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COMMUNICATIONS ADDRESSED TO THE SECRETARY-GENERAL BY THE
PERMANENT REPRESENTATIVE OF BELGIUM

NOTE VERBALE OF 30 JANUARY 1961

The Permanent Representative of Belgium presents his compliments to the Secretary-General of the United Nations and has the honour to refer to his notes No. 87, 130 and 171 of 16, 19 and 25 January 1961, respectively, relating to the illegal detention in Congolese territory of eight military servicemen of Belgian nationality, as well as to its notes No. 154 and 162 of 24 and 25 January concerning the abuses, excesses and duress, contrary to the most elementary human rights, to which Belgian nationals, among others, are being daily subjected in Oriental and Kivu Provinces of the Republic of the Congo.

The Permanent Representative of Belgium requests the Secretary-General kindly to arrange for the circulation of the texts of these communications to all the Members of the United Nations in the form of a document.

The Permanent Representative of Belgium has the honour to be, etc.

ANNEXES

A. NCTE VERBALE OF 16 JANUARY 1961

The Permanent Representative of Belgium presents his compliments to the Secretary-General of the United Nations and has the honour to inform him that, according to information received from the Belgian Government, a patrol of eight servicemen of Belgian nationality, which, as has been established, had by mistake strayed onto the Congolese side of the frontier between the Republic of the Congo and the Territory of Ruanda-Urundi, has been removed to Stanleyville. Negotiations took place at the local authority level and with the assistance of officers of the United Nations and of the International Bank. These negotiations did not result in the release of the eight Belgian servicemen.

The Government is most deeply concerned for the safety, and even the life, of its nationals. It requests the United Nations, which is responsible for the protection of these Belgian servicemen, to take all the measures necessary to obtain their immediate release.

The Permanent Representative of Belgium has the honour to be, etc.

B. NOTE VERBALE OF 19 JANUARY 1961

The Permanent Representative of Belgium presents his compliments to the Secretary-General of the United Nations and has the honour to refer to his note of 16 January relating to eight servicemen of Belgian nationality who have been detained in Congolese territory, as well as to the various verbal requests made by the Permanent Mission to the Secretary-General of the United Nations that he take the measures necessary to ensure the immediate release of these eight Belgian nationals. He would recall that it has been established that these few soldiers strayed into Congolese territory by mistake and did not engage therein in any activity of a military character.

The Belgian Government notes that up till now, and despite its repeated requests, the measures necessary to ensure the release of these prisoners have not been taken. The continuation of their detention constitutes a flagrantly wrongful act.

The Permanent Mission is instructed by its Government to emphasize to the Secretary-General the seriousness of the situation and the genuine dangers to which these Belgian nationals, who have been arbitrarily detained by unlawfully constituted authorities, are exposed. The Belgian Government has, in fact, the most serious reasons to fear that they are being subjected to ill-treatment. The entire Belgian population is most deeply concerned, and it is the duty of the United Nations to ensure the protection of those servicemen.

The Permanent Mission is instructed by its Government to reiterate to the Secretary-General its urgent request that he order without delay the measures necessary for the immediate release and repatriation of these eight Belgian nationals. ONUC must bear the responsibility for any consequences adverse to these men that may flow from its failure to obtain results.

The Permanent Representative of Belgium has the honour to be, etc.

C. NOTE VERBALE OF 25 JANUARY 1961

The Permanent Representative of Belgium presents his compliments to the Secretary-General and has the honour to refer to his notes of 16 and 19 January 1961, relating to the illegal detention in Congolese territory of eight servicemen of Belgian nationality, and to the Secretary-General's note of 20 January.

According to trustworthy information, the Belgian servicemen, who entered the Congo by mistake and were captured without offering any resistance, have been the victims of serious excesses. This fact is all the more shocking as these eight Belgian nationals should have been released without delay, since in the absence of any state of belligerency they can in no way be regarded as prisoners of war.

The Belgian Government cannot accept the suggestion that ONUC is unable to take the measures necessary to ensure their release. A slower procedure might have been understandable if ONUC had been able to visit the prisoners and had ascertained that they were in good health and receiving humane treatment.

In the absence of any such assurance, and having indeed received the most alarming information regarding them, the Belgian Government believes that the Secretary-General, as spokesman for the conscience of mankind, is under a strict duty to demand immediate access to the prisoners and to secure their release, without any resistance being offered to the actions of his subordinates in that regard. The task of the international Force would thus be not to intervene in the internal affairs of the Congo but to obtain the release of innocent aliens who have been arbitrarily detained.

The Permanent Representative of Belgium has the honour to be, etc.

D. NOTE VERBALE OF 24 JANUARY 1961

The Permanent Representative of Belgium presents his compliments to the Secretary-General and has the honour to inform him of the following:

Reports reaching the Belgian Government from highly reliable sources state that the Oriental and Kivu Provinces (Republic of the Congo) have been the scene of mass arrests of Europeans, who are being subjected to illegal and arbitrary treatment, to excesses and to personal reprisals. The most elementary human rights are being trampled underfoot. It is with the gravest concern that the Belgian Government and Belgian public opinion have learnt of these appalling happenings, general confirmation of which is to be found in the message of 19 January addressed by the Secretary-General's Special Representative to Mr. Gizenga at Stanleyville and to Mr. Kashamura at Bukavu, and in your message of 23 January to Mr. Gizenga at Stanleyville, published in document S/4637 of 23 January.

The Permanent Representative of Belgium is once again instructed to draw the attention of the Secretary-General to this situation and to urge him to take the necessary emergency action to bring it to an end.

The Permanent Representative of Belgium has the honour to be, etc.

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E. NOTE VERBALE OF 25 JANUARY 1961

The Permanent Representative of Belgium presents his compliments to the Secretary-General of the United Nations and has the honour to refer to his communication of 24 January.

The Mission is instructed to draw the Secretary-General's attention once again to the abuses, excesses and duress of which Belgian nationals, among others, continue to be the daily victims in the Oriental and Kivu Provinces.

The mandate of the United Nations in the Congo makes it responsible for maintaining order and imposes upon it the duty to do everything in its power, to the point of using force if necessary, to protect all persons against acts which constitute so manifest a violation of human rights.

The Belgian Government cannot accept the idea that the United Nations should refuse to resort to force even in order to ensure that aliens in the Congo are protected. ONUC is, in fact, the only international force which can provide this protection; it cannot, without rejecting its responsibilities, remain passive in the face of brutalities that can lead to loss of life.

The Belgian Government would like to know what instructions the Secretary-General has given in this matter and the way in which they have been carried out on the spot by ONUC.

The Permanent Representative has the honour to be, etc.

