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INFO	LOG-00	AF-01	AID-01	AMAD-01	CIAE-00	OASY-00	DODE-00
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	SP-00	SR-00	SS-00	STR-01	TRSE-00	USIE-00	PRME-01
	DRL-09	G-00	/039R				

DRAFTED BY: L:M J MATHESON

APPROVED BY: G:T WIRTH

AF - P BUSHNELL

DRL - J SHATTUCK

L - C HARPER

USUN/W - D SCHEFFER (SUBS)

S/S - MRLINO

S/S-O:DCSTEWART

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O P 190158Z OCT 94
FM SECSTATE WASHDC
TO AMEMBASSY KIGALI IMMEDIATE
INFO USMISSION USUN NEW YORK PRIORITY
AMEMBASSY THE HAGUE PRIORITY

C O N F I D E N T I A L STATE 283000

E.O. 12356: DECL: OADR
TAGS: PHUM, RW, UN
SUBJECT: RWANDA WAR CRIMES

1. CONFIDENTIAL - ENTIRE TEXT.
2. UNDER SECRETARY WIRTH HAS REVIEWED THE CURRENT STATE OF
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PLAY ON THE CONSIDERATION BY THE SECURITY COUNCIL OF THE
PROPOSED RESOLUTION TO CREATE THE RWANDA WAR CRIMES
TRIBUNAL, AND BELIEVES IT WOULD BE VERY USEFUL FOR HIM TO
TALK DIRECTLY WITH BIZIMUNGU AND KAGAME TOMORROW (OCTOBER
19) TO STRESS THE IMPORTANCE OF RESOLVING THIS MATTER AS
SOON AS POSSIBLE. WE THEREFORE REQUEST THAT YOU MAKE THE
NECESSARY ARRANGEMENTS FOR THEM TO CALL MR. WIRTH TOMORROW
MORNING (WASHINGTON TIME). IF POSSIBLE, YOU SHOULD CALL
MR. WIRTH AROUND 8 AM (WASHINGTON TIME) TO ADVISE HIM OF
THE ARRANGEMENTS YOU HAVE MADE. IN THE MEANTIME, WE

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UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: ARCHIE M BOLSTER
DATE/CASE ID: 19 MAR 2004 200303979

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REQUEST THAT YOU CONTINUE YOUR EFFORTS TO MAKE HIGH-LEVEL CONTACTS WITH THE APPROPRIATE RWANDAN OFFICIALS, DRAWING (PON THE POINTS IN STATE 280506 AND THE ADDITIONAL POINTS IN PARAGRAPH 3 BELOW.

3. BEGIN ADDITIONAL TALKING POINTS:

-- WE STRONGLY BELIEVE--AND AGREE WITH YOUR GOVERNMENT--THAT THE COUNCIL SHOULD ACT AS SOON AS POSSIBLE TO CREATE THE RWANDA WAR CRIMES TRIBUNAL SO THAT PROSECUTIONS OF THOSE RESPONSIBLE FOR THE MASS KILLINGS IN YOUR COUNTRY LAST SPRING CAN BEGIN PROMPTLY. I KNOW YOUR GOVERNMENT HAS A STRONG INTEREST IN THIS RESULT AND WE ARE DOING EVERYTHING WE CAN TO BRING IT ABOUT.

-- UNFORTUNATELY, ANY FURTHER DELAY IN THE COUNCIL OVER THE ADOPTION OF THE TRIBUNAL STATUTE COULD EASILY PLAY INTO THE HANDS OF THOSE WHO ARE LUKEWARM IN THEIR SUPPORT FOR SUCH PROSECUTIONS AND WOULD WELCOME ANY EXCUSE FOR PUTTING OFF ACTION. WE THEREFORE WANT VERY MUCH TO RESOLVE THE REMAINING ISSUES BETWEEN US AS SOON AS

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POSSIBLE SO THAT THE COUNCIL CAN TAKE ACTION THIS WEEK.

-- I BELIEVE OUR INTERESTS ARE ESSENTIALLY THE SAME IN THIS AREA. WE WANT A VIGOROUS PROSECUTOR WHO WILL FOCUS ABOVE ALL ON BRINGING TO JUSTICE THOSE RESPONSIBLE FOR THE MASS KILLINGS THAT OCCURRED THIS SPRING. WE WANT TO BRING THE AUTHORITY OF THE SECURITY COUNCIL TO BEAR ON ANYONE WHO MIGHT NOT WISH TO TURN SUCH PERSONS OVER TO PROSECUTION BY THE TRIBUNAL. WE WANT SWIFT ACTION THAT WILL SHOW THE RWANDAN PEOPLE THAT THESE KILLINGS WILL NOT GO UNPUNISHED. WE WANT TO PUT SUFFICIENT RESOURCES INTO THIS EFFORT TO ACCOMPLISH THESE OBJECTIVES, AND WE CERTAINLY INTEND TO DO OUR PART.

-- OUR MISSION IN NEW YORK HAS MADE EVERY EFFORT TO ACCOMMODATE YOUR CONCERNS ABOUT THE CURRENT PROPOSED RESOLUTION AND STATUTE FOR THE TRIBUNAL. IF WE CAN MAKE FURTHER REASONABLE ACCOMMODATIONS, WE WILL OF COURSE DO SO.

-- HOWEVER, I HOPE THAT YOUR GOVERNMENT WILL NOT INSIST ON CHANGES THAT WILL CRIPPLE THE TRIBUNAL OR GIVE THE APPEARANCE OF SUBJECTING IT TO THE CONTROL OF ANY GOVERNMENT OR OF EXEMPTING ANYONE WHO MIGHT BE RESPONSIBLE

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FOR SUCH ATROCITIES.

-- FOR EXAMPLE, THE TRIBUNAL NEEDS TO HAVE JURISDICTION OVER BOTH GENOCIDE AND WAR CRIMES TO BE SURE THAT ALL OF THE MASS KILLINGS DURING THE SPRING CAN BE EFFECTIVELY PROSECUTED. LIKEWISE, WE CANNOT END THE TRIBUNAL'S JURISDICTION UNTIL WE HAVE REASONABLE CONFIDENCE THAT THERE WILL NOT BE A RECURRENCE OF THE KIND OF MASS

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KILLINGS THAT OCCURRED EARLIER.

-- IN ADDITION, WE BELIEVE IT IS VERY IMPORTANT TO GIVE

THE TASK OF RUNNING THESE PROSECUTIONS TO A PERSON WHO IS CAPABLE, EXPERIENCED AND READY TO MOVE VIGOROUSLY. WE THINK THAT PERSON IS RICHARD GOLDSTONE, WHO HAS ALREADY SHOWN HIS ABILITIES AND HAS BEEN PERSONALLY ENDORSED BY PRESIDENT MANDELA. WE THINK IT WOULD BE A SERIOUS MISTAKE AT THIS STAGE TO BEGIN LOOKING FOR SOMEONE ELSE, WHICH COULD RESULT IN MONTHS OF DELAY AND CONFUSION.

-- WE WILL OF COURSE WANT GOLDSTONE TO HAVE A STRONG DEPUTY (PROBABLY FRANCOPHONE AFRICAN) AND A STRONG AND CAPABLE STAFF. WITH THESE, WE THINK GOLDSTONE CAN EFFECTIVELY SUPERVISE BOTH THE RWANDA AND YUGOSLAV OPERATIONS, AND THAT THE TWO OPERATIONS CAN REINFORCE EACH OTHER.

-- I BELIEVE WE HAVE THE SAME OBJECTIVES IN ALL OF THIS, AND I STRONGLY HOPE THAT WE WILL BE ABLE TO RESOLVE THIS MATTER AS SOON AS POSSIBLE. I URGE YOU TO ASK YOUR MISSION IN NEW YORK TO TRY TO WORK WITH US TO BRING THIS ABOUT.

4. WE UNDERSTAND THAT BOUTROS-GHALI IS NOW TALKING ABOUT THE POSSIBILITY OF REPLACING GOLDSTONE WITH A FRANCOPHONE AFRICAN AS PROSECUTOR FOR RWANDA. WE DO NOT BELIEVE THIS WOULD BE IN THE TRIBUNAL'S INTEREST AND WE DOUBT THE CURRENT GOVERNMENT OF RWANDA WOULD SEE THIS IN ITS OWN INTEREST. YOU MAY WISH TO PASS THIS INFORMATION ALONG TO

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THE RWANDAN OFFICIALS WITH WHOM YOU TALK AND TO ENCOURAGE
THEM TO MAKE THEIR VIEWS KNOWN TO BOUTROS-GHALI IF THEY ARE
THE SAME AS OURS. CHRISTOPHER

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