

UNITED NATIONS

TRUSTEESHIP MASTER
COUNCIL



GENERAL

T/PET.11/222/Add.1
12 March 1952

ORIGINAL: ENGLISH

PETITION FROM MR. AHMED SHIRE LAWAHA CONCERNING SOMALILAND
UNDER ITALIAN ADMINISTRATION

Note by the Secretary-General: In accordance with rule 85 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 5 January 1952 from Mr. Ahmed Shire Lawaha concerning the Trust Territory of Somaliland under Italian administration.

This communication was transmitted to the Secretary-General by the United Nations Advisory Council for the Trust Territory of Somaliland under Italian administration and forms a supplement to the petition set forth in document T/PET.11/222.

Box 352
MOGADISHU Somalia
5 January 1952.

The President
United Nations Advisory Council
MOGADISHU.

Sir:

I have the honour to refer to my petition dated 3 December 1951 and beg to submit the following comments as an addendum thereto and as a reply to certain mis-represented facts which the Italian Trusteeship Administration have put forward in their note No.10458 dated 15 December 1951;

"It appears, however, that the above-mentioned was not trustworthy in matters connected with office secrets, particularly in a service as delicate as the postal and telegraphic one. Therefore, on 1 August 1950, Ahmed Shire was transferred to the "Economato" Office.

1. It would be worthwhile referring to page 84 of the REPORT OF THE TRUSTEESHIP COUNCIL COVERING ITS THIRD SPECIAL SESSION AND ITS EIGHTH AND NINTH SESSIONS (Supplement No. 4 - A/1856), under the para "Structure of the Administration" which observes, that "no Somali as yet occupies a post on a high level in the administrative services", while again on page 88 under a para similarly headed, the representative of the Union of Soviet Socialist Republics observed that "all important posts in the central administration were occupied by Italians and indigenous persons were used only as auxiliary and service personnel", continuing the same representative state that

"instead of granting the indigenous population a progressively increasing participation in the various organs of government, the Administration had removed many Somalis even from the secondary posts which they had held under the former British military administration, and had replaced them by Italians". (Underlined by the writer).

From the special representative, in the person of Mr. Giovanni Fornari, we have in reply to these questions the statement that "the absence of Somalis in the highest posts was the consequence of the low educational level prevailing among the Somalis".

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One would imagine that it was only in the higher cadres of the Administration that "office secrets" would be current and as I did not occupy a position of responsibility but was merely a clerk the knowledge of "secrets" pertaining to the department were, therefore, beyond my scope. During the period of my services with the Posts and Telegraphs Department, my work was strictly confined to maintaining a record of the movements and salaries of Somali personnel. All matters connected with Somali personnel such as, notifications of increase of salary, transfers, promotions, etc., were decided and communicated directly by Dr. MIGLIORINI, the Director, to the personnel concerned. It was only later when official action was taken and copies of such staff changes were passed on to me that I recorded them. I had no access or connection with the Registry of the Department nor with the filing or receipt and despatch of departmental correspondence and this work was entirely in the hands of Italian personnel.

The implication that I "was not trustworthy in matters connected with office secrets" would, therefore, appear to be irrelevant.

"On 1 October 1950 the clerk in question was granted the first increase of salary, which was raised to So.470 per month.

2. The fact that I was granted an annual increment two months after being transferred to the "Economato" Office and in spite of being transferred from the Posts and Telegraphs Department because it was considered I was "not trustworthy in matters connected with office secrets" would appear complimentary of the excellence of my work. I have always understood that an annual increment of salary was granted provided a clerk's work and conduct during the year was considered satisfactory and recommended by his head of department.

"Subsequently, on his request, he having declared that at the "Economato" he could learn very little, he was transferred, on 1 March 1951, to the De Martino Hospital. It appears that he reported for duty at the De Martino two days later than the date on which he had been transferred from the "Economato". No measure, however, was taken for such disciplinary breach.

3. The nature of the work at the De Martino Hospital and the "Economato" were entirely clerical and as such there was not much to choose between the two. Punctually, at 0700 hrs., the hour at which the hospital office opens, I reported on 1 March 1951 at the De Martino Hospital for duty. I wish to state

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categorically that it is a falsehood to state that I reported at the Hospital two days later than the date of my posting there. It should be apparent that no measures could be taken for a "disciplinary breach" and it was not an act of grace that the Hospital authorities remained quite on the subject.

"It appears also that Ahmed Shire took an active part in organizing and carrying out a manifestation of protest staged on 24 March 1951 by inmates of the "Lazzaretto" hospital, tending, to obtain a different composition of daily rations.

4. While at the De Martino Hospital, I had no connections whatsoever with the "Lazzaretto" Hospital and was neither aware of the conditions prevalent there and which occasioned the "protest" staged by the inmates, nor did my work entail visiting the hospital on duty at any time. It would appear strange how, from the date of my posting to the De Martino Hospital i.e., on 1 March 1951 till 24 March 1951 which is 24 days later I had complete control of the situation to engineer the inmates of the "Lazzaretto" Hospital to protest their ration scale.

"At the end of July 1951, the Director of the De Martino hospital notified that it was necessary to remove Ahmed Shire from the hospital because he was an undisciplined element; as a result of such request, on 1 September 1951, the above-mentioned was transferred back to the "Economato".

5. At about this time, Comm. VACARI, the Director of the "Economato", with whom I had worked previously, approached me with a request to return to his office as he liked my work and wanted me back owing to the pressure of work in his department. He stated that he would arrange with the Establishment Officer for my transfer from the De Martino Hospital back to the "Economato". This is the real reason why I found myself back at the "Economato" and not because I was "an undisciplined element".

"On 1 October 1951 he was granted the second periodical increase of salary, which was raised to So.500.

6. It is interesting to note, from the point of view of the Administration, that after being granted an annual increment on 1 October 1950 it is stated:

that I (1) "Reported for duty at the De Martino two days later than the date on which (I) had been transferred from the "Economato"

/and (2)

and (2) "Took an active part in organizing and carrying out a manifestation of protest staged on 24 March 1951 by inmates of the "Lazzaretto" hospital

while (3) was also considered "an undisciplined element" by the Director of the De Martino hospital,

I was still granted an annual increment on 1 October 1951 which raised my salary to So 500.

It would appear from the sketch of my record which the Trusteeship Administration expound in their note dated 15 December 1951 that I am a rather rebellious character and if this were the case, it stands to reason, I should not have been granted two annual increments namely the first on 1 October 1950 and the second a year later.

"On 7 November 1951, Ahmed Shire called at Dr. Puccioni's office. Since he had entered without waiting for an answer, although he had asked permission, Dr. Puccioni, who was engaged, invited him to wait in the corridor. Ahmed Shire, after having insisted in an arrogant and rude manner, went out deliberately banging the door; when, a few minutes later, Dr. Puccioni admitted him and reproached him with banging the door, he replied in such an arrogant manner that Dr. Puccioni ordered him to leave the room; Ahmed Shire went out shouting several insults, among which "swine". Four Somalis who were present gave evidence in writing that they had heard the insults.

7. I have a sufficient sense of etiquette from my upbringing and long service with the Administration both during the British and now under the Italian tenure to understand that one should not enter an office or a private home without first being invited to enter. Please note Brigadier G.M. Gamble's testimonial dated 31 March 1950 which states "he is polite". I would imagine that Brigadier Gamble the last British Chief Administrator would not have made such a remark on my character without sufficient reason.

"Although he asked permission" would imply that I was sufficiently aware of the necessity of doing so on desiring to enter a government office and the assertion that I "entered without waiting for an answer" is definitely not the case. The position was that "all the time I remained standing outside his door, making no attempt to enter". (see page two of my petition dated 3 December 1951).

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I must state that I conducted myself, at all times, in a manner that was both courteous and appropriate in a clerks' dealings with a public officer and the imputation that I entered Dr. Puccioni's office without permission, was rude and arrogant, banged his door and insulted him are but extemporaneous accusations designed to justify my dismissal.

I was delegated the task of delivering a circular letter and there could be no motive in insisting that Dr. Puccioni should receive me immediately. As a matter of fact, during the same morning, I called on several officers and in some cases had to wait as they were busy. In such circumstances I went away and returned and delivered their circular letters later. I was definitely not told to wait in the corridor but told to return later as Dr. Puccioni was busy. I returned half an hour later. On my first visit Dr. Puccioni was polite to me and this would prove that I gave no grounds for offence nor could there be any reason to bang his door. On my return, it would appear natural, as there was no ill feeling between us that there could also be no reason for Dr. Puccioni to reproach me. But, however, it was the Doctor who shouted at me reminding me that the office, namely his office, was not "my mothers or my own house". (see page two of my petition dated 3 December 1951). I had no other alternative but to leave his office as he flung the circular letter at me telling me to get out of his office. I was also threatened with dismissal and imprisonment. In spite of the provocative attitude of Dr. Puccioni I remained calm, left his office and reported the incident to Comm. Vacari my superior officer.

It should be apparent that in order to create an aggravated situation, the Administration has had to weave a story of a blackened past in which I, the culprit, was proved guilty of insulting a public officer in the presence of four witnesses, who are all dependent on the Administration, pro-Italian in sentiment and thus able quislings who could be relied upon to testify in any manner desired by the Administration. It is also important to note that these witnesses materialized out of thin air as to my sure knowledge they were nowhere about the corridors approaching Dr. Puccioni's office. My contention is that the testimonies of these witnesses are absolutely false.

"For such an incident, penal proceedings might have been taken against Ahmed Shire, for the offence of "offence to a public officer", but the Administration, in order not to make too serious the culprit's

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39

position, chose to take only disciplinary measures. The matter was discussed at the Discipline Board, who, after having pronounced the charge against him, having enquired into his precedents and having heard the witnesses, proposed his dismissal from service for lack of discipline and bad behaviour; dismissal which became effective on 1 December 1951.

8. I quite realize the Administration, representing the Law, could, with the wide powers it holds, have instituted legal proceedings against me but at the same time I presume the Administration is also aware of the fact that if it had chosen this course and which I would have preferred, legal procedure, if justly conducted, would demand the presence of Dr. Puccioni and his four witnesses in the Court. There, in an open Court and with legal defence, I would have had the opportunity, through my Council, to interrogate Dr. Puccioni and the witnesses. It should be recalled that there is a law which penalizes false testimonies if proved as such.

Through the pretext of a Court of Enquiry, the Administration has conducted a one-sided case akin to the position of a Judge hearing the statements of the prosecution, the complainant and the witnesses and judging the accused guilty of a supposed offence without even hearing his evidence.

During the Court of Enquiry no mention was made of the "precedents" nor were Dr. Puccioni or his witnesses present. My request for their presence was flatly refused by the President of the Court and if I remember rightly, Mr. Abdul Rashid Ali, one of the two Somali members of the Court, did remark why my request, to have the complainant and the witnesses present, was not conceded. The President replied that their presence was not considered necessary.

I would like to know on what basis the Chief Administrator, who made the final decision to dismiss me, judged the case. He had only the written evidence of Dr. Puccioni and those of the four Somali witnesses and in the absence of any written statement from me, he has based his decision on a story, plus, I suppose, "precedents", fabricated by the Court and which forms the basis of the Administrations' reply addressed to the Advisory Council in regard to my petition.

If, as a responsible head of an administration, Mr. Giovanni Fornari is content to formulate decisions based purely on one sided evidence fabricated

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and distorted, as in my case, then it is perfectly clear that gross injustices occur and have repeatedly occurred in the past where hundreds of Somalis have been purged from the Administration for no sane reason other than because they belonged to a political party or of a tribe that was not looked upon with favour by the Administration.

I feel that unless a more democratic system of justice is practiced by the Administration the consequences may, in certain circumstances, be both grave and damaging to the reputation of the Administration, the objects of Trusteeship and in the peoples faith in the United Nations.

CONCLUSION: I would like to conclude, Mr. President, by stating that the Administration have not refuted, in their reply to you, a single fact from my petition. No explanation is made of the police intimidation used between 1 April till June 1950 in order to find some excuse to imprison me. There is the incident of my arbitrary arrest in January last year and accusation, which subsequently proved false, of being implicated in a demonstration organized by the victims of the Ischia Baldoia riots. Quite a different interpretation is made of the incident with Dr. Puccioni and the whole picture is distorted to portray me as the culprit. No explanation is made of the irregularities of the method in which the Court of Enquiry was conducted and most important of all, why the complainant and the four witnesses were not present at the Enquiry inspite of my request to have them before the court. The Administration has naturally remained silent on the connections with the witnesses who as "quislings" are better disowned in such circumstances. There is no attempt to refute or explain many of the gross errors of judgement which characterise the whole affair. The whole gist of the Administration's reply is an attempt to blacken my character so as to justify the reasons for my dismissal.

I am firmly convinced that being a member of the SOMALI YOUTH LEAGUE I was a marked man: The climax was reached when at the Political Administrative School, Dr. Puccioni being present, I outspokenly criticised the policy of the school before the U.N. Visiting Mission. It would be interesting to note that the Mission visited our school towards the middle of October 1951 and on 7 November 1951, the same Dr. Puccioni threatened me in his office with words

/to the effect

to the effect that "I should understand that if he reported me to the Establishment Officer I would be immediately dismissed and even jailed." (see page two of my petition dated 3 December 1951).

Mr. President, my first petition was forwarded to you on 3 December 1951 and the Administering Authority has replied under cover of their note No.10458 dated 15 December 1951. These documents will eventually be transmitted to the Trusteeship Council for necessary action but will not, however, come up for discussion before the Ad Hoc Committee on Petitions many months later. This long delay between the actual occurrence of the matter and the final action by the Ad Hoc Committee on Petitions, will I am sure defeat the object of the petition and any eventual hope of urgent redress in circumstances more serious. I realize that the Advisory Council, whose very name illustrates its scope, is in rather an analogous position in relation to the United Nations and the Administering Authority on the one hand and the people of Somalia on the other. The Council is, I must admit, constituted with unique and high ideals but is in effect but a transmitting agency that "sees but cannot touch" upon any issues which through want of immediate action, by observers acquainted with local conditions, may be of grave consequence to the future well being of the Somali people.

You are certainly aware Mr. President that the Trusteeship Administration has on unnumerable occasions demonstrated grave and flagrant breaches of the terms of the Trusteeship Agreement and the Universal Declaration of Human Rights and it would appear more appropriate that the Advisory Council, situated as it is "on the spot" and better suited to obtain an accurate appreciation of the actual facts, be authorized to investigate my case and others and be able to make suitable recommendations on its observations to the Trusteeship Council.

I sincerely trust that the case will be referred as early as possible to the Trusteeship Council owing to its importance to me personally and also from the point of view of principle effecting the relations between the Administering Authority and its Somali employees.

I have the honour to be

Sir,

Your obedient servant

(signed)

AHMED SHIRE LAWAHA

Received by the United Nations Advisory Council in Mogadiscio on 23 February 1952