

PAGE 01 STATE 198848 260233Z
ORIGIN L-01

INFO	LOG-00	AF-01	AID-01	AMAD-01	OASY-00	EUR-01	FDRE-01
	H-01	TEDE-00	INR-00	IO-16	JUSE-00	ADS-00	NEA-01
	OIC-02	PA-01	PM-00	P-01	SS-00	PMB-00	DRL-09

/037R

DRAFTED BY: L:CNIX

APPROVED BY: L:MJMATHESON

AF/C-TMCCULLEY DRL-MMARTINEZ IO/UNP-SSELLERS
USUN-DSCHEFFER L/AF-GTAFT

-----605FDA 260235Z /38

O 260226Z JUL 94

FM SECSTATE WASHDC

TO AMEMBASSY DAR ES SALAAM IMMEDIATE 9695/9696 IMMEDIATE
AMEMBASSY KAMPALA IMMEDIATE 2576/

AMEMBASSY TUNIS

AMEMBASSY NAIROBI IMMEDIATE 0655/

AMEMBASSY KINSHASA

ZEN RUEHOS/AMEMBASSY LAGOS IMMEDIATE 3915/

ZEN RUEHDJ/AMEMBASSY DJIBOUTI IMMEDIATE 4432/

INFO ZEN RUEHMD/AMEMBASSY MADRID IMMEDIATE 7121/

ZEN RUEHLO/AMEMBASSY LONDON IMMEDIATE 8072/

USMISSION USUN NEW YORK IMMEDIATE 2543/2544 IMMEDIATE

AMEMBASSY THE HAGUE

ZEN RUEHGV/USMISSION GENEVA IMMEDIATE 6167/

ZEN UN SE

ZEN RUEHSA/AMEMBASSY PRETORIA IMMEDIATE 5757/

ZEN RUEHDS/AMEMBASSY ADDIS ABABA IMMEDIATE 5791/

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 198848 260233Z
C O N F I D E N T I A L STATE 198848

E.O. 12356: DECL: OADR
TAGS: TZ, UG, TS, KE, CG, NI, DJ
SUBJECT: RWANDA WAR CRIMES

1. CONFIDENTIAL -- ENTIRE TEXT.

UNCLASSIFIED

2. BEGIN SUMMARY AND ACTION REQUEST: POSTS ARE ASKED TO ADVISE THEIR HOST GOVERNMENTS OF THE U.S. SUPPORT OF AN INTERNATIONAL TRIBUNAL TO PROSECUTE VIOLATIONS OF THE GENOCIDE CONVENTION AND OTHER GRAVE VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW IN RWANDA AND TO SEEK THEIR SUPPORT AS WELL. POSTS SHOULD EXPRESS U.S. SUPPORT FOR THE DETENTION FOR A REASONABLE TIME PERIOD OF THOSE AGAINST WHOM THERE IS CREDIBLE EVIDENCE THAT THEY COMMITTED ATROCITIES, PENDING PROSECUTION. WE BELIEVE SUCH DETENTION IS CONSISTENT WITH THE OBJECTIVES OF THE GENOCIDE CONVENTION AND OTHER INTERNATIONAL AGREEMENTS AND REQUEST THAT POSTS ASK THEIR HOST GOVERNMENTS WHETHER THEY BELIEVE THEY HAVE THE REQUISITE AUTHORITY TO DETAIN SUSPECTS AND WOULD BE WILLING TO DO SO. POSTS ARE ALSO ASKED TO BEGIN IDENTIFYING AFRICAN PROSECUTORS AND JUDGES WHO COULD SERVE IN THE RWANDA WAR CRIMES EFFORT. EMBASSY IN PRETORIA IS ASKED TO CONSIDER WHETHER PRESIDENT MANDELA OR OTHER HIGH GOVERNMENT OFFICIALS WOULD BE WILLING TO

URGE OTHER AFRICAN GOVERNMENTS TO SUPPORT A TRIBUNAL, AND IF SO, THE TIMING OF SUCH ENGAGEMENT. END SUMMARY AND ACTION REQUEST.

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 198848 260233Z

3. BEGIN TALKING POINTS

-- AS YOU KNOW, THE UN SECURITY COUNCIL HAS AUTHORIZED THE FORMATION OF A COMMISSION OF EXPERTS TO INVESTIGATE WHETHER VIOLATIONS OF THE GENOCIDE CONVENTION AND OTHER GRAVE VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW OCCURRED IN RWANDA, AND IF SO. WHAT FURTHER STEPS SHOULD BE TAKEN.

-- IF, AS EXPECTED, THE COMMISSION CONCLUDES THAT VIOLATIONS OCCURRED, IT MAY WELL RECOMMEND THE FORMATION OF A WAR CRIMES TRIBUNAL ALONG THE LINES OF THAT ESTABLISHED IN THE FORMER YUGOSLAVIA.

-- THE UNITED STATES BELIEVES THAT THE COMMISSION SHOULD COMPLETE ITS WORK EXPEDITIOUSLY, HOPEFULLY WELL BEFORE THE FOUR MONTH DEADLINE. (WE UNDERSTAND THE FRENCH GOVERNMENT AGREES.)

-- THE U.S. SUPPORTS THE ESTABLISHMENT OF AN INTERNATIONAL TRIBUNAL TO PROSECUTE THOSE WHO HAVE COMMITTED ATROCITIES

UNCLASSIFIED

UNCLASSIFIED

IN RWANDA. WE BELIEVE THAT SUCH ACCOUNTABILITY IS IMPORTANT TO DETER FUTURE ATROCITIES AND TO REMOVE THE PERPETRATORS OF ATROCITIES FROM THE REGION. WE ALSO BELIEVE IT IS IMPORTANT THAT ATROCITIES IN RWANDA RECEIVE A RESPONSE COMMENSURATE WITH THAT GIVEN TO THE FORMER YUGOSLAVIA.

-- WE ALSO BELIEVE A TRIBUNAL WOULD ASSIST IN POLITICAL RECONCILIATION IN RWANDA IN THAT OFFENDERS WOULD BE DEALT

CONFIDENTIAL

CONFIDENTIAL

PAGE 04 STATE 198848 260233Z
WITH BY AN IMPARTIAL OUTSIDE BODY RATHER THAN BY ANY OF THE PARTIES TO THE RECENT CONFLICT. (WE UNDERSTAND THAT FRANCE SUPPORTS A TRIBUNAL). WE URGE YOUR GOVERNMENT TO SUPPORT THE ESTABLISHMENT OF A TRIBUNAL FOR RWANDA.

-- WE WOULD LIKE TO EXCHANGE VIEWS WITH YOU ON HOW THIS MIGHT BE ACCOMPLISHED. OUR PRESENT THINKING IS THAT THE BEST WAY TO ENSURE THAT THE RWANDA SITUATION IS GIVEN EQUAL STATUS AND ATTENTION AS THE YUGOSLAV SITUATION, WHILE AT THE SAME TIME ENSURING UNIFORMITY IN THE LAW, WOULD BE TO EXPAND THE JURISDICTION OF THE CURRENT WAR CRIMES TRIBUNAL IN THE HAGUE TO INCLUDE RWANDA.

-- THIS WOULD REQUIRE THE CREATION OF NEW TRIAL CHAMBERS

AND A NEW PROSECUTORIAL STAFF TO DEAL WITH RWANDA, BUT THE TWO EFFORTS WOULD HAVE A COMMON APPEALS CHAMBER WOULD REPORT TO THE SAME CHIEF PROSECUTOR AND WOULD SHARE FACILITIES AND RESOURCES IN THE HAGUE.

-- WE WOULD APPRECIATE HEARING YOUR VIEWS ON THESE QUESTIONS AND YOUR IDEAS ON HOW TO CONTINUE THIS DIALOGUE, PERHAPS IN NEW YORK.

-- FYI: THE NEW CHIEF PROSECUTOR FOR THE YUGOSLAV WAR CRIMES TRIBUNAL IS JUSTICE RICHARD GOLDSTONE, A MEMBER OF THE HIGHEST SOUTH AFRICAN COURT WHO HEADED A COMMISSION THAT INVESTIGATED ABUSES BY THE FORMER POLICE AND SECURITY FORCES. WE UNDERSTAND HE HAS PRESIDENT MANDELA'S PERSONAL ENDORSEMENT FOR THIS POSITION. (GOLDSTONE SEEMS READY TO SUPERVISE BOTH THE YUGOSLAV AND RWANDA PROSECUTIONS).

CONFIDENTIAL

CONFIDENTIAL

UNCLASSIFIED

UNCLASSIFIED

PAGE 05 STATE 198848 260233Z

-- THE CURRENT ELEVEN JUDGES INCLUDE TWO FROM AFRICA, INCLUDING A NIGERIAN WHO SERVES AS PRESIDING JUDGE OVER ONE OF THE TWO TRIAL CHAMBERS. AN AFRICAN-AMERICAN JUDGE PRESIDES OVER THE OTHER TRIAL CHAMBERS. END FYI.

-- IF A TRIBUNAL IS ESTABLISHED, IT WILL BE IMPORTANT THAT PERPETRATORS OF ATROCITIES ARE ARRESTED AND BROUGHT TO JUSTICE.

-- WE BELIEVE ALL STATES SHOULD BE WILLING TO DETAIN FOR A REASONABLE TIME PERIOD PERSONS IN THEIR TERRITORIES AGAINST WHOM THERE IS CREDIBLE EVIDENCE THAT THEY COMMITTED ATROCITIES PENDING PROSECUTION. (TANZANIA AND ZAIRE CURRENTLY HAVE WAR CRIMINALS IN CAMPS AND ELSEWHERE IN THEIR TERRITORIES). WE BELIEVE SUCH PERSONS COULD BE DETAINED CONSISTENT WITH THE OBJECTIVES OF THE GENOCIDE CONVENTION AND OTHER INTERNATIONAL AGREEMENTS.

-- DO YOU BELIEVE YOU CURRENTLY HAVE THE REQUISITE DOMESTIC AUTHORITY TO DETAIN PERPETRATORS OF ATROCITIES IN RWANDA SHOULD THEY COME WITHIN YOUR TERRITORY?

-- WOULD IT HELP YOU AND OTHER STATES TO DETAIN SUCH PERSONS IF THE SECURITY COUNCIL PASSED A RESOLUTION CALLING ON STATES TO COOPERATE WITH THE COMMISSION OF EXPERTS INCLUDING DETAINING PERPETRATORS, PARTICULARLY THOSE IDENTIFIED BY THE COMMISSION AND THE SPECIAL RAPPORTEUR, FOR A REASONABLE TIME PERIOD, PENDING PROSECUTION?

CONFIDENTIAL

CONFIDENTIAL

PAGE 06 STATE 198848 260233Z

4. (FOR SOUTH AFRICA ONLY)

-- POST IS ASKED TO CONSIDER WHETHER PRESIDENT MANDELA OR OTHER HIGH OFFICIALS IN THE GOVERNMENT WOULD BE WILLING TO ENGAGE OTHER AFRICAN GOVERNMENTS IN ORDER TO GATHER SUPPORT FOR A WAR CRIMES TRIBUNAL ALONG THE LINES DESCRIBED ABOVE. IF POST BELIEVES THIS IS FEASIBLE IT IS ASKED TO CONSIDER AND RECOMMEND THE TIMING FOR SUCH INVOLVEMENT.

5. PLEASE SLUG RESPONSES FOR L - CRYSTAL NIX AND L/UNA -

UNCLASSIFIED

UNCLASSIFIED

EVAN BLOOM. CHRISTOPHER

CONFIDENTIAL

NNNN

UNCLASSIFIED