

UNITED
NATIONS



Mechanism for International Criminal Tribunals

Case No: MICT-12-15

Date: 2 November 2017

Original: English

THE OFFICE OF THE PRESIDENT

Before: Judge Theodor Meron, President

Registrar: Mr. Olufemi Elias

THE PROSECUTOR

v.

ALFRED MUSEMA

CONFIDENTIAL WITH PUBLIC ANNEX A

**MOTION FOR ACCESS TO CONFIDENTIAL *INTER PARTES* MATERIAL FROM
THE PROSECUTOR v CLEMENT KAYISHEMA and *OBED RUZINDANA* AND *THE
PROSECUTOR v ELIEZER NIYITEGEKA***

Office of the Prosecutor
Serge Brammertz

Counsel for Alfred Musema
Steven Kay QC
Gillian Higgins

Crime Sites and Witnesses

- Alfred Musema was convicted in relation to 7 crime sites.
- He was convicted by 9 witness in total (in respect of two of the witnesses (Witnesses M and R) there is a dissenting opinion from His Honor Judge ('HHJ') Aspergren).
- 4 of the crime sites each rests on only one witness – M (dissent), R (dissent), H and S (no corroboration)
- The other 2 crime sites rely on the testimony of these witnesses as set out below: F, T, N, AC, D
- 3 of the crime sites were not proved beyond a reasonable doubt ('BRD') according to the dissenting opinion of HHJ Aspergren (Gitwa Hill, 26th April, Rwirambo Hill and Nyakavumu cave)

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|-----|---|--|
| (1) | Gitwa Hill 26th April: | Witness M (dissenting opinion from HHJ Aspergren)
NOT PROVEN BRD: HHJ ASPERGREN |
| (2) | Rwirambo Hill
end Apr/beg May: | Witness R (dissenting opinion from HHJ Aspergren)
NOT PROVEN BRD: HHJ ASPERGREN |
| (3) | Muyira Hill
13th May: | Witnesses F, T, N (Not relied upon: P, R, Z, G) |
| (4) | Muyira Hill
14th May: | Witnesses AC, T, D, F (not eye witness) Not relied upon: R, Z) |
| (5) | Muyira Hill
mid-May
betw 10-20 May | Witness H |
| (6) | Mumataba Hill
Mid May betw 10-20 May | Witness S |
| (7) | Nyakavumu Cave
Mid May | Witnesses H, S, D, AC
NOT PROVEN BRD: HHJ ASPERGREN |



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Case Name/ Affaire :	Prosecutor v. Alfred Musema		Case Number/ Affaire n° : MICT-12-15
Date Created/ Daté du :	2 November 2017	Date transmitted/ Transmis le :	2 November 2017
Original Language / Langue de l'original :	<input checked="" type="checkbox"/> English/ Anglais	<input type="checkbox"/> French/ Français	<input type="checkbox"/> Kinyarwanda <input type="checkbox"/> B/C/S <input type="checkbox"/> Other/Autre (specify/préciser) :
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