



MADRID, February 11th 2011

Hon. Mr. Jacob Zuma

**Union Buildings
Private Bag X1000,
Pretoria,
0001 South Africa**

President of the Republic of South Africa.

Mr. President:

Platform Stop Impunity in Rwanda is a group of organizations who have been involved in the field of human rights for a long time, more specifically, against impunity in central Africa, and very particularly in Rwanda and the Democratic Republic of Congo. These organizations have come together, backed up by the great social and media impact achieved after our action on July 16, 2010, when our Prime Minister Jose Luis Rodriguez Zapatero canceled the official reception to President Paul Kagame of Rwanda. Platform Stop Impunity in Rwanda wishes to provide the following information regarding a man accused of being a war criminal who, as you might be aware, is currently in South Africa, and the judicial process against him monitored by Spanish courts: Mr. Kayumba Nyamwasa.

The Spanish courts have legal authority to prosecute international crimes (genocide, crimes against humanity and war crimes, among others), even if they are alleged to have occurred in other countries as long as there is a clear connection to Spain.

Former Rwandan General Kayumba Nyamwasa is being charged by the Juzgado Central de Instrucción number 4 de la Audiencia Nacional (Judge Fernando Andreu) of crimes of genocide and the murder of a Spanish missionary and three Spanish aid workers, among other victims, like Rwandan and Congolese victims. The competent judicial authorities for international crimes proposed to the Spanish political authorities to request the extradition of Mr. Nyamwasa, in accordance with the national criminal procedure laws and international laws. In September 2010, as you may as well know, the Spanish

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government requested officially the extradition of Mr. Kayumba Nyamwasa to the competent authorities of South Africa.

Extradition Treaties

As there is currently an extradition treaty ratified by Spain and the Republic of South Africa, the procedure will be based on this treaty: the European Convention on Extradition (Paris, December 13, 1957). South Africa ratified and joined the Treaty on February 12th 2003, with all legal purposes as Adhered Party pursuant to Articles 30 and 6.2 of the Convention (Spain did the same in 1982). Article 1 forces the extradition of individuals prosecuted for a criminal offense, especially if it is an international crime, and there is no reservation or statement limiting the obligation of the Republic of South Africa today.

Additionally, both the Republic of South Africa (since 2003) and Spain (1985) are parties to the Additional Protocol of the European Convention on Extradition (Strasbourg, December 15, 1975). This international protocol stipulates that no crimes against humanity, (defined in the Convention for the Prevention of Genocide [December 1948, UN]) or offenses under Articles 147 and related provisions of the Geneva Convention of 1949 regarding the protection of civilians in times of war or any similar violation of the laws of war in force, will be treated as political offenses. International crimes of genocide, crimes against humanity and war crimes are attributed to Mr. Kayumba Nyamwasa, presumed author, by the Spanish judicial authorities.

According to the petition of extradition request issued by the Spanish authorities, Platform Stop Impunity in Rwanda asks you to follow through the international laws defined in the Convention mentioned above and to proceed with the extradition of Mr. Kayumba Nyamwasa to Spain.

Convention on the Status of Refugees

Moreover, in the occurrence that the former General Mr. Kayumba Nyamwasa has requested political asylum in the Republic of South

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Africa, we wish to remind you that in 1996 South Africa ratified and joined the Convention on the Status of Refugees (Geneva, 28 July 1951).

This Convention states in Article 1F that:

The provisions of this Convention shall not apply to any person with respect to whom there are serious reasons for considering that:

(a) he has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;

(b) he has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee;

(c) he has been guilty of acts contrary to the purposes and principles of the United Nations.

Furthermore, South Africa is also part of the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa since December 1995. Article 1.5 of this agreement prohibits the application of refugee status for the same reasons that the Geneva Convention as follows:

The provisions of this Convention shall not apply to any person with respect to whom the country of asylum has serious reasons for considering that:

a) he has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;

b) he committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee;

c) he has been guilty of acts contrary to the purposes and principles of the Organization of African Unity;

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d) he has been guilty of acts contrary to the purposes and principles of the United Nations.

Under these international Conventions Mr. Kayumba Nyamwasa cannot be granted asylum status and should be extradited to Spanish courts.

Petition

The Platform Stop Impunity in Rwanda requests the South African Government accept the extradition petition issued by the Spanish Government, on the basis of all the legal issues explained above, and to hand over the indicted Mr. Kayumba Nyamwasa to the Spanish authorities.

Thank you most sincerely for your attention and hope to earn your prompt response to these considerations.

Yours sincerely,

Platform STOP IMPUNITY IN RWANDA, formed by:

Comités de Solidaridad África Negra (UMOYA); Fundación SUR; África Tumaini; INSHUTI; Drets Humans de Mallorca; Veritas Ruanda Forum; Fundació S'Olivar; Red Africa-Europa, Fe y Justicia (AEFJN) Antena de Madrid; Justicia y Paz MC; Campaña "África, cuestión de vida, cuestión debida" de Red de Entidades de Desarrollo Solidario (REDES);

Family of Joaquín Vallmajó (+1994, Rwanda)

Family of Servando Mayor (+1996 Zaire, actual RD Congo)

Family of Julio Rodríguez (+1996 Zaire, actual RD Congo)

Family of Miguel Angel Isla (+1996 Zaire, actual RD Congo)

Family of Fernando de la Fuente (+1996 Zaire, actual RD Congo)

Family of Flors Sirera (1997, Rwanda)

Family of Manuel Madrazo (1997, Rwanda)

Family of Luis Valtueña (1997, Rwanda)

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Family of Isidro Uzcudún (2000, Rwanda)

SUPPORTED BY:

Stuff for the Poor _ ILLINOIS, EEUU

**Comité National Femme et Développement *CONAFED* _ RD-Congo
Kinshasa**

**Organization for Peace, Justice and Development in Rwanda OPJDR,
Inc. _ EEUU**

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