



Original: English

No. ICC-01/21-01/25

Date: 17 April 2025

PRE-TRIAL CHAMBER I

Before:

**Judge Iulia Antoanella Motoc, Presiding
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

Decision on a request for leave to submit *amicus curiae* observations and setting the procedure regarding requests for authorisation to file submissions

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

☒ **The Office of the Prosecutor**

☒ **Counsel for the Defence**

☐ **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

Mr Osvaldo Zavala Giler

☐ **Counsel Support Section**

☐ **Victims and Witnesses Unit**

☐ **Detention Section**

☐ **Victims Participation
and Reparations Section**

☐ **Other**

PRE-TRIAL CHAMBER I of the International Criminal Court issues the present decision on a request for leave to submit *amicus curiae* observations and setting the procedure regarding requests for authorisation to file submissions or observations before the Chamber in the present case.

1. On 7 March 2025, pursuant to article 58 of the Rome Statute (the ‘Statute’), the Chamber issued a warrant of arrest for Rodrigo Roa Duterte (‘Mr Duterte’),¹ who was surrendered to the Court on 12 March 2025 and made his first appearance before the Chamber on 14 March 2025.²

2. On 8 April 2025, the Registry transmitted to the Chamber as confidential a request to submit *amicus curiae* observations pursuant to rule 103 of the Rules of Procedure and Evidence (the ‘Rules’),³ to which the Defence and the Prosecution responded on 10 and 11 April 2025, respectively, both opposing the request.⁴

3. Rule 103(1) of the Rules provides that the Chamber may, at any stage of the proceedings, ‘if it considers it desirable for the proper determination of the case, invite or grant leave to a State, organization or person to submit, in writing or orally, any observation on any issue that the Chamber deems appropriate’.

4. While the Defence has anticipated that it will ‘raise a challenge pursuant to Article 19(2) of the Rome Statute in due course’,⁵ the Chamber is not currently seized of the matter. At this stage of the proceedings, the Chamber cannot determine whether it is desirable for the proper determination of the case to receive *amicus curiae* observations. Therefore, the Rule 103 Request is premature and shall be rejected. Should the applicant wish to resubmit the request at the appropriate stage of the proceedings, it shall do so pursuant to the procedure set out below.

5. Indeed, in order to facilitate future interactions with external persons or organisations requesting authorisation to file submissions or observations before the Chamber in the present

¹ Warrant of Arrest for Mr Rodrigo Roa Duterte, ICC-01/21-01/25-83. See also Prosecution’s urgent application under article 58 for a warrant of arrest against Rodrigo Roa DUTERTE, ICC-01/21-80-US-Exp (public redacted version notified on 13 March 2025, ICC-01/21-01/25-80-Red) with public Annexes A-B, D-E and under seal *ex parte* Annex C.

² Decision convening a hearing for the first appearance of Mr Rodrigo Roa Duterte, ICC-01/21-01/25-90. See also Transcript of hearing, ICC-01/21-01/25-T-002-ENG.

³ 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, ICC-01/21-01/25-109-Conf-Anx (the ‘Rule 103 Request’).

⁴ Defence Response to *Amicus Curiae* Request ICC-01/21-01/25-109-Conf-Anx, ICC-01/21-01/25-110-Conf (the ‘Defence’s Response’); Prosecution’s observations on the potential filing of *amicus curiae* observations, ICC-01/21-01/25-111-Conf (the ‘Prosecution’s Response’).

⁵ Defence’s Response, para. 3.

case (e.g. requests for authorisation to file *amicus curiae* submissions pursuant to rule 103 of the Rules), and to ensure their efficient and effective processing, the Chamber considers it appropriate to adopt the procedure and template for such requests implemented in another situation.⁶ The Chamber hereby directs the Registry to modify the aforementioned template to reflect the situation name, case name and number, and Chamber's composition relating to the present case, and ensure that the template can be obtained from the Court Management Services when a person or an entity intends to make such a filing before this Chamber. The Chamber clarifies that the template only applies to instances where a person or entity is requesting *authorisation* to make submissions.

6. Any requests for authorisation must be limited to three pages (excluding notification pages). The Registry will only transmit requests that abide by the instructions in the template. The Registry's transmission filings, as well as the accompanying request and any other annexes, if applicable, shall initially be classified as confidential, unless cogent reasons require more restrictive classification. The Registry may transmit multiple requests for authorisation to make submissions into the record with a single transmission filing, where appropriate.

7. The Registry is hereby instructed to: (i) inform any person or entity requesting authorisation to make submissions before the Chamber to do so using the template; (ii) indicate to such a person or entity that for the aforementioned request for authorisation to be transmitted to the Chamber it must not exceed three pages (excluding notification pages); and (iii) register by way of confidential (unless a more restrictive classification is necessary) transmission filing into the record only those requests that abide by the page limit and the instructions listed in the template.

⁶ See Pre-Trial Chamber I, *Situation in the State of Palestine*, Order on reclassification and other procedural matters, 11 April 2025, ICC-01/18-418, paras 14-16.

FOR THESE REASONS, THE CHAMBER HEREBY

REJECTS the Rule 103 Request;

ORDERS the Registry to implement the instructions contained in this decision; and

ORDERS the Registry to reclassify as public filings ICC-01/21-01/25-109-Conf, ICC-01/21-01/25-109-Conf-Anx, ICC-01/21-01/25-110-Conf and ICC-01/21-01/25-111-Conf.

Done in English. A French translation will follow. The English version remains authoritative.



Judge Iulia Antoanella Motoc, Presiding



**Judge Reine Adélaïde Sophie Alapini-
Gansou**



Judge María del Socorro Flores Liera

Dated this Thursday, 17 April 2025

At The Hague, The Netherlands