

**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

CONFIDENTIAL

Defence Response to *Amicus Curiae* Request ICC-01/21-01/25-195-Conf-Anx

Source: Defence for Mr Rodrigo Roa Duterte

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

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Duterte Defence Team |
| ☐ Legal Representatives of the Victims | ☐ Legal Representatives of the Applicants |
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| ☒ The Office of Public Counsel for Victims | ☐ The Office of Public Counsel for the Defence |
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Dr. Maria Stefania Cataleta |

I. INTRODUCTION

1. The Defence for Mr Rodrigo Roa Duterte notes the Registry Transmission of a “Request for authorisation to file submissions” filed by Dr. Maria Stefania Cataleta (the “Applicant”) pursuant to Rule 13(1) of the Rules of Procedure and Evidence.¹
2. The Defence opposes the request for authorisation to file submissions. In the **first** place, the Applicant fails to specify the issue on which she intends to provide her purported “expertise”. In the absence of a defined issue, it is unclear if, or to what extent, the Applicant would even be able to offer a novel perspective or expertise beyond what the parties and the Chamber are capable of addressing. Indeed, it is unclear how the *amicus* brief would assist the Chamber in its “proper determination of the case”. The request is devoid of substance and should be dismissed.
3. **Second**, the absence of a “neutral” position in the proceedings is not, and cannot be assumed to be, a gap to be filled. On the contrary, Chambers typically grant *amicus* applications on the basis of the specific relevance of the proposed submissions to the issue to be adjudicated.

II. PROCEDURAL HISTORY

4. On 17 April 2025, the Pre-Trial Chamber issued its “Decision on a request for leave to submit *amicus curiae* observations and setting the procedure regarding requests for authorisation to file submissions”.² The Chamber directed the

¹ Registry Transmission of a “Request for authorization to file submissions”, [ICC-01/21-01/25-195-Conf](#), 15 July 2025 (“Transmission Request”). 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. This response is filed confidentially pursuant to [Regulation 23bis\(2\)](#) as it is responsive to a transmission of the same classification. The Defence does not oppose the publication of this submission as public should the Chamber so order.

² Decision on a request for leave to submit *amicus curiae* observations and setting the procedure regarding requests for authorization to file submissions, [ICC-01/21-01/25-115](#), 17 April 2025 (“Decision on *Amicus Curiae*”).

Registry to confidentially file and register the requests for authorisation to make submissions before it.³

5. On 10 July 2025, the Registry received an e-mail from the Applicant with the “Request for authorisation to file submissions” attached thereto.⁴
6. On 15 July 2025, the Registry filed the Transmission of Request and transmitted the Applicant’s Request as an annex.

III. APPLICABLE LAW

7. The present Response is filed pursuant to Rule 103(1) and (2) of the Rules of Procedure and Evidence:

- (1) At any stage of the proceedings, a Chamber may, if it considers it desirable for the proper determination of the case, invite or grant leave to a State, organization or person to submit, in writing or orally, any observation on any issue that the Chamber deems appropriate.
- (2) The Prosecutor and the defence shall have the opportunity to respond to the observations submitted under sub-rule 1.

A decision to accept *amicus curiae* observations is discretionary, and Chambers typically accept them only in exceptional cases when it believes that such contributions offer valuable expertise on specific topics.⁵

IV. SUBMISSIONS

8. The Defence opposes the Applicant’s Request on the grounds that the proposed submission fails to meet the criteria for admissibility.⁶ The Applicant has not

³ [Decision on Amicus Curiae](#) para. 6.

⁴ [Transmission of Request](#), para. 4.

⁵ *Abd-Al-Rahman*, Decision on victim applications for participation, legal representation, leave to appeal and *amicus curiae* requests, [ICC-02/05-01/20-398](#), 20 May 2021, para. 71.

⁶ *Muthaura, Kenyatta and Ali*, Decision on the “Request for leave to submit Amicus Curiae observations pursuant to Rule 103 of the Rules of Procedure and Evidence”, [ICC-01/09-02/11-118](#), 13 June 2011, para. 7; *Muthaura, Kenyatta and Ali*, Decision on the “Request by Ms. Moraa Gesicho to Appear as Amicus

demonstrated how the *amicus* brief will offer a distinct legal perspective or technical expertise that is not, or could not, already adequately be represented by the parties to the proceedings.

9. The Applicant suggests that her contribution could benefit the Court in making a decision regarding the request for interim release by providing an opportunity to consider a neutral perspective beyond those of the parties involved.⁷ However, this request is manifestly unfounded, since the Applicant does not specify the particular issues that she intends to address.⁸ Nor does she demonstrate how, precisely, her observations would assist the Chamber by providing novel insights, technical expertise, or specialised knowledge that neither party to the proceedings could adequately present.⁹ The Request is devoid of any specificity of the issue to be addressed or expertise to be forwarded beyond general representations of “neutrality”, “pursuit of justice” and “good administration of international proceedings”.¹⁰
10. The opacity of the Applicant's Request obfuscates the relevance, if any, of the intended submissions. Without clarity as to the issue or purpose of the

Curiae”, [ICC-01/09-02/11-54](#), 12 April 2011, para. 15; *Lubanga*, Decision on the Request submitted pursuant to rule 103(1) of the Rules of Procedure and Evidence, [ICC-01/04-373](#), 17 August 2007, para. 4. See also *Gatete*, ICTR-2001-61-11bis, [Decision on Amicus Curiae Requests \(IBUKA, AVEGA and ICDA\)](#) Rule 74 of the Rules of Procedure and Evidence, 30 June 2008, para. 4.

⁷ [Applicant's Request](#), para. 5.

⁸ *Situation in Afghanistan*, *Amicus Curiae* Observations, [ICC-02/17-114 15-11-2019](#), 15 November 2019; *Situation in Myanmar*, Request for leave to submit an *Amicus Curiae* brief pursuant to Rule 103(1) of the Rules of Procedure and Evidence on the “Prosecution's Request for a Ruling on Jurisdiction under Article 19(3) of the Statute”, [ICC-RoC46\(3\)-01/18-6](#), 25 May 2018, paras 11-14; *Al-Bashir*, Expression of interest to make submissions as *amicus curiae* in judicial proceedings (pursuant to rule 103 of the Rules of Procedure and Evidence), [ICC-02/05-01/09-345](#), 30 April 2018.

⁹ *Al Hassan*, Second Decision on Request for leave to file *amicus curiae* observations, [ICC-01/12-01/18-1228](#), 24 December 2020, para. 3; *Gbagbo*, Decision on a request under Rule 103(1) of the Rules of Procedure and Evidence, [ICC-02/11-01/15-1112](#), 26 January 2018, para. 6.

submissions, the Defence is left to speculate on their relevance or meaningful contribution to the proceedings.

V. CONCLUSION AND RELIEF SOUGHT

11. For the reasons described above, the Pre-Trial Chamber is respectfully requested to **reject** the Applicant's Request to file *amicus curiae* submissions in the present proceedings.



Nicholas Kaufman
Counsel for Rodrigo Roa Duterte

Dated this 24th day of July 2025

At The Hague, The Netherlands