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ACTION DRL-09

INFO	LOG-00	AF-01	AMAD-01	ARA-01	CIAE-00	SMEC-00	OASY-00
	ANHR-01	EAP-01	EUR-01	OIGO-01	TEDE-00	INR-00	IO-16
	ADS-00	NEA-01	NSAE-00	OIC-02	OIG-04	SR-00	SA-01
	PRM-10	/050W					

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O 290107Z OCT 94
FM USMISSION USUN NEW YORK
TO AMEMBASSY KIGALI IMMEDIATE
SECSTATE WASHDC IMMEDIATE 0203
INFO SECDEF WASHDC
USCINCEUR VAHINGEN GE
AMEMBASSY NAIROBI
WHITEHOUSE WASHDC
AMEMBASSY BRUSSELS
AMEMBASSY DAR ES SALAAM
AMEMBASSY KINSHASA
AMEMBASSY BUJUMBURA
AMEMBASSY KAMPALA
UN SECURITY COUNCIL COLLECTIVE
AMEMBASSY ADDIS ABABA
USMISSION GENEVA
JOINT STAFF WASHDC

C O N F I D E N T I A L USUN NEW YORK 004636

DEPT FOR G - AJOYCE; L - MMATHESON; AF - A/S MOOSE
WHITEHOUSE PASS TO NSC FOR RICE AND STEINBERG;
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JOINT STAFF FOR CHAIRMAN, DIR JS, J3;
SECDEF FOR OSD/ISA

E.O.12356: DECL:OADR
TAGS: PHUM, PREL, PREF, AORC, RW, UN
SUBJECT: RWANDAN CONCERNS ABOUT TRIBUNAL

1. (CONFIDENTIAL - ENTIRE TEXT.)
2. DURING SC INFORMALS ON 28 OCTOBER RWANDAN PERMREP
MANZI BAKURAMUTSA REITERATED THE SAME CONCERNS THAT THE

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CO-SPONSORS OF THE DRAFT RESOLUTION ESTABLISHING AN INTERNATIONAL TRIBUNAL (US, NZ, UK AND FRANCE) HAVE BEEN DISCUSSING WITH THE RWANDANS FOR SEVERAL WEEKS. THE RWANDAN PROBLEMS ARE: (1) THE BEGINNING DATE SHOULD BE EARLIER; (2) ARTICLE 4 SHOULD BE DELETED SINCE IT WILL DISTRACT THE ATTENTION OF THE TRIBUNAL FROM THE MAIN ISSUE OF GENOCIDE; (3) THE GOR SHOULD BE CONSULTED IN THE SELECTION OF JUDGES; (4) THE PUNISHMENTS METED OUT BY THE TRIBUNAL WILL NOT BE EQUIVALENT TO THOSE OF THE NATIONAL COURTS; (5) IMPRISONMENT MUST BE ONLY IN RWANDA; (6) THE TRIBUNAL MUST BE LOCATED IN RWANDA; (7) THE NUMBER OF JUDGES AND CHAMBERS IS TOO SMALL TO HANDLE THE VOLUME. COMMENT: ONLY THE LAST ITEM HAS ANY VALIDITY AT THIS STAGE. THE OTHER ITEMS HAVE BEEN DISCUSSED AT GREAT LENGTH, AND AS MANY CONCESSIONS HAVE BEEN MADE TO THE RWANDAN VIEW AS FEASIBLE. END COMMENT.

3. THE MAJORITY OF COUNCIL MEMBERS, INCLUDING THE U.S., RUSSIA, UK, FRANCE AND NEW ZEALAND, POINTED OUT TO THE RWANDANS THAT THE TRIBUNAL HAD TO BE AN INTERNATIONAL

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BODY WITH INTERNATIONAL JURISDICTION, AND THAT IT COULD NOT BE UNDER THE CONTROL OF THE GOR. THE UNPRECEDENTED NATURE AND LEVEL OF THE CRIMES COMMITTED WOULD MAKE IT DIFFICULT FOR THE INTERNATIONAL COMMUNITY TO UNDERSTAND IF THE SC DID NOT REACT BY ESTABLISHING A TRIBUNAL. U.S. DPR GNEHM POINTED OUT THAT THE RWANDANS' APPARENT LACK OF FAITH IN THE IMPARTIALITY OF THE INTERNATIONAL COMMUNITY COULD LEAD TO AN INTERNATIONAL REACTION AGAINST THEM.

4. NIGERIAN AMB GAMBARI APPEALED TO THE RWANDAN AMBASSADOR TO RECOGNIZE THAT IT IS TO RWANDA'S BENEFIT TO RETAIN THE INTERNATIONAL CHARACTER OF THE TRIBUNAL. CHINA AND BRAZIL WERE THE ONLY SC MEMBERS WHO ADVOCATED THAT THE VIEWS OF RWANDA SHOULD BE TAKEN INTO ACCOUNT.

5. SC PRESIDENT HANNAY PLANS TO HOLD FURTHER INFORMAL CONSULTATIONS ON MONDAY, 31 OCTOBER, FOLLOWED BY A FORMAL MEETING, IF THE SITUATION PERMITS. HE SAID IT WOULD BE UP TO THE CO-SPONSORS WHETHER TO CALL FOR A VOTE.

6. KIGALI MINIMIZE CONSIDERED.

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