

**WRITTEN QUESTION TO THE CHIEF MINISTER
BY DEPUTY M.R. HIGGINS OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 17th NOVEMBER 2015**

Question

Will the Chief Minister -

- (a) explain why the case against former Senator Stuart Syvret for Data Protection offences with which he was charged was dealt with *in camera* when the United Kingdom has only conducted one or two such secret trials in terrorism cases when national security was concerned and sensitive intelligence material was being revealed;
- (b) explain to members how much this trial cost, where the funds were sourced and where it is accounted for in the States of Jersey accounts;
- (c) explain to members whether any award, compensation, expenses or reward was given to any of the four individuals who gave evidence against the former Senator in his trial?

Answer

There were two data protection cases against Stuart Syvret, a criminal case and a civil case. These questions have been answered for first the criminal (Part A) and then the civil (Part B) case.

Part A

(a) The criminal case against Stuart Syvret for data protection offences was not held *in camera*; it was held in open court. It started in the Magistrate's Court, with appeals heard before the Royal Court and the Court of Appeal.

(b) The costs in relation to the criminal trial and the associated hearings were provided by the Attorney General in his answer to Senator T.J. Le Main on 12th September 2011. The transcript is on the States Assembly website. I refer the Deputy to it, at:

<http://www.statesassembly.gov.je/AssemblyQuestions/2011/Senator%20Le%20Main%20to%20HM%20Attorney%20General%20re%20Case%20costs.pdf>.

The costs were accounted for within the Court and Case Costs in the States of Jersey accounts.

(c) No award, compensation, expenses or reward was given to any witnesses who gave evidence against the former Senator in his criminal trial.

Part B

When the criminal case was concluded there was a civil case which was held in private.

- (a) The importance attached by Jersey's courts to ensuring that, as far as possible, proceedings in court take place in public is well established. The principle of holding certain court hearings in private was explained in an answer to a question posed by Deputy Higgins in September 2014 (1240/5(8458)).

It is available online:

<http://www.statesassembly.gov.je/AssemblyQuestions/2014/Deputy%20Higgins%20to%20CM%20re%20secret%20trials.pdf>

- (b) The costs have been explained in the answer to a previous States question, asked on 24th September 2013. It is available online:

<http://www.statesassembly.gov.je/AssemblyQuestions/2013/Deputy%20T%20Pitman%20to%20CM%20re%20Full%20costs%20of%20secret%20Court%20proceedings.pdf>

The relevant section of the answer was:

The costs of bringing the case incurred by the Data Protection Office amounted to just over £387,000 for a 6-year period from 2008 to September 2013.

The additional costs to the Data Protection Commissioner's Office were met by court and case costs.

The only additional costs to the Court Service were £14,010 to the Bailiff's Chamber.

There were no additional costs incurred by the Judicial Greffe.

- (c) No award, compensation, expenses or reward was given to any of the individuals who gave evidence in this case.