

UNITED NATIONS  
TRUSTEESHIP  
COUNCIL



Distr.  
GENERAL

T/C.2/SR.488  
6 August 1958

ORIGINAL: ENGLISH

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STANDING COMMITTEE ON PETITIONS  
SUMMARY RECORD OF THE FOUR HUNDRED AND EIGHTY-EIGHTH MEETING

Held at Headquarters, New York,  
on Friday, 11 July 1958, at 10.35 a.m.

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PRESENT:

<u>Chairman:</u>	Mr. SMOLDEREN	Belgium
<u>Members:</u>	Mr. KELLY	Australia
	Mr. YANG	China
	Mr. de CAMARET	France
	Mr. JAIPAL	India
	Mr. BENDRYSHEV	Union of Soviet Socialist Republics
<u>Also present:</u>	Mr. MOHALLIM	Special Representative of the Administering Authority for the Trust Territory of Somaliland
	Mr. de HOLTE-CASTELLO	Colombia ) United
	Mr. BARADI	Philippines) Nations
	Mr. EL ZAYAT	United Arab ) Advisory
		Republic ) Council for Somaliland
<u>Secretariat:</u>	Mr. MASHLER	Secretary of the Committee

EXAMINATION OF A PETITION CONCERNING THE TRUST TERRITORY OF NEW GUINEA: DRAFT  
REPORT OF THE STANDING COMMITTEE ON PETITIONS (T/C.2/L.355) (continued)

The CHAIRMAN invited the Committee to vote on the draft resolution annexed to the report (T/C.2/L.355).

Mr. de CAMARET (France) requested a separate vote on operative paragraph 2.

Operative paragraph 2 was rejected by 3 votes to 2, with 1 abstention.

The draft resolution, as amended, was adopted by 4 votes to none, with 2 abstentions.

Mr. KELLY (Australia) explained that he had voted against operative paragraph 2 because it implied a rejection of the Administering Authority's observations and might have an adverse effect on the morale of the indigenous inhabitants engaged in the various economic projects in the Territory. He hoped that the Visiting Mission would carefully consider the benefits, present and future, to the indigenous inhabitants of all economic projects in which they were participating, including the Tolai Cocoa Project.

Mr. BENDRYSHFV (Union of Soviet Socialist Republics) protested that the combined votes of the Administering Authorities represented on the Committee had frustrated a recommendation to the Visiting Mission to investigate the complaints contained in the petition concerning a question of major importance to the indigenous inhabitants of the Tolai area, namely, a scheme for the cultivation of their principal cash crop, cocoa. He hoped that the Visiting Mission would bear the petition in mind, investigate the specific complaints and report to the Council what benefits, if any, the indigenous population was deriving from the Tolai Cocoa Project. The USSR delegation could not therefore accept paragraph 25 of the report (T/C.2/L.355), which implied that the Standing Committee had taken final action on the petition.

Paragraph 25 of the report was adopted by 4 votes to 2.

Mr. JAIPAL (India) requested that the USSR proposal and the vote just taken should be communicated to the Council as part of the Committee's report.

Mr. KELLY (Australia) proposed the insertion of the phrase "according to the petitioner" after the word "But" at the beginning of paragraph 5 of the report.

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The report as a whole, as amended, was adopted by 4 votes to none, with 2 abstentions.

EXAMINATION OF PETITIONS CONCERNING THE TRUST TERRITORY OF SOMALILAND UNDER ITALIAN ADMINISTRATION (T/C.2/L.356 and T/OBS.11/82/Add.1)

At the invitation of the Chairman, Mr. Mohallim, Special Representative of the Administering Authority for the Trust Territory of Somaliland, and Mr. de Holte-Castello (Colombia), Mr. Paradi (Philippines) and Mr. El Zayat (United Arab Republic), representatives of States members of the United Nations Advisory Council for Somaliland under Italian administration, took places at the Committee table.

I. Petition from Mr. Sido Osman Roble (T/PET.11/580)

Mr. de CAMARET (France), noting the observations of the Government of Italy as Administering Authority (T/OBS.11/82/Add.1), suggested that unless the Special Representative had any additional information to give the Committee, the Council, in its reply to the petitioner, should merely draw attention to the Administering Authority's observations and express satisfaction that agreement had been reached between the parties.

Mr. JAIPAL (India), having ascertained from the Special Representative that he had no further information, that the District Commissioner of Merca was a Somali and that the petitioners actually lived in the village of Bulo-Tugarei, supported the French proposal.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) pointed out that no replies had been received from the Administering Authority to three questions put by the Committee during its twentieth session regarding the land alienation of which the petitioner complained. The observations now before the Committee (T/OBS.11/82/Add.1) did not give any details of the agreement which was stated to have been reached. They did not specify the nature or area of the land transferred to the inhabitants of Tugarei on 18 September 1957 or the conditions of the transfer. Since the petitioners had not confirmed that they were satisfied with the agreement or that they had received all the land which they claimed, the Committee was justified in continuing to seek replies to the questions it had put

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(Mr. Bendryshev, USSR)

at its earlier session, and in requesting specific details of the agreement announced in the most recent observations of the Administering Authority. He asked the Special Representative whether he could provide that information.

Mr. MOHALLIM (Special Representative) said that he did not have the additional information requested by the Committee during the Council's twentieth session and that he could give no specific details of the agreement reached through the good offices of the District Commissioner of Merca.

Mr. YANG (China) pointed out that no further complaint had been received from the petitioner since the petition had first been submitted two years earlier, a fact which supported his belief that the dispute had indeed been settled to the entire satisfaction of the parties. However, since the petitioner had asked the Advisory Council to intervene in favour of the inhabitants of the village of Tugarei, he inquired whether the members of that Council had received any further complaints or had any additional information regarding the dispute.

Mr. BARADI (Philippines), United Nations Advisory Council for Somaliland, said that he had no knowledge of complaints regarding land alienation during the past two years that had not been satisfactorily settled with the Administering Authority.

Mr. YANG (China) thanked the member of the Advisory Council for his reply and expressed support for the French proposal.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) reiterated his view that the Committee did not have the necessary information to take final action on the petition. It did not know, for example, whether all the alienated land had been returned or whether only a small part had been transferred to the petitioners while the bulk had been retained by the Italian planters. It should also ascertain the precise conditions of the transfer before considering its examination of the petition closed. He asked the Special Representative whether the Administering Authority had any objection to providing the Committee with that information.

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Mr. MOHALLIM (Special Representative) said that it had no objection to doing so, but that it would appear to be unnecessary to postpone final action on the petition, as agreement had been reached between the parties.

Replying to questions from Mr. JAIPAL (India), Mr. MOHALLIM (Special Representative) said that the petitioners had participated in the negotiations and that Mr. Sido Osman Roble had been one of the parties who had signed the agreement.

Replying to a question from the CHAIRMAN, Mr. MOHALLIM (Special Representative) said it was doubtful whether the Administering Authority could supply the information requested by the USSR representative before the close of the session.

Mr. KELLY (Australia) pointed out that the Administering Authority's announcement that an agreement had been reached on the transfer of land to the inhabitants of Tugarei on 18 September 1957 was in effect a reply to question (c) put by the Committee at its 365th meeting. It implied that Plot 133 (a) had become the property of the villagers and that they had not been evicted. Moreover, the absence of any further complaint during the nine months following the transfer indicated that the dispute had been settled to the entire satisfaction of the parties, as stated by the Administering Authority. There was therefore no need to pursue the question of how the disputed land had been cultivated in the past. He had no objection, however, to requesting the Administering Authority to provide a reply to that question, provided that that did not delay the Committee's work. He personally would support the French proposal.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) charged that the majority opinion in the Committee was being dictated by the Administering Authorities, which were attempting to block consideration of the substance of the petition by the use of spurious arguments.

Mr. de CAMARET (France) said that the USSR representative's charge was grossly unjust. All members of the Committee were working in good faith in an endeavour to meet the complaints of the petitioners. The petition under consideration dated back to 1955; the Special Representative and the Administering Authority had made pertinent observations on it; it had lost all urgency since the

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(Mr. de Camaret, France)

dispute underlying the original complaint had been settled. Finally, there appeared to be little point in deferring final action for another year when Somaliland would have attained its independence in eighteen months' time.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) formally proposed that consideration of the petition should be deferred until additional information had been received from the Administering Authority, especially concerning details of the terms of the agreement allegedly concluded.

He suggested that the Administering Authority should be asked to make every effort to submit that information during the current session.

The Chairman put the USSR proposal to the vote.

The proposal was rejected by 3 votes to 2, with 1 abstention.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) observed that the representatives of the Administering Authorities had once again prevented the Committee from examining a petition with due care. However, although detailed information would not be made available, the question was one of alienation of land and could not be passed over lightly. He therefore proposed that the Council should recommend the Administering Authority to take appropriate measures to restore all the land alienated from the inhabitants of the village of Bulu-Tugareh.

The CHAIRMAN said that the French and USSR proposals would be taken into account by the Secretariat when the Committee's report was drafted.

## II. Petition from Messrs. Egal Giumale and Scire Scirua (T/PET.11/705)

Mr. MOHALLIM (Special Representative) asked the Committee to postpone consideration of the petition until the twenty-fourth session, when the Somali Government, which was examining labour questions, would be in a position to provide full information.

It was so agreed.

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III. Petitions from Mr. Mohamed Hussein Hamoud (T/PET.11/704); the Benadir Youth Union (T/PET.11/706); the "Unione difesa della Somalia" (T/PET.11/707); the Islamic League of Somalia (T/PET.11/708); the Homat Eldin Association (T/PET.11/710); the Somali National Educational Committee (T/PET.11/711); the Hizbia Dighil e Mirifle, Chisimaio Branch (T/PET.11/712) and the Somali Students Union, Cairo (T/PET.11/724)

In reply to a question from Mr. JAIPAL (India), Mr. MASHLER (Secretary of the Committee) said that the words "for life" had inadvertently been omitted from the English text of paragraph 4, after the words "sentenced him to penal servitude".

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked whether the motive for Mr. Salah's assassination had ever been discovered.

Mr. MOHALLIM (Special Representative) replied that the murderer had begun by saying that he had attacked Mr. Salah for personal reasons, but had later given another version of the case, implicating the other three men who had been brought to trial. More information might be disclosed when the prisoner's appeal was heard.

Mr. de CAMARET (France) asked on what grounds the Public Prosecutor's Office (Pubblico Ministero) had lodged an appeal against the decision of the Court of Assizes.

Mr. MOHALLIM (Special Representative) replied that the Public Prosecutor's Office was not satisfied that the three men who had been acquitted were not in fact guilty of complicity in the murder.

Mr. de HOLTE CASTELLO (Advisory Council for Somaliland) asked whether a date had yet been fixed for hearing the appeals.

Mr. MOHALLIM (Special Representative) replied that the date had not yet been fixed, and that the Somali Government could not interfere with decisions of the judiciary.

Mr. JAIPAL (India), supported by Mr. de CAMARET (France), suggested that, in view of the viciousness of the crime and of the fact that appeals had been lodged, the Committee should take no action on the petitions, but should ask that the United Nations should be kept informed of any decisions taken in the matter.

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

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IV. Petition from Mr. Abdi Dahar Warsama (T/PET.11/713)

Mr. JAIPAL (India) asked whether the \$30,000 which the petitioner had sent to Japan had been transferred from Mogadiscio or Djibouti.

Mr. MOHALLIM (Special Representative) explained that the petitioner had transmitted the money through a French bank in Djibouti, but had then taken up residence in the Territory.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked whether the petitioner was a permanent resident of the Territory and whether he would be able to recover the money.

Mr. MOHALLIM (Special Representative) replied that the petitioner had been a resident of Somaliland for a relatively short time. The Somali Government and the Administering Authority could not help him to recover the money, in view of the fact that he had, knowingly or unwittingly, violated the import and export regulations of the Territory.

Mr. YANG (China), supported by 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 the suggestion into account in preparing the Committee's report.

V. Petitions from Mr. Ahmed Mohamed Mohamud (T/PET.11/714) and Hajji Ali Hilloule and three others (T/PET.11/716)

Mr. MOHALLIM (Special Representative) asked that consideration of the petitions should be postponed until the Committee's next meeting.

It was so agreed.

The meeting rose at 12.35 p.m.