

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date of original: **3 April 2025**

Date: **15 August 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 Response to ICC-01/21-01/25-81-Conf
Defence Response to ICC-01/21-01/25-100-Conf”**

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

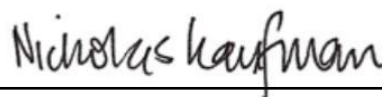
☐ Victims and Witnesses Unit

☐ Detention Section

☐ Victims Participation and
Reparations Section

☐ Other

1. Conflicts of interest should be determined by counsel and by counsel alone. Conflicts of interest may be resolved between counsel and his respective clients – whether by waiver or withdrawal.
2. The Defence has noted the Prosecutor’s voluntary notifications¹ and the distinction that he makes between his involvement in the situation and in the present case for the purpose of Article 42(7) of the Rome Statute. The Defence, also, notes that one of the individuals referenced in paragraph 5 of the second notification is now slated to be a witness in “*the case*” against Mr. Duterte whereas the other is to be interviewed. Counsel fully accepts that the neglect to mention this matter in the first notification resulted from an “inadvertent oversight”.
3. On the face of the notifications, there is no ostensible reason to doubt the Prosecutor’s impartiality or his assertions that he is not conflicted on account of his former representation of [REDACTED]. As [REDACTED], and as the Prosecutor, it is understood that interests are aligned. There is no reason to believe that the Prosecutor will not act in accordance with his duties to “*investigate...exonerating circumstances*”, to “*fully respect the rights of*”² Mr. Duterte and, overall, to act fairly.
4. To his credit, the Prosecutor immediately contacted Counsel, after the latter’s appointment, to brief him on the matter at hand. Counsel is assured that the Prosecutor is aware of his duty to inform the Pre-Trial Chamber, immediately, of any change in circumstances.
5. Accordingly, and despite the mandatory nature of Article 42(7) of the Rome Statute, the Defence, for its part, will not impede the smooth running of proceedings by seeking the Prosecutor’s disqualification.



Nicholas Kaufman
Counsel for Rodrigo Roa Duterte

Dated this 15 August 2025
At Jerusalem, Israel

¹ ICC-01/21-01/25-81-Conf & ICC-01/21-01/25-100-Conf.

² Articles 54(1)(a) & 54(1)(c) of the Rome Statute.