

UNITED NATIONS
TRUSTEESHIP
COUNCIL



Distr.
LIMITED

T/C.2/L.357
15 July 1958

ORIGINAL: ENGLISH

Twenty-second session
Agenda item 4

PETITION CONCERNING THE TRUST TERRITORY OF WESTERN SAMOA

Draft 222nd Report of the Standing Committee on
Petitions

Chairman: Mr. L. Smolderen (Belgium)

1. At its 490th and meetings on 15 and July 1958, the Standing Committee on Petitions, composed of the representatives of Australia, Belgium, China, France, India and the Union of Soviet Socialist Republics examined a petition from the Principal of the Maluafou School, Apia concerning the Trust Territory of Western Samoa.
2. Mr. G.R. Powles participated in the examination as the special representative of the Administering Authority concerned.

Summary of the petition (T/PET.1/9)

3. The petitioner states that a Chinese ship's carpenter, from the British ship, Eastbank, lying in Apia harbour, was assaulted near Apia and received severe injuries. After the assault, the man, named So Choi Sai, was taken to Apia Hospital, at which time he was unconscious as a result of his injuries. He remained unconscious for twenty-four hours. He was returned to his ship, the Eastbank, in a semi-conscious condition, and died when the ship was at sea, two days later, on 21 April 1958.
4. The petitioner states that in accordance with an accepted principle of human rights, a man who is in a serious condition as a result of disease or injury, in a foreign port, should be given every medical assistance available.

In this case, however, a man was removed from a hospital where he could have enjoyed the benefits of adequate medical equipment and qualified medical staff, to a ship which was proceeding to sea immediately, and which would not have such facilities to assist the man's recovery. He points out that in the event of serious illness, a ship will normally leave its course to take a man to a port where there is a hospital. He considers it very strange that this man should have been taken from a hospital in a semi-conscious condition, to die at sea on a ship less than 48 hours later. He considers that the man probably had no one to represent him or to protect his interests. He also deems it strange that the person who was accused of assaulting this man, and causing his injuries, is the son of one of the Samoan Ministers in the government of Western Samoa, and that in these circumstances a careful enquiry into the reasons for the hasty removal of the sick man from hospital should be made.

5. The petitioner feels that foreign nationals in the Territory should be able to feel that they have some protection against irregularities of this kind. If it can happen that one man may be moved from a hospital in a semi-conscious condition, injured to such an extent that he dies less than two days later, the same sort of thing might happen to anyone. When a man is in a semi-conscious condition, he is hardly in a position to object or to assert his legal rights.

Summary of the Statement of the Special Representative of the Administering Authority

6. At its 490th meeting of the Standing Committee on Petitions, the special representative stated that the X-ray taken of the injured man did not reveal any fracture or other injury. The patient was lightly unconscious on admission to the hospital and had recovered consciousness by the following morning. He was then lucid although slightly irritable. The patient was discharged on strong representations of the ship's chief officer and on the latter's assurance that the ship carried a passenger who was a registered nurse. The surgeon specialist of the Apia hospital sent a letter to the nurse with the chief officer containing instructions for the care of the patient.

7. According to the opinion of the surgeon specialist death was probably due to a subdural haemorrhage of which there were no visible signs while the patient was in the hospital. In this event, the patient would have died even had he been kept in the hospital as surgery could not have saved him. Hence, his transfer from the hospital to the ship did not affect his condition.

8. The special representative also stated that the assailant was convicted of manslaughter on 10 July 1958 and sentenced to ten years imprisonment. He stated further that at the time of the patient's transfer to the ship the identity of the assailant was not known and that in these circumstances his social position could in no way be interpreted as having been a motive for the transfer of the patient to the ship.

Action by the Committee

9. The petition was examined and discussed at the 490th and meetings of the Standing Committee (documents T/C.2/SR.490 and). At the latter meeting, the Committee approved by votes to with abstention(s) the draft resolution annexed to the present report.

10. The Committee therefore recommends to the Council the adoption of the draft resolution. In accordance with rule 90, paragraph 6, of the Council's rules of procedure, the Committee further recommends that the Council should decide that no special information is required concerning the action taken on the resolution.

ANNEX

Draft resolution proposed by the Committee

The Trusteeship Council,

Having examined the petition from the Principal of the Maluafoa School in Apia concerning Western Samoa in consultation with New Zealand as the Administering Authority concerned (T/PET.1/9, T/L.),

1. Takes note of the observations of the special representative of the Administering Authority, and
2. Draws the attention of the petitioner to these observations.
