

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-25-135-I

Date: 22 May 2025

Original: English

BEFORE A SINGLE JUDGE

Before: Judge Joseph E. Chiondo Masanche

Registrar: Mr. Abubacarr M. Tambadou

Decision of: 22 May 2025

IN THE MATTER OF PETER ROBINSON

PUBLIC

**DECISION ON *AMICUS CURIAE*'S MOTION IN RELATION TO
MATERIAL FROM OTHER CASES**

Amicus Curiae:

Mr. Kenneth Scott

Mr. Peter Robinson

I, JOSEPH E. CHIONDO MASANCHE, Judge of the International Residual Mechanism for Criminal Tribunals (“Mechanism”) and Single Judge in this case;¹

BEING SEISED OF a motion, filed on 28 March 2025,² in which the *Amicus Curiae*³ requests: (i) that Mr. Peter Robinson be granted access to the entire case file in the case of *Prosecutor v. Anselme Nzabonimpa et al.*, Case No. MICT-18-116-R90.1 (“*Nzabonimpa et al.* Case”) and to certain filings in the cases of *Prosecutor v. Augustin Ngirabatware*, Case No. MICT-12-29, and *Prosecutor v. Augustin Ngirabatware*, Case No. MICT-12-29-R (“*Ngirabatware* Cases”);⁴ and (ii) that he be authorized to disclose these materials to the authorities of a State to which this case may be referred;⁵

NOTING that Robinson has no objection to the Motion;⁶

CONSIDERING that, at present, the threshold question of whether to refer this case to the authorities of a State is under consideration and that, after that decision is taken, issues related to access or the use of such documents by the parties in this case, including from the *Nzabonimpa et al.* Case and *Ngirabatware* Cases, will become live issues;⁷

FINDING, therefore, that the Motion is premature;

NOTING FURTHER that Robinson requests that a confidential and *ex parte* decision, filed on 22 September 2022 in the *Nzabonimpa et al.* Case, be made public, and that its underlying confidential and *ex parte* motion, filed on 13 September 2022 in the same case by the *Amicus Curiae*,

¹ Order Assigning a Single Judge to Consider a Matter, 3 March 2025, p. 1. *See also* Decision Issuing Order in Lieu of Indictment, 25 February 2025, pp. 2-7; *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.

² Request to Grant Access to Material from Previous Cases, 28 March 2025 (“Motion”).

³ *See* Decision of 25 February 2025, para. 4, n. 12 (noting that the Registrar appointed Mr. Kenneth Scott as *amicus curiae* (“*Amicus Curiae*”) to conduct the investigation against Robinson).

⁴ Motion, pp. 1, 8, 9, paras. 10, 15, 16. *See* Motion, paras. 24, 25. *See also* *Prosecutor v. Marie Rose Fatuma et al.*, Case No. MICT-18-116-A, Decision on *Amicus Curiae*’s Motion for Access and Requests for Clarification and Variation of Protective Measures, 21 January 2022, pp. 2, 4, 5; *Prosecutor v. Anselme Nzabonimpa et al.*, Case No. MICT-18-116-R90.1, Decision on *Amicus Curiae*’s Motions for Access to Non-Public Material in the *Ngirabatware* Proceedings and Requests for Variation of Protective Measures, 23 March 2022 (confidential and *ex parte*; made public pursuant to the Decision on *Amicus Curiae*’s Motion for Reclassification, 27 March 2025 (“Decision of 27 March 2025”), pp. 5, 6.

⁵ Motion, pp. 1, 9, paras. 26, 28. *See also* Motion, paras. 9, 19-23.

⁶ Response to Request to Grant Access to Material from Previous Cases and Request for Reclassification of Registrar-Related Access Filings, 2 April 2025 (“Response”), para. 1.

⁷ *See* Invitation for Submissions, 13 May 2025.

be made confidential (collectively, the “Robinson Request”),⁸ submitting that these documents are of a similar nature to filings that were recently reclassified as public in this case;⁹

CONSIDERING that the *Amicus Curiae* does not oppose the Robinson Request;¹⁰

CONSIDERING that all proceedings before the Mechanism shall be public unless exceptional reasons require keeping them confidential;¹¹

CONSIDERING that there are no exceptional reasons requiring that the *Nzabonimpa et al.* Decision of 22 September 2022 remain confidential;

FINDING that, in these circumstances, it is appropriate to reclassify the *Nzabonimpa et al.* Motion of 13 September 2022 and the *Nzabonimpa et al.* Decision of 22 September 2022;

FOR THE FOREGOING REASONS,

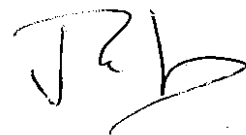
HEREBY DISMISS the Motion;

GRANT the Robinson Request; and

ORDER the Registry to: (i) lift the *ex parte* status of the *Nzabonimpa et al.* Motion of 13 September 2022 and to reclassify it as confidential; and (ii) reclassify the *Nzabonimpa et al.* Decision of 22 September 2022 as public.

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

Done this 22nd day of May 2025,
At Arusha,
Tanzania



Judge Joseph E. Chiondo Masanche
Single Judge

[Seal of the Mechanism]

⁸ Response, paras. 2, 5, referring to *Prosecutor v. Anselme Nzabonimpa et al.*, Case No. MICT-18-116-R90.1, Decision on Request for Order to Registrar, 22 September 2022 (confidential and *ex parte*) (“*Nzabonimpa et al.* Decision of 22 September 2022”); *Prosecutor v. Anselme Nzabonimpa et al.*, Case No. MICT-18-116-R90.1, Request for Order to the Registrar, 13 September 2022 (confidential and *ex parte*) (“*Nzabonimpa et al.* Motion of 13 September 2022”).

⁹ Response, para. 3, referring to Decision of 27 March 2025.

¹⁰ Response to Robinson’s Request for Reclassification of 2 April 2025, 7 April 2025, paras. 3, 4 (wherein the *Amicus Curiae* indicates that he will file a public redacted version of the *Nzabonimpa et al.* Motion of 13 September 2022). See Response, para. 4.

¹¹ See *Prosecutor v. Marie Rose Fatuma et al.*, Case No. MICT-18-116-A, Decision on Request for Reclassification of Confidential Filings in the *Nzabonimpa et al.* Case, 18 May 2022, p. 2, referring to *Prosecutor v. Radovan Karadžić*, Case No. MICT-13-55-A, Decision on a Motion for a Public Redacted Version of a Decision, 12 February 2019, p. 2 and references cited therein.



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Date Created/ Daté du :	22 May 2025		Date transmitted/ Transmis le :	22 May 2025	
				Number of Pages/ Nombre de pages : 3	
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