

**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**

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**STATEMENT OF MARCEL MOULINIE**

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1. I, MARCEL MOULINIE of La Marie Galante, Grande Anse, Mahe, Seychelles make this Statement in support of the application for Judicial Review herein.
2. I produce, annexed hereto, a copy of a document entitled "Statement of Mr Marcel Moulinie" which represents information recorded by representatives of Her Majesty's Government at the time of a claim brought by Michel Vencatassen in 1977. I recall giving information to such representatives, but I do not recall signing any written Statement, and I have only recently been supplied with a copy of it by the Applicant's solicitor herein.
3. Much of the material contained in that draft Statement is correct, but there are also areas where incomplete information has been recorded, and in other places there is incorrect information. I would therefore like to make this Statement by way of amplification and correction where appropriate.
4. At paragraph 1, I wish to add that in addition to being the Manager of the Chagos Islands, particularly Diego Garcia, I also acted as agent of the BIOT

Administration. This began in 1996 or 1967 after Chagos Agalega Limited had sold the Islands and Moulinie & Co (Seychelles) Limited had acquired a Lease of the Islands. This Contract was negotiated by my uncle, Paul Moulinie (Chairman of Moulinie & Co (Seychelles ) Limited) and Mr J R Todd, the Administrator of BIOT. I no longer have a copy of that written Contract. As I recall, it enabled me to act in the name of BIOT and with its authority within certain specified limits. It also entitled me to remuneration which I received. I used to receive regular instructions on behalf of Mr Todd via my company in the Seychelles. Sometimes I was in direct contact with Mr Todd. We used to exchange information and instructions upon the basis of what I needed to know in order to administer the Islands. At the same time Mr Todd was also dealing with my uncle, Paul Moulinie, who was resident in the Seychelles, so that I did not have a complete picture of instructions from the BIOT Administrator. After the Americans arrived in November 1970 and established a tracking station, I used to receive instructions from Mr Todd (and later his successor, Sir Bruce Greatbach) in the form of telex-type messages transmitted through the tracking station.

5. At Paragraph 2 it is stated that "all" the people on the Island were employed by the company. However there were some Ilois who undertook domestic work for the different levels of administrators under arrangements made privately which did not involve the company.
6. At Paragraph 3 there is reference to Marcel Ono, with whom I formed a close bond. I recall that Marcel Ono positively traced his ancestry to five generations of Ilois, all born in the Chagos Islands. In fact I took a photograph of three generations of his family (which I still have) and am quite satisfied that his grandmother was correct when she told me that there were two generations before her all born on the Chagos Islands. This was the family which I had particularly in mind when I mentioned to *The Sunday Times* in September 1975, that there were five generations of Ilois settled on the Chagos Islands. I am sure that there were many other families with the same ancestry.

*MH*

7. At Paragraphs 4 and 5 there is reference to contracts from which it appears that all workers had written Contracts of Employment with the company. In fact this is not correct, because these paragraphs fail to distinguish between those workers who originated from overseas, generally Mauritius or the Seychelles, and those workers who were native Ilois. In fact it was not the practice to require native Ilois to sign written Contracts, and I cannot recall any occasion when a written contract was signed on the Chagos Islands. On the other hand they were definitely required to be signed by those coming to work from Mauritius and the Seychelles, and I believe there was also a practice adopted by the company's shipping agents to require all workers returning from holidays there to sign Contracts before embarking for their return journey to the Chagos Islands.
8. It may be that one of the reasons why Contracts were not signed on the Chagos Islands was that, by their printed form, they were required to be signed in front of a Magistrate, and visits by Magistrates were very rare, and no-one saw the need for Ilois to sign or renew Contracts on such occasions.
9. Since these Contracts contained standard terms (which I believe were originally prescribed in official Ordinances) which required a worker to be returned either to Mauritius or the Seychelles, I do not see how they could properly be applied to those settled on the Chagos Islands for generations. In fact, the Contracts imposed an obligation on the company to pay for a return fare to Mauritius or the Seychelles, which is not quite the same thing as requiring the worker himself to return there. It was certainly not the practice for Ilois, as a matter of course, to have to sign Contracts. They spent most of their working life engaged under purely informal Contracts of Employment, unlike those recruited from overseas.
10. It is certainly true that I persuaded a family (named "DeVeau", not "Codot") to leave the Islands, but I cannot say that this was in pursuance of a Contract of Employment, since I do not believe that they had one. I am afraid that the statements in paragraph 5 indicating that children could not work without a written contract are simply incorrect.

11. At Paragraph 12 there is reference to the instructions which I received from Mr Todd to evacuate Diego, the shock felt by the Ilois born there, and the offers which I made in announcing it to them. I recall that there was a meeting attended by between 400 – 500 Ilois in the presence of Raymond Mein. I told them that the Islands were part of Mauritius, that Mauritius was a colony of Great Britain, and that the British Government had decided that the Islands should break away and be known as the British Indian Ocean Territory. I told them that the Islands had been given to the Americans for military purposes and that they would in due course have to leave the Islands. However I strongly advised them to stay on the Islands as long as possible and as there would be compensation paid to them which they might forego if they left voluntarily. I truly believed that the British Government was going to make proper arrangements for them to be housed and employed, although I had not been told of any specific proposals. I recall that there were very many sad and bewildered faces especially from the older Ilois, such as Marcel Ono, for whom I had very great respect.
12. I recall that there was a further meeting at the end of May 1967 (I recall the date because it was a few days before the Arab/Israeli six day war). On this occasion my uncle, Paul Moulinie, and John Todd came out, and they addressed a meeting of Ilois. On this occasion they both made it clear to the Ilois that they would have to leave but that compensation would be paid and this matter would be sorted out later. I was not present at this meeting but my uncle, Paul Moulinie, told me this when I later accompanied him on a ship to Mauritius.
13. At the end of 1969 the first US advance working party arrived with 75 personnel, largely surveyors conducting preliminary work. In or around November 1970 there was a second arrival largely comprising a contingent of Seabees, US Naval contract personnel, about 1,200 in number. By the end of November 1970, Diego Garcia had effectively been divided into two, the west side being actively developed by the Americans, and the east side remaining my headquarters (based at East Point) from where I ran the coconut

plantations. From the time of the first US arrival in 1969, there also followed a number of ships who came to take the Ilois away, the MV Mauritius, our own ship the Isle of Farquhar (it made two trips), and the MV Nordvaer, the BIOT vessel which also called twice. I did not encourage the Ilois to leave, but I believe many of them became frightened by the Americans and decided they had no option but to go. Many however hung on. I cannot say specifically that I had any clear knowledge that Ilois were prevented from returning to the Chagos Islands following trips abroad. I was not personally in control of the MV Mauritius or the MV Nordvaer, and my authority extended only over the Isle of Farquhar so long as it was within the Chagos Islands. All other shipping matters were dealt with by my uncle, Paul Moulinie, and if there were instructions from Mr Todd to suspend return journeys to the Chagos Islands, they might well have been passed directly to Paul. Unfortunately my uncle, Paul Moulinie, died in the USA some years ago, and I do not believe that there are any company records left in the Seychelles.

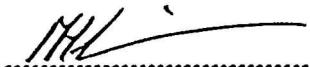
14. It was however certainly the case that the villages of Diego Garcia, and the other Islands began to dwindle in population during the period 1968 to 1970. One of the problems which this created was the number of stray dogs, since it was common for families to have four or five dogs each. As the final evacuation approached, I recall receiving written instructions from Sir Bruce Greatbach, by means of the satellite tracking system, to destroy all the dogs, but to save the horses. By this time there were in excess of 800 dogs on the East side of Diego Garcia. I found it an extremely repugnant business, but had to follow orders. I first tried to shoot the dogs, using US sharpshooters armed with M16s. If confronted by a hungry pack of dogs, it was often possible to shoot two or three of them, but the rest ran away into the plantations. I then experimented by poisoning dog meat with strychnine, but the animals which took this poison suffered so horribly that I had to shoot them. It was becoming difficult to make in-roads into the large population of dogs. I therefore had to find a method for large scale extermination, and hit upon the idea of gassing them in the calorifer. This is a small building in which copra is dried by burning coconut husks on the shelf below. I first made the building secure, then introduced into it pipes attached to the exhaust pipes of US military

vehicles. By luring the dogs into the calorifer with meat, and then shutting them in, it was then possible to gas them with carbon monoxide forced into the calorifer by revving up the vehicles' engines. This was successful in destroying scores of dogs at a time, and after I had repeated the exercise a number of times managed to destroy over 800 dogs and eliminate almost the entire population. I hated doing this but was under orders from the BIOT Administrator. Although not intended to frighten the Ilois I could quite understand if these actions caused them to fear some form of violence.

15. I used to file regular reports with Sir Bruce Greatbach on the progress achieved towards evacuation of the Islands, which must have reached him in written form. There were two particular incidents which to my mind emphasised the chaos and unnecessary suffering which the implementation of this exercise involved. When I left Diego Garcia in September 1971, I obtained authority from Sir Bruce Greatbach to leave on our ship, the Isle of Farquhar with a cargo of coconuts loaded in the hold. The weather was extremely bad, and after the vessel had been loaded Sir Bruce Greatbach countermanaged the instruction and told me to get rid of the coconut cargo. Since the vessel was about to leave, loaded with evacuees, I was obliged to discharge a quantity approaching one million coconuts into the harbour at Diego Garcia. I believe the final evacuation took place in June 1973. Because of Sir Bruce Greatbach's instruction to save the horses, these were loaded onto the MV Nordvaer together with large numbers of workers and their families, including pregnant women and a cargo of copra. The conditions of transit to the Seychelles, where I then was, were quite inhuman and the boat deck was covered in manure, urine and vomit, as was the hold, in circumstances described in Paragraph 16 of my draft Statement.
16. I adhere to the view at Paragraph 18 of my draft Statement that the Islands could have had a sound economic future despite the American presence there. I have never understood why all of the Islands were evacuated. It never seemed necessary to do so, and the reasons for it must be shown to be inadequate over the last 30 years since only one-half of one island has been required for military purposes. On the other hand I believe the Islands would

be exceptionally good territory for the introduction of small upmarket tourism, and of course the waters around the Chagos are rich fishing grounds. The climate and rainfall patterns are better than the Maldives. I believe it might be possible to create a small international airport for 737 aircraft on Ile Poule in Peros Banhos, whereas both Salomon and Peros Banhos have excellent lagoons for anchorage of ships.

17. I believe that the facts contained in this Statement are true.

SIGNED :   
MARCEL MOULINIE

DATED : 22/11/1999

1977

STATEMENT OF MR MARCEL MOULINIE

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1. During the period 1965-1971 I was a Manager for Chagos Agale Limited (CAL) and Moulinie and Company (MC) of the Chagos Islands. I used to live 4-5 months at a time on Diego Garcia. My duties as Manager were to look after the companies' interests in the production of copra at the same time as to look after the welfare of the labourers. I was appointed the Peace Officer and was able to impose fines for breaches of regulations or alternatively arrest and charge people for breach of the civil law. The latter were dealt with by the magistrate. When I took over Diego it was very badly run down. The previous company had not done its job properly. At that time copra yields were only 40 tons a month but I managed to increase them to 120 tons a month.

2. The land on the island was all privately owned by the company and all the people on the island were employed by the company. They were either employed as copra workers or alternatively if they were too old they were employed in other types of light work and given a small pension. The labourers were simple people. They were honest but not very capable of looking after themselves. They were rather like a large family helping each other sometimes and squabbling at others. My position was rather like the father.

3. I know Michel Vencattassen very well. He was born on the island was married and had two children. If I remember rightly his mother was born on the island too. He was my senior overseer on Diego Garcia and my right hand man. He was very efficient and

very honest I knew and respected him as I did others on the Island. One other was Marcel Odo who saved my life when I was involved in a fight with some drunken sailors off the Ile de Farquhar. Looking after the labourers was not an easy job. Being able to rely on Michel was essential to me. On many occasions it was Michel who was able to put a stop to a knife fight if I had been unable to break it up. Also being an Ilois he was able to act as a go-between.

4 Michel would have been contracted to the company. I have not seen this contract but he would have had a written contract and kept a copy. Everyone had to have a contract when they were first employed. Renewals of contract were either made in writing or verbally. But they were meant to be renewed in front of a magistrate. This did not happen very often. Magistrates visited infrequently. Two magistrates only visited the islands in my time. When the magistrates were on the islands the boat had to turn round as quickly as possible because it cost so much to keep it idle. Therefore the magistrates usually only had time to deal with the criminal and civil cases and undertake the civil administration duties before they had to leave. Contracts were only renewed if labourers actually asked the magistrates if they would renew them. I was not worried if a contract was not renewed as I was happy to have the labourers stay on the island as long as they were good workers and behaved themselves properly. Very few labourers ever asked for their contracts to be renewed by the magistrates. They usually stayed on

under the verbal arrangements, although these were not formal.

It was more an understanding than a formality. Contracts were however, always renewed when the labourers went to Mauritius. The company would not have them back unless the contract was renewed in Mauritius before the labourers came out to the islands. Labourers went on leave usually after periods of two years. However some would stay on the islands up to five years before going on leave. As I recall, Michel only went to Mauritius once during my time. His contract would have been renewed there.

5. I could terminate anybody's contract. I used to do so if the labourer was so bad that it was not worth transferring him to another camp or another island. I could transfer the labourers from camp to camp if I wished to do so and I could transfer them to other islands. Whilst I could transfer the ilois from camp to camp on an island, it was more difficult to transfer them to other islands as they identified themselves with the island on which they were born. However, I do recall one family, the Codot family who were a real bunch of nuisances. They were born on the islands and were ilois. However I remember that they finally got so bad that when their contract terminated I persuaded them to leave the islands and go back to Mauritius. They took some persuading but went in the end. Although the law (the Lesser Dependencies Ordinance of Mauritius 1904) makes it the duty of the magistrate to annul contracts, I would not wait for the magistrate if I had to terminate a contract. As I have said, magistrates hardly ever visited the

islands. If a man was bad I had to get rid of him as best I could. This entailed putting him on the boat and sending him back to Mauritius. Everyone understood that if they did not behave they could be sent back. No-one ever said they had a right to live on the islands and everyone understood that they had to have a contract to be able to live there. For instance children would have to get a contract. I cannot recall any child on the islands who, when he became eligible to work, did not have a contract to do so. However they did not have a formal contract to start with. When a child came of an age to work he just started. He would have a formal contract when he returned from Mauritius after his first leave.

6. Whilst I was there I made sure that the children were properly schooled. Prior to my arrival there was no schooling. The Catholic mission in Mauritius provided a teacher. I also taught myself. I arranged for a nursery for the young children. This was organised by me and run by some of the wives. I remember Michel's wife was one of those who ran the nursery. Every day all the children were given one large meal at lunch and a glass of milk and another glass of lime juice. This gave them a good diet and after a while one never saw a child with a large belly and all forms of dysentry were cut out. I had quite a struggle persuading the mothers that the children had to go to school.

However, I felt it essential that they should and in the end everything worked out.

7. Food was given to the labourers as a basic ration on top of their salary. They were able to get extras at the shop which was also owned by the company. The mark-up in the shop was virtually nil. It was expensive enough getting the goods to Diego. I kept a savings account for them so that they could save up money for when they went on leave. I arranged for incentives by way of piece work. This increased my copra production at the same time as increasing their savings. It worked very well. One tried to be kind but could not be took kind as they would take advantage. It was all a question of balance and in this Michel was invaluable.

8. Housing was given by the company to labourers. In fact we were designing new houses when BIOT administration took over. That was in 1965. Michel was the first person in my time to have a brick-built house. The house was built by the company for him to live in. He had a bit of garden behind. Like other labourers he also planted out a plot of land on the islands and fenced it off with palm leaves. This was to supply hin with extra vegetables. He also kept some pigs. However, the company never allowed anyone to own any house or any of these plots of land. The island belonged to the company. The land did not belong to the labourers. They all understood this. The ability to have a plot of land to supply extr

vegetables was a bonus for them. It was a means of being kind to help them live in difficult conditions.

9. I was always instructed either by my company direct or by the BIOT administration. From time to time we discussed matters. I remember that on one occasion I was keen to introduce cattle on the islands to provide meat and milk. I discussed that with the administration and they allowed me to go ahead. It was a great success.

10. I got on very well with John Todd, the Administrator. But the administration of the islands and the evacuation was not carried out well. There was never really any proper communication between us. My uncle's advice as to how the islands should be run and as to how the evacuation should be carried out was not taken. I felt we were not trusted. For instance, just before the decision to evacuate Diego was made known to me. I was asked by the administration to write a 5-year development plan. They gave me a week in which to do it. I told them I could not possibly do it in the time. It took me about a month. I gave it to them and it showed that the islands could be well developed and the number of labourers considerably increased. There was a lot of money to be made in a proper development of the islands. If they had been developed they would now be absolutely ripe for the tourist industry. The next thing I knew I was being told that Diego was to be evacuated. I felt I was completely misled.

11. Nobody from the administration seemed interested in the island. We advised them that proper compensation should be paid to the ilois and that they should be properly looked after during and after evacuation. This advice was not taken. The ilois have never been paid any compensation other than the small amounts we gave them. This was typical of the administration attitude. I remember well when Norman Walker was Governor he came out on a visit to the island. But he was not interested. For instance we had made our way to one of the smaller islands and Norman Walker said to me how far are we from the island and I said it would take about  $\frac{3}{4}$  hour to go in by small boat. No sooner had we stepped off the boat on to the island than he said that it was getting late and he had to go back to the ship. He did not look around the island or talk to the labourers. John Todd, on the other hand, was very kind and tried to see our problems but I feel that he was prevented from taking any action by higher authority.

12. After I was instructed to evacuate Diego I discussed evacuation with Michel. He was a bit shaken and talked about his forefathers having lived on the island and his having been born there. He accepted that if I told him he had to go he would have to go. All the same he was very upset. I offered everyone the chance to go to Peros or Salomon if they did not want to return to Mauritius. I wanted as many as possible to stay with us because we needed them.

in the other plantations. At that time I did not know that those plantations were also to be closed down. Some decided to go to the plantations but others decided to return to Mauritius. Michel said that Diego was his home; and if he could not live there he would go back to Mauritius. The BIOT administration decided to give Rs. 500 to those who went to Peros or Salamon in order to compensate them for the move. In the move they would have to leave behind things such as their beds which were attached to the wall and their vegetables and animal stock. I don't recall money being paid to those who went to Mauritius. When the time came I made the payment on behalf of the administration. I sold their boats to the Americans and gave them the money.

13. I told the labourers that it was quite probable that they would be compensated. I do not recall saying anything more than that. I was instructed to tell them that they had to leave and that is what I did. No-one argued that I had no right to move them. Vencattassen for instance, knew that he was employed by MC and that he owed his house and livelihood to them. He could never have lived on the island without being employed or kept by the company or some other form of properly integrated management. His contract terminated itself when he went. It was not a written contract. It was an understanding that he would work for us and we would look after him and pay him. It was our right to remove him from the islands. I cannot recall

that any written contracts which still had time to run were terminated officially.

14. I remember when Michel left the island. There was a crowd of people there and a lot of them were crying. I seem to remember he was crying. A few days before all the family dogs had been exterminated and the donkeys killed. People were upset about this as well as being upset about having to leave the islands. I persuaded Michel that he had to go as there were no more rations on the island and the boat had not brought in any food. The stores had been removed and there was no way of feeding anyone. I last saw him as he walked on to the boat. He was not forced or pushed on to the boat. He realised that he could not stay on the islands once the company had left.

15. I remember that one or two Americans were present when the last boatload of locals left the island. I seem to remember that Commander Kline was on base but none of them interfered. They were upset and sympathetic but did not enter into the discussions when we were persuading the ilois to finally get on board. Certainly there was no Royal Navy officer present. I knew Lt Canter. He came after Michel had left. The captain of the "Nordvaer", Guy Sav was there. He was not in uniform. I have never seen him in uniform. But as I recall he did not interfere.

16. The boat was very overcrowded. The boat deck was covered with stores, the belongings of the labourers and a lot of labourers were travelling on deck. Greatbatch had insisted that the horses be carried back to Mahe and these were on deck with the labourers. The labourers also travelled in the holds. This was not unusual but there were more people than usual in them. The holds also held a lot of copra being the last taken out of Diego. When the boat finally arrived the conditions were filthy. They had taken four days to travel and many of the women and children were sick. The boat deck was covered in manure, urine and vomit and so was the hold. When they arrived there was no accommodation for them and the administration put them in the local prison. In terms of accommodation that was all right but it caused a lot of upset at the time.

17. That is all I recollect about the affair. In my opinion the whole evacuation could have been carried out much better. For instance if we had paid the labourers compensation on the spot they would have been far more amenable. Also, if the evacuation had continued in the stages in which it had first started, it would have been better. A lot of upset was caused by the last boatload.

18. In my opinion the islands could have been developed into a sound profit-making business, despite the American presence there.

19. As far as nationality was concerned, no-one ever told the labourers about their Mauritian nationality on Independence. I do not recall it ever being discussed. I think perhaps <sup>>92</sup> he had thought

been given an option, they would have opted for the nationality which would have been associated with BIOT. But I cannot really say with certainty what would have been the case.