

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-18-116-
AR90.1
Date: 14 April 2025
Original: English

IN THE APPEALS CHAMBER

Before: Judge Graciela Gatti Santana, Presiding
Registrar: Mr. Abubacarr M. Tambaou
Decision of: 14 April 2025

PROSECUTOR

v.

**ANSELME NZABONIMPA
JEAN DE DIEU NDAGIJIMANA
MARIE ROSE FATUMA
DICK PRUDENCE MUNYESHULI
AUGUSTIN NGIRABATWARE**

PUBLIC

DECISION ON A REQUEST FOR RECLASSIFICATION

Amicus Curiae:
Mr. Kenneth Scott

Mr. Peter Robinson

I, GRACIELA GATTI SANTANA, Judge of the Appeals Chamber of the International Residual Mechanism for Criminal Tribunals (“Appeals Chamber” and “Mechanism”, respectively) and Presiding Judge in this case;¹

NOTING that, on 25 February 2025, the Single Judge seised of the case of *Prosecutor v. Anselme Nzabonimpa et al.*, Case No. MICT-18-116-R90.1, issued a decision initiating contempt proceedings against Mr. Peter Robinson (“Robinson”), pursuant to Article 1(4) of the Statute of the Mechanism and Rule 90(D)(ii) of the Rules of Procedure and Evidence of the Mechanism (“Rules”),² and further issued an order in lieu of indictment against Robinson;³

NOTING that, on 3 March 2025, Robinson filed a motion seeking to appeal the Decision of 25 February 2025,⁴ which is pending before the Appeals Chamber;

BEING SEISED OF a motion, filed on 14 March 2025, wherein Robinson seeks, *inter alia*, reclassification from confidential to public of nine filings (“Reclassification Request”),⁵ submitting that, as the proceedings against him have been made public, there is no reason for the relevant filings to remain confidential and should be reclassified after giving parties an opportunity to redact any information that might reveal the identity of protected witnesses or other confidential information;⁶

¹ Order Assigning a Bench of the Appeals Chamber to Consider an Appeal, 10 March 2025, p. 1.

² *Prosecutor v. Anselme Nzabonimpa et al.*, Case No. MICT-18-116-R90.1, Decision on Allegations of Contempt, 25 February 2025 (“Decision of 25 February 2025”), para. 41.

³ *In the Matter of Peter Robinson*, Case No. MICT-25-135-I, Decision Issuing Order in Lieu of Indictment, 25 February 2025 (“Order in Lieu of Indictment”).

⁴ Appeal of Decision on Allegations of Contempt, 3 March 2025.

⁵ Request for Reclassification of Confidential Filings and for Extension of Time to File Reply Brief, 14 March 2025 (“Motion”), paras. 1, 9. In the Motion, Robinson also requests an extension of time to file a reply in relation to his appeal of the Decision of 25 February 2025. *See* Motion, paras. 6, 8, 9. On 14 March 2025, I issued a decision denying Robinson’s request for extension of time. *See* Decision on a Request for Extension of Time to File a Reply, 14 March 2025, p. 2.

⁶ *See* Motion, paras. 5-7. Robinson requests the reclassification as public of the following documents: (i) *Prosecutor v. Anselme Nzabonimpa et al.*, Case No. MICT-18-116-R90.1, *Amicus Curiae*’s Motion for Authorisation to Use Material Provided Pursuant to Rule 76 in Potential Proceedings, 14 October 2022 (confidential) (“Motion of 14 October 2022”); (ii) *Prosecutor v. Anselme Nzabonimpa et al.*, Case No. MICT-18-116-R90.1, Decision on *Amicus Curiae*’s Motion for Authorisation to Use Material Provided Pursuant to Rule 76 in Potential Proceedings, 7 November 2022 (confidential) (“Decision of 7 November 2022”); (iii) *Prosecutor v. Anselme Nzabonimpa et al.*, Case No. MICT-18-116-R90.1, Request for Leave to Make Submissions, 20 March 2023 (“Request of 20 March 2023”); (iv) *Prosecutor v. Anselme Nzabonimpa et al.*, Case No. MICT-18-116-R90.1, *Amicus* Response to Request for Leave to Make Submissions, 23 March 2023 (confidential) (“Response of 23 March 2023”); (v) *Prosecutor v. Anselme Nzabonimpa et al.*, Case No. MICT-18-116-R90.1, Decision on Request for Leave to Make Submissions, 20 April 2023 (confidential) (“Decision of 20 April 2023”); (vi) Interlocutory Appeal of the “Decision on Application of Lawyer-Client Privilege and Use of Material Subject to Rule 76 in Further Proceedings” Dated 2 April 2024, 1 May 2024 (confidential) (“Interlocutory Appeal of 1 May 2024”); (vii) *Amicus Curiae*’s Response to the “Prosecution Request for Leave to File Submission and Submission in the Appeal of Decision on Application of Lawyer-Client Privilege and Use of Material Subject to Rule 76 in Further Proceedings” Dated 9-May-2024, 13 May 2024 (confidential) (“Response of 13 May 2024”); (viii) Respondent’s Brief, 15 May 2024 (confidential) (“Response of 15 May 2024”); and (ix) Reply Brief: Interlocutory Appeal of the “Decision on Application of Lawyer-Client Privilege and Use of Material Subject to Rule 76 in Further Proceedings” Dated 2 April 2024, 23 May 2024 (confidential) (“Reply of 23 May 2024”).

NOTING the response, filed on 21 March 2025, wherein the *amicus curiae* directed to prosecute the matter (“*Amicus Curiae*”)⁷ indicates that he: (i) does not oppose the reclassification to public of five of the filings;⁸ (ii) notes that another filing is already classified as public;⁹ (iii) requests the opportunity to file public redacted versions of two of the filings;¹⁰ and (iv) does not oppose the reclassification to public of one of the filings, provided that Robinson’s statement, appended as annex thereto, remain confidential as it “constitutes evidence in this case”;¹¹

NOTING the reply, filed on 25 March 2025, wherein Robinson argues that the *Amicus Curiae* provides no valid reason to withhold from the public his personal statement attached as annex to the Response of 15 May 2024, and states that, if allowed to file a public redacted version thereof, he is willing to provide the *Amicus Curiae* an opportunity to review proposed redactions;¹²

RECALLING that all proceedings before the Mechanism shall be public, unless exceptional reasons require keeping them confidential;¹³

OBSERVING that the proceedings against Robinson are part of the public record;¹⁴

CONSIDERING that the Reclassification Request, as it pertains to the Request of 20 March 2023, is moot as the filing is already in the public domain;

CONSIDERING that, having reviewed the uncontested filings and noted the parties’ submissions, no exceptional reasons exist for these filings to remain confidential;

FINDING that it is appropriate to reclassify the Decision of 7 November 2022, the Response of 23 March 2023, the Decision of 20 April 2023, the Response of 13 May 2024, and the Reply of 23 May 2024 as public;

⁷ Decision of 25 February 2025, para. 41. *See also Prosecutor v. Anselme Nzabonimpa et al.*, Case No. MICT-18-116-R90.1, Order Directing the Registrar to Appoint an *Amicus Curiae* to Investigate Pursuant to Rule 90(C)(ii), 25 October 2021, p. 3; *Prosecutor v. Anselme Nzabonimpa et al.*, Case No. MICT-18-116-R90.1, Decision, 30 November 2021, p. 2.

⁸ 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 (“Response”), para. 6, *referring to* Decision of 7 November 2022, Response of 23 March 2023, Decision of 20 April 2023, Response of 13 May 2024, Reply of 23 May 2024.

⁹ Response, para. 7, *referring to* Request of 20 March 2023.

¹⁰ Response, para. 8, p. 3, *referring to* Motion of 14 October 2022, Interlocutory Appeal of 1 May 2024.

¹¹ Response, para. 9, p. 3, *referring to* Response of 15 May 2024.

¹² *See* Reply Brief: Request for Reclassification of Confidential Filings, 25 March 2025 (“Reply”), paras. 2-6. *See also* Reply, para. 7 (reiterating that the Motion, as it relates to the Reclassification Request, be granted in its entirety).

¹³ *See* Rule 92 of the Rules; *Prosecutor v. Fulgence Kayishema*, Case No. MICT-12-23-AR53, Decision on Prosecution Appeal of Decision on Reconsideration of Reclassification, 1 October 2024, para. 13; Decision on Requests for Reclassification of Filings and Extension of Time to File a Response, 9 May 2024, p. 3.

¹⁴ *See* Decision of 25 February 2025; Order in Lieu of Indictment.

CONSIDERING the *Amicus Curiae*'s request to be afforded the opportunity to file public redacted versions of the Motion of 14 October 2022 and the Interlocutory Appeal of 1 May 2024, and that Robinson, in the Reply, has not opposed this request;¹⁵

FINDING that, in these circumstances and to safeguard sensitive information,¹⁶ it is appropriate to allow the *Amicus Curiae* to file public redacted versions of the Motion of 14 October 2022 and the Interlocutory Appeal of 1 May 2024 after having consulted with Robinson;

CONSIDERING that, in relation to the annex appended to the Response of 15 May 2024, Robinson indicates that he is “willing to provide the [A]micus [C]uriae the opportunity to review proposed redactions if [he is] allowed to file a public redacted version”;¹⁷

FINDING that, in view of the foregoing and to safeguard sensitive information,¹⁸ it is appropriate to allow Robinson to file a public redacted version of the Response of 15 May 2024 after having consulted with the *Amicus Curiae*;

FOR THE FOREGOING REASONS,

HEREBY GRANT the Reclassification Request, in part;

INSTRUCT the Registry of the Mechanism to reclassify the Decision of 7 November 2022, the Response of 23 March 2023, the Decision of 20 April 2023, the Response of 13 May 2024, and the Reply of 23 May 2024 as public;

ORDER the *Amicus Curiae*, after having consulted with Robinson, to file public redacted versions of the Motion of 14 October 2022 and the Interlocutory Appeal of 1 May 2024 no later than 30 days of the issuance of this Decision;

ORDER Robinson, after having consulted with the *Amicus Curiae*, to file a public redacted version of the Response of 15 May 2024 no later than 30 days of the issuance of this Decision; and

DISMISS the remainder of the Reclassification Request as moot.

¹⁵ I equally note Robinson's submission in the Motion that the relevant filings “should be reclassified after giving the parties an opportunity to redact any information that might reveal the identity of protected witnesses or reveal other confidential information”. See Motion, para. 5.

¹⁶ See, e.g., Interlocutory Appeal of 1 May 2024, Annexes A, C, E, G, H, I (containing personal information); Practice Direction on Judicial Record, MICT/42, 25 May 2023, Article 13(5).

¹⁷ Reply, para. 6.

¹⁸ See, e.g., Response of 15 May 2024, Annex, paras. 39, 68.

Done in English and French, the English version being authoritative.

Done this 14th day of April 2025
At Arusha,
Tanzania



Judge Graciela Gatti Santana
Presiding Judge

[Seal of the Mechanism]



TRANSMISSION SHEET FOR FILING OF DOCUMENTS / FICHE DE TRANSMISSION POUR LE DÉPÔT DE DOCUMENTS

I - FILING INFORMATION / INFORMATIONS GÉNÉRALES

To/ À :	IRMCT Registry/ Greffe du MIFRTP	<input checked="" type="checkbox"/> Arusha/ Arusha	<input type="checkbox"/> The Hague/ La Haye
From/ De :	<input type="checkbox"/> President/ Président	<input checked="" type="checkbox"/> Chambers/ Chambre	<input type="checkbox"/> Prosecution/ Bureau du Procureur
		<input type="checkbox"/> Defence/ Défense	<input type="checkbox"/> Registrar/ Greffier
		<input type="checkbox"/> Other/ Autre	
Case Name/ Affaire :	Prosecutor v. Anselme Nzabonimpa et al.		Case Number/ Affaire n° : MICT-18-116-AR90.1
Date Created/ Daté du :	14 April 2025	Date transmitted/ Transmis le :	14 April 2025
		Number of Pages/ Nombre de pages :	5
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):
Title of Document/ Titre du document :	Decision on a Request for Reclassification		
Classification Level/ Catégories de classification :	<input checked="" type="checkbox"/> Public/ Document public	<input type="checkbox"/> Confidential/ Confidentiel	<input type="checkbox"/> Ex Parte Defence excluded/ Défense exclue
		<input type="checkbox"/> Ex Parte Prosecution excluded/ Bureau du Procureur exclu	<input type="checkbox"/> Ex Parte Rule 86 applicant excluded/ Article 86 requérant exclu
		<input type="checkbox"/> Ex Parte Amicus Curiae excluded/ Amicus curiae exclu	<input type="checkbox"/> Ex Parte other exclusion/ autre(s) partie(s) exclue(s) (specify/ préciser) :
Document type/ Type de document :	<input type="checkbox"/> Motion/ Requête	<input type="checkbox"/> Judgement/ Jugement/Arrêt	<input type="checkbox"/> Book of Authorities/ Recueil de sources
	<input checked="" type="checkbox"/> Decision/ Décision	<input type="checkbox"/> Submission from parties/ Écritures déposées par des parties	<input type="checkbox"/> Affidavit/ Déclaration sous serment
	<input type="checkbox"/> Order/ Ordonnance	<input type="checkbox"/> Submission from non-parties/ Écritures déposées par des tiers	<input type="checkbox"/> Warrant/ Mandat
		<input type="checkbox"/> Indictment/ Acte d'accusation	<input type="checkbox"/> Notice of Appeal/ Acte d'appel

II - TRANSLATION STATUS ON THE FILING DATE/ ÉTAT DE LA TRADUCTION AU JOUR DU DÉPÔT

<input type="checkbox"/> Translation not required/ La traduction n'est pas requise
<input checked="" type="checkbox"/> Filing Party hereby submits only the original, and requests the Registry to translate/ La partie déposante ne soumet que l'original et sollicite que le Greffe prenne en charge la traduction : (Word version of the document is attached/ La version Word du document est jointe)
<input type="checkbox"/> English/ Anglais <input checked="" type="checkbox"/> French/ Français <input checked="" type="checkbox"/> Kinyarwanda <input type="checkbox"/> B/C/S <input type="checkbox"/> Other/Autre (specify/préciser):
<input type="checkbox"/> Filing Party hereby submits both the original and the translated version for filing, as follows/ La partie déposante soumet l'original et la version traduite aux fins de dépôt, comme suit :
Original/ Original en : <input 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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