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INFO	LOG-00	AF-01	AID-01	AMAD-01	CIAE-00	SMEC-00	OASY-00
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	IO-16	LAB-01	L-01	ADS-00	NSAE-00	NSCE-00	OIC-02
	OMB-01	PA-01	PM-00	PRS-01	P-01	SCT-03	SNP-00
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FM AMEMBASSY PARIS
TO SECSTATE WASHDC PRIORITY 9117
INFO AMEMBASSY BRUSSELS PRIORITY
AMEMBASSY BUJUMBURA PRIORITY
USMISSION USUN NEW YORK PRIORITY
USMISSION GENEVA PRIORITY
AMEMBASSY NAIROBI
AMEMBASSY KAMPALA
AMEMBASSY KINSHASA

C O N F I D E N T I A L SECTION 01 OF 02 PARIS 22398

E.O. 12356: DECL: OADR
TAGS: PHUM, PREL, PEF, RW, FR
SUBJECT: DRL/MLA DIRECTOR ROSENBLATT'S MEETING WITH
- BELGIAN OFFICIAL ON RWANDA TRIBUNAL AND MONITORS

1. CONFIDENTIAL - ENTIRE TEXT.

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2. SUMMARY: TRANSITING PARIS ON HIS RETURN FROM RWANDA
AND BURUNDI, DRL/MLA OFFICE DIRECTOR JOSIAH ROSENBLATT
DISCUSSED THE PROPOSED INTERNATIONAL RWANDAN WAR CRIMES
TRIBUNAL AUGUST 10 WITH BELGIAN CABINET ADVISOR PAUL
REITJENS. REITJENS AGREED ON THE URGENT NEED TO
ESTABLISH A UN RWANDAN WAR CRIMES TRIBUNAL WHICH WOULD
COORDINATE WITH A RECONSTITUTED RWANDAN NATIONAL COURT
SYSTEM. HE ALSO AGREED THAT INTERNATIONAL HUMAN RIGHTS
MONITORS ARE NEEDED URGENTLY IN RWANDA, AS ARE OBSERVERS
OF LOCAL COURT PROCEEDINGS, TO ENCOURAGE THE RETURN OF

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REFUGEES TO THEIR HOMES. END SUMMARY.

STEPS TAKEN BY THE RWANDAN GOVERNMENT

3. PAUL REITJENS, BELGIAN CABINET ADVISOR FOR HUMAN RIGHTS AND LEGAL AFFAIRS, TRAVELLED TO PARIS AUGUST 10 TO MEET WITH DRL/MLA DIRECTOR JOSIAH ROSENBLATT. BELGIAN EMBASSY CHARGE DEBEYTER AND U.S. EMBASSY POLITICAL OFFICER ALSO ATTENDED. DESCRIBING HIS VISIT TO RWANDA AND BURUNDI, ROSENBLATT NOTED THE EFFORTS OF GOR OFFICIALS TO CONVINCING REFUGEES TO RETURN TO THEIR HOMES, DEVELOP A BROAD-BASED GOVERNMENT, AND HOLD WAR CRIMINALS ACCOUNTABLE FOR THEIR CRIMES. THE GOR HAS ISSUED PUBLIC STATEMENTS TO CONVINCING RETURNING REFUGEES THAT THE GOR WOULD NOT RESORT TO SUMMARY JUDGMENT AGAINST ALLEGED WAR CRIMINALS BUT WOULD DEFER TO AN INTERNATIONAL WAR CRIMES TRIBUNAL, HE SAID, AND HAD PLEDGED TO DO WHATEVER IT CAN TO PREVENT FURTHER BLOODLETTING. HE SAID PM TWIGIRAMUNGU HAD SPOKEN FORCEFULLY ABOUT THE NEED TO BREAK THE CYCLE OF KILLING AND RECOGNIZES THAT AN INTERNATIONAL WAR

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CRIMES TRIBUNAL WILL HELP ACCOMPLISH THAT. ROSENBLATT URGED THAT THE GOB MAKE A PUBLIC STATEMENT SUPPORTING THE WAR CRIMES TRIBUNAL. REITJENS RESPONDED THAT THE RWANDAN PRIME MINISTER'S RECENT PUBLIC COMMUNIQUE MIGHT PROVIDE A GOOD OPPORTUNITY FOR A SUCH A GOB STATEMENT.

THE UN WAR CRIMES TRIBUNAL AND NATIONAL COURTS

4. ROSENBLATT NOTED THE NEED FOR THE PARALLEL DEVELOPMENT OF THE INTERNATIONAL WAR CRIMES TRIBUNAL AND A NATIONAL COURT SYSTEM. THE WAR CRIMES TRIBUNAL MUST NOT MONOPOLIZE THE PROSECUTION OF WAR CRIMINALS, HE SAID; THE NATIONAL COURT SYSTEM MUST ALSO BE RECONSTITUTED SO THAT IT MAY PROSECUTE ALLEGED WAR CRIMINALS. THIS WOULD INCREASE CONFIDENCE IN DUE PROCESS AND THE RULE OF LAW. HE NOTED THAT THE TRIBUNAL AND THE GOR MUST DETERMINE THE CATEGORIES OF CRIMINALS EACH COURT WOULD PROSECUTE: INSTIGATORS, MIDDLE-LEVEL COMMANDERS, OR THOSE WHO HAD CARRIED OUT THE KILLINGS. ROSENBLATT ADDED THAT THE SEVERITY OF PUNISHMENT IS AN IMPORTANT RELATED ISSUE: THE WAR CRIMES TRIBUNAL IS LIMITED TO PRISON SENTENCES EVEN FOR THE MOST SERIOUS OFFENDERS, WHEREAS RWANDAN

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COURTS MIGHT IMPOSE CAPITAL PUNISHMENT ON LOWER LEVEL CRIMINALS.

ACTION ON WAR CRIMES TRIBUNAL URGENTLY REQUIRED

5. ROSENBLATT EMPHASIZED THAT TIMING IS OF THE ESSENCE IN ESTABLISHING THE WAR CRIMES TRIBUNAL, BOTH TO

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ENCOURAGE REFUGEES TO RETURN AND TO DISCOURAGE VIGILANTE ACTIVITIES. REITJENS EXPRESSED CONCERN THAT THE APPARENT OVERLAPPING RESPONSIBILITIES OF THE UN SYG'S SPECIAL RAPPORTEUR AND THE INTERNATIONAL COMMISSION IN DEVELOPING REPORTS ON THE SITUATION IN RWANDA MIGHT SLOW DOWN THE TRIBUNAL'S ESTABLISHMENT. ROSENBLATT RESPONDED THAT AN INTERIM REPORT BY THE INTERNATIONAL COMMISSION COULD BE USED AS A BASIS FOR A UN RESOLUTION ESTABLISHING THE

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C O N F I D E N T I A L SECTION 02 OF 02 PARIS 22398

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TAGS: PHUM, PREL, PREF, RW, FR

SUBJECT: DRL/MLA DIRECTOR ROSENBLATT'S MEETING WITH
- BELGIAN OFFICIAL ON RWANDA TRIBUNAL AND MONITORSTRIBUNAL, WITH THE SPECIAL RAPPORTEURS' SECOND REPORT
POSSIBLY FOLDED INTO IT.

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6. REITJENS AGREED WITH THE IMPORTANCE AND URGENCY OF ESTABLISHING THE INTERNATIONAL WAR CRIMES TRIBUNAL AND VOLUNTEERED THAT THE BELGIAN MILITARY MAGISTRATE HAS RECEIVED INFORMATION ON THE DEATHS OF THE TEN UN BELGIAN SOLDIERS WHICH THE COMMISSION MIGHT USE IN DEVELOPING ITS REPORT. UNDER BELGIAN LAW, HE CONTINUED, THE BELGIAN COURT CAN PROSECUTE FOREIGNERS WHO COMMIT CERTAIN CRIMES ON FOREIGN SOIL. THIS MIGHT PERMIT PROSECUTION OF ALLEGED RWANDAN WAR CRIMINALS IF FOUND IN BELGIUM.

CRITICAL NEED FOR HUMAN RIGHTS MONITORS

7. ROSENBLATT NOTED THAT INTERNATIONAL MONITORS ARE NEEDED TO ENCOURAGE THE RETURN OF REFUGEES AND DISCOURAGE SUMMARY EXECUTIONS. A SEPARATE GROUP OF OBSERVERS COULD DEVELOP CONFIDENCE IN LOCAL COURT PROCEEDINGS. AT LEAST 150 HUMAN RIGHTS MONITORS WOULD BE NEEDED TO PROVIDE ONE MONITOR IN EACH OF THE FIFTEEN COMMUNES OF RWANDA'S TEN PREFECTS OUTSIDE KIGALI. ROSENBLATT REQUESTED BELGIAN ASSISTANCE IN FUNDING MONITORS, NOTING THAT A PORTION OF THE TWO MILLION DOLLARS THE U.S. HAS PLEDGED WILL BE USED FOR THAT PURPOSE. REITJENS, WHO AGREED THAT HUMAN RIGHTS MONITORS MUST BE SENT INTO RWANDA AS QUICKLY AS POSSIBLE, MADE NO COMMITMENT REGARDING MONITOR FUNDING.

8. MINIMIZE CONSIDERED FOR BUJUMBURA.

HARRIMAN

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