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STANDING COMMITTEE ON PETITIONS

SUMMARY RECORD OF THE FOUR HUNDRED AND FORTY-FIRST MEETING

Held at Headquarters, New York  
on Thursday, 9 May 1957, at 10.40 a.m.

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Examination of petitions concerning the Trust Territory of  
Somaliland under Italian administration (T/C.2/L 285)

PRESENT:

<u>Chairman:</u>	Mr. SMOLDEREN	Belgium
<u>Members:</u>	Mr. YANG	China
	Mr. de CAMARET	France
	Mr. LEMUS DIMAS	Guatemala
	Mr. BENDRYSHEV	Union of Soviet Socialist Republics
<u>Also present:</u>	Mr. ZADOTTI	Italy
	Mr. MOHALLIM	Special Representative of the Administering Authority for the Trust Territory of Somaliland under Italian administration
	Mr. BARADI	Philippines, Chairman of the United Nations Advisory Council for Somaliland
	Mr. de HOLTE CASTELLO	Colombia, United Nations Advisory Council for Somaliland
<u>Secretariat:</u>	Mr. COTTRELL	Secretary of the Committee

EXAMINATION OF PETITIONS CONCERNING THE TRUST TERRITORY OF SOMALILAND UNDER  
ITALIAN ADMINISTRATION (T/C.2/L.285)

At the invitation of the Chairman, Mr. Zadotti (Italy), Mr. Mohallim, Special Representative of the Administering Authority for the Trust Territory of Somaliland under Italian administration, Mr. Baradi (Philippines), Chairman of the United Nations Advisory Council for Somaliland, and Mr. de Holte Castello (Colombia), United Nations Advisory Council for Somaliland, took places at the Committee table.

I. Petition from Hag Abdallah Hussein (T/PET.11/670)

Mr. ZADOTTI (Italy) informed the Committee that the application for a psychiatric examination referred to at the end of paragraph 2 (a) of the summary had been made, not by court-appointed counsel but by Dahir Sciacul's personal lawyer.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked by whom and why the name of Mr. Dahir Sciacul had been removed from the roll of notables.

Mr. MOHALLIM (Special Representative) said that the name of Mr. Dahir Sciacul, who had not been an elected Chief, had been removed from the roll by the Administration for misconduct; he had claimed to be speaking for all the Merehan tribes, whom he was not entitled to represent.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked for an amplification of the statement that Dahir Sciacul had publicly advocated hatred between the social classes.

Mr. ZADOTTI (Italy) explained that the term "social classes" was somewhat misleading. The population of Bardera was not homogenous but consisted of a number of different tribal, or ethnic, groups. It was to those groups that the judgement referred.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics), referring to the charges made against Dahir Sciacul, asked how he had sought to prevent the population from participating in the pre-electoral shirs.

Mr. MOHALLIM (Special Representative) said that at the time of the holding of the shirs he had, for his own purposes, urged the people not to participate in them and thus had effectively prevented them from exercising their rights.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) felt that such activity could be classed as electoral propaganda and no more. He saw no reason why one member of the indigenous population should not express his opinion about the shirs to another.

Mr. ZADOTTI (Italy) explained that the shirs in fact formed part of the electoral process. Each shir concerned a specific ethnic group and Dahir Sciacul had had no right to interfere in the shirs for groups to which he did not belong. Moreover, the charge against him in that respect had been made on the basis of complaints by the people themselves.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked what was the exact offence with which Dahir Sciacul was charged in paragraph 2 (a) (iii) of the summary.

Mr. ZADOTTI (Italy) observed that all those charges were a matter for the courts and the judgement regarding the degree of Dahir Sciacul's guilt was to be rendered by the Chief Justice of Somaliland. The hearing of the case had been adjourned because of the application for a psychiatric examination.

In response to a further comment by Mr. BENDRYSHEV (Union of Soviet Socialist Republics), Mr. ZADOTTI (Italy) stated that neither foxes nor wolves were to be found in Somaliland. There were lions, however, which occasionally committed minor depredations among the Territory's cattle, but such losses were to be numbered by ones and twos and certainly not by hundreds or thousands.

Mr. YANG (China) took it that the Administering Authority assumed that the present petition, like many others, had been inspired by Mr. Dahir Sciacul himself. He noted that an application had been made for a psychiatric examination of Sciacul and asked whether the necessary facilities existed in Somaliland.

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Mr. ZADOTTI (Italy) agreed that since the present petition mainly concerned Dahir Sciacul it was to be inferred that he had inspired it. He confirmed that there were facilities in Somaliland for dealing with psychiatric cases.

Mr. YANG (China) asked what had happened to Sciacul's appeal against the judgement sentencing him to eighteen months' imprisonment and disqualifying him from holding office for two years.

Mr. ZADOTTI (Italy) thought that it should be made clear that Sciacul had never held the office of Chief, which was elective; he had been a Notable, which was a purely honorary title. He did not think Sciacul's appeal had been heard yet.

The CHAIRMAN suggested that the reference to "chief" in paragraph 2 (a) of the summary should be amended to read "Notable" and that the words "social classes" in that paragraph should be replaced by the words "ethnic groups".

It was so decided.

In reply to a further question from Mr. YANG (China), Mr. ZADOTTI (Italy) explained that conferment of the title of Notable did not imply appointment to an official position. The procedure for the withdrawal of the title was, likewise, unofficial.

Mr. YANG (China) suggested that the draft resolution should draw the petitioner's attention to the observations of the Administering Authority and to the remarks of the Special Representative and the representative of Italy.

Mr. LEMUS DIMAS (Guatemala) asked whether the Penal Code referred to was that of Italy or a special code for Somaliland.

Mr. ZADOTTI (Italy) said that the Penal Code applied in Somaliland was basically the Italian Code with the modifications recently made in it by the Territorial Council and the Legislative Assembly.

Mr. LEMUS DIMAS (Guatemala) asked whether Dahir Sciacul had committed the offence with which he was charged in paragraph 2 (a) (ii) by word or by deed; if by word only it would not appear to have been a very serious offence.

Mr. ZADOTTI (Italy) said that a false declaration of being a member of the Government was certainly a ground for a charge under the Penal Code. It was for the Judge to decide whether an offence had been committed.

The CHAIRMAN said that in preparing the draft resolution the Secretariat would take into account the suggestion made by the representative of China.

Speaking as the representative of Belgium, he asked that the Secretariat should include in the Committee's report a reference to the participation in its work of the representative of Italy.

II. Petition from Mr. Matan Suleiman Hassan and others (T/PET.11/671)

Mr. YANG (China) observed that several petitions, including the above, concerned events which had occurred prior to the latest elections held in the Trust Territory. He therefore suggested that the draft resolution should draw the attention of the petitioners to the observations of the Administering Authority.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked why the Regional Commissioner of the Migiurtinia had not acted on the petitioners' complaint about the District Commissioner.

Mr. MOHALLIM (Special Representative) said that Somaliland was a large territory; the regional commissions visited the more important centres but could not possibly cover the whole territory. Moreover, the nomadic tribes were constantly on the move.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked whether the Regional Commissioner had been informed of the petitioners' complaint.

Mr. ZADOTTI (Italy) replied that he would probably have investigated the complaint if he had received it. He had probably taken the matter up with the District Commissioner.

The CHAIRMAN said that in preparing the draft resolution the Secretariat would take into account the suggestion made by the representative of China.

III. Petition from Mr. Salah Abdurrahman and others (T/PET.11/672)

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) said that the petitioners complained that they had not been informed of the regulations governing shirs. The District Commissioner had taken steps to explain to the chiefs and notables the rules concerning the convening of shirs. He asked whether the Commissioner had not deemed it necessary to explain the rules to the people themselves by issuing the written text of the regulations, and whether the population had been given sufficient time to prepare for the shirs.

Mr. ZADOTTI (Italy) said that if the Administering Authority had attempted to explain the regulations governing shirs to every inhabitant of the Trust Territory it would have been many years before the elections could have been held. Most of the population were continually moving from one place to another. The Administering Authority had therefore thought it best to explain the rules to the chiefs and notables, who would in turn inform the people. The system had worked very well, for only a few complaints had been received out of a total of 660 shirs convened.

Preparations for the shirs had begun six months before the elections had been held.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked whether every tribe had received a written copy of the regulations or whether the chiefs and notables had been informed only orally.

Mr. ZADOTTI (Italy) said that every District Commissioner had received copies of the order and the regulations. Chiefs and notables who had asked for a copy had received one. The people had been informed orally because most of them could neither read nor write Arabic or Italian.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) thought it strange that there should not have been at least one person in each tribe who could read Arabic or Italian. He felt that the regulations could have been transmitted in writing to the various tribes.

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Mr. de CAMARET (France) suggested that the draft resolution should draw the attention of the petitioners to the observations of the Administering Authority and the statements of the representative of the Administering Authority and the Special Representative.

The CHAIRMAN said that in preparing the draft resolution the Secretariat would take that suggestion into account.

IV. Petition from the Executive Committee of the "Unione Giovani Benadir"  
(T/PET.11/686)

Mr. YANG (China) noted that the principal request of the petitioners was for stricter and more efficient supervision of future elections in the Trust Territory, with the active participation of the Italian Police. While their confidence in the Italian Police was commendable, their attitude seemed to reflect unfavourably on the Somali Police. In that connexion, he was pleased to note the statement of the Administering Authority that the Somali Police had conducted themselves in exemplary fashion and had discharged their duties ably. In view of the fact that the request by the petitioners concerned future elections, the members of the Advisory Council, the representative of the Administering Authority and the Special Representative might wish to comment.

Mr. ZADOTTI (Italy) took strong exception to the reflection cast by the petitioners on the Somali Police. There were no grounds for the slanderous assertions in the petition.

Mr. BARADI (Philippines), Chairman of the United Nations Advisory Council for Somaliland, recalled that at the eighteenth session of the Trusteeship Council, he had asked that the Administering Authority should make every effort, in co-operation with the Somali authorities, to help prevent irregularities in the forthcoming elections and that the Council had endorsed that request. The Advisory Council felt that the Somali leaders were aware of their responsibilities and that the Somali people were politically prepared for the independence they would be granted in 1960. Moreover, except for foreign affairs, the Legislative Assembly had jurisdiction to legislate regarding measures affecting the Trust Territory. The petitioners' request for the active participation of

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(Mr. Baradi, Philippines)

Italian Police in future elections simply because some Somalis did not trust their own people, was at variance with the situation in the Trust Territory as observed by the Advisory Council and it would certainly not meet with the approval of the people themselves. The Somali Police fully deserve the confidence of the people.

Mr. YANG (China) suggested that the draft resolution should draw the attention of the petitioners to the observations of the Administering Authority and the statements of the Chairman of the Advisory Council and the representative of the Administering Authority.

The CHAIRMAN, speaking as the representative of Belgium, supported the suggestion.

Mr. de CAMARET (France) said that his delegation thought the charges made by the petitioners against the Somali Police were regrettable. He agreed that the statements made by the Chairman of the Advisory Council and the representative of the Administering Authority should be referred to in the draft resolution.

Mr. ZADOTTI (Italy), referring to the allegation in the petition that the officers of the Somali Police were members of the Somali Youth League, pointed out that members of the force were not allowed to belong to any political party. In fact, a non-commissioned officer had been discharged from the force for violating that regulation.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) requested particulars on the political programme of the Unione Giovani Benadir and the role of political parties in the shirs.

Mr. ZADOTTI (Italy) replied that the main activity of the Unione Giovani Benadir was confined to the urban areas, especially Mogadiscio. All the votes the party had obtained had been in towns and not among the nomads in the bush. Shirs had been held for the specific purpose of giving the nomads an opportunity to vote for electoral representatives.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked whether any shirs had been held in which candidates had been presented by political parties.

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Mr. ZADOTTI (Italy) replied in the negative. The shirs were held for two purposes: to elect a chief and to choose electoral representatives. No party could present formal candidates during a shir or in any way participate in the shir.

The CHAIRMAN said that in preparing the draft resolution the Secretariat would take into account the Chinese representative's suggestions.

V. Petition from Mr. Ahmed Osassughe Hirabe (T/PET.11/660)

Mr. de HOLTE CASTELLO (Colombia), United Nations Advisory Council, pointed out that the question of ex-servicemen's claims was a juridical one which concerned the Government of Italy as such and not Italy as the Administering Authority.

Mr. de CAMARET (France) asked for some explanation of the "grant of assistance pending the award" referred to in paragraph 2 (b) of the summary.

Mr. ZADOTTI (Italy) pointed out that the Commission for the Payment of Arrears to Somali Ex-servicemen (CLAMS) had dealt with claims for arrears of pay relating to the years 1941 to 1947 and had nothing to do with Italy as Administering Authority. "Assistance pending the award" was given in cases where a pension had been agreed upon by the Administration but had not yet been approved by the Italian Government.

Mr. de CAMARET (France) inquired whether, in view of the petitioner's age and the fact that he was not eligible for a pension, the Administering Authority would help him to find work.

Mr. ZADOTTI (Italy) said that that question fell within the competence of the Somali Government and not of the Administering Authority; the latter would, however, co-operate in every way.

Mr. de CAMARET (France) suggested that the petitioner's attention should be drawn to the observations of the Administering Authority and of the United Nations Advisory Council for Somaliland.

The CHAIRMAN, speaking as the representative of Belgium, supported that suggestion.

The CHAIRMAN said that in preparing the draft resolution the Secretariat would take into account the suggestion made by the representative of France.

VI. Petition from Mr. Mahamud Colan Giama (T/PET.11/674)

Mr. BARADI (Philippines), Chairman of the United Nations Advisory Council, stated that the questions raised in the petition concerned the Government of Italy as such and not Italy as the Administering Authority.

The CHAIRMAN, speaking as the representative of Belgium, suggested that the petitioner's attention should be drawn to the observations of the Administering Authority and of the United Nations Advisory Council for Somaliland.

The CHAIRMAN said that the Secretariat would take that suggestion into account in preparing the draft resolution.

VII. Petition from Mr. Ali Mire Mohamed (T/PET.11/675)

Mr. de CAMARET (France) suggested that the petitioner's attention should be drawn to the observations of the Administering Authority.

The CHAIRMAN said that the Secretariat would take that suggestion into account in preparing the draft resolution.

VIII. Petition from Mr. Scire Aschri (T/PET.11/698)

Mr. YANG (China) was glad to note that the petitioner had been paid all that was due to him and had no further claim. He asked for particulars of the nature and circumstances of the wound which the petitioner had received in 1953.

Mr. ZADOTTI (Italy) did not know in what circumstances the wound had been received; medical examination had, however, verified the existence of a disability, which was in all likelihood a minor one.

Mr. YANG (China) suggested that the petitioner's attention should be drawn to the observations of the Administering Authority.

The CHAIRMAN said that the Secretariat would take that suggestion into account in preparing the draft resolution.

The meeting rose at 12.45 p.m.