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ANNEX 3 TO THE REPORT OF THE SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL IN THE CONGO

Letter dated 7 December 1960 from the President of the Republic of the
Congo (Léopoldville) addressed to the Secretary-General

I have read with the most careful attention your messages of 3 and 5 December, which I received this morning upon my return from Mayumbé. I am somewhat surprised at the importance that a number of Afro-Asian and East European delegations attach to the arrest of Mr. Lumumba. The fact is that since September he has been under a warrant of arrest for a number of reasons, the validity of which has been amply demonstrated. The reason it was not possible to carry out his arrest at that time was that the United Nations troops, acting in what we consider an arbitrary manner, prevented it. You are aware, Sir, that Mr. Lumumba is guilty of offences the flagrant and serious character of which cannot have escaped you:

- (1) usurpation of public powers (art. 123 of the Penal Code),
- (2) assaults on individual freedom accompanied by physical torture (art. 67 of the Penal Code),
- (3) attacks against the security of the State (art. 186 of the Penal Code),
- (4) organization of hostile bands for purposes of devastation, massacre and pillage (arts. 193-197 of the Penal Code) and
- (5) inciting soldiers to commit offences (art. 202 of the Penal Code).

Finally, you yourself, in a report to the Security Council in September, described the organization of the military expedition against the Province of South Kasai as a crime of genocide.

The Congolese national conscience revolted against these acts and the country as a whole felt a genuine relief when I decided to dismiss Mr. Lumumba from office. Twenty-nine parliamentarians belonging to his party publicly dissociated themselves from him and that was why the Parquet, on the basis of the various offences referred to above, issued a warrant for his arrest. Now the Congolese National Army has succeeded in putting an end to Mr. Lumumba's jaunt through Kwilu

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and Kasai, the sole purpose of which was to undermine the authority of the established institutions, rejoin his partisans at Stanleyville and set up a separate government there whose course of action had already been indicated even in his absence: arrests and expulsion of Europeans, imprisonment of political opponents, accompanied by serious torture and brutality, suppression of all individual liberty and all the principal public liberties. The representatives of ONUC at Stanleyville appear to be powerless before this new outburst of terrorism, just as it allowed Mr. Gizenga to seize power there, without any authority whatever, and to order the reprehensible acts of which hundreds of Congolese have been the victims. You cannot but be aware, Sir, that these victims include Mr. Songolo, the Minister for Communications, Senators Felé and Fataki and other provincial and national parliamentarians. Many tribal chiefs have been beaten till blood was drawn and hundreds of notables and other prominent persons in the Province have had to flee for their lives. Your representatives at the scene have undoubtedly informed you of all these serious offences against the laws and principles that govern a civilized country and you have doubtless communicated this information to the Afro-Asian and East European delegations, whose reactions are unfortunately very slow in manifesting themselves.

Indeed, just the opposite has happened: at a time when the attention of our suffering people is fixed on Stanleyville and its hunted and silenced population, when we follow with anguish the development of events in that area, a certain carefully prepared segment of world public opinion becomes agitated over the fate of one man, whose activities are at the root of the tragedy which we are experiencing. Yet this man has been arrested, not abducted, he has been duly imprisoned by virtue of a warrant the complete validity of which your Representative has recognized, and he has been placed under the surveillance of forces of order whose discipline, whatever Mr. Dayal's report may say, is improving day by day. Two physicians have been able to visit this man and have concluded that he is in a satisfactory state of health. What more, then, is desired by the delegations which have approached you? Must we in turn investigate the treatment the members of the Opposition in Ghana are receiving, ascertain what has become of General Naguib in Egypt and recall the victims of the Hungarian insurrection?

You may rest assured, Sir, that our country has not acceded to the Charter of the United Nations in vain; we are aware of the obligations it imposes and have undertaken to abide by them in their entirety. The whole organization of the country, which we are working steadily to restore to order, is moreover based on these principles, and if the entire judiciary had not been destroyed to a large extent as a result of action taken by Mr. Lumumba himself and by the special courts he set up, the judiciary would today have no difficulty in conducting the trial in accordance with the rules in force in all civilized countries. This however will be our main concern for the future.

But public opinion in the Congo has become extremely sensitive to all outside intervention, the partisan and outrageously unilateral character of which has greatly disturbed it.

Like you, I am anxious that the last episode of the Lumumba affair should proceed in an atmosphere of complete tranquillity, without passion and untimely intervention. May I therefore ask you Sir, to use your great influence with those delegations which have advised you of their feelings, to request them to stop any campaign, any agitation, any intervention on behalf of Mr. Lumumba; for the inopportune nature of these actions and the serious effects which they will undoubtedly have on public opinion will only make it very difficult to ensure that the proceedings take place in regular form.

Please regard this question, as I and the entire country do, as a domestic matter. I trust that all who are concerned for Mr. Lumumba's welfare will take the same attitude and will not render too difficult the task of those who wish to restore the reign of justice and respect for human rights in the Republic of the Congo.

I have no doubt that you will agree with these arguments, and for that may I express my sincere gratitude in advance.

I have the honour to be, etc.

(Signed) J. Kasa-Vubu
President of the Republic
of the Congo

J. Bomboko
Commissioner-General for
Foreign Affairs