

UNITED NATIONS
TRUSTEESHIP
COUNCIL



Distribution
GENERAL

T/C.2/SR.91
27 July 1953

ORIGINAL: ENGLISH

STANDING COMMITTEE ON PETITIONS

SUMMARY RECORD OF THE NINETY-FIRST MEETING

Held at Headquarters, New York,
on Wednesday, 15 July 1953, at 10.40 a.m.

CONTENTS

Petitions concerning the Cameroons under French Administration
(T/C.2/L.45 and Add.1) (continued)

PRESIDENT:

Chairman:

Mr. QUIROS

El Salvador

Members:

Mr. SCHEYVEN

Belgium

Mr. ROMANACCE-CHALAS

Dominican Republic

Mr. ZONOV

Union of Soviet Socialist
Republics

Mr. MCKAY

United States of America

Also present:

Mr. PIGNON

France

Secretariat:

Mr. BERENDSEN

Assistant Secretary of the
Committee

PETITIONS CONCERNING THE CAMEROONS UNDER FRENCH ADMINISTRATION (T/C.2/L.45 and Add.1) (continued)

At the invitation of the Chairman, Mr. PIGNON (France) took a place at the Committee table.

Mr. BERENDSEN (Assistant Secretary of the Committee) announced that as the Trusteeship Council was to begin holding meetings daily the following week, the Standing Committee on Petitions would be unable to meet after Friday, 17 July.

In reply to a question by Mr. ZONOV (Union of Soviet Socialist Republics) he said that about fifteen petitions dealt with in documents T/C.2/L.45 and Add.1 remained to be considered. There were a number of other petitions from the Cameroons under French Administration on the agenda of the Trusteeship Council, but no written observations on them had been submitted by the Administering Authority and the French delegation was not in a position to furnish oral information. There were also sixteen petitions from the Cameroons under British Administration and two relating to Western Samoa, as well as a further one from that Territory which had arrived very recently but which the New Zealand delegation wished to have considered and on which it was ready to make its observations. If the Committee could complete its preliminary examination of all those petitions on which observations had been received, the Secretariat would undertake to prepare the reports by Friday morning. If that were done about eighty petitions would be left outstanding.

Mr. ZONOV (Union of Soviet Socialist Republics) asked when those eighty petitions had been submitted.

Mr. BERENDSEN (Assistant Secretary of the Committee) replied that most of them had been handed to the Visiting Mission during its stay in the Cameroons in November and December 1952. Owing to their number the Visiting Mission had

been unable to transmit them to the Secretary-General while it was in the Territory; it had done so towards the end of January and they had been promptly transmitted to the Administering Authority, which had received them early in February.

Mr. ZONOV (Union of Soviet Socialist Republics) pointed out that under rule 85 of the rules of procedure Administering Authorities should submit written observations on petitions within two months after the date of receipt.

Mr. PIGNON (France) said that on his Government's instructions he intended to propose to the Trusteeship Council that the time-limit for the submission of observations should be extended. A number of the petitions in question were long and complicated and it was impossible to deal with so many in the time allowed. When the procedure for dealing with petitions had been revised the French delegation had made it clear that while it was prepared to do its best to co-operate, it could not guarantee the presence of a special representative at every meeting at which petitions were considered. Petitions were best dealt with at the time the annual reports of the Territories concerned were examined, when a special representative was present.

Mr. ZONOV (Union of Soviet Socialist Republics) thought the Committee should note that there had been a violation of the rules of procedure. He could not agree to the proposal for deferment, which would mean that many petitions would not be considered until a year or more after their submission. In his opinion the Committee should inform the Council that it would be unable to complete its work by the end of the week. Eighty petitions from the Cameroons under French Administration would in any case have to be left outstanding because the Administering Authority was not ready to submit observations on them, but all the others should be given a thorough examination.

The CHAIRMAN pointed out that the Committee could not refuse to comply with the Council's instructions. The USSR representative should make his remarks in the Council.

Petition from Mr. Herman Yenh (T/PET.5/131 and Add.1)

The CHAIRMAN remarked that the observations of the Administering Authority did not say whether the child in question had died or not. Moreover, the child was referred to as a boy in the petition and as a girl in the observations. He asked whether Mr. Baez, the driver of the lorry, had been brought to trial.

Mr. PIGNON (France) confirmed that the child had been a boy and that he had been killed instantly.

The driver had not been tried because a judicial investigation had established that the lorry had been proceeding at a normal speed in accordance with traffic regulations and that the child had run unexpectedly into the road. The child's parents or grandparents could bring a civil action for damages if they wished.

Mr. McKAY (United States of America) observed that the greater part of the petition dealt with issues with which the courts were competent to deal and therefore came under rule 81 of the rules of procedure. In paragraph 6, however, there was a reference to racial discrimination; that appeared to be an issue with which the Committee might deal.

Mr. PIGNON (France) categorically denied that there had been any racial discrimination in connexion with the case. There was no racial discrimination of any sort in the Cameroons under French Administration. He had made a lengthy statement on that subject in the Fourth Committee the previous year.

Mr. SCHEYVEN (Belgium) said that during the time the Visiting Mission had spent in the Cameroons under French Administration he had seen no cases of racial discrimination. The two cases compared by the petitioner, his own and that of Mr. Perny, were not parallel, so that his allegation of racial discrimination could not be substantiated. The Visiting Mission had formed a high opinion of the conscientiousness and impartiality of the magistrates in the Territory.

The CHAIRMAN asked the French representative to explain the discrepancy between the statements of the petitioner and of the Administering Authority concerning the sentence imposed.

Mr. PIGNON (France) explained that the petitioner had been sentenced to three months' imprisonment for assaulting a police officer. He had appealed and the sentence had been confirmed and a further fine of 3,000 francs imposed. A further appeal against that sentence had been lodged.

Secondly, he had been sentenced to four months' imprisonment and a fine of 10,000 francs for his attack on Mr. Baez. There was no question of 200,000 francs damages.

Mr. ZONOV (Union of Soviet Socialist Republics) said that the case was quite clear. The child had been killed by a European driver, who had not even been prosecuted, but the man who had just seen his grandson killed before his very eyes and who had tried to prevent the driver from escaping, had been imprisoned and fined. In view of those facts the allegation of racial discrimination seemed to be fully substantiated and there should be a reference to the matter in the draft resolution. The resolution should require that the petitioner should be given satisfaction or compensated in some way.

Mr. PIGNON (France) emphasized that there had been no criminal responsibility on the part of the driver. He repeated that the child's family could bring a civil action for damages, but that had nothing to do with the Administration.

Mr. ZONOV (Union of Soviet Socialist Republics) asked whether the court before which Yené's case had been tried had been composed of European or indigenous magistrates.

Mr. PIGNON (France) had no specific information on that point, but Yené had been tried by a court of first instance, which usually consisted of three French magistrates.

Mr. ZONOV (Union of Soviet Socialist Republics) considered that to be evidence of racial discrimination.

Mr. SCHEYVEN (Belgium) agreed with the United States representative that the matter was within the purview of rule 81. He would be unable to support any proposal that the resolution should allude to racial discrimination in the courts of the territory.

Mr. McKAY (United States of America) asked the French representative for an explanation concerning the closing of the petitioner's restaurant.

Mr. PIGNON (France) had no information on the subject. Liquor licences were usually withdrawn in cases of criminal conviction and that was probably what had happened in the case in point. If so the petitioner would be able to obtain a new one, since the offence for which he had been sentenced was not such as to render him unfit to hold a licence.

Mr. SCHEYVEN (Belgium) thought the Council should ask the Administering Authority to give sympathetic consideration to the petitioner's request to reopen his restaurant and should inform the petitioner that it would be for him to bring a civil action against Baez.

Mr. McKAY (United States of America) suggested that the draft resolution should, firstly, express regret at the tragic death of the petitioner's grandson, secondly, note the French representative's statement that there was no racial discrimination in the Territory, thirdly, perhaps express the hope that the Administering Authority would give sympathetic consideration to the reopening of the restaurant, fourthly, note that the main issues raised in the petition were issues with which the courts had dealt or were competent to deal and, fifthly, perhaps decide that in the circumstances no further action was necessary.

The CHAIRMAN said that the Secretariat would draft a resolution in the light of the debate, with an alternative paragraph on the basis of the remarks made by the USSR representative.

Petition from the "Comité régional de l'Union des populations du Cameroun"
N'Kongsamba (T/PET.5/117)

Petition from Mr. Lucas Nana (T/PET.5/163 and Add.1)

The CHAIRMAN suggested that since the petition from the Comité régional de l'Union des populations du Cameroun and that from Mr. Lucas Nana related to the same incident viewed from different standpoints, the two petitions might be dealt with simultaneously.

It was so decided.

Mr. McKAY (United States of America) drew attention to Mr. Nana's allegations of loss of property and asked whether he had filed any civil suits for damages and whether the Administering Authority had taken any steps to assist him.

Mr. PIGNON (France) did not know whether any such suits had been filed; the petitioner was perfectly free to file them if he wished.

Mr. McKAY (United States of America) suggested that consideration of Mr. Nana's petition should be deferred until the Administering Authority had furnished further particulars on the damage he claimed to have suffered and on the action, if any, taken by the Administering Authority.

Turning to the petition from the Comité régional, he asked whether the Administration had taken any measures to combat the witchcraft superstition which had been the basic cause of the incident.

Mr. PIGNON (France) replied that public order had been completely restored in the village of Loum. The position with regard to witchcraft was delicate and involved. With the progress of education in the Trust Territory and the gradual westernization of its form of civilization, belief in witchcraft was dwindling. As far as penal law on witchcraft was concerned, the French Penal Code, which had been made applicable to the Territory at the request of the indigenous inhabitants, no longer contained any provisions specifically concerned with witchcraft.

Mr. SCHEYVEN (Belgium) suggested that the attention of Mr. Nana could be drawn to the fact that it was open to him to sue for damages under civil law.

Mr. McKAY (United States of America) sympathized with the Belgian representative's desire to dispose of the petitions without delay, but felt that the Committee should not draft a resolution on T/PET.5/163 and Add.1 until it had full information before it.

The CHAIRMAN suggested that the Secretariat should draft a resolution on the Comité régional petition and that consideration of the Nana petition should be deferred pending the receipt of fuller information from the Administering Authority.

It was so decided.

Petition from the "Union des populations du Cameroun, Comité central du N'Kongsamba" (T/PET.5/125)

Replying to a question by the CHAIRMAN, Mr. PIGNON (France) said that although he had no definite information on the progress of Chief Njimofira's trial, he thought that the decision of the court had not yet been announced.

The CHAIRMAN, speaking as the representative of El Salvador, pointed out that according to the Secretariat's footnote the cable addressed by Njimofira to the United Nations had been signed by him alone, yet he was on trial for using signatures of persons who had been in complete ignorance of the steps he had taken. Thus Njimofira appeared to be on trial for something he had not done.

Mr. SCHEYVEN (Belgium) disagreed; although the cablegram was signed by Njimofira alone, it was so worded as to give the impression that it had been sent on behalf of the traditional chiefs and notables of the Bamoun region. He suggested that the Committee's draft resolution should draw the petitioners' attention to the observations of the Administering Authority and to the fact that their description of the charge brought against Njimofira was not in keeping with the facts.

Mr. PIGNON (France) said that Njimofira would not have been prosecuted if he had not fraudulently ascribed to others a request which had in fact emanated from him and of which those others had had no knowledge.

Mr. ZONOV (Union of Soviet Socialist Republics) pointed out that there appeared to be a contradiction between the French representative's statement and the text of the cablegram as reproduced by the Secretariat. He asked whether the Secretariat could establish the exact wording of the message.

Mr. BERENDSEN (Assistant Secretary of the Committee) confirmed that the cablegram was received exactly in the form reproduced on page 23 of document T/C.2/L.45.

Mr. PIGNON (France) explained that many traditional chiefs and notables of the Bamoun region had protested against the use of their titles in the cablegram in question.

Mr. ZONOV (Union of Soviet Socialist Republics) asked whether that protest had been received officially by the United Nations.

Mr. BERENDSEN (Assistant Secretary of the Committee) replied that many lengthy cablegrams had been received from the Cameroons as a result of the Fourth Committee's decision to grant a hearing to Um Nyobe. Some of those cablegrams had approved the decision and others had protested against it. The senders had apparently thought that Um Nyobe was to speak for the Cameroons as a whole.

Mr. ZONOV (Union of Soviet Socialist Republics) observed that some of the traditional chiefs and notables had obviously been willing to associate themselves with the contents of the cablegram. Njimofira had not mentioned any names in the cable and it was therefore difficult to see why he had been prosecuted.

Mr. BERENDSEN (Assistant Secretary of the Committee) explained that of the many cablegrams received by the United Nations on the decision to hear Um Nyobe, only three had been from the Bamoun region, namely that from Chief Njimofira at present under discussion, and two others, both opposing the hearing, one of which had come from Sultan Seidou.

Mr. PIGNON (France) pointed out that the members of the Committee were aware, through their study of previous petitions, that the Union des populations du Cameroun were political opponents of Sultan Seidou's party. The Seidou party chiefs in the Bamoun region were opposed to the contents of Njimofira's cablegram and objected to Njimofira's use in it of their titles.

Mr. ZONOV (Union of Soviet Socialist Republics) asked whether, since Njimofira had not used the names of Sultan Seidou and his followers, he was in fact being prosecuted merely because of complaints raised against him by representatives of an opposing political party.

Mr. SCHEYVEN (Belgium) said that the protesting chiefs and notables might well feel that they were personally slandered by Njimofira's cablegram, just as members of the Committee would probably protest if one member issued a personal statement and ascribed it to the entire Committee. In any case the matter was sub judice; the Committee must not assume the functions of a court of justice.

Mr. ZONOV (Union of Soviet Socialist Republics) disagreed, stating that it was clear that the real issue was one of antagonism between two rival political parties. It was not proper for the Administering Authority to prosecute members of one political party to serve the interests of another.

Mr. PIGNON (France) suggested that the Committee's failure to agree on the implications of the wording of Njimofira's cablegram might be due to linguistic points. In order to show that not all the traditional chiefs and

notables of the Bamoun region had authorized the cablegram, Njimofira should have used some restrictive word or phrase; in French, the absence of any such qualification rendered the words "chefs traditionnels et notables region Bamoun" comprehensive.

Mr. ZONOV (Union of Soviet Socialist Republics) countered that although Njimofira had not used a restrictive phrase, neither had he used any word implying totality. The real issue, however, was that one political group was being persecuted by its opponents in certain ruling circles. The matter had been taken to court to secure a court decision in favour of Sultan Seidou's party. No doubt the Committee, in considering some later petition, would be confronted with that court decision and would therefore conclude that it could take no action. In its draft resolution, the Committee should say that the matter, being of a political nature, should not have been referred to the courts.

Mr. SCHEYVEN (Belgium) pointed out that the courts were trying, not a political party, but a person accused of having committed a fraudulent act on behalf of a political party.

Referring to the complaint that the home of Mr. Ndamé had been illegally searched, Mr. ZONOV (Union of Soviet Socialist Republics) asked why that search had been made.

Mr. PIGNON (France) replied that the search had been made in response to complaints of Ndamé's conduct, as outlined in the Administering Authority's observations. The search had been perfectly legal, having been ordered by a competent Juge de Paix.

Mr. ZONOV (Union of Soviet Socialist Republics) did not dispute the legality of the search, but wanted to know what had been looked for and what had been found.

Mr. PIGNON (France) replied that the search had been carried out with a view to discovering evidence substantiating the crime alleged against Ndamé, such as forged orders and the like. He could not say what had been the results of the search, for under French law only the Procureur général of the Republic could be given that information.

Mr. SCHEYVEN (Belgium) expressed the view that neither the Standing Committee on Petitions nor the Trusteeship Council had the right to ask a judge to explain his actions.

The CHAIRMAN thought that while the whole petition undoubtedly came within the purview of rule 81 of the Council's rules of procedure, members were entitled to express doubts on various points and there was no reason why the petition should not be given further consideration at the following meeting.

The meeting rose at 12.40 p.m.