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STANDING COMMITTEE ON PETITIONS

SUMMARY RECORD OF THE THREE HUNDRED AND EIGHTIETH MEETING

Held at Headquarters, New York,
on Monday, 25 June 1956, at 10.35 a.m.

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under French administration (T/C.2/L.211 and L.212; T/OBS.7/39)
(continued)

PRESENT:

<u>Chairman:</u>	Mr. de CAMARET	France
<u>Members:</u>	Mr. SMOLDEREN	Belgium
	U PAW HTIN	Burma
	Mr. YANG	China
	Mr. BENDRYSHEV	Union of Soviet Socialist Republics
	Mr. HANROTT	United Kingdom of Great Britain and Northern Ireland
<u>Also present:</u>	Mr. DOISE	Special Representative of the Administering Authority for the Trust Territory of Togoland under French administration
<u>Secretariat:</u>	Mr. BERENDSEN	Secretary of the Committee

EXAMINATION OF PETITIONS CONCERNING THE TRUST TERRITORY OF TOGOLAND UNDER FRENCH ADMINISTRATION (T/C.2/L.211 and L.212; T/OBS.7/39) (continued)

At the invitation of the Chairman, Mr. Doise, Special Representative of the Administering Authority for the Trust Territory of Togoland under French administration, took a seat at the Committee table.

Document T/C.2/L.211 (continued)

VI. Petition from Chief David A. Akuagabi II (T/PET.7/494 and Add.1)

In response to a request for clarification from Mr. SMOLDEREN (Belgium), Mr. DOISE (Special Representative) explained that the petitioner implied that he had left the village following his deposition, whereas he had been deposed because he had left it.

Mr. SMOLDEREN (Belgium) suggested that, since the petitioner's deposition and alleged exile were not due to any action on the part of the Administering Authority, he should be referred to the Administering Authority's observations and to the comments of the Special Representative.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked the Special Representative to comment on the petitioner's charge that his father and certain other persons had been beaten for attending a meeting of a political party.

Mr. DOISE (Special Representative) replied that no such beating had taken place.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) drew attention to the letter dated 19 January 1953 addressed to the Governor of the Colonies and to the Commissioner of the Republic in Togoland (T/PET.7/494/Add.1, page 8) and inquired whether the Administration had any objection to the return of the eight chiefs.

Mr. DOISE (Special Representative) replied that there was no objection to their return. He had no information concerning the letter of 19 January 1953 or the remainder of document T/PET.7/494/Add.1.

Mr. HANROTT (United Kingdom) asked whether there was any legislation under which an inhabitant of Togoland could be confined to a given area.

Mr. DOISE (Special Representative) replied that there was no legislation enabling the Administering Authority to restrict the movements of an inhabitant to any given part of the Territory. The only penalty of a like nature provided for in the penal code was local banishment (interdiction de séjour) sometimes imposed by the courts as an addition to a principal penalty (peine principale).

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked why the petition, dated 21 September 1952 (T/PET.7/494/Add.1, page 17), addressed to the Visiting Mission had not been submitted for consideration at Headquarters at an earlier date.

Mr. BERENDSEN (Secretary of the Committee) assumed that the Visiting Mission had decided not to transmit it to the Secretariat at Headquarters.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked the Special Representative whether he had any information about the complaints contained in document T/PET.7/494/Add.1.

Mr. HANROTT (United Kingdom) pointed out that, when a petition was addressed to the Visiting Mission, the Mission was free to decide whether it should be referred to the Trusteeship Council or whether it should be taken into account for the purposes of the Mission's own report.

It was difficult for the Council to determine what the petitioner's grievances were from the numerous annexes to document T/PET.7/494/Add.1. From the covering letter the petitioner's main complaint appeared to be that he had been exiled. He therefore suggested that the petitioner should be referred to the observations of the Administering Authority and to the statement of the Special Representative.

The CHAIRMAN, speaking as the representative of France, said that his delegation was prepared to make further inquiries regarding the points raised in document T/PET.7/494/Add.1. He therefore suggested that further consideration of that document should be deferred until the Special Representative received the requisite information. In the meanwhile, the Committee could proceed with its examination of document T/PET.7/494.

It was decided to defer consideration of document T/PET.7/494/Add.1 until the receipt of the Administration's observations.

Mr. HANROTT (United Kingdom) asked for information on the circumstances under which Chief Akuagbi had been deposed in 1952.

Mr. DOISE (Special Representative) replied that the Chief had been deposed by the inhabitants of his village; the Administration had only confirmed his deposition and the appointment of his successor. The two main reasons for his removal from office were that he had left the village to live at Lomé and that he had sold to outsiders too much of the land belonging to the village.

Mr. YANG (China) asked if it was true that a customary chief could be dismissed from office only in consequence of having been sentenced to a criminal penalty or a correctional penalty involving loss of status, and whether the deposition of Chief Akuagbi II had been corrected with such a sentence.

Mr. DOISE (Special Representative) said that what the villagers had objected to in the chief had been his negligence with regard to the collective lands belonging to the village, which he had allowed outsiders to use. Since no individual plots of land had been involved, the courts had never been concerned in the matter. It was true that an article of the Order of 2 December 1949 provided that the Administering Authority could suspend a chief only on the grounds mentioned, but that Order had no bearing on the present case. The population of a village could depose its chief for a number of reasons, and it was the population which had deposed Chief Akuagbi II. The election and removal of chiefs was a matter for their subjects to decide; the Administration merely confirmed the action taken.

Mr. YANG (China) asked if there was any remedy open to a chief if he thought he had been unjustly deposed.

Mr. DOISE (Special Representative) said that he could take his case to a customary court or to such a court and the Administrative Disputes Board.

Mr. YANG (China) noted that the petitioner referred to an Order by which he had been appointed, and asked whether it was still the practice in the Territory to issue such orders following the election of a chief.

Mr. DOISE (Special Representative) said that what the petitioner was referring to was not an Order but a decision by the Commandant de cercle confirming the appointment of a chief. That procedure was still being followed.

U PAW HTIN (Burma) asked whether there had been an investigation of the incident referred to in paragraph 3 of the summary and if so, what the outcome had been.

Mr. DOISE (Special Representative) said that at the time mentioned by the petitioner an inquiry had been held into a complaint that funds were being illegally collected or extorted from the villagers. That inquiry had, however, had no connexion with any political meetings, and no one had been beaten. In reply to a further question by U PAW HTIN (Burma), he said that he had no precise information on how the funds had been extorted, or by whom.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked if facilities for medical care were available to the indigenous inhabitants in the area and if so, why the people shown in the photographs attached to petition T/PET.7/494 had not been treated there, as the dressings they wore did not appear to have been expertly applied. Since the petitioners complained that they had been beaten, he also wondered if the Special Representative could tell him how their injuries had been incurred.

Mr. DOISE (Special Representative) said that there was a dispensary in the area. He did not know why the people shown in the photographs had not gone to it; they would certainly have been able to obtain expert treatment there. Replying to the second question, he said he had no information about the identity of the people in the photographs. In any case, the latter had no value as evidence, since it could not be determined from them whether the people shown had real wounds beneath the bandages. Moreover, even if they had - and in that case a medical certificate would have been more convincing - it would still be necessary to determine where, when and under what circumstances they had been injured. In any event, he would repeat that no one had been beaten during the inquiry held in the village for illegal collections and exactions.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked whether the Special Representative had seen the photographs before, and whether the Administering Authority had attempted to ascertain the identity of the people shown.

Mr. DOISE (Special Representative) said he had not seen the photographs before, and that no copies had been supplied to the Administering Authority.

The CHAIRMAN asked the Secretariat to draw up a resolution in the light of the discussion that had taken place.

VII. Petitions from Chief Christian A.F. Gbadegbe VII (T/PET.7/495) and from Chief Christian Gbadegbe VII and notables of Amou-Oblo Village (T/PET.7/496).

After a discussion of the delay in the receipt of the Administering Authority's observations on the two petitions, in which the CHAIRMAN, Mr. BENDRYSHEV (Union of Soviet Socialist Republics) and Mr. DOISE (Special Representative) took part, the CHAIRMAN, speaking as the representative of France, said he would take the necessary steps to expedite the despatch of the observations, which he hoped would be available to the Committee during the following week.

VIII. Petition from members of the Customary Council of Koutoukpa (T/PET.7/500)

Mr. HANROTT (United Kingdom) asked if the Special Representative had any comments on the petitioners' allegations concerning the Commandant de cercle.

Mr. DOISE (Special Representative) pointed out that the petitioners did not say the chief had been deposed, but only threatened with deposition. In any case, the Commandant had no power to depose the chief; Mr. Ossah was still chief of his village and would remain so until deposed by his subjects. It was possible that the Cantonal Chief had visited him, but the Commandant de cercle had had nothing to do with the affair.

Mr. SMOLDEREN (Belgium) asked whether the Visiting Mission had made any comments on the petition.

Mr. COTTRELL (Secretary of the Committee) said that the petition had not been classified until the Visiting Mission had returned to Headquarters.

U PAW HTIN (Burma) asked if the Special Representative was aware of any grievance against the chief on the part of his subjects, or had any information on his ability as a chief.

Mr. DOISE (Special Representative) said that the local authorities had no real information about the ability of a chief until they were informed that he had been deposed. He was therefore unable to furnish any information on that point, but the fact that there was disaffection in the village seemed to indicate that there was some discontent with the chief. Since only four members of the Customary Council had signed the petition, it seemed apparent that the other members felt at least some distrust of him.

Mr. YANG (China) asked whether a new chief had been appointed in the village since the date of the petition.

Mr. DOISE (Special Representative) said that, as far as he knew, no change had been made. He pointed out, further, that since the incident referred to by the petitioners had taken place on 13 January 1955 and the petitions were dated September 1955, it was obvious that the chief had not been deposed nine months after the event he was complaining of.

Mr. YANG (China) thought the petitioners had been anticipating events which had not taken place, and that it would therefore be sufficient to draw their attention to the observations of the Administering Authority.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked what had actually occurred during the visit of the Commandant on 13 January 1955.

Mr. DOISE (Special Representative) said that in view of the fact that the petition had been received nine months after the incident to which it referred, it was impossible to say exactly what had taken place. The Commandant de cercle passed through the village at least once a day in the normal course of his duties, and the purpose of any official visit could be distorted by persons seeking to make political capital of it. He had no knowledge of the protests referred to by the petitioners; no written protests had been received by the Administration, although it was possible that the petitioners had protested orally to the Commandant de cercle.

Mr. HANROTT (United Kingdom) asked if the Commandant de cercle would not also be criticized if he failed to visit villages.

Mr. DOISE (Special Representative) answered in the affirmative. There were always a great many small problems arising in the village which the Commandant de cercle was called upon to settle.

Mr. SMOLDEREN (Belgium) supported the proposal made by the Chinese representative and suggested that the resolution might also refer the petitioners to the explanations given by the Special Representative.

The CHAIRMAN asked the Secretariat to draw up a resolution based on the discussion that had taken place.

Document T/C.2/L.212

I. Petitions from Mr. Mensan Aihson (T/PET.7/437 and T/PET.7/477)

Mr. SMOLDEREN (Belgium) asked what constituted documentary proof of nationality in Togoland.

Mr. DOISE (Special Representative) explained that civil registration documents were usually required. However, if such documents were not available, an official certificate could be issued by the courts after the necessary inquiries had been made. Strictly speaking, the petitioner was not a native of Togoland within the meaning of article 28 of the Treaty of Versailles, for he had not been resident there at the time of its signature.

Mr. SMOLDEREN (Belgium), referring to paragraph 3 of the Summary said that the petitioner had apparently felt he could establish proof of the place and date of his birth by submitting an affidavit bearing the fingerprints of eight persons. He asked whether the competent authorities had taken steps to investigate that document and what the results of their inquiries had been.

Mr. DOISE (Special Representative) explained that the petitioner's submission of the affidavit had been a preliminary step to establish proof of birth in Togoland. During his stay in Togoland however, he had engaged in other

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activities and it had taken him over a month to collect the eight fingerprints. In any event, the authorities to which he had submitted the affidavit had found it to be inadequate.

Mr. SMOLLEREN (Belgium) asked what were the common law offences for which the petitioner had been "deported" - the word used in the working paper - as an undesirable.

Mr. DOISE (Special Representative) pointed out that the word "deported" was no longer used except in connexion with certain sentences imposed by courts martial. The petitioner had actually been expelled from the Territory. Mr. Ahtson had received two sentences in 1950, one for contempt of court and the other for circulating false news. His second conviction had been quashed on appeal but he had served his first sentence of six months' imprisonment.

Mr. YANG (China) said that an examination of the case showed that the petitioner had been given ample opportunity to prove his Togolese nationality. He had failed to do so and therefore it appeared that no further action was required by the Trusteeship Council. The draft resolution should merely draw the attention of the petitioner to the Special Representative's comments.

Mr. SMOLDEREN (Belgium) supported the Chinese representative's proposal, particularly as the petitioner had not presented any new arguments or documents in support of his case.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) noted that the Local Authority stated that the ban on Mr. Ahtson would be lifted if he could prove that he was of Togolese origin. However, the affidavit submitted by the petitioner indicating that both he and his father were natives of Anecho had apparently failed to satisfy the authorities and he asked what further steps the petitioner could take to prove his Togolese origin.

Mr. DOISE (Special Representative) explained that the petitioner's case presented certain difficulties. When an official in French West Africa, he had said that he had been born in Dahomey in 1914; later, appearing before the Sokodé court, he had claimed and proved that he had been born in the French Cameroons. More recently, he had submitted the affidavit stating that he was a native of

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Anecho. However, that affidavit was supported by evidence too vague for it to be validated as an official legal document. The fingerprints of eight persons did not constitute sufficient proof of events going back to 1914.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) pointed out that the petitioner was unable to produce an official document, because there had been no civil register at the time of his birth. His affidavit bore fingerprints and not signatures, because his witnesses had probably been illiterate. He therefore wondered what else the petitioner could do to prove his Togolese nationality.

He asked whether the eight persons who had affixed their fingerprints to the affidavit had been questioned and whether they had confirmed the statement it contained. If so, he wondered whether the affidavit would have provided sufficient proof for the issue of an official certificate.

Mr. DOISE (Special Representative) said that the petitioner's best course would be to refer the question of his nationality to the civil courts. However, he would find it very difficult to disprove authentic documents indicating that he had been born outside the Territory by presenting an affidavit that had little official value, particularly as the eight persons who had affixed their fingerprints to it had contradicted one another and had been contradicted by other persons.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) said that the petitioner had been expelled twice from the Territory without being informed what evidence was required of him. The Administering Authority should therefore be requested to inform him what procedure he should follow and, if necessary, help him to obtain the necessary documents.

Mr. HANROTT (United Kingdom) asked whether it was the usual practice to expel aliens resident in the Territory for common law offences.

Mr. DOISE (Special Representative) said that an alien could be expelled even without a court order for engaging in undesirable activities.

Mr. HANROTT (United Kingdom) asked whether the petitioner's attempt to prove his Togolese origin had been taken into account when the Trusteeship Council had previously considered his case.

Mr. BERENDSEN (Secretary of the Committee) said that the report had contained no specific reference to the petitioner's affidavit. The Administering Authority's observations, however, indicated that he had not produced proof of his Togolese origin.

Mr. HANROTT (United Kingdom) asked whether the petitioner was trying to prove that he himself had been born in Togoland or that his parents were Togolese.

Mr. DOISE (Special Representative) explained that he had been trying to prove that his parents were Togolese.

In reply to a further question from Mr. HANROTT (United Kingdom), Mr. DOISE (Special Representative) said that, as the petitioner had been born before the Treaty of Versailles had been signed, he would have to prove both that he had been born in Togoland and that his parents were Togolese.

Mr. HANROTT (United Kingdom) said that the fact that petitioner was attempting to prove only that his parents were Togolese suggested that his claim was weak. Moreover, he had so far been unsuccessful in proving even that. Under the circumstances, he felt that the attention of the petitioner should simply be drawn to the Special Representative's observations.

The CHAIRMAN said that the Secretariat would prepare a draft resolution taking into account the suggestions that had been made.

The meeting rose at 12.45 p.m.