

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: **24 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 "Defence Observations Pursuant to Orders ICC-01/21-01/25-94 and ICC-01/21-01/25-114"

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 for Mr Rodrigo Roa Duterte hereby provides the information ordered by the Pre-Trial Chamber in its 17 April 2025 order on the conduct of confirmation proceedings,¹ with reference to its earlier ‘invitation’ in the 21 March 2025 order seeking observations on the same matters.²

II. SUBMISSIONS

2. [REDACTED]. [REDACTED], [REDACTED], [REDACTED].

3. [REDACTED], [REDACTED]:

[REDACTED].³

4. [REDACTED], [REDACTED]:

[REDACTED].⁴

5. [REDACTED]. [REDACTED]. [REDACTED]. [REDACTED]. [REDACTED].

6. [REDACTED],⁵ [REDACTED]:

[REDACTED].⁶

7. [REDACTED]. [REDACTED]. [REDACTED]. [REDACTED].

¹ Order on the conduct of confirmation proceedings, [ICC-01/21-01/25-114](#), 17 April 2025, para. 26 (“Order of 17 April”). All references to “Article” and to “Rules” in the present submission are to the Rome Statute and the ICC Rules of Procedure and Evidence (“RPE”), respectively, unless otherwise indicated. [REDACTED].

² Order seeking observations on matters related to the conduct of confirmation proceedings, [ICC-01/21-01/25-94](#), 21 March 2025 (“Order of 21 March 2025”), para. 5.

³ See Annex 7 to the Report on decisions and orders issued by way of email for the period February 2025 - April 2025, [ICC-01/21-01/25-133-Conf-Anx7](#), 14 May 2025 (“Annex 7 to the Report”), p. 5 (an email from Counsel to Pre-Trial Chamber I, “[REDACTED]”, 14 March 2025, 06:48, para. 7).

⁴ See [Annex 7 to the Report](#), p. 3 (an email response from Pre-Trial Chamber I to Counsel, “[REDACTED]”, 14 March 2025, 12:22, para. 13).

⁵ Decision convening a hearing for the first appearance of Mr Rodrigo Roa Duterte, [ICC-01/21-01/25-90](#), 13 March 2025, para. 9.

⁶ Transcript of the Initial Appearance, [ICC-01/21-01/25-T-002-ENG](#), 14 March 2025, [REDACTED].

8. [REDACTED]. [REDACTED].⁷ [REDACTED]. [REDACTED].
9. [REDACTED]. [REDACTED]. [REDACTED].
10. [REDACTED].
11. In conformity with paragraph 5 of the Order of 21 March 2025, the Defence, [REDACTED], provides the following information, based on [REDACTED] the disclosed evidence:

5(a): [REDACTED], there is **no alibi** to present to the Pre-Trial Chamber.

There is, furthermore, no ground that will be raised for the exclusion of criminal responsibility pursuant to Article 31 of the Rome Statute.

5(b): The Defence is conducting investigations [REDACTED], but these investigations **need not hold up** the hearing on the confirmation of charges.

5(c): The Defence will present **documentary evidence** at the confirmation hearing.

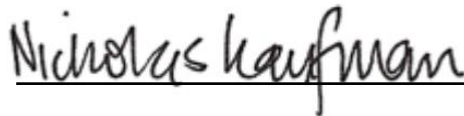
5(d): The Defence **will not call witnesses** to testify at the confirmation hearing. This is a principled decision because credibility is given little weight at confirmation. Furthermore, the Defence does not wish to give advance notice of the many potential Defence witnesses who would counter the evidence provided by the Prosecution's discrete and carefully selected band of witnesses – to be counted on the fingers of one hand [REDACTED] who [REDACTED] directly incriminate Mr Duterte [REDACTED].

⁷ Regulations of the Registry, [Regulation 156\(2\)](#).

5(e): For the same reason mentioned above, the Defence **will not supply written testimonial evidence** at confirmation, thereby permitting the Prosecution to adapt its investigation accordingly, should charges be confirmed.

5(f): The Defence has no books, documents, photographs, or other tangible objects that the Prosecution is entitled to inspect pursuant to Rule 78 of the Rules of Procedure and Evidence.

12. Finally, and pursuant to paragraph 41 of the Order of 17 April 2025, the Defence refers the Pre-Trial Chamber to the Defence Notification of 17 July 2025,⁸ and reiterates its request to [REDACTED] as a bar to the holding of the hearing on the confirmation of charges.

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

Nicholas Kaufman
Counsel for Rodrigo Roa Duterte

Dated this 24th day of July 2025

At The Hague, The Netherlands

⁸ Defence Notification, [ICC-01/21-01/25-197-Conf](#), 17 July 2025, para. 4.