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## Spain indicts 40 Rwandan officers

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A Spanish judge Wednesday indicted 40 Rwandan army officers on charges of mass murder and crimes against humanity in the aftermath of the 1994 Rwanda genocide, asserting a concept of justice championed by his nation known as “universal jurisdiction.”

Judge Fernando Andreu of Spain’s National Court said he also had sufficient evidence to implicate current Rwandan President Paul Kagame in a long string of reprisal massacres after he and his forces seized power, ending the genocide. But Andreu said he could not indict Kagame because as president he has immunity.

Rwandan officials reacted angrily. An army spokesman, Maj. Jill Rutaremara, said the legal case was “nothing but an attempt to tarnish Rwanda’s image,” according to reports by Agence France-Presse from Kigali, the capital.

The indicted men include a Rwandan military attache stationed in Washington and a Rwandan ambassador in Asia, as well as the army chief of staff, according to people familiar with the judicial order.

The doctrine of universal jurisdiction holds that some crimes such as torture and genocide are so heinous that people accused of committing them can be tried anywhere, even in countries where the crimes did not take place.

Spain has the broadest universal jurisdiction law in the world, human rights experts say. With it, the country’s judiciary has attempted to prosecute late Chilean dictator Gen. Augusto Pinochet, Argentine and Guatemalan military officers accused of mass political killings of civilians, and even **Osama bin Laden**.

And though Madrid wins praise in international-law circles for the effort, the cases have rarely resulted in convictions and have generated some controversy at home among Spanish officials who believe their courts are not equipped to take on such mammoth cases.

Judge Andreu said he had gathered testimony from 22 people, most of them in exile and now in witness-protection programs. One witness had served on Kagame’s elite security team and testified to seeing Kagame machine-gun to death between 30 and 40 civilians “in a matter of seconds” and later order the killing of three bishops.

The 182-page indictment, dated Wednesday and made public in Madrid, contains dozens of horrific accounts, including the dumping of bodies in 173 mass graves and the burning of other victims in national parks and safari game reserves. The witness from Kagame’s security detail was able to compile the names of 104,800 people he said Kagame’s forces killed in the space of one year, according to the indictment.

The genocide in Rwanda began in April 1994, after an airplane carrying the presidents of Burundi and Rwanda, both Hutus, was shot down. An estimated 500,000 people, most of them Tutsis, were slaughtered over a period of 100 days. Tutsi-led rebels commanded by Kagame ended the genocide by defeating radical Hutus in July 1994 but unleashed more atrocities, the Spanish indictment says.

By some counts, 800,000 people were slain before the violence ended.

The Spanish case is potentially groundbreaking because it is focusing on crimes blamed on Kagame and his forces, something that a United Nations tribunal set up in 1994 to prosecute war crimes in Rwanda has not done.

"This will increase pressure on the" U.N. court, said Alison Des Forges, senior advisor to the Africa division of New York-based Human Rights Watch.

The Spanish case also goes beyond the work of the U.N. court because it includes crimes allegedly committed in refugee camps in neighboring countries where the Tanzania-based international tribunal does not have jurisdiction.

Kagame has previously been accused of plotting the downing of the presidential aircraft, a charge he denied.

The allegations first appeared in French media in 2004.

Two years later, a French judge indicted nine senior Rwandan officials close to Kagame. But arrest warrants for those men have been routinely flouted in Africa, Des Forges said, and the case has languished.

Andreu opened his investigation based on complaints from the families of six Spanish priests and three Spanish doctors slain in Rwanda. In 2005, several African groups petitioned the judge to include Rwandan victims, and, under the universal jurisdiction doctrine, Andreu agreed to expand the indictment.

"This is the kind of thing that can and should happen when you have massive crimes that have essentially gone unpunished," said Reed Brody, special counsel for Human Rights Watch.

wilkinson@latimes.com

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