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REPORT DATED 2 MARCH 1961 TO THE SECRETARY-GENERAL FROM
HIS SPECIAL REPRESENTATIVE IN THE CONGO ON UNITED NATIONS
PROTECTED AREAS

1. I wish to report on the deteriorating situation of civil liberties in the Congo, and on the efforts made by ONUC to protect individuals from arbitrary arrest and violation of fundamental human rights.
2. In the Oriental Province, the harsh treatment meted out to Europeans by the Stanleyville authorities led ONUC to set up a protected area at the end of November. After Mr. Lumumba's arrest, over 100 persons found asylum in that area. The deportation of Mr. Lumumba to Katanga on 17 January 1961 prompted the Secretary-General and the Special Representative to warn the Stanleyville authorities against further acts of violence. The fluctuating number of refugees in Stanleyville went up to 165 after the announcement of the death of the Elisabethville prisoners, it has now decreased to a small handful. In Bunia all Europeans, numbering 18, sought and were granted United Nations protection on 16 February 1961.
3. In Kivu protected areas were set up in Bukavu, Goma and Kindu after the arrest of the provincial President, Mr. Miruhu, and several Ministers by ANC from Stanleyville on 25 December. In Bukavu numerous Europeans and Congolese were granted protection in the United Nations camp and in its immediate vicinity. In Goma and Kindu, the refugees were accommodated in the United Nations military quarters. After the failure of the attempted invasion of Kivu on 1 January 1961 from Ruanda-Urundi, an increased flow of European and Congolese refugees came through the United Nations protected areas in Bukavu and Goma, en route for asylum elsewhere. Up to the deportation to Katanga of Mr. Lumumba, some 600 persons passed through these United Nations protected areas, a flow which later subsided to a rough average of 30 persons a day. In Kindu, 23 Europeans are under joint

UN/ANC guards at the Hotel Du Relais and a further 4 are in the UN military compound.

4. In Katanga large numbers of Baluba have been protected by the UN Forces in various parts of the Province from time to time, particularly at Luena. In addition individuals have on various occasions been granted protection by the UN military forces in Elisabethville and Jadotville, as well as in places in the neutral zone, including Europeans and gendarmerie.
5. In Equateur, a former Minister of Justice of the Provincial Government has been under UN protection in Coquilhatville since 25 February.
6. In Luluabourg, the situation was quiet until the penetration to the outskirts of town of ANC troops from Stanleyville. The reaction to this incursion deepened and activated the political and tribal differences existing both within the local ANC and among the population at large. Local ANC officers fled or were arrested and the officer-less garrison engaged in rampaging, which resulted in over 40 deaths and some 1,200 persons seeking and obtaining protection from ONUC. The latter number has decreased to 200 following UN efforts at pacification and the return to Luluabourg of the Provincial President.
7. In Leopoldville, since September 1960, there have been persistent requests for UN protection, which have been granted to the Chief of State, to Mr. Lumumba, to the Chief of Staff of the ANC, Colonel (now General) Mobutu, to the Provincial President, to the President of the Chamber of Representatives, to the President of the Senate, etc., by the provision of UN guards at their residences, and to others, by instituting mobile UN patrols. The supply of UN guards has been discontinued since early December 1960 but the pressure for UN protection has continued to grow. ONUC refrained from setting up any protected area until mid-February. By then, however, the pressure of requests from people fearing arrest and deportation became so great following the news of the Bakwanga executions that facilities were improvised to shelter bona-fide political refugees under military protection. The first persons to avail themselves of these facilities included Mr. Joseph Kasongo, President of the Chamber of Representatives and his family. Access to the camp is subject to strict screening by UN military and civilian personnel with longstanding police experience. Notwithstanding this

screening and the fact that standards of accommodation are maintained at the bare minimum in the camp, the number of refugees had reached 280 by the end of February. This number includes eight members of the Chamber of Representatives, three Senators, several high officials of the former Lumumba Government, two provincial ministers, and several senior prominent officials, many with their families. Mr. Jean Bolikango, the Vice Prime Minister of the Ileo Government, recently visited President Joseph Kasongo to ask him to return to his residence, giving his assurances that his security would be guaranteed by the Government. Mr. Kasongo, however, decided to remain under UN protection. Protection to civilians in danger of arbitrary arrest or ill-treatment is given on the basis of ONUC's general responsibilities towards the maintenance of law and order and because of the inability of the UN forces, in view of their limited strength and wide responsibilities, to cope with all lawless elements throughout the country. It will be noted that the assumption of these responsibilities has been fully supported by the three-Power draft resolution condemning unlawful arrests and calling on the UN to prevent the occurrence of such outrages (S/4733/Rev.1), and by the consensus of opinion expressed in the Security Council in the course of the debate thereon.

8. In giving protection or asylum, the following principles are being observed:
 - (a) Asylum is granted only to persons who can show that they are in real danger of assassination, arbitrary arrest, ill-treatment or other persecution on account of their race, tribal origin, nationality, religion, political convictions or associations.
 - (b) UN protection is not granted to avoid lawful prosecution on charges of common law crimes, but the benefit of the doubt is given to applicants for asylum where the charges appear to be politically motivated, or where there appears to be jeopardy to life.
 - (c) Once granted UN asylum, the protected persons are prohibited from conducting any outside political activities, or from sending out communications other than of a strictly humanitarian nature, e.g. information to close relatives as to their personal safety.
 - (d) Protected persons are free to leave UN asylum at any time at their own discretion, but once they leave the protected area, UN cannot assume any further responsibility for their safety.

9. ONUC is also confronted with a mounting number of requests from persons who are without means of livelihood in Leopoldville, and are prevented by the "sûreté" from rejoining their families in Stanleyville or elsewhere, where, on the other hand, numerous Congolese as well as Europeans are not allowed to leave. The Special Representative has addressed formal communications to the Leopoldville, Stanleyville and Kivu authorities on the subject. ONUC is attempting to convince them that, as a first priority on strictly humanitarian grounds they should allow and help wives and children to rejoin their husbands and fathers.
