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Agenda item 131

### Investigation into the conditions and circumstances resulting in the tragic death of Dag Hammarskjöld and of the members of the party accompanying him

#### Letter dated 12 September 2019 from the Secretary-General addressed to the President of the General Assembly

I have the honour to refer to General Assembly resolution [72/252](#) concerning the investigation into the conditions and circumstances resulting in the tragic death of former Secretary-General Dag Hammarskjöld and of the members of the party accompanying him on flight SE-BDY on the night of 17 to 18 September 1961.

In accordance with paragraph 1 of that resolution, in 2018 I reappointed as Eminent Person Mohamed Chande Othman to continue to review potential new information, including that which may be available from Member States, to assess its probative value, to determine the scope that any further inquiry or investigation should take and, if possible, to draw conclusions from the investigations already conducted. I recall that I had previously appointed Mr. Othman as Eminent Person in 2017 pursuant to General Assembly resolution [71/260](#) and, prior to that, as Head of the Independent Panel of Experts appointed pursuant to General Assembly resolution [69/246](#).

In resolution [72/252](#), the General Assembly requested that I provide an oral briefing on any progress made to the Assembly before the end of the main part of its seventy-third session and to report to the Assembly before the end of its seventy-third session on any further progress made. It will be recalled that, on the basis of an interim report by the Eminent Person, I provided an oral briefing to the Assembly on 3 December 2018. I now have the honour to attach herewith a copy of the report of the Eminent Person.

I wish to take this opportunity to renew my profound gratitude to the Eminent Person and to commend him for his excellent work and unwavering commitment.

In the report, the Eminent Person reaffirms his previous conclusions, included in his 2017 report ([A/71/1042](#)). I note that the Eminent Person has received new information about possible causes of the crash and that advancements have been made in the body of relevant knowledge, most notably regarding the areas of: (a) probable intercepts by Member States of relevant communications; (b) the capacity of the armed forces of Katanga or others to have staged a possible attack against the plane of the Secretary-General (including aircraft, as well as airfields and airstrips); and



(c) the presence in the area of foreign paramilitary, including pilots, and intelligence personnel. Further information was also received in relation to the South African Institute for Maritime Research, mentioned in the context of the so-called "Operation Celeste".

While the Eminent Person has made much progress, as evidenced in his report, it is equally clear that the work will need to continue with renewed urgency, with a view to establishing the truth of the tragic event.

It will be recalled that in paragraph 5 of resolution [72/252](#), the General Assembly encouraged all Member States that may hold relevant information related to the death of Dag Hammarskjöld and of the members of the party accompanying him to appoint, without any delay, an independent and high-ranking official to conduct a dedicated internal review of their intelligence, security and defence archives to determine whether relevant information exists (Independent Appointees). In accordance with that provision, the Eminent Person approached 14 Member States regarding such appointments. Following my oral briefing to the Assembly and at the suggestion of the Eminent Person, I also engaged with certain Member States regarding their appointment of Independent Appointees.

I wish to express my gratitude to Member States, Independent Appointees and private individuals for their cooperation with the Eminent Person and for their willingness to provide additional information.

I am pleased to note that the Eminent Person concluded that, on the whole, the engagement of the Member States has been excellent and that the majority of Member States complied with the letter and spirit of General Assembly resolution [72/252](#). At the same time, the Eminent Person concluded that: (a) not all Member States appointed an Independent Appointee; (b) searches have not been exhaustive in all Member States; (c) Independent Appointees need more time; and (d) the burden of proof remains with Member States to show that they have conducted a full review of their archives and records, including their intelligence, security and defence archives.

I take note of the conclusions of the Eminent Person and support the recommendation of the Eminent Person that the United Nations appoint an independent person to continue the work undertaken pursuant to the current mandate of the Eminent Person. I also support the recommendation of the Eminent Person that key Member States that may hold information be again urged to appoint or reappoint Independent Appointees to determine whether relevant information exists in their security, intelligence and defence archives. In this regard, I support the proposal of the Eminent Person that existing Independent Appointees continue their work pending such appointment or reappointment. As I have stated before, in order to establish the truth, we need to ensure comprehensive access to all information relating to this tragic event.

In respect of paragraph 4 of resolution [72/252](#), I note that the Eminent Person has had, and continues to have, unrestricted access to all records and archives of the United Nations and has in fact reviewed a significant number of such records. I also note that all the files of the United Nations Operation in the Congo, held by the United Nations, are now open to the public, without any restriction.<sup>1</sup> Furthermore, I wish to inform the General Assembly that, in the interests of transparency, the United Nations

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<sup>1</sup> This is with the exception of 23 files, which retain "strictly confidential" status, consistent with established policies of the United Nations. The Eminent Person reviewed these 23 files and has confirmed in his report that none of them contain any information relating to the probable cause or causes of the tragic event or that was in any other way directly or indirectly relevant to its attending circumstances.

has undertaken a comprehensive declassification exercise and has declassified thousands of additional files in respect of the Congo.

Finally, and with reference to paragraph 6 of resolution [72/252](#), I support the recommendation of the Eminent Person that the United Nations continue to work towards making key documents of the Dag Hammarskjöld investigation publicly available through a dedicated online collection. Through the work of the United Nations Commission of Investigation in 1961, the Hammarskjöld Commission in 2013 and the Independent Panel of Experts in 2015 and the 2017 report of the Eminent Person, as well as the present report of the Eminent Person, a considerable amount of records has been collected. All of these documents are being made available online by the United Nations. In addition, and to the extent not available through the dedicated online collection, the United Nations will continue its engagement with institutions and individuals that may hold records relevant to the matter.

I am encouraged by the progress that has been made and wish to call upon all of us to pursue the search for the truth with urgency. Let us not waver at this critical juncture. It remains our shared responsibility to pursue the full truth of what happened on that fateful night in 1961. We owe this to Dag Hammarskjöld and to the members of the party accompanying him. However, we also owe this to the United Nations. I consider this to be our solemn duty and I will do everything I can to support this endeavour.

I call upon the General Assembly to remain seized of the matter and to endorse the report of the Eminent Person and his recommendations, as discussed above.

*(Signed)* António **Guterres**

## Letter of transmittal

### Letter dated 31 July 2019 from the Eminent Person appointed pursuant to General Assembly resolution 72/252 addressed to the Secretary-General

In my capacity as Eminent Person appointed pursuant to General Assembly resolution 72/252, I have the honour to submit my report in relation to the conditions and circumstances resulting in the tragic death of former Secretary-General Dag Hammarskjöld and of the members of the party accompanying him.

I was honoured to be reappointed as Eminent Person in 2018 pursuant to resolution 72/252. I wish once again to express my gratitude for the privilege of the opportunity to undertake this important assignment. I also wish to express my great appreciation, as detailed in my current report, for the cooperation received from representatives of Member States, the staff of the United Nations and private individuals. As in previous years, I acknowledge that this process would not have been recommenced or conducted in as successful a manner without the momentous efforts of those individuals who have given freely and generously of their expertise and information. They are acknowledged by name in my report. I also once again extend my profound respect to the families of those who perished on the night of 17 to 18 September 1961 in the service of the United Nations.

At the outset, I note that the 2017 report concluded that the burden of proof had shifted to Member States to show that they had conducted a full review of records and archives in their custody or possession. Much progress has been made under the current mandate, although this burden has not been discharged by all key Member States. Akin to a jigsaw puzzle, as more pieces of information are disclosed and obtained, the clearer the picture becomes. Information that in isolation may not have seemed relevant becomes significant; at the same time, the pieces of information obtained reveal what is still missing from the full picture.

In its resolution 72/252, the General Assembly, among other things, urged all Member States to release any relevant records in their possession and encouraged them to ensure that such records that remained classified, more than 50 years after the fact, were declassified or otherwise made available for review. In furtherance of those aims and following the express terms of the resolution, in 2018 I requested 14 Member States to appoint an independent and high-ranking official (Independent Appointee) to conduct a dedicated internal review of their intelligence, security and defence archives. Much of the work of my mandate involved interacting with Member States and their Independent Appointees, a process that was largely successful. The interactions with some of the 14 Member States are discussed in the present letter, although they are all detailed in full in my report, which includes as supplementary information a table showing the status of the appointments.

Pursuant to resolution 72/252, I requested each of the Independent Appointees to provide a report that included a summary of their results of searches, as well as any required confidentiality arrangements. To the extent that any level of confidentiality was requested, mutually acceptable arrangements were made; I am able to confirm, however, that nothing material to the causes of the crash was withheld. I have reviewed the significant amount of information received pursuant to the work of the Independent Appointees, as well as a large amount of information received from individual researchers, and have sought expert opinion where necessary. This information is analysed in my report and I have assessed its degree of probative value as nil, weak, moderate or strong, where appropriate.

I also note that, where a finding was made in the 2017 report regarding an act attributable to a Member State, certain Member States took the opportunity to provide clarifications, which I have taken into account. Where such a finding was made in the 2017 report regarding an act attributable to a Member State and no clarification was made or additional information provided, I have taken such a finding to be strengthened.

Advancements have been made in the body of relevant knowledge, most notably in the areas of the probable intercepts by Member States of relevant communications; the capacity of the armed forces of Katanga to have staged a possible attack against the Secretary-General's plane; the presence in the area of foreign paramilitary and intelligence personnel; and other information relevant to the context and surrounding events of 1961. I have been able to reach some conclusions, which I present for your review. Details of each Member State's engagement with the Independent Appointee process are also described in full in my report.

A strong majority of Member States complied with the letter and spirit of the request that they conduct a dedicated internal review of their intelligence, security and defence archives through the work of their own Independent Appointee. In my view, the work that has been done may be considered as a success and a constructive step in the search for the truth of the tragic event. The work has resulted in the discovery and disclosure of new relevant information, including witness testimony, documentary material and photographic and video footage. Important progress has been made towards reviewing relevant information that has been identified, and in showing where, in specific and finite terms, additional information is highly likely to exist.

I am grateful to all Member States for their cooperation and assistance, but express my particularly deep appreciation to those that appointed officials who could truly be said to be independent and high ranking and who were facilitated by the necessary clearances and cooperation to perform a methodical and comprehensive account of their searches. Belgium, France, Sweden and Zimbabwe must be commended in particular for the depth and volume of work undertaken by their Independent Appointees. Those Member States reviewed and provided information, the disclosure of which may once have been seen to be adverse to their interests, in particular given a historical context that includes decolonization at the relevant period. I am also particularly grateful for the work done by the Independent Appointees of Canada, Germany, Portugal and Zambia. Although in some respects there was less potential material that their searches were required to cover, those Member States also engaged in the process requested of them in the same manner and provided important information.

The work of the Independent Appointees of all of the above-mentioned Member States in particular has contributed to the record, assisted me in my own mandate and provided a benchmark for the type of searches that must be performed. I owe my thanks to the Independent Appointees, who were at all times engaged and collegial in our interactions. I also observe that, notwithstanding that my current mandate has now ended, Member States may find it beneficial to continue to work through the mechanism of their Independent Appointees, based on matters identified in the present report.

Despite encouraging progress having been made, we are not at a stage where it may be said that searches have been exhaustive in all Member States. As discussed in my report, certain Member States have not responded substantively to queries or appear to have inferred that their intelligence, security and defence archives cannot hold "relevant" information, as they are not ordinarily archives of which their legal frameworks allow consultation. I believe that these difficulties may and should be overcome, given the very unique circumstances of this matter. Regarding the Member States with which I would respectfully suggest further engagement, I note the following.

South Africa made an appointment in May 2019, following entreaties made by you, for which I am indebted. Although this appointment came some 15 months after my initial request and subsequent to the deadline for the reports of other Independent Appointees, it is nonetheless a positive step for which I express my gratitude. However, between May 2019 and the date of the present report, no further information has been received.

The United Kingdom of Great Britain and Northern Ireland also made an appointment in May 2019, following entreaties made by you. Although this appointment also came some 15 months after my initial request and subsequent to the deadline for the reports of other Independent Appointees, it is also a positive step for which I express my gratitude. A letter was received from the Independent Appointee of the United Kingdom in June 2019 averring that all documents held by the British Government that contained information relevant to the inquiry had been fully identified and submitted. However, responses were not given to the detailed queries that I relayed, as described in my report. I am of the respectful view that the matters I detailed in correspondence to the Independent Appointee and those outlined in the present report may be fertile ground for future consideration.

Regarding the United States of America, I am grateful that an appointment was made in 2018. In 2019, I was advised that searches were ongoing, but responses to my substantive queries and requests for specific information were not received.

Regarding the Russian Federation, I was grateful to be advised that it had performed searches within intelligence, security and defence archives; however, an Independent Appointee was not appointed and the details of the searches for information were not particularized. Although there is no precise information before me that the former USSR had knowledge of the specific events, as an important actor in the area at the time, for completeness and uniformity, it would be of great utility to ensure that a full and thorough review is conducted by the Russian Federation, in accordance with the requested framework.

As to reasons why the cooperation of the above-mentioned Member States is particularly important, specific existing information and the historical record show that South Africa, the United Kingdom and the United States must be almost certain to hold important undisclosed information. In broad terms, in the relevant region around September 1961, these Member States created or received records resulting from interceptions of United Nations and other communications, had intelligence, security and defence sources involved in, incidental to and/or monitoring the events in question (but whose reports or other information have not been disclosed), and/or their personnel interacted with foreign intelligence and paramilitary forces within Katanga. Evidence suggests that at least one of these Member States attempted to influence the inquiries of 1961/62 towards a finding of "pilot error", creating further impetus for transparency now. It may also be the case that relevant information exists within archives of the former USSR.

The historical record thus allows it to be established with confidence that these Member States must have created or taken custody of relevant records. For example, reports and statements by certain of their own intelligence operatives have been made public or found in private archives, and diplomatic correspondence states that information was also sent to intelligence agencies for follow-up. Knowing what we do of Member State policies, assets, equipment and personnel in the area at the relevant time, as well as their engagement in the Congo and the region, and with the United Nations, records of intercepted or overheard communications must have been made. Classified reports using intelligence assets and sources must have been generated in the immediate aftermath when it was realized that the Secretary-General's plane had crashed. Despite this, no such information has been provided; apart from a solitary one-

page document referred to in my report, none of these Member States provided any information at all in 2018 or 2019 in response to resolution [72/252](#).

Information of the type requested is the missing link that makes the present picture incomplete, and its conspicuous absence from the record means that conclusions about the cause of the crash cannot yet be reached. Information that must exist but remains undisclosed only fuels conspiracy theories about what may have happened. I have considered it part of my role to attempt to dispel such theories where warranted. As the interactions with the above-mentioned Member States remain unfinalized, I have included as supplementary information a final letter to each of them to outline areas that remain to be addressed. I note that this is similar to the practice adopted by the Independent Panel of Experts in 2015.

On the topic of disclosing sensitive information, it is of course expressly acknowledged that Member States have legitimate security interests that require them to treat security, intelligence and defence information with the utmost care. However, Member States' own enquiries and former intelligence personnel have confirmed publicly that they had intelligence and other personnel and assets in Central Africa to support their political objectives in the decades following the end of the Second World War.

The circumstances of the plane crash that killed Secretary-General Dag Hammarskjöld and his party nearly 60 years ago were unique and occurred in a global context that has long since changed. Accordingly, it could not reasonably be said that the current process might necessarily create a precedent to be used in the future, or that compliance with it would put security at risk. And, if the archives, after transparent review, are shown to hold no relevant information – in accordance with the broad, non-technical definition of “relevant” that I have proposed in my report – then this process may be concluded by making an assessment on the basis of the information that exists.

Having expended considerable efforts and progressively obtained new and relevant information since the issuance of the significant report of the Hammarskjöld Commission in 2013, there is a continuing duty and valid reasons for the international community to not now allow the search for the truth to fall into amnesia or oblivion. Rather, there are telling pointers on identifiable gaps in the available information that are pertinent to the circumstances and conditions of the tragic event and its probable causes, which could reasonably be narrowed down or sufficiently explained by potentially relevant, but as yet unreleased, information from Member States.

Accordingly, without prejudice to your prerogatives as Secretary-General and the ultimate decision of the General Assembly, on the basis of the preceding considerations I have made four mutually compatible and reinforcing recommendations in my report. These recommendations are: (a) that the United Nations appoint an independent person to continue the work undertaken pursuant to the current mandate of the Eminent Person; (b) that key Member States be again urged to retain or to appoint independent and high-ranking officials (Independent Appointees) to determine whether relevant information exists within their security, intelligence and defence archives. Such work should ideally continue even prior to the appointment of an independent person by the United Nations, with reference to the correspondence contained in the information supplementary to the present report; (c) that at the end of their mandate, any independent person appointed by you be asked to conclude whether Member States have complied with the process outlined by the General Assembly, including an observation as to whether any inference may be drawn as a result of non-compliance; and (d) that the United Nations continue to work towards making key documents of recent investigations publicly available through a dedicated online collection.

I note again that the 2017 report concluded that it was plausible that an external attack or threat was a cause of the crash and that the burden of proof had shifted to Member States to show that they had conducted a full review of records and archives in their custody or possession. My work under the current mandate does not provide grounds to disturb either finding, as the burden of proof described has yet to be fully discharged. In my respectful view, this burden should continue to remain assigned until the General Assembly is satisfied that it has been sufficiently fulfilled by the disclosure of relevant information relating to the probable cause or causes of the tragic event.

I again reiterate that much progress has been made in 2018 and 2019. It is not necessary at this stage to determine whether an inference should be drawn that non-cooperation may be seen to amount to concealment. However, in a context in which the burden of proof is asymmetrically shared by certain Member States, and in which it seems highly probable that specific and important information exists and has not been disclosed, it is of great importance that all parties be encouraged to provide transparency. Without ensuring that all information relevant to the reaching of a conclusion has been disclosed or seen, no such conclusion may firmly be reached; a status that has now subsisted for 58 years.

It may be observed that Sweden as a nation was greatly affected by the tragic events of September 1961, as Dag Hammarskjöld and 8 others of the 16 people who died in the disaster were Swedish, including the crew, who were flying a plane owned by a Swedish company. Sweden was, like many other countries, a significant contributor to United Nations peacekeeping operations at the time, in particular to the United Nations Operation in the Congo. However, as Secretary-General Dag Hammarskjöld himself pointedly remarked, he did not represent one Member State, one regional or political bloc or one ideology. He pronounced and embodied the belief that, regardless of relative power, all nations large and small should be accountable to certain fundamental principles, applied equally. We owe it to the memory and the service of our esteemed second Secretary-General and the members of the party accompanying him, their families, and the notion of a strong and independent United Nations, that no less than full efforts are redoubled and applied to search for the full truth of what occurred over Ndola in September 1961.

(Signed) Mohamed Chande **Othman**  
Eminent Person



## Executive summary

### A. Introduction

1. On the night of 17 to 18 September 1961, a chartered DC-6 plane registered as flight SE-BDY crashed just after midnight near Ndola, in what was then Northern Rhodesia. Dag Hammarskjöld, the second Secretary-General of the United Nations, and 14 of the 15 members of the party accompanying him died instantly, with the sole survivor succumbing to injuries six days later. In the 58 years since the crash, a series of inquiries have explored various hypotheses for the crash, including an aerial or ground attack or other external threat (“external attack or threat”), sabotage, hijacking and human error. Following two Rhodesian inquiries in 1961, a United Nations Commission of Investigation determined that it was not able to find support for or exclude any of the various hypotheses that had been advanced to explain the crash. As a result, the General Assembly left further consideration of the matter open in 1962 by requesting the Secretary-General to inform it of any new evidence that might arise.

2. The Commission of Jurists on the Inquiry into the Death of Dag Hammarskjöld (the Hammarskjöld Commission), a private and voluntary body of four renowned jurists, prepared a report in 2013 that led to the General Assembly establishing an Independent Panel of Experts in 2015 to examine and assess the probative value of new information relating to the tragic incident. The Independent Panel, of which I was Chair, effectively ruled out certain hypotheses regarding the cause of the crash, but ultimately recommended the need for a further inquiry or investigation. I was appointed as Eminent Person in 2017 and prepared a report on developments (the 2017 report), and was reappointed by the same title in 2018. Pursuant to General Assembly resolution [72/252](#), the scope of my mandate as Eminent Person in 2018/19 has included reviewing potential new information and assessing its probative value. It has also included determining the scope that any further inquiry or investigation should take and, if possible, drawing conclusions from the investigations already conducted. The present executive summary describes key information contained in my 2019 report to the Secretary-General (the 2019 report).

### B. Present mandate and 2019 report

3. The 2017 report reached certain conclusions but was not able to answer the ultimate question of what caused the plane to crash, noting that it was clear that all relevant material had not been disclosed and therefore that a firm conclusion could not be reached. That report found that the burden of proof had shifted to Member States to show that they had conducted a full review of records and archives in their custody or possession. Following the express terms of resolution [72/252](#), in 2018 I requested 14 Member States to each appoint an independent and high-ranking official (Independent Appointee) to conduct a dedicated internal review of their intelligence, security and defence archives. Those 14 Member States were Angola, Belgium, Canada, the Democratic Republic of the Congo, France, Germany, Portugal, the Russian Federation, South Africa, Sweden, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Zambia and Zimbabwe. Interactions with them are detailed in full in the 2019 report, which includes as supplementary information a table showing the status of appointments of Independent Appointees.

4. The process of interacting with Member States and their Independent Appointees in 2018/19 was largely successful. The majority of Member States engaged with the process requested by the General Assembly. Important new information was received from both Member State and non-Member State sources and advancements were made in the body of relevant knowledge. This was most notably in the areas of the probable

intercepts by Member States of relevant communications; the capacity of armed forces to have staged a possible attack against the Secretary-General's plane; the presence in the area of foreign paramilitary and intelligence personnel; and other information regarding the context of the events in 1961.

5. Although substantive cooperation was broadly received, it was withheld by certain key Member States, as detailed in the 2019 report. Without ensuring that all information relevant to reaching a conclusion regarding the ultimate cause or causes of the crash has been reviewed, no such conclusion may firmly be reached.

### **C. Matters taken to be established**

6. To provide a consolidated reference, I am listing a summary of matters that appear to have been established on the basis of material reviewed up to and including in the 2019 report. This non-exhaustive list of matters bears recording for potential relevance to any future consideration of this subject matter. In this regard, I note that where a finding was made in the 2017 report regarding an act attributable to a Member State, Member States were given an opportunity to respond to such a finding in 2018/19. Certain Member States responded to these matters, which I have taken into account in the 2019 report. Where such a finding was made in the 2017 report regarding an act attributable to a Member State and no clarification was made or additional information provided by the Member State, I have taken such a finding to be strengthened.

7. The present summary is not intended to canvass all relevant information, but to recite areas where lines of inquiry suggest that further work is necessary. In the interest of brevity, matters that appear to be established on the basis of current information are listed below, without detailed reference to supporting material. For a complete understanding, the 2017 and 2019 reports and the material analysed therein should be referred to in full.

#### **1. Background**

8. Although the 1961/62 inquiries made substantial contributions to the historical record, they had significant shortcomings. In particular, a promising opportunity was lost when the evidence of local witnesses was not given due regard. The consideration by the earlier inquiries of the possible hypotheses, in particular that of an external attack or threat as a possible cause of the crash, was incomplete. Among other issues, those inquiries did not adequately take into account the context of the events of September 1961, including that there was active armed conflict involving various parties, including the United Nations. The area to which flight SE-BDY was headed was thus in a heightened militarized state, with military operations in place on both sides of the border between the Congo and Northern Rhodesia. Significant forces were assembled in a prepared and combat-ready state.

9. A further concern with the initial 1961/62 inquiries is that it appears established that British and Northern Rhodesian officials attempted to influence the findings of those inquiries to conclude that the crash was the result of pilot error, rather than any type of external interference.

#### **2. Findings regarding the cause of the crash**

10. Each continuing stage of the recent process has found evidence that was obscured from, or otherwise not considered by, the early inquiries. From the totality of the information at hand, it appears plausible that an external attack or threat may have been a cause of the crash, whether by way of a direct attack causing SE-BDY to crash or by causing a momentary distraction of the pilots. Conditions and resources

were such that an attack could have been mounted and there was widespread advance knowledge of the fact that Hammarskjöld would be travelling to Ndola that night. Many eyewitnesses (including 9 of the 12 “new” eyewitnesses considered by the Independent Panel) state that they observed more than one aircraft in the air, that the other aircraft may have been a jet, that SE-BDY was on fire before it crashed and/or that SE-BDY was fired upon or otherwise actively engaged by another aircraft. It would have been difficult but possible to conduct an attack on SE-BDY given the prevailing circumstances.

11. It has not been possible to conclude whether sabotage may have been a cause of the crash, owing in part to difficulties in obtaining access to relevant documentation in South Africa.

12. Taking into account the conclusions of medical experts, it appears that the cause of death of all occupants of SE-BDY was properly accounted for in a timely manner. Accordingly, it is reasonable to conclude that other claims regarding the cause of death, including that Hammarskjöld was assassinated either before the crash or after surviving it, may be dismissed.

13. Regarding human factors, a contemporaneous analysis noted that the pilot, Hallonquist, appeared to have had adequate opportunity for rest before flight SE-BDY, but the other three of the four members of the flight crew did not. Thus, fatigue may have affected the ability of the copilot and the flight engineer of SE-BDY, including their ability to respond in the event of any unexpected circumstance. On the basis of medical reports, including initial toxicological findings and independent expert opinions sought in 2017, there is no evidence that any of the pilots or crew were affected by drugs or alcohol.

14. Over the years, suggestions have been made of mechanical or other material failure, including failure of altimeters, the wrong altimeter setting (QNH) being used, the use of incorrect landing charts or gas spillage. These hypotheses, it appears, have been adequately dismissed.

15. It of course remains possible that the crash resulted from pilot error, despite the experience of the crew and the otherwise normal conditions that preceded the approach to landing. However, before such a conclusion may be reached, one would need to be certain that all of the potential evidence had been reviewed. It would be logically unsound to make a finding that no external attack or threat was involved in circumstances where it is clear that all relevant evidence has not been disclosed. To come to any conclusive finding while knowing that one has not seen all potentially material evidence would be neither judicious nor responsible.

### **3. Interception of communications**

16. Member States were monitoring and intercepting communications in the relevant area in September 1961, including those of the United Nations. Member States including the United Kingdom and the United States received intercepts of communications of the United Nations Operation in the Congo (ONUC) throughout 1961, including those that had been encoded relating to sensitive military matters. Those intercepts were discussed at a high level, including by the British High Commissioner, Lord Alport, the United States Consul in Elisabethville, William C. Canup, and the Prime Minister of the Federation of Rhodesia and Nyasaland, Sir Roy Welensky, as well as the respective capitals.

17. At least one Member State, the United States, had sophisticated communications assets in and near Ndola on the night of the crash, including mobile military assets. Aircraft present had communications equipment that allowed them to intercept, transmit and receive communications over long distances, including intercontinentally.

18. Communications sent from the CX-52 cryptographic machine used by Hammarskjöld appear to have been intercepted by British and United States signals and intelligence agencies as a result of a secret interception and decryption setting that those agencies held that enabled them to intercept surreptitiously.

19. Two United States personnel confirmed as working for or in support of United States National Security Agency activities stated that they personally overheard a transmission or recording of an attack on flight SE-BDY on the night of 17 to 18 September 1961. As of 2018, both of those men had passed away, with their claims not having been responded to substantively by the United States despite requests for clarification having been made since 2015.

#### **4. Armed forces in and near the site of the crash in September 1961**

20. The air force of Katanga (Avikat) was effective in operations against Congolese forces and civilians and ONUC forces. It was supplied on a commercial basis with aircraft that in 1961 included Douglas DC-3, Dornier DO-28, De Havilland Dove, Fouga Magister and various Piper models. Avikat utilized airfields across a large range of Congolese and international territory, including from locations in Katanga, Northern Rhodesia, Angola and the Republic of the Congo. The balance of evidence suggests that aircraft under the control of Avikat with offensive capability that were operable in September 1961 included one Fouga Magister, one Dornier DO-28 and a number of De Havilland Dove. Avikat had modified these aircraft for aerial attacks and bombings, and carried out both day and night operations against ONUC and Congolese ground and air targets. Armaments for Avikat operations appear to have included those purchased as well as those made locally with the involvement of the mining company Union Minière du Haut Katanga (UMHK).

21. Contrary to the evidence of Major Joseph Delin of Avikat, who testified to the early inquiries that there was only one Katangan pilot who could have flown a plane in an attack against SE-BDY, Avikat had multiple serving pilots. Many non-pilot persons of interest operating with the armed forces of Katanga were also present in the area at the time. It is not possible on the basis of present knowledge to create a definitive list of which such persons were present in Katanga or otherwise near to Ndola on the night of 17 to 18 September 1961. However, at the material time there were many more persons of interest who were actively engaged in combat against the United Nations than had been considered by the early inquiries.

22. It is possible that the Belgian mercenary Avikat pilot, Jan Van Risseghem, had returned to Katanga by 17 September 1961. According to excerpts from his own flight logs, between the months of July and September 1961, Van Risseghem flew the following types of aircraft for Avikat with various named copilots: Douglas DC-3, Dornier DO-28, De Havilland Dove, Fouga Magister and Piper.

23. It has not been conclusively determined that there were no aircraft in the air that night. In addition to Avikat aircraft, there were other aircraft in or near Ndola, including the Royal Rhodesian Air Force's 18 Canberra jet fighter-bombers, 30 Vampire jet fighter-bombers and 12 light attack Provosts.

#### **5. Foreign intelligence**

24. There was a significant foreign intelligence presence operating in the region in 1961 that was not mentioned at all by the early inquiries. Records created by foreign intelligence operatives have not been provided to this investigation by Member States despite requests, although certain official records have come to light as a result of independent research or for unrelated purposes. Further, former intelligence agents have themselves made public statements about their activities in the region at the time.

25. British intelligence operations were key in the events immediately prior to the plane crash. The Secret Intelligence Service (MI6) agent Neil Ritchie, together with

others, including the British Consul in Katanga, Denzil Dunnett, and the British High Commissioner in Salisbury, Lord Alport, made arrangements in September 1961 for the meeting in Ndola with Moïse Tshombe to which Hammarskjöld and his party were travelling when SE-BDY crashed. To set up the meeting, British diplomatic, intelligence and private commercial personnel were using UMHK and other facilities to communicate with each other and with Belgian and Katangan authorities. The United States appears to have been aware of certain of the interactions between the United Kingdom and UMHK and of links between key persons Jean Cassart and Manfred “Freddy” Loeb and the aircraft company Dornier.

26. In 1961, the Central Intelligence Agency (CIA) appears to have had a significant presence in the Congo. Its stations in Leopoldville and Elisabethville had operations that included air operations (including Chief of Station Larry Devlin’s coordination of agents “WIROGUE” and “QJWIN”) and activities that included planned assassinations, such as those under the programme “ZRRIFLE” and other programmes. CIA operatives may have acquired Dornier and Helio aircraft for operations in the region.

27. CIA records also suggest the presence of West German operations in the Congo, including by agent STAHL (Wolf Meister) and German intelligence (Bundesnachrichtendienst, BND) agent Hans Germani.

## 6. Other

28. The record of the final communications of SE-BDY as kept by the air traffic control of Ndola airport was incomplete and possibly lacking significant communications. The air traffic controller, Arundel Campbell Martin, appears to have destroyed his original notes, despite his admission that he knew the aircraft and its passengers to be of exceptional importance and notwithstanding that he was aware that no tapes had been made of the interactions by Ndola air traffic control.

29. Regarding the sabotage hypothesis, a paramilitary organization named the South African Institute for Maritime Research (SAIMR) appears to have existed in South Africa in the 1980s and 1990s. Given that relevant information in the archives of South Africa has so far not been made available, it is not possible to confirm whether SAIMR existed in 1961 or whether it may have been involved in so-called “Operation Celeste”, the objective of which was said to be to “remove” Hammarskjöld.

30. The official account of the Rhodesian authorities was that the wreckage of SE-BDY was discovered around 1500 hours on 18 September 1961, some 15 hours after it had failed to land. However, information from multiple sources (both local and foreign) has established that the wreckage was discovered earlier than that time.

## D. Conclusions and recommendations

31. For the reasons given in the 2019 report, the historical record allows it to be established with confidence that certain Member States must have created or taken custody of relevant records that have not been disclosed to the United Nations. For example, statements or reports made by intelligence operatives of certain Member States have been made public or found in private archives, and diplomatic correspondence states that information was also sent to intelligence agencies for follow-up. Noting Member States’ policies, assets, equipment and personnel in the area at the relevant time, as well as their engagement in the Congo and the region and with the United Nations, records of intercepted or overheard communications must have been made. Classified reports using intelligence assets and sources must have been generated in the immediate aftermath when it was realized that the Secretary-General’s plane had crashed. Such information has not been disclosed, despite clearly being relevant to establishing the cause or causes of the crash.

32. The approach directed by the General Assembly in resolution [72/252](#) has by and large proved successful, and a majority of Member States have engaged meaningfully with a process that is, in many ways, unprecedented. Although encouraging progress was made in 2018/19, searches were not exhaustive in all Member States. Despite the clear majority of the General Assembly expressing a desire that the veil of opacity should be lifted, those most likely to hold important information have not been forthcoming with it, even under appropriate conditions of confidentiality.

33. Given that certain key Member States have not responded substantively to queries or appear to have inferred that their intelligence, security and defence archives cannot hold “relevant” information, as they are not ordinarily archives of which their legal frameworks allow consultation, work remains to be done. The 2019 report thus concludes that there are no grounds to disturb the findings that it remains plausible that an external attack or threat was a cause of the crash and that the burden of proof has shifted to Member States to show that they have conducted a full review of records and archives in their custody or possession. In my respectful view, this burden should continue to remain assigned until the General Assembly is satisfied that it has been sufficiently fulfilled by the disclosure of relevant information relating to the probable cause or causes of the tragic event.

34. I have also flagged specific matters for follow-up, including a ballistic examination of the photographs provided by the Independent Appointee of Sweden that appear to show bullet holes in what may be the wreckage of the DC-6 aircraft; searching for any available records of aircraft entry to and exit from airports in and around Brazzaville in September 1961; analysis of material related to Van Risseghem, including flight logs; requesting specific information from intelligence archives of the United States and the United Kingdom; requesting access to SAIMR material from South Africa; seeking further information on foreign intelligence operatives; and other matters mentioned in the body of my report.

35. Without prejudice to the prerogatives of the Secretary-General and the General Assembly, the 2019 report makes four mutually compatible and reinforcing recommendations. These recommendations are: (a) that the United Nations appoint an independent person to continue the work undertaken pursuant to the current mandate of the Eminent Person; (b) that key Member States be again urged to retain or to appoint independent and high-ranking officials (Independent Appointees) to determine whether relevant information exists within their security, intelligence and defence archives; (c) that at the end of their mandate, any independent person appointed be asked to conclude whether Member States have complied with the process outlined by the General Assembly, including an observation as to whether any inferences may be drawn as a result of non-compliance; and (d) that the United Nations continue to work towards making key documents of recent investigations publicly available through a dedicated online collection.

36. In concluding, an incident that may have involved a hostile act on the Secretary-General of the United Nations is clearly a matter of the highest public interest. The 2019 report again underscores the importance of continuing to work collaboratively in our search for the truth. Not only do such issues go to the heart of the role of the United Nations in the world and its relationship with Member States, they involve our duty to the families of the victims and to a true accounting of history. Significant progress has again been made towards understanding the whole truth about the conditions and circumstances that resulted in the crash of flight SE-BDY. Member States must be encouraged to redouble their active participation, which remains necessary to finally identify information that will allow the investigation of the tragic incident to be brought to conclusion.

**Report of the Eminent Person appointed pursuant to  
General Assembly resolution [72/252](#)**

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## I. Introduction

### A. Preliminary matters

1. As observed in the 2017 report, on the night of 17 to 18 September 1961, a chartered DC-6 plane registered as flight SE-BDY, carrying the Secretary-General of the United Nations, Dag Hammarskjöld, crashed just after midnight near Ndola, in what was then Northern Rhodesia. Hammarskjöld and 14 of the 15 members of the party accompanying him died instantly, with the sole survivor succumbing to injuries six days later. The fledgling United Nations lost its second Secretary-General, who would posthumously receive the Nobel Peace Prize, and 15 other dedicated women and men who served in a mission for peace in the Congo.

2. In the 58 years since the crash, a series of inquiries have explored various hypotheses for the crash, including an aerial or ground attack or other external threat (“external attack or threat”), sabotage, hijacking and human error. To date, the inquiries have not been conclusive. Following two Rhodesian inquiries in 1961, a United Nations Commission of Investigation determined that it was not able to find support for or exclude any of the various hypotheses that had been advanced to explain the crash. As a result, the General Assembly left further consideration of the matter open in 1962 by requesting the Secretary-General to inform it of any new evidence that might arise. In 2013, the work of the Commission of Jurists on the Inquiry into the Death of Dag Hammarskjöld (the Hammarskjöld Commission), a private and voluntary body of four renowned jurists, led to the General Assembly establishing an Independent Panel of Experts in 2015 to examine and assess the probative value of new information relating to the tragic incident. While the Independent Panel effectively ruled out some theories, it ultimately recommended the need for a further inquiry or investigation. To that end, I was appointed as Eminent Person in 2017 by the Secretary-General to review the potential new information, to assess its probative value, to determine the scope that any further inquiry or investigation should take and, if possible, to draw conclusions from the investigations already conducted. In the course of my work, I was able to rule out certain hypotheses and find support for others on the basis of new information from Member States and individuals. I provided my report to the Secretary-General in July 2017.

3. In 2018, I was reappointed as Eminent Person. Pursuant to the directions of the General Assembly in its resolution [72/252](#), a key part of my work has involved liaising through correspondence with key Member States to request that they appoint an independent and high-ranking official (Independent Appointee) to conduct a dedicated internal review of their intelligence, security and defence archives. The present report describes my interactions with those Member States, as well as an assessment of the information that they and individuals have provided.

4. The present report represents a continuation of the process recommenced under United Nations auspices by the Independent Panel in 2015 and continued in 2017, building on the analysis and conclusions of the respective reports. For ease of reference, the present report includes an executive summary of findings, being a synthesis of provisional conclusions that are able to be reached on the basis of information obtained between 2015 and 2019. Sections III and IV contain a summary and assessment of the probative value of relevant new information received in the period since the conclusion of the 2017 report and matters for further enquiry. Section V contains the findings and conclusions of the present report. Section VI contains my recommendations and concluding remarks.

5. As in previous reports, new information is again presented under subheadings that broadly correspond to those used in previous reports. This structural approach



does not in and of itself provide an endorsement of the relative likelihood of any particular hypothesis of the cause or causes of the aircraft crash. Rather, it is intended to provide consistency for ease of reference between the present and previous reports, given that a full treatment of the subject matter requires that they be read together.

6. It is important to note at the outset that, as I stated in my correspondence with Member States, to ensure that all relevant information has been identified, the definition of what is “relevant” in the context of this process must be interpreted in a broad, non-exclusionary sense, rather than a technical or legal one. A piece of information is therefore not considered not to be “relevant” because, for example, an existing legal or other framework would not require or allow it to be disclosed. To be satisfactory, Member States were requested to ensure that they identified with precision the nature and locations of their searches, that their appointees were sufficiently high-ranking and independent, and thus that the reviews were truly unrestricted, unfettered and exhaustive.

7. I also note that, as my mandate has not been structured or resourced as an investigation, it is not suggested that I have conducted exhaustive research myself. Rather, the information analysed is that which has been presented by Member States, individuals or experts with technical or specialized knowledge, or that which is within publicly available literature and accessible in electronic form. This process appears to be moving continuously towards greater transparency, and the work of many Governments and the Independent Appointees they have mandated to conduct their reviews in accordance with resolution [72/252](#) has been exemplary.

8. I am indebted to Member States and their Independent Appointees for their cooperation, and to the many people who have assisted my work. I appreciate, as ever, the unqualified support of the United Nations, in particular to the Office of Legal Affairs and the Archives and Records Management Section of the Secretariat. The staff of both of these entities provided advice and assistance to me with commitment and professionalism, often under significant time constraints. I am also grateful for the excellent support provided by my assistant, Simon Thomas.

9. As in previous years, I recognize that this process would not have been recommenced or able to proceed in as successful a manner without the efforts of individuals who have given freely and generously of their expertise and information. I discuss specific information in my report, but wish to acknowledge that I am very grateful to have received information and/or assistance from, in alphabetical order, Mandy Banton, the team of the film *Cold Case Hammar skjöld*, Hans Corell, Colonel Raoul da Costa, Mary Curry, Elisabeth de Kemoularia, Jan Eliasson, Manuel Fröhlich, Richard Goldstone, Torben Gülstorff, Sven Hammarberg, Lord David Lea of Crondall, Henning Melber, John Mussell, Maurin Picard, Anna Roosevelt, Victor Rosez, Victor Schonfeld, Sir Stephen Sedley, Hans Kristian Simensen, Christelle Terreblanche, Björn Virving, David Wardrop and Mark Wolf. For both historical reasons and ongoing assistance received, I also again express thanks individually and greatly to Susan Williams. I was also assisted by other individuals who did not wish to be named; I extend my gratitude to them as well.

## **B. Summary of findings**

10. The executive summary that forms part of the present report may be considered as a digest of the present state of knowledge regarding key matters. It utilizes as a starting point the 2015 report of the Independent Panel and the 2017 report of the Eminent Person, and adds information regarding conclusions that are based on work undertaken in 2018/19, as are more fully described below. Like any such matter, it is subject to change on the basis of future developments.

### C. Background: previous investigations and inquiries

11. As summarized in the 2017 report, the previous official investigations and inquiries into the tragic events were as follows. The crash was first officially examined by the Investigation Board of the Department of Civil Aviation of the Federal Government of Rhodesia and Nyasaland (the Rhodesian Board of Investigation), which convened from 19 September to 2 November 1961. A Federal Commission of Inquiry was then established under the Federal Commission of Inquiry Act of 1955 (the Rhodesian Commission of Inquiry). Following this, the United Nations General Assembly established the 1961 United Nations Commission of Investigation (the 1961 Commission) by resolution 1628 (XVI) to conduct an international investigation into the conditions and circumstances resulting in the tragic deaths. The 1961 Commission was not able to find support for or to exclude any of the hypotheses regarding causes of the crash. Therefore, following the publication of the 1961 Commission's report (A/5069), the General Assembly, in its resolution 1759 (XVII), took note of the report and requested the Secretary-General to inform it of any new evidence that may come to his attention.

12. In 2013, the Hammarskjöld Commission, a private and voluntary body, released its report, which concluded that the United Nations would be justified in resuming an examination of the tragic event. The Hammarskjöld Commission comprised four renowned international jurists who reviewed and reported on a vast range of material, including the substantial work done by individual researchers such as Susan Williams, author of the 2011 book *Who Killed Hammarskjöld? The UN, the Cold War and White Supremacy in Africa*. The Hammarskjöld Commission's conclusion that the United Nations would be justified in reopening the 1961 Commission's inquiry was based on its finding that there was sufficient evidence to merit further inquiry into whether the plane was forced into its descent by some form of hostile action.

13. On 21 March 2014, the Secretary-General of the United Nations, at that time Ban Ki-moon, submitted the Hammarskjöld Commission's report to the General Assembly, accompanied by a note with his assessment that the report contained new evidence (A/68/800 and A/68/800/Add.1). Consequently, on 29 December 2014, the General Assembly adopted resolution 69/246, in which it requested the Secretary-General to appoint an independent panel of experts to examine new information and to assess its probative value. In that resolution, the Assembly also encouraged Member States to release and provide any relevant records in their possession to the Secretary-General.

14. On 16 March 2015, the Secretary-General announced that he had appointed the Independent Panel of Experts to examine new information and to assess its probative value, as requested by the General Assembly. He appointed me, Mohamed Chande Othman, at that time the Chief Justice of the United Republic of Tanzania, as the Head of the Independent Panel, as well as an aviation safety expert, Kerryn Macaulay (Australia), and a ballistics expert, Henrik Larsen (Denmark). The Independent Panel had only a short duration of approximately 10 weeks to complete its work, and on 12 June 2015 it provided its report to the Secretary-General. Following the report of the Independent Panel, in 2016 the Secretary-General followed up on some of the requests for information made by the Independent Panel to Member States, which had not yet been answered at the time of its report. On 16 August 2016, the Secretary-General reported to the General Assembly on this follow-up (see A/70/1017), following which the Assembly adopted resolution 71/260 on 23 December 2016. In that resolution, the Assembly, among other things, requested the Secretary-General to appoint an eminent person to review the potential new information, to assess its probative value, to determine the scope that any further inquiry or investigation

should take and, if possible, to draw conclusions from the investigations already conducted.

15. As the Eminent Person appointed pursuant to General Assembly resolution [71/260](#) in March 2017, I finalized the 2017 report in July 2017, which was transmitted by the Secretary-General to the General Assembly in September 2017 (for a complete consideration of the claims reviewed in 2015 and 2017, the full reports of the Independent Panel and the 2017 report are indispensable). That report contained findings, including that the burden of proof had shifted to Member States to show that they had conducted a full review of records and archives in their custody or possession, including those remaining classified, for potentially relevant information.

16. Further to the consideration of the 2017 report and resulting in the present process, in resolution [72/252](#) the General Assembly requested the reappointment of the Eminent Person with a mandate reflecting that contained in resolution [71/260](#). Among other things, in summary, the Assembly urged Member States to make information available, encouraged them to declassify or otherwise make available classified records and, for the first time, encouraged Member States to appoint, without any delay, an independent and high-ranking official to conduct a dedicated internal review of their intelligence, security and defence archives to determine whether relevant information existed, subsequent to which a summary of the results would be communicated under any required confidentiality arrangements.

17. In describing the early inquiries, it is important to note that they mention almost nothing of the context in which the crash occurred. For example, the Rhodesian Board of Investigation does not mention the purpose of flight SE-BDY in relation to the secession of Katanga; the Rhodesian Commission of Inquiry mentions briefly that a meeting was proposed with Moïse Tshombe, but without further details. Certainly, neither make it clear that the crash took place in the context of an active conflict involving the United Nations. The report of the 1961 Commission provides some background operational context of the United Nations Operation in the Congo (ONUC) and the purpose of the Secretary-General's visit, but, as already noted, for much of its key analysis it relied on the work done by the Rhodesian entities. Apart from in the introductory pages, it does not mention, for example, mercenary activity in Katanga, and almost exclusively restricts its analysis to technical matters such as those relating to the crash. The fact that flight SE-BDY was planned and unsuccessfully carried out in a highly volatile political and military situation in 1961 in the crucible of a context involving decolonization and the cold war was barely referenced, meaning that those inquiries failed to have regard to a broad range of potentially important information.

18. In this regard, the report of the Independent Appointee of Sweden, discussed further below, noted the following quotation by Colonel Jonas Waern, commander of the Swedish contingent in the Congo in 1961/62: "It is not possible to make any reasonable speculations about the circumstances around the death of Hammarskjöld if you are not clear about that there was a war situation, and that our enemies all the time endeavoured to kill UN personnel and shoot down our airplanes. Without that realistic background all speculation will be nonsense." The importance of the political and military context and how this highlights the importance of foreign intelligence entities and personnel in the region in 1960/61 must not be ignored and is discussed further in the present report.

19. Developments in the understanding of the context resulted in search requests being made in 2017 to Member States and searches being conducted in United Nations archives to include key subject areas identified by the Independent Panel, with the aim of better understanding the relevant context in which the crash took place and in order to find new and relevant information. This approach was fruitful in establishing

facts in areas including, for example, the interception of United Nations communications and the capability of the armed forces of Katanga. Adequate acknowledgment of the relevant context has again been deemed important in the course of the work undertaken in 2018/19.

20. As a preliminary matter, I note that where a finding was made in the 2017 report regarding an act attributable to a Member State and the Member State gave information to further clarify it, this is taken into account. Where a finding was made in the 2017 report and no clarification was sought or additional information provided, I have taken it to be strengthened, until and unless further information is received that warrants reconsideration.

#### **D. Mandate and definitions**

21. The role assigned to me as Eminent Person appointed in 2017 and then again in 2018/19 has built on the work of the Independent Panel and has gone further. Pursuant to General Assembly resolutions [71/260](#) and [72/252](#), the Eminent Person has been mandated to review potential new information, including that which may be available from Member States, and assess its probative value. The mandate of the Eminent Person also includes determining the scope that any further inquiry or investigation should take and, if possible, drawing conclusions from the investigations already conducted. A qualification that needs to be made with regard to the Eminent Person's mandate is that, as with that of the Panel, it does not involve a full investigation or inquiry into the tragic event.

22. The Independent Panel considered the definition of "new information" to fit broadly within two categories: that which was not available to the 1961 Commission, and that which had been available to the 1961 Commission but which could be seen in a new light owing to the emergence of new material, scientific or technical developments or best practice. I have adopted a similar approach to these definitions and, as required, have reconsidered information previously analysed in the light of new information that has emerged.

23. The definition of "probative value" that has been applied by the Independent Panel, and which I continue to apply, has been whether and to what degree the information in question tends to prove or disprove, either by itself or in combination with other information, the existence or non-existence of a relevant fact or facts. In the case of each piece of potential new information, I have considered the following non-exhaustive criteria: the authenticity of the information (including consistency and contemporaneousness), the type of information (for example, primary, secondary, hearsay or circumstantial), its credibility (including its consistency with other information or established facts), any expert technical assessments, and the degree to which the information is corroborated by other material. The fact that an item of new information may be assessed as having, for example, weak probative value will not necessarily mean that the hypothesis to which it relates has been disproved. Rather, the assessment relates specifically to the particular piece of evidence and whether it tends to prove or disprove a fact in question. Further, the assessment of a piece of information may change as, relative to other developing information, it may be assessed to have become of increased or reduced probative value.

24. By way of definitions, it is also important to note that the definition of what is "relevant" in the context of this process must be interpreted in a broad, non-exclusionary sense, rather than a technical or legal one. A piece of information is therefore not considered not to be "relevant" because, for example, an existing legal or other framework would not require or allow it to be disclosed.

## **E. Methodology and activities**

### **1. Description of methodology and activities**

25. As follows from the mandate described above, the role of the Eminent Person has required an examination and assessment of information obtained from Member States and individuals, consultation with government representatives and private sources of information, and the interviewing of witnesses, including expert witnesses. Information obtained has been assessed against and relative to the existing record.

26. I have again adopted four categories to assess the probative value of new information: nil, weak, moderate or strong. Where it has not been beneficial or possible to provide an assessment of the probative value of a piece of information in isolation, but where it may fall within the scope of any further enquiry, I have drawn attention to this.

27. In the present report I have again considered that there is no real potential in bare or outlandish assertions. A key part of my role has been to rule out theories or allegations that are unsupported by evidence, in order to be able to focus the search on those that remain. In this regard, I have only considered alleged new information that has some factual, legal, circumstantial or inferential basis and which thus calls for further examination.

28. I note again that our knowledge of the relevant context in and around the Congo in the early 1960s, insofar as it may inform our understanding of the tragic incident, continues to develop. Understanding the context within which the events in question occurred is particularly important as it allows us to determine whether a hypothesis may be excluded or potentially supported on the basis of, for example, the fact that an individual asset or piece of equipment was or was not present in the area at the time. The more searches that have been conducted or information that has been made publicly available, the more potentially new and/or relevant information has surfaced. As a result, requests for new information and searches have, in certain areas, also been broadened. In sections III and IV below, I discuss further developments in the understanding of the relevant context.

29. In terms of methodology vis-à-vis requests for information from Member States, in accordance with the request of General Assembly for information as specified in its resolutions [69/246](#), [71/260](#) and [72/252](#), in March 2018 I sent requests for information to the following Member States: Belgium, Canada, France, Germany, the Russian Federation, South Africa, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Later in 2018, I expanded my specific requests for information to include Angola, the Democratic Republic of the Congo, Portugal, Zambia and Zimbabwe. The requests and the results are discussed further in sections II to V below.

30. Information has also continued to be received from individuals. I have corresponded with those individuals in the course of my work and have analysed relevant information received from them, as well as from other individuals who have provided information on a voluntary basis. At times, this information has been published, as in the case of film and literary works that were released during my current mandate, and at other times, it has been sent to me privately. The information received from individuals is also discussed in sections III and IV below. In compiling my report, I have also been assisted by expert opinions and technical assessments from individuals who have acted on a voluntary basis. I am very grateful for their work and contributions under significant pressure of time. For expert assessments relating to aircraft, I once again received assistance from two former fighter pilots,

Colonel (retired) Raoul da Costa, former Chief of Air Staff of the Senegalese Air Force, and Sven Hammarberg, accident investigator.

## **2. Constraints and limitations**

31. The Independent Panel, in 2015, and the Eminent Person, in 2017, had a matter of weeks and a matter of months, respectively, to analyse a vast amount of information, assess its authenticity and credibility and synthesize it into a report. The current mandate has been longer in duration, which has been of great benefit in permitting more involved interactions. However, in the context of my role as Eminent Person, limitations include that my mandate is not to conduct a full investigation and that the work is not provided with resources of such a nature. Notwithstanding this, the longer duration of the mandate has been particularly useful in terms of interactions with Member States, which often require significant time to adhere to their internal protocols, as well as to conduct time-intensive searches and enquiries. Noteworthy developments in cooperation have followed from certain Member States, in accordance with resolution [72/252](#). Regretfully, not all Member States have utilized the advantage of more time to conduct meaningful work, to which issue I will return.

32. I should note that it may again appear as though searches have been focused on certain Member States. This is a logical result, given that some Member States had a more significant presence than others in and around the Congo at the relevant time and because individuals and institutions from those Member States have continued to enquire into the circumstances since. The approach therefore should not be taken to mean that there is not relevant information in other Member States or private sources.

33. The present report, even when read with those that have preceded it, does not and cannot claim to be a comprehensive treatise on the subject matter. As previous reports have been, it represents a part of a process in the search for the full truth that continues to add to a dynamic narrative. As to the ultimate question, namely, what caused the plane to crash, I do not believe that we have seen all relevant material that exists. I am now almost certain of this, which is also a point that I will revisit below. Despite this, we can have confidence in certain findings and conclusions on the basis of the existing body of information, as set out in section V.

## **II. Expanded searches for information: the request that Member States appoint an independent and high-ranking official to review their intelligence, security and defence archives**

### **A. Introduction**

34. In 2015, Member States were requested to conduct searches in their records and archives for information that might shed light on the tragic event. In 2017, I requested a number of Member States and the United Nations to extend their searches within a focused range of subject areas in an attempt to find potential new information to assist the understanding of the relevant context in which the crash took place. My requests for further searches in 2017 were directed to the United Nations and eight Member States, namely, Belgium, Canada, France, Germany, the Russian Federation, South Africa, the United Kingdom and the United States. I chose to request assistance from those Member States as they appeared, from the existing record, to be the most likely to hold immediately relevant information, noting the process of decolonization and other aspects of the geopolitical situation in and around the Congo in the 1960s. I noted, however, that other Member States might also hold relevant information and

that the General Assembly had requested participation and assistance from all Member States.

35. I was grateful to Member States for their cooperation in 2017, which yielded a large amount of important, new and relevant information. The information received in 2017 is discussed in the 2017 report, and key elements of it are also discussed below. Much new and important information was generated; however, it came almost exclusively from diplomatic and/or political archives.

36. In March 2018, following the process outlined in General Assembly resolution [72/252](#), I requested the aforementioned eight Member States and Sweden to appoint an independent and high-ranking official to conduct a dedicated internal review of their intelligence, security and defence archives. Having further assessed where relevant information may be found, in June 2018 I also requested an additional five Member States to make such an appointment. They were Angola, the Democratic Republic of the Congo, Portugal, Zambia and Zimbabwe. For the first time, adopting the express directions of the General Assembly, Member States were requested specifically to ensure that their searches included intelligence, security and defence archives.

## **B. Responses from Member States**

### **Summary of responses**

37. The following is a summary of the responses from Member States regarding the request that they appoint an independent and high-ranking official (Independent Appointee) to conduct a dedicated internal review of their intelligence, security and defence archives. In the summary, I note the Independent Appointees' positions, the timing of their appointment, when any report was received from them and whether they have confirmed having unrestricted access to intelligence, security and defence archives. Further commentary on the respective processes of the Member States is contained in the conclusions in section V below.

#### *Angola*

38. In April 2019, I was advised by Angola that, at the relevant time of September 1961, Angola was a Portuguese colony. Therefore, the present Government of Angola had no access to classified documentation created or held during the colonial period. I referred the matter to Portugal, the response to which is discussed below.

39. Given the response of Angola, it would seem that further queries are unlikely to yield new information. I am grateful for the response received from Angola.

#### *Belgium*

40. In May 2018, I was advised that Belgium had appointed as its Independent Appointees Guy Rapaille, President of the Standing Committee of Control of Intelligence and Security Services (Committee R) and Advocate General at the Liège Court of Appeal, and Kris Quanten, Lieutenant-Colonel Military Instructor and Head of the Chair of Military History at the Royal Military School. The Independent Appointees of Belgium provided a comprehensive interim report indicating the substantial work undertaken by them up to October 2018, as requested. In May 2019, following the retirement of Mr. Rapaille, I was advised that he had been replaced as an Independent Appointee by Serge Lipszyc, with Mr. Quanten also continuing the work.

41. In June 2019, I received the final report from the Independent Appointees of Belgium. That report, of Mr. Lipszyc and Mr. Quanten, states that full access was

given by Belgium to all files and archives kept by the Ministry of Defence, the State Security Service and the General Intelligence and Security Service (military intelligence service). The report observes that the mandate has not covered a review of the archives of non-State actors or private organizations.

42. I am grateful to Mr. Rapaille, Mr. Quanten and Mr. Lipszyc and their teams for their efforts and significant work. Key information received from the Government of Belgium as a result of their work is discussed under the relevant thematic areas below.

#### *Canada*

43. In October 2018, I was advised that Canada had appointed Jeffrey Marder, Director, United Nations Division, Global Affairs Canada, as Independent Appointee. Mr. Marder provided a comprehensive final report in April 2019, in which it was confirmed that he had received access to all records and archives that were identified as potentially relevant to the investigation. This included full access to the central archives and records depository of the Government of Canada, Library and Archives Canada (including also External Affairs, predecessor to Global Affairs Canada), and the military archives, as managed by the Department of National Defence and the Privy Council Office, as well as private archives. The researchers assisting Mr. Marder also received assistance from Kevin Spooner, a Canadian professor and expert on the topic of Canadian involvement in the Congo during the period in question.

44. I am grateful to Mr. Marder and his team for their efforts and significant work. Key information received from the Government of Canada as a result of their work is discussed under the relevant thematic areas below.

#### *Democratic Republic of the Congo*

45. In October 2018, I was advised that the Democratic Republic of the Congo had appointed Daniel Felix Thabizé Yengolas Elemani, Political and Strategic Adviser to the Military Intelligence Staff, as Independent Appointee.

46. In July 2019, the Independent Appointee of the Democratic Republic of the Congo provided an interim report, which noted that work had been delayed and remained ongoing. The report confirmed that access had been granted to all documents and archives, both classified and unclassified, private and public. Further to this, exchanges had been commenced with security, intelligence and justice services to obtain such access to the files and documents of their archives from 1960 and 1961. It was also confirmed that there was ongoing collaboration with the International Criminal Police Organization (INTERPOL) through its National Central Bureau in Kinshasa, which had also requested information from the Prosecutor General's Office at the country's Court of Cassation.

47. I am grateful to Mr. Thabizé Yengolas Elemani for his efforts and significant work, which are encouraging. I also note that welcome mutual assistance and facilitation was provided between Belgium and the Democratic Republic of the Congo.

#### *France*

48. In May 2018, I was advised that France had appointed as Independent Appointee Maurice Vaïsse, Emeritus Professor at Sciences Po and Editor of *Documents diplomatiques français* (French Diplomatic Documents).

49. The Independent Appointee of France provided a comprehensive interim report indicating the substantial work undertaken by him up to October 2018, as requested. In June 2019, he provided a final report, which confirmed that he had access to



archives, including those of intelligence, security and defence, as a result of having specifically been granted in 2019 *sécret défense* (defence-secret) security clearance to consult the relevant documents. The archives included those of the Ministry of Foreign Affairs, the Ministry of Culture, the National Archives, the Ministry of Defence (and the Armed Forces), the General Secretariat for Defence and National Security and the Foreign Documentation and Counter-Espionage Service (SDECE), as well as private archives, including the Centre for History at Sciences Po and the General Directorate for Civil Aviation.

50. I am grateful to Mr. Vaïsse for his efforts and significant work. Key information received from the Government of France as a result of his work is discussed under the relevant thematic areas below.

#### *Germany*

51. In May 2018, I was advised that Germany had appointed Hans Vorbeck, Undersecretary and Commissioner for processing the history of the Federal Intelligence Service (Bundesnachrichtendienst, BND) at the Chancellery, who worked from May 2018 until his retirement in June 2018. From August 2018, Thomas Fitschen, Ambassador and Special Representative for Cyber Foreign Policy and Cybersecurity at the Federal Foreign Office, was made Independent Appointee.

52. The Independent Appointee of Germany provided a comprehensive interim report indicating the substantial work undertaken by him up to October 2018, as requested. In June 2019, he provided a final report, which confirmed that he was given full access by Germany to all files and archives kept by the Federal Foreign Office, the Federal Ministry of Defence, the Federal Ministry for Economic Affairs and Energy, the Federal Intelligence Service (Bundesnachrichtendienst) and the customs investigation unit at Munich airport (Zollfahndungsstelle München), and archives of the German Democratic Republic (also previously referred to as “East Germany”), including the files of its intelligence service (Staatssicherheitsdienst der DDR). He also stated that he was still following one trace of information in a private archive.

53. I am grateful to Mr. Fitschen for his efforts and significant work. Key information received from the Government of Germany as a result of his work is discussed under the relevant thematic areas below.

#### *Portugal*

54. In February 2019, I was advised that Portugal had appointed Ambassador José Júlio Pereira Gomes as Independent Appointee.

55. In May 2019, the Independent Appointee of Portugal provided a comprehensive final report indicating the substantial work undertaken by him. That report confirmed that full and unrestricted access was given to all records and archives, regardless of level of classification, including the diplomatic archive (including the Political Affairs Office of the Ministry of Foreign Affairs), the military historical archive, the national defence archive, the air force historical archive, the national archive of Torre do Tombo, the intelligence services archive (International and State Defence Police/Directorate General of Security) and the overseas historical archive.

56. I am grateful to Mr. Pereira Gomes for his efforts and significant work. Key information received from the Government of Portugal as a result of his work is discussed under the relevant thematic areas below.

#### *Russian Federation*

57. In May 2018, following my requests, I was advised by a note verbale from the Russian Federation that the competent authorities of the Russian Federation were

conducting a review of intelligence, security and defence archives to determine whether information relevant to the Dag Hammarskjöld investigation existed.

58. In March 2019, I wrote to the Russian Federation to request further engagement in respect of the Independent Appointee process mandated by the General Assembly. A copy of that correspondence is contained in the information supplementary to the present report.

#### *South Africa*

59. In respect of South Africa, my requests for assistance in 2017 were not answered. In 2018 and 2019, I made numerous formal and informal approaches to South Africa. I also requested the Secretary-General to make high-level approaches to the Government of South Africa and requested the same of the late former Secretary-General, Kofi Annan.

60. In May 2019, 15 months after my initial request, and after the deadline for receipt of other Independent Appointees' final reports, South Africa advised that it had appointed Mxolisi Nkosi, Ambassador and Deputy Director-General of Global Governance and Continental Agenda at the Department of International Relations and Cooperation, as a focal point.

61. Despite contact being made with Mr. Nkosi in June 2019, a substantive update on his work was not received. In March 2019, I wrote to South Africa to request further engagement in respect of the Independent Appointee process mandated by the General Assembly. A copy of that correspondence is contained in the information supplementary to the present report.

#### *Sweden*

62. In April 2018, I was advised that Sweden had appointed former Ambassador Mathias Mossberg as Independent Appointee. I owe particular appreciation to Mr. Mossberg in this process for his leadership and very significant personal efforts, as detailed further herein.

63. The Independent Appointee of Sweden provided a comprehensive interim report indicating the substantial work undertaken by him up to October 2018, as requested. In May 2019, he provided a final report, which confirmed that a decision granting full and unrestricted access to all archives was passed by the Ministry of Foreign Affairs on 9 September 2018. Searches were unrestricted across all archives and records, including of the Ministry of Foreign Affairs (including migrated Foreign Office records), the Swedish National Archives (including of the Swedish Royal Board of Civil Aviation and the Swedish criminal State police), the Dag Hammarskjöld archives (collection at the National Library of Sweden), the Royal Board of Civil Aviation, the Military Archives, Swedish Military Intelligence, the National Defence Radio Establishment, the Swedish Security Service and private archives (including those of the Wallenberg family, Atlas Copco, Transair and the Virving and Hellstrom families).

64. Sweden took specific steps to ensure that its Independent Appointee had full access to all potentially relevant information, including in sensitive intelligence, security and defence archives. The Independent Appointee was provided with adequate resources to enable him to conduct both manual and digital searches with appropriate levels of assistance across a large amount of material. Although the work of the Independent Appointee was unfettered, the classified information itself would only be shared with the United Nations on terms to be agreed. This is precisely the type of arrangement that had been suggested in the recommendations of the 2017 report, and I am grateful also to the leadership shown by Sweden in this regard.

65. The Independent Appointee of Sweden conducted research in archives that had previously been searched, including political and diplomatic archives, as well as other potentially relevant sources that had not been searched, including the archives of private individuals and companies. These types of searches are also important and necessary, as developments in the level of knowledge have meant that new personalities, equipment and other facts that were previously not known to be important have subsequently been shown to be so. I am grateful to Mr. Mossberg for his efforts, significant work and leadership. Key information received from the Government of Sweden as a result of his work is discussed under the relevant thematic areas below.

*United Kingdom of Great Britain and Northern Ireland*

66. In respect of the United Kingdom, in 2018 and 2019, I made numerous formal and informal approaches to the country. I also requested the Secretary-General to make high-level approaches to the Government of the United Kingdom. On 9 November 2018, subsequent to the date of initial preparation of my interim report, I received a response from the United Kingdom to my request of March 2018. The response stated that the United Kingdom did not intend to appoint an independent and high-ranking official because all information of direct value to the investigation had been made available by the United Kingdom in previous years or had been released and was publicly available. I responded to the United Kingdom highlighting why, in my opinion, it appeared to be highly likely that additional relevant information was available in other archives of the United Kingdom.

67. In May 2019, 15 months after my initial request, and after the deadline for receipt of other Independent Appointees' final reports, the United Kingdom advised that it had appointed Graham Hand, Senior Sensitivity Reviewer at the Foreign and Commonwealth Office, and former Ambassador, as a reviewer. In June 2019, Mr. Hand responded to me, stating that he held the necessary security clearances and had full knowledge of the range of documentation of the British Government that could be of interest to the investigation. He further stated that all relevant files had been properly identified and made fully available, that the files had been fully and completely examined for any relevant information and that any minor redactions were both justified and inconsequential. The position was restated that all documents held by the British Government that contained information relevant to the inquiry into the death of the late Secretary-General had been fully identified and had already been submitted in response to previous requests.

68. I am grateful to Mr. Hand for his efforts. As noted, no information was received from the Government of the United Kingdom. For reasons outlined further below, the information supplementary to the present report contains my correspondence with the United Kingdom of March 2019, as the matters raised in it have not specifically been responded to and may form a basis for future consideration.

*United States of America*

69. In April 2018, I was advised that the United States had appointed Eric Gaudiosi, Acting Deputy Assistant Secretary of State for International Organization Affairs at the Bureau of International Organization Affairs of the United States Department of State (from March to September 2018); and Joseph Manso, Acting Principal Deputy Assistant Secretary at the Bureau of International Organization Affairs of the Department of State (from October 2018).

70. The Independent Appointee of the United States did not provide an interim or final report on substantive matters. His letter of 29 April 2019 stated that searches

had been comprehensive and included intelligence, security and defence archives. A single document was also sent to me (discussed further below).

71. I am grateful to Mr. Manso for his efforts. For reasons outlined further below, the information supplementary to the present report contains my correspondence with the United States of March 2019, as the matters raised in it have not specifically been responded to and may form a basis for future consideration. Mr. Manso noted in closing that: "In response to your expanded requests, including those reflected in the annex to your March 24, 2019 letter, I have broadened our search efforts to include additional U.S. intelligence agencies. While these searches will not be completed in time for your final report, we look forward to working with you in the future."

#### *Zambia*

72. In February 2019, I was advised that Zambia had appointed John Zulu, Director in the Office of the President, as Independent Appointee.

73. In June 2019, the Independent Appointee of Zambia provided a final report indicating the substantial work undertaken by him. That report, which was co-signed by the Minister for Foreign Affairs, confirmed that full access had been given to all records and archives, including intelligence, defence and security archives, regardless of level of classification and without restriction. His searches did not include private archives.

74. I am grateful to Mr. Zulu for his efforts and significant work. The result of his work is discussed under the relevant thematic areas below.

#### *Zimbabwe*

75. In October 2018, I was advised that Zimbabwe had appointed Sydney Sekeramayi, Senator and former Minister of Defence and National Security, and State Secretary, as Independent Appointee, assisted by Brigadier General Asher Tafumaneyi and his team.

76. In May 2019, the Independent Appointee of Zimbabwe provided a comprehensive report indicating the substantial work undertaken by him. That report confirmed that full access had been given by Zimbabwe to its Independent Appointee to all files and archives, regardless of level of classification, including intelligence, security and defence archives, including all archives and records of the Zimbabwe Defence Forces (successor to the Royal Rhodesian Army), the Zimbabwe National Army, the Air Force of Zimbabwe (successor to the Royal Rhodesian Air Force), the Central Intelligence Organization (successor to the Rhodesian Special Branch), the Zimbabwe Republic Police (successor to former Rhodesian police organizations and the British South Africa Police), the Civil Aviation Authority of Zimbabwe (successor to the Rhodesian Department of Civil Aviation) and the National Archives of Zimbabwe. Mr. Sekeramayi and his team also continued to work after providing their report to me and provided me with further useful updates until the finalization of the present report.

77. The Independent Appointee of Zimbabwe noted that material for searches on the subject matter was limited as, prior to the independence of Zimbabwe, Rhodesian authorities had "meticulously removed almost every record or archive associated with the Dag Hammarskjöld Crash".

78. I am grateful to Mr. Sekeramayi and his team for their efforts and significant work. Although being engaged at a late stage, a very large amount of work was undertaken by Mr. Sekeramayi and his team, and a great deal of important information was identified. Key information received from the Government of Zimbabwe as a result of his work is discussed under the relevant thematic areas below.

### **C. United Nations archives**

79. Once again, I was given unrestricted access to all United Nations archives, as well as very helpful prioritized assistance from staff of the Archives and Records Management Section of the Secretariat. In 2018/19 I again reviewed numerous United Nations files in order to seek or verify information. I am advised by the Secretary-General that all ONUC files are open to the public, without restriction, with the exception of 23 files. Those files retain a “strictly confidential” status, consistent with the established policies of the United Nations. I can confirm that I have requested access to and arranged for the review in full of all of those 23 files and can attest that none of them hold information relevant to the Dag Hammarskjöld investigation, in accordance with the same definition of “relevance” as I have requested of Member States, as discussed herein. I am also informed that, in the interest of transparency, the United Nations has undertaken a comprehensive declassification exercise and has declassified thousands of additional files in respect of the Congo. The new information received from the United Nations is discussed under the relevant headings below.

### **D. Observations on Member State responses and limitations of searches**

80. It is necessary to note that the search process cannot be stated as having been completed. Some of the limitations relate to willingness on the part of Member States and some relate to operational matters.

81. Regarding the former category, the most severe limitation on the comprehensiveness of the search process remains the fact that certain Member States have not provided full, genuine and proactive cooperation, in line with the urging of the General Assembly. I am grateful for the assistance that I have received from most Member States that were requested to engage in the search process. Certain Member States, including Belgium, Canada, the Democratic Republic of the Congo, France, Germany, Portugal, Sweden, Zambia and Zimbabwe, have explicitly confirmed that searches have been undertaken within what appear to be their intelligence, security and defence archives. Even with these Member States, indications have been received from certain of them that searches remain ongoing.

82. Certain other Member States, including the Russian Federation, South Africa, the United Kingdom and the United States, may yet have work to complete to ensure that comprehensive searches are conducted with a sufficient degree of transparency such that we may be fully satisfied that all potentially relevant information has been identified.

83. With regard to operational matters, as I observed in 2017, some limitations apply to the work of the Eminent Person, Member States, the United Nations and individuals because of the nature of the searches being done. For example, the majority of archives of the era are not digitized, meaning that comprehensive searches cannot generally be made by using keywords; usually, only the (often generalized) name of the folder is apparent. Furthermore, even when material has been scanned, it is not the case that keyword searches will reveal the information sought, which could be due to alternate spellings, for example in the wildly variant spelling of mercenary names or aliases, or to poor digital character recognition of old typeset or handwritten documents.

### III. New information about possible causes of the crash

84. The present section analyses new information received from Member States and individuals regarding possible causes of the crash. Depending on the nature and type of the information, an assessment of its probative value or where it may fit within the scope for possible further enquiry is discussed.

85. As the following analysis will show, advancements have been made in the body of knowledge relevant to this subtopic, most notably in the areas of the probable intercepts by Member States of relevant communications and the capacity of the armed forces of Katanga or others to have staged a possible attack against the Secretary-General's plane. As will also be evident from the following sections, certain information follows from that obtained from sources in 2017 and previously, while certain other aspects were newly received in 2018/19. The latter category includes some of the information from Independent Appointees, Victor Rosez (an eyewitness to the contextual events of September 1961) and the *Cold Case Hammarskjöld* film team, among others.

#### A. Aerial or ground attack or other external threat

86. Since the 1961/62 inquiries, significant new information has come to light regarding the possibility that another aircraft shot down or otherwise threatened SE-BDY, causing it to crash. The 2017 report also considered the possibility of harassment or distraction of the pilots of SE-BDY, which, had it occurred at the critical point in the landing approach, could have caused the crash without resulting in any additional physical evidence, such as bullet holes. After the conclusion of the work of the Independent Panel, further new and relevant information on this topic was received from individuals and Member States in 2017 and again in 2018/19.

87. Information reviewed in the 2017 report under this heading that was considered of probative value included the following:

- Paul Henry Abram, who stated that on the night of 17 to 18 September 1961 he had overheard radio transmissions of an attack on the plane while working at a United States National Security Agency (NSA) listening post in Irakleio (Heraklion), Greece, provided what he said were additional service records. The United States did not agree with the accuracy of parts of his account.
- In 2015, the United States responded to a query of the Independent Panel stating that it had no knowledge of the delivery in 1961 of Fouga Magister jets to Katanga by “the French” with “CIA assistance”. In 2017, however, it stated that in February 1961, a United States commercial carrier had in fact made the delivery in question. More information on the particulars of the delivery was also made available.
- There was a possibility that the Belgian mercenary pilot, Jan Van Risseghem, had returned to Katanga by 17 September 1961. Although information on his date of return to Katanga was conflicting, Van Risseghem was, in any event, not the only mercenary pilot in Katanga on that date, nor the only one who was able to fly the Fouga Magister.
- Claude de Kemoularia, Hammarskjöld's former personal assistant (1957–1961), who was later a prominent French diplomat and businessperson, met persons in the late 1960s who identified themselves as “De Troye” and “Beukels”, the latter of whom claimed to have been involved in an aerial attack against SE-BDY. De Kemoularia appears to have conveyed this information in good faith to French

and Swedish authorities in the 1960s, and not the 1980s, as previously understood.

- Regarding the Fouga Magister jet used by the air force of Katanga very successfully in attacks against United Nations forces in 1961, evidence is conflicting as to whether there was more than one Fouga Magister in operation on the night of 17 to 18 September 1961. The Fouga was capable of air-to-air attack and also attacked United States (not just United Nations) aircraft in Katanga.
- Regarding the Dornier DO-28 aircraft used by the air force of Katanga, the aircraft were supplied on a commercial basis from West Germany to Katanga in 1961, and at least one of the aircraft was present in the Congo before September 1961. The aircraft may have been modified for aerial attacks and bombings, carried out both day and night bombing operations against the United Nations and appears to have attempted an air-to-air attack. Locations from which the DO-28 operated were in both Katanga and Northern Rhodesia (approximately 1,000 km from each other at Kaniama and Ndola).
- There were more airfields available in and around Ndola than had been originally considered by the early inquiries, and the air forces of Katanga used airfields in both Katanga and Northern Rhodesia.
- Relying on the evidence of Major Joseph Delin of the air force of Katanga (Avikat), the early inquiries concluded that there was only one Katangan pilot who could have flown a plane in an attack against SE-BDY. Later evidence has shown that there was more than one such pilot, although precisely which individuals were present in Katanga on 17 and 18 September was not conclusively established.

88. Information received in 2018/19 expands on the information analysed in 2017 and contains new information, as described below.

## **1. Interception of radio communications**

### **(a) Paul Henry Abram**

89. Paul Henry Abram provided information to the Independent Panel in 2015, stating that he had personally heard radio transmissions related to the shooting down of an aircraft in or near the Congo on the night of 17 to 18 September 1961, while stationed at a United States National Security Agency (NSA) listening post in Irakleio (Heraklion) on the island of Crete, Greece. Abram stated that he was a former United States Air Force Security Services Officer and provided various documents identifying what he said was confirmation of his service record.

90. In an interview with the Independent Panel in 2015, Abram detailed his claims, stating that a few days before 17 September 1961 he was provided with the expected flight plan of SE-BDY, which included information about the aircraft type and “plane number”, as well as its destination of Ndola. He stated that on the night of 17 to 18 September, while working the late shift, he heard someone say over the radio: “Here comes the plane ... the plane is well lit”, followed by someone on a different radio frequency stating in non-American accented English “the Americans just shot down a UN plane”, which was followed by a significant increase in “radio chatter” on various frequencies in various languages. He believed that the intercept was heard in real time and recorded the information on a tape, which would have been shared with the NSA location in Fort Meade, Maryland, and with Government Communications Headquarters (GCHQ), the British intelligence and security organization, in original and by fax. Abram further stated that he had advised his colleagues of what he had heard at the time, following which other officers present

listened to a replay of it. He stated that his NSA supervisors were in Heraklion and at the United States Air Force Security Service Headquarters at Kelly Air Base in San Antonio, Texas. I note that Abram subsequently gave similar statements that correspond to what he informed the Independent Panel in 2015.

91. In 2015, Abram also provided the Panel with copies of his service discharge record, as well as a document noting his “Education Service Program” in Heraklion. In 2016 and 2017, Abram provided the United Nations and the Eminent Person with further documents purporting to prove his service, including his identifier/code of “AbelBaker”.

92. In 2015, 2016 and 2017, the United States was requested to provide information relating to Abram’s claims, including information on his service record, whether he was enlisted in the United States Air Force or other branches of government at the time in question, whether he was stationed in Greece and whether and in what capacity he worked in support of NSA at that time. In 2015, no response was received from the United States regarding Abram. In 2016, a response was received stating that the United States Air Force had no information on him. In June 2017, after I had provided further information received from Abram, the United States responded that it was “unable to locate any further information about Mr. Abram. We are unable to authenticate the documents you provided purporting to show Mr. Abram’s service. We are not aware of any information or documentation in the possession of the US Government which would support or lend credence to Mr. Abram’s claims.”

93. In mid-July 2017, however, I received a further communication from the United States a number of days before finalizing the 2017 report. It was a five-page form, the first of which matched the service record provided by Abram. The other pages contained an administrative record of matters relating to his service, including a specialization as “voice intercept protocol specialist”, awards, security clearance, a record of assignments and a notation of foreign service. This information was accompanied by a communication stating that “United States Air Force records ... provide that Paul Abram’s tour in Crete began on October 24, 1959. The records further provide that the date Paul Abram returned to the United States was April 7, 1961. Thus, it appears that Paul Abram was not in Crete in September of 1961.”

94. I asked Abram for his response to the claim that he was not in Crete at the relevant time. Abram confirmed his original story and stated that the dates listed on the form could not have been correct. He based his certainty of this on a recollection of other important life events that had occurred at or near the relevant time and confirmed that he had definitely been in Crete in September 1961 in the capacity described and that he believed the United States to have misrepresented the record.

95. In April 2018, I wrote to the Permanent Representative of the United States of America to the United Nations, Nikki Haley, in an attempt to clarify the apparent discrepancy. That communication, among other things, stated: “I note that at the time of my 2017 Report there remained conflicting information regarding the full details of the service records of Mr. Paul Abram and Mr. Charles Southall. It would remain necessary to finally confirm these full details, including the capacity in which the two officers served during the material time period in 1961, the precise dates at which they were present at specific duty stations over that period, and their respective claims that tapes or other records were made and retained of what they say they heard. Further, should the United States have any other clarification or further information regarding matters raised in my 2017 Report or in addition thereto, I would be grateful to receive the same.” Subsequent to that letter, I also wrote to the Independent Appointees of the United States to follow up on the same matter.



96. No response was received from the United States in relation to my queries concerning Abram's claims. In 2019, I was advised that Abram had died in late 2018 at the age of 77 years.

97. Abram's claims, if true, are obviously of the utmost significance in this matter. For a number of years, the United States was requested to provide information that would support these claims or dispel them. From 2015 to 2017, the United States stated that it had no information on Abram, notwithstanding that significant details, including his service location, role and service record number, had been conveyed for verification. Without explanation regarding what had led to the change in position, in July 2017 the United States finally confirmed the basis of Abram's statements regarding his service record as an intercept specialist operating in Crete, but said that he was not in Crete in September 1961. When his statement to the contrary was put to the United States between 2017 and 2019 for further clarification, again, no response was received.

98. In 2015, the Independent Panel assessed the probative value of information provided by Abram that SE-BDY was subjected to an attack as moderate, an assessment which I confirmed provisionally in 2017. It is significant to note that, for a number of years, ample opportunities have been given to the United States to contradict or clarify Abram's reasserted claims. Following his death in 2019, he is no longer available to make any further representations on the resolution of the crucial question concerning the exact period of his actual assignment at the listening post in Crete and the sequence of events. As this goes directly to a determination of the exact time of his assignment in Crete, verifiable not only from Abram's service records with the United States Government and other supporting or provable material, it is not altogether futile in an inquiry of this nature to flag this for continued follow-up, much as one of the essential parties is now no longer available to make his case on this contested issue.

99. Considering the information as a whole, including Abram's final reassertion in July 2017 of his presence in Crete on the dates in question, his specialization as a voice intercept protocol specialist who held United States Air Force security clearances and the nature of his assigned duties at the NSA listening facility, I would assess Abram's claims to be of strong probative value that the United States was monitoring radio traffic and that relevant records of transcripts were highly likely to have been created by the United States. Regarding the information provided by Abram insofar as it relates to an attack on SE-BDY, I would retain the assessment of the probative value of this part of the information as moderate. These assessments may change, depending on new information and developments, including their relationship to other facts and material.

**(b) Charles Southall**

100. In 2015, the Independent Panel considered information that Commander Charles Southall personally heard transmissions relating to an attack on a Transair DC-6 on the night of 17 to 18 September 1961 while he was stationed at a naval communications facility of NSA near Nicosia in 1961. This information had been provided through the Hammarskjöld Commission, based on research conducted by Williams.

101. According to Southall, he was a "processing and reporting" officer with NSA. In consistent statements made over a number of years, he claimed that on the relevant night he heard or read words to the following effect: "I see a transport plane coming low. All the lights are on. I'm going to go down to make a run on it. Yes, it's the Transair DC-6. It's the plane. I've hit it. There are flames. It's going down. It's crashing." He stated that the communications intercept was made in a Central

Intelligence Agency (CIA) facility but passed to the NSA working area where he was with four or five other staff when he heard the recording or read the transcript. Southall also stated that he was informed by his Communications Watch Officer or another officer present at the relevant time that a Belgian pilot known as the “Lone Ranger”, flying a Fouga Magister aircraft used by Katangan forces, had made the transmission and that the pilot “must be waiting for Hammarskjöld’s plane” (it will be recalled that the references to the “Lone Ranger” and the Fouga Magister were also made by the United States Ambassador in Leopoldville, Edmund A. Gullion, and are also described by Victor Rosez, whose statement is referred to below).

102. In response to the Independent Panel’s queries in 2015 concerning Southall, the United States confirmed that he joined the Navy in 1955, was released from active duty in 1969 and retired as a commander from the Naval Reserve in 1978. No further information was received from the United States regarding Southall’s claims, including any response to the questions as to where Southall was stationed, whether he worked in support of NSA or whether there were records of the transcripts that he said had been created. The United States was requested to confirm these matters in 2016, 2017, 2018 and 2019. No such confirmation was received.

103. In 2017, I was informed that Southall had passed away since the Independent Panel’s completion of its work. In 2018, I was provided with new information from Victor Schonfeld and the company Beyond the Frame regarding video interviews that they had completed with Southall in London a number of years before his death. I was advised that the interviews had not been seen or heard before and that Schonfeld and Beyond the Frame were prepared to make them available to this investigation. Accordingly, I reviewed the new information regarding Southall’s interviews. It contains a number of files with various takes of the interviews in which Southall recalls his experiences relating to the plane crash, both on the night in question and his subsequent interactions with government officials and the private sector. Generally, Southall’s statements are very similar to those reviewed by the Independent Panel. There are minor variations – for example, in the phrases or the precise order of words – as might be expected if one is asked to tell a story a number of times without reading it from a script. But the variations do not go to the material substance.

104. In essence, Southall states the following in the video interview. He was stationed in 1961 with the United States Navy communications intercept site near Nicosia. His section was tasked by or provided support to NSA and had responsibility for the processing and reporting of intercepts from the previous day (intercept operators worked all hours, but intercepts were generally processed during the day). They would receive, decrypt and, if necessary, translate intercepts and determine which government agencies (including NSA) should receive them. He stated that the building in which they were situated was a cement blockhouse divided into two major divisions, with CIA downstairs and the Navy personnel upstairs in one very large room filled with intercept operators intercepting military, naval, illicit or diplomatic communications, which were also shared with the British, who were located on Cyprus at Famagusta. The station was also a major relay station for communications to Washington, D.C., from all over the area.

105. Regarding the relaying of communications, the Independent Panel had noted expert opinion with which it was provided, stating that receiving VHF radio transmissions in Cyprus would have required an intermediate receiving and relay station to retransmit a recording or transcript of such communications from near Ndola to the listening stations in Europe. Here I observe that, as discussed further below, a number of United States Dakota aircraft that were located in Ndola at the relevant time had sophisticated communications equipment that allowed them to intercept, transmit and receive communications over long distances, including

intercontinentally. These aircraft were thus analysed in 2017 to have been able to perform this relay function. If the communications were on high frequency (HF), on the other hand, it would be possible to intercept them in Cyprus and Crete without the need for a relay station.

106. Returning to the story narrated by Southall in the video interviews, one evening he was told to come to the facility around midnight, as something interesting was going to happen. He went to the communications section at around that time, and just after midnight a clear recording came through a satellite post in Africa, during which a voice said: "I see a transport coming in low. I'm going down. Yes. It's the Transair DC-6. I'm going to make a run on it." Following this, gunfire was heard, and then the voice said: "I hit it. There are flames coming out, it's crashed." That was the end of the recording. He did not know whose plane it was. There was discussion in the room afterwards about "the Lone Ranger".

107. The recording came through approximately seven minutes after the actual time of the shooting down of flight SE-BDY, according to what Southall was told by a colleague who was in the room. Around five other colleagues also heard it, one of whose names was "Wat Tyler Cluverius IV" (spelling not provided). Southall spoke fluent French at that time (as well as semi-fluent Arabic) and said that he seemed to recall that the language used by the pilot was French. He and his colleagues quickly processed the recording, pushed it into another machine and sent it into Washington, D.C., Southall stated that, having read other material after the fact, he assumed that the plane was a Fouga Magister. He later heard that it was Hammarskjöld's plane.

108. Around the early 1990s, Southall received a letter from a "Karen Enstrom" (spelling not provided) within the United States Department of State, which was routed to him through the Navy. He stated that he had spoken to her to inform her of the above information, but that the response was that the United States Government did not want to speak about the matter further. Southall stated that he had offered to come in and be placed on active duty temporarily to locate the recording or other records. However, he was met with what he described as a lack of enthusiasm to conduct any searches. He described the event of hearing the recording on that evening as a stand-alone unique event, notwithstanding that he had been involved in the intelligence world for a long time. Southall also described calling Wat Tyler Cluverius to speak about the matter at a later time when Cluverius was posted as a United States diplomat, but Cluverius stated "I can't speak about that" as it was on an open telephone line. Cluverius then died before Southall was able to meet him in person to speak about it.

109. The Independent Appointee of Sweden also provided information showing that Southall had informed a Swedish diplomat in Rabat as early as 1967 about the communication he heard in Nicosia in 1961. At the time, the information was forwarded to the Ministry of Foreign Affairs of Sweden, where it was apparently mistakenly understood as referring to an attack from what was presumed to be an anti-aircraft battery on the ground. Since it was understood that no anti-aircraft batteries were positioned along the final route of SE-BDY, the information was not further acted upon by Sweden at that time.

110. According to the relevant 1967 report, the Swedish Assistant Air Attaché had understood that Southall had seen or heard a radio message that the United States had intercepted, which had been transmitted by a Belgian mercenary in Ndola. That mercenary was at his gun or anti-aircraft cannon post and had seen Hammarskjöld's plane coming towards Ndola airport. Convinced that it was not one of their own planes, he had shot at it, and with excitement and delight shouted in the microphone when the plane crashed. Apparently, the response from Edelstam, Deputy Director at the Ministry of Foreign Affairs, to the Assistant Air Attaché in Rabat, stated that

nobody had ever claimed that the plane was shot down from the ground and that this would have been technically very difficult.

111. Subsequently, in the early 1980s, Southall met privately in the United States with a Scandinavian academic, Sten Thore, and told him about the circumstances around the shooting down of the plane of Hammarskjöld. Thore's letter of 21 October 1992 to Ambassador Bengt Rösiö stated that Southall "declares categorically that all the circumstances were known in detail within the CIA, and he mentions that he himself has listened to a recording of the conversation between the Belgian pilot and his contacts, where the Belgian moment for moment describes the shooting-down the moment it happened".

112. In 2015, the Independent Panel assessed the probative value of information provided by Southall that SE-BDY was subjected to an attack as moderate, an assessment which I had no cause to alter in 2017. I note that, as with Abram, adequate opportunity was given to the United States to contradict or clarify Southall's claims prior to his death. That opportunity was not taken. This, however, does not extinguish the continued imperative of establishing the reliability and credibility of Southall's assertions and the exhaustive conduct of searches of intelligence, security and defence archives. The new information received in 2019 is consistent with and supports his previous statements, as well as the written history of correspondence examined by the Hammarskjöld Commission. As noted by the Independent Appointee of Sweden, "Southall had in fact been trying to pass this information on for decades".

113. It is necessary to take into account all of the circumstances: Southall's uncontested position in the United States Navy, retiring as a commander in the Naval Reserve; his specialization as a "processing and reporting" officer; his assignment at a naval communications facility near Nicosia in 1961; and the consistency of his assertions, not only to a number of persons, but also over a significant period of time, from at least 1967 to 2013. I would reasonably assess his assertions as having strong probative value that the United States was monitoring radio traffic and that relevant records of transcripts were highly likely to have been created by the United States. Regarding the information provided by Southall insofar as it relates to an attack on SE-BDY, I would retain the assessment of the probative value of this part of the information as moderate. These assessments may also change, depending on new information and developments, including their relationship to other material.

**(c) Interception by Rhodesian officials**

114. In 2018/19, I received new information regarding the interception of United Nations communications by Rhodesian officials. As analysed in the 2017 report, documents received from the United Kingdom and the United States showed that both Member States received intercepts of ONUC communications, including those that had been encoded relating to sensitive military matters. Those intercepts occurred throughout 1961 (both before and after September 1961) and were discussed at a high level, including by the British High Commissioner, Lord Alport, the United States Consul in Elisabethville, William C. Canup, and the Prime Minister of the Federation of Rhodesia and Nyasaland, Sir Roy Welensky, as well as the respective capitals.

115. In 2018/19, the Independent Appointee of Zimbabwe noted that, from a review of the archives of the security services (noting in particular the archives of the Zimbabwe Defence Forces), it was evident that "the Rhodesian Federal Authorities had radio signals intercept capabilities at the time which were monitoring communications in the Katanga area". On the basis of the additional confirmation received from Zimbabwe, I find that the conclusions reached in 2017 are strengthened.

**(d) Other intercepts**

116. Tore Meijer was a Swedish flying instructor who was attached to the Imperial Ethiopian Air Force. According to statements he made in 1994, on the night of 17 to 18 September 1961, he was using a shortwave radio to listen to airwaves at around midnight Ndola time. He heard the word “Ndola”, and an airport control tower speaker state in English: “He’s approaching the airport. He’s turning. He’s levelling. Another plane is approaching from behind – what is that?”, before the transmission was interrupted. Meijer stated that he had attempted to inform the Head of the Ethiopian Air Force, Americans he knew and the chief engineer of Transair in the Congo, Bo Virving, without success.

117. The 2017 report flagged any further records that Meijer might have made as being potentially relevant for any future inquiry. Björn Virving, son of Bo Virving and himself an author on the subject of the crash, as well as the Independent Appointee of Sweden, kindly facilitated contact being made with Meijer’s widow. Unfortunately, Mrs. Meijer was not able to provide further information on the matter.

**2. Role of air traffic control in Ndola**

118. The early inquiries noted that the record of the final communications of SE-BDY as kept by the air traffic control of Ndola airport was incomplete and possibly lacking in significant communications. Despite this, those inquiries relied on it as a true record. The air traffic control records of Ndola are vital, since the air traffic control held the last officially confirmed communications with SE-BDY and had responsibility both for guiding SE-BDY to land at Ndola airport and for participating in procedures regarding notification and then the search and rescue efforts that were to follow when it did not.

119. In 2018/19, further questions regarding whether the record was intentionally tampered with were raised in the film *Cold Case Hammar skjöld*. On the basis of the observation by the *Cold Case Hammar skjöld* film team that the Ndola air traffic control notes were destroyed, it is necessary to verify whether this is supported by the record or by other new information.

120. To recall the circumstances, on the night of 17 to 18 September 1961, the responsibility for communications with SE-BDY was handed over by the Salisbury Flight Information Centre (air traffic controller Leslie Thorogood) to Ndola (air traffic controller Arundel Campbell Martin) at 2331 hours. As was established from testimony, Ndola air traffic control should have created a running tape recording of transmissions with SE-BDY, but did not, owing to a stated lack of facilities (on this issue, I note that the Independent Appointee of Zimbabwe ascertained in 2019 that a policy to put tape recorders in place was promulgated in 1958, but apparently was not implemented). Martin initially gave a brief statement to the Rhodesian Board of Investigation, which is a summary of what he said were the interactions that he had with SE-BDY from the Ndola air traffic control and the actions that he took after realizing that SE-BDY was missing. Both of those topics were covered in a one-and-a-half-page statement.

121. When Martin made his written and oral statements, he did not have contemporaneous notes of his own. The 1961 Commission confirmed with Martin that he had “told the Federal Commission that [he] had destroyed [his] notes”. Martin did not deny this or provide further clarification. Although the verbatim records of the Rhodesian Commission of Inquiry do not specifically state that the notes were “destroyed”, when asked whether the notes were available, Martin said “I’m afraid not”, and confirmed that he had made only “rough notes” from the flight progress strips, which he later admitted did not contain all of the essential elements of his

conversation with the aircraft. Thorogood, of the Salisbury air traffic control, also confirmed to the Rhodesian Commission that the log was “an attenuated document and that a good deal occurred which is not recorded on it”. Other numerous aspects of the conversation with SE-BDY, such as Martin’s question regarding whether the aircraft was going to proceed to Salisbury after Ndola, did not appear in his notes but were stated to the Rhodesian Commission from his recollection. He admitted that some of the times he wrote down were approximations that he made up from memory; despite this, they have since been quoted as authoritative. The final words that Martin exchanged with SE-BDY were also made in his statement from memory, without having been recorded in any notes, almost 36 hours after the last contact with SE-BDY, by which time he knew it had crashed.

122. On the basis of the foregoing, it does appear to be established that Martin destroyed his original notes, despite his admission that he knew the aircraft and its passengers to be of exceptional importance and notwithstanding that he was aware that no tapes had been made of the interactions by Ndola air traffic control.

123. Here it is worth observing again that in 2013 the Hammarskjöld Commission identified further material to suggest the deficiency of the Ndola air traffic control records. Sir Ronald Prain’s memoirs of 1961 stated that on the relevant night, while staying in the Copperbelt, “one of our geologists called in to say that there was some unusual activity going on overhead. He was a radio ‘ham’ [amateur] and had been listening in to conversations between the control tower at Ndola airport and various units in the air and on the ground, from which he gathered that an aircraft had crashed somewhere nearby”. As observed by the Hammarskjöld Commission in relation to this subtopic, if true, this account indicates that the control tower log is very deficient, that transmissions from SE-BDY must have made clear that it was in trouble and about to crash and that the listener may also have picked up dialogue between SE-BDY and other aircraft.

124. SE-BDY was an exceptionally important flight. It is clear that the records made by the Ndola air traffic control regarding communications around its final moments were grossly inadequate. It also raises questions on whether Martin destroyed the notes on which he had based the brief and incomplete statement he made around 36 hours after SE-BDY failed to land, by which time he knew it to have crashed. Given that various witnesses, including Martin himself, made reference to the fact that United States aircraft might have been monitoring radio traffic and possibly communicating with SE-BDY from Ndola, the strange circumstances of the incomplete Ndola air traffic control records underscore the importance of finding any other traces of communications that took place on that tragic night.

125. In another related matter, the Independent Appointee of Portugal shared with me a cable dated 22 September 1961 authored by L. Fonseca of the Embassy of Portugal in Leopoldville and addressed to the Ministry of Foreign Affairs in Lisbon that the United Nations had the impression that the crash had been intentionally caused by the “control tower” of the airport of Ndola by providing “erroneous information” during the landing. The earlier inquiries found no proof of the transmission of any incorrect information from the Ndola air traffic control to SE-BDY as contended in the cable, and the sources of the allegation therein are unknown. Despite this, the contemporaneous reporting on the tragic event and its focus on Ndola air traffic control is illuminating.

126. It is not specifically necessary to assess the probative value of the information that the contemporaneous records of the Ndola air traffic control were destroyed. However, the information is important and, as a matter for follow-up, highlights the necessity of intensifying searches of all communications, radio or otherwise, made prior to, during and immediately after the crash.

### 3. New photographs of tests conducted in 1961

127. The Independent Appointee of Sweden informed me that in 2019 he received information from the descendants of the Assistant Superintendent of the Northern Rhodesia Police, Michael Cary, with various documents, including photographs, related to the crash. Cary had been one of the first to arrive at the crash site and had been involved in the initial investigation.

128. Certain of the photographs do not seem to appear in the records of the early inquiries that I have seen. They include photographs of what appear to be metal parts of what may be the plane remnants. These include photos described as showing metal parts with one or more round holes of roughly equal size, of slightly less than one centimetre; a piece of metal with three apparently identical holes in it, possibly 3 to 5 centimetres apart from each other in an irregular pattern (a hand is visible holding the piece against a table and to the piece appears to be attached an identification tag, and on the back of the picture is a stamp from the Northern Rhodesia Police with the date “28 Nov 1961” and a pencilled note “pw 361/61”); a membrane in a frame with a similar hole almost in the middle (a hand also holds this piece, and the picture has the same stamp and date as the previous one); a long piece of metal with a hand pointing at what seems to be a very similar hole as the ones on the other two photos (the back of the photo has “support cooler member No 3 engine” and “334/61” written on it and has the same stamp with the date “20 Oct 1961”); and part of a wing with what could be a similar hole as the other ones (the back of the photo has “starboard wing” and “pw 334/61” written on it and has the same date and stamp as the previous one).

129. According to an informal analysis conducted by the Swedish police and National Forensic Centre, the holes in the pictures may be bullet holes from a fine-calibre weapon and warrant further investigation by ballistics experts.

130. The Independent Appointee of Sweden noted that in 1961 Swedish experts had repeatedly demanded that test shootings be carried out against metal plates from the wreck in order to find out how the metal was damaged by bullets piercing from different angles. This permission was finally granted and tests were carried out on metal of similar composition on 25 October 1961, in the presence of a number of persons, including Cary, Evans, Landin and Danielsson, using an English army rifle, calibre .303 (7.7 mm) and a pistol (Luger), calibre 9 mm. According to Danielsson, the tests “made even Evans confounded” and “showed rather curious damage on the metal, depending on the angle you shot from. It is actually difficult – if not to say impossible – to see with the naked eye if the damage had been caused by a bullet or by another object”. Although Cary was to write a protocol of the test, this was apparently not done.

131. The tests described were conducted on 25 October 1961, but two of the pictures were stamped on 20 October 1961 and two on 28 November 1961. The Independent Appointee of Sweden noted that it was possible that the hole in one picture was examined by the investigation in 1961 and dismissed as being caused by rivets that sprang. However, the hole in this picture, as well as the others, appears not to be accounted for in the early inquiries and cannot be excluded as having resulted from bullet damage.

132. Ascertaining the ultimate significance of the photographs received through the Cary family is a matter that warrants further ballistic examination, and I have deposited the photographs with the United Nations for safekeeping.

#### 4. Possible involvement of mercenary pilots or other agents

133. New information received in 2018/19 expands on information analysed in the 2017 report on the topic of individuals who have been identified as potentially having been involved in an attack on SE-BDY, as described below.

##### (a) Van Risseghem

134. In 2015, the Independent Panel received information that a Belgian pilot named Van Risseghem (also identified as “Van Reisseghem”, “Van Rysseghem”, “Van Reisenghan”, “Van Riesegehel” and other variations) may have piloted a plane that shot down SE-BDY. Specifically, in a United States communication of 18 September 1961 sent from Leopoldville to Washington, D.C., Gullion states: “There is possibility [SE-BDY] was shot down by the single pilot who has harassed UN operations and who has been identified by one usually reliable source as Vam (rpt VAK) Riesegehel, Belgian, who accepted training lessons with so-called Katanga Air Force. Previously he had been assumed to be an unknown Rhodesian. As long as he is still operational he may paralyze air rescue operations.” This information was not disclosed to or analysed by the 1961/62 inquiries.

135. The Independent Panel concluded, primarily on the basis of other information provided by Belgium, that its authorities had established that Van Risseghem could not have been in Katanga by 17 September 1961, as he did not leave Brussels before 16 September 1961. Van Risseghem was “supposed to have signed a receipt on 17 September for discharge pay received from the Katanga ‘Mission’ in Brussels”; however, Belgium noted that the signed document was an authority for another person to collect money on his behalf, from the “Sabina Solidarity Fund”, and that it was possible that he either was still in Brussels or may already have been in Paris en route to the Congo.

136. In 2017, additional information regarding Van Risseghem was received from United Nations and United States records that called into question whether he may indeed have been in Katanga by 17 September 1961. This included a communication of 15 September 1961 in which Gullion noted a report of a “single-engine jet fighter attack on Kamina. Tower in voice contact with fighter. Pilot appears to be Belgian. Pilot stated after attacking with rockets and machine guns he would return and attack again”, and one of 16 September 1961 in which Gullion stated that “commercial pilot yesterday afternoon reports Katanganese jet flew wing to wing briefly and he recognized pilot as large, bearded individual known to us as Van Reisseghem, trainer Katanganese Air Force. Arrived Katanga from Brussels about May 1. Allegedly Sabena pilot. Believe to be only pilot available using both planes on hand.” Hammarskjöld also requested on the same date the assistance of Belgium to put an end to Van Risseghem’s criminal acts against the United Nations, as well as attacks against civilians. The 2017 report thus concluded that it was not possible to establish conclusively, given the conflicting information available at that time, whether Van Risseghem was present in Katanga on 17 September 1961.

137. Further information on Van Risseghem was received in 2018/19 from various sources. According to information received from the Independent Appointees of Belgium, Jan Van Risseghem de Sautiernon de Saint Clement was a Belgian citizen who was born in Germany to a Belgian father and British mother. He was active in the Belgian Section of the Royal Air Force in the United Kingdom during the Second World War and married an English woman, Marion Fowkes. After flying for the company Sabena, in March or April 1961 he was recruited by Avikat (Aviation Katangaïse, also known as Force Aérienne Katangaïse). Having been arrested by United Nations forces in August 1961, Van Risseghem was repatriated to Belgium, arriving in Zaventem on 8 September 1961 and staying until 16 September 1961.



There were no traces of his departure from Zaventem; it was likely that he returned to Katanga via Paris, with the Independent Appointees of Belgium restating the opinion expressed in 2017, on the basis of the same archival material, that Van Risseghem would not have arrived back to Katanga by 17 September 1961.

138. The Independent Appointees of Belgium also reviewed Van Risseghem's original signed pilot logbook, obtained from family archives (the *Cold Case Hammarskjöld* film team also provided a further and apparently matching copy of extracts of this logbook to me). The logbook has entries for Van Risseghem's flights in 1961 for Avikat up until 27 August 1961, which corresponds with the start of Operation Rumpunch, during which he was arrested by ONUC and repatriated. The flight logs then record flights resuming for Avikat on 20 September 1961. During the months of July and August, Van Risseghem flew with the following types of aircraft: Dove, Piper, DC-3 and Fouga Magister. All the Fouga flights were with the aircraft registered as "KAT93", and there were four such flights listed for each of July and August. The copilots mentioned were Delcourt, Wicksteed, Pieret, De L(o)uigi and Bracco (the logbook also mentioned night flights with the Fouga Magister, DC-3 and Dove, discussed further below).

139. According to his logs, the flights Van Risseghem made for Avikat in September 1961 were all recorded as being in a "Dornier-28" plane (presumably the Dornier DO-28, discussed below), with the copilot "Colonel John Cassart". Cassart is understood to be Jean Cassart (born "02/07/1906"), a volunteer during the Second World War and officer in the Belgian army until the mid-1950s. Following that service, reports note that Cassart became managing director of the Congolese company Mitraco, which acted as an intermediary in the purchase of Dornier aircraft by the government of Katanga in 1961. I note that it is unclear whether Van Risseghem knew how to fly a Dornier DO-28 before September 1961.

140. New information regarding Van Risseghem was also received from various private sources in 2018/19. According to an interview with Pierre Coppens shown in *Cold Case Hammarskjöld*, Van Risseghem was said to have admitted in 1965 to performing an attack on Hammarskjöld's plane. Coppens, a former paratrooper and friend of Van Risseghem, stated that he knew Van Risseghem from the early 1960s when the latter acted as a pilot for a parachutist training centre in Belgium. He said that Van Risseghem told him in 1965 that he had shot down Hammarskjöld's DC-6 using the Fouga, despite the difficulties of doing so, but that Van Risseghem had not known who the passengers were. Van Risseghem is alleged to have stated that the attack was launched from Kipushi airfield and that he flew with extra fuel tanks. The *Cold Case Hammarskjöld* film team stated that Coppens first mentioned what Van Risseghem told him to another ex-mercenary from the Congo, Edouarde Dinant, in the 1980s.

141. According to an article published by the journalist Bruno Struys in March 2019 in *De Morgen*, he held an interview in 2019 with Marion Fowkes, Van Risseghem's widow. Fowkes is said to have stated that Van Risseghem was recruited to Katanga by his friend, Jean Cassart, the Belgian owner of Mitraco, a company that supplied military equipment to Katanga. Struys states that Fowkes presented him with Van Risseghem's mother's diary, which referred to Van Risseghem stating that he had been made a "boss" of Avikat. Information in the diary is said to state that Van Risseghem landed in Belgium on 8 September 1961, which accords with information provided by Belgium, and that he was asked by his "secret organization" to leave immediately, after which his mother received a letter from him, written from Paris and received on 19 September 1961. It does not state when he arrived in Katanga or when that letter was sent. Fowkes has the flight logs of Van Risseghem.

142. According to Victor Rosez, an eyewitness to events of September 1961 who provided a written statement to me, he had personally seen Van Risseghem in Katanga in August or September 1961, although the precise dates were not provided. He stated that he had personally seen Van Risseghem pilot a Dove aircraft departing from Luano Elisabethville airport and had heard that he flew it on different occasions with Jerry Puren (as bombardier) and Bob Denard. Rosez stated that in later years (after 1961) he also met Van Risseghem several times. This included at the airport of Deurne in Antwerp, Belgium, and in 1982/83 in the colonial restaurant, the Karibu, in Brussels. The owner of the Karibu was a Jean-Claude Wavreille, who had married one of the daughters of Tshombe and was an old schoolmate of Rosez. In the Karibu, Rosez heard Van Risseghem tell a story to Belgians who had previously lived in Katanga, in which he stated that he was the commander of Avikat operations against the Baluba in Katanga. On another occasion, Van Risseghem spoke of earlier stories about joining the British Royal Air Force during the Second World War. At that time in the 1980s, Van Risseghem was still engaged in buying and selling planes and spoke with Rosez about a rare single Fokker engine that Rosez's friend, Jacques Dheere, owned. Van Risseghem stated to Rosez that he did not want to talk openly about combat operations in Katanga as he did not want to face problems like Jean Schramme had, who was a subject to an inquiry about things that happened in the Congo when he was a mercenary. Rosez stated that he had never heard Van Risseghem talk about Dag Hammarskjöld specifically.

143. I have analysed the new information received in 2018/19 relating to Van Risseghem. First, regarding the flight logbooks held by his family, I have not had the opportunity to examine them in their original and entire form or had the opportunity to seek expert analysis of them, which seriously limits any definitive findings being reached at this stage. However, by way of preface, it seems immediately apparent that the extracts of the logs that I have reviewed for the month of September 1961 have marked variations from those of the other months of June, July and August 1961. As an example, the other months have entries written out in full for aircraft type, registration number, pilot and copilot, even where multiple flights occurred on one day. Only the month of September has marks of “ “ to indicate that the information is the same as in the row above. Moreover, there appear to be differences in the script used when September is compared with the other months in terms of its general character, specific details of letterforms (including aspect and proportions) and variations between capital and cursive script. The recording of details is also inconsistent; for example, September is the only month that appears to only (but always) record take-off and landing points (themselves holding certain inconsistent details). Differing stamps and signatures also appear to have been used. These and other discrepancies suggest that the month of September may have been created in a different way to the other months or possibly by another person. I again note that the above would require verification of the complete originals, further independent corroboration of the purported handwriting, signatures and stamps on the flight logbooks and expert analysis and opinion before any definitive findings or conclusion may be drawn.

144. In 2019, Maurin Picard, author of *Ils ont tué Monsieur H* (They Have Killed Mr. H), also provided me with an extract of the flight log of former Avikat pilot Roger Bracco that he obtained during an interview with Bracco in 2018. This flight log extract appears to have been signed on 30 September 1961 and contains a single entry for 24 September 1961, stating that Bracco acted as a copilot for Avikat on that date in a “Dornier 28” with registration KA19, with Van Risseghem as pilot. Van Risseghem's log, referred to above, also contains an entry on that date listing a flight in a “DO-28”, but listing what appears to be a “De Louygy” as copilot, and in a plane with registration KA016 or KA3016 (as noted above, Bracco is listed as a copilot in Van Risseghem's logs, but of the Fouga in August, not the Dornier in September).

Given the contradictions within Van Risseghem's log extracts and between his and Bracco's, they cannot logically both be true and complete records. It could also not be ruled out that both are false.

145. Picard and the *Cold Case Hammarskjöld* film team both interviewed Bracco. According to the interviews, Bracco does not appear to believe that Van Risseghem's logbook extracts are authentic. Among other things, Bracco states that he has never heard of certain copilots listed in Van Risseghem's logs, despite knowing all pilots working for Avikat at that time. Of course, these comments in themselves fall far short of standards of reliable evidence. However, in the light of the analysis above, they appear to support the proposition that the credibility of Van Risseghem's logbooks should be further questioned.

146. Van Risseghem's own flight log extracts show him flying the DO-28 at an unknown location on 20 September 1961, and then from Brazzaville back to Katanga over a two-day trip, departing Brazzaville on 21 September 1961. Such a scenario would mean that someone else must have flown the Dornier from Katanga to the Republic of the Congo around 18 or 19 September 1961. As discussed further below, the apparent confluence of a number of persons in Brazzaville just after the crash of SE-BDY is a matter for further enquiry. The whereabouts of Heinrich Schäfer and Jean Cassart at this time is a live question, as are any records relating to the transit of Van Risseghem in and out of Brazzaville.

147. On this point, I wrote to the Republic of the Congo in 2018/19 in an attempt to ascertain whether relevant entry and exit records for its airports were available, but did not receive a response. My correspondence on this topic is included as information supplementary to the present report and represents a matter that must be flagged for follow-up.

148. The new information received in 2018/19 regarding Van Risseghem is significant. On the one hand, further analysis from the Independent Appointees of Belgium reconfirms that information available in Belgium, primarily from the archives of the State Security Service, suggests that Van Risseghem could not have been in Katanga or Ndola by 17 September 1961. This would accord with Van Risseghem's own denial of any involvement, as made during the 1990s to Bengt Rösiö. However, the Independent Appointees of Belgium also noted their surprise that the archives of the military intelligence service (General Intelligence Security Service) and of the Ministry of Defence had surprisingly little information on the activities of mercenaries in Central Africa in the 1960s, despite the fact that these mercenaries were often former Belgian soldiers.

149. On the other hand, there is new information from Rosez, Bracco and Coppens, as well as the flight logbooks. This information is in parts mutually reinforcing and in other parts conflicting. The information from these sources, together with previously examined records of the United States and the United Nations, allows for certain things to be established regarding Van Risseghem that were not known to the early inquiries, including that he was in a position of authority in Avikat in 1961 and that he flew various planes for it as a pilot in 1961. He also seems to have been linked with Jean Cassart, who supplied arms to Katanga.

150. Still, the most important question of Van Risseghem's precise whereabouts during the key period of the middle two weeks of September 1961 cannot be finally determined on the basis of current information, although there are good reasons to attempt to resolve this question. They include that there are suspicions about the authenticity and completeness of the flight logbooks in a context where, according to Rosez, Van Risseghem denied involvement and stated that he did not want to face problems like Jean Schramme had relating to his role as a mercenary in the Congo. If Van Risseghem had wanted to clear his name conclusively when the matter was

brought up with him between the 1960s and the 2000s (including in interviews with Rösio, discussed below), then proving with documentation that he was in Europe or in transit at the relevant time would likely have been within his capacity. No such attempts have been brought to my attention, although they may exist. There is also the question of Coppens' belated claim made after Van Risseghem's death that he had confessed to attacking SE-BDY.

151. Considered together, the pieces of information about Van Risseghem provide growing impetus to search for further information. Noting his ancestry, familial relationships and service record with the British Armed Forces, as well as the information showing that the United States considered that he may have attacked SE-BDY, I requested information from those Member States on Van Risseghem but did not receive a substantive response. This should be flagged for further follow-up.

152. The new information from various sources does not establish whether Van Risseghem could have been in or near Katanga by the night of 17 to 18 September 1961. Accordingly, it is not possible for me to conclude on this issue at this time. I see no basis to vary the assessment of the probative value of information that a Belgian mercenary pilot by the name of Van Risseghem was involved in an aerial attack on SE-BDY. My assessment at the current juncture would remain that the probative value of the information is weak.

**(b) Beukels**

153. In 2017, new information was received regarding an alleged aerial attack conducted by a Belgian mercenary pilot named "Beukels". These allegations were initially examined by former United Nations personnel de Kemoullaria and George Ivan Smith, Manuel Fröhlich, Williams and others. Allegedly, Beukels had departed in a Fouga Magister jet from Kolwezi airfield (approximately 430 km north-west of Ndola) accompanied by a second Fouga Magister with an unnamed pilot. The pair were said to be under the orders of a Mr. X, considered to be a senior individual over military command, and the Commander-in-Chief of the Katangan forces, Lieutenant Colonel Lamouline, to intercept SE-BDY near Ndola and divert it to Kamina airfield (approximately 620 km north-west of Ndola) in order to have Hammarskjöld meet an "influential European company executive". Beukels stated that he intercepted SE-BDY and told it by radio to divert to Kamina. When these instructions were not followed, Beukels fired the Fouga's machine guns from behind SE-BDY, inadvertently hitting the tail plane of the DC-6, following which the pilot lost control and the aircraft crashed and burst into flames (a fuller description of Beukels's claims is found in the reports of the Hammarskjöld Commission and the Independent Panel).

154. The Beukels hypothesis came to light when men describing themselves as former mercenaries told the story in 1967 to de Kemoullaria. The originals of de Kemoullaria's agendas between 1951 and 1992 and between 2006 and 2012 were made available to me in 2017 by his daughter, as well as approximately 20 boxes of his personal records. From this information, it was ascertained that de Kemoullaria had in fact gone to the authorities regarding Beukels' story in the 1960s and 1970s, earlier than 1993, as had been understood by the Hammarskjöld Commission. However, the 2017 report concluded that the new information establishing when the matter was reported to authorities did not of itself make the truth of the purported version of events any more or less likely. Overall, the probative value of new information relating to the Beukels hypothesis was considered to be weak.

155. In 2018, I received further new information from the daughter of de Kemoullaria. It consisted of two handwritten pages of notes that appear to have been made at the same time as each other. The notes appear to relate to a meeting that de Kemoullaria held at his house with the French former mercenary Robert (Bob) Denard (pseudonym

of Gilbert Bourgeaud) on 16 June 1993, who had also been in Katanga at the relevant time. The notes are in short form in French and the significance of certain aspects of the notations, in short form, is not entirely clear. Further, minor errors are apparent, such as the spelling of “Develine”, which appears to be “Devlin”, CIA Chief of Station in the Congo, discussed further below, and a reference to September “1962” for what is likely to mean “1961”, or “DC-7” for what is likely to mean “DC-6”. The note also provides contact details for the mercenaries Bracco and Lamouline. Insofar as the notes relate to other pilots, equipment and airfields, they are discussed further below.

156. De Kemoularia’s two handwritten pages of notes of 1993 state that the following information was obtained from Denard:

- The CIA boss in Leopoldville in 1962, “Develin”, had said the same thing, that Bracco was the pilot of the Fouga Magister. The other pilot, Magain, had not said anything. Delin was the chief of Avikat but not a pilot.
- Three Belgians, Bracco, Magain, Delin.
- Bracco (Belgian) was recruited in 1961, a specialist to pilot the three Fougas of the six provided. But one Fouga had crashed into power lines and the pilot, Daggonier, had been killed.
- At the time, Bracco was in Kolwezi.
- Only one Fouga was in an operational state in September 1962. It was not operational at night.
- Bracco thinks that the Swedish pilots confused Ndolo and Ndola.
- Devlin had said that the DC-7 that had been repaired had a motor problem on take-off from Leopoldville.
- Michel Declarey (now 80 years old) was the Captain of the Katanga Gendarmerie at Jadotville and had taken the Irish prisoners.
- The chief of the Katangan forces was General Muke.
- Of eight purchased, three had arrived. There were only three Fougas.
- Bracco: no night navigation support. There was only one working Fouga.
- Ignorance of Africa. Ndolo/Ndola actually near Kinshasa. Chart/book.
- The supplementary tanks were never provided.
- There was no sighting system.
- Kamina was held by the United Nations.

157. The notes represent a part of de Kemoularia’s continued attempts to ascertain the truth of what occurred to flight SE-BDY. Particularly in the light of previous analysis of other material received from de Kemoularia, there appears to be no reason to doubt that the meeting of which the note is a record took place or that the information that it contains was conveyed to de Kemoularia. However, it is to be remarked that these notes from the 1993 meeting with Denard do not mention Beukels’ name.

158. In 2018, I requested the Independent Appointees of Belgium to include searches relevant to the Beukels hypothesis in their work. Their final report stated that the military archives of Belgium did not contain any reference to a pilot named Beukels; no information from other archives refers to anyone by his name as having been involved in Avikat.

159. *Cold Case Hammarskjöld* also contains interviews with people who state that they are, respectively, a nephew and a friend of a Roger “Beuckels”, who was a mercenary in Katanga. Both of those interviewees state that Beuckels was not a pilot (regarding the discrepancy in the spelling, I note that the spelling “Beukels” originally appears to have come from de Kemoularia, who is likely to have written it phonetically, having only apparently heard it in conversation).

160. On the basis of previous analysis of the Beukels hypothesis, as well as the new information received, it does not appear that the story as originally stated to de Kemoularia could be true. If it is the case that there was only one operational Fouga at the relevant time (discussed further below), then this would be inconsistent with the alleged facts of the Beukels hypothesis, which stated that two Fougas were involved in the attack. Further, ONUC records state that United Nations forces held Kamina on 17 September 1961, as observed by Denard in the meeting with de Kemoularia. This would mean that it would not be immediately clear why Beukels would have wanted to divert the Secretary-General’s plane to Kamina.

161. Insofar as the hypothesis goes that an individual named Beukels (or Beuckels) conducted an attack on the Secretary-General’s plane, I would assess that the new information goes to disproving this hypothesis. If de Kemoularia’s original notes and any original tape recording of a conversation with Beukels are able to be located, then they would still need to be analysed. However, the weight of the information that has become known since 2015 indicates that aspects of the Beukels hypothesis appear to be unsupportable. However, it may still be that parts of the story are true, while others are false; for example, that “Beukels” attributed someone else’s acts to himself in an attempt to later obtain a financial or other advantage. Given that the hypothesis cannot be fully disproven at this stage, it should not be ruled out. However, I would retain the assessment of the information purporting to show that an attack was caused on SE-BDY in the manner alleged by Beukels to be weak.

**(c) General context**

162. As noted above, the early inquiries mentioned almost nothing of the context in which the crash occurred. Searches in recent years for relevant information have been broadened to include information relevant to the general context in which flight SE-BDY took place, including the volatile military and geopolitical realities of the time. In 2018/19, Independent Appointees and individuals provided further new information regarding the relevant context of events.

163. The Independent Appointee of France stated that the French archives, including intelligence, security, defence and aeronautical archives, did not contain revelations about the circumstances surrounding the death of Dag Hammarskjöld and made little mention of the event itself. He stated that he had conducted a very extensive investigation in the French archives but had found nothing that might shed any light on the circumstances surrounding the death of Hammarskjöld, and certainly no trace in the French archives suggesting a specific assassination attempt. He focused in particular on investigating the issue of the “French mercenaries” in Katanga but did not find any evidence during his searches of a link between their presence and the death of the Secretary-General.

164. A review of French archives did, however, provide further details on the general context and relations between France and the Secretary-General at the time of the Katanga crisis. Although this historical context is not directly connected with the crash of SE-BDY, the Independent Appointee of France noted that he presented the information in good faith, as it helped to shed light on certain aspects of the French policy at the time. He opined that there was a duality within French policy towards Katanga. On the one hand, there was the policy stated by the Ministry of Foreign

Affairs, which held that Katanga should be reintegrated within the Congo without the use of force. On the other hand, external intelligence (SDECE) and defence services had as one of their aims to protect and preserve the former French colonial empire from foreign interference and, if possible, expand it to other French-speaking African countries. According to the Independent Appointee, this resulted in a tension between “two African policies of France” that were separately espoused by the Minister for Foreign Affairs, Maurice Couve de Murville, and the Prime Minister, Michel Debré, and complicated by Jacques Foccart, the Secretary-General for African and Malagasy Affairs of France.

165. Regarding the Ministry of Foreign Affairs, Couve de Murville considered the Katanga matter to be under his jurisdiction and defended international legality. Debré, however, considered African affairs as a prime area of action and had a strong personal interest in the secret services (SDECE), which were placed, under his authority, under the leadership of General Grossin. Debré denounced the “softness” of the Ministry of Foreign Affairs and wanted to protect the continent from the communist threat and support the secession of Katanga, an ideological position that, as he saw it, justified the sending of arms and “mercenaries”, as discussed further below. The Independent Appointee describes these competing tensions within France as having resulted in “a multi-partnered game of hide-and-seek between the Ministry of Foreign Affairs, the Prime Minister (under whose authority the SDECE fell at the time) and the Armed Forces; between the Department and the embassy in Léopoldville; between the latter and the consulate in Elisabethville; between the French authorities and United Nations representatives”.

166. Regarding the presence of SDECE, the Independent Appointee noted that in the spring and summer of 1961, there were consular officers in Stanleyville and Elisabethville, but no SDECE station in Leopoldville. A Mr. Bistos did visit Katanga as a representative of SDECE, and there was high-level knowledge of the visit within France: the Independent Appointee states that “it therefore seems that, under the responsibility of Prime Minister Michel Debré, the SDECE was directly involved in the intervention in Katanga, despite the clear opposition of the Ministry of Foreign Affairs”.

167. The Independent Appointee of France noted that the French response to the secession of Katanga was influenced by (a) France’s domestic and colonial situation; and (b) France’s concern about what it considered to be United Nations interventionism in Africa. In relation to (a), France’s domestic and colonial context, the Independent Appointee noted that it was necessary to keep in mind that France was in a situation of civil war at the relevant time. Owing to President de Gaulle’s Algeria policy, many French officers had quit or were expelled from the army throughout 1960 and in 1961. The situation was further complicated following the summer of 1961. According to the Independent Appointee, the French position was that the United Nations had no right to intervene in domestic matters, which it held included discussions around Algeria’s seeking independence from French colonial rule.

168. In relation to (b), France’s concern about what it considered to be United Nations interventionism in Africa, the Independent Appointee noted that French authorities, including President de Gaulle, were concerned about a United Nations intervention in Africa being an intrusion into a French zone of influence, and that Hammarskjöld wanted to “personally replace the European powers in the role that they play in Africa”. Relations between the United Nations and France at the relevant time were strained, with de Gaulle initially refusing to meet the Secretary-General at United Nations Headquarters in April 1960, and were further tested during the Bizerte crisis in June and July 1961. France “adopted an arm’s length stance” and refused to

contribute to coverage of the expenditures resulting from the United Nations intervention.

169. In other information regarding context, Picard provided information regarding his interview with Paul Ropagnol, apparently the last surviving of 22 French mercenaries in Katanga at the relevant time. According to the memoirs of Bob Denard, Ropagnol is the mercenary soldier who led Katangan forces to surround a platoon of Irish ONUC peacekeepers during Operation Morthor; United Nations documents also establish Ropagnol in Katanga at the relevant time. Ropagnol stated that in terms of his own recruitment, it was discussed in Paris with an adviser to President de Gaulle, Pierre Lefranc. Subsequent to this, he and his friend, Robin Wrenacre, were deployed, with expenses paid, under their real identities, to Katanga to train its armed forces. Wrenacre was also an officer of the Foreign Legion with experience in Algeria, of British origin, who was killed in what Ropagnol said were suspicious circumstances in Katanga.

170. Ropagnol also stated to Picard that he was recruiting mercenaries for the Katanga Ministry of Defence in Elisabethville in 1961, including from Toulouse in December 1961, for which he was ultimately arrested by French authorities.

171. New information on context continues to be relevant as a tool to suggest areas of further enquiry and to understand existing information. In this regard, and owing to its secondary purpose, it is not specifically necessary to evaluate its probative value in respect of the causes of the crash.

**(d) Other individuals of interest**

172. As noted in the 2017 report, the early inquiries had concluded that there was only one Katangan Avikat pilot who could have flown a plane in an attack against SE-BDY, on the basis of the evidence of Delin. However, information reviewed in 2017 (and before) established that there were many more potential pilots, as well as other mercenary and other personnel who held relevance in the context of considering the various hypotheses. The newly considered information includes United Nations documents, which show a list of at least 32 Avikat personnel (14 pilots plus radio operators and technicians) in January 1961, and an air intelligence log, which shows that 11 mercenary pilots were present in Kolwezi (the main airfield under Katangan control) in April 1962. Mercenaries present in Katanga from late 1961 to early 1962 identified in United Nations documents as having the ability to act as pilots include Delin, Gelen, Glaspole, Hirsch, Magain, Puren, Van Risseghem, Verloo and Wicksteed (as has already been observed, multiple variants of the spelling of these names have been used).

173. On the question of foreign military, paramilitary or irregular (including mercenary) personnel serving in Katanga, in 2017 Belgium provided information on Charles “Carlos” Huyghe and Jerry Puren. Regarding Huyghe, the information indicated that he was repatriated by the United Nations from Katanga on 3 August 1961. Regarding Puren (with alternate spellings given of “Purren” and “Pureh”, and the alias “Du Plessis”), the partially redacted information indicated that he was still in Katanga at the time of the report from Belgium, although that information was undated.

174. Further new and relevant information was received in 2018/19. The Independent Appointee of Canada provided notes of a report from the Permanent Mission of Canada to the United Nations in New York to “headquarters” of 16 October 1961 stating that an Avikat Dove was seen at Ndola on 23 September 1961, which, from observations and conversations overheard, was understood to be en route to Kolwezi (Katanga) from South Africa, carrying three mercenaries who had previously been expelled from Katanga. The Rhodesian authorities had, when queried, given apparent



disinformation regarding its passengers. That correspondence also discussed United Nations reports of the mercenary Huyghe being in Ndola at that time, and that a second Avikat Dove carrying the mercenary Captain Browne (apparently misspelled as "Brown") was attempting to enter Katanga but would be detained by British authorities.

175. The Independent Appointee of Germany noted that, after delivering the Dornier DO-28 to Katanga at the end of August 1961, the precise movements of the pilot who delivered it, Heinrich Schäfer, were unknown. A note of 2 October 1961 covering a telephone conversation between the Bonn representative of Dornier and an official of the Federal Ministry of Economics stated that Schäfer had returned to Germany "long ago". The note did not specify the exact date of his arrival; given that Schäfer had only arrived in Katanga approximately a month prior to the note, the "long ago" could only have been, at most, a few weeks before.

176. On the same topic of the pilot Schäfer, Gülstorff noted a further detail regarding the delivery of the first DO-28. His review of records stated that Dornier's archives did not name the pilot as Schäfer. Around October 1961, a Dornier representative, Otto Wien, mentioned "a German pilot, who is not an employee of Dornier", and Dornier's Export Director, a Mr. Leander, and a Dornier employee, a Mr. Sohn, mentioned a German pilot who was not known to them. It is unclear why Dornier was not able or not willing to name Heinrich Schäfer, who had been their chief test pilot since the mid-1950s.

177. The Independent Appointee of France noted the presence of French mercenaries in Katanga as a minor but important part of its foreign mercenary forces. He notes their apparent reputation within France as superior professionals among the foreign mercenaries, who were training and supervising the Katanga Gendarmerie and who were paid for by Union Minière du Haut Katanga (UMHK). The apparent duality in official French policy (described further below) led the Independent Appointee to question whether the presence of French mercenaries in Katanga was associated with French Government apparatus (and thus whether they could be seen as acting as an armed section of official French policy), or whether their presence was merely convenient to the French Government, as it meant that those mercenaries would not cause trouble in France or other parts of the French colonial empire.

178. The French mercenaries were confirmed by the Independent Appointee to have included Colonel Trinquier (a paratrooper who had participated in the Indochina and Algerian wars and who was given the mission by Tshombe to organize the Katangese army and recruit about 20 officers), Commander Faulques, Captain Egé and Captain de La Bourdonnaye. Others were recruited by the representative of Katanga in Paris, Dominique Diur, of 30 Avenue Georges Mandel, Paris. When the Ministry of Foreign Affairs sought to expel Diur for this recruitment, Prime Minister Debré neutralized this effort to align actions with the Ministry's policy of non-intervention in Katanga.

179. The Independent Appointee of France observed that in February 1961, Faulques, Trinquier and others were given leave to "retire" from the French army by the office of the Minister of the Armed Forces, Pierre Messmer, and signed contracts with Katanga. In March 1961, Robert Massé, First Secretary at the French Embassy in Leopoldville, noted that six French officers were present in Elisabethville and stated that Faulques had said that he had "come to Katanga with the consent of the French Government and with a mission order signed by the Minister of the Armed Forces" (the Independent Appointee noted that Faulques specifically denied any role for himself in the crash of SE-BDY). The Government responded that the officers were acting without authorization or consent of the Government and that they were not in active service.

180. The Independent Appointee of France stated that Joseph Lambroschini, who was appointed French Consul in Elisabethville in June 1961, was probably an “honourable correspondent” of SDECE. He noted that there was an advantage for France to have the “novice putschists” far away in Africa, especially after Messmer had learned in September 1960 that Colonel Trinquier was making multiple contacts to oppose de Gaulle’s Algeria policy. The putsch took place in France in April 1961, without the presence of those mercenaries, which supports the inference that the French Government benefited from the French mercenaries being in Katanga. Finally, the Independent Appointee of France noted that when ONUC forces seized the post office and the radio station on 13 September 1961, Tshombe took refuge in the British consulate, and not in the French consulate.

181. The Independent Appointee of Sweden drew my attention to references that Rösio made in his report of 1994, “Ndola once again”, to his interview with Van Risseghem. He noted that Van Risseghem gave him “a detailed account of other pilots and [he could] see no logical reason why he should fake the logs or conceal anything. He knew them all, Fouquet, Pence, de Radiques, de Stoute, Dubois, Melot, Hedges, Puren, Delcours, Mans, Heuckets, Hislier, Boutet, Bertaux, Volont, Pier, Hirsch, and Osy”. Some of these names are also referenced in United Nations documents, but others are not contained in them.

182. United Nations records also show that, according to a note of 3 March 1962 to the United Nations representative, Jose Rolz-Bennett, Charles (Chuck) Cox had been in Salisbury in February 1962 regarding the acquisition of a DC-4 plane and had been advised by the customs office to contact a “Captain Jan van Reisengan”, a Belgian national ex-Sabena pilot who was the head of Avikat. He described a plan for having Avikat planes based in Chad, where United Nations forces did not have authorization to fly. It seems clear that “van Reisengan” was a misspelling of Van Risseghem, who advised Cox that several Avikat pilots were at that time in Kolwezi, including “Peter Wickstend”, “Josh Purin”, “Hedges”, “Glasspole” and a Hungarian, “Sputnik”. These are understood as likely references confirming that the representative was told that Peter Wicksteed, Jerry Purin, Jimmy Hedges, Max Glaspole and Sandor Gürkitz, respectively, were working for Avikat and based in Kolwezi in early 1962.

183. As noted above, in 2018 I received further new information from the daughter of Claude de Kemoularia regarding a meeting that he held at his house with the French former mercenary, Robert (Bob) Denard, on 16 June 1993. The notes, already quoted, refer to Bracco being a pilot of the Fouga, to Magain “not saying anything” and to Delin being the chief of Avikat but not a pilot.

184. The *Cold Case Hammarskjöld* film team provided new information by way of extracts from transcripts of their interviews with the former mercenary Carlos Huyghe, who was 93 years old at the time of the interviews. Huyghe admitted to his activities as a mercenary in the Congo but denied the account of Jerry Puren that he was in Ndola on the night of the crash. He said that it was not possible, as he did not arrive in Africa from Europe (a route he said was Paris to South Africa) until 18 September 1961. He stated that around a week later he flew from Johannesburg back to Katanga via Ndola with the mercenary “Sputnik” (Gürkitz), who was staying in Johannesburg at the time, waiting for a plane to be fixed. He did not know whether “Sputnik” was in Ndola on the night of 17 to 18 September 1961.

185. According to the information from the *Cold Case Hammarskjöld* film team, Huyghe provided what he said were documents proving that he was not in Ndola on the date in question. He furnished to the interviewers a copy of transcribed passport records stamped by the Belgian Consulate in Johannesburg with pages showing entry and exit dates. Huyghe was queried about the dates, as one entry apparently showed him leaving Katanga on 3 August 1961, with another showing him arriving at Mala

Mala airport on 5 August 1961. This would have been contrary to his statement that he left Katanga for Europe. Huyghe stated, however, that those dates must have been wrong.

186. Huyghe further confirmed that Roderick Russell-Cargill was a recruiter of mercenaries for Katanga but stated that he himself was not conducting recruitment. He said that Russell-Cargill (who later informed the United Nations that Huyghe was involved in the assassination of Patrice Lumumba) had recruited Jerry Puren to Katanga and that Huyghe and Crevecoeur, who were already there, had accepted him into Avikat as a navigator. He also stated that the French Government had sent 17 French officers to Katanga with the knowledge of President de Gaulle, that Bob Denard had been involved in French intelligence and that Denard had conducted fighting against ONUC. He made reference to Trinquier, Faulques and Debourdonnaie as being in Katanga around the relevant time. I note that Huyghe's statement in this regard has overlap with the analysis conducted by the Independent Appointee of France. Huyghe stated that he wished to clear his name of involvement in the Lumumba and Hammarskjöld stories.

187. Rosez also provided information on mercenaries in his statement. He stated that while living in Elisabethville, his family's next-door neighbour was General Norbert Muke, chief commander of the Katanga Gendarmerie. In 1961, Rosez had become friends with General Muke's son (also named Victor) and also became close with General Muke, as he would often visit Muke's house. Sometimes other political personalities came to visit the General, such as Minister Godefroid Munongo and Evariste Kimba and his two sons.

188. Rosez recounted that he had seen many foreign mercenaries in Katanga in August and September 1961; some he knew personally, some he saw fighting against ONUC forces and others he met at various locations in Elisabethville (including "the Palace" in front of the post office, Hotel Leopold II (bar and accommodation) and the municipal and lido swimming pools). Rosez stated that he met mercenaries at family friends the van Dijks' house, General Muke's house or around town. Those listed in his statement he knew by face; some of them he knew by their real names, and others he knew only by their nicknames at the time but found out their names later. The mercenaries were eager to tell their stories, and in such a small community it was not easy to keep secrets.

189. Non-Avikat foreign mercenaries that Rosez personally saw in Elisabethville around August and/or September 1961 included, according to him, Robert (Bob) Denard (a French soldier), Jean-Baptiste Dubois (a Belgian soldier staying at the van Dijks'), Dislaire Lucien, Jacques Saquet, Colonel Van DeWalle, Major Weber, Commander Lebvebre, Ropagnol (French, known as "le Légionnaire") and Faulques (French, known as "Indo"). Avikat foreign mercenaries that Rosez personally saw in Elisabethville around August and/or September 1961 included, according to him, Jimmy Hedges (South African, the private pilot of Tshombe who stayed with the van Dijks with another South African, a navigator that he only knew under the name "Fossey"), Jerry Puren (a South African navigator-bomber), Jan Van Risseghem (a Belgian/British pilot who was often with Puren), Sandor Gürkitz (a Hungarian pilot, whom he recalled seeing one day while on the way to the technical drawing school around 0800 hours in Avenue Ruwe), Joseph Delin (a Belgian commander), Dubois (also a Belgian Fouga pilot who flew with Tshombe at Luano airfield) and Roger Bracco. Rosez stated that he was not sure whether he saw Magain, but might have seen him briefly at Luano airfield.

190. In terms of specific events that he recalled from the relevant time, Rosez stated that on 15 September 1961, the mercenary Denard returned to Katanga to assist in the fight of "Radio Collège", in which a small parachutist platoon was led by some

“civilians” (including Denard, Faulques, Ropagnol and others). Both Rosez and his father were in the college between 14 and 16 September and saw those mercenaries, whom they recognized. It was a long firefight that continued into the evening of 15 September. The Irish ONUC troops were hiding in the house of “Commissaire Soete”. On the night of 15 September, he saw Denard from a distance with at least five other mercenaries and the volunteer Jean-Baptiste Dubois (the others were probably Faulques, Ropagnol and de Saint-Paul but he could not confirm it at the time). They were searching the streets and abandoned houses for Irish military. The complete area around the “Institut Marie José”, the Elisabeth hospital and the college was free of ONUC troops by that time. Radio Collège started broadcasting again, inciting the population to fight together against the Congolese and ONUC troops. General Muke was commanding the remains of Camp Massart to defend the camp and UMHK installations. Many of his men were dispersed in the town and it took him some time to call them back. He also demanded the intervention of Avikat, which provided support with the Fouga.

191. A book on the mercenary Mike Hoare, published by his son in 2018 and entitled “*Mad Mike Hoare: the Legend*”, states that: “In his very old age, for what it is worth, Mike told me casually one day that he had later returned to Katanga by road with Phyllis, and on his way there they had stayed at the Rutland Hotel in Ndola, Northern Rhodesia. He could not remember why he was going back, but he could remember the date, 17 September 1961, for it was on that date that Dag Hammarskjöld, the UN Secretary-General, was flying to Ndola to arrange a truce with Tshombe when his DC6-B aeroplane crashed nearby, killing all 16 people on board. Mike, who was by nature suspicious and took nothing at face value, felt that the real cause of the crash had been covered up – and would never come out. He made it clear he personally knew nothing about the crash and had nothing to do with the crash.” This appears to be the first information that claims that Hoare was in Ndola at the time of the crash.

192. New information received from Simensen in July 2019 drew my attention to the potential relevance of a pilot named “Dubois”, who was referred to in the 2017 report. This submission noted that the military information branch of the United Nations had sought responses to various questions from the ONUC Force Commander on 18 October 1961. One of the handwritten annotations in the responses stated that the Force Commander had noted that the Fouga pilot was “Dubois”.

193. As Simensen observes, that pilot was mentioned in the notes to Rösiö’s 1993 report, entitled “The Ndola disaster”. Through Colonel Jonas Waern’s Belgian contact (historian Daniel Despas), Rösiö had contacted Van Risseghem. Van Risseghem’s letter in response (including logbook extracts) was recorded in Rösiö’s note of 2 March 1993. Simensen’s translation of that note, which is in Swedish, observes that it states the following: “Delin worked as load master in Elisabethville and received the title as Sub-lieutenant to have uniformed authority against black personnel and was subsequently sent to Kolwezi because the three Fouga pilots there were undisciplined and alcoholics and the fourth had to be sent back to Belgium. One of the three Fouga pilots had crashed in Elizabethville which led to one had only two Fouga pilots left plus Van Risseghem and a French instructor for the only serviceable Fouga left, in Kolwezi, a CM-170. Delin’s training in South Africa was to become navigator, not pilot, he had no experience and was not accepted by the Belgian airforce and his only resource was that he spoke ‘Katangeese’. Despas apparently also had contact with Colonel Vandewalle. Risseghem explained that he was willing to tell more. He enclosed photocopies of a log book which says that in the beginning there were three Fougas, with the initials K91, K92 and K93; in the end they had only K93 left. No flying is noted between the beginning of Rumpunch on 28 August and 20 September when Risseghem apparently returned from Belgium. Risseghem’s last flight with the Fouga was on the 10th of August. Other pilots besides Van Risseghem

were Dubois and Dagonier. As second pilots/students there are a number of names, but not recognized from previous information. Other planes were Heron, DC-3, Dove and a Dornier 28. The stamp says Etat du Katanga, Force Aérienne. Despas apparently painted one of the Fouga's as a 'thank you' to Risseghem who is considered 'pilote titulaire du KAT93 et Commandant de l'AVIKAT', the latter probably an abbreviation for the Katanga air force. He also includes newspaper clips that are very critical regarding the Guardian article but goes along with the Ndolo-Ndola, hence stating Transair's navigation teaching not could separate between west and east. The log also says that the Fouga could not be in the air more than one hour 30 minutes."

194. As Dubois was identified in 2017 and 2019 as a possible Fouga pilot, any further enquiry may seek additional records to identify his location on 17 September 1961.

195. The new information received in 2018/19 again highlights the fact that there were many more foreign mercenaries in and around Katanga, including pilots, than had been considered by the early inquiries. I have not been able to cross-reference all information, nor is it necessarily complete. For those reasons, it is not possible on the basis of present knowledge to create a definitive list of exactly which mercenary personalities may have been present in Katanga or otherwise near to Ndola on the night of 17 to 18 September 1961. However, in the absence of a specific developed hypothesis, neither is it presently necessary to do so. What we are able to conclude is that at the material time there were, without doubt, more persons of interest who were actively engaged in combat against the United Nations than had been considered by the early inquiries. I would assess the new information that there was more than one pilot in the armed forces of Katanga on the night of 17 to 18 September 1961 as remaining of moderate probative value. If any specific hypothesis develops further, this information will require further verification.

## **5. Possible type of aircraft and operating airfield**

196. The early inquiries were deficient in the range of potential equipment that they considered might have been used in an attack on SE-BDY. As examples of the type of information that was not considered relevant by the early inquiries, but which has subsequently been shown to be of importance, those inquiries only considered the Fouga Magister when assessing Avikat aircraft that may have performed an attack and did not consider Van Risseghem as an Avikat pilot. We now know that Avikat was in possession of other aircraft that were used for offensive military purposes, including numerous De Havilland Dove and at least one Dornier DO-28 aircraft. It is noted that, as pointed out by the Independent Appointee of Sweden, the possibility that another aircraft may have been used was brought up by the Swedish Government in 1962, including in its paper of 26 February 1962 entitled "Comments of the Swedish Government on the report of the Federal Commission of Inquiry on the accident involving aircraft SE-BDY". Others, such as Bo Virving, made similar points; however, the early inquiries did not consider such possibilities in depth.

197. The Independent Panel analysed the proposition that a Fouga Magister jet, or alternately a De Havilland Dove, a Dornier DO-27 or DO-28 or other aircraft, may have been used in an aerial attack on SE-BDY. It ultimately assigned weak probative value to the information in terms of one of those aircraft specifically having been used in such an attack, but noted that their presence in the area at the relevant time was established. The 2017 report stated that although information that a Fouga, De Havilland, Dornier or other aircraft could have attacked SE-BDY was assessed as weak in isolation, it had to be considered in the light of the other evidence, including that of witnesses.

198. In 2018/19, I received further information on the possible type of aircraft and airfields from Independent Appointees and other sources, as described below.

**(a) Aircraft: Fouga Magister**

199. The early inquiries established that an Avikat Fouga Magister jet had been operational in September 1961 and had caused significant losses to ONUC forces in hostilities. However, the number of such jets, how they came to be in Katanga and any other capability of Avikat were issues that were not addressed.

200. David Doyle, an ex-CIA officer in Katanga, was interviewed by the Hammarskjöld Commission in 2013. He stated that he had worked at the CIA “outstation” in Elisabethville until July 1961 with Freddie LeClair and another communicator. Doyle said that one evening, while in Katanga and performing a “routine airport check”, he saw an unmarked KC-97 United States Air Force aeroplane with civilian-clothed United States Air Force crew unloading three Fouga Magisters. Doyle stated that the aircraft were “given to the CIA by French to counter UN aeroplanes” and were paid for by “Tshombe or France or Belgium”. On the basis of that information, the Independent Panel queried the United States concerning its involvement in the supply of the Fouga aircraft (misspelled in some documents as “Fuga” or “Fugha”). The United States advised the Independent Panel that “the CIA has conducted a search and has found no documents regarding the presence of Fouga Magister aircraft in the Katanga region around the time in question”. However, following further enquiries made in 2017, the United States later advised that it did in fact have records establishing that the American company Seven Seas Airlines made a shipment of three Fouga Magisters to Katanga on or around 16 February 1961. Information was not given as to why initial CIA searches had failed to identify those planes. I assessed the probative value of this new information as being strong.

201. Following a review undertaken in 2017, United Nations records and other information established that either one or two Fougas remained operable on 17 September 1961 (there were a total of nine jets in the initial order, but only the first three referred to above were delivered). Certain sources suggested only one Fouga (registration #93) was operable by September 1961, as one Fouga (#91) had crashed in training near Elisabethville on 23 June 1961 while piloted by (and killing) Avikat pilot Dagonnier. Another (#92) had been grounded at Luano Elisabethville airport owing to mechanical problems in July 1961, after which it was seized on 13 September 1961 by the United Nations as part of Operation Morthor.

202. However, other information from Member States and the United Nations reviewed in 2017 suggested that more than one Fouga was operational at or immediately before the relevant date. This included communications referring to more than one jet, including multiple cables from United States Ambassador Gullion to the United States Secretary of State, one of which stated on 16 September 1961 “two [Fouga] Magisters believed operable” and an “obvious concern” that that jet might undertake a night sortie. United Nations communications also referred to more than one jet and the number of attacks committed on United Nations forces also suggested that it would have been difficult for a single Fouga to commit them. For example, United Nations archives indicate that Fouga attacks occurred multiple times daily, including on 15, 16, 17 and 18 September, and included rocket, machine gun and bomb attacks. Those attacks included a bombing attack that killed United Nations personnel and destroyed a number of United Nations aircraft during those dates, including a UNC 199, a DC-3 and a DC-4. I flagged for follow-up the question of establishing whether Fouga #91 crashed on 23 June 1961 and Fouga #92 was seized by ONUC on 13 September 1961.

203. In terms of new information, the Independent Appointee of Germany noted a report from the West German Embassy in Leopoldville dated 25 July 1961 stating that Avikat possessed “8 Dakota transport planes, 3 helicopters, 2 Fouga and a couple of reconnaissance planes”. Subsequent reports, however, referred to only a single Fouga,

including a report of 25 September 1961 from the West German Embassy in Leopoldville that referred to attacks by a single jet destroying United Nations aircraft, including eight aeroplanes and three helicopters, and carrying out “demoralizing” attacks on the United Nations ground troops. A further such report is contained in a cable from the West German Embassy in Washington, D.C., to the Foreign Office of West Germany dated 21 October 1961 that refers to one Fouga controlling the entire supply of the United Nations troops and playing a decisive role in the infantry operations on the ground.

204. The Independent Appointees of Belgium stated that, on the basis of similar documentation as was analysed in 2017 and that was listed in their report, it appeared that only one Fouga (#93) was operational in September 1961.

205. The Independent Appointee of Canada identified a Department of National Defence report of 19 September 1961 as stating that Avikat “numbers about 200 and has its base at Kolwezi (some 200 miles north west of Elisabethville). The pilots are European (Belgian, French, Rhodesian, and South African). They operate the following aircraft: 3–7 Fouga Magister (jets, with rockets, cannon and machine guns), 6 Harvards, 6 Doves, 4 Dakotas ([each of which] have been armed with machine guns).”

206. The Independent Appointee of Zimbabwe identified similar information, including a report prepared for the Rhodesian Combined Security and Intelligence Committee of 4 October 1961 that described Avikat as being disposed of one Rhodesian military Fouga jet, one Dornier 28, two Piper Cubs, two Doves, one Sikorsky 55 (ex-United Nations) and six Fouga jets that remained to be delivered. That document also identified 10 airbases and available pilots for the aircraft mentioned.

207. The Independent Appointee of Sweden analysed a report from General Göransson, Chief of Staff of the Swedish Armed Forces, which was written after a visit to the Congo between 23 and 27 September 1961. That report stated “the three airplanes (Fouga Magisters) of the adversary on the air base of Kolwesi had full freedom of action”. This was included in the report despite the fact that United States Ambassador Gullion had apparently informed General Göransson “there is only one Fuga”. The Independent Appointee also noted that a later paper from 1993, entitled “Swedish Air Force study of Fouga capability 1993-02-01”, had been prepared on the basis of initial work carried out in 1962 and December 1961. The 1993 paper observed that it would be theoretically possible for a Fouga to start from Kolwezi and carry out a mission over Ndola, but not likely, because of the time factor.

208. The Independent Appointee of Sweden also noted that an ONUC memorandum of 31 October 1961 from Kamina base on events between 14 and 20 September 1961 had reported a Fouga attacking Kamina at 0730 hours on 18 September 1961. This would appear to disprove statements given to the Rhodesian Board of Investigation (for example, witness statement #84 of Forrest) testifying that the Fouga was still in Kolwezi at 0800 hours that morning.

209. The Independent Appointee of France noted that, regarding the supply of the French-made Fouga aircraft to Katanga in 1961, the matter appeared to have been known about at the highest levels within France (including by President de Gaulle and the Minister for Foreign Affairs, Couve de Murville). After September 1961, Couve de Murville wrote to Prime Minister Debré, having learned “that the same dubious operation as the Fouga is being renewed for weapons and that Defence and SDECE -sic- (once again) support it”. Apparently, around November 1961, the President of the Republic of the Congo, Fulbert Youlou, had ordered a large quantity of weapons from France, presumably intended for Katanga. Couve de Murville stated: “I thought that the Katangese matters were settled ... and that the chapter on parallel

interventions in Katanga was closed and that the decision [had been taken] to bring our official policy into line with that of certain services [Defence and SDECE] not under my authority". A marginal note in the correspondence indicated that Prime Minister Debré had replied orally. It appears from this record that sales of French weapons transiting through the Republic of the Congo were sent to Katanga. That correspondence, however, did not provide further details on how many Fouga may have been operational during September 1961 or other details.

210. Victor Rosez provided personal recollections in his statement to me in 2019, including that earlier in 1961 he had seen three Fougas providing an air escort to the DC-6 plane of Major Weber, the military adviser who left Katanga for Brazzaville on the demand of the United Nations. However, Fouga #91 crashed in June 1961, killing the pilot and copilot about a kilometre from where Rosez's family lived in Square d'Uvira, Elisabethville; his father witnessed the crash. Fouga #92 was seized by the United Nations in August 1961 and Rosez saw it at Luano Elisabethville airport, into and out of which he passed freely, being friends with a Tunisian air traffic controller there. He stated that he saw Fouga #93 flying several times in the air, once in an attack on Luano airport and once attacking the Claire Manoir, and that Fouga #93 was the only remaining Fouga Magister of Avikat in September 1961, to his knowledge.

211. Rosez also made other statements regarding the operations of the Fouga. Regarding night flying missions, he stated that around August 1961 he was told that the Fouga had performed a flight around midnight. On 13 September 1961, he was told that the Fouga had destroyed a United Nations DC-3 plane at Elisabethville airport. He stated that he had heard of those matters at the time, but had not witnessed them himself. On 14 September, he saw the Fouga Magister in flight and heard from friends who participated with Katangan forces of the Fouga attacking ONUC troops and chasing away a helicopter at Jadotville, attacking a parked DC-3 at Kamina and carrying out another air strike on ONUC troops at Elisabethville. He stated that he was aware of the Fouga having dropped 25 kg and possibly 50 kg bombs, some of which he had assisted in making (as discussed below). On 17 September 1961, Rosez heard that the Fouga had made an air-to-air attack that involved chasing and shooting at a United Nations DC-3.

212. According to Picard's interviews with Bracco in 2018 (discussed above), Bracco and Van Risseghem flew together in the Fouga at night in 1961, although Van Risseghem had told Bracco not to record those flights in his logbooks. Van Risseghem's own logbooks also show a Fouga night flight in August 1961.

213. Assessments of the Fouga's operational capability have previously been carried out. They are relevant because of the limitations of operating at night, in an air-to-air attack and/or from an unpaved airstrip, limitations which have previously been cited as reducing the likelihood of an attack against SE-BDY. The early inquiries appear to have accepted testimony from Katangan personnel that the Fouga was not used at night or in air-to-air attacks and only operated from Kolwezi. However, that testimony has been shown to be false in parts, for example, regarding Major Delin's statements that he was the only pilot to fly the Fouga. Further, in 2017, information was received regarding the operational capabilities that suggested that the Fouga had been used at night, as well as in air-to-air attacks. Examples of information on those aspects included the communication of 15 September 1961 from Gullion that referred to concerns regarding the Fouga flying night missions and another communication, of 18 September 1961, from New York to the United States Secretary of State confirming that the Fouga "jet attacked US Dakota flying wounded from Eville to Leo. Plane damaged but reached Leo safely." Thus, it appears that not only was the Fouga capable of air-to-air attack, but that it also attacked United States aircraft in Katanga.



214. The new information received in 2018/19 builds on that reviewed in previous years. It seems now that the balance of persuasive evidence suggests that there was only one Avikat Fouga that remained operational in September 1961; however, if there was only one, the multitude of attacks it performed across a large area suggests that it was operated and maintained in a rigorous and effective way, including by multiple pilots and support personnel. A number of sources refer to a Fouga being operated at night and in air-to-air attacks. Further consideration of which airfields may have been used for launch or landing are discussed below.

215. I reiterate that caution remains necessary in any analysis, as expert opinion received in 2015 and 2017 states that it would have been very difficult for the Fouga to perform night missions or air-to-air harassment or attack, given the equipment on the Fouga and that which was used to support it from the ground. Further, this analysis only shows that it would have been possible for a Fouga to have threatened or attacked SE-BDY, meaning that such an attack or threat cannot be ruled out. It does not, however, support a specific proposition that a Fouga was actually used to carry out the attack on SE-BDY. On the basis of the foregoing, I assess the information regarding the presence and operations of the Fouga aircraft in Katanga in September 1961 as being of moderate probative value.

**(b) Aircraft: Dornier**

216. The Independent Panel and the Eminent Person analysed information received from Torben Gülstorff about the presence in Katanga of Dornier DO-27 and DO-28 aircraft and the possibility that one or both may have been involved in an attack on SE-BDY. Rösiö had also previously observed in his report that Dornier aircraft had been used against the United Nations in night bombing missions.

217. In 2017, I received information from Gülstorff, Belgium, Germany, the United States and the United Nations regarding Dornier aircraft. The 2017 report concluded that it appeared to be established that Dornier DO-28 aircraft were supplied on a commercial basis to Katanga from West Germany in 1961, that at least one of the aircraft was present before the night of 17 to 18 September 1961 and that the aircraft may have been modified for aerial attacks and bombings. According to United Nations information, in 1961 the Avikat Dornier were carrying out operations which included bombing operations during the day and at night, reported operations in locations that were approximately 1,000 km from each other (Kaniama and Ndola) and at least one attempted air-to-air intercept in October 1961. Although some of those incidents occurred after the crash of SE-BDY, they relate to the capacity of the Dornier aircraft to conduct such operations.

218. In information obtained about Dornier aircraft in 2018/19, the Independent Appointee of Germany provided a detailed analysis of the delivery of those aircraft. The Government of West Germany had initially stated in mid-1961 that the allegations of the delivery of such aircraft were false and that, as a matter of principle, it did not deliver arms to regions of political crises and was bound by the relevant resolutions concerning the Congo adopted by the Security Council and the General Assembly.

219. However, on 29 September 1961, the United States Embassy in Bonn informed the Foreign Office of West Germany about “reports” that an armed DO-28 had been observed in Katanga, although further details were not given. It was subsequently established through new information made available to the Eminent Person by the Independent Appointee of Germany that Jean Cassart, through his company, Mitraco (the representative of Dornier in the Congo) had ordered six DO-28 aircraft in early 1961. One of the planes was handed over to the purchaser on 18 August 1961 at the Dornier airfield in Oberpfaffenhofen and, after clearance by customs and with the

approval of the Luftfahrtbundesamt (Federal Office for Aviation), left Munich international airport for Katanga on 21 August 1961 via Ajaccio, Corsica. The plane was flown by Heinrich Schäfer, a former Dornier test pilot, who was accompanied by Jean Cassart, and arrived in Katanga around 29 August 1961.

220. Information analysed showed that another four Dornier DO-28 planes were flown by Belgian pilots via Luanda and arrived in Katanga at some point after mid-October 1961. As this is after the date of the crash of SE-BDY, those planes are not considered relevant for present purposes. According to a cable of 25 October 1961 from the Permanent Observer of the Federal Republic of Germany to the United Nations, the United Nations had been advised of the Dornier aircraft, and the Permanent Observer was stated to have concluded that “Germany has an entirely clean record”.

221. Regarding the Dornier DO-27 plane (single engine), a report of 19 July 1961 from the West German Consulate in Luanda informed West Germany of the presence there of 16 DO-27 planes. Those planes were a militarized version, fitted with rocket launchers and deployed by the Portuguese military in fighting rebels in northern Angola, of which some attacks had been witnessed by German farmers in the area. A further report of 29 August 1961 informed of a Portuguese military operation in the “Serra de Canda”, close to the border between Angola and the Congo, where several DO-27 with rocket launchers had been utilized to provide cover for an airborne operation carried out on 25 August 1961.

222. A cable of 10 July 1961 from the Foreign Office of West Germany to its Permanent Observer in New York stated that six Dornier DO-27 planes had been delivered to Belgium. Although the planes did not carry any equipment other than the regular civilian equipment, it could “not be excluded that some of the Do planes ... delivered to third countries might have been forwarded, eventually with additional military equipment, to Katanga”. There is no subsequent confirmation in files consulted by the Independent Appointee of Germany regarding whether this was actually the case.

223. The Independent Appointees of Belgium again noted that Avikat was in possession of DO-28 aircraft, but observed that it was not clear how many of those planes had been acquired by Avikat or when they were delivered to Katanga. A State Security Service document from early October 1961 stated that a DO-28 may have been flown from Germany to Brazzaville and subsequently to Kolwezi prior to September 1961. A second plane of the same type may thereafter at an unknown date also have been flown from Germany directly to Katanga. Another document from late October 1961 referred to a “recent” delivery of four Dornier planes from Germany to Katanga, making a total of six DO-28 planes. Information in Belgian archives also noted that the DO-27 and DO-28 could be modified for use as combat planes.

224. In relation to a specific request that I made to the Independent Appointee of Portugal for any available details regarding the use of the airspace of Angola between August and October 1961 by the Avikat Dornier, I was advised that the records of the air force historical archive did not contain a reference to the plane or to the pilots referred to in the request.

225. New information was also received from Gülstorff in 2018/19, building on information that he had provided in 2015 and 2017. The information received from him was largely aligned with the information confirmed by the Independent Appointee of Germany. He provided further that, in addition to the DO-28 that arrived in August (registration 3016) and four more that arrived around 16 October 1961 (3017-3020), an additional DO-28 had been disassembled, shipped to Portuguese Angola and transported to Kolwezi, where it was reassembled by a company

technician. However, as its arrival was also after the date of the crash of SE-BDY, that plane is not considered relevant for present purposes.

226. Gülstorff also provided information that DO-27s had been used for military purposes in 1961, including in Angola, and that a cable of 24 November 1961 from the Foreign Office of West Germany had informed Dornier that a DO-28 had attacked ONUC and Congolese troops in Katanga. In terms of operational capacity, relying on information from the Bavarian State Ministry for Economy and Traffic of 10 November 1961 and correspondence with staff of the Dornier Aerospace Foundation in June 2018, Gülstorff stated that the maximum speed of the DO-28 was approximately 328 km/h, its regular speed was approximately 250 km/h and its slowest flying speed was approximately 65 km/h. He stated that, according to the same information, the DO-28 had excellent manoeuvrability and was a short take-off and landing plane, able to take off and land on an airstrip of less than 300 m in length. Gülstorff also stated that the first DO-28 (3016) was equipped with the Lear ADF 14-d-1 radio compass, which would have assisted with night flying, as well as Narco Marc V HF radio equipment and the Sunair 5-T-R HF transceiver, especially designed for long-range communications.

227. After the report of the Independent Appointee of Germany had been finalized, I received additional information from Gülstorff regarding German intelligence agents working with CIA in relation to Dornier aircraft. A CIA report marked “secret” of 28 July 1961 for the Directorate of Plans is headed “Evaluation of Dornier Aircraft”. It states that “[the CIA] has mission requirements that are best fulfilled utilizing light aircraft with STOL [short take-off and landing] capabilities. To date, these missions have been accomplished using Helio Courier [aircraft] ... 2. This Agency requests that an Air Force pilot-engineer team evaluate the applicable German-manufactured Dornier aircraft models for comparison purposes [including] Do. 27, Do. 27T fitted with a turboprop engine, and the Do. 28.” In the light of further matters regarding CIA air-related operations in the Congo in 1961, discussed further below, it would be necessary to determine whether the Dornier aircraft pursued by CIA were ultimately any of those used against the United Nations in the Congo.

228. Gülstorff provided a newly declassified CIA document, entitled “Caravel contact report” and dated 20 October 1961. It stated: “Dornier planes for Katanga: The danger of a black eye for Germany arising out of the transaction was explained, and an outline of events was given. The names of the Belgian arms merchant Jean Cassart and the alleged go-between Freddy Loeb (residing in Kitwe, Rhodesia) were given to Caravel to permit him to make INTERPOL checks which could in turn justify further investigation. Caravel expects to get the Dornier side of the story because: ‘By chance we have a man at Dornier.’” The fact that CIA was aware of the identities of Cassart, who supplied Avikat planes, and Loeb, who coordinated with British intelligence, UMHK and Rhodesian officials (among others), and that they had an agent with links to Dornier, suggests this as being another area where enquiries must be made, a matter discussed further below.

229. In Rosez’s statement, he recalled that on the first weekend in September 1961 he had a school reunion before the new school year. Around the first Saturday of September 1961, he was at Kipushi visiting the small lake and farm of a friend, who had a small single-engine aircraft. While there, he saw a Dornier DO-28, numbered 3016, which to him seemed like it had surprisingly large side doors. He and his friend spoke to some French-speaking mercenaries who had a different accent to them (he later believed that they might have been from France and not from Belgium). The mercenaries told them that more aircraft would be delivered and requested that they leave space on the very small runway. Rosez also stated that he personally saw a bomb system installed in the Dornier DO-28 that arrived in August 1961.

230. As noted above, the flight logs of Van Risseghem and Bracco refer to flying the DO-28. As discussed further below, the logs also show that the DO-28 utilized airfields in Katanga, Northern Rhodesia, Angola and the Republic of the Congo. Further to this point, new information provided to me from ONUC archives contains a report from United States Air Attaché Matlick to United States Ambassador Gullion of 14 December 1961, which states that upon Matlick's visit to Ndola on 13 December 1961 he was introduced to an "opposition" pilot of the Dornier DO-28, whose details he noticed had been filled out on airport forms as "Wicksteed (or Wickstead), nationality British". This pilot was said to have been parking the DO-28 at Ndola prior to flying to "a little strip in Katanga to pick up his bombs", before conducting night-time bombing raids on ONUC targets in Elisabethville.

231. The new information received in 2018/19 regarding Dornier aircraft builds on that reviewed in previous years. Multiple sources confirm that at least one DO-28 was present in September 1961 and operated across a wide geographical area. Available information also refers to the DO-28 having been modified with weapons and operated at night and in air-to-air attacks. Again, this analysis only shows that it would have been possible for a Dornier to have threatened or attacked SE-BDY; it does not of itself support a specific proposition that a Dornier was actually used to carry out the attack on SE-BDY. Nonetheless, I assess the information regarding the presence and operations of Dornier aircraft in Katanga in September 1961 as being of moderate probative value.

**(c) Aircraft: other**

232. The Independent Panel and the Eminent Person analysed information that other types of aircraft may have been involved in an attack on SE-BDY. Developments in relation to such information on the basis of new information received in 2018/19 is described below.

233. The Independent Appointee of Canada provided notes of a report from the Permanent Mission of Canada to the United Nations in New York to "headquarters" of 16 October 1961 stating that an Avikat Dove was seen at Ndola on 23 September 1961, which, from observations and conversations overheard, was understood to be en route to Kolwezi (Katanga) from South Africa, carrying three mercenaries who had previously been expelled from Katanga. The Rhodesian authorities had, when queried, given apparent disinformation regarding its passengers. That correspondence also discussed United Nations reports of the mercenary Huyghe being in Ndola at that time, and that a second Avikat Dove carrying the mercenary Captain Browne (apparently misspelled as "Brown") was attempting to enter Katanga but would be detained by British authorities.

234. In his statement, Rosez said he had seen a lot of aircraft on the ground in various places (discussed further below) and in the air in Katanga during 1960 and 1961. Those aircraft had free access to the airports or runways, except during the very short periods of troubles. He stated that he personally saw the following Avikat aircraft in 1960 and 1961 in Katanga: several DC-3 Dakotas; C-47s flying in the air (he did not see any after December 1961); a Fouga Magister; four De Havilland Doves; a Dornier DO-28; T-6 Texan and Harvard planes (they were used in the north); and an Alouette, Sikorsky S-55 and S-58, Piper, Cessna and at least two Beechcraft helicopters.

235. Rosez stated that he had seen a Dove modified with a bomb launcher in October 1961 when he went to Kolwezi for parachute training with Bob Denard. Denard had injured his leg and could not join Rosez and his colleagues, so the exercise was ultimately cancelled. However, they had the opportunity to look at various aircraft there. The bomb launcher looked like a metallic box in which three bombs could be placed and it was installed on the bottom of the Dove, equipped with a hatch and

operated by a lever. In one of the Doves, they could see wooden cases with at least a dozen 12.5 kg bombs. Another Dove had a Browning .50 gun in the side door. It is noted that certain information provided by Rosez in this regard is aligned with information previously analysed by the Hammarskjöld Commission and the Independent Panel regarding the information of Puren and Virving.

236. Rosez also stated that he personally saw and participated in the making of bombs for use in Avikat aircraft. His father's work premises with the Compagnie du Chemin de Fer du Bas-Congo au Katanga (BCK) was next to the factory of the Union Minière du Haut Katanga (UMHK) in Elisabethville. As many of his father's friends were working at UMHK, he visited both the BCK and UMHK premises frequently. Even though he was only 16 in 1961, owing to worker shortages, Rosez assisted with the making of bombs at the UMHK factory in Elisabethville from May to August 1961 at the factory on Avenue de Kato. His friend, Cornelis van Dijk, showed him how to construct the bombs and it was a matter of a few hours before he could apply the technique by making inner and outer screw threads and cutting metal pipes (which may have been old street signals or lamp posts). Tubes were cut to a specified length, plates were cut to make a tail and weld them together and then parts were screwed together. These bombs worked with Belgian fuse ignitors from the Belgian army that were available in large quantities in the "base terrestre" of the Katanga Gendarmerie, which was located on Avenue Industriel. There were also significant quantities of different types of ammunition at that location.

237. Rosez stated that the bombs they made were intended for use by Avikat, including a series of bombs of 25 kg, some designated for the Fouga Magister and some for the T-6 Texan. There were also 50 kg bombs made for the T-6 Texan that were made at Kolwezi (he did not personally make those) and 12.5 kg bombs made for the De Havilland Dove. Rosez also stated that he saw other work on weapons being performed at the same UMHK factory, including boring out the Fouga machine gun barrels from 7.5 mm to 7.62 mm, a standard ammunition size. If it is true that the machine gun barrels were bored out, then bullets fired by them may not have had rifling marks; this matter has not been verified.

238. Rosez also stated that it was generally known, including by him, that a Belgian named (Colonel) Jean Cassart had arranged the delivery of many Avikat aircraft. He had a very large facility with an assembly hall in the "quartier industriel" in Elisabethville, on the back side of the base terrestre. At that facility, several T-6 Texans had been assembled before August 1961. Colonel Cassart had a space for working on aircraft there. He bought secondhand planes in Belgium and sold them to Katanga. Rosez stated that he met Cassart personally more than once in the house of General Muke but did not attend their meetings in the large conference room downstairs.

239. As referred to above, Van Risseghem's logbook extract also mentioned night flights in the DC-3 and the Dove. It lists "night landing 5" in a DC-3 on 22 June 1961, with "V Gee" as copilot, and "night landings 5" in the Dove on 27 July 1961, with Verloo as copilot.

240. Records newly released in 2017 and 2018 under the President John F. Kennedy Assassination Records Collection Act (1992) also contain intelligence about the air force of Katanga. These documents were not provided by the Independent Appointee of the United States, but by Williams, and are discussed in detail below. In November 1961, according to certain of those records, it was reported to Washington, D.C., that the Fouga jet was based at Kolwezi and that in addition to the Fouga, "the bulk of KAT [Avikat] aircraft probably consists of 5 Dornier 28s, 2 or 3 Doves, and possibly one C-47".

241. As is the case with the Fouga and Dornier aircraft discussed above, the new information received in 2018/19 regarding other aircraft builds on that reviewed in previous years. Multiple sources refer to these aircraft being weaponized and operated offensively across a wide geographical area, including at night. This analysis does not of itself support a specific proposition that such aircraft were used to carry out an attack on SE-BDY, but strengthens the proposition that they could have been. Nonetheless, I assess the information regarding the presence and operations of other aircraft in Katanga in September 1961 as being of moderate probative value.

**(d) Airfields**

242. On the basis of information analysed in 2017, the 2017 report concluded that there may have been more airfields existing in Katanga at the relevant time than had originally been understood and that Katangan forces had freedom of movement across the Rhodesian border and use of airfields in Katanga. This information included correspondence from the United States stating that Northern Rhodesia had allowed Katangan aircraft to use the airfield at Ndola, and a United Nations press release of December 1961 stating that a Katangan Dornier was using Ndola airport for bombing raids against the United Nations at Elisabethville airport, over 250 km away.

243. In 2017, I considered potentially relevant airfields to include those over 750 m in length, although I note information received in 2018/19 stating that the DO-28 could utilize a smaller airfield. On the basis of expert opinion, it was considered that the Fouga would need a closed surface runway (asphalt or concrete) for take-off and landing, as a grass or gravel runway would present a risk of foreign object damage to a jet. However, I also observed that evidence existed, including from Delin's testimony, that the Fouga might also have taken off or landed on a non-closed surface. Delin had stated to the Rhodesian Commission of Inquiry that there were quite a number of places from which the Fouga could take off and that apparently, on at least one occasion, he "took it away from Kolwezi and landed on a dirt track and to take it away you would put water and roll the runway to take it away". Regarding night flights, the early inquiries had noted that ad hoc solutions such as using kerosene and sand as flares had been used. A map of potentially relevant airfields in the area is contained in the annex to the 2017 report.

244. In 2018/19, new information was received regarding airfields. The Independent Appointee of Sweden provided a letter from Rösiö of April 1993 to the Ministry of Foreign Affairs (dated after his report was delivered) relaying the main conclusions from his talks in Belgium. The letter stated that the airport in Kipushi was used by a DO-28 to attack ONUC forces, including at night. This occurred at least from October 1961, and possibly earlier. The other conclusions included that Delin was not the pilot and that "Beukels" could have been a "Beuken" from the company Société Anonyme Belge de Constructions Aéronautiques.

245. As noted by Picard, a former Rhodesian soldier also wrote of night flights of the Dornier. In *The Saints: the Rhodesian Light Infantry*, by Alexandre Binda, a commander of A Company, 1st Battalion, of the Rhodesian Light Infantry in 1960/61 who was deployed along the border between the Congo and Northern Rhodesia stated: "We also found that the short-strip Kipushi airfield lay astride the border. We controlled most of it by day, but at night it was often used by the mercenaries flying a very quiet Dornier STOL [short take-off and landing] aircraft, which seemed to look somewhat like a larger version of a de Havilland Twin Otter. It would bring in ammunition and weapons and the odd person for the Katangese forces, and evacuate mercenary casualties ... although we reported the clandestine activity at the airfield we were told not to interfere, so we did not."

246. Rosez confirmed in his statement that he was aware that the main Avikat airbase was at Luano earlier in 1961, but that he had also seen Kolwezi, Jadotville, Kisenge, Dilolo, Kipushi, Ndola and Kitwe being used. In relation to the Fouga's night flight around August 1961, he was told that it took off and landed at airfield "KM30", an airstrip of red packed dirt of around 1.5 km in length.

247. The flight log extracts of Van Risseghem of June to September 1961, referred to above, show that Avikat aircraft were using airfields in Katanga, Northern Rhodesia, Angola and the Republic of the Congo. They list airfields that the Dornier DO-28 took off from or landed at in September as including Brazzaville, Vila Herique (presumably a misspelling of Vila Henrique, Angola), Kolwezi, Kipushi, Ndola, Jadotville, Kamina and Kongolo.

248. Information received from Gülstorff included a note of 21 October 1961 of a meeting between the West German Embassy in Washington, D.C., and the United States Department of State that mentioned a DO-28 based at Kipushi.

249. Consistent with the assessment made in the 2017 report, I assess the new information that Katangan forces may have had access to the use of more airfields in Katanga, Northern Rhodesia and other locations than previously established as being of moderate probative value.

## **6. Rhodesian military presence**

250. Related to preceding information regarding the use of Rhodesian airfields, new information has also been received regarding the presence of Rhodesian military forces in Katanga on the night of 17 to 18 September 1961, in a manner not considered by the early inquiries.

251. The Independent Appointee of Zimbabwe provided information confirming that significant Northern Rhodesian forces were assembled in a prepared and combat-ready state along the border with Katanga and sometimes within Katanga itself. This included military information reports of June 1961 and a Northern Rhodesian operational instruction of 8 October 1961. A Royal Rhodesian Air Force report of 18 September 1961 also discussed reasons for militarization, including that the protection of vulnerable airfields such as Ndola was to "leave no doubt that the Federation will fight if its territory of air space is violated" and that an intruder would "be attacked from the air by RRAF without delay". An intelligence report of 18 October 1961 also confirmed that the Northern Rhodesians were aware that "Katanga air force aircraft continue to make use of Kipushi airfield [including] 1 Dornier 28, 1 helicopter, and 1 Piper Caribbean".

252. Information provided to me from United Nations archives includes a cable from ONUC in Elisabethville (Conor Cruise O'Brien) to ONUC in Leopoldville (Sture Linner) of 27 September 1961, conveying information received on 23 September 1961 from a Rhodesian African regarding the presence of Rhodesian forces in Katanga. The information states that on 14 September 1961, the writer was travelling from Kipushi to Northern Rhodesia when he came across substantial Rhodesian army units (including various equipment, over 20 armoured cars and over 150 white Rhodesian troops) camping on the Katangan side of the border. The following day, he saw some of the same troops in civilian clothes intermingling with African civilians. On speaking with one of the soldiers there, he was informed that the white Rhodesian troops "were advised not to fight during day time, but by night because then they can have the full use of Rhodesian white soldiers [who] manned all heavy guns and armed cars". O'Brien's comment on this account included that ONUC had other information that the Katanga Gendarmerie were "receiving materials and technicians from Rhodesia and South Africa".

253. Information analysed in 2018/19 highlights the fact that the area to which SE-BDY was headed was in a heightened militarized state, with active conflict occurring or being prepared for on both sides of the border between the Congo and Northern Rhodesia. It is also clear that the records of Northern Rhodesia, now dispersed between locations including Zimbabwe, Zambia, the United Kingdom and South Africa, remain a source that has likely not been fully reviewed yet and may contain additional relevant information.

## 7. Ground attack

254. Information was received in 2018/19 that relates to historical information alleging that ground forces may have directly attacked SE-BDY or sought to reach the wreck (and any survivors) immediately after its crash.

255. The 1961 Commission briefly considered “distraction of the pilot by an attack or feigned attack from the air or from the ground”, and the 2017 report recalled that one of the four areas considered by the Independent Panel was “aerial or ground attack or other external threat”. Most new information reviewed since then has related to the possibility of aerial attack, and one of the conclusions of the 2017 report was that it was “almost certain that Hammarskjöld and the other members of the party accompanying him were not assassinated after landing”. However, the possibility of attack occurring from the ground while SE-BDY was still airborne has been left open, and allegations have persisted that ground troops may have sought to reach the wreck prior to its official discovery. In 2018/19, limited new information was received on this topic, as described below.

256. Certain new information relates to the account of Wren Mast-Ingle. It will be recalled that Mast-Ingle stated to Williams that in September 1961, while working for a Copperbelt mining company, he had been travelling from Luanshya to Bancroft when he heard a plane crash. Upon reaching the wreck, he stated that he saw aircraft fuselage with a row of holes in it. Minutes after, vehicles arrived that he recalled as being Jeeps or Land Rovers of a lighter colour than black, and between six and eight armed white men in combat fatigues ordered him to leave the area. The Independent Panel noted that a total of six of the new witnesses reported having visited the crash site in the early hours of 18 September (Chimema, Custon Chipoya, Lumiya Chipoya, Mast-Ingle, Mwebe and Mwansa) and stated that they had observed the presence of police, or soldiers, or both. Witnesses Mpinganjira and Chisanga also both reported having observed two Land Rovers driving to the crash site with great speed some hours after the aircraft had crashed. Regarding its assessment of Mast-Ingle’s account, in particular regarding the degree to which it helped to establish that parts of the aircraft had been “sprayed with bullets”, the Independent Panel assessed the probative value of this information as weak.

257. In new interviews conducted with Mast-Ingle in 2018, Picard stated that Mast-Ingle had elaborated on the nature of the combat fatigues the men he saw were wearing, stating that the uniforms “were different” and “looked more like camouflaged combat suits than simple khaki green outfits”, and had “funny caps, with a flap”. According to research conducted by Picard, only the French army and parachute regiments deployed in Algeria used camouflaged bush caps with a flap, worn with an outfit called “leopard” and a “Bigeard” cap. He posits that French mercenaries in Katanga who had previously served in Algeria, operating under Faulques, may have been those who left fatigues in Ndola.

258. In his statement, Rosez also referred to being told that distinct fatigues were located in Ndola. He stated that in early 1962, his friend, Police Inspector David Robert Steel of the Ndola police, showed him fatigues that were left behind in Ndola by a group of mercenaries at the police station in September 1961 that the police kept



as “souvenirs”. Rosez stated that the fatigues he saw at the police station of Ndola resembled those used by the French Foreign Legion in Indochina in the 1950s.

259. Information from the above two sources was received in 2018/19 and independently stated that fatigues of a distinct nature were observed in and near Ndola subsequent to the crash. One of the sources, Mast-Ingle, confirmed his earlier account regarding the presence of armed men wearing those fatigues in the presence of the crash site before the time of its official discovery. Presently, this information stands unverified, but may have a relationship with other information received at the time of finalizing the present report that relates to a hypothesis of ground attack, discussed further below.

## **B. Sabotage: Operation Celeste/South African Institute for Maritime Research**

260. Significant information on this topic was received in 2018/19 and expands on information analysed by the Independent Panel, as described below.

261. Documents came to public attention in the late 1990s during the work of the South African Truth and Reconciliation Commission that referred to a purported plot to sabotage flight SE-BDY. The documents that were before the Commission referred to a bomb having been planted on the flight and activated shortly before it was due to land, causing the plane to crash. Those documents, purportedly on the letterhead of a shadowy organization named the “South African Institute for Maritime Research” (SAIMR), referred to its agents planning and carrying out “Operation Celeste” with the objective to “remove” Hammarskjöld.

262. Based on the initial discovery of the documents by Christelle Terreblanche and the research done by Williams, the Hammarskjöld Commission examined the documents in 2013. It was guarded about their credibility but noted that they might have some value as secondary evidence of sabotage, subject to being forensically examined. In the 2015 and 2017 reports, the probative value of the SAIMR documentation could not be finally assessed, as access to the documentation or other assistance with searches was not provided by South Africa. Despite concerns about the feasibility of the alleged “Operation Celeste” and SAIMR, in 2017 I noted that it remained crucial to verify this alleged act of sabotage as a hypothesis of the cause of the crash of SE-BDY.

263. In 2018/19, information was received regarding the SAIMR documents from the *Cold Case Hammarskjöld* film team, who also arranged for an interview to be conducted with Alexander Jones, who stated that he was a former South African soldier who was employed in a paramilitary capacity by SAIMR. The film team facilitated a meeting between the Independent Appointee of Sweden and Jones in order that he could be interviewed in 2019 for the purposes of the Dag Hammarskjöld investigation. I note that other matters raised in *Cold Case Hammarskjöld* are outside the scope of the present investigation, and I do not therefore refer to or make any assessment of them.

264. During the interview, Jones stated that he had entered South African military service when he was 16 or 17 years old and had trained in the intelligence service. He felt his service to be an honour, as he had always wanted to be a soldier. At the time of leaving high school around 1989 or 1990, Jones saw an advertisement in the newspaper *The Citizen* stating that an organization was looking for people for military operations. It was his opinion that there was no future in the South African Defence Force, so he was interested in the advertisement for financial reasons. He and some friends responded to the advertisement and were invited to a meeting that took place

in central Johannesburg in the old Carlton Centre, which at that time was a hotel. At the meeting, he was told that the organization was called the South African Institute for Maritime Research, or SAIMR. He noted that it seemed to follow naval traditions (a fact that after joining he said was affirmed, as SAIMR used a satellite naval base linked to the South African Navy at Wemmer Pan in Johannesburg as a base of operations).

265. Jones stated that at the recruitment meeting, around 1990 in Johannesburg, applicants were introduced to two individuals: Keith Maxwell, who appeared to be in his late 40s or 50s and who was introduced as “the Commodore”, and an unnamed junior person. They displayed “propaganda”, or marketing material about SAIMR, to the potential recruits. This included sets of three big photographs that the applicants were told showed the most successful SAIMR operations, which involved the assassination of a high-ranking person. Neither the operation nor the high-ranking person was further described at that time. Jones understood that the photographs were displayed as propaganda to explain to recruits the ideology of SAIMR as an operational paramilitary organization, with which recruits would get to see action and make money.

266. When displaying the photographs of the operation, Commodore Maxwell appeared very proud and clearly stated that he was part of that specific operation in which they successfully assassinated the high-ranking official. He stated that it took place in 1960 in the Congo, but Jones did not understand any specific significance or who the official might have been. In one of the photographs, three men were standing by burned out trees. Jones formed the view that it was a very young Maxwell in the photograph, together with a man he later came to know as “Captain Cedars” and a third individual whom he did not know. The second photograph was of trees in the burned forest. The third photograph was what Jones described as clearly being a plane crash showing burned wreckage, in which a propeller was also seen. He stated that this was the only time he saw those photographs.

267. Jones stated that after the recruitment meeting, he joined SAIMR and was involved in an operational cell called the Delta Unit. Each cell was unaware of the identities of the people in other cells and had different operational functions, including administration and finance. Because of his intelligence training, Jones became a Lieutenant, a junior officer in the organization. Cedars, an American, was the commanding officer of the Delta Unit and was a similar age to Maxwell, in his late 40s or 50s at that time.

268. Regarding Maxwell, Jones stated that he would wear a Nelson-era British-style naval uniform with epaulettes and a sword. Jones stated that the organization was pompous and fanatic about English naval traditions. In terms of other senior officials, Jones met on one occasion a “Flag Commodore Wagner”, who at the time was in his late 70s or 80s and who was ranked higher than Maxwell. Maxwell was then a Commodore, but later started referring to himself as Flag Commodore. Of other ranking officials, Jones was also aware of a Lieutenant Commander Pike and a Dalglish. He was aware of the name Malan, but had only heard of the name.

269. Jones stated that he never knew who the financiers of SAIMR were, but his perception was that it was being funded externally, as Maxwell never had money himself. He noted that at some of the important meetings, one or two foreigners would join, including French and British (as he ascertained by accents). He was not aware of whether SAIMR was affiliated with other governments.

270. The logo of SAIMR was known to members and was the same across the organization. It was on all SAIMR papers and insignias. Jones believed that the same logo had been used over time and had not changed.

271. Jones stated that he left SAIMR in 1993 because his ideology had changed. He wished to make clear that he was a different person to who he was when he joined SAIMR, that it had been difficult to come out and talk about the organization and that he had done so with great personal sacrifice to himself and his family.

272. Jones stated that he had not previously spoken about his experiences with Williams or journalists. If true, this would mean that the statements made by the anonymous source to Williams (who stated that he had previously been a member of SAIMR and spoke of certain similar attributes of SAIMR and/or Maxwell) are corroborated by Jones' statements. I discuss conclusions regarding the Jones interview below.

273. There appear to be links between SAIMR and Katanga. For example, the mercenary "Mad" Mike Hoare is referred to in later SAIMR documents from the 1980s. There are allegations that SAIMR also operated as part of, or had links to, South African and/or British special forces and that its personnel included ex-Rhodesian soldiers.

274. Additional new information regarding SAIMR was also received from the *Cold Case Hammarskjöld* film team by way of a previously unanalysed version of Maxwell's memoirs. In 2015, the Independent Panel reviewed a typed version of Maxwell's memoirs that had been provided to Williams by the journalist De Wet Potgieter, who had received the memoirs from Maxwell himself. Those memoirs, entitled "Story of my life", commence in 1964. In a new development, in 2019, I received from the *Cold Case Hammarskjöld* film team an extract from a handwritten version of Maxwell's memoirs, which, unlike the typed version, refers specifically to Hammarskjöld. The film team had, I was informed, obtained the memoirs through the family of a former member of SAIMR who had been murdered. This extract, entitled "Johannesburg 1961", purports to discuss the plot to kill Hammarskjöld in terms described below.

275. "Johannesburg 1961" provides certain historical information about the situation in Katanga in 1961 and states that Hammarskjöld had a dual purpose in coming to Katanga, which was both to arrange for Congo-Katanga peace talks and to negotiate with Rhodesian and/or South African leaders regarding the possible presence of an enlarged United Nations air force. The senior officers of the "Delta Unit" of the "Marine Institute of South Africa" are gathered, and "Acting Commodore Wagman" states that the three key figures of Hammarskjöld, Conor Cruise O'Brien and Sean McKeown are to be "removed", without the problem of "a repeat of the Lumumba affair". Wagman advises the officers that in "middle to end September", their forces would launch a counter-attack against (ONUC operation) Rumpunch while Hammarskjöld was in the Congo and that, concurrently, "Congo Red" would "deal with the three". The scene then changes, to a man who has been hired to place bomb material in the Transair DC-6. The man drills holes and places electrical contacts on the edge of the wheel well and covering flap, and then puts other screws in the wheel well itself to hold rubber strapping that contains explosive material, batteries and detonators. The wires are stuck down with putty and screwed to the electrical contacts. The technician later watches the plane take off, but the device fails and does not harm the plane.

276. The scene then changes again to the officers discussing the failed sabotage. Wagman expresses concern that the bomb could go off later with civilian passengers in the plane and says to the officers: "gentlemen, it's 2.30, go home and get some sleep, we'll work something out in the morning, or rather later on this morning". At that point, Wagman is handed a piece of paper stating that the device had exploded on approach to Ndola and that "Congo Red had delivered". There is no indication that the "technician" who planted the device was SAIMR member Congo Red; on the

contrary, the technician referred to earlier in the narrative is paid a specific sum for the act. Accordingly, it is not clear from the text how Congo Red was said to have “delivered”.

277. Regarding the SAIMR documents analysed by Williams, they hold certain internal inconsistencies. For example, in the correspondence dated “12 July 1960”, it is stated that “we have it on good authority that UNO will want to get its greedy paws on [Katanga] province” and that Katangan authorities “have agreed to place at your disposal a number of private aircraft, including two military ‘Fouga’ jets”. On 12 July 1960, however, the Fouga jets were still over six months away from being delivered to Katanga. Another document dated 15 July 1961 indicates that secession took place on 11 July 1960 and that SAIMR operatives should be prepared to fight both Baluba and ONUC forces.

278. The alleged “Operation Celeste” documents analysed by Williams bear similarities to those of later SAIMR operations, including those relating to the so-called “Operation Anvil”, an attempted coup in Seychelles in 1981, in which Maxwell and Dalgleish, along with Jerry Puren and Mike Hoare – former mercenaries who had been in the Congo in 1961 – and others were allegedly involved. The same letterhead is used, and names of units and personnel are referred to consistently, including “Congo Red”. It seems from Truth and Reconciliation Commission records that the Commission itself was satisfied that the SAIMR organization existed, at least in the 1990s.

279. Multiple sources in *Cold Case Hammar skjöld* claim to verify that certain of the “Operation Celeste” documents are written in Maxwell’s handwriting. From an untrained analysis, the script seems similar to that of the handwritten memoirs provided to me by the *Cold Case Hammar skjöld* film team. If it is Maxwell’s handwriting in the “Operation Celeste” documents and they were genuinely created in 1961 (without the content necessarily being genuine), then Maxwell must have been involved with SAIMR in 1961, at which time he must have been, by all estimates, under 20 years of age. Another distinct possibility, if the handwriting is Maxwell’s, is that they were forged by his hand, possibly for later “propaganda” or marketing purposes, in terms of his own mercenary experience and that of SAIMR.

280. It is noted that, according to a British Broadcasting Corporation article from 20 August 1998, the Foreign and Commonwealth Office of the United Kingdom stated in response to allegations of British involvement in SAIMR that “intelligence agents of the United Kingdom do not go around bumping people off. At this time during the Cold War, Soviet misinformation was quite rampant so [the letters] may have been put out by them.” According to Williams, CIA also denied involvement on the same day. It is unclear, however, whether any internal investigation occurred in either country in relation to the documents, SAIMR, Keith Maxwell or a sabotage plot against flight SE-BDY more broadly. It would be important for searches in the United Kingdom and the United States to also search for records on Maxwell, SAIMR and the results of internal investigations that were likely to have been made in 1998 following the allegations being made public.

281. The new information received in 2018/19 regarding SAIMR is significant. I have read the transcript of the 2019 interview held between Jones and the Independent Appointee of Sweden and have received the latter’s assessment of it. I have not been able to verify all aspects of Jones’ claims, but the information that he has provided is detailed and apparently consistent, such that it seems reasonable, on the basis of current information, to believe that the organization SAIMR existed in the 1980s and 1990s. Owing to my not having seen the purported photographs that Jones was shown, the fact that Jones only saw them once three decades ago and the resultant lack of detail about them, I cannot assess their evidentiary value. In terms of the handwritten

version of Maxwell's memoirs, I am not able to verify the truth of what is contained in them, but the content, style and manner in which they were obtained, as well as the document's sources, appear to suggest that they may have been written by Maxwell. Further proof and expert analysis would be necessary for this to be confirmed.

282. The new information received does not increase the probative value of information regarding the alleged "Operation Celeste". However, as it goes to establishing that SAIMR as an organization may have actually existed, it underscores that it remains necessary to verify or dispel the hypothesis relating to "Operation Celeste". To do this, the cooperation of South Africa is required to obtain the original documents so that they may be analysed forensically. Even if only copies were to be made available, they could be analysed – including against the handwritten memoirs of Maxwell – for type, handwriting and other matters. Further than just the "Operation Celeste" documents, intelligence information in South Africa and potentially the United Kingdom and/or the United States is likely to be able to assist in establishing the possible existence and any operations of SAIMR in 1961. These are matters that must be followed up on in order to ascertain whether the allegations relating to sabotage may be supported or dismissed.

#### **IV. Other new information**

283. The present section analyses new information received from Member States and individuals regarding information that is relevant to the context of the crash but that does not go directly to its causes. This distinguishes information under the present section to that under the previous one. Depending on the nature and type of the information, an assessment of its probative value or where it may fit within the scope for possible further enquiry is discussed.

284. As the below analysis will show, advancements have been made in the body of knowledge relevant to this subtopic, most notably regarding the active presence of foreign intelligence operatives in the region at the relevant time and other information relevant to the context and surrounding events of 1961. This is very important for follow-up, as it identifies where additional key information may be found and tends to establish that Member States have not yet made full disclosure of important records.

285. As an editorial matter, I note that in the 2015 report of the Independent Panel, a subsection entitled "Reporting of a foreign intelligence agency" was included under the section heading "New information about the activities of officials and local authorities", and in 2017 a related subsection discussed "Acts of local officials and authorities". Discussion of those matters is consolidated in the present report under the heading below.

##### **A. Acts of local and foreign authorities**

###### **1. Foreign intelligence agencies**

286. The presence of foreign intelligence agencies and personnel in the region in 1961 represents a particularly important potential source of information, as these institutions and personnel had at the core of their missions the task of gathering information. The 2017 report noted that the early inquiries did not mention the presence of foreign intelligence agencies in and around the Congo at the relevant time. The publication of official and personal statements since 1961, however, has shown that, in addition to domestic and foreign political activity, there was the significant presence of foreign intelligence, paramilitary and other institutions and

personnel. The fact that they were not explored as potential repositories of information resulted in key sources not being exploited. The consideration of these agencies and personnel in recent years must thus be viewed in this light and for the purpose of searching for information specifically relevant to the Dag Hammarskjöld investigation.

287. From the information reviewed since 2015 and in the light of the historical context, the Governments of Belgium, France, South Africa, the Russian Federation, the United Kingdom and the United States appeared likely to hold the most relevant, undisclosed information generated by or communicated between intelligence, paramilitary and other institutions and personnel in and around the Congo in 1961. As has already been noted, Belgium and France provided for mechanisms to allow independent and high-ranking officials to access such archives to conduct reviews in 2018/19, which generated new information discussed in the present report. Information indicating that further material is likely to be found in other such archives is described below.

**(a) United Kingdom of Great Britain and Northern Ireland**

288. For historical reasons, the United Kingdom had a significant presence in Africa around the Congo in 1961. As a starting point for identifying relevant information, Williams' work in 2011 analysed an archive of Lord Alport's papers at the University of Essex, which contained a document entitled "Secret Report by Neil Ritchie, Appendix A to Alport to Sandys, Despatch No. 8, 25 September 1961". Neil Ritchie was confirmed as an agent of the British Secret Intelligence Service (MI6) who was working undercover as First Secretary to the British High Commission in Salisbury. Ritchie was a pivotal participant in the events leading up to the plane crash as it was he, with others including the British Consul in Katanga, Denzil Dunnett, and the British High Commissioner in Salisbury, Lord Alport, who made arrangements in September 1961 for the meeting in Ndola with Tshombe to which Hammarskjöld and his party were travelling when SE-BDY crashed.

289. In preparing for the meeting, Ritchie took two small aircraft to collect Tshombe and Dunnett from Kipushi, Katanga, where they were with Henry Fortemps, the Assistant Director General of UMHK in Elisabethville, to take them internationally to Ndola. As is further discussed below, Ritchie coordinated closely with officials of UMHK, utilizing its facilities, equipment and staff. He also coordinated with other British and Rhodesian officials, as well as private individuals. The early inquiries were not aware of the scope of the involvement of British diplomatic and intelligence officials in setting up the arrangements for the Hammarskjöld/Tshombe meeting, and, as far as I am aware, no official detailed account has ever been given regarding how those officials came to be coordinating with the self-declared Head of State of Katanga and UMHK, the company financing its secession and the payroll of the mercenaries in active conflict against the United Nations.

290. In 2017, new information received from the diplomatic archives of the United Kingdom appeared to refer indirectly to the presence of Ritchie. The 2017 report described at least three communications of 17 September 1961 from Lord Alport to the Commonwealth Relations Office that reference Neil Ritchie. The researcher Simensen brought to my attention correspondence of 16 October 1961 from Duncan Sandys to Lord Alport that requested the latter to "particularly express my appreciation to Mr. Ritchie for the initiative and good judgement which he showed throughout the difficult cease-fire negotiations". Other documents reviewed in 2017 referred to David Driver, the Security Liaison Officer for MI5 in Central Africa, who was also stationed in Salisbury.

291. Numerous references from private sources also refer to Ritchie's presence in the area at the time. Dunnett himself makes references to Ritchie in his memoir, *To Katanga and On*. So too does Brian Unwin, who, according to interviews conducted by Picard in 2017, also confirmed the role of Ritchie as an MI6 operative, describing his work in arranging the meeting between Tshombe and Hammarskjöld as "brilliant".

292. Gordon Hunt was working for the Rhodesian Selection Trust and acting as a go-between for various interests in the region in September 1961. References exist in his memoirs, "Hotline from the Katanga", to "our man in the Katanga", understood to be Ritchie. Those memoirs were drafted in 1969 on the basis of contemporaneous correspondence and his recollections, and were viewed by the Independent Panel in 2015. By Hunt's own account, he was "trained both in war and peace in the British Intelligence Service", acting as a go-between for the British Government's representatives in Katanga, commercial interests, the Belgian Government, foreign mercenaries in Katanga, UMHK and the Rhodesian Government of Sir Roy Welensky. Interviews conducted by Picard in 2017 with the son of Gordon Hunt state that the son knew that his father was a former MI5 operative.

293. Hunt describes in his memoirs a communications line, the "Hot Line", that was operated by UMHK and the Rhodesian Selection Trust between Katanga and Northern Rhodesia and "served the British Foreign Office, the Consul, the Red Cross, and the Federal Government of Rhodesia and Nyasaland" and which was "at one stage the only means of getting information out of the Katanga". Hunt refers to his own part in arranging for Hammarskjöld to come to Ndola to meet Tshombe, but states that "all had to be organised in detail and the responsibility for this fell on the shoulders of 'our Man in the Katanga'". These references to the role of "our man in the Katanga", in the light of the report by Ritchie and other information, are almost certainly further confirmation of the identity of Ritchie.

294. A review of UMHK archival material provided by Picard in 2018 shows that between 17 and 19 September 1961, British diplomatic, intelligence and commercial personnel were all communicating across borders with each other, with Belgian and Katangan authorities and with the United Nations by using UMHK facilities. Those cables also state that after the crash of SE-BDY, Ritchie was to return again by plane on 19 September (having left the day before) to collect Tshombe from Ndola and take him by plane back to Kipushi.

295. Picard also conducted interviews with Manfred "Freddy" Loeb, an engineer who worked for Traction et Électricité and UMHK, who also confirmed the presence and key role of Ritchie and the nature of the communications facilitated by UMHK. Loeb provided Picard with a copy of his memoirs, "Fragments de la vie d'un voyageur du siècle". Therein, Loeb discusses, among other things, his time in Katanga in September 1961. On how he came to be in Katanga at that time, he states that United Nations troops had:

Isolated the communications of Union Minière and tried to destabilize Tshombe. [So] I called the managing director of Traction Électricité, Georges Landsberg, to offer my help and, four hours later, found myself on the flight from Paris to Johannesburg. Accompanied by the British diplomatic agent, Neil Ritchie, I jumped on a small plane to Kitwe for a village located in Northern Rhodesia, near the Katangan border that was the termination point of the electric line (220 kva) coming from Jadotville. I was lodged at the house of the director of the electricity company, Colonel [Gordon] Hunt, who had come straight to Burma, and who was a real character.

...

At that time, the most used communication tool was the telex. The transmissions were broken between Elisabethville and Belgium, so I absolutely had to find a way to restore communications with the headquarters of Union Minière in Elisabethville.

296. Loeb goes on to state:

We were able to communicate by telephone and by telex with the leaders of Union Minière in Elisabethville and then transmit the messages to the leaders of Brussels, through using the public network of Northern Rhodesia. This communication channel was used to route telexes from the Katangese government of Tshombe (which did not have any other means of communication) to UN headquarters in Leopoldville.

It was thus possible for me to follow the progress of the negotiations between the United Nations' Dag Hammarskjöld and Moises Tshombe, which culminated a few days later in a provisional end of the armed conflict. All these telexes passed through my hands, but I gave them to Tshombe at his request. So there will be no trace of them left.

Neil Ritchie was with me to follow the evolution of events and probably to report them to his London authorities. Together we learned that Hammarskjöld planned to travel to Ndola to finalize a ceasefire agreement with the Katangese president. We were sitting at the Kitwe substation on the evening of 17 September, late into the night, waiting for news of his arrival. Hammarskjöld was to stay at the Queen House, but in the morning a telex informed us of his plane's "accident".

Ritchie and I left Kitwe for Elisabethville and went to the British Consul, Dunzil Dunnet, to assess the situation and give him the latest documents from Hammarskjöld. Tshombe accepted the ceasefire and I returned to Kolwezi to finish my mission in Lulu.

...

[Later] Fontainas, the representative of the executive branch of Union Minière in Kolwezi asked me to return to Kitwe to reactivate the communications system that served in September.

297. According to Loeb's memoirs and interview with Picard, among other things, he suggests that he was aware that the "accident" was not accidental, and his recollections give grounds to believe that additional communications from Ritchie to British authorities were created and that the records of some of Hammarskjöld's final communications were handed over to Dunnett.

298. Apparently, the United States was also aware of the presence of Loeb and his interactions with the United Kingdom and UMHK. Picard observes that a document from the United States Department of State of 29 September 1961 from the Ambassador in Brussels, Douglas MacArthur (declassified in 2017), confirms that Freddy Loeb was a German-born Belgian residing in Kitwe who was a go-between for Welensky and Munongo, further stating that "Loeb is an agent of British interests in support of [UMHK] Union Minière and reportedly has 5 million pounds sterling at his disposal to finance arms purchases, etc. in support of Katanga separatism. My source described Loeb as very effective."

299. Ritchie and Driver were not the only British intelligence officials in the area at the relevant time. Daphne Park, during the relevant period the most senior woman working for MI6, was stationed undercover as First Secretary in Leopoldville. Ms. Park, as she then was, is on record about her service in the Congo in that capacity between 1959 and 1962, as are others. In Leopoldville, Park was supported by other



MI6 officials, including John de St. Jorre and Hugo Herbert-Jones. Park's coordination with CIA officials has also been publicly referred to by herself, as well as those officials and others.

300. By way of other individual accounts, according to Williams' interview with the Officer-in-Charge of ONUC, Sture Linner, both CIA and MI6 officials had been among those who met with Hammarskjöld at a function at Linner's villa in Leopoldville only a week prior to the plane crash. Other personnel who have been publicly referred to as having been MI5 or MI6 operatives based in Northern or Southern Rhodesia or the Congo at the relevant time include Basil (Bob) de Quehen, subsequently head of the Rhodesian Federal Intelligence and Security Bureau, who was reported as being active in establishing links between the Bureau and the intelligence and security services of Katanga and South Africa.

301. In new information received in 2019 from the Independent Appointee of Canada, correspondence of 25 September 1961 between the Canadian External Affairs representative in London and Boothby (understood to be a reference to Basil Boothby, then head of the Africa Department at the Foreign Office), the latter is stated to have agreed during meetings that the British policy has: "in relation to Katanga continually suffered from an element of dubiety. The pressures of Col Waterhouse and Tanganyika Concessions Holdings which has interlocking interests with Union Minière may have been exerted clandestinely". Although the United Kingdom strongly denied allegations of any involvement in the death of Hammarskjöld, the apparent admission of the influence that British commercial interests had on Katanga policy are an important sphere for further searches, particularly given that the role played by other linked commercial interests in Katanga, such as UMHK, was pivotal.

302. A cable of 20 September 1961 from the High Commissioner of New Zealand in London to the Minister of External Affairs in Wellington states that the High Commissioner was shown a copy by the Commonwealth Relations Office of "Landsdowne's report of his meeting with Hammarskjöld on 18 September". Given that Hammarskjöld was no longer alive on 18 September, this date must be a mistake or a reference to the date of Lord Landsdowne's report itself. Either way, it does not appear that that report, which must have referred to one of the last meetings held with Hammarskjöld while he was alive, has been seen by the inquiries. In a related manner, Dunnett, in his memoirs referred to above, states that he had "received instructions to proceed to Kipushi and escort Tshombe to Ndola where he was to have a meeting with Hammarskjöld". Where he received those instructions from is not apparent; however, given that Ritchie's report was contained in Alport's papers and that those two British personnel, together with Dunnett and Landsdowne, met at around the time of Hammarskjöld's death, the Landsdowne report of around 18 September 1961 and any related reports should be sought from the United Kingdom.

**(b) United States of America**

303. In respect of information relating to the United States, as discussed above, Southall, Abram, Doyle and others have provided information regarding the fact that its security, intelligence and defence services were active in the relevant area in 1961. The Hammarskjöld Commission and the Independent Panel noted the possible relevance of the interim report of the United States Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities (Church Committee) of 1975/76 on alleged assassination plots involving foreign leaders (that and related reported studies by the same Committee will be referred to for convenience as the Church Committee reports). Aspects of the findings of those reports and related information have been brought to my attention in 2018/19. They show a strong United States intelligence presence in and around the Congo in 1961.

304. According to the introduction to the Church Committee report on alleged assassination plots involving foreign leaders, Allen Dulles, the head of CIA, informed “a CIA Station Officer in Leopoldville, Republic of the Congo, that ‘in high quarters’ the ‘removal’ of Lumumba was ‘an urgent and prime objective’” of CIA covert action. The report continued: “shortly thereafter the CIA’s clandestine service formulated a plot to assassinate Lumumba. The plot proceeded to the point that lethal substances and instruments specifically intended for use in an assassination were delivered by the CIA to the Congo”. The plot was not ultimately carried out.

305. Larry Devlin, then CIA Chief of Station in the Congo, confirmed in his autobiography information contained in the Church Committee reports, including that he was tasked with assassinating Patrice Lumumba. Other CIA officials supported Devlin; from information in the Church Committee reports, his autobiography, official records and other sources, it emerges that he handled a large number of agents and collaborators in the Congo in that period. CIA officials specifically referred to include Bill Jeffers; Howard Imbrey; Sydney Gottlieb (a CIA scientist who, under the pseudonym of “Joseph Braun”, brought poisons to Devlin to be used to assassinate Lumumba); David W. Doyle (the CIA Chief of Base in Elisabethville referred to above and as disclosed in his memoir *True Men and Traitors*); Justin O’Donnell (who was sent to the Congo under the pseudonym of “Michael Mulroney”); a third-country agent with the cryptonym “QJWIN” (who was sent to the Congo under deep cover in November 1960 and was handled by “Mulroney”); “WIROGUE” (a third-country agent sent to the Congo in December 1960 also under deep cover); and various other recruited agents and sources. Devlin also stated that he worked directly with foreign mercenaries in Katanga, including Mike Hoare and Bob Denard, and that CIA (after 1961) provided air support for those mercenaries’ ground operations. Names used also include cryptonyms and pseudonyms not cited above; for example, Devlin himself was “Victor Hedgman” before the Church Committee, and “Guthman” in many CIA records relating to the Congo.

306. The remit of the Church Committee (insofar as it was relevant to Lumumba) did not extend beyond Lumumba’s assassination in January 1961; consequently, the light it shed on QJWIN and WIROGUE is limited in respect of the subsequent months of 1961. However, following the release of records in 2017 and 2018 under the President John F. Kennedy Assassination Records Collection Act (1992), further relevant information has become available. I extend my gratitude to Williams for bringing this information to my attention. The newly released records include formerly withheld files relating to QJWIN and WIROGUE. They state that QJWIN left the Congo in December 1960 following a “one-shot mission”, but that WIROGUE, who had been trained in small arms, demolitions and “medical immunization” in preparation for his “new ops assignment” (for which he was given cosmetic surgery), remained in Leopoldville and established himself in the Congo. The files reveal that he and QJWIN initially stayed in the same hotel and that WIROGUE, unaware that QJWIN was also a CIA agent, sought to recruit him to his “execution squad”.

307. According to those records, in late January 1961, the CIA station in Leopoldville (Devlin) was authorized to arrange for WIROGUE to take flying lessons and to fly the CIA station plane, which was registered in the name of “YQCLAM”. By March, WIROGUE had been appointed adviser to the Congolese Air Force, and by April, he was teaching Congolese airmen to fly. On instructions from Washington, D.C., Devlin asked WIROGUE to set up an air intelligence unit. WIROGUE left for Brazzaville in early July 1961 and was brought to Washington, D.C., for meetings with Bronson Tweedy, the Chief of the CIA Africa Division. WIROGUE was given new documents and funds; he was then flown to Frankfurt, West Germany, on a military aeroplane and his contract was terminated on 8 September, but he returned to the Congo again. He flew from Frankfurt to Brazzaville, arriving on 22 September 1961, mere days

after the death of Hammarskjöld and at the same time as the Avikat Dornier DO-28 and Jan Van Risseghem had reached there. He then entered the Congo on the same day, arriving in Leopoldville. He later continued his involvement with CIA.

308. There is also information in CIA documents about intelligence officials of other nations. For example, a West German operating in the Congo with the CIA cryptonym of STAHL – whose true name was Wolf Meister – landed a Dornier DO-27 aircraft on 12 November 1961 at Ndolo, Leopoldville’s second airport, which was used by the military. STAHL was arrested, but WIROGUE secured his release.

309. The files recently released under the President John F. Kennedy Assassination Records Collection Act contain a large amount of information about WIROGUE and QJWIN that has not been released elsewhere; they also hold new information relating to the Congo about CIA intelligence officers, recruits for contract missions and other coded projects (including one focused on pilots and planes with the cryptonym of “WICLAM”). Some of the material relates to “ZRRIFLE”, the CIA cryptonym for operations including assassinations (referred to under the euphemism “executive action capability”). However, many of the released documents are heavily redacted. In some cases, files of nearly 200 pages have been redacted so extensively that almost all the pages are blank, which renders their release of extremely limited utility (by way of example, record No. 104-10182-10003 has only 3 out of 186 pages not wholly redacted, No. 104-10182-10004 has only 8 out of 176 pages not wholly redacted and No. 104-10182-10002 has only 8 out of 144 pages not wholly redacted). There are further records on WIROGUE, ZRRIFLE and Lumumba in the so-called CIA “Miscellaneous files”, which have been identified as being related to the Kennedy assassination but have not yet been released or described online.

310. Regarding his observations on other foreign presence, Devlin has also stated that “American insiders [believed] that the French hoped to displace the Belgians in Katanga and to obtain control of the province’s great mineral wealth”, as, according to him (and mirroring certain findings of the Independent Appointee of France), some of the more competent mercenary officers of Katanga came from France. Devlin also suggested that “Jacques Foccart, the head of French intelligence for Africa in the Elysée Palace in Paris, offered some of [the mercenaries] an eventual pardon if they would fight for Tshombe in Katanga”.

311. In addition, Devlin also stated during a conference in 2004 (“The Congo crisis, 1960–1961: a critical oral history conference”) that “the [US] air attaché had been in touch with the [SE-BDY] pilot since ahead of time”, in other words, before SE-BDY departed from Leopoldville. If that is the case, further searches of that Air Attaché’s records may hold additional relevant information, possibly including on communications that occurred during the flight.

312. As noted above, in 2019, Gülstorff provided newly declassified CIA records showing that the United States was aware in mid-1961 of links between Cassart, Loeb and Dornier, which by implication also connect Katanga and UMHK. An additional “Caravel contact report” of 23 November 1961 confirms that CIA staff met a CIA agent known as “Caravel” “in his office for one hour and discussed the following: ... d. CARAVEL still had no word from ‘our man at Dornier’ but he pointed out (as we had concluded after reading the ODACID traffic) that other than the signatories of the contract for the airplanes and possibly the names of the German technicians involved in the delivery of the first plane, there is little that can be learned. CARAVEL has not dropped the case, however.” This shows that CIA and the Department of State were actively seeking information on matters relevant to the investigation in 1961, presumably involving the supply of Dorniers to Avikat.

**(c) Germany**

313. Gülstorff also provided information in July 2019 regarding the presence of German intelligence agents in and around the Congo in September 1961. According to a CIA report from early December 1961, CIA had information from the Austrian security police that a Hans Germani was a West German intelligence (BND) agent. The same report cited a second source, being the Counterintelligence Corps of the United States Army, which was also aware that Germani was working with BND. This followed an earlier dispatch of 10 January 1961 from the CIA Chief, Munich Liaison Office, to the Chiefs “EE” and “NE”, quoting various sources confirming that a Hans Germani, born on 11 April 1927 in Trieste, living in Vienna, was a BND (identified by its CIA cryptonym, “Uphill”) agent working undercover for the magazine *Der Spiegel*.

314. According to a report of 20 September 1961 from the West German Embassy in Salisbury to the Foreign Office of West Germany, Hans Germani, under cover as a journalist, had visited Elisabethville to film the ONUC intervention and the fighting. That report states that “the film group Dr. Germani that just returned from Elisabethville, encountered the Germans Bachmann (owner of a garage) and Lönne (from Düsseldorf?) as well as two German journalists. All were well and had no interest in leaving. A German is [also] working in the Hotel Leopold II. There are no German casualties regarding the turmoil.” According to further research done by Gülstorff on the basis of interviews later given by Lönne, he was one of two Germans who fought in a group of mercenaries led by Faulques until early 1962.

315. If the CIA information from 1961 regarding Germani is correct, it would mean that the West German intelligence service, BND, had an agent in Katanga at the time of the crash of SE-BDY. This would suggest that records related to Germani and more broadly must have been created by West German authorities. As noted, given that this information was received in July 2019 after the Independent Appointee of Germany concluded his report, there was not an opportunity to put it to him. However, I flag it as a matter for potential follow-up.

316. The topic of “foreign intelligence agencies” is an area where there is still significant undisclosed information. As new information reviewed in 2018/19 shows, it is an area from which certain Member States have been reluctant to disclose records. This is a matter to which I return in my conclusions.

**2. Search and rescue**

317. It will be recalled that information received since the early inquiries has established that the wreckage of SE-BDY was likely to have been discovered earlier than the time officially stated by the Rhodesian authorities of around 1500 hours on 18 September 1961, some 15 hours after it had gone missing. The search that commenced almost 10 hours after SE-BDY was due to land sent Royal Rhodesian Air Force Canberras from Ndola in north and south directions, even though it was known that flight SE-BDY was making a west-east approach, and the wreck was stated not to have been found for approximately 5 additional hours, notwithstanding multiple search parties and the fact that it was around 10 miles from its intended destination.

318. The fact that it took 15 hours to find the wreck was stated to have been due in part to delays in the search procedure, which included that nothing was done to initiate the search at daylight despite the airport manager, John “Red” Williams, having been personally informed at 0330 hours by Marius van Wyk of a flash in the sky in a context where the plane was missing, despite air traffic control at Salisbury having communicated concerns at 0430 hours and despite a United Nations plane staffed by

Norwegian crew attempting to assist the search at 0700 hours, at which point they were placed under arrest.

319. In 2017, new information was received from the United Kingdom that supported the conclusion that the crash site was discovered before the officially reported time of 1510 hours. This included information from Lord Alport, Derek Riches and Unwin stating that it had been found some hours earlier.

320. In new information received in 2018/19, Rosez, in his statement, discussed his recollection of the events of 18 September 1961. He stated that on that day, he heard at around 1000 hours that the Fouga Magister had attacked the ONUC headquarters (where Conor Cruise O'Brien was staying) at the Clair Manoir at Elisabethville with bombs and machine guns. Just after that time, all the Katangese shooting stopped suddenly. The Katangan Gendarmes started to talk about something that had happened in Rhodesia, and he heard that Hammarskjöld's plane had crashed near Ndola through what he described as "the African 'Tam Tam'", which he said was word-of-mouth covering long distances. During the afternoon, additional news was broadcast by radio stations at Radio Collège and new Radio Katanga and conveyed by individuals who had come from Rhodesia that SE-BDY had been shot down; that it was shot down by an Avikat plane was soon added to the news. He stated that it was difficult to situate exact times, as the various broadcasting stations were operating in different time zones.

321. In further new information considered in 2018/19 (received in October 2017, after the 2017 report had been published), Kenneth Wright of the United Kingdom provided a signed statement attesting that he and his family had come across a large aircraft crash while travelling from Ndola to Chingola on the morning of 18 September 1961.

322. Wright stated that at the time he was on leave from the British Armed Forces (Royal Marines) and visiting his parents in Zambia, where his father worked at Nchanga copper mine. Having stayed overnight at a hotel in Ndola, they departed along a connecting road towards the main road to Kitwe, where they had intended to have lunch. En route, they observed black smoke, suggesting a fire in the nearby bush, and saw a number of people on the side of the road, including an African uniformed police member. His father, who spoke Bemba fluently, discussed the matter with others present, after which they went together towards the fire. Upon reaching the scene, it became obvious that a very large aircraft had crashed and caught fire, but there was no sign of any survivors or any fully intact human bodies they could see. Wright stated that it was obviously not a bush fire as it had been confined to a small area and there was a smell of burning flesh. Those present stated that the aircraft had crashed the previous night and Wright's family assumed that the local emergency services had already attended, so they left the scene.

323. Like other information received in recent years, the new information received in 2018/19 from Rosez and Wright further supports the proposition that the crash was discovered before the officially stated time of around 1500 hours on 18 September 1961. Although this does not go directly to the cause of the crash, it is important as it calls into question the acts of various Governments directly after the crash and leaves open the issue of why the earlier crash discovery time was not reported.

## **B. Other matters**

### **1. Alleged mechanical fault: gas spillage**

324. The Independent Appointee of the United States stated that its National Archives had identified a single responsive document. This was an information report from the

Office of Naval Intelligence dated 18 September 1961 with the subject "Congo: possible reason for Hammarskjöld plane loss" (McDonald report). It contained the observations of the United States Naval Attaché stationed in Leopoldville regarding the possibility that faulty repairs might have played a role in the crash of the Secretary-General's plane. The Naval Attaché stated, relevantly: "Upon returning to Leopoldville, repairs were made including the replacement of an engine. When this particular repair is made, care must be taken to insure that no gas is spilled or that spillage is removed after engine has been pulled. It would appear that this was not done by the United Nations crew working the aircraft in Leo with the result that when the landing gear was lowered upon approach to Ndola, generated sparks set off fumes in the gear housing", and that "according to crew chief, this type of accident is not uncommon for a DC-6 aircraft".

325. The 1961 Commission report concluded at paragraph 91 that it was "satisfied from the evidence before it that the damage to SE-BDY by gunfire at Elisabethville was minor and had been properly repaired before the take-off of the aircraft from Leopoldville on 17 September [1961]". In the light of this finding, I requested the expert opinion of Sven Hammarberg, the accident investigator and former fighter pilot who had previously assisted the Hammarskjöld Commission, the Independent Panel and the Eminent Person.

326. Hammarberg stated that he had "found no information to support the theory described in the J.J. McDonald report. All the reports available ... are consistent in that: the DC-6B 'Albertina' had suffered minor damage from firing by one small caliber bullet on the morning of 17th September; the engine was thoroughly inspected and repaired by the afternoon of the same day at Leopoldville, by changing a dented exhaust stub; and the aircraft was in a proper condition for use before the final take-off." He noted a specific part of the Swedish Civil Aviation Authority report that stated the following: "Immediately after the landing in Leopoldville after finishing the flight, Wilhelmsson reported to the ground staff that the aircraft had been fired upon during the start from Elisabethville. The Transair Scandinavian ground staff therefore performed a careful external inspection of the aircraft in order to find out if the aircraft had been hit. Six to eight mechanics and assistant mechanics participated in this work. It was found that the left inner engine, engine M2, had been hit on its right side by a bullet, which had left a hole in the engine housing with a diameter of about 8-10 mm. The bullet had continued through the airfoil plate and struck an exhaust pipe, which was deformed. The exhaust pipe was replaced. However, no action was taken on the shot holes in the engine cover and the air guide plate. No other damage to the aircraft had been detected."

327. Hammarberg reviewed the Swedish Civil Aviation Authority interviews with mechanics and himself consulted two other experts on the DC-6B aircraft, Captain Lars Gibson (DC-6 pilot) and Lennart Johansson (DC-6/6B flight engineer). Both of those experienced professionals stated that an engine replacement could not have been carried out during the time before SE-BDY departed for Ndola, contrary to the suggestion in the McDonald report. Johansson noted that replacing the damaged exhaust tube was a repair that could be done quickly, would not affect the fuel system and could not cause any fuel spill, also contrary to the suggestion in the McDonald report.

328. The possible source of the information in the McDonald report is not clear. Having reviewed information including the Swedish Civil Aviation Authority report and interviews, which include details about who conducted the relevant repair work, Hammarberg noted that there was nothing to suggest that United States personnel supported United Nations or Transair ground crew at the Leopoldville airport, nor was there any mention of any other mechanics involved than those listed.

329. Regarding the McDonald report's suggestion that "this type of accident is not uncommon for a DC-6 aircraft", having reviewed the Aviation Safety Network database, Hammarberg concluded that "no accident with DC-6, DC-6A, DC-6B, R6D-1 (the USN version) or C-118 (the USAF version) is known to be caused by engine fire or fire in the landing gear housing".

330. I have considered the McDonald report, the expert opinion of Hammarberg that the engine in the DC-6 used for flight SE-BDY could not have been replaced, as alleged in the McDonald report, the fact that no information about such a "gas spillage" issue was apparently ever raised before and the fact that the Independent Appointee of the United States observed that "we have not located any additional information related to these observations". On that basis, I would consider the new information, consisting of the McDonald report, to be of nil probative value.

## **2. Other information warranting further enquiry**

331. Additional information received in 2018/19 suggests lines of enquiry that may still be pursued. Information under this heading may relate to context or one of the various hypotheses for the crash; it is included here because there was insufficient time for further follow-up as it was received just prior to the finalization of the present report, in July 2019, or was received earlier but resources did not exist for additional enquiry.

332. The Independent Appointee of Sweden observed that the Swedish Military Archives contained a document from the Chancellery of the President of Katanga, deposited by a Swedish former ONUC intelligence officer. The document states that it is comprised of notes taken from the President's orders and contains a day-to-day report of military and political events for the period from 5 to 21 December 1961. As it was created for a "Second Blue Book", it suggests that an earlier such book may exist, which may contain the records of September or October 1961. I note that no such records of the Katangan response to the crash of SE-BDY yet appear in the record that I have examined but would obviously be likely to contain important information.

333. In the same Swedish Military Archives, there also exists a copy of what appears to be an official diary from the Belgian Consulate in Elisabethville of December 1961 containing military and other events in Elisabethville and Katanga from that period. By the same reasoning, should there exist a similar document within Belgian archives for September or October 1961, it may contain additional relevant information.

334. It may be recalled that the 2017 report analysed allegations that British authorities attempted to influence the findings of the early inquiries. In related information received in July 2019 during the preparation of the present report, the Independent Appointee of Zimbabwe provided information on the same topic, as it related to Rhodesian authorities. This included communications from the Office of the Prime Minister of Rhodesia (Black) to the Home Affairs Ministry (Marsh) of 20 September 1961 in which the author discussed responsibility for a Mr. Steadman publicizing a statement of "the sole survivor of the crash Sergeant Harold Julien, that Mr. Hammarskjöld had given certain instructions while the plane was reported over Ndola airport". According to Steadman, who had gone to the scene of the crash and then the hospital where Julien was being treated, Julien had made a statement to Drs. Glyn and Gibson, as follows: "has said that Mr. Hammarskjöld had changed his mind while the plane was over Ndola and had decided to go to Katanga. He said that shortly after leaving Ndola there was a big explosion on board, followed by a series of smaller explosions as the plane was forced to the ground. The survivor escaped by throwing himself through a safety hatch." Subsequently, Colonel Archer called "to warn Dr. Glyn [superintendent of Harold Julien] that no one of his hospital staff must

talk about this” in relation to Julien’s statements that he had seen sparks in the sky, and that the author “found Drs. Glyn and Gibson, warned them about the security angle, and asked them to make sure that none of their staff talked”. This information suggests not only that Northern Rhodesian authorities attempted to shut off any public knowledge of possible external interference, but also that Julien may have said more about the last moments of flight SE-BDY than was put before the initial inquiries, which is clearly a matter requiring further consideration.

335. In a further such correspondence suggesting attempts at influence by Rhodesian authorities, a letter from the Office of the Prime Minister and External Affairs (Parry) to the High Commissioner for Rhodesia and Nyasaland in Nigeria (Bowles) dated 8 March 1962 stated that “I am moderately optimistic about the UN Report. We did our best to cultivate the UN Commissioners, most of whom struck me as reasonable.” A similar memorandum with the same date from Parry to the Prime Minister also discussed withholding evidence from the 1961 Commission. In addition, a memorandum from the Minister of Law (Greenfield) to Prime Minister Welensky of 29 November 1961 suggests that by seeking the appointment of a United Nations member to the Rhodesian Commission of Inquiry, the Rhodesians had hoped to avoid the convening of a United Nations Commission. A handwritten note with the same date states “PM agrees”.

336. In addition, a letter of 29 November 1961 from Northern Rhodesian Transport Minister, Kenneth Towsey, to Major Cox states that the Rhodesian authorities should “show as much cooperation as we reasonably can without giving away any important positions”. A response from Major Cox to the Transport Minister of 14 December 1961 states that, regarding the Rhodesian perspective, the “Commission of Inquiry ... is, of course, the best safeguard which those who were involved in the accident have”. It is unclear what this means in terms of the Rhodesians “involved in the accident”.

337. Further, a telegram from the Commonwealth Relations Office to the British High Commissioner in Salisbury of 14 December 1961 describes Justice S.B. Jones, the judge from Sierra Leone who had been appointed as one of five members to serve on the 1961 Commission, as “very anglicised and a good friend of Britain”.

338. In 2018/19, I was sent information and a “case analysis” by a Major General (retired) Vervoort Karel, who stated that he had significant flight experience (including with the Fouga), and Marc Halleman (retired), who stated that he also had significant flight experience and knew Van Risseghem very well. They state their opinion that the crash was an accident resulting from pilot error caused by an inexperienced and tired Swedish crew and that it was technically impossible to take down SE-BDY with the Fouga. In their contribution, Karel and Halleman discuss the evidence considered by the early inquiries, raise again the suggestion of confusion between Ndolo and Ndola (discussed previously), discuss other flight accidents of which they were aware and provide criticism of the decisions taken regarding the preparation for and execution of flight SE-BDY. They conclude that the crash was therefore a “classic example of a CFIT [controlled flight into terrain] crash”. Karel and Halleman claim that their opinion accords with the findings of “the three official accident reports, the additional report from Bengt Rosio in 1993 later and the report from the expert in aircraft accidents [Sven] Hammarberg hired by the UN itself”, and that analysis to the contrary is the result of “more inexperienced jurists and layman with no flying experience in Africa making unfounded reports”.

339. The submission was received at a late point and does not, strictly speaking, appear to contain new information. It contains fundamental factual inaccuracies – for example, that the flight crew were inexperienced and that the early inquiries all concluded that the crash resulted from pilot error, when two of the three inquiries were not able to reach a conclusion – and fails to explain key evidence that sits at



odds with a finding of pilot error. It is also incorrect in its contention that the ongoing inquiries have a predisposition towards finding any particular hypothesis proved. Notwithstanding this, I consider that it is important to recognize it as a contribution. As discussed in the present report and the 2017 report, it is necessary that the possible hypothesis of pilot error remain one of those actively under consideration until such time as we may be sure that all relevant information has been identified. As with other submissions, I will recommend that it be made publicly accessible within United Nations archives so that it may be considered independently.

340. In further information, in an article published in 2018 and provided to me, authors Matthew Stevenson and Joseph Majerle, the latter a pilot, suggest that SE-BDY may have descended to a lower altitude on purpose in order to avoid an attack from another aircraft or as a result of the plane already being on fire. They base this postulation on Majerle's experience examining and discussing crashes of similar aircraft with pilots of those aircraft, concluding that if the pilots of SE-BDY had inadvertently flown the aircraft into the ground, rather than, for example, being forced down, it would have travelled much further than 150 yards before all the pieces came to rest. They also suggest that it is not explained in the early inquiries why the wing flaps were extended and landing gear was down, despite the fact that SE-BDY was almost 10 miles from Ndola airport at the time (around three minutes' flying time at the estimated velocity), and suggest that this is indicative of the plane attempting to land prior to reaching Ndola airport. Again, I include the discussion of this article for completeness; whether its contentions that the calculations relating to wreckage span versus velocity as considered by the early inquiries may be wrong will require verification before being analysed further.

341. In additional further information, in June and July 2019 I was provided with information from a source who requested to remain anonymous concerning a hypothesis of ground attack. A substantial submission was provided, based on a significant amount of supporting material. The submitter claimed that the early inquiries did not sufficiently assess a possible ground attack by going through an evaluation exercise of considering possible attack locations against ranges of available ground weapons. He posits that a ground attack team placed along the lines of the instrument approach path utilized, deployed with vehicle-mounted machine guns with tracer bullets, may have shot at SE-BDY from two likely ground positions that he identifies. He posits that this caused distraction of the pilots and likely forced them into an evasive manoeuvre that made them descend low and crash. He states further that a ground attack team would have been able to estimate the approach of SE-BDY, given that Transair policy was to use an instrument approach, which was done by using the Jeppesen manual, as SE-BDY did. He notes that although following this manual, the pilot would have discretion regarding the diameter of the final turn, plotting two points for ground attack positions would have been able to cover the required area. In terms of weapons, he states that a machine gun such as the Browning M2 or M1919 or similar, available in the area at the time, would have been able to cover the necessary range of an aircraft flying at around 1,750 feet above ground level, and provides calculations for those figures.

342. The anonymous source also suggests that a ground attack team may have used radio jamming to cover its activities, pointing to logs of the Mufulira police station that recorded radio problems on the night of the crash. The same police at Mufulira also record "a sentry who heard a light two engine plane flying around over Makombo at approx 02:20" as evidence of such a plane being present but unexplained. If radio jamming occurred on the evening in question, it may be expected that the United States Air Force planes at Ndola could hold some record of this, which is a matter that may be verified. The anonymous source states further that the existing evidence that supports his theory includes Sergeant Julien's discussion of "sparks in the sky"

and Hammarskjöld's apparent direction that the plane should turn back, and holes in the radar dome, window frame, seats and astrodome (as identified by Bo Virving). Regarding potential bullet holes in the radar dome and window frame, he states that the statements of the witness Captain Els, testifying before the Rhodesian Board of Investigation, left open the possibility of the damage to those parts of the plane having been caused by a projectile that had struck the plane towards the end of its effective range; this, however, would require verification by a military ballistics expert.

343. Ground attack as a hypothesis was considered by the early inquiries, in part because it had already been established that ONUC planes were hit by ground fire in 1961; indeed, Hammarskjöld's DC-6 had to be repaired in Leopoldville prior to its final flight for precisely that reason. The submission received in June and July 2019 outlines the author's theory, but I have not had the time or resources to analyse it in depth. I note it as a matter that may be considered appropriate to examine further.

344. By way of a final submission received while writing the present report, in June 2019 I received information from Anna Roosevelt discussing her research on individuals involved in the killing of African leaders in and around the Congo at the relevant time. The thrust of those submissions is that Belgian officers were carrying out a programme of killing African leaders and dismantling their political movements, with the aim of retaining Belgian control within at least part of the Congo. She states that in the course of that programme, they fought the United Nations and assassinated Hammarskjöld as part of an attempt to preserve the Katanga mining secession and its military and administrative control elsewhere in the Congo in the face of ONUC military opposition.

345. Roosevelt outlines and provides a substantial amount of referenced research on what she says are the closely linked Belgian ties to the secession of Katanga and to the formation and support of its military structures. Those ties included Belgian personnel such as Vandewalle, Brassine, Clemens, Huyghe, Crevecoeur, Weber and Van Risseghem, who she states were acting with Belgian governmental authority, rather than as mercenaries. Roosevelt's contention is that numerous examples of murders (both individual and mass) were institutionally related and had the central objective of maintaining Belgian control. Certain of the information provided goes to alleged Belgian responsibility for acts or campaigns in the Congo (such as against the Luba) that is not directly related to the present investigation, notwithstanding that similar actors and equipment may be alleged to have been involved.

346. Roosevelt states that Huyghe may have been involved in the death of Hammarskjöld, given that, according to Puren, he was at Ndola on the night of 17 to 18 September 1961, along with another high-ranking Belgian officer and several members of the secessionist aviation combat squadron that he supervised. As Huyghe had worked closely with the military security services and diplomats of the British white supremacy colonies, South Africa and Northern Rhodesia, he and his aviators were permitted free access to Ndola airport, including its tower, during the day when Hammarskjöld's plane crashed. She also states that, given the importance of Hammarskjöld's removal to the secession, it is likely that Vandewalle was one of the unnamed high-ranking officers also at Ndola that day. I note that it has not been independently verified with evidence whether Huyghe was in Ndola on that date, although neither has it been verified that he was not.

347. Roosevelt states that relevant United Nations files are controlled and have not been declassified. As I have observed above, I have had unrestricted access to all United Nations files, as well as the assistance of its impartial, professional and helpful staff. As to the declassification of ONUC archives, that is also discussed in the present report. As I have also noted, I received strong cooperation from the Independent Appointees of Belgium, who appear to have had wide access to security, intelligence

and defence archives. Roosevelt's contentions are that the acts of personnel of Belgian nationality serving in Katanga were attributable to the Belgian Government. In the course of the present investigation, this would only be relevant to the extent that the information may bear directly on the cause of the crash, which remains to be established. Nonetheless, I flag the matter for the consideration of Belgium.

## V. Findings and conclusions

348. In its resolution [72/252](#), the General Assembly mandated me, if possible, to draw conclusions from the investigations already conducted. While certain conclusions may be reached, there is no evidence that of itself gives certainty as to the cause or causes of the tragic event. At the same time, it appears that relevant and important information has not been disclosed by some Member States, which have yet to fully engage with the process outlined by the General Assembly. The present report, including its conclusions, is thus only a part of a process in the search for the full truth. Given my observations that relevant material remains undisclosed, the conclusions of the present report may require adjustment, depending on what that further information may reveal.

349. The 2017 report discussed why it could be said that the early inquiries did not make a fair and reasonable assessment of all the evidence. Without restating those reasons in full, they included overreliance on certain aspects of the initial Rhodesian inquiries, little credibility being given to the testimony of the so-called "African" witnesses, an apparently predetermined goal of reaching a finding of "pilot error" and attempts to influence the 1961 Commission. Because of those issues, the early inquiries did not adequately consider that there may have been more than one plane observed as SE-BDY approached Ndola, that the aircraft was on fire before it hit the ground or that it may have been the subject of an attack or external interference. Where necessary in the body of the present report, reference has been made to how the shortcomings of the early inquiries may have affected the way that certain information was analysed or where there has been a need to reconsider any such information.

350. In the period of approximately two years since the 2017 report, the new information that has emerged centres principally on three areas connected with the tragic event, namely: (a) aerial or ground attack or other external threat; (b) sabotage; and (c) the acts of local and foreign authorities (in 2017, information was also received on "human factors", but no material information on that topic has been reviewed under the present mandate). Concluding observations on those topics are considered under the categories described below.

### A. Cause or causes of the crash

351. Causes of the crash may be best appreciated when placed in two main groupings: those involving some form of interference ("external interference" is categorized as aerial or ground attack or other external threat, and "internal interference" is categorized as sabotage) and those that did not.

#### 1. External interference: it remains plausible that an external attack or threat was a cause of the crash

352. In the 2017 report, I observed that the 1961 Commission did not rule out the possibility that SE-BDY was subjected to aerial attack or harassment, and that the Independent Panel had noted that the possibility of the presence of an "unknown aircraft" could not be excluded entirely. The 2017 report concluded, on the basis of

existing information, new information and expert opinion, that it would have been plausible for hostile action emanating from outside the plane to have been a cause of its crash, whether by way of direct attack causing it to crash or a momentary distraction of the pilots by a perceived threat which caused them to fly too low and crash. I retain that conclusion in 2019, for the reasons outlined below.

353. Conditions were such that an attack could have been mounted. There was widespread advance knowledge of the fact that Hammarskjöld would be travelling to Ndola that night. Many eyewitnesses state that they observed more than one aircraft in the air, that the other aircraft might have been a jet, that SE-BDY was on fire before it crashed and that SE-BDY was fired upon or otherwise actively engaged by another aircraft. Further, there were resources and pilots capable of conducting such a mission against SE-BDY; indeed, each continuing stage of the investigation has found more evidence of such matters that was obscured from or otherwise not considered by the early inquiries. The work carried out in recent years has also made it more evident that the context of events was one of active armed conflict involving various parties, including the United Nations. While it would have been difficult to conduct an attack on SE-BDY given the limitations, including of flying at night without radar, on the basis of the material available it would have been possible.

354. Further, it is now evident that more than one Government sought to influence the early inquiries to a predetermined finding of “pilot error”, and in subsequent years certain Member States have indicated a reluctance to give a full account of records and archives. These matters appear to be established and of relevance.

355. The below categories of information remain under active consideration regarding the question of whether external interference may have been a cause of the crash.

**(a) Information from eyewitnesses**

356. To recall eyewitness evidence on this topic, the Rhodesian Board of Investigation heard evidence that seven witnesses had seen a second or third aircraft, and the Rhodesian Commission of Inquiry heard at least six such witnesses. It was generally critical of those witnesses in a manner that was not objective, which may have been related to its pre-established bias. The 1961 Commission also heard at least six witnesses speak of more than one plane and at least 12 witnesses who spoke of a flash (or similar light) in the sky.

357. Twelve new eyewitnesses have been interviewed since the conclusion of the work of the 1961 Commission. In 2015, the Independent Panel heard from five new witnesses who observed more than one aircraft, as well as seven who claimed that the “large aircraft” was on fire prior to crashing. The Independent Panel listed the relevant objective factors that informed its assessment of witnesses, the testimony of some of whom it found to have probative value, and others not. Those factors included reliability and correctness of visual identification in unfavourable night circumstances, opportunity of observation, lapses in human memory with time, inconsistency and contradictions, and other matters. The sole temporary survivor of the crash, Harold Julien, also provided testimony that suggested a threat or attack as the plane approached Ndola, possibly involving a sudden explosion. This evidence was augmented in 2018/19 by information from Zimbabwe that showed that Northern Rhodesian authorities had tried to stifle those statements of Julien from being made public.

358. At least two on-the-ground reports from United States Ambassador Gullion of 18 September 1961 also stated that the plane “may have been shot down” and discussed reports of a “flash in the air”. Those communications were passed on

immediately to the White House, the Secretary of Defence, the Army, the Navy, the Air Force and CIA.

359. As noted in the 2017 report, a significant amount of eyewitness evidence tends to establish that there was more than one aircraft in the air at the time SE-BDY made its approach to Ndola, that any aircraft present other than SE-BDY was a jet, that SE-BDY was on fire before it collided with the ground and that SE-BDY may have been fired upon or otherwise actively engaged by one or more other aircraft. Information received from Member State intelligence, security and defence archives in 2018/19 has not detracted from this evidence, but nor does it support the hypothesis conclusively. However, as discussed above and further below, reviews have not yet been comprehensive in all Member States.

**(b) Claims that communications regarding the attack were overheard**

360. The Independent Panel assigned moderate probative value to the claims made by Charles Southall and Paul Abram to have separately listened to or read a transcript of an intercept of radio transmissions on the night of 17 to 18 September 1961 relating to what they believe was an attack on SE-BDY that brought about the crash. Following developments in 2018/19, I have assessed part of their claims to now be of strong probative value that the United States was monitoring radio traffic and that relevant records of transcripts were highly likely to have been created.

361. Abram's claims, if true, are obviously of the utmost significance in this matter. For a number of years, the United States was requested to provide information that would dispel or support those claims. Its responses changed between 2015 and 2017, when it finally confirmed Abram's statements regarding his service record as an intercept specialist operating in Crete, but said that he was not in Crete in September 1961. When his statement to the contrary was put to the United States between 2017 and 2019 for further clarification, again, no response was received. In 2019, I was advised that Abram had died. As already noted, relevant matters include that Abram's claims were consistent and made over time; his final reassertion in July 2017 was of his presence in Crete on the dates in issue; his specialization and duties as a voice intercept protocol specialist with United States Air Force security clearances were confirmed; and this information was not further challenged while he was alive.

362. Southall's claims are similarly of great significance in this matter. As with Abram, many opportunities were given to the United States to contradict or clarify Southall's claims prior to his death in 2016. The new information received in 2019 is consistent with and supports his previous statements, as well as the written history of correspondence examined by the Hammarskjöld Commission. Again, as noted by the Independent Appointee of Sweden, "Southall had in fact been trying to pass this information on for decades". Relevant matters also include Southall's uncontested position in the United States Navy, retiring as a Commander in the Naval Reserve; his specialization as a "processing and reporting" officer; his assignment at a naval communications facility near Nicosia in 1961; and the consistency of his assertions over a significant period of time, from at least 1967 to 2013.

363. Regarding other intercepts of communications, information analysed in the 2017 report showed that, in 1961, the United Kingdom and the United States were receiving intercepts of sensitive ONUC communications from Rhodesian authorities. On the basis of the new information received from Zimbabwe in 2019 regarding such activity, the conclusions reached in the 2017 report in this regard are strengthened.

364. In a related but different way, communications that may have been made in the final moments of flight SE-BDY but of which a record does exist are also potentially very important. Information analysed in 2019 highlights that the records made by the Ndola air traffic control around the flight's final moments were inadequate and raises

questions regarding why Martin destroyed the notes on which he had based the brief and incomplete statement he made around 36 hours after SE-BDY failed to land, by which time he knew it to have crashed.

365. Various witnesses, including Martin himself, made reference to the fact that United States aircraft may have been monitoring radio traffic and possibly communicating with SE-BDY from Ndola. The interception of radio communications itself does not cause a plane to crash. However, those interceptions are likely to show what happened in the crucial moments. If there were parties in disparate locations that were involved in an air or ground attack or other external interference, then it is likely that they would have communicated by radio or similar means.

366. In concluding on this topic, multiple sources refer to communications being overheard that have not since been brought to light. Those sources include both private individuals and people who worked for government security, intelligence and defence sources. Given other circumstances, including the fact that Member States were monitoring and intercepting United Nations communications and that sophisticated communications assets were present in Ndola on the night, and noting the strangely incomplete Ndola air traffic control records, the importance of finding any other traces of communications that took place on that tragic night cannot be gainsaid. This is a particular area where the non-cooperation of Member States may in time be seen to be approaching a decision to obscure the complete truth of matters.

**(c) Capacity to conduct an external attack**

367. As noted above, the early inquiries essentially only considered the Fouga Magister jet as a candidate for an attack on SE-BDY, and effectively ruled it out on the basis of Avikat Major Delin's testimony and operational limitations. The Rhodesian Commission of Inquiry found that "he came voluntarily ... we found no reason to doubt his evidence", notwithstanding that Delin was a Katangan mercenary suspected of possible complicity in the tragic event. Delin's accounts also show inconsistencies, including in how many Avikat pilots were available, and it has since been found that he was not actually a pilot himself.

368. New information in 2017 and 2019 has led to the assessment that there were many more airfields or airstrips, pilots and aircraft that could have been used for an attack. Descriptions in the witness testimony and documents analysed showed that aircraft landings had been made at night by using sand and kerosene for flare paths, that most of the United Nations flights in the Congo at the time were undertaken at night and that air-to-air attacks had been made. They also showed that multiple aircraft, including those with offensive capability, such as the Fouga Magister jet, De Havilland Dove and Dornier DO-27 or DO-28 aircraft and others, were available in Katanga and used in such an offensive manner by Avikat in September 1961.

369. In 2018/19, significant new information on this topic was made available. It further strengthens the conclusions reached in 2017, with the qualification that the balance of evidence suggests that only one Avikat Fouga Magister remained operable in September 1961. The new information confirms the presence of certain mercenaries in Katanga, including French mercenary officers who may have been there with the tacit or express authorization of the French Government. Information from multiple Independent Appointees and individuals also confirms that Avikat was using weaponized Dornier DO-28 and Dove aircraft in September 1961 and had the use of multiple international airfields and airports throughout Katanga, the Republic of the Congo, Angola and Northern Rhodesia.

370. Eyewitness information from Rosez states that UMHK constructed armaments in its factories for use by Avikat, being affirmative evidence of a matter that has been alleged previously.

371. With regard to Van Risseghem, extracts of his flight logs (which remain to be further analysed) show that between June and September 1961, he flew Dove, Piper, DC-3, Fouga Magister and Dornier DO-28 aircraft for Avikat, with various copilots and from locations throughout Katanga, the Republic of the Congo and Northern Rhodesia. An allegation was made by Coppens that Van Risseghem admitted to shooting down SE-BDY; he denied this to others and stated that he did not want to face problems about what he did in the Congo. Noting the analysis of conflicting information, including that from Member State security and intelligence archives, it cannot yet be conclusively established where Van Risseghem was on the night of 17 to 18 September 1961. However, his presence in Brazzaville days after the crash of SE-BDY at the same time as a number of persons of interest, including CIA agents, is also a matter for further enquiry. Noting his ancestry, familial relationships and service record with the British Armed Forces, as well as the information showing that the United States considered that he may have attacked SE-BDY, further searches on this topic remain necessary.

372. Regarding the Beukels hypothesis, new information from de Kemoullaria received in 2018 described his meeting in 1993 with Bob Denard. This confirmed aspects of the hypothesis but, by this time, no longer mentioned “Beukels” himself. Moreover, analysis done by the *Cold Case Hammar skjöld* film team also suggests that Beukels (or Beuckels) was not an Avikat pilot.

373. Information analysed in 2019 from Member State intelligence, security and defence archives also showed that Northern Rhodesian forces were assembled in a prepared and combat-ready state along the border with Katanga and sometimes within Katanga. In this regard, I again note that it could not be conclusively ruled out in 1961, nor can it be yet, that there was not another non-Katangan aircraft in the air that night which may have included, for example, one or more of the Royal Rhodesian Air Force’s 18 Canberra jet fighter-bombers, 30 Vampire jet fighter-bombers and 12 light attack Provosts.

374. As noted above, although the information that a Fouga, De Havilland, Dornier or other aircraft could have attacked SE-BDY may be assessed as weak in isolation, it must be considered in the light of the other evidence, including that of the witnesses. Furthermore, although operational difficulties in mounting an attack existed, such an attack need not have been direct to be successful. It may have been enough for a second aircraft to have harassed flight SE-BDY for such action to have been a cause of the crash. I reiterate, however, that caution remains necessary in any analysis of an external attack. The information above shows that it would have been possible for another aircraft or ground attack to have threatened or attacked SE-BDY, meaning that such an attack or threat cannot be ruled out. At this stage, however, it does not provide the specific details of any such attack. As discussed further below, this is why a full account of all potentially available information remains paramount.

## **2. Internal interference: it is not possible at present to conclude whether sabotage was a cause of the crash**

375. The possible role of various forms of sabotage in the crash has been examined since the early inquiries, and the 1961 Commission noted that the fact that there was no special guard of SE-BDY in Leopoldville meant that the possibility of an unauthorized approach to the aircraft for the purpose of sabotage could not be ruled out.

376. The Independent Panel found that there was nil probative value in the claim made in 2015 that staff members of a foreign embassy (Romania) in Leopoldville were involved in planting an explosive device on SE-BDY while it was on the tarmac at Leopoldville airport, or the claim that a hijacker or “extra” passenger was smuggled

aboard SE-BDY. However, neither the Panel nor the 2017 report were able to fully assess the sabotage claim outlined in the SAIMR documents that described “Operation Celeste”, as access to those documents was not granted by South Africa.

377. In 2018/19, I further sought to verify the claims regarding “Operation Celeste”. Through the assistance of the *Cold Case Hammarskjöld* film team, an interview was held with a purported former member of SAIMR who stated that SAIMR had been a functioning organization and that he had seen propaganda material relating to “Operation Celeste”. A further handwritten version of documents appearing to be Keith Maxwell’s memoirs was also analysed. The new information received does not prove or disprove the alleged “Operation Celeste”, but underscores that it remains necessary to verify or dispel the hypothesis relating to “Operation Celeste”. This necessitates the cooperation of South Africa. Further, intelligence information in South Africa and potentially the United Kingdom and/or the United States may assist in establishing the possible existence and any operations of SAIMR in 1961. It is important that searches in the United Kingdom and the United States also search for records on Maxwell, SAIMR and any results of internal investigations that were carried out following the allegations being made public in 1998.

378. Further cooperation from Member States remains necessary before any firm conclusion may be reached regarding the possible role of sabotage in the crash. An analysis of the original “Operation Celeste” documents is required, as is a possible questioning of witnesses and a concerted examination of Member State intelligence, security and defence archives, to ascertain whether SAIMR or “Operation Celeste” (which, among other things, alleges a CIA role) are referred to. Unfortunately, this is a hypothesis that I was not able to dispel or further authenticate in 2018/19.

**3. It remains possible that the crash was an accident caused by pilot error, with no interference**

379. As noted in the 2017 report, it must be observed that it is possible that the crash resulted from simple pilot error. Such accidents occur, despite the experience of a crew operating within the range of otherwise normal flight conditions.

380. Prior allegations that there may have been a mechanical or other material failure, including with the altimeters, that the wrong altimeter setting (QNH) was conveyed to the pilots by air traffic control or that the wrong landing charts were used have been adequately dismissed between 2013 and 2017. Therefore, if the flight was not subject to interference, the crash is almost certain to have resulted from a problem of pure pilot error, such as a combination of a misreading of the altimeters and visual error.

381. Although a hypothesis of pilot error appears a simple explanation, it would be logically unsound to make a finding that there was no interference in circumstances in which it is clear that all relevant evidence has not been disclosed. To come to any conclusive finding while knowing that one has not seen all potentially material evidence would be neither judicious nor responsible. Indeed, much unanswered evidence, including that of many eyewitnesses, militates against a finding of pilot error. Of course, not all evidence that once existed will be able to be reviewed as, for example, around 80 per cent of the plane was burned following the crash. However, information likely to be held by Member States – such as that going to whether the alleged voice intercepts exist and are genuine or fraudulent, or whether any security or intelligence entity recorded the presence of a second aircraft – remains necessary to answer the claims of eyewitnesses. If all existing evidence has been reviewed and the result is that no other hypothesis can be supported, then it may be legitimate to surmise that, for all intents and purposes, there can be no explanation other than pilot



error. However, we are not yet at a point where reaching such a conclusion would be reasonable.

## **B. Other matters**

### **1. Cooperation of Member States**

382. Member States' engagement in 2018/19 with the process outlined by the General Assembly in resolution [72/252](#) has, on the whole, been excellent. This is encouraging and shows that the membership of the United Nations considers the matter to be extremely important, such that the application of the usual rules of classification and sensitivity of information may, six decades after the fact, be reconsidered in the interest of transparency.

383. The majority of the 14 Member States requested complied with the letter and spirit of the request that they conduct a dedicated internal review of their intelligence, security and defence archives. The work that has been done may be considered as a success and a constructive step in the search for the truth of the tragic event, which has resulted in the discovery and disclosure of new relevant information, including in the areas of the probable intercepts by Member States of relevant communications; the capacity of armed forces to have staged a possible attack against the Secretary-General's plane; the presence in the area of foreign paramilitary and intelligence personnel; and other information relevant to the context and surrounding events of 1961.

384. Particular acknowledgement must be given to Member States that appointed officials who could truly be said to be independent and high-ranking and who were facilitated with the clearances and cooperation necessary to perform a methodical and comprehensive account of their searches, including within classified material. I am grateful to all Member States, but Belgium, France, Sweden and Zimbabwe must be commended in particular for the depth and volume of work undertaken by their Independent Appointees. Those Member States reviewed and provided information, the disclosure of which may once have been seen to be adverse to their interests, particularly given a historical context that includes decolonization at the relevant period. I am also particularly grateful for the work done by the Independent Appointees of Canada, Germany, Portugal and Zambia. Although their searches were generally required to cover less potential material, those Member States also engaged in the process requested of them in the same manner and provided important information following dedicated searches by their high-ranking and independent officials.

385. Despite encouraging progress having been made, searches cannot be said to have been exhaustive in all Member States. Certain Member States have not responded substantively to queries or appear to have inferred that their intelligence, security and defence archives cannot hold "relevant" information, as they are not ordinarily archives of which their legal frameworks allow consultation or disclosure. As noted in my definition of what information may be considered "relevant", this issue must be interpreted in a broad, non-exclusionary sense, rather than a technical or legal one. A piece of information is therefore not considered not to be "relevant" because, for example, an existing legal framework would not require or allow it to be disclosed.

386. Regarding the Member States with which I would respectfully suggest further engagement, I note the following. South Africa made an appointment in May 2019, some 15 months after my initial request and subsequent to the deadline for other Independent Appointees' reports. It is a positive step for which I am grateful. However, no information has been received from South Africa, despite it having been continuously identified as very likely to hold relevant information.

387. The United Kingdom also made an appointment in May 2019, some 15 months after my initial request and subsequent to the deadline for other Independent Appointees' reports. It is a positive step for which I am grateful. A letter was received from the Independent Appointee of the United Kingdom in June 2019, in which the Appointee confirmed his categorical belief that all documents held by the British Government that contained information relevant to the inquiry had been fully identified and submitted in response to previous requests. I do not think it fair to expect that a month was adequate to accomplish a comprehensive review of the nature and covering the extensive grounds requested, and it is acknowledged that the internal review was conducted to the extent possible and within the time available. I believe that the detailed request and queries transmitted by the investigation to the Independent Appointee and those outlined in my report may be fertile ground for future consideration. Despite the United Kingdom having been identified as very likely to hold relevant information and in spite of my indicating specific areas where such information may be found, no new documents or other information have been received, and responses were not given on the detailed queries that I communicated. However, as of 2019, the United Kingdom appears willing to engage further with this process, which is to be commended.

388. Regarding the United States, I am grateful that an appointment was made in 2018. In April 2019, I was advised that comprehensive searches in a number of government agencies, including the Department of Defence, CIA and NSA, had been conducted in preceding years; other search requests were said to be ongoing and had in fact been broadened to include additional United States intelligence agencies. While this represents a continued engagement with the process, it is also to be noted that with regard to a number of specific queries and requests, no material or further clarification has been received. Despite the United States having been identified as very likely to hold relevant information and notwithstanding particular areas where such information may be found having been identified in correspondence, no information other than the one report described in the present report has been received. It remains encouraging that, in 2019, the scope of search efforts has been extended to encompass additional United States intelligence agencies, an effort worth recognizing.

389. In 2019, the position was again stated by both the United Kingdom and the United States that their respective searches in previous years had already been comprehensive. However, and by way of a few concrete examples already referred to, it is shown that this may not necessarily be the case. These examples include the United Kingdom stating that it had no information relating to MI6 operative Ritchie, or the United States stating that it had no record of any involvement in the supply of Fouga Magister jets to Katanga in 1961, of United States aircraft with sophisticated communications equipment in Ndola on 17 September 1961 or of any service record of Abram. When documents were put to those Member States that independently verified those matters, in 2017, their further searches resulted in admissions being given as to the existence of relevant records. Those illustrations reinforce the experience gained that when searches are performed in a directed manner and with sufficient knowledge, access and resources, it has been possible for important information to be unearthed. It is for this reason that I again respectively urge further and deeper engagement.

390. Regarding the Russian Federation, I was grateful to be advised that it had performed searches within intelligence, security and defence archives; however, an Independent Appointee was not appointed and the details of the searches for information were not particularized. Although there is no precise information before me that identifies specific awareness by the former USSR of the events in question, as an important actor in the region at the time, for completeness and uniformity, it

would be of great utility to engage with the Russian Federation in a full and thorough review, in accordance with the requested framework.

## **2. Further relevant information must exist**

391. Important progress has been made towards reviewing relevant information and in showing where, in specific and finite terms, additional information is highly likely to exist. The existing record shows it to be almost certain that undisclosed information on the tragic incident still exists in the intelligence, security and defence archives of certain Member States. Given the way in which potential new information has emerged over the years, it is still likely that further information will be identified in the future. In 2017, I observed that an unqualified, unreserved disclosure of relevant information that may exist but has so far been withheld by the intelligence, security and defence agencies or services of Member States was overdue. Unfortunately, such disclosure has not been made by all Member States – in particular those most likely to hold relevant information – and the burden of proof described in the 2017 report cannot yet be said to have been discharged.

392. In the past two years, the body of knowledge about the intelligence, security and defence information held by Member States has advanced even further. For example, as analysed in the present report, CIA records show that CIA was aware of and possibly involved in the supply of weapons to Katanga, including being aware of Cassart, who supplied Avikat planes, and Loeb, who coordinated communications with British intelligence, UMHK and Rhodesian officials. CIA was also aware of and had links to an agent involved with, or who had knowledge of, the supply of Dornier planes. Other documents analysed show, for example, that CIA operatives sought to retain agents for an “execution squad” in the Congo and had arranged a CIA plane and flying lessons for operations there. I note that none of this information was supplied to me by the Independent Appointee of the United States. Rather, it was identified by private researchers who found that it had been declassified subsequent to unrelated matters (for example, declassification of records relating to President John F. Kennedy). This serves to highlight that Independent Appointees must be independent and high-ranking, and their tasks should be approached in a comprehensive manner by interacting with the requests of the present investigation so that searches may be directed to relevant topic areas. They must also be adequately resourced, as searches are often manual within dispersed and numerous paper archives.

393. The Church Committee reports, Devlin’s autobiography and other sources state that on numerous occasions in and around the Congo during 1960 and 1961, CIA was acting without United States Government authorization or contrary to United States Government policy. This makes it even more important to verify information contained within intelligence archives, as it may well contain a narrative that is different to that which was disclosed from diplomatic and political archives. A further need to verify such information is because the Belgian parliamentary committee of inquiry into the assassination of Patrice Lumumba, established in 2000, stated in its 2001 report that CIA had minimized its own role in the affair and that the Church Committee’s findings were weakened by its reliance on the testimony of CIA officials. The question of what relevant information may exist within records referring to CIA operations in the Congo in the early 1960s may not be resolved until files relating to the matters mentioned above, and to any related leads emerging from them, are able to be reviewed. While the Church Committee reports refer to a multitude of CIA cables covering activities in and around the Congo over the relevant period, no such CIA cable has been produced or referred to by the United States in the present investigation. I note as well that no response has been received in respect of the findings of the 2017 report, insofar as they relate to matters involving the United States, responses that are likely to identify additional relevant information.

394. By way of similar examples in respect of the United Kingdom, despite acknowledgement in 2017 of his presence, no information related to the report by Neil Ritchie has been disclosed, despite the fact that it must have been created and despite evidence that he and other British intelligence officials played a key role in the events that brought Hammarskjöld and his party to Ndola. The presence of British intelligence operatives, including Park and Ritchie, is a matter of record. So too has it been admitted that their presence coincides with considerations within the British Foreign Office and discussions concerning the “removal” of Lumumba in the same 12-month period (for example, the correspondence of 28 September 1960 between Ross and Smith in the Africa Department of the Foreign Office). That such matters were occurring but no material from British intelligence, security and defence archives has been identified for disclosure to the present investigation makes it apparent that important additional information is likely to exist. I note also that no response has been received in respect of the findings in the 2017 report that the United Kingdom received intercepts of United Nations communications or that it attempted to influence the early inquiries towards a finding of “pilot error”; these too are surely matters searches into which may reveal further important information.

395. In terms of South Africa, substantive work by its Independent Appointee was not reported in 2019. Matters relating to the “Operation Celeste” documents clearly require verification. So do various other matters, such as those regarding the transfer of personnel and equipment from South Africa to Katanga, information on South African mercenaries and intelligence personnel, links between Katangan personnel, Belgian mercenaries and South African entities (both security services and paramilitary) and other matters.

396. The Independent Appointee of Germany confirmed having conducted unfettered searches in intelligence, security and defence archives. After the Independent Appointee of Germany had completed his report, further information was received regarding alleged BND operative Hans Germani and the Dornier pilot Heinrich Schäfer, which may be an area for further enquiry.

397. The preceding matters and others can be clearly identified as requiring the active cooperation of certain Member States to search fully in their intelligence, security and defence archives. The primary area of such enquiry remains that of radio intercepts and related records (including tapes, transcripts, secondary or tertiary information and other material), particularly regarding possible communications by or between flight SE-BDY, any other aircraft, ground forces and air traffic control. The last minutes of SE-BDY remain to be verified and will likely be able to prove or dispel certain hypotheses. The fact that certain Member States, including the United States, the United Kingdom and possibly others, had assets with interception capability in Ndola on the relevant night, that their intelligence personnel were present in the Congo and Northern Rhodesia and that they appear to have intercepted United Nations communications (including even, it appears, the Secretary-General’s own communications) require that a full account of such information be given. Any such recordings are particularly important as they may elucidate the air traffic control logs, which have been shown to be an incomplete record of the final moments of flight SE-BDY.

398. The 2017 report concluded that it was plausible that an external attack or threat was a cause of the crash and that the burden of proof had shifted to Member States to show that they had conducted a full review of records and archives in their custody or possession. In view of the preceding analysis, the work undertaken in 2018/19 does not provide grounds to disturb either finding, as the burden of proof described has yet to be fully discharged. In my respectful view, this burden should continue to remain assigned until the General Assembly is satisfied that it has been sufficiently fulfilled by the disclosure of relevant information relating to the probable cause or causes of the tragic event.

## VI. Recommendations and conclusion

### A. Basis for recommendations

399. The present mandate follows the significant work undertaken under United Nations auspices in 2015 and 2017, which was built on the monumental work previously done by others. The decision of the General Assembly has been to continue in the search for the truth of the tragic events, as expressed in its successive resolutions. In recent years, new witnesses have been interviewed, tens of thousands of pages of original records have been reviewed, forensic tests have been conducted, experts have been consulted and there has been engagement with Member States. With no agenda towards proving any particular hypothesis, we have sought to dispel conspiracy theories, discard unsubstantiated claims and focus on what may truly have happened.

400. Conspiracy theories and allegations of obfuscation have surrounded this matter since its inception. While many key Member States had reviewed records within the diplomatic and political realms, apart from limited exceptions, up until 2017 almost none had provided information from intelligence, security and defence entities, despite their archives being where the most relevant information was likely to exist. In resolution [72/252](#), Member States were asked to review their archives for exactly this type of information, and a mechanism was established for them to review their own archives without an obligation to disclose the results of their searches. The mechanism also provided the ability to enter into confidentiality arrangements, if considered appropriate, in order to respect their domestic legal obligations. Indeed, ad hoc and appropriate arrangements have been made by various Member States, such as Sweden, which passed a Cabinet-level decision to grant its Independent Appointee unfettered access to classified material, or Zambia and Zimbabwe, which made such decisions through their respective presidential offices.

401. As already noted, the approach directed by the General Assembly has by and large proved successful and a majority of Member States have meaningfully engaged with a process that is, in many ways, unprecedented. Such a process is indeed to be expected given that the circumstances of the plane crash that killed Secretary-General Dag Hammarskjöld and his party were also unique and occurred in a global context that has long since changed. Accordingly, it should be observed that the current process does not seek to set a precedent. Rather, it aims to find a satisfactory solution to balancing the legitimate security interests of Member States while genuinely seeking to facilitate the disclosure of information that is almost 60 years old and relates to events, and indeed a world, long past.

402. Despite the clear majority of the General Assembly expressing a desire that the veil of opacity should be lifted, those most likely to hold important information have not disclosed it. If there is information that will reveal to us more about the cause of the crash, it is still likely to be in the intelligence, security and defence archives of a small number of Member States. It remains necessary that those Member States confirm with precision the existence of any relevant material or, if no such relevant material exists, respond to queries asked of them comprehensively and give an explicit and unequivocal account of the nature and effect of their searches.

403. It again bears noting that Member States have in many cases conducted varying forms of their own unrelated internal inquiries regarding their activities in Central Africa in the decades following the end of the Second World War. The results of many of those inquiries became public long ago and describe matters that were once highly sensitive, such as foreign involvement in the planning and carrying out of assassinations of foreign leaders. The present investigation is thus not breaking any new ground by discussing subject matter that may be sensitive.

404. If it could be said at this stage that all possible information had been identified and reviewed, then it would be possible to conclude on the most likely hypothesis in an impartial and dispassionate manner. However, the information that has come to light – as much through the work of determined private individuals as through cooperation from Member States – shows where more information must be available. Further, as detailed in the present report, Member States have changed their position on certain matters of which they had previously stated they had no knowledge. That certain Member States have been reluctant to identify additional information has become a material fact in this matter, but I do not believe that we are yet at a point where non-cooperation may be said to amount to purposeful concealment.

## **B. Recommendations**

405. On the basis of the preceding, I propose four recommendations going forward. These recommendations are mutually compatible and may be carried out contemporaneously.

406. **First, I recommend that the United Nations appoint an independent person to continue the work undertaken pursuant to the current mandate of the Eminent Person.** Significant new information has been identified as a result of the work of Independent Appointees in 2018 and 2019. However, not all Independent Appointees were able to complete their searches within the time or in the manner requested of them. Further, even for Independent Appointees who were able to engage fully with requests, information may be contained in the present report that may give grounds for further exchanges, cross-verification or other additional work. This may include a reconsideration of searches already undertaken in the light of new information, cooperation between Independent Appointees or the advancement of other lines of inquiry.

407. Should an independent person be appointed to continue the work, I have flagged specific initial matters for follow-up, including a ballistic examination of the photographs provided by the Independent Appointee of Sweden that appear to show bullet holes in what may be the wreckage of the DC-6 aircraft; searching for any available records of aircraft entry to and exit from airports in and around Brazzaville in September 1961; analysis of material related to Van Risseghem, including flight logs; requesting specific information from intelligence archives of the United States and the United Kingdom; requesting access to SAIMR material from South Africa; seeking information on Germani and Schäfer; and other matters mentioned in the body of my report.

408. **Second, I recommend that key Member States be again urged to appoint or reappoint independent and high-ranking officials (Independent Appointees) to determine whether relevant information exists within their security, intelligence and defence archives.** In particular, but without limitation, the Russian Federation, South Africa, the United Kingdom and the United States may be encouraged to, as the case may be, appoint or reappoint independent and high-ranking officials who are afforded all clearances and resources necessary to undertake searches in the manner requested.

409. I note that in his final correspondence to me of March 2019, the Independent Appointee of the United States wrote: “I have broadened our search efforts to include additional U.S. intelligence agencies. While these searches will not be completed in time for your final report, we look forward to working with you in the future.” Such an approach is to be encouraged across all relevant Member States.

410. Given the time frames involved, work by the Independent Appointees of Member States should ideally continue even prior to any appointment of an

independent person by the United Nations, with reference to the correspondence contained in the information supplementary to the present report. As outlined in the adopted recommendations of the 2017 report, Independent Appointees would need to comprehensively examine relevant intelligence, security and defence archives to ascertain whether they hold information that sheds light on the circumstances surrounding the crash of SE-BDY, before communicating a summary of the results under strictly confidential conditions. Following receipt of this information, each Member State should be provided with an opportunity to request the redaction of specific information before the outcome is reported to the General Assembly. In the event that relevant records are identified but are unable to be disclosed for security or other reasons, then the acknowledgement of the presence of such records would still be a significant contribution to the historical record.

411. In a context in which the burden of proof is now asymmetrically shared by certain Member States and in which it seems of the highest probability that specific and important information exists and has not been disclosed, it is of great importance that all parties be encouraged to provide transparency. Without ensuring that all information relevant to reaching a conclusion has been disclosed or seen, we have not been able to reach firm conclusions, despite the passage of 58 years since the tragic incident.

412. **Third, I recommend that any further mandate propose that a conclusion be reached regarding whether Member States have complied with the process outlined by the General Assembly.** If such an element is included in any future mandate, it may be beneficial to leave it open to an independent person to observe whether any inference may be drawn as a result of non- or partial cooperation. Such a requirement may be beneficial towards ensuring that this investigation has a defined conclusion to work towards with respect to the level of cooperation on the part of the concerned Member States.

413. **Fourth, I recommend that the United Nations continue to work towards making key documents of the Dag Hammarskjöld investigation publicly available through a dedicated online collection.** On this topic, I note that it is to be acknowledged and commended that the United Nations has, of its own initiative, already created a dedicated online collection on this topic, which marshals much information of significance. Although any further such work is ultimately a matter for the Secretary-General, I believe the approach to be a beneficial exercise in transparency. Ideally, all possible records and archives of the United Nations related to this investigation may be considered for inclusion in a publicly accessible collection, which may include the source material of the Independent Panel and the Eminent Person and on which the 2015, the 2017 and the present reports are based. Regarding the records of the Hammarskjöld Commission, I understand that when that body concluded its work, it transferred its records to the United Nations on the explicit understanding that it did not object to the material being made public.

414. In concluding, I once again underscore the importance of continuing to work collaboratively in our search for the truth. Not only do such issues go to the heart of the role of the United Nations in the world and its relationship with Member States, they involve our duty to the families of the victims and to a true accounting of history. Significant progress has again been made towards understanding the whole truth about the conditions and circumstances that resulted in the crash of flight SE-BDY. Member States must be encouraged to redouble their active participation, which remains necessary to finally identify information that will allow the investigation of the tragic incident to be brought to conclusion.