

THE CHAGOS ISLANDERS GROUP LITIGATION

Claim No. HQ02X01287

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

BETWEEN:

THE CHAGOS ISLANDERS

Claimants

-and-

(1) THE ATTORNEY GENERAL
(2) HER MAJESTY'S BRITISH INDIAN OCEAN TERRITORY
COMMISSIONER

Defendants

**WITNESS STATEMENT OF
RITA DAVID**

I, RITA DAVID of 69 Iouet Menagerie, Port Louis, Mauritius, will say as follows:-

1. I was born on Diego Garcia in the Chagos Islands on 3 October 1947 and am one of the Claimants in the Chagos Islanders Group Litigation; I have been asked to tell about my life in the Chagos, the circumstances of my removal therefrom and my life in Mauritius since I arrived here.

2. I have had read to me the Statements of Lisette Talate and Rita Elysé and I confirm that insofar as they describe the conditions affecting our community they are accurate.

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Education

3. My ancestors have lived on the Chagos Islands since 1850's. I can trace ancestors born on Chagos to my great great grandparents. Both my parents were employed to work on the copra plantations. I too began working as a child and as an adult became fully employed. I was never asked to sign a contract of employment. No one signed a contract of employment on the Chagos Islands.
4. There was a school on Diego Garcia at East Point (called Pointe de l'Est), where I was born and where I lived until I got married and moved to Salomon Island. The schools were attended by all children. The teachers came from Mauritius. All children went to school in the morning and stopped at noon.
5. My children Roseline, Robinson and Murielle went to school on Salomon Island (where I had moved to with my family). My last child Risson was too young when we left, so he never went to school in the Chagos.
6. I lived on Diego Garcia until my marriage. There were 6 of us living together, namely my brother Simon Vencatassen, my sister Marie Anne Charles, my grandmother Madelaine Saminaden, my grandfather Medeis Charles and my cousin Cyril Bothejeanne. After my wedding, my husband Joseph Isnar Baptiste and I moved to Salomon Island ; we built our house there and lived with our children Roseline, Robinson, Murielle and Risson until we were removed by the British officers. In fact, just before Salomon Island was closed, I went to Peros Banhos to deliver my child Murielle.
7. After delivering Murielle on Peros Banhos on 20 may 1969, I remained for a while there, planning to go back to Salomon Island, but as things turned out, I never got to do that.
8. Whilst in Peros Banhos, I saw the MV Nordvaer bring people from Diego Garcia. Upon enquiry, we learnt that Diego Garcia had closed down. I then learned that they could chose between Peros Banhos and Salomon.

THE CHAGOS ISLANDERS COUP LITIGATION

9. I was told by my friend Elisa Piron, who also lived in Salomon Island, that after I had left, Peros Banhos, she also saw the MV Nordvaer bring people from Diego Garcia ; in fact, it was the same ship, coming to Salomon Island after having dropped some people in Peros Banhos.
10. Elisa told me that about a year later, the Salomon Island Administrator, Maxime Doffay, called for a meeting in front of the church and announced to all of them Salomon Island residents that Peros Banhos and Salomon had been sold to the Americans and that he had been instructed to inform them that they would have to leave for Mauritius soon. When he was asked why, he said that the inhabitants would not survive the military exercises that would be conducted in Diego Garcia.
11. Elisa told me that all of them were shocked by the news ; a lot of the women cried and the men were panicked. Moving to Mauritius permanently was unthinkable.
12. Elisa told me that they were all then instructed to pack up and move to Peros Banhos. In fact, I saw them coming over on Peros Banhos in or about October 1972.
13. I was extremely sad about this because I was about to return to Salomon Island myself and continue my life there.
14. I think it was during 1971 that Peros Banhos, Mr. Prosper, the deputy Administrator, convened a morning meeting for all the residents of Peros Banhos. Mr proper translated the instructions given by the British officials. We were told that the Americans had bought Diego Garcia and that since they are going to conduct various bomb tests in the region, the 'islands would actually shake and houses could be shaken and could even crumble down'. That was the reason why, according to him and his instructions, the islands of Peros Banhos and Salomon Island were closing.

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15. He gave us about a week to get ready, but it was made clear that we had the right to take only such possessions as we could put into a box (a 'malle').
16. The Administrator of Peros Banhos, Mr. Jean Guillemin left the island and was replaced by Maxime Doffay, the Administrator who came over from Salomon Island. Mr. Prosper was still his Deputy.
17. Several of us tried to convince Mr. Prosper to let us stay, but as we now realise, he did not have a say in all this; he was only implementing the orders he had received from the British officers and Mr. Todd.
18. We had to leave our dogs behind. One or two Chagossian men who stayed on the islands for sometime after us told us that the British officers had all the dogs killed after we were gone.
19. Mr. Prosper told us that in Mauritius, there would be a house, some land, employment and plenty of better things, including compensation waiting for us. As it turns out, none of that was true. But nobody paid us anything when we reached Mauritius.
20. I did not want to go. Neither did my children. But in or around September 1971 a boat arrived and we were told to get on board for a trip to Mauritius. We were emotionally very attached to our Chagos where several generations of my family lie buried.
21. All of my children, my husband, my uncle Rosemond Saminaden, my aunt Maudea Saminaden, my cousins Claudie, Edwige, Patrick, Roseliss Saminaden, my father and mother in law namely Maxime Baptiste and Augustine Florimont, as well as my brother and sister in law Wilfrid Baptiste and Fuida Volfrin and myself were on the boat. My children, my aunt, my cousins and I cried the whole time we were boarding ; we knew we would never come back and for us, this was a disaster for us.

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22. I knew most of the other people who were on the boat. I still remember that the Volfrin Family (Jacques, Alain, Philinne), Tiatous Family (Anne Marie, Berthe, Marina, Williem, Olga), Victor Family (Serge, Mireille, Marilyne, Malle, Angelin), Elysée Family (Tiba Selmour Nelson, Harris, Odeta, Mauricienne), Marie Family (Gabriel, Rosin, Roselin, Marie-Anne, Marie-Claire, Rigis, Steve) were all on the boat with us. The boat was seriously overcrowded.
23. Our conditions of travel on the Isle of Farquhar were terrible. The journey lasted around 5 days to Seychelles and a further 2 days to Mauritius. Two of my children were very sick and were almost in coma. Many other people were also very sick on the journey.
24. Because my children were still so ill, I had to stay on the boat for some days, until my children felt better. I then had to leave but had no home to go to, no job and no money. Many of us just wandered around homeless and begging.
25. After some time a number of Chagossian families went to Cassis and Pointe aux Sables. I went to Baie du Tombeau where, we were told, there were available shelters. When we reached there, we saw that in fact they were animal shelters (goats and cows). But they were shelters, so we stayed in these shelters, with these animals, with animal excrement and urine on the floor. There was no electricity and no water, no windows and no doors. We lived like that for several months, before we realised that my children were getting sick because of the presence of animals and the lack of hygiene there. We then moved to where we are now, which is not that much better, but where at least we do not live with animals.
26. Having no money or food, I had to go and find work. I found job as a maid servant.
27. Some of the work I and other Chagossian women was really degrading, as Lisette Talate has said in her statement.

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28. I knew the late Michel Vencatassen and am aware that after he took up his case, some payments were made by the Mauritian Government. This resulted in my receiving a small piece of land upon which I have managed to build a temporary house.
29. Today, I have 10 people living under my roof, namely my husband Joseph Isnar Baptiste, my sons Risson, Giovany, Robert, Jean Claude, Xavier, Jean May and Robinson my daughters Murielle and Joanne and my grand-daughter Gellita, who is the daughter of Murielle..
30. My house got destroyed several times by cyclones and had to be rebuilt over and over. I annex herewith a picture of my house from the back (DS36) and a picture of my yard from the front (DS 38).
31. Although we have complained many times to the Mauritian and British authorities and held public demonstrations, we have not received any advice or information about our legal rights in regard to the British authorities. However, when Olivier Bancoult was successful in the High Court in London in November 2000, we finally realised that our removal from the Chagos Islands had been unlawful. The Committee of the Chagos Refugees Group, then set about taking a Census of our community, with a view to taking legal advice as to our rights under English law.
32. The only solicitor that we have met from London is Richard Gifford, whom we met, through Mr. S. Mardemootoo, in or about 1998.
33. We hope that an end be put to all of our sufferings quickly. Most of us natives Chagossians have been here in Mauritius for over 30 years and have lived miserably.
34. Statement of Truth:

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

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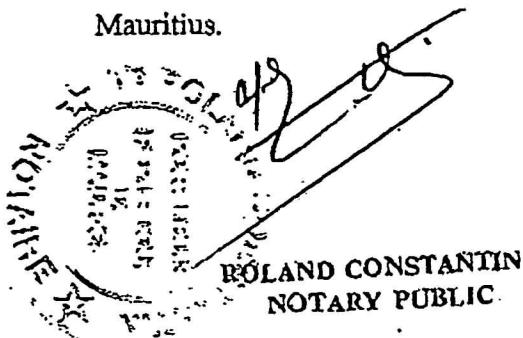
Signed :
RITA DAVID (Bearer of NIC No D/031047/80 issued on
26.12.90 produced to the undersigned Notary Public)

Dated this third day of October 2002

Port-Louis, Mauritius.

Signed in the presence of and statement translated from English into Creole by :

Mr. Roland Constantin, Notary Public, of 4th Floor, Saint James Court, Port-Louis,
Mauritius.



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-and-

(1) THE ATTORNEY GENERAL
(2) HER MAJESTY'S BRITISH INDIAN OCEAN TERRITORY
COMMISSIONER

Defendants

WITNESS STATEMENT OF
MARIE RITA ELYSE

I, RITA ELYSÉ, of 5 Rue Raquin, Cite Ilois, Pointe Aux Sables, will say as follows:-

1. I was born on 30 June 1925 on Peros Banhos in the Chagos Islands and am one of the Claimants in the Chagos Islanders Group Litigation ; I have been asked to tell about my life in the Chagos, the circumstances of my removal therefrom and my life in Mauritius since I arrived here.

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MY LIFE IN THE CHAGOSEducation

2. My ancestors have been on the Chagos Islands since the 1830's
3. Several generations of my family have been born on the Chagos Islands. My father was born on Peros Banhos and my mother in Mauritius. I lived all my life on Peros Banhos until 1973 when I was forced to leave.
4. My work in Chagos consisted of shelling coconuts in the employment of the Plantation company, cutting grass for animal feed, cutting leaves to make brooms and to cover houses, stacking copra, preparation of coconut brushes or lemon pickles for export to Mauritius and Seychelles.
5. My husband Julien Bancoult was involved in the heavy copra industry, construction and fishing. He also maintained our small animal farm and our fruit/vegetable gardens. Fruits and vegetables grew very well in the Chagos climate, with tropical sunshine and high rainfall.
6. Neither my husband nor I had a written contract of employment. No one signed a contract of employment on the Chagos Islands.

Property

7. My family had our own house on Peros Banhos with 8 rooms, a bathroom and toilet. It was made of traditional materials, included a piece of land, and we were able to grow vegetables and rear animals.
8. I gave birth to several children on Peros Banhos, 9 in all. We lived contented lives.

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9. During 1968, my youngest daughters, Noellie, seriously injured her leg when a cart wheel ran over her; as the injury could not be treated in Peros Banhos where we were living, we had to travel to Mauritius. I brought my children with me. We arrived in Mauritius on the 30 March 1968. I am informed that there is an official passenger list of those arriving on the motor vessel "Mauritius", where I am numbered passenger number 104 and my children Eddie aged 7 (119), Renaud aged 8 (120), Olivier aged 4 (121), Mimose aged 11 (134), Noellie aged 1 (135). I intended to stay about one month or so, the time I expected for the treatment of my daughter. I asked one friend in Peros Banhos to recommend me to one relative in Mauritius and I thus obtained a small room for my children and myself to stay during that month.
10. Noellie received medical treatment, but she was weak, and we were unable to give her milk or medicine. Unfortunately she died on 6 June 1968.
11. Regarding 12. After this tragedy I went back to see the shipping agents, Rogers & Co at "Rogers House" in Port Louis in order to book a return passage for my family.
13. On arrival, I asked for Mr. Autard, who is responsible for all trips to the Chagos. On previous visits I had been granted return passage by other officials, as I recall their names were Mr. Joseph Lamusse who was responsible and before him, there was Mr. Richard Lionnet. I told Mr Autard that I came to book places to go back home ; he shook his head and told me that there were no longer ships that would go to the Chagos. I first thought that I was missing something in his answer and I asked again, but he then explained that the islands had been sold to the Americans and the British had ordered that all the islands be vacated. He said that we could not go back to the Chagos and that soon, all those on the Chagos would be removed. I was dumbfounded. I burst into tears and sat down right there and cried. I was at a complete loss. I could only think about my house, my belongings, my animals, my family, my friends, my job, my village, my church, my cemetery, my country, all that comprised my life in Peros Banhos. Mr. Autard was in fact telling me that I would never see all these again. I was desperate and completely out of myself. I cried all the way back to where I had stayed in

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Mauritius and I remember I could not stop crying. My children gathered around me ; I saw them, young children, not knowing what had happened and looking all innocent. I wondered how we were going to live now, without a job, without a house, in a foreign land, in a foreign and totally different society and environment.

14. I then learned that this had been occurring since the end of 1966 and there were other families who had been stuck in Mauritius and who had been living in Peros Banhos or Salomon Islands.
15. I met with these families and we protested in front of Rogers House on several occasions and vehemently called upon them to allow us back on the ship to travel to the Chagos. The Rogers officers told us that they were only executing orders received from the British Administration.
16. I have recently heard a suggestion that in 1969, there was vacancy for jobs in the Chagos and that 50 families were required to work there. I do not know where that rumour comes from, but it is very strange. We were stuck in Mauritius and wanted to get out of there and return home to Chagos. If a vacancy had been notified to us, there is no doubt that all vacancies would have been immediately filled by the many Chagossians who were stuck in Mauritius. I would have applied myself.
17. This is how life started for us in Mauritius.
18. We did not have anything with us. All my kitchen tools were at home in Peros my utensils, my plates, my spoons, forks and knives, dishes, furniture, chairs, tables, beds, bedding, pillows, clothes, towels, my chicken, my ducks, my turkeys, my dogs, my birds, my vegetable garden, my yard, my flowers, my trees, all remained in Peros Banhos. I had a peaceful life there, which I did not chose to abandon. We had the most beautiful lagoons ; we had all the beaches to ourselves. They were our beaches. Here, in Mauritius, it is different.

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19. I had no alternative but to look for shelter. We then found a small plot of land in Cassis that was vacant so we squatted on it. I asked some people to help us make a little shelter for the night, with tin and wood and this is how we lived thereafter, for 20 years.
20. We had no food and no means to buy food. My children were always hungry and thirsty and I could do nothing to relieve them from their sufferings.
21. I had to go and find work. I found a job as a maid servant. I found this work disagreeable and degrading.
22. Today, I have eight people living in my house (which consists of 2 bedrooms), namely my husband Gabriel Isou, my son Ivon, my daughter in law Marie Ange, their two children Iven and Ivano and two grandchildren Jeanita and Emilie Bancoult.
23. For some of us, it is even worse, the Jacques Family has 15 persons under its roof in a house of 2 bedrooms, the Volfin Family has 20 persons under its roof in a house of 2 bedrooms. There is no sanitation or running water in our houses.
24. My sanitary facilities, like those most Chagossians consist of a hole dug in the ground covered by a sheet. Obviously, there is no drainage system; there is therefore always very bad smell around our house and when it rains, it becomes impossible to live, because it overflows, mixes with floodwater and goes everywhere.
25. I still work as a maid and yet I am 77 years old. I do not know how long I will be physically able to continue ; I am tired of this life, I am tired of having worked so hard for so long. I should have been in retirement now but I am still working to survive. If I were in the Chagos, I would not have to work anymore and would have retired.

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26. Like many others, I cannot afford to be sick. And yet I am often sick. Although health care is free in Mauritius, I have no effective access to it. The reason is that I have no means to get transportation to go to the health centre; this is a very common reason for our people to be deprived of health system. Moreover, for those of us like me who are the only income provider in a household (and we are many in that situation), we cannot afford to be sick because we cannot be absent from work. If I am absent, I either lose my job or get my salary reduced. Although there are labour laws in Mauritius providing for sick leaves etc, such laws do not apply to temporary jobs. Even if they did apply I could not afford to complain against my employer for the treatment that I get, or I would lose the job altogether.
27. I know the late Michel Vencatassen and am aware that he was able to bring legal proceedings in London which eventually led to some compensation being paid to us by the Mauritian Government. However, I have never received any information from the British authorities, and have not had access to legal advice and consequently until the Judicial Review brought by my son Olivier Bancoult, I have never believed that we had any legal rights either to return to our home land or to claim compensation.
28. Unfortunately, before we met with Mr. Attorney S. Mardemootoo, we never knew our rights, so we never knew we could do something to complain about all this and ask this Honourable Court to give us justice.
29. When we met with Mr. Attorney S. Mardemootoo in or about 1999, he informed us that we had fundamental rights which appeared to have been violated and there were procedures and remedies available to us before the English Courts.

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30. Statement of Truth:

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

Signed :.....

(Right-hand thumbprint of Marie Rita Elyse
affixed in the presence of the undersigned
Notary Public)

MARIE RITA ELYSE (Bearer of NIC N° E/300625/80/0008/0
Issued on 12.08.86 produced before
undersigned Notary Public)

Dated this third day of October — 2002

Port-Louis, Mauritius.

Signed in the presence of and statement translated from English into

Creole by

Mr. Roland Constantin, Notary Public, of 4th Floor, Saint James Court, Port-
Louis, Mauritius.

ROLAND CONSTANTIN
NOTARY PUBLIC



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QUEEN'S BENCH DIVISION

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-and-

(1) THE ATTORNEY GENERAL
(2) HER MAJESTY'S BRITISH INDIAN OCEAN TERRITORY
COMMISSIONER

Defendants

WITNESS STATEMENT OF
MARIE ADELINE JAFFAR

I, MARIE ADELINE JAFFAR, of 63 Impasse St Joseph, Caisse, Port Louis, Mauritius, will say as follows:-

1. I was born on Salomon in the Chagos Islands on 1 March 1952, and am one of the Claimants in the Chagos Islanders Group Litigation ; I have been asked to tell about my life in the Chagos, the circumstances of my removal therefrom and my life in Mauritius since I arrived here.

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2. I have listened to a translation of statements given by Marie Rita Elyse and Marie Lisette Talate and confirm that, insofar as they deal with general matters affecting the Chagossian community, they are accurate.
3. My father was born at Salomon and he told me that his father and grandfather were also born on the Chagos Islands.
4. I attended school at Salomon, and remember the names of my teachers who were Miss Forvel, Mr. Eric Lebon, Mr. William Casanove and Mr. Cyril Boodia. All of them came from Mauritius. Cyril Boodia was the last one and he left in 1966.
5. Both my parents worked for the plantation company.
6. My parents had their own home on Salomon and my mother owned a plot of land and her home. I was told that when I became 18 I too would be entitled to choose a plot of land, but unfortunately residence on the Islands was interrupted before I reached that age. However, I have a fond memory of my childhood on Salomon, an Island of tranquillity, wonderful climatic conditions, a healthy lifestyle and abundant nourishing food.
7. We left the Chagos Islands voluntary, when my mother needed medical treatment which was not available on the Islands. I believe it was late in the year of 1966 when we travelled on one of the boats which supplied the Islands. I was then 14 years old and we travelled via Seychelles. On arrival in Mauritius she was admitted to the Civil Hospital in Port Louis. She was quite ill and stayed in hospital for several months. She then convalesced for a few weeks with friends in Mauritius. When she was feeling better, she visited "Rogers House" to book our return passage. She told us that she was astonished to find out that she was refused a passage because "the Islands had closed down" and had been "sold to the Americans". She was told that we could not board the ship because there were no ships for us. I think we must have been the first family to be

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8. affected by this, although many families suffered the same experience in the months and years which followed.
9. We did not know what to do. All of our personal belongings were in the Salomon Island ; our house, our clothes, our furniture, the rest of our family and everything.
10. I remember that we cried in despair. It was several days before we stopped crying. We were very frightened. My mother was ill, I was young, we had no one to provide for us, and had no idea where to start or what to do.
11. We quickly had to go and find work. My mother, after a couple of years unemployed, managed to find a job as a part-time maid servant while my step father could not get any employment. This was really difficult because the Mauritian Creole would always be favoured over the Chagossian.
11. When I started working as a maid servant at the age of 16, I also was required to empty chamber pots as I had no alternative than to oblige. I found this distressing.
12. We were living in tin shack accommodation, and had no food or sanitation. Our plight was desperate. We occasionally protested to the Mauritian and British authorities so that they would know of our impoverishment.
13. The first protests were in the early 1970s ; on many occasions, we would be arrested by the Mauritius Police and jailed because we were protesting. I remember Mrs. Talate and Charlesia Alexis were among those who have several times been arrested.
14. I know the late Michel Vencatassen and am aware that he took legal action as a result of which some compensation was paid by the Mauritian authorities after 1984. With this money I was able to buy a small piece of land in a poor quarter of Port Louis which I occupy today. However, I have only been able to erect a

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temporary structure out of pieces of wood and corrugated iron, and there is no sanitation or running water in the house. It is a primitive structure which is not wind or water tight, and is regularly damaged whenever a cyclone hits Mauritius (there were no cyclones in Chagos). It has three windows which are without glass panes. We have one entrance door and no interior doors separating the rooms. We just have a piece of cloth in lieu of the door. We try to put paper on the wooden walls to cover holes but they never really last that long (Exhibit H). There are however some outside shower and toilet facilities shown on the attached photograph marked "G". also attached are a picture of my house ("E") and of the roof (2F").

15. I feel that the conditions in my home are not very hygienic , and my children and grandchildren who live with me often pick up infections. Nor do I believe they have a proper education since I cannot afford to pay their fares to school or pay for the books. This contributes to their inability to compete for jobs in Mauritius.
16. There are 12 family members living under my roof, these 12 persons are Elodie Jaffar (my mother), my son Vianny Jaffar, my daughter Florine, her husband Didier Allet and their child Stephane Allet, my grand children Patrick Flore, Belinda Flore, Janis Flore and Hansley Flore, Stephano Moosa and Belinda Flore..
17. It never occurred to us that we were able to bring legal proceedings in London, until Olivier Bancoult managed to bring a Judicial Review in the High Court on London in November 2000. Before then I never received any legal information from the British authorities, and I never received any advice on English law.
18. I am a member of the Committee of the Chagos Refugees Group, and have assisted in consulting our community for the purpose of identifying all those members of the Chagossian community who live in Mauritius.

THE CHAGOS ISLANDS GROUP LITIGATION

19. Statement of Truth:-

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

Signed : *Adeleine Jaffar*

MARIE ADELINE JAFFAR (Bearer of Nic No 3/010352/80/0004/9
Dated this third day of October ^{Issued on 20-01-2002 produced to the} 2002 undersigned
^{Notary Public}

Port-Louis, Mauritius.

Signed in the presence of and statement translated from English into Creole by :

Roland Constantin
ROLAND CONSTANTIN

Mr. Roland Constantin, Notary Public, of NOTARY PUBLIC 4 Floor, Saint James Court, Port-Louis,
Mauritius.