

**UNITED
NATIONS**

International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-25-135-I

Date: 1 April 2025

Original: English

BEFORE THE SINGLE JUDGE

Before: Judge Joseph E. Chiondo Masanche

Registrar: Mr. Abubacarr Tambaou

IN THE MATTER OF PETER ROBINSON

PUBLIC

**NOTICE OF FILING PUBLIC REDACTED VERSION OF:
“ANNEX A TO *AMICUS CURIAE*’S SUBMISSIONS
ON THE SUITABILITY OF THE REFERRAL OF THE CASE”
DATED 26-MARCH-2025**

Amicus Curiae

Mr. Kenneth Scott

Mr. Peter Robinson

The *Amicus Curiae* (“*Amicus*”) submits this notice of filing a public redacted version of the “Annex A to *Amicus Curiae*’s Submissions on the Suitability of the Referral of the Case”.

1. Following the Single Judge’s Decision of 28-March-2025,¹ and subsequent to email communications with and a request from Peter Robinson, *Amicus* hereby files a public redacted version of the “Annex A to *Amicus Curiae*’s Submissions on the Suitability of the Referral of the Case” of 26-March-2015. The redactions concern identifying information about protected witnesses and the content of the confidential 5-August-2016 “Decision on a Motion for Modification of Protective Measures”.²

2. With regard to the identifying information about protected witnesses, *Amicus* notes that part of this information was mentioned in open session during testimonies in the *Nzabonimpa et al.* case (MICT-18-116). However, that same or similar information about the same witnesses was redacted from transcripts of testimonies, or disclosed in private session, in the *Ngirabatware* review case (MICT-12-29-R). In the absence of any instruction or indication from the Single Judge in the present case that this can be made public, to be careful not to further expose protected information, and in line with protective measures Decisions,³ *Amicus* redacted the identifying information.

3. The public redacted version of the 28-March-2025 Annex discloses the contents of Robinson’s suspect interview when he provided personal information. In his email communication to *Amicus*, Robinson did not take issue with the public disclosure of that personal information which he disclosed to *Amicus* during his confidential interview. *Amicus* also notes that he has previously taken the position, in relation to a request for reclassification by Robinson before the Appeals Chamber that is still to be decided upon, that Robinson’s 28-April-2023 Statement, which was provided to *Amicus* as part of Robinson’s interview, should

¹ *In the Matter of Peter Robinson*, MICT-25-135-I, Decision on *Amicus Curiae*’s Motion for Reclassification of an Annex, 28-March-2025.

² *Prosecutor v. Ngirabatware*, MICT-12-29-R, Decision on a Motion for Modification of Protective Measures, 5-August-2016.

³ *The Prosecutor v. Ngirabatware*, ICTR-99-54-T, Decision on Prosecution’s Motion for Special Protective Measures for Prosecution Witnesses and Others, 7-May-2009; *Prosecutor v. Ngirabatware*, MICT-12-29-R, Decision on a Motion for Modification of Protective Measures, 5-August-2016.

remain confidential because the interview was conducted confidentially.⁴ However, Robinson's request before the Appeals Chamber was that his 37-page statement be made accessible to the public in its entirety, while *Amicus* hereby refers to it as that part of the statement as given (similar to treating an under seal exhibit), which Robinson openly made in his Reply regarding his Appeal against the *Decision on Allegations of Contempt*.⁵

Word count: 473 words

Respectfully submitted this 1-April-2025.



Kenneth Scott
Amicus Curiae

⁴ *Prosecutor v. Nzabonimpa et al.*, MICT-18-116-AR90.1, Response to the "Request for Reclassification of Confidential Filings and for Extension of Time to File Reply Brief" Dated 14-March-2025, 21-March-2025, para.9.

⁵ *Prosecutor v. Nzabonimpa et al.*, MICT-18-116-AR90.1, Reply Brief: Appeal of Decision on Allegations of Contempt, 16-March-2025, fn.12-18, 20.

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The commission of the crimes

1. Four out of eight incidents of prohibited contacts included in the Indictment, originate from meetings or interviews that Robinson had or conducted. Three meetings took place in Kigali, Rwanda,¹ and the fourth took place in Kampala, Uganda.²
2. [REDACTED]
3. At least most of the contacts with witnesses as a result of Robinson's acts and conduct, actually occurred in Rwanda.
4. [REDACTED]

The witnesses' concerns

5. As part of the *Nzabonimpa et al.* contempt case and the *Ngirabatware* review case, witnesses have expressed serious concerns because they provided assistance or evidence that is favourable to an accused or convicted person, potentially affecting Robinson's ability to obtain their cooperation if the case is conducted in Rwanda.
6. On 5-August-2016, when the Appeals Chamber modified the measures applicable to witnesses [REDACTED].³
7. Protective measures were requested for Witness MT1, because "if it were publicly known that he testified for the Defence in this case, it could have negative repercussions on his

¹ Indictment, paras.6, 8, 9; Appeal, para.47.

² Indictment, para.5; Appeal, para.33.

³ *Prosecutor v. Ngirabatware*, MICT-12-29-R, Decision on a Motion for Modification of Protective Measures, 5-August-2016, p.2 (confidential).

siblings and extended family that continue to live in Rwanda and on his wellbeing “as a respected businessman, often travelling across borders”⁴ Protective measures for MT1 were granted after MT1 was heard *in camera*.⁵

8. Dick Prudence Munyeshuli, Robinson’s investigator when he was representing Ngirabatware, testified “in Rwanda, if you are defending someone, a genocidaire, sometimes you are considered as a genocide denier.”⁶

9. Witness JD58 was given protective measures, based on his submissions that “the witness's status as a Defence witness presents a real likelihood of danger or risk to the witness and the witness's family”.⁷

Robinson’s residence and nationality

10. During his suspect interview, Robinson stated to be living in Durham, North Carolina, United States of America.⁸ He showed his American passport during the interview.⁹ These are not strong jurisdictional links to that State. While at least some of Robinson’s activities and exchange of communications as *Ngirabatware*’s Counsel are likely to have occurred in the United States, Robinson was sometimes travelling abroad, including in Rwanda.

⁴ *Prosecutor v. Turinabo et al.*, MICT-18-116-T, Decision on a Request for Protective Measures for Witnesses MT1, MT2, MT3 and MT4, p.2 (public).

⁵ *Prosecutor v. Turinabo et al.*, MICT-18-116-T, Decision on a Renewed Request for Protective Measures for Witness MT1, 18-March-2021 (public).

⁶ T.07.04.2021 (MICT-18-116-T), p.4 (public).

⁷ *Nzabonimpa*, MICT-18-116-T, Decision on a Request for Protective Measures for Witness JD58, 16-March-2025, p.1 (public).

⁸ T.23.05.2023, p.1, 1.24 (confidential).

⁹ T.23.05.2023, p.2, 1.7 (confidential).

Word count: 426 words

Respectfully submitted this 1-April-2025.

A handwritten signature in black ink that reads "Kenneth Scott". The signature is written in a cursive style with a large initial 'K'.

Kenneth Scott
Amicus Curiae



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