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## **Implementation Review Group**

### **Seventh session**

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Agenda item 2

### **Review of implementation of the United Nations Convention against Corruption**

## **Executive summary: Seychelles**

### **Note by the Secretariat**

The present conference room paper is made available to the Implementation Review Group in accordance with paragraph 36 of the terms of reference of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption (Conference of the States Parties resolution 3/1, annex). The summary contained herein corresponds to a country review conducted in the second year of the first review cycle.



## II. Executive summary

### Seychelles

#### 1. Introduction: Overview of the legal and institutional framework of Seychelles in the context of implementation of the United Nations Convention against Corruption

Seychelles signed the Convention on 27 February 2004 and ratified it on 8 November 2005. Seychelles deposited its instrument of ratification with the Secretary-General on 16 March 2006. Once implemented into law, ratified treaties have the same ranking as domestic laws enacted by the National Assembly.

Seychelles has a mixed legal system based on common law and civil law. Criminal law and criminal procedure are based on the common law system and are governed by the Constitution of the Republic of Seychelles, the Penal Code, the Criminal Procedure Code, the Courts Act, the Evidence Act, and the general law of evidence.

Several authorities are involved in the fight against corruption in their general mandates, including the Police, the Judiciary, the Ombudsman, the Auditor-General, the Attorney General, the Public Officers Ethics Commission, or in specific mandates such as the Financial Intelligence Unit (FIU).

Criminal investigations are carried out by the Police, however a specific legislative act may give investigative powers to another body. The Attorney General's powers are exercised by the Attorney General or subordinate officers, State Counsels. In the exercise of the powers vested in the Attorney General by the Constitution, the Attorney General is not subject to the direction or control of any other person or authority.

#### 2. Chapter III: Criminalization and law enforcement

##### 2.1. Observations on the implementation of the articles under review

###### *Bribery and trading in influence (arts. 15, 16, 18 and 21)*

Corruption and offences related to maladministration and abuse of office are addressed in the Penal Code. More recent laws, including the Public Officers' Ethics Act (2008) and the Anti-Money Laundering Act (2005, hereinafter "AML Act", with amendments of 2008 and 2011), complement the Penal Code.

Different definitions of "public official" can be found in the Constitution, the Interpretation and General Provisions (Cap 103) Act, the Public Officers' Ethics Act (Act 14 of 2008), while section 91 of the Penal Code refers to "any person who being employed in the public service".

Bribery of national public officials is fully criminalized in its passive form. However, section 91 of the Penal Code criminalizing bribery in the active form lacks fundamental elements of the offence, such as direct and indirect bribery, benefit of third party and undue advantage. Such offences are felonies punishable by 7 years' imprisonment.

Bribery of foreign public officials and officials of public international organizations is covered by section 373 of the Penal Code with 3 years' imprisonment or a fine (misdemeanour).<sup>1</sup>

Trading in influence is criminalized partially in its passive form by section 93 of the Penal Code, but not in its active form.

With regard to article 21 of the Convention, section 373 of the Penal Code partially criminalizes bribery in the private sector as the elements of undue advantage, direct and indirect bribery, and third party benefit are not foreseen.<sup>2</sup>

*Money-laundering, concealment (arts. 23 and 24)*

The AML Act and the Proceeds of Crime (Civil Confiscation) Act implement article 23 of the Convention. It was generally observed that the AML Act has been effectively implemented, and the FIU has successfully prosecuted important cases and returned assets to victims.

A person who, "knowing or believing that the property is or represents the benefit from criminal conduct or being reckless as to whether the property is or represents such benefit", converts, transfers or handles the property, or removes it from the national territory is guilty of money-laundering and punishable with a maximum of SR 5,000,000 and 15 years' imprisonment. According to the AML Act, a person is reckless if he or she "regards a substantial risk that the property in question is or represents the benefit from criminal conduct", and for those purposes "substantial risk" means "a risk of such a nature and degree that having regard to the circumstances in which the person became involved with the property and the extent of the information then available to him, the disregard of that risk involves culpability of a high degree".

The AML Act punishes the use, possession, concealment of the true origin of the property, and the participation in such activities. It also allows the freezing, seizure and confiscation of all kinds of property, including intermingled property and benefits from such property. Predicate offences are the ones committed either inside or outside of the national territory and punishable by at least 3 years' imprisonment.

Seychelles has criminalized self-laundering.

Concealment is also criminalized by the AML Act.

*Embezzlement, abuse of functions and illicit enrichment (arts. 17, 19, 20 and 22)*

Embezzlement of property by a public official is covered by the general provision of section 253 of the Penal Code on theft, but diversion and illicit use are not covered. Disciplinary measures exist under the Public Officers' Ethics Act for misuse or misappropriation of property entrusted to public officers.<sup>3</sup>

<sup>1</sup> Development after the country visit: the authorities indicated that the Anti-Corruption Act, 2016 established a specific offence of bribery of foreign public officials and officials of public international organizations.

<sup>2</sup> Development after the country visit: the authorities indicated that the Anti-Corruption Act, 2016 criminalized bribery in the private sector.

<sup>3</sup> Development after the country visit: the authorities indicated that the offence of embezzlement had been amended through the Anti-Corruption Act, 2016.

Section 96 of the Penal Code punishes “any person who, being employed in the public service, does or direct to be done, in abuse of the authority of his office, any arbitrary act prejudicial to the rights of another” with 3 years’ imprisonment, thus partially criminalizing abuse of functions.

Illicit enrichment has not been specifically criminalized, although there is a general prohibition in the Public Officers’ Ethics Act that “a public officer shall not use his office to improperly enrich himself or others” (section 7). This Act obliges high ranking officials to make an asset declaration with the Public Officers Ethics Commission within three months of their appointment. Non-compliance with this obligation is punishable by 5 years’ imprisonment. Currently, declarations are not verified unless a complaint against the official is filed with the Attorney General within 6 months since end of office of the official. Non-conviction based forfeiture procedures foreseen by the Proceeds of Crime Act may also be used to confiscate unexplained wealth.

With regard to article 22 of the Convention, provisions of the Penal Code on theft partially address embezzlement in the private sector as not all types of property are covered.

#### *Obstruction of justice (art. 25)*

The general law of evidence in Seychelles renders testimony given as a result of physical force, threats or intimidation or an undue advantage as inadmissible. Giving a false testimony or preventing the execution of any legal process constitutes a misdemeanour in Seychelles (section 110 Penal Code), with specific provisions foreseen in the AML Act concerning asset agents.

#### *Liability of legal persons (art. 26)*

The Interpretation and General Provisions Act cover both natural and legal persons in the definition of “person”. The Penal Code therefore establishes criminal liability of legal persons, both public and private. Legal persons are liable criminally independently from liability of their managers. Regarding applicable sanctions, different provisions for fines exist in the AML Act and the Penal Code and under the International Business Companies Act, a legal person can be dissolved.

#### *Participation and attempt (art. 27)*

Under the Penal Code, participation and attempt to commit offences are criminalized. Unless otherwise provided, attempt is punishable as misdemeanour. The AML Act criminalizes participation and attempt of the offences under that law as punishable as a principal offender.<sup>4</sup> Preparation of offences is not criminalized.

#### *Prosecution, adjudication and sanctions; cooperation with law enforcement authorities (arts. 30 and 37)*

Sanctions applicable to corruption and related offences are dissuasive and take into account the gravity of the offence, except in relation to liability of legal persons.

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<sup>4</sup> Development after the country visit: the authorities indicated that, for offences relating to corrupt practices, participation and attempts have been addressed under the Anti-Corruption Act, 2016.

The high penalties in respect to the non-declaration of assets were viewed as a potential obstacle to the implementation of the relevant texts.

Parliamentarians only enjoy immunity with respect to the activities of their functions and though judges enjoy immunity under the Constitution, they can be removed for misconduct upon decision of the Constitutional Appointments Authority, and subsequently prosecuted.

The Attorney General is the prosecuting authority and no reasons need to be given if the Attorney General decides not to prosecute. The FIU has a state counsel to prepare cases in order to facilitate money-laundering prosecutions.

Seychelles has taken measures to consider release unconditionally or on reasonable conditions pending trial, as well as early release or parole.

The Department of Public Administration (DPA) and the State Cabinet Affairs and Civil Service are responsible for implementing Public Service Orders (hereinafter referred to as the “PSO’s” or “PSO”) in the public administration. If there are misconduct reports or allegations, the DPA can carry out an administrative investigation and disciplinary measures can be taken at the department level, including suspension from duty, dismissal, demotion or reduction in salary.

Individuals nominated as board members of state-owned enterprises can be suspended upon their prosecution for misconduct.

A public official who commits an offence can be prosecuted without prejudice to disciplinary actions which may be taken against him or her under the Public Service Orders.

In Seychelles, records of sanctions are cleared after five years in order to facilitate the reintegration into society of convicted persons.

Concerning cooperation with law enforcement authorities under article 37 of the Convention, the Constitution and the Criminal Procedure Code confer discretionary powers to the Attorney General on decisions whether to prosecute or not. There are no specific measures addressing the cooperation of accused persons with law enforcement authorities, nor protection measures for cooperating offenders.

*Protection of witnesses and reporting persons (arts. 32 and 33)*

The AML Act contains some protection measures for victims and witnesses, but there is no general mechanism to protect victims, experts and witnesses, nor specific measures for the use of modern communication technology to hear witnesses, experts and victims, nor existing agreements for relocation.<sup>5</sup> There is no general mechanism to ensure that views and concerns of victims be presented and considered at different stages of the criminal proceedings.

While the Police and other agencies (DPA, Public Officers Ethics Commission) receive complaints, including anonymous ones, there is no mechanism for the protection of reporting persons.

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<sup>5</sup> Development after the country visit: in 2015, a Witness Protection Act (Act of 2015) was enacted. The authorities indicated that the Act aimed at protecting the identity of witnesses in relation to any investigations and proceedings.

*Freezing, seizing and confiscation; bank secrecy (arts. 31 and 40)*

The AML Act contains the relevant provisions for the restraint, seizure and forfeiture of proceeds of crime. The Proceeds of Crime (Civil Confiscation) Act also has relevant measures. The proceeds of crime or value thereof, property, equipments and instrumentalities of crime, transformed or converted or intermingled property and interests of these types of property are subject to freezing, seizure and confiscation measures. The FIU manages the frozen, seized or confiscated property. Under the AML Act, banks regularly send the FIU suspicious transaction reports and the FIU can obtain bank records. The AML Act foresees the reversal of the burden of proof. It is presumed that the property is the proceeds of crime until the person charged with money-laundering can prove the contrary on the basis of a civil standard of proof. The rights of bona fide third parties are protected under both the Proceeds of Crime Act, in relation with the non-conviction-based forfeiture mechanism and the AML Act.

The AML Act, Evidence (Bankers' Book) Act and Proceeds of Crime Act contain provisions lifting bank secrecy, and the Central Bank provides information in cooperation with the FIU.

*Statute of limitations; criminal record (arts. 29 and 41)*

There is no statute of limitations for criminal proceedings in Seychelles (except for summary trials in accordance with sect. 191 CPC), corruption and related offences can be prosecuted at any time after their commission.

According to sentencing practices, previous criminal records are taken into account, although there is no unified database of criminal records.

*Jurisdiction (art. 42)*

Seychelles has established its territorial jurisdiction in the Penal Code and AML Act and jurisdiction is also established in relation to money-laundering offences committed either outside or inside national territory. The authorities confirmed that vessels flying the flag of the Seychelles and aircrafts registered under the law of Seychelles are considered places over which the Republic has jurisdiction in accordance with section 6 of the Penal Code. However, Seychelles has not specifically established jurisdiction over offences under the Convention committed against its nationals, by its nationals or against the State itself. Under the Extradition Act, nationals of the Seychelles may be extradited. Cooperation with other States in accordance with article 42 paragraph 5 of the Convention can be undertaken on the basis of reciprocity.

*Consequences of acts of corruption; compensation for damage (arts. 34 and 35)*

General rules applicable to contracts under the Civil Code provide for the annulment or rescission of contracts where it is established that it was entered into by fraud or any other unlawful act.

The right to compensation for damage is foreseen by both civil and criminal procedures. Private persons, upon notification to the Attorney General, may start private criminal prosecutions.

*Specialized authorities and inter-agency coordination (arts. 36, 38 and 39)*

In Seychelles, the Police is the law enforcement authority tasked with investigating all violations of the law and transferring cases to the Attorney General for prosecution. A Disciplinary Code applies to policemen and an Internal Affairs Unit investigates corruption allegations. There are police investigators also posted for money-laundering offences in the FIU, which was established as an additional law enforcement authority in 2008 and reports to the President.

With regard to cooperation between national authorities, the Public Officers Ethics Commission, the Ombudsman, and the Public Administration Department follow up on and investigate allegations of corruption, referring cases to the Police or to the Attorney General for further action, but these authorities do not have obligation to do so. The authorities indicated that, as a matter of practice, the AG's office follows up with the authority which transmitted the case.

The FIU engages in close cooperation with the private sector, and receives and transmits suspicious transaction reports to the Attorney General. The Public Officers Ethics Commission, the Public Administration Department and the Ombudsman can receive complaints from the public.

**2.2. Successes and good practices**

Regarding the bribery of national public officials, section 375 of the Penal Code foresees a reversal of burden of proof when a public official is presumed of having received a gift, unless he can prove the contrary.

The efforts undertaken by the FIU in fighting money-laundering and transnational organized crime in using the provisions of the AML Act are highlighted. The placement of police investigators and a state counsel are noted. Successful cases, including the recovery of property for victims in another country, have demonstrated the effectiveness of the FIU.

**2.3. Challenges in implementation**

With a view to ensuring full implementation of the Convention, it is recommended that Seychelles:

- Harmonize the definition of “public official” in the relevant laws.
- Amend its legislation to fully cover the elements of undue advantage, indirect bribery and third party benefit for the bribery of national public officials (art. 15).
- Consider adopting specific offences of active and passive bribery of foreign public officials and officials of public international organizations (art. 16).<sup>6</sup>
- Criminalize the misappropriation or other diversion of property by a public official; consider providing for a specific offence (art. 17).<sup>7</sup>

<sup>6</sup> Development after the country visit: the authorities indicated that the Anti-Corruption Act, 2016 established a specific offence of bribery of foreign public officials and officials of public international organizations.

<sup>7</sup> Development after the country visit: the authorities indicated that the Anti-Corruption Act, 2016 established a specific offence of embezzlement.

- Consider criminalizing active trading in influence and consider fully criminalizing trading in influence in its passive form (art. 18).
- Consider fully criminalizing abuse of functions (art. 19).
- Consider fully criminalizing illicit enrichment (art. 20).
- Consider fully criminalizing bribery in the private sector by covering the elements of undue advantage, indirect bribery and third party benefit. (art. 21).<sup>8</sup>
- Consider fully criminalizing embezzlement in the private sector (art. 22).
- Criminalize a comprehensive range of offences established in accordance with the Convention as predicate offences to money-laundering and consider lowering the minimum penalty threshold for predicate offences (art. 23, subpara. 2 (b) and (c)).
- Amend its legislation to cover all elements of the obstruction of justice and consider rendering it a felony offence (art. 25).
- Consider strengthening sanctions for the liability of legal persons (art. 26, subpara. 4).
- Consider criminalizing participation and attempt of offences established in accordance with the Convention as felonies, and consider criminalizing preparation of such offences (art. 27).<sup>9</sup>
- Consider reviewing applicable sanctions for offences established in accordance with the Convention with a view to increasing the effectiveness of prosecution (art. 30, subpara. 1).
- Take further steps to increase the effectiveness of disciplinary measures as well as increase prosecutions and create a database of disciplinary sanctions (art. 30, subpara. 6).
- Consider measures to disqualify persons convicted of offences established in accordance with the Convention from holding public office (art. 30, subpara. 7 (a)).
- Adopt measures to establish protection for witnesses, experts and victims, including using communication technology, enter into agreements for relocation with other States and enable the views and concerns of victims to be presented and considered (art. 32).<sup>10</sup>
- Consider adopting measures for the protection of reporting persons (art. 33).

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<sup>8</sup> Development after the country visit: the authorities indicated that the Anti-Corruption Act, 2016 criminalized bribery in the private sector.

<sup>9</sup> Development after the country visit: the authorities indicated that the Anti-Corruption Act, 2016, addressed punishment for persons who abet, counsel, or conspire with a person to commit an offence under the Act.

<sup>10</sup> Development after the country visit: in 2015, a Witness Protection Act (Act of 2015) was enacted. The authorities indicated that the Act aimed at protecting the identity of witnesses in relation to any investigations and proceedings. In addition, the authorities indicated that in 2013, the Evidence Act and the Criminal Procedure Code were amended to allow for the taking of evidence of witnesses from outside the courtroom by live television link.

- Take steps to ensure that law enforcement authorities carry out their functions according to clear mandates and in an effective manner without undue influence (art. 36).
- Consider adopting specific measures concerning the cooperation of accused persons with law enforcement authorities (art. 37).
- Adopt measures to strengthen cooperation between national authorities and clarify possible overlaps in competence (art. 38).
- Consider establishing a unified criminal records database (art. 41).
- Consider specifically establishing its jurisdiction over offences established in accordance with the Convention and continue efforts for consultation with other States (art. 42, subparas. 2 (a), (b), (d) and 5).

#### **2.4. Technical assistance needs identified to improve implementation of the Convention**

Training on corruption issues for law enforcement authorities would be helpful to strengthen Seychelles' capacity in the fight against corruption. Specific training for capacity-building was requested by the Parliament Committee on Finance and Public Accounts.

### **3. Chapter IV: International cooperation**

#### **3.1. Observations on the implementation of the articles under review**

*Extradition; transfer of sentenced persons; transfer of criminal proceedings  
(arts. 44, 45 and 47)*

Extradition from and to Seychelles is regulated by the Extradition Act (1991), which includes offences established under international conventions or agreements to which the requesting State and Seychelles are parties as extraditable offences. However, these offences still need to be criminalized in domestic legislation. Extradition to Commonwealth countries can be granted by Seychelles without bilateral agreements. For non-Commonwealth countries, the Act requires that there be a bilateral agreement. Seychelles has negotiated agreements with several countries, but so far only one bilateral extradition agreement has been reached.

Dual criminality is a requirement for extradition and elements of the offence are verified to ensure that dual criminality is met. Extraditable offences must be punished with at least 12 months' imprisonment. Seychelles notified the Secretary-General that it would not consider the Convention as the legal basis for cooperation in extradition.

Upon reception of an extradition request for a person convicted of an extraditable offence or accused of having committed an extraditable offence, the Attorney General issues an authority to proceed after having obtained written consent of the President of the Republic. A magistrate delivers an arrest warrant to the Police for execution within 24 hours and can maintain that person under custody for a period not exceeding 30 days to allow the Attorney General to issue the authority to proceed. The Supreme Court (Court of First Instance) will decide on extradition. A similar procedure applies when an extradition request via or by INTERPOL is made to the Commissioner of the Police. A simplified extradition procedure is

foreseen where the person consents to be extradited. Extradition requests must be accompanied by required documents, depending on the situation, proving accordingly the arrest warrant, sentencing, certificate of the conviction, the description of the facts, and the extract of applicable laws.

Nationals of Seychelles can be extradited. Fair treatment guarantees and human rights protection are provided for in the Constitution and apply to extradition proceedings. Extradition shall be refused as well if it was sought on the basis of race, religion, nationality or political opinion.

Mandatory grounds for refusal of extradition in Seychelles include the lack of dual criminality, the non-extraditability of the offence, and the political nature of the offence. In practice Seychelles consults with the requesting State and informs it about extradition requirements and grounds for refusal.

With regard to article 45 of the Convention, the Transfer of Prisoners Act (2010), implementing the Agreement among the Countries of the Eastern Africa Region in the Field of Exchange and Extradition of Fugitives and Sentenced Criminals (2005), allows Seychelles to transfer sentenced persons through formal memorandums of understanding, agreements, or exchange of letters and diplomatic notes. Seychelles has concluded several agreements and memorandums of understanding.

There are no domestic measures providing for the transfer of criminal proceedings.

#### *Mutual legal assistance (art. 46)*

Mutual legal assistance is regulated by the Mutual Assistance in Criminal Matters Act (1995). According to this Act, Seychelles shall grant assistance to Commonwealth countries without agreements, and to non-Commonwealth countries on the basis of bilateral agreements. In practice, Seychelles also grants assistance to non-Commonwealth countries on the basis of reciprocity. Moreover, when assistance has been granted several times to one country, Seychelles may negotiate an agreement with that country to formalize mutual assistance. Seychelles has started to grant assistance to States that are also parties to the international agreements.

Assistance can be granted in accordance with the different forms detailed in article 46 paragraph 3 of the Convention. Asset recovery is not specifically referred to and such forms of assistance were to be included in further treaties with non-Commonwealth States.

A 2011 amendment to the AML Act empowered the FIU to spontaneously transmit intelligence information directly to foreign law enforcement authorities, without going through the formal channel of the Attorney General. The spontaneous transmission of other information is made through the Attorney General.

Any information or evidence obtained in response to a request for mutual assistance from a foreign country is kept confidential. Bank secrecy is not a ground for Seychelles to deny assistance.

The Mutual Assistance in Criminal Matters Act enables the provision of assistance under paragraphs 10 to 12 of article 46 of the Convention concerning the giving of evidence or testimony.

Seychelles notified the Secretary General that the Ministry of Foreign Affairs is the competent authority to receive requests for mutual assistance and transmit them to the central authority for execution. The Attorney General, however, is the executing authority which handles all incoming and outgoing requests. Requests shall be made in writing in either English or French; however this information has not yet been notified to the Secretary General.

Requests shall comprise, inter alia, the name of the requesting authority, a description of the nature of the criminal matter and a statement setting out the name and description of the person in respect of whom the request is made and a summary of the relevant facts and laws, a description of the purpose of the request and of the nature of the assistance sought, details of the applicable procedures in the requesting state, a statement setting out the wishes of the foreign country concerning the confidentiality of the request and the reasons for these wishes.

The use of videoconference to facilitate hearings of experts or witnesses is not provided in the Act; however, Seychelles stated that this form of assistance can be organized.<sup>11</sup>

The fact and substance of requests are kept confidential by Seychelles to the extent permitted under domestic laws. If Seychelles wishes to use this information, it will inform the requesting State.

The Mutual Assistance in Criminal Matters Act contains grounds for refusal of requests. A request shall be refused if there are substantial grounds to believe that it was made on a discriminatory basis, or to punish an offence of a political character. The Attorney General shall also refuse a request if its execution would be contrary to or cannot be executed under the domestic laws, or would prejudice the sovereignty, security or national interest. A request may be refused if the assistance could prejudice an investigation or proceeding in relation to a criminal matter in Seychelles, or would impose an undue burden on its resources. In practice, Seychelles will bear reasonable costs, and try to reach a financial agreement with the requesting State regarding extraordinary costs. Reasons of refusal are always given to a requesting State.

Seychelles endeavours to grant the mutual assistance requested as expeditiously as practicable, and inform the requesting State when there may be delays. If granting assistance sought interferes with an ongoing investigation, prosecution or judicial proceeding, Seychelles may refuse the request.

Safe conduct is provided in accordance with paragraph 27 of article 46 of the Convention. Copies of documents and any information, either public or confidential, in Seychelles can be provided to requesting States upon request.

Seychelles has not concluded bilateral agreements for mutual legal assistance.<sup>12</sup>

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<sup>11</sup> Development after the country visit: the authorities indicated that, in 2013, the Evidence Act and the Criminal Procedure Code were amended to allow for the taking of evidence of witnesses from outside the courtroom by live television link.

<sup>12</sup> Development after the country visit: The authorities indicated that after the country visit, the central authority of the Seychelles entered into a memorandum of cooperation on the provision of MLA with its counterpart in the Russian Federation.

*Law enforcement cooperation; joint investigations; special investigative techniques (arts. 48, 49 and 50)*

With regard to law enforcement cooperation, the Police cooperates with foreign counterparts mostly via the INTERPOL network, and the Police, the FIU and the National Drugs Enforcement Authority have assisted their foreign counterparts regarding tax fraud, theft of property, money-laundering, piracy, organized crime, and drug trafficking matters. A recent amendment to the AML Act allows the FIU to exchange intelligence information directly with foreign counterparts without going through the central authority.

Joint investigations have been established in practice in relation to drug trafficking but there are no bilateral or multilateral agreements for this mechanism.

The use of the special investigative techniques (controlled delivery, surveillance, wiretapping) is decided by the Judiciary upon the submission of an affidavit by law enforcement authorities.

### **3.2. Successes and good practices**

The practice of consultation with other States as well as simplifying and expediting extradition procedures are noted as good practices.

Seychelles' efforts to regulate the transfer of sentenced persons and reached agreements with other States are welcomed.

The recent practice of granting assistance to States parties to the Convention in the absence of bilateral agreements is noted.

The activities of the FIU and efforts towards law enforcement cooperation are noted as good practices.

### **3.3. Challenges in implementation**

With a view to ensuring full implementation of the Convention, it is recommended that Seychelles:

- Conclude additional bilateral treaties with non-Commonwealth countries including offences established in accordance with the Convention, in order to enable extradition (art. 44, subparas. 1 and 4).
- Ensure that offences established in accordance with the Convention are criminalized in domestic legislation and consider extradition for offences that have not yet been criminalized (art. 44, subpara. 2).
- Consider using the Convention as the legal basis for extradition (art. 44, subpara. 5).
- Consider extending reasons for refusal of extradition when it may cause prejudice to a person on account of their gender or ethnic origin (art. 44, subpara. 15).
- Consider formalizing the practice of consultation with other States for extradition (art. 44, subparas. 17 and 26).

- Conclude additional bilateral treaties with non-Commonwealth countries including offences established in accordance with the Convention, in order to enable mutual legal assistance (art. 46, subparas. 1, 3, 9, 12 and 30).
- Consider amending its notification of central authority to the Secretary-General of the United Nations to designate the Attorney General, and notify that English and French are acceptable languages for requests (art. 46, subparas. 13 and 14).
- Consider permitting hearing of witnesses or experts in other States by videoconference (art. 46, subpara. 18).<sup>13</sup>
- Consider reaching agreements with other States to enable the transfer of criminal proceedings (art. 47).
- Consider further measures for law enforcement cooperation such as reaching agreements with other States and consider using the Convention as the legal basis for law enforcement cooperation (art. 48).
- Consider concluding agreements with other States for the establishment of joint investigations (art. 49).
- Consider concluding agreements with other States for the use of special investigative techniques (art. 50).

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<sup>13</sup> Development after the country visit: the authorities indicated that in 2013, the Evidence Act and the Criminal Procedure Code were amended to allow for the taking of evidence of witnesses from outside the courtroom by live television link.