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ACTION L-01

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INFO AMEMBASSY PARIS  
AMEMBASSY MOSCOW  
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AMEMBASSY LONDON

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TAGS: TZ, UG, TS, KE, CG, NI, DJ  
SUBJECT: RWANDA WAR CRIMES TRIBUNAL - RUSSIAN DEMARCHE

REF: STATE 198848

1. SUMMARY - RUSSIANS CONVENED A MEETING OF P-5 MISSION  
LEGAL ADVISERS TO DISCUSS CREATION OF A RWANDA TRIBUNAL  
FOR VIOLATIONS OF HUMANITARIAN LAW. THEY PROPOSED  
CREATION, FOLLOWING THE YUGOSLAV MODEL, OF A SEPARATE  
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TRIBUNAL, BASED IN THE HAGUE SO THAT STAFF AND  
FACILITIES COULD BE SHARED. FRENCH AND U.S. MISOFFS  
SUPPORTED ESTABLISHMENT OF A TRIBUNAL. CHINESE AND UK  
LEGAL ADVISERS WILL SEEK INSTRUCTIONS. END SUMMARY.

2. RUSSIAN MISSION LEGAL ADVISER ORDZHONIKIDZE  
REQUESTED A MEETING, JULY 26, OF COUNTERPARTS TO CONSULT  
ON THE ESTABLISHMENT OF A WAR CRIMES TRIBUNAL FOR  
RWANDA. READING FROM AN INSTRUCTION CABLE,  
ORDZHONIKIDZE SAID THERE WAS A "POLITICAL URGENCY TO  
PREPARE TO ACT IN THE SECURITY COUNCIL TO CREATE SUCH A

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TRIBUNAL. HE SAID THEY ENVISIONED AN AD HOC TRIBUNAL ESTABLISHED BY SC RESOLUTION. THE TRIBUNAL WOULD HAVE A STATUTE SIMILAR TO THAT OF THE YUGOSLAV TRIBUNAL BUT SEPARATE. IT WOULD ALSO HAVE SEPARATE JUDGES AND A SEPARATE PROSECUTOR BUT COULD SHARE A "BEEFED UP" STAFF AND REGISTRY WITH THE YUGOSLAV TRIBUNAL. THIS WOULD, IN THEIR VIEW, HELP TO MINIMIZE FINANCIAL EXPENDITURES. THE RUSSIANS SAID THAT THEIR PERM REP HAD RAISED THE MATTER WITH THE UN SECRETARY GENERAL WHO WAS ENTHUSIASTIC.

3. THE FRENCH MISSION AFRICAN EXPERT REPORTED THAT HER GOVERNMENT HAD BEEN THINKING ALONG THE SAME LINES AS THE RUSSIANS. THEY PREFERRED SEPARATE JUDGES AND STATUTE BUT ENVISIONED SHARING FACILITIES AND PERSONNEL.

4. CLAIMING LACK OF INSTRUCTIONS, NEITHER THE CHINESE NOR BRITISH TOOK A POSITION ON THE MATTER. THE UK  
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MISSION LEGAL ADVISER DID POSE A SERIES OF QUESTIONS. COULD THE SC STILL FIND A THREAT TO INTERNATIONAL PEACE AND SECURITY IN RWANDA SUFFICIENT TO SUPPORT CHAPTER VII ACTION? WHAT WOULD THE JURISDICTION BE? WHAT CRIMES AND WHAT PERIOD OF TIME WOULD BE COVERED?

5. BASED ON REFTTEL, U.S. LEGAL OFFICER CONFIRMED THAT WE AGREED A RWANDA TRIBUNAL SHOULD BE ESTABLISHED AND THAT IT SHOULD BE BASED IN THE HAGUE SO THAT RESOURCES COULD BE SHARED. THE EXTENT TO WHICH FACILITIES AND STAFF COULD BE SHARED WITH THE YUGOSLAV TRIBUNAL SHOULD BE DISCUSSED IN GREATER DETAIL. THE U.S. HAD GIVEN THIS MATTER A GREAT DEAL OF CONSIDERATION AND HAD SPECIFIC IDEAS ON HOW AN EFFECTIVE OPERATION COULD BE SET UP TO MAXIMIZE USE OF THE EXISTING STRUCTURE.

6. THE RUSSIANS SAID THEY HAD NOT DISCUSSED THIS PROPOSAL IN DETAIL OUTSIDE THE P-5 BUT THOUGHT OTHER COUNCIL MEMBERS WOULD BE FAVORABLY DISPOSED TO SETTING UP A RWANDA TRIBUNAL. THEY ASKED THAT WE PROVIDE FURTHER VIEWS AS SOON AS POSSIBLE. ALBRIGHT

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