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ACTION IO-16

INFO	LOG-00	AF-01	ARA-01	CIAE-00	SMEC-00	OASY-00	DODE-00
	EAP-01	EUR-01	H-01	TEDE-00	INR-00	LAB-01	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	SSO-00
	SS-00	TRSE-00	T-00	USIE-00	SA-01	PMB-00	DRL-09
	G-00	/044W					

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O 132341Z SEP 94
FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC IMMEDIATE 8963
INFO AMEMBASSY NAIROBI
AMEMBASSY DAR ES SALAAM
AMEMBASSY KAMPALA
AMEMBASSY BUJUMBURA
AMEMBASSY KINSHASA
UN SECURITY COUNCIL COLLECTIVE

C O N F I D E N T I A L USUN NEW YORK 003819

E.O.12356: DECL: OADR
TAGS: PREL, UNSEC, RW
SUBJECT: PROPOSED UN SECURITY COUNCIL RESOLUTION
AUTHORIZING DETENTION OF SUSPECTED RWANDAN WAR CRIMINALS

REF: A) STATE 245423, B) LONDON 14545

1. C - ENTIRE TEXT.

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2. AMBASSADOR INDERFURTH MET WITH P-4, MADE POINTS
CONTAINED REF A AND DISTRIBUTED COPY OF DRAFT RESOLUTION
CONTAINED PARA 4 REF A.

3. UK, FRENCH AND RUSSIAN DELEGATES SAID THEY WERE
PREPARED TO SUPPORT ANY REASONABLE APPROACH WHICH WOULD
ENCOURAGE THE RETURN OF THE RWANDAN REFUGEES. THEY
WONDERED WHETHER US PROPOSAL WOULD CUT ACROSS ZAIRE
INTENT TO ISOLATE THE FIGHTERS AND MOVE THE FORMER
LEADERS. THEY ALSO WONDERED WHETHER IT WOULD NOT BE

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BEST TO AWAIT TRIP BY SRSG KHAN TO THE AREA AND QUESTIONED WHETHER IT WAS, NECESSARY FOR RESOLUTION TO BE UNDER CHAPTER VII. RUSSIANS ASKED WHO WOULD DETERMINE SUFFICIENCY OF EVIDENCE TO DETAIN.

4. AMBASSADOR INDERFURTH REPLIED AS FOLLOWS:

A) WE SEE NO CONFLICT BETWEEN ACTIONS CONTEMPLATED BY ZAIRE AND OUR PROPOSAL.

B) WE BELIEVE SITUATION URGENT BUT AGREE THAT SECURITY COUNCIL ACTION SHOULD TAKE INTO ACCOUNT AND RE-INFORCE CURRENT MISSION OF SRSG KHAN.

C) WE BELIEVED FROM CONVERSATION WITH SOME OF THE STATES IN THE REGION THAT REFERENCE TO CHAPTER VII WOULD HELP THEM TO FIND AUTHORITY TO DETAIN, THAT SC HAD ALREADY MADE CHAPTER VII DETERMINATION RE RWANDA, THAT SUBSEQUENT ACTION RE TRIBUNAL WOULD NEED TO BE UNDER CHAPTER VII SO WE MIGHT AS WELL MAKE THIS RESOLUTION

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UNDER CHAPTER VII.

D) CONCERNING CRITERIA FOR DETENTION WE BELIEVED REQUIREMENT IN PARA 7 OF DRAFT RESOLUTION TO KEEP THE SYG INFORMED OF ACTIONS IN CONNECTION WITH DETENTION WAS ADEQUATE SAFEGUARD AND WE NEED NOT ELABORATE CRITERIA BEYOND WHAT WAS IN PARA 3 OF DRAFT.

5. UK QUERIED WHETHER AFRICANS WOULD ACCEPT CHAPTER VII REFERENCE, FRENCH QUERIES USE OF TERM "AUTHORIZE" ON GROUNDS IT MIGHT BE SUPEREROGATORY. ALL THREE PROMISED TO REPORT TEXT AND SEEK RAPID INSTRUCTIONS.

6. USUN HAS GIVEN TEXT OF DRAFT TO NIGERIA, RWANDA AND SPAIN. ALL THREE PROMISED TO STUDY THE TEXT AND GET BACK TO US TOMORROW.

7. USUN PLANS TO CONSULT WITH OTHER KEY AFRICANS AND COUNCIL MEMBERS.

MINIMIZE CONSIDERED

ALBRIGHT

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