

FILE COPY
RETURN TO
DISTRIBUTION
Bureau C. 111



Distr.
GENERAL

S/4940/Add.16
6 December 1961
ENGLISH
ORIGINAL: ENGLISH/FRENCH

REPORT OF THE OFFICER-IN-CHARGE OF THE UNITED NATIONS OPERATION IN THE CONGO
TO THE SECRETARY-GENERAL, RELATING TO THE IMPLEMENTATION OF PARAGRAPH A-2 OF
THE SECURITY COUNCIL RESOLUTION OF 21 FEBRUARY 1961

Report of the Officer-In-Charge of the United Nations Operation in the
Congo concerning the situation in Elisabethville

(A) Sequels to the incidents of 28 November 1961.

1. The first reaction of some of the Katanga authorities to the incident of 28 November 1961 (S/4940/Add.15) seems to have been one of alarm, and they made some efforts to re-establish their authority in a situation which their propaganda against the United Nations had created, but which, as had been demonstrated to the world, was dangerously out of control. On 30 November L'Essor du Katanga, a newspaper close to the regime, published on its front page an article entitled "The Katanga Government's regrets concerning the arrest of the three (sic) United Nations officials". The article expressed the regime's regrets at the "misunderstanding" which had given rise to the incident, but gave a considerably softened account of what had happened to Mr. G. Ivan Smith, the Acting Representative of the United Nations in Elisabethville, and Mr. B. Urquhart, Special Assistant to the Officer-in-Charge of ONUC. The article alleged, among other things, that the United Nations car in which they were riding aroused the suspicion of the Katanga "paracommandos" because it passed three times in front of the residence of General Moke, the commander-in-chief of the Katanga gendarmerie; this was not the case.

2. The same issue of L'Essor du Katanga published an interview with Mr. Munongo, so-called "Minister of the interior" in the Tshombe regime, in which he stated that the Katanga authorities desired a peaceful solution, and suggested that the acting Secretary-General should come to Katanga to observe the situation in person. After again asserting Katanga's claim to independence, Mr. Munongo continued: "True, we are seriously threatened; true, we must expect the worst.

But that does not mean that hostilities with the United Nations have broken out again. We do not want to cause useless bloodshed. We should be very happy if a peaceful solution were found."

He then deplored the death of the Indian soldier murdered on the night of 28 November, and emphasized the need of discipline in Katanga. He concluded as follows: "The guilty parties will accordingly be sought out and punished in accordance with the law. If the United Nations attacks us, that will be different. We must defend ourselves. So long as the United Nations does not attack us, we must remain calm. Perhaps the United Nations will understand that it is possible to arrive at a solution which is good for everyone without having to go to war again."

3. But the Katanga regime's efforts to regain mastery of the situation did not prove effective. There were many signs that the Katanga forces, and in particular the "paracommandos", remained out of control. Inflammatory rumours circulated at an ever-increasing rate in the next days, and gave rise to the inference that extremist elements, probably including mercenaries, were exploiting the situation created by the propaganda campaign of the Katanga authorities, and were systematically increasing the excitement of the Katanga troops in an effort to provoke an outbreak of hostilities with the United Nations. Though there has been some evidence that Major Ajeet Singh, who was kidnapped on the night of 28 November, is still alive and is being held prisoner in a gendarmerie camp, the Katanga regime was unable to produce him.

4. On 1 December Mr. Tshombe, who on the preceding day had received the two United Nations protests (published as annexes to S/4940/Add.15), held a press conference. He said that he had not been conducting a propaganda campaign against the United Nations, but after the debates of the Security Council and after the adoption of its resolution "which embodied the declaration of war by the United Nations against Katanga", he had simply been re-establishing the truth. In a later part of his statement he said, with regard to the beating of Mr. Ivan Smith and Mr. Urquhart:

"In accordance with a plan which now goes into effect, some United Nations elements are investigating the incident. At a time when Senator Dodd, one of our fervent champions, is among us, some United Nations elements are trying to show him that this country is populated only by a band of savages,

/...

the most savage of whom have been supplied with weapons in order to form an army whose indiscipline is obvious to the most careless observer. These same United Nations elements are trying to arouse the peoples by a campaign of false rumours. They probably also believe that we do not know who put on the air last night an alleged clandestine Katangese broadcast, with its incendiary slogans and calls to arms, which supposedly emanated from me. The Katanga Government has an official radio station, and when it decides on a certain course of action it will need no clandestine radio to make it known. I wish to remind all Katangese, white and black, that they must obey only official orders emanating from the Government. Any other appeal or communication must be rejected. If this line of conduct is followed, the United Nations will soon understand that it is taking the wrong path in psychological warfare just as it went astray in the war of weapons."

5. On the same morning Mr. Tshombe sent the acting United Nations representative in Elisabethville his reply to the United Nations protest about the killing of the Indian soldier and the kidnapping of Major Ajeet Singh. The protest and the reply are published as Annexes I and II of this document.

6. In the early afternoon of 1 December Mr. Tshombe left for Brazzaville; Radio Katanga announced that it was his intention to go to Brazil for a Moral Rearmament conference. In his absence he was replaced by Mr. Kimba, so-called "minister for foreign affairs", with respect to external relations, defence and relations with the United Nations; and by Mr. Kibwe, the Provincial Minister of finance, for all administrative questions.

7. During the night of 1-2 December Mr. Tshombe, from Brazzaville, sent a suggestion to Prime Minister Adoula in Leopoldville, that the two should meet on 2 December on a boat in the middle of the Congo River. Prime Minister Adoula did not accept this suggestion, but said he would be happy to have Mr. Tshombe transported by helicopter at any time from Brazzaville to his residence in Leopoldville. Mr. Adoula renewed assurances that he personally, the Central Government, and ONUC would afford full protection for Mr. Tshombe's security and liberty. Mr. Tshombe was unwilling to accept this proposal. Though his associates are reported to have tried to recall him to Katanga, he left Brazzaville for Paris on 3 December towards noon.

8. On 2 December Mr. Kimba sent the acting United Nations representative Mr. Tshombe's two replies, reproduced in Annexes III and IV of this document,

to the two protests by the United Nations published as Annexes I and II of document S/4940/Add.15.

(B) Incidents of the night of 2-3 December 1961.

9. In the stress of a tense situation and under the pressure of incessant propaganda, the discipline of the Katanga forces steadily deteriorated. As a result, at about 1615 hours on 2 December, at the airfield of Elisabethville, drunken Katanga gendarmes molested some airport workers and a woman. For the sake of maintaining order, Indian Degré troops of ONUC at the airfield disarmed the gendarmes who were misconducting themselves. Thereupon the remaining gendarmerie and police jumped into trenches and opened fire on the ONUC troops. As a result, the Indians were compelled to disarm and detain them all.

10. News of this incident soon reached Elisabethville, and the gendarmerie began to patrol the town. A Katanga armoured car accompanied by two non-Congolese was stationed off the road to the airfield. Gendarmerie also set up a roadblock at the tunnel underneath the railroad track, on the road which leads from the town in the direction of the Baluba refugee camp and the encampment of the Swedish troops of ONUC. Both roadblocks were clearly designed to impede vital United Nations communications between parts of its forces and the town, where the United Nations headquarters is situated.

11. At about 1900 hours an Italian male nurse-driver of the Italian Hospital, who was taking sixteen Baluba hospital workers by truck to the Baluba camp and was entirely unarmed and unescorted, was stopped at the roadblock at the tunnel. After being beaten several times he was taken to Camp Massart, a gendarmerie camp in Elisabethville, where an officer locked him in a room with a guard to protect him from drunken gendarmes. He was finally handed over to the Italian Consul in the late afternoon of 3 December by Mr. Kimba and Mr. Munongo, the Provincial minister of the interior.

12. Also on the night of 2-3 December, seven Swedish, two Norwegian and one Argentine military members of ONUC were abducted by Katanga forces. The Italian driver mentioned above heard that three of them were being detained in the Katanga "paracommando" camp, but there was no information about the others,

/...

and Mr. Kimba, who was promptly asked to surrender them, denied all knowledge of their whereabouts. The Argentine was released on 4 December.

13. While these events were going on, United Nations representatives got in touch with Mr. Kimba and told him the facts of the situation at the airfield. They informed him that the United Nations desired only to deliver the drunken gendarmes detained at the airfield to the Katanga authorities, but that those authorities had first to clear their gendarmerie from the streets in order to avoid any incidents. If that were done, the gendarmes would be brought from the airport to the presidential palace in a slow convoy, and there handed over. Mr. Kimba, after some hesitation, agreed, and he and General Moke, commander in chief of the Katanga Forces, went around town to effect the withdrawal of gendarmerie units.

14. The United Nations then brought all the detained gendarmes into the town, and they were handed over at about midnight outside the presidential palace in the presence of Mr. Kimba, Mr. Kibwe, Mr. Munongo, General Moke and several Consuls. Mr. Ivan Smith explained that the men had been disarmed and detained because of drunken indiscipline. The police held at the airfield were liberated the next morning.

(C) Incidents of 3 December 1961

15. On the morning of 3 December the gendarmerie who had been temporarily withdrawn returned to the town, and continued to run the roadblocks at the tunnel and on the road to the airfield. There was random shooting, and a United Nations helicopter was fired on. Moreover Mr. Kimba, instead of relaxing the tension, gave a press conference in which he made highly inaccurate allegations, which he had already made to the press the night before, that several Katangese gendarmes had been killed or wounded, and that the United Nations had begun the incident. Mr. Kimba concluded, according to a monitored report, by stating:

"If the United Nations wishes to remain on Katangese territory it must conform to the ideal which we have set ourselves. If, on the contrary, it wants to justify its presence by provoking daily incidents, it must also realize -- this, Gentlemen, is a solemn last warning -- that despite ourselves we shall be forced to use every possible means to drive the

trouble-makers out of our country. We have shown great patience, Gentlemen, as I believe you can testify, but there are limits to that patience, above all when the life of our country, Katanga, is at stake."

The United Nations representatives determined, in the interest of the maintenance of order, to request the complete withdrawal of the gendarmerie from Elisabethville. Mr. Kimba's initial response being negative, the Consuls of the United Kingdom and the United States visited him to assure him of ONUC's peaceful intentions, and of its desire to restore normal conditions.

16. Mr. Ivan Smith, the acting United Nations representative, together with Mr. Succar of his staff, went on foot to the provincial president's palace in the early afternoon with an escort, and in the company of the Consul of the United States. During his interview with Mr. Kimba, Mr. Ivan Smith gave a warning that the continued presence of Katangese armed forces in Elisabethville could lead to incidents and conflict, and requested their withdrawal to their camp within a reasonable period.

17. On the afternoon of 3 December three Swedish military personnel, a captain, a sergeant and a private, while on official duty, attempted to pass through the roadblock at the tunnel in their small car. They were fired at by the gendarmerie, and the private, who was driving, died as the result of two bullets in the abdomen. The two others were injured; the captain's arm was broken by a bullet and the sergeant was wounded in the abdomen and the leg. The gendarmerie continued to fire after the car left the road and crashed into a tree. It was later learned that a doctor and three medical personnel of the Swedish battalion, who had gone to attend the victims of the shooting, had failed to return, and they are presumed to be in the hands of the gendarmerie. The two survivors and the body of the dead man were brought in a civilian Red Cross vehicle to the ONUC Hospital in Elisabethville at about 1800 hours.

18. As soon as Mr. Ivan Smith learned of the foregoing incident, he telephoned Mr. Kimba to insist again on the withdrawal of the Katanga forces from the town. Mr. Ivan Smith asked Mr. Kimba to issue an order for an immediate return of his troops to their camp, and also asked to be informed within one-half hour that such an order had been given; otherwise the Katanga authorities alone would be responsible for the consequences of any measures it became necessary

/...

for ONUC to take under its directives from the Security Council to ensure the maintenance of law and order, and for the protection of its own personnel. Mr. Kimba immediately interpreted these requests as an ultimatum, and issued a press communiqué stating in part that "The Government of Katanga most vehemently rejects this ultimatum. The Government of Katanga considers that only negotiation can solve the problems. It is ready to negotiate, but it will answer force with force."

19. Late in the evening of 3 December Mr. Kimba, in a state of furious excitement, telephoned Mr. Ivan Smith and asked whether it was true that the United Nations had concentrated eighteen aircraft at Leopoldville to fly to Elisabethville. Mr. Ivan Smith replied that he had no specific information, but that it was possible that the aircraft were connected with the planned rotation of ONUC troops, of which Mr. Kimba was well aware. Mr. Kimba then angrily said that if any of the aircraft flew over Katanga soil, they would be shot down. Mr. Ivan Smith replied that he would immediately report this grave statement to United Nations Headquarters, and that any such action would, of course, be opposed by ONUC.

20. Mr. Ivan Smith also took the opportunity to protest strongly against the fact that a number of United Nations personnel were still held by the Katangese, and asked that immediate arrangements should be made for their release through the consuls. Mr. Kimba then charged that the United Nations was still holding twenty gendarmes from the airfield (a charge which was completely unfounded.) When Mr. Ivan Smith denied holding the gendarmes, Mr. Kimba replied that if that was the United Nations position, his own position was that he did not have any United Nations personnel.

(D) Events of 4 December 1961

21. On the morning of 4 December Mr. Ivan Smith and Mr. Urquhart continued their efforts to secure through the consuls the release of the detained United Nations personnel. At that time there were fourteen United Nations personnel believed to be in Katangese hands. They were: an Indian major, who disappeared on the night of 28 November (S/4940/Add.15, para. 17), and four Swedish medical personnel missing since the afternoon of 3 December (see paragraph 17 above).

Of the fourteen, eleven were Swedish, two Norwegian, and one Indian. There are indications that they were taken by the gendarmerie in accordance with a plan to secure United Nations hostages.

22. At the end of the morning Mr. Ivan Smith and Brigadier Raja, the Commander of the ONUC force in Katanga, made a tour outside Elisabethville to brief unit commanders and staff, and also visited the airport. At about 1400 hours they learned that Katanga "paracommandos" had established a strong roadblock at the edge of the town on the road to the airport, thus cutting communications between the airport and ONUC headquarters in Elisabethville. The roadblock consisted of one "paracommando" company, which was continually being reinforced, three armoured cars and some 60-mm mortars. A number of non-Congolese in civilian clothes were also reported at the roadblock. A strong ONUC patrol was sent out to probe it, and Mr. Kimba was also informed through the United States Consul that if he did not remove the roadblock and return his troops from there to their camp, the block would be cleared by force. Mr. Kimba told the Consul that he was sending officers to withdraw his troops, and he later offered an undertaking to Mr. Urquhart that he would remove his troops if the United Nations would remove its own. It was understood that General Moke, the commander-in-chief of the Katanga gendarmerie, and Mr. Sapwe, the police commissioner of Elisabethville, went to the roadblock to attempt to disperse it.

23. In view of Mr. Kimba's assurances that his troops would be withdrawn if those of the United Nations were also withdrawn, the United Nations Commander decided to withdraw his troops from the vicinity of the roadblock, as a gesture of good faith and confidence in Mr. Kimba's word, and in order to obviate an incident that would have serious consequences. Mr. Ivan Smith and Brigadier Raja remained on the airport side, while Mr. Urquhart and other United Nations personnel were at headquarters and other points in the town.

(E) Events of 5 December 1961

24. On 5 December the United Nations forces discovered that, despite Mr. Kimba's assurances, made to the consuls and the press as well as to the United Nations, that his troops would be withdrawn, the roadblock was still strongly held. Mr. Urquhart asked the United States Consul to get in touch

/...

urgently with Mr. Kimba. The latter was reported to be in a conciliatory mood, and there seemed at this point to be some hope of solving the problem by peaceful means. Accordingly, Mr. Urquhart arranged to have a conversation with Mr. Kimba, and the two men met at 1130 hours with the aim of further discussing the roadblock on the airport road. At this conference it was obvious that Mr. Kimba had no control whatever over his troops, but was simply engaging in a delaying action. He could only propose a continuation of discussions, and promised again that he would control his troops.

25. Even before Mr. Urquhart's last conversation with Mr. Kimba it became evident from many signs that a plan by the gendarmerie for a full-scale attack on the United Nations was being put into effect. Gendarmerie were moving up to encircle the airport, and a Katangese Dornier plane flew over it at 1030 hours. There was also evidence that Mr. Kimba and Mr. Munongo, the provincial minister of the interior, were seeking to leave Elisabethville for Jadotville. After the last conference with Mr. Kimba it was also clear that the long efforts of United Nations representatives to restore their vital communications by peaceful means, efforts which had been made unremittingly since the early afternoon of the previous day, had failed. There was therefore no alternative but to clear the roadblock by military means.

26. For a week the United Nations personnel in Elisabethville, both civilian and military, showed the utmost restraint in the face of every kind of provocation and of growing evidence that a concerted plan of hostile action was being put into effect against them. The long delay, while peaceful solutions were sought and United Nations troops were held back from all military measures which could prejudice such solutions, left the United Nations military position anything but improved. Further forbearance could only jeopardize the lives of ONUC personnel.

27. Accordingly, Brigadier Raja was asked to deal with the situation. At 1345 hours ONUC took action to clear the roadblock between the airport and ONUC headquarters in town, and the action was successfully completed by Indian troops in about one-half hour. The Indian unit lost one officer killed and four men wounded. The Katanga forces lost at least thirty-eight gendarmes and "paracommandos" as well as two non-Congolese mercenaries killed.

/...

28. An ONUC column coming from the airfield to assist in clearing the roadblock encountered heavy fire from the old airfield and Sabena guest house to the west of the road, and found the Katangese position very strong. There were other indications that the Katanga plan for a general assault was more advanced and comprehensive than had been suspected. The ONUC column withdrew for the night.

29. Meanwhile in Elisabethville Mr. Kimba gave a press conference in which he said that all his ministers would die at their posts. The ONUC headquarters in the city was brought under intermittent mortar and machine-gun fire from neighbouring villas, but at last report no casualties had been incurred.

ANNEX I

Letter dated 29 November 1961 from the acting representative of
the United Nations at Elisabethville, addressed to Mr. Tshombe

I wish to inform you that the patrol of the Gurkha Battalion has found the mutilated body of one of its soldiers in the immediate vicinity of the Presidential Palace. This soldier was on regular patrol duty with a Gurkha major who is still reported missing. This murder must have taken place between 1.30 and 6 a.m. on the way back to the Lido where this Battalion is stationed.

I have the honour to request you to order that an investigation be made with a view to finding the major in question. Kindly inform me quickly of the steps you propose to take in this connexion and send me a report - even a brief one - on this murder.

I have the honour to be, etc.

(signed) G. Ivan Smith

ANNEX II

Letter dated 1 December 1961 from Mr. Tshombe, addressed to the
acting representative of the United Nations at Elisabethville

I have the honour to acknowledge receipt of your letter of 29 November 1961 concerning the discovery of the body of a Gurkha soldier and the disappearance of a major of that regiment.

I strongly deprecate such acts and have personally taken action to ensure that an immediate investigation is made by the police, the gendarmerie and the parquet to discover the guilty party or parties. The co-operation of the people has also been sought. I take this opportunity to state that these events took place at the intersection of Avenue des Chutes and Avenue Elisabeth, and not in the vicinity of the Residence of the Head of State.

I have the honour to be, etc.

ANNEX III

Letter dated 2 December 1961 from Mr. Tshombe addressed to the Officer-in-Charge of the United Nations Operation in the Congo 1/

I have the honour to acknowledge receipt of the text of your letter transmitted to me by the United Nations representative at Elisabethville on 30 November. You reproach me for the terms used in my speech of 25 November 1961 and ascribe to me personal responsibility for any atrocities which might result from it. You also reproach me for uttering the words "it is war which has just been decided on in New York by eleven nations" and tell me that you find it difficult to believe that only a misunderstanding is involved.

In uttering those words I was expressing the deep-rooted feeling of all levels of the Katangese people. It is really difficult to make the Katangese believe that the latest resolutions adopted by the Security Council mean anything else. Those resolutions - which, incidentally, have not yet been officially communicated to us - are known to the people either in the context of violent speeches delivered against Katanga beforehand by representatives of countries who are completely ignorant of the Katangese situation and mentality, or through aggressive commentaries on the Congolese radio, or in the light of the recent events of September when, by virtue of less explicit resolutions, a cowardly and bloody aggression was launched against our soldiers despite formal assurances on the part of the local representative of the United Nations.

You draw attention to some of the terms used in my speech but not to others. Yet I explicitly and categorically stated that if a state of war arose because of the United Nations, I alone would have the authority to determine the moment at which hostilities would be opened. By making that statement I sought to prevent any spontaneous hostile act or any hostile act motivated by elements whose interests are at variance with ours. This statement should be read in conjunction with all my previous statements, which I reaffirm today.

We are prepared to settle all our common problems by peaceful means and we shall never take the initiative in aggression. We are resolved to do everything possible to prevent any incident and hope for an equal effort on your part.

By a letter^{1/} of today's date addressed to the United Nations representative at Elisabethville I express my regret for the incidents from which he suffered. The soldiers on guard at General Moke's residence, who belonged to the same detachment that was attacked at the Central Post Office on 13 September, have been relieved by another unit, their officer has been punished and disciplinary action has been taken against the guilty parties. By the same letter I indicated the measures taken to ascertain the circumstances of Major Singh's disappearance and his driver's death - circumstances which might imply interference by outside elements taking advantage of Senator Dodd's visit to sully our reputation abroad.

I sincerely hope that, with genuine co-operation and our mutual goodwill, it will be possible to find a final solution to our problems while at the same time our interests are safeguarded.

1/ See annex IV below.

ANNEX IV

Letter dated 2 December 1961 from Mr. Tshombe, addressed to the acting representative of the United Nations at Elisabethville 2/

I have the honour to acknowledge the receipt of your letter of 30 November 1961 constituting a note of protest against the acts of violence perpetrated on 28 November 1961 against you and Mr. Brian Urquhart. I take note of the fact that this protest is made on the instructions of the Acting Secretary-General of the United Nations.

In a statement to the Press on 1 December, I clearly described the atmosphere in which those incidents took place.

You attribute these incidents to the propaganda campaign conducted by myself and other Katangese authorities and you hold me fully responsible for them. I cannot accept that point of view; I myself have always advocated peaceful solutions of the problems which concern us, but, in view of the aggression launched against us on 13 September 1961 and of the recent resolutions adopted in the Security Council, following violent statements by representatives of foreign States, I had to warn my people about the violent reaction provoked by these events.

One of the points which I emphasized in my speech was the fact that I alone had the authority to determine and declare the state of hostility, thus preventing any spontaneous action or action by elements whose interests are at variance with ours.

In any event, my Government and I sincerely regret and deplore the incidents of which you and your aide were the victims. The persons responsible for those incidents, who reacted to the provocations caused by patrols of United Nations soldiers in the vicinity of General Moke's residence, are known and have already been punished, especially the officer in command of the military detachment.

Furthermore, I informed you by letter of 1 December of the steps taken to ascertain the circumstances in which a Gurkha soldier was killed and Major Singh was reported missing. Any information that comes to our knowledge will be communicated to you immediately.

}

S/4940/Add.16
English
Annex IV
Page 2

Like you, we trust that a peaceful solution to our problems will be found by negotiation. Our desire to avoid any incident is genuine, and we hope that you, for your part, will do everything possible to avoid anything which might be detrimental to the good relations which we desire to see develop between the United Nations and the Katanga authorities.

I have the honour to be, etc.

