

Crimes during liberation wars: The Lumumba murder

Q&A on the legal background

What is the case about?

The assassination of Patrice Émery Lumumba, the democratically elected and also first prime minister of the Democratic Republic of the Congo, a central figure in the African independence movements, is one of the most emblematic colonial crimes of the decolonization era. Lumumba had been in office for only a few months when he was assassinated on 17 January 1961, in the Katanga region.

For decades, neither the murder nor the role of the former colonial power, Belgium, has been clarified. 50 years after Lumumba's assassination, his son François Lumumba filed criminal charges against 11 Belgian citizens in Belgium for their involvement in the assassination. The case remained at a standstill for years until, in 2025, the Belgian Federal Prosecutor's Office filed charges against the former Belgian diplomat Etienne Davignon and referred the case to the Brussels Criminal Court (Tribunal correctionnel de Bruxelles). At that time, Davignon was the only one of the 11 accused still alive. In March 2026, the court decided that the charges against Davignon were admissible, clearing the way for a public trial. However, Davignon died two months later.

The assassination of Congolese independence leader Lumumba in 1961 had lasting consequences for the Democratic Republic of the Congo. Even after the end of its brutal colonial rule, Belgium continued to secure access to key resources in the Congo for itself and Western companies. To this day, the country is plagued by humanitarian crises, violence and armed conflicts, which are fueled, among other things, by the exploitation of mineral resources such as gold, coltan and cobalt.

Who was involved in Lumumba's assassination?

Numerous international and national actors were involved in the assassination, including the CIA and Congolese secessionists but, above all, the former colonial power, Belgium. They feared losing access to the Congo's vital mineral resources, which Lumumba sought to nationalize. According to his program, the Congolese people were to benefit from the country's wealth of resources, not the former colonizers who had brutally exploited the country for decades.

On 30 June 1960, Patrice Lumumba declared the independence of the Republic of the Congo in Léopoldville – now Kinshasa – in a famous speech in which he accused Belgium of brutal colonial tyranny. In Africa, his speech made Lumumba a hero; to the West, he was a dangerous socialist and a threat to its interests.

Less than three months later, in September 1960, the Congolese army, led by Colonel Mobutu and in collusion with Belgium and the United States, staged a coup and placed Lumumba under house arrest. On 17 January 1961, he and two of his colleagues and ministers, Joseph Okito and Maurice Mpolo, were transported by plane to the breakaway province of Katanga. The soldiers beat and tortured them during the flight and upon their arrival. That same day, all three were executed by a firing squad from Katanga under Belgian supervision. Lumumba's body was dismembered, dissolved in sulfuric acid, and finally burned. The only thing left of his body was a tooth, which Gérard Soete, a Belgian police officer involved in the disposal of the body, took with him as a trophy.

How was the case addressed in Belgium?

For a long time, the Belgian state worked to systematically repress and shield itself from its own responsibility in the Lumumba case. No serious investigations were conducted; on the contrary, archives were difficult to access, and documents presumed to be incriminating were classified. The authorities argued that the death of the Congolese independence leader was a consequence of the "African chaos," which Belgium had merely been trying to bring under control. While Lumumba became an icon of decolonization and Pan-Africanism in the former colonies, Belgium resorted to denial.

In his book *De moord op Lumumba*, published in 1999, Belgian sociologist Ludo de Witte presents a comprehensive investigation into Belgium's responsibility for Lumumba's murder. This was the result of a deliberate political and colonial strategy in which Belgian government agencies, military officials, and diplomats were involved – as perpetrators, not merely as accomplices. This sparked the first

major public debate in Belgium about colonial crimes, and a parliamentary Lumumba Commission was later established.

In 2001, this parliamentary inquiry concluded that Lumumba's transfer to the enemy-controlled region of Katanga had been organized with the support of Belgian government officials. However, the documents did not indicate that the Belgian government had given the order to assassinate him. Its conclusion: According to current understanding, Belgium bears moral, but not legal, responsibility. The report states that the primary responsibility lies with Congolese individuals. While Belgian citizens did participate in the execution, they did so "under the command and control of the Katangan authorities."

For Lumumba's descendants, the commission's half-hearted final report was inadequate. They demanded a criminal investigation and justice.

Who are the complainants?

50 years after Lumumba's assassination, his eldest son, François Lumumba, filed a criminal complaint in 2011 against 11 Belgian citizens for their involvement in the assassination. The proceedings stalled for a long time. On 20 January 2026, the case was heard for the first time before the Brussels Criminal Court. On this occasion, 10 additional members of the grandchildren's generation of the Lumumba family joined the lawsuit. For them, this step is an expression of a commitment to coming to terms with the past that transcends generations.

Since the criminal complaint was filed in 2011, the family has fought tirelessly for justice – not only for Patrice Lumumba, but also for his comrades Maurice Mpolo and Joseph Okito, as well as for all victims of colonization.

What are Lumumba's descendants demanding?

As is so often the case, it is the descendants of the victims who are driving the effort to come to terms with the past, despite the reluctance of those in power. This requires patience and perseverance: 16 years lie between François Lumumba's complaint in 2011 – more than fifty years after his father's murder – and the trial's expected start in 2027. Sixty-five years of impunity feel like a continuation of the crime itself. The victims' families' demand remains the same: the truth – as determined by a court.

In their eyes, however, the case goes beyond the specific crime: they are seeking to contribute to the process of coming to terms with colonial violence not only in the Congo, but in all former colonies.

What role does the ECCHR play?

ECCHR supported the case from the outset by submitting an amicus curiae brief in 2011 addressing one of the key legal issues in the trial: the classification of the acts as war crimes and the non-applicability of statutes of limitations under international law to such crimes. In the summer of 2025, the family appointed ECCHR General Secretary Wolfgang Kaleck as their legal counsel, along with colleagues in Brussels who had been pursuing the case from the very beginning.

Who is Étienne Davignon?

On March 17, 2026, the Chamber of the Brussels Court of First Instance handed down a historic decision: It ordered that Étienne Davignon – at that time the last surviving alleged perpetrator – be brought before the criminal court on charges of war crimes against Lumumba, Mpolo, and Okito.

Davignon was in the Congo in 1961 as a 28-year-old trainee diplomat. At the time, he participated in the Belgian-Congolese Round Table (Table ronde belgo-congolaise), where leading politicians were preparing for independence. He is said to have played a key role in Lumumba's transfer from what was then Léopoldville to Katanga, as well as in his torture. In September 1961, he sent the following telegram from Léopoldville to his superior, the Belgian ambassador Baron Robert Rothschild: "A lack of resolve explains why Lumumba has not yet been neutralized. The main problem seems to be eliminating Lumumba and securing the unity of Congolese leaders against him." After his time in the Congo, Davignon pursued a career in Europe: first in the colonies, then in the EU, and later in the private sector. He served as a top diplomat, foreign policy official, Vice President of the European Commission, and most recently on various executive and supervisory boards, including that of the German chemical company BASF.

Shortly after the Brussels court admitted the charges against Davignon in the Lumumba case, the defendant died on 18 May 2026 before the trial could take place. His death brings an end to the criminal proceedings that were initiated more than 15 years ago.

What is Davignon accused of?

At trial, Davignon would have had to answer for war crimes in connection with the transfer, torture and murder of Lumumba. In the prosecution's indictment, Davignon is accused of the "illegal detention and transfer of a prisoner of war," "denial of the right to a fair trial," as well as "inhuman and degrading treatment." In its March 2026 ruling, the court even went beyond the Federal Prosecutor's Office's motions by expanding the proceedings to include the murders of

Lumumba's close confidants—Youth Minister Maurice Mpolo and Senate President Joseph Okito—who were executed alongside him in Katanga.

Lumumba's murder constitutes a serious violation of the Geneva Conventions and must be prosecuted as a war crime. Decolonization took place within the framework of international law – and accordingly, it must also be addressed through legal proceedings. Both Belgium and the Democratic Republic of the Congo were States Parties to the Geneva Conventions at the time of the murder. As early as the mid-20th century, legal scholars have called for accountability under international criminal law for war crimes committed in armed conflicts – otherwise, numerous crimes committed during the colonial era would go unpunished.

Davignon's lawyers sought to delay the proceedings. They argued that the crimes their client was accused of were beyond the statute of limitations. The criminal complaint, on the other hand, stated that Davignon not only had knowledge of the planned murder but had also been actively involved in it. On 18 May 2026, Davignon died at the age of 93. The criminal proceedings against him thus came to an end before a trial could take place.

What happens after Davignon's death?

After more than six decades of impunity, Davignon's death leaves the calls for justice by Lumumba's relatives still unfulfilled.

The focus is now on a judicial determination of Belgium's state responsibility. This concerns the Belgian authorities' involvement in Lumumba's assassination, the delay in addressing the issue, as well as the consequences of the crime that persist to this day.

What significance does this case have for coming to terms with European colonial crimes?

The Lumumba case is unique in several respects. It was the first time that the assassination of an African independence leader by a former colonial power was prosecuted in a criminal court.

Although it is one of the most emblematic colonial crimes, it is one of many. Other elected leaders of former colonies were also overthrown by Western powers – from Iranian Prime Minister Mossadegh, who was deposed by Britain and the U.S. in 1953 after nationalizing the oil industry, to the 1973 US-backed coup against Chile's socialist President Salvador Allende.

After decades of impunity, we are still only at the beginning of the legal reckoning with European colonialism. No European colonial power has yet fully confronted

its brutal history. On the contrary: they continue to profit from the exploitation of their former colonies to this day. Yet the proceedings surrounding the murder of Lumumba mark the beginning of a reckoning with the crimes of colonialism.

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