

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-25-135-I

Date: 25 February 2025

Original: English

BEFORE A SINGLE JUDGE

Before: Judge José Ricardo de Prada Solaesa

Registrar: Mr. Abubacarr M. Tambaou

Decision of: 25 February 2025

IN THE MATTER OF PETER ROBINSON

PUBLIC

DECISION ISSUING ORDER IN LIEU OF INDICTMENT

Amicus Curiae:

Mr. Kenneth Scott

Mr. Peter Robinson

I, JOSÉ RICARDO DE PRADA SOLAESA, Judge of the International Residual Mechanism for Criminal Tribunals (“Mechanism”) and Single Judge in this case;¹

RECALLING that, on 25 February 2025, I decided to initiate contempt proceedings and issue an Order in Lieu of Indictment against Peter Robinson;²

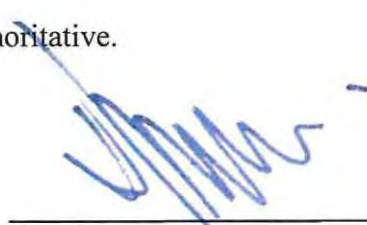
PURSUANT TO Article 1(4) of the Statute of the Mechanism and Rule 90(D)(ii) of the Rules of Procedure and Evidence of the Mechanism (“Rules”);

HEREBY ISSUE an Order in Lieu of Indictment against Robinson for contempt of the International Criminal Tribunal for Rwanda (“ICTR”) and/or the Mechanism, punishable under Rule 90 of the Rules, for having and/or attempting to have, or inciting, prohibited direct and/or indirect contact with witnesses subject to protective measures ordered by the ICTR and/or the Mechanism; and

INSTRUCT the Registrar of the Mechanism to serve the present Decision, together with the appended Order in Lieu of Indictment, and the Decision of 25 February 2025 on Robinson, and to confirm on the record, as soon as practicable, the execution of their service.

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

Done this 25th day of February 2025,
At Arusha,
Tanzania



Judge José Ricardo de Prada Solaesa
Single Judge

[Seal of the Mechanism]

¹ *Prosecutor v. Anselme Nzabonimpa et al.*, Case Nos. MICT-18-116-R90.1, MICT-18-116-T, Order Assigning a Single Judge to Consider a Matter Pursuant to Rule 90(C), 8 October 2021, 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. *See also* Decision of 25 February 2025, paras. 17-20, 22, 38.

ORDER IN LIEU OF INDICTMENT

I, JOSÉ RICARDO DE PRADA SOLAESA, pursuant to Article 1(4)(a) of the Statute of the Mechanism (“Statute” and “Mechanism”, respectively) and Rule 90 of the Rules of Procedure and Evidence of the Mechanism (“Rules”) hereby charge **PETER ROBINSON** with **CONTEMPT OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA (“ICTR”)** and/or the **MECHANISM** for having and/or attempting to have, or inciting, prohibited direct and/or indirect contact with witnesses subject to protective measures ordered by the ICTR and/or the Mechanism as set forth below.

BACKGROUND AND FACTUAL ALLEGATIONS

1. **Peter ROBINSON** was born on 6 April 1953 in Boston, Massachusetts, United States of America. During the relevant periods of time, he acted as a Defence counsel practicing before the Mechanism. He began his legal career in 1978 and has also practiced before the International Criminal Tribunal for the former Yugoslavia and the ICTR since 2000 and 2002, respectively.
2. From at least 11 August 2015 until 19 December 2017, **ROBINSON** acted as counsel for Augustin Ndirabatware in or with regard to the case of *Prosecutor v. Augustin Ndirabatware*, Case No. MICT-12-29-R (“*Ndirabatware* Review Case”), which concerned Ndirabatware’s request for a review of his convictions before the ICTR in the case of *The Prosecutor v. Augustin Ndirabatware*, Case No. ICTR-99-54-T (“*Ndirabatware* ICTR Case”) for genocide and direct and public incitement to commit genocide. These convictions had been upheld by the Appeals Chamber of the Mechanism on 18 December 2014.
3. During his representation of Ndirabatware in or with regard to the *Ndirabatware* Review Case, **ROBINSON** had and/or attempted to have, or incited, prohibited direct and/or indirect contact with witnesses subject to protective measures ordered by the ICTR on 7 May 2009 (“Protective Measures Decision of 7 May 2009”) and by the Mechanism on 5 August 2016 (“Protective Measures Decision of 5 August 2016”), in knowing and wilful violation of these orders.
4. The Protective Measures Decision of 7 May 2009 required **ROBINSON**, as counsel for Ndirabatware, to notify the Office of the Prosecutor of the ICTR (or the Mechanism following the closure of the ICTR) if he wished to contact protected ICTR Prosecution witnesses, which included Witnesses ANAE, ANAM, and ANAN. The Protective Measures Decision of 5 August 2016 required **ROBINSON** to notify the Witness Support and Protection Unit of the Mechanism (“WISP”) and the Office of the Prosecutor of the Mechanism (“Prosecution”) if he wished to contact Witnesses ANAE,

ANAH, ANAM, ANAN, and ANAT. By his acts and conduct during the period between 15 August 2015 and 14 July 2017, **ROBINSON** knowingly and wilfully interfered with the administration of justice by violating either the Protective Measures Decision of 7 May 2009 or the Protective Measures Decision of 5 August 2016, as described below.

Violations of Protective Measures Decision of 7 May 2009

5. On 15 August 2015, **ROBINSON** met with Witness DWAN-147 in Kampala, Republic of Uganda, regarding the alleged desire of Witness ANAE, an ICTR Prosecution witness subject to the Protective Measures Decision of 7 May 2009, to recant the Witness's testimony in the *Ngirabatware* ICTR Case. **ROBINSON** expressed to Witness DWAN-147 that he would like to meet with Witness ANAE if Witness DWAN-147 thought that Witness ANAE would agree to it. Witness DWAN-147 indicated to **ROBINSON** that the Witness would speak to Witness ANAE and "see what is [Witness ANAE's] position" and Robinson replied "Ok, that would be very helpful to know what [the Witness's] position is [...]". On 2 September 2015, **ROBINSON** asked Deogratias Sebureze, a Defence legal assistant in the *Ngirabatware* ICTR Case, if he "had any word from DWAN-147 since our meeting", and, on the same day, Sebureze responded to **ROBINSON** that he met with Witness DWAN-147, who confirmed that Witness ANAE was willing to meet with "Augustin[...] [Ngirabatware]'s lawyer". In violation of the Protective Measures Decision of 7 May 2009, **ROBINSON**, as described herein, intended for Witness DWAN-147 to communicate with Witness ANAE on his behalf, or was recklessly indifferent that prohibited contact with Witness ANAE would or may occur as a result of his acts and conduct.

6. On 24 November 2015, Witness DWAN-147 met and directly confirmed to **ROBINSON** in Kigali, Republic of Rwanda, that Witness DWAN-147 had discussed the situation with Witness ANAE and that Witness ANAE was willing to meet with **ROBINSON** regarding the Witness's alleged false testimony before the ICTR. During this meeting, Witness DWAN-147 also indicated to **ROBINSON** that Witness ANAE had something to request from **ROBINSON** when Witness ANAE and **ROBINSON** were to meet. **ROBINSON** responded that, when he meets with Witness ANAE, he would be happy to listen to any requests from the Witness and that, if possible, he would agree to those requests. In violation of the Protective Measures Decision of 7 May 2009, **ROBINSON**, as described herein, intended for Witness DWAN-147 to communicate with Witness ANAE on his behalf, or was recklessly indifferent that prohibited contact with Witness ANAE would or may occur as a result of his acts and conduct.

7. On 22 January 2016, the Prosecution informed **ROBINSON** that Witness ANAE and Witness ANAM, who was also an ICTR Prosecution witness subject to the Protective Measures Decision of 7 May 2009, have not consented to meet with him. On the same day, **ROBINSON** indicated to his investigator, Dick Prudence Munyeshuli, that he was surprised by their refusal and requested Munyeshuli to contact a Defence resource person, Maximilien Turinabo, and ask him what happened. On 24 January 2016, Munyeshuli informed **ROBINSON** that, according to Turinabo, Witness ANAE and Witness ANAM refused because they had been confused by the questions that they were asked by the WISP and that they were still willing to meet with the Defence. In reply, **ROBINSON** asked Munyeshuli to also meet Witness DWAN-147 to know what happened when Witness ANAE withheld consent to meet with **ROBINSON**. On 27 January 2016, during a meeting with Witness DWAN-147 present, Witness ANAE and Witness ANAM signed letters consenting to meet with the Defence. On 2 February 2016, Munyeshuli informed **ROBINSON** that Turinabo told him that Witness ANAE and Witness ANAM wrote the consent letters “with copies to us”, and that Munyeshuli would obtain these copies from Turinabo. **ROBINSON** thanked Munyeshuli in response. On 6 February 2016, Munyeshuli informed **ROBINSON** that he had received copies of the consent letters from Turinabo. On 8 February 2016, **ROBINSON** asked Munyeshuli to scan and send copies of the consent letters that Munyeshuli received from Turinabo. On 9 February 2016, Munyeshuli, at **ROBINSON**’s request, sent the requested copies of the consent letters to **ROBINSON**. In violation of the Protective Measures Decision of 7 May 2009, **ROBINSON**, as described herein, intended for Munyeshuli through others, including Turinabo, to communicate with Witness ANAE and Witness ANAM on his behalf, including for the receipt of the letters, or was recklessly indifferent that prohibited contact with Witness ANAE and Witness ANAM would or may occur as a result of his acts and conduct.

8. On 2 July 2016, **ROBINSON** met again with Witness DWAN-147 in Kigali and spoke about the upcoming meeting that was to take place between **ROBINSON** and Witness ANAE. During this meeting with Witness DWAN-147, when asked by **ROBINSON** if Witness DWAN-147 had any questions, Witness DWAN-147 responded that Witness ANAE was worried because Witness ANAE did not know who Witness ANAE would be meeting with and that Witness ANAE would like to meet first with “Ngirabatware’s side”. **ROBINSON** explained to Witness DWAN-147 that they were not allowed to meet with Witness ANAE without the Prosecution being present, that those present at the meeting would be himself, Munyeshuli, and a Prosecution representative, and that Witness DWAN-147 could tell Witness ANAE “what to expect”. Witness DWAN-147 agreed to tell Witness ANAE, and **ROBINSON** ended the meeting by thanking Witness DWAN-147. In violation of the Protective Measures Decision of 7 May 2009, **ROBINSON**, as described herein, intended for

Witness DWAN-147 to communicate with Witness ANAE on his behalf, or was recklessly indifferent that prohibited contact with Witness ANAE would or may occur as a result of his acts and conduct.

9. On 5 July 2016, during a meeting between **ROBINSON** and Witness ANAN, who was an ICTR Prosecution witness subject to the Protective Measures Decision of 7 May 2009, **ROBINSON** gave Munyeshuli's phone number to Witness ANAN and stated "if you had any problems you could contact [Munyeshuli]". Approximately two weeks after the 5 July 2016 meeting, Witness ANAN contacted and informed Munyeshuli that the Witness was being called to Kigali to meet with the Prosecution. On 21 July 2016, when Munyeshuli informed **ROBINSON** about the contact by Witness ANAN, **ROBINSON** instructed Munyeshuli not to initiate contact with Witness ANAN. In violation of the Protective Measures Decision of 7 May 2009, **ROBINSON**, as described herein, intended to communicate with Witness ANAN through Munyeshuli and/or incited Witness ANAN to have prohibited contact with the Ngirabatware Defence, or was recklessly indifferent that prohibited contact with Witness ANAN would or may occur as a result of his acts and conduct.

10. On 21 July 2016, Munyeshuli informed **ROBINSON** that Witness DWAN-147 contacted Munyeshuli to inform him that Witness ANAE was anxious about being called to come to Kigali to meet with the Prosecution. On the same day, **ROBINSON** instructed Munyeshuli to tell Witness DWAN-147 that Witness ANAE has a right not to consent to the Prosecution's request for an interview if the Witness does not want to. In violation of the Protective Measures Decision of 7 May 2009, **ROBINSON**, as described herein, intended for Witness DWAN-147 to communicate with Witness ANAE on his behalf, or was recklessly indifferent that prohibited contact with Witness ANAE would or may occur as a result of his acts and conducts.

11. By his acts and conduct during the period between 15 August 2015 and 21 July 2016, **ROBINSON** had prohibited contact with Witnesses ANAE, ANAM, and/or ANAN, in knowing and wilful violation of the Protective Measures Decision of 7 May 2009, as set out in paragraphs 5-10 above. Alternatively, **ROBINSON** attempted, or incited others, including Witness DWAN-147, Munyeshuli, and/or Turinabo, to have prohibited contacts with these witnesses, and Witness ANAN to have prohibited contact with the Ngirabatware Defence, in knowing and wilful violation of the Protective Measures Decision of 7 May 2009, as set out in paragraphs 5-10 above. At the very least, **ROBINSON** was recklessly indifferent to the consequences that such prohibited contact would or may occur as a result of his acts and conduct.

Violations of Protective Measures Decision of 5 August 2016

12. On 5 August 2016, **ROBINSON** asked Munyeshuli to let Turinabo and Witness DWAN-147 know that “we cannot discourage anyone from meeting with [the Prosecution] but we can explain that a [protected] witness has a right to refuse, that there will be no adverse consequences if they refuse, and if they accept, we will also be present”. On 9 August 2016, **ROBINSON** forwarded to Munyeshuli an email from the Prosecution to **ROBINSON** and the WISP, indicating that the Prosecution wished to contact Witnesses ANAE, ANAH, ANAM, ANAN, and ANAT. **ROBINSON** asked Munyeshuli to let Turinabo and Witness DWAN-147 know “so they will not be surprised” when the WISP contacts Witnesses ANAE, ANAH, ANAM, ANAN, and ANAT. These witnesses were subject to the Protective Measures Decision of 5 August 2016. On the same day, Munyeshuli responded to **ROBINSON** that Turinabo and Witness DWAN-147 had been contacted. Thereafter, as a result of **ROBINSON**’s request to Munyeshuli, these witnesses were contacted by others, including Turinabo and/or Witness DWAN-147, regarding the upcoming contacts by the WISP. In violation of the Protective Measures Decision of 5 August 2016, **ROBINSON**, as described herein, intended for Munyeshuli, Turinabo, and Witness DWAN-147 to directly or indirectly communicate with Witnesses ANAE, ANAH, ANAM, ANAN, and ANAT on his behalf, or was recklessly indifferent that prohibited contact with Witnesses ANAE, ANAH, ANAM, ANAN, and/or ANAT would or may occur as a result of his acts and conduct.

13. On 14 July 2017, **ROBINSON** asked Munyeshuli to let Turinabo and Witness DWAN-147 know that the WISP would be contacting, among others, Witnesses ANAE, ANAH, ANAM, ANAN, and ANAT to inquire whether they consent to the interviews requested by the Prosecution. In the same communication, **ROBINSON** indicated that the Defence “should take no position on whether the witnesses consent to be interview[ed] – that is totally up to them.” Munyeshuli responded the same day to **ROBINSON** that he would proceed as suggested. On 15 July 2017, Munyeshuli contacted Turinabo telling him that the WISP will contact the protected witnesses to ask if they consent to meet with the Prosecution and that the witnesses could refuse or agree to the meeting. Turinabo responded that “I’ll see to it that they are informed tomorrow.” Thereafter, as a result of **ROBINSON**’s request to Munyeshuli, these witnesses were contacted by others, including Turinabo, regarding the Prosecution’s request for interviews. In violation of the Protective Measures Decision of 5 August 2016, **ROBINSON**, as described herein, intended for Munyeshuli, Turinabo, and Witness DWAN-147 to directly or indirectly communicate with Witnesses ANAE, ANAH, ANAM, ANAN, and ANAT on his behalf, or was recklessly indifferent that prohibited contact with

Witnesses ANAE, ANAH, ANAM, ANAN, and/or ANAT would or may occur as a result of his acts and conduct.

14. By his acts and conduct during the period between 5 August 2016 and 14 July 2017, **ROBINSON** had prohibited contact with Witnesses ANAE, ANAH, ANAM, ANAN, and/or ANAT, in knowing and wilful violation of the Protective Measures Decision of 5 August 2016, as set out in paragraphs 12 and 13 above. Alternatively, **ROBINSON** attempted, or incited others, including Witness DWAN-147, Munyeshuli, and/or Turinabo, to have prohibited contact with these witnesses in knowing and wilful violation of the Protective Measures Decision of 5 August 2016, as set out in paragraphs 12 and 13 above. At the very least, **ROBINSON** was recklessly indifferent that such prohibited contact would or may occur as a result of his acts and conduct.

CHARGES

By his acts and conduct set out above, **PETER ROBINSON** is responsible for the following crimes:

COUNT 1

PETER ROBINSON is criminally responsible for committing **Contempt of the ICTR and/or the Mechanism**, as alleged in paragraphs 5-10, 12, and 13 above, for having prohibited contact with protected Witnesses ANAE, ANAH, ANAM, ANAN, and/or ANAT, in knowing and wilful violation of court orders, punishable under Article 1(4)(a) of the Statute and Rule 90(A) of the Rules.

COUNT 2

Alternatively, **PETER ROBINSON** is criminally responsible for attempt or incitement to commit **Contempt of the ICTR and/or the Mechanism**, as alleged in paragraphs 5-10, 12, and 13 above, for attempting, or inciting others, including Witness DWAN-147, Munyeshuli, and/or Turinabo, to have prohibited contact with protected Witnesses ANAE, ANAH, ANAM, ANAN, and/or ANAT, and Witness ANAN to have prohibited contact with the Ngirabatware Defence, in knowing and wilful violation of court orders, punishable under Article 1(4)(a) of the Statute and Rule 90(B) of the Rules.



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 :	25 February 2025	Date transmitted/ Transmis le :	25 February 2025	Number of Pages/ Nombre de pages : 8
Original Language/ Langue de l'original :	☒ English/ Anglais	☐ French/ Français	☐ Kinyarwanda	☐ B/C/S
	☐ Other/Autre (specify/ préciser):			
Title of Document/ Titre du document :	Decision Issuing Order In lieu of Indictment			
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

☐ Translation not required/ La traduction n'est pas requise				
☒ 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)				
☐ English/ Anglais ☒ French/ Français ☒ Kinyarwanda ☐ B/C/S ☐ Other/Autre (specify/préciser):				
☐ 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 :	☐ English/ Anglais	☐ French/ Français	☐ Kinyarwanda	☐ B/C/S ☐ Other/Autre (specify/ préciser):
Traduction/ Traduction en :	☐ English/ Anglais	☐ French/ Français	☐ Kinyarwanda	☐ B/C/S ☐ Other/Autre (specify/ préciser):
☐ Filing Party will be submitting the translated version(s) in due course in the following language(s)/ La partie déposante soumettra la (les) version(s) traduite(s) sous peu, dans la (les) langue(s) suivante(s):				
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