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PETITIONS CONCERNING THE TRUST TERRITORY OF SOMALILAND UNDER ITALIAN ADMINISTRATION

Working paper prepared by the Secretariat

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Introduction

1. The common feature of all petitions summarized in this working paper are complaints relating to land or property claims, although some of them have other aspects. The first petition consists of the land claims of the Averghidir Saad and of the disputes which have arisen therefrom with the Darot Tribesmen. The next petition concerns a dispute between certain persons, claiming to represent the Walamoi tribe, and the SAIS Company over lands at Villabruzzi. Then follow petitions concerning land claims in the Chisimaio area, in most of which the petitioners claim that land has been taken away from them in the past for the benefit of Italian concessionaires. Four petitioners complain of financial losses suffered as a result of their arrest following the incident of 1 August 1952 at Chisimaio, while four further petitioners claim indemnity for damages suffered during the riots in Baidoa and Margherita during April 1950.

2. A double asterisk after the title of a petition indicates that, at the time of writing, the observations of the Administering Authority on the petition had not been received.

I. Petition from Representatives of the Saad Averghedir Tribe (T/PET.11/475)
dated 24 September

1. This petition, in effect, is a request that the established procedure concerning petitions be applied to the writers' earlier communication of 4 September 1954, which was circulated as T/COM.11/L.135. It was addressed to the Administrator of the Territory, and a copy of it was sent to the United Nations Advisory Council for information. In the present petition, which is addressed to the Visiting Mission of 1954, and is dated 24 September 1954, the writers enclose a copy of their earlier communication and complain that no action has been taken in regard to it.
2. The Averghidir Saad - whom the petitioners represent - inhabit part of Mudugh Province, and the petitioners' grievances stem from friction with other groups in that area, as well as with groups living on the other side of the provisional administrative boundary. The grievances can be divided into four parts. In the first place complaints are made of extensive raids from over the border. In March 1950 an officer of the Ethiopian army appeared at Galcaio and threatened reprisals if the Saad did not return possessions that they had stolen during their raids on the Merehan and Migiurtini. The Saad spokesman's reply was in effect a tu quoque. Then, between the middle of April and the end of July, 1950 successive raids from over the border subjected the Saad to the following losses and depredations:

goats and sheep	7250
cattle	3453
camels	4723
persons killed	185
persons wounded	45
nomadic dwellings	583

The facts were reported to the Administrator at the time, but the petitioners complain that no action was taken. They refer, however, to an "agreement between the inhabitants of the Mudugh concluded through Commissioner Tommaselli in October 1950" - after which the Saad were again the victims of aggression from time to time between November 1950 and July 1954. As a result twenty-two men of the Saad, and one woman, were killed and many possessions were looted.

3. The petitioners blame the Administration for not securing restitution on their behalf.
4. Secondly the Saad complain that they have been deprived of a large and vital part of their territory, with a consequent loss of pasture and water-holes, on the grounds that it belonged to the Darot. That the petitioners are referring to a boundary between the Saad and the Darot is clear; but whether they are referring to the provisional administrative boundary with Ethiopia, or to a tribal boundary within the Trust Territory, is not clear. In any event, the petitioners aver that the authorities do them injustice by maintaining the boundary referred to.
5. The Administering Authority states (T/OBS.11/50, section 8) that the situation on the provisional administrative line is set forth in paragraphs 10-2 and 13 of the Annual Report of the Italian Government to the United Nations General Assembly for 1953. It has been discussed at length in the Trusteeship Council, during the debates on the Annual Reports of the Italian Government for 1950, 1951, 1952 and 1953, and recently in the General Assembly, which on 14 December 1954 adopted a resolution urging the Governments of Ethiopia and Italy to expedite their negotiations with a view to the settlement of the frontier question. The incidents which have taken place in the border area in recent years have been the subject of several petitions, including T/PET.11/112 and Adds.1-2, concerning which the Trusteeship Council adopted resolution 535 (XI).
6. The Administering Authority further states that the Darot, who had lost some land to the Averghedir after the operations for the conquest of the Midjertein and under the Gherardi (1930), Maltese (1932) and Caroselli (1932) Pacts, took advantage of the Ethiopian conquest to spread in the direction of the Ogaden. After the Second World War, however, as a result of the shrinkage of the boundary which the provisional administrative line entailed, they were obliged to withdraw into Somaliland, where they are endeavouring to claim back the land which in the meantime had passed into the hands of the Averghedir (the area bounded by the wells at Dusa Mareb - Merergui - Adado - Ghelinsor - Dagari - El Godot). But the Averghedir, though fully aware that they have overstepped the bounds granted under the Caroselli Pact, are standing firm on the land they have taken over and trying to pass off as their own what they obtained as a friendly concession.

7. When the British Administration handed over to the Italian, vendettas, counter-vendettas and assassinations were already rife. With the shir of October 1950 Mr. Tomaselli, the Commissioner of the Mudugh, sought to restore peace between the contending tribes, in the hope that such peace would soon be made permanent by a speedy settlement of Mudugh-Ogaden frontier problems. It would have been difficult at the shir, even through compromise, to reach a settlement acceptable to both sides of the question of the boundary between the Averghedir and the Darot.
8. In order, therefore, to prevent the results achieved at that difficult shir from being nullified by the search for such a solution, the Commissioner of the Mudugh arranged for the demarcation of the boundary, by his Ordinance of 7 November 1950. This Ordinance fixed the demarcation line at the heavy-duty road Fer-Fer - Mataban - Dusa Mareb; the rights acquired by the peoples themselves under the Agreements of 2 December 1930, 12 January 1932 and 13 November 1932 remained valid and a non-man's-land between the two tribes, "to be used only in case of need", was established "till further notice".
9. This solution, moreover, is not particularly unfavourable to the Averghedir. At one time they were able to spread as far as the Galcaio - Dusa Mareb track only on the stretch between Galcaio and Dahari, though those areas remained Darot property and the latter tribe had priority in the use of watering facilities. It is a provisional solution pending the settlement of the major problem, which is still that of the frontier between Mudugh and Ethiopia.
10. Thirdly, the petitioners are "oppressed by the decision taken by the Resident at Galcaio and the local Commissioner, to bring us and our people under the jurisdiction of the Resident of Obbia, although two-thirds of the property at Galcaio belongs to us, our cattle and that of the Darot are mixed up". If Saad Cattle or other property is looted, the nearest authority before whom to lay a complaint is at Galcaio, and it will be a hardship (and, presumably, it will entail a loss of time) to be told to take the complaint to distant Obbia. Linked by the petitioners to this complaint is a further one to the effect that one of their men was killed "over a matter of five goats" and that seventy-five of their camels were confiscated. All their protests went unheeded by the authorities at Galcaio.
11. The Administering Authority replies that for reasons of ethnic unity the Averghedir people have always come under the jurisdiction of the District of Obbia.

12. Fourthly, the petitioners claim that, under existing agreements between Saad and Darot, which have been accepted by the Administration, the authorities must ensure that the two tribes are equally represented in the Ilalo and police forces, and that the Cadis and interpreters should be of different tribes. In fact, however, the petitioners claim that all are Darot.

13. The Administering Authority states that it has not approved any agreement of the type to which the petitioners refer. In recruiting Ilalos, police, Cadis and interpreters for employment in the Mudugh, however, an effort has always been made, for reasons of expediency, to preserve a certain balance between the two opposing tribes.

II. Petitions from Representatives of the Walamoy Tribe (T/PET.11/474) dated 25 September 1954 and from Messrs. Isse Mohamed, Mahat Iakub and others (T/PET.11/479) dated 9 October 1954.

1. In these petitions - which were received by the Visiting Mission of 1954 - there is resuscitated a claim, which has been examined by the Council on two previous occasions, that the Societa Agricola Italo-Somalo (SAIS) has arbitrarily occupied land belonging to the Walamoy tribe. In addition, the petitioners claim a sum of 4,764.40 somalos which, they say, was looted from the people by the police during the course of an incident in August 1951.

2. Both claims were the subject of T/PET.11/65 and addenda, and T/PET.11/274. The relevant resolutions of the Council were, respectively, 514 (XI) and 675 (XII). The reports of the Standing Committee on the petitions are to be found in, respectively, T/L.273, paragraphs 76-85, and T/L.346, section I. In its earlier resolution, the Council noted the observations of the Administering Authority, and the statement of its special representative, to the effect that the land occupied by the SAIS had been legally acquired; that negotiations were being carried out between the Society and the local population concerned with a view to settling the land disputes by amicable arrangement; and that, while a number of tribesmen had been arrested because they intended to oppose by force of arms the mapping out operations of the Society, no looting whatsoever took place. The Council expressed the hope that a settlement agreeable to the local population would soon be reached in regard to the land dispute. In its later

resolution the Council recalled its previous resolution and took note of the observations of the Administering Authority, and the statement of its special representative, to the effect that an agreement satisfactory to all parties concerned had been entered into on 17 August 1952 and was in full force and effect. The Council also expressed the hope that the Administering Authority and the SAIS would continue to extend assistance to the Walamoy for the creation and encouragement of agricultural co-operative societies.

3. The Committee will recall that, in the course of its report on T/PET.11/274 et al (T/L.346, section I, paragraph 4) it pointed out that there were before the Council for consideration, among other things, a declaration by nine persons on behalf of the Walamoy people that their dispute had been settled satisfactorily, and that the declaration was contested by three other members of the Tribe. These three members, together with two others, are the signatories to the present petition. They were also among the signatories to T/PET.11/165 and addenda. They claim that no agreement has been reached between them and the SAIS and that the lands arbitrarily occupied by the SAIS have not been restored to them; nor have they been paid compensation for the lands thus illegally possessed for 31 years. They list the names of nine persons whom they accuse of being "stooges" of the SAIS in the affair but who "have no legal or moral rights on the land question of the Walamoy tribe as they are no chiefs or otherwise to our said tribe" but members of the Eile Tribe.

4. As has already been noted above, the petitioners also raise again the question of the sum of 4,764.40 somalos which, they claim, was looted from them on 19 August 1951 by "public forces of the Administering Authority", and has not yet been restored to them. They write also of "a false assertion made by the SAIS and the Trusteeship Administration of Somalia at the United Nations Trusteeship Council in regard to the institution of an agricultural co-operative in favour to our people".

5. The Administering Authority states in its observations (T/OBS.11/50, sections 7 and 10) on the present petitions that it has not proved possible to put into effect all the clauses of this agreement. The reason for this is not, as the petitioners maintain, that the signatories of the agreement itself were not duly qualified chiefs, but that opposition was stirred up by the

unwarranted claims of some Walamoy elements, including the petitioners themselves, when the boundary of the area which the SAIS had undertaken to transfer to the Walamoy tribe under article 9 of the agreement was being marked out.

6. The Administration, while respecting the rights acquired by the SAIS, has not lost sight of the expediency of effecting a further compromise, on new terms, in the interest of the local people. To this end a transfer agreement between the Administration and the Society is under consideration, under which the Administration would relinquish to the SAIS certain public irrigation works situated on land owned by the SAIS, which serve only to irrigate the Society's own land; in return the Administration would receive some 1,000 hectares of land, at present owned by the SAIS, for distribution to local farmers. This solution would also facilitate the establishment, with the Administration's assistance, of an agricultural co-operative for Walamoy and Sagalo only. The Administering Authority notes that many Walamoy are already members of agricultural co-operatives in others parts of the Territory and the Villabruzzi area itself where at least eleven agricultural co-operatives have been formed.

III. Petitions from Hagi Ismail Ghedi (T/PET.11/500) dated 5 December 1954 and from Haji Jama Mohamed Egal (T/PET.11/501) dated 3 December 1954

1. The two petitioners whose claims are of a very similar nature state that they are the former owners of cultivable fields. Mr. Hagi Ismail Ghedi owned one field measuring two dareb at Zunguni in addition to "some parcels of land" and another field of twelve dareb situated near Giue. Mr. Jama Mohamed Egal was in the possession of sixteen dareb of cultivable land near Giue. All three pieces of property were free land to which no previous claim had been laid.
2. Both petitioners say that their land was forcibly taken from them by the Government while they were on a pilgrimage to Mecca some seventeen years ago. They state that "at that time it was impossible to oppose the Government's will and that is why nothing of this has been said until now".
3. The fields at Giue are now in the possession of a European concessionaire who is said to have allotted them for cultivation to his labourers while the field at Zunguni is now developed by another European who has built a house on it.

4. The petitioners request that the property be returned to them.
5. In its observations (T/OBS.11/53, sections 2 and 3) the Administering Authority states that the plots of land in question are integral parts, respectively, of the Ghirardini farm, having been recognized as Ghirardini's property under Governor's Decree No. 15918, dated 1 August 1939, and of the Frascarolo farm, having been recognized as the Frascarolo's unencumbered and absolute property under Administrator's Decree No. 31, dated 29 January 1953.
6. The petitioners have been informed to apply to the judicial authority if they wish to press their claim, but they do not appear to have done so as yet.

IV. Petition from Mr. Said Mohammed Selim ben Barik Al-Jaf'i and others
(T/PET.11/503) dated 28 September 1954

1. The petitioner states that he is the owner of a 260 hectare farm at Muka Dalul the title deed for which is registered in the Mohamedan court register in Margherita. He has invested in it all his money and the labour of his family, numbering fifty persons.
2. Three years after the establishment of the Trusteeship Administration "an assessment of half of this farm was imposed ... by the District Officer at Margherita" and a platoon of soldiers took possession of it in September 1952. The seized land was subsequently given to an Italian engineer, Mr. Rivalta. The petitioner then submitted a complaint to the Commissioner of the Lower Juba region who, he says, not only did not reply but incited the local officials to threaten him to give up his farm. He also had lodged a complaint with the Administrator of the Territory.
3. After the United Nations Visiting Mission had left his district certain members of the Ogaden tribe, who he says had been incited to do so by the District Officer and his assistant, seized the remainder of his farm. When the petitioner appealed to the Chief of Police to remove the intruders, he was told to inform the United Nations, who he now requests to use their good offices on his behalf.
4. In its observations (T/OBS.11/531, section 5) the Administering Authority denies that the petitioner's allegation that a part of the land cultivated by him was wrested from him by force, under the protection of armed soldiers, and awarded to an Italian engineer, Mr. Rivalta.

5. The Administering Authority states that in April 1952 the ben Barik brothers were in direct touch with Mr. Rivalta and his agent. Following those discussions, the petitioner stated in the presence of the District Officer that he was willing to allow Mr. Rivalta to work the land. In accordance with those arrangements, Mr. Rivalta began the work of clearing and bringing under cultivation an area of fifty hectares, while the ben Barik brothers continued to work other land situated along the river bank.

6. The Administering Authority states further that the petitioner, who had previously entered a protest against Mr. Rivalta, was requested on a number of occasions to produce documents providing his lawful title to the possession of 260 hectares which he claimed were granted to him as a concession by the British Military Administration. He was never able to do so, and in fact was compelled to admit more than once that the land in question had been neglected for thirty years, and that he and his brothers had only recently started to work it.

7. The land to which the petitioner claims the right of free disposal is situated in an extensive loop of the river Juba inhabited mainly by Vagoscia people. The petitioner did in fact succeed - by methods that were not always proper, such as granting loans at exorbitant rates of interest - in securing a few shambas, obtaining in addition the recognition by the local Goscia farmers to work marginal land. This, however, was not sufficient to confer upon him the ownership of 260 hectares of land.

8. The Administering Authority states that the petitioners have been informed that the only body competent to deal with complaints concerning the alleged infringement of their property rights by members of the Ogaden Tribe is the judicial authority, but that the petitioners have not yet brought their case before it.

V. Petition from Mr. Abid ben Awad el Jabiri and Others (T/PET.11/505)
dated 30 September 1954

1. The petitioners state that, after an appeal for their help from the Government to help improve an existing irrigation canal for which they advanced

So.5000, the Government demanded an additional So.20,000. But, they say, the canal is not in good working order and they point to the fact that water entered the canal recently even when the gate was closed. When they complained to the District Commissioner they received no satisfaction and they blame the Government for damages to crops which were occasioned by the flooding of the fields.

2. They also complain that the former District Commissioner limited the price at which they could sell their cotton to 75 centesimi per kilo. When some of them sold it, however, to a buyer at So.1, they were sentenced to pay a fine for doing so. They blame all their difficulties on the former District Commissioner, who they say caused them all their troubles in order to have them work on the farms of his friends.

3. They request that their money be returned to them in order that they may be enabled to return to their fields.

4. The Administering Authority states (T/OBS.11/53, section 7) that during the seasonal flooding of the Juba, the water enters the area where the petitioners work their shambas and stays there until it is completely absorbed by the soil. In order to meet the requests of these cultivators, the Administration at its own expense had a small sluice mounted on a bridge that crosses the canal, for the purpose of regulating the flow of water into the area. In addition, excavation work was carried out to give the canal the counterslope necessary to drain the area and to prevent the water from standing on the land for a protracted period.

5. The Administering Authority adds that last autumn's flood was too violent and that in spite of the sluice the land was flooded. The influx of this water and its failure to drain off are described as the cause of the present complaint, but it is pointed out that until the sluice was provided, the cultivators took no steps whatever to regulate the influx of water, nor did they concern themselves with its drainage. When the flood occurred, the shambas were not carrying abundant crops, as is alleged, because during the previous gu no rain at all had fallen at Margherita. Only a few small cotton shambas had survived the drought and suffered slight damage from the floods. After the flood had passed, however, sesame was cultivated and yielded an exceptional crop, which it would not have been possible to grow unless there had been a flood.

6. The Administering Authority denied that the petitioners contributed 5000 somalos, and that Mr. Abid was asked to go to the District Office to sign the accounts for the work done in the area itself. When questioned, the petitioner said that there had obviously been an error of translation. According to him, he had meant to refer to the advances made to workers on behalf of the Ionte Land Division, which subsequently repaid him the amount of money that he had advanced.
7. Regarding the petitioners' complaint regarding the price of cotton, the Administering Authority states that the District of Margherita instituted proceedings against a number of cultivators working in partnership on the ground that merely in order to obtain a higher price, they were selling their produce to outside purchasers. Fines were imposed, but were never collected because they were remitted by the Administrator at the instance of the District Officer of Margherita. The accused included a number of cultivators from the Margherita area and, in particular, Mr. Abid ben Awad.
8. The Administering Authority concludes that it is under no obligation to provide any indemnity whatsoever, and that the claim is without foundation.

VI. Petition from Mr. Shigo Khamis Dueila and others (T/PET.11/507) dated 28 September 1954

1. The petitioners who formerly lived at Burini, Tack Ungo, Mocambo and other places, state that they have been scattered by hunger and weariness and claim that they own adjoining cultivations which they inherited from their fathers. In 1935 their land was taken away by the Government and given to a Mr. Orcesi. The land is now in the possession of Mr. Mariti who was Mr. Orcesi's agent. At the time of the change-over, Mr. Orcesi burned down all the plants.
2. The petitioners request that the property be returned to them and that they be paid for the damages done to it.
3. The Administering Authority states (T/OBS.11/53, section 8) that the land to which the petitioners refer was awarded as a concession to Mr. Orcesi under a decree of the Governor, dated 28 January 1938. The farm has now been leased to Mr. Marietti. It appears, therefore, that the claim made by the petitioners is groundless. The Administering Authority adds that should they wish to press their claim, the petitioners may apply to the judicial authority.

VII. Petition from Mr. El Hajj Said ben Saad (T/PET.11/509) dated
28 September 1954

1. The petitioner states that he is the legal owner of a plot of land near the village of Burini. Adjoining this property lies another plot of ownerless land which the petitioner reclaimed and demarcated with the consent of the elders and notables of the district and on which he planted crops and grazed his sheep.
2. The petitioner then relates the details of a conversation he had with the district officer who told him that three Italian nationals had brought an action against him. The district officer advised him to give up the ownerless land, but when the petitioner informed him that he had no intention of doing so, the officer told him that "something very unpleasant will happen to you".
3. Therefore, the petitioner was summoned by his chief who also advised him to give up the land since it belonged to the three Europeans. Then, while still at the chief's house, he was informed that his workmen were turned out of the field and his crops had been destroyed.
4. The petitioner states that he did not bring action in the matter because he was about to go on a pilgrimage to Mecca and he feared that any such action might interfere with it or might even bring violence to him and his family.
5. He also states that he was summoned to the district office where he was forced to sign a paper the contents of which were unknown to him and was given 4500 Somalos. He asserts that a previous attempt in 1951 to seize the field by the same persons was frustrated by the then district officer, but that the present District Officer is ignorant and incompetent. He also expresses the fear that if his case is investigated he will be imprisoned.
6. In its observations (T/OBS.11/53, section 6) the Administering Authority states that the petitioner's arguments are without foundation. The land to which he refers was duly granted as a concession to Mr. Quercioli and Mr. Navarra under Governor's Decree No. 17621, dated 26 November 1940. It has been established that on 7 February 1952 the petitioner concluded an agreement with Mr. Cerrati, the lessee of the farm, under which El Hajj Said ben Saad received the sum of 4,500 somalos in reimbursement of the expenditure incurred for improvements to the land during the war and without authority. The agreement

was freely concluded between the parties and signed in the presence of the Chief Kadi of Margherita and of the local Arab chief. The petitioner may apply to the judicial authority in connexion with any property claims he may wish to prosecute.

VIII. Petition from Mr. Hajj Hassan Fadhl (T/PET.11/520) dated 28 September 1954**

1. The petitioner states that his farm located at Burini was taken over by an Italian national after he was forced to leave it. The District Officer to whom he appealed against this action did not help him and advised him to engage a lawyer if he wished to recover the property or claim damages. But, the petitioner says, he has no money to pay for an Italian lawyer and, therefore, he appeals to the United Nations for redress.

IX. Petition from Mr. Uarsama Egal Herzi (T/PET.11/499) dated 30 December 1954

1. The petitioner requests that two communications dated 14 March and 30 December 1953 which he had sent to the Council specifically for information be now examined by it. These communications, addressed to the Administrator of Somaliland, were previously circulated as T/COM.11/L.95 and T/COM.11/L.139 in accordance with rule 24 and supplementary rule F of the rules of procedure of the Trusteeship Council.

2. The petitioner states that he is the owner of a motor vehicle which is used for the transport of passengers and goods. On 27 February 1953, while driving his vehicle he was stopped by the police who took away his driving licence and registration both on the grounds that his vehicle had no brakes and was carrying an excessive number of passengers. When in accordance with orders he had received he presented himself at the police station, and when in reply to a question he stated that he was a Somali, he was beaten, ill-treated and imprisoned. During the first twenty-eight hours he received no food whatever, and had to spend six days in jail without being charged with an offense.

3. When he was finally discharged he requested the release of his vehicle which was granted on the condition that he accept "So.15 per day for my lorry and declare myself fully satisfied with the arrangement waiving all my right to lodge an appeal". This he refused to accept and instead lodged a complaint with the Provincial Judge of Chisimaio which however remained unanswered.

4. Meantime, he states, he was sentenced to the payment of a fine. He appealed his sentence to the Court at Mogadiscio and received no reply. As a result he appealed to the Administrator of Somaliland for satisfaction and again received no reply.

5. In conclusion, he states that his vehicle was impounded for a total of 51 days and that he suffered loss of income. He considers that it would be obvious and natural that if he had violated in any way the road regulations and if he had been fined, the fine would have been imposed in accordance with law. What he considers to be unfair is the way in which the lorry was confiscated and the unjust treatment he received.

6. The Administering Authority states (T/OBS.11/53, section 1) that the petitioner was sentenced by the Regional Judge of the Lower Juba on 21 March 1953 to pay a fine of 80 somalos for a breach of the road traffic regulations. He had driven a motor vehicle on 1 March 1953 near Chisimaio with the lights and brakes in improper working order. Furthermore, he had failed to pay the prescribed passenger transport tax. On appeal by the petitioner, the Chief Justice of Somaliland confirmed on 19 December 1953 the fine imposed by the court of first instance.

7. With reference to the allegations of ill-treatment, and in response to the claim filed by the petitioner the Public Prosecutor's Department conducted a thorough enquiry which established that no criminal liability on the part of the maresciallo dei Carabinieri regarding the alleged ill-treatment of the petitioner. The Public Prosecutor's Department subsequently dismissed the case on 7 April 1953 on the ground that it was manifestly unfounded.

X. Petition from Mr. Mohamed Hagi Iusuf (T/PET.11/481) dated 26 September 1954

1. The petitioner states that on 1 August 1952 he "was accused on mere suspicion" following a dispute between Italian officials and the S.Y.L.

He put up So.2816 as bail which to date has been retained by the Administration. Finally, he states, "the Court disclaimed responsibility for the amount but ordered that I should pay a fine of So.500". While the petitioner is ready to pay the fine, he requests that the balance of his bail amounting to So.2316 be returned to him.

2. The Administering Authority states (T/OBS.11/51, section 3) that by a judgment of the Court of Assizes in Mogadiscio, on 11 August 1953, and confirmed by the Appeal Court of Assizes on 23 February 1954, Mohamed Hagi Iusuf was found guilty for having organized an unauthorized public procession and for leaving the country illegally. He was fined So.500 on the first count and sentenced to two months' imprisonment on the second.

3. By the same judgment, the petitioner was sentenced, under article 488 of the Code of Penal Procedure jointly with all the other defendants, to pay costs amounting to So.42,681.95 incurred by the Treasury.

4. Mohamed Hagi Ahmed Iusuf is among those who have now appealed against this judgment to the Court of Cassation in Rome.

5. During the investigation of the case, the property of the defendants - including that of the petitioner - was seized as a deposit, in accordance with article 189 of the Penal Code, but the value of this property was inadequate to cover the costs incurred by the Treasury. For these reasons, and more particularly because a final judgment has not yet been given, payment of the individual fines cannot be enforced, nor can the sums seized from the petitioner and deposited with the judicial authorities be returned to him until the case has been finally settled and the costs have been recovered. The Administering Authority further states that all this has been explained to the defendant's counsel, and to the defendant himself.

XI. Petition from Mr. Mohamed Mahamud Darar (T/PET.11/488) dated 26 September 1954

1. The petitioner states that he was arrested following the Chisimaio incident of 1 August 1952 ^{1/} but claims that it was because of a case of

^{1/} See section X of the present working paper.

mistaken identity. He states that officials took from him a sum of So.1985, which they held as bail pending a decision of the Court. The Court acquitted him but his requests for the repayment of his money have met with no success. He therefore asks for assistance in obtaining the above-mentioned sum.

2. In its observations (T/OBS.11/51, section 7) the Administering Authority merely states that the present petition deals with a similar matter to that raised in T/PET.11/481.^{1/}

(3. The Standing Committee will note, however, that the present petitioner claims to have been acquitted and for that reason is asking for the return of his bail while the earlier petitioner was convicted by the Court, fined and ordered to pay certain costs.)

XIII. Petition from Mrs. Amina Mohamed Giama (T/PET.11/489) dated 27 September 1954

1. The petitioner states that she was arrested on 1 August 1952 together with other persons and that during her absence her house was entered by the police. She says that as a result of this a sum of So.800 belonging to her husband and two pairs of golden earrings were missing, but that numerous requests she sent to the authorities in this connexion have yielded no results. She requests that the United Nations intervene on her behalf in order that her belongings be returned to her.

2. The Administering Authority states (T/OBS.11/49, section 4) that the petitioner was arrested in Chisimaio on 2 August 1952 for having taken part in the fatal incident of 1 August 1952 and was released on probation on 18 March 1953. On 11 August 1953 she was sentenced by the Assize Court of Mogadiscio to two years' rigorous imprisonment and four months' simple imprisonment for the offence of offering resistance, with aggravation, attending seditious meetings and uttering seditious language. An appeal against the sentence is pending in the Court of Cassation.

3. The Administering Authority adds that the petitioner never notified the police of the theft of 800 somalos and two pairs of gold earrings, although

^{1/} See section X of the present working paper.

she had ample opportunity to do so, both during the period of her detention and later, when in prison. When her husband was questioned in the matter he declared that he had known that the articles in question had been stolen by thieves at the time their house had been left unoccupied as a result of his wife's arrest.

4. The petitioner left the Territory on 31 November 1954 to make a pilgrimage of Lamu (Kenya), with the authorization of the Regional Officer of Lower Giuba, and has not yet returned. Accordingly, it has not been possible to question her concerning these and previous statements which she says she made. The Administering Authority states that the police were not responsible for the theft.

XIII. Petition from Mr. Mohamed Rashid Haj Jam'a (T/PET.11/502) undated

1. The petitioner complains that during the Chisimaio incident in August 1952, 1,579.90 Somalos were taken from him by force.

2. Three days after the incident he was arrested and imprisoned without having been given a chance to close his shop. He says that sometime later the police broke into his shop after it had been locked and "took an invoice of the goods and left the door broken".

3. He was held in prison for six months and following his release was informed that he had been arrested for slandering the Government. When he engaged a lawyer to bring action he was told that he would be left alone provided he dropped the action. He requests that in addition to the above sum of money, the So.500 he paid his lawyer be returned to him.

4. The Administering Authority observes (T/OBS.11/53, section 4) that the petitioner was arrested on 3 August 1952 on a charge of a serious breach of the peace and seditious demonstration in connexion with the bloodshed that occurred at Chisimaio on 1 August 1952, and was provisionally released on 18 March 1953. He was sentenced for those offences to a term of imprisonment of two years and four months under a judgment rendered on 11 August 1953 by the Assize Court and confirmed by the Assize Court of Appeal. An appeal to the Court of Cassation is now sub judice.

5. During the aforesaid proceedings the petitioner was accused of preferring false charges, and was sentenced to a term of six months' imprisonment under a judgment rendered by the Regional Judge on 29 September 1953. Upon appeal, the Chief Justice of Somaliland acquitted the accused for lack of evidence on 16 January 1954.

6. The Administering Authority explains that the proceedings for preferring false charges were instituted as a result of an allegation that property and money to a total value of 1,579.90 Somalos had been stolen.

XIV. Petition from Sheik Abduraman (T/PET.11/492) undated

1. In a letter addressed to the 1954 Visiting Mission the petitioner requests the return of household articles, goods and livestock which he says were seized from him on 31 March 1950 at Ischia Baidoa by "the Italians". He states that other persons likewise had their property seized.

2. The Administering Authority points out (T/OBS.11/52, section 1) that the petitioner's claim was examined by the Council at its twelfth session in connexion with petitions relating to compensation for the Baidoa incident of April 1950. The petitioner's claim was presented in T/PET.11/266, where his name is given as Sheck Abdiraman Sheck Abdi, and the Administering Authority had observed (T/OBS.11/6) that the petitioner's claim had been rejected as unfounded. Subsequently, the Council adopted resolution 667 (XII) whereby it drew the attention of the various petitioners, including the present complainant, to the observations of the Administering Authority and decided that no recommendation by the Council was called for.

XV. Petition from Mr. Ali Salat Aul (T/PET.11/504) dated 29 September 1954

1. The petitioner states that as a result of the Baidoa incident in 1950 he lost all his property amounting to 60,000 shillings and is now completely destitute.

2. He states further that he has complained times without number, that "the United Nations has resolved that I should be given what is due me without delay",^{1/} but the Government has refused to pay him.

3. In its observations (T/OBS.11/53, section 6), the Administering Authority merely states that the general question of the damage suffered at Baidoa in April 1950, was explained to the Trusteeship Council in its observations (T/982) on a similar petition T/PET.11/55/Add.1, and draws attention to the Council's resolution 506 (XI) whereby it considered that no recommendation by it was necessary on petitioners' claims for indemnity.

XVI. Petitions from Sheikh Said Bahmed al Amoudi (T/PET.11/508) dated 28 September 1954 and from Mr. Omar Bahmed Batrash al-Amoudi (T/PET.11/519) dated 28 September 1954

1. The petitioners, who are presumably members of the same family, state that their house was burned to the ground on 25 April 1950. When the petitioners and their family wanted to leave the house they were ordered by Marshal Matsi to stay in the house under penalty of being shot by the soldiers who had surrounded it. Nevertheless, the petitioners and their family managed to break out of the burning house.

2. Following this incident the Chief of Police came to see them, assuring them that the culprits would be punished. Later they were requested to draw up a list of damages incurred. This was done, but the petitioners never heard from the authorities again.

3. The damage according to the author of T/PET.11/508 is said to have amounted to 28,300 shillings while the author of T/PET.11/519 claims it to have been 25,000 shillings. The petitioners request that action be taken on their behalf. They also state that they and their family are nearly destitute.

^{1/} There is no record that any previous communication from the petitioner was received at United Nations Headquarters; certainly no decision such as is described by him was taken by the United Nations.

4. In its observations (T/OBS.11/53, section 9) the Administering Authority merely states that the present petition deals with the general question of the incidents that occurred at Margherita in April 1950 and is identical with that explained to the Trusteeship Council in connexion with petition T/PET.11/174 relating to the incidents that occurred at the same time at Chisimaio. By its resolution 578 (XI), the Council then decided to inform the petitioners concerned that they could apply to the judicial authority for indemnification, by those liable, for the losses sustained.
