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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 Regional Secretary, Togoland Congress, Branch of Borada
(T/PET.7/375)

The above petition refers to the deportation of Mr. Kpégba Fritz Bassah and another person, both of whom are alleged to have been dispossessed of their property.

The Administering Authority points out that:

- (1) No deportation proceedings have been taken against any person, and neither Mr. Kpégba Fritz Bassah nor any other person has at any time been dispossessed of his property.
- (2) No action by the local Administration has obliged the persons in question to leave the Territory and seek refuge in the British zone.

The inquiry concerning Mr. Kpégba Fritz Bassah (the other person not having been identified) has revealed that, like a number of planters at Dayes-Nord, he cultivates land on the other side of the border, and the fact of his being in territory under British Administration means that he is working on his land there and not in exile.

Moreover, it appears that if Mr. Kpégba Bassah is in fact often away from his village it is because of family quarrels.

- (3) Last March, the regional chiefs and their notables were requested by the Commandant de cercle to come to Palimé for the purpose of preparing the groundwork of a regional works programme (roads, schools etc.). The cantonal chief of Dayes Atigba was expressly invited to bring Kpégba Fritz Bassah and another notable. They did not attend the meeting but the fact that Mr. Kpégba Fritz Bassah was invited shows that he is not kept out of cantonal affairs and that his visits to territory under British Administration are purely voluntary.

2. Petition from Mr. Taerou Dorego (T/PET.7/376)

The Administering Authority points out that:

(1) Mr. Alassani do Régo is known to do a regular business in small goods, which he sells in the bush, but he has always denied that he has any commercial activities and he refuses to take out a licence.

(2) On 25 October 1953 he went to KOUSSOUNTOU with some goods which were probably for sale, not for the funeral, which had already taken place, his uncle having died two months previously and not on 18 October. When questioned by Police Sergeant BREHIMA, who asked him for his licence, he gave the policeman a violent punch.

Mr. Alassani do Régo was then overpowered and was taken before the cantonal chief, placed under arrest and brought before the magistrate at Sokode.

(3) The case was heard by the court on 29 October and was adjourned until 3 November, at the request of the accused, in order that he might prepare his defence. He was sentenced to six months' imprisonment and to a fine of 2,000 francs for contumacy. He has not lodged an appeal in due form before the court which sentenced him.

3. Petition from Mr. Nicodeme A. Amegah (T/PET.7/380)

The Administering Authority points out that:

(1) The maintenance of law and order never takes the form of a cordon designed to prevent the public from attending a meeting.

Police were stationed at the Calvaire crossroads, at the junction of rue Thiers and rue Alsace-Lorraine, merely in order to regulate the traffic on the public highway, the meeting having been arranged for a time when traffic on those roads is heavy.

The photograph mentioned by the petitioner, which was not attached, is not conclusive evidence; it is possible for anyone who owns a camera to take photographs of policemen on duty and then to give the negatives whatever interpretation best suits him.

(2) The Chief of Police did in fact receive the letter the petitioner sent him on 17 August 1953 about the activities of the policeman named Alidou.

As the same letter was sent to the judicial authorities, who opened an inquiry into the facts alleged, the Chief of Police was no longer competent to deal with the matter, in view of the principle of the separation of powers.

(3) The legal inquiry did not establish the accuracy of the facts alleged by the petitioner against the policeman named Alidou, who could not have been at the place where the demonstration took place, since he was at that time on duty at the Security Office whereas the staff of the Police Station of the town is solely responsible for the traffic police.

4. Petition from the National Chairman of Juvento (T/PET.7/381) and Add.1-2)

(a) T/PET.7/381

The Administering Authority points out that:

(1) The number and frequency of public and private meetings held by the various parties and associations are in themselves proof that there is complete freedom in that regard.

(2) The actions ascribed to the Chief of the Police were the subject of a legal inquiry, ordered by the Court of Appeal of Abidjan as a result of the petitioner's complaint. Following the inquiry the Court ordered the case to be filed, it having been impossible to establish the authenticity of the alleged facts. It should be pointed out that the accusations against the Chief of Police are, to say the least fantastic: indeed, it is unthinkable that that official, who was all alone, no policeman being on duty in the neighbourhood, was able to enter a hall where more than a hundred persons were assembled, indulge in the violent acts reported and have the hall cleared, without any reaction on the part of those attending the meeting.

(3) The Administration was not aware of the arrest and release of "several members"; arrests could be made only on the express orders of the legal authorities who on the date in question, had not at any time had occasion to intervene. Furthermore, the Administration was also completely unaware that the Juvento had held a meeting on 26 March, no police having been assigned to duty nor any procès-verbal prepared.

(b) T/PET.7/381/Add.1

This petition being merely a recapitulation of the facts already stated separately in detail in various other petitions, the Administering Authority refers to the comments it made when those petitions were examined.

It should be added that:

- (1) Nothing has happened to make it necessary to station policemen in villages to intimidate the population. Moreover, the small number of police available would not allow of such assignments;
- (2) There is no oppression in the Territory. The law is applied to all with much moderation, and is severe only on those who deliberately persist in flouting it.
- (3) The incident which occurred at Tsévié on 21 March was a brawl between local factions of the C.U.T. and P.T.P. The Administration did not intervene until after the event, in order to restore order. The legal authorities were informed of the case and instituted an inquiry. The following are the facts in detail:

Towards 8.30 p.m. on 21 February, certain incidents occurred at Tsévié, near the Juvento premises. They were caused by a clash between P.T.P. and C.U.T. members, who were leaving meetings which each body had held in the same neighbourhood.

As soon as he was informed of the facts, the Administrator-Mayor warned the gendarmerie, who immediately went to the spot, and order was very soon restored. The insinuation that the Administration tried at first to ignore the facts is therefore inadmissible.

The following morning, some members of the P.T.P. went to the Administrator-Mayor to inform him that they had been beaten when they were leaving a meeting of their party and returning to their homes; they said, too, that these incidents were the result of the continual threats which had been made against them since they had joined the P.T.P. The Administrator-Mayor sent them to the gendarmerie.

In their turn, the C.U.T. members, accompanied by the cantonal chief PASSAH, went to report the facts to the Commissioner of Police, who asked them to go to the gendarmerie, which had already been informed of the matter. The Commissioner of Police asked Chief Passah to take the people who had been

injured to the dispensary in order that they might receive first-aid. The doctor attended six persons, none of whom was in a serious condition.

Thus, contrary to the assertions of the members of the C.U.T., the chief medical officer of Tsévié medical centre did not refuse to admit the injured; on the contrary, he attended to them. Moreover, there were no serious casualties and no one was admitted to Lomé hospital.

The Public Prosecutor's Office, having been informed of the matter, ordered an inquiry to be held, and the file is now being studied.

The account given at the interview with the Commandant de cercle on 24 February is inaccurate and tendentious.

(c) T/PET.7/381/Add.2

As this petition is simply a letter transmitting a copy of a former petition (T/PET.7/381/Add.1) to the Assistant Secretary-General, the Administering Authority can do no more than refer to its observations on that document.

5. Petition from Miss Beatrice Dweggah (T/PET.7/388)

The Administering Authority refers to its observations on petition T/PET.7/381 ^{1/} relating to the same question.

1/ Note by the Secretariat: See section 4 of this document.

6. Petition from Mrs. Celine Antoinette Mensah (T/PET.7/389)

The Administering Authority refers to its observations on petition T/PET.7/381^{1/} relating to the same question.

1/ Note by the Secretariat: See section 4 of this document.

7. Petition from Mr. Emile M. Doegah (T/PET.7/400)

When examining earlier petitions the Administering Authority replied in detail to the fantastic charges, again voiced in this petition in very exaggerated tones, which are all part of a campaign waged by certain political parties to hide the general disaffection from which they are suffering.

The additional accusations made in the present petition call for the following observations:

(1) The petitioner states that the local Administration "does everything to prevent the dissemination of information regarding the work of the United Nations". On the contrary, the Administration is first and foremost in distributing United Nations documents by making them available to the public in libraries, cultural centres and youth hostels throughout the Territory and by publishing the records of the Trusteeship Council in its daily bulletin. Moreover, it has just requested the United Nations Department of Public Information to send it a number of documents for distribution: pamphlets, posters, films, broadcasting scripts etc.

(2) "The French Administration" continues the petitioner, "also does everything to paralyse the economic, political and social development of the country". The yearly examination by the Trusteeship Council of the situation in the Territory and the conclusions it draws as a result make any reply by the Administration unnecessary.

8. Petition from Mr. Stephan Zotou (T/PET.7/401)

- (1) The Administering Authority points out, firstly, that disciplinary measures are taken against officials for strictly professional offences only, regardless of their political opinions. In every case the lengthy procedure which precedes punishment affords the official concerned every means of using the guarantees and protection accorded him by the law. Furthermore, resort can always be had to the Disputes Board and then, by appeal, to the State Council. The petitioner has not availed himself of these possibilities.
- (2) While he was a member of a working gang, lost in the crowd of other workmen and protected by his foreman, ZOTOU's exact professional worth could not be judged. But when, at the beginning of 1953, he was put in sole charge of a piece of work, he was soon noticed for his mediocre output and poor workmanship.

At the beginning of November 1953, after having been reprimanded for many acts of carelessness, in addition to chronic laziness and intemperance, he was entrusted with the construction of a small shed. The work was very badly done; the pillars of the shed were so unequal in height that the framework which had been erected had to be dismantled. He took a whole day to make the necessary alterations, which could have been done in ten minutes or so, and yet he did not manage to make the pillars the same height. In addition, he left his place of work before closing time.

These incidents, added to others, led to Mr. ZOTOU's being brought before the Disciplinary Board, which was required to give an opinion on his usual way of working. He was dismissed.

9. Petition from Mr. Martin Martelot (T/PET.7/402)

The Administering Authority will not comment on the matters set forth in this petition, for it does not wish to prejudge or appraise the decisions of the courts to which the case has been submitted. The law guarantees the petitioner every means of appeal against such decisions.

As regards the affair of 4 April 1954, the wording used by the court was not "rebellion" but "insulting behaviour to the police, violence and assault and battery". The persons concerned did not appeal against the sentence

The accusations made by the petitioner against the Law Officer of the Republic and the Administrator-Mayor are fantastic and unfounded.
