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REPORT OF THE UNITED NATIONS COMMISSIONER FOR THE  
SUPERVISION OF THE PLEBISCITES IN THE SOUTHERN AND  
NORTHERN PARTS OF THE TRUST TERRITORY OF THE  
CAMEROONS UNDER UNITED KINGDOM ADMINISTRATION

APPENDIX

Note: Following publication of the present report the United Kingdom Plebiscite Administrator transmitted to the United Nations Plebiscite Commissioner in compliance with regulation 6(2) of the Southern Cameroons (Voting Petitions) Regulations, 1961 copies of the decisions of the Special Court constituted under the Southern Cameroons Plebiscite Order in Council, 1960 in respect of the petitions<sup>1/</sup> heard and determined by the Court, including the findings of the Court upon the facts of each case.

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ANNEX XXXIX

J. M. Boja and Numberone Ngong De.

Petition No. SC/1.P/1961.

23rd March, 1961.

Sir,

I have the honour to report that the petitioner in the above mentioned petition appeared in this Court on the 13th March and the hearing was adjourned to the 21st March to enable efforts to be made to ascertain the whereabouts of the respondent in order to serve him.

On the 21st March the respondent was still unfound and unserved and the petitioner himself did not appear. In the circumstances the petition was struck out.

I am aware that powers of substituted service can be exercised but in this case the respondent was known to have left his registration area and substituted service must have had the effect of the matter being heard in his absence. Seeing that the allegations made by the petitioner amount to crime and that a finding once made is final it would have been manifestly unjust to have made use of this procedure in this case. This is especially so in view of the fact that there is no suggestion that the respondent knew of the existence of the petition or that he has been trying to evade service.

I attach my certificate.

I have the honour to be

Sir,

Your obedient Servant,

(signed) PWW

Judge of the Special Court.

To The Plebiscite Administrator.

ANNEX XL

IN THE MATTER OF THE SOUTHERN CAMEROONS PLEBISCITE ORDER IN COUNCIL 1960.

AND IN THE MATTER OF THE SOUTHERN CAMEROONS PLEBISCITE  
(VOTING PETITIONS) REGULATIONS 1961.

AND IN THE MATTER OF THE PETITION OF PAUL FORKWA OF AMBUH MOGHAMO.

PETITION NO. SC/2.P/1961.

J U D G M E N T.

The Petitioner complains that the respondent was guilty of treating and also that he exerted undue influence by administering oaths to the people to vote for unification.

As to the second ground it is to be noted that the petitioner himself says that the Chiefs took the oaths and that the people did not do so. Furthermore there was no evidence according to his story, to show that any compulsion was exerted on the Chiefs.

The witness, Thruppen, says that the oaths were taken inside a house and that only those inside the house could see what happened. Petitioner was not inside. Thruppen said in cross-examination that the people were ordered to take the oath but he never suggested it in evidence-in-chief.

The second witness, William, also said that it was the Chiefs who took the oath. The evidence on this aspect of the matter is most unconvincing.

As to the treating the Petitioner was forced by me to come down to some detail and stated that he was standing by a bamboo fence with two friends when he saw cartons of beer handed to eight servants of the chief for conveyance to the chief's compound.

He said he and his friend both had cycles and the third friend was a pillion passenger. One of these friends, he said, was William.

William on the contrary said he came on foot and found the Petitioner in hiding sitting down. He saw no cycle and he saw no third party.

The third witness, Thruppen, purported to have asported the beer but he was not the servant of any chief but the son of a quarter-head. This contradicts the petitioner and also one wonders why a chief's son should have assisted the servants.

The startling conflict of evidence between the petitioner and the witness William causes one to wonder whether any of these three people are drawing on their memories. I am left in great doubt and the petition fails.

At the hearing I awarded £4 by way of costs to the respondent.

(signed) P. WATKIN WILLIAMS

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J U D G E.

ANNEX XLI

IN THE MATTER OF THE SOUTHERN CAMEROONS PLEBISCITE ORDER IN COUNCIL 1960.  
AND IN THE MATTER OF THE SOUTHERN CAMEROONS PLEBISCITE  
(VOTING PETITIONS) REGULATIONS 1961.  
AND IN THE MATTER OF THE PETITION OF NDIFONJE OF MUNKA  
c/o NDOP NATIVE AUTHORITY COURT.

PETITION NO. SC/3.P/1961.

J U D G M E N T

The Petitioner alleged in his petition that the Respondent, who is a member of the Southern Cameroons House of Assembly, addressed a meeting at Ndop in which he threatened that Hausas who did not support unification would be deported and tortured.

He also alleged that the Respondent threatened that Chiefs who did not support the government would be dethroned.

The evidence adduced was most unconvincing. All the Petitioner's witnesses, of whom there were three, said that they were not present at the beginning of respondent's speech nor at the end of it but that they just happened to hear the offending words and then they went away. They did not suggest that they were together. Indeed they said they were unaware of one another's presence. The co-incidence is remarkable. Furthermore I think it is highly improbable that a man hearing violent and offensive words being spoken would walk away without staying to hear what else was said.

Each witness gave his piece with little variation and produced the impression of a school child saying his recitation.

I find that the Petitioner's case is unsatisfactory and has not been established. The election must therefore be regarded as regular and ought not to be disturbed.

(Signed) P. WATKIN WILLIAMS

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J U D G E.

17th March 1961

ANNEX XLII

IN THE MATTER OF THE SOUTHERN CAMEROONS PLEBISCITE ORDER IN COUNCIL 1960.

AND IN THE MATTER OF THE SOUTHERN CAMEROONS PLEBISCITE  
(VOTING PETITIONS) REGULATIONS 1961.

AND IN THE MATTER OF THE PETITION OF S. T. F. AYONGHA  
OF BAFUT.

PETITION NO. SC/4.P/1961.

J U D G M E N T.

The petitioner alleges in his petition that the 1st respondent, who is the premier of the Southern Cameroons, corruptly produced money and drinks to Mr. Jacob Ngwaneba and others at Bafut on the 15th January, 1961.

The Petitioner gave evidence to the effect that Mr. Foncha, the first respondent, came to Bafut on the 16th January, 1961 and spoke to the people. At the conclusion of his address he went into a house where he had stored whisky and beer. There he and others (who were clearly his supporters) were said to have consumed beer and whisky after which two cartons of beer and two boxes of whisky were taken out to the people. It is alleged that at this juncture Mr. Foncha gave Jacob Ngwaneba a bundle of notes.

It must be observed at once that, assuming these facts to be true, the charge relating to money cannot stand for there is no allegation that money was given to the people but on the contrary to Jacob Ngwaneba, the local party leader and Mr. Foncha's right-hand man.

Unless the suggestion is that the money was to pay for the drinks the allegation can have no relevance. I am inclined to think that this allegation of the production of money is untrue. If Mr. Foncha has wished to hand over money as part of a corrupt plan, I see no reason why he should do it in public and in the presence of those who were opposed to his cause and in all probability looking for a chance to bring trouble upon him.

It is of much significance that the petition makes no suggestion of any impropriety in Mr. Foncha's speech and the petitioner himself in his evidence referred to the speech briefly but not adversely yet both petitioner's witnesses assert that Mr. Foncha said that those who voted for the green box would be sold as slaves. One of these witnesses, Moses Asanji, said that he reported this to the Supervisory Officer.

I cannot believe that if this very serious allegation were true the Petitioner would not have fastened on it with some joy.

If, as I am strongly tempted to think, it was introduced for good measure and had no factual basis, it altogether destroys the credibility of the two witnesses concerned, and is also damaging to the Petitioner who called them.

The 1st Respondent's case is that he did not supply any drink or any money but he admits that wine was produced. The 2nd Respondent admits that white mimbo was bought by him. That I think is the truth of the matter. This was the 1st respondent's constituency and, as he describes it, his stronghold - He cannot have imagined that there was any likelihood of the failure of his cause in that constituency. As a premier visiting his constituency he had, in the ordinary course of events every right to produce refreshments.

As an electioneer it was at the least indiscreet but not necessarily done for the purpose of vote-catching. If I had found the petitioner's case acceptable I might well have been forced to conclude that the purpose was corrupt but much depends on the quantity and quality of the liquid provided. The second witness would have me believe that: "Every body said we must vote for the white box because we had been treated and not for the green box." This also tends to show how worthless is the evidence of this man.

I greatly doubt whether the provision of mimbo had any effect on the voting and I also doubt whether it was ever intended to do so.

The Petition fails and so I shall inform the Plebiscite Administrator.

At the hearing I awarded costs amounting to £16. 2/- to the first respondent.

(Signed) P. WATKIN WILLIAMS

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J U D G E.

ANNEX XLIII

IN THE MATTER OF THE SOUTHERN CAMEROONS PLEBISCITE ORDER IN COUNCIL 1960.  
AND IN THE MATTER OF THE SOUTHERN CAMEROONS PLEBISCITE  
(VOTING PETITIONS) REGULATIONS 1961.  
AND IN THE MATTER OF THE PETITION OF AUDU LAMNTE OF  
WAINGOLILUM KIKAI MFU.

PETITION NO. SC/5.P/1961.

J U D G M E N T.

Both the Petitioner and the witness he called were thoroughly shifty in the witness box and gave their evidence with carefully averted eyes. Their allegation was that money was produced in public and given to one Fai Chen la who in turn handed it to Fai Tsenla Shu. The second witness said that there was no drink available at the place and the money would have to be devoted to the purchase of drink at another place and time. The Petitioner said that the first Respondent came by jeep whereas the second witness said that he came in his private car. It is quite impossible to act on evidence of this kind especially where there is an allegation of a criminal offence. There must always be a grave doubt.

At the hearing I announced that the Petition failed and I awarded £23.15/- costs to 1st Respondent against Petitioner.

(Signed) PWW

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J U D G E.

ANNEX XLIV

IN THE MATTER OF THE SOUTHERN CAMEROONS PLEBISCITE ORDER IN COUNCIL 1960.

AND IN THE MATTER OF THE SOUTHERN CAMEROONS PLEBISCITE  
(VOTING PETITIONS) REGULATIONS 1961.

AND IN THE MATTER OF THE PETITION OF R. T. IBRAHIM OF  
TASHIBI IN THE BAMENDA NORTH.

PETITION NO. SC/6.P/1961.

27th March, 1961.

Petitioner not present.

COURT: On the 13th March the Petitioner could not be found and I ordered service on his registration address. He is still absent.

If he were present all I could tell him is that the offence alleged does not come within the definition of an illegal practice in the Polling Regulations and that I have no jurisdiction to deal with his Petition.

In the circumstances the Petition stands dismissed.

(Signed) PWW  
J U D G E.



ANNEX XLVI

IN THE MATTER OF THE SOUTHERN CAMEROONS PLEBISCITE ORDER IN COUNCIL 1960.

AND IN THE MATTER OF THE SOUTHERN CAMEROONS PLEBISCITE  
(VOTING PETITIONS) REGULATIONS 1961.

AND IN THE MATTER OF THE PETITION OF MR. M. A. ETAMO OF  
BASEL MISSION SCHOOL, ANDEK NGIE.

PETITION NO. SC/8.P/1961.

J U D G M E N T.

This is a complaint under Regulation 3(1) (c) of the Southern Cameroons Plebiscite (Voting Petitions) Regulations 1961 and must therefore come within the ambit of the offences specified, that is to say personation, treating, undue influence, bribery and illegal practice within the meaning given to them in the Polling Regulations.

Allegations made by the petitioner in his petition clearly amount to undue influence. He alleges that the Respondent stated that those who fail to cast their votes into the white box would be arrested and deported and there is also an allegation that the Respondent stated that those who voted against unification (that is to say against his party's policy) would be arrested, imprisoned and deported.

When the Petitioner gave his evidence he failed in his examination-in-chief to substantiate these allegations. He said: "Mr. Muna got on top of his Landrover and lectured. He said he was their elected representative in the House of Assembly. He had come to tell them the right box in which they were to vote. He asked them to vote for the white box which was the government box. That was why he travelled with his orderly the Police to explain to the people. He told them that nobody else who spoke to them was authorised because he had no Police accompanying him. He urged them to throw ashes and dust on anyone who asked them to vote for the green box."

That which he did say is in substance contained in the petition and would doubtless under English law amount to an illegal practice. The meaning given to illegal practice so far as this plebiscite is concerned however is contained within the narrow limits of Regulation 54 of the Polling Regulations.

These allegations, grave though they are, do not disclose any offence. So far as this part of the petition is concerned I have therefore to decide whether it is proved that the Respondent threatened the public with arrest or imprisonment or deportation or any combination of them if they voted for the green box or whether it is proved that the Respondent threatened the public either with arrest or deportation or both if they failed to vote for the white box.

As I have said, the Petitioner did not make these allegations in his evidence-in-chief. Nevertheless he did under cross-examination say that the Respondent told the people that it would be detected who voted for the green box which would be meaningless if some threat were not coupled with it. Furthermore at the close of his evidence I pointed out to him the discrepancy between the allegations made in the Petition and his evidence in Court. He then said that the allegations made in the Petition were true. It must however be noted that the Respondent was not able to cross examine on this additional statement. It appears to me that the Petitioner was more concerned with the Respondent's use of his orderly than with the other aspects of the matter. It is also to be observed that the Petitioner said that after the respondent's speech he approached the respondent and asked him why he threatened the people with his orderly.

This is substantially admitted by the Respondent.

The second witness, Tagen described the Respondent's speech in some detail and said that the Respondent, inter alia, used these words: "Anybody who votes for green box after plebiscite will be banned from the country or imprisoned."

These allegations relate to what is stated to have happened at Ngwo. The Respondent made another speech at Ngie but no charge of any impropriety is made in respect of it. The 3rd witness, Lucas Banada, the Chief of Ngie, was asked to give evidence of treating at Ngie. He led up to this by referring to the Respondent's speech briefly in these words: "He said the green box was for those who wanted to go to Nigeria and the white box for unification." I quote these words because they go to show that the witness made no endeavour to vilify the Respondent. When, however, it was put to him under cross-examination that the Respondent had made no threats, the witness with some

show of reluctance begged to differ and said that the people were threatened with expulsion if they voted for the green box. The Respondent himself introduced this evidence and it was of course quite irrelevant. However the respondent himself made it relevant when in his evidence-in-chief he said that he made the same speech on each occasion.

I was much impressed with Mr. Banada's evidence. He was of course politically opposed to the respondent but I believe that he was doing his best to be fair.

The respondent gave evidence on oath and said that the atmosphere was most happy when he spoke to the people and he merely pointed out the advantages of voting for the white box and the disadvantages of voting for the green box. He went on to say that he saw the Petitioner after the lecture and I quote his words: "He (Petitioner) was very furious. He said he was going to report me for threatening the people, I looked at him and walked off."

Now this evidence is most significant. If the respondent made a mild and inoffensive speech why should the Petitioner be furious? The Petitioner himself offered an explanation. According to the Respondent that explanation was utterly false, yet the Respondent looked at the Petitioner and walked away. I saw the Respondent for a number of hours and it did not strike me that he was of a placid disposition and likely, when told he would be reported on a false allegation, to walk off saying nothing.

I am aware that the Respondent gave evidence denying the allegation and that the Chief of Oshie also denied it on oath. Nevertheless, despite all these considerations I am left in no real doubt that the respondent did threaten the people as alleged and that he is guilty of undue influence.

The burden of proof as required for a conviction in a criminal prosecution has been discharged.

The Petitioner also complains that the Respondent was guilty of treating both at the meeting at Ngwo and also at the meeting at Ngie.

I am satisfied on the evidence that the Respondent did give £2 to Mr. Lucas Banada to buy native wine at Ngie for consumption during a meeting which he asked Mr. Banada to arrange for him. Mr. Banada himself organised native dancing and also obtained juju dancers. At first the people danced and the

respondent then delivered an election address. After the address the respondent gave the wine to the people. The Juju dancers then protested that a goat should have been slaughtered for them. Mr. Muna, the respondent, gave the eight juju dancers two shillings each and he produced £4 in lieu of the goat.

These facts were deposed to by Mr. Banada who supported in detail that which the Petitioner said in general. The petitioner did not impress me by his manner and it was obvious that he nursed ill-feeling towards the Respondent yet I cannot say that the substance of his evidence was exaggerated. Mr. Banada was I think, a truthful witness and a careful one. As I have said I do not think that he allowed opposition to the respondent to colour his evidence.

Now it has to be borne in mind that it is not treating in itself which is criminal. It is only criminal if it is done with the purpose of corruptly influencing the voting. Mr. Muna is, and has been for a number of years, the elected member of the House of Assembly for that constituency and also a Minister in the government. It is therefore only natural that he should be well received when he visits his constituency and that a certain amount of entertainment should be arranged in his honour. In ordinary circumstances there could be no objection at all to his ordering wine nor to his paying dancers. Unfortunately on this occasion he came not only as a Minister but also as an election speaker.

I am not satisfied that his advance of £2 for the purchase of wine was done with the intention of influencing the voting. It is not a large sum and there is no suggestion that it was allocated to any person or persons who might be disposed to vote for the opposition. Mr. Muna obtained an overwhelming majority and I do not believe that when he visited his constituency he had any serious fear that the voting would go against the cause which he supported. The provision of the £2 was perhaps indiscreet in view of the fact that he was to deliver an electioneering speech but I do not think it was corrupt.

The payment to the juju dancers of 2/- a head and the £4 given in lieu of a goat were payments for services rendered. Maybe they were a little generous but in all the circumstances I do not think that they could have been designed to be vote-catching when votes were not of any great importance.

The same considerations apply to the provision of drinks by the respondent at Ngwo. These allegations fail.

Finally the question arises as to what extent if at all the undue influence exerted by the Respondent affected the voting. The Petitioner has not been able to call a single witness to say that he or she was in sympathy with the green box and voted in fear for the white box. I am aware that the ballot was secret but it must have been common knowledge in the area that the petitioner was challenging the respondent and would lend a ready ear to any complaints.

Furthermore the petitioner says that he himself told the people that the respondent's threats were meaningless as there would be no means of ascertaining the identity of those who voted for the green box.

In all probability the threats made had no effect whatever. There is no evidence to support a contrary conclusion.

As to costs the Petitioner made two visits to Bamenda 220 miles and he called three witnesses from his area who each travelled 110 miles = 550 miles at 1/- a mile £27.10/-. Petitioner 2 nights at 10/- and his witnesses 3 nights at 10/-. = £2. 10/-. Total £30 awarded to the Petitioner against the Respondent.

(Signed) P. Watkin Williams

J U D G E

ANNEX XLVII

IN THE MATTER OF THE SOUTHERN CAMEROONS PLEBISCITE ORDER IN COUNCIL 1960.

AND IN THE MATTER OF THE SOUTHERN CAMEROONS PLEBISCITE  
(VOTING PETITIONS) REGULATIONS 1961.

AND IN THE MATTER OF THE PETITION OF NAPOLEON EBOT  
c/o P. O. BOX 7 MAMFE

PETITION NO.SC/9.P/1961.

J U D G M E N T

The Petitioner alleges that the Respondent prayed with juju medicine that any man or woman voting for the green box should be killed by the medicine. He said that he and one Peter Abu alone were present at the time.

The Petitioner said he voted for the green box which of course, means that he was not unduly influenced by the prayer. The witness Peter Abu said he voted for the white box and that he and the Petitioner had agreed to vote for the white box because the oath precluded them from doing anything else.

This is a very serious conflict and moreover Peter Abu was unable to explain why he did not abstain from voting for that would have preserved him from the consequences of the oath.

Even if the story were true, there is nothing to show that the respondent knew that the two men were there or that his performance was anything but a private prayer of malevolence.

I do not believe the story at all. A further serious inconsistency is that in the petition the incident is alleged to have occurred in the day light. Both witnesses said it occurred at 10 p.m.

The Petition fails.

At the hearing I awarded 10/- to the respondent by way of cost.

(Signed) P. Watkin Williams

J U D G E

ANNEX XLVIII

IN THE MATTER OF THE SOUTHERN CAMEROONS PLEBISCITE ORDER IN COUNCIL 1960.

AND IN THE MATTER OF THE SOUTHERN CAMEROONS PLEBISCITE  
(VOTING PETITIONS) REGULATIONS 1961.

AND IN THE MATTER OF THE PETITION OF PHILIP T. AGBOR  
c/o P. O. BOX 7 MAMFE

PETITION NO. SC/10.P/1961.

The petitioner gave evidence to the effect that women voluntarily danced the ekpa juju. He said that these women were white box supporters who would in any case have voted 'white box'. He said that there was no compulsion on anyone to join the dancing. Then, in contrast to his previous statement, he said he could produce women who were compelled to vote 'white box'. He said he was calling a lady to say she was forced.

The second witness said that he could name women who voted 'white box' out of fear but he added that they would deny it if he named them. Finally the petitioner called a lady who said she had not danced at all because she is a christian.

That was the petitioner's case and it failed.

At the hearing I awarded £10-2/- by way of costs to the respondent.

(Signed) P. Watkin Williams

J U D G E

ANNEX XLIX

IN THE MATTER OF THE SOUTHERN CAMEROONS PLEBISCITE ORDER IN COUNCIL 1960.

AND IN THE MATTER OF THE SOUTHERN CAMEROONS PLEBISCITE  
(VOTING PETITIONS) REGULATIONS 1961.

AND IN THE MATTER OF THE PETITION OF F. T. AGBOR  
MFUNI VILLAGE

PETITION NO.SC/11.P/1961.

J U D G M E N T

The allegation contained in the Petition is that the respondent, who is the Chief of Mfuni, used the Ekpa society drum to announce that all people should vote for the white box.

The Petitioner gave evidence to the effect that the Respondent gathered the women to perform the ekpa juju. He was not there but he could hear the dancing going on all night until the early hours of the morning. It appears that the dance had a binding effect on those present to obey the order proclaimed and in this case the proclamation was to vote for the white box. However the Petitioner himself said that those who took part were in fact supporters of the white box and desire to vote for it.

In these circumstances this was no more than a party rally. The second witness went much further and said that he had voted for the white box because the Chief was alleged to have said that every man or woman who voted for the green box would have bad luck. One wonders why he did not abstain from voting at all. The third witness gave similar evidence.

The Respondent gave evidence denying that he exerted influence. It is to be noted that the objection in the petition is that the Respondent used the ekpa drum. The ekpa drum was never mentioned in evidence.

I am not at all clear as to what really did happen and the fact that the petitioner's evidence discloses no offence is in itself enough to persuade me to hold that the Petition fails.

At the hearing I awarded £7.15/- costs to the respondent.

(Signed) P. Watkin Williams

J U D G E

ANNEX L

IN THE MATTER OF THE SOUTHERN CAMEROONS PLEBISCITE ORDER IN COUNCIL 1960.

AND IN THE MATTER OF THE SOUTHERN CAMEROONS PLEBISCITE  
(VOTING PETITIONS) REGULATIONS 1961.

AND IN THE MATTER OF THE PETITION OF J. M. AGBOR  
c/o P. O. BOX 7 MAMFE.

PETITION NO.SC/12.P/1961.

J U D G M E N T.

The Petitioner complained that the respondent organised an ekpa society dance at night in defiance of Police orders. The Petitioner said himself that only supporters of the white box were invited to dance. Hence those who bound themselves to vote for the white box did so of their own wish and no undue influence was exerted.

At the hearing I awarded £9.15/- to the Respondent by way of costs.

(Signed) P. Watkin Williams

J U D G E

ANNEX LI

IN THE MATTER OF THE SOUTHERN CAMEROONS PLEBIS CITE ORDER IN COUNCIL 1960.  
AND IN THE MATTER OF THE SOUTHERN CAMEROONS PLEBIS CITE  
(VOTING PETITIONS) REGULATIONS 1961.  
AND IN THE MATTER OF THE PETITION OF J. E. AYUK  
BACHUNTAI VILLAGE

PETITION NO.SC/13.P/1961.

J U D G M E N T

The Petitioner complains that ekpa juju was organised by the respondent against the orders of the Police. He adduced no evidence to show that anyone was made to take part in this dance against his will or that anybody's freedom of choice was affected. He real grievance is that the Police were disobeyed.

The Petition fails.

At the hearing I awarded £9.5/- costs to the respondent.

(Signed) P. Watkin Williams

JUDGE