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Spanish judge charges Rwanda's military with genocide

MADRID, Spain (AP) — A Spanish judge indicted 40 members of the Rwandan military Wednesday on charges of terrorism and genocide, accusing them of mass killings of civilians after taking power in the wake of the 1994 ethnic slaughter.

Judge Fernando Andreu of the National Court acted under a Spanish legal doctrine that allows courts here to prosecute egregious human rights crimes even if they are alleged to have occurred in other countries.

Andreu said he also had evidence implicating Rwanda's current president Paul Kagame, who led the rebel forces that stopped the killings in 1994, but cannot charge him because as a sitting president Kagame has immunity.

Andreu began considering the case in 2005 after a complaint was filed by an African human rights group.

During the course of the investigation he took testimony from 22 people, including several Rwandans given the status of protected witnesses. Andreu said key testimony came from a person who had been a member of Kagame's personal security detail.

Rwanda's genocide began hours after a plane carrying President Juvenal Habyarimana, a Hutu, was mysteriously shot down as it approached the capital, Kigali, on April 6, 1994. About 500,000 people, most of them ethnic Tutsis, were massacred in 100 days of frenzied killing led by radical Hutus. The killing ended when Tutsi-led rebels under Kagame defeated the Hutu extremists in July 1994.

Andreu said that, after taking power, the army under Kagame staged mass killings of Hutus, both in Rwanda and in refugee camps in what was then neighboring Zaire. It said his forces also committed atrocities earlier while fighting to take power, and said Kagame attended a meeting at which his forces plotted to shoot down Habyarimana's plane as a step toward seizing power.

In 2006 a French judge issued warrants for nine people close to Kagame who were suspected in that attack. The judge acted because the plane's crew was French.

Spanish judges have tried to prosecute similar genocide cases against foreign figures or terrorists, largely to no avail. Normally the procedure is to issue an international arrest warrant and ask the country where the suspects live to extradite them to Spain.

In 1998 Judge Baltasar Garzon indicted former Chilean president Augusto Pinochet and managed to have him arrested while Pinochet was visiting London, but the British government ultimately refused to extradite him to Madrid, citing ill health. Pinochet died in Chile in 2007.

In September 2003, Garzon indicted Osama bin Laden as part of a broad-ranging indictment of 35 people in connection with the Sept. 11, 2001, attacks in the United States.

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