



NAVATA CITY HALL (Alt Empordà)

Copia del acuerdo adoptado por unanimidad de sus miembros en el Pleno del Ayuntamiento de fecha 23 de Julio de 2008 cuya traducido al inglés es la siguiente:

"3.- VOTE PRESENTED BY THE NAVATA MAYOR FOR THE TRUTH AND JUSTICE OF THE GREAT LAKES AFRICA.

PRECEDENTS:

First.- About 14.40 hours of Tuesday, April 26th 1994, the Navata citizen JOAQUIM VALLMAJO SALA was kidnapped by military troops in the Kageyo municipality (Parish, Dioceses and Prefect of Byumba, North Rwanda). Neither he nor his body have been seen again.

JOAQUIM VALLMAJO SALA, was born in Navata, Figueres (Girona), on March 21st 1941. He was a missionary in Africa (White Fathers) and started his mission in Rwanda in 1965, definitely staying there since 1972. He was a known clergyman and an activist for the fight for human rights. He went from North to South with thousands of refugees, offering them food, water and company. Beyond offering this assistance, he vocally denounced the injustice situations suffered by the people. He was also an uncomfortable witness... up to the point where it caused his kidnapping, torture and organized disappearance.

Three years later, on January 18th 1997, the Manresa citizen nun MARIA FLORS SIRERA was murdered, together with two more colleagues from the organization *Médicos del Mundo*, Manuel Madrazo and Luís Valtueña, with serious injuries suffered by the North American national aid worker Nitin Mahdavi. This attack happened during a violent operation carried out with automatic weapons.

Although they already did before today, since then the Navata citizens and their institutions were mobilized against barbarism in Rwanda, against the impunity of the crimes that were occurring in Central Africa and for peace and the peaceful resolution of the conflict.

Whether by chance or causally, these last killings happened at the same time of a campaign of 42 days of voluntary fasting, in the Ghandi tradition, carried out by the Spanish citizen JUAN CARRERO SARALEGUI (current president of the S'Oliver Foundation) with the support of 19 Nobel prize Winters, all the political groups of the European Parliament and many other national and international institutions, denouncing the crimes against humanity that were happening in Rwanda and the then-named Zaire (currently Congo Democratic Republic) and in which he demanded an intervention of the international community to stop the attacks to the refugee camps that were being made by the armies of Rwanda, Uganda and other



NAVATA CITY HALL (Alt Empordà)

allies. The voluntary casting was carried out in front of the European institutions and the Council of Ministers of the European Union in Brussels. The fasting almost caused him incurable physical and psychical damages.

Second.- Ten years later, that is December 15th 2004, the Navata City Hall, via a Mayor Decree, decided to assist to the criminal prosecution that was to be presented as the culmination of the investigation for the circumstances of the death of JOAQUIM VALLMAJÓ SALA, eight more Spanish citizens and hundreds of thousands of Rwandese and Congo citizens in Central Africa, declaring as follows:

Joaquim Vallmajó Sala, born in Navata, White Father, missionary for 28 years in the Africa Missionaries institution, was murdered on April 1994 in Byumba, North of Rwanda.

Like him, many other people, from religious communities as well as members of NGOs, lost their lives in the Great Lakes Africa genocide.

The s'Olivar Foundation of Majorca, the families of the victims, and other non-government organizations defenders of truth, justice and peace, claim that the only way to pass onto international public opinion the truth of the murder of Joaquim Vallmajó, and the genocide of the Great Lakes area of Africa, is to present a criminal prosecution against the responsible persons

The Navata municipality feels specially touched by these facts, and considers it appropriate to adhere to the criminal prosecution against those responsible for crimes against the international community, and specifically against the acts happened to the Republic of Rwanda and/or the Congo Democratic Republic (previously Zaire) since October 1st 1990.

Third.- In conformity with the mentioned Plenary, the then Mayor of the city, on December 20th 2004, granted in front of a Notary special powers for lawsuits, that were attached to the prosecution, and were accepted by the Central Instruction Court nr. 4 of the National Tribunal both the prosecution presented as well as the Navata City Hall assistance on April 6th 2005.

Fourth.- The Prosecution requested the admission to procedure of the prosecution presented on February 25th to the National Tribunal, by this consistory, inside the International Forum for Truth and Justice in Great Lakes Africa, "limited to the investigation of the facts related to the death of Spanish citizens". From this, it can be deduced the will of the Spanish State, via its Public Ministry, to investigate the death of the 9 Spanish citizens, among them the death of the two Catalans, Joaquim Vallmajó and Flors Sirera.

The position of the Spanish Government has always been favourable to the investigation and clearing of facts, as well as the justice prosecution of the alleged responsible parts, as is attested by appearances of the Secretary of State for the International and Iberoamerican Cooperation, and the answers of the Spain government to several questions posed in Congress during these years.

Fifth.- After almost three years of judicial investigation, the Magistrate of the Central Instruction Court nr. 4 of the National Tribunal, Mr. Fernando Andreu Merelles, decided to prosecute forty soldiers of the *Armée Patriotique*



NAVATA CITY HALL (Alt Empordà)

Rwandaise/Frente Patriotique Rwandais as alleged responsible for the International crimes of genocide, crimes against humanity, war crimes and torture, among others, resolving by the Act of February 6th 2008 to issue 40 international arrest warrants that have been processed in the international police system INTERPOL and the SIRENE European system.

The General Council of the Judiciary, via its speaker, asked on the following day, that is, on February 7th 2008, considering that this judicial resolution referred to Spanish victims in Rwanda and the Congo Democratic Republic, all the international cooperation needed to carry out the started judicial process and the investigation.

Sixth.- Among the 40 people accused by the Spanish court, nine accused must be mentioned that have key positions out of the frontiers of Rwanda, most of which are directly or indirectly related to the violent death of the Navata citizen JOAQUIM VALLMAJÓ SALA, the Manresa citizen MARIA FLORS SIRERA and their colleagues from *Médicos del Mundo*, as well as the rest of Spanish victims:

- *Accused nr.2:* General Major KAYUMBA NYAMWASA, current Ambassador Plenipotentiary of Rwanda in New Delhi, India
- *Accused nr.3:* Brigadier General KARENZI KARAKE, current Second Commander of the Hybrid Force for Peacekeeping of the United Nations(UN)- African Union in Darfur (Sudan) called UNAMID.
- *Accused nr.7:* Lieutenant Coronel RUGUMYA GACINYA, last known post as *Attaché Militar* of the Rwanda Embassy in Washington, United States of America.
- *Accused nr.12:* Colonel ERIC MUROKORE, last known post at the Congo Democratic Republic.
- *Accused nr.13:* Major DENYS KARERA, currently living in California, United States of America.
- *Accused nr.24:* Brigadier General WILSON GUMISIRIZA, attached to the Hybrid Force for Peacekeeping of the United Nations (UN) – African Union in Darfur (Sudan) called UNAMID, last known residence in Kampala (Uganda).
- *Accused nr.29:* Captain KARARA MISINGO, currently responsible for disarm verification of the United Nations Program for the Development of Nepal, UNDP Kathmandu, Nepal.
- *Accused nr.31:* Captain FRANK BAKUNZI attached to the Hybrid Force for Peacekeeping of the United Nations (UN) – African Union in Darfur (Sudan) called UNAMID.
- *Accused nr.34:* Colonel CHARLES KARAMBA, attached to the Hybrid Force for Peacekeeping of the United Nations (UN) – African Union in Darfur (Sudan) called UNAMID,.

Seventh.- This Consistory has learned about the imminence of the decision that must be taken by the United Nations these days about whether to renew or not the



NAVATA CITY HALL (Alt Empordà)

contract to the Brigadier General KARENZI KARAKE, currently Second Commander of the Hybrid Force for Peacekeeping of the United Nations (UN) – African Union in Darfur (Sudan) called UNAMID, contract that expires next September 2008.

Considering the precedents mentioned, it is proposed to the Plenary of the Navata City Hall the adoption of the following agreements:

First- Make clear the support of this Consistory to the investigation carried out by the Spanish Judiciary in relation to the international crimes occurred in Rwanda and the Congo Democratic Republic against the Navata citizen JOAQUIM VALLAMAJÓ SALA, the other eight victims of the rest of the Spanish state and the Rwandan and Congolese victims based on the principles of universal justice and of passive personality as the relevant rulings allow.

Second. – Make clear the support of this Consistory to the relevant actions that the Spanish Government has carried out and may carry out in the framework of their legal attributions and national and international compromises so that the alleged responsible persons of these international crimes are brought to Justice and that the facts are conveniently investigated and cleared by a fair and equitable process with all prosecution warranties.

Third.- Ask to the Spain Government, in conformity with national laws and the international agreements signed by the Spanish State, to request to the High Authorities of other related states, the detention and delivery to the Spanish Judiciary Authorities of the 40 accused by the Spanish justice, and specially of Major General KAYUMBA NYAMWASA, current Ambassador Plenipotentiary of Rwanda in New Delhi, India, alleged direct part in the violent death of the Navata citizen JOAQUIM VALLAMAJÓ SALA, as well as of the other Catalan victim MARIA FLORS SIRERA and the other two aid workers from *Médicos del Mundo*, according to the mentioned judicial decision, even considering that the immunity he enjoys as an Ambassador applies to the acts carried out in India while acting as such, but that this immunity is not applicable to criminal acts happened outside of India before his appointment, and much less to international crimes against humanity itself, and that are of a general international enforcement.

Fourth.- Ask to the European Union, via the Spanish State, that the member states carry out any legal and conventional adequate measures to execute inside of the European state the 40 previously mentioned international arrest warrants through the SIRENE direct handing over system, as well as that the European Union requests in all regional and international meetings it takes part in the immediate compliance of the judicial decision of a State Member, as Spain is.

Fifth.- Ask to the United Nations, via its Secretary General, to terminate and part from their positions in this international organization the persons



NAVATA CITY HALL
(Alt Empordà)

prosecuted detailed in the Sixth precedent, and specially the Brigadier General KARENZI KARAKE, the Brigadier General WILSON GUMISIRIZA, the Captain KARARA MISINGO, the Captain FRANK BAKUNZI and the Colonel CHARLES KARAMBA.

Sixth.- Ask to the United Nations, via its Secretary General, in compliance with the relevant International agreements, (and specially the Convention on prerogatives and immunities of the United Nations, February 13th 1946, *The Status of Forces Agreement* signed between the Sudanese Government and the United Nations – African Union Mission for Darfur of February 9th 2008, as well as the Cooperation Agreement among the United Nations and the International Criminal Police Organization – Interpol) the relevant and pertinent actions can be taken for the accused persons that work for the UN, and specially Brigadier General KARENZI KARAKE, Brigadier General WILSON GUMISIRIZA, Captain KARARA MISINGO, Captain FRANK BAKUNZI and Colonel CHARLES KARAMBA can be handed over to the International Criminal Police Organization - Interpol, for the relevant legal effects and to start the processing of their extradition to the Spanish justice, even considering the immunity they enjoy in their UN positions applies to the acts carried out in Sudan and Nepal respectively while carrying out their duties as such, but that said immunity do not apply to criminal acts carried out outside of Sudan and Nepal previously to their appointment, and even less to international crimes against humanity and that are of general international enforcement.

This motion proposed by the cause attorneys has been unanimously approved by the seven members present that compose it.”

Navata, 19 de septiembre de 2008

El Alcalde,

Jaume Homs Campamar