

612. Governor (Williams) to FCO (Evans)

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

612

Governor (Williams)  
to FCO (Evans)

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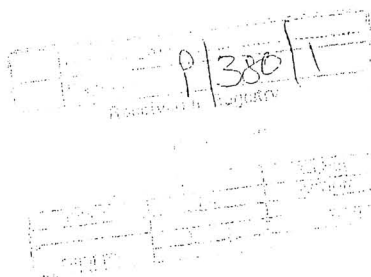
24 October 2000

24 October 2000

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Steve Evans Esq  
OTD  
FCO

BY FAX



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Dear Steve

## OPERATION UNIQUE

1. Karen Wolstenholme has sent me an e-mail reporting the very useful meeting she attended at the FCO about the next steps.

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2. I accept that it may not be necessary, or perhaps constitutionally proper, for me to see the full poice report which is to be passed to the Public Prosecutor. However I think it essential that I give to him my own views on the policy issues that I should like him to take into account in deciding how to proceed. I am preparing a letter now setting out those views. It would certainly help me to see both the social welfare report, which I may wish to copy to the Prosecutor, and also the police report; but if the latter is not to come to me, I shall manage without it.

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3. I believe that Karen expressed concern about the effect of an unsuccessful prosecution, if the Prosecutor decides to press charges. My own view is that we can never be absolutely certain about the outcome of a trial, and we must accept the risk of a failure. I would however be particularly concerned if a prosecution were to fail on general, as opposed to particular grounds. For instance if the defence were to argue, and the judge agreed, that the facilities on Pitcairn were so primitive as to preclude the possibility of a fair trial; or that the law was so obscure that it could not reasonably be enforced; or that the widespread nature of the offences, and the total absence over many years of any attempt by HMG to apply the law, meant that it could not reasonably be applied now without further warning.

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Governor (Williams)  
to FCO (Evans)

4. I know that these factors would receive no credence in an English court of law, but Pitcairn is very far removed from England, in more ways than just distance.

5. Karen says that you discussed the question of siting a trial. I attach a copy of a letter I have just received from the Chief Justice about this matter. I believe the situation is that unless he is satisfied about the facilities on Pitcairn, he may rule that the trial should not be held there. As you will see, he is not yet convinced on this point.

6. I am becoming more and more involved in Pitcairn matters, and Karen is also finding the burden enormously increased. It seems likely that this will continue, not reverse. We may need to request more resources urgently to handle everything.

7. I believe KCC are thinking of writing to thank the NZ Police for their cooperation. I was intending to do this as Governor, when we reached the point that the present phase of the investigations had definitely finished.

8. Please would you show Karen this letter, if you see her again, and give her my thanks for her e-mail. I gather you may be coming to Auckland in a couple of weeks for a logistics coordination meeting. I would welcome being able to discuss some of these points with you then.

*Yours sincerely,*

*Martin*

M J Williams  
Governor, Pitcairn Islands

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24 October 2000

613. Commissioner (Salt) to Governor (Williams)

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IN CONFIDENCE

OFFICE OF THE GOVERNOR  
OF PITCAIRN, HENDERSON, DUCIE

AND OENO ISLANDS

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Commissioner  
(Salt) to Governor  
(Williams)

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LHS/M21c  
24 October 2000

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

24 October 2000

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Fax No: 04 495 0831

*Governor*

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During a recent telephone conversation, you mentioned writing to Simon Moore, in general terms, about the present investigation.

I would like to ask that you consider a view I have, prior to writing. In giving my view, I will mention specific people but I am fully aware that you will be unable to do so when writing to Simon Moore.

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I suggest that in looking forward, there are two principles to consider. The first is to ensure that justice is served and the second to decide whether or not the community on Pitcairn should continue to exist.

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In terms of defining how justice can be best served, it is vital that the interests of the victims be the first consideration. The alleged offenders have offended against other individuals, not against the administration, the police or the Government. They have broken laws established by a Government to protect individuals but it is the alleged victims who have suffered and to a lesser extent, their families. I suggest that it is absolutely vital that the victims not suffer further and that they not be unnecessarily placed in a position where they will regret coming forward, for the remainder of their lives.

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I realise that I may be repeating myself, however if [REDACTED] and [REDACTED] are gaoled as a result of offending against [REDACTED] [REDACTED] will have some satisfaction of seeing their lives changed as a result of their offending which has affected her own life. I cannot see though, how these two could be imprisoned without [REDACTED] [REDACTED] [REDACTED] [REDACTED] and [REDACTED] also being imprisoned, as their offending has in most cases, been equally if not more serious. The community is too small to make an example out of one or two offenders. I have little doubt that if [REDACTED] is imprisoned, [REDACTED] will realise that this a consequence of her making her own statement. She will be reminded by her own family and others that had she not complained, [REDACTED] might never have been charged or gaoled. It is unlikely that any amount of counselling will remove this feeling and the psychological consequences for [REDACTED] could be serious.

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Commissioner  
(Salt) to Governor  
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Similarly, had [REDACTED] not named [REDACTED] or [REDACTED] as being victims of abuse, the police may never have questioned them. While these three had told [REDACTED] that they had been abused, she did not know that this was at the hands of her own father. [REDACTED] is close to both her parents and the consequences for her of seeing her father gaoled, as a result of her leading the police to his victims, will be enormous.

On Friday, I was visited by [REDACTED] and her sister [REDACTED] is a victim of the most serious abuse and [REDACTED] has also allegedly been raped as a child. [REDACTED] asked me how the investigation went, while we were on Pitcairn recently. I explained that very few admissions were made and that this was basically following the advice of lawyers who had little option other than to give the advice they did. They then inquired as to what the next stage of the inquiry would be and I was able to explain the completion of the report and the role of the Public Prosecutor in determining whether or not prosecutions should take place. I asked [REDACTED] what she felt should happen to the offenders. She replied that she felt that they should all receive "a jolly good shake-up." I asked if she thought that any of them should be gaoled, to which she replied without hesitation, "Oh no. If they did that to even one of them, that would be the finish of the island."

This leads on to the second principle, that being whether or not the community should be allowed to continue to exist. I have no doubt that [REDACTED] is correct in stating that the community would be unable to survive the imprisonment of any of the offenders. Not only because there would be difficulties in manning the launches but also because of recrimination or animosity of one family toward another. I suggest that if it is decided to proceed to prosecution, the disestablishment of the community on Pitcairn is inevitable and should be planned for at the same time.

It would be worth knowing the context and facts surrounding the statement Steve Christian claims was made during the OT Consultative Council meeting, concerning how it is inappropriate to apply aspects of UK law to overseas territories. I suggest that it is inappropriate to apply a UK solution to a Pitcairn problem such as this, which unfortunately is not only generational, but also cultural. I understand from talking with Bob Withers, Honorary British Consul to Tahiti, that the application of French law to Tahitians who have committed sexual offences in the past, some up to 30 years ago, is having serious consequences for the families and children of the offenders. Again, the offending has been cultural and part of the growing-up process of young Tahitian men. Many have been leading respectable lives in good jobs and now their families, find themselves in a position of needing to provide for themselves in the absence of fathers.

While there can be nothing to excuse the serious abuses that have occurred on Pitcairn and nothing should be said to minimize the offending, an appropriate solution and punishment needs to be found. Paul Treadwell's earlier suggestion of an amnesty, later modified to some form of truth and reconciliation commission is sensible. Significant punishment needs to be applied and this could be achieved in a manner that would benefit the island and allow for the rehabilitation and re-education of the community.

There can be little doubt that the statements taken from each of the women, are truthful and accurate. If they are not, collusion would have been necessary and we know that many of these women do not know each other socially and in some cases, have never met. It should be possible to convene a Commission of Inquiry or perhaps a Royal Commission before which offenders who have admitted their offending, may appear. The Commission could, after weighing the evidence, impose penalties and conditions. I suggest that these could include a full and complete public apology to each victim; a

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Commissioner  
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a suspended gaol sentence in a UK prison; the removal of passports; a given number of days, weekly in unpaid community work; a given number of hours per week or month in corrective education; removal of alcohol licences and a curfew. If confinement is considered a requirement, this could be managed if a suitable structure could be built on Pitcairn. The consequence of any breach of conditions imposed could be the completion of their sentence in a UK prison. This could also apply in the case of any re-offending or intimidation or retribution against their victims. It is suggested that the 'on-island' b sentences could be for periods of up to 10 years. For offenders who have not admitted their offending, a full trial may be seen as inevitable. I believe that given the option, the offenders would willingly confess and the legal counsel would probably urge them to do so. The offer of such a solution may see those in other countries return voluntarily rather than require the instigation of expensive and drawn-out extradition proceedings.

c It would appear likely that if these men are brought to trial, some may escape prosecution on a technicality while most would find themselves not receiving a full life sentence due to mitigating circumstances including the time since the offences took place and the generational or cultural nature of the offending. If the maximum any of these received is for example, eight years imprisonment, they will most likely, should they survive, be paroled in six, having spent their time learning many of the skills of hardened criminals. It is unlikely that this would benefit the community on Pitcairn or assist with their rehabilitation or that of the offenders.

d It is also highly likely that many of these women who have willingly made statements to the police, will withdraw their statements or refuse to co-operate, if as a consequence the offenders may be gaoled. It could be appropriate for someone such as Karen Vaughan to ask each of the victims what they would like to see result from the investigation and whether or not they would like to see any of these offenders gaoled. Given the size of the Pitcairn community and the family relationships that exist between them, such e consultation could be seen as justified.

f Given the enormous cost of bringing prosecutions, where success may not be guaranteed an alternative, which provides for justice and rehabilitation while giving the community fresh direction must make sense. The cost of a trial or Royal Commission, may be not too dissimilar, although I would suggest that a full trial would be more costly. The imprisonment of up to five men in a UK prison, with associated costs of providing for their families and perhaps providing for regular visits by family members, will be enormous. It could be both more effective and less costly to provide salaries and residential accommodation on Pitcairn for a Social Worker and a Police Officer and their families on two year secondments, for a period of at least ten years, to supervise the punishment and rehabilitation of all of the offenders and to re-educate and re-direct the community as a whole. A habitable detention centre needs to be constructed on Pitcairn anyway and one could be built which would allow for the confinement of any of these offenders who may be sentenced to imprisonment.

g There is little that can be offered to refute any claim that the UK has ignored law and order on Pitcairn for 200 years. Such a claim will almost certainly be among those made by the expatriate Pitcairn community and perhaps taken up by the media. It would seem perhaps incongruous that UK justice is to be imposed in all its might after all this time, particularly given the fact that reported serious crime has escaped investigation in the h past.

I suggest that if a "Pitcairn – appropriate" solution can be applied, Pitcairn could become an example to other territories and islands of the Pacific, where sexual offending is a

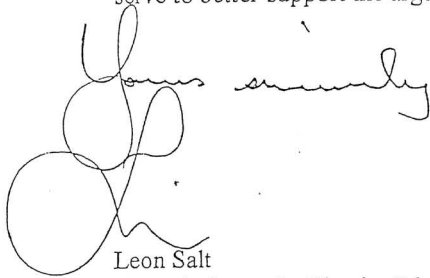
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Commissioner  
(Salt) to Governor  
(Williams)

serious issue. It could become a matter from which positive media attention could result, in terms of the manner in which it is perceived that the UK carries out its responsibilities toward Pitcairn.

The above view is a personal one. To not put it forward for your consideration would to some extent be neglectful. I realise that you are unable to go into such detail in any communication with the Public Prosecutor. However, the detail I have given, I hope will serve to better support the arguments put forward.

24 October 2000



Leon Salt  
Commissioner for Pitcairn Islands  
cc P. J. Treadwell OBE  
Legal Adviser

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## 614. Draft Letter from Governor (Williams) to Pitcairn Public Prosecutor (Moore)

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xx October 2000

Draft Letter from  
Governor (Williams)  
to Pitcairn Public  
Prosecutor (Moore)

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Mr Simon J Eisdell Moore  
Public Prosecutor, Pitcairn  
Meredith Connell  
Auckland

October 2000

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**OPERATION UNIQUE**

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You are considering the file prepared by the investigating team from the Kent County Constabulary regarding a number of alleged sexual offences against young girls, which are said to have occurred on Pitcairn. I do not have a copy of the file and have not read it. I have been informed in general terms of the investigations, but do not know what specific allegations have been referred to you for decision. It is for you to decide whether or not to prosecute in each case. In reaching your decisions, you may find it helpful to take into account the following general issues of background and policy which I would like to draw to your attention.

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Pitcairn is a uniquely small, isolated and remote community. Its early history, when isolation of island communities was an accepted fact of life, is well known. Its population is currently 39 Pitcairners, plus 5 non-Pitcairner long term residents; the population has never exceeded 100 during the period covered by the investigations. It receives no newspapers, radio or television services. Telephones, faxes and e-mail are not generally available. The island has no airstrip, no deep water harbour, and no scheduled shipping services. Its only substantive contacts with the outside world are through infrequent cargo ships passing between Auckland and Panama, or other vessels which occasionally call.

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The island has been a UK dependent territory since 1839, although the precise relationship has been redefined several times. In all that time, there has never been a resident Governor or other figure representing the UK's governmental authority. Currently there is a government adviser; this position is held by the schoolteacher, recruited from New

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Zealand on a two year contract. The government adviser has no executive function on the island on behalf of the UK government. The Governor and Deputy Governor are non-resident, and based at the British High Commission in Wellington; one or the other, or sometimes both together, normally visit the island for a few days about once a year. The Commissioner, appointed by the Governor and based in Auckland to carry out the day to day administration of the island, keeps in regular contact with the island by fax or e-mail, and visits on average about once a year, normally for up to a week.

Draft Letter from  
Governor (Williams)  
to Pitcairn Public  
Prosecutor (Moore)

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October 2000

Administration on the island is in the hands of an elected island council headed by an elected mayor (until this year called the magistrate). Women have had the vote, on equal terms with men, since 1839; the council has always included women, as far back as records and memories go. The council also includes some ex officio and appointed members. Its meetings are normally attended also by the government adviser, and the Seventh-day Adventist pastor (appointed from outside Pitcairn, normally Australia).

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Given the extent of its separation from outside world, the island has developed its own social interactions. An experienced social worker from UK visited the island at the same time as the investigation team, and has prepared a report which is very informative about prevailing practices and attitudes; a copy is attached.

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No major trial has been held on Pitcairn within living memory, if ever. Last year a visitor to the island pleaded guilty to a charge of unlawful carnal knowledge, was sentenced by the Island Magistrate, and removed from the island. In 1996 the Kent Police investigated an allegation of sexual offences against a young girl; the offender was cautioned but not charged. In the 1950s and 1960s around five islander men were found guilty of unlawful carnal knowledge of under age girls and sentenced by the Island Magistrate to 3 months imprisonment, served in the island's jail. At least one of them subsequently married the girl. No allegation has been made of any new incident involving an island man occurring after the 1996 incident referred to above.

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The Justice Ordinance 1999 repealed and replaced the previous Justice Ordinance 1966. The new Ordinance established the present court structure, but the court has not yet sat. When it does so, every effort will be made to ensure that as far as possible the requirements of a fair trial according to modern principles of justice will be in place. However we cannot expect to create in the circumstances of Pitcairn conditions which will reflect what would be expected in an established court in the United Kingdom or New Zealand.

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There is a police officer, appointed by the Governor from amongst the islanders. The present cases arise out of investigations carried out by the Kent County Constabulary, with the assistance of the New Zealand Police, at the request of the Foreign and Commonwealth Office and myself as Governor.

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a All the police officers involved have been made police officers of Pitcairn for the purposes of the investigations. The island's police officer has not been involved.

The island's laws are made by the Governor, and styled Ordinances. There is no requirement for consultation with the Island Council, although this often occurs. Ordinances once issued are displayed in the public hall on Pitcairn.

Draft Letter from  
Governor (Williams)  
to Pitcairn Public  
Prosecutor (Moore)

b The only legal provision relating to sexual offences against young girls in the Pitcairn Ordinances at the time of the events which the police have been investigating, was section 88 of the Justice Ordinance 1966. This provides that carnal knowledge of a female child over 12 years old is an offence punishable with 100 days imprisonment. A "child" is elsewhere defined as a person under the age of 15 years. Any other charges will be brought under relevant English laws, which have effect on Pitcairn by virtue of the Judicature Ordinance 1970, revised 1985. Halsbury's Statutes of England have been bought and sent to the island, but there are no legally trained and qualified personnel there to assist in their understanding. As a United Kingdom Overseas Territory, Pitcairn is not represented in Parliament at Westminster. The social welfare report, pages 12 and 13, reveals that the islanders have been very unsure about the precise meaning of the Ordinance on carnal knowledge, and totally in the dark about any relevant English law.

October 2000

e It is worth recalling the events which led up to the recent investigations. Two girls made complaints in 1999 of sexual offences which had occurred some years earlier, one of them of rape. Rather than treat these alleged incidents on their own, it was decided to investigate the possibility that such incidents might have been widespread. All women who had been girls on Pitcairn from 1980 onwards were identified and interviewed. Interviews were then held with any men alleged to have been involved in sexual offences.

f The apparent pattern of offending which has emerged from the investigations seems to be widespread, and to go back several decades. During all this time no formal complaint had been made until the one referred to above. Nor have previous Governors, Deputy Governors, Commissioners or Government Advisers in recent years reported any suspected offending. The social welfare report indicates clearly the prevailing attitudes in Pitcairn regarding sexual activities with under age girls. The current determined and thorough investigations seem to have surprised the islanders. This already appears to be having an impact on the attitudes of the Islanders.

g Given the apparent widespread pattern of offending which is believed to be revealed by the police investigations, and the fact that no previous attempt has been made to deal with it, by legal or other means, any decision about laying charges against the suspected offenders ought preferably to take account of the overall picture.

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Draft Letter from  
Governor (Williams)  
to Pitcairn Public  
Prosecutor (Moore)

October 2000

If charges are brought in every case about which there has been a complaint, the total number of individual cases would be over 50, few of which could be tried jointly. More than half the working age men on the island would be involved, as well as up to 10 male islanders now off the island whose extradition would have to be sought. The facilities on the island would be stretched beyond endurance by holding that number of trials there, which could well last literally for months. The Pitcairn (Amendment) Order 2000 allows the court to sit in any other part of Her Majesty's dominions. The practical arrangements necessary to enable the court to hear all the cases, on British territory other than on Pitcairn, would be extremely complicated and would probably require over a year to set up.

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If charges are to be brought only on the basis of some, but not all, the complaints, those to be tried should as far as possible be selected on the basis of principles which are fair to the alleged offenders, to the severity of the allegations, and to the complainants, bearing in mind the totality of the allegations.

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For any trials which are held on Pitcairn, certain factors will need to be kept in mind. Access into the small and dangerous harbour can only be effected safely by use of the island's longboats. To man these requires most of the currently resident able bodied Pitcairners. Many of the able bodied men may be amongst those charged. It would not be possible to set up the court on Pitcairn in the first place without relying on the cooperation of several of these to bring ashore by longboat all the court officials and court materials in the first place. If the court officials reside on Pitcairn, they would need the daily cooperation of the Pitcairners and their families to provide for their requirements; there are no hotels on the island. If they stay off shore on a ship, they will need the islanders to man the longboats to bring them ashore each day the court is to sit.

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If any charges are brought, there is likely to be a complicated interrelationship between those charged and the complainants. All the families on the island are interrelated. As far as I am aware, there have been no complaints of abuse by immediate relatives within families. However any Pitcairn girl who makes a complaint is likely to be related to a man who is himself the subject of another complaint. Any complainant who did not realise this at the time she gave evidence to the police investigation, may now be less willing to give evidence in a trial.

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If any of the most experienced of the longboat operators, especially the coxswains, are amongst those accused, and are prevented from operating the longboats either during the trial or after it as a result of being sentenced to imprisonment, the community's links with the outside world are likely to be prejudiced; if two or three key members of the longboat crews are prevented from operating them, the viability of the entire island community would be called into question.

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Draft Letter from  
Governor (Williams)  
to Pitcairn Public  
Prosecutor (Moore)

a To summarise, I have tried to set out some general issues  
which I hope you would keep in mind in your decisions.  
Pitcairn is a uniquely tiny and remote community, with very  
limited links with the outside world. In consequence there  
are several factors, including some of those outlined above,  
which might be used by the defence lawyers, in an attempt to  
challenge the adequacy or appropriateness of the arrangements  
to ensure a fair trial, or indeed to challenge on similar  
b grounds any request to extradite suspected offenders to  
Pitcairn from New Zealand or Australia. I hope you would be  
confident of being able to defeat such challenges. If any  
such challenges were to succeed, they would undermine our  
entire effort to handle these cases as a criminal matter.

October 2000

c Assuming that you see no prospect of such challenges by the  
defence succeeding, there remain further substantive issues  
which I hope you would keep in mind. These include the very  
large number of cases in such a small community which have  
been brought to light; the desirability (if you decide not to  
bring charges in all cases) of having a clear and justifiably  
fair policy in selecting those in which to bring charges and  
those in which not to; the fact that all the families on  
d Pitcairn are interrelated, so complainants are likely to be  
related to alleged offenders, and vice versa; and that the  
alleged offenders may include key crew members of the Pitcairn  
longboats provide an essential link with the rest of the  
world, both for persons and for supplies, including for the  
court itself.

e I hope that these considerations will help you in the  
difficult task of deciding the most appropriate action to take  
on the police report of their investigations, in the interests  
both of enforcing the law, and of trying to ensure as far as  
possible that the incidents alleged in the police report are  
not repeated.

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M J Williams  
Governor, Pitcairn Islands

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615. Governor (Williams) to FCO (White)

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Governor (Williams)  
to FCO (White)

27 October 2000

BTN 380/001/00

ORIGINAL COPY

02 NOV 2000



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Wellington

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

From The British High Commissioner  
HE Mr Martin Williams CVO OBE

27 October 2000

C J B White Esq  
OTD  
FCO

BY FAX

Dear John

1) Please copy to Mr [unclear] <sup>done</sup> 13  
2) Mr [unclear] to write x

**PITCAIRN: OPERATION UNIQUE**

1. Thank you for your fax of 26 October. I am grateful for the interest you are continuing to take in this case.
2. I am quite content with the procedure that we shall serve simply as a postbox in passing the KCC file to the Public Prosecutor. However we cannot realistically be too precise about the separation between the police and the administration. Leon Salt accompanied the police investigation team to Pitcairn, and has received a lot of material from them about their enquiries, both on and off Pitcairn. I am sure he has also had several conversations with them, going beyond what he has received in writing.
3. I entirely agree that, of the alternative locations for a trial, Pitcairn seems to us the best. However there are two considerations. First, conditions there are so difficult that there must be a risk of the defence arguing successfully that a fair trial simply could not be held there. Second, according to the Pitcairn (Amendment) Order 2000 the decision on the siting of the court is for the Governor, acting on the advice of the Chief Justice. If the Chief Justice concludes that the risk of attempting to hold the trial on Pitcairn are too great, we have no option but to look at alternatives, inconvenient though that would be.
4. I have put to my Legal Adviser my draft letter to the Public Prosecutor. Once I have his comments, I shall of course send you my proposed letter. My belief is that the Prosecutor would in fact find it rather useful to have some comments from me about Pitcairn which might help him to decide how to proceed. After all there are many aspects of Pitcairn with which he is quite unfamiliar, but which could have a bearing on how the case might progress. Accordingly I am surprised you say I must not seek to influence his decision.

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Governor (Williams)  
to FCO (White)

27 October 2000

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b It is surely my duty as Governor, to put to him factors and considerations which in my view he ought to take into account in reaching his decisions; that is, to influence his decisions. If I am not to do this, I should not write to him at all.

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d 5. We are in danger of getting into a real pickle over all this. Traditionally the administration of justice in the OTs, or at least on Pitcairn, has presumably been rather rough and ready, following on the best colonial practices (and I mean best). We are now trying, for the worthiest of motives, to bring it up to date and formalise it according to modern principles. But these principles evolved in societies very different from tiny, remote, and isolated communities like Pitcairn, and are not easy to replicate there. So our laudable aim of getting away from the earlier rough and ready approach may have the unintended result of making it very difficult to apply any system of justice there at all. Of course I know the answer to this; we have to do our best. But we also need to recognise the problems (as if we could forget them!).

e X | 6. More practically, I agree that a meeting will be needed in New Zealand to look at logistics. I also believe the Registrar may need to visit Pitcairn; the Chief Justice clearly places considerable store by his advice. As for timing, I would prefer first to get the Chief Justice's decision in principle that any case should be on Pitcairn. I am writing to him. Otherwise I agree the sooner the better.

7. Thank you for your comments about staff resources. I shall discuss with Karen once she is back.

f *Your sincerely*

*Martin*

M J Williams  
Governor, Pitcairn Islands

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

*Minister*

RESTRICTED

30 OCT 2000

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

*I'd like to see the reports please. I'm not convinced that para (5b) is necessary or appropriate. This matter is extremely delicate & the decisions we make now will determine whether a respectable response to this tragic situation is possible. PS.*

From: C J B White, OTD  
Date: 30 October 2000  
Reference: OTD/-

cc: Mr Westmacott  
Mr Hendry, Deputy Legal Adviser  
Mr Wilkinson o/r  
Heads: News  
RBD  
Mr Watson, Legal Advisers  
Governor, Pitcairn

To:  PS/Bns Scotland  
PS

**SUBJECT: PITCAIRN: SEXUAL ABUSE PROBLEM: NEXT STEPS**

30 October 2000

1. The Secretary of State said he would like a report on the handling of this problem once the investigatory stage was complete. It now is, with both the social welfare consultants and the police having briefed us on the outcome of their work. We need to consider, quickly, the next steps to take to deal with the problems of the sexual abuse of minors on Pitcairn.

**PREFERRED OPTION**

- 2. Action is needed to put in place:
  - a) further community social welfare help on Pitcairn;
  - b) arrangements to allow trials to be held on Pitcairn;
  - c) coordinated defensive press briefing.

REDACTED

**OTHER OPTIONS**

- 3. (a) Not to follow up the social welfare work we have begun could be damaging to the Pitcairn community. We must carry on.
- (b) An alternative to holding trials on Pitcairn would be to have them in the UK or New Zealand. But that would require primary legislation in either country and is not a realistic starter. Nor, probably, is use of another Overseas Territory.
- (c) As for the press, the alternative would be to take pre-emptive action to brief ahead of the story becoming public. News Department advise against that.

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a

ARGUMENT

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

b

4. Investigations by the Kent County Constabulary (KCC) have now ended. They reveal a pattern of widespread abuse of underage girls (only) over a lengthy time. In all, the KCC uncovered allegations of offences involving 20 victims and 12 possible perpetrators. On the basis of the evidence collected, KCC believe that proceedings could be pursued with a good chance of success against 10 Pitcairn men, three of whom are on the Island still.

c

5. In parallel with the police work, we engaged consultants from the National Institute for Social Work (NISW) to assess the degree of safety for children and adults on Pitcairn, to offer support to victims/witnesses and to assess the capacity of the community to look after children properly both on the Island and, where necessary, in New Zealand and to recommend any support needed.

30 October 2000

d

6. NISW have now reported. They have set out a sorry story. The allegations of sexual abuse on Pitcairn were not a matter of recent times only. At least three groups of women of different age ranges have had sexually abusive experiences, whether they perceive them as such or not. The consistency of abusive behaviour and the attitudes of victims to it is, in the view of NISW, consistent with such practices having been considered to be "the way life was". In other words the behaviour patterns of the community conformed to a set of customs and attitudes which were tolerated by them but which are now considered, by outsiders, to be contrary to modern norms of children's rights (as for example in the UK Children's Act 1989).

e

7. In addition there also seems to have been confusion within the community about the lawful age of consent and the age limits applying to the offence of unlawful carnal knowledge of a minor. More recently, when we sent a woman police constable to Pitcairn in 1997 she developed codes of behaviour which clarified the age of consent. But it is unclear whether the Island Council accepted these codes formally.

f

8. In the past, incomplete records show that the fact of underage sex was reported to the administration (certainly 40 years ago when the Governor was in Fiji). But action only seems to have been taken when underage girls became pregnant. NISW comment, with hindsight, that the structures of governance in place on Pitcairn failed the community.

g

9. Following counselling and discussion with our consultants, the community is now facing up to the facts of abusive behaviour and the reasons for it. And as a result they are coming to terms with the implications of their past behaviour patterns being no longer tolerable. This has been hard, as many of the women concerned do not consider themselves as "victims". We must continue our social welfare support and community

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

A

development efforts or these benefits will evaporate.

REDACTED

30 October 2000

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12. But there is inadequate court infrastructure on Pitcairn and no support facilities. We are staffing this issue through with the Governor's office. Options such as hiring a ship are being considered; any solution will be a logistical nightmare and costly.

e

3

13. Press interest in the investigations so far has resulted in one reasonably balanced, if in part muddled, piece in the Independent. But other papers have been ferreting around. We have been lucky so far and the media are not aware of the extent of the problem or its true nature. We have developed coordinated press lines for use, if needed, by the Governor in Wellington and others involved. All involved are clear that press contact should be handled by News Department whenever possible. The lines that will be deployed are attached.

f

BACKGROUND

14. Allegations made in 1999 of rape by two Pitcairn men (now living off the Island) led us into a broad investigation. It has uncovered a widespread problem that threatens the viability of the Pitcairn community. For example, if the three men who are living on the Island who we believe may be accused were to be sentenced, it would mean there would not be enough able bodied men to man the boats necessary to maintain the Island's vital transport link with passing ships. The community might well have to close down.

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15. The next legal steps are:

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

a) for the KCC to forward their report and recommendations to the PPP probably in the last week of October;

b) Governor to write to the PPP to inform him of his concerns about the impact of any proceedings on the community;

c) the PPP to decide if charges should be brought against any of the accused (probably 3-4 weeks later);

d) if the PPP believes charges should be laid against any of the suspects, proceedings would begin with the first cases being brought against suspects on Pitcairn, while extradition proceedings would be brought against those accused living off-Island;

e) a court on Pitcairn and all relevant domestic travel and other arrangements will have to be created and put in place, defence lawyers hired and so on;

f) we will need to resolve how any sentences, particularly custodial ones, would be discharged.

30 October 20000

16. One comforting conclusion from the work of NISW is that the 6 children remaining on the Island (aged between 9 and 15) are not thought to be in any danger of abuse. But there is a need for assistance from an appropriate therapist /family /community worker for a period of support and social/sexual education. The nature of the Island, its lifestyle, past parenting patterns, social activities and work, and long lived attitudes towards sexuality all appear to have contributed to the abuses perpetrated. The experienced NISW consultant who visited the Island most recently said that there was an "emotional disconnection" in the relationship between parents and children. In the very tight and small community on Pitcairn conformity to standard norms was demanded. Sex was discussed openly, as a subject of competition and in specific language with overtly sexual overtones for contexts that did not deserve such stigma.

#### PUBLIC PRESENTATION

17. This story potentially holds all the ingredients to excite the media. It could well be of intense national and international interest. News Department have fielded a small number of calls from journalists who appear to have a partial picture of what is going on on Pitcairn. Their interest stems from a 1997 rape allegation also investigated by KCC but which did not result in any prosecution. So far none have uncovered

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

the true scale of the current problem, nor the nature of it. This is in large part due to the fact that for once the Pitcairn islanders themselves see no advantage in talking to the press. We also know that a couple of the victims have been contacted by the press and have declined to comment.

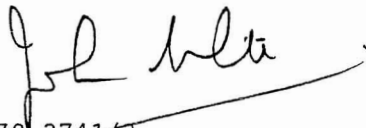
18. We are living on borrowed time. The fact that there are now several copies of the NISW's report in "albeit close" circulation and soon to be a report from Kent Police heightens the risk of a leak. But playing by the book seems the best way of trying to ensure that at a sensitive time for the community there is minimal risk of disobliging media interest.

19. We have considered an alternative of a preemptive move with the media. This would enable us to place the story and our involvement in proper context, rather than having, perhaps, to respond defensively to a distorted media agenda. We would be able to explain to the press the genuine reasons why this story needs to be handled in a sensitive way and why reckless involvement could jeopardise the chances of bringing a successful prosecution and allowing the community to survive. But as the matter is not likely to become public for some weeks we would be asking an unrealistic lot of the press to forgo researching a story which when it breaks could quickly be sub-judice. So the risk of them betraying any trust from an off-the-record briefing would be great. We and News Department recommend the approach in paragraph 19.18.

RESOURCES

20. At present we are paying for police and social welfare services from the Americas Command budget - OTD's Good Government Funds. This is an unforeseen expense, but one that must be met. We have already spent £65,000 and expect bills of £180,000 to be submitted.

21. We have as yet no estimate of the cost of establishing and maintaining a court on Pitcairn for the duration of any trials that may need to be held. But it will be expensive. We are planning a meeting in Auckland in early November to discuss this with the Registrar of the Pitcairn High Court and the Chief Justice and the Governor's office. Only then will it be possible to make any firm cost estimate. The Command will not be able to meet these expenses without substantial new money. A bid has been made in the RAR round. But it is a guesstimate.



C J B White  
Tel: 020 7270 2741/2  
Fax: 020 7270 2108

NO: OF ATTACHMENTS: 2

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617. Governor (Williams) to FCO (White)

*Pse AA 00N/880/000/008*



*(142)*

617

**RESTRICTED**

**British High Commission  
Wellington**

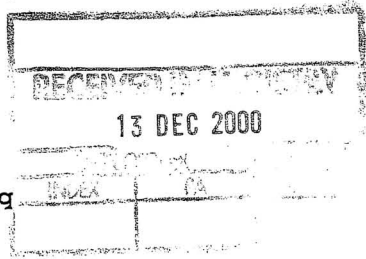
Governor (Williams)  
to FCO (White)

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

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

1 November 2000

1 November 2000



From The British High Commissioner  
HE Mr Martin Williams CVO OBE

C J B White Esq  
OTD  
FCO

*M Williams*

*I have done with Mr. Gough  
what you say 3 & 4. I have  
no problem with the letters  
here.*

**BY FAX**

*Dear John*

**PITCAIRN; NEXT STEPS SUBMISSION; PRESS**

Thank you for sending me a copy of your submission of 30 October on the next steps. I agree with nearly everything you say, and look forward to learning the reaction of Ministers. I am sure they will endorse your proposals.

2. I have one correction to your proposed press line. The suggested answer to when FCO became aware of the allegations is not accurate.

3. I first learned of the allegations when the former school teacher, Shiels Carnahan, told the Deputy Governor and me that two Pitcairn girls had confided in her own daughter. By chance WPC Gail Cox was visiting the island, so we asked her to enquire further. She took statements from both girls, and later from Shiels' daughter. The girls on Pitcairn did not themselves come forward to WPC Cox, as your answer implies. It was actually we who took the first initiative to treat the affair seriously, rather than just dismissing it.

4. Your answer also ducks the question of the actual timing. Unless you have some hidden reason for concealing it, I see no problem about revealing that the FCO was informed by the Governor's office late last year.

617

Governor (Williams)  
to FCO (White)



a

1 November 2000

5. I see that the submission does not go into the broader recommendations in Eva's report; presumably you do not see these as being for the next step, but later (if at all). Again, I agree.

b

*Your sincerely*

c

*Martin*

M J Williams  
Governor, Pitcairn Islands

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

19-MAY-1900 02:39 FROM

TO WELLS, JINGJUN P.

618

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

From: David Cairns  
Date: 13 November 2000  
cc: PS/PJS  
Peter Westmacott  
Dick Wilkinson  
Ian Hendry, Legal Advisers  
John Williams, News  
John White, O'D  
Martin Williamson, RBD  
Gavin Watson, Legal Advisers

13 November 2000

Private Secretary

**PITCAIRN: SEXUAL ABUSE: NEXT STEPS**

1. Baroness Scotland has seen John White's submission of 30 October, and was grateful for his further minute of 2 November (attached), enclosing the NISW report, which she has read.
2. Baroness Scotland is content with the recommendations, although she is concerned about paragraph 15(b). Baroness Scotland is worried that such a letter, unless carefully drafted along the lines of John White's minute of 2 November (para 4), might be seen as attempting to prejudice the PPP's decision on whether to take forward the case. Baroness Scotland would therefore want to clear any such letter before it was sent.
3. Baroness Scotland has commented that the NISW report makes very troubling reading. It speaks of wide-ranging systematic abuse over several generations. She thinks it highly unlikely that one skilled therapist or family/community worker will be able to surer the island's social ills.

*David Cairns*

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

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620. Foreign Secretary's Office (Davies) to FCO (White)

620

19-MAY-1900 02:39 FROM

TO

WELLINGTON P.09/13  
M. Wainwright

RESTRICTED

cc: Mr Evans  
30/11  
S

Mr White, OTD  
14/11

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

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b

Pitcairn: Sexual Abuse Investigations: Next Steps

29 November 2000

The Secretary of State was grateful for your submission of 30 October, and for Baroness Scotland's comments thereon (Mr Cairns' minute to me of 13 November). He has also seen your minute of 2 November to PS/Baroness Scotland.

c

The Secretary of State agrees that we must play this issue by the book. This was the only proper and safe way to act. He also agrees that, when the Governor writes to the Pitcairn Public Prosecutor, he should not give his views on the impact of any proceedings on the community in Pitcairn. But he should offer to provide advice should the Public Prosecutor want it.

In view of the considerable press interest we can expect once this story breaks, the Secretary of State would be grateful for the following further information on the case:

d

- how many of the offences pre-date May 1997;
- was the Governor aware of these offences before May 1997?
- when was London first informed, and Ministers told;
- what action was taken on the information available before May 1997?

e

*Patrick Davies*

29 November 2000

(Patrick Davies)

f

cc: PS  
 PS/Baroness Scotland  
 Mr Westmacott  
 Mr Wilkinson  
 Mr Hendry, Deputy Legal Adviser  
 Mr Williams, News Department  
 Mr Williamson, RBD  
 Mr Watson, Legal Advisers  
 Special Advisers

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621. FCO (Evans) to Foreign Secretary's Office (Davies)

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COVERING CONFIDENTIAL

180

621

Mr Evans, OTD

Many thanks

Pauk Davies

8/1/01

From: Stephen Paul Evans, OTD  
Date: 01 December 2000  
Reference: OTN308/001/2000cc: PS/Baroness Scotland  
PS/PUS  
Mr Westmacott  
Mr Wilkinson  
Mr Hendry, Deputy Legal Adviser  
Mr Williams, News Department  
Mr Williamson, RBD  
Mr Watson, Legal Advisers  
Special AdvisersFCO (Evans) to  
Foreign Secretary's  
Office (Davies)

1 December 2000

20 JAN 2001

To: Mr Davies, APS

**SUBJECT: PITCAIRN: OPERATION UNIQUE - INFORMATION FOR SOS**

1. Your minute of 29 November to Mr White asked a number of questions in relation to the Pitcairn Investigation:

- how many of the offences pre-date May 1997.

Almost all of the alleged offences took place prior to May 1997. This is because the wider investigation encompassed females known to have been resident on Pitcairn, and potentially at risk over a 20 year period.

- was the Governor aware of these offences before May 1997.

No, The Governor was first made aware that allegations might be made in December 1999 and instructed the Kent County Constabulary Police Officer, who was resident on the island under a GGF initiative, to carry out an investigation.

Grand Governor  
rd  
from fac)

- when was London first informed, and Ministers told.

London were first informed of the potential allegations in December 1999. On 16 January 2000 a statement was recorded detailing the allegations which was reported to London on 21 January. Ministers were first informed by Submission on 28 January.

by the Kent police officer

- what action was taken on the information available before May 1997.

There was no information available on these allegations prior to December 1999.

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COVERING CONFIDENTIAL



621

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COVERING CONFIDENTIAL



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

2. Since the production of the Kent County Constabulary (KCC) report and its submission (on 17 November) to the Pitcairn Public Prosecutor (PPP), some further additional and supportive allegations have been made to KCC officers who will now provide an additional evidence file to the PPP.

1 December 2000

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

NO. OF ATTACHMENTS: 2

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2  
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622. Governor (Williams) to FCO (Evans)

622

Governor (Williams)  
to FCO (Evans)

4 December 2000

05-DEC-2000 15:53 FROM 02072703113

TO

GRAND CAYMAN P.11/13



*D*  
*(page)*

British High Commission  
Wellington

RESTRICTED

44 Hill Street  
Wellington 1  
Mailing address: P.O. Box 1812Tel: (04) 495 0874  
Fax: (04) 495 0831

4 December 2000

From The British High Commissioner  
HE Mr Martin Williams CVO OBESteve Paul Evans Esq  
OTD  
FCO

By Airtel Fax

*Dear Steve*

PITCAIRN: OPERATION UNIQUE: NEXT STEPS

1. May I refer to your letter of 24 November to Karen Wolstenholme? In paragraph 2 you say it is important that Paul Treadwell and Simon Moore should understand clearly that Ministers want justice to be done fully, freely, and without constraint, even if this leads to the dislocation of the community. I can of course pass this information about the attitude of Ministers to my own legal adviser, Paul Treadwell, but would be grateful for clarification whether you are instructing me that I should so inform the Public Prosecutor, Simon Moore. Karen raised this with you by telephone last week, but I think it would be as well, for the avoidance of any possible misunderstanding, if you could let me have your response in writing.

2. I am sorry if this request seems rather bureaucratic, but in view of our previous exchanges on the importance of not appearing to influence in any way the decision of the Public Prosecutor, there appears to be a fundamental point here.

*Yours sincerely**Martin*M J Williams  
Governor, Pitcairn Islands

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8-3834

623. Governor (Williams) to FCO (Evans)

623

Governor (Williams)  
to FCO (Evans)

4 December 2000

19-MAY-1988 02:46 FROM  
*Sc PA CGN 880/00/00.*

TO WELLINGTON P.11/13



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

4 December 2000

Steve Evans Esq  
OTD  
FCO

By Fax

*Dear Steve*

PITCAIRN: VISIT BY CHIEF JUSTICE

I have spoken again to Judge Blackie about his plans to visit UK. He tells me he will be in the London area throughout the week 18-22 December, and would be happy during that time to call at the FCO for a discussion. Perhaps you would let me know whether there are any calls you would like him to make, and when. I shall then inform him. I shall also ask for his contact details in London, so you can get in touch over any late changes.

*Yours sincerely*

*Martin Williams*

M J Williams  
Governor, Pitcairn Islands

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624. FCO (Evans) to PS/ Parliamentary Under Secretary (Scotland)

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*Pse PA OTN 320/00/00*  
RECEIVED IN...  
09 JAN 2001  
*(186)*

624

FCO (Evans) to  
PS/ Parliamentary  
Under Secretary  
(Scotland)

From: S P Evans, OTD  
Date: 20 December 2000

cc: Mr White

To: PS/Baroness Scotland

20 December 2000

**PITCAIRN: CALL BY CHIEF JUSTICE, JUDGE BLACKIE, 20 DECEMBER, 1045 HOURS.**

1. I submit briefing for the call by the Pitcairn Chief Justice, Judge Charles Stuart Blackie.
2. Judge Blackie was appointed to be Chief Justice of the Supreme Court of Pitcairn, Henderson, Ducie and Oeno Islands with effect from 1st day of February 2000.
3. Judge Blackie has indicated to the Governor that he would like to discuss his concerns about the lack of facilities on Pitcairn, and the logistical difficulties of setting up a court there.

Stephen Paul Evans  
Overseas Territories Department  
WH 412  
Tel: 0207-270-2691

*Stephen Paul Evans, OTD*

*many thanks*

*Steven Drumell  
APP/ONS Scotland 20/12*

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RESTRICTED

624

FCO (Evans) to  
PS/ Parliamentary  
Under Secretary  
(Scotland)

**CALL ON THE BARONESS SCOTLAND BY PITCAIRN CHIEF JUSTICE,  
JUDGE CHARLES STUART BLACKIE ON 20 DECEMBER AT 1045.**

**PITCAIRN**

Objective

To reassure Judge Blackie that it is HMG's desire to let justice be seen to be done fully, freely and without constraint. And that we will facilitate this in the best way possible.

20 December 2000

Points to make

- The place of trial has been researched, notwithstanding the practical difficulties, Pitcairn is considered the best and proper option. Trial in the UK would require some primary legislation which could take up to two years. And, although use of another of Her Majesty's Dominions is possible this would just transfers the legal and practical problems from one Overseas Territory to another.

- Aware a logistics coordinating meeting has been held to address the problems of conducting a trial(s) on Pitcairn. Meeting attended by the Registrar to the Supreme Court who we understand briefed you on its findings. Wellington and London are continuing to focus on the problem and will produce a blueprint of requirements on which action can be taken, when necessary.

- Although Kent County Constabulary (KCC) have provided a comprehensive case file to the Pitcairn Public Prosecutor (PPP), potential victims, witnesses and offenders are still being traced and it is expected that additional evidence files will be submitted.

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624

FCO (Evans) to  
PS/ Parliamentary  
Under Secretary  
(Scotland)

Background

1. A recent update was contained in Mr White's Submission of 30 October. The Minister also saw the Social Welfare report of 2 November.

2. Investigation of allegations made in December 1999 of rape by two Pitcairn men on a young female, provided evidence of wider abuse which was possibly systemic and endemic within the Pitcairn Community. An investigation strategy was formulated with KCC which aimed to offer an opportunity to all females, resident on Pitcairn in the last 20 years, to be interviewed in relation to possible abuse. A 20 year period was taken as a point of reference for collation purposes but did not restrict investigation of any allegations made outside of this parameter. The police investigation was supported by consultants from the National Institute for Social Work (NISW) who were to provide immediate advice to alleged victims and offenders, and to report on social welfare issues relevant to the community.

20 December 2000

3. In early November KCC produced a case file to the Pitcairn Public prosecutor (PPP) based on evidence gathered from some 20 females all of whom made allegations of abuse. Two of the females refused to name their offenders, but the files still produced a list of allegations against 26 male offenders. At the time of producing the file, KCC informed the PPP that they were still attempting to trace some of the females and alleged offenders, but that they would submit any further evidence as "additional evidence" files if and when it became available.

4. On 10/11 November a coordinating meeting took place in New Zealand to discuss the logistics of conducting a trial(s) on Pitcairn. The meeting considered transportation, accommodation, feeding, power, communication, health aspects, safety (including contingency planning) and security. Under communication, and in context to the conduct of any trial, the possibility of utilising a video live-link for giving evidence was also discussed, this is being researched further in both practical and legal terms.

5. Since providing the case file to the PPP further individuals have been interviewed and an "additional evidence" file sent to the PPP (15 December), the latest interviews brings the total number of victims of sexual abuse to 25 and 30 suspected offenders have been named. Of the offenders, 8 are deceased, 12 have been formally interviewed (some more than once), 1 is unfit for

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FCO (Evans) to  
PS/ Parliamentary  
Under Secretary  
(Scotland)

interview, 1 has refused interview, 1 is yet to be identified and interviewed and 6 now require interview (those newly named) or re-interviewed (on allegations made). Alleged offenders are now resident on Pitcairn, Norfolk Island, New Zealand and Australia.

20 December 2000

6. Further disturbing developments in the investigation are that allegations have now been made against an appointed official (School Teacher / Government Adviser), and that allegations of male abuse (by males on males) and incest have been made. KCC have forwarded their recommendations for further actions and suggest the investigators continue their work in the new year.

7. A social worker and a therapist (both New Zealand based) will travel to Pitcairn in early January for a 6/8 week period to continue to provide the support initiated by the NISW.

8. Due to the logistical effort involved in conducting a trial(s) on Pitcairn the question of "place of trial" has been considered extensively. For reasons of remand and bail, primary legislation would be required to hold trials in the UK, the use of another part of Her Majesty's Dominions (such as the Falklands) although possible would merely serve to transfer one thorny set of legal and practical problems from one Overseas Territory to another.

9. The latest indication is that the PPP decision on the case files currently submitted are not expected until February 2001.

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625. FCO (Savill) to Governor (Williams)

19-MAY-1988 02:39 FROM

*Re KA OTN 588/001/00*

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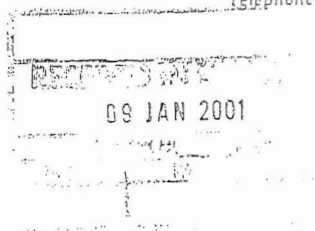
Foreign &  
Commonwealth  
Office

London SW1A 2AH

Telephone: 0171

Our reference: OTN

20 December 2000

M J Williams Esq CVO OBE  
Governor, Pitcairn  
Wellington625  
FCO (Savill) to  
Governor (Williams)

20 December 2000

*Dec Mahi*

PITCAIRN : JUDGE BLACKIE'S VISIT, 20 DECEMBER

1. I have seen an e-mail from Karen to Steve Evans and agree that we do owe you responses to at least two letters which John White and I are aware of. Regrettably these can not be dealt with before you go on holiday. We have had a shambolic move of offices last weekend followed by 2 and a half days without computer terminals or e-mail access (we now have terminals but no printers and e-mail access if we unhook Steve's telephone temporarily), Steve off sick and an significant number of Ministerial briefings and PQs with very short deadlines.

2. Perhaps I should deal with my immediate priority, Judge Blackie's visit. As you know he called on the Minister today, and had separate but similar discussions with John White and I. During the former, Baroness Scotland emphasised the need to ensure the legal processes available were comprehensive and adequate, the legal infrastructure was capable of coping with whatever trial demands emerge and capable of standing up to external scrutiny, and that justice seen to be done (if there were to be any trials). There was a discussion about provision for appeals (Judge Blackie appeared to be unaware of the Ordinances enacted this summer providing for appeals up to the Privy Council), and appointments to a Court of Appeal; about protocols to allow for evidence by video conferencing for example (Mr Watson confirmed that model laws on this had been forwarded to the Pitcairn Honorary Legal Adviser for consideration); and of the requirements for committal hearings.

3. The Minister acknowledged the many and substantial logistical difficulties if conducting any trials while confirming that Pitcairn would be the best available site (legal advisers elaborated why). In response to a comment from Judge Blackie about the long term implications the Minister said that she recognised that the potential

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625

19-MAY-1988 02:39 FROM

RESTRICTED

FCO (Savill) to  
Governor (Williams)

proceedings could jeopardize the viability of the community,  
but that this was a risk we had to face up to.

20 December 2000

4. In our separate meeting Judge Blackie told us about preliminary work done, involving the Registrar, to ascertain what few facilities already existed on Pitcairn, and how these could be best utilised. He was also aware of discussions with a company about the provision of satellite communications. Both he and John White agreed that it was sensible that the Registrar should not visit Pitcairn before the PPP had reached a decision. Blackie also outlined a proposal to create a Pitcairn Bar to reduce the risk of maverick lawyers seeking involvements in any proceedings.

*Yours ever*

*Louise*

Louise Savill  
Overseas Territories Department  
020 7270 2890

*Print suddenly kicked into life 30 mins after  
I sent an instruction to print!*

RESTRICTED

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

21/12/2000 12:07 00-64-4-195-0931

BRITISH HIGH COMMISSION

PAGE 01

626



British  
High Commission  
Wellington

Deputy-Governor  
(Wolstenholme)  
to Commissioner  
(Salt)

21 December 2000

Leon Salt  
Commissioner  
PIAO  
PO Box 105-696  
Auckland



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

21 December 2000

By Fax

*Dear Leon***PITCAIRN: VISIT BY REGISTRAR**

As you know, Judge Blackie held a series of meetings in the FCO yesterday.

As a result, it was agreed that Graham Ford should not visit Pitcairn until after the Public Prosecutor has made his decision (i.e. after the need for a visit is determined).

We believe the decision will not be made until February so we cannot look at a visit until after that. It is now likely that I will have to go to Singapore from 7-10 February and as DHC will be away for the second half of February my own visit ought to be delayed until March (although if shipping schedules mean that February is preferable this should not be ruled out). There was a suggestion that the Registrar and Hon Legal Adviser should travel to Pitcairn with me and I am quite happy with that. But timing may now become quite difficult so we need to keep an eye on the options.

If you have any thoughts please let me know.

*Yours  
Karen*

Mrs K S Wolstenholme  
Deputy Governor

*Happy Christmas to all!*

627. Deputy-Governor (Wolstenholme) to Simpson Grierson (Kelly)

627

Deputy-Governor  
(Wolstenholme) to  
Simpson Grierson  
(Kelly)



de x

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

2 February 2001

2 February 2001

POC/P/370/1

**FAXED**

Mr Mark Kelly  
Simpson Grierson  
44-52 The Terrace  
Wellington

✓ By Fax

*Dear Mark*

**VISIT TO PITCAIRN**

I am pleased to inform you that I have now received confirmation from the Overseas Territories Department of the Foreign and Commonwealth Office in London that, as we expected, there will be a requirement for the provision of legal advice during the forthcoming visit to Pitcairn by the Police investigation team.

With the benefit of your previous visit to Pitcairn and your knowledge of the investigation we would be pleased if you would again agree to accompany the team. I am told that Emily Yri will not be available for this visit, but the Kent County Constabulary have said that one lawyer would be sufficient to provide the necessary representation in any case. We are happy to accept this.

As with your last visit, your specific brief will be to be present at the questioning of any potential suspect by the Police and, if requested, to give legal advice to that person, pursuant to, and consistent with, the provisions of Part V of the Police and Criminal Evidence Act 1984 and the codes of practice made thereunder.

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Deputy-Governor  
(Wolstenholme) to  
Simpson Grierson  
(Kelly)

2 February 2001

a

We do not yet have final dates for the visit or the method of travel, but I would anticipate that the contract would be in line with the terms outlined in Mr Gapes letter of 21 August 2000 to Leon Salt, and my response of 22 August 2000.

b

I should be grateful if you would confirm that Simpson Grierson is content with this. All travel arrangements will be made, as previously, by the Pitcairn Islands Administration Office in Auckland.

c

*Yours,*

*Kare Wolstenholme*

Mrs K S Wolstenholme  
Deputy Governor

d

✓ cc Paul Treadwell, Hon Legal Adviser for Pitcairn  
Leon Salt, Commissioner  
James Dunlop, OTD, FCO

FAXED

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628. Secretary of State for International Development (Short) to Foreign Secretary (Cook)

628

Secretary of State  
for International  
Development  
(Short) to Foreign  
Secretary (Cook)

8 February 2001

14-MAR-2005 11:31 FROM BHC WELLINGTON

TO AUCKL

P.08



*Mr White, OTD  
For advice and draft  
Reply pls by 15/2.*

**DFID** Department for  
International  
Development

94 Victoria Street, London SW1E 5JL

Telephone: 020 7917 0134  
E-mail: c-short@dfid.gov.uk

57

*From the Secretary of State*

The Rt Hon Robin Cook MP  
Secretary of State for Foreign  
& Commonwealth Affairs  
King Charles Street  
London SW1A 0AA

*cc: PS  
PS/McMahon  
PS/Barron-Sellman  
PS/PUS  
Mr Wilkinson  
Trade: New S, Planner, HEPD  
NEPPO  
Legal: Andrew  
SpAds*

131184/01

8 February 2001  
RECEIVED  
06 FEB 2001

*Dear Robin  
Pitcairn Island  
8/2*

Our respective officials are in touch about investigations currently being conducted by Kent Constabulary, into alleged child abuse on island. I understand the police team will be concluding their investigations and reporting their findings within the next few weeks.

I have suspended the Hill of Difficulty road and jetty project on Island for two reasons. First, if the child abuse allegations prove to have foundation we shall want to understand the impact that prosecutions (and possible imprisonment) may have on so small a population. We and the EU will not want to build a £0.8 million road for a population which is seriously depleted and/or economically unsustainable and if the findings are very bad, maybe it would not be wise to help sustain such an unhealthy community. Secondly, depending on the seriousness of the situation, we may need to redirect available resources into social interventions, designed to put in place child protection measures.

The Pitcairn Council and Mayor have been advised by Martin Williams (Governor) of our decision to suspend the road project "until decisions have been taken on the investigations currently in progress, and possible judicial proceedings". My officials have also advised the project's engineering consultants, who in turn have told those companies based in New Zealand who were preparing tenders for the project.

There have already been some calls to our Enquiry Point, asking for information about our decision to halt the road project. The Times have also published an article written by their correspondent in Wellington about a rape case (which we believe to be connected to the child abuse concerns). I think it would be useful for you to inform the House of Commons by way of an arranged PQ that all this is going on. Taking no action risks embarrassing the Government if the story blows up and possible accusations of a Government cover up. In fact we have nothing to lose by being completely open about the child abuse investigations at this stage. FCO were expeditious in taking the necessary police action.

*Clare  
CLARE SHORT*

TOTAL P. 08

629. Foreign Secretary (Cook) to Secretary of State for International Development (Short)

14-MAR-2005 11:31 FROM BHC WELLINGTON TO AUCKL P.09

RESTRICTED

ACE/01/029

SECRETARY OF STATE FOR INTERNATIONAL DEVELOPMENT

06 MAR 2001

Pitcairn

cc: PS / PUS  
 Mr. Westwood  
 Mr. Harrison  
 Woods: New  
 PRO  
 Legal Adviser

1. Thank you for your letter of 8 February. I was sorry to hear that you have suspended the Hill of Difficulty project, and without prior consultation. Improving the main route from the landing point to the heart of Pitcairn would have both short term value as well as potential longer term benefit. It would have been helpful if we could have continued with the project until such time as there was a clear sign that the future of the community was likely to change.

2. I hope that you will be willing to deal with the non-governmental donors involved in the project. With public figures who are not shy of publicity, like Robert Redford, having contributed to the funding, questions may well be asked. It will be important that we should not speculate about the outcome of the police investigations and the allied social work that we have been doing for some time before clear decisions have been made. I would be grateful if your officials could keep in close touch with mine, especially FCO Legal Advisers, as this unfolds.

3. We are at a delicate stage in the investigation of what appears to be wide-spread abuse extending back for some generations. The Kent County Constabulary have already sent one report to the Pitcairn Public Prosecutor (PPP). They are now, we hope, coming to the end of their work and will report further to the FPP in due course.

RESTRICTED

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629

Foreign Secretary (Cook) to Secretary of State for International Development (Short)

23 February 2001

14-MAR-2005 11:32 FROM BHC WELLINGTON

TO AUCKL

P.10

629

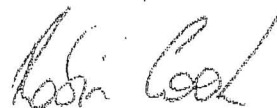
Foreign Secretary  
(Cook) to Secretary  
of State for Interna-  
tional Development  
(Short)

4. I therefore do not believe that this is an appropriate time for a Ministerial statement, any more than we would place a PQ on a police investigation in the UK even before any decision had been made to bring charges. I am disappointed that you should refer to embarrassing the Government. FCO conduct throughout has been punctilious, transparent and concerned. It can withstand any fair scrutiny.

5. In the meantime, we should continue a policy of business as usual with the island. The suspension of the Hill of Difficulty project at an advanced stage will be as much a blow to the victims of the abuse as any other resident of the island. If it becomes public, it may also run the risk of appearing to pre-judge the outcome of a judicial process that has yet to begin. It may also put at risk the element of funding from other sources, such as the European Union.

6. I would stress that, in its present state, the Hill of Difficulty is already hard to use and may become positively unsafe if present events result in more traffic. Failure to proceed with the project could make it impractical to mount any of the legal proceedings on the island.

7. In these circumstances, I hope you will be willing to reconsider your unilateral decision. However, in the event that you are unable to see your way to do so, I would be grateful for your assurance that this essential project will proceed when the legal process has terminated and if it is clear that there will remain a viable community on the territory.



(ROBIN COOK)

Foreign and Commonwealth Office  
23 February 2001

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630. Secretary of State for International Development (Short) to Foreign Secretary (Cook)

14-MAR-2005 11:32 FROM BHC WELLINGTON

TO AUCKL

P. 11



**DFID** International Development

66 Victoria Street, London SW1E 6UL

Telephone: 020-7817 0134

630

Secretary of State  
for International  
Development  
(Short) to Foreign  
Secretary (Cook)

From the Secretary of State

Careful for advice  
COFF (2001)  
A/Business Cultural  
A/PUS  
Air Mail  
H/W  
Head's Head, Head, Head

59

The Rt Hon Robin Cook MP  
Secretary of State for Foreign & Commonwealth Affairs  
1 King Charles Street  
London SW1A 0AA

Pauline  
013

8 March 2001

8 March 2001

Dear Robin,

PITCAIRN ISLAND

Thank you for your note of 23 February.

I regret there is no prospect of reversing my decision on the Hill of Difficulty road for the reasons given in paragraph 2 of my earlier letter. Neither, at this stage, can I offer any guarantee that the project will proceed when the legal process which you refer to has been concluded. This will depend on the outcome, and as I said, whether we then consider it necessary to divert available resources to higher priority social interventions designed to put in place appropriate child protection measures. Continuing with the road project "until such time as there was a clear sign that the future of the community was likely to change" would unnecessarily put tax payers' money at risk.

I hope you have been informed that it was only around October of last year that your officials told mine that there was a serious concern about child abuse on island - this in spite of the fact that Kent County Constabulary investigations had been underway for some considerable time prior to that. Even then, we had to press for sight of the National Institute for Social Work project team report (August 2000) - commissioned by FCO without consultation with DFID - only a part of which has just been made available to us. I think it is particularly unfortunate that FCO have kept this matter hidden for so long. It is not the sort of joined up working which our respective Departments have otherwise worked so hard to achieve.

Paragraph 4 of your note could easily be misleading to anyone who had not read my letter and is unfortunately phrased. I was not of course suggesting a statement that would prejudice the outcome of current legal proceedings. But I remain concerned that unless the Government is more open about the investigation some embarrassment could result. You will have seen the Sunday Times piece on 4 March and there was also a piece in the Guardian. I still think it would be best to confirm to the House of Commons without delay that an investigation is in progress.

Tours  
Clare

CLARE SHORT



631. FCO (White) to PS/ Foreign Secretary (Cook) and others

631

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

14-MAR-2005 11:26 FROM BHC WELLINGTON TO HUCKL P.01

UNCLASSIFIED

RECEIVED  
12 MAR 2001

*OK - a couple of minutes*

Reference: //2001

60

From: CJB White  
Date: 09 March 2001

9 March 2001

*minutes*

cc: PS/PUS  
Mr Westmacott  
Mr Hendry, Deputy Legal Adviser  
Heads: News Department  
NEAPD  
Governor Pitcairn (by fax)

*I am firmly of the view that the current FCO approach is correct. I am very disappointed that David will behave in a more cavalier manner. Playing fast & loose with other people's freedom is not something I favour.*

Mr Wilkinson  
PS/Baroness Scotland  
PS

*Private Secretary*

*Ons Scotland is content - marginalia & left.*

*David Pitcairn  
13/3/01*

PITCAIRN - PARLIAMENTARY STATEMENT ?

ISSUE

- A. 1. Whether to reply to the latest letter from the International Development Secretary.

TIMING

2. Routine.

PREFERRED OPTIONS

3. To respond along the lines of the draft minute attached.

ARGUMENT

4. If it were not for the last paragraph of Mrs Short's letter and the view in it that she continues to propound about the desirability of a public statement on the case, I would have recommended ignoring it. But we do need to continue to head her off from this course of action for all the reasons that have been set out in previous advice.

RECEIVED IN REGISTERED  
10 APR 2001  
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INDEX PA

UNCLASSIFIED

UNCLASSIFIED

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

9 March 2001

- 5. The media pieces she refers to were, in the case of the Sunday Times article, inaccurate and in the case of the Guardian, incomplete. Whether they, especially the Guardian article, were fuelled by a deliberate leak of information we shall not know. But we cannot rule out that there may be more of this to come.
- 6. Nevertheless, it remains right that the timing of any Statement to Parliament should be influenced decisively by the timing of the decision by the Pitcairn Public Prosecutor on the evidence put to him following the completion of the investigations by the Kent County Constabulary. When he has announced his decision will be the right moment to consider telling Parliament about what has happened. (We will, in particular, need to bear in mind the effect of publicity on any extradition request).
- 7. Mrs Short's complaint about DFID not being informed about the investigations and the allied social work from the word go is a bit rich given DFID's record of unilateralism in respect of Pitcairn matters. There was no need for DFID to be consulted about beginning the police investigation or the allied social welfare support work we started at the same time. A member of the Kent Police was already on Pitcairn and it was both a matter of expediency as well as good sense for the Governor to ask us to ask Kent County Constabulary (who had done work on Pitcairn in years past) to help with the investigation. We needed no advice from DFID Police Advisers for that. Nor did we need any advice on the desirability of linking social welfare support systems with the investigations from the word go. These were matters of governance. The Governor wanted help. We provided it. We funded it.
- 8. As for not passing on copies of the National Institute for Social Welfare's Report, we withheld it at the request of its authors. We were asked to follow a very strict need-to-know approach to handling what were private and confidential records of conversations between therapists and their clients. DFID did not need to know the contents until we showed them the volume of analysis at a time when we considered it reasonable to do so. What we withheld was the second volume of very detailed case information, the confidentiality of which we were asked to uphold and have done so. I suggest there is no mileage in arguing with DFID about this.

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time.

BACKGROUND

- 9. This has been set out in previous submissions, most recently in mine of 14 February 2001.

PUBLIC PRESENTATION

- 9. We can expect more Press interest in this story. Reporters in New Zealand are investigating it and more leaks here cannot be ruled out. We should refuse to comment until the Pitcairn Public Prosecutor has reported.

UNCLASSIFIED

633

Foreign Secretary  
(Cook) to Secretary  
of State for Interna-  
tional Development  
(Short)

10 April 2001

14-MAR-2005 11:30 FROM BHC WELLINGTON TO AUCKL P.06

RESTRICTED - PERSONAL

FCS/01/047

SECRETARY OF STATE FOR INTERNATIONAL DEVELOPMENT

RECEIVED IN THE COPY  
10 APR 2001

Pitcairn

1. Thank you for your letter of 8 March. I am sorry that you feel unable to provide me, and hence the community on Pitcairn, with any assurance that if a viable community in the territory remains after any legal proceedings DFID will support the Hill of Difficulty Project. Any decision on the future priority and the use of development assistance funds for Pitcairn will need to take into account the priorities established by the Governor and the Island Council. We cannot at this range predict what they will be. But it would have been reassuring to them during these difficult times to know that there was support for what has been the top priority scheme for some years.

2. I remain firmly of the view that any public statement by British Ministers about the investigations carried out so far would be potentially damaging to the prospects of justice being done in Pitcairn. As I have said, we all owe it to the victims of the abuse that is alleged to have been perpetrated, as well as to the maintenance of the good governance of the Island, to observe a self-denying ordinance and not speak about these issues before the Pitcairn Public Prosecutor has delivered his view on the dossiers put to him. Any statement by HMG which could relate to the case, however well crafted, is likely to be potentially prejudicial to any proceedings that might occur. There are none as yet, contrary to the suggestion you make in your fourth paragraph.

RESTRICTED - PERSONAL

*(Handwritten notes and signatures: Mr. Dickson, Mr. ... , Mr. ... , Mr. ... , Mr. ... , Mr. ... )*

*(Handwritten notes: cc: ... , Mr. ... , Mr. ... , Mr. ... )*

*(Handwritten notes: 61, 23/2, 5/21)*

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634. Secretary of State for International Development (Short) to Foreign Secretary (Straw)

25-JUN-2001 14:56 FROM

TO FOREIGN SECRETARY

P. 01

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62

634

a



*Mr Huckle, CTD*  
*CPS: (COTM)*  
*E. Barrow, Arrived*  
*TS JWS*  
*Mr Westmacott*  
*Mr Williams*  
*Head of Planning, W&A D,*  
*NESED*  
*S. Adams, Legal Advisor*

*135134/1*

**DFID** Department for International Development

94 Victoria Street, London SW1E 5JL

Telephone: 020 7917 6134  
E-mail: c-short@dfid.gov.uk

Secretary of State  
for International  
Development  
(Short) to Foreign  
Secretary (Straw)

b

From the Secretary of State

The Rt Hon Jack Straw MP  
Secretary of State for Foreign and Commonwealth Affairs  
King Charles Street  
London SW1A 0AA

*1. cc Barrow, M. Adams*  
*2. Mr Huckle*

25 June 2001

c

*Burke Jones*  
*25/6*

25 June 2001

*Dear Foreign Secretary,*

PITCAIRN: CHILD ABUSE

*I don't think we can prejudge charges, trial, and possible consequences quite so dramatically. The way he might be treated the end of Pitcairn as a populated island must not become a policy aim.*

Robin and I exchanged correspondence on this subject earlier in the year, resting with my letter of 8 March and his personal reply of 22 March.

*JOHN KEAR*

d

I understand that the investigations have since been completed, and that there is the prospect of decisions by the Pitcairn Island Prosecutor next month which might lead to legal proceedings. I appreciate, of course, that this is a particularly sensitive and difficult time for all parties involved. It is especially important, therefore, that our two Departments continue to keep in close touch as events unfold.

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The FCO is clearly right to be taking steps, based upon good professional advice, aimed at safeguarding the security and social welfare needs of all those affected. My officials are liaising with yours to help ensure that those essential short-term measures are fully sensitive to the longer term child protection and social welfare needs of the Pitcairn community. At the same time, however, I believe that we share a common responsibility to look carefully at the future implications of this situation for the viability of the island community.

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I suggest that we need to face up to the reality that the Pitcairn community is probably so socially dysfunctional that we should cease to plan to support and sustain it, and should instead consider supporting resettlement alongside psychological help and counselling for those who need it. On top of the reality of widespread sexual abuse, it is likely that the current investigation is generating deep division and conflict. Already the financial and economic viability of the island is fragile. Our assessment in 1999 was that we could face a recurrent budgetary aid obligation to sustain Pitcairn before very long. I would not favour us providing budgetary support to such an abusive community.

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I suggest therefore that we should

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634

JUN-2001 14:58 FROM

TO FOREIGN SECRETARY  
RESTRICTED


P.02

Secretary of State  
for International  
Development  
(Short) to Foreign  
Secretary (Straw)

I suggest therefore that we should start thinking innovatively about how we might best deal with the problems of this community. I think we should consider possible voluntary depopulation of the island, through help with resettlement and other suitable inducements for the small remaining community to relocate elsewhere. And we should make it clear that we are unwilling to provide financial support to sustain this community.

I hope that we can work together to fund innovative solutions to this unique and ugly set of problems.

25 June 2001

Yours sincerely  
  
PP CLARE SHORT  
(Agreed by the Secretary of State  
and signed in her absence)

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RESTRICTED

TOTAL P.02

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635. Governor (Williams) FCO (Huckle)

14-MAR-2005 11:28 FROM BHC WELLINGTON

TO AUCKL

P.01

RESTRICTED

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

C/o British High Commission  
P.O. Box 1812  
Wellington  
New Zealand

Tel: (04) 924 2374  
Fax: (04) 924 2321  
Email: martin.williams@fitc.gov.uk

635

Governor (Williams)  
FCO (Huckle)

27 June 2001

FAXED

27 June 2001

Mr Huckle Esq  
OTD  
FCO  
SWI

Dear Alan

## FITCAIRN: CLARE SHORT'S LETTER

1. Thank you for copying to me Clare Short's letter of 25 June to the Foreign and Commonwealth Secretary.
2. The letter might have acknowledged that policy on the OTs, including Fitcairn, is the responsibility of the Foreign and Commonwealth Secretary, not of the Secretary for International Development nor shared between the two of them. I assume Mr Straw will wish to emphasise that point in replying to Ms Short. Nor is it clear why she asserts that the responsibility is a common one. It is true that Fitcairn has benefited from DFID funded projects, and the management of the aid budget is the responsibility of Ms Short. However the community has not been dependent on DFID funding (which is just as well, since funding has often, though not always, been somewhat grudging and unreliable, as with the sudden suspension of the Hill of Difficulty project).
3. The investigations have confirmed that varying types of sexual activity against under age girls, in some cases clearly against their will, in other cases apparently consensual, have been going on for decades. This is hardly surprising. The Island was originally occupied by mutineers and Tahitian women. Neither group would see anything wrong in sexual license. At various stages in the Island's history, religion has possessed a degree of authority, which may have influenced the Islanders' behaviour. The influence of religion has not been strong in recent years. Ever since the Island became a UK colony in 1838 there has never been any UK official resident on the Island. We have enacted ordinances, but left it to the Islanders themselves to police and enforce the law. With such a remote, tiny, inward-looking community, with only passing contacts with the outside world including infrequent visits by Governors, it cannot be surprising that their concept of acceptable sexual behaviour has not kept up with the development of modern views in UK and other parts of the developed world. The same pattern is true in several other such isolated communities, so Fitcairn

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Governor (Williams)

FCO (Huckle)

is regrettably far from being unique as Ms Short suggests. The Islanders' views are of course liable to change rapidly now.

27 June 2001

4. No trials have yet been held. We do not know in how many cases the Public Prosecutor will even decide to issue charges. It is thus premature to make a judgement about how far crimes may have been committed. This ought to be an important point in our considering the future of the community. Even the details of the allegations are unknown. I assume neither Ms Short, nor anyone in DID has actually seen the police reports. It would be quite improper if they have; and if they have not, they should defer judgement.
5. Ms Short dismisses the Pitcairn community as socially dysfunctional. This judgement is far too sweeping, and is based on incomplete information. The community totally depends on mutual co-operation and support, in innumerable ways. It has succeeded in maintaining this attitude much better than might have been expected, despite the undoubted strains and tensions caused by the investigations. This is a commendable achievement. Contrary to Ms Short's assertion, there is no evidence of deep divisions having been caused, and certainly not conflict, although I agree that these remain risks to guard against. Good examples of the positive community spirit which still prevails are the willing support given to the schoolteacher after his accident in early May, and likewise to an elderly woman who broke her hip when she fell out of bed a few days ago; and communal market days which have recently been successfully instituted, besides the mutual cooperation displayed daily in routine duties and services.
6. Ms Short says that psychological help and counselling should be provided. This is already being done for those who need it.
7. Ms Short suggests we should promote voluntary depopulation of the Island. I do not believe the case for this has been established. It is equally possible to argue that the current problems are the result of inadequate attention on the part of HMCG in the past, and that far from now attempting to close the Island down, we ought to be increasing our efforts and support.
8. The idea of depopulating Pitcairn and resettling the community elsewhere is probably not as straightforward as Ms Short seems to imagine. The Island has twice previously been abandoned, in the mid 18<sup>th</sup> century because of over crowding. On both occasions the decision was taken by all the Islanders together. After the first time, they all decided to return; the second time, part of the population returned. If now we make the monetary offer sufficiently attractive, and all the Islanders take the money and leave, it will look as if the problem is solved. But some of them may then decide they want to go back, and I do not know how we would in practice prevent them.
9. It is more likely that not all of them would agree to go. After all, they regard Pitcairn as their home. As I pointed out in my e-mail of yesterday, do we have the power to resettle the community against its will? It is not part of UK. To attempt this by force would be ugly. To abandon the Island and its community would be irresponsible.
10. At some point, of course, if the number of able bodied men and women becomes too few to man the longboats and perform other essential services, we may have to urge the Islanders to leave; and I would expect them to agree under such circumstances. What we do with them then will be a difficult decision. They may all decide they want to go to Norfolk Island, which is the second of the destinations to which the community was evacuated in the 17<sup>th</sup> century. We might have to negotiate a deal to persuade the Norfolk Island authorities to take them all. But that would be very different

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14-MAR-2005 11:29 FROM BHO WELLINGTON TO HUCKLE P.03

RESTRICTED



635

Governor (Williams)  
FCO (Huckle)

from telling the community that they had to leave because they were too socially dysfunctional to be allowed to continue living on Pitcairn.

11. Mr Short seems to have decided already that the Islanders are incapable of mending their ways. Is this fair? The visits so far undertaken by the social workers seem already to have had an impact. We need to keep up the educational process. But the community should be given a chance to show it can reform, with more help from HMIC than in the past.

27 June 2001

*Yours sincerely*

*M J Williams*

M J Williams  
Governor, Pitcairn Islands

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636

FCO Memorandum (Huckle to Wilkinson)

2 July 2001

18-MAR-2005 14:46 FROM EHC WELLINGTON

TO HUCKL

P.01

*FOR JEFF*

*Minister*

*(reva 16/iii)*

RESTRICTED

*(54)*

Private Secretary

*Bus Amos is content with the submission and draft letter*

*W. Cairn*

Reference: //2001

From: A E Huckle  
Date: 02 July 2001

cc: PS/PUS  
Mr Westmacott  
Mr Hendry, Legal Advisers  
Heads: News Department

*PS/Baroness Amos*  
*PS*

*It is right to point out that there is no easy option over Pitcairn. Once before in their history the islanders have been resettled only to return a few years later!*

NEAPD  
PRDD  
Planners  
Special Advisers  
Governor Pitcairn  
via Wellington.

*BY FAX AL*

*PS/Baroness*  
*3/iii*

Mr Wilkinson

**PITCAIRN: ALLEGATIONS OF CHILD ABUSE**

ISSUE

- 1. How to respond to Clare Short's letter of 25 June suggesting that we close Pitcairn down by cutting off financial support to the community and offering assistance with voluntary re-settlement.

TIMING

- 2. Routine.

PREFERRED OPTIONS

- 3. That we agree to a review of future options but stress that nothing should be done or said that might prejudice the outcome of possible court proceedings. Legal Advisers agree.

2005 14:46 FROM BHC WELLINGTON

TO AUCKL

P.02

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FCO Memorandum (Huckle to Wilkinson)

ARGUMENT

2 July 2001

4. When Clare Short learnt of the allegations of sexual abuse of minors in Pitcairn, she suspended the £0.8 million capital project to improve the jetty and the steep path (the Hill of Difficulty) linking it with the main settlement on Pitcairn. She argued that it would be wrong to proceed if the population became seriously depleted or the economy unsustainable as a result of any prosecutions – and she suggested that “it might not be wise to support such an unhealthy community”. She has now followed this up with the suggestion that “the Pitcairn community is probably so socially dysfunctional that we should cease to plan to support and sustain it, and should instead consider supporting re-settlement alongside psychological help and counselling for those who need it”.
5. This pre-judges the outcome of any proceedings. It is neither certain that the Pitcairn Public Prosecutor (PPP) will recommend prosecution nor that the outcome of any trial(s) will result in conviction or imprisonment nor that if we did persuade islanders to leave voluntarily, we could prevent them from returning if they wished – see the Governor’s comments. Legal Advisers have pointed to the obvious parallel in the BIOT judgment where we have had to concede the right of return notwithstanding compensation as full and final settlement.
6. Moreover, under Chapter XI of the UN Charter, we have an obligation whilst Pitcairn is inhabited to promote the islanders’ well-being as well as constructive measures of development. DFID’s 1997 White Paper on International Development also stated that “the reasonable assistance needs of the Dependent Territories are a first call on the development programme”. Our 1999 White Paper on the Overseas Territories gave a commitment to ensure that “basic needs are met, including the provision of essential infrastructure”.
7. It would be useful to inject such considerations into DFID thinking. At the same time, it might be helpful to identify future policy options against the various possible outcomes. It is probably better to do this work now rather than later.

BACKGROUND

8. A background note is attached.

PARLIAMENT AND MEDIA

9. Ministers have previously agreed that any public statement to Parliament or to the media should await the PPP’s decision to avoid influencing him or putting complainants and witnesses under public pressure.

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2005 14:47 FROM BRU WELLINGTON TO HUCKLE

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FCO Memorandum (Huckle to Wilkinson)

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RESOURCE IMPLICATIONS

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10. None, although the cost of any trial(s) and police/social welfare provision is likely to be considerable.

2 July 2001



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A. E. Huckle  
OTD

020 7270 2742/1

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## 637. Background Note by FCO - Operation Unique

14-MAR-2005 11:29 FROM BHC WELLINGTON

TO AUCKL

P. 64

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Background Note  
by FCO - Operation  
Unique

PITCAIRN: OPERATION UNIQUE: ALLEGATIONS OF CHILD ABUSE

BACKGROUND NOTE

2 July 2001

Pitcairn is a non-self-governing territory in the South Pacific administered by the UK. It comprises four islands situated about midway between Australia and South America at 25 south and 130 west. Only Pitcairn is inhabited, currently by 45 individuals. It is approximately 3 kilometres long and 1.5 kilometres wide and has a land area of 4.5 square kilometres (452 hectares). Adamstown is the only settlement. The island has no airstrip and the only way onto it is by longboats rowed by the islanders themselves. Passage to and from the island is aboard container ship from New Zealand, a journey of approximately 8 days.

In 1999, under an FCO Good Government Fund (GGF) initiative to improve the understanding of practical law and order issues, a Kent County Constabulary (KCC) police constable spent two periods on the island providing instruction to the island police officer. In December 1999, an allegation of rape was made by a young Pitcairn girl against Pitcairn men. An initial investigation conducted by officers of Kent County Constabulary (KCC) into the allegation elicited further allegations, suggesting a wide-scale problem of systemic and endemic abuse of minors within the Pitcairn community.

Ministers were consulted and agreed to a full investigation as recommended by the KCC. Consultants from the National Institute for Social Work (NISW) supported the police investigation, tasked with providing immediate advice to alleged victims and offenders, and to report on social welfare issues relevant to the community.

In early November 2000, KCC produced a case file to the Pitcairn Public Prosecutor (PPP) based on evidence gathered from some 20 females, all of whom made allegations of abuse against 26 male offenders. Following further interviews, an "additional evidence" file was sent to the PPP in February 2001. This brought the total number of victims of sexual abuse to 25 and alleged offenders to 30 (8 of whom are deceased). The alleged offenders are variously resident on Pitcairn, Norfolk Island (Australia) and New Zealand.

As the investigation grew so the allegations have spread to include abuse on young males and incest. Alleged offenders also now include visitors to Pitcairn and officials posted to Pitcairn.

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14-PHR-2005 11:30 FROM PHU WELLINGTON TO HONK

Background Note  
by FCO - Operation  
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the School Teacher/Government Adviser. A third phase of the investigation was recently completed. Another file submitted to the PPP at the end of May 2001.

At each stage of the investigation, the NISW have worked closely with the Police. It is clear from their reports that there is much work that continues to be required both in counselling victims and offenders and in re-educating the community in basic family values.

2 July 2001

The PPP will not be in a position to decide on whether or not to press charges for some months yet. He has to consider not only the evidence but also the question of the Fitcham public interest; he also needs to satisfy himself that any trials would be conducted fully, fairly and professionally.

Approval has been given to the despatch of two police officers from the Ministry of Defence Police to the island to assist in policing duties until further notice. A social welfare officer is also being recruited to provide on-island support and counselling.

Overseas Territories Department  
2 July 2001

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638. Foreign Secretary (Straw) to Secretary of State for International Development (Short)

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FCS/01/093

SECRETARY OF STATE FOR INTERNATIONAL DEVELOPMENT

Foreign Secretary  
(Straw) to Secretary  
of State for Interna-  
tional Development  
(Short)

Pitcairn

19 July 2001

1. Thank you for your letter of 25 June. I welcome your close interest in Pitcairn and the advice that your officials have given mine in addressing the immediate and longer-term social welfare needs of the islanders. I agree that our Departments should stay in close touch.

2. I am sure, however, that you will agree that we should not pre-judge the outcome of the investigations into the allegations of child abuse. The Kent County Constabulary Report has been passed to the Pitcairn Public Prosecutor (PPP) who may take several months before he can come to a decision on whether or not to press charges. The PPP must take into account both the evidence submitted and the public interest in determining whether charges should be brought. It is not for us to influence his decision or to base policy on an expectation of the outcome of any trial(s) that may or may not occur. Until we know the outcome, any conclusion that the community on Pitcairn is so socially dysfunctional and abusive that we should cease to support it, as you suggest, must be premature. Otherwise we are assuming the islanders' guilt.

3. That said, I agree that our officials should work together on a study of possible future policy options. This should examine the full range of options rather than being predicated solely on voluntary re-settlement and depopulation of the island. This latter may not be as easy or as conclusive as might be supposed.

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Secretary of State  
for Foreign and  
Commonwealth  
Affairs (Straw) to  
Secretary of State  
for International De-  
velopment (Short)

The BIOT judgement in 2000 suggests that it might not be possible to achieve full and final settlement or to restrict the right of return to the island. We shall also have to consider Pitcairn's future against our international obligations under the UN Charter (Chapter XI) and the commitments that we made to the Overseas Territories in our respective White Papers.

19 July 2001

Finally, we must take care not to make any public statement, or allow our private views to become known, about the current problems on Pitcairn in case they prejudice any proceedings that might be brought. It would, for example, place a very heavy burden on complainants and witnesses if they felt that their testimony could lead to the closure of the island. This is a common law jurisdiction, subject to the principles of English law. Our judiciary are very hostile indeed to anything which they perceive as interference in judicial proceedings - including prejudicial remarks - and are ready to abort proceedings in such circumstances.

(JACK STRAW)

Foreign and Commonwealth Office

19 July 2001

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639. Foreign Secretary's Office (Davies) to FCO (Huckle)

14-MAR-2006 11:15 FROM BHC WELLINGTON

TO AUCKL

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RE: [unclear] [unclear]  
OTW 043/102/01

*Very positive*  
*is a positive sign*  
*Alan [unclear]*  
*to me that*  
*document. However*  
*we will continue*  
*to monitor on*  
*any [unclear]*  
*of [unclear]*  
*of [unclear]*

(51)

2077  
Mr Huckle, OTD

*Loise*  
*One of the options will be the*  
*Wednesday proposals. Does Clare Short*  
*know about this?*  
*Allo 2/2*

(67)

Piteairn: Allegations of Child Abuse

The Secretary of State was grateful for your submission of 2 July and agrees with your preferred option. He has therefore written to Clare Short on the lines of your draft. The Secretary of State's amendments have been cleared with the Legal Adviser.

*Patrick Davies*

19 July 2001

(Patrick Davies)

- cc: PS
- PS/Baroness Amos
- PS/PUS
- Mr Westmacott
- Mr Wilkinson
- Heads: News Department
- NEAPD
- PRDD
- Planners
- Mr Hendry, Legal Advisers
- Special Advisers



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Foreign Secretary's  
Office (Davies) to  
FCO (Huckle)

19 July 2001



640. New Zealand Ministry of Foreign Affairs and Trade to Hon. Legal Adviser (Treadwell)

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New Zealand  
Ministry of Foreign  
Affairs and Trade to  
Hon. Legal Adviser  
(Treadwell)

Puriri Park

From: [redacted]@mfat.govt.nz  
To: "Puriri Park" <[redacted]>  
Cc: "Martin Williams" <Martin.Williams@fco.gov.uk>  
Sent: Tuesday, 31 July 2001 9:53 a.m.  
Subject: Pitcairn trials

I am just getting some final comments through from departments.

Treasury has asked whether the Judges will need some familiarisation/training in UK/Pitcairn law before the trials can be held. Treasury is just concerned that this may mean the judges will not be available to sit in the NZ courts for longer periods than just the trials themselves. (There are some big NZ law changes coming into force next year that will put extra pressure on the District Courts which are already quite stretched.)

If you can let me know what, if anything, is contemplated.

Thanks

[redacted]

31 July 2001

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## 641. "Pitcairn: Some Context for its Administration, Law and Social Problems", D. Howlett, FCO (2001)

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## a PITCAIRN: SOME CONTEXT FOR ITS ADMINISTRATION, LAW &amp; SOCIAL PROBLEMS

1. Even within the huge variety of territories that came to make up the British Empire and Commonwealth Pitcairn occupies a unique position. Explanations of the the development of Pitcairn's peculiar social make up and administration must take account of this distinctive position.

"Pitcairn: Some Context for its Administration, Law and Social Problems", D Howlett

## b Pitcairn's origins and some key influences

Deliberate isolation

2. Pitcairn was originally settled by Polynesians in their spread across the central and south Pacific but, by the mid-eighteenth century, the island was deserted. The present Pitcairn community originates in the landing, on 15 January 1790, of 9 male mutineers from HMS Bounty accompanied by 19 Polynesians (13 women and 6 men) under the leadership of Master's Mate Fletcher Christian. Christian, well aware that the Admiralty would seek to bring the mutineers to justice, was determined to avoid detection. He deliberately chose Pitcairn for its mis-charted position and its isolation became one of the key determinants in the evolution of the Pitcairn community.

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## d Tension between Europeans and Polynesians, men and women

3. Another key was the balance between the European and Polynesian settlers which, in turn, was closely bound to the balance between men and women. Christian's charisma had carried the successful mutiny against Captain Bligh but his abilities proved ill-suited to establishing settled life on the island. By 1800, through violence spurred by sexual jealousy, competition over resources and spirits distilled from the roots of ti plants, only two men (Young and Adams, formerly Alexander Smith) survived from the 15 who had landed in 1790.

## e A particular Christianity and family values

4. Within a year only Adams survived and he set the third key determinant, a particular interpretation of Christianity. As sole European with an increasing concern over both his own unruly past and that of the future of the island community, he turned to God and gradually established a Patriarchal authority. This ensured regular religious observance, hard agricultural work and marriage as the basis of family life; family ties became the underpin of Pitcairn society. Yet the Christian component had also to be harmonised with the Polynesian beliefs that were also part of the Pitcairn legacy of 1789-90.

## g Isolation erodes, distant authority is applied

5. Between 1808-23 Pitcairn's isolation was ended by a number of ships visits, including Royal Navy vessels, and new incomers arrived. Adams appealed to the British Government for help for the islanders but none was forthcoming, although the Royal Navy did maintain periodic contact. It was through this link, following the key visit of Captain Elliott of HMS Fly in 1838 and his involvement in drafting the first island Constitution, that

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"Pitcairn: Some  
Context for its  
Administration, Law  
and Social Prob-  
lems", D Howlett

Pitcairn came formally under British administration. The constitution established self-government through the annual election of a Magistrate by all island born adults over 18 years. There was no mechanism for the exercise of supervisory British authority beyond the Magistrate holding himself responsible for his actions and being prepared to submit an account of events to the captain of any British ship of war that might visit. This distant exercise of colonial authority established another key determinant of Pitcairn's evolution: local self government evolved without any external checks and balances for much of the nineteenth century and, thereby, fostered in most islanders a stubborn resistance to change.

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6. The Pitcairn community did not develop in an entirely uninterrupted way after Adams' death in 1829. Concern about over population and sustainability prompted evacuations to Tahiti (1831-32) and Norfolk (1856-58) but on both occasions islanders returned to Pitcairn and settlement was continuous after 1859. For most of the period after 1838 British authority was exercised in an ad hoc way through periodic naval contact. More sustained British involvement in the administration of the island only came after 1898 when Pitcairn was included within the Pacific Order in Council (1893) but the island still posed many problems.

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#### Pitcairn's distinctive development

7. These key factors - geographical isolation, the balance between men and women, a tension between British and Polynesian values, a particular brand of religion, and British colonial supervision that was both light and distant - must all be taken into account when assessing both the development of the island's administration and law, and their bearing on its social problems, after 1838.

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#### Pious disorder

8. The patriarchal regulation of Pitcairn society established by John Adams from 1800-29, and which depended principally on his force of character rather than any institutional framework, proved to be the exception rather than the rule. In the mid-nineteenth century commentators, both contemporary and subsequent, have noted evidence of "degeneration and disorder" in the conduct of island life and its adverse impact on the effectiveness of its administration. Between 1864 and 1884 a series of laws was enacted to deal with specific problems as they arose in a lifestyle that was easygoing and self-indulgent. A flavour of conditions on the island is given by the scope of these new regulations: to cover illegitimacy, theft, assault, profane and obscene language, slander, insulting the Island Magistrate and challenging decisions of the Island Court. All these issues have continued as key concerns throughout the island's subsequent history. The adoption of Seventh Day Adventism in 1886-87 revived religious influences somewhat but its brand of Christianity (with the possibility of the end of the world at any moment) did not encourage forbearance and failed to make significant changes to the established behavioural patterns in the island's way of life.

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9. By the 1890s the islanders were conscious, largely through the comment of visitors, that Pitcairn's structure of self government was unsatisfactory and that its local officers

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a lacked the resolution to carry out their duties effectively. But they were also concerned to project a more straight laced and well ordered picture of island life to outsiders than was actually the case. Following the visit of Captain Rooke (HMS Champion) in 1892 island government was reorganised on a parliamentary system with a larger number of island officials, clearer instructions to guide them, a separate judiciary and a new list of Laws and Regulations. The island Parliament also provided a resort for appeals from the Court where judicial administration was plagued with the problems of a community of about 140 where most were inter-related and frictions often ran deep.

"Pitcairn: Some Context for its Administration, Law and Social Problems", D Howlett

b 10. New laws established fornication and adultery as offences and strove to prevent actions (such as associating together in "secluded places") which "...tend to create scandal or to endanger the morals of the rising generation by their evil example". Simplified marriage laws were also enacted. Another measure provided for fining complainants who proved unsuccessful before the Parliament/court. There is little evidence, however, that the renewed emphasis on the law improved the conduct of island affairs, and the the 1892/3 re-organisation also proved cumbersome in the absence of effective key office-holders.

August 2001

c 11. In 1897 the island witnessed the only serious crime that has been acknowledged since the violence of the 1790s when Harry Christian and his wife and child were murdered. The resulting trial was heard before a Judicial Commissioner of the Western Pacific High Commissioner (WPHC) sent from Suva. The man accused was convicted and sent to Fiji for execution.

#### d Closer British scrutiny

e 12. Problems with the new Constitution and the 1897 murder case focused the attention of British colonial authority. In 1898 the island was placed under the authority of the High Commissioner for the Western Pacific, a closer interest in Pitcairn affairs was initiated and more regular supervisory contact established through the British Consul at Tahiti. In practice, however, this still constituted a relatively light form of control and was exercised in a way that did not allow WPHC officials to develop sustained knowledge of Pitcairn issues or of the personalities involved.

f 13. By 1904 the WPHC concluded that the annually elected island judges were frequently incapable of dealing with the issues that came before them and, even if correct decisions were made, it was often impossible to enforce them. Conditions for the island administration were still difficult with family and personality frictions at play within the small structure; a contemporary report noted the instances of "fornication, adultery, illegitimate children, petty thefts, brawls and bad language..." and the spur of "immoral purposes" to the visits of women to ships that called. At about the same time the British Consul in Tahiti observed that "...of law there is almost none, every man does practically as he sees fit - while the idea of restraint in any form is abhorrent to them". In another attempt to tackle the basic problems work began on a new administrative and legal structured based, for the first time, on the work of outside colonial officials.

g 14. In 1904 the Parliamentary system was abolished and the island

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"Pitcairn: Some  
Context for its  
Administration, Law  
and Social Prob-  
lems", D Howlett

August 2001

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reverted to the mechanism of an annually elected Chief Magistrate supported by a four member Council and an Island Court (with any serious cases being referred to the WPHC Court). The Laws and Regulations remained much as framed in 1892/3 but the penalty against failed claimants was abolished, licensing introduced for firearms, seduction of girls under 14 was prohibited, provision was made to fine the fathers of illegitimate children and specific provision was made for cases of alleged adultery, abortion and rape to be referred away from local jurisdiction to the WPHC Court. The workings of the new system were still influenced by local conditions; for example in illegitimacy cases mothers were also usually fined. It was intended that court procedures and record keeping should be tightened. In 1909 additional instructions were devised to prevent the Chief Magistrate from prosecuting in Court instead allowing an "independent" person to do this.

Continued problems and renewed neglect

15. The Island Court did begin to dispense some acceptable justice even if it was, by outside standards, sometimes rough, ready and partial. It is clear, however, that after about 1908, the standards of judicial administration began to fall off once more eg record keeping was inadequate and it is not always possible to discover under which laws many cases were called; this decline seems to have continued through the 1920s and 1930s.

16. As a result it is difficult to assess the relative importance of offences committed but, in criminal cases, theft predominated (although many were of a minor nature) but alleged adultery and illegitimacy were also important, although it seems many of these would not have proceeded under other WPHC jurisdictions where the rules of evidence were stricter. The most serious case of this period seems to have been an allegation both of rape and failure to treat the incident seriously which came to the attention of the High Commissioner in 1927. After investigation the Island Magistrate recorded that "...the parties (parent, daughter, and man) stated that it was not rape".

17. There was also a renewed problem with official neglect. After 1914 visits of Royal Navy vessels virtually ceased. Additionally, the WPHC did not keep up the momentum of the interest it exhibited between c1897-1905. Little attention was given to Pitcairn interests and the islanders were left much to their own devices; for example they developed their income through tapping visiting ships (by selling fruit, vegetables, curios etc) entirely through their own efforts. Official neglect stimulated Pitcairners' stubborn adherence to their own way of doing things and reinforced their natural suspicions of outside interference.

Renewed British scrutiny and Pitcairn resistance

18. It is not clear why the WPHC again focussed detailed attention on Pitcairn but in 1937 J S Neill arrived for a brief visit to assess local conditions. Overall, he was not dismayed by what he found. The system, while not perfect, seemed to be delivering what most islanders wanted although it is tempting to conclude their major aim was the limiting of outside interference. Neill took a pragmatic approach and aimed to avoid unnecessary

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a changes and did not apply, "...and it would be unreasonable to apply - an exacting test". He tackled yet again the provision of a code of laws and procedures for the Island Court that was both simple and practical although it is clear that little improvement was at first achieved.

"Pitcairn: Some  
Context for its  
Administration, Law  
and Social Prob-  
lems", D Howlett

b 19. Neill's suggested overhaul of island administration was the first since 1904; his code was implemented in 1940 after discussions with the Island Council by another WPHC visitor, H E Maude. Maude noted how it was impossible "to do any real practical work until quite a time after our arrival" and that he was regarded "not unnaturally with a good deal of suspicion" and concluded that "the islanders are accustomed to conceal anything to their detriment from visiting officials and as these [normally] only stop for a few hours...it is difficult for them to obtain more than a very superficial idea of what is going on".

August 2001

c 20. The new measures were promulgated as the Pitcairn Island Regulations 1940. They were set out in a more readily understandable way and in conformity with island custom but were framed, so far as possible, in accordance with modern legal requirements eg the overlapping laws on adultery were replaced by two regulations prohibiting adultery and unmarried cohabitation. Maude, whose time on the island allowed him to develop an unusually detailed perspective, had no illusions about the willingness of the islanders to adhere to formal arrangements. He concluded that two of their main characteristics were a lack of self discipline and a self-centred vindictiveness that meant it was virtually impossible for any local office-holder to fulfil his duties impartially. Maude noted how the islanders "profess outwardly the strictest moral principles" with the implication that hypocrisy was rife. For example a Regulation was requested (building on the 1893 and 1904 codes) to prohibit carnal knowledge of girls under 14 years yet the reality was that "This crime, together with various other sexual offences, is far from uncommon among the islanders.." and "...not regarded locally as a very serious offence".

d 21. But it was also difficult to be too critical of the islanders' behaviour. Maude wrote they "have been left without guidance" for too long. The only real solution was to provide an outside official divorced from local pressures; this had previously been rejected on grounds of practicality and finance. Maude did eventually manage to establish a degree of trust with the islanders which seems unprecedented in their dealings with British authority. Following his visit the island officials did make a more determined effort to report their activities regularly and accurately to the WPHC. He returned to the island in 1944 and, overall, it seemed that the revised system was working reasonably well. But it is also clear that Pitcairn's underlying problems remained unsolved. The Mission teacher observed some islanders glad to see Maude go and they characterised him as a "white man...interfering with our laws".

g Closer scrutiny in the post-colonial age

h 22. As the WPHC administration sought to return to normal after the disruption of the Second World War H A C Dobbs visited Pitcairn in 1950. Dobbs lamented the haphazard implementation of

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the 1940 Regulations despite Maude's efforts; part of the problem was local (factions, slackness) but the failure of the WPHC to offer guidance to the islanders was again noted. There still appeared to be basic problems of understanding eg the Council Minutes of 12 March 1950 reported how Law 67 "on marriage and living together" was explained "as some people have the wrong meaning of this law".

23. Social tensions remained an important part of the Pitcairn context and attracted attention from a wider audience. A 1945 article in the Auckland Star, focusing on Pitcairn's growing emigration links with New Zealand, highlighted the male:female imbalance, at that time 9 single women to 30 men. The Missionary school teacher noted that the main interest of the young men was to "break in" the girls (sexually) and that, although prostitution and adultery were common on the island "little can be done because no one will take action against offenders all being afraid, evidently, to upset their relatives". There were signs of irritation within the WPHC administration that, despite determined attempts to tackle Pitcairn's problems, so little progress was made and that the Island Council was "...composed of ignorant men with little or no conception of public service but a very keen eye on the main chance of personal gain". The island teacher was increasingly seen as an informal check on the local government and if he resigned the WPHC would "lose any control we ever had over the Administration of the island". An assessment by Dobbs in 1950 was sweeping: "...the islanders have absolutely no respect for authority, law or any decent code of behaviour".

Equivocation over a more systematic British approach

24. In 1952 changes in wider Imperial policy affected Pitcairn. The WPHC was transferred to Honiara and responsibility for Pitcairn, established now as a separate Crown Colony with its own legislative Ordinances and Pitcairn Office in Suva, was placed under the authority of the Governor of Fiji. Another WPHC visit took place in 1953 when J B Claydon spent time on the island. Once more the administration of justice was criticised but the lack of official guidance and advice was again noted. Claydon recommended that the island's teacher should be appointed as an Advisory Member to the Island Council.

25. A further official visit in 1958 concluded that the teacher had enabled the Council to perform more effectively although there was the risk that he could unduly influence its deliberations. Publically, the island was depicted as hard working and law abiding and such differences that existed within the community were not considered to be serious. The Island Court was still not operating as it should when judged by the external standards of wider colonial administration but this was put down to inexperience but local pressures and the absence of truly independent decision making were also factors. A hearing before a WPHC Judicial Commissioner's Court was held, the first since the murder of 1897. Discussion led to yet further consideration of a new codification and simplification of the island Regulations, an enlargement of the Island Council to make it more representative, a separation of the functions of the Council and Court, and alterations to the workings of the Court to reduce the possibilities of bias and pre-determination of cases.

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"Pitcairn: Some  
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and Social Prob-  
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a The colonial authorities in Suva decided not to proceed with the general revision of the island laws. Several other specific changes were made: superior jurisdiction was transferred to the Fiji Supreme Court; the law of England was declared in force except where modified by local legislation; and provision was made for a Fiji Magistrate to preside over a Subordinate Court in cases which fell between the jurisdiction of the Island and Supreme Courts. Administratively, the Pitcairn Office became part of the new South Pacific Office (SPO) under the direction of a Commissioner who worked with the Island Council and reported to the Governor. Proposals for the better development of the island were also prepared amidst concern at the departure of many of the more able bodied islanders to New Zealand.

"Pitcairn: Some  
Context for its  
Administration, Law  
and Social Prob-  
lems", D Howlett

c 27. Despite the reservations periodically expressed within the WPHC it seems that the SPO was generally content with the conduct of the Pitcairn administration; only small numbers of cases were coming before the Court. In 1963 a further official visit was made from the SPO and the 1958 reform proposals were re-visited. The result was that the 1940 Regulations were revised to provide for four elected Island Officers (Magistrate, Chairman of the Internal Committee and 2 Councillors) and a revamped Council. The new Council was charged with making Regulations, subject to the approval of the Governor, for the good administration of the island. The Commissioner visited in 1965 and the Regulations were thoroughly overhauled.

August 2001

e 28. Changes to the administration of justice followed in 1966 reconstituting the Island Court with the Island Magistrate sitting alone for minor civil and criminal cases but with assessors for more serious cases. The Court's jurisdiction was placed under the discretion of the Governor and also extended through increased penalties and broader responsibilities such as in the custody and maintenance of children, of deserted wives and of the sick and elderly. The powers and duties of the Island Magistrate and judicial procedures were set out in yet more detail than hitherto. The range of offences was reduced (with some transferred to the more appropriate area of the Local Government Regulations) to those mainly of a public nature such as theft, perjury, assaults but the prohibitions on adultery, cohabitation, alcohol and tobacco were retained at the express wish of the islanders.

f 29. It was also decided to increase official visits to an average of one per year with the intention of establishing a much closer connection between the Island administration and the SPO in Suva. In 1968 the prospect of a resident British Government Representative was again raised to take on much of the Pitcairn work being undertaken in the SPO. The case was made that such a transfer of responsibilities would fit with the "orthodox" pattern in colonial territories as self government was advanced without recognising that, de facto, Pitcairn had always been a self regulating territory.

The present system of Governor and Commissioner

h 30. The most recent alteration to the control of Pitcairn's administration came in 1970. With the independence of Fiji responsibility for Pitcairn was transferred to the British High Commission in Wellington with the High Commissioner as Governor

RESTRICTED

10-APR-2002 14:56 040004 MW44 95:11



RESTRICTED

641

"Pitcairn: Some  
Context for its  
Administration, Law  
and Social Prob-  
lems", D Howlett

and the office of a Commissioner for Pitcairn in Auckland in succession to the SPO. The jurisdiction of the Fiji Supreme Court was ended and replaced with judges appointed at the discretion of the Governor. Since 1970 the Commissioner has provided continuity in the administration of the island (eg former teachers have sometimes fulfilled this role) and the Governor has paid periodic visits on a roughly bi-annual basis.

a

31. The changes implemented in 1970 had little practical impact on the supervision of day to day government of Pitcairn, which could still best be characterised as "light" and "remote". The Commissioner's office in Auckland was mainly concerned with the island's external logistics and finance rather than the detailed internal workings of its government. British official opinion was generally sympathetic to the islanders; in 1976 the Governor visited from Wellington and recorded that "The islanders have been criticised in the past for their languid approach to life. I share my predecessor's view that this criticism is overstated".

b

August 2001

c

32. But the fundamental problems were the same. In 1979 the Governor recorded how "Pitcairn has for all intents and purposes run itself with the aid of an off-shore office, first in Fiji and now in Auckland". In this context British authority, as represented by the Governor in Suva then Wellington, took the responsibility for Pitcairn's government but had very little real control over it. It was recognised that problems existed, although the seriousness of that recognition varied from time to time and from officer to officer. Various attempts were made to address those problems but all foundered on the real difficulties of establishing more direct control while not alienating the islanders. That dilemma remains.

d

e

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August 2001

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RESTRICTED

642. Secretary of State for International Development (Short) to Foreign Secretary (Straw)

14-MAR-2005 11:24 FROM: BHC WELLINGTON

TO: AUCKL

F.01

59



plc  
OTN 093/2/1

**DFID**

Department for International Development

94 Victoria Street, London SW1E 5JL

Telephone: 020 7917 0134  
E-mail: c-short@dfid.gov.uk

From the Secretary of State

The Rt Hon Jack Straw MP  
Secretary of State for Foreign and  
Commonwealth Affairs  
King Charles Street  
London SW1A 0AA

Loise Davill

Alan Poynton

We agree about the need  
for a ps letter in response

pl. spe.

AH 7/8

RECEIVED IN SECRETARY'S OFFICE	
13 AUG 2001	
INDEXED	FILED

August 2001

OTD 7/8

(TOP COPY)

TS  
7/8

Dear Jack,

**PITCAIRN CHILD ABUSE**

Many thanks for your memo of 19 July, in response to my letter of 25 June.

Having previously expected decisions by mid-July, I was dismayed to learn from your memo that it now might be "several months" before the Pitcairn Public Prosecutor decides whether or not to bring charges. Indeed, I have since heard that it could be early next year before charges are brought. I understand that this delay is due partly to uncertainty about where trials will be held and where any sentences might be served.

I can understand, of course, why the PPP needs to be as sure as he can that any charges he may bring are not threatened by any justifiable challenge to trial location. It would appear that New Zealand is the most obvious and most practical option. I therefore hope that everything possible, including your personal intervention if appropriate, can be done to persuade the NZ authorities and others to agree to the early conduct of any trials there.

As regards sentences, [

] there is surely no reason why any jail terms for child abuse by Pitcairn islanders should not be served in the UK. I am told that there are two St Helenians serving long-term sentences in UK prisons, because the confinement facilities in St Helena are unsuitable: I would hope and expect that a comparable arrangement might be available to the Government of Pitcairn.

My concern, which I am sure you share,

RESTRICTED

642

Secretary of State  
for International  
Development  
(Short) to Foreign  
Secretary (Straw)

5 August 2001

14-THIRTEEN 11:20 FROM BRU WELLINGTON

TO BUNL

PAGE

642

Secretary of State  
for International  
Development  
(Short) to Foreign  
Secretary (Straw)

My concern, which I am sure you share, is to take proper action in the face of these very serious allegations. Failure to act means that abuse may well continue and those who have made allegations might be subjected to pressure to withdraw. A long delay in bringing such a case to trial in the UK would be a considerable scandal. In the meantime, as agreed in your memo, our officials will work together to consider future policy options for the islanders.

Clare Short

CLARE SHORT

5 August 2001

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RESTRICTED

643. FCO Memorandum (Joad to Huckle)

14-MAR-2005 11:20 FROM BHL WELLINGTON TO HUCKLE  
RESTRICTED

643

FCO Memorandum  
(Joad to Huckle)

13 August 2001

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Mr Bradshaw

From: Kate Joad, OTD  
Date: 13 August 2001

72

The draft looks ok but I think to me, in a case, the body of the letter should take a view.

cc: PS/PUS  
Mr Wilkinson o/r  
Mr Penrith  
Mr Watson, Legal Advisers

of 14/08

Agreed in May. We are encouraging DfID to Private Secretary close down this correspondence

Change

PITCAIRN: CHILD ABUSE

- 1. Please refer to Clare Short's letter of 5 August in reply to the Secretary of State's letter of 19 July.
- 2. There have been developments since Clare Short's letter, not least the agreement by the New Zealand Government to put a paper to Cabinet to seek approval to hold any trials in New Zealand.
- 3. I attach a short draft reply together with a copy of the Cabinet paper for transmission to DfID. Legal Advisers agree.

*(Signature)*

Kate Joad  
Atlantic and Oceans Section  
Overseas Territories Dept  
Tel: 270 2747

Louise A. Kavill  
Robert Joad, OTD (immediate)

We spoke. Greatful for a redraft, elaborating more at questions 1-3, and making the tone more helpful. With thanks,

D. Cairns  
17/8

soft copy sent on Sesta - 17/8

644. Foreign Secretary (Straw) to Secretary of State for International Development (Short) (Drafts)

644

Foreign Secretary  
(Straw) to Secretary  
of State for Interna-  
tional Development  
(Short) (Drafts)

13 August 2001

14-MAR-2005 11:20 FROM BHO WELLINGTON TO HUCKL F.04

DRAFT

(73)

PSM  
draft

FC/Clare Short

PITCAIRN CHILD ABUSE

Thank you for your  
- I am replying in the Foreign Secretary's absence to the International Development Secretary's  
letter of 5 August.

I  
We share your frustration over the length of time it may take the Pitcairn Public Prosecutor  
(PPP) to decide whether or not to bring charges. We cannot and should not interfere with his  
decision or ~~the~~ <sup>the</sup> timing of that decision which should properly be independent of political  
influence as recognised in the general principles of the Code for Crown Prosecutors in the  
UK. In reaching his decision, the PPP will ~~be taking~~ <sup>take</sup> into account the sufficiency of evidence -  
and on this he has requested further clarification on some points from Kent County  
Constabulary, necessitating more interviews - and the Pitcairn public interest, for which the  
PPP deems a visit to Pitcairn is essential. Uncertainties over the location of any trial(s) and  
where any sentences might be served, are other issues that the PPP will have to take into  
account in reaching his decision. We have despatched a logistics team to assess the  
problems of holding a trial(s) on Pitcairn. They have just returned from their first familiarisation  
visit and have reaffirmed that the logistical problems would be immense. They are now  
preparing costings for the options of holding trial(s) both on and off the island. We agree that  
it would be easier if the trial(s) could be held in New Zealand. We have therefore worked with  
the New Zealand authorities to prepare the attached paper for the NZ Cabinet, which  
addresses the possibility of holding trials ~~in New Zealand~~ <sup>there</sup>. The NZ Cabinet considered the  
paper on 15 August. [

1

The NZ Cabinet paper also deals with the issue of sentencing. It is possible under the  
Colonial Prisoners Removal Act for any convicted prisoners to serve their sentences in the  
UK: this is one of the options we may have to consider. But given that a number of the  
alleged offenders are resident in New Zealand, and indeed some enjoy dual nationality, we  
have asked the NZ Government to consider ~~the possibility of~~ sentences being served in NZ  
prisons.

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14-MAR-2005 11:21 FROM BHC WELLINGTON TO HUKL P. 05

644

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We have also arranged for two social workers to be resident on Pitcairn: they leave New Zealand on 24 August. Two UK police officers are already on island.

Foreign Secretary (Straw) to Secretary of State for International Development (Short) (Drafts)

b

~~PRIVATE SECRETARY~~

Jack Straw

MPAET

13 August 2001

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644

DRAFT

PS/Clare Short

PITCAIRN CHILD ABUSE

I am replying in the Foreign Secretary's absence to the International Development Secretary's letter of 5 August.

*save you*

We understand ~~DFID's~~ frustration over the length of time it may take the Pitcairn Public Prosecutor (PPP) to decide whether or not to bring charges. But we cannot and should not interfere with his decision or the timing of that decision. Uncertainties over the location of any trial(s) and where any sentences might be served are, however, issues that the PPP will have to take into account in reaching his decision. We have despatched a logistics team to assess the problems of holding a trial(s) on Pitcairn: they have just returned from their first familiarisation visit. But we agree that it would be easier if the trial(s) could be held in New Zealand. We have therefore worked with the New Zealand authorities to prepare the attached paper for the NZ Cabinet which addresses the possibility of holding trials in New Zealand. The paper will be considered by the NZ Cabinet on 15 August. [ ]

*1) Can we say why? (can we say we cannot why it's taking 15 days)*

The NZ Cabinet paper also deals with the issue of sentencing. It is possible under the Colonial Prisoners Removal Act for any convicted prisoners to serve their sentences in the UK: this is one of the options we may have to consider. But given that a number of the alleged offenders are resident in New Zealand, and indeed some enjoy dual nationality, we have asked the NZ Government to consider the possibility of sentences being served in NZ prisons.

We have also arranged for two social workers to be resident on Pitcairn: they leave New Zealand on 24 August. Two UK police officers are already on island.

PRIVATE SECRETARY

DRAFT

Foreign Secretary (Straw) to Secretary of State for International Development (Short) (Drafts)

13 August 2001

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645. FCO (Savill) to FCO (Wilkinson) and PS/ Parliamentary Under Secretary (Amos)

14-MAR-2005 11:20 FROM BHC WELLINGTON TO HUCK

UNCLASSIFIED  
COVERING RESTRICTED

OTN 093/002/01

71

645

FCO (Savill) to FCO  
(Wilkinson) and  
PS/ Parliamentary  
Under Secretary  
(Amos)

From: Louise Savill, OTD  
Date: 22 August 2001

cc: Mr Watson, Legal Advisers

Reference: //2001

Private Secretary

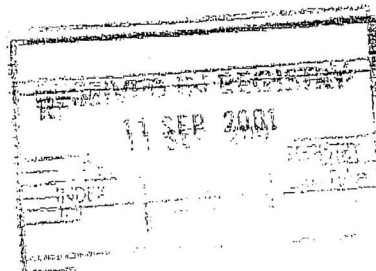
To: Mr Wilkinson *23/8/01*  
PS/Baroness Amos

Baroness Amos has not seen this.  
But the security is much more  
informative and helpful, and the  
NZ paper sets out all the problems  
v. clearly. J. Cairn 29/8.

22 August 2001

PITCAIRN : CHILD ABUSE

1. You asked for the PS to PS/DFID letter to be redrafted to provide more explanation and background. The new draft, agreed by legal advisers is attached.



Louise Savill  
Atlantic and Oceans Section  
OTD  
Tel: 020 7270 2890  
Fax: 020 7270 1482

NO. OF ATTACHMENTS: 1

COVERING RESTRICTED  
UNCLASSIFIED



646. Foreign Secretary (Straw) to Secretary of State for International Development (Short)

646  
Foreign Secretary  
(Straw) to Secretary  
of State for Interna-  
tional Development  
(Short)

29 August 2001

24-MAR-2005 15:01 FROM BHC WELLINGTON TO AUCKL P.05  
 BTN 093/002/01 RESTRICTED  
 Mr Osborne  
 Mrs Smith  
 Mr Nicholls (by order copy)  
 75  
 29/8

FCS/01/107  
 SECRETARY OF STATE FOR INTERNATIONAL DEVELOPMENT

RECEIVED IN SECRETARY		
11 SEP 2001		
GENERAL OFFICES	REGISTRY	
INDEX	PA	Action Tel: Pitcairn: Child Abuse

1. Thank you for your letter of 5 August. I share your frustration over the length of time it is taking the Pitcairn Public Prosecutor (PPP) to decide whether or not to bring charges. But it would not be right to interfere with his decision, which should properly be independent of political influence as recognised in the general principles of the Code for Crown Prosecutors in the UK. In reaching his decision, the PPP will take into account the sufficiency of evidence – he has requested further clarification on some points from Kent County Constabulary, necessitating more interviews – and the Pitcairn public interest, for which the PPP deems a visit to Pitcairn is essential. Uncertainties over the location of any trials and where any sentences might be served are other issues that the PPP will have to take into account in reaching his decision.

2. We have sent a logistics team to assess the problems of holding trials on Pitcairn. On return from their first visit they have confirmed that the logistical problems would be immense. They are now preparing costings for the options of holding trials both on and off the island. We agree that it would be easier if any legal proceedings could be held in New Zealand. We have therefore worked with the New Zealand authorities to prepare the attached paper for the External Relation and Defence Committee of the NZ Cabinet, which addresses the possibility of holding trials there. The Committee considered the paper on 15 August. [

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FROM WELLINGTON

TO HUKU

P. 00

RESTRICTED



646

Foreign Secretary  
(Straw) to Secretary  
of State for Interna-  
tional Development  
(Short)

29 August 2001

4. The NZ Cabinet paper also deals with the issue of sentencing. It is possible under the Colonial Prisoners Removal Act for convicted prisoners to serve their sentences in the UK: this is one of the options we may have to consider. But given that a number of the alleged offenders are resident in New Zealand, and indeed some enjoy dual nationality, we have asked the NZ Government to consider sentences being served in NZ prisons.

5. We have also arranged for two New Zealand social workers to be resident on Pitcairn. They travelled to the island on 24 August. Two UK police officers are already on Pitcairn.

(JACK STRAW)

Foreign and Commonwealth Office

29 August 2001

RESTRICTED

647. FCO Memorandum (Osborne to Penrith)

647

FCO Memorandum  
(Osborne to  
Penrith)

18 September 2001

14-MAR-2005 11:19 FROM BHC WELLINGTON

TO AUCKL

P.01

RESTRICTED

75  
Longest Savill 93/2  
Katie Joad

From: Roy Osborne, OTD  
Date: 18 September 2001

cc: PS  
PS / Baroness Amos  
Mr Wilkinson  
Mr Huckle (o/r)  
Ms Joad  
Ms Savill

Ann 18/9

Reference: /2001  
To: Alan Penrith  
Subject: PITCAIRN

24 SEP 2001	
INDEX	FILE

1. Clive Warren, Head of OTD - DFID, telephoned today to give advance warning that Clare Short, Secretary of State for International Development, continues to take a close interest in the Pitcairn investigation. Ms Short is aware of the negotiations with the New Zealand Government [

] Mr Warren told me that Ms Short plans to raise this with the Secretary of State as soon as a suitable opportunity arises.

2. Ms Short also intends to raise Pitcairn when she meets the New Zealand Foreign Minister, Phil Goff, on 20 September [

v. |

3. Although it is by no means certain that the meeting with Goff will take place as planned, or that Ms Short will get a chance to raise this with the Secretary of State in the near future, given other preoccupations. But we should ensure that Private Office have up-to-date briefing material available. I understand that you have this in hand.

Roy P Osborne  
WH MZ 33  
Tel: 020 7270 2699  
Fax: 020 7270 2879  
No. of Attachments: 0

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RESTRICTED

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648. FCO (Joad) to FCO (Osborne) and PS/ Foreign Secretary (Straw)

4-MAR-2005 11:16 FROM BHC WELLINGTON

TO HUCKLE

P.01

648

a

*Ms Joad, OTD*  
*SQS has seen. Thank you.*

From: Kate Joad, OTD

77

Date: 19 September 2001

FCO (Joad) to FCO (Osborne) and PS/ Foreign Secretary (Straw)

b

*Paul Dave*  
*21/9*  
*In case this is needed, Ms Short may raise Pitcairn when she sees the NZ Foreign Minister today.*

cc: PS/Baroness Amos  
Mr Wilkinson  
Mr Huckle o/r  
Mr Penrith, OTD  
Mr Watson, Legal Advisers

19 September 2001

c

Mr Osborne  
*MS*

RECEIVED IN SECRETARY	
03 OCT 2001	
INDEXED	FILED

PITCAIRN

d

1. You will be aware that Clare Short continues to take a close interest in progress on both the Pitcairn investigation and the future of the island following any judicial proceedings. DiD officials have told us that she may seek to raise this with the Secretary of State. Correspondence rests with the Secretary of State's letter to Ms Short of 29 August (attached):

e

2. Ms Short supports the decision taken by Ministers at the outset that the full legal process should be followed rather than a "truth and reconciliation" style solution or a general amnesty. [ ]

Latest Developments

f

3. The Pitcairn Logistics Team estimate the cost of holding full trials on Pitcairn to be in the region of £4.3million. This does not include the cost of the investigation, existing support measures (police officers, social workers) legal costs nor any extradition proceedings. Because of the uncertainty as to whether the NZ Government will agree to hold trials in New Zealand, the Team have so far been unable to produce alternative costings (which will be considerably lower than the Pitcairn option).

g

4. The Pitcairn Public Prosecutor (PPP) appears to be increasingly interested in including some sort of reconciliation mechanism into the judicial procedure. Not as an alternative to a trial but to add to the more traditional forms of sentencing, which might include an open prison arrangement to be served on Pitcairn. He is interested in this alternative for most of those who plead guilty and possibly for some of those who plead not guilty but who are found guilty.

h

648

FCO (Joad) to FCO  
(Osborne) and PS/  
Foreign Secretary  
(Straw)

19 September 2001

14-MAR-2005 11:17 FROM BHC WELLINGTON TO HUKL



5. The PPP is planning to visit Pitcairn in October. [

]

Kate Joad  
Atlantic and Oceans Section  
Overseas Territories Dept  
WH411a  
020 7270 2747

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649. Parliamentary Under Secretary (Amos) to New Zealand Minister of Foreign Affairs (Goff)

24-MAR-2005 15:02 FROM BHC WELLINGTON TO AUCKL P.07  
 (10) Foreign & Commonwealth Office London SW1A 2AH  
 78  
 From the Parliamentary Under Secretary of State

24 October 2001

The Hon Phil Goff  
 Minister for Foreign Affairs and Trade  
 New Zealand

Dear Mr. Goff,

I wanted personally to say how grateful we are to the New Zealand government for agreeing to consider the possibility that any trials relating to the allegations of sexual abuse of minors in Pitcairn might be held under Pitcairn law in New Zealand, in view of the logistical difficulties in holding them on Pitcairn. I recognise that this is a difficult issue for you and that it would involve primary legislation but from our perspective the advantages of pursuing the New Zealand option are that all of the legal officers and administrative officials are based with you as are many of the complainants and alleged offenders.

[

]

Papers are now with the Pitcairn Public Prosecutor (PPP). It will be up to him to decide whether or not to bring charges. I know that he is now on his way to Pitcairn to consider the situation on the island. He will be in a better position to take his decision on his return. I understand that he may be considering recommending that we include some form of reconciliation mechanism into the judicial procedure, not as an alternative to trial but as an additional option in connection with sentencing.

Clearly both our governments will have to take account of his views on his return. If he does decide to press ahead with charges, I hope that you and your colleagues will give very serious consideration to our request. Any costs will of course fall to us.

I hope that we can be in touch once the PPP returns. I am copying this letter to Martin Williams as High Commissioner and Governor, Pitcairn.

Yours sincerely,  
 Valérie Amos  
 BARONESS AMOS

(43)

649

Parliamentary  
 Under Secretary  
 (Amos) to New  
 Zealand Minister  
 of Foreign Affairs  
 (Goff)

24 October 2001

650. Deputy-Governor (Wolstenholme) to FCO (Joad)

650

Deputy-Governor  
(Wolstenholme) to  
FCO (Joad)

10 December 2001

10 December 2001

Kate Joad  
OTD  
FCO

By Fax (airtech)

Dear Kate

**PITCAIRN: NEXT STEPS**

1. I have today received the letter from the Chief Justice which Simon Moore referred to in his telephone conversation with me on Friday. I attach a copy.
2. You will see that the letter quite firmly indicates:
  - i) there are likely to be prosecutions brought
  - ii) facilities on Pitcairn will not be adequate for what is envisaged
  - iii) that initial hearings (involving those on island) should be centred on the island, before a Magistrate
  - iv) further proceedings should be centred on New Zealand.

This is very much in line with your e-mail to me of last week and it seems that this draws a line under any suggestion that Pitcairn should be the venue. If so, we can at last move forward.

[

] But if we expect charges to be laid in April, given the Chief Justice's comments about abuse of process, there are logistics issues which may now be addressed on Pitcairn. These include:

*Governor's copy*



79

British High Commission  
Wellington

44 Hill Street  
Wellington 1  
Mailing address: P.O. Box 1612

Tel: (04) 924 2888  
Fax: (04) 924 2831  
Direct line: (04) 924 2861  
karen.wolstenholme@fco.gov.uk

*pa.  
W 24/1*

*file*

*W 19/12*

*1921/1/332/1*

**FAXED**

*you don't need  
copy of these papers to me  
pse.*

*K. Entwistle p.u.  
W 22/1*

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650

Deputy-Governor  
(Wolstenholme) to  
FCO (Joad)



- a
- b
- i) ensuring the facilities required for the laying of charges on the island are in place (transportation, accommodation, police support, firearms storage – about which I will write separately when I have read Gordon Thomson's e-mail of today in detail)
  - ii) provision of the necessary communication (financing, purchase and set up)
  - iii) establishment of a restraint facility on Pitcairn.

10 December 2001

c

I have not yet had an opportunity to discuss this with the Governor (who arrived this morning), but I would welcome your views. It seems to me there may be a very active role for the PLT again in the near future.

d

6. But I do have some further concerns (which I briefly mentioned last week). MoD Police report there are not, as yet, heightened tensions over "the decision" on the island. But there will be soon. The islanders knew that if they had not heard from PPP within a couple of weeks of his return to New Zealand that they would not hear until next year. They were also told – though the significance may have escaped them – that a decision delayed until next year would almost certainly mean charges would be laid against some people. If we now proceed with the logistics (building a restraint facility, purchase of communications equipment) tensions will rise. We need to consider how, when and what to tell the islanders. Tied in with this is the need to sort out firearms policy and storage and the need (possibly) for greater social welfare input and (possibly) greater police presence. As I have said before, I believe that as tensions rise it will be important to have a government presence on the island. It may be that more accommodation will be needed for this – or the need to rent unoccupied accommodation (where available).

e

7. I do not want to take this further until I have had an opportunity to talk to the Governor. But I thought you might like some warning that things may (hopefully) start to move quite quickly now – which means we may need to start spending money quite rapidly!

f

*Yours,*

*K S Wolstenholme*

Mrs K S Wolstenholme  
Deputy Governor

g

h



## 651. Extract from Victims, Suspects and Witnesses Time Line (Exhibit RJV/53)

**STEVENS RAYMOND CHRISTIAN**  
(known as STEVE)

651

Extract from  
Victims, Suspects  
and Witnesses  
Time Line

Relevant dates: December 1965 to June 1996

**Movements**

February 2002

**Documents**

			Shipping list	Miscellany	
<b>26 JUNE 1951</b>		<b>BORN ON PITCAIRN ISLAND</b>			
4 December 1965	-	Returns from NZ		X	
4 October 1966	-	Accident at the square		X	
4 March 1967	-	Leave		X	d
27 October 1967	-	Return		X	
4 December 1967	-	Leave with others to Tahiti		X	
16 December 1967	-	Return		X	
10 March 1969	-	Leave to live in Dunedin		X	e
26 November 1969	-	Return		X	
16 February 1972		Marries Olive		X	
17 August 1972		Son Trent is born			
8 November 1973	-	Leave on medical grounds		X	
13 December 1973	-	Return		X	f
9 March 1974		Son Randy is born			
14 October 1975		Son Shawn is born			
3 February 1978	-	Leave	X		
8 June 1978	-	Return		X	g
29 November 1983	-	Leave	X		
1 May 1984	-	Return	X	X	
14 May 1989	-	Leave with family	X	X	
4 or 6 September 1989	-	Return (slight difference between shipping list and miscellany)	X	X	h
22 October 1990	-	Leave	X	X	

Stevens Raymond CHRISTIAN cont ..

a	2 December 1990	-	Return	X	
	6 February 1992	-	Leave	X	X
b	2 March 1992	-	Return	X	
	7 September 1992	-	Leave	X	
	11 January 1993	-	Return	X	
	21 March 1995	-	Leave	X	
	22 April 1995	-	Return	X	X
c	15 or 16 October 1996	-	Leave	X	X

651

Extract from  
Victims, Suspects  
and Witnesses  
Time Line

February 2002

d

e

f

g

h

651

**LEN CALVIN DAVIS BROWN**

(known as Dave BROWN)

a

Extract from  
Victims, Suspects  
and Witnesses  
Time Line

**Relevant dates:** 27 February 1971 to 22 May 1993

---

b

**Movements**

February 2002

			<b>Documents</b>		
			Shipping list	Miscellany	
<b>20 October 1954</b>		<b>Born on Pitcairn Island</b>			
18 December 1974	-	Dave & Lea leave island		X	d
8 January 1986	-	Dave, Lea and Adelia return to island after 11 years away (18/12/74 to 8/1/86)	X	X	
4 April 1986	-	Adelia falls into well nearly drowning		X	
14 April 1986	-	Adelia to NZ with Lea	X		e
22 August 1986	-	Lea and Adelia return	X		
12 February 1987	-	Lea and Adelia to NZ	X	X	
May 1987	-	David Brown Jr born in NZ		X	
December 1987	-	Community trip to Mangareva		X	
24 April 1988	-	Lea, Adelia and David (Jr) return		X	f
May 1989	-	Building of new house at Bills Ground		X	
24 July/August(?)1989	-	Leaves on medical grounds	X	X	
20 October 1989	-	Dave returns			g
2 March 1991	-	Dave Leaves			
10 July 1991	-	Dave and Lea return			

h

## LEN CARLYLE BROWN

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**Relevant dates:** January 1969 to March 1972

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Extract from  
Victims, Suspects  
and Witnesses  
Time Line

### Movements

February 2002

#### Documents

	Shipping list	Miscellany
<p><b>30 March 1926</b></p> <p>d 4 January 1969 -</p> <p>28 August 1969 -</p> <p>31 August 1970 -</p> <p>e 20 December 1970 -</p>	<p><b>Born on Pitcairn Island</b></p> <p>Shown as on island in miscellany</p> <p>Shown as on island in miscellany</p> <p>Leave</p> <p>Returns</p>	<p></p> <p>X</p> <p>X</p> <p>X</p> <p>X</p>

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Extract from  
Victims, Suspects  
and Witnesses  
Time Line

## DENNIS RAY CHRISTIAN

**Relevant dates:**

3 February 1972 to 23 May 1987

### Movements

February 2002

			Documents		
			Shipping list	Miscellany	
<b>2 April 1955</b>		<b>Born on Pitcairn Island</b>			
23 March 1974	-	Leave		X	d
19 June 1975	-	Return		X	
18 November 1984	-	Leave	X	X	
30 March 1985	-	Return	X	X	
23 May 1987	-	Leave	X	X	e
3 October 1989	-	Return	X	X	

**CARLISLE TERRY YOUNG**  
**(known as Terry)**

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**Relevant dates:** 31 December 1972 to 15 December 1990

Extract from  
 Victims, Suspects  
 and Witnesses  
 Time Line

**Movements**

February 2002

**Documents**

Shipping list      Miscellany

			Shipping list	Miscellany
d	14 October 1958	Born on Pitcairn Island		
	18 December 1979	- Leaves	X	
	13 March 1981	- Returns	X	
e	3 May 1984 to 21 May 1984	- Visit to Mangareva		X
	31 August 1984	- Leaves (to Tahiti)	X	X
	25 October 1984	- Returns (from Tahiti)	X	X
f	December 1987	- Island community trip to Mangareva. Back on island within December 1987		

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**RANDALL KAY CHRISTIAN  
(known as RANDY)**

Extract from  
Victims, Suspects  
and Witnesses  
Time Line

**Relevant dates:**      October 1988 to January 1999

a

b

February 2002

**Movements**

c

**Documents**

			Shipping list	Miscellany	
<b>9 March 1974</b>		<b>Born on Pitciarn Island</b>			
14 May 1989	-	Leaves with family	X	X	
4 or 6 September 1989	-	Family returns (slight difference between shipping list and miscellany)	X	X	
13 March 1992	-	Leave	X		
24 May 1992	-	Return	X		
27 September 1997	-	Leave	X	X	
10 May 1998	-	Return	X	X	
9 February 1999	-	Leave	X	X	

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