

# INTERNATIONAL COMMITTEE OF THE RED CROSS

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## **THE ACTION OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS IN THE CONGO AND RWANDA**

### **I. OAU request to the ICRC**

In September 1967, the Organization of African Unity (OAU), meeting in Kinshasa, adopted a certain number of resolutions. One of these called upon the mercenaries to leave the Congo and offered to effect this by peaceful methods, with the help of the appropriate international institutions. Following on this resolution, Mr. Mobutu, in his capacity as Chairman of the OAU Conference, appealed to the International Committee of the Red Cross to help him in this task. He also declared that he would like to make contact with a representative of the ICRC.

The International Committee replied that it would willingly send a delegate to Kinshasa to examine how it could eventually be of assistance to the OAU, but pointed out that, if it was called upon to intervene, it was to avoid further bloodshed. This position was in direct accordance with the spirit of Resolution X of the XXth International Conference of the Red Cross which, in particular, "encourages the International Committee of the Red Cross to undertake . . . every effort likely to contribute to the prevention or settlement of possible armed conflicts".

It added that, naturally, the formal agreement of all the parties concerned on the principle and the methods of application of the OAU resolution would previously have to be obtained.

Mr. R.-J. Wilhelm, Assistant Director at the ICRC, accordingly left Geneva on September 19 for Kinshasa where he had discussions on two occasions with Mr. Mobutu, Head of the Congolese State. The latter stated that he was then acting in his capacity as chairman of the fourth ordinary session of the OAU Conference and more especially as responsible for the execution of the plan drawn up to

implement the aforesaid resolution. He pointed out that he considered it expedient to communicate the text of the resolution to the mercenaries and that these in their reply had agreed to conform to that resolution. They had asked that the operation be placed under ICRC auspices, but also that the Congolese nationals, who were with them, and who were known as "Katanga gendarmes", should also have their own and their families' lives spared and be able to leave Congolese territory.

Mr. Mobutu added that taking the work of the special committee into account, he, in his capacity as chairman of the OAU and especially on behalf of the commission's member countries, could agree to the particular request included in the reply made by J. Schramme, leader of the mercenaries. However, as President of the Congolese Government, he stated that his government could not agree to the Katanga gendarmes' leaving national territory and being exempt from any action against them, unless they proceeded to Zambia, the country of reception as arranged by the OAU Special Committee. At the same time, the Congolese Government made it known that it would grant an amnesty to those of its nationals wishing to return to their own country and not emigrate to Zambia.

It was on the basis of these various indications that the ICRC agreed, in principle, to lend its assistance to the operation of the peaceful evacuation of those who had been entrenched in Bukavu. However, the re-establishing of a normal situation in that area raised problems which had to be resolved in turn.

The International Committee had first of all to study practical methods for a plan to evacuate the mercenaries, the Katanga gendarmes and their families, such as was proposed by the OAU and accepted, as we have said, by Colonel Schramme, subject to certain guarantees. To this end, the ICRC sent out eight delegates who went respectively to Kinshasa, Kigali, Bukavu, Lusaka and Malta <sup>1</sup>.

The head of the ICRC special mission in Africa, Mr. R. Gafner, then arrived in Bangui in order to ensure that the security troops, earmarked by the Organization of African Unity, could in fact be made available to establish a protective screen around Bukavu at

<sup>1</sup> See *International Review*, November 1967.

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the time of the withdrawal of the mercenaries and the Katanga gendarmes.

However, contrary to the plan drawn up, the Central African Republic was not in a position to provide these troops, who were to be the essential element in the plan for peaceful evacuation.

The head of the ICRC mission, then went to the Ethiopian capital where he made a further study of the situation with Mr. Diallo Telli, Secretary-General of the OAU. From Addis Ababa he then left for Kigali and Bukavu. On his return to Kinshasa on October 30, he resumed his talks with Mr. Mobutu, President of the Republic of the Congo on finding, as a matter of urgency, a security force preferably of one nationality.

It should finally be pointed out that, at the ICRC's request, the Zambian authorities, in accordance with their offer of asylum previously mentioned, had taken all the necessary material and legislative measures to receive those Katanga gendarmes who might choose to be considered as political refugees. The ICRC, for its part, assured itself, with the help of several States, of the subsequent use of a certain number of aircraft for an eventual evacuation from the Congo.

## II. Renewal of fighting around Bukavu

It was then that the ICRC delegates learned on October 30, that *fierce fighting had broken out again in the Bukavu area.*

It was essential as a matter of urgency to obtain an immediate and lasting cease-fire order from Mr. Mobutu, otherwise the ICRC would be unable to pursue the mission of peaceful evacuation which it had accepted to undertake.

Mr. Gafner was received on November 1 by Mr. Mobutu who informed him that a cease-fire could only be ordered 48 hours before the actual withdrawal of the mercenaries in accordance with the OAU plan. From Geneva, the International Committee, in vain, repeated its request for a cease-fire through its delegate in Kinshasa and also by a message addressed to the President of the Republic of the Congo direct. Colonel Schramme, for his part, had made it known to the ICRC that he would accept the cease-fire, if the National Congolese Army would do the same.

However, wishing at least to assume its traditional rôle of protection and aid to refugees, in the spirit of the Geneva Conventions, and in order to help in saving thousands of human lives, the ICRC delegation at once drew up a programme of relief to the victims of the hostilities in the Bukavu area, arranging, in particular, for the urgent evacuation of the wounded to Rwanda and other eventual countries of reception.

The head of the ICRC mission, in addition, drew the attention of the Congolese authorities to the situation of the women and children and also of the wounded in the fighting zone. In fact, the humanitarian principles demand that such persons be spared in all circumstances and treated humanely.

It should also be pointed out that the ICRC delegates were able to observe that the mercenary forces holding Bukavu treated their prisoners in accordance with the principles of the Geneva Conventions.

On November 5, Colonel Schramme had Bukavu evacuated and withdrew to Rwanda territory with 2,500 persons, of whom 1,500 were women and children. They all laid down their arms. They were welcomed by the authorities of Rwanda and given shelter in a large disused factory, the outlying portions of which were guarded by troops of that country. The wounded were given treatment on the spot by a doctor-delegate of the ICRC, or in neighbouring hospitals.

### **III. Assistance to gendarmes and mercenaries having taken refuge in Rwanda**

In view of this new situation, the ICRC, in the very spirit in which the OAU had approached it, considered it would have failed in its humanitarian mission if it had abandoned these refugees to their fate, now that they were unarmed and their lives threatened. It therefore decided to continue its action of assistance on their behalf and, at the urgent request of the Rwanda authorities, to find other countries of asylum. In fact, Zambia which had declared itself prepared to resettle the Katanga gendarmes and their families, numbering about 2,400, on its soil and which had actually sent a preparatory mission of inquiry to them in Bukavu to that effect,

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then made it known that it was no longer in a position to receive them, unless it was expressly requested to do so by the Congolese Government.

On November 9, Mr. Gafner returned to Geneva to report. He informed the ICRC of the assurances given by Mr. Mobutu. The latter had made it known that, as regards the Katanga gendarmes and their families, he approved in principle of their transportation to Zambia, but on condition that these were informed of the amnesty measures of the Congolese Government for those amongst them wishing to return to their own country. The ICRC delegate in Rwanda received urgent instructions to make this known as soon as possible, and in the presence of the Congolese ambassador in that country.

In so far as the mercenaries of European stock were concerned, President Mobutu stated that he was prepared to accept their evacuation, in accordance with the OAU resolution, provided their countries of origin took steps to prevent their taking up arms again in Africa.

At the same time, the ICRC delegate in Rwanda reminded that country's Head of State that eventual extradition to the Congo of all the refugees from Bukavu would be contrary not only to the spirit of the OAU resolution, but also to the principles of international law.

Several days later, the OAU Special Committee decided to meet in Kinshasa in order to examine measures necessitated by the situation. At one of these meetings, Mr. Gafner and Mr. Wilhelm were briefly able to explain the ICRC's point of view. The Special Committee then proceeded to Rwanda.

There, the OAU representatives on a number of occasions interrogated the refugees in the camp in which they were being sheltered temporarily. As a result of repeated contacts, first a part, then the total number of Katanga gendarmes consented to return to the Congo, placing their trust in the promised amnesty guaranteed by the OAU and agreed to desist from seeking asylum in another African country. The Organization of African Unity having also stated that it would undertake the evacuation to the Congo of the 2,400 or so Katanga refugees and their families, the International Committee of the Red Cross considered its intermediary to be no

longer necessary in this repatriation for which the countries concerned and the OAU henceforth alone assumed responsibility. Furthermore, the delegates of the ICRC had not been in a position to verify whether all the Katanga refugees had been given a free choice or had been under pressure.

Moreover, the ICRC, after being informed officially of the final decisions which the OAU Special Commission had made, published the following communiqué on November 20:

*The ICRC had accepted, in the spirit of a resolution adopted by an International Conference of the Red Cross, to lend its aid to the humanitarian solution of the problem raised by the refugees coming from Bukavu, in order to avoid bloodshed, which has so far been achieved.*

*Henceforth, the ICRC will continue to concern itself with the case of these refugees, both black and white, since the Red Cross makes no distinction of race or political opinion.*

*It will therefore, as formerly, ensure their supplying and also caring for the wounded, which without the ICRC would be entirely lacking. It will also see, as far as possible, to their safety.*

*The ICRC will not however be able to participate in transporting the Katangese to the Congo, Unless verification of individual wishes is renewed under its control and on fresh bases giving every guarantee to those concerned of free choice and of asylum in a country prepared to receive those who do not wish to return to their places of origin.*

*Similarly, as regards the white mercenaries, the ICRC will not take part in any negotiations which might tend to subordinate the freedom of human beings to financial considerations.*

*In the furtherance of its mission, the ICRC will remain in touch with the OAU, from which it is still waiting for the final resolution taken by that organization's Special Commission.*

Finally, after hearing its delegate who had returned from Kinshasa with the latest news of his mission in Kigali, the International Committee sent a message on November 24 to the Chairman of the Special OAU Committee in which, whilst affirming its permanent humanitarian principles, it defined its position. The essential parts of this message were as follows:

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The ICRC is prepared to continue its humanitarian aid for the time being, and as hitherto, to the mercenaries and Congolese nationals having taken refuge in Rwanda, especially as regards food and medical care.

As regards the Katanga gendarmes, the ICRC notes that according to procedure decided upon under the sole responsibility of the OAU, these persons will be returning to the Congo under guarantee of an amnesty accorded by President Mobutu. The ICRC therefore considers that its intermediary is no longer required for the repatriation of the Katanga gendarmes. However, the International Committee would be ready to participate in the transporting of these refugees, if the OAU Commission accepted that a further individual verification of free choice of destination was undertaken by the delegates of the ICRC, in accordance with procedure to be determined with the Chairman of the Commission. It would, furthermore, be a question of finding a country of asylum for those opting for the status of political refugees.

In so far as the white mercenaries are concerned, of whom it is essentially question in the last OAU resolution, the ICRC will in no way take part in negotiations for indemnification demanded by the Congo. On the other hand, the International Committee could lend its aid in their evacuation should a neutral intermediary be necessary.

The ICRC is always prepared to send out a further mission to the Chairman of the Special Commission of the OAU to examine in greater detail any proposal likely to lead to a solution of the mercenaries from Bukavu.

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At the end of November, the International Committee was continuing its work of assistance, within the limits mentioned above. However, it should be pointed out that by then the repatriation of the Katanga gendarmes to the Congo, organized by the Congolese authorities alone, had started and was being pursued without the ICRC having been invited to lend its aid to that operation.

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ANNEXES

*We give below our translation of letters which Mr. J. D. Mobutu, Chairman of the Fourth Session of the Conference of Heads of State and Government of the Organization of African Unity and President of the Democratic Republic of the Congo, sent on September 16 and October 2, 1967, to Mr. S. A. Gonard, President of the ICRC:*

Kinshasa, September 16, 1967

Dear Mr. President,

I have the honour to inform you that the Conference of Heads of State and Government of the OAU unanimously adopted, on September 14, 1967, a resolution on the question of the mercenaries besieged in the eastern part of the Democratic Republic of the Congo (Bukavu).

In execution of operative paragraph 2 of this resolution demanding the surrender and immediate departure of the mercenaries from Congolese territory, the Conference of Heads of State and Government has appointed a Committee under the chairmanship of His Excellency Ismail-Azhari, President of the Republic of Sudan and comprising the Heads of State of Burundi, the Central African Republic, Rwanda, Sudan, Zambia and Ethiopia.

On behalf of all the Heads of African State Members of the OAU, this Committee has drawn up the following plan of action which it would wish to be carried out under the auspices of the International Committee of the Red Cross:

1. The mercenaries must lay down their arms and leave Congolese territory, under the protection of an armed detachment from the Central African Republic, for Kamembe airport in the Republic of Rwanda;
2. two C-130 aircraft, supplied by the Republic of Zambia and displaying for the occasion red cross markings, will transport the disarmed mercenaries to Geneva, headquarters of the International Committee of the Red Cross, via Athens;
3. the African Heads of State and Government of the OAU have unanimously decided definitely to forbid these mercenaries to enter or stay in any member country of the OAU.

The Heads of State and Government of the OAU and the Select Committee which drew up the foregoing plan having expressed the

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wish that you be closely associated in the solution of this urgent and important problem, I have the honour to send you a copy of the resolution AHG/Res. 1 (IV) requesting you kindly to give it all the attention required to put it into effect.

On behalf of the OAU, I hold myself at your disposal to draw up with you, or a representative you may care to appoint, the practical arrangements for implementing the attached resolution as soon as possible. If the solution by peaceful means as described above, and for which your help is requested, were impeded for any reason whatsoever, there would be no alternative but the immediate use of a large armed force in a combined operation by African States in accordance with operative paragraph 3 of the attached resolution.

In drawing your attention once again to the extreme urgency which the Heads of State and Government of the OAU attach to the rapid solution of this question, I have pleasure in expressing to you on their behalf our confidence and the assurance of our highest consideration.

Chairman of the Fourth Ordinary  
Session of the Conference of Heads  
of State and Government of the  
Organization of African Unity.

(signed) Joseph-Désiré MOBUTU  
Lieutenant General

Kinshasa, October 2, 1967

Dear Mr. President,

Further to my letter of September 16, your reply of September 19 and the information conveyed to me by your delegate in Kinshasa concerning the position of the International Committee, I have the honour to bring the following to your notice.

As Chairman of the fourth Session of Heads of State and Government of the Organization of African Unity (O.A.U.), and being responsible for the execution of Resolution No. 49 of September 14 on the subject of the mercenaries, I informed the latter, through a neutral intermediary in whom I have confidence, of the proposals contained in that resolution, in order to obtain their agreement; this objective was achieved.

Enclosed herewith is the original of document No. 4 containing a statement which I recognize as valid and in which the mercenaries confirm their agreement subject to certain conditions. In document

No. 5, the original of which is also attached hereto, they express the wish that the operation referred to in document 4 be carried out under the auspices of the International Committee of the Red Cross.

Pursuant to the work of the fourth session of the OAU Special Commission for the implementation of the resolution concerning the mercenaries and, in particular, bearing in mind the intentions manifested by the Member States of that Commission, I accept completely on their behalf the tenor of the statement contained in document No. 4 attached hereto.

However, with regard to the Congolese nationals mentioned in that statement, I wish to declare, in my capacity as Head of the Government of the Democratic Republic of the Congo, that:

- the Congolese Government intends to grant an amnesty to those of its nationals who wish to return to Congolese territory; and
- will raise no objections whatsoever to the removal to and settlement in Zambia of those Congolese nationals who accept the offer of asylum which has been extended to them by the President of that State. On the other hand, it must reserve the right to take legal action against any of them who go to other countries.

On behalf of the Organization of African Unity, I express the hope that the information and documents I have the honour of sending you with this letter will be sufficient to authorize the International Committee to consider as fulfilled the conditions upon which it made its assistance in this affair contingent. In compliance with your institution's wish, I am prepared to delegate to Geneva in due course one or two representatives whose names I shall communicate to you, in order to reach a joint agreement on ICRC assistance and arrangements for evacuation of the mercenaries.

Finally, I would add, with reference to my letter of September 16, that the Republic of the Congo (Brazzaville), Uganda, the Republic of Tanzania and the Democratic Republic of the Congo were also represented on the special committee set up by the recent OAU conference in Kinshasa to carry out the resolution relating to the mercenaries.

I have the honour to be, Sir,

Yours very truly,

(signed) Lt. Gen. J.-D. MOBUTU  
President of the Republic

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DOCUMENT No. 4

Provided that all our group—including the Congolese members—shall have their lives spared and be permitted to leave Congolese territory, we answer “yes” to the proposals made to us by the OAU in its resolution of September 13, 1967.

We are prepared on these terms to cease hostilities, lay down our arms, and leave the territory of the Congo for a freely chosen destination as soon as we consider that adequate arrangements have been made for our safety with the assistance of the proper international organizations.

Signed in Bukavu  
on September 24, 1967

J. SCHRAMME

*DOCUMENT No. 5*

Bukavu, Congo  
September 29, 1967

Further to our acceptance, as witness document No. 4 signed by us on September 24, of the proposals made to us by the OAU, we confirm that it is our express wish that the planned operation according to the aforesaid document be carried out under the auspices of the International Committee of the Red Cross.

*(signed)* J. SCHRAMME

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