

Current Class: CONFIDENTIAL
Current Handling: n/a
Document Number: 1994PARIS25531

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Channel: n/a

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ACTION IO-16

INFO	LOG-00	AF-01	AID-01	ARA-01	CIAE-00	SMEC-00	OASY-00
	DODE-00	DOEE-00	EAP-01	EUR-01	OIGO-01	H-01	TEDE-00
	INR-00	L-01	ADS-00	NEA-01	NSAE-00	NSCE-00	OIC-02
	OIG-04	OMB-01	PA-01	PM-00	PRS-01	P-01	SB-00
	SCT-03	SNP-00	SP-00	SS-00	TRSE-00	T-00	USIE-00
	SA-01	PMB-00	DRL-09	G-00	/048W		

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R 191315Z SEP 94
FM AMEMBASSY PARIS
TO SECSTATE WASHDC 0442
INFO UN SECURITY COUNCIL COLLECTIVE
AMEMBASSY THE HAGUE

C O N F I D E N T I A L PARIS 25531

INFO: 12356: DECL: OADR
TAGS: PREL, UNGA, FR

SUBJECT: FRENCH PERSPECTIVE ON RWANDA WAR CRIMES
- TRIBUNAL

REF: (A) STATE 251046 (B) STATE 237220

1. CONFIDENTIAL - ENTIRE TEXT.
2. SUMMARY: THE QUAI REVIEWED WITH US SEPTEMBER 16
GOF OBJECTIONS TO THE U.S. APPROACH TOWARDS UN WAR
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CRIMES PROSECUTIONS FOR RWANDA (REF A). ALTHOUGH
TERMING THE U.S. AND FRENCH POSITIONS "CLOSE ENOUGH",
OUR INTERLOCUTOR ENUMERATED THREE FUNDAMENTAL
DIFFERENCES WITH THE U.S. APPROACH: (1) THE GOF
INSISTS THAT A SEPARATE TRIBUNAL BE CREATED; (2) THE
CRIME OF GENOCIDE TO BE TREATED BY THE RWANDA TRIBUNAL
DIFFERS FROM THE WAR CRIMES BEING TREATED BY THE
YUGOSLAV TRIBUNAL AND REQUIRES SEPARATE TREATMENT; (3)

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THE PANELS OF JUDGES FOR THE TWO TRIBUNALS SHOULD BE TAILORED TO EACH SITUATION, I.E. NOT INTERCHANGEABLE.
END SUMMARY.

A SEPARATE TRIBUNAL

3. ACCORDING TO QUAI IO HUMAN RIGHTS DESK OFFICER SOPHIE LAZLO, THE GOF CONSIDERS IT ESSENTIAL THAT A NEW AND SEPARATE TRIBUNAL BE FORMALLY CREATED TO DEAL WITH RWANDA WAR CRIMES. THE GOF AGREES THAT THE TRIBUNAL COULD SHARE THE SAME ADMINISTRATIVE PERSONNEL AND FACILITIES BUT WANTS THE RWANDA TRIBUNAL TO BE A SEPARATE ENTITY. THE GOF IS NOT IN FAVOR OF RETROACTIVELY CHANGING THE SCOPE OF AN INSTITUTION SUCH AS THE YUGOSLAV WAR CRIMES TRIBUNAL.

DIFFERENT CLASSES OF CRIMES

4. THE GOF BELIEVES THAT THE DIFFERENT TYPES OF CRIMES THAT TOOK PLACE IN FORMER YUGOSLAVIA AND RWANDA SHOULD NOT BE PROSECUTED IN THE SAME TRIBUNAL. LAZLO POINTED
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OUT THAT THE YUGOSLAV TRIBUNAL WILL JUDGE WAR CRIMES WHEREAS THE RWANDA TRIBUNAL WOULD BE DEALING WITH GENOCIDE.

DIFFERENT JUDGES REQUIRED

5. THE GOF AGREES THAT ADDITIONAL TRIAL CHAMBERS WOULD NEED TO BE CREATED TO HANDLE RWANDAN CASES IF THE YUGOSLAV WAR CRIMES TRIBUNAL IS TO BE EXPANDED. THE GOF DOES NOT AGREE, HOWEVER, WITH THE CONCEPT THAT "EACH CHAMBER WOULD BE ELIGIBLE TO HANDLE CASES ARISING OUT OF EACH SITUATION." ACCORDING TO LAZLO, THE GOF POSITION IS THAT NEW JUDGES SHOULD BE SELECTED FOR THE RWANDA WAR CRIMES TRIBUNAL BASED ON THEIR QUALIFICATIONS TO HANDLE THE SPECIFIC TYPE OF CASES THEY WILL FACE, AND WOULD NOT NECESSARILY BE FUNGIBLE WITH YUGOSLAV TRIBUNAL JUDGES.

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6. DESPITE THESE SIGNIFICANT DIFFERENCES, LAZLO TOLD US THE GOF CONSIDERS ITS POSITION TO BE "CLOSE ENOUGH" TO THAT OF THE UNITED STATES TO PERMIT THE OUTSTANDING DIFFERENCES TO BE BRIDGED.

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