

IN THE HIGH COURT OF JUSTICE
QUEENS BENCH DIVISION
DIVISIONAL COURT

CO/3775/98

CROWN OFFICE LIST

IN THE MATTER OF AN APPLICATION FOR JUDICIAL REVIEW

**THE 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 JEANETTE THERESE ALEXIS

1. I, JEANETTE THERESE ALEXIS, of PO Box 613, Victoria, Mahe, Seychelles, Chairperson of the Chagos Social Committee (Seychelles) an incorporated society, make this Statement in support of the application for Judicial Review herein.
2. I was born on 10 November 1961 on Diego Garcia ("DG") in the Chagos Archipelago. I refer to the Statement herein of my mother, Marie Therese Mein, which I have read, and which I confirm as an accurate account of our family life on DG, the circumstances of our removal, and of our impoverishment upon arrival in the Seychelles. I was aged 10 at the time of our removal which took place in 1971. My life on DG had been spent in surroundings that were exceptionally tranquil, and quite beautiful. The climate was favourable, the sea exceptionally clear, and the beaches large and white. Together with my 9 brothers and sisters we lived close to the sea and spent a lot of time playing on the beaches, swimming amongst the docile fish and catching crabs for fun. The Island enjoyed an abundance of seafood, fruit and vegetables. We ate very well indeed, with a very rich and varied diet

comprising meat, fish and fresh vegetables. I attended the village school at East Point, Monday to Friday from 8.00am to 3.00pm. In the afternoon after school, and at weekends, I helped my father in the gardens.

3. I recall the shock of my mother when my father came home one day to tell her that DG had been sold and that we would have to leave the Island for good. He said that we were to be removed in groups on ships since the Americans were moving in to set up a military base and it was not safe for anyone to remain. I recall that when American aircraft or helicopters flew by, we used to hide in the house for fear that they had come to bomb us. I recall the Ilois being rounded up and told to board ships, and the evident distress at being forced to leave their homes and homeland. We were amongst the last to leave. I recall Mr Marcel Moulinie and some Americans capturing dogs and other pets which they then burnt in the calorifer. I recall that as we boarded the MV Isle of Faquhar, our own dogs were running up and down the beach and onto the quayside howling at our departure. I recall that when we left Peros Banhos about six months later on MV Nordvear we suffered a terrible journey, sleeping in a cramped cabin with no fresh air because we were not allowed to open the portholes, and I recall that horses were kept below deck for protection whereas up to 100 people suffered the journey on the exposed upper deck. We were all seasick and thought the journey would never end. My mother, who was then expecting another child, suffered especially from this journey, and soon after our arrival she suffered a miscarriage.
4. Although my father told me that we were promised a house and a pension on arrival, no such arrangements were in place when we disembarked at Mahe, Seychelles. We went to live with my father's aunt and had to live in a single room, all 12 of us sleeping on the floor. We had no money or food. We used to get up in the early hours of the mornings to take fallen mangoes from neighbours' trees. We were malnourished almost to the point of starvation for a long time, in contrast to our rich and varied diet on DG.
5. To start with we were not allowed to attend school because we were foreigners. After 5-6 months after our arrival in the Seychelles, one school relented and allowed me and 5 of my brothers and sisters to attend. However, by this time it was too late for my two eldest sisters – Maryline and Doris -

who were considered too old to attend at the ages of 12 and 11. Accordingly they had no education at all after 1972 when they were aged 13 and 11 respectively. When we began to attend school the other children called us nasty names, saying that we did not belong in the Seychelles and should go back home.

6. After 1976, we were all invited to take Seychelles' citizenship at a cost of R25,000 for children, and R15,000 for married persons. My father, who by then had been able to find some part-time work, appealed to the Seychelles Government and was allowed to pay only R1,000 or R1,500 for each child. By this time my two eldest sisters had married, and, like me, had found part-time work. We all contributed to these payments in order to remain in the Seychelles where we had been forcibly deposited.
7. Over the years of poverty and hardship, we were desperate to know to whom to turn to remedy our situation. We never received any advice and no facilities were made available for us to lodge a claim. My father, who died in 1989, went to see Mr Marcel Moulinie to whom he had been an Assistant Administrator on DG. He tried to raise our plight a number of times and to remind him of the promises of land, pension and home. On each occasion Mr Moulinie fobbed him off. My father was also told that Mr Todd, the British Administrator, had gone to Australia.
8. In or around 1983, I heard from my sister, Dorothy (who had gone to live in Mauritius), that some compensation had been paid to the Ilois who had been removed to Mauritius. One or two Ilois left the Seychelles and went to Mauritius with a view to registering for compensation, but I learnt that the qualification list was closed and no further registrations effected after a date in 1984. We waited to know that our community in the Seychelles was equally to be offered compensation, but no-one ever did so. The Seychelles Government made no representations upon the subject, and we did not dare to confront them since, at that stage, there was a one-party state.
9. At this time our relationship with the British Authorities was extremely uncertain. No-one told us that we were still British subjects, and although both Mr Todd and Mr Moulinie were involved in the forced removals and false

promises of compensation, it was far from clear who had sold our homeland and who had forced us to leave. It was widely believed that it was the pre-independence government of Mauritius who had sold the Islands to the Americans.

10. Early in 1980 I visited the Seychelles Minister for Foreign Affairs, Mr Jeremie Bonnelame, with a view to discussing the proposals for compensation which had been notified to the Ilois in Mauritius. He was unwilling to become involved because he did not wish to antagonise the authorities in Mauritius. We did not fully appreciate at that time that it was the British Government who was providing compensation, and we were still under the impression that it was the Government of Mauritius who was providing compensation. A Committee was formed to centralise registration of Ilois in the Seychelles, but when no compensation materialised that committee was abandoned. I acted as secretary to these meetings of Ilois at the request of the then Principal Secretary.
11. I learnt soon after this meeting that Mr Marcel Moulinie had come back to Seychelles from abroad and went to see him at the Yacht Club, Mahe and asked him about the circumstances of our removal. He told me that he himself had been instructed to arrange removal but he did not say by whom. He admitted that threats of force were used. He said that he was paid to do a job and had to do it. He told me that he and his uncle, Mr Paul Moulinie, with Mr Todd, the British Administrator, had together visited Mauritius twice to negotiate the sale of DG. He told me that a land evaluator had surveyed DG in 1966 to establish the cost of building a military base and to fix a price for purchase of the Islands. He told me that the first offer was insufficient but that a second offer of £1m was accepted. He confirmed to me that in 1970 he had first informed my father that the Island had been sold and the people would have to leave, and that this had been confirmed in a meeting at which the population had been summoned. However, removal was to start on a gradual basis in that people who were going for their routine visits to Mauritius were not to be allowed to come back to DG. He confirmed that during the course of his negotiations for the sale of the Islands, Messrs Moulinie had strongly recommended that the displaced persons be compensated with at least a 2 to 3 bedroomed house for each family, and that a compensation fund of £9m-£10m

should be established and shared out. He told me that if implemented this would have resulted in compensation of R65,000-R70,000 per person, and a life pension of R1,500 per month. He told me that he could do no more than to make these recommendations. He confirmed that horses had been given priority in the transport of human and animal cargo on the ships.

12. It was after this discussion with Mr Moulinie in 1997, that I began to realise that although Messrs Moulinie had sold the freehold ownership of the Islands for £1m, it was not they, but the British Government who were really responsible for forcing us off the Islands. The participation of Mr Todd became clearer, and I began to realise that Mr Moulinie and his company had in fact been forced off the Islands just like the population, the difference being that he had been in a position to negotiate for compensation, whereas we were not. The British Government seemed to recognise his freehold title to the Islands, but had no regard to our rights to live in our homes and to continue our way of life in our homeland.
13. In 1997 I realised that the Ilois in the Seychelles had not only suffered the same injustices as the Mauritian Ilois, but that no-one was going to help us to return to our homeland or claim our rightful compensation. Accordingly I formed the Chagos Social Committee (Seychelles), an incorporated society whose Objects I now produce. I then set about entering into correspondence with the British High Commissioner. I first wrote to Mr Peter Thomson, British High Commissioner, on 3 October 1997 notifying him of our formation and drawing his attention to the Objects of it, which included the return of our people to the Chagos Archipelago, and a claim to compensation for our removal. I also telephoned Mr Thomson and spoke to him briefly on the telephone. He said he knew little of the circumstances of the matter, had nothing to say, and declined to meet me. I produce copies of the correspondence, and its sequel which involved correspondence with the Commissioner for the British Indian Ocean Territory, London, culminating in a final denial of our claims in a letter dated 19 April 1999. This letter was written 6 weeks after the grant of leave to move herein by the Honourable Mr Justice Scott Baker on 3 March 1999. That decision was reported on the television in the Indian Ocean, and after certain enquiries had been made I was

able to instruct solicitors in London who wrote on 3 June 1999 formally putting the Commissioner on notice of our claims.

14. During 1997 I also visited Mr James Mancham, the former President of the Seychelles, who had also been Prime Minister before Independence. He seemed to be very familiar with the history of the exile of the Ilois. I told him that we had had no compensation despite payment to those in Mauritius. He seemed sympathetic, and asked for our documents such as a list of Ilois and any correspondence that was relevant. He said he would take the matter up in London and instruct a lawyer. I did not hear anything more from him.
15. I fully support the claim to return to the Chagos Islands, and know of many Ilois living in the Seychelles who would be happy to return home. Our community now comprises 199 Ilois and around 325 Ilois children who have been born in the Seychelles. Most of them wish to return to the Chagos Islands to live and work. They all have stories of suffering and exclusion since they were removed or prevented from returning home and many are either unemployed or undertaking the lowest paid work so that they are worse off than the native Seychellois. I believe they would all wish to receive compensation.

16. I believe the facts stated in this Statement are true.

SIGNED : 
JEANETTE THERESE ALEXIS

DATED : 2/12/99