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REPORT BY THE SECRETARY-GENERAL TO THE SECURITY COUNCIL ON RECENT
DEVELOPMENTS IN THE LEOPOLDVILLE AREA

The Secretary-General of the United Nations has the honour to refer to certain communications which relate to recent events in the Leopoldville area. Taken together these events seem to reflect tendencies with a serious bearing for the implementation of the resolution which the Security Council adopted on 21 February 1961, and requiring urgent attention.

In this context the Secretary-General wishes to draw the Council's attention to the following excerpts from the Military Bulletin of the ANC Headquarters in Leopoldville dated 3 March 1961 as transmitted to him by his Special Representative in the Congo:

"The Security Council has just taken two decisions which seriously endanger the freedom of our country. In the first place, it has decided that all technicians must be expelled from the Congo. These technicians are either Belgians who, with the assent of the Congolese, have agreed to remain in the service of the Republic, or foreign specialists, hired by the legal authorities...

"In the second place the United Nations has dreamt of disarming the Congolese National Army. A military man without arms is not a military man. A country without military men is not a country. The United Nations considers us children, for if a child possesses arms, they must be taken from him.

"By disarming the ANC, the United Nations takes away from the authorities of the country the only means of ensuring respect for law and order. In this way, the entire world will picture the Congolese as being incapable of leading themselves. It will then be a simple matter for the United Nations to place us under trusteeship, and our cherished fatherland once again will become a colony.

"Shall we permit this to happen? Never. We the military, the elite of the nation, must form a solid bloc to prevent the United Nations from arrogating any power unto itself. Everything must be done to safeguard our complete freedom. It is better to die than again to fall under foreign domination.

"All the military are confined to barracks. All measures must be taken to take action at the slightest alarm. The only orders that are to be carried out are those given by the military authorities. Any incident arising between the United Nations and the ANC must be reported as a matter of urgency to the responsible military superiors. We wish to live at peace with everyone and we do not seek a fight, but if we are attacked, we will not back away from any sacrifice... Let us prove to the entire world that our Army is worthy of the name."

The communications brought to the attention of the Security Council are the following:

- A. Note verbale dated 1 March 1961 addressed to the Special Representative of the Secretary-General in the Congo by the Ministry of Foreign Affairs of the Republic of the Congo (see attached text "A")
- B. Note verbale dated 3 March 1961 from the Delegation of the Republic of the Congo addressed to the Secretary-General transmitting a letter dated 2 March 1961 from the President of the Republic of the Congo (with a Note Verbale to the Special Representative of the Secretary-General in the Congo dated 1 March 1961) (see attached text "B")
- C. Report from the Sudanese Battalion to Operations Headquarters, ONUC, Leopoldville, dated 3 March 1961 (see attached text "C")
- D. Letter dated 3 March 1961 addressed to the President of the Republic of the Congo by the Secretary-General (see attached text "D")
- E. Note verbale dated 3 March 1961 addressed to the President of the Republic of the Congo by the Secretary-General*

* To be issued.

A. Note verbale dated 1 March 1961 addressed to the Special Representative of the Secretary-General in the Congo by the Ministry of Foreign Affairs of the Republic of the Congo (Leopoldville) 1/

The Ministry of Foreign Affairs presents its compliments to the Special Representative of the Secretary-General and has the honour to inform him that as a result of the latest events at Luluabourg and Port-Francqui, and of the United Nations attitude towards these events, the Central Government has taken the following measures in order to guard against any eventuality:

1. The air force installations at Ndjili must be evacuated without delay by United Nations forces and personnel stationed there. No agreement between the Congolese Government and ONUC exists on the matter.
 2. Entry into military camps is strictly forbidden to United Nations soldiers; and any violation of this prohibition might have serious consequences, for which the Armée nationale will not be responsible.
 3. In order to avoid the risks arising from excessive proximity of the Armée nationale and United Nations troops it would be wise to withdraw the United Nations forces stationed at Parc Hembise as soon as possible.
- We repeat: all this is in order to prevent any incidents.

The Ministry of Foreign Affairs wishes to draw the Special Representative's serious attention to the extreme urgency of assenting to the points made in this note at the request of the Government of the Republic of the Congo. For it is important at all costs to avoid engagements or unnecessary friction between the Armée nationale and United Nations forces.

The Ministry of Foreign Affairs has the honour, etc.

- B. Note verbale dated 3 March 1961 from the Delegation of the Republic of the Congo addressed to the Secretary-General transmitting a letter dated 2 March 1961 from the President of the Republic of the Congo (with a Note Verbale to the Special Representative of the Secretary-General in the Congo dated 1 March 1961)

The Permanent Delegation of the Congo presents its compliments to the Secretary-General of the United Nations and has the honour to send him herewith the text of a letter which Mr. Kasa-Vubu, President of the Republic of the Congo, has requested it to transmit to him. The original of this communication will reach the Secretary-General at an early date.

The Permanent Delegation has the honour to be, etc.

I beg to acknowledge receipt of your letter of 22 February 1961.

I hasten to say that I fully share the concern you express with reference to the illegal arrests, deportations and murders of political prisoners which have taken place. I would point out that if your Special Representative in the Congo had shown an objective spirit, he would have informed you that the Central Government of the Republic condemned these murders publicly, and expressed its indignation at these acts, which are a disgrace to the entire Congolese people. However, we must first come to some agreement on the meaning, scope and content of these various terms, and on their field of application.

Thus, I cannot pass over in silence certain of the terms you employ in your letter, in particular when you speak of illegal arrests. Here again, if your Special Representative were sincere, he would have told you that Mr. FINANT and his comrades (whose murder we condemned) had committed many common crimes and offences, for which they were to be brought to justice before the Congolese courts.

The Central Government of the Republic never at any time considered these men political prisoners; it regarded them as prisoners accused of ordinary crimes. One of the most obvious proofs of your Special Representative's bias is that he represents persons charged with offences punishable under Congolese law as arbitrarily arrested martyrs; yet he has never a word to say about those who have been arrested and tortured because they refused to accept a foreign-inspired dictatorship (SCNGOLO and his comrades), and because they had condemned the disastrous and communist-oriented policy of Patrice Lumumba. The crimes of genocide which you yourself had charged against Patrice Lumumba and his followers are now ignored.

Again, after the murders at Katanga and Bakwanga your Special Representative at once stigmatized these acts in extreme terms (once again, we approve that action); yet after the massacre of fifteen innocent persons at Stanleyville he has remained silent. No protest, no request for an explanation: the only statement he has made is that he has no reliable information on these murders.

I should be grateful if you would inform me what measures you took following the murder of the fifteen political prisoners at Stanleyville, such measures having been implied in the sixth paragraph of your letter, in which you said: "... any repetition of similar acts, wherever in the Congo they may come about, can not but have the most serious consequences for those responsible".

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Up to now, no protest or statement has been made on this subject either by you or by Mr. Dayal.

I take this same opportunity to point out to you that the ONUC authorities at Leopoldville have set up in that city, without consultation with the Congolese authorities, a so-called neutral zone to which they admit self-styled political refugees. A note, a copy of which is attached, has this day been sent to your Special Representative on this subject. This offers yet another illustration of the application of two systems of standards. At Stanleyville, Bukavu and other localities where anti-communists are hunted down like wild beasts and compelled to flee leaving behind their property and their families, no similar step has to our knowledge been taken.

In point of fact, your Special Representative is engaged in mustering all rebel elements with a view to concentrating them at Stanleyville, the terrorist capital. That is the true reason for the establishment of this camp.

I regret that I am unable to reply to you through your Special Representative at Leopoldville, since I declared my lack of confidence in him some considerable time ago.

I conclude by assuring you once again that it is my firm intention to co-operate with the ONUC authorities, to the extent that the latter themselves respect the Congolese authorities and Congolese sovereignty.

I have the honour to be, etc.

(Signed) Joseph KASA-VUBU

PRESIDENT OF THE REPUBLIC OF THE CONGO

For the Minister for Foreign Affairs:

(Signed) Julien KASONGO

Secretary of State

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Note Verbale

The Minister for Foreign Affairs of the Republic of the Congo presents his compliments to the United Nations Secretary-General's Special Representative in the Congo and wishes to inform him that he has learned by chance and unofficially that the United Nations has established a neutral zone at Leopoldville for persons seeking protection from prosecution for their political activities.

The Government of the Republic is surprised that it was not consulted on this matter by the United Nations authorities. As it is convinced that similar measures have been taken in other localities, it would like to be informed of these decisions as quickly as possible, and hereby advises the United Nations authorities that this practice of acting without consultation of any kind with the Congolese authorities is inadmissible and contrary to the provisions of the United Nations Charter.

The Government of the Republic considers it advisable to remind the United Nations authorities of the Government's position with regard to arrests for political reasons, a position which was clearly stated in the address by Minister Adoula broadcast over the national radio on Monday, 20 February. After that very clear condemnation of such summary executions and political arrests, which was confirmed by Legislative Decree No. 1 of 25 February 1961, it is difficult to understand the decision of the United Nations which in fact constitutes an intrusion into the domestic affairs of the country that has no justification whatsoever after the categorical undertaking given by the Minister of the Interior.

The Government of the Republic further considers that the conditions of asylum in the neutral zone are such - no prior verification being carried out, and board and lodging being provided gratis - that the zone will soon be a refuge for large numbers of idlers and parasites who, for persons not in possession of the facts, will constitute proof of the absence of individual rights in the Congo. It is time therefore that this confusion was dispelled; and an agreement should be negotiated between the Congolese authorities and the

United Nations authorities as quickly as possible in order to offer international public opinion all necessary guarantees that the freedom and security of Congolese citizens are no less respected here than in other democratic African countries.

In this connexion, the Minister wishes to recall the conversations held by the Special Representative of the United Nations Secretary-General with Prime Minister Ile0 and his colleagues on Saturday, 25 February 1961.

The Minister for Foreign Affairs has the honour to be, etc.

The Minister for Foreign Affairs of
the Republic of the Congo

C. Report from the Sudanese Battalion to Operations Headquarters,
ONUC, Leopoldville, dated 3 March 1961

Koussouris, new UN radio man, was challenged by ANC guard numbering five or six upon arrival at Moanda airfield at noon today. His baggage was impounded and he was held under guard on grounds that he had no authorization to deplane there. He was released to have dinner at Mangrove Hotel nearby but his baggage remained in custody of ANC. Koussouris returned to airfield at 1315 local time with Col. Abdul Hamid who was boarding plane for return trip to Leo. Colonel Abdul Hamid was escorted to airfield by a platoon of Sudanese soldiers for a military send-off. ANC soldiers opened fire on the approaching Sudanese troops but Sudanese fired a volley over their heads and they scattered immediately. Two were captured and 2 guns were taken by Sudanese. Plane departed at 1415 local time and Sudanese withdrew from airfield. A convoy proceeded to Banana intending to deliver the two ANC soldiers back to their encampment. ANC commander reluctant to accept his two men under these circumstances and during the ensuing discussion a Congolese soldier crept behind one of the Sudanese trucks and opened fire. No Sudanese were hit but they returned fire and the Congolese was killed. There was one more exchange of shots with no casualties. The convoy then withdrew. At 1615 local time ANC opened artillery fire on UN contingent Banana. Approximately a dozen shells have landed inside UN encampment but so far only one man has been slightly wounded. ANC forces have remained inside their encampment and road to Kitona still open. Radio contact with Banana UN force being maintained. Sudanese are returning fire with two-inch mortar. Will inform of further developments.

2. Following from Rose (UN Administrative Officer) Kitona just received:

Shelling ceased at 1700 and all has been quiet since. Ambulance has gone to pick up wounded Sudanese soldier whose condition is not serious.

D. Letter dated 3 March 1961 addressed to the President of the
Republic of the Congo by the Secretary-General

I have the honour to acknowledge receipt of your letter dated 2 March 1961. I note with regret that this message, which concludes with an expression of firm intention (*ferme volonté*) to co-operate with ONUC authorities, contains a series of allegations which I must reject.

It is difficult to reconcile this intention to co-operate with incidents in which UN troops are subjected to a violent attack as at the base of Banana, and in which UN personnel are subjected to indignities and physical assault in Leopoldville, or with announcements such as those issued by the ANC Headquarters in Leopoldville on 3 March 1961.

Your statement of willingness to co-operate is made contingent on the ONUC authorities' respect for the Congolese authorities and sovereignty. To an increasing extent, and especially since the adoption of the recent resolution by the Security Council, the United Nations has been confronted by what seems to be a determination on the part of persons under your authority to frustrate efforts to create conditions in which respect for these authorities would be ensured.

The reference to the condemnation by your spokesmen of the murders of political prisoners must be judged in the light of the fact that those in question were as a rule deported to their deaths by action of Leopoldville authorities. It would not have been for me to pass judgement on the charges which might have been made against them if they had been brought to justice before the Congolese courts; the point is precisely that after having been held for months without any such charges being preferred, they were surrendered into the hands of persons known as their political enemies.

I note with particular surprise your references to the establishment of United Nations protected areas in Leopoldville. I deeply regret that conditions in Leopoldville have compelled ONUC to take there too protective measures which had previously been necessary in other places. These areas, as indicated in the report dated 2 March 1961 to the Secretary-General from his Special Representative (S/4757), have been established by ONUC whenever this became inescapable in order to protect individuals from arbitrary arrest and violation of fundamental human rights, including such localities as Stanleyville, Bukavu, Goma and Kindu, and various places in Katanga and Kasai provinces. The principles

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delineated in paragraph 8 of the Special Representative's report are strictly observed in giving UN protection in asylum; no such protection is granted to persons under lawful prosecution for common crimes; no political activities are permitted to the persons granted asylum; nor is anybody admitted unless in real danger of assassination, arbitrary arrest, ill-treatment or other persecution on account of race, tribal origin, nationality, religion, political convictions or associations.

The setting up of protected areas in various parts of the Congo is in fact an example of the humanitarian motivation of the United Nations operation. This action in no way infringes upon Congolese sovereignty and authority, and it must be continued until - and I hope that this will be soon - conditions are restored in which it will no longer be necessary.

The allegation in your letter that the Special Representative is using UN-protected camps to muster "rebel elements" to be concentrated at Stanleyville does not even merit any rejoinder.

I must refer to your mention of the "massacre of 15 innocent persons at Stanleyville", since the situation in that city has manifestly been a matter of deep concern to the Special Representative and myself. Mr. Dayal has kept me fully and continually informed of rumours about the alleged murder of Mr. Songolo and his associates; the Special Representative's report on this matter was submitted to the Security Council on 22 February (S/4745). Like myself, the Special Representative believes that there exists strong circumstantial evidence that a repulsive crime may in fact have been committed. But in the absence of some more concrete proof - of the kind which became available in the case of Mr. Lumumba or Mr. Finant and their colleagues - no responsible United Nations official can take it upon himself to report as facts rumours which, despite their unremitting efforts, UN representatives have been unable to verify beyond doubt.

I have already referred to the statement which appeared in the Military Bulletin of the ANC Headquarters in Leopoldville. This statement depicts the United Nations effort in the Congo in a fanciful and distorted fashion, in sharp contradiction to what we have repeatedly explained - most recently in my letter to you of 27 February 1961. Statements of this kind, with their serious

misrepresentation of the views of the Security Council, may well lay the groundwork for action directly at variance with your assurances of intentions to co-operate with ONUC. It should not be necessary to point out that the Security Council never envisaged the expulsion of foreign technicians from the country; its resolution of 21 February only refers to foreign military and para-military personnel, political advisers and mercenaries, as was fully explained in my letter of 1 March 1961. In the second place, the Security Council decision does not call for the disarming of the ANC. On the contrary, it speaks of reorganizing it, bringing it under discipline and control, and making arrangements with a view to eliminating interference by its units and personnel in the Congo's political life - an aim which most recent events have fully justified.

With this background the Banana incident of today takes on a special significance. I must protest in the strongest terms against this deplorable incident, in which ANC soldiers without any provocation or justification attacked Sudanese members of the UN Force who were engaged in a peaceful activity. This occurrence must be added to the string of incidents in which ANC units have behaved in a manner that adds weight to the feeling expressed by so many members of the Security Council, and reflected in its resolution, that urgent action is required to turn units of that force again into an agency that supports peace, law and order. This, surely, must be a primary consideration of the authorities themselves.

It is indeed essential that discipline and observance of the will to maintain good relations with the UN Force be restored to armed units lest incidents followed by even graver political repercussions ensue. Nothing would be more tragic than to see the soldiers of many countries that have come to the Congo in order to help that country find themselves compelled, in self-defence and as a last resort, to use force, under the decisions of the Security Council, in the last analysis, to save the country to which they have been invited but whose citizens have displayed such lack of understanding and even hostility toward them.

It is not yet too late, Mr. President, despite everything that has happened, to turn a new page in relations between the Congo and the international community as represented by the United Nations, an organization the sole aim of which in the Congo is to help the people to form its country into a peaceful, prosperous and fully independent member of that community.