



THE HISTORY OF HUMAN RIGHTS VIOLATIONS IN DIEGO GARCIA: A CRITICAL REVIEW

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The fluid nature of international political order is influenced by the asymmetries of locations. There are some locations in the world which are densely populated and there are some that are scarcely populated or even unpopulated. But sometimes, such unpopulated locations are marked by continuous unrest. Golan Heights, Black Sea, Siachen Glacier, South China Sea, Baghdad- have one point in common between them- they all are located at critical geographic nodes that give to them a unique military, economic and political significance. This significance makes the geo-political strategic locations to be highly sought for by hegemonic powers and others. And this is the reason as to why they are, majorly, marked by a state of unrest and violence. Such locations on the world map often face military suppression, illegal and forceful annexation, and other forms of injustices.

Less heard of, Diego Garcia, and even lesser understood are the complexities of the issues involved. An island situated in the middle of Indian Ocean, an important geo-political strategic location was vacated by compulsory expulsion of the inhabitants by the British forces on the request of U.S. military. Not only did it involve violations of human rights on varied degrees, but it also raises serious questions on any future possibilities of application of the principle of the concept of ‘distributive justice’ universally. In the present article, an attempt is made to evaluate the human rights violations in Diego Garcia and to critically review the condition in perspective of the various principles of international law.

INTRODUCTION

“The British Indian Ocean Territory was established in 1965, when around 1,500 inhabitants of the *Chagos* Archipelago were forcibly removed, and now hosts one of the United States’ most important military bases.”

-Peter Harris²

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² Peter Harris, *For 50 years the UK government has shown little regard for the human rights of the indigenous population of the British Indian Ocean Territory*, Democratic audit, available at



In the middle of the Indian Ocean, there lies a beautiful set of coral islands, the main island of the *Chagos islands*, which remained unknown to the rest of the world since last decade. It presently is one of the most secretive and significant strategic locations of U.S. military base. It is the principal U.S. naval base today. It is one of the biggest military bases of America in the world with thousands of troops, long range bombers, bomber runways, warships and satellite space station.

The island is central to the American military invasions in many ways. One of the principal assets that Diego Garcia has is definitely its geo-political location, ‘being almost equidistant from several geopolitical hotspots’.³ With no obstruction of land mass in surrounding many miles of ocean, it serves as an important geo-strategic location for an uninterrupted view of the South Asian and African sub continent. The significance of the region is invaluable due to its geo-strategic location. Peter argues “...the UK and U.S. governments (and their respective militaries) value BIOT as a mid-oceanic Gibraltar, a maritime fortress that offers unparalleled seclusion and freedom of action.”⁴ The location of the island was thought to be “within striking distance of potential conflict zones,” enabling the US to reach both Asia and the Persian Gulf.⁵

The geo-strategic significance of the island played a pivotal role in U.S.A.’s invasion in Iraq and Afghanistan. It is also claimed it has become a ‘key launch pad’ for 1991 Gulf war, and the recent invasions of Iraq and Afghanistan by the U.S. military forces, and “Diego Garcia may be the site of a secret detention center holding accused terrorists.”⁶

A BRIEF ACCOUNT OF ATROCITIES IN DIEGO GARCIA

BACKGROUND:

The history of Diego Garcia is shocking and still never heard of to the rest of the world. The two champions of human rights- U.S. and U.K. have turned this island into a shelter of

<http://eprints.lse.ac.uk/57771/1/democraticaudit.com->

[For_50_years_the_UK_government_has_shown_little_regard_for_the_human_rights_of_the_indigenous_popul](#)
at.pdf, retrieved on 28 Apr 2018.

³ Christian Nauvel, *A Return from Exile in Sight? The Chagossians and Their Struggle*, 5 *Northwestern Journal of International Human Rights*, at 96 (2007), available at <http://scholarlycommons.law.northwestern.edu/njihr/vol5/iss1/4>, retrieved on 26 May 2018.

⁴ *Ibid.*

⁵ Jonathan Freedland, *A Black and Disgraceful Site*, *The New York Review of Books*, May 29, 2009, available at <http://www.nybooks.com/articles/2009/05/28/a-black-and-disgraceful-site/>, retrieved on 2 May 2018.

⁶ David Vine, *War and Forced Migration in the Indian Ocean: The U.S. Military Base at Diego Garcia*, *International Migration*, 42, no. 3, pgs 111-144 (2004).



human rights' abuses. One of the most 'civilised' nations has evacuated the island, forcefully shifted its indigenous people to the slums of nearby countries to make way for another civilised nation of the world to make its military base there. The island's history revolves around British politics, British foreign policy and American military policy.

“The island was confiscated in 1966 from the local population of Chagossians in secret deals between the governments of the U.S. and U.K., resulting in the forced displacement of more than 2,000.”⁷

THE SEARCH FOR A MILITARY BASE:

Post cold war, United States was in dire need of a naval and military base to provide an access to the Middle East, South Asia and Africa. In early 1960s, U.S.A. and U.S.S.R. were enthusiastically searching a hold in the Indian Ocean region to have their presence felt in the South Asian region, and U.S. discovered the *Chagos islands*. In this regard, U.S. approached the United Kingdom, one of its allies, which still had colonies in the region to find them an uninhabited island for its military base. When the British colony, Mauritius got its independence from Britain in 1968, it was on the condition that it would lay on claim, in future, to the *chagos islands*. Then the region was turned into British Indian Ocean Territory (BIOT) by the British forces.

“From 1956 the United States Navy developed its ‘Strategic Island Concept’ modelled on their experience with bases constructed on islands acquired in World War II, founded on their secure location and utility for force projection.”⁸

The island was inhabited for last 200 years by the *Chagossians* who were originally from Africa and India. Vine advocates that “They were brought there from Africa and India as enslaved and indentured laborers to build and work on Franco-Mauritian coconut plantations.”⁹ The socio-economic set up of the island was then of a rural nature with a school, church, roads, hospital and a jail. American authorities asked the British administration for an uninhabited Diego Garcia. For this, the population of the island was

⁷ Esha Chhabra, *This Tiny Island Shelters a History of Human Rights Abuse*, Take part, available at <http://www.takepart.com/article/2016/03/18/diego-garcia-truth-and-power>, retrieved on 29 Apr 2018.

⁸ Ebrahim Afsah, *Diego Garcia (British Indian Ocean Territory)*, Oxford Public International Law, 2009, available at file:///C:/Users/Dell/Downloads/OPIL_Diego_Garcia_British_Indian_Ocean_Territory.pdf, retrieved on 10th May 2018.

⁹ David Vine, *What if you can't protest the base? The Chagossian exile, the struggle for democracy, and the military base on Diego Garcia*, South Atlantic Quarterly, Special issue on social movements around foreign military bases, Michael Hardt, ed. South Atlantic Quarterly 111, no. 4, pgs 847-856 (2012),.



strategically removed from their homeland- from forceful evacuation and forced displacements to execution of the indigenous people. In regard to establishing a military base for U.S. in the region, David Vine remarks that provisions were made for “those administrative measures” necessary to forcibly deport the entire indigenous population of Diego Garcia and the surroundings *Chagos* islands.¹⁰

“...U.S. negotiated a deal with the U.K. to set up military bases on the island. As a result, thousands of Chagossians were displaced and sent to nearby Mauritius or the Seychelles.”¹¹

EXILE FOR CREATION OF A MILITARY BASE:

“One of America’s most important military bases came at the cost of forcing out an entire local population.”

-Esha Chhabra¹²

The entire native population of the island was, through well-thought planning, forcefully displaced from their homeland and an uninhabited island base was presented to the American military forces. This was done through a series of administrative actions of British as well as American forces.

The chagossians who were abroad for medical treatment or other purposes like vacations were not allowed to return back to the island.¹³ For the remaining population on the island, American and British authorities introduced an inhuman policy that deprived the indigenous people- the *chagossians*- of basic amenities like milk, oil, sugar, salt, basic medicines. This was a way of a threatening and an indirect way of forcing them to leave their homeland. The *chagossians* were culturally quite attached to their pets. This fact was used as another measure to evacuate the *chagossians*. An administrative order was given for all the dogs of

¹⁰David Vine, *Island of Injustice*, Washington Post, Tuesday, January 2, 2007, available at <http://www.washingtonpost.com/wp-dyn/content/article/2007/01/01/AR2007010100698.html>, retrieved on 29 Apr 2018.

¹¹*Ibid.*

¹²*Supranote 4.*

¹³David Vine, *Island of Shame: The Secret History of the U.S. Military Base on Diego Garcia*, Princeton, New Jersey, Princeton University Press, pgs 72-80 (2009).



the *Chagossians* to be killed. Their dogs were drowned in the sea, were burned and killed by the exhaust fumes from the American military vehicles and the *chagossians* were made to see this, so that it was taken as a warning to leave the island. People were loaded on the ships and expelled far off locations. They were forcefully departed to the nearby countries and islands, including Mauritius and the Seychelles. Many of the *chagossians* were dumped in the slums of Mauritius where they had no food, no proper shelter, no sanitation and no professional learning to earn their livelihoods. “Upon their arrival in Mauritius, most Chagossians had nowhere to go, no money and no employment prospects.”¹⁴

The chagossians refugees remain to live in exile around the world in the far-from-reality hopes to return to their homeland. Amidst all this, there were so many cases of paralysis, heart attacks, strokes and suicides out of the trauma and experiences the *chagossians* had. These were just some glimpse of British administration’s atrocities in the island for creation of a military base for the U.S.

CONCEALMENT OF HUMAN RIGHTS ABUSES:

Diego Garcia was given by Britain to the U.S. on a lease for 50 years, the documents of which remained classified till late of this century. The deal for this geo-politically important island took in high secrecy and opaqueness. David Vine writes in ‘Island of injustice’, “... U.S. and British governments met, as one participant later put it, “under the cover of darkness” to sign an “exchange of notes” giving the United States the right to create what was to become a major military base on Diego Garcia.”¹⁵

Off late, few of the secret memorandums between the two countries have been declassified and they show a great degree of arbitrariness and illegality as terms like island ‘will be’ evacuated has been used by the British authorities. Great deal of the documents still remain classified due to which there is lack of the clear picture of what equation was arrived at between the two governments in regard to this island.

¹⁴ *Chagos Islanders v. The Attorney General, Her Majesty’s British Indian Ocean territory Commissioner*, [2003] EWHC 2222, § 48.

¹⁵ *Ibid.*



“Without any transparency, and with most of the financial documents still classified in government vaults, Beydoun says it’s hard to know how much money was exchanged—\$14 million has been estimated—or the details of the transaction.”¹⁶

The jurisdiction over the island remained with U.S. military in exclusivity whereby visitors, including the *chagossians* themselves, were abstained from visiting the island. The island remained a secret military base of the U.S. for long until it came in little limelight due to the American invasions of Afghanistan and Iraq from this base. Despite a high level of concealment and secrecy maintained by the British and American authorities, few facts are not disputed as David Vine claims “Despite the anonymity, the facts are not in doubt: Beginning in 1960, U.S. officials initiated secret conversations with the British government and eventually secured British agreement to provide “exclusive control” of the island “without local inhabitants.””¹⁷

“As a US military and intelligence base, the island has remained under a cloud of secrecy for decades.”¹⁸ The forced evacuation of the island was done in high secrecy. Vine argues, “... between 1968 and 1973, American officials conspired with their British colleagues to remove the Chagossians, carefully hiding their expulsion from Congress, Parliament, the U.N., and the media.”¹⁹ The real account of the human lives this military base creation cost still remains unknown and those that are known remain unaccounted for. Critics argue, in this regard, “...the true scale of the human losses people suffer when this happens remains a non-descript abstraction to anyone but those who directly suffer them.”²⁰

GROSS VIOLATIONS OF HUMAN RIGHTS

“The U.S. military facility on the island of Diego Garcia in the Indian Ocean represents a horrific example of the human costs of war and imperialism.”²¹

¹⁶ *Ibid*; see also Letter from Alun Gwynne Jones Chalfont, Foreign and Commonwealth Office, to David K. E. Bruce, United States Ambassador to the United Kingdom (Dec. 30, 1966) (on file with National Archives and Records Administration)

¹⁷ *Ibid*.

¹⁸ Cassandra Yeoh, Ron J. Backus and Samuel Lee, *Where in the world is Diego Garcia?*, The Star Online, Friday, 4 Apr 2004, available at <https://www.thestar.com.my/lifestyle/features/2014/04/04/where-in-the-world-is-diego-garcia/>, retrieved non 28th May 2018.

¹⁹ David Vine, *The Truth About Diego Garcia: And 50 Years of Fiction About an American Military Base*, TomDispatch.com, June 14, 2014, available at <http://ifg.org/2016/05/03/diego-garcia-50-years-of-fiction-about-an-american-military-base/>, retrieved on 3 May 2018.

²⁰ David Vine, Philip Harvey, and S. Wojciech Sokolowski, *Compensating a People for the Loss of Their Homeland: Diego Garcia, the Chagossians, and the Human Rights Standards Damages Model*, 11 *Northwestern Journal of International Human Rights*, Volume 11, Issue 1, Article 6, 152 (2012), available at <http://scholarlycommons.law.northwestern.edu/njihr/vol11/iss1/6>, retrieved on 27 Apr 2018.

²¹ *Supranote* 16.



A number of human rights violations have been done by the British and American authorities in Diego Garcia.

The scale of human rights violations in Diego Garcia is shameful for the two nations that claim themselves as the forerunners of the human rights regime. From forced expulsion, forced displacement to execution of indigenous people, U.S. and U.K. have committed a series of human rights violations in the region. The state of affairs in Diego Garcia presents a picture of the two nations showing no regard to the international law, especially human rights. From the Magna Carta to the Universal Declaration of Human rights,

▪ **Magna Carta:**

Under the provisions of the *Magna Carta*, the King could not strip any person of his liberty or property, or outlaw or exile any person. This is the 39th clause of the great charter and is still part of the British law today. The clause states:

“Nulli vendemus, nulli negabimus, aut differimus rectum aut justiciam.

No free man shall be seized or imprisoned, or stripped of his rights or possessions, or outlawed or exiled, or deprived of his standing in any other way, nor will we proceed with force against him, or send others to do so, except by the lawful judgment of his equals or by the law of the land.”²²

In one of the suits brought by a *chagossian*²³, the violation of Magna Carta by the British administration was argued by his side, to which the courts said that Magna Carta did not apply to a foreign territory, i.e., Diego Garcia. A universal document like that of Magna Carta was electively (and arbitrarily) applied merely on procedural grounds. Such an elective applicability of Magna Carta does not only make its sole objective suffer but also makes a mockery of state of human rights regime.

▪ **Universal Declaration Of Human Rights:**

Article 2 lays down the applicability of the provisions of the UDHR without any discrimination. It lays down that:

²² Carta Libertatum (The Charter Of Liberties) of King John, June 15, 1215, In The Seventeenth Year of His Reign, Translated from the original, Preserved in the Archives of Lincoln Cathedral by Richard Thomson, 1829.

²³ Regina v. Secretary of State for the Foreign and Commonwealth Office, Ex parte Bancoult, 2001, Q.B.



“Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”²⁴

The authorities of U.K. and U.S. have wilfully infringed the human right of the *Chagossians* under Article 2 of the declaration. On the basis of their place of origin, they were treated discriminately and exiled from their island and their human rights were casually abridged.

Article 3 of the declaration that states, “Everyone has the right to life, liberty and security of person”²⁵ has also been clearly taken away by the activities of the two countries on the island.

Further, Article 5 states, “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” The chagossians were tortured by way of being deprived of basic amenities of survival like milk, sugar, salt, oil and medicines by the British and American administration. They were exposed to horrific scenes so as to create threat amongst them to leave their homeland. For instance, David Vine says, in one of his articles,

*First, they tried to shoot the dogs. Next, they tried to poison them with strychnine. When both failed as efficient killing methods, British government agents and U.S. Navy personnel used raw meat to lure the pets into a sealed shed. Locking them inside, they gassed the howling animals with exhaust piped in from U.S. military vehicles. Then, setting coconut husks ablaze, they burned the dogs’ carcasses as their owners were left to watch and ponder their own fate*²⁶.

Also, Article 9 of the declaration asserts the right of every individual against arbitrary exile. It says, “No one shall be subjected to arbitrary arrest, detention or exile.”²⁷ Chagossians were exiled from their island in large number, which the U.S. authorities concealed from rest of the world. Vine says, “In their language, their lives are ones of *lamizer* (impoverished misery) and *sagren* (profound sorrow and heartbreak over being exiled from their native lands).” Not only chagossians were exiled in adverse conditions. But this fact was meticulously concealed by the authorities. Upon few allegations in this regard on the U.S. authorities, it denies any instances of exile. As Vine remarks,

²⁴ Article 2, Universal Declaration of Human Rights, The United Nations, 1948.

²⁵ Article 2, Universal Declaration of Human Rights, The United Nations, 1948.

²⁶ *Supranote* 16.

²⁷ Article 9, Universal Declaration of Human Rights, The United Nations, 1948.



*It's the story of a U.S. military base built on a series of real-life fictions told by U.S. and British officials over more than half a century. The central fiction is that the U.S. built its base on an "uninhabited" island. That was "true" only because the indigenous people were secretly exiled from the Chagos Archipelago when the base was built.*²⁸

To add, Article 13 clause 2 provides, "Everyone has the right to leave any country, including his own, and to return to his country." The *chagossians* were forced to leave their homeland and exiled at far off locations on no legitimate grounds. They also were left with no option of returning back in future.

In essence, the forceful relocation of the *chagossians* by the British and American authorities was infringement of an array of basic human rights of *chagossians*. Although, one may argue that the provisions of the UDHR not binding, but still there remain a lot many provisions of Conventions and Covenants of international law that the British and American authorities have violated.

▪ **International Covenant on Civil and Political Rights:**

Article 6 clause 1 of the ICCPR provides, "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life."²⁹ Further Article 7 says, "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."³⁰ Also, Article 9 (1) states, "Everyone has the right to liberty and security of person."³¹ Article 12(1) states, "Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence."³² Further, clause 4 of Article 12 provides, "No one shall be arbitrarily deprived of the right to enter his own country."³³

There have been clear cut violations of the provisions of ICCPR by the British and American authorities in Diego Garcia. American and British authorities have, in few documents, denied the fact that *Chagossians* were the indigenous people of Diego Garcia, just in order to escape from any kind of legal liability in the same regard. Christian Nauvel, in one of the articles,

²⁸ *Supranote 16.*

²⁹ Article 6(1), International Covenant on Civil and Political Rights, The United Nations, 1976.

³⁰ Article 7, International Covenant on Civil and Political Rights, The United Nations, 1976.

³¹ Article 9(1), International Covenant on Civil and Political Rights, The United Nations, 1976.

³² Article 12(1), International Covenant on Civil and Political Rights, The United Nations, 1976.

³³ Article 12(4), International Covenant on Civil and Political Rights, The United Nations, 1976.



asserts, “The official line from both the American and the British governments is that there were no indigenous inhabitants on the Chagos, only contract workers. Hence, there was no relocation, and the islanders were simply returned to their home countries after the termination of their contracts...”³⁴

In one of the classified documents of British administration in 1966 which has been recently declassified mentions,

*(The Colonial Office wishes) to avoid using the phrase ‘permanent inhabitants’ in relation to any of the islands in the territory because to recognize that there are permanent inhabitants will imply that there is a population whose democratic rights will have to be safeguarded and which will therefore be deemed by the UN Committee of Twenty four to come within its purview... it may be necessary to issue (the inhabitants) with documents making it clear that they are ‘belongers’ of Mauritius or the Seychelles and only temporarily resident in the BIOT.*³⁵

This is purposely done by the British administration so that the *chagossians* could not have a future claim on Diego Garcia. Also, so that they could not claim any rights that indigenous people have under international law.

Britain and America took advantage of the Article 73 clause a, b and c of the Charter of the United Nations that entrusts a presupposed responsibility upon the colonial powers to administer non-self-governing territories. Article 73 a, b, c under Chapter IX ‘Declaration regarding Non- Self- Governing Territories gives the colonial powers a responsibility,

a. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;

b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;

³⁴ Christian Nauvel, *A Return from Exile in Sight? The Chagossians and Their Struggle*, 5 *Northwestern Journal of International Human Rights*, 96 (2007), available at

<http://scholarlycommons.law.northwestern.edu/njihr/vol5/iss1/4>, retrieved on 2nd May 2018.

³⁵ *Supranote* 20 at 1082.



*c. to further international peace and security;*³⁶

This assumed responsibility of the colonial powers under the Charter has unfortunately given unchecked autonomy to Britain and America in case of Diego Garcia.

REDRESSAL OF THE GROSS HUMAN RIGHTS VIOLATIONS

The *chagossians* have long remained in exile in slums in Mauritius and other neighbouring states in the hope that someday, in future, they might return to their homeland. In the view of current balance of interests, international politics and the geo-strategic significance of the island, any such hope of Chagossians seems difficult to be achieved. For a long period of time, they could not voice their claims against the British administration due to the British secrecy laws. Off late, *Chagossians* have been raising their voices against the British Government for the atrocities *chagossians* have suffered. “Olivier Bancoult, president of the Chagos Refugees Group, embroiled in a decades-long legal fight over their exile from the Chagos Islands, said there were clear links between their respective claims on British Overseas Territories.”³⁷

In one such attempt, a *Chagossian*, Olivier Bancoult filed a suit in England. In the suit, it was requested to the commissioner to declare the ordinance as unlawful that had mandated the forced expulsion of *chagossians* and had taken away their right to return.³⁸ The Queen’s Bench Division ruled in the favour of the *chagossians*, which was historic in itself. However, in practice, nothing much changed. Ever since this decision of the Queen’s Bench was passed, there have been several ups and downs to the legal claims of the *Chagossians*. In 2004, an order was passed by Britain restraining the right to return to the *Chagos Island* by the *chagossians*³⁹. “In 2004, UK government tries to block return of islanders through two orders in council, royal decrees which declared no one had right of abode.”⁴⁰

³⁶ Article 73(a), (b),(c), *The Charter of the United Nations*, 1945.

³⁷ Hannah Strange, *We will join Argentina in its battle with Britain, say Chagos Islanders*, The Telegraph, 2 Apr, 2014, available at <https://www.telegraph.co.uk/news/worldnews/southamerica/argentina/10740741/We-will-join-Argentina-in-its-battle-with-Britain-say-Chagos-islanders.html>, retrieved on 6th May 2018.

³⁸ *Ibid* at 1067.

³⁹ British Indian Ocean Territory (Constitution) Order, 2004, 10th June 2004, available at <http://www.worldstatesmen.org/BIOT2004.PDF>, retrieved on 8th May 2018.

⁴⁰ Julian Borger, *Exiled islanders win 40-year battle to return home as judges accuse UK of abuse of power*, The Guardian, 24th May 2007, available at <https://www.theguardian.com/world/2007/may/24/politics.topstories3>, retrieved on 10th May 2018.



In the year of 2006, they were given the right to return to their homeland by the British High Court of Justice. But, in an appeal afterwards, the lords ruled in favour of the British administration, ruling out any possibility of the *chagossians* to return. In 2010, in an interesting move by Britain, the *Chagos* Islands were marked as *Marine Protected Area* (MPA) by the Labour Government. The implications of this ruling were that the indigenous people of Diego Garcia lost any future possibility of their return to the homeland. Recently, in 2017, United Nations General Assembly has adopted a resolution that refers the matter to the advisory opinion of the International Court of Justice⁴¹. The fate of the *chagossians* still remains in doldrums.

CONCLUSION

The human rights violations in Diego Garcia by British and American agencies are vast and immeasurable. It is a classic case of complete disregard to the international human rights by the so called ‘civilised nations’. The forerunner of human rights and the birthplace of *Magna Carta* have completely taken away the basic human rights of *Chagossians*. The consequences of the forced expulsion have been far-reaching- from heart attacks and depression to lack of basic human rights. Since last 30 years, they have been fighting for justice but their early journey to justice has been rugged. The national courts of Britain have been, through suits, appeals and second appeals, keeping the future of *Chagossians* in dilemma. They still have not lost hope and are more determined in fighting for justice. They have a strong case for the gross violations but they are not being heard in the British national courts. British courts have overruled their previous decisions in favour of the *Chagossians* on superficial and not so convincing reasons like the non-applicability of the *Magna Carta* and the European Convention of Human Rights throughout the British colonial territories. British courts have mainly treated the most basic claims of *Chagossians* for their human rights in convincing yet deceptive manner.

In such a situation of non-redressal of simple issues on the grounds that may sound legally correct, *chagossians* have to find another or more proper forum. International platform can serve to be a fit forum for the redressal of the human rights violations. State liability can be established by international forums like International Court of Justice. Substantial body of

⁴¹ United Nations General Assembly Resolution, A/RES/71/292, available on http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/71/292, retrieved on 10th May 2018.



provisions have developed in recent decades on the issue of stateless people which also can serve to be a driving argument in favour of *Chagossians*.