



UNITED NATIONS
TRUSTEESHIP
COUNCIL



Distr.
GENERAL

T/C.2/SR.516
3 September 1959
ENGLISH
ORIGINAL: FRENCH

STANDING COMMITTEE ON PETITIONS

SUMMARY RECORD OF THE FIVE HUNDRED AND SIXTEENTH MEETING

Held at Headquarters, New York,
on Thursday, 9 July 1959, at 2.40 p.m.

CONTENTS

- Examination of petitions concerning the Cameroons under French administration (T/C.2/L.364, T/C.2/L.386; T/OBS.5/119 and 120) (continued)
- Petition concerning the Trust Territory of the Pacific Islands (T/PET.10/30)

INDIAN Q174
1953

PRESENT:

Chairman:

Mr. CASTON

United Kingdom of Great Britain
and Northern Ireland

Members:

Miss TENZER

Belgium

Mr. YANG

China

Mr. RASGOTRA

India

Mr. KOCIANCICH

Italy

Mr. ANTONOV

Union of Soviet Socialist Republics

Also present:

Mr. de CAMARET

France

Mr. PINON

Special Representative of the
Administering Authority for the
Trust Territory of the Cameroons
under French administration

Secretariat:

Mr. CHACKO

Secretary of the Committee

EXAMINATION OF PETITIONS CONCERNING THE CAMEROONS UNDER FRENCH ADMINISTRATION
(T/C.2/L.364, T/C.2/L.386; T/OBS.5/119 and 120) (continued)

At the invitation of the Chairman, Mr. de Camaret (France) and Mr. Pinon (Special Representative) took places at the Committee table.

Mr. ANTONOV (Union of Soviet Socialist Republics) said that the Trusteeship Council should draw the Administering Authority's attention to the fact that it had not complied with the provisions of rules 86, 90 and 92 of the rules of procedure of the Trusteeship Council, should note with regret that the Administering Authority had not made a proper investigation of the facts reported in petition T/PET.5/1282, which had been examined at the previous meeting, and should recommend to the Administering Authority that it should immediately take the necessary steps to satisfy the petitioner's requests. He proposed to submit a draft resolution to that effect.

The CHAIRMAN, supported by Mr. YANG (China), proposed that the Committee should consider the draft resolutions following the general examination of each group of petitions and not after the examination of each individual petition, it being understood that any member of the Committee could submit draft resolutions, either on a group of petitions or on an individual petition.

Mr. de CAMARET (France), replying to the Soviet Union representative, said that neither the United Nations Charter nor the rules of procedure of the Trusteeship Council had ever been violated by the French Government. The latter categorically denied the Soviet Union delegation any right to pass judgement on its attitude.

Mr. ANTONOV (Union of Soviet Socialist Republics) maintained that, by disregarding the time-limit laid down for submission of its observations and failing even to transmit observations, the Administering Authority had contravened rule 86, paragraph 4, of the rules of procedure of the Trusteeship Council. His delegation's criticism was based on the fact that the Administering Authority had not sent its Special Representative in time and had thus delayed examination of the petitions for more than a year.

(Mr. Antonov, USSR)

Moreover, it appeared from the Special Representative's replies that the Administering Authority had not made any serious investigation of the specific matter raised in petition T/PET.5/1282.

His delegation was following the established procedure and he did not see how any delegation could object to another delegation expressing its opinion on any matter.

Mr. de CAMARET (France) disagreed with the Soviet Union representative and reiterated that his Government's attitude was in keeping with General Assembly resolution 1349 (XIII).

Mr. ANTONOV (Union of Soviet Socialist Republics), resuming his examination of petitions T/PET.5/1288, 1289 and 1292, said that the Trusteeship Council should draw the Administering Authority's attention to the fact that it had not complied with the provisions of rules 86, 90 and 92 of the rules of procedure of the Trusteeship Council, should note with regret that the Administering Authority had not made a proper investigation of the facts reported in those petitions and should recommend to the Administering Authority that it should immediately take the necessary steps to satisfy the petitioners' requests. He would submit a written proposal to that effect.

Turning to petition T/PET.5/1293, which was summarized in section VI of document T/C.2/L.364, he inquired why the Administering Authority had taken repressive measures against the tribe involved and why the chiefs of that tribe had been arrested.

Mr. PINON (Special Representative) said that petition T/PET.5/1293 appeared in section II of document T/C.2/L.386, which the Committee was using as a working paper. The Committee was at present examining the petitions listed in section I of that document.

The CHAIRMAN requested the Soviet Union representative to defer his questions on petition T/PET.5/1293 until the Committee started the general examination of the petitions mentioned in section II of document T/C.2/L.386.

Mr. ANTONOV (Union of Soviet Socialist Republics) replied that he was examining, in the order in which they appeared, the petitions summarized in document T/C.2/L.364, which was a Secretariat document. Document T/C.2/L.386 was

/...

(Mr. Antonov, USSR)

not a working paper like the previous ones, which were designed to facilitate the Committee's work, for it consisted merely of a classification. He therefore pressed for an answer from the Special Representative to the question he had asked.

The CHAIRMAN assured the Soviet Union representative that all the petitions would be examined. The Committee had decided at the previous meeting to examine them in the order in which they appeared in document T/C.2/L.386. The Committee was at present considering the petitions appearing in section I of that document.

Mr. ANTONOV (Union of Soviet Socialist Republics) said that his delegation did not consider that document to be an official document and disputed the statement that the Committee had taken a decision on the order in which the petitions should be examined. Nevertheless, he would comply with the Chairman's request.

Referring to petition T/PET.5/1294, he inquired what were the reasons for and the length of the sentences mentioned in that petition and whether the convicted persons had been amnestied.

Mr. PINON (Special Representative) recalled that at one time the Bamiléké area had been the scene of many crimes and attempted crimes and the Administering Authority had therefore been compelled to take police action there. Full information on that action had been transmitted to the General Assembly, which had taken the information into account in its resolution 1349 (XIII).

Mr. ANTONOV (Union of Soviet Socialist Republics) said that events and decisions concerning the Cameroons under French administration were considered in general terms in the Fourth Committee and in the Trusteeship Council. The Standing Committee on Petitions had to deal with specific matters. He therefore repeated his request for information concerning the present position of the two persons mentioned in the petition and recalled that the Amnesty Act applied only to persons sentenced to imprisonment for periods exceeding twenty years.

Mr. PINON (Special Representative) replied that the Amnesty Act applied to all offences, including those which had earned a sentence of less than twenty

(Mr. Pinon, Special Representative)

years. Death sentences and life sentences with forced labour could be commuted and reduced to fifteen years with forced labour. The provisions of the Act obviously applied to the petitioners.

Mr. ANTONOV (Union of Soviet Socialist Republics) said that he was not entirely satisfied with the Special Representative's reply. He again inquired whether the sentenced persons had had their rights restored.

Mr. PINON (Special Representative) said that the petitions had been most carefully investigated by the Administering Authority. Furthermore, the two persons in question had benefited from the provisions of the Amnesty Act.

Mr. ANTONOV (Union of Soviet Socialist Republics) asked what was the reason for the sentence, what was its duration and on what date the sentenced persons had been amnestied.

Mr. PINON (Special Representative) replied that the provisions of the Amnesty Act had become applicable twenty-four hours after publication of the Act in the Territory's Journal Officiel.

Mr. ANTONOV (Union of Soviet Socialist Republics) considered that the Administering Authority had not made a specific investigation of the petition and that the Trusteeship Council should draw its attention to the fact that it had not complied with the provisions of rule 86 of the rules of procedure, should note with regret that the Administering Authority had not made a proper investigation of the facts reported in the petition and should recommend to the Administering Authority that it should take, as a matter of urgency, the necessary steps to satisfy the petitioners' requests.

Turning to petition T/PET.5/1296, he asked whether the Administering Authority had made an investigation and, if so, whether the inhabitants had had their rights restored, what the "band" had been and what were the reasons for the reprisals.

Mr. PINON (Special Representative) repeated that a careful study of each petition had been made, following which the Administering Authority had prepared the observations presented in the documents before the Committee. Regarding petition T/PET.5/1296, he referred the Committee to the comments which he had made on the previous petition.

Mr. de CAMARET (France) pointed out that petition T/PET.5/1294 belonged to the category covered by rule 81 of the rules of procedure of the Trusteeship Council.

Mr. ANTONOV (Union of Soviet Socialist Republics) said that he was sure that the Administering Authority had submitted its observations after making a thorough inquiry. Nevertheless, he wished to know what had been the results of that inquiry, who were the murderers in question and whether the facts reported were true or not.

Mr. PINON (Special Representative) observed that the inquiry into the death of the woman Magoua had established that it had been a case of legitimate self-defence. The Administering Authority had reported that it had been unable to identify the petitioner despite a thorough inquiry conducted in the village where she was supposed to have come from.

Mr. ANTONOV (Union of Soviet Socialist Republics) asked whether the person killed had belonged to the gang; whether she had been armed; and whether the property which had been stolen and looted during the affair had been returned.

Mr. PINON (Special Representative) said that, since it had not been possible to identify the petitioner, it had not been possible to identify the property.

Mr. ANTONOV (Union of Soviet Socialist Republics) said that, in his opinion, the Trusteeship Council should draw the attention of the Administering Authority to the fact that it had failed to comply with the provisions of rule 86 of the Council's rules of procedure, should note with regret that the Administering Authority had not made a proper investigation of the facts reported in the petition, and should recommend to the Administering Authority that it should immediately take the necessary steps to satisfy the petitioner's requests. He would submit a written proposal to that effect.

Mr. de CAMARET (France) said that France had always complied with its obligations. He strongly protested against the charges made by the Soviet Union representative.

Mr. ANTONOV (Union of Soviet Socialist Republics), turning to petition T/PET.5/1299, inquired whether private individuals were entitled to make arrests and to put people in prison, and whether prisoners were obliged to pay the cost of their detention.

Mr. PINON (Special Representative) replied that in the Cameroons under French administration the only people empowered to make arrests were the competent authorities; there could therefore be no question of private individuals arresting people with a view to bringing them before the courts. Full information about the judicial system had been given to the Visiting Mission, the Trusteeship Council and the General Assembly; the General Assembly had taken that information into consideration in its resolution 1349 (XIII) of 13 March 1959.

With regard to the payment of prison expenses, the case in question had been one of imprisonment for debt, which was covered by the law of 22 July 1867. Under that law, which was still in force in criminal cases and in matters coming before the correctional and police courts, private individuals were obliged to provide for the food of persons imprisoned for debt at their request. Imprisonment for debt took place five days after the defendant had been ordered to pay the amount due and the length of the sentence varied, but such imprisonment was not applicable to minors or to people over fifty years of age.

Mr. ANTONOV (Union of Soviet Socialist Republics) thanked the Special Representative for the information which he had provided. He regretted, however, that the observations of the Administering Authority were inadequate. In his opinion, the Trusteeship Council should draw the Administering Authority's attention to the fact that it had failed to comply with the provisions of rule 86 of the Council's rules of procedure, should note with regret that the Administering Authority had not made a proper investigation of the facts reported in the petition, and should recommend that the Administering Authority should immediately take the necessary steps to satisfy the petitioner's requests.

Mr. de CAMARET (France) protested against the insinuations made in the Soviet Union representative's proposal. France had always complied with its obligations.

Mr. ANTONOV (Union of Soviet Socialist Republics) observed that his delegation was entitled to make any proposals which it deemed appropriate to the case.

Referring to petition T/PET.5/1300, he asked why the inhabitants of the village mentioned in the petition had been subjected to persecution and what had happened to those who had fled to the bush.

Mr. PINON (Special Representative) recalled that the events in Sanaga-Maritime had been made the subject of a detailed report. The very full information about the disturbances and about the measures taken by the Administering Authority in accordance with the Trusteeship Agreement, which had been available to the General Assembly at the resumed thirteenth session, had enabled the General Assembly to distinguish very clearly between the facts as they had occurred and the various lying assertions which had been made. As a result of the debate which had taken place on the matter, the General Assembly had adopted a resolution, to which the petitioners should be referred.

He would add that the Administering Authority had made an investigation but had been unable to identify the persons mentioned in the petition or even the village referred to.

Mr. ANTONOV (Union of Soviet Socialist Republics) felt that the Administering Authority could have reached more definite conclusions if it had really made a proper investigation. The petition referred to specific facts; since the Special Representative had been unable to give satisfactory replies to the questions put to him, he would propose that the Trusteeship Council should draw the attention of the Administering Authority to the fact that it had not complied with the provisions of rule 86 of the Council's rules of procedure, should note with regret that the Administering Authority had not made a proper investigation of the facts reported in the petition, and should recommend to the Administering Authority that it should immediately take the necessary steps to put matters right. His delegation would submit a proposal to that effect in writing.

Mr. de CAMARET (France) said that his country had always complied with its obligations. He protested against the accusations made by the Soviet Union representative.

Mr. ANTONOV (Union of Soviet Socialist Republics), referring to petition T/PET.5/1295, asked for what reason the repressive measures referred to by the petitioner had been taken and what was the present situation.

Mr. PINON (Special Representative) said that the crimes which had plunged the Mungo region into mourning had been brought to the attention of the General Assembly at its resumed thirteenth session. The General Assembly had been able to acquire a full appreciation of the situation. It had taken all the evidence into account when it had adopted its resolution of 13 March 1959, to which the petitioner should be referred.

Mr. ANTONOV (Union of Soviet Socialist Republics) said that, since some time had passed since the adoption of that resolution, he would like to know what the present position was.

Mr. PINON (Special Representative) replied that the United Nations had been informed of the provisions of the amnesty in effect in the Territory.

Replying to questions from Mr. ANTONOV (Union of Soviet Socialist Republics), Mr. PINON (Special Representative) said that it had sometimes been possible to arrest those responsible for the crimes and to bring them before the courts. No one had ever been arrested in an illegal manner and all those sentenced for crimes or offences had been tried in accordance with the normal procedure. There was no truth in the allegations that the Administering Authority had had recourse to arbitrary steps.

Mr. ANTONOV (Union of Soviet Socialist Republics) said that in his opinion the replies of the Special Representative were unsatisfactory. He would accordingly submit a written proposal to the effect that the Trusteeship Council should draw the attention of the Administering Authority to the fact that it had failed to comply with the provisions of the Council's rules of procedure, in particular

(Mr. Antonov, USSR)

rules 86, 90 and 92, and should recommend to the Administering Authority that it should immediately take the necessary steps to satisfy the petitioner's requests.

Turning to petition T/PET.5/1304, he expressed his astonishment that French troops should have shot or murdered Cameroonian patriots and should then have taken reprisals against the population.

Mr. PINON (Special Representative) protested against the allegations made by the petitioners who had imputed to French troops crimes which had been committed by gangs of bandits.

Mr. ANTONOV (Union of Soviet Socialist Republics) pointed out that the charges were repeated in several petitions submitted by parties which had not been banned. There were therefore grounds for giving them some credence.

Mr. de CAMARET (France) said that French troops had never shot Cameroonian patriots. The name of France was frequently associated with the idea of patriotism and he recalled that two years previously the patriots of Budapest had sung the Marseillaise as they attacked Soviet tanks.

Mr. ANTONOV (Union of Soviet Socialist Republics) said that he would refrain from mentioning a country in which it was French troops who were attacked by patriots.

The CHAIRMAN asked the members of the Committee not to make comments which had no bearing on the questions before the Committee.

Mr. ANTONOV (Union of Soviet Socialist Republics) asked whether any legal action had been taken as a consequence of the incidents described in the petition and, if so, what had been the outcome.

Mr. PINON (Special Representative) said that an inquiry was undertaken by the competent authorities whenever a murder was committed. That inquiry could lead to an arrest and a trial in conformity with the law in force.

In reply to a question from Mr. ANTONOV (Union of Soviet Socialist Republics), Mr. PINON (Special Representative) said that as a result of the

/...

(Mr. Pinon, Special Representative)

incidents mentioned in the petition, sixteen persons had been arrested and brought before the courts. One of them had been sentenced to death, three to hard labour for life, three to other periods of hard labour and five to a period of imprisonment. The others had been set free. He gave the names of the individuals concerned.

Mr. ANTONOV (Union of Soviet Socialist Republics) considered that the replies given by the Special Representative were inadequate. The Soviet delegation would therefore submit a proposal in writing that the Trusteeship Council should draw the Administering Authority's attention to the fact that it had violated the Trusteeship Council's rules of procedure, in particular, rules 86, 90 and 92, and that the Council should censure the Administering Authority's action.

Mr. de CAMARET (France) protested against the charges made by the Soviet representative and declared that France had always respected its obligations.

Mr. ANTONOV (Union of Soviet Socialist Republics) asked for an explanation of the arrests, tortures and murders referred to in document T/PET.5/1305.

Mr. PINON (Special Representative) stated that although there had in fact been arrests, they had always been carried out according to the proper procedure and the persons arrested had never been subjected to treatment not allowed under the regulations. Any statements to the contrary were untrue.

In reply to a question from Mr. ANTONOV (Union of Soviet Socialist Republics), Mr. PINON (Special Representative) said that those arrested had been charged with complicity in the murder.

Mr. ANTONOV (Union of Soviet Socialist Republics) wished to know whether the competent authorities had undertaken an inquiry into the torture and ill-treatment to which the arrested persons had been subjected.

Mr. PINON (Special Representative) protested against the questions put by the Soviet representative, which implied a belief in accusations that were false.

He reiterated that every petition was thoroughly investigated and none of the procedures mentioned had ever been used.

Mr. ANTONOV (Union of Soviet Socialist Republics) pointed out that it was the Committee's duty to examine the complaints contained in the petitions and delegations had the right to ask questions about them. He asked whether the competent authorities had undertaken an inquiry in regard to petition No. 4 contained in document T/PET.5/1305.

The CHAIRMAN stated that although delegations certainly had the right to ask whatever questions they considered necessary, he hoped that members of the Committee would refrain from asking questions to which a reply had already been given. He recalled that the Special Representative had already stated several times that each petition was thoroughly investigated.

Mr. PINON (Special Representative) confirmed that an inquiry had been made as a result of which it had been found that the petitioner's charges were unjustified.

Mr. de CAMARET (France) remarked that, since the Committee on Petitions had been set up, the French delegation and the Special Representatives had replied to thousands of questions. In a spirit of co-operation, the French delegation had refrained from invoking rule 81 of the rules of procedure in connexion with the petition in question and had not drawn attention to its unreasonable character. The petition would not even have been worthy of consideration if it had not referred to particularly odious murder.

In reply to questions from Mr. ANTONOV (Union of Soviet Socialist Republics), Mr. PINON (Special Representative) explained that whenever there was an incident, an inquiry was undertaken immediately, long before a petition could reach the United Nations. In the case of Jean Yebga, the inquiry had shown that he had been injured whilst attempting to escape. He had died two days later despite the care he had been given at the Douala hospital. The legal inquiry and the medical certificate confirmed that.

Mr. ANTONOV (Union of Soviet Socialist Republics) thanked the Special Representative for having at last given a clear and definite reply.

Mr. de CAMARET (France) protested against the fact that the Soviet delegation had constantly sought to distort the facts and represent them in a

(Mr. de Camaret, France)

light that was systematically unfavourable to the Administering Authority. No delegation was entitled to mis-interpret the Special Representative's statements in that way.

The meeting was suspended at 5.5 p.m. and resumed at 5.25 p.m.

Mr. YANG (China) recalled that all the petitions mentioned in section I of document T/C.2/L.386 referred to questions which the Trusteeship Council and the General Assembly had already examined. After lengthy discussion, the General Assembly had taken a decision on them in its resolution 1349 (XIII) of 13 March 1959. The Committee could therefore proceed with the examination of section II of the document.

The CHAIRMAN, speaking as the United Kingdom representative, stated that the United Kingdom delegation did not intend to put any questions to the Special Representative, as the General Assembly had already examined the matters dealt with in all those petitions. The questions and comments of the Soviet representative, many of which were not justified, presented a picture of the political situation in the Cameroons under French administration which the General Assembly had not accepted. The present discussion was therefore one which was liable to be harmful to the prestige of the Trusteeship Council and to have an adverse effect on the situation in the Territory itself. The only decision which the Committee could properly take was to draw the attention of the petitioners to General Assembly resolution 1349 (XIII).

Mr. RASGOTRA (India), whilst recognizing that the substance of the petitions had already been examined by the Trusteeship Council and the General Assembly, considered that the Committee should not be in too great a hurry to adopt a draft resolution.

Moreover, the present policy of the Cameroonian authorities was oriented towards pacification and conciliation, and the Committee should bear that in mind and not try to examine in detail all the petitions, of which there were a considerable number. Besides, it would be impossible to do so in the time available.

Miss TENZER (Belgium) proposed the postponement of the examination of the petitions until the next meeting.

It was so decided.

/...

PETITION CONCERNING THE TRUST TERRITORY OF THE PACIFIC ISLANDS (T/PET.10/30)

The CHAIRMAN announced that the United States Government, the Administering Authority for the Trust Territory of the Pacific Islands, had just communicated preliminary observations on petition T/PET.10/30 regarding the Marshall Islands. The Special Representative for that Territory was in New York for a few days and would be able to answer the Committee's questions, if it decided to examine that petition immediately.

If the Committee considered that, because of its very crowded agenda, it could not undertake such an examination at present, the Administering Authority would transmit fuller observations which the Committee could study later.

Mr. RASGOTRA (India) supported by Mr. ANTONOV (Union of Soviet Socialist Republics) thought that the decision should be taken by the Trusteeship Council as a request for a hearing seemed to be involved.

The CHAIRMAN said that the petition had been examined by the Committee on Classification of Communications which had interpreted it as a request for an inquiry on the spot in the course of which the population would be given a hearing.

In reply to questions from Mr. KOCIANCICH (Italy) and Mr. RASGOTRA (India), Mr. CHACKO (Secretary of the Committee) said that the text of the petition, which had been received as a telegram on 29 June 1959, had been circulated on the following day to all delegations in order that they should be able to submit any observations they wished to make to the Trusteeship Council.

That petition would not normally be examined during the Council's present session since the rules of procedure provided for at least two month's notice.

Mr. YANG (China) proposed the postponement of further discussion until the next meeting in order that the members of the Committee might have an opportunity to acquaint themselves with the Administering Authority's preliminary observations.

It was so decided.

The meeting rose at 6.20 p.m.