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STANDING COMMITTEE ON PETITIONS
SUMMARY RECORD OF THE TWELFTH MEETING

Held at Headquarters, New York,
on Wednesday, 7 May 1952, at 10.30 a.m.

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- Petition from Messrs. Abulkadir Yerow Issack and Mohammed Sheikh Ahmed (T/PET.11/159);

Chairman:

Mr. PEACHEY

Australia

<u>Members:</u>	Mr. YANG	China
	Mr. QUIROS	El Salvador
	Mr. SCOTT	New Zealand
	Mr. SOLDATOV	Union of Soviet Socialist Republics
	Mr. STRONG	United States of America
<u>Also present:</u>		
	Mr. INGLES	Philippines, member of the Advisory Council for Somaliland
	Mr. BRIGIDI	Italy, Administering Authority of the Trust Territory of Somaliland
<u>Secretariat:</u>		
	Mr. AMMAR	Secretary of the Committee

EXAMINATION OF PETITIONS CONCERNING SOMALILAND UNDER ITALIAN ADMINISTRATION
(T/C.2/L.13/Add.1) (continued)

Petition from Mr. Mohamed Awad Daar (T/IET.11/133)

Mr. QUIROS (El Salvador) asked whether the Administering Authority had told the petitioner that he could apply for a passport.

Mr. STRONG (United States of America) asked whether it was correct that the three petitions referred to in paragraph 1 of document T/C.2/L.13/Add.1 had not been answered.

The petitioner also alleged that he had been imprisoned without trial, while the Administering Authority stated that he had been sentenced following regular proceedings. Mr. Strong would like to know what exactly these regular proceedings were.

The CHAIRMAN asked the representative of the Administering Authority to note the requests for further particulars by the representatives of El Salvador and the United States.

Petition from Mr. Yusuf Farah Abdi and others (T/PET.11/134)

Mr. YANG (China) asked what were the terms under which recruits were enrolled and, more particularly, whether their contract provided for the two-year probationary period mentioned in paragraph 9 of document T/C.2/L.13/Add.1.

Mr. STRONG (United States of America) asked whether recruits were informed, at the time of their enrollment, of the exact scope of the terms of the contract, especially of the provision regarding the length of the probationary period and the requirements during that period. He also inquired how far those concerned were informed of the reasons for their discharge and what was the nature of the training which recruits received.

Furthermore, the Administering Authority should give some explanation in reply to the petitioners' claim that their personal clothes had not been given back to them.

Mr. INGLES (Philippines, member of the Advisory Council for Somaliland) noted that the Administering Authority had made no comment on the petitioners' statement that they had been refused repatriation. He asked whether the enrollment contract made provision for the repatriation of those concerned or completion of their term of service.

The CHAIRMAN asked the representative of the Administering Authority to note the requests for further particulars.

Petition from Mr. Haji Abo'Imancho (T/PET.11/135)

Mr. YANG (China) noted that, according to the petitioner's statement, the procedure that had been followed in his case allegedly contravened the provisions of the Trusteeship Agreement. Since that was a serious allegation, it would be well to inquire whether there were any more cases of that nature. The Advisory Council for Somaliland might perhaps be able to give additional information on the matter.

Mr. SCOTT (New Zealand) agreed that the Administering Authority and, possibly, the Advisory Council for Somaliland, should be asked for details.

He hoped that the draft of the new Judiciary Order, referred to in paragraph 15, would be communicated to the Standing Committee on Petitions or to the Trusteeship Council.

Mr. STRONG (United States of America) inquired if a court of appeal was expected to function soon at Mogadiscio. In the case in question, the appeal might be brought before the Mogadiscio Court of Appeal, which would obviate the expense and complications of taking the case before the Italian courts. He would like to know how the dispute in question stood at the moment.

Mr. QUIROS (El Salvador) hoped that the Administering Authority or the Advisory Council for Somaliland would explain how such cases were dealt with at the moment, especially after a court of first instance had given a ruling. It could then be seen how it was that a judgment by the court of first instance had not been carried out.

Mr. BRIGIDI (Italy) thought he was correct in saying that the case raised an entirely new problem, and that was why the defendant had applied direct to the Minister of Justice, who had decided to refer the case to an Italian court of appeal.

Mr. INGLES (Philippines, member of the Advisory Council for Somaliland) thought it would be interesting, from the legal point of view, to know whether indigenous inhabitants, who could be regarded as not coming within the jurisdiction of the Italian courts, could appeal to the Italian courts.

Furthermore, he would like to know for what purpose the petitioner had been asked to pay So.2,000.

/Mr. QUIROS

Mr. QUIROS (El Salvador) was also interested to hear more about the So. 2,000 mentioned in paragraph 11. It looked as though, in the case in question, costs had been awarded against the party who had won the case and not against the losing party.

Mr. YANG (China) noted that the Administering Authority agreed with the petitioner that the judgment should be enforced. He wondered whether it also agreed with the petitioner that the defendant had no right to apply to the Italian Minister of Justice.

Mr. BRIGIDI (Italy) said that the Administering Authority had undertaken to prepare a draft of a new Judiciary Order, providing among other things for the establishment of a court of appeal at Mogadiscio, precisely because it felt it preferable that disputes which directly concerned the Territory should not be submitted to Italian courts or ministerial departments.

He would endeavour to obtain as much information as possible concerning the draft from the Ministry of Justice in Rome.

The CHAIRMAN asked the representative of the Administering Authority to note the other requests for additional information.

Petition from Mr. Mohamed Hirabe and thirty-six other ex-soldiers (T/PET.11/136)

The CHAIRMAN noted that similar petitions had been submitted to the Trusteeship Council before. He drew attention to Council resolution 349 (IX) and suggested that the Standing Committee should follow the same procedure, at the same time informing the petitioner of the Administering Authority's observations.

Mr. STRING (United States of America) asked whether it was true that there had been no reply to a large number of earlier petitions submitted to the Administering Authority by the petitioners and whether the Administering Authority had done anything to inform the petitioners that Ordinance No.20 did not apply to their case. Furthermore, he would like to know whether there were any

/regulations

regulations providing for the settlement of arrears of pay due to Somalis who had served with other armed forces; if there were, the petitioners should be told about them.

Mr. INGLES (Philippines, member of the Advisory Council for Somaliland) thought that Somalis who had been employed in other branches of the former Italian Administration, in Ethiopia, for example, should be entitled to the same benefits as those who had been in the service of the Italian Administration in Somaliland.

Mr. BRIGIDI (Italy) also referred to Trusteeship Council resolution 349 (IX), which dealt with that question. Somali ex-soldiers were in the same position as the many Italian soldiers who had been the involuntary victims of the events that had occurred in Italy in 1943. The Italian Ministry of War should accordingly be applied to for further particulars.

Mr. INGLES (Philippines, member of the Advisory Council for Somaliland) thought that, in view of the distinction that appeared to be made between the responsibilities of the former Italian Administration and those of the Administering Authority, the petitioners should be told to apply direct to the Ministry of War in Rome and not to the Administering Authority.

Mr. SCOTT (New Zealand) drew attention to paragraph 12 of document T/975, which gave the Administering Authority's observations on the subject in full. It was clear from Trusteeship Council resolution 349 (IX) that the petition under consideration did not call for any action on the part of the Trusteeship Council.

The CHAIRMAN asked the representative of the Administering Authority to note the requests for additional information.

Petition from Mr. Nur Ahmed Hassan (T/PET.11/137)

Mr. YANG (China) noted that the petitioner alleged that his four applications had been left unanswered, while the Administering Authority stated that the arrears of pay had been settled.

/Mr. SCOTT

Mr. SCOTT (New Zealand) thought that two different questions were involved: the petitioner was probably speaking of a pension, while the Administering Authority was referring to arrears of pay.

Mr. BRIGIDI (Italy) said that the Committee could, if it wished, obtain a copy of the regulations governing the recruitment of Somali soldiers by the former Italian Administration and by the Administering Authority. It would be a simple matter to find a record of the sums paid to the petitioner in the official accounts.

Mr. STRONG (United States of America) thought that it would be useful to examine the regulations, especially those concerning pensions. He enquired if there were any regulations in the Territory which made general provision for assistance to the aged.

Mr. SOLDATOV (Union of Soviet Socialist Republics) asked for full particulars concerning social insurance in the Territory. He also enquired if all wage-earners, whether employed by private firms or in the Administration, were eligible for social insurance and what were the provisions governing the grant of retirement or disability pensions.

Mr. BRIGIDI (Italy) did not think that social insurance was more advanced in the Territory than in Italy, where only officials who had completed a certain number of years of service were entitled to a pension. Old people were generally kept by their families or, failing that, by the municipalities or by charitable institutions.

Mr. SOLDATOV (Union of Soviet Socialist Republics) said he was interested in the position in the Trust Territory of Somaliland, not in Italy. His question was especially concerned with persons who had reached retiring age, no matter by whom they had been employed. He also enquired whether indigenous inhabitants and Europeans were in the same position with regard to social insurance and old-age pensions.

/The CHAIRMAN

The CHAIRMAN asked the representative of the Administering Authority to note the requests for further particulars.

Petition from Mr. Carshe Ibrahim Ali and two other soldiers (T/PET.11/138)

The CHAIRMAN noted that the above petition was very similar to the preceding one and did not call for any comment.

Petition from Mr. Issa Omar Ghodi (T/PET.11/139)

The CHAIRMAN, referring to paragraph 30 (a), thought the Council might express the hope that the question of compensation for war damage would be settled in the near future.

With regard to paragraph 30 (d), he pointed out that military personnel was not allowed to belong to political parties.

Mr. YANG (China) wished to know whether the petitioner had been informed of that rule when recruited, and to what extent he had engaged in political activities.

Mr. STRONG (United States of America) asked whether the Administering Authority regarded the simple fact of belonging to a party as political activity. He also asked if it had been clearly explained to the petitioner, when he had been recruited, exactly what was meant by "political activity" and whether later the reason for his discharge had been adequately explained to him.

Mr. BRIGIDI (Italy) thought that the Committee should look at the terms of the oath taken by the petitioner.

The CHAIRMAN asked the representative of the Administering Authority to note the requests for additional information.

Petition from Mr. Mohamed Ali Ahmed and others (T/PET.11/140)

The CHAIRMAN drew attention to Trusteeship Council resolution 349 (IX) concerning the payment of arrears of allowances and pay.

/Petition

Petition from Mr. Abdi and six others (T/PET.11/142)

The CHAIRMAN drew attention to paragraph 35 of document T/C.2/L.13.

Mr. STRONG (United States of America) asked whether the petitioners were among those whose claims had been regarded as unsubstantiated.

The CHAIRMAN pointed out that, in paragraph 36 of document T/C.2/L.13/Add.1, it was stated that none of the petitioners had submitted any claim to the appropriate Commission at Baidoa.

Petition from Messrs. Salah Musse Hassan and Abdi Nur Warsame (T/PET.11/144)

Mr. BRIGIDI (Italy) considered that there was no justification for the complaints made by the petitioners. Firstly, it seemed a sound idea to employ soldiers on road-building; secondly, the soldiers referred to in paragraph 39, (c) had probably simply been performing sentry duty outside the offices, as was the custom of many Administrations. The sentries certainly did not deny admission to any person who came there on legitimate business.

Mr. SOLDATOV (Union of Soviet Socialist Republics) asked how complaints were dealt with at Mogadiscio and in other districts. In particular, he enquired if there was a special office in Mogadiscio responsible for receiving petitions and complaints, and, if so, whether the office was freely open to the public, whether it had a large staff, whether its staff understood the local dialects, whether and within what time limit they had to report to their superiors on the petitions received.

He thought that there should be a special body in each of the Trust Territories to receive complaints and make prompt investigations.

Furthermore, since the presence of military personnel might well daunt the population, it could not be considered a normal practice to station sentries at the entrance to the offices of Administrations.

/Mr. STRONG

Mr. STRONG (United States of America) remarked that, at its ninth session, the Trusteeship Council had adopted resolutions concerning the relations between the Administering Authority and the political parties. He suggested that the attention of the petitioners should be drawn to those resolutions.

The CHAIRMAN asked the representative of the Administering Authority to take note of the USSR representative's request for information and asked the Secretariat to note the suggestion made by the United States representative.

Petition from Mr. Giana Ali Mattan (T/PET.11/145)

Mr. SOLDATOV (Union of Soviet Socialist Republics) asked whether the Visiting Mission to East Africa had investigated the incidents referred to in the petition.

The CHAIRMAN asked the Secretariat to take note of the USSR representative's request for information.

Petition from Mr. Scarif Abubakar (T/PET.11/148)

Mr. SCOTT (New Zealand) said that, under rule 81 of the rules of procedure, the petition was inadmissible since the question came within the competence of the courts. He suggested that the petitioner should be informed accordingly.

The CHAIRMAN agreed with the representative of New Zealand and asked the Secretariat to note the suggestion.

Petition from the representatives of the Abgal-Yusuf Tribe (T/PET.11/150) and petition from Mr. Mohamed Amir (T/PET.11/151)

The CHAIRMAN noted that the Administering Authority had not commented on those petitions. He hoped it would be possible to discuss them when the Special Representative was present.

/Petition

Petition from Mr. Hagi Ibrahim and others (T/PET.11/154)

The CHAIRMAN proposed that the petitioners should be informed of the Administering Authority's plan to place a certain amount of farm machinery at the disposal of the indigenous population for experimental purposes, at lower rates than those now prevailing. The petitioners should also be informed that the existing farm machinery was privately owned.

On the question of the land, the petitioners should be told that they were free to apply to the courts.

Mr. SOLDATOV (Union of Soviet Socialist Republics) proposed dealing with the petition in a draft resolution reading:

"The Trusteeship Council,

"Considering the petition from Mr. Hagi Ibrahim and others, dated 26 September 1951 (T/PET.11/154),

"Recommends that the Administering Authority should restore to the indigenous population all the land taken away from it, and that, in future, there should be no further alienation of land belonging to the indigenous population."

Mr. STRONG (United States of America) asked what stage had been reached in the Administering Authority's plans to set up a nucleus of farm machinery for experimental purposes, and what was the scope of those plans.

Petition from Mr. Scerif Ahmed Abdaldja (T/PET.11/156)

The CHAIRMAN pointed out that the petition covered the same ground as that submitted by Mr. Scerif Abubakar (T/PET.11/148) and that a reply along the same lines should be sent to the petitioner.

Mr. STRONG (United States of America) hoped that the reply would contain a reference to rule 81 of the Trusteeship Council's rules of procedure. Referring to paragraphs 66 and 70, he asked whether the petitioner had been informed that he was entitled to appeal.

/The CHAIRMAN

The CHAIRMAN thought that further particulars concerning paragraph 71 were needed; for example, he wondered what was meant by "violation of contract".

Mr. SOLDATOV (Union of Soviet Socialist Republics) said it was surprising that an alleged violation of contract on the part of the petitioner should have led to the dismissal of the petitioner's son. That was a flagrant violation of the rights of the indigenous inhabitants. He asked for further particulars on that point.

Mr. BRIGIDI (Italy), referring to paragraph 67, remarked that the Administering Authority was teaching the indigenous inhabitants not to settle their disputes by bloodshed but to take them to court.

With regard to paragraph 71, there must be some mistake. A son could not be dismissed on account of an offence committed by his father, although perhaps, under Moslem law, the son might be held jointly liable with his father. Further information could doubtless be provided on the subject.

It was, in fact, in the interests of the Administering Authority to clear up all the questions raised because, if the indigenous inhabitants could be brought to realize that the Administering Authority was doing its best to help the population, there would certainly be far fewer petitions submitted to the Trusteeship Council.

Mr. SOLDATOV (Union of Soviet Socialist Republics) noted that, in some cases, the Italian representative expressed satisfaction at the fact that the Italian authorities were substituting the authority of the courts for the dictates of Moslem law, whereas, in other cases -- for example, when it was a question of making the son of a petitioner jointly liable with his father for an alleged offence -- he cited Moslem law in his support.

The CHAIRMAN asked the representative of the Administering Authority to take note of the requests for additional information and of the suggestions which had been made.

/Petition from

Petition from Mr. Nohou Mohamed Abiker and others (T/PET.11/147) and petition from the representatives of the Wak-Bio tribe (T/PET.11/158)

The CHAIRMAN considered that the action taken by the Administering Authority had been fully justified. The only remaining question was that of the compensation for damage.

Mr. SOLDATOV (Union of Soviet Socialist Republics) said that the Administering Authority should do everything possible to help the people who had suffered from the floods. Consequently, the USSR delegation proposed that the petitions should be dealt with in a draft resolution reading:

"The Trusteeship Council,

"Considering the petition from Mr. Nohou Mohamed Abiker and others (T/PET.11/147), dated 29 September 1951, and the petition from the representatives of the Wak-Bio tribe (T/PET.11/158), dated 8 October 1951,

"Recommends that the Administering Authority should compensate the flood victims for the damage sustained and should help them to settle on new land or else to regain possession of their own land when the waters have receded."

Mr. YANG (China) remarked that the petition was another example of a complaint concerning steps taken by the Administering Authority which were actually in the interests of the population. He asked whether the Administering Authority was trying to inform the population of the exact nature and scope of the steps taken.

The CHAIRMAN agreed that it would be desirable to inform the population of the constructive nature of the steps taken by the Administering Authority.

He also hoped that the Special Representative would give an outline of the extent of the damage sustained and the procedure followed in considering the claims for compensation.

He asked the representative of the Administering Authority to take note of the requests for additional information and of the suggestions made.

/Petition from

Petition from Messrs. Abdulkadir Yeroor Issack and Mohammed Sheikh Ahmed
(T/PET.11/159)

The CHAIRMAN assumed that, in paragraph 77, the figures should read So. 1.20 and So. 1.50 per kg., and not So. 1/20 and So. 1/50 per kg.

Mr. YANG (China) noted that the farmers in question received seeds from the Società Romana; hence they could hardly be adamant about the prices of their products. He asked whether the Administering Authority was taking any steps to protect the interests of those farmers.

Mr. SOLDATOV (Union of Soviet Socialist Republics) considered that the indigenous farmers were being methodically exploited. The system of so-called "co-participation" was in general use throughout the Territory for the greater profit of the Italian concession-holders. Furthermore, the system was such that it was bound to lead to abuses of the kind described by the petitioners.

Consequently, the USSR delegation proposed that the petition should be dealt with in a draft resolution reading:

"The Trusteeship Council,

"Considering that the indigenous population is being systematically exploited by the Italian concession-holders, particularly by the application of the system known as 'co-participation', as is demonstrated in the petition from Messrs. Abdulkadir Yeroor Issack and Mohammed Sheikh Ahmed (T/PET.11/159), dated 25 October 1951,

"Recommends that the Administering Authority should take the necessary steps to protect the indigenous inhabitants of the Trust Territory against abuses and against arbitrary action on the part of the Italian concession-holders."

Mr. QUIROS (El Salvador) and Mr. YANG (China) requested that the text of Ordinance No. 3, which was mentioned in paragraph 81 of document T/C.2/L.13/Add.1, should be communicated to the Standing Committee on Petitions

/The CHAIRMAN

The CHAIRMAN, referring to paragraph 80 of the document, asked what had been the difference between the prices fixed by the Società Romana and those on the international market at the time of the decline in world prices.

Mr. BRIGIDI (Italy), replying to the USSR representative, said that, before accusing the Italian concession-holders of exploiting the indigenous population and committing abuses, he should study the way in which the system of co-participation worked and the terms of the contracts of sale. In any event, it seemed that the contracts were freely entered into by the parties concerned and in addition, any possible risks were shared equally since they depended upon the fluctuation in prices on the international market.

The CHAIRMAN asked the representative of the Administering Authority to take note of the requests for additional information and of the suggestions made.

The meeting rose at 1 p.m.