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STANDING COMMITTEE ON PETITIONS

SUMMARY RECORD OF THE THREE HUNDRED AND EIGHTY-SEVENTH MEETING

Held at Headquarters, New York,
on Thursday, 5 July 1956, at 11.20 a.m.

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<u>Chairman:</u>	Mr. de CAMARET	France
<u>Members:</u>	Mr. SMOLDEREN	Belgium
	U PAW HTIN	Burma
	Mr. YIN	China
	Mr. BENDRY SHEV	Union of Soviet Socialist Republics
	Mr. GIDDEN	United Kingdom of Great Britain and Northern Ireland
<u>Also present:</u>	Mr. ZADOTTI	Special Representative for the Administering Authority for the Trust Territory of Somaliland
<u>Secretariat:</u>	Mr. BARADI	(Philippines), United Nations Advisory Council for Somaliland
	Mr. COTTRELL	Secretary of the Committee

PETITIONS CONCERNING THE TRUST TERRITORY OF SOMALILAND: DRAFT REPORT (T/C.2/L.226, T/C.2/L.238, T/C.2/L.239)

At the invitation of the Chairman, Mr. Zadotti, Special Representative of the Administering Authority for the Trust Territory of Somaliland, took a place at the Committee table.

Document T/C.2/L.238

I. Petition from Mr. Uarsama Egal Herzi (T/PET.11/499)

Mr. ZADOTTI (Special Representative) said he had before him a copy of the decision of the State Counsel's Department relating to the complaint of the petitioner who claimed to have been maltreated. It revealed that any person, whether or not in possession of an identity document, was required to state his identity at the request of a police officer. Refusal to comply with such a request was considered an offence and was punishable by imprisonment.

The petitioner had been imprisoned for four days, not seven as he alleged, until he had agreed to give his name. After examining his complaint, the State Counsel's Department had decided not to act upon it as it was unfounded.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked whether the Special Representative could read to the Committee the article of the code authorizing the police to detain for seven days a person not yet indicted by a magistrate.

Mr. ZADOTTI (Special Representative) said that he did not have the text of the code before him.

The CHAIRMAN proposed that consideration of section I should be postponed.

It was so decided.

II. Petition from Mr. Mohamed Rashid Haj Jam'a (T/PET.11/502)

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) requested that it should be made clear that paragraph 14 expressed the Special Representative's opinion and not that of the Committee.

The CHAIRMAN said that the Secretariat would amend the text to that effect. The paragraph might begin with the words "In his opinion, the second case.....".

Draft resolution II was approved by 5 votes to none, with 1 abstention.

III. Petitions from Mr. Ahmed Mohammed Aid Afraj (T/PET.11/534) and from Mr. Abdel Ghadir Hajj Musa Samantar Ali (T/PET.11/535)

Mr. ZADOTTI (Special Representative) felt that the text of paragraph 10 was slightly inaccurate. The phrase "the local authorities gave him permission to go to Aden" should be deleted and the sentence should read "The Administering Authority denies that there is any truth in the petitioner's statements that the Eil District Commissioner gave him a permit to leave for Eritrea, Berbera, on British territory, or Aden."

The CHAIRMAN said that the Special Representative's request would be complied with.

Draft resolution III was approved by 4 votes to none, with 2 abstentions.

IV. Petition from Mr. Ahmed Hussein Nur (T/PET.11/539)

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) said he could not support the draft resolution for, in his opinion, it was not a question of the petitioner libelling the Cadi but of the petitioner making a complaint, properly addressed to the higher authorities.

Draft resolution IV was approved by 4 votes to none, with 2 abstentions.

V. Petition from Mr. Hussein Abdullah Hassan (T/PET.11/544)

The CHAIRMAN, speaking as the representative of France, felt that operative paragraph 2 of the draft resolution was superfluous and should be deleted. If the petitioner read the observations of the Administering Authority and still wished action to be taken on his petition, he would make his wishes known.

Mr. ZADOTTI (Special Representative) pointed out that the petitioner had given his address as the office of the Somali Youth League but that he was unknown there. The Administering Authority saw no objection to asking him to furnish more detailed information, but, in order to do so, it would be necessary to locate him.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) and U PAW FTIN (Burma) favoured the retention of operative paragraph 2.

The CHAIRMAN put the French amendment to the vote.

There were 3 votes in favour and 3 against.

After a brief recess in accordance with rule 38 of the rules of procedure of the Trusteeship Council, a second vote was taken.

There were 3 votes in favour, 2 against and 1 abstention.

Operative paragraph 2 was deleted.

Mr. GIDDEN (United Kingdom) explained that he had voted for the deletion of operative paragraph 2 because, in his delegation's opinion, petitioners should be asked for further information only in quite exceptional cases.

Draft resolution V as a whole was approved by 4 votes to none, with 2 abstentions.

VI. Petition from Mr. Ilmi Farih Jam'ali (T/PET.11/554)

Draft resolution VI was approved by 5 votes to none, with 1 abstention.

VII. Petition from Mr. Sha'ib Da'ala Mohammed Farih (T/PET.11/555)

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) thought that operative paragraph 2 of the draft resolution was not justified, since it was quite possible that the Administration would eventually identify the petitioner. He, therefore, asked for a separate vote on that paragraph.

The preamble and operative paragraph 1 of the draft resolution were approved by 5 votes to none, with 1 abstention.

Operative paragraph 2 of the draft resolution was approved by 4 votes to 1, with 1 abstention.

Draft resolution VII as a whole was approved by 4 votes to none, with 2 abstentions.

VIII. Petition from the Somali Youth League, Branch of Candala (T/PET.11/569)

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) observed that operative paragraph 3 of the resolution merely quoted a passage from the Special Representative's statement. As that passage already appeared in the Secretariat document, he did not consider it necessary to retain the paragraph.

The CHAIRMAN recalled that the paragraph had been inserted at the United Kingdom representative's request.

Mr. GIDDEN (United Kingdom) said that he would prefer to see the paragraph retained.

Draft resolution VIII was approved by 4 votes to none, with 2 abstentions.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) explained that he had abstained in the vote, because his delegation doubted whether the Committee was justified in assuming responsibility for the statement contained in the paragraph.

IX. Petition from Mr. Farid Hussein Samtar Qidi (T/PET.11/570)

Draft resolution IX was approved by 5 votes to 1.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) explained that he had been unable to support the draft resolution, because it drew the petitioner's attention to the observations of the Administering Authority, which were insulting to the petitioner personally.

X. Petition from Mr. Mohammed Zuber (Spir) Nur (T/PET.11/577)

Mr. SMOLDEREN (Belgium) stated that he could not vote for operative paragraph 2 of the draft resolution, because the petitioner had no longer been employed at the time of his accident and the Administration had no legal obligation towards him. Hence, operative paragraph 1 of the draft resolution would cover the matter adequately.

The CHAIRMAN, speaking as the French representative, supported the Belgian delegation's view.

The preamble and operative paragraph 1 of the draft resolution were approved unanimously.

Operative paragraph 2 was rejected by 4 votes to 2.

Draft resolution X, as amended, was approved by 4 votes to none, with 2 abstentions.

XI. Petition from Mr. Elmi Scire Ali (T/PET.11/600)

Mr. SMOLDEREN (Belgium) considered that, as operative paragraph 1 (b) of the draft resolution said that the Administering Authority had done everything possible to assist the petitioner, operative paragraph 2, in which the Trusteeship Council would express the hope that the Administering Authority would continue its efforts to assist the petitioner, could be deleted.

The CHAIRMAN consulted the summary record of the Committee's 358th meeting and pointed out that operative paragraph 2 had been drafted in response to a proposal made by the United Kingdom representative.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) proposed that the words "to find suitable employment" should be added after the words "to assist the petitioner" in operative paragraph 2.

The CHAIRMAN, speaking as the French representative, did not approve the addition proposed by the Soviet Union representative. He pointed out that the petitioner refused to leave Galcaio, where he could not be employed, whereas it would be easy for him to find work at Chisimaio.

Mr. ZADOTTI (Special Representative) supported that view. The petitioner would be well advised to leave Galcaio, but if he refused to do so, the Administering Authority could not force him. In any event, the Administering Authority was doing everything in its power to assist him.

The Soviet Union amendment was rejected by 3 votes to 2, with 1 abstention.

Draft resolution XI was approved by 4 votes to none, with 2 abstentions.

Paragraph 3 of the introduction to the draft report (document T/C.2/L.238, page 2)

Mr. SMOLDEREN (Belgium) pointed out that the Committee could not take a decision on paragraph 3 of document T/C.2/L.238 before completing its examination of section I of the document.

The CHAIRMAN proposed that the vote on paragraph 3 should be postponed.
It was so decided.

Document T/C.2/L.239

- I. Petition from Mr. Mohamud Sciurie Abdulla and others (T/PET.11/566)
Draft resolution I was approved by 5 votes to none, with 1 abstention.
- II. Petition from representatives of various sub-tribes of the Murosada tribes (T/PET.11/568)
Draft resolution II was approved by 5 votes to none, with 1 abstention.
- III. Petition from the Somali Youth League, Branch of Bender Beila (T/PET.11/578 and Add.1)
Draft resolution III was approved by 5 votes to none, with 1 abstention.
- IV. Petitions from representatives of the Uardai population (T/PET.11/610 and 667)
Draft resolution IV was approved by 5 votes to none, with 1 abstention.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) explained that he had abstained, because he was not in favour of the arifato system, under which a small tribe associated with a larger tribe was obliged to surrender part of the fruits of its labour to the larger tribe.

- V. Petition from representatives of the Cabole tribe (T/PET.11/611)
Draft resolution V was approved by 5 votes to none, with 1 abstention.
- VI. Petitions from Mr. Omar Sheikh Mursal (T/PET.11/571), Chief Roble Ker and others (T/PET.11/574), and representatives of political parties and chiefs, Bardera (T/PET.11/575)

The CHAIRMAN, speaking as the French representative, considered that, since the Trusteeship Council would be drawing the petitioners' attention to the

(The Chairman)

Special Representative's statements, as summarized in paragraph 9 of section VI, operative paragraph 2 of the draft resolution should be deleted.

The preamble and operative paragraph 1 of draft resolution VI were approved by 5 votes to none, with 1 abstention.

Operative paragraph 2 of draft resolution VI was rejected by 4 votes to 1, with 1 abstention.

Draft resolution VI, as amended, was approved by 5 votes to none, with 1 abstention.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) requested the Secretariat to include in the report submitted to the Council the text of paragraph 2 of the draft resolution and to indicate the result of the vote on it.

The meeting rose at 12.35 p.m.