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ACTION AF-01

INFO	LOG-00	CIAE-00	SMEC-00	OASY-00	DODE-00	DOEE-00	EUR-01
	H-01	TEDE-00	INR-00	IO-16	L-01	ADS-00	NSAE-00
	NSCE-00	OIC-02	OMB-01	PA-01	PM-00	PRS-01	P-01
	SNP-00	SP-00	SS-00	TRSE-00	T-00	USIE-00	PMB-00
	PRME-01	DRL-09	G-00	/036W			

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R 111351Z AUG 94  
FM AMEMBASSY KAMPALA  
TO SECSTATE WASHDC 1387  
INFO AMEMBASSY BRUSSELS  
AMEMBASSY BUJUMBURA  
USMISSION USUN NEW YORK  
AMEMBASSY LONDON  
AMEMBASSY PARIS  
AMEMBASSY KAMPALA  
AMEMBASSY KINSHASA  
USMISSION GENEVA  
AMEMBASSY DAR ES SALAAM

C O N F I D E N T I A L SECTION 01 OF 02 KAMPALA 006441

E.O. 12356: DECL: OADR  
TAGS: PREL, PGOV, RW  
SUBJECT: A/S SHATTUCK URGES SUPPORT FOR WAR CRIMES  
TRIBUNAL

1. CONFIDENTIAL - ENTIRE TEXT.

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2. THE FOLLOWING MESSAGE IS BEING TRANSMITTED ON  
BEHALF OF EMBASSY KIGALI.

3. SUMMARY. AT THE SUGGESTION OF ASSISTANT SECRETARY  
MOOSE, ASSISTANT SECRETARY SHATTUCK, DRL, MET WITH  
MINISTER OF JUSTICE NKUBITO, RWANDAN VICE PRESIDENT  
KAGAME, AND MINISTER OF REHABILITATION AND SOCIAL  
INTEGRATION BIHOZAGARA, AUGUST 6, TO URGE RWANDAN  
SUPPORT FOR AN INTERNATIONAL WAR CRIMES TRIBUNAL FOR  
RWANDA. KAGAME, NKUBITO, AND BIHOZAGARA ALL VOICED

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THEIR STRONG SUPPORT FOR SUCH A TRIBUNAL, BUT EXPLAINED THAT DOMESTIC PRESSURES FOR IMMEDIATE PROSECUTION OF THOSE SUSPECTED OF COMMITTING ACTS OF GENOCIDE WERE GROWING. IF THE INTERNATIONAL COMMUNITY DID NOT MOVE QUICKLY ENOUGH, THE GOR WOULD BE FORCED TO TRY THE CASES LOCALLY. END SUMMARY.

4. IN HIS MEETING WITH EACH OF THE GOR OFFICIALS, AS SHATTUCK SUGGESTED THAT THE GOR (THROUGH A LETTER TO THE UN SECRETARY GENERAL) URGE PROMPT ESTABLISHMENT OF AN INTERNATIONAL WAR CRIMES TRIBUNAL FOR RWANDA. A/S SHATTUCK ALSO URGED THE GOR TO PUBLICLY CONDEMN VIGILANTE JUSTICE AND AS A COROLLARY, MOVE QUICKLY TO ESTABLISH ITS OWN JUSTICE SYSTEM GUARANTEEING DUE PROCESS TO ALL.

5. RECOGNIZING THE CURRENT GOVERNMENT'S LIMITED RESOURCES, A/S SHATTUCK OFFERED US ASSISTANCE IN EVIDENCE GATHERING IN THE AREA OF GENOCIDE AND IN CREATION OF A JUDICIAL SYSTEM. A/S SHATTUCK ALSO TOLD GOR OFFICIALS OF RECENT US DIPLOMATIC EFFORTS IN

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RWANDA'S NEIGHBORING COUNTRIES TO SECURE ASSISTANCE IN DISARMING MILITIAS IN THE CAMPS AND DETAINING THOSE SUSPECTED OF CRIMES OF GENOCIDE. HE ADDED THAT THE US WOULD ALSO WORK TO EXPEDITE THE DEPLOYMENT OF HUMAN RIGHTS MONITORS.

6. THE MINISTER OF JUSTICE THANKED A/S SHATTUCK FOR THE OFFER OF US ASSISTANCE AND SAID THAT HE WOULD PREPARE A MEMO OUTLINING RWANDA'S NEEDS FOR THE ESTABLISHMENT OF A VIABLE JUDICIAL SYSTEM. IN DISCUSSING THE ISSUE OF A WAR CRIMES TRIBUNAL, NKUBITO RECALLED HIS SPEECH AT THE UN HUMAN RIGHTS SPECIAL SESSION ON RWANDA IN MAY IN WHICH HE OPENLY SUPPORTED THE SENDING OF THE SPECIAL RAPPORTEUR AND HUMAN RIGHTS MONITORS AND CALLED FOR THE IMMEDIATE ESTABLISHMENT OF A WAR CRIMES TRIBUNAL. HE ASSERTED THAT THE GOR FIRMLY SUPPORTS SUCH INITIATIVES.

7. NKUBITO WAS CONCERNED, HOWEVER, THAT WITH BOSNIA AS THE EXAMPLE, A WAR CRIMES TRIBUNAL COULD TAKE TOO LONG TO SET UP. GIVEN THAT MANY IN RWANDA, PARTICULARLY THOSE IN THE RPF, WANTED SWIFT JUSTICE, HE SAID THE GOR WOULD MOVE QUICKLY TO ESTABLISH ITS

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OWN JUSTICE SYSTEM IN ORDER TO HANDLE THOSE CASES WHICH FELL OUTSIDE THE INTERNATIONAL TRIBUNAL'S PERVIEW. THE MINISTER ADDED THAT THE GOR WAS PREPARING A NOTE TO THE UN SECRETARY GENERAL TO CLARIFY JURISDICTIONAL ISSUES INVOLVING CRIMES OF GENOCIDE.

8. THE JUSTICE MINISTER SAID THAT NO ONE SHOULD BE  
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SURPRISED WITH THE RECENT ACTS OF PRIVATE VENGEANCE. HE SAID THAT THERE IS NO FUNCTIONING JUSTICE SYSTEM AT PRESENT AND THAT HATRED STILL LURKS IN THE HEARTS OF MANY. HE SAID, HOWEVER, THAT THE GOR WAS WORKING QUICKLY TO COUNTER THIS VIOLENCE. HE MENTIONED THE GOVERNMENT MEETINGS ALREADY HELD AND COMMISSIONS BEING SET UP TO DEAL WITH NOT ONLY THE PROTECTION OF PERSONS (INCLUDING THE GUARANTEE OF DUE PROCESS FOR THOSE DETAINED) BUT ALSO THE PROTECTION OF PROPERTY.

9. FOLLOWING THE MEETING WITH NKUBITO, VICE PRESIDENT KAGAME ALSO ASSURED A/S SHATTUCK THAT THE GOR WAS DOING ITS BEST UNDER DIFFICULT CIRCUMSTANCES TO CURB VIGILANTE JUSTICE AND REESTABLISH LAW AND ORDER. KAGAME SAID THAT THE GOR HAS PUBLICLY CONDEMNED EXTRA-JUDICIAL KILLINGS AND HAS REPEATEDLY CALLED FOR THE ESTABLISHMENT OF A WAR CRIMES TRIBUNAL.

10. THE VICE PRESIDENT ECHOED THE JUSTICE MINISTER'S CONCERN WITH POSSIBLE DELAYS IN SETTING UP AN

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INTERNATIONAL TRIBUNAL. HE SAID IF THE GOR WAS GOING  
TO BE ABLE TO SUCCESSFULLY DEAL WITH THE ISSUE OF  
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VIGILANT JUSTICE, THE GOVERNMENT HAD TO DEMONSTRATE  
TO ITS PEOPLE THAT SUSPECTS WOULD BE DETAINED AND  
PROSECUTED.

11. KAGAME SAID THE GOVERNMENT HAD NUMEROUS DETAINEES  
(ALTHOUGH NO NUMBER WAS GIVEN) AND INVESTIGATIONS  
WERE UNDERWAY. HE SAID THE GOR WOULD BE WILLING TO  
SHARE ALL ITS EVIDENCE (INCLUDING RADIO TRANSCRIPTS  
OF GOR OFFICIALS INCITING PEOPLE TO VIOLENCE). THE  
VICE PRESIDENT NOTED THAT THE DETAINEES WOULD BE  
TURNED OVER FROM MILITARY TO CIVILIAN JURISDICTION AS

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SOON AS CIVILIAN INSTITUTIONS COULD BE SET UP. KAGAME ALSO SAID THAT THE GOVERNMENT WOULD FULLY SUPPORT THE WAR CRIMES TRIBUNAL BUT CAVEATED THIS SUPPORT BY SAYING THE GOR WOULD NOT WAIT FOREVER FOR THE TRIBUNAL TO ACT. IN HIS WORDS, "THE SOONER THE PROCESS BEGINS, THE BETTER".

12. THE VICE PRESIDENT BELIEVED THE IMMEDIATE DEPLOYMENT OF HUMAN RIGHTS MONITORS TO NOT ONLY RWANDA BUT ALSO REFUGEE CAMPS WAS AN IMPORTANT INITIATIVE. HE VOICED HIS CONCERN FOR THE ACTIVITIES OF MILITIA LEADERS IN THE CAMPS. HE HOPED MORE COULD BE DONE TO SEPARATE SUSPECTED CRIMINALS FROM THE INNOCENT CIVILIANS.

13. IN THE FINAL MEETING OF THE DAY, MINISTER BIHOZAGARA OFFERED HIS ASSESSMENT OF THE RWANDAN COLLECTIVE AND INDIVIDUAL RESPONSIBILITY FOR GENOCIDE. BIHOZAGARA RECOGNIZED THAT ON THE COLLECTIVE LEVEL, THE GOR COULD NOT PUNISH ALL

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RWANDANS FOR GENOCIDE AND THAT PARDONS OF THOSE PASSIVE PARTICIPANTS IN THE VIOLENCE WOULD BE NECESSARY. BUT THE PLANNERS AND CONSCIOUS EXECUTORS OF THE MASSACRES SHOULD BEAR RESPONSIBILITY FOR THEIR CRIMES.

14. IN DISCUSSING THE ISSUE OF REFUGEE RETURN, BIHOZAGARA SAID THE GOR WAS DOING ALL IT COULD TO ENCOURAGE RWANDANS TO RETURN HOME. HE ADDED, HOWEVER, THAT THE INTERNATIONAL COMMUNITY NEEDED TO BE DOING MORE IN THE CAMPS TO STOP MILITIA PROPAGANDA AND IN HIS WORDS, "STOP FEEDING THE ASSASSINS".

15. A/S SHATTUCK NOTED RECENT PRESS REPORTS OF VIOLENCE AGAINST REFUGEES. HE DID NOT BELIEVE THE GOVERNMENT SUPPORTED THIS AND ASKED FOR THE MINISTER'S REACTION TO THE REPORTS. BIHOZAGARA CLAIMED THAT THE PRESS IS NOT CHECKING ITS SOURCES, REPORTING FROM KIGALI ABOUT INCIDENTS THAT TAKE PLACE MILES FROM THE CAPITAL. HE CAUTIONED THAT SOME OF THE INFORMATION IN THE REPORTS OFTEN COMES FROM THE INTERHAMWE WHO DELIBERATELY WANT TO MISLEAD THE PUBLIC AND DISCREDIT THE CURRENT GOVERNMENT. HE INSISTED THAT THE GOR WOULD ALLOW EVERYONE TO TRAVEL

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FREELY TO INVESTIGATE ALLEGED INCIDENTS OF  
EXTRA-JUDICIAL KILLINGS AND THAT THOSE FOUND GUILTY  
WOULD BE PUNISHED.

16. COMMENT. A/S SHATTUCK'S MESSAGE URGING THE GOR TO  
FORMALLY SUPPORT THE CREATION OF A WAR CRIMES  
TRIBUNAL WAS WELL-RECEIVED. THE GOR IS READY TO FULLY  
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COOPERATE WITH ANY TRIBUNAL ESTABLISHED. CLEARLY,  
THOUGH, SWIFT JUSTICE IS NEEDED IF THE EXTRA-JUDICIAL  
KILLINGS ARE TO BE STOPPED. IF THE PAST IS PROLOGUE  
TO THE FUTURE - AS WITH THE DELAY IN REINFORCING THE  
UNAMIR CONTINGENT, THE CURRENT PLAYERS IN THIS  
GOVERNMENT WILL NOT WAIT LONG FOR A TRIBUNAL TO BE  
PUT IN PLACE. END COMMENT.

17. MINIMIZE CONSIDERED. BUSH

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