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ACTION L-01

INFO LOG-00 AF-01 AMAD-01 ARA-01 CIAE-00 SMEC-00 OASY-00  
DODE-00 EAP-01 EUR-01 OIGO-01 TEDE-00 INR-00 IO-16  
ADS-00 NEA-01 NSAE-00 OIC-02 OIG-04 SR-00 SA-01  
PRM-10 DRL-09 /050W

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R 302000Z SEP 94  
FM USMISSION USUN NEW YORK  
TO SECSTATE WASHDC 9349  
INFO UN SECURITY COUNCIL COLLECTIVE  
USMISSION GENEVA  
AMEMBASSY KIGALI  
AMEMBASSY THE HAGUE

C O N F I D E N T I A L USUN NEW YORK 004112

DEPT PASS L/UNA

E.O.12356: DECL OADR  
TAGS: PHUM, PREL, PREF, AORC, RW, UN  
SUBJECT: RESOLUTION AND STATUTE ESTABLISHING WAR CRIMES  
TRIBUNAL FOR RWANDA

REF: SECSTATE 262739

1. CONFIDENTIAL - ENTIRE TEXT.
2. SUMMARY: US-NZ PROPOSAL TO ESTABLISH TRIBUNAL FOR  
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RWANDA WITH CLOSE LINKS TO YUGOSLAV TRIBUNAL CIRCULATED  
TO P-5 AND UN DEPUTY LEGAL COUNSEL ZACKLIN AND NZ ON  
SEPT 28 AND ON SEPT 29 TO ALL SC MEMBERS. WE STRESSED  
IMPORTANCE OF SPEEDY ACTION TO ALL CONCERNED.  
PRELIMINARY REACTIONS FAVORABLE. END SUMMARY

3. AT MEETING WITH P-5 MISSION LEGAL ADVISERS  
WILMESHURST (UK), LEGAL (FRANCE) AND ORDZHONIKIDZE  
(RUSSIA) WELCOMED US AGREEMENT TO ESTABLISH LEGALLY  
SEPARATE TRIBUNAL FOR RWANDA AND AGREED TO SUPPORT  
COMMON APPELATE CHAMBER WITH YUGOSLAV TRIBUNAL AND

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APPOINTMENT OF GOLDSTONE AS PROSECUTOR OF BOTH. THEY MADE CLEAR THEY WOULD NEED TIME TO STUDY THE DRAFT RESOLUTION AND NZ STATUTE AS AMENDED AND MIGHT HAVE SUGGESTIONS RE SPECIFIC ASPECTS OF ONE OR THE OTHER.

4. ZHANG (CHINA) SAID BE THOUGHT BEIJING MIGHT PREFER ORIGINAL US PROPOSAL SINCE IT SHOULD NOT BECOME COMMON PRACTICE TO SET UP TRIBUNALS. UK, FRENCH AND RUSSIAN DELS ALL ARGUED THAT AMENDING YUGO TRIBUNALS WAS RISKIER VIS-A-VIS MAKING IT TOO EASY TO EXPAND THE PROCESS IN THE FUTURE AND THAT WAS WHY THEY ALL PREFERRED SEPARATE LEGAL ENTITY FOR RWANDA.

5. WILMESHURST NOTED IMPORTANCE OF WORK RE RWANDAN DOMESTIC LEGAL SYSTEM PROCEEDING IN PARALLEL BUT RECOGNIZED PROGRESS TOWARD A TRIBUNAL SHOULD NOT BE HELD HOSTAGE TO PROGRESS ON THE OTHER FRONT.

6. ON PM 9/29 N2 DURING INFORMAL CONSULTATION CIRCULATED DRAFT RESOLUTION AND DRAFT STATUTE TO ALL SC  
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MEMBERS STRESSING URGENCY OF THE MATTER. AMB INDERFURTH SPOKE IN SUPPORT AS DID RWANDAN PERM REP.

7. ZACKLIN SAID SECRETARIAT WOULD HAVE COMMENTS BY PM 9/30 OR EARLY 10/3 AT LATEST.

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