

Seychelles

Detention Review Tribunal Decree, 1978

Decree 2 of 1978

Legislation as at 30 June 2012

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Seychelles

Detention Review Tribunal Decree, 1978

Decree 2 of 1978

Commenced on 19 May 1978

[This is the version of this document at 30 June 2012 and includes any amendments published up to 30 June 2014.]

1. Citation

This Decree may be cited as the Detention Review Tribunal Decree, 1978.

2. Establishment

- (1) There shall be a tribunal to be called the Detention Review Tribunal consisting of a Chairman appointed by the Chief Justice and of two other members appointed by the President.
- (2) The Tribunal shall be presided over by the Chairman.
- (3) The Chairman shall be a barrister or attorney of at least three years standing.
- (4) The members of the Tribunal appointed by the President shall be independent and impartial persons not holding any office in the service of the government.

3. Functions

- (1) The Tribunal shall review the case of any persons by virtue of any law that authorises the taking for the preservation of public security of measures that are reasonably justifiable for the purpose of dealing with the situation that exists in Seychelles.
- (2) Such review shall take place not later than one month from the date of detention under any such law and thereafter during the period of detention at intervals of not more than six months.

4. Procedure

- (1) The Chairman and one other member of the Tribunal shall constitute a quorum at any sitting of the Tribunal.
- (2) At any review by the Tribunal in pursuance of this decree of the case of a detained person, such person detained shall be permitted to appear in person or by a legal representative of his own choice who shall be entitled to make representations to the Tribunal.
- (3) The review by the Tribunal shall be *in camera*.
- (4) The Commissioner of Police or his representative shall be entitled to appear before the Tribunal and make any representations he shall think fit.
- (5) Every question before the Tribunal shall be determined by the opinion of the majority of the members attending a sitting of the Tribunal, at which the Chairman is present, and where the members are equally divided in their opinion that of the Chairman shall prevail.
- (6) A member of the Tribunal has in the performance of his duty as a member, the same protection and immunity as a Judge of the Supreme Court.
- (7) A barrister or attorney appearing before the Tribunal on behalf of a detained person has the same protection and immunity as a barrister has in appearing for a party in proceedings in the Supreme Court.
- (8) Subject to the provisions of this Decree the Tribunal may regulate its own procedure.

5. Protection of sources of information

No person shall in any review by the Tribunal be obliged or permitted to disclose, the name or address of an informer or to state any matter that might lead to the disclosure of the identity of any source of information.

6. Recommendations

On any review by the Tribunal of the case of a detained person, the Tribunal may make recommendations concerning the necessity or expediency of continuing his detention, to the President.

7. Contempt

Any person shall not—

- (a) insult or disturb a member of the Tribunal in the exercise of his powers or functions as a member;
- (b) interrupt the proceedings of the Tribunal;
- (c) use insulting language towards a member;
- (d) create a disturbance or take part in creating or continuing a disturbance in or near a place where the Tribunal is sitting; or
- (e) do any other act or thing that would, if the Tribunal were the Supreme Court, constitute a contempt of that court.

8. Penalty

Any person who contravenes or fails to comply with the requirements of this Decree shall be guilty of an offence and liable on conviction to a fine not exceeding Rs.5,000 or imprisonment for three months.

9. Validity of proceedings not affected

The validity of the proceedings of the Tribunal shall not be affected by any defect in the appointment of a member of the Tribunal or by reason of the fact that a person not entitled to do so took part in the proceedings.