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TRUSTEESHIP
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PETITION FROM MESSRS. OUSMAN MUISSE AND FELIX-ROLAND MOUMIE
CONCERNING THE CAMEROONS UNDER FRENCH ADMINISTRATION

Note by the Secretary-General: In accordance with rule 85 and supplementary rule F of the rules of procedure for the Trusteeship Council, the Secretary-General has the honour to transmit to the members of the Trusteeship Council and to the Government of Italy as the Administering Authority of the Trust Territory of Somaliland, a communication dated 1 April 1952 from Messrs. Ousman Muisse and Félix-Roland Moumie concerning the Trust Territory of the Cameroons under French administration.

Foumban, 1 April 1952

To the President of the Trusteeship Council,
United Nations,
Lake Success, New York.

Sir,

We have the honour to acquaint you with the following facts which form the basis of the proceedings we are taking for the annulment of the elections held on Sunday, 30 March, in the Bamoun Region electoral district (College of Citizens with Personal Status), French Cameroons.

In our telegram of 31 March^{1/} we informed you briefly of the flagrant illegalities which occurred during these elections and we have deemed it advisable to appeal to you in view of the fact that the French Cameroons is governed by the Trusteeship Agreement concluded with France on 13 December 1946 under the auspices of the United Nations.

The 1950 Report of the French Government on the Cameroons contains the following passage: "HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS ARE GUARANTEED TO ALL ELEMENTS OF THE POPULATION, AS LAID DOWN IN ARTICLE 76 OF THE UNITED NATIONS CHARTER AND AS PROVIDED IN THE PREAMBLE TO THE CONSTITUTION, THE PROVISIONS OF WHICH ARE APPLIED WITHOUT RESTRICTION IN THE TRUST TERRITORIES" (page 188, Human Rights and Fundamental Freedoms); how can the enjoyment of these rights and freedoms be ensured when the recent elections were accompanied by such preposterous incidents and incredible manoeuvres as those we describe below.

1. REGISTRATION ON THE ELECTORAL LISTS. Act No. 52-130 of 6 February 1952, in particular article 4.

In his appeal of 19 March 1952, candidate Félix-Roland Mounie pointed out to the chief of the Bamoun Region the undesirability from the legal point of view of issuing electoral cards on the basis of the opinions of the persons concerned. The only persons able to obtain electoral cards were persons in good standing whose views could be relied upon and who would comply with the desires of the administrative authorities who were bent at all costs on securing the election of candidate El Adj Seidou Molou. Article 40 of the Act of 5 October 1946 specified the conditions governing the right to vote in the Overseas Territories, and we would refer to the following paragraphs of this article:

/Paragraph 3.

^{1/} Note by the Secretariat: The above telegram has not been received by the Secretariat.

Paragraph 3. "Members and former members who can prove at least two years' membership in co-operative or producers' associations, members and former members of the administrative councils of native benefit societies". As it happens, every taxpayer in the Cameroons -- every indigenous taxpayer, at least -- is a member of a benefit society. Many of them, however, have not been registered, despite our repeated demands.

Paragraph 5. "...all those who hold or have held, for at least two years, a permanent position in a legally incorporated commercial, industrial, artisan or agricultural establishment or possess a regular work card". There are many small merchants, however, who duly pay their licence fees, and many artisans, who did not succeed in having their names placed on the electoral lists solely because they had not expressed "Administration" views, that is to say, views identical with those of the Administration candidate, Seidou.

Paragraph 7. "Ministers of religion". Many marabouts and evangelists have failed to obtain electoral cards because it is considered that a literate person will not allow himself to be imposed upon indefinitely and cannot be easily intimidated.

Paragraph 9. "All merchants, manufacturers, planters, artisans, and in general, all holders of a licence". There are many licence-holders who do not possess electoral cards solely because their political views do not inspire confidence.

Paragraph 12. "All holders of a hunting permit or a driver's licence". To quote only one typical case, Ali MOUCHILI, a chauffeur who works for the Administration (driving the pick-up truck of the chief of the Fouban Sub-division) was denied registration on the electoral lists because his political views did not conform with those of the administration and he was therefore considered unreliable. He made several applications for an electoral card and candidate MOUMIE also applied on his behalf, but all to no purpose as the local administration had no intention of issuing cards to persons of uncertain views.

Hence many electors must have been prevented from exercising their political rights as only approved persons were able to vote; further instances of this will be found in the conduct of the ballot.

On the other hand, it is a regrettable fact that other persons who possessed none of the electoral qualifications obtained cards without any difficulty. For example, women and girls of candidate Seidou's family were given electoral cards for the sole purpose of swelling the vote in his favour. On 30 March, women who did not hold a licence or possess any of the qualifications laid down in the Acts of 5 October 1946, 23 May 1951 and 6 February 1952, and children under twenty-one years of age voted for Seidou without any administrative action being taken to punish the failure to apply these measures. Miss Madou Ramatou and Miss Njifonpanda, for example, to mention only two names, voted without being in any way qualified to do so. Many children misrepresented their qualifications in order to vote in a body for Sultan Seidou.

Article 15 of the Decree of 2 February 1852, as amended by the Ordinance of 14 August 1945, states the following: "Paragraph 2: The following shall not be registered on the electoral lists: ... persons sentenced to a term of imprisonment, of whatever duration, for theft, fraud ... embezzlement by depositaries of public funds, or the offences against public decency referred to in articles 330, 331 and 334 of the Penal Code". "Paragraph 3: ... persons sentenced to a term of imprisonment of more than three months for any offence, subject to the provisions of article 17 below." Unfortunately, however, SAMANKIE, who was sentenced in 1950 for fraud in the Louis BOUGNE affair and Diouda NJIKM, who was sentenced to six months' imprisonment in 1924 and on 24 March 1952 wilfully committed unlawful wounding and assault in the market place, to mention only two, were not only electors but also acted as agents of candidate Seidou.

These offences are punishable by law and the relevant provisions are summarized in articles 31 and 32 of the decree of 2 February 1852, whereby offenders are liable on conviction to a term of imprisonment not exceeding one year and to a fine not exceeding 60,000 francs. The local administration, which was notified by candidate MOUMIE on 28 March 1952 at a candidates' meeting, took no steps to: (1) prevent the said persons from voting; (2) punish them in accordance with the provisions of French electoral law. These persons go about their business with an easy mind, as they are the upholders of the Administration and of candidate Seidou. We are therefore most surprised, not to say disconcerted, to hear France, through its representatives resident in the Cameroons, speak of strict observance of metropolitan criminal law ...

2. DISTRIBUTION OF CARDS. The relevant legislative texts are Decree No. 51-594 of 24 May 1951, in particular article 3, and the Act of 20 March 1924, in particular article 7.

These texts provide that cards are to be distributed to the electors at their place of residence by the administrative authority three days before polling day.

In his appeal dated 19 March 1952 to the chief of the Bamoun Region, candidate MOUMI stated the following: "... furthermore, the persons responsible for distributing the cards in each district apparently had instructions to issue cards only to citizens acceptable to certain approved candidates ...". The cards were thus distributed on the basis of the views held by the persons concerned and not in accordance with the regulations defining the conditions and forms in which the cards should be distributed. He does not believe that this unfair and partial distribution was carried out within the prescribed time-limits.

Candidate Ousman MUISSE, during an interview with the chief of the Foubot sub-division, was apparently informed by the latter that he had 700 cards for distribution to the electors in his sector and that these cards would be issued on voting day at the electors' polling station. Unfortunately, however, and contrary to the assertion of the chief of the local sub-division, sixteen cards only were issued, eight each to the chairmen of the election committees at Foubot and Mansuès. The fact certainly is that some doubt was felt when the views of the 684 other electors were checked and in accordance with the old saying "WHEN IN DOUBT DON'T" it was decided not to take the risk of having 684 persons vote against candidate Seidou. The proof and consequence of this is that only 3,500 of nearly 14,000 registered electors actually voted. The distribution problem was more complicated in the Foubot sub-division; many electors were deprived of their rights as citizens merely for holding views which did not meet with the approval of the Administration.

3. ELECTORAL PROPAGANDA. Act of 30 June 1881, in particular article 1 and article 5.

(a) Meetings. Under French law, as defined in the Act of 14 June 1881, public meetings may freely be held subject only to restrictions imposed for the purpose of maintaining law and order, as, for example, in the case of assemblies and demonstrations, prior notice of which must be given.

/At Foubot,

At Foubot, candidate Athon NJINJE was forbidden to make an election speech in the market place. A disturbance was provoked by Mr. MONTIE, brother of candidate Seidou, at the election meeting held by candidate Moulai KOUOTOU at Malantuen. A similar incident occurred in the case of candidate Ousman MUISSE; a meeting he was holding at Koutié was broken up by Pefakho MBOUOBOUO, a native of Koutaba in good standing, who proceeded to disperse the electors although he had no administrative authority to exercise police functions and was aware that nothing was taking place which was likely to lead to a disturbance.

(b) Provocation. The agents of candidate Seidou showed conspicuous zeal in their efforts to provoke the other candidates or their agents, so as to create an atmosphere likely to give rise to incidents which were to be used to cover our opponents' efforts to place Seidou on the pedestal they had prepared for him. Hardly was this plan conceived than Daouda NJIKAM, alias Yerim, domiciled at NJINKA, publicly and wilfully assaulted Moussa NSANGOU an agent of candidate MOUMIE. This offence, which is punishable under articles 309 to 311 of the Penal Code, has unfortunately not yet been punished, despite the action brought by the victim himself and despite the candidate's own intervention with the competent authorities. Will the matter take its normal course? We do not know ...

(c) Electoral corruption. Act of 31 March 1914, in particular article 3. At NJIMON, MALANTUEN and KOUDEN, to mention only a few localities, the administrative candidate El Adj Seidou distributed largesse (salt) to all and sundry. At Malantuen the distribution was witnessed by candidate KOUOTOU who was astonished to see how votes were being bought. On 20 March a truck bearing the name of a certain DOSOGNE was carrying bags of salt consigned to candidate Seidou who on that date was at Baigom on an electoral tour; this salt was the bait with which the electors were to be caught. Candidate MOUMIE referred to it at his numerous meetings, as he had actually seen the truck containing the bags of salt and knew their real destination. At KOUDOU, paramount chief NJIMOGNY told candidate MUISSE that he had been present at his home at the distribution of two bags of salt and other gifts which were intended to influence and therefore corrupt the electors, an offence covered by an punishable under the Act of 31 March 1914. In virtue of promises of gifts and administrative favours made by the same candidate, chiefs NJIMOGUEU and Moun BARRO embezzled tax funds deposited by inhabitants of their respective

/territories

territories, expecting to be able to recover them as a result of Seidou's promises. The authorities have instituted legal proceedings against the offenders.

4. ELECTION PROCEDURES. In accordance with article 5 of the Decree of 24 May 1951, each candidate was to be given an official acknowledgment of the declaration, conferring the rights attaching to the status of agents. In actual fact, no acknowledgments were issued.

Under note No. 146/RBM of 23 March 1952, the Regional Chief informed us of the composition of the election committees, as he was entitled to do in his capacity as Regional Chief under article 6 of the Decree of 24 May 1951. According to this official note, the chairmen of the election committees at Fouban-Musée and Malantùen were Mr. VALETTE and Mr. MEDARD, respectively. Unfortunately, however, on Sunday 30 March, contrary to the Regional Chief's own decision, the chairmen of the committees at Fouban-Musée and Malantùen were Raymond MINKOA and VALETTE, respectively. Ironically, Seidou was the only candidate to be assisted by his family connexions, owing to the fact that his son-in-law was the chairman of the election committee at Fouban-Musée. Under French positive law, any act performed by a person in whom legal competence has not been vested is absolutely null and void and cannot be validated for any reason; hence, all votes cast at these two centres are unofficial and therefore null and void.

A similar situation obtained at Foubot and up to the present time we have not been informed officially of the composition of the election committees at Foubot-Ecole, Mansùen and BANKOUOP. While travelling through the sub-division, we noted the following chairmen of election committees:

1. Foubot-Ecole: a European priest identified by his clerical dress.
2. Bankouop: at first a European whom we cannot identify, then an African chairman appointed with the approval of the outgoing European chairman; this gave a free hand to candidate Seidou who entered the polling station to make a bitter and intimidating speech to the electors.
3. Mansùen: an African who would appear to be the Special Agent of Foubot.

The votes recorded by these various committees therefore constitute a violation of electoral law and can only be regarded as unofficial.

/Appointment

Appointment of candidates' agents. The essential condition for appointment as a candidate's agent is to be an elector, that is to say, to be in enjoyment of one's political rights. Unfortunately, however, as we have already indicated, most of Sultan Seidou's agents not only exceeded the permitted number -- an exceptional favour granted by the Administration -- but were persons who had been convicted of an offence and were therefore deprived of their civil rights. This applied to SAMANKIE, LAMARE SALIFOU and DAOUA NJIMKAM, alias YERIMA.

The administrative police at the polling station in Fouban-ville (Musée, in particular) was made to work hand in glove with the Sultan's police. Mrs. ADJANATOU, for example, the proprietess of a restaurant-bar (inn) in the market-place violated the regulations in force by entering the polling station not in her capacity as an elector, but as an overseer, and ordering the other electors to make way for the distinguished womenfolk of the worthy candidate Seidou, although the law does not discriminate between electors. Similarly, in the courtyard opposite the museum, DJEMUN-MANA, Oumarou-Mfite Choumbou and Aoudou GOUPAYOU, to mention only a few, usurped the functions of the police on the pretence of wishing to restore order (whereas the contrary was true), poured abuse on the persons there present and continued their propaganda publicly, the Sultan's ballot forms in their hands.

Designation of polling stations. Only a few approved electors succeeded in learning through their leaders at what polling stations they were to vote. The C.O.C. (Foubot) electors, for example, after going to Foubot-Ecole to vote were directed back to the Bankouop polling station, 20 kilometres away; a few bold individuals undertook to make the journey on foot.

The majority (75 per cent) of the electorate abstained for several reasons:

1. The only persons who dared to vote were those who were known to hold reliable views or who had decided to accept the dire consequences threatened by the Sultan's supporters. In proof of this we would state that at the Kouhouat polling station Seidou's followers appeared armed with arrows, spears, shields, lances and the like, to threaten those electors who did not share the views of the Administration.

2. Contrary to the terms of article 7 of the Act of 24 March 1924, which provides that "electoral cards shall be distributed to the homes of the electors" by the administrative authorities, "such distribution to be completed three days before polling day", most electors did not receive the cards entitling them to vote, while at the same time cards were issued to approved electors who were far from satisfying the legal requirements. All these outrageous administrative subterfuges compelled many of the Bamoun to abstain from voting.

Illegal campaigning. No other candidate but Seidou -- inasmuch as no election committee chairman had prohibited the Sultan from campaigning -- was permitted to conduct his electoral campaign on election day with the co-operation of the police, even inside the polling station where on several occasions he intimidated the electors. At Bankouop, when leaving his pick-up truck, the Sultan was given military honours, so that anyone might wonder whether he was an ordinary candidate.

No effort was spared by the administration to create the right political atmosphere for the favoured candidate: at Bankouop, for example, the police "got up courage" by quenching their thirst from gourds of palm wine and then acted with great brutality towards the people.

Use of false or dubious credentials for voting purposes. On several occasions at the polling station in the Fouban Court House, persons to whom electoral cards had wrongly been issued were caught in the act of voting. No proceedings have been taken against them. In one case, for example, Salomo MOUHICH was caught in the act of voting after misrepresenting himself to be Francisca MAGNEROU, whose name was on the card in his possession. Cards which did not bear the signature of the proper authority were issued to selected electors. One may wonder therefore, how the use of such cards could be concealed; in one case, for example, a person of uncertain identity presented himself with an unsigned card, saying that he was a certain NJISSA domiciled at Njinka and claiming to be a farmer, whereas his card bore the words "Village Chief". Despite this flagrant irregularity he recorded his vote.

/At Malantùen,

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At Malantuen, many electors voted after presenting merely a tax receipt, whereas under article 7 of the Act of 20 March 1924 identity could be proved only on the basis of an identity card or of an affidavit sworn by two witnesses registered on the local voting lists, a record of the proceedings being drawn up, signed by the holder and, where appropriate, by the witnesses, and countersigned by the election committee.

Distribution of ballot forms by the polling stations. In the Mansuen sector, none of candidate Daouda NJOYA's ballot forms were available, although, at the request of Mr. JCURDAN, Deputy Regional Chief, he was required to send all ballot forms intended for the Foubot sub-division to the local sub-division chief who would then be responsible for distributing the forms in accordance with the list of electors at each polling station. His ballot forms did not reach the Bankouop polling station until half an hour after it opened.

In the Kouhouat sector, ballot forms intended for a candidate named Ernest MONTGORY were delivered instead of forms bearing the name of Daouda NJOYA.

ONLY 3,500 OUT OF NEARLY 14,000 REGISTERED ELECTORS VOTED AND NO PEOPLE CAN BE REPRESENTED BY 2,400 MUTILATED VOTES.

Hoping that you will attach due weight to our petitions and take the proper action on them, we have the honour to be, etc.

(signed) Félix-Roland MOUMIE

(signed) Ousman MOUISSE

(signed) Ali Bertrand NKOUANDOU

(signed) Moulai KOUOTOU

(signed) Othon NJINJE

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