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	SP-00	SR-00	STR-01	TRSE-00	T-00	USIE-00	PMB-00
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O R 091926Z JUL 94  
FM SECSTATE WASHDC  
TO AMEMBASSY DAR ES SALAAM IMMEDIATE  
INFO AMEMBASSY BRUSSELS  
AMEMBASSY BUJUMBURA  
USMISSION GENEVA  
AMEMBASSY KAMPALA  
AMEMBASSY KINSHASA  
AMEMBASSY LONDON  
AMEMBASSY LUSAKA  
AMEMBASSY NAIROBI  
AMEMBASSY PARIS  
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C O N F I D E N T I A L STATE 183627

NAIROBI-DART REFCOORD; GENEVA-RMA

E.O. 12356: DECL: OADR  
TAGS: PREF PREL PHUM TZ RW  
SUBJECT: GATETE DEPARTURE FROM BENACO

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REF: (A) 94 DAR ES SAL 4312, (B) 94 STATE 180972,  
(C) 94 NAIROBI 11917, (D) DAR/BROWNING - PRM/DUTY TELECON 7/9,  
(E) DAR/BROWNING - PRM/MCKELVEY TELECON 7/9

1. C - ENTIRE TEXT

2. PER REF TELECONS, RWANDAN REFUGEE LEADER AND ACCUSED MURDERER GATETE HAS REJECTED THE GOT PLAN FOR HIM TO MOVE WITH HIS FAMILY BY ROAD FROM NGARA TO DAR AND ONWARD TO GOMA ZAIRE BY COMMERCIAL FLIGHT (AS OUTLINED REF A). THE GOT NOW PLANS TO CHARTER A FLIGHT TO MOVE GATETE AND FAMILY DIRECTLY FROM NGARA TO GOMA ON TUESDAY JULY 12 AND HAS REQUESTED UNHCR FINANCING OF THIS CHARTER. UNHCR HAS SO FAR REFUSED. ARRANGEMENTS -- IF ANY -- FOR DEALING WITH GATETE IN GOMA ARE UNKNOWN. UN HIGH COMMISSIONER FOR REFUGEES OGATA IS TO ARRIVE IN DAR ON JULY 10 FOR A VISIT TO THE NGARA AREA CAMPS AND FOR A CALL ON PRESIDENT MWINYI JULY 11. WE HAVE NO KNOWLEDGE OF HER AGENDA ASIDE FROM ASSESSING ONE OF UNHCR'S MOST URGENT CURRENT OPERATIONS, ALTHOUGH THE GATETE ISSUE IS SURE TO ARISE.

CHARGE IS REQUESTED TO SEEK A MEETING WITH MRS. OGATA TO EXCHANGE VIEWS ON GATETE WITH THE OBJECTIVE OF MAKING

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PARALLEL AND SIMILAR DEMARCHES TO THE GOT. IF MRS. OGATA DOES NOT CONCUR WITH USG APPROACH TO GOT, OR IF CHARGE IS NOT ABLE TO REACH HER IN A TIMELY ENOUGH FASHION, CHARGE SHOULD PROCEED, DRAWING SELECTIVELY FROM AMONG THE FOLLOWING POINTS AS WELL AS REF B, TO INFORM THE GOT THAT THE USG CANNOT CONDONE COMPLICITY IN LETTING GATETE FLEE. THE GOT'S PROPOSED EXPEDIENT RESPONSE TO GATETE'S PRESENCE IN BENACO DOES NOT REPEAT NOT ADDRESS THE UNDERLYING ISSUE OF SECURITY FOR RELIEF WORKERS AND REFUGEES. MOREOVER, IT UNDERCUTS A REGIONAL APPROACH TO THE GENOCIDE QUESTION AND TAINTS REFUGEE PROTECTION EFFORTS. POST MAY ALSO WISH TO SHARE OUR ADDITIONAL VIEWS WITH CANADIAN AND BRITISH COLLEAGUES.

4. ESSENTIAL BACKGROUND POINTS:

THE PROBLEMS OF HOW TO DEAL WITH SECURITY IN REFUGEE CAMPS AND WITH CRIMINAL ELEMENTS AMONG REFUGEES, AS PERSONIFIED CURRENTLY BY GATETE -- AND WITH OTHERS LIKE

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HIM -- ARE ADMITTEDLY SENSITIVE AND COMPLEX, AND NOT UNIQUE TO TANZANIA.

O ONE PART OF THE ISSUE IS THE AGREED UPON NEED TO GET GATETE PHYSICALLY OUT OF BENACO CAMP IN ORDER TO DIMINISH HIS INFLUENCE AND ABILITY TO THREATEN THE SECURITY OF RELIEF WORKERS AND OTHER REFUGEES. THIS SHORT-TERM OBJECTIVE OF UNHCR PARTLY OVERLAPS WITH THE GOT'S SHORT-TERM GOAL OF GETTING GATETE OUT OF TANZANIA ALTOGETHER.

O ALL PARTIES IN TANZANIA ARE GENERALLY AGREED THAT IF  
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GATETE WERE TO BE FORMALLY DETAINED ANYWHERE IN THE REGION, WORD WOULD FILTER BACK TO BENACO AND PROVOKE REFUGEE THREATS TO THE SECURITY OF RELIEF WORKERS. GATETE'S ABILITY TO CALL THE SHOTS SO FAR, E.G., IN DEMANDING THAT HE BE FLOWN FROM NGARA TO GOMA, UNDERSCORES HOW MUCH OF A FORCE TO BE RECKONED WITH HE IS. ACCORDINGLY, ANY DETENTION WOULD NEED TO INVOLVE ADVANCE NOTIFICATION TO RELIEF WORKERS.

O FYI. THE TANZANIAN MINISTER OF DEFENSE, VISITING WASHINGTON ON LIBERIA/ECOMOG BUSINESS, OPINED THAT USING THE TANZANIAN MILITARY TO MOVE INTO BENACO TO DETAIN GATETE AND THE OTHERS SO FAR IDENTIFIED WOULD NOT BE OVERLY DIFFICULT, THOUGH IT WAS CLEAR THAT HE HAD NOT THOUGHT THROUGH ALL OF THE IMPLICATIONS. SEPTTEL COVERS HIS DISCUSSIONS. END FYI.

O HOWEVER, REMOVING GATETE FROM THE BENACO CAMP IS AN IMPORTANT STEP BUT DOES NOT REPEAT NOT SOLVE THE QUESTION OF SECURITY FOR RELIEF WORKERS AND REFUGEES. BOTH ARE STILL CURRENTLY THREATENED WHETHER GATETE IS FORMALLY DETAINED OR NOT. THERE ARE AT LEAST 13 OTHERS IN BENACO WHO ARE LIKE GATETE AND WHO WILL NEED TO BE DEALT WITH. THE INCREASE IN INTRA-CAMP MURDERS (REF C) IS UNLIKELY TO ABATE WITH THE DEPARTURE OF GATETE ALONE.

O THE ISSUE OF BRINGING TO JUSTICE THOSE WHO HAVE BEEN GUILTY OF CRIMES AGAINST HUMANITY IS A REGIONAL ISSUE. THE USG HAS ALREADY, FOR EXAMPLE, CALLED UPON THE FRENCH TO DETAIN SUCH PEOPLE WITHIN THE SAFE HAVEN ZONE THAT

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FRENCH TROOPS HAVE ESTABLISHED INSIDE RWANDA.  
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ACCUSATIONS HAVE BEEN MADE AGAINST SOME OF THE RWANDAN  
REFUGEES WHO HAVE SOUGHT SAFETY IN ZAIRE AND BURUNDI AS  
WELL AS IN TANZANIA.

O UNFORTUNATELY, THERE IS NOT YET IN PLACE A UNIFORM  
SYSTEM FOR IDENTIFYING, DETAINING, AND TRYING THE  
ACCUSED. IT IS EXPECTED THAT THE WORK OF A COMMISSION OF  
EXPERTS SET UP BY A UNSC RESOLUTION WILL LEAD TO THE  
ESTABLISHMENT OF A WAR CRIMES TRIBUNAL AND THE USG IS  
PROPOSING TO LAY THE GROUNDWORK NOW FOR SUCH A TRIBUNAL.

O THE GOT'S ASSERTION THAT IT CANNOT DETAIN GATETE UNDER  
THE GENOCIDE CONVENTION WITHOUT A REQUEST FROM THE  
GOVERNMENT OF RWANDA IS SELF-SERVING SINCE THERE IS NO  
SUCH UNIVERSALLY RECOGNIZED GOVERNMENT AT PRESENT. A NEW  
RPF-DOMINATED GOVERNMENT OF RWANDA WOULD MORE THAN LIKELY  
MAKE SUCH A REQUEST. MOREOVER, THE GOT WOULD SEEM TO BE  
ABLE TO DETAIN GATETE FOR HIS ACTIONS IN THE BENACO RIOT,  
IF THE GOT WERE INCLINED TO INVOKE ITS DOMESTIC LAWS.

O NEITHER THE GOT OR THE UNHCR IS IN A POSITION TO TURN  
A BLIND EYE TO GATETE'S DEPARTURE FROM TANZANIA, EVEN IF  
HE WERE TO TRAVEL ON A COMMERCIAL AIRCRAFT RATHER THAN A  
SPECIALLY ARRANGED CHARTER. UNLESS HE IS CARRYING A  
VALID RWANDAN PASSPORT, HE WOULD NEED TRAVEL  
DOCUMENTATION (FROM THE GOT OR UNHCR OR THE ICRC) TO  
LEGALLY DEPART TANZANIA AND ENTER ZAIRE. THUS NEITHER  
CAN ESCAPE THE LABEL OF COMPLICITY.

O USING A REFUGEE SYSTEM TO ASSIST SOMEONE LIKE GATETE  
CAN ONLY UNDERMINE THE CREDIBILITY OF UNHCR'S PROTECTION  
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WORK WORLDWIDE.

O MORE IMMEDIATELY, UNHCR WILL NEED TO ENJOY THE  
CONFIDENCE OF ALL PARTIES TO THE CURRENT RWANDAN CONFLICT  
IF IT IS TO PLAY A ROLE IN THE EVENTUAL REFUGEE RETURN

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AND NATIONAL RECONCILIATION IN THAT COUNTRY -- AS WELL AS  
IN THE INTER-TWINED BURUNDI SITUATION.

5. MINIMIZE CONSIDERED.  
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