

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: **18 July 2025**

Original date: **14 July
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 Redacted Version of “Urgent Defence Request to Suspend Adjudication
on the Defence Request for Interim Release”**

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

Registrar
Osvaldo Zavala Giler

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☒ Detention Section

☐ Victims Participation and
Reparations Section

☐ Other

I. INTRODUCTION

1. The Defence submits this urgent request by way of filing given the Prosecution's opposition, communicated via email,¹ to the Defence's original request, also communicated via email,² for suspension of the Pre-Trial Chamber's adjudication on Mr Duterte's request for interim release until [REDACTED] have been communicated to the Defence and, subsequently, to the Pre-Trial Chamber. The Chamber, so it is submitted, should be in possession of all relevant materials, including [REDACTED], before making its first crucial determination on interim release.
2. The Defence respectfully requests that the Pre-Trial Chamber adjudicate on the present request, and seek the observations of the Prosecution and OPCV **as a matter of urgency**, given that its original request for interim release was notified on 12 June 2025, and Chambers are typically encouraged to decide on applications for interim release within 30 days.³ The urgency is also dictated by [REDACTED]'s failure to provide vital information to the Defence, and [REDACTED]'s current refusal to provide a definitive decision on whether [REDACTED] on behalf of the Defence may be permitted to [REDACTED].

II. SUBMISSIONS

3. At the time Mr Duterte's request for interim release was submitted on 12 June 2025, the Defence had been, for some time, seeking to obtain [REDACTED]

¹ Email, Prosecution to Pre-Trial Chamber, "Re: ICC-01/21-01/25: Duterte: Request to Suspend Adjudication of the Request for Interim Release", 11 July 2025, 10:57. Pursuant to [Regulation 23bis](#), this submission is filed with a confidential classification because it refers to subject matter and filings that have been deemed confidential.

² Email, Defence to Pre-Trial Chamber, "Re: ICC-01/21-01/25: Duterte: Request to Suspend Adjudication of the Request for Interim Release", 11 July, 1:19am.

³ ICC [Chambers Practice Manual](#) (2024), para. 11.

from [REDACTED] (“[REDACTED]”) in addition to asking for a [REDACTED] to [REDACTED] in order to [REDACTED] for the purpose of [REDACTED].

4. As elaborated in the [REDACTED] submitted on [REDACTED],⁴ the Defence’s attempts to obtain [REDACTED] over the course of two months have, for the most part, been slow-walked and stymied. Indeed, since 19 May 2025, more than twenty emails have been exchanged between the Defence and [REDACTED] in respect of the Defence’s requests to [REDACTED] and to receive [REDACTED] and a [REDACTED] that the [REDACTED] had overseen. The results of [REDACTED] ([REDACTED]), for example, were only provided to the Defence a few days ago. The Defence then discovered the following description of [REDACTED]:

[REDACTED].

[REDACTED].

5. As a result of obstacles emanating from [REDACTED], the [REDACTED], [REDACTED], has been unable to finalise his [REDACTED], principally because the Defence was, more than a month ago, “temporarily” prevented (without an appealable denial) the possibility of performing its own [REDACTED] that details the extent of the [REDACTED] of [REDACTED]. So [REDACTED] is this [REDACTED] that [REDACTED] is unable to [REDACTED] and [REDACTED] is unable to [REDACTED] in any [REDACTED]. This [REDACTED] is an essential element of the Defence argument that [REDACTED] to [REDACTED], to [REDACTED], and to [REDACTED].
6. The Prosecution has mischaracterised the [REDACTED] produced by [REDACTED] as incomplete, and has argued that it should not, consequently,

⁴ See [REDACTED], [REDACTED], [REDACTED].

be relied upon. A highly prejudicial situation has thus been created, by which Mr Duterte is unable to challenge a Prosecution assertion because of [REDACTED] and [REDACTED]. As a matter of fairness, therefore, the Pre-Trial Chamber must receive all pertinent information on [REDACTED] before rendering its decision, especially since [REDACTED] can be of relevance to interim release.⁵

III. CONCLUSION AND RELIEF SOUGHT

7. In light of the aforementioned, the Pre-Trial Chamber is respectfully requested to **suspend** its adjudication of the request for interim release until such time as the Defence has assembled all information necessary to permit [REDACTED] to complete [REDACTED]. This would entail the immediate performance of [REDACTED]:

- (i) [REDACTED] (which [REDACTED] has already approved), and
- (ii) [REDACTED] to be performed by [REDACTED] whose admission to [REDACTED] was, as mentioned above, “temporarily” denied by [REDACTED] in favour of [REDACTED] selected by [REDACTED] (and whose findings are still withheld from the Defence).⁶

⁵ [REDACTED].

⁶ The appointment of [REDACTED] was notified to the Defence on 12 June 2025. More than a month later the [REDACTED] still withheld from the Defence.

8. In the interests of justice, furthermore, the Pre-Trial Chamber is requested either to order or, failing that, strenuously to encourage the performance of [REDACTED] as a matter of extreme urgency.

A handwritten signature in black ink, reading "Nicholas Kaufman", written over a horizontal line.

Nicholas Kaufman
Counsel for Rodrigo Roa Duterte

Dated this 18th day of July 2025

The Hague, The Netherlands