

FREQUENTLY ASKED QUESTIONS

Ardech Case

Case concerning a 67-year-old man suspected of (co-) perpetrating acts of genocide against Tutsis in Mugina, Rwanda, in 1994.

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| Investigation Name | Ardech |
| Country | Rwanda |
| Court | District Court of The Hague |
| Year | 2024 |

01

Who is the accused in the case?

The accused is a 67 year old Rwandan man, known as K. He is a former high-ranking military officer and is suspected of (co-) perpetrating acts of genocide against Tutsis in Mugina, Rwanda, in 1994.

02

What is the case about?

The case concerns the genocide in Rwanda in 1994, during which more than one million people are estimated to have been killed, most of them Tutsis. It focuses specifically on an attack on a parish in Mugina, where thousands of people were murdered. Following this attack, dozens of women and children were chased into a house and burned alive. The accused is suspected of being involved in setting fire to this house.

The accused has consistently denied these allegations, claiming instead that he helped protect the oppressed population during the genocide. In 1998, he fled to the Netherlands, where he later became a citizen and presented himself as a political opponent of the regime at the time.

He had previously been arrested on similar suspicions, after which the Rwandan authorities requested his extradition. However, following a lengthy legal battle, the Dutch Supreme Court prohibited his extradition, citing concerns that he would not receive a fair trial in Rwanda. Following this decision, the Dutch Public Prosecution Service and police initiated their own investigation, including inquiries conducted in Rwanda. This investigation ultimately led to the current suspicion that the accused played a role in the genocide in the Rwandan municipality of Mugina in April 1994.

03

What is the legal justification for conducting a trial in the Netherlands for crimes committed in Rwanda?

Dutch courts can hear cases about the most severe crimes committed abroad, such as war crimes or crimes against humanity, under the principle of 'universal jurisdiction.' Universal jurisdiction allows national courts to prosecute individuals for serious crimes, regardless of where the crime was committed, if the suspect is present within its borders. This principle is based on the understanding that crimes like genocide, war crimes, and crimes against humanity harm everyone in the global community, and helps to ensure accountability, especially if the country where the crimes occurred is unwilling or unable to prosecute.

The Dutch International Crimes Act (Article 2(1)), provides for secondary universal jurisdiction. On this basis, the Dutch authorities can prosecute the most severe crimes, such as the crime of genocide and war crimes, committed outside of the Netherlands if (a) the perpetrator is in the Netherlands, (b) the crime is committed against a Dutch national and/or (c) the crime is committed by a Dutch national.

In this case, the accused has been living in the Netherlands since 1998 and had the Dutch nationality before it got revoked over the genocide accusations. Therefore, he falls under Dutch jurisdiction, enabling the Dutch authorities to prosecute the Accused for the crimes he allegedly committed in Rwanda. This aligns with the Netherlands' commitment to upholding international human rights standards and ensuring accountability for grave violations of international (criminal) law.

04

What details can you share about the investigation process leading up to this trial?

The investigation leading up to this trial has been lengthy, complex, and still ongoing, reflecting the challenges of prosecuting international crimes decades after they occurred in another country.

As of the pro forma hearing on 12 March 2025, the investigation had not yet been completed. Since December 2024, several developments had taken place: nine additional witnesses were identified, three of whom had already been heard in January, and new documentary evidence had been added to the case file.

Although the specialised Team International Crimes had previously indicated that the investigation was closed, new information prompted further investigative steps. In particular, materials from a related case were obtained through international legal assistance and incorporated into the current proceedings. These materials were analysed, leading to the identification of additional witnesses.

The case heavily relies on international cooperation, especially with Rwanda, both for gathering evidence and hearing witnesses. This contributes to delays, as it involves logistical challenges such as arranging hearings abroad, translating materials, and coordinating legal procedures across jurisdictions.

While the prosecution considers it feasible for the substantive trial to begin in early 2027, the defence views this timeline as overly optimistic, given the number of investigative steps that still need to be completed.

05

How will this case proceed?

The case is currently in its 'pre-trial' phase. During this phase, final charges are defined and evidence is collected under the guidance of the Investigating Judge (rechter-commissaris). During so-called pro forma hearings, the status of the investigation is discussed and pre-trial detention is reviewed before the Trial Panel.

The investigation into the accused's alleged crimes has been ongoing for over two years, with the accused remaining in pre-trial detention throughout most of this time. The length of the investigation reflects both the complexity of prosecuting crimes committed abroad and the continued emergence of witnesses, as gathering and verifying evidence from a post-conflict setting like Rwanda is challenging and time-consuming.

06

What is the (broader) significance of this case?

The broader significance of this case lies in its contribution to international justice and accountability for genocide, and it highlights the role of national courts in prosecuting international crimes under the principle of universal jurisdiction. When extradition is not possible, countries like the Netherlands may take responsibility for investigating and prosecuting such crimes themselves. This strengthens the global legal framework for addressing crimes such as genocide, war crimes, and crimes against humanity.

In addition, the case has broader societal and historical importance. It contributes to the documentation and acknowledgment of the Rwandan genocide, supports the pursuit of justice for victims and their families, and serves as a reminder of the long-term impact of such atrocities and the need to prevent them in the future.

07

What is the role of the Nuhanovic Foundation in this case?

The Nuhanovic Foundation follows the case as part of its broader trial monitoring work. This involves attending hearings, observing proceedings, and documenting key developments to ensure meaningful access to justice for victims. The Foundation's role is that of an independent observer: it does not intervene in the proceedings, but provides reliable, accessible information to the public. By monitoring such trials, the Foundation contributes to transparency, strengthens public trust in judicial processes, and helps preserve an accurate record for survivors, practitioners, and researchers.

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