

SPANISH COURTS ISSUE 40 INTERNATIONAL ARREST WARRANTS AGAINST HIGHEST-RANKING OFFICIALS OF RWANDA'S POLITICAL-MILITARY HELM

The investigative proceedings ordered by Judge Mr. **Fernando Andreu**¹ have confirmed and even broadened, with great detail, the scope of the criminal acts disclosed by the **International Forum for Truth and Justice in Africa of the Great Lakes region**² in its lawsuit filed on February 22, 2005. Marking the end of the first investigative phase of the case, the Spanish judge has passed a resolution on 06/02/2008 which issues international arrest warrants against **40 people** who belonged or continue to belong to the **highest ranking political-military helm of the Rwandan Patriotic Army/Rwandan Patriotic Front (RPA/RPF)** which has held power in Rwanda since 1994. The arrest warrants charge them with the **crimes of genocide, crimes against humanity, war crimes and terrorism**, among others.

Three blocks of international crimes with high economic stakes lurking in the background

The Judge has obtained numerous pieces of testimonial and documentary evidence, as well as evidence from expert witnesses, regarding the afore-mentioned **crimes allegedly perpetrated by the RPA/RPF in Rwanda and the Democratic Republic of Congo in the period 1990-2000**, primarily. This investigation has allowed to reveal that the RPA/RPF's rigid, hierarchical chain of command, headed by President **Paul Kagame**, is responsible for three major and closely interrelated blocks of crime: a) crimes perpetrated against 9 Spanish victims - missionaries and aid workers- whose first priority was helping the local population and by so doing, were all inconvenient observers of the killings of Hutu inhabitants in both countries; b) crimes against Rwandans and Congolese, either perpetrated pointedly against various specific leaders, or systematically carried out as mass murders of hundreds of thousands of civilians; and c) crimes of war pillage- the systematic, large-scale plundering of natural resources, especially strategically valuable minerals.

The investigation has shown that large-scale crimes took place in Central Africa at all different stages: prior to, during and after the mass killings of the Tutsi population that took place in the period April-June 1994 –all of them classified as genocide by the UN Security Council in its ad hoc resolution. The official version that has managed to prevail in international public opinion, however, only points to the killings occurred in the above-mentioned period. The judicial decision brings to light an array of facts: first, that six RPA/RPF army units and 2,400 military men – backed by military, logistical and political support from Uganda – had already, as early as October 1, 1990, invaded northern Rwanda, causing the death of countless Hutu civilians. Secondly, that from 1991 to 1993, the RPA/RPF had carried out a great number of open and carefully targeted military operations against civilians through its two executor agents - the RPA's regular army and the **Directorate Military Intelligence or DMI's** secret services- , creating likewise special death squads such as the "*Network Commando*". Thirdly, that in 1994 the RPA buried and hid in Uganda large amounts of weapons (to be smuggled later into Rwanda) before planning the attack against J. Habyarimana, Rwandan president at the time, which was the event that triggered the entire chaos. Further to that action in 1994, as well as in 1995, the RPA and DMI perpetrated mass and targeted crimes against civilians, mostly Hutu, following Paul Kagame's explicit instructions to eliminate the population indiscriminately (albeit using the term "*screening*"). The RPA and DMI also organized collective burials in mass graves and mass incinerations of corpses in Akagera or Nyungwe Parks. The investigation has also revealed that in 1996 and 1997, the RPA/RPF set out to systematically attack Hutu refugee camps in former Zaire, killing hundreds of thousands of Rwandans and Congolese. It also organized the **plundering of mineral resources** such as diamonds, coltan and gold, thereby creating the intricate web of corruption led by the "*Congo Desk*", the DMI and Rwandan companies –among them, *Tristar Investment*- all of whom were backed by multinational corporations and Western powers. During its second military invasion which started in 1998, it continued to engage in these activities setting forth its trail of killing and plundering which continues to date in the eastern part of the Democratic Republic of Congo.

The Spanish Court's decision marks a key turning point in the efforts to stop the scenario of impunity which continues to date. Based on evidence brought forth which complies with all legal requirements, the decision spells out some of the fundamental truths that had been concealed about this conflict. This important ruling is expected to contribute to peacemaking among the people and ethnic groups in this greatly battered Central African region.

¹.- Juzgado Central de Instrucción nº 4 of the Audiencia Nacional, court having legal jurisdiction to apply the universal principle of justice in Spain.

².- Website featuring all available information: www.veritasrwandaforum.org

Supplementary documents

- Document 1: summary description of main criminal facts subject to investigation ; list of plaintiffs ; list of main people alleged responsible for the crimes.
- Document 2 : Decision of the Juzgado Central de Instrucción nº 4 (National Pre-Trial Examining Court No.4) of the Audiencia Nacional (Spanish National Court): pre-qualification, January 21st 2008.
- Document 3: Decision of the Juzgado Central de Instrucción nº 4 (National Pre-Trial Examining Court No.4) of the Audiencia Nacional (Spanish National Court): international arrest warrants (excerpt), February 6th 2008.
- Document 4 : detailed charts describing people allegedly responsible for the crimes (photos available).

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The most flagrant criminal acts which are object of this judicial ruling dated 06/02/2008:

- October 1st 1990-1991-1992: Massacres of civilians in the municipalities of northern Rwanda; targeted attacks, among others.
- 1993: Massacres of civilians in northern Rwanda, especially in Byumba and Ruhengeri (February); attack against Emmanuel Gapyisi (May 8).
- 1994: Attack against Felicien Gatabazi (February 21); massacres of civilians in Rwanda, especially in Byumba (April) and in its soccer stadium (April 23), as well as violent death of Spanish priest Joaquim Vallmajó and other Rwandan clergy in Byumba (April 26); massacre of civilians in Muhura led by Paul Kagame himself (12 mayo); violent death of Rwandan bishops, priests and nuns in Gakurazo (June 5), among others.
- 1995: Massacres of civilians in Rwanda; massacres in Centers of Internally Displaced People (IDP) as well as massacres and incineration of corpses in *Nyungwe Forest and in Akagera National Park*.
- 1996: Massacres of civilians in northwestern Rwanda (December); attacks on Rwandan refugee camps in Zaire, systematic killings of Rwandan and Zairean civilian population (October-December), as well as violent deaths of Spanish clergymen Servando Mayor, Julio Rodríguez, Miguel Angel Isla Lucio and Fernando de la Fuente in Nyamirangwe/Bukavu, Zaire (October 31); pillage of natural resources – especially minerals such as diamonds, coltan and gold – and plunder of money of banks in eastern Zaire.
- 1997: Massacres of civilians in northwestern Rwanda, especially in Ruhengeri, Gisenyi and Cyangugu (Jan.-March), as well as violent death of Spanish volunteers Flors Sirera, Manuel Madrazo and Luis Valtueña (Jan. 18) among other expatriates and UN personnel (Jan. and Feb.); massacres of Rwandan civilians in Kami Prison/Nyungwe Forest; massacres of clergy in Kalima, Zaire (Feb 25), systematic killings of Rwandan refugees and Zairean civilians in Zaire (Jan-May), particularly the axis Bukavu/Goma/ Lubutu/Ubundu-Kisangani/Ikela/Boende/Wendji-Secli and Mbandaka (Zaire); pillage of diamonds in Lubumbashi; pillage of natural resources in eastern Zaire, especially precious minerals, timber, cattle.
- 1998-1999: Massacres of civilians in northwestern Rwanda, especially in Ruhengeri, Gisenyi and Cyangugu; systematic killings of Rwandan refugees and Congolese civilians in the Democratic Republic of Congo;
- 2000: Systematic killings of Congolese civilians in Democratic Republic of Congo; violent death of Rwandan civilians in Rwanda, and violent death of Spanish priest Isidro Uzcudún in Mugina/Gitarama, Rwanda (June 10), among others.

The following individuals, public institutions and organizations are **plaintiffs in the criminal lawsuit**: **Adolfo-Maria Pérez Esquivel**, 1980 Nobel Peace laureate (Argentina); **Cynthia Ann McKinney**, former congresswoman (USA); **Juan Carrero Saralegui**, Nobel Peace Prize nominee, President of Fundación S'Olivar of Mallorca (Spain); **Relatives of Spanish victims** Joaquim Vallmajó (priest), Servando Mayor, Julio Rodríguez, Miguel A. Isla and Fernando de la Fuente (Marian clergy), Flors Sirera, Luis Valtueña and Manuel Madrazo (volunteers at Médicos del Mundo) and Isidro Uzcudun (priest); **Relatives of Rwandan victims** including Emmanuel Gapyisi (politician), a.m.o.; **7 Rwandan survivors of the crimes** (in exile), **Assistance aux Victimes des Conflits en Afrique Centrale**, (Belgium); **Centre de Lutte contre l'Impunité**, (Belgium); **Asociación de Víctimas Pro Iustitia**, (The Netherlands); **Organisation For Peace Justice And Development in Rwanda**, (USA); **City Councils of Figueres, Manresa, Navata and Seville** (Spain); **Federación de Comités de Solidaridad con el África Negra de España** (12 Committees); **Centro de Recursos de la Coordinadora d'ONG Solidàries de comarques gironines**, (47 associations); **Associació Drets Humans de Mallorca** (Spain); **Asociación Médicos del Mundo** (Spain); **Asociación Politeia** (Spain).

Main people responsible for these crimes, and members of the RPA/RPF political and military helm (not exhaustive list):

PAUL KAGAME, Major General; **JAMES KABAREBE**, Major General; **KAYUMBA NYAMWASA**, Major General; **KARENZI KARAKE**, Brigadier General; **FRED IBINGIRA**, Major General; **RWAHAMA JACKSON MUTABAZI**, Colonel; **JACK NZIZA**, Brigadier General; **RUGUMYA GACINYA**, Lieutenant-Colonel; **DAN MUNYUZA**, Colonel; **CHARLES KAYONGA**, Lieutenant-General (See Attachment No. 1 for more details on these people).

órdenes internacionales de detención a efectos de extradición y ordenes europeas de detención y entrega.

SEXTO.- : El Responsable criminalmente, lo es también civilmente, por lo que de conformidad con el artículo 589 de la Ley de Enjuiciamiento Criminal, procede asegurar las responsabilidades pecuniarias que en su día puedan derivarse la causa, para lo cual se formará la correspondiente pieza separada.

PARTE DISPOSITIVA

S.S^a. ILTMA. ACUERDA: SE DECLARAN PROCESADOS por razón de esta causa a:

1. JAMES KABAREBE, General Mayor.
2. KAYUMBA NYAMWASA, General Mayor
3. KARENZI KARAKE, General de Brigada
4. FRED IBINGIRA, General Mayor
5. RWAHAMA JACKSON MUTABAZI, Coronel
6. JACK NZIZA (o JACKSON NKURUNZIZA o JAQUES NZIZA), General de Brigada
7. RUGUMYA GACINYA, Teniente Coronel
8. DAN MUNYUZA, Coronel
9. CHARLES KAYONGA, Teniente General
10. JOSEPH NZABAMWITA, Teniente Coronel
11. CEASER KAYIZARI, General Mayor
12. ERIK MUROKORE, Coronel
13. DENYS KARERA, Mayor
14. EVARISTE KABALISA, Capitán
15. JUSTUS MAJYAMBERE, Mayor
16. EVARISTE KARENZI, Subteniente
17. ALEX KAGAME, General de Brigada

18. CHARLES MUSITU, Coronel
19. GASANA RURAYI, Teniente Coronel
20. SAMUEL KANYEMERA o SAM KAKA, General de Brigada
21. TWAHIRWA DODO, Coronel
22. FIRMIN BAYINGANA, Teniente Coronel
23. AGUSTÍN GASHAYIJA, General de Brigada
24. WILSON GUMISIRIZA, General de Brigada
25. WILLY BAGABE, Coronel
26. WILSON GABONZIZA, Teniente
27. SAMUEL KARENZEZI, alias "Viki", Caporal
28. JOAQUIM HABIMANA, Capitán
29. KARARA MISINGO, Capitán
30. ALPHONSE KAJE, Capitán
31. FRANK BAKUNZI Capitán
32. DAN GAPFIZI, General de Brigada
33. JOHN BUTERA, Teniente
34. CHARLES KARAMBA Coronel
35. MATAYO Capitán
36. PETER KALIMBA, Coronel
37. SILAS UDAHEMUKA, Mayor
38. STEVEN BALINDA, Mayor
39. JOHN BAGABO, Coronel
40. GODEFROID NTUKAYAJEMO, alias "Kiyago", Capitán

con quienes se entenderán las sucesivas diligencias en el modo y forma que determina la Ley de Enjuiciamiento Criminal.

SE DECRETA LA PRISION PROVISIONAL COMUNICADA DE DICHS PROCESADOS.

Líbrense las oportunas requisitorias nacionales e internacionales interesando su busca y captura e ingreso en prisión a disposición de este Juzgado, las que se publicaran en las Ordenes Generales de la Policía y de la Guardia Civil, y en el Servicio de INTERPOL, expidiéndose igualmente las Ordenes Europeas de Detención y Entrega para su inserción en SIRENE, así como en el Tablón de Anuncios de este Juzgado, librándose para todo ello los oportunos despachos, y a fin de que en el término de DIEZ DÍAS comparezcan en este Juzgado para

DETAILED LIST OF TOP RESPONSIBLE RPA/RPF

Name and Most Recent Position known	Past Positions (non exhaustive list)	Indications of Criminality according to Decision dated Feb 6, 2008 of Juzgado Instr. # 4, (National Pre-Trial Examining Court # 4) of Spain's Audiencia Nacional (National Court).
<p>PAUL KAGAME, Major General</p>  <p>President, Republic of Rwanda. Head of State and Chief Commander of the <i>Rwandan Defense Forces</i> ("RDF"), former <i>Armée Patriotique Rwandaise</i> ('RPA' <i>Rwandan Patriotic Army</i>)</p>	<p>High Commanding Officer of the RPA Vice-President of the Government and Minister of Defense of the Republic of Rwanda.</p>	<p>Charged as the alleged main responsible for following crimes: A) Genocide; B) Crimes against humanity; C) War crimes: against protected people and property in the event of armed conflict (abuses, prohibited combat weapons, indiscriminate attacks, violation of health centers/sanitary units, attacks to property; acts against statutes of international Treaties; E) Membership in terrorist organization; F) Terrorist acts.</p>
<p>JAMES KABAREBE, Major General</p>  <p><small>General James Kabarebe, the RDF Army Chief of Staff</small></p> <p>Chief of General Staff of Rwandan Army – RDF</p>	<p>At the time, Colonel and Commanding Officer of High Command Unit, as well as one of the top people responsible for the operatives carried out by the <i>Network Commando</i>. He was also Commanding Officer of all RPA military units in Zaire/ Democratic Republic of Congo in the two wars since 1996.</p>	<p>Attacks against refugee camps located in territory of former Zaire; charged with killings of its population and mass incineration of corpses. Responsible for mass deaths of Congolese civilians as well as for pillage of property. He ordered the pillage of natural resources in former Zaire, among other crimes perpetrated against civilians both in Rwanda and in DR Congo.</p>
<p>KAYUMBA NYAMWASA, Major General</p>  <p>Ambassador of Rwanda in India</p>	<p>At the time Colonel and Commanding Officer of Directorate Military Intelligence-DMI.</p>	<p>Assassination of JOAQUIM VALLMAJÓ and the three Médicos del Mundo volunteers MANUEL MADRAZO, FLORS SIRERA and LUIS VALTUEÑA; massacres in Ruhengeri, Gisenyi, in Nyakinama as well as the coordination of the massacre of 2.500 Hutu refugees in Byumba Stadium on 23/04/1994, among other crimes committed against civilians in Rwanda.</p>
<p>KARENZI KARAKE, Brigadier General</p>  <p>Deputy Joint Force Commander of UN Hybrid force in Sudan (UNAMID)</p>	<p>At the time Lieutenant Colonel and Head of the Directorate Military Intelligence -DMI from July 1994 until March 1997. President of the Military Tribunal as well as Commander of RDF's Third and Fourth Divisions.</p>	<p>Was aware of and green-lighted the murders of the 3 Spanish volunteers for Médicos del Mundo, as well as killing of civilian population from 1994 to 1997 in Ruhengeri, Gisenyi and Cyangugu (Rwanda); terrorist assassination of EMMANUEL GAPYISI and FELICIEN GATABAZI; ordered systematic killings of Hutu expatriates; among other crimes committed against civilians in Rwanda and DR Congo.</p>

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<p>FRED IBINGIRA, Major General</p>  <p>Commander of the First Division of RDF</p>	<p>At the time Colonel and Commanding Officer of 157 Mobile Battalion.</p>	<p>Assassination of ISIDRO UZCUDUN in June 2000; massacre of bishops and priests on 5/6/1994 in Gakurazo (Rwanda); involved in attacks to refugee camps in Kibeho and Kibuye; directed massacres against the population of Gitarama, Kigali; attacks against civilians in Munyanza, among other crimes committed against civilians in Rwanda and DR Congo.</p>
<p>RWAHAMA JACKSON MUTABAZI, Colonel</p>  <p>Owner of a large private security agency</p>	<p>At the time, Lieutenant-Colonel and Second Commander of the DMI in Byumba (Rwanda) as well as instructor/trainer at the <i>Network Commando</i>.</p>	<p>Took part in the abduction and execution of JOAQUIM VALLMAJÓ and six other priests; led the massacre in Byumba Stadium, on 23/4/1994, as well as other massacres in that municipality and its surroundings; planned and carried out operatives of the <i>Network Commando</i>; among other crimes perpetrated against civilian population in Rwanda and in the DR Congo.</p>
<p>JACK NZIZA, Brigadier General</p>  <p>Commanding Officer of G.5-Army unit of RDF</p>	<p>At the time Major and top person in charge of the <i>Directorate Military Intelligence</i> in Zaire/ Democratic Republic of Congo.</p>	<p>Attacks to camps in Kibumba, Mubunga, Lac Vert and later in Tingi-Tingi, Kindu and Mbandaka (D.R. of Congo) in late 1996 and 1997; organized different tasks for the plundering of money, minerals and other valuable natural resources in the DR Congo; took part in massacres of Shabunda, Kisangani and Maniema (DR Congo), from April-June 1997; among other crimes in Rwanda and in the Democratic Republic of Congo.</p>

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<p>RUGUMYA GACINYA, Lieutenant Colonel</p>  <p>Defense, Military, Naval & Air Attaché at Embassy of Rwanda in the U.S.A.</p>	<p>At the time Captain and Intelligence Officer at the Bravo Mobile Unit.</p>	<p>Assassination of ISIDRO UZCUDUN; responsible for the massacre in Nyacyonga Camp in mid-April 1994; responsible for the massacres of civilians in the municipalities of Ngarama, Nyagahita and Kigasa; among other crimes carried out in Rwanda and in DR Congo.</p>
<p>DAN MUNYUZA, Colonel</p>  <p>Colonel, Brigade 204 of RDF</p>	<p>At the time, Major and one of the top representatives of the "Congo Desk"/External Security Office (ESO) in the Democratic Republic of Congo.</p>	<p>Carried out numerous massacres of Rwandan Hutu refugees and Congolese civilians in the axis Bukavu, Numbi, Walikale, Tingi-Tingi, Ubundu, Bokungu, Boende and Mbandaka (DR Congo); organized and carried out tasks of war pillage of money, minerals, property and natural resources in DR Congo; took part in the operative against the population in Byumba Stadium and surroundings; among other crimes committed in Rwanda and in DRC.</p>
<p>CHARLES KAYONGA, Lieutenant General</p>  <p>Army Chief of Staff of the Ground Forces of RDF</p>	<p>At the time, Colonel and <i>Commanding Officer</i> of the Third Battalion and member of <i>Network Commando</i>.</p>	<p>Assassination of FELICIEN GATABAZI; coordinated the operative to kill EMMANUEL GAPYISI; was one of the people who planned the attack against the plane of President Habyarimana; systematic massacres of Rwandan Hutu refugees and of Congolese civilian population; among other crimes committed in Rwanda and the DR Congo.</p>