

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

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WITNESS STATEMENT OF  
JOSEPH FRANCIS LAVAL

I, JOSEPH FRANCIS LAVAL, of, No.D72, Morcellement Ilois, Baie du Tombeau,  
Mauritius will say as follows:-

I am one of the Claimants in the Chagos Islanders Group Litigation ; I have been asked to tell about my life the circumstances of my removal from Diego Garcia.

1. I was born on Diego Garcia on the 6 May 1955.
2. In or about 1971, my family and I were forced to leave Diego Garcia for Mauritius. I refer to the statements made by Lisette Talate on the circumstances of her removal from Diego Garcia and endorse the same.
3. Like most of the young chagossians (under 18 years old), I did not attend the meeting convened by Mr. Todd in front of the Manager's office. My grand-father, Michel Var and grand-mother Laurancine Marcelin attended the said meeting and there and then were told by Mr. Todd, through Mr. Moulinie who was translating, that the islands had been sold to the Americans and that all of us had to vacate the same.
4. I remember that my grand-parents were so upset by what they had been told ; my grand-mother kept saying 'couma nous pou vivre dans Maurice !', meaning how are we going to survive in Mauritius and she kept crying.
5. We were in the last batch of chagossians that left Diego Garcia. Lisette Talate went in before us.
6. The vessel that transported us to the Seychelles was the MV Nordvaer and it stopped at Peros Banhos for two days on the way to the Seychelles.
7. My brothers Marous Ono, Jean Claude Francis, Reynolds Codor and sister Marie Lourdes Ono as well as my grandmother Laurancine Marcelin and grandfather Michel Var were with me. Marcus, Jean Claude, Marie Lourdes and myself are brothers and sisters ; Marcus and Marie Lourdes have been declared by our mother Marie Micheline Ono ; Jean Claude is also my brother, but somehow he has been attributed the surname Francis by mistake, instead of Laval, which is the name of our father. As

for Reynolds, he is our step brother : we have the same father but his mother is Mrs. Willine Codor. Our parents were never civilly married, which is why they bear different family names.

8. We stopped in the Seychelles for about 21 days. We were told that we could not stay on board ; there were several British officers present and they then directed that we all be kept in the local prison.
9. We were therefore brought to an old building, which was being used as a prison. There were no prisoners in the wing of the building that we were put into, but the prisoners were in another wing which was about 100 metres away.
10. Each family was put in a separate cell ; my brothers and sister and grandparents and myself were all stacked in one cell.
11. We could leave our cell from 7.00 a.m to 7.00 p.m. After 7.00 p.m, the gate was locked up and we could not move around.
12. During the day, we are free to move around in the prison yard inasmuch as there are no policemen. They only come at 6.00 p.m and get all of us to step inside the prison and then they would lock us up at 7.00 p.m.
13. We slept on the floor.
14. Our food was prepared by the prisoners living in the other wing.
15. I felt like a real prisoner, as I could not move freely.
16. My family and myself suffered terribly during the trip to Mauritius and since our arrival in 1971, it has been a nightmare. The statements made by Lisette Talate, Rita Elysee and Rita David regarding our life in Mauritius since our forced removal here are correct and I endorse them entirely.

17. There is something which I lived through during the trip to Mauritius, which I want to tell and which I have not seen in any of the statements made by my other friends. The MV Mauritius which took us from Seychelles to Mauritius, had loaded, for Mauritius, a shipment of 'guano' ; they had stored the 'guano' in the 'cale', then they had thrown over the 'guano' a tarpaulin. We were then asked to sit over the tarpaulin and and remain there during the voyage. The vessel stopped, on its way to Mauritius, in Agalega and stayed there for three days. The whole voyage lasted around 12 days.
18. I remember that there was an awful smell, which made a lot of us sick. Many of us vomitted and the lack of air in that 'cale' made it worst. It was so hot, humid and it was smelling so bad.
19. I obtained, on two occasions, an insignificant sum of money, i.e about Rs.7,500 (around £150) and Rs. 35,000 (arund £1,000) in 1982, of all of which I used to repay Mauritian money lenders because they were threatening to sue me for recovery of money they had lent me before.
20. In November 2000, I learnt, like everybody else that Olivier Bancoult has been successful in the legal proceedings he initiated in London and that the Court declared the acts and doings of the British Government as unlawful. I then asked Attorney S. Mardemootoo if we could sue for damages as a result of the declaration, by the Court, of the unlawful nature of the British Government's acts and doings and he stated that they were working on a compensation claim against the British Government. This is how and when I joined the list of claimants.
21. Moreover, soon after the November 2000 judgment, we attended a meeting with Olivier Bancoult and his lawyers who then informed us that the judgment practically allowed us to return to our islands, save Diego Garcia.

22. Today, I am employed as a stevedore at the Cargo Handling Corporation Ltd.

**Statement of Truth:**

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

Signed: *J F Laval* .....

JOSEPH FRANCIS LAVAL (bearing vic N° 106055580001 / 9 issued on  
16.08.2000 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:



*[Signature]*  
Mr. Roland Constantin, Notary Public, of 4<sup>th</sup> Floor, Saint James Court, Port-Louis,  
Mauritius.

ROLAND CONSTANTIN  
NOTARY PUBLIC

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

B E T W E E N:

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-and-

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COMMISSIONER

Defendants

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WITNESS STATEMENT OF  
MARIE LORENZIA PIRON

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I, MARIE LORENZIA PIRON, of  
Port Glaud, Seychelles, will say as follows:-

1. I was born on Diego Garcia, Chagos Islands, on 2 July 1945 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 Seychelles since I arrived here.

2. I left Diego Garcia when I was 26. My life up until then had been very happy. I had worked as a labourer and had everything I needed. Living there was like living in Paradise. Everyone was happy and the Ilois lived in unity and harmony as one family. No one who was a native of Chagos was required to sign a contract on the Islands.

3. I attended the last meeting on Diego Garcia in January 1971 at which the Moulinie brothers were present, together with the British official, Mr. Todd. Mr. Todd spoke and Paul Moulinie translated his speech from English into Creole for us.

4. I have been shown some photographs of the gathering, which are attached to the Witness Statement of S S Manadry and confirm that this is the meeting to which I refer.

5. I did not really understand from where Mr. Todd derived his authority except that he was an Englishman whom we had seen visit Diego Garcia many times and that he seemed to be in charge of the Island. I presumed that he was acting on behalf of the British Government.

6. We were told that the Islands had been sold to the Americans and that we had no choice but to leave the island. We were promised that in Mauritius and Seychelles education would be made available for the children and that we would be compensated by way of housing, land and money.

7. We were very scared when we were told we would have to leave. I did not know if I had any right to stay or if I was allowed to object. The Ilois on the island had always been obedient and felt they had no choice but to follow instructions. Nobody wanted to leave but we were afraid that if we complained we would be put in prison. We had also become terrified when they started to incinerate our dogs.

8. Previously we had been made to feel very uneasy by all the British and American officials that had been visiting the island, and also by the fact that we had been stopped from going to certain areas in Diego Garcia. I recall that once, when I went to visit the base at Pointe Maryanne with Marie Therese Mein to get some "belenhi" (which is a vegetable), we were told by American officials that we must leave the vegetables behind and not touch anything. It seemed that the Americans also had the power to give us orders.

9. When I arrived in the Seychelles I had nothing and found myself struggling for a place to live and facing poverty. I became severely depressed.

10. I have not received any compensation to date and had no idea if we had any claim nor knew of where I could go in Seychelles to find out.

11. **Statement of Truth:**

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

LP

Signed :.....

**MARIE LORENZIA PIRON**

LP

001



Dated this <sup>11</sup> 1<sup>st</sup> day of October 2002

Lp

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

*[Handwritten signature]*



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-and-

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**COMMISSIONER**

**Defendants**

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**WITNESS STATEMENT OF**  
**REGIS BOURDET**

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I Régis Bourdet, of Coastal Road, Pointe aux Canonnières, will say as follows :

1. I am a retired Magistrate.
2. I have been called to the Bar at Middle Temple in or about 1954 ; I was appointed temporary Magistrate in or about 1961 and was confirmed as a Magistrate in 1963.
3. In the course of my career as a Magistrate, I was instructed by the Chief Justice of the Supreme Court of Mauritius, on several occasions, to visit the Oil Islands, including Agalega and the Chagos Archipelago and I did visit the Chagos Archipelago on four occasions in that capacity.
4. The purpose of the said visits was, generally, to ensure that law and order were being maintained in the islands and specifically to try minor offences and ensure that labourers and workers generally were well cared for by the Management of the islands.

5. There were on the Chagos Islands an important coconut plantation. All of the native chagossians were employed by the company on the said plantations. Their leisure hours were spent in fishing.
6. I know of no written contract of employment having allegedly been entered into between the company and the chagossian. Although the Ordinance No.4 of 1901 as amended existed, the provisions thereof were never given effect to and the model contract of services that is found in its Schedule not used.
7. There are provisions in relation to conditions of work which the said model contract of services provided for, but which were never implemented in reality : for instance, the model contract provides for wages, but the fact is that wages were never paid to the chagossians. Instead, they were given rations at the store. Furthermore, although the model contract provided for periods of employment, this did not apply at all to the chagossians, who after having been born there, was provided some form of schooling before being invited to join the plantation industry to earn his living, without paying any attention to specific periods in the year or in time.
8. As a District Magistrate of the Port-Louis District Court 1<sup>st</sup> Division, I have never seen any contract of services and therefore have never been a witness to any entering of such alleged contract between the company and a chagossian. The company may have entered into such a contract with a resident of Mauritius who would be temporarily employed on the Chagos, but never with Chagossians.
9. If ever a chagossian had been made to sign a contract of services, I would say that it must have been through sheer ignorance by the company's employee-who got him to sign a document which he had no need to ; likewise, the chagossian who was made to sign the contract had no knowledge of his rights and status and was illiterate and in any event had free access to his place of birth.
10. I have been shown recently a contract signed by one Michel Vencatassen and I have seen thereon the seal of the District Court of Port-Louis 1<sup>st</sup> Division. However, I have not seen the signature or initials of any Magistrate thereon, specially next to or on the seal, as is the case when the seal is affixed by a Magistrate.

**Statement of Truth:**

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

Signed :  .....

**REGIS BOURDET**

Dated this 10<sup>th</sup> day of October 2002

Port-Louis, Mauritius.