

UNITED
NATIONS

	Case No:	MICT-25-135-I
International Residual Mechanism for Criminal Tribunals	Date:	1 August 2025
	Original:	English

BEFORE THE SINGLE JUDGE

Before: Judge Joseph E. Chiondo Masanche
Registrar: Mr. Abubacarr M. Tambadou

IN THE MATTER OF PETER ROBINSON
PUBLIC WITH REDACTIONS

**SUBMISSION OF THE UNITED STATES ON THE ISSUE OF REFERRAL IN
RESPONSE TO THE MECHANISM'S ORDER OF 13 MAY 2025**

Amicus Curiae:

Mr. Kenneth Scott

Mr. Peter Robinson

United States of America

The United States of America hereby responds to the May 13, 2025, Order of Judge Joseph E. Chiondo Masanche (the “Single Judge”) of the International Residual Mechanism for Criminal Tribunals (IRMCT), whereby the Single Judge invited the United States “to provide, within 60 days of the issuance of the present Order, written submissions on its jurisdiction, willingness, and preparedness to accept this case for trial[.]” The deadline for the United States’ submission was subsequently extended to August 4, 2025, per the Single Judge’s July 11, 2025 Decision on Request for Extension of Time.

The United States has not identified a clear jurisdictional basis to criminally prosecute Mr. Robinson in the United States for the alleged conduct described in the February 25, 2025 Decision Issuing Order in Lieu of Indictment. Additionally, even if an avenue for the U.S. federal criminal prosecution of Mr. Robinson for said conduct were available, it is highly likely that any applicable statute of limitations would bar initiation of such a prosecution today given the extended length of time that has passed since the alleged conduct took place in 2015, 2016 and 2017.¹

Separately, at the U.S. state level, state bar organizations license and regulate the conduct of attorneys subject to their jurisdictions and may investigate alleged misconduct and initiate appropriate administrative disciplinary proceedings. In this connection, the State Bar of California, where Mr. Robinson was (and remains) licensed at the time of the alleged conduct,² has informed the United States that that state bar has jurisdiction and that it may be possible to refer this matter to appropriate disciplinary proceedings pursuant to provisions of the California Business and Professions Code.³ Potential discipline for violation of such provisions ranges from reproof to probation to suspension to possible disbarment from the practice of law in California.

Additionally, counsel with the North Carolina State Bar have advised the United States that, if disciplinary penalties are imposed by the California State Bar, reciprocal disciplinary penalties may be pursued in North Carolina, where Mr. Robinson is also currently licensed and resides.

The United States respectfully suggests that, if the Mechanism is inclined to make a referral to the California State Bar, Office of Chief Trial Counsel, the appropriate authorities of the Mechanism contact that office directly to discuss the relevant requirements and arrangements. Such contact should be directed to:

[REDACTED]

¹ See, e.g., 18 U.S. Code § 3282 codifying a general statute of limitations of five years for non-capital federal offenses.

² Although Mr. Robinson moved to “inactive” status with the California State Bar as of February 1, 2018, such status does not affect that bar’s jurisdiction or ability to initiate appropriate disciplinary proceedings as discussed in this submission.

³ See, e.g., California Business and Professions Code § 6103 (“A wilful disobedience or violation of an order of the court requiring him to do or forbear an act connected with or in the course of his profession, which he ought in good faith to do or forbear, and any violation of the oath taken by him, or of his duties as such attorney, constitute causes for disbarment or suspension.”); § 6068(b) (it is the duty of an attorney “[t]o maintain the respect due to the courts of justice and judicial officers.”).

[REDACTED]

Respectfully submitted,



Terra L. Gearhart-Serna
Deputy Legal Counselor
U.S. Embassy The Hague



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Case Name/ Affaire :	In the Matter of Peter Robinson		Case Number/ Affaire n° :	MICT-25-135-I
Date Created/ Daté du :	1 August 2025		Date transmitted/ Transmis le :	1 August 2025
			Number of Pages/ Nombre de pages :	3
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
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Title of Document/ Titre du document :	Submission of the United States on the Issue of Referral in Response to the Mechanism's Order of 13 May 2025 (PUBLIC WITH REDACTIONS)			
Classification Level/ Catégories de classification :	<input checked="" type="checkbox"/> Public/ Document public	<input type="checkbox"/> Ex Parte Defence excluded/ Défense exclue		
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