Court* i kapab al kot Lakour demann serten lasistans Mr Speaker.

E alors an dot mo, sa *Commission* pa pou kapab *lead* li tousel. Kot i santi i bezwen lasistans en lot *body* Lalwa i permet li pou li al tap laport sa

lot *body* e pou ede asiste li M Speaker.

Mr Speaker i menm permet - i menm permet *Commission* kot si i bezwen levidans an deor Sesel, i permet li pou li demann permisyon avek en Lotorite an deor Sesel pou rod sa levidans.

Par egzanp si ou annan en viktim ki pa kapab vin Sesel e li i anvi donn en levidans *Commission* i kapab fer laranzman ek Lotorite apropriye dan sa pei, pou ki sa levidans i ganny pran par sa Lotorite. Rogasyon parey nou apel sa. En Komite Rogasyon ki li i pran sa levidans apre i anvoy kot *Commission.*

Ouswa si i annan en *perpetrator* ki an deor Sesel kot nou *Commission* i *feel* sa *perpetrator* i devret ganny kestyonnen, egalman sa i kapab ganny fer Mr Speaker. E *Commission* i annan tou pouvwar ki Lakour Siprenm i annan.

An dot mo s ou pa vin kot li letan in tir somonn lo ou i kapab *issue a warrant of arrest* lo ou. I kapab menm *content* akoz i annan tou pouvwar pou lemoman nou'n dir, ki *Supreme Court* i annan Mr Speaker.

Mr Speaker i annan en keksoz enportan e mon konnen petet bokou dimoun pa pou dakor avek sa. I dir ek ou okenn levidans ki'n ganny donnen - ki'n ganny donnen devan *Commission* sa par en *perpetrator* ouswa en viktim pa kapab ganny servi konman en levidans, dan en *case* Ankour sirtou lo sa *criminal.*

An dot mo ki i pe dir ek ou se ki a vedir ki sa viktim pa kapab repet sa Ankour i kapab donn menm levidans devan Lakour. Ou pa kapab pran sa *proceedings* par egzanp en *perpetrator* i vin devan Lakour - devan *Commission* i dir "wi mon'n fer." Ou pa kapab pran sa *proceedings* e prodwir devan Lakour dir "la i la li ki ti touye." Ou pa pou kapab fer sa.

Me si i annan en *case* kriminel demen, si i pa'n ganny *amnesty,* sa viktim i a pou kapab al dan menm levidans ki in donnen devan *Commission.* I pou kapab fer sa li. Ou kapab donn sa levidans - si sa dimoun pa'n ganny *amnesty.* Me ki pe fer i enportan sa, sa nou apel privilez. Akoz nou anvi en laverite. Nou anvi tou laverite nou a anvi dimoun i per i pe mazinen ki pou arive apre ki in koz laverite, si i pou ganny sanksyonnen pou a laverite ki'n koze.

Savedir nou fer sa dimoun *feel* lib. I enportan i annan en rezon i pa en keksoz ki nu anvi

protez okenn dimoun ouswa soutir okenn dimoun me akoz nou krwar sa i bann fason pou nou nobou *achieve* sa lobzektif ki nou anvi *achieve* se Linite al kot sa dimoun i santi i kapab vin koz tou laverite, pa kasyet nanryen e san ki i bezwen mazinen ki apre i pou ganny sanksyonnen pou sa. *So* i enportan e i annan rezon akoz ki nou'n met sa Mr Speaker.

Mr Speaker parey nou'n dir *Commission* i pou bezwen *submit* en rapor evantyelman Prezidan. I pou bezwen apre ki in fini fer son manda. I pou bezwen donn *handover* tou bann dokiman ki dan son posesyon avek Prezidan. E Prezidan li i pou bezwen fer sir kit sa konman dan son *custody* me apre i a deside kote sa pou ganny kite *for safekeeping* Mr Speaker.

E i enportan Mr Speaker nou pa pou zis fer rapor zis akoz ou anvi fer rapor. Ou pou annan 2 staz. Ou annan en staz lo en *level* personnel an *perpetrator* viktim kot in kapab annan *closure.* Me i osi en rapor al. Parske sa rapor al i enportan li. Parske pou nou konnen konman en vreman ki'n arive ki kantite lefe sa annan viktimizasyon sa bann vyolasyon i kapab annan lo nou.

E an menm tan pou nou fer sir ki listwar pa repet son lekor. Pou nou aprann si i en leson dan sa ki'n arive Mr Speaker.

Mr Speaker sa i anmenn mon lo en lot bout. En bout ki nou apel sa *amnesty.* Ki mannyer en dimoun i ganny *amnesty?* Eski sa dimoun zis i vini i dir ek *Commission* mon anvi ganny pardonnen alors pardonn mwan? Pa koumsa ki marse.

Premyerman, premyerman vre en dimoun i ganny *amnesty* fodre i fer en petisyon devan *Commission* e i demann en *amnesty.* Savedir i annan 2 fason la annou mazin sa byen. I kapab annan en sityasyon kot sa dimoun i an premye lye i pa'n vini li. Me parey nou'n dir en viktim in vini in donn levidans in nonm son non. Apre i ganny somonn par somonn *by Commission* i dir vin devan mon ou non in ganny nonmen.

E letan i vini petet i annan serten *reluctance,* letan i vini i santi pou dir be vre la i ennler pou mwan demann pardon. La in ler pou mon repanti. In ler pou mon rezoli fer mon mazin sa sanson David Philoe letan mon pe dir sa bann parol. "In ler pou repanti in ler pou li rezoli."

E alors i vini i dir mwan in ler pou "konverti" egzakteman vre. E i vin devan e la petet i santi parey nou dir pou li konverti pou li rezoli e la i dir li osi i le fer petisyon. La i kapab fer petisyon koumsa.

Ouswa ou kapab annan en lot sityasyon kot sa viktim pa'n vin devan li. Me sa *perpetrator,* i anvi vin devan li. I anvi dir be mwan mon rekonnet ki mon'n fer mal. Mon pa pou esper sa viktim vin devan avan." - Li i vini petisyon *petition the Commission* pou li ganny en *amnesty.*

E ki i pa kapab fer petisyon demann pardon i annan bann kalifikasyon bann kondisyon ki ganny met avek. Premyerman i bezwen *disclose* tou keksoz ek sa *Commission* i pa kapab dir donn ou lanmwatye laverite lot lanmwatye mon kit avek mwan.

I bezwen donn 100poursan laverite i bezwen dir tou keksoz i parmi bann keksoz ki Lalwa i dir ek li ki enkli tou keksoz se landrwa kot lensidan in arive. Si en dimoun ti ganny touye tel landrwa ou bezwen dir la, la tel landrwa ki sa ti arive.

Dekrir sa lensidan enkli dat. *Obviously* i en posibilite ki dimoun in bliy en dat. Sa i kapab arive. Me i ti a kapab dir ek ou be gete sa i tel lannen mon pa mazin egzakt dat selman ti petet dan milye lannen en keksoz koumsa. Me solman *as far* ki *possible* i donn sa dat e i donn deskripsyon son lensidan. E i bezwen nonmen lekel sa viktim. I bezwen nonmen lekel sa viktim. E sa i enportan.

E apre dan sa petisyon i pa zis ase sa. Kot in dir to laverite, me i bezwen dir i annan in montre pou dir in fer en *apology* senser. I montre en *apology* senser kot i vreman santi dan fon son leker ki pe dir pardonn me pa zis pardon loi labous.

E alors la *Commission* li i ava deside prezan si apre tou sa kondisyon ki ou'n *meet* si i pou donn ou *amnesty.* Me i enportan i pa zis letan sa dimoun pou li vin devan i dir avek ou la tou mon laverite e mwan mon demann pardon senser.

Commission pou li determinen si sa dimoun i vreman pe demann en pardon senser - si in vreman dir tou laverite i kapab ekout levidans en lot dimoun. La i kapab par egzanp somonn en viktim. Dir mon anvi ou vin devan mwan - ou non in ganny mansyonnen konman ou en dimoun ki'n

ganny afekte. Eski sa ki sa dimoun in dir i vreman tou laverite ouswa i annan lezot keksoz ki in fer ek ou ki pa pe dir nou? Savedir i pa pou zis ekout en bout zistwar sa *perpetrator* li kapab dir ek *perpetrator* mon'n ekout ou wi. Me mon anvi ekout sa viktim ki ou'n nonm mwan.

Ouswa si ou'n nonm non en lot dimoun ki ti pe ede ki ti pe asiste ou pou fer sa *violation* mon kriy sa lot dimoun. Mon demann li eski vreman koumsa ti pase?

So i enportan ki i pa zis en kot nou pe aksepte en dimoun *pay lip service to the apology.* Nou pe dir ek li ou bezwen montre senser, senserite dan sa *apology.* E *Commission* pou determinen sa li. E *Commission* i menm kapab dir ek ou pa zis *apology* lo papye. Me ou zwenn ek sa dimoun ek sa viktim e ou *apology* ek li. Ouswa si sa dimoun in *pass away* ou zwenn ek son fanmir e ou dir vreman ou dir ou *sorry* sa ki ou'n fer ou *apologize.*

Savedir sa *amnesty* i pa vin zis en fason fasil. I en fason kot se *Commission* ki determinen, me i annan bann kondisyon ki ou bezwen *meet* e *Commission at the end of the day* ki fer sa.

E la Mr Speaker i anmenn mon lo en keksoz eski nu vreman anvi pardon? Eski mon konnen i fasil dir pardonnen. Sa mon konnen. Me eski i pa'n ler pou nou var dan nou pou nou bouz devan Mr Speaker. I pa'n ler pou nou dir be gete i annan keksoz mal ki'n pase me ozordi in ariv en staz ennler si sa dimoun i vini nou bezwen osi tou donn nou sa kouraz sa lafors pou dir nou pardonn ou.

E Mr Speaker mon krwar i enportan i enportan ki nou nobou trouv dan nou konman en pou nu pardonn sa bann ki fer mal e sa bann ki'n fer mal i bezwen rekonnet zot *wrongdoing* Mr Speaker. Zot bezwen rekonnet kote ki'n al mal Mr Speaker. Remors nou bezwen montre Mr Speaker e sa i tre enportan Mr Speaker.

Mr Speaker mon koz en pe lemosyon, parske mwan mon'n santi sa sityasyon Mr Speaker. Petet pa dan en sityasyon kot dimoun i perdi lavi. Non. Dimoun ki persi lavi petet zot pou santi sa soufrans pli for ki mwan. E zot pou santi sa pli entans. E mon konpran par-ler sa *reluctance* kot dimoun i dir ou i pa anvi pardonnen. Akoz mon bezwen pardonn li? Li osi i bezwen peye pou sa ki in fer.

Mon konpran sa Mr Speaker, me solman nou pe dir

fer li pou Sesel. Mwan Mr Speaker mon pou dir ou fransman mon rapel a laz 4an a 6an akoz ti ariv detrwa fwa mon granpapa i ganny arete la e mon'n al dan Kordgard ek mon manman - mon rapel. Mwan mon kapab *picture* sa *scene* la nou rantre dan Kordgard Grand Anse mon rappel lekel sa gard ki ti la i ti pe fer son louvraz en msye Praslin en Mr Joubert li i ti pe fer son louvraz konman en gard.

Mon rapel mon manman anmenn manze pou mon granpapa. E mon manman plere. Mon rapel sa. E mon rapel letan ariv kot lakaz mon manman i ankor pe plere. Mon rapel en lot lenstans kot enn mon vwazen fanmir i vin dir ek mon manman ou papa akoz ti napa telefonn sa letan, mon ti ankor reste Baie Ste Anne sa letan sa letan nou ti pe reste Baie Ste Anne enn nou vwazen ki ti trouv fanmir lo kote mon papa. I vini i dir ek nou, i dir ek mon manman "ou papa in ganny arete." La ki mon manman i konnen. E la i bezwen desann.

Konmsi mon rapel sa mon rapel sa ki mon'n pas ladan. Me ki mon dir nou bezwen kapab mont a lao sa e dir avek dimoun pou dir "gete nou bezwen met Sesel an premye. Nou bezwen fer sa ki nou Konstitisyon i demann nou." Annou anmenn Linite al M Speaker.

Mr Speaker avan mon fini, mon ti a konan zis dir, poudir si en dimoun i santi pou dir sa ki sa *Commission* i fer - sa desizyon ki i fer, li i pa aksepte, i pa vedir ki zis i kapab aksepte desizyon *Commission.*

I annan sa ki nou apel *judicial review* sa *Commission* i pou en *adjudicating authority* son desizyon i kapab ganny *review* devan Lakour. Ki i vedir? I vedir si en viktim i santi poudir *Commission* in donn *amnesty* en *perpetrator,* e li i santi poudir ki pou dir sa *perpetrator* pa ti devret ganny *amnesty,* i kapab anmenn *case* devan Lakour, dir mon anvi *review* desizyon sa *Commission.* Ouswa en *perpetrator* li i santi i pa'n ganny *amnesty,* me i santi i ti devret ganny *amnesty* i kapab anmenn en *judicial review* devan *Supreme Court.*

So an dot mo, desizyon sa *Commission* i pa pou final li. Me i kapab anmenn Lakour, me i pou al Lakour, me i kapab anmenn Lakour me i pou al Lakour *by rule of judicial review* zis pou pran en desizyon an relasyon ek desizyon ki sa *Commission* in fer.

Mr Speaker mon pou terminen an dizan annou fer i li pou Sesel. Annou fer li pou nou zenerasyon demen. Annou fer li pou nou tou Seselwa Mr Speaker. Mersi.

(APPLAUSE)

MR SPEAKER

Mersi. Mersi Onorab Basil Hoareau. Mon ava donn laparol Onorab Gervais Henrie.

HON GERVAIS HENRIE

Mersi Mr Speaker. Bonn apre midi tou dimoun. Mr Speaker ozordi 6enm Lasanble al pe al aprouv en Prozedlwa ki apel *The Truth Reconciliation and National Unity Commission Bill,* 2018.

Nou aprouvasyon pou permet Prezidan Larepiblik etabli en Komisyon Laverite Rekonsilyasyon avek Linite Nasyonal. Manda sa Komisyon i pou resevwar konplent an relasyon avek bann alegasyon vyolasyon, konpil sa bann lenformasyon e levidans ki'n ganny komet, an relasyon an rezilta direk koudeta le 5 Zen 1977.

Sa bann alegasyon i kapab labi drwa imen, touye, an prizonnman ilegal, pran liberte fizik, tortir, vyol disparisyon, *kidnapping,* tir dimoun dan zot lakaz lo zot propriyete setadir later; anpes ganny travay, pouse dan travay, legzil. E lezot akt ki'n koz soufrans blesir ou dimal mantal e fizik. Tousala an rezilta koudeta le 5 Zen 1977. Nou pa pe koz lo lepok Kolonyal. Ni lepok Lesklavaz. Me konsekans koudeta le 5Zen 1977.

Lo sa pwen Mr Speaker mon bezwen eksprim mon dezapwentman total avek lentervansyon Vis-Prezidan ki osi Prezidan Parti Lepep e Onorab Gill ki osi Depite Sekreter Zeneral Parti Lepep.

Mon ava eksplike akoz mon dir sa. Depi 1977 se zot parti zis zot parti politik ki'n o pouvwar e annan pouvwar Egzekitiv Sesel. Zot in apel *SPUP/SPPF,* e konmela Parti Lepep. E mon tande zot riske ankor sanz zot non.

Sesel nou pe bezwen pas atraver prosesis Rekonsilyasyon al pa akoz nou annan diferan tribi. Parey in leka Rwanda ant Tutsi avek Hutu. I pa akoz i annan en pep endizenn e bann blan ki'n vin koloniz nou later parey leka *Australie* ant bann aborizin e bann *Australien.* Ouswa aparey i leka *Canada.*

In pirman akoz en parti politik pa ti esper son tour pou li vin dan Gouvernman in fer

koudeta e apre in met nou pei dan en sistenm Parti Inik e akoz sa diferans lopinyon politik ki'n koze sa bann soufrans e fer ki ozordi nou bezwen pas atraver en prosesis Rekonsilyasyon al.

Alor bokou sa bann vyolasyon - si pa tou - in ariv *on the watch of' your political party.'*

Alor ki mannyer lo en istorik parey ozordi, devan en lenstitisyon osi enportan ki apel Lasanble al an direk lo radyo ek televizyon e lo *internet* dan prezans lemonn antye zot konn demann pardon lepep Seselwa.

Mon'n tann Onorab Gill servi sa mo 'regretab.' Regretab ler dimoun i ganny touye nou pa servi. Si i ti dan en aksidan mon konpran. Ozordi Berard Jeannie kekfwa i ti ava en Komisyoner Lapolis. Mr Chang-Him mon'n *interview* son pti zanfan - grannwanr plere devan mwan. Si ozordi nou vwar en manm zot prop parti en zonm gro zonm kabare i vin emosyonnel devan nou Lasanble al, nou konpran akoz sa soufrans.

E mon'n dir zot ki o pouvwar depi '77. Legzanp i bezwen konmans depi ozordi. I bezwen konmans ozordi akoz dezormen sa prosesis pou li ganny akonpli nou pou bezwen annan sa *voluntary disclosure* par bann viktim pou zot vin devan i pou bezwen bann *perpetrators* annan kouraz pou rod pardon. Pa Lasanble al ki pou donnen. Nou, nou pe zis pas sa *Bill.*

Me i bezwen konmans en landrwa kot nou annan sa legzanp pli o. E se sa alor rezon ki mon pe dir mon dezapwente ki mon pa'n tann en *statement,* en leskiz en *'sorry,'* en pardon depi bomaten.

La mon rekonnet demars ki Prezidan Larepiblik Msye Danny Faure in fer depi son neseser ti pas baton Prezidansyel avek li an Oktob 2016.

Me li annou pa bliye in divors li avek *Leadership* Parti Lepep. Alor teknikman i nepli enn zot omwen pou lemoman.

Premyerman in aboli le 5 Zen konman en konze piblik selman 2 mwan apre i ti vin Prezidan. Kantmenm sa bann zofisye Parti Lepep ki enkli bokou la anndan, ankor pe abiy an rouz sa zour e al met kouronn kot moniman Zonm Lib *Maison Du Peuple.* Akfer sa? Eski i neseser? Eski ankor relevan? Konmdir sanson "arete bannla, arete."

Lot demars i pou abolir le 5 Zen semen 5 Zen dan *Victoria.* Tousala i pou ede mon krwar.

Msye Faure an Mars sa lannen formelman demann pardon lafanmir defen Berard Jeannie ki ti ganny fizi a mor e 5 Zen 1977. I ti en Zofisye Lapolis aze selman 26an ki ti pe vey armri Mont Fleuri. Prezidan Faure ti e zenn zonm aze selman 15an ler koudeta ti arive.

Pourtan, pourtan in pran fardo son de predeseser. Oli Msye France Albert Rene, oli Msye James Michel tou lede i ankor vivan mon ti a kontan vwar zot vin devan e demann en leskiz lepep Seselwa pou zot partisipasyon dan koudeta le 5 Zen 1977.

(APPLAUSE)

HON GERVAIS HENRIE

An realite Mr Speaker. Mon ti espekte *Leader of Government Business* Onorab De Commarmond konman premye *MNA* lo kote latab Parti Lepep bomaten pou pran laparol e pou etabli etal pozisyon Parti Lepep lo sa prosesis ki nou pe al konmanse. E osi prezant en leskiz ofisyel. Me i pa ankor tro tar nou a kapab kekfwa tann l pran laparol. Se zot parti politik ki'n o pouvwar pou 41an;

'Security clearance'

'Ek nou pa ek nou"

'Kile Lopozisyon' e menm sanson ki ti sante e dir,

"Pou tou bann ki pa dakor avek nou politik avyon i pase bato i pase foulkan ale. "

Alor nou bezwen konmans kek par e aksepte sa ki in fer sa ki'n fer mal. En leskiz ofisyel pou al lwen. Krwar mwan.

Mr Speaker rekonsilyasyon i vedir anmenn 2 group opoze ansanm. Rekonsilyasyon i pa en keksoz ki *quelqu'un* i desid fer. Me i en prosesis ki a lafen i kap annan rekonsilyasyon me i pa vedir ki sa i garanti. Rekonsilyasyon anmenn en eleman laverite, lazistis, pardon, gerizon reparasyon nepli enportan lanmour.

Par sipor rekonsilyasyon i vedir travay pou sirmont divizyon. An pasan sa *Bill* ozordi nou pe aksepte pou rekonnet lepase e febles nou pei, nou e Gouvernman pou adres sa bann size pli vitman.

Nou pa kapab sanz sa ki'n arive dan lepase. Me nou kapab kree en meyer lavenir par konpran
lepase. Rekonsilyasyon i konsern sanz en listwar opresiv e permet nou bann sitwayen e Komite viv byen ansanm, dan en fason pli pozitiv e an bonn sante.

Ta Sesel i inik. Nou'n koz lo rekonsilyasyon pandan lontan sirtou dan kwen Lopozisyon. E la mon oule rekonnet kontribisyon premye Prezidan ki anfet ti ganny *overthrow* dan koudeta le 5 Zen 1977 *Sir James Mancham* ki'n koz bokou lo sa prosesis Rekonsilyasyon al. - I ganny rekonnet dan plizyer kwen lemonn pou son sazes dan sa demars.

In pran en Lasanble kot Lopozisyon an mazorite pou *drive* sa prosesis. Nou'n vin dan Lasanble an 2016 kree en Komite *Truth and National Reconciliation* ki'n annan en rapor zwenn dimoun ki'n ganny eksplike bomaten, e finalman en rapor prezante avek Prezidan Larepiblik ki ti osi enkli en *draft* sa *Bill* ki nou pou aprouve ozordi.

Me mon rekonnet lakseptans Brans Egzekitiv dan sa klima "koabitasyon" pou aksepte e partisip dan sa legzersis ansanm - nou tou ansanm.

Mr Speaker mon kontan koz ek mon bann zanmi lo sa moman la kot nou ete an 2018, akoz i fer mon mazin 2 sif. 40 avek 25. Dan filozofi lavi bann *Européen* zot dir ou ki lavi i konmans a parti 40an. E ozordi i fer 41an depi koudeta.

Alor kekfwa prezan ki nou pe konmans nou lavi konman en . E ozordi i bon alor ki nou pran sa prosesis *on Board* apre 40an. Menm zafer dan filozofi bann *Indien* zot separ lavi en imen dan bann ka 0 a 25, 25-50, 50-75, 75-100 e ki mannyer dan sak staz ou lavi ou bezwen sanze.

E nou pe selebre 25an adopsyon Konstitisyon 3enm Repiblik. Kekfwa avan 25an nou ti ankor en zenn gayar, zenn agogo ki pe bat isi pe bat laba. Me la prezan apre 25an ki nou pe vreman met nou lipye ater, pou dir be *ok* mon bezwen pran mon lavi serye la, organize pou mwan ganny en se mwan, etabli mon fanmir. I en nouvo staz dan nou lavi. E kekfwa se sa, sa 2 sif i mon'n dir 40 ek 25 i 2 senbolik pou nou dan sa lannen 2018.

Rekonsilyasyon i en mosyon konpleks, ki konpran diferaman parti konman dimoun group dimoun Mr Speaker. Rekonsilyasyon ariv dan nou kalite. E lo nou nivo endividi. Napa en model iniversel me nou bezwen konmans kek par.

Pou annan en kantite travay dan lavenir pros, pou bann ki pou ganny enplike dan sa prosesis. I pou long. I pa pou toultan ki pou annan

mersi. Konprenezon e sipor. E fodre zanmen zot les tonbe. Se en endividi a lafwa ki pou bezwen pardonnen dir laverite aksepte laverite e rekonsilye avek son vwazen. Me fodre i annan sipor enstitisyonnel. E nou bezwen bann sipor bann diferan ki for e egzanpler pou atrap ou lanmen dan sa prosesis e apre.

Atraver listwar rekonsilyasyon in eliminen pou konpran e annan en konpasyon pou lezot.

Par egzanp Mr Speaker apre 2enm Lager Mondyal pou bann ki familye avek listwar Marshall Plan ti asire ki bann pep bann ki ti ganny defet ti ganny pran swen avek kontrerman avek premye lager mondyal kot bann perdan ti ganny imilye e detrir. Par rekonsilye avek nou lennmi i ede bann santiman revanz, lakoler avek laenn.

I en sel fason pou asir lape avek stabilite eternel. Ini Sesel nou pou bezwen rekonsilye avek nou pase. E ki mannyer sistenm o pouvwar i tret ou plito maltret zot bann konponan politik.

Rekonsilyasyon pa pou bokou bann ki'n ganny maltrete. Rekonsilyasyon i pou bann ki'n siporte. Ki'n soutire ki'n reste trankil ki'n tourn lot kote, ki'n konplote e kolabore; rekonsilye avek lenzistis ki ou paran e granparan in fer. Asize e mazin lo la. Koz lo la. Tir li dan ou sistenm. Tir li lo ou konsyans. Nou ava rekonnet ou pardon e nou ava bouz de lavan.

Enn fwa pou nou rekonsilye avek ou pase, nou a kapab pas pli byen ansanm dan lavenir ki nou bezwen partaze konman Seselwa e later Sesel. Mersi Mr Speaker.

(APPLAUSE)

MR SPEAKER

Mersi Onorab Henrie. Onorab Adelaide.

HON FRANCOIS ADELAIDE

Mersi Mr Speaker. Bonn apre midi tou dimoun ki pe ekoute. Mr Speaker mon santi mwan bokou privilezye pou form parti sa Komite, ki'n travay an akote bann lezot *MNA* pou kapab anmenn sa *Bill* ozordi dan 6enm Lasanble al.

In vreman en travay kot in annan bokou lenteraksyon, largiman, kestyon, dout, konsiltasyon avek bi ki pou kapab met en dokiman pou ede geri en pep ki ti'n ganny divize par bokou bann politik; aksyon ki pa zistifye, sagri. Bann desizyon ki pa'n zis pa'n pratik ki ler ou ekoute i bles leker. I

fer lapenn, tourmante. Menm par-ler ou pa oule krwar. Me ki ti et.

In en travay ki mon'n ganny sans ganny bann enteraksyon avek bann viktim ki bondye pa ti ankor pare pou resevwar zot.

E ler zot montre ou zot sikatris où kapab santi zot soufrans, zot laswaf e laverite e konpansasyon.

En travay kot mon'n ganny sans enterakte avek fanmir bann viktim. Kot diferan lekspektasyon pou diferan ka ki'n ganny raporte e ki'n ganny dokimante. La osi i annan bokou leker blese. Bokou rankin, bokou lekspektasyon. Ki zot pou kapab a lafen konn tou laverite, *rien* ki laverite, lo ki'n arive avek zot pros, kote zot lekor i été, lekel ki responsab, eksetera.

In vreman pou mon ganny sa sans pou kominik avek serten group Seselwa, ki ler nou pe programm Sesel konman en paradi pour zot i ti e lanfer total. Eski sa koudeta i neseser?

Mr Speaker eski nou pa'n vin lesklav nou prop malis? Premyerman konman sa endividi ki'n deza sipor *SPPF* mon ti pe sipor li dan linyorans mon en konplis, menm si mon'n fer li enkonsyanman. Mon aksyon in ede donn lanmen les sa bann opreser fer Seselwa kontinyen soufer. Mon oule profite ozordi pou demann lepep Seselwa mon senser leskiz.

En pti group Seselwa pe demande akoz ki nou pe re konny a boubou ki ti'n fini geri? Mr Speaker who feels it knows it. In ariv en letan dan en lavi en , kot lepase pa devret ganny afron. En letan kot nou pou bezwen fer fas avek lepase.

Pou nou sirmont tou bann defayans e akerir lavenir avek bokou determi, pou natir en pli rezilyan e pli responsab. Kote? Kan? Akoz? Akfer - se bann kestyon ki nou pou bezwen demann nou menm e nou bezwen fer fas avek. Pli nou tarde pli nou pep pou reste divize avek lanmertim ou enn a lot. Ki a mon lavi pa devret pe kontinyen renye antre nou. Sa zoli miltikolor avek bokou valer imen.

En kot mon papa, i ou frer, mon manman ou tantin; mon ser ou kouzin, mon frer ou papa, mon piti ou *best friend,* ou garson ou zanmi lekol. En ki konekte e kot tou dimoun i konn tou dimoun. Napa ankor en lot pei parey Sesel en lot pep parey Seselwa.

Akoz ki tousala i ganny arive dan sa pei? Eski i ti

neseser? Kan eski Seselwa ti'n devlop sitan laenn pou son prosen? Mr Speaker tro bokou kestyon si nou kontinyen demande. Me pli gro kestyon se eski tousala in fer nou vin en egzanpler ki nou ti pou anvi vini?

Mr Speaker mon'n ganny sans koz avek enn de solda. I dir mwan - zot dir mwan poudir sa letan ler ou ganny en Lord ou bezwen egzekit ou Lord. Sansan si non ou pou riske ganny pouse menm ganny pini.

Mr Speaker dan tou travay nou konnen i annan sa bout ki pel "*any assigned duty.* " E sa si nou pa korpere pa fer nou tou nou konnen ki kapab arive.

Ki nou pou fer avek sa bann solda ki ti ganny Lord me i pa'n fer li selon son konsyans me in fer li selon son travay.

Mr Speaker mon donn en senp legzanp. En msye ki ler in koz ek mon i pa'n zanmen aret plere akoz i santi ki mannyer lenzistis ki mannyer lenzistis in fer li soufer. Nou tou kon li sa msye Beranger Pellissier.

Mr Speaker i rakont mwan ki ler i ti en drayver *taxi* i ti ganny en let sorti kot James Alix Michel i ti dir li "Vin dan mon biro."

Mr Speaker i dir li ou napa okenn *license taxi* ankor. Ou *license* i ganny pran dezormen ozordi. I annan 4 zanfan lo son lanmen enn i ankor dan ber. Ki sa msye pou fer i a ti konn nanryen lavi.

Me erezman bondye in pitye li e ozordi in vin en *successful businessman.* E si pa ti sa letap petet ozordi i ti ankor en senp drayver *taxi.*

Mr Speaker sa se en legzanp ki bles leker sa msye pa zanmen aret plere letan i koz lo sa sityasyon.

Mon pou demann avek Vis Prezidan oli sa *Blacklist*? Lekel ki responsab sa *Blacklist.* Eski i ankor la? Eski atraver sa Prozedlwa ki nou pase sa *Blacklist* nou ou ganny detrir enn fwa pou tou e Seselwa nou tou nou pou ganny menm sans dan nou pei?

Mr Speaker mon ti a kontan ki Vis-Prezidan i donn mwan en pti kontrandi lo la.

Diferan group Seselwa in eksplik Gouvernman lo ki zot espekte gannyen e ler sa Lalwa i vin an fors.

Mon pa pou la pou desid pou personn. Me sa Komite in travay san ses pou rod meyer solisyon pou reini sa pep. Mon kapab dir ki lentansyon ki sa Komite ler nou ti pe travay lo sa Prozedlwa, ti enn ki vreman enb. E mon oule met li rikord a okenn lenstans mon'n santi

okenn manm in fer sa travay avek okenn laenn, okenn vanzans e okenn akt malisye.

Nou'n sey nou mye pou kit tou Seselwa swa ki'n ganny afekte, swa ki'n vin en viktim swa ki vin en akonpli swa ki ti enplike e koupab i kapab resevwar lazistis. En pardon si zot vreman senser avek zot lekor swa, avek fanmir viktim. Parey mon'n fer resorti oparavan mon pa'n fer sa travay swa pou soutir personn, swa pou ensit okenn lemosyon dan personn.

Mon partisipasyon sete pou ede anmenn en pe konfor pou tou sa ki'n eksperyans douler sagri desepsyon menm langwas.

Mou oule fer zot par ki mon kontribisyon in senserman pou geri zot soufrans e reini nou konman en sel .

Mon oule osi fer kler avek bann la akonplis menm avek bann ki'n okazyonn sa bann douler e soufrans, ki mwan osi mon'n la pou donn zot sa sans pou demann en senser pardon e vin anpe avek zot konsyans. Apre tou dan lavi, i enportan ki ler ou komet en fot ou rekonnet ki en fot in ganny fer, ou aksepte ki ou'n komet en fot, ou rekonnet ki ou'n fer en fot, ou aksepte pou koriz sa fot. Ou senserman demann leskiz swa ou koriz sa fot, avek bi pou pa repete ankor. Sirman kantmenm i pou pran bokou letan pou sikatris disparet, me ou pou touzour santi ou lib akoz ou'n ganny kouraz e lafors pou ou rekonnet e demann pardon.

I pa en keksoz ki vin sitan fasil. Me si ou antreprann ou lekor ou fer dibyen pa'n zanmen baryer.

Mr Speaker nou'n trouv lo medya kot bokou Seselwa pe demann bokou keksoz o size sa leta ki pe arive ozordi.

Malgre petet mon pou ganny ridikilize - ganny ensilte pou bann komanter, mon konnen ki mon'n fer sa avek mon leker fer li pou byennet Seselwa.

Mon ti a kontan ki zot tou ti a ganny sa ki zot ti a dezire avek tou senserite. Lavi pa fasil me i depan li korperasyon.

Dan mon konpanny eleksyon sa bann keksoz ti monte. Eski *LDS* pou rod revanz i ganny mazorite? Mon larepons i senp e la mon repete avek zabitan Baie Lazare avek tou Seselwa ki mon pou kontinyen gard mon promes. Revanz pa'n zanmen vokabiler dan mon ka politik. Seselwa i bezwen bouze. Sesel i bezwen bouze.

Seselwa pa'n zanmen en in en, me plito en solider ki kapab sirmont lekspektasyon bokou. Nou lafors i reste dan nou diferans.

Mr Speaker parey mon kontan dir, 90mil zabitan en beni avek tou kalite ki ou pa pou ekspekte.

Ozordi mon fer li mon devwar pou enplor tou Seselwa nenport ki kote ou ete, avan ou met ou lanmen lo *keypad* ou telefonn – lo ou ordinater - avan ou pran ou bolpenn, pou gognarde – ridikilize, ensilte sa Lasanble, silvouple plis ki zanmen ozordi, ou pei i bezwen ou pou fer en diferans pou byennet ou pei e ou zabitan.

Demen i riske tro tar. Lasazes i en don enportan pou fer fas avek nenport evantyalite dan lavi. Ozordi plis ki zanmen, Sesel i bezwen lapriyer St Francois, e koman li ki Patron mon distrik.

Mr Speaker mon pou demann zot tou ozordi ler nou sorti la pou nou reget ankor en kou lo sa lapriyer. Ki dan sa lapriyer i dir *"Fais de moi un instrument de votre paix.*
La où il y a la haine que je mette l'amour.
La où il y a l'offense qui je mette le pardon.
La où il y a la discorde que je mette l'union.
La où il y a l'erreur que je mette la vérité.
La où il y a le doute que je mette la foi.
La où il y a le désespoir que je mette l'espérance.
La où il y a la tristesse que je mette la joie" ... e i kontinyen.

E son dernyen bout i dir ou si nou le ganny pardonnen, nou pou bezwen ganny pardonnen. *"Lord deliver Seychelles."* Mersi Mr Speaker.

(APPLAUSE)

MR SPEAKER

Mersi Onorab Adelaide. Bon mon annan 3 Manm ki lo lalis. E mon krwar ti ava bon nou pran en *break* la. Mon ti a swete ki nou ti a kapab fini ek sa *Bill* ozordi mon konnen nou bezwen al dan Staz Komite. Me nou ava regarde konman pou ale e si nou pou *extend* en pti pe apre 5er.

Avan nou pran *break* mon anvi fer tou bann Manm konnen ki desizyon nou'n pran dan *ABC* se ki demen nou annan *Sitting.* Me desizyon ki nou ti'n pran dan *ABC,* se nou rankontre 9er me nou pa pou kapab rankontre 9er mon pe regard bann lenformasyon ki pe rantre akoz i annan le 2 *Leaders*

e mon menm demen ki annan serten komikman ofisyel.

Nou pou alor rankontre 10er bomaten demen. *So* zis mon pe dir sa pou bann Manm fer zot bann preparasyon pou demen. *Ok* nou pou pran en *break* nou ava retournen 4er.

(BREAK)

MR SPEAKER

Bon nou ava kontinyen nou travay, e mon a pas laparol avek Onorab Flory Larue.

HON FLORY LARUE

Bonn apre midi Mr Speaker. Bonn apre midi Vis-Prezidan, bonn apre midi tou Manm e tou dimoun dan lakour.

Sa *Bill* devan nou i apel *Bill* pour en Komisyon lo Laverite, Rekonsilyasyon e Linite al. Akoz eski nou bezwen sa *Bill*? Ladan i dir ki vyolans i an relasyon avek labi drwa imen ki'n ganny komet pandan ouswa an relasyon avek koudeta ki ti arive le 5 Zen 1977. Ki ti arive le 5 Zen 1977? I annan ki dir ti en revolisyon. I annan ki dir Sesel ti ganny libere. Me eski nou koz lo ki aksyon ki ti ganny komet sa zour? En koudeta i en aksyon ki ariv souden, kot en Gouvernman lezitim i ganny ranverse par en pti group elit ouswa zofisye Gouvernman souvan avek sipor lafors larme e lapolis.

Dan plizyer ka, i ganny ranplase par en rezim Diktater. Plizyer pei ki'n pas atraver sa sistenm in vwar kot sa group ki ti partisip dan sa aksyon i akimil larises e prestiz e zot met bokou zefor pour defann sa pozisyon. E se pei e pep sa pei ki ranmas konsekans.

Sa aksyon i ganny klasifye koman en aksyon ilegal kont sa leta e kont sa pep. I pa en fot, i en krim traizon kont pei. Isi Sesel en sel dimoun in deza ganny akize pour traizon e sa sete msye Hayge Pierre koni koman Tito ki ti toultan vokal lo son lopinyon kont sa aksyon koudeta e prensipalman kont ansyen Prezidan France Albert Rene.

Napa okenn lezot dimoun ki'n deza ganny sarze avek sa krim. Pourtan in arive. Me pourtan nou ti annan en koudeta dan sa pei. Ansyen Prezidan James Michel ti osi partisip dan sa aksyon. Eski i ti ganny rekonnet pour son rol ki i ti zwe dan levennman le 5 Zen 1977 letan ansyen Prezidan Rene ti pas baton avek li apre? Eski zot pour dir nou zot rol dan sa koudeta? Eski nou'n arive koman en pep oubliye ki sa levennman ti en krim kont nou

pei? Sa i en laverite dan li menm. Sa i *VRE LAVERITE.* I en fe. E napa personn ki pour kapab kontinyen sey detourn sa laverite.

Apre sa lensidan, nou'n vwar bokou bann aksyon ki san *Bill* i ganny liste koman vyolasyon, tel ki;
Mert ilegal,
Lanprizonnman ilegal e
Deprivasyon laliberte,
Tortir,
Vyol,
Disparisyon,
Lanlevman,
Eviksyon ilegal e dan lakaz ek later prive;
Lakizisyon ilegal propriyete ouswa biznes;
Pa donn dimoun lanplwa akoz zot afilyasyon;
Termin lanplwa malapropo,
Fors dimoun al egzile, e aksyon ki'n anmenn bann troma fizik ouswa mantal.
En lalis ki pa zwaye ditou. Me par kont in ganny liste akoz in arive.

Me anba Parti Inik tou lwe avek 5 Zen 1977. Pour bann ki zot pa'n ganny touse oubyen pa'n eksperyans okenn sa bann aksyon, pran en moman e mazinen. Mazinen ki'n arive avek lezot. I pa'n ariv *Lafrique, L'Australie,* Lasiri, ouswa Larisi, me in ariv isi Sesel avek nou frer ek ser Seselwa.

Sa bann aksyon in tromatiz sitan kantite fanmir ki'n arive ozordi ganny rekonnet plis ki 40 an pli tar nou ankor pe santi son bann reperkisyon. Letan en endividi i sibir okenn sa bann aksyon ki mon'n site zot bezwen rod led akoz zot in ganny afekte dan en fason ki abnormal, e zot pa pour kapab fonksyonn parey enn ki pa'n pas atraver sa bann keksoz. E sa led ki ed zot fer fas avek sa sityasyon i anmenn en gerizon ouswa en rekour pour zot soufrans.

Mr Speaker atraver ou, Onorab Gill avek tou respe ki mwan annan pour li okenn nivo devlopman napa okenn nivo devlopman Onorab dan en pei, ouswa nivo ledikasyon personn, ouswa larises personnel personn ki vo okenn krim ki'n ganny komet pandan sa peryod. Nou'n koz lo respe. Nou'n koz lo senserite - san sa respe e senserite de lapar Gouvernman nou pa pour bouz devan.

Mazin byen ki mannyer nou prosede. I pa zis en prosesis, i bann fe reel, e i enkli bokou soufrans. Depi le 5 Zen 1977, bann Seselwa ki'n soufer e lezot in toultan rapel sa lensidan par moniman 'Zonm Lib' - en moniman ki ankor debout pour komemor en levennman ki ti en zour nwanr

dan nou listwar pour bokou dimoun e napa nanryen pour nou fyer ladan.

Sa i en landrwa kot Parti Lepep i kapab komanse par retir sa stati e al pli lwen pour rann pep Seselwa Maison Du Peuple en Do ki ti ganny fer a pep Seselwa antye.

Sa bann aksyon pour kapab komans anmenn sa rekonsilyasyon al; bann aksyon ki nou fer pour montre respe e senserite sa Gouvernman e son bann manm.

Wi Mr Speaker mwan ti a kontan dir Onorab Pillay atraver ou listwar pour zize, listwar pe zize. Plitar en konsiderasyon i kapab ganny mete dan Staz Komite, nou kapab diskite pour kapab mete ki dimoun i kapab vin devan pour klarifye osi byen Leta, akoz Leta osi ti ganny vyole. Tel ki lekel vre propriyeter Maison Du Peuple e lezot byen Leta. Byen Leta i bezwen ganny konsidere.

Koman en pep nou osi nou bezwen aksepte e regard sa bann fe an fas. Se sa ki anmenn nou kot sa *Bill.* I anmenn en loportinite pour get dan nou pase. Dan pase sa bann endividi ki'n ganny afekte e sa atraver fer fas avek nou laverite, ki nou pour kapab kontinyen nie ki nou pour kapab finalman met li deryer nou. Bokou lopinyon in ganny donnen lo sa *Bill.* I normal tou dimoun i annan drwa son lopinyon.

Me pour komans lo sa semen rekonsilye en pep, kot fanmir in vir kont kanmarad, kot larises pei in ganny abize, kot pouvwar bann lofis in ganny servi pour abes lezot e abiz lotorite. Nou drwa nou lekor en platform pour anmenn revelasyon devan pour geri nou pei.

Akoz vre laverite, mon frer ek ser Seselwa se aksyon koudeta ki ti en krim. En krim ki nou pa oule nou pei i pas ladan ankor.

Mr Speaker, nou viv dan en pti pei antoure par losean e an zeneral tou dimoun i konn kanmarad. Letan ou zwenn en dimoun pour la premye fwa souvan sa dimoun i plas ou e i rakont ou ki mannyer i konn ou fanmir ou li menm fanmir avek ou. Akoz nou groser nou grander, nou souvan tann dimoun pe akont bann fe lezot dimoun pe enport si an byen ouswa an mal, akoz tou dimoun i konnen ki pe pase *chez* lezot. Bokou dimoun in koz lo bann gran laliny bann levennman, asosye ouswa lye avek le 5 Zen 1977.

Me bann fe sa i ganny koz dan fernwanr. E napa bokou dimoun ki koz piblikman lo la. La loportinite in vini pour bann ki konn bann detay, pour ede dan sa parkour laverite, ede pour devwal laverite pour bann ki'n soufer, ede klarifye kwa egzakteman ki'n arive e dan sa prosesis donn nou pei en sans pour anmenn sa Linite al.

Me parkont Mr Speaker viktim i annan bokou e zot in sey zot mye pour plenny zot sor, me sirtou zot douler. E se pour sa rezon ki ozordi nou'n kapab ganny sa *Bill* ki devan nou pour fer sa prosedir dan en fason kot nou kapab kekfwa klarifye bann fe. Mon'n annan en gran privilez Mr Speaker pour travay avek msye Alexander Pierre ki'n osi sibir lefe lavi an egzil atraver son *channel* lo *YouTube* apele *"Seychelles Daily TV,"* i ti osi dan son fason komans sa tandans revel bann fe e donn dimoun en loportinite ouswa en platform pour komans eksplik zot laverite.

E se sa ki sa komisyon pour ofer. Me dan en fason byen ankadre e legal avek opsyon anmenn bann aksyon. Mon donn sa legzanp pour ekler dimoun ki sa in deza komanse e nanryen pa'n arive ki drastik me bann fe in komans ganny devwale.

La mon pran en moman pour remersye en msye ki mon pa pour nonmen, ki reste dan Les Mahe, ki'n an kontak konstan e ki'n donn mwan bokou lenformasyon lo bann lensidan tre detaye. Mon remersye li bokou. Sa msye ti ed mwan pour idantifye msye Michel Roucou ki ti pe travay avek msye Berard Jeannie kot armri le 5 Zen 1977 pour kapab fer en *interview* lo *"Seychelles Daily"* pour reviv sa lensidan.

E dan sa *interview,* msye Roucou i dir nou ki se premye fwa en dimoun i vin rod en revi avek li - 40 an pli tar.

Msye Roucou i anmenn bann lenformasyon ki'n ed lafanmir Jeannie ganny plis detay sa ki ti arive avek zot frer Berard. E dan sa *Bill* nou bezwen akeyir bann ki pa ganny akize koman en agreser ouswa en akize pour anmenn zot laverite. Sa bann ki vin devan volonterman dan sa fason, i bezwen ganny rekonnet. Sa bann temwen i kapab ki ti dan servis militer ouswa lapolis, ouswa vwazen, ouswa dan zalantour bann lensidan. Kekfwa zot ti war en dimoun ganny forse met dan en transport.

Petet ganny lord pour transport en dimoun ki zot pa ti konnen lekel sa letan. Zot in

temwanny en lord pe ganny donnen pour fer en aksyon, ki ti ganny fer par en lot dimoun.

Ozordi nou Sesel i bezwen tou son zanfan pour devwal laverite e tou laverite pour anmenn sa Linite al ki nou pe koz lo la.

Bokou bann viktim pa'n kapab pourswiv zot ka akoz mank levidans. In osi annan bokou lafreyer bann temwen ki'n anpes zot anmenn bann lasistans neseser. Zot ti per bann reperkisyon kid an sa lepok Parti Inik ti reel.

Atraver sa *channel* lo *internet,* mon'n fer plizyer *interview* e enn ki'n mark mwan bokou e mon ti vin vreman emosyonnel, ti en *interview* ki mon ti fer avek madanm Carlette Ball ki ti eksplik mwan an gran detay disparisyon son partener, papa son zanfan.

Sa ti ariv le 13 Out 1977, me menm 40 an apre ann Avril 2017 letan mon ti koz avek sa madanm son douler ti palpil e tanzib. Menm apre tou sa lannen larm madanm Carlette ti koul fasilman e volonter letan i ti rakont sa lensidan. I ti pler pour son lekor e ti pler pour son zanfan akoz disparisyon zot papa. Msye Hassan Ally ti ganny pran dan son transpor e zanmen in ganny vwar ankor. San leksplikasyon, san rezon ki'n kapab ganny eksplike ziska ozordi. Pe enport rezon deryer sa bann aksyon napa nanryen normal ouswa akseptab dan son disparisyon.

Me bann fe i bezwen ganny revele e dimoun i bezwen konnen ki ti arive sa zour, pour fer sir okenn bann rezon ki ganny donnen pour sa aksyon, pa ganny repete ankor dan nou pei e sirtou vre fe sa ki ti arive ganny revele.

Si madanm Carlette i deside partisip dan sa prosesis sa *Bill* i donn li en loportinite pour an fen kapab met sa bann fe ki li i konnen dan en konteks ofisyel e ganny rekonnet. E bann ki konn okenn levidans lo sa size, a ganny en loportinite pour asiste madanm Carlette avek son laverite, son bann larepons son bann kestyon, e trouv son lazistis atraver sa *Bill.* Sa lensidan Mr Speaker i vreman tris, me sa ki fer li pli tris i ki i annan bokou sa bann lensidan ki vreman doulere ki ankor bann mister.

Me parey mon'n mansyonnen avan, Sesel i telman pti e menm a sa lepok popilasyon ti en demi sa ki i ete ozordi, tou dimoun ti konn kanmarad e osi sa ki zot ti pe fer. Me depi 1977, in annan Parti Inik e bokou levidans i montre ki Leta ti annan en rol

kle pour zwe dan sa bann lensidan. Me pour diferan rezon tel ki mank levidans; mank komitman pour trouv larepons, ouswa zis en konplisite ant Leta avek bann ki'n fer sa bann aksyon, sa bann dimoun i reste san en rekour pour ganny lazistis ouswa lasistans pour kalifye.

Pour bokou ozordi, sa lazistis i kapab senpleman zis ganny en leklersisman lo ki egzakteman ti arive. Dapre sa plis ki 300 form ki ti ganny ranpli e konsidere par Komite Lasanble letan zot in vwar ki plizyer bann viktim in pare pour zis antann laverite, sa bann lensidan pour zot oner, zot bann pros ki'n perdi lavi.

Pou bann ki pa'n perdi lavi met zot in perdi later, perdi zot biznes, perdi zot laliberte san rezon parey msye Dingwall, msye Robin Sullivan, madanm Carlette Tall li menm, e en gran lalis dimoun ki mon pa pour kapab fini nonmen, zot osi zot annan zot douler ki zot ankor pe mars avek. E menm atraver zot fanmir e zot zanfan.

Mr Speaker apre i annan bann ki an menm tan ki zot ti sibir sa bann aksyon ti bezwen al egzile aletranze. Zot ti bezwen kit zot Pei Natal akoz sa bann sityasyon ki ti komans avek bann aktivite lye avek *SPUP* e koudeta 5 Zen 1977. Bann ki pe ekout nou deba ozordi, fer zot bann fanmir ouswa zanmi ki ti al egzile pour re-ekout nou deba lo enternet. Ankouraz zot pour vin partisip dan sa prosesis. Ozordi nou annan *skype* e lezot teknolozi ki permet zot partisip san menm deplase.

Dan *Bill* Mr Speaker i eksplik lalis bann vyolans e osi fason pratik ki sa Komisyon pour fonksyonnen. Mon dakor avek merit zeneral sa *Bill*, me i annan serten mo ki pour debat lo la ki pour bezwen ganny amande ouswa azoute, pour fer sa bann lareg vin pli kler posib. Sa *Bill* Mr Speaker i permet ki tou i kapab ganny revele.

Mon annan privilez letan mon ti fer mon bann *interview* pour zwenn dokter Ferrari ki li koman enn bann ki ti form par Gouvernman sa lepok, ansanm avek Mr Albert Rene ki ti Prezidan, in osi fer en pa pour vin rakont sa ki li i konnen lo serten sa bann sityasyon lo *interview channel "Seychelles Daily TV."* In form par bann premye pour vin devan e esey eksplik son lekor. I ankor avek nou e mon asire i pour partisip dan sa prosesis li osi.

I annan ki dir ki i pa pe eksplik parey i ti arive alors la loportinite pe vini pour kolabore

e eklersi bann fe, vin devan, pa ezite, vin klarifye. Sa *Bill* i demande ki laverite si sorti apropos sa bann levennman dan en form ankadre; kot tou dimoun i konnen kote zot debout. Sa viktim i ganny en platform al kot an fen sa bann fe otour sa lensidan spesifik i pour ganny anrezistre e bann ki'n enkli dan fer sa bann aksyon i ganny loportinite pour vin rakont bann laverite e devwal bann fe par anmenn lazistis konplet.

Bill i devret pran konsiderasyon pour fer prosedir piblik ouswa prive. Apre tou sa ki zot in pas ladan sa pouvwar pour swazir, i devret avek bann viktim. Me si zot deside pour fer li prive i devret annan bann lareg kler lo ki mannyer sa i ganny dokimante pour lefitir, akoz sa prosesis i osi pour promot en Linite al pei pour sorti dan sa enpas kot nou ete.

Mon'n zwenn plizyer Seselwa ki dir an fen nou'n pare apre 40 an zot anvi vin dir sa ki zot konnen. I annan ki anvi vini pour ki zot klersi zot konsyans. I annan ki dir zot pour vini akoz zot santi ki zot pour zwe en rol pour revel bann lensidan. I annan plizyer rezon ki dimoun i anvi vin donn levidans sa ki zot konnen. Sa i pwen ki bezwen ganny byen konsidere akoz si sa ki'n komet sa fot pa vin devan li menm, e se bann temwen ki ti vwar bann aksyon ki pour eksplik zot ki'n arive. Alor i dan benefis tou dimoun, sakenn i pran son responsabilite pour devwal sa ki zot konnen.

Dimoun i anfen santi zot lib dan zot prop pei e zot anvi dir laverite. Sa i en laliberte pour nou pep an antye. I osi aplik pour bann ki eparpiye partou dan lemonn antye. Zot osi nou envit zot pour swiv atantivman evolisyon sa *Bill* e osi zot partisipasyon dan sa prosedir.

Pa ezite bann ki kapab kontribye dan bann prosesis ki nou pe pas ladan me osi lezot. Sa *Bill* i adres zot dan form rekonsilyasyon. Le fe ki sa bann keksoz ki zot in pas ladan pour ganny idantifye koman reel, ki bann preteks ki ti ganny fabrike tel ki vann zot biznes anba bann dokiman otantik me anba bann sityasyon forse a ganny revele. Nou bezwen zot kontribisyon pour byen dizern bann aksyon ki ti pase.

I annan en dikton an Angle ki dir *"the truth will set you free."* Mwan mon krwar ki sa i vre. E letan nou koz laverite nou koz lo konsyans. Si en keksoz i mal ozordi i pour mal demen. Dan nou kiltir nou dir "tou sa ki ou senmen ou pour

rekolte." Alor laverite pour bezwen sorti e sa moman in arive.

Mon krwar ki nou pei pe rekolte konsekans 5 Zen 1977, 41 an apre. Enn bann pli gran konsekans i en divize. Dan tou pei i annan dimoun ki ale pour en meyer lavenir. Me plizyer Seselwa ti ganny forse atraver diferan form. Zot ti bezwen pran zot zanfan e kit dan fernwanr avek en lafreyer terib.

Zot ti kit tou zot keksoz deryer, zot travay, zot zanmi, zot lakaz familyal avek tou zot souvenir, e zot ti kit zot fanmir. I annan ki zot paran in mor Sesel e zot pa'n kapab retournen pour menm donn sa dernyen respe. E la mon mazin msye Olden Pierre ki pa ti kapab menm vin anter son frer. Msye Hayge Pierre ki ti mor par bann sirkonstans doute li osi. Hayge Pierre i osi sel Seselwa parey mon'n mansyonnen ki ti ganny sarze avek traizon kont Leta. Mon repete en sarz ki pa'n zanmen ganny anmennen kont bann ki ti komet koudeta. Ki '*LI* ti en krim traizon.

Mon papa ek tou son bann ser ti kit Sesel e al viv *L'Angleterre.* Sak fwa ki nou ti al en bal Seselwa e sa sanson *''I am going back to the Seychelles''* ti zwe bokou adilt ti plere. Lemosyon ti for parmi bann ki ti forse ki zot pei. Pou bann ki'n kit dan sa fason, *(sniff)* (pardon Mr Speaker) Leta i drwa zot tou en rekour ouswa loportinite pour retourn Sesel. Pa zis atraver sa komisyon me atraver polisi spesifik pour fer zot retourn Sesel avek akse later e loportinite lanplwa en keksoz reel. Koman en zanfan avek en paran an egzil mon ti ti reste avek zis en paran e mon ti vwar mon lot paran zis en mwan dan 1an. Menm si mon paran ti'n separe, zot ti a kapab tou le de pe reste Sesel.

Me sityasyon pa ti permet mwan papa rezid Sesel, akoz son afilyasyon avek Lopozisyon *''underground''* sa letan. Bokou fanmir ti separe pour plizyer lannen san vwar kanmarad. Pandan sa bann lepok ti annan en *Blacklist* bann Seselwa ki ti napa drwa retourn Sesel.

En legzanp kler i denigrasyon en zenn manmzel, madanm Kathleen Pillay e koman en Seselwa an arivan lo *Airport* Pointe Larue, ti ganny trennen lo *tarmac,* e ganny forsaman mete lo en avyon pour retourn kot i ti sorti pe enport kote. Me sa madanm Seselwa pa ti kapab reste dan son pei.

I ti ganny deporte Mr Speaker dan son prop Pei Natal. Nou bezwen rekonsilye nou . E pour fer nou bezwen aksepte ki

plizyer aksyon avek plizyer degree in arive e nou bezwen koz lo la.

Dan sa *Bill* sa mo signifikan dan Lartik 7(2) i ganny retire, i devret ganny retire devan 'ditor' akoz tou ditor ki'n ganny eksperyanse par en viktim i signifikan. Nou pa kapab met en degre lenportans lo la akoz bann viktim in soufer. E sa nou pa kapab zanmen mezire.

Rekonsilyasyon pour vin atraver bann sityasyon endividyel an mezir sa viktim i vwar ki mannyer pour adres lakize dan son ka. E zot fason eksprim zot remed pour soufrans ki zot in pas ladan zot menm a kapab ede pour anmenn sa Linite al ki nou pe rode.

Mr Speaker, sa bann temwannyaz a anfen donn nou en portre kler nou listwar. En lot dikton kreol i dir, "fodre ou konnen kot ou sorti, pour konnen kote ou pe ale."

Sa a ganny garde pour nou fitir zenerasyon. Mon sizere ki sa i ganny fer dan form en mize. Konsiderasyon serye i bezwen ganny pran par L'Egzekitiv pour fer en moniman pour reprezant bann viktim sa peryod e tou bann ki'n egzile akoz sa levennman.

Sa osi i bann aksyon apard sa Komisyon ki Gouvernman ki ti annan en lyen direk avek 5 Zen montre son vre remors. Dan sa traze i pa pour fasil. Mon'n dir en mon repete, nou en pti pei, i annan ki pour ganny afekte negativman dan sa prosesis e i kapab en manm enn nou prop fanmir ouswa zanmi. Me sa i pour nou pei e nou fitir. Annou osi set met konfyans dan labonte imen pour pardonnen. Pa tou ki pour kapab e pa tou ki pour oule.

E la mon mazin mon zanmi msye Bernard Sullivan, Bernard ki li ek son bann frer in osi al dan prizon san rezon menm pour plizyer lannen a la fwa menm ziska resaman e menm perdi propriyete pour osi kapab servi sa *Bill* pour vin rod zot laverite. Me finalman atraver sa *Bill* mon espere ki sa fanmir antye i a trouv zot lazistis ki zot pe rode.

Mr Speaker mon demann piblik ki letan Komisyon i formen, pour byen swiv bann prosedir atantivman. Bann lenstriksyon kler a ganny donnen lo ki mannyer pour prosede e fodre pa zot ezite pour rod leklersisman. Sa *Bill* in ganny ekrir pour tou bann ki ti enplike. Alor pa ezite pour eksprim zot lekor e vin direk kot

Komisyon. Menm si zot santi ki i annan okenn lamannman ki bezwen ganny fer, ouswa sizesyon - sizesyon ki zot oule fer, kontakte nou toudswit pour propoz sa. *Facebook* i en platform parfe pour donn nou lopinyon. Me sa *Bill* i tro enportan pour zis poste ou pwennvi lo medya sosyal. Desizyon ki nou fer dan meyer sa *Bill* i ganny drafte, i vreman enportan. Ed nou pour eksprim klerman zot lopinyon e sizesyon.

Se avek zot led ki mon garanti ki sa Lalwa pour kapab akonplir son bi prensipal, e anmenn vre Rekonsilyasyon al ki pour zot.

Sa i en moman, ki mon ensit zot pour formelman sey ganny kontak avek bann Lezislater lo tou le de kote latab pour anmenn zot pwennvi devan. Deza i annan bann lenformasyon sansib en konfidansyel ki'n deza ganny donnen avek ansyen Komite Lasanble. En manm piblik in eksprim avek mwan son konsern lo sekirite sa bann dokiman, e si zot pour ganny devwale avek Komisyon.

Sa pa dan *Bill*, me petet *ex-Chairman* Komisyon a kapab pran sa an konsiderasyon e donn en direktiv lo ki'n arive sa bann dokimantasyon pour etablir konfyans dan prosesis ki'n ganny adopte pour transmet dokimantasyon.

Leklersisman pour bezwen ganny donnen, lo si bann ki'n ranpli form Komite al pour osi ranpli form avek Komisyon. Bann ki pa kler i pour bezwen demann gidans pour bann lasistans ki zot bezwen. Akoz en keksoz ki nou pa oule fer Mr Speaker, i kit personn deryer, akoz zot pa konpran e zot mank sa loportinite pour eklersi tou.

Alor nou bezwen repete e repete ziska ler tou dimoun i konpran ki pe pase. Sa Lalwa i riske pa parfe pour tou dimoun. E sa Lasanble in vin avek en konsyans kler ki'n propoz sa ki i krwar i mye pour nou pei. Nou konnen ki nou annan sa listwar e nou bezwen annan en komansman pour geri nou pei e la i la. Alors si zot santi i annan mankman pa ezite pour anmenn propozisyon devan avek bann sizesyon ki konstriktif.

I fasil pour denigre, me pour kapab konstri fodre ou donn solisyon. Mon'n ganny dir mon parmi sa ki nou konsider koman en zenn *MNA*, me mwan osi eksperyans lavi avek kominote bann an egzil an *L'Angleterre*. Lavi pa ti fasil pour zot letan zot ti fek ariv

laba. Me zot in persevere dan en pei ki pa ti pour zot.

Mon'n tann bokou listwar e mon'n zwenn bokou endividi ki'n ganny afekte. Mon'n sibir konsekans 5 Zen 1977 akoz mon ti en viktim sa bann sirkonstans. Mon siport sa *Bill* pour vwar formasyon sa Komisyon akoz sa travay i pour nou tou.

Letan mon ti entervenir lo Mosyon Onorab Wavel Ramkalawan lannen pase letan i demande pour siport formasyon Komite Lasanble pour Laverite, e Rekonsilyasyon, mon ti dir ki msye France Albert Rene ti ganny apele' Papa nou '. Msye Rene i ankor vivan. Koman son rol papa e koman en dimoun kle dan le 5 Zen 1977 - koman sa enn ki zot apel li 'Papa La' mon enplor li ankor pour ed sa pep retrouv respe e ede pour anmenn linite, par pran loportinite pour vin devan e rakont nou si i annan okenn konesans bann fe, ouswa levidans bann fe, ki kapab ed okenn sitwayen ki vin kot sa Komisyon. I osi son devwar koman en ansyen Prezidan.

Linite nou Mr Speaker pour vin letan nou'n aksepte douler bann ki'n soufer par bann ki pa'n soufer. Nou pa kapab kontinyen kasyet nou latet dan disab.

Sa bann keksoz in arive avek nou bann frer ek ser, zot in soufer e zot ankor pe soufer. Annou koman en sey mars dan zot semen laverite. Letan nou tou nou konn laverite la nou a kapab bouz devan. Mr Speaker mon remersye ou pour donn mwan sa letan pou entervenir lo en *Bill* vreman kle e istorik dan nou listwar. An fen apre 40an nou pei i pare pour regard laverite an fas. Mersi.

MR SPEAKER

Mersi Onorab Larue. Mon ava donn laparol Onorab De Commarmond.

HON CHARLES DE COMMARMOND

Mersi Mr Speaker. Bonzour tou dimoun, bonn apre midi. Mr Speaker mon ti'n anvi la a sa moman kriy "Viv Larevolisyon."*(laughter)*

Ou konnen mwan pase, *well*, le 14 Zilyet, nou ti ganny envite kot lanbasad, Lanbasader Franse ti organiz en aktivite pour selebre le 14 Zilyet e prezan mwan ki fer en pti git listwar nou pe mazinen *La Bastille* 1814, en senaryo worse ki sa ki nou pe koze, e ki Franse ankor pe selebre ziska

ozordi. Zis mwan pran sa mon poz sa la.

Aprezan mon'n ganny detrwa *text* avan mon koze kot dimoun pe dir mwan be pa bliye mansyonn Leta Mersener; akonte ki ti arive, en bann ti perdi lavi zot osi, bann ti ganny blese, *and whatnot*. Konmsi mon pe dir sa fodre pa - fodre pa atraver nou koze dan sa pour adres sa sityasyon ki devan nou, olye aranz keksoz, nou deranz keksoz.

Nou tou la dan sa Lasanble, e mon krwar sak pep Seselwa osi i annan son zistwar a rakonte. Nou tou san eksepsyon nou annan serten mark direk ou endirek. E mwan osi san eksepsyon - me pourtan le 5 Zen 1977 mwan Vis-Prezidan, Onorab Ferrari, Onorab Ramkalawan, nou ti lekol nou, kolez mon rapel mon ti dan *Form 1V* sa letan mon pa ti kapab dan sa senaryo laba.

Me ki mon oule dir se ki, kantmenm nou ti laba pe lekol, epi plitar mon kouzen, mon kouzen ki mon vreman, vreman *close* avek *li* epi detrwa lannen apre i ti ariv dan prizon laba. Prezan mon dir be ou pa ti dan *SPUP* ou? Ou pa ti dan sa parti ki'n - ou konpran? Mon annan mari mon kouzin, mon kouzin mon'n grandi ansanm ek li parey en ser pour mwan, son msye li ki fer mwan vin en manm Parti Lepep, *SPPF* sa letan. Mon pa ti ankor en manm, mon vin en manm.

Epi pli tar i osi i ti dan prizon laba. Konmsi mon demande ki'n arive? *So* sakenn i annan son zistwar a rakonte. Mon pa oule al dan sa bann keksoz. Selman mon pe dir nou tou, nou tou nou annan en keksoz.

E Mersener le 25 Novanm '81, be mwan mon pe *practice* sa Minister Ledikasyon, pa ni kapab mont dan lakour kot mwan. Mon'n bezwen reste Mont Fleuri kot defen Mathew Servina. Be si mon al akont zistwar prezan msye Mathew Servina ki mon'n kot li en pe letan mon kapab dir, i ti en Minis sa letan e tou sa ki'n pase? Sanmenm sa mon dir 'nou tou la' nou annan en zistwar a rakonte e nou tou nou kapab reklanm isi, reklanm laba e napa en finisyon.

Me le bi nou aktivite nou, e Komite letan nou ti'n etablir se pour fer travay nob, en travay ki pa'n zanmen ganny fer dan Sesel, en travay istorik. E sa moman ki nou ladan nou bezwen sezi li e fer sir ki nou pa fer fot, fer sir nou anmenn sa travay lo sa nivo ki pour anmenn nou pep ver *healing process*, ver en *closure* dan tou

sa bann problenm la. Dan rekonsilyasyon, dan letablisman Linite al par rakont laverite bann keksoz ki pase.

Mwan plizyer dimoun, solda, serten pa solda osi sivilyen, ki'n akont mwan troma ki zot in gannyen avek serten zofisye dan larme ki ankor la, zot la ater. *So* diferan keksoz a diferan moman. Parey mon pe dir zot sakenn i kapab dir son keksoz. Be selman nou sa Gouvernman ki la, *leadership* nou parti, Parti Lepep, i vre ki en *derogative of SPUP*, mon pa pour dir non. E Prezidan Faure ozordi i annan en *political will* pour anmenn *closure*.

I annan en *political will* dan nou pei pour anmenn Linite al, pour anmenn rekonsilyasyon. E nou tou nou'n ekout Prezidan Faure kot in demann pardon lo *behalf* nou parti, lo *behalf* Gouvernman pour bann keksoz ki'n arive ki nou kapab konsidere mal, pour serten dimoun - *Leader* Lopozisyon letan in koze in dir pour 0.5poursan nou popilasyon - *ok* konpare avek serten lezot pei kot in bokou, en kantite, bokou plis ki sa.

E nou, nou believe dan sa legzersis ki nou'n fer. E mon pour osi met lanfaz travay sa Komite ki'n anmenn nou kot nou ete ozordi in en travay senser, in en travay kolektiv, in en travay egzanpler e en travay ki mon war bann *file* i ankor la la. Napa nanryen ki'n perdi, nou'n anmas byen nou rikord, nou bann rikord in byen etablir e sa rikord nou pa pour al avek, nou Komite pa pour al avek sa rikord, nou pour pran li, nou pour pas avek sa Komisyon.

Sa Komisyon prezan li i pour anmenn sa travay lo en lot nivo, e ki pa nou Komite ki pour deside. E nou Komite nou'n fer keksoz ki zanmen in arive dan listwar Sesel. Ler nou'n donn nou rapor, nou'n donn sa Prozedlwa e sa Prozedlwa i pa fini dan li menm i *subject to amendments;* i *subject to improvement* pour fer sir ki nou ariv kot nou oule arive avek rekonsilyasyon e *closure*. Mon ti kapab la mansyonn Onorab Ferrari.

Mon pa bezwen mansyonn Onorab Ferrari la mwan, akoz nou travay i pli gran sa. E mon asire Onorab taler letan i pour koze i pour anmenn osi sa dimansyon ki mon pe koz ladan, ki e i *believe* ladan.

E nou mon krwar mwan si nou anvi reisir dan sa travay ki nou pe fer, pour le moman ki mannyer mon war li, se ki nou bezwen rezourd bann sikatris lepase. Pour mwan se pa zis rezourd. Boner zot in koz lo en

boubou - non be i annan par fwa en boubou ki si ou pa tir sa lakourt lo la pour donn li son gerizon konplet, i pour sibir serten le fe anba la. Ou konpran? E nou sa ki nou pe anmennen ozordi dan nou Lasanble, Onorab Basil mon'n apresye sa ki in fer resorti e son lemosyon ozordi i ti vedir en kantite pour nou Lasanble e pour nou pep.

E pour mwan se dan sa lespri ki nou devret abord sa travay ki devan nou, e pour ede pour anmenn *closure* dan tou sa bann keksoz ki nou kapab krwar i mal e ki'n arive ki pa byen dan nou pei.

E atraver aksyon, oubyen aktivite 5 Zen 1977. Mon asire mwan ki letan sa aktivite ti ganny fer i pa ti ganny fer avek sa bi. e mon'n aprann dan letan ki mon'n koze avek plizyer dimoun zot in dir mwan, ti ganny dir "fer sir napa en gout disan ki koule" me pourtan in arive. *Ok?* E apre sa mon'n aprann pa tou keksoz ki'n arive ki'n ganny *directive from above.*

I annan dimoun ki'n abize dan son pouvwar. E sa nou bezwen aksepte, i annan dimoun ki'n ganny donn responsabilite ki zot in al an plis. I annan dimoun ki fer malis son kanmarad. I annan vwazen par zalouzi, i annan tousala mon'n aprann dan mon resers lo sa bann keksoz ki'n anmenn nou lo sa travay ki la devan nou ozordi. I annan dimoun ki'n dyanm son kanmarad parey nou dir an Kreol, e ki'n fer ki prezan i annan aksyon ki pa korek, pa normal ki'n ganny fer.

Me tousala nou pa kontinyen avek. Non mon pe dir laverite ki mwan mon'n, atraver mon resers mon'n trouve. E alors sa bann keksoz nou pa pour kapab kontinyen avek, pa kapab kontinyen apel sa pei la, i pour nou tou, e prezan nou bann zanfan, i pa pour kapab kontinyen diriz pei. E a tou moman nek sa zafer lepase i vin *haunt* zot. I vin konmsi pour anpes zot anmenn sa linite pour napa linite si nou pa fer atansyon. Me i pa pour kapab koumsa.

Alor mwan mon krwar pour dir nou'n ariv en staz nou e dan nou pei ozordi si ou kalkile Mr Speaker nou vwar pour dir i annan bann *challenges*, bann *issues*, bann problenm ki nou pe gannyen ki depase borde politik, ki depas si nou annan en problenm oubyen non.

E pour nou abord sa bann problenm sa bann *challenges*, si nou pa pe met lespri 'ansanm' pour nou travay 'ansanm'

koman en pep, koman en anba Linite al zanmen nou pour kapab arive anmenn en solisyon pour nou bann problenm ki pli gro ki nou.

Alor sa legzersis ki nou pe fer, sa Prozedlwa ki devan nou pour etablir en Komisyon pour Laverite, Rekonsilyasyon al, Rekonsilyasyon e Linite al i en travay enportan ki pour anmenn *closure* dan sa ki nou, dan sa bann atrosite - sa bann keksoz ki'n arive ki mal; ki mal - nou pa pe dir i byen e ki bezwen anmenn en solisyon *closure* pour ki nou zanfan i kapab afront lavenir ansanm dan sa linite ki nou, nou pe rode ozordi.

E ki petet nou menm nou ti a kapab akoz mon krwar nou annan en grander lespri ki pour kapab anmenn, rod sa linite e ganny li apartir la ki pour ki nou zanfan i kapab anmenn sa pei pli devan ki nou, nou'n anmennen.

Mr Speaker mon dir sa avek tou senserite. I pa normal - i pa normal ki Onorab Ramkalawan ek mwan ki'n lekol kolez, nou'n en zanmi ozordi akoz sa bann problenm son zanfan ek mon zanfan pa pour kapab pran sa pei pour anmenn devan?

Be nou bezwen rod en fason. E pourtan zot byen. Zot pa ni, pour zot dan zot lespri i pa devret annan sa keksoz la, sa problenm be pa kapab si zot pe fer sa travay ansanm demen nek sa aktivite ek sa bann keksoz ki'n arive *around* le 5 Zen, i vini konmsi i deranz zot dan lespri travay ansanm pour lavenir Sesel.

Mwan mon get li dan sa fason e san ki pour blanm personn, san ki konmsi montre ledwa lo personn, mwan dir mwan ki atraver sa Prozedlwa ki la i ava pran sa *issue*, e anmenn li lo en lot nivo kot Komisyon i a ganny etablir, si i annan serten sanzman dan Lalwa, nou ava fer li taler, oubyen demen, me ki an menm tan i a fer ki nou kapab etablir sa Komisyon pour nou kapab rezourd sa problenm e met *closure* avek sa bann *issues*.

E mwan mon krwar moman i *opportun* akoz napa en lot moman dan nou listwar kot in annan sitan volante politik pour kapab *attend* sa lobzektif. E mon panse si nou pa size sa loportinite byen e pa fer li korekteman, nou tou nou pour mank sa sans pour fer li.

E mon krwar dan tout senserite Komite in travay, tou dimoun lo Komite ki'n koze in dir menm keksoz e nou letan nou lonou pa'n gete nou.

Si Onorab Georges ti annan serten fanmir ki li i ti'n deza dan sa problenm, si Onorab Basil ti annan serten fanmir ki ti deza dan sa problenm, son granpapa ensidswit, me konmsi nou pa'n mazin sa nou.

Nou pa'n pran konsiderasyon sa nou, nou'n gete ki bann Manm ki pour kapab kontribye pozitivman dan sa Komite e pour fer en travay ki byen. E mon kontan mwan kontribisyon ki sanmenm sa 2 dimoun zot in fer enormeman dan sa travay ki devan nou.

E mwan mon felisit Komite dan son sazes, dan son bon lespri mon kapab dir pour vwar sa fitir, pour vwar sa fason pour nou kapab anmenn *closure* dan, avek sa ban problenm ki nou'n annan around le 5 Zen 1977. Me Prezidan ki in fer li? Ler nou, nou ti pe ale ek Komite i osi *onboard* ek nou. *Ok* - Lotorite Leta, Gouvernman in *onboard* ek nou. I n vwar serten fanmir, in demann leskiz, *openly* i pa'n kasyet nanryen, in etablir bann Komisyon, bann e Komite pour Later ek bann atrosite dan larme ek dan lapolis, pour ki kapab donn koudmen pour redwir lakantite ka ki'n kapab arive pour anmenn osi *closure* pli vit si nou kapab dir sa dan sa direksyon. E in war bann dimoun ki nou'n anmennen, Prezidan in *open* son laport, in dir mon oule osi konsilte ek sa bann dimoun. Mwan osi anvi antann zot koz ek mwan - pa zis ek Komite.

Se sa ki mon dir i annan sa lavolonte politik e sa lavolonte politik ozordi nou pa pour ganny li, nou pa ti ganny li yer e nou pa pour ganny li demen. Nou bezwen pran li la koman i la e fer sir ki nou fer travay ekselan. Mon kontinyen dir en travay bon, formidab e ekselan, akoz fodre pa ki nou deranz keksoz.

E mon demann la tou Seselwa sakenn Seselwa ler i annan en zistwar rakonte sakenn i annan en fason, tou dimoun i oule vin lo sa Komisyon ensidswit sakenn i oule fer fason pour anmenn *closure*, rekonsilyasyon dan son fason. Me selman mon krwar tou dimoun ki annan en bon lespri, i kapab kontribye sa bon lespri dan sa travay ki devan nou, dan sa Lalwa ki nou pe anmennen la pour fer ki nou *achieve* menm lobzektif e menm solisyon pour nou pep e pour nou pei.

Mr Speaker bokou in ganny dir - bokou in ganny dir E mwan mon pa la pour vin anmenn lezot keksoz an plis.

Me mon zis demande ki nou revolisyon si nou oule apel li sa mo i devret parey Onorab Bernard Georges ek mwan nou, nou krwar ladan – *"peaceful revolution"* ouswa *"revolution by peaceful means,"* nou anvi anmenn pei devan nou tou. Si nou oule apel sa fason pour anmenn pei devan en revolisyon, be i bezwen ganny fer propeman, i bezwen ganny fer byen kalkile, i bezwen ganny fer byen.

I pa devret ganny fer pour lezot dimoun ganny afekte, i devret ganny fer pour fer dimoun konpran e pour anmenn dibyen pour lepep an antye. Akoz nou pa kapab fer revolisyon oubyen sanzman zis pour en bann. I bezwen en sanzman pour tou dimoun e pep an antye.

E nou sa ki nou pe fer, mwan osi apel li en revolisyon mwan. Sa ki nou pe fer i bezwen en sanzman pour lavenir nou pep. Sa ki nou devret pe gete. E mon krwar nou 6enm Lasanble avek son modernizasyon dan son demokrasi, ki Mr Speaker pou'n fek devwal sa yer, i annan zisteman yer e i istorik ankor pour vwar ki mannyer nou, nou devret fer sa ki nou pe fer e fer sir ki sa bann *challenges* ki devan nou, fer sir ki sa Prozedlwa la, la ki nou pe anmennen i anmenn zis dibyen, dibyen e dibyen pour nou pep!

E dibyen i bezwen ganny fer byen li. I bezwen ganny fer pour fer sir ki i annan sa *closure* lo bann atrosite. *So* i annan diferan mekanizm dan Lalwa, mon demande ki nou tou, nou sey konpran e korpere pour nou kapab fer ki a lafen sa Komisyon letan in etablir fer son travay, i fer en keksoz, i fer ki nou kapab anmenn nou pti pei devan e fer nou pti pep vin en pli bon pep, en pep kot tou dimoun i benefisye e benefisye byen.

E mwan mon annan konfyans. Mon annan konfyans Mr Speaker. E mon konnen mwan poudir sa travay ki nou tou nou pour siporte, sa travay i en travay ki pour anmenn nou lo en lot dimansyon dan lavenir nou pei. En travay ki pe get lavenir; en travay ki pe lavenir akoz pour nou anmenn en pli bon lavenir fodre vreman sa paz lepase nou tou nou kapab *shake hand,* nou tou nou kapab *embrace each other.* Nou tou nou devret kapab dir 'ansanm.'

Akoz nou menm nou, nou annan nou bout pour kontribye. Me Sesel i ptipti nou tou nou enter-relasyonnen ek kanmarad parfwa nou pa konnen, ziska ler nou ariv dan

problenm ler in ariv lanterman lanmenm nou konnen lekel, lekel. Parfwa me nou, lefe ki nou ptipti en senp pti maler i afekte nou bokou nou konpran akoz nou ptipti. Si nou ti gran parey serten lezot pei dan Lafrik partou *Philippines* dan 5an en tyer popilasyon i ganny atrosite ziska ozordi zot pe rekipere.

Zot napa en tel solisyon parey nou. Me nou, nou ptipti kan i ariv en lensidan i vin for pour nou. Be si nou pa pe met nou lespri ansanm e rezourd dan en fason korek, dan en fason ki nou pa pou anmenn lanmertim, e i annan posibilite, i annan si nou'n ariv dan sa direksyon krwar mwan nou pou ariv pli lwen.

E alors koumsa nou kapab annan, pli tar mon ti ava swete pour kwa non en Gouvernman Linite al, en Gouvernman ki anmenn Sesel pli lwen. *Why not?* Sa dan mon lespri mon pe regard li kot parti politik la i pa egziste pou detri nou kot nou tou kapab. Petet zot ava dir mon pe reve, be i enportan ki nou reve pour nou kapab war en lavenir pli prospere.

Avek sa Mr Speaker mon swet tou de bon ler nou, nou'n fini fer nou bout travay nou'n anvoy li dan kote L'Egzekitiv pour kapab war aksyon dan sa direksyon ki nou, nou Lasanble, nou Komite an partikilye in anvi war sa travay. nou pa anvi war personn ganny pini mal apropos, me nou anvi war solisyon, nou anvi war *closure.*

Nou anvi war tou dimoun kontinyen dan sa Sesel prospere. E avek gidans Bondye anba *blessing* Bondye mon krwar mwan nou pou arive fer sa ki nou anvi fer.

Mon a dir ou mersi pou ou letan ki ou'n akord mwan Mr Speaker. E nou pou siport sa Prozedlwa ki devan nou.

MR SPEAKER

Mersi Onorab De Commarmond. Mon a donn laparol dernyen entervenan Onorab Ferrari.

HON JEAN-FRANCOIS FERRARI

Mersi Mr Speaker. Mon konsyan ki nou'n la en bon pe letan depi bomaten. *So,* mon ava fer li vreman ase bref. Mon ti ava kontan konmanse a dizan ki sa size ki devan nou Laverite, Lazistis e Rekonsilyasyon i en size difisil.

I fer plizyer lannen ki mwan personnelman mon'n fer refleksyon lo sa size e mon'n ganny ase, en kantite difikilte pour mwan *deal* avek sa size.

Alors tou sa bann lannen mon pa'n trouv lot semen pou pase apard dir be *ok*, nou anvoy sa pour demen e en zour i ava vini kot nou ava kapab atak sa problenm *head-on* parey nou dir.

E loportinite in vini apre ki parti politik ki mon ladan *LDS* ti mete klerman dan son dernyen *Manifesto* ki nou pou anmenn, nou pou fer tou sa ki nou kapab pour nou anmenn lape e rekonsilyasyon dan nou pep.

E ti en propozisyon ki nou'n fer avek lepep Seselwa e lepep Seselwa i aparaman in aksepte sa propozisyon, akoz in donn nou en mazorite e ozordi nou pe ranpli sa promes ki nou ti fer avek lepep Seselwa.

Me an plis ki sa le 29 Zen sa lannen ler mon ti dan *stadium* pour la fet al. Ti annan en keksoz ki ti pas anndan mwan e mon ti dir le moman kekfwa la in arive pour sa travay konmanse. Akoz dan *stadium* sa lannen mon ti santi lenerzi, '*spirit*' parey nou dir konmkwa ki lepep Seselwa i vreman anvi viv dan lape, i vreman anvi depas en pe bann baryer bann divizyon e rekonsilye antre zot.

Ti annan sa lenerzi, ti annan keksoz ki ti ase ekstra ordiner par egzanp ler zot ti larg bann flez, bann petar ti pete. Konmsi ou ti santi kekfwa sa tapaz in tir en pe sa bann nanm le pase ki'n anndan nou e ki dimoun in kapab fer keksoz in kapab selebre avek en pti petar ki zot ti'n ganny, pandan 40an zot ti'n ganny dir pou dir i enterdi. Akoz nou bann, akoz *obviously* nou konnen akoz bann sef politik ki ti'n partisip dan koudeta e sa i keksoz normal tou bann psikolozis i ava dir ou, menm zot, zot in komans per bann petar. Akoz menm ou zwe avek petar ou menm ou, ou per. Akoz en petar i rapel ou bann koud fizi.

Donk mon santi mwan ki nou'n kapab egzorsiz sa sityasyon e ki le moman in arive. Alors sa Linite al mon santi i lo en bon semen, me selman mon realize osi Mr Speaker ki, e mon bezwen dir li la ozordi ki si ti napa 15 lo 10 pa ti pou arive. Akoz bomaten nou'n vwar ki, anfen mon a konmans en pe plitar. Nou'n vwar par egzanp avek Mr Mancham ki nepli parmi nou sa travay zanmen ti pou ganny fer. Akoz mon persyade e mon konnen ki i annan dimoun ki pou dir mwan ki mon pa kontan Mr Mancham me, Mr Mancham li i ti annan en lot konsepsyon rekonsilyasyon. Li son konsepsyon se anter tou sa bann keksoz. Fouy en gran trou

met tousala ladan, annou pa koz lo la ankor annou *move on.*

E apard Mr Mancham, ozordi noun ganny Onorab Gill e Onorab De Commarmond zot osi zot in dir apepre menm keksoz. Konmsi war krwar konmsi annou fini ek sa annou pa, aret get le pase, annou, avek Onorab e avek Onorab De Commarmond ansarz sa Lasanble mon konvenki ki nou pa ti pou gannyen sa travay. E menm Onorab Hoareau ki mon'n apresye son entervansyon ozordi li tousel i pa ti pou kapab fer sa travay. Akoz vreman zot in montre nou poudir, zot pa *believe* dan sa prose ki sa prose! Ki sa prose i bezwen ganny fer e nou bezwen met sa bann laverite deor, akoz si nou pa fer li, si nou zis anter li nou pa pou fer zistis nou pep, nou pa pou fer zistis nou e dan ankor 50an nou ava pe koz lo menm keksoz.

Ozordi Mr Speaker napa leskiz ki valab, napa leksplikasyon parey Onorab Hoareau in dir ki zistifye, napa nanryen ki zistifye ki ou pran drwa imen dimoun napa nanryen. E bann problenm in konmanse e normalman dan bann lezot pei in komans koumsa ler ou fer en keksoz mal apre ou zistifye li par Lalwa. E atraver Lalwa ou fer sa ki mal vin byen e la ou lo en lapant glise kantmenm ou pez fren ou glise menm. Le 5 zen 1977, Mr Rene pa'n aksepte ki li ki ti pe *lead* koudeta, i pa'n aksepte in dir poudir en group dimoun. E pourtan i ti pe *lead* koudeta devan mwan, mwan en garson 17an i ti la devan mwan e i manti devan mwan. Se sa kalite *denial* ki nou bezwen kapab sanze. Nou bezwen kapab al en pe pli lwen.

Mon pran laparol ozordi akoz i enportan isi dan sa Lasanble kekfwa mwan mon sa dimoun ki'n pli pre avek bann fe istorik ki ti arive sa zour. E mon'n ganny akize mon'n ganny blanmen e avek rezon byensir. Akoz? Si mon ti pre avek sa ki ti pase e ki mon pa'n fer nanryen e ki mon pa'n obzekte - menm si mon ti annan 17an mon pa'n konplent savedir dan en serten fason mon osi mon en konplis ladan. Me selman sa ki enportan se ki dan sa trwa mo ki devan nou – 'Laverite', 'Rekonsilyasyon' e 'Lazistis' se 'Laverite' ki pli enportan.

Se pour sa ki mon pe pran laparol ozordi, akoz mwan mon santi sa ki pe arive la, sa posibilite ki pe vin devan nou i pou permet bann dimoun parey mwan pou dir laverite. Akoz plizyer fwa mon'n dir sa

laverite, me personn pa krwar mwan. I pa krwar a koz sa laverite i paret en laverite enkrwayab.

E pourtan in arive. E mon'n dir zot in ariv devan mwan - alors mon konnen mon'n war! Me mwan mon anvi dir sa kekfwa anba serman devan piblik devan en *camera* pour ki dimoun i konnen pou dir sa ki mon pe dir se egzakteman sa ki'n arive. E se pour sa ki mwan mon enn sa mon pa konnen si i annan ankor lezot Manm dan sa Lasanble ki'n anpli en form pour demande pour ganny ekoute par Komisyon Laverite Lazistis e Rekonsilyasyon.

Akoz mon santi telman, i telman enportan ki sa travay i ganny fer e i ganny fer byen. E mon ava pran sa lokazyon pou lezot dimoun ki mon'n nonm zot non oubyen mon pa'n nonm zot non ki konnen, ki ti la, ki'n partisipe pre, oubyen lwen avek sa ki'n arive zot osi zot annan sa kouraz pour zot pran sa posibilite pour zot vin dir kwa ki'n arive. Akoz ki sa in arive? Sa i en lot kestyon.

Akoz sak dimoun i kapab annan son rezon e son leksplikasyon me bann fe istorik i neseser ki i ganny met kler enn fwa pour tou. Non selman sa ki'n arive le 5 Zen apartir minwi diswar me sa ki'n swiv apre. Akoz parey mon'n dir pli boner ler mon ti, nou pei in anbark lo en lapant ki glise, kantmenm ou sey pez fren napa fren, akoz apre sa in ariv bann keksoz terib. E enn bann keksoz pli terib pour mwan e la mon ti annan 19an mon ti'n devret dir non! Sete Parti Inik.

Akoz sa ti *enshrined* dan Lalwa ki annan serten dimoun ki napa - ki'n perdi zot drwa a mwens ki ou dan Parti Inik ou napa drwa! Ou napa drwa!

Mon papa ti pe dir mwan yer ti fer mwan rapel ki an 1984 Lasanble Popiler ti pas en Lalwa pou dir zot kapab, nou it pe koz lo pansyon, kan ou kapab perdi ou pansyon. Ki an Me 1984 mon pa ankor war sa bout Lalwa. Lasanble Popiler ti pas en Lalwa si en dimoun ti koz kont Gouvernman, Gouvernman ti kapab koup son pansyon! Zis mazinen *how far* konmsi bann keksoz.

Nou, nou'n dir si en dimoun i al Ankour i ganny kondannen. Si ou koz kont Gouvernman i kapab pran ou pansyon. Zis mazinen an... si sa pa en lapant glise - e be mon konnen ki i ete.

Alors sa bann keksoz ki'n arive efektivman in fer en kantite dimoun soufer e i enportan ki nou donn atraver

sa travay ki nou pe fer loportinite pour bann dimoun tann laverite e egziz en reparasyon si sa i neseser. E kan sa i ganny deside avek sa bann dimoun.

Parey mon'n dir pli boner napa okenn leskiz, napa okenn leskiz. Semen, pli boner Onorab Gill ti dir pou dir i ti annan bann bon lentansyon. Mon ti a kontan fer zot konnen sa proverb ki dir ki semen lanfer in pave avek bokou bon lentansyon. Bon lentansyon i pa, se pa sa ki gid en pe -i se pa sa ki gid en pep. Se respe pour Lalwa, respe pour bann endividi, respe pour sa bann imen – *the human person* - se sa bann keksoz koumsa. Pa bann lentansyon.

Akoz bann lentansyon i pa en defans sa e an menm tan. I annan ki'n fer referans a enn de dimoun ki en pe ekstremis parmi nou. Parmi bann ki dan Lopozisyon, nou pa kapab koz ekstremis dan lasoufrans. Nou pa konn douler bann dimoun nou, e nou bezwen les zot eksprim zot soufrans, menm si si zot lekspresyon zot soufrans i ekstrenm akoz nou, nou pa konnen sa douler nou bezwen permet zot pas atraver sa prosesis, *Catharsis* parey Angle i dir.

E la mon ava dir Mr Speaker ki i enportan pour nou anbark lo sa semen lo sa travay avek en bi pour nou kapab vwar e aprann kwa ki nou pa devret zanmen fer ankor a lavenir.

Si nou pe fer sa travay fodre annan en bit. Nou, nou pa la, mwan mon pa la pou mwan dir misye entel in fer sa nou bezwen pini sa enn nou bezwen sa enn la. Pa sa. Pli enportan se ki nou tir en leson ladan e mon krwar enn bann pli gro leson se ki ler ou donn pouvwar total en dimoun, i koronpi totalman.

E nou'n war egzakteman ki'n arive ti annan tro bokou pouvwar dan lanmen en sel dimoun. E nou konman en Lasanble ozordi ki balanse nou serman se pour nou travay pour ki zanmen, zanmen ankor i annan otan pouvwar dan lanmen en sel dimoun.

Nou pe travay lo bann lenstitisyon nou pe ranforsi bann lenstitisyon ki pa pou zanmen permet sa ankor. E ler nou pou'n finis a travay isi dan sa Lasanble, sa 6enm Lasanble mwan mon krwar nou pa pou'n sanz tou keksoz me selman nou pou rann avek Seselwa en pli meyer pei ki nou ti pran avek zot an Septanm 2016.

Nou'n ganny elekte pou fer sa travay, e nou pou fer li dan

pli bon fason ki nou kapab. Mon pe demann bann dimoun an deor pou fer nou konfyans parey zot ti fer nou konfyans ler zot ti elekte nou pou met nou dan sa Lasanble. Akoz si zot pa fer nou konfyans si zot konmans dout nou lentansyon nou pa pou avanse. Sa i en zefor ki al e se pour sa ki mon anvi *reach out* ankor avek mon koleg lo lot kote latab e mon bann zanmi e bann konesans ki an deor Lasanble ki siport lot parti politik, lezot parti politik.

Se ki zot vreman mon demann, mon lapel se ki zot vreman angaz zot totalman dan sa prosesis. Ki zot pa fer li zis pou kapab anter en problenm, en keksoz ki pe fatig zot pour zot tir en pikan dan zot talon. Me pou fer sir ki dan lavenir nou pa mars lo pikan, pou fer sir ki a lavenir nou annan bann lenstitisyon ki vreman for e ki vreman o servis lepep Seselwa.

Alors mon ava terminen Mr Speaker an dizan ki lepep Seselwa pe kont lo nou pour nou *go all the way.* E mwan mon anvi *lead* par legzanp e mwan *I'm going to go all the way.* Mon anvi ki pe nanryen pa ganny kasyet. Nou pa konn tou keksoz probableman. I annan dimoun ki'n mor, i annan dimoun ki pa pou anvi koze, i annan dimoun ki ankor per. I annan dimoun konmela ki per ki vini ki dir ou, ki trenn ou par kote ki dir mon pou dir ou sa zis dan ou zorey pangar bannla i tande. Akoz sa lafreyer koudeta i ankor dan zot lespri. E apre 41an i ankor la dan zot lespri.

So, nou bezwen fer en travay ki tir tou sa lafreyer e ki met tou sa bann keksoz ki nou kapab mete lo en latab deor e ki permet nou avanse. E mwan mon santi ki parey i annan bokou zot ki'n dir la se laverite ki pou liber nou. Se pour sa ki laverite i keksoz pli enportan ki dan sa 3 mo ki annan.

Alors mon demann tou dimoun bann ki'n fer lapel avek Komisyon deza, ki'n anpli en form mon swet zot kouraz. Pour zot vini pour zot defann zot ka, bann ki pa'n fer li mon swet zot kouraz pour zot leve pour zot vini e pour zot fer li.

E swet tou Seselwa sirtou bann *leaders* e mon krwar sa en keksoz enportan ki listwar pour rekonnet se ler bann leaders pour debout pour vin deor e pour dir wi, la i la ki mannyer keksoz in pase e la i la en tel, akoz tel propriyete in ganny pran akoz tel lavi in ganny perdi, e la nou ava kapab prezan avanse konman en . Mon remersye Mr Speaker.

(APPLAUSE)

MR SPEAKER

Mersi Onorab Ferrari. Mon ava prezan pas laparol avek Vis-Prezidan pour .... Vis-Prezidan.

THE VICE PRESIDENT MR VINCENT MERITON

Mersi Mr Speaker. Mr Speaker mon ti a kontan premyerman remersye tou bann Manm Onorab ki'n fer bann kontribisyon tre itil kot i konsern merit sa Prozedlwa.

Mr Speaker mon pa kapab pa dir de mo. Lannen pase ler mon ti ganny demande pou dir de mo alokasyon louvertir Forum lo Laverite, Rekonsilyasyon ek Linite al, mon ti dir ki nou pa kapab re-ekrir listwar. Listwar in fini ganny ekrir. Mon ti osi dir ki i annan laverite ki la, ki get nou toulezour; bann fe e bann realite.

E bann fe e realite ki get nou toulezour, i annan ki pa pou kontan se ki Sesel apre 5 Zen 1977 ozordi 41an pli tar nou enn bann pei avek, kit re eleve kot i konsern klasman devlopman imen. Nou pei ki'n ganny klase koman ekonomikman avek nivo reveni o. Nou pei ki 70 poursan nou popilasyon zot propriyeter zot lakaz. Nou pei ki'n ganny declare par Lorganizasyon Lanvironnman Ini ki ler i pli prop pour nou kapab respire. E tousala pa'n ariv par mazik oubyen par laverti okenn tabatyer. In arive akoz en loryantasyon en nouvo loryantasyon politik pour annan en meyer lavi lepep Seselwa.

Sa bann realite ki nou fer fas ki nou get toulezour, ki keksoz ki nou pa kapab nie. I annan osi bann laverite ki nou pa le koz lo la, bann laverite ki fermal e fodre dir Mr Speaker sa nouvo lanvironnman politik, in permet ki sa nouvo lanvironnman politik ki'n arive depi Lasanble al 2016 in permet ki nou annan en platform pou nou kapab koz lo bann lezot keksoz. Bann keksoz ki ti fatig nou e in ganny dir taler ki serten keksoz nou anvi kit deryer nou pou bouz devan.

Me listwar in montre ki pour nou kapab bouz devan konman en tou dimoun ansanm, i annan serten laverite ki nou bezwen detere. E zisteman atraver sa nouvo lanvironnman politik ki'n komanse depi 2016 apre Lasanble al. Si oule lagrenn in ganny senmen, en lagrenn in ganny senmen pour annan rekonsilyasyon.

E Prezidan Faure li osi ler in vin o pouvwar in zwe son rol avek mon krwar Onorab Henrie in koz lo la taler. Prezidan Faure in konpran pou dir dan sa lanvironnman i bezwen ki i anmenn tou Seselwa ansanm. Malgre tou bann divizyon ki nou ti annan Prezidan Faure in zwe rol senbol Linite al konman en *Homme D'Etat* en *Statesman.*

In al ziske dan ekstrenm pour li kapab de mwan, Onorab Henrie in koz lo la pour li retir 5 Zen konman en konze al. Prezidan in osi divors li avek direksyon, direksyon politik son parti pour kapab permet ki dimoun i konpran i le travay dan lentere Linite al. Me nou apresye, Mr Speaker poudir Lasanble al in zwe en rol enportan en rol pri mondyal en rol kritik pour nou ariv kot nou'n arive ozordi, pour nou kapab pe get serten laverite, serten realite, serten bann fe ki nou osi pa kapab nie anfas e gete ki mannyer nou kapab bouz sa si nou oule bouz devan konman en .

Pandan mon letan ki mon'n Vis-Prezidan pour en pti gin letan mon'n ganny sans zwenn de fanmir ki ti ganny afekte par bann levennman le 5 Zen e mon konpran le Onorab Hoareau e Onorab Larue i montre lemosyon. I fermal. Tou zonm ki ou ete par ler ou le esey tenir en larm, be selman bann listwar ki dimoun i akont ou i tous ou o profon akoz i tir sa zanfan dan ou e i tir sa imen dan ou.

Mon krwar se sa ki nou pe koz lo la ozordi nou bezwen kapab fer sorti en bann laverite tonm dakor ki sa ki responsab i vin devan avek senserite. E mon pe koz avek tou senserite ozordi apre midi e mon santi ki sa senserite i renye isi dan Lasanble al e osi par bann dimoun ki pe fer bann komanter partou lo medya sosyal. Ki nou bezwen sa si nou oule kontiny batir sa bon aki devlopman ki nou'n gannyen.

Tou sa ki nou'n ganny nou kapab selman bouz devan, si nou bouz ansanm konman en sel san get okenn diferans politik. Mr Speaker nou dan krwaze nou devlopman, nou dan karfour nou devlopman, nou'n ariv lo en pa desiziv nou devlopman. E sa Prozedlwa ki devan nou i nesesit nou bezwen tou dimoun travay ansanm. Nou bezwen en nouvo souf e nou bezwen en fwa pour tou get ki nou pou fer. Nou pa kapab balye salte anba karpet, me tire e *deal* avek e bouze devan.

Pour tou bann fanmir ki zot Manm in perdi lavi; pour tou bann fanmir ki zot Manm in

ganny tortir, pour tou bann fanmir ki zot Manm in ganny egzile ouswa in al egzile; pour tou bann fanmir ki zot Manm ki in disparet, pour tou bann fanmir ki zot Manm in ganny arase zot propriyete nou pa kapab zistifye sa. Nou pa kapab zistifye tou bann keksoz ki'n arive ki mon'n liste la ki si oule pe tous dinyite en imen.

Mr Speaker tou nou aki devlopman ki mon'n koz lo la e tou sa bann lerer ki'n arive, tousala i lye avek le 5 Zen. Me selman ki nou pe separe, annou *address* sa bann lerer pour permet sa bann aki ki nou'n kapab gannyen al lo lot nivo.

Mr Speaker pour tou sa bann dimoun ki'n sibir sa bann sityasyon atros mwan osi mon demann pardon, mon demann pardon akoz nou bezwen pardon si nou bezwen bouz devan. Mon demann pardon akoz i pa devret arive avek nenport imen. Mon demann pardon akoz mon santi sa ki bann lezot fanmir i santi en fanmir mon'n asize avek 3 fiy e ansanm nou'n gele. Mon demann pardon akoz nou bezwen kapab sa, pour nou kapab konmans geri bann boubou. E mon swete parey mon'n dir bomaten, parey zot in dir zot menm ki sa travay i ganny fer avek tou imilite avek kouraz e avek senserite si nou le bouz devan.

Sesel pe apel nou pou vir en lot paz dan nou listwar. I annan en kantite bon keksoz ki'n ganny fer, me in annan en kantite keksoz ki pa ti'n devret arive. E mon krwar la i en moman e Sesel i pare pour li kapab fransir sa lot letap. Pour nou annan rekonsilyasyon, pour nou annan Linite al i bezwen annan en keksoz Onorab Ferrari in dir, laverite i pli enportan.

E mon satisfe ki lankadreman ki'n ganny mete dan sa Prozedlwa avek bann amannman ki pou ganny fer, i ava permet ki tou dimoun i kapab vin devan avek senserite. I pou fermal i pou difisil i selman komansman sa e si tou dimoun i vin senser e nou pou en lot legzanp pour lezot pei dan larezyon e lezot pei dan lemonn, kot nou kapab tourn en paz, vir en paz, ferm en sapit douloure e bouz devan pour nou kapab zwir bann aki ki nou'n deza kree.

Mr Speaker lo nivo, lo lapar Gouvernman mon ti a kontan donn langazman ki Gouvernman pour kolabor avek Lasanble al avek tou bann fors viv avek tou bann dimoun ki annan lentere pour trouv linite pour anmenn nou pei ansanm,

kapab al dan staz Komite e pa pas bokou letan lo bann amannman.

MR SPEAKER
Dakor i annan en propozisyon. Onorab Sebastien Pillay.

HON SEBASTIEN PILLAY
Mersi Mr Speaker. Mr Speaker propozisyon Onorab Georges i en propozisyon ki nou ti'n ganny sans diskite e bann Manm *Bills Committee* osi ti'n ganny enformen ki pour annan sa *meeting Bills Committee* demen. E vi ki dapre nou *Standing Orders* nou'n ariv, nou'n desot 5er, nou'n ariv ler pour fini, mon pa krwar nou bezwen move en Mosyon for *adjournment* me, petet *from the chair* ou kapab *adjourn* prezan ki nou ava kontiny travay lo sa *Bill* demen. Mersi Mr Speaker.

MR SPEAKER
Wi dakor. Mersi Onorab Sebastien Pillay. Bon savedir travay lo sa *Bill* i pa fini la, i annan kontinyasyon demen. E parey mon'n dir demen osi tou nou pour *tackle* sa lot *Bill Dogs Protection and Control of Dogs*. Wi 10er nou ava komans, nou ava kontinyen avek *Bill* pour *Truth and Reconciliation* apre nou ava kontiny nou travay ki reste lo *Order Paper*.

Bon mon ti a kontan remersi Vis-Prezidan, *Attorney* Zeneral, Mr Ally, e son Asistan Mr Victor Pool. E mon *adjourn*. Nou ava *adjourn* Lasanble pour nou repran nou travay demen 10er bomaten.

(ADJOURNMENT)

pour ki Sesel nou zetwal i kontinyen briye e pour ki sak Seselwa i kapab viv son lavi plennman. Mersi Mr Speaker.

MR SPEAKER
Mersi Vis-Prezidan. Bon in ariv moman pour Lasanble pran en desizyon en vot lo *The Truth Reconciliation and National Bill 2018*. Mon ava demann tou Manm ki an faver.

HON SEBASTIEN PILLAY
(Mic Off)

MR SPEAKER
Wi lo merit e prensip mersi Onorab Sebastien Pillay. Tou Manm ki an faver? Okenn Manm ki kont?

MADAM CLERK
Mersi bokou Mr Speaker. Mon'n rikord 26 Manm an faver e personn kont. Mersi.

MR SPEAKER
Mersi mon kapab ganny en *formal Second Reading*, Madanm Clerk.

MADAM CLERK
Mersi Mr Speaker; *a Bill of an Act to enable the President of the Seychelles to establish a Truth, Reconciliation and National Unity Commission to promote National Unity and Reconciliation.* Mersi Mr Speaker.

MR SPEAKER
Mersi Madanm Clerk. Bon mon konnen i annan en seri amannman ki devan nou ki *Bills Committee* in prepare, i annan enn de propozisyon osi tou ki'n sorti pandan deba. Mon sizere ki nou ava dan Staz Komite. Dakor? *Yes* Onorab Georges.

HON BERNARD GEORGES
Mersi Mr Speaker, Mr Speaker pandan *break* dite, mon'n ganny sans koz en pti kou avek bann *Leaders* e osi Minis avek *Attorney* Zeneral e etandonnen ki i annan en seri amannman ase konsiderab sorti kot *Bills Committee* me i annan osi en seri amannman ki pe ganny propoze par *Leader* Lopozisyon e dapre sa ki mon konpran par Onorab Hoareau osi, nou pe demande si e osi eskiz mwan *Attorney* Zeneral in fer osi enn de propozisyon, nou pe demande si e tan donnen ki nou pour sit demen 10er, si nou ti a kapab *adjourn* deba lo sa *Bill* la prezan. *Bills Committee* i ava zwenn avek *Attorney* Zeneral demen bomaten 8er e ant 8er ek 10er, nou ava konsider tou sa bann amannman dan en fason ki ler nou retournen 10er, nou

TRUTH, RECONCILIATION
AND NATIONAL UNITY COMMISSION

VOLUME I

ANNEX III

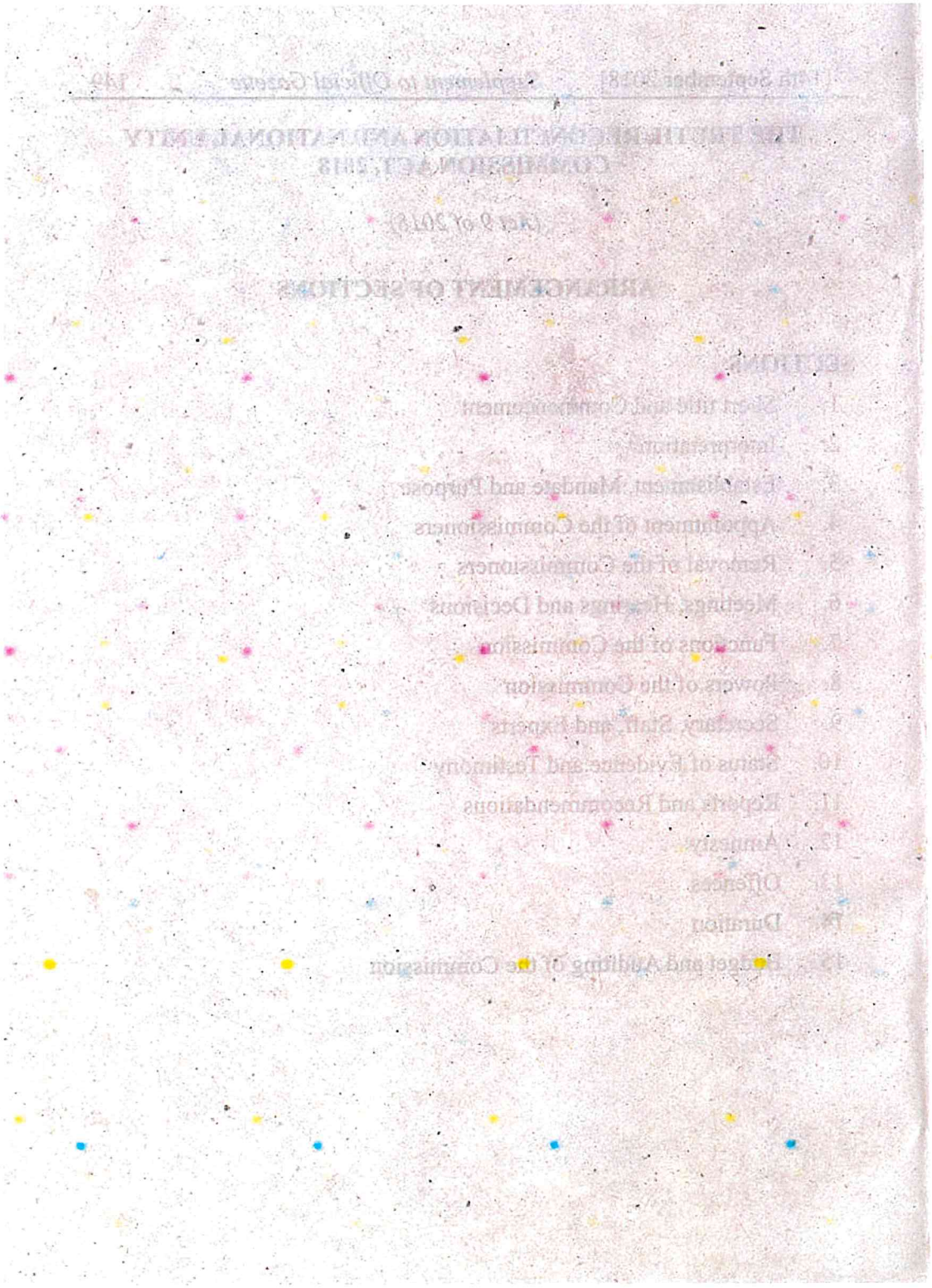
THE TRUTH, RECONCILIATION AND NATIONAL UNITY COMMISSION ACT, 2018

(Act 9 of 2018)

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title and Commencement
2. Interpretation
3. Establishment, Mandate and Purpose
4. Appointment of the Commissioners
5. Removal of the Commissioners
6. Meetings, Hearings and Decisions
7. Functions of the Commission
8. Powers of the Commission
9. Secretary, Staff, and Experts
10. Status of Evidence and Testimony
11. Reports and Recommendations
12. Amnesty
13. Offences
14. Duration
15. Budget and Auditing of the Commission



THE TRUTH, RECONCILIATION AND NATIONAL UNITY COMMISSION ACT, 2018

(Act 9 of 2018)

I assent

Danny Faure
President

6th September, 2018

AN ACT to enable the President of Seychelles to establish a Truth, Reconciliation and National Unity Commission to unite the people of Seychelles around a common agenda that will help them move forward in confidence and with a sense of common purpose.

ENACTED by the President and the National Assembly.

Short title and commencement

1. This Act may be cited as the Truth, Reconciliation and National Unity Commission Act, 2018 and shall come into operation on such date as the President may, by notice in the Gazette, appoint.

Interpretation

2. In this Act—

(1) "Commissioner" means a member of the Commission and includes the Chairperson and Vice-Chairperson;

(2) "Perpetrator" means a person who the Commission has found to have committed any violation and includes a person who has given an order, or materially assisted someone, to commit a violation;

(3) "Rehabilitation" means the psychological or mental support offered to both victims and perpetrators in need of such support, with a view to their achieving complete closure, including restoring their credibility in society;

(4) "Reparation" means the compensation, facility or concession made to a victim;

(5) "Suspect" means a person who is suspected of having committed any violation and includes a person who is suspected of giving orders, or materially assisting someone, to commit a violation;

(6) "Commission" means the Truth, Reconciliation and National Unity Commission established by the President, pursuant to this Act;

(7) "Victim" means a person who has suffered any harm or detriment as a result of any violation;

(8) "Violation" means human rights abuse committed during, or in relation to, the Coup D'état of 5 June 1977 and includes the following acts—

(a) unlawful killing;

(b) unlawful imprisonment or other deprivation of physical liberty;

(c) torture;

(d) rape;

(e) enforced disappearance of persons;

(f) kidnapping;

(g) forceful eviction from legally owned building or land;

(h) unjustified acquisition or loss of property or business;

(i) wrongful denial of the right to employment;

(j) wrongful termination of employment;

(k) forced exile;

(l) abuse of office by a Government official, including the executive, judiciary or legislature; or

(m) other acts of a similar character causing suffering, or injury to body or to mental or physical health.

Establishment, mandate and purpose

3.(1) There is hereby established a Truth, Reconciliation and National Unity Commission.

(2) The Commission shall be a body corporate.

(3) The mandate of the Commission shall be to receive complaints in respect of alleged violations, to gather, collate and analyse information and evidence with respect thereto, and to make decisions.

(4) A complaint shall be filed within six months of the Commission commencing its mandate.

(5) A complaint may be filed by a victim, a representative of the victim or a close surviving relative of a deceased victim.

(6) Any person wishing to be heard by the Commission may apply in writing to the Commission at any time during the mandate of the Commission.

(7) The objectives of the Commission are —

(a) to ascertain the truth with respect to complaints of alleged violations;

(b) to create an accurate and objective public record of the complaints of alleged violations;

(c) to help bridge divisions caused by any violations;

(d) to provide closure for the victims and perpetrators of the violations;

(e) to determine —

(i) the appropriate reparations for victims;

(ii) the appropriate rehabilitation for victims and perpetrators; and

(iii) whether or not to grant amnesty; and

(f) to unite the people of Seychelles around a common agenda that will help them move forward in confidence and with a sense of common purpose, and ensure that such violations do not recur.

(8) The Commission shall carry out its functions in an open, impartial and transparent manner.

(9) The Commission shall abide by universally recognised legal principles and human rights norms.

Appointment of the Commissioners

4.(1) The Commission shall consist of seven Commissioners, namely a Chairperson, a Vice-Chairperson and five other Commissioners, two of whom shall be non-Seychellois who are not resident in Seychelles.

(2) The President shall appoint the Chairperson and six Commissioners from candidates proposed by the Constitutional Appointments Authority.

(3) The Commissioners shall designate the Vice-Chairperson from amongst their number.

(4) The Commissioners shall be persons of recognised good standing and high moral character, capable of performing their functions independently, impartially and in compliance with the highest ethical standards.

(5) Every Commissioner shall, prior to assuming office, take the following oath before the President:

"I swear/solemnly declare that I will perform my duties and exercise my powers as a Commissioner of the Truth, Reconciliation and National Unity Commission honourably, faithfully and impartially without fear or favour, affection or ill will. (So, help me God)".

(6) No Commissioner shall be liable to any investigation, prosecution, action or suit in respect of any matter or thing done by him or her in the discharge of his or her functions and duties under this Act.

Removal of the Commissioners

5.(1) A Commissioner may, at any time, resign as Commissioner with one month's notice by tendering his or her resignation, in writing, to the President.

(2) The President may after consulting the Constitutional Appointments Authority, remove any Commissioner for gross misconduct.

(3) Where a Commissioner dies, resigns or is removed from the Commission, the vacancy shall be filled in the same manner as that appointment was made under section 4.

(4) The Commission may discharge its functions notwithstanding one vacancy in its membership.

Meeting, hearings and decisions

6.(1) The meetings and hearings of the Commission shall be held at such place and on such dates and times as designated by the Chairperson.

(2) The quorum for the meetings shall be four Commissioners, including the Chairperson or Vice-Chairperson.

(3) The meetings shall be chaired by the Chairperson and, in his or her absence, by the Vice-Chairperson.

(4) The meetings of the Commission shall be open to the public. The Commission may hold non-public meetings if, after consulting with the parties concerned, the Commission is of the opinion that—

(a) it is in the interest of justice;

(b) there is a likelihood that harm may ensue to any person; or

(c) reconciliation between the parties may not be achieved by the proceedings being conducted in public.

(5) In making decisions, the Commission shall make every effort to reach consensus. However, if consensus cannot be reached, the Commission may make decisions by a majority of the members of the Commission.

(6) The Commission may, if it so desires, invite experts to its meetings to assist the Commission, provided that the Commission shall not be bound to accept the opinion of such experts.

(7) The Commission shall keep and maintain complete written and audio-visual records of its proceedings and exhibits produced before it. The public shall be entitled to have access to the records of proceedings of the Commission held in public.

(8) In the discharge of its functions, the Commission shall—

(a) observe applicable and appropriate rules of natural justice and international fair trial standards;

(b) not be bound by evidentiary rules;

(c) reach its decisions on a balance of probabilities; and

(d) respect the right to dignity of suspects, perpetrators, victims, and witnesses.

Functions of the *Commission*

7. The Commission shall perform such functions as are necessary to enable it to achieve its objectives, including, but not limited to—

(a) gathering evidence pertaining to violations, including hearing of witnesses;

(b) determining the responsibility of individuals in respect of any violations, providing its reasons and proposing measures to prevent the recurrence of such violations;

(c) preparing reports of its activities, findings and decisions, based on evidence it has assessed to be credible and reliable and submitting the same to the President;

(d) determining and recommending appropriate remedies or reparations; and

(e) discharging other functions referred to in this Act.

Powers of the Commission

8.(1) The Commission may make such rules of procedure and evidence as it thinks fit, in particular for the conduct and management of its inquiries and investigation.

(2) The Commission may —

(a) visit any establishment or place, enter on land or premises to gather information or inspect property;

(b) have access to public or private archives regardless of restrictions contained in the laws of Seychelles and make copies of any documents found therein;

(c) hold any hearing it deems necessary;

(d) summon any witness or suspect, examine him or her on oath, and compel the production of any document or article. A spouse of a suspect may be compelled to testify against the suspect;

(e) seek assistance from relevant authorities, including the Police and Judiciary to achieve its objectives, including the provision of security to any witness;

(f) establish such sub-committees as it deems necessary and determine the seat thereof;

(g) hold meetings at any place, within or outside Seychelles; and

(h) in consultation with the appropriate government authorities, obtain permission from a foreign country to receive evidence from, or gather information in, that country.

(3) For the purposes of effectively exercising its functions and powers, the Commission is hereby vested with all the powers and rights of the Supreme Court.

Secretary, staff and experts

9.(1) The Commission may appoint such national or international staff or experts as it deems necessary to assist it in the discharge of its functions.

(2) The appointment, functions, duties, conditions of service and benefits of the staff or experts shall be established by the Commission.

Status of evidence and testimony

10. Evidence given before the Commission shall not be admissible in any civil or criminal proceedings, other than in a prosecution for perjury.

Reports and Recommendations

11.(1) The Commission shall submit its reports outlining its investigations, findings and decisions to the President.

(2) The Commission shall submit interim reports every six months and shall submit its final report within three months after it has completed its inquiries.

(3) The final report shall include findings, decisions and recommendations with a view to achieving justice and national unity.

(4) The President shall make the final report public and lay a copy before the National Assembly within one month of receiving it.

(5) At the end of its mandate, the Commission shall submit all the documents and files in its possession to the

President, who shall cause them to be deposited with the Curator of the Seychelles Archives.

Amnesty

12.(1) Any person seeking an amnesty shall file a petition for amnesty with the Commission within the time-limit set by the Commission and may do so before testifying before the Commission.

(2) The petitioner shall disclose in the petition all facts relating to the incident for which the amnesty is being sought, including but not limited to the following —

(a) the scene of the incident;

(b) a description of the incident, including the date it occurred; and

(c) any loss suffered by any person.

(3) The petition shall include a statement of sincere apologies to the victim or victims. The Commission shall, as far as reasonably practicable, require the petitioner to provide the apologies to the victim or victims in person.

(4) A petitioner who has provided a full and frank disclosure of his or her culpable acts in relation to any violation and has offered sincere apologies to the victim or victims shall be granted an amnesty in relation to the acts or omissions that were part of the disclosure and apology.

(5) In determining whether —

(a) the perpetrator has provided full disclosure of his or her culpable acts; and

(b) the apology is sincere;

the Commission shall as far as reasonably practicable hear testimony from the complainant,

victim or victims, or the close relative of the victim or victims where the complaint is made by a close relative of the victim or victims, petitioner, perpetrator and any other person it deems appropriate.

(6) Notwithstanding any written law—

(a) a criminal investigation or criminal or civil prosecution shall not be commenced or shall be discontinued, as the case may be, in respect of any matter for which an amnesty has been sought, until the final determination thereof by the Commission; and

(b) a perpetrator who has been granted amnesty in respect of a violation shall not be criminally or civilly liable in respect of the acts or omissions that were part of the disclosure and apology. The amnesty shall not affect any order by the Commission for remedies, reparations or rehabilitation.

Offences

13. A person who—

(a) fails to attend the Commission after having been summoned;

(b) refuses to take an oath before the Commission;

(c) refuses, except in the exercise of his or her right against self-incrimination, to answer fully and satisfactorily to the best of his or her knowledge and belief, any question put to him or her by the Commission during the hearing;

(d) refuses to produce any document when required to do so by the Commission;

(e) knowingly gives false evidence, or evidence which he or she knows to be misleading;

(f) insults a Commissioner during a hearing; or

(g) does anything in relation to the Commission which, if done in relation to a court of law, would constitute contempt of court;

commits an offence and shall be liable to a fine of SCR50,000 and to a term of imprisonment of 10 years.

Duration

14.(1) The mandate of the Commission shall commence three months after the first Commissioners take the oath in accordance with Section 4(5) and shall end upon the delivery to the President of its final report.

(2) *Subject to subsection (1), the mandate of the* Commission shall come to an end after a period of three years.

Budget and auditing of the Commission

15.(1) The Commission shall prepare a budget and submit it to the Minister of Finance for approval.

(2) The Commission shall be allocated a budget from the Consolidated Fund to cover its operation, including the remuneration of Commissioners and support staff.

(3) The Commission may receive donations through the Ministry of Finance from local and foreign agencies or associations that do not have any vested interest in the outcome of any proceedings of the Commission.

(4) The remuneration, allowance and other benefits, if any, of the Commissioners shall be prescribed by the Minister responsible for Public Administration prior to the appointment of the Commissioners.

(5) The accounts of the Commission shall be audited by the Auditor-General.

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 2nd August, 2018.

Mrs. Tania Isaac
Deputy Clerk to the National Assembly



VOLUME I

ANNEX IV

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TRUTH, RECONCILIATION AND NATIONAL UNITY COMMISSION

ORGANIGRAM

