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PETITIONS CONCERNING TOGOLAND UNDER FRENCH ADMINISTRATION

Observations of the French Government
as Administering Authority

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1. Petition from the President General of the Committee of the Unité togolaise
(T/PET.7/327/Corr.1)

As this document contains several petitions, the Administering Authority will reply to each of them separately and deal with each point raised.

(1) Petition of 1 September 1952

(a) Refusal to grant provisional release

Persons under arrest can be granted a provisional release only by the examining magistrate, who is alone competent to decide whether, in certain specific cases, a provisional release can be granted.

In every one of the cases in point it was the examining magistrate at Lomé who refused to grant provisional release. The Administering Authority has in no case either the right or the power to influence the magistrate's decision, as the petitioner insinuates.

(b) Case of Sam KLU and Mathias APALOO

The persons concerned appealed and were discharged on 13 December 1952 and were immediately set free. It should be noted that the Court of Appeal at Abidjan has not examined the substance of the judgment of the court of first instance, which was reversed because of a procedural irregularity.

(c) Case of AITHSON, FUMEY and HIAMABE

The above were sentenced by the court of first instance at Lomé, on 6 May 1953, to ten months' imprisonment and a fine of 15,000 francs each, for having spread false news likely to disturb the public order. They have appealed.

(d) Prison system

The petitioners' statements are deliberately misleading and necessitate the following corrections:

First point: "The prison does not contain separate quarters for convicts and for persons awaiting trial."

In fact there are:

1. Juveniles' quarters
2. Women's quarters
3. Quarters for persons awaiting trial and appellants
4. Convicts' quarters.

Second point: "Persons under detention are not given any special treatment".

Persons awaiting trial are not required to work, as those undergoing sentence are.

Third point: "Prisoners, whatever their social status, are often forced to sleep on the ground or on small mats."

Prisoners have never had to sleep on the ground; everyone who enters the prison is given a mat and a blanket.

Fourth point: "The food leaves much to be desired."

The food complies exactly with the relevant regulations and is served regularly; in particular, prisoners are given meat three times a week.

Fifth point: "Prisoners who die are buried like dogs. There is a wooden box which is used as a coffin, in which the body of a deceased prisoner is conveyed to the cemetery to be thrown into a hole dug by other prisoners. The box is returned to the prison and is used for subsequent burials."

Prisoners who die are buried according to their customs. Their parents and friends are immediately informed and may perform the burial themselves.

If the deceased has no family or friends he is buried according to the rules laid down for patients who die in the hospital.

Sixth point: "At the civil prison at Lomé there is one floor for the accommodation of Europeans under arrest who are naturalized French subjects."

There is no discrimination on the basis of the prisoners' social position or their race. Whether a European or an African is involved, each prisoner is treated according to civil law in accordance with the regulations in force.

(2) Petition of 16 September 1952

(a) The business tax

In 1948 the steps taken to ease frontier traffic, particularly in locally grown foodstuffs, were defined with a view to encouraging overland trade between the Gold Coast and Togoland. Do those steps apply only to Customs duties or will they cover the business tax?

There is no doubt that the Franco-British Convention applied only to Customs duties; the text refers only to frontier traffic and gives a list of products in accordance with the Customs tariff.

There is no provision for any special exemption from contribution. It will be seen that the regulations concerning the business tax are categorical on that point:

"Article 4. The following are exempted from the tax...

10. The sale or provision by fishermen or fishing-boat owners, farmers, market-gardeners, stock-breeders and industrialists of the produce of their fisheries, farming, stock-breeding or industry, with the exception of sale or provision direct to the consumer and of sale or provision outside the Territory of Togoland, excluding French West Africa."

It should be noted that the new regulations concerning the tax include article 4, paragraph 10 at the request of the Territorial Assembly of Togoland, which proves that that body recognized the non-exemption of transactions concerning exports outside French West Africa.

Since the convention relates exclusively to Customs duties, and the business tax is a domestic tax, the frontier agreement could not exempt exports of copra to the Gold Coast from the business tax.

The reason the Revenue Department in 1952, for the first time, required the business tax to be paid on exports of copra was that there had been a large-scale fraud, large quantities of copra having been exported duty free, to the frontier three kilometres from Lomé and then re-exported in transit, and therefore exempt from taxation, from the docks at Lomé. This upset the balance of exports between competing firms.

Lastly, the recommendations of the United Nations, which in 1951 asked the French Administration to establish a general system of income tax, were complied with in this specific case, since the owners of cocoa plantations are treated as agriculturists and are in a specially favourable position under the regulations in force.

(b) Movements of persons and vehicles

Two points are worthy of notice:

First point: "Passports required of men coming from the British zone."

There are no restrictions on movement between the two Togolands. With regard to the Gold Coast, the British immigration authorities require that everyone going beyond Keta should show a passport or a travel pass; these documents must be stamped with a visa by the British Consul at Lomé.

Travellers from the Gold Coast coming from the zone beyond Keta have to fulfil the same formalities when entering Togoland under French Administration.

The British authorities do not require a visa or identity papers between the Aflao frontier and Keta (Gold Coast); the emigration authorities of Togoland under French Administration apply the same rule.

This is a concession and the rule might be revised if the British emigration authorities in the Gold Coast adopted a different procedure.

It is worth noting that the signatory of the petition deliberately applies the designation "British zone" indiscriminately to two Territories which have an entirely different status: Togoland under British administration, to which the movement of persons is entirely free, and the Gold Coast, a foreign Territory where there are special regulations governing emigration.

The relations between Togoland under French Administration and the Gold Coast are those which apply to foreign countries and the formalities with which individuals have to comply are those laid down in the Decree of 10 September 1935 applicable to French nationals and foreigners entering or staying in Togoland.

Second point: "Movements of vehicles on the Palimé-Lomé road."

Vehicles registered in the British zone have never been forbidden to use the Palimé-Lomé road. The fact that infringements of the traffic regulations and road accidents involving vehicles registered in the British zone have been officially recorded is sufficient proof of that.

The limitation on the time during which they are allowed to remain in French territory is due to the Customs regulations applicable in both Togoland and the Gold Coast.

After remaining for a certain time - one month, not twenty-four hours, as the petitioner alleges - in either Territory, vehicles have to be registered in the Territory of residence.

No difficulties have so far resulted from the application of this measure.

(3) Petition of 22 September 1952

(a) The speech which the petitioner criticizes the head of the territory for making was made after the elections had taken place.

It is difficult to see why the Commissaire de la République, a representative of France, should be blamed for expressing satisfaction because a majority of the electors, freely and by secret ballot, had demonstrated their loyalty to the Administering Power.

(b) While it is true that Mr. GRUNITSKY, the Deputy, obtained a clear majority in the North of the Territory in the election of 17 June 1951 (8,327 votes to 2,805 for Aku, the other candidate), Mr. Grunitzky obtained a majority in the South of the Territory also (7,928 votes to 7,463).

Mr. Grunitzky would have been elected even if only the South of the Territory had voted. This fact disposes of the petitioner's insinuation that the Deputy's success was due solely to the votes he obtained in the North of the country.

(4) Petition of 23 September 1952

The question of the rules governing the legal profession in Togoland under French Administration has already been examined in connexion with observations concerning communications of a general nature transmitted to the Chairman of the United Nations Visiting Mission on 24 December 1952.

2. Petition from Mr. Sam Klu (T/PET.7/328)

The Administering Authority has already dealt with this question in its observations on petition T/PET.7/311;^{1/} it feels however that it should clear up the following points:

(a) Background of the case

An electoral meeting was held by the C.U.T. during the evening of 23 March and bricks and stones were thrown at a police patrol that was clearing the public highway from the house of the outgoing delegate Sam KLU. The Procureur de la République, a magistrate of the judiciary, who was on circuit at Palimé, went to the place at once, accompanied by the examining magistrate. Their investigation revealed that the harangues which Mr. Sam KLU, Mr. Mathias APALOO and Mr John BUI had addressed to the crowd had been veritable incitements to revolt and all three were therefore committed to custody and charged with instigating disorder, insulting a magistrate and disseminating false news.

(b) Refusal to grant provisional release

Since the granting of provisional release is within the competence of the judicial authorities, the administrative authorities can have no influence on the decisions of the examining magistrate.

(c) Order of nolle prosequi in the case of Sam KLU and Mathias APALOO

The Administering Authority refers to the observations submitted in connexion with petition T/PET.7/311 and emphasizes once again that the decision on the appeal did not concern the substance of the case. The order of nolle prosequi was based entirely on a formal and procedural irregularity.

(d) Sentence for slander

The offence of slander was established, since the court at Lomé imposed a sentence of six months' imprisonment and a fine of 6,000 francs on that head.

In conclusion, we can only say that, contrary to the petitioner's allegations: he was in fact guilty of spreading false news at Palimé in March 1952, of a kind likely to disturb the public order, since various incidents ensued; that he was also guilty of slandering an officer of the judiciary police by attributing to him defamatory and purely imaginary words and actions; that

^{1/} Secretariat's note: See T/OBS.7/3, section 6.

the Administering Authority has neither the right nor the power to interfere in judicial matters; the release of Mr. Sam KLU is incontestable proof of that; that individual freedom, though unequivocally respected in Togoland under French Administration, is necessarily limited, as in all democratic countries, by the need to maintain public order so that that very liberty may be exercised.

3. Petition from Chief William Kemavo Hounkpetor and others (T/PET.7/329)

The Administering Authority is in a position to give the following particulars in connexion with this question:

(a) The digging of the well at Sagnrako, which was to have been carried out in July 1952, has had to be postponed until July 1953 owing to unforeseen difficulties encountered in bringing a water supply to the SANGUERA region;

The survey for the pumping station at Sagnrako was carried out in December 1952 by a geological expert. Apparently no special difficulties in sinking the well are anticipated. The cost of the installation, about 6 million francs, will be borne by the FIDES budget;

(b) Digging will also be carried out at LEGBASSITO, although at a somewhat later date since the experience derived at Sagnrako will be of great use in establishing this new station;

(c) The formation of a canton of SANGUERA is being considered and will be effected as soon as the chief notables and customary authorities of the existing canton of Agouévé have been consulted and have given their consent.

Furthermore, the Administering Authority feels it should take this opportunity to explain that letter No. 703 DS/AP, dated 24 December 1952, from the Commissaire de la République to the Chairman of the Visiting Mission, stated that the names of the villages of SANGURATO and LAGEBASSITO were unknown or misspelt (31). In fact apparently the villages of SAGNRAKO and LEGBASSITO were meant.

4. Petition from Chief Pasa Ano Amenyaglo Ahiabo (T/PET.7/330)

The Administering Authority is in a position to give the following information:

In 1945 Mr. FIGAH, a landowner at Tsévié, bought a parcel of land in the Kpali quarter, on the way out of Tsévié on the Lomé-Atakpamé road, from Guenou AGBOKOU, Agobo Zando, Kodjo ADIDA, Djokpe WORGLLO, Tokou GBIFO, Gbedji AMEDOE, TOBIGNON and Apemekou KPETI, all farmers at Tsévié.

The sale was disputed in 1948 by Mr. Amenyaglo AZIABO, who stated that the land was inalienable because it formed part of fetishist land.

The court of first instance at Tsévié, in its judgment No. 5 of 16 August 1949, dismissed the case of Mr. Amenyaglo AZIABO, firstly because he had no authority to act for the vendors and was not the owner of the land, secondly because the land had been planted with oil-palms by Mr. FIGAH, and lastly because the parcel of land that remained unsold was large enough to permit the customary ceremonies to be held.

This decision was confirmed by the court of second instance on 4 October 1949

5. Petition from Chief Ahoto and his Elders (T/PET.7/331)

The Administering Authority states that in 1923-1924 the railway administration of Togoland (Service Voies et Bâtiments) was taking stone from a quarry at Lilicové.

This quarry was being worked for the purpose of:

- (1) ballasting the permanent way;
- (2) building railway bridges and dwellings to serve as offices for the system.

Shortly afterwards the owners of the land on which the stone-quarry is situated sold it to one KPELLE Robert.

Mr. KPELLE Robert receives rent paid him by the Entreprise BAUDON, which is now working the quarry.

This is therefore a purely private dispute with which the law is not competent to deal.

6. Petition from Mr. Bernard Y. Amevin on behalf of the Aképés (T/PET.7/332)
Petition from Mr. Edmond Adomey on behalf of the Aképés (T/PET.7/333)

The complaints and requests of the petitioners with regard to the chiefdom of AKEPE have been met, since:

the deposition of DORKENOO Michel, ex-chief of the Canton of Aképé, pronounced by the Conseil Coutumier of the Aképé, was confirmed by a decree of 5 January 1953;

the appointment of AMENYO AKE II as new chief of this canton, made by the said Council unanimously and in accordance with custom, was officially confirmed by a decree of 20 February 1953.

7. Petition from Mr. Ammanuel Adjaho (T/PET.7/334)
Petition from Mr. Nicolas Akou (T/PET.7/335)

The reason for these petitions has ceased to exist. The Conseil Coutumier of Kpelle decided in accordance with custom to reinstate the former chief of the canton, ADJAHO, and the recognition of the latter as chief of the canton of Kpelle was officially confirmed by a decree of 17 December 1952.

The petitioners' requests have thus been granted.

8. Petition from Mesdames Adjoavi Edoh, Atissou Amouzou and others
(T/PEP.7/336)

The Administering Authority is in a position to furnish the following information:

On the death of the former chief of Agbetiko, in February 1948, two candidates presented themselves: his son, AYITE HOUNOUI and AMOUZOU Grégoire, the petitioner.

A popular vote was taken on 20 August 1948. The result was not conclusive, since each of the rivals obtained about the same number of votes. Amouzou Grégoire obtained 161, Ayité 151 and 135 persons abstained from voting.

In view of this result and in order to restore calm in the village, the Commandant de cercle, in agreement with the chief of the canton, decided to divide the village in two provisionally and to appoint Amouzou Grégoire and Ayité Hounouvi as chiefs of their respective parts of the village: Ayité of the Agbetiko-Agkponou part and Amouzou of the Agbetiko-Agbokome part.

This was not a successful arrangement and there were incidents, though fortunately not serious ones, between the subjects of the two chiefs. The dispute was then submitted to the judgment of the six village chiefs. The validity of the judgment was contested, however, one of the parties stating that he had made a payment to the arbiters. In the meantime the case came before the customary court which, as its name indicates, is perfectly competent to pronounce on custom.

The customary court rules that according to custom, Ayité Hounouvi should be the village chief. Amouzou Grégoire appealed against this decision before the court of second instance, which, however, merely confirmed the ruling of the customary court.

These were the circumstances in which Ayité Hounouvi was appointed village chief of Agbetiko.

It is noteworthy that in his petition Amouzou Grégoire neglects to mention the judgment pronounced by the customary tribunal subsequently to the decision of the six chiefs.

On 10 August 1951 the commandant de cercle of Anécho, accompanied by his deputy, visited the village of Agbetiko to make an official proclamation of the customary judgment. When they were leaving the supporters of Amouzou Grégoire threw stones at them and then returned to the village and began annoying Ayité's supporters.

A riot took place in which one of Ayité's supporters was killed by one of Amouzou Grégoire's supporters.

The giver of the fatal blow admitted his guilt and stated that he was a supporter of Amouzou Grégoire. The case will be heard by the court at Lomé.

9. Petition from Mr. Bruce Monsavi Samuel (T/PET.7/337)

Jewellery workers normally have no difficulty in obtaining gold and silver for their craft and the charge for a licence is very reasonable. The complaint from Mr. Bruce Monsavi Samuel is the first to come to the notice of the Administration.

10. Petition from Mr. C.T. Kofimensah (T/PET.7/338)

The new law referred to by the petitioner, known as the Lamine-Gueye law, has been made applicable to all French territory in Black Africa; its aim is not at all to encourage polygamy but to avoid any discrimination against Togolandese whose customs and religion both authorize the practice of polygamy.

The Administering Authority is anxious to prevent any abuse which might result from the indiscriminate application of this law.

No person by the name of C T. Kefimensah is known at the address given at Lomé so that it has not been possible to complete the usual investigation of the petitioner's allegations which might result in a reduction in tax assessment.

11. Petition from Mr. Emmanuel Nubukpo (T/PET.7/339)

This petition concerns not a case of smuggling discovered by the local authorities, but a violation of the French West African customs regulations discovered in Dahomey by a gendarme of that territory.

There is in fact no customs union between Togoland and the Federation of French West Africa; consequently, imports from Togoland to Dahomey are subject to duty. Likewise, goods from Dahomey must be declared at the first customs station in Togoland and duty must be paid on them there.

In the absence of a customs barrier, small shipments are in practice tolerated across the land frontier, but this would not apply in the case of large shipments.

To sum up: first, the tradespeople in Togoland and in Dahomey are fully aware of the regulations in force and should not take advantage of the fact that the customs authorities are very tolerant in order to protest against the application of those regulations; second, the unification of Togoland would not lead to the lifting of those regulations but would, on the contrary, strengthen them and lead to their stricter application.

12. Petition from Mr. Sepedon Dotché (T/PET.7/340)

Sepedon Dotché is head of a family which has never provided any notables in the village.

13. Petition from Mr. Aglago Lolo and Mr. Douaye Amegno (T/PET.7/341)

Michel Ayassou is undoubtedly the owner of the land on which he has planted coffee-shrubs and palm-trees.

The paths mentioned by the petitioner crossed Michel Ayassou's property, and custom does not provide public right of way, as in French law.

There have been no criminal cases in the village of Kouvé for many years. It is therefore untrue to state that the chief's policemen have shot anybody.

It is incorrect to say that at the time of the elections the Anécho gendarmerie intervened in order to allow a meeting of the Comité d'unité togolaise to take place, when the inhabitants of the village wanted to oppose it with violence. Not a single incident took place.

14. Petition from Mr. Kodjo Gbedeke Sedjro (T/PET.7/342)

Until 1941, the petitioner's father was chief of the Dafo district in the village of Jouvé, but was never chief of the village of Kouvé as the petitioner claims.

The chief of the village of Kouvé, Michel Ayassou, has held that position since 13 February 1936.

Article 7 of Arrêté No. 951-49/APA of 2 December 1949 provides that a new chief shall be appointed only in the event of the death of the person holding the office, of his final abdication in accordance with tribal law, or his dismissal following a sentence of imprisonment for a criminal offence (condamnation à une peine criminelle) or for an offence punishable by loss of civic rights (peine correctionnelle à caractère déshonorant).

Until one of the cases provided in article 7 of the aforementioned Arrêté arises, no appointment of a new chief in the village need be made.

15. Petition from Mr. Abassa Dotché (T/PET.7/343)

This case was brought before the Anécho court of first instance during its hearings at Tabligbe on 18 April and 21 July 1951.

The facts are as follows: Dotché Abassa married the woman Koulewessi Lege, who had just left her previous husband, a certain Koutchi Ahoun, while she was pregnant by him.

In such a case, custom does not prescribe a waiting period before re-marriage, as does French law. The man who begets the child is recognized as the father. However, the child is given to the mother until he no longer needs her care, usually at seven years of age.

When, therefore Koutchi Ahoun claimed his daughter Adjowa before the court of first instance, he was awarded custody of her. However, the Court decided that Koutchi Ahoun should pay Dotché Abassa the sum of 10,000 francs as an indemnity for the child's maintenance.

It should be noted that:

1. Koutchi Ahoun had had his paternity recognized by the chief's court in the village of Kouvé Dafe at the time when his wife left him to join Dotché.

2. The woman named Koulewessi declared before the court of first instance at its session of 18 April 1951:

"I recognize that Adjowa is Koutchi's daughter".

3. Koulewessi has left Dotché and is now with a third or fourth husband.

4. This is a purely civil matter and should not be brought before a criminal court.

16. Petition from the Group of Women Bakers of Lomé (T/PET.7/344)

The European bakers who have established themselves in Lomé came at their own expense and on their own initiative, without any assistance or intervention from the Government. They have not been offered flour at special prices.

The European bakers in no way compete with the Togolander women bakers. They make bread similar to that made in France, which is purchased only by Europeans and a few of the more advanced indigenous inhabitants. The majority of the population prefers to buy the bread made by Togo bakers which is considerably cheaper and is prepared differently.

Finally, the European bakers must pay for a licence and are subject to income and turnover tax, while the retailers go virtually tax-free.

17. Petition from Mr. Akouété A. Aglébey (T/PET.7/345)

In 1914 the chief of the village of Afagnan-Bléta-Kpetemé was a man named Akakpe Kpetemé who had been in office since 1906.

On his death in 1941 his son Nouati succeeded him.

This chiefdom has never until now been disputed. The petitioner has waited eleven years before making a claim.

It cannot therefore be asserted that the petitioner had been deposed from the chiefdom because he was a member of the Comité d'unité togolaise for the simple reason that in 1941, when Nouati was appointed, the Comité d'unité togolaise was not yet in existence.

An investigation has shown that all those members of the petitioner's family who pay head tax are more than sixteen years of age.

18. Petition from the British Ex-Servicemen's Association (T/PET.7/346)

The special situation of French Togolandiers who served in the British forces during the last war is at present under study by the General Secretariat of the French West Africa and Togoland Ex-Servicemen (Anciens Combattants de l'AOF et du Togo) and by the Ministry for Ex-Servicemen (Ministère des Anciens Combattants) which has contacted the United Kingdom Government on the subject.

The question is further complicated by the fact that the majority of Togolandiers who served in the British Army never served abroad and are considered by the French Administration, according to French legislation, not as "anciens combattants" but as "anciens militaires".

The confusion which has grown in the petitioners' minds comes from the fact that the British term "ex-servicemen" applies to all those who were formerly in the armed forces, whether or not they have actually seen active service.

Pending a final settlement of the matter after the negotiations mentioned above, however, the Administering Authority has endeavoured whenever possible to find employment for Togo "ex-servicemen", in recognition of the services they have rendered.

19. Petition from Mr. Gbogon Toudéka (T/PET.7/347)

The petitioner writes: "After Sedjro the Germans came, and at that time matters connected with the chiefdom were very difficult. The chief's crown cost five pounds sterling, and since Toudéka did not possess that sum at the time, Agbossou-Mondé was able to buy it."

It is no longer possible accurately to check the petitioner's statements concerning events which took place so long ago; he himself admits that it is more than half a century since his family held the chiefdom.

His rival, Agbossoumondé was appointed as chief in 1936. He succeeded his father, who had been chief of the village since 1900.

On 11 September 1944, Agbossoumondé was sentenced to six months' imprisonment under article 28 of the penal code.

It was then that the Administration appointed Gbogon Toudéka as chief of village, in order not to leave that post vacant.

It should be noted that Gbogon Toudéka was not appointed without difficulty. Out of 1,136 tax-payers in the village, Gbogon Toudéka could muster only 164 votes, as can be seen from the record of the palaver. Numerous petitions against Toudéka's appointment were sent to the chief of the territory, and they were not unfounded. Toudéka had to be suspended from office on 6 September for abusive taxation. He was, however, reinstated some time later.

After the war, a law applicable to overseas territories came into force, known as the Amnesty Act of 16 August 1946. That act pardoned certain offences committed before 16 June 1947.

Agbossoumondé requested a pardon under this Act, asking that the administrative sanction that had been imposed on him for his offence should be lifted.

The Administering Authority only decided to grant him pardon, from an administrative point of view, after the customary court had declared that "Agbossoumondé was the only person with the customary qualifications necessary to fulfil the duties of chief of the village of Akoumapé-Assike", and after, in addition, the village population had declared, during the palaver held on 26 June 1951, of which a record was kept, that it was in favour of Agbossoumondé's return.

It was therefore only after that court decision and consultation of the village that Agbossoumondé was reinstated as chief on 29 June 1951.

Thus, it will be seen that Toudéka lost his office because of the 1946 Amnesty Act, and not because of his allegiance to any particular party.

Finally, it should be noted that when Gbogon Toudéka appealed to the Council of State against the decision to reinstate Agbossoumondé, that body did not examine the substance of the matter but, on 27 February 1953, referred the appellant to the claims court at Lomé, which was competent in the first instance.

20. Petition from Mr. Albert Essien (T/PET.7/348)

It seems unnecessary to comment on each point of the petitioner's far-fetched allegations. The following comments should, however, be made in connexion with some of his statements:

1. In the agricultural field, the Cabrais are by far the most advanced people in the Territory.
2. It is factually incorrect, on the one hand, that the Parti togolais du progrès is composed of immigrants from Dahomey and, on the other hand, that the only parties composed of Togolanders are the Comité de l'unité togolaise and its subsidiary, the Juvento. It is well known that the leader of the latter parties, Mr. Sylvanus Olympio, was born in Dahomey of a Dahoman mother and a father of Brazilian origin.
- 3,4 and 5. The figures published in the Annual Report for 1951 provide the best reply to the petitioner's allegations.
6. One of the main responsibilities of the Labour Inspection Service is to obtain employment for Togolanders who can always turn to the Territory's Inspector of Labour for assistance.
7. During their recent visit to the Territory, the members of the United Nations Visiting Mission were able to see for themselves to what extent cathedrals, chapels and historical towns are dilapidated.

21. Petition from Mr. Koumayoh Agboyi (T/PET.7/349)

This petition is quite unfounded. The replacement of chief Alensou, who died a year ago, was made according to custom.

The choice had to be made from the members of three local royal families; the Landjis, the Agboyis (Alensou) and the Adabras.

The family of chief Alensou did everything in its power to keep the throne although it knew that the majority of the population was not in favour of it. The customary council and the people designated Julius Apétsé of the Adabra family.

The Agboyi family refused to accept this decision and sent one of its members to Lomé to draft and submit this petition.

On Sunday, 1 February 1953, the enthronement of the new chief, Julius Apétsé Adabra, took place; all the people of the village as well as the Agou chiefs attended the ceremony and during it no protests were made to the Commandant de Cercle and nothing marred the rejoicings.

The customary council's decision was made official by a Décision dated 6 March 1953.

Finally, it should be noted that Kolu Hiki, who had signed the protest of 20 January 1953, reversed his attitude on 1 February 1953, the day of the enthronement, and signed a statement recognizing the validity of Julius Apétsé's appointment.

22. Petition from Mr. A.K. Amenomanya (T/PET.7/L.1)

The Administering Authority must first of all state that the signatory of this petition is unknown in the Atakpamé cercle and that the name Amenomanya, which in Ewe means "the mother is not concerned about the fate of her son" is most probably a pseudonym. In view of this and of the very general nature of the petition, the only comments are as follows:

1. Arrest of three Atakpamé "chiefs"

This matter was given special attention in the observations presented in reply to petition T/PET.7/306.^{1/} It should be added that on 29 April 1953 Amedegbo Amadou, Danou Gate and Kouami Apeti were each sentenced to 18 months' imprisonment by the Lomé court of first instance, for fraud and usurpation of office.

2. Sentencing of a woman at Atakpamé

On the night of 5 April 1952, a brawl took place at Atakpamé between Kassamba Ernestine Atassimi and a Dahomey man, each wounding the other slightly. Both were immediately arrested and sentenced by the magistrate at Atakpamé, the woman to eight days' imprisonment (because of her particularly aggressive conduct) and the man to four days.

The magistrate was not aware that Mrs. Kassamba was a member of the Comité de l'unité togolaise.

3. Meeting at Atakpamé on 16 March 1952

The leaders of the Comité de l'unité togolaise wanted to hold the meeting on the market place in the centre of the town. For the sole purpose of avoiding any incidents, the Mayor suggested that they should hold the meeting at the Lcm-Nava stadium, which they did.

1/ Note by the Secretariat: See T/OBS/7/6.

Following their arrival at the stadium, however, the leaders started to have posts driven into the ground in order to erect shelters, which would have ruined the stadium field completely; in order to avoid damage, the Mayor requested them to halt any construction work.

The meeting was in no way forbidden.

4. Dismissal of officials

No official can be dismissed for reasons of service unless a Committee of Inquiry or a Disciplinary Committee has met to discuss the matter. The accused official has the right to bring a lawyer to assist him, to call witnesses in his defence, and to show whatever proof he may have of his innocence.
