

# UNITED NATIONS TRUSTEESHIP COUNCIL



Distr.  
LIMITED

T/C.2/L.285  
26 February 1957

ORIGINAL: ENGLISH

Standing Committee on Petitions

## PETITIONS CONCERNING THE TRUST TERRITORY OF SOMALILAND UNDER ITALIAN ADMINISTRATION

Working paper prepared by the Secretariat

### Table of Contents

<u>Section:</u>	<u>Petitioner:</u>	<u>Symbol in</u> <u>T/PET.11/...</u> <u>Series:</u>	<u>Page</u>
I.	Hag Abdallah Hussein	670	2
II	Mr. Matan Suleiman Hassan and others	671	4
III.	Mr. Salah Abdurrahman and others	672	5
IV.	Executive Committee of the "Unione Giovani Benadir"	686	7
V.	Mr. Ahmed Osassughe Hirabe	660	9
VI.	Mr. Mahamud Colan Giama	674	10
VII.	Mr. Ali Mire Mohamed	675	11
VIII.	Mr. Scire Aschri	698	12

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I. Petition from Hag Abdallah Hussein (T/PET.11/670)

1. In a letter dated 24 October 1955, addressed to the United Nations Advisory Council for Somaliland, the petitioner makes the following complaints:

- (a) That the Administration created political parties and distributed prizes, medals and pistols in order to induce the people to support it. The petitioner lists the names of eight persons who are alleged to have been engaged to make the distribution. He states that Dahir Shukul, who is the chief and procurator of all the Merehan tribes, is in prison because he called for the rights of his people.
- (b) That the Administration fixed the time for holding shirs in a period when it was difficult for the tribes to participate since they were occupied with their cattle.
- (c) That the Administration estimated the Merehan tribes to consist of 12,330 persons whereas the former British Administration acknowledged there were 70,000 and the actual figure should be 154,000 persons.
- (d) That the Administration induced two Merehan tribes to vote for an officer, known for his adulation of Italy and prevented some other Merehan tribes from voting because they would have voted for the Somali Youth League.
- (e) That wild beasts such as wolves and lions have destroyed some 50,000 head of cattle during 1955.

2. In its observations (T/OBS.11/86) the Administering Authority makes the following statements:

- (a) The allegation that the Administration has created political parties, conferring honours and distributing pistols among the people to ingratiate itself with them, is purely the product of the petitioner's imagination. Mr. Dahir Sciacul - who probably inspired this as so many other petitions which have been before the Trusteeship Council in the past - is a former chief, whose name was removed from the roll of notables on the ground of improper conduct. He has not held office since. Moreover, by judgement No. 76, of 16 December 1954, Dahir Sciacul was sentenced by the Regional Judge of the Upper Juba to imprisonment for eighteen months and disqualified from holding public office for two years, having been convicted of the offence of inciting

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others to disobey the law (article 415 of the Penal Code). The judgement said that in June and July 1954, at Bardera, he had publicly advocated disobedience of the law and hatred between the social classes. He has appealed to the Chief Justice of Somaliland against this sentence. Furthermore, in police report No. 1726, of 10 July 1955, the District Commissioner of Lugh Ferrandi reported Dahir Sciacul to the Public Prosecutor, charging him with the following offences:

- (i) Attempted violation of the political rights of the citizen (article 294 of the Penal Code), in that he overtly attempted with the use of false pretences to prevent the population from participating in the pre-electoral shirs;
- (ii) Usurpation of public functions (article 347 of the Penal Code), in that on several occasions he falsely declared that he was a member of the Somali Government and acting on its behalf;
- (iii) Inciting others to commit an offence (article 414 of the Penal Code), in that on several occasions he incited the population to disobey police officers and the Ilalo;
- (iv) Dissemination of tendentious news likely to disturb the public peace (article 656 of the Penal Code), in that he publicly declared that no notice need be taken of the Italian Administration which was about to leave Somaliland, having regard to the existence and presence of the Somali Government;
- (v) The wrongful use of an academic title (article 498 of the Penal Code), in that he prefixed the title of "Doctor" to his name in a signature to a letter.

These incidents occurred in the period immediately before October 1955. Judgement on the charges enumerated under (a), (b), (c), (d) and (e) is to be rendered by the Chief Justice of Somaliland. The hearing of the case, which had been fixed for 12 March 1956, has been adjourned following an application for a psychiatric examination made by court-appointed counsel and admitted by the Judge. That examination is in process of being completed.

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(b) Taking into account the climatic conditions in the various zones of the Territory, the Administrator has decreed a four-month period for the holding of shirs, extending from 1 August to 30 November 1955, for the express purpose of enabling all tribes to meet during that period.

(c) The affirmation that the Merehan tribes consist of 154,000 persons is purely arbitrary. The Administration's estimate of 12 to 13,000 persons is more exact, because it is borne out by the number of persons that have participated in the shirs.

(d) It is not true that the local authority induced two tribes to vote for a well-known official because he had praised Italy, or that the local authority prevented certain groups from voting because it knew that they would have voted for the Somali Youth League.

(e) The allegation that wild beasts - foxes and lions - have been wreaking havoc among the Merehan's camels, sheep, and cattle to a point where this tribe's animals "are about to disappear from the face of the earth" is pure fantasy. There are no foxes in Somaliland, and the allegation is utterly false and unfounded.

## II. Petition from Mr. Matan Suleiman Hassan and others (T/PET.11/671)

1. In a letter dated 27 October 1955, addressed to the United Nations delegates, the petitioners, who represent the Ismail Ali section of the Ali Suleiman tribe, state that on 11 September 1955 they submitted a petition to the Chief of Daror District asking that they be allowed to hold a shir. The petition had to be signed by fifty persons. Their request was refused and they were told that if they wanted a shir, they should go to Candala and Skushuban and join another shir. The petitioners also complain that the Chief of Migurtinia region neglects them and that the Chief of the Daror District oppresses them.

2. In its observations (T/OBS.11/85, section I), the Administering Authority states that investigation has shown that the Ali Suleiman tribe of the Daror District held two shir, on 4 and 6 November 1955, which were duly validated by the

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regional judge. The shir were called for two rer, viz. the rer Ali Suleiman rer Bah Uarlabe and Omar Ali, and rer Keira and its arifa. The Ismail Ali group, which submitted the petition, represents a minority estimated at not more than 150. Precisely because they are a very small minority they were advised to join the other rer of the same tribe, but they refused.

3. With reference to the complaint of the petitioners, the Administering Authority states that the fact is that the District Commissioner (Chief of the District) informed them that if they were not satisfied with his decision, under article 5 of Ordinance No. 5 of 30 March 1955, they could complain to the District Elections Commission. It is clear from that article that the complaint had to be signed by not less than fifty persons of that particular group of the population and lodged within one month after the publication of the list by the District Commissioner. They made a complaint but it was rejected by the Commission because it had been submitted after the expiration of the time-limit. This decision has been communicated to the petitioners by the District Commissioner.

### III. Petition from Mr. Salah Abdurrahman and others (T/PET.11/672)

1. In a letter dated 27 October 1955, addressed to the United Nations delegates, the petitioners, who represent the Adam Abdurrahman section of the Suakhirum tribe, state that they are oppressed by the Chief of Daror District who assigned them four shirs without either consulting them or giving them sufficient time to inform members of the tribe who were absent. He also refused to inform them of the regulations governing the holding of shirs so that it was not possible for members of the tribe to prepare themselves. The petitioners also complain that the Chief of the Region neglects them. Furthermore, they state that the Chief of the District infringed the law in that he appointed Musa Yusuf, a Chief of the country, and Salih Mahmud, an Ilalo, as members of the Committee for the shir.

2. In its observations (T/OBS.11/87, section 2) the Administering Authority states that it has been established that the District Commissioner authorized the Suacron tribe to hold two "shir", Suacron of Bargal, rer Liban Ahmed, on 21 October 1955, and Suacron of Bargal, rer Mohamud Abdi Samed, on 22 October 1955.

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3. In its observations (T/OBS.11/88, section 5) the Administering Authority makes the following statements:

(a) The military and police forces placed at the disposal of the chairman of the electoral boards to maintain order, in accordance with article 42 of Ordinance No. 6 of 31 March 1955, conducted themselves in exemplary fashion and discharged their duties ably, without interfering with the course of the elections by inappropriate measures, still less by illegal acts or violence. The statements in paragraph 1 (a) above are therefore groundless.

(b) All the "shir" convened in the Territory were held in accordance with Ordinance No. 5 of 30 March 1955, which provided every safeguard to ensure the proper conduct and success of the shir. Every shir was held under the supervision of a supervisory committee, composed as provided in article 7 of Ordinance No. 5 of 30 March 1955. There was also provision for appeal to the Regional Judge and in second instance, to the Chief Justice of Somaliland. Many shirs were in fact declared invalid, because they were not conducted properly.

(c) With regard to paragraph 1 (c) above, it is pointed out that one seat was allotted to every 25,000 voters. As the Mogadiscio District consists solely of the urban area proper, it can be seen why more seats were allotted to other districts which included the rural populations of the entire administrative district concerned.

(d) As the table summarizing the final results of the political elections shows, the Unione Giovani Benadir received a total of 21,630 votes. It is also clear from the table why no seat was won by the UGB.

Centre	No. of seats	Distribution of votes and seats					
		SYL		HDM		UGB	
		Votes	seats	Votes	seats	Votes	seats
Baidoa	4	21,724	2	28,860	2	4,270	-
Buracaba	5	-	-	52,231	5	5,097	-
Mogadiscio	1	6,622	1	-	-	2,534	-
Merca	2	13,604	2	-	-	2,060	-
Brava	2	10,155	1	11,022	1	7,669	-

The statement that seats were given to other parties with a smaller number of votes than the Unione Giovani Benadir is therefore unfounded.

V. Petition from Mr. Ahmed Osassughe Hirabe (T/PET.11/660)

1. The petitioner, an ex-serviceman, aged 55, in a letter dated 5 December 1955 to the United Nations Advisory Council for Somaliland, asks for the following:

(a) arrears of pay from 1941 to 1947. He states that during the present Administration, such claims were settled by "C.L.A.M.S.", provided the claimant was in possession of the necessary documents. However, while he was a patient in the G. de Martino Hospital, "C.L.A.M.S." was unexpectedly closed and he was unable to obtain anything.

(b) gratuity and pension for regular service from 1918 to 1941 and thereafter, on the military establishment of the Italian Government up to 1947.

2. In its observations (T/OBS.11/87, section 1), the Administering Authority makes the following statements:

(a) The Commission for the Payment of Arrears to Somali Ex-servicemen (CLAMS) began making payments in June 1950 and completed its operations in February 1952. Thus, for a period of almost two years, a central commission with headquarters in Mogadiscio and numerous sub-commissions in the main centres of the Territory were engaged in paying the arrears due to ex-servicemen. All information of interest to claimants, including the time-limits for the submission of applications, was given the widest publicity and was brought to the knowledge of those concerned by every possible means - public announcements, posters and radio broadcasts. Careful enquiries at De Martino Hospital do not show that Ahmed Odassughe was undergoing treatment there during the period in which CLAMS was in operation.

(b) With regard to the payment of war pensions, it is expected that the Italian Government, which is responsible for the payment of such claims, will approve the awards of pensions already agreed upon by this Administration. The petitioner was invited to visit the Administration offices to furnish further information concerning his position and to ascertain whether he was eligible for assistance pending approval of his pension claim. He was unable to give a reasonable explanation of why he had waited so long to claim what he considers to be his rights (about four years). He was also unable to show that he had served for a total period which would entitle him to a monthly payment pending the award of a pension. In fact, according to his statements, he has only fourteen years of service to his credit whereas the minimum required for the grant of assistance pending the award is twenty-five years.

VI. Petition from Mr. Mahamud Colan Giama (T/PET.11/674)

1. In a letter dated 15 February 1956 addressed to the United Nations Advisory Council for Somaliland, the petitioner, aged 57, requests that he be granted the rights he claims, namely, either admission to the company, a disability pension or a gratuity, since he served for twenty-six years in the military forces of the Italian Government and the Trusteeship Administration, and was wounded as a result of the war. His request to be allowed to re-enlist was refused.

2. In its observations (T/CBS.11/88, section 1), the Administering Authority states that the detailed inquiries made to ascertain the exact position of the petition have established the following:

(a) Under Decree No. 142 of 20 September 1954 concerning the assistance of ex-servicemen, assistance may be granted to ex-servicemen with at least twenty-five years' service prior to 15 September 1947, including not less than fifteen years' continuous service. If the petitioner had had twenty-five years of service on 15 September 1947, he would have to have enlisted in 1922 at latest. The unit in which the petitioner, according to his earlier statements, was enlisted, was formed in 1926, not in 1922. Therefore, even if these statements - which have not been proved - are accepted as correct, Mahamud Colan could not have to his credit more than twenty-one years' service in all, insufficient to make him eligible for assistance under the provisions in force.

(b) On 9 August 1950, the Commission for the Payment of Arrears to Somali Ex-Servicemen and Civilian Employees (CLAMS-Ordinance No. 20 of 20 May 1950) awarded the petitioner 575.10 somalos in respect of arrears for seventy-nine months' and fifteen days' service. Neither at the time of receiving this sum nor during the investigation which was, of course, made before the payment was approved did the signatory make any reference to war disabilities or wounds. It seems odd that he should not have brought the matter up until today, five years after the payment by CLAMS of the arrears due to him. It should also be borne in mind that under the above-mentioned decree he should have reported his disability to the Commission.

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(c) CIAMS was in session for three consecutive years. The petitioner reported nothing, and cannot claim that he was unaware of the provisions in force, as he entered nothing in the special section concerning the disabilities or wounds in the form containing a declaration of his military service which he signed. In view of this fact and the results of the inquiries made, it is clear that the statements in the petition are unfounded.

VII. Petition from Mr. Ali Mire Mohamed (T/PET.11/675)

1. In a letter dated 16 February 1956 addressed to the United Nations Advisory Council for Somaliland, the petitioner, who held the rank of maresciallo ordinario, states that he was discharged on 28 December 1952 after having completed twenty-seven years service in the army. He first enrolled from 2 February 1916 til 1941 and afterwards from 15 March 1950 to 28 December 1952. On discharge, he was not paid a bonus nor was he granted a pension in consideration of his long military service.

2. In its observations (T/OBS.11/88, section 2), the Administering Authority states that the records show that the petitioner was enlisted on 13 April 1950 and was discharged as "unsuitable" on 22 December 1951. It is clear that the petitioner had been recruited too hastily. Exhaustive inquiries have been made and no record has been found of previous military service of any kind by the petitioner. It is clear that in the very early days of the Italian Administration he was recruited on the strength of his own statements, and his subsequent conduct demonstrated not only that he was not fit to hold the rank to which he had undeservedly been promoted but that he could not have had any previous military experience, in view of his unsoldierly bearing. This is further confirmed by the fact that CIAMS did not have to settle any claim from the petitioner for arrears in respect of military service. The name Ali Mire Mohamed does not appear in the CIAMS lists. It is therefore evident that the statements in the petition

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do not correspond to the facts. The petitioner naturally received no gratuity for his services (13 April 1950 to 22 December 1951), in view of the short period served and the fact that under the provisions in force no gratuity is payable to soldiers discharged for inefficiency.

VIII. Petition from Mr. Scire Aschri (T/PET.11/698)

1. In his letter dated 27 September 1956, the petitioner states that he enlisted in the military forces in 1931 and that on 3 May 1953 he was wounded while on military service at Baidoa. He complains that he was discharged on 15 February 1956 without any indemnity.
2. In its observations (T/OBS.11/90, section 4) the Administering Authority states that in December 1955, in order to encourage servicemen to resign from the Security Guard, the Administration decided to grant a special indemnity to former members of the defunct Corpo Truppe of the Government of Somaliland who had served for at least twenty-five years from the date of their enlistment in the case of officers and non-commissioned officers and for at least twenty years in the case of private soldiers who applied for discharge before 31 January 1956 (Decree No. 243 of 12 December 1955). Sergeant Scire Aschir availed himself of these provisions and became entitled to the indemnity provided for in article 1 of Decree No. 243 of 12 December 1955.
3. The said non-commissioned officer, after his discharge in March 1956, applied for the recognition of wounds incurred during his service. After a medical examination, he was recognized to have a 20 per cent disability and on 15 October 1956 he was granted compensation of So. 3,308.60 (on the basis of the provisions of Ordinance No. 23 of 23 December 1955, paragraph 6 of Table B, annexed to the ordinance).
4. It will be observed that the petition is dated 27 September 1956, while the compensation referred to above was actually paid on the following 15 October. The petitioner was obviously too impatient to wait for the completion of the proceedings relating to the recognition of the wounds incurred and made his appeal before the competent authorities were able to complete their investigation of the legal position and to pay the compensation. Mr. Scire Aschir has now been paid all that is due to him and has no further claim on the Administration.