

3.8 Deputy M.R. Higgins of the Minister for Home Affairs regarding the binding over order imposed on the woman known as H.G. in the Korris Report:

Will the Minister explain to Members whether the woman known as H.G. in the Korris Report was bound over to leave the Island and, if so, would he advise whether she was removed from the Island in her pyjamas and left destitute at a United Kingdom airport?

Senator B.I. Le Marquand (The Minister for Home Affairs):

The harassment case to which the Deputy refers dates back to October 2010 and the latest Korris Report was published in March this year. The fact that the woman known as H.G. in this case was sentenced for harassment on 11th October 2010 is a matter of public record. H.G. was legally represented in court at her sentencing by a Jersey lawyer and supported in court by both a mental health patient advocate and by friends from Winchester who were in Jersey on holiday at the time. H.G. pleaded guilty to one charge of harassment. Her lawyers invited the court to deal with sentencing in the case by way of a binding over order to leave the Island, and H.G. consented to this. She was appropriately dressed in daywear attire when appearing at court, as was the case when she left the Island. The States funded her flight to Southampton later that afternoon. The States of Jersey Police assisted in the recovery of personal possessions in storage at a St. Brelade address for her before leaving the Island. I am unable to advise on her onward travel or other arrangements from Southampton.

3.8.1 Deputy M.R. Higgins:

A supplementary. I think the Minister's response is misleading; I will put that down to the information he has been given. The lady concerned was in her pyjamas, she had no underwear, she had a cardigan over her pyjamas, that was all. The police officers took her back. On the way to the airport, she asked if she could go home and get some clothes. They would not allow her to go in and get them; they got some plastic bags with goods that were going to a charity shop and she was basically left in the U.K. with no money. What I would say to the Minister is: is that how we should be treating people in the 21st century? What sort of impression is it giving to people outside this Island? The tactics used are very similar to that of a totalitarian state.

Senator B.I. Le Marquand:

I am afraid that much of the information being given by the Deputy is wholly inaccurate. The fact is that this young lady had spent 2 weeks in prison prior to coming before the court for sentencing. To suggest that she would be in prison for 2 weeks and that the prison authorities would allow her to be taken down to Police Headquarters in her pyjamas is, frankly, totally ludicrous and totally inaccurate. As I say, he is completely overlooking the fact that she had spent 2 weeks in custody prior to her sentencing. The information which I have given is the information I received from the police; it is totally in accord with what I would expect. Now, whether or not on arriving in the U.K. she had money, I simply do not know, but the fact is she was receiving support in Jersey, both from the mental health patient advocate and also there were 2 friends who happened to be on the Island at the time who were there. I find it very hard to believe that between those they would not have made some sort of suitable arrangements. The functionality of my department in this area is the functionality of the police officers in carrying out the court order in relation to the binding over order, and that functionality is, first of all, to hold the individual in custody for a period and then to place them on a flight or on a boat out of the Island. In addition to that, they assisted the lady in seeking to regain possession of items which she had in the Island to take with her.

3.8.2 Deputy T.M. Pitman:

I have to ask, are we getting extra time for these very long answers? I hope we are. My question is this: in the Korris Report, pages 41 and 48, the author recommends that H.G.'s arrest and deportation should be investigated as the matter is not being investigated by Dame Heather Steel,

as it is not considered to be a church matter. Does the Minister agree that the matter should in fact be the subject of an inquiry instigated by the States itself and, if not, why not?

Senator B.I. Le Marquand:

The use of the term “deportation” is inaccurate in this context. Here, we have a situation in which a person’s lawyer invites the court to deal with the matter by way of a binding over order with a condition of leaving the Island and not returning for 3 years. If there are concerns in relation to the manner in which the young lady was dealt with, I am aware that earlier this year the Chief Minister commissioned a report from the Jersey Independent Safeguarding Chair into the care and welfare of H.G. in respect of these matters, and the outcome of that report is expected some time in the future, but I have no particular details on that other than the fact that such a report has been commissioned by the Chief Minister.

3.8.3 Deputy T.M. Pitman:

A supplementary? It is not an attack on the Minister, as I am sure he is not responsible for all these things, but the examples of how Jersey flouts the absolute right to a fair trial process are growing weekly. The evidence we are hearing is so different. Does that not in itself suggest that, really, to put people’s minds at rest, that the Minister should initiate an inquiry?

Senator B.I. Le Marquand:

It is a matter of public record what happened in the courts. I have in front of me, not only a copy of the charge sheet for sentencing purposes, but also a transcript, albeit one which has been edited out to remove certain details and information, of both hearings which took place. That is a matter of public record. If Members are interested to try to obtain a copy of the edited matter, they should approach the Magistrates’ Court Greffier to see if he will provide them with such a copy, otherwise, they can go and listen to the tape recording. These matters are not held in secret; this is a public, open court. Some of the information which I have given today comes directly from those transcripts.

3.8.4 Deputy S.G. Luce of St. Martin:

I would like to agree with Deputy Pitman inasmuch as we are used to having contrary views across the House but, in this case, the 2 versions of events seem to be very far apart. Could I ask the Minister if he would be prepared to meet Deputy Higgins to try to ascertain where Deputy Higgins’ version of events comes from and if it is truthful?

Senator B.I. Le Marquand:

I do not think there is any point in that, personally. I have invited Deputy Higgins on many occasions to come and talk to me about many different matters in which we have a difference of opinion; he never wants to come and talk to me, but if he wants to come and talk to me on this matter, I will happily see him.

Deputy T.M. Pitman:

I will come too.

3.8.5 Deputy M.R. Higgins:

I might say that I will be bringing matters to the House regarding what I want to speak to the Minister for Home Affairs about. As far as H.G. is concerned, perhaps the Minister will explain to us a number of strange things that happened: (1) she was arrested and spent 11 hours in custody before she was charged; perhaps he can tell us why there was the delay; (2) perhaps he can also tell us why the police did not bail her - she had accommodation, she had a job and she was of good character; (3) and also perhaps he can tell us why the police objected to her having bail at the court appearance on 27th September.

Senator B.I. Le Marquand:

I cannot answer the first question; it is far too detailed and it was going beyond the area of the initial question back into earlier time. Again, if Deputy Higgins would care to look at the transcript of the hearing, he will see precisely what was said by the prosecution and he will see precisely the thought processes of the Magistrate concerned in relation to the matter. It was established during the course of the hearing that, in fact, she did not have a home to go to, that the person with whom she had been staying was unwilling to have her back again. That is on the record of the transcript.

3.8.6 Deputy M.R. Higgins:

I must address that last point about the person not having a home. The police phoned the landlord and said about H.G. and asked whether she lived and everything else and whether she could go back. They would not tell her what the nature of the charge was. The woman was aware of the fact that police had arrested her in the morning, the police would not say why she was being charged. For all they knew, she could have been a mass murderer and they would have been in danger so, as a consequence, because the police would not tell them why she had been arrested, they would not necessarily have her back in the home. I think it is monstrous to say otherwise. This is a stain on Jersey's character and it is not going to go away.

Senator B.I. Le Marquand:

I have absolutely no knowledge of that; all I can say is what is in the transcript. While I am on my feet, could I possibly correct a mistake I made in answer before to a question of Deputy Trevor Pitman on the previous answer? It is a matter of correction.

The Bailiff:

Yes.

Senator B.I. Le Marquand:

This was in relation to the first set of questions by Deputy Trevor Pitman. I erroneously said that there had been a letter to Mr. Syvret setting out the position from which I had quoted. In fact, I now see, on checking it, that there was an email.

Deputy T.M. Pitman:

Thank you, Minister, for that clarification.