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The ICRC, on the other hand, transmitted to the NLF a United States protest against the execution of American prisoners.

The NLF released several prisoners on the occasion of the Vietnamese New Year and in particular of 10 South Vietnamese military who have however not yet returned to their own forces' lines. At the request of the Saigon authorities, the ICRC has made inquiries of the NLF as to the fate of these ten men. No reply has reached Geneva on the subject.

### **3. AFRICA**

#### **South Africa**

In 1964, the Government of the Republic of South Africa had given permission for a delegate of the International Committee of the Red Cross to visit a certain number of places of detention. The ICRC's report on these visits handed to the South African Government, was published by the latter in November 1966.

In 1965, the ICRC requested the South African Government to allow one or several delegates to make a further round of visits to these places. On February 1, 1967 the South African authorities replied affirmatively to this request and it was in these circumstances that an ICRC delegate, Mr. G.C. Senn went to South Africa in April, May and August 1967 and visited a series of prisons and detention centres in which there were political detainees and prisoners in common law. These visits were continued in September and October 1967 by Mr. Senn who was then accompanied by Dr. S. Burkhardt, doctor-delegate. Some prisons were again visited, whilst others were for the first time. Dr. Burkhardt devoted particular attention to infirmaries and hospital establishments in which detainees undergo treatment. The ICRC delegates were able, in most cases to talk without witnesses with detainees and internees of their own choosing.

These visits are reported upon in writing and handed by the ICRC to the South African Government. The reports are in all cases accompanied by observations and possible suggestions.

In this connection, it should be recalled that at the end of each visit the delegates of the ICRC submit their recommendations to the authorities directly concerned, informing them of their observations and, if necessary, suggesting certain improvements in detention conditions.

As regards the question of detainees in South Africa, it should be noted that the United Nations Commission on Human Rights, by a resolution adopted on March 6, 1967, appointed a special group of experts charged with making an inquiry into tortures and ill-treatment which might be inflicted upon prisoners, detainees or persons arrested by the police in the South African Republic. This group wrote to the ICRC on June 5, 1967 requesting it for certain information. As far as it was able to do so, the International Committee attempted to supply the information requested. Since then, this group of experts, which has not been able to go to South Africa and has had no access to detainees, has, in different places, heard statements by persons who have been imprisoned in South Africa. The group will be submitting a report on its work to the Human Rights Commission.

## **Congo**

**OAU request to the ICRC.**—In September 1967, the Organization of African Unity (OAU), meeting in Kinshasa, passed a certain number of resolutions. One of these called upon the mercenaries entrenched in Bukavu to withdraw from the Congo and offered to effect this by peaceful methods, with the help of the competent international institutions. Following on this resolution, Mr. Mobutu, in his capacity as Chairman of the OAU Conference, appealed on September 16, 1967, to the International Committee of the Red Cross asking it to help in this undertaking. Stressing the urgency which the Heads of States members of the OAU attached to this question, he expressed at the same time the wish to make contact with an ICRC representative at the earliest possible moment.

In its reply, the International Committee stated that it agreed to send a representative to Kinshasa, in order to examine how it could eventually assist the OAU in this matter. It pointed out that,

if it eventually accepted to intervene, it would be with a view to avoiding further bloodshed. This position was based directly on Resolution X of the XXth International Conference of the Red Cross which "encourages the ICRC 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 parties concerned on the principle and methods of applying the OAU resolution would have to be obtained beforehand.

Mr. R.-J. Wilhelm, Assistant Director at the ICRC, therefore left for Kinshasa on September 19 where he had talks on two occasions with Mr. Mobutu, Head of the Congolese State. The latter affirmed 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 which a special committee of the Conference had drawn up to implement the above-mentioned resolution. He stated that he had considered it opportune to communicate the text of the resolution to the mercenaries and that these in their reply had agreed to conform to that resolution. Whilst themselves also hoping that the operation would be placed under the auspices of the ICRC they asked, in addition, that Congolese nationals who were with them, known as "Katanga gendarmes", would also, together with their families, have their lives spared and be able to leave Congolese territory.

Mr. Mobutu added that, taking the work of the Special Committee into account, he could in his capacity as Chairman of the OAU and on behalf of the countries members of that Committee, agree to the special request accompanying the reply of J. Schramme, leader of the mercenaries. However, as President of the Congolese Government, he pointed out that his government could not agree to the Katanga gendarmes leaving the national territory and be exempt from all prosecution unless they proceeded to Zambia, the country decided by the OAU Special Committee to receive them. At the same time, he made known the Congolese Government's intention to grant an amnesty to those of its nationals who wished to return to their own country and not to emigrate to Zambia.

Mr. Mobutu confirmed these remarks to the ICRC by letter on October 2, 1967. It was on the basis of these written assurances

that the ICRC accepted, in principle, to lend its support to the peaceful evacuation operation of the Bukavu garrison. However, the re-establishment of a normal situation in that area raised problems which had to be successively and rapidly resolved.

The International Committee had first of all to study the practical methods of a plan for the evacuation of the mercenaries, the Katanga gendarmes and of their families, such as had been proposed by the OAU and accepted, as we know, by Colonel Schramme, subject to certain conditions. For that purpose, the ICRC sent out eight delegates who went respectively to Kinshasa, Kigali, Bukavu, Lusaka and Malta.

Mr. Gaffner, Head of the ICRC Special Mission in Africa, then reached Bangui in order to ensure that security troops, as laid down by the OAU's Special Committee, would effectively be made available to set up a protective screen around Bukavu on the withdrawal of the mercenaries and the Katanga gendarmes.

However, contrary to the plan as drawn up, the Central African Republic was not in a position to provide these troops as mentioned which were to have constituted an essential factor in implementing the plan of peaceful evacuation.

The Head of the ICRC Mission then went to the Ethiopian capital where, with Mr. Diallo Telli, Secretary-General of the OAU, he proceeded to make a fresh study of the situation. On his return to Kinshasa on October 30 he resumed discussions with Mr. Mobutu, President of the Congolese Government, in order to find, as a matter of urgency, other security troops, preferably uni-national.

It should finally be mentioned 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 the Katanga gendarmes who might choose to be considered as political refugees. The ICRC, for its part, ensured, with the help of several States, the subsequent availability of some aircraft for an eventual evacuation from the Congo.

**Resumption of fighting around Bukavu.**—On October 30 the ICRC delegates learnt that heavy fighting had again broken out in the Bukavu sector.

It was at once essential to obtain an immediate and lasting cease-fire order from Mr. Mobutu, otherwise the ICRC could not pursue the evacuation operation by peaceful means which it had accepted to undertake.

Mr. Mobutu informed Mr. Gafner in person on November 1 that orders for a cease-fire could only be given 48 hours before the definite withdrawal of the mercenaries, in accordance with the OAU plan. From Geneva the ICRC repeated, but in vain, its request for a cease-fire, through the intermediary of its delegate in Kinshasa, as well as by a message addressed to the President of the Republic of the Congo direct. Colonel Schramme, on his side, made it known to the ICRC that he would accept a cease-fire provided the National Congolese Army acted in a similar manner.

Meanwhile, anxious at least to assume its traditional rôle of protection and of assistance to refugees, in the spirit of the Geneva Conventions, and to contribute towards the saving of human life, the ICRC delegation immediately drew up a programme of relief to the victims of the hostilities in the Bukavu area. In addition, it drew the attention of the Congolese authorities to the situation of the women and children and of the wounded in the fighting zone, reminding them of the respect and humane treatment due to these persons in all circumstances.

The delegation was able, moreover, to observe that the mercenary forces in Bukavu were treating 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. All combatants laid down their arms. They were received by the Rwanda authorities and accommodated in a large factory under construction, 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 and in neighbouring hospitals.

**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, on its soil and which had actually sent a preparatory mission of inquiry to them in Bukavu to that effect, 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 beforehand 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 able briefly to explain the ICRC's point of view.

The Special Committee then proceeded to Rwanda to interrogate the refugees, in particular the Katanga gendarmes. The ICRC was authorized to be present at some of these interrogations whose methods had, however, been decided upon by the Special Committee alone. The latter on returning to Kinshasa made it known at a

public session on November 18 that, as a result of these interrogations, all the Katanga gendarmes had accepted to return to the Congo, placing their trust in the amnesty promised by the Congolese Government and guaranteed by the OAU.

At the same time, the Special Committee made known its final resolutions concerning the position of mercenaries of European stock. These were to be repatriated under certain conditions imposed on the countries of which the mercenaries were nationals.

On the basis of its delegates' reports who had returned to Geneva, the ICRC, in a press communiqué on November 20, stated its standpoint concerning these last events. After recalling the help requested of it by the OAU itself, the ICRC stated that it would continue to lend its humanitarian assistance to African and European refugees interned in Rwanda. As regards the Katanga gendarmes, noting that they had expressed the desire to return to the Congo under guarantee of a promised amnesty and according to procedure determined under the OAU's sole responsibility, the ICRC therefore considered that its intermediary for their repatriation was no longer required. It added that it would, however, be prepared to participate in the transportation of these refugees, provided that verification of individual wishes was resumed under its supervision and on fresh bases granting every guarantee of effective free choice.

The ICRC communicated this position to the Chairman of the Special Committee by letter on November 24. In its reply, the latter made it known that it did not propose to go back on the measures which had been taken.

At the end of November, therefore, the repatriation of Katanga gendarmes to the Congo was started, organized by the Congolese authorities alone and without the ICRC having been requested to lend its aid to that operation. After their departure with their families, there only remained in the camp at Shagasha ex-mercenaries of European stock, some of whom were accompanied by their wives and children of Congolese origin, a total in all of some 135 persons.

Whilst waiting for a satisfactory solution to be found by the government concerned to the problem of evacuating these internees, the ICRC delegation in Rwanda continued to provide material

assistance on the spot and give medical care to the wounded and sick. It was able in particular to obtain the transfer of the seriously wounded from the camp to the hospital at Ruhengeri.

Having learnt that the extradition of the mercenaries in the Congo, with a view to their trial, had been called for at a meeting of the heads of East African States at Kampala in mid-December, the ICRC informed the President of Rwanda, in a message published on December 23, that such a measure, as it had already previously pointed out, would be contrary not only to the spirit of the OAU resolution and the undertakings given, but also to the principles of international law. It therefore hoped that a solution would shortly be found which, whilst taking into account the legitimate desire of African States to prevent the return to Africa of persons who might threaten their security, would ensure the final repatriation of mercenaries having taken refuge in Rwanda. That country's President had moreover occasion, shortly afterwards, to re-affirm publicly that he called for the forthcoming evacuation of the mercenaries from Africa.

Such was the situation at the end of 1967, the ICRC restricting itself to ensuring the subsistence and medical care of these ex-mercenaries in Rwanda. It considered that the search for a solution for evacuation, as well as finding practical methods, was chiefly the province of the governments concerned and that these should therefore be negotiated through diplomatic channels.

## **Malawi**

Mr. Senn visited three prisons in Malawi in August 1967. The ICRC delegate spoke with political detainees before seeing the places reserved for them.

He was thus able to inform himself of conditions in which the internees were living and in certain cases request the director of the prison to make improvements, as far as this was in his power.

A detailed report of these visits was then given to the government authorities.

## Nigeria

On May 30, 1967, Lt. Col. Ojukwa, Military Governor of the Eastern Province (12 million inhabitants) proclaimed its independence under the name of Biafra.

At the beginning of July, Gen. Yakubu Gowon, Head of the Federal Government (55 million inhabitants) launched a military operation to put an end to the secession.

Even before the start of hostilities, the ICRC, whose Delegate General, Mr. Hoffmann, had already visited Nigeria on several occasions, had received assurances from both parties that they proposed to apply the Geneva Conventions in the event of a conflict.

However, from the very outset, the fighting was of such a savage character that the ICRC, deeply concerned by the summary execution of prisoners and news reporting the massacring of civilian populations, made the following appeal on October 21 to the belligerents :

There is fierce fighting in Nigeria. The ICRC reminds all exercising authority and all combatants that the Geneva Conventions signed by all countries throughout the world make the following demands:

- combatants surrendering shall not be killed
- the wounded shall be respected and the necessary care given to them, whether they are friends or enemies
- civilian populations shall be spared and they shall not be attacked nor harmed, irrespective of race, nationality or tribe
- members of the army medical service and of the Red Cross must be respected and protected. These must themselves avoid all acts of war
- armed soldiers must never attack military or civilian hospitals, nor even go inside them
- the sign of the red cross on a white background and all those it protects must be considered inviolable and sacred.

The ICRC counts on the goodwill of each one of you to have these humane rules always applied.

**Medical activity.**—Owing to the problems raised by the lack of material and medical personnel, the ICRC despatched 30,000 frs. worth of medical material to the representatives of the Nigerian Red Cross in Lagos and Enugu. Then, to follow up the urgent requests made by its Delegate General, it sent out successively, during the last fortnight in July, Dr. Altwegg, doctor-delegate at Enugu and two surgical teams placed under the control of Drs. Pidermann and Steiner respectively.

Dr. Pidermann's team was installed on Federal territory at the hospital in Uromi. On September 8, it was replaced by a Norwegian team led by Dr. Kaare Sandnaes. However, as a result of a serious incident which took place at that hospital, the team was transferred to the hospital at Agbor which was relieved at the end of December by a Swedish team under Dr. Ehrström.

In the Biafra zone, Dr. Steiner's team was replaced on September 5 by a new team consisting of Dr. Spirgi, Dr. Thurig and a male nurse, which the ICRC delegate, Mr. Reynard, accompanied. Installed at the missionary hospital at Achi, this medical mission had brought medical equipment and first-aid medicines with it.

When in mid-November the ICRC undertook the relief of that team, it had to charter a special aircraft from Bâle to Port Harcourt, as it could only establish contact with its delegation by such a method. Many obstacles had, however, to be overcome before the ICRC aircraft could finally land at Port Harcourt. In fact, after having been forced to land beforehand at Lagos for control, demanded by the Federal authorities, it still had to make a landing on the Island of Fernando Po at Santa Isabel before it could reach Port Harcourt in Biafra.

There the ICRC aircraft landed three surgeons, an anaesthetist and 7 tons of medicines to an approximate value of 150,000 frs. The medical team and the medical relief supplies were then transported by road to Achi some 300 kms. to the North.

As a result of these incidents and in view of the civilian population's increasing need of medicines and food, especially the children, the ICRC decided to intensify its action, whilst trying to find ways of establishing a system for the easier routing of relief. To these ends it sent out Mr. Modoux, delegate, to Lagos in mid-December to negotiate a double agreement with the Federal

Government, on the one hand to obtain acceptance of the principle of food relief (milk and vitamins) for children, on Federal territory as well as in the secessionist zone, and, on the other hand, to agree to the establishment of an ICRC operational base on neutral territory at Santa Isabel, where the Committee's aircraft would be checked by a Federal agent before flying direct for Port Harcourt. The Lagos authorities gave a favourable reply to this double request.

**Assistance to prisoners.**—While it was carrying out its relief actions, the ICRC also concerned itself with its traditional but essential task, that of assisting prisoners. Mr. Hoffmann and Dr. Pidermann, from the Federal side, and Dr. Altwegg in Biafra, visited a certain number of prisoners of war and civilian internees.

By July 25, Mr. Hoffmann had already visited 145 prisoners, of whom 21 were children and adolescents, held by the Federal forces in Makurdi. Detention conditions were generally speaking acceptable. Similar observations were made during a visit carried out on October 13 to a group of 77 prisoners of war incarcerated in the Maximum Security Prison of Lagos Apapa. Subsequently, the ICRC delegates continued to make regular visits to penal settlements situated in various parts of Nigeria. However, lists of prisoners were not drawn up, either by the Federal or the Biafran captors. The ICRC continued all the same to be hopeful about this question.

## **Rhodesia**

In Rhodesia also the delegate of the ICRC has continued to visit detainees. Mr. Senn has in fact for many years been engaged in visiting political detainees and internees (*restrictées*) placed either in prisons or in appropriate camps.

In 1967 he went to four of these centres in June and July, each visit being followed by his recommendations when necessary.