

Written evidence submitted by Human Rights Watch (CHA0036)

1. Human Rights Watch is grateful for the opportunity to submit evidence to this important inquiry. We have in recent years been documenting the human rights violations committed against the Chagossian people. In February 2023 we published a 106-page report “That’s When the Nightmare Started: UK and US Forced Displacement of the Chagossians and Ongoing Colonial Crimes”.¹
2. In addition, we have published open letters² to the governments³ involved in the ongoing negotiations between the UK and Mauritius,⁴ and news releases on the issue.⁵
3. As a human rights organisation, Human Rights Watch takes no position on the sovereignty of the Chagos Islands.
4. Human Rights Watch has made the following determinations with respect to the Chagossian people and their displacement by the United Kingdom and United States governments from their homeland:
 - According to international standards that set out the definition of Indigenous people, the Chagossians are a distinct Indigenous people of the Chagos archipelago⁶. As such, they have a specific right to self-determination, which can mean autonomy or self-government in their internal or local affairs. Indigenous people have the right to participate in decision-making that affects their rights, and the right to redress, including restitution or compensation for land, territories and resources that have been taken without their free, prior and informed consent.
 - The removal of the Chagossians from their homeland in the 1960s and 1970s by the UK and US governments has resulted in a wide range of human rights violations, and **amount to three crimes against humanity that have been and continue to be committed by the UK government**. The first is the crime against humanity of forced displacement. The second concerns the prevention of return, which continues to this day as the UK government continues to prevent the Chagossians from returning to live in their homeland, amounting to a distinct crime against humanity of “other inhumane acts”. Any individual responsible for preventing the return of Chagossians to live in their homeland could be liable for this crime. The third is the crime against humanity of persecution on the grounds of race and ethnicity. The evidence for this crime includes the fact the UK government applied and continues to apply different

¹ <https://www.hrw.org/report/2023/02/15/thats-when-nightmare-started/uk-and-us-forced-displacement-chagossians-and>

² <https://www.hrw.org/news/2024/01/25/human-rights-watch-letter-lord-david-cameron>

³ <https://www.hrw.org/news/2024/01/26/human-rights-watch-letter-mauritian-prime-minister-mr-pravind-kumar-jugnauth>

⁴ <https://www.hrw.org/news/2022/12/15/negotiations-between-uk-and-mauritian-governments-exercise-sovereignty-over-chagos>

⁵ <https://www.hrw.org/news/2023/06/15/chagos-50th-anniversary-islanders-deportation>

⁶ https://www.escri-net.org/sites/default/files/Endorois_Decision.pdf

standards and treatment of the Chagossians compared to other islanders under its rule, including those living close to military bases in the Falkland Islands or the Sovereign Base Areas of Akrotiri and Dhekelia on Cyprus. We also note the attempts of successive UK governments to deny the application of international human rights and international criminal treaties, which the UK has ratified, to the British Indian Ocean Territory including the Rome Statute of the International Criminal Court (ICC). This is treating the Chagossians, the Indigenous people of this territory as a people with second-class protection of rights compared to others under British rule.

- The Chagossians are entitled to reparations and remedy for the harms inflicted on them. Applying international standards, including the United Nations Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights and Humanitarian Law and Serious Violations of International Humanitarian Law,⁷ there are three key elements of reparations to the Chagossians which should all be implemented in consultation with the Chagossian people, including the different Chagossian groups. First, restitution, meaning the UK and US should accept and make possible the right of every Chagossian who wishes to return and live in dignity in all the islands, including Diego Garcia. We note that no Chagossian group we spoke to has called for the closure of the military base, but instead Chagossians would like to live on the unoccupied part of Diego Garcia island and be able to work on the base, noting the many nationalities that already work there. The second element of reparations is adequate and full financial and other compensation, to all Chagossians, that is agreed with them. And finally, satisfaction, meaning acknowledging the crimes, guaranteeing they will not be repeated and issuing a full apology, appropriately by the UK government and the King. The UK and US governments should also publish all material related to the forced displacement of the Chagossians. We note that for 20 years, successive UK governments have expressed their 'regret' for the way in which the Chagossians were removed⁸, and the US government used similar words last year after the publication of the Human Rights Watch report.⁹ But none of these regrets has led to meaningful reparations, especially in ensuring the right to return.
5. Above all, each of the elements of reparations needs to be agreed in full and meaningful consultation with the Chagossian people themselves, including return, compensation and apology. Imposing a 'settlement' on the people without consulting them, or promising development assistance as an alternative to reparations, are not solutions that right historical and ongoing wrongs.
 6. We have followed the negotiations between the UK and Mauritius over the future of Chagos and have expressed particular concern on two issues. First is the lack of meaningful consultation with the Chagossian people themselves. This should involve

⁷ <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-and-guidelines-right-remedy-and-reparation>

⁸ <https://questions-statements.parliament.uk/written-statements/detail/2016-11-16/HCWS260>

⁹ <https://www.washingtonpost.com/nation/2023/02/15/human-rights-watch-report-reparation-chagos-diego-garcia/>

consultation with all parts of the Chagossian people, and in particular on issues that affect their rights, including to return to and live in their homeland.¹⁰

7. We also note with concern the limited references in statements by the UK government concerning the negotiations, to the fundamental rights of the Chagossian people, especially to return. We welcomed the acknowledgement of the previous Foreign Secretary that ‘resettlement’ of the Chagossian people was being considered as part of negotiations¹¹, but we are very concerned that no party to the negotiation has acknowledged the right to return includes the unoccupied part of the island of Diego Garcia. We are also very concerned that the current Foreign Secretary, in evidence before the Foreign Affairs Select Committee in January said that return of the Chagossians was ‘impossible’ when he was Prime Minister and said nothing about return of the Chagossians being part of the current negotiations.¹²
8. Regardless of the outcome on sovereignty of the negotiations, they offer an opportunity for the UK to finally put right the wrongs it has inflicted on the Chagossian people for over half a century. This includes ending the commission of a crime against humanity currently being committed by the UK government against the Chagossian people by preventing their return to their homeland. The outcome needs to be centred on the rights of, and reparations provided to, the Chagossian people and in particular the UK government needs to finally ensure their right to return to live in their homeland including Diego Garcia. This needs to be based on meaningful consultation with the Chagossian people.
9. We also urge the UK government to ensure that all international treaties affecting human rights – including the Rome Statute of the ICC and the Refugee Convention – that have been ratified by the UK, apply in full in the British Indian Ocean Territory.

¹⁰ <https://www.hrw.org/news/2022/12/15/negotiations-between-uk-and-mauritian-governments-exercise-sovereignty-over-chagos>

¹¹ <https://questions-statements.parliament.uk/written-statements/detail/2023-03-17/hlws630>

¹² <https://committees.parliament.uk/oralevidence/14047/html/>