



Original: English

No. ICC-01/21-01/25

Date: 23 July 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 ‘Urgent Defence Request to Suspend Adjudication on the Defence Request
for Interim Release’

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, by majority with Judge María del Socorro Flores Liera partly dissenting (the ‘Majority’), the present decision on the 14 July 2025 ‘Urgent Defence Request to Suspend Adjudication on the Defence Request for Interim Release’.¹

I. Procedural history

1. On 12 June 2025, the Defence filed an ‘Urgent Request for Interim Release’.²
2. On 23 and 25 June 2025, respectively, the Prosecution and the Office of Public Counsel for Victims (the ‘OPCV’) opposed the Interim Release Request.³
3. On 26 June 2025, the Defence requested leave to reply to the Prosecution’s response,⁴ which the Prosecution and the OPCV opposed on 30 June 2025 and 1 July 2025, respectively.⁵
4. On 3 and 11 July 2025, pursuant to the Chamber’s order,⁶ the Registry transmitted the observations submitted by relevant States.⁷
5. On 14 July 2025, the Defence filed the Request, seeking that the Chamber (i) ‘suspend its adjudication of the [Interim Release Request] until such time as the Defence has assembled all information necessary’ in support (the ‘First Issue’); and (ii) ‘order or, failing that, strenuously to encourage the performance of’ certain procedures (the ‘Second Issue’).

¹ ICC-01/21-01/25-193-Conf (public redacted version notified on 18 July 2025, ICC-01/21-01/25-193-Red) (the ‘Request’).

² ICC-01/21-01/25-150-Conf-Exp (public redacted version notified on the same day, ICC-01/21-01/25-150-Red), with confidential *ex parte* annexes A, B and C (the ‘Interim Release Request’).

³ Prosecution’s response to “Urgent Request for Interim Release”, ICC-01/21-01/25-159-Conf-Exp (confidential and public redacted versions notified on the same day, ICC-01/21-01/25-159-Conf-Exp-Red and ICC-01/21-01/25-159-Red); Victims’ Response to the Defence Urgent Request for Interim Release, ICC-01/21-01/25-162-Conf-Exp (public redacted version notified on the same day, ICC-01/21-01/25-162-Red).

⁴ Defence Request for Leave to Reply to ICC-01/21-01/25-159 (Prosecution’s response to Defence’s “Urgent Request for Interim Release”), ICC-01/21-01/25-165-Conf-Exp (confidential and public redacted versions notified on 27 June 2025, ICC-01/21-01/25-165-Conf-Red and ICC-01/21-01/25-165-Red), with confidential *ex parte* annex A.

⁵ Prosecution’s response to ‘Defence Request for Leave to Reply to ICC-01/21-01/25-159 (Prosecution’s response to Defence’s “Urgent Request for Interim Release”’, ICC-01/21-01/25-166-Conf-Exp (confidential redacted version notified on the same day, ICC-01/21-01/25-166-Conf-Exp-Red; public redacted version notified on 3 July 2025, ICC-01/21-01/25-166-Red); Victims’ Response to the “Confidential Redacted Version of the ‘Defence Request for Leave to Reply to ICC-01/21-01/25-159 (Prosecution’s response to Defence’s ‘Urgent Request for Interim Release’), 26 June 2025”, ICC-01/21-01/25-169-Conf-Exp (public redacted version notified on 3 July 2025, ICC-01/21-01/25-169-Red).

⁶ Order inviting observations pursuant to rule 119(3) of the Rules of Procedure and Evidence and regulation 51 of the Regulations of the Court, 18 June 2025, ICC-01/21-01/25-155-Conf.

⁷ Annex II to ICC-01/21-01/25-175-Conf; Annex II to ICC-01/21-01/25-188-Conf.

6. On 17 July 2025, the Prosecution opposed the Request,⁸ submitting that ‘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’, and therefore it ‘should not be permitted to suspend issuance of the decision [on the Interim Release Request] on the basis that [...] it may, at some unknown point in the future, attempt to supplement its submission’.

II. Determination

7. At the outset, the Chamber clarifies that the Second Issue presented by the Defence is a matter unrelated to the main purpose of the Request, and it is the object of separate litigation. Accordingly, the Chamber shall not entertain the Second Issue raised in the Defence’s Request.

8. As to the First Issue, the Chamber notes that suspending the adjudication of a request is not a remedy *per se*, and it is not provided for in the Court’s legal framework. In principle, the Chamber adjudicates requests submitted to it based on the supporting information and materials that are made available by the submitter at the time of the request, together with any relevant further submissions provided in accordance with the procedure set forth in the Court’s legal framework. For a proper and efficient unfolding of judicial proceedings, it is therefore the Defence’s responsibility to ensure that all relevant information and materials in support of its requests are put before the Chamber at the time of submission, particularly when adjudication is sought on an urgent basis.

9. The Majority further notes, however, that interim release proceedings pursuant to article 60(2) of the Rome Statute may exclusively be triggered by the ‘person subject to a warrant of arrest’, who preserves the right to submit a request for interim release, or not, at any point in time ‘pending trial’. Accordingly, and to ensure that a decision on the Interim Release Request is appropriately informed, the Majority considers it appropriate, in the circumstances, to defer the issuance of its decision on the Interim Release Request until further action is undertaken by the Defence on the matter, or until when the Chamber will deem it appropriate.

10. The Majority emphasises that the present decision shall not be construed as prejudging any matter to be determined in the context of the proceedings related to the Interim Release Request, including in its eventual decision thereon.

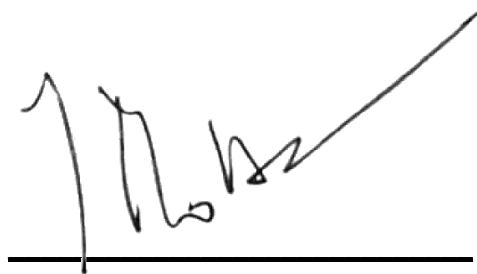
⁸ Prosecution’s response to “Urgent Defence Request to Suspend Adjudication on the Defence Request for Interim Release”, ICC-01/21-01/25-196-Conf-Exp (confidential redacted version notified on the same day, ICC-01/21-01/25-196-Conf-Red; public redacted version notified on 18 July 2025, ICC-01/21-01/25-196-Red).

FOR THESE REASONS, THE CHAMBER HEREBY

GRANTS, by majority with Judge María del Socorro Flores Liera dissenting, the Request with regard to the First Issue and **DEFERS** the issuance of a decision on the Interim Release Request until further action is undertaken by the Defence on the matter, or until when the Chamber will deem it appropriate; and

REJECTS the Request with regard to the Second Issue.

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 Wednesday, 23 July 2025

At The Hague, The Netherlands