Officer-In-Charge 678

ADDITIONS AND DELETIONS TO STAFF LIST OF 1 JANUARY 1964

AS OF 1 MARCH 1964

DELETIONS	POSITION	REMARKS	ADDITIONS	POSITION	REMARKS
CIVILIAN PERSONNEL					
			CHAKRA, Mr. S.	Personnel Clerk	Internal Transfer
F I N A N C E					
LEDWIDGE, Mr. W.	Dep.Chief of Finance	Deceased			
AUDIT AND INSPECTION SERVICE					
THOMMESSEN, Miss A.	Secretary	Departed Mission			
GENERAL SERVICES					
Security Office:					
SAWAYA, Mr. E.	Security Officer	Departed Mission			
Transport Branch:					
MISRAHI, Miss M.	Secretary	Departed Mission			
UNIT STORES AND ACCOUNTS CONTROL					
			COHEN, Mr. R.	Admin. Assistant	Internal Transfer
OTHER ASSIGNMENTS					
SRIRAM, Mr. M.	Secretary	Departed Mission	BOOKER, Mrs. D.	Clerk/Typist	Internal Transfer
			LORD, Mr. S.	Sanitary Assistant	Internal Transfer
			MOUCHBAHANI, Mr. R.	Secretary	Internal Transfer

.../..2

DELETIONS	POSITION	REMARKS	ADDITIONS	POSITION	REMARKS
ELISABETHVILLE					
LARSEN, Mr. C.	Building Manager	Departed Mission			
FELDMAN, Mr. S.	Engineer/Technician	Departed Mission			
K I T O N A					
SCHMID, Mr. W.	Admin. Assistant	Internal Transfer			
MOUCHBAHANI, Mr. R.	Secretary	Internal Transfer			
K A M I N A					
POSTMA, Mr. J.	Base Administrator	Departed Mission			
COHEN, Mr. R.	Admin. Assistant	Internal Transfer			
DAOUD, Mr. R.	Admin. Clerk	Internal Transfer			
CHAKRA, Mr. S.	Personnel Clerk	Internal Transfer			
ANTONIOU, Mr. D.	Secretary	Internal Transfer			
LORD, Mr. S.	Sanitary Assistant	Internal Transfer			
LILJEFORS, Miss M.	Secretary	Internal Transfer			
BLOM, Mr. C.	Admin. Officer	Internal Transfer			
LULUABOURG					
			LILJEFORS, Miss M.	Secretary	Internal Transfer
			BLOM, Mr. C.	Admin. Officer	Internal Transfer

.../..3

CIVILIAN OPERATIONS STAFF LIST

ADMINISTRATIVE SUPPORT

DELETIONS	POSITION	REMARKS	ADDITIONS	POSITION	REMARKS
AHMED, Mr. S. H.	Chief Civilian Ops.	Departed Mission	OSORIO-TAFALL, Mr. B.F.	Chief Civ. Operations	New Arrival
DANILESCU, Mr. A.	Admin. Assistant	Departed Mission	FOSTER, Mr. P.	Programme Officer	New Arrival
McREYNOLDS, Mr. D.	Admin. Assistant	Departed Mission	SCHMID, Mr. W.	Admin. Assistant	Internal Transfer
Travel and Transport Unit					
			DACUD, Mr. R.	Admin. Clerk	Internal Transfer
			ANTONIOU, Mr. D.	Secretary	Internal Transfer

ROUTING SLIP

TO: Lin

	APPROVAL		NOTE AND RETURN
	SEE ME, PLEASE		YOUR COMMENTS
	YOUR SIGNATURE		YOUR INFORMATION
	NOTE AND FILE		FOR ACTION

Osario s'occupe de la fonction.

DATE: 6/2/64

FROM: [illegible]

Confidentielle

Le 5 février 1964

A : Monsieur le Chef des Opérations Civiles

Du : Conseiller Juridique Principal

Objet : Terme du Contrat des Magistrats.

J'ai l'avantage de signaler à l'attention de Monsieur le Chef des Opérations Civiles que le contrat d'engagement d'un certain nombre de magistrats recrutés par l'ONU, et en service au Congo, arrive à terme dans les soixante jours (60) à venir. Ci-joint la liste de ces magistrats avec, en regard, les dates d'échéance.

Dans l'opinion du soussigné, il conviendrait de prendre, sans tarder, toutes les dispositions utiles pour clarifier cette situation.

Ces juristes engagés par l'ONU formant la majorité des magistrats employés dans les services judiciaires au Congo, leur départ signifierait la fermeture de la plupart des Tribunaux et Parquets.

On estime qu'il est urgent que cette question soit envisagée sans délai et qu'une prompte décision soit trouvée.

Le Ministre de la Justice, rentré à Léopoldville pour uncourt séjour de trente six heures, m'a demandé, avant de regagner Luluabourg, d'exposer à Monsieur le Chef des Opérations Civiles la situation dramatique avec laquelle serait confronté son Département au cas où une solution n'était pas trouvée dans les trente (30) prochains jours.

Liste des Magistrats dont le contrat
arrive à terme au mois d'avril 1964

---

1 -	Samih DEIF	31 mars 1964
2 -	Gérard Ch. ALERTE	1er avril 1964
3 -	Roger BONCY	"
4 -	René COLIMON	"
5 -	André MOISE	"
6 -	Luc PIVERGER	"
7 -	Gaston SAM	"
8 -	Luc TIMOTHE	"
9 -	Fouad HAJ-ALI	7 avril 1964
10 -	Saad RENNO	"
11 -	Abdel Ghaffar HOSNI	16 avril 1964
12 -	Saad Ibrahim TAKLA	"
13 -	Mamoud Rouchdy MOUSTAPHA . . .	23 avril 1964
14 -	Hamed WASFY	"
15 -	Panos NICOLAKAKI	28 avril 1964
16 -	Constantin PAPAKIRICOU	29 avril 1964

e/ Dtr liv

CivOps 1772/63

17 December 1963

To : Mr. T. Trisciuzzi, Assistant Chief Administrative Officer

From : S. Habib Ahmed, Chief, Civilian Operations

Subject : PX and Commissary

1. I should be grateful if you would kindly take up at the next meeting of the PX Board the problem of overcrowding at the PX and the Commissary. I understand that the question of hours of work of the two shops has been discussed on several occasions but no satisfactory solution has been found. I hope however that the PX Board will not give up its efforts and continue to occupy its attention, as it has done before, to facilitate shopping by staff members of various categories.

2. In view of the fact that the supply situation is likely to improve in the near future, I should be grateful if you would kindly have the following matters brought up for consideration once again at the next meeting of the PX Board:

(a) shopping hours for staff members working at the Royal should be fixed in a manner so as to enable them to shop conveniently after office hours and on Saturday afternoons. In this connection it might be considered whether the working hours on weekdays in the afternoons could be extended so as to give an opportunity to all those staff members who have to work after the normal hour of closing of the office;

(b) shopping hours for the military air personnel working at N'Djili should be kept as far as possible separate from those of others. This personnel must necessarily come as a group for reasons of transport and it naturally tends to create a certain amount of confusion with others. It might be possible, for instance, to allocate the personnel a particular day of the week for shopping at which time no other customers would be permitted;

(c) as the number of families of experts are growing, it is clear that their facilities should be augmented. The usual time for wives of staff members to go out for shopping is the morning since they can also at that time visit the local markets. It seems to me therefore that the PX and Commissary should be open every day in the morning hours to enable this class of customer to do their shopping conveniently;

. . . 2

(d) as regards experts in general, their shopping hours should be put in the same category as those of Headquarters staff members both military and civilian. If the shopping hours for these staff members are extended, everyone would have the opportunity to do his shopping conveniently without having to rush out of his office at five o'clock at the sacrifice of his work so as to avoid losing his rations.

3. Would you be good enough to explore the above points with the PX Board and let me have its reactions. If necessary, I am prepared personally to come to the meeting of the Board to represent the case on behalf of the experts of the Civilian Operations to invite the sympathetic consideration of the Board.

cc: Mr. M. Dorsinville
Mr. C. Seward

WORLD HEALTH ORGANIZATION

ORGANISATION MONDIALE DE LA SANTÉ

B. P. 1899
LÉOPOLDVILLE
République du Congo

With the compliments
of the
Senior WHO Representative

Avec les compliments
du
Représentant en chef de l'OMS

Monsieur Max H. Dorsinville
Chargé de la Mission des Nations Unies au Congo

Cbem 000 Cir

AB/bd

5 décembre 1963

Cher Docteur Roy,

Monsieur Max H. Dorsinville m'a remis une photocopie de votre lettre du 26 novembre 1963.

Je vous demande de bien vouloir m'envoyer à votre convenance un curriculum vitae détaillé en triple exemplaire afin d'entamer pour vous les démarches nécessaires.

Veuillez agréer, cher Docteur Roy, mes salutations distinguées.

Dr A. Bellerive
Représentant en Chef
de l'OMS au Congo

Docteur F. André Roy
Médecin-Chef du Centre médical de
Latoursville
B.P. N° 20
Latoursville
Gabon

cc.: M. Max H. Dorsinville

O N U C

Done 13/XII

Date 27 November 1963

To: Mr. R. Gorgé, Principal Legal Adviser

From: Office of Civilian Personnel

Subject: Periodic Report

Would you kindly complete Sections I and II of the attached periodic report forms, in quadruplicate, in respect of Mr. Fouad CHAMBOUR.

In Section I, paragraph A, staff member's duties and assignments should be clearly listed, even if the staff member's title is self-explanatory.

Please return these forms to the Office of Personnel, Room 760 (Le Royal).

OPERATION DES NATIONS UNIES AU CONGO

UNITED NATIONS OPERATION IN THE CONGO

BOITE POSTALE 7248
LEOPOLDVILLE
REPUBLIQUE DU CONGO
CABLE: ONUC. LEOPOLDVILLE

Léopoldville, 30 Novembre 1963.

A : Mr. J. Schoellkopf, Chef du Personnel Civil, ONUC Léopoldville.

De : L.M. Noisy, Superviseur Contrôle Comptabilité Régionale, Finance ONUC.

Sujet : Fin de Contrat de Service.

I. Je m'empresse de vous informer que je ne pourrai accepter la prolongation de mon contrat de service au delà du 8 Janvier 1964, car j'ai accepté une offre qui, avantageuse par a illeurs m'offre surtout les facilités pour poursuivre mes études en vue du doctorat es Sciences Economiques.

2. Comme je compte fixer mon départ à la fin de la première semaine de Janvier 1964, je désirerais être déchargé de mes fonctions à partir du 31 Décembre 1963, la période du Ier au 8 Janvier sera décomptée des jours de congé accumulés auxquels j'ai droit.

3. Je vous saurais gré de bien vouloir me délivrer un certificat sur mes états de service dans l'Organisation avec si possible une appréciation de mon travail.

4. Je profite de l'occasion pour vous remercier ainsi que mon chef de service Monsieur T. de Candia de l'interêt que vous avez manifesté en vue du renouvellement de mon contrat et aussi pour adresser par votre intermédiaire à l'Organisation des Nations-Unies, l'expression de ma gratitude pour l'opportunité qui m'a été accordée de participer à la grande oeuvre d'entraide internationale menée avec succès au Congo. L'expérience qu'il m'a été permis d'acquerir au cours de ces trente mois de service restera pour moi inoubliable et d'une valeur inappréciable.

cc: Mr. Dorsinville, Officer in Charge, ONUC Léopoldville.
Mr. T. de Candia, Chief Finance Officer, ONUC Léopoldville.
Mr. A. De Laure, Chief UNEF/ONUC UN HQ New York.

Pierre LEGROS
B.P. I.434
STANLEYVILLE.-

Stan,le II/II/1963.-

Reçu le 18/11/63

RECOMMANDEE A.R./

Monsieur Le Directeur de L'UNESCO
à LEOPOLDVILLE.-

File Action Tête de UNESCO

Monsieur Le Directeur,

Objet: Affaire CADET Wilson.-

REF. MA LETTRE DU 20/9/63.-

J'ai l'honneur de vous rappeler avec regret ma lettre du 20/9 par laquelle je vous demandais le deplacement immédiat de CADET W.

J'ai été convoqué par l'Unesco Stan pour donner des explications concernant l'affaire Cadet. J'ai reconfirmé mes ménaces de tuer Cadet s'il continuait à habiter le Congo et principalement Stan et toute la province Orientale.

Je tiens à vous signaler que je n'ai aucune confiance aux interrogatoires de Mr. LOUIS de l'Unesco Stan, car je remarqué que celui-ci defendait son compatriote.

Je serais curieux de connaitre le contenu de son rapport ?

J'ai assez prevenu tout le monde afin d'éviter le drame qui pourrait arriver. Qui serait responsable ?

1° Le Directeur de L'Unesco.
2° Le Directeur de l'Education Nationale.
3° Le Chef de l'ONUC.

J'ai cru que l'ONU et l'Unesco étaient ici pour la paix, mais je constate qu'ils ont du plaisir quand les gens se tuent...

Dans l'espoir de vous lire, veuillez agréer, Monsieur Le Directeur, l'assurance de ma considération distinguée.

Icc: à l'Education Nationale Leo.
Icc: à Mr. DORNSIVILLE Chef ONUC Leo.

Pierre LEGROS.-

ALBERTVILLE, le 25 Novembre 1963

Monsieur le Ministre de la Justice
du Gouvernement Central

LEOPOLDVILLE

C/ PEE 000 CIV.

Monsieur le Ministre,

J'ai l'honneur de vous remettre ci-joint mon rapport concernant certains incidents déplorables survenus récemment à Albertville, ainsi qu'un rapport de M. le Substitut du Procureur d'Etat à Albertville relatif à des faits analogues.

J'ai le regret de devoir exprimer ma déception de cet état de choses, vu les effor continuels et considérables que j'ai déployés jusqu'ici pour la réorganisation de la justice dans la Province du Nord-Katanga.

J'estime que seule une enquête sur place menée par vos services vous permettrait de vous faire une opinion sur les incidents en question.

Je vous prie d'agréer, Monsieur le Ministre, l'expression de ma plus haute considération.

S.I. TAKLA
Juge-Président du Tribunal
de District du Tanganyika

Jaad Takla

COPIE pour information
à M. le Chargé de Mission de l'ONU au Congo

REPUBLIQUE DU CONGO

TRIBUNAL DE DISTRICT DU TANGANYIKA
CABINET DU JUGE PRESIDENT

RAPPORT

Le 21 novembre 1963, vers 8h.45 du matin, les prévenus devant comparaitre à l'audience pénale publique n'étant pas arrivés au Tribunal malgré que l'heure fixée pour l'ouverture de l'audience publique est 8h.30 du matin, nous avons chargé Monsieur le Greffier du Tribunal, LUMANDE Gaston, de contacter téléphoniquement la prison, mais ce dernier nous informa par la suite que la ligne téléphonique était dérangée. Vu qu'à ce moment il tombait une pluie torrentielle, j'ai décidé d'aller chercher à la prison ces prévenus avec ma voiture dans laquelle m'accompagnaient l'huissier du Tribunal KABEYA Jeat et un policier nommé NGOY Eleusa.

Arrivé à la prison le surveillant principal BORAUZIMA Thomas, nous a informé que les détenus devant comparaitre devant le Tribunal n'allaient pas être envoyés vu que le Lieutenant de la Gendarmerie LUKWANFILI Victor avait défendu aux gendarmes de les escorter au Tribunal.

Ayant remarqué entretemps un gendarme qui était tout près de la voiture et de moi, assis sur une chaise, je suis descendu et lui ai demandé de se mettre debout et s'il savait que j'était le Juge-Président. M'ayant répondu par l'affirmative, j'ai jugé opportun de lui faire remarquer qu'il était de son devoir de se mettre debout en présence d'un Magistrat dans de telles circonstances, entretemps un autre gendarme s'est interposé s'adressant à moi et a dit devant un grand nombre de prisonniers qui se trouvaient là: "moi je vais te taper" et joignant le geste à la parole il se lança vers moi et sans l'intervention du gendarme chef de poste, il aurait accompli son acte agressif. Après avoir été écarté quelque peu ce même gendarme m'a injurié disant "IDIOT" et continuait à tenter de m'approcher dans un but agressif. J'ai demandé au gendarme chef de poste de me communiquer le nom du gendarme en question, mais sans résultat. Après cela j'ai remarqué un autre gendarme qui en apparence intentionnellement se maintenait assis sur sa chaise étendant nonchalament les pieds et le buste d'une façon inconvenante.

J'ai demandé alors au chef de poste de lui faire la remarque et de lui demander de se mettre debout, mais quand ce dernier le demanda à maintes reprises, le dit gendarme refusa et se maintint dans sa position. Le gendarme chef de poste ayant refusé de conduire les deux gendarmes précités au Parquet pour les mesures qui s'imposent, j'ai embarqué dans ma voiture les détenus devant comparaitre devant le Tribunal et suis retourné au Tribunal.

Le 22 novembre 1963, vers 10 h du matin, j'ai été invité par Monsieur le Président du Gouvernement Provincial à assister à une réunion concernant l'incident précité.

A cette réunion et à la demande de Monsieur le Président, j'ai exposé les faits sans faire de commentaires. Puis la parole fut donnée au Major Musambay qui commença à rapporter des faits inexacts tout en faisant des commentaires inconvenants, disant entre autres que la version des faits qui lui avaient été donnée par ses gendarmes était celle qui concordait avec la vérité. Etant donné que j'ai considéré cette attitute inconvenante à mon égard j'ai demandé à Monsieur le Président l'autorisation de me retirer. Soudainement, le Major Mowoso, présent, se leva dans un état apparent de colère et d'excitation et cria menaçant: "Vous ne sortirez pas", puis il se précipita vers la porte, l'ouvrit et donna l'ordre aux gendarmes qui se trouvaient à proximité, d'arrêter toute personne qui sortirait de la chambre sans sa permission.

Monsieur le Président du Gouvernement Provincial et Monsieur Beitsma, Administrateur de l'ONUC à Albertville, qui était aussi présent, me demandèrent de continuer à assister à la réunion. Pour éviter les complications, j'ai acquiescé à leur demande. Malgré cela, le Major Musambay continua ses commentaires déplacés et inconvenants. Quand Monsieur Beitsma, Administrateur de l'ONUC à Albertville, attira l'attention de Monsieur le Président du Gouvernement Provincial sur ces agissements illégaux et outrageants, Monsieur le Major Musambay, dans un but évident de poursuivre ces outrages devant les personnes réunies, lui répondit: "Ne craignez pas on ne va pas vous arrêter ni vous ni le Juge-Président, mais si Monsieur le Président du Gouvernement me dit de vous arrêter, je vous arrêterai, vous et le Juge-Président".

Ensuite, la parole fut donnée au secrétaire de la prison comme témoin des faits, alors qu'il n'y avait eu aucun rôle, et qu'il aurait été plus normal d'interroger à ce sujet, le Surveillant Principal de la prison à qui je m'étais adressé lors de mon arrivée là-bas.

Saad Bakele

Il est évident et clair que le témoin précité avait été choisi et influencé pour débiter ses mensonges, et il est facile de détecter l'inexactitude des faits relatés soit par lui, soit par les gendarmes par l'entremise du Major Musambay et appuyés par ce dernier. Le Major Musambay a déclaré que ses gendarmes l'ont informé que j'ai dit de l'officier de la gendarmerie qu'il était médiocre alors que le prétendu témoin, le secrétaire de la prison a dit que c'est un gendarme que j'aurais qualifié de la sorte et que ce dernier ne m'aurait outragé qu'en riposte.

Il est important de relever que ce prétendu témoin était arrivé à la réunion avec le chef de la sureté à Albertville, Monsieur GUESTRIN François et l'agent de la Sûreté, Monsieur TEMBWE Ernest, et est resté encadré par eux et qu'il est de notoriété publique que Monsieur GUESTRIN François et d'autres agents de la Sureté à Albertville ont été jugés par le Tribunal que je préside et que ce Tribunal avait ordonné l'arrestation de Monsieur GUESTRIN François, qui a été d'ailleurs déféré devant le Tribunal de première instance de Bukavu pour être jugé dans deux affaires, et que par la suite une campagne mensongère et diffamatoire de presse fut lancée à mon encontre et que des agents de la Sûreté par la suite avaient commis des actes illégaux et vexatoires à mon égard (tous ces faits et actes ont été signalés aux autorités supérieures compétentes). Quel était donc le motif de la présence de ces agents de la Sûreté dans une réunion de conciliation, comme l'a qualifiée Monsieur le Président du Gouvernement Provincial alors que la Sûreté n'était ni de près ni de loin engagée dans le différend, objet de cette réunion?

Il y a lieu de souligner aussi que je n'avais nullement adressé la parole au gendarme qui m'a outragé et que ce dernier s'est imposé en intrus alors que je m'adressais au premier gendarme précité lui expliquant que par respect à la Magistrature il ne devait pas à l'avenir adopter l'attitude nonchalante et irrespectueuse qu'il affichait en ma présence. De plus, à maintes reprises, des remarques ont été faites par moi et par Monsieur le Substitut, à tout le personnel de la prison pour leurs négligences répétées et continuelles entre autres les évasions multiples et répétées des détenus. (Plus de quarante évasions au courant du mois d'Octobre 1963).

Il est d'ailleurs inutile d'en dire plus long à ce sujet, car j'affirme que je n'ai absolument pas prononcé le mot précité, et bien que je sais que mon affirmation n'a pas besoin d'être confirmée par des témoignages, je crois utile de citer en l'occurrence l'huissier et le policier qui m'accompagnaient.

Saad Bakala

A cette occasion, il serait utile de noter de qui suit:

1. Que la circulaire No. 81/49 du 25.9.59, relative à l'organisation et à l'utilisation de la gendarmerie stipule entre autres que "dans le cadre de son service ordinaire, la gendarmerie assure la police des salles d'audiences ainsi que le transferement de détenus, leur conduite devant l'autorité Judiciaire et leur ré-intégration en prison"

2. Aux deux audiences pénales précédentes, en date du 14 et 16 novembre 1963, ainsi qu'à deux audiences précédentes de la Chambre de Conseil, les gendarmes escortaient au Tribunal les prévenus en détention préventive. Quelle est donc la raison du revirement brusque de Monsieur le Lieutenant de la Gendarmerie, LUKWANFILI Victor?

3. Qu'en date du 6 novembre 1963, et suite à un vol avec effraction commis dans les locaux du Parquet et du Tribunal, j'avais demandé à Monsieur le Commandant de la Gendarmerie de désigner un corps de garde pour ces bâtiments. Jusqu'à l'heure actuelle, aucune mesure n'a été prise à cet égard.

4. Suite à la lettre précitée, Monsieur le Lieutenant de la Gendarmerie IYONGO Martin s'était présenté dans mon cabinet disant être envoyé par le Commandant de la Gendarmerie pour recevoir les instructions nécessaires concernant la garde des locaux du Parquet et du Tribunal par les Gendarmes et concernant la Police de l'audience et transferement de détenus par les gendarmes et en présence de Monsieur le Substitut, je l'ai informé des mesures nécessaires à ce sujet, mais rien n'a été exécuté jusqu'à l'heure actuelle.

5. J'ai appris de Monsieur le Substitut du Procureur d'Etat qu'il s'était rendu au Quartier Général de la Gendarmerie le jour de l'incident précité pour prendre les mesures nécessaires concernant les outrages commis envers moi et que le Lieutenant de la Gendarmerie IYONGO Martin l'a informé que les gendarmes en faute, ne pouvaient en aucune façon comparaitre actuellement devant le Parquet et que l'outrage commis n'était pas d'importance et qu'il examinerait cette question le lendemain à 11h. et qu'il verrait ce qu'il y aurait lieu de faire et que les gendarmes en cause ne pouvaient en aucune façon être retiré de la prison, qu'ils resteraient à leur poste jusqu'à ce que leur faction soit terminée ce soir.

6. L'attitude du Lieutenant de la Gendarmerie IYONGO Martin est un nouvel outrage à la Magistrature.

Saad Bakele

J'estime nécessaire, avant de terminer ce rapport, de faire allusion aux faits suivants:

1. Le samedi 2 novembre 1963, Monsieur le Substitut du Procureur d'Etat à Albertville, avait arrêté Messieurs RAMAZANI Ngongo et MWELU Dismas. Monsieur le Ministre Provincial des Affaires Sociales, accompagné de Messieurs le Major Musambay et le Major Mowoso sont venus dans l'après-midi à mon domicile me demandant la mise en liberté de ces deux personnes. Je leur ai catégoriquement dit qu'il fallait à ce sujet suivre la procédure régulière imposée par la loi et que cette question serait examinée en Chambre de Conseil, le lundi matin. Il s'avéra par la suite qu'après m'avoir quitté ils s'étaient rendus à la prison d'Albertville et avaient libéré les deux détenus précités dédaignant toute légalité.

   Après leur départ, M. le Commandant de la gendarmerie LUKWANFILI Victor est venu chez moi dans le même but précité.

2. Il est étonnant que l'ordre de retrait de l'escorte de gendarmes aux prisonniers convoqués au Parquet soit survenu après la ré-arrestation récente de M. Ngongo RAMAZANI ordonnée par Monsieur le Substitut du Procureur d'Etat et au sujet de laquelle de nouvelles démarches irrégulières ont été entreprises vainement auprès de moi.

3. Je crois qu'il est utile à cet occasion de faire allusion à l'arrestation arbitraire précédente de Monsieur le Substitut du Procureur d'Etat, ILUNGUA Charles, opéré par la gendarmerie et les sévices qu'il a subit qui auraient eu des conséquences fâcheuses et irréparables sans mon intervention conjugée avec celle de Monsieur G. GHALEB, ci-devant chef de la Mission de l'ONUC à Albertville à cette époque.

4. Monsieur le Substitut ILUNGUA Charles étant parti pour Bukavu, suite à ce traitement, Monsieur le Major Musambay me téléphona me reprochant de l'avoir laissé partir et disant que Monsieur le Substitut aurait dû être mis à sa disposition pour qu'il puisse vérifier après enquête les infractions qui lui étaient imputées. J'ai répondu au Major Musambay, qui était d'ailleurs dans un état de grande colère, qu'il n'était pas de mon droit d'empêcher Monsieur le Substitut de partir et qu'en plus c'était aux autorités judiciaires de procéder aux enquêtes dans ces circonstances. En son temps j'ai informé Monsieur GHALEB, représentant de l'ONUC à Albertville de cet incident.

Il y aurait beaucoup à ajouter à mon exposé, mais je crois qu'il donne un aperçu général d'un état déplorable des choses et j'estime en

Saad Tabla

toute foi et conscience qu'il est temps que des mesures exemplaires et rigoureuses soient prises à l'encontre des personnes qui supposées être conscientes de leur responsabilité de maintenir l'ordre et de soutenir le respect de la justice s'évertuent en fait à semer le désordre et à la bafouer, prouvant par là d'une façon flagrante leur inaptitude et leur mauvaise foi tout en entravant les efforts déployés pour consolider l'indépendance du Congo et son essor vers la prospérité et le progrès.

fait à Albertville,
le 25 novembre 1963.

S.I. Takla,
Juge-Président du Tribunal
du District du Tanganyika.

SIT/CDF

Saad Takla

ROUTING SLIP

TO

M. Dorsinville

	APPROVAL		NOTE AND RETURN
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I thought you would find this interesting

J. R.

DATE	FROM

Pr Seward
Clear Mr Ex 000 Cir

UNITED NATIONS NATIONS UNIES

INTEROFFICE MEMORANDUM

TO: Mr. Carey Seward, Chief Administrative Officer
ONUC, Leopoldville

Date: 8 November 1963

THROUGH:

FILE NO. CONFIDENTIAL

FROM: George Lansky, Acting Chief
Field Operations Service
Office of General Services

~~Original to OIC~~
copies : Schroll koff
Polgar
original
copies

SUBJECT: Reduction of Staff - ONUC

1. This refers to your memorandum of 25 October 1963 and related cables No. 6212 from here and your cable No. 6168 and AR 121-1 on the above subject.

2. The tables submitted by you under memorandum of 25 October were discussed in detail with the Office of Personnel. Unfortunately, we can offer you very little hope that additional posts beyond the 238 indicated in the Budget Estimates for 1964 would be approved. There is no question that paring down your establishment to stay within the 238 is a monumental undertaking considered simple by no one here. The fact remains that as inadequate as you may feel that the Budget Estimates may be, this is it--we're going to have to live within it ($18,200,000) and the position of the Controller and the Secretary-General is unconditional--there will be no 1964 supplementaries for ONUC.

3. Commenting on the salient points of your 25 October memorandum:

(a) As recently as last week, the Controller indicated that he hoped to be able to turn over the Kitona and Kamina bases by 15 November. We are not convinced as yet on this point since the information from the Legal Department indicates that matters are still at an impasse.

(b) With reference to servicing civilian operations, the recent cable sent to you by the Controller in which Mr. Vaughan concurred, outlines our stand on this point. However, to ensure a clearer picture at this end, it would be helpful if you could prepare two staff lists:

(i) one staff list showing the civilian operations administrative overhead; staff that would be required if they were to operate separately under their own administration;

(ii) another list dovetailing the civilian operations administrative overhead staff into the ONUC administration with subsidy costs for this staff being provided from other sources.

(c) There are sections where you indicate you do not believe it will be possible to meet the target staffing levels, but there is no other course, you must strive for the targets. Departures should be indicated to the liquidation date and an indication should be made as to whether replacements are required or not bearing in mind that replacements from Headquarters should be kept to absolute minimum. Where the liquidation date is known an indication made now as to the extension of staff will

.../...

(c) assist us in continuing contracts without duplicate paper work. In this connection, we note that you have already taken action to abolish special leave travel between assignments and have issued the appropriate circular amendment. We agree that as necessary home leaves should also be postponed owing to the exigencies of the service as provided in Staff Rule 105.3 (g) and without prejudice to the staff members' regular cycle of home leave.

(d) On the second point you made that no staffing provisions were made for movement control, language services and military headquarters, this is not true except in the case of language services. Military Headquarters and movement control were included in the overall allocation of posts under General Service, O.I.C., Office of the CAO and the Field Offices. No provision was made for language service staff since it was felt that there would be no major need for this service, when costs for Civilian Operations are no longer provided for. However, we sympathize to the immediate needs you indicate in your letter and can only suggest that you draw from within your overall total of 238. ??

Apropos to this, it might be worth clarifying one point. The 68 Overload Posts established at Headquarters have nothing to do with your manning table and cannot be allocated as you requested. This manning table has been reduced from 103 in 1963 to 68 in 1964.

4. With reference to lists of staff members in mission to 30 June 1964:

(a) The Office of the CAO - We were particularly puzzled that the only staff remaining after 31 March will be an FSL-4 and she, Miss Carson, only to 19 April 1964. You give no indication as to who would handle administration beyond 31 March, as obviously there will be a need for such staff to 30 June in some instances and beyond 30 June in other key liquidation posts, such as: Folgar - DCAO - leaving 31 March 1964; Madan - SAO - leaving 31 March 1964; Koehler - AI - leaving 31 December 1963, etc. Squadron Leader Harrison reported to Headquarters that Mr. Koehler would be needed at least to 30 June 1964. You made no mention of this extension, however, based on cable 8270 which Commander sent to Bunche, we have requested Personnel to arrange extension--please confirm his agreement.

(b) Movement Control - We have already commented above regarding the staffing of this office being included under the General Service allocation of posts. However, we would like to have your plans as to which key posts are to continue after March through 30 June and beyond, such as Sheats - CMCO - leaving 21 April 1964; Ridgwell - TCO - leaving 31 January 1964, etc.

(c) Civilian Personnel - Staff appears to be excessive to target for this section. You will have to reduce a further two posts in General Service level. Also we would appreciate having your plans as to which key posts are to continue beyond 30 June such as Schoellkoff - CP - leaving 22 April 1964; Chell - PO - leaving 30 June 1964, etc. With reference to Fulcheri's departure 15 December 1963, will you need an outside replacement for Mr. Fulcheri or can Miss Chell be used as his replacement?

.../...

(d) Finance - Staff is excessive to target by two posts. It will have to be reduced. Also would appreciate receiving your plans as to which key posts continuing to 30 June and beyond such as DeCandia - CFO leaving 30/6/64 and others.

(e) Audit and Inspection Service - We have already commented above and have requested the Controller's Office to confirm that Col. Martin had agreed to the adequacy of the posts provided for 1964.

(f) OPI Section - Excessive to the target level by four posts; will have to be cut.

(g) General Service Section - A closer review will have to be made of the staffing requirements here since you exceed the target by five posts. This may require shifting of functions and doubling up in certain sections as well as possibly elimination of certain redundant functions. Also bear in mind that additional provisions in General Service posts have been made under Field Offices section of the manning table. We would also like to have an indication as to what the significance of the "dashes" shown under "to be extended until...." For example, dashes were shown opposite Kroon and Mooren's name on page 8, etc.

(h) Communications Branch - Under General Service, we are still awaiting a detailed breakdown of the station locations and the shifts you plan to operate at these various stations as well as Headquarters, Leopoldville.

In this connection, could you further clarify the recommendations made in your cable 6224 as tied to the Field Service extensions requested on page 8 (a) and page 3 of the 31 December list where you didn't comment on some Field Service staff. A separate cable reply will be sent to you concerning your recommendations.

There are other marks shown in your other General Service listing which need clarification here--the "question marks" shown against such names as Ashton, Corwell and Miss Misrahi (page 9).

(i) Language Service - We have already commented above. Will have to be part of the 85 provided for General Service.

(j) Purchase and Supply - Can be reduced a bit more by charging all PX and Commissary staff to PX profits. This would release additional posts needed more urgently elsewhere.

(k) Military Headquarters Section - Already commented above. A greater effort should be made to utilize more military clerks for this section releasing some General Service and Professionals to other more cogent areas.

5. We realize that the above may not be exactly what you were looking for in a way of a reply to your 25 October memorandum, but the cuts have to be made and you are the person who has to make them.

Open 800 Air.

C-4

ECA ADDIS ABABA

LEOET_____ GRAY FROM SCHOELLKOPF.

YOUR 2468 ONUC READY RELEASE JACKMAN END JANUARY THOUGH NOT WITHOUT DIFFICULTY. IF JACKMAN STAYS ECA AFTER SESSION ONUC WOULD LIKE POSSIBILITY LEFT OPEN TO BORROW HIM FOR SHORT PERIOD. JACKMAN CONCUR WITH ABOVE. EYE WOULD APPRECIATE EITHER YOU PICKING HIM UP FIRST FEBRUARY ON CONTRACT WITH ECA OR WE LENDING HIM TO YOU ON REIMBURSABLE BASIS UNTIL END CONTRACT WITH US WHICH IS EIGHTEEN MARCH 1964. PLEASE CABLE YOUR PREFERENCE.

cc: Mr. F.T. Liu
Mr. Polgar
Mr. Fulcheri

J.Schoellkopf
"

/rs

9 December 63

C/PER 000 CIV

10 September 3

TO : Mr. J. Scheellkopf, Chief of Civilian Personnel

FROM : Rémy Gorgé, Principal Legal Adviser and Political Adviser

SUBJECT : The late Mr. Ibrahim Farag

1. This will refer to your memorandum to Mr. Marcella of 23 August 1963 in which you enquired as to whether ONUC will pursue the matter of a possible claim for damages against the Power Station for having caused the wrongful death of Mr. Farag.

2. On the basis of the data contained in the ONUC file, it cannot be said with any degree of certainty as to whether the Power Station may be considered legally responsible for the death of Mr. Farag. Even if it be assumed that such responsibility exists, it does not appear that it is the UN or FAO which can assert a valid claim against the Power Station. Where an employer is obligated by contract or law to pay specified benefits to an injured employee, or to the estate of a deceased employee, the employer under Congolese law is not entitled to indemnification for any moneys paid from the person whose wrongful acts or omissions caused the injury or death. A. Sohier, in his authoritative study "Droit Civil au Congo Belge", states as follows: "..... si l'employeur a décaissé certaines sommes d'argent et presté des soins, c'est parce que, en ayant assumé le risque, il y était obligé sans aucune considération de la faute d'un tiers; la cause juridique qui justifie le décaissement et la prestation est non pas le quasi-délit, mais le contrat d'emploi et la loi; la faute n'a été que l'occasion du "préjudice" allégué; le décaissement et la prestation étant l'exécution de ladite obligation, ils ne peuvent léser un droit dans le chef de l'employeur; ils ne constituent donc pas un dommage dont le tiers lui devrait réparation." (Vol. III, p.410).

3. There may very well be in the present case further considerations of a legal character which would preclude recovery of moneys paid by the UN and FAO. According to the letter of 8 August 1963 from Mr. B.A. Anderson, Chief, Personnel Branch, FAO, to Mr. George Lansky, Mr. Farag was a local employee of the FAO and the only entitlement of his Estate is for accumulated annual leave. As regards his employment with ONUC, I understand that no moneys have yet been paid to the Estate. There is a distinct possibility that the estate will be entitled to payment only

.../...

for accumulated annual leave and salary earned until the date of death. As unused annual leave and salary earned but not paid cannot be considered as "damages" resulting from death, no valid claim in respect of such payments may be presented by the UN or FAO.

4. I would draw your attention to the fact that there have been a number of cases where members of the Force have sustained personal injuries as a result of the wrongful acts of a third party - for example in automobile accidents. Although ONUC in such cases made certain financial disbursements, no claim has been asserted by ONUC against the third party concerned because of the considerations set forth in paragraph 2 above.

5. You will understand that nothing contained in this memorandum should be construed as indicating that the estate of Mr. Farag is precluded from seeking recovery against the Power Station for the damages it has sustained. The legal obstacles set forth above that preclude recovery by an employer in no way apply to the estate of the deceased. In the event the estate decides to pursue the matter, ONUC will extend to it all practical assistance.

6. In this connection, I am transmitting herewith a copy of our Note Verbale of this date to the Embassy of the UAR. I take it that you will inform New York Headquarters and the FAO of the action that has been taken.

cc. Mr. Taff (Chron)

CT/mm

IP/ec

Le 13 mai 1964

A: Monsieur C. Paradellis, Magistrat

De: Maurice Gauvreau, Chef du Personnel Civil

Objet: Incapacité éventuelle suite à un accident d'automobile

J'ai pris bonne note de votre mémorandum du 5 mai 1964, dont copie sera transmise au Siège.

Je crois savoir que peu après votre accident, vous aviez réclamé une compensation de la tierce partie impliquée en même temps que vous dans l'accident mentionné ci-dessus. En effet, les assureurs de celle-ci s'étaient mis en rapport avec nous à l'époque.

Je vous prierais de bien vouloir m'informer par écrit, avant votre départ du Congo, et sans préjudice d'une réclamation que vous adresseriez ultérieurement à l'Organisation, où en sont actuellement les réclamations que vous auriez faites contre la tierce partie, à savoir : si vous avez obtenu satisfaction et dans quelle mesure, ou si une action est toujours en cours.

cc: Mr. B. Laurent, Conseiller Juridique Principal
Mr. R. Prieto, Conseiller Juridique, ONUC

SOCIETE IMMOBILIERE ET HYPOTHECAIRE AFRICAINE

SOCIETE ANONYME

« IMMOAF »

C/PER 000 C1 V

R. C. LEO 2378

Ses Départements :

Assurances - Immobiliers - Voyages

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B.B.A. Léo 2563
S.C.B. Léo 178
Paris-Bas Léo 1060
Kredietbank 10/0814

B. P. 798

Tél. 2263-2579-3774-4209

ORGANISATION DES NATIONS UNIES
" O. N. U. C. "
B.P. 7248

LEOPOLDVILLE

ONUC Police Report sent to Personnel (Miss Paquin) 19/6/64

Léopoldville, le 8 novembre 1963.
N/REF.: Cx/3072/RV/BS.

A la bonne attention de Mr. FULCHERI

Messieurs,

Nous avons l'honneur de confirmer notre entretien téléphonique du 5 courant que nous avons eu l'honneur d'avoir avec Mr. FULCHERI.

Ainsi que nous vous l'avons exposé, nous sommes les assureurs de Mr. MOKE Eugène.

En daate du 13 septembre 1963, à la suite d'un accident de roulage, Mr. le Procureur d'Etat PARADELLIS se trouvant transporté dans une voiture de l'ONUC a été blessé. Les faits se sont passés vers 12 h. à proximité du carrefour formé par les avenues du Port et du Boulevard du 30 Juin.

A la suite de cet accident, Mr. le Procureur d'Etat PARADELLIS, par l'intermédiaire de Mr. le Substitut du Procureur d'Etat Paul BAMENIDIO nous réclame une somme de fc. 49.400,- représentant le coût des frais pharmaceutiques et des soins médicaux qu'il a exposés jusqu'à ce jour.

Désirant compléter notre dossier en fonction de cette réclamation, auriez-vous l'obligeance de lui faire savoir :

1°- Si les frais médicaux et pharmaceutiques sont contractuellement mis à charge de l'ONUC.

2°- Si en cas d'invalidité permanente partielle, l'ONUC se trouve dans l'obligation de verser une portion à la victime.

Vous nous obligeriez vivement en nous fournissant ces renseignements étant donné que nous ne pourrions envisager la moindre indemnisation en faveur de Mr. PARADELLIS, en l'absence de ceux-ci. La présente vous est évidemment adressée sous les plus expresses réserves en ce qui concerne les responsabilités.

Nous vous prions d'agréer, Messieurs, l'assurance de nos sentiments distingués.

R. VITMANN
Chef de Service.

Sod. 89372

CONFIDENTIAL

ONUC MILITARY POLICE COMPANY

ACCIDENT REPORT

FILE NO : A-5-189 "L" UNIT: MP COY LEO

DETACHMENT: LEOPOLDVILLE DATE: 22 SEP 63

RE: ACCIDENT MAJOR: WHICH OCCURRED AT 1200 Hrs, 13 SEP 63, ON Blvd DU 30 JUIN, NEAR THE INTERSECTION OF Blvd DU 30 JUIN AND Ave CRESPEL, INVOLVING VW ONUC LIC NO 683 OPERATED BY ONUC ID CARD NO 3536 Mr C PARADELLIS, STATE ATTORNEY's, AND ONUC VEH, SWED ARMY LIC NO 176394 OPERATED BY ONUC ID CARD NO 54942 Sgt BERNHARDSON KB SWED BN KAMINA, AND PMC LIC NO G-32420PERATED BY Mr E MOKE QUARTIER KWENGE NO 39 "D" MATETE.

1. DETAIL	VEH NO 1	VEH NO 2
a. Type of vehicle Bus, truck etc.	SEDAN	MINIBUS
b. Make of vehicle	VW	VW
c. ONUC Licence No	683	
d. Civilian Licence No		SWED LIC NO 176394
e. Drivers name Drivers age Nationality Unit Address	ONUC ID NO 3635 Mr C PARADELLIS 60 GREEK JUDICATURE Blvd DU 30 JUIN NO 13 LEO	ONUC ID NO 54942 Sgt BERNHARDSON KB 26 SWEDISH SWED BN KAMINA
f. Drivers condition (Normal, intoxicated, fatigued etc.)	UNKNOWN	NORMAL
g. Was trip authorized	YES	YES
h. Drivers licence in order(Number)	YES 10914-?	YES 24060
i. Damge to vehicle, if yes describe briefly	FRONT HOOD, FRONT FENDERS FRONT BUMPER, AND LIGHT, REAR HOOD, REAR FENDERS, BUMPER AND LIGHT ALL DAMAGED.	DENT TO REAR END ABOVE THE BUMPER, AND LEFT REAR LIGHT DAMAGED.
j. Was property damaged	N/A	N/A
k. Brief description if property damaged	N/A	N/A
l. Estimated speed prior to accident	STOPPED	STOPPED
m. If driver is not owner, state who is	ASSIGNED TO JUDICATURE. TPT SEC, HQ-ONUC.	SWEDISH LIAISON OFFICE, LE ROYAL.

CONFIDENTIAL

ONUC MILITARY POLICE COMPANY

ACCIDENT REPORT

FILE NO : A-5-189 "L" UNIT: MP COY LEO

DETACHMENT: LEOPOLDVILLE DATE:

RE: ACCIDENT MAJOR: WHICH OCCURRED AT 1200 Hrs, 13 SEP 63, ON Blvd DU 30 JUIN, NEAR THE INTERSECTION OF Blvd DU 30 JUIN AN Ave CRESPEL, INVOLVING VW ONUC LIC NO 683 OPERATED BY ONUC ID CARD NO 3536 Mr G FARADELLIS, STATE ATTORNEY'e, AND ONUC VEH, SWED ARMY LIC NO 176394 OPERATED BY ONUC ID CARD NO 54542 Sgt BERNHARDSON KB SWED BN KAMINA. AND PEC LIC NO G [redacted] OPERATED BY Mr E MOKE QUARTIER KWENGE NO 39 "D" MATETE.

1. DETAIL	VEH NO 3	VEH NO 2
a. Type of vehicle Bus, truck etc.	SEDAN	
b. Make of vehicle	PONTIAC	
c. ONUC Licence No	N/A	
d. Civilian Licence No	G 3242	
e. Drivers name Drivers age Nationality Unit Address	E MOKE 26. CONGOLESE QUARTIER KWENGE 39 "D" MATETE.	
f. Drivers condition (Normal, intoxicated, fatigued etc.)	NORMAL	
g. Was trip authorized	N/A	
h. Drivers licence in order(Number)	YES 23522	
i. Damge to vehicle, if yes describe briefly	RIGHT FRONT FENDER AND FRONT BUMPER DAMAGED.	
j. Was property damaged	N/A	
k. Brief description if property damaged	N/A	
l. Estimated speed prior to accident	40 KMPH (DRIVER)	
m. If driver is not owner, state who is		

ONUC MILITARY POLICE COMPANY
ACCIDENT REPORT
PAGE 2

2: Weather: Clear XX Raining ___ Night ___ Day XX Foggy ___

3. Road: Pavement ___ Tarmac ___ Ashphalt XX Sand ___ Clay ___

Slippery ___ Dry XX Width 14 M Straight XX Hill ___ Curve ___

4. Vehicle Condition: Good ___ Fair XX Poor ___

5. Civil Police: At scene yes/XX Notified: yes/XX Time waited ½ Hrs

6. Traffic: Heavy XX Medium ___ Light ___ Nil ___ Name, Phone No and Station of Civil Police attending: Commissaria CENTRAL PHONE NO: 2171

7. Speed appropriate to conditions: YES/no

8. Persons involved: ONUC ID CARD NO 3635 Mr C PARADELLIS Blvd DU 30 JUIN NO: 13 LEOPOLDVILLE.

Detail	Passengers Indicate vehs	Witnesses
1. a. Name and address Unit if military		
b. Injuries, brief description	See MEDICAL CERTIFICATE Attached to this report as Annex "F"	
c. Disposition of injured	" " "	
2. a. Name and address Unit if military		
b. Injuries brief description		
c. Disposition of injured		
3. a. Name and address Unit if military		
b. Injuries brief description		
c. Disposition of of injured		
4. a. Name and address Unit if military		
b. Injuries brief description		

8. DIAGRAM OF ACCIDENT SCENE (Not drawn to scale)

1. Diagram of accident scene, not drawn to scale, attached to this report as Annex "A".

9. DESCRIPTION OF ACCIDENT.

1. At 1200 Hrs, 13 SEP 63, ONUC ID CARD NO 69957 Sgt MELLERGAARD J, a member of this coy, called this office by radio and reported that an accident had occurred on Blvd DU 30 JUIN near the intersection of Blvd DU 30 JUIN, Ave CRESPEL, and Ave LOTHAIRE, involving two ONUC vehicles and one PMC.

2. Accompanied by ONUC ID CARD NO 95233 Sgt KNUDSEN IJ, and ONUC ID CARD NO 88183 Sgt LACHAPELLE JG, both members of this coy, I proceeded to the accident scene on Blvd DU 30 JUIN, where I found ONUC VEHICLE SWED LIC NO 176394, ONUC VEHICLE LIC NO 683, and PMC LIC NO G 3242 as per the diagram of accident scene, a copy of which is attached as Annex "A".

3. At 1220 Hrs, 13 SEP 63, the driver of ONUC VEHICLE SWED LIC NO 176394, ONUC ID CARD NO 54942 Sgt BERNHARDSON KB SWED BN KAMINA, was interviewed at the accident scene, and a voluntary signed statement was obtained, a copy of which is attached as Annex "B". He stated that at 1200 Hrs, 13 SEP 63, he was stopped in a column on Blvd DU 30 JUIN waiting for signal given by the Congolese Policeman, directing the traffic at the intersection of Blvd DU 30 JUIN, Ave CRESPEL, and Ave LOTHAIRE to pass the intersection, when his vehicle got a bump in the rear end, he got out of his vehicle to see what happen, and found that his vehicle was hit by another vehicle, a VW ONUC LIC NO 683.

4. At 1810 Hrs, 13 sep 63, the driver of ONUC VW LIC NO 683, ONUC ID CARD NO 3635 Mr G PARADELLIS, STATE ATTORNEY's was interviewed at his residence, Blvd DU 30 JUIN NO 13, and a voluntary signed statement was obtained, a copy of which is attached as Annex "C". He stated that at 1210 Hrs, 13 SEP 63, he was proceeding along Blvd DU 30 JUIN towards town, and while reaching the intersection of Blvd DU 30 JUIN, Ave CRESPEL, and Ave LOTHAIRE, the Congolese Policeman at the intersection gave a signal to stop, in front of his vehicle was already 3 other vehicles stopped, and he stopped his vehicle 3 m. from the vehicle in front of him, he had put his vehicle into first gear, was holding the steering wheel and pressing on the clutch pedal to keep the engine running until signal to proceed was given, as he was doing this, he also noticed by looking into the rear-view mirror, that a large car was oncomming at a high rate of speed, but there was nothing he could do. He felt a terrible impact and his vehicle was thrown like a toy into the rear end of the vehicle in front of him. In his opinion what saved him, was, that he held the steering wheel, and that was why his body was not thrown forward to the windshield, that is the fact he was not seriously injured, but he suffered a shock and a bad jar to his spiral column and the whole of his back.

5. At 1730 Hrs, 13 SEP 63, Mr E MOKE, QUARTIER KWENGE NO 39 "D" MATETE was interviewed at the accident scene, and a voluntary signed statement was obtained, a copy of which is attached as Annex "D". He stated that at 1205 Hrs, 13 SEP 63, he was driving along Blvd DU 30 JUIN following VW ONUC LIC NO 683 at a distance of about 20 m. when suddenly the ONUC VW braked, and as he was taken by surprise, he was not able to stop his vehicle, he collided with the VW, and it collided with the VW MINIBUS in front of it.

6. At 1740 Hrs, 13 SEP 63, Mr JP DJITSENGA Ave PRESIDENT KASA VUBU NO: UNKNOWN, was interviewed at the accident scene, and a voluntary signed statement was obtained, a copy of which is attached as Annex "E". He stated that at 1205 Hrs, 13 SEP 63, he was riding as a passenger in the front seat of PMC LIC NO G 3242 operated by Mr E MOKE, when the accident occurred, they were following an ONUC VW LIC NO 683 which suddenly braked, and the driver, taken by surprise drove into the VW. Before the accident occurred, they were following the VW at a distance of about 20 m, and the speed prior the accident was about 40 KMPH.

CONFIDENTIAL

7. From the foregoing fact and statements already noted, this report can be summarized as follow:

A. The driver of PMC LIC NO G 3242 Mr E MOKE drove too close to the vehicle in front of him, and is in my opinion solely responsible for this accident.

B. ONUC TRAFFIC REGULATIONS pars 16
(Summary of Congolese Traffic Law Section 1 - Rules of the Road) states.

FOLLOWING DISTANCES

16. Sufficient space will be maintained at all timed between vehicles to afford safe braking distance in case of the vehicle ahead stopping suddenly without adequate warning.

CONCLUDED:

94643 Sgt PETERSEN KA
ONUC MP COY (LEO)

ANNEX

INDEX

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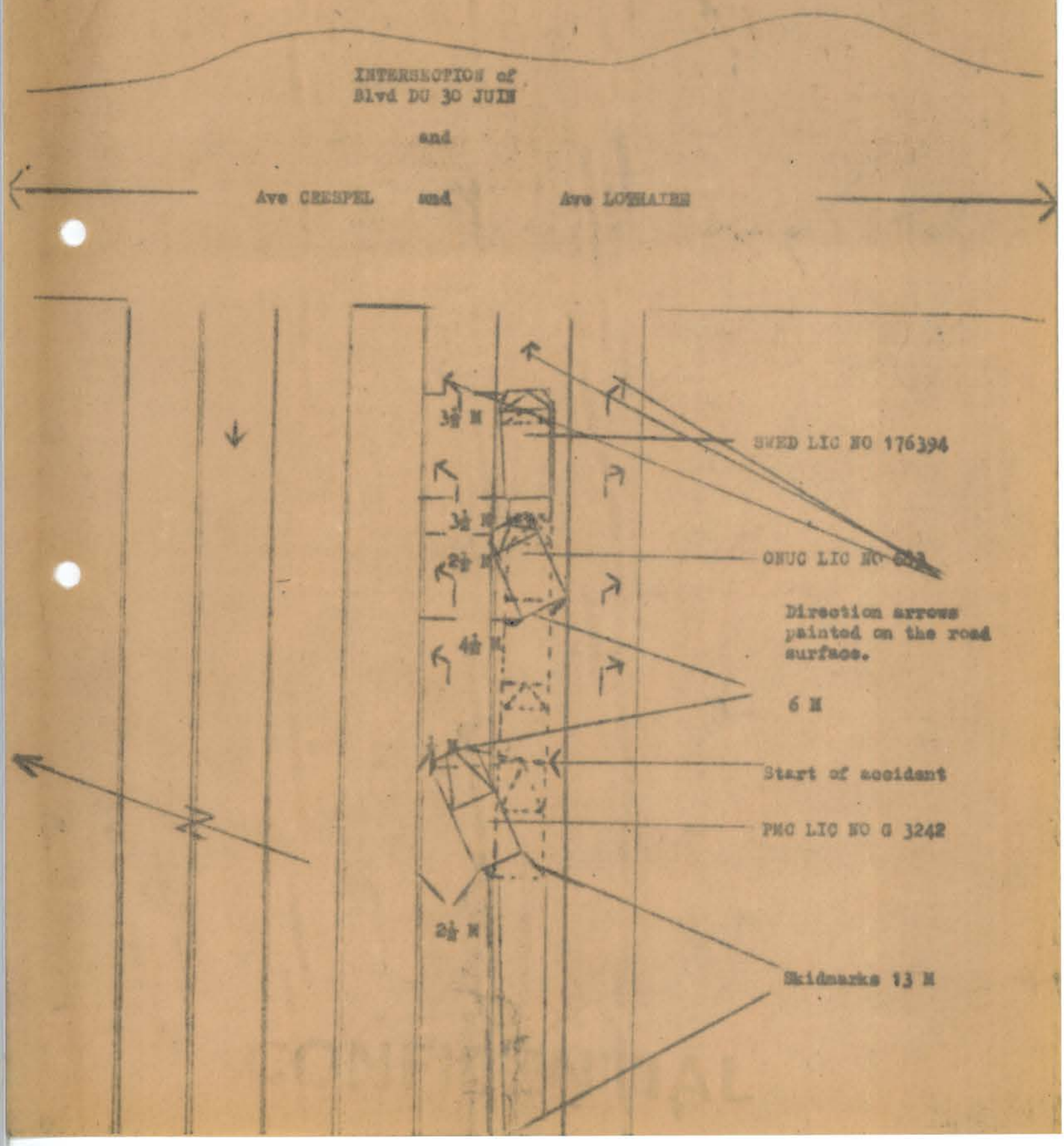
"D"	STATEMENT OF Mr E MOKE	1
"E"	STATEMENT OF Mr JP DJITSENGA	1
"F"	MEDICAL SERTIFICATE FROM Dr P ALIMANTARIS	1

CONFIDENTIAL

DIAGRAM OF ACCIDENT SCENE (NOT DRAWN TO SCALE)
ANNEX "A" to A-5-189 "L"



ANNEX "B"

STATEMENT OF:

TIME: 1220 HRS

ONUC ID CARD NO: 54942

DATE: 13 SEP 63

NAME: BERNHARDSON KB

PLACE: ACCIDENT SCENE

RANK: SGT

TAKEN BY : SGT PETERSEN KA.

UNIT/ADDRESS: SWED BN KAMINA

NATIONALITY: SWEDISH

STATEMENT BEGINS: At 1200 HRS, 13 SEP 63, I was parked in an convoy on Blvd DU 30 JUIN, which was waiting for signal given by the Congolese Policeman, directing the traffic at the intersection of Blvd DU 30 JUIN and Ave CRESPEL, to pass the intersection. As I held there, my vehicle got a puch in the rear, and I got out of my vehicle to see what was going on, and I found that my vehicle ONUC VW MINIBUS, SWEDISH ARMY LIC NO 176394, employed to the ONU, was hit by another vehicle, ONUC VW SEDAN, LIC NO 683, causing a dent to the rear end, of my vehicle, above the rear bumper, and smaching the rear bumper, and the right rear stop and indicatorlight all damaged.

SIGNED.

ANNEX "B"

CONFIDENTIAL

Name: Constantin Paradellis

Rank: State Attorney

Address: Bd. 30 Juin

Nationality: Greek

Date: 13 September 1963

PLACE: Blvd DU 30 JUIN

TIME : 1810 Hrs

TAKEN BY : Sgt PETRAKEN KA

STATEMENT BEGINS:

I left my office at 1810 and drove down the Bd. du 30 Juin to go home. At the intersection of the Bd. du 30 Juin and the ave. Crespel the policeman regulating the traffic gave the signal to stop. In front of me there were already three cars that were stopped, and I stopped in turn 3 metres from the car in front of me, which was an ONUC van. I had put my car into first gear, I was holding the steering wheel and pressing on the clutch pedal to keep the engine running until the signal to proceed was given, when I noticed in the rear-view mirror a large car coming at high speed. I had a feeling that it could not stop but there was nothing I could do. I felt a terrible impact and my car was thrown like a toy into the car in front. In my opinion what saved me was that I was holding the steering wheel and pressing my foot on the clutch pedal so that there was some resistance and that was why my body was not thrown forward on to the windscreen. Thanks to this fact I was not seriously injured but I suffered a shock and a bad jar to my spinal column and the whole of my back. I returned in the company of the manager of the Acropolis Café and I am being attended to by Dr. Alimantiris.

(sgd)

CONFIDENTIAL

ANNEX "B"

CONFIDENTIAL

Name: E. MOKE

Rank: Driver

Address: Quartier Kwang. No.39
Matete

Nationality: Congolese

Time: 1730 hrs.

Date: 13 Sept 63

Place: Accident scene

Taken by: J.R. Lachapelle

STATEMENT BEGINS:

At 1205 hrs. on 13 September 1963, I was driving along the Bd. du 30 Juin following VW ONUC 683 at a distance of about 20 m. when suddenly the ONUC VW braked. As I was taken by surprise, it was too late for me to stop in time, I ran into the VW ONUC 683, and it ran into the minibus in front of it. In the accident I damaged the front right wing and the front bumper of my car. Before the accident my speed was 40 km/h.

(sgd)

CONFIDENTIAL

ANNEX "F"

CONFIDENTIAL

Name: JEAN-PIERRE DJITSANGA

Address: Prince Beaudouin

Nationality: Congolese

Time: 1740 hrs.

Date: 13 Sept 63

Taken by: J.R. Lachapelle

Place: accident scene

STATEMENT BEGINS:

At 1205 hrs. on 13 September 1963, I was accompanying Mr. Eugene Moke along the Bd. du 30 Juin. When the accident occurred we were following an ONUC VW 683 that suddenly braked. Then the driver, taken by surprise, ran into the VW. Before the accident we were following the ONUC vehicle at a distance of about 20 m. and our speed was about 40 km/h.

(sgd)

CONFIDENTIAL

ANNEX "P"

P. ALIMANTIRIS

GENERAL MEDICINE
NEUROLOGY - PSYCHIATRY

Dispensary
Corner av. Ch. de Gaulle & du Plateau
Tel. 3350
Residence and Surgery: 21 av. Stanley
Tel. 3399
B.P. 8535
B.B.A. 14.761
LEOPOLDVILLE

Leopoldville, 13 September 1963

MEDICAL CERTIFICATE

I, Dr. Pierre ALIMANTIRIS, private doctor, practising in Leopoldville, certify that Mr. Constantin PARADELIS is suffering from severe lumbar pain and vomiting as a result of a car accident that he had at noon today.

The condition in question is a cerebro-spinal concussion and shock particularly to the posterior roots of the lumbar nerves as well as to the lumbar muscles; this concussion was caused by a violent impact when he was in his stationary car that another car ran into at high speed from the rear. This impact in turn caused a second collision with a car in front of him.

In addition to the analgesic and tranquillising treatment that he is receiving, he must remain almost motionless in bed to avoid movements of the body, which become very painful; for this reason he must have rest for a minimum of 7 days, provided there are no complications.

(sgd)

CONFIDENTIAL

le 15 novembre 1963

Monsieur,

J'ai l'honneur d'accuser réception de votre lettre n° 7844/D.15/3957 du 8 novembre ainsi que de la copie d'un procès-verbal dressé par l'O.P.J. de Mpumbu, concernant un accident qui a causé la mort d'une fillette.

Comme l'ONUC est assurée auprès de "La Paix" contre toute responsabilité résultant d'accidents d'automobile, j'ai transmis tout le dossier à cette compagnie d'assurances pour qu'elle lui donne les suites appropriées. De son côté, l'ONUC mènera sa propre enquête pour déterminer la responsabilité de cet accident.

Veuillez agréer, Monsieur, l'assurance de ma considération distinguée.

Charles Taff
Conseiller juridique

Monsieur C. Paradellis
Procureur d'Etat
Parquet de 1re instance
Léopoldville

cc: Chief, General Services

CT/dn

15 November 1963

To : Mr G. Chapirot, Chief, General Services

From : Charles Taff, Legal Adviser

Subject : Car accident

..... I am transmitting herewith a letter of 8 November 1963 from Mr Paradellis, together with a procès verbal by a local Congolese police official, dealing with the motor vehicle accident which took place in Léopoldville on 24 October 1963 and resulted in the death of a young ..... Congolese girl. Also transmitted herewith is a copy of my reply of this date to Mr Paradellis.

I will be grateful if you will make the necessary arrangements to have these papers transmitted to Mr van Goethem for appropriate action. Mr van Goethem should also be requested to let us have his opinion at the earliest practical date as to whether he considered Mr Sarnam to be responsible for the accident. I consider that the advice by Mr van Goethem on this subject will be particularly helpful to enable us to reply to Mr Paradellis and to the Congolese Government if an inquiry is received from them as to the action taken by ONUC with regard to this accident.

SJ/BF

CONGO BELGE / BELGISCH CONGO

Province
Provincie :

Léopoldville, le 8 novembre 1961
de

PAR PORTEUR :

REPUBLIQUE DU CONGO
PARQUET DE PREMIERE INSTANCE
DE LEOPOLDVILLE.-

(*) N° 7844/D.15/3957.-

Réf. n° :

Annexe
Bijlage :

Objet
Voorwerp :

A Monsieur le Chef du Personnel
O . N . U. Building Royal à

LEOPOLDVILLE.-

Plainte : MUNZEMBA Thomas
contre : Elias SARNAM
Acc. roul. mortel.

Monsieur le Chef du Personnel,

J'ai l'honneur de vous transmettre, en annexe, pour disposition, copie d'un procès-verbal dressé par l'O.P.J. de Mpumbu, suite à un accident de roulage causé par le sieur Elias SARNAM, accident qui a coûté la vie à une fillette.-

A l'appui de ce dossier, je vous saurais gré de déterminer les responsabilités d'un chacun, et éventuellement d'indemniser les parents de la victime.-

Veuillez agréer, Monsieur le Chef du personnel, l'assurance de ma considération distinguée.-

LE PROCUREUR D'ETAT,

C. PARADELLIS.-

(*) Rappeler dans la réponse la date et le numéro — In het antwoord nummer en dagtekening vermelden.

REPUBLIQUE DU CONGO

PROVINCE DU KONGO CENTRAL

DISTRICT TERRITOIRE DE MATADI

Commissariat de Police

MATADI-MAYO.-

Transmis le

à Monsieur le 1er Substitut du Parq
de 1ère Instance à Léopoldville

LUCIEU 23/10/ 3

Le Commissaire de Police,
L'Officier de Police Judiciaire,

= PAUL N'KOSHI =

P.V. — N°

PRO JUSTITIA

Objets saisis :

Date d'arrestation

L'an mil neuf cent soixante trois le 23ème jour du mois d'Octobre vers 2. heures.

Devant Nous Paul N'KOSHI Commissaire de Police — Officier de Police judiciaire, à compétence générale du Territoire de MATADI (KONGO CENTRAL) y résidant à Matadi et nous y trouvant actuellement dans notre bureau du Commissariat de Police de Matadi à 9 heures.

A charge de :

Alias SAMIAN.J.D. 1er O.N.U.C.Kolwezi Building Regent chambre n° 23 Léopoldville.-

Certifions avoir eu le rapport du Policier de 1ère classe SAKIEU Oscar d'un accident de roulage survenu sur l'Avenue TERUELA.-

Nous nous sommes portés sur l'endroit de l'accident et avons constaté les faits suivants:

Prévenu de :

Infraction aux articles 30 et 47/2 du Code de la Route.-

A.- IDENTIFICATION COMPLETE DU VEHICULE.-

- Genre: voiture Sedan
- Marque: N.O. ONUC 761
- numéro de plaque d'immatriculation O.N.U.C. 761
- année de construction: 1960
- passagers une personne Madame VASSILIAS Mme.
- 1 portière
- dimension longueur 5 pas, largeur 3 pas
- Etat de pneus : neuf
- Etat général : neuf
freins à mains : normal
- frein à pied : normal
- n° du moteur : 958966
- chassis : 29.01.388
- phare : avant normal comme derrière normal
- clignoteur gauche : normal comme droite normal
- Assurance : O.N.U.C.

B.- IDENTIFICATION COMPLETE DE L'ACCIDENTE.-

- Mademoiselle Clémentine(intervenue par cause de l'absence d'un de membre de la famille)

(Voir à 1ère page

Sur plainte de :

MATUMBA Thomas et KINZONZI Thérése, résidant avenue Kindanga n° 1, quartier Kasala II Selembao.-

C.- IDENTIFICATION COMPLETE DU CONDUCTEUR.-

- Elias SAMIAN; fils de SUTANIE (+) et de Elène (ev), réalité en Liban avenue Jahan ben Honein Beyrouth, de nationalité libanaise, né le 25 juillet 1930, professeur Intendant à l'école pédagogique à Binza; actuellement en congé en 1960; S.D.122 O.N.U.C.état civil; marié un enfant, adresse Kiro SAMIAN Tadale 172-Beyrouth Liban; résidant à Kinshasa sur l'avenue Lt Sali Sogent chambre n° 23 - Permis de conduire délivré à Léopoldville au département Police du roulage, le 1962 portant le numéro 7032.-

.....////.....

Mod. P.G. - G.P. - 107 bis

- IDENTIFICATION DES TEMOINS.-

- Mdont que madame Nonilice Bis qui ne se trouvait plus sur le lieu de l'accident à notre arrivée.

- LOCALISATION DE L'ACCIDENT.:

- L'accident a eu lieu sur l'avenue Luanda dans les agglomérations de qua rtier Selembao au término du Kongo Central à 2 km 765 de la pri de Kalala en date du 24 Octobre 1963 à 13 heures.

- DESCRIPTION DES LIEUX.

- Etat de la route ou avenue:bonne - visibilité dans les deux sens;bon l'agglomération batue les deux mmm côtés des maisons - position de v ;ligne droite.

- Dégats au véhicule.:

- Aile droite pendue
- phare droite coupule cassée.

- DEGATS CORPORELS.

- A notre arrivée à l'hôpital,la fillette de 12 ans était morte déjà c nous avons constaté le coud cassé,côte droite cassé,fracture intéri re de la tête,côté tête droite cassé,l'enfant était touché de l'aile droite de la voiture de la tête de l'enfant.-
Réquisition était établie sur place et suite à suivre.

- INTERROGATOIRE FAITE.-

Q.- Monsieur Allan SAMIAM,fils de Antoine (+) et de Mlano (ev)domicili Liban en Inhan ben Monsin Beyrout,Intendant à l'Institut Pédagogiq de Ninga et résidant au Building Sogesf n° 23 de la chambre,voulez un dire comment l'accident a eu lieu ?
R.- Je venais de Radirection de Ninga de l'école et je me rendais à la ison en empruntant la direction Bandalungwa;traversement j'ai vu un nt à 15 mètres et j'ai essayé de freiner mais hélas c'était subite trop tard;un véhicule s'est cogné avec l'enfant qui criait au s en moment où votre collègue est venu me prendre.

Q.- C'est la toute première fois que vous roulez sur cette avenue ?

R.- Du tout ene,je roule plus de 5 fois par jour sur cette avenue.

Q.- Avez-vous
R.- Non je n'ai pas eu le temps.

Q.- Causiez-vous avec la dame qui se trouvait à côté de vous ?
R.- Non.

Q.- Avez-vous bu ?
R.- Non(sur notre demon s ur lui le témoigne que non)
Q.- Etes-vous de bonne santé ?
R.- Oui.
Q.- A combien de vitesse roulez-vous ?
R.- J roulais à 80 km à l'heure.
Q.- Pourquoi devrez-vous rouler à 80 km à l'heure sur une agglomér
R.- J'étais pressé.
Q.- Avez-vous autre chose à ajouter ?
R.- Non.
Q.- Au moment de l'accident pleuvait-elle comme maintenant ?
R.- Non,le temps était clair.

Après lecture et traduction faite,parcicte et signe avec
Dont acte.

.....///.....

RENSEIGNEMENT.-

Portons à la connaissance de Monsieur le Substitut du Procureur d'Etat qu'à notre arrivée sur l'endroit de l'accident, l'enfant n'était pas là car elle était déjà transporté à l'hôpital .La responsabilité de la mort de l'enfant incombe certes au conducteur Monsieur Elias SARGAN pour n'avoir :

1.- n'avoir pas obtempéré à l'article 30 C.R. qui limite à 40 km et 60 km à l'heure en circulant sur une agglomération dont les immeubles sont construits en bordure de la voie publique et rapprochés sinon ~~parfois~~ contigus.

2.- pour n'avoir pas en aperçevant le petite fille à 15 mètres qui traversait la chaussé devant lui,averti en présence soit en klaxonnant,infraction prévue sur l'article 47/2 du Code de la route ; conduisant à 80 km à l'heure,cet individu est responsable de cet homicide involontaire.-

Je jure que le présent P.V. est sincère.-

IDENTITE COMPLETE DE L'ACCIDENTEE.-

- Mademoiselle LUKOMBO Clémentine;fille de MINKUMBA Thomas (ev) de KIWOUME Thérèse (ev)originaire de Yanga;Secteur;Funa;Territoire de Mbanza,née le 7 Octobre 1953;dans la province du Bas Congo Oéstral,domicilié à l'avenue de Kindinga;n° 1 quartier Ikala II cité Salambao/Léopoldville.- Tribu;Bentandu.-

CT/dn

C/ PER ... C IV

le 22 novembre 1963

Messieurs,

J'ai l'honneur de me référer à votre lettre Cx/3072/RV/BS du 8 novembre adressée à M. Bulcheri, concernant la demande d'indemnité pour blessures présentée par M. Paradellis à la suite de l'accident d'automobile survenu à Léopoldville le 13 septembre dernier.

Nous notons que vous demandez à l'ONUC de vous renseigner sur les deux points suivants:

1) Si les frais médicaux et pharmaceutiques sont contractuellement mis à charge de l'ONUC.

2) Si en cas d'invalidité permanente partielle, l'ONUC se trouve dans l'obligation de verser une portion à la victime.

Je tiens à porter à votre connaissance qu'aux termes des règlements des Nations Unies, un fonctionnaire de l'Organisation n'est pas tenu de lui présenter une demande d'indemnité pour un accident corporel ou pour les dépenses médicales et pharmaceutiques qui en résultent, et ce, même si ledit accident s'est produit au cours de l'accomplissement de fonctions officielles. Les règlements de l'Organisation autorisent ses fonctionnaires à demander une indemnité à la tierce partie qui a provoqué l'accident, ou à ses assureurs. Si la tierce partie ou ses assureurs paie cette indemnité, le fonctionnaire n'aura droit à aucune indemnité supplémentaire des Nations Unies. Il va sans dire que l'Organisation n'aura pas droit non plus à réclamer une indemnité à la tierce partie ou aux assureurs, qui ne peuvent être requis de payer deux fois pour le même accident.

Les considérations qui précèdent s'appliquent également à votre seconde question, ayant trait à l'invalidité permanente partielle causée à un fonctionnaire des Nations Unies.

Veuillez agréer, Messieurs, l'expression de ma considération distinguée.

Charles Taff
Conseiller juridique

Société IBMOAF
B.P. 798
Léopoldville

cc: Mr Jacques Schoellkopf, Chief of Civilian Personnel
Mr Paradellis

C/PER 000 CIV

ORGANISATION DES NATIONS UNIES AU CONGO **UNITED NATIONS ORGANIZATION IN THE CONGO**

BOITE POSTALE 7248
LEOPOLDVILLE
REPUBLIQUE DU CONGO
CABLE: ONUC. LEOPOLDVILLE

Confidential

4 November 1963

To: Mr. R. Gorgé, Principal Political Adviser and Legal Adviser,

From: Fouad Chambour, Legal Claims Officer, F. Ch.

Subject: Request for leave.

I wish to refer to our conversation on the above matter following which you have in principle agreed to authorize my going on leave for a couple of weeks as I have been working continuously for seventeen months.

In this respect, I would appreciate your final authority as I intend to leave on/about 15 November 1963.

C/PER 000 CW

OPERATION DES NATIONS UNIES AU CONGO

UNITED NATIONS OPERATION IN THE CONGO

CIV.OPS./1364/63

BOITE POSTALE 7248
LEOPOLDVILLE
REPUBLIQUE DU CONGO
CABLE: ONUC. LEOPOLDVILLE

8 October, 1963

To: Mr. R. Gorgé, Principal Legal Adviser and Political Adviser

From: A. C. Gilpin, Deputy Chief, Civilian Operations

Subject: Convertibility of salaries of UAR magistrates

Please refer to your note of 4 October regarding the request of the magistrates of UAR nationality for payment of their salaries in convertible currency.

This is a question that has already passed through several hands, and I discussed it with Mr. Laurent some weeks ago. It seems that the basic fear of the magistrates is that their bank accounts in the UAR will be "nationalised".

While it is true that the WHO doctors, with agent status, can choose the currency in which they are paid, this is a general provision and does not apply exclusively to doctors of UAR nationality. I understand that Personnel has already taken up with Headquarters the possibility of applying a similar provision to other experts, but the reaction has been firmly negative.

Unless Personnel is prepared to reopen the question with Headquarters, I do not think that there is anything to be done for the time being. It may be noted that the UAR doctors can at least draw half of their MSA in convertible currency. Moreover, it may be hoped that, with the monetary reform, the situation regarding convertibility will be completely changed.

acgilpin

cc: Mr. Schoellkopf
Mr. Badr

C/PER Dan CIV

9 November 1963

To: Mr. Jacques Schoellkopf,
Chief of Civilian Personnel

From: Max H. Dorsinville,
Officer-in-Charge

Subject: ONUC Staff Listing dated
1 November 1963

In the section covering the Office of the Officer-in-Charge, the title of Mr. R. Gorgé should be revised to read:

Senior Legal Adviser and Political Adviser.

C/PER 000 CIV

OPERATION DES NATIONS UNIES AU CONGO **UNITED NATIONS OPERATION IN THE CONGO**

BOITE POSTALE 7248
LEOPOLDVILLE
REPUBLIQUE DU CONGO
CABLE: ONUC. LEOPOLDVILLE

On 7 november 1963

To : Mr. Remy Gorgé, Principal Legal Adviser and Political Adviser

From : Gamal M. Badr, Sr Consultant a.i.

Subject: Martial Law and ONUC magistrates.

1. Martial Law was declared in the city of Leopoldville for an initial period of six months, by Decree No. 240 of October 20, 1963. The substantive legislation governing judicial organization under martial law is embodied in several pre-independence legislative acts which are still in force.

2. The outlines of this organization are as follows:

a) the action of the ordinary criminal courts is suspended and they are replaced, except for the least important of the offenses, by military courts.

b) there is a first instance military court under the name of "Conseil de guerre" composed of one or three officers.

c) the decisions of the Conseil de guerre are subject to appeal before a "Cour militaire" composed of three judges : two officers and a civil presiding judge who is the President of the First Instance Court of the locality.

d) the military courts are entitled to impose penalties superior to those provided for by the penal laws.

e) prosecution before the military courts is assumed by the Attorney General and his staff, and the investigation of criminal cases is done by them as usual.

3. It follows that ONUC magistrates acting as attorneys in the Congolese judiciary continue to assume under martial law the same duties as before, with the only difference that they now represent the prosecution before the military courts instead of the ordinary courts.

4. As to the magistrates of the bench, they are now relieved, for the most part, of criminal hearings which come under the jurisdiction of military courts, except for the presiding-judge of the "Cour militaire", who is a civil judge as mentioned above.

5. It has been unoficially decided, nevertheless, that the judgments given by the military courts should be drafted by the civil judges, because of the inefficiency of the officers composing the military courts in such matters. This is being done by ONUC judges in a spirit of cooperation, the judgments being, for all purposes, considered emanating from the military courts and drafted by them.

6. I understand that ONUC magistrates are facing no particular difficulties because of martial law, and the information I gathered from contacts with most of them indicates that the work of the judiciary is still running as smoothly as could be expected.

C/PER 000 CIV

UNITED NATIONS NATIONS UNIES

INTEROFFICE MEMORANDUM

TO: Dr. Rémy Gorgé, Principal Legal Adviser and Political Adviser, ONUC, Leopoldville

Date: 24 October 1963

FILE NO.:

FROM: Constantin A. Stavropoulos, Legal Counsel

SUBJECT: Mr. Max H. Dorsinville - taxability of accounts held with the First National City Bank, New York City

1. In response to your memorandum of 17 October 1963, if Mr. Dorsinville is in fact a non-resident alien for United States income tax purposes, it is only necessary for him to write on his IRS Form 3435 "non-resident alien" and return it to the First National City Bank with which he has a savings deposit. In such a case, it may be possible that his continued use of a Parkway Village address would seem inconsistent with a claim of non-residence, but perhaps he could establish, should it ever be necessary, that he was only using his former residence as a mailing address. In any case, residence for tax purposes would not be likely to turn upon this point alone, if other indices of residence were absent. To avoid doubt, however, he could alter his address to P.O. Box 20, New York 17, N. Y.

2. It should be understood that the Legal Counsel is not in a position to give advice concerning private tax matters to United Nations officials, and this is all the more true where all the facts governing tax status cannot be known. Application for an identifying number by means of Form 3435(II) would not necessarily mean that a tax would be payable. As a personal matter it is helpful for officials serving away from Headquarters to bear in mind that a non-resident alien not doing business in the United States is not taxable in the United States on interest paid by a bank on a savings account; on the other hand, if he establishes himself as a non-resident alien and receives other forms of non-United Nations income such as dividends, a tax must be withheld at the arbitrary rate of 30 per cent. This is often less advantageous than acknowledging residence and having the benefit of the $600 personal exemption and allowance of deductions. In either case, of course, the facts of the individual situation should determine one's classification for tax purposes. Holding a permanent residence visa in the United States is always treated as proof of residence for tax purposes.

ORGANISATION DES NATIONS UNIES
AU CONGO

UNITED NATIONS ORGANIZATION
IN THE CONGO

BOITE POSTALE 7248
LEOPOLDVILLE
REPUBLIQUE DU CONGO
CABLE : ONUC LEOPOLDVILLE

C/PER 000 CIV

INTER - OFFICE MEMORANDUM

22 October, 1963

TO: Mr. C. Taff, Legal Adviser

FROM: Jacques Schoellkopf, Chief of Civilian Personnel

SUBJECT: The late Mr. Ibrahim Farag

..... The attached communication from the Embassy of the United Arab Republic has just been received. Since you have been in previous correspondence with the Embassy, and since the communication in question deals with the question of possible indemnities, I am transmitting it to you for your reply.

The personal effects of the late Mr. Farag have already been transferred to Cairo, and we have been informed by the FAO Office there that they have been received by his family. Mr. Farag's
..... automobile has just recently been sold, and I am enclosing herewith a memorandum from the Chief of the Purchasing and Supply Section relating to the sale. The Chief Finance Officer has been instructed to transmit the proceeds of the sale to Mr. Farag's heirs in Cairo, as represented by his brother, Mr. Samir Farag. If it is considered that this should be done through the U.A.R. Embassy, would you please let me know so that I may advise the Chief Finance Officer accordingly.

Payment of the monies due to Mr. Farag's heirs from the United Nations are to be made by Headquarters directly to the family in Cairo.

Schoellkopf

C|PER ~~000~~ CIV

ORGANISATION DES NATIONS UNIES
AU CONGO

UNITED NATIONS ORGANIZATION
IN THE CONGO

BOITE POSTALE 7248
LEOPOLDVILLE
REPUBLIQUE DU CONGO
CABLE : ONUC, LEOPOLDVILLE

22 October 1963

To: Mr. Max H. Dorsinville
Officer-in-Charge

From: Carey Seward
Chief Administrative Officer

1. This is in reference to Mr. Nashashibi's memorandum of 14 October 1963 and cable of 21 October 1963 to you requesting that the decision not to renew Mr. Awartani's appointment be reconsidered.

2. As you know, there are two welfare officers in Elisabethville, Mr. Awartani and Mr. Kidane. In the present circumstances, I cannot justify keeping two posts of welfare officers in that duty station with a proposed manning table of only 28 posts. We intend to keep there Mr. Kidane who has had a good record.

... 3. In view of the above, I am submitting a draft cable to Mr. Nashashibi for your signature.

Carey Seward

C/PER 000 CIN

OPERATION DES NATIONS UNIES AU CONGO

UNITED NATIONS OPERATION IN THE CONGO

BOITE POSTALE 7248
LEOPOLDVILLE
REPUBLIQUE DU CONGO
CABLE: ONUC LEOPOLDVILLE

Le 28 octobre 1961

A : Monsieur A. C. Gilpin, Chef Adjoint des Opérations Civiles

De : Général M. Badr, Conseiller Juridique Principal a.i.

Objet : Lettre de M. Fausto Renteria-Machado.

Me référant à votre lettre du 17 courant, et sans entrer dans les détails des doléances formulées par M. Renteria-Machado, j'ai l'honneur de porter à votre connaissance que la dite lettre est devenue maintenant sans objet.

La mesure dont M. Renteria-Machado se plaint a été prise par M. le Procureur Général provisoirement, en attendant le remplacement de M. Rouchdy, muté à Elisabethville, par un nouveau Procureur d'état. M. Safa, premier substitut vient d'être nommé à cette place et entre en fonction dans quelques jours. Je crois avoir compris que par la suite M. Hakim, qui faisait provisoirement fonction de Procureur d'état à Bukavu, regagnerait son ancien Parquet.

M. Safa étant d'un grade plus élevé que celui de M. Renteria-Machado, les doléances qu'il avait formulées au sujet de la nomination provisoire de M. Hakim n'ont plus de raison d'être en ce qui concerne M. Safa.

cc: Mr. Dorsinville

C/PER 000 CIV

CIV.OPS./1402/63

le 17 octobre 1963

A: Monsieur G. Badr
Conseiller Juridique Principal a.i.

De: A. C. Gilpin
Chef adjoint des Opérations civiles

Objet: Lettre de M. Fausto Renteria-Machado

Je vous prie de bien vouloir vous référer à la lettre en date du 7 octobre de M. Renteria-Machado, Substitut du Procureur d'Etat à Bukavu, adressée au Procureur Général. Des copies de cette lettre ont été adressées inter-alia au Chef de la Mission, ONUC et à vous-même.

Je vous serais reconnaissant de me faire parvenir vos commentaires sur la lettre de M. Renteria-Machado, afin que je puisse les transmettre au Chef de la Mission.

cc: M. M. Dorsinville

C | PER 000 C IV

Darius PRADIEU
Préfet des Etudes
Ecole Normale Officielle
de Kitenge
B.P.575, Stanleyville (Congo)

Reçu le: OCT 23 1963

le 17 octobre 1963.

Monsieur l'Ambassadeur,

J'ai l'honneur de vous accuser réception de la lettre que vous avez chargé Monsieur Jacques SCHOELLKOPF de m'écrire pour m'apprendre la suite donnée à ma demande.

J'en suis vraiment touché et vous en remercie du plus profond de moi-même de l'avoir prise en considération.

J'ai reçu de Monsieur LOUIS, Expert de l'UNESCO à Stanleyville, le 13 octobre dernier un mémo de Monsieur TERENZIO, daté du 5 du même mois, m'invitant à produire en quatre copies ma demande d'emploi. J'ai aussitôt rempli le formulaire qui est remis à l'Expert LOUIS pour le transmettre au Chef de la Mission de l'UNESCO au Congo. Je suis persuadé que ces démarches si bien commencées aboutiront au succès désiré. Aussi m'empressé-je de vous assurer de ma vive gratitude.

Mme PRADIEU qui voit en votre geste un témoignage de l'amitié qui unissait votre famille à sa mère, Mme Damase PIERRE-LOUIS au temps où vous viviez à la ruelle Waag, vous en sait infiment gré et vous prie de la rappeler au souvenir de Mme DORSINVILLE.

Daignez, Monsieur l'Ambassadeur, recevoir mes remerciements renouvelés et mes respectueuses salutations.

Darius PRADIEU
Préfet des Etudes

Monsieur l'Ambassadeur Max H. DORSINVILLE
Chargé de la Mission des Nations Unies
au Congo
Léopoldville.

C/PER 000 C1V

17 October 3

TO : Mr. C.A. Stavropoulos, Legal Counsel
United Nations Headquarters, New York

FROM : Rémy Gorgé, Principal Legal Adviser and
Political Adviser, ONUC, Leopoldville

SUBJECT : Mr. Max H. Dorsinville - taxability of accounts held with the First National City Bank, New York City

The First National City Bank, New York City, has forwarded to Mr. Dorsinville an IRS Form 3435 together with an explanatory notice, both dealing with taxability of accounts held with the bank. For
... your convenience I am transmitting photostatic copies of these two papers.

Mr. Dorsinville has, of course, no social security number, nor has any Employer Identification Number been assigned to him by the Internal Revenue Service. Inasmuch as it appears that Mr. Dorsinville is a non-resident alien for tax purposes, I am not sure whether dividends on his account with the First National City Bank are taxable and whether he is required to provide the bank with an identification number.

I would be grateful if you would let me have your advice on the matter.

... Encl.

RG/mm

C | PER 000 CIV

ORGANISATION DES NATIONS UNIES AU CONGO **UNITED NATIONS ORGANIZATION IN THE CONGO**

BOITE POSTALE 7248
LEOPOLDVILLE
REPUBLIQUE DU CONGO
CABLE: ONUC. LEOPOLDVILLE

CONFIDENTIAL

ML - 110

Elisabethville, 14 October 1963.

TO: Mr. Max H. Dorsinville, Officer-in-Charge ONUC, Leopoldville

FROM: A. Nashashibi, Chief UN Representative, Elisabethville.

SUBJECT: Reduction of Staff.

I have received your memorandum dated 8 October 1963 and I am very pleased with the names of the Professional Category staff members who have been selected to remain after 1 January 1964.

In connection with the Sanitary Assistants, I believe that the services of Mr. V. Hansen (stationed in Elisabethville) and Mr. T. Harnett (stationed in Kolwezi) could be dispensed with.

With regard to civilian doctors attached to the military units, I have discussed the matter with Brigadier General Abebe Teferi and Lt. Colonel Zuiderhoek, Katanga Area ADMS. Both believe that Regimental Medical Officer Dr. Y.G. Sobhy-Youssef's services should be retained. I would like to say that I endorse their view. Incidentally, with regard to the suggestion that the Ethiopian contingent, for example, should take care of its own sanitary and medical problems, Brigadier General A. Teferi thinks that, for practical reasons, this is hardly feasible at the present time or in the near future and that, inasmuch as the Ethiopian troops will not be staying in the Congo for more than six to eight months, it will be extremely difficult to obtain the services of a medical officer from Ethiopia for a few months.

As a fairly large number of troops will remain in the Katanga area, it would, in my opinion, be necessary to have a qualified person to look after the welfare of the troops and I would like to recommend for your favourable consideration that Mr. Awartani (FSL-4) be permitted to remain without prejudice to his ulterior reemployment in UNEF (Gaza). Although Mr. F. Kidane, Welfare Assistant, is doing a fairly good job, he lacks the experience and the personality which Mr. Awartani possesses. I have received a very good letter from Brigadier General Abebe Teferi, the GOC, concerning Mr. Awartani which I am attaching to this memo in support of my recommendation.

OPERATION DES NATIONS UNIES AU CONGO

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C/PER 000 CIV

Case No. ONUC/SB/1596

GAD/kp

7 October 1963

To: Mr. G. Amyzial, Security Section

From: G.A. Dunn - Secretary, Property Survey Board

Subject: Assessment of Property Survey Board. Case No. 1596

1. This office acknowledges receipt of your letter dated 5 October 1963 appealing against the decision of the ONUC Property Survey Board assessing you $100.00.

2. You are advised that the Survey Board acts for the Chief Administrative Officer and that any request for reconsideration of your case must be made through him. On receipt of directions from the CAO that your case is to be reconsidered by the Board, we will advise Mr. Taff, who is apparently acting on your behalf, of the time and place of the Survey Board meeting.

..... cc: Chief Administrative Officer - Letter attached.

Mr. C. Taff - Please return case file No. 1596 which was forwarded to you on 3 Oct.

C/PER ooo CIV

Ref: CLSBD/4/1 7 October 1963

To : Mr Jacques Schoellkopf, Chief of Civilian Personnel

From : Rémy Gorgé, Principal Legal Adviser and Political Adviser

Subject : Miss Daphne Nash

The purpose of this memorandum is to request that Miss Daphne D. Nash be promoted from her present grade of FSL.3 - Step 3 to FSL.4 - Step 3.

Miss Nash entered into service with ONUC on 21 October 1961 and (except for a very brief period) has served since that date as a secretary in the claims office. In my opinion, she has discharged the duties of a secretary with very great skill. I refer not only to such duties as stenography, typing, filing and the like, but also to other significant matters - attitude towards her work, ability to get on with her colleagues, conscientiousness, loyalty to principles of the United Nations.

Moreover, Miss Nash has performed with equal skill and proficiency such other functions that are normally beyond the duties of a secretary as to entitle her to the promotion requested. She writes memoranda and letters on various matters relating to claim work. She maintains liaison with military personnel and other officials of ONUC to elicit information necessary to evaluate the merits of claims. By reason of the knowledge she has acquired after two years of work in the field of claims, I have felt that her presence at meetings of the Claims Board would be highly helpful, and she has made material contributions to the discussions held therein. In addition, Miss Nash regularly drafts minutes of meetings held by the Claims Board.

Mr Taff GT/

C/PER 000 CIV

30 September 3

TO : Mr. J. Schoellkopf, Chief of Civilian Personnel

FROM : Charles Taff, Legal Adviser, Office of Officer-in-Charge

SUBJECT : Traffic Accident involving Mr. Ednar Mitton and Mr. Samuel Last

This will refer to your memorandum of 26 September 1963 dealing with the subject accident. Where a dispute arises between staff members that is of a personal character the Legal Office in the past has limited its actions to giving advice of a legal character to the appropriate office of ONUC. For example, in the matter of Aouad/Miss Ashworth, the Legal Office helped to define the procedures to be observed and to formulate the terms of reference of the Arbitration Committee that was set up. In addition, there is the consideration that the Legal Office must hold itself available for giving legal advice to the Officer-in-Charge and to the Chief Administrative Officer, and by virtue of this duty it seems to me that it would be improper for the Legal Adviser to become personally involved in a dispute between staff members.

In view of these considerations I must decline to accept the invitation to serve as an arbitrator in the subject dispute.

... The file on this matter is returned herewith.

CT/mm

C/PER ~~000~~ CIV

OPERATION DES NATIONS UNIES AU CONGO **UNITED NATIONS OPERATION IN THE CONGO**

BOITE POSTALE 7248
LEOPOLDVILLE
REPUBLIQUE DU CONGO
CABLE: ONUC. LEOPOLDVILLE

26 September 1963

TO: Mr. C. Taff, Special Legal Adviser

FROM: Jacques Schoellkopf, Chief of Civilian Personnel

SUBJECT: Traffic Accident involving Mr. Ednar Mitton and Mr. Samuel Last

Mr. Nigel Wasser has referred to this office a confidential file containing documentation relating to an accident which occurred in December 1962, in which Mr. Mitton and Mr. Last were involved. I am rather concerned that Mr. Wasser should have had this file in his possession since the papers included in it are obviously of such a confidential nature, and Mr. Wasser has no direct concern with the case.

I understand that following discussions with Mr. Marcella on the best way to handle the dispute in question, an Arbitration Committee was set up consisting of one person nominated by Mr. Mitton, one by Mr. Last, and one person nominated by the Administration. Mr. Mitton nominated Mr. G. Bouchereau, and Mr. Marcella agreed to act on Mr. Last's behalf. Mr. Paradellis agreed to serve as the third party on the Arbitration Committee. Individual files were then prepared for each of the members of the Committee and were distributed to them in May of this year. Apparently no action has been taken since then.

Since I believe that an adjudication of such a dispute falls within the province of the Legal Office, rather than the Office of Personnel, I should be grateful if you would follow up on the matter in an effort to have the case settled as expeditiously as possible. I am returning the file to you.

Schoellkopf

C/PER DOO CW

26 September 1963

To: Sir Alexander MacFarquhar
Director of Personnel

From: Ralph J. Bunche, Under-Secretary
for Special Political Affairs

Subject: Recruitment of associate experts for ONUC's Civilian Operations Programme

1. With reference to Mr. Tranaeus' cable of 16 September concerning the possible assignment to the Congo of associate experts of Swedish nationality, I am enclosing job descriptions for seven expert posts in public finance and related fields and of seven posts in the field of community development which we believe might be suitably filled by associate experts.

2. We expect to receive formal requests for all these posts from the Congolese Government within the next few days.

3. In view of present uncertainties in relation to the financing of the Congo Fund, I should be grateful for any effort your Office may make toward filling these posts by associate experts of Swedish or other nationalities.

cc: Mr. Dorsinville
Mr. Ahmed

C/PER 000 CIV

AC/mt

le 25 septembre 1963

Monsieur le Président,

Je suis en possession des depêche et lettre que vous avez adressé en date du 17 crt. à Monsieur l'Ambassadeur M. Dorsinville, Chargé de la Mission des Nations-Unies au Congo.

En réponse à ces deux messages, je tiens à vous informer que c'est dans le cadre de nos mutations courantes que Mr. Valdes est rappelé à Léopoldville, où il poursuivra ses fonctions.

Je suis sûr que vous trouverez en Monsieur Jerkovic, chargé de remplacer Monsieur Valdes, les qualités que l'ONU exige de ses agents.

Veuillez agréer, Monsieur le Président, mes salutations distinguées.

Rémy Gorgé
Conseiller Juridique Principal
et Conseiller Politique

Mr. A. Della Riva
Président de la Chambre de Commerce,
d'Industrie et d'Agriculture du Kasai
B.P. 194
Luluabourg

C/PER ~~DDO~~ CIV

N/Réf.: CIV.OPS/1203/63 Léopoldville, le 14 septembre 1963

Cher Monsieur Moroni,

Je vous remercie de votre lettre du 4 septembre 1963 m'informant que vous aviez fait la demande, au Bureau du Personnel des Nations Unies à New York, d'un poste dans le cadre du Programme d'Assistance technique des Nations Unies.

Je regrette qu'en ce moment, il n'y ait pas de possibilités de recrutement pour le Programme d'Assistance technique des Opérations civiles, les fonds ne permettant pas l'accroissement du personnel.

Je vous assure, cher Monsieur Moroni, de ma considération distinguée.

Max H. Dorsinville
Chargé de la Mission des Nations Unies
au Congo

Monsieur L. Moroni
B.P. 434
Jadotville

C/PER 000 C IV

14 September 3

TO : Mr. R. Polgar, Deputy Chief Administrative Officer

FROM : Rémy Gorgé, Principal Legal Adviser and Political Adviser, Office of OIC

SUBJECT : PX supplies of Mr. de Verdalle

1. I do not see that ONUC is entitled to rescind the purchases made by Mr. de Verdalle on the basis of any of our Administrative Circulars. The orders by Mr. de Verdalle for attractive items were placed in June/July 1962, and it was not until 14 May 1963, when Administrative Circular No. 301 was issued, that staff members were informed that they would be reimbursed in local currency for purchases made by them for articles which were delivered after they left the Congo. I doubt very much that Administrative Circular No. 301 can be interpreted as being retroactive to any date prior to the date on which it was issued.

2. I am in agreement with the views set forth by Mr. Kien in his memorandum of 29 August 1963 to Mr. T. De Candia. Mr. Kien's position is to the effect that Mr. de Verdalle should be reimbursed in hard currency "if there is no reason to doubt that the money came from savings out of his per diem payments". If this is not the case, then in such event ONUC should reimburse him in Congolese currency.

... 3. Your file on this subject is returned herewith.

... Encl.

GT/am

C/PER ooo CIV

11 September 1963

Dear Mr. Stathis,

Thank you for letting me see the preliminary issue of the MONTHLY BULLETIN OF STATISTICS recently put out by your office in bilingual format.

I should like to congratulate you on this publication, both for the manner of presentation and for the wealth of information it contains. I hope it is going to be possible to publish the Bulletin on a monthly basis, as originally envisaged.

Yours sincerely,

Max H. Dorsinville
Officer-in-Charge

Mr. A. Stathis
Statistician
Civilian Operations
ONUC