

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 SIMONE MARIE GENDRON

1. I, SIMONE MARIE GENDRON, of 9 Ernest Street, Lugarno, Sydney, New South Wales, Australia make this Statement in support of the application for Judicial Review herein.
2. I was born on 6 December 1932 on the island of Mahe in the Seychelles.
3. On 6 December 1952, I married Harry Gendron, and the following year I accompanied him to live on Diego Garcia. My husband had been educated in the Seychelles, and was good at figures. As a young man he took employment with Chagos Agalega Limited (or perhaps another company whose name I cannot presently recall), and was given clerical and book-keeping work upon arrival in the Chagos Islands. We lived at East Point, which was a substantial village on the East side of Diego Garcia facing the lagoon.

4. We lived in one of the houses reserved for administrative personnel which were constructed of timber on boarded floors and with corrugated roofs. The workers lived in houses constructed of timber and palm, with thatched roofs. I have not seen these houses for many years, but I think it quite possible that the Administrators' houses would still be capable of renovation and occupation.
5. The climate in Diego Garcia is most agreeable, and both the sea and sky are free of pollution. The air quality is clear. The land is fertile and both trees and vegetables were easy to grow in the conditions of warmth, fertility and high rainfall which are enjoyed by the Chagos Islands. Nearly all the houses, both Administrators' and labourers' had substantial gardens, and we all used to enjoy raising vegetables including pumpkin, aubergines and tomatoes, whilst cultivating fruit such as limes and oranges. It was common to keep chickens, and some of the Administrators kept pigs.
6. The company used to provide basic foods for all the population, including rice, lentil, fish and turtle. Coconut oil was in plentiful supply and was much used in cooking. The diet was protein-rich. There was one shop at Diego Garcia, situated at East Point, which was run by the company. Most of the purchases were on account.
7. I am informed that the villages of East Point and Minni Minni are presently situated in a nature conservation area on the East side of Diego Garcia. Although I do not know what care has been given to preserve these villages in recent years, I recall that they were sufficiently separate from the plantations that they should not have suffered serious encroachment, and accordingly it should be possible to restore garden areas for horticulture without great difficulty and, as mentioned above, some of the houses may well be fit for occupation with little remedial work.
8. In or around 1954 my husband was transferred by the company to work as an Assistant Manager on one of the larger islands of the Peros Banhos atoll, namely Ile du Coin. My husband was employed in keeping the books of the company, and this included maintaining the wages and purchases accounts for

the workers, maintaining production figures, and supervising the export of produce and the import of goods for distribution in the Island shop. He had five persons working under him including, for example, the shop-keeper. To the best of my recollection, my husband would meet any newly recruited workers who generally came from the Seychelles, check that they had been properly recruited (including the provision of an employment contract) and then proceed to open an account in their name. To the best of my recollection, only the workers recruited from Seychelles (or sometimes Mauritius) had written contracts, whereas the Ilois were recruited locally and had no such contracts.

9. I lived at Ile du Coin, Peros Banhos, between 1954 and 1966. I would estimate that there were about 300 people living on the Island, and that the climatic conditions were most agreeable. I gave birth to three of my five children on Peros Banhos, Joelle (born 23 January 1955), Marie-Yvonne (born 7 November 1958) and Sylvie (born 26 January 1962). I delivered these three children at the hospital, and was attended by a nursing midwife from Mauritius. This was a busy hospital, and the birth-rate on Peros Banhos seemed to be quite high. The hospital was well able to handle child-birth, and we were well treated during our confinement. My children later attended the local school at Peros Banhos, which was attended also by the children of the workers, most of whom were Ilois since, generally speaking, recruited workers from the Seychelles or Mauritius came as single men without wives or families. The only reason that my husband and I left Peros Banhos in 1966 was in order to further the education of Joelle who was then aged 11, and her sisters.
10. I would like to mention some of the features of Peros Banhos and Salomon Island, and of the lives of Ilois living there, which may be of assistance to those considering what future inhabitants of these Islands might do, in the event that they are permitted to take up residence there in the future.
11. There is a large and deep lagoon enjoyed by the Islands of the Peros Banhos atoll, and a smaller one at Salomon atoll. Peros Banhos is a group of coral

islands with its own deep lagoon, unlike the islands of both the Seychelles and the Maldives which are individual islands without such a lagoon. Vessels such as the MV Mauritius and the Sir Jules (which used to carry exports and imports, and also provide passage for the Islanders to Mauritius and the Seychelles), used to enter the lagoon at Peros Banhos, obtaining a sufficiently deep water anchorage there. The low-water depth of seven metres at the entrance to the lagoon was sufficient to allow these vessels to leave, fully laden with copra. Smaller vessels could enter Salomon lagoon which is less deep. Peros Banhos therefore has a considerable natural advantage in that it is accessible by substantial vessels who can acquire sheltered anchorage to disembark passengers and goods. I have discussed with my brother, Robert Delpech (a member of Royal the Institute of Navigation, who spent many years in the Royal Navy and then in the Royal Air Force in Air Sea Rescue) what are the advantages offered by such lagoons. As a result of these discussions I believe that modern cruise vessels with comfortable passenger accommodation could readily obtain access to the lagoons of Peros Banhos so that a form of tourism could be established without any infrastructure on the Islands being required.

12. The waters around Peros Banhos and Salomon are extremely rich in fish, both inside the lagoons and beyond the coral reef. I recall that fish such as trevalli, red capitaine, grouper, bonito, mackerel and ray are all found in profusion there. In addition, the Islands are close to the migratory route of the tuna fish and these are in plentiful supply, in season. In addition there were plentiful supplies of crayfish, octopus and turtle. The Ilois used to catch fish with hand lines and hooks, but not nets. They used to build their own heavy flat-bottomed boats, known as "pirogue", which are reinforced with copper and pitch, and are able withstand contact with coral. I have myself travelled on a large pirogue, with twelve oars and a sail, as far as the Salomon Islands. In fact, Salomon and Peros Banhos are a whole day's sailing away, and cannot be seen from one to the other since they are separated by the horizon. I should also mention that Diego Garcia is over 120 miles away from Peros Banhos, and is not accessible by pirogue. Only larger vessels are suitable. Diego Garcia always was isolated by well over 100 miles between itself and the nearest

habitable islands, and their respective communities were always isolated from each other.

13. It would not be difficult for Ilois to resume small-scale fishing in pirogue boats, provided they were allowed access to the Islands. In addition to boat-building, the Ilois were skilled house builders who could make temporary houses in one day, but who also made more solid structures with cut timber, concrete and corrugate iron if provided.
14. Water was always in plentiful supply. When I lived there, the houses had gutters which collected rainwater in barrels, which was used for drinking. It was good potable water which did not need treatment, or even boiling. There were also wells in the ground which provided water for lesser uses such as laundry and watering plants. Again the climate was very favourable on Peros Banhos, and I would expect that with modest ground clearance, horticulture could be resumed, as could the rearing of animals. It may well be that fruit trees, such as lime, wild orange, banana and papaya, are still productive, quite apart from the coconut plantations which must be now rather overgrown.
15. As to the provision of heat and light, there was an oil-driven electricity generator for the houses of the Administrators which provided lighting. The Ilois used to have lamps which burnt coconut oil. Most cooking took place on outside fires in brick-built firegrates, using large metal pots known as "marmites". I recall that I had a refrigerator which worked on paraffin. I believe that such items are still available. Accordingly it is my belief that some form of habitation could be resumed by the Ilois, using only traditional skills and modest provision of transport and supplies, if it were decided that small communities or temporary residence were to be re-established. Although I have no expertise in business management or development, it strikes me as self-evident that there are possibilities which would merit serious investigation, in order to restore the coconut plantations since there is still a demand for coconut oil (which I believe is now imported by Mauritius from India). I further believe that a simple form of tourism might be developed in regard to visiting cruise ships; whereas the Islands themselves have all the

advantages of coral islands which, in neighbouring countries, have given rise to valuable revenues from tourism; and at the same time Peros Banhos and Salomon each have greater natural advantages presented by their lagoons, compared with the Maldives and Seychelles.

16. Finally, fishing is an activity which must still be available both on a small scale to the returning inhabitants of the Islands, and on a large scale to commercial vessels which might wish to operate from the Chagos Islands.
17. I recall that the dozen or so years which I spent on Diego Garcia and Peros Banhos were an extremely happy period in my life, living in extremely favourable conditions of climate and natural resources and living in the purest climatic conditions. The Islands were always popular, and my husband used to comment that it was easy to recruit workers to come to the Chagos Islands. Not only was full employment guaranteed, but the lifestyle was considered agreeable and satisfying by the plantation workers.
18. I would have been quite happy to continue living on Peros Banhos, and my husband told me there were certainly no economic pressures on the company or upon him to leave. As mentioned above, we had to leave only because my daughter, Joelle, needed a better education than was available on the Chagos Islands.
19. I believe that the facts contained in this witness Statement are true.

SIGNED : *S. Gendron*
SIMONE MARIE GENDRON

DATED : 23rd August 1999

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