

## 42. Brief of Evidence of Paul Julian Treadwell

**Brief of Evidence of Paul Julian Treadwell**

Supreme Court

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**Introduction**

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1 I am a barrister and solicitor of the High Court of New Zealand. Since 1979 I have been retained as the honorary Legal Adviser to the Governor of the Pitcairn Islands, who is also the British High Commissioner to New Zealand, based in Wellington.

Brief of Evidence of  
Paul Treadwell

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**Qualifications and Experience**

2 I commenced legal practice in New Zealand in 1953 and was admitted to the New Zealand Bar in 1954. From 1954 until 1963 I was engaged in general practice in New Zealand working in our family firm, Treadwells, in Wellington.

21 April 2005

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3 In 1963 I commenced a period of legal practice in the British colonial service in East Africa. I was appointed as Senior Assistant Legal Secretary to the East African Authority. In that capacity I had a statutory right of audience in the Courts of Kenya, Uganda and Tanganyika (which became Tanzania during my period in East Africa). I also had a right of audience in the courts of Zanzibar.

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4 In 1967 I returned to New Zealand and from 1968 until October 1969 I worked as Crown counsel in the Crown Law Office in Auckland.

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5 I then accepted appointment as Legal Adviser in the British administration of the New Hebrides and was later appointed Attorney General. I held those two positions during the period October 1969 until 1976.

6 In 1974 I was appointed an officer of the Order of the British Empire. I was later admitted to the Inner Bar of the High Court of the New Hebrides.

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7 I then spent a year in New Zealand in the employment of the British Government drafting unified legal and judicial codes for (now) Vanuatu.

8 In 1977 I joined the Auckland firm of Daniel Overton and Goulding and became a partner. My appointment as honorary Legal Adviser to the Governor of Pitcairn in 1979 was held in conjunction with my general practice of law at Daniel Overton and Goulding and later with my practice as a barrister sole from 1991.

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9 I moved from Auckland in 1994 with the intention of retiring from New Zealand legal practice. However, I continued to accept appointments to represent children in cases in the Family Court up until 2003 and to act as legal adviser to the Governor of Pitcairn.

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**Duties/Role of the Honorary Legal Adviser****Supreme Court****42**Brief of Evidence of  
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10 The scope of my involvement with the Governor's office was not demanding in the early years. I had intermittent contact with the Commissioner and to a lesser degree with the Deputy Governor. I was occasionally in touch with the inner workings of the administration, furnishing advice and drafting legislation on various ad hoc instructions.

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11 I have been employed throughout on the basis of a retainer of an indefinite term. In the mid-1990s the tempo of my work for Pitcairn began to make increasing calls upon my practice.

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12 At meetings arranged by the Governor in Wellington and Auckland to consider my proposal for reform of land tenure on Pitcairn I met many Pitcariners. I have always been willing and keen to visit Pitcairn. But for various reasons I have not been able to do so.

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13 From 1987 onwards I reported generally upon the legal and judicial structures in place. I was subsequently instructed to advise on the reform of the laws of Pitcairn to provide a workable and modern system of justice.

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## 43. Brief of Evidence of Peter Geoffrey George

## BRIEF OF EVIDENCE

see also page  
44, this  
is evidence

Supreme Court

a **Peter Geoffrey GEORGE states**

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**Introduction**

Brief of Evidence of  
Peter George

b 1 My full name is Peter Geoffrey GEORGE.

2 I am a retired Detective Inspector with Kent Police.

26 April 2005

3 I retired after 30 years service on 3 May 2000.

c 4 I am currently employed as a civilian employee with Kent Police.

**1996 Investigation**

d 5 My first involvement with the Pitcairn Islands was in 1996 when the Kent Police received a request from the Foreign and Commonwealth Office ("FCO") to provide personnel to investigate an allegation of sexual offending on Pitcairn Island.

e 6 Together with Detective Superintendent McGOOKIN, also of Kent Police, I was tasked to conduct an investigation into allegations of rape committed by a suspect on an 11-year-old girl, an Australian citizen on Pitcairn Island. The complainant in that case is not a complainant in the current trials and the suspect is not one of those currently before the Supreme Court.

f 7 As a consequence, Detective Superintendent McGOOKIN and I were appointed Pitcairn Island Constables on 18 September 1996.

g 8 Prior to leaving for Pitcairn DS McGOOKIN and I met with the Pitcairn Island Legal Adviser, Mr Paul Treadwell who advised us that English Law as at 1983 was applied to Pitcairn Island.

h 9 We were also made aware, by him of the existence Ordinances that had been enacted for Pitcairn Island.

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Brief of Evidence of  
Peter George

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- 10 I was aware that that the English law of rape had been applied to the Island. a
- 11 On 25 September 1996 we arrived on Pitcairn Island to conduct the investigation. The complainant had already been video interviewed by NZ Police in Auckland. b
- 12 On 26 September 1996, we conducted a contemporaneous interview with the suspect, who was legally represented by David LAURENSEN a lawyer from Wellington, New Zealand. c
- 13 During the course of this interview, the suspect denied rape but admitted to having had consensual sex with the complainant on 6 separate occasions. c
- 14 These instances of consensual sex had taken place before and after the Complainant's 12<sup>th</sup> birthday. d
- 15 Following consideration of the evidence we had gathered, and telephone consultations with Mr Treadwell, it was decided the offence of rape was not supported by the evidence. e
- 16 Consequently, on 30 September 1996, the suspect was formally cautioned for offences of unlawful sexual intercourse with a girl under 13 years, which was an offence under s88 (Part X) of the Justice Ordinance and also contrary to section 5 Sexual Offences Act 1956 (UK). No criminal prosecution took place. f
- 17 Following this investigation, it was agreed between the FCO and the Kent County Constabulary that Kent Police would send a Police officer to Pitcairn for a 3 month tour of duty every two years to train and support the existing Island officer. g
- 18 WPC Gail COX was selected for this duty, due to her skills in the area of community policing. She was appointed a Pitcairn Island Police officer in September 1997. h
- 19 In September 1997 she left the UK for her first visit to Pitcairn.

a 20 She returned to the United Kingdom in January 1998.

21 Her second visit to Pitcairn Island was in September 1999.

b 22 During this visit, the allegation by complainant 'A' that prompted this enquiry was first made to her. She took a statement from her.

**Allegation in 1999/2000**

c 23 In or about January 2000, I am aware that Kent Police were requested by the FCO to investigate allegations of rape on complainant 'A' on Pitcairn Island. The statement made by complainant 'A' included allegations of rape against both Randall CHRISTIAN and an accomplice, including an allegation that they had jointly raped her at the age of 11 while she was gagged and held to the ground. We were aware of one other complaint that had been made by d complainant 'B' about a sexual assault committed on her by Randall CHRISTIAN. She had made this statement to the New Zealand police.

e 24 Together with Detective Inspector Vinson, I was requested to interview the two suspects.

25 The enquiry was under the direction of Detective Superintendent McGOOKIN, who in turn reported to Deputy Chief Constable AYLING.

f 26 The FCO requested we report our findings direct to The Pitcairn Public Prosecutor, Mr. Simon Moore, who had recently been appointed.

g 27 Consequently, Detective Inspector Vinson and I travelled to New Zealand on 3 April 2000 to commence the investigation.

28 On 6 April 2000 Detective Inspector Rob VINSON was appointed a Pitcairn Island Police Officer.

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29 On 6 April 2000 we met with Mr. Simon Moore who advised that as far as the crime of rape was concerned the English Law of rape as at 1983 had been applied to Pitcairn Island.

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30 Subsequently we travelled to Australia and Norfolk Island where we conducted interviews with both suspects. In conducting these interviews we adhered to the spirit of the Police and Criminal Evidence Act 1984 (UK). With the assistance of Australian Police Officers, we also complied with Australian procedures for the interviewing of suspects.

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31 After conducting these interviews we returned to New Zealand.

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32 As a result of information emerging from these interviews further enquiries were carried out in New Zealand, which resulted in us speaking to complainant 'C'. She was initially spoken to as a potential witness to the offending against complainant 'A'. However when we spoke to her, she informed us she had also been the victim of rape as a young child and made a statement to this effect. She named several other Pitcairn men who had committed sexual offences against her.

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33 She also informed us that sexual abuse of young girls was common practice on Pitcairn Island. It became apparent to us that the sexual abuse may have been far more wide spread.

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#### **Operation Unique**

34 The Pitcairn Public Prosecutor was updated with this information and we returned to the UK on 24 April 2000.

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35 A meeting was held at the FCO shortly after with Kent Police. Having regard to the evidence that offending was more widespread than initially realised we, as investigating Police officers, took the view that a wider investigation should take place to establish the scale of this alleged abuse. The FCO provided the funding for this widened investigation.

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Brief of Evidence of  
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26 April 2005

- a 36 Our role was to establish the level of offending, interview other complainants, if any, gather the evidence, interview other suspects, if any and refer the evidence to the Pitcairn Public Prosecutor.
- b 37 The continued investigation was also to be carried out by Pitcairn police Officers drawn from the Kent Police under the direction of Detective Superintendent McGOOKIN and overseen by DCC AYLING. Again we were to report directly to the Public Prosecutor.
- c 38 The FCO were responsible for funding and logistics but had no involvement in directing the investigation.
- d 39 I retired from the Police on 3 May 2000, but continued with the investigation with Detective Inspector Vinson.
- 40 I returned to New Zealand on 29 May 2000 with a view to completing the investigation into the complaint of rape made by complainant 'A'.
- e 41 Between 1 June 2000 and 1 April 2001 we interviewed a total of 24 women who made allegations of sexual abuse ranging from rape, indecent assaults, and unlawful sexual intercourse and incest. These statements were taken in New Zealand, Australia, the United States and England. Between 2 April and f 17 April 2001, as a result of a statement taken from a male Pitcairn Islander in November 2000, we also investigated the possibility of sexual abuse on males on Pitcairn Island.
- g 42 The best way of describing the way in which the investigation developed was that it "snowballed". One complainant/witness often identified another complainant and so on.
- h 43 Between 1 June 2000 and 1 May 2001, a total of 19 suspects were approached for the purposes of interview. Of these, 12 consented to an interview. A number of suspects were interviewed more than once.

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**Lawyers Present During Suspect Interviews Conducted on Pitcairn Island**Brief of Evidence of  
Peter George

26 April 2005

- 44 As part of the process of interviewing suspects. In late August 2000, Detective Inspector Vinson and I accompanied by Detective Constable Paula Feast of New Zealand Police, but again appointed as a Pitcairn Police Officer, travelled to Pitcairn Island to carry out suspect interviews. a b
- 45 Two New Zealand lawyers from Simpson Grierson, Mark Kelly and Emily Yri, who had been appointed to represent the suspects, accompanied us,. c
- 46 Prior to this trip we had not met them before.
- 47 Our route was via Tahiti to Mangareva Island and then onward to Pitcairn by a small chartered yacht. d
- 48 At no time prior to getting to Pitcairn Island was the case discussed with the lawyers.
- 49 We arrived on Pitcairn Island on 1 September 2000 e
- 50 I am aware from a report prepared by Leon SALT, the Pitcairn Island Commissioner, that on 3 September 2000 a public meeting was held, chaired by Mr SALT. We were not present. f
- 51 I believe that the Pitcairn Islanders were informed by him of the presence of the two lawyers, who were available to provide legal advice.
- 52 Before any interviews took place, the lawyers were given full disclosures of the allegations made against their clients. Detective Inspector VINSON and myself spent some time with the lawyers explaining to them in detail the allegations that had been made about each of the defendants and what we were proposing to put to them if they consented to giving an interview. g h
- 53 I believe these disclosures were on 4 September 2000.



Supreme Court

- a 54 On 6 September 2000 the first suspect interviews were conducted at the Lodge, Pitcairn Island
- b 55 Prior to the interviews taking place, the suspects were given the opportunity to consult with the lawyers.
- 56 In each case the suspects took advantage of this.
- 57 The defence lawyers dictated the consultation time required.
- c 58 This consultation time varied between 50 minutes and 2.5 hours
- 59 In my experience the length of these consultations reflected the thoroughness and professionalism, with which I perceived the lawyers acted throughout our
- d 60 In fact the consultation time exceeded the time I would have expected from my experience in the UK.
- e 61 At the conclusion of the consultation, each suspect agreed to a video interview being conducted. In every case the suspect was interviewed in the presence of the lawyers.
- f 62 During many of the interviews the lawyers were active in representing their clients and reminding them of their right to silence.
- 63 My overall opinion of both lawyers is that they acted with a high degree of professionalism and competence and carried out their duties to a high
- g 64 They compared very well with UK based lawyers I have experienced.
- h 65 On 8 September 2000 a further public meeting was held, chaired by Mr Salt.

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Brief of Evidence of  
Peter George

26 April 2005

## Supreme Court

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Brief of Evidence of  
Peter George

26 April 2005

- 66 Police officers and defence lawyers were also present and informed the community in response to questioning that the enquiry could take up to 3 years to resolve. a
- 67 On 9 September we left Pitcairn aboard the same yacht and returned to New Zealand via Tahiti. b
- 68 In March 2001 I returned to Pitcairn Island to re-interview Dave BROWN and Dennis CHRISTIAN about alleged offending. These interviews took place on Pitcairn Island on 28 March 2001. I am unsure of the dates that we travelled to and from the Island, but we travelled by container ship, which takes approximately 8 days one way. c
- 69 Mark KELLY also travelled with us to the Island on this occasion to provide legal advice to the suspects. While on the Island he spoke to both the suspects we intended to interview, but also the other suspects we had interviewed the year before in September. d
- 70 Prior to interviews we gave him a full disclosure of the allegations we proposed to talk to the suspects about, and like before he spent time with them, in private, prior to us interviewing them. Mark KELLY was present during the interviews. As in September, he appeared to me to demonstrate a high degree of competence and professionalism e
- 71 We had also intended talking to Steve CHRISTIAN as a suspect on this occasion. As Mark KELLY was there to provide legal advice to suspects we approached him, disclosed to him the allegations that we wished to discuss with the suspect, and requested that he discuss this with Steve CHRISTIAN. Mark KELLY later advised us that he had spoken to Steve CHRISTIAN and that he had declined to be interviewed. We did not interview him on this occasion. f
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**Other Enquiries**

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72 In addition to complainants and suspects, potential witnesses were also identified and, when possible, spoken to.

Brief of Evidence of  
Peter George

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73 In the beginning of 2002, Detective Inspector VINSON, Constable VAUGHAN and myself completed investigations in relation to documentary material, which assisted in establishing time lines for complainants and suspects. In March 2002 the case papers were also completed and submitted to the Public Prosecutor.

26 April 2005

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74 Throughout the period of the investigation, from January 2000 to March 2002, and also in the period following the submission of case papers to the Public Prosecutor, a total of 14 complainants who had made statements to us about allegations of sexual abuse, withdrew their support for the prosecution (without withdrawing their allegations) and indicated to us that they would not give evidence about the sexual abuse they had described to us, in the event that charges were laid and defendants prosecuted. Two other women made complaints but would not name their abusers.

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44. Facts Agreed by the Public Prosecutor and Public Defender

Supreme Court

IN THE PITCAIRN ISLANDS  
SUPREME COURT

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Trials No. 1-54/2003

Facts Agreed by the  
Public Prosecutor and  
Public Defender

BETWEEN            THE QUEEN

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A N D                6 named accused

27 April 2005

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**FACTS AGREED BY THE PUBLIC PROSECUTOR AND  
PUBLIC DEFENDER  
Dated 27 April 2005**

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Filed jointly by: Simon Moore, Public Prosecutor of Pitcairn Islands  
Paul Dacre, Public Defender of Pitcairn Islands.

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**FACTS AGREED BY THE PUBLIC PROSECUTOR AND  
PUBLIC DEFENDER  
Dated 27 April 2005**

44

Facts Agreed by the  
Public Prosecutor and  
Public Defender

**The Public Prosecutor and Public Defender agree the  
following facts:**

27 April 2005

- 1 Since 1979, Mr Paul Treadwell OBE, a New Zealand barrister and solicitor, has been retained as the honorary Legal Adviser to the Governor of the Pitcairn Islands. He succeeded Mr Donald McLoughlin LLB, who had held the position from approximately 1950.
- 2 On 18 September 1996, Superintendent Dennis McGookin and Detective Inspector Peter George, both officers of the Kent County Constabulary, were appointed Pitcairn Island Police Officers. Their appointments followed a request from the Foreign and Commonwealth Office (FCO) to the Kent Country Constabulary to provide personnel to investigate an allegation of sexual offending, said to have occurred on Pitcairn Island.
- 3 On 25 September 1996, Superintendent McGookin and Detective Inspector George arrived on Pitcairn Island. The two officers interviewed a Pitcairn Islander in relation to the allegations referred to in paragraph 2.
- 4 On 30 September 1996, following consideration of admissions made by the offender and telephone consultations with the Legal Adviser, the offender was cautioned for offences under the Sexual Offences Act 1956 (UK) and the Justice Ordinance.

## Supreme Court

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Facts Agreed by the  
Public Prosecutor and  
Public Defender

27 April 2005

[8-3540]

[8-3570]

[8-3572]

5 In or about 1997 copies of Halsbury's Laws of England (4th edition) were received on Pitcairn Island.

6 Following the investigation referred to in paragraphs 2, 3 and 4, it was agreed between the FCO and the Kent County Constabulary that the Kent Police would send an officer to Pitcairn Island for a 3 month period every two years to train and support the Island Police Officer.

7 In accordance with this arrangement, Constable Gail Cox of the Kent County Constabulary was appointed a Pitcairn Island Police Officer in September 1997. She travelled to Pitcairn Island in October 1997. She returned to the UK in January 1998.

8 Constable Cox returned to Pitcairn Island in September 1999. On 11 December 1999, she investigated allegations of sexual offending against Ricky Quinn, a New Zealand citizen.

9 Ricky Quinn was charged with two offences. One charge was withdrawn, and on 20 December 1999 he pleaded guilty to the second, which was a charge of unlawful carnal knowledge contrary to s88 of the Justice Ordinance 1966.

10 It appears that the complainant was aged 15 at the time of the offence.

11 The Governor commuted Mr Quinn's sentence, and Mr Quinn left Pitcairn Island on 23 December 1999.

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a	12	On 16 December 1999, Mr Williams, the then Governor of Pitcairn, wrote to Mr CJB White, Head of the Overseas Territories Department of the FCO, referring to reports of sexual offending on Pitcairn.	<b>44</b>
b	13	During the course of Constable Cox's time on Pitcairn Island she took one statement from "A", a complainant in the present trials. The statement included allegations of rape.	Facts Agreed by the Public Prosecutor and Public Defender
c	14	Constable Cox took no other statements in relation to matters currently before the Pitcairn Courts.	<b>27 April 2005</b>
d	15	On 31 January 2000 Constable Gail Cox wrote to Leon Salt, the then Pitcairn Island Commissioner.	<b>[8-3562]</b>
e	16	In or about January 2000, the FCO requested the Kent County Constabulary to provide personnel to investigate the allegations of sexual offending made by "A" referred to above, and to report their findings directly to the individual to be appointed as Public Prosecutor for Pitcairn Island for a decision on prosecution.	<b>[8-3590]</b>
f	17	The FCO approved funding for the investigation and all matters relating to the inquiry and trial process. Decisions regarding investigative lines of inquiry were taken by the Police Officers concerned, without any direction from the FCO. The FCO received updates from the investigating Police Officers as to the progress of the investigation, for the purpose of ascertaining likely budgetary issues, and assessing future funding requirements.	
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## Supreme Court

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Facts Agreed by the  
Public Prosecutor and  
Public Defender

27 April 2005

- 18 Mr Gray Mitchell Cameron a barrister of Auckland was appointed a Magistrate of the Magistrate's Court effective from 1st February 2000.
- 19 On or about 6 March 2000, the Governor confirmed in writing earlier discussions with Mr Simon Moore, the Crown Solicitor for Auckland, who had agreed to accept appointment as the Pitcairn Public Prosecutor ("PPP"). The appointment took effect from 1 February 2000.
- 20 Subsequent to his appointment, the PPP had various communications with the Governor, police, and other parties concerning the investigation and matters relevant to it.
- 21 On 6 April 2000, Detective Inspector Rob Vinson, an officer of the Kent County Constabulary, was appointed a Pitcairn Island Police Officer.
- 22 On 6 April 2000, Constable Cox met with the PPP, Detective Inspector Vinson, and Detective Inspector George, in Auckland, and briefed them about her time on Pitcairn.
- 23 After this meeting Constable Cox took up another posting, and had no further involvement in Pitcairn matters.
- 24 Detective Inspector George and Detective Inspector Vinson, overseen by Detective Superintendent McGookin, carried out further investigations relating to possible victims and suspects on Pitcairn Island and elsewhere between April 2000 and June 2002.

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- 25 As part of the investigation, the Police identified all females under the age of 16 who had lived on Pitcairn Island for any significant period between 1980 and 2000. The vast majority of those females were interviewed. The only exceptions were those who were very young children at the time.
- b
- 26 On or about 1 May 2000, the Deputy Governor expressed a number of views to Mr Evans of the Foreign Office.
- c
- 27 In 2000, Baroness Scotland was the Minister for Overseas Territories. Baroness Scotland's views on the investigation were recorded in a letter from her Private Secretary on 10 May 2000.
- d
- 28 In or about June 2000 Judge Charles Blackie was appointed the Chief Justice for Pitcairn, Ducie, Henderson and Oeno Islands. Subsequently two other Supreme Court Justices were appointed, namely Judge Russell Johnson and Judge Jane Lovell-Smith. All three appointees are Judges from the New Zealand bench.
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- 29 On 8 August 2000 Senior Constable Karen Vaughan of the New Zealand Police was appointed a Pitcairn Island Police Officer. She assisted with the interviewing of complainants from the date of her appointment.
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- g
- 30 The investigating Police Officers consulted with Mr Moore from time to time during the investigation, and met with him on more than one occasion.
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- Facts Agreed by the  
Public Prosecutor and  
Public Defender
- 27 April 2005
- [8-3629]
- [8-3646]

Supreme Court

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Facts Agreed by the  
Public Prosecutor and  
Public Defender

27 April 2005

[1-309] -  
[1-310]

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Detective Inspector Vinson was not briefed on offences under the Justice Ordinance 1966 prior to commencing the investigation. Nor was he asked to consider issues relating to the applicable law. The role of Pitcairn Police Officers was to investigate the factual allegations made by complainants, to put allegations to suspects, to gather evidence, and to refer that evidence to the PPP for decisions as to the applicable law and decisions as to appropriate charges, if any.

32

Interviews were carried out with the on-island accused at various locations by Detective Inspector Vinson and Detective Inspector George:

Randall Christian on 12 April 2000 on Norfolk Island and 26 August 2000 on Norfolk Island;

Stevens Christian on 25 August 2000 on Norfolk Island and 16 November 2000 at Auckland;

Len Calvin Davis Brown on 7 September 2000 and 28 March 2001 on Pitcairn Island;

Len Carlisle Brown did not wish to participate in an interview;

Dennis Christian on 6 September 2000 and 28 March 2001 on Pitcairn Island;

Carlisle Terry Young on 6 September 2000 on Pitcairn Island.

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During the interview of Stevens Raymond Christian on Norfolk Island on 25 of August 2000, Mr Wayne

[8-3666]

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- a Richards, Solicitor of Norfolk Island made a series of comments to Detective Inspector George and Detective Inspector Vinson regarding the availability of British law on Norfolk Island.
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- 34 When on Pitcairn Island, Detective Inspector Vinson did not look to see whether there was a copy of the Sexual Offences Act 1956 on the Island.
- c
- 35 It was generally known by those on Pitcairn Island during the year 2000 that a major investigation into sexual offending was being conducted on Pitcairn Island and elsewhere.
- d
- 36 On 10 November 2000, a meeting was held at the British Consulate in Auckland.
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- 37 This meeting was attended by the Deputy Governor (Chair), Mr Treadwell, Mr Salt Commissioner for Pitcairn, Mr Ford the Registrar of the Pitcairn Courts, Detective Inspector George, Detective Inspector Vinson, Senior Constable Vaughan, Mr Steve Evans, Pitcairn desk officer, FCO and Melanie Morrison, British High Commission.
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- 38 The meeting was for the purpose of considering logistics in the event that the PPP decided he would lay charges against one or more persons.
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- 39 On 20 December 2000, the Chief Justice met with Baroness Scotland and officers of the Foreign Office.
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- 40 On 26 January 2001 Mr Moore was formally appointed as PPP, and Christine Gordon, a New

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Facts Agreed by the  
Public Prosecutor and  
Public Defender

27 April 2005

[1-310/f]

[8-3835]

## Supreme Court

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Zealand barrister and solicitor, was appointed Deputy Public Prosecutor.

Facts Agreed by the  
Public Prosecutor and  
Public Defender

41 In mid 2001 the PPP approached Mr Paul Dacre, an experienced criminal barrister of Auckland to ascertain whether he would be prepared to become involved in the case and provide a defence perspective on issues arising. Mr Dacre agreed to do this.

27 April 2005

42 In or about June/July 2001, a logistics team ("PLT") was established by the Governor's office for the purpose of providing logistics advice and support in the event of any Court hearings arising out of any decision by the Public Prosecutor to lay charges. The role of the PLT was to liaise with all parties likely to be affected by any trials, whether on Pitcairn or elsewhere.

43 On Friday, 20 July 2001, Mr Moore and Mr Dacre met with the PLT to observe a demonstration of a satellite video link for the purpose of considering the manner in which evidence might be given in any trials.

44 On the following day, Saturday, 21 July 2001, Mr Moore and Mr Dacre met with the two senior members of the PLT who were due to sail from New Zealand bound for Pitcairn Island on Monday, 23 July for the purpose of discussing the potential defence and prosecution requirements for each of the three trial venue options then under discussion, should any trials eventuate.

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45 On this occasion and at other times, there were also discussions involving the PPP, Mr Dacre, and the PLT about how many counsel might be required if charges were to be laid on Pitcairn Island. The reason for the involvement of the PLT in such discussions was to assess potential financial implications.

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Facts Agreed by the  
Public Prosecutor and  
Public Defender

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46 In October 2001 the PPP, the Deputy Public Prosecutor, a law clerk, and Senior Constable Vaughan travelled to Pitcairn Island for the purpose of considering public interest issues in relation to the exercise of the PPP's discretion to prosecute.

27 April 2005

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47 At a public meeting on Pitcairn Island on 22 October 2001, the PPP explained that the purpose of his visit was (inter alia) to consider the possible consequences of any prosecution on the Pitcairn Island community. He told the meeting that his decision on whether or not to prosecute could be made soon after his return to Auckland but that an announcement would be delayed because of other issues which could arise, particularly the venue for any trials.

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48 On the 28th March 2002, Mr Dacre's appointment as Public Defender for Pitcairn Island was formalised. Mr Allan Roberts, an experienced criminal barrister of Auckland was appointed his Deputy.

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49 In April 2002, the Public Prosecutor recorded a videotaped statement for Pitcairn Islanders, regarding his decision to lay charges.

[8-3913]

Supreme Court

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Facts Agreed by the  
Public Prosecutor and  
Public Defender

27 April 2005

[8-3917]

[8-3939]

[8-3944]

[8-3949]

50 At or about the same time, the Public Defender also recorded a videotaped statement for Pitcairn Islanders.

51 Both videos were played by the Governor's representative at a public meeting on Pitcairn Island on 6 May 2002.

52 On 20 May 2002, the Public Defender wrote to the Public Prosecutor with a number of requests.

53 The Public Prosecutor replied by way of letter dated 28 June 2002.

54 Throughout the course of 2002, discussions took place between representatives of Her Majesty's Government and the Government of New Zealand culminating, on 11 October 2002, in the "Agreement Between The Government Of New Zealand And The Government Of The United Kingdom Of Great Britain And Northern Ireland Concerning Trials Under Pitcairn Law In New Zealand And Related Matters" was signed.

55 On 18 December 2002 the Pitcairn Trials Act 2002 was passed, giving effect to this Agreement.

56 On 7 February 2003 a meeting was held with members of the PLT. Those present included the Deputy Governor, Public Prosecutor, Deputy Public Prosecutor, assisting prosecutor, Public Defender and Registrar. The purpose of the meeting was to discuss logistics of the journey proposed for the purpose of laying charges and initial appearances on Pitcairn Island.

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a		<b>44</b>
b	57 On or about 12 February 2003 the PPP and Public Defender each recorded a separate video message for the Pitcairn Island community. The videos were played at a public meeting prior to the arrival of the legal team in April 2003.	Facts Agreed by the Public Prosecutor and Public Defender
c	58 On 31 March 2003 the legal team consisting of Prosecutors, Defence Counsel, Magistrate, Registrar and police officers left Auckland for Pitcairn Island. On 4 April 2003, the PPP laid charges in these proceedings in the Pitcairn Magistrate's Court.	<b>27 April 2005</b>
d	59 In the United Kingdom it is standard practice for the Police, at a reasonably early stage in an investigation, to advise victims of crime that there is a Criminal Injuries Compensation Board, which is an independent body separate from the police that can make compensation available to victims of crime. In 2003, following advice from the PPP, the investigating police officers advised the complainants that they may be entitled to apply for compensation but that their entitlement was uncertain.	<b>[8-3975]</b>
e		<b>[8-3977]</b>
f	60 Throughout the 20th Century, there has been a decline in the population of Pitcairn Island so that, at present, the permanent population does not exceed 50.	
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h	61 Throughout the history of Pitcairn Island, there have not been English police officers on duty on the Island. There have been Pitcairn Island Police Officers on the Island for at least 75 years.	

## Supreme Court

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Facts Agreed by the  
Public Prosecutor and  
Public Defender

27 April 2005

62 The current legal advisor has not visited Pitcairn Island.

63 The case, including investigation, prosecution, trial and venue issues has been dealt with by Pitcairn Police Officers and the Pitcairn Public Prosecutor, rather than English prosecuting authorities. However, in 2000 the PPP has informal discussions with the DPP for England and Wales (head of the CPS) Sir David Calvert-Smith QC, and he thereafter corresponded with senior officials in the CPS.

64 In 2005, work began on the sealing of the road leading from the Landing and known as the "Hill of Difficulty". Prior to this work, there have been no tar sealed or paved roads on Pitcairn Island.

65 Sixteen solicitors have been admitted to the Pitcairn Bar. Of those 16, 14 currently hold practising certificates for Pitcairn.

66 It is agreed that all documents tendered by the Applicants or the Crown may be admitted as evidence in the proceedings and that any statement of fact or opinion contained in those documents may be evidence of the truth of such facts or opinions to the extent that, having regard to all the circumstances, the statement in question is accurate and reliable. In admitting such documents no admission is made as to interpretation or meaning of any statement in any document, nor is any admission made as to the weight to be attached to any document, these being matters of submission for counsel on facts to be determined by the Court.

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