

UNITED NATIONS  
TRUSTEESHIP  
COUNCIL



GENERAL

T/PET.11/135  
2 November 1951

ORIGINAL: ENGLISH

DOCUMENTS  
INDEX UNIT

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100-110119

PETITION FROM MR. HAJI ABO' IMANCHIO CONCERNING  
SOMALILAND UNDER ITALIAN ADMINISTRATION

Note by the Secretary-General: In accordance with rule 84 and supplementary rules F and L of the rules of procedure for the Trusteeship Council, the Secretary-General has the honour to transmit to the members of the Trusteeship Council, to the Government of Italy as the Administering Authority of the Trust Territory of Somaliland, and to the Governments of Colombia, Egypt, and the Philippines as members of the Advisory Council for the Trust Territory of Somaliland, a communication dated 27 September 1951 from Mr. Haji Abo' Imanchio concerning the Trust Territory of Somaliland under Italian administration.

This communication was transmitted to the Secretary-General by the United Nations Visiting Mission to Trust Territories in East Africa.

Mogadishu, 27 September 1951

To: -

THE PRESIDENT,  
THE U.N. VISITING MISSION,  
MOGADISHU

Your Excellency,

I, HAJI ABO' IMANCHIO T/Shansheya, have the honour to refer to my letter of the 22nd inst., regarding to a request of mine for an interview with your Excellency.

In my a/q letter I have state that I wished to confer with your honour on private matters. Meantime, I wish to affirm that, in a civil case, I have been wronged by the Administration. Object of this letter - which I take the liberty of addressing to you - is to set forth my grivancies, before I get the previledge of conferring with your honour so that your Excellency might be fully acquainted beforehand with the nature of the matter itself.

I beg to state that I have purchased - with regular sale-purchase contract dated the 25th Sept. 1948 (Registered at the Office of the Judge of Somalia on 7th April 1949, No. 447 Mod.II Vol. I of Private Acts, and which original is kept in the files of this office of the Judge) - from an italian woman by name of MARCHESE ROSA, Widow Zoni, paying to her SO.1.000/- and placing as requested by the legal office the sum of So.36.000/-, thus totalling So.37.000/-, some 7 (seven) cottages together with one store in mansory, two garages in mansory, one water reservoir with laundry in armoured concrete and one wooden barrack, situated at the Viale XXIV Maggio, Mogadishu. The sale of these buildings were made in an auction-sale.

Sig.ra Marchese Rosa failed to comply with the provisions evinced in the sale-purchase-contract, as agreed upon and signed by both of us in presence of witnesses. I have therefrore brought the matter to the Court. I would like to state that, as Sig.ra Marchese Rosa refused again to comply with the provisions of the regular sentences passed by the Judge of Somalia, dated the 13th April 1949 No. 20 File No. 189 Cron. No. 189 and 31st March 1951 No. 20 File No.6/49 Rep. No. 14, and since I have, as the lawful owner of the above buildings, paid tempastively without never failing the buildings contribution year-tax for the

/last 4 years,

last 4 years, I was compelled to submit two petitions addressed respectively to H.E. the Administrator of Somalia and to H.E. Brusasca during his visit in Somaliland, asking their succour so that the buildings be ceded to me or be given to me the damages indemnity. I regret, however, having to say that no such steps have been taken by the A.F.I.S., and am rather compelled to firmly believe that instead of doing justice the Administration facilitates the eviction of legitimate properties. This is shown by the fact that no settlement has been reached on this case as yet, and everything is done to prolong its final verdict since it involves an Italian lady.

During the legal debate on this case, Sig.ra Marchese Rosa state that, at the time of the purchase, she was suffering from mental disorders. Nevertheless, it was certain that this was a mere pretext, and is ascertained by the fact that both the two sentences were passed by the Judge of Somalia, because the Court found that:-

- (a) Sig.ra Marchese Rosa had convened to sell to me for Shs.37,000/- the 7 (seven) with one store in masonry, two garages in masonry, one water reservoir with laundry in armoured concrete and one wooden barrack, all on a surface of mq.11678,50, as evinced by the sale-purchase contract dated the 25th September 1948 and registered on 7th April 1949 at the Office of the Judge of Somalia;
- (b) The purchase was made in accordance with the decisions contained in the letter of the ex.B.A.S. Chief Administrator, dated the 5th November 1948 No. 3/36/48/, authorizing the selling of the buildings - as requested by the seller - in the terms convened by Marchese Rosa and myself;
- (c) The decisions and authorization of the exBAS Chief Administrator, letter dated the 5th November 1948, has been taken into consideration by the Court which declared it to be legally perfect;

Let me stress the fact that the Court has recognised that the buildings in question belong lawfully to me, and to the effect the judge of Somalia passed the sentences of the 13th April 1949 and 31st March 1951.

Despite the above facts, the local authorities did everything to deprive me from my legitimate buildings and the sentences passed were not made executive, but the case is being postponed from time to time. Fact is, however, that (as I do not know legal procedure) difficulties were made to arise. Indeed for

/the purpose of

the purpose of misguiding me to loss my legitimate property, I have been compelled by the Legal Authorities to pay So.2,000/- and nominated a lawyer by name of Adv. GOEREDO JAVACCHINI, Via Tacito 50, ROME (Italy), because I was made to understand that the case has been deferred to Italy, as Marchese Rosa has appealed to the Italian Judicial Ministry. May I state in this letter that, as Somaliland is a Trust Territory placed under the U.N. International Trusteeship System and not an Italian colony, the procedure of transferring a case for decision - which will certainly be final - to Italy (a procedure experienced by natives during the Italian past colonial regime in Africa) is against the provisions of the Trusteeship Agreement for Somaliland and also to any democratic legal procedure. Somalis believe that this Trust Territory should have her laws, which must be applied to their fullest extent on every case so that justice be metted out from where it should be, and legal debates for opening and final decision should be done in the Territory. In addition, I believe that when a case is brought to Court of this Territory, the final verdict must be pronounced in the same court and not transferred to Italy for the only purpose of facilitating misappropriation of poor-somalis legitimate belongings in favour and by Italians.

I beg to reserve the right to verbally furnish you with further details regarding this illegal misappropriation of legitimate property, when I shall have the honour to confer with you as promised by your Excellency.

I view of the above facts and in consideration of my being legally proprietor of the buildings in question, I beg of you to see that same - at present into illegal possession of Sig.ra Marchese Rosa - be restored to me, before the Visiting Mission return back to the U.N. Headquarters. I further beg the intervention, in this case, of the U.N. Advisory Council whom this letter is copied to.

In this visits of yours, the people of Somaliland place their faith in you because they are sure that you will not fail to assist them and guide them in the difficult road leading to the wished and aspired freedom and independence, and it is natural to say that much is expected from the United Nations Organisation. I am the first man who believes in the U.N. and in the Visiting Mission, because I have much faith in its Charter and in the democratic principle

/of the United Nations

of the United Nations. We are right perhaps to believe that the principal object of your visit in Somaliland is that of profoundly knowing and making reports to the U.N. on the political, social and economic life-condition of this Trust Territory. I would like to point out that I am convinced that you will do your utmost to know more better also the degradent situation on legal and magistral field in this Territory, so that the actual legal procedure be replaced with that that leads to the achievement of justice for all according to the ends and criterion of democracy.

I conclude my letter by begging to be forgiven for having traspassed your valuable time, and meanwhile I anxiously await your kind and favourable reply with many thanks in advance.

I beg to remain,

Your Excellency's

Most respectfully servant

(Signed)

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HAJI ABO' IMANCHIO, T/Shansheya.

P.S.

I beg to inclose herewith the following copies:<sup>1/</sup>

- (1) Copy of Sentences No. 20 File No. 189 dated 13th April 1949 and No. 20 File No. 6/49 Rep. No.14 dated 31st March 1951;
- (2) Copy of petition addressed to H.E. Administrator of Somalia dated the 30th December 1950.
- (3) Letter from Administrator's Secretary addressed to me dated the 7th March, 1951.-
- (4) Copy of petition addressed to the Administrator of Somalia dated the 8th July 1951.
- (5) Copy of letter from the A.F.I.S. Judicial and Legislative Office dated the 20th July 1951.
- (6) Copy of petition addressed to H.E. Brusasca with copy to the Administrator of Somalia, dated the 14th August, 1951.

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Copy to:-

The PRESIDENT  
THE U.N. ADVISORY COUNCIL  
FOR TRUST TERRITORY OF SOMALILAND  
MOGADISHU

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1/ Note by the Secretariat:- These enclosures have been placed in the files of the Secretariat and are available to the members of the Trusteeship Council upon request.