

SPAIN

South Africa grants asylum to Rwandan genocide killer wanted by the Audiencia

Kayumba Nyamwasa ordered the assassination of four Spanish nationals

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Madrid 28/06/2010

The Audiencia Nacional [Spain's National Court] sees him as an alleged genocide killer and war criminal who ordered and oversaw the killing of a missionary and three Spanish volunteers. In the opinion of South Africa, he is persecuted by the government of his country, Rwanda, and as such deserves refugee status. This morning Pretoria has confirmed that it has granted political asylum to General Faustin Kayumba Nyamwasa, who had been ousted by the Kigali regime and was the victim of a failed assassination attempt on June 19. Nyamwasa is prosecuted in Spain for the deaths of the Catalan priest Joaquim Vallmajó in 1994 and of members of Médicos del Mundo Floris Sirera, Manuel Madrazo and Luis Valtueña three years later. The South African government admits it is difficult to extradite him to Spain (or France and Rwanda which are also demanding his extradition) due to the international protection which it has awarded him.

Nyamwasa's criminal track record is hideous, according to the investigation conducted by Judge Fernando Andreu from the Audiencia [Spain's National Court]. The general, former right-hand man to Rwandan president Paul Kagame (also charged), ordered that Vallmajó be kidnapped and hacked to death with a machete "so as not to waste bullets," according to some of Nyamwasa's comrades at the Rwandan Patriotic Army (RPA) who have testified as witnesses at the Spanish court. Andreu



President of Rwanda, Paul Kagame, together with General Faustin Kayumba Nyamwasa, year 2001.- AP

However, the fall-outs Nyamwasa has recently had with the Kagame regime have weighed heavier for South Africa. Last February, Rwandan authorities accused Nyamwasa of having been involved in several terrorist acts and Nyamwasa used his diplomatic passport to flee to Uganda and then on to South Africa. Judge Andreu then seized the opportunity to reiterate to the Interpol that the international arrest warrants he had issued were still in effect, but South African police, after claiming to be perusing the documentation before proceeding to arrest Nyamwasa, stated, days later, that they had "lost track" of the alleged Rwandan genocide killer.

The assassination attempt Nyamwasa suffered in Johannesburg this past June 19 evidences, however, that he neither lived as a fugitive nor feared being arrested. The general was shot in the stomach on his way home to his residence of Melrose Arche, a closed-gate community with private security guards - [and] "beautiful attics, charming apartments and spacious lofts" according to its advertising. He was returning home in an official car driven by his chauffeur and had just been shopping in a mall close to his home.

The police has detained four suspects who are still in custody but has withheld their names and nationalities. However, Rosette Nyamwasa, who was with her husband during the shooting, accuses the Rwandan president of having staged it. "I believe it was our Government, Kagame, our president. He said in parliament that he will hunt down my husband wherever he is and shoot him," she assured the BBC.

Only now, after the assassination attempt, has South Africa admitted having granted asylum to the general. The Minister of Justice confirmed this on Wednesday and underlined that Nyamwasa's current refugee status makes it difficult to turn him over to Spain. "We need to see what the law stipulates in these cases where requests for extradition are made for a person who has been granted asylum," stated ministry spokesperson Tlali Tlali. Contrary to what the South African police said in March, the spokesperson assures that he has no knowledge of any international arrest warrants against Nyamwasa and confirms that the latter hasn't been arrested, as Andreu demands. "We have to determine whether prosecution - criminal or otherwise- of a refugee is possible, or whether his status grants him immunity," he ended by saying.

Kagame, a guest of Zapatero

This coming June [sic. Translator's note: July] 16, a person who has been charged by the Audiencia Nacional with committing genocide, crimes against humanity, war crimes and a terrorist act could be visiting Spain and not be arrested immediately. The person at stake is Rwandan president Paul Kagame, who has been invited to attend a prep meeting for the U.N.'s Millenium Goals Summit (ODM) to be held that day in Madrid. Kagame is co-chairman, together with José Luis Rodríguez Zapatero, of the support group of this UN project. Despite having charged Kagame with all these crimes, Judge Fernando Andreu has so far not been able to prosecute him nor issue an arrest warrant against him given that Kagame has immunity as head of state.

The judge has evidence that Kagame was actively involved in indiscriminate killings. A former member of his guard declared that when Kagame was still a rebel leader in 1994, he fired his anti-aircraft machine gun to massacre a group of 35 or 40 civilians largely comprised by women, children and elderly people. According to this witness, Kagame ordered the execution of three bishops and other clergy saying "I have already told you to get rid of that scum."