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LETTER DATED 15 DECEMBER FROM ACTING SECRETARY-GENERAL U THANT
TO PAUL-HEURI SPAAK, FOREIGN MINISTER OF BELGIUM

I have studied with the greatest attention your message of 9 December.

With reference to the remarks concerning the necessity of ensuring strict observance of the Geneva Convention, let me first reply to the three questions you have put to me.

First, ONUC never refused to evacuate civilians when it was physically possible and safe to do so. Indeed, around ONUC Headquarters Colonel Maitra of ONUC has spent a large amount of his time comforting and feeding civilians and arranging, if they so wished, for the evacuation of those who were endangered by the mortar fire to which ONUC Headquarters has been periodically subjected. Indeed, those civilian have expressed gratitude for what our troops have done for them.

As regards the so-called "new hospital" (which is not and has never been used as a hospital and in which there are no doctors, nurses or patients), very severe fighting took place around it because it was a mercenary stronghold and indeed had a mercenary observation post on its roof, as it commands a very good view of the entire Elisabethville area. As soon as it was safe and possible for civilians to be evacuated from the "hospital", they were evacuated with the help of ONUC troops.

Secondly, the "hospitals" you referred to are probably the "new hospital," already mentioned, and Prince Leopold Hospital. The latter is only about 200 metres from Camp Massart, which was the main base and Headquarters of the Gendarmerie. On the night of 7 December and early on the morning of 8 December, Camp Massart was subject to mortar fire from the Swedish Camp and the hospital, which is in the direct line of flight of mortar shells and within mortar zone, was unfortunately hit by some shells. Two persons in the hospital were reported to be wounded, but there was considerable damage to the building. ONUC greatly regrets this incident and has taken all precautions against the recurrence of similar incidents despite the military disadvantage involved.

Thirdly, it may well be true that uninvolved civilians have been wounded or even killed in mortar and machine gun fire. It is known, for example, that much of the mortar firing directed on ONUC Headquarters by the Katanga gendarmerie has gone wide in surrounding residential areas.

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No one regrets more than I do the casualties suffered by civilians, and indeed by all others as well, in the present hostilities. Strict orders have been given and repeated to ONUC troops to safeguard to all extent possible the lives and properties of the civilian population, Congolese and non-Congolese alike.

I am satisfied that ONUC troops have done so, sometimes even to the extent of prejudicing the military operations and often at the risk of their own lives. But it must be pointed out that their efforts have been impeded by the brutal methods of non-Congolese mercenaries, and the Katangese gendarmes acting under their orders, who often use the civilian population as a shield during their attacks against ONUC troops. Leaders of the mercenaries and Katangese politicians have openly declared that they do not want the non-Congolese population to leave. Mr. Tshombe and Mr. Munongo have ordered roadblocks to be set up at exit routes controlled by the gendarmerie in order to prevent the evacuation of civilians. Moreover, gendarmerie units have deliberately occupied positions in private houses and gardens and in the immediate vicinity of schools and hospitals, which they know that ONUC would hesitate to attack. These units have also used a great number of vehicles bearing false insignia of the Red Cross from which they have fired at ONUC positions, and Mr. G. Olivet, the delegate of the International Red Cross at Elisabethville, has made many protests on the subject. ONUC authorities, in close collaboration with the Red Cross, have spared no efforts, in difficult circumstances, to protect civilians from the dangers to which the gendarmerie and mercenaries have deliberately exposed them. ONUC armoured cars with loudspeakers have gone around residential areas, where sniping has taken place, announcing that civilians will have nothing to fear provided they do not fire on ONUC troops or do not give shelter to isolated snipers and to mercenaries or gendarmes firing at ONUC position. However, when ONUC troops are exposed to attacks coming from civilian houses, as has occurred many times in the past days, they are evidently obliged to return fire in self-defense.

With regard to the Union Minière, you said that that company had refuted most categorically my affirmations, but I suppose that you referred to the Directors of the company in Brussels, not its officials in Elisabethville. According to the reports of my representatives in Elisabethville, in whom I have full confidence, these officials have openly boasted that aerial bombs and heavy armoured cars (one of which was knocked out by ONUC at the Jadotville road junction on 8 December) have been made in workshops of Union Minière. Civilian sources in Elisabethville have also given evidence to this effect and a Rhodesian paper has carried an article and a photograph about the manufacture of armoured cars. It is also common

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knowledge in Elisabethville that a number of mercenaries have been recruited through the representatives of the Union Minière outside Katanga and that a number of mercenaries now carry working papers giving them the status of workers on the Union Minière payroll. As an example, one may cite the case of Captain Brown, a notorious mercenary who, after being expelled by ONUC, has now returned on Union Minière payroll. The assistance given by the Union Minière to the secessionist movement in Katanga has been confirmed by many persons or groups who have gone into the question. I wish only to recall here the findings of the United Nations Conciliation Commission for the Congo which went to the territory at the beginning of 1961 and which stated in its Report (A/4711) that "it is also recognized that the Union Minière du Haut Katanga finances the Katanga authorities to an appreciable extent." Since you have put a number of questions to me, may I in turn ask you whether you sincerely believe that Mr. Tshombe could have provided the Katangese gendarmerie with its modern and heavy weapons, could have created an air force with modern planes, including jets, and could have proceeded with the intensive recruitment of highly paid mercenaries without the financial and material assistance of the Union Minière and other foreign firms operating in Katanga?

As regards the request to protect the telecommunications installations of the Union Minière, I have insisted that protection could be given by ONUC troops provided that Union Minière ceases its hostile activities against ONUC. If I have set this condition, it is because we have had a rather sad experience during the September events, when a company of 155 Irish soldiers, who had been retained in Jadotville against the wishes of our military advisers in order to protect non-Congolese population there, were attacked and surrounded by a far superior number of gendarmerie under non-Congolese leadership. In this connection I would draw your attention to your telegram of 2 September 1961 to the late Secretary-General and his reply to you of 4 September. The Union Minière telecommunications installations are in Union Minière grounds next to Cité Lubumbashi. This area is at present not in United Nations control but under gendarmerie control and my representatives in Elisabethville have informed me that the local officials of the Union Minière have not asked for United Nations protection. However, after receipt of your message of 9 December, I have instructed ONUC to take measures to ensure the protection of the installations subject to military considerations.

With regard to the genesis and purpose of the present hostilities, you asked me to publish the plan of full-fledged attack prepared by the Katangese gendarmerie.

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For obvious military reasons I cannot disclose the plan immediately, but I assure you that I will, in due course, release all information available to me. But let me tell you right now that the main objectives of the plan were to seize the airport and ONUC headquarters in Elisabethville and cut off ONUC forces in South Katanga from their bases with a view to weakening their effectiveness and ultimately to destroying them.

I cannot agree with you when you suggest that what I said in my message of 8 December indicates that it is the discovery of the plan of full-fledged attack, and not the "few incidents which had taken place before," that has set off the ONUC action of 5 December. The plan must be linked with the incidents which took place before 5 December as well as with the campaign of violent and inflammatory speeches unleashed by Mr. Tshombe immediately after the adoption of the Security Council resolution of 24 November. The events which have led to the outbreak of 5 December are described in some detail in the report of the Officer-in-Charge of ONUC (A/4940/Add.15 to 17) and have been briefly recalled in my message of 8 December, I shall not repeat them here, but I wish to stress once again that, in the face of all the provocations, involving wanton and brutal assault, cold-blooded murder and abduction of its personnel and the setting up of roadblocks which impeded its freedom of movement and endangered its lifelines, ONUC endeavoured for days to settle the crisis by peaceful negotiations. It was only when it became evident that in the face of the bad faith displayed by Katangese authorities no negotiations were possible that while pretending to negotiate these Katangese authorities were preparing for more assaults and that they had a plan the purpose of which was its very destruction, that ONUC finally decided to take action to regain and assure its freedom of movement. I ask if in your view such action is not covered by the normal right of self-defence?

If the action taken on 5 December has assumed proportions which go beyond those of a purely defensive action, it is because shortly after ONUC troops removed the roadblocks between the airport and ONUC Headquarters in the town of Elisabethville they were attacked by gendarmes and mercenaries with increasing violence. These aggressive actions included an attack by a Katangese airplane which dropped three bombs at the airport on the night of 5 to 6 December. This first air attack, it may be pointed out, was undertaken by Katangese, not by ONUC.

As I stated publicly on 10 December, the purpose of the present military operations is to regain and assure our freedom of movement, to restore law and order, and to ensure that for the future the United Nations forces and officials in Katanga are not subjected to such attacks; and meanwhile to react vigorously in self-defence to

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every assault on our present positions, by all the means available to us. The military operations will be pursued up to such time, and only up to such time, that these objectives are achieved, either by military or by other means, and we have satisfactory guarantees in this regard for the future, not only in Elisabethville but over the whole of Katanga. We shall also need to be satisfied that we shall be able to go ahead with the implementation of the Security Council and General Assembly resolutions, and especially the latest Security Council resolution of 24 November 1961, without let or hindrance from any source. In my statement of 10 December, I also said that I should welcome any initiative which would enable us to achieve our aims as peacefully and as speedily as possible. In this connection, I added that I was fully aware of the need for reconciliation and pacification, and I recalled my statement in the Security Council on 24 November that "in my view national reconciliation should figure in our attempts to restore law and order in the Republic of the Congo."

That is what I said on 10 December and that is what I stand on today. I do not want to do more than that, and I have no right to do less.

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