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PETITIONS CONCERNING THE CAMEROONS UNDER BRITISH ADMINISTRATION

Observations of the United Kingdom Government
as Administering Authority

Note by the Secretariat: These observations refer to the following petitions:

<u>Section:</u>	<u>Page:</u>
1. Petition from Mr. D. O. Ojong (T/PET.4/88)	1
2. Petition from Mr. Mbele Woka (T/PET.4/92)	2

1. Petition from Mr. D. O. Ojong (T/PET.4/88)

The petitioner held a non-pensionable post of Dresser Grade III in the Medical Field Units from the 1st of July 1948 until the termination of his appointment on the 9th of August 1951. Any discomforts attending his work were, of course, normal to service of this nature.

During the period of his service he received four Warning Notices, the last of which, in April 1951, concerned a complaint of serious misbehaviour which had aroused such local feeling against him that it was necessary to suspend him from duty. He refused to acknowledge the receipt of the last Warning Notice and finally his appointment was terminated on the statutory notice of one month, in accordance with the terms of his agreement.

Regarding his detailed claims against his late Department it may be observed that the petitioner had no entitlement to bicycle allowance, which is granted at discretion according to whether the use of a bicycle on official duty is necessary or not; that no increment was maliciously withheld, the fact being that nothing in his record ever justified the grant of an increment; and that, under the terms of his agreement, he was entitled only to one month's notice of termination of appointment, not six months.

The petitioner has not, however, during the long period which has elapsed since the termination of his appointment, submitted any claim to his

late Department concerning moneys alleged to be due to him. If he would take this action all such claims would be fully investigated and any of them found to be justified would be met.

2. Petition from Mr. Mbele Woka (T/PET.4/92)

Petitioner is a native of Membea, a village whose land marches with the boundaries of Buea Government Station. This is the area of "Kronland" dating from the German occupation in respect of which the effect of the terms of the Land and Native Rights Ordinance is to extinguish all native rights of occupancy. Investigation of the circumstances of a former and similar petition has shown that a number of persons including members of the petitioner's village had made farms within this area without permission and without making an application for a temporary certificate of occupancy.

It is a long established practice at Buea for gangs of prisoners to cut and collect firewood within this area of Government-occupied land for sale to Government servants.

In August 1949, a Mr. Muambo, a native of Membea, complained to the Assistant District Officer at Buea, who does duty as Officer-in-Charge of the Prison, that prisoners while employed in cutting and collecting firewood had felled trees on his farm thereby damaging his cocoyam crop.

On receipt of this complaint, the Assistant District Officer reported the matter to the Superintendent of Police who made arrangements to investigate them. In the meantime, the Assistant District Officer decided to visit the scene of the incidents himself. He was shown several small farms where trees had been felled around the cleared area and in several cases trees had fallen across the farms and broken the stems of cocoyam plants.

After the Assistant District Officer's investigation Mr. Muambo informed him that he would withdraw his complaints if the activities of the prison wood-cutting gangs were removed elsewhere and this was accordingly arranged, the gangs being sent further up the mountain away from any existing farms.

The Police investigations found no grounds for a criminal prosecution.

The following year a letter was received from a lawyer retained by Mr. Muambo making a claim of E 107. 18. Od. for damage done to his client's farms and stating that his client had three courses of action open to him -

- (a) To take out civil action in the Supreme Court against the Director of Prisons (representing the Government).
- (b) To take out civil action jointly and severally against the various Warders who took part in the commission of the torts complained of or against their superior officer if they condoned or adopted their acts by way of Vicarious liability within the purview of the Law of Master and Servant.
- (c) To proceed by way of Petition serially to the highest authority without prejudice to reverting to (a) & (b) above in case of unsatisfactory result.

The Assistant District Officer replied to the letter that the matter had been earlier brought to his notice and had, so he had supposed, been settled. He added that he would no doubt hear in due course which, if any, of the three courses of action set out in his letter his client intended to pursue. There the matter rested until the submission some two years later of the communication by Mr. Muambo (T/COM.4/L.1) and of the present petition. If the petitioner considered that he had, in fact in the circumstances, just cause for complaint against prisoners or warders of H. M. Prison at Buea, he had, at that time, and still has, his legal remedy.

There is no truth in the allegation that the petitioners have received threats from the Administration.
