

9. Statement made by the Assistant Minister of Home Affairs regarding the origin of the skull fragment found at Haut de la Garenne

9.1 The Deputy of St. John (Assistant Minister of Home Affairs):

I have now reviewed the Chief Officer's report and relevant correspondence and am able to answer the questions raised by Senator Perchard and Deputy Power that were referred at the last sitting. It remains the case that there is no definitive scientific finding as to the nature of the fragment found on 23rd February 2008, which might indicate whether or not the statement made subsequently by the Senior Investigating Officer was incorrect. So I trust Members will understand that this is an ongoing investigation and that therefore it is not possible to make any further comment. If deemed necessary, any such matters could form part of a brief for the Committee of Inquiry which has been proposed to proceed upon completion of the investigation. Thank you, Sir.

9.1.1 Senator J.L. Perchard:

I thank the Assistant Minister and while I do know and understand the sensitivities that surround this ongoing inquiry I do think there is a certain aspect that the Assistant Minister will surely want to get cleared-up. As the find at Haut de la Garenne on 23rd February was described at the time as what appears to be the partial remains of a child, will the Assistant Minister advise the Assembly what action is now being taken to establish the accuracy or otherwise of that description?

The Deputy of St. John:

At the time the on-site anthropologists and forensic scientists were led to believe that that was what the item was. Without undertaking further forensic tests on the item, which is no longer of any interest in the investigation, it would not be possible to draw a full conclusion on the item, Sir. As it is no longer relevant to the investigation I see no further reason to establish whether it is or is not what people think it is. The fact is that it is inconclusive and, as it is inconclusive, Sir, and irrelevant to the inquiry at this stage, we will not be commenting on the matter any further, Sir. Thank you.

9.1.2 Senator J.L. Perchard:

I thank the Assistant Minister and understand his dilemma. Will the Assistant Minister arrange for the material found on 23rd February to be released to the States of Jersey Pathology Department in an effort to assist the police identifying the origins of the material?

The Deputy of St. John

I think not, Sir. I do not think the Pathology Department here has the level of expertise that will be required to make such a judgment, Sir. We have used some of the top labs in the U.K. and they have had difficulty, Sir. This is not an exact science and if it is required to be investigated further, Sir, it would cost further money which is no longer of any relevance to the investigation. This particular item, as we have said on a number of occasions, is no longer relevant to the investigation at this time. However, it does form part of the evidence for the case and will be kept as such in case it ever is required, Sir. Thank you.

9.1.3 Deputy D.W. Mezbourian:

I would just like to make a point to anyone considering making a statement in the House. As we are all well aware, the House is never - or not always - fully attended by Members and at the last sitting, indeed, some of us were absent. So to have a statement which makes reference to questions raised and were deferred at the last sitting but without identifying what those questions were, it is difficult for those of us... **[Interruption]** I think perhaps, Sir, someone is phoning the Deputy to raise the same point with him as I am making now. Indeed, Sir, not only for Members who are perhaps absent from the House at the time but for those people are listening - and no one

seems to be listening to me at the moment, certainly not within the House. But I repeat, Sir, for those members of the public who may not have heard the questions raised at the last sitting, for those Members of the House who may not have heard, may I ask that in this instance the Assistant Minister reminds us what the questions are or were that he is referring to and reiterate that for future statements Member will remember my comment.

The Deputy of St. John

[Aside] The Deputy has a fair point and I will recite the question as was given to us at the last session for the benefit of Members and particularly for the benefit of the Deputy. Deputy Power asked the question and it was as follows, Sir: "In view of the forensic opinions as to the nature of the alleged fragment of skull found at Haut de la Garenne, does the Minister still maintain her view that the comments made by the Deputy Chief of Police at a press conference on 23rd February were appropriate?" That was the question and I apologise, the Deputy is quite right it should have been stated when I answered the question, Sir.

9.1.4 Deputy S. Power:

In lieu of the fact that the Assistant Minister has now indicated that the fragment found on 23rd February is no longer of relevance to the investigation, is it not in the interests of the Home Affairs Department to put that non-relevant piece of fragment into the public domain? Thank you.

The Deputy of St. John

No, Sir, because whatever way you look at it this item is still evidence and until a conclusive result is achieved from further forensics, it will remain evidence. Unless the Attorney General can correct me otherwise I would imagine any type of evidence uncovered in this type of investigation would have to be kept until after any subsequent trials, if indeed there are some, Sir. Thank you.

Deputy S. Power:

Sorry, can I ask him just to clarify that last answer. I understand the Assistant Minister to have said that the item is no longer of any interest to the investigation. If it is no longer of any interest to the investigation how can the Assistant Minister call it evidence?

The Deputy of St. John

I think that is a matter for greater minds than mine from a legal profession, Sir. As far as I understand it, it is evidence and it should be kept as such until the investigation is completed. Perhaps the Attorney General could clarify that, Sir?

The Attorney General:

I am sorry, Sir, that I was not in the Chamber at 2.15 p.m., I apologise to Members. Can I ask what precisely I am asked to clarify?

The Deputy of St. John

Mr. Attorney, I wonder if you could clarify. The Deputy has asked that the evidence which I am making reference to in this answer be released to the public as it is no longer of relevance to the investigation. My understanding is that all evidence remains as such until any court proceedings or any subsequent investigations are completed. That is now evidence - Crown evidence, I assume - and the Deputy is asking whether that is the case or not?

The Attorney General:

I now understand the point being asked. My firm advice to Members is that this is not a matter which ought to be put in the public domain at the moment because it might have an impact upon any of the prosecutions yet to come. I do not, for my part, think it is appropriate that we risk the

integrity of those prosecutions and the judicial process by analysis of evidence, whether directly or indirectly relevant at this stage. It is very difficult to tell what evidence might be relevant. The police may well have reached the view, as I think has been expressed previously, that the piece of skull - or not skull as the case may be - which was referred to in February no longer forms part of the police investigations. That would mean that it is not part of the prosecution case. But there is no way of knowing at the present stage whether it may or may not form part of the defence case, in which case all relevant material in relation to that would need to be provided to the defence as part of the duties of disclosure. For all these reasons it is just not appropriate to risk prejudice to the integrity of the judicial process in my view at this stage.

9.1.5 Deputy C.H. Egré of St. Peter:

Will the Assistant Minister look into the case which I think was publicised in the National Press whereby it was indicated that the item that was found was not bone and in fact that the further investigation that was required was to find out whether it was coconut or walnut?

The Deputy of St. John:

You have concerned me greatly that the lab in question made any statement at all to the press. Having said that, Sir, they have said - and this is has been in the public domain already - that the investigations or the science used to establish what this item is are inconclusive, Sir. So I do not see how one could say categorically whether it is wood, coconut or anything else, Sir, without further investigation. They have said that to us, this particular lab, but I was most disturbed and concerned that they released that information in the first place, Sir. I will repeat, without further forensic tests we cannot prove conclusively that it is bone or any other items, Sir.

9.1.6 The Deputy of St. Peter:

A supplementary, if I may. Would the Assistant Minister confirm that in effect that the lab indicated in very clear terms that to quote: "This ain't bone" and that further investigation was required to find out exactly what it was in relation to what form of wood it was?

The Deputy of St. John

I could go into more forensic detail as to why they could not make such a statement but I have been advised not to by our legal advisors, Sir, but I can categorically state that this evidence has not been proved conclusively as to exactly what it is and I do not wish to comment any further on the item, Sir, as I have been advised not to.

9.1.7 Connétable M.K. Jackson of St. Brelade:

The Assistant Minister refers to the ongoing investigation and of course its significant associated costs. Could he give Members any indication or indicate to Members whether there has been any move from his officers as to how much further this investigation will carry on for? Thank you, Sir.

The Deputy of St. John:

That will depend on whether the Constable is talking about the specific area which I am talking about here which is the Haut de La Garenne investigation or the greater abuse investigation. The abuse investigation generally could go on for many, many months, Sir. There is precedent here in other jurisdictions where it has gone on for considerable time. With regard to the actual site at Haut de la Garenne investigations there are almost complete, Sir.