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STANDING COMMITTEE ON PETITIONS

SUMMARY RECORD OF THE THREE HUNDRED AND EIGHTY-FIRST MEETING

Held at Headquarters, New York,  
on Tuesday, 26 June 1956, at 10.35 a.m.

CONTENTS

Examination of petitions concerning the Trust Territory of Togoland  
under French administration (T/C.2/L.212-214; T/OBS.7/36-40) (continued)

PRESENT:

<u>Chairman:</u>	Mr. de CAMARET	France
<u>Members:</u>	Mr. SMOLDEREN	Belgium
	U KYAW MIN	Burma
	Mr. YANG	China
	Mr. BENDRYSHEV	Union of Soviet Socialist Republics
	Mr. HANROTT	United Kingdom of Great Britain and Northern Ireland
<u>Also present:</u>	Mr. DOISE	Special Representative of the Administering Authority for the Trust Territory of Togoland under French administration
<u>Secretariat:</u>	Mr. BERENDSEN	Secretary of the Committee

EXAMINATION OF PETITIONS CONCERNING THE TRUST TERRITORY OF TOGOLAND UNDER FRENCH ADMINISTRATION (T/C.2/L.212-214; T/OBS.7/36-40) (continued)

At the invitation of the Chairman, Mr. Doise, Special Representative of the Administering Authority for the Trust Territory of Togoland under French administration, took a place at the Committee table.

Document T/C.2/L.212

II. Petition from Mr. Fritz Bassah (T/PET.7/438 and Add.1, 2 and 3)

Mr. HANROTT (United Kingdom) asked why the persons referred to in paragraph 7 of the summary had gone into exile and whether they had returned to their village as requested.

Mr. DOISE (Special Representative) explained that the petition was the latest in a series of petitions from Mr. Bassah who owned cocoa plantations in Togoland under British administration, but who was not in exile. On the contrary, he often crossed the frontier and his frequent departures from Togoland under French administration had no political significance whatever.

However, certain political parties were attempting to make political capital out of the position of the petitioner and others like him who owned land in Togoland under British administration, by alleging that they were in exile. Obviously, the petitioner was being influenced by the constant repetition of such assertions, despite the attempts of the local authorities of Palimé to dispel his fears. The Commandant de cercle had also tried unsuccessfully to convince him, both directly and through his brother, Chief Bassah, that he was free to return to Togoland under French administration at any time.

In reply to a further question by Mr. HANROTT (United Kingdom), Mr. DOISE (Special Representative) said that the problem affected only Mr. Bassah and his friends and did not extend beyond the village of Dayes-Apéyémé.

Mr. HANROTT (United Kingdom) asked whether the missing sum of money referred to in paragraph 5 of the summary had been recovered.

Mr. DOISE (Special Representative) explained that it was the petitioner's habit to allege that he sustained losses each time he crossed the frontier. There was no evidence to support his allegation and if the loss had actually occurred, he had only himself to blame, for he had not been expelled. Moreover, it was rather strange that he had failed to mention his loss in his first two petitions (T/PET.7/438 and Add. 1). In any event, the sum of £872 which he said represented his income from agricultural plantations during his absences was unrealistic, as his plantation produced about 500 kilogrammes of cocoa a year, the value of which was £100.

Mr. YANG (China) asked whether the petitioner's request for the unification and independence of Togoland, referred to in paragraph 4 of the summary, had been discussed at the fifteenth session of the Trusteeship Council.

Mr. BERENDSEN (Secretary of the Committee) said that the Committee's report contained no reference to the matter and explained that the Committee did not usually deal with general questions of that nature.

Mr. YANG (China) said that, despite the assurances given in Trusteeship Council resolution 1222 (XV), the petitioner had again alleged that he was not free to return to Togoland. He therefore proposed that the petitioner's attention should be drawn to the Administering Authority's observations and in particular to paragraph 3 of its observations on petition T/PET.7/438/Add.1 (T/OBS.7/36). It was difficult to see what more could be done to convince the petitioner that he had not been exiled.

He asked why the petitioner seemed to be suspicious of his brother, Chief Bassah.

Mr. DOISE (Special Representative) said that the petitioner was not really suspicious of his brother but felt that he was being threatened by the local authorities. In previous observations, the Administering Authority had pointed out that Mr. Bassah often left his village for family reasons following personal disputes.

Mr. YANG (China) suggested that Chief Bassah might not have believed the Administering Authority's assurance that his brother was free to return home.

Mr. DOISE (Special Representative) said that the petitioner's assertion referred to in paragraph 6 of the summary was completely unfounded. Chief Bassah had never been threatened with the loss of his chieftainship and no shots had been fired at the petitioner or anyone else. Mr. Bassah had sent four successive petitions to the United Nations, but the fact that he had mentioned the shooting only from the third petition onwards conspicuously weakened his assertion.

In reply to further questions from Mr. YANG (China), Mr. DOISE (Special Representative) said that he had no information about the petitioner's "friends" mentioned in paragraph 10 of the summary.

The persons referred to in paragraph 11 as exploiting the situation for political purposes were members of political parties, particularly the CUT, who were trying to give the impression that large numbers of indigenous inhabitants had been forced to seek refuge in Togoland under British administration or in the Gold Coast. One of the petitioners - Mr. Agbeteté - went so far as to put the number of such "refugees" at 400,000, a figure on which comment was superfluous. Some inhabitants of Togoland under French administration did of course cross the frontier of their own free will, but only as seasonal migrants.

Mr. YANG (China) suggested that the petitioner should be given a written assurance that he was free to return to the Territory. Alternatively, his brother, Chief Bassah, could be asked to allay his fears.

Mr. DOISE (Special Representative) said that, although several unsuccessful attempts had already been made to reassure the petitioner, he would have no objection to the Chinese representative's suggestion. Mr. Bassah could, if necessary, get into touch with the French Consulate-General at Accra.

Mr. SMOLDEREN (Belgium) asked whether the Administering Authority's assurance would also apply to Mr. Kpegbe.

Mr. DOISE (Special Representative) replied in the affirmative. No charges had been made against Mr. Kpegbe who had left Togoland under French administration in 1952. At that time, he had been a member of Conseil de circonscription. Like Mr. Bassah, he owned land in Togoland under British administration, where he had settled of his own free will.

Mr. SMOLDEREN (Belgium) remarked that, despite the assurance of the Administering Authority, the Trusteeship Council and successive Commandants de cercle that he was free to return to his village, when the petitioner had been served with a summons to appear before the Commandant de cercle to have the situation explained, the villagers, after having instigated a disturbance in the area, had blown up a bridge to deny access to the administrative mission which they had expected and had prepared to defend the petitioner as if his life had been in danger. As the Special Representative had indicated, most of the "facts" quoted by the petitioner were figments of his imagination. The responsibility for most of the incidents should be ascribed to the outbreak of mass hysteria and to the fact that some people were interested in maintaining the present state of affairs and exploiting the situation for political purposes. As stated in paragraph 11 of the summary, it was deplorable that the petitioner still permitted himself to be duped in that fashion.

Nevertheless, considering the circumstances, he felt that the petition did not warrant the formulation of a draft resolution by the Committee recommending that the petitioners heed the Administering Authority. He would therefore support the Chinese representative's proposal.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked what the purpose was of the Deputy Commandant's visit of 10 May 1955.

Mr. DOISE (Special Representative) replied that the Deputy Commandant had visited Dayes in the course of his normal rounds. He had noticed, before arriving in the village, that two of the planks on the bridge were missing but had paid little attention to the fact as many lorries used the bridge and might have caused the damage.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) inquired for what purpose the Commandant de cercle had come to Dayes with six gendarmes.

Mr. DOISE (Special Representative) said that the Commandant's visit had been on 13 May and that he had been accompanied by only one gendarme. The Commandant had originally intended to take advantage of a tour in the area to speak to Mr. Bassah in order to reassure him that he was perfectly free to return and to remain in his village. Having heard that Mr. Bassah had left on 11 May, he had come to inquire into the reasons for his departure.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked why a summons had been served on the petitioner on 10 May to appear immediately before the Commandant at Klouto, as the Commandant had visited the village only two days later.

Mr. DOISE (Special Representative) replied that the summons was dated 9 May and that the use of the word "immediately" in such documents was routine. There was no reason why the Deputy Commandant should have known on 9 May that the Commandant would make his round of Palimé on 12 May. In any case, the Commandant had not made his round on 12 May for the sole purpose of talking to Mr. Bassah.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) said that he could not understand why it had not been sufficient for the Deputy Commandant to speak to the petitioner in the village which he had visited on the same day if the only purpose of the Administration had been to assure the petitioner that he could live in the village. Referring to the petitioner's telegram of 11 May (T/PET.7/438), he asked under what circumstances Mr. Bassah had been re-expelled under the escort of three gendarmes and the Deputy Commandant.

Mr. DOISE (Special Representative) said that he knew nothing of the circumstances of Mr. Bassah's departure since he had left of his own accord and had not been expelled. There was a clear contradiction in the petitioner's assertions, since he claimed, on the one hand, that he had fled for fear of being arrested and, on the other, that he had been accompanied to the frontier by the Deputy Commandant. If the latter had in fact had instructions to arrest him, he should have taken him directly to the Commandant de cercle, thus avoiding the two hours' journey through mountainous country to the frontier.

In reply to a further question from the USSR representative, he explained that it had been easy to ascertain the date of Mr. Bassah's voluntary departure from the local inhabitants.

The CHAIRMAN requested the Secretariat to note the Chinese representative's suggestion.

III. Petition from the National Secretary of JUVENTO (T/PET.7/444)

Mr. SMOLDEREN (Belgium) asked whether the Court of Appeal mentioned in paragraph 6 (3) of the summary had now given its decision on the appeal and whether the Special Representative could confirm that Mr. Yaya had never been elected chef de quartier but had merely been a candidate for that office. He also wished to have further information about the assault on policemen made by Mr. Yaya and his followers.

Mr. DOISE (Special Representative) said that the Court of Appeal had upheld Mr. Yaya's conviction. He confirmed that Alfa Yaya (the term Alfa meaning a Moslem scholar) had never been elected to the office of chef de quartier. Explaining the situation which formed the background to the present petition and to the previous petitions (T/PET.7/362 and T/PET.7/393 and Add.1), he said that the conflict was more of a religious than a political character. Although Paratao was in the area of the Cotocoli tribe, its population was largely composed of foreigners of Sudanese origin, the egoma. The post of chef de quartier or malu-uro was a religious rather than an administrative one, and in the past, the appointment had always been made by the Paramount Chief. However, the present chief had spontaneously decided that in future it should be filled by election. Alfa Yaya had run for the office and had received twenty-three votes; his opponent, Mr. Tchangai, had received 119 votes, and had therefore been appointed chef de quartier. Alfa Yaya and his supporters had subsequently instigated a whole series of incidents in an attempt to undo the results of the election. Among other things, they had decided to hold a public prayer meeting as a demonstration against the new Imam, whose functions El Hadj Issa wished to usurp. That Imam, Alfa Abdoussalami, had complained that Moslem worship was being impeded. When the police had arrived, they had seen that the followers of the two parties were about to come to blows, and had dispersed them. Subsequently, Alfa Yaya and his followers had imported muskets from the Gold Coast which they had used for a campaign of intimidation against the villagers, firing shots in the village at all hours of the night and day. Two police representatives had therefore called on Alfa Yaya to check his permit to carry firearms, and had been set upon by Alfa Yaya himself and about twelve of his followers, who had beaten them severely. Alfa Yaya's followers had been apprehended and the rifles seized; a warrant had



also been issued for the arrest of Yaya, who had fled. Mr. Issa, who had not been one of the assailants, had been left in peace and had subsequently returned to Lomé on several occasions.

Mr. SMOLDEREN (Belgium) said it had become clear that Mr. Issa had merely been held for identification and that the other men involved knew there were no charges against them, since they themselves stated they had fled, because they believed that their fate was linked to that of Mr. Yaya. He therefore felt that the petition fell under rule 81 of the Council's rules of procedure.

Mr. YANG (China) said it was important to fix the precise sequence of events, since the good faith not only of the Administering Authority but of the United Nations was involved. Acting on the basis of a United Nations resolution stating that they could return home safely, four refugees had returned to the Territory one of whom had subsequently been imprisoned. He noted that the petition had been submitted on 10 March 1955, before the Visiting Mission had gone to the Territory, and asked whether it had been brought to the Mission's attention.

He also pointed out that the petition mentioned a prison sentence of eight months for Mr. Yaya, whereas the Administering Authority referred to a sentence of eighteen months.

Mr. BERENDSEN (Secretary of the Committee) said that the petition had not been brought to the Visiting Mission's attention.

Mr. DOISE (Special Representative) said that Alfa Yaya had been sentenced to eighteen months imprisonment in absentia. Furthermore, under French law, a person sentenced in absentia who was subsequently apprehended had to come before the courts for retrial. It had always been stated in the Administering Authority's observations that, if Alfa Yaya returned to the Territory, he would be required to stand trial.

Mr. YANG (China) said that the petition contained two requests, one that the United Nations should intervene to obtain the release of Alfa Yaya and the other that the Administering Authority should give an assurance that all political exiles would be left in peace if they returned to their country. Where the first request was concerned, he agreed that, since the matter had been dealt with by the courts, the Council could take no action. He wished to know the attitude of the Administering Authority in regard to the second request.

Mr. DOISE (Special Representative) said that, so far as the Administering Authority was concerned, no action would be taken against anyone returning to the Territory unless court proceedings had been instituted against him or unless he had been sentenced in absentia. That had always been its position, and it had always distinguished in its observations between Alfa Yaya and the other persons involved, who in fact already returned home and had been left in peace.

Mr. YANG (China) said that in view of the Special Representative's explanations, he agreed with the suggestion made by the Belgian representative. However, he proposed that the petitioner's attention should also be drawn to the fact that the fugitives had been specifically notified that they could return without fear of molestation, except for Mr. Yaya who would be required to stand trial. The point was important, because that fact had become known only after the Council had adopted resolution 1070 (XIV) on the previous petition from Messrs. Yaya and El Hadj Issa.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked whether resolution 1070 (XIV) made any reference to the fact that Mr. Yaya would be arrested when he returned or merely drew the attention of the petitioner and El Hadj Issa to the fact that they were "completely free to return to the Territory".

Mr. BERENDSEN (Secretary of the Committee) said that the records showed that the wording used in resolution 1070 (XIV) had been substituted for the wording used in an earlier version and contained no qualifications whatsoever. However, the Administering Authority's observations on the petition concerned mentioned the fact that Mr. Yaya would be required to stand trial, and the resolution noted those observations, although it did not refer to them in detail. In the earlier version of the resolution, the Council had also expressed the hope that the Administration would deal leniently with the petitioners.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) was of the opinion that the Council could only have adopted a resolution stating that the petitioners were completely free to return to the Territory on the basis of a statement by the Administering Authority. He therefore could not understand why one of the petitioners had been imprisoned on his return.

Mr. DOISE (Special Representative) said that, in its observations on the petition from Messrs. Alfa Yaya and El Hadj Issa (T/PET.7/362), the Administering Authority had mentioned the fact that a warrant had been issued for Yaya's arrest and that he was wanted for trial. The French representative had abstained in the vote on resolution 1070 (XIV), because he had thought that the text was unsatisfactory. Furthermore, Mr. Yaya had a lawyer who was obviously acquainted with criminal procedure; it could therefore be assumed that Mr. Yaya had been apprised of the situation, and must have known he would be required to stand trial if he returned to the Territory. Lastly, the sentence of imprisonment had been imposed on Mr. Yaya by a competent court, and the Administering Authority could not intervene in the matter.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) said that, although Mr. Yaya might have known he had been sentenced, he might also have believed that the Administering Authority had changed its position in view of the Trusteeship Council resolution stating that he could return to the Territory.

In connexion with the telegram sent by Mr. Yaya's attorney, he wished to know whether the attorney had been present during the trial, and, why the trial had been held on the day following Mr. Yaya's return to the Territory.

Mr. DOISE (Special Representative) said there had been no special haste about the holding of the trial, since the law required that a person tried in absentia should appear before the court as soon as he had been apprehended. The fact that the Court of Appeal had upheld Mr. Yaya's conviction indicated that there had been nothing irregular about the trial.

Mr. HANROTT (United Kingdom) said he thought that the point raised by the Soviet representative in connexion with the wording of resolution 1070 (XIV) was important, not because that wording had misled the petitioners, since the resolution had referred to the observations of the Administering Authority and it was clear that the petitioners had not in fact been misled, but because the good faith of the Administering Authority was involved. He therefore felt that, in its resolution on the present petition, the Council should make it clear that the Administering Authority had stated in its earlier observations that Mr. Yaya would be required to stand trial if he returned.

Mr. YANG (China) said that there seemed to be no inconsistency in the position taken by the Administering Authority. However, the wording of the resolution adopted on the earlier petition had failed to make that clear. He therefore supported the suggestion made by the United Kingdom representative.

The CHAIRMAN asked the Secretariat to prepare a resolution taking account of the discussion that had taken place.

The meeting rose at 12.35 p.m.