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REPORT FROM THE SPECIAL REPRESENTATIVE OF THE SECRETARY-  
GENERAL IN THE CONGO ON THE SITUATION IN ORIENTALE AND  
KIVU PROVINCES

This is a report on the situation in Orientale and Kivu Provinces concerning violations of human rights and fundamental freedoms, and the impact of recent developments in various parts of the Congo on the safety and welfare of political and military detainees and other sections of the population, both Congolese and foreign, in those Provinces.

A. Orientale Province

As a result of political difficulties in Leopoldville, the situation in Stanleyville, because of the divergent political affiliations of a majority of the members of the Provincial Government, combined with restlessness in the ranks of the ANC and the Gendarmerie, has been very uneasy for several months past. Since the arrest and detention of Mr. Lumumba particularly, certain fissiparous tendencies have begun to develop, which have been heightened by successive events in Leopoldville. The arrest by the ANC of Mr. Finant, President of the Provincial Government, and Major Fataki, Commander of the Gendarmerie, on 9 October 1960, and their subsequent transfer to Luzumu prison outside Leopoldville, resulted in a state of governmental instability which has persisted for some time. After Mr. Finant's arrest and transfer to Leopoldville, the Commander of the Troisième Groupement of the ANC based at Stanleyville, Lieutenant Colonel Lokoso, and four other ANC officers were arrested and detained in Stanleyville.

Subsequent to these events, on 17 October 1960, a parliamentary delegation of nine members headed by Mr. Songolo arrived in Stanleyville from Leopoldville but was arrested by the local authorities, Mr. Songolo being charged with having in his possession thirty million Congolese francs allegedly brought in for purposes of subversion, although the delegation declared that the purpose of its visit was reconciliation.

About the time of Mr. Lumumba's arrest, the Vice Prime Minister of the first Central Congolese Government, Mr. Antoine Gizenga, took up residence in the city, and although he did not at that time set himself up in formal authority he nevertheless wielded considerable influence over the affairs of the Province.

The arrest of Mr. Lumumba created a spontaneous outburst in Stanleyville, and the District Commissioner, Mr. Bernard Salamu, issued orders for the arrest of all Europeans ostensibly for the purpose of issuing them with new identity documents. Because of the patent illegality of the order and of the harsh manner in which it was carried out, the Special Representative lodged a firm protest with the Acting President of the Provincial Government against this discriminatory and unwarranted measure. The maltreatment of Mr. Lumumba, following his arrest and confinement at Thysville, provoked a further sharp reaction in Stanleyville where the Acting President and the District Commissioner jointly issued, on 8 December 1960, an ultimatum to the effect that if Mr. Lumumba was not liberated within forty-eight hours, all Europeans in the Province would be arrested, many of them would be killed in the process and the theft and pillage of European property would be permitted. As a result of the firm action taken by the civil and military representatives of ONUC at Stanleyville, and after protracted negotiations, the ultimatum was withdrawn before the expiry of the time-limit and assurances were publicly given by the authorities of proper treatment of the European population.

On 12 December 1960, Mr. Gizenga, in his capacity as Vice Prime Minister of the Central Government, issued a proclamation to the effect that the capital of the Republic of the Congo had been temporarily transferred to Stanleyville.

At this stage, the Leopoldville authorities took steps to impose an economic blockade of Orientale Province and to send troop reinforcements to the borders of Equateur and Orientale Provinces. This blockade still continues and has seriously affected the economy not only of Orientale Province but of the country as a whole, and has resulted in considerable unemployment and distress to the civilian population.

The deportation of Messrs. Lumumba, Okito and Mpolo by the Leopoldville authorities from their custody to Katanga on 17 January 1961 produced instantaneous reactions in Stanleyville. Fortunately, however, the efforts of the United Nations representatives were again successful in persuading the

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authorities concerned to impose restraint on the ANC, the Gendarmerie and the civilian population. Assurances were received that no harm would befall the foreign population, mostly Belgian, by way of retaliation. Nevertheless, the situation of the foreign nationals in the Province throughout the period of this report has been extremely difficult. While many, hoping for a change in the political climate, wished to stay and continue with their business, others were arbitrarily prevented from leaving the Province. These restrictions, after persistent efforts by United Nations representatives, were lifted from time to time, only to be shortly thereafter reimposed. However, despite the frequent suspension of Air Congo flights, a fair number of foreign nationals have been able to leave both by air and by road across the border to Uganda. The United Nations has not been in a position to afford individual protection to foreign nationals but it has done its utmost to provide them with reasonable security within the limits of its capacity, particularly in Stanleyville, and in other places where United Nations troops are posted. It has also set up a United Nations protected area where threatened persons have been free to seek shelter and this facility has been extensively used. The Chief of Staff of the United Nations Force, General Iyassu, and other senior officers at United Nations Headquarters, as well as the Force Commander, General McKeown, have paid visits to Stanleyville to supervise the arrangements for the protection of foreign nationals and to impress on the authorities concerned the concern of the United Nations for the observance of due respect for human rights and basic freedom.

In spite of these measures, numerous cases occurred of arbitrary arrests and maltreatment of foreign nationals, and in some instances, release was effected only on the payment by the detainees, of what can only be described as ransom money. On every occasion when information was received by ONUC representatives at Stanleyville of cases of maltreatment or arbitrary arrest, an energetic protest was immediately lodged, and every effort was made to obtain restitution.

The case of the eight Belgian military personnel who were arrested in Kivu Province near the border of the United Nations Trust Territory of Ruanda-Urundi and who were brought over and imprisoned in Stanleyville needs special mention. Repeated efforts have been made by the United Nations representatives and assurances received for their proper treatment pending the negotiation of arrangements for their repatriation. Great anxiety, however, remains as to their conditions of detention and their safety and welfare.

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While the situation remained extremely tense and difficult, it was kept in hand as a result of the persistent efforts of ONUC representatives and with the co-operation of the local authorities. However, a fresh blow was struck with the announcement on 14 February 1961 of the assassination of Mr. Lumumba and his colleagues. The United Nations representatives immediately contacted the Acting President and persuaded him to exercise moderation and to restrain the population. They succeeded in their efforts to such an extent that at a requiem mass to mourn the deaths, which was attended by some 25,000 persons, the Stanleyville authorities made an appeal to prevent any violent outburst. As a result, the city remained calm and, apart from a few stray beatings of individual Congolese, the situation was generally kept under some degree of control. However, a further shock was in store when the news burst on or about 18 February 1961 of the deportation of Mr. Finant, Major Fataki and others from Leopoldville to Bakwanga, and their assassination there. This sombre event cast its dark shadow over the Stanleyville situation which gravely imperilled the lives of the political and military detainees. The Special Representative sent an urgent message to the Stanleyville authorities warning them of the serious consequences in the event of any reprisals being taken against the prisoners or others. The ONUC authorities in Stanleyville continued their persistent efforts to assure the safety of the detainees by repeated meetings with various members of the Provincial Government and with General Lundula. In spite of these efforts, there are strong rumours since 21 February that Mr. Songolo and his parliamentary associates as well as Colonel Lokoso and his military colleagues have been liquidated. No response has been received to the Special Representative's letter since that date, the authorities have been evasive in their replies to the pressing inquiries of ONUC representatives and no definite information could be obtained from them regarding the fate of the detained persons. On the other hand, an assurance had been given by Mr. Louis Lumumba, a Minister of the Stanleyville Government, regarding the safety of the eight Belgian soldiers. In spite of that assurance, the rumour spread on 22 February 1961 that they had also been executed. For their part, the United Nations representatives have continued to do everything in their power to restrain the authorities against any acts of violence or bloodshed against the detained persons, and to elicit definite information about their fate. In view of

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the extremely volatile and dangerous nature of the situation in Stanleyville, and the persistent rumours about the liquidation of the political prisoners and the captured Belgian soldiers, the Special Representative deems it his duty to report the matter to the Secretary-General.

Copies of two communications sent to the Stanleyville authorities by the Special Representative of the Secretary-General throughout this troubled period are attached as annexes 1 and 2.

B. Kivu Province

In December 1960, the situation in the Kivu Province began to deteriorate rapidly, with ANC elements assaulting foreigners in outlying districts and engaging in acts of lawlessness with increasing frequency. On 15 December 1960, an Austrian medical team sent to Bukavu by ONUC was arrested by the local ANC and was rescued by Nigerian troops only after a protracted battle resulting in casualties to both sides.

On 25 December 1960 an ANC unit of about sixty men arrived in Bukavu from Stanleyville, purportedly for discussions with local political and military leaders. These discussions ended with the arrest of the Provincial President of Kivu and several members of his Government, as well as of the local Commander of the ANC, who were taken to Stanleyville and imprisoned. As far as could be ascertained, all of them except one are still being detained in Stanleyville without any charges having been proffered or due legal process observed.

The unsuccessful attempt on 1 January 1961 of an ANC Unit dispatched by Colonel Mobutu to enter Kivu Province through the Ruanda-Urundi Trust Territory resulted in an increase of tension and a wave of violence directed against both foreigners and Congolese. A considerable number of persons was arrested, beaten or otherwise ill-treated, and property pillaged. The situation of the foreign population, mostly Belgian, in Kivu became extremely precarious, because the local authorities, while being unable to provide any protection against unruly bands of undisciplined troops, forbade them to leave the Province. The United Nations opened shelters for threatened civilians in Bukavu and Goma, but was able to do little to protect those who were dispersed in outlying parts of the Province,

apart from assuring the safety of small groups of refugees wishing to cross into Ruanda-Urundi Trust Territory or Uganda. However, some convoys were arranged and stranded foreigners escorted to places of safety. The total number of persons who were able to escape amounts to well over 1,000.

The situation in Kivu is complicated by the absence of any authority in the Province to whom the United Nations civilian and military representatives could appeal with a reasonable degree of assurance that its orders would be respected. After the arrest of the Provincial President on 25 December, authority in the Province was assumed by Mr. Anicet Kashamura, a native of Kivu who was Information Minister in the first Central Government of the Congo, who did not, however, assume the post of Provincial President which remained unfilled. Following the failure of the expedition on 1 January 1961, the Kivu Provincial Authorities leaned on Stanleyville and to some extent recognized the authority of Mr. Gizenga's government over Kivu Province. On the military side, however, the authority of General Lundula over ANC troops stationed in Kivu was never effectively established. Among civilian authorities the signs of a rift began soon to appear. The Commissioner of State for Kivu, Mr. Diaka, who had been appointed by Mr. Gisenga, was sent back under arrest to Stanleyville, apparently on Mr. Kashamura's orders. On 18 February 1961, Mr. Gbenye, Minister of Interior in the first Central Government, escorted by a platoon of ANC troops, was sent from Stanleyville to Bukavu with orders to arrest and bring back Mr. Kashamura. On their way back, however, Mr. Gbenye and his troops were stopped and overpowered by police and ANC personnel loyal to Mr. Kashamura and the latter was liberated, while Mr. Gbenye placed himself under United Nations protection until 21 February 1961 when he decided to return to Stanleyville. The Provincial Assembly of Kivu met on 20 February 1961 to try to form a provincial government, but failed. The President of the Assembly, Mr. Rutakabare, thereupon appointed himself Provincial President, but was shortly thereafter arrested by the ANC, although he is now reported to have been released and to have again assumed the functions of the presidency.

It is against this background of the complete breakdown of authority that the precarious situation of the civilian population of Kivu, foreign as well as Congolese, must be considered. Following the news of Mr. Lumumba's assassination, the population has been exposed to the violence and lust for loot and revenge of undisciplined armed bands. At Bukavu, where very few Europeans remain, a priest was killed and several persons injured. Reports of arrests and severe beatings came also from the interior of the Province, although there, it is difficult to appreciate fully the extent of lawlessness and violations of human rights, as information is available only from the few centres where United Nations troops are deployed. In view of the existing tension between the thinly spread United Nations Force and the numerically superior, well-armed ANC bands on the rampage, and in the absence of any effective authority whose co-operation in curbing the violence of troops could be enlisted, the protection that the United Nations can afford to the civilian population is, despite its most strenuous efforts, limited to the means presently at its disposal.

The Special Representative wishes to bring the precarious situation in Kivu Province and the violation of human rights and basic freedoms there to the attention of the Secretary-General.

ANNEX 1

COMMUNICATION DATED 20 FEBRUARY 1961 FROM THE SPECIAL REPRESENTATIVE  
OF THE SECRETARY-GENERAL IN THE CONGO TO MR. GIZENGA

I must draw your attention in the most pressing manner to the alarming information I have received to the effect that certain Europeans in certain parts of Kivu Province were mistreated, beaten and subjected to arbitrary arrest by the ANC when the tragic news of the death of Mr. Lumumba and his two colleagues was received. Such acts of violence against innocent and defenceless persons are an offence to the most elementary feelings of justice and decency, and world public opinion will judge the authorities whose responsibility it is to ensure the welfare and proper treatment of citizens of any nationality who find themselves within their territory.

While noting with satisfaction that the authorities of Orientale Province, conscious of their duties, have so far succeeded in preventing any explosion of violence, I must emphasize that it is necessary to continue to show vigilance in this respect and that it is absolutely essential to grant full and complete protection to people of any nationality, whatever their political convictions, and in particular to aliens, who should be treated as guests in the country, unless they wish to leave, in which case they should be authorized to do so without delay and without difficulty.

It is also the responsibility of the authorities to ensure that no arbitrary arrests are made, that the principle of respect for legality is applied to persons who are arrested or detained and that such persons are treated with humanity and justice. They should not for any reason whatsoever be subjected to reprisals for events for which they are in no way responsible. In making this appeal to you, I wish to remind you that the eyes of the whole world are at present fixed on the Congo and on the responsible authorities of that country, whose actions will be judged by the standards of conduct which are normal and applied throughout the civilized world.

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ANNEX 2

COMMUNICATION DATED 22 FEBRUARY 1961 FROM THE SPECIAL REPRESENTATIVE  
OF THE SECRETARY-GENERAL IN THE CONGO TO MR. GIZENGA AND MR. LUNDULA

The persistent rumours which have circulated for the last two days concerning Mr. Songolo and other members of Parliament, as well as a certain number of ANC officers imprisoned at Stanleyville, make it necessary for me to address you in the most energetic terms in order to obtain full information as to their present fate. As you know, the news of the murder in Katanga, and subsequently at Bakwanga, of a number of prominent political personalities has aroused intense feeling throughout the entire world, and has been unanimously condemned. It is in this atmosphere that the rumour has spread that a number of political detainees have been executed in reprisal by the Stanleyville authorities. You will assuredly understand that those authorities cannot evade the duty of immediately and publicly making known the truth concerning these allegations.

For my part, I should still like to hope that these rumours are unfounded, that the solemn and pressing appeal I sent you two days ago was heard, and that the Congo will be spared the disgrace of further acts of political violence unworthy of a civilized nation. In any case, and whatever the acts which have been committed up to now, it is absolutely essential that the killing of persons who have become only the playthings of odious and uncontrolled political passions should cease. I refer in this connexion not only to all the Congolese political prisoners but also, and in particular, to the eight Belgian soldiers now imprisoned at Stanleyville, who, it is also alleged, have been or will be executed in reprisal for the murders committed at Bakwanga. Your position as a leading personality in Orientale Province makes it your imperative and sacred duty to save all the lives which can still be saved, in order to put an end to a senseless slaughter which is bringing the Congo into the deepest discredit in the eyes of the whole world. I confidently rely on immediate action by you to that end.

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