

1961

UNITED NATIONS
TRUSTEESHIP
COUNCIL



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GENERAL

T/OBS.4/3
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ORIGINAL: ENGLISH

PETITION FROM MR. S.T. BAIYEE CONCERNING THE CAMEROONS
UNDER BRITISH ADMINISTRATION (T/PET.4/87)

Observations of the United Kingdom Government
as Administering Authority

The substance of the petitioner's complaint is that the Magistrate who heard his claim for damages for false arrest and imprisonment pronounced against him because he was a Government officer and was prejudiced in favour of the police. Judicial officers in the Cameroons are completely independent of the Administration in every respect and to suggest that a Magistrate has given a wrong decision to protect a Government officer is a most serious and improper allegation.

The petitioner states that he was unlawfully arrested without a warrant under Section 419 of the Criminal Code of Nigeria. He was in fact arrested on a charge of stealing under Section 390 of the Criminal Code, an offence for which under Section 5 of the Code, the Police may lawfully arrest without a warrant, but was subsequently charged with three alternative offences under the Criminal Code: Sections 390 (stealing), 404 (demanding property) and 419 (obtaining goods by false pretences). This was in accordance with normal practice when more than one section of the Code appears to be applicable to an alleged offence..

The petitioner was tried by the Acting Chief Magistrate and was acquitted. He then sued the Assistant Superintendent of Police, claiming damages for false imprisonment. The same Magistrate heard this case and delivered judgment on 28 April. He found that the police were acting in good faith and dismissed the claim.

The petitioner had a right of appeal to the Supreme Court of which he failed to take advantage. If, as he states, he was unable to afford the statutory appeal fees, he was at liberty to apply either to the Magistrate or to a Judge to waive these fees. He did not do so.
