

UNCLASSIFIED

CONFIDENTIAL

RELEASED IN FULL

PAGE 01            STATE    262739   281735Z  
ORIGIN L-01

|      |         |         |         |         |        |         |         |
|------|---------|---------|---------|---------|--------|---------|---------|
| INFO | LOG-00  | AF-01   | AID-01  | AMAD-01 | ARA-01 | CIAE-00 | SMEC-00 |
|      | OASY-00 | DODE-00 | DOEE-00 | ANHR-01 | EAP-01 | EB-01   | EUR-01  |
|      | OIGO-01 | H-01    | TEDE-00 | INR-00  | IO-16  | MCO-01  | ADS-00  |
|      | M-00    | NEA-01  | NSAE-00 | NSCE-00 | OIC-02 | OIG-04  | OMB-01  |
|      | PA-01   | PM-00   | PRS-01  | P-01    | SNP-00 | SP-00   | SR-00   |
|      | STR-01  | TRSE-00 | T-00    | USIE-00 | SA-01  | SNIS-00 | NISC-02 |
|      | PMB-00  | PRM-10  | PRME-01 | DRL-09  | G-00   | /063R   |         |

DRAFTED BY: L:M J MATHESON

APPROVED BY: IO:G WARD

AF - P BUSHNELL

DRL - J ROSENBLATT

IO/UNP - G STANTON

USUN/W - D SCHEFFER

L/UNA - B RASHKOW

IO/UNP - A KORKY

EUR/ISLA/RUS - D KLEPP, J HERBST

EUR/WE - A CARSON

-----777032 281736Z /38

O P 281735Z SEP 94

FM SECSTATE WASHDC

TO USMISSION USUN NEW YORK IMMEDIATE

AMEMBASSY PARIS IMMEDIATE

AMEMBASSY MOSCOW IMMEDIATE

INFO UN SECURITY COUNCIL COLLECTIVE PRIORITY

AMEMBASSY THE HAGUE PRIORITY

USMISSION GENEVA PRIORITY

C O N F I D E N T I A L STATE 262739

E.O. 12356: DECL: OADR

CONFIDENTIAL

CONFIDENTIAL

PAGE 02            STATE    262739   281735Z

TAGS: PHUM, PREL, PREF, AORC, RW

SUBJECT: RESOLUTION ESTABLISHING WAR CRIMES TRIBUNAL FOR  
RWANDA

1. CONFIDENTIAL - ENTIRE TEXT.

2. IN LIGHT OF CONTINUING OPPOSITION FROM RUSSIA AND  
FRANCE TO THE EXPANSION OF THE JURISDICTION OF THE CURRENT  
TRIBUNAL FOR THE FORMER YUGOSLAVIA, WE HAVE DECIDED TO  
PURSUE THE NEW ZEALAND APPROACH OF CREATING A SEPARATE  
TRIBUNAL FOR RWANDA, BUT PROVIDING THAT THE APPEALS JUDGES

UNCLASSIFIED

AND PROSECUTOR FOR THE FORMER YUGOSLAVIA WOULD SERVE ALSO AS THE APPEALS JUDGES AND PROSECUTOR FOR RWANDA. PURSUANT TO A CONVERSATION ON SEPTEMBER 26 BETWEEN FRENCH LEGAL ADVISER PUISSOCHET AND US LEGAL ADVISER HARPER, WE UNDERSTAND THIS WOULD BE ACCEPTABLE TO FRANCE AS WELL.

3. FOR USUN: YOU SHOULD PURSUE THIS APPROACH IN YOUR DISCUSSIONS WITH THE OTHER SECURITY COUNCIL MEMBERS, WITH THE OBJECTIVE OF REACHING AGREEMENT THIS WEEK ON A TEXT TO BE ADOPTED AS SOON AS THE COMMISSION OF EXPERTS FILES ITS INTERIM REPORT (WHICH WE UNDERSTAND WILL BE SENT TO THE SECRETARY-GENERAL ON SEPTEMBER 30). YOU SHOULD EMPHASIZE

THAT WE ARE MAKING THIS COMPROMISE IN THE INTEREST OF QUICK COUNCIL ACTION ON RWANDA PROSECUTIONS, WHICH IS ESSENTIAL IN LIGHT OF THE SITUATION IN RWANDA. YOU SHOULD ALSO STRESS THAT THE USE OF THE SAME APPEALS JUDGES AND PROSECUTOR FOR BOTH TRIBUNALS IS ESSENTIAL TO AVOID DISPARATE LEGAL RESULTS AND EXTENDED DELAY WHILE A NEW CHIEF PROSECUTOR IS FOUND AND BROUGHT UP TO SPEED.

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 262739 281735Z

4. WE ARE INCLINED TO KEEP THE OFFICIAL SEAT OF THE NEW RWANDA TRIBUNAL IN THE HAGUE, FOR REASONS OF ADMINISTRATIVE EFFICIENCY AND ECONOMY. HOWEVER, WE SUPPORT THE DESIRE TO HAVE A VISIBLE PRESENCE IN AFRICA AND WOULD THEREFORE AUTHORIZE THE TRIBUNAL TO CONDUCT PROCEEDINGS OUTSIDE THE HAGUE, WITH THE UNDERSTANDING THAT HEARINGS OR TRIALS WOULD LIKELY TAKE PLACE IN THE REGION.

5. FOR PARIS: PLEASE ADVISE FM LEGAL ADVISER PUISSOCHET OF THE ABOVE AND SEEK CONFIRMATION OF GOF CONCURRENCE IN THIS APPROACH.

6. FOR MOSCOW: PLEASE ADVISE APPROPRIATE RUSSIAN OFFICIALS OF THE ABOVE AND SEEK GOR CONCURRENCE IN THIS APPROACH. CHRISTOPHER

CONFIDENTIAL

UNCLASSIFIED