

PTQ2855

RELEASED IN PART
B1, 1.4(B), 1.4(D)

CONFIDENTIAL

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ORIGIN AF-01

INFO	LOG-00	AID-01	AMAD-01	ARA-01	CIAE-00	SMEC-00	OASY-00
	DODE-00	ANHR-01	EAP-01	EB-01	EUR-01	H-01	TEDE-00
	INR-00	IO-16	L-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	SS-00	STR-01	TRSE-00
	T-00	USIE-00	SA-01	PMB-00	PRME-01	DRL-09	G-00

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DRAFTED BY: AF/C: KCAISTON
 APPROVED BY: AF/FO: PXBUSHNELL
 AF/C: AXRENDER
 L: MJMATHESON
 IO/UNP: GSTANTON
 DRL: MALVAREZ
 USUN/W: DSCHEFFER
 G: AJOYCE

-----83C2BF 020004Z /38

O R 020003Z NOV 94
 FM SECSTATE WASHDC
 TO AMEMBASSY KIGALI IMMEDIATE
 INFO RWANDA COLLECTIVE
 UN SECURITY COUNCIL COLLECTIVE
 USMISSION USUN NEW YORK

C O N F I D E N T I A L STATE 295651

E.O. 12356: DECL: OADR

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TAGS: PREL PHUM RW UN

UNITED STATES DEPARTMENT OF STATE
 REVIEW AUTHORITY: ARCHIE M BOLSTER
 CLASSIFICATION: CONFIDENTIAL REASON: 1.4(B), 1.4(D)
 DECLASSIFY AFTER: 2 NOV 2015
 DATE/CASE ID: 04 NOV 2011 201005065

SUBJECT: FOLLOW-UP DEMARCHE TO GOR ON TRIBUNAL

UNCLASSIFIED

REF: A) STATE 293420 B) USUN NEW YORK 04676

1. CONFIDENTIAL - ENTIRE TEXT.

2. AS REPORTED IN REF (B), THE VOTE ON THE TRIBUNAL HAS BEEN POSTPONED TO NOV. 7. WE SHOULD USE THE ADDITIONAL TIME TO PRESS THE GOR, AT A MINIMUM, TO ABSTAIN IF THEY ARE UNWILLING TO VOTE YES ON THE RESOLUTION. POST SHOULD DEMARCHE APPROPRIATE OFFICIALS HAVING INPUT ON THIS ISSUE AT THE HIGHEST AVAILABLE LEVEL, SHOULD REITERATE POINTS CONTAINED IN REF (A), AND SHOULD ADD THE FOLLOWING POINTS FOR OUR FALLBACK POSITION ON ABSTENTION:

-- THE UN SECURITY COUNCIL HAS NOW DECIDED THAT IT WILL VOTE ON NOVEMBER 7 TO ADOPT THE PENDING RESOLUTION TO CREATE A RWANDA WAR CRIMES TRIBUNAL. THE UN SECRETARY GENERAL WILL SEND A LEGAL REPRESENTATIVE TO KIGALI TO EXPLAIN HOW THE UNSC HAS CRAFTED THE RESOLUTION AND STATUTE OF THE TRIBUNAL AND THE RATIONALE BEHIND EACH PROVISION.

-- WE ENCOURAGE YOU TO CONSIDER ALL THAT THE UNSC'S REPRESENTATIVE WILL CONVEY TO YOU DURING HIS VISIT LATER THIS WEEK. WE HOPE THAT UPON HEARING HIS EXPLANATION, YOUR GOVERNMENT WILL CONCLUDE THAT THE UNSC RESOLUTION MERITS A YES VOTE.

-- WE BELIEVE YOU NEED TO CONSIDER WHAT COURSE OF ACTION
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WILL BE MOST LIKELY TO ADVANCE YOUR INTERESTS WITH RESPECT TO THE WORK OF THE NEW TRIBUNAL. IT IS OUR VIEW THAT YOU WOULD BE MUCH MORE SUCCESSFUL IN PURSUING YOUR OBJECTIVES IF YOU VOTE IN FAVOR OR ABSTAIN ON THE RESOLUTION, AND THEREAFTER COOPERATE WITH THE TRIBUNAL IN ITS INVESTIGATION AND PROSECUTION OF THOSE RESPONSIBLE FOR GENOCIDE AND OTHER CRIMES COMMITTED AGAINST THE RWANDAN PEOPLE.

-- WE UNDERSTAND YOUR CONCERNS AND HAVE DONE WHAT WE

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COULD TO ACCOMMODATE THEM. IF, DESPITE THESE EFFORTS, YOU STILL FEEL THAT YOU CAN NOT SUPPORT THE RESOLUTION, WE URGE YOU TO ABSTAIN, RATHER THAN VOTE NO.

-- A "NO" VOTE WOULD SUGGEST OPPOSITION TO THE PRINCIPLE OF AN INTERNATIONAL TRIBUNAL TO PROSECUTE THOSE RESPONSIBLE FOR GENOCIDE AND OTHER ATROCITIES. WE KNOW THAT THIS IS NOT YOUR POSITION AND THAT YOU SHARE THE INTERNATIONAL COMMUNITY'S VIEW THAT SUCH A TRIBUNAL IS ESSENTIAL IN ORDER TO ESTABLISH ACCOUNTABILITY, END THE CONDITION OF IMPUNITY, AND BREAK THE CYCLE OF VIOLENCE.

-- A "NO" VOTE COULD ALSO AFFECT THE WILLINGNESS OF THE INTERNATIONAL COMMUNITY TO CONSIDER THE GOR'S VIEWS ON THE OPERATION OF THE TRIBUNAL.

-- AN ABSTENTION, ON THE OTHER HAND, WOULD NOT BE VIEWED AS A REJECTION OF INTERNATIONAL ACCOUNTABILITY BUT WOULD INDICATE THAT YOU HAVE CONCERNS ABOUT THE RESOLUTION AS DRAFTED WHICH YOU FEEL HAVE NOT BEEN ADDRESSED.

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-- ABSTENTION WOULD ALSO HELP ENSURE THAT YOUR VIEWS ARE GIVEN DUE CONSIDERATION AS THE TRIBUNAL IS SET UP AND BEGINS TO OPERATE. THE INTERNATIONAL COMMUNITY WOULD BE FAR MORE RECEPTIVE TO YOUR INPUT AND VIEWS ON TRIBUNAL OPERATIONS.

-- FOR EXAMPLE, YOU HAVE ASKED FOR A RWANDAN RIGHT TO VETO APPOINTMENTS TO THE TRIBUNAL -- A DEMAND THAT AN INTERNATIONAL TRIBUNAL COULD NOT ACCEPT. IF YOU VOTE AGAINST THE RESOLUTION AND REITERATE THIS DEMAND, YOU WOULD DECREASE THE CHANCES THAT YOUR VIEWS ON PARTICULAR CANDIDATES FOR THE TRIBUNAL WILL BE HEEDDED. ON THE OTHER HAND, IF YOU ADOPT A COOPERATIVE ATTITUDE TOWARD THE TRIBUNAL, OTHER COUNCIL MEMBERS WILL BE MUCH MORE LIKELY TO TAKE SERIOUSLY ANY REASONABLE OBJECTIONS YOU MAY HAVE TO PARTICULAR CANDIDATES.

-- SIMILARLY, YOU HAVE ASKED THAT ALL TRIALS BE HELD IN RWANDA. IF YOU VOTE AGAINST THE TRIBUNAL, IT WOULD BE

LESS LIKELY THAT THE TRIBUNAL WOULD CONDUCT PROCEEDINGS IN YOUR COUNTRY. ON THE OTHER HAND, YOUR COOPERATION WITH THE TRIBUNAL WOULD SUBSTANTIALLY INCREASE THE LIKELIHOOD OF TRIALS AND OTHER PROCEEDINGS TAKING PLACE IN RWANDA.

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-- LIKEWISE, YOU HAVE ASKED THAT THE PRIMACY OF THE TRIBUNAL OVER THE NATIONAL COURTS OF RWANDA AND OTHER STATES BE DROPPED. IF YOU VOTE AGAINST THE TRIBUNAL AND RESIST THE EXERCISE OF THE TRIBUNAL'S AUTHORITY, IT COULD AFFECT THE WILLINGNESS OF THE TRIBUNAL OR THE MEMBER STATES TO ACCOMMODATE RWANDAN NEEDS WITH RESPECT TO THE

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RETURN OF SUSPECTED OFFENDERS FOR TRIAL IN RWANDA.

-- WE THEREFORE ENCOURAGE YOUR GOVERNMENT, AS A MATTER OF FURTHERING ITS OWN INTERESTS IN THIS PROCESS, TO VOTE FOR OR ABSTAIN ON THE RESOLUTION WHEN IT COMES TO A VOTE ON NOVEMBER 7, AND THEREAFTER TO TAKE A COOPERATIVE ATTITUDE TOWARD THE NEW TRIBUNAL'S ACTIVITIES IN RWANDA. WE WILL ENCOURAGE THE NEW PROSECUTOR, RICHARD GOLDSTONE, TO CONSULT WITH YOUR GOVERNMENT TO WORK OUT A BASIS FOR MUTUAL COOPERATION, AND WE HOPE YOU WILL WORK CLOSELY WITH HIM TO THIS END.

3. POST SHOULD BE AWARE THAT PM TWAGIRAMUNGU TELEPHONED AF ON THE AFTERNOON OF NOV. 1.

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TWAGIRAMUNGU PROMISED TO CALL BACK ON NOVEMBER 2 TO PROVIDE TELEPHONE NUMBERS FOR BOTH OFFICIALS AND SAID HE WOULD DO HIS BEST TO TURN THEM AROUND. U/S WIRTH AND A/S MOOSE WILL CONTINUE TO TRY TO CALL THE GOR LEADERSHIP FROM WASHINGTON TO REINFORCE THE DEMARCHES YOU ARE MAKING IN KIGALI. PLEASE CONTINUE YOUR OWN EFFORTS TO LOCATE AND OBTAIN CONTACT NUMBERS (INCLUDING INMARSAT NUMBERS) FOR GOR LEADERS TO

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FACILITATE THESE CALLS. DEPARTMENT OF THE ARMY APPRECIATES
POST'S TIRELESS EFFORTS ON THIS KEY ISSUE.

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4. MINIMIZE CONSIDERED.
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-- WE ENCOURAGE YOU TO CONSIDER ALL THAT THE UNSC'S REPRESENTATIVE WILL CONVEY TO YOU DURING HIS VISIT LATER THIS WEEK. WE HOPE THAT UPON HEARING HIS EXPLANATION, YOUR GOVERNMENT WILL CONCLUDE THAT THE UNSC RESOLUTION MERITS A YES VOTE.

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[REDACTED]

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