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ACTION AF-01

INFO	LOG-00	AID-01	AMAD-01	CIAE-00	SMEC-00	OASY-00	DODE-00
	ANHR-01	EB-01	H-01	TEDE-00	INR-00	IO-16	L-01
	ADS-00	M-00	NSAE-00	NSCE-00	OIC-02	OMB-01	PA-01
	PM-00	PRS-01	P-01	SNP-00	SP-00	SR-00	STR-01
	TRSE-00	T-00	USIE-00	PMB-00	PRME-01	DRL-09	G-00

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FM AMEMBASSY KIGALI
TO USMISSION USUN NEW YORK IMMEDIATE
SECSTATE WASHDC IMMEDIATE 0278
USMISSION GENEVA PRIORITY

C O N F I D E N T I A L KIGALI 001927

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

E.O. 12356:DECL:OADR
TAGS: PHUM, PREL, PGOV, RW, UN
SUBJECT: CONTACTS WITH GOR ON WAR CRIMES TRIBUNAL

REF: A) STATE 286781

1. CONFIDENTIAL -- ENTIRE TEXT.
2. CHARGE SPOKE WITH PRESIDENTIAL CABINET DIRECTOR GASANA AND VICE PRESIDENTIAL CABINET DIRECTOR COL. ANDRE RWIGAMBA THE MORNING OF OCTOBER 22 TO EMPHASIZE THAT GOR REFUSAL OF
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THE CURRENT RESOLUTION DRAFT WOULD DELAY CREATION OF A TRIBUNAL AND STRENGTHEN THE POSITION OF OTHER SECURITY COUNCIL MEMBERS WHO HARBOR RESERVATIONS ABOUT THE RESOLUTION. HE POINTED OUT ACCOMMODATIONS WE HAD MADE TO DATE AND URGED THAT THE GOR TAKE A REALISTIC POSITION ON OUTSTANDING DIFFERENCES, INCLUDING CAPITAL PUNISHMENT.

3. GASANA SAID THAT HE HAD BEEN IN CLOSE CONTACT WITH GOR REPRESENTATIVES IN NEW YORK AND THOUGHT THAT THE DIFFERENCES COULD BE RECONCILED. HE SAID THAT THE GOR DID NOT WANT THE

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WAR CRIMES TRIBUNAL TO STALL OVER OVER MINOR POINTS, BUT HE EMPHASIZED THAT THERE WERE CERTAIN MATTERS OF PRINCIPLE THAT THE GOR COULD NOT ABANDON. HE SAID THAT THE PRESIDENT, THE JUSTICE MINISTER, AND HE WERE EXAMINING THE MOST RECENT TEXT OF THE RESOLUTION AND WOULD SEND A RESPONSE AND INSTRUCTIONS TO THE PERMREP THE EVENING OF OCTOBER 23. THE CHARGE URGED A CONSTRUCTIVE POSITION. GASANA AND CHARGE AGREED TO MEET AGAIN EARLY A.M. OCTOBER 24 FOR FURTHER DISCUSSIONS.

4. RWIGAMBA CONFIRMED THAT VICE PRESIDENT KAGAME HAS GOTTEN INTO THE ACT. HE SAID THAT KAGAME WAS FOLLOWING THE ISSUE BY FAX COMMUNICATIONS FROM NEW YORK BUT OFFERED NO DETAILS ON THE VICE PRESIDENT'S POSITION ON OUTSTANDING DIFFERENCES, INCLUDING CAPITAL PUNISHMENT, OR HIS COORDINATION OF POLICY WITH THE PRESIDENCY AND MINISTRY OF JUSTICE. HE NOTED ONLY THAT IT WAS IMPORTANT THAT EVERYONE BE JUDGED BY THE SAME STANDARD FOR THE SAME CRIME, WHICH CHARGE TOOK AS ENDORSEMENT OF A CAPITAL PUNISHMENT PROVISION. CHARGE ONCE AGAIN SUGGESTED THE DESIRABILITY OF A DIRECT TELEPHONE CONTACT BETWEEN KAGAME AND UNDER SECRETARY WIRTH ON THE SUBJECT. RWIGAMBA SAID THAT HE WOULD GET BACK TO US ON THIS

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AND A MEETING BETWEEN KAGAME AND CHARGE "NEXT WEEK" TO DISCUSS THE ISSUE. CHARGE UNDERLINED THE URGENCY OF MOVING FORWARD NOW; RWIGAMBA SAID THAT HE WOULD CONTACT THE CHARGE LATER TODAY, THE EVENING OF OCTOBER 22.

5. WE WILL CONTINUE FOLLOW-UP ON THIS OCTOBER 23 AND 24 AND REPORT BACK. AT THIS POINT, THE MAJOR STUMBLING BLOCK IS CAPITAL PUNISHMENT. GOR AGREEMENT NOT TO SEEK THE DEATH PENALTY IN ANY WAR CRIMES/GENOCIDE CASE WOULD BE EXTREMELY (AND WIDELY) UNPOPULAR WITH ITS CONSTITUENCY, BOTH TUTSIS AND MODERATE HUTUS. IN OUR MANY CONVERSATIONS ABOUT WHAT TO DO WITH THE PERPETRATORS OF GENOCIDE, THE JUSTICE MINISTER WAS ONE OF THE VERY FEW WHO OPPOSED CAPITAL PUNISHMENT FOR ALL, EVEN THE RINGLEADERS. WE ARE NOT SURE HOW FAR THEY WILL GO ON THIS.

WHITEHEAD

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