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STANDING COMMITTEE ON PETITIONS

SUMMARY RECORD OF THE TWO HUNDRED AND SEVENTEENTH MEETING

Held at Headquarters, New York,
on Wednesday, 26 January 1955, at 10.35 a.m.

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(continued))

PRESENT:

Chairman:

Mr. TARAZI

Syria

Members:

Mr. SCHEYVEN

Belgium

Mr. MAX

France

Mr. JAIPAL

India

Mr. KARTSEV

Union of Soviet Socialist
Republics

Mr. CRAMER

United States of America

Also present:

Mr. APEDO AMAH

Special Representative of the
Administering Authority for the
Trust Territory of Togoland
under French Administration

Secretariat:

Mr. RANKIN

Secretary of the Committee

PETITIONS CONCERNING THE TRUST TERRITORY OF TOGOLAND UNDER FRENCH ADMINISTRATION
(T/C.2/L.115; T/PET.7/369 and Add.1, T/PET.7/381 and Add.1, T/PET.7/388,
T/PET.7/389, T/PET.7/383) (continued)

III. Petition from the Vice-President of JUVENTO (T/PET.7/369 and Add.1)

In reply to questions by Mr. JAIPAL (India) and the CHAIRMAN,
Mr. APEDO AMAH (Special Representative) said that the organizers of the public
meeting had not given previous notice to the Administration since that was
not required under French law.

Mr. MAX (France) observed that public meetings should not be confused
with demonstrations on the public highway, for which previous permission was
required. It was not necessary for representatives of the law to be present
at public meetings but there was nothing to prevent their attending in an
unofficial capacity.

In reply to questions by Mr. CRAMER (United States of America)
and the CHAIRMAN, Mr. APEDO AMAH (Special Representative) said that the word
"ablode", meaning "freedom", was not regarded as subversive and was in common use
in the Territory, especially among members of CUT and JUVENTO, as a greeting. In
the special circumstances of the case cited by the petitioner, however, it had
been used together with abusive language and mocking gestures constituting the
offence of insulting a police officer.

Mr. SCHEYVEN (Belgium) confirmed, from his experience with the
1952 Visiting Mission, that the word "ablode" was in constant use in the Territory
and that no action was taken against its users.

In reply to questions by Mr. KARTSEV (Union of Soviet Socialist Republics)
Mr. APEDO AMAH (Special Representative) said that the suspensions of newspapers
referred to in paragraph 10 of the summary had been carried out under the press law by a
court order after their directors had been convicted of publishing false reports
detrimental to public order. The libelous attacks had not been directed against

(Mr. Amah, Special Representative)

the Administering Authority but against individuals. About fifteen newspapers were published in the Territory. The two suspended publications had a circulation of 500 to 1,000 copies, which was an average circulation, but their circulation, and hence the harm done by any false reports they put out, might be much greater than the circulation figure suggested, for single copies of newspapers often went through a number of hands. Approximately ten newspapers were published by CUT and JUVENTO. When the petitioner referred to "persecution" of those newspapers he no doubt meant the legal action taken under the press law.

Mr. MAX (France) said that a review of the Territory's press would show that if a newspaper could be suspended merely for attacking the Administering Authority, a large part of the press would be in a state of permanent suspension.

Mr. SCHEYVEN (Belgium) observed that when visiting the Territory he had been amazed at the Administering Authority's liberal attitude in that regard.

Mr. MAX (France) pointed out that there was a clear distinction between physical seizure of copies of a particular issue of a newspaper, which could be done administratively by virtue of a judicial ruling, and suspension of publication, which could be ordered only by a court as a penalty for infringement of the press law. The cases referred to in paragraph 10 were instances of judicial suspension.

The CHAIRMAN thought that the law in the Territory must be different from the French law on the subject, which did not provide for suspension as a possible penalty.

Mr. APEDO AMAH (Special Representative) said that he would ascertain precise situation and report later.

In reply to questions by Mr. JAIPAL (India), Mr. APEDO AMAH (Special Representative) said that the standing of JUVENTO and CUT in the Territory might be inferred from the results of the last elections, which had shown that they were minority parties; no membership figures were available. The question of the Joint Council was included in the question of general conditions in Togoland, which was being considered by the Trusteeship Council and the General Assembly.

Mr. JAIPAL (India) observed that the complaints were relatively minor and were typical of nationalist movements, such as JUVENTO claimed to be.

The CHAIRMAN proposed that no suggestions for the draft resolution on section III should be put forward until sections IV and V, which were similar in substance, had been examined.

It was so decided.

IV. Petitions from the National Chairman of JUVENTO (T/PET.7/381 and Add.1-2)
Miss Beatrice Dweggah (T/PET.7/388) and Mrs. Celine Antoinette Mensah
(T/PET.7/389)

Mr. JAIPAL (India) wondered whether all parties in the Territory were free to hold meetings. He asked how many meetings had been held by JUVENTO recently.

Mr. APEDO AMAH (Special Representative) replied that JUVENTO and CUT had held 145 meetings during 1953 and about the same number in 1954.

Mr. KARTSEV (Union of Soviet Socialist Republics) asked for further information on the judicial inquiry into the incidents of which the petitioners had complained. It was stated in the observations of the Administering Authority that the case had been closed, since it had been impossible to establish the authenticity of the facts alleged. He wondered what difficulties had been encountered and what measures had been taken to establish the authenticity of the facts. As people were said to have been injured and there appeared to have been some disturbance, it would seem that there must have been some witnesses available

(Mr. Kartsev, USSR)

for questioning and if the inquiry had been efficiently conducted some definite facts must have emerged. Whether or not the Chief of Police had in fact entered the premises on which the meeting was being held and jostled or struck the persons present, there must be some information on his reasons for making the alleged arrests or on whether those arrests had actually been made.

Mr. APEDO AMAH (Special Representative) said that it had been impossible to verify some of the alleged incidents, because they had not occurred. The observations of the Administering Authority did not deny that a meeting had been held on the date in question but the actions alleged by the petitioners to have been committed by the Chief of Police had not been established as fact. Unless there was a disturbance the Chief of Police as such had no right under the legislation in force to intervene or to order the hall to be cleared; however no disturbance had taken place and no proof had been forthcoming that he had taken such action.

Mr. KARTSEV (Union of Soviet Socialist Republics), replying to a comment from Mr. MAX (France), agreed that it seemed improbable that the Chief of Police had entered a public meeting and inflicted violence upon the participants, as the petitioners alleged, but he assumed that the judicial inquiry had established its findings upon a more substantial basis than improbability. He would like more information on the method of conducting such inquiries: what evidence was accepted in proof and whether denial by an accused person would be taken as proof of his innocence.

Mr. APEDO AMAH (Special Representative) said that the inquiry had been conducted in accordance with the usual procedure followed in France in such cases. All the parties concerned had been heard and following the hearing the conclusion reached was that the occurrence of the incidents described by the petitioners had not been proved. All the necessary safeguards had been provided. He stressed the fact that in Togoland, as in France, the administration and the judiciary were completely separate.

Mr. MAX (France) thought that the findings of a judicial inquiry should be accepted as final and that in cases of complaints, which in any event were not always authentic, the Administering Authority could hardly be expected to require the courts to provide further details of all the evidence which had been brought before them.

Mr. JAIPAL (India) was concerned to ascertain what had actually occurred at the meeting in question. He wondered if it was usual for the Chief of Police to attend meetings on mass education and whether, although the judicial inquiry had established that that officer was innocent of the charges brought against him by the petitioners, any arrests had in fact been made at the meeting. The Administering Authority had not included in its observations any details of other arrests made at about the same date, to which the petitioners might have been referring.

Referring to the statement in paragraph 10 of the summary that a nursing mother had been detained for four hours at the police station, he inquired whether it would not have been possible for someone to bring the woman's child to her.

Mr. MAX (France) pointed out that the Chief of Police could attend a meeting on any subject in a purely private and individual capacity.

Mr. APEDO AMAH (Special Representative) said that the term "mass education" was used by JUVENTO in the specialized sense of dissemination of information concerning the party and its activities. He thought that the inquiry had covered all the incidents to which the petitioners had referred and that no proof had been produced that any of the incidents had in fact occurred.

Mr. KARTSEV (Union of Soviet Socialist Republics) saw no reason in principle to distrust the judiciary in the Territory, but thought that there might be some question concerning the decision of the courts that the authenticity of the facts referred to in the petition could not be established.

(Mr. Kartsev, USSR)

It must have been possible to check such facts as the arrest of a woman, for example, since in any sound judiciary system a full record would be kept of all arrests. There must be some means of establishing that the incidents had not occurred at all, or that if they had occurred any arrests had been made in due process of law.

Mr. APEDO AMAH (Special Representative) said that it was the concatenation of events which could not be proved: some arrests had been made at the time to which the petitioners were referring but certainly not for the reasons alleged in the petition. What could not be established was the authenticity of the exact details of the incident as described in the petition.

Mr. MAX (France) reminded the USSR representative that as warrants were required for all arrests in France and Territories under French administration, there could be no question of any arrest being made and passing unrecorded.

Mr. SCHEYVEN (Belgium) pointed out that the United Nations Visiting Mission which had visited Togoland under French Administration in 1952 had been presented with a list of nearly a hundred persons alleged to have been imprisoned for their political opinions. The Mission had itself investigated the charges and had been given access to all the necessary records, including prison registers. It had been clear from that investigation that nobody could be committed to prison for even a few hours without an entry being made on the register. It had proved impossible to identify forty of the persons named on the list and the remaining sixty had been found to have committed various offences which fully justified imprisonment; not a single one had in fact been imprisoned for his political opinions. The Mission had reported that fact to the political parties which had furnished the list of names and the parties had admitted that they must have been misinformed.

Mr. KARTSEV (Union of Soviet Socialist Republics) said that the Administering Authority's observations referred only to the accusations made against the Chief of Police; they did not contain sufficient information on the other alleged facts. He wished to know whether there had been an investigation or not and if so what its outcome had been. The Committee would be unable to come to a decision without knowing whether the alleged incidents had really taken place, the reasons for the arrests, if there had been any, whether the people concerned had been subsequently released and so on.

Mr. MAX (France) replied that the investigation had shown the allegations to be unfounded; no arrests had taken place. Had there been any arrests there would have been some record of the fact.

Mr. APEDO AMAH (Special Representative) said that the investigation of the allegations against the Chief of Police had been fruitless. The arrest of the journalist referred to in the same paragraph had taken place on another occasion and had nothing to do with the other incidents dealt with in the petition: he would make a statement on that subject later. There was no proof of the alleged arrest of a nursing mother.

Mr. KARTSEV (Union of Soviet Socialist Republics) was not clear whether the statement in the Administering Authority's observations that "it had been impossible to establish the authenticity of the facts alleged" meant that the court had been unable to ascertain whether the incidents had taken place or that it had concluded that they had not taken place.

The CHAIRMAN, speaking as the representative of Syria, felt that the Administering Authority's observations required amplification.

Mr. MAX (France) said he was unable to recall every detail of the case but that judicial inquiries always followed similar lines and included the examination of registers, records and all other relevant documents.

Mr. JAIPAL (India) wished to know whether a meeting had actually taken place on 21 March and if so whether any persons had been arrested and taken to the police station.

Mr. APEDO AMAH (Special Representative) replied that there had been a meeting on that date. He was unable to say what the subject of the meeting had been or what speeches had been made, since the Administration had not interfered.

Mr. JAIPAL (India) asked whether the Administering Authority would ascertain the facts and inform the Committee what had occurred at the meeting.

Mr. MAX (France) observed that in dealing with other petitions he had made it clear that the Administration could not be responsible for what happened at meetings unless disturbances occurred and the police were obliged to intervene. That had not occurred, however, in the case in point. The Administration would therefore be unable to carry out an inquiry into what had occurred at the meeting in question.

Mr. JAIPAL (India) said that the Committee would be unable to come to a decision unless it knew whether there had been disturbances and whether people had been detained by the police.

Mr. MAX (France) could only repeat that the investigation had shown that the allegations were without foundation.

Mr. CRAMER (United States of America) asked whether he was right in assuming that Mrs. C.A. Mensah had not been arrested.

Mr. APEDO AMAH (Special Representative) answered in the affirmative.

The CHAIRMAN, speaking as the representative of Syria, asked the Special Representative for an explanation of the statement in paragraph 11 of the summary that the court had ordered the case to be closed.

Mr. MAX (France) replied that the Chief State Counsel could order a case to be closed when there was insufficient evidence.

V. Petition from the National Chairman of JUVENTO (T/PET.7/383)

Mr. KARTSEV (Union of Soviet Socialist Republics) noted that according to the petitioner the place where the meeting was to be held had been surrounded by police. He asked whether police forces were stationed in the vicinity whenever a public meeting of a political or any other nature was to be held.

Mr. APEDO AMAH (Special Representative) replied that there was always a police service when a meeting of any kind was held.

Mr. JAIPAL (India) said that according to paragraph 2 of the summary the Administering Authority admitted that two persons had been arrested for resisting the authority of the police. He asked what the persons in question had done in the first place to provoke police action.

Mr. APEDO AMAH (Special Representative) said that the case was the subject of a separate petition T/PET.7/402.

The CHAIRMAN suggested that the question should be deferred until the Committee came to examine that petition.

Mr. RANKIN (Secretary of the Committee) suggested that before coming to a decision on the petitions covered by sections III, IV and V of the Working Paper, the members of the Committee might wish to study Trusteeship Council resolution 1073 (XIV), which dealt with petitions on similar lines.

The meeting rose at 12.30 p.m.