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REPORT OF THE OFFICER-IN-CHARGE OF THE UNITED NATIONS OPERATION IN THE CONGO
TO THE SECRETARY-GENERAL, RELATING TO THE IMPLEMENTATION OF PARAGRAPH A-2 OF
THE SECURITY COUNCIL RESOLUTION OF 21 FEBRUARY 1961

Report of the Officer-In-Charge of the United Nations Operation in the
Congo Relating to the Incident of 28 November 1961 in Elizabethville

(a) The propaganda campaign by the Katanga provincial authorities

1. Since about the middle of November the Katanga provincial authorities have been directing a propaganda campaign of increasing violence against the United Nations. First there were certain broadcasts in the Lingala language by Radio Katanga, in which troops were asked to attack United Nations contingents. Mr. Munongo, "minister of the interior" in Mr. Tshombe's Cabinet, began a more official phase of the attack on 13 November, when he alleged in a Katanga newspaper, among other things, that "The action of the United Nations troops at Albertville proves that they are acting as mercenaries of the Central Government and not as soldiers of an organization for peace". From that date official statements have habitually described UN troops as "mercenaries". Mr. Munongo returned to the attack on 15 November, when an interview with him was published in the same newspaper, stating inter alia that "the United Nations is engaging in a manhunt in the streets of Albertville. They are hunting down and killing the partisans of the Katanga Government." On 15 November a communiqué by the provincial authorities said in part: "If it is the mission of the United Nations to maintain peace, we do not understand why its ill-intentioned officials are intent on massacring the people who have remained faithful to the Katanga Government." The communiqué also stated that "other even more terrifying information will reach us at any moment", a promise that was soon to be fulfilled.

2. On 16 November Mr. Kimba, the so-called minister for foreign affairs of the Tshombe regime, took up the attack. "We are well aware", said Mr. Kimba, "of the purpose of the United Nations in establishing a 'refugee camp' at Elisabethville. There the United Nations is gathering together the most dangerous elements of the population so that it will be able to send out commandos of slaughterers into the avenues of the town when it thinks the time is ripe." The same day, 16 November, Radio Katanga broadcast that United Nations officials at Albertville "have ordered fresh massacres of the people who have remained faithful to the Katanga Government."

3. On 18 November Mr. Kimba published in the official newspaper of Katanga and broadcast on the radio a long declaration in which he made numerous unfounded accusations that the United Nations had violated the cease-fire agreement of 20 September and the protocol of 13 October 1961 (reproduced in S/4940/Add.7 and Add.11, Annex I). He officially communicated the same text the next day to the United Nations representative in Elisabethville. On 24 November a detailed reply was sent to Mr. Kimba refuting the allegations and protesting against the obvious violation of paragraph 8 of the protocol of 13 October relating to the cease-fire.

4. On 20 November Mr. Tshombe entered the lists with a statement that the United Nations was responsible for the massacre at Kindu. Thereafter Mr. Tshombe became the leader of the campaign of vilification.

5. On 25 November, the day following the adoption of the new resolution on the Congo by the Security Council, Mr. Tshombe summoned a large crowd to a stadium outside Elisabethville and made a highly inflammatory speech. Among other things, after declaring that the world was forcing war on Katanga, he stated, referring to the members of the Council:

"Acting in their own interests, their main concern being the balance of power, which is already broken in favour of the East, these countries gathered together in the name of a Charter which forbids them to interfere in the internal affairs of States, have just taken decisions which will mean the ruin of the Congo and Katanga, tragedy for the people, destitution and death, if we do not show any opposition."

In another part of his speech, Mr. Tshombe declared:

"The Leopoldville Government.... will ask for United Nations aid in settling the Katanga situation and, under paragraphs 7 and 8 of the resolution adopted the day before yesterday in New York, U Thant will launch a war on our territory. The text is vague enough to allow any interpretation.

"My dear countrymen, it is this moment that we are approaching. I do not think I need to remind you of the gravity of the hour. Tomorrow or the day after tomorrow, there will be a trial of strength. Let us then be prepared. When the time comes, let Katanga fighters arise in every street, on every path, on every highway, in every village.

"You cannot all have automatic weapons or rifles. But we still have our poisoned arrows, our spears, our axes for cutting down trees, our picks for digging ditches, our hearts to beat with courage.

"Not one road must remain passable, not one United Nations mercenary must feel himself safe in any place whatever. Specialists of the Katanga army will already have blown up the bridges and mined the land, and perhaps we shall already have had to resort to sacrificing our economic potential.

"... Katanga, standing between foreign domination through the United Nations and nothing, is ready to choose, with pride, nothing."

6. This speech, which was broadcast and re-broadcast almost hourly over radio Katanga, constituted a further flagrant violation of paragraph 8 of the protocol. The United Nations Representative in Elisabethville protested against the speech by a letter which is reproduced in Annex I of this document.

7. After Mr. Tshombe's speech there were signs of tension in the region of Elisabethville, and several inflammatory proclamations were disseminated. One, signed by "Colonel Alain, Commander of the Independence and Resistance Movement", may be cited as an example. In this proclamation the so-called "Movement" "warns the United Nations that it will oppose by force the arrest of any person whatever and that if despite everything the United Nations tries this tricky game reprisals will be taken against United Nations personnel. These reprisals will go as far as the collective poisoning of the United Nations colony."

8. On the afternoon of 28 November, the day of the incidents, Mr. Tshombe delivered another speech in a camp of the Katanga gendarmerie at Elisabethville. According to monitoring reports, Mr. Tshombe made a number of provocative and

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inflammatory statements, including one that "We could have lived in peace, but the world would not let us." Another passage was as follows:

"Katanga does not want to fight but it is obliged to defend itself. It will do so as in the past, even better than in the past, for you soldiers who will have to defend your country will remember those who have set you an example, those who since 11 July 1960 have shown you that in Katanga one can give one's life for the ideal of our country of Katanga, and you will defend yourselves because you are a disciplined army which obeys its officers."...

In view of the events less than six hours later, the latter part of this passage is especially noteworthy.

9. With regard to the United Nations, Mr. Tshombe said:

"I know that the United Nations is trying to seize me and my Government. The United Nations must realize that when that time comes all the people of Katanga will rise as one man and will fight for their people, for peace and for freedom."

10. The intensity of the Katanga propaganda campaign has increased since the incidents of 28 November. For example, on 30 November both principal Katanga newspapers published on their front pages an article of which the following is a sample:

"We have just learned that the United Nations is waiting for Senator Dodd to depart before launching a bombing offensive against Kolwezi and the surrounding camps. When you realize that in Africa military camps harbour also the wives and children of the troops, you will understand at once how many murders of innocent non-combatants may be expected. But that does not matter to the United Nations, for it is only a matter of killing "negroes" in order perhaps to make room later for Asian colonisation.... incidentally, no one knows the exact details about possible secret agreements between the USA, the USSR and Nehru, promising the last-named that he will be able to unload his surplus population onto Africa."

(b) Acts of violence done to United Nations personnel

11. It is against this background of constant incitements to violence against the United Nations that the incidents of the night of 28 November must be viewed. The Katanga authorities, having used every means to arouse public feeling against the United Nations, have produced a result which could easily have been foreseen from the outset.

12. Mr. George Ivan Smith, a senior member of the United Nations Secretariat, returned on the morning of 28 November to Elisabethville after consultations at ONUC Headquarters in Leopoldville. He brought with him Mr. Brian Urquhart, another senior official of the Secretariat who had recently arrived in the Congo.

13. Early in the evening Mr. Ivan Smith and Mr. Urquhart attended a reception at the United States Consulate for the Honourable Thomas Dodd, a member of the Senate of the United States. They then went by car with two other persons to the home of Mr. Sheridan Smith, the representative of the Mobiloil Company in Elisabethville, where a dinner was to be given for Senator Dodd. Mr. Sheridan Smith's house is near that of General Muke, commanding the Katanga gendarmerie, and the General's "paracommando" guard, having seen the United Nations licence plate of the automobile, surrounded it and attempted to prevent passage. After some discussion the United Nations automobile was permitted to proceed to the house where the dinner was to be given, and the party joined the group assembling for dinner which included several Consuls.

14. Five minutes afterwards Katangese "paracommandos" and gendarmes burst into the house with guns pointed at the guests and sought the United Nations members of the party. Though various guests, including the British Consul, tried to calm them, the "paracommandos" and gendarmes dragged Mr. Ivan Smith and Mr. Urquhart from the house, beating at them with rifle butts. Mr. Urquhart was injured early in the affray, and was bleeding profusely. Mr. Ivan Smith struggled for a few minutes, but he and Mr. Urquhart finally were thrown into a truck by soldiers shouting "ONU, ONU". A Belgian guest endeavoured to assist the United Nations representatives, but was severely beaten and also thrown into the truck.

15. The soldiers continued to beat the three men with their rifle butts and the truck began to move off, when Senator Dodd arrived with a motorcycle escort. The United States Consul, Mr. Hoffacker, leapt from the Senator's car, courageously grappled with the "paracommandos" and, with the aid of the motorcyclists, succeeded in rescuing Mr. Ivan Smith and the Belgian from the truck. Both were dazed from the blows they had received. Mr. Urquhart, however, remained in the hands of the Katanga soldiers. It was later reported that Mr. Ivan Smith's United Nations automobile was broken into and was driven away by a non-Congolese with three Katanga "paracommandos."

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16. Mr. Ivan Smith was taken by Senator and Mrs. Dodd and Mr. Hoffacker in their car to the residence of Mr. Tshombe, where he found Mr. Kimba and Mr. Munongo, two ministers of the Katanga regime. They promised to go at once and in person to locate Mr. Urquhart. After long delays, during which Mr. Munongo telephoned to say that Mr. Urquhart would not be released until after the surrender of some Katanga gendarmes who he said had been arrested by ONUC troops (which was not the case), Mr. Urquhart was finally delivered by Mr. Kimba and Mr. Munongo to the United States Consulate. From there he was removed to a hospital. Mr. Urquhart has several broken fingers and the cartilage of his nose was displaced; both he and Mr. Ivan Smith have cracked ribs from the beating. Nevertheless both have continued with their duties.

17. After Mr. Urquhart was freed, the ONUC troops who had been looking for him returned to their quarters, but it was found that an Indian officer, Major Ajeet Singh of the 3/1 Gurkha battalion, and his driver, Naryan Bahadur Gurun, who were in a jeep, had not returned. The next morning a group of ONUC troops, after an extensive search, discovered the body of the murdered soldier in a wood in front of the residence of Mr. Tshombe. At last report Major Ajeet Singh and the jeep were still missing, and the search continues.

18. The letter by which Mr. Ivan Smith protested against the incident is reproduced in Annex II of this document.

19. This incident is different from many which have occurred in the Congo because there was no mistake about the identity of the victims. The violence was directed against the representatives of the United Nations as such. It was obviously the result of the propaganda campaign which has been described above.

(c) Implications for the future

20. The Tshombe regime is approaching the point where it cannot control the forces it has unleashed, and where it cannot change the direction of its policy away from violence and toward peaceful collaboration with the United Nations in the execution of the resolutions of the Security Council and the General Assembly. Unless the regime alters its course immediately, neither Mr. Tshombe nor his associates may be able to control its direction, and elements of their military forces and of the civil population may initiate further hostilities

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against the United Nations. Indeed, if this course is pursued, the cease-fire agreement and protocol, which already have been repeatedly violated in nearly every article by the Katanga regime, will cease to exist. In that event the forces of the United Nations will be compelled to employ all legitimate and available measures of force necessary to defend themselves and to bring about conditions under which the mandate of ONUC as laid down in United Nations resolutions can be effectively carried out.

21. At present, measures for the security of United Nations civilian and military personnel have been instituted in Elisabethville, and will be continued as long as necessary. These measures inevitably hamper ONUC in the performance of its functions. Nevertheless ONUC will do its utmost to continue to execute its mission by peaceful means if at all possible.

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ANNEX I

Letter of 29 November 1961 addressed to Mr. Tshombe
by the Officer-in-charge of United Nations Operation
in the Congo

I have the honour to refer to the speech you made last Saturday, 25 November 1961, in Kenya commune. I wish to voice a strong protest against this statement, which constitutes a flagrant violation of the protocol of agreement on the cease-fire, particularly of its article 8.

I find it difficult to believe that some of your statements, for example that "it is war which has just been decided on in New York by eleven nations" or that "U Thant will launch a war on our territory," are due to a mere misunderstanding. The Security Council resolutions confirm the instructions given to ONUC by earlier resolutions of the Council and of the General Assembly and makes explicit some of the implications of those resolutions, particularly as regards the use of force in so far as may be required for the apprehension of the foreign military and para-military personnel and advisers, as well as mercenaries, referred to in paragraph A-2 of the resolution of 21 February 1961. But it is clear to any man of goodwill and good faith, as you well know, that the resolution does not authorize an Organization whose principal purposes are the maintenance of international peace and security to start a war against anybody.

ONUC will continue to pursue the aims defined by the Security Council and the General Assembly, if possible with the co-operation of the Katangan authorities, but if necessary despite their opposition. The choice between peaceful co-operation and the catastrophe which would result from a resort to force depends entirely on the actions of the Katangan authorities, and if those actions should be so intemperate as to unleash hostilities against which ONUC would be obliged to exercise its right of self-defence, the responsibility therefor will rest solely on those authorities and not on the United Nations. The provisions of the new resolution can easily be carried into effect without violence if the Katangan authorities wish it so. For example, you have stated on several occasions that there were no mercenaries left in Katanga. The truth of

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that statement should have been, and still can be, peacefully demonstrated to ONUC in a spirit of co-operation; by contrast, the violent reactions of the Katangan regime on this subject arouse serious doubts as to the statement's accuracy.

Similarly, you have on several occasions accepted the principle of the unity of the Republic of the Congo only to reject it almost immediately; the realization of this principle through negotiation and the discontinuance of secessionist activities depend solely on you and your associates. Negotiation is still possible, and is the sole means of attaining the desired objective. As the late Secretary-General, Mr. Hammarskjold, said in the letter which he addressed to you the day before his tragic death, "The Security Council is convinced that the solution of the problem of the Congo is in the hands of the Congolese people itself, protected against any outside interference, and that there can be no solution without conciliation. The Council would add that it is also convinced that any imposed solution which is not the result of genuine conciliation would, far from settling any problem, greatly increase the danger of conflict within the Congo and the threat to international peace and security."

I therefore wish to draw your attention to the extreme recklessness of your regime's attitude, as demonstrated by your speech of 25 November, and to the serious risks involved in a continued campaign of such inflammatory propaganda. This campaign seems designed solely to arouse emotions which the Katangan authorities will be unable to control and which will inevitably lead to disaster for the Province. I particularly wish to stress the irresponsible attitude apparent in the use of words such as those uttered in requesting the people of Katanga to prepare poisoned arrows, spears, and the like, against United Nations troops, and in the threatened resort to a scorched-earth policy. In making such declarations, you are assuming a personal responsibility for any atrocities which may be committed, a responsibility which will deserve the unanimous censure of world public opinion.

The results of your propaganda campaign can be seen in the incidents of the evening of 28 November 1961, which form the subject of a separate protest. In those incidents, Katangan soldiers have adequately demonstrated to several Consuls

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of foreign countries and to an important personality from the United States the evil effects of your efforts to incite the Katangan people.

I therefore propose, as I have already done on several occasions, that you change your attitude towards ONUC before it is too late. The United Nations firmly desire the peaceful solution of our common problems in conformity with the resolutions of the United Nations. But a renewal of hostilities provoked by your regime or by a campaign of atrocities unleashed accidentally or intentionally would render any such solution impossible. Regards.

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ANNEX II

Letter dated 30 November 1961 addressed to Mr. Tshombe
by Mr. George Ivan-Smith

I have the honour to inform you that I have been instructed by the Acting Secretary-General of the United Nations to protest emphatically against the acts of violence perpetrated on the evening of 28 November 1961 against myself and Mr. Brian Urquhart by members of the Katangese Gendarmerie. I have also been instructed to call on you, on behalf of the United Nations, to give satisfaction for these outrages.

As you know, we had been invited to a dinner given in honour of Senator Dodd of the United States by Mr. Sheridan Smith, who lives in a house very near that of General Muke. After much argument with members of the General's guard, who wished to prevent our passage, we managed to reach Mr. Sheridan Smith's house, where a number of Consuls and other guests were already met. Five minutes after our arrival, a group of gendarmes and paracommandos broke into the house, threatening the guests with their rifles, and dragged Mr. Urquhart and myself out, beating us with their rifle-butts. Mr. Urquhart, whose wounds were bleeding freely, suffered a broken nose. After a few minutes' fighting I and another guest who was trying to help me were thrown into a truck, where the Katangese soldiers continued to beat us. I was extricated from the truck by Mr. Hoffacker, the United States Consul, who showed remarkable courage in resisting the Katangese paracommandos, and by the escort accompanying Senator Dodd, who had just arrived. The attack was deliberate and unprovoked, made against unarmed civilians, and was so cowardly and so savage as to bring only shame to any troop which claims to be an organized military force.

Meanwhile, and despite all our injunctions, Mr. Urquhart was driven off to the Gendarmerie Camp. I immediately went to your residence to demand Mr. Urquhart's release. There I saw Ministers Munongo and Kimba, who promised to ensure his liberation. Later, Minister Munongo telephoned the United States Consul, told him that a number of Katangese gendarmes had been arrested by the United Nations forces (which was entirely untrue), and threatened to keep Mr. Urquhart in custody

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until they had been released. Finally, Ministers Munongo and Kimba brought Mr. Urquhart back to the United States Consulate.

An Indian major, Major Ajeet Singh of the 3/1 Gurkha Battalion, who had been sent out to look for Mr. Urquhart, is still missing with his vehicle. Our patrols have found the Gurkha soldier who was with him murdered, near your residence. I have already sent you a protest on this subject.

These incidents, as I have stressed in another protest of today's date, are the direct consequence of the propaganda campaign you and other Katangese authorities are carrying on against the United Nations. You and your associates must therefore be held fully responsible for these incidents. I demand the immediate cessation of this campaign, which, if it continues, will inevitably result in more and more serious incidents which will lead to an outbreak of hostilities for which you and your associates will be solely responsible.

I also demand the immediate initiation by the Katangese authorities of an investigation to identify the persons guilty of these acts of violence against the Secretary-General's representative and adviser, and the prompt and severe punishment of those persons. I also demand the identification and severe punishment of those guilty of the murder of the Gurkha soldier and the kidnapping of Major Ajeet Singh.

Lastly, I demand that you present in writing, on behalf of the provincial government, apologies for the acts committed by your troops.

I have the honour to be, etc.

