



Original: English

No. ICC-01/21-01/25

Date: 20 May 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 the Prosecution's application under regulation 35 of the Regulations of the Court

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 the 9 May 2025 Prosecution’s application under regulation 35 of the Regulations of the Court (the ‘Regulations’) to extend the time limits for the disclosure of materials related to a number of witnesses and for any applications to withhold the identity of witnesses pursuant to rule 81(4) of the Rules of Procedure and Evidence (the ‘Rules’).¹

1. On 12 March 2025, pursuant to a warrant of arrest issued by the Chamber on 7 March 2025,² Mr Rodrigo Roa Duterte (‘Mr Duterte’) was surrendered to the Court, and he made his first appearance before the Chamber on 14 March 2025.

2. On 14 March 2025, the Chamber ordered the Prosecution to disclose the materials underlying the Warrant of Arrest (the ‘Arrest Warrant Materials’) by 21 March 2025.³

3. On 20 March 2025, the Chamber, granting a Prosecution’s application under regulation 35 of the Regulations,⁴ extended the time limit for the disclosure of the Arrest Warrant Materials related to a number of witnesses until 9 May 2025.⁵

4. On 17 April 2025, the Chamber issued the ‘Order on the conduct of confirmation proceedings’, directing *inter alia* the Prosecution to complete the disclosure process by 1 July 2025 regarding ‘all the evidence it intends to rely upon at the confirmation of charges hearing, including the totality of the witness statements and their translations, the exculpatory material that it has identified thus far, and the material falling under rule 77 of the Rules’.⁶

5. On 9 May 2025, the Prosecution disclosed the Arrest Warrant Materials relating to some of the abovementioned witnesses,⁷ and filed the Request seeking that the Chamber extend (i) ‘the deadline to disclose the materials from the [remaining] witnesses [...] that are cited in the Warrant of Arrest’ until 1 July 2025 (the ‘Relevant Witnesses’) and (ii) ‘the final deadline to apply to the Chamber to withhold the identity of witnesses pursuant to rule 81(4) of the Rules [...] until 20 June 2025’.⁸

¹ ICC-01/21-01/25-129-Conf (public redacted version notified on 14 May 2025, ICC-01/21-01/25-129-Red) (the ‘Request’).

² Warrant of Arrest for Mr Rodrigo Roa Duterte, ICC-01/21-01/25-83 (the ‘Warrant of Arrest’).

³ Transcript of hearing, ICC-01/21-01/25-T-002-ENG, p. 11 lines 2-4.

⁴ ICC-01/21-01/25-93-Conf.

⁵ Email from the Chamber at 16:52.

⁶ ICC-01/21-01/25-114, para. 24.

⁷ Request, para. 9. See also ICC-01/21-01/25-136 with Confidential Annex A.

⁸ Request, para. 1.

6. On 11 and 12 May 2025, respectively, the Defence and the Office of Public Counsel for Victims (the ‘OPCV’) responded that they do not oppose the Request.⁹

7. The Chamber notes the Prosecution’s submission that, although it ‘does not presently assess that it will be required to submit requests to the Chamber for the non-disclosure of the identities of the [Relevant] Witnesses’, it ‘assesses that the immediate disclosure of their identities would give rise to an objective risk to their safety’. For this reason, and further noting that the Defence and the OPCV do not object to the Request, the Chamber considers that good cause is shown, within the meaning of regulation 35 of the Regulations, to grant an extension of the relevant time limits. Accordingly, the Chamber hereby extends the time limit for the disclosure of the Arrest Warrant Materials relating to the Relevant Witnesses mentioned in the Request until 1 July 2025.

8. Furthermore, the Chamber hereby also (i) extends the time limit for any applications for redactions not falling into the standard categories, non-disclosure of witnesses’ identities or non-disclosure of entire items of evidence until 16 June 2025; and (ii) instructs the Prosecution to conclude, in consultation with the Victims and Witnesses Unit (the ‘VWU’), the risk assessments and implementation of measures to protect witnesses and persons at risk by the same date. Should the VWU wish to submit observations on any such applications, it shall do so by no later than 16 June 2025. Finally, any responses to such applications shall be submitted, if any, by no later than 20 June 2025.

⁹ Email from the Defence, 11 May 2025 at 7:44; email from the OPCV, 12 May 2025 at 9:49.

FOR THESE REASONS, THE CHAMBER HEREBY

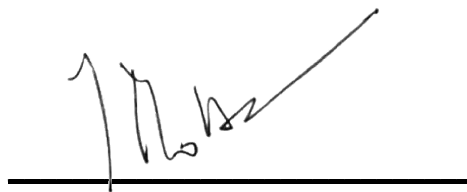
GRANTS the Request;

ORDERS the Prosecution to complete the disclosure of the Arrest Warrant Materials related to the Relevant Witnesses mentioned in the Request by no later than 1 July 2025;

ORDERS (i) the Prosecution to submit any applications for redactions not falling into the standard categories, non-disclosure of witnesses' identities or non-disclosure of entire items of evidence; and (ii) the VWU to submit observations on such applications, if any, by no later than 16 June 2025; and

ORDERS that any responses to such applications, if any, be submitted by no later than 20 June 2025.

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 Tuesday, 20 May 2025

At The Hague, The Netherlands