

**SUPREME COURT OF SEYCHELLES**

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**Reportable**  
MC 75/2023  
Arising in MC 35/2021

In the matter between:

**THE GOVERNMENT OF SEYCHELLES**  
*(rep. by Nissa Thompson)*

**Applicant**

and

**HUOBI GLOBAL LIMITED**

**1<sup>st</sup> Respondent**

**CHN GROUP LIMITED**

**2<sup>nd</sup> Respondent**

**HVP LIMITED (SWAPLAB)**

**3<sup>rd</sup> Respondent**

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**Neutral Citation:** *The Gov of Seychelles v Huobi Global Ltd & Ors* (MC 75/2023) (16 November 2023)

**Before:** Burhan J

**Summary:** Disposal Order pursuant to Section 5 of the Proceeds of Crime (Civil Confiscation) Act 2008 as amended (POCA)

**Heard:** 11 October 2023

**Delivered:** 16 November 2023

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**ORDER**

I proceed to issue a Disposal Order in terms of Section 5 (1) of the POCA, directing that the specified property totalling SCR 12,825,275.81 as described in paragraph 1 & 2 herein be unconditionally transferred to the Republic. I make further order that such transfer shall confer absolute title to the Republic free from any claim of any interest therein.

A copy of this Order to be served on all three Respondents

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**ORDER**

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## **BURHAN J**

- [1] By notice of motion dated 11 October 2023, the Government of Seychelles represented by State Counsel Mrs Nissa Thompson, filed a notice of motion MC 75 of 2023 seeking a Disposal Order under Section 5 of the Proceeds of Crime (Civil Confiscation) Act, 2008 as amended (POCA) in respect of the specified property in the notice of motion dated 27 April 2021 in MC 35/2021 to the value of SCR 12,825,275.81.
- [2] It is clear on perusal of the attached Interlocutory Order given by this Court dated 09 November 2021 (JT1) that the said Interlocutory Order was given in respect the specified property set out in the Table to the notice of motion dated 27 April 2021 in MC 35/2021 in respect of crypto currency to the total value of 43,581,730.36. It was further ordered in the said Interlocutory Order that the value of crypto currency from wallets CWA3 and CWA5 should be reduced from the said total value of 43,581,730.36 as the crypto currency in these wallets had been transferred out of the wallets of the 2<sup>nd</sup> Respondent. It is clear that this current application before Court is for a Disposal Order in respect of the said reduced amount totalling SCR 12,825,275.81. I am satisfied that an Interlocutory Order under Section 4 of the POCA dated 09 November 2021 was granted by this Court in respect of the specified property in this application.
- [3] Notice of the Disposal Order application was served on all three of the Respondents as borne out by the report dated 04 October 2023. They have chosen not to make any challenge to the application.
- [4] I have considered the facts set out in the application and affidavit of Superintendent James Tirant attached to the notice of motion. It is stated in the said application and affidavit filed that an Interlocutory Order under Section 4 of the POCA was given by this Court on 09 November 2021 and has been in force for not less than 12 months in relation to the said specified property in the notice of motion and further there has been no appeal from the said Interlocutory Order.

- [5] It is further stated that there is no pending application under Section 4 (3) of the POCA before any Court on behalf of the Respondents or any other person in respect of the said property. I will proceed to accept the affidavit evidence placed before this Court which is unchallenged and supported by the annexed document being the Interlocutory Order dated 09 November 2021.
- [6] I am satisfied on perusal of the said affidavit evidence and documents annexed to the application that an Interlocutory Order has been given in respect of the said property on the 09 November 2021 and that pursuant to Section 5 (1) of the POCA, the said order has been in force since then for over a period of 12 months. I am also satisfied in terms of Section 5 (1) of the POCA that no appeal has been preferred by the Respondents or any person on their behalf from the said Interlocutory Order or any other Order. This Court, having considered all the salient facts before it, is satisfied that no injustice will be caused to any person in terms of Section 5 (10) of the said Act, if the Disposal Order be given.
- [7] I therefore proceed to issue a Disposal Order in terms of Section 5 (1) of the POCA, directing that the specified property totalling SCR 12,825,275.81 as described in paragraph 1 & 2 herein be unconditionally transferred to the Republic. I make further order that such transfer shall confer absolute title to the Republic free from any claim of any interest therein.
- [8] A copy of this Order to be served on all three Respondents.

Signed, dated and delivered at Ile du Port on 16 November 2023.

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M Burhan J