



Fifteenth session
Agenda item 85

THE SITUATION IN THE REPUBLIC OF THE CONGO

Report to the Secretary-General from his Acting Special Representative in
the Republic of the Congo, General Rikhye

1. According to information published by the Congolese authorities the Chief of State on 4 October 1960 addressed a note to the President of the Republic of Ghana declaring personae non gratae three persons described as Mr. Ayk Djin, Ambassador of Ghana at Leopoldville, and Messrs. N.A. Welbeck and Botsio, Ministers of the Government of Ghana, and requesting their recall. According to the same information, no reply to this request was ever received. As neither Mr. Djin nor Mr. Botsio was known to be on the territory of the Congo at the present time, the issue of the recall has in fact been confined to Mr. Welbeck, the Chargé d'affaires.
2. On 15 November 1960, a secretary of the Ambassador was arrested by the Congolese troops guarding the residence of Mr. Patrice Lumumba and detained in a military camp in Leopoldville on charges of carrying documents to Mr. Lumumba of an internal political character.
3. The broader allegation was made that the Ghana Embassy had been using its diplomatic status to serve as the main link between Mr. Lumumba and his outside contacts. The Commissioner General of the Interior was reported as having stated in a press conference on 18 November that the Ghana Mission must leave the country. On 19 November, he issued an ordinance on behalf of the President of the Republic reciting that the three named individuals were personae non gratae for having compromised the security of the territory, and proclaiming their expulsion. They were required to leave by direct air route within forty-eight hours.

4. On the same day, the Acting President of the College of Commissioners, at his request, discussed with a representative of ONUC their respective positions in the matter. He emphasized the insistence of the Congolese authorities that the Chargé d'affaires of Ghana must leave the country. At the same time, he gave assurances that it did not lie within their intention to use force for this purpose.
5. The ONUC representative in turn gave assurances that ONUC did not in any way contest the determinations of the Chief of State as to the acceptability or not of any diplomat in the Congo. This was entirely a matter between the two Governments concerned. ONUC trusted that the immediate question would be settled in accordance with the customary diplomatic procedures.
6. It was only necessary for ONUC to explain, in counselling against any act of force, that it would necessarily fall within its mandate - in the domain of the maintenance of law and order and international peace and security - to protect the diplomatic premises against any assault or invasion in violation of international law. In the circumstances, ONUC's responsibility could not extend beyond protecting the Ambassadorial residence from any forcible incursion or from an act of violence against the person of the Chargé d'affaires. In a communiqué of 19 November 1960, the Ministry of Foreign Affairs of the Central Government then confirmed that there had been no breach of diplomatic relations with Ghana. From this it followed that there could therefore be no doubt as to the inviolability of the premises.
7. In the course of 19 November, a notice to quit the territory - within a time limit left blank - was served on the Chargé d'affaires by an immigration officer of the Ministry of the Interior.
8. On 21 November, ONUC learned of the impending arrival - that afternoon - of the Chief of State of the Ghanaian Army and a senior official of the Foreign Ministry of Ghana, in a Government aircraft. ONUC passed this information to the Commissioners and in the early evening urged upon the Acting President of the College and the Commissioner General of the Interior that the presence of these emissaries should be used to settle the problem at once by diplomatic means, and that no demonstration of force could be justified when the other Government concerned was now proceeding along customary diplomatic lines.

9. In the meantime, a tense situation had been building up before the Ghanaian premises during the day of 21 November. In addition to the usual six members of the Ghana police, ten guards of the Tunisian Brigade were on duty at 0600 hours. When troops of the Congolese National Army put in an appearance, Headquarters military operations requested the Tunisian Brigade to increase the guard, at 0700 hours, to one platoon. At 1215 hours the Congolese troops were reinforced to approximately one company. At 1700 hours the Tunisians were increased to a strength of 215. At 1810 hours one armoured car and five truck-loads of Congolese troops - which could amount to some 100 men - were reported to be standing by at a distance of one block from the Ghana premises.
10. In the course of the same day, the Acting Special Representative of the Secretary-General made a direct personal appeal to the Chief of Staff of the Congolese Army that any clash between the two forces be avoided. The latter agreed to a deferral of the expulsion by twenty-four hours but coupled this with a statement that the attitude of the Chargé d'affaires could oblige the Congolese to use methods which they would not like to employ. At 1400 hours the Commissioner-General of the Interior and a captain acting for the Surûte called on the Chargé d'affaires and presented him with a SABENA air ticket made out for Kano, Nigeria, for departure at 1600 hours. He is reported to have been warned that he would be taken out by force, if necessary, and is understood to have refused to comply.
11. At 1940 hours on 21 November 1960, when no less than seven Commissioners were in ONUC Headquarters demanding that the Chargé d'affaires be handed over to them, while the two senior representatives of Ghana were standing by for discussions, and while the Acting Special Representative of the Secretary-General was urging upon the Acting President of the College that advantage should be taken of this fact to assure a diplomatic solution, firing broke out at the Ghana residence. The Acting President and the Commissioner General of the Interior immediately set out together with the Commanding Officer of the Tunisian Brigade for the scene, with the intention of seeking a cease-fire, though without success.

12. Three different accounts of the incident have been obtained by ONUC Headquarters, as follows. The Chief of Staff of the Congolese National Army has stated to the Acting Special Representative of the Secretary-General that his Commanding Officer presented himself on the scene, unarmed, with four men, also unarmed, to enter the premises for a discussion with the Chargé affaires, and that the United Nations troops thereupon opened fire.

13. The lieutenant in charge of the Tunisian Company reports having taken up positions in the Embassy gardens at 1640 hours, a platoon of the Congolese National Army (some forty men) then posting itself on the opposite side of the street, facing the premises, at 1715 hours. The report states that a battalion surrounded the premises, together with two half-trucks, at 1800 hours, which is approximately the hour of nightfall. Discussions held between the two Tunisian lieutenants and Congolese officers indicated that responsible officials were seeking settlement at ONUC Headquarters. At 1915 hours, Lt. Col. Kokolo of the Congolese National Army arrived, accompanied by two civilians. The report states that he declared in an angry voice that he would attack in one quarter of an hour and take the building by force. A little later, he sought to enter the precincts, but was told by the Tunisian officer in charge that he might do so only if he entered alone and unarmed. Thereupon, the report continues, Lt. Col. Kokolo flatly refused, struck the lieutenant while one of the civilians held the lieutenant by the collar, and Congolese soldiers knocked him down. The civilian is said to have shouted the order to fire, resulting in several volleys from the Congolese side. The lieutenant in command was slightly wounded and the other lieutenant seriously hit, falling on the spot. Accordingly, at about 1940 hours, Tunisian counter-fire began. For about two minutes there was heavy small arms fire in all directions. Until approximately 2215 hours firing continued in sporadic and intermittent bursts. The Tunisian lieutenant's report speaks of receiving successive machine gun, sub-machine gun, 37 mm and small arms fire, as well as a certain number of grenades. His cries for a cease-fire were in vain.

14. A number of independent witnesses have stated that firing began on the ONUC side but only in answer to a mass charge from the Congolese side. Opening fire in such circumstances would be in accordance with standard military principles of self-defence to prevent an ONUC unit or position from being overwhelmed or effectively infiltrated. The charge was led by Lt. Col. Kokolo, who was felled by a burst of submachine gun-fire and died instantly.

15. During the first lull in firing the ONUC military hospital sent out ambulance cars to collect the wounded. The bodies of Lt. Col. Kokolo and one Tunisian and four wounded Tunisians were evacuated.

16. In the meantime, contact was established between the Acting Special Representative of the Secretary-General and the Congolese Chief of Staff in an effort to obtain a cease-fire. The latter was asked to bring up his loud speaker vehicles in view of the extreme difficulty of bringing about a cessation of small arms fire during hours of darkness. A Congolese lieutenant was sent by the Chief of Staff to accompany the Acting Special Representative to the scene and to order the Congolese troops to withhold their fire. When, therefore, an apparent lull in the firing had been reached, the Acting Special Representative proceeded to the area in an effort to ensure the effectiveness of the cease-fire. He was accompanied by the Chief of Staff of Ghana and the Ghana Foreign Ministry representative, who had decided to remove the Chargé d'affaires to the airport for immediate departure. Unfortunately the headlights of the Indian ambulance car evacuating more casualties induced heavy firing on both sides, and the group was pinned down for approximately one hour.

17. When it became evident that the cease-fire efforts had failed, the Chief of Staff of the Congolese National Army agreed with the Acting Special Representative of the Secretary-General that both sides should withdraw at 0600 hours (approximate daybreak) on 22 November. Firing recommenced at 0100 hours and 0430 hours but was short lived, although sporadic shots continued through the night and even after first light. The Acting Special Representative maintained contact with Congolese officials during the night.

18. Total ONUC casualties were one soldier killed, and one officer, two non-commissioned officers and six other ranks wounded. Apart from the one Congolese officer killed and one Congolese soldier wounded, both evacuated by ONUC, it has not been possible as yet to ascertain the extent of Congolese casualties.
19. The cease fire was effectively enforced as from about 0700 hours on 22 November. Between 0730 and 0800 hours the Chief of Staff of the Ghana Army proceeded to the Ghana residence with ONUC officers and, as arranged, two officers of the Congolese National Army. The staff was evacuated and the Charge d'affaires was removed to the airport, whence he departed by Ghana aircraft at 1020 hours.
20. During the night of 21 November, and again in the morning of 22 November, Congolese troops stopped numerous ONUC cars carrying ONUC civilian and military personnel, and subjected them to arrest at gun point. Some twenty-eight ONUC personnel, from five or six cars, were detained and crowded into a small room from 2245 hours on 21 November to 0630 hours on 22 November. During this period they were repeatedly threatened but finally released unharmed, at 0630 hours, 22 November. After this release, they were again stopped by another armed patrol, detained for twenty-five minutes and again released, unharmed. In the morning of 22 November, additional ONUC personnel were arrested in several parts of Leopoldville, a number of their cars confiscated, and the personnel held by Congolese troops for several hours. A group of fifteen ONUC military and civilian personnel were arrested, held in Camp Leopoldville II and released only in the afternoon of 22 November, some having been held overnight. Their release was on the order of the Chief of Staff of the Congolese National Army. It is believed that at the time of this report, no international personnel are still under detention. Houses of some personnel were broken into.
21. Throughout the day Congolese troops established various road-blocks and seized many ONUC motor vehicles, sometimes in connexion with indiscriminate arrests of personnel, occasionally simply turning out the driver wherever he might be. At the time of this report, approximately forty ONUC motor vehicles - automobiles and small buses - are missing.

22. With the departure of the Ghana staff and the carrying out of the mutual withdrawal arrangement, operational considerations prevented replacement of the guard at the Ghana residence. It is reported that the building has been looted. Although Congolese troops have left the immediate vicinity, they have dug in along the nearby river-front and around the ONUC hospital, and Congolese reinforcements of heavy vehicles and light armoured cars have been brought up from Thysville.

23. The Acting Special Representative of the Secretary-General has appealed to the Chief of Staff of the Congolese National Army and to a representative of the College of Commissioners for every effort to be made to restore discipline, quiet feelings, and re-establish a spirit of co-operation between ONUC and the Congolese authorities in order that the ONUC programme for the benefit of the Congolese people may be carried forward.
