

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: **10 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

CONFIDENTIAL

Defence Response to *Amicus Curiae* Request ICC-01/21-01/25-109-Conf-Anx

Source: Defence for 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

Registrar

Oswaldo Zavala Giler

☐ **Counsel Support Section**

☐ **Victims and Witnesses Unit**

☐ **Detention Section**

☐ **Victims Participation and
Reparations Section**

☒ **Other**

Probono Legal Services Association Ltd

1. The Defence for Rodrigo Roa Duterte notes the "*Rule 103 Request for Leave to Submit Amicus Curiae Observations on Whether the ICC May Exercise Jurisdiction in the Philippines Situation Following the State's Withdrawal from the Rome Statute*" filed by "*International Probono Legal Services Association Ltd*" ("the Request").¹
2. The Defence also notes that the Request is both unsolicited and contains the substance of the argument for which leave is actually being sought.
3. The Defence will, indeed, raise a challenge pursuant to Article 19(2) of the Rome Statute in due course. However, it is for the Defence (or a State) to determine the appropriate timing for such a challenge. Thereafter, the Pre-Trial Chamber will rule on all procedural aspects² – including, whether *amicus curiae* observations are necessary, at what stage of the proceedings and in what format arguments on the challenge should be heard, and when a decision should be rendered.
4. As well-meaning and as supportive the proposed (or, rather, *de facto* presented) observations may be for the Defence case, it is not for *amici curiae* to dictate how such litigation should be conducted.



Nicholas Kaufman
Counsel for Rodrigo Roa Duterte

Dated this 10th day of April 2025
Jerusalem, Israel

¹ ICC-01/21-01/25-109-Conf-Anx. This submission is filed confidentially pursuant to Regulation 23 *bis*(2) of the [ICC Regulations of the Court](#) given that it is responsive to a submission of the same classification.

² [ICC Rules of Procedure and Evidence](#), Rule 58(2).