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PETITIONS CONCERNING THE TRUST TERRITORY OF TOGOLAND UNDER FRENCH ADMINISTRATION

Working paper prepared by the Secretariat

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I. Petition from Togbui Agamah VIII (T/PET.7/447) dated 29 September 1955

1. The petitioner, who says that he is the properly elected traditional chief of Bé (Lomé), complains that because of his membership in the Comité de l'Unité Togolais (CUT) he has been deposed and replaced by a certain Sodjedo Agamah (or Sodjedo Adela).^{1/}

2. The petitioner states that he was elected to the village chiefdom in accordance with traditional custom on 8 February 1950. At that time, he says, the whole village supported the CUT. Later, however, some members of his family, who apparently disagreed with his political views, plotted to have him deposed and were encouraged in this by the Administration. They finally succeeded in this when, on 26 December 1953, they elected Sodjedo Agamah to replace him. The petitioner states that the election was attended by only sixteen persons out of a total village population of 6,000 and that most of the villagers were unaware of what was happening.

3. The petitioner states that Sodjedo Agamah was elected without the authority of the Administration and was chosen on purpose to bully and maltreat the population. He appeals to the United Nations to bring the matter to the attention of the Administering Authority in order that his rights as traditional chief should be respected.

4. Attached to the petition are two lists of notables who have signed delegations of powers on behalf of the petitioner and his opponent.

[5. The observations of the Administering Authority on this petition have not yet been received.]

1/ Secretariat note: See also petition T/PET.7/506 (summarized in section IX below) which contains a complaint that Chief Aklassou Adela has been replaced as cantonal chief of Bé by a certain Chief Sodjedo.

II. Petition from Mr. Nii Akue V (T/PET.7/467) dated 31 August 1955

1. The petitioner complains that, for no reason of which he is aware, he has been arbitrarily deposed from his position as traditional chief of Dégbénu (Anécho) and replaced by a certain Stanislaus Amazu Aukue, who is a member of the Parti togolais du progrès (PTP).
2. The petitioner states that he was appointed traditional chief of the village of Dégbénu according to the customary rules in December 1944. On 6 February 1950 he wrote a letter to the Commandant de cercle of Anécho asking him to institute a reform at Dégbénu, where before his appointment certain quartiers had ceased to be under the chief's authority. The only answer to this letter was his sudden dismissal by the Regent (régent) of Anécho on 29 June 1950 which the Commandant confirmed despite the fact that it was a violation of local custom.
3. The petitioner presents voluminous documentation relating not only to his dismissal but also to the history of the chiefdom of Dégbénu. He insists that Dégbénu is an old village, consisting of eleven quartiers, and antedating the town of Anécho which grew up beside it. He says that Dégbénu is now being treated as if it were a quartier of Anécho but that originally it was a very important Ewe village and that its autonomy was legally recognized under the former German administration.
4. The Local Authority states (T/1211, Annex II, section 19, b) that according to decree No. 951:APA of 2 December 1949, which is cited by the petitioner as being the basic law regulating traditional chiefdoms, the village is the indigenous administrative unit, and "every person necessarily belongs to the village in which he is habitually resident, and is by that pact subject to the authority of the Village Chief". Consequently, the chefs de quartier, in accordance with custom, are appointed and assigned by the Village Chief, without interference by the Administration. Mr. Nii Akue is well aware of this and does not dispute it.
5. To support his case, he alleges that Dégbénu is a village and not a quartier. This assertion is contradicted by the geographic situation of Dégbénu, which is part of the urban district of Anécho, and more especially by the fact that this quartier has long been traditionally subordinate to the Paramount Chief of Anécho. It is moreover significant that the Commandant de cercle relied primarily upon the testimony of the Paramount Chief of Anécho in preparing the report dated 29 September 1941, produced by the petitioner in support of his claim.

III. Petition from Mr. Sebastien Djossou Mlapa IV (T/PET.7/468) dated
2 September 1955

1. In a letter addressed to the Visiting Mission, the petitioner states that he is the traditional chief of Togoville and a grandson of King Mlapa who, he says, signed a treaty with Germany whereby Togoland became a German protectorate. He says that he has held his chieftainship for twenty-six years.

2. After stating his desire for the unification and independence of Togoland and his opposition to any integration of the two Trust Territories with neighbouring colonies, the petitioner complains that there is now a second chief in Togoville who calls himself Roi Gbossou II", and that the latter is supported by the Administration as opposed to the legitimate chief Mlapa, contrary to custom and to the administrative regulations governing chieftaincies. The petitioner adds that the presence of two chiefs in the village can only bring disorder.

3. The Local Authority states (T/1211, Annex II, section 20, b) that the additional territorial and regional institutions recently established bear witness to the desire of the Administering Authority to continue, in the spirit of the United Nations Charter, to carry out its task in the Trust Territory placed in its charge.

4. The Local Authority states that it does not support one chief against another. Each chief enjoys, among the population which elected him whatever authority and esteem he has succeeded in gaining and preserving.

IV. Petition from Messrs. Siegfried Agbogbo Etsi, Osenya Adzogble, Agbozomevi Francis and Nkumenya Amewu (T/PET.7/469) dated 8 September 1955

1. In a letter addressed to the Visiting Mission, Mr. Siegfried Agbogbo Etsi, father of the chief of the village of Dayes Elavagnon, and three sub-chiefs state that, following a land dispute between their village and the canton of Akposso, the French Administration modified the boundaries existing at the time of the German administration, thus alienating a large portion of their village land. After the chief of the village complained, the petitioners charge, the Administration deposed him. The petitioners further charge that the Administration has forced the new chief to become a member of the Parti togolais du progrès, threatening his dethronement if he refused.
2. The Local Authority states (T/1211, Annex II, section 21, b) that the complaint contained in the petition is of a general nature on matters connected with former chiefdoms. The Local Authority suggested to the Visiting Mission that this petition should not be examined by the Visiting Mission but should be transmitted to the Trusteeship Council in accordance with rule 84 of the Council's rules of procedure.

V. Petition from Mr. Albert K. Tamakloe (T/PET.7/470) dated 3 and 4 September 1955

1. In a letter addressed to the Visiting Mission, the petitioner, after indicating his desire for the unification and independence of the two Togolands, states that the Administering Authority of Togoland under French administration mistreats nationalists while it supports members of the Parti togolais du progrès. In this connexion, he charges, inter alia, that the Administering Authority has destooled many traditional chiefs and installed as chiefs persons favouring the integration of the Territory in the French Union. He lists five chiefs as among those who, he says have been destooled in this manner.

2. In a second letter, Mr. Tamakloe alleges that at about 4:00 p.m. on 4 September 1955, in the rue des Alliés, Lomé, policemen roughly removed his party badge and forced him to give his name so that he might be punished after the Mission's departure.

3. After commenting on the petitioner's general remarks concerning the administration and political future of the Trust Territory, the Local Authority states (T/1211, Annex II, section 22, b) that the destooling of a chief cannot be ordered by the Administering Authority but is, like the appointment of a chief, governed solely by custom and is thus exclusively a matter for the tribal authorities and the people. Action by the Administration is confined to recognition of the decisions taken.

4. The Local Authority adds that the petitioner appears to be inadequately informed in regard to the chiefs whom he names, for ex-chief Apetor of Palimé retired of his own accord, and Messrs. Doumashie and Mlapa, although their authority has decreased, are still in charge of their villages.

5. The Local Authority further states that the petitioner gives no details which would enable an inquiry to be made into the incident reported in his second letter.

VI. Petition from Chief David A. Akuagbi II (T/PET.7/494 and Add.1) dated 6 September and 10 November 1955

1. In a letter addressed to the Visiting Mission, the petitioner complains that, because he is a unificationist and is considered by the Administration to be anti-French, he has been replaced as traditional chief of the village of Toutou (Klouto cercle) by a person who is a member of the Parti togolais du progrès. The petitioner states that he was officially appointed chief in May 1936 and that when the Administration replaced him in 1952, it did not rescind the Order by which he was appointed. He states (T/PET.7/494/Add.1) that since that time he has been obliged to live in exile at Lomé.
2. The petitioner also transmits a number of other documents relating to his removal from office from which it appears that in December 1952, when he was in Lomé on personal business, he was recalled by the Commandant de cercle who announced his dethronement for having deserted his post. Among the documents transmitted is a memorandum to the Minister for Overseas France from a group of traditional chiefs in which they state inter alia that under the terms of Order No. 951-49/A.P.A. of 2 December 1949, which sets forth the regulations relating to indigenous authorities, a customary chief may be dismissed from office only in consequence of his having been sentenced to a criminal penalty or a correctional penalty involving loss of status.
3. In addition to his own case, concerning which he requests the United Nations to intervene with the Administering Authority on his behalf, the petitioner also complains that his father, who is sixty-six years old, and certain other persons, including his two aunts, were savagely beaten for having attended a meeting of the Comité de l'Unité togolaise at Lomé on 12 September 1954.
4. The observations of the Administering Authority on this petition have not yet been received.]

VII. Petitions from Chief Christian A.F. Gbadegbe VII (T/PET.7/495) dated 9 September 1955 and from Chief Christian Gbadegbe VII and notables of Amou-Oblo Village (T/PET.7/496) dated 3 September 1955

1. The first petitioner, who states that he is the real traditional chief of the village of Amou-Oblo elected in 1938 with the support of the whole village, complains that he has been constantly troubled by the Administration, which finally dismissed him from office, because he is local vice-chairman of the Comité de l'Unité togolaise (CUT) and a bitter enemy of the French Territorial Government.

2. The petitioner recounts his difficulties at considerable length. He says that in 1946 the Commandant de cercle and the cantonal chief, after urging him to change his political affiliation, ordered his dismissal. Thereafter, he was persecuted by the Administration until he was forced to seek asylum at Lomé where he remained for twenty-one months. At the end of this period, however, riots broke out in the village and he was compelled to return and proclaim himself as the sole chief.

3. From that time onwards, he says, there was constant trouble between the village and the Administration pending the election of a new chief. During this period the petitioner and fifteen others were arrested on a false charge of insurrection for which they were tried and received a suspended sentence of six months' imprisonment. Finally, despite efforts by the local authorities to prevent it, the village re-elected the petitioner. This did not end his difficulties, however, since he says that the authorities continued in their antagonistic attitude towards him. He states that in 1950 the Société Indigène de Prévoyance refused a request made by him for a rice mill on the grounds that he was anti-French and, during the visit of the 1952 Visiting Mission, measures were taken to prevent him and his people from approaching the Mission.

4. The petitioner goes on to say that later, when he was receiving treatment in hospital at Kadjebi (Togoland under British administration) the local authorities again deposed him, on the grounds that the chieftdom was vacant because of his absence, and procured the election of a certain Albert Torvy, a leader of the Parti togolais du progrès, who, he says, is a former convicted criminal, a drunkard and a profligate. The petitioner says that on the day when the announcement of his deposition and his replacement was made (21 February 1953) he returned to the village where he was acclaimed by the population.

5. The following day the petitioner was arrested on a charge of having purchased a rifle without a license. While he was in prison awaiting trial, the Commandant de cercle proclaimed Albert Torvy to be the new chief of the village.

6. According to the petitioner, his trial took place on 12 May 1953 and although he was innocent of the charge, he was found guilty and sentenced to serve three months' imprisonment and fined 6,000 francs. He was also sentenced to serve, in addition, the six months' imprisonment which he had earlier received as a suspended sentence. He says that he appealed his sentence to the court of appeal at Abidjan, but nevertheless was forced to serve the sentence, and has not yet learned the result of his appeal. When he was released from prison, the magistrate told him that he was no longer free to live at Amou-Oblo as the village chief.

7. The petitioner states that during his trial (in 1953) his son was expelled from school despite his youth.

8. The second petition (T/PET.7/496), which is signed by six notables of the village of Amou-Oblo, charges that Chief Gbadegbe was wrongfully deposed and convicted of an offence of which he was innocent, solely for political reasons. They complain that his successor, Chief Albert Torvy, is conducting a campaign of persecution of members of the CUT. They accuse Chief Torvy of a number of specific acts including (a) having ill-treated villagers who attended a CUT rally at Ho on 17 January 1954, (b) having attempted to dethrone the chief of the neighbouring village of Odo, (c) having chased two persons with a machete, (d) having illegally confiscated a shotgun, and (e) having murdered a certain Emil Amewoha and beaten traders to whom he owed money. The petitioners also accuse the cantonal chief, who supported Chief Torvy, of having acted improperly in connexion with a land dispute. They charge that nationalists are continuously persecuted.

[9. The observations of the Administering Authority on these petitions have not yet been received.]

VIII. Petition from members of the Customary Council of Koutoukpa (T/PET.7/500)
dated 9 September 1955

1. In a letter addressed to the Visiting Mission, four members of the customary council of Koutoukpa complain that the Administering Authority increasingly disregards the traditional customs of the people. They charge that the Commandant de cercle is now trying to depose the traditional chief of Koutoukpa (Karl Ossah), who has fulfilled the functions of his office without reproach since 1931, in order to replace him by a certain Paul Amekpon who is a member of the Parti togolais du progrès (FTP) and who has absolutely no claim to the chiefdom.
2. The petitioners state that on 13 January 1955, the Commandant brought to their village a group of FTP members, led by the cantonal chief, in order to proceed with the appointment of a new chief. All the people of the village strongly protested against this and the Commandant did not accomplish his purpose. Nevertheless, when he left the village he promised the FTP members that he would return to appoint their chief.
3. The petitioners request the Visiting Mission to intervene on their behalf in order that their traditional customs should not be flouted and their traditional chiefs deposed.
4. The observations of the Administering Authority on this petition have not yet been received.]

IX. Petition from notables and "chefs de quartier" of Bé (T/PET.7/506) undated

1. In a letter addressed to the Visiting Mission, nine notables and chefs de quartier of Bé complain that the Administration has victimized and finally dethroned their traditional cantonal Chief because of his active membership in the Comité de l'Unité Togolaise (CUT).

2. The petitioners state that this chief, Joseph Aklassou Adela, who was elected in 1928, performed his duties to the satisfaction of all concerned for twenty years. His troubles began when he agreed to the purchase by the Administration, at a price less than its value, of a piece of land in his canton for the construction of the Lomé aerodrome. This sale displeased some of the landowners concerned, particularly since the Territorial Government did not pay the owners the agreed price at the proper time and it subsequently resold the land to the French State. The Administration, seeing in this discontent an opportunity to bring pressure upon Chief Aklassou to change his political views, encouraged the malcontents among the chief's own family to bring a case against him as a result of which he was deprived of certain family land which he had held in trust as the head of the family. This case, the petitioners say, is still sub judice as Chief Aklassou has appealed against the judgement of the local court.

3. At the same time, the Administration also sought to undermine the chief's position by reducing his allowance. The petitioners say that in 1953 and 1954 Chief Aklassou's allowance was reduced from 50,000 to 1,000 francs per annum although chiefs of smaller communities such as Amoutivié and Davié, both of whom are members of the FTP, had their allowances increased during the same period.

4. Since these measures did not have the effect of forcing Chief Aklassou to renounce his membership in the CUT, say the petitioners, the Administration then convened a customary council composed of a majority of the chief's opponents, who were not qualified to participate in such a council, which on 29 December 1953, in the absence of the Chief, decided to depose him. The petitioners say that this action was illegal not only because the customary council was improperly composed, but also because under the terms of articles 7 and 12 of Order No. 951-49/APA of 1949, which sets forth the regulations relating to indigenous authorities, a chief cannot be dismissed or suspended unless he has committed a crime or an offence. The petitioners say that Chief Aklassou has appealed against his deposition to the Conseil du Contentieux Administratif (Administrative Disputes Tribunal) but his case has not yet been considered.

5. On 24 February 1954, the Administration appointed a certain Sodjedo to be chief of the Bé canton. The petitioners say that this new chief oppresses the people by imposing exorbitant fines, illegal imprisonment and corporal punishment, all of which is tolerated by the police who refused to listen to the complaints of the victims.

6. The petitioners ask the Visiting Mission to intervene with the Administering Authority in order that the situation may be remedied.

[7. The observations of the Administering Authority on this petition have not yet been received.]
