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	L-01	ADS-00	NEA-01	NSAE-00	NSCE-00	OIC-02	OIG-04
	OMB-01	PA-01	PM-00	PRS-01	P-01	SNP-00	SP-00
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UN SECURITY COUNCIL COLLECTIVE

C O N F I D E N T I A L STATE 161019

E.O. 12356: DECL: OADR

TAGS: PREL, USUN

SUBJECT: DRAFT SPANISH RESOLUTION ON COMMISSION OF
EXPERTS FOR RWANDA: U.S. RESPONSE

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REF: USUN 2477

1. CONFIDENTIAL - ENTIRE TEXT.

2. DEPARTMENT HAS CONSIDERED THE SPANISH DRAFT SECURITY COUNCIL RESOLUTION ON A COMMISSION OF EXPERTS ON ATROCITIES IN RWANDA. IT IS IMPORTANT TO SUPPORT THE SPANISH INITIATIVE AND TO DEMONSTRATE OUR COMMITMENT TO INVESTIGATE THE GROSS VIOLATIONS OF HUMAN RIGHTS IN RWANDA. HOWEVER, WE DO NOT WANT TO RESTRICT FUTURE ACTION

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BY DICTATING AT THIS TIME WHAT FORM IT MUST TAKE OR THROUGH WHICH FORA IT MIGHT BE IMPLEMENTED.

3. IN PRESENTING U.S. MODIFICATIONS TO THE SPANISH. MISSION SHOULD MAKE CLEAR THAT WE APPRECIATE THE ROLE THE SPANISH HAVE TAKEN IN INTRODUCING THIS RESOLUTION AND THAT WE ARE INTERESTED IN CONTINUING TO WORK WITH THEM AND OTHER INTERESTED COUNCIL MEMBERS TO SHAPE THE UN'S ONGOING RESPONSE TO CONDITIONS IN RWANDA.

4. THE DEPARTMENT INSTRUCTS THE MISSION, THEREFORE, TO SUPPORT THE TEXT OF THE SPANISH DRAFT RESOLUTION CONTAINED REF WITH THE FOLLOWING CHANGES:

INCLUDE AN ADDITIONAL PREAMBULAR PARAGRAPH THAT WILL READ:
BEGIN TEXT:

NOTING THE IMPORTANCE OF THE ENFORCEMENT OF INTERNATIONAL HUMANITARIAN LAW IN THE EXECUTION OF THE SECURITY COUNCIL'S PRIMARY RESPONSIBILITY UNDER THE CHARTER OF THE
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UNITED NATIONS TO MAINTAIN INTERNATIONAL PEACE AND SECURITY,

END TEXT.

ADD AN OPENING OPERATIVE PARAGRAPH (OP 1) WHICH READS:
BEGIN TEXT:

AFFIRMS THAT ALL PERSONS WHO COMMIT OR AUTHORIZE VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW ARE INDIVIDUALLY RESPONSIBLE FOR THOSE VIOLATIONS;
END TEXT.

IN OP 2, INSERT THE WORD "POSSIBLE" BEFORE "BREACHES OF THE CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE..."

ADD A NEW OPERATIVE PARAGRAPH AFTER CURRENT OP 4 WHICH READS:
BEGIN TEXT:

REQUESTS THE SPECIAL RAPPORTEUR APPOINTED BY THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS TO INVESTIGATE THE HUMAN RIGHTS SITUATION IN RWANDA TO COORDINATE HIS EFFORTS

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WITH THOSE OF THE COMMISSION OF EXPERTS:

END TEXT.

ADD A NEW PENULTIMATE OPERATIVE PARAGRAPH THAT READS:
BEGIN TEXT:

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URGES STATES AND INTERGOVERNMENTAL AND GOVERNMENTAL
ORGANIZATIONS TO CONTRIBUTE FUNDS EQUIPMENT AND SERVICES
TO THE COMMISSION OF EXPERTS, INCLUDING THE OFFER OF
EXPERT PERSONNEL;

END TEXT.

REVISE CURRENT OP FOUR AFTER THE WORD "EXPERTS" SO THAT IT
WILL READ:
BEGIN TEXT:

FURTHER REQUESTS THE SECRETARY GENERAL TO REPORT TO THE
COUNCIL ON THE CONCLUSIONS OF THE COMMISSION OF EXPERTS,
SO THAT THE SECURITY COUNCIL WILL BE ABLE TO TAKE ACCOUNT
OF THESE CONCLUSIONS IN ANY RECOMMENDATIONS FOR POSSIBLE
FURTHER APPROPRIATE STEPS IN ORDER TO ENSURE THAT PERSONS
RESPONSIBLE FOR SUCH ACTS ARE BROUGHT TO JUSTICE;

END TEXT.

5. THE SPANISH TEXT WITH THE U.S. MODIFICATIONS WOULD
THEN READ:

BEGIN TEXT:

THE SECURITY COUNCIL

REAFFIRMING ALL ITS PREVIOUS RESOLUTIONS ON THE SITUATION
IN RWANDA,

RECALLING THE STATEMENT BY THE PRESIDENT OF THE SECURITY
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COUNCIL OF 30 APRIL 1994 (S/PRST/94/21) IN WHICH THE SECURITY COUNCIL INTER ALIA CONDEMNED ALL BREACHES OF INTERNATIONAL HUMANITARIAN LAW IN RWANDA, PARTICULARLY THOSE PERPETRATED AGAINST THE CIVILIAN POPULATION, AND RECALLED THAT PERSONS WHO INSTIGATE OR PARTICIPATE IN SUCH ACTS ARE INDIVIDUALLY RESPONSIBLE,

RECALLING ALSO THE REQUESTS IT ADDRESSED TO THE SECRETARY-GENERAL, IN THE STATEMENT BY THE PRESIDENT OF THE SECURITY COUNCIL OF 30 APRIL 1994 AND IN RESOLUTION 918 (1994), CONCERNING THE INVESTIGATION OF SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN RWANDA DURING THE CONFLICT,

HAVING CONSIDERED THE REPORT OF THE SECRETARY-GENERAL OF 31 MAY 1994 (S/1994/640), IN WHICH HE NOTED THAT MASSACRES AND KILLINGS HAVE CONTINUED IN A SYSTEMATIC MANNER THROUGHOUT RWANDA AND ALSO NOTED THAT ONLY A PROPER INVESTIGATION CAN ESTABLISH THE FACTS AND DEFINITE CULPABILITY.

EXPRESSING ONCE AGAIN ITS GRAVEST CONCERN AT THE CONTINUING REPORTS INDICATING THAT SYSTEMATIC, WIDESPREAD AND FLAGRANT VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW, INCLUDING ACTS OF GENOCIDE, HAVE BEEN COMMITTED IN RWANDA,

NOTING THE IMPORTANCE OF THE ENFORCEMENT OF INTERNATIONAL HUMANITARIAN LAW IN THE EXECUTION OF THE SECURITY COUNCIL'S PRIMARY RESPONSIBILITY UNDER THE CHARTER OF THE UNITED NATIONS TO MAINTAIN INTERNATIONAL PEACE AND

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SECURITY,

OP 1. AFFIRMS THAT ALL PERSONS WHO COMMIT OR AUTHORIZE VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW ARE INDIVIDUALLY RESPONSIBLE FOR THOSE VIOLATIONS;

OP 2. CALLS UPON STATES AND, AS APPROPRIATE, INTERNATIONAL HUMANITARIAN ORGANIZATIONS TO COLLATE SUBSTANTIATED INFORMATION IN THEIR POSSESSION OR SUBMITTED TO THEM RELATING TO GRAVE VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW, INCLUDING POSSIBLE BREACHES OF THE CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE BEING COMMITTED IN THE TERRITORY OF RWANDA,

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AND REQUESTS STATES, RELEVANT UNITED NATIONS BODIES, AND RELEVANT ORGANIZATIONS TO MAKE THIS INFORMATION AVAILABLE WITHIN THIRTY DAYS OF THE ADOPTION OF THE PRESENT RESOLUTION AND AS APPROPRIATE THEREAFTER, AND TO PROVIDE OTHER APPROPRIATE ASSISTANCE TO THE COMMISSION OF EXPERTS REFERRED TO IN PARAGRAPH 3 BELOW;

OP 3. REQUESTS THE SECRETARY-GENERAL TO ESTABLISH AS A MATTER OF URGENCY, AN IMPARTIAL COMMISSION OF EXPERTS TO EXAMINE AND ANALYSE THE INFORMATION SUBMITTED PURSANT TO THE PRESENT RESOLUTION, TOGETHER WITH SUCH FURTHER INFORMATION AS THE COMMISSION OF EXPERTS MAY OBTAIN THROUGH ITS OWN INVESTIGATIONS OR EFFORTS. OF OTHER PERSONS OR BODIES, WITH A VIEW TO PROVIDING THE SECRETARY-GENERAL WITH ITS CONCLUSIONS ON THE EVIDENCE OF BREACHES OF THE CONVENTION ON GENOCIDE AND OTHER GRAVE VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF RWANDA;

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OP 4. ALSO REQUESTS THE SECRETARY-GENERAL TO REPORT TO THE COUNCIL ON THE ESTABLISHMENT OF THE COMMISSION OF EXPERTS;

OP 5. FURTHER REQUESTS THE SECRETARY-GENERAL TO REPORT TO THE COUNCIL ON THE CONCLUSIONS OF THE COMMISSION OF EXPERTS, SO THAT THE SECURITY COUNCIL WILL BE ABLE TO TAKE ACCOUNT OF THESE CONCLUSIONS IN ANY RECOMMENDATIONS FOR POSSIBLE FURTHER APPROPRIATE STEPS IN ORDER TO ENSURE THAT PERSONS RESPONSIBLE FOR SUCH ACTS ARE BROUGHT TO JUSTICE;

OP 6. FURTHER REQUESTS THE SPECIAL RAPPORTEUR APPOINTED BY THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS TO INVESTIGATE THE HUMAN RIGHTS SITUATION IN RWANDA TO COORDINATE HIS EFFORTS WITH THOSE OF THE COMMISSION OF EXPERTS;

OP. 7 URGES STATES AND INTERGOVERNMENTAL AND GOVERNMENTAL ORGANIZATIONS TO CONTRIBUTE FUNDS, EQUIPMENT AND SERVICES TO THE COMMISSION OF EXPERTS INCLUDING THE OFFER OF EXPERT PERSONNEL;

OP 8. DECIDES TO REMAIN ACTIVELY SEIZED OF THE MATTER.

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END TEXT. CHRISTOPHER

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