

537

315

Extract from hand-  
ing-over notes by  
Government Ad-  
viser (Washington)

will have to go seek it, rather than it come to you.

You will always be included in community activities, if you wish to be, but come to a share out, you may or may not be included depending often upon who is doing the sharing and the amount of goods to be shared. You will never be included in share outs from goods traded.

You may find this lonely at times and frustrating too.

Pitcairn abounds with rumours and speculation and sooner or later you will be the centre of a few. By careful listening, you may find the source, and should it be potentially harmful, you can knock it on the head.

31 December 1992

Just remember that as far as Pitcairners go, there is ABSOLUTELY NO ONE who can be trusted not to betray a confidence.

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538. Exchange of Notes between the Government of the United Kingdom and the Government of the French Republic

538

Exchange of  
Notes between the  
Government of the  
United Kingdom  
and the Govern-  
ment of the French  
Republic

19 January 1993

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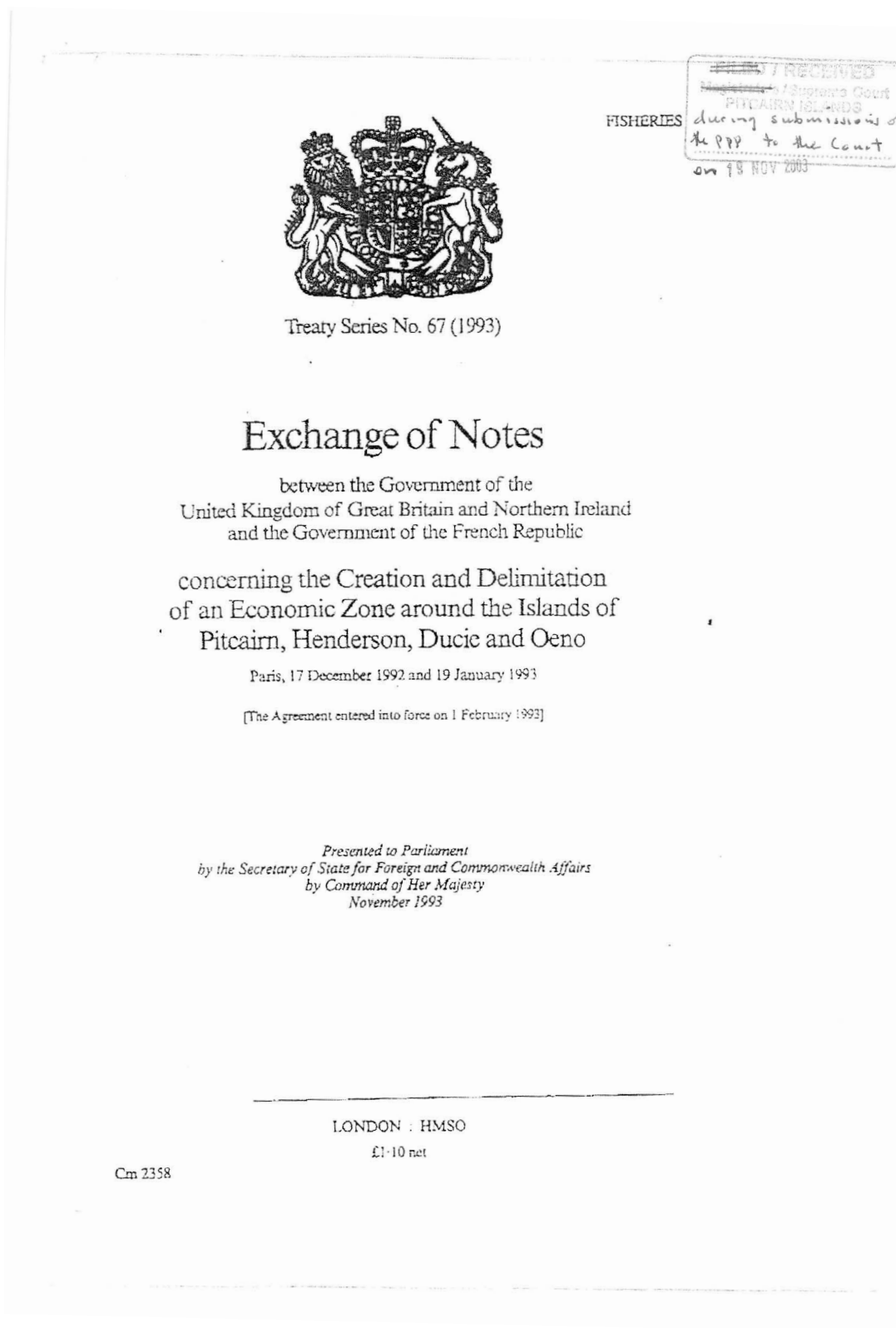
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538

Exchange of  
Notes between the  
Government of the  
United Kingdom  
and the Govern-  
ment of the French  
Republic

EXCHANGE OF NOTES  
BETWEEN THE GOVERNMENT OF THE  
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND  
AND THE GOVERNMENT OF THE FRENCH REPUBLIC  
CONCERNING THE CREATION AND DELIMITATION OF AN ECONOMIC ZONE  
AROUND THE ISLANDS OF PITCAIRN, HENDERSON, DUCIE AND OENO

No. 1

*Her Britannic Majesty's Embassy at Paris  
to the Ministry of Foreign Affairs of the French Republic*

*British Embassy  
Paris  
17 December 1993*

NOTE NO. 219/92

19 January 1993

The British Embassy presents its compliments to the Ministry of Foreign Affairs and, with reference to the Convention of 25 October 1983<sup>1</sup> concerning the boundary between the French economic zone around the Tuamotu Archipelago and the fisheries zone around Pitcairn, Henderson, Ducie and Oeno Islands, has the honour to state the following.

The competent British authorities intend to create an economic zone around Pitcairn, Henderson, Ducie and Oeno Islands, within the same limits as the fisheries zone mentioned in Articles 1 and 2 of the Convention of 25 October 1983. In these circumstances, the Embassy has been instructed to propose that the boundary between the French economic zone around the Tuamotu Archipelago and the economic zone around Pitcairn, Henderson, Ducie and Oeno Islands shall be the line defined by the Convention on Maritime Boundaries of 25 October 1983.

If this proposal is acceptable to the Ministry of Foreign Affairs, the Embassy has the honour to propose that this Note and the Ministry's reply to that effect should constitute an agreement between our two Governments which will enter into force on the date of receipt of the Ministry's reply.

The British Embassy avails itself of this opportunity to renew to the Ministry of Foreign Affairs the assurance of its highest consideration.

<sup>1</sup> Treaty Series No. 56 (1984), Cmd. 9294.

No. 2

*The Ministry of Foreign Affairs of the French Republic  
to Her Britannic Majesty's Embassy at Paris*

*Ministry of Foreign Affairs  
Paris  
19 January 1993*

Exchange of  
Notes between the  
Government of the  
United Kingdom  
and the Govern-  
ment of the French  
Republic

DJ/140

Le Ministère des Affaires Etrangères présente ses compliments à l'Ambassade de Grande-Bretagne et a l'honneur de se référer à la note n°219 du 17 décembre 1992 de l'Ambassade de Grande-Bretagne dont la teneur suit:

"L'Ambassade de Grande-Bretagne présente ses compliments au Ministère des Affaires Etrangères et, se référant à la Convention du 25 octobre 1983 sur la limite entre la zone économique française autour de l'archipel des Tuamotou et la zone de pêche autour des îles de Pitcairn, Henderson, Ducie et Oeno, a l'honneur de faire la déclaration suivante.

Le gouvernement britannique a l'intention de créer une zone économique autour des îles de Pitcairn, Henderson, Ducie et Oeno dans les mêmes limites que la zone de pêche citée aux Articles 1 et 2 de la Convention du 25 octobre 1983. L'Ambassade est donc chargée de proposer que la limite entre la zone économique autour de l'archipel des Tuamotou et la zone économique autour des îles de Pitcairn, Henderson, Ducie et Oeno soit la ligne définie par la Convention du 25 octobre 1983 sur les limites maritimes.

Si cette proposition convient au Ministère, l'Ambassade a l'honneur de suggérer que la présente note et la réponse du Ministère des Affaires Etrangères à cet effet constituent un accord entre les deux gouvernements qui prendra effet à la date réception de la réponse du Ministère".

Le Ministère des Affaires Etrangères a l'honneur de faire part à l'Ambassade de Grande-Bretagne de l'accord du gouvernement français sur les dispositions qui précèdent. Dans ces conditions, le présent accord entrera en vigueur à la date de réception par l'Ambassade de Grande-Bretagne de la présente note.

Le Ministère des Affaires Etrangères saisit cette occasion pour renouveler à l'Ambassade de Grande-Bretagne les assurances de sa haute considération.

19 January 1993

538

Exchange of  
Notes between the  
Government of the  
United Kingdom  
and the Govern-  
ment of the French  
Republic

19 January 1993

Translation of No. 2

The Ministry of Foreign Affairs presents its compliments to the British Embassy and has the honour to refer to Note No. 219 of 17 December 1992 from the British Embassy, which reads as follows:

[As in No. 1]

The Ministry of Foreign Affairs has the honour to inform the British Embassy of the French Government's agreement to the above arrangements. On those conditions, this Agreement will enter into force on the date on which the British Embassy receives this Note.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to the British Embassy the assurances of its high consideration.

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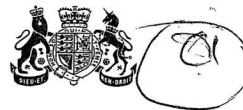
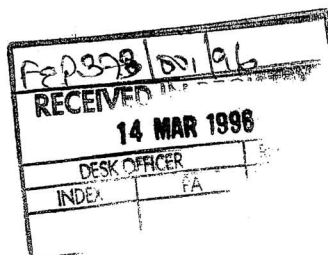
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539. Deputy-Governor (Shute) to FCO (Cullens)

F&amp;P 370



539

a

25 January 1996

NJD Cullens Esq  
Far Eastern & Pacific Department  
FCO  
LONDON

British  
High Commission  
Wellington

Deputy-Governor  
(Shute) to FCO  
(Cullens)

44 Hill Street  
Wellington 1

Mailing address: P.O. Box 1812  
Telephone: 472 6049  
Telegraphic address: UKREP, Wellington  
Telex: NZ 3325 (a/b UKREP NZ 3325)  
Facsimile: 644 471 1974

b

*Minute to  
Legal Advisors  
re Pitcairn: Judicial Proceedings*

25 January 1996

*Dear Niell,*

*NJD  
16/1*

c

**PITCAIRN: JUDICIAL PROCEEDINGS**

1. There is provision within the laws of Pitcairn, Henderson, Ducie and Oeno Islands for the constitution of the Island Court to deal with a range of offences committed on the Islands. Although there has been no recent requirement we cannot exclude the possibility that an Islander, or a visitor, might at some time commit a serious offence within the jurisdiction of the Island Court. We would look extremely foolish and risk putting the Government to some embarrassment, if in such an event, we were left thrashing about deciding how to deal with it.

d

2. In order to prevent this we would like to establish a step by step contingency plan to deal with such a case. This would cover the procedures (and costs) of a Pitcairn judicial process which could be readily adapted to deal with the circumstances of the case. We consider, as a first step, that this should include:

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**Responsibility**

- (a) Who would hear the case - How would he/she be recruited - What support would he/she require?

**Location**

- (b) Would the Court have to sit in Pitcairn itself - How would we get outsiders and Lawyers to the Island - and at whose expense?

**Costs**

- (c) Who would pay. Would costs be an inevitable contingent charged to the Island budget - would the ODA provide budgetary support or could they be regarded as a contingent liability to FCO funds?

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539



- 2 -

Deputy-Governor  
(Shute) to FCO  
(Cullens)

3. These proposals have no particular urgency but we would like to draw up such a contingency plan, which will be amongst our Post Objectives for the year, during the coming months.

25 January 1996

*Yours ever,*

*C D Shute*

C D Shute

cc: Governor (o/r)  
Mr Rankin, Legal Advisers, FCO  
Mr Davis, SPD/ODA

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540. Deputy-Governor (Shute) to FCO (Ewen)



New Zealand and Britain - modern and evolving relationships



2

540

Deputy-Governor  
(Shute) to FCO  
(Ewen)

20 May 1996

Ms Janica Ewen  
Far Eastern & Pacific Dept  
FCO  
BY FAX

*Notes*  
*Spoke with Mr. Gander PR*  
*papers have been located*  
*or they will reply*  
*in course of 29*

British  
High Commission  
Wellington

44 Hill Street  
Wellington 6001

Mailing address: PO Box 1812  
Telephone: (64 4) 472 6049  
Facsimile: (64 4) 473 4982

20 May 1996

Dear Janice,

FEP 373 / 001 / 96	
RECEIVED DEPARTMENT OF FOREIGN AFFAIRS	
30 MAY 1996	
DESK OFFICER	REGISTRY
INDEX	PA Action Taken

**PITCAIRN**

1. As you may know the High Commissioner will begin his mid tour leave on 1 June. During his time in the UK he will be calling on the Department for discussions, both at the beginning and towards the end of his leave. There are a number of issues relating to Pitcairn on which we await replies and this is an opportune time to review them.

Judicial Proceedings

2. One possible nightmare scenario for those of us, both here and in London responsible for Pitcairn, is that a serious offence may be committed on the Island which would have to be dealt with by the Island Court under the provisions of the laws of Pitcairn, Henderson, Ducie and Oeno. I wrote to Niall Cullens on 25 January about this, seeking to establish a step by step contingency plan to deal with such an instance. I indicated in my letter that there was no particular urgency about this but as we now approach the mid point of the year it would be useful to have a progress report.

Objectives

3. The High Commissioner, in his letter of 2 April to Michael Reilly, set out our draft objectives for Pitcairn for 1996/97. These reflected earlier correspondence with the Department but sought both your and ODA's views so that we could identify those which are principally for action here. You will by now have seen our overall objectives for 1996/97 and no doubt these are under consideration. However, the High Commissioner would welcome a reply to his earlier letter.

UN Convention on the Law of the Sea (UNCLOS)

4. On 21 August I wrote to Niall Cullens about the inclusion of Pitcairn in the UK's accession to UNCLOS. We were advised (Niall Cullens' letter to me of 13 December 1995) that Pitcairn would benefit from being included. The Governor therefore agreed that Pitcairn should be included in the UK's

*Mr Ewen's office trying to locate ppr. of 22/5*

/accession



540

Deputy-Governor

(Shute) to FCO

(Ewen)

20 May 1996

accession subject to the proviso that any obligations arising in respect of Pitcairn's territorial seas and its EEZ were manageable from London. This was confirmed in my letter of 18 December. However, I have not received a response to the question contained in my LUR about how any new and specific responsibilities within the Pitcairn EEZ could be physically discharged. One of the particular issues recognised under UNCLOS is the right of territories to establish EEZs and presumably (although I am not sure on this point) to extend a pre-existing EEZ. This latter point may well be of interest to Pitcairn in the future and I should therefore also welcome guidance on this.

*Yours ever,*

*C D Shute*

C D Shute

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541. Deputy-Governor (Shute) to FCO (Ewen) regarding case of attempted rape on the Island.  
(Details of complaint not included)

14/06/1996 16:48

64-4-495-0831

BRITISH HIGH COMMISSION



(4)

541

14 June 1996

Janice Ewen  
FEPD  
FCO

FEP273		80/16	
RECEIVED			
25 JUN 1996			
DESK OFFICER		REGISTRY	
INDEX	PA	Action Taken	
	1/3		

British  
High Commission  
Wellington

44 Hill Street  
P.O. Box 1812  
Wellington  
New Zealand

Telephone: 64 4 472 6049  
Facsimile: 64 4 473 4982  
Consular Facsimile: 64 4 471 1974

Direct Fax: 64 4 495 0831

Deputy-Governor  
(Shute) to FCO  
(Ewen) regarding  
case of attempted  
rape on the Island

Dear Janice,

of take.

**PITCAIRN: JUDICIAL PROCEEDINGS**

14 June 1996

1. Thank you for your letter of 23 May following my original letter to Niall Cullens of 25 January. A degree of urgency has now been injected into this request following an incident which occurred on Pitcairn Island on 31 May, details of which are contained in the attached letter of 3 June from Owen Brown, the Pastor, to Leon Salt. The incident concerns a case of attempted rape on Pitcairn Island perpetrated on an Islander by one of the Cook Island workforce engaged on the construction of the new medical centre. This has caused a furore on the Island, but not in quite the way you would imagine.
  2. The woman involved was, and still is, reluctant to make an official complaint against her assailant but as soon as we became aware of the incident a decision was taken to withdraw him from the Island. The Islanders, not knowing the background to the incident, immediately jumped to the wrong conclusion and signed a petition drawn up by another of the imported workforce, asking that the withdrawal be rescinded.
  3. An open letter has been sent from the Commissioner to the Island Council explaining the seriousness of the allegation, upholding the decision and promising the Islanders further details of the incident once the perpetrator is removed from the Island. This was eventually achieved today (14 June) after the Captain of the "America Star" agreed to call at Pitcairn to pick him up. The New Zealand Police have been informed of the incident and are taking legal advice as to whether they may be able to interview this individual on arrival at Auckland.
  4. The Commissioner and I have dealt with this in close consultation but it does highlight the problems which will inevitably occur if an even more serious incident takes place on Pitcairn. I would therefore welcome guidance on the questions raised in my earlier letter.
- Yours ever,  
C D Shute

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542. Commissioner (Salt) to Deputy-Governor (Shute)

542

Commissioner  
(Salt) to Deputy-  
Governor (Shute)



FAXED

LHS/sd/M21c  
2 July 1996

OFFICE OF THE GOVERNOR  
OF PITCAIRN, HENDERSON, DUCIE  
AND OENO ISLANDS  
C/o British Consulate-General  
Private Bag 92014  
Auckland  
New Zealand  
Phone (09) 366-0186  
Fax (09) 303-1835

2 July 1996

C D Shute Esq  
British High Commission  
P.O. Box 1812  
WELLINGTON

FAX LETTER

Fax No. 04 495 0831

*Dear Chris*

1. Please find following, Paul Treadwell's fax to me, received today.
2. In my response I have suggested that once the current situation has been settled, we should perhaps make a case to the ODA for support to conduct a complete revision of Pitcairn's judicial system.
3. I have asked that Paul Treadwell make an informal approach to the office of the Minister of Police and advise us of the response.
4. The latest I have on the Browns is that "Western Viking" bound Tauranga, will take them off on 11 July. I would estimate their arrival here to be around 19 July.

*Your sincerely*  
*L.H. Salt*

L.H. Salt.

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543. Revised Edition of the Laws Order (correcting three printing or clerical errors)

**PITCAIRN, HENDERSON  
DUCIE AND OENO ISLANDS**

543

IN THE MATTER of the  
Revised Edition of the Laws  
Ordinance 1985

Revised Edition of  
the Laws Order

-and-

IN THE MATTER of the  
Interpretation and General Clauses  
Ordinance (CAP.1).

12 August 1996

-and-

IN THE MATTER OF the Justice  
Ordinance (CAP. 3)

**ORDER**

IN EXERCISE of the powers conferred by section 9 of the Revised Edition of the Laws Ordinance 1985 I HEREBY ORDER on the advice of the Legal Adviser that

(i) a printing or clerical error appearing in the table headed "DELEGATIONS BY THE GOVERNOR" at the end of the Interpretation and General Clauses Ordinance be rectified by deleting the reference to section 100 of the Justice Ordinance and substituting a reference to section 99 thereof:

(ii) a printing or clerical error appearing in section 99 of the Justice Ordinance be rectified by adding at the end thereof the following proviso

"Provided that no prosecution for any offence under the provisions of this section may be commenced by any person without the sanction of the Governor.

(Inserted by No1. of 1972, s.7)":

(iii) a printing or clerical error appearing in subparagraph (iii) of paragraph (b) of section 5 of the Justice Ordinance be rectified by deleting the reference to "15" and replacing it by a reference to "14".

MADE at Wellington this 12 day of August 1996

GOVERNOR

544. Extract from Report by Far Eastern and Pacific Department

544

Extract from Report  
by Far Eastern and  
Pacific Department

9 December 1996

6. Dr Brookes was keen to tie this in with a botanical survey but ODA/FEPD agree that rat eradication has to take priority. FAMO will carry out an assessment.

a

Main Works

7. The recent infrastructure report showed a need for a considerable amount of work to be carried out. ODA (Adrian Davis) had made a bid for £300,000 for Pitcairn from UK funds in the EU OG budget. ODA will pursue this.

b

8. The road up the 'Hill of Difficulty' while very costly to re-build, is essential to the Islanders. It is planned to engage a New Zealand engineer to assess work and costs. The ODA will supply term of reference once the report is completed and assessed. BHC New Zealand/PIAO will need to find staff to carry out the work. This will tie in with the jetty assessment and removal of Bounty Bay rocks although the road will be the main project. Expenditure is likely to fall into 1997/8 financial year.

c

Mining Survey

9. In view of earlier reports covering possible deposits, accessibility and market demand, this was judged a non-starter at present.

*Show later*

*Don't look into this possibility*

Japanese Satellite relay/monitoring station

10. This is a possibility and needs to be looked into.

d

Seismographic Station

*Build on private land. Small amount of money not charged to be dealt with*

11. Unclear whether ground rent or any fees charged. FEPD will take this up with Post.

Fisheries

*to be dealt with*

12. Action rests with Robert Alston. Initial survey showed this may not prove viable. Earlier licences issues were allowed to lapse due to lack of sufficient fish to make it viable.

e

Police presence and training

*but are going to investigate the*

13. It was agreed that a review of policing on Pitcairn is needed. The present policeman is unsuitable and close family connections would make it difficult to enforce the law if needed. It had been suggested that a retired UK policeman be engaged on an annual contract to police Pitcairn and train the magistrate and others. This was not agreed but FEPD will look into this to decide whether a policeman based on Pitcairn or regular visits by UK police would solve the problem.

f

14. Costs would be high and it was agreed that possible assistance could come from BESO. This should enable costs to be kept to a minimum. However, costings are needed first.

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Tourism

15. There is the possibility of increasing tourism once the Bay, the road up the Hill of Difficulty etc have been improved. Empty properties could be renovated by the Islanders to house tourists. This should be looked at to see what improvements can be made once other works have been put in hand.

Extract from Report  
by Far Eastern and  
Pacific Department

b

9 December 1996

FAR EASTERN AND PACIFIC DEPARTMENT  
9 DECEMBER 1996

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11-DEC-1996 01:39

0171 270 2628

TO

545. Deputy-Governor (Shute) to FCO (Thomas)

1 1 3 3 3 1 3 3 3 0 4 4 4 3 3 7 0 0 3 1 BRITISH HIGH COMMISSION PAGE 03

545

BY FAX



PA C

24 December 1996

British High Commission Wellington

Roger Thomas Esq  
Far Eastern and Pacific Dept  
FCO

44 Hill Street  
P.O. Box 1812  
Wellington  
New Zealand

Telephone: 64 4 472 6049  
Facsimile: 64 4 473 4982  
Consular Facsimile: 64 4 471 1974

Deputy-Governor  
(Shute) to FCO  
(Thomas)

24 December 1996

Dear Roger,

PITCAIRN

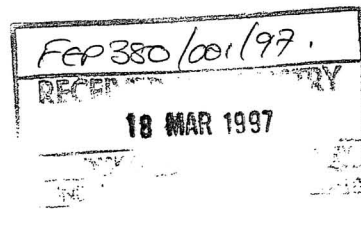
1. The record of your meeting with Dennis McGookin and Peter George was extremely useful and raised some interesting points which require some follow-up.

2. One of the more important points raised by Mr McGookin is the revision of Pitcairn Laws. As you will recall, we suggested earlier this year that we should put in place contingency plans to deal with a serious breach of law on Pitcairn. The recent case has highlighted the need for this and the evident flaws in the current laws. I hope that it will be possible to conduct an early review of Pitcairn Law and the Judiciary and that authority to proceed with this will be given soon. Any review would also have to look closely at the procedures for the licensing of fire arms and the general control of guns on Pitcairn.

3. Mr McGookin also drew attention to the inadequacies of the present Magistrate. While he may not be the ideal person for the job, the pool of volunteers for the elected position is not exactly overflowing with strong candidates. The Magistrate is not an appointee, he is elected to the position by the Islanders. As it happens the annual elections have recently taken place and Jay Warren has been re-elected for a further third year term.

4. The law and order situation on Pitcairn is obviously not ideal. The Governor is concerned about the present situation and is attracted to Mr McGookin's suggestion that Pitcairn needs a 'Village Bobby'. It is clear that Messrs McGookin and George quickly established authority on the Island and from their comments it is evident that a former UK police officer or ex-naval officer would make a significant contribution to the law and order situation on Pitcairn. This would also be welcomed by the majority of Pitcairn Islanders. It might also encourage others who have left the Island, to return. I should be grateful to know how this suggestion is being taken forward.

Yours ever,  
C D Shute



546. Deputy-Governor (Salt) to FCO (Collier)

JAN 16 97 03:00PM BRITISH HIGH COM 12 64 4 4734362

*Good but - Fwd.  
Selip April  
RSD*



F. 1/2

*PA*

*(10)*

546

Deputy-Governor  
(Salt) to FCO  
(Collier)

BY FAX

16 January 1997

Nick Collier  
FEPD  
FCO

British  
High Commission  
Wellington

44 Hill Street  
Wellington 1

Mailing address: P.O. Box 1812  
Telephone: 472 6049  
Telegraphic address: UKREP, Wellington  
Telex: NZ 3325 (a/b UKREP NZ 3325)  
Facsimile: 644 471 1974

16 January 1997

*Dear Nick,*

**PITCAIRN: APPOINTMENT OF MAGISTRATES OF THE SUBORDINATE COURT**

1. I enclose a copy of a draft letter which Paul Treadwell, our Honorary Legal Adviser on Pitcairn matters to the Governor, proposes to send to the Auckland Barristers whom he has identified for appointment as Magistrates of the Subordinate Court on Pitcairn.

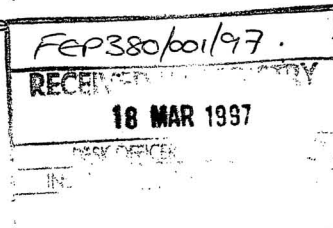
2. The appointments would be held on an Honorary basis but if one of them was required to be involved in a legal matter in respect of Pitcairn, we would obviously be expected to meet certain costs. I should be grateful if you would consult interested parties and let me have your comments on the proposals in para 4 of the attached draft letter. As Leon Salt has pointed out, if we called upon the services of one of these individuals, a priority would be to negotiate a suitable fee and/or allowances. It would therefore be helpful if we could, in principle, agree to Mr Treadwell's proposals.

*Yours ever,*

*Cris*

C D Shute

cc: Leon Salt, Commissioner, PIAO



*\* reply sent*



547. Notice of Appointment of Gail Cox as Police Officer for Pitcairn Island

547

Notice of Appointment of Gail Cox as Police Officer for Pitcairn Island

6 October 1997

POW 1P1382(1)



22-SEP-99 WED 08:34 ID: PITCAIRN ADMINISTRAT FAX NO: 093660187 #350 P02

431



OFFICE OF THE GOVERNOR OF PITCAIRN, HENDERSON, DUCIE AND OENO ISLANDS  
C/o British Consulate-General Private Bag 82014 Auckland New Zealand  
Phone +64-9-366 0185 Fax +64-9-303 1835

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NOTICE OF APPOINTMENT

IN EXERCISE of the powers conferred by section 2 of the Justice Ordinance, I hereby appoint,

Gail Miranda Cox <sup>u</sup> Women Police Constable of the Kent Constabulary

as a police officer for the Pitcairn Islands with effect from the date hereof.

Dated at Wellington this 6th Day of October 1997.

R J Alston  
Governor



## 548. Minutes of Special Council Meeting

3221

548

a 3. Leon requests letter from Council for Administration to continue efforts to obtain PN Domain Name Site on Internet. John Chan requested to write such a letter.

G.A. requested to write letter regarding Review of U.K. Policy towards its Dependent Territories.

Minutes of Special  
Council Meeting

Nothing more. We done 10.08 a.m.

b

SPECIAL COUNCIL MEETING HELD OCT. 27th, 1997 at 7. p.m.

27 October 1997

All Members present. John opened with prayer.

WPC Gail Cox present and discussed some of the issues requiring attention.

c

1. Road Code and Specified Exam for the Quad vehicles.
2. Introduction of Arms Code. License Book and Safety Code.  
Public Reliability - Are we legally responsible if any visitors should get injured here?  
Police Officer should instruct a person how to use firearms before issuing license.

d

3. Domestic Violence: Verbal/Physical Assault.  
Extend to include General Violence/Verbal Abuse.

4. Age of Consent: Will look into changing from 12 to 16 years.
5. Police Officer has no real time off. I.M. to fill in for her if necessary.



6. Alcohol/Driving under the Influence: Will look into possibility of procuring a Screening Device suitable for use here.

e

7. Police Office: Present cell is not suitable to hold anyone. Will make recommendations to make it usable.  
There will be NO HESITATION in sending Police Officers here if there is a need to investigate an offense, and if necessary, trial could be heard in the U.K.

8. Noise Control: Will look into this.

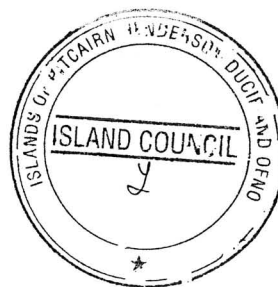
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9. Driving License: Suggest Multiple Choice: 1, 2, 5, or 10 years at \$5 per year.  
Person to pay a percentage (suggested 50 cents per month) for someone requiring a license at end of the year.  
Temporary License for Visitors: \$10

Gail will look at present Laws to see if any needs to be revised. She will seek other peoples feelings on the issues discussed above.

g

No further business. Meeting finished at 8.30 a.m.



h

549

Government  
Adviser to Commissioner (Salt) regarding age of consent (para 6)

YOUR REFERENCE

PLEASE QUOTE



PITCAIRN ISLAND GOVERNMENT

M.F. No. 04

November 12, 1997.

To: Leon Salt, Commissioner for Pitcairn  
c/o British Consulate General, Auckland. 64 9 3031836

Isec Fax. No. 212.  
Ref yr Fax No. 082.

- Para 1. Done.
- Para 2. We are paying John as from 1st Jan 1997. 10 months @ \$51.50 = \$515.00. OK?
- Para 3. \$878.16 for Steve and \$149.24 for Olive correct. We assumed that Engineers reverted back to previous status of Jay at \$195.58 and Dennis \$82.33 until March 31st as nothing was discussed to the contrary. Have paid this amount to Dennis for Oct. Banking for Jay should remain the same. Carwussing more fer do.
- Para 4. Nishinippon payments. Hiring of bikes and drivers should have totalled \$424.00 not \$655.00. Somebody can't add! Blame the computer. Have paid out \$424.00 plus \$2050 for accommodation. Total \$2474.00. Mr Takaki has a copy of charges so you will need to straighten things out with them.
- Para 5. Will send receipt to Sue Carlsson.

Thank you.  
*Thomas C. Christian*  
Island Secretary.

- G.A. Fax No. 039.
- Para 1. WRT Yr Fax 036. Para 1. Leon arrived on 15/10/97, with WPC Gail Cox, John and Charlotte Frankenfield, Nigel Erskine.
- Para 2. Inventory/Hand Over notes for Hostel 1 and 2 prepared.
- Para 3. WRT Yr fax 036 Para 4. Gail Cox.
- Para 4. In Handover Notes statement that G.A.'s spouse is expected to do Public Works by Law. Is this still case as G.A. now pays tax?
- Para 5. We have Completely re-written H/O notes. Will bring them back with us as there is no photocopier working.
- Para 6. Council passed motion to raise level of consent from 12 to 16 years old.

Adviser.

*Thomas C. Christian*  
Thomas C. Christian  
Comm. Officer.



12 November 1997

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550. Commissioner (Salt) to Government Adviser, copied Island Magistrate (Jay Warren) regarding the age of consent and s88 Justice Ordinance (para 4)

20

LHS/sd/S112/P111/S113/O335/R11 13 November 1997

FAXED

550

a

Island Magistrate Fax No. 083 File S112 Copied GA

**Para 1:** Please confirm modifications required to 4.3m aluminium pontoon boat, as follows:

1. Double skin or reinforced bottom for work over coral.
2. Heavy duty rubber fender strip around gunwale.
3. Four lifting points for craning aboard longboat.
4. Aluminium windscreen for additional protection at bow.

b

Please add any further modifications. I shall place order as soon as details above are confirmed.

**Para 2: File P111**

Please arrange photograph of Meralda in uniform for me to send to Martin Cassidy who manufactured and donated the shirt and badge.

L.H. Salt

Commissioner  
(Salt) to Govern-  
ment Adviser,  
copied Island Mag-  
istrate (J. Warren)  
regarding the age  
of consent and s88  
Justice Ordinance  
(para 4)

c

Island Secretary Fax No 084 File B112 Copied GA

**Para 1:** Wrt yrfx 212 para 2 John's payment appears correct to me.

**Para 2:** Wrt yrpara 3: We banked \$350 for Jay as Engineer. Please confirm that this should only have been \$195.58 from 1 October.

L.H. Salt

d

Government Adviser Fax No. 037 File S113. Copied IM

**Para 1:** Blue Star reasonably confident that Sydney Star can pick up you and family and Gail southbound. ETA Pitcairn will be 25-26 December, however. Will confirm early December. I am making a case to F.C.O. for Gail.

**Para 2: File O335**

Please ensure Handing Over Notes are mailed this way at the very first opportunity. Sheils requires these as soon as possible to assist in preparations.

**Para 3:** Wrt yrfx 039 para 4: Please discuss this with Council. Spouse of incoming EO may be paid by DFID at local rates, for refurbishing of Government buildings, a factor Council may like to consider in conjunction with Public Work requirement.

e

**Para 4:** File C319 Wrt yrpara 6: Assume this is with reference to Section 88 of Justice Ordinance. Age of consent on Pitcairn is 16 years, under British law. This already applies. Section 88 is poorly worded and is being revised but it implies that you should all be locked up for 100 days if you have had sexual intercourse with a female over the age of 12! British law applies to females under the age of 12 years (offence punishable by life imprisonment). Pitcairn law (Section 88) applies to females aged from 12 to 16 years. Note that Pitcairn law does not cover rape - this comes under British law, punishable with up to life imprisonment.

f

L.H. Salt

Postmaster Fax No. 015 File P61/109 Copied IM, GA, CO

Queensland Star etd Auck 17 November, will carry Xmas stamps, your FDCs and official mail in steel drum to be dropped overboard as vessel passes Pitcairn. Intend also to attach yellow marker flag on floating pole. Winter Sea and America Star unable to call. Am hoping Elke etd Napier 16 Dec or Melbourne Star etd Auck same day, may carry P.O. mail and perhaps pax.

g

Pastor John File R11

Robin Greenfield advises that Hills Flooring accept responsibility for vinyl and will replace if returned. Suggest you send it on Sydney Star with Baronians. Replacement will be shipped on Supply Ship. As Robin says, why put up with impractical colour for 20 years when, with short delay you can have the one you want.

L.H. Salt

h

13 November 1997

551. Commissioner (Salt) to Government Adviser regarding the age of consent

269

551

Commissioner  
(Salt) to Govern-  
ment Adviser  
regarding the age  
of consent



OFFICE OF THE GOVERNOR  
OF PITCAIRN, HENDERSON, DUCIE  
AND OENO ISLANDS  
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Fax +64-9-303 1836

LHS/C319  
17 November 1997

No.59

17 November 1997

Government Adviser  
Pitcairn Island

The background to section 88 of the Justice Ordinance, which was the basis for your fax No: , is interesting to say the least.

At March 1965, the law read: *Any male person who shall have carnal knowledge of any female child shall be guilty of an offence and liable to imprisonment for three months.*

Commissioner Cowell recorded the following statement in March 1965, following discussions with the Island Council: *This is an extremely controversial provision and, after much discussion, it was decided to change only the penalty to 100 days' imprisonment. There was a strong feeling however, that sexual relations with a girl under 12 years should carry a heavier penalty and Council wondered whether it, like rape, could be dealt with under s.6 (which allowed for the application of British law where Pitcairn law did not provide.) if a need arose.*

By November 1965, section 88 read as it does now, with an assumption that British law applied to cases where a child was under the age of 12 years with Pitcairn law applying to those 12 years and over. We all agree that it is poorly worded and leaves probably the entire male population of Pitcairn liable for 100 days imprisonment, through the omission of an upper limit. The omission is covered however, by Part IV Section 14 (1) which states that the laws of England in force on 1 January 1983, apply to Pitcairn. This leaves the age of consent at 16 years.

I can assure you however, that when the laws are revised, section 88 will be written with greater clarity.

L.H. Salt.

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## 552. Minutes of Regular Council Meeting

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## a REGULAR COUNCIL MEETING HELD NOVEMBER 17, 1997 at 7.08 p.m.

All Members present. John opened with prayer.

Minutes of previous meetings read.

Comments on Minutes: Old dump re-opened and rubbish being buried.

b Minutes accepted on motion of Lea and Carol.

Reports: All Department Reports read and accepted on motion of the meeting.

## GENERAL BUSINESS:

G.A. Age of Consent on Pitcairn is 16. Same as British Law and never was 12 years. This was misunderstood because of poor wording and is being re-written.

Rat Project. Not 100% successful. Evidence of rats still being found. Concern expressed that most wild cats have been destroyed.

c DFID will most likely pay the teacher's husband local rate for work done on govt. buildings.

Public Work for G.A.'s Spouse: General feeling is that if the spouse will be paid for work carried out here, then he could be expected to do Public Work.

Museum Exhibits continue to grow. Wragg brought relics off Acadia back from Ducie to place in Museum.

d C.O. Taro Ground Mowers: Would like to keep the mower for VR6PAC members for maintaining antenna enclosure if possible.

It was brought to the attention of the council that a copper plaque signed by the "Albacore" party and left on Ducie, was brought back by Wragg to put in the museum. General feeling is that it should not have been removed and should be returned whenever possible. In the meantime it could be placed in the museum.

APPLICATION TO LAND AND RESIDE ON PITCAIRN: for Graham Wragg.

Starting soon as possible and with continuing extensions as necessary.

e Moved Tom, seconded Carol, application be approved.

Letter fax from Norfolk Island offering to help refute the scandalous and offensive comments recently appearing in International newspaper in any way they could.

Their concern is appreciated. Suggest they contact the Auckland Administration Office.

Letter from Nola asking for the cradle at the hostel if there is no further community use for it.

f Council agrees for her to use it.

Question raised whether Dave's request to plant bananas at Tedside should have gone to Land Court?

Council did not think that was necessary at this stage.

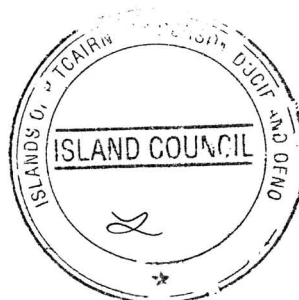
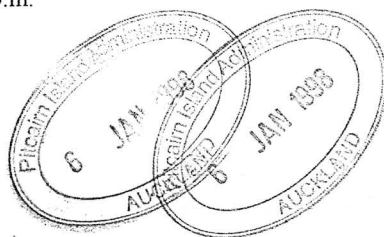
Council agrees that in future, house plans should be submitted and approved before construction begins. This should also have applied to the buildings at Palva Valley as they obstruct the line of Geodetic survey markers.

g CIC would like to clean up TOC's house.

No further business.

Meeting closed at 8.55 p.m.

h

Minutes of Regular  
Council Meeting

17 November 1997

3031

553

Minutes of Special Council Meeting

7 December 1997

SPECIAL COUNCIL MEETING HELD DECEMBER 7, 1997 at 12.30 p.m.

All Members present. John opened with prayer.  
WPC Gail Cox in chair.  
Purpose: To discussed various points of Legislation.

1. Sexual Offense.

Age of Consent 16. Unlawful Sexual Intercourse (USI) British Law supersede.  
Under age 13 no time limit in reporting offense. Penalty Life (15 years).  
Under 16. Penalty 2 years.  
Indecency between males under 21. Penalty 5 years.  
Buggery Offense between males under 18. Penalty life.

2. Noise Pollution.

Restricted after 2300 hrs at night and after 0100 at Christmas and New Year.  
Mornings at discretion of individuals, taking into consideration close neighbours.

3. Jail Facilities.

Present conditions: Anyone in custody would have to be checked every 1/2 hour.  
Recommend that facility be up graded to include ensuit and air conditioning or built in ventilation.

4. Domestic Violence Policy.

Physical, sexual, emotional abuse. Threats, physical, emotional, verbal.  
Person could seek advice without actually making a complaint and does not necessarily mean prosecution.

5. Firearms Code.

Implement Safety Code. Treat all firearms as loaded. Always point in safe direction.  
Ammunition should be safe to 25 years. Regular check on storage of firearms should be carried out.

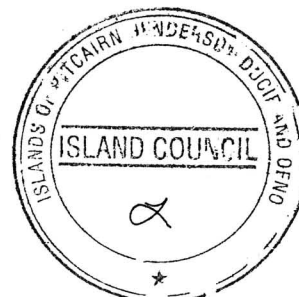
6. Revise Police Officer's Report.

7. General Orders of Appointment indicates same officer would return in subsequent years if visit is successful. WPC Cox would like to return.  
WPC Cox requested us to give support to Meralda in her job as Police Officer.

G.A. Questioned whether it is necessary to read out results of voting for unsuccessful candidates.

Justice Ordinance states: Votes of SUCCESSFUL Candidates to be announced ASAP after counting.

No further business. Meeting closed at 3 p.m.



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554. Governor's Office (Hinchley) to FCO (Mitchell)

PAGE

Mr Bangor done Minte to HRPD 13/2  
Plse give HRPD the cost of  
the Pitcairn police attachment (see x)  
13/2



5

554

Governor's Office  
(Hinchley) to FCO  
(Mitchell)

British  
High Commission  
Wellington

BY FAX 00 44 171 270 5969

FAXED

13 February 1998

44 Hill Street  
P.O. Box 1812  
Wellington  
New Zealand

13 February 1998

John Mitchell  
Public Policy and Projects Section  
HRPD  
FCO

Telephone: 64 4 472 6049  
Facsimile: 64 4 473 4982  
Regular Facsimile: 64 4 471 1974

FEP 380 / 001 / 98		
RECEIVED REGISTRY		
13 FEB 1998		
DESK OFFICER	REGISTRY	
INDEX	PA	Action Taken

Dear John,

**FCO ANNUAL REPORT ON HUMAN RIGHTS**

1. FCO telno 126 to Abijan requested examples of good human rights work for inclusion in the FCO annual report on human rights.

2. We have three projects which we consider may be worthy of inclusion:

**New Zealand: Sponsored visit by Chief Commissioner for Human Rights**

OVIS organised a 2 day Cat 3 visit programme for Pamela Jefferies, Chief Commissioner for Human Rights on 20-21 October 1997 to allow her to compare notes with UK practitioners in the human rights and equal opportunities fields. Ms Jefferies also attended the Commonwealth Human Rights conference organised by the Commonwealth Secretariat whilst in UK. There was considerable interest in her visit as the UK has looked closely at the New Zealand experience when developing its draft Human Rights legislation. Whilst in UK Ms Jefferies did a BBC One interview with Joshua Rosenberg. You might be able to get stills from this to illustrate any mention of this project. Alternatively we could provide a photo of Ms Jefferies. John Gillan, OVIS, will be able to advise the cost of this visit.

**Cook Islands: legal training tapes for Ministry of Justice**

In January 1998 £4,960 of Heads of Mission Gift Scheme funds were used to purchase legal training tapes for the Cook Islands' Ministry of Justice. The tapes, produced by Legal Network Television, will be used to train Justices of the



554

Governor's Office  
 (Hinchley) to FCO  
 (Mitchell)

Peace on issues such as alternative dispute resolution, child witnesses, domestic violence, family mediation, health and safety at work, medical negligence, witnesses in civil cases. We should be able to get a photo of the Cook Islanders using the tapes if required.

**Pitcairn: Responsible Policing**

13 February 1998

WPC Gail Cox, a member of the Kent Constabulary, visited Pitcairn from 10 October to 24 December 1997 on a temporary attachment to instruct the local police officer about responsible policing. The attachment was funded from the Good Government Fund. FEPD will be able to provide cost details.

WPC Cox devised a training programme for the local police officer. This also served as a training aid and educational tool for other islanders who took part in various role play situations. The training programme covered issues such as domestic violence, sexual offences, firearms controls, traffic regulations, noise pollution, jail facilities and their operations. As a result of the programme a new Firearms Code was devised to encourage safe storage and use of firearms, a revised driver's licence test adopted, and the outline of a policy on how to deal with domestic violence without laying a formal complaint, was introduced.

The attachment was judged to have been great success and it is hoped that it will be repeated at regular intervals. The attachment attracted some local publicity and we should be able to provide photos if requested. WPC Cox is also likely to be willing to comment on her experiences which would give any description of the attachment an individual story line. The difficulty in getting to and from this tiny and remote Overseas Territory, and its historical associations should make this a very interesting story.

*Yours ever*

*Carol Hinchley*

Carol Hinchley

cc: Tom Carter, FEPD, FCO  
 John Gillan, OVIS, FCO

555. Commissioner (Salt) to Government Adviser

555

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OFFICE OF THE GOVERNOR  
OF PITCAIRN, HENDERSON, DUCIE  
AND OENO ISLANDS

Commissioner  
(Salt) to Govern-  
ment Adviser

Private Box 105 696  
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Phone +64-9-366 0186  
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E-mail pitcairn@iconz.co.nz

b

LHS/sd/C3117  
30 March 1998

30 March 1998

c

No.9

Government Adviser  
**Pitcairn Island**

d

Enclosed you should find six reduced copies of the Proclamation Establishing Pitcairn Standard Time, and 6 copies of List of Revisions.

e

To ensure consistency, I should be grateful if you would collect and amend the law books held by the following.

Island Magistrate  
Police Officer  
Island Secretary  
Library  
Government Adviser.

f

The reduced copies should be added as follows:

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1. Replace page 1 (List of Revisions)
2. Complete copy of Proclamation goes in front of law book - i.e. behind List of Revisions and in front of Proclamation No. 1 of 1997.

h

L.H. Salt  
Encl.

556. Island Magistrate (Jay Warren) to Commissioner (Salt) regarding grounds for divorce (para 4)

556

28/04/1998 21:42 872-1445373

PITCAIRN ISLAND

PAGE 01

360

Island Magistrate  
(J. Warren) to Com-  
missioner (Salt)  
regarding grounds  
for divorce (para 4)

Pitcairn Island.  
April 28, 1998.



M.F. 024.  
To: Leon Salt, Commissioner for Pitcairn  
Pitcairn Island Administration, Auckland. 64 9 366 0187

I.M. Fax No. 039.

Re your fax 026. Yourlet 18. Proclamation Establishing Pitcairn Standard Time was posted on Notice Board 27 April 1998. Change of time was implemented at midnight.

Para 2. Pure Bounty Honey at the moment is someone's private thought but will be discussed when James has his discussions on this matter.

Para 3. WRT ord. No. 1468. 50 rolls of Denso tape is for repairing damaged ones on crane. The glue is metal glue for repairing small holes in machinery etc. All steel ordered is for engineering shed and aluminium boat trailer.

All Massey parts listed were for steering which is no longer needed, except 2 items which Sup/Engineer ordering. Refer to Fax of parts list.

Timber 100 x 50 mm is for slipway at the Landing.

Para 4. Please advise as to what grounds divorce can be obtained: e.g. Adultery reason enough?  
Island Magistrate.

C.O. Fax No. 025.

Para 1. WRT yr. fax 013. Para 2. Fibreglass tubing 2 x 1m lengths x 3mm. Pre-insulated receptacle lugs similar to the quick-grip connectors in Dick Smith catalogue p.187, although they may not have the size required. I got the above name from a Radio Spares catalogue. Hook-up wire 41 strands x 0.32mm (cross sectional area 3.3mm<sup>2</sup>), Dick Smith cat. No. W2286 but may be cheaper elsewhere.

Para 2. Require two 8A bridge rectifiers D.S. Cat. No. Z-3333, one needed ASAP for hostel battery charger. 2 tubes heat transfer compound D.S. Cat. No. N-1205.

Para 3. Weather Fax Furuno Fax-207 unable to display any LCD info. All LED lights are lighting but not receiving any fax. Machine appears lifeless otherwise. The machine is not responding to the self-diagnostic test in the Operators Manual. Suspect main CPU failure. Please supply Service Manual when possible.

Para 4. Spoke to Tom on "ham" radio. Understand that he has spoken to you about the need of a 12 volt battery and a battery charger to go with the Electronics Workshop when it is built. I agree but there is no hurry as yet.

Para 5. Also spoke to Tom about ordering a VHF for the Satcom. He has no objections. This would eliminate the need for operators having to run around looking for someone when there is a phone call waiting.

Para 6. Ref yr. fax 013 para 1. Timing of phone/fax calls made on cardphone. Comparison made by amount deducted from phone card to call duration time logged on Planet 1. This was merely an observation that was made and questioned. Fax calls for Bell's number in Wellington will not go through on Inmarsat A Fax. Have sent 2 on Planet 1 using phone cards on hand as don't know what else to do. Calls are logged and amount being charged as for Inmarsat A calls. Hopefully other phone cards will arrive on supply ship.

Will send monthly computer logs for Jan. Feb. and Mar. There is no log for April. I thought a new log was automatically set up each month so am unsure what to do about that.

Para 7. With Pitcairn Standard Time being advanced 30 mins. Inmarsat A system will now be activated half hour earlier - 1700 GMT and shut down time will be 0500 GMT instead of 0530 GMT. Don't know if this needs to be publicised or not.

Para 8. Please note correction on Engineers order sent this morning. 20 litres blue paint should read 20 litres Mid Watch Blue.

*Betty J. Christian*  
Betty J. Christian, acting Comm. Officer.

RET/C.O.

28 April 1998

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557. Deputy-Governor (Shute) to Commissioner (Salt)

557

Deputy-Governor  
(Shute) to Commis-  
sioner (Salt)

17 November 1998

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P1370/11



*Al*

British  
High Commission  
Wellington

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Wellington  
New Zealand

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17 November 1998

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Commissioner  
Pitcairn Island Administration  
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57 Fort Street  
PO Box 105-696  
AUCKLAND

direct tel: 64 4 495 0861  
direct fax: 64 4 495 0831

*pa (pa) (P1370/11)*  
*CS*  
*23/11*

*Dear Leon,*

HALSBURY'S STATUTES OF ENGLAND AND WALES

Thank you for your letter of 10 November regarding updates of the Halsbury's Statutes of England and Wales for use on Pitcairn.

I agree that having identified the need for these volumes to be kept on Pitcairn it would be sensible to keep them up-to-date. However, I do question the expenditure of NZ\$9198 on updating something which I suspect is used on only very rare occasions. It would be useful to have the Island Council's view on whether they feel that this is a necessary and justified expenditure. If they do, we will need to seek authority from OTD before subscribing to the annual update of the Statutes.

*Yours sincerely*

C D Shute  
Deputy Governor

558. Governor (Williams) to Overseas Territories Department, FCO (White)

558

TELEGRAM RETRIEVED FROM DATABASE 28 July 1999

Governor (Williams)  
to Overseas Ter-  
ritories Department,  
FCO (White)

UNCLASSIFIED  
FM WELLINGTON  
TO TELELETTER FCO  
TELNO NFR  
OF 140334Z JULY 99  
AND TO TELELETTER DFID

THE VIABILITY OF PITCAIRN, OUR SMALLEST AND REMOTEST

FROM: M J WILLIAMS, High Commissioner

28 July 1999

TO: John White, OTD  
CC: Head, AMD  
Sarah Smith, DFID

SUBJECT: THE VIABILITY OF PITCAIRN, OUR SMALLEST AND REMOTEST  
OVERSEAS TERRITORY

1. In the last 20 years, some of my predecessors as governor (non-resident) of Pitcairn, have been concerned that its declining and aging population threatened its viability. Some have foreseen only two alternatives for the territory:- immigration (by finding incentives sufficient to attract onto Pitcairn enough younger new arrivals to make it viable), or emigration (by transferring from Pitcairn all who could be persuaded to leave it).
2. In practice, population figures seem to have stabilised at a level just adequate for the community to manage. However there are comings and goings. None of the 20-30 year olds on Pitcairn when I visited in March were there 8 years ago; conversely, all of that age who were there 8 years ago have since left the island. A few families from Pitcairn now in New Zealand might return to the island some day. But just 57 is still a tiny community.
3. One factor discouraging new families from settling in Pitcairn is lack of available land. Currently all usable land, for housing and for allotments, is owned either by those living on the island or by absentees. A major land tenure reform bill is being prepared, and I hope to sign it into law this year. The islanders have been fully consulted. They have misgivings, but on balance want the change. Many of the absentee landowners too accept the need for a change, but a few still resist it; we shall be having a further series of meetings with them. Despite these preparations, the implementation of the changes is almost certain to prove contentious. The tribunal is likely to be very busy, and family disputes may surface. Nevertheless the change will be for the long term good of the island community as a whole, if it frees land for newcomers to obtain for housing and allotments. It could thus promote some immigration.
4. Even if population figures edge up again, the island on its own can never be viable in modern economic terms. It is far too remote, inaccessible, small, and lacking in resources to sustain anything except subsistence agriculture and fishing. That may have been acceptable for the first 150 or so years of its existence, although from early days the community was supported generously by various church charities. It is not acceptable now.
5. My visit to Pitcairn in March brought home to me how precarious

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558

Governor (Williams)  
to Overseas Ter-  
ritories Department,  
FCO (White)

a life there now is, in modern terms. All aspects of the transfer of goods or people on to or off Pitcairn are fraught with hazards and uncertainties. There are no scheduled shipping movements, and no harbour. When the sea is rough it is too dangerous even to attempt transfers to or from the island's long boats. When weather conditions permit, transfers are at best risky. On the island the only roads are dirt ones, which suffer damage from the heavy rains, especially those roads on steep hillsides like the Hill of Difficulty which connects the landing stage with the main settlement.

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6. Currently the island's accounts have few sources of income. The main one is sales of postage stamps. These peaked in 1981/82 at NZ\$920,000 per year, enabling a substantial investment fund to be set up. Since then multiple issues by South Pacific islands and other countries have swamped the stamp market. Last year postage stamps netted only NZ\$323,000. To meet expenditure the investment fund has had to be run down. It now stands at NZ\$1.6 million. In recent years the island administration has tried hard to increase income, through better marketing of postage stamps, and sales of coins and phone cards. These have helped, but not enough.

28 July 1999

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.. The islanders have a few individual sources of income. They sell wood carvings and curios, plus some dried fruits, to ships which put in there, and through mail order. They are starting a honey business. Most of them have a government position, which produces a small income, eg the island magistrate receives NZ\$3,120 per year, and the school cleaner receives NZ\$600 pa. Although there is a shop which opens occasionally, most of the time Pitcairn does not operate as a cash economy, except when the islanders order goods from abroad, ie New Zealand. There are no taxes on Pitcairn, but men under 65 must perform public work, as required by the island council.

d  
8. The Pitcairn administration office is in Auckland. One of its main tasks is to organise the supply ship, which takes to Pitcairn the goods needed by the islanders, whether individually or collectively, about three times a year. It also manages Pitcairn's accounts, and looks after the islanders' interests when they come to New Zealand, eg for education or medical reasons. It acts as the island's lifeline to the outside world. Its few staff work long and irregular hours.

e  
9. We shall continue to look for ways of increasing revenues, and reducing administration costs. Much has been done already, for instance in moving the administration office twice to cheaper accommodation. One possible way of narrowing the gap over the years would be by reducing the levels of subsidy in the price of electricity (which is generated for a few hours each morning and evening) and in the costs of shipping goods from Auckland to Pitcairn. Realistically these will never balance the budget. New sources of revenue do not look promising. Even Japanese fishing fleets do not seem to regard Pitcairn's waters worth exploiting. Its seabed possesses no minerals which are not far more easily and cheaply mined elsewhere. Growing numbers of cruise ships are now visiting Pitcairn, which should increase the islanders' sales of carvings and curios etc, but there are limits to what can be produced and sold this way, and the island accounts do not benefit directly. An economy based on sales of postage stamps could never be called sound. Its brief profitability was a fortuitous aberration. The need for budgetary support was always foreseeable.

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h 10. Despite Pitcairn's lack of economic viability, forced

558

Governor (Williams)  
to Overseas Ter-  
ritories Department,  
FCO (White)

emigration was never a serious option. For all the rigours of life there, the present population stay on through preference. In the mid-19th century HMG could tell populations to move, and they would comply. This is what happened to the Pitcairners in 1856, when they were all moved to Norfolk Island, but two groups went back a few years later. If we were to try the same manoeuvre now, the outcry would be enormous; the name of Pitcairn can always generate publicity. This is what the islanders fear, nevertheless, and they were much relieved when I told them it was not HMG's intention.

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11. If we cannot tell the islanders to leave, and they cannot be made economically viable, we have to support them. This includes minimising the avoidable risks which they face, an obligation on HMG which has to be taken seriously. Repairs and maintenance, where beyond the resources of the islanders, are not an optional extra but a necessity. This includes such items as the hawser to pull up the longboats into the boatshed, which the recent DfID engineer said would be condemned in UK. It also includes the regrading and surfacing of the road up the Hill of Difficulty. An accident to a loaded tractor or quadbike on that steep and slippery hill after a heavy storm, or still worse the road being completely washed away by a violent downpour, or the snapping of the hawser while pulling one of the longboats out of the water, would be a disaster for the islanders and a catastrophe for HMG's public image.

b

28 July 1999

12. There has been much discussion of the possible airstrip, going back over many years. Of course the island has managed without an airstrip until now. However the absence of any rapid means of getting to the island in an emergency, or evacuating a casualty, has contributed to the reluctance of some to settle there. Airstrips are being constructed in remote parts of all countries in the world. One could be built on Pitcairn, and a philanthropic millionaire has offered help. I believe it would no longer be considered acceptable, as we approach the 21st century, for us not to have made every possible effort to reduce Pitcairn's isolation by arranging the construction of one if at all feasible.

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13. Many Pitcairners have seen the success of the tourist industry on Norfolk Island. The idea that tourism would rescue Pitcairn's finances, once an airstrip was constructed, is a pipedream. Norfolk Island has the space, the population, the water, and the location to attract and cope with substantial numbers of tourists. Pitcairn has none of these advantages. I cannot see tourism ever becoming the mainstay of the island's economy, but over time a very modest level of tourist activity could develop. In the meantime an airstrip might be another means of helping to encourage immigration.

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Signed...Martin Williams

YYYY  
MAIN 0  
SINGLE COPIES 0  
OTD 0  
AMD 0  
DFID2 0

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WCLNAN 1731

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559. Notes of Deputy-Governor (Wolstenholme) on meeting with Island Council held 8 October 1999  
(extract)

a I said that although the financial framework would involve a great deal of work, and would be difficult I saw it as very positive. If done properly it would offer a chance to put the Islands finances on a firm financial footing, and may encourage the next generation to stay on/return to the island, if they could see a positive future. I said that I hoped the islanders would also see this in a positive light. If 10 years is too long, suggest 5, but they would be expected to come up with good reasons for this.

559

Notes of  
Deputy-Governor  
(Wolstenholme) on  
meeting with Island  
Council held  
8 October 1999  
(extract)

b 3. Law Review

c *Ordinances* I handed over copies of the signed Justice Ordinances and said that I thought this was as they had wished. The response was favourable. Tom questioned whether 'appointing' an Island Magistrate was democratic, until he was reminded that this is a different post from the current post of that name which would still be elected, but would be retitled. It was suggested that 'Mayor' might be a suitable title. I explained that we hoped the start date would be 1 January 2000, but this would depend upon further work to be done in London.

9 October 1999

d I asked Meralda whether she foresaw any difficulties with these or the other parts of the Law Review. She asked whether they covered issues such as domestic violence. I said that I thought she had in mind the agreements reached in Council on not only domestic violence but also the raising of the age of consent, the firearms registration and road traffic laws. I said that as far as I was aware, these had been approved by Council. Although there were nods from around the table, I asked the Island Secretary to check previous Minutes to confirm approval. If this had not already been done then approval should be given at the next Council meeting.

e I then moved on to the Land Tenure Ordinance. I explained that the Honorary Legal Adviser was still drafting the Ordinance. It is unusual and it is important that we get it right. The delay was regrettable but, despite rumours that on consideration some had thought the original agreement should be altered, we were working on the proposal as they had requested (i.e. to stop outsiders from getting hold of land and to protect the rights of the children and future generations. I said that I did not think the reform would bring people back to the island, but that for those who decide to return there would be a start waiting. The designation of the land itself would take some time – possibly up to 18 months and may be controversial, but overall I thought it would be a positive step for the island.

f *will probably be part of the ordinance*

g

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560. Deputy-Governor (Wolstenholme) to FCO (Oag)

*Mr Jackson*

*with the Union* CONFIDENTIAL



British High Commission Wellington

I am seeking advice from Mr Eaton on what we should doing, if anything, at this stage. He is back in the office tomorrow. Do you think it is too early to inform

8 December 1999 News Dept of potentially bad publicity!

rec'd 14/12

Ms Sue Oag  
OTD  
FCO

*Ms Oag*

- 1. I think you should copy this to News Dept & ask them to alert them to*
- 2. This will need very careful management. News Dept should pl. let us have news of any inquiries. I suggest that - the minister do not speak about - details of allegations*

*SO*

*14/12*

44 Hill Street  
P.O. Box 1812  
Wellington  
New Zealand

Telephone: 64 4 472 6049  
Facsimile: 64 4 473 4982

Consular Facsimile: 64 4 471 1979

560  
Deputy-Governor  
(Wolstenholme) to  
FCO (Oag)

8 December 1999

Dear Sir

**PITCAIRN: ALLEGATIONS OF SERIOUS CRIME**

*News Dept should pl. let us have news of any inquiries. I suggest that - the minister do not speak about - details of allegations*  
*3. Pl. pursue with TV & other*

- I am writing to let you know of a potential investigation into an alleged serious crime on Pitcairn to which we may need to respond rapidly and appropriately in due course.
- The daughter of the recently-departed Government Adviser has reported incidents involving two of her friends on the island - currently aged 13. Ultimately, it is possible that charges of rape may need to be investigated from a time when the two girls were aged 11 - at most.
- X* At present this is simply speculation. The first step is to decide whether there is a case to answer. WPC Gail Kent who is, as you know, still on Pitcairn has asked the Commissioner to speak to Kent Police for advice on how she should proceed. In the meantime she is trying to win the confidence of the two girls involved (one of whom is due to leave later this month to attend school in New Zealand). I have sent a message to the island asking Gail to telephone me (if she can) as soon as possible so we can be clear about how she sees progress being made.
- Y* I have briefed the Governor and we are agreed that if the allegations are substantiated then we must investigate thoroughly and proceed with court action if appropriate. At present the Ordinances, signed by the Governor on 14 September, are not in force because of the need for Orders-in-Council to be made in London. I sent a fax to Martin Eaton yesterday asking if the process could be completed speedily. It would be helpful if you could support this.

*OTN 380/001/99*

CONFIDENTIAL

*Pitcairn: Potential Court Case*

560

Deputy-Governor  
(Wolstenholme) to  
FCO (Oag)

8 December 1999

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A | 5. This is not the first time similar allegations of a serious crime have been made on the island. But as you will realise, this is very sensitive. The small community will not welcome an investigation - if we establish that one is warranted. Any court case - and possible lengthy custodial sentence on conviction - as well as the publicity that would undoubtedly surround it could be devastating. So we must proceed with care and tact. I will keep you informed of developments.

*Yours,*

*Kauer*

d

Mrs K S Wolstenholme  
Deputy Governor

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CONFIDENTIAL

## 561. Commissioner (Salt) to Constable Cox (Names redacted)

561

Commissioner  
 (Salt) to  
 Constable Cox

PO07  
 9 Dec 99

Dear Gail

I hope you are able to successfully arrest the rats in your ceiling at Poohlour soon. Tahiti was good but - oh such hard work! I have made some very good contacts.

9 December 1999

With regard to the elections, we now need to decide a Governor's Nominee to Council. Normally, this is selected from the unsuccessful candidates, taking into account gender balance and family representation. I had suggested to Dennis that he accept nomination as we would like to appoint him as Governor's Nominee if he were unsuccessful in an election. I have two in mind at present, Dennis and Lea. Can you think of any other likely candidate for the position or could you comment on either of these suggestions? The Governor's Nominee does not represent the Governor - this is the GA's role.

The Government Honda is completely at your disposal to use at any time you wish and for any purpose you wish. You are free to treat it as you would your private vehicle, carry whoever you wish on it and go where you want. You do not have to account for mileage. It should not be loaned out to others however and your response to Brenda was correct. You do not need to justify your use of the bike to the Island Magistrate, or his wife. I can quite see Carol saying how we need to turn this thing around. She will probably say it for years to come then go out and do the opposite. She is so two faced it is not funny.

With regard to A [redacted]/C [redacted], you should develop as close a rapport as possible with them to see what they drop into conversation. I would suggest that once they say something, to let them have many more opportunities to add to it. One reason we cannot hurry this matter is that the revised laws and legal system is not yet in place and we would have difficulties dealing to effective or any prosecution if we are operating under existing legislation. It is important therefore that everything remains confidential and that no charges are laid until then. Karen is writing to London to tell them to hurry their approval of the amendment to the Pitcairn Order, required before the new legislation can be enacted. For the meantime therefore, there is little that can be done other than to gather evidence. I shall write to your boss and after I have established a means of confidential dialogue, will suggest that he talk with Dennis McGookin.

I agree with Sheils that you could don your black overalls and conduct some surveillance of D [redacted]'s place on a Friday night. If you are going to secure A [redacted]'s co-operation you will not necessarily be able to take any firm action over what you may observe or overhear up there. S [redacted], the zodiac operator on 'Disco' told me that A [redacted] gave him a ride down from Rope and when he sought to pay her, she suggested he do so with cigarettes. He was quite appalled and refused but was also told by A [redacted] that they drink and smoke on a Friday night. This will be acceptable to Dave, Steve etc., despite how they may on the surface react to you if you put it to them, as it is not a lot different to what they did themselves at that age. Neither, I suggest is what Sheils reported Tony requested of A [redacted]. There is a remote possibility that we could all be off beam with this thing. Remote though it may be, we should keep it in the back of our minds because we will look more than a little stupid if it backfires. I believe that all of these children have been exposed to video pornography and would have found plenty to experiment with upon each other. However, a close eye needs to be kept on V [redacted] as he probably represented the

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greatest threat at present. Do you have any cause to question the relationship between V█████ and C█████?

Commissioner  
(Salt) to  
Constable Cox

b

It would be very disappointing to embark on an attempt at prosecution and fail because of inadequate legislation or lack of evidence and statements from the victims. To do this would reinforce the belief that Pitcairn really is beyond the law!

c

Karen has asked that you phone her on +64 4 495 0861 during work hours or +64 4 479 8130 after hours, as soon as possible. She will call you back. Between you and me, I am very aware that in raising the theft issue then sailing away to leave me to find a solution, could have caused serious problems had M█████ C█████ not been there. We would have ended up confirming for everyone that we cannot have an effective administration. I am therefore concerned that suggestions she may have should not by-pass me.

9 December 1999

d

With regard to Mike's audit of the Works Dept - I am impressed by the manner in which Mike has launched himself into his work. I expected that he would spend November/December sorting out his systems and perhaps auditing the store and electrical dept before the supply ship arrived. Jay has no authority to request that Mike audit the Works Dept. He can suggest it but Mike is responsible to us, not the Magistrate. I suspect that Carol is smoke-screening. I cannot be sure what Jay is up to.

Sheils, Daniel and the girls flew back to New Plymouth yesterday. They are all well and pleased to be heading home.

We are in for a busy time by the look of it. I am sorry if my communications are a little delayed. Hopefully we will sort out the remaining supplies today and tomorrow.

e

'Dumont D'Urville', a French Naval Supply Vessel has requested a visit for 28 - 29 January. This may be a good opportunity for you to come off through Mangareva. The timing is not so good however, given the cruise ships over that period. Council may have some comment about this.

Take care and take it easy!

Leon

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562. Deputy-Governor (Wolstenholme) to FCO (Oag)

562

Deputy-Governor  
(Wolstenholme) to  
FCO (Oag)

15 December 1999

*pa OTN 380/001/99*

*Pitcairn: Potential Court Case*



British High Commission Wellington

15 December 1999

Sue Oag  
OTD  
FCO

*Mr Brooks*

44 Hill Street  
P.O. Box 1812  
Wellington  
New Zealand

Telephone: 64 4 472 6049  
Facsimile: 64 4 473 4982  
Consular Facsimile: 64 4 471 1974

BY FAX

*I am meeting with Mr Eaton this afternoon at 4pm. To discuss the revised Pitcairn Law Ordinances & Orders in Council*

direct tel: 64 4 495 0861  
direct fax: 64 4 495 0831

Dear Sue

**PITCAIRN: COURT CASE**

*Would you like to attend?*

*SO*

1. On the evening of 10 December, there was an incident on Pitcairn involving a visitor to the island. The visitor, Ricky Quinn, is not of Pitcairn descent but is the step-grandson of Vula Young. He arrived on Pitcairn a few weeks ago and has been granted permission to stay for a maximum of six months.

2. It is not entirely clear what occurred on the island, but it is clear that Ricky Quinn was heavily under the influence of alcohol after an evening spent at the house of one of the islanders. On his return home he encountered two of the island children and as a result the mother of one of them sought assistance from the visiting Kent police officer, Gail Cox. Allegations were made of threatening/abusive behaviour, assault and sexual assault.

3. It was clear to Gail that interviewing the accused would not be possible immediately. She therefore interviewed him on Saturday, 11 December and he admitted the following charges:-

- using threatening/abusive behaviour
- sexual assault of a minor
- unlawful sexual intercourse with a minor

He denied a further charge of sexual assault on a (different) minor.

4. Gail Cox subsequently interviewed the two girls in the presence of the mother of one of them. Ricky Quinn is likely to be charged and should appear in court on the island within the next few days. If found guilty (which is within the competence of the Island Magistrate, under existing laws) he is likely to be sentenced to between 50 and 100 days in gaol, and subject to immediate deportation (dependent upon shipping

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a schedules). At present the accused is being held under "house arrest" at the Government Adviser's residence outside Adamstown in the presence of Gail Cox and the island police officer, Meralga Warren.

562

Deputy-Governor  
(Wolstenholme) to  
FCO (Oag)

b 5. This is an alarming incident but it appears to have been handled swiftly and appropriately by all those involved. The Commissioner has been following events closely and we have also kept the Governor informed. Paul Treadwell has also been consulted, and has given his advice on the charges, particularly in relation to the age of consent. The two girls involved are 15 years of age, and there are anomalies in the existing laws for children of this age.

c 6. I am on leave now until 29 December, but you are welcome to contact the Commissioner or, in my absence, Jonathan Wolstenholme who will provide you with up-to-date information.

15 December 1999

yours ever  
Murray

pp K S Wolstenholme  
Deputy Governor

563

Governor (Williams)  
to Overseas Ter-  
ritories Department,  
FCO (White)

FAXED

Direct Tel: 64 4 495 0874  
Direct Fax: 64 4 495 0831

RESTRICTED



British  
High Commission  
Wellington

44 Hill Street  
Wellington 1

Mailing address: P.O. Box 1812  
Telephone: 4726 049  
Telegraphic address: UKREP, Wellington  
Telex: NZ 3325 (a/b UKREP NZ 3325)  
Facsimile: 644 471 1974

*From The High Commissioner*

16 December 1999

P/370/1

16 December 1999

C J B White Esq  
Head, OTD  
FCO

BY FAX

Dear John

**PITCAIRN: COURT CASES AND LAW REVIEW**

As Karen Wolstenholme has reported to Sue Oag, some worrying reports have recently emerged of sex crimes against under-age girls on Pitcairn. There are at least two incidents, which appear to be unrelated. One (Karen's letter of 15 December) is by a non-Pitcairner and is being dealt with by the Island's official legal procedures, such as they are. We hope the early result will be the departure from Pitcairn of the alleged offender.

2. The other case (Karen's letter of 8 December) is even more difficult, appearing to involve a young man or young men with under-age girls, all of them Pitcairn Islanders. This case has not yet reached the stage of formal investigations, but these should be started soon.

3. Both sets of cases serve to underline the inadequacy of the current Pitcairn legal system. The former case can at least be handled on the Island, but the sentences available under existing laws are quite inadequate to the seriousness of the offences. Besides the legal procedures would be open to challenge on several grounds, not least the magistrate's lack of experience, and the absence of any legal advice to the accused. The latter case could not realistically be tried at all, since everyone on the island will be personally related to either the suspected offenders, or the victims, or very likely both.

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RESTRICTED

Governor (Williams)  
to Overseas Ter-  
ritories Department,  
FCO (White)

16 December 1999

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4. Some three years ago a similar case came to light. The New Zealand police were able to give some informal help, but to carry out a proper investigation we had to send two experienced officers from the Kent police. As a result of their enquiries in the end no charges were brought. However following that incident, and the realisation of the inadequacies of the present laws, we have thoroughly revised and updated the laws of Pitcairn about the Justice system. I signed the new laws on 14 September.

d  
5. It is extremely fortunate that when these latest incidents occurred, WPC Gail Cox from the Kent police was actually present on Pitcairn, continuing the link established three years ago. Consequently both cases will have been professionally and thoroughly investigated, by an independent person with the proper training, and not subject to the kinship pressures which would apply to everyone else on the island.

e  
6. However I am extremely concerned that the new legislation is not yet ready to be implemented. Karen wrote to Sue on 14 September asking that the necessary steps of non-disallowance and issue of Orders-in-Council be set in hand. Since then we have heard nothing further. Of course I realise that these procedures take some time to arrange. However the need for them has now suddenly become urgent. Karen wrote on 8 December to Martin Eaton asking about progress, but her enquiry may not have indicated the urgency of the new situation. If the new laws are not available, we shall simply be unable to deal adequately with what may be very serious crimes, which besides could attract some sensational and very critical publicity.

f  
7. I should be most grateful for anything you can do to ensure that the steps are completed as rapidly as possible, and let me know what the likely date is when we shall be able to bring the new legislation into effect. If there is no chance of our being able to use it for the latest incidents, I would prefer to know this sooner than later.

g  
*Yours*

*M J Williams*

M J Williams

h  
cc; Martin Eaton Esq,  
Deputy Legal Adviser

RESTRICTED



564. FCO (White) to Governor (Williams)

564

20-DEC 1999 11:21 FROM FCO TO  
BU FAX

FCO (White) to  
Governor (Williams)



Foreign &  
Commonwealth  
Office

Our reference: OTN374/001/99

London SW1A 2AH

Telephone: 0171

20 December 1999

20 December 1999

M J Williams  
Governor for the Pitcairn Islands  
Wellington

P/370/1

Reply sent

na

WPC  
20/xii

**PITCAIRN: COURT CASES AND LAW REVIEW**

1. Thank you for your letter of 16 December and Karen's letters of 8 and 15 December to Sue Oag about the above.
2. It is very worrying to hear of the recent allegations that have come to light. As you say it is fortunate that we have WPC Cox on hand to deal with the incidents in a professional manner.
3. The circulation and action process seeking dis-allowance certificates for the revised Law Ordinances began on 21 September when they were sent to the Legal Library to attach any relevant legislation. They were then returned to Sue on 2 December and forwarded to Mr Eaton on 9 December. Why all this took so long I do not know.
4. Mr Eaton is consulting colleagues, including Henry Steel, our consultant who has great experiences of setting up new court structures for small territories. The aim is to process the Ordinances and the Orders-in-Council as quickly as possible. But you should be aware that it may take some time, precisely how long we cannot yet say. We will keep it to the minimum consistent with getting it right not just because of the possibility of use for the current cases, but for the future. We will let you know when it is clearer how long it will take. In the meantime we would be grateful to receive any updates about the investigations, particularly on the strength and reliability of any evidence.

Stop press: C24 - UN SPECIAL COMMITTEE ON DECOLONISATION:  
DELISTING UK OVERSEAS TERRITORIES: We have just received a telephone call from Kate Smith, UKMis, New York, informing us that Pitcairn has been chosen by C24 as the first UK Overseas Territory for the purposes of delisting. She was not able to advise us on exactly what this process will mean but hoped to

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FCO (White) to  
Governor (Williams)

arrange a meeting with Committee Members to establish how they  
plan to conduct the exercise. We will forward details when  
known.

*Ltt best with*

20 December 1999

C J B White  
Overseas Territories Department

0171 270 2741/2

cc: Mr Eaton  
Ms Barker, UND (ref para 5)  
Mr Flett (ref para 5)

565. Governor (Williams) to Commissioner (Salt)

565

20/12/1999 10:33 007047443070031 BRITISH HIGH COMMISSION PAGE 02

Governor (Williams)  
to Commissioner  
(Salt)



Contact Tel: 64 4 495 0874  
Contact Fax: 64 4 495 0831

OFFICE OF THE GOVERNOR  
OF PITCAIRN, HENDERSON, DUCIE  
AND OENO ISLANDS  
C/o British High Commission  
P.O. Box 1812  
Wellington  
New Zealand

20 December 1999

20 December 1999

Mr Leon Salt  
Commissioner for Pitcairn Islands  
Private Box 105 696  
Auckland

By Fax 09 366 0187

*Dear Leon*

This is in reply to your letter of 20 December, and in confirmation of our various telephone conversations.

2. I was very concerned at the allegations in your letter about the apparent involvement between the Magistrate and the suspected offender in the case to be heard on Pitcairn on 20 December. However it is a very serious step for me as Governor to direct the properly constituted Magistrate not to hear the case, simply on the basis of such reports.

3. As I told you, I thought it best to contact WPC Gail Cox on Pitcairn and ask her to convey to the Magistrate a message from me about the seriousness of the issues raised by these reports. I had also drafted a letter from me to the Magistrate on the subject, in case she failed to get a satisfactory response by raising the matter informally.

4. I confirm that I believe we cannot insist on the charge against Quinn relating to sex with a child, if it is a fact that the young woman in question was 15 years old at the time of the alleged offence. Pitcairn law defines a child as someone under 15, so the charge could not be sustained if challenged. However if the Pitcairn Islanders all act on the basis that the age of consent should be 16, not 15, and no challenge is lodged, and Quinn is happy to plead guilty on that basis, we would be presented with a fait accompli.

5. I confirm that I have signed the amending ordinance relating to the Justice Ordinance section 11.

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Governor (Williams)  
to Commissioner  
(Salt)

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20 December 1999

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6. I have now spoken to WPC Cox by telephone. She is confident that, now she has talked with the Magistrate, he will handle the case properly. There is no need therefore to send the letter I had drafted. I have also told her my view as in para 4 above, and she believes the case can be properly handled on that basis. However we must make sure that the Justice Ordinance on this issue is amended to remove any ambiguity. I have asked Gail to keep me fully informed over developments.

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M J Williams  
Governor, Pitcairn Islands

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566. Governor (Williams) to FCO (White)

566

Governor (Williams)  
to FCO (White)

Direct Tel: 64 4 495 0874  
Direct Fax: 64 4 495 0831

*pa BTN/380/001/99*  
*Pitcairn: Potential*  
*Ms Day*  
*Court Case*



British  
High Commission  
Wellington

44 Hill Street  
Wellington 1

Mailing address: P.O. Box 1812

Telephone: 4726 049

Telegraphic address: UKREP, Wellington

Telex: NZ 3325 (a/b UKREP NZ 3325)

Facsimile: 644 471 1974

From The High Commissioner

21 December 1999

21 December 1999

C J B White Esq  
Head OTD  
FCO

1. *Continue x plan*
2. *full review in the*  
*Court case.*

By Fax

*Dear John*

**PITCAIRN: COURT CASES, LAW REVIEW AND C24 DELISTING**

Thank you for your letter of 20 December.

2. I am glad to learn that the process has been initiated for bringing into effect the new set of Ordinances regarding the administration of justice on Pitcairn. However I am a little surprised at your comment about the need to consult Henry Steel so as to get it right. I had thought the substance had all been agreed as necessary before I signed the Ordinances. I know the Pitcairn legal adviser has consulted Martin Eaton extensively over the drafting. Your remark suggests that the substance is now being further reconsidered in London. I can see this might take longer than completing the requisite formalities, which I thought was all that is now needed.

3. Please could you clarify what steps are actually now being undertaken in London about the new Ordinances, as I may have misunderstood the situation.

4. The court case against the visitor is being heard on 20 December. WPC Cox has had difficulty identifying charges which would stand up in court. The Islanders have not been particularly helpful, I gather, but it is hard to form a clear impression given the difficulty of communications, in the absence of a full and detailed report. WPC Cox expects the alleged offender to plead guilty and to be sentenced to a period of imprisonment, but then to be released in order to be put on the next ship for New Zealand. I shall keep you informed.



566

Governor (Williams)  
to FCO (White)

21 December 1999

5. Thank you for the STOP PRESS on C24 proposing to delist Pitcairn. I assume this means they would cease requiring periodic reports on Pitcairn's progress to independence. How extraordinary. There has been no change on Pitcairn to occasion this decision. Can this mean they have now decided that independence might not be the appropriate goal for the territory, after all these years? I am agog for further news.

*Yours*

*Martin*

M J Williams  
Governor, Pitcairn Islands

cc Mr Martin Eaton, Deputy Legal Adviser, FCO  
Ms Barker, UND, FCO

PS. We have just heard by telephone from Pitcairn that Ricky Quinn pleaded guilty to carnal knowledge of a child (section 88 of the Justice Ordinance) was duly sentenced to 100 days as prescribed, and is to be deported on 25 December on a ship bound for Auckland.

567

Extract of email  
from Gail Cox to  
Commissioner  
(Salt) recording  
details of Quinn  
case

The court Case details are as follows:-

a

The Island Court sat at 1400hrs on Monday 20th December, 1999. The location was the school classroom and there were five people present They were:-

Jay Warren           Magistrate  
Betty Christian      Clerk of Court  
Gail Cox             Police Officer (Prosecuting Officer)  
Meralda Warren     Police Officer (Observer)  
Ricky Jack Quinn    Defendant

b

The case was held in private and both complainants did not attend.  
No other members of the public attended.

Case No 1/99

c

Defendant Ricky Jack Quinn DOB 12/11/76  
Address 3, Causeway Road, Haururu Falls, Paihia, Bay of Islands, New Zealand.

Charge 1. That you Ricky Jack Quinn did commit unlawful carnal knowledge against Candice Juanita Warren at Up Tibi on Tuesday 7th December, 1999.

d

Plea - Guilty

The defendant was convicted of the above offence.  
Sentence was given by the Magistrate and the punishment recorded as 100 days term of imprisonment.

e

Case No 2/99

Defendant Ricky Jack Quinn DOB 12/11/76  
Address 3, Causeway Road, Haururu Falls, Paihia, Bay of Islands, New Zealand.

Charge 2. That you Ricky Jack Quinn did behave indecently towards Adelia Raine Brown on Friday 26th November, 1999 in Adams Town.

f

Plea - Not Guilty

The prosecuting officer offered no evidence against Quinn in relation to this charge as the definition of 'public place' was contested.

g

With reference to Charge 1. as the plea was guilty there was no need to suppress evidence.

With reference to Charge 2. as the prosecution offered no evidence, it was not heard.

h

20 December 1999

568. Commissioner (Salt) to Governor (Williams)

568

a



OFFICE OF THE GOVERNOR  
OF PITCAIRN, HENDERSON, DUCIE  
AND OENO ISLANDS

Private Box 105 696

Auckland

New Zealand

**FAXED**

Phone +64-9-366 0186

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E-mail pitcairn@iconz.co.nz

Commissioner  
(Salt) to Governor  
(Williams)

LHS/P111c  
21 December, 1999

b

Mr M. J. Williams CVO OBE  
Governor of Pitcairn, Henderson, Ducie and Oeno Islands  
British High Commission  
P.O. Box 1812  
**WELLINGTON**

21 December 1999

c

Fax No: 04 495 0831

WPC Gail Cox has this morning phoned to advise that at a sitting of the Island Court at 2.00 p.m. on Monday 20 December (Pitcairn time), Ricky Jack Quinn pleaded guilty to a charge of carnal knowledge under Section 88 of the Justice Ordinance.

d

He was subsequently convicted and sentenced to 100 days imprisonment. He entered a plea of not guilty to a further charge of indecent behaviour under Section 87 of the Justice Ordinance. The prosecuting officer offered no evidence in support and Ricky Quinn was subsequently acquitted of this charge.

e

Passage from Pitcairn to New Zealand has been confirmed for Ricky Quinn aboard "Queensland Star" departing Pitcairn on 23 December 1999. It is suggested therefore that YE revoke his licence to land and reside, in accordance with Section 4 (3) of the Landing and Residence Ordinance and in accordance with Section 6 (1) of this Ordinance, order his removal from the Island. In addition, it is suggested that the balance of his sentence be remitted from the time of his departure from Pitcairn, in accordance with Section 10 (d) of the Pitcairn Order 1970.

f

Ricky Quinn's personal details are as follows: Ricky Jack Quinn, occupation bar person, of 3 Causeway Road, Haururu Falls, Paihia, Bay of Islands, date of birth 12 November 1976. His licence was issued on 9 November 1999.

Gail Cox is preparing a full report of the case and expects to send this by email, within the next three days.

g

If YE is in agreement with the above, I suggest that a signed order be sent to this office to be forwarded on by fax to the Island Magistrate, Police Officer and Ricky Quinn on Pitcairn Island.

h

Leon Salt  
Commissioner for Pitcairn Islands



569. Commissioner (Salt) to Island Magistrate (Jay Warren) with orders of Governor (Williams) in respect of Ricky Quinn

Island Magistrate Fax No: 112 COPIED WPC Gail Cox

569

Please find following, an order from the Governor in respect of Ricky Jack Quinn which:

- 1. Revokes his licence to land and reside
- 2. Orders his permanent departure from the islands.
- 3. Remits the balance of his sentence from the date of his departure.

FAXED

P&O have been advised of the circumstances surrounding Ricky's departure. It is expected that he will abstain totally from alcohol during the voyage. Any complaint relating to his behaviour aboard the ship will be dealt with by the NZ Police.

Commissioner  
(Salt) to Island  
Magistrate (J. Warren) with orders of  
Governor (Williams)  
in respect of Ricky  
Quinn



21 December 1999

OFFICE OF THE GOVERNOR  
OF PITCAIRN, HENDERSON, DUCIE  
AND OENO ISLANDS  
C/o British High Commission  
P.O. Box 1812  
Wellington  
New Zealand

IN THE MATTER OF  
Ricky Jack Quinn  
of New Zealand, bar person

IN EXERCISE of the powers conferred by section 4(3) of the Landing and Residence Ordinance I HEREBY REVOKE the licence to reside in the Islands granted to the abovenamed Ricky Jack Quinn on the 9 of November 1999 under section 4(1) of the said ordinance

and

IN EXERCISE of the powers conferred by section 6(1)(c) of the said ordinance I HEREBY ORDER that the abovenamed Ricky Jack Quinn shall be required to depart from and remain out of the Islands

and further

IN EXERCISE of the powers conferred by section 10(d) of the Pitcairn order 1970 I direct that upon the delivery of the said Ricky Jack Quinn by the warden of the prison for departure from the Islands on the next available vessel and his departure thereon the remainder of any sentence of imprisonment he may be at that time serving will be thereby remitted.

Dated the 21st day of December 1999

*M. J. Williams*  
Governor

a  
b  
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d  
e  
f  
g  
h

570. Commissioner (Salt) to Governor (Williams)

18/13 - Duke Island - 23/13 - 25/13 } [unclear]  
Pitcairn - [unclear]

570

a



OFFICE OF THE GOVERNOR  
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Commissioner  
(Salt) to Governor  
(Williams)

b

LHS/P111c  
23 December, 1999

Mr M. J. Williams CVO OBE  
Governor of Pitcairn, Henderson, Ducie and Oeno Islands  
British High Commission  
P.O. Box 1812  
WELLINGTON

*Keenan [unclear]*

*I think a visit  
Pitcairn is better  
than [unclear]  
5 pages in total. [unclear]  
[unclear] suggested it.  
[unclear]*

23 December 1999

c

Fax No: 04 495 0831

*Governor*

I attach a copy of an email received from WPC Gail Cox yesterday.

d

The email had several parts to it, the first written on Saturday 18 December, the second on Tuesday 21st. Between those days, the situation changed to some degree, however I thought that through sending the message in its entirety, you will be able to have a wider view, not only of the Quinn case but of Gail's present feelings and concerns.

*2/2*

e

Although there was and perhaps still is, some risk in allowing the charge under Section 88 to proceed, it will hopefully be of benefit to the community that it did go ahead and result in a conviction. In prosecuting someone for this offence, it has been made clear that this behaviour cannot be condoned. At the same time, convicting an outsider who is now to be deported, means that the community will be able to recover without having the offender remain as part of the community. I believe that on the surface, the community will gradually come to appear to be supportive of Gail.

f

It is significant that in this case, brought against an outsider, that interference by many of the community, particularly the Warren family, was so strong. There is little doubt that had the case been brought against a resident Pitcairner, efforts to undermine proceedings would have been more persistent and more likely to have caused the case to collapse.

g

A visit to the island by YE in the near future, would be helpful. It is likely that further officers of the Kent Constabulary will visit during the year to investigate the Adelia Brown/Randy Christian allegations. Perhaps such a visit could also be used to educate the community into the need for a clear system of upholding and enforcing the law, for the safety and protection of the entire community.

h

*Leon Salt*

Leon Salt  
Commissioner for Pitcairn Islands

Blank Page

571. Deputy-Governor (Wolstenholme) to FCO (Oag)



British High Commission Wellington

44 Hill Street P.O. Box 1812 Wellington New Zealand

Telephone: 64 4 472 6049 Facsimile: 64 4 473 4982 Consular Facsimile: 64 4 471 1974

571

Deputy-Governor (Wolstenholme) to FCO (Oag)

30 December 1999

*Pol (P13701)*

30 December 1999

**FAXED**

Ms Sue Oag  
OTD  
FCO

By Fax

**PITCAIRN: COURT CASE**

1. I am sure you will have seen the note on the Governor's letter to John White of 21 December, but for the sake of completeness I thought I should record the outcome of the court case against Ricky Quinn.

2. The case was heard on 20 December in the school at Up Pulau. Apart from the island Police Officer (who attended as an observer) only officials of the court and the defendant were present. The defendant pleaded guilty under Section 88 of the Justice Ordinance to unlawful carnal knowledge and was sentenced to 100 days in prison (starting from 12 December - the date of his arrest). He pleaded not guilty to a further charge of indecent behaviour under Section 87. No evidence was put forward and Ricky Quinn was acquitted of this charge.

3. The Governor signed a revocation of the licence to land and reside for Ricky Quinn, which also required him to leave and remain out of the islands, on 21 December. He left the island on the MV Queensland Star on 23 December (at which point the remaining sentence was remitted.) He is due to arrive in Auckland on 31 December.

4. Now that this case is over, Gail Cox will consider how best to follow up the allegations set out in my letter of 8 December. I will let you know of developments.

*Yours*

*Mrs K S Wolstenholme*

Mrs K S Wolstenholme  
Deputy Governor

*Happy New Year*

572. Deputy-Governor (Wolstenholme) to Commissioner (Salt)

572

Deputy-Governor  
(Wolstenholme)  
to Commissioner  
(Salt)



British  
High Commission  
Wellington

44 Hill Street  
P.O. Box 1812  
Wellington  
New Zealand

Telephone: 64 4 472 6049  
Facsimile: 64 4 473 4982  
Consular Facsimile: 64 4 471 1974

6 January 2000

Leon Salt  
Commissioner  
Pitcairn Islands Administration Office  
PO Box 105-696  
Auckland

6 January 2000

By Fax

*Dear Leon*

*See pg*

PITCAIRN

Over the recent holiday periods both the Governor and I have had some time to reflect on a number of issues relating to Pitcairn and we have discussed in some depth over the past couple of days where we think we should be going. It might be helpful if I summarise some of our thoughts.

Legal Issues

The Governor is very concerned that we have a workable legal system in place as soon as possible and that we dispose of anomalies. You have seen a copy of Martin Eaton's minute about the Law Review and the entry into force of the Judicial Ordinances. You will also have seen a copy of my letter to Paul Treadwell.

The first step is to bring the Ordinances into force, but we will then need to consider the constitution of the courts. I shall follow up with OTD how best we do this and the question of funding.

In the meantime, we must settle the question of the age of consent. As you know, my (layman's) understanding, after my visit to the island, was different from both yours and Paul Treadwell's. Confusion on the island is therefore understandable, but it must be clarified. One point is clear. The White Paper stressed the need for "partnership" with the UK OTs and part of this - and the consequent offer of British Citizenship - was to make sure that standards in

572

a the UK OTs were in line with the UK. We could not agree, now, to an age of consent different from that in the UK. So it should be 16 on Pitcairn. It would be helpful to know what progress Gail has made on this issue so that we can decide what action we need to take. We need to find some way of removing all ambiguity over this without casting doubt over the conviction of Ricky Quinn. Perhaps the new legislation will achieve this?

Deputy-Governor  
(Wolstenholme)  
to Commissioner  
(Salt)

b Investigation

c Now that that Ricky Quinn case is over we are glad that Gail is turning her attention to the other investigation. The feeling in London (borne out by Martin Eaton's minute) and in this office is that we cannot let such serious allegations pass. But we appreciate that investigating them will not be easy. I am sure Gail will proceed with her usual tact and professionalism but she should know that we will support her fully.

6 January 2000

d When this investigation has gone as far as it can we shall need to decide whether to press charges. Any court case will be highly divisive within the community, but that cannot be a factor in whether or not to proceed. The only basis for such a decision is whether there is a reasonable prospect of securing a conviction.

e On the conviction of Ricky Quinn, Interpol here have been told informally. They have asked whether fingerprints were taken when he was arrested and, if so, whether they could be made available to them, together with a certified copy of the conviction. Perhaps you would clarify this for me.

Freight charges

f The Governor has noted that not all the personal items ordered by the islanders for the last supply ship made it on board (not surprisingly). Items on the next supply ship should, as agreed, incur higher freight charges for the islanders, but we are happy to accept that those items which were ordered - in good faith - for the last supply ship, but which were not on board due to lack of space should be subject to the previous (subsidised) rate and not the new rate. If you have not already received enquiries about this I am sure you will soon!

g Pitcairn top-level domain name

h The Governor and I have both seen the latest exchanges on this issue (although it is not clear to me exactly what prompted them). We agree that we should not accept compromises put forward by Nigel Roberts or his organisation, but Sue's letter to the Governor of 4 January makes clear

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Deputy-Governor  
(Wolstenholme)  
to Commissioner  
(Salt)

that we are not required to concede our substantive position. We want the re-assignment of the .pn top level domain name to the Pitcairn Administration and we should stick to this. But we do need the support of the FCO and DTI. We therefore agree with the recommendation in Sue Oag's letter to the Governor, that our responses to IANA need to be considered and in agreement with London. The Governor would like to be made aware of all correspondence on this before it is replied to. The past two years have been frustrating, I agree, but I hope we are heading towards the resolution we want.

#### Governor's visit

6 January 2000

As you know, the Governor is keen to visit the island in the three months. I, too, think this is important. In my view we have been remiss in the past in not visiting more regularly - albeit for good reasons at the time - and we should put this right. Some of the messages we are receiving from the island such as the British Government "owing" the islanders are disturbing. We need to reinforce, more regularly and perhaps more emphatically, that Pitcairn is an Overseas Territory of the UK in the same way as, for example, Bermuda or St Helena. The fact that it is small and isolated does not mean that either the laws - or fundamental moral standards - can be disregarded. But, equally, it does not mean that the basic way of life which the islanders have chosen needs to change. We will do all we can to ensure that both are compatible.

The Governor has asked our Defence Adviser to liaise with the French Navy over possible dates for their visit in March. If there was a way to link the Governor's visit to both this and the visit of the World Discoverer to Pitcairn it would be ideal. But please let me know if you have any other suggestions.

I have replied to the Ministry of Defence in London about the visit of the French vessel Dumont D'Urville to Pitcairn at the end of January. I have also written to the Defence Attache at the French Embassy in Wellington about the diesel fuel and other items which the islanders have requested. I shall let you know as soon as I have a response.

#### Airstrip

As you know, the Governor is keen to make progress on this a priority. When I first took over I had a quick look at the files and background papers, but I have not had the time to focus fully on what is required or how we might achieve it. I hope before I go away (again) to be able to prepare a plan of action as we seem to be drifting a little at present. What is clear, however, is that the completion of the Environmental Impact Assessment (EIA) is an essential

572

Deputy-Governor  
(Wolstenholme)  
to Commissioner  
(Salt)

a prerequisite. You and I discussed briefly how this would be taken forward, but it would be helpful to have an idea of what has been done so far and what remains to be done to complete this.

Land Tenure

b We need to move as soon as possible in this area too. We must first arrange the meeting in Auckland, which the Governor is ready to attend. He would like to sign the Ordinance as soon as possible after that, subject to any last minute amendments required.

6 January 2000

c As you know, I am heading off on holiday at the end of this month and I will be transitting Auckland on Monday 24 January. It seems a good opportunity for us to have a discussion about some of the above as well as, perhaps, the division of labour between the offices. I am conscious that a great deal falls onto your shoulders and I think we might be doing more to relieve this. I shall be staying overnight on the Sunday in Auckland so would it be convenient for me to call on you on Monday morning for a couple of hours? I know you start work early so would 8.00 am be suitable?

*Yours,*

*Karen*

Mrs K S Wolstenholme  
Deputy Governor

leon6100



573. Island Police Officer (Meralda Warren) to Commissioner (Salt)

745

573

11/1/2000

Island Police  
Officer (M. Warren)  
to Commissioner  
(Salt)

Dear Leon,

On the 10th of this month I was called out Pulau by Gail Cox to de breif about the Quinn case. WPC Cox informed me that as a Police Officer Yourself, The Governor and herself cannot trust me. As far as the three of you were concerned my name is sludge. This lack of trust have rocked me emotionally especially without the communitys backing and now the Administrations. I am not trained as a real Police Officer. I have not experience in real life these situations. Yet I am expected to act as a trained Police Officer should be.

I DID NOT TELL RICKY QUINN WHAT TO DO OR SAY.

I took Ricky right from the start to the Hostel until Gail and I decided together where he should go. I was asked to move out to Pulau with them which I did. I was at home most of the days after the first 3 days but made sure I spent the nights out there.

I was the Officer who made sure he was on the boat and on the ship. I was relieved that he was out of our hands.

I was never a part of the other cases that was going on at the same time.

The only information I received was through Gail Cox.

I started reading my lawbook right from the time we took Ricky out to Pulau on Saturday 11th December where he was Questioned and made a statement By Gail Cox, Myself was present. That was the only case, person and place where I was ever present.

When I started questioning Gail Cox and Jay Warren about The duncan being Private not Public. Jay had already been on the ball and was seeking Neville Tosens advise.

When I started Questioning about the age of consent as in the lawbook there are several versions about the womans age. This I discussed with Gail Cox and I also discussed with Jay Warren.

My understanding was in the past a law isnt in effect and passed until it is dated on the notice board with the Governors stamp.

The new age of consent have never been posted on the notice board.

When I questioned these proposed laws is where Gail Cox and I have our differences.

I dont care who says my duncan or my shed is Public property. IT IS NOT. This subject was bought up in council lastnight and hopefully in the future the Pitcainners rights of their private property can be ammended

Leon If I am Not trusted as Pitcairns Police Officer please let me know as soon as you receive my letter. You and the Governor are free to FIRE ME.

The emotions I felt when Gail Cox informed me that I can be done for Purgery. 10 years imprisonment. I felt like telling

11 January 2000



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573

Island Police  
Officer (M. Warren)  
to Commissioner  
(Salt)

11 January 2000

a

you all to take this low paying unthankful job and STICK  
ET.

b

I do hope you know where I am coming from and I have no  
personal feelings towards Gail Cox, or Yourself.  
I was told I became too personally involved. I didnt think  
so but the doubt in others will always be there.

As I dont have access to private Email it would be nice if  
your answer could come through someone who have one.

Thankyou for your time.

c

Meralda Warren



d

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574. Commissioner (Salt) to Island Police Officer (Meralda Warren)

574

Commissioner  
(Salt) to Island  
Police Officer  
(M. Warren)



LHS/P111  
24 January, 2000

Meralda Warren  
Police Officer  
Pitcairn Island

24 January 2000

OFFICE OF THE GOVERNOR  
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b

c

Thank you for your letter of 11 January.

I feel unable to respond to much of what you say, because I have not been there while it was going on. There are several observations I have made about the case involving Ricky Quinn, which I find quite disturbing.

d

There was one aspect about the arrest of Ricky Quinn, which I saw as being positive and that was the fact that since Ricky was not a Pitcairner, it should have been more helpful, working through the case, from a training point of view, because local feeling and emotions should have been minimised. The conclusion I have reached however, is that if there has been so much trouble dealing with an outsider, how could the Pitcairn Police Officer and a Magistrate ever hope to deal with a local?

e

With regard to the age of consent concerning sexual intercourse, the Magistrate was referred to Council minutes of October, November and December 1997, when this was made clear. Few would argue that section 88 is poorly worded but UK law applies where Pitcairn law does not and with reference sexual offences, Pitcairn law gives no age of consent. A further point with regard to this is the overseas territories citizens being accorded British citizenship. British citizens are governed by British law in the UK and the British overseas territories. The UK Government will not accept double standards, particularly in regard to sexual offences or acts of violence. If Pitcairn wishes to claim that the age of consent is 15, in regard to Section 88, HMG will not recognise Pitcairn's citizens with UK passports. To do so would be an embarrassment for them.

f

I do not quite follow what you are saying about your duncan being a public place, however if this is in relation to the alleged sexual assault which may have taken place in someone's duncan, the issue of public place is irrelevant. No one can legally assault anyone on any private property. The issue of private or public property in other cases, relates to property to which the public have access. My understanding is that if you invite people to your place, you have technically given them access to it. If it is an open invitation, your place becomes a public place for the purposes of the alcohol code. The definition of 'public place' depends upon the circumstances. However, as I said earlier, I cannot be certain as to what you are talking about in relation to the duncan. You may need to explain this further. Are you suggesting that you can commit crimes in the privacy of your duncan?

g

h

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574

a

I am aware that on one occasion when Ricky was in your custody, you took him to your home, presumably to spend the day while you continued with curio. I understand that he was then allowed to spend the part of the day in the company of the Magistrate and even went fishing with Vaine. This should not have happened. Firstly, he should not have gone from your presence and secondly, the Magistrate who was to hear the charge against him, should not have had any contact with him.

Commissioner  
(Salt) to Island  
Police Officer  
(M. Warren)

b

I have the impression that doing what the community may want you to do, ranked more highly than the need to act in the interests of law and order and as a prosecuting officer. During the investigation and prosecution, there was an ideal opportunity for you to learn the manner in which you should act as a police officer. I believe that you have come unstuck through not checking and communicating more effectively with Gail. We acknowledge that you have not been trained as a 'real' police officer but at the same time, point out that part of Gail's function is to give you this training. I also accept that Gail may have expected too much by not explaining every move in greater detail.

24 January 2000

c

It needs to be pointed out to Jay that he too came close to investigation. Firstly he should not have had contact with the accused at all. Secondly, he should not have been purchasing the motor cycle from the accused and thirdly, should not have phoned the accused's father and given him the impression that he was looking after his son. Regardless of what the facts may be, it smacks of corruption and bribery.

d

If Gail had so much difficulty in bringing this case against Ricky, how can we have any confidence that the law is being upheld on Pitcairn. I am certain that Gail felt your support disappear at a time when it was crucial.

e

The task of the Police Officer on Pitcairn is essentially a thankless task. You need to take advantage of Gail's presence to learn as much as possible about your role and you need to apply the law consistently. No one said it would be easy and we still know of no one on Pitcairn who can do the job better than you.

f

g

Leon Salt

h

575. Commissioner (Salt) to Mayor/Island Magistrate (Jay Warren)

575

Commissioner  
(Salt) to Mayor/Is-  
land Magistrate  
(J. Warren)



LHS/P111  
24 January, 2000

No: 3

The Mayor  
Pitcairn Island

24 January 2000

OFFICE OF THE GOVERNOR  
OF PITCAIRN, HENDERSON, DUCIE  
AND OENO ISLANDS

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Although it may not seem a problem to you, on the surface, the issue of your purchase of the motorcycle from Ricky Quinn became a serious conflict of interest for you.

If I do not mention this to you, you will not know about it if a similar situation arises in future.

From the moment of Ricky's arrest, as Island Magistrate, you should have ceased all contact with him. Your only contact should have been in the courtroom when hearing the case. Even if you had a previous arrangement concerning the motorcycle, proceeding with it under these circumstances, represented a conflict of interest. It could be claimed by anyone that you were offering a light sentence or easy way out, in exchange for a cheap motorcycle and you would not have an easy defence – regardless of the facts. We heard out here, indirectly from Ricky's father, that you were 'looking after' Ricky and this could easily be manipulated to appear like an offer of some sort of back-hander.

If you haven't already done so, you should discuss this with Gail.

We are in the difficult position of having a police officer and Magistrate, neither of whom has received professional training, which makes implementing legal proceedings a difficult task. However, we had an experienced police officer on Pitcairn and we have access to excellent legal advice in New Zealand and following this should enable the law to be justly implemented.

There was talk of the age of consent being 12 or 15 years, in relation to section 88. Section 88 is poorly worded but what is essential to note is that where Pitcairn law does not provide, UK law will apply. The age of consent was discussed extensively in Council during October, November and December 1997 and there is no doubt, from my reading of the minutes that 16 was understood to be the age of consent. In the UK Overseas Territories White Paper, you will read reference to the Overseas Territories needing to ensure that their laws are not in conflict with UK law. The examples quoted are to do with capital punishment for some crimes, which are still part of some OT laws, however it is equally clear that the sexual offences act will need to be compatible as a prerequisite to Overseas Territory citizens being accorded full British citizenship. If Pitcairn law was to state an age of consent lower than that in the UK, in relation to sexual offences, HMG will be unlikely to accord Pitcairn citizens UK citizenship and passports. It would be too embarrassing for them to have such a double standard

121

575

a

I confess to being somewhat relieved when Ricky's brother-in-law arrived at Shuttle with the motorcycle and there was no way that it would fit in a container. I was able to suggest he take it back and remove any possible accusation of bribery from coming your way. One way or another, you will receive the machine but it will not be sent from Richard Quinn and neither will it have had anything to do with him.

Commissioner  
(Salt) to Mayor/Is-  
land Magistrate  
(J. Warren)

b

As I have told Meralda, I thought that bringing a charge against an outsider would be more straight-forward than against a local. When Ricky was charged, apart from the criminal behaviour that was stopped, I thought that this represented a good training opportunity for Meralda and yourself. The number of twists and turns it took however, leaves me wondering that if it is so difficult bringing a case against an outsider, how on earth could a case be brought against a local? This in itself must leave one wondering if crimes committed by locals are ignored.

24 January 2000

c

While it can be hoped that this situation will not arise again, it may well do so and you will need to watch your back, as they say, when carrying out your duty as Island Magistrate.

d

e

Leon Salt

f

g

h

576. Governor (Williams) to FCO (White)

CONFIDENTIAL

576

CONFIDENTIAL  
FM WELLINGTON  
TO TELELETTER FCO  
TELELETTER NFR  
OF 250210Z JANUARY 00

OTW 380/001/00

Governor (Williams)  
to FCO (White)

FROM mjw,

TO John White Esq, OTD, FCO

SUBJECT: PITCAIRN: ALLEGATIONS OF SERIOUS SEX CRIMES

25 January 2000

SUMMARY

1. The impending sex case has several serious potential consequences. Nevertheless, given the nature and detail of the allegations, I believe we have no option but to go ahead.

DETAIL

2. WPC Gail Cox, still on Pitcairn, has succeeded in getting a long statement from one of the Pitcairn girls, now aged 15, alleging a succession of rapes starting when she was 10, by a young man from another Pitcairn family, and on some occasions also by his brother. I have seen the statement. The allegations are detailed, graphic and apparently convincing. The girl and her mother have both confirmed to Cox that they want charges brought, and that they will stand by their allegations in court. Their determination could waver, as the family of the alleged perpetrators is very high in Pitcairn's informal pecking order.

3. Another girl, from a third Pitcairn family, has mentioned similar experiences. This girl is currently in New Zealand. I have asked that WPC Cox should interview her and try to get a statement when she (Cox) comes to NZ at the end of her assignment on Pitcairn.

4. The two young men are currently on Norfolk Island. Norfolk, though populated largely by Bounty families which moved there from Pitcairn in the 1850s, is Australian territory. As far as we know, the two are unaware of the allegations made about them or the fact that we have launched investigations. One of them is planning to return to Pitcairn in April, the other not for two years.

5. Given the nature of the allegations I am sure we must go ahead with the investigations and if possible bring the cases to court. However I have several serious concerns.

6. First I have no doubt that these are not unique cases. It is far more likely that they are a continuation of a pattern that has been going on for 200 years. This is not to condone it in any way. However if we now launch charges against the two suspects, this may well kindle feuds and resentments about similar cases which have occurred over the years affecting other Pitcairners, about which despite the existence of legislation (however inadequate) nothing has ever been done.

7. Second, a court case will be difficult to conduct, despite our new legislation, and very expensive. WPC Cox considers herself inexperienced in such cases. She has asked that Detective

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Governor (Williams)  
to FCO (White)

25 January 2000

a Superintendent McGookin, who carried out the investigations on Pitcairn into the similar allegations in 1997, should send someone more experienced to re-interview the two girls. At some stage we shall have to interview the two suspects, if possible on Pitcairn. However nobody on Pitcairn is capable of doing this. We shall have to ask the Kent police again. I would not expect the suspects to plead guilty. On the other hand the suspects may get wind of the investigations and decide not to return to Pitcairn at all. We shall presumably need to ask the Australian authorities (or the NZ authorities if the suspects come here) to interview and possibly arrest them.

8. If we succeed in getting to a trial, REDACTED

So we shall need to get onto Pitcairn the suspects, the witnesses (presumably including WPC Cox and Supt McGookin), the magistrate, the clerk of the court and the judge, and legal assistance to the suspects. We shall also need a prosecutor, which does not at present exist;

c REDACTED All this will be difficult to arrange. It will also be hard to hold the suspects securely on Pitcairn, where their family enjoys considerable local prestige. If they are found guilty, they could not serve a lengthy sentence in Pitcairn's rudimentary gaol, and might have to be moved elsewhere. Nor is there a system for appeals yet in place, which is a serious shortcoming. For all these reasons, the whole process is fraught with practical and procedural problems, and is likely to cost at least several tens of thousands of pounds. I was relieved to see that OTD accepted you would have to stand the cost, as it would bankrupt Pitcairn.

9. Third, the inter-family feuds which a court case is likely to stir up could have devastating consequences for the future of Pitcairn. If the two girls stand by their allegations, it is likely to be impossible for their families to remain on Pitcairn. If the suspects are convicted, their family may decide to leave as well. So the population might suddenly be reduced to below sustainable level. Besides, although the island is riven with petty feuds, these are normally kept below the surface. Families simply have to cooperate for the community to survive. Such practical cooperation could be imperilled by this sort of court case, where witnesses will have to state in public matters which have traditionally been kept far below the surface.

f 10. Despite all these concerns, I believe we have no option but to proceed with the case. We cannot simply file the sworn statement from one of the girls, with all its graphic detail, especially as the girl herself wishes to proceed. We shall have to try to manage the consequences as best we can, including the history which may be dredged up, the administrative complications, the expense, and the likely devastating impact on the community. It will not be easy, but I have little doubt that you would agree. In particular, do you agree that a further more experienced police officer should now travel to Pitcairn, as WPC Cox advises should happen as soon as possible, to reinterview the girl, and possibly also the girl in NZ, and advise on the way ahead? If so, please will you fund the visit.

g SIGNED MARTIN WILLIAMS

CONFIDENTIAL

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FCO Memorandum  
(Oag to White  
& PS/ Baroness  
Scotland)

28 January 2000

CONFIDENTIAL

*Minister*

28 11

000  
Mr William  
??

From: Sue Oag, OTD  
Date: 28 January 2000  
Reference: OTN380/001/00

28.1.00

cc: Mr Westmacott  
Mr Eaton, Deputy Legal  
Adviser

To: Mr White  
PS/Baroness Scotland  
*A nasty business. We must pursue. But I agree that there could be potential implications for Pitcairn.*

Ms Moore, RPD  
Mr Dickson  
Ms Duff, News Dept

*We must do all we can to ensure these allegations are pursued. If these issues have persisted for 20 years it is 2007*

**PITCAIRN: SERIOUS ALLEGATIONS: POTENTIAL COURT CASE**

**SUMMARY**

1. We have been informed of serious allegations of rape against two minors on Pitcairn. The Minister might like to be aware that the case has the potential to cause major social and cultural problems for Pitcairn, and has possible serious financial implications for us.

**DETAIL**

2. WPC Cox, Kent County Constabulary (KCC), is in Pitcairn as part of an OTD Good Government Project. Whilst there she has obtained a statement from one girl, aged 15, alleging a succession of rapes over a number of years by two other Pitcairners. WPC Cox has been informed of another alleged victim, who is presently attending secondary school in New Zealand. The two young men involved are currently in Australia and as far as we know are unaware of the allegations made against them. (One of the suspects was named in similar allegations in 1997, but due to discrepancies in the victim's testimony the suspect was let off with a severe caution.)

3. An office meeting was held with the KCC earlier this week to discuss the next steps. It was agreed that the New Zealand Police Authorities would be asked to interview the other alleged victim, after which the KCC will submit a report recommending whether or not to proceed with interviewing the

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two suspects.

FCO Memorandum

(Oag to White

&amp; PS/ Baroness

Scotland)

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5. Should the recommendation be to pursue this case the implications are many for this small society (see Wellington's teleletter of 25 January). Furthermore the costs of the full legal process from interviewing the suspects, convening a court on Pitcairn including appointing/employing officers of the court, through to providing for the sentence should the suspects be found guilty - not to mention an appeal process - will run into a six-figured sum. We shall need to consider how such costs could be met with RPD.


28 January 2000

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5. We will keep the Minister informed of any further developments. In the meantime we have agreed a minimal press line with Wellington (para 5 of their teleletter of 26 January.)

e

  
Sue Oag  
Atlantic and Oceans Section  
WHMZ36  
Tel: 0171 270 2691  
Fax: 0171 270 2879  
biotdesk.fco@gtnet.gov.uk

(has given Evans)

f

NO. OF ATTACHMENTS: 2

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CONFIDENTIAL

578. Police Officer (Cox) to Commissioner (Salt)

578

Police Officer (Cox)  
to Commissioner  
(Salt)

31 January 2000 -  
1 February 2000

GMC005

31st January, 2000

Hi Leon,

Many apologies for the delay in replying to your email. I have been lost in thought about how much sun tan lotion to take with me on the Saga Rose. Only joking! With the arrival of Rob and Karen it has become a tad busy.

With the arrival of the Queensland Star and all its passengers, the Island Community seems to have cheered up a bit. The new people at present are taking the brunt of "Island slugging" although the Pitcairn charm is working to full capacity at the moment in the direction of Rob and Karen and of course Twyler. Poor Rob had only been on the Island 3 hours when Meralda jumped on him (not literally) and confided what a nasty visiting Police Officer I am. Rob and Karen seemed to be overwhelmed by the place (they are definitely stage one of Pitcairn. Sheils and Daniel had reached stage five and I'm stage 27,500 at the moment, although I still have three days left) Both Rob and Karen are really nice and I have managed to brief Rob fully in relation to the Ricky and V situations. I will give him an update on the A issue just prior to leaving.

Thanks for the information re Mr McGookin. I shall await developments as they occur. I don't think you will approve but I took the unorthodox approach to policing and decided to get Sambo drunk. I thought he might confide any knowledge of Randy and Shaun with C and A. This approach is totally unethical and had I obtained corroboration I may have had quite abit of explaining to do. In any case the approach was unsuccessful and I only ended up sporting a hangover which two paracetamol couldn't shift. Sambo confided heaps about him and Steve over 30 years, but there were no mention of recent activities.

I need to mention Meralda. Unfortunately she is a lost cause. The latest snippet on the grapevine is that I am not speaking to her. Neville has asked that I help her trade when the Delphin Cruise Ship arrives tomorrow. He saw that she was having trouble with the passport stamping and trading on the two previous ships. I agreed and have approached her with my offer. She readily agreed and we are all set for tomorrow. The unfortunate point is that after my offer she chose to undermine me yet again. I planned for a mock Court case on Thursday 27th Jan at 1400hrs. Jay agreed with the time and date and made a public announcement asking people to attend. I arrived at the said time and Jay, Neville and Rhonda were the only people to turn up. At about 2.20pm we decided to cancel due to lack of interest. Meralda had chosen to cut the grass at Flatland Tennis Court. I later learnt that Cookie and Meralda had decided on a community conspiracy to sabotage the mock court by arranging at the last minute to carryout the grass cutting. I intend to ask Council if they wish me to provide another session prior to my departure and will minute their reply (which will be interesting). Do you know at this stage whether she has received your reply to her letter, or is it due to arrive on the America Star. The timing will be helpful as I may need to wear my life jacket at all times for the remainder of my visit. I will also need to wear a stab proof vest for my back in any case.

I have informed Rob re printer. He has asked if all of the accessories will be packed with it, such as toner and that sort of thing. It all sounds a bit technical to me. I have managed to find out about the damaged printer. It was damaged prior to being unloaded from the Melbourne Star. Brenda saw it in situ and it was already damaged.



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I confirm that the correspondence work for Andrew has arrived. Brenda and Mike have been informed re funding, although I didn't tell them how much it would cost.

Police Officer (Cox)  
to Commissioner  
(Salt)

b

Please could you inform Sheils that I have all three items belonging to her and will bring them to NZ with me. It will cost her a bottle of wine. For her info, I have also packed the water pistol for good measure.

Thank you, thank you, Thank you, for packing my clothes and sending them to me. I'm not sure whose clothes you were looking at, and I won't ask, but I don't possess a slinky black number. Is there something you want to confide to me or can I start a rumour. Please pass on my thanks to Shirley with a huge hug.

31 January 2000 -  
1 February 2000

For info, Rob seems to have grasped the e mail procedure.

c

I interviewed V on Wed 26th Jan in relation to indecent behaviour towards A. During interview he admitted touching A on the breasts, although he claimed it was by accident. I asked him what his excuse was for the two other occasions. He was unable to reply and stated that she had hit on him. I expected this response and asked him to sign a statement saying that he has been advised in relation to Indecent Behaviour towards A. I awaited the fall out from the Warren Clan, but nothing happened. I suspect he is too frightened to tell C. For info I confided to V that D and L are aware and it was also my duty to inform Rob and yourself. I shall be bringing the original statement with me to NZ.

d

Tuesday 1st Feb

I havent sent this email yet as I went out to help on board the Delphin cruise ship.

e

The latest snippet in the Meralda saga. Unfortunately she asked to have a copy of the set of case papers in relation to the Ricky Court Case. There was no way out and I stated that I would be taking the original statements to Auckland without making copies for the Island. I did ask why she wanted them and she was unable to give a reason. She became extremely unhappy with my answer, stating that she was not trusted. Poor Rob, again was spoken to and as expected he came to see me. I suggested at the same time as him to go to a mediation session to have one last attempt at resolving the problem. Well, it was good. She still feels hard done by. What I was disappointed to see that she felt it necessary to lie about several situations. They werent little white lies, they were huge black ones. I dont know why I'm so surprised, but I am. I suppose I'm still trying to find some good in this community which just isnt there. By the way, I learned that you have another letter coming your way from Meralda. I understand she was obviously not happy with your reply.

f

I feel sorry for Rob. I dont think he knows who to believe at this stage. I will give him 6 months before he moves to stage two of Pitcairn, no perhaps I'm being too generous to the community, make it 3 months.

g

I apologise if I sound bitter, its been a long week and its only Tuesday.

Well I best be going. I will ring on our Wednesday local time.

h

Best wishes

Cox

579. Governor (Williams) to FCO (Oag)

579

Governor (Williams)  
to FCO (Oag)

23 March 2000



British High Commission  
Wellington

44 Hill Street  
Wellington 1  
Mailing address: P.O. Box 1812

Tel: (04) 495 0874  
Fax: (04) 495 0831

From The British High Commissioner  
HE Mr Martin Williams CVO OBE

Direct Tel: 64 4 495 0874  
Direct Fax: 64 4 495 0831

BY FAX

23 March 2000

Ms Sue Oag  
OTD  
FCO

*pa OTN380/001/00*

*Pitcairn: Potential Court Case.*

*Dear Sue*

**PITCAIRN: POTENTIAL COURT CASE**

1. Thank you for your letter of 21 March. Now that we have the three girls' statements, Simon Moore and Paul Treadwell are preparing their considered advice, which I have asked them to let me have in writing as soon as possible. I shall then pass them on to you with my comments.
2. I know that you will than want to consult Ministers, presumably Baroness Scotland, on how to proceed, and I hope this can be done with all possible speed. Unfortunately the NZ police have taken longer than expected to interview Candice, and this has held up the case. I would hope to avoid further such delays if possible.

*Yours*

*Martin*

M J Williams  
Governor, Pitcairn Islands



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581. Acting-Governor (Wolstenholme) to FCO (Evans)



British  
High Commission  
Wellington

44 Hill Street  
P.O. Box 1812  
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New Zealand

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581

Acting-Governor  
(Wolstenholme) to  
FCO (Evans)

20 April 2000

Mr Stephen Evans  
OTD  
FCO

By Fax

20 April 2000

*Dear Steve*

**PITCAIRN: POTENTIAL COURT CASE**

1. You will have seen my File Note of 19 April setting out yesterday's developments. There is more to report today.
2. The KCC Officers called on D [REDACTED] yesterday evening in Auckland and she asked to give a formal statement today. (This is underway). She indicated that she wished to make a statement alleging a number of instances of rape/sexual assault on the island involving a number of different people. This is not altogether unexpected, but does add another dimension to the case. Leon Salt is of the view that this will require a full, on-island investigation and could, ultimately, lead to investigations of most of the adult male population of the island. I tend to agree.
3. We cannot be clear about the implications of this until the interview with D [REDACTED] is complete. I have said that, in order for this not to run away with us, the KCC Officers should return to the UK as planned tomorrow so that we can take stock of where we are.
4. In the meantime, Leon Salt is still hoping to arrange for A [REDACTED], P [REDACTED] and L [REDACTED] to leave the island on Easter Sunday. I imagine that the wires between Pitcairn and New Zealand will be buzzing this afternoon and my main concern is that this should not get further over the Easter break. I will be in the Chatham Islands but I have briefed the Acting High Commissioner and both he and the Commissioner have my contact details. I will also try to speak to the

*\* to gather evidence in relation to the complaint by A [REDACTED],*

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Acting-Governor  
(Wolstenholme) to  
FCO (Evans)

Governor in Samoa later today. If you want to speak to me, my home telephone number (for tonight only) is 00 644 4798130.

*Yours,*

*Kare Wolstenholme*

20 April 2000

Mrs K S Wolstenholme  
Acting Governor

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582. Acting-Governor (Wolstenholme) to FCO (Evans)



British  
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582

Acting-Governor  
(Wolstenholme) to  
FCO (Evans)

1 May 2000

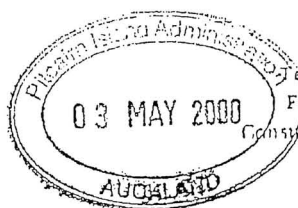
1 May 2000

Mr Stephen Evans  
OTD  
FCO

By Fax

*Dear Steve*

**FAXED**



**PITCAIRN: POTENTIAL COURT ACTION**

1. You will have seen a copy of my letter of 28 April to the Pitcairn Public Prosecutor, Simon Moore, in which I said I would write to you with my thoughts in advance of the meeting with the Minister scheduled for 2 May. I apologise for the length of this letter, but I think we have reached a critical point and need to review the position carefully.

2. I am enclosing copies of Leon Salt's letter of 26 April, Simon Moore's reply of 28 April, Paul Treadwell's letter to me of 29 April and Leon Salt's and Simon Moore's letters to me of 1 May - none of which were originally copied to you. I should be grateful if you would ensure that these, together with this letter and my earlier letter of 28 April are passed to the Governor before the meeting tomorrow. (Heads of Mission Section are in contact with him).

Where are we now?

1. Simon Moore is right. I have still not seen the statements of D [REDACTED] and R [REDACTED], but it certainly appears that we are now facing a very different prospect from the one we anticipated. I have spoken to Simon this morning. He now believes that in relation to the complaint by A [REDACTED], there is sufficient evidence to prosecute both Randy and Shawn Christian - subject to seeing the final report from DI Peter George - and that this would only be strengthened by evidence which could be gained from further investigation on the island. But he questions whether it would be practical or desirable to investigate a whole raft of other allegations going back many years when - given the timescale - it would be difficult to treat everyone involved even-handedly.



582



Acting-Governor  
(Wolstenholme) to  
FCO (Evans)

1 May 2000

4. I also think Paul Treadwell makes a valid point in suggesting this situation is partly of our own making. There is no civil authority on the island. Governor, Deputy-Governors and Commissioners reside 3000 miles away in New Zealand, visit irregularly and for short periods of a few days only. The schoolteacher (from New Zealand) doubles as the Government Adviser but is not viewed by the islanders as being in a position of real authority. We rely on a local Police Officer - who is related to every member of the community they serve - to uphold the law which, until we began a comprehensive Law review with the assistance of the Good Government Fund (in 1998), was in any case unworkable. Recent media reports have underlined the islanders' views on their remoteness from the UK. Perhaps, therefore, it is not altogether surprising if the community does not see the laws as applicable to them.

5. In terms of the legal procedures for a prosecution, we are continuing to make progress locally. The Public Prosecutor, Island Magistrate and Registrar have been appointed. The Attorney-General has just approved the appointment of Judge Blackie as the Pitcairn Chief Justice and the appointment of the Magistrate is under consideration. I have two Ordinances - one to amend the Judicature (Courts) Ordinance 1999 and one to amend the Justice Ordinance 1999 - which should be signed tomorrow and which tie up some of the loose ends. But we are still lacking an Appeals regime and clear guidance on extradition.

How should we proceed?

6. Ultimately I think it is incumbent on us to investigate all the allegations thoroughly. Not only would we be failing in our obligations to the current complainants if we did not, I do not think that would be the end of the matter. Kent Police have already been involved in a similar investigation in 1996 and the general view from here is that further allegations, which would need investigation, are likely. Furthermore, if this offending is, as Leon Salt says - and others have suggested - a cultural trait, we need to put an end to it once and for all.

7. Although we have not seen his final report, the view of DI Peter George from Kent Police, who led the investigation team here last month, is I am told that there should now be a full investigation on Pitcairn. This would have a number of implications. First, the costs would be high. Leon Salt's letter of 26 April suggests that the investigation would need

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Acting-Governor  
(Wolstenholme) to  
FCO (Evans)



b to involve people in Australia (Sydney and Adelaide), United States and New Zealand as well as Pitcairn

c 8. Secondly, the effects on the island community - to which we also have an obligation - may be significant. I agree with Leon Salt that investigations which might lead to prosecution of a number of the working-age men on the island could decimate the community permanently. Aside from the total collapse of inter-family co-operation which is essential for the island to survive, the people who are likely to be investigated are the working age men who crew the longboats which are Pitcairn's lifeline.

1 May 2000

d 9. Nevertheless, taking all this into consideration, my immediate recommendations would be:

i) to make provision for the necessary funding and ask Kent Police to undertake a full investigation of all allegations as soon as possible.

e Simon Moore's comment about time being of the essence if we are to avoid allegations of abuse of process through delay is very relevant. I also agree with Leon Salt that it would be preferable for DI Peter George - who knows the island - to head up the investigation.

f ii) to explore further the option of a general amnesty - as proposed by Paul Treadwell - to be approved for use if the investigation concluded that offending is as widespread and culturally-based as we now believe.

g The practicalities of an amnesty would have to be looked at. We could not have a situation where we decided an amnesty was the best way forward, but weeks passed before the paperwork could be finalised. So we should deal with the paperwork as far as possible now. It may be necessary - and I think it would in any case be advisable - for me or the Commissioner to be on the island throughout this time. This would have further funding/resource implications.

iii) to complete the legal procedures for establishment of the Courts both here and in London.

h I have seen Louise Savill's submission of 28 April concerning the Appeals court, so this seems to be in hand. But, even if we decide not to proceed with prosecutions, we do need to have the procedures in place.

582

Acting-Governor  
(Wolstenholme) to  
FCO (Evans)



iv) to develop a public line.

1 May 2000

I am surprised that this issue has not yet become public and I do not think it will be long before it does. Pitcairn has a great deal of followers internationally and however the investigation proceeds I think we can expect negative publicity and condemnation for our actions. It would be as well to address this now.

10. In the longer term we would also need to consider the other points raised. In particular, if a general amnesty was declared, we would need to look quickly at the question of whether a Special Commission of Inquiry would be required - as well as the extent of its terms of reference. This could have significant resource implications. We would also need to look at the appointment of an outside Police Officer. This was recommended by DI Peter George in 1996 and again by WPC Gail Cox following her recent secondment to the island. Costs would be high and I think the commitment would initially have to be for a period somewhere between the two years suggested by Paul Treadwell and the 10 years suggested by Leon Salt. But a workable and respected system of justice on the island is essential, and this may be the only realistic way of achieving it.

11. I have tried to draw together in this assessment all the most important points from the helpful letters from Paul Treadwell in particular, but also from Simon Moore and Leon Salt which are attached. I am sure that much of it will be unwelcome particularly because of the financial implications, and the Governor may disagree with my conclusions. But I strongly believe that this disturbing turn of events provides us with a real opportunity to get to grips with some of the difficult issues on Pitcairn. We should take advantage of it.

*Yours,*

*Karen Wolstenholme*

Mrs K S Wolstenholme  
Acting Governor

Pitcairn1500

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583. Commissioner (Salt) to Acting-Governor (Wolstenholme)



OFFICE OF THE GOVERNOR  
OF PITCAIRN, HENDERSON, DUCIE  
AND OENO ISLANDS

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583

Commissioner  
(Salt) to Acting-  
Governor (Wolsten-  
holme)

LHS/M21c  
1 May 2000

Mrs Karen Wolstenholme  
British High Commission  
P.O. Box 1812  
WELLINGTON

1 May 2000

Fax No: 04 495 0831

I refer to Paul Treadwell's letter to you of 29 April and Simon Moore's letter to me of 28 April.

I believe that if we proceed with a full investigation with the intention to bringing the alleged offenders to trial, in each of the cases under consideration, the inevitable outcome will be the collapse of the community on Pitcairn and its abandonment of the island. There is no doubt that the families involved would have great difficulty co-existing following such a trial, regardless of its outcome. The situation where D [REDACTED] may be jailed as an outcome of his daughter's complaint against someone else, would have serious implications for A [REDACTED]

If a Commission of Inquiry, such as that proposed by Paul Treadwell, is implemented together with the subsequent appointment of an outside police officer for a two year term, the community could recover and could be redirected. This offending is a cultural issue and is not the only cultural trait which could be corrected through the appointment of an outside police officer. With their safety assured, some who have left, may consider returning to Pitcairn.

I have some reservations over the Commission of Inquiry, but none which cannot be worked through beforehand. The Commissioner would need to examine all the evidence given and may well conclude that Randy and Shawn Christian and D [REDACTED] all acted in the manner alleged, but the amnesty cannot be effective if the offender does not admit or is not found to be guilty. Compensation could not be given where there is doubt about an offender's guilt, could it? Both complainants have indicated a desire to see the offenders punished. Acknowledgement of guilt by the offenders, could be sufficient, in this respect, for the complainants. However, in terms of the proposal being put forward, their guilt may not necessarily become public knowledge. If HMG provides compensation, it would be easy to construe this as an admission of guilt by HMG in that it has not provided for the safety and well-being of women and girls on Pitcairn.

If a Commission of Inquiry is to proceed, I would suggest that Peter George, now retired, be invited to take a significant role. Although his visit to Pitcairn in 1996 was brief, he does have a clear insight into this problem.

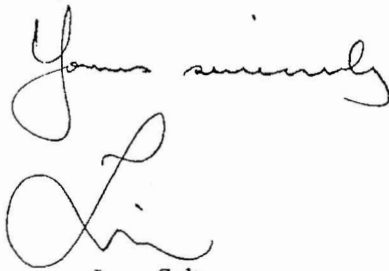
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Commissioner  
(Salt) to Acting-  
Governor (Wolsten-  
holme)

1 May 2000

Following his 1996 visit to Pitcairn, Peter George recommended the appointment of a police officer from outside the community. I have reluctantly come to share his view that this may be the best solution in the long term. It would mean that we would concede that Pitcairners are incapable of upholding or enforcing the law in their own community or taking responsibility for their own actions. It would provide a further excuse for them to behave in an immature manner and give them another target at which to direct unjustified criticism or abuse. I would suggest however that a full time 'outside' police presence would need to be maintained for at least ten years to enable a new culture to become imbedded. The cost implications of providing for this, will be considerable. It would include the construction of a residence, and a police station with a cell suitable for holding someone for a period of up to 100 days.

Put alongside the fragile nature of relationships existing between families, the fact that the community is ageing and gradually diminishing, it could also be asked in whose interests this community is being maintained. The community cannot continue to exist as they are and as a whole, may be better off if they were to be removed. Perhaps if a Commission of Inquiry is implemented, making recommendations concerning the future of the community could be included in the terms of reference.



Leon Salt  
Commissioner for Pitcairn Islands

cc **Simon Eisdell Moore**  
**Public Prosecutor**

**P J Treadwell OBE**  
**Legal Adviser**

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584. Acting-Governor (Wolstenholme) to FCO (Evans)

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BRITISH HIGH COMMISS

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British  
High Commission  
Wellington

Acting-Governor  
(Wolstenholme) to  
FCO (Evans)

2 May 2000

Mr Stephen Evans  
OTD  
FCO

By Fax

PCL/P/370/1  
FAXED

44 Hill Street  
P.O. Box 1812  
Wellington  
New Zealand

2 May 2000

Telephone: 64 4 472 6049  
Facsimile: 64 4 473 4982  
Consular Facsimile: 64 4 471 1974

Dear Steve

PITCAIRN: POTENTIAL COURT ACTION

1. Further to my letter of 1 May I have now received written comments from the Pitcairn Public Prosecutor, Simon Moore, after our telephone conversation. A copy of his letter, dated 1 May, is attached.

2. His letter confirms the views outlined in mine of 1 May, but ~~adds~~ ~~in~~ ~~them~~. I think it would be helpful for the Governor to see it before the meeting with the Minister.

3. The point about whether it would be in the public interest to prosecute is important. From the tenor of the recent correspondence I think the developing view here is that:

- an on-island investigation would be likely to provide evidence to support a number of prosecutions (some evidentially stronger than others);

- the conclusion might be that offending of this nature is widespread and culturally-based;

- prosecuting all involved might therefore not be in the general public interest;

- an amnesty, provided it took due note of the concerns raised by both Paul Treadwell and Simon Moore, would provide an opportunity for us to:

- i) satisfy the current complainants
- ii) maintain the island community
- iii) strengthen the rule of law on the island

584

Acting-Governor  
(Wolstenholme) to  
FCO (Evans)



2 May 2000

4. We would need to make sure that the terms of any investigation did not pre-judge the outcome. If the investigators concluded that the existing complaints are isolated incidents which should result in prosecutions then we would need to act accordingly and the question of an amnesty would not arise. But given the practicalities (distance, difficulty of communications) I believe we would need to prepare for an amnesty at the time of approving a full investigation.

*John,*  
*Karen Wolstenholme*

Mrs K S Wolstenholme  
Acting Governor

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585. FCO (Evans) to Acting-Governor (Wolstenholme)

-2000 18:39 FROM OTD

TO 9006444950831

P.01



Foreign &  
Commonwealth  
Office

London SW1A 2AH  
Telephone: 0171

585

FCO (Evans) to  
Acting-Governor  
(Wolstenholme)

Your reference: Your Fax of 1 May 2000  
Our reference: OTN300/001/2000

2 May 2000

02 May 2000

Mrs Karen Wolstenholme  
Acting Governor for Pitcairn  
Wellington

By Fax

*Dear Karen,*

**PITCAIRN - POTENTIAL COURT CASE - MEETING WITH MINISTER**

1. Thank you for the full and timely update on the situation in relation to the investigation to date.
2. As you are aware a meeting was held with Baroness Scotland today attended by Mr Williams, Mr White, Mr Eaton (Deputy Legal Adviser), Mr Ahmed (RFD) and myself. Mr White is in the process of preparing a submission to the Secretary of State in relation to the course of action proposed, the implications that a full investigation of all allegations made might have on the Pitcairn community, and of course the cost implications should prosecution proceedings be considered in light of the investigation.
3. In view of the above submission (which I will forward to you as soon as possible), I will limit this letter to the basic recommendations of the meeting:
  - a. It was the view of the Minister that a full investigation of ALL allegations should be conducted in order to establish the true extent (if any), to which systemic abuses have been carried out.
  - b. That the above investigation should be conducted without delay (preferably to meet the departure date of the Melbourne Star on 22 May).
  - c. That the Officers assigned have a high degree of experience in conducting this type of sensitive investigation.



18:39 FROM OTD

TO 9026444950831

P.02

585



FCO (Evans) to  
Acting-Governor  
(Wolstenholme)

d. That the decision to prosecute is a matter for the Public Prosecutor and not a matter of State.

2 May 2000

4. In recommending the above, the Minister expressed her empathy with the Governors concerns for the community as a whole but stressed the absolute requirement to carry out a full investigation into all of the allegations made.

5. I am now in the process of preparing some form of cost analysis for all available courses of action and will of course keep you informed of developments.

6. Would you please copy this letter to Leon.

*Yours,*

*Steph*

Stephen Paul Evans  
Overseas Territories Department

020 7270 2691

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586. Governor (Williams) to Deputy-Governor (Wolstenholme)

04/05/2000 10:07

00-64-4-495-0831

BRITISH HIGH COMMISS.

PAGE 02

586

Governor (Williams)  
to Deputy-Governor  
(Wolstenholme)

a

To KAREN WOLSTENHOLME  
BHC, WELLINGTON, NZ  
FAX NO 00 64 4 495 0831

2 May 2000

b

From MARTIN WILLIAMS  
c/o HOME, FCO, SW1  
Fax (020) 7270 3974



2 May 2000

c

We had our meeting today with Baroness Scotland. The conclusion was we proceed with the court cases as seriously and urgently, but also as sensitively as possible, no matter the cost or the implications for Pitcairn's future. OTB will do a submission to S of L No question of an annex.

d

e

OTB will aim to get investigators, either experienced (probably but not necessarily from KCC) to NZ in time for 12 May sailing. If there is a trial, or trials, we shall need to consider if our judge's experience is sufficient in relevant fields; if not, perhaps a suitable judge from England.

f

g

Lots of other issues; this is a quick initial read out.

h

Yours  
Martin Williams

587. FCO (Evans) to Deputy-Governor (Wolstenholme)

587

04/05/2000 18:07 00 04 4 495 0001  
04/05/2000 18:24 FROM DTD

BRITISH HIGH COMMISSION  
TO 9006444950831

PAGE 01  
P.01

FCO (Evans) to  
Deputy-Governor  
(Wolstenholme)



Foreign &  
Commonwealth  
Office

London SW1A 2AH

3 May 2000

Your reference: Your Fax/Letter of 3 May 2000  
Our reference: OTN300/001/2000

Telephone: 0171

03 May 2000

Mrs Karen Wolstenholme  
Deputy Governor Pitcairn  
Wellington

*Leon*

*re spoke.*

*Karen  
4/5*

By Fax (00 64 4 495 0831)

*Dear Karen.*

PITCAIRN - POTENTIAL COURT CASE

1. Thank you for your letter of 3 May of which I have passed copies to both Mr Williams and Mr White.
2. I have not yet had an opportunity to discuss the content with Mr Williams however, Mr White has asked me to respond urging caution in pursuing any option (in particular that of any amnesty), before the Secretary of State has had sight of the submission, or before the investigation is underway.
3. We understand the time constraints in relation to the Melbourne Star, and are making every effort to ensure the right investigation team is put together dependent upon the scope the investigation will undertake. The advantages of including DI George will be borne in mind however, his "retired" status may effect his legal right to conduct interviews and the subsequent validity in any court proceedings. I will make enquiries on this point here.
4. Re - email, Louise Savill and I share a direct link in our office: [biotdesk.fco@gt.net.gov.uk](mailto:biotdesk.fco@gt.net.gov.uk) (so named because the computer was funded by BIOT).
5. In relation to the other questions you raised I will seek further clarification and get you the answers as soon as possible.

*Yours*

*[Signature]*

Stephen Paul Evans  
Overseas Territories Department

588. FCO (White) to PS/ Foreign Secretary (Cook) and PS/ Parliamentary Under Secretary (Scotland)

FOI PA OTN 380/001/00

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17/5 (33)

588

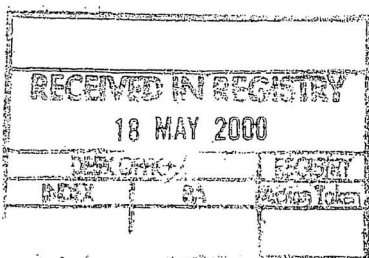
FCO (White) to PS/  
Foreign Secretary  
(Cook) and PS/  
Parliamentary  
Under Secretary  
(Scotland)

08 MAY 2000

Reference: OTN380/001/00

From: C J B White  
Date: 08 May 2000cc: PS/PUS  
Mr Westmacott  
Ms Marsden  
Mr Collecott  
Heads: News RBD  
NEAPD HRPD  
Mr Hendry, Deputy  
Legal Adviser  
Mr Watson, Legal  
Adviser  
Governor, Pitcairn  
Special Advisers

8 May 2000

PS/Baroness Scotland  
PS**PITCAIRN: SEXUAL ABUSE CASES AND THE FUTURE OF THE TERRITORY  
ISSUE**

1. What instructions and advice should be given to the Governor about how to deal with the alleged sexual exploitation of minors on Pitcairn and the implications for the continued existence of the territory?

**TIMING**

2. Immediate. A ship sails from Auckland for Pitcairn on 20 May. Investigators need to be mobilised before then. Delay would open the possibility of judicial review for abuse of process in one particular case.

**PREFERRED OPTION**

3. The Governor should be told that we would expect the cases to be investigated fully and, if relevant, prosecutions brought and that HMG will meet the necessary costs. (A decision whether or not to prosecute is for the Pitcairn Prosecutor). REDACTED

**OTHER OPTIONS**

4. Not to proceed with the investigation of the current cases and to tackle the seemingly endemic problem of sexual abuse through a mixture of amnesty for past offences plus a clearly declared intention to prosecute future offenders, possibly coupled with some form of inquiry.

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FCO (White) to PS/  
Foreign Secretary  
(Cook) and PS/  
Parliamentary  
Under Secretary  
(Scotland)

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7 Feb 2000  
OTW 360 1001 1000  
F3  
B  
LH  
26 Apr 2000  
OTW 7/00 F26

8 May 2000

ARGUMENT

5. What began as an investigation into an alleged rape of a minor on Pitcairn has now uncovered a series of similar claims. Inquiries into the accusation brought by A [redacted] against Randel and Shawn Christian (both currently in Australia) have, for example, led to allegations against A [redacted] father by a potential witness, D [redacted]. What seems clear from anecdotal evidence is that in this small, isolated, community there has been a long-standing, possibly systemic, history of sexual behaviour that is at odds with the norms we expect of a society associated with the UK.

6. Pitcairn, in many ways, follows more closely the normative behaviour of a Polynesian-style society than that of Britain. But even though early sexual experience may be more common than here, carnal knowledge of a minor is against the law. Besides rape and sexual abuse are also outside the law and cannot and should not be ignored.

7. *being* The difficulties we face in following through an investigation are both practical and political. Evidence is beginning collected on the allegations against the Christians. The critical point for the Governor and the Pitcairn Prosecutor will be to assess if the evidence is good enough for them to be reasonably sure that the case would succeed. If the answer is yes, then we should go ahead. Likewise, in the other cases which have been alleged, if the evidence is strong enough there should be prosecutions. This is a decision principally for the Prosecutor, although the Governor will have a role in the making of any extradition requests. But in a situation where one way or another allegations going back many years may well involve most of the 44-strong community, it will be difficult both to treat everyone in an even-handed way and to gain their cooperation in an investigation. So an investigation may not in practice lead to a prosecution. In that case we would still be left to tackle the problem, perhaps through some direct form of social welfare-style intervention, without being sure about its full extent.

8. The implications of a thorough widespread investigation into the sexual exploitation of minors, when this appears to be endemic, carries with it the possibility that the process itself could destroy the fragile community of Pitcairn and lead to the depopulation of the Island. The prosecution of a number of the working age men on the Island would remove some of the crews of the longboats which are Pitcairn's life-line. And the effects of any breakdown of inter-family cooperation,

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FCO (White) to PS/  
Foreign Secretary(Cook) and PS/  
Parliamentary

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Under Secretary  
(Scotland)

essential for the survival of the community, could be devastating. The community is aging and any further diminution could quickly make it unviable and bring the option of removal nearer.

c

9. Are there any alternatives to following through the investigation? And what would the responsibility of the colonial power be?

8 May 2000

REDACTED

d

The Governor and Administrator are 3,000 miles away. There is a local Police Officer - related to many of the Islanders. The law (until we began a comprehensive review in 1998) was a mess.

e

10. One option might be some sort of general amnesty declared by Proclamation by the Governor on the instructions of the Secretary of State. This would provide immunity from prosecution, apart from any recidivists, up to a cut-off date. Any subsequent offence would be prosecuted. It might be coupled with some sort of Commission of Inquiry to find out, privately, the merits of allegations and to determine claims on the balance of probabilities. If you wished to pursue this option we would need to give further consideration to the legal basis of such an amnesty and the constraints on prerogative powers in this regard.

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11. This type of approach might seem attractive in drawing a line under the past, avoiding a costly and difficult investigation and being less likely to bring about Pitcairn's collapse. But it would not be cost-free, would not address the core social and cultural problems within the society and would not guarantee the breaking of the cycle that has kept the behavioural pattern in being for so long. We cannot allow a dysfunctional society to continue. Now is the time to try and put a stop to the unsavoury practices of the past.

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#### BACKGROUND

12. The Justice system on Pitcairn has recently been completely overhauled, but remains fairly basic. Separately we are putting in place Orders in Council to establish Appeals

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FCO (White) to PS/  
Foreign Secretary  
(Cook) and PS/  
Parliamentary  
Under Secretary  
(Scotland)

procedures and so on to provide a full and workable Court system. They would be needed if a case is brought. They also need to be in existence if the Australians are eventually approached to extradite Randel and Shawn Christian to stand trial. (It is not a foregone conclusion that the Australians would be willing to accept an extradition request - there would be plenty of pitfalls along that path).

8 May 2000

13. These types of complaint have surfaced before. In 1996 there was a case which foundered as the evidence available would not have stood up to Court scrutiny. This could happen again. We need to take care in appointing an investigation team to find suitably experienced and skilled Officers (preferably from the Kent Police - who now have acquired some knowledge of Pitcairn).

14. If a case is brought, we would need to decide where to hold it. There would be severe logistical problems (and allied costs) in holding a trial with imported Judges, Prosecutors, Defence and Court staff and so on on Pitcairn. An alternative of holding the case in the UK would be even more expensive (and more open to publicity field-day).

#### PUBLIC PRESENTATION

15. This is a potential headline-maker with plenty of lurid potential for the sub-editors. HMG would be open to severe criticism if the problems were swept under the carpet. Facing up to these issues and making all arrangements to allow the rule of law to proceed, with all the attendant complexities and practical complications, would be defensible.

16. Careful Press Lines will need to be prepared for deployment both on the Island and in the UK. The Island has strong international exposure and news of the investigation will be public quickly. So far there has been no media interest. Any subsequent Court case would be likely to attract considerable attention and HMG might well be pilloried for neglect in the past.

#### RESOURCE IMPLICATIONS

17. In normal circumstances, an Overseas Territory meets its own judicial costs, but Pitcairn does not have sufficient resources. The initial investigation costs can be met from OTD resources. The costs of the extradition process,

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FCO (White) to PS/  
Foreign Secretary(Cook) and PS/  
Parliamentary

b


Under Secretary  
(Scotland)

c

prosecution and subsequent incarceration of the Christian brothers and perhaps more Pitcairners cannot be quantified especially as the trial location is uncertain. If Americans Command budgets are unable to contain the costs, then the FCO Board of Management would have to claw back funding from other commitments. A claim on the Treasury Reserve may be possible if the costs are large. The Lord Chancellor's Department/Home Office would be approached to share some of the financial burden especially if any proceedings were to be held in the UK. DFID would be approached to help deal with the wider social problems in this somewhat unprecedented situation.

8 May 2000

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C J B White  
WH 417  
Tel: 020 270 2742/1  
Fax: 020 7270 2086

NO. OF ATTACHMENTS: 2

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589. PS (Cairns)/ Parliamentary Under Secretary (Scotland) to PS/ Foreign Secretary (Cook)

589

10-MAY-2000 11:30 FROM BARONESS SCOTLAND'S OFF. TO 9006141950831 P.01/01

PS (Cairns)/  
Parliamentary  
Under Secretary  
(Scotland) to PS/  
Foreign Secretary  
(Cook)

10 May 2000

From: David Cairns  
Date: 10 May 2000  
cc: PS/PJS  
Peter Westmacott  
Ros Marsden  
Peter Cullcott  
Hds: News  
RBD  
NEAPD  
HRPD  
Ian Hendry, Legal Advisers  
Gavin Watson, Legal Advisers  
Martin Williams, Governor, Pitcairn  
Special Advisers



Private Secretary

**PITCAIRN: SEXUAL ABUSE CASES**

1. Baroness Scotland has seen John White's submission of 8 May, and discussed the issue with Martin Williams on 2 May. She agrees.
2. Baroness Scotland believes that we must let the legal process take its course. If that leads to prosecutions (and that will be a matter for the prosecutor to decide), then she believes we have a duty, not least to the two girls who have come forward to speak to the police about the alleged crimes, to allow due legal process to continue. She does not agree with the option of a general amnesty.
3. Baroness Scotland shares the department's concern about the effect any investigation might have upon the Pitcairn community. She believes it will be crucial to appoint an investigator who is highly experienced in difficult family law cases of this kind. There is a risk that the community will collapse. But that outcome is not guaranteed, and our fear of such an outcome should not prevent us from seeing that justice is done. Nor should the costs, which (unfortunately) look likely to be considerable.

*David Cairns*  
David Cairns  
PS/Baroness Scotland  
K127  
020-7270-2173

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590. Foreign Secretary's Office (Patrick) to FCO (White)

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Pass PA 07N 380/001/00

17/5.

RESTRICTED - PERSONAL

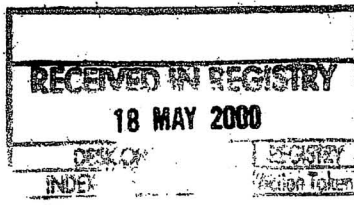
590

36

Foreign Secretary's  
Office (Patrick) to  
FCO (White)

b

*Mr White, OTD*  
Mr White, OTD



15 May 2000

c

Pitcairn: Sexual Abuse Cases  
and the Future of the Territory

The Secretary of State was grateful for your submission of 8 May and for Baroness Scotland's comments (PS/Baroness Scotland's minute of 10 May). He wholly concurs with Baroness Scotland's approach, in particular in rejecting a formal amnesty. The Secretary of State also finds the case of a parallel social welfare intervention (your paragraph 7) compelling. He would be grateful if this idea could be pursued. The Secretary of State would be grateful for advice on where the accused would stand trial (if it comes to this) and, if convicted, where they would be imprisoned?

d

REDACTED

X  
Y

Given the potential media interest in this issue, we should continue to keep the papers on close hold.

e

*Andrew Patrick*

15 May 2000

(Andrew Patrick)

- cc: PS
- PS/Baroness Scotland
- PS/PUS
- Mr Westmacott
- Ms Marsden
- Mr Collecott
- Heads: News
- NEAPD
- RBD
- HRPD
- Mr Hendry, Deputy Legal Adviser
- Mr Watson, Legal Adviser
- Special Advisers

f

*Ms Lewis 15/5*  
*Ms Evans 16/5*  
*Look needed more on X and Y.*  
*Please discuss.*  
*16/6.*

g

RESTRICTED - PERSONAL

591. Foreign Secretary (Cook) to Governor (Williams)

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LNWCAN 3921

RESTRICTED

17/05/100 21:18

Foreign Secretary  
(Cook) to Governor  
(Williams)

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GRS 1069

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FM FCO  
TO IMMEDIATE WELLINGTON  
TELNO 41  
OF 170739Z MAY 00

17 May 2000

1 Sec Pol/PPA



PERSONAL FOR GOVERNOR PITCAIRN

SUBJECT: PITCAIRN: SEXUAL ABUSE ALLEGATIONS: NEXT STEPS

SUMMARY

1. Legal process to take its course. Amnesty option rejected. Advice from Kent Police on the conduct of the investigations. Instructions on next steps.

DETAIL

2. The recommendation in the submission from White, OTD, of 8 May, copied to you has been accepted. The legal process for dealing with the allegations made by A [redacted] must take its course. If that leads to eventual prosecutions, so be it. We must be prepared for that eventuality. The alternative of some form of amnesty has been rejected.

3. We have discussed how we should carry matters forward with the Kent County Constabulary (KCC) - Deputy Chief Constable Ayling, Det Supt McGookin (who investigated the 1996 case) and Det Insp Vinson (an expert in interviewing children and who will be known to you from his earlier work on this case). Their strong advice was that the investigation of the allegations against the two Christians and the revelations made by Darralyn Warren should be conducted concurrently and in parallel.

4. First the allegations of rape made against Shawn and Randal Christian by A [redacted]: KCC recommend that in order to assist them with the investigation, further interviews to be held under child witness arrangements - involving video taping - should be arranged. This would prevent undue pressure being placed on the children involved. This will also help to ensure that the statements are admissible in evidence. As Leon Salt reported in his letter of 26 April to Simon Moore, arrangements had been in place to bring A [redacted] and P [redacted] to New Zealand for further interviews. This was put on hold pending decisions on the future direction of the investigation. KCC now advise strongly that the families of A [redacted] and P [redacted] should be asked to have the girls taken to New Zealand to help with the investigations further.

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LNWCAN 3921

RESTRICTED

17/05/100 21:18

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a 5. KCC say they do not need to travel to Pitcairn on the 22 May sailing. They would prefer to conduct the next stage of the investigation off island and re-interview the two girls on their arrival in New Zealand. We would be grateful if you could establish the girls willingness to leave the Island on the next available ship and let us know when that has been confirmed. We agree with KCC that they should travel to New Zealand. Once A [REDACTED] and P [REDACTED]'s movements have been confirmed, we will then arrange for KCC b investigators to fly to New Zealand via Los Angeles (to interview R [REDACTED] who they believe may have useful evidence). But if the girls and their families decide that they will not leave Pitcairn, we shall have to work out with KCC alternative ways of pursuing the case. We would be grateful if you could let us have your best information about all shipping movements to and from Pitcairn over the coming months, by commercial and naval vessels. Thereafter KCC will prepare a complete case file to provide the Pitcairn Public c Prosecutor with all available information on which to base his decision on whether or not any prosecution should be conducted.

Foreign Secretary  
(Cook) to Governor  
(Williams)

17 May 2000

6. The parallel investigation will be of the information provided in the Statement given by D [REDACTED] about possible further, and more widespread, sexual abuse by a number of individuals including A [REDACTED]'s father. In KCC's view, it is probable that once they start to probe, further revelations and possibly subsequent complaints may result from their investigation. KCC d acknowledge that this could be the start of a lengthy process. But they are prepared to do this work for us. Their initial thinking is that the investigation of the possibility of there having been wider-ranging sexually related crimes on Pitcairn should be conducted in four parts:

- e i) to trace all females who have been resident on the Island over the last 20 years who would have been under the age of consent while resident on the Island;
- ii) communication with all of this group to give them the opportunity (in confidence) to inform KCC about what they know;
- iii) the investigation of any leads or complaints, with interviews where appropriate conducted by either KCC Officers or Officers of local forces near the interviewees home who are expert in these f matters;
- iv) analysis and presentation of the results of the inquiry including the conduct of any legal process as directed by the Pitcairn Public Prosecutor, based on the evidence provided.

g KCC propose to run the investigation from their Headquarters, where information will be collated and processed and from where the investigative direction will be given.

7. It would be helpful if, in the meantime, Leon Salt could begin to assemble the information KCC will need about the females who have been on the Island from 1980 (see above). A listing of full name, date of birth, place of birth and present whereabouts if known would be ideal.

h 8. We shall finance the next visit by the KCC to New Zealand in the

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LNWCAN 3921

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17/05/100 21:18

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Christians case from GGF sources. We are considering means of financing the wider investigation. We have asked KCC to provide us with a full proposal, setting out their concept of the conduct of the investigations, draft Terms of Reference and estimated costings for the work planned. These will necessarily be indicative as the range and scope will be hard to define initially. When we receive these papers we will copy them to you. And we shall need to tie down funding for the conduct of the work quickly.

Foreign Secretary  
(Cook) to Governor  
(Williams)

a

9. KCC told us that they are likely to suggest that McGookin would supervise the broader investigation, which would make good use of his local knowledge. The main investigatory work and interviewing would be done by specialist Officers trained in dealing with child abuse and sexual offences work, possibly including Vinson. Mr George has been retained as a civilian employee by KCC and might well provide analytical help for these investigations in the UK. But there is no intention, at present, for him to travel to Australasia to take part in more field work. WPC Cox will also be able to assist the enquiries.

17 May 2000

b

10. KCC have agreed that any media enquiries will be directed to News Department here. Our initial line will be to acknowledge that investigations are being conducted into a serious allegation of sexual abuse on Pitcairn, but that in the interests of a fair investigation, no further comments would be made for the time being.

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COOK

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592. Governor (Williams) to Registrar of Supreme Court (Ford)



June 2000

Mr G M Ford  
81 Stanmore Bay Road  
WHANGAPARAOA

PERSONAL

OFFICE OF THE GOVERNOR  
OF PITCAIRN, HENDERSON, DUCIE  
AND OENO ISLANDS  
C/o British High Commission  
P.O. Box 1812  
Wellington  
New Zealand

592

Governor (Williams)  
to Registrar of  
Supreme Court  
(Ford)

*Dear Mr Ford*

In my letter of 11 April confirming your appointment to the position of Registrar of the Pitcairn Islands I said that I would be in touch about the terms and conditions of the appointment. I am sorry that this has been delayed by my absence on leave, but the suggestion which has been agreed with London is as follows:

1 June 2000

An annual retainer of NZ\$500.00 would be paid annually on 1 February.

Whilst on active duty you would receive a payment of NZ\$650.00 per day.

Travelling time (except for journeys by sea to Pitcairn) would be 66% of the active duty rate per day.

Travelling time for journeys by sea to Pitcairn would be 50% of the active duty rate per day.

All travel and accommodation costs would be paid as necessary, but no further allowance for meals and other incidentals would be payable.

This is in line with the payments made in other Overseas Territories and I hope it is acceptable.

As you may be aware, Judge Blackie has accepted the position of Chief Justice of the Supreme Court for Pitcairn and it would probably be as well if you and he were to meet soon to discuss the administrative systems and Rules of Procedure for the courts. I am hoping to arrange a swearing in ceremony for Judge Blackie in Auckland or Wellington. If you were able to attend as well it would provide a good opportunity to discuss some of these issues. I shall be in touch to confirm the date and to see whether it would be convenient for you. In the meantime, if you have any questions, please let me know.

*Yours sincerely*  
*M J Williams*  
M J Williams  
Governor

PERSONAL

593. Governor (Williams) to FCO (White)

02/06/2000 12.33 00-64-4-495-0831

BRITISH HIGH COMMISSION

PAGE 01

593

Governor (Williams)  
to FCO (White)

Direct Tel: 64 4 495 0874  
Direct Fax: 64 4 495 0831



British High Commission  
Wellington

44 Hill Street  
Wellington 1  
Mailing address: P.O. Box 1812

Tel: (04) 495 0874  
Fax: (04) 495 0831

From The British High Commissioner  
HE Mr Martin Williams CVO OBE

2 June 2000

*Mr. Williams*  
*Mr. Evans 2/6.*  
*Please come and discuss*  
*a.s.a.p.*

C J B White Esq  
OTD  
FCO

By fax

**ORIGINAL COPY**

*Legal Adviser*

*216*  
Dear *John*

**PITCAIRN: OPERATION UNIQUE**

1. I am sure that you are taking a close interest in this troublesome and worrying case.

REDACTED

2. There have been further developments. DI George and DC Vaughan yesterday interviewed A [redacted] who lives in Auckland, having left Pitcairn in 1995 when she was 13 years old. She made some allegations of indecent assault, but also said J [redacted] had spoken to her of having been raped as a girl by one of the suspected offenders in the A [redacted] case, as well as possibly by others. J [redacted] is now living in Melbourne. Also the suspects' father has now realised that the case against them has not been dropped, as he had believed, and is trying to find ways of protecting their interests.

3. These new developments underline the impossibility of the Prosecutor taking a properly considered view on A [redacted]'s case alone, without taking into account the other allegations now being talked about. If we were to ask him to give his view on the former at this stage, he could only tell us that the file is incomplete and he needs more information.

*to you*  
*attached*

*use the [redacted] close the investigation*  
*or report on health*

RECEIVED IN REGISTRY		
- 6 JUN 2000		
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593

Governor (Williams)  
to FCO (White)

2 June 2000

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*let me  
know if  
I see HQ  
George*

4. You will recall that at our meeting with Baroness Scotland, I had been very concerned about the impact on the Pitcairn community of a full scale police investigation. This is now starting to happen, and I am sure it ought to be conducted as quickly as possible. The impact of a long drawn out investigation, leading to charges only after several months, or possibly even a few years, will be devastating. From that point of view, Pitcairn is totally unlike a small community in UK in which there may have been a pattern of child abuse. Such a community may have deliberately set itself apart from the rest of the country, but when the abuse comes to light it can easily be absorbed back into it. Pitcairn cannot. Its extreme remoteness precludes this.

5. For all these reasons, I think the case is overwhelming that, now that it has been decided that there must be a full police investigation, it should be proceeded with as quickly as possible. I would strongly urge that DI George should not simply return to UK after interviewing A [redacted] and P [redacted], but proceed at once to interview as many as possible of the other Pitcairn women now in New Zealand and Australia, especially J [redacted] in Melbourne. All the necessary support arrangements are available here in New Zealand, and no doubt also in Australia. There is no good reason that I can see - financial, legal, or social - for DI George to go back to UK now, rather than pressing on further with the investigation.

6. Please could I ask you to consider this urgently, and let me have your response, to me or to Karen, over the weekend. My home telephone number is [redacted], and fax [redacted]; Karen's mobile is [redacted]. If you do agree that DI George should stay on for the wider investigation, please could I ask that he be given these instructions if possible direct, since I am in no position to instruct him myself; however if you want me to convey your or Det Supt McGookin's instructions, I shall be happy to do so.

*to  
replied*

*at my  
office  
to  
see  
him*

*Yours*

*Martin*

M J Williams  
Governor, Pitcairn Islands

*If there are UK  
let the rest of us full  
investigate - then UK  
If more charge against I hope  
charge them again.*



594. FCO (Evans) to Governor (Williams)

594

27/05/2000 16:38 00-64-4-495-0831

BRITISH HIGH COMMISS

PAGE 02

FCO (Evans) to  
Governor (Williams)

Telex

To:	MR MARTIN WILLIAMS		
Fax:	AIRTECH		
From:	STEPHEN EVANS		
Date:	23 JUN 2000	Pages:	5
OPERATION UNIQUE			



Foreign &  
Commonwealth  
Office

London SW1A 2AH

Telephone: 020 7

Our reference: OTN380/001/00

BY FAX AIRTECH  
21 June 2000  
*sent 26/6*

21 June 2000

M J Williams CVO OBE Esq  
Governor for Pitcairn  
Wellington

*Deputy Gov.*

*Pl consider*

*and discuss*

*Dear Martin,*



*My  
-  
26/6*

PITCAIRN - OPERATION UNIQUE

NOTE: The delay in dispatch of this letter is regretted however, this was due to the requirement to source funding. I attach a copy of my letter of today to Steve Townson, RMO, for your information.

1. A meeting was held today with KCC, DSU McGookin, to establish the conduct and composition of the Investigative Team for the "Wider Investigation" phase of Operation Unique. Present at the meeting were Bill Dickson, OTD (for Mr White - on annual leave), Asif Ahmad, RBD, Gavin Watson, Legal, Rosemary Waugh, News, and myself.
2. Following introductions DSU McGookin gave a brief update on the investigation to date covering some of the background and personalities involved, all of which you are fully familiar with. He then outlined the strategy for the follow up investigation. This strategy is a slightly modified version of the initial plan in light of the interview of Anetta Young conducted by Peter George on his recent visit, and his subsequent advice to DSU McGookin in relation to that interview.
3. The initial strategy was that a soft approach (probably by letter) would be made to possible victims (the 15 females identified) requesting a discussion/interview about their experiences as children on Pitcairn. The approach now favoured is a direct contact visit by a joint Police and Social Welfare interview team. This would ensure that from the outset, the correct level of advice and support was available for possible victims, during what would likely be a traumatic interview, should further or supportive disclosures be made.

27/06/2000 16:38 00-64-4-495-0831  
23-JUN-2000 13:12 FROM FCO UID

BRITISH HIGH COMMISS  
IU

PAGE 03  
P.02

594



FCO (Evans) to  
Governor (Williams)

4. With the above in mind, the recommended interview team is to consist of two KCC Police officers, a Social Welfare Officer (with specific case experience of this type of investigation) and support of a New Zealand Police Officer (assuming they are still prepared to assist).

21 June 2000

5. A number of personalities have been involved in this investigation and it is expected that within reason their experience will be utilised in the forthcoming phase of the investigation, these include Det Insp Rob VINSON (KCC), Mr Peter GEORGE (Pitcairn Constable) & WPC Karen VAUGHAN (NZ Police). WPC WILSON (KCC, experienced Child Abuse Officer), will initially work on the case in London but may become involved abroad at a later date.

6. As yet a Social Welfare expert has not been appointed but urgent enquiries are being undertaken, by KCC and FCO, to identify an individual of the right calibre, prepared to travel at short notice.

7. The start date for the next phase is dependant on the availability of the investigation team, KCC optimistically believe that the investigation might be concluded within two weeks but concede that this would be the best case scenario, based on all victims, complainants, witnesses and offenders being in the geographical area of New Zealand and Australia. Travel to Pitcairn and possible other locations (World-wide) have not been calculated. We recommended that rather than ~~start in haste and risk the momentum faltering, that a~~ prolonged availability of the team be established, possibly 1 to 2 months, in order that a best conclusion can be aimed for. In this regard we recommend a start date around the 10th or 17 of July. KCC will revert.

8. Funding of this phase of the investigation is to be made from another GGF Bid and should include all Legal expenses accrued to date and, where possible an assessment of legal costs up to a decision whether or not a prosecution case will follow. I suggest that based on the cost of the last two investigation visits, this phase in terms of the team would be Circa £50,000.00 (based on two weeks) + Legal costs. I would be grateful for any assistance you may offer in this regard.

594

FCO (Evans) to  
Governor (Williams)

27/06/2000 10:00 00 04 4 405 0031  
23-JUN-2000 13:14 FROM FCO UTD

BRITISH HIGH COMMISSION  
TO

PAGE 04  
9005444950835 P.01



a

21 June 2000

9. If you have any comments or advice on the above, or wish any further clarification I will be happy to be of assistance. I would also be grateful if you could forward a copy of this letter to Leon.

b

*Best Regards*

*SE*  
Stephen Paul Evans  
Overseas Territories Department

c

020 7270 2691

cc: Mrs Karen Wolstenholme  
Mr Leon Salt

d

e

f

g

h

595. Police Officer (George) to Commissioner (Salt)

595

a

Subject: Pitcairn Investigation  
 Date: Mon, 17 Jul 2000 22:40:45 +0100  
 From: "Peter George" <petergeorge@supanet.com>  
 To: "Leon Salt" <admin@pitcairn.gov.pn>

Police Officer  
 (George) to  
 Commissioner  
 (Salt)

ello Leon,

b

Thank you for your latest message. I know exactly how you feel, believe me, I have felt exactly the same over the last few weeks. In fact on 2 occasions I have told Dennis I no longer want to be a part of it. I cannot believe how the FCO have been conducting themselves over this investigation. Nothing at all is straightforward and they continually put obstacles in the way.

If you come up with the common sense way to do something, they will dictate another more complicated and wasteful route.

It is all very frustrating and personally I believe that Steve EVANS is the problem. He continually tries to dictate how things should be investigated. Just because he spent two years in Lincolnshire Police he thinks he knows things should be done.

17 July 2000

c

I also believe that our bosses have not been strong enough to tell the FCO how we think things should be done. I have asked on several occasions to be a party to some of the FCO meetings, but to no avail. I believe they know I would tell them what I thought.

What you said in your message concerns me a great deal. I do not want to continue this investigation without you. In my view you are a lynch pin. Your knowledge of Pitcairn, its people and culture are invaluable to us. We will stand the chance if you pull out. Rob and I both feel the same way and when I told him today he was very disappointed. I understand your position, with the FCO ruling you out of the equation, it is madness, but if you pull out now you will have no way of influencing the outcome.

d

Both Rob and I have the people of Pitcairn at heart here, as I know you do. We certainly do not want to see the end of the Island as a community, we have to put a stop to child abuse, but there are ways of doing things. At least by remaining on board until the conclusion, you have some chance of influencing things, for instance you will still be party to all the meetings that I have with Simon MOORE and will be able to have your say.

Don't do anything rash Leon, you love your job and the Islanders rely on you to support them. If we work together, we can sort this problem out.

Regards,  
 Peter

e

f

g

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596. FCO (Evans) to Foreign Secretary's Office (Patrick)

RESTRICTED

596

FCO (Evans) to  
Foreign Secretary's  
Office (Patrick)

From: Stephen Paul Evans, OTD  
 Date: 21 July 2000  
 Reference: OTN380/001/2000  
 To: Mr Andrew Patrick

cc: PS/PUS  
 PS/Baroness Scotland  
 Mr Wilkinson  
 Mr White, OTD  
 Mr Watson, Assistant Legal  
 Adviser  
 Ms Waugh, News Dept

21 July 2000

**SUBJECT: PITCAIRN - UPDATE FOR PRIVATE OFFICE - 21JUL00**

SUMMARY

1. Investigation of serious allegations of rape, and further disclosures of sexual abuse on Pitcairn. Possible requirement to hold trial of offender(s) either on Pitcairn, in New Zealand or in London.

DETAIL

2. Kent County Constabulary (KCC) have been conducting an investigation into allegations of rape and sexual abuse on a female minor by 2 males. This allegation was made in January 2000 to a KCC Police Officer on community policing duties on Pitcairn. During the interviews of the witnesses further disclosures were made which gave rise to concern that sexual abuse of young females on Pitcairn was far more widespread. A Submission providing this information was made to the Secretary of State on 8 May.

3. The investigation is being conducted in two phases, phase one dealing with the specific allegation of rape is complete and the file presented to the Pitcairn Public Prosecutor for his consideration, phase two is concerned with the wider aspect of possible systemic and endemic sexual abuse towards young females on Pitcairn. This phase will be conducted as a joint investigation by KCC with the assistance of a Social Welfare Consultant from the National Institute of Social Work (NISW). The team will depart for New Zealand on 4 August to conduct interviews of approximately 15 females who it is considered may have been at risk over the past 20 years, and any further offender interviews considered necessary. These interviews will be conducted in New Zealand, Australia and Norfolk Island. Pitcairn will be included if practicable but may have to be delayed until suitable transport (the only way to get to Pitcairn is by ship) is available. New Zealand

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RESTRICTED

596

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police and social welfare specialists have assisted to date and have offered assistance to this phase also.

FCO (Evans) to  
Foreign Secretary's  
Office (Patrick)

4. A coordinating meeting for FCO, KCC and NISW will take place on Monday 24 July.

b

5. Although the file for phase one has been placed before the Public Prosecutor, it is likely that he will wish to see the evidence of the wider investigation before deciding on whether or not prosecutions are appropriate.

21 July 2000

c

6. Of major concern, is what effect the outcome of the investigation will have on the Pitcairn community (currently 44 inhabitants). For this reason the NISW will examine and propose initiatives to try to preserve it, if at all possible. We do not yet know the full extent of the problem.

7. The media have today (21Jun00) ran the first release of the story in relation to the allegation of rape (The Times). They do not appear to be aware of the wider investigation which will of course provide scope for more graphic headlines. The media line being followed is:

d

An investigation is being conducted by KCC in light of a serious complaint which has been made and disclosures in the course of interviews with witnesses. The results of the investigation will be placed before the Public Prosecutor who will determine whether or not any further action is appropriate. The investigation is being conducted as it would be if a similar complaint were to be made in the UK.

e

REDACTED

f

Stephen Paul Evans  
Atlantic and Oceans Section  
WHMZ36  
Tel: 020 7270 2691  
Fax: 020 7270 2879  
biotdesk.fco@gtnet.gov.uk

g

NO. OF ATTACHMENTS: 0

h

RESTRICTED

597. Chief Justice (Blackie) to Governor (Williams)

597

Chief Justice  
(Blackie) to  
Governor  
(Williams)



HIS HONOUR JUDGE C S BLACKIE

*Handwritten notes:*  
CJM  
Koven  
10/8  
All discuss.  
15/8

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14 August 2000

14 August 2000

The Governor of Pitcairn Henderson  
Ducie & Oeno Islands  
C/- British High Commission  
P O Box 1812  
WELLINGTON

Dear Governor

I am in receipt of your letter dated 3<sup>rd</sup> August 2000 together with the copy letter attached from Gavin Watson.

I concur, with the views expressed, that should the necessity for a trial eventuate, Pitcairn Island would be the most appropriate venue. However, in reality no court hearing or trial of the magnitude now anticipated has taken place on the Island within recent times, if ever.

In the modern era when so much attention is paid to human rights, civil liberties, due process, natural justice and proper access to the Courts, it is essential that the facilities for a Court sitting on Pitcairn be of an appropriate standard.

I have recently been involved in discussions with the Legal Advisor Mr Paul Treadwell, the Commissioner Mr Len Salt and the Registrar Mr Graham Ford. As a result of those discussions it has been resolved that Mr Ford should travel to the Island as soon as convenient and to report on the facilities available. Mr Salt is to attend to the travel and logistics. Subject to confirmation it is anticipated that Mr Ford will visit in October of this year.

a

The following is a list of points that Mr Ford is being asked to consider:

Chief Justice  
(Blackie) to  
Governor  
(Williams)

b

(a) **Court Facilities**

- (i) A suitable building for use as a Courtroom.
- (ii) Separate and private facilities for the prosecution and defence counsel.
- (iii) Separate and private facilities for Magistrate's/Judge's Chambers.
- (iv) Separate facilities for prosecution and defence witnesses.
- (v) Facilities for Court Registrar and Court attendants.
- (vi) Availability of word processing/evidence recording equipment including simultaneous printing.
- (vii) Facilities for word processing operator.
- (viii) Media facilities.
- (ix) Research facilities.
- (x) Toilets and washrooms – gender appropriate – party appropriate (separate for prosecution and defence witnesses)
- (xi) Security arrangements for accused and for all persons associated with the trial.
- (xii) Courtroom furnishings.

14 August 2000

c

(b) **Accommodation and services**

- (i) Accommodation for participants.
- (ii) Accommodation for all visitors including witnesses and media representatives.
- (iii) Availability of electric power.
- (iv) Availability of telephone, fax and email facilities (including details of costs).
- (v) Health / medical.
- (vi) Travel arrangements.
- (vii) Emergency evacuation.

e

f

Mr Ford has many years' experience as a court officer in New Zealand and as you are no doubt aware was the Registrar of the High Court at Auckland until his retirement earlier this year. He has an eye for detail and I am confident that he will produce a comprehensive report.

g

Once Mr Ford's report is available we should have a clearer picture as to the practicalities of holding a trial on the Island. I share your view that the facilities must be seen to be of a sufficient standard and capable of standing the scrutiny of the international legal community. This is particularly so, if consideration has to be given at any stage to the extradition of an alleged offender from outside the jurisdiction. Invariably, the Court's of the extraditing country have to be satisfied that there are proper facilities for trial and the administration of justice in the country or territory seeking an Extradition Order.

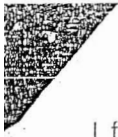
h



597

Chief Justice  
(Blackie) to  
Governor  
(Williams)

14 August 2000



I foresee that there will be many other issues that will require resolution and/or implementation as matters progress. They will arise in the wake of the decision as to whether in fact Pitcairn Island can become a suitable venue judicial proceedings on the scale that is envisaged.

At this time, I am not aware of the precise nature of the anticipated proceedings other than the fact that they are likely to involve criminal charges.

I await Mr Ford's report before making any recommendation.

Yours faithfully

C S Blackie  
District Court Judge

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598. Simpson Grierson (Gapes) to Commissioner (Salt)

+64 4 9242831

Crew - Exh.

Produce this witness  
L.M. Kelly on  
Fri: 28 April 200

598

Simpson Grierson  
(Gapes) to Com-  
missioner (Salt)



**SIMPSON GRIERSON**  
BARRISTERS & SOLICITORS

21 August 2000

Writer's Details  
e-mail: rmg@sglaw.co.nz

21 August 2000

Leon Salt  
Commissioner for Pittcairn Islands  
Private Bag 105 696  
AUCKLAND

EXHIBIT No. 1
Supreme/Magistrate's Court
Pitcairn Islands
R v. On Is. Accused
28 / 4 / 2005
Registrar

Dear Leon

**August - September 2000 Trip**

We confirm our earlier advice that Mark Kelly and Emily Yri are available subject to agreement being reached on the financial arrangements.

We believe the following (discounted) arrangements to be appropriate:

1. We would charge Mark Kelly's work at \$8000 per week for the three scheduled weeks, plus \$1600 per day for any additional days (eg for preparation and for any days beyond three weeks).
2. Emily Yri would be charged at \$3800 per week for the three scheduled weeks, plus \$760 per day for any additional days.
3. GST and/or any other applicable taxes would be charged to you.
4. You will meet all related disbursements including for example travel, accommodation and food.
5. All amounts are in New Zealand dollars.

Both Mark and Emily have dual New Zealand and United Kingdom nationality.

As you know Mark is based in our Wellington office. He holds the degrees of LLB (Hons) and BA from the University of Auckland (1993). He was admitted as a Barrister and Solicitor of the High Court of New Zealand on 11 June 1993. He worked in the litigation department at Russell McVeagh from February 1994 until December 1998 and in the litigation department of A & L Goodbody, Dublin, Ireland, on a fixed six month contract from January to July 1999. More recently he has been working in our litigation department in Wellington. In addition to his experience in civil matters, he has studied both criminal law and criminology at University and qualified as a duty solicitor under the criminal legal aid system in New Zealand. He has experience in conducting criminal cases including

Quality Assured

AU003703.162

BARRISTERS & SOLICITORS

Auckland: Simpson Grierson Building, 92-96 Albert St, Private Bag 92318, Wellesley St, Auckland, New Zealand. Telephone 0-9-358 2222, Fax 0-9-307 0351, DX 000092  
Wellington: Simpson Grierson Building, 44-52 The Terrace, P O Box 2402, Wellington, New Zealand. Telephone 0-4-499 4599, Fax 0-4-472 6986, DX SX11174  
Website www.sglaw.co.nz

RECEIVED TIME 13. APR. 11:32

14-APR-2005 09:52

09 9168801

99%

P. 03

598

Simpson Grierson  
(Gapes) to Com-  
missioner (Salt)



advising clients in relation to, and attending, numerous police interviews; negotiating with the police; accompanying clients on serious fraud office interviews; undertaking numerous pleas in mitigation and bail applications; advising numerous clients on "minor - medium level" criminal matters; and conducting trials in drink-driving and dangerous driving causing death prosecutions.

21 August 2000

Emily is based in our Auckland office. She holds the degrees of LLB and BA. As part of her law degree she has studied evidence and criminal procedure. She was admitted as a Barrister and Solicitor of the High Court of New Zealand in February 2000. She recently participated in the New Zealand Law Society duty solicitor training programme. Her practice areas include civil disputes and criminal matters. Emily also speaks French.

Please confirm that these arrangements are satisfactory. Please also suggest a suitable meeting time.

We look forward to meeting you shortly.

Regards

R.M. Gapes

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RECEIVED TIME 13. APR. 11:32

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599. Governor (Williams) to FCO (White)

CONFIDENTIAL



599

a  
CONFIDENTIAL  
FM WELLINGTON  
TO TELELETTER FCO  
TELELETTER NFR  
OF 222055Z AUGUST 00

Governor (Williams)  
to FCO (White)

b  
FROM: Governor, Pitcairn,  
TO: John White, OTD, FCO

22 August 2000

PITCAIRN: OPERATION UNIQUE

c  
1. You should know that the investigations are going well. The team are receiving cooperation from most of the people they wish to interview. So far they are concentrating on the women who are possible victims of some form of sexual abuse as children, not on the suspected offenders. All those interviewed have made statements.

d  
2. As I had feared, the number of men implicated in their statements is very high, and omits few if any of the Islanders within the relevant age range. It is too early to try to come to any decisions about what we should do about all this. The investigating team must first visit the island, talk to the remaining suspected victims and as many as possible of the suspected offenders, and then compile a full report for presentation to the Public Prosecutor. Only after we have the Public Prosecutor's advice on which of the cases might warrant charges, shall we be able to decide how to proceed. However it appears possible that there may be potential charges against practically all the young and middle-aged Pitcairn men who are now or were recently on the Island. If so that will present us with a problem, which I assume you will feel can only be decided by your Minister.

e  
3. This is at present only a warning. As I say, it is too early to make decisions. Further evidence may change the picture. The Public Prosecutor's opinions will be vital. However I thought you ought to be aware of where the investigations appear to be heading at present.

SIGNED Martin Williams

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YYYY  
MAIN 0  
SINGLE COPIES  
OTD  
[H-BROWN]

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0

*Ms Brown 23/8*  
*Ms Brown 23/8*  
*Lee*

WCLNAN 3509

*A report issued. I will*

*acknowledge.*

CONFIDENTIAL

*CS*  
*23/8*

h

8-3678

601. Governor (Williams) to Acting Mayor (Jay Warren) regarding continuing investigation by Kent County Constabulary

601

Governor (Williams)  
to Acting Mayor  
(J. Warren)  
regarding continu-  
ing investigation by  
Kent County  
Constabulary



OFFICE OF THE GOVERNOR  
OF PITCAIRN, HENDERSON, DUCIE  
AND OENO ISLANDS  
C/o British High Commission  
P.O. Box 1812  
Wellington  
New Zealand

29 August 2000

Mr Jay Warren  
Acting Mayor  
PITCAIRN ISLAND

Dear Jay

In my letter of 11 July, I confirmed that the Kent County Constabulary were carrying out an investigation, regarding a serious matter.

As I am sure you all know, these investigations are continuing. As part of the enquiries, a team will shortly be visiting Pitcairn, and talking to many of the Pitcairn Islanders, in case they may have any information which could help the investigations.

As I pointed out before, the enquiries are being made exactly as they would be if there had been a similar complaint in the United Kingdom. The subject matter of the enquiries is being taken very seriously indeed, as would also happen in Britain. Accordingly I would urge that everyone concerned should give all possible assistance to the police and other personnel who will be visiting the Island.

I realise that these enquiries may cause some temporary disruption, and I very much regret this. However if they are not completed successfully now, they will need to be followed by at least a further round of enquiries and additional investigations, which would be even more disruptive for everyone on Pitcairn, and over a longer period.

My wife and I are looking forward to seeing you all again, on our return visit to Pitcairn with HMS Sutherland and RFA Bayleaf on 17-19 September. The Deputy Governor, Karen Wolstenholme, will unfortunately not now be able to accompany us, but hopes to visit again before long.

*Young sincerely  
Martin Williams*

M J Williams  
Governor, Pitcairn Islands

cc; Mr Leon Salt, PIAO

PSL/P/380/1  
(Sent by e-mail  
for PIAO on 29/8)  
29/8

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## 602. Commissioner's Secretary (Dillon) to Commissioner (Salt)

a

Leon003  
5 September

b

Happy Birthday Rocker.

c

I have just had a call from Karen Vaughan. She asks that the following message be passed on to Pete and Rob. She is going to take a full statement from A [REDACTED] this morning (this will make them smile). Karen asks that they keep in mind that A [REDACTED] will probably be making disclosures about Terry Young and asks if it is not already too late to please hold off interviewing him until she lets them know the content of the disclosures.

c

While we are on this subject, what is the best method of getting this information to Rob and Pete. We were wondering if it would be best if Karen emailed it to me and I zipped it for you at the inquiry number – or is it okay just to email it to the inquiry number as you are the only one collecting the emails.

d

The Len cheque saga.

The short answer is Len owes nothing – he is all square.

e

The first cheque issued by Len and then sent back to him (while he was still at Clarice's) has nothing to do with what Rob/Len sees as the current problem. That cheque was to do with Yvonne and Waylon's fares to Pitcairn. Len sent a cheque to cover them and I did intercepted it as at that time it appeared to be an overpayment. I sent it back and he replaced it with another for the correct amount – end of that one – nearly. The return fares saga went something like this. I faxed Rob and asked him to ask Len about the fares Pitc-Auckland for Yvonne & Waylon seeing as how he had paid the Northbound sector, was he paying the Southbound sector, and also pointed out that in the final analysis the Northbound fare paid with the new cheque he had issued did turn out to be \$50 short. The total amount owing for fares at that point was \$1175.00 made up as follows. Bal of Auck-Pitc \$50.00 Total Pitc-Auck \$1125. Rob responded by saying that he had spoken to Len and Len had told him that he was expecting Yvonne to pay her own way South but he had given her \$350 for Waylon's fare. Len also said he wanted to pay 2 lots of \$50. One for the difference in the Northbound fare and another towards the Southbound fare. In the meantime I contacted/invoiced Yvonne and she paid everything except the \$100 Len had offered to pay. Rob advised me in his GA038, para 4 that Len still wanted to pay the \$100 and how was he to do it. Rob was advised in our GA40 of 22 May to ask Len to pay the Govt. Treasurer the \$100 and ask Mike to code his receipt to IVB8 – which has been done. Len paid this on 18 June, his receipt No.14532, nothing is owing. I have the relevant correspondence if anyone is still confused.

g

I have spoken to Karen and she agrees that the Nurse training does fall within the GGF Criteria. The amount they have for this is \$5400.00 – yes \$. Should I go ahead and advise Nat. Devenish to go ahead with the training.

h

Karen has suggested she meet Eva in our offices at 11.30 on the 20<sup>th</sup> but if the office here is too crowded that they then move to the Consulate – this is a last resort. If Eva has plans to come to Wellington or does not mind coming to Wellington Karen suggests that

54

3.2356

9

602

Commissioner's  
Secretary (Dillon)  
to Commissioner  
(Salt)

5 September 2000

602

Commissioner's  
Secretary (Dillon)  
to Commissioner  
(Salt)

they meet between the 16<sup>th</sup> and the 20<sup>th</sup> in Wellington. Can you have a chat to Eva and see what she wants to do. In the meantime a meeting is pencilled in for meeting here on the 20<sup>th</sup>.

a

After much thought and lost sleep, Paul has decided to ask the Chief Justice, via The Registrar (Graham Ford) to advise the Governor to make Rules of Court for Admission of Legal Practitioners – in other words cover everyone's backsides. From the draft I have received this rule shall be deemed to have come into force on the 1<sup>st</sup> day of February 2000. How much of this you tell the Defence Lawyers I do not know. I will up date you on whether the Chief Justice agrees – or indeed rolls out of his retirement bed early enough to enact it – as soon as I hear from Paul again who is in court all day.

b

Keep in touch.  
Shirl.

5 September 2000

c

Other emails for you.

1. Subject: September 4th!! Date:  
Mon, 4 Sep 2000 21:45:58 +1200  
From: phil\_d@free.net.nz  
To: "Leon" <pitcairn@iconz.co.nz>

Happy Birthday to you. . . Happy Birthday to you. . . Happy Birthday dear Bro . . .  
Happy birthday to YOU!!!

d

Well its that time of year once again. Another birthday!! Hope you have enjoyed your day. All is well here, Mum and Dad are the same, Dad got frustrated opening his fathers day present because he couldn't see what it was, but had no trouble deciding it was edible!! Mum went and officially opened Orewa Croquet on Saturday, however she stayed less than an hour (the grounds were too wet for play) even tho Frances was staying with Dad. Had hoped Mum would have stayed at least until lunch time. Royden turned 17 on Saturday. He's taken up a years membership at the Leisure Centre so hes now into biking, swimming and the gym. No other news, just had to send you a birthday wish since with this type of mail I can actually send it on the day! Take care, Love Susan

e

f

2. Subject:  
Pitcairn Satellite Dish –Forwarded From: "Roy Metherell" <R-Metherell@dfid.gov.uk>  
CC: K-Tay@dfid.gov.uk

Dear Leon

Please see the attached e-mail from Joost Zuurbier requesting funding of US\$ 350,000 to install 8 phonelines and an internet connection. My own view is that if Roxley considers this to be a commercial proposition then they should provide the funding themselves and their investment will be recovered by profits that will be made by over the next few years. Although Pitcairn has a very small population, Roxley must think money can be made from providing internet connections. I have also read that other small islands in the world have made money by selling their domain names. I do not believe that this a candidate for DFID funding, but I should be grateful for your comments on this proposal.

g

h

603. Hon. Legal Adviser (Treadwell) to Registrar of Supreme Court (Ford)

a 000 09:20 64-9-4079498

P. J. TREADWELL

55

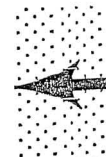
PAGE 01  
3.392

603

Hon. Legal Adviser  
(Treadwell) to Reg-  
istrar of Supreme  
Court (Ford)b Paul Julian Treadwell O.B.E. LL.B.  
BarristerP.O. Box 572  
KerikeriTel: 09 407 9818  
Fax: 09 407 9498  
Email: puriri@xtra.co.nz

5 September 2000

c 5 September 2000

d Mr Graham Ford  
Registrar  
Magistrate's Court and Supreme Court  
PITCAIRN ISLAND

Facsimile: 09 424 2901

e **RE: RULES OF COURT FOR ADMISSION OF LEGAL PRACTITIONERS**

As advised earlier today, a British police enquiry team is presently on Pitcairn accompanied by two New Zealand legal practitioners available to give advice to persons subject to questioning about suspected offences.

f It has been thought advisable in construing the English law applicable to ensure that the New Zealand lawyers are formally competent to practise in English and/or Pitcairn law.

I have drafted rules to accomplish this purpose and ask you to ascertain as a matter of great urgency whether the Chief Justice would advise His Excellency the Governor to make them accordingly.

g Please advise me about this as soon as possible.

*Yours sincerely,**Paul Treadwell*

h



604. Rules for Regulating the Admission of Legal Practitioners to Practise in the Magistrate's Court and Supreme Court

604

**PITCAIRN, HENDERSON,  
DUCIE AND OENO ISLANDS**

No. of 2000

a

Rules for Regulat-  
ing the Admission  
of Legal Practition-  
ers to Practise in  
the Magistrate's  
Court and Supreme  
Court

**Governor**

b

Dated

c

September 2000

**RULES FOR REGULATING THE ADMISSION OF LEGAL  
PRACTITIONERS TO PRACTISE IN THE MAGISTRATE'S  
COURT AND THE SUPREME COURT**

d

The Governor, on the advice of the Chief Justice, acting in exercise of the powers conferred by paragraph (k) of section 20 of the Judicature (Courts) Ordinance 1999, hereby makes the following rules of court -

Citation and commencement

1. These rules may be cited as the Legal Practitioners (Admission) Rules 2000 and shall be deemed to have come into force on the 1<sup>st</sup> day of February 2000.

e

Persons entitled to practise in Commonwealth countries entitled to practise in Islands

2. Any persons qualified and entitled to practise law in any Commonwealth country shall be deemed thereby entitled to practise law in the Islands and to have been admitted to practise and appear in any proceedings in the Magistrate's Court or the Supreme Court.

f

Chief Justice entitled to call upon persons so entitled to show cause etc.

3. Notwithstanding the provisions of rule 2, the Chief Justice shall be entitled at any time to call upon any person thereby entitled to practise law in the Islands to show cause why he or she should not be disqualified for good cause from so practising law in the Islands.

g

h

605. Chief Justice (Blackie) to Governor (Williams)



JUDGE C S BLACKIE

DTN 380/001/20

① H  
 ① Governor  
 12/1

This seems sensible  
 subject to Mr Treadwell  
 advice.

12/1

POL/P/370/1

605

Chief Justice  
 (Blackie) to Gover-  
 nor (Williams)

8 September 2000

The Governor  
 Pitcairn Islands  
 C/- British High Commission  
 P O Box 1812  
 WELLINGTON

8 September 2000

Dear Sir

I acknowledge receipt of your letter dated 17 August 2000 which has caught up with me while I have been sitting at the District Court at Rotorua. The trial here has been ongoing for some weeks.

I have however maintained regular contact with Mr Graham Ford and through him have been advised that a British Police Inquiry Team is presently on Pitcairn accompanied by two New Zealand legal practitioners.

The fact that New Zealand lawyers are now involved has caused Mr Treadwell to draft some rules for the formal appointment or admission of practitioners considered competent to practice in English/Pitcairn law.

I have discussed procedure with Mr Ford and consider that an appropriate way of dealing with applications to practice under Pitcairn Island's law should be similar to that adopted by the New Zealand Courts in allowing overseas lawyers, principally Australians, to practice here. That procedure simply involves an application in writing setting out the practitioner's background and experience and accompanied by a current practicing certificate issued by the local Law Society. The application would be received and processed by the Registrar who should be empowered, if need be, to make any further inquiries. The application would then be referred to the Chief Justice for approval. An order or certificate of admission should then be issued under the seal of the Supreme Court.

I consider it important that the admission to practice at the 'Pitcairn Island's Bar' be carefully regulated. This is to avoid the situation whereby, should there be outside publicity as to the inquiries going on at the Island, that a number of persons qualified and entitled to practice in any Commonwealth country, try and involve themselves simply because of the unusual nature of proceedings. The interests of the Islanders should be protected as much as possible from intrusion by outsiders even if, at first sight, that is well intentioned. Further, if it is later necessary to conduct proceedings off-shore then, in my view, it is important that those acting and

605

Chief Justice  
(Blackie) to Governor (Williams)

8 September 2000

appearing as counsel should be seen to be properly appointed. If the circle is too wide, there is a tendency amongst some, to poach and/or put pressure on the clients, motivated by self interest rather than the client's interest.

When I have completed my circuit in Rotorua and return to Auckland, I will give further thought to Mr Treadwell's draft admission rules. I do not consider there to be any extreme urgency, although obviously the way should be made open for those practitioners who wish to apply to do so as soon as practicable.

I am forwarding a copy of this letter to Mr Treadwell and to Mr Ford.

Yours sincerely

C S Blackie

cc Mr P Treadwell  
Barrister  
P O Box 572  
KERIKERI

cc Mr G Ford  
Registrar  
Supreme Court of Pitcairn Island  
Private Box 105696  
AUCKLAND

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b

c

d

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g

h

606. FCO Memorandum (Evans to White and others)

a

*Minister*  
*I agree with*  
*JW PS (199)*

RESTRICTED

*The position is as bad, if not worse,*  
*than we feared. When we have the*  
*report from KCC and the social welfare*  
*team we shall probably need an Office*  
*meeting to chart the way forward.*

606

FCO Memorandum  
(Evans to White  
and others)

b

From: Stephen Paul Evans, OTD  
Date: 06 September 2000  
Reference: OTN380/001/2000

cc: PS/PUS  
Heads: News  
NEAPD  
RBD  
Mr Watson, Assistant  
Legal Adviser  
Mr Townson, RMO Americas

To: Mr White, OTD  
Mr Wilkinson  
PS/Baroness Scotland

*cc/PS*  
*You should be aware of*  
*these disturbing developments.*

*It might be useful to recall the*  
*summary of these*  
*to any*  
*threat to the future*  
*of the territories -*  
*it looks as though there*

6 September 2000

c

SUBJECT: PITCAIRN - INVESTIGATION UPDATE

SUMMARY

1. Update on Police investigation into serious allegations of rape. Possible consequences, timeframes, cost implications and media interest.

DETAIL

d

2. My minute of 21 July to the PS, copied to the Minister explained that Phase 1 of the Police investigation, into an allegation of rape by two Pitcairn males against a Pitcairn female, had been completed and the file handed to the Pitcairn Public Prosecutor. Phase 2 of the investigation, into the wider aspects of possible endemic and systemic sexual abuse towards young females on Pitcairn is currently underway.

*J.P. Evans*  
*9/9*

REDACTED

e

4. To date, 13 females have made serious allegations to the Kent County Constabulary (KCC) investigation team against 17 different males (four who are now deceased), over a period of 20 years. These allegations range from Rape or Attempted Rape (made against seven males) to Indecent Assault, Gross Indecency or Unlawful Sexual Intercourse (made against all of the alleged offenders). It is possible that these figures will be amended in light of interviews still to be conducted on Pitcairn. Some cases of incest have also been disclosed, in each case however, the individual has declined to make any official complaint.

f

5. The Detective Superintendent from KCC who is leading the investigation on behalf of the Pitcairn authorities, has indicated that the evidence collected to date, would in his opinion be sufficient to support trial proceedings in a number of the cases.

Stephen Paul Evans, OTD

1

*Copied to*  
*Wellington 9/9*

*Many thanks. Please see*  
*Minister's Manuscript Comment*  
*above.*

RESTRICTED

cc: as above.

606

RESTRICTED

FCO Memorandum  
(Evans to White  
and others)

6 September 2000

6. As you will recall, following the Ministers advice, we have added an expert social welfare element alongside the police investigation. Mike Evans of the National Institute for Social Work (NISW) has informed us that the work being conducted by their consultant has indicated that there was a complex set of social welfare problems being uncovered within the Pitcairn Community, both on and off island. These issues would be the subject of their report following the return of the team. But already it is clear that a considerable amount of support and advice will have to be made available, from the earliest opportunity, to both victims and alleged offenders should they seek it.

7. The team are due to return to New Zealand from Pitcairn on 17 September, they will then present a brief on their findings to the Pitcairn Public Prosecutor and Deputy Governor on 20 September. The final comprehensive report will be produced when the team return to the United Kingdom, this should then be presented to the Public Prosecutor by Mid-October after which he will deliver his decision. We shall see the police and social welfare team on their return.

8. We are at the same time doing contingency planning to see how we might deal with the legal requirements for, and logistics of, any eventual trial(s) on Pitcairn. Issues include possible extradition proceedings affecting alleged offenders off Island, and how to deal with those either on Island or willing to return. Multiple trials (possibly months or years apart) might be needed, and that on an Island which at best is hard to get to.

9. A meeting with MOD has been held to consider the feasibility of Royal Navy support. The response so far is that although feasible a commitment of this type would require political will and involve considerable expense. We shall follow up with MOD. An alternative to using the RN might be to charter a civilian vessel (and all equipment) for recurrent use. Regardless of the alternative, the cost implications will be considerable especially if there are multiple trials. It is impossible to estimate the final cost of such proceedings at this time.

10. Given the number of alleged offenders, the possibility of a number of these standing trial and perhaps receiving custodial sentences, it is possible that a sustainable community on Pitcairn would become impracticable. Some Islanders may abandon it and others may decide not to return. Indeed it is possible that this lack of sustainability could occur during (or between) legal proceedings, which would add to an already complex situation. The issue of Pitcairn being abandoned by its own community through choice is real. It will add to the social welfare issues currently being examined by NISW under this phase of the investigation.

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11. The Media have only shown mild interest to date. The Times (21 June) ran a story on an allegation of rape on Pitcairn, but they do not appear to be aware of the wider investigation which will provide scope for more graphic headlines. Some New Zealand newspapers have also made soundings but again have not yet gleaned the full scope of the investigation. The media line being maintained is that:

FCO Memorandum  
(Evans to White  
and others)

b

An investigation is being conducted by KCC in light of a serious complaint which has been made and disclosures in the course of interviews with witnesses. The results of the investigation will be placed before the Public Prosecutor who will determine whether or not any further action is appropriate. The investigation is being conducted as it would be if a similar complaint were to be made in the UK.

6 September 2000

c

d



Stephen Paul Evans  
Atlantic and Oceans Section  
WHMZ36  
Tel: 020 7270 2691  
Fax: 020 7270 2879  
biotdesk.fco@gtnet.gov.uk

e

NO. OF ATTACHMENTS: 0

f

g

3

RESTRICTED

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