

Personnel
FC/3052 (Temp) - Proceedings of Court of Inquiry into Accident outside Afro-Mogamba club, Leopoldville
on night of 20/21 February - Justin Boindebo

22/02/1963-06/03/1963

PLEASE RETAIN
ORIGINAL ORDER

UN ARCHIVES

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3052

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6 March 1963

To : Dr. R. Bunche, Under Secretary for Political Affairs,
UN HQ, New York

From : Lt.Gen. Kebbede Guebre, Force Commander

Subject: Board of Inquiry for the Purpose of Investigating the
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alleged to have been insulted and maltreated by some
United Nations Military Personnel during the night of
20/21 February 1963

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to investigate the above complaint together with Deposition of M. Justin
Bomboko, Minister of Foreign Affairs. I also attach comments on the
.... Proceedings made by the JAG.

2. I am in agreement with the findings of the Board and am satisfied
that this distressing incident was the direct result of misunderstandings
arising from language difficulties. I am also satisfied that, for the
same reason, the UN personnel involved in this incident were not aware
of the status of the Congolese official.

3. On the evidence submitted I consider that further action against
the Danish Sergeant who used physical force to recover the key of his
vehicle would not be warranted. In his own interest I am considering
transferring this WCO from LEO to another station.

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DEPOSITION DE M. LE MINISTRE DES AFFAIRES ETRANGERES, JUSTIN BOMBOKO

Le Ministre des Affaires étrangères, M. Bomboko, le Ministre des Affaires économiques du Mali, l'Ambassadeur du Mali et d'autres délégués à la Conférence, sont sortis d'un club - l'Afro Mogambo - chacun avec sa voiture. M. Bomboko part le premier et, au moment où il démarre, un fonctionnaire des Nations Unies qui se trouve dans la rue crie "Macaque". En présence des Congolais M. Bomboko fait arrêter sa voiture et demande qui ils étaient. Ils ont répondu qu'ils étaient membres des Nations Unies et à ce moment là M. Bomboko se fait connaître.

Si vous êtes membres des Nations Unies vous ne devez pas injurier les gens sans motif et les provoquer. A ce moment là l'autre a répondu en anglais : "You want to kill me". Le Ministre a répondu : "Premièrement, qu'il était trop loin pour le tuer et, deuxièmement, que même dans le cas où il aurait eu un accident vous n'avez pas le droit de m'injurier et surtout insulter un représentant de l'autorité".

A ce moment là ils ont déclaré en anglais que : "You are not the Minister, show us your identity pass".

Il leur a confirmé qu'il était Ministre et a proposé que l'agent de la sécurité lui confirme sa qualité.

Ils n'ont pas voulu entendre raison et comme ils n'ont pas présenté d'excuses, il leur a alors dit qu'il les amènerait aux Nations Unies. La foule grossissait et devenait menaçante.

A ce moment là il y en a un qui a dit qu'il téléphonerait à la Police militaire, ce qui a amené les autres à chercher la police congolaise.

L'un (personnel ONUC) a voulu s'enfuir avec une jeep des Nations Unies. A ce moment là un agent congolais a tiré sur les pneus de la jeep. A ce moment là le Ministre a été dire à l'agent de sécurité de ne pas continuer de tirer. A ce moment là un grand employé des Nations Unies a bousculé le Ministre et les congolais, femmes et garçons qui étaient là ont commencé à taper sur les européens. Deux ont voulu s'enfuir avec une jeep et la foule congolaise s'est jetée sur eux pour les empêcher de partir.

Voyant que la situation devenait grave, le Ministre est allé lui-même chercher la police pour les obliger à venir avec lui. (L'idée semble avoir été d'obtenir de la police militaire de persuader "les Onusiens" de monter dans la voiture du Ministre). A son retour une jeep de la sécurité des Nations Unies arrive. Les congolais ne veulent pas que les officiers de sécurité prennent les Européens.

Les deux agents de sécurité des Nations Unies ont tiré leur revolver et enlevé les dispositifs de sécurité; les congolais ont alors mis les agents de sécurité en joue.

Le Ministre est alors intervenu personnellement pour arrêter la bagarre en se faisant connaître. (Il semblait qu'aucune foi n'ait été ajoutée aux déclarations du Ministre et qu'une fois de plus il lui aurait été demandé de prouver son identité.) Le Ministre a alors répondu qu'il était inconvenant de lui faire une telle demande, et que la situation était délicate en raison de la proximité de la Cité africaine. Le Ministre a alors demandé que l'on mette les quatre européens dans la voiture et que lui-même les emmènerait chez M. Gardiner.

Les gens de sécurité ont refusé de laisser partir les quatre européens, faisant savoir qu'il appartenait au Ministre de porter plainte.

Le Ministre a alors fait valoir qu'il n'était pas question de porter plainte mais simplement d'éviter une bagarre entre les forces de l'ordre et celles des Nations Unies.

Grâce à l'intervention d'un européen et du Chargé d'Affaires du Libéria, ils ont fini par accepter que les européens incriminés montent dans la voiture du Ministre. Nous trompons de maison, nous sommes alors arrivés à la maison à côté de M. Gardiner. S'apercevant de l'erreur et au moment où il faisait une manœuvre pour rejoindre la maison de M. Gardiner, les trois européens qui accompagnaient le Ministre ont sauté de la voiture. A ce moment là un des gardes congolais a sorti son arme pour les empêcher de s'enfuir. Voyant la situation dangereuse, le Ministre est lui-même descendu de voiture pour les en empêcher. Les agents de sécurité des Nations Unies s'y sont opposés; un des agents de sécurité a alors voulu partir avec les trois onusiens, le quatrième étant entre les mains des congolais.

Le Ministre s'est alors adressé à l'agent de sécurité en lui enjoignant de ne pas partir avec les trois hommes car il mettrait ensuite le quatrième en grand danger. Là-dessus un des officiers de sécurité a voulu partir avec le jeep et le Ministre a pris la clé de contact pour l'en empêcher car les policiers congolais étaient sur le point de tirer sur les Onusiens.

Un des agents des Forces des Nations Unies a pris une matraque et a frappé le Ministre de quatre coups ceci tout près de la maison de M. Gardiner.

Pour éviter d'être tué, le Ministre a pris sa voiture et s'est dirigé immédiatement chez M. Gardiner.

Le 21 février 1963

5 March 1963

To: Force Commander

From: Judge Advocate General

Subject: Board of Inquiry for the Purpose of Investigating the
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1. According to my impression the purpose of this Board of Inquiry, as an internal one, was to establish whether any UN military personnel could be blamed for the incident. Therefore no attempt has been made to obtain evidence from persons other than members of the United Nations. In the light of the statements of UN personnel as recorded in the Board's report, it is impossible to reach any conclusion other than that of the Board's findings and opinions. Thus there is no evidence that UN personnel provoked the incident by bad behaviour in the form of insult. Furthermore, the statement of the Military Policeman who used force against the Congolese Official must be accepted in the absence of other evidence. According to his evidence the amount of force which he used in order to recover the key of the jeep cannot be considered to have been excessive, taking into account the importance of free movement when taking the personnel into United Nations custody.

2. In my view the violation reported under the Board's opinion at (f) falls not only under Article 10 but mainly under Article 13 of the Agreement between United Nations and the Republic of the Congo.


.....Lt. Col.
Bengt Lindeblad

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(Translated from French)

DEPOSITION BY MR JUSTIN BOMBOKO - MINISTER FOR FOREIGN AFFAIRS

The Minister for Foreign Affairs, Mr Bomboko, the Minister of Economic Affairs of Mali, the Ambassador of Mali and other delegates of the Conference came out of the Afro Mogambo club, each of them having a car. Mr. Bomboko was the first to leave and the moment his car started, a United Nations officer in the street called him "Macaque". In the presence of Congolese Mr. Bomboko stopped his car and enquired who they were. They said that they were members of the United Nations and then Mr. Bomboko introduced himself.

If you are members of the United Nations you should not injure and provoke people without reason. Then the UN officer replied in English: "You want to kill me". The Minister said: "Firstly, that he was too far away to be killed and secondly, that even if he should have an accident he had not the right to call names and especially to insult a representative of the authority".

At that moment they stated in English: "You are not the Minister, show us your identity card".

He confirmed that he was the Minister and asked the Security Agent to confirm this.

They did not want to believe it and as they did not apologize, he said he would bring them to the UN. The crowd increased and became threatening.

At that moment there was one saying that he would ring up the Military Police, while others went to look for the Congolese Police.

One (ONUC personnel) wanted to escape with a UN jeep. At that moment a Congolese agent fired on the tyre of the jeep and then the Minister told the Security Agent to stop firing. Then a big employee of the UN hustled the Minister and the Congolese, the women and boys who were there started to push the Europeans. Two of them wanted to escape with a jeep but the Congolese started to crowd in on them in order to prevent them leaving.

Seeing the situation worsening the Minister himself went to call the Police to force them to come with him. (The idea probably was to ensure through the Military Police that the "ONUSIANS" went into the Minister's car). When he came back a jeep from UN Security had arrived. The Congolese did not want the security officers to take the Europeans.

The two Security Agents of the UN took out their revolvers and took out the security 'dispositifs'; then the Congolese aimed at the Security Agents.

Then the Minister himself personally intervened to stop this scuffle by introducing himself. (It seems that the Minister's declarations were not believed and he was asked once more for his identity papers). The Minister said that it was inconvenient to comply with this request and that the situation was delicate because of the proximity of the African City. The Minister finally asked that the four Europeans be put in the car and that he would himself bring them to Mr. Gardiner.

The Security Agents refused to let the four Europeans go stating that it was the Minister who deals with complaints.

The Minister then stated that he did not want to complain but only stop the battle between the order forces and those of the UN.

Due to the intervention of a European and the Chargé d'Affaires of Liberia they finally accepted that the Europeans go in the Minister's car. Mistaking the house they arrived next door to Mr.Gardiner's house. Realising the mistake and turning to reach Mr.Gardiner's house, the three Europeans who were accompanying the Minister jumped out of the car. One of the Congolese guards pulled out his weapon to stop them. Seeing the situation becoming dangerous, the Minister himself got out of the car to try and stop them. The UN Security Agents were against this move, but one of them wanted to leave with the three ONUSIANS, the fourth being in the hands of the Congolese.

The Minister then addressed the Security Agent stating that he should not go with the three men because the fourth one would be in grave danger. Then one of the Security Officers wanted to leave with the jeep and the Minister took the ignition key to stop him because the Congolese Police were on the point of firing at the ONUSIANS.

One of the agents of the UN Forces took a cudgel and hit the Minister four blows and all this took place near the house of Mr.Gardiner.

To avoid being killed the Minister took his car and went immediately to Mr.Gardiner.

21 February 1963

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21 February 1963

INTERROGATION OF:

SERGEANT F.J. LARSEN - ID NO. 87618
PRIVATE MERCIER - ID NO. 83550
SERGEANT VINHES - ID NO. 55484

Sergeant Larsen declares they were called at 1.45 and went there with an ONUC vehicle, where they saw thirty to forty Congolese people standing around a car. They went there to know what had happened and a Congolese person told them he was a Minister of the Congolese Parliament and said that some person of ONUC had insulted him.

We tried to have the situation under control, but suddenly the crowd began taking the ONUC civil personnel by force in an open vehicle. (Congolese vehicle, I guess!). As they were ONUC people we tried to make them sit in our car, but now a crowd surrounded the patrol vehicle, and even one of the crowd, who seemed to be on good terms with the Congolese and said he was a Minister, tried to take the key of our vehicle.

We could not let him do that, and by force we tried to get him away. Another man who said he was a commissaire of the Congolese police equally tried, and we had to get him away by force. Now suddenly he called at some Congolese policemen to get the ONUC persons away by force. We tried again to have the persons in our vehicle. We tried arguing with the man who called himself Minister, but he would not listen to us. Now there was a great crowd suddenly around us and we agreed with the man mentioned (Minister) that the ONUC personnel could sit in his car and that we would drive after him. We only had one car because the man who stole the key, and we followed the Congolese car. There were two Danish sergeants in the jeep. The Congolese car was going very fast, and at the end of Boulevard Albert we came up to the car and succeeded in following it to the residence of Mr. Gardiner.

The Congolese car stopped there, and the Minister told us to get away. We could not let him be alone with ONUC personnel because there were sitting there three Congolese policemen in the car.

Now the Minister tried to get off the seats. He started the car, still with the ONUC personnel sitting in it. We shouted to ONUC personnel that they should try to come away in our car, and we tried to explain to the Minister that we together could go to the military police station.

He denied that, and by force he tried to make the ONUC personnel to be seated again in his car. They escaped and are ordered then to sit in our vehicle.

The Minister ran to our vehicle and took the key from it. We tried to get it back, but he would not listen to us. As the man denied to show us his papers we now took the key from him by force and drove to the military police station. It must be mentioned that one person disappeared, and we tried to find him because he was followed by some of the Congolese policemen. Later on we succeeded in finding him. That was all.

.../...

Mr. Gardiner (question): What do you mean by "took the key by force"?

Serg. Larsen (answer): The man took the key away from the ONUC vehicle and he tried to get into his car to get away. Then we took the key out of his hands. Sergeant Vinthes was alone, and Sergeant Larsen was guarding the ONUC personnel.

Sergeant Vinthes states he asked for the papers from the Minister, who refused to produce them, and he then asked for the key. The Minister held the key in his back, keeping it in one of his hands. Therefore, I pushed him. He pushed again, and I hit him in the stomach with my fist, and he went back, still keeping the key. Therefore, I again hit him, this time on the shoulder with the gummy, and now he handed over the key to me. That is how I got the key.

Mr. Gardiner (question): How and when did you find the other person missing?

Serg. Larsen (answer): We drove round in the nearness of the scene, and we had a lamp with the letters MP on it. In that way we hoped that the man would see us, and after ten minutes I guess suddenly we heard a shout and we saw the man standing in a window of the Canadian Officers' residence.

Mr. Gardiner (question): How many of the people came to you?

Serg. Larsen (answer): Two came and one fled. There were five in all. Three had come with the Congolese car.

Mr. Gardiner: Three came from the club with you in the Congolese car. One of the three escaped, and the two others had remained outside the club. Therefore, three came from the Club with you.

Mr. Gardiner (question): Do any of you speak French?

Serg. Larsen (answer): One speaks French, Private Mercier, and he did the interpreting for the Minister.

Mr. Gardiner (question): When you arrived at the residence and the Minister came to you, Mercier was no more with you since the key of his vehicle had been taken away from him, so how did you manage to explain yourself with the Minister?

Vinthes

I

Serg. Larsen (answer): ~~Sergeant Vinthes~~ asked for the key in French, seems to remember saying: "Voulez-vous donner-moi votre pièce d'identité et vous n'avez rien permission pour prendre le contact de notre véhicule."

Mr. Gardiner (question): What did he tell you?

Serg. Vinthes (answer): The man said: "Vous ne voulez comprendre pas", and besides he told: "Quand vous prenez les trois hommes de l'ONUC il veut aller faire la guerre contre l'ONUC avec militaires congolais". This, without being verbatim, according to Sergeant Vinthes it is nevertheless the meaning of what was said.

Serg. Larsen: The Congolese also spoke English to us.

.../...

Private Mercier: Because I had not the key for starting my vehicle and was not able to check the situation of this incident because there was many Congolese police with rifles, and in my personal mind I was sure that it was better for my life and for the life of my companions to let the civilian car go.

Mr. Gardiner (question): Did the Minister give you any reason for wanting to take these people in his car?

Private Mercier (Answer): Yes, he told me that he was Minister, and he was known very well to Mr. Gardiner, and also that he had the power for taking these men with him.

Mr. Gardiner (question): Where did the Minister say he was taking them?

Private Mercier (answer): The first time he said he was taking them to the Commissariat of the Police Congolais, and I told him in that case I have to send my companions with you, and he told me, "J'ai le droit de faire ce que je veux en raison de mes pouvoirs." Et alors je lui dit "vous ne pouvez pas amener ces hommes sans qu'un de mes hommes les suive." La situation pour moi à ce moment était assez critique parce que j'étais harcelé de tous côtés par les "soi-disant" commissaires de police qui étaient tous en civil. A ce moment un membre qui je crois fait partie du Corps diplomatique, je crois le polonais, est venu et a parlé à Monsieur le Ministre et à moi que nous devrions, si c'était possible, essayer d'aller sur une autre rue pour mieux s'entendre en raison de la quantité de gens qu'il y avait là. Monsieur le Ministre n'était pas de mon avis. Alors comme je n'avais pas de véhicule il en a profité, après que je le lui eus dit que je n'avais pas de clé, pour prendre la fuite avec trois hommes de l'ONUC et quatre policiers congolais.

Au même moment le sergent Vinthes est arrivé avec une jeep. Je lui ai crié de bien vouloir suivre le véhicule civil qui venait à l'instant de partir.

CONFIDENTIAL

21 February 1963

End of first interrogation of Canadian Corporal MERCIER

Question, Mr. Gardiner:

During the argument in front of the Afro-Club did the Minister say anything about driving to my residence.

Answer:

Pendant la discussion devant l'Afro-Club un petit nombre d'étrangers était présent parmi eux j'ai cru reconnaître un diplomate polonais. Je crois me souvenir l'avoir entendu suggérer que les suédois accompagnent le Ministre à la résidence de M. Gardiner. Personnellement je n'étais pas directement de cet avis. J'ai entendu le Ministre dire: " Je vais directement chez M. Gardiner. Je ne puis dire exactement ce qui s'est passé après car j'étais harcelé de tous les côtés. C'est à ce moment seulement que la voiture du Ministre en a profité pour partir. Juste à ce moment on arrivait la voiture des MP avec le Sgt. Winter.

Question, Mr. Gardiner:

How long have you and your two colleagues been here in the country?

Answer:

Corp. Mercier: trois mois

Sgt. Larsen: one and a half months

Sgt. Winter: 13 months

Corp. Mercier:

Dès le départ du Ministre j'ai essayé d'obtenir des témoignages de la bataille.

Question, Mr. Gardiner:

What fight do you refer to? - De quelle bataille parlez-vous?

Answer:

On nous avait alerté par téléphone à la MP qu'il y avait une bataille à l'Afro-Club.


Question, Mr. Gardiner:

Jusqu'à présent personne n'a mentionné le mot "bataille".

Mr. Marx:

Je pense qu'il avait voulu dire bagarre, en anglais "brawl".

Corp. Mercier: oui, c'est cela.


GEORGES J. CHAPINOT
Chief General Services

21 February 1963

Interrogation of Warrant Officer I.G. LIEFFNER (Swedish Battalion UNATB)

Question. Mr. Gardiner:

How long have you been in this country?

Answer:

About three months. It is the first time I am in the Congo.

Question. Mr. Gardiner:

Tell us what did happen early this morning (21.2.1963)?

Answer:

I will do my best to answer. My friend S.O.E. GUSTAFSON and I, when leaving the Afro-Mocambo-Club, crossed the street near the entrance of the Club to walk on the opposite side-walk. We were close to the side-walk, when a large car, parked there, suddenly drove off without touching us, but very close to us, and we got scared. I then said in Swedish to my companion the equivalent of "look how he is driving" (in Swedish: Hur kör Du). There were two Congolese people in the car. On hearing what I said the driver suddenly stopped, came out and began to talk to me in French. I said I could not understand. He kept speaking French. The man sitting next to the driver invited us (intimidated to us) to enter the car. I got to understand that that man was a minister, because he said so and this I understood. I tried to speak in English with him, but he kept speaking French. We evidently did not understand each other. I understood that the two Congolese gentlemen wanted us to accompany them to a Congolese Police Station. We tried to explain to them that we should go to the Military Police for any explanation. I heard at one time the word "provocation" mentioned by the one I understood was a minister.

At that time two of our friends (Sgt. ANDERSSON and Sgt. THELMEN) came out of the Afro-Club. One of them (Andersson) understands some French. He took out his note book and tried to write down the license plate number of the car. The one who was calling himself a minister grabbed the note book out of Andersson's hands. Andersson got afraid and ran towards his own car (a half truck) which was parked nearby. His friend Thelmen also ran towards the car.

During that argument lots of people had assembled around the minister's car, while Andersson was running towards his car. I asked the owner of the club, a European woman whom I know, who was standing in the street looking at the incident, if she could call the MPs. She declined to do so.

When Andersson tried to start his car, a number of onlookers, all Congolese, both men and women (about 10 people) tore off his shirt and took the keys of the car away to prevent him from moving.

At that time another car arrived and stopped in the middle of the street. Inside that car were four Congolese civilians. They pushed ~~him~~ inside their car. From there I saw a Congolese man standing in front of Andersson's half-truck, shooting at the front ~~tiers~~ of the vehicle. Then two MPs arrived in a jeep and parked just behind us (one Canadian and one Dane) They left their car

talked to the crowd and tried to calm it down. During that time I escaped from the Congolese car and rushed to the MP jeep, accompanied by Thelmen and Andersson, and we sat back.

The MPs could not calm the crowd. While leaving the car into which I had been dragged I saw a Congolese civilian pointing a gun towards the chest of the Danish MP.

WHILE IN THE MP JEEP I HEARD THE CANADIAN MP SHOUTING THAT WE SHOULD OBEY TO THE INTIMIDATION OF THE MINISTER TO ACCOMPANY HIM IN HIS CAR TO MR. GARDINER.

At that time another MP jeep arrived on the scene (I could recognize it because of the red MP light on the vehicle). We three then entered the Minister's car and we drove to what I believed to be Mr. Gardiner's house (in the Minister's car were the Minister, his driver, us three and also two Congolese police men in uniform). I was very afraid. The Minister's car was followed by the MP jeep that had last arrived on the scene. Two MP's were inside.

Question. Mr. Gardiner:

What happened at my residence?

Answer:

The Minister's car stopped in the street outside what we believed to be your residence. The MP car was just behind. Then the two MPs went to the Minister's car and they were talking in French. After a minute, the MPs said to us to go to their car in order to be driven to the MP Station. Andersson and I left the Minister's car and entered the jeep. But at that time, Thelmen was no more with us. We asked the MPs if they could help us to find him and they said they would radio for help. They then tried to take off, but the Minister who was there, stopped the motor by taking off the key. We then all jumped off and at the order of one of the MPs started to push the jeep. The motor sprang. We jumped back in the car and drove to the MP Station.

Question. Mr. Gardiner:

Did the MPs try to take back the key from the Minister?

Answer:

It was dark. I could not see.

Question. Mr. Gardiner:

When did you again see Thelmen?

Answer:

He came to the Police Station 30 minutes after we arrived in a military jeep.



GEORGES J. CHAPIROT
Chief General Services

CONFIDENTIAL

21 February 1963

Interrogation of Sgt. GUSTAFSON

Question, Mr. Gardiner:

Could you tell us what happened.

Answer:

When we came out from the Afro-Club we walked a few yards along the sidewalk and then crossed the street. Having nearly crossed, a car which was parked there very suddenly started, and passed so close to us that we got scared. I think we both exclaimed in Swedish "Hur kör du" which means: how are you driving. This is a usual phrase in Swedish which we use in similar cases of dangerous driving.

The car then stopped abruptly. Two men were inside. One came out and started to speak to us in what I believe to be French, a language I do not understand. I repeated that I could not speak French and asked if the Congolese man spoke English. He did not answer but continued to speak in French, pointing out the large man sitting in the car, impressing upon us that he was an important man. I could understand that this large man was a Cabinet Minister. I more or less guessed that the two Congolese gentlemen wanted to call the local police. We had done nothing wrong and I could not understand why they would wish to call the police. I then thought that we would like the presence of MPs.


It is then that three more Swedish boys come out of the Club and asked us what was happening (by that time a number of people had assembled). We told them what had happened and one of these three Swedes took out a note book to note the number of the Congolese car's license plate. Not feeling very reassured I left the scene and proceeded down the street around the corner. At this time I heard three shots and my friend LIEFFNER, who was not far, shouting to me: " You must call the Ps" I ran further to a nearby roundabout and met there one of the three above mentioned Swedes, namely Sgt. RASTAS, who had run around the block in the opposite direction. Both together we proceeded to Bd. Albert. I stayed there waiting for MPs, while my friend Rastan entered what I think is the Hotel Regina to call for the MPs.

As soon as Rastan came back where I was standing, I heard the MP siren . We then both returned to the Afro-Club and took off with the MPs to the MP station and then to the Royal.

Question, Mr. Gardiner:

During all the conversation between you, your friend and the Minister did you pronounce or hear the word MACAQUE

Answer: No, but I know the word having been eight months in the Congo.


GEORGES J. CHAPIROT
Chief General Services

CONFIDENTIAL

21 February 1963

Interrogation of Sgt. LARSEN, a Danish MP

Question. Mr. Gardiner:

When the Minister left the scene of the discussion in front of the Afro-Club where do you think he was going?

Answer:

I thought that he said something like " the Ministry". However, I am not sure.

Question. Mr. Gardiner:

Did you hear Canadian L/Cpl. MERCIER mention at any time that it was advisable for the two Swedish boys having had an argument to accompany the Minister to Mr. Gardiner's house?

Answer:


No.

Question. Mr. Gardiner:

Did you hear the Minister mention at any time "Mr. Gardiner's house?"

Answer:

No.


GEORGES J. CHAPIROT
Chief General Services

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21 February 1963

Interrogation of Sgt. WENS, Canadian Signals

Question. Mr. Gardiner:

What do you know about the case under review?

Answer:


I only know what I heard over the radio when a Swede called for MP assistance (I am also acting as C.I.D. for the Military Police).

Question. Mr. Gardiner:

At what time was the call made for assistance?

Answer:

At about 2 a.m.


GEORGES J. CHAPIRO
Chief General Services

CONFIDENTIAL

21 February 1963

2nd Interrogation of L/Cpl. MERCIER

Question. Mr. Gardiner:

When first interrogated you said you were three MPs together, that is two Danes and yourself. Yet I understood that originally you were only two in the jeep.

Answer:


When we first answered the emergency call two of us came, namely Sgt. LARSEN and myself. Later another jeep came used jointly by BSU and MPs. That jeep was manned with Danish Sgt. WINTER and a Congolese policeman.

Question. Mr. Gardiner:

It has been stated that when on the scene of the dispute between two Congolese men in an open car and a number of Swedes, you advised the Swedes to follow the request of one of the Congolese (Foreign Minister BOMBOKO) to proceed to my house. Is this correct.

Answer:

Not that I can remember.


GEORGES J. CHAPIROT
Chief General Services

CONFIDENTIAL

21 February 1963

2nd Interrogation of Warrant Officer I.G. LIFFNER.

Question, Mr. Gardiner:

I would like you to clear up a few points for me. Firstly how long have you been in the Congo?

Answer:

Three months. I am a radio technician and have travelled a lot in the Congo where I have been stationed among other in Elisabethville, Kolwezi, Stanleyville, etc.

Question, Mr. Gardiner:

What exact words did you use when speaking to the Congolese gentlemen in the car that had just started in front of you and scared you?

Answer:

Hur kôr du. Only I myself shouted this to the car occupants.

Question, Mr. Gardiner:

Did you ever hear the word MACAQUE?

Answer:

No.

Question, Mr. Gardiner:

How long has your friend been in the Congo?

Answer:


Eight months. This is his second contract.

Question, Mr. Chapiro:

Do you have anything to add or reply?

Answer:

I wish to point out that the Minister went really angry when he saw that one of my friends were taking down his number.


GEORGES J. CHAPIROT
Chief General Services

21 February 1963

2nd Interrogation of Sgt. WINTER, Danish MI

Question. Mr. Gardiner:

I am not very clear what justification you had to hit the man who took the keys of your jeep. What do you have to say?

Answer:

I hit him because I wanted the keys. I began asking the man for his papers. He refused to give them. Then I asked him to give back the key of my jeep. As he had refused both to show his papers and to return the key I told him that he had to give me the key because I had to use my vehicle to continue my work.

Question. Mr. Marx:

Did you speak to the Congolese Gentleman in French?

Answer:

Yes, I did.

Question. Mr. Marx:

Can you repeat exactly what you said?

Answer:

Not exactly, It was something like "voulez-vous donner votre pièce d'identité pour moi". There was no answer. I then said "voulez-vous donner moi le contact de mon jeep". The man did not answer but kept talking and said among other " Si vous ne laissez pas les suédois ici je veux faire la guerre contre l'ONUC avec la force militaire congolaise".

When I realized that I could not get back the key without using force, I pushed the Congolese and he pushed me back. I then hit him in the stomach with my fist. It did not help. I then hit him with my truncheon once on his left shoulder.

Question. Mr. Gardiner:

Could you not have thought of acting in a different way to get back your keys?

Answer:

I found it was the only way to get the key back.

Question. Mr. Gardiner:

Would you have acted similarly in your home country, Denmark?

Answer:

Yes, I think I would.

Question. Mr. Gardiner:

Where did the car stop at the place you hit the Congolese man?

Answer:

I think it was in the front of Mr. Gardiner's house.

Question. Mr. Gardiner:

Had you known that the Congolese man was coming to my house would you still have hit him at the moment of incident?

Answer:

No I would not. And I did not know when we parked that it was near the house of Mr. Gardiner.

Question. Mr. Gardiner:

When this Congolese man (the Minister) left the scene at the Afro Club did you know that he was taking his car to the house of Mr. Gardiner?

Answer:

No. I asked Sgt. LARSEN who was with me at that time where the Congolese car was going which we were following. He said, he did not know.



GEORGES J. CHAPIROT
Chief General Services

CONFIDENTIAL

21 February 1963

3rd Interrogation of Sgt. WINTER.

Question. Mr. Cardiner:

Where was the other MP (Sgt. LARSEN) when you used your truncheon?

Answer:

Sgt. Larsen was then staying by our jeep taking care of the Swedes.

Question. Mr. Cardiner:

Was there really no other way than the one that you used to get the key back?

Answer:

Under other circumstances we could have carried the man with us.
This we could not do because there were different Congolese policemen around who looked very menacing.

Question. Mr. Cardiner:

Suppose the Minister should not have given you the key what would you have done?

Answer:

I would have left the scene.



GEORGES J. CHAPIROT
Chief General Services

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21 February 1963

Interrogation of Congolese Policeman JEAN KANGO of the B.S.U.
(Interrogation in French; this is a translation thereof)

Mr. Gardiner to Mr. Chapiro:

Please ask the policeman what he knows about the incident which occurred early this morning.

Mr. Chapiro to Kango: Please tell us what you know about this early morning's incident.

Answer:

I took up my joint patrol today, 21.2.1963, at one o'clock in the morning together with Sgt. Winter of the ONUC MPs. It was about two o'clock when we were called by radio to the Afro-Mogambo-Club. We found there a large crowd and Foreign Minister BOMBOKO sitting at the wheel of his car, in which were two Congolese policemen of the Central Police Post and two ONUC civilians with torn shirts. When we arrived, the Minister (whom I immediately recognized as Mr. Bomboko) was talking in English with the MPs. He immediately thereafter left with his car in which two Congolese policemen and the two ONUC civilians were seated.

While I stayed on the spot, Sgt. WINTER took off with the jeep that had brought us to the scene; he was obviously trailing the Minister's car. Some of Sgt. Winter's colleagues were with him in the vehicle.

About 15 minutes thereafter I left in another jeep of the mixed BSU/ONUC patrol that had in the meantime arrived and we took the direction to the ROYAL building thinking that the Minister went there. Unfortunately in front of the Royal we had a flat tyre and a Nigeria policeman helped us to change the wheel. This took about 30 minutes and we then left back for the BSU.

Question. Mr. Gardiner:

Could you tell us what the crowd in front of the Afro-Club were talking about?

Answer:


No, I did not hear. Anyhow the incident was already over.

Question. Mr. Gardiner:

What did you think was happening in front of the Afro-Club?

Answer:

I thought it was a brawl between civilians. When I saw Mr. Bomboko, however, I realized it was something serious.


GEORGES J. CHAPIROT
Chief General Services

CONFIDENTIAL

No. 5316-A Pers
Mil Pers Branch
HQ ONUC
Leopoldville

22 Feb 63

To : Danish Contingent Commander
Canadian Contingent Commander
Commander Sector 'L'
Judge Advocate General HQ ONUC
Chief of Military Personnel

From : Deputy Provost Marshal

Subj : Complaint Civil

1. Attached please find a copy of a report, that I as Acting Deputy Provost Marshal, had ordered my NCO ic SID to initiate, together with myself, into to this matter; so that I in my position, will be able to decide if the Military Police Detachment under my command has committed an offence.

2. My conclusion is as follows:

- a. In my opinion these three Military Policemen, due to the peculiar circumstances in the Congo, have acted according to the existing regulations and carried out this duty in a proper and right-ful manner.
- b. The most important thing from the Military Police point of view is, that the Military Police involved in this case did not believe, that this person was a Minister, because if he was one, in their opinion he would not have behaved in such a manner, ie driving a car while intoxicated, attack UN personnel and interfering with the Military Police in the performance of their duty.
- c. Therefore these Military Policemen asked him for his identification, and when he would not produce it, this gave the Military Police the full power to act in a manner that they considered necessary for the protection of UN life and property.

2. d. Everyone can be convinced that it is, and always will be, the Canadian and the Danish Military Police aim, as well in their own country, as in the service of the United Nations, to have a sound sense of duty to work in a just way for the prevention of crime, detection and apprehension of criminals.
- e. The last thing that I wish to say is that if the Military Police are going to be accused for having acted in a wrongful manner in this case, I cannot see how the Force MP Coy, will be able to operate, fulfilling the ONUC MP Coy terms of reference.

(J Lunding)
Acting Deputy Provost Marshal

CONFIDENTIAL

OCURRENCE REPORT

BY

ONUC ID CARD NO 83535 8802 WMS G D C

Subject: ~~COMPLAINT MILITARY~~: COMPLAINT BY FORCE COMMANDER AGAINST
THREE MEMBERS OF ONUC MILITARY POLICE COMPANY, LEO.

1. At approximately 0135 hrs, 20 Feb 63, a telephone call was received at the MP Station from the owners' of the Afro Mogambo Club, Ave Charles de Gaulle, who stated that there was a fight outside of their establishment. On receipt of this telephone call ONUC ID Card No 87618 Sgt LARSEN P J, Danish, and ONUC ID Card No. 83530 Lep1 MERCIER G V J, Canadian, both of the ONUC Military Police Company, proceeded to the Afro Mogambo Club.
2. On arrival at this establishment they found thirty or forty people standing around in the street and also several vehicles. Sgt LARSEN and Lep1 MERCIER found three ONUC personnel there and some Congolese policemen, and on Congolese person, later identified as Mr BOMBOKO, Minister of Foreign Affairs, for the Congolese Government, who claimed that he was the minister of foreign affairs. This person who claimed that he was a minister stated that he wanted these ONUC personnel punished as they had insulted his person. He was informed by the patrol that they would take these ONUC personnel to the MP Station and that he could follow them and at the MP Station he could obtain a statement of the incident as well as their names. This person denied saying that he would take care of the ONUC personnel, because they had insulted him. Once again the patrol told him that the ONUC personnel would be taken with the patrol and that he could not put them under arrest or detain them as they were members of the UN. This person still insisted that he was the Minister of Foreign Affairs and that he would do what he wanted with these UN individuals. He was asked by the patrol for his identification papers, which he refused to produce. The crowd was gathering around the patrol at this time, and it became impossible to get the situation under control with only two men. The patrol asked this person, who claimed to be a Minister, if he would tell the policemen with him to disperse the crowd, but this he would not do. As the patrol found it difficult to guard the ONUC personnel in the open street, they put the ONUC personnel in the patrol vehicle. The crowd then began mauling these three persons and as the situation could not be controlled, the patrol tried to radio for help from the MP Station. This was very difficult, as a Congolese, who was not in uniform, but claimed to be a Commissaire tried to take the key from the MP vehicle, which he succeeded in doing. The crowd and this person, who claimed to be a Minister, were arguing so eagerly, that it was necessary for the security of the UN personnel, that they sit in the car belonging to the Congolese. The patrol succeeded in getting the message through, and soon after this call, ONUC ID Card No 55484 Sgt VINTHER V, Danish, ONUC Military Police Company, and GANGA Jean, Congolese policeman from the BSU arrived on the scene to assist the patrol. The patrol now having a vehicle which could follow this person's car, agreed to follow this person, who had the three UN personnel in his vehicle, along with four Congolese policemen. The patrol took these actions, in hopes of getting the situation under control by removing the UN personnel from the scene, and getting this person who claimed to be a minister in a better position to obtain the release of the UN personnel. When the patrol left the Afro Mogambo, they were unable to find the Congolese policeman who came with Sgt VINTHER. This was three or four minutes after Sgt VINTHER had arrived.
3. This person drove along the Boulevard Albert so fast, that it was obvious to the patrol that he was trying to evade them. Suddenly he turned down a street in the direction of the Congolese Parliament Buildings. On a certain road in front of a house, this person's car stopped. When the patrol came up to this person, they asked if they could have the UN personnel that were in his custody, because it is their job to protect UN personnel from the Congolese. Again this request was denied. Again this person was asked to produce his

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13. Cont'd

identification card, which he would not do. Suddenly he started his car and tried to leave with the UN personnel. The patrol shouted to these people to try and get out of the car. They succeeded in doing this. This person stopped his car, left it, and tried to make them get back into the car again by force. The patrol ordered these UN personnel to go to the MP vehicle, but this supposed Minister took the keys out of the MP vehicle. At this time Sgt LARSEN was guarding the UN personnel, at his vehicle, against the four Congolese policemen. Sgt VINTHER then asked this person to produce his identification. Once again this request was denied by this person who still stated that he was a Minister of the Congolese Government, even though he was asked twice previously. Sgt VINTHER stated that because this person would not surrender the keys to the MP vehicle or produce proper identification papers to prove his identity, and due to his behaviour and condition, and because it was more dangerous to the UN personnel, who were under the protection of the patrol, the longer they were waiting on the road, that he, Sgt VINTHER, forced this man to surrender the keys. He turned him around twice and on each occasion he was pushed away. On being pushed away Sgt VINTHER hit this person with his fist in the stomach and when he still would not surrender the keys, he hit this person on the shoulder with the night stick. After this act had been done, the person surrendered the keys to the MP vehicle. Sgt VINTHER then informed him that the ONUC personnel would be taken to the MP Station. One of the UN personnel, who became afraid, had run away, and the patrol tried to find him, but was unable to do so in the darkness.

4. The patrol then drove off to the MP Station, where they handed over the other two UN personnel to the NCO in charge of the Station. The patrol then went out again to the scene, to try and find this missing person. They drove around in the vicinity of the scene with their MP lights on. After about ten minutes of searching, they heard a shout from the vicinity of the Canadian Officers' Mess. Here the UN person had hidden himself and he came to the patrol and was driven to the MP Station.

5. On arrival at the MP Station, the patrol was informed that a message had been received that all persons involved in this affair had to proceed immediately to ONUC HQ, Royale, to see Mr R K A GARDINER, Chief of Civil Mission Congo.

6. The persons involved, including the writer, left the MP Station and arrived at the Royale at about 0400 hrs, 21 Feb 63. The persons involved were interviewed by Mr GARDINER, Mr A MARX and two other gentlemen. At the completion of the interviews at about 0740 hrs, 21 Feb 63, we were allowed to return to the MP Station, with instructions to return again at 1000 hrs.

7. Again we arrived at the Royale at about 0950 hrs. The personnel were re-interviewed in the presence of their Liaison Officers. All concerned, who were involved in this incident were informed that there would be no action taken against anyone and that there would be no official report made concerning this incident.

8. On interviewing the three MP personnel concerned they declined to make a statement at this time as they had already been interrogated and written notes made of each statement concerning this incident.

9. It may also be noted here that in the presence of the MP personnel and the other three UN personnel, that this person who claimed to be a Minister of the Central Government, was under the influence of alcohol. This fact was also borne out by the writer who saw him leave the Royale.

10. This report may be summarized as follows:

- a. The Military Police personnel were carrying out their duty in accordance with Article 10 of the Agreement Between the UN and the Republic of the Congo. If UN personnel or other persons in the Congo are allowed to be turned over to the Congolese police, they would normally be severely beaten, even for a minor offence. They would also be held in a dingy, dirty jail with all types of individuals, including women, where they would

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10. a. Cont'd

be unable to obtain food, unless they bribed the guards to get them some, proper sanitary conditions, and in some cases they would not be able to get drinking water.

- b. This person later identified as Mr BOMBOKO was under the influence of alcohol and according to the patrol his behaviour was not of one that did not become the dignified manner of Minister in any country including the Congo.
- c. This same person interfered with the Military Police when they were carrying out their lawful duty, which only used as much force as was necessary to complete that duty.
- d. It is the law in all countries that both military and civilian police may use as much force as is necessary to arrest or detain a person or to deter a felony. This Sgt VINTHER did in trying to prevent the non-commissioning of his vehicle.

11. In view of the above, this report will be considered concluded unless otherwise directed.

CONCLUDED

SH 61106 (WES G D C) Sgt
Special Investigation Detachment
ONUC Military Police Company

CONFIDENTIAL

BOARD OF INQUIRY

PROCEEDINGS of a Board of Inquiry held at HQ ONUC, Leopoldville, on 22nd February 1963, by order of Lieutenant General Kebbete Ouebre, Force Commander ONUC, for the purpose of investigating the circumstances under which a Congolese official is alleged to have been insulted and maltreated by some United Nations military personnel during the night 20th/21st February 1963.

| | | |
|-------------------|---------------------|---------|
| <u>PRESIDENT:</u> | Lt Col G.P. Dawson | Canada |
| <u>MEMBERS:</u> | Major V.A. Jacobsen | Denmark |
| | Major T. Smedbye | Norway |

The Board having assembled pursuant to order, proceeded to examine the witnesses.

WITNESS NO.1

R/O.3 G.C. Andersson, C-47 Squadron, ONUC, having been duly affirmed stated :

(Translation from Swedish)

Sgt. Rastas and Thelmen and I came out from the Afrimogambo night club. Liffner and Gustafsson were outside quarrelling with the Congolese men. I went over to them because I knew them and asked them what was going on. They informed me that they had almost been run over by this man, and then that man spoke with me. He asked for the police. He wanted the police to come and I thought myself that it would be best to send for the police. They were quarrelling so much I thought it was just as well to send for the police but he wanted to send for the Congolese police and I wanted the MPs. This man said that he was a Minister. I thought that we should be able to speak to him but this turned out to be wrong. I also wanted to write down the number of his car. I took out a pen and was going to write on my wallet and the Minister took the wallet away from me. He pulled it out of my hands, so we were each tugging on each end of it, but I succeeded in keeping it. At the same time a Congolese woman took off her shoe and hit me on the head with it. Then Congolese swarmed all around. I asked the Minister to have them go away, that everything should be quiet until the Military Police came. Unfortunately he did not do this. They were quarrelling so much that I thought it was best if we went into the jeep. Sgt Thelmen and I hopped into the jeep and right away they attacked us and tried to drag us out of the jeep. The Minister was there too. The Minister wanted to take us to the Congolese police and I refused of course. The MPs came. There was

trouble between the MPs and the Congolese. Among other things, one of the Congolese drew a pistol and fired three shots from the right wheel. The MPs drew their pistols too. One of the Congolese tried to take a pistol from the MPs. I am not sure whether it was the Canadian or the Dane. I helped the MP to take hold of the man. The whole time we had two or three guns pointed at us. The Congolese had guns. After this, Military Police wanted us to go in their jeep, but the Minister wanted us to go in his car. There was a short discussion about this too. We didn't want to go in the Minister's car. We wanted to go in the MP's jeep. Finally the Canadian MP ordered us to go into the Minister's car and then we did so. We were supposed to have a Military Police jeep after, following us. We drove off on Blvd Albert at about 100 to 125 kilometers speed. The MP were driving as fast as they could but they could not keep with us. We drove to a villa which they said was Gardiner's villa. We drove up the entrance and tooted the horn but no one opened the door. Then the car backed out to the street again and the Military Police was standing there. Then we were ordered to go into the MP's car and the Minister refused to go into that car. The Minister tried to take us away, to kidnap us as it were, away from the Military Police. Then the Danes told us to jump out. Thelmen and I tried to jump out and they held us back. Liffner had left the car. Thelmen and I threw ourselves out the rear window backwards. We went and sat down in the Military Police's jeep. Thelmen was afraid and ran away. The Minister rushed up to the jeep and took the key. The Military Police were forced to take the car key back by force. Then we went to look for Thelmen. Of course we thought he had been hit and kidnapped. Then we went to the Military Police station. There I asked them to search for Thelmen and we talked more about it. I requested that they take a blood test on us so that no-one could say there was any question of intoxication. Then we went to Headquarters. I, Sgt Rastan and Sgt Thelmen were not questioned that night. But Sgt Gustafsson and Sgt Liffner were questioned. There is not so much more to tell. Then I heard that Sgt Gustafsson and Liffner had begged this man's pardon. That is all I know about the case.

Question No. 1: When you came out of the night club and this Congolese man spoke to you, did you know who he was.

A: I knew that he was a Minister and therefore I thought that we should be able to talk to him.

Question No. 2: How did you know he was a Minister.

A: He said so but he refused to show his ID card when the MPs came. He became absolutely positively hysterical when I was going to take down the number of his car.

Question No. 3: You mentioned a Congolese woman striking you with her shoe. Did it appear to you that she was in the company of the Minister.

A: There were two men and one woman who were standing talking to Liffner and Gustafsson and she was with them. The remarkable thing is that the woman who hit me on the head with her shoe gave me back the key to the car which they had stolen. When we went to get the car we found that three tyres were flat and the electrical connections had been broken. I also want to point out that there were some non-African people among the crowd who came up to us. They seemed to be Belgians.

Question No. 4: You state that when you were trying to get into your jeep some Congolese were trying to pull you out. Did this official actually try to pull you out of the jeep as well.

A: The Minister was in front and tried to pull us out. And even then I told him to be calm and to try to get the people to calm down.

Question No. 5: Did you at any time doubt that he was a Minister.

A: No. I guess I did not. First of all he had such an elegant car. But his conduct would make you doubt that he was a Minister.

Question No. 6: Did this official say at any time that he was trying to disperse the Congolese to protect the non-Africans.

A: According to my interpretation, no. I would also like to point out that it was very hard to make any sense out of it. There was such a rumpus. While all this trouble was going on Sgt Rastan went down to call for the Military Police.

Question No. 7: When you arrived at the villa which you thought was Mr. Gardiner's, did you know where they were taking you.

A: I did not have any idea. We had one Congolese on either side who did all he could to push us down in the car.

Question No. 8: Were these Congolese civilians or military.

A: I think one of them was military. But when the Congolese police came later on they helped the MPs to clear space around the car.

Question No. 9: Who were present when you were questioned by Mr. Gardiner.

A: I saw only a lot of men who went into the room but the Chief of the Security was there, I think. I was not questioned by Mr. Gardiner.

Question No. 10: Was this Congolese official present.

A: No.

Question No. 11: Now outside Mr. Gardiner's villa did you actually see the United Nations military strike this Congolese official.

A: The MPs wanted to take the car key back and he refused and then they used force.

Question No. 12: Did you believe that the Military Police could have procured the key without using force.

A: No, absolutely no. He stubbornly refused and they had asked him several times. I do not know what type of force was used. If the MP had not done such a good job we would not be alive today, that is clear.

Question No. 13: Was it your impression that this Congolese official had been drinking.


A: Yes, he must have been drinking, otherwise he could not have conducted himself the way he did. There is another thing I have been wondering about; why did they question the Minister for 15 minutes, whereas they kept on with us until 7.30 in the morning.

Question No. 14: Before these military police were questioned in Mr. Gardiner's house, what language or languages were used outside the club and outside Mr. Gardiner's - was it Congolese, Lingala, French, Swedish - what language or languages.

A: I know a few words of French. And the Minister claimed that he could not speak English. He did not answer when addressed in English. I tried to speak as best I could in French.

Question No. 15: Do you think that the United Nations Military Police and the other United Nations military personnel involved conducted themselves as best as they could have, under the circumstances.

A: Yes. That is the least one could say, they were really excellent. At the outside there were three men and they had at least 150 to 200 Congolese around them. The whole street was milling with people. Unfortunately only three or four people could come up to the car where we were sitting.


G. C. Andersson

WITNESS NO. 2

W/O.3 S.G. Gustafsson, C-47 Squadron ONUC, having been duly affirmed stated :

(Translation from Swedish)

~~Chairman:~~

Question No. 1: Would you please tell us all you know about the incident that took place on the night of 20/21st February?

A: Liffner and I came out together from the night club the Afro-Mogambo and were going to cross the street. We were going to go between two cars parked on the right hand side. When we came to the left front of the fender the car drove away from the curb quickly and we had to take a step backwards so as not to be run over by the car. We called out to him - I am not certain of the exact words - but something to the effect - what a way to drive. The car stopped and two men got out and they started to speak in French and I didn't understand. We tried to get them to speak English but as far as I could understand the shorter of them said that the other was a minister. He said he wanted to take us to the Congolese police. We said OK but we wanted a M.P. with us as well. I think it was just then that the other three, Andersson, Thelmen and Rastas came out of the night club and Andersson asked us what had happened. We explained to him that they had almost run over us and that they wanted to take us to the Congolese police, but we had requested that a M.P. come too. Then Andersson said we should write down the number of the car and then he took out a writing pad and pen to write the number down. Then the one who was supposed to be a Minister jumped on Andersson to take away the writing pad and pen and at the same time I understood a few words that were spoken such as ONU - Congo - parti - provocation. Just then a lot of Congolese gathered around us and one of the three, Andersson, Thelmen or Rastas said that we will go to the car and get the military police. I went behind the group of Congolese who had gone to the car and then I heard three shots and Liffner shouted to me to get the M.Ps. I went around the block up to the roundabout near the Oufi Fifi and there I met Rastas who had come from the other direction. Together we ran down to Blvd Albert and I stayed there in order to flag a M.P. car if one came along while Rastas went off to telephone. When Rastas came back he said he had to go to The American Embassy to telephone because they had refused at the Regina. Just then we heard the M.P. car come and we ran back up to the Afro-Mogambo and when we reached the club there were only security and M.Ps there and a few Congolese standing on the sidewalk. Then Rastas and I went with a Canadian M.P. to the M.P. station. There we met Andersson and Liffner together with the Danish M.P. and Thelmen was missing. From the M.P. station we came here to Headquarters. It was about 0200 or 0230 hrs I am not quite sure of the time.

Question No. 2: Why did this Congolese official want to take you and your friends to the Congolese jail?

A: I don't know. Perhaps because we shouted at them when they almost ran over us.

Question No. 3: When you were talking to this Congolese official did you use insulting language to him at any time?

A: No we just tried to get him to understand English that was all.

Question No. 4: Did this Congolese official or the Congolese police at any time try to disperse the crowd?

A: Not that I could see in fact it was just the opposite I think.

Question No. 5: Were you convinced in your own mind that this man was a Congolese minister?

A: No I had never seen him before. I did not know what a foreign minister looks like.

Question No. 6: Did you see a Congolese woman strike Sgt. Andersson over the head with a shoe?

A: Yes.

Question No. 7: Was this Congolese woman in the Congolese official's party or was she just a by-stander?

A: It is hard to say. She might have been among the first to have come forward in the crowd but when the minister tried to take away the writing pad and pen from Andersson she tried to help the minister.

Question No. 8: Did you have the impression that this Congolese official had been drinking?

A: Judging from his conduct you would think he had been drinking and he had been coming out of the night club.

Question No. 9: It has been reported that this Congolese official said that he wished to protect the UN people from the crowd and that is why he wanted to take them in the car with him. Did you hear this statement?

A: No.

Question No. 10: Did you see any maltreatment or use of force by UN personnel on the Congolese official in front of the crowd?

A: No.

Question No. 11: Had you yourself been drinking that evening?

A: I had had two gins - one at Habanera and one at the Afro-Mogambo and earlier that evening one gin drink at home and a glass of beer at lunchtime. That is all I had.

Question No. 12: How long have you been in the Congo?

A: Eight months.

Question No. 13: Had you seen this Congolese official inside the night club earlier in the evening?

A: No.

Question No. 14: Were you questioned by anyone on the night of the 21st February concerning this incident?

A: Yes - up here in Mr. Gardiner's office.


S. G. Gustafsson

WITNESS NO. 3

W/O.3 I.O. Liffner, C-47 Squadron OHUC, having been duly affirmed, stated :

(Translation from Swedish)

At 9 o'clock I went into town and had dinner at the Pergola; just food and one bottle of Primus for two people. Then we went home to Limite and sat home talking until about 12 o'clock, and then I thought of going to bed. But three friends of mine came in a car and asked if I wanted to go along into town. We first went to Habanera where I had a gin drink and talked there for half an hour and then we intended to go home. Because Gustafsson and I had been separated from the others, we went out to Blvd Albert to hitch a ride with some passing jeep. We did not find any there and then we went to Afro-Mogambo to see if we could find some Swedes there and then we met the same three friends who had driven us into town, but they were not going home. There Gustafsson and I drank one gin. Then we were going out in the street to take a taxi and then we went across the street and were going in front of the Minister's car to the sidewalk. When we were two meters from the car, the car rushed off and we had to step back, otherwise the rear of the car would have run over us. And then I shouted out in Swedish: "How do you drive" (translation). Then he immediately applied the brakes and his companion stepped out of the car, a short man whom I do not know. They started speaking French and gesticulating. I tried to speak English to them but the Minister said in French that he did not understand English. In French he always said over and over again: "O.N.U. partes Congo maintenant". The Minister wanted us to go in his car and drive to the Congolese police and I said we would not go there unless the Military Police was along. And then he became still more angry. Then my friends came out from Afro-Mogambo, Thelmen and George Andersson. George Andersson speaks some French and he tried to speak to the Minister, but he wanted us to go to the Congolese police and we insisted that the MPs come along. Then Andersson said we will write down the number of his car. Then someone was going to try and call the MPs. But when George Andersson took out his notebook, the Minister came and took it from his hand and meanwhile he was shouting provocations and people were gathering around. Andersson and Thelmen tried to reach their pick-up car and when they were going to start they were attached in the car by men and women and one of the women took the key. They stopped me in the middle of the street and I was surrounded by about 10 or 15 people. I ran through the crowd to try to help my friends but the people dragged me away and threw me into a large taxi which had just come. Then I hear pistol shots. I do not know whether a tyre was punctured or whether fire three or four shots. I tried to sneak out the other side of the car but they shoved me in again. Then the first jeep of MPs came, and then I took a chance and opened the door and ran through the crowd to the MP jeep and sat down in the jeep. I think the Military Police helped Andersson and Thelmen to reach the jeep or perhaps they reached it of their own accord, I am not sure. When I sat in the jeep they tried to drag me out again. A Canadian MP was

standing in the car with a pistol in his hand up in the air and the Danish Police was standing behind the car, and the Danish Police was threatened with a firearm; I think by a Congolese policeman but he had no helmet on. The Danish policeman stood with his gun in his upraised hand and when he was threatened with a firearm he pointed the gun at him and the Congolese ran away. To avoid violence, the Canadian MP said that we should sit in the Minister's car and then I said that we would not sit in the Minister's car unless a MP came along. Then the Canadian Police ordered us to sit in the Minister's car, I think because he saw more MP cars coming. Then we sat down in the car. I sat in front with the Minister and one Congolese policeman. Thelmen and Andersson sat behind me and I think one policeman was with them. Then he started off over 100 kilometers speed but the Military Police jeep was following 50 meters behind. We came to Mr. Gardiner's house but obviously no-one was at home. The MPs had parked their jeep on the right hand side of the front. The Military Police had left their jeep and went up to the Minister's car. Then the Minister intended to leave again and the Military Police told us to jump out. All three of us jumped out. Even the Congolese policeman who was sitting in front. Andersson and I went over to the jeep but Thelmen ran out into the darkness of the woods. We thought that he was in a state of shock and fled. The Congolese policeman sitting in front next to me was just as frightened and he ran away too. But we were afraid that he was following Thelmen so we went back to the jeep and the Military Police wanted to drive to the MP station but Andersson and I wanted to look for Thelmen and while we were talking the MP said that another jeep was coming. They had spoken to him on the radio. While we were speaking, the Minister came and went to the military jeep and took the key. One of the MP stepped out and asked to have the key back and then he asked for his identification card and I heard him say several times, "identification", and then the policeman came back but without any key. We had to help to push the jeep without the key and then we drove to the station. Mr. Gardiner asked me whether I had seen the police use any force against the Minister and he asked me several times, but I did not see it, not from where I was. At the time we were worried about Thelmen and we were calling him and looking in the garden for him.

Question No. 1: Outside the Afro-Mogambo club when you were speaking with this Congolese official, did you actually know that he was a Minister at any time?

A: No. First time he said mainly I thought he was a Minister but after five minutes - At first I thought he was a Minister but then when he took the notebook and shouted and said "provocation, provocation", I cannot believe that he was the Minister. I should think that a Minister would have been able to stop the whole thing if he had wanted to.

Question No. 2: Did this official at any time try to disperse the crowd or make any effort to quieten the scene?

A: He was there and tried to stir them up. He helped to tear our clothes off.

Question No. 3: Did the Congolese police try to disperse the crowd?

A: One police had a firearm but the others were completely passive.

Question No. 4: Did you use or did you hear your friends use what you would call in your own language, insulting language to this Minister?

A: No. I had my hands down at my sides or in my pockets. We did not even show our fists. The others were holding on to the steering wheel so as not to be pushed out of the car and we three were the only ones.

Question No. 5: Did you or did you see anyone outside the Afro-Mogambo club push or use any kind of force on this Congolese official?

A: We were attacked and we were very busy defending ourselves. He followed Thelmon and Anderson into the car and he was one of those pulling and tearing at our clothes.

Question No. 6: When you were protecting yourself in the car against this crowd, did you see anyone strike this official?

A: No. The Minister struck us. We had not a chance, even if we had wanted.

Question No. 7: Outside Mr. Gardiner's villa, did you see the Congolese official take the key out of the military police jeep?

A: Yes, he did.

Question No. 8: Can you tell us how the Military Police got the key back?

A: I don't think he got the key back, because we had to push the jeep and I think it can be started by just pushing it in motion. I do not think he had any key back.

Question No. 9: Were you close enough to the Military Police and this Congolese official to hear what was going on concerning this jeep key?

A: The only thing I saw was when the MP got out of the car and asked to see the ID card and the MP asked two or three times for the ID card. I heard his voice. But I didn't see. I was sitting on the rear right hand side of the car and George was in front of me blocking my view. I did not see anything of what happened.

Question No. 10: Were you convinced at the end of the evening that this Congolese official was an official of the Congolese Government?

A: Possibly in the first few minutes and then afterwards I did not think so. I have been in Elisabethville and Albertville and there many people said they were Ministers when they were really some official and I did not take it so seriously.

Question No. 11: Outside Mr. Cardiner's villa did you see or were you in a position to see the Military Police strike this Congolese official?

A: No, I did not see them.

Y. G. Laffner

WITNESS NO. 4

L/Cpl G.D.J. Morcier - Canadian Provost Corps, ONUC, having been duly affirmed, stated :

At about 0145 hrs in the morning I received a phone call to our MP Station from the Afro-Mogambo Club that a fight was in progress and they requested me to send somebody over right away. Immediately I took a man with me, Sgt. Larson and we arrived at the club, where there was a large crowd on the street. I jumped out of the jeep and met a Congolese man coming over to speak to me and he said that he was a minister and he showed me three men and said that they had insulted him. I asked the three men if they were United Nations personnel and one of them said 'yes'. I started to speak to the minister about this case and I wanted to know what happened but he interrupted me and told me we have to bring these men to the Congolese police station. I told him no sir because those men belonged to the United Nations and they have to go in my jeep to the UN station where he could then make a complaint. He told me again that he was Minister to the Foreign Affairs and that he had power in this country to do anything. I told him that I was sorry but he could not touch these UN personnel because they belong to the UN and no Congolese police force have power over these men. There were about 25 Congolese policemen with rifles and pistols, two or three in civilian dress who called themselves commissaires de police. When I saw the situation seemed to be getting worse I called on the radio an emergency call. When I finished calling one of the Congolese in civilian dress took a gun out of his pocket. He took the key of my vehicle and tried to take away the speaker of the radio. Everybody then began to surround me. I took my pistol because I know the effect that a pistol has on the Congolese people but one man got hold of me and tried to turn the pistol against me to shoot me. I had to use my knee and I hit him in the back. He fell on the ground and I jumped into the jeep and then I saw that my friend Sgt. Larson was in a bad situation. I shouted in French to the people that they would have to move and if they didn't let my friend go I would shoot. During this time the three UN people were in the jeep but during the fight the Congolese policemen and the civilians took them out of the jeep and put them in a Congolese convertible car. I got out of the jeep and went over to the so-called minister and asked him where he was going with these men. The minister said he was going to take them to Mr. Gardiner. In a situation like this I felt I must use diplomacy and our lives were really in danger so I said OK if we go to see Mr. Gardiner one of my men go with you in your vehicle and I would follow. He said no. In the car were the UN personnel and four Congolese policemen. When I was speaking somebody got hold of me from behind and held me while the car drove off. Immediately Sgt Vintner came with the Congolese policemen. I shouted to the Sgt to follow that car and not to lose it. He left immediately with Larson and followed. After this I searched for some witnesses but in this country everybody is blind. Then the security officer came and we found a key to start the jeep and we went

immediately to the M.P. station. When I arrived there I received a radio call from the security office that all personnel involved in this affair were to go immediately to HQ. It was about 0500 hrs maybe.

Question No. 1: How long have you been in the Congo?

A: Four months.

Question No. 2: Have you had any similar experience with a Congolese crowd?

A: No sir. But I have had the chance to work with the Congolese police on a special patrol most of the time.

Question No. 3: When you arrived on the scene did this Congolese official produce any identification - I mean, was he able to prove he was a minister?

A: Nothing. He didn't appear to be an official to me.

Question No. 4: When the crowd of Congolese were trying to pull the UN personnel out of your jeep was the Congolese official in that crowd?

A: He was making a kind of a speech and said that the UN are here to make trouble.

Question No. 5: Did he at any time try to quieten or disperse the crowd?

A: No sir. He was instead exciting them. I told him to move his car, that we should go to the next street as there were too many people here but he didn't.

Question No. 6: What was the general behaviour of the UN personnel outside of the Afro-Mogambo club?

A: They were in a very poor situation and were being hit.

Question No. 7: Could you understand all that was going on?

A: Yes, French is my language.

Question No. 8: Did you hear this Congolese official say that he wanted to take the UN people in his car because he wanted to protect them from the Congolese crowd?

A: Never. He refused to go to the other street.

Question No. 9: Were you present at the further incident later on in the evening, in front of Mr. Gardiner's villa?

A: No sir.

Question No. 10: During the incident at the night club did the UN personnel use any more force than was needed to protect themselves. Did they hit this Congolese official?

A: No, because they were not able to do anything.


G.A.J. Mercier

WITNESS NO. 5

Sgt S.F. Larsen, Danish Military Police, ONUC having been duly affirmed, stated:

I was on duty on the night mentioned and about 1.35 I received a phone call, I guess it was from the owner of the night club Afro-Mogambo. She could not tell me what was wrong, just that there was a fight. It was in French and I cannot speak perfect French but I know some words. We left the police station at about 1.35 and we were at the scene 1.45. There was a crowd gathering there around civilian people and we found there three UN persons and several Congolese policemen and one civilian Congolese who claimed to be a Minister for Foreign Affairs. There was something like a riot; they were very confused, all of them, and we tried to have this situation under control. I was together with L/col Herdier and we tried to have the situation under control but it was very difficult. The man who claimed to be a Minister told us that those three ONUC persons had insulted his person and now he wanted that they should be punished. We told him that we should take the three ONUC persons in our vehicle and drive to the police station and then he could follow us and at the Military Police station he could make a statement. He could not agree with us. He wanted those people punished and I guess according to my French knowledge that he would have them to the Congolese police station. We asked the ONUC personnel if they could agree to that but they could not. I must mention it was obvious that they had been a fight there because one of the Swedes had not his shirt and another one had a wound on his head. Then we told the man who claimed to be a Minister that he could not take the ONUC personnel with him but told him the only thing there was to do was to go to the Military Police station. Now the crowd and the policemen were so close to us that we had to have the situation under control and we asked him if he could make the people more quiet. He denied that. Then we had to ask him to show the papers, his identification papers. He denied that too. Now we could not believe he was a Minister. It was obvious that he was under influence of alcohol. So we ordered the three ONUC persons to sit in our jeep and then we would call for the assistance from the military police station with our radio. It was difficult because now another civil Congolese tried to take the key of our vehicle and to damage our radio. He succeeded in taking the key but we considered it more important to have the radio contacts so we had a message through but he had our key. I guess for five minutes we were fighting some real fights and I should say that we were in life danger, all of us. It was important for us military policemen to secure the three ONUC persons, their lives, and therefore we drew our pistols but at that moment another Sgt from the Military Police, Sgt Vinther arrived. He had a Congolese PSU policeman but in any case he disappeared, that Congolese policeman and we did not see him. We had another vehicle. I ordered because I wanted the three ONUC persons to get out of the scene in order to make the whole situation under control. I ordered the three

ONUC persons to sit in the Congolese car and then we could drive after him in the other jeep. They did so and the Congolese went into his car and drove along. It was a new car and he was obviously trying to get away from us and we followed him here on Blvd Albert and through dark roads where he stopped in front of a house. I should say in his car there were four Congolese policemen beside the three ONUC persons. There when he stopped we asked him, now we should like to have the ONUC persons in our car and now we should like to see his identification again. He denied it fully and suddenly he started his car and tried to drive along without us. Then we shouted to the three ONUC persons that they had to jump out immediately and they succeeded in doing that and we ordered them to sit in our car. Now the Congolese stopped the car and tried by force to make those three ONUC persons go into the car again. We ordered them, in spite of this, to stay in our car and the Congolese - he understood a bit of English - now ran to our car and took out the key of it and the four policemen who were carrying rifles and sticks gathered around us. The other Sgt, Sgt Vinther, tried to have the key again but the Congolese denied. Then for the third time he asked the Congolese if we could see his identification papers and he denied again. Sgt Vinther tried to take the key and I watched the four Congolese policemen. I was standing at our jeep where the ONUC persons were. I did not see so much of the following but I saw that Sgt Vinther by force had to take the key because the Congolese would not allow him. He hit Sgt Vinther at first and then he took the key at his back and soon into his pockets, but I was watching the Congolese policemen and I could see that certainly one of them took his rifle and the other ones were carrying sticks. I believe they were trying to go into Sgt Vinther to protect the Congolese. I drew my gun and they escaped. They fled. Sgt Vinther had the key and we drove along but first we found out that one of the ONUC persons ran away and we tried to find him. He was scared, I suppose. We could not do that for we had to get away so quickly and we drove to the Military Police station with the three ONUC persons and then we again drove to the scene to find the missing UN person. After ten minutes searching we found him. We had our MP lights on the car and he shouted after us and we drove to the police station where we were informed to go to ONUC Headquarters where we met Mr. Gardiner.

Question No. 1: When you arrived at the scene of the Afro-Mogambo club and you first spoke to this Congolese official did he say how he had been insulted?

A: No. Well there was a crowd gathered. I told the L/Cpl Mercier to hear what was wrong but they were shouting. I do not believe he told all the story. He just spoke a bit of English. He just said that he had been insulted by these persons. It was not until we were right here that we had the story from the ONUC persons of what happened before, but it was obvious there had been a fight.

Question No. 2: Did he explain what insulting word or words had been used?

A: No, no, I am sure he did not.

Question No. 3: You state that you and L/Cpl Mercier asked him if he would quieten the crowd. Did he at any time try to quieten the crowd or disperse it?

A: Not at all. I should say he was trying to incite the riots.

Question No. 4: Did he imply to you at any time that he was trying to protect the UN personnel by conducting them in his car?

A: No, I am quite sure he did not.

Question No. 5: You state outside Mr. Gardiner's villa that a Congolese ran from the convertible to the jeep to take the key out of your police jeep. Who was that Congolese?

A: It was the man who claimed to be the Minister, but here I must mention that we were not aware that it was Mr. Gardiner's villa we were outside.

Question No. 6: Was it Mr. Gardiner's villa.

A: We were told later on but it used to be the Nigerian soldiers' before officials' houses.

Question No. 7: When Sgt Vinther was trying to regain possession of his key from the Congolese official, were you able to see what was going on?

A: I saw part of it because I was watching the four Congolese policemen but I saw. It was important to us that we get the key immediately so we could get away from the scene. I saw that the Congolese hit Sgt Vinther and I saw that Sgt Vinther had first tried to take the key out of his hand which was impossible. Then I saw Sgt Vinther hit the Congolese in the stomach and then he pushed him round to take the key behind. There was a fight afterwards but it was a minute or so and it was not so much trying; then he had the key and we drove along.

Question No. 8: Did you see this Congolese official strike Sgt Vinther?


A: At first I saw him. Sgt Vinther said, "give me your key" in French and then the Congolese refused and Sgt Vinther tried to take it. Then the Congolese hit him and at that moment the four Congolese policemen were reacting for the first time and I had to have my intention to guard Sgt Vinther and the three ONUC persons.

Question No. 9: Can you state who struck the first blow between the Congolese and Sgt Vinther?

A: I should say, but I am not sure, if Sgt Vinther hit him but I saw that first Sgt Vinther was trying to take the key out of the hand. I do not know if he hit him then, and then I saw the Congolese hit Sgt Vinther.

Question No. 10: Do you think there was any other possible way of getting the key back from the Congolese official without using some kind of force?

A: No. The Congolese was very violent and we had to get away because of the four Congolese policemen who were carrying rifles. Now I know he was a Minister.


Sgt P. J. Larsen

WITNESS NO. 6

Lt J.M. Lunding - Acting Deputy Provost Marshal, HQ ONUC, having been duly affirmed, handed the following written statement to the President which is duly copied:

"At approximately 0135 hrs 20 Feb 63, a telephone call was received at the MP station from the owners of the Afro-Mogambo Club, Ave Charles de Gaulle, who stated that there was a fight outside of their establishment. On receipt of this telephone call ONUC ID Card No. 87618 Sgt Larsen and ONUC ID Card No. 83550 L/Cpl Mercier Canadian, both of the ONUC Military Police proceeded to the Afro-Mogambo Club.

On arrival at this establishment they found thirty or forty people standing around in the street and also several vehicles. Sgt Larsen and Cpl Mercier found three ONUC personnel there and some Congolese policemen and one Congolese person later identified as Mr. Bomboko Minister of Foreign Affairs, for the Congolese Government, who claimed that he was the minister of foreign affairs. This person stated that he wanted these ONUC personnel punished as they had insulted his person. He was informed by the patrol that they would take these ONUC personnel to the MP station and that he could follow them and at the MP station he could obtain a statement of the incident as well as their names. This person denied saying that he would take care of the ONUC personnel because they had insulted him. Once again the patrol told him that the ONUC personnel would be taken with the patrol and that he could not put them under arrest or detain them as they were members of the UN. This person still insisted that he was the Minister of Foreign Affairs and that he would do what he wanted with these UN individuals. He was asked by the patrol for his identification papers which he refused to produce. The crowd was gathering around the patrol at this time and it became impossible to get the situation under control with only two men. The patrol asked this person who claimed to be a minister, if he would tell the policemen with him to disperse the crowd, but this he would not do. As the patrol found it difficult to guard the ONUC personnel in the open street, they put the ONUC personnel in the patrol vehicle. The crowd then began mauling these three people and as the situation could not be controlled the patrol tried to radio for help from the MP Station. This was very difficult as a Congolese who was not in uniform but claimed to be a Commissaire, tried to take the key from the MP vehicle, which he succeeded in doing. The crowd and this person who claimed to be a minister, were arguing to eagerly that it was necessary for the security of the UN personnel that they sit in the car belonging to the Congolese. The patrol managed to get the message through and soon after this call Sgt Vinther, ONUC Military Police, and Jean Ganga Congolese policeman from the BSU arrived on the scene to assist the patrol. The patrol now having a vehicle which could follow this person's car, agreed to follow the car in which were the UN personnel and four Congolese policemen. The patrol took these actions in the hope of getting the situation under control by removing the UN personnel from the scene and getting this person who claimed to be a minister in a better position to obtain the release of the UN personnel. When the patrol left

the Afro-Mogambo, they were unable to find the Congolese policeman who came with Sgt Vinther. This was three or four minutes after Sgt Vinther had arrived.

This person drove along the Blvd Albert so fast that it was obvious to the patrol that he was trying to evade them. Suddenly he turned down a street in the direction of the Congolese Parliament Buildings. On a certain road in front of a house, this person's car stopped. When the patrol came up to this person they asked if they could have the UN personnel that were in his custody, because it is their job to protect UN personnel from the Congolese. Again this request was denied. Again this person was asked to produce his identification card, which he would not do. Suddenly he started his car and tried to leave with the UN personnel. The patrol shouted to these people to try and get out of the car. They succeeded in doing this. This person stopped his car, left it, and tried to make them get back into the car again by force. The patrol ordered these UN personnel to go to the MP vehicle but the minister took the keys out of the MP vehicle. At this time Sgt Larsen was guarding the UN personnel at his vehicle against the four Congolese policemen. Sgt Vinther then asked this person to produce his identification. Once again this request was denied by this person who still stated that he was a minister of the Congolese Government even though he was asked twice previously. Sgt Vinther stated that because this person would not surrender the keys to the MP vehicle or produce proper identification papers to prove his identity, and due to his behavior and condition, and because it was more dangerous to the UN personnel who were under the protection of the patrol the longer they were waiting on the road, that he Sgt Vinther forced this man to surrender the keys. He turned him around twice and on each occasion he was pushed away. On being pushed away Sgt Vinther hit this person with his fist in the stomach and when he still would not surrender the keys he hit this person on the shoulder with the night stick. After this act had been done the person surrendered the keys to the MP vehicle. Sgt Vinther then informed him that the ONUC personnel would be taken to the MP station. One of the UN personnel who became afraid, had run away and the patrol tried to find him but was unable to do so in the darkness.

The patrol then drove off to the MP station, where they handed over the other two UN personnel to the NCO i/c of the station. The patrol then went out again to the scene to try and find this missing person. They drove around in the vicinity of the scene with their MP lights on. After about ten minutes of searching they heard a shout from the vicinity of the Canadian Officers' Mess. Here the UN person had hidden himself and he came to the patrol and was driven to the MP station.

On arrival at the MP station, the patrol was informed that a message had been received that all persons involved in this affair had to proceed immediately to ONUC HQ, Royale, to see Mr. Jardiner, Chief of Civil Mission in the Congo.

The persons involved including the writer, left the MP station and arrived at the Royale at about 0400 hrs 21 Feb 63. The persons involved were interviewed by Mr. Gardiner, Mr. Nash and two other gentlemen. At the completion of the interviews at about 0740 hrs, 21 Feb 63, we were allowed to return to the MP Station, with instructions to return again at 1000 hrs.

Again we arrived at the Royale at about 0950 hrs. The personnel were re-interviewed in the presence of their Liaison Officers. All concerned who were involved in this incident were informed that there would be no action taken against anyone and that there would be no official report made concerning this incident.

On interviewing the three MP personnel concerned they declined to make a statement at this time as they had already been interrogated and written notes made of each statement concerning this incident.

It may also be noted here that in the presence of the MP personnel and the other three UN personnel, that this person who claimed to be a minister of the Central Government was under the influence of alcohol. This fact was also borne out by the writer who saw him leave the Royale.

This report may be summarized as follows :

- a) The Military Police personnel were carrying out their duty in accordance with Article 10 of the Agreement between the UN and the Republic of the Congo. If UN personnel or other persons in the Congo are allowed to be turned over to the Congolese police, they would normally be severely beaten, even for a minor offence. They would also be held in a dingy, dirty jail with all types of individuals, including women, where they would be unable to obtain food unless they bribed the guards to get them some, proper sanitary conditions, and in some cases they would not be able to get drinking water.
- b) This person later identified as Mr. Bombeke was under the influence of alcohol and according to the patrol his behaviour was not of one that did not become the dignified manner of minister in any country including the Congo.
- c) This same person interfered with the Military Police when they were carrying out their lawful duty, which only used as much force as was necessary to complete that duty.
- d) It is the law in all countries that both military and civilian police may use as much force as is necessary to arrest or detain a person or to deter a felony. This Sgt Vinther did in trying to prevent the non-commissioning of his vehicle."


Lt J.M. Lundberg

.../22.

WITNESS NO. 7

Sgt V. Vinther, ID 55484, Danish Military Police, ONUC having been duly affirmed, stated:

This night I was beginning on patrol at one o'clock after midnight. I was on patrol together with one Congolese policeman because I make patrols together with the Congolese security and about two o'clock by radio call I heard that somebody should come to the place in front of Afro-Mogambo night club as fast as possible. I arrived there about five minutes after and saw a lot of Congolese staying around. I saw some cars too and in the middle a great car, it seems belonging to a Congolese. This Congolese told me that he was a Minister and he had told the same thing to two other MPs, Sgt Larsen and Lance Cpl Mercier. I told him that he had not permission to arrest four Swedish ONUC people who were in the car. He told me first that he would go and I informed him that no Congolese had any right to take any ONUC members under arrest. He would not let them go and I said it again to him, and I asked him if he would show me his papers but he refused all the things. At the same time one of the other MPs told me that he would not let them go and he told me the reason. He said that because more and more people were coming in the crowd, 100 to 150, I do not know exactly. Therefore we let him go and we followed him. They had not done this before because they had their key stolen from the other MP vehicle but now when I was there we could follow him in my vehicle. I heard that the Minister said to one of the MPs if we did not trust him. He said that they have told him that they do not, they would not let him go - ONUC people because they do not know what is going to happen and that was his answer. Then the Minister got off and we followed. Sgt Larsen and I followed the Minister down Blvd Albert to the Royale Mare and we were going at speed of 120 km an hour. We were thinking that he was trying to escape us and we did not know where he was going, neither the other MP Sgt or I, and then we came to Avenue Commandant which is the same way as Mr. Gardiner is living. He stopped there. He stopped outside the house of Mr. Gardiner. At that time none of us MPs knew that Mr. Gardiner was living in this house. When the Minister stopped we stopped too and I went to the car of the so-called Minister - I did not trust that he was a Minister - and I told him the same things again as in front of Afro-Mogambo Club. I told him that he had not any permission to arrest any ONUC people and he answered that he was a Minister and I asked if he would please show me the papers. I asked him in French and asked this question so many times to the Congolese and I think he understood me. After asking these things twice he tried to go away. He turned the vehicle out on the road and in this way he pushed me away with his front fender of the wheel. I had to spring to the side so that the rear wheel was not going over my feet. At the same time I cried to ONUC members - now there were only three of them - should jump out of the vehicle and go in our vehicle. They succeeded in doing that. They went out and fell down on the grass and went over to our jeep. Then the Minister stopped and he went out himself from the vehicle and the same four other policemen who were together with him in the vehicle. The Minister himself tried to stop one of

the ONUC members. He took hold of him and tried to get him back in his vehicle. At that time the other military policeman took care of the other two ONUC members. They came to the patrol jeep which was parked on the other side of the street and the third ONUC member; this one was held back by the Minister; he escaped from the Minister and I think he ran off at that point of time. I did not see that he ran away. I saw the Minister himself ran to our jeep and he took the key out of the jeep. He went back to his own vehicle and I came to him and told him that it was not in his right that he was taking our key. I told him again the same thing that he could not arrest any ONUC people nor take our key and if he was a Minister I would like him to show his papers to me. At that time the four armed Congolese policemen were trying to beat me from behind in blankets. I did not know that at that time. But I tried to get the key from the Minister, first by asking him twice and then I tried to get it out of his hand. He kept his hand behind his back and I turned him round by taking him by the shoulder and turning him round, but he turned around again, pushed me away with the elbows and I tried the same thing again. Now I saw that policemen were trying to hit me. When I came back - this I did not see, but my friend used his gun and in this way he kept them away. After all the Congolese policemen did not hit me but I saw in this way that we were in a dangerous situation and therefore in my mind I would use force to get the key so that we could go off the place with ONUC members and ourselves. I did it in a way that after my first time by asking, by pushing the Minister, but still he refused to give the key back and I said it to him in French as the other time. I spoke in French he should give back the key at once. He refused and I hit him on the shoulder with my fist. After doing this he handed over the key to me and then I told him that we were going to the ONUC Military Police station and that he could go there if he wanted to get any information. Then we went off in our jeep and we got to the police station. After this we went out again because we got only two ONUC members to the station and there were three on the scene in front of Mr. Gardiner's house. The third one escaped as I already told and we did not know where he was. But we were afraid, I was afraid that the four Congolese policemen were trying to touch him, therefore we went back searching for him and we found him ten minutes later in about the Athenes Swimming Pool. He was hiding himself in a house there belonging to the Canadian Officers. He came to us himself and we drove to the police again. There we got to know that we should go to the Royale because Mr. Gardiner himself wanted to look at this affair and then we went here with the last other ONUC member. The other two members already came here with another patrol. That is all I know about this.

Question No. 1: When you arrived at the Afro-Mogambo club, did you recognise this Congolese official in the centre of the crowd?

A: No, I never saw him before and when I asked for his identification papers I told him to himself that I never saw him before.

Question No. 2: Did he appear at any time to try to quieten the crowd down or disperse the group of his own accord?

A: No. I was on the scene the last four or five minutes and in that time I did not see him doing that.

Question No. 3: Did he explain to you why he wanted to take the United Nations personnel in his car?

A: No he did not.

Question No. 4: You say that you speak French?

A: I speak a little French.

Question No. 5: Did you at any time use insulting language, or hear insulting language being used, by any of the United Nations personnel?

A: I never heard that.

Question No. 6: Did you see this Congolese official try to pull some of the United Nations personnel out of the Military Police jeep in front of the Afro-Mogambo Club?

A: No, in the time I was on the scene the ONUC members were in his car all the time.

Question No. 7: Outside Mr. Gardiner's villa, did you plead with this Congolese official to give you the key to your jeep - did you ask him repeatedly?

A: Yes I did. I asked him for his identification papers for the third time in front of Mr. Gardiner's house. First, I did it by Afro-Mogambo club and the two last times in front of Mr. Gardiner's house.

Question No. 8: Did he at any time explain why he would not give you back the key?

A: No he did not. In a way he did it in this way. He said he was a Congolese Minister and I told him that he had not any permission to take our key and he answered that he was a Congolese Minister. That is all.

Question No. 9: Did you feel that the use of force was necessary to get your key back?

A: In the situation I did. It was my point of view that the ONUC members and the Military Police too, that it was a dangerous situation and I found that it was the only way to get out of this situation. I had to use force but when it did not succeed by trying, I had to use force and then I succeeded in getting all ONUC members out of the situation.

Question No. 10: Did any other United Nations personnel use any force on this Congolese official?

A: I did not see anybody use any force against anybody.

Question No. 11: Did this Congolese official strike you back?

A: Both yes and no. He pushed me away with the elbows, that is all.

Question No. 12: Was the Congolese official apparently, or evidently injured in any way as a result of you striking him?

A: I did not see how; if he got any injuries I did not see them.

Question No. 13: What was the reaction of this Congolese official after you struck him?

A: I struck him twice. After the first time he was shouting out and he was screaming round his hands and refusing to give back the key. When I hit him second time he stopped crying and just said I will give the key, and handed it over to me.

Question No. 14: Did you think at any time during the evening that this Congolese official had been drinking?

A: It was my point of view from the first beginning that the man was drunk. First of all because of his behaviour. He was not trying to keep any people away from the scene of Afro-Mogambo and it was as if he was not by his full sense when we talked to him. The three UNs he would not hear and he was keeping just his words in his mouth all the time, that he would take the ONUC members with him himself in this car. He was going down Elvd Albert at a speed of 120 kilometers. It was a speed too high for this. He did not make any accident but when he came to the house of Mr. Gardiner he was going in the same way as Afro-Mogambo club. I thought all the time that he was intoxicated.

Question No. 15: Did this Congolese official at any time during the evening offer to co-operate with the Military Police in order to quieten down the crowd?

A: In the time I was on the scene I did not see any time which means he had not tried, because I was in this neighbourhood all the time.


Sgt V. Vinther

FINDINGS OF THE BOARD

The Board finds that :

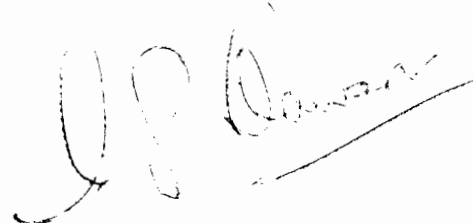
- a) Two connected incidents occurred between members of ONUC military personnel and Congolese civilians during the night 20/21 Feb 63. The first incident took place outside Afro-Mogambo Club at approximately 0130 hrs on 21 Feb 63 - the second incident took place in the immediate vicinity of the residence of the Officer-in-Charge, ONUC, approximately one-half hour later.
- b) The first incident involved five Swedish ONUC military personnel, two Danish Military Police and one Canadian Military Police, a Congolese official and an unknown number of Congolese civilians and Congolese Gendarmes.
- c) The second incident involved a Congolese official, 4 Congolese Gendarmes, three Swedish ONUC personnel and two ONUC Danish Military Police.
- d) The Congolese official was not verbally insulted by ONUC military personnel, but that he was actually struck by one ONUC Danish Military Policeman.
- e) The ONUC military personnel and the three ONUC Military Policemen were unduly molested and manhandled by an unknown number of Congolese civilians during the incidents.
- f) No assistance was rendered to the Military Police by the Congolese official or the Congolese Gendarmes in endeavouring to prevent the ensuing actions that took place.
- g) The identity of the Congolese official was not accepted by the ONUC Military Police until actually proven to them by the Officer-in-Charge.
- h) Two Swedish military personnel apologized after the incident, after ascertaining who the Congolese official was, despite their enforced participation in the incidents.
- j) No Congolese witnesses were available to give evidence to the Board.

OPINION OF THE BOARD

The unanimous opinion of the Board is:

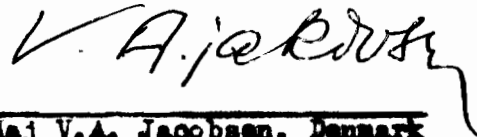
- a) That no cooperation whatsoever was given to the ONUC Military Police by the Congolese people or the Congolese official involved, either in seeking to avoid the incident or to having it solved other than by force on the part of the ONUC Military Police.
- b) That the Swedish personnel involved behaved themselves in a satisfactory manner despite extreme provocation to the contrary.
- c) That the Danish and Canadian Military Police did discharge their duties in a commendable manner.
- d) That the incident should not reflect on the conduct of those UN military personnel or the ONUC Military Police involved.
- e) That the communications between the Congolese official, the Congolese people at the scene of the incidents and the ONUC Military Police were lacking in understanding and intention.
- f) That the Congolese official did act contrary to the provisions of the Agreement between the UN and the Republic of the Congo in accordance with Article 10 of that Agreement.
- g) That in order to prevent further incidents of a similar nature the Congolese Central Government endeavour to impress upon certain of their officials the possible more serious consequences of similar situations.
- h) That the responsibility for the creation of the incidents in the first instance was that of the Congolese official, albeit the language barrier between certain of the ONUC military personnel and the Congolese official contributed to the creation of the incidents.
- j) That the ONUC Military Police did exhaust all peaceful means of persuasion to prevent the manifestation of the incidents before resorting to force to bring them to an end.

Signed at Leopoldville Congo
this 26th day of
February 1963.



Lt. Col G.P. Dawson, Canada
Chief Signal Officer, HQ ONUC.

RECEIVED



Maj V.A. Jacobsen, Denmark
Air Mov Offr, HQ ONUC.

RECEIVED



Maj T. Smedbye, Norway
Air Administration, HQ ONUC.

RECEIVED

BOARD OF INQUIRY

PROCEEDINGS of a Board of Inquiry held at HQ ONUC, Leopoldville, on 22nd February 1963, by order of Lieutenant General Kebbade Guebre, Force Commander ONUC, for the purpose of investigating the circumstances under which a Congolese official is alleged to have been insulted and maltreated by some United Nations military personnel during the night 20th/21st February 1963.

| | | |
|-------------------|---------------------|---------|
| <u>PRESIDENT:</u> | Lt Col G.P. Dawson | Canada |
| <u>MEMBERS:</u> | Major V.A. Jacobsen | Denmark |
| | Major T. Smedbye | Norway |

The Board having assembled pursuant to order, proceeded to examine the witnesses.

WITNESS NO.1

W/O.3 G.C. Anderson, C-47 Squadron, ONUC, having been duly affirmed stated :

(Translation from Swedish)

Sgt. Rastas and Thelmen and I came out from the Afrimogambo night club. Liffner and Gustafsson were outside quarrelling with the Congolese men. I went over to them because I knew them and asked them what was going on. They informed me that they had almost been run over by this man, and then that man spoke with me. He asked for the police. He wanted the police to come and I thought myself that it would be best to send for the police. They were quarrelling so much I thought it was just as well to send for the police but he wanted to send for the Congolese police and I wanted the MPs. This man said that he was a Minister. I thought that we should be able to speak to him but this turned out to be wrong. I also wanted to write down the number of his car. I took out a pen and was going to write on my wallet and the Minister took the wallet away from me. He pulled it out of my hands, so we were each tugging on each end of it, but I succeeded in keeping it. At the same time a Congolese woman took off her shoe and hit me on the head with it. Then Congolese swarmed all around. I asked the Minister to have them go away, that everything should be quiet until the Military Police came. Unfortunately he did not do this. They were quarrelling so much that I thought it was best if we went into the jeep. Sgt Thelmen and I hopped into the jeep and right away they attacked us and tried to drag us out of the jeep. The Minister was there too. The Minister wanted to take us to the Congolese police and I refused of course. The MPs came. There was

trouble between the MPs and the Congolese. Among other things, one of the Congolese drew a pistol and fired three shots from the right wheel. The MPs drew their pistols too. One of the Congolese tried to take a pistol from the MPs. I am not sure whether it was the Canadian or the Dane. I helped the MP to take hold of the man. The whole time we had two or three guns pointed at us. The Congolese had guns. After this, Military Police wanted us to go in their jeep, but the Minister wanted us to go in his car. There was a short discussion about this too. We didn't want to go in the Minister's car. We wanted to go in the MP's jeep. Finally the Canadian MP ordered us to go into the Minister's car and then we did so. We were supposed to have a Military Police jeep after, following us. We drove off on Blvd Albert at about 100 to 125 kilometers speed. The MP were driving as fast as they could but they could not keep with us. We drove to a villa which they said was Gardiner's villa. We drove up the entrance and tooted the horn but no one opened the door. Then the car backed out to the street again and the Military Police was standing there. Then we were ordered to go into the MP's car and the Minister refused to go into that car. The Minister tried to take us away, to kidnap us as it were, away from the Military Police. Then the Danes told us to jump out. Thelmen and I tried to jump out and they held us back. Liffner had left the car. Thelmen and I threw ourselves out the rear window backwards. We went and sat down in the Military Police's jeep. Thelmen was afraid and ran away. The Minister rushed up to the jeep and took the key. The Military Police were forced to take the car key back by force. Then we went to look for Thelmen. Of course we thought he had been hit and kidnapped. Then we went to the Military Police station. There I asked them to search for Thelmen and we talked more about it. I requested that they take a blood test on us so that no-one could say there was any question of intoxication. Then we went to Headquarters. I, Sgt Rastas and Sgt Thelmen were not questioned that night. But Sgt Gustafsson and Sgt Liffner were questioned. There is not so much more to tell. Then I heard that Sgt Gustafsson and Liffner had begged this man's pardon. That is all I know about the case.

Question No. 1: When you came out of the night club and this Congolese man spoke to you, did you know who he was.

A: I knew that he was a Minister and therefore I thought that we should be able to talk to him.

Question No. 2: How did you know he was a Minister.

A: He said so but he refused to show his ID card when the MPs came. He became absolutely positively hysterical when I was going to take down the number of his car.

Question No. 3: You mentioned a Congolese woman striking you with her shoe. Did it appear to you that she was in the company of the Minister.

A: There were two men and one woman who were standing talking to Liffner and Gustafsson and she was with them. The remarkable thing is that the woman who hit me on the head with her shoe gave me back the key to the car which they had stolen. When we went to get the car we found that three tyres were flat and the electrical connections had been broken. I also want to point out that there were some non-African people among the crowd who came up to us. They seemed to be Belgians.

Question No. 4: You state that when you were trying to get into your jeep some Congolese were trying to pull you out. Did this official actually try to pull you out of the jeep as well.

A: The Minister was in front and tried to pull us out. And even then I told him to be calm and to try to get the people to calm down.

Question No. 5: Did you at any time doubt that he was a Minister.

A: No. I guess I did not. First of all he had such an elegant car. But his conduct would make you doubt that he was a Minister.

Question No. 6: Did this official say at any time that he was trying to disperse the Congolese to protect the non-Africans.

A: According to my interpretation, no. I would also like to point out that it was very hard to make any sense out of it. There was such a rumpus. While all this trouble was going on Sgt Rastas went down to call for the Military Police.

Question No. 7: When you arrived at the villa which you thought was Mr. Gardiner's, did you know where they were taking you.

A: I did not have any idea. We had one Congolese on either side who did all he could to push us down in the car.

Question No. 8: Were these Congolese civilians or military.

A: I think one of them was military. But when the Congolese police came later on they helped the MPs to clear space around the car.

Question No. 9: Who were present when you were questioned by Mr. Gardiner.

A: I saw only a lot of men who went into the room but the Chief of the Security was there, I think. I was not questioned by Mr. Gardiner.

Question No. 10: Was this Congolese official present.

A: No.

Question No. 11: Now outside Mr. Gardiner's villa did you actually see the United Nations military strike this Congolese official.

A: The MPs wanted to take the car key back and he refused and then they used force.

Question No. 12: Did you believe that the Military Police could have procured the key without using force.

A: No, absolutely no. He stubbornly refused and they had asked him several times. I do not know what type of force was used. If the MP had not done such a good job we would not be alive today, that is clear.

Question No. 13: Was it your impression that this Congolese official had been drinking.

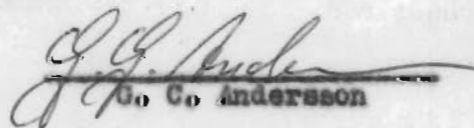
A: Yes, he must have been drinking, otherwise he could not have conducted himself the way he did. There is another thing I have been wondering about; why did they question the Minister for 15 minutes, whereas they kept on with us until 7.30 in the morning.

Question No. 14: Before these military police were questioned in Mr. Gardiner's house, what language or languages were used outside the club and outside Mr. Gardiner's - was it Congolese, Lingala, French, Swedish - what language or languages.

A: I know a few words of French. And the Minister claimed that he could not speak English. He did not answer when addressed in English. I tried to speak as best I could in French.

Question No. 15: Do you think that the United Nations Military Police and the other United Nations military personnel involved conducted themselves as best as they could have, under the circumstances.

A: Yes. That is the least one could say, they were really excellent. At the outside there were three men and they had at least 150 to 200 Congolese around them. The whole street was milling with people. Unfortunately only three or four people could come up to the car where we were sitting.


G. G. Andersson

WITNESS NO. 2

W/O.3 S.G. Gustafsson, C-47 Squadron OHUC, having been duly affirmed stated :

(Translation from Swedish)

~~Chairman~~ ¹⁹⁸

Question No. 1: Would you please tell us all you know about the incident that took place on the night of 20/21st February?

A: Liffner and I came out together from the night club the Afro-Mogambo and were going to cross the street. We were going to go between two cars parked on the right hand side. When we came to the left front of the fender the car drove away from the curb quickly and we had to take a step backwards so as not to be run over by the car. We called out to him - I am not certain of the exact words - but something to the effect - what a way to drive. The car stopped and two men got out and they started to speak in French and I didn't understand. We tried to get them to speak English but as far as I could understand the shorter of them said that the other was a minister. He said he wanted to take us to the Congolese police. We said OK but we wanted a M.P. with us as well. I think it was just then that the other three, Andersson, Thelmen and Rastas came out of the night club and Andersson asked us what had happened. We explained to him that they had almost run over us and that they wanted to take us to the Congolese police, but we had requested that a M.P. come too. Then Andersson said we should write down the number of the car and then he took out a writing pad and pen to write the number down. Then the one who was supposed to be a Minister jumped on Andersson to take away the writing pad and pen and at the same time I understood a few words that were spoken such as ONU - Congo - parti - provocation. Just then a lot of Congolese gathered around us and one of the three, Andersson, Thelmen or Rastas said that we will go to the car and get the military police. I went behind the group of Congolese who had gone to the car and then I heard three shots and Liffner shouted to me to get the M.Ps. I went around the block up to the roundabout near the Oul Fifi and there I met Rastas who had come from the other direction. Together we ran down to Blvd Albert and I stayed there in order to flag a M.P. car if one came along while Rastas went off to telephone. When Rastas came back he said he had to go to The American Embassy to telephone because they had refused at the Regina. Just then we heard the M.P. car come and we ran back up to the Afro-Mogambo and when we reached the club there were only security and M.Ps there and a few Congolese standing on the sidewalk. Then Rastas and I went with a Canadian M.P. to the M.P. station. There we met Andersson and Liffner together with the Danish M.P. and Thelmen was missing. From the M.P. station we came here to Headquarters. It was about 0200 or 0230 hrs I am not quite sure of the time.

Question No. 2: Why did this Congolese official want to take you and your friends to the Congolese jail?

A: I don't know. Perhaps because we shouted at them when they almost ran over us.

Question No. 3: When you were talking to this Congolese official did you use insulting language to him at any time?

A: No we just tried to get him to understand English that was all.

Question No. 4: Did this Congolese official or the Congolese police at any time try to disperse the crowd?

A: Not that I could see in fact it was just the opposite I think.

Question No. 5: Were you convinced in your own mind that this man was a Congolese minister?

A: No I had never seen him before. I did not know what a foreign minister looks like.

Question No. 6: Did you see a Congolese woman strike Sgt. Andersson over the head with a shoe?

A: Yes.

Question No. 7: Was this Congolese woman in the Congolese official's party or was she just a by-stander?

A: It is hard to say. She might have been among the first to have come forward in the crowd but when the minister tried to take away the writing pad and pen from Andersson she tried to help the minister.

Question No. 8: Did you have the impression that this Congolese official had been drinking?

A: Judging from his conduct you would think he had been drinking and he had been coming out of the night club.

Question No. 9: It has been reported that this Congolese official said that he wished to protect the UN people from the crowd and that is why he wanted to take them in the car with him. Did you hear this statement?

A: No.

Question No. 10: Did you see any maltreatment or use of force by UN personnel on the Congolese official in front of the crowd?

A: No.

Question No. 11: Had you yourself been drinking that evening?

A: I had had two gins -- one at Habanera and one at the Afro-Mogambo and earlier that evening one gin drink at home and a glass of beer at lunchtime. That is all I had.

Question No. 12: How long have you been in the Congo?

A: Eight months.

Question No. 13: Had you seen this Congolese official inside the night club earlier in the evening?

A: No.

Question No. 14: Were you questioned by anyone on the night of the 21st February concerning this incident?

A: Yes -- up here in Mr. Gardiner's office.

Signature of
J.O. Gustafsson

WITNESS NO. 3

W/O.3 I.G. Liffner, C-47 Squadron ONUG, having been duly affirmed, stated :

(Translation from Swedish)

At 9 o'clock I went into town and had dinner at the Pergolas; just food and one bottle of Primus for two people. Then we went home to Limite and sat home talking until about 12 o'clock, and then I thought of going to bed. But three friends of mine came in a car and asked if I wanted to go along into town. We first went to Habanera where I had a gin drink and talked there for half an hour and then we intended to go home. Because Gustafsson and I had been separated from the others, we went out to Blvd Albert to hitch a ride with some passing jeep. We did not find any there and then we went to Afro-Mogambo to see if we could find some Swedes there and then we met the same three friends who had driven us into town, but they were not going home. There Gustafsson and I drank one gin. Then we were going out in the street to take a taxi and then we went across the street and were going in front of the Minister's car to the sidewalk. When we were two meters from the car, the car rushed off and we had to step back, otherwise the rear of the car would have run over us. And then I shouted out in Swedish: "How do you drive" (translation). Then he immediately applied the brakes and his companion stepped out of the car, a short man whom I do not know. They started speaking French and gesticulating. I tried to speak English to them but the Minister said in French that he did not understand English. In French he always said over and over again: "O.N.U. partes Congo maintenant". The Minister wanted us to go in his car and drive to the Congolese police and I said we would not go there unless the Military Police was along. And then he became still more angry. Then my friends came out from Afro-Mogambo, Thelmen and George Andersson. George Andersson speaks some French and he tried to speak to the Minister, but he wanted us to go to the Congolese police and we insisted that the MPs come along. Then Andersson said we will write down the number of his car. Then someone was going to try and call the MPs. But when George Andersson took out his notebook, the Minister came and took it from his hand and meanwhile he was shouting provocations and people were gathering around. Andersson and Thelmen tried to reach their pick-up car and when they were going to start they were attached in the car by men and women and one of the women took the key. They stopped me in the middle of the street and I was surrounded by about 10 or 15 people. I ran through the crowd to try to help my friends but the people dragged me away and threw me into a large taxi which had just come. Then I hear pistol shots. I do not know whether a tyre was punctured or whether fire three or four shots. I tried to sneak out the other side of the car but they shoved me in again. Then the first jeep of MPs came, and then I took a chance and opened the door and ran through the crowd to the MP jeep and sat down in the jeep. I think the Military Police helped Andersson and Thelmen to reach the jeep or perhaps they reached it of their own accord, I am not sure. When I sat in the jeep they tried to drag me out again. A Canadian MP was

standing in the car with a pistol in his hand up in the air and the Danish Police was standing behind the car, and the Danish Police was threatened with a firearm; I think by a Congolese policeman but he had no helmet on. The Danish policeman stood with his gun in his upraised hand and when he was threatened with a firearm he pointed the gun at him and the Congolese ran away. To avoid violence, the Canadian MP said that we should sit in the Minister's car and then I said that we would not sit in the Minister's car unless a MP came along. Then the Canadian Police ordered us to sit in the Minister's car, I think because he saw more MP cars coming. Then we sat down in the car. I sat in front with the Minister and one Congolese policeman. Thelmen and Andersson sat behind me and I think one policeman was with them. Then he started off over 100 kilometers speed but the Military Police jeep was following 50 meters behind. We came to Mr. Gardiner's house but obviously no-one was at home. The MPs had parked their jeep on the right hand side of the front. The Military Police had left their jeep and went up to the Minister's car. Then the Minister intended to leave again and the Military Police told us to jump out. All three of us jumped out. Even the Congolese policeman who was sitting in front. Andersson and I went over to the jeep but Thelmen ran out into the darkness of the woods. We thought that he was in a state of shock and fled. The Congolese policeman sitting in front next to me was just as frightened and he ran away too. But we were afraid that he was following Thelmen so we went back to the jeep and the Military Police wanted to drive to the MP station but Andersson and I wanted to look for Thelmen and while we were talking the MP said that another jeep was coming. They had spoken to him on the radio. While we were speaking, the Minister came and went to the military jeep and took the key. One of the MP stepped out and asked to have the key back and then he asked for his identification card and I heard him say several times, "identification", and then the policeman came back but without any key. We had to help to push the jeep without the key and then we drove to the station. Mr. Gardiner asked me whether I had seen the police use any force against the Minister and he asked me several times, but I did not see it, not from where I was. At the time we were worried about Thelmen and we were calling him and looking in the garden for him.

Question No. 1: Outside the Afro-Hogambo club when you were speaking with this Congolese official, did you actually know that he was a Minister at any time?

A: No. First time he said mainly I thought he was a Minister but after five minutes - At first I thought he was a Minister but then when he took the notebook and shouted and said "provocation, provocation", I cannot believe that he was the Minister. I should think that a Minister would have been able to stop the whole thing if he had wanted to.

Question No. 2: Did this official at any time try to disperse the crowd or make any effort to quieten the scene?

A: He was there and tried to stir them up. He helped to tear our clothes off.

Question No. 3: Did the Congolese police try to disperse the crowd?

A: One police had a firearm but the others were completely passive.

Question No. 4: Did you use or did you hear your friends use what you would call in your own language, insulting language to this Minister?

A: No. I had my hands down at my sides or in my pockets. We did not even show our fists. The others were holding on to the steering wheel so as not to be pushed out of the car and we three were the only ones.

Question No. 5: Did you or did you see anyone outside the Afro-Mogambo club push or use any kind of force on this Congolese official?

A: We were attacked and we were very busy defending ourselves. He followed Thelmen and Andersson into the car and he was one of those pulling and tearing at our clothes.

Question No. 6: When you were protecting yourself in the car against this crowd, did you see anyone strike this official?

A: No. The Minister struck us. We had not a chance, even if we had wanted.

Question No. 7: Outside Mr. Gardiner's villa, did you see the Congolese official take the key out of the military police jeep?

A: Yes, he did.

Question No. 8: Can you tell us how the Military Police got the key back?

A: I don't think he got the key back, because we had to push the jeep and I think it can be started by just pushing it in motion. I do not think he had any key back.

Question No. 9: Were you close enough to the Military Police and this Congolese official to hear what was going on concerning this jeep key?

A: The only thing I saw was when the MP got out of the car and asked to see the ID card and the MP asked two or three times for the ID card. I heard his voice. But I did not see. I was sitting on the rear right hand side of the car and George was in front of me blocking my view. I did not see anything of what happened.

Question No. 10: Were you convinced at the end of the evening that this Congolese official was an official of the Congolese Government?

A: Possibly in the first few minutes and then afterwards I did not think so. I have been in Elisabethville and Albertville and there many people said they were Ministers when they were really some official and I did not take it so seriously.

Question No. 11: Outside Mr. Gardiner's villa did you see or were you in a position to see the Military Police strike this Congolese official?

A: No, I did not see them.

I. G. Liffner

WITNESS NO. 4

L/Cpl G.D.J. Horeder - Canadian Provost Corps, ONUC, having been duly affirmed, stated :

At about 0145 hrs in the morning I received a phone call to our MP Station from the Afro-Mogambo Club that a fight was in progress and they requested me to send somebody over right away. Immediately I took a man with me, Sgt. Larson and we arrived at the club, where there was a large crowd on the street. I jumped out of the jeep and met a Congolese man coming over to speak to me and he said that he was a minister and he showed me three men and said that they had insulted him. I asked the three men if they were United Nations personnel and one of them said 'yes'. I started to speak to the minister about this case and I wanted to know what happened but he interrupted me and told me we have to bring these men to the Congolese police station. I told him no sir because these men belonged to the United Nations and they have to go in my jeep to the UN station where he could then make a complaint. He told me again that he was Minister to the Foreign Affairs and that he had power in this country to do anything. I told him that I was sorry but he could not touch these UN personnel because they belong to the UN and no Congolese police force have power over these men. There were about 25 Congolese policemen with rifles and pistols, two or three in civilian dress who called themselves commissaires de police. When I saw the situation seemed to be getting worse I called on the radio an emergency call. When I finished calling one of the Congolese in civilian dress took a gun out of his pocket. He took the key of my vehicle and tried to take away the speaker of the radio. Everybody then began to surround me. I took my pistol because I know the effect that a pistol has on the Congolese people but one man got hold of me and tried to turn the pistol against me to shoot me. I had to use my knee and I hit him in the back. He fell on the ground and I jumped into the jeep and then I saw that my friend Sgt. Larson was in a bad situation. I shouted in French to the people that they would have to move and if they didn't let my friend go I would shoot. During this time the three UN people were in the jeep but during the fight the Congolese policemen and the civilians took them out of the jeep and put them in a Congolese convertible car. I got out of the jeep and went over to the so-called minister and asked him where he was going with these men. The minister said he was going to take them to Mr. Gardiner. In a situation like this I felt I must use diplomacy and our lives were really in danger so I said OK if we go to see Mr. Gardiner one of my men go with you in your vehicle and I would follow. He said no. In the car were the UN personnel and four Congolese policemen. When I was speaking somebody got hold of me from behind and held me while the car drove off. Immediately Sgt Vintner came with the Congolese policemen. I shouted to the Sgt to follow that car and not to lose it. He left immediately with Larson and followed. After this I searched for some witnesses but in this country everybody is blind. Then the security officer came and we found a key to start the jeep and we went

immediately to the M.P. station. When I arrived there I received a radio call from the security office that all personnel involved in this affair were to go immediately to HQ. It was about 0500 hrs maybe.

Question No. 1: How long have you been in the Congo?

A: Four months.

Question No. 2: Have you had any similar experience with a Congolese crowd?

A: No sir. But I have had the chance to work with the Congolese police on a special patrol most of the time.

Question No. 3: When you arrived on the scene did this Congolese official produce any identification - I mean, was he able to prove he was a minister?

A: Nothing. He didn't appear to be an official to me.

Question No. 4: When the crowd of Congolese were trying to pull the UN personnel out of your jeep was the Congolese official in that crowd?

A: He was making a kind of a speech and said that the UN are here to make trouble.

Question No. 5: Did he at any time try to quieten or disperse the crowd?

A: No sir. He was instead exciting them. I told him to move his car, that we should go to the next street as there were too many people here but he didn't.

Question No. 6: What was the general behaviour of the UN personnel outside of the Afro-Mogambo club?

A: They were in a very poor situation and were being hit.

Question No. 7: Could you understand all that was going on?

A: Yes, French is my language.

Question No. 8: Did you hear this Congolese official say that he wanted to take the UN people in his car because he wanted to protect them from the Congolese crowd?

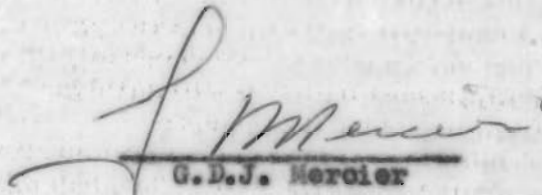
A: Never. He refused to go to the other street.

Question No. 9: Were you present at the further incident later on in the evening, in front of Mr. Gardiner's villa?

A: No sir.

Question No. 10: During the incident at the night club did the UN personnel use any more force than was needed to protect themselves. Did they hit this Congolese official?

A: No, because they were not able to do anything.


G.D.J. Mercier

WITNESS NO. 5

Sgt S.F. Larsen, Danish Military Police, ONUC having been duly affirmed, stated:

I was on duty on the night mentioned and about 1.35 I received a phone call, I guess it was from the owner of the night club Afro-Mogambo. She could not tell me what was wrong, just that there was a fight. It was in French and I cannot speak perfect French but I know some words. We left the police station at about 1.35 and we were at the scene 1.45. There was a crowd gathering there around civilian people and we found there three UN persons and several Congolese policemen and one civilian Congolese who claimed to be a Minister for Foreign Affairs. There was something like a riot; they were very confused, all of them, and we tried to have this situation under control. I was together with L/cpl Herdier and we tried to have the situation under control but it was very difficult. The man who claimed to be a Minister told us that those three ONUC persons had insulted his person and now he wanted that they should be punished. We told him that we should take the three ONUC persons in our vehicle and drive to the police station and then he could follow us and at the Military Police station he could make a statement. He could not agree with us. He wanted those people punished and I guess according to my French knowledge that he would have them to the Congolese police station. We asked the ONUC personnel if they could agree to that but they could not. I must mention it was obvious that they had been a fight there because one of the Swedes had not his shirt and another one had a wound on his head. Then we told the man who claimed to be a Minister that he could not take the ONUC personnel with him but told him the only thing there was to do was to go to the Military Police station. Now the crowd and the policemen were so close to us that we had to have the situation under control and we asked him if he could make the people more quiet. He denied that. Then we had to ask him to show the papers, his identification papers. He denied that too. Now we could not believe he was a Minister. It was obvious that he was under influence of alcohol. So we ordered the three ONUC persons to sit in our jeep and then we would call for the assistance from the military police station with our radio. It was difficult because now another civil Congolese tried to take the key of our vehicle and to damage our radio. He succeeded in taking the key but we considered it more important to have the radio contacts so we had a message through but he had our key. I guess for five minutes we were fighting some real fights and I should say that we were in life danger, all of us. It was important for us military policemen to secure the three ONUC persons, their lives, and therefore we drew our pistols but at that moment another Sgt from the Military Police, Sgt Vinther arrived. He had a Congolese PSU policeman but in any case he disappeared, that Congolese policeman and we did not see him. We had another vehicle. I ordered because I wanted the three ONUC persons to get out of the scene in order to make the whole situation under control. I ordered the three

ONUC persons to sit in the Congolese car and then we could drive after him in the other jeep. They did so and the Congolese went into his car and drove along. It was a new car and he was obviously trying to get away from us and we followed him here on Blvd Albert and through dark roads where he stopped in front of a house. I should say in his car there were four Congolese policemen beside the three ONUC persons. There when he stopped we asked him, now we should like to have the ONUC persons in our car and now we should like to see his identification again. He denied it fully and suddenly he started his car and tried to drive along without us. Then we shouted to the three ONUC persons that they had to jump out immediately and they succeeded in doing that and we ordered them to sit in our car. Now the Congolese stopped the car and tried by force to make those three ONUC persons go into the car again. We ordered them, in spite of this, to stay in our car and the Congolese - he understood a bit of English - now ran to our car and took out the key of it and the four policemen who were carrying rifles and sticks gathered around us. The other Sgt, Sgt Vinther, tried to have the key again but the Congolese denied. Then for the third time he asked the Congolese if we could see his identification papers and he denied again. Sgt Vinther tried to take the key and I watched the four Congolese policemen. I was standing at our jeep where the ONUC persons were. I did not see so much of the following but I saw that Sgt Vinther by force had to take the key because the Congolese would not allow him. He hit Sgt Vinther at first and then he took the key at his back and soon into his pockets, but I was watching the Congolese policemen and I could see that certainly one of them took his rifle and the other ones were carrying sticks. I believe they were trying to go into Sgt Vinther to protect the Congolese. I drew my gun and they escaped. They fled. Sgt Vinther had the key and we drove along but first we found out that one of the ONUC persons ran away and we tried to find him. He was scared, I suppose. We could not do that for we had to get away so quickly and we drove to the Military Police station with the three ONUC persons and then we again drove to the scene to find the missing UN person. After ten minutes searching we found him. We had our MP lights on the car and he shouted after us and we drove to the police station where we were informed to go to ONUC Headquarters where we met Mr. Gardiner.

Question No. 1: When you arrived at the scene of the Afro-Mogambo club and you first spoke to this Congolese official did he say how he had been insulted?

A: No. Well there was a crowd gathered. I told the L/Cpl Mercier to hear what was wrong but they were shouting. I do not believe he told all the story. He just spoke a bit of English. He just said that he had been insulted by these persons. It was not until we were right here that we had the story from the ONUC persons of what happened before, but it was obvious there had been a fight.

Question No. 2: Did he explain what insulting word or words had been used?

A: No, no, I am sure he did not.

Question No. 3: You state that you and L/Cpl Mercier asked him if he would quieten the crowd. Did he at any time try to quieten the crowd or disperse it?

A: Not at all. I should say he was trying to incite the riots.

Question No. 4: Did he imply to you at any time that he was trying to protect the UN personnel by conducting them in his car?

A: No, I am quite sure he did not.

Question No. 5: You state outside Mr. Gardiner's villa that a Congolese ran from the convertible to the jeep to take the key out of your police jeep. Who was that Congolese?

A: It was the man who claimed to be the Minister, but here I must mention that we were not aware that it was Mr. Gardiner's villa we were outside.

Question No. 6: Was it Mr. Gardiner's villa.

A: We were told later on but it used to be the Nigerian soldiers' before officials' houses.

Question No. 7: When Sgt Vinther was trying to regain possession of his key from the Congolese official, were you able to see what was going on?

A: I saw part of it because I was watching the four Congolese policemen but I saw. It was important to us that we get the key immediately so we could get away from the scene. I saw that the Congolese hit Sgt Vinther and I saw that Sgt Vinther had first tried to take the key out of his hand which was impossible. Then I saw Sgt Vinther hit the Congolese in the stomach and then he pushed him round to take the key behind. There was a fight afterwards but it was a minute or so and it was not so much trying; then he had the key and we drove along.

Question No. 8: Did you see this Congolese official strike Sgt Vinther?

A: At first I saw him. Sgt Vinther said, "give me your key" in French and then the Congolese refused and Sgt Vinther tried to take it. Then the Congolese hit him and at that moment the four Congolese policemen were reacting for the first time and I had to have my intention to guard Sgt Vinther and the three ONUC persons.

Question No. 9: Can you state who struck the first blow between the Congolese and Sgt Vinther?

A: I should say, but I am not sure, if Sgt Vinther hit him but I saw that first Sgt Vinther was trying to take the key out of the hand. I do not know if he hit him then, and then I saw the Congolese hit Sgt Vinther.

Question No. 10: Do you think there was any other possible way of getting the key back from the Congolese official without using some kind of force?

A: No. The Congolese was very violent and we had to get away because of the four Congolese policemen who were carrying rifles. Now I know he was a Minister.

F. J. Larsen
Sgt F. J. Larsen

WITNESS NO. 6

Lt J.M. Lunding - Acting Deputy Provost Marshal, HQ ONUC, having been duly affirmed, handed the following written statement to the President which is duly copied:

"At approximately 0135 hrs 20 Feb 63, a telephone call was received at the MP station from the owners of the Afro-Mogambo Club, Ave Charles de Gaulle, who stated that there was a fight outside of their establishment. On receipt of this telephone call ONUC ID Card No. 87618 Sgt Larsen and ONUC ID Card No. 83550 L/Cpl Mercier Canadian, both of the ONUC Military Police proceeded to the Afro-Mogambo Club.

On arrival at this establishment they found thirty or forty people standing around in the street and also several vehicles. Sgt Larsen and Cpl Mercier found three ONUC personnel there and some Congolese policemen and one Congolese person later identified as Mr. Bomboko Minister of Foreign Affairs, for the Congolese Government, who claimed that he was the minister of foreign affairs. This person stated that he wanted these ONUC personnel punished as they had insulted his person. He was informed by the patrol that they would take these ONUC personnel to the MP station and that he could follow them and at the MP station he could obtain a statement of the incident as well as their names. This person denied saying that he would take care of the ONUC personnel because they had insulted him. Once again the patrol told him that the ONUC personnel would be taken with the patrol and that he could not put them under arrest or detain them as they were members of the UN. This person still insisted that he was the Minister of Foreign Affairs and that he would do what he wanted with these UN individuals. He was asked by the patrol for his identification papers which he refused to produce. The crowd was gathering around the patrol at this time and it became impossible to get the situation under control with only two men. The patrol asked this person who claimed to be a minister, if he would tell the policemen with him to disperse the crowd, but this he would not do. As the patrol found it difficult to guard the ONUC personnel in the open street, they put the ONUC personnel in the patrol vehicle. The crowd then began mauling these three people and as the situation could not be controlled the patrol tried to radio for help from the MP Station. This was very difficult as a Congolese who was not in uniform but claimed to be a Commissaire, tried to take the key from the MP vehicle, which he succeeded in doing. The crowd and this person who claimed to be a minister, were arguing to eagerly that it was necessary for the security of the UN personnel that they sit in the car belonging to the Congolese. The patrol managed to get the message through and soon after this call Sgt Vinther, ONUC Military Police, and Jean Ganga Congolese policeman from the BSU arrived on the scene to assist the patrol. The patrol now having a vehicle which could follow this person's car, agreed to follow the car in which were the UN personnel and four Congolese policemen. The patrol took these actions in the hope of getting the situation under control by removing the UN personnel from the scene and getting this person who claimed to be a minister in a better position to obtain the release of the UN personnel. When the patrol left

the Afro-Mogambo, they were unable to find the Congolese policeman who came with Sgt Vinther. This was three or four minutes after Sgt Vinther had arrived.

This person drove along the Blvd Albert so fast that it was obvious to the patrol that he was trying to evade them. Suddenly he turned down a street in the direction of the Congolese Parliament Buildings. On a certain road in front of a house, this person's car stopped. When the patrol came up to this person they asked if they could have the UN personnel that were in his custody, because it is their job to protect UN personnel from the Congolese. Again this request was denied. Again this person was asked to produce his identification card, which he would not do. Suddenly he started his car and tried to leave with the UN personnel. The patrol shouted to these people to try and get out of the car. They succeeded in doing this. This person stopped his car, left it, and tried to make them get back into the car again by force. The patrol ordered these UN personnel to go to the MP vehicle but the minister took the keys out of the MP vehicle. At this time Sgt Larsen was guarding the UN personnel at his vehicle against the four Congolese policemen. Sgt Vinther then asked this person to produce his identification. Once again this request was denied by this person who still stated that he was a minister of the Congolese Government even though he was asked twice previously. Sgt Vinther stated that because this person would not surrender the keys to the MP vehicle or produce proper identification papers to prove his identity, and due to his behavior and condition, and because it was more dangerous to the UN personnel who were under the protection of the patrol the longer they were waiting on the road, that he Sgt Vinther forced this man to surrender the keys. He turned him around twice and on each occasion he was pushed away. On being pushed away Sgt Vinther hit this person with his fist in the stomach and when he still would not surrender the keys he hit this person on the shoulder with the night stick. After this act had been done the person surrendered the keys to the MP vehicle. Sgt Vinther then informed him that the ONUC personnel would be taken to the MP station. One of the UN personnel who became afraid, had run away and the patrol tried to find him but was unable to do so in the darkness.

The patrol then drove off to the MP station, where they handed over the other two UN personnel to the NCO i/c of the station. The patrol then went out again to the scene to try and find this missing person. They drove around in the vicinity of the scene with their MP lights on. After about ten minutes of searching they heard a shout from the vicinity of the Canadian Officers' Mess. Here the UNperson had hidden himself and he came to the patrol and was driven to the MP station.

On arrival at the MP station, the patrol was informed that a message had been received that all persons involved in this affair had to proceed immediately to ONUC HQ, Royale, to see Mr. Gardiner, Chief of Civil Mission in the Congo.

The persons involved including the writer, left the MP station and arrived at the Royale at about 0400 hrs 21 Feb 63. The persons involved were interviewed by Mr. Gardiner, Mr. Marx and two other gentlemen. At the completion of the interviews at about 0740 hrs, 21 Feb 63, we were allowed to return to the MP Station, with instructions to return again at 1000 hrs.

Again we arrived at the Royale at about 0950 hrs. The personnel were re-interviewed in the presence of their Liaison Officers. All concerned who were involved in this incident were informed that there would be no action taken against anyone and that there would be no official report made concerning this incident.

On interviewing the three MP personnel concerned they declined to make a statement at this time as they had already been interrogated and written notes made of each statement concerning this incident.

It may also be noted here that in the presence of the MP personnel and the other three UN personnel, that this person who claimed to be a minister of the Central Government was under the influence of alcohol. This fact was also borne out by the writer who saw him leave the Royale.

This report may be summarized as follows :

- a) The Military Police personnel were carrying out their duty in accordance with Article 10 of the Agreement between the UN and the Republic of the Congo. If UN personnel or other persons in the Congo are allowed to be turned over to the Congolese police, they would normally be severely beaten, even for a minor offence. They would also be held in a dingy, dirty jail with all types of individuals, including women, where they would be unable to obtain food unless they bribed the guards to get them some, proper sanitary conditions, and in some cases they would not be able to get drinking water.
- b) This person later identified as Mr. Bomboko was under the influence of alcohol and according to the patrol his behaviour was not of one that did not become the dignified manner of minister in any country including the Congo.
- c) This same person interfered with the Military Police when they were carrying out their lawful duty, which only used as much force as was necessary to complete that duty.
- d) It is the law in all countries that both military and civilian police may use as much force as is necessary to arrest or detain a person or to deter a felony. This Sgt Vinther did in trying to prevent the non-commissioning of his vehicle."

WITNESS NO. 7

Sgt V. Vinther, ID 55484, Danish Military Police, ONUC having been duly affirmed, stated:

This night I was beginning on patrol at one o'clock after midnight. I was on patrol together with one Congolese policeman because I make patrols together with the Congolese security and about two o'clock by radio call I heard that somebody should come to the place in front of Afro-Mogambo night club as fast as possible. I arrived there about five minutes after and saw a lot of Congolese staying around. I saw some cars too and in the middle a great car, it seems belonging to a Congolese. This Congolese told me that he was a Minister and he had told the same thing to two other MPs, Sgt Larssen and Lance Cpl Herodier. I told him that he had not permission to arrest four Swedish ONUC people who were in the car. He told me first that he would go and I informed him that no Congolese had any right to take any ONUC members under arrest. He would not let them go and I said it again to him, and I asked him if he would show me his papers but he refused all the things. At the same time one of the other MPs told me that he would not let them go and he told me the reason. He said that because more and more people were coming in the crowd, 100 to 150, I do not know exactly. Therefore we let him go and we followed him. They had not done this before because they had their key stolen from the other MP vehicle but now when I was there we could follow him in my vehicle. I heard that the Minister said to one of the MPs if we did not trust him. He said that they have told him that they do not, they would not let him go -- ONUC people because they do not know what is going to happen and that was his answer. Then the Minister got off and we followed. Sgt Larssen and I followed the Minister down Blvd Albert to the Royale here and we were going at speed of 120 km an hour. We were thinking that he was trying to escape us and we did not know where he was going, neither the other MP Sgt or I, and then we came to Avenue Commandant which is the same way as Mr. Gardiner is living. He stopped there. He stopped outside the house of Mr. Gardiner. At that time none of us MPs knew that Mr. Gardiner was living in this house. When the Minister stopped we stopped too and I went to the car of the so-called Minister -- I did not trust that he was a Minister -- and I told him the same things again as in front of Afro-Mogambo Club. I told him that he had not any permission to arrest any ONUC people and he answered that he was a Minister and I asked if he would please show me the papers. I asked him in French and asked this question so many times to the Congolese and I think he understood me. After asking these things twice he tried to go away. He turned the vehicle out on the road and in this way he pushed me away with his front fender of the wheel. I had to spring to the side so that the rear wheel was not going over my feet. At the same time I cried to ONUC members -- now there were only three of them -- should jump out of the vehicle and go in our vehicle. They succeeded in doing that. They went out and fell down on the grass and went over to our jeep. Then the Minister stopped and he went out himself from the vehicle and the same four other policemen who were together with him in the vehicle. The Minister himself tried to stop one of

the ONUC members. He took hold of him and tried to get him back in his vehicle. At that time the other military policeman took care of the other two ONUC members. They came to the patrol jeep which was parked on the other side of the street and the third ONUC member; this one was held back by the Minister; he escaped from the Minister and I think he ran off at that point of time. I did not see that he ran away. I saw the Minister himself ran to our jeep and he took the key out of the jeep. He went back to his own vehicle and I came to him and told him that it was not in his right that he was taking our key. I told him again the same thing that he could not arrest any ONUC people nor take our key and if he was a Minister I would like him to show his papers to me. At that time the four armed Congolese policemen were trying to beat me from behind in blankets. I did not know that at that time. But I tried to get the key from the Minister, first by asking him twice and then I tried to get it out of his hand. He kept his hand behind his back and I turned him round by taking him by the shoulder and turning him round, but he turned around again, pushed me away with the elbows and I tried the same thing again. Now I saw that policemen were trying to hit me. When I came back - this I did not see, but my friend used his gun and in this way he kept them away. After all the Congolese policemen did not hit me but I saw in this way that we were in a dangerous situation and therefore in my mind I would use force to get the key so that we could go off the place with ONUC members and ourselves. I did it in a way that after my first time by asking, by pushing the Minister, but still he refused to give the key back and I said it to him in French as the other time. I spoke in French he should give back the key at once. He refused and I hit him on the shoulder with my fist. After doing this he handed over the key to me and then I told him that we were going to the ONUC Military Police station and that he could go there if he wanted to get any information. Then we went off in our jeep and we got to the police station. After this we went out again because we got only two ONUC members to the station and there were three on the scene in front of Mr. Gardiner's house. The third one escaped as I already told and we did not know where he was. But we were afraid, I was afraid that the four Congolese policemen were trying to touch him, therefore we went back searching for him and we found him ten minutes later in about the Athenes Swimming Pool. He was hiding himself in a house there belonging to the Canadian Officers. He came to us himself and we drove to the police again. There we got to know that we should go to the Royale because Mr. Gardiner himself wanted to look at this affair and then we went here with the last other ONUC member. The other two members already came here with another patrol. That is all I know about this.

Question No. 1: When you arrived at the Afro-Mogambe club, did you recognize this Congolese official in the centre of the crowd?

A: No, I never saw him before and when I asked for his identification papers I told him to himself that I never saw him before.

Question No. 2: Did he appear at any time to try to quieten the crowd down or disperse the group of his own accord?

A: No. I was on the scene the last four or five minutes and in that time I did not see him doing that.

Question No. 3: Did he explain to you why he wanted to take the United Nations personnel in his car?

A: No he did not.

Question No. 4: You say that you speak French?

A: I speak a little French.

Question No. 5: Did you at any time use insulting language, or hear insulting language being used, by any of the United Nations personnel?

A: I never heard that.

Question No. 6: Did you see this Congolese official try to pull some of the United Nations personnel out of the Military Police jeep in front of the Afro-Mogambo Club?

A: No, in the time I was on the scene the ONUC members were in his car all the time.

Question No. 7: Outside Mr. Gardiner's villa, did you plead with this Congolese official to give you the key to your jeep - did you ask him repeatedly?

A: Yes I did. I asked him for his identification papers for the third time in front of Mr. Gardiner's house. First, I did it by Afro-Mogambo club and the two last times in front of Mr. Gardiner's house.

Question No. 8: Did he at any time explain why he would not give you back the key?

A: No he did not. In a way he did it in this way. He said he was a Congolese Minister and I told him that he had not any permission to take our key and he answered that he was a Congolese Minister. That is all.

Question No. 9: Did you feel that the use of force was necessary to get your key back?

A: In the situation I did. It was my point of view that the ONUC members and the Military Police too, that it was a dangerous situation and I found that it was the only way to get out of this situation. I had to use force but when it did not succeed by trying, I had to use force and then I succeeded in getting all ONUC members out of the situation.

Question No. 10: Did any other United Nations personnel use any force on this Congolese official?

A: I did not see anybody use any force against anybody.

Question No. 11: Did this Congolese official strike you back?

A: Both yes and no. He pushed me away with the elbows, that is all.

Question No. 12: Was the Congolese official apparently or evidently injured in any way as a result of you striking him?

A: I did not see how; if he got any injuries I did not see them.

Question No. 13: What was the reaction of this Congolese official after you struck him?

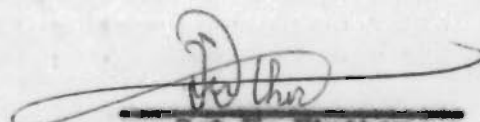
A: I struck him twice. After the first time he was shouting out and he was screaming round his hands and refusing to give back the key. When I hit him second time he stopped crying and just said I will give the key, and handed it over to me.

Question No. 14: Did you think at any time during the evening that this Congolese official had been drinking?

A: It was my point of view from the first beginning that the man was drunk. First of all because of his behaviour. He was not trying to keep any people away from the scene of Afro-Mogambo and it was as if he was not by his full sense when we talked to him. The three MPs he would not hear and he was keeping just his words in his mouth all the time, that he would take the ONUC members with him himself in this car. He was going down Blvd Albert at a speed of 120 kilometers. It was a speed too high for this. He did not make any accident but when he came to the house of Mr. Gardiner he was going in the same way as Afro-Mogambo club. I thought all the time that he was intoxicated.

Question No. 15: Did this Congolese official at any time during the evening offer to co-operate with the Military Police in order to quieten down the crowd?

A: In the time I was on the scene I did not see any time which means he had not tried, because I was in this neighbourhood all the time.


Sgt V. Vinther

FINDINGS OF THE BOARD

The Board finds that :

- a) Two connected incidents occurred between members of ONUC military personnel and Congolese civilians during the night 20/21 Feb 63. The first incident took place outside Afro-Mogambo Club at approximately 0130 hrs on 21 Feb 63 - the second incident took place in the immediate vicinity of the residence of the Officer-in-Charge, ONUC, approximately one-half hour later.
- b) The first incident involved five Swedish ONUC military personnel, two Danish Military Police and one Canadian Military Police, a Congolese official and an unknown number of Congolese civilians and Congolese Gendarmes.
- c) The second incident involved a Congolese official, 4 Congolese Gendarmes, three Swedish ONUC personnel and two ONUC Danish Military Police.
- d) The Congolese official was not verbally insulted by ONUC military personnel, but that he was actually struck by one ONUC Danish Military Policeman.
- e) The ONUC military personnel and the three ONUC Military Policemen were unduly molested and manhandled by an unknown number of Congolese civilians during the incidents.
- f) No assistance was rendered to the Military Police by the Congolese official or the Congolese Gendarmes in endeavouring to prevent the ensuing actions that took place.
- g) The identity of the Congolese official was not accepted by the ONUC Military Police until actually proven to them by the Officer-in-Charge.
- h) Two Swedish military personnel apologised after the incident, after ascertaining who the Congolese official was, despite their enforced participation in the incidence.
- j) No Congolese witnesses were available to give evidence to the Board.

OPINION OF THE BOARD

The unanimous opinion of the Board is:

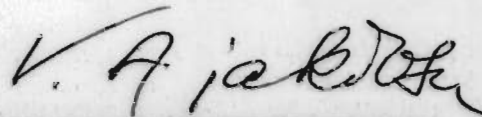
- a) That no cooperation whatsoever was given to the ONUC Military Police by the Congolese people or the Congolese official involved, either in seeking to avoid the incident or to having it solved other than by force on the part of the ONUC Military Police.
- b) That the Swedish personnel involved behaved themselves in a satisfactory manner despite extreme provocation to the contrary.
- c) That the Danish and Canadian Military Police did discharge their duties in a commendable manner.
- d) That the incident should not reflect on the conduct of those UN military personnel or the ONUC Military Police involved.
- e) That the communications between the Congolese official, the Congolese people at the scene of the incidence and the ONUC Military Police were lacking in understanding and intention.
- f) That the Congolese official did act contrary to the provisions of the Agreement between the UN and the Republic of the Congo in accordance with Article 10 of that Agreement.
- g) That in order to prevent further incidents of a similar nature the Congolese Central Government endeavour to impress upon certain of their officials the possible more serious consequences of similar situations.
- h) That the responsibility for the creation of the incidence in the first instance was that of the Congolese official, albeit the language barrier between certain of the ONUC military personnel and the Congolese official contributed to the creation of the incidents.
- j) That the ONUC Military Police did exhaust all peaceful means of persuasion to prevent the manifestation of the incidents before resorting to force to bring them to an end.

Signed at Leopoldville Congo
this 26th day of
February 1963.



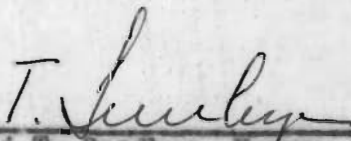
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MEMBER

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