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EXAMINATION OF PETITIONS

Togoland under French Administration

Observations by the Administering Authority

Note by the Secretariat: the following observations were forwarded to the Secretary-General on 18 June 1952 by the French representative on the Trusteeship Council. The observations deal with the following petitions:

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OP.

I. Petition from the "Association des Nations Unies du Togo" (T/PET.7/293)

1. By cablegram of 5 December 1951, Mr. Anthony Amedogbe, on behalf of the Association des Nations Unies du Togo, protests against the elections which are to be held in December 1951 for a new Representative Assembly.

Observations

2. Information has already been given on this matter in connexion with petition T/PET.7/292 from the Movement de la jeunesse togolaise.^{1/} The Association des Nations Unies, is uninfluential and of even less account than the Jeunesse togolaise; it has only about ten members, all from Lomé.

II. Petition from Messrs. Aku, Olympio and Antor (T/PET.7/294) and petition from Mr. Antor, Secretary-General of the Togoland Congress (T/PET.7/296)

3. These two petitions are taken together as they refer to the incidents at Palimé on 16 March 1952. Messrs. Aku, Olympio and Antor protest, by cablegram of 18 March, against attacks on public freedoms by the French administration in Togoland since the beginning of 1952. By cablegram of 19 March, Mr. Antor protests against the police action taken on 16 March in connexion with a public demonstration by Unité togolaise at Palimé.

Observations

4. Freedom of assembly is subject in Togoland to the same legislation as in France, i.e. the Acts of 7 June 1848 and 30 June 1881. Under these regulations meetings on the public highway are prohibited, and processions and demonstrations on the public highway are authorized subject to being notified three days in advance, the Administration reserving the right to prohibit them for the preservation of the peace. Meetings elsewhere than on the public highway are authorized without previous notification but so far as they are compatible with the maintenance of order. In the contrary case, the Administration has the right and obligation to intervene for the purpose of maintaining or restoring public security.

5. Contrary to the petitioners' allegations, the Administration has taken no general action to restrict public freedoms since early in 1952. It has merely (a) enforced the law prohibiting meetings on the public highway, and

/(b) intervened

^{1/} See document T/999, paragraphs 96-100

(b) intervened in a number of particular cases when the projected demonstration was likely to disturb the peace.

6. With regard more particularly to the incidents at Palimé on 16 March, the Comité de l'Unité togolaise, after holding a public meeting on that day, instigated an unlawful assembly in front of the Cercle offices, during which the demonstrators insulted the police and threw stones at them. The local administrative officer, commandant de cercle, summoned those responsible for the meeting. Some of them responded to the appeal but refused to do anything to stop the demonstration. The police then proceeded to clear the square and the main streets. The demonstrators dispersed but returned shortly afterwards to insult and again throw stones at the police officers, several of whom were wounded. The firmness and presence of mind shown by the commandant de cercle certainly made it unnecessary to take severe measures, and in the end the demonstrators withdrew without any of them having been wounded.

III. Petition from Mr. Augustino de Souza (T/PET.7/295 and T/PET.7/295/Add.1)
and petition from Mr. Augustino de Souza (T/PET.7/297)

7. The three petitions here grouped together concern various incidents which took place in March 1952 in the Atakpamé district (cercle).

Mr. A. de SOUZA, on behalf of the Unité togolaise, complains of the persecution of his party by the Administration in connexion with the demonstrations organized in this cercle on 2 and 16 March, and particularly of the seizure of trade rifles in the various villages through which Mr. Olympio was to pass.

Observations

8. The Parti togolais du progrès and the Unité togolaise are almost equally strong in the cercle and town of Atakpamé. At the time of the elections, the Administration had to enforce the Act prohibiting meetings on the public highway in order to avoid encounters between members of opposing parties, especially since the Unité togolaise had declared its intention of holding meetings on the squares of villages where the population and chiefs were supporters of the Parti togolais du progrès.

9. The Administration also had to take certain action on 16 March to prevent opponents clashing, as the Parti togolais du progrès was holding a meeting at Atakpamé at the same time as the Unité togolaise.

10. Thanks to these precautions there was no incident, and the police brutalities are the product of the imagination of the authors of the reports addressed to A. de Souza and attached by him to his petitions.

11. With regard to the trade rifles, it should be pointed out that the regulations on the subject require two kinds of declarations, one relating to the possession of trade weapons and the other to permission to fire salutes with such weapons in public.

12. The weapons held by certain people who had not complied with the regulations on these two points were confiscated pending compliance with the necessary formalities.

IV. Petition from Mr. Augustino de Souza (T/PET.7/298 and T/PET.7/298/Add.1)

13. In these two petitions Mr. A. de Souza protests against the decision taken on 15 March 1952 by the commandant de cercle at Mango to prohibit until further notice in the Mango subdivision the organization of meetings by the Unité togolaise and by Mr. N'Djanbara N'Rchaba, chef de quartier.

Observations

14. The point at issue here is not a political affair but an old rivalry by which two Tchokossé clans are irreconcilably divided on the subject of the chefferie of the town of Mango, a chefferie which was at the time, by a perfectly regular procedure, conferred upon the present chief, Nambierra Tabi. Mr. N'Djambara N'Tchaba, the chef du quartier at Sangharra, who claims the rights to that chefferie, has never acquiesced in the appointment and has always in all circumstances displayed his opposition to the reigning clan. The Comité de l'Unité togolaise has exploited this rivalry in order to try to infiltrate at Mango by taking the side of N'Djambara N'Tchaba.

15. The commandant de cercle at Mango took his decision because of the dangers of violent antagonism breaking out at public meetings organized on a political pretext but with the real purpose of attacking the authority and prestige of the chef supérieur. Such demonstrations, in view of the violent and warlike nature of the Tchokossés, might have degenerated into sanguinary conflicts.

16. The decision adopted by the commandant de cercle was therefore taken with the sole purpose of ensuring the maintenance of public order and security. It could in no way prejudice the Unité togolaise, since that party was submitting no candidate at Mango and had consequently not undertaken any electoral campaign there.

17. The action in question enabled all disorder and incidents to be avoided during that period, and the prohibition was repealed in the first days of April as soon as things had settled down.

V. Petitions from Mr. Sam Klu and Dr. Aku (T/PET.7/299), Mr. Augustino de Souza (T/PET.7/300) and Messrs. Apaloo and Ahtson (T/PET.7/301)

18. These petitions refer to the arrest during the election campaign at Palimé of Mr. Sam Klu, candidate of the Unité togolaise, and two election agents.

Observations

19. On the evening of 23 March at Palimé after a meeting of the Comité de l'Unité togolaise, a police patrol, which had been ordered to clear the public highway, was hailed with insult and had stones thrown at it from the house of Mr. Sam Klu, candidate of the Comité de l'Unité togolaise to the Representative Assembly. The Procureur de la République, who was on circuit at Palimé, immediately went to the scene of the incident. The Judicial investigation formally established the fact that the harangues addressed to the crowd at the public meeting by Sam Klu, Mathias Apaloo and John Ball, local leaders of the Comité de l'Unité togolaise, were actual incitements to revolt, capable of provoking serious disturbances and indeed actually followed by a number of incidents. The persons concerned were committed on 26 March on a charge of incitement to disorder, contempt of the authorities and spreading of false information. The case is being tried.

20. Contrary to the assertions of the Comité de l'Unité togolaise, the arrest of Mr. Sam Klu in no way interrupted the party's electoral campaign, and its two candidates, Mr. Aku and Mr. Sam Klu, were elected.

21. The firm intervention of the judicial authorities restored complete calm in the Palimé cercle and put an end to the tense situation which had lasted for several weeks.

VI. Petition from Mr. Augustino de Souza (T/PET.7/302)

22. Mr. A. de Souza transmits to the Secretary-General of the United Nations a report from Mr. Mambioma Bossafou, who claims the chefferie of Mango for his clan and makes various charges against the chef supérieur, Nambioma Tambi.

Observations

23. Information has already been given in connexion with petition T/PET.7/298 on the rivalry between two Tchokossé clans who from time immemorial have disputed each other's claims to the chefferie supérieure of the Tchokossés and of the town of Mango. The present chef supérieur, however, was appointed in a perfectly regular manner.

24. In connexion with the elections of June 1951 it may be recalled that the polling station was under the charge of the commandant de cercle assisted by representatives of the Unité togolaise. The report of the proceedings makes no mention of any objections being raised to the facts reported in Bossafou's letter.

25. With regard to the extortions alleged to have been committed by the chef supérieur, the judicial authorities, to which the matter was referred in due form, did not consider that there were any grounds for court action.

26. The incidents of 27 October 1951 were also judicially investigated. The assertion that several persons were seriously wounded and that one died as a result of the blows he received is completely mendacious.

27. No meetings of the Comité de l'Unité togolaise were prohibited at Mango in 1951, and in 1952 they were prohibited only for a few weeks in March.

28. Forced labour does not exist in any form at Mango.
