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**Case No: 202**

**The Truth, Reconciliation and National Unity Commission**

**In the Complaint of Roland Changty Young**

**31 December 2022**

# Determination on the Complaint of Roland Changty Young

**Complainant:**

Roland Changty Young

The Truth, Reconciliation and National Unity Commission ("Commission"), seized of the complaint of Mr. Roland Chanty Young,

**OBSERVING** that the complaint of Mr. Young, who brings his complaint as a victim, was filed on 16 October 2019, in conformity with Sections 3(4) and 3(5) of the Truth Reconciliation and National Unity Act, 2018 ("TRNUC Act");

**NOTING** that pursuant to Section 2(8) of the TRNUC Act, the complaint must allege an abuse of human rights that was committed during or in relation to the Coup d'état of 1977,[1] and that the complainant alleged wrongful denial of the right to education as an abuse of office,[2] and wrongful denial of the right to employment beginning in 1993,[3] a time period that falls outside the primary temporal period of the mandate of the Commission from the Coup d'état of 1977 until the return to multipartyism in 1993, but nevertheless satisfies the Commission's thematic mandate as the human rights violations alleged are claimed to have been motivated on political grounds and implemented by the same Government that had taken power with the Coup d'état of 1977;

**RECALLING** that pursuant to Rule 25 of the Rules of Procedure and Evidence of the Commission, the test for admissibility is low but a "complaint will be deemed inadmissible where the information contained within the complaint falls manifestly outside the mandate of the Commission", and in this case, the Commission rendered the complaint of Mr. Young prima facie admissible on 24 February 2020;

**RECALLING FURTHER** that the Commission, having rendered the complaint prima facie admissible pursuant to Section 3(3) of the TRNUC Act, heard the complaint of Mr. Changty Young on 18 March 2020,[4] and investigated the veracity of the complaint as evidenced by the hearing record and the file in this case;

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[1] "[…] (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". Truth, Reconciliation and National Unity Commission Act, 2018, Act 9 of 2018 (14 September), sec. 2(8) [hereinafter "TRNUC Act"].

[2] TRNUC Act, sec. 2(8)(l). The Commission has considered that the violation of abuse of office consists of 1) the use of the capacity and powers of a public office 2) to restrict the specific rights or freedoms of a person or persons 3) in a manner that strayed from the proper purpose of the law or of the official's position 4) by a State official. The Commission further notes that this violation commonly, though not exclusively, includes discrimination or victimisation based on real or perceived political opinion or that is otherwise legally baseless or arbitrary. It recalls that equality before the law, non-discrimination, and freedom from fear of Government abuse are basic principles of human rights law enshrined in the UDHR, and that these rights may be violated when a Government official abuses the power of their office. *See* Universal Declaration of Human Rights [UDHR], G.A. Res. 217 (III), 10 December 1948 [UDHR], arts. 1, 2, 7, 12.

[3] TRNUC Act, sec. 2(8)(i). The Commission has considered the violation of wrongful denial of employment to include a 1) repeated refusal to hire, promote, otherwise interfere with or refuse a person 2) in pursuit of employment in that person's chosen field, 3) for reasons other than business necessity or some other reasonable and articulable basis 4) by a perpetrator. As with the violation of wrongful termination, this violation applies equally to dismissal of employment from either the public or private sector and is a fundamental violation of an individual's rights "to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment". UDHR, art. 23(1).

[4] Ad hoc Hearing No. 6 of Wednesday 18 March 2020.

**CONSIDERING** the evidence heard by the Commission, coupled with the Commission's consideration of similar cases;

**HEREBY** determines, pursuant to Section 11 of the Truth, Reconciliation and National Unity Commission Act, 2018 ("TRNUC Act"), as follows:

1. The Commission recalls Mr. Changty Young's evidence that his family never supported the system introduced by the Coup d'état of 1977; instead, they "always supported democracy". When Mr. Changty Young was in school, he used to talk about politics and the Parti Seswlwa (Seychellois Party). Mr. Changty Young believes that another student whose father was in the army, reported Mr. Changty Young to their father for talking against the system, and for this reason, Mr. Young claims he suffered victimisation on political grounds;

2. The Commission recalls Mr. Changty Young's evidence that when he ended S4, the National Youth Service (NYS) was about to close, but he still had the option of going to NYS. However, he did not go as his mother did not agree with him going there, because she was against the system. Mr. Changty Young recalled that he went to school at the Tutorial College (set up by Guy Morel), and when he had finished, he wanted to go to the Polytechnic, but he never got accepted. Mr. Changty Young alleged that his parents went back and forth to the Ministry of Education and they received "dumb feedback". Mr. Changty Young claimed that the Ministry of Education "just made excuses", including comparing his points to other students, and alleged that it was "just a fabricated system" for Mr. Changty Young to be denied any post-secondary education;

3. The Commission recalls that it contacted the Ministry of Education to ask for information on the process of admission to the Polytechnic and whether they had an education file for Mr. Changty Young. Following repeated requests, on 8 August 2022, the Commission was advised that no file could be located;

4. The Commission recalls the evidence of Patrick Berlouis, who held the position of Director of the Seychelles Polytechnic in the early 1980s, given in response to a claim made in another case,[5] that in the late 1980s, students who had not attended NYS would be excluded from further education at the Polytechnic. Mr. Berlouis explained that at the time, the NYS was the only avenue by which Seychellois students could be considered eligible for the Polytechnic, as there were no parallel institutions in Seychelles offering years 10 and 11 to Seychellois students;

5. The Commission notes that Mr. Changty Young was not born until 1981 and he would have been 15 years old at the relevant time, and thus eligible to attend NYS, either in 1996 or 1997, as the NYS only shut down in 1999. In this respect, the Commission notes that even children who had completed NYS during the time of Mr. Berlouis's leadership were not accorded automatic entry to the Polytechnic. Mr. Berlouis explained that students would have to make an application, which a specific Admissions Committee would then consider set up for each Department or School;

6. While the Commission notes that Mr. Changty Young felt the explanation given to Mr. Changty Young's parents, that the system fabricated his exclusion from the Polytechnic, the Commission has not received evidence of Mr. Changty Young's performance compared to other students. In that

[5] Case Determination No. 024: Sarah Amoosavaly Carolus.

regard, the Commission notes that the Polytechnic—like most post-secondary schools—has entry requirements that consider an applicant's performance in secondary school. While Mr. Changty Young had completed the equivalent of years 10 and 11 at the Tutorial College, the Commission notes that performance in certain subjects taken in years 10 and 11 was a legitimate consideration for entry. The Commission finds that the so-called "excuses" Mr. Changty Young's parents received are more likely than not merely indicative of an admission process used by most post-secondary institutions to assess the merits of applications made;

7. On the evidence adduced, the Commission is not satisfied that Mr. Changty Young was denied further education on political grounds so as to amount to an abuse of office pursuant to Section 2(8)(l) of the TRNUC Act;

8. The Commission recalls Mr. Changty Young's evidence that as he was unable to continue his education, he applied for many Government jobs, but he claimed he was never accepted anywhere. The Commission recalls that Mr. Changty Young claimed that in around 1997 to 1998, someone informed him that "there was discrimination" in his district, specifically through the office of the District Administrator. It was alleged that the District Administrator would refuse security clearance to those associated with the opposition, which was needed for employment with the Government. Mr. Changty Young claimed that despite his efforts, he had never been employed in Government to date;

9. The Commission recalls that it sought to establish the veracity of Mr. Changty Young's claim, and sought further details from him with respect to which applications he had made to positions of which he was qualified but was refused, and with respect to the alleged discrimination. Mr. Changty Young informed the Commission that he had made two applications for roles as a computer technician, including one with the Seychelles Public Transport Corporation and the other with the Ministry of Land Use and Habitat. Mr. Changty Young noted that neither application was successful;

10. As to the discrimination that Mr. Changty Young claimed he experienced, the Commission recalls Mr. Changty Young's evidence that he would often visit his girlfriend who lived at Arpent Vert, just above the Seychelles National Party office and sometimes he would borrow his father's red pick-up to do so. Mr. Changty Young recalled that a family friend, Penny Belmont, worked at State House, and was questioned as to her affiliation with the Changty Young family because Mr. Changty Young's father's red pick-up was seen at Arpent Vert every day. According to Mr. Changty Young, Ms. Belmont was asked what the Changty Young family were doing there;

11. The Commission recalls Mr. Changty Young's evidence that he was also being followed, that he noticed a few cars following him, but he could never identify the driver of the vehicle following him because it was always dark. Mr. Changty Young recalled that on one occasion, when Ms. Belmont had just arrived to visit them at their home, a white car came past, slowed down, and took a picture at the precise moment Ms. Belmont was entering their home. The Commission notes that while questionable, this event does not by itself suggest that Mr. Changty Young was discriminated against or otherwise targeted, as there could have been myriad reasons for the driver taking the picture as claimed, including, *e.g.*, if the driver was following Ms. Belmont;

12. The Commission recalls Mr. Changty Young's evidence that in 2016, when the LDS made their major rally, having gained 15 seats in the National Assembly to the 10 seats of the SPPF, Mr. Changty Young had burnt an SPPF flag. Mr. Changty Young claimed that many spies lived in their area of St. Louis. Mr. Changty Young stated that he thought no one saw him that day, but then he was told he might be called to State House to answer for burning the flag and that the Government would try to take him to court for it;

13. The Commission recalls that Mr. Changty Young identified Ms. Samia Govinden as the person who told his mother this, but Mr. Changty Young stated that no further action was taken;

14. The Commission recalls Mr. Changty Young alleged that his phone was always bugged, and that every call he made or received had been listened to "for a very long time", though Mr. Changty Young stated that he did not know for how long the phone had been bugged;

15. The Commission recalled Mr. Changty Young's evidence that his wife's father was an SPUP supporter and he had started courting her in 1999. Mr. Changty Young claimed before their marriage that his wife worked at Customs in the Tax Division and was always promoted. Mr. Changty Young alleged that after she started to associate with Mr. Changty Young, she began to encounter difficulties. Ms. Belmont explained to his wife that all the problems she faced were because she was married to Mr. Changty Young. According to Mr. Changty Young, Ms. Belmont had stated that he was considered an enemy of the State, not necessarily dangerous, but an enemy for the system and the party;

16. The Commission recalls that it sought to verify Mr. Changty Young's claims with Ms. Belmont, and Ms. Belmont informed the Commission that she could categorically state that she never had any conversation with Mr. Changty Young or his wife regarding the promotion of his wife, her father, or Mr. Changty Young's political affiliation. Ms. Belmont further stated that under no circumstances had she ever had a discussion with Mr. Changty Young, his wife, or to anyone else where she stated that Mr. Changty Young was considered an enemy of the State. Ms. Belmont further claimed that she did not get involved in politics and she did not know whether Mr. Changty Young was involved in politics, as she said that was none of her business. She said that she had never asked about the political affiliation of the Chanty-Young family, as it was of no importance to her, and she stated that it was unfair of Mr. Changty Young to have mentioned her name in regard to such topics;

17. The Commission recalls the pattern of evidence it has received that those perceived as being against the regime that had taken power with the Coup d'état of 1977 were systematically discriminated against on political grounds, and that this discrimination continued well past the so-called re-introduction of the multiparty system;

18. The Commission finds that Mr. Changty Young had only applied for two jobs in the public sector, which did not progress. While the Commission accepts that political affiliations heavily influenced the public service's hiring policies, the fact Mr. Changty Young had only made two applications which did not progress and notably did not claim any specific instances of discrimination or victimisation that could reasonably be tied to these decisions not to progress his job applications, renders the Commission unable to find that the reason for non-progression was based on his perceived political views. As such, the Commission is not satisfied that Mr. Changty Young

suffered the violation of wrongful denial of employment pursuant to Section 2(8)(i) of the TRNUC Act;

19. Further, the Commission is also unable to establish on the evidence adduced that Mr. Changty Young's wife's employment trajectory changed solely based on her association with Mr. Changty Young, so as to amount to its own violation of wrongful denial of employment pursuant to Section 2(8)(i) of the TRNUC Act;

20. As such, the Commission is unable to establish that Mr. Changty Young or his wife suffered any human rights violations under the TRNUC Act;

21. The Commission recalls that it is mandated pursuant to Section 3(7) of its Act to make recommendations for reparations for victims for human rights violation it has determined to have been established as a result of its investigations;

22. The Commission finds therefore that as the complainant in this case has not established any violation of human rights, no reparations are due.

Each of the undersigned Commissioners swears or affirms that he or she has comprehensively familiarised him or herself with the record in Case 202.

**On this 31 December 2022**

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**The Commission**

**Gabrielle McIntyre, Chairperson** G. McIntyre

**Michael Green, Vice Chairperson**

**Marie-Therese Purvis, Commissioner**

**Jacques Koui Gbilimou, Commissioner**

**Archbishop James Wong, Commissioner**