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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. Petitions from Mr. Mensan Aihntson (T/PET.7/437, dated 4 April 1955, and T/PET.7/477)

1. It will be recalled that the Trusteeship Council, after having examined at its 548th meeting the petition from the President of JUVENTO concerning the expulsion of Mr. Mensan Aihntson from Togoland under French administration (T/PET.7/352, T/OBS.7/13/Add.1, T/L.462), requested the Administering Authority to reconsider its decision with a view to permitting Mr. Mensan Aihntson to re-enter the Territory if he so requested [Resolution 1063 (XIV)]. According to the special representative, the Administration would consider Mr. Aihntson's case if he could prove he was actually a Togolander.

2. It will also be recalled that the Trusteeship Council, after having examined at its 642nd meeting the petition from the National Secretary of JUVENTO concerning the re-expulsion of Mr. Aihntson who had obtained from the French authorities permission to return temporarily to Togoland for the purpose of establishing documentary proof of his nationality (T/PET.7/434 and Add.1 and 2, T/OBS.7/33, T/L.590), drew the attention of the petitioner to the observations of the Administering Authority (the temporary residence permit was for a few days, it was extended for more than five weeks and was taken away because Mr. Aihntson did not produce the least proof that he was of Togolese extraction) and to the statement of its representative (Mr. Aihntson had presented an affidavit to the effect that he had been born in Dahomey in 1914, then in 1953 he had claimed to be born in the Cameroons under French administration. He had been deported as an undesirable after he had been convicted twice for two common law offences) [Resolution 1365 (XVI)].

3. In a letter dated 4 April 1955, Mr. Aihntson submits further information concerning his re-expulsion which was the subject of T/PET.7/434/Add.2. He states that after receiving the temporary residence permit, he returned to Togoland under French administration on 5 February 1955 in order to obtain proof of his Togolese nationality. He completed the necessary enquiries and obtained on 18 March 1955 an affidavit with the fingerprints of eight persons which he submitted for official validation. When the issuance of this validation was delayed he submitted his request for repatriation on 28 March only to receive

a summons on the following day which led to his re-expulsion. The petitioner states that this action was illegal and inhumane and he appeals to the United Nations to obtain from the local authorities the immediate revocation of the deportation order which, he states, was based on a deliberate misrepresentation of his nationality (he attaches a copy of the affidavit which he obtained) and on a sentence that was ultimately quashed by the Court of Appeal.

4. In its observations (T/OBS.7/55) on this petition the Administering Authority refers the United Nations to its previous statements on the subject [See T/L.590].

5. Mr. Aihtson subsequently presented his case to the Visiting Mission on 2 September 1955 in an oral petition (T/PET.7/477). This petition contains a restatement of the case as presented in the preceding petition, stressing the complaint that he was re-expelled without any explanation after he had submitted an affidavit of origin for official validation.

6. The Local Authority, in its observations on this petition, states (T/1211, Annex II, section 29 b) that Mr. Aihtson himself, in addition to that section of JUVENIO which takes his side, has submitted numerous petitions on this matter to the Trusteeship Council.

7. The Local Authority recalls that the Administering Authority replied, particularly in regard to petition T/PET.7/434, that the ban on Mr. Aihtson would be lifted if he could prove that he was of Togoland origin.

8. At his request, and as an exceptional measure, Mr. Aihtson was accordingly authorized on 15 February 1955 to spend a few days in the Territory. In point of fact, he remained there for a month and a half. At no time did he furnish the Administering Authority with the slightest proof of his Togoland origin. Thus, it was only after a period of more than five weeks had elapsed that his visitor's permit was withdrawn (T/PET.5/434/Add.1 and 2).

II. Petition from Mr. Fritz Bassah (T/PET.7/438 and Add.1; 2 and 3) dated 11 May, 12 May, 17 May and 15 June 1955

1. It will be recalled that the Trusteeship Council examined at its 595th meeting a petition from Messrs. Fritz Bassah and Sam Woapah (T/PET.7/387 and Add.1) requesting United Nations' intervention to help them to return to their native land which they were forced to flee on the basis of information that they were going to be arrested. In its resolution 1222 (XV), the Council called the attention of the petitioners to the observations of the Administering Authority and particularly to the fact that since they had left Togoland under French administration of their own free will they were perfectly free to return to it.
2. In a telegram dated 11 May 1955, Mr. Bassah informs the United Nations of his return to the Territory on 1 May and of his "re-expulsion" on 10 May.
3. In a letter dated 12 May 1955, Mr. Bassah gives specific information about his re-expulsion. He states that he reached his native village of Dayes on 9 May and on 10 May at 6.30 a.m. received a summons to appear immediately before the Commandant de cercle at Klouto; the summons was served 24 hours late. Mr. Bassah's departure was still delayed by the intervention of Mr. Akakpo, an influential member of the Government Party (Parti togolais du progrès), who read out a copy of the resolution adopted by the Trusteeship Council concerning the return of the petitioner and wrote a letter to the Commandant promising to bring him personally to the Cercle on the following Saturday. Meanwhile, the villagers, while preparing to defend him, had blown up a bridge to deny access to the administrative mission which they expected. At 9.30 a.m. two other gardes de cercle arrived with the Deputy Commandant de cercle. This officer told the petitioner that the United Nations could do nothing against France, even if he were killed. The Deputy Commandant and the three gardes de cercle then expelled him manu militaire from the Territory. He was accompanied by the villagers who were anxious to defend him in the event of any attempt on his life.
4. The petitioner goes on to request the intervention of the United Nations:
 - (1) to obtain a written authorization from the "Chief of the Territory" - apart from any Trusteeship Council resolution - for his return to his native village and a similar authorization for Messrs. Jonas Kpegbe and Sam Woapah;
 - (2) to obtain the unification and independence of Togoland.

5. In a letter dated 17 May 1955, the petitioner gives further information on his re-expulsion:

(1) After his departure, the Commandant de cercle came to Dayes-Apéyéme with six gendarmes and three gardes de cercle to intimidate the people; the whole village, however, fled to the bush except for five men one of whom was clubbed and bound. On 13 May the Commandant came back with a European gendarme and reproached the gardes for not having shot the petitioner.

(2) When being re-expelled he had the sum of £872 wrapped in a scarf which represented his income from agricultural plantations during his absences. He says that this money was lost during his expulsion and he requests the United Nations to intervene in order to obtain the reimbursement of this sum as well as the damages claimed in his previous petition (T/PET.7/387).

6. In a letter dated 15 June 1955 the petitioner states that Chief Bassah, his brother, was threatened with the loss of his chieftainship if he did not publicly deny that gardes de cercle had fired two shots at the petitioner. Mr. Bassah also complains that his planks and beams were seized to repair the bridge that he was informed that his relations would be ill-treated if he wrote to the United Nations.

7. The Administering Authority states (T/OBS.7/36, section 1) that on his first visit to Dayes-Apéyéme, towards the end of April 1955, the new Commandant de cercle, addressing the people of the village, called for the full and united co-operation of all and urged all those who had gone into exile for no reason to return and resume their place in the village and their part in the common task.

8. A few days later, the village Chief Bassah informed the Commandant of the return of Fritz Bassah, his brother. The Commandant de cercle immediately invited the latter to come and see him at Palimé so that they might talk together and clear up the misunderstanding that existed in the petitioner's mind. Misled by certain elements, the petitioner viewed the Commandant's gesture as a "trap" to procure his arrest and wanted to cross the frontier again. It was then that Théophile Akakpo, a teacher, intervened in an unsuccessful attempt to reassure him and to offer to accompany him to Palimé.

9. The Administering Authority states that this was the third time that successive Commandants de cercle had informed the petitioner that not only was he free to return home but that his return was welcome and that he would be assisted in settling down again, the object of these assurances being to convince him that no charges were pending against him and that he was not being sought for any reason.

10. The petitioner did in fact return three times to his village only to leave again immediately, frightened by the advice and reports of friends (see his petitions contained in documents T/PET.7/387 and Add.1).

11. The Administering Authority considers that in all likelihood there are some people who are interested in maintaining the present state of affairs and exploiting the situation for political purposes. It deplores the fact that despite the local authority's efforts at persuasion, the petitioner still permits himself to be duped in this fashion.

12. Finally, the Administering Authority states that the remarks which the petitioner attributes to the Deputy Commandant de cercle and his description of his re-expulsion and of the uprising in the village are figments of his imagination.

III. Petition from the National Secretary of JUVENTO (T/PET.7/444) dated 10 March 1955

1. In a letter dated 10 March 1955 (received on 27 June 1955) the petitioner transmits a letter from the National Committee of JUVENTO. The latter states that trusting the recommendations of the United Nations four refugees from Togoland under French administration thought that they could safely return home, two of them were arrested; one, Al Hadji Issa was released the same day while the other, Alfa Yaya, was held to serve a term of eight months in prison. The petitioners request the intervention of the United Nations to obtain the release of Alfa Yaya and the official assurance that all political exiles will be left in peace if they return to their country.
2. The petitioner's statement that the four refugees returned home trusting the recommendations of the United Nations refers to the Trusteeship Council's resolution 1070 (XIV) on a previous petition (T/PET.7/362) submitted by Messrs. Yaya and El Hadji Issa in which they explained the reasons for leaving the Territory. They stated that Mr. Yaya had been dismissed from his position as chef de quartier at Bafilo by the Paramount Chief and that when they refused to co-operate with the new chef de quartier they had been persecuted by the local authorities who had first arrested them for holding a separate prayer meeting as a demonstration against the new chief and later had falsely charged them with assaulting a police officer. It was because of the second charge, which they said was merely a pretext for arresting them, that they had fled to Togoland under British administration.
3. The Administering Authority in its observations on this earlier petition stated (T/OBS.7/17) that Mr. Yaya had been an unsuccessful candidate in an election to the post of chef de quartier. He had refused to accept the new chief and had led his followers into opposition which was at first passive and later became provocative when they held a meeting in the village square, ostensibly for prayers; arrests were made at the prayer meeting when the police had been obliged to disperse both factions who were preparing for combat. Later, on 7 July 1953, two policemen called on Mr. Yaya to check his permit to carry firearms. Mr. Yaya and his followers assaulted the policemen. In consequence

warrants were issued for the arrest of several of the assailants including Mr. Yaya who had, however, fled the Territory. No warrant was issued for Mr. El Hadji Issa, who did not take part in the affray.

4. At its 561st meeting, the Trusteeship Council adopted resolution 1070 (XIV) pertaining to the petition from Messrs. Yaya and El Hadji Issa. In it, the Council noted the observations of the Administering Authority and drew the attention of the petitioners "to the fact that they are completely free to return to the Territory".

5. In its observations on a subsequent petition from Mr. El Hadji Issa (T/PET.7/393 and Add.1) the Administering Authority again stated (T/OBS.7/23) that Mr. El Hadji Issa was not wanted by the authorities and was free to return home at any time. It also repeated that the persons involved in the assault on the policemen, including Mr. Yaya, had fled the Territory to avoid arrest. It added that they had been sentenced to imprisonment in absentia. The Council examined this petition at its fifteenth session and adopted resolution 1225 (XV) in which it drew the petitioner's attention to the observations of the Administering Authority.

6. In its observations on the present petition (T/OBS.7/36, section 4) the Administering Authority refers to its observations on petitions T/PET.7/362, 393 and 393/Add.1 (T/OBS.7/17 and 23 summarized above) and adds the following comments:

(1) After the incidents which occurred at Bafilo (Sokodé cercle) in 1953, the instigator, Alfa Yaya fled and took several relatives and friends with him, including El Hadji Issa and a few others who were not being sought but who believed that their fate was bound up with his. A warrant was issued for the arrest of Alfa Yaya. The court had no choice but to sentence him by default.

(2) In the observations in reply to the above-mentioned petitions it was stated, and in addition the fugitives were specifically notified through a notable of their village, that they could return to their homes without fear of molestation, with the exception of Alfa Yaya who would have to appear in court to be tried again.

(3) Alfa Yaya and his friends returned to Sokodé in March 1955. While his friends are free, he himself was tried, as he must have expected, on 8 March and sentenced to the same penalty as before, namely, eighteen months' imprisonment and a fine of 4,000 francs. He appealed; the Court of Appeal has not yet given its decision on the appeal.

IV. Petition from Mr. Assouma (T/PET.7/508) dated 24 August 1955

1. The petitioner, who writes from Njuta-Buem in Togoland under British administration, states that he is a family head and that he comes from the village of Paratoa, Bafilo canton (Sokodé cercle). He is a member of the Rassemblement populaire des réfugiés du Togo français and also of the Comité de l'Unité Togolaise (CUT) and that he has been exiled from his country since 1952 solely because of his political affiliations.

2. The petitioner states that he and some others were summoned to Lomé and told that their dispute with the Imam Abdou-Salami had been settled and that therefore they could return to their country. However, one of their members Malourou-Jaya, when he attempted to do so, was arrested at Sokodé and imprisoned.^{1/} Only one of their number, El Hadji Issa, is now in the country.

3. The petitioner complains that, although they are exiled, the Administration at Sokodé continues to pester their local compatriots to pay taxes on their behalf. He states also that all the livestock which they left behind has been devoured by a certain Malouro Tchangaye and his brothers and "by the soldiers who came to Bafilo because of us".

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

^{1/} Secretariat note: This appears to refer to the case presented in T/PET.7/444, summarized in section III above.

V. Petition from the General Secretary of the "Rassemblement populaire des réfugiés du Togo français" (T/PET.7/514) dated 25 October 1955

1. The petitioner states that he wishes to draw the attention of the United Nations to the plight of the refugees from Togoland under French administration who, he says, have been forced to leave the Territory owing to oppressive practices of the French Administration since 1939 (of which he mentions a large number).
2. He says that an estimated total of rather more than 400,000 refugees are living in the Gold Coast and Togoland under British administration. Most of the refugees are unemployed or work as casual labourers: scavengers, street porters, field hands, etc., without family or homes and an easy prey to all temptations. He says that most of the major political parties in the Gold Coast and Togoland under British administration have enrolled large numbers of these refugees as permanent members.
3. The petitioner states that his organization, the Rassemblement populaire des réfugiés du Togo français (RPRTF), has an active membership approaching 28,000 to 30,000. The organization maintains 38 branches throughout the Gold Coast and Togoland under British administration, each with a membership ranging from 35 to more than 1,500 persons. The Accra central office alone has 11,000 members. The petitioner appeals to the United Nations to grant the RPRTF "international status". He denounces statements which he ascribes to the French authorities who, he says, have persistently denied the existence of the RPRTF and have ascribed the large number of migrants to the seasonal and temporary migrations of workers seeking employment. As evidence of the existence of the RPRTF he refers to a number of newspaper reports on its activities.
4. The petitioner also charges that a number of incidents have occurred in Togoland under French administration since the departure of the 1955 Visiting Mission which, he says, will prevent the refugees from ever considering repatriation. He refers in particular to incidents at Sokodé and Mango. In the latter area he says that "bludgeonings have been resumed on an even more ruthless scale" and sixteen men from the village of Djé Gando have been imprisoned solely because they exercised the right to freedom of association.

He adds that in the centre and south of the Territory the dispensaries and schools are threatened with closure.

5. In an annexure to the letter, the petitioner cites the names of a number of recent refugees and charges that as a result of persecution following the Visiting Mission's stay at Sokodé, over 200 nationalists have fled the place.

6. At its sixteenth session, the Trusteeship Council examined a previous petition from the same petitioner (T/PET.6 and 7/L.4, summarized in T/L.589) in which he requested the United Nations to examine the plight of the refugees from Togoland under French administration. In its resolution 1359 (XVI) adopted at its 642nd meeting, the Council inter alia recognized that the movement of population involved in the petition was generally seasonal or temporary immigration of a purely economic character, and drew the attention of the petitioner to a statement of the representative of France that if the petitioner or such other persons as were mentioned in the petition decided to return to Togoland under French administration, no obstacles would be placed in their path.

7. The observations of the Administering Authority on the present petition have not yet been received.7

VI. Petition from Miss Esther Tele Tekce (T/PET.7/471) dated 7 September 1955

1. In a letter addressed to the Visiting Mission, the petitioner charges that racial discrimination is rampant in the Territory. She says that at the Bank of West Africa (Banque de l'Afrique Occidentale) where she was recently discharged without reason from her position as a cashier, she earned only 5,000 francs CFA per month whereas European women doing the same work earned 22,000 francs CFA. Since the Administration makes no provision for educated young Togoland women in the Territory, she states, the education of girls there loses its value.

2. In its observations on this petition (T/1211, Annex II, section 23, b) the Local Authority states that the Territorial Government has no part in the hiring and dismissal of the staff of the Banque de l'Afrique Occidentale, which is a private firm. It is hardly likely that the head of that institution has any need to appoint European women to do the same work as Togoland girls at three or four times their salary. There is no racial discrimination in either the public or the private sector. Furthermore, the trade unions ensure that the principle of "equal pay for equal work" is complied with.

3. The Local Authority adds that the Local Administration, as well as trade and industry, offers employment to young women so far as vacancies exist, but it is not feasible to promise clerical employment to every one of the increasing number of girls who attend school. That is not the function of the school.

VII. Petition from Chief Togbe Edoh Kodjo and Mr. Bowaima Boniface
(T/PET.7/492) dated 10 August 1955

1. In a letter addressed to the Visiting Mission, the petitioners, who are the cantonal chief and a councillor of the circonscription of Kpessi (Atakpamé cercle) complain of what they describe as the deplorable conditions in their canton.
2. In the first place, the petitioners state that the canton, which has about 8,026 inhabitants, possesses only two schools with a total of three classes (at Nyamassilla and Agbandi), a third school (at Kpessi) having been closed for political reasons. As a result, there are several hundred children of school age who do not attend school and the percentage of illiteracy and vagrancy is reaching dangerous proportions. The petitioners ask the Mission to use its influence with the local authorities so that the latter, with the assistance of UNESCO, may establish fundamental education centres in the region.
3. The petitioners also complain that the canton has no medical facilities at all. They say that there was formerly a small dispensary at Kpessi but that it ceased operation about five years ago for political reasons.
4. With regard to agriculture, the petitioners state that methods of farming are very backward and that the only implements used are the hoe and coupe-coupe. They say that technical assistance in agriculture is essential.
5. In the political field, the petitioners complain that out of a total of over 8,000 population (with more than 2,500 tax payers) there are only 68 electors and, moreover, during the elections of 12 June 1955, the electoral cards were distributed by the Chairman of the Parti togolais du progrès. The petitioners add that fundamental freedoms are non-existent and that since the time of the 1952 Visiting Mission there has been unbelievable political repression. For example, the petitioners state that they have both suffered because of their active membership of the Comité de l'Unité Togolaise.
6. The petitioners conclude by expressing their desire for the unification and independence of the Togolands.
7. The observations of the Administering Authority on this petition have not yet been received.

VIII. Petition from the Executive Committee of the "Unité Togolaise", branch of Bé (T/PET.7/493) dated 6 September 1955

1. In a letter addressed to the Visiting Mission, the petitioners submit a number of general complaints concerning conditions in the Trust Territory.
2. They charge that the Department of Agriculture is inefficient, that the Government gives no encouragement to farmers and planters, that local producers are exploited by the payment of low prices for their products whereas goods imported from Europe are sold at exorbitantly high prices, that taxes and license fees are arbitrarily imposed upon retail dealers in respect of goods for which the wholesalers have already paid such taxes or license fees, that commercial incentives are lacking and that nationalist traders and administrative officials are subject to dismissal.
3. In regard to political matters, they charge that political and social meetings organized by the Comité de l'Unité Togolaise (CUT) are prohibited and that its members are arrested, beaten and wounded, that lying statements are made to deny charges of abusive treatment brought by members of the CUT and JUVENTO and that the people are deliberately set against one another in order to facilitate their government. The petitioners also charge that the Administering Authority shows disrespect for the traditional customs of the people, that electoral frauds are constantly recurring and that unjust verdicts and fines are imposed upon members of the nationalist party.
4. The petitioners charge in particular that the Administration prohibited meeting which the Bé branch of the CUT proposed to hold in private houses on 15 and 25 June 1955. Both meetings were held despite the prohibition, however, the second one being transferred to another address. When the second meeting had been in progress for forty minutes a group of gendarmes and gardes de cercle, sent by the Commandant de cercle, came to break up the meeting and to send the audience away.
5. The observations of the Administering Authority on this petition have not yet been received.7

IX. Petition from Mr. Emmanuel K. Ahiabo (T/PET.7/497) dated 30 August 1955

1. In a letter addressed to the Visiting Mission, the petitioner charges discriminatory treatment in favour of members of the Parti togolais du progrès (FTP). He says that in the towns the people's money is distributed to clerks and chiefs to buy their support for the government party and that in agricultural areas, people are not allowed to fell oil palms in order to plant cocoa and coffee or to till their land on their own behalf. On the other hand, persons who belong to the FTP may do what they wish and can commit crimes with impunity.

2. The petitioner states that a certain aunt of his, Rebeka Tsoli Ahiabo, was fined 5,000 francs "for flying in the face of that rule" and that the same thing happened to many others.

3. He says that the present chief of his village (Agou-Apégamé), who he claims was appointed because he promised to make all the villagers become members of the FTP, is the mortal enemy of the peasants. The petitioner says that the chief and his assistant made the petitioner's father pay a fine of 2,008 francs to the Water and Forestry Office at Palimé because of a forest fire in which his father was not implicated.

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

X. Petition from Mr. Adoukonou Hallo, Chairman of the "Unité Togolaise", regional branch of Dalavé (T/PET.7/498) dated 23 July 1955

1. In a letter addressed to the Visiting Mission, the petitioner complains that on 10 February 1954 nationalists were forbidden to use the public drinking fountains in the village because they refused to attend a meeting organized by the village chief, who belongs to the Parti togolais du progrès (PTP). The reason they refused to attend the meeting was that the chief takes advantage of such meetings to force people to put their fingerprints on PTP membership cards.
2. The petitioner states that the water fountains were placed under guard by the gendarmerie and that only members of the PTP or members of the CUT who had put their fingerprints on PTP membership cards were allowed to use the fountains. He says that fines (paid in alcoholic liquor) were imposed upon four women for using the fountains. As a result of this situation, the nationalists have to go to Tsevié (seven kilometres) away to buy water in the dry season. If they put out pots to collect rain water the gendarmes either upset the pots or impose fines for having collected water.
3. The petitioner states that on 21 June 1954 two persons, Zodzake and Koukounako, were summoned by the Commandant de cercle of Tsevié who struck them repeatedly, ostensibly because they had allowed their children to fetch water from the drinking fountains but in reality because they were nationalists.
4. The petitioner also states that during the night of 14 March 1954, the Commandant de cercle came to the village accompanied by several gendarmes to arrest Adoukonou [the petitioner?] and Baba because they were nationalists.
5. The observations of the Administering Authority on this petition have not yet been received.

XI. Petition from the Association of Parents of Pupils at the Free Schools of Kodjoviakope (T/PET.7/510) dated 19 September 1955

1. The petitioners request that the Circonscriptions and municipalities be required to provide financial assistance to mission schools (i.e. contribute to the maintenance of premises and to the payment of teachers who are not yet permanent members of the staff) as they do for lay and public schools.

2. The petitioners state that as soon as the village notables request a governmental allocation to support the village schools, which have practically all been set up by missionaries, the Administration loses interest in the village and its school.

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