

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: **18 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

**Public Redacted Version of “Prosecution’s response to ‘Urgent Defence Request to Suspend Adjudication on the Defence Request for Interim Release’”, 17 July 2025,
ICC- 01/21-01/25-196-Conf-Exp**

Source: Office of the Prosecutor

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

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☒ Counsel for the Defence

☐ Legal Representatives of the Victims

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I. INTRODUCTION

1. The Prosecution respectfully requests that the Chamber reject the “Urgent Defence Request to Suspend Adjudication on the Defence Request for Interim Release” (the “Request”).¹ The Defence chose when to file its urgent application for interim release (the “Request for Interim Release”),² knowing that the submitted [REDACTED] was incomplete. The Defence should not be permitted to suspend issuance of the decision on the basis that that it may, at some unknown point in the future, attempt to supplement its submission.

II. CONFIDENTIALITY

2. This Response is classified as confidential *ex parte*, Prosecution and Defence only, pursuant to regulation 23bis(2) of the Regulations of the Court, as it refers to filings and decisions of the same classification.

III. SUBMISSIONS

3. At the outset, the Defence’s submission that the Prosecution has “mischaracterised” the [REDACTED] by referring to it as incomplete and thus unreliable is incorrect.³ The fact that the [REDACTED] is incomplete is expressly stated in [REDACTED].⁴ This has been further confirmed by the Chamber, which ruled that [REDACTED].⁵ Thus, the Prosecution’s reference to the [REDACTED] as incomplete and unreliable is not a mischaracterisation, but an accurate factual statement expressed [REDACTED] and [REDACTED]. Regrettably, the Defence incorrectly claims that it is in a “highly prejudicial situation”, blaming [REDACTED].⁶ However, the fact that the Defence finds itself in the situation where it is unable to substantiate assertions made in its own, urgent motion, is entirely due to the Defence’s choice to file prematurely. The Defence has not been “prejudiced”.⁷

¹ Urgent Defence Request to Suspend Adjudication on the Defence Request for Interim Release, 14 July 2025, ICC-01/21-01/25-193-Conf.

² Urgent Request for Interim Release, 12 June 2025, ICC-01/21-01/25-150-Conf.

³ Request, para. 6.

⁴ [REDACTED]

⁵ [REDACTED].

⁶ Request, paras 2-6.

⁷ Request, para. 6.

4. Turning to the issue at hand, the Defence requests that the Chamber suspend its adjudication of the Request for Interim Release until “the Defence has assembled all information necessary” to complete [REDACTED].⁸ This Request should be rejected.

5. The Defence had full control over when it filed its Request for Interim Release and chose to do so in reliance on an incomplete [REDACTED]. The Defence submitted that the issue of interim release needed to be resolved urgently, to the extent that it requested that the Chamber reduce the Prosecution’s time limit to respond.⁹ In a complete reversal, the Defence now asks the Chamber, again on an urgent basis, *not* to rule on its Request for Interim Release.¹⁰ The fact that [REDACTED] was incomplete was known to the Defence when it filed its Request for Interim Release. It should not now be entitled to delay the adjudication of this matter simply so that it can supplement its original submission.

6. Further, the Defence’s suggestion that the [REDACTED], when completed, will contain “vital”¹¹ information relevant to its Request for Interim Release is speculative. Should the Chamber deny the Request for Interim Release, the Defence will have the opportunity in the future to renew its application should it have good cause to do so pursuant to the terms of article 60(3) of the Statute.

7. Finally, the Prosecution encourages Defence counsel to refrain from continuously attempting to provide its [REDACTED].¹²

⁸ Request, paras 1, 7.

⁹ Request for Interim Release, para. 6.

¹⁰ The Defence alleges that [REDACTED] is yet to be completed, in part, due to [REDACTED]. The Prosecution notes that it does not have access to the [REDACTED], which is referenced by the Defence in support of this argument.

¹¹ Request, para. 2.

¹² *See for example* Request, paras 4-5; [REDACTED].

IV. REQUESTED RELIEF

8. For the above reasons, the Prosecution respectfully requests that the Chamber reject the Defence's Request.

A handwritten signature in black ink, appearing to read 'Mandiaye Niang', written over a horizontal line.

Mame Mandiaye Niang, Deputy Prosecutor

Dated this 18th day of July 2025

At The Hague, the Netherlands