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## PETITIONS CONCERNING THE TRUST TERRITORY OF SOMALILAND UNDER ITALIAN ADMINISTRATION

### Draft Report of the Standing Committee on Petitions

Chairman: Mr. Michel de Camaret (France)

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Note by the Secretariat: In order to avoid unnecessary duplication of material which has been already circulated in mimeographed form, the present draft report contains only the material to be added to that contained in the Secretariat working paper (T/C.2/L.152) and the draft resolutions. The original material should be considered as forming part of the draft, except where otherwise indicated.7

1. At its 251st, 252nd, 253rd, 254th, 255th and meetings on 6,7,8,9, 10 and June 1955, the Standing Committee on Petitions, composed of the representatives of Australia, France, India, Syria, the Union of Soviet Socialist Republics, and the United States of America, examined the petitions concerning the Trust Territory of Somaliland under Italian administration which are listed in the preceding table of contents.
2. Mr. V. Zadotti participated in the examination as the special representative of the Administering Authority concerned.
3. The Standing Committee submits herewith to the Council its report on these petitions and recommends, in accordance with rule 90, paragraph 6 of the Council's rules of procedure, that the Council decide that no special information is required concerning the action taken on resolutions ....



I. Petition from Representatives of the Saad Averghedir Tribe (T/PET.11/475)

14. The petition was examined and discussed at the 251st and            meetings of the Standing Committee (documents T/C.2/SR.251 and            ).

15. The special representative explained that the crux of the friction between the two parties to the disputes was their confinement to a limited area. A certain easing of the situation would result from a settlement of the frontier question. In the meanwhile in order to alleviate conditions in the area the boring of water holes had been given priority and the tribes were being persuaded to trade off some of their cattle in order to lessen the pressure on space. Efforts had been continually made to get representatives of the two disputing parties to meet together in order to bring about a settlement. In this connexion it was suggested the persuasive counsels of local political parties might prove helpful.

16. At its            meeting, the Committee adopted by            votes to            with abstention draft resolution I, annexed to the present report, which it recommends that the Council adopt.

I. Petition from Representatives of the Saad Averghedir Tribe (T/PET.11/475)

The Trusteeship Council,

Having examined the petition from Representatives of the Saad Averghedir Tribe concerning Somaliland under Italian administration in consultation with Italy as the Administering Authority concerned (T/PET.11/475, T/OBS. /            , T/L.            ).

1. Draws the attention of the petitioner to the observations of the Administering Authority and to the statement of its special representative;

2. Requests the Administering Authority to continue all efforts to ameliorate conditions in the area in order to lessen the causes of tribal disputes;

3. Encourages the Administering Authority to intensify its efforts to bring the two parties together in order to reach a settlement of all outstanding disputes between them;

4. Requests the Administering Authority to report to the Council the results of its efforts.



II. Petition from Representatives of the Walamoy Tribe (T/PET.11/474)

7. The petition was examined and discussed at the 252nd and meetings of the Standing Committee (documents T/C.2/SR.252 and ).
8. The special representative stated that new legislation dealing with land registration was in preparation and when enacted in the near future would provide the petitioners with a means of entering their claims before a Judge.
9. At its meeting, the Committee adopted by votes to with abstention draft resolution II, annexed to the present report, which it recommends that the Council adopt.

II. Petition from Representatives of the Walamoy Tribe (T/PET.11/474)

The Trusteeship Council,

Having examined the petition from Representatives of the Walamoy Tribe concerning Somaliland under Italian administration in consultation with Italy as the Administering Authority concerned (T/PET.11/474, T/OBS.11/50, T/L. ).

1. Draws the attention of the petitioner to the observations of the Administering Authority, in particular to the arrangements under consideration between the Administration and the Societa Agricola Italo-Somalo concerning the use of certain public irrigation works by the latter in return for 1,000 hectares of land at present under use by the Societa for distribution by the Administration to local farmers;
2. Further draws the attention of the petitioners to the land registration shortly to be enacted under which they will be able to register their claims before a judicial authority;
3. Recommends that the Administering Authority pursues energetically its efforts to bring about a satisfactory settlement of this dispute and in particular, takes the necessary steps to ensure that the indigenous inhabitants are provided with sufficient land for their livelihood.



III. Petitions from Haji Ismail Ghedi (T/PET.11/500) and Haji Jama Mohamed Egal (T/PET.11/501)

7. The petition was examined and discussed at the 252nd and                      meetings of the Standing Committee (documents T/C.2/SR.252 and                      ).
8. The special representative stated that the petitioners could still present their claims before a judge since the prescribed period of twenty years had not elapsed.
9. At its                      meeting, the Committee adopted by                      votes to                      with abstention draft resolution III, annexed to the present report, which it recommends that the Council adopt.

III. Petitions from Haji Ismail Ghedi (T/PET.11/500) and Haji Jama Mohamed Egal (T/PET.11/501)

The Trusteeship Council

Having examined the petitions from Haji Ismail Ghedi and Haji Jama Mohamed Egal concerning Somaliland under Italian administration in consultation with Italy as the Administering Authority concerned (T/PET.11/500, and T/PET.11/501, T/OBS.11/53, T/L.    ).

1. Draws the attention of the petitioner to the observations of the Administering Authority and to the statement of its special representative;
2. Requests the Administering Authority to undertake an investigation into the complaints of the petitioners and, if called for, to take such measures as would give them satisfaction;
3. Further draws the attention of the petitioners to their right to submit their claims to a judicial authority.



IV. Petition from Mr. Said Mohammed Selim ben Barik Al-Jaf'i and others  
(T/PET.11/503)

9. The petition was examined and discussed at the 252nd and meetings of the Standing Committee (documents T/C.2/SR.252 and ).
10. In referring to the complex nature of this case, the special representative stated that further investigations would be undertaken, including search of the land registry records in the Mohammedan court at Margherita. He reminded the Committee of the land registration survey currently being carried out at the completion of which legislation would be enacted and an additional means provided for the proper registration and settlement of land claims.
11. At its meeting, the Committee adopted by votes to with abstention draft resolution IV, annexed to the present report, which it recommends that the Council adopt.

IV. Petition from Mr. Said Mohammed Selim ben Barik Al-Jaf'i and others  
(T/PET.11/503)

The Trusteeship Council,

Having examined the petition from Mr. Said Mohammed Selim ben Barik Al-Jaf'i and others concerning Somaliland under Italian administration in consultation with Italy as the Administering Authority concerned (T/PET.11/503, T/OBS.11/53, T/L. ).

1. Draws the attention of the petitioner to the observations of the Administering Authority, and to the statement of its special representative;
2. Requests the Administering Authority to undertake a further exhaustive investigation into this complaint with a view to establishing the legitimate rights of the rightful owners of the land in question;
3. Further draws the attention of the petitioners that if thereafter they are not satisfied they should submit their claims to the appropriate judicial authority.



V. Petition from Mr. Abid ben Awad el Jabiri and others (T/PET.11/505)

9. The petition was examined and discussed at the 253rd and meetings of the Standing Committee (documents T/C.2/SR.253 and ).

10. The special representative stated that the Administration will repair the damaged sluice gate and is continuing the construction of water-control works along the Juba river in the vicinity of Margherita.

11. At its meeting, the Committee adopted by votes to with abstention draft resolution V, annexed to the present report, which it recommends that the Council adopt.

V. Petition from Mr. Abid ben Awad el Jabiri and others (T/PET.11/505)

The Trusteeship Council,

Having examined the petition from Mr. Abid ben Awad el Jabiri and others concerning Somaliland under Italian administration in consultation with Italy as the Administering Authority concerned (T/PET.11/505, T/OBS.11/53, T/L. ).

Draws the attention of the petitioner to the observations of the Administering Authority and to the statement of its special representative, in particular to the effect that the Administration will repair the damaged sluice gate and will continue the construction of other water control works along the Juba river.



VI. Petition from Mr. Shigo Khamis Dueila and others (T/PET.11/507)

4. The petition was examined and discussed at the 253rd and meetings of the Standing Committee (documents T/C.2/SR.253 and ).
5. The special representative stated that the judicial authorities were fully empowered to deal with this case since the prescribed period of twenty years for the hearing of an appeal since the issue of the Governor's decree dated 28 January 1938 had not yet elapsed.
6. At its meeting, the Committee adopted by votes to with abstention draft resolution VI, annexed to the present report, which it recommends that the Council adopt.

VI. Petition from Mr. Shigo Khamis Dueila and others (T/PET.11/507)

The Trusteeship Council,

Having examined the petition from Mr. Shigo Khamis Dueila and others concerning Somaliland under Italian administration in consultation with Italy as the Administering Authority concerned (T/PET.11/507, T/OBS.11/53, T/L. ).

1. Draws the attention of the petitioner to the observations of the Administering Authority and to the statement of its special representative;
2. Requests the Administering Authority to carry out a further inquiry into the petitioner's complaint and to assist him in such a manner as to enable him to exercise his rights.



VII. Petition from Mr. El Hajj Said ben Saad (T/PET.11/509)

7. The petition was examined and discussed at the 253rd and meetings of the Standing Committee (documents T/C.2/SR.253 and ).

8. At its meeting, the Committee adopted by votes to with abstention draft resolution VII, annexed to the present report, which it recommends that the Council adopt.

VII. Petition from Mr. El Hajj Said ben Saad (T/PET.11/509)

The Trusteeship Council,

Having examined the petition from Mr. El Hajj Said ben Saad concerning Somaliland under Italian administration in consultation with Italy as the Administering Authority concerned (T/PET.11/509, T/OBS.11/53, T/L. ).

1. Requests the Administering Authority to carry out a further investigation into this case, with particular reference as to

(a) whether the petitioner had cultivated the land in question previous to its being conceded to Messrs. Quercoli and Navarra under Governor's decree No. 17621 dated 26 November 1940, and

(b) the period during which the petitioner cultivated the land in question between that date and the conclusion of the agreement with Mr. Cerrati on 7 February 1952.

2. Further requests the Administering Authority to communicate to the Council the results of its investigation.



VIII. Petition from Mr. Hajj Hassan Fadhl (T/PET.11/520)

2. In its observations (T/OBS.11/58, section 5), the Administering Authority states that there appears to be no legal basis for the protest by the petitioner. The land mentioned by the petitioner was duly made over by Government Decree No. 17621, dated 26 November 1940, to Messrs. Quercioli and Navarra. The land has now been leased by the owners to Mr. Cavazzini. If the petitioner has any legal claims, he can of course apply to the Judicial authorities.
3. The petition was examined and discussed at the 253rd and meetings of the Standing Committee (documents T/C.2/SR.253 and ).
4. At its meeting, the Committee adopted by votes to with abstention draft resolution VIII, annexed to the present report, which it recommends that the Council adopt.

VIII. Petition from Mr. Hajj Hassan Fadhl (T/PET.11/520)

The Trusteeship Council,

Having examined the petition from Mr. Hajj Hassan Fadhl concerning Somaliland under Italian administration in consultation with Italy as the Administering Authority concerned (T/PET.11/520, T/OBS.11/58, T/L. ).

1. Draws the attention of the petitioner to the observations of the Administering Authority;
2. Requests the Administering Authority to make a further inquiry into this case with a view to maintaining fully the rights of the petitioner and in the event that this inquiry should result in the non-return of the land in question to the petitioner, that the Administering Authority should advise the petitioner whereby he might find the means to exercise his rights before a Judicial authority.



IX. Petition from Mr. Mohamed Hagi Iusuf (T/PET.11/481)

6. The petition was examined and discussed at the 254th and meetings of the Standing Committee (documents T/C.2/SR.254 and ).
7. The special representative stated that, in accordance with the legal regulations, should the petitioner's appeal to the Court of Cassation in Rome be successful his money would be returned to him.
8. At its meeting, the Committee adopted by votes to with abstention draft resolution IX, annexed to the present report, which it recommends that the Council adopt.

IX. Petition from Mr. Mohamed Hagi Iusuf (T/PET.11/481)

The Trusteeship Council,

Having examined the petition from Mr. Mohamed Hagi Iusuf concerning Somaliland under Italian administration in consultation with Italy as the Administering Authority concerned (T/PET.11/481, T/OBS.11/51, T/L. ).

Draws the attention of the petitioner to the observations of the Administering Authority and to the statement of its special representative, in particular to the effect that if his appeal to the Court of Cassation in Rome should be successful his money will be refunded to him.



X. Petition from Mrs. Amina Mohamed Giama (T/PET.11/489)

5. The petition was examined and discussed at the 254th and meetings of the Standing Committee (documents T/C.2/SR.254 and ).

6. The special representative stated that the police made no search of the petitioner's house as alleged, nor were the police responsible for the theft of the missing money and articles.

7. At its meeting, the Committee adopted by votes to with abstention draft resolution X, annexed to the present report, which it recommends that the Council adopt.

X. Petition from Mrs. Amina Mohamed Giama (T/PET.11/489)

The Trusteeship Council,

Having examined the petition from Mrs. Amina Mohamed Giama concerning Somaliland under Italian administration in consultation with Italy as the Administering Authority concerned (T/PET.11/489, T/OBS.11/49, T/L. ).

Draws the attention of the petitioner to the observations of the Administering Authority and to the statement of its special representative, in particular that the police made no search of her house; as well as to the statement of her husband that he had known that the money and articles in question had been stolen by thieves during her absence in prison.



XI. Petition from Mr. Mohamed Mahamud Darar (T/PET.11/488)

4. The petition was examined and discussed at the 254th, 255th and meetings of the Standing Committee (documents T/C.2/SR.254, 255 and ).
5. The special representative stated that the petitioner was acquitted of the two formal charges of homicide and resistance to arrest. He was however sentenced to two months' imprisonment for leaving the Territory illegally. It was against this sentence that the petitioner had appealed to the Court of Cassation in Rome. Should his appeal be successful the sum of money at present held pending a final decision, would be returned to the petitioner.
6. At its meeting, the Committee adopted by votes to with abstentions draft resolution XI, annexed to the present report, which it recommends that the Council adopt.

XI. Petition from Mr. Mohamed Mahamud Darar (T/PET.11/488)

The Trusteeship Council,

Having examined the petition from Mr. Mohamed Mahamud Darar concerning Somaliland under Italian administration in consultation with Italy as the Administering Authority concerned (T/PET.11/488, T/OBS.11/51, T/L. ).

Draws the attention of the petitioner to the observations of the Administering Authority and to the statement of its special representative, in particular to the effect that should his appeal to the Court of Cassation in Rome be successful the sum of money mentioned in his petition will be refunded to him.



XII. Petition from Sheik Abduraman (T/PET.11/492)

3. The petition was examined and discussed at the 254th, 255th and meetings of the Standing Committee (documents T/C.2/SR.254, 255 and ).
4. The special representative assured the Committee that the Administering Authority would not ignore any claims submitted concerning indemnification for damages arising out of the Baidoa incident.
5. At its meeting, the Committee adopted by votes to with abstentions draft resolution XII, annexed to the present report, which it recommends that the Council adopt.

XIII. Petition from Sheik Abduraman (T/PET.11/492)

The Trusteeship Council,

Having examined the petition from Sheik Abduraman concerning Somaliland under Italian administration in consultation with Italy as the Administering Authority concerned (T/PET.11/492, T/OBS.11/52, T/L. ).

1. Draws the attention of the petitioner to the observations of the Administering Authority and to the statement of its special representative;
2. Recalls to the notice of the petitioner the terms of its resolution 667 (XII) which it adopted on his previous petition and in which his attention was drawn to the distribution to claimants by the Baidoa Commission of the final ex gratia award of compensation for damages suffered;
3. Requests the Administering Authority to investigate the complaint of the petitioner with a view to ascertaining whether this case was in fact considered by the Baidoa Commission, and to report to the Council on the results of its investigation.



XIII. Petition from Mr. Ali Salat Aul (T/PET.11/504)

4. The petition was examined and discussed at the 255th and meetings of the Standing Committee (documents T/C.2/SR.255 and ).
5. The special representative stated that should any claims for damages arising from the Baidoa incident be still outstanding they can be submitted to the competent judicial authority.
6. At its meeting, the Committee adopted by votes to with abstentions draft resolution XIII, annexed to the present report, which it recommends that the Council adopt.

XIII. Petition from Mr. Ali Salat Aul (T/PET.11/504)

The Trusteeship Council,

Having examined the petition from Mr. Ali Salat Aul concerning Somaliland under Italian administration in consultation with Italy as the Administering Authority concerned (T/PET.11/504, T/OBS.11/53, T/L. ).

Draws the attention of the petitioner to the observations of the Administering Authority and to the statement of its special representative, in particular that he should submit his claim to a judicial authority.



XIV. Petitions from Sheikh Said Bahmed al Amoudi (T/PET.11/508) and  
from Mr. Omar Bahmed Batrash al-Amoudi (T/PET.11/519)

5. The petition was examined and discussed at the 255th and meetings  
of the Standing Committee (documents T/C.2/SR.255 and ).
6. The special representative stated that should any claims for damages arising  
out of the incidents at Margherita in April 1950 be still outstanding they can  
be submitted to the competent judicial authority.
7. At its meeting, the Committee adopted by votes to with  
abstentions draft resolution XIV, annexed to the present report, which it  
recommends that the Council adopt.

XIV. Petitions from Sheikh Said Bahmed al Amoudi (T/PET.11/508)  
and from Mr. Omar Bahmed Batrash al-Amoudi (T/PET.11/519)

The Trusteeship Council,

Having examined the petitions from Sheikh Said Bahmed al Amoudi and  
Mr. Omar Bahmed Batrash al-Amoudi concerning Somaliland under Italian  
administration in consultation with Italy as the Administering Authority  
concerned (T/PET.11/508 and 11/519, T/OBS.11/53, T/L. ).

1. Draws the attention of the petitioners to the observations of the  
Administering Authority and to the statement of its special representative,  
in particular that they may still submit their claims to a competent judicial  
authority;
2. Requests the Administering Authority to render all possible assistance to  
the petitioners in order to alleviate their plight.

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