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Case No: 237

The Truth, Reconciliation and National Unity Commission

In the Complaint of Juan Mitchel Edmond

31 December 2022

Determination on the Complaint of Juan Mitchel Edmond

Complainant:

Juan Mitchel Edmond

The Truth, Reconciliation and National Unity Commission ("Commission"), seized of the complaint of Mr. Mitchel Edmond,

OBSERVING that the complaint of Mr. Edmond, who brings his complaint as a victim, was filed on 9 August 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] in the current case, Mr. Edmond alleged a range of allegations, many of which were unclear but included discernible claims of unlawful acquisition or loss of property[2] and alleged deportation from Seychelles amounting to forced exile,[3] during the primary temporal period of the Commission's mandate from the Coup d'état of 1977 until the reintroduction of the multiparty system in 1993;

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. Edmond's case prima facie admissible on 27 July 2020 in relation to the allegations of unlawful acquisition of property without prejudice to finding other aspects of his complaint admissible;

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. Edmond on 10 May 2021,[4] and investigated the veracity of the complaint as evidenced by the hearing record and the file in this case;

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

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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)(h). The Commission has considered that the violation of unjustified acquisition or loss of property or business entails 1) the unlawful or arbitrary taking or appropriation 2) of the physical, real, financial, intellectual, or other property or business of one or more persons 3) that results in the deprivation or interference of use of the property or business by that person 4) without adequate, prompt, and effective compensation, 5) by a perpetrator. The Commission recalls that this violation is a violation of the fundamental human right to property, including the protection from arbitrary deprivation of property, enshrined in Universal Declaration of Human Rights [UDHR], G.A. Res. 217A (III), 10 December 1948, art. 17.

[3] TRNUC Act, sec. 2(8)(k). The Commission considers that forced exile involves 1) the expulsion, deprivation of access to re-enter, or removal of a national from his or her country 2) unlawfully or arbitrarily through either direct deportation or expulsion or by making living conditions unbearable for the national to stay in the country due to ongoing or potential persecution, victimisation, violence, or other difficulties, 3) by a perpetrator. The violation of forced exile is fundamentally a violation of the customary rights freedom of movement and to re-enter one's country. *See* UDHR, arts. 9 (freedom from arbitrary exile), 13 (freedom of movement and right to return to one's country).

[4] Hearing No. 149 of Monday 10 May 2021.

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. Edmond's evidence that he owned property at Montagne Posee and that in 1989, the Government compulsorily acquired his property. He stated that he and Judge Stiven had wanted to build a hotel on the site prior to its acquisition;

2. The Commission recalls that it requested access to the land file from the Ministry of Land with respect to Mr. Edmond's property at Montagne Posee, but that it was informed by the Ministry of Lands that it had no record of any lands held under Mr. Edmond's name;

3. The Commission recalls that to ascertain the veracity of Mr. Edmond's complaint, the Commission investigator contacted Mr. Edmond's brother in the hope that he could provide it with more details, and that on 2 August 2021, Mr. Walter Edmond advised the Commission as follows:

> As per our meeting dated on Wednesday the nineteenth of May 2021 [...] were the matter of Mr. Juan Edmond[5] and property were illegally acquired by the late Mr. Albert René's SPUP administration was placed under examination.
> Mr. Juan Edmond has proposed that I shed some light on this matter in his absence. I, myself have tried to assist my (sic) requesting any relevant documentation from the land register to support his claims to the above-mentioned properties. It is unfortunate that no documents exist to justify his rightful claim to the property.
> When Mr Juan Edmond left Seychelles, I must have been between the age of 10 to 12 years of age. I lack any recollection pertaining to this matter has (sic) claimed by Mr. Juan Edmond.
> In conclusion, despite the willingness to assist, I respectfully decline your invitation to testify on this matter as there are no facts to back up the claims made by my brother Juan Edmond.

4. The Commission notes that a Commission investigator also attended at the Land Registry Officer and conducted a search for property registered in the name of Mr. Edmond, but found no such property registered there at any time;

5. The Commission notes that Mr. Edmond had referred to the Montagne Posee as part of the ex-Judge Stiven Estate, and that the Commission had cause to examine the estate of Judge Stiven in Case No. 464: Mulji Prafulchandra Popat. On 11 February 2022, the investigator conducted a search at the Registry and found record number 33/970, which indicated that in 1965, a first portion of land was bought by Mr. Eric James Stiven from Mr. Clement Nageon de L'Estang. In 1967, a second portion of land was bought by Mr. Eric Stiven from Mr. France de Lafontaine;

6. The Commission also established in that case, that Mr. Stiven died without leaving a will, and that on 8 January 1990, Mr. Francis McGregor was appointed as the executor of Mr. Stiven's estate, which included Parcels S398 and S1302. Parcel S1302 was the main parcel, of 36,817 sqm, which was registered on the new land registrar on 6 March 1997. On 12 February 1990, the land was subdivided into Parcels S2705, S2706, S2707, S2711, S2700, S2701, S2702, S2703, S2704, S2698, S2697, S2796, and S2699. All the named parcels were sold to Major Claude Vidot. Major Vidot then sold Parcel S2706 to Mr. Karsan Chudasama. Parcel S398, of 16,550 sqm, was also sold to Major Vidot on 23 January

[5] The Commission notes that the complainant's full name was Juan Edmond Mitchell; however, originally his surname was Edmond.

1990. On 7 September 1990, Parcel S398 was subdivided into Parcels S2735 and S2736, and remained under the name of Major Vidot;

7. The Commission notes that none of the above transactional history supports the claim of Mr. Edmond that he owned any part of Mr. Stiven's estate at any time, or that he had a legal claim over that property at any time. However, the Commission notes that Mr. Edmond claimed that he was adopted by Mr. Stiven and as such had a right to his estate;

8. The Commission contacted Karsan Chudasama, who was known to have lived with Mr. Stiven, to attempt to corroborate Mr. Edmond's claim that he had been adopted by Mr. Stiven. Mr. Chudasama responded with a transcribed statement on 1 July 2022, and stated as follows:

> I, Mr Karsan Chudasama of Au Cap stated that I stayed with Mr Stiven since I was 14 years old from Zanzibar, then in 1964, I came and stayed with him in Seychelles until he passed away.
> I knew Mr Mitchel Edmond because he stayed with Mr. Stiven and I for a short while and then he left. Mr. Edmond was never an adopted son of Mr Stiven and I was never aware or heard of any hotel development plan of Mr Stiven and Mr Edmond.

9. The Commission also contacted Mr. Popat, who was known to have been involved in Mr. Stiven's estate, in a further attempt to corroborate Mr. Edmond's claims. Mr. Popat responded by written statement on 11 July 2022, which stated as follows:

> Re Juan Mitchel Edmond.
> We arrived in Seychelles on 1st June 1964 with Eric James Stiven, and since I lived with him until his death. We had been declared prohibited immigrants by the then Zanzibar Government and as I was only 15½ years old Mr. Eric James Stiven had to write to the Immigration Department and officially declare that he would leave enough for me so that I would not be a burden to the State for me to obtain Seychelles citizenship.
> 1) We met the above-named in the Seychelles and he resided with us for a couple of years.
> 2) If he was to build a Hotel with Mr. Eric J. Stiven, I have no knowledge of it, as Eric never mentioned the project to me even though I was working on the "Reef Hotel" and "Reef Estate" developments with an English Construction Company "W&C French"
> 3) If he was given land by Eric, you would have to refer to the Land Registry.
> 4) Whether Juan was adopted by Eric you would have to refer to the then "Laws of Seychelles" as Eric was a batchelor (sic).[6]
> 5) I was never involved with his profession or his personal life, but my then friends referred to him as a "CON-MAN".

10. The Commission notes that during the presentation of his complaint, Mr. Edmond claimed that "his property" had been acquired because of his involvement in the Seychelles International Repatriation Onward Program (SIROP) as a writer and leader, and that he was working with all the world's governments. Mr. Edmond claimed that "when things went very wrong", Albert René blamed Mr. Edmond for it and acquired his property, and that he was told that if he did not sign the sale document, the Government would take the property from him. So, he said, he signed the document under duress,

[6] The Commission checked the adoption provisions and found that Section 38(2) of the Children Act, 1982, Cap 28 states "Except with the consent of the President, an adoption order shall not be made on the application of one person unless he is resident in Seychelles".

but was not compensated. Mr. Edmond recalled that when he sought to be compensated many years later, he was informed by then Minister Michel that he was out of time;

11. In the absence of any evidence whatsoever in support of Mr. Edmond's claim, the Commission is unable to establish that he suffered an unjustified acquisition of land as he alleged;

12. The Commission notes that during the presentation of his complaint, Mr. Edmond alleged other forms of victimisation and harassment by the Seychelles authorities, which he claimed was related to his involvement or knowledge of the SIROP. Mr. Edmond claimed that former President James Michel, former President Danny Faure, and current President Wavel Ramkalawan all knew what this programme was about and could explain it to the Commission;

13. The Commission notes that former President James Michel responded to the Commission by letter dated 24 May 2011, stating that he did not know Mr. Edmond and that he had "no knowledge whatsoever of the SIROP programme". The Commission further notes that former President Danny Faure, by letter dated 28 May 2021, informed the Commission that he was "not aware of the SIROP Programme and it was never brought to his attention by any Government entity or any citizen of Seychelles";

14. The Commission notes that it found the following information through online searches:

> Seychelles International Repatriation Onward Program (SIROP) is an exile/refugee return program conceived in 1986/87 by a faction of the Seychelles community in exile, Founder and Leader, Mr Mitchel J Edmond. They supported the return of the Seychelles exile without the use of force or military coup. The concept and programme involved putting together and promoting a strong economic package for the returning exile/refugee and the Seychelles economy amounting to $500 million - $800 million. It also required the return of multi-party politics among other agenda. It was supported by the International community. The other political parties involved were CDU Dr Maxime Ferrari, Mr Andre Uzice, DP Mr David Joubert, SDP & Mouvement Pour la Democracy Sir James Mancham, Alliance Mr Christopher Savy and Mr Lewis Betsey, SNP Mr Philippe Boullé, Seychelles National Party Mr Edmond Camille, Mr Gabriel Houreau, Mr Robert Frichot, Mr Paul Chow, Mr Ralph Volcere, also UKSCA Executives 1987. It also involved then Seychelles Opposition Underground Movements and political parties.
>
> Contrary to what have been stated, the former President of Seychelles, Sir James Mancham had brought about multi-party by using Fax message to incite changes. The Opposition in Seychelles then, - Or that the Commonwealth of Nations brought pressure causing President FA René to adopt multi-party elections.
>
> After almost sixteen years of one-party rule, President France-Albert René announced a return to the multiparty system of government at an Extraordinary Congress of the Seychelles People's Progressive Front on December 4, 1991. On December 27, 1991 the Constitution of Seychelles was amended by the Seychelles People's Assembly to allow for the registration of political parties.
>
> The economic concept, impacts, social and political integration for the returning exile, refugee was evaluated by Indian Ocean Interdisciplinary Management Foundation and economists, politicians, executives as officials of World Economic Forum other such bodies in Europe, Asia, Latin America and Africa. Including economic advice from the international Christian communities. European Council on Refugees and Exiles, international refugee and exile organisations, migrant organisations, United Nations relevant bodies. Diplomatic communities in EU, European governments and relevant national institutions. Aspects of relevant EU institutions. Indian Ocean communities in Europe, refugee and exile organisations in Europe. Research carried out

> at International Institute for Strategic Studies, Chatham House also known as Royal Institute of International Affairs, the Runnymede Trust. Support from European political parties, their international bloc. European and International Trade Union. The Francophonie and the Commonwealth of Nations.[7]

15. The Commission notes that it contacted Mr. Chow, who was identified in the Wikipedia page, to find out if he could corroborate Mr. Edmond's claims of victimisation. Mr. Chow advised the Commission as follows:

> I had no association with Mr Edmond either in Seychelles before I went to exile nor during my time in exile. I was aware of him in London with an organization with an office I believe based in Regent Street. Neither did Mr Gerard Hoarau nor Mr Gabby Hoarau had any association with hime (sic) at least to my knowledge. Mr Edmond was known as a person who embellished his importance or connection with known personalities when he was in Seychelles and seems to have continued doing so when in London. He was a well known member of the Seventh Day Adventists Church in Seychelles and most likely connected with the organisation in London he mentioned via the Seventh Day Adventists church.
> Hope this sets the record straight as far as his claim about his connection or association with me and other MPR officials in London is concerned.

16. While the Commission has established some information about the SIROP programme, it has not been able to establish any link between the programme and any alleged victimisation of Mr. Edmond by the authorities of Seychelles. In that respect, the Commission recalls Mr. Edmond's statement given in support of his complaint, in which he stated that he was forced to leave Seychelles in 1976, and that the primary reason for his exile was his bad reputation, acquired following his divorce. While Mr. Edmond also stated that he suffered from constant police threats, harassment, and intimidation, this was allegedly prior to the Coup d'état of 1977, and Mr. Edmond did not allege any motivation on political grounds that could be related to the Coup d'état of 1977. As such, the Commission is not satisfied that the facts have established any violation of human rights under the TRNUC Act;

17. 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;

18. 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 and affirms that he or she has comprehensively familiarised him or herself with the record in Case 237.

On this 31 December 2022

The Commission
Gabrielle McIntyre, Chairperson G. McIntyre

[7] Seychelles International Repatriation Onward Program, Wikipedia, last edited 24 March 2022, as accessed on 28 June 2022, <https://en.wikipedia.org/wiki/Seychelles_International_Repatriation_Onward_Program>. The Commission notes that at the top of the Wikipedia page is a warning, stating, "This article does not cite any sources". On investigation, the Commission discovered the most substantial edits were by a Wikipedia user named "Grandlarousse".

Michael Green, Vice Chairperson

Marie-Therese Purvis, Commissioner

Jacques Koui Gbilimou, Commissioner

Archbishop James Wong, Commissioner