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COUNCIL



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COMMUNICATION FROM MR. ABEL MIMBIANG NYUBATA CONCERNING
THE CAMEROONS UNDER FRENCH ADMINISTRATION

(Circulated in accordance with rule 24 and supplementary rule F of the
rules of procedure for the Trusteeship Council)

Abel Mimbiang Nyubata
Trader
Endoum
SAA

17 June 1955

To: The Secretary-General of the United Nations, New York

Subject: My appeal against the resolution dated 21 February 1955 adopted
by the Trusteeship Council at its 582nd meeting

Three documents attached

Sir,

I have been informed of the preliminary results of the examination of
my case which has been before the United Nations for five years without being
considered and without a final decision being taken.

Alas!

By your T/PET.5/269/Add.1 of 10 January 1955 you acknowledged the receipt
of all my supporting documents which I sent you in various registered letters.
I believe I sent you letter No. 541 of 3 May 1954 and No. 897 of 7 May 1954;
I would request you to re-read them very carefully.

(a) Letter No. 541 stated Moreover the Administration is
withholding my CLRC money and about ten months' half pay plus the
second instalment of the maternity allowance for my child.

(b) Letter No. 897 requested that the "two attached documents should be returned to me"... namely document No. 5704/10231 of the 2nd Bureau/B 10th Division of the Deposit and Consignment Office in Paris (Mr. BLOCH-LAINE) and document No. 308/F5/3.

"On page 2, the Commission states" ... the appeal to the Court of Cassation made by Mimbiang was dismissed in 1951 by order No. 4786 of the High Commissioner (SOUCADAUX)? In other words the basis of the Administrative Code. At the 343rd meeting of the United Nations, France stated that the petitioner's case was before the competent courts; but Mr. SOUCADAUX issued order No. 4786 of 12 October 1951 before the Court of Cassation had given its decision. This is illegal: Why did the Trusteeship Council not notice this fact and request France to rescind this order and continue to pay me my money? "Breach of the Law, suspension."

The allegations concerning France with respect to my appeal to the Council of State are false. Mr. Soucadaux destroyed or concealed the correspondence which I sent him.

Mr. TARAZI, Chairman, and Mr. BECQUEY strongly supported France, but in so doing they forgot that France, a great world Power, is partial to its friends but not to its enemies. I am its enemy because I claim my rights. The pension is repayable under the new Decree of 19 May 1952, which was issued before I was actually sentenced on 20 June 1952.

When the Standing Committee examined letter No. 308/575/8 at its 206th and 212th meetings, it forgot the most important letter, the Paris document No. 5704 from Mr. BLOCH-LAINE, Director-General, who told the High Commissioner to pay me my money. What happened to this ministerial document which I sent to you?....

I should like to address myself to Mr. BECQUEY....

Sir, I draw your attention to two examples: Mr. Rene TRAZE, a former customs clerk, sentenced to nine months' imprisonment for misappropriation, and Mr. Marcel BANDA, a former secretary in the Police Force, sentenced to

twelve months' imprisonment for "misappropriation" and "embezzlement". Why were the pensions of these two persons repaid under the Decree of 19 May 1952? And why was mine not repaid? What does it say in the letter from the Deposit and Consignment Office in Paris which I sent you on 7 May 1954 as an enclosure to letter No. 897, or to the letter of 12 December 1954, the receipt of which was acknowledged by Mr. B. Cohen?

Did you ask France why I was dismissed before I was actually sentenced? I was sentenced on 20 June 1952 by the Court of Cassation, but France dismissed me before I was sentenced. WHY? And yet it was also France which, through Mr. Pierre MANCHET, stated before the United Nations that "the Commission of Enquiry will sit after the Court has reached its verdict ...". However, my Court gave its decision on 20 June 1952 in Paris; I again appealed but I was detained up to 1953 until on 24 September 1953 I withdrew my request to the Court of Appeal for a review of my case. (See my letter No. 541 of 3 March 1954 to the United Nations).

I would point out to you that I worked for about two years in the pensions service of the Finance Department and that I am familiar with the Decree of 1942 as amended by that of 1946. It was as a result of my claims addressed to Paris that I learnt from friends in the civil service that under a recent decree, namely, that of 19 May 1952, all public servants, whether dismissed, discharged or sentenced, are entitled to restoration of pension rights.

You speak only of my pension and my half-pay plus the second instalment of the maternity allowance for my child, but what have you to say on this subject in view of the misuse of authority on the part of the French Administrative courts? My case must be examined very attentively, fairly and impartially.

I would draw the attention of Mr. TARAZI, Chairman, to the fact that I was dismissed before actually being sentenced on 23 September 1953. Accordingly the statement by France is completely unfounded. Alas! all this is very shameful; I request my money, my pension, my half-pay plus the allowance for my child.

To Mr. RANKIN. If you are mistaken it is not your fault; God has cursed the black race, the victim of all the most crying injustices in the world. I was dismissed before being sentenced (see enclosure, document No. 1929/cf/P2). This happened because France said that "I was writing to the United Nations" ... Mr. PONNOU-DELAFFON, Chairman of the T.S.A., Douala".

I draw the Secretary-General's attention to the way in which France is oppressing me and appeal to him to act as an impartial judge and jurist

The term "in consultation with France" is rather unclear to me but favourable to France, because France knows how to deal with you, employing its peculiar manners and policies against the black race, its Slave.

You will never forget that I am a slave, and if I am a slave I may never complain. France owes me my pension to which I am entitled under the Decree of 19 May 1952, my pay and the allowance for my child.

I note, moreover, that the resolution was adopted by 6 votes to none, with 6 abstentions. Why the six abstentions? Why did six members not agree with the decision of the other six?

Accordingly, I have the honour to appeal against the resolution adopted at the 582nd meeting on 21 February 1955, concerning my pension, my pay and my family allowances.

Very respectfully.

(Signed)

Mana/M
FRENCH CAMEROONS
OFFICE OF PERSONNEL
2nd Bureau

FRENCH REPUBLIC
Liberty - Equality - Fraternity

DECISION No. 4356

To: Mr. Mimbiang Abel, Douala Centre

THE HIGH COMMISSIONER OF THE FRENCH REPUBLIC IN THE CAMEROONS,

Officer of the Legion of Honour,

Having considered the Decrees of 23 March 1921 and 21 February 1925, which define the powers of the Commissioner of the French Republic in the Cameroons, and also the Decree of 13 February 1937;

Having considered Order No. 819 of 19 March 1947, which contains the regulations governing public servants and officials in the Cameroons;

Having considered letter No. 3909/PIB/I of 8 November 1950 from the Chief State Counsel, Head of the Judicial service; and

After considering the exigencies of the service,

Hereby decides as follows:

First - Mr. MIMBIANG Abel, Assistant Clerk (Third Class) in the Civil and Financial Services, previously employed at the Central Police Station of Douala, is suspended as of 6 November 1950, the date of his imprisonment.

Second - During the period of his suspension he shall be entitled to half his pay with no extra allowances other than family benefits.

Third - This decision shall be registered, published and communicated to all persons whom it may concern.

Yaoundé, 18 November 1950

(Signed) Jourdain

THE GENERAL SECRETARY OF THE
CAMEROONS

FOR AND AUTHORIZED BY THE
HIGH COMMISSIONER OF THE
REPUBLIC

COPIES:

Personnel (2)
Financial services (2)
Disbursement Office, Douala
Central Police Station, Douala
Mr. Mimbiang Abel
Journal officiel
File

CERTIFIED TRUE COPY

(Signed) Head of Department

POLICE STATION OF NEW-BELL
Received on 30 November 1950
Registration No. 4461

CENTRAL POLICE STATION
Received on 24 November 1950
Registration No. 13139/FS4.

Mana/M.
FRENCH CAMEROONS
OFFICE OF PERSONNEL
2nd Bureau

FRENCH REPUBLIC
Liberty - Equality - Fraternity

DECISION No. 1929 CF/P2.

THE HIGH COMMISSIONER OF THE FRENCH REPUBLIC IN THE CAMEROONS,

Officer of the Legion of Honour,

Having considered the Decrees of 23 March 1921 and 21 February 1925, which define the powers of the Commissioner of the French Republic in the Cameroons, and also the Decree of 13 February 1937;

Having considered Order No. 819 of 19 March 1947, which contains the regulations governing public servants and officials in the Cameroons;

Having considered decision No. 4356 of 18 November 1950 to suspend MIMBIANG, Assistant Clerk (Third Class) in the Civil and Financial Services;

Having considered an extract from the judgment, dated 14 August 1951, of the Correctional Court of Douala whereby the said Mimbiang was sentenced to imprisonment for a term of one year and to a fine of 12,000 francs for misappropriation;

Having considered the documents relating to the case; and

After considering the exigencies of the service,

Hereby decides as follows:

First - Mr. MIMBIANG Abel, Assistant Clerk (Third Class) in the Civil and Financial Services, previously employed at the police station of Douala, shall appear before a Commission of Enquiry to sit at Douala and to be composed of the following persons:

Mr. LE BLOND Yves, Assistant Administrator, Second Grade, Chairman;

Mr. GROUALLE Joseph, Head Clerk, First (Administrative) Class, Member;

Mr. EKOUE SILO Maurice, Clerk (First Class) in the Civil and Financial Services, Member.

Second - The Commission shall answer the following questions:

Should any disciplinary action be taken against MIMBIANG Abel, Assistant Clerk (3rd Class) by reason of his having been sentenced to one year's imprisonment and to a fine of 12,000 francs for misappropriation?

If so, what is the proper disciplinary action, in view of his performance in the service?

DISCIPLINARY ACTION WHICH MAY BE TAKEN:

Dismissal - Delay of promotion - Reprimand with notation in his file.

Third - Mr. GROUALIE is appointed Rapporteur of the Commission.

Fourth - This decision shall be registered and communicated to all persons whom it may concern.

Copies:

Personnel (2)

Police

Chairman and Members (3)

Mr. Mimbiang Abel

File

(Signed) THE SECRETARY-GENERAL

FOR AND AUTHORIZED BY THE

HIGH COMMISSIONER

YAOUNDE, 10 September 1951

Certified True Copy

(Signed) Head of Department

Abel MIMBIANG NYUBATA
Assistant Clerk in the Civil and Financial Services
Concerning Legal Proceedings
House of Detention

Douala

URGENT

TO: The Minister for Overseas France,
27, rue Oudinot,
Paris, VII.

For the attention of Mr. AUJOULAT, Deputy of the Cameroons,
Secretary of State for Overseas France,
Paris, VII.

Sir,

By the High Commissioner's decision No. 4356 of 18 November 1950
I was suspended in consequence of an incident, also involving many others,
brought about by police provocation and engineered by Mr. Versière.

Under this decision I was entitled to receive almost half my pay without any
allowances; only the payment of family benefits was authorized.

By letter No. 1931 cf/P2 of 10 September 1951 containing decision
No. 1929 of 10 September 1951, the High Commissioner (Mr. Robert, Head of the
competent office) informed me that I should be prepared to appear before a
Commission of Enquiry shortly.

I wish to draw your attention to the fact that after my Court had given
its decision, I was brought before a Commission of Enquiry which was biased
and unfavourable to me, because some weeks later I was dismissed by Order
No. 4786 of 12 October 1951, a copy of which was sent to me on 14 October 1951.

The above-mentioned Order does not provide that my half-pay is to be
discontinued; the explanation should be sought in the circumstances and the
facts, and furthermore my case has not been decided.

Having regard to my letter of 10 October 1951 to the High Commissioner
in reply to decision No. 14 of 27 March 1951 of the Director of the Financial
Service,

Having regard to receipt No. 15288 of 8 October 1951 from the Collector and Paymaster at Douala,

With reference to the letter of 2 October 1951 addressed to Mr. Le Blond, decision No. 1929 cf/P2 whereby, according to the High Commissioner (Mr. Pierre MANCHET, my compatriot) I refused to accept the Commission's decision before the Court,

Having regard to the complex file and the machinations relating to my case,

For these reasons:

I STATE AND REQUEST

1. Should not Order No. 4786 of 12 October 1951 be rescinded?
2. Is it not right and proper to respect French law in the Cameroons, as the Administration decides? ... And the disorders ...?
3. Am I not entitled to lodge other complaints against the persons concerned in view of such actions?
4. Are my wife and my child to die of want and poverty because I killed some Frenchman in the Cameroons?
5. Am I still entitled to almost half my pay and family allowances? And the allowance for my child?

Accordingly I should be very grateful if you would intervene as soon as possible so that I may take up the matter with these authorities.

I am full of hope and rely on your fairness and authority in appealing to you.

Respectfully,

The oppressed and persecuted

(Signed)

Prison
Douala, 8 November 1951
