

UK 'failed to act on arrest warrant for Rwandan general'

Charles Kayonga, wanted for crimes against humanity, was in London for medical treatment. By CAHAL MILMO

The National Crime Agency (NCA), the newly founded police body dubbed "Britain's FBI", stands accused of failing to act on an arrest warrant for a former Rwandan general wanted for crimes against humanity while he was in London receiving medical treatment.

Lawyers acting for the victims of atrocities and war crimes alleged to have been committed by Charles Kayonga during Rwanda's 1994 genocide served a European Arrest Warrant (EAW) on the NCA via a Spanish judge in January, after receiving information that he was in the capital to receive treatment for cancer.

The NCA, which took over from the heavily criticised Serious and Organised Crime Agency six months ago, is under attack because Mr Kayonga was then apparently able to leave the country despite the address where he

was allegedly staying in London being passed to the British authorities.

Lawyers say they want an explanation from the NCA for why the chance for a "Pinocchet-style" arrest, similar to the capture of the former Chilean dictator in 1998, had seemingly been missed. It was announced two weeks ago that Mr Kayonga is to become Rwanda's new ambassador to China.

Daniel Machover, of the law firm Hickman and Rose, said: "The NCA would seem to have been content to use operational reasons as a smokescreen for delay, during which time it has become apparent that Mr Kayonga has returned to Rwanda ahead of taking up his new role as a diplomat."

Mr Kayonga, a former lieutenant general, is a close ally of the Rwandan President Paul Kagame, who led the Tutsi-dominated Rwandan



Charles Kayonga (left) is accused of committing atrocities during Rwanda's genocide in 1994

Patriotic Front (RPF), which brought the genocide of about 800,000 Tutsis and moderate Hutus to an end in 1994, saving tens of thousands of lives.

Mr Kagame, who has remained in power in the central African state since, has in the past been lauded by figures including former Prime Minister Tony Blair and senior Conservatives. But he has more recently been criticised for authoritarianism and faces allegations that state-sanctioned assassination squads have been sent to silence opponents abroad.

Prosecutors in Spain and France have alleged that atrocities were carried out by the RPF as it battled for control of Rwanda, including the murder of a Spanish priest and three Rwandan priests in the north of country in April 1994, as well as massacres committed in neighbouring Democratic Republic of Congo as

RPF forces chased Hutu rebels out of Rwandan territory.

Jordi Palou Loverdos, the Spanish lawyer acting on behalf of 30 victims of alleged RPF crimes, including Tutsis, Hutus and foreign nationals, told *The Independent*: "After many years of working to bring about truth and justice, my clients and all the other victims of international crimes in the region will not give up, even if Charles Kayonga is able to take up the role of Rwandan ambassador to China. There would seem to be a reluctance to at the

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international level to conduct any inquiry into the crimes of the RPF."

The general is understood to have arrived in Britain in December to undergo treatment for throat cancer at a private hospital while staying with relatives in the Bromley area of south-east London. Mr Loverdos said the information was supplied independently by several confidential sources both within Rwanda and abroad.

A copy of the EAW, which is valid throughout the EU and requires the receiving state to detain an individual pending extradition either to face trial or serve a prison term for a conviction, was issued on 9 January and lodged with the NCA, which acts as the receiving point for all such warrants. *The Independent* understands the information supplied to the NCA via a Spanish judge included a full statement of the case against Mr Kayonga as

MOST WANTED CHARLES KAYONGA

Charles Kayonga, 51, is among senior Rwandan Patriotic Front (RPF) figures named by Spanish and French judges investigating alleged war crimes and crimes against humanity, including massacres of Hutu groups in neighbouring Zaire, now Democratic Republic of Congo.

While allegedly a member of the Network Commando, a specialist unit with the RPF, he is also accused of taking part in a plot to bring down the plane of then Rwandan President Juvenal Habyarimana in April 1994. The destruction of the plane as it arrived in Kigali, the Rwandan capital, was the spark which led to the genocide.

French investigators alleged the crash was the work of the RPF, led by Mr Kagame.

well as the address at which he was supposedly staying and the names of relatives in the UK.

British lawyers said they had expected the NCA, which is required to "certify" or check the validity of each warrant before then passing it on to the relevant police force, to acknowledge the document and provide assurances that Mr Kayonga would not be able to leave the country.

Mr Machover said: "Instead we heard absolutely nothing. The NCA refused to engage and provide any information on the progress of the case. Clearly Mr Kayonga is now outside this jurisdiction."

The NCA last night declined to comment on the case, saying it was for the Spanish authorities to provide all information on the EAW. Neither the Rwandan foreign ministry nor its High Commission in London responded to a request to comment on the claims faced by Mr Kayonga.

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