

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 MARIE THERESE MEIN

1. I, MARIE THERESE MEIN, of "Hermitage", Victoria, Mahe, Seychelles make this Statement in support of the application for Judicial Review herein.
2. I was born on 3 October 1933 on Diego Garcia ("DG"). Both of my parents (and all four of my grandparents) were similarly born on DG. I have six sisters and five brothers who were all born on DG. Two of my brothers and two sisters have died and are buried there.
3. We resided in the principal village of DG, namely East Point, where the administrative capital was situated. I met my future husband, Raymond Mein there. He was born in Seychelles and came to DG at the age of 18 in the year 1947. I believe he had signed a 3 year work contract, but at the end of that period he stayed on and was not asked to leave. Over the next 24 years he took on more and more responsible work and became an Assistant Administrator of the company which employed him (Chagos Agalega Company). In 1958 we started living together as man and wife. Throughout my life on DG and the time with my family until we were forced to move out in 1971, we lived a comfortable, peaceful and contented life. I bore 13 children, all born on DG, but unhappily 3 of my children died young and they are buried, along with my

grandparents in the cemetery attached to the church at East Point, called "The Sacred Heart".

4. I lived at East Point, the largest village of DG.. East Point accommodated the Administrator's house, a church with cemetery, some colonial-style houses and a medical centre staffed by nurses from Mauritius. The Island also contained a coconut-processing works, which included a calorifier (where the coconut husks were burnt so as to heat the trays of drying copra) and all the ancillary buildings for this busy trade. There was also a meteorological station, meteorological staff house and a school. The school had been started in the 1950s by Governor Robert Scott, and all my children attended it. In addition to the labourers and artisans, there were an Administrator representing the exploitation company, Assistant Administrator, an accountant, shopkeeper and a number of supervisors.

5. ~~My husband took charge of the village shop and supplied weekly rations to the workers, kept attendance registers of employees, did accounting work and, shortly before our removal, was administering the whole island. We had a very good home – it was built of concrete, four bedrooms, kitchen, toilet, bathroom, was fully furnished with soft and hard furnishings, and had a dining room, spacious lounge, a study and open verandah. It was roofed with corrugated iron sheets. We had gardens at the front and side and a large back garden. My husband grew large quantities of fruit and vegetables in the gardens. These grew very readily in the favourable climatic conditions with tropical sunshine and high rainfall. Our family produced all the fruit and vegetables which it required. Indeed, there was a surplus which he gave or traded away. Additionally he kept large numbers of chickens, ducks and even pigs. We had a plentiful supply of meat. There were unlimited supplies of fish which were caught by my husband or by other Ilois and exchanged. As well as the garden my husband had a farm behind the house where he reared cows, horses, guinea pigs, pigeons, turkeys, geese, guinea-fowl and rabbits. He had a bee-hive which produced fresh honey for ourselves and others. He had his own boat and went fishing. He used to come home with lobster, octopus and crab and other seafood as well as red snapper and other fish. We also had the help of a house boy who was a young Ilois.~~

Working Life and the Question of Contracts

6. (a) Both men and women took work, mostly employed by Chagos Agalega Limited. Ilois who were born on the Islands began to work for the Company and no Contracts or other formalities were entered into. In the early days (before the BIOT was formed) extra workers were recruited through Mauritius and the Seychelles. These workers had to sign a Contract, as a condition of their engagement. The duration of Contracts was between 2-3 years (which were often renewed formally or informally) and contract workers were entitled to return to the respective islands – Mauritius or Seychelles – from where they had been recruited. After the expiry of the signed Contracts, a worker who wished to continue working, was free to do so and would continue to draw a salary as normal. Only those arriving from Mauritius and the Seychelles were required to sign Contract, and this often applied to their first departure, and following subsequent visits to their country of origin. Although native Ilois were not required to sign Contracts on the Islands, I have heard of occasions where Ilois were required to sign a Contract following a visit to Mauritius or the Seychelles, in order to book a return passage.
- (b) There were some Ilois who did not work for the Company at all, but rather for the Administrators personally. As mentioned in Paragraph 5, my husband and I had the assistance of a house-boy. He was engaged by a private arrangement between my husband and the house-boy. This was arranged without reference to the Company and was arranged by my husband as a matter of his personal discretion. I recall we had two such house-boys, one was called Joe Etienne who worked for us on Diego Garcia and the other, Floriment Elyse, who worked for us on Peros Banhos.
- (c) Both men and women worked, the women mostly undertook the shelling of coconuts, cutting grass for animal feed, cutting coconut leaves to make brooms or to cover houses, stacking copra, fresh coconuts, coconut brushes or pickled lemons for export to Mauritius. In addition to their salary they would receive one or two buckets of wine. For extra work, they would normally receive overtime payment

or wine which they could sell to others. Additionally to plantation work, the men undertook house construction, carpentry, steel work and masonry. The wages were low, but there was no substantial cash economy. Each worker received rations of rice, oil, salt, flour, lentil, beans and salted fish. Unwanted rations could be returned against a credit on the worker's account. Most wages were credited to that account. In addition to his employment duties, my husband also led prayers at the Chapel regularly. Attendance at the Chapel was high, since most of the population was Roman Catholic.

Housing.

7. Most of the Ilois' houses were detached and with their own gardens which were used for growing fruit and vegetables. Many houses were built in concrete with thatched roofs. However, many householders preferred to build their own homes in timber or constructed them in the traditional way from branches and coconut leaves, utilising a lashing method of construction. A householder would normally choose a piece of land where he wished to build his house, ask the Administrator for his approval, and when this was received he would gather a few men together to construct the house. The Administrator would allow them time from work for the building. During my time on DG there was a gradual expansion of house building, as the community thrived and expanded.

Departure from Diego Garcia

8. I believe it was during 1966 that a ship unexpectedly arrived on DG carrying some Americans. Early in 1970 my husband was summoned to a meeting with the principals of the exploitation company, Moulinie & Company, Messrs Marcel and Paul Moulinie together with Mr Todd, the British Administrator. He was told that DG had been sold and that all its residents would have to leave. My husband was the first to be given this news officially although we were aware that people leaving DG earlier were being prevented from coming back, the reason for which was not clear. He was in shock as he told me since our whole life for over 25 years had been on DG and, in truth, we belonged nowhere else. He told me that if the Ilois did not leave Mr Marcel Moulinie had said that force would be used against us. A meeting of the inhabitants of DG was called at the Meteorological office, and they were given the news by

Messrs Moulinie and Todd. The Americans were very surprised to see several hundred Islanders. They appeared to believe that the island was deserted, as they told my husband. The Islanders were devastated by this news. No-one knew what it meant, no arrangements were announced for our accommodation, none of us was consulted over this decision which had already been made. A lot of people were very distressed and cried.

9. Very soon the Americans intensified their presence on DG. They reclaimed land and began construction work. Visitors were banned from certain areas, such as Laverdan, Trois Piquets, Semen Long, Pointe Marianne and Norwa. The Americans brought in heavy plant and equipment, tractors, tanks, caterpillars and helicopters by landing craft. Heavy building materials were unshipped and soon the whole area of Norwa became a building site.
10. However the supply ships which brought things which we required such as salt, soap and rope became much less frequent. They readily took passengers to Mauritius and Seychelles, but mysteriously these travellers did not return. Soon the coconut plantations were closed down, and all work ceased, leaving our people without work. The atmosphere was both worrying and intimidating.
11. This awful suspense lasted for over a year. Although we waited for normal life to be resumed, it did not. However, there was never any proper plan revealed to us for our future. Instead threats of violence were made against us. The Ilois were told by the Americans that if they did not leave, they might be bombed. At the same time vague promises were made to compensate us for the removal which awaited us. The Company Administrator, Mr Moulinie, said that all the native, workers and their families would have to leave because the Islands were closing down. On a number of occasions he made promises to the Ilois that if they left they would be given homes, jobs and compensation. On occasions the British Administrator, Mr Todd, said the same things. Motor vessels arrive to take the Ilois away – the MV Nordvaer, the MV Isle of Farquhar and the MV Mauritius. Very reluctantly some people began to accept the inevitable and packed their things to leave. They were only allowed to take such items as they could carry, and had to leave most of their possessions in their homes and abandon them.

12. Other people refused to go, but this only provoked more threats that they would be starved to death if they did not leave. My husband appealed on behalf of the Ilois and said that they had every right not to want to leave their homeland where they were living happily, but Mr Todd said to him "do you people want to go the same way as the dogs?" Mr Marcel Moulinie, with the assistance of some Americans, went round the residential areas catching cats and dogs and burning them alive in the calorifer. Our house was close to the calorifer and we could hear the animals screaming in pain as they were burnt to death. I believe that these measures were taken to frighten the Ilois into believing that violence could be used if they did not leave, quite apart from clearing the Islands of unwanted animals. Some cows and pigs were transported by ships to Mauritius whereas the horses were transferred to the Seychelles.
13. As the Assistant Administrator of Moulinie & Company, my husband was one of the last to leave. We were allowed to live in our home until September 1971. My husband was told by Mr Paul Moulinie in the presence of his nephew, Mr Marcel Moulinie, that the whole family had to leave on a vessel that was then taking on Ilois, the MV Isle of Farquhar. We packed as much clothing as we could carry, and were heartbroken to leave behind all our pets and animals. Not knowing what else to do, my husband set all the animals free. We did not know where the MV Isle of Farquhar was going. There were about 35 men, women and children on the boat, along with my family, mostly in tears and distress. They were leaving their homes and all their possessions behind. The boat however was heavily loaded with the last consignment of coconuts and indeed the captain had to throw some of the coconuts into the sea. We had no future, but just a vague promise that on arrival the Ilois would be provided with money, a house, a plot of land and compensation would be paid for losses. Whilst on the boat, my husband was asked by Mr Marcel Moulinie whether he would be prepared to replace the Administrator on Peros Banhos, and my husband agreed.
14. We disembarked on Peros Banhos and occupied a residence which appeared to have been vacated by another family. We only spent about 6 months on Peros Banhos before we were, again, told that this group of islands was closing down and we would have to leave. We embarked on another vessel, the MV

Nordvaer, during 1972. There were approximately 100 people on the boat which was already laden when it arrived at Peros Banhos. Our conditions were somewhat better than the other suffering passengers since we were given a small cabin, but we had to share this between my husband, myself and our 8 children. We could not open the portholes since the ship was heavily laden, and the sea would splash in if we did. It was therefore extremely hot and uncomfortable. Many people were in much worse conditions than us, having to share a cargo compartment with a cargo of coconuts, horses and tortoises. Some had to sleep on top of the deck of the ship. No meals were provided, and the captain, a Mr Tregarden, told the families to prepare their own meals. By contrast the horses were fed grass. The passage was rough and many of the passengers were seasick. There was urine and manure from the horses on the lower deck. The captain decided to jettison a large part of the cargo of coconuts in order to lessen the risk of being sunk. The whole complement of passengers suffered both from an extremely rough passage and from bad smells of, animals, and were sick and weary after the 6 day crossing. My own position was most unfortunate. I was 3 months pregnant at the time and on the day after I arrived I miscarried, as a result of shock and depression caused by this journey and our expulsion. There were other Ilois who were removed later from Peros Banhos and Salomon until 1973 when these Islands were also closed down. I am aware that another passenger actually gave birth to a child, George Desir, whilst on the MV Nordvaer, when it was moored in Victoria Harbour, Mahe, Seychelles on 2 June 1973 and I refer to the Certificate of his birth above ship.

Conditions on arrival in the Seychelles

15. No arrangements had been made for us on arrival at the Seychelles. However my husband who originated from Seychelles had an aunt living in Victoria, Seychelles and we threw ourselves upon her mercy. She kindly allowed us to stay in a small lounge, but this was very cramped. The house had three bedrooms, but there were six people staying there already. My husband and I had to accommodate ourselves and 8 children in one small room, sleeping on the floor without beds. This caused friction with the householders, and we were asked to leave. After 5 months we moved out, and took up residence in an abandoned cow-shed. This was constructed of concrete but lacked sanitary facilities, water and electricity. It was without doors which could be closed,

and windows and the roof leaked. I felt a sense of despair and became very depressed.

16. By this time my husband had used up his savings in feeding the family and was without work. We lived in complete poverty. Our children went hungry. We had to get up at 2.00am to collect fallen mangoes from other people's land. This was, in truth, stealing, and was deeply offensive to my husband who was a devout Catholic who had been a regular leader of church services in our previous life on the Chagos Islands, as it was shameful to our whole family. We survived on this fruit and some boiled breadfruit, jackroot and mashed maize which was a complete contrast to the protein-rich diet which my family had previously enjoyed.
17. My children were harassed at school and called names such as "Anara", meaning "a nobody". We had great difficulty finding schools which would accept our children, who were regarded as foreigners. Although most of our children found schools after 6 months, my two eldest daughters received no education at all. After Liberation in 1977, I was obliged to pay for a visitor's permit since I was not a Seychelles' national having been born on DG. To protect my right to remain, I was eventually married on 17 January 1978. My husband, Raymond Mein, as a Seychellois, was free to work all the time but it was not easy to find a job as he had been away for too long. All my children, except for the last daughter, were told by the Seychelles Immigration that they possessed Mauritian nationality (something that we did not know) and that they would have to renounce it and pay fees before they could become Seychelles' citizens and be able to remain in the country. At that time the Seychelles permitted only one nationality. Of course, all our children were with us in the Seychelles
18. We lived in poverty for many years which contrasted with our well-provided lifestyle in DG. My husband could only get odd jobs, and things got worse after 1976. There was no-one with whom we could raise our case. My husband did visit Mr Marcel Moulinie on more than one occasion reminding him of his promises of compensation. He was told that nothing could be done and that Mr Todd, the British Administrator, had in fact left and gone to Australia. My husband died in December 1989.

19. No compensation has been offered to me or my family, or, so far as I am aware, to any of the Ilois who were removed to the Seychelles. Our life has been shattered by this experience and we have suffered in health and happiness over an extended period. We have never known to whom we should turn for help or advice, and our pleas for compensation have passed unheeded.
20. I believe that community life could well be re-established on the Islands of the Chagos Archipelago, and fully support the claims of all those Ilois who wish to return there. I would like to be able to return to live on DG and to tend my family graves there.

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

SIGNED :
MARIE THERESE MEIN

DATED : 29th Nov. 1999....

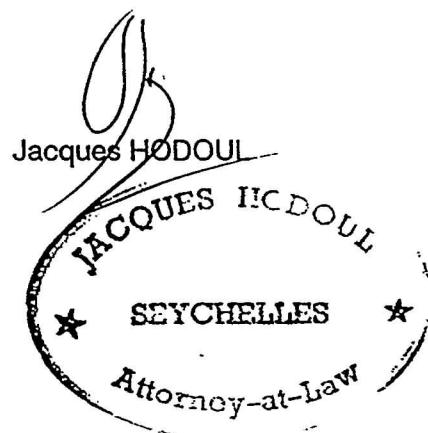
Annex

CERTIFICATE OF LAWYER WITNESSING MARK OF MARIE THERESE MEIN

I certify that I, Jacques HODOUL, Attorney-at-Law of Mont Fleuri, Mahé, Seychelles, have read over the contents of the witness statement and the declaration of truth to the witness who appeared to understand (a) the statement and approved its content as accurate and (b) the declaration of truth and the consequences of making a false witness statement, and she made her mark in my presence.

Mont Fleuri, Mahé, Seychelles

this 29th day of November, 1999.



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IN THE HIGH COURT OF JUSTICE
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DIVISIONAL COURT

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Ref : C/011581/9901
WP Ref: PKC00002058.doc