

**Cour  
Pénale  
Internationale**

**International  
Criminal  
Court**



Original: **English**

No.: **ICC-01/21-01/25**

Date: **8 April 2025**

**PRE-TRIAL CHAMBER I**

**Before:** Judge Iulia Antoanella Motoc, Presiding Judge  
Judge Reine Adélaïde Sophie Alapini-Gansou  
Judge María del Socorro Flores Liera

**SITUATION IN THE REPUBLIC OF THE PHILIPPINES**

***IN THE CASE OF THE PROSECUTOR v. RODRIGO ROA DUTERTE***

**PUBLIC**

**Defence Observations pursuant to Order ICC-01/21-01/25-94**

**Source:** Defence for Mr. Rodrigo Roa Duterte

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

☒ The Office of the Prosecutor

☒ Counsel for the Defence

Duterte Defence Team

☐ Legal Representatives of the Victims

☐ Legal Representatives of the Applicants

☐ Unrepresented Victims

☐ Unrepresented Applicants  
(Participation/Reparation)

☐ The Office of Public Counsel for Victims

☐ The Office of Public Counsel for the Defence

☐ States' Representatives

☐ Amicus Curiae

## REGISTRY

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**Registrar**

Osvaldo Zavala Giler

☐ Counsel Support Section

☒ Victims and Witnesses Unit

☐ Detention Section

☒ Victims Participation and  
Reparations Section

☐ Other

1. The Defence for Rodrigo Roa Duterte has noted Pre-Trial Chamber I's "[O]rder seeking observations on matters related to the conduct of confirmation proceedings"<sup>1</sup> ("the Order").
2. At the outset, the Defence would like to assure the Pre-Trial Chamber that it will do its utmost to streamline and expedite the proceedings.
3. Notwithstanding, the Defence is not yet able to provide an informed response to the issues raised in sub-paragraphs 5(a), 5 (b), 5(c), 5(d) and 5(e) of the Order. Prosecution disclosure is taking place on an ongoing basis and crucial aspects thereof are yet to be revealed to the Defence. Only when the Defence receives a clearer and more granular picture of the evidence on which the Prosecution will rely at confirmation, will it be in a position to address these issues.
4. With respect to subparagraph 5(f), the Defence would like to state that it is accumulating documentation on a regular basis which might be subject to disclosure. In this regard, the Defence will await the institution of an E-Court protocol. The Defence will not seek to reinvent the wheel and will quite happily accept the E-Court protocol adopted in *Kony*<sup>2</sup> which is most suited to the Court's modern IT environment.



Nicholas Kaufman  
Counsel for Rodrigo Roa Duterte

Dated this 8<sup>th</sup> day of April 2025  
At The Hague, The Netherlands

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<sup>1</sup> ICC-01/21-01/25-94

<sup>2</sup> ICC-02/04-01/05-547-Anx.