

**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 LOUIS OLIVIER BANCOULT

1. I refer to my Affidavit sworn herein on 7 September 1998, and make this Statement in order to amplify factual matters which underlie the issues which arise for the consideration of this Honourable Court. In order to give a description of our way of life on the Islands, and its settled character, I have prepared a volume of materials marked "A" and which consist of
 - (i) photographs numbered 1 to 77 which are detailed on the Schedule of Captions with which it is indexed
 - (ii) a colonial office film entitled "*Peaks of Limuria*" which my solicitors have obtained from Government archives and which was shot in or around 1955 for the purpose of describing the way of life of the residents of the Chagos Islands and of St Brandon and Rodrigues. These Islands are described in the film as "the visible parts of the sunken continent of Limuria"



- (iii) extracts from the book "*Limuria*" by a former Governor of Mauritius (and its outer dependencies, including the Chagos Islands), Robert Scott (Oxford University Press 1962)
 - (iv) a survey report entitled *Notes on the Islands of the British Indian Ocean Territory* dated 10 January 1969 signed by J R Todd who was the first Administrator of the British Indian Ocean Territory
 - (v) a report by Francoise Botte to the University of Mauritius in 1980 entitled *The Ilois Community and the Ilois Women*
 - (vi) the report of the Ilois Trust Fund Board dated 22 August 1984
 - (vii) a chapter of Diego Garcia from the book *Outposts* by the journalist, Simon Winchester, who visited the Chagos Islands by yacht in 1984
 - (viii) my Passport No 750176141 as a BDTC issued on 30 March 1999
2. I make this Statement from facts and matters within my own knowledge, but as appears from the context, I also draw upon information given to me by other members of the Ilois community, notably my mother, Marie Ritta Elyse. As Chairman of the Chagos Refugees Group, and a former member elected to serve on the Ilois Trust Fund Board, I am well placed to collate information from many Ilois which is hereafter set out and which I believe to be true.

MY CONNECTION WITH THE CHAGOS ISLANDS

3. I was born on 15 February 1964 on the island of Peros Banhos, the sixth of seven children as follows:
1. Louis Alex Bancoult born 30 May 1953 on Peros Banhos
 2. Marie Mimose Bancoult born 7 June 1955 on Peros Banhos
 3. Louis Eddie Bancoult born 10 December 1960 on Peros Banhos
 4. Louis Renaud Bancoult born 10 November 1962 on Peros Banhos



5. Louis Olivier Bancoult born on 15 February 1964 Peros Banhos
 6. Marie Noelie Bancoult born 21 December 1966 on Peros Banhos
 7. Louis Ivo Bancoult born on 4 July 1969 in Mauritius
4. My mother and father were both born on the Chagos Islands, my father, Julien Bancoult on Trois Freres on 8 June 1918 and my mother Marie Ritta Elyse on 30 June 1925 on Peros Banhos. My parents met and married on Peros Banhos, and lived there for nearly three decades before our exclusion from the Islands in 1968.
5. My father was employed by Chagos Agalega Limited in the coconut processing plant; and he also worked as a carpenter. My mother worked in the coconut plantation and was employed by the same company, which ran the plantations on Peros Banhos.
6. Three of my grandparents were also born on the Chagos Islands:
- (a) Maternal grandfather, Olivier Elyse
- He was born in 1903 on Peros Banhos and was in charge of the calorifier on the coconut plantation. The calorifier was an important building. It consisted of a long drying tray for coconut and was heated underneath by a log fire fuelled by burning the coconut shells. I recall meeting this grandfather before we left Peros Banhos in 1968 when I was aged 4, and I was in fact named after him. He gave me a ravanne, which is a kind of tambour. I lost this treasured possession since it was at our home together with all our other possessions which we were unable to recover following our exclusion and to which we were never allowed to return. I never saw my grandfather again after our departure, but after a few years I learnt that he had died as a result of receiving an electric shock during the course of his work. I believed he

is now buried in the cemetery attached to the church on Peros Banhos
(Photograph 5).

(b) **Maternal grandmother, Alexandrine Petriarcher**

She was born on Peros Banhos, during 1905 (Photograph 41). She, too, was employed on the coconut plantation working with copra. My maternal grandmother was married around the age of 15 and bore four children, all at their home on Peros Banhos. She always wanted to return to the Chagos Islands, but unfortunately she died on 16 March 1999 in Port Louis without fulfilling this hope.

(c) **Paternal grandfather, Julien Bancoult**

He was born on Trois Feres. I do not know the date or year of his birth.

(d) **Paternal grandmother, Adelaide Evenor**

She was born on Trois Frere, but I do not know the date or year of her birth

Both my paternal grandparents are buried on Peros Banhos.

I believe that my family goes back through several generations of Ilois who were all born on the Chagos Islands, on both sides of my family.

COMMUNITY LIFE ON THE CHAGOS ISLANDS

7. Our home on Peros Banhos was one of approximately one hundred houses which comprised the village part of the Island on which we lived. Many of

these homes were built in brick or concrete, and others were built by traditional methods using a mixture of cut timber and palm trees, generally lashed together. Sometimes they also had a concrete floor. This form of housebuilding was a traditional skill possessed by the Islanders. Houses could be built in a day by this method. Another local skill was the building of fishing boats. Using timber cut by the woodyard, an Ilois fisherman could build a sea-going boat, known as a "pirogue", in about a week.

8. Our family home consisted of a three-roomed cottage made of wood and concrete with a thatched roof and an open verandah. There was a large garden attached, in which my father cultivated pumpkin, chillies, tomatoes, sweet potatoes and aubergines. There were also banana trees and squash plants. He also raised chickens and ducks. My father regularly went fishing for seafood, catching fish such as red snapper, prawns, crabs, lobster and turtle. We regularly consumed all of these protein-rich foods. My father caught a surplus so he would either exchange produce with other Ilois, or he would salt away the surplus fish and keep it as reserve food. In 1967 and 1968 two fisherman were selected by the Administrator to go fishing for the whole community on Peros Banhos as their full-time job. Most families had a sizeable garden with similar produce, and also kept chickens and ducks. The Administrators normally kept pigs.
9. The diet of the Ilois was rich in protein and consisted principally of fish and chicken, normally cooked with coconuts. Fish and coconut were in unlimited local supply. Specialised cooking techniques were employed.

10. My brothers and sisters attended the school on Peros Banhos, and I was taken there by my older siblings, although too young formally to attend. A photograph of the school, taken during 1964, appears at Photograph 46. Amongst the children depicted is my cousin (the girl sitting at the left-hand end of the second bench), Hydee Lemaitre, who now lives in Mauritius. Original elementary education was provided by the Administrator or his assistants or the medical staff, but this was improved when a formal school was started around 1951 on the instructions of the Governor, Robert Scott, following a visit to the Chagos Islands. Before this, my father had acquired reading and writing from being taught by nurses who ran the hospital and which provided some rudimentary education before a school was set up.
11. The hospital was staffed by a medically trained nurse from Mauritius or the Seychelles. Such nurses were able to provide routine medical care. In addition there was a midwife who assisted with childbirth, ante- and post-natal care. I know one of the medically trained people who worked at the Peros Banhos First Aid Centre, Yvon Dysson, who stayed for several years on Peros Banhos, married an Iloise lady and had three children born on the Island. Generally speaking, the Ilois were extremely healthy, and were not afflicted by diseases which are common in Mauritius, such as diabetes and heart disease. The women who delivered at the hospital were very well treated. They normally stayed for at least 8 days and were given special diet based upon chicken soup. Large families were common. Generally speaking the community was healthy and thriving. The birth rate was high and the death rate low.

12. There was a chapel in Peros Banhos, well attended by most families, the majority of whom were Catholic. Services were led by a visiting priest once per year, a mass was celebrated every Sunday, led by one of the Administrators, medical people or school teachers. The chapel is depicted at Photograph 5. There is a cemetery attached to the chapel, where a number of my relatives lie buried.
13. A larger community lived on Diego Garcia, where the largest village was known as East Point (Photograph 47). There were also villages at Minni Minai and at Norwa. Diego Garcia has 8,000 cultivable acres and a large coconut processing plant, in addition to colonial-style houses, a church, cemetery and medical centre. As appears from Photographs 2(i) to (iv) the cemetery was, in 1993, in good condition.
14. Each of the larger islands in the Archipelago had mechanical workshops, joinery workshops, boatsheds and a bakery. There was a shop which sold provisions, and on one or two of the Islands there was a small prison. There were several mechanics who serviced the motor-launches, jeeps and tractors. There were several joiners or carpenters on each island who were all Ilois.
15. In addition to the population of labourers and artisans, there were a number of administrative staff employed by the company, a Manager, Assistant Manager, an accountant and supervisors. There was also a teacher and a meteorological



officer. Most of the administrative staff were from the Seychelles or Mauritius.

16. Over the generations the Ilois developed their own distinctive culture in such matters as baptism, marriage and co-habitation, music, dancing and historical songs. Our language, Creole, although similar to that in Mauritius and Seychelles, also has important differences. The accent is different and immediately identifies an Ilois from other Creole speakers. I refer to Chapter III of Francoise Botte's report *Beliefs and Cultures of the Ilois Community*.
17. Everybody on the Chagos Islands had employment or work, housing and good food. Skills were acquired of especial use to this way of life. The communities were all settled and thriving. Ilois remember their way of life as idyllic, an impression which is borne out by the film "*Peaks of Limuria*".

CHAGOS AGALEGA LIMITED & THE POSITION OF ADMINISTRATOR

18. The Islands were both owned and exploited by a company based in the Seychelles, Chagos Agalega Limited, later Moulinie & Company. Another company known as Diego Limited also operated. Together I will call these companies "the Company". The Company had 6,000 acres under cultivation in Diego Garcia, 2,900 acres on Peros Banhos and a similar number on Salomon.

THE QUESTION OF "CONTRACT WORKERS"

19. Since the abolition of slavery in the Chagos Islands in 1835, there have always been two sources of supply of labour. On the one hand there are the

generations of workers who remained on the Islands following liberation and who mostly became employed by the company. In addition, labour was supplemented by recruitment from Mauritius and the Seychelles. These recruited workers often returned home, but equally there were many who liked the life on the Chagos Islands and decided to renew their contracts and often stayed permanently, marrying and settling on the Islands and thus swelling the resident community. After 1877, written contracts were required, stipulating for such a foreign recruited worker to be returned to his country of origin (either Mauritius or Seychelles), at the expense of the company, upon expiry of his contract, the term of which should not exceed three years (*Scott's Limuria*, Page 160). Such contracts did not apply to those born in the Chagos Islands, or who made their homes in the Islands beyond the term of their contract. In fact little attention was paid by workers or employers to the terms of such contracts because, in practice, the Ilois were entitled to a free return passage to Mauritius or the Seychelles, whenever they wished to visit friends or family, or wished to make purchases for their homes on the Chagos Islands. Any such contracts were designed to protect the employment conditions of contract workers and did not in any sense determine their entitlement (or lack of it) to live on the Islands. In order to book a return passage to the Chagos Islands, an Ilois only had to show that he was an employee of the Company. Despite the obvious inapplicability of these contracts to Ilois, I have heard of cases where Ilois have been required to sign the Contracts, but only one or two isolated cases, and then only from around the mid-1960s when the future of the Chagos Islands was already an issue. It sometimes happened that a Mauritian or Seychellois worker was required to sign a fresh Contract in order



to return to the Chagos, and this would be signed before leaving Mauritius or Seychelles. It is possible that an Ilois who was married to a Mauritian or Seychellois might, through error, be treated as a non-Ilois and also required to sign. That is what happened to Noelline Paul in 1958 when she visited Mauritius with her Seychelles' husband, Joseph Beauchamp. No attempt was made to explain to her the terms of the Contract, and she was required to sign a Contract purely because her husband also had to. Of course if any such foreign recruited worker were guilty of misconduct or if he was not required at the end of his contract, then arrangements were made for him to return to the country of his recruitment. I believe that on possibly one or two occasions the Administrator of Diego Garcia, Marcel Moulinie, did assume the power to expel an Ilois, but this only occurred from the mid-1960s, and was, I believe, an excess of authority caused by a desire to simplify future dealings with the Ilois at a time when the future of the Islands was in issue. However, subject to these very limited exceptions the Ilois did not have written Contracts and were safe from removal from their homeland. I have never heard of an Ilois who was explained the significance or meaning of a written Contract and, generally, the Ilois had no need to sign Contracts which, by their terms, were designed for use with Mauritian or Seychelles workers.

It is important to note that many of the Chagos-born Ilois who were removed had never visited Mauritius or Seychelles before coercive measures were used against them. I know the mother of Mr Raphael Louis (Mrs Elisia Botman) who was born on Diego Garcia in 1914 had never left the Islands, before she was forced to leave by the closure of the Islands.

The practice developed, during the generations in which my family has lived on the Chagos Islands, for all Chagos-born Ilois to become employed by the Company. They would start as children, when they would work for an hour or two in the morning before school, possibly collecting coconuts, until they were of full age and could be employed as labourers or artisans. On Diego Garcia children aged 10-12 would work and then go to school. On Peros Banhos and Salomon they would either go to school or to work. Artisanal activities included carpentry, stonemasonry, mechanics, boat-building and house-building. However there was no obligation to become employed by the company. Anyone who was unfit or perhaps disabled from work was neither forced to do so, nor was he forced to leave the Islands. He simply remained in his home with his family without reference to the company. Similarly wives and co-habitees were not forced to work for the company, and some simply were housewives with or without casual work. Some were full-time domestic workers who were employed by the Administrators in their personal capacity to do domestic worker in their homes. Such was Hydee Lemaitre who was a full-time babysitter employed directly by M. Guillemin and not by the Company. Equally when a worker came to retirement age they carried on living in their homes, perhaps doing casual work as an optional activity. My grandfather, Olivier Elysee, retired in 1963 and passed a happy retirement in Peros Banhos until he died there in 1969. When they passed away, they were normally buried in one of the cemeteries on the main Islands which now carry gravestones from the 19th and present centuries. The pattern was one of settled resident communities developing their own culture, lifestyle and identity. That



population was expanded by arrivals from Mauritius and Seychelles over the years, producing what Scott describes as "island societies (which) have matured and been tolerably happy in the privacy of their ocean wastes" *Limuria* (Page 292).

The settled way of life and generations of occupants are clearly described in the Colonial Office film, *Peaks of Limuria*, and would have been well known to the Colonial Authorities prior to the establishment of BIOT. Equally, Scott's *Limuria* had been published some 4 years before the establishment of BIOT and, since its author was himself Governor of Mauritius, it is likely that it would have been available to those advising on the establishment of BIOT and its population.

ADMINISTRATOR

20. The Company had an Administrator on each of the principal Islands of the Chagos Group. Administrators were generally from Mauritius or the Seychelles, and normally stayed for only a year or two in that position before returning home. The Administrator not only supervised the work of the plantations, but generally gave directions for day to day living. For example, he might direct plantation workers to spend the afternoon fishing, and then direct the distribution of the catch amongst the employees. The Administrator also supervised the running of the hospital, and periodically led church services. He was responsible for registering births, deaths and marriages. He would conduct civil marriages himself, but a religious ceremony required a visiting priest. I produce the copy of the Marriage Certificate of Raphel Louis



and Marie Laurencia Alexis who married on 28 September 1971 before Father Brennan, a missionary priest from Thailand. The other witness was Marcel Moulinie, the Administrator, who was also a principal in the company, Moulinie & Company. This was the last Ilois wedding to take place on the Chagos Islands.

21. Occasionally the British Governor who lived on Mauritius would visit the Chagos Islands. My mother informs me that during 1954 or 1955, one British Governor, she believes Robert Scott, visited the Islands. She told me that he had some physical disability. I was told that he was popular with the Ilois. He appeared to take an interest, in the lives of the Ilois who paid him great respect as the representative of the Queen of England. Many Ilois proudly showed him pictures of the Queen and the Duke of Edinburgh which they displayed in their homes following the Coronation of Her Majesty in London. I understand that Governor Scott established schools on the Islands and arranged for teachers to come from Mauritius or the Seychelles.

22. In 1965 or 1966, some Ilois became aware that there was some arrangement between HM Government and the United States of America which affected the Chagos Islands, but there were no formal announcements, and nobody really knew what it meant for our lives or our future. We did notice, however, that food and other provisions, which normally arrived regularly on the provision vessels from Mauritius visited less often, making us more dependent on our own produce. At the same time it was noticed that teachers stopped coming, and the schools gradually closed down.

A handwritten signature consisting of stylized initials and a surname, written in black ink.

23. In or around 1967, a number of Ilois became aware of elections in Mauritius, but no arrangements were made for Ilois to vote in the elections for the Mauritian representative assembly, and Ilois were not invited to vote if they visited Mauritius. The Ilois always felt rather out of place when they visited Mauritius and were quite happy that, when Mauritius became independent, the Chagos Islands remained part of the dominions of Her Majesty the Queen. Our lives on the Islands had been peaceful and contented for generations, there was no political agitation for independence in the Chagos, and we were quite content to remain subjects of Her Majesty the Queen rather than to throw our lot in with Mauritius. I should mention that some of the population in Mauritius, known as Creoles, are descended from liberated African slaves. The Creoles in Mauritius who are a substantial minority group who are non-white and Christian. They are regarded as the lowest social group and we, as Creole des Iles (or Ilois) are considered lower than Creoles in Mauritius. Over generations our culture has become quite distinct, as I have described in Paragraph 16.

MY FAMILY'S EXCLUSION AND THE REMOVAL OF THE ILOIS FROM THE CHAGOS ISLANDS

24. It was quite common for Ilois families to take extended leave every few years, and to visit either Seychelles or Mauritius where some families had relatives. It is a five day journey to Mauritius (longer in bad weather) aboard one of the provisioning vessels owned by and operated by the Company or the British Administration. The vessels used to call regularly (though less so after 1966)

and it was possible for us to travel on the boats. Vouchers were issued and it was not necessary to pay for the fare. Conditions were quite harsh on the boat since there were no proper cabins for passengers. Since it was necessary to embark by rowing boat, only small bags or cases could be taken, and nearly all our possessions were left at home. There were also rumours that some Ilois who left for a holiday had difficulty in returning, but there was no official announcement and any problems were believed to be no more than the temporary interruption of normal service.

25. In 1968 my sister, Noelie, (who was born on 21 December 1966, and was then aged 1½ years) suffered an accident in which her foot was crushed by a passing cart. The injury was too much for the hospital, so the family decided to travel to Mauritius to secure hospital treatment for her. My parents and all the children took the next passage to Mauritius, on board the MV Mauritius. We could only take our personal effects with us and left all our other possessions at our home. We arrived in Mauritius and stayed with my grandmother, Alexandrine Petriarcher, who had gone ahead of us and had rented a small home in Cassis. My parents took Noelie to hospital. She remained weak and my parents were worried that she was not regaining strength. We had little money and could not give her milk and medicines to restore her health, and it was a great sadness when she died in Mauritius on 6 June 1968. This was after Mauritius became Independent on 12 March 1968.

26. After this tragedy my family decided to return to Peros Banho. Accordingly my mother went to arrange our return passage. I accompanied her one day to



the offices of Rogers & Company, agents for the Company in Port Louis, when she went to book our return passage and enquire when the next ship was due to set sail. She was told by an official that it would not be possible to return to the Islands because the Americans had taken them over, and we would not be allowed to return. I recall to this day seeing how extremely upset she was. She cried loudly and remonstrated with the officials. This news was devastating to her, since in addition to losing Noemie in a foreign country, she now realised that we would lose our home and our entire way of life.

27. This was the beginning of a long period of grieving and distress in my family. My mother's state of mind deteriorated. She became morbid and distracted. For two years she received treatment for mental ill-health, and the whole family suffered from her state of mind. My father, too, suffered from shock and distress. He found the loss of his home and way of life a severe blow, and although he had been a healthy man all his life, from 1971 onwards he began having heart problems and finally died of a heart attack on 16 May 1976 at the age of 58.
28. I have often discussed with my mother the circumstances of our exile from the Chagos Islands and the trauma of first learning of our fate. She remembers well the events at that time and has often recounted them to me. She has told me that there was no advice given by any Company official or Government official to explain what had happened and why we were being prevented from going home other than that the "Islands were closing down", because of an agreement with the Americans. No attempt was made to enable us to

recover our belongings. It was impossible to contact relatives on the Chagos Islands since there was no telephone contact available to us, mail was no longer accepted for delivery on the boats and the Company would not co-operate in sending telex messages. There was no advice given to us as to what we should do next or how we should now lead our lives. In particular, no-one made any arrangements for us to have jobs or homes. We were not given any information about whom we should contact for remedying our grievances, no-one introduced us to lawyers for advice, and there was no question of compensation being offered. In short, we were abandoned without any support whatsoever and left to fend for ourselves.

29. Least of all did anyone ask the native Ilois families whether they would prefer to live in their homeland. No-one thought to hold serious discussions with us about which Islands had to be lost to the United States, and which Islands could be inhabited by British nationals. We were simply dumped in a country that was in the process of becoming independent, and which suffered a high level of unemployment and from which many were emigrating because of the adverse social conditions. As the lowest social group we knew that we would have the greatest difficulty in competing for jobs and homes.
30. Moreover, our family's fate seemed inevitably to await our compatriots left on the Chagos, and we were powerless to warn them of what lay ahead. Over the next months and years many unsuspecting Ilois families arrived for periods of holiday, and experienced the same shock of knowing that they could not return. Some families were warned by us and other Ilois, but would not accept

A handwritten signature consisting of stylized initials, possibly 'CB', enclosed within a decorative oval.

this news until it was confirmed by the office of the Company or of the British Indian Ocean Territory Administration.

31. The practice of surreptitiously marooning Ilois families in Mauritius seems to have continued from 1968 to 1972, as appears from the Affidavits sworn herein by:

- (a) Xavier – 1966, Page 71;
- (b) Alphonse – 1967 Page 69;
- (c) Besage – 1967, Page 62 (Mrs Besage has now passed away);
- (d) Labihe – 1968 Page 28;
- (e) Paul – 1970, Page 55;
- (f) Louis – 1971, Page 41;
- (g) Isou – 1972, Page 46

32. It is stated in the report signed by Mr J R Todd that the population of Peros Banhos, which stood at 244 in March 1968, had dropped by November 1968, to “only 168”. No explanation for this is given, but I am certain that the cause of this was that families were deliberately marooned in Mauritius without warning. In this way, over 30% of the population was evacuated in a period of 8 months. According to the report by Francoise Botte, 251 families were forced off the Chagos Islands between 1965 and 1970, and I confirm that the community of Ilois marooned in Mauritius had grown to almost 1,000 people by 1971, when more forcible methods were employed against us.

33. By 1971 the first American soldiers had arrived on Diego Garcia. Soon there were threats against the community that if we did not leave we would be abandoned or bombed. Some Ilois were told that they would be blown up by a bomb if they did not leave, whilst others became worried at the lack of transport and provisions. The Administrators arranged for many families to be transported from Diego Garcia to the other Islands between 1971 and 1973, when the final removals were implemented by forced evacuation. Ilois used to hide at home when the helicopters flew overhead for fear of being bombed. The Americans brought in tanks and trucks on landing craft. The Administrator for the Company, Mr Marcel Moulinie and the BIOT Administrator, Mr J R Todd, called the Ilois to a meeting and informed them that they would have to leave because the Americans were now taking over. No such announcement was made on the other Islands. They both promised that jobs and homes would be made available in Mauritius or the Seychelles. A series of ships arrived to remove the Ilois, the MV Mauritius, The Isle of Farquhar and MV Nordvaer. These vessels were forced to carry over 100 people each, and one even carried the Administrator's horses together with human cargo. Many Ilois complained that the horses were given a better passage than the Ilois (Affidavit of Rita David sworn 8 September 1998 and Marie Lisette Talate sworn 7 September 1998). There was not enough food on the boats. Some ate grass. In the rainstorm the horses were protected below decks whereas the Ilois were left unprotected. Whilst the conditions on board were terrible, the brutality of the enforced removals should not be ignored. Cats and dogs were rounded up by the Administrator and some Americans,

and these animals were destroyed by being thrown, alive and screaming, into the calorifier.

34. Ilois were threatened that if they did not embark on these ships they would be starved to death or force would be used. Pregnant women were forced on board the ships. One such Iloise lady gave birth on the MV Nordvaer whilst it was in harbour at Port Victoria, Mahe, Seychelles on 2 June 1973 (Birth Certificate of George Desir). After a dreadful crossing, many Ilois were lodged at the abandoned prison of Victoria, Mahe, for up to three months (Statement of L J Alexis). Those who took photographs had their films confiscated. This episode is confirmed in a document drawn from official sources (which I produce).

CONDITIONS ON ARRIVING OR BEING MAROONED IN MAURITIUS AND THE SEYCHELLES

35. Some months before we were marooned in Mauritius, this country had become independent on 12 March 1968. Independence had been attended by communal strife between the different racial groups whose identities were reflected in the different parties vying for power. As a small community with distinct accent and customs we were especially vulnerable and unrepresented. Moreover unemployment was very high in Mauritius (unlike on the Chagos Islands which imported contract labour), and there was a high rate of emigration to Europe and elsewhere in search of a better material life. Our problems were magnified by the fact that our traditional skills were useless in Mauritius, our education level was poorer (in fact the schools started by

Governor Robert Scott in 1951 had, by 1965, been closed down by the British authorities) and worst of all we were quite unused to paying for everything, such as rent, food and school equipment. Although some Ilois men got jobs as dockers or lorry-loaders (my father amongst them) and some women were able to secure domestic work (including my mother), unemployment ran at around 85% (Francois Botte, Paragraph 40). We were living in the worst slums around Port Louis, often two or more families huddled in tin shacks. Health was often poor because our diet was so meagre. We were barely able to afford cheap staple foods such as rice, let alone the protein-rich diet to which we were accustomed on the Chagos. A number of Ilois became so frustrated that they took to drink or drugs, or committed suicide. My brother, Alex, had great difficulty obtaining work when the dock company who employed him went into liquidation and he had to take up fishing to try to support his 5 children. He died of alcohol addiction on 19 February 1992 aged 38. My other brother, Eddie, could find no work but hawking on the streets, and eventually died of drug-addiction on 29 January 1995 aged 34. I am quite certain that if they had continued to live on the Chagos Islands they would have led the same contented lives as my mother has described. It was the distress and pressure caused by our being uprooted and forced to live in conditions of despair that led to their early deaths.

36. About 2,000 Ilois were removed to or marooned in Mauritius, and about 500 in the Seychelles. Almost all were condemned to conditions of squalor and poverty. A few managed to obtain work. Social security was non-existent or extremely modest. Families were 'cramped' together. Very few obtained

education (I was one of the lucky few and attended school), our diet was very limited and malnutrition was common. We were publicly despised. I was called names when I first attended school because of my accent and manners. Others were called "anara" – those without homes. Unused to earnings wages and paying for everything, many of those who did find employment were cheated. For example the Ilois engaged as lorry-loaders in Port Louis market were not paid wages directly, but received wages through intermediaries who took most of the money. Loaders had little idea of the value of money but when they went shopping could buy very little with it (Francoise Botte, Page 25).

37. In addition to these very bad conditions, the Ilois were bound together by a deep sense of injustice and a fierce determination to return home. As many as 76% were identified as wanting to return home in the report of Herve Sylva dated 22 April 1981.

COMPENSATION ARRANGEMENTS

38. No benefit was received by the Ilois from the sum of £3m which HM Government paid to the Government of Mauritius for the detachment of the Islands in 1965. A further sum of £650,000, which was made available for resettlement in 1972 was, however, not distributed by the Mauritian Government after receipt in 1978. Things became so bad that, unusually for the Ilois, widespread demonstrations took place in the streets, particularly outside the British High Commission, Port Louis, Mauritius. On 16 March 1981 hundreds of Ilois women demonstrated in front of the British High

Commission. There were clashes with the police and many Ilois were arrested. This provoked a hunger strike by 8 Ilois women which took place in the Jardin de la Compagnie facing the offices of the British High Commission. This hunger strike formed the background to negotiations in London between HM Government and a delegation from the Mauritian Government. Finally, on 4 April 1981, an agreement was reached on the 20th day of the hunger strike. The agreement between the two Governments provided for the British Government to provide £4m to be paid into a trust fund known as the Ilois Trust Fund, and the Mauritian Government was to set aside land to the value of £1m for the purpose of housing. Nothing was said to the Ilois about the terms upon which any compensation would be made available to us.

MY INTRODUCTION TO REPRESENTING THE ILOIS COMMUNITY

38. I had left Peros Banhos at the age of 4 years and, because my parents both worked, they could afford to purchase the books and materials necessary for me to attend school. I attended London College, Port Louis, and, by the age of 18, I obtained School Certificate Grade V in four subjects (English, French, Mathematics and Commerce). My father had died in 1976 and our family still lived at Cassis in a poor home, in a poor area.

39. From an early age I was very aware of the misfortunes suffered by the Ilois community. Ilois education had been modest, and the schools which opened in 1951 were closed in 1965. Few Ilois could read or write, and most spoke only Creole. The skills which were of value in the Chagos Islands (such as house-building and boat-building) were of little value in Mauritius where only

unskilled manual work was available to them, and then only in the context of high unemployment and competition for jobs. Unemployment amongst the Ilois was high (Francoise Botte puts the figure at 85%), depression was very common, alcoholism and drug-addiction not uncommon and suicide was an occasional tragedy.

40. During the highly-charged atmosphere leading up to the compensation agreement in April 1982, I became well aware of our community's problems. When the Ilois Trust Fund was formally established by an Act of the Mauritian Parliament, it was necessary to elect 50% of the members from the Ilois community. The first members were elected in December 1982. The following year, although I was only 19, I stood for election, and duly became a Board Member in December 1983. At the same time I established the Chagos Refugees Group, of which I am still Chairman. There had been other organisations for the Ilois before then, such as the Organisation Fraternelle, but this was established by Mauritians for Ilois. My Committee was the first body set up by Ilois for themselves

ILOIS TRUST FUND BOARD

41. Among the functions of the Ilois Trust Fund Board, control of which was shared with Mauritian Government employees, were the following:

- (a) To identify the Ilois as there was a danger of double claims, and the Ilois Board Members were responsible for appointing older members of the community in each area where the Ilois lived in Mauritius who

could verify identity. Identity cards were issued, and a total of 1,344 were registered in this way. I refer to the report of the Ilois Trust Fund Board dated 22 August 1984.

- (b) To supervise the distribution of land contributed by the Mauritian Government

RECEIPT OF LAND

43. There were two plots of land: 24 acres at Point Aux Sable comprising 264 plots, and 45 acres at Baie du Tombeau comprising 500 plots. Part of this land was used for development by the Central Housing Authority ("CHA"), a Mauritian Government-run organisation that built houses of which there were 45 at Baie du Tombeau and 40 Point Aux Sable. In addition, these areas provided individual plots of land which could be developed – 150 at Point Aux Sable and 300 at Baie du Tombeau. The plot of land alone was free, and an Ilois family had either to purchase a house built by the CHA, or pay for the building of his own home. Unfortunately, although compensation was distributed in various tranches (see below), many Ilois found that compensation was used either to pay past debts, or purely for subsistence, and they were unable to make the necessary financial arrangements for the purchase or construction of a house. Such persons then normally had to sell the plot. This means that some Ilois (perhaps as many as one-half) are still without housing despite the compensation agreement between the governments of Britain and Mauritius. Generally speaking, the compensation has not enabled the majority of Ilois to escape from the poverty trap caused by

chronic unemployment which has faced our community since their removal from the Chagos Islands.

44. Some Ilois, myself amongst them, were able to club together to purchase private land, quite separately from the areas set aside by the Mauritian Government under the inter-governmental agreement. During 1982, the largest distribution of Rupees 36,000 per Ilois was made available to those who could prove, by producing a Title Deed, that they had contracted to purchase land or a house. I clubbed together with a brother, sister and sister-in-law to buy a house where I now live at Cassis. The total fund helped us build a second house on the plot of land, and there are now two households and houses purchased with the total of these instalments which we received of Rupees 144,000. However in 1986 I was myself unemployed for six years and was faced with serious debts. To meet these I had to sell the free land at Pointe Aux Sables which I received in that year. Unfortunately as many as three-quarters of the Ilois were obliged to do the same.

RECEIPT OF COMPENSATION

45. Ilois who were registered received compensation. I refer to the list of those receiving compensation given to me by the Ilois Trust Fund Board, totalling 1,344 names.
45. The compensation was distributed between 1982 and 1985 in varying amounts. There was an initial distribution in December 1982 of Rupees 10,000, a larger one in 1983 of Rupees 36,000 (for which a Title Deed had to

be produced – and if none payment was held until land became available as shown above), followed by a distribution of Rupees 8,000 in July or September 1983 and a final instalment in December 1985.

46. These payments were distributed at the offices of the Ministry of Social Security at Astor Court, Lislet Jeoffrey Street, Port Louis, Mauritius. On the first occasions a short form of receipt was signed. On the second occasion (the instalment of Rupees 36,000), my three relatives and I attended together with our notary and approximately 15 other people. We went forward to a desk where an official of the Ministry of Social Security checked our name and we produced our identity cards. Our names were ticked off a list. I handed in a photocopy of the Title Deed which they retained. We were each then asked to sign a document, which I believe was only a receipt. I do not think that this was the Form of Renunciation. Each of us was then given a cheque for Rupees 36,000 payable to our vendor. This money was just enough to purchase a single house and plot of land, and we all lived in one house to start with. Over the years we have managed to build a second house.
47. Between July and September 1983, the third distribution of Rupees 8,000 took place. The whole community was entitled to this money and an announcement was put out on the radio calling us to Astor Court, day by day, alphabetically. No other indication of the purpose of this general summons was given, and I had no more idea than the other members of the community since this was about three months before I was elected to the Board. I formed a queue outside the building with about 100 other people whose surname began with B. The



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announcements had not told us of any document that required to be signed, but it transpired later that on this occasion the Ilois were being required to sign an important form. As before, I gave in my identity document and this was entered on a piece of paper. The paper was then shown to me and I was simply told to sign at the foot of the page in return for a cheque. I did sign, and the official completed the date. As best I recall, the document was written in English, which was a language which none of my compatriots could read. There was no attempt by any official translate the terms of this document, nobody advised us what was the effect of signing, and none of the Ilois were given any copies of this document. So far as we were concerned this was simply another form of receipt signed by those entitled to the money. There was a long queue and no-one wished to hold up the proceedings by asking about formalities.

48. However one Ilois refused to sign the Form of Renunciation, namely Mr S D Vencatassen. He began an action in the Supreme Court of Mauritius claiming that he had the right to receive the money without signing the form. However, Chief Justice Glover decided that he could not claim his share of compensation without signing the Form of Renunciation because of an indemnity given by the Trust Fund and the Mauritius Government who were, therefore, entitled to demand its signature.

49. I served as a member of the Ilois Trust Fund Board between January 1984 and December 1988. After that I devoted more time to being Chairman of the Chagos Refugees Group.



THE CHAGOS REFUGEES GROUP

50. In 1984 I formed the Chagos Refugees Group. We called ourselves refugees because we felt that we had been forced off our homeland to make way for a military base, and this was, in some respects, similar to losing our homes through war, as refugees do. Amongst its objects are to promote the welfare of the Ilois in exile, and to take steps to secure the right to return to their homeland.
51. I have always been conscious that, unlike citizens of Mauritius, our own Ilois community has a special relationship with the United Kingdom. It was not obvious that it was the UK Government which authorised our removal from the Chagos Islands, and most of the enforcement action taken against us was put in hand by Moulinie & Company. Many Ilois were therefore somewhat confused as to the responsibility for their removal. However it is clear that the schools began closing in 1965 after the British Indian Ocean Territory was established and the BIOT-registered vessel, MV Nordvaer, was responsible for fewer visits to the Islands and, eventually, played a large part in the removal of the inhabitants. It was also Mr J R Todd who, in company with Marcel Moulinie, promised compensation to the Islanders when they were being forced to leave. Despite these signs, the Ilois hardly knew how to ask for help during the period of 10-15 years that their plight went unremedied. Very few Ilois appreciated at this time that they were still subjects of HM The Queen. However the protests made during 1980-1982 became more and more focused on the High Commission, Port Louis and culminated in the demonstration and



arrests outside the High Commission building and, finally, the 20 day hunger strike there which only ended when agreement was reached in London between representatives of the two Governments.

52. When I established the CRG in 1984, I made a point of regularly reminding the British High Commissioner of our community's needs, and requesting financial support. Several British High Commissioners were helpful, and I believe they felt a particular sense of responsibility for our plight. I became personally acquainted with four British High Commissioners between 1988 and the present, and there has been provided from British High Commission funds some modest, but helpful, tokens of that responsibility. For example, they provided an outboard motor to one of our fisherman. They have sponsored one of our football tournaments and have also provided sports equipment, five outboard motors for fishing, five sowing machines and two secondhand typewriters. Photograph 42 shows our Committee's visit to Westminster House, the residence of the British High Commissioner, Mr Richard Crowson, after he had suffered a minor road accident. I have also received help from High Commissioner John Harrison (shown in Photographs 2(i) – (iv) and from High Commissioner Michael Howell. I am the holder of a British Dependent Territories Passport No 750176141 issued at the British High Commission, Port Louis on 30 March 1999. A small number of other Ilois have applied for such passports. I have never met, nor heard of the visit to the Indian Ocean of any Commissioner for the British Indian Ocean Territory, nor any Administrator other than Mr J R Todd in 1969.

VIABILITY OF OUR RETURN TO THE CHAGOS ISLANDS

53. I believe that most of the Ilois who were born on the Chagos Islands are both willing and able to return, if permitted to do so. This is not mere nostalgia for a past way of life, but a pressing desire to resume the threads of a way of life and culture from which they had been forcibly separated. As a young child at removal, I feel a particular urge to return to my homeland, and feel a deep sense of loss when my children ask about the land of my birth and our way of life there.
54. Moreover, the natural resources of the Chagos Islands are many, and have increased in diversity and importance over the past 30 years, and which would not only support the restoration of the previous economy, but would clearly support the establishment of new economic activity.
55. Fishing is an industry which could be immediately restored in favour a native Ilois population. The deep waters around the Chagos Archipelago are extremely rich in fish, and are in fact heavily fished by boats licensed by the BIOT Administration who admit that fishing licences are the principal source of revenue. I know Claude Talbot, one of the Managers of Talbot Fishing who have five fishing vessels licensed to fish the Chagos. He is an Ilois, and he employs on his boats Ilois fishermen who make the five day trip to the Archipelago. He maximises his catches by using the local knowledge of places to fish and weather conditions which the Ilois still possess. He tells me that fishermen often land on the Islands, although strictly not permitted to do so, as do visiting yachtsmen and holidaymakers. He tells me that fish are so plentiful

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that they could immediately support a resident population. The Islands could easily be adapted to restore agriculture and domestic livestock. Moreover, there are still the skills necessary to build traditional housing, although of course the older concrete or brick houses have now, as I believe, become dilapidated with time. It is also believed that the Americans have built holiday homes for US service personnel on Peros Banhos, and some form of local infra-structure may have been built there. I see no reason why this could not be extended to other islands for the benefit of a returning population.

56. In the period since the Ilois were exiled, flourishing holiday industries have been established in the Indian Ocean, especially in other island states like the Seychelles and the Maldives. Some islands contain little more than a hotel and an airstrip, so a tourist industry could readily be established in the Chagos.
57. The geographical position of the Islands is clearly its greatest natural resource, and could be exploited in respect of shipping and aircraft depending upon how much of the Chagos Islands were made available for this purpose. Obviously the geographical factors which led to the establishment of the US air base would be equally valid for commercial shipping and aviation.
58. I believe that if these natural economic developments had been allowed to take place over the past 30 years, very substantial commercial revenues would have been earned and this would have benefited both the BIOT Administration and the population of the Islands.

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CONCLUSION

59. Over a period of at least five generations, the Ilois led contented and useful lives on the Chagos Archipelago, developing an identity and a culture quite distinct from that of neighbouring countries. By separating the Ilois community and placing them in adverse social and economic conditions, great strains have been placed upon the community, and the culture has been largely lost. The evacuation of the Islands was either surreptitious or forcible, and accompanied by both violent threats and unfulfilled promises of homes and jobs elsewhere which proved false. By being uprooted from their homeland, the Ilois have suffered in health and peace of mind, and have become prone to high unemployment, become dependent upon drugs or alcohol, and suffered previously unknown rates of suicide. No arrangements for compensation or rehabilitation were made when they were most required upon removal, but instead a compensation programme, put together in 1982 after a hunger strike, proved to be too little, too late. The Ilois community has been bound together by a burning sense of injustice which no amount of compensation or gifts by helpful British High Commissioners has been able to assuage. Instead, the Ilois feel a bitter sense of betrayal by the sovereign authority whose subjects they are, and believe themselves, in a real sense, to be entitled to restitution and rehabilitation. I believe that this can only be properly achieved in the context of re-establishing our community's right to return to our homeland, and a proper programme of restoring and developing the Islands. In all my researches into our fate, I have never seen any explanation as to why all of the Islands had to be evacuated. Most of them are between 50 - 100 miles from Diego Garcia, and only one part of Diego Garcia is officially a restricted area.

The remaining Islands are so far from the military installations that it was never possible reasonably to conclude that there could be civilian interference. US military bases happily lie adjacent to tourist areas in a number of places such as Gan, Honolulu and Guam. This failure to recognise the absence of a threat to the intended military base, and the contempt shown for our way of life, coupled with the total absence of any kind of consultation have, together, been a humiliating and destructive episode which I respectfully suggest is almost unique in modern times.

60. I believe the facts stated in my Statement are true.

SIGNED : .....

LOUIS OLIVIER BANCOULT

DATED :4/10/99.....

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**

**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 LOUIS OLIVIER
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