

CO/3775/98

IN THE HIGH COURT OF JUSTICE
QUEENS BENCH DIVISION
DIVISIONAL COURT

CROWN OFFICE LIST

**IN THE MATTER OF AN
APPLICATION FOR JUDICIAL
REVIEW**

**QUEEN -v- THE SECRETARY OF
STATE FOR THE FOREIGN &
COMMONWEALTH OFFICE (1)**

**HM COMMISSIONER FOR THE
BRITISH INDIAN OCEAN
TERRITORY (2)**

**EX PARTE LOUIS OLIVIER
BANCOULT**

**STATEMENT OF MARCEL
MOULINIE**

**SHERIDANS
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London
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Tel : 0171 404 0444
Ref : C/011581/9901
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Filed on behalf of : Applicant
No of Affidavit : 2nd
Exhibits : RDG2
Sworn : :

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EX PARTE LOUIS OLIVIER BANCOULT

SECOND AFFIDAVIT OF R D GIFFORD

I RICHARD DAVID GIFFORD of 14 Red Lion Square, London WC1R 4QL, Solicitor, hereby make oath and say as follows:

1. I am the Applicant's solicitor herein and refer to my first affidavit sworn 30 September 1998
2. During July and August 1999 I entered into correspondence with the Treasury Solicitor on the question on locating birth certificates for certain compatriots of the Applicant who had been removed from the Chagos Islands to Mauritius between 1965 and 1973. I submitted a list of 113 Ilois who were not in possession of their birth certificates and unable to obtain copies from the authorities in Mauritius. I was aware also that Ilois who had been removed to the Seychelles had entered into correspondence with the First Respondent in 1997 asking for access to the registers of

births, deaths and marriages of persons born on the Chagos Islands, for the same reason. By a letter dated 19 April 1999 (page 217 of Applicant's Further Evidence), the First Respondent indicated to Ms J Alexis that the registers had been transferred to the Foreign and Commonwealth Office in London, and were found there in 1998.

3. As appears from para 8 of C J B White's affidavit, the responsibility for registering births, deaths and marriages had since cession of Mauritius in 1810 been delegated by the (British) Government of Mauritius to the Plantation Managers.
4. It occurred to me that not only were these registers of significance to the Ilois in proving their civil status and nationality, but also that these records would have considerable relevance to the issues described in the Respondent's evidence filed herein which appears to have caused so much difficulty, namely "the status of the Ilois (i.e. their citizenship, ethnic origins, and connection with Chagos, Mauritius and the Seychelles)" (para 26 of P J Westmacott's affidavit).
5. By letter of 20 August 1999 the Treasury Solicitor informed me that the Registers were available for inspection at the Library and Records Department, FCO, Hanslope Park, Hanslope, Milton Keynes. In accordance with that invitation, a member of my firm, Ms Tracy MacManus attended at the Library and Records Department with the twin objective of first, locating specified birth certificates and, second, obtaining overall information as to the statistics of births and deaths on the Islands. Ms MacManus reported that she had managed to locate a number of specific birth certificates. Her second task had been considerably assisted by the librarian of the department who had prepared in advance a summary of the registers of births and deaths, year by year and Island by Island. These began in 1878 and went up to 1971 and were divided into three sections, relating to the three different Island groups within the Chagos Islands. There were a small number of years where records were missing, and in order to compile totals I prepared a summary containing an estimate for such missing years by averaging from the figures for prior and subsequent years. I then prepared a summary total of births and deaths for the three different areas of the Chagos Islands as follows.

Diego Garcia

Births from 1901 to 1971	1,396
Deaths from 1901 to 1971	1,030

Peros Banhos

Births from 1894 to 1965	974
Deaths from 1878 to 1965	576

R.D. **Salomon**

Births from 1899 to 1965	600
Deaths from 1901 to 1965	275

6. The total of births during this period of just over 65 years is 2,970.
7. There is now produced and shown to be marked RDG2 a copy of the summaries prepared by the FCO librarian, from which the above figures are drawn.
8. Following a request made for those still without birth certificates, the First Respondent has agreed to enact legislation to establish a procedure for issuing birth certificates to such Ilois.

SWORN by the above named

at 16 Red Lion Square
London WC1R 6QT
this 4th day of February 2010

R.D. Gifford.

Before me

Rhiannon Lewis
A Solicitor Empowered to Administer Oaths

Rhiannon Lewis
This Affidavit is filed on behalf of the Petitioner

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EX PARTE LOUIS OLIVIER BANCOULT

**SECOND AFFIDAVIT OF
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Our Ref: C/010969/9801
WP Ref: DM00002401

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EX PARTE LOUIS OLIVIER BANCOULT

EXHIBIT RDG2

This is Exhibit marked "RDG2" referred to in the second affidavit of Richard David Gifford now produced and shown to him this 6th day of JUNE 2000.

Before me

Rhema Lewis

A Solicitor empowered to administer oaths.

DIEGO GARCIA - DEPENDENCY OF MAURITIUS

BIRTHS

Date	No of registrations
1901	1 - 22
1902	1 - 7
1903	1 - 22
1904	1 - 28
1905	1 - 13
1906	1 - 23
1907	1 - 25
1908	1 - 18
1909	1 - 28
1910	1 - 25
1911	1 - 15
1912	1 - 26
1913	1 - 19
1914	1 - 22
1915	1 - 22
1916	1 - 32
1917	3 - 18 (1 & 2 missing)
1918	1 - 25
1919	1
1920	1 - 20
No lists for 1921 - 1924	68
1925	1 - 20

1926	1 - 16
1927	1 - 15
1928	1 - 17
1929	1 - 16
1930	1 - 19
1931	1 - 21 + 1 incomplete
1932	1 - 17
1933	1 - 14
1934	1 - 20
1935	1 - 19
1936	1 - 24
1937	1 - 21
1938	1 - 25
1939	1 - 20
1940	1 - 23
1941	1 - 29
1942	1 - 25
1943	1 - 27
1944	1 - 20
No list for 1945) 7
1946	1 - 22
1947	1 - 22
1948	1 - 17
1950	1 - 22
1951	1 - 26
1952	1 - 23
1953	1 - 26

No list for 1954

1955	1 - 27
1956	1 - 24
1957	1 - 28
1958	1 - 25
1959	1 - 29
1960	1 - 18
1961	1 - 22
1962	1 - 25
1963	1 - 17
1964	1 - 18
1965	1 - 14

Now see BIOT

310

1965-1971 86

1396

308

BRITISH INDIAN OCEAN TERRITORY

BIRTHS

Date	No of registrations
1965	1 - 6
1966	1 - 16
1967	1 - 14
1968	1 - 15
1969	1 - 16
1970	1 - 11
1971	1 - 8

DIEGO GARCIA - DEPENDENCY OF MAURITIUS

DEATHS

Date	No of Registrations
1901	1 - 27
1902	1 - 14
1903	1 - 18
No list for 1904	14
1905	1 - 12 & 1 - 6 (18)
1906	1 - 16 & 2 at sea
1907	1 - 21
1908	1 - 24
1909	1 - 21
1910	1 - 15
1911	1 - 20
1912	1 - 21
1913	1 - 13
1914	1 - 14
1915	1 - 18
1916	1 - 12
No list for 1917	14
1918	1 - 18
1919	1 - 30 & 1 - 6
1920	1 - 48
1921	1 - 25
1922	1 - 20
1923	1 - 13

1924	1 - 13
1925	1 - 11
1926	1 - 8
1927	1 - 9
1928	1 - 5
1929	1 - 19
1930	1 - 19
1931	1 - 13
1932	1 - 11
1933	1 - 10
1934	1 - 8
1935	1 - 28
1936	1 - 21
1937	1 - 16
1938	1 - 19
1939	1 - 17
1940	1 - 14
1941	1 - 23
1942	1 - 28
1943	1 - 24
1944	1 - 12
1945	1 - 12
1946	1 - 7
1947	1 - 12
1948	1 - 15
1949	1 - 14
No list for 1950	

14

1951	1 - 15
1952	1 - 10
1953	1 - 10
1954	3 - 15 1 & 2 missing
1955	1 - 8
1956	1 - 6
1957	1 - 17
1957	1 - 15
1959	1 - 5
1960	1 - 3
1961	1
1962	1 - 10
1963	1 - 4
1964	1 - 6
1965	1 - 2

Now see BIOT

997

1965-1971 33

1326

BRITISH INDIAN OCEAN TERRITORY

DEATHS

Date	No of registrations
1965	1
1966	1 - 5
1967	1 - 7
1968	1 - 2
1969	1 - 3
No list for 1970	14
1971	1

33

ADDITIONS TO THE LIST OF REGISTERS FOR DIEGO GARCIA

Births

1919	1 - 30
1922	1 - 23
1923	1 - 16
1924 (Volume I)	1 - 18
1934 (Volume II)	1

Marriages

1922	1 - 5
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Publications of marriage

1922	1 - 4
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PEROS BANHOS - DEPENDENCY OF MAURITIUS

BIRTHS

Date	No of Registrations
1894	1 - 10
1895	1 - 7
No lists for 1896 and 1897	
1898	1 - 5
1899	1 - 8
No lists for 1900	12
1901	1 - 9
No list for 1902	12
1903	1 - 7
No list for 1904	12
1905	1 - 9
No list for 1906	12
1907	1 - 10
1908	1 - 9
No list for 1909	12
1910	1 - 13
1911	1 - 9
1912	1 - 9 and 11
No list for 1913	12
1914	1 - 14
1915	1 - 10
1916	1 - 15
No list for 1917	12

1918	1 - 11
1919	1 - 14
1920	1 - 12
No lists for 1921	
1922	1 - 13
1923	1 - 15
1924	1 - 12
1925	1 - 16
1926	1 - 18
1927	1 - 11
1928	1 - 20
1929	1 - 11
1930	1 - 13
1931	1 - 9
1932	1 - 16
1933	1 - 14
1934	1 - 10
1935	1 - 14
1936	1 - 16
1937	1 - 13
1938	1 - 15
1939	1 - 20
1940	1 - 17
1941	1 - 15
1942	1 - 14
1943	1 - 17
1944	1 - 16

1945	1 - 17
1946	1 - 10
1947	1 - 2 and 1 - 2
1948	1 - 14, 1 - 5, 1 - 5
1949	1 - 2, 1 - 2, 1 - 18, 1 - 4
1950	1 - 11
No list for 1951	12.
1952	1 - 14
1953	1 - 19
1954	1 - 14
1955	1 - 20, 23 and one entry for a still birth
1956	1 - 14, 1 - 2, 1 - 2, 4 - 5
1957	1 - 20, 1 - 5
1958	1 - 20
1959	1 - 29
1960	1 - 16
1961	1 - 23
1962	1 - 22
1963	1 - 13
1964	1 - 16
1965	1 - 18

974

PEROS BANHOS

DEATHS

Date	No of Registrations
1878	1 - 4
1879	1 - 6
1880	1 - 6
1881	1 - 4
1882	1 - 9
1883	1 - 6
1884	1 - 7
1885	1 - 10
1886	1 - 2
1887	1 - 2
1888	1 - 7
1889	1 - 5
1890	1 - 8
1891	1 - 3
1892	1 - 6
1893	1 - 4
1894	1 - 5
1895	1 - 4
1896	1 - 3
1897	1 - 6
No list for 1898	6
1899	1 - 6
1900	1 - 6

1901	1 - 3
No list for 1902	6
1903	1 - 2
1904	1
No list for 1905	6
1906	1 - 5
1907	1 - 4
1908	1 - 2
No list for 1909	6
1910	1 - 9
1911	1 - 5
1912	1 - 9
No list for 1913 or 1914	6
1915	1 - 15
No list for 1916	6
1917	1 - 5
1918	1 - 7
1919	1 - 13
No list for 1920	6
1921	3 - 14
No list for 1922	6
1923	1 - 14
1924	1 - 8
1925	1 - 9
1926	1 - 10
1927	1 - 5
No list for 1928	6

1929	1 - 8
1930	1 - 14
1931	1 - 11
1932	1 - 10
1933	1 - 4
1934	1 - 3
1935	1 - 3
1936	1 - 5
1937	1 - 7
1938	1 - 7
1939	1 - 12
1940	1 - 3
1941	1 - 10
1942	1 - 6
No lists for 1943	6
1944	1 - 17
1945	1 - 7
1946	1 - 7
1947	1 - 6
1948	1 - 18
1949	1 - 7
1950	1 - 4
No list for 1951	6
1952	1 - 4
No list for 1953	6
1954	1 - 5
1955	1 - 8

1956	1 - 6
1957	1 - 8
No list for 1958	8
1959	1 - 4
1960	1 - 8
1961	1 - 6
1962	1 - 7
1963	1 - 6
1964	1 - 6
1965	1 - 2

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SALOMON ISLANDS

BIRTHS

Date	No of registrations
1899	1 - 4
1900	1 - 7
1902	1 - 2
1903	1 - 6
No list for 1904 - 1905	16
1906	1 - 5
1907	1 - 12
1908	1 - 5
1909	1 - 8
1910	3 - 5 only
1911	1 - 8
1912	1 - 8
No list for 1913	8
1914	1 - 4
1916	1 - 13
1917	1 - 8
1918	1 - 5
1919	1 - 7
1920	1 - 11
1921	1 - 6
No list for 1922	8
1923	1 - 8
1924	1 - 5
1925	1 - 9

1926	1 - 10
1927	1 - 9
1928	1 - 8
1929	1 - 4
1930	1 - 10
1931	5 and 6 only
1932	1 - 7
1933	1 - 9
1934	1 - 15
1935	1 - 6
1936	1 - 14
1937	1 - 12
1938	1 - 9
1939	1 - 10
1940	1 - 17
1941	1 - 12
1942	1 - 11
1943	1 - 13, 1 - 7
No list for 1944	8
1945	1 - 15
1946	1 - 12
1947	1 - 9
1948	1 - 13
1949	1 - 12
1950	1 - 13
1951	1 - 10
1952	1 - 9

1953	1 - 9
1954	1 - 8
1955	1 - 12
1956	1 - 11
1957	1 - 14
1958	1 - 12
1959	1 - 10
1960	1 - 15
1961	1 - 5
1962	1 - 10
1963	1 - 10
1964	1 - 8
1965	1 - 15

582

SALOMON ISLANDS - DEPENDENCY OF MAURITIUS

DEATHS

Date	No of registrations
1901	2
1902	Entry no 3 only
1904	1 - 6
1905	1 - 3
1906	1 - 3
1907	1 - 6
1908	1 - 4
1909	1 - 7
1910	1 - 2
1911	1 - 2
1912	1 - 5
1913	1 - 6
1914	1 - 4
1915	1 - 2
1916	1 - 10
1917	1 - 3
1918	1
1919	1 - 8
No list for 1920	4
1921	1 - 6
1922	1 - 9
1923	1 - 15
1924	1 - 6

No list for 1925	
1926	1 - 2
1927	1 - 5
1928	1 - 7
1929	1
1930	1 - 5
1931	1 - 2
1932	1 - 5
No list for 1933	4
1934	1 - 7
1935	1 - 6
1936	1 - 4
1937	1 - 6
1938	1 - 5
1939	Entries 5 & 6
1940	1 - 8
1941	1 - 2
1942	1 - 5
1943	1 - 3
1944	1 - 5
1945	1 - 6
1946	1 - 4
1947	1 - 5
1948	1 - 10
1949	1 - 5
1950	1 - 4
1951	1

1952	1 - 3
1953	1 - 5
No list for 1954	4
1955	1 - 3
1956	1
1957	1 - 2
1958	1 - 3
1959	1 - 3
1960	1 - 3
1961	1 - 2
No list for 1962	4
1963	1 - 3
1964	1
1965	1 - 3

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