

FREQUENTLY ASKED QUESTIONS

Desoto Case

Case of a 65-year-old man accused of being involved in an attack and looting in Gatobotobo, Rwanda, during the 1994 genocide.

Investigation Name	Desoto
Country	Rwanda
Court	District Court of The Hague
Year	2024

01

Who is the accused in the case?

The accused is a **65-year-old man**, originally from Rwanda, who has lived in the Dutch city of Ede since 1998. The Rwandan authorities suspect the accused of committing genocide and crimes against humanity, and asked the Dutch authorities for his extradition in 2014. However, since the accused had obtained Dutch citizenship, such an extradition was not possible.

The prosecutor in the case is the Dutch Public Prosecution Service (Openbaar Ministerie, OM). In this prosecution, the OM is working closely with the Dutch International Crimes Team (Team Internationale Misdrijven, TIM). TIM is a specialised investigative unit of the Dutch National Police that works closely with the National Public Prosecutor's Office to investigate and support the prosecution of serious international crimes such as genocide and crimes against humanity.

02

What are the charges against the accused?

The accused is **charged** with incitement to genocide, commission of genocide and war crimes. These charges allegedly occurred when the accused was involved with the pillaging of Tutsi properties in Gatobotobo, which is located in the district of Huye.

03

What was the conflict about and who are the victims?

The **Rwandan genocide** was triggered on April 6th, 1994, when the Presidents of Rwanda and Burundi were killed in a plane crash caused by a rocket attack. The crash set off a wave of orchestrated massacres primarily targeting the Tutsi population, resulting in over one million deaths and widespread sexual violence. The violence was led by the presidential guard and Hutu militias, who set up roadblocks to identify and kill Tutsis. International responses to the conflict were weak; the UN drastically reducing its peacekeeping mission in Rwanda and failing to reinforce its mandate. It is estimated that, within 100 days, 800,000 Rwandans were killed – approximately 20% of the country's population – and 150,000-200,000 women were raped. A late intervention by French forces under Operation Turquoise saved civilians but also enabled perpetrators to escape. The genocide ended on July 4th, 1994, when the RPF took military control of the entire territory of Rwanda.

Following the genocide, Rwanda faced challenges in pursuing justice due to the loss of judicial personal and the destruction of legal infrastructure. By the year 2000, over 100,000 suspected perpetrators remained in detention awaiting trial. To manage this, Rwanda initiated the Gacaca courts in 2001, which may be defined as community-based justice systems where elected local judges tried lower-level genocide suspects. The courts promoted reconciliation, offered reduced sentences for confessions, and allowed provisional release, which caused concern among survivors who viewed the courts as de facto amnesty. These concerns about the Gacaca courts and their reliability as valuable evidentiary sources are included in the case at hand.

On the international level, the International Criminal Tribunal for Rwanda (ICTR) was established by the UN in 1994 to prosecute key perpetrators responsible for the genocide. The ICTR indicted 93 high-profile suspects and convicted several, including former Prime Minister Jean Kambanda. The tribunal concluded its mandate in 2015.

04

Why has it taken so long to file the case?

Although the crimes in question occurred during the Rwandan genocide in 1994, prosecution in the Netherlands only began in 2024. Several factors explain this lengthy delay.

In the immediate aftermath of the genocide, many alleged perpetrators fled Rwanda and sought asylum abroad. Some suspects were prosecuted soon after the genocide, but many cases were left untouched for years due to many that fled to other countries after the genocide. Initially, the majority of high-profile genocide prosecutions were handled by the International Criminal Tribunal for Rwanda (ICTR), until its mandate ended in 2015. Additionally, in Rwanda the Gacaca Courts were a community based-justice system, which concluded its work in 2012. After these mechanisms wound down, there had been renewed momentum for foreign jurisdictions to take up the prosecution of remaining suspects within their borders.

The investigation into this case began in 2020, the Dutch National Investigation and Interventions Unit's Team International Crimes (TIM), in cooperation with the National Public Prosecutor's Office, launched the investigation. During the investigation, witnesses were interviewed, and Tim made several trips to Rwanda to conduct on-site investigations. Based on the findings, the suspect was arrested on February 14, 2024.

05

What is the broader significance of the case?

The case signified the Netherlands' continued dedication to prosecuting perpetrators of international crimes. Unlike previous cases against perpetrators of the Rwandan genocide, such as those against Jean-Claude I. and Jean-Baptiste M., the suspect in the current case could not be extradited to Rwanda due to him having obtained Dutch citizenship. By prosecuting the suspect in the Netherlands, the Dutch Public Prosecution Service demonstrates its obligation to prosecute when extradition is not possible according to the principle of aut dedere aut judicare ("extradite or prosecute"). By adhering to this obligation, the Netherlands furthermore takes a leading role in international justice through fighting impunity of internationale crimes such as genocide, even when a significant period of time has passed since their occurrence and the suspect has become a Dutch national. The Netherlands consequently affirms that it is no safe haven for suspected genocidaires, even if extradition is barred. The case thus signifies that time and geography do not erase culpability in cases of international crimes. Moreover, by refusing impunity, the Netherlands sets a precedent for other countries to prosecute individuals suspected of committing genocide and encourages global enforcement of international criminal law.

06

Why is the case being held in the Netherlands and why is the suspect not being extradited?

In 2014, the Rwandan authorities issued an international arrest warrant for the suspect, requesting his extradition from the Netherlands, where he has resided since 1998. However, the extradition request was denied because the accused had since acquired Dutch nationality.

Under Article 4(1) of the Dutch Extradition Act (Uitleveringswet), the Netherlands does not extradite its own nationals. As a result, the Dutch Public Prosecution Service is handling the case domestically.

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