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ACTION AF-01

INFO	LOG-00	ACDA-17	ACDE-00	AID-01	AMAD-01	ARA-01	CA-02
	CIAE-00	SMEC-00	OASY-00	DODE-00	ANHR-01	DS-00	EAP-01
	EB-01	EUR-01	FBIE-00	FDRE-01	H-01	IMMC-01	TEDE-00
	INR-00	IO-16	L-01	ADS-00	MFLO-03	M-00	NEA-01
	NSAE-00	NSCE-00	OCS-06	OIC-02	OIG-04	PA-01	PM-00
	PRS-01	P-01	SCT-03	SP-00	SR-00	SSO-00	SS-00
	STR-01	TRSE-00	USIE-00	SA-01	FMP-00	PMB-00	DSCC-00
	PRME-01	PRMC-01	DRL-09	G-00	/082W		

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FM AMEMBASSY KIGALI  
TO USMISSION USUN NEW YORK IMMEDIATE  
SECSTATE WASHDC IMMEDIATE 0263  
INFO AMEMBASSY THE HAGUE PRIORITY  
RWANDA COLLECTIVE  
UN SECURITY COUNCIL COLLECTIVE

S E C R E T SECTION 01 OF 02 KIGALI 001883

DEPARTMENT FOR G; AF; L; DS; AND DRL

E.O. 12356:DECL:OADR  
TAGS: PHUM, PREL, PGOV, MCPAP, PINS, RW, UN  
SUBJECT: FOLLOW-UP DEMARCHES ON RWANDA WAR CRIMES TRIBUNAL  
RESOLUTION: PRIME MINISTER AND JUSTICE MINISTER

REF: A) STATE 280506

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B) STATE 283000 (NOTAL)  
C) KIGALI 1872  
D) USUN NEW YORK 4459

1. (C) CHARGE MET A.M. OCTOBER 20 WITH PRIME MINISTER TWAGIRAMUNGU AND JUSTICE MINISTER NKUBITO TO FOLLOW-UP ON EARLIER MEETINGS ON COORDINATING GOR/USG APPROACHES TO THE TEXT OF THE RWANDAN WAR CRIMES TRIBUNAL RESOLUTION. TWAGIRAMUNGU CONFIRMED THAT THE PRESIDENCY AND THE MINISTRY OF JUSTICE HAD TAKEN THE LEAD ON THE ISSUE. HE FELT THAT KAGAME WAS TOO BUSY WITH SECURITY ISSUES TO HAVE PLAYED MUCH

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OF A ROLE. HE SAID THAT HE WOULD APPRECIATE A READOUT ON WHERE THINGS STOOD.

2. (C) CHARGE PRESENTED SELECT POINTS FROM THE LATEST INFORMATION ON HAND (REF D), INCLUDING REMAINING UNRESOLVED DIFFERENCES. TWAGIRAMUNGU RAISED QUESTIONS ONLY ON THE ISSUE OF THE STARTING DATE. HE CITED THE RECENT DEPARTURE OF WITNESSES TO CANADA TO TESTIFY IN THE EXTRADITION TRIAL OF A MR. MURIGISANA, WHO HAD ALLEGEDLY DISCUSSED PLANNING FOR AND HIS PARTICIPATION IN GENOCIDE BEFORE THE PRESS. THIS PLANNING DATED BACK TO 1992, THE PRIME MINISTER OBSERVED.

3. (C) TWAGIRAMUNGU SAID THAT HE HOPED THE US WOULD URGE THE FRENCH TO PLAY A CONSTRUCTIVE ROLE IN ESTABLISHING THE TRIBUNAL. HE SAID THAT THE GOR WANTED GOOD RELATIONS WITH THE FRENCH; HOWEVER, THE "PATERNALIST" GOF HAD DONE EVERYTHING POSSIBLE TO BLOCK RWANDA'S RECOVERY THUS FAR. HE ACCUSED PARIS OF HOLDING UP BUDGET ASSISTANCE FROM OTHER EU COUNTRIES AND MENTIONED MOBUTU'S INVITATION TO THE UPCOMING

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FRANCOPHONE AFRICAN SUMMIT. HE OBSERVED THAT RWANDA HAD BEEN SNUBBED. TWAGIRAMUNGU INSISTED THAT NO MATTER HOW MUCH THE GOR NEEDED FRENCH AID, IT WOULD NOT BE FORCED INTO FRANCOPHONIE. CHARGE SAID THAT THE U.S. WAS WORKING WITH ALL UNSC MEMBERS IN SEARCH OF CONSENSUS AND SUGGESTED THAT THE RWANDAN PERMREP COULD USE HIS CONTACTS WITH OTHER MEMBERS -- INCLUDING THE FRENCH -- TO ACHIEVE THIS COMMON OBJECTIVE.

4. (S) TWAGIRAMUNGU CHANGED THE TOPIC, CONFIDING THAT THERE WERE RUMORS OF INTRA-MILITARY CONFLICT FROM EXTREMIST ELEMENTS UNHAPPY WITH THE COURSE OF EVENTS, ESPECIALLY THREE MONTHS WITHOUT SALARY IN THE WAKE OF A MILITARY VICTORY. HE SAID THAT HE HAD BROACHED THIS ISSUE EARLIER IN THE DAY WITH THE EU REPRESENTATIVE; HE, THE PRESIDENT, AND VICE PRESIDENT HAD NOT YET DISCUSSED THIS. HE SAID THAT HE WOULD MEET WITH INTERNAL AFFAIRS MINISTER LATER, TO SEE WHAT INFORMATION HE HAD. HE ADDED THAT "SOME PEOPLE DON'T WANT CHANGE" AND OBSERVED THAT "THAT YOUNG MAN (KAGAME) IS REALLY STRUGGLING WITH SECURITY."

5. (S) COMMENT. WE WERE NOT SURE WHAT TO MAKE OF THIS. THE ELEMENTS FOR TROUBLE ARE CLEARLY PRESENT, BUT IF THERE IS TROUBLE BREWING, IT REMAINS WELL BELOW THE SURFACE. WE

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HAVE NOT RECEIVED ANY CORROBORATING INFORMATION FROM OTHER SOURCES. END COMMENT.

6. (C) JUSTICE MINISTER

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MINISTER OF JUSTICE NKUBITO THANKED CHARGE FOR PASSING COPIES OF THE LATEST VERSION OF THE TEXT OF THE

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RESOLUTION/STATUTES TO HIM AND PRESIDENTIAL COUNSELOR GASANA. NKUBITO SAID THAT HE, GASANA, AND BIZIMUNGU WERE DETERMINING RWANDA'S POLICY POSITION. HE THEN TURNED TO DISCUSSION OF SALIENT ISSUES.

-- DATES: HE FELT IT ESSENTIAL TO INTRODUCE EVIDENCE OF GENOCIDE PLANNING PRIOR TO 1994 IN THE TRIALS. HE WAS LESS CONCERNED ABOUT THE CUTOFF DATE FOR JURISDICTION. HE DID NOT SEEM AWARE THAT THE RWANDAN PERMREP HAD SHOWN WILLINGNESS TO COMPROMISE ON THE 1992 START-UP DATE.

-- VENUE: HE FELT THAT IT WOULD BE ACCEPTABLE TO LOCATE THE TRIBUNAL ADMINISTRATIVE SEAT OUTSIDE OF RWANDA BUT FELT THAT TRIALS SHOULD TAKE PLACE IN RWANDA OR NEIGHBORING STATES WHERE ATROCITIES HAD OCCURRED. CHARGE OBSERVED THAT THE SCOPE OF THE TRIALS WOULD REQUIRE THAT MOST TAKE PLACE IN RWANDA OR NEARBY: IT WAS UNREALISTIC TO CONSIDER MOVING THOUSANDS OF DEFENDANTS AND WITNESSES TO FAR FLUNG LOCATIONS.

-- PRIMACY: NKUBITO FLAGGED A POTENTIALLY SERIOUS PROBLEM HERE. THE GOR POSITION WAS THAT CAPITAL PUNISHMENT SHOULD REMAIN AN OPTION WHILE THE UN TEXT DID NOT PROVIDE FOR THIS. HE PERSONALLY OPPOSED THE USE OF THE DEATH PENALTY ON ETHICAL AND LEGAL GROUNDS. MORE PRACTICALLY, HE NOTED, THE

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ABLE TO WORK CLOSELY WITH THE RWANDANS IN NEW YORK TO RESOLVE MOST OUTSTANDING ISSUES. HE EMPHASIZED THE URGENCY OF ACTING ON THE RESOLUTION AND THE IMPORTANCE OF CONTINUED COOPERATION IN IRONING OUT FINAL WRINKLES IN THE TEXT.

8. (C) COMMENT. NKUBITO ADMITTED THAT HIS PHONE WAS OUT OF ORDER AND THAT DUE TO TELEPHONE PROBLEMS HE HAD NOT BEEN IN CONTACT WITH THE RWANDAN PERMREP IN NEW YORK SINCE OUR EARLIER CONVERSATION ON OCTOBER 19. OUR ATTEMPTS TO CONTACT GASANA BY PHONE HAVE NOT WORKED EITHER. WE SUSPECT THAT THERE MIGHT BE A DISCONNECT BETWEEN KIGALI AND THE PERMREP IN NEW YORK AND WILL PASS ALONG INFORMATION THAT WOULD BE HELPFUL AS REQUESTED.

9. (C) FURTHER COMMENT: KAGAME IS PLAYING HARD TO GET, AND WE HAVE BEEN UNABLE TO CONFIRM IF EITHER HE OR BIZIMUNGU ESTABLISHED TELEPHONE CONTACT WITH UNDER SECRETARY WIRTH ON OCTOBER 19. PLEASE CONFIRM.

10. (U) THANKS FOR RAPID TRANSMISSION OF RESOLUTION/STATUTES TO US.

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