The Seychelles Court of Appeal Rules Permanent Forfeiture of €100,000 Seized at Mahe International Airport

Wednesday 16 April, 2014

The cash was brought to Seychelles by Czech national Lubomir Podlipny and was detained under the Anti-Money Laundering Act. The original court application made by the Attorney General's office was based on the suspicion of the FIU that the cash was the benefit of criminal conduct in the Czech Republic and was going to be used as partial payment for the illegal purchase of land at Takamaka without the sanction of government.

The cash was found by an alert Seychelles Customs officer in the wash bag of Mr Podlipny after he was routinely stopped and searched upon arrival in Seychelles on the March 14, 2009. Suspicion was triggered by the fact that Mr Polidnpy had purchased a return ticket which gave him only 24 hours in Seychelles. The Customs immediately referred the matter to the FIU officers on duty.

Mr Podlipny could not provide a satisfactory explanation to show the source of the cash. He gave different accounts of how he came to be in possession of the money which consisted of two hundred €500 notes. The FIU also seized documentation from him showing a proposal for the sale of land from a naturalised Seychellois of Central European origin who had obtained citizenship under the now rescinded Economic Development Act. Mr Podlipny admitted that he had already paid €30,000 as a deposit for the land and that he had flown in to inspect the said land. When being interviewed he asked the FIU not to contact the Czech authorities.

After further enquiries were made through Interpol, it was discovered that Mr Podlipny was on the run from Czech authorities. In 2008 he had been convicted in absentia for 6 years for tax evasion and tax fraud in the Czech Republic. An international alert notice had been issued in his name.

Mr Podlipny availed of his rights under the Anti-Money Laundering Act and applied for the release of the funds in the Supreme Court. In delivering its final judgment, the Court of Appeal, examined the evidential threshold set under the Anti-Money Laundering Act and concluded that Mr Podlipny had failed to satisfy the Court that the money seized from him did not constitute benefit from criminal conduct or was not intended to be used in connection with criminal conduct. '' Ultimately' the Justice of Appeal ruled," that is the only issue. It matters not a jot how much money one has deposited in one's account. What is important is to show that the money deposited was not derived from criminal conduct."

Mr Podlipny was subsequently sentenced in persona to 6 years in prison after he was arrested in Prague and is currently serving his sentence.

The success of this case necessitated a coordinated approach to be taken amongst national agencies and government departments. These included the FIU, Customs, National Drug Enforcement Agency, the Attorney General's Office and Ministry of Land Use and Habitat. Close cooperation continues amongst the national agencies tasked with confronting criminality in Seychelles.

Additional source: ?ESK?noviny.cz

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