

## BRIEFING

### **The Death of Dag Hammarskjöld**

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The “Congo disaster”, so masterly diagnosed already by Colin Legum (1960) before the escalation took the lives of the African nationalist Patrice Lumumba and the international civil servant Dag Hammarskjöld, left more stains on the never white wests of Western imperialism. Susan Williams (2011) and The Hammarskjöld Commission (2013) have now finally opened the can of worms related to the death of the Secretary-General of the United Nations (UN) and 15 others on board of the plane, which crashed when approaching the airport of the Northern Rhodesian mining town of Ndola. Dag Hammarskjöld, and with him all but one, died in the wreckage of the DC6 airplane named ‘Albertina’, in the night from 17 to 18 September 1961. Most passengers were burnt beyond recognition in the blaze of the debris, while Hammarskjöld’s body was found almost undamaged leaning against an anthill. As photos revealed, an ace of spades was stuck in his shirt collar.<sup>1</sup> A bodyguard was the only survivor but died six days later in a local hospital. Evidence suggests that he could have been saved if treated properly.

The cause of the plane crash remained – despite the findings of several commissions of inquiry – a matter of speculation.<sup>2</sup> Suspicions were nourished that there has been foul play involved. Not only did investigative journalism already then pointed into this direction (most notably von Uexküll 1962). Even former US President Harry S. Truman was quoted in the *New York Times* of 20 September 1961 as stating: “Dag Hammarskjöld was on the point of getting something done when they killed him. Notice that I said ‘When they killed him’.” Pressed for a further explanation, he maintained: “That’s all I’ve

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got to say on the matter. Draw your own conclusions.” (Quoted in The Hammarskjöld Commission 2013, p. 23).

So far the strongest and most disputed evidence was over the observation that another plane interfered with the ‘Albertina’ when preparing for landing, resulting in the catastrophe by direct or indirect impact. Those dismissing such allegations maintained that the crash was purely based on a pilot error, since the ‘Albertina’ approached at too low an altitude and hence collided with the trees of the forest nearby. As The Hammarskjöld Commission suggests, there is enough reason to have a closer look before dismissing that external factors contributed to the fatal crash. Before turning to the concrete event and evidence, however, the general context within which this disputed tragedy occurred, requires some attention.

### *Hammarskjöld and Katanga*

The natural resources of the Congo and in particular Katanga were then as much as today one of the most attractive preys. The geostrategic interests of states, the desires of mining companies, the security obsessions of racist minority regimes in the neighbouring settler colonies as well as the operations by intelligence agents, mercenaries and all other sorts of dubious ‘entrepreneurs’ created a toxic, at times lethal mix. As argued earlier on (Melber 2012), the role of the UN and its Secretary-General was a difficult mission and subject to controversial assessments. But evidence seems to suggest that Hammarskjöld was despite all accusations not the wilful instrument of the Western hegemonic powers (see also Melber 2014). He was on his way to Ndola to meet the leader of the Katangese secessionist movement, Moïse Tshombe, in an effort to negotiate an end to the conflict.

Several parties could have been interested in the prevention of such a meeting – if not the removal of the Secretary-General from his office. Hammarskjöld had decided on short notice to seek a conversation with Tshombe as a follow up to the botched attempts to bring the Katanga secession through the application of (legally dubious) UN military interventions to an end. These had dismally backfired in late August and mid-September 1961, when UN troops failed to solve the impasse by force of arms.<sup>3</sup>

An exchange of cables during the flight to the Congo seems to suggest that the Secretary-General was more involved in the discussion of the plans for operation 'Morthor' than one might have assumed. It is a matter of interpretation how much Hammarskjöld knew in detail and to what extent he endorsed the operation, but he was clearly informed about the proposal. Published by *The Guardian*,<sup>4</sup> archival material shows that he had consulted his legal advisor Oscar Schachter on the suggested intervention, who on 7 September 1961 warned strongly against such engagement as undue "violation of the ban against intervention in domestic political conflicts".<sup>5</sup> But on 10 September 1961 Hammarskjöld cabled to his close co-worker Sture Linnér that, "the speed of developments and the stage reached means that short of a change for the better in Katanga we are beyond the point of no return".<sup>6</sup>

While some take this as proof that Hammarskjöld endorsed 'Morthor' in principle, it still leaves open the question to what extent Hammarskjöld indeed explicitly authorised the operation. As often before, he had used a form of language, which bordered on that of an oracle and allowed for ambiguous meanings and interpretations. There are however sufficient indications that he was involved in the discussion, if and how the military presence of the UN might be instrumental in reversing the secession of Katanga. It is therefore debatable if The Hammarskjöld Commission's (2013, p. 8) statement is correct that Operation 'Morthor' was launched the day Hammarskjöld arrived in the Congo "without his knowledge or approval".

The Western governments were aware of Hammarskjöld's role in pro-actively seeking an end to the secession of Katanga and their strong disapproval was conveyed to him. According to Kalb (1982, p. 297) Hammarskjöld's reaction to the Western demands to abstain was "somewhat annoyed". Dismissing criticism by the USA, Hammarskjöld cabled on 15 September 1961 to Ralph Bunche, who played a somewhat unfortunate role in the Congo dealings (see in particular Young 2010, Nzongola-Ntalaja 2010):

*It is better for the UN to lose the support of the US because it is faithful to law and principles than to survive as an agent whose activities are geared to political purposes never avowed or laid down by the major organs of the UN. [...] Generally speaking, I have one advice and that is that the major powers do not react until they know the facts and further, that they do remember that they are most likely to keep their positions if they respect principles than if they expect others to break them on their behalf or on behalf of the Welenskys.<sup>7</sup>*

Sir Roy Welensky, then prime minister of the Federation created by Great Britain in 1953 as a political union between Northern and Southern Rhodesia and Nyasaland (nowadays Zambia, Zimbabwe and Malawi respectively), was a strong ally of Tshombe and a declared opponent to Hammarskjöld's role in the decolonization processes on the continent. In his memoirs, Welensky deals at some length with the plane crash and expresses the

*"hope history will say that it was a grim, sad, wasteful affair, but that we were utterly guiltless of the reckless and cruel accusations which were hurled at us. I accept the Federal Commission's careful study and firm rejection of eleven suggested causes of the accident ... and I commend the forbearance and clarity with which they concluded that the cause was a pilot error, 'a visual descending procedure in which the aircraft was brought too low'. I resent the way in which the UN Commission first, having admitted that it found no evidence of sabotage, or of ground or air attack, then states that none of these possibilities can be excluded; and second, having considered the Federal Commission's scrupulous and candid conclusion, says that it 'has found no indication that this was the probable cause of the crash'." (Welensky 1964, p. 238f.)*

In Welensky's version, as he reasoned (or fantasized?) further, "an unidentified aircraft flew over the airfield and disappeared, heading west; there was not the slightest indication that this was Mr. Hammarskjöld's aircraft, nor had we any reason to assume that it was." (Welensky 1964, p. 239) – Really?!? After all, the only reason for all the diplomats, secret agents, mercenaries, officials and other people gathering on the ground was to wait for the arrival of Dag Hammarskjöld. After announcing that the landing procedure was initiated, the radio contact with the 'Albertina' ended abruptly. The plane had disappeared. Some time later the lights at the landing strip were switched off and the people went to sleep. A search mission was only initiated the next morning and the ground was investigated in the opposite direction of the assumed approach. The wreckage was officially discovered only in the afternoon. But several eyewitnesses testified later that the crash site was already cordoned off and access denied early in the morning.

There is hitherto still no conclusive evidence that the crash was the result of external influence upon instruction or with the encouragement of any of the parties who were interested in preventing Hammarskjöld to end the Katangese secession. But it is not farfetched to conclude that the UN military operations "were seen as a sacrifice of

Western economic interests ... in return for Soviet support of a negotiated end to the civil war” (Scarnecchia 2011, p. 65). As The Hammarskjöld Commission (2013, p. 7) summarizes:

*“by September 1961, a number of states, or state agencies, and major commercial enterprises had a stake in the secession of Katanga. In short, Belgium, the British and American security services, the Rhodesian federation (together with its British supporters) and the Republic of South Africa had reasons not to welcome the prospect of a reunited and independent Congo which it was the UN’s policy and Dag Hammarskjöld’s mission to bring about”.*

#### *The limits of earlier investigations*

Several inquiries presented their versions of the plane crash within months after the event. An air accident investigation by the Rhodesian Federal Department of Civil Aviation concluded that pilot error was a possibility, but was unable to rule out the “wilful act of some person or persons unknown which might have forced the aircraft to descend or collide with the trees” (quoted by The Hammarskjöld Commission 2013, pp. 17f.). In contrast to this initial investigation, a subsequent Rhodesian Commission of Inquiry presented in February 1962 a report, which identified a pilot error as the sole reason for the crash. It had based its findings on the original evidence compiled by the Board of Investigation, which had ignored numerous local eyewitnesses, qualifying them as unreliable and not trustworthy “natives” (many charcoal burners were during the night in the vicinity and able to make significant observations, which all were dismissed).

The inquiry by a UN Commission, delivered in April 1962, did despite lack of evidence not exclude sabotage or attack in air as cause of the fatal crash. It found no convincing evidence that a pilot error might have been the likely cause of the crash. Despite this relative openness to other factors bringing the plane down, the UN Commission mainly followed the original evidence compiled by the Rhodesian Commission, which had openly flagged its biased approach by declaring at the outset, that it could not think of any reason “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 undertaking”. The Hammarskjöld Commission (2013, p. 19), quoting this statement, made the following interpretation:

*“When the UN Commission in its turn reported that it ‘did not consider it necessary to duplicate all the work already done’, we respectfully think that it may have been surrendering part of its judgment to a less reliable predecessor. It appears, among other things, to have adopted the Rhodesian Commission’s view that those African witnesses who claimed to have seen other aircraft in the vicinity of the DC6 were seeking, for nationalist reasons, to embarrass or discredit the Federal government.”*

It added a further note of concern with regard to the information-gathering process of the UN Commission, as far as it was entrusted to a single person. His report submitted on 21 February 1962 was not annexed to the official UN report, but existed in the papers by the then chief engineer of the flight company Transair, from which the mission had chartered the ‘Albertina’ (SE-BDY) and its experienced crew. The final paragraphs of this report record the investigator’s opinion “that the testimony of the African witnesses to the effect that they saw one or more small crafts (sic!) flying along with SE-BDY just prior to its crash, has to be accepted with a grain of salt” (quoted in The Hammarskjöld Commission 2013, p. 20). The Hammarskjöld Commission further diagnosed that following the Rhodesian investigation

*“have led the UN Commission to underrate or marginalise the evidence of the sole first-hand witness of the disaster, Sgt. Julien (the only survivor; HM). (...) The initial Board of Investigation appears to have been persuaded by the evidence of the surgeon who had overall but not clinical responsibility for Julien’s care that Julien throughout his time in hospital was not coherent, so that nothing he said was reliable. ... other doctors and nurses gave a different picture, but were not taken seriously ... One apparent consequence was that, out of 27 possible witnesses who were able to testify about Julien, the Rhodesian Commission heard 8, and the UN Commission 5 of these 8.”* (The Hammarskjöld Commission 2013, p. 19)

These flaws were not observed or questioned then. Having institutionalized the UN Commission of Inquiry by resolution 1628 (XVI) of 26 October 1961, the UN General Assembly by resolution 1759(XVII) of 26 October 1962 acknowledged the report. Notably, it requested the Secretary-General “to inform the General Assembly of any new evidence which may come to his attention”, hence indicating the willingness to remain seized with the matter in the case of new insights justifying further investigations.

#### *The Hammarskjöld Commission – establishment and findings*

The revelations in Susan Williams’ book motivated Lord Lea of Crondall to establish in early 2012 an “Enabling Committee”. This was transformed into “The Hammarskjöld

Inquiry Trust” with the intention to facilitate further credible investigations into the circumstances of the crash. The eight members included next to Lord David Lea (former Assistant General Secretary of the UK Trades Union Congress) as chairperson also Susan Williams, the former Swedish archbishop K.G. Hammar, the former Secretary-General of the Commonwealth, Chief Emeka Anyaoku and the barrister Lord Marks of Henley-on-Thames.<sup>8</sup> By mid-2012, the group had appointed four distinguished Commissioners, willing to serve *pro bono*. These were:

- The Rt. Hon. Sir Stephen Sedley as chairperson, a former British High Court Judge and Lord Justice of Appeal as well as a judge of the European Court of Human Rights;
- Swedish Ambassador Hans Corell, previously among others Under-Secretary General for Legal Affairs and the Legal Counsel of the United Nations;
- Justice Richard Goldstone, who had served at the Constitutional Court of South Africa and as first Chief Prosecutor of the UN International Criminal Tribunals for the former Yugoslavia and Rwanda; and
- Justice Wilhelmina Thomassen, who was a judge at the European Court of Human Rights and of the Supreme Court of The Netherlands before.

Several experts provided their competence free of charge to the Commission, who was supported by a full-time secretary as the only person remunerated. Funds were raised through private donations, including substantial amounts by several of the Trustees. Other donors included the Swedish writer Henning Mankell, the British law professor and author Alexander McCall Smith and the Barbro Osher Pro Suecia Foundation. Operated on a shoestring budget, two of the Commissioners visited Ndola in May 2013 and interviewed several of the eyewitnesses still alive. Archival searches were undertaken in Belgium, Sweden, the UK and the USA. In Ndola, the Commission

*“received eyewitness testimony which was not heard by any of the three initial inquiries. Most of these African witnesses had believed in 1961 that they would not be listened to, and indeed might get into trouble, if they told the Rhodesian authorities what they had seen. Some knew nothing of any inquiry.”* (The Hammarskjöld Commission 2013, p. 27)

All except two of the witnesses had not known each other, which gives additional credibility to the coherence of their individual observations. Based on the accounts, the Commission draws the conclusion that there is

*“enough primary evidence that the plane was on fire when it crashed to call attention to the hypothesis that it was caused to descend by some internal or external damage sufficient to reduce the pilot’s control. ... much of the evidence which supports this hypothesis is equally capable of supporting the alternative hypothesis – that the pilot was attempting to evade an attack or a threat of attack.”* (The Hammarskjöld Commission 2013, p. 29)

After a careful balancing of all available hints the Commission concluded:

*There is persuasive evidence that the aircraft was subjected to some form of attack or threat as it circled to land at Ndola, which was by then widely known to be its destination. Accepting, as we do, that there is – as the experts advise – no need for such an explanation to account for the crash and that it is capable of being fully explained as a controlled flight into terrain, we nevertheless consider that the possibility that the plane was in fact forced into its descent by some form of hostile action is supported by sufficient evidence to merit further inquiry.* (The Hammarskjöld Commission 2013, p. 48)

Sir Brian Unwin, present at Ndola as the private secretary to Lord Alport, the British High Commissioner in Rhodesia, in a recorded interview with the Commission, draw attention to the fact that two aircraft of the United States Air Force (USAF) were among those waiting for the ‘Albertina’ to arrive. The Commission quotes him as saying:

*“Those planes we understood had high powered communication equipment and it did occur to us to wonder later, whether there had been any contact between one or other of the two United States planes with Hammarskjöld’s aircraft, as they had, we understood, the capability to communicate with Hammarskjöld’s plane.”* (The Hammarskjöld Commission 2013, p. 36)

The Commission (2013, p. 48) assumes that the presence of the USAF planes was part of the US National Security Agency’s (NSA) worldwide monitoring activities and that “it is highly likely that the entirety of the local and regional Ndola radio traffic ... was tracked and recorded by the NSA, and possibly also the CIA.” It considers these records as the most promising primary evidence, which could shed further light on what really happened: “any archived recording covering the last minutes of the *Albertina*, whether or not it corroborates a particular account or allegation, is likely to assist in explaining why the aircraft crashed” (The Hammarskjöld Commission 2013, p. 49). A request under the Freedom of Information Act submitted to the National Security Archive at



George Washington University, DC, was however dismissed. According to the NSA's response, the documents were classified as "top secret" on national security grounds and therefore exempted from disclosure. An appeal has been lodged. Given the current image of the NSA, one wonders how this affair will be ultimately handled.

Asking if significant new evidence about Dag Hammarskjöld's death exists, the Commission concludes with: "Undoubtedly it does". It identifies a golden thread in the maze of evidence but refuses to speculate about the concrete motives or the actual initiators of the possible hostile aerial act. It maintains that the investigation whether such an act had occurred and "whether it is considered to have caused the descent of the plane by direct damage or by harassment, or to have triggered some form of disabling harm to the plane, is ... capable of proof or disproof" (The Hammarskjöld Commission 2013, p. 48). The Commission therefore feels that a follow up by the UN would be appropriate. Such a decision remains, however, purely within the authority and discretion of the member states and requires a submission adopted in the General Assembly.

The Commission's report was publicly handed over to the Trust at the Peace Palace in The Hague on 9 September 2013. The same day the UN Secretary-General in a press release thanked the Commission and the Trust and announced that, "he would closely study the findings".<sup>9</sup> The Trust's chairman on 3 October 2013 handed over the report to the UN Deputy Secretary-General Jan Eliasson.

The question "Who Killed Hammarskjöld?" remains still unanswered. But despite the unwillingness of states and institutions to seek satisfactory explanations, a handful of individuals made a credible effort in search of some "markings" (so the title of Hammarskjöld's posthumously published personal diary). As The Hammarskjöld Commission (2013, p. 50) ends, far from obscuring the facts, this initiative "may have brought us somewhat closer to the truth about an event of global significance which deserves the attention both of history and justice."

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## Notes

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<sup>1</sup> The Hammarskjöld Commission (2013, p. 17) concludes that, “a substantial amount of evidence thus points to the Secretary-General’s body having been found and tampered with well before the afternoon of 18 September and possibly very shortly after the crash”.

<sup>2</sup> For a concise overview on the different speculations see Fröhlich (2008, p. 27-33).

<sup>3</sup> Operations ‘Rumpunch’ on 28 August 1961 and ‘Morthor’ on 13 September 1961 were disastrous attempts to bring an end to the Katangese secession through the deliberate application of military means in a domestic conflict. For details see the personal account of Cruise O’Brien (1962, pp. 195ff.).

<sup>4</sup> A series of stories and reproduced cables were posted on the web site of *The Guardian*: guardian.co.uk, 17 August 2011.

<sup>5</sup> <http://www.guardian.co.uk/world/interactive/2011/aug/17/un-cable-hammarskjold-katanga-operation-morthor?INTCMP=SRCH>

<sup>6</sup> <http://www.guardian.co.uk/world/interactive/2011/aug/17/un-cable-hammarskjold-operation-morthor?INTCMP=SRCH>

<sup>7</sup> <http://www.guardian.co.uk/world/interactive/2011/aug/17/un-cable-hammarskjold-american-criticism?INTCMP=SRCH>.

<sup>8</sup> Other members were the former Director of the Dag Hammarskjöld Institute of Peace, now Vice Chancellor of the Copperbelt University in Kitwe, Naison Ngoma, the Norwegian researcher Hans Kristian Simensen and the author of this article.

<sup>9</sup> UN News Centre, Ban to study findings of commission linked to death of former UN chief Hammarskjöld. <http://www.un.org/apps/news/story.asp?NewsID=45803&Cr=hammarskj%C3%B6ld&Cr1=#.UoeU7I2hDdl>