



 AJUNTAMENT DE MANRESA  
SECRETARIA GENERAL

16 SET. 2008

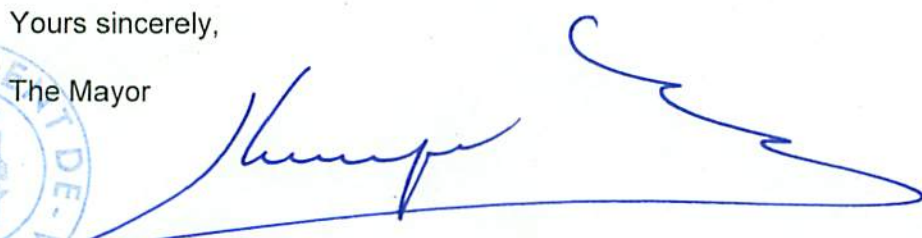
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REGISTRE DE SORTIDA

Mr. Ban Ki-moon  
United Nations Secretary-General  
UN Headquarters, Room S-3800  
New York, NY 10017, EEUU

According your knowledge we send you, certificate of agreement adopted by the plenary council of Manresa's municipality, in his ordinary session on 15 September 2008, which accredits the approbation of a proposition presented by the municipal politic groups of PSC, ERC, ICV-EUiA, CiU, PPC and CUP, about the investigation and the actuaciones of some international organizations in relation to the international crimes made in Rwanda.

Yours sincerely,

The Mayor

  
Josep Camprubí Duocastella

Manresa, 16th September 2008



**LLUÍS GRANERO VILARASAU, general secretary of Manresa's city council,**

CERTIFY: That the plenary council of Manresa's municipality, in his ordinary session on September 15th 2008, approved, with the majority due, a proposition presented by the municipal groups of PSC, ERC, ICV-EUiA, CiU, PPC and CUP, which strictly writted says: -----

**"INSTITUTIONAL DECLARATION OF THE MUNICIPAL GROUPS OF THE MANRESA CITY COUNCIL**

The undersigned Municipal Groups, assembled in Representative Committee, DECLARE:

**Premises**

**First - On January 18th 1997, the nurse MARIA FLORS SIRERA, inhabitant of Manresa, was murdered in Rwanda alongside with two other Spanish citizens, Manuel Madrazo and Luís Valtueña, who were all cooperating with the NGO Médicos del Mundo.**

In the **same attack** was also **severely injured, Nitin Mahdavi, a United States citizen**, who was also cooperating with this NGO. This attack was perpetrated within the context of a violent operation executed with **automatic weaponry**.

Even if the citizens of Manresa and its institutions had mobilized before against cruelty in Rwanda and for peace and a peaceful resolution of the Rwanda conflict; since that day, the inhabitants of Manresa and its institutions have been also mobilizing against immunity for criminal who were operating in Central Africa.

By reason of or maybe coincidence, that massacre concurred with **42 days of a voluntary fast** of the Spaniard **JUAN CARRERO SARALEGUI**, who was **supported by 19 Nobel prizes**, all the political groups of the European Parliament and many other national and international institutions.

This fast was aimed to **call attention to the crimes against humanity that were taking place in Rwanda and the former Zaire**, and also to make an appeal for an intervention of the International Community, in order to urge the

armies of Rwanda, Uganda and their allies to stop their attacks against refugee camps.

This voluntary fast, carried out in front of the European institutions and the Council of the European Union, was about to produce irreparable psychic and physical damages to Mr. Carrero.

**Second** - Eight years later, on January 17th 2005 the Manresa City Council Plenum decided to **present itself as a part of the criminal accusation**, which was the **result of the evidences** revealed by the investigation of the **murder circumstances of MARIA FLORS SIRERA**, **eight Spanish citizens more and hundreds of thousands of people from Rwanda and Congo, in Central Africa**. Indeed, from that accusation, the Plenum wishes to underline the following statements:

*The news of death of MARIA FLORS SIRERA crashed the city of Manresa and its inhabitants, especially those who were more implicated with solidarity and international cooperation. A young and vital person had paid her social commitment with her life. She and her murdered partners received, in posthumous title, several distinctions for their civil merit, and homage was paid to her in a public act celebrated in the capital town of Spain, Madrid, assisted by the Mayor of the city.*

*Time after that, MARIA FLORS SIRERA has become an example and a symbol of the commitment towards the most fragile people, and the Manresa City Council has promoted and also collaborated with initiatives to keep her memories alive in the collective memory. From these initiatives, the following two must be highlighted:*

- **The Flors Sirera Prize for International Sanitary Cooperation**, founded in 1999 by the Official Nursing College of Barcelona that awards the best works about nursing in the 3rd and 4th world.*
- **The Flors Sirera House for Peace and Solidarity**, created by the Manresa City Council in 2003, which represents a reference point for Manresa and Bages Region and holds the Town Council of Solidarity and Cooperation and many of the NGOs of the town.*

*Regarding to THE MURDER, it seems evident that the Government of Rwanda has not been able or has not wished, during the last eight years, to clarify the circumstances of this case and to bring to justice the persons responsible of this crime.*



*Nonetheless, it is also necessary to consider that the murder of MARIA FLORS SIRERA was framed in the permanent situation of war that has been taking place in the Big Lakes African region, since the beginning of 90's, which has already killed from five to seven million people, according to several estimations.*

*As a result of all the above mentioned, bringing to justice the murder of MARIA FLORS SIRERA, in form of criminal complaint, a part from helping to make justice in this particular case, it can also help to bring light to the large scale crimes that have been perpetrated in Rwanda, Burundi and Congo during the last ten years.*

**Third** – According to the City Plenum of January 21st 2005 the, at that moment, Mayor of Manresa provided this complaint with special powers for lawsuits, assisted by a legal representative. Afterward, on April the 6th 2005 this complaint and the presence of the Manresa City Council as a part of the criminal accusation were accepted by the Central Court nº 4 of the National Spanish Authority.

**Fourth** – The Spanish Public Prosecutions Ministry, accepted to process the complaint presented to the National Spanish Authority on February 25th 2005, within the framework of the **"INTERNATIONAL FORUM FOR TRUTH AND JUSTICE IN THE BIG LAKES AFRICAN REGION"** (restricted to the investigation of the facts related to the death of Spanish citizens). This proves the will of Spanish Kingdom and its Public Ministry to investigate the death of 9 Spanish citizens, among which the Catalan Flors Sirera and Joaquim Vallmajó.

The attitude of the Spanish Government has always been encouraging the investigation and clarification of these crimes, as well as the will to prosecute the presumed authors of these crimes. This attitude has been documented by the speeches of the Spanish Secretary for International Cooperation and for Latin America and by the Spanish Government answers to several questions posted in the Chamber of Deputies along these years.

**Fifth.** - After almost three years of judicial investigation the **National Judge of the Central Court nº 4 of the National Spanish Authority**, Mr. Fernando Andreu Merelles, decided to **prosecute forty members of the Armée Patriotique Rwandaise/Front Patriotique Rwandais as presumed authors of INTERNATIONAL CRIMES OF GENOCIDE, CRIMES AGAINST HUMANITY, WAR CRIMES AND TORTURE**, among others.

Thus, by the **Act of February 6th 2008, forty international orders of**

arrest were issued and integrated into the INTERPOL and the SIRENE records.

The General Board of the Spanish Judicial Power solicited on February 7th 2008, through its spokesman, all international collaboration available, in order to conclude the judicial process and the on-going investigation. This request was made taking into account that its legal ruling referred to Spanish victims in Rwanda and the Democratic Republic of Congo.

**Sixth** - Among this forty prosecuted people by the Spanish law; it is necessary to draw attention to nine of the prosecuted, who were posted in strategic places out of Rwanda borders, at that time. The following prosecuted people are presumably directly or indirectly implicated to the murder of MARIA FLORS SIRERA and her colleagues of Médicos del Mundo, as well as to the murders of the other eight Spanish victims:

·**Prosecuted Nº 2: Major General KAYUMBA NYAMWASA**, currently plenipotentiary ambassador for Rwanda in New Delhi, India.

·**Prosecuted Nº 3: Brigade General KARENZI KARAKE**, currently Second in Command of the Hybrid Force for Peace Maintenance at the United Nations – African Union in Darfur (Sudan) called UNAMID.

·**Prosecuted Nº 7: Lieutenant Colonel RUGUMYA GACINYA**, whose last known position was Military Attaché of the Rwanda Embassy in Washington, United States of America.

·**Prosecuted Nº 12: Colonel ERIK MUROKORE**, whose last known place of duty was in the Democratic Republic of Congo.

·**Prosecuted Nº 13: Major DENYS KARERA**, nowadays residing in California, United States of America.

·**Prosecuted Nº 24: Brigade General WILSON GUMISIRIZA**, who enlisted the Hybrid Force for Peace Maintenance at the United Nations – African Union in Darfur (Sudan) called UNAMID, whose last known residence was in Kampala (Uganda).

**Prosecuted Nº 29: Captain KARARA MISINGO**, currently in Katmandú (Nepal), posted as person in charge of checking the United Nations Disarmament Program for Development in Nepal (UNDP).

**Prosecuted Nº 31: Captain FRANK BAKUNZI**, who joined the Hybrid



Force for Peace Maintenance at the United Nations – African Union in Darfur (Sudan) called UNAMID.

•**Prosecuted N° 34: Coronel CHARLES KARAMBA**, who enlisted the Hybrid Force for Peace Maintenance at the United Nations – African Union in Darfur (Sudan) called UNAMID.

**Seventh** -The Manresa City Council has had knowledge about the imminent decision that the United Nations has to take, about considering the renovation of the contract of the **Brigade General KARENZI KARAKE**, currently **Second in Command of the Hybrid Force for Peace Maintenance at the United Nations – African Union in Darfur (Sudan) called UNAMID**, whose contract expires on September 2008.

**Taking into account the above mentioned premises,**

**The Municipal Groups of Manresa City Council, here undersigned, agree:**

**First** - To show the support of Manresa City Council to the Spanish courts investigations related to the international crimes that took place in Rwanda and in the former Zaire, against the citizen of Manresa MARIA FLORS SIRERA, against the other **EIGHT SPANISH VICTIMS** and against the citizens of Rwanda and Congo, in the basis of **UNIVERSAL JUSTICE** and of **PASSIVE PERSONALITY** according to Law.

**Second** - To show the support of Manresa City Council on every past and future proceeding executed by the Spanish Government, within its legal competences and national and international commitments, with the aim of **bringing to Justice every presumed guilty and finally clarifying** the above mentioned **INTERNATIONAL CRIMES**, through a fair and impartial process with every procedural guarantee.

**Third** - To ask the Spanish Government to **encourage High Authorities of other Countries to arrest and deliver to the Spanish judicial authorities the forty above mentioned prosecuted**, according to Spanish law and the international agreements signed by Spain.

This appeal is concerned very in particular to **Major General KAYUMBA NYAMWASA**, currently **plenipotentiary ambassador for Rwanda in New Delhi (India)**, and **presumably directly implicated in the murder of MARIA FLORS SIRERA**, her two other Spanish colleagues of Médicos del Mundo, **MANUEL MADRAZO, LUÍS VALTUEÑA** and the other Catalan victim **JOAQUIM VALLMAJO**, according to the previously mentioned legal ruling.

This appeal is also made, taking into account that **Major General KAYUMBA NYAMWASA**, as a plenipotentiary ambassador, has **DIPLOMATIC IMMUNITY** regarding his actions performed during the exercise of his duties within India; but such immunity is not applicable to any criminal act committed out of India, before he assumed the role of ambassador, and it is specially **NOT APPLICABLE TO ANY INTERNATIONAL CRIME AGAINST HUMANITY**.

**Fourth** - To ask, with the aid of the Spanish Government, all European Union Members to make every legal and convenient effort on executing, in the EU territory, the above mentioned forty orders of international arrest, by the direct delivering system of SIRENE. Additionally, the Spanish Government should also ask the other European Union Members to **encourage other countries to accomplish without delay the Spanish legal ruling**; in every regional and international meeting they assist.

**Fifth** - To ask the United Nations, through its General Secretary, to **relieve from their posts in the United Nations** every prosecuted mentioned in the Sixth premise; in particular, **Brigade General KARENZI KARAKE, Brigade General WILSON GUMISIRIZA, Captain KARARA MISINGO, Captain FRANK BAKUNZI and Colonel CHARLES KARAMBA**.

**Sixth** - To ask the United Nations, through its General Secretary and according to applicable international agreements (specially the Convention about prerogatives and immunities of the United Nations on February 13th 1946; The Status of Forces Agreement between the Government of Sudan and the Mission of United Nations-African Union signed in Darfur on February 9th 2008; as well as the Cooperation Agreement between the United Nations and the INTERPOL), to **carry out the pertinent formalities, for finally delivering to the INTERPOL** the above mentioned prosecuted who work for the United Nations, in particular **Brigade General KARENZI KARAKE, Brigade General WILSON GUMISIRIZA, Captain KARARA MISINGO, Captain FRANK BAKUNZI and Colonel CHARLES KARAMBA**.

Once delivered to the INTERPOL, legal process of extradition should begin, in order to bring to Spanish Courts the above mentioned prosecuted; taking into account that **DIPLOMATIC IMMUNITY** of some of them only regards actions performed during the exercise of their duties within India, Nepal and Sudan; but such immunity is not applicable to any criminal act committed out of India, Nepal or Sudan before they assumed their respective roles, and it is specially **NOT APPLICABLE TO ANY INTERNATIONAL CRIME**



AGAINST HUMANITY."-----

According to certified and at the convenient effects, I make out this document with the advise refers to the article 206 ROF approved by RD 2568/1986, November 28th, and on reserve to the terms resulting of the approbation of the respective act, by order and the agreement of the mayor.

Manresa, 16th September 2008

General Secretary

The Mayor

Josep Camprubi Duocastella

