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### **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 25 August 2022 from the Secretary-General addressed to the President of the General Assembly**

I have the honour to refer to General Assembly resolution [74/248](#) concerning the investigation into the conditions and circumstances resulting in the tragic death of 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 resolution [74/248](#), in March 2020 I reappointed Mohamed Chande Othman as Eminent Person to continue to review the information received and possible new information made available by Member States, including by individuals and private entities, to assess its probative value and to draw conclusions from the investigations already conducted. Owing to the coronavirus disease (COVID-19) pandemic, in December 2020 the General Assembly decided, with my support, to extend the mandate of the Eminent Person, and also requested me to report to the Assembly before the end of the seventy-sixth session on progress that had been made.

I recall that I had previously appointed Mr. Othman as Eminent Person for successive periods in 2018 and 2017, pursuant to General Assembly resolutions [72/252](#) and [71/260](#), respectively, and I reported to the General Assembly on progress made in 2019 ([A/73/973](#)) and 2017 ([A/71/1042](#)). I also recall that I had previously appointed Mr. Othman as Head of the Independent Panel of Experts, established in accordance with Assembly resolution [69/246](#).

I renew my profound gratitude to the Eminent Person. The United Nations is indebted to him for this exemplary and consequential work in the pursuit of the full truth concerning the tragic event.

I am encouraged that the Eminent Person has received significant new information and that further advancements in the body of relevant knowledge have been made, following the review of many thousands of pages of records and forensic tests and consultation with experts. I note that such new information includes the areas of probable intercepts by Member States of relevant communications; the capacity of the armed forces of Katanga, or others, to have conducted a possible attack on flight SE-BDY; the presence in the area of foreign paramilitary and intelligence



personnel; and further new information relevant to the context and surrounding events of 1961.

As in the 2019 report, the Eminent Person assesses that it remains plausible that an external attack or threat was a cause of the crash. I take note of the conclusion by the Eminent Person that it would not be reasonable at this point to reach a conclusion as to the cause of the tragic event based on presently available but incomplete information. At the same time, I am encouraged by the conclusion of the Eminent Person that, given the growing body of evidence, there remain only a limited number of hypotheses to explain what occurred on that fateful night.

I wish to express my gratitude to Member States, independent high-ranking officials appointed by Member States (Independent Appointees) to conduct reviews of their intelligence, security and defence files and private individuals and entities for their cooperation with the Eminent Person and their willingness to provide additional information.

I am encouraged that key Member States have committed at a high level to full cooperation and provided assurances that search requests have or will engage appropriate security, intelligence and defence agencies, and that Independent Appointees from a number of Member States have provided, and may provide in future, additional information. I am also encouraged by the significant information that has been provided to the Eminent Person by private individuals and non-governmental entities.

At the same time, the Eminent Person notes that: (a) no significant information has been provided by key Member States since mid-2017; (b) it is almost certain that further relevant information exists, including radio or other communications; (c) Member States have yet to discharge their burden of proof to show that they have conducted a full review of their records and archives resulting in full disclosure; (d) Independent Appointees may need more time to provide information; and (e) it would be neither judicious nor responsible to reach a conclusion without the benefit of all potentially material information, in circumstances where such information has been shown to be almost certain to exist.

Accordingly, I 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 Eminent Person's recommendation that key Member States be again urged to appoint or reappoint Independent Appointees to determine whether relevant information exists in their security, intelligence and defence archives. More broadly, I call on Member States to ensure comprehensive access to all archives and provide relevant information, more than 60 years after the tragic event, and agree with the proposal of the Eminent Person that potential modes of disclosure and conditions of confidentiality be offered to Member States, without necessarily requiring that relevant information be disclosed in full or publicly.

I also support the Eminent Person's recommendation that all Member States be encouraged to make assistance available to the independent person, including forensic analysis or other research.

Finally, 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, including documents pertaining to the 1961 United Nations Commission on Investigation, the 2013 Hammarskjöld Commission, the 2015 United Nations Independent Panel of Experts and the 2017 and 2019 reports of the Eminent Person, as well as his present report.

It remains our shared responsibility to pursue, with renewed urgency, the full truth of what happened on that fateful night in 1961. We owe this to Dag Hammarskjöld, to the members of the party accompanying him and to their respective families. We owe this also 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 on 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 dated 26 July 2022 from the Eminent Person appointed pursuant to General Assembly resolution 74/248 addressed to the Secretary-General**

In my capacity as Eminent Person, reappointed pursuant to General Assembly resolution 74/248, 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, as well as my key findings, conclusions and recommendations.

I was honoured to be reappointed as Eminent Person in March 2020 pursuant to resolution 74/248. This appointment follows similar positions that I have been appointed to in relation to the same subject matter, first as Chair of the Independent Panel of Experts appointed pursuant to General Assembly resolution 69/246 in 2015 and then as Eminent Person in 2017 and 2018/19 (hereinafter referred to collectively as the Dag Hammarskjöld investigation).

Under the present mandate, as provided for by the General Assembly in its resolution 74/248, I have continued to request that Member States release any relevant records in their possession and have sought to ensure that they have conducted a full review of their archives and records. As detailed in my report, I have assessed the probative value of new information that has been received, the majority of which has come from individuals and non-governmental entities.

As mandated, I have also sought to draw conclusions from the investigations already conducted. As in 2019, I assess that it remains plausible that an external attack or threat was a cause of the crash. However, it is not reasonable to reach a conclusion as to the cause of the tragic event based on presently available but incomplete information. This is because material information that appears to have been created or held by Member States remains undisclosed. I discuss this further in my present report.

In terms of process, by resolution 74/248 the General Assembly implemented a mechanism designed to facilitate disclosure of relevant information from Member States. Accordingly, as described in my present report, in March 2020 and subsequently I sent requests for information to the four key Member States that had been identified in 2019 and that were urged by the Assembly to engage further with the process of disclosing relevant records: the Russian Federation, South Africa, the United Kingdom of Great Britain and Northern Ireland and the United States of America. From 2020 to 2022, I also corresponded with and sought assistance from additional Member States, including Belgium, the Republic of the Congo, Ethiopia, France, Germany, Sweden, Zambia and Zimbabwe. I was grateful to receive significant cooperation from some of the preceding and other Member States.

A summary of the responses that I received from the four key Member States described above between 2020 and 2022 is as follows:

In respect of the Russian Federation, I was grateful for a review that was coordinated within intelligence, security and defence archives by Bakhtiyar R. Tuzmukhamedov, a former judge of the Appeals Chamber of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia. Although that review did not result in the identification of relevant material, no other information that I have received presently indicates that specific undisclosed material is likely to be held in Russian archives.

In respect of South Africa, I was grateful to receive a response from the Minister of International Relations and Cooperation. However, as at the date of my present report I had not received any new information or specific responses to the matters I identified.

In respect of the United Kingdom, I was grateful to receive responses from a Senior Sensitivity Reviewer, Foreign and Commonwealth Office, and from the Permanent Representative of the United Kingdom to the United Nations. However, while some responses to the matters I identified were provided, I have not received any new information by way of documentation or other records, either during the 2018/19 period, or between 2020 and 2022.

In respect of the United States, I was grateful to receive a response from the Deputy Assistant Secretary for International Organization Affairs, United States Department of State. I did not receive specific responses to the matters I identified. I did receive two publicly available documents in 2021, in addition to the one document that I received in 2018/19.

Having considered the responses of key Member States and noting that no material information was provided by them between 2020 and 2022, it is my view that further cooperation and disclosure remains necessary. The 2017 and 2019 reports concluded that the burden of proof had shifted to certain Member States to show that they had conducted a full review of records and archives in their custody or possession. I respectfully submit that the burden of proof to conduct a full review of records and archives resulting in full disclosure has not been discharged at the present time. Indeed, information received from other sources under the present mandate underscores that it is almost certain that these Member States created, held or were otherwise aware of specific and important information regarding the cause of the tragic event. That information is yet to be disclosed.

By way of specific examples of such information, the historical record shows that Member States were aware of or generated information through their intelligence operatives and agencies, references to which information have been made public or located in private archives. Member States intercepted sensitive communications, including those of the United Nations, and maintained a significant presence of intelligence operatives who were closely involved in the events around and associated with the fateful meeting to which Hammarskjöld's party was travelling when they perished. Classified reports using intelligence assets and sources must have been generated and shared when it was realized that the Secretary-General's plane had crashed. Despite all of this, no document has been disclosed from these or similar sources. This is despite the fact that Member States' own enquiries and former intelligence personnel have confirmed publicly that they had specific operations in the relevant region at the time to support their political objectives in that period.

This notwithstanding, there are various positive developments that bear observation and for which I express appreciation. Each of South Africa, the United Kingdom and the United States has committed at a high level to full cooperation and provided assurances that search requests have or will involve appropriate security, intelligence and defence agencies. Furthermore, in 2022 the United Kingdom provided some responses to specific requests for information, for the first time in several years. The indication given is that this cooperation may continue and that specific queries may be fully answered.

Separate to the acts of Member States, the efforts of individuals and non-governmental entities have continued to follow an impressive trajectory between 2020 and 2022, generating significant new information from both private and public archives and enabling probative assessments to be made. As a result, further advancements have been made in the body of relevant knowledge, most notably regarding areas including the probable intercepts by Member States of relevant communications; the capacity of the armed forces of Katanga, or others, to have conducted an attack on flight SE-BDY; the presence in the area of foreign paramilitary and intelligence personnel; and further new information relevant to the context and surrounding events of 1961.

As our efforts continue towards obtaining, where possible, declassification of information, I acknowledge that Member States have a legitimate interest in ensuring that sensitive information is appropriately handled. In my view, it is desirable that potential modes of disclosure and conditions of confidentiality be offered to Member States, as appropriate, to facilitate the identification of relevant information, without necessarily requiring that the information be disclosed in full or publicly. For completeness, I also note that the work under my mandate has not been designed to attribute responsibility regarding what was or was not disclosed in the past; it is rather intended to seek only such disclosure as may be necessary to be able to reach a reasonable conclusion regarding the cause of the crash, based on the information available.

Although I have been able to reach certain findings in my report, a present lack of full disclosure is the primary obstacle to a conclusion being reached regarding the cause of the tragic event. This is because it would be neither judicious nor responsible to reach a conclusion without the benefit of all potentially material information, in circumstances where such information has been shown to be almost certain to exist. The conclusions and recommendations of my present report, a summary of which follows, are made in the light of this finding.

Without prejudice to the prerogatives of the Secretary-General and the ultimate decision of the General Assembly, I make five mutually compatible and reinforcing recommendations in my report. These recommendations are that: (a) the United Nations appoint an independent person to continue the work undertaken pursuant to the current mandate of the Eminent Person; (b) key Member States be again urged to appoint or reappoint independent and high-ranking officials (Independent Appointees) to determine whether relevant information exists in their security, intelligence and defence archives; (c) that all Member States be encouraged, as may be appropriate, to make assistance available to the independent person, should the work be continued; (d) that any independent person appointed be asked specifically to conclude at the end of the mandate whether Member States have complied with the process outlined by the Assembly and whether any inference may be drawn as a result of non-compliance; and (e) that the United Nations continue to work towards making key documents of the Dag Hammarskjöld investigation publicly available through a dedicated online collection.

In closing, I acknowledge the great debt of gratitude that is due for the cooperation that has been extended to this process by representatives of Member States, staff of the United Nations and private individuals. The momentum of this work is largely maintained by virtue of the efforts of individuals who have given freely and generously of their time, expertise and information. These individuals have no agenda other than that a full accounting of the truth be made after so many years. The efforts of those mentioned specifically in my report and others are commended to you.

I also pay 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. Under the present mandate, I had the opportunity to mark with silent reverence the significance of this matter at the grave of former Secretary-General Hammarskjöld and to meet the representatives of some of the family members in person. Their patience and steadfastness through this process have been admirable. The passage of time has not lessened the significance of this matter to them, the United Nations or the global community.

*(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 known as the *Albertina* and registered as flight SE-BDY, crashed just after midnight near Ndola, in what was then the British protectorate of Northern Rhodesia. It was carrying the second Secretary-General of the United Nations, Dag Hammarskjöld, and 15 other dedicated women and men who served on a mission for peace in the Congo. Hammarskjöld, who would posthumously receive the Nobel Peace Prize, and 14 of the 15 members of the party accompanying him, died instantly. The sole survivor, Sergeant Harold Julien, succumbed to injuries sustained in the crash some days later.

2. In the 61 years since it happened, 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 1961/62, a United Nations Commission of Investigation determined in 1962 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 the matter open in 1962, requesting the Secretary-General to inform it of any new evidence that might arise.

3. Some 50 years later, new evidence was brought to the General Assembly’s attention by the Hammarskjöld Commission, a private and voluntary body of four renowned jurists. It concluded in 2013 that the United Nations would be justified in resuming an examination of the tragic event. As a result, in 2015 the Assembly tasked an Independent Panel of Experts to examine and assess the probative value of new information. The Independent Panel, of which I was Chair, effectively ruled out certain hypotheses regarding the cause of the crash, but recommended the need for a further inquiry or investigation. Following this, I was appointed as Eminent Person in 2017 with a mandate to review potential new information and assess its probative value and to determine the scope that any further inquiry or investigation should take. In further appointments in 2018 and 2020, my mandate has reflected that of 2017 but with additional authorization to draw conclusions from the investigations already conducted, if possible.

4. The reports that I have prepared as Eminent Person have been submitted to the General Assembly in 2017 (2017 report), 2019 (2019 report) and 2022 (2022 report). This is an executive summary of key information contained in the 2022 report, the reporting deadline for which was extended by the General Assembly to 2022 because of challenges related to the coronavirus disease (COVID-19) pandemic.

### B. Present mandate and 2022 report

5. Echoing the findings of the 2017 report, the non-disclosure by Member States of important information was considered in the 2019 report to have frustrated efforts to reach a conclusion regarding the cause of the crash. In my 2019 report, I concluded that “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”. I also noted that relevant information might exist in the archives of the former Union of Soviet Socialist Republics and recommended that those archives also be included in searches.

6. In resolution [74/248](#), the General Assembly requested the Secretary-General to reappoint the Eminent Person and, among other matters, welcomed the 2019 report and called upon the Member States referred to therein to cooperate with and assist the

Eminent Person fully. In furtherance of those express terms, between 2020 and 2022 I sent specific requests for information to the Russian Federation, South Africa, the United Kingdom of Great Britain and Northern Ireland and the United States of America. I also corresponded with and sought assistance from additional Member States, including Belgium, the Republic of the Congo, Ethiopia, France, Germany, Sweden, Zambia and Zimbabwe. Some of my requests for assistance were answered. Some remain outstanding.

7. My interactions between 2020 and 2022 with the four Member States identified in the 2019 report as requiring further engagement included the following:

- In respect of the Russian Federation, I requested that an independent and high-ranking official (Independent Appointee) be appointed to conduct searches in intelligence, security and defence archives. Although I had no specific information indicating that the former Union of Soviet Socialist Republics had knowledge of the specific events, I considered it important that these searches be conducted by an Independent Appointee, given that the Union of Soviet Socialist Republics had been an important actor in the region at the relevant time. In 2020, I was grateful to receive confirmation that Bakhtiyar R. Tuzmukhamedov, a former judge of the Appeals Chamber of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia, had been appointed by the Russian Federation to coordinate the searches requested. No specific information resulted from the searches coordinated by the Independent Appointee of the Russian Federation. Notwithstanding this, I considered the searches to be presently satisfactory, given that no other information received has indicated that undisclosed material is likely to be held in Russian archives. In my report I note that this, like any such assessment, may change based on future information;
- In respect of South Africa, I was grateful to receive a response from the Minister of International Relations and Cooperation indicating full support. I did not, however, receive any new information or specific responses to the matters I had identified, either during the 2018/19 period or between 2020 and 2022;
- In respect of the United Kingdom, I was grateful to receive responses from a Senior Sensitivity Reviewer, Foreign and Commonwealth Office, and from the Permanent Representative of the United Kingdom to the United Nations. Some responses to the matters I had identified were provided. I did not, however, receive any new information by way of documentation or other records, either during the 2018/19 period or between 2020 and 2022;
- In respect of the United States, I was grateful to receive a response from the Deputy Assistant Secretary for International Organization Affairs, United States Department of State. I received two publicly available documents in 2021, in addition to one document that I had received in 2018/19. Considering their known contents, I did not assess these documents to hold probative value. I did not receive specific responses to the matters I had identified.

8. In addition, I had beneficial interactions with several other Member States. The Government of Zimbabwe reappointed as Independent Appointee Sydney Sekeramayi, who had provided valuable new information in 2018/19. With his team, Mr. Sekeramayi undertook further significant research that generated new information, which he conveyed in a series of reports to me, including concerning radio intercepts and the role played in events by the Northern Rhodesian Government. Some of that work remained ongoing at the time of the completion of the 2022 report. The Government of Sweden also provided significant support for my activities. This included forensic photographic analysis and related ballistics tests, as well as establishing further engagement through its former Independent Appointee, Mathias Mossberg, and



facilitating contact with the family members of some of the victims of the tragic incident. The Government of Germany also continued to facilitate my work through its former Independent Appointee, Thomas Fitschen, who undertook research in private archives to generate important information regarding matters flagged as outstanding in the 2019 report. I was also grateful to the Governments of France and Belgium for making their former Independent Appointees, Maurice Vaisse and Serge Lipszyc, respectively, available to helpfully respond to queries that arose regarding matters concerning which they had previously provided information. Details regarding interactions with all Member States that were engaged with between 2020 and 2022 are discussed in full in the 2022 report.

9. Notwithstanding the cooperation of certain Member States, almost all new information generated between 2020 and 2022 came from individual researchers and non-State entities. This shows a change from how new information was obtained under previous mandates. From individual researchers, significant new information was generated in areas including radio communications and intercepts, the possible involvement of specific mercenary pilots or other agents, and the presence and role of foreign intelligence agencies and operatives. The work of these individual researchers enabled many probative assessments to be made. Their valued contributions continue to be of great service and assistance to the search for the truth. Individuals who provided assistance for my work are identified in the 2022 report; in particular, I acknowledge the collaborative efforts and new information received from Manuel Fröhlich, Torben Gülstorff, Sven Hammarberg, Colin Hendrickx, Henning Melber, Maurin Picard, Andreas Rocksén, B. Rosato, Kristian Simensen, David Wardrop and Susan Williams. Other individuals who sought to remain anonymous also provided important new information.

10. Despite the decrease in the amount of information identified by Member States, the amount and quality of new information provided by individuals and non-State entities highlights that additional information is highly likely to exist in key Member States' records and archives. Where such information is likely to exist has been identified in specific and finite terms to those Member States and is referred to in the 2022 report.

11. A topic of primary relevance where information is believed to remain undisclosed relates to records of radio traffic on the night of the crash. As described further below, the historical record indicates that the United Kingdom and the United States are likely to have created, held or been aware of records of such radio traffic. This assertion is founded on the presence and involvement of their respective personnel and assets in and around the Congo and Northern Rhodesia on 17 and 18 September 1961, as described in the 2022 report. Accordingly, in 2022 I requested the United Kingdom and the United States to each specifically confirm whether they:

[A]t any time created, held, or otherwise became aware of records of any radio traffic, transmissions, or other communications, between (GMT) 20:00, 17 September 1961 to 02:00, 18 September 1961 relating to events at or near Ndola, Northern Rhodesia, concerning: the Secretary-General's plane (including communications to, from, or about it); the landing or approach of any aircraft whatsoever at Ndola; and/or any attack on, or crash of, an aircraft in that region.

12. In July 2022, the United Kingdom conveyed that it did not hold archived records of radio traffic. In July 2022, the United States referred me to its earlier searches that had turned up no such records. While part of the query described above was attended to, I did not form the view that the response of either Member State was a conclusive or complete answer to the above query.

13. If flight SE-BDY was attacked or menaced, it is likely that radio communications may have been used by the attackers, or that SE-BDY may have

made or attempted to make communications in addition to those that are known. Numerous individuals have referred to overhearing such communications and further suspicion is raised by the destruction of some of the Ndola air traffic control tower's records of that night. These circumstances make it particularly important to establish conclusively whether records of such communications ever existed. If an unambiguous and definitive response to the queries I have put to the United Kingdom and the United States is received, it would be of great assistance in assessing the remaining hypotheses, including whether or not the crash may have been caused by external interference. The 2022 report notes this as a matter that remains to be conclusively determined.

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

14. As already discussed, between 2020 and 2022 important new information was generated from research in both private and public archives, enabling probative assessments to be made. Further advancements have been made in the body of relevant knowledge, most notably regarding areas including the probable intercepts by Member States of relevant communications; the capacity of the armed forces of Katanga, or others, to have conducted an attack on flight SE-BDY; the presence in the area of foreign paramilitary and intelligence personnel; and further new information relevant to the context and surrounding events of 1961.

15. A consolidated summary of matters that appear to have been established is provided here, based on information reviewed up to and including in the 2022 report. The following summary builds on that contained in the 2019 report. Where the findings of the 2019 report have not been modified, they are reflected below in largely the same terms as previously. Where additions or modifications to previous findings are justified by new information received between 2020 and 2022, this is stated. For clarity, I note that I have provided key Member States with the opportunity to respond to findings that have previously been made that concern their entities or personnel. Where a finding was made in the 2019 report regarding an act attributable to a Member State and that Member State did not seek to clarify the finding, I have taken the conclusion to be strengthened.

16. The following summary is not intended to canvass all relevant information, but to recite areas where important conclusions may be reached and to indicate where lines of inquiry suggest further work remains necessary. Detailed references are not provided in the summary. For such references, the 2017, 2019 and 2022 reports should be consulted in full.

#### **1. Background**

17. The 1961/62 inquiries (early inquiries) made substantial contributions to the historical record. However, they had significant shortcomings. In particular, a promising opportunity was lost when the evidence of local "African" witnesses was not given due regard. Each continuing stage of this work has found evidence that was obscured from or otherwise not considered by the early inquiries.

18. Consideration of the possible causes of the crash was incomplete during the early inquiries. In particular, the hypothesis that an external attack or threat may have been carried out against flight SE-BDY was dismissed too readily, in part because the context of events in September 1961 had not been adequately taken into account. This context included that there was active armed conflict involving various parties, including the United Nations. The area to which flight SE-BDY was headed was therefore in a heightened militarized state, with military operations in place on both sides of the Congolese/Northern Rhodesian border, and significant forces were

assembled in a combat-ready state along the flight path and in the vicinity of where the plane crashed.

19. The 1961/62 inquiries were also affected by partiality. 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. Rhodesian officials also appear to have sought to limit access to Sergeant Julien in hospital in Ndola, while he was alive.

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

20. 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 distracting the pilots at the critical stage of preparing to land. While it would have been difficult to conduct an attack on SE-BDY in the prevailing circumstances, the conditions and available resources were such that an attack could have been mounted in one of several ways.

21. There was widespread advance knowledge of the fact that Hammarskjöld would travel by plane to Ndola that night. This included both locally in the Congo and Northern Rhodesia, as well as in other countries, including the United Kingdom and the United States. The destination and timing of flight SE-BDY therefore were not secret and the plane could have been exposed to the possibility of ill-intended or hostile action while en route to Ndola, despite the attempts of the pilots to maintain a low profile.

22. Many eyewitnesses have stated 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. These eyewitnesses include 9 of the 12 “new” eyewitnesses that were not heard by the early inquiries.

23. There is no evidence that mechanical or other material failure affected flight SE-BDY, including failure of engines or altimeters or gas spillage. Based on present information, hypotheses relating to mechanical or material failure appear to be excluded.

24. There is no evidence that the pilots used the wrong altimeter setting (QNH) or incorrect landing charts. Based on present information, hypotheses relating to the incorrect use by the pilots of altimeter settings or landing charts appear to be excluded.

25. It has not been possible to conclude whether sabotage may have been a cause of the crash, owing in part to challenges in obtaining access to relevant documentation in South Africa, related in particular to the South African Institute of Maritime Research (SAIMR) and the purported Operation Celeste.

26. Based on the medical evidence, it is reasonable to conclude that the passengers of flight SE-BDY died from injuries sustained during the plane crash. (Sergeant Harold Julien died in hospital some days after the crash from complications from acute renal failure. He might have survived had he received medical treatment more immediately after the crash.) Accordingly, other claims regarding the cause of death, including that Hammarskjöld was assassinated either before the crash or after surviving it, may be dismissed.

27. Also based on medical evidence, 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. Captain Hallonquist appears to have had adequate opportunity for rest before flight SE-BDY. However, the other three of the

four members of the flight crew did not. Thus, fatigue may have affected the ability of the co-pilot and the flight engineer of SE-BDY, including their capacity to respond in the event of any unexpected circumstances.

28. It cannot be excluded at present that the crash may have resulted from human (pilot) error. Before such a conclusion may be reached, it must be certain that all potentially relevant evidence has 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 not all relevant evidence has been disclosed. It would therefore be neither judicious nor responsible to reach any such conclusion without the benefit of all potentially material information, in circumstances where such information has been shown to be almost certain to exist.

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

29. Communications were being monitored and intercepted in and around the Congo in September 1961 by various Member States and territories. The United Kingdom, the United States and Northern Rhodesia (a British protectorate) intercepted and received interceptions of confidential United Nations communications throughout 1961, without the knowledge or consent of the United Nations. This included obtaining and sharing intercepted wireless and signals communications, such as those relating to sensitive military matters, which had been encoded.

30. Encrypted communications sent by Hammarskjöld utilizing the CX-52 cryptographic machines, including during his last voyage, appear to have been intercepted and read by Member States' signals and intelligence agencies. The claim that the Central Intelligence Agency (CIA) and/or the National Security Agency (NSA) covertly monitored United Nations communications as part of an operation known in CIA first by the code name "Thesaurus" and later by the code name "Rubicon", has not been refuted by the Member States concerned. It is highly likely that relevant records of communications were created but have not been disclosed.

31. At least one Member State, the United States, had sophisticated communications assets at and near Ndola airport on the night of the crash, including mobile military assets (aircraft) with high-powered communications equipment and personnel, as well as listening stations in the region and beyond. United States aircraft present in Ndola had communications equipment that allowed them to intercept, transmit and receive communications over long distances, including intercontinentally.

32. In addition to specific monitoring activities at Ndola airport, United States agencies, including CIA and NSA, had worldwide monitoring activities around 1961. It is highly likely that all local and regional Ndola radio traffic on the night of 17 to 18 September 1961 was tracked and recorded by NSA, and possibly also by CIA. In this regard, two United States personnel (Charles Southall and Paul Abram) have provided information tending to confirm that they were working for or in support of NSA activities on the night of 17 to 18 September 1961, when they personally overheard a transmission or recording, or read a transcription thereof, concerning an attack on flight SE-BDY. As of 2018, both men have passed away, with their claims not having been responded to substantively by the United States, despite requests for clarification being made each year since 2015, including in 2022. It remains necessary that the United States confirm details of the incident that is alleged, including whether records exist or ever existed of it, whether inquiries have been made of Southall and Abram's colleagues (including those newly identified in the 2022 report) and records of related agencies. It is also necessary to confirm the outcome of those inquiries and what are the full details of any internal United States investigations made since the 1960s into the claims of Southall and Abram.

33. In 1961, British officials assisted foreign entities with re-establishing and managing communications, including between Northern Rhodesia and Katanga, after those communications were cut off. Specifically, Neil Ritchie (British Secret Intelligence Service (MI6)) flew engineer Manfred Loeb (Union Minière du Haut Katanga (UMHK)) to Kitwe, Northern Rhodesia, in September 1961. Loeb worked there with Gordon Hunt (Anglo American Mining and Rhodesian Border Power Co., who referred to himself as British intelligence), to support the transmission of messages between various parties. Ritchie, Hunt and Loeb were closely involved in coordinating relationships between the Governments of Katanga, Northern Rhodesia and the United Kingdom and commercial entities, including through UMHK offices in Katanga and Brussels.

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

34. The air force of Katanga (Avikat) was effective in combat operations against Congolese forces and civilians, and against forces of the United Nations Operation in the Congo (ONUC). Aircraft supplied to Katanga and utilized in 1961 by Avikat included Douglas DC-3, Dornier DO-28, De Havilland Dove, Fouga Magister and various Piper models. 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 Doves. Avikat had modified these aircraft for aerial attacks and bombings against ONUC and Congolese ground and air targets. Armaments for Avikat operations appear to have included purchased armaments and armaments made locally with the involvement of the mining company UMHK.

35. Avikat utilized established and improvised airfields across Congolese and international territory in 1961, in locations that included Katanga, Northern Rhodesia, Angola and the Republic of the Congo (Congo Brazzaville). Aircraft were used in both day and night combat operations.

36. It has not been conclusively established which non-Katangan aircraft, personnel and equipment were operational in or near Ndola on 17 and 18 September 1961. There was a degree of cooperation and mutual use of the border region by both Katangan and Northern Rhodesian military. In addition to Avikat aircraft, other aircraft stationed in or near Ndola included the Royal Rhodesian Air Force's 18 Canberra jet fighter-bombers, 30 Vampire jet fighter-bombers, 12 light attack Provosts and United States Dakotas. In addition to regular and mercenary forces in Katanga, Katangan mercenaries sought to establish commando and other operations within Northern Rhodesia. Furthermore, significant Rhodesian terrestrial forces were stationed near the border.

37. 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. Katangan authorities attempted to prevent these pilots from being identified. Many non-pilot persons of interest operating with the armed forces of Katanga were also present in the area at the time and foreign mercenaries constituted a significant force in and around Katanga in September 1961, in a manner that was not understood or appreciated by the early inquiries. A definitive list of persons present in Katanga or otherwise near to Ndola on 17 and 18 September 1961 is not available. 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.

38. It is possible that the Belgian mercenary and Avikat pilot Jan Van Risseghem, who was claimed to have admitted being involved in an attack on SE-BDY, had returned to Katanga by 17 September 1961. According to his own flight logs, between

the months of July to September 1961 Van Risseghem flew the following types of aircraft for Avikat with various named co-pilots: Douglas DC-3, Dornier DO-28, De Havilland Dove, Fouga Magister and Piper.

39. Numerous sources refer to unidentified persons visiting the crash site before it was officially discovered, suggesting potentially either involvement in a ground attack or an attempt to cover up or delay the discovery of the crash.

## **5. Foreign intelligence**

40. There was a significant foreign intelligence presence in the region in 1961 that was not mentioned at all by the early inquiries. Former intelligence agents have themselves made public statements about their activities in the region at the time. However, records created by foreign intelligence operatives have not been disclosed by Member States, despite requests. Those official records that have come to light have resulted from independent research.

41. British intelligence and diplomatic officials played a key role in coordinating the proposed meeting between Hammarskjöld and the leader of the secessionist province of Katanga, Moïse Tshombe, in Ndola, to which Hammarskjöld and his party were travelling when SE-BDY crashed. MI6 agent Neil Ritchie worked with Denzil Dunnett, the British Consul in Katanga, and Lord Alport, the British High Commissioner in Salisbury, among others, to make arrangements both in advance of the meeting and after the plane crash. Immediately prior to the crash, Ritchie was corresponding directly with (among others) Tshombe, Sir Roy Welensky and Lord Alport. Ritchie shared information with Tshombe regarding United Nations military activities and requested the British Government to take steps not to permit the United Nations to obtain access to Ethiopian jets to use against Katangan forces. On the night of the plane crash, Ritchie, Hunt and Loeb stayed at the same location, and after the crash Loeb and Ritchie travelled to Katanga with the aim of taking Hammarskjöld's documents, recovered from the crash site, to Dunnett. Despite Ritchie writing a secret report that was transmitted to the Commonwealth Relations Office in London after the plane crash (the Ritchie report), no records of personnel of MI5 (the British Security Service) or MI6 have been disclosed by the United Kingdom.

42. In 1961, CIA had a significant presence in the Congo. Its stations in Leopoldville and Elisabethville had operations that included air operations (including, for example, Chief of Station Larry Devlin's coordination of agents "WIROGUE" and "QJWIN") and activities that included planned assassinations such as under the programme "ZRRIFLE" and other programmes. In the 1960s, though likely some years after the crash of SE-BDY, CIA employed the mercenary Mike Hoare, who had been engaged in the service of Katanga in 1961 and who stated that the crash of SE-BDY was not an accident. Similarly, Senator Frank Church, who played a leading role in the United States Senate Select Committee (the Church Committee) and related investigations into intelligence operations involving entities including CIA and NSA, is said to have claimed that the United States had significant undisclosed information relating to the crash of SE-BDY.

43. West German and CIA records and the account of a German journalist analysed in 2022 suggest the presence of West German operations in the Congo including (variously) related to agent STAHL (Wolf Meister) and German intelligence (Bundesnachrichtendienst, BND) agent Hans Germani.

44. Northern Rhodesian intelligence officials were implicated in military traffic and communications between Northern Rhodesia and Katanga, including through liaison with Avikat pilots. No records of the Northern Rhodesian intelligence service have been disclosed. As identified by the current Governments of what were former British colonial territories, sensitive records were created within the Rhodesian Federation

but, in the case of Northern Rhodesia, were taken into custody by the United Kingdom. The Independent Appointee of Zimbabwe has noted that colonial authorities “meticulously removed almost every record or archive associated with the Dag Hammarskjöld Crash”. Certain records, including of police, intelligence, military and immigration, are likely to be of central importance.

## 6. Other

45. The record of the final communications of SE-BDY as kept by air traffic control at Ndola airport was incomplete and possibly lacking in significant communications. Air Traffic Controller Arundel Campbell Martin admitted to having destroyed his original notes, despite stating that he knew the aircraft and its passengers to be of exceptional importance and notwithstanding that he was aware that no tapes were made of the interactions by Ndola air traffic control.

46. Regarding the sabotage hypothesis, a paramilitary organization named the South African Institute of Maritime Research (SAIMR) appears to have existed in South Africa in the 1980s and 1990s. As relevant information in the archives of South Africa has 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.

47. The official account of Rhodesian authorities was that the wreckage of SE-BDY was found around 1500 hours on 18 September 1961, some 15 hours after it failed to land. However, information from multiple sources has established that the wreckage was discovered earlier than this.

## D. Conclusions and recommendations

48. The 2019 report found that it was almost certain that relevant material exists regarding the ultimate question of what caused the plane to crash, and that such material has not been disclosed by a small number of key Member States. This finding has been strengthened by new information analysed in the 2022 report and the conclusions reached therein. Seen in the light of the historical record, the available information shows that certain Member States must have created, held or been aware of information obtained or generated by sources, including their intelligence personnel and assets. However, despite other material referring to it, no such information has been disclosed.

49. The approach outlined by the General Assembly in resolution [74/248](#) was complied with in part. A number of Member States meaningfully engaged with the process directed by the Assembly and provided support and information, as requested. Other Member States provided some responses or information but are believed to continue to hold important undisclosed information. No documentation of probative value was disclosed by key Member States between 2020 and 2022, and definitive responses to the queries I have raised with them have not been received. Noting this, I respectfully consider that the burden of proof assigned to these Member States, as described in the 2022 report, remains to be discharged.

50. Several matters are flagged for follow up in the 2022 report. These include, non-exhaustively: definitive answers from Member States regarding records of radio communications and of personnel who stated that they overheard such communications (including Southall and Abram); information regarding the possibility of interference with radio communications made by SE-BDY; reports related or referring to the activities of foreign intelligence operatives (including information related to the Ritchie report); records of the Rhodesian Federation (such as from entities including police, intelligence, fire authorities and the Corps of Signals); immigration and airport

records of Member States related to persons and aircraft of interest; records of foreign mercenaries held by Member States' immigration and other authorities; and information regarding the flight records of pilots of interest.

51. Without prejudice to the prerogatives of the Secretary-General and the General Assembly, the 2022 report includes five 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 appoint or reappoint independent and high-ranking officials (Independent Appointees) to determine whether relevant information exists within their security, intelligence and defence archives; (c) that all Member States be encouraged, as may be appropriate, to make assistance available to the independent person, should the work be continued; (d) that any further mandate propose that a conclusion be reached regarding whether Member States have complied with the process outlined by the Assembly; and (e) that the United Nations continue to work towards making key documents of the Dag Hammarskjöld investigation publicly available through a dedicated online collection.

52. An incident that may have involved a hostile act against the Secretary-General of the United Nations is a matter of highest public interest and the passage of six decades has not reduced the significance of this matter to the Organization, or to the families of those who died serving its noble aims. My assessment remains that it is of the highest probability that specific and important information exists, but that it has not been disclosed by a small number of Member States. A lack of full disclosure remains the primary obstacle to a firm conclusion being reached regarding the cause or probable causes of the tragic event, as such a conclusion should only be arrived at following an assessment of all potentially material information. This legitimate opportunity offered by the reopening of the investigation by the General Assembly ought to be wholly seized. The process seeks resolution and closure and it is important that all Member States provide the degree of collaborative disclosure required to enable the search for the full truth to be finally realized.



**Report of the Eminent Person appointed pursuant to  
General Assembly resolution 74/248**

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## I. Introduction

### A. Preliminary matters

1. On the night of 17 to 18 September 1961, a chartered DC-6 plane known as the *Albertina* and registered as flight SE-BDY, crashed just after midnight near Ndola, in what was then the British protectorate of Northern Rhodesia. It was carrying the second Secretary-General of the United Nations, Dag Hammarskjöld, and 15 other dedicated women and men who served on a mission for peace in the Congo. Hammarskjöld, who would posthumously receive the Nobel Peace Prize, and 14 of the 15 members of the party accompanying him died instantly. The sole survivor, Sergeant Harold Julien, succumbed to injuries days later. The cause (or causes) of the crash have been the subject of great postulation but never clearly established.

2. In the 61 years since the crash, a series of inquiries have explored various hypotheses for its cause, 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 1961/62, 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.

3. 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, issued 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 event. The Independent Panel effectively ruled out some theories, though ultimately recommended a further inquiry or investigation. To that end, the Secretary-General, under the authority of the Assembly, granted me successive appointments as Eminent Person in 2017 and 2018 with a mandate to review potential new information and assess its probative value, to determine the scope that any further inquiry or investigation should take and, in 2018, to draw conclusions from the investigations already conducted, if possible. In the course of my work, I was able to rule out certain hypotheses and to find support for others based on new information from Member States and individuals. I provided reports as Eminent Person to the Secretary-General in July 2017 ([A/71/1042](#), the 2017 report) and July 2019 ([A/73/973](#), the 2019 report).

4. In 2020, I was reappointed as Eminent Person pursuant to General Assembly resolution [74/248](#). Noting the situation concerning the coronavirus disease (COVID-19) pandemic and the challenges that it posed for Member States, individuals and private entities, in December 2020 the General Assembly extended the reporting deadline for my work by a year (see decision [75/542](#)).

5. Building on the research done by individuals since 1962 and the recommendations of the Hammarskjöld Commission, the present report is a continuation of the process that was recommenced within the United Nations framework by the Independent Panel in 2015 and has continued since with the reports of the Eminent Person. For ease of reference, an executive summary (see above) provides a synthesis of provisional conclusions that may be reached on the basis of information obtained between 2015 and 2022. Sections III and IV of the report contain a summary and assessment of the probative value of relevant new information received in the current period since the conclusion of the report of 2019 and matters for further enquiry.

Section V contains the findings and conclusions from the present report. Section VI contains my recommendations and concluding remarks.

6. For ease of reference, the present report follows a structure that broadly corresponds to my previous reports. This 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 between the present and previous reports, given that a full treatment of the subject matter requires that they be read together.

7. I note that my mandate has not been structured or resourced as a full investigation or inquiry and that I do not have the authority to compel the production of information. The material analysed in the present report has therefore been provided by Member States, individuals or experts with technical or specialized knowledge on a voluntary basis, or from publicly available literature that is accessible electronically.

8. The investigation of this matter appears to be continuously moving towards greater transparency and the work of many Governments and the independent and high-ranking officials (Independent Appointees) mandated by them to conduct their reviews in accordance with General Assembly resolution [74/248](#) has generally been exemplary. I am indebted to Member States and their Independent Appointees for their cooperation, which I discuss further below. As has been the case since the work of the Independent Panel in 2015, I have enjoyed unreserved support from and unrestricted access to records of the United Nations Secretariat. I thank, in particular, the Office of Legal Affairs and the Archives and Records Management Section. I am also grateful again for the excellent support provided by my assistant, Simon Thomas.

9. There are numerous people who have assisted me in my work and who have given freely of their expertise and time, without which this process would not have been able to proceed successfully. Specific information furnished by individuals is referred to in my report, but I 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* and in particular its head of research, Andreas Rocksén, Ove Bring, Hans Corell, Jan Eliasson, Manuel Fröhlich (and his team of graduate students from Trier University), Richard Goldstone, Torben Gülstorff, Sven Hammarberg, Colin Hendrickx, Henrik Larsen, Lord David Lea of Crondall, Joseph Majerle, Henning Melber, Mathias Mossberg, B. Rosato, Sir Stephen Sedley, Hans Kristian Simensen, Ravi Somaiya and David Wardrop. As under previous mandates, specific recognition is due in acknowledging the contributions of Susan Williams, which are historical, continuing and significant. I also offer specific appreciation to Maurin Picard who undertook significant research efforts and, during my present mandate, prioritized making the results of his work available to me over his own publication of them. I have also been assisted by other individuals who seek to retain anonymity; I extend my sincere gratitude to them as well.

## **B. Summary of findings**

10. The executive summary, which forms part of the present report, may be considered as a digest of the present state of knowledge regarding key matters. That knowledge of key matters of course remains subject to change based on future developments.

### C. Background: previous investigations and inquiries

11. The first official investigations and inquiries into the tragic events commenced immediately after the crash within the Federation of Rhodesia and Nyasaland (also known as both the Rhodesian Federation and the Central African Federation; the former term is used in the present report), which was a British colonial territory comprising Northern Rhodesia, a protectorate, Southern Rhodesia, a self-governing colony, and Nyasaland, a protectorate, over which the United Kingdom retained responsibility for foreign affairs and other matters. The crash was first examined by the Investigation Board of the Department of Civil Aviation of the Federal Government of the Rhodesian Federation (the Rhodesian Board of Investigation), which was 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, in 1961 the General Assembly established the United Nations Commission of Investigation by its resolution 1628 (XVI) to conduct an international investigation into the conditions and circumstances resulting in the tragic deaths. Collectively, I refer to the work of these three entities conducted in 1961/62 as the “early inquiries”.

12. As summarized in my reports in 2017 and 2019, the early inquiries had shortcomings. The Rhodesian Board of Investigation had limited time and completed its work in a number of weeks without hearing oral testimony of witnesses. The subsequent Rhodesian Commission of Inquiry appears to have had a predisposition to finding that the accident could be imputed to pilot error, which affected what should have been an impartial consideration of the physical and testimonial evidence before it. It is notable that in its first words in considering whether another aircraft may have been involved, the Rhodesian Commission noted “at the outset we would say no reason was suggested, and we cannot think of one, why anyone who might have been able to attack this aircraft from the air should ever have wanted to attack it as it carried Mr. Hammarskjöld on the mission he was then undertaking” (see [A/5069/Add.1](#), annex III). The Rhodesian Commission had evidently formed a certain view before starting its work.

13. It is also evident that both of the Rhodesian inquiries gave little credibility generally to what they referred to as “African” witnesses, which was a reference to local black witnesses (see, for example, the 2017 report, sect. VI.A). Furthermore, the early inquiries dismissed or undervalued the evidence of the only first-hand witness, Sergeant Harold Julien, who was recorded to have made statements almost immediately upon his admission to hospital on 18 September 1961. These flaws were ultimately also reflected in the work of the 1961 United Nations Commission, which, despite operating in a more impartial and open manner in its proceedings, relied in significant part on evidence collected and analysed by the Rhodesian inquiries. This resulted in some of the shortcomings of that evidence being carried over to the findings of the United Nations Commission, particularly given that it heard only 27 witnesses itself. Although the United Nations Commission did make more substantial efforts to question local witnesses, it left out critical testimony, including, for example, that of witnesses Chappell, Joubert and Laurie, who had stated that they heard a second plane in the air after the time that SE-BDY must have crashed.

14. In its conclusion, the United Nations 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 Commission’s report ([A/5069](#), [A/5069/Add.1](#), [A/5069/Add.1/Corr.1](#) and [A/5069/Add.1/Corr.2](#)), 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.

15. 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 United Nations Commission's inquiry was based on the 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.

16. On 21 March 2014, the Secretary-General of the United Nations (at that time Mr. 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](#)). Based on this, on 29 December 2014 the Assembly adopted resolution [69/246](#), in which it requested the Secretary-General to appoint an independent panel of experts to examine new information and assess its probative value, and encouraged Member States to release and provide any relevant records in their possession to the Secretary-General.

17. On 16 March 2015, the Secretary-General announced that he had appointed the Independent Panel 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 10 weeks to complete its work, which it did on 12 June 2015 when it provided its report to the Secretary-General. Pursuant to the report of the Independent Panel (see [A/70/132](#)), in 2016 the Secretary-General followed up on certain unanswered requests for information made by the Panel to Member States. On 16 August 2016, the Secretary-General reported to the Assembly on this follow-up ([A/70/1017](#)), following which the Assembly adopted resolution [71/260](#) on 23 December 2016. In that resolution, the Assembly, among other things, requested that the Secretary-General appoint an eminent person to review the potential new information and 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.

18. As Eminent Person appointed pursuant to General Assembly resolution [71/260](#) in March 2017, I finalized my 2017 report in July 2017 and it was transmitted by the Secretary-General to the General Assembly in September 2017. As Eminent Person appointed pursuant to Assembly resolution [72/252](#) in March 2019, I finalized my 2019 report in July 2019 and it was transmitted by the Secretary-General to the Assembly in September 2019. The findings of the 2017 report included 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. The conclusions of the 2017 report were affirmed in the 2019 report. The 2019 report also found that South Africa, the United Kingdom and the United States were almost certain to hold important undisclosed information, as a result of which the burden of proof described in the 2017 report was noted to be undischarged and asymmetrically shared. (For a complete consideration of the claims made in the present report, it is necessary to read in full the report of the Independent Panel of Experts and my 2017 and 2019 reports).

19. Further to its consideration of my 2019 report, in resolution [74/248](#) the General Assembly requested the reappointment of the Eminent Person with a mandate

reflecting that contained in resolution [72/252](#). In addition, Member States were urged to make information available and called upon to cooperate with the Eminent Person fully, including by appointing without delay independent and high-ranking officials to determine whether relevant information existed within their security, intelligence and defence archives. Member States were also called upon to encourage individuals and private entities to make information available to the Eminent Person.

20. In describing the early inquiries, it is important to note that they mention almost nothing of the historical context and situational setting in which the crash occurred. Even though the United Nations was engaged in an active conflict to support the reintegration of the Congo, the Rhodesian Board of Investigation and the Rhodesian Commission of Inquiry barely mentioned the secession of Katanga or the purpose of Hammarskjöld's voyage to Ndola, which was to meet the leader of the secessionist province of Katanga, Moïse Tshombe, for ceasefire talks. United Nations forces were under daily attack in the territory over which flight SE-BDY traversed before its crash. The report of the United Nations Commission of 1961 provides some background operational context of the United Nations Operation in the Congo (ONUC) and the purpose of the Secretary-General's visit, but it primarily relied on the work done by the Rhodesian Board and Commission. Apart from in the introductory pages, it does not mention, for example, mercenary activity in Katanga and it 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. As a result, the early inquiries failed to have regard to a broad range of potentially important information, much of which has only come to light in recent years.

21. Accordingly, since 2015, search requests to Member States and within United Nations archives have aimed at better understanding the relevant context in which the crash took place. This approach has been of much utility 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 during my present mandate. The context within which the events in question occurred allows us to determine whether a hypothesis may be excluded or potentially supported on the basis of, for example, the fact that an individual, or matériel or other equipment was or was not present in the area at the time. The more that searches have been conducted or information has been made publicly available, the more potentially new and relevant information has surfaced.

22. As a further preliminary matter, I note that where a finding was made in the 2017 or 2019 report regarding an act attributable to a Member State and the Member State gave information to further clarify it, this has been taken into account and is discussed below. Where a finding was made in the 2017 or 2019 report and no clarification or additional information was provided by a Member State, I have taken the finding to be strengthened, until and unless further information is received that warrants reconsideration.

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

23. As noted above, the role assigned to me as Eminent Person reflects and builds on the work of the Independent Panel. Pursuant to General Assembly resolutions [71/260](#), [72/252](#) and [74/248](#), the role of the Eminent Person, although being short of a full investigation or inquiry, has required the review of new information and the assessment of its probative value. The mandate also includes determining the scope

that any further inquiry or investigation should take and, if possible, drawing conclusions from the investigations already conducted.

24. The Independent Panel considered the definition of “new information” to fit broadly within two categories: that which was not available to the United Nations Commission in 1961, and that which may have been available to the United Nations 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 and, as required, have reconsidered information previously analysed in the light of new information that has emerged.

25. Under the present mandate, as in prior years, I have applied a broad, non-exclusionary definition in considering what may be “relevant” in my approach to the marshalling and assessment of new information. I have requested that Member States do the same, rather than adopting an idiosyncratic or technical definition. The aim of defining “relevant” information as such is to ensure that all information that may ultimately bear on an assessment of the cause of the crash has been identified. Thus, a piece of information should still be identified as potentially “relevant”, even if a domestic legal or other framework does not require or allow it to be disclosed. To be satisfactory, Member States have been requested to ensure that they identify with precision the nature and locations of their searches, that the searches have been conducted by individuals with sufficient contextual knowledge and that the reviews may be said to be unrestricted, unfettered and exhaustive.

26. The definition of “probative value” that has been applied since the Independent Panel, and which I continue to apply, is 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 (e.g. 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 piece of evidence and whether it tends to prove or disprove a fact in question. Furthermore, 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.

## **E. Methodology and activities**

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

27. The role of the Eminent Person, as mandated by the resolutions described above, has required an 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. In my work I have invited, from a broad range of sources, the submission of potential new information that has an identifiable factual, legal, circumstantial or inferential basis for consideration. However, as much as I have been required to gather and analyse new information, a key part of my role has also been to rule out theories or allegations that are unsupported by evidence, so as to be able to focus the search on those that remain. When presented with what may be described as a bare assertion, I have encouraged the identification of a proper basis or evidentiary foundation.



28. I have maintained the four categories described by the Independent Panel for the assessment of the probative value of new information: nil, weak, moderate or strong.

29. In accordance with the General Assembly's urging that Member States release any relevant records in their possession, as specified in resolutions [69/246](#), [71/260](#), [72/252](#) and [74/248](#), in March 2020 I sent requests for information to the following Member States: Russian Federation, South Africa, United Kingdom and United States. During my present mandate, I have also corresponded with and sought assistance from additional Member States, including Belgium, the Republic of the Congo, Ethiopia, France, Germany, Sweden, Zambia and Zimbabwe. The requests and the results are discussed further in sections II to IV below.

30. Individuals have also continued to provide me with information on a voluntary basis, as discussed in sections III and IV below. At times, this information has been provided directly and from private sources; at others it has resulted from the publication of material such as film, literary and academic works. 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 once again grateful for their generosity, expertise and collegiality in providing contributions without expectation of recompense. For expert assessments related to aircraft, I once again received assistance from former fighter pilot and accident investigator Sven Hammarberg. Noting that Hammarberg has voluntarily provided expert assistance with a high degree of professionalism and collegiality over a number of years, often under the pressure of short deadlines, I acknowledge my gratitude to him.

## **2. Constraints and limitations**

31. As noted, as Eminent Person I have neither a mandate nor the attendant resources to conduct a full investigation. A further limitation on my work is that, although I have enjoyed beneficial interactions with many Member States, any cooperation that I have been grateful to receive has been on a voluntary basis. I have no power to compel any Government to search for or produce information. Under the present mandate, this has become a significant issue, which I discuss further below.

32. My requests for information, mostly specific, have been primarily directed towards a small number of Member States. This is owing to a number of factors, including geographical proximity and the institutional or individual presence that these Member States and their personnel had in and around the Congo at the relevant time. The approach should not be taken to mean that there is not important information in other Member States or from private sources, or that additional searches will not involve sources in locations not previously considered.

33. The present report forms part of an iterative search for the full truth of the tragic event. It does not claim to be a comprehensive treatise on the subject matter or on historical events that are referred to as providing relevant context to the plane crash. In the 2019 report, I stated that it was almost certain that we had not yet seen all relevant material that exists regarding the ultimate question of what caused the plane to crash. This finding has been only strengthened further on the basis of the new information analysed during the present mandate, which is a matter that I return to in section V.



## II. Searches for new information

### A. Introduction

34. It is necessary to provide a brief overview of how searches for new information have been conducted and how the searches and their results have changed over time.

35. In 2015, the Independent Panel received a significant body of information that had been collated over preceding years, including the information analysed by the Hammarskjöld Commission. All Member States were requested to conduct searches for relevant information in their records and archives. Relatively little was received from Member States, but a voluminous amount of new information was considered.

36. In 2017, following up on areas for further enquiry that had been identified by the Independent Panel, I requested eight Member States that were most likely to hold immediately relevant information, and the United Nations itself, to extend the subject matter of previous searches to include contextual information not considered by the early inquiries. In particular, the Independent Panel had concluded that there might be an “appreciable lead” in new eyewitness testimony, claims of alleged intercepts of communications regarding the plane crash and information concerning the capability of the armed forces in Katanga and its air force (Avikat). Accordingly, in my requests to Member States and the United Nations I requested that searches focus on the following non-exhaustive categories regarding the situation in and around the Congolese province of Katanga in 1961: (a) intercepts of communications regarding the plane crash or surrounding events; (b) the capability of the armed forces of Katanga, including its air force; (c) the presence of foreign military, paramilitary or irregular (including mercenary) troops and/or personnel; (d) the presence of foreign intelligence agencies or personnel; (e) attacks on ONUC; and (f) intelligence, security, technical and/or political cooperation with the provincial government of Katanga.

37. The results of searches conducted in 2017 included significant new information, with responses generating thousands of pages of material as analysed in section IV of the 2017 report. I was particularly grateful to Belgium, Canada, Germany, the United Kingdom and the United States, all of which provided significant new information. However, other than limited documents from Belgium and Germany, all information provided appeared to have resulted from searches within diplomatic and/or political archives. Noting information that established that certain Member States had intelligence, security and defence personnel in and around the Congo at the relevant time who must have generated information, I recommended that those Member States each appoint a high-ranking official who was independent from the executive branch of government and who had requisite clearances and resources to examine comprehensively relevant intelligence, security and defence archives. This recommendation was made to allow Member States to comply with their own domestic legal frameworks and sensitivity requirements, while identifying whether information existed that might shed light on the circumstances surrounding the crash of SE-BDY.

38. Following the 2017 report, the General Assembly in resolution [72/252](#) encouraged Member States to appoint an independent and high-ranking official to conduct a dedicated internal review of their intelligence, security and defence archives. Accordingly, 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, the United States, Zambia and Zimbabwe. Following the express directions of the Assembly, this was the first time that Member States had been specifically requested to ensure that their searches included intelligence, security and defence archives.

39. The 2019 report describes the results of the work of the Independent Appointees and includes a table showing the status of their appointments. Although a majority of Member States engaged with the process requested by the General Assembly and important new information was generated, substantive disclosure by certain key Member States did not result. In particular, the 2019 report noted that South Africa, the United Kingdom and the United States had not provided any information from their intelligence, security and defence archives. This was despite it having been established by specific information that these Member States were almost certain to hold important undisclosed information. Regarding the Russian Federation, although it had confirmed performing searches in its intelligence, security and defence archives, it had not adopted the process of nominating an Independent Appointee. For this reason, I noted that it would be desirable for the Russian Federation to also follow the process outlined by the Assembly.

40. Following the 2019 report, the General Assembly in resolution [74/248](#) called upon the Member States referred to in the 2019 report to cooperate with and assist the Eminent Person fully, including by appointing Independent Appointees without delay, and encouraged the Eminent Person to remain engaged with all high-ranking officials, including those who had concluded their work. As a result, in 2020 I wrote to the Russian Federation, South Africa, the United Kingdom and the United States to request their renewed engagement with the process requested by the Assembly. As already noted, I also corresponded with and sought assistance from other Member States, including Belgium, the Republic of the Congo, Ethiopia, France, Germany, Sweden, Zambia and Zimbabwe.

41. The responses that I received from Member States between 2020 and 2022 are outlined below. I was grateful again to receive significant cooperation from many. As discussed more fully below, in respect of South Africa I did not receive any new information or specific responses to the matters I identified. In respect of the United Kingdom, I did not receive any new information and received only some responses to the matters I identified. In respect of the United States, I did not receive specific responses to the matters I identified. I did receive two publicly available documents entitled “President’s Intelligence Checklist” from the United States, discussed below. I return to the significance of these matters below.

42. In addition to requests for information from Member States, between 2020 and 2022 I also received contributions from individual researchers and private archives. I am very grateful for the efforts of these individuals, who have generated almost all the new information that is analysed in the present report. I turn to the significance of this below.

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

### **Summary of responses**

43. The following is a summary of the key correspondence with the Member States that I engaged with between 2020 and 2022 regarding the request that they conduct dedicated searches, including in their intelligence, security and defence archives. Additional Member States that were engaged with in 2018/19 (but not under the present mandate) are referred to in the 2019 report. Further commentary on Member States’ respective responses is contained in the conclusions under section V below.

*Republic of the Congo*

44. The Republic of the Congo was not requested to appoint an Independent Appointee in 2018/19, although specific information requests were made to it (see 2019 report, sect. III.A.4 and annexes).

45. Between 2020 and 2022, I wrote to the Republic of the Congo on several occasions to request that searches be conducted for information about persons and aircraft of interest, including in, without limitation, immigration and airport records from Brazzaville in September 1961. At the time of writing the present report, no response had been received from the Republic of the Congo.

*Ethiopia*

46. Ethiopia was not requested to appoint an Independent Appointee in 2018/19. However, in May 2022 I wrote to Ethiopia to request that specific searches be conducted for any information regarding a report that was apparently made by Tore Meijer to the Head of the Imperial Ethiopian Air Force in 1961. It is recalled that Meijer was a Swedish instructor at the Ethiopian Air Force flying school, who stated that he had overheard a conversation on shortwave radio around midnight on the night of 17 to 18 September 1961. Meijer said that the conversation was between flight controllers, one of whom was at Ndola airport, and that the flight controllers expressed surprise that one plane was being unexpectedly followed by another.

47. According to a March 1994 article in *Dagens Nyheter*, Meijer stated specifically that: “[a]n American colleague of mine came home with a nice shortwave radio, a rarity, and asked me if I wanted to buy it. During the evening of 17 September, I was testing the radio at about 10 p.m. (GMT). I’m testing the various frequencies and all of a sudden I hear a conversation in English, obviously from an airport control tower. I also heard the name ‘Ndola’. The voice says: ‘He’s approaching the airport. He’s turning. He’s levelling’, where the pilot is approaching the actual landing strip. Then I hear the same voice saying: ‘Another plane is approaching from behind – what is that?’. The voice says, ‘He breaks off the plan. He continues’, after which the transmission ended”. Meijer informed or attempted to inform the Head of the Ethiopian Air Force and United States colleagues on 18 or 19 September 1961 about the incident (see 2019 report, sect. III.A.1).

48. At the time of writing the present report, no response had been received from Ethiopia, although I note the limited time that was available after my most recent correspondence. Should a response be received from Ethiopia, it will be transmitted to the Secretary-General.

*France*

49. In response to my request of March 2018, in May 2018 I was advised that France had appointed Maurice Vaïsse, Emeritus Professor at Sciences Po and Editor of *Documents diplomatiques français* (French Diplomatic Documents) as its Independent Appointee. In June 2019, Mr. Vaïsse provided a final report, which confirmed that he had full access to the French archives, including of intelligence, security and defence institutions, as he was specifically granted *sécret-défense* (defence-secret) security clearance in 2019 to consult the relevant documents. The results of his report are discussed in the 2019 report.

50. Further to the work of the Independent Appointee of France in 2019, in 2022 I had cause to raise specific further queries with France. I received a response from Mr. Vaïsse in June 2022, for which I am grateful. The response is discussed under the relevant thematic areas below.

*Germany*

51. In response to my request of March 2018, in May 2018 I was advised that Germany had appointed an Independent Appointee, who was thereafter replaced on retirement by Thomas Fitschen, Special Representative for Cyber Foreign Policy and Cybersecurity, Federal Foreign Office. In June 2019, Mr. Fitschen provided a final report, which confirmed that he had been given full access by Germany to all files and archives, including those of the Federal Intelligence Service (Bundesnachrichtendienst, BND) and of the Intelligence Service of the former Democratic Republic of Germany (Staatsicherheitsdienst). The results of his report are discussed in the 2019 report.

52. Following the work undertaken in 2019, in 2020 I was grateful to receive further information from Mr. Fitschen regarding additional research that had been conducted in private archives in Germany. That information and the additional queries that it has raised are discussed under the relevant thematic areas below.

53. In May 2022, I wrote to the Independent Appointee of Germany with further queries. Although I had not received a response by the time of the finalization of the present report, I note the limited time that was available after my most recent correspondence. Should a further response be received from Mr. Fitschen, it will be transmitted to the Secretary-General.

*Russian Federation*

54. In response to my request of March 2018, in May 2018 the Russian Federation advised me that its competent authorities were conducting a review of intelligence, security and defence archives to determine whether information relevant to the Dag Hammarskjöld investigation existed. An Independent Appointee was not however appointed before the publication of the 2019 report.

55. In March 2020, I wrote to the Russian Federation to request further engagement in respect of the Independent Appointee process mandated by the General Assembly. I noted that, although I had no specific information indicating that the former Union of Soviet Socialist Republics 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 had been conducted by the Russian Federation, following the appointment of an Independent Appointee.

56. In response, in 2020 Bakhtiyar Tuzmukhamedov was appointed as the Independent Appointee of the Russian Federation. Mr. Tuzmukhamedov is a former judge of the Appeals Chamber of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia, the current Vice-Chair of the Russian Association of International Law, a member of the United Nations Committee against Torture, and a member of the Secretariat of the Constitutional Court of the Russian Federation.

57. In 2021, Mr. Tuzmukhamedov coordinated searches within the Russian Federation with the Ministry of Defence, the Ministry of Foreign Affairs, the Federal Security Service (internal security and counterintelligence), the Foreign Intelligence Service, the Foreign Policy Archives and the Diplomatic Academy, which is a training and research adjunct of the Ministry of Foreign Affairs. Mr. Tuzmukhamedov's efforts, for which I was grateful, did not result in the identification of any relevant information. No other information that I have received presently indicates that undisclosed material is likely to be held in Russian archives. This, like any such assessment, may change if future information indicates otherwise.

*South Africa*

58. In response to my request of March 2018, in May 2019, after the deadline for receipt of other Independent Appointees' final reports, South Africa advised that it had appointed Mxolisi Nkosi, Deputy Director-General at the Department of International Relations and Cooperation, as a focal point. No substantive report was received from South Africa in 2019, although Mr. Nkosi informed me after the publication of the 2019 report that the originals of the documents referring to Operation Celeste had not been able to be located.

59. In March 2020, I wrote to South Africa to request further engagement in respect of the Independent Appointee process mandated by the General Assembly. I noted specific areas of enquiry in which information was sought, including in respect of the Operation Celeste documents (see also sect. III.B below), but also regarding matters concerning the transfer of personnel and equipment from South Africa to Katanga, information on South African mercenaries and intelligence personnel who served or otherwise were involved with Katanga, links between Katangan, Belgian and South African entities (both security services and paramilitary) and other matters.

60. In July 2021, I was grateful to receive a response from Grace Naledi Mandisa Pandor, Minister of International Relations and Cooperation of South Africa. The response stated that a mechanism made up of high-ranking government officials in the crime prevention, defence, justice, intelligence and security cluster had initiated a search for the requested information but had found "no documents relating to the death of former UNSG Hammarskjöld".

61. Given that specific requests for information that I had made were not substantively responded to by South Africa, following several informal approaches in 2021 and early 2022, in May 2022 I again wrote to South Africa to outline specific queries for searches that I sought be conducted. I was grateful to receive a further response from Ms. Pandor in June 2022, which stated that South Africa offered its complete support for the work and mandate of the Eminent Person and would make every effort to identify the information that I had requested.

62. Despite requests having been made each year since 2015, not a single document has been received from South Africa. This is a matter discussed further below. At the time of writing the present report, no further response had been received from South Africa, although I note the limited time that was available after my most recent correspondence. Should a further response be received from South Africa, it will be transmitted to the Secretary-General.

*Sweden*

63. In response to my request of March 2018, in April 2018 I was advised that Sweden had appointed Mathias Mossberg as its Independent Appointee. In May 2019, Mr. Mossberg provided a final report, which confirmed that full and unrestricted access to all archives had been granted to him personally by the Ministry for Foreign Affairs on 9 September 2018. Searches were unrestricted across all archives and records, including intelligence, security and defence, as well as private archives. The results of that report are discussed in the 2019 report.

64. In view of the comprehensive nature of the 2019 report prepared by the Independent Appointee of Sweden, I did not have specific outstanding requests for information. However, between 2020 and 2022 I had cause to seek the assistance of Sweden and its Independent Appointee in relation to further matters, including regarding forensic photographic analysis and related ballistics tests, and for the verification of certain information. Those matters are discussed under the relevant thematic areas below.

65. In addition, in 2021 I was informed of the convening of a meeting at the Swedish Parliament that followed an informal review of Swedish archives by a group chaired by a Swedish Member of Parliament, Gudrun Brunegård, who was assisted in her research efforts by independent researchers Simensen and Melber (both of whom have contributed information to my work under the present and previous mandates). The group's work was stated to be to conduct research to ascertain whether additional relevant documents might be available in Swedish archives and to understand the role, responses and participation of the Government of Sweden in the early inquiries, particularly considering Swedish geopolitics and diplomacy of the early 1960s.

66. Throughout my work between 2020 and 2022, I have been provided with a significant degree of information from Simensen, including that canvassed in research under the work of the Brunegård group. Where appropriate, that information is assessed in the present report under the relevant thematic headings below. Although some of the information extends to areas that are beyond my mandate, for example as it relates to domestic political considerations, complementary initiatives taken in good faith are to be encouraged. In this effort, I acknowledge the willingness of Sweden to support robust engagement in the subject matter in a manner that ultimately advances our knowledge in the collective search for the truth.

#### *United Kingdom*

67. In response to my request of March 2018, in November 2018 the United Kingdom stated that it did not intend to appoint an Independent Appointee because all information of direct value to the investigation had already been made available. I responded to the United Kingdom highlighting why, in my opinion, it appeared to be highly likely that additional relevant information that had not been disclosed was available in the archives of the United Kingdom.

68. In May 2019, 15 months after my initial request and after the deadline for receipt of other Independent Appointees' final reports, the United Kingdom conveyed that it had appointed Graham Hand, Senior Sensitivity Reviewer at the Foreign and Commonwealth Office, and a former Ambassador, as a reviewer. In June 2019, Mr. Hand provided a response that stated that he had the necessary security clearances and full knowledge of British Government documentation. No further information would be provided by the United Kingdom, however, because, he said, it had fully and completely examined its records and archives and provided all responsive documents. Specific queries that I had raised were not responded to. For reasons outlined in the 2019 report, I attached in an annex to that report my correspondence to the United Kingdom of March 2019, noting that the matters raised in that correspondence had not been responded to and might form a basis for future consideration.

69. In March 2020, I wrote to the United Kingdom conveying the findings of the 2019 report, reiterating the specific requests for information previously made and requesting that the United Kingdom appoint an Independent Appointee. In July 2020, the United Kingdom conveyed that Mr. Hand would continue in the role as the Independent Appointee of the United Kingdom and invited me to direct any specific questions to him. On that basis, I wrote to Mr. Hand in August 2020 outlining specific questions as suggested, and providing reasons why it was understood that the United Kingdom had created or held records that had not been disclosed, the identity of relevant individuals and entities whose records should be reviewed and requesting that any response include a detailed list of the archives that had been searched, those that had been excluded from searches and the methodology applied to the work, including the search terms applied.

70. I was grateful to receive a response from Mr. Hand in December 2020, which provided assurances of the full commitment of the United Kingdom to the matter. The letter did not, however, provide any new information, nor were responses given to any of the multiple pages of specific queries that I had transmitted. Mr. Hand restated his previous view 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 identified and submitted in response to my previous requests. I was again invited to raise additional queries on becoming aware of documentation that may have originated in the British system.

71. Similar correspondence followed with the United Kingdom in 2021, in which I was reassured of its full cooperation and invited to raise specific queries that arose from information provided by other sources. When I did raise such queries, the response received in August 2021 was similar to Mr. Hand's response of December 2020, namely that all relevant information had already been furnished or had been released and was publicly available. I also raised with the United Kingdom the observation of the Zimbabwean Independent Appointee that, prior to Zimbabwe's independence, Rhodesian authorities had "meticulously removed almost every record or archive associated with the Dag Hammarskjöld Crash".

72. The 2020 and 2021 responses of the Independent Appointee of the United Kingdom did not address my specific requests for information. No response was received to my request for a list of the archives that had been searched, those that had been excluded from searches and the methodology applied to the work, including the search terms applied.

73. At the invitation of the Permanent Representative of the United Kingdom to the United Nations, in June 2022 I wrote to the United Kingdom with further discrete queries that resulted from new information that had been brought to my attention. A response was received in July 2022, which is discussed further in section V below.

74. In view of other information that I have received, including that which is publicly available, there remain grounds to believe that further undisclosed information exists in the records and archives of the United Kingdom. I discuss these matters further below.

#### *United States*

75. In response to my request of March 2018, in April 2018 I was advised that the United States had appointed an Independent Appointee, who was succeeded in October 2018 by Joseph Manso, Acting Principal Deputy Assistant Secretary at the Bureau of International Organization Affairs of the Department of State. In April 2019, Mr. Manso stated that searches by the United States had been comprehensive and had included intelligence, security and defence archives. A single document was sent to me, which was assessed in the 2019 report. Mr. Manso did not provide an interim or final report on substantive matters, nor any response to the specific queries that I had raised, but indicated that additional searches remained ongoing without providing further details. For reasons outlined in the 2019 report, I attached in an annex to that report my correspondence to the United States of March 2019, noting that the matters raised in that correspondence had not been responded to and that they might form a basis for future consideration.

76. In March 2020, I wrote to the United States conveying the findings of the 2019 report, reiterating the specific requests for information previously made and requesting that the United States appoint an Independent Appointee. I also requested an update regarding the outcome of the searches referred to by Mr. Manso in 2019, including a list of the archives where the searches had been conducted. A response was received to the effect that the United States was not able to respond at that time

owing to the COVID-19 pandemic. Despite my further correspondence, no reply was received from the United States in 2020.

77. In 2021, I renewed my requests to the United States in further correspondence that outlined specific questions. I also enclosed information explaining why it was understood that the United States had created or held records that had not been disclosed, specifying the identity of relevant individuals and entities whose records should be reviewed and requesting that any response include a detailed list of the archives that had been searched, those that had been excluded from searches and the methodology applied to the work, including the search terms applied. I was grateful for the opportunity in August 2021 to speak with the new Independent Appointee of the United States, David McFarland, Deputy Assistant Secretary at the Bureau of International Organization Affairs of the Department of State.

78. When Mr. McFarland wrote to me in November 2021, he stated that the United States had conducted outreach to its intelligence community to determine whether any additional information might exist. This included engaging with the Director of National Intelligence, Avril Haines, who had tasked the Central Intelligence Agency (CIA) and the Defense Intelligence Agency (DIA) to search contemporary and archival records. According to Mr. McFarland, the only result of that search being coordinated by CIA was the identification of two President's Intelligence Checklists, of 18 and 19 September 1961. Other than those two documents, it was stated that "no holdings reviewed then, or acquired since, mention the crash or Hammarskjöld's death", notwithstanding what was said to have been exhaustive searches by CIA staff, DIA, the National Security Agency (NSA) and the Federal Bureau of Investigation (FBI).

79. The 2021 response of the Independent Appointee of the United States did not address my specific requests for information. No response was received to my request for a list of the archives that had been searched, those that had been excluded from searches and the methodology applied to the work, including the search terms applied.

80. In June 2022, I wrote to the United States with further discrete queries that resulted from new information that had been brought to my attention. Although I had not received a response by the time of the finalization of the present report, I note the limited time that was available after my most recent correspondence. Should a further response be received from the United States, it will be transmitted to the Secretary-General.<sup>1</sup>

81. In view of other information that I have received, including that which is publicly available, there remain grounds to believe that further undisclosed information exists in the records and archives of the United States. I discuss these matters further below.

### *Zambia*

82. In response to my request of July 2018, in February 2019 I was advised that Zambia had appointed John Zulu, Director in the Office of the President, as Independent Appointee. In June 2019, Mr. Zulu provided a final report, co-signed by the Minister for Foreign Affairs, confirming that he had been given full and unrestricted access to all records and archives, including intelligence, defence and

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<sup>1</sup> After having submitted my report to the Secretary-General in July 2022, I received a response from the United States to my correspondence of June 2022. The response from the United States referred me to its earlier correspondence of November 2021 and stated that on the specific query that I had raised "those searches had turned up no such records". No response to the other specific matters or information was provided.



security archives, regardless of the level of classification. The results of that report are discussed in my 2019 report.

83. In May 2022, I wrote to Zambia with further queries that resulted from new information that had been brought to my attention by individual researchers. Mr. Zulu confirmed receipt of my correspondence and that searches would be conducted. Although I had not received a response by the time of the finalization of the present report, I note the limited time that was available after my most recent correspondence. Should a further response be received from Mr. Zulu, it will be transmitted to the Secretary-General.

#### *Zimbabwe*

84. In response to my request of July 2018, in October 2018 I was advised that Zimbabwe had appointed Sydney Sekeramayi, Senator and former Minister for Defence and National Security, and State Secretary, as Independent Appointee, assisted by Brigadier General Asher Tapfumaneyi and his team. In May 2019, the Independent Appointee of Zimbabwe provided a final report, in which he confirmed that he had been given full and unrestricted access to all files and archives, regardless of the level of classification, including intelligence, security and defence archives. Mr. Sekeramayi noted a significant issue that he had faced in his work, which was that prior to Zimbabwe's independence, Rhodesian authorities had "meticulously removed almost every record or archive associated with the Dag Hammarskjöld Crash".

85. Further to the work of the Independent Appointee of Zimbabwe in 2019, in 2020 I corresponded with the Government of Zimbabwe and its Independent Appointee, who continued to carry out searches in areas that I had previously identified. This included searches in archives of Cambridge, Essex and Oxford Universities. Between 2020 and 2022, I was provided with several reports and significant new information, based on the work that Mr. Sekeramayi and his team had done both within and outside of Zimbabwe. In one of his reports, Mr. Sekeramayi indicated that certain lines of enquiry regarding a known associate in Katanga of mercenaries, including Denard, Hoare, Puren and Van Risseghem, suggested a potential source of information that remained to be pursued. Research efforts were hampered by the effects of the COVID-19 pandemic and at the time of writing the present report that line of enquiry had not generated sufficiently developed information to be assessed, but it is noted as a potential future source.

86. I was again extremely grateful for the work done by the Independent Appointee of Zimbabwe and for the leadership and collegiality extended in support of the mandate of the Eminent Person. Key information received from the work of the Independent Appointee of Zimbabwe is discussed under the relevant thematic areas below.

87. In response to information provided by Mr. Sekeramayi, as well as new information concerning the archives of the former Federal Minister for Home Affairs of the Federation of Rhodesia and Nyasaland, in May and June 2022 I wrote to Mr. Sekeramayi to request that further searches be conducted. I had not previously requested that searches be conducted in the Home Affairs archives, given the focus on intelligence, security and defence sources, but this appeared to be a potential additional source of information. Although I had not received a response by the time of the finalization of the present report, I note the limited time that was available after my most recent correspondence. Should a further response be received from Mr. Sekeramayi, it will be transmitted to the Secretary-General.

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

88. As in previous years, I confirm that I have had unrestricted access to all United Nations archives, regardless of classification level. 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 23 files retain a “strictly confidential” status, consistent with established policies of the United Nations. I was given access to those 23 files without restriction in 2018/19. Adopting the same definition of “relevance” as I have requested of Member States, as stated in the 2019 report, none of those files holds information relevant to the Dag Hammarskjöld investigation.

89. In 2022 I was advised by the Archives and Records Management Section, from which I have been grateful to receive timely assistance over the years, that ongoing work had been performed in relation to the digitization of the ONUC archives. The digitization of such information is an important enabler of transparency, including because it allows online access to information and verification of source documents.

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

90. In the 2019 report, I concluded that the search process in this matter could not be described as complete. That conclusion has been only strengthened under the current mandate.

91. As will be seen from the sections that follow, significant new information has been identified and analysed between 2020 and 2022. In this period, almost all such information that holds probative value has come from the work of individuals, rather than being provided by Member States.

92. Many Member States have provided substantial degrees of cooperation. However, it cannot be said that comprehensive searches have been conducted by all Member States with a sufficient degree of transparency such that we may be fully satisfied that all potentially relevant information has been identified. Despite the express urging of the General Assembly and the specific nature of information that I have sought from them, a small number of Member States, which have been identified as being almost certain to hold relevant information, appear to have been the least willing to provide further disclosure.

93. There are operational difficulties with conducting searches in historical archives. On a technical level these include, for example, that many archives of the era are not digitized, requiring labour-intensive manual searches. Even when material has been scanned and is searchable electronically, searches may be compromised by poor digital character recognition of old typeset or handwritten documents, degraded material or alternate spellings of words having been used. Manual reviews will often be warranted.

94. In addition to the technical difficulties with conducting searches, there are substantive ones. These include that without an appropriate level of contextual knowledge of this matter and key events in and around the Congo in 1961, someone performing a search may not know that certain information could be relevant. They may not, for example, appreciate the identities of individuals as being persons of interest, or the significance of the geographical location of places, or types of aircraft. In short, a comprehensive search will not be ensured if a Member State merely searches for keywords such as “Hammarskjöld” or “plane crash”, even where such searches are conducted within intelligence, security and defence archives. As one example and without intending to single out the Member State concerned, the two President’s Intelligence Checklist documents that were provided by the United States

in 2021 refer respectively to “Hammarskjöld’s plane” and “Hammarskjöld’s death”, with the covering explanation that “no [other] holdings reviewed then, or acquired since, mention the crash or Hammarskjöld’s death”. Regardless of whether this may be correct, as I outlined to the United States in the letter of 24 March 2019 (annexed to the 2019 report) and in various correspondence between 2020 and 2022, there are numerous specific queries to which responses are necessary but have not been received, and various important search areas that span a broader range than direct references to the plane crash. Indeed, the 2019 report is replete with examples of information from United States records that have been provided by individual researchers and which highlight areas where further information must exist.

95. I explained the preceding reasons in 2017 when I set out for Member States detailed criteria for searches, including names of persons, equipment, subject matter and places. In 2019, in part for similar reasons, I requested that Independent Appointees be appointed, with the intention that they would have both unrestricted access to archives, as well as be able to act as a central focal point who would necessarily develop a beneficial degree of subject matter exposure after reading the previous reports and correspondence. In cases where Member States engaged with these processes as envisaged, the results were excellent (see 2019 report, sect. II.B). However, due to certain cases where these processes were not engaged with as envisaged, the search process in this matter cannot be described as fully reassuring or complete. This is a matter to which I return below.

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

96. The present section describes and analyses new information received between 2020 and 2022 from Member States and individuals regarding possible causes of the crash. Whether a particular item has a specific assessment of probative value depends on the nature and type of the information. Where information is incomplete or warrants further enquiry, this is identified. The new information discussed in this section is synthesized in the cumulative summary of findings, as presented in the accompanying executive summary.

97. Despite the passage of time, significant advancements continue to be made in the body of knowledge relevant to possible causes of the crash. New information has been identified during the present mandate regarding the probable intercepts of relevant communications, the possible involvement of mercenary pilots or other agents in a deliberate act against flight SE-BDY, the possible type of aircraft used in any such act, the possibility of a ground attack or sabotage against flight SE-BDY, the presence and role of foreign actors, including intelligence agencies and personnel, and related matters.

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

98. Significant new information has been disclosed in recent years regarding the possibility that flight SE-BDY was attacked or menaced during its final landing approach to Ndola airport. If such an event occurred, it might have directly caused the plane to crash, or resulted in a distraction of the pilots at the critical point of the landing approach. Although physical evidentiary traces of an attack or menacing would be important information, an absence of such traces alone does not rule out the possibility of such an event. New and relevant information on this topic has continued to be received each year since the Independent Panel concluded its review, including during the period 2020 to 2022.

99. Information reviewed in the 2019 report under this heading that was considered of probative value included the following:

(a) Paul Henry Abram has stated that on the night of 17 to 18 September 1961 he overheard radio transmissions of an attack on a plane, while he was working at a United States NSA listening post in Irakleio (Heraklion) on the island of Crete, Greece. In 2017/18, before passing away in late 2018, Abram provided additional records regarding his service and education to me that tended to support his account. In 2018/19, I gave the United States an opportunity to provide information or clarification about Abram's service record or account, but it did not do so;

(b) Charles Southall has stated that on the night of 17 to 18 September 1961 he overheard radio transmissions of an attack on a plane, while he was working at an NSA communications interception facility near Nicosia. Southall has consistently informed Swedish and United States officials of this matter since at least the 1960s, stating that what he overheard was a CIA radio intercept that was shared with NSA, describing an attack on what was understood to be Hammarskjöld's plane;

(c) Rhodesian officials were intercepting United Nations communications, including confidential encoded military communications, throughout 1961. The fact of the interceptions and their content 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 in the respective capitals. A review of Zimbabwean Defence Force archives indicates that the Rhodesian federal authorities had radio signal intercept capabilities at that time and were also monitoring communications in Katanga;

(d) Ndola air traffic controller Arundel Campbell Martin, who held the last known conversations with flight SE-BDY before its crash, did not record those conversations, contrary to existing policy. Furthermore, Martin stated that he had destroyed his original notes of the conversations, despite his admission that he knew the aircraft and its passengers to be of exceptional importance. Whether or not other records of the air traffic control communications, such as tapes, may have been made but not disclosed is a matter discussed below;

(e) Belgian mercenary Jan Van Risseghem was one of a number of Avikat pilots who flew Fouga, De Havilland and Dornier aircraft (and potentially others) for Katanga in 1961. Although Van Risseghem was claimed to have confessed to an aerial attack on flight SE BDY, this was not confirmed. It was not established whether Van Risseghem had returned to Katanga by 17 September 1961. Various other Avikat personnel and mercenaries in the service of Katanga were in either Katanga or Ndola on that date, as discussed under the relevant thematic areas below;

(f) In February 1961, a United States commercial carrier made delivery of Fouga Magister aircraft to Katanga. Evidence reviewed suggests that, contrary to statements made to the 1961/62 inquiries, the Fouga was capable of air-to-air attack and usage at night and that it had attacked foreign aircraft in Katanga;

(g) In August 1961, a Dornier DO-28 aircraft was flown by Heinrich Schäfer and Jean Cassart from West Germany and delivered to Katanga for use by Avikat. The aircraft was apparently later modified for aerial attacks and bombings. It carried out both day and night bombing operations against the United Nations and appears to have attempted at least one air-to-air attack. In September 1961 it was flown internationally between locations, including in Katanga and Northern Rhodesia, and Brazzaville;

(h) More airfields were available in and around Ndola than had been originally considered by the early inquiries and Avikat forces used airfields in both Katanga and

Northern Rhodesia. The Northern Rhodesian military was aware that Avikat utilized its airfields;

(i) A significant number and strength of Northern Rhodesian forces, including armed soldiers, matériel and aircraft, were assembled in a combat-ready state along the border with Katanga and were located at times within Katanga itself;

(j) It has not been ruled out that a ground attack, either alone or in conjunction with an aerial attack, may have been made against flight SE-BDY immediately prior to its landing. However, it transpires from the probative assessments made by the Independent Panel that the cause of death of the passengers resulted instantaneously from the crash itself, rather than, for example, assassination after the crash landing.

100. Information received between 2020 and 2022 expands on the information analysed in 2019 and provides new information, as described below.

## **1. Radio communications**

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

101. In 2015, the Independent Panel assessed information provided by Paul Abram, a former United States Air Force Security Services Officer, in which he described hearing 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 an NSA listening post in Heraklion (Irakleio), on the island of Crete, Greece. Abram stated that he recorded the information on a tape and that the tape would have been shared with the NSA location in Fort Meade, Maryland, in the United States, and with Government Communications Headquarters, a British intelligence and security organization.

102. Between 2015 and 2017, the United States did not at first respond to requests for information regarding Abram's service record and later stated that it did not have information on him. After further information was received from Abram in 2017 (including his Air Force number and service record, service and education records and identifier/code "AbelBaker"), in 2019 the United States confirmed that Abram was a "voice intercept protocol specialist". However, although the United States conveyed in April 2019 that it had broadened search efforts to include additional United States intelligence agencies, no information was provided that would confirm Abram's purported service history or confirm or dispel his claims.

103. In the context of other information reviewed, in 2019 I assessed the claims made by Abram to be of strong probative value regarding the proposition that the United States was monitoring radio traffic and to be of moderate probative value insofar as the claims related to an attack on SE-BDY. I also noted it to be highly likely that relevant records of transcripts were created by the United States.

104. In 2020, after the completion of the 2019 report, I was informed that Abram had passed away. The opportunity was not taken by the United States to finally clarify his service history and claims while he was alive and could respond to any contrary assertions.

105. In 2021, I received new information from voluntary researcher Rosato regarding Abram's service history. The information included that Abram's service over the relevant period appeared to be with the 6930th Radio Mobile Group based in Heraklion, Crete, which was tasked with monitoring voice transmissions. Other individuals who appear to have been serving with the 6930th Radio Mobile Group in 1961 include Roger Adams, Gerald Bussure, Ora Clark, Stephen Gellman, Ronald Hei, Brian White, Robert Ampula and Salvatore Lamanna.

106. In 2022, I conveyed this information to the United States and requested a response. Specifically, I asked the United States to confirm, following an exhaustive

search of CIA and NSA records, any information or details regarding the incident alleged by Abram, including whether records exist of it, whether inquiries have been made of Abram's colleagues (including those listed above) and related agencies, the outcome of any such inquiries and what the full details were of any internal United States investigations into the claims made by Abram. No response was received.

107. The new information must be considered in the light of that analysed previously, which includes Abram's final reassertion in July 2017 of his presence in Crete on the relevant dates, the information provided regarding his stated security clearances and specialization as a voice intercept protocol specialist, the nature of the duties at the NSA listening facility that he says he carried out and the new information that lends credence to him being with the 6930th Radio Mobile Group with identified colleagues at the relevant time. In the overall context, I would confirm my previous assessment that Abram's claims are 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 claim that Abram overheard an attack on SE-BDY, I retain the assessment of the probative value of this information as being moderate.

**(b) Charles Southall**

108. In 2015, the Independent Panel assessed information provided by Charles Southall, a former United States Navy Officer stationed at an NSA communications facility near Nicosia in 1961. Southall had consistently informed Swedish and United States officials since at least the 1960s that, while serving with NSA in that location, on the night of 17 to 18 September 1961 he overheard a CIA radio intercept that was shared with NSA describing an attack on what was understood to be Hammarskjöld's plane.

109. In 2015, the United States did not respond to requests for information regarding Southall's service record. In 2016, the United States confirmed that Southall had joined the Navy in 1955, was released from active duty in 1969 and retired as a commander from the Navy Reserve in 1978. However, despite requests to the United States each year since 2016, no information has been received to confirm or dispel 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.

110. In the context of other information reviewed, in 2019 I assessed the claims made by Southall to be of strong probative value regarding the proposition that the United States was monitoring radio traffic and to be of moderate probative value insofar as the claims related to an attack on SE-BDY. I also noted it to be highly likely that relevant records of transcripts were created by the United States.

111. In 2021, I received new information from Rosato regarding Southall's service history. This information included publicly available United States naval records (Navy Muster Roll 2339, 1949–1971, and Register of Commissioned and Warrant Officers of the United States Navy and Marine Corps on Active Duty, 1961) that appear to confirm that Southall's service over the relevant period was with NSA in Nicosia, with designations 1310 and 1610, between at least July and October 1961 and that he had been trained in cryptological warfare. Furthermore, Southall appeared to have been stationed in that location with other individuals, including Gaspare Tamburello, Paul Dillingham, William Hawley, Robert Jennings, Robert Perusse, Leory Sommer and Wat Tyler Cluverius. Southall had previously mentioned Cluverius by name and said that he had called him to speak about the matter later 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 died before Southall was able to meet him in person to speak about the matter.

112. In 2022, I conveyed the further information about Southall’s service record to the United States and requested a response. Specifically, I asked the United States to confirm, following an exhaustive search of CIA and NSA records, any information or details regarding the incident alleged by Southall, including whether records exist of it, whether inquiries have been made of Southall’s colleagues (including those listed above) and related agencies, the outcome of any such inquiries, and what the full details were of any internal United States investigations into the claims made by Southall. I asked the United States to include any internal investigation made during the 1990s or since, including, without limitation, any reports and correspondence from the Bureau of Intelligence and Research between 1991 and 1993. No response was received.

113. This new information must be considered in the light of that analysed previously, which includes the apparent acceptance by the United States that Southall had a career with the United States Navy before retiring as a commander in the Navy Reserve, that he held a specialization as a “processing and reporting” officer and that he was assigned at a naval communications facility near Nicosia in 1961. Southall’s assertions to a number of persons have been consistent over a significant period of time, from at least 1967 to 2013, and in this light the new information appears to confirm that he was deployed to Nicosia in or around July 1961, possibly with specifically identified colleagues, and that while there he held two designations, 1310 and 1610, the latter being a cryptological warfare specialization. In the overall context, I would confirm my previous assessment that Southall’s claims are 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 claim that Southall overheard an attack on SE-BDY, I retain the assessment of the probative value of that information as being moderate.

**(c) Interception and knowledge of Hammarskjöld’s travel arrangements**

114. In 2022, information was brought to my attention by the voluntary researcher Simensen, based on research done in the archives of the company Union Minière du Haut Katanga (UMHK) by Picard, of a cable sent from Hammarskjöld to the British Consul in Katanga, Denzil Dunnett, at Ndola by Conor Cruise O’Brien at 1625 hours on 17 September 1961. This message, likely relayed through the radio equipment installed by the Belgian engineer Manfred Loeb and monitored by British Secret Intelligence Service (MI6) operative Neil Ritchie, as were other UMHK messages (see also sect. IV.A.1 below), stated that Hammarskjöld was confirmed to travel to Ndola “as early as possible today”. I note that it may have been this message that was referred to by Jacques de Troyer when he informed Claude de Kemoularia that mercenaries knew of Hammarskjöld’s travel plans in advance because they had read a cable to that effect, as discussed in the notes of George Ivan Smith (see, for example, 2017 report, sect. IV.A.3).

115. It appears that Hammarskjöld’s advance travel plans were also communicated to the United Kingdom immediately, likely by Ritchie, as a communication from the Lord Privy Seal, Edward Heath, to the Secretary of State for Commonwealth Relations, Duncan Sandys, on 17 September 1961 confirmed “meeting is due to take place this afternoon between Tshombe and Hammarskjöld at Ndola. Alport will fly to greet Hammarskjöld but remain in background. Helicopter with High Commission representative on board is fetching Tshombe”. The reference in the last sentence to a “High Commission representative” collecting Tshombe is evidently a reference to Ritchie. This information is also reflected in Lord Alport’s correspondence to Sandys

of 25 September 1961, which confirms that Lord Alport had been informed of the meeting by telephone on 17 September 1961 before Hammarskjöld's departure.

116. Relatedly, Dunnett in his memoirs, referred to below, 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 Lord Landsdowne, met at around the time of Hammarskjöld's death, the Landsdowne report of 18 September 1961 and any related reports are flagged for potential follow-up with the United Kingdom.

117. In the 2017 report I noted that "[a]ny interception of United Nations communications in the Congo and Ndola by third parties is relevant. More germane, however, is the possibility of the interception of communications on the travel arrangements for the Secretary-General's mission to Ndola and related activities. Should it surface that such communications were in fact intercepted or otherwise accessed, it would have rendered futile the United Nations efforts to maintain the confidentiality of the journey (including the initiative of Captain Hallonquist to file a dummy flight plan with Luluabourg as the destination). Such intercepts of ONUC communications would also have meant that the flight was exposed to the possibility of ill-intended or hostile action while en route. Suffice it to state that inasmuch as earlier I had assessed to be of moderate probative value the possibility that certain Member States were able to intercept ONUC communications, I have not been made aware of any proven intercepts by a third party of the Secretary-General's communications while he was in Leopoldville from 15 to 17 September 1961, or those related to the fatal flight."

118. The telegram sent on the afternoon of 17 September 1961 from Lord Privy Seal Heath to Secretary of State Sandys, referred to above, develops on previously known information. It shows that not only were British officials coordinating events on the ground in Ndola, they were also communicating this back in real time to London. That the telegram was sent to Dunnett in Northern Rhodesia using UMHK equipment, to be relayed to Tshombe, underscores the previously observed fact that officials of Katanga, the Rhodesian Federation, the United Kingdom and UMHK were aware of Hammarskjöld's planned movements before his flight to Ndola took off. In this regard, as also recalled by Simensen, Assistant Commissioner Hicks in his evidence to the 1961 United Nations Commission noted that there were plans being discussed as early as 16 September 1961 for a potential meeting between Hammarskjöld and Tshombe to occur in the air traffic control tower at Ndola Airport.

119. Relatedly, Rosato drew to my attention that on 19 September 1961 an article in *The New York Times* entitled "New upheaval feared in Congo with loss of UN Chief's aid" stated that "Congolese Government sources reported that three Belgians and one Congolese had been arrested on charges of 'betraying the flight plans and schedules of the United Nations'". Although this is a reference to allegations rather than findings, this reporting shows that as early as the day after the crash there were suspicions that the flight plan of SE-BDY had not been a well-kept secret.

120. Related to this, Simensen brought to my attention in 2022 that other Governments, including those of the United States and the Congo, may also have been aware in advance that the Secretary-General would personally travel to meet Tshombe. A telegram from Hammarskjöld to Bunche of 16 September 1961 refers to Hammarskjöld having informed "Cabinet" (understood in the context to be the Congolese Cabinet) of Hammarskjöld's proposal to meet Tshombe to discuss a potential ceasefire (at that time, the proposed location was Bancroft, also in Northern Rhodesia close to the border with Katanga). Hammarskjöld confirmed that the



information had been shared with the British and United States Ambassadors and could be shared further with other delegations by Bunche in New York.

121. The new information regarding advance knowledge of Hammarskjöld's travel plans by third parties supports the proposition that the destination and timing of flight SE-BDY were not secret. Therefore, the flight could have been exposed to the possibility of ill-intended or hostile action while en route to Ndola, despite the attempts of the pilots to maintain a low profile. It is recalled that the known context includes that United Nations communications in the Congo were being intercepted and monitored and that British and UMHK intermediaries were assisting Tshombe to make arrangements for the meeting with Hammarskjöld in advance of flight SE-BDY departing from Leopoldville. In view of this context, I assess it to be of moderate probative value that the travel arrangements for the Secretary-General's mission to Ndola were known in advance to more people than the early inquiries were aware of.

**(d) Interception by Rhodesian officials**

122. In 2018/19, the Independent Appointee of Zimbabwe provided material that included archives of the Security Services and which confirmed that "the Rhodesian Federal Authorities had radio signals intercept capabilities at the time which were monitoring communications in the Katanga area". To this observation, Rosato added information that the Rhodesia and Nyasaland Corps of Signals was specifically responsible for monitoring and intercepting radio transmissions in Northern Rhodesia. No records of this entity have been disclosed and as such no specific assessment of this information is warranted. However, I flag the matter for potential further enquiry as the records of the Corps of Signals, if available, may hold important information. In a further observation from Rosato, Lt. Col. Don Grainger was the Director of the Corps in 1961. If Grainger's personal records are available, they may also be a source of information. Although I did not have sufficient time to confirm whether this source may be available, I flag it as a matter for potential follow-up.

**(e) Role of air traffic control in communications**

123. It is recalled that according to Lord Alport's communication to Secretary of State Sandys of 25 September 1961 (and as reflected in his autobiographical account in *The Sudden Assignment*), he held a suspicion that United States Dakota aircraft in Ndola may have heard but failed to report information about radio transmissions from SE-BDY; similarly, his private secretary, Brian Unwin, appears to have held a similar view (see 2017 report, sect. V.C.2). Regarding the last known transmissions from SE-BDY, Lord Alport also noted in his correspondence to Sandys that "Ndola Control had lost contact with the plane although the latter seemed to be transmitting messages to some other destination". The basis for this assertion is unclear. Lord Alport's suspicion was enhanced by the fact that two days later a United Nations flight that had overflown Ndola was directed back to the airport by one of the Dakotas, rather than Ndola air traffic control (the United States personnel who made this communication were later castigated by Northern Rhodesian officials).

124. That United States Dakotas may have communicated with SE-BDY but had failed to disclose it, was also referenced by Larry Devlin, the CIA Chief of Station in the Congo in September 1961. As brought to my attention by Rosato, during the Critical Oral History Conference on the Congo Crisis, 1960–1961, in September 2004, Devlin reported publicly that a United States air attaché in Ndola "had been in touch with the pilot [of SE-BDY] since ahead of time". If true, this apparent reference by Devlin to communications that the air attaché had with SE-BDY while it was en route to Ndola would be significant because no such communications have been officially disclosed. This is also a matter that I flag for potential follow-up.

125. Another individual researcher, who seeks to remain anonymous and whose contributions are discussed in greater detail in section III.A.5 below, notes inconsistencies in the evidence given by Ndola Air Traffic Controller Martin to the early inquiries. Specifically, he notes that although Martin's witness statement to the Rhodesian Board of Investigation claims that he was alone in the control tower at the relevant time, he later informed the Rhodesian Commission of Inquiry and United Nations Commission that others were present, a matter to which Unwin and Alport also later referred. Moreover, Martin stated that the reason he referred to SE-BDY as behaving "strangely" in his evidence to the Rhodesian Board of Investigation was because it was approaching Ndola from the west. This would, however, not appear to be strange behaviour, given that this is the normal direction of approach for an instrument landing at Ndola, as is evident from the Jeppesen manual.

126. It bears observation, first, that if there was a coordinated aerial and/or ground attack it would have been necessary for the attackers to use radio to communicate with each other. Secondly, if there was interference with radio communications (jamming), this might have been noticeable to others monitoring the airwaves. Matters such as the lack of records regarding communications from SE-BDY in its final moments increase the impetus to search for undisclosed information on this topic and highlight the significance of inconsistencies in the existing information, such as inconsistencies in Martin's account. It is paramount to determine whether any other undisclosed records of radio traffic may have been created or exist, particularly in circumstances where Martin "destroyed his notes" regarding the radio exchanges that he had with SE-BDY before it crashed, as he informed the early enquiries in his evidence.

**(f) Potential radio interference**

127. The anonymous researcher described in the preceding subsection posits that, based on records that refer to problems with radio communications on the evening of the crash, radio interference (jamming) may have been used by attackers, possibly from a location near Ndola airport. It is recalled that the last communications between SE-BDY and Ndola air traffic control occurred just after midnight when SE-BDY reported at 0010 hours "Your lights in sight, overhead Ndola, descending, confirm QNH", to which Ndola instructed "Roger QNH 1021mb, report reaching 6,000 feet". After SE-BDY replied confirming the QNH pressure reading, stating "Roger 1021", no further communications are recorded. If there was jamming of radio communications, it may explain the absence of anything further being transmitted from SE-BDY in its final moments. The researcher observes that several records refer to problems with communications on the evening of the crash, including the logs of the Mufulira police station and the evidence given by Ndola Air Traffic Controller Martin, who stated to the Rhodesian Board that he made repeated unsuccessful attempts to contact SE-BDY for 20 to 25 minutes after their last exchange. Martin informed the United Nations Commission that conditions on the HF (high frequency) radio were bad that night and stated that "if conditions were very bad we had to send some messages on the teleprinter, because we could not read it, that might have been because part of the transmission was jammed".

128. The anonymous researcher provided a detailed analysis of radio transmissions, including the equipment and channels used. If aspects of the anonymous source's hypothesis are correct, there must have been records of radio traffic created or held that have not been disclosed. As discussed further below, such records, if they were created or held, are likely to have been located with the United States, the United Kingdom and Northern Rhodesian authorities. This is also a matter that I flag for potential follow-up.

(g) **Crypto AG**

129. In 2020, I was provided with new information regarding investigative work and reporting that had been undertaken by journalism and broadcasting entities, including SRF (Schweizer Radio und Fernsehen), the *Washington Post* and ZDF (Zweites Deutsches Fernsehen). This work resulted in the release of a television episode and published written articles on the topic of the alleged involvement of CIA, NSA and BND in intelligence operations that were designed to permit the United States and West Germany to secretly access encrypted communications in devices made by the company Crypto AG. Those devices were said to have been sold to and used by the United Nations and various Governments.

130. The claim that CIA and/or NSA had covertly monitored the communications sent from the CX-52 cryptographic machines used by Hammarskjöld during his visit to the Congo by utilizing a “backdoor” in the encryption, which intelligence was shared with the United Kingdom Government Communications Headquarters and possibly other countries’ intelligence services, has previously been analysed (see 2017 report, sect. V.C.1). In 2017, the United States advised me that it “ha[d] no comments on this item”.

131. The reporting from SRF, the *Washington Post* and ZDF is publicly accessible and is stated to be based on a 96-page account completed in 2004 by the CIA Center for the Study of Intelligence and an oral history compiled by German intelligence officials in 2008. While many of the claims made in the reporting go beyond the chronological and substantive scope of this investigation, which is limited to events that may contribute to the understanding of the fate of flight SE-BDY in September 1961, certain aspects are relevant. They include the allegations that the operation was a joint one between CIA and BND, that it was known in the CIA first by the code name “Thesaurus” and later the code name “Rubicon” and that various other Member States (and not just the United Nations) may have used compromised cryptographic devices like Hammarskjöld’s CX-52 machines.

132. It is recalled that United Nations officials were suspicious when Hammarskjöld’s CX-52 machines were not immediately returned to the United Nations following the crash, despite the entreaty of ONUC Colonel Bjørn Egge. As described in the 2017 report, according to a communication from the United States Resident Consul in Lusaka transmitted to the Department of State on 27 September 1961, the British High Commissioner, Lord Alport, “peculiarly ... refused to return to the UN representatives coding machines and books which the Federal authorities had recovered from the wreck”.

133. If any Government had access to communications made by Hammarskjöld from the CX-52 machines before the plane crash, it is very important that this information be disclosed. The new information that has come from the 2020 reporting also discloses another important dimension and line of enquiry: if the United Kingdom, the United States, West Germany or others had “backdoor” access to any high-level communications of other Member States that refer to the crash, this may also be an important source of information. Searches for such information should be conducted.

134. The Independent Panel assessed information that communications sent from Hammarskjöld’s CX-52 cryptographic machines were intercepted by NSA and possibly other intelligence agencies as holding moderate probative value, which assessment was confirmed in 2017. During my current mandate, I invited the United Kingdom and the United States to comment on this matter, but no comment or clarification was received. In view of the existing record, the new information received in 2020 and the ample opportunities that have been provided to Member States to clarify the matter, or offer an explanation, I consider it to be established that

communications sent from Hammarskjöld's CX-52 cryptographic machines were covertly intercepted by or shared with specific Member States. I assess it to be of strong probative value that those Member States were monitoring the Secretary-General's confidential communications. I also consider it highly likely that relevant records of those communications were created but have not been disclosed.

135. New information on this topic was also provided by Simensen from archival research. This included a telegram dated 16 December 1961 from the United Kingdom representative in Salisbury, Scott, to Chadwick, a Northern Rhodesian Government official, being a reply to the latter's earlier telegram that had been passed on to Welensky. In the correspondence, Scott states that the "cumulative effect of evidence received suggested beyond reasonable doubt that certain Federal agencies were deeply implicated in military traffic between Northern Rhodesia and Katanga. In particular, it was reliably reported that Ndola representative of Federal Intelligence and Security Bureau (FISB) regularly 'briefed and debriefed' Katanga pilots on their frequent arrivals and departures". The correspondence goes on to detail Scott's reasons for his belief that this allegation is correct and notes that Parry, Secretary of the Northern Rhodesian Office of the Prime Minister, had admitted "that certain people had done 'some very silly things'".

136. The telegram from Scott appears to be a reference to the transfer of information, personnel and equipment between Northern Rhodesia and Katanga around the time of the plane crash. In this regard, it would appear to strengthen previous findings regarding the likelihood that important undisclosed records were created or held in the Rhodesian Federation, that Rhodesian officials were involved in intercepting communications (and sharing them with the United Kingdom and the United States) and that Northern Rhodesian forces played an active role in the militarization of the border between Northern Rhodesia and Katanga (see, for example, 2019 report sects. III.A.1 and III.A.6). As also discussed below in section IV.A.1, additional new information describes the creation of a potential guerrilla training area for Katangan forces in Northern Rhodesia.

**(h) Tore Meijer**

137. As noted above, Meijer was a Swedish instructor at the Ethiopian Air Force flying school who stated that he overheard a conversation on shortwave radio around midnight on the night of 17 to 18 September 1961. Meijer said that the conversation was between flight controllers, one of whom was at Ndola airport, and that the flight controllers expressed surprise that one plane was being unexpectedly followed by another. 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. On 18 or 19 September 1961, Meijer informed or attempted to inform the Head of the Ethiopian Air Force, United States colleagues and the chief engineer of Transair in the Congo, Bo Virving, about the incident. He later described the event to journalists, as reflected in a March 1994 article in *Dagens Nyheter*.

138. In 2019, contact was made with Meijer's widow, who was not able to provide further information on the matter. Following this, in May 2022 I wrote to Ethiopia to request that specific searches be conducted for any information regarding a report that was apparently made by Meijer to the Head of the Ethiopian Air Force in 1961. At the time of writing the present report, no response had been received from Ethiopia. This is a matter that is flagged for future follow-up.

## 2. New photographs of tests conducted in 1961

139. In 2019, I was provided with new information from the Independent Appointee of Sweden consisting of documents, including photographs, from the records of Michael Cary, Assistant Superintendent of the Northern Rhodesian Police. Cary had been one of the first people to arrive at the crash site and was involved in the initial investigation. He was also involved in conducting ballistic tests on metal plates from the wreck, designed to establish the effect on the metal of bullets piercing it from different angles; as the Independent Appointee of Sweden noted in 2019, these tests followed demands from Swedish experts in 1961 and were conducted on 25 October 1961 during the work of the Rhodesian Board of Investigation in the presence of a number of persons, including Cary, Evans, Landin and Danielsson.

140. Certain of the photographs that I received appeared to show pieces of metal with holes in them and did not appear to have been discussed in the reports of the early inquiries. The relevant photographs respectively depict: a piece of metal with round holes of roughly equal 1 cm size; a piece of metal being held with three identical looking holes in it, and a membrane in a frame with a similar hole almost in the middle (the picture has the same stamp and date as the previous photograph); a long piece of metal with an apparently very similar hole to the ones in the other two photographs (the back of the photograph 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 may be a similar hole as the others (the back of the photograph has “starboard wing” and “pw 334/61” written on it and has the same date and stamp as the previous one).

141. An informal analysis conducted in 2019 by the Swedish Police and the Swedish National Forensic Centre suggested that the holes displayed may have been bullet holes from a fine-calibre weapon. Accordingly, in 2020 I requested the assistance of Sweden to obtain a further report on the material by ballistics experts including, without limitation, regarding the type of material depicted in four specific photographs, how the holes in that material may have been caused, any meta-information available from the photographs and any opinion regarding the explanations expressed by those who conducted the original tests.

142. I was grateful to receive the results of the comprehensive and professional analysis conducted by the Swedish Defence Research Agency (FOI). The analysis, spanning over 40 pages, was presented in a report authored by Patrik Appelgren and Martin Nilsson that was based on FOI conducting photographic analysis and ballistic tests. The ballistic tests involved utilizing 7.62 mm and 9 mm ammunition on aircraft aluminium to produce reference material for the analysis. Given the conclusions presented in the report, it is not necessary to reproduce the analysis here in full; the following consideration of the information represents a summary of the conclusions reached by FOI and the reasons for doing so.

143. Photograph one (of four photographs) is stamped on the reverse side with “Northern Rhodesia Police, Western Division, C.I.D. Headquarters, 28 Nov 1961” and has a notation “pw 361/61”. It displays a man holding a metal plate with three holes. FOI found that the metal piece displayed shows relatively symmetric, leaf-like deformations (petaling) on the exit side of the hole, with the symmetry of the deformations indicating a close to zero degree impact angle. FOI conducted a comprehensive analysis that considered the relative velocity of the aircraft, the symmetry and separation distance of the holes, the effect of the dispersion of the firing weapon and the accuracy of the ammunition. In view of the known circumstances, including the fact and conditions of the tests that involved Cary on 25 October 1961 firing on aluminium plates using a .303 rifle, FOI concluded that it was highly unlikely that the plate with holes in it was part of the wreckage of the *Albertina*, and

that it was much more likely that it was a metal plate used for those ballistic tests. It was also noted that the plate had a paper tag attached to it and that it had been photographed, which would be reasonable to expect from a target plate used in ballistic tests.

144. The second photograph is stamped “Northern Rhodesia Police, Western Division, C.I.D. Headquarters, 28 Nov 1961” and has the notation “pw 361/61”. This photograph appears to show a part of an aircraft instrument, likely viewed from the rear, with a standard 46.6 mm bolt pattern. There is one larger hole that is in the centre of the instrument, situated on a straight line between two smaller holes. According to FOI, the larger hole lacks the leaf-like deformation that would have been present if a high velocity projectile had passed through the object. The conclusion of FOI regarding the second photograph is that the smaller holes may be from bolts for the assembly of the instrument and the centre hole may be for a shaft for a pin or a similar object.

145. The third photograph is stamped “Northern Rhodesia Police, Western Division, C.I.D. Headquarters, 20 Oct 1961” and has a notation “support cooler member No 3 engine, 335/61, 20 Oct 1961”. It appears to show a long piece of metal held by a hand, which points towards one of three equidistant irregular holes that are at right angles to the piece’s long axis.

146. The analysis by FOI notes that the holes in the photograph are not like the holes caused by rifle projectile impacts during the ballistic tests performed by FOI. In particular, there is no petaling or leaf-like deformation, which would be expected on the rear (exit) face of a plate struck by a high-velocity projectile. FOI posits it to be likely that the third photograph displays the piece of metal that was investigated by R. H. Els, the ballistics expert of the Northern Rhodesian Police who assisted the 1961 Rhodesian Board of Investigation. According to Els, the three holes were caused by rivets that sprang.

147. The fourth photograph is stamped “Northern Rhodesia Police, Western Division, C.I.D. Headquarters, 20 Oct 1961”, and has the notations “pw 334/61” and “starboard wing”. It shows several holes in what, according to notes on the photograph, is part of the starboard wing of the *Albertina*.

148. Of the holes, there are several smaller ones that the FOI analysis states are evidently from rivets. There is also a larger hole depicted, which has an estimated diameter of 15–23 mm. A hole of that size could not have been caused by a small-calibre projectile and, in any event, the hole lacks the type of petaling observed in the ballistic tests performed by FOI. Accordingly, although impact would be necessary to force the material into the shape observed, the impact was unlikely to have been from machine-launched projectiles and more likely to have resulted from impact with, for example, the ground.

149. The material analysed by FOI appears to indicate that the photographs from the Cary archive are of tests and analysis that were conducted during and for the purposes of the early inquiries. The photographs do not appear to show, for example, bullet or other projectile holes that were located on the *Albertina* but remained unanalysed in the early inquiries. In this regard, although the analysis of the photographs is “new information”, it is not aligned with proving or disproving any particular hypothesis as the photographs depict tests that were conducted on material that did not come from the *Albertina*. Notwithstanding this, the location and analysis of the Cary archival material is an important development as it is an example of and underscores the fact that there likely remains much contemporaneous material that was created in 1961/62 by Member States and individuals that has not been reviewed. Further discussion of this issue is found in section V.B below.

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

150. New information received between 2020 and 2022 elaborates on information analysed in the 2019 report regarding individuals who have been identified as possibly associated with a potential attack on SE-BDY, as follows under the subsections below.

151. On this topic, I express particular appreciation for the voluntary contribution of a group of graduate students of the International Relations and Diplomacy masters programme of Trier University. Under the supervision of Professor Manuel Fröhlich, a comprehensive working document was provided to me that contains a structured compilation of available information on this matter, from the early inquiries to more recent reports. Among other things, it contains a list of persons that were present and/or participated in events in Katanga and Ndola around 17 and 18 September 1961. Although it is a “live” document that remains to be updated as further information becomes known, it will be provided to the United Nations as a reference.

#### (a) Persons of interest: general

152. As previously observed, the early inquiries mistakenly concluded that there was only one Katangan Avikat pilot who could have flown a plane in an attack against SE-BDY, based on the evidence given by Major Delin of Avikat. Information discussed in the 2017 and 2019 reports established, however, that there were many more persons of interest, including pilots, than the early inquiries knew of. According to United Nations documents analysed in 2019, Avikat had at least 32 personnel (14 pilots plus radio operators and technicians) in January 1961, and at least 11 mercenary pilots at Kolwezi airfield alone in April 1962. Mercenaries and other pilots with varying degrees of flying ability present in and providing services to Katanga between late 1961 and early 1962 were identified in documents considered in 2019 and in an interview with Van Risseghem conducted by Swedish diplomat Bengt Rösiö, a representative of Sweden in the Congo at the time of the crash, who prepared an investigation report entitled “Ndola disaster” and subsequent further notes for the Government of Sweden between 1992 and 1994. According to this information, those mercenaries and other pilots included Bertaux, Boutet, Bracco, Browne, Cassart, Catchpole, Dagonnier, Delcors, Delin, Dubois, Fouquet, Gelen, Gheysels, Glaspole, Gurkitz, Hedges, Heuckets, Hislier, Hirsch, Magain, Mans, Melot, Osy, Pence, Pier, Puren, de Radiques, Van Risseghem, Schäfer, de Stoute, Verloo, Volant and Wicksteed.<sup>2</sup> Other mercenaries or other personnel identified who were not noted as being able to operate an aircraft included Badaire, Beuckels, de la Bourdonnaye, Bousquet, Charlot, Coitre, Cremer, Crevecouer, Denard, Deshamps, Denard, Egé, Emeyriat, Faulques, Gillet, Hambursen, Hetzlen, Hoare, Huyghe, Lamouline, Lasimone, Lebbebre, Lucien, Nguza, Paucheun, Pradier, Ropagnol, de Saint Paul, Saquet, Schnell, de Troyer, Trinquier, Van Rooy, Van DeWalle, Van der Wegen, Vidal de Clary, Weber, Wrenacre and others.

153. In addition to those individuals identified as pilots, many other persons of interest were in or near Katanga or Ndola in the relevant period. As established by the Independent Appointee of France in 2019, based on a review of French archives, in terms of French nationals these individuals included Colonel Roger 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 Roger Faulques, Captain Léon Egé and Captain Yves de la Bourdonnaye. In addition, Joseph Lambroschini, who was appointed French Consul in Elisabethville in June 1961, was likely an “honourable correspondent” of the

<sup>2</sup> Multiple variants of the spelling of these names have been used in different documents.

French External Documentation and Counter-Espionage Service (Service de Documentation Extérieure et de Contre-Espionnage, SDECE).

154. In 2020, I was provided with new information on certain of these French mercenaries from Hendrickx, a voluntary researcher who undertook a review of information within the Moïse Tshombe archive at the Africa Museum in Tervuren, Belgium. Hendrickx provided a selection of relevant files, which, among other things, concern: (a) the political and military background to events in Katanga in 1961; (b) information on arms purchased and shipped to Katanga, movements of mercenary personnel and Katangese military intelligence reports from between March and June 1961; and (c) interactions between Dominique Diur, the representative of Katanga in France, and French Government officials in both France and the Congo. Regarding Diur, I note that the Independent Appointee of France had stated in 2019 that he had a role in recruiting mercenaries for Katanga, which was conducted from 30 Avenue Georges Mandel in Paris.

155. As a general observation, a review of the new information provided by Hendrickx indicates that there appear to have been occasions on which unofficial support was given to the provincial government of Katanga by individuals in official governmental positions in France, including French diplomatic and intelligence services. This accords with certain of the findings conveyed to me in 2019 by the Independent Appointee of France. In terms of specific items of relevant correspondence or other records provided by Hendrickx, I note the matters described below.

156. A letter dated 20 September 1961 from Egé to Mr. Letellier (which may be the same “Le Tellier” discussed below; this is not confirmed) states that Egé was in Salisbury en route to Ndola where he could be reached at the Rhodes Hotel, having flown from Johannesburg the day before with Badert (sic) (understood in the context to be a homonym of Badaire, being mercenary Michel Badaire). Egé states that “[l]a Bourdonnaye was broke and stayed in Pretoria”. The letter refers to then-current information regarding events in Katanga and makes apparent reference to Hammarskjöld’s death, stating “H is dead. Peace be on his soul and good riddance”, but does not speak of any details of the plane crash.

157. A separate letter dated 21 September 1961 from Michel Badaire to an unidentified recipient confirms a similar account to the preceding one of Egé. It states that Badaire and other French mercenaries, Egé and de la Bourdonnaye, had been in Pretoria, after which Badaire and Egé moved to Ndola to arrive by the letter’s date of 21 September 1961. The letter from Badaire is on Savoy Hotel (Ndola) stationery; it is unclear whether he is staying there, or why he would be in a different hotel to Egé, who stated that he would be at the Rhodes Hotel. From Ndola, they were to leave for Kipushi by car, after which they would travel to Elisabethville. The letter indicates that Badaire was awaiting orders from Faulques and the President (i.e. Tshombe).

158. From the new information in Tshombe’s archives, it appears likely that Egé, Badaire and de la Bourdonnaye were together in Johannesburg on 19 and 20 September 1961, before Egé and Badaire returned to Ndola en route to Katanga. This does not establish these individuals’ precise location on the night of 17 to 18 September 1961 or rule out that they may have been in or near Ndola at that time.

159. Relatedly, a typed document in French entitled “military expenses”, dated simply “1961”, and earlier handwritten drafts of the same document, appear to show a list of payments by the provisional Government of Katanga of expenses, including salary and expense payments, to various mercenaries. This document indicates that in September 1961 payments were made to persons including Guy Deshamps, Maruis Bousquet, Robert Denard, Jacques Schnell, Michel Badaire, Roger Emeyriat, Jean Yves Coitre, Jean-Marie Nguza, Sandor Gynekits (likely to be Sandor Gurkitz), Jam



Can (or Van) Rissechem (likely to be Jan van Risseghem) and Carlos Hugghe (likely to be Carlos Huyghe).

160. Of these payments it is notable that salary advances were paid to Van Risseghem, Gurkitz and Nguza on 16 September and to Huyghe on 17 September, and that plane ticket expenses were paid between 16 and 20 September 1961 for Nguza (16 September, UAT, Paris to Johannesburg), Huyghe, Adam, Badaire and Gurkitz (17 September, UAT, origin and destination unspecified) and Denard, Cloitre, Emeyriat and Bousquet (19 September, UAT, origin and destination unspecified, and 20 September, Brazzaville to Ndola). The list of expenses does not of itself confirm that these flights were taken by these passengers (or the dates on which they were). In this regard, between 2020 and 2022 I requested immigration and airport records related to persons and aircraft of interest from Member States including the Republic of the Congo, South Africa and Zambia. As at the time of writing the present report, no substantive responses to my requests had been received.

161. It also bears observation from the “military expenses” document that Denard, Cloitre, Emeyriat and Bousquet appear to have travelled on 19 September 1961 from somewhere unspecified to, presumably, Brazzaville, Republic of the Congo, from where they then flew on 20 September 1961 to the Congo. As has been noted in previous reports, the convergence of a number of persons of interest in Brazzaville immediately after the crash raises questions that remain to be answered (see, for example, 2019 report, sect. V.A.1).

162. In a separate piece of new information received from Hendrickx, a letter dated 12 November 1961 from Badaire to Diur, the representative of Katanga in France, describes Tshombe’s anger at a journalist having taken photographs of an Avikat Fouga pilot in late September 1961, and Colonel Faulques’s order that Badaire catch the journalist and ensure that publication did not proceed.

163. Although hearsay and absent of great detail, if true, Badaire’s account suggests that both Tshombe and Faulques displayed sensitivity towards the identity of the pilot or pilots. On the one hand, such sensitivity may have been because an Avikat Fouga was actually implicated in the crash and they sought to obscure this. The apparent sensitivity that Tshombe had regarding the identity of the Fouga pilot(s) may be related to Katangan efforts, including by Major Delin, to hide the true identity of these pilots. In this regard, it is recalled again that the Rhodesian Commission of Inquiry had found “no reason to doubt” Delin. However, more recent reports have described that Major Delin, the sole witness of Avikat who appeared before the 1961/62 inquiries, lacked credibility in his claims, which had included that he was the only captain of the Fouga, that there were only two Fouga pilots and the other had not operated it without him, that the Fouga had not been operated at night and that Avikat had no other armed aircraft (see, for example, 2019 report, sect. III.A.4). At the same time, it is also noted that by the time of the purported incident involving a journalist attempting to take photographs of the Fouga pilot in late September 1961, there were already rumours that the Avikat Fouga had attacked SE-BDY. Such rumours may have caused uncomfortable attention being placed on Katanga, which would make the purported sensitivity of Tshombe and Faulques unsurprising, regardless of whether those rumours were true or not.

164. In another matter that falls under this subsection, I was provided with new information between 2020 and 2022 from Rosato consisting of research done regarding records created by Irish troops deployed with ONUC in 1961. This information included a report of 14 September 1961 from A Company, 35th Infantry Battalion, which was based at Jadotville. The report refers to an account taken from recently captured mercenaries in Katanga, Van der Wegen and Paucheun, who had been in contact with Tshombe that day and who stated that a day earlier Avikat had

sent a car to Rhodesia to attempt to recruit additional jet pilots. In addition, a record of a radio transmission from the 35th Infantry Battalion of later the same day, 14 September 1961, refers to “information from Kolwezi some pilots arrived yesterday from N. Rhodesia”. This does not necessarily establish however that additional Avikat pilots were recruited to Katanga from Northern Rhodesia before the plane crash on the night of 17 to 18 September 1961. Indeed, as Rosato notes, it would not have allowed much time to recruit and operationalize additional pilots if Avikat only attempted to do so on 13 September 1961.

165. Rosato separately provided new information regarding an extract from the book *Only Hyenas Laugh*, published in 1965, in which the author, Peter Lessing, recounts a conversation that he had with Avikat’s Major Delin in the early 1960s. In that account, Delin is said to have claimed, among other things, that he strafed the *Albertina* at Elisabethville airport before its final flight (which is why it was found with bullet holes in it), that the Fouga had a maximum flight time of 1 hour and 15 minutes and that it could not operate at night. Delin is also said to have informed Lessing that he “personally would have been prepared to attack [SE-BDY], but there was no way in which it could be done”.

166. To recall, Delin gave evidence that was broadly accepted by the early inquiries that suggested that only the Fouga Magister jet could have been a candidate for a potential attack on SE-BDY. However, he misled the early inquiries that the Fouga could be ruled out on the basis that he was the only pilot to fly the jet and he did not fly it that night (or any night). I have previously assessed Delin’s testimony as lacking credibility, including because it was separately established that Avikat had multiple serving pilots (see, for example, 2019 report, sects. III.A.4 and V.A.1). Seen in this light, the account that appears in Lessing’s book would appear to be misinformation or misrepresentation; in addition to the claims that the Fouga did not fly at night, which have been shown to be probably false. Delin also stated that he strafed the *Albertina* from the air while it was at Elisabethville airport on 17 September 1961. This is inconsistent with the narrative established by the early inquiries, which accepted that the *Albertina* was damaged by ground fire earlier on that day, on a separate flight to the last fateful flight of SE-BDY. If Delin did give an untrue account to Lessing, this would further seriously diminish the credibility of his testimony to the early inquiries.

167. Relatedly, Rosato also drew my attention to a news article published in *The New York Times* on 24 September 1961, entitled “Frenchman piloted Katanga jet while Belgian dropped bombs”, by David Halberstam. The article stated that the pilot was “closely guarded” and that: “President Tshombe denies outsiders permission to talk with the flier. It was only today that it became known that Lieutenant Deulin [sic] did not actually pilot the plane himself during the conflict. Instead a French understudy, M. Magain, handled the controls at Lieutenant Deulin’s direction while the latter released the bombs. Near the end of the attacks on the Kamina base Lieutenant Deulin had become well known. Whenever he flew a bombing mission at Elisabethville, the United Nations control tower would radio him, ‘Ah, and good morning, M. Deulin. and how are you today?’ Lieutenant Deulin would answer, ‘I am fine today. And you?’ and then drop his bombs”.

168. This information supports that analysed above regarding the obscuring of the identity of the real pilot of Avikat. Indeed, a further text “Diary of an FAF Pilot, Congo, Rwanda-Burundi 1960–1961” by Wilfried De Brouwer, also provided by Rosato, states that Magain was the pilot who machine-gunned the Kamina air traffic control tower while making radio contact with it, as recorded in United Nations and United States archives (see, for example, 2017 report, sects. IV.A.2 and IV.A.4). Rosato notes that Magain is likely Adjutant Jose Marie Ghislain Magain, a former Belgian Air Force pilot born in 1936. Magain had significant flying experience and

was purported to be the “Lone Ranger” referred to in attacks against ONUC in 1961 and whose identity, as noted, was obscured by Delin when he gave evidence to the Rhodesian Commission of Inquiry.

169. Additional new information provided to me by Rosato references the book *Gliders and Aeroplanes (Planeurs et Avions)* by Christian Castello. That text states that Dubois was a late replacement for another trainer named Littolf and that Dubois may have trained other pilots to fly the Fouga Magister, including Magain and Dagonnier. After leaving the Congo, Dubois appears to have flown as a pilot for Air France; his logbooks, if available, may contain important information that could identify other Avikat pilots that he trained in 1961.

170. According to information provided by Gülstorff, at least one West German, Horst Lönne, fought for Katanga under French leader Faulques in 1961/62. Further specifics about this individual, including his location on 17 and 18 September 1961, were not available.

171. The preceding new information that has been analysed further supports the finding that foreign mercenaries, including pilots, were a significant force in and around Katanga in September 1961, in a manner that was not understood or appreciated by the early inquiries. Although there is not yet a definitive list of exactly which mercenary personalities may have been present in and around Katanga and Ndola on the night of 17 to 18 September 1961 and their precise activities, our knowledge of potential candidates has grown at each juncture. A specific developed hypothesis does not yet require the proof or disproof that one or more named individuals was present in or near Ndola at the relevant time; but it is without doubt that there were 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 who could have flown an aircraft capable of offensive action 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 additional verification.

**(b) Heinrich Schäfer**

172. The Independent Appointee of Germany wrote to me in September 2020 to provide new information, independently of any request being made. I was therefore particularly grateful for the additional independent research that he conducted after the publication of the 2019 report. The information provided related to the pilot Heinrich Schäfer, discussed in the 2019 report, and included two flight logs from the private archives of Dornier, now held by Airbus, for whom Schäfer had flown. To recall, Schäfer was a pilot who flew a Dornier DO-28 (marked KA-3016) that was ultimately delivered to Katanga in August 1961. The new information constitutes Schäfer’s personal flight log and a separate “flight log no. 9” relating to a DO-27 plane (marked D-EHAV) that was not in or around Katanga.

173. Schäfer’s personal flight log states that he flew DO-28 KA-3016 from Munich Riem airport in Germany on 21 August 1961 to land in “Brassaville” (understood to be Brazzaville, Republic of the Congo) after a number of stops en route on 28 August 1961. This accords with previously analysed information that suggested Schäfer was in the region at the time, for the purpose of the delivery of the DO-28.

174. Schäfer’s personal flight log does not record another flight until 16 November 1961, when he is listed as having flown a DO-27 in Munich. However, a second flight log, “flight log no. 9”, records two flights by Schäfer in Germany on 2 September 1961, from Oberpfaffenhofen, the seat of the Dornier plant, to Berneck, and from Berneck to Boblingen. This indicates that Schäfer returned to Germany following the delivery of the DO-28 plane.

175. Later, Schäfer's personal flight log records him flying on a DO-28 plane in what the Independent Appointee of Germany advised is a location in Greenland between 21 and 27 September 1961. Given that Greenland is approximately 10,000 km from Ndola, if it is established that Schäfer was in Greenland on 21 September 1961, given the flying conditions of that era, it would not appear feasible that he could have been in or around Ndola on the night of 17 to 18 September 1961.

176. Some uncertainties remain about the completeness of the flight logs of Schäfer. For example, it is unclear why the flight log skips approximately a year forward from June 1960 to August 1961, and then, similarly, from September 1961 to October 1962, when Schäfer undertook flights within both periods that are not listed. Moreover, the flights in the personal flight log do not appear to be in sequential order, suggesting that they may have been created some time after the fact: the first page of the log has flights in (in order) June 1960, August 1961 and November 1961, while the subsequent page has flights that both precede and post-date the flights on the first page of the log, including in (in order) July 1961, September 1961 and October 1962. It is also unclear why, for example, the 2 September 1961 flights (in flight log no. 9) are not reflected in Schäfer's personal log. Regardless, the flight logs are an important addition to known information and provide further lines of enquiry. If it can ultimately be established that Schäfer was actually in Greenland on 21 September 1961 then any potential involvement by him in the crash of SE-BDY may be able to be ruled out. This may be able to be established through, for example, immigration or other contemporaneous records.

177. In 2022, I sought additional clarification from the Independent Appointee of Germany regarding the remaining questions about the flight logs of Schäfer. The requests included: whether additional material was available from the same archival sources; why the flight log skips approximately a year forward from June 1960 to August 1961, and then, similarly, from September 1961 to October 1962, when Mr. Schäfer apparently undertook flights within both periods; and why the 2 September 1961 flights (in flight log no. 9) are not contained in Schäfer's personal log. I was not able to provide a great amount of time for a response and one was not received by the time of writing the present report. I flag this as a matter for potential future follow-up.

**(c) Beukels**

178. In the late 1960s, men describing themselves as former mercenaries told a story about a purported attack on SE-BDY to Claude de Kemoullaria, Hammarskjöld's former personal assistant (1957–1961), who was later a prominent French diplomat and businessperson. The former mercenaries identified themselves as "De Troye" and "Beukels" (both spellings were phonetic transcriptions made by de Kemoullaria). "Beukels" claimed to have been involved in an aerial attack against SE-BDY and stated that he flew a Fouga, intercepted SE-BDY and told it by radio to divert to Kamina. When the instructions were not followed, Beukels said that he fired the Fouga's machine guns from behind SE-BDY, inadvertently hitting the tail 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). De Kemoullaria appears to have conveyed this information in good faith to French and Swedish authorities in the 1960s.

179. On the basis of previous analysis and new information received in 2019, including from de Kemoullaria's daughter and the *Cold Case Hammarskjöld* film team, I noted that the story as originally stated to de Kemoullaria appeared unlikely to be true and assessed the probative value of new information related to it to be weak (see 2019 report, sect. III.A.4).

180. In 2019, it was noted by the joint Independent Appointees of Belgium that the individual said to have met de Kemoularia with Beukels who was identified as “De Troye” was likely Jacques de Troyer, a Belgian military officer who acted as an adviser to the gendarmerie of Katanga in 1961. In January 2020, the Independent Appointee of Belgium wrote to me on behalf of the Belgian Standing Intelligence Agencies Review Committee to provide new information regarding the Beukels hypothesis, independently of any request being made by me. I was particularly grateful for the additional independent work undertaken after the publication of the 2019 report.

181. The Independent Appointee of Belgium stated in the 2020 correspondence that, based on new information received from the Belgian military intelligence service, the “Beukels” referred to in the 2019 report (and earlier reports) was likely a Roger Beuckels, born on 24 October 1942 in Bruges, Belgium, and deceased on 1 June 1991. It was noted that Beuckels had limited experience with the Belgian army as a non-commissioned officer in the Arlon infantry school, prior to being released from service on 1 September 1960 on the grounds of medical disability. Belgian records suggest that it is possible that Beuckels was in Katanga as a mercenary between September 1960 and January 1962, but his name does not appear on any known list in Belgium of mercenaries who were active in Katanga in 1961 and no known documents link him to Jacques de Troyer. Furthermore, Beuckels had limited training, with no indication of flight training. On this basis, the Independent Appointee of Belgium concluded that it was unlikely that he would have played a significant role in the Katanga conflict.

182. In the 2019 report, I noted concerns about the credibility of the Beukels hypothesis, including that there appeared to have been only one operational Fouga at the relevant time (Beukels stated that two Fougas were involved in the attack) and that it was not clear why Beukels would have wanted to divert the Secretary-General’s plane to Kamina, which was held by ONUC forces at the time. The information provided by the Independent Appointee of Belgium in 2020 states that Beukels/Beuckels had limited military experience, which was not identified as including flight training. This new information increasingly makes the statements made by Beukels less credible, as the narrative described by him suggests that he had experience significant enough to pilot a jet at night under combat conditions.

183. As previously observed, if de Kemoularia’s original notes and any original tape recording of a conversation with Beukels can be located, they would need to be analysed. It may be possible that parts of his story are true, while others are false. For example, he might have attributed someone else’s acts to himself to obtain a financial or other advantage. The hypothesis still cannot be fully disproven, but it is unlikely. I 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.

**(d) Organisation Armée Secrète**

184. Picard provided a copy of a document that he obtained while conducting research in the French National Archives. The document was in a folder entitled “SDECE – Premier ministre” and marked top secret, and was part of the private collection of Jacques Foccart, Secretary-General for African and Malagasy Affairs of France, stored at the National Archives in Pierrefitte, France. The document is a typewritten facsimile of a two-page letter and includes what purports to be a death warrant sent by the Organisation Armée Secrète (OAS) in July 1961 to Secretary-General Hammarskjöld, before the latter’s plane crash near Ndola in September 1961. The envelope bears the address of the Secretary-General in New York and displays French postal stamps with a stamped postmark that appears to indicate it was sent in July 1961 (precise date unclear). As Picard notes, the combination of the postmark

and the fact that the text mentions the involvement of the United Nations in the Tunisia-France Bizerte crisis suggests that it was sent at the end of July 1961.

185. In addition to criticizing Hammarskjöld in relation to the action of the United Nations in the Bizerte crisis, the letter alleges that Hammarskjöld had decided to support the Russians in the Congo. The letter concludes by stating that “the OAS committee has put you on trial and sentenced you to death. Here attached is the sentence. It will be executed, come what may”. Accompanying the letter is a further page, constituting the “death warrant”. It is titled with an OAS header and motto, “Honesty Justice Liberty”. The document states that the executive committee, having on that day in Paris heard the account of Hammarskjöld’s purported support for Bourguiba (the President of Tunisia), had decided “to issue a death warrant this day upon Mister Dag Hammarskjöld Secretary General of the United Nations”. It states that “[t]his sentence common to justice and fairness will be executed as soon as possible” and is marked “Paris the [date blank] July 1961, the President General (name illegible)”.

186. In commentary on the letter and “death warrant”, Picard states that OAS Paris was created in May 1961 following the failure of the putsch in Algiers and posits that one of its founders, Pierre Sergent, may have written the warrant, a view on which he consulted with French historians Rémi Kauffer and Olivier Dard. Picard observes that although OAS killed an estimated 1,700 to 2,200 people during 1961/62, including civil servants, security and defence officers and politicians, this did not include the known assassination of any foreign leader.

187. Picard further states that OAS had links in Katanga, including through the presence of Faulques, who had been a higher ranked officer in the same Foreign Legion regiment (1<sup>ere</sup> REP) as Sergent. He further states that the Katangese motto “Katanga shall be victorious!” (“Katanga atawina! Katanga vaincra!”) is similar to the OAS motto “OAS shall be victorious!” (“OAS vaincra!”); it is not clear whether or not this may be a coincidence.

188. Following receipt of the information from Picard, I wrote to France to seek further information on the subject matter, including: whether the original documents could be located; noting the postmarked stamp, whether the letter was sent to, and/or arrived at, its intended destination in New York; whether the provenance of the document could be determined; whether there was a reference to the document in any other archives; whether there was any record in French archives of any OAS presence in Katanga in 1961; whether the United Nations had been informed of any OAS threat to Hammarskjöld; and whether there was any record of OAS issuing and/or carrying out any other warrant or other action against foreign targets. I noted that the potential significance of the document had grown in light of other information received since 2019. Furthermore, a number of matters were unclear, including whether there was an original of the document (in addition to a facsimile copy) or any related document that might advance our shared knowledge of events.

189. Following my correspondence, I was grateful to receive further information on the OAS “death warrant” from Maurice Vaïsse, who had been the Independent Appointee of France in 2018/19. Mr. Vaïsse had found and made reference to the document in his 2019 report. He confirmed having reviewed the facsimile document in 2018 when he consulted the private archives of Foccart but stated that it was an “orphan document”, that is, the provenance, the trail and the trajectory of the copy was unknown, and there was no other reference to it in the Foccart archive or other archives consulted. Regarding the activities of OAS, Mr. Vaïsse noted in his report the relevant context in which its acts had taken place and that the organization had issued many threats but generally had not carried them out. While it had attempted to put some of the threats into effect against high-ranking governmental officials in

France (including General de Gaulle, Foccart and others), he was not aware of OAS having acted against foreign targets, although such acts could not be excluded.

190. It is recalled that information in the United Nations archives, as well as that compiled by George Ivan Smith, refers to potential assassination attempts against United Nations officials in the Congo – that much is referred to in reports made by mercenaries or associated persons in Katanga who had “defected” and spoken to ONUC officials, including Cremer and Erfield. Specifically, the mercenaries led by Faulques had, according to information provided to ONUC in September 1961, circulated a “liquidation” list of ONUC officials, including Conor Cruise O’Brien, Michel Tombelaine, Bjørn Egge and others. Picard recollected the fact that there was a reference in the United Nations archives to a letter from O’Brien to ONUC official Sture Linner stating that on 28 August 1961, OAS in Katanga had issued Tombelaine with a 48-hour ultimatum to depart Katanga. Although O’Brien said that the threat was not taken seriously, it was decided to move ONUC officials who had been threatened away from Katanga.

191. In further information from Picard, the biography of Stig von Bayer, a Swedish officer who served with ONUC in Katanga in 1961, was brought to my attention on this subject. The biography, *International Troubleshooter for Peace*, published in 1965, refers to groups of mercenaries recruited in Belgium, France, South Africa, the Rhodesian Federation and elsewhere. Of the mercenary groups in Tshombe’s service in Katanga, von Bayer describes the French, led by Faulques and Tranquier (sic), as “a hard core of experienced guerrilla fighters”, which group included experienced French officers who had fought in Korea, Indo-China and Algeria. Von Bayer states that some of these French officers were members of the “fanatic” OAS.

192. On this topic, it is also recalled that, as analysed in 2019, Devlin, the CIA Chief of Station in the Congo, stated that some of the more competent mercenary officers of Katanga came from France and 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”.

193. On the same topic, it is recalled that Rösiö had noted in his 1994 report that several French mercenaries were unable to return to France because of their participation in OAS in Algeria; he did not however specify individuals’ identities.

194. Various matters regarding the OAS “death warrant” are not verified, including those identified in my correspondence to France, such as whether it was created by OAS at the time indicated and whether it reached its intended destination. On present information, it appears that the document could be authentic. However, in view of the analysis done by Mr. Väisse in 2019 that the “death warrant” was an “orphan” document unrelated to other information, even if a genuine threat was made no link has been suggested or established between that threat and any available hypothesis regarding the cause of the crash. In isolation, I assess the probative value of the “death warrant” with respect to proving or disproving any of the available hypotheses to be weak. However, the presence of OAS-linked mercenaries in Katanga in 1961 appears established and, if the “death warrant” is genuine, this may suggest specific animus against Hammarskjöld. This remains an area that would benefit from further enquiry, particularly if related documents are able to be located.

195. The purported OAS threat was not the only example of such a threat or warning against Hammarskjöld in 1961. In information provided by Rosato from declassified FBI records, an internal United States memorandum to “Belmont” from a sender whose identity remains redacted describes the handling of a threat made in February 1961 against Hammarskjöld, apparently following pro-Lumumba demonstrations in the United States. The threat was from an anonymous person and described Hammarskjöld as having been “sentenced to death in a secret meeting of a secret

organization”. The threat appears to have been taken seriously as it was reported by an FBI special agent (name redacted) and information was immediately shared between FBI, the New York City Police and the United Nations. The purported threat occurred seven months before the plane crash and does not contain specific details that presently suggest that it holds probative value. However, I include it as new information in contrast to the OAS threat so as to highlight that a number of Governments were on notice of threats against Hammarskjöld. To that extent, it remains important to ensure that the records of both domestic and external intelligence agencies have been comprehensively searched for pertinent information.

#### **4. Possible type of aircraft and operating airfields**

196. The early inquiries noted that an Avikat Fouga Magister jet that had been operational in September 1961 had caused significant losses to ONUC forces in hostilities. That Fouga was considered to be a candidate for a role in an attack on SE-BDY. However, the early inquiries did not conclusively establish the number of such aircraft (if more than one), the identity of individuals who could pilot them, or where they were operated from. Neither were other relevant matters considered, such as how the Fouga came to be in Katanga or any other aircraft or related operational capability that Avikat may have had.

197. Only a limited range of possibilities were considered by the early inquiries regarding how an attack may have been effected on SE-BDY for reasons that included limitations on the information available. For example, Delin was the only Avikat pilot from whom evidence was sought by the early inquiries and, when he stated that he had not been involved in any incident, he was believed. Subsequent information indicates that many pilots were, however, available to Avikat. As a further example, the early inquiries considered only the Fouga Magister when assessing Avikat aircraft that may have performed an attack and that it may have taken off and landed only at Kolwezi. Subsequent information indicates that Avikat had a number of different aircraft capable of offensive action and that those aircraft routinely used airfields other than Kolwezi, in both Katanga and Northern Rhodesia. Some of the additional airfields, many of which were closer to Ndola than Kolwezi, were shown on a map that was provided in the annex to the 2017 report.

198. The 2019 report described new information on several matters concerning possible aircraft and airfields, including in particular regarding Fouga Magister, Dornier DO-28, Dove and other aircraft that had been weaponized, as well as airfields that were used by Avikat in both Katanga and Northern Rhodesia. Between 2020 and 2022, I received further information on the possible type of aircraft and airfields from a number of sources, as described below.

##### **(a) Aircraft**

###### *Fouga Magister*

199. A communication of 18 September 1961 provided by Hendrickx that appears to be between unnamed Katangese representatives in New York and Brussels discusses rumours that Hammarskjöld’s plane had been attacked by an Avikat aircraft. The communication states that “everyone knows that the Fouga Magister is not equipped for night flights” and goes on to claim that, according to a former airport commander in Katanga, the accident could be attributed to issues with United Nations pilots, including that they may not have possessed the necessary qualifications, experience or language skills. Such contentions do not accord with the established facts, which include that the pilots of SE-BDY were experienced and of significant standing and that the Fouga and other Avikat aircraft had likely been used at night (see, for example, 2019 report, sect. III.A.5). Given that representatives of Katanga in New



York and Brussels were possibly aware of the actual capability of Avikat aircraft, it is possible that the statements in this correspondence were self-serving or otherwise made to avoid potential blame of Avikat for the crash.

200. I was also provided with new information by Rosato in 2021 comprising a comprehensive analysis of Fouga Magister capability, including fuel performance data, operational specifications, the effect of flight conditions on flight time and the ability for the Fouga Magister to be used at night. The analysis was stated to be conducted with the assistance of Brigadier General (Retired) Paul Fry, a Fouga pilot and former General Officer commanding the Irish Air Corps, Joe Maxwell, author of the book *Fouga Magister: An Irish Perspective*, and Lennart Frank, a former Swedish peacekeeper who served with ONUC in 1961.

201. Regarding the number of Fougas delivered to Katanga in 1961, Rosato conducted an analysis of publications and records that concluded that three Fouga Magisters were delivered to Katanga at the start of 1961. The three aircraft were given Avikat registrations KAT-91, KAT-92 and KAT-93. KAT-93, which as discussed below remains of primary interest, was used in Katanga at least as early as 8 April 1961 when Jean-Marie Ngosa and “Dubois” (possibly Jean-Baptiste Dubois) flew the aircraft during a display in Elisabethville, including with Tshombe as a passenger.

202. Previously, the number of Fouga Magister aircraft that were available to Avikat and operative on 17 September 1961 was not clear. Although the early inquiries had assumed there was only one, certain information analysed in 2017, including United Nations and United States records, suggested that two Fouga Magisters may have remained operable. Other information, including a publication by Hellström (cited by Hammarberg), concluded that there was only one Fouga after the other two Fouga aircraft had earlier in 1961 crashed and been seized by ONUC forces respectively.

203. The further information provided by Rosato in 2020 suggests that KAT-93 was the Fouga Magister that remained in use by Avikat in September 1961, including in multiple attacks against ONUC. Photographs were provided that are stated to have been taken by Phillipe Le Tellier on 24 September 1961, which appear to show KAT-93 and several “dummy” aircraft at Kolwezi, at times disguised with tarpaulins and at times with tarpaulins removed. It is possible that one of the photographs depicts Jan Van Risseghem. This attendance at Kolwezi is also referred to in Trinquier’s account in *Notre Guerre au Katanga*, in which he states that he and Le Tellier visited Kolwezi on 24 September 1961 and that Tshombe was suddenly furious when he saw Trinquier and Le Tellier there and when he learned that photographs had been taken of the Fouga. Although Trinquier describes Tshombe’s sudden fury as “mysterious”, it appears related to his desire to keep matters concerning the Fouga and its pilots secret. I note that it is unclear whether “Le Tellier” is the same “Letellier” and/or the journalist discussed in the letter dated 12 November 1961 from Badaire to Diur, as also discussed above.

204. Regarding Fouga flight times, the purpose of Rosato’s analysis was to ascertain whether an Avikat Fouga Magister could have departed from Kolwezi, conducted an attack near Ndola and returned to land at Kolwezi or another airport. The analysis, conducted with the assistance of Brigadier General Fry and Maxwell, was comprehensive and included a review of fuel performance data and information from the operating manual, which plotted relative fuel performance with reference to matters such as altitude, speed and engine power. In summary, the analysis concluded that it would have been possible for a Fouga to take off and return to Kolwezi, with a number of minutes of loitering time over Ndola.

205. Rosato’s analysis and conclusions are aligned with those that I received separately from experts Da Costa and Hammarberg in 2017, which agreed that it would have been possible for the Fouga to fly from Kolwezi to Ndola on a combat

mission and return. There were also many previously unidentified airfields in and around southern Katanga that the Fouga or another Avikat aircraft could have taken off from and/or landed at, which would have reduced the distance to Ndola and correspondingly increased the time available for any combat mission. I have previously assessed it to be of moderate probative value that it would have been possible for a Fouga to have threatened or attacked SE-BDY. I maintain this assessment in the light of the new information, while noting again that the possibility that a Fouga Magister could have been used does not, however, support a specific proposition that a Fouga was actually used to carry out an attack on SE-BDY, which proposition would require additional evidence to prove or disprove.

206. Regarding the potential use of Fouga aircraft at night, former ONUC peacekeeper Frank gave an account to Archbishop Hammar of Sweden in 2015, which he confirmed to Rosato in 2021, in which he stated that following an attempted United Nations flight to Kamina at around 1 or 2 a.m. on 16 September 1961, he was advised by the pilot that they had been attacked by a Fouga shortly after entering Katangan airspace. The assumption was that forces in Katanga had listened to radio traffic and located the United Nations flight by doing so. As a result, their next attempted mission to Kamina airbase, where he and other ONUC soldiers were to be deployed, proceeded without their plane being lit and in radio silence. Frank recalled that to have been on 18 September 1961 but, as Rosato notes, it might actually have been on 17 September 1961 given other records, including the records of the 1st Irish Infantry Group. Upon landing, Frank's plane was attacked by ground forces and tracer bullets had been seen while in the air. Later, the plane that carried them was attacked and bombed by the Fouga while on the ground at Kamina. Frank took a photograph of the remains, which Rosato provided a copy of.

207. Frank's account further supports a proposition that the Fouga was used at night, as was recorded in the flight logs of Van Risseghem and referred to by the United States Ambassador to the Congo (see, for example, 2017 report, sect. IV.A.4, and 2019 report, sect. III.A.5). It is also of note that the Fouga was said to have located the United Nations flight by using radio traffic, which, if true, likely would have been possible with flight SE-BDY as well.

208. As was observed in the 2019 report, the balance of evidence appears to be aligned with the proposition that by September 1961 only one Fouga Magister remained in use by Avikat. In view of the new information described above, this finding is strengthened. It appears likely that KAT-93 was the only Fouga that was available to Avikat and operative on 17 September 1961 although, as discussed below, various other aircraft were designed or modified for combat and were operational in the area. Available evidence also indicates that the Fouga was able to be operated at night and that it was used in air-to-air attacks. Further consideration of which airfields may have been used for take-off or landing are discussed below.

209. As previously observed, it would have been very difficult for the Fouga to perform night missions or air-to-air harassment or attack. Therefore, while the preceding analysis shows that it would have been possible for a Fouga to have threatened or attacked SE-BDY, this does not establish that a Fouga was actually used to carry out an attack on SE-BDY. As previously, I assess that the information regarding the presence and operations of the Fouga aircraft in Katanga in September 1961 as being of moderate probative value.

#### *Dornier*

210. The Independent Panel received information from Gülstorff in 2015 regarding the presence in Katanga of Dornier DO-27 and DO-28 aircraft and the possibility that one or more may have been involved in an attack on SE-BDY. Based on information analysed since, including that provided by Gülstorff, Belgium, Germany and Picard,

it appears to be established that Dornier DO-28 aircraft were supplied on a commercial basis to Katanga from West Germany in 1961. Furthermore, it appears established that at least one of the aircraft was present before the night of 17 to 18 September 1961 (registered as KA-3016), that the aircraft was used by Avikat over a wide geographical range in and around Katanga and Northern Rhodesia and that the aircraft may have been modified for aerial attacks (including intercepts) and bombings, including at night (see 2019 report, sect. III.A.5).

211. The DO-28 that arrived in Katanga in August 1961 was flown by Schäfer, a former Dornier test pilot, who was accompanied by Cassart. Other DO-28 planes arrived in Katanga in 1961, although it appears that this was after the crash of SE-BDY. In terms of operational capacity, information analysed in 2019 showed that the DO-28 had excellent manoeuvrability and was an “STOL plane” (short take-off and landing), able to take off and land on an airstrip of less than 300 m in length. This increased the number of potential airfields or even rudimentary landing strips that it may have taken off from or landed at. Places where Dornier aircraft were located included an airstrip at Kipushi, in Northern Rhodesia, as observed by a Rhodesian soldier described in information provided by Picard in 2019, with operations that were said to involve the transport of Katangan weapons and personnel. The Rhodesian soldiers who observed this “were told not to interfere”, suggesting tacit consent from Northern Rhodesian authorities to allow this to occur. Relatedly, a 21 October 1961 note of a meeting between the West German Embassy in Washington and the United States State Department also mentioned a DO-28 based at Kipushi.

212. Information regarding Dornier aircraft in the present report is analysed under other relevant subtopics. I note again that the information analysed shows only that it may have been possible for a Dornier to have threatened or attacked SE-BDY, based on the equipment and personnel available, rather than that a Dornier was actually used to carry out an attack on SE-BDY. I have previously assessed the information regarding the presence and operations of Dornier aircraft in Katanga in September 1961 as being of moderate probative value and maintain that assessment.

#### *Other aircraft*

213. From information provided by Hendrickx, a telegram of 19 September 1961 from Diur to “Airservicé Germiston” in Johannesburg, South Africa, confirms that “pilots Nguza and Gurkitz are authorized to collect KAT 15 and 22”. This is understood to possibly be a reference to authorizing Ngosa (at other times spelled “Nguza”) and Sandor “Sputnik” Gurkitz to collect two of the Avikat de Havilland Dove planes from Johannesburg, where they had gone for maintenance. The flight distance between Johannesburg and Ndola is approximately 1,500 km. If the Avikat de Havilland Doves KAT 15 and KAT 22 were in Johannesburg for maintenance on 19 September 1961, it does not necessarily rule out that they could have been near Ndola on the night of 17 to 18 September 1961. However, it does not leave significant time for the planes to have made that journey. It is possible but not established that the Dove seen in Ndola on 23 September 1961 was the Dove referred to by Diur in the telegram of 19 September 1961.

**(b) Airfields**

214. As already noted, it has been established that more airfields in and around Katanga were operable than was understood by the early inquiries and that Katangan forces had freedom of movement across the Rhodesian border and use of airfields there. A non-exhaustive map of potentially relevant airfields in the area was included in the annex to the 2017 report.

215. On the basis of expert opinion received in 2017, it was considered that a Fouga Magister (as a jet aircraft) would risk engine damage if it did not take off and land on a closed surface runway (asphalt or concrete). Similar constraints did not apply to non-jet aircraft in Katanga at the time, such as the Dove and DO-28. Notwithstanding the risk of damage, Delin's testimony to the Rhodesian Commission of Inquiry stated that on at least one occasion he "took [the Fouga] away from Kolwezi and landed on a dirt track and to take it away you would put water and roll the runway". Relatedly, in 2019 Rosez referred to the Fouga having been known to have taken off and landed at airstrip "KM30", an airstrip of red packed dirt of around 1.5 km in length. In addition to using non-established airstrips, Avikat had, according to the early inquiries, used other ad hoc solutions such as lighting kerosene and sand flares to enable night flights.

216. A typed statement made following an interview on 17 January 1962 with Brigadier General Rikhye of ONUC in preparation for the 1961 United Nations Commission, includes the notation that "[w]hile it did not appear possible that the Fouger [sic] could have reached Ndola, other airfields could have been used by the Katanganese. Kipushi was being used by them and Sakanai [sic, likely a misspelling of 'Sakania'] was in their hands. Any small plane like a Dornier or a Dove, fitted with a machine gun, could be used. General Rikhye considered it very easy to shoot down a plane if flying low. Katanga had Swedish arms, some of which were captured by the U.N. (Squadron Leader Harrison was also of the opinion that it was easy to shoot down a plane during its landing cycle)".

217. In terms of new information provided between 2020 and 2022, I have referred above to information provided by Rosato in 2020 from the records of Irish ONUC troops. Reporting from the 35th Battalion also refers to two Irish officers in civilian clothes going to Ndola on 7 October 1961 to investigate whether Ndola airport was being used by Avikat aircraft and mercenaries. That report refers to a further report by a Captain Purfield, which was not able to be located by Rosato. Although this information constitutes only a brief reference, if the report by Purfield can be located it may hold further relevant information. Regardless, even the brief reference tends to support previous findings that Katangan forces may have had access to the use of more airfields in Katanga and Northern Rhodesia than previously established (see, for example, 2017 report, sect. IV.A.4). Consistent with the assessment made in the 2019 report, I assess the new information that Katangan forces may have had access to the use of more airfields than previously established in Katanga, Northern Rhodesia and other locations as being of moderate probative value and maintain this assessment in the light of the new information.

**5. Ground attack**

218. In mid-2019, I was provided with information from a researcher who requested to remain as an anonymous contributor, concerning a hypothesis that ground forces may have directly attacked SE-BDY, or sought to reach the wreck (and any survivors) immediately after its crash (see 2019 report, sect. IV.B.2). The contributor provided further information between 2020 and 2022 based on detailed research.

219. The information provided by the researcher constitutes a hypothesis based on recorded events and testimony, including an analysis of the early inquiries. The researcher expresses the opinion that it would have been possible (and in the researcher's view is the likely explanation of the incident) for a ground and aerial attack team comprised of mercenaries known to be at or around Ndola at the relevant time to have conducted a coordinated attack that menaced SE-BDY, causing it to attempt an evasive manoeuvre as a result of which it crashed.

220. New information was referred to me by this individual, including information gleaned from the papers of Captain Walter Flett Faulds, who served with the Royal Rhodesian Regiment in 1961 and also worked in intelligence for the Rhodesian Federal Army.

221. I was grateful to receive assistance from the Bodleian Library of Oxford University to obtain a copy of Faulds's memoirs at short notice. They are entitled "Observations of a part time spy of the Federal Army: an account of the service of W. F. Faulds – Captain – the Royal Rhodesian Regiment 1959–1964". In the account, Faulds details what he describes as his work as a military intelligence officer in Northern Rhodesia from 1959 after having been recruited by a Captain David Bales to the 3rd Battalion, Royal Rhodesia Regiment (Territorial). Faulds states that in his role as a military intelligence officer he worked closely with the Northern Rhodesian Police Special Branch, to which he generally paid a daily call and from which he received a significant amount of information. Faulds also states that, like all military intelligence officers, his selection had to be confirmed by the British Army and he was required to comply with the British Secrecy Act. In this regard, he stated there was "a surprisingly close link with the British Government's Army and Intelligence Services", with "an enormous support and input from MI5". Faulds also speaks of interacting regularly with the CIA agent deployed to Lusaka, Dick Slater, who worked under cover of being an architect attached to the Provincial Affairs Department of the Northern Rhodesian Government.

222. Faulds states that on the night of the plane crash he was on duty at Army Headquarters Lusaka and was "in touch at all times with an official located in the control tower at Ndola airport so that I could keep Army HQ notified as to [Hammarskjöld's] movements". In this regard, Faulds notes that SE-BDY's "last radio message was that it was overhead of Ndola with lights in sight and I remember hearing this played over the phone to us in Lusaka". Unless there was an open phone line the entire time, which seems unlikely, this would suggest that a tape recording of the radio messages was created, contrary to what was later stated to the early inquiries by Martin and Barber (see sect. II.A.1 above); this is a matter that remains to be verified. Faulds recounts that local officials concluded SE-BDY must have had a change of plan and decided to go somewhere other than Ndola, only to be discovered the following day as having crashed.

223. Notably, Faulds refers to "a forester" who was also a Rhodesian military intelligence officer, who "was involved" and later gave evidence regarding the events of that night. This matter does not, however, appear to have been presented in evidence before the early inquiries.

224. Regarding the description by Faulds of another military intelligence officer who attended the crash site, the researcher posits that this may have been Malcolm Burnes, a Northern Rhodesian senior forestry officer located at Mwekera in the Forest Training Centre. Burnes did not give evidence to the early inquiries. However, if he did attend the crash site before the official time of its discovery, he may have been aware of or created information that has not been disclosed. The researcher notes that the Ndola West Forest Reserve, which runs from the west edge of Ndola between the main roads to Kitwe and Mufulira, was managed by the forestry section of the

Ministry of Lands of Northern Rhodesia. Firewatch towers were in various locations within the forest reserves and always maintained one or more firewatchers on duty to survey the forest, including at night, for any sign of fire. Although four firewatchers, two each from Tower No. 2, located at Chichele forest reserve, and Tower No. 3, located south of the Ndola-Wanysha Road, gave statements to the Rhodesian Board, none of the alleged firewatchers located at Dola Hill Forest on the west edge of the forest and Ndola, between the Kitwe-Mufulira Roads, with a good vantage of the crash site and surrounding area, gave statements or were examined by the early inquiries.

225. First, it is not the plurality or quantity of witnesses, but the quality of evidence that should count. Secondly, the third-party source of the new information requires testing. Thirdly, if it is ultimately established that additional firewatchers at this important location were definitely present on duty that night and were known, traceable and available at that time but not interviewed or examined by the early inquiries, and no satisfactory explanation was offered by the authorities for not calling them, an additional doubt would be cast on the comprehensiveness of the early inquiries. I prompt this matter for further follow-up.

226. In addition, the researcher provided new information regarding the account of Wren Mast-Ingle, who has previously stated that he visited the crash site before the time of its official discovery where he observed (among other details) a row of fist-sized holes in the plane's unburnt fuselage, before six to eight white men wearing flapped-caps and combat fatigues who were in Jeeps or Land Rovers of a lighter colour than black ordered him to leave the area (see, for example, 2019 report, sect. III.A.7). In interviews with Picard, Mast-Ingle stated that the fatigues "looked more like camouflaged combat suits than simple khaki green outfits" and had "funny caps, with a flap". Another source, Rosez, also referred to seeing distinct fatigues at the Ndola police station that resembled those used by the French Foreign Legion in Indochina in the 1950s. Picard posited, based on an analysis of uniforms worn by the French army and parachute regiments earlier deployed in Algeria, that the camouflaged caps with a flap may have been a "Bigeard", worn with "Leopard" fatigues. He stated that French mercenaries in Katanga who had previously served in Algeria, operating under Faulques, may have been those who had left fatigues in Ndola.

227. In the new information received in 2021 concerning Mast-Ingle, further clarification about his account was provided, including that the bushes or small trees around the plane but not the plane itself were on fire, the lights of at least one Jeep or Land Rover that arrived at the site were on and facing the wreckage and that when the men at the site emerged from the bushes or small trees and spoke to him, their apparent commander spoke in a South African (Afrikaans) accent and told him to leave immediately. As Mast-Ingle rode away on his scooter he heard shouting. Ultimately, the researcher advances the theory that Mast-Ingle may have come into contact with the ground attack component of the alleged coordinated aerial and ground attack on SE-BDY.

228. In the 2019 report, I recalled that a total of six of the "new" witnesses interviewed by the Independent Panel had reported visiting the crash site in the early hours of 18 September 1961 (Chimema, Custon Chipoya, Lumiya Chipoya, Mast-Ingle, Mwebe and Mwansa) and stated that they observed the presence of police, or soldiers, or both. Previously interviewed witnesses Mpinganjira and Chisanga had also both reported observing two Land Rovers driving to the crash site with great speed some hours after the aircraft had crashed.

229. The information received between 2020 and 2022 from the voluntary researcher, whose research remains ongoing, is a helpful contribution to the continued search for the truth and tends to mutually support the other information that refers to various

unidentified persons visiting the crash site before it was officially discovered. A separate assessment of the probative value of the specific matters described above is not presently necessary. However, important matters remain to be verified regarding individuals, such as Faulds and Burnes, who did not give evidence before the early inquiries. First, if they or others attended the crash site before its official discovery but did not give evidence of doing so, it is important that searches are made for other potential records that they may have created, particularly in the light of information that has come from various witnesses who were near the crash site on 18 September 1961 and say that they saw other individuals near there, who were not mentioned by the early inquiries. Secondly, the account by Faulds as described above is suggestive that a tape recording was made in the Ndola air traffic control tower but never disclosed. As the Hammarskjöld Commission noted, certain testimony suggests that Ndola air traffic control recorded but deleted records of radio traffic (see Hammarskjöld Commission report, sect. 13). This is an important matter that remains to be verified in light of the incompleteness of the written records from Ndola air traffic control. The Rhodesian migrated records, including those of the Rhodesian Special Branch and the Rhodesian Army Headquarters to which Faulds was reporting, are an important potential source of information and their identification and disclosure is urged of the United Kingdom.

## **6. Rhodesian military presence**

230. Information referred to in 2022 by both Rosato and Rocksén includes a reference from Hunt's "Hotline from the Katanga", discussed below, which describes a communication sent on the morning of 16 September 1961 from "Amichi" to Tshombe. Hunt states that Amichi, or Amici, may be the mayor of Jadotville, but he is unsure if this is correct. The message states: "Please address immediately to Sir Roy Welensky: President Tshombe signals Gizenga Communist troops have arrived at Nyunzu and are proceeding southwards. We ask for Rhodesian intervention if they reach a certain point southwards. Could you lend us right away two fighter planes to be sent to Kolwezi aerodrome. Also six recoilless guns with 100 rounds each. We could collect them in Solwezi. Jadotville aerodrome only 3300 feet long. Jadotville and Kolwezi are under control. Please address reply Tshombe care Amici Jadotville through same channel[.] Signed Amichi for Tshombe".

231. Although the text of this message was previously available from Hunt's memoir, in 2022 Rocksén provided what appears to be an original manuscript of the message from Hunt's records. The request is significant for a number of reasons, including that, as previously analysed, a number of eyewitnesses describe seeing more than one plane in the air before the crash of SE-BDY and a number of United States and United Nations sources considered there to be more than one Fouga jet in Katanga on the night of 17 to 18 September 1961 (notwithstanding that it now appears to be confirmed that there was only one Avikat Fouga remaining). Furthermore, in the information from Rosato described above in section III.A.3, a report of 14 September 1961 from A Company, 35th Infantry Battalion, describing the account of captured mercenaries Van der Wegen and Paucheun, speaks first of an attempt to recruit additional jet pilots from Rhodesia and later of pilots arriving from Northern Rhodesia to Kolwezi. It is also significant to note that information analysed in the present report, including regarding the request of the Katangan mercenary Lasimone to Northern Rhodesia and the relatively free movement of equipment over the Northern Rhodesian/Katangan border, suggests a degree of at least tacit cooperation between Katangan and Northern Rhodesian authorities concerning military matters. As it stands, there is no evidence that any Rhodesian fighter planes were sent to support Katanga before the crash of SE-BDY. However, this is a significant matter that warrants enquiry, including in Rhodesian military records.

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

232. New information regarding Operation Celeste was received in 2021/22 that expands on information analysed in the 2019 report as well as that analysed by the Independent Panel. To recollect, a number of documents, the significance of which was noticed by researcher Terreblanche and initially investigated by Williams, refer to a purported 1961 operation to “remove” Hammarskjöld by sabotaging flight SE-BDY. These documents appear on the letterhead of an organization named the South African Institute for Maritime Research (SAIMR) and describe its agents planning and carrying out the plot, named Operation Celeste. Aside from that purported operation, there appear to have been later links between specific mercenaries who were in Katanga in 1961 and SAIMR.

233. Initially, the documents came to public attention in the late 1990s during the work of the South African Truth and Reconciliation Commission. The Government of South Africa has been requested since 2015 for access to the originals and/or the copies of the Operation Celeste documents, as well as for responses to various other requests for information. In the report of the Independent Panel, 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. Although in 2016 an indication was received that responsive documents had been located in South African archives, following a further request in September 2019 (after the 2019 report had been finalized), I received a response from the Independent Appointee of South Africa, Mxolisi Nkosi, to the effect that the South African Government had undertaken a renewed search of all relevant archives, with a view to obtaining information regarding the alleged Operation Celeste documents and despite a thorough and diligent search the original documents could not be located. Accordingly, I have not been able to access the original documents, or copies of them, within South Africa. I also requested the United Kingdom and the United States to conduct searches for relevant information, without result.

234. In 2018/19, I was grateful to receive new information regarding SAIMR from the *Cold Case Hammarskjöld* film team, who had conducted significant research into its existence. The new information included the testimony of an individual that claimed to have been a SAIMR operative and a handwritten and seemingly comprehensive version of the memoirs of purported SAIMR head Keith Maxwell-Annandale (referred to in previous and the present report as “Maxwell”).

235. In 2021, I was provided with new information from Rosato on the topic of research into details about SAIMR that are apparent from an analysis of the Operation Celeste documents, as well as information regarding the identities of purported SAIMR personnel Wagner and Maxwell. Certain of the Operation Celeste documents purport to be from 1960 and 1961 and are on SAIMR letterhead with an address and phone number of “5th Floor, Clinical Centre, De Villiers Street, Johannesburg, Union of South Africa, Tel. 23-5611”. From an analysis conducted by Rosato, the telephone listing for Johannesburg in July 1960 showed telephone number 23-5611 as belonging to a Ms. V.T. Addinall of 38a Bradlows Building. Later, this number was attributed in the 1973 Business Directory for Johannesburg to the “Naturopathic College of SA, 5 Wanderers St”. Relatedly, as Rosato notes, Williams previously stated in *Who Killed Hammarskjöld: The UN, the Cold War and White Supremacy in Africa* that in 1966 a telephone number of 23-9074 was given for a listing of “Clinical centre (caretaker)” at 5 Wanderers Street, which has a corner with De Villiers Street in Johannesburg. From information provided by Rosato, it seems that this address has had that telephone number of 23-9074 since at least 1960.



236. Based on a synthesis of the information provided by Rosato and that previously analysed by Williams, it seems that the address and telephone number on the SAIMR letterhead do not match: De Villiers Street in Johannesburg (at least at the corner with Wanderers Street) did have a Clinical Centre, but in 1960/61 it had a different telephone number to that on the SAIMR letterhead. However, at a later time, presumably between 1966 and 1973, that number appears to have become attached to a different quasi-medical business, the “Naturopathic College of SA” at the same address of 5 Wanderers Street.

237. Assuming the source information regarding the telephone book listings to be correct, the fact that the address and telephone number on the SAIMR letterhead do not appear to match may be another flag suggesting that the documents are not authentic.

238. Further information provided and analysed by Rosato relates to another number listed in one of the Operation Celeste letters. That letter includes references to a meeting between “MI5, Special Ops. Executive, and SAIMR” at which it was discussed that the United Nations was becoming troublesome and “it is felt that Hammarskjöld should be removed”, as well as a statement that the head of CIA, Allen Dulles, “agrees and has promised full cooperation”. In closing the letter states “if serious complications arise tell your agents to use telephone [illegible] Johannesburg 25-3513”. Rosato points out that number 25-3513 is listed twice in the 1960 Johannesburg telephone directory: one listing is not legible (and may be a mistake); a second listing appears to belong to “Mr. Ian F. Kerr, 91 Derby Rd Kens”. This name appears to match the name of an addressee in some of the purported 1961 SAIMR documentation, which is between “Captain Kerr” or “Captain Ian”, and “Commodore Wagner”.

239. Finally, Rosato provided information from an unpublished article written by Peta Thornycroft noting several inconsistencies in Maxwell’s accounts about the activities of SAIMR. First, Thornycroft notes that Maxwell claimed in 1990 that SAIMR was behind the Seychelles coup d’état attempt, but by 1998 his account had changed. Furthermore, according to Thornycroft, Maxwell told reporters in 1990 that he was 43; if this age was correct at that time, he would have been only 14 years old in 1961, which was 29 years earlier. Furthermore, Thornycroft was informed by Avikat pilot Jerry Puren, who it appears was actually in Ndola on 17 to 18 September 1961, that he did not know Maxwell from his time in the Congo and that he had never heard of SAIMR. (As discussed below at IV.A.1, it is not excluded that Puren knew Maxwell later, given that they, Hoare, Sims and Dalglish were purportedly all involved in the Seychelles coup d’état.) Given the relatively closed world of mercenary activity in and around the Congo in 1961, if Puren was telling the truth, it would be unlikely for SAIMR to have carried out any significant activity, let alone an operation such as Operation Celeste without it becoming known by Puren.

240. As observed in the 2019 report, presently available information indicates that the organization SAIMR existed in the 1980s and 1990s. Other claims, including those in Maxwell’s own memoirs that SAIMR existed in the 1960s and that it was involved in the crash of SE-BDY, appear to hold less credibility. The new information provided by Rosato, including that showing inconsistency between the SAIMR letterhead details, and that contained in the Thornycroft article, further decrease the likelihood of the authenticity of Operation Celeste, absent other information coming to light. The new information again underscores that it remains necessary to verify or dispel the hypothesis relating to Operation Celeste.

241. Potentially relating to the SAIMR hypothesis, I was provided with new information from author and academic Greg Poulgrain, being an extract from his book published in 2020 *JFK vs. Allen Dulles: Battleground Indonesia*. The information

provided by Poulgrain is based on research work and interviews that he held with Conor Cruise O'Brien and George Ivan Smith, both of whom had been high-ranking United Nations officials, including in the Congo in 1961. According to Poulgrain, both O'Brien and Smith expressed to him their views that Hammarskjöld had been intentionally killed.

242. Poulgrain states that then-head of CIA, Allen Dulles, formed a motive to remove Hammarskjöld following a significant policy conflict between the two men. In short, this conflict was said to arise because Hammarskjöld intended to announce after his return from the Congo in September 1961 the intent of the United Nations to intervene in the dispute over the sovereignty of West New Guinea in favour of the independence of the Papuan people, which intervention President Kennedy supported but which Dulles was strongly opposed to.

243. Poulgrain states that it was conveyed to him in interviews with Smith that prior to departing for the Congo in 1961 Hammarskjöld had been focused on the issue of the sovereignty of West New Guinea. Leading up to the General Assembly plenary in 1961, a United Nations policy on the matter had crystallised, regarding which the Secretary-General had held meetings with President Kennedy. Kennedy was said to support the role of the United Nations in the sovereignty dispute as it would not require the United States to intervene in support of United Nations-supported Papuan independence against Member States, including China, Indonesia, the Netherlands and the Union of Soviet Socialist Republics. According to Poulgrain, Dulles was strongly against such intervention in the sovereignty dispute in the manner proposed by Hammarskjöld because it threatened his own policy (and that of CIA) regarding Indonesia, which was key to his global policy.

244. Poulgrain notes that the Church Committee (described further below) wrote 14 reports on United States intelligence activities, which revealed after Dulles's death the extent of his acts and policies, including intervention in foreign affairs. The author posits that the Operation Celeste documents, discussed above, show the involvement of Dulles in such an intervention. It is recalled that these documents refer to a plan to kill Hammarskjöld by causing his plane to crash, and mention Dulles by name, stating that "UNO is becoming troublesome and it is felt that Hammarskjöld should be removed. Allen Dulles agrees and has promised full cooperation from his people." Poulgrain claims that similarity is to be found in the way that the Church Committee describe Dulles to have been implicated in a plan to kill Lumumba earlier the same year; Dulles was stated to have expressed a "wish [to] give every possible support" to the plan.

245. Poulgrain posits further that the official inquiries have not verified the identities and acts of the technicians who worked on the *Albertina* in Leopoldville while it was otherwise unattended before its departure, which remains a necessary step in considering a hypothesis of sabotage. He states that the fact that the *Albertina*'s altimeters were checked in the United States under the supervision of J. Edgar Hoover and found not to be faulty is moreover grounds for suspicion.

246. The information from Poulgrain focuses primarily on a potential motive that he alleges existed for the killing of Hammarskjöld, rather than the means through which it was carried out. Absent credible information that establishes a connection between means and the alleged motive, it is not at the present stage necessary to assess the probative value of the new information from Poulgrain. At the same time, the information proposes matters for further enquiry and underscores the importance of proving or disproving the veracity of the Operation Celeste hypothesis and Dulles's alleged involvement (as relied on by Poulgrain).

247. As has been stated in previous reports, the cooperation of South Africa is required to obtain any available documents that relate to the purported Operation

Celeste, whether original or copy, so that they may be analysed forensically. In this regard, I was grateful to receive engagement and assurances in June 2022 of the complete support of the Government of South Africa from the Minister of International Relations and Cooperation, Ms. Pandor, and that South Africa will make renewed efforts to locate and provide the information requested.

248. Even if only copies of the SAIMR documents were to be made available, they could be analysed (including against the handwritten memoirs of Maxwell) for type, handwriting and other matters. Further 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. It is again noted that these matters must be properly analysed for any conclusion to be reached regarding the sabotage hypothesis.

### **C. Human (pilot) error**

249. As discussed in the early inquiries and as noted in the recent reports, aircraft accidents resulting from pilot error occur from time to time, even with aircraft flown by experienced crew (see, for example, 2019 report, sect. V.A.3). Although such accidents may in general be more likely in adverse weather conditions, they are not limited to such situations. In the case of flight SE-BDY, the possibility that the crash resulted from pilot error without any form of interference has been neither established nor ruled out. Indeed, given that mechanical, structure or material failures appear to be excluded, if the flight was not subject to interference, the crash is almost certain to have resulted from a problem of human error, such as a combination of the pilots misreading the instrument approach and not being able to see the ground.

250. Between 2021 and 2022, I received a report, with subsequent updates and amendments, from Joseph Majerle, an aircraft mechanic and pilot in Alaska, United States. Majerle's report states that he has substantial experience with aviation and aircraft operations. Although he does not claim to be an expert in DC-6 aircraft specifically, he has dealt with the aircraft and their pilots extensively. Majerle co-wrote an article on the subject matter that was referred to in the 2019 report (sect. IV.B.2).

251. In the report provided by Majerle, he states that there are several flawed conclusions contained in the technical review conducted by the early inquiries. Majerle's analysis is based on a review of material, including the Rhodesian Board and Commission reports, Bo Virving's files and hearing transcripts of the United Nations Commission, including of witness Wing Commander Evans. Majerle seeks to convey a view, among others, that SE-BDY may have been grounded by means of an intentional grounding, rather than an unintentional one as the early inquiries assumed.

252. Among other things, based on a comprehensive technical analysis, Majerle posits several matters that he says indicate that the pilots of SE-BDY made an intentional landing attempt at the location of the crash. Majerle submits that this proposition is supported by matters that include: (a) that the aircraft was in a landing configuration further from the airport than it should have been; (b) that the aircraft was travelling at a lower speed than the Rhodesian Board considered (likely less than 140 knots and perhaps as low as 80 knots) when it came into contact with the treetops; (c) that, based on his analysis of propellor blades and related matters (which analysis was poorly done by the early inquiries), SE-BDY had significant reverse thrust engaged while airborne; and (d) that the length of the swathe cut in the trees and the distribution of the wreckage shows minimal displacement, highlighting low impact speed. Majerle also posits that there was no indication of issues regarding the

functioning of or communications regarding the altimeters and that the most likely scenario of the crash was therefore that some sort of precipitating event (such as inflight explosion and/or fire) resulted in the pilots attempting to make an intentional voluntary forced landing. Majerle's analysis concludes that the crew of SE-BDY did everything properly and skilfully in the circumstances that they faced.

253. To assess the new information provided by Majerle, I requested the assistance and expert opinion of Sven Hammarberg, an accident investigator and former fighter pilot who has previously assisted the Hammarskjöld Commission, the Independent Panel and the Eminent Person. Given that I received a revised version of Majerle's submission in mid-June 2022, in order to meet reporting deadlines, I was required to request Hammarberg's opinion under significant time pressure. I was very grateful to him for complying with my request with the same degree of professionalism and collegiality as he has provided on a number of prior occasions.

254. Hammarberg consulted Captain Lars Gibson, an experienced Transair pilot who served in the Congo in the 1960s. Regarding the fact that SE-BDY was at landing configuration around nine miles from Ndola airport, Captain Gibson stated that it was Transair's standard operating procedure to deploy landing gear in the procedure turn, so that the aircraft would be prepared for landing before the nose was heading towards the airfield in advance of final descent. Thus, it was regular and in compliance with the Transair policy that Captain Hallonquist had deployed the landing configuration at the site of the crash, notwithstanding that it was some distance to the airport.

255. Regarding the issue of possible reverse thrust of the propellers before landing, Hammarberg noted that the DC-6 manual 1951/59 states that it was possible for a DC-6 to engage reverse thrust while airborne (although the aircraft had features to prevent this happening accidentally, which had caused prior air crashes). Hammarberg considered the possibility that reverse thrust was engaged in light of the angle of the plane's descent and the visible damage to trees that preceded the crash site. In Hammarberg's view, the swathe cut into the trees before SE-BDY contacted the ground provides strong evidence of a "controlled flight into terrain" (the definition of which does not include external hostile action, see Hammarskjöld Commission report [7.15] et seq). Hammarberg notes that it would be difficult to calculate exactly how the braking effect of contacting with the trees retarded the speed of the aircraft in the absence of specific data, including the number and density of trees at the site. However, Hammarberg did not consider that the angle cut into the trees exhibits signs of a "reverse pitch accident", because the angle was not as steep and short as it would have been if reverse thrust had been engaged. Any error in the lever inputs while engaging reverse thrust has the potential to result in an uncontrolled flight with increased degree of bank, followed by a distinct nose drop. He also noted that engaging reverse thrust would have presented challenges to landing, including yaw forces resulting from a potential difference in left- and right-side braking forces.

256. In analysing the wreckage area, Hammarberg agreed that it might show that the plane had low energy in its forward motion as it crashed through the trees. He considered the wreckage plan to indicate a heavy impact near the ant hill, which created a violent rotating movement that spread aircraft parts in a pattern that distinctly differed from their initial positions (for example, finding parts of the tail in the "cockpit area").

257. As an overall observation, Hammarberg noted complexities and challenges in drawing firm conclusions based primarily on an analysis of photographs of the appearance and location of aircraft parts or propeller positions. He also noted that a modern examination of the actual engines and propellers might result in more information being available than the early inquiries had access to. At the same time, Hammarberg stated that one should be hesitant to propose that the original

investigators' conclusions be overturned on the basis of a photographic analysis conducted after the fact and noted his view that the evidence did not support a specific theory of an intentional field landing attempt, or intentional crash.

258. I have reviewed in detail the new information provided by Majerle and Hammarberg. Each analysis underscores that, as found by the early inquiries, SE-BDY's procedure turn and the part of its descent prior to its crash appears to have been made in a generally controlled manner based on the physical evidence, including the markings in the trees and the wreckage distribution. As remarked by Hammarberg and noted by the early inquiries, the fact that SE-BDY was found with its undercarriage locked and wing flaps deployed in landing configuration indicates in the circumstances that its pilots were acting competently and in accordance with established policy for an instrument procedure approach. Regarding the speed at which SE-BDY may have been travelling at the point of impact, the early inquiries and the simulated flights taken as part of the investigations of the Rhodesian Board did appear to consider a range of speeds. As to whether it was possible that SE-BDY was travelling at a lower speed than the early inquiries considered (including, without limitation, because of reverse thrust being engaged prior to landing), there is not sufficient information before me to come to a firm conclusion. In this regard, I note the caveats and limitations that each of Majerle and Hammarberg's respective opinions acknowledge.

259. SE-BDY's final moments were analysed in the technical reports and other information before the earlier inquiries, with this and additional material also considered by the Hammarskjöld Commission and the Independent Panel. I have reviewed the new information as a whole, including the caveats and limitations expressed by the authors, and considered it in the light of the existing material. In summary, without the benefit of additional cogent technical material, the physical evidence does not appear able to conclusively indicate whether, when SE-BDY hit the treetops and then the ground, it did so because of a voluntary or an unintentional act of the pilots. Should more information be presented on this topic, continued examination and assessment would be warranted.

## **IV. Other new information**

260. Adopting a structure utilized in the 2019 report, the present section consolidates information regarding acts of local and foreign authorities, including acts of officials and intelligence agencies. As such, it contains an analysis of new information that is relevant to the context of the crash but that does not go directly to its causes. As was the case in 2019, significant new information has been received that confirms the active presence of foreign intelligence operatives in the region at the relevant time, as well as other information relevant to the context and surrounding events of 1961. Again, this remains an important area to be followed up on because it identifies where additional key information may be found and it again supports the conclusion that Member States have not yet made full disclosure of important records.

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

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

261. Although the early inquiries did not mention the presence of or consider that information may be available through the records of foreign intelligence personnel and agencies, information that has come to light since shows that there was a significant presence of them in and around Katanga in 1961. In addition to mercenaries and paramilitary personnel, significant intelligence operations were

active, which were designed precisely with the purpose of gathering information. The fact that they were not explored as potential repositories of information resulted in key sources not being utilized. As Eminent Person, I have sought access to information created or held by these institutions and personnel.

262. As previously described, the historical context indicates that the Governments of Belgium, France, South Africa, the Russian Federation, the United Kingdom and the United States were most likely to have created or held information generated through on-the-ground intelligence operations. In 2018/19, Belgium and France provided mechanisms to their Independent Appointees to access such archives, but not all Member States did. As described above at section II.B, although I received further confirmation in 2021/22 that additional Member States had reviewed their intelligence, security and defence archives, these searches are not yet able to be stated to be comprehensive.

263. Information on this topic analysed between 2020 and 2022 is discussed below.

**(a) United Kingdom**

264. As previously noted, the United Kingdom had a significant intelligence presence in and around the Congo in 1961. From work undertaken by Williams in 2011 analysing Lord Alport's papers at the University of Essex, a document entitled "Secret Report by Neil Ritchie, Appendix A to Alport to Sandys, Despatch No. 8, 25 September 1961" (Neil Ritchie report) was located. Neil Ritchie has been confirmed as an agent of MI6 who operated undercover as First Secretary at the British High Commission in Salisbury. Ritchie was centrally involved in events leading up to the plane crash. Ritchie made arrangements in September 1961 for the meeting in Ndola with Tshombe to which Hammarskjöld and his party were travelling when SE-BDY crashed, with the participation of Denzil Dunnett, the British Consul in Katanga, and Lord Alport, the British High Commissioner in Salisbury. 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.

265. The central nature of Ritchie's involvement included not only making arrangements for the meeting, but facilitating it. The day prior, Ritchie had collected Tshombe, Dunnett and Fortemps (the Assistant Director General of UMHK) from Kipushi, Katanga, to travel over the Northern Rhodesian border to Ndola. Because no records have been disclosed on this topic officially by the United Kingdom, it is unclear whether it was official British policy, or merely the acts of one of its officials, through which Ritchie was instrumental in coordinating arrangements among the Head of State of Katanga, the Secretary-General of the United Nations and UMHK, the company financing Katanga's secession and the payroll of the mercenaries that were in active conflict against the United Nations.

266. Official correspondence that has been previously analysed refers to the presence of Ritchie and David Driver, Security Liaison Officer for MI5 in Central Africa. This includes a letter of 16 October 1961 from Sandys, the British Secretary of State, to Lord Alport, brought to my attention by Simensen, that "particularly express[es] my appreciation to Mr. Ritchie for the initiative and good judgement which he showed throughout the difficult cease-fire negotiations". References later published in the memoirs of officials also refer to Ritchie, including Denzil Dunnett's memoir, *To Katanga and On* and Gordon Hunt's *Hotline from the Katanga*. Hunt, who stated that he was "trained both in war and peace in the British Intelligence Service", acted as key interlocutor in events leading up to the meeting, as discussed further below.

267. In 2020, I was provided various new information from Picard, author of *Ils ont tué Monsieur H* (They Have Killed Mr. H), regarding research conducted into the archives of Manfred "Freddy" Loeb, an engineer who worked for Traction et

Électricité and UMHK, whose presence the United Kingdom and United States intelligence apparatuses were aware of. In 2019, Picard had interviewed Loeb, who has since passed away, and reviewed a copy of Loeb's memoirs. Loeb's records confirm the presence and key role of Ritchie and the nature of the communications facilitated by UMHK. That information describes how Loeb facilitated and transmitted communications between various officials, including Tshombe and Hammarskjöld, such that he was aware of military matters, political negotiations and Hammarskjöld's plans in real time, which information was analysed in the 2019 report (see sect. IV.A.1). Among other things, Loeb has stated that he was aware that the "accident" of the plane crash was not accidental.

268. It will be recalled that Loeb was a Belgian engineer who had arrived in Northern Rhodesia in September 1961 and was tasked with an assignment to help restore Brussels-Katanga communications, which had been cut off. In Kitwe, Loeb worked with Neil Ritchie (MI6), who had come to collect him on arrival, and Gordon Hunt (Anglo American Corporation of South Africa (Anglo American) and Rhodesia Congo Border Power Corporation (Rhopower)). During his assignment, Loeb was instrumental in ensuring the transmission of messages between parties including the seceded Government of Katanga (including Tshombe), the Government of the Rhodesian Federation (including Welensky, the Prime Minister, and Thompson, the Provincial Commissioner), the Government of the United Kingdom and UMHK offices in Katanga and Brussels. Loeb also stated that he travelled with Ritchie shortly after the crash of SE-BDY to Katanga to take certain of Hammarskjöld's unidentified documents to Dunnett.

269. In 2022, I was provided with new information from Rocksén, the head of research for the film *Cold Case Hammarskjöld*, regarding archival research that he and his team had undertaken. Among other documents, I was provided with copies of communications sent in September 1961 between Anglo American, UMHK and Rhopower. Senders and recipients include Taylor of Anglo American, Hunt of Rhopower (who later claimed to be British intelligence), Aimé Marthoz of UMHK, G. de Rosenbaum, Arnot, Bentley and others. Communications of particular interest are described below.

270. The first communication is not clearly dated but appears from the context to have been sent on 11 or 12 September 1961. It is from de Rosenbaum, transmitted from Jadotville but sent on behalf of the "General Management of UMHK" to Arnot, in Kitwe. It states that UMHK had a radio transmitter in Elisabethville (as well as telephone and telex (telegram)) and sought to install another one in Kitwe in order to be able to communicate by radio transmission. De Rosenbaum proposes to send a technician to Kitwe with a single side band radio transmitter to transmit on frequencies "3535, 6122, and 7070 KCS". Arnot replies that he will discuss the matter with Hunt. A reply of 12 September 1961 from Hunt to the UMHK Director General "welcome[s] your proposal to instal radio transmitter in Kitwe" and notes that provisional approval has been received from Northern Rhodesian authorities.

271. A communication of 13 September 1961 from Hunt, in Kitwe, to Taylor, in Salisbury, confirms "everything in [Hunt's] last Sitrep" and describes the state of military operations in Katanga between Katanga and ONUC forces. It is noted that Hunt's communication is made on behalf of Rhopower; although he had previously stated that he worked for the Rhodesian Selection Trust, this does not preclude that he also worked for Rhopower. The message appears to contain information that was at the time of sending up to date regarding military operations of that day, including ONUC troop numbers, and appears to come from military, governmental and UMHK sources in Katanga. The message also confirms to Taylor that approval has been sought and received from Northern Rhodesian authorities for the installation of an UMHK transmitter with a direct connection to Elisabethville. The message ends

noting “it is rumoured that Mr. Hammarskjöld is already in Elisabethville but this is not confirmed”.

272. A communication of 14 September 1961 marked “strictly confidential” from Hunt, in Kitwe, to Buch, in Salisbury (repeated to other recipients) provides an update on the state of military operations in Katanga between Katangan and ONUC forces. A further communication of the same date from Hunt to Barthoz, UMHK, describes Hunt’s travels back to Kitwe from Elisabethville that morning after having met with Tshombe in Katanga, and describes that Hunt’s “belief is that the climax will develop within the next 48 hours” regarding the conflict.

273. A number of communications of 15 September 1961 were sent between Hunt and Taylor. They confirm the arrival to Kitwe as of 14 September 1961 of the Belgian Engineer Manfred Loeb from “Traction Electricite” and “the equipment he has to instal”. Loeb has, according to another message that day from Marthoz to Assoingnon, UMHK Elisabethville, travelled from Jadotville, Katanga, by road using a bush road through Solwezi, following a failed attempt to do so the day before. Hunt informs Taylor that radio/telephone communications from Northern Rhodesia to Katanga have been established as at 15 September 1961, which has augmented existing telephone and telex (telegram) lines. Hunt also describes military operations between Katangan forces and ONUC forces, in particular the operations against the Irish contingent in Jadotville and a “rocket attack last night by a jet of the Katanga Air Force”.

274. A communication of 15 September 1961 from “De Jong” with recipient not stated says “please advise following UMHK people now at Kitwe”, lists “Loeb Dhondt Esquelin Van Lund” and states that Loeb and Dhondt should remain at Kitwe to assure permanent contact as soon as the single side band transmitter is installed, with Esquelin and Van Lund to return to Katanga once radio traffic is established.

275. A communication of 15 September 1961 from Hunt to Marthoz confirms that Loeb is in Kitwe and hopes to be able to “commission [the] apparatus which arrived safely last night” by midday that day. A response of 15 September 1961 from UMHK, Brussels, to Hunt states that UMHK is “glad to learn from Taylor Anglo American Salisbury that Loeb is in Kitwe” and requests Loeb to telephone UMHK in Brussels.

276. A further communication of 15 September 1961 from Hunt to Marthoz states that Rhopower is in continuous telephone and telex contact with Shituru (the site of a mine in Jadotville) and that it had been “relaying by urgent cable everything received from our friends”. The response to this message requests Hunt to confirm whether Kitwe (in Northern Rhodesia) was receiving radio (HF) messages from “our friends” in Shituru (in Katanga).

277. Another message of 15 September 1961 with originator and recipient not listed describes a conversation held between “M. Lobe” (presumably Manfred Loeb) and “de Rosenbaum” during which de Rosenbaum updates Loeb on the military situation in Katanga.

278. The new information described above, as received from Rocksén, is limited in duration, spanning only a four-day period in September 1961. However, it reinforces a number of important facts, particularly when considered in relation to the research done by Picard in Loeb’s archives. It is clear from the communications analysed that there was significant cooperation between the institutions and personnel of Rhopower, UMHK and Anglo American. It is evident that their personnel had high-level connections with the Governments of Katanga and Northern Rhodesia, with whom they shared information, including about military activities, and that Hunt was aware in advance of Hammarskjöld’s proposed travel. Their relationships were effective enough for UMHK and Rhopower to be able to move sensitive communications equipment across national borders despite the war that was going



on. Moreover, after Loeb's installation of that equipment in Kitwe, these entities and the individuals they transmitted messages to, between and on behalf of, had access to open and (for the time) sophisticated communications between Katanga and Northern Rhodesia involving radio, telephone and telegram. That communications equipment included a single side band radio transmitter that was able to transmit on frequencies 3535, 6122 and 7070 KCS (kHz); according to a radio expert consulted by Rocksén, 6122 KCS was a military frequency and the equipment in question could have been used to intercept and jam radio traffic. This is a matter that I have not been able to verify by the time of writing the present report.

279. Furthermore, the information and the manner in which it was exchanged, places Ritchie, Hunt and Loeb at the heart of the connection between and organization of not only the specific meeting between Hammarskjöld and Tshombe, but also more broadly of the relationships between the Governments of Katanga, Northern Rhodesia and the United Kingdom and commercial entities. This reinforces the credibility of the account contained in Hunt's book *Hotline from the Katanga* (see 2019 report, sect. IV.A.1). The communications that passed through Hunt and Ritchie had recipients including Lord Alport, British Consul Dunnett, Secretary Maudling, Minister Munongo, President Tshombe, Prime Minister Welensky and Hammarskjöld. Hunt was a key interlocutor and, as the material from Loeb's archives shows, he worked in close collaboration with Ritchie, to the extent that Ritchie, Loeb and Hunt stayed together in Kitwe on the night of the plane crash. Furthermore, the fact that Ritchie was MI6 and Hunt was, according to his claim, also British intelligence, confirms the direct connection to the Government of the United Kingdom.

280. Separately, I was provided with further new information from Rocksén constituting a series of documents enclosed in a folder of Gordon Hunt's records, entitled "The Katanga August/September 1961". In the first set there are two documents, being a letter and a report that the letter encloses, and various copies of those documents. Both the letter and the report are dated 9 September 1961 and marked as originating from Kitwe, Northern Rhodesia.

281. The letter does not have the name of the sender. On one version, the addressee's name appears to be of four letters, but it is crossed out and not legible. From the form and the content (and noting that there is a reference to the same subject matter in Hunt's book *Hotline from the Katanga*, which refers to Ritchie as "our man in the Katanga") the letter appears to be from Gordon Hunt to Neil Ritchie (see 2019 report, sect. IV.A.1). The letter states that the writer (Hunt) had on the same date met two French officers of the Katangan army after having been put into contact with them by a Belgian contractor friend who lived in Katanga. Hunt states that the senior French officer, Captain Lasimone, was an emissary of two Katangan Ministers, Kimba and Munongo, and Mr. Tshombe. Lasimone, who served "with the [French] 8th Army in the desert" was accompanied by junior officer Lieutenant Bourdeaux, "a youngster of 25 with four years' service in Algeria before joining the Katanga Army". Hunt proposes a number of matters, including that Dunnett should arrange a Northern Rhodesian visa for Lasimone so that more information could be obtained, that Ritchie should meet Lasimone the following week and that Welensky should be informed as, in Hunt's opinion, the approach made was an appeal to Welensky for help from the Katangan mercenaries. Hunt also notes that the information will be passed on to O.B. Bennett, General Manager of Rhokana Corporation, and that the Provincial Commissioner, Euan Thompson, must also be told, but that otherwise "strictly limited circulation of the information will be emphasised".

282. The report itself is also dated 9 September 1961 and titled "Report of two French officers of the Katanga Army now in hiding", with a notation that "the grading of this Report is considered highly reliable". The report states that there are 100–150 Katangan mercenaries that have evaded expulsion by the United Nations. It states that

“[t]he real purpose of our visit, apart from getting aid from our Rhodesian friends, is to acquaint the Federal Government with the intentions of the Katanga Government to establish over its Borders a series of Commando training units which unknown to the UN will train in the (Katanga/Northern Rhodesian border) Pedicle. The first of these units comprising 4–6 European officers and some 60 selected Africans will be based in the bush near to Kasumbalesa”. The report describes the military strength of Katanga, states that the authors are not in the least concerned about the military force of the United Nations and advises that UMHK will apply a “scorched earth policy” if the United Nations attempts to supplant its management. The report closes, “[w]e hope you will be able to give us some message of encouragement. It is our intention to stay and fight” and is signed “Captain X (ex 8th Army), Lieut. X (ex Algeria)”.

283. The letter and report are not the first information analysed that refer to Hunt meeting with two French mercenaries from Katanga in 1961: Hunt also made reference to the matter in *Hotline from the Katanga*, in which he described meeting two “Frenchmen of considerable culture and background. They were not just tough mercenaries but highly trained military officers dedicated to the cause for which they had volunteered”. However, it is the first occasion that I am aware of where the French mercenaries are identified as Lasimone and Bourdeaux. Furthermore, the extent of the operation and the level of potential cooperation with Northern Rhodesian authorities that this information discloses is of note. Although it is not clear whether commando training units led by Katangan mercenaries were ultimately established or based in Northern Rhodesia, or whether they obtained the support of Welensky to do so, it has previously been established that there was a degree of cooperation and mutual use of the border region by both Katangan and Northern Rhodesian military (see 2019 report, sect. III.A.6, and 2017 report, sect. IV.A.4). The implication, which the new information supports, is that personnel, including mercenaries, may have been able to cross the border to arrive in (or leave) the area around Ndola in September 1961, without being prevented from doing so (or potentially with the tacit permission of) Northern Rhodesian and Katangan authorities.

284. The information from Hunt’s meeting potentially relates to matters referred to in the biography of ONUC soldier Stig Von Bayer (see sect. III.A.3 above). Like the number referred to by Lasimone of constituting by September 1961 “100–150 Katangan mercenaries that have evaded expulsion”, Von Bayer also referred to Tshombe’s mercenary group as being “[a]n international company of around 200 men”. The discrepancy in number may be due to the number of mercenaries expelled by the United Nations in August 1961 during Operation Rumpunch, the relative success of which no doubt provided impetus for the mercenaries to establish a base in Northern Rhodesia where the United Nations did not have jurisdiction. Von Bayer says the group comprised a certain number of “misfits”, but also “a hard core of experienced guerilla fighters from a group of French officers who had seen years of service”, led by “Commandant Faulques and Colonel Tranquier” (sic). As noted by Picard, the biography of Von Bayer refers to the French group’s longer-term intention to “build a haven for the secret army”, and it is possible that this intention is connected to the desire expressed by Lasimone, as referred to in Hunt’s letter, to establish a series of commando training units around the Katanga/Northern Rhodesian border region.

285. Another document from Hunt’s folder entitled “The Katanga August/September 1961” contains a “personal and confidential” message of 19 September 1961 from “Phillimore” to Hunt at Rhopower Kitwe, received at 1358 hours that day. Phillimore states “in view highly confidential and perturbing stories which have reached me from an official recently returned from Kitwe, would be glad to be assured of your personal safety and good health”. Like other similar messages in the folder, it appears to be sent from Anglo American, being marked “ANMERCOSA” to “RHOPOWER KITWE”. Phillimore may be J. Roger B. Phillimore of Anglo American, but this is

not confirmed. Neither is it clear what “highly confidential and perturbing stories” Phillimore refers to. However, the fact that this was sent one day after the discovery of the crash with reference to a location close to the site of the crash bears further enquiry and analysis, particularly if more of Phillimore’s records can be located.

286. Additional new information received from Picard in 2020/21 includes copies of numerous archival correspondence that Loeb had specifically retained in a folder entitled “17-19/9/61”, which contained manuscripts of transcribed telegram messages exchanged through Hunt’s residence at “Queen’s House” in Kitwe. Some of the documents are the original handwritten versions from which telegrams were typed, while others are incoming versions that are typewritten. The senders and recipients of these messages included, among others, Ritchie, Lord Alport, Dunnett, Munongo, Tshombe and Hammarskjöld. Picard also received copies of correspondence exchanged between Loeb and Ritchie in subsequent years. Messages of particular relevance that were transmitted in or around September 1961 include those described below.

287. A message that is undated but was sent between 17 and 21 September 1961 to Hunt with a directive to transmit it to Loeb urgently for onward transmission to “Rene” on the latter’s arrival that night gave instructions regarding how to deal with the United Nations. Picard posits that based on other references in related correspondence, “Rene” must have been a reference to Rene Clemens, the Belgian author of the 1960 Katangese Constitution who sought Katanga’s independence. Among other things, the message states “require you to secure control all airport by Katanga Army”, “require departure O’Brien and Tombelaine”, and “UNO must allow Katanga full freedom of choice of their technicians”, and it appears to give commands aimed at ensuring that negotiation between Katanga and the central Government of the Congo would advance without involvement of the United Nations. The message is signed “Patron” and then states, “ends charter London EC2”, the last notation of which may be to a central London post code.

288. Many things about that message are unclear, including who the sender was. However, it is important to note that it was transmitted from London at the time of or immediately after the plane crash and purported to obstruct and minimize the role of the United Nations in achieving any political settlement with Katanga, which role was already greatly affected by the death of the Secretary-General.

289. A message sent from Hammarskjöld to Tshombe at 1 p.m. on 17 September 1961 describes the United Nations position and suggests an in-person meeting between Hammarskjöld and Tshombe at Ndola. The message was sent via Hunt in Kitwe and a copy was forwarded to Ritchie. As already noted, this shows both the level of involvement of United Kingdom and Katangan officials and that around half a day prior to the plane’s crash, it was clear that Hammarskjöld had proposed to meet in Ndola. This was then confirmed by Hammarskjöld in another message sent by the same means at 5 p.m. that day to Tshombe, through O’Brien and the Jadotville radio relay, that would also reach Dunnett and Lord Alport in Ndola.

290. A message of 17 September 1961 from “Odilon” to Tshombe, time of transmission unclear, appears to convey a direction to Katangan General Muke to use the “necessary dispositions” against the United Nations.

291. In a message sent at 7.45 a.m. on 19 September 1961 from Ritchie to Tshombe, the former states “when we parted ways yesterday afternoon, you had promised stop using Fougas, now I learn UN bringing in Ethiopian jets, I asked my government to require the UN to not send the jets”. This is notable for two reasons. First, it appears to confirm that Ritchie met Tshombe throughout 18 September 1961, the day the crash of SE-BDY was discovered. Secondly, Ritchie claims that he had sought the intervention of the United Kingdom to stop Ethiopian jets from being sent to support ONUC against Katangan forces, including the Fouga.

292. It will be recalled that information analysed in 2017 from Simensen, the United States and the United Nations claimed that British withholding of overflight clearances from British territories in East Africa delayed the arrival of the Ethiopian jets to the Congo, which caused flight SE-BDY to travel to Ndola unescorted and exposed to potential attack (see 2017 report, sect. IV.A.4). In 2017, I assessed the probative value of that information as being weak insofar as it related to an attack on SE-BDY. The new information appears to establish that Ritchie sought the intervention of the United Kingdom to stop Ethiopian jets being sent to support ONUC and that he communicated this to Tshombe. This information underscores Ritchie's position on behalf of the British Government as a key participant and liaison in the unfolding of events, at the highest level. However, given that Ritchie's communication was sent on 19 September 1961, by which time SE-BDY had already crashed, even if he had been successful in influencing the arrival of the Ethiopian jets (which is not clearly established), it would have been too late to affect the plight of SE-BDY and its passengers.

293. A further message of 19 September 1961 from Lord Alport to Ritchie in Ndola states (in part in shorthand but written in full here) "please ask Dunnett to pass the following to O'Brien from the High Commissioner. Hammarskjöld's aeroplane was discovered 7 miles from Ndola, in thickly wooded country. The plane had disintegrated and the bodies were scattered of (sic) the countryside. 13 bodies have been recovered. There is one survivor who is in a very dangerous condition. His name is Julian, one of the security guards. Of the bodies only that of Mr. H has been definitely identified. Local formalities should be completed by 1700 tomorrow and it is expected the UN will wish to take charge of the deaths for burial as they so wish. Alport". It is unclear why Lord Alport waited until a further day after the crash to inform the United Nations of it.

294. A further message on the same manuscript of 19 September 1961 from Lord Alport states "Following for Dunnett to O'Brien. Local civil aviation authorities are required by law to undertake all investigations. Nevertheless we welcome Col. Egge and a US aeroplane will proceed to Elisabethville tomorrow to collect him. Timings will be arranged between control tower Ndola and control tower Elisabethville. Alport".

295. In other messages of 19 September 1961, Tshombe states separately to Lord Alport and Ritchie that he has "held his promise" and grounded the Fouga since the evening of 18 September 1961, which is, notably, after Hammarskjöld's plane crashed.

296. Also on 19 September 1961, Ritchie informs Tshombe of the expected time of arrival of United Nations officials and that Ritchie will collect Tshombe to take him to meet them. In other messages of the same date, arrangements regarding the movements of Ritchie, Dunnett, Lord Landsdowne, Tshombe and Welensky are discussed.

297. On 20 September 1961, a manuscript version of the proposed ceasefire between Katanga and the United Nations was drafted. It is unclear if this was sent, but other communications of that day, including between Munongo and Tshombe, describe negotiation tactics and action against the United Nations, including using all means including aviation to fight it.

298. A further message in German appears to have been sent from the "President" to the "Presidency" at midday on 20 September 1961. It is unclear why this is in German. It refers to the United Nations bringing reinforcements through Entebbe during a ceasefire period and demands the intervention of the Fouga.

299. Finally, in a manuscript dated 21 September 1961 from Tshombe to President Kennedy, Tshombe seeks support from the United States for the independence of Katanga. He confirms having entered into a ceasefire with the United Nations at that

time and states his view that on an analysis of the relevant Security Council resolutions, the United Nations never had a mandate to use force against Katanga without authorization from the central Congolese Government.

300. Picard also analysed additional documents from Loeb's records from 1961, outside of those sent and received after the 17 to 21 September 1961 period described above. These documents show continued interactions between officials of Katanga (including Tshombe), the Rhodesian Federation, the United Kingdom and UMHK regarding the affairs of Katanga and support being given to Katanga in its efforts against the United Nations. One undated handwritten document in Loeb's script states that after Ritchie's first meeting diplomatic action remained possible and that Ritchie would submit a situation report to Maudling. Although what this message exactly describes is unclear, it is understood to be a reference to Ritchie providing a report to Reginald Maudling, who was the British Secretary of State for the Colonies in 1961. Although no records have been produced from official archives that refer to Maudling, this may present a potential source of further information, of which I informed the United Kingdom in June 2022.

301. The new information provided from the archives of Hunt, Anglo American and Loeb goes further than that analysed in 2019. It shows the extent to which a number of key personalities acting for or on behalf of the British, Rhodesian and Katangan Governments, and other commercial interests, including UMHK, Anglo American and Rhopower, were engaged in and had a complete picture and knowledge of the events in the days leading up to and after the plane crash.

**(b) United States**

302. As previously discussed, various information establishes the active presence of United States intelligence, security and defence agencies and personnel in and around the Congo in 1961. This includes information from Southall, Abram, Devlin, Doyle and others described above, as well as public United States reports, including the 1975 interim report entitled "Alleged assassination plots involving foreign leaders" of the United States Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities (Church Committee) and other related reports of and before that Committee.

303. In 2019, new information was analysed that showed the presence of significant CIA personnel and operations in and around the Congo in 1961. This information included records released under the President John F. Kennedy Assassination Records Collection Act (JFK Records Act) with information on CIA operatives that were in the Congo (WIROGUE, CARAVEL and QJWIN) and its operations, including coded projects such as WICLAM, which related to pilots and planes, and ZRRIFLE, the CIA cryptonym for operations including assassinations. As noted in 2019, these released records remained heavily redacted, with at times only a few pages out of hundreds being released. Despite identifying this to the United States in my requests for information between 2020 and 2022, further information was not received.

304. Williams provided new information on this topic in 2022, including a recently declassified file containing CIA-related material regarding James Alistair Wicks (also spelled Wickes) that was also released on 26 April 2018 under the JFK Records Act. Although not specifically about known mercenary Mike Hoare, the file contains a significant amount of information about Hoare's engagement with CIA, including in the Congo in the 1960s. It is recalled that Hoare was a foreign mercenary in Katanga in 1961 and that Devlin, the CIA Chief of Station in the Congo, stated that he worked with Hoare there. A book on Hoare, published by his son and analysed in 2019, states that Hoare was in Ndola on 17 September 1961, en route to Katanga, and that Hoare

considered that the true cause of the crash had been covered up (see 2019 report, sects. III.4.4 and IV.A.1).

305. The new information provided by Williams contains reference to Hoare's name, as well as CIA cryptonyms SECAROB or SECAROB/1 that refer to him, SECAROB/2, referring to his wife Phyllis Hoare, and WISTATIC to refer to Alistair Wicks, Hoare's subordinate regarding whom the file is primarily concerned.

306. A document marked "secret" and entitled "Intelligence information cable" dated 11 August 1964 describes information given by Hoare to CIA about Hoare's employment as a mercenary commander in Katanga. Among other things, it refers to Tshombe's meeting with Hoare and Jerry Puren of the same date, at which they received "red carpet treatment", as they did also in a later meeting that day with Congolese Army Commander-in-Chief Mobuto. At the meeting with Mobuto, arrangements were described for bringing a further 200 mercenaries to Kamina, including 15 pilots, at least three of whom were waiting in Leopoldville (Hedges, Kingman and Mackintosh). Puren was said to have produced a list of seven pilots "who had been with him in Katanga in 1961 and are now waiting in London and Brussels", and the availability of "T-6" aircraft, which is likely a reference to Beechcraft Texan T-6 aircraft that appear to have been present and used in Katanga from 1961 (see 2019 report, sect. III.A.5). According to Hoare he was given the rank of major at that time and had a line of authority that went to Tshombe through Major General Bobozo and Commander-in-Chief Mobuto. The same document refers to Hoare stating that the contract used in 1961 was not entirely satisfactory and would have to be amended in certain respects, and a similar document appears to refer again to Hoare discussing the terms of the "Katanga contract of 1961" later in August 1964.

307. Another document in the file, also marked "secret", appears to be dated 19 October 1964 and refers to information received by CIA from Hoare regarding the location of mercenary commando units in the Congo, including the one with which Hoare was stationed. Arrangements were said to be being made for the recruitment of 100 more men by Hoare directly and it was said that the mercenaries were generally in good spirits. According to Hoare, the "rebels" could be subdued in about six weeks and the Belgians were not anxious for the war to be over too soon as they were building up another sphere of influence in the Congo.

308. An additional document in the file, marked "secret", refers to Hoare's employment with KUBARK (a cryptonym for CIA at the time) and states that terms of pay were agreed on 10 January 1965, pursuant to a contract that began on 1 January 1965. The document itself is undated but appears to be from 1966, based on its position in the file. In the same document it is stated that CIA thought that Hoare "would do nearly anything we asked him to", including potential future training for guerrilla activities. It appears that at the time Hoare was writing a book and had agreed with CIA that his book would be reviewed by CIA before publication. Regarding the relationship between Mobuto and CIA, the document noted Hoare's view that there was "no doubt" that Mobuto did not like CIA, which was "probably a counter-reaction to the great services that [the CIA] has rendered to the Congo", reflecting a peculiarity of Mobuto's character. In the same document it was noted that Hoare "was high in his praise of his Case Officer who he regarded as very helpful and regretted not saying farewell to COS (Chief of Station) Leopoldville". The CIA Chief of Station in Leopoldville was Larry Devlin, an important actor in the Congo during the relevant period, whose writing has been analysed in previous reports (see, for example, 2019 report, sect. IV.A.1). In this regard, Williams has also noted that according to the summary of an interview with Devlin for the Church Committee in 1975, Devlin had described his "important contact" with Hoare and his men.

309. It is not clear when Hoare was first employed by CIA. The reference to a CIA contract that began in January 1965 does not preclude previous contracts having been entered into before that; indeed, it is noted that documents from 1964 in the same file refer to Hoare by his cryptonym, suggesting that he was already employed by CIA at that time. Furthermore, the Wicks file does not have documents that pre-date 1964, so it is not possible to verify from that file alone when Hoare's engagement with CIA commenced. What is clear from the file, however, is that Hoare played an important role as a mercenary in Katanga and the Congo more broadly and that he was prepared to share significant and sensitive information with CIA. That information included details regarding his employers in the Government of Katanga and the Congo, apparently without their knowledge, suggesting that he prioritized his relationship with CIA.

310. It is also clear from the file that Hoare and his wife Phyllis and Jerry Puren and his wife Julia worked closely together and were good friends. It is recalled that Puren has also stated that he was at Ndola airport on 17 September 1961 with two other mercenaries (Gurkitz and Glaspole) and that at least two additional mercenaries were in Ndola town (Huyghe and Browne). As Williams notes on this point, both Hoare and Puren were in the Seychelles during the failed Operation Anvil coup of 1981, as was Robert Sims, the brother of Phyllis Hoare, and Ken Dalgleish, a member of SAIMR.

311. The new information establishes that the United States, through CIA, had a close mutual relationship with Hoare, which included employing him in the Congo at various times in the 1960s. The United States has not previously provided information regarding its relationship with Hoare, or information that it may have generated through or because of him. In particular, noting Hoare's expressed views on the crash not being an accident, it remains important that the United States comprehensively search for and disclose any relevant information available following a review of its records and archives relating to Hoare.

312. Williams provided additional new information in 2022 from research undertaken in the writing of the 2021 book, *White Malice: The CIA and the Neocolonisation of Africa*.

313. Among other matters, Williams notes that the claim that the United States was involved in the transport of the Fouga Magister aircraft from France to Katanga first appeared in a British publication, *The Daily Telegraph*, on 17 February 1961, after a United States Boeing C-97 Stratocruiser aircraft was forced by engine trouble to land in Malta, then a British colony. The cargo of that aircraft included three Fouga Magister jets, which were bound for and arrived in Katanga in mid-February 1961. Following the publication of the article, the matter was immediately taken up by various Governments diplomatically with the United States, including by the United Kingdom and Ghana.

314. The United States company that transported the planes was Seven Seas Airlines, which was formed in 1957 by brothers Earl J. Drew and Urban L. "Ben" Drew. Seven Seas had a base in Manhattan and a fleet in Luxembourg. Williams notes that according to a 2014 article published in the South African newspaper *The Citizen* following an interview with his widow, Ben Drew was a former United States Air Force fighter pilot who worked for Tshombe in Katanga in 1961. The article states that Ben Drew had been suspected of shooting down SE-BDY, but provides no source for this allegation or further information. Furthermore, according to his son, Ben Drew had also been "called upon by the US government to work on clandestine bases in the Belgian Congo and Vietnam".

315. On the same matter, Williams cites a 1980 article by Jan Knippers Black in the *Washington Monthly* in which Black states that in 1961 she came to know some of the

managers and crew of Intercontinental US and Seven Seas airlines at the Hotel Dolphin in Luxembourg. Black stated that some years later she “ran across the son of the man who had identified himself to me as the manager of Seven Seas. The son confirmed what I already suspected: his father, now retired, was a career CIA officer. Both Intercontinental and Seven Seas had belonged to the CIA, he said”. It is possible that the person referred to by Black was Ben Drew’s son who, as Williams notes, made a similar comment about his father. According to Williams, records relating to the Drew brothers remain restricted; a Freedom of Information Act request to CIA in April 2022 for records from 1961 on Earl J. Drew produced only five extensively redacted pages, two of which were redacted so much that they were almost blank.

316. Information related to the transportation of the Fouga aircraft by Seven Seas has previously been analysed, including in the reports of the Independent Panel (see sect. VIII) and the 2017 report (see sect. IV.A.4). The matter was discussed by David Doyle, Chief of CIA station in Elisabethville, in his memoir *True Men and Traitors*. He was later interviewed by the Hammarskjöld Commission, which noted that, among other things, Doyle had stated that the Fouga aircraft were given by the French to CIA to help counter United Nations operations in Katanga. The Hammarskjöld Commission assessed Doyle’s memory about details as being “patchy” at times.

317. In the 2017 report, the pertinent issue was considered to be the number of Fouga jets delivered and available to Katanga by September 1961 and the information establishing that three had been delivered was assessed to be of strong probative value. The precise details of how the Fougas were delivered was not ascertained, but it was noted in the 2017 report that no information analysed at that time linked the involvement of CIA to the delivery of the jets, other than the claims made by Doyle. The new information provided by Williams provides additional background to the delivery of the Fougas. It also cites multiple sources as stating that Ben and Earl Drew may have been linked to CIA and that Ben had served in Katanga in 1961 as a pilot. This new information has not been verified against source documentation and does not provide a basis to augment or alter previous assessments. However, like much other new information analysed in the present report, it tends to support the proposition that further undisclosed information is likely to exist in the archives of Member States. In this regard, in 2022 I requested the United States to provide any reports related to Urban L. “Ben” Drew. As at the time of writing the present report, no response to that request had been received.

**(c) Germany**

318. As noted in the 2019 report, based on information provided by Gülstorff, including CIA and West German reports, it appears established that German intelligence agents were present in and around the Congo in September 1961 (see 2019 report, sect. IV.A.1).

319. Between 2020 and 2022, Gülstorff provided new information that developed certain of the matters analysed in 2019. The new information includes that, from around 1960, the West German intelligence service (BND) was involved in several projects in the Congo, reflecting the significant investment that West Germany had made in the Congo in the post-war period. According to Gülstorff, the activities of BND resulted in it having personnel and assets in and around the Congo in 1961, which included an official BND residence in Leopoldville and personnel including, among others, Robert Whissel van Deventer, at Leopoldville University, Kurt Büttner, also known as Bocholt, an intelligence adviser, and Hans Germani. I note that information pertaining to Germani was discussed in the 2019 report, including that he was identified by CIA as a BND agent.



320. According to the new information provided by Gülstorff, a project that had the participation of both BND and CIA was said to involve the establishment of a Congolese air force flight school. German aircraft and training personnel were said to be involved including a “Mr. Meister”, also known as Colonel Stahl, who, according to a CIA file, was Wolf Meister, born 12 May 1933 in Bonn. This file states that he had worked for BND since at least 1955, was one of the school’s leaders and acted as an undercover military adviser. A “Colonel Stein” and BND President Gehlen were also stated to be involved in this operation.

321. Another project identified by Gülstorff as having taken place in the early 1960s involving West Germany concerned a Congo-wide telephone and telecommunication infrastructure for the civil and military administration, which included the setting up of a radio monitoring service for the Congolese intelligence agency (Sûreté nationale). From the information provided by Gülstorff it is not clear whether BND was directly involved in radio monitoring or signals intelligence in the Congo in 1961, which is a matter that remains to be established. If such activities involved BND, its archives may have records of radio communications from 17 and 18 September 1961.

322. Gülstorff also observed the significance of information that he had provided to the Independent Panel in 2015, which included a report from Elsie Kühn-Leitz. Kühn-Leitz was, according to her own account, an interlocutor between West Germany and the Congolese Government and interacted with and befriended Victor Nendaka, then-chief of the Sûreté nationale, who, along with Lumumba, had stayed at Kühn-Leitz’s home in West Germany. In a report written for the West German Foreign Office on 7 October 1961 following a discussion that Kühn-Leitz had with Nendaka, she noted that Nendaka had expressed his opinion that “Ultras” (possibly French, in the context) of Tshombe were responsible for the plane crash and had shot the plane down with ground-based fire.

323. As noted above, in May 2022 I shared details of the preceding information with the Independent Appointee of Germany. I also noted that information in correspondence from the West German Embassy in Salisbury to the Foreign Office of West Germany is to the effect that Germani was part of a film group in Katanga at the time of the crash in September 1961.

324. I requested that searches for related information be made in German archives to determine whether any further relevant information may be able to be located. Although a response was not received by the time of writing the present report, the timing of my request did not permit significant opportunity for these searches to be concluded. I flag this as a matter that remains to be followed up.

325. The new information provided by Gülstorff reflects information discussed in previous reports, in particular regarding the systemic presence in and around Katanga at the relevant time of the intelligence personnel of foreign countries, including (in this case) the United States and West Germany. It also provides a basis for the proposition that further relevant information remains to be disclosed, as discussed further below.

326. New information was provided to me by Fröhlich in 2022 regarding an account from the memoirs of German television journalist Klaus Manfred Eckstein (also known as Kiu Eckstein).

327. According to Eckstein, he was present in the Congo (including in Katanga) in September 1961 with a team that included cameraman Kurt Werner Drews and journalist Hans Germani. Their work was commissioned by Peter von Zahn for the Free Television Company (*Freie Fernseh GmbH*) and resulted in a number of films and photography series. Relevantly, Eckstein identified entries from a calendar that he kept from 1961 in which he records that on 17 September 1961 he sent pictures to

*The Sunday Telegraph* of Elisabethville Airport being bombed. After that, he apparently went to Salisbury, where he saw the transfer of Hammarskjöld's coffin.

328. According to Eckstein, years later the cameraman Drews informed him about having met a pilot during a medical stay at Lake Constance (Drews' wife told Fröhlich that this stay likely occurred in 1975/76, but could not remember details of the clinic). Drews, Eckstein noted, was not only highly technically skilled as a cameraman but had a particular interest in aviation and would often while flying for work seek to sit in the cockpit and converse with the pilots and crew. The pilot he met at Lake Constance stated that he had flown sacks of money from Katanga to Belgium. He also informed Drews that a pilot colleague of his stated that he had dropped bombs on Elisabethville airfield with a Fouga Magister and that he shot down Hammarskjöld's plane. Eckstein said that Drews recounted specific details of the plane, including that it was used for training purposes but was converted to military use.

329. It is known from United Nations archives that the Avikat Fouga Magister attacked Elisabethville airport in August and September 1961. A number of potential pilots have been identified and are discussed at section II.A.3 above. It is not improbable that the same pilot that attacked the airport could have attacked Hammarskjöld's plane. However, the account given to Drews requires additional details to be verified before it may be assigned a degree of potential utility. As Fröhlich notes, such details include the identifying details of the former mercenary pilots, the date of the conversation and related matters.

330. Aside from cameraman Drews, Eckstein's party also included journalist Germani. Eckstein described Germani's strong views on colonialism, language skills and medical training. Of one experience during that trip, Eckstein recounted that "[i]n copper-rich Katanga, a war without clear fronts broke out between Moise Tshombe's para-militia and the UN's protection troops. We got caught between the fronts while filming. Armed black people in plain clothes arrested us. But the journalist, Hans Germani, a nimble Levantine from Trieste, skilfully manoeuvred us through this delicate situation". It is recalled that in 2019 information was analysed from multiple sources, including CIA documents, that stated Hans Germani was a West German intelligence (BND) agent, working under cover of being a journalist (see 2019 report, sect. IV.A.1). Furthermore, a report of 20 September 1961 from the West German Embassy in Salisbury to the Foreign Office of West Germany stated that "the film group [of] Germani that just returned from Elisabethville, encountered the Germans Bachmann (owner of a garage) and Lönne (from Düsseldorf?) as well as two German journalists".

331. In 2019, I assessed that BND had at least one agent in Katanga in September 1961. The new information from Fröhlich appears to confirm that Germani was there under cover of being a journalist. In May 2022, I requested that searches for information related to Germani and other matters be conducted in German archives. At the time of writing the present report, no response had been received.

332. 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. Influence on the early inquiries**

333. In the 2017 and 2019 reports, I analysed information to the effect that the representatives of the United Kingdom and Northern Rhodesia had attempted to influence the United Nations Commission to find that pilot error was the cause of the crash (see 2017 report, sect. V.A, and 2019 report, sect. IV.B.2).

334. In additional information provided in 2022 by Simensen, correspondence from Lord Dundee to Stuart Bevan was noted, which appears to have been sent on 10 May 1962. This correspondence states “[n]ow that the series of inquiries into the crash of Mr Hammarskjöld’s aircraft is at an end I would like to thank you, on the Foreign Secretary’s behalf, for your wise counsel and for representing HMG’s [i.e. British] interests before both the Federal Commission and the UN Commission. Although the UN Commission felt unable to reach any definite conclusion, I believe that your closing address at Geneva had much to do with the removal of certain misapprehensions which might otherwise have had damaging implications for us”.

335. It is recalled that Bevan was an English barrister instructed by the Treasury Solicitor on behalf of the British Government to represent it before the United Nations Commission. The primary focus of Bevan’s closing address of 27 February 1962 was to convince the United Nations Commission that external interference was not a cause of the crash. The closing address of the same date of F.G. Cooke, Counsel for the Rhodesian Federation, had a similar focus. In that regard, Bevan stated that “I would adopt the reasoning which one finds in the [Rhodesian] Federal Commission’s report as my argument in support of that Commission’s conclusion that sabotage, the shooting down of this aircraft or any wilful damage, is completely excluded”. He noted that “[h]ad there been any case of: sabotage, whether internal or external, had this aircraft been shot down, the United Kingdom Government might have been involved in some way through lack of care, or something of that sort. But, in my submission, it is abundantly clear that both internal and external sabotage is completely ruled out”, and later stated that “as regards the direct cause of this accident, the technical investigation eliminates any form of external or internal interference. The cause was either some fault in the instruments or pilot error”.

336. As Simensen notes, in his address Bevan referred to the description of the Rhodesian transcript of the radio log but omitted to mention that SE-BDY was expected to be “abeam Ndola at 21.47Z” (around half an hour before it crashed). Bevan also sought to exculpate British officials, including Lord Landsdowne, Lord Alport, Williams or others, from blame for any part of delays related to the accident itself or the search and rescue action taken after SE-BDY failed to land as expected. He further urged the United Nations Commission to dismiss outright Virving’s hypothesis that the plane was shot down and to dismiss entirely the evidence given by four additional “African” witnesses who had stated that they had observed an aerial attack on SE-BDY.

337. Further related information provided by Simensen in 2022 discussed attempts being made in 1961 by Northern Rhodesian authorities to persuade Swedish observers that the crash did not result from external interference. According to information provided by Simensen, Minister Bratt of Sweden arrived in Ndola on 19 September 1961. He had a remit to assist, if necessary, Swedish experts including those from the Swedish Royal Board of Aviation, and to assist with identification and transportation of the remains of Swedish victims of the crash. According to Mr. Bratt’s notes, as translated by Simensen, Mr. Bratt stated that from as early as 19 September 1961, when the cause of the crash could not possibly have been known, Rhodesian officials attempted to impress on him that the crash could not have resulted from an attack or sabotage. Specifically, Mr. Bratt was said to have been informed by Parry, the Secretary-General of the Rhodesian Administration Branch, that there was a one to a million chance that the cause had been sabotage or attack.

338. Parry also appears to have stated to Bratt that the Rhodesians had not given the Katanga Government any kind of military or diplomatic assistance. This is at odds with information analysed above, including that Katangan pilots were permitted to use Northern Rhodesian airstrips, sensitive communications equipment was able to

be brought to Kitwe during active conflict and French mercenaries in the service of Katanga discussed cooperation with the Northern Rhodesian authorities.

339. The Independent Appointee of Zimbabwe, based on research undertaken into the declassified papers of Lord Alport at the University of Essex, highlighted the close links between the British and Northern Rhodesian Governments during the relevant period. There was a close working relationship between Lord Alport and Sir Roy Welensky and a shared interest in minimizing the potential effects of the conflict and crash, as shown in Lord Alport's letter to Sandys of 25 September 1961. Both Lord Alport and Welensky were said by the former to have cooperated closely and exercised a considerable degree of control over Tshombe, to the extent that Lord Alport stated that Welensky was able "to exercise greater influence over [Tshombe] than perhaps any other single individual outside the Katanga itself". Although the correspondence of 25 September 1961 precedes the work of the early inquiries, the nature of the shared interests and close relationship reflects the later parallel efforts to influence the outcomes of the early inquiries.

340. The information newly reviewed on this topic in 2022 relates to that previously analysed in the 2017 and 2019 reports. In those reports, it was noted that contemporaneous documents showed that Rhodesian authorities discussed at the highest levels the desirability of avoiding the convening of a separate United Nations Commission and, when it was clear that one would be convened, sought to "cultivate" the Commissioners and steer the outcome towards one of pilot error. Other information showed that British officials similarly sought revisions to the United Nations Commission's draft report in advance of its publication, with a similar aim of ruling out sabotage or external attack as a cause of the crash (see 2017 report, sect. V.A, and 2019 report, sect. IV.B.2).

341. In the newly analysed information described above, it is evident that the Rhodesian authorities were desirous of convincing Bratt that SE-BDY was not attacked, which coincides with the findings discussed above that officials sought to ensure that this outcome would be reached by the various official inquiries. It is also notable that Lord Dundee expressed thanks to Bevan for his role in avoiding "certain misapprehensions" that may have had "damaging implications" for the United Kingdom. In the context of the position put forward by Bevan to the United Nations Commission, and considering the information analysed in 2017 and 2019, it appears established that the United Kingdom and Northern Rhodesia were concerned to ensure that a conclusion of pilot error as being the cause of the crash was reached in 1961/62, rather than merely permitting an impartial analysis to occur. This, as well as the information related to statements made by Harold Julien, discussed below at sect. V.B.1, supports previous findings that the United Kingdom and Northern Rhodesia sought to influence the early inquiries to rule out external attack or other interference as a cause of the crash. The reasons for this, however, remain unclear.

## **B. Other matters**

### **1. Harold Julien**

342. It is recalled that of the passengers of flight SE-BDY, only one was found alive when the plane was officially discovered. Sergeant Harold Julien, the acting ONUC chief security officer, was burned but conscious and articulate when officials arrived at the site of the crash on the afternoon of 18 September 1961. He was taken to hospital in Ndola but succumbed to his injuries six days later. Upon his initial admission to hospital on 18 September 1961, Julien made statements that included "it blew up", "there was great speed, great speed", "then there was the crash", "there was a lot of small explosions all around", "I pulled the emergency tab and just ran out",

and “[the others] were just trapped”. Evidence to this effect was given to the Rhodesian Board of Investigation by Alfred Vincent Allen, Senior Inspector and Officer in Charge of Ndola Central Police Station who had attended the crash site and then accompanied Julien to hospital. Allen’s statement recorded this as follows:

At about 1720B hours I was called in by a doctor because Julian [sic] was beginning to speak. I had previously asked that this be done. He was lying as before, with his eyes closed and he did not open them at any time. He asked “where am I?”, I replied that he was in Northern Rhodesia and that I was a British Police Officer. I asked him if he could tell me anything about what happened. He appeared to recognise that he was being spoken to. I told him that we had last heard of you over the runway at Ndola airport and we didn’t hear anything more, “What happened?” He said “It blew up”. I said, “Was this over the runway?” and he said, “Yes”. I said, “What happened then?” and he replied, “There was great speed – great speed”. I asked “What happened then?” He replied, “Then there was the crash”. This was all very slurred and very incoherent indeed. I said “What happened then?” He replied, “there was a lot of small explosions all round”. Then I said “How did you get out?”. He said, “I pulled the emergency tab and ran out”. I said, “What about the others?”. He replied, “They were just trapped”. Sometimes I had to repeat the questions. I wasn’t getting the answers straightaway. He then lapsed into unconsciousness.

343. Based on his experience with similar accident victims in the past, Allen treated Julien’s answers to the questions with caution, but it is evident that he was able to ask a series of open questions to which he received coherent answers. Another witness, nurse Sister McGrath, was on duty at Ndola Hospital and tended to Julien as he was admitted. She heard him say, in the presence of a police officer and doctors, “We were on the runway and there was an explosion”, and “We were on the runway when Mr. Hammarskjöld said ‘Go back’, then there was an explosion”, and “I was the only one that got out, all the others were trapped”.

344. On the same evening of 18 September 1961, Dr. Lowenthal was on duty at Ndola Hospital and spoke with Julien. The conversation, as Dr. Lowenthal clarified to United Nations investigator Blandori, occurred before Julien was sedated with painkillers (pethidine) at the hospital. Dr. Lowenthal described that Julien’s manner of speech was lucid, clear and coherent. Dr. Lowenthal said that he asked why they had not landed when they were expected to, and Julien replied indicating that Hammarskjöld had changed his mind or said “Turn back”. Julien said that there was an explosion and then a crash, and a little later said that there was a crash and then an explosion, and that Julien had jumped from the aircraft. Dr. Lowenthal said that Julien was sedated during that later discussion but appeared to be speaking coherently.

345. As noted in the 2017 report, the early inquiries dismissed the evidence of Julien because of his physical state, despite him being the only first-hand witness of the incident. The Rhodesian Commission of Inquiry disregarded each of Julien’s statements summarily, stating expressly that “no attention need be paid” to Julien’s statements, as “they either relate to the fire after the crash, or to a symptom of his then condition”. The 1961 United Nations Commission did not attribute probative significance to Julien’s statements regarding how they may have informed an analysis of potential causes of the crash, likely because of its reliance on the work of the Rhodesian Commission of Inquiry. Ultimately, out of the 27 witnesses who were able to testify about Julien, the Rhodesian Commission of Inquiry heard only eight, and the United Nations Commission heard only five (of those eight). The result of this was the loss of a significant opportunity to adequately consider evidence from the only passenger of flight SE-BDY who could speak of the crash, leading to a material failure to consider potentially relevant evidence.

346. Between 2020 and 2022, new information on this topic was brought to my attention. The Independent Appointee of Zimbabwe provided correspondence of 19 September 1961 from the United States Embassy in Salisbury to the White House, in which it was stated that “Sgt Julian in lucid moments stated that he is the Chief Security Officer for UN in Leopoldville. He requested that his wife be informed of his survival”. The description of the frank content of this message and of Julien’s lucidity, at times, appears to confirm the description given to the early inquiries by witnesses including Allen, McGrath and Dr. Lowenthal. It is somewhat in contrast to the characterization of Julien’s state as being rambling or delirious, as the Rhodesian inquiries described.

347. In other information brought to my attention in 2022 by Simensen, a telegram sent on the evening of 19 September 1961 from unidentified Northern Rhodesian officials in Salisbury advised the United Kingdom Commonwealth Relations Office and the United Kingdom Mission to the United Nations, apparently in response to a query from the Commonwealth Relations Office, that the sole surviving passenger “[Harold] Julian [sic] is slightly better today but is still dangerously ill.” This is a similar characterization as that given by Lord Alport to Ritchie on the same day, described above at section IV.A.1, which referred to Julien being “in a very dangerous condition”.

348. However, despite being aware of Julien’s grave health status, the Northern Rhodesian Government gave a markedly different assessment of it to the United Nations. A telegram sent some 12 hours later on 20 September 1961 from Scott, the United Kingdom representative in Salisbury, to the Governor in Lusaka stated “[UN representative] Spinelli and Knut Hammarskjöld have already reached Ndola. I was also able to assure him that survivor Julian [sic] was being given best possible medical attention and that latest reports were that he was holding his own.” It is not clear why the Northern Rhodesian Government assured the United Nations representatives that Julien was “holding his own” when he was known to be “dangerously ill”.

349. Julien died the next morning, on 21 September 1961, without being seen by the United Nations representative, Spinelli. It was not Spinelli’s task to commence any investigation on behalf of the United Nations, but if he had known that Julien was “dangerously ill”, rather than being misinformed that he was “holding his own”, he might have had cause to attempt to see Julien himself. However, Spinelli did not visit Julien in hospital, or seek that a statement be taken from him regarding the crash. Having been told that Julien was “holding his own”, it would not appear that any sense of urgency was pressed upon Spinelli to do so.

350. This new information may exhibit a relationship between the downplaying of Julien’s statements by the Northern Rhodesian authorities and an attempt to limit access to Julien generally. As discussed in the 2019 report, Rhodesian official Colonel Archer had also sought to ensure that Julien’s statements about an explosion on board SE-BDY and sparks in the sky were not publicized, including by having attending doctors “make sure that none of their staff talked” about it. In addition to limiting access to Julien generally, it is possible that this resulted in less information having been obtained from Julien about flight SE-BDY’s last moments.

351. Regarding Julien’s statements, Ian Ross provided the Independent Panel with a letter referring to this topic in 2015. Ross informed the Independent Panel that he was the Inspector in command of the Northern Rhodesian Police Mobile Unit at Bwana Mkubwa near Ndola in September 1961. Ross provided a newspaper clipping from 1961 referring to his presence and role as a guard at the plane’s crash site and a copy of a 1999 letter that he sent to a British professor regarding the potential publication of a book about Zambia’s first President, Kaunda. In the 1999 correspondence, Ross touched on the crash of SE-BDY and enclosed with the letter copies of notes and

photographs of Katangan mercenaries (those notes and photographs were not available to the Independent Panel). Regarding Julien, relevantly, Ross stated that at Ndola Hospital he “lay hovering between life and death and kept alive by the efforts of the Government Surgeon Donald Macnab ... of course we had a tape recorder and Police Officers at his bedside 24 hours a day, monitoring everything said.”

352. Ross’s statement that there was a tape recorder at Julien’s bedside reflects testimony given to the Rhodesian Commission, including by Nurse Kavanagh, who attended on Julien and gave testimony regarding what he said about the crash. However, Nurse Kavanagh stated that the tape recorder in the room was not used. I am not aware of another witness who attended on Julien stating that the tape recorder was used and there is no evidence that indicates that Julien’s statements were ever recorded. However, if Ross’s statements are true and such records were made, they may be of great significance and it would be necessary to have them examined by experts, including medical experts. I flag this as a matter for potential future review.

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

353. Certain information received between 2020 and 2022 allows for potential future inquiries, either as a result of the information opening up further avenues of inquiry or because there was insufficient time for further follow-up where the information was received just prior to the finalization of the present report in July 2022. I have flagged such matters in the body of the report.

## **V. Findings and conclusions**

354. Part of my mandate pursuant to General Assembly resolution [74/248](#) is to, if possible, draw conclusions from the investigations already conducted. Despite best efforts, no clear conclusion is presently able to be reached about the cause or causes of the crash. In the present section, I provide a summary of how advancements in our knowledge affect the feasible hypotheses regarding the tragic event. I also state why, in my view, a conclusion cannot be reached with any reasonable degree of certainty at the current time.

### **A. Cause or causes of the crash**

355. Based on present knowledge, it appears that flight SE-BDY crashed either because it was subjected to some type of intentional interference before landing or as a result of human error. There is no evidence that suggests another accidental cause, such as mechanical, structural or material failure. Other previously remarked on hypotheses, including a failure of equipment or communications, altimeter error (whether mechanical or that the wrong setting (QNH) was conveyed by air traffic control), or that incorrect landing charts were used, have been adequately dismissed between 2013 and 2017.

356. Because the plane was largely destroyed by fire it is not possible to absolutely rule out the possibility of material failure, but the available information since the early inquiries indicates that the plane was making a normal approach to land in Ndola in view of estimative matters such as its angle of descent, speed and undercarriage extension, and the finding that all four engines were under power at the time of impact with the ground.

357. Separately, although not relating to a cause of the crash itself, I note that one of the conclusions of the Independent Panel and 2017 reports was that it was almost certain that Hammarskjöld and the other members of the party accompanying him

were not assassinated after landing. Those reports found it established that the passengers had died instantaneously in the air crash (with the exception of Julien who succumbed six days later). This conclusion followed a process that included reconsideration of the original medical and autopsy X-rays. Among the experts consulted for a medical opinion, Stewart Fleming, Director of the Centre for Forensic and Legal Medicine at the University of Dundee, confirmed that all injuries were correctly recorded by the pathologists at the time of the post-mortem examinations and that there was no bullet wound to Hammarskjöld's forehead.

358. If there was some form of intentional interference with flight SE-BDY, it is most likely able to be categorized as either "external interference" (an attack or threat from outside the plane, whether aerial or ground), or "internal interference" (sabotage of the plane). If there was human error, it is likely to have resulted from an act or omission of the pilots. Information relevant to each of these hypotheses is presented under the respective concluding remarks below.

**1. It remains plausible that an external attack or threat was a cause of the crash**

359. After analysing the historical record, new information and expert opinion, the 2017 and 2019 reports found that it was plausible that hostile action emanating from outside the plane was a cause of its crash. Such action may have included a direct attack causing the plane to crash, or a momentary distraction of the pilots by a perceived threat that caused them to fly prematurely into the ground. In my work between 2020 and 2022, I have not been able to rule out that an external attack or threat was a cause of the crash. I confirm that it remains a plausible hypothesis.

360. New information that has become available since the early inquiries, including under the present mandate, has continued to show additional possibilities of how an attack could have been carried out against SE-BDY. As observed above, the early inquiries gave no more than a passing reference, if any, to the fact that the incident occurred within the context of an ongoing violent armed conflict. Actors opposed to the United Nations had motive to attack its forces and a record of doing so in the period leading up to the tragic event. Each continuing stage of the investigation, including the current one, has found more evidence of such capabilities than was previously known. Furthermore, contrary to what the early inquiries knew, there was widespread advance knowledge of the fact that Hammarskjöld would be travelling to Ndola that night.

361. That there may have been an external attack is not a new hypothesis. As discussed in the 2019 report, the United States immediately considered that possibility at the highest levels of the United States Government. Multiple reports from the United States Ambassador to the Congo, Edmund A. Gullion, on 18 September 1961 described that the plane "may have been shot down", and that there had been a "flash in the air" that preceded its demise. Following the early inquiries, and notwithstanding that some Governments may have attempted to influence it to make a finding otherwise, the 1961 United Nations Commission considered external interference to remain a possible cause, among others.

362. As described in the subsections that follow, both existing and new information supports a hypothesis that there may have been external interference against SE-BDY. This includes the testimony of eyewitnesses, as well as the unanswered claims of those who state that they heard or read a transcript of communications relating to an air or ground-based attack on the plane. Furthermore, new information analysed in 2022 reinforces that the capacity existed for such external interference to have been brought about.



**(a) Information from eyewitnesses**

363. Identified eyewitnesses are an important source of evidence of the last moments of flight SE-BDY. Seven witnesses informed the Rhodesian Board of Investigation that they had seen a second or third aircraft; six gave evidence of this matter to the Rhodesian Commission of Inquiry. The 1961 United Nations Commission also heard at least six witnesses who spoke of noticing more than one plane and at least 12 witnesses who spoke of a flash (or similar light) in the sky. Some, though not all, of these eyewitnesses had their testimony discounted or disbelieved because they were “African”. The sole temporary survivor of the crash, Harold Julien, also made statements that suggested a threat or attack as the plane approached Ndola, possibly involving a sudden explosion.

364. Since the early inquiries, at least 12 further eyewitnesses have been interviewed. In 2015 the Independent Panel heard from five new witnesses who observed more than one aircraft, and seven who claimed that a large aircraft that they saw was on fire prior to crashing.

365. There is a significant amount of eyewitness evidence that refers to one or more of the following matters: that there was more than one aircraft observed in the air as SE-BDY made its approach to Ndola; that the other aircraft present was a jet; that SE-BDY was on fire before it collided with the ground; and/or that SE-BDY may have been fired upon or otherwise actively engaged by another aircraft.

366. It is possible that any eyewitnesses may be mistaken about what they say they saw or heard, particularly as the incident occurred at night and considering the infirmities associated with eyewitness identification under conditions that may not be favourable. Furthermore, not all eyewitnesses could have observed the event in the same way, given their disparate locations. For witnesses interviewed for the first time in recent years, there are increased risks such as lapses in human memory with time. However, taken as a whole, the testimony of what was said to be seen and heard by numerous independent observers is not easily explained away.

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

367. 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. Both individuals independently considered what they heard or read to relate to an attack on SE-BDY. Since 2017, each year additional information has been received that lends credence to aspects of Southall and Abram’s claims. In 2019, I assessed their 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. I have retained that assessment in the present report.

368. Regarding Abram, the United States initially stated that it had no record of his service. In 2017, it confirmed that Abram had served as an intercept specialist operating in Crete in 1961 but stated that he was not there in September that year. Abram later provided information to the contrary, which the United States has not subsequently refuted. In 2019, I was advised that Abram had died.

369. As previously noted, relevant matters include that Abram’s claims were made over time and his final reassertion in July 2017 was of his presence in Crete on the dates in question. His specialization and duties as a Voice Intercept Protocol Specialist with United States Air Force security clearances were confirmed. This information was not further challenged while he was alive and has been augmented by matters discussed in the present report, including regarding his training and location and the

identities of his colleagues. All these matters have been conveyed to the United States and to date have not been refuted.

370. Regarding Southall's claims, these are similarly of great significance in this matter. The United States has confirmed Southall's position in the United States Navy, retiring as a Commander in the Navy Reserve. It has not been disputed that he held a specialization as a "processing and reporting" officer who was assigned at a naval communications facility near Nicosia in 1961. As with Abram, the United States was requested to clarify Southall's claims over many years prior to his death: in Southall's case, he consistently attempted to convey the information to officials between 1967 and 2013. New information received between 2019 and 2022 supports Southall's previous statements and also provides further details regarding his training, location and colleagues. All these matters have been conveyed to the United States and to date have not been refuted.

371. Related to our incomplete knowledge of radio communications involving the last moments of flight SE-BDY, it remains unclear why Ndola air traffic controller Martin destroyed his notes of events immediately before the crash of SE-BDY. Information analysed in 2022 casts further doubt on the accuracy and completeness of Martin's account, including that he was alone in the tower and that tape recordings were not made. In addition, his statement to the 1961 United Nations Commission that a lack of ability to read transcribed radio messages on the air traffic control tower teleprinter "might have been because part of the transmission was jammed" may suggest interference with radio communications from SE-BDY.

372. The potential existence of any undisclosed records of radio traffic holds an increased significance in view of the inadequacy of the records of Ndola air traffic control, which has aroused suspicion. Various witnesses, including British and Northern Rhodesian officials in Ndola, noted that United States aircraft with sophisticated equipment were likely monitoring radio traffic from Ndola and had in that period themselves communicated with other airborne aircraft. As described above, Lord Alport also understood SE-BDY to have communicated with someone other than the Ndola air traffic control tower after the last recorded communication between it and SE-BDY. It remains to be verified whether these United States aircraft may have participated in or noticed relevant communications, including the one referred to by Southall and Abram.

373. The information analysed in the present report makes it clear that certain Member States were monitoring, intercepting and receiving intercepts of sensitive United Nations communications, as well as communications more generally in and around Katanga and Ndola in September 1961. Despite this being brought to the attention of Member States and specific information requests having been made, not a single document or other piece of information has been furnished by the Member States concerned in response to my queries on this topic. As noted in the 2019 report, this is a particular area where the non-cooperation of Member States may be seen to be approaching intentional obstruction of the full truth of the circumstances and events.

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

374. Flight SE-BDY travelled over a conflict zone in a militarized region to transport Hammarskjöld and his party to Ndola, with the purpose of an attempt to broker a ceasefire. Within that area there were various weapons, aircraft, vehicles and personnel capable of mounting an attack against SE-BDY. However, as has been noted above, the early inquiries essentially considered only the Fouga Magister jet as a candidate for an attack on SE-BDY and effectively ruled it out based on Avikat Major Delin's testimony and perceived operational limitations. Recent advances in our

knowledge have, however, shown that there were many more airstrips, pilots and aircraft that were in use against United Nations forces and which could have been used for an attack against SE-BDY.

375. As analysed above, multiple potential pilots were available to Avikat and remain persons of interest to this enquiry. As to Van Risseghem specifically, he was alleged by Coppens in 2019 to have admitted to shooting down SE-BDY; this has not been able to be verified. Neither has it been possible to establish conclusively where Van Risseghem was on the night of 17 to 18 September 1961. It appears to be known that he flew to Brazzaville immediately after the crash of SE-BDY and was there at the same time as a number of persons of interest, including CIA agents. While the United Kingdom confirmed in 2022 that Van Risseghem served the British Royal Air Force as a Flight Sergeant pilot between November 1942 and September 1946, no further details regarding him were available. 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.

376. As to Schäfer, information analysed in 2022 records him flying a DO-28 plane on 21 September 1961 in Greenland. While questions about his flight log remain, if it is reasonably established through other contemporaneous records, such as immigration and airport records, that Schäfer was actually in Greenland on 21 September 1961, it would appear that any potential involvement of him in the crash of SE-BDY may be able to be ruled out. This remains to be verified.

377. Regarding the Beukels hypothesis, new information analysed from Belgium in 2022 suggests that Beukels (or Beuckels) was not an Avikat pilot and had not received flight training. This supports the analysis presented in the 2019 report.

378. Regarding the type of aircraft that could have been used in an attack, multiple aircraft, including the Fouga Magister, De Havilland Dove and Dornier DO-27 or DO-28, had been weaponized and were available in Katanga and used in an offensive manner by Avikat in September 1961. These aircraft utilized multiple airfields and airstrips in Katanga, the Republic of the Congo (i.e. Congo Brazzaville), Angola and Northern Rhodesia, including at night, and are recorded as having made air-to-air and air-to-ground attacks against the United Nations and others.

379. Expert opinion has observed that it would have been possible but difficult under the prevailing conditions to successfully attack SE-BDY from the air. However, even harassment (without contact) could have played a contributing role in the crash of SE-BDY. In either case, as I have previously stated, caution remains necessary in such an analysis. The fact that it would have been possible for an aerial and/or ground based attack to have been brought about is not the same as having specific information about such an attack having occurred. The state of presently known matters is simply that an attack or threat cannot be ruled out and remains a plausible hypothesis based on what has been established.

380. In addition to the possibility of an attack by an Avikat aircraft, I note that information analysed in 2019 showed that Northern Rhodesian forces were in a combat-ready state on both sides of the Katangan border around the period of the tragic event. The Royal Rhodesian Air Force had at least 18 Canberra jet fighter-bombers, 30 Vampire jet fighter-bombers and 12 light attack Provosts within the area. Lord Alport's correspondence to Sandys of 25 September 1961 also referred to the build-up of Rhodesian air and land forces on the Katangan border, stating that "practically the whole of the fighting strength of the RRAF together with a European infantry battalion and a squadron of armoured cars was ordered to Northern Rhodesia forthwith" around 13 September 1961. Although there is no specific information or hypothesis that any such aircraft was involved, it is not conclusively ruled out that a

non-Avikat aircraft could have been an aircraft seen or heard by eyewitnesses around Ndola.

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

381. The 1961 United Nations Commission noted that on 17 September 1961 the *Albertina* was on the tarmac in Leopoldville for several hours without being specifically guarded. It was there for repairs after being hit by bullets from ground-fired small arms earlier that day. The possibility of an unauthorized approach to the aircraft for the purpose of sabotage was not able to be ruled out. Although no foreign items were found in the wreckage, this could not absolutely rule out remnants of sabotage, given that 75–80 per cent of the plane’s fuselage was destroyed and/or melted by fire.

382. Most claims of potential sabotage have been ruled out, including the previously stated hypothesis that there may have been an extra passenger who could have hijacked the plane. However, the sabotage claim outlined in the Operation Celeste documents, discussed above, has not been able to be conclusively assessed or dismissed. As analysed in 2019, it does appear that SAIMR existed as an organization, although details salient to this investigation, such as whether it had the capacity to carry out an attack in 1961, have not been conclusively determined.

383. The available information, including that newly analysed in 2022, suggests it to be unlikely that Operation Celeste could have been carried out successfully by SAIMR in 1961. However, for a proper and final assessment to be made, it remains necessary that South Africa provide access to the Operation Celeste documents, in whatever form they are available, and that South Africa and other Member States assist in disclosing any available information on this topic.

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

384. Given that mechanical, structural or material failures appear to be excluded, if the flight was not subject to interference the crash is almost certain to have resulted from a problem of human error, such as a combination of the pilots misreading the instrument approach and not being able to see the ground. Aircraft accidents are a possibility, even where a crew may be experienced and operating under normal flight conditions.

385. In the present report I have considered new information that posits that the controlled nature and manner of the plane’s descent suggests that SE-BDY was attempting to make a voluntary attempted forced landing. I sought and obtained expert opinion on this matter, as described in preceding sections.

386. There is not presently evidence on record that would allow pilot error to be conclusively ruled out. Relevant evidence of this nature could include, for example, a mayday call, or evidence of smoke inhalation by the pilots prior to the plane crash. Regarding a possible mayday call, I note again that Member States do not appear to have disclosed all relevant information; such a call cannot be ruled out. Regarding smoke inhalation, the expert medical opinion, which I have accepted, does rule out such a possibility. Thus, neither example, nor anything similar, is established.

387. Pilot error as a primary cause of the crash must be seen as the probable explanation if all information of material probative value has been disclosed and reviewed, and no other hypothesis reasonably consistent with the evidence remains. However, it would not be rational to reach this conclusion at the present stage, when it is almost certain that all information of material probative value has not been

disclosed, for the full truth to be objectively ascertained. As noted, to come to any conclusive finding while knowing that one has not seen all potentially material evidence would be neither judicious nor responsible.

388. Thus, there remains a prominent obstacle to reaching closure in this matter: that information that could answer important outstanding questions appears to exist but has not been disclosed by Member States. Such questions include whether, for example, alleged voice intercepts were created or still exist, and whether any security, intelligence or other entity created or held records of the presence of an aerial or ground attack.

## **B. Other matters**

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

389. The General Assembly in resolution [74/248](#) outlined a process to seek full disclosure of relevant records and called upon Member States to support that process. A strong majority of Member States of the United Nations has urged action to support the collective pursuit of the full truth concerning the tragic incident.

390. The majority of the 14 Member States that I interacted with in 2018/19 complied with the letter and spirit of the request that they conduct a dedicated internal review of their intelligence, security and defence archives. As a result, it was a limited number of Member States to which I directed follow-up queries between 2020 and 2022.

391. Despite additional information and assistance coming from some Member States, most new information under the current mandate has been generated by the work of individuals. Of the three key Member States that I have described above as being most likely to hold undisclosed significant information, being South Africa, the United Kingdom and the United States, no significant information has been disclosed since 2017. As elucidated below, in the case of South Africa and the United Kingdom, not a single document has been disclosed in that period. The United States provided one document in 2018/19 and a further document in 2021, both of which were publicly available. Documentation responsive to my specific search requests has not, however, been received.

392. At the same time, I express my gratitude for the willingness shown by these Member States to engage in correspondence and for their respective invitations to continue to bring new information and specific queries to their attention. I believe that more can and must be done by each of them to ensure that all potentially relevant information has been disclosed. I outline the types of matters that continue to require responses from each of these three Member States below.

393. Discrete searches for relevant information and any subsequent discovery of the matters discussed under the respective thematic headings above have also been raised with Ethiopia, France, Germany, the Republic of the Congo, Zambia and Zimbabwe. Any information responsive to those search requests would also contribute to our increased understanding of the tragic event and are flagged as matters for potential follow-up.

#### **(a) South Africa**

394. No documentation or other records have been identified by or received from South Africa since this investigation commenced. Encouragingly, South Africa has offered its full support at a high level going forward, which is to be commended.

395. In addition to the identification and analysis of information relevant to the Operation Celeste documents, whether original or copies, it remains a priority for South Africa to identify immigration, flight, police and other official records for named persons of interest in September 1961, including those referred to in section III.A.3 above. I outlined these matters to South Africa in correspondence of 23 May 2022.

**(b) United Kingdom**

396. No documentation or other records have been identified by or received from the United Kingdom since 2017, despite areas where such information is almost certain to be found having been identified in written correspondence.

397. In June 2022, among other requests, I had asked the United Kingdom to specifically confirm whether it had “at any time created, held, or otherwise became aware of records of any radio traffic, transmissions, or other communications, between (GMT) 20:00, 17 September 1961 to 02:00, 18 September 1961 relating to events at or near Ndola, Northern Rhodesia, concerning: the Secretary-General’s plane (including communications to, from, or about it); the landing or approach of any aircraft whatsoever at Ndola; and/or any attack on, or crash of, an aircraft in that region”.

398. I was grateful to receive a response dated 18 July 2022 before the finalization of the present report, stating that the United Kingdom “conducted a detailed search for archived records of radio traffic at or near Ndola during the night of 17 to 18 September 1961. I regret to inform you that we do not hold any”. Although this response to one of the pertinent areas of this investigation was a welcome and helpful contribution, I note that while the reply states that the United Kingdom does not presently hold such archives, it remains unclear whether it is fully responsive to my query whether the United Kingdom “at any time created, held, or otherwise became aware of [such] records”. This remains a matter for future clarification.

399. The response of July 2022 from the United Kingdom requested that it be conveyed that the United Kingdom was not in a position to confirm or deny most of the matters listed in my correspondence, either because sources had not been provided, or because it was not in a position to confirm or deny the institutional affiliations of named individuals. Regarding sources, these have previously been described in the 2017 and 2019 reports, as well as in correspondence. Accordingly, it is readily possible to confirm the references to these sources. When the source references are provided, the United Kingdom should be in a position to verify the matters. This is a welcome development and I express gratitude to the United Kingdom for indicating a willingness to engage constructively in the process of verification and to respond directly to explicit queries.

400. Regarding the consultation of specific archives, I had requested the United Kingdom to enable access to an inventory item in its archives entitled “(ID 1392) Hammarskjold Files: Research Analyst file – ‘Congo (Leopoldville) Vol 7 1961’ and searches for material on Dag Hammarskjold, 16 files”. I was informed that this is a single file plus 16 printouts of online searches by Foreign, Commonwealth and Development Office (FCDO) staff, to which access has been granted and is available. I also requested that searches be conducted in the records of the Permanent Under-Secretary’s Department (PUSD) for 1961. The response that I received stated that the United Kingdom had “nothing of the slightest relevance to [the] enquiry” in those records, or in related destruction records for files deemed not significantly important to form part of the collections transferred to the United Kingdom National Archives.

401. I had also requested that the United Kingdom consult other records and archives, but did not receive confirmation as to whether this had been done. I list those records and archives here to enable future confirmation to be sought: the Ministry of Defence,

including the records of United Kingdom armed forces and defence intelligence; the Security Service (MI5); the Secret Intelligence Service (MI6); the Government Communications Headquarters; the “FCDO paper archive records” (formerly called, in part, the Special Collections), and FCDO files relating to the maintenance and administration of the same; information held by the United Kingdom Government departments (including by FCDO and the UK National Archives (TNA)) that is closed, or has been retained; information held that has not been declassified and/or is not yet due for declassification; documents covered by individual, blanket, Lord Chancellor’s Instruments and/or other instruments (including freedom of information exemptions); “Top Secret Independent Records” (1953–1963, including the inventory thereto); and destruction certificates or other information identifying records and archives that once existed but no longer do.

402. As noted, despite detailed requests that have reflected our growing knowledge of events since 2017, no new documentation or other records have been disclosed by the United Kingdom. Although Member States may consider that they have previously complied with previous search requests, it is important for full disclosure that searches be conducted again when there have been advancements in knowledge and that the searches be conducted by personnel with adequate contextual knowledge.

403. As one example of why this is important, in correspondence of 2015 from the United Kingdom to the Independent Panel (as was attached as an annexure to the Independent Panel report), the United Kingdom stated that it had “no pertinent information” about information requested, including relating to Neil Ritchie. However, information subsequently obtained (including from the archives of Loeb, Hunt and Tshombe) has shown the central involvement that the British Government played and that Ritchie was reporting back to and receiving instructions from London about key events. Moreover, the United Kingdom’s diplomatic correspondence, including Lord Alport’s correspondence to Sandys of 25 September 1961, refers to authority from London to coordinate events utilizing Ritchie to manage across international borders the meeting between Tshombe and Hammarskjöld before the plane crash. As the same correspondence makes clear, after the plane crash, British involvement was so central as for Ritchie to be the sole foreign representative at certain ceasefire negotiations between the United Nations and Katanga and for Lord Alport to advise Tshombe directly regarding them. Despite this, no documentation relating to the Ritchie report, and no other information generated by Ritchie, has been disclosed.

404. The incompleteness of the United Kingdom’s earlier response may be remediated by undertaking renewed searches with an awareness of necessary keywords and context. It is for this reason that it remains important that the specific queries raised in my correspondence be answered and that details be provided of the search methodology adopted and the archives that have been consulted.

405. It has also been previously observed that the United Kingdom may hold relevant records and archives transferred from its former protectorates and colonies, including the Rhodesian Federation. In this regard, as the Independent Appointee of Zimbabwe noted to me, Lord Alport’s papers confirm that important documents were removed from the Rhodesian Federation and transmitted for safe keeping to the Commonwealth Library of the Foreign and Commonwealth Office, and that prior to Zimbabwe’s independence, colonial authorities “meticulously removed almost every record or archive associated with the Dag Hammarskjöld Crash”. Certain of these records, including of police, intelligence, military and immigration, are likely to be of central importance. Thus, although in July 2022 the United Kingdom confirmed that searches had included correspondence sent to and from senior officials of the Federation, the fate or unrestricted accessibility of the removed Rhodesian records associated with the tragic incident remains to be elaborated on.

406. In summary, although no documentation was provided from the United Kingdom between mid-2017 and 2022, I express appreciation for the constructive assistance received in July 2022, which included further searches and some responses to queries. The future full cooperation of the United Kingdom is sought and remains necessary.

**(c) United States**

407. Other than the two documents referred to above, no documentation or other records have been identified by or received from the United States since mid-2017, despite it being identified as almost certain to hold relevant information and despite areas where information may be found having been conveyed to it in correspondence.

408. As described in the preceding paragraphs regarding the United Kingdom, it is important for full disclosure that searches be conducted again if there have been advancements in knowledge and that they be conducted by personnel with adequate contextual knowledge. As one example of why this is important in respect of the United States, in correspondence of 2015 from the United States to the Independent Panel (attached as an annexure to the Independent Panel report), the United States stated that “CIA has conducted a search and found no documents regarding the presence of Fouga Magister aircraft in the Katanga region around the time in question”. Despite the United States claiming that it had “no documents” on this issue, other information from private sources has shown the statement to be inaccurate: the CIA’s own “Central Intelligence Bulletin” documents (publicly available since 2010 in some cases), including those of 3 February 1961, 9 October 1961 and 16 December 1961, made reference to Fouga aircraft, including to their being transported to Katanga in 1961 by a United States-registered carrier. Other examples are referred to in the 2019 report where the United States stated it had no responsive information, after which private sources identified that there were official United States records of relevance.

409. It is possible that records relating to (for example) the Fouga aircraft may not have been identified in 2015 if the searches were performed without knowledge of the appropriate keywords and context. Another problem may be that broad searches referring only to terms such as “Hammarskjöld” and “plane crash” may fail to identify important information that does not directly refer to the incident. Again, it is for this reason that it remains important that the specific queries raised in my correspondence be answered and that details be provided of the search methodology adopted and the archives that have been consulted.

410. In addition, as the Independent Appointee of Zimbabwe and Williams noted to me separately, certain records such as those publicly released under the JFK Records Act, either remain heavily redacted or have had documents removed. With advancements in knowledge, it remains important that the areas in which redactions have been retained are properly reconsidered for potential information. Using the present example, certain documents removed from the JFK archive appear to relate to communications between Leopoldville and the United States Air Force. These or other sources may contain references to transmissions that were made to or from or overheard by the United States aircraft that were on the tarmac in Ndola on 17 to 18 September 1961.

411. In June 2022, among other requests, I had asked the United States to specifically confirm whether it had “at any time created, held, or otherwise became aware of records of any radio traffic, transmissions, or other communications, between (GMT) 20:00, 17 September 1961 to 02:00, 18 September 1961 relating to events at or near Ndola, Northern Rhodesia, concerning: the Secretary-General’s plane (including communications to, from, or about it); the landing or approach of any aircraft



whatsoever at Ndola; and/or any attack on, or crash of, an aircraft in that region.” I had not received a response by the time of the finalization of the present report, but note that it remains very important that this matter be followed up and that a clear response be received following the conducting of exhaustive searches.<sup>3</sup>

412. In summary, other than one document in 2019 and two documents in 2021, which, as described earlier, were publicly available and contained known information, nothing additional as material was provided by the United States between mid-2017 and 2022, and my outstanding queries have not been responded to. At the same time, I express appreciation for the willingness to engage in constructive searches. I would continue to invite the full cooperation of the United States, which remains necessary.

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

413. The 2017 and 2019 reports concluded that the burden of proof had shifted to certain Member States to show that they had conducted a full review of records and archives in their custody or possession. An adequate discharge of the burden of disclosure of all potentially relevant information would arise on sufficient disclosure being met. In view of the fact that no material documentation has been disclosed by the key Member States concerned since mid-2017, however, I respectfully submit that this burden is yet to be satisfied.

414. Despite a decrease in the amount of information identified by and from Member States, there has continued to be important information provided from individuals and non-State entities, as analysed in the preceding sections. This information highlights that additional information is highly likely to exist in Member States’ archives. As noted in the concluding sections of the 2019 report, where such information is likely to exist has been identified in specific and finite terms.

415. By way of example regarding the United States, CIA documents (provided by individual researchers) show the United States’ link to and/or awareness of the supply of weapons, aircraft and personnel to Katanga, including Fouga and Dornier aircraft. Other documents analysed in the 2019 report show, for example, that CIA operatives sought to retain agents for an “execution squad” in the Congo and had arranged a CIA plane and related operations there. From new information in 2022, links between key mercenary personnel in Katanga and CIA appear to be established. Although none of this information was supplied to me by the Independent Appointee of the United States, fulsome cooperation by it would almost certainly reveal further information of relevance, using the identified documents as a starting point. I again note that, although 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 or NSA communications have been produced or referred to by the United States in this investigation. Most importantly, the issue of records of any radio traffic, transmissions or other communications created, held or that the United States otherwise became aware of, remains to be fleshed out.

416. Similarly, in respect of the United Kingdom, it is almost certain that information related to the Neil Ritchie report (and related matters) was created. The crash occurred in a British protectorate. Officials acting in an official capacity, including Ritchie, were instrumental in setting up and bringing about the proposed meeting between Hammarskjöld and Tshombe. They were at the centre of events immediately before and after the plane crash, to the extent that Ritchie chaperoned Tshombe across borders, and to and from meetings. British officials knew of the crash before its official discovery and took custody of Hammarskjöld’s sensitive materials immediately after his death.

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<sup>3</sup> See footnote 1 at para. 80 above.

417. Further impetus for complete disclosure results from certain related findings of the 2017 and 2019 reports. This includes that the United Kingdom and its protectorate of Northern Rhodesia received intercepts of United Nations communications, that their officials respectively attempted to influence the early inquiries towards a finding of “pilot error” and that Rhodesian authorities tried to stifle Julien’s statements that suggested a threat or attack as the plane approached Ndola, possibly involving a sudden explosion.

418. Finally, the involvement of the United Kingdom’s on-the-ground intelligence operatives, including Daphne Park and Ritchie (as two examples) is a fact of record that arises from matters including their own published comments while they were alive. Considering this, there is no stated or apparent sensitivity that would preclude their identities, or records that refer to them, being disclosed six decades after the fact.

419. The preceding analysis underscores that the active cooperation of a limited number of Member States remains necessary to ensure that potentially relevant information has been fully identified and accounted for. A reasonable expectation stands that full transparency and disclosure would arise out of full cooperation and maximum engagement. The recommendations that follow are made considering this and other findings.

## **VI. Recommendations and conclusion**

### **A. Basis for the recommendations**

420. The General Assembly has mandated in successive resolutions that the search for the full truth of the tragic events continue. As in previous years, under the current mandate many thousands of pages of records have been reviewed, forensic tests have been conducted and experts have been consulted. Although the number of individuals with personal knowledge of events decreases with each year, access to private archives holding relevant information has continued to expand.

421. As noted in the 2019 report, theories and allegations of obfuscation have surrounded this matter since its inception. A benefit of the ongoing work has been that it has permitted the discarding of unsubstantiated conspiracy theories and claims. The assignment of nil or even weak probative value to these allegations between 2015 and 2022 certifies this. There remain only a limited number of hypotheses for what occurred in the final tragic moments of flight SE-BDY. If possible, all reasonable and reinvigorated efforts should continue until those hypotheses that are able to be ruled out can be.

422. Although searches have resulted in clarity of certain events and a tending towards more complete knowledge, fulsome disclosure is yet to be realized. If there is information that will reveal to us more about the cause of the crash, it is still most likely to be in the intelligence, security and defence archives of a small number of Member States. It remains necessary that these Member States confirm with precision the existence or otherwise of any relevant material. This requires that, if it is said that no relevant material exists, the precise details of searches be confirmed and unambiguous responses be provided that comprehensively respond to the queries asked. If each key Member State is in a position to make an explicit and unequivocal statement that may sit on the historical record to the effect that it did not ever create, hold or become aware of relevant information that has not directly been disclosed to this investigation, then this would allow the General Assembly to decide on a path forward with confidence.

423. The collective search for the truth may only be properly served by cooperation in good faith and full disclosure from all Member States of the Organization in service of which Hammarskjöld and his party gave their lives. If, after far-reaching advances have been made in the wealth of knowledge on the tragic event, the mandate was to be dislocated or let down by the non-disclosure of relevant information most likely held by certain Member States, it would be of questionable service to the legitimate purposes for which the matter was re-opened by the General Assembly in 2014.

424. When all genuine efforts at disclosure have been made, it would be reasonable at that stage to conclude on the most likely hypothesis in an impartial and dispassionate manner, even if gaps in knowledge remain. Where it is clear, however, that a number of significant specific identified gaps of relevant matters remain to be satisfied and important information remains undisclosed, it is difficult to recommend that the matter be closed.

## B. Recommendations

425. I propose five recommendations that are mutually compatible.

426. **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.** As already noted, between 2020 and 2022 most new information has been identified and provided by individuals rather than Member States. Despite this change in dynamics, the new information analysed in the present report continues to assist in our complete understanding of events. It is almost certain that further relevant information exists and that renewed efforts are needed to engage with key Member States to encourage full disclosure. To that end, I recommend that an independent person be appointed to continue this work, including by following up on the specific items noted in the present report.

427. **Secondly, 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 in their security, intelligence and defence archives.** In particular, but without limitation, South Africa, the United Kingdom and the United States may be encouraged to, as the case may be, appoint or reappoint individuals who may truly be said to be both independent and high-ranking, to undertake searches in the manner requested. Following and building on the recent processes, Independent Appointees should be afforded all necessary independence, clearances and resources, and part of their duties should be to obtain a thorough knowledge of current information, including through a review of the reports presented to the General Assembly since the work of the Independent Panel in 2015 (as listed above at section I.C).

428. Based on the present report, it is considered established that there was a significant presence of foreign intelligence agencies and personnel in the region in 1961. Almost no information has come from the records of those agencies and personnel. Their records represent a particularly important potential source of information, given that gathering information is at the core of their missions. Therefore, Independent Appointees must be cleared and able 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. Each key Member State should be given an opportunity to request that specific information not be publicly disclosed, before the outcome is reported to the Secretary-General. Even if relevant records are identified but not able to be disclosed at the time, the confirmation of such records would nonetheless be a significant contribution to the historical record.

429. **Thirdly, I recommend that all Member States be encouraged, as may be appropriate, to make assistance available to the independent person, should the work be continued.** As has been observed in the present report, great benefit has been derived by Member States making resources available on a voluntary basis to assist in specific tasks that have required completion at the request of the Eminent Person. Examples of this include the forensic analysis conducted by Sweden and certain aspects of the research conducted by Zimbabwe. The results of any such assistance sought should be communicated in a neutral and factual manner and independently evaluated before being communicated to the Secretary-General.

430. **Fourthly, 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.** It has not yet been appropriate to conclude whether any inference may be drawn as a result of non- or partial cooperation from certain Member States. However, the consideration of such a matter by the Assembly may provide a framework towards ensuring a specific end point to this process.

431. **Fifthly, I recommend that that the United Nations continue to work towards making key documents of the Dag Hammarskjöld investigation publicly available through a dedicated online collection.** The United Nations has of its own initiative already created a dedicated online collection on this topic. As a priority going forward, the records and archives of the United Nations that relate to this investigation, including the source material considered by each of the Hammarskjöld Commission, Independent Panel and Eminent Person, should be made publicly available in the interest of transparency. Related to my third recommendation, this may be an area where assistance from outside the United Nations may provide additional benefit.

432. On a related point, no Member State has communicated records to the Eminent Person under conditions of confidentiality. Should such conditions be conveyed in the future, then, subject to future arrangements between the Organization and the Member State concerned, such conditions should be appropriately respected.

433. The passage of time has not reduced the significance of this matter to the families of the victims of flight SE-BDY, who died serving the noble aims of the United Nations. Nor has it become less important for the Organization itself that a true accounting of history be made. My assessment remains that it is of the highest probability that specific and important information exists, but that it has not been disclosed by a small number of Member States.

434. A lack of full disclosure is the primary obstacle to a firm conclusion being reached regarding the cause of the tragic event, even six decades after the fact. Transparency need not be attended by any apportionment of fault, which has never been the mandate nor aim of this investigation. Rather, the process seeks resolution and closure. While acknowledging that the world has entirely changed since the context and events of 1961, what remains constant is the great importance to the United Nations and the global community that each Member State provide the degree of collaborative disclosure required of it such as would enable our search for the full truth to be finally realized.