

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-25-135-I

Date: 28 August 2026

Original: English

BEFORE A SINGLE JUDGE

Before: Judge Joseph E. Chiondo Masanche

Registrar: Mr. Abubacarr M. Tambadou

Order of: 28 August 2026

IN THE MATTER OF PETER ROBINSON

PUBLIC

FURTHER INVITATION FOR SUBMISSIONS

Amicus Curiae:

Mr. Kenneth Scott

Mr. Peter Robinson

Government of the United States of America

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

NOTING that, on 25 February 2025, a Single Judge of the Mechanism, pursuant to Article 1(4)(a) of the Statute of the Mechanism (“Statute”) and Rule 90 of the Rules of Procedure and Evidence of the Mechanism (“Rules”): (i) issued an order in lieu of an indictment against Mr. Peter Robinson, charging him with contempt or, in the alternative, with attempt or incitement to commit contempt, of the International Criminal Tribunal for Rwanda and/or the Mechanism; and (ii) directed the appointed *amicus curiae* to prosecute the matter;²

CONSIDERING that Article 1(4) of the Statute provides that, before proceeding to try persons for contempt, the Mechanism shall consider referring the case to the authorities of a State, taking into account the interests of justice and expediency, and that, pursuant to Article 6(2) of the Statute, a Single Judge shall determine whether the case should be referred to the authorities of a State: (i) in whose territory the crime was committed; (ii) in which the accused was arrested; or (iii) having jurisdiction and being willing and adequately prepared to accept such a case;³

CONSIDERING that, consistent with prior practice, the State of nationality or residence of the accused is an equally relevant factor⁴ and that, in the present case, there is no dispute in that the alleged crimes were committed, in part, in the United States of America (“United States”) and that Robinson is a citizen of the United States, residing therein;⁵

RECALLING the Referral Decision of 7 November 2025, wherein, after considering the submissions of the parties and the authorities of the United States, I ordered the referral of the case against Robinson to the United States for disciplinary proceedings before the State Bar of California (“California State Bar”), pursuant to Articles 1(4), 6(2), and 6(4) of the Statute and Rule 14 of the Rules;⁶

¹ Order Assigning a Single Judge to Consider a Matter, 3 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 on Allegations of Contempt”), para. 41; Decision Issuing Order in Lieu of Indictment, 25 February 2025 (“Order in Lieu of Indictment”), p. 7.

³ See also Rule 2(C) of the Rules.

⁴ Decision on the Suitability of Referral of the Case, 7 November 2025 (“Referral Decision of 7 November 2025”), para. 11, n. 30, referring to *In the Matter of François Ndirabatswe*, Case No. MICT-24-131-I, Decision on the Suitability of Referral of the Case, 17 September 2024, pp. 1-3, 5; *Prosecutor v. Vojislav Šešelj et al.*, Case No. MICT-23-129-I, Decision on Referral of the Case to the Republic of Serbia, 29 February 2024, paras. 10, 11, 21.

⁵ See, e.g., Order in Lieu of Indictment, p. 2; Preliminary Submissions on Referral, 9 April 2025, paras. 18, 19; *Amicus* Reply Submission on the Suitability of the Referral of the Case, 15 April 2025, paras. 6, 7, 11; Invitation for Submissions, 13 May 2025 (“First Invitation for Submissions”), p. 3, n. 11.

⁶ Referral Decision of 7 November 2025, paras. 7-9, 18, 19. See also Referral Decision of 7 November 2025, paras. 2-6 for a detailed procedural history of this matter.

NOTING that, on 24 August 2026, the Appeals Chamber of the Mechanism (“Appeals Chamber”), having determined that the statutory framework of the Mechanism only allows for the referral of cases to the authorities of a State for criminal trials and not for disciplinary proceedings before a state bar organization, remanded the matter back to me with the instruction, *inter alia*, “to re-examine whether the case can be referred to the authorities of the United States *for criminal prosecution* [...]”;⁷

NOTING that, in their initial submission of 1 August 2025, the United States stated that: (i) at the federal level, no clear jurisdictional basis has been identified to criminally prosecute Robinson for the alleged conduct described in the Order in Lieu of Indictment, and that even if an avenue for criminal prosecution in the United States were available, it is “highly likely that any applicable statute of limitations would bar initiation of such a prosecution”; and (ii) at the state level, the California State Bar “has informed the United States that [it] has jurisdiction and that it may be possible to refer this matter to appropriate disciplinary proceedings pursuant to [the] provisions of the California Business and Professions Code”, and the North Carolina State Bar has advised the United States that reciprocal disciplinary penalties may be pursued if the California State Bar imposes penalties;⁸

NOTING, however, that, according to the Appeals Chamber, it is necessary to seek confirmation from the United States that its national courts lack jurisdiction to criminally prosecute Robinson or, in the case of jurisdiction, that the applicable statute of limitations indeed bars the initiation of such prosecution;⁹

CONSIDERING that, in order to give effect to the Appeals Chamber’s instruction to re-examine whether the present case can be referred to the United States for criminal prosecution,¹⁰ it is appropriate to invite further submissions from the authorities of the United States confirming whether:

- (i) its national courts lack jurisdiction to criminally prosecute Robinson; and
- (ii) in the case of jurisdiction, that the applicable federal criminal statute of limitations decisively bars the initiation of a domestic criminal prosecution;

⁷ *In the Matter of Peter Robinson*, Case No. MICT-25-135-AR14.1, Decision on Appeal of Decision on the Suitability of Referral of a Case, 24 August 2026 (“Appeal Decision of 24 August 2026”), paras. 17-25 (emphasis added).

⁸ See Submission of the United States on the Issue of Referral in Response to the Mechanism’s Order of 13 May 2025, 1 August 2025 (confidential), p. 1. See also First Invitation for Submissions, p. 3; Decision on Request for Extension of Time, 11 July 2025, p. 1; Referral Decision of 7 November 2025, para. 7.

⁹ Appeal Decision of 24 August 2026, para. 24.

¹⁰ See Appeal Decision of 24 August 2026, paras. 24, 25.

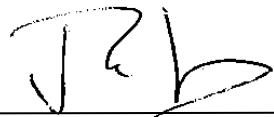
CONSIDERING FURTHER that, following receipt of the submissions from the United States, I will issue a briefing schedule allowing the parties to provide their views;

PURSUANT to Articles 1(4) and 6 of the Statute and Rule 55 of the Rules,

HEREBY ORDER the Registry of the Mechanism to serve the present Order on the United States, together with a copy of the Order in Lieu of Indictment, the Decision on Allegations of Contempt, the Referral Decision of 7 November 2025, and the Appeal Decision of 24 August 2026; and

INVITE the United States to provide, within 60 days of the issuance of the present Order, written submissions consistent with this Order.

Done this 28th day of August 2026,
At Arusha,
Tanzania



Judge Joseph E. Chiondo Masanche
Single Judge



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		☒ Arusha/ Arusha	☐ The Hague/ La Haye
From/ De :	☐ President/ Président	☒ Chambers/ Chambre	☐ Prosecution/ Bureau du Procureur	☐ Defence/ Défense
			☐ Registrar/ Greffier	☐ Other/ Autre
Case Name/ Affaire :	In the Matter of Peter Robinson		Case Number/ Affaire n° :	MICT-25-135-I
Date Created/ Daté du :	28 August 2026	Date transmitted/ Transmis le :	28 August 2026	Number of Pages/ Nombre de pages : 4
Original Language/ Langue de l'original :	☒ English/ Anglais	☐ French/ Français	☐ Kinyarwanda	☐ B/C/S
	☐ Other/Autre (specify/ préciser):			
Title of Document/ Titre du document :	Further Invitation for Submissions			
Classification Level/ Catégories de classification :	☒ Public/ Document public	☐ Confidential/ Confidentiel	☐ Ex Parte Defence excluded/ Défense exclue ☐ Ex Parte Prosecution excluded/ Bureau du Procureur exclu ☐ Ex Parte Rule 86 applicant excluded/ Article 86 requérant exclu ☐ Ex Parte Amicus Curiae excluded/ Amicus curiae exclu ☐ Ex Parte other exclusion/ autre(s) partie(s) exclue(s) (specify/ préciser)	
Document type/ Type de document :	☐ Motion/ Requête ☐ Decision/ Décision ☒ Order/ Ordonnance ☐ Judgement/ Jugement/Arrêt ☐ Submission from parties/ Écritures déposées par des parties ☐ Submission from non-parties/ Écritures déposées par des tiers ☐ Book of Authorities/ Recueil de sources ☐ Affidavit/ Déclaration sous serment ☐ Indictment/ Acte d'accusation ☐ Warrant/ Mandat ☐ Notice of Appeal/ Acte d'appel			

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

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