



The Seychelles Human Rights Commission, the Ombudsman and the Bar Association of Seychelles

Joint Press Release

Date: 23rd September 2022

The Seychelles Human Rights Commission, the Ombudsman and the Bar Association of Seychelles lodged a joint petition with the Constitutional Court on Tuesday, 13th September 2022 for a review of the constitutionality of article 3 of the *Constitution of the Republic of Seychelles (Tenth Amendment) Act, 2022*, which empowers the Defence Forces to carry out internal law enforcement in Seychelles outside the context of a public emergency.

Our organisations share the concern that this *Tenth Amendment* undermines the democratic protections afforded by the *Constitution*, in particular due process, the rule of law and human rights.

We hold the view that the *Constitution* has a clear democratic purpose. The basic contention of our petition is that the *Constitution* may not be amended to erode any of those basic democratic structures or guarantees or otherwise undermine its democratic purpose – at least not by the procedure adopted in the *Tenth Amendment*.

We raised our concerns before the *Tenth Amendment* Bill was presented to the National Assembly but regrettably were not given the opportunity to engage with the National Assembly or the Bills Committee. We believe that the legislative process followed has impacted the fundamental principles on which our democracy is founded.

We believe these to be of sufficiently high national importance to merit a determination of the Constitutional Court on the constitutionality of the *Tenth Amendment*, including the process involved in its enactment. Such determination will provide guidance for future amendments to the *Constitution* and contribute to the jurisprudence of our sovereign democratic Republic.

The case will be mentioned for the first time on Tuesday, 27th September 2022 in the Constitutional Court.

End.