

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**

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

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**Office of the Prosecutor**  
Serge Brammertz

**Counsel for Alfred Musema**  
Steven Kay QC  
Gillian Higgins

**UNITED  
NATIONS**



**MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS**

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**PUBLIC ANNEX A  
List of Crime Sites and Witnesses**

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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, 26<sup>th</sup> April, Rwirambo Hill and Nyakavumu cave)

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



**TRANSMISSION SHEET FOR FILING OF DOCUMENTS WITH THE  
MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS/  
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MÉCANISME POUR LES TRIBUNAUX PÉNAUX INTERNATIONAUX**

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<b>Case Name/ Affaire :</b>	Prosecutor v. Alfred Musema	<b>Case Number/ Affaire n° :</b>	MICT-12-15
<b>Date Created/ Daté du :</b>	2 November 2017	<b>Date transmitted/ Transmis le :</b>	2 November 2017
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