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**Case No: 041**

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

**In the Complaint of Gilbert Chow**

**31 December 2022**

# Determination on the Complaint of Gilbert Chow

**Complainant:**
Gilbert Chow

# I. ADMISSIBILITY

1. The following determination is made pursuant to Section 11 of the Truth, Reconciliation and National Unity Commission (TRNUC) Act, 2018, which provides that the Commission shall make decisions and recommendations. The determination is in accordance with the mandate of the Commission as set out in Section 3(3) of the Act "to receive complaints in respect of alleged violations, to gather, collate and analyse information and evidence with respect thereto, and to make decisions". Pursuant to Section 2(8) of the Act, a violation means a human rights abuse committed during or in relation to the Coup d'état of 5 June 1977, and includes a non-exhaustive list of enumerated acts.[1]

2. Prior to the investigation of a complaint, pursuant to Rule 25(1) of the Commission's Rules of Procedure and Evidence ("Rules"), adopted by the Commission pursuant to Section 8(1) of the Act, the Commission must satisfy itself that the complaint is admissible before it for determination. To be admissible before the Commission, a number of criteria must be satisfied as outlined below.

3. Pursuant to Section 3(4) of the TRNUC Act, a complaint shall be filed within six months of the Commission's commencement of mandate, and pursuant to Section 3(5), a complaint may be filed by a victim, a representative of a victim, or a close surviving relative of a deceased victim. The mandate of the Commission commenced on 9 August 2019. To be admissible, complaints must have been filed on or before 9 February 2020.

4. The complaint of Gilbert Chow was filed on 9 August 2019. Consequently, the complaint satisfies the admissibility requirements of Sections 3(4) and 3(5) of the TRNUC Act.

5. Pursuant to Section 2(8), the complaint must allege an abuse of human rights that was committed during or in relation to the Coup d'état of 1977. Section 2(8), subparagraphs (a) to (m), identifies a non-exhaustive list of acts falling within the definition of a violation of human rights. The requirement that a complaint be related to the Coup d'état of 1977 requires the Commission to establish that there is an alleged connection between the allegation and the Coup d'état of 1977. Pursuant to Rule 25(2) of the Rules, a complaint "[...] will be deemed inadmissible where the information contained within the complaint falls manifestly outside the mandate of the Commission". The threshold for admissibility to be granted is low, though a complaint deemed by the Commission to be admissible may later be deemed inadmissible following investigation.

6. The complainant alleged unlawful imprisonment, wrongful termination of employment, and forced exile all during the primary temporal mandate of the Commission from the Coup d'état of 1977 until the reintroduction of the multiparty system in 1993.

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[1] "[...] (a) unlawful killing; (b) unlawful imprisonment or other deprivations of physical liberty; (c) torture; (d) rape; ()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"].

## II. PROCEDURAL HISTORY

7. Satisfied that the complaint alleged human rights violations relating to the Coup d'état of 1977, the Commission determined the case of the complainant prima facie admissible on 10 September 2019.

8. Having deemed the case prima facie admissible, on 20 May 2021 the Commission commenced its public hearings in relation to the case of the complainant.[2] The Commission received evidence from the complainant and accessed relevant documentary evidence.[3]

## III. EVIDENCE RECEIVED

### A. Evidence of Mr. Gilbert Chow

9. During Mr. Chow's appearance before the Commission on Thursday 20 May 2021, Mr. Chow informed the Commission about his relationship with Albert René prior to independence from the United Kingdom and the Coup d'état of 1977. Mr. Chow recounted how during his time as a student in the United States in 1969, Albert René contacted him and informed Mr. Chow that he was coming to New York City and that he wanted to see how the students from Seychelles were doing. Mr. Chow met with Mr. René in New York and noted that Mr. René had meetings scheduled with the Egyptian Ambassador, the Algerians, and the Cubans. Mr. Chow recalled Mr. René talked to Mr. Chow about Seychelles and what he was trying to do, telling Mr. Chow that if there was anything he needed Mr. Chow to do for him while he was in the United States, Mr. René would contact him, but Mr. Chow did not hear from him again.

10. Mr. Chow informed the Commission that when he returned to Seychelles after his studies, he met with a friend of Mr. René, who told him that Mr. René was organising a picnic at Anse Forbans and all the "big bosses" would be there. Mr. Chow went to the picnic and he met with Mr. René there, who told Mr. Chow to come to his office at an appointed time, and Mr. Chow did so. At that meeting, Mr. René told Mr. Chow that he, Mr. René, was on the left, Mr. Mancham was on the right, and Mr. Chow should form a political party in the middle. The idea was that at the critical moment, they would join their parties together.

11. Mr. Chow informed the Commission that a few weeks later, Mr. Chow called Mr. René and told Mr. René that it was not a good idea for him to form a political party, and that Mr. Chow did not have enough money to set up a political party. Mr. Chow recalled that this was towards the end of 1970, when the elections were about to be held. Mr. Chow stated that Mr. René told him that he had contacts and that money was not a problem, that Mr. Chow just needed to let him know. Mr. Chow informed the Commission that he decided not to form the party.

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[2] Hearing No. 157 on Thursday, 20 May 2021.

[3]

12. Mr. Chow recalled before the Commission that while he was working as a teacher at Seychelles College, he met with Justin Pragassen, who at that time was President of the Seychelles Teachers Union. Mr. Pragassen encouraged Mr. Chow to join the Union. This was again close to the election, and Mr. Pragassen told Mr. Chow that he had been invited by Mr. Mancham to stop teaching and join the Democratic Party because it needed more candidates. Mr. Pragassen also asked Mr. Chow if he would join Mr. Mancham's party, but he told him that he had just refused Mr. René and it would not look nice if he went and joined the democrats now. Mr. Chow recalled that the election was held and both Mr. Mancham and Mr. Pragassen were elected.

13. Mr. Chow informed the Commission that in 1971, when they had the election for the President of the Teachers Union, he stood and was elected as President, and Roger Mancienne was elected as Secretary. In 1972, Mr. Chow started a leaflet for the Teachers Union, and Mr. René told Mr. Chow that he wanted to re-print it in *The People*, the SPUP newspaper, and Mr. Chow told him that the Union was an impartial organisation and he did not want Mr. René to print it. Mr. Chow recalled that Mr. René told him that he would print it anyway and Mr. Chow told Mr. René that if he published it, Mr. Chow would let it be known to the Seychellois that Mr. René was trying to manipulate them. Mr. Chow stated that they then saw an article in *The People*; Mr. René had republished the leaflet.

14. Mr. Chow informed the Commission that in 1972, he was granted a scholarship to study for a Masters of Education in the United Kingdom and he left Seychelles at that time. He recalled that when he returned in 1973, he was appointed by the Ministry of Education to be in charge of Planning and Finance, and was responsible for renovations of schools, school transport, food, preparation of the budget, and the keeping of statistics. Mr. Chow recalled that in 1975, he was promoted to Senior Education Officer.

15. Mr. Chow informed the Commission that after the 1977 Coup, he continued to be employed with the Education Department as acting Principal Secretary, and Jacques Hodoul became the new Minister of Education. Mr. Chow informed the Commission that in August 1977, he received a call from Mr.Maxime Fayon, then Director for Education, who told Mr. Chow that he had received the order that Mr. Chow was not to stay in the Ministry of Education and he had an order to remove Mr. Chow from the building and to send him to Seychelles College. Mr. Chow informed the Commission that he responded stating that it was not possible as he had been in his post for three years, so Mr. Chow went to ask Minister Hodoul. Mr. Chow informed the Commission that Minister Hodoul told him that President René had no confidence in Mr. Chow and thought that Mr. Chow would sabotage the Ministry. Mr. Chow stated that he told Minister Hodoul that he had a contract as a Senior Education Officer, and Mr. Chow refused to leave his office.

16. Mr. Chow stated before the Commission that the next day, Mr. Hodoul came with a letter, signed by President René, and told Mr. Chow that he would be sent back as a teacher at Seychelles College but he would keep the same pay. Mr. Chow informed the Commission that he accepted this arrangement because they would not allow him to stay in the Ministry of Education department. Mr. Chow stated that he just gathered all his belongings and went to be the head teacher of Seychelles College. Mr. Chow recalled that it took quite some months for Mr. Chow to recover from what had happened.

17. Mr. Chow further claimed that while at Seychelles College, he received a letter from a friend who was working with UNESCO who told Mr. Chow that UNESCO was looking for someone in education for a job in Barbados. Specifically, they were looking for someone who had experience in a small country and in planning in education, and the friend said that Mr. Chow should apply for it. The friend also told Mr. Chow that he would need a reference from the Seychelles Government as it was a United Nations position, which depended on the support of his Government. Mr. Chow claimed that he had requested a reference from Minister Hodoul, who had said it would be no problem, but that when Mr. Chow followed up with his acquaintance, the acquaintance informed Mr. Chow that the Government had never responded to UNESCO's request for a reference.

18. The Commission recalls Mr. Chow's evidence that when the NYS demonstrations happened in 1979, it was said on the radio that President René would go to the Seychelles College and talk to the students. A podium was set up and Mr. Guy Sinon came to Seychelles College in President René's place to speak to the students. The school was told that teachers should not be in attendance, but Mr. Chow decided he would go and listen. Mr. Chow recalled that he went and stood close to Mr. Sinon as he was speaking. Mr. Chow claimed that there were people from the Government there taking photographs.

19. Mr. Chow further alleged that in November 1979, he was confronted in town by two police officers, one of whom he recognised as Mr. Fock-Tave, and they asked him if he was Paul Chow. Mr. Chow responded in the negative, but pointed out his brother's shop and told the officers that they would find Paul Chow there. The police officer then asked Mr. Chow what his name was and he informed them that it was Gilbert Chow. The officers then told Mr. Chow that they had a warrant for his arrest and that the Commissioner of Police wanted to talk to him. The police officer then pulled a piece of paper from his wallet, a Detention Order signed by President René, and told Mr. Chow that he was being arrested as it was suspected that he was trying to de-stabilise the country.

20. Mr. Chow informed the Commission that he walked with the police officers to the police station and once there, he was permitted to call his fiancée and his mother to tell them what was happening. He was then searched and placed in a cell with other Seychellois. That night they were served take away food for dinner and then transported to Union Vale Prison the next day. Mr. Chow informed the Commission that he was kept at Union Vale Prison in a cell with three to four other prisoners for 40 days. He was given a wooden pallet to sleep on with a rough mattress and no pillow. The food was terrible, as many people had already informed the Commission.

21. The Commission recalls Mr. Chow's evidence that before he was released, he was taken to see Commissioner Pillay, who asked Mr. Chow what he had done. Mr. Chow told the Commissioner that he did not know, and then the Commissioner told him he would record his answers to the questions posed. Mr. Chow recalled that the Commissioner asked him, "Did you not talk bad about Albert René", and "Albert René said that you said that when he speaks his voice goes on and off like a stuttering car engine". The Commission recalls Mr. Chow's evidence that he had not said that but Mr. Pragassen had. President René had been talking on the radio and Pragassen made a joke that President René sounded like a car with engine problems. Mr. Chow stated that he understood from his interview with

Commissioner Pillay that the charge against him was that he had mocked President René. Once he had corrected everything, Commissioner Pillay released him.

22. The Commission recalls Mr. Chow's evidence that following his release from prison, he was terminated from his employment with the Seychelles College, and that he knew he would have difficulty finding other employment. Mr. Chow stated that he decided it was best to operate a private business, and he purchased Rays Music Room, selling music cassettes and magazines.

23. Mr. Chow recalled that following the 1982 rebellion incident, he received a phone call from Ms. Astride Woodcock from Immigration, informing him that Minister Ogilvy Berlouis had decided to confiscate his passport because Mr. Chow was "against the Government". Mr. Chow stated that he was forced to give up his passport a few weeks later.

24. The Commission recalls Mr. Chow's evidence that his sister was in the United States and she told Mr. Chow that she would apply for permission for Mr. Chow to come to the United States. Mr. Chow informed the Commission that it took a couple years for Mr. Chow to get a green card for residency, and that he received the call in 1984 that his green card was approved, by the US Ambassador in the Seychelles. Mr. Chow stated that he informed the United State Ambassador that he had a problem with being able to travel because Minister Berlouis had taken his passport. The Ambassador told Mr. Chow that he would speak to Minister Berlouis. Mr. Chow claimed that a week later, he was advised by the Government authorities that he could have his passport back.

25. Mr. Chow informed the Commission that he decided to go to the US for a while to see whether or not he wanted to stay, and he went to California. He stated that his wife was not happy with the weather there, so they moved to Virginia, where another of Mr. Chow's sisters was based. The Commission recalls Mr. Chow's evidence that his brother Paul Chow had joined the Mouvement Pour la Résistance (MPR) with Gérard Hoarau, and Paul came to Virginia. Once there, Mr. Chow and Paul decided to go back to Seychelles. Mr. Chow stated that when they got to Hong Kong, Royce Dias informed Mr. Chow that the police were going to arrest him when he returned because he was associated with the MPR. Mr. Dias worked with Immigration in Seychelles, and Commissioner Kilindo had told Mr. Dias that they had searched Mr. Chow's home and had found recording cassettes. Mr. Chow stated that he decided that he could not go back to Seychelles, so he went back to Virginia, where he remains today.

## B. Employment File

26. To ascertain the veracity of Mr. Chow's employment complaint, the Commission requested access to Mr. Chow's employment file on 21 January 2021 from the Ministry of Education. Receiving no response, the Commission reiterated its request to the Ministry on 17 February 2021, and again on 23 March 2021. On 23 March 2021, the Commission was advised that the content of the request had been noted and the Ministry would follow-up at the earliest. Receiving no further communication, the Commission requested updates from the Ministry on 4 October 2021. On 12 November 2021, the Ministry acknowledged the request and advised that they would do as required to provide the file. On 11 October 2021, the Commission was informed that the file could not be located by the Ministry.

### C. Immigration File and Other Records

27. To ascertain the veracity of Mr. Chow's passport confiscation, the Commission requested access to Mr. Chow's immigration file on 21 May 2021 from the Ministry of Internal Affairs. Receiving no communications or the file, the Commission reiterated that request to the Ministry on 9 June 2021 and 4 October 2021. On 28 October 2021, the Commission was informed by the Ministry that they had no records of documents pertaining to the refusal of a Seychelles passport for Mr. Gilbert Chow.

28. To ascertain the veracity of Mr. Chow's detention, the Commission recalls that it had received evidence in numerous cases of the over 75 Seychellois who were arrested at the time that Mr. Chow was arrested. In particular, Mr. Ayub Suleman provided the Commission with a list of those detainees, which included Mr. Gilbert Chow.

## III. FINDINGS OF THE COMMISSION

### A. Mandate and Applicable Law

29. The Truth, Reconciliation and National Unity Commission Act, 2018 ("Act") directs that the Commission shall "abide by universally recognised legal principles and human rights norms" and is "to observe applicable and appropriate rules of natural justice and international fair trial standards".[4] These principles must guide the Commission's determination of whether the conduct alleged constitutes human rights abuse pursuant to its Act.[5]

30. The reference to "universally recognised legal principles and human rights norms" within section 3(9) of the Act directs the Commission to consider international human rights standards as the substantive applicable law, while the reference to "applicable and appropriate rules of natural justice and international fair trial standards" within section 6(8)(a) of the Act primarily concerns the procedures for the Commission's determinations, particularly where it is determining perpetrator status.[6]

31. The Commission recalls that pursuant to Section 7(b) of the TRNUC Act, in order to achieve its objectives the Commission may "determin[e] the responsibility of individuals in respect of any violations".[7] Any finding of individual responsibility is to a balance of probabilities standard.[8] In that

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[4] TRNUC Act, secs. 3(9), 6(8)(a).
[5] *Id.*, section 2(8).
[6] Hearing of Attorney-General Frank Ally, TRNUC, 6 July 2020 ("This law is giving you the opportunity for you to fly right over whatever thing had been done by a law, and will tell the Commission, Commission you can make whatever findings that you feel if there was...if there are violations of human rights. This was the reason why there have been the Truth, Reconciliation Commissions in those countries. In South Africa also apartheid was legal, it was legal, but it was obvious for the national reconciliation of South Africa that the law that made apartheid legal infringed - it was a gross violation of one's human rights and therefore when it made a finding it did not take it into consideration. So you are not there to take into consideration if a law was a lawful or it was not. You are here to see whether that action taken in relation to that complainant is a violation or not, and when you will define that violation you will have to define it in relation to that definition and that provision which tells you have to look at universal human rights".).
[7] *Id.*, sec. 7(b).
[8] *Id.*, sec. 6(8)(c).

regard, the Commission, underscores that any such determination of individual responsibility is not made in a criminal legal sense, but rather to reveal the truth about events that occurred during or in relation to the Coup d'état of 1977. Thus, the Commission interprets Sections 3(9) and 6(8)(a) of the Act discussed above to direct it to provide certain due process guarantees, such as notice of determination of suspect and perpetrator status, the right to reply before the Commission, and respect for a perpetrator's assertion of the right against self-incrimination, among others.

32. The Commission further notes that a persons who admits responsibility or is found by the Commission to bear perpetrator status may, pursuant to Section 12 of the TRNUC Act, petition the Commission for amnesty upon providing "a full and frank disclosure of his or her culpable acts in relation to any violation and [offering] sincere apologies to the victim or victims".[9] The Commission considers that these provisions, in light of Sections 3(9) and 6(8)(a), provide sufficient protection for the human rights of individuals holding suspect or perpetrator status within the context of the Commission's proceedings.

33. The Commission notes that while each alleged human rights violation will be assessed by reference to universally recognised legal standards and human rights norms, that enquiry does not render the domestic legal framework in which the alleged violation took place irrelevant. The domestic legal framework is instead an important starting point for the examination as to whether the act complained of was legal and then whether it breached human rights standards and norms.

34. In this respect, one important universally recognised human rights norm relevant to the Commission's identification of the substantive standard, but also pertinent to issues of natural justice and fair trial standards, is the prohibition on the retroactive application of the law. Pursuant to this principle the conduct complained of; must have been criminalised by some source of law that was previously applicable and which was sufficiently accessible and foreseeable to the individual. At the heart of this principle is the notion of fairness. A persons should not be held to account for conduct that was not criminal at the time it took place.

35. The Commission considers that this principle of non-retroactivity is equally applicable to its consideration of allegations that an act constituted a violation of human rights. As human rights are evolving rights, the Commission considers that when determining whether the conduct complained of breached international human rights standards, fairness requires it to assess that conduct by reference to human rights principles applicable at the time of the alleged violation.

36. Accordingly, the Commission will consider, where relevant, the domestic legal framework under which the alleged act occurred and the consistency of that framework with "universally recognised legal principles and human rights norms" at the time of the act complained. This approach will render the Universal Declaration of Human Rights applicable in all cases along with early co-existing

[9] TRNUC Act, sec. 12(4). However, should the perpetrator exercise their right against self-incrimination, Section 12 would not be applicable as the requirement of a "full and frank disclosure" would not be met. Notably, where a perpetrator petitions for amnesty before the Commission, Section 12(6) provides that regardless of any other written law, "(a) a criminal investigation or criminal or civil proceeding 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 of the Commission" and Section 12(6)(b) provides that "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". *Id.*, sec. 12(6).

principles of customary international law. Additionally, and by reference to the temporal scope of the allegation, the Commission will consider domestic constitutions and laws and applicable treaties to which Seychelles has committed.

## B. Approach to the Evidence

37. Pursuant to Section 6(8) of the Act, the TRNUC is not bound by evidentiary rules. All evidence deemed probative is admissible, including hearsay evidence. The Commission has been careful to assess the evidence of all witnesses in determining the veracity of their testimonies. In so doing, the Commission has been mindful that the vagaries of perception and human recollection, especially when there is a long passage of time between the event and the witnesses' evidence before the Commission, may impact on the reliability of the evidence given, even though a witness is honestly giving that evidence before the Commission.

38. Nonetheless, as a matter of principle, provided the witness has recounted the essence of the incident in acceptable details, the Commission does not consider discrepancies in peripheral details in the evidence of a witness, or between the evidence of various witnesses, as necessarily undermining the establishment of the basic allegations made. In this respect, the Commission finds that due to the passage of time, witnesses cannot be expected to recall with complete accuracy the precise time or dates of events or other peripheral details.

39. The Commission may rely on the uncorroborated evidence of a single witness as establishing a fact alleged, provided it is satisfied of both the credibility and reliability of that witness's evidence. The Commission may also accept accomplice evidence to establish a fact, provided it is satisfied that a motive to lie has been reasonably excluded.

40. The standard of proof applicable to establishing findings of the Commission is the balance of probabilities. The Commission must be satisfied that it is more likely than not that a fact alleged is true.

## C. Merits of the Case

### 1. Mr. Chow's Unlawful Imprisonment or Other Deprivation of Physical Liberty

41. On the evidence presented, the Commission is satisfied on the balance of probabilities that Mr. Gilbert Chow's detention in November 1979 for 40 days constituted unlawful imprisonment or other deprivation of physical liberty under Section 2(8)(b) of the TRNUC Act.[10]

42. At the outset, the Commission is satisfied that the required admissibility link to the Coup d'état is met.[11] In that regard, the Commission notes that Mr. Chow's Detention Order was issued by the President who took power with the Coup d'état of 1977 and his detention occurred during the Commission's primary temporal mandate, during the period of the one-party State. Further, the

[10] TRNUC Act, sec. 2(8)(b).
[11] *Id.*, sec. 2(8).

Commission finds that the Detention Order was more likely than not due to Mr. Chow allegedly having mocked President René and was more likely than not aimed at silencing any opposition to the Government with the intention of putting fear in the population rather than to address any actual attempt to de-stabilise the country. In that sense, the purpose of the Order was to underscore the unbridled power of the President in the one-party State, thus fulfilling the Commission's thematic mandate.

43. The Commission considers that the violation of unlawful imprisonment or other deprivation of physical liberty consists of 1) an arrest, detention, imprisonment, or other deprivation of one's physical liberty 2) executed unlawfully, arbitrarily, or without due process 3) by a perpetrator.[12]

44. Regarding the first element, on the evidence submitted, the Commission is satisfied that Mr. Chow was deprived of his liberty for 40 days, starting in November 1979, pursuant to a Detention Order issued by the President. It thus considers this element to be met.

45. Second, regarding the element of unlawfulness or arbitrariness, the Commission recalls that Mr. Chow was detained by a Detention Order issued by the President. While the Commission notes that strictly speaking, Mr. Chow's arrest and detention were done according to a process established by the law at the time, as the President issued the Detention Order pursuant to the Preservation of Public Security (Emergency Powers) Regulations 1978, a legal instrument based on the colonial Preservation of Public Security Act,[13] the Commission finds that the arrest and detention were nevertheless unlawful and in violation of Mr. Chow's due process rights.

46. The Commission notes it has already established that the power conferred on the President to detain persons who in his opinion posed a risk to public security pursuant to the Preservation of Public Security (Emergency Powers) Regulations 1978, was an arbitrary power.[14] While the Commission has accepted that the President has, and governmental authorities may be given, power to order the detention of persons during a situation of public emergency, any such power must be exercised in conformity with the internationally accepted human rights principles of legality, necessity,

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[12] The Commission notes that the term "detention" corresponds to the state of being under police or State custody for any amount of time, whereas "imprisonment" references being detained specifically as the result of a conviction. Hence, the "detention" prong falls into the broader "other deprivation of physical liberty" provision of Section 2(8)(b) of the TRNUC Act. This violation stems from a violation of the rights to personal liberty and to due process of law, among others. International Covenant on Civil and Political Rights [ICCPR], 16 December 1966, 999 U.N.T.S. 171, arts. 9(1) (right to liberty and security of person), 10 (persons deprived of liberty shall be treated with humanity and respect for their inherent dignity), 14 (equal protection and judicial guarantees). The Commission notes the rights to personal liberty and due process of law are also customary international law. *See also* Universal Declaration of Human Rights [UDHR], arts. 3 (right to liberty and security of person), 7 (equal protection of the law), 9 (freedom from arbitrary arrest, detention, or exile), 10 (right to fair and public hearing by impartial tribunal), G.A. Res. 217 (III) A (Dec. 10, 1948).

[13] In particular, sections 3 (power to prohibit publication and dissemination of "matter prejudicial to public security"; to prohibit or restrict assemblies and the movement or transport of persons or property; to regulate food, liquor, medical supplies, arms, telecommunication services, and a host of other items and services; and to authorise such other things as the Governor determines in his discretion to be necessary) and 4(2) (emergency powers to detain persons or require persons to do work or render services).

[14] *See* Final Report, Volume III, Legal Framework and Case Determinations.

proportionality, and non-discrimination.[15] The Commission notes that Seychelles was still bound by the treaty obligations of the ICCPR, assumed from the United Kingdom, at the time Seychelles gained independence.[16] As such, the Commission recalls that under Article 4 of the ICCPR, 1) the emergency must be sufficiently severe so as to threaten the life of the nation, 2) it must be officially proclaimed, and 3) any derogation(s) made during the state of emergency must be (a) strictly required by the exigencies of the situation, (b) not inconsistent with the State's other obligations under international law, and (c) not discriminatory solely on the basis of race, colour, sex, language, religion, or social origin.[17] The Commission recalls its previous findings that the purported emergency was illegitimate and did not rise to the threshold required, as the "emergency" in question was based on the publication of anti-Government leaflets, in curtailment of the fundamental rights to freedom of expression, association, and non-discrimination based on political opinion.[18]

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[15] ICCPR, art. 9(1). Article 9 stipulates "No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law". *See also* UDHR, arts. 2 (non-discrimination) and 29(2) ("In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society"). The Commission notes that the approach of Article 9 of the ICCPR and Article 29(2) of the UDHR in requiring that limitations on rights be "determined by law" rather than in an arbitrary or *ad hoc* basis formed the basis of the bedrock principle of legality, associated today with the principles of necessity and proportionality. *See also* CCPR General Comment No. 29: Article 4: Derogations during a State of Emergency, U.N. Doc. CCPR/C/21/Rev.1/Add.11, 31 August 2001, paras. 4-8, 16.

[16] International Covenant on Civil and Political Rights [ICCPR], 16 December 1966, 999 U.N.T.S. 171, art 6(1) (ratified by Seychelles on 5 May 1992). Although the ICCPR was ratified by Seychelles in 1992, the Commission recalls that at the time of independence, Seychelles assumed all of the international treaty obligations of the Government of the United Kingdom, which included the ICCPR. *See* "Exchange of Notes Constituting an Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Seychelles concerning Treaty Succession", 29 June 1976. The Government of Seychelles later repudiated and sought to withdraw from the ICCPR on 22 October 1979. *See* "Letter from the Minister for Foreign Affairs of the Republic of Seychelles to the UN Secretary-General", 22 October 1979. Nevertheless, under treaty law the ICCPR would have continued to be in effect for 12 months from the date of the 22 October 1979 communication by Seychelles. *See* Vienna Convention on the Law of Treaties, 23 May 1969, 1155 U.N.T.S. 331, art. 56(2) which requires a party to give not less than 12 months' notice of its intention to denounce or withdraw from a treaty which contains no provision regarding its termination and which does not provide for denunciation or withdrawal. Although Seychelles has not ratified the Vienna Convention on the Law of Treaties, the Commission recalls that the principles in that Convention are widely recognised as reflecting customary international law, which is binding on all States, including Seychelles. The Commission finds that Article 56 of the Vienna Convention is applicable as the ICCPR contains no provision regarding its termination and does not provide for a means of denunciation or withdrawal. Therefore, while the Commission reiterates that it was likely not possible under international law for Seychelles to have repudiated its international obligations under the ICCPR, the Commission considers that at the very least, the ICCPR was in effect in Seychelles—and is thus applicable in the Commission's case determinations—from the date of independence, 29 June 1976, through to 22 October 1980, and then from the date of ratification, 5 May 1992, to the present.

[17] ICCPR, art. 4. *See also* art. 5 "Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant".

[18] *See, e.g.*, Case Determination No. 003: Daniel August; Case Determination No. 005: Carlette Ball; Case Determination No. 17: Paul Chow; the Commission recalls that the UN Human Rights Committee has clarified that the threshold of a public emergency generally corresponds to a situation of armed conflict, whether international or non-international, and if derogations are invoked in contexts outside an armed conflict, as in the case at hand, "[States parties] should carefully consider the justification and why such a measure [to declare a state of emergency] is necessary and legitimate in the circumstances". CCPR General Comment No. 29, *supra*, para. 3. *See* ICCPR, art. 4. *See also id.*, art. 5 ("Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant").

47. The Commission finds that even were the emergency legitimate, the rest of the Article 4 test would fail as the derogation in question was unnecessary and disproportionate: a 40-day detention due to an unfounded allegation that Mr. Chow had made disparaging comments about the President. The Commission highlights the police's failure to question Mr. Chow until after 40 days of detention and notes that other than that questioning there is no evidence that the police carried out any investigation into the alleged comments, which supports the finding that the President had no reasonable grounds in fact for ordering Mr. Chow's detention.

48. In that regard, the Commission finds that Mr. Chow was more likely than not targeted, having previously declined to cooperate and show his support to President René. Further, the Commission finds that Mr. Chow's relationships with other persons suspected of being enemies of the Government were more likely than not the basis for the Detention Order being issued against Mr. Chow. As there were no reasonable grounds underpinning the Detention Order, the Commission finds the detention to be arbitrary and thus unlawful under internationally accepted human rights principles.[19]

49. In addition, the Commission finds numerous due process violations in this case, further augmenting the finding that the detention was arbitrary and unlawful. The Commission recalls that during his period of detention, Mr. Chow was never charged with an offence and his detention was apparently not subject to review. The Commission recalls the Detention Review Tribunal Decree of 1978 provided for some procedural safeguards, including legal review within 30 days of the commencement of detention. Yet, Mr. Chow was apparently never brought before this Tribunal as provided for by that Decree. The Commission also considers that even had Mr. Chow been brought before the Detention Review Tribunal as he should have been, the protection offered by that body would still have been insufficient due process, as the Tribunal could only recommend that a detainee be released and had no power, as an independent court presumably would have, to order the release of Mr. Chow.[20] The Commission notes that pursuant to the one-month timeline for review under the Detention Tribunal decree, Mr. Chow's review should have taken place no later than mid-December 1979.[21] The Commission accepts Mr. Chow's evidence that he was not questioned at all until after 40 days in detention, at which point the incredibly weak allegations against Mr. Chow were put to him and quickly dispelled. The Commission finds this disregard by the Commissioner of Police of the necessity of establishing whether there was any basis in law for Mr. Chow's detention or continued detention shows either extreme incompetence or stark disregard for the rule of law, underscoring its plainly political motivation. In light of the above, the Commission determines the second element to be met for Mr. Chow's detention.

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[19] *See, inter alia*, ICCPR, art. 9 (right to liberty), in conjunction with art. 2(1) (freedom from discrimination on the basis of political or other opinion); *see also* UDHR, arts. 2 (non-discrimination, including on the basis of political belief), 3 (right to life, liberty and security of person), 7 (equal protection of the law), 9 (freedom from arbitrary arrest, detention or exile).

[20] For clarity, the Commission notes the limited scope of remedy offered under the Detention Review Tribunal Decree 1978 (Cap. 62) and notes its concern that the tribunal was only able to offer a recommendation as to whether the detention was necessary or expedient. In this regard, the Commission considers that even had a review of Mr. Chow's detention been conducted by the Detention Review Tribunal, it is unlikely to have been sufficient to grant him the due process protections required under international law.

[21] The Commission has already found the requirement that a detained person be brought before the tribunal within one month to be unreasonably long and a violation of due process. *See* Case Determination 002: Lewis Betsy, paras. 97-99.

50. Regarding the "perpetrator" element, the Commission is satisfied that the primary responsibility for the unlawful deprivation of Mr. Chow's liberty rests with President René, who issued the Detention Order against Mr. Chow without proper legal basis to do so. In that respect, the Commission is satisfied on a balance of probabilities that the President's Detention Order against Mr. Chow was issued arbitrarily and with the broader purpose of signalling to the population the consequence of any suspicion of being against the administration installed by President René.

51. While the Commission is satisfied that President René bears the primary responsibility for the unlawful detention of Mr. Chow, it nonetheless notes that the implementation of the Detention Order against Mr. Chow required the material assistance of other actors to effect the Detention Order. In this respect, the Commission finds that the Commissioner of Police, Mr. James Pillay, bore a responsibility as head of the police (including the CID unit) to ensure that proper investigations were carried out to determine whether there was a reasonable basis to detain Mr. Chow, and that he failed to do so. However, the Commission considers that Mr. Pillay's actions are also mitigated to a degree by the fact that he was acting on orders issued by the President. Yet, the Commission recalls the evidence it has received that Commissioner Pillay was hand-picked by President René to take up his position prior to the implementation of the Coup, that the two would meet often, and the Police Commissioner may have been in a position to influence the President.[22] The Commission further recalls that as the head of the police, Commissioner Pillay had the capacity to order an investigation. The Commission considers that the failure of the Commissioner of Police to investigate Mr. Chow's case was a cause of his detention and amounted to a violation of the State's duty to investigate.[23] Therefore, Commissioner Pillay also bears individual responsibility for the unlawful detention of Mr. Chow.

52. In addition, the Commission finds that responsibility for Mr. Chow's unlawful detention can be attributed to the State. The President, in issuing the Detention Order, was acting in his official capacity, and the Commissioner of Police and the police officers who effected the arrest were also acting in their official capacities as agents of the State.

53. On the basis of the above, the Commission finds on the balance of probabilities that Mr. Chow suffered the violation of unlawful imprisonment or other deprivation of physical liberty under the TRNUC Act, in contravention of his human rights.

## 2. Wrongful Termination of Employment

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[22] *See* Case Determination No. 002: Lewis Betsy; *see also* Final Report.

[23] In this, the Commission notes that Article 6 of the Police Force Act 1959 stipulates the functions of the SPF are to ensure "law and order, the preservation of peace, the prevention and detection of crime, and the apprehension of offenders". Police Force Act 1959, art. 6. Similarly, Article 25(2) of the same provides that "it shall be the duty of every police officer [...] to prevent the commission of offences and public nuisances, to detect and bring offenders to justice, and to apprehend all persons whom he is legally authorized to apprehend and for whose apprehension sufficient ground exist". *Id.*, art. 25(2). The Commission notes that the role of the police to detect crime necessarily includes conducting investigations that would theoretically lead to criminal prosecutions. Moreover, under international law, the duty to investigate arises with regard to the right to liberty and security of person and freedom from arbitrary detention as implicit in the State's obligation to protect and ensure human rights under Article 2(1) of the ICCPR, read in conjunction with Article 9 (right to liberty and security of person) and Article 2(3) (effective remedy to victims and their relatives). ICCPR, arts. 2(1), 2(3), 9. *See* Case Determination No. 001: Davidson Chang-Him, para. 150.

54. On the evidence presented, the Commission is also satisfied that Mr. Chow suffered the violation of wrongful termination of employment under Section 2(8)(j) of the TRNUC Act,[24] when he was terminated from his position at the Seychelles College, following his release from detention.

55. Regarding the required admissibility nexus to the Coup d'état of 1977, the Commission recalls that this claim is closely related to the foregoing violation, as Mr. Chow alleged that following his release from Union Vale Prison, he was terminated from his position. The Commission recalls the general practice at the time that those perceived to be against the Government were subjected to arbitrary arrest, and would subsequently lose their roles with the public service. As such, the Commission finds that the present claim is admissible on the same basis as above.

56. The Commission considers that the violation of wrongful termination of employment under the TRNUC Act consists of the 1) dismissal of a person from their position at work, 2) whether by unlawful or arbitrary means, including but not limited to reasons of retaliation or discrimination, 3) by a perpetrator.[25] The violation applies equally to dismissal of employment from either the public or private sector.

57. Starting with the first element, the Commission finds it established that following his release from prison in late 1979, Mr. Chow was informed that he had been dismissed from his employment. The Commission thus finds that this element is met.

58. Second, the Commission finds on a balance of probabilities that the Government terminated Mr. Chow's without reason, and thus arbitrarily. In this regard, the Commission recalls that while Mr. Chow was never advised of this reason, it was more likely than not due to the above unlawful imprisonment that Mr. Chow was terminated. However, the Commission highlights that there was never any investigation into the allegations against Mr. Chow, let alone that he had committed an offence that would warrant the termination of his employment with Seychelles College. Further, while the Commission notes that Mr. Chow's employment file was never provided, Mr. Chow had extensive experience in the Ministry of Education, both in the administration and planning of education and in teaching. The only issue that had apparently ever been levied against Mr. Chow was that President René believed that Mr. Chow would sabotage the Ministry, which the Commission notes was seemingly without any reason as to why this belief was held.

59. The Commission notes the wide array of cases where members of the public service were arbitrarily detained, and then terminated from their roles, despite no evidence of wrongdoing and entirely based on the perception that they were against the Government. The Commission recalls the customary international legal principles enshrined in the UDHR, particularly of non-discrimination, and the application of the UDHR which prevents the rights contained within the declaration being denied on the basis of political beliefs. In the current case, it is clear to the Commission, given Mr. Chow's

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[24] TRNUC Act, sec. 2(8)(j).

[25] The Commission notes that this violation applies to discrete events, i.e., single acts of firing, either where the State made a direct termination of one or more of its employees in a wrongful manner or where the State interfered with the private employment of an individual resulting in the person's termination. This violation is a restriction on the individual's right to work and to the enjoyment of just and favourable conditions of work. International Covenant on Economic, Social and Cultural Rights [ICESCR], arts. 6-7, 19 December 1966, 993 U.N.T.S. 3. The Commission recalls that the right of everyone "to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment" also forms part of customary international law. *See* UDHR, art. 23.

experience, that his termination was more likely than not motivated due to his perceived political allegiance. As such, the Commission finds that Mr. Chow's termination was due to his political views and unlawful detention, and was thus arbitrary and unlawful. The second element is thus established.

60. Regarding the "perpetrator" element, on the evidence received, the Commission is satisfied that the person who bears primary responsibility for the Mr. Chow's wrongful termination is the President, as it was President René who had full and final say as to whether an individual could be employed in the public sector. In this regard, the Commission recalls the evidence of Willy Confait, who was the Senior Assistant Secretary for the Department of Public Administration, who recalled that the power to appoint, terminate, and promote was vested in the President and subject entirely to his direction under the Colonial General Order of 1966.[26] The Commission recalls the evidence received that this power was used to ensure the loyalty of those employed in the public service.[27] The Commission finds that it was more likely than not the President who had ordered Mr. Chow's termination from the Ministry of Education and who thereafter marked him as an enemy of the State. As Mr. René was acting in his official capacity at the material times, his responsibility can also be attributed to the State.

61. Therefore, the Commission finds that Mr. Chow suffered the violation of wrongful termination of employment under the TRNUC Act, in further violation of his human rights.

### 3. Abuse of Office – Confiscation of Passport

62. The Commission recalls Mr. Chow's evidence that following his release from detention, he was forced to forfeit his passport to the authorities. The Commission qualifies this event as an abuse of office by a Government official under Section 2(8)(l) of the TRNUC Act.

63. Regarding the admissibility of this claim, the Commission notes that this event in question occurred in 1982, shortly after the Army Rebellion, and during the Commission's primary temporal mandate. Further, the Commission recalls Mr. Chow's allegation that he was informed that the act was due to his perceived opposition to the Government that had come to power through the Coup d'état of 1977. As such, the Commission is satisfied that its thematic mandate is also made out. The present claim is thus admissible before it.

64. The Commission has determined 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 persons 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.

65. Broadly, the Commission considers 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 at the level of customary international

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[26] See Evidence: Lewis Betsy 002 Willy Confait 13/09/2019 – The General Order 1966 dictated the terms and conditions of those in the public service, this was created in during the colonial times and was updated to the Public Service Orders in 1985.

[27] See Final Report, Public Service.

law as enshrined in the UDHR,[28] and that these rights may be violated when a government official abuses the power of their office.

66. First, the Commission finds that there was a use of the capacity and powers of a public office, as it finds that Mr. Chow's passport was more likely than not confiscated by the Immigration Department on the orders of Minister Ogilvy Berlouis. As such, the first element is met.

67. Second, concerning a right of Mr. Chow that was restricted in the present action, the Commission reaffirms Mr. Chow's fundamental human right to freedom of movement and to leave any country, including his own.[29] It finds that while possession of a passport is generally a privilege rather than a right, the arbitrary confiscation of a passport manifests as a restriction on the fundamental right to leave the country, as such travel documents are clearly necessary to the enjoyment of this right.[30] The Commission further notes that the basis for the confiscation was purely Mr. Chow's political opinion and thus also was a discriminatory action that restricted those opposed to the government, and thus also restricted Mr. Chow's right to political opinion, freedom to associate, and freedom from discrimination.[31] The Commission therefore finds that the second element is satisfied.

68. Third, considering whether that restriction was lawful, the Commission recalls the evidence before it that at the time, it was a common practice of the Government to confiscate passports in order to ensure that an individual stayed in the country where the Government could more easily monitor them. The Commission notes Ordinance No. 16 of 1976 which permitted the cancellation of a passport or restriction of its validity on enumerated grounds specified in Section 4(1). The Commission notes, however, that while Mr. Chow was provided no reasons for the forced forfeiture of his passport, none of the grounds would be applicable. The Commission notes that the most applicable basis for a legitimate cancellation could have been under Section 4(1)(a), that the applicant may or is likely to engage outside Seychelles in activities prejudicial to the sovereignty or integrity of Seychelles, given Mr. Chow's opposition affiliation and relationship to his brother, but that pivotally, Mr. Chow was provided with neither this allegation or any facts underpinning it.[32] However, here the Commission finds that the forced forfeiture of Mr. Chow's passport, which was notably simply on the basis that he was perceived to be against the Government, was an arbitrary basis not grounded in law and was thus unnecessary and disproportionate to the circumstances at hand. As such, the Commission thus finds that this use of governmental power was likewise unlawful, in satisfaction of the third element.

69. Regarding the "perpetrator" prong, the Commission again finds that both Minister Berlouis and President René bear responsibility in this abuse of office. In that regard, it recalls that it was the Minister Berlouis who ordered the confiscation of Mr. Chow's passport. The Commission further recalls that as this practice was supposedly commonplace, the President would have either directly ordered, or been aware of and sanctioned the confiscation of opposition supporters' passports. In

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[28] UDHR, arts. 1, 2, 7, 12.
[29] *See* UDHR, art. 13.
[30] *See* Seychelles Ordinance No. 16 of 1976, 22 June 1976, *See also* CCPR General Comment No. 27: Article 12 (Freedom of Movement), 2 November 1999, U.N. Doc. CCPR/C/21/Rev.1/Add.9, para. 9 ("the right to leave a country must include the right to obtain the necessary travel documents. … The refusal by a State to issue a passport or prolong its validity for a national residing abroad may deprive this person of the right to leave the country of residence and to travel elsewhere").
[31] UDHR, arts. 2, 19, 20.
[32] Seychelles Ordinance No. 16 of 1976, sec. 4(1).

addition, as the actors in question both represented core State organs, their responsibility for this violation is attributed to the State.

70. Therefore, the Commission finds that Mr. Chow suffered the violation of abuse of office with regard to the wrongful confiscation of his passport after being released from detention, in further violation of his human rights.

## 4. Forced Exile

71. The Commission further finds that Mr. Chow suffered the violation of forced exile under Section 2(8)(k) of the TRNUC Act,[33] in violation of his human rights to freedom of movement and to re-enter his country.[34]

72. The Commission considers that this violation is sufficiently connected to the previous violations, as Mr. Chow's was subjected to constant victimisation on the basis of his perceived opposition to the Government. The Commission thus finds that its required admissibility link to the Coup d'état is similarly met.[35] Mr. Chow's forced exile both occurred during the time of the one-party State and was sufficiently related to the Coup, so as to render it within the Commission's mandate.

73. The Commission recalls 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.

74. First, the Commission is satisfied that Mr. Chow was effectively expelled from Seychelles. It finds on a balance of probabilities that although Mr. Chow left Seychelles on his own accord, apparently having felt safe enough to wait two years, evidently without incident, while waiting for permission to go the USA, nonetheless, the threat of further arrest on his return due to his association with members of the MPR, one of whom was his brother, is sufficient to render Mr. Chow's departure and continued inability to return as an actual exile.[36] On this basis, the Commission finds that the first element is met, that Mr. Chow left Seychelles in 1984 and did not return to live in Seychelles.

75. On the element of unlawfulness or arbitrariness, the Commission recalls Mr. Chow's unlawful detention, which it has found above to have been discriminatory based on his suspected political beliefs. It further recalls the warning of further violations should Mr. Chow return. The Commission notes that Mr. Chow had had no intention of remaining overseas in the first place, but for the threat against his rights if he was to return, as informed by Mr. Royce Dias. It further notes that based on the circumstances at hand, amounting to the three violations against Mr. Chow found above, and the threat of further violations, this *de facto* expulsion was not necessary or proportionate to the circumstances

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[33] TRNUC Act, sec. 2(8)(k).
[34] *See* UDHR, arts. 9 (freedom from arbitrary exile), 13 (freedom of movement and right to return to one's country).
[35] TRNUC Act, sec. 2(8).
[36] For the exile to occur, the individual or family in question must have physically left Seychelles for a sufficient period of time that they either do not intend to return or they have the ability or expectation to live in the destination country. The period of time required will depend on a weighing of evidence in each case.

at hand. Rather, the Commission finds it more likely than not, that by being required to remain outside Seychelles, Mr. Chow was further alienated based on his perceived political beliefs by a Government who wanted to quell any opposition or dissent. It finds that the Mr. Chow's exile was thus both arbitrary and unlawful as a violation of Mr. Chow's human rights under international human rights principles.[37]

76. Regarding the "perpetrator" element, the Commission finds that President René bears primary responsibility for the forced exile of Mr. Chow, as it was the President who more likely than not directly authorised the circumstances that led to Mr. Chow's detention and other violations. Further, especially as President René signed Mr. Chow's earlier Detention Order, the Commission finds that President René would likely have issued the order to arrest Mr. Chow should Mr. Chow return to Seychelles due to his perceived association with the MPR. Thus, the Commission finds it was the President who had the authority to change Mr. Chow's circumstances of exile and thus who bears responsibility for this violation of Mr. Chow's rights.

77. As the President was acting in his official capacities, the Commission finds that his actions can also be imputed to the State.

78. On the basis of the above, the Commission finds that Mr. Chow suffered the violation of forced exile under the TRNUC Act, in contravention of his human rights.

## V. RECOMMENDATIONS ON REPARATIONS

79. On the basis of the above findings, the Commission recommends Mr. Chow be awarded reparations for the foregoing violations found in accordance with the Commission's Reparations policy.

## VI. CONFIRMATION OF KNOWLEDGE OF THE RECORD

80. Each of the undersigned Commissioners swears or affirms that he or she has comprehensively familiarised him or herself with the record in Case 041.

81. Each of the undersigned Commissioners hereby swears or affirms that his or her deliberations in this case are based on his or her knowledge of the entire record of the case.

**On this 31 December 2022**

**The Commission**

**Gabrielle McIntyre, Chairperson** G. McIntyre

**Michael Green, Vice Chairperson**

[37] *See* UDHR, arts. 2, 7-9, 13.

**Marie-Therese Purvis, Commissioner**

**Jacques Koui Gbilimou, Commissioner**

**Archbishop James Wong, Commissioner**