

NON-OFFICIAL TRANSLATION

Logotype of the Figueres Town Hall

General Register
Out 9332
Date 27/08/2008
Administrative Unit:
Date 2.5
r/n 21.08.2008
r/v MAP

His Excellence Mr. Ban Ki-moon
Secretary General of the United Nations Organization
First Avenue at 46th Street
New York, NY 10017

Mr. Secretary General,

Please, find enclosed certificate of the agreement reached during the last Council meeting of 30 July 2008, in relation to the request that the UNO takes all necessary and convenient steps to deliver to INTERPOL those people referred to in the document, people who work for the organization you represent.

Cordially yours,

Signed:
Santiago Vila Vicente
Mayor of the city

Logotype of the Figueres Town Hall

A.G. 2.5

MAP

Fernando González Cebrián, Law Graduate, secretary general of Figueres Town Hall (Girona)

I CERTIFY: that the Council meeting of 30 July 2008 reached, among others, the following agreement, translated from Catalan into Spanish:

“RECORD:

First.- Around 2:40 p.m. of Tuesday 26 April 1994, Joaquim Vallmajó Sala, born in Navata, was kidnapped by military people in the village of Kageyo (parish, diocese and prefecture of Byumba, North of Rwanda). He was no longer seen nor appeared his corps anywhere. Joaquim Vallmajó Sala was born in Navata (Girona province) on 21 March 1941. He was a missionary in Africa and began his activity as such in Rwanda in 1965. He stayed there from 1972 onwards. He was a well-known religious man and activist fighting in favour of Human Rights. He went from north to south with thousands of refugees offering them food, water and friendship. Apart from offering them assistance, he used to openly denounce unfair situations ordinary people suffered. He was an annoying witness. So annoying he was that this caused his kidnapping, torture and organized disappearance. Three years later, on 18 January 1997, a nurse from Manresa (Barcelona province), M^{ra} Flors Sirera, was killed in Rwanda together with two colleagues of the organization Médicos del Mundo, Manuel Madrazo and Luis Valtueña, while a north-american volunteer, Nitin Mahdavi, was seriously injured in an attack produced in the context of a violent operation perpetrated with automatic weapons. Although people and institutions from Navata often used to demonstrate before that date, they particularly did so from that moment on, against barbarity in Rwanda, against the impunity in which those crimes were committed in Central Africa and in favour of peace and a pacific resolution of the conflict. This last killing happened to coincide with a 42-days campaign of voluntary fasting of a Spanish man, in the purest Gandhi way, his name Juan Carrero Saralegui, (he is currently president of the S’Olivar Foundation), with the support of 19 Nobel Prizes, all the political parties at the European Parliament and a lot of national and international institutions, as a way of denouncing the crimes against mankind that were taking place in Rwanda and the former Zaire (current Democratic Republic of Congo). He did so to ask for the intervention of the international community to stop the attacks against refugee camps committed by the Rwanda and Uganda armies and their allies. This voluntary fasting was performed in front of the European institutions and the European Council in Brussels. This fasting almost caused him physical and psychological irreparable damage.

Second.- The Figueres Town Hall, by means of a Mayor’s Decree of 25 January 2005, agreed to file a criminal lawsuit at the competent Court for Joaquim Vallmajó Sala’s death.

Third.- The Mayor of Figueres granted power of attorney to file lawsuits.

Fourth.- The Public Prosecutor admitted the lawsuit filed at the Spanish High Court within the framework of the International Forum for the Truth and Justice in the Great Lakes area “limited to the research of the facts occurred in relation to the death of the Spanish citizens”. This fact shows the Spanish State’s will, through its Public Ministry, of researching about the death of 9 Spanish citizens, among which were the two Catalan, Joaquim Vallmajó and Flors Sirera. The position of the Spanish State has always been favourable to researching and throwing light to the facts, as well as to bringing to justice those presumably responsible, as

documented in Court hearings of the Secretary of State for International Cooperation and for Latin America and as can be seen in the responses by the Spanish Government to many questions raised by the Spanish House of Commons over the last years.

Fifth.- After almost 3 years of judicial research, the Magistrate of the Central Examining Court number 4 of the Spanish High Court, Mr. Fernando Andreu Merelles, he decided to prosecute 40 military from the Armée Patriotique Rwandaise/Front Patriotique Rwandais as presumably responsible of international crimes of genocide, crimes against mankind, war crimes and torture, among others, resolving by means of Writ dated 6 February 2008, to issue 40 warrants of international arrest addressed to the international police systems INTERPOL and the European system SIRENE. The following day, 7 February 2008, the Spanish General Law Council, through its speaker, asked all international collaboration to fulfil the judicial process and the ongoing research, especially considering the fact that this judicial resolution referred to Spanish victims in Rwanda and the Democratic Republic of Congo.

Sixth.- 9 people stand out among those 40 prosecuted by the Spanish Court; they occupy relevant posts outside the Rwanda borders, the majority of whom are directly or indirectly involved in the violent killing of Joaquim Vallmajó Sala, M^a Flors Sirera and her colleagues of Médicos del Mundo, as well as the other Spanish victims. Prosecuted number 2: General Major Kayumba Nyamwasa, current Rwandan fully-empowered Ambassador in New Delhi, India. Prosecuted number 3: Brigadier General Karenzi Karake, current Second Commandant of the Hybrid Peacekeeping Forces of the UNO –African Union in Darfur (Sudan), called UNAMID. Prosecuted number 7: Lieutenant-colonel Rugumya Gacinya, whose last destiny known was that of Military Attaché of the Rwandan Embassy in Washington, in the United States of America. Prosecuted number 12: Colonel Erik Murokore, with last destiny known in the Democratic Republic of Congo. Prosecuted number 13: Major Denis Karera, with current residence in California, in the United States of America. Prosecuted number 24: Brigadier General Wilson Gumisiriza, assigned to the Hybrid Peacekeeping Forces of the UNO-African Union in Darfur (Sudan), called UNAMID, with last residence known in Kampala (Uganda). Prosecuted number 29: Captain Karara Misingo, currently responsible for verifying disarmament of the UNO Programme for the Development in Nepal, UNDP Katmandú, Nepal. Prosecuted number 31: Captain Frank Bakunzi, assigned to the Hybrid Peacekeeping Forces of UNO – African Union in Darfur (Sudan), called UNAMID. Prosecuted number 34: Colonel Charles Karamba, assigned to the Hybrid Peacekeeping Forces of UNO – African Union in Darfur (Sudan), called UNAMID.

Seventh.- The Figueres Council meeting has been informed about the imminent decision the UNO will take these days regarding the renewal of the contract of Brigadier General Karenzi Karake, current Second Commandant of the Hybrid Peacekeeping Forces of UNO – African Union in Darfur (Sudan), called UNAMID, a contract that expires in September 2008.

Considering the previous record, all political groups in the Figueres Council suggest the Council meeting to adopt the following agreements:

First.- Express the support of this meeting to the research brought by the Spanish Judicial Instances in relation to the international crimes committed in Rwanda and the Democratic Republic of Congo against the fellow citizen Joaquim Vallmajó Sala from Navata, the other 8 victims from the Spanish State and the Rwandan and Congolese victims, in virtue of the Universal Justice Principle and that of Passive Personality applicable according to applicable rules.

Second.- Express the support of this meeting to the actions the Government has taken and the ones it may carry out in the context of its legal competence as well as its national and international commitments so that the presumably responsible of these international crimes are brought to justice and the facts are conveniently investigated and made clear through a fair and equitable process with all procedural guaranties.

Third.- Ask the Spanish Government, in virtue of the national legislation and international agreements signed by the Spanish State, to urge the High Authorities of the relevant States to arrest and deliver to the Spanish judicial authorities the 40 prosecuted by the Spanish justice and, in particular, the arrest of Major General Kayumba Nyamwasa, current Rwandan fully-empowered Ambassador in New Delhi, India, presumably involved directly in the violent killing of Joaquim Vallmajó Sala, as well as the other Catalan victim, M^a Flors Sirera, and the other Médicos del Mundo members, according to the above mentioned judicial resolution, taking into account that the immunity he has got as ambassador is only applicable in the exercise of his functions in India, but are not applicable out of India for those acts done before that appointment and is even less applicable for international crimes that affect mankind in its whole and have general international validity.

Fourth.- Ask the European Union, through the Spanish State, that all State members do what can be legally and conventionally done to execute within the European area the above mentioned 40 warrants of international arrest by means of direct deliver SIRENE. The European Union should urge, in all regional and international meetings in which it participates, the compliance without delay of the judicial resolution of a State member, such as Spain.

Fifth.- Ask the UNO, through its Secretary General, that it ceases and separates from its charges they occupy in this international organization those people judicially accused who are referred to in Record number 6 and, in particular, Brigadier General Karenzi Karake, Brigadier General Wilson Gumisiriza, Captain Karara Misingo, Captain Frank Bakunzi and Colonel Charles Karamba.

Sixth.- Ask the UNO, through its Secretary General, that, according to international applicable agreements (and in particular the Convention for Prerogatives and Immunities of UNO dated 13 February 1946, The Status of Forces Agreement signed between the Government of Sudan and the UNO Mission-African Union in Darfur dated 9 February 2008, as well as the Cooperation Agreement between UNO and the International Organization of Criminal Police – Interpol), necessary and convenient steps can be taken so that the people judicially prosecuted who work for UNO and, in particular, Brigadier General Karenzi Karake, Brigadier General Wilson Gumisiriza, Captain Karara Misingo, Captain Frank Bakunzi and Colonel Charles Karamba, are delivered to the International Organization of Criminal Police –Interpol, to all legal effects and to start proceedings for their extradition to the Spanish justice, taking into account that the immunity enjoyed by members of the UNO only applies for the acts done in the exercise of their posts in Sudan and Nepal, respectively, but this immunity is not applicable for crimes committed out of Sudan and Nepal before their being appointed for those responsibilities, and immunity is even less applicable when the international crimes committed affect mankind in its whole and have general international validity”.

And as a sign of approval and to due effects, I issue this order certificate with the approval of the Mayor of the city, Santiago Vila Vicente.

Figueres, 21 August, 2008

Signed:
Santiago Vila Vicente