

ICTR-96-13-T  
29.4.1999  
(1395 - 1390)

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**INTERNATIONAL CRIMINAL TRIBUNAL  
FOR RWANDA**

CASE NO.: ICTR-96-13-I

THE PROSECUTOR OF  
TRIBUNAL

AGAINST

ALFRED MUSEMA

ICTR  
CRIMINAL REGISTRY  
RECEIVED  
1999 APR 29 A 11: 27

**AMENDED INDICTMENT**

1. The Prosecutor of the International Criminal Tribunal for Rwanda, pursuant to his authority under Article 17 of the Statute of the International Criminal Tribunal for Rwanda ("the Statute of the Tribunal") charges:

**ALFRED MUSEMA**

with **GENOCIDE, OR IN THE ALTERNATIVE, COMPLICITY IN GENOCIDE; CONSPIRACY TO COMMIT GENOCIDE; CRIMES AGAINST HUMANITY;** and **SERIOUS VIOLATIONS OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II** as set forth below.

2. The present indictment contains charges against an individual who committed serious violations of international humanitarian law in Kibuye Prefecture, Territory of Rwanda where thousands of men, women and children were killed and a large number of persons wounded in April, May and June 1994.

3. **THE ACCUSED**

- 3.1 **Alfred Musema** was born on 22 August 1949 in Rutare commune, Byumba Prefecture, Territory of the Republic of Rwanda. At the time of the events referred to in this indictment, **Alfred Musema** was the Director of the Gisovu Tea Factory in Kibuye Prefecture.

#### 4. A CONCISE STATEMENT OF THE FACTS

- 4.1 During the events referred to in this indictment, Rwanda was divided into eleven prefectures, one of which was Kibuye.
- 4.2 During the events referred to in this indictment, Tutsis were identified as members of an ethnic or racial group.
- 4.3 On 6 April 1994, the plane transporting President Juvénal Habyarimana of Rwanda crashed on its approach to Kigali airport, Rwanda. Attacks and killings of civilians began soon thereafter throughout Rwanda.
- 4.4 The area of Bisesero spans two communes in Kibuye Prefecture. From about 9 April 1994 through 30 June 1994, thousands of men, women and children sought refuge in various locations in Bisesero. These men, women and children were predominantly Tutsis and were seeking refuge from attacks on Tutsis which had occurred throughout the Prefecture of Kibuye.
- 4.5 The individuals seeking refuge in the area of Bisesero were regularly attacked, throughout the period of about 9 April 1994 through about 30 June 1994. The attackers used guns, grenades, machetes, spears, pangas, cudgels and other weapons to kill the Tutsis in Bisesero.
- 4.6 At various locations and times throughout April, May and June 1994, and often in concert with others, **Alfred Musema** brought to the area of Bisesero armed individuals and directed them to attack the people seeking refuge there. In addition, at various locations and times, and often in concert with others **Alfred Musema** personally attacked and killed persons seeking refuge in Bisesero.

- 4.7 *At various locations within the area of Bisesero and Gisovu, in the Prefecture of Kibuye, throughout April May and June 1994, Alfred Musema, committed acts of rape and encouraged others to capture, rape and kill Tutsi women, seeking refuge from attacks within the area of Bisesero in Gisovu and Gishyita communes, Kibuye Prefecture*
- 4.8 *On 14 April 1994, within the area of the Gisovu Tea Factory, Twumba Cellule, Gisovu Commune, Alfred Musema, in concert with others, ordered and encouraged the raping of Annunciata, a Tutsi woman and thereafter, ordered, that she be killed together with her son Blaise.*
- 4.9 *On 13 May 1994, within the area of Bisesero, in Gisovu and Gishyita communes, Kibuye Prefecture, Alfred Musema, in concert with others, raped and killed Immaculee Mukankusi, a pregnant Tutsi and thereafter, ordered others accompanying him ,to rape and kill Tutsi women seeking refugee from attacks.*
- 4.10 *On 13 May 1994, within the area of Bisesero, in Gisovu and Gishyita communes, Kibuye Prefecture, Alfred Musema, acting in concert with others, raped Nyiramusugi, a Tutsi woman and encouraged others accompanying him, to rape and kill her.*
- 4.11 The attacks described above resulted in thousands of deaths and numerous injuries to the men, women and children within the area of Bisesero in Gisovu and Gishyita communes, Kibuye Prefecture.

## 5. CHARGES

By his acts in relation to the events referred to above, **Alfred Musema** is individually responsible for the crimes alleged below pursuant to Article 6(1) and 6(3) of the Tribunal Statute:

Count 1: **Alfred Musema**, during the months of April, May and June 1994, in Gisovu and Gishyita communes, Kibuye Prefecture, in the Territory of Rwanda, is responsible for the killing or causing of serious bodily or mental harm to

members of the Tutsi population with the intent to destroy, in whole or in part, an ethnic or racial group as such and has thereby committed GENOCIDE in violation of Article 2(3)(a) and punishable in reference to Articles 22 and 23 of the Statute of the Tribunal.

**ALTERNATIVELY**

- Count 2: **Alfred Musema**, during the months of April, May and June 1994, in Gisovu and Gishyita communes, Kibuye Prefecture, in the Territory of Rwanda, is responsible for killing and causing serious bodily or mental harm to members of the Tutsi population with the intent to destroy, in whole or in part, an ethnic or racial group as such and has thereby committed **COMPLICITY IN GENOCIDE** in violation of Article 2(3)(e) and punishable in reference to Article 22 and 23 of the Statute of the Tribunal.
- Count 3: **Alfred Musema**, prior to his participation in the attacks and killings in Gisovu and Gishyita communes, Kibuye Prefecture, in the Territory of Rwanda, did conspire with others to kill or cause serious bodily or mental harm to members of the Tutsi population with the intent to destroy, in whole or part, an ethnic or racial group as such, and has thereby committed **CONSPIRACY TO COMMIT GENOCIDE** in violation of Article 2(3)(b) and punishable in reference to Articles 22 and 23 of the Statute of the Tribunal;
- Count 4: **Alfred Musema**, during the months of April, May and June 1994, in Gisovu and Gishyita communes, Kibuye Prefecture, in the Territory of Rwanda, is responsible for the murder of civilians, as part of a widespread or systematic attack against a civilian population on political, ethnic, or racial grounds, and has thereby committed a **CRIME AGAINST HUMANITY** in violation of Article 3(a) and punishable in reference to

Articles 22 and 23 of the Statute of the Tribunal.

- Count 5: **Alfred Musema**, during the months of April, May and June 1994, in Gisovu and Gishyita communes, Kibuye Prefecture, in the Territory of Rwanda, is responsible for the extermination of civilians, as part of a widespread or systematic attack against a civilian population on political, ethnic, or racial grounds, and has thereby committed a **CRIME AGAINST HUMANITY** in violation of Article 3(b) and punishable in reference to Articles 22 and 23 of the Statute of the Tribunal.
- Count 6: **Alfred Musema**, during the months of April, May and June 1994, in Gisovu and Gishyita communes, Kibuye Prefecture, in the Territory of Rwanda, did commit other inhumane acts, against a civilian population on political, ethnic, or racial grounds, and has thereby committed a **CRIME AGAINST HUMANITY** in violation of Article 3(i) and punishable in reference to Articles 22 and 23 of the Statute of the Tribunal.
- Count 7: *Alfred Musema, during the months of April May and June 1994, in Gisovu and Gishyita communes, Kibuye Prefecture, in the territory of Rwanda, is responsible for the rape of Tutsi civilians, as part of a wide spread and systematic attack against a civilian population on political ethnic or racial grounds, and has thereby committed a **CRIME AGAINST HUMANITY** in violation of Article 3 (g) and punishable in reference to Article 22 and 23 of the Statute of the Tribunal.*
- Count 8: **Alfred Musema**, during the months of April, May and June 1994, in Gisovu and Gishyita communes, Kibuye Prefecture, in the Territory of Rwanda, did commit or order others to commit, **SERIOUS VIOLATIONS OF ARTICLES 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II thereof**, in violation of Article 4 (a) and punishable in reference to Articles 22 and 23 of the Statute of the Tribunal.

Count 9: *Alfred Musema, during the months of April, May and June 1994, in Gisovu and Gishyita communes, Kibuye Prefecture, in the Territory of Rwanda, did commit or order others to commit, **SERIOUS VIOLATIONS OF ARTICLES 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II thereof**, in violation of Article 4(e) and punishable in reference to Articles 22 and 23 of the Statute of the Tribunal.*

29<sup>th</sup> April, 1999  
Arusha, Tanzania

For the Prosecutor



Jane Anywar Adong  
Senior Trial Attorney