

November 6 2003
Deportation/exile of the Chagos Islanders

[United States District Court
for the District of Columbia](#)

No FILED date-stamp on the Court's PDF copy. –CJHjr

Case Number: [1:01CV02629 \(RMU\)](#)

Second Amended Class Action Complaint for Forced Relocation, Torture, Racial
Discrimination, Cruel, Inhuman, Degrading Treatment, Genocide, Intentional Infliction of
Emotional Distress, Negligence, and Trespass

Jury Trial Demanded

Olivier Bancoult)
290 Cassis Road)
Port Louis, Mauritius,)
on his own behalf, and)
on behalf of all those)
similarly situated,)
)
Jeanette Therese Alexis,)
Hermitage)
Victoria)
Mahe, Seychelles,)
on her own behalf, and)
on behalf of all those)
similarly situated,)
)
Marie Isabelle France-Charlot)
5 Rue Koenig)
Roche-Bois)
Port Louis, Mauritius,)
on her own behalf, and)
on behalf of all those)
similarly situated,)

Chagos Refugee Group

290 Cassis Road
Port Louis, Mauritius,
on its own behalf, and
on behalf of its members,

Chagos Social Committee

Hermitage
Mahe, Seychelles,
on its own behalf, and
on behalf of its members,

Plaintiffs, {p.2}

v.

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De Chazal Du Mee {Mée})
10 Frere Felix de Valois Street)
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and)
1819 H. Street, N.W.)
Suite 600)
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XXX Defendants XXX,)
)
Defendants.)

Plaintiffs allege, by personal knowledge as to themselves and on information and belief as to all others:

Nature of the Action

[World map](#)

[Chagos map-1](#)

[Chagos map-2](#)

[Diego map-1](#)

[Diego map-2](#)

[Space photo](#)

[Aerial photo-1](#)

[Aerial photo-2](#)

[Runway photo](#)

[Ramp photo](#)

[ImageSat-1](#)

[ImageSat-2](#)

1. This action seeks relief for the indigenous people of the Chagos Archipelago and their direct descendents {sic: descendants}, who lived and worked on the Chagos Archipelago for centuries until they were forcefully removed by the United States and exported against their will to a another land. These native Chagossians were forced to abandon their way of life. As a testament to the Chagossians' past, the unkempt remnants of a Catholic church and numerous family graves remain on the island of Diego Garcia, the largest of the Chagos islands. Diego Garcia was appropriated by the United States in the mid-1960s and is currently used by the U.S. military, {p.4} civilian employees, and guests as a military installation. Although imposed upon them, the Chagossians would have been willing to participate in a peaceful and lawful transition from a plantation economy to a military base-oriented economy. They stood ready to accept and fulfill employment opportunities that were created by construction of the base. Instead, Defendants evicted them, deliberately excluding them from such opportunities. This deliberate conduct was engaged in and approved of by each Defendant, and continues to this day.

2. This action does not address or seek to interfere with matters of foreign policy, national security, or defense policy decisions of the United States. The purpose of this action is to seek relief for the mistreatment of Plaintiffs, redress for Defendants' wrongful conduct surrounding the forced removal of Plaintiffs, and the destruction of Plaintiffs' property. This case does not present political questions; rather, the questions presented are appropriate for judicial determination.

Jurisdiction and Venue

3. This Court has jurisdiction under 28 U.S.C. §§ [1331](#), [1350](#), and [1367](#). Supplemental jurisdiction under § [1367](#) exists as to those claims that are so related to the federal claims that they form part of the same case or controversy. The following laws, agreements, resolutions and treaties form the basis of Plaintiffs' causes of action.

a. [Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#), Dec. 10, 1984, 1465 [U.N.T.S. 85](#); 23 [I.L.M.](#) 1027 (entered into force in the United States Nov. 20, 1994); 1465 [U.N.T.S. 85](#) (Dec. 10 1984, June 26 1987) {U.N. Doc.: [ST/LEG\(05\)/U5](#), ISSN: [0379-8267](#), LCCN: [48022417](#), [WorldCat](#)}. **Status** ([MTDSG](#)) {U.N. Doc.: [ST/LEG/SER.E/](#), ISSN: [0082-8319](#), LCCN: [48022417](#), [WorldCat](#)}. U.S. Senate **Treaty No. 100-20**; **President transmitted**: [May 20 1988](#) ([PPPUS](#), 1988-89) {SuDoc: [AE 2.114:988-89/BK.1](#), ISSN: [0079-7626](#), LCCN: [58061050](#), [DL](#), [LFDL](#), [WorldCat](#)}; Senate Treaty **Document No. 100-20** (May 23 1988) {SuDoc: [Y 1.1/4:100-20](#), Serial Set: [13857](#), CIS: [88 S385-11](#)}; Senate **Hearing 101-718** (January 30 1990) {SuDoc: [Y 4.F 76/2:S.Hrg.101-718](#), CIS: [90 S381-15](#), LCCN: [90601736](#)}; Senate Executive **Report No. 101-30** (August 30 1990) {SuDoc: [Y 1.1/6:101-30](#), Serial Set: [13983](#), CIS: [90 S384-9](#)}; **Senate consent**: Oct. 27 1990, 136 [Cong. Rec. S17486-17492](#) (daily edition 136/150) {SuDoc: [X/A.101/2:136/150](#), ISSN: [0363-7239](#), LCCN: [80646573](#), [GPOCat](#), LL: [paper](#), [microfiche](#), [WorldCat](#)}; **U.S. ratified**: [Oct. 21 1994](#), effective Nov. 20 1994, 1830 [U.N.T.S.](#) 320, *accord* [T.I.F.](#) {[202kb.pdf](#)} {SuDoc: [S 9.14:2004](#), ISSN: [0083-0194](#), LCCN: [56061604](#)}, *contra*, Nov. 10 1994, 22 [C.F.R.](#) § [95.1\(a\)](#) {[5kb.txt](#); [32kb.pdf](#), [DL](#)}. –CJHjr

b. [Convention on the Elimination of all Forms of Racial Discrimination](#), 660 [U.N.T.S. 195](#) (March 7, 1966); {[p.5](#)}

[SuWho?](#)

[SuDoc](#)

[Serial Set](#)

[CIS](#) [DL](#)

660 [U.N.T.S. 195](#) (March 7 1966, Jan. 4 1969) {U.N. Doc.: [ST/LEG\(05\)/U5](#), ISSN: [0379-8267](#), LCCN: [48022417](#), [WorldCat](#)}. **Status** ([MTDSG](#)) {U.N. Doc.: [ST/LEG/SER.E/](#), ISSN: [0082-8319](#), LCCN: [48022417](#), [WorldCat](#)}. U.S. Senate **Treaty No. 95-18**; **President transmitted**: February 23 1978 ([1978 PPPUS 395-396](#) {[html](#)}) {SuDoc: [GS 4.113:978/BK.1](#), ISSN: [0079-7626](#), LCCN: [58061050](#), [DL](#), [LFDL](#), [WorldCat](#)}; Senate Executive **Document No. 95/2-C** (Feb. 23 1978) {SuDoc: [Y 1.95/2:C-F/corr](#), Serial Set: 13205-?, CIS: [78 S385-3](#), LCCN: [78601565](#), [GPOCat](#), LL: [paper](#), [UC](#), [WorldCat](#)}; Senate **Hearing 103-659** (May 11 1994) {SuDoc: [Y 4.F 76/2:S.Hrg.103-659](#), CIS: [94 S381-23](#), LCCN: [94231890](#)}; Senate Executive **Report No. 103-29** (June 2 1994) {SuDoc: [Y 1.1/6:103-29](#), Serial Set: [14230](#), CIS: [94 S384-3](#)}; **Senate consent**: June 24 1994, 140 [Cong. Rec. S7634](#) (daily edition 140/82) {[9kb.txt](#)} {SuDoc: [X/A.103/2:140/82](#), ISSN: [0363-7239](#), LCCN: [80646573](#), [GPOCat](#), LL: [paper](#), [microfiche](#), [WorldCat](#)}; **U.S. ratified**: [Oct. 21 1994](#), effective Nov. 20 1994, 1830 [U.N.T.S.](#) 284, *accord* [T.I.F.](#) {[134kb.pdf](#)} {SuDoc: [S 9.14:2004](#), ISSN: [0083-0194](#), LCCN: [56061604](#), [DL](#)}. –CJHjr

c. [International Covenant on Civil and Political Rights](#), G.A. Res. 2220A (xxi), 21 U.N. Doc., GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966);

999 [U.N.T.S. 171](#) (Dec. 16 1966, March 23 1976) {U.N. Doc.: [ST/LEG\(05\)/U5](#), ISSN: [0379-8267](#), LCCN: [48022417](#), [WorldCat](#)}. **Status** (MTDSG) {U.N. Doc.: [ST/LEG/SER.E/](#), ISSN: [0082-8319](#), LCCN: [48022417](#), [WorldCat](#)}. U.S. Senate **Treaty No. 95-20**; **President transmitted**: February 23 1978 ([1978 PPPUS 395-396 {html}](#)) {SuDoc: [GS 4.113:978/BK.1](#), ISSN: [0079-7626](#), LCCN: [58061050](#), [DL](#), [LFDL](#), [WorldCat](#)}; Senate Executive **Document** No. 95/2-E (Feb. 23 1978) {SuDoc: [Y 1.95/2:C-F/corr](#), Serial Set: 13205-?, CIS: [78 S385-3](#), LCCN: [78601565](#), [GPOCat](#), LL: paper, [UC](#), [WorldCat](#)}; Senate **Hearing 102-478** (Nov. 21 1991) {SuDoc: [Y 4.F 76/2:S.Hrg.102-478](#), CIS: [92 S381-25](#), LCCN: [92191239](#), [GPOCat](#), LL: paper, microfiche}; Senate Executive **Report** No. **102-23** (March 24 1992) {[63kb.txt](#), [302kb.pdf](#)} {SuDoc: [Y 1.1/6:102-23](#), Serial Set: [14102](#), CIS: [92 S384-1](#), [GPOCat](#), LL: paper, microfiche}; **Senate consent**: April 2 1992, 138 [Cong. Rec. S4781-4784](#) (daily edition [138/49](#)) {SuDoc: [X/A.102/2:138/49](#), ISSN: [0363-7239](#), LCCN: [80646573](#), [GPOCat](#), LL: paper, microfiche, [WorldCat](#)}; **U.S. ratified**: **June 8 1992**, effective Sept. 8 1992, 1676 [U.N.T.S. 543](#), *accord* [T.I.F. {185kb.pdf}](#) {SuDoc: [S 9.14:2004](#), ISSN: [0083-0194](#), LCCN: [56061604](#), [DL](#)}. –CJHjr

d. [Convention on Prevention and Punishment of the Crime of Genocide](#), Jan. 12, 1951, 78 [U.N.T.S. 277](#);

78 [U.N.T.S. 277](#) (Dec. 9 1948, Jan. 12 1951) {U.N. Doc.: [ST/LEG\(05\)/U5](#), ISSN: [0379-8267](#), LCCN: [48022417](#), [WorldCat](#)}. **Status** (MTDSG) {U.N. Doc.: [ST/LEG/SER.E/](#), ISSN: [0082-8319](#), LCCN: [48022417](#), [WorldCat](#)}. U.S. Senate **Treaty No. 81-15**; **President transmitted**: **June 16 1949** ([PPPUS, 1949](#)) {SuDoc: [GS 4.113:949](#), ISSN: [0079-7626](#), LCCN: [58061050](#), [DL](#), [LFDL](#), [WorldCat](#)}; Senate **Hearing Jan. 23-25, Feb. 9, 1950** {SuDoc: [Y 4.F 76/2:G 28/950](#), CIS: [Group 3 \(81\) S933-10](#), LCCN: [50060591](#)}; Senate **Hearing April 24, 27, May 22, 1970** {SuDoc: [Y 4.F 76/2:G 28/970](#), CIS: [70 S381-13](#), LCCN: [71608056](#)}; Senate **Hearing March 10 1971** {SuDoc: [Y 4.F 76/2:G 28/971](#), CIS: [71 S381-11](#), LCCN: [76611849](#)}; Senate **Hearing May 24, 26 1977** {SuDoc: [Y 4.F 76/2:G 28/977](#), CIS: [77 S381-41](#), LCCN: [77603283](#)}; Senate **Hearing December 3 1981** {SuDoc: [Y 4.F 76/2:G 28/981](#), CIS: [82 S381-11](#), LCCN: [82601377](#)}; Senate **Hearing 98-962** (Sept. 12 1984) {SuDoc: [Y 4.F 76/2:S.Hrg.98-962](#), CIS: [85 S381-4](#), LCCN: [84603643](#)}; Senate **Hearing 99-259** (March 5 1985) {SuDoc: [Y 4.F 76/2:S.Hrg.99-259](#), CIS: [86 S381-2](#), LCCN: [85603348](#)}; Senate Executive **Report** No. 99-2 (July 18 1985) {SuDoc: [Y 1.1/6:99-2](#), Serial Set: [13626](#), CIS: [85 S384-1](#)}, *reprinted in* 28 [I.L.M. 760](#) (1989) {[Lexis](#), [WestLaw](#)}; **Senate consent**: February 19 1986, 132 [Cong. Rec. S1355-1401](#) (daily edition 132/??) {SuDoc: [X/A.99/2:132/??](#), ISSN: [0363-7239](#), LCCN: [80646573](#), [GPOCat](#), LL: paper, microfiche, [WorldCat](#)}; **U.S. ratified**: **Nov. 25 1988**, effective Feb. 23 1989, 1518 [U.N.T.S. 339](#), *accord* [T.I.F. {179kb.pdf}](#) {SuDoc: [S 9.14:2004](#), ISSN: [0083-0194](#), LCCN: [56061604](#), [DL](#)}. –CJHjr

e. 18 U.S.C. [1091](#);

f. [United Nations Charter](#), 59 Stat. 1031, 3 Bevans 1153 (1945);

g. [Universal Declaration of Human Rights](#);

h. Customary international law and principles of comity;

i. Laws of the United States and the District of Columbia, including but not limited to common law principles of trespass, negligence, intentional infliction of emotional distress and *respondeat superior*.

4. Personal jurisdiction and venue is proper in this Court under 28 U.S.C. § [1391\(b\)](#) because a substantial part of the acts and omissions giving rise to the claims occurred in the District of Columbia. Further, parties by and through their conduct and contacts within the forum have purposefully availed themselves of this forum.

5. The allegations in this complaint should not be construed as seeking relief under the Federal Tort Claims Act (FTCA), 28 U.S.C. §§ [1346 et seq.](#) As to such claims, and any claims for which Plaintiffs are required to exhaust administrative remedies prior to suit, Plaintiffs have made the appropriate administrative claims, and will amend this complaint when those are resolved. If Defendants take action that seeks to bring other claims within the FTCA, Plaintiffs will take appropriate responsive action. Specifically, Plaintiffs are pleading in the alternative that the acts complained of are actionable because they lie outside Defendants' scope of employment, in part because no sovereign may authorize conduct that violates preremptory {sic: preemptory} norms {p.6} of international law. In addition, some claims herein are for injunctive and declaratory relief, which falls wholly outside the ambit of the FTCA.

6. The United States does not enjoy sovereign immunity from this suit because, among other reasons:

a. the acts complained of are violations of preremptory norms of international law as to which no person or state may claim immunity;

b. under the Foreign Sovereign Immunities Act, 28 U.S.C. §§ [1330](#), [1602-11](#) (1988), the United States has waived the immunity of foreign sovereigns allowing them to be haled into courts of the United States, and principles of comity demand the waiver of sovereign immunity of the United States under similar circumstances.

Common Factual Background

7. This is an action for compensatory and punitive damages, declaratory judgment, and injunctive relief for forced relocation; torture; racial discrimination; cruel, inhuman, or degrading treatment; genocide; intentional infliction of emotional distress; negligence; trespass; and destruction of real and personal property, and the continuing consequences of such actions inflicted by Defendants in violation of the laws of the United States, the District of Columbia, and international law.

8. Plaintiffs are indigenous people of the Chagos Archipelago (Chagos) and their direct descendants (Chagossians). Chagos includes Diego Garcia, Peros Banhos, Salomon, and numerous other smaller islands. As of the mid-1960s, approximately 1,000 inhabitants born in Chagos were living on Diego Garcia and the surrounding islands, including Peros Banhos. As set forth in *The Queen v. Secretary of State for the Foreign and Commonwealth Office: ex parte {p.7} Bancoult* {[2001] Q.B. 1067}, 2 W.L.R. 1219 (QBD (Admin. Ct.)) (2000), 2000 [WL](#) 1629583, these Chagossians “were born there, as were one or both of their parents, in many cases one or more of their grandparents, in some cases ... one or more of their great-grandparents.” Today, there are approximately **4,466 Chagossian men, women, and**

children who either were born in Chagos or are direct descendants of individuals born in Chagos.

9. In 1965, at the request of the U.S. government, the British government detached Chagos from Mauritius and included the islands in the newly formed British Indian Ocean Territory (“BIOT”). Despite the British government’s general administration of BIOT, the United States leases the Chagos islands and effectively controls all of Diego Garcia.

10. Ceded by France to Great Britain in 1814, Chagos is located in the Indian Ocean, at least 1,000 miles away from the nearest landmasses of India, Mauritius, Australia, and the Gulf States. Settlement of Chagos began in the late 1780s or earlier, and by 1824 the first British government agent was appointed to administer Chagossian affairs. In 1835, the British government abolished slavery in the British colonies and territories, giving freedom to the largely-enslaved Chagossian population who then continued to live and work on the islands. By 1861, more than 550 people inhabited the islands. In 1895 a chapel was erected, adding to the already significant number of dwellings on Diego Garcia.

11. For more than a century, Chagossians worked the copra plantations (plantations producing coconut products), built communities, cultivated vegetables, raised animals, attended community churches, educated their children in schools on the islands, and buried their dead.

12. When a Chagossian reached eighteen years of age, he typically would build his own home on a plot of land chosen from the property available in the community. The plantation and/or colonial administrator recorded these land acquisitions. **{p.8}**

13. Once acquired, the real property was occupied openly and continuously. Upon death, the real property would pass to the holder’s heirs, and the community recognized such claimants as the owner.

14. The typical home had four bedrooms, a kitchen, and a dining/family room. Plaintiffs built their homes from materials gathered on the islands and from materials received in exchange for labor on the plantation.

15. The Chagossians typically cultivated the land, growing vegetables and raising livestock for consumption and use by the owner and his family. The community and the administrator of the plantation recognized these crops and animals as the personalty of the Chagossian.

16. The plantation company and colonial administrators were fully aware of and consented to the property acquisition system in place throughout the inhabited lands of Chagos. Plaintiffs enjoyed rights of ownership and use to the real property they inhabited, cultivated, and claimed as their own. Various purported title transfers did not extinguish these fundamental legal rights.

17. In February 1964, American and British authorities entered into secret negotiations to establish a U.S. military facility in the Indian Ocean. The two governments conducted the “Anglo-American Survey,” which resulted in the decision to remove the indigenous population from Chagos in order to build the U.S. military facility on Diego Garcia. Among the survey’s findings was the determination that “[a]cquisition of Diego Garcia for defense purposes will imply the displacement of the whole of the existing population of the island.”

18. Following the Anglo-American Survey, the U.S. Navy waived \$14 million in British payments on the Polaris missile research and development program. This money was forgiven in exchange for the detachment of Chagos from Mauritius, use of the islands by the U.S. Navy, and the removal and resettlement of the Chagossians. {p.9}

19. In January 1965, the United States informed the British Foreign Office that Diego Garcia was “required for the establishment of a communications station” and air strip, and that “detachment proceedings should include the entire Chagos archipelago.”

20. Following the decision to depopulate Chagos, American and British officials intentionally painted a false picture of the Chagossian population. Stating concerns that the United Nations would not look favorably on the forcible removal of the indigenous population, American and British officials misled the United Nations, the U.S. Congress, and other parties interested in the issue about the true status of the Chagossians. In order to conceal the true nature of the forced removal of the Chagossians, these officials willfully manipulated and concealed Plaintiffs’ BIOT citizenship status by forcing them to become citizens of Mauritius or Seychelles. In addition, the American and British governments purposely mischaracterized the Chagossians as a population entirely composed of seasonal contract workers from Mauritius and Seychelles, whose contracts merely were cancelled. This mischaracterization served the interests of the American and British governments by diverting attention from Plaintiffs’ claims of belonging to Chagos.

21. From about 1965 until about 1973, Defendants and/or their agents forcibly removed Plaintiffs from their homeland in Chagos. Defendants and/or their agents willfully and intentionally directed, aided and abetted, participated in, and/or conspired to effect the complete, forcible, and compulsory removal of every Chagossian from his home and community on Chagos.

22. The removal occurred in three phases:

a. First, beginning in 1965, Defendants and/or their agents blocked Plaintiffs’ return to Chagos after normal, legal travel outside the archipelago. Without any {p.10} warning, Defendants and/or their agents denied Plaintiffs the right to return to their homes, and consequently separated Plaintiffs from their families and community.

b. In the second phase, Defendants used an embargo to restrict the flow of necessary food supplies and to starve Plaintiffs out of their homeland.

c. The first two phases of removal gradually drained the population. In the third and final phase, however, Defendants and/or their agents physically corralled the remaining Chagossians on Diego Garcia, and forcibly boarded them onto ships destined for the islands of Peros Banhos and Salomon. Two years later, Defendants and/or their agents completely removed the remaining population from the entire archipelago. During their removal Plaintiffs endured overcrowding on the ships, lack of adequate food and water, and poor sanitary conditions.

23. Throughout this phased removal, Defendants and/or their agents deposited Plaintiffs in Mauritius and Seychelles. Despite soaring unemployment in these two countries, Defendants intentionally failed to provide housing, employment, or other forms of assistance to Plaintiffs.

24. During the ensuing years, and continuing to this day, Defendants and/or their agents repeatedly rebuffed efforts to settle Plaintiffs, to repatriate Plaintiffs, or to provide compensation for Plaintiffs' losses.

25. Certain Defendants built and continuously expanded the military facility on Diego Garcia, resulting in massive destruction of the island, destruction of Plaintiffs' real and personal property, and continuing annihilation of the Chagossian community and identity. Construction on Diego Garcia causing damage to Plaintiffs' property includes, but is not limited to, dredging {p.11} the lagoon, constructing an airstrip and parking aprons, building transmitter and receiver structures, housing and entertainment facilities, and other support amenities. Defendants continue to implement, enforce, and aid and abet policies and actions that deny Plaintiffs their right to return and continue to destroy their real and personal property.

26. Defendants continue to intentionally deny Plaintiffs their right to return to their homeland by ordering and implementing discriminatory hiring practices. Despite large scale construction on Diego Garcia that routinely employs labor from Mauritius, Seychelles, Sri Lanka, and the Philippines, Defendants refused and continue to refuse to employ anyone of Chagossian descent. Defendants also order and implement policies prohibiting the hiring of anyone of Chagossian descent for civilian positions on Diego Garcia. Upon information and reasonable belief, approximately 540 Chagossians have applied one or more times for work on Diego Garcia. Only a limited few who did not reveal their Chagossian descent were able to obtain employment on the island.

27. While Defendants continue to deny Plaintiffs access to Chagos, Defendants allow yachtsmen to camp on Chagos islands for weeks at a time. When distressed, non-Chagossians are also permitted to enter the lagoon at Diego Garcia in order to seek assistance.

28. Defendants' acts and/or omissions resulted in illegal seizure and destruction of Plaintiffs' property, violation of their persons, and decimation of Plaintiffs' culture. Defendants' acts and/or omissions forced Plaintiffs to live in abject poverty in a land foreign to them; separated Plaintiffs from family graves and their native community; and continue to deny them return to their homeland. Defendants caused Plaintiffs to become ill by exposing them to diseases unknown in Chagos and by creating and perpetuating their impoverished and squalid {p.12} living conditions. In addition, Plaintiffs suffered the loss of loved ones as a result of Defendants' acts and/or omissions.

29. As a direct consequence of Defendants' depopulation efforts, Plaintiffs now live in extreme poverty in the most desperate areas of Mauritius. Many of the Plaintiffs live in tin shacks that house as many as sixteen people. These shacks are closely confined, one against the other, with only narrow footpaths to separate them. Most living quarters do not have doors, windows, or running water. Plaintiffs use communal spigots, many of which are unprotected from sewage, to obtain water for daily use. Neighboring families often share either make-shift tin out-houses or holes in the ground covered by tarps, which serve as bathrooms. In addition, Plaintiffs live in areas too poor to afford trash removal. As a result, trash-heaps amass around Plaintiffs' shacks. Trash-heaps and pools of standing water around communal spigots attract swarms of insects and rodents, which infest Plaintiffs' living quarters and cause disease.

30. In addition to poor living conditions, Plaintiffs suffered and continue to suffer the shared injuries of decimation of culture; discrimination from native Mauritians and Seychellois; exclusion from homeland; increased morbidity and mortality rates; lack of access to education; denial of employment opportunities; and inadequate housing and health care.

Parties

(Plaintiffs)

31. Plaintiff **Olivier Bancoult** was born in Chagos in February 1964. Mr. Bancoult fairly and adequately represents the class members who were denied return to Chagos after normal, legal travel, as set forth in paragraphs [21-22](#). **{p.13}**

a. Mr. Bancoult's mother was born in Peros Banhos in 1925, and his father also was a Chagossian. Both his maternal and paternal grandparents, as well as his paternal great-grandparents, were born in Chagos and are buried in the Christian cemeteries on Peros Banhos. Both of Mr. Bancoult's parents were employed by the coconut processing plant on Peros Banhos; his father was also a carpenter. Mr. Bancoult has fond memories of his childhood on Peros Banhos.

b. In or about 1967, Mr. Bancoult's sister, Noellie, was seriously injured in an accident. Even though there were basic medical facilities available locally, Noellie had to travel to Mauritius for further treatment and the entire family accompanied her. After a few months of care, the family attempted to book return passage home, but were unsuccessful. They were told that communications had been severed with Chagos, that the islands had been sold, and that no more ships were to travel there.

c. Due to the unavailability of return passage to Chagos, Mr. Bancoult's family was forced to stay in Mauritius without a place to live. Except for the few belongings they carried with them on what was supposed to be a short sojourn in Mauritius, all of their possessions remained in Peros Banhos. The family was left to fend for themselves — with no compensation, no food, and no advice on relocation. Mr. Bancoult still remembers his mother's tears when they all were told they could not go home.

d. Life in Mauritius was very different from life at home in Peros Banhos. Except for limited trading at the village store in Peros Banhos, Mr. Bancoult's family had no experience with a cash economy and had no money to purchase food or housing in Mauritius. Lacking any direction or help from Defendants, they subsisted on whatever **{p.14}** they could find. Mr. Bancoult remembers eating grass when nourishing food could not be found.

e. Mr. Bancoult's brother, Alex, was stranded in Mauritius with his own family as well — a wife and five children. After decades of trying unsuccessfully to adapt to life in Mauritius and find employment, the frustration of being unable to provide for his wife and children became overwhelming and Alex committed suicide.

f. Mr. Bancoult never received adequate compensation for the abject poverty, loss of loved ones, exile from homeland, destruction of culture, and extreme trauma he suffered as a result of Defendants' acts and/or omissions in creating the U.S. military base on Diego Garcia.

g. At the time he and his family were prevented from returning home, not even a purported legal instrument existed authorizing such action. He remains traumatized by these events and wishes to return to his home, his way of life, and his culture.

h. Mr. Bancoult tried several times to gain employment on Diego Garcia. Each time he applied, the local hiring authority rejected his application because he is a Chagossian.

32. Plaintiff **Jeanette Therese Alexis** is a native of Diego Garcia, as were her mother and her maternal grand- and great-grandparents. She fairly and adequately represents the class members who were forced onto ships and removed from the soil of their birth by Defendants and/or their agents, as set forth in paragraphs [7-30](#).

a. Jeanette Therese Alexis was born on Diego Garcia on November 10, 1961. Her great-grandparents, three of their children, and four of their grandchildren are buried in the **{p.15}** cemetery of the Sacred Heart church in the village of East Point, Diego Garcia. Jeanette attended the village school at East Point, as did her nine brothers and sisters until 1971.

b. Ms. Alexis and her family lived in Diego Garcia in a furnished home that was built of concrete and had four bedrooms, a dining room, a large living area, an open verandah, an indoor kitchen, and a bathroom. They grew fruits and vegetables; raised chickens, ducks and pigs; fished; and enjoyed an abundant supply of animal protein. Ms. Alexis' father tended a farm adjacent to her family's home, where he raised cows, horses, turkeys, geese, guinea fowl, guinea pigs, pigeons, rabbits, and honeybees. Ms. Alexis recalls her life on Diego Garcia as being spent in exceptionally tranquil and beautiful surroundings. She spent her time outside of school helping her father tend to the family gardens, playing on the large white sand beaches with her nine brothers and sisters, swimming with fish and catching crabs for fun.

c. Ms. Alexis' father served as Assistant Administrator for Chagos Agalega Ltd., the company claiming ownership of Chagos and running the coconut plantations on the island.

d. Early in 1970, the British Administrator, along with the principals in the copra processing company, told Ms. Alexis' father that Diego Garcia had been sold and all the residents had to leave. Ms. Alexis remembers the day her father came home informing the family that if they did not leave the island on their own, force would be used. He informed Ms. Alexis that it was not safe for anyone to remain.

e. Ms. Alexis recalls that the American presence on Diego Garcia increased soon thereafter. The Americans brought bulldozers, tractors, tanks and helicopters to the island and began **{p.16}** construction work. They banned the indigenous population from many areas of Diego Garcia.

f. Supply ships, which had regularly delivered salt, soap, rope and other commodities, came much less frequently.

g. As a result, when American aircraft or helicopters flew by the Mein family's home, Ms. Alexis and her family would hide in their house for fear of being bombed.

h. The copra processing plant shut down and boats began arriving to forcibly remove the native population of Diego Garcia. Those who refused to leave were told that they would be starved and were threatened with death

i. Americans and other non-natives captured and killed the dogs and cats on the island. The home where Ms. Alexis and her family lived was near the extermination site. Ms. Alexis remembers Mr. Marcel Moulinie and some Americans capturing the pets and burning them in the calorifer. She Still remembers the sounds of dogs howling in pain as they were slaughtered.

j. In September 1971, individuals acting on behalf of the governments of the United States and the United Kingdom forced Ms. Alexis, her family, and dozens of other Chagossians to board a boat — leaving their homes, their land, their family graves, and almost all of their possessions behind. The vessel unloaded them on Peros Banhos. Ms. Alexis and her family lived there for approximately six months before they were forced to leave again and board the *MV Nordvaer* in 1972.

k. The *MV Nordvaer* was already loaded with Chagossians, horses, and coconuts when it arrived at Peros Banhos. Approximately one hundred people were ultimately forced onto the ship. Ms. Alexis, her parents, and her nine siblings shared a small, cramped cabin on {p.17} the ship. The cabin was extremely hot; they could not open the portholes because the water level rose above them under the great weight of the overloaded boat. Many of the other passengers were not as fortunate as Ms. Alexis and shared the cargo compartment with horses, tortoises, and coconuts. The horses were loaded below deck while many human passengers were forced to endure the elements of the exposed upper deck for the entirety of the six-day journey in rough seas. The voyage was extremely harsh and many passengers became very sick. The rough conditions forced the captain to jettison a large number of coconuts in order to prevent the overloaded boat from sinking. Meanwhile, the horses were fed, but no food was provided for the Chagossians.

l. Ms. Alexis' mother was three months pregnant when forced to leave Peros Banhos. The day after the *Nordvaer* dumped her and her fellow passengers in the Seychelles, she miscarried. Ms. Alexis believes the miscarriage was the result of her mother's forcible removal and the harsh passage to the Seychelles.

m. With all of the family's savings depleted and no work to be found, Ms. Alexis and her family lived in abject poverty. They lived in a single room, and all twelve of them slept on the floor. In contrast to the abundance of seafood, fruit and vegetables on Diego Garcia, her family was forced to gather fallen fruit in the dead of the night and survive on boiled breadfruit, jackroot, mangoes, and mashed maize. As opposed to their rich and varied diet on Diego Garcia, they were malnourished and often went hungry.

n. Ms. Alexis and her siblings were not allowed to attend school in the Seychelles because they were deemed foreigners. Finally, after approximately six months, one school permitted Ms. Alexis and five of her siblings to enroll. When they began to attend {p.18} school, other students called them names and told them that they did not belong in the Seychelles and should go home.

o. After 1976, Ms. Alexis' family was invited to take Seychellois citizenship at a cost of R25,000 for children and R15,000 for married persons. After appealing to the Seychelles government, Ms. Alexis' father was permitted to pay between R1,000 and R1,500 for each of his children. Ms. Alexis and her two eldest sisters had found part-time work and contributed to these payments for citizenship to remain in the Seychelles.

p. Ms. Alexis and her family never received any compensation for these ongoing injuries. In 1997, with the goal of returning the Chagossian people to their homeland and receiving compensation, she established the Chagos Social Committee (the Seychelles) as a

representative group of the Chagossian people. She wishes to return to her native life on Chagos, re-establish her community and tend to her family graves.

33. Marie Isabelle France-Charlot was born in Mauritius in 1978. Her father was a native Chagossian, born on Salomon Island in 1948. Ms. France-Charlot fairly and adequately represents the class members who were born in Mauritius or Seychelles as first or second generation descendents {sic: descendants} of native Chagossians. She endured the social, cultural, and economic oppression that resulted from the actions of Defendants' and/or their agents.

a. As a child, Ms. France-Charlot, her parents, and two brothers shared a two-bedroom house with her grandparents, aunts, and uncles. A total of ten people shared the two bedrooms.

b. Although schooling is free in Mauritius, Ms. France-Charlot and her brothers could not attend regularly. Her parents were too poor to afford transportation to school, uniforms, books, and other school materials. On average, Ms. France- {p.19} Charlot missed one-third of the school year because her parents could not afford transportation.

c. Her parents' economic situation also hindered Ms. France-Charlot's ability to keep up with her coursework when she was in school. It is customary in Mauritius for families to pay for extended schooling both before and after the standard school day. These additional hours are generally taught by the general school teacher. As a matter of course, then, the teacher typically continues with new material instead of tutoring lessons already learned. The lessons covered during these sessions are not be repeated in class. Ms. France-Charlot's parents were unable to afford the extra fee required for these sessions. As a result, she was routinely deprived of entire chapters and lessons in her schooling.

d. Her absence from school and inability to afford the extra sessions caused Ms. France-Charlot to fail her exams and repeat many of her courses. After attending a few years of high school, her parents were no longer able to pay for her education at all, and she was forced to withdraw from school.

e. After high school, Ms. France-Charlot never found work.

f. She remembers being teased as a child. Other children would make fun of her clothing, the way she lived, and where her family came from.

g. As a child, Ms. France-Charlot discerned and intimately felt the discrimination against her in Mauritian society. People in Mauritius viewed her as a Chagossian, one of "the poorest of the poor and the lowest of the low."

34. The **Chagos Refugee Group** ("CRG") is a non-profit legal association with personality under Mauritian law, of which Olivier Bancoult is the Chairman. CRG is a democratic {p.20} organization, representing Chagossian people in Mauritius. The organization's principal interest is the betterment of the Chagossian community in Mauritius and Agalega.

35. The **Chagos Social Committee** is a non-profit legal association with personality under Seychelles law, of which Jeanette Alexis is the chairperson. The organization's principle interest is the betterment of the Chagossian community in the Seychelles.

(Defendants)

36. Plaintiffs bring this action against Defendants in their individual capacities and as agents of the United States. Defendants and/or their agents orchestrated, committed, aided and

abetted, and/or conspired, to forcibly remove Plaintiffs and their families from their native islands and to cause severe destruction and alteration to both Chagos and Plaintiffs' real and personal property. Defendants and/or their agents further continue to cause harm to Plaintiffs by denying them the right to return to Chagos to live, work, and rebuild communities.

37. Defendants and/or their agents ordered, approved, and/or committed threats and acts of deception, forced exile, termination of employment and economic viability, and discontinuation of necessary food supplies as part of their scheme to force Plaintiffs from their homeland.

38. Defendant **United States of America**, which is bound by its Constitution, treaties, and customary international law, violated the law when it orchestrated, committed, aided and abetted, and/or conspired to commit the harms alleged in paragraphs [7-30](#).

39. Defendant [Robert S. McNamara](#) served as Secretary of Defense in the years 1961-1968. In this position, he knew, or should have known, and approved the plans to acquire Chagos for U.S. defense purposes, to construct facilities on Diego Garcia, and to forcibly remove the indigenous population. In his position as Secretary of Defense, Robert McNamara approved of, or should have known about, the secret agreement to discount British payments on the Polaris [{p.21}](#) Research and Development fund. As Secretary of Defense, he also exercised command authority over all U.S. military personnel and had direct authority over and oversight of U.S. military programs during the years 1963-1968. Acting under his command and control, agents of the Department of Defense orchestrated, committed, aided and abetted, and/or conspired to commit the harms alleged in paragraphs [7-30](#).

40. Defendant [Thomas H. Moorer](#) served as director of the Navy Long Range Objectives Group beginning in 1961. While serving in this capacity, Admiral Moorer was directly involved in the acquisition of Chagos for U.S. defense purposes and the plans to develop facilities on Diego Garcia. From 1967 to 1974 he served as [Chief of Naval Operations](#) ("CNO"). As CNO Admiral Moorer knew, or should have known, of the plans to acquire Chagos for the U.S. defense purposes and the forcible removal of the indigenous population. As CNO, he exercised command authority over all U.S. Navy personnel and had direct authority over and oversight of U.S. Navy programs during the years 1967-1974. Acting under his command and control, agents of the Department of Defense constructed and expanded the facilities on Diego Garcia, and orchestrated, committed, aided and abetted, and/or conspired to commit the harms alleged in paragraphs [7-30](#).

41. Defendant [Melvin R. Laird](#) served as Secretary of Defense in the years 1969-1972. In this position, he knew, or should have known, of the acquisition of Chagos for U.S. defense purposes, the forcible removal of the indigenous population, and the population's continuing harms resulting from this action. As Secretary of Defense, he exercised command authority over all U.S. military personnel and had direct authority over U.S. military programs during the years 1969-1972. Acting under his command and control, agents of the Department of Defense [{p.22}](#) orchestrated, committed, aided and abetted, and/or conspired to commit the harms alleged in paragraphs [7-30](#).

42. Defendant [James R. Schlesinger](#) served as Secretary of Defense in the years 1973-1975. In this position, he knew, or should have known, of the acquisition of Chagos for U.S. defense

purposes, the forcible removal of the indigenous population, and the population's continuing harms resulting from this action. As Secretary of Defense, he exercised command authority over all U.S. military personnel and had direct authority over and oversight of U.S. military programs during the years 1973-1975. Acting under his command and control, agents of the Department of Defense constructed and expanded the facilities on Diego Garcia and orchestrated, committed, aided and abetted, and/or conspired to commit the harms alleged in paragraphs [7-30](#).

43. Defendant [George T. Churchill](#) {575 kb} served as Director of International Security Operations of the Department of Defense {sic: State} in the years 1974-1977. In this position, he knew, or should have known, of the acquisition of Chagos for U.S. defense purposes, the forcible removal of the indigenous population, and the population's continuing harms resulting from this action. Acting under his authority and control, agents of the Department of Defense orchestrated, committed, aided and abetted, and/or conspired to commit the harms alleged in paragraphs [7-30](#).

44. Defendant [Donald H. Rumsfeld](#) served as Secretary of Defense in the years 1975-1977 and 2001 to the present. In this position, he knew, or should have known, of the acquisition of Chagos for U.S. defense purposes, the forcible removal of the indigenous population, and the population's continuing harms resulting from this action. As Secretary of Defense, he exercised command authority over all U.S. military personnel and had direct authority over and oversight of U.S. military programs during the years 1975-1977 and 2001 to the present. Acting under his {p.23} command and control, agents of the Department of Defense orchestrated, committed, aided and abetted, and/or conspired to commit the harms alleged in paragraphs [7-30](#).

45. Defendant [James L. Holloway, III](#), served as [Chief of Naval Operations](#) in the years 1974-1978. As Chief of Naval Operations, he knew, or should have known, of the removal of Plaintiffs from Chagos, their continued suffering as a result of the removal, and plans to construct and expand the military facilities on Diego Garcia. As Chief of Naval Operations, he exercised command authority over all U.S. Navy personnel and had direct authority over and oversight of U.S. Navy programs during the years 1974-1978. Acting under his command and control, agents of the Department of Defense orchestrated, committed, aided and abetted, and/or conspired to commit the harms alleged in paragraphs [7-30](#).

46. Defendant [Eric Newsome](#) served as the Assistant Secretary of Political Military Affairs in the Department of State from 1998-2000. As an official in this position, he knew, or should have known, of the acquisition of Chagos for U.S. defense purposes, the forcible removal of the indigenous population, and the population's continuing harms resulting from this action. Eric Newsome actively discouraged the British government from allowing Plaintiffs to return to any of the Chagos islands. For example, Mr. Newsome sent Richard Wilkinson, Director for Americas, Foreign and Commonwealth Office of the United Kingdom, a [letter dated June 21, 2000](#), discouraging the settlement of a permanent population on any of the Chagos islands. In coordination with other government officials and employees of the Department of State, acting under the supervision of Defendant, Defendant orchestrated, committed, aided and abetted, and/or conspired to commit the harms alleged in paragraphs [7-30](#). {p.24}

47. Other unknown named individual political and military officials who were engaged with the above mentioned Defendants and who orchestrated, committed, aided and abetted, and/or conspired to commit the harms alleged in paragraphs [7-30](#).

48. Defendant [Halliburton Company](#), including its business units and subsidiaries (hereinafter referred to collectively as “Halliburton”), is a U.S. corporation. In or about 1981, Halliburton, acting directly or vicariously through its wholly owned subsidiary Brown & Root, Inc., trespassed on Plaintiffs’ property and began construction operations on Diego Garcia. This construction resulted in farther destruction of Plaintiffs’ property and exacerbated the harms set forth in paragraphs [7-30](#).

The members of the board of directors knew or should have known of the company’s involvement in overseas projects and should have exercised appropriate control over those activities. Former board member **Anne Armstrong**, who served on the board of directors from 1977 to 2000, was U.S. Ambassador to the United Kingdom from 1976 to 1977, and served as chairman of the president’s Foreign Intelligence Advisory Board from 1982 to 1990. As ambassador, Ms. Armstrong knew of the details and negotiations surrounding the establishment of the British Indian Ocean Territory (“BIOT”), the development of the base on Diego Garcia, and the removal of the Chagossians from Chagos. Accordingly, Ms. Armstrong and the board of directors on which she sat were aware of Plaintiffs’ forced relocation and continued exile from Chagos at the time Halliburton and/or Brown & Root began construction on the island.

In addition, Halliburton obtained many government contracts and consistently maintained close relationships with high-ranking government officials. Officers and members of the board of directors have included U.S. officials from the uppermost echelons of the U.S. government. These officials include: [p.25](#)

a. **Richard B. Cheney**, who served as chairman of the board and chief executive officer from 1995-2000. Richard Cheney also served as Assistant to the President and White House Chief of Staff (1975-1977) to President Gerald Ford and as Secretary of Defense (1989-1993). While serving in these positions, Richard Cheney knew or should have known of the wrongful removal of Plaintiffs from Chagos and their continued suffering.

b. **Lawrence Eagleburger**, who has served on the board of directors since 1998. While serving as Under Secretary of State for Political Affairs (1982-1989), Deputy Secretary of State (1989-1992), and Secretary of State (1992-1993), Mr. Eagleburger knew or should have known of the wrongful removal of Plaintiffs from Chagos and their continued suffering.

Halliburton is a sophisticated multinational corporation with extensive involvement in construction projects in many countries. The Defendant has staffs of lawyers and other experts to advise it on the legal, political, and social conditions of the countries and regions where it operates. In addition, Halliburton has been involved in projects with human rights overtones in areas other than Chagos. Examples include Burma and Nigeria. Defendant Halliburton knew or should have known that its acts were the proximate cause of Plaintiffs’ harms.

48.1. Defendant **Brown & Root, Inc.** (“Brown & Root”) is a U.S. corporation and a wholly owned subsidiary of Defendant Halliburton Corporation. Brown & Root is deeply integrated

within the corporate structure of its parent, Halliburton. Brown & Root does not maintain its own board of directors independent of Halliburton. Brown & Root is a component of one of Halliburton's two major operating units, Engineering and Construction Services.

In July 1981, Brown & Root contracted with the U.S. Navy to construct naval facilities on Diego Garcia. At that time, Brown & Root trespassed on Plaintiffs' property and began construction operations on Diego Garcia. Brown & Root knew or should have known the history {p.26} of forced relocation and other abuses against Plaintiffs. This knowledge can be traced to multiple board members who not only sat on the board of directors for Halliburton Corporation but also facilitated the deal-making that allowed the U.S. to appropriate Plaintiffs' land hidden from the scrutiny of the international community. In addition, Brown & Root was aware or should have been aware of Plaintiffs' ownership claims from other independent sources, including the churches, dwellings, and other structures on Diego Garcia that evidenced Plaintiffs' lives and community. Brown & Root's activity resulted in further destruction of Plaintiffs' property and exacerbated the harms related to the expansion of the military facility set forth in paragraphs 7-30.

49. Defendant [De Chazal Du Mee](#) {sic: Mée} ("DCDM"), is a Mauritian company headquartered in Port Louis, Mauritius. As the largest accounting and consulting firm in Mauritius, DCDM knew or should have known of the continuing forced relocation of Plaintiffs from Chagos and their continued suffering. With this knowledge, DCDM agreed to recruit, screen, and interview civilians for positions on Diego Garcia on behalf of, among others, the U.S. Navy and Department of Defense. DCDM also makes travel arrangements to Diego Garcia for new employees. DCDM implements discriminatory hiring practices that exclude Plaintiffs from consideration for employment on Diego Garcia.

DCDM's connections to this forum and to the United States are many. DCDM maintains a U.S. representative office in Washington, D.C., through which it solicits business in the U.S. and to which it sends employees for seminars and workshops. In addition, DCDM was, until recently, an accredited representative of Arthur Andersen Worldwide. This relationship allowed DCDM to represent itself to U.S. citizens as a U.S. regional office of Arthur Andersen Worldwide in Mauritius. Finally, DCDM provides the employment services for the U.S. {p.27} Government through an international joint venture composed of U.S. corporations and with an office in the U.S. DCDM is paid for these services with U.S. dollars.

Through its acts, omissions, and agreements with the United States, Defendant DCDM orchestrated, committed, aided and abetted, and/or conspired, to commit the harms alleged in paragraphs 7-30.

50. Unknown corporate Defendants include, but are not limited to, commercial ventures doing business with and/or providing services to the military facility in Diego Garcia that orchestrated, committed, aided and abetted, and/or conspired to commit the harms alleged in paragraphs 7-30.

Class Allegations

51. Plaintiffs bring this action on behalf of themselves and all others similarly situated, pursuant to Federal Rules of Civil Procedure [23\(a\)](#), 23(b)(1)(B), 23(b)(2), and 23(b)(3), and in conformity with LCvR 32.1.

52. The class consists of approximately **4,466 men, women, and children** who were born in Chagos or are direct descendants of individuals born in Chagos.

53. The class is so numerous that joinder of individual Plaintiffs is impracticable.

54. There are common questions of law and fact among the class members, namely:

(i) whether Defendants' actions, including forcibly displacing Plaintiffs from Chagos, occupation and destruction of Plaintiffs' homes and industry, and systematic refusal to hire Plaintiffs for civilian jobs on the grounds of national origin, give rise to liability under the laws, statutes, treaties, and other legal authorities cited herein; and

(ii) the extent of damages sustained by class members and the appropriate measure of damages. **{p.28}**

55. Each class representative is a member of the class, and each holds claims and sustained damages from Defendants' wrongful conduct that are typical of the class as a whole, Olivier Bancoult was born in Chagos and adequately represents the class members who were denied by Defendants and/or their agents the right to return home to Chagos after normal, legal travel and who were denied employment based on national origin. Jeanette Alexis was born in Chagos. Her mother, Therese Mein, was a third generation native of Diego Garcia. She adequately represents the class members who were forced onto ships and removed from their homeland by Defendants and/or their agents. Marie Isabelle France-Charlot was born in Mauritius in 1978. Daughter of a native Chagossian, she adequately represents the members of the class forced to endure the social, cultural and economic oppression that resulted from Defendants' actions and/or those of their agents. Each of the representatives will fairly and adequately protect the interests of the class, as evidenced both by their democratic election by the class and their involvement in Chagossian organizations,

56. This action is properly maintained as a class action under Fed. R. Civ. P. [23\(b\)\(1\)\(B\)](#). The prosecution of separate claims by individual members of the class creates the risk of adjudication with respect to individual members not parties to the adjudication which would be dispositive of their interests or substantially impair or impede their ability to protect their interests. In the absence of a class action, individual and piecemeal adjudications may produce injustice for class members who are not parties to the individual adjudications and may be unable as a practical matter to bring their own individual suit.

57. This action also is properly maintained under Fed. R. Civ. P. [23\(b\)\(2\)](#) because Defendants acted or refused to act on grounds generally applicable to the class. Specifically: **{p.29}**

- a. Planning, ordering, directing, carrying out, and/or aiding and abetting the forcible removal of Plaintiffs from Chagos;
- b. Planning, ordering, directing, carrying out, and/or aiding and abetting the destruction of Plaintiffs' real and personal property, their community, and their way of life;
- c. Planning, ordering, directing, carrying out, and/or aiding and abetting the continued denial of employment on the grounds of national origin; and
- d. Planning, ordering, directing, carrying out, and/or aiding and abetting the continuing denial of their right to return to Chagos and reestablish their community and way of life.

Accordingly, final injunctive relief or corresponding declaratory relief with respect to the class as a whole is not only appropriate, but of the greatest importance to Plaintiffs.

58. Furthermore, this action is properly maintained under Fed. R. Civ. P. [23\(b\)\(3\)](#) because the common questions of law and fact predominate over any questions affecting only individual members, and a class action is superior to other available methods for the fair and efficient adjudication of the controversy. Individual interests in separate actions have not arisen, nor has any individual class member in fact initiated his own case. Because a substantial part of the acts and omissions giving rise to the claims occurred within this forum, it is desirable to litigate in the District of Columbia where Plaintiffs expect evidence to be concentrated. Given the homogeneity of Plaintiffs and their level of organization, few difficulties are likely to arise in the management of the class action; neither internal disputes among class members nor problems with notice have been or will be present. **{p.30}**

First Claim for Relief

(Forced Relocation)

59. Plaintiffs incorporate paragraphs [7 through 30](#) as though set forth at length.

60. The acts against Plaintiffs include the systematic and forcible removal of Plaintiffs from their homeland. Defendants forcibly removed Plaintiffs without minimal procedural guarantees, such as: public consultation or endorsement; consent of Plaintiffs; and without discriminatory motivation. Furthermore, Defendants carried out the forcible relocation of Plaintiffs employing torture, threats, force, and conduct amounting to cruel, inhuman, and degrading treatment. Finally, Defendants' actions negatively impacted Plaintiffs' enjoyment of their fundamental human rights in a manner violating international law. These rights guarantee a person's rights to liberty and security; freedom from arbitrary detention; freedom from exile; and freedom from arbitrary interference with one's privacy, family and home. These rights further guarantee freedom of movement and residence, and the right to human dignity. Such forced relocation violates fundamental, universal, and non-derogable international norms of human rights. The continued denial of Plaintiffs' right to return from the initial acts of removal in 1964 to the present day constitute a continuation of the forced relocation.

61. The Defendants engaged in wrongful conduct in the following ways:

a. (i) Defendant United States of America, and its officers and agents, and Defendants Robert S. McNamara, Thomas H. Moorer, Melvin R. Laird, James Schlesinger, George T. Churchill, Donald H. Rumsfeld, James L. Holloway, and Eric D. Newsome, acting in their official and individual capacities, intentionally and willfully directed, aided and abetted, encouraged, participated in, and/or conspired to deny Plaintiffs' return to Chagos after normal legal travel outside the archipelago, starved Plaintiffs off of their islands, **{p.31}** removed Plaintiffs by force, constructed and/or authorized construction and expansion of facilities on Diego Garcia resulting in the destruction of Plaintiffs' homes, communities, and livelihoods. Defendant United States of America continues to occupy the islands for military purposes and continues to deny Plaintiffs, through its officials, agents, and contractors, their lawful right to return. Defendants' actions deprived Plaintiffs of the use of their real property, housing, crops,

and livestock. The Defendants knew, or should have known, that Plaintiffs constituted a permanent population.

(ii) Defendants intentionally and willfully exiled, aided and abetted in the exile of, and/or conspired to exile Plaintiffs from their homeland. Defendants knew, or should have known, that their acts and omissions placed Plaintiffs into living conditions of abject poverty with insufficient or no compensation. Defendants' actions resulted in extreme physical and mental hardship and permanently retarded the economic, social, and cultural development of Plaintiffs.

(iii) Defendants intentionally engaged in, encouraged, and condoned activities with the intent to intimidate and coerce Plaintiffs to leave the Chagos Archipelago by 1973. These methods included the use of force, trickery, and deceit. Through their actions to remove Plaintiffs from Chagos, Defendants committed acts of torture. Plaintiffs experienced severe mental and physical suffering as a direct result of Defendants' acts.

(iv) In addition to fraudulently concealing the indigenous status of the Chagossian people from the United Nations, U.S. Congress, and other interested parties, Defendants fraudulently concealed the extent of their knowledge and involvement in the forcible relocation of Plaintiffs. {p.32}

b. Defendant Halliburton and/or Defendant Brown & Root intentionally and willfully directed, aided and abetted, encouraged, participated in, and/or conspired to continue the forcible relocation of Plaintiffs through construction and expansion of the military facilities on Diego Garcia. Members of the board of directors knew or should have known of the illegal removal of the Chagossian population. By the time Halliburton and/or Brown & Root arrived on Diego Garcia, the illegal removal of Plaintiffs had been widely publicized and Congressional hearings about the issue had been held. Moreover, upon arrival in Diego Garcia, employees of Halliburton and/or Brown & Root noticed or should have noticed Plaintiffs' houses, villages, churches, graveyards, and other structures. The actions of the board of directors and employees resulted in the continued destruction of Plaintiffs' culture, homes, and livelihood, contributing directly to their continuing forced relocation.

c. Defendant DCDM intentionally and willfully conspires, encourages, participates, aids and abets the forced relocation of Plaintiffs from their homeland. DCDM's discriminatory hiring practices prevent Plaintiffs from exercising their lawful right to return to their homeland and contribute to the overall forcible removal of Plaintiffs.

Second Claim for Relief

(Torture)

62. Plaintiffs incorporate paragraphs [7 through 30](#) as though set forth at length.

63. The acts described herein constitute torture, defined as ¶

“any act by which severe pain and suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as ... intimidating him or other persons, or for any reason {p.33} based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.” ¶

[\(Convention against Torture, 1465 U.N.T.S. 85, 113, Art I\)](#) {cited [above](#)}.

64. The acts described herein placed Plaintiffs in great fear for their lives and caused them to suffer severe and continuing physical and mental pain and suffering.

65. Defendant United States of America and its officers and agents and Defendants Robert S. McNamara, Thomas H. Moorer, Melvin R. Laird, and Eric D. Newsome acting in their official and individual capacities intentionally and maliciously directed, aided and abetted, encouraged, participated in, and/or conspired to commit acts of torture. These acts include, but are not limited to: acts of mental and physical intimidation; disallowing Plaintiffs to return to Chagos after brief trips to Mauritius or Seychelles, and thereby cutting Plaintiffs off from their families, friends, community, and way of life; transporting Plaintiffs off the islands in overcrowded boats and without provisions; forcing Plaintiffs to remain in unsanitary conditions aboard the boat; holding Plaintiffs captive on boats for several days; and stranding Plaintiffs in Mauritius and the Seychelles without provisions, housing, compensation, or any kind of support while being fully aware of the likelihood that Plaintiffs would be forced to live in impoverished conditions.

66. By failing to rectify Plaintiffs' situation, Defendants exacerbated and/or continued Plaintiffs' mental and physical suffering, resulting in continued torture of Plaintiffs over the past four decades and into the future.

67. Defendant Halliburton and/or Defendant Brown & Root, and other unnamed corporations intentionally conspired, directly encouraged, participated in, and/or aided and abetted Plaintiffs' continuing torture. Defendants contributed to and/or exacerbated Plaintiffs' mental anguish by {p.34} constructing and expanding the facilities on Diego Garcia. The construction of the facilities destroyed Plaintiffs' land, property, livestock, and livelihood. Moreover Defendants' activities on the island amounted to acts of intimidation and were based on discriminatory policies in violation of international law.

68. DCDM intentionally conspired, directly contributed to, encouraged, aided and abetted, and/or participated in the continuing torture of Plaintiffs through its discriminatory hiring practices. Such hiring practices further intimidated and discriminated against Plaintiffs, thus contributing to their mental anguish and impoverished living conditions,

69. Defendants deliberately and intentionally inflicted the acts described herein.

Third Claim for Relief

(Racial Discrimination)

70. Plaintiffs incorporate paragraphs [7 through 30](#) as though set forth at length.

71. The acts against Plaintiffs constitute a systematic campaign of racial discrimination. These acts were committed with the intent of and/or resulted in "nullifying and impairing the recognition, enjoyment or exercise, on equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life" of Plaintiffs as reflected in and defined by the [International Convention on the Elimination of all Forms of Racial Discrimination](#), 660 U.N.T.S. 195 (March 7, 1966) {cited above}, customary international law, and the [Restatement of the Law \(Third\) of the Foreign Relations Law of the United States](#) {ISBN: [0314301380](#), LCCN: [86020665](#), [WorldCat](#)}.

72. Defendant United States of America, through its officers and agents, and Defendants Robert S. McNamara, Thomas H. Moorer, and Melvin R. Laird removed Plaintiffs from their homeland based on their race and ethnic background. {p.35}

73. Defendants United States of America, Robert S. McNamara, Donald H. Rumsfeld, Thomas H. Moorer, Melvin R. Laird, James R. Schlesinger, George T. Churchill, James L. Holloway, and Eric D. Newsome denied and continue to deny Plaintiffs their lawful right to return to Chagos based on their race, nationality, and ethnic background.

74. Defendant United States of America, through its officers and agents, has denied and continues to deny Plaintiffs employment on Diego Garcia based solely on Plaintiffs' racial and ethnic status.

75. Defendant Halliburton and/or Defendant Brown & Root implemented discriminatory hiring practices, refusing to hire Plaintiffs on the basis of their race and ethnic background.

76. Defendant DCDM implements discriminatory hiring practices, refusing to hire Plaintiffs on the basis of their race and ethnic background.

77. Named Plaintiffs and each unnamed member of the class have suffered and continue to suffer from distinctions, restrictions, and exclusions based on their race, descent, and national or ethnic origin.

Fourth Claim for Relief

(Cruel, Inhuman, or Degrading Treatment)

78. Plaintiffs incorporate paragraphs [7 through 30](#) as though set forth at length.

79. The acts described herein had the intent and the effect of grossly humiliating and debasing Plaintiffs, forcing them to act against their will and conscience, inciting fear and anguish, breaking physical and moral resistance, and/or forcing them to leave their homes and country into exile. These acts constitute cruel, inhuman, or degrading treatment in violation of {p.36} customary international law, the common law of the United States, and the law of the District of Columbia.

80. Defendant United States of America, its officers and agents, and Defendants Robert S. McNamara, Donald H. Rumsfeld, Thomas H. Moorer, Melvin R. Laird, James R. Schlesinger, George T. Churchill, James L. Holloway, and Eric D. Newsome intentionally and willfully ordered, aided and abetted, conspired, and caused Plaintiffs to leave their homes and country for a life in exile and cause Plaintiffs to remain in exile. As a result of Defendants' actions, Plaintiffs suffered and continue to suffer severe physical and psychological abuse, and constantly live in fear of losing their lives.

81. As an intended result of Defendants' actions, Plaintiffs continue to suffer the effects of severe physical and psychological abuse and continue to live in exile in impoverished conditions.

Fifth Claim for Relief

(Genocide)

82. Plaintiffs incorporate paragraphs [7 through 30](#) as though set forth at length.

83. Defendants United States of America, its officers and agents, and Defendants Robert S. McNamara, Thomas H. Moorer, and Melvin R. Laird, and Eric D. Newsome, acting in their official and individual capacities intentionally and maliciously directed, aided and abetted,

encouraged, participated in, and/or conspired to commit genocide. Defendants attempted to destroy in whole, or in part, Plaintiffs' ethnic and racial community through, but not limited to, the following acts: separating family members, dividing the group between two entirely separate countries, manipulating Plaintiffs' citizenship status, planning Plaintiffs' removal in order to deny Plaintiffs their rights as a people, exposing Plaintiffs to diseases previously unknown to the {p.37} group, and settling Plaintiffs in impoverished and degrading conditions bringing about the destruction of Plaintiffs' society.

84. Defendant Halliburton and/or Defendant Brown & Root intentionally and willfully conspired, aided and abetted, encouraged, and participated in the commission of genocide against Plaintiffs.

85. Defendant DCDM intentionally and willfully conspired, aided and abetted, encouraged, and participated in the commission of genocide against Plaintiffs.

86. Defendants' acts and omissions caused the destruction of Plaintiffs' ethnic and racial community. Defendants' continued actions constitute a systematic and continuous campaign of genocide ensuring the destruction of the Chagossians.

87. Defendants' failure to take action to rectify the damage caused by their predecessors and their continued occupation and use of Plaintiffs' homeland amounts to inflicting a continuing campaign of genocide on Plaintiffs and is actionable under the [Convention on the Prevention and Punishment of the Crime of Genocide](#) {cited above}, 18 U.S.C. § [1091](#), and customary international law.

Sixth Claim for Relief

(Intentional Infliction of Emotional Distress)

88. Plaintiffs incorporate paragraphs [7 through 30](#) as though set forth at length.

89. Defendants Robert S. McNamara, Donald H. Rumsfeld, Thomas H. Moorer, Melvin R. Laird, James R. Schlesinger, George T. Churchill, James L. Holloway, Eric D. Newsome, Halliburton, and Brown & Root, intentionally and willfully caused the forced relocation; torture; genocide; cruel, inhuman, and degrading treatment; negligence; expropriation of property; and {p.38} intimidation and obstruction of justice. This constitutes outrageous conduct in violation of normal standards of decency and were without privilege or justification.

89.1 DCDM intentionally and willfully caused the forced relocation; torture; genocide; cruel, inhuman, and degrading treatment; negligence; expropriation of property; and intimidation and obstruction of justice. This constitutes outrageous conduct in violation of normal standards of decency and were without privilege or justification

90. Defendants' conduct was willful, designed, reckless, and oppressive and caused named Plaintiffs to suffer humiliation, mental anguish, and extreme emotional and physical distress.

91. As a result of Defendants' actions, Plaintiffs were removed from their land, forcibly relocated to countries with different languages and cultures, placed in great fear for their lives, deprived of their freedom, and caused to suffer severe physical and psychological abuse and agony.

92. Defendants' outrageous conduct constitutes the intentional infliction of emotional distress and is actionable under the laws of the District of Columbia and the United States.

Seventh Claim for Relief

(Negligence)

93. Plaintiffs incorporate paragraphs [7 through 30](#) as though set forth at length.

94. Defendants Robert S. McNamara, Thomas H. Moorer, Melvin R. Laird, James R. Schlesinger, George T. Churchill, Donald H. Rumsfeld, James L. Holloway, and Eric D. Newsome's actions subjected Plaintiffs to conditions during and after their removal from Chagos that resulted in injuries to Plaintiffs. Defendants knew, or should have known, injuries would **{p.39}** result from Defendants' breach of duty. Injuries include, but are not limited to, illness, physical injury, and death, proximately caused by Defendants' acts and omissions.

95. Defendants had a duty to ensure that conditions during the forced removal of Plaintiffs did not endanger Plaintiffs' health and well-being. Defendants failed to meet this duty.

96. Defendants had a duty to Plaintiffs to ensure their relocation occurred in a manner so as to continue their health and well being. As a proximate result of Defendants' breach of that duty, Plaintiffs suffered and continue to suffer various foreseeable injuries, including, but not limited to, illness, malnutrition, physical injury, and death. Prior to interference by Defendants as described herein, Plaintiffs maintained a way of life in Chagos which met their basic human needs, including access to adequate food, clean water, medical care, employment, and housing. After Plaintiffs' relocation to Mauritius and the Seychelles, Defendants neglected them, leaving the class without proper access to food, medical attention, employment, and other basic human needs recognized by civilized people.

97. Defendants' conduct constitutes negligence and is actionable under the laws of the District of Columbia and the United States.

Eighth Claim for Relief

(Trespass)

98. Plaintiffs incorporate paragraphs [7 through 30](#) as though set forth at length.

99. Defendant Halliburton and/or Defendant Brown & Root deliberately intruded onto Plaintiffs' property to construct naval facilities for the U.S. government. This construction deprived Plaintiffs of their land, homes, and oil and mineral rights. In addition, this construction polluted Plaintiffs' property. **{p.40}**

100. Defendant Halliburton and/or Defendant Brown & Root deprived Plaintiffs of their basic property rights constituting trespass.

101. Defendants' conduct constitutes trespass and is actionable under the laws of the District of Columbia and the United States.

Damages and Relief

102. As a proximate result of Defendants' actions, Plaintiffs suffered forced relocation; torture; genocide; racial discrimination; cruel, inhuman, and degrading treatment; the effects of gross negligence; and irreparable damage to property.

103. As a proximate result of Defendants' actions, each member of the class has been damaged in an amount to be determined at trial but in excess of \$2,000,000 per person.

104. Because the harms complained of cannot be adequately recompensed by money damages, and are irreparable, including but not limited to forcible dispossession of their

homes, Plaintiffs are entitled to injunctive relief directing, among other things: an immediate return to Chagos and limited commercial access to the airstrip on Diego Garcia.

105. Plaintiffs are entitled to equal access to Chagos and equal access to employment opportunities on Diego Garcia.

106. Plaintiffs also are entitled to a declaration that their removal was wrongful and violated their fundamental human rights.

Prayer for Relief

Wherefore, each Plaintiff prays for judgment against Defendants as follows:

- i For compensatory damages according to proof; **{p.41}**
- ii For punitive and exemplary damages according to proof;
- iii For reasonable attorneys' fees and costs of suit, according to proof;
- iv Injunctive and declaratory relief; and
- v For such other and further relief as the court may deem just and proper.

A jury trial is demanded on all issues.

Dated: November 6, 2003

Washington, DC

Respectfully submitted,

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{Signature}

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