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C O N F I D E N T I A L STATE 237220

PARIS FOR MORAN

E.O. 12356: DECL: OADR
TAGS: PREL, RW

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PAGE 02 STATE 237220 020003Z
SUBJECT: RESOLUTION ESTABLISHING WAR CRIMES TRIBUNAL FOR
RWANDA

REF: 94 STATE 202027

1. CONFIDENTIAL - ENTIRE TEXT.
2. THIS IS AN ACTION MESSAGE.
3. PER REF, USG URGES THAT THE UNSC ESTABLISH A WAR
CRIMES TRIBUNAL FOR RWANDA, LINKED TO THE EXISTING

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YUGOSLAVIA TRIBUNAL, AS SOON AS POSSIBLE. AS SOON AS THE UN COMMISSION OF EXPERTS ISSUES A REPORT (PERHAPS IN THE FORM OF A LETTER OR INTERIM REPORT) CONFIRMING THAT GENOCIDE OR OTHER WAR CRIMES HAVE BEEN COMMITTED IN RWANDA, AND THE SYG CONVEYS THIS CONCLUSION TO THE COUNCIL, WE BELIEVE THE COUNCIL SHOULD IMMEDIATELY AMEND THE STATUTE OF THE YUGOSLAVIA TRIBUNAL TO INCLUDE RWANDA.

4. IN CONTEMPLATION OF ACTION BY THE COMMISSION, MISSION IS REQUESTED TO DISCUSS THE DRAFT RESOLUTION, AND ANNEX THERETO, AT PARA 5 WITH APPROPRIATE MISSIONS. MISSION MAY

USE BACKGROUND PAPER AT PARA 6 AS A NON-PAPER, AS WELL AS TALKING POINTS ALONG THE LINES IN REFTEL.

5. BEGIN TEXT OF DRAFT RESOLUTION AND ANNEX:

THE SECURITY COUNCIL,

REAFFIRMING ALL ITS PREVIOUS RESOLUTIONS ON THE SITUATION
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IN RWANDA,

HAVING CONSIDERED THE REPORT OF THE SECRETARY-GENERAL PURSUANT TO PARAGRAPH 3 OF RESOLUTION 935 (1994) AND THE REPORTS OF THE SPECIAL RAPPORTEUR FOR RWANDA OF THE UNITED NATIONS HUMAN RIGHTS COMMISSION,

EXPRESSING APPRECIATION FOR THE WORK OF THE COMMISSION OF EXPERTS ESTABLISHED PURSUANT TO RESOLUTION 935 (1994), IN PARTICULAR ITS INTERIM REPORT ON VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW IN RWANDA,

EXPRESSING ONCE AGAIN ITS GRAVE 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,

DETERMINING THAT THIS SITUATION CONTINUES TO CONSTITUTE A THREAT TO INTERNATIONAL PEACE AND SECURITY,

DETERMINED TO PUT AN END TO SUCH CRIMES AND TO TAKE EFFECTIVE MEASURES TO BRING TO JUSTICE THE PERSONS WHO ARE RESPONSIBLE FOR THEM,

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CONVINCED THAT IN THE PARTICULAR CIRCUMSTANCES OF RWANDA THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW WOULD ENABLE THIS AIM TO BE ACHIEVED AND WOULD CONTRIBUTE TO THE RESTORATION AND MAINTENANCE OF PEACE,

BELIEVING THAT THE PROSECUTION OF PERSONS RESPONSIBLE FOR
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THE ABOVE-MENTIONED VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW WILL CONTRIBUTE TO ENSURING THAT SUCH VIOLATIONS ARE HALTED AND EFFECTIVELY REDRESSED,

ACTING UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS,

1. DECIDES HEREBY TO EXTEND THE JURISDICTION OF THE INTERNATIONAL TRIBUNAL CREATED PURSUANT TO RESOLUTIONS 808

(1993) AND 827 (1993) SO AS TO PROVIDE FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF RWANDA, OR IN STATES BORDERING RWANDA AND RELATED TO THE CRISIS IN RWANDA, SINCE 6 APRIL 1994;

2. DECIDES ACCORDINGLY TO AMEND THE STATUTE OF THAT INTERNATIONAL TRIBUNAL AS PROVIDED IN THE ATTACHED ANNEX;

3. DECIDES THAT ALL STATES SHALL COOPERATE FULLY WITH THE INTERNATIONAL TRIBUNAL IN ACCORDANCE WITH THE PRESENT RESOLUTION AND THE STATUTE OF THE INTERNATIONAL TRIBUNAL AND THAT CONSEQUENTLY ALL STATES SHALL TAKE ANY MEASURES NECESSARY UNDER THEIR DOMESTIC LAW TO IMPLEMENT THE PROVISIONS OF THE PRESENT RESOLUTION AND THE STATUTE.

4. URGES STATES AND INTERGOVERNMENTAL AND NON-GOVERNMENTAL ORGANIZATIONS TO CONTRIBUTE FUNDS, EQUIPMENT AND SERVICES TO THE INTERNATIONAL TRIBUNAL, INCLUDING THE OFFER OF EXPERT PERSONNEL, AS MAY BE NEEDED TO FACILITATE SUCH PROSECUTIONS;

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5. REQUESTS THE SECRETARY-GENERAL TO IMPLEMENT URGENTLY THE PRESENT RESOLUTION AND IN PARTICULAR TO MAKE PRACTICAL ARRANGEMENTS AS SOON AS POSSIBLE FOR A PROSECUTORIAL STAFF FOR RWANDA UNDER THE OFFICE OF THE PROSECUTOR, FOR THE EXPANSION OF THE REGISTRY STAFF TO MEET THE INCREASED WORKLOAD, FOR THE ELECTION OF THE REQUIRED ADDITIONAL JUDGES, AND ANY OTHER MEASURES TO ENSURE THAT THE INTERNATIONAL TRIBUNAL RECEIVES SUFFICIENT SUPPORT AND RESOURCES TO UNDERTAKE FULLY ITS RESPONSIBILITIES WITH RESPECT TO BOTH THE FORMER YUGOSLAVIA AND RWANDA;

6. REQUESTS THE SECRETARY-GENERAL TO REPORT PERIODICALLY TO THE COUNCIL ON THE IMPLEMENTATION OF THE MEASURES SET FORTH IN PARAGRAPH 5 OF THIS RESOLUTION;

7. DECIDES THAT THE SEAT OF THE INTERNATIONAL TRIBUNAL SHALL BE THE HAGUE SUBJECT TO THE CONCLUSION OF APPROPRIATE ARRANGEMENTS BETWEEN THE UNITED NATIONS AND THE NETHERLANDS ACCEPTABLE TO THE COUNCIL, AND THAT THE INTERNATIONAL TRIBUNAL MAY SIT ELSEWHERE WHEN IT CONSIDERS IT NECESSARY FOR THE EFFICIENT EXERCISE OF ITS FUNCTIONS;

8. REQUESTS THE TRIBUNAL TO AMEND ITS RULES OF PROCEDURE AND EVIDENCE AND TO TAKE SUCH OTHER ACTIONS AS MAY BE NECESSARY TO ACCOMMODATE THESE DECISIONS;

9. DECIDES TO REMAIN ACTIVELY SEIZED OF THE MATTER.

ANNEX

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AMENDMENTS TO THE STATUTE OF THE INTERNATIONAL TRIBUNAL
(AS ADOPTED IN RESOLUTION 827)

1. THE PREAMBULAR PARAGRAPH IS AMENDED TO READ:

HAVING BEEN ESTABLISHED BY THE SECURITY COUNCIL ACTING UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS, THE INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW (HEREINAFTER REFERRED TO AS "THE INTERNATIONAL TRIBUNAL") SHALL FUNCTION IN ACCORDANCE WITH THE PROVISIONS OF THE PRESENT STATUTE.

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2. ARTICLE 1 IS AMENDED TO READ:

COMPETENCE OF THE INTERNATIONAL TRIBUNAL

THE INTERNATIONAL TRIBUNAL SHALL, IN ACCORDANCE WITH THE PROVISIONS OF THE PRESENT STATUTE, HAVE THE POWER TO PROSECUTE PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED: (1) IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1 JANUARY 1991; OR (2) IN THE TERRITORY OF RWANDA, OR IN STATES BORDERING RWANDA AND RELATED TO THE CRISIS IN RWANDA, SINCE 6 APRIL 1994.

3. ARTICLE 2 IS AMENDED TO READ:

VIOLATIONS OF THE LAWS AND CUSTOMS OF WAR

THE INTERNATIONAL TRIBUNAL SHALL HAVE THE POWER TO
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PROSECUTE PERSONS COMMITTING OR ORDERING TO BE COMMITTED:
(1) SERIOUS VIOLATIONS OF ANY INTERNATIONAL AGREEMENT ON THE LAWS OF WAR IN FORCE AT THE TIME OF THE ACTS IN QUESTION IN THE TERRITORY IN WHICH THEY TOOK PLACE, INCLUDING THE GENEVA CONVENTIONS OF 1949 AND THE ADDITIONAL PROTOCOLS THERETO OF 1977; AND (2) SERIOUS VIOLATIONS OF OTHER LAWS AND CUSTOMS OF WAR APPLICABLE TO THE ACTS IN QUESTION.

4. ARTICLE 3 IS DELETED AND THE SUBSEQUENT ARTICLES RENUMBERED.

5. THE CHAPEAU TO THE CURRENT ARTICLE 5 IS AMENDED TO
READ:

CRIMES AGAINST HUMANITY

THE INTERNATIONAL TRIBUNAL SHALL HAVE THE POWER TO PROSECUTE PERSONS RESPONSIBLE FOR THE FOLLOWING CRIMES WHEN COMMITTED AS PART OF A WIDESPREAD OR SYSTEMATIC ATTACK AGAINST ANY CIVILIAN POPULATION ON NATIONAL, POLITICAL, ETHNIC, RACIAL OR RELIGIOUS GROUNDS:

6. THE CURRENT ARTICLE 8 IS AMENDED TO READ:

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TERRITORIAL JURISDICTION

FOR PURPOSES OF THE TERRITORIAL JURISDICTION OF THE INTERNATIONAL TRIBUNAL, REFERENCES TO TERRITORY OF A STATE SHALL INCLUDE ITS LAND SURFACE, AIRSPACE AND TERRITORIAL
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WATERS.

7. PARAGRAPH 1 OF THE CURRENT ARTICLE 9 IS AMENDED TO READ:

THE INTERNATIONAL TRIBUNAL AND NATIONAL COURTS SHALL HAVE CONCURRENT JURISDICTION TO PROSECUTE PERSONS FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED:

(1) IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1 JANUARY 1991; OR (2) IN THE TERRITORY OF RWANDA, OR IN STATES BORDERING RWANDA AND RELATED TO THE CRISIS IN RWANDA, SINCE 6 APRIL 1994.

8. PARAGRAPH (A) OF THE CURRENT ARTICLE 11 IS AMENDED TO READ:

THE CHAMBERS, COMPRISING FOUR TRIAL CHAMBERS AND AN APPEALS CHAMBER;

9. THE WORD "ELEVEN" IN THE CURRENT ARTICLE 12 IS AMENDED TO "SEVENTEEN".

10. THE SECOND SENTENCE OF PARAGRAPH 2(C) OF THE CURRENT ARTICLE 13 IS AMENDED TO READ:

FROM THE NOMINATIONS RECEIVED THE SECURITY COUNCIL SHALL ESTABLISH A LIST OF NOT LESS THAN TWO TIMES AND NOT MORE THAN THREE TIMES THE NUMBER OF JUDGES TO BE ELECTED, TAKING DUE ACCOUNT OF THE ADEQUATE REPRESENTATION OF THE PRINCIPAL LEGAL SYSTEMS OF THE WORLD;

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THE WORD "ELEVEN" IN PARAGRAPH 2(D) IS DELETED.

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11. PARAGRAPH 1 OF THE CURRENT ARTICLE 16 IS AMENDED TO READ:

THE PROSECUTOR SHALL BE RESPONSIBLE FOR THE INVESTIGATION AND PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED:

(1) IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1 JANUARY 1991; OR (2) IN THE TERRITORY OF RWANDA, OR IN STATES BORDERING RWANDA AND RELATED TO THE CRISIS IN RWANDA, SINCE 6 APRIL 1994.

12. THE SECOND SENTENCE OF PARAGRAPH 1 OF THE CURRENT ARTICLE 24 IS AMENDED TO READ:

IN DETERMINING THE TERMS OF IMPRISONMENT, THE TRIAL CHAMBERS SHALL HAVE RECOURSE TO THE GENERAL PRACTICE REGARDING PRISON SENTENCES IN THE COURTS OF THE FORMER YUGOSLAVIA OR RWANDA, AS THE CASE MAY BE.

END TEXT

5. BEGIN TEXT OF NON-PAPER

PROPOSAL OF THE UNITED STATES FOR AMENDMENT OF THE STATUTE OF THE WAR CRIMES TRIBUNAL TO INCLUDE RWANDA

THE UNITED STATES STRONGLY SUPPORTS THE CREATION OF A MECHANISM FOR THE INTERNATIONAL PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL
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HUMANITARIAN LAW IN THE RECENT CONFLICT IN RWANDA. GIVEN THE CONDITIONS IN RWANDA, WE BELIEVE THAT THE COUNCIL MUST ACT QUICKLY; IF, AS MOST OBSERVERS BELIEVE IT WILL, THE COMMISSION OF EXPERTS CONFIRMS THAT GENOCIDE OR OTHER VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW HAVE OCCURRED IN RWANDA, THE COUNCIL SHOULD ACT EXPEDITIOUSLY TO CREATE SUCH A MECHANISM. FOR THE FOLLOWING REASONS, WE BELIEVE THIS CAN BE MOST EFFECTIVELY DONE BY ADDING THIS RESPONSIBILITY TO THE MANDATE OF THE CURRENT INTERNATIONAL TRIBUNAL IN THE HAGUE:

-- IT IS IMPORTANT TO TREAT THE TWO SITUATIONS ON AN EQUAL FOOTING, APPLYING THE SAME PRINCIPLES OF INTERNATIONAL LAW AND THE SAME PROCEDURAL PROTECTIONS. THIS IS BEST GUARANTEED BY DEALING WITH THE TWO SITUATIONS

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UNDER THE SAME STATUTE AND RULES OF PROCEDURE.

-- IT IS ALSO IMPORTANT TO HAVE UNIFORMITY IN THE APPLICATION OF THE LAW TO THE TWO SITUATIONS. THIS IS BEST ENSURED BY HAVING COMMON TRIAL AND APPELLATE CHAMBERS, WHICH WOULD HEAR CASES ARISING FROM BOTH CONFLICTS.

-- IT WOULD BE USEFUL TO HAVE COMMON OVERALL DIRECTION OF THE TWO PROSECUTION EFFORTS, SO AS TO ENCOURAGE EQUAL TREATMENT, AN EFFICIENT MANAGEMENT OF THE WORKLOAD, AND COORDINATED DEVELOPMENT OF COMMON LEGAL ISSUES. THIS IS BEST DONE BY HAVING BOTH PROSECUTION TEAMS REPORT TO A SINGLE CHIEF PROSECUTOR. (THIS WOULD ALSO AVOID THE NEED FOR ANOTHER POTENTIALLY PROLONGED SEARCH FOR A SECOND CHIEF PROSECUTOR.) WE BELIEVE A STRONG, EXPERIENCED
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PROSECUTOR SHOULD BE SELECTED TO HEAD UP THE RWANDA PROSECUTION TEAM. AS PART OF HIS DUTIES, THE PROSECUTOR WILL NEED TO WORK WITH THE RWANDAN GOVERNMENT TO DETERMINE WHICH CASES MERIT INTERNATIONAL PROSECUTION, AND WHICH CASES SHOULD BE SUBJECT TO DOMESTIC PROSECUTION.

-- IT IS IMPORTANT THAT THE YUGOSLAV TRIBUNAL IS NOT JEOPARDIZED IN ANY WAY BY THE ESTABLISHMENT OF A NEW TRIBUNAL. BOTH TRIBUNALS WILL THUS HAVE TO BE ADEQUATELY FUNDED AND OTHERWISE SUPPORTED TO ENSURE THAT BOTH OPERATIONS ARE ABLE TO CARRY OUT THEIR WORK EFFECTIVELY.

-- NONETHELESS, IT MAKES SENSE FOR THE TWO PROSECUTION EFFORTS TO SHARE SOME RESOURCES WHERE THIS CAN BE DONE WITHOUT DETRIMENT TO EITHER ONE. FOR EXAMPLE, THE TWO EFFORTS COULD BE HOUSED IN THE SAME BUILDING IN THE HAGUE, SHARE THE SAME REGISTRY AND SUPPORT STAFF, WHICH WOULD NEED TO BE EXPANDED, AND USE THE SAME DETENTION FACILITIES.

AT THE SAME TIME, WE MUST BE SURE THAT THE RWANDA EFFORT IS HANDLED IN A MANNER THAT ADEQUATELY DEALS WITH THE CIRCUMSTANCES OF THAT SITUATION, AND THAT DOES NOT CAUSE DELAY OR COMPLICATION OF THE EFFORT FOR THE FORMER YUGOSLAVIA. THEREFORE,

-- WE SHOULD ADD ADDITIONAL TRIAL CHAMBERS TO HANDLE THE INCREASED CASELOAD; EACH CHAMBER WOULD BE ELIGIBLE TO

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HANDLE CASES ARISING FROM EITHER SITUATION. AS APPROPRIATE, A CHAMBER WORKING ON CASES CONCERNING RWANDA COULD CONDUCT PROCEEDINGS IN AFRICA WHERE NECESSARY FOR
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THE EFFICIENT EXERCISE OF ITS FUNCTIONS. WE SUGGEST TWO ADDITIONAL CHAMBERS, EACH WITH THREE JUDGES. THE SELECTION OF JUDGES SHOULD TAKE INTO ACCOUNT THE

DESIRABILITY OF GEOGRAPHICAL BALANCE AND REPRESENTATION OF THE REGION, IN ADDITION TO LEGAL QUALIFICATIONS AND EXPERIENCE WITH CRIMINAL TRIALS.

-- WE SHOULD PROVIDE ADDITIONAL PROSECUTORIAL STAFF AND RESOURCES COMPARABLE TO THOSE BEING PROVIDED FOR THE FORMER YUGOSLAVIA. TO THE EXTENT POSSIBLE, THE SELECTION OF STAFF SHOULD TAKE INTO ACCOUNT THE NECESSARY LANGUAGE SKILLS AND FAMILIARITY WITH THE LEGAL SYSTEMS INVOLVED, IN ADDITION TO LEGAL QUALIFICATIONS AND EXPERIENCE WITH CRIMINAL PROSECUTIONS.

-- WE SHOULD EXPAND THE STAFF OF THE REGISTRY SO THAT IT WILL BE ABLE TO DEAL EFFECTIVELY WITH THE INCREASED WORKLOAD BROUGHT ABOUT BY AN ADDITIONAL TRIBUNAL.

-- THE BUDGET SHOULD BE SUBSTANTIALLY INCREASED AND PUT ON A REGULAR BASIS WITH THE NECESSARY AUTHORITY FOR LONG-TERM FINANCIAL AND HIRING COMMITMENTS.

ATTACHED IS A DRAFT SECURITY COUNCIL RESOLUTION THAT ILLUSTRATES THE CHANGES WE WOULD PROPOSE TO THE CURRENT STATUTE. WE HAVE ATTEMPTED TO LIMIT THE CHANGES TO THOSE NEEDED TO ACCOMMODATE THE RWANDA PROSECUTION EFFORT. IN PARTICULAR:

-- THE JURISDICTION OF THE TRIBUNAL IS EXPANDED TO
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INCLUDE SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW IN RWANDA, OR IN STATES BORDERING RWANDA AND RELATED TO THE CRISIS IN RWANDA, SINCE 6 APRIL 1994 (THAT IS, THE OUTBREAK OF THE RECENT CONFLICT).

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-- THE SUBJECT MATTER JURISDICTION OF THE TRIBUNAL IS CLARIFIED TO BE CERTAIN THAT IT INCLUDES SERIOUS VIOLATIONS OF INTERNATIONAL AGREEMENTS ON THE LAWS OF WAR IN FORCE AT THE TIME OF THE ACTS IN QUESTION IN THE TERRITORY IN WHICH THEY TOOK PLACE. THIS IS ESSENTIAL IN THE CASE OF RWANDA, SINCE THE APPLICABLE STANDARDS FOR INTERNAL ARMED CONFLICTS ARE CONTAINED IN COMMON ARTICLE 3 TO THE 1949 GENEVA CONVENTIONS AND ADDITIONAL PROTOCOL II TO THOSE CONVENTIONS.

-- THE LANGUAGE APPLICABLE TO CRIMES AGAINST HUMANITY IS CLARIFIED IN ACCORDANCE WITH THE SECRETARY-GENERAL'S EXPLANATORY COMMENTS IN HIS ORIGINAL REPORT ON THE STATUTE. THIS IS IMPORTANT IN THE CASE OF RWANDA TO ENSURE THAT THE TRIBUNAL HAS JURISDICTION OVER WIDESPREAD OR SYSTEMATIC ATTACKS ON THE CIVILIAN POPULATION ON ETHNIC GROUNDS, EVEN IN SITUATIONS THAT MIGHT BE ARGUED NOT TO BE INCIDENT TO AN ARMED CONFLICT.

-- THE NUMBER OF TRIAL CHAMBERS, JUDGES AND REGISTRY STAFF IS INCREASED TO DEAL WITH THE INCREASED CASELOAD.

-- AS RESOLUTION 827 (1993) DID FOR THE YUGOSLAVIA TRIBUNAL, THIS RESOLUTION WOULD MAKE CLEAR THAT TRIBUNAL HAS AUTHORITY TO CONDUCT PROCEEDINGS NOT ONLY IN THE HAGUE

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BUT IN PLACES CLOSER TO THE WHERE THE CRIMES OCCURRED. IN THE CASE OF RWANDA, THE TRIBUNAL MIGHT HOLD PROCEEDINGS IN A NEUTRAL STATE IN AFRICA, WHERE ITS WORK WILL HAVE THE GREATEST IMPACT, AND WHERE WITNESSES AND EVIDENCE ARE MORE ACCESSIBLE. RULE 4 OF THE YUGOSLAVIA TRIBUNAL RULES OF PROCEDURE AND EVIDENCE ALREADY PROVIDES THAT A CHAMBER MAY EXERCISE ITS FUNCTIONS AT A PLACE OTHER THAN THE SEAT OF THE TRIBUNAL, IF SO AUTHORISED BY THE PRESIDENT IN THE INTERESTS OF JUSTICE. ANY SUCH PROCEEDINGS OUTSIDE THE HAGUE WOULD BE SUBJECT TO ARRANGEMENTS TO BE WORKED OUT AMONG THE TRIBUNAL, THE UN AND THE STATE WHERE THE PROCEEDINGS WOULD TAKE PLACE.

WE NOTE THAT THE NEW GOVERNMENT OF RWANDA HAS SPECIFICALLY REQUESTED THAT A TRIBUNAL BE ESTABLISHED. THE RPF BELIEVES, AND WE AGREE WITH ITS VIEW, THAT CREATION OF A TRIBUNAL WILL PROMOTE THE RETURN OF THE RULE OF LAW TO

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RWANDA, AND TO CONDITIONS OF STABILITY. THE SPECIAL
RAPPOREUR OF THE UN HUMAN RIGHTS COMMISSION HAS ALSO
CONCLUDED THAT THE UN SHOULD CREATE A MECHANISM TO
ADJUDICATE THESE CRIMES.

WE WELCOME THE VIEWS OF OTHERS ON THESE PROPOSALS.

END TEXT OF NON-PAPER TALBOTT

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