

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date of original: **6 August
2025**

Date: **19 August 2025**

APPEALS CHAMBER

Before: Judge Erdenebalsuren Damdin, Presiding Judge
Judge Tomoko Akane
Judge Solomy Balungi Bossa
Judge Luz del Carmen Ibáñez Carranza
Judge Gocha Lordkipanidze

SITUATION IN THE REPUBLIC OF THE PHILIPPINES

IN THE CASE OF THE PROSECUTOR v. RODRIGO ROA DUTERTE

PUBLIC

**Lesser Public Redacted Version of “Defence Request to Disqualify Chief
Prosecutor Karim Khan”, ICC-01/21-01/25-226-Conf**

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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☒ 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

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I. INTRODUCTION

1. Chief Prosecutor Karim Khan, currently on self-imposed leave because of allegations of sexual misconduct, failed to disclose a grievous conflict of interest and must now, immediately and without delay, be disqualified from any further role in the case against Mr Rodrigo Roa Duterte. The extent of Mr Khan's contamination of the integrity of the investigation against Mr Duterte will be litigated at the confirmation of charges hearing. For the time being, however, the Appeals Chamber is requested to disqualify Mr Khan from resuming a role in the case against Mr Duterte should he surmount his current difficulties.
2. This request to disqualify Mr Khan is grounded in an irreconcilable conflict of interest arising out of his former aggressive representation of [REDACTED] "more than a 100 victims"¹ of an alleged policy of extra-judicial drug-related killings in the Philippines and his subsequent role as Chief ICC Prosecutor, charged with overseeing a fair and **impartial** investigation of that very same policy of killing.
3. When assuming the role of Chief Prosecutor in June 2021, and proceeding to oversee the investigation in the Philippines, Mr Khan took on the statutory obligation of actively seeking exculpatory evidence. Yet such exculpatory evidence could, by its very nature, cast doubt on the testimony provided by the same people whose interests he had been charged to protect. There is nothing to suggest that Mr Khan has sought a waiver from his former instructing client, including the "more than a 100 victims" that he had formerly represented.

¹ [REDACTED]. 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. The present request is filed confidentially pursuant to [Regulation 23bis\(1\)](#) as it contains confidential information therein. A public redacted version will be filed forthwith.

4. In these circumstances, and absent information to the contrary, Mr Khan abused the criminal process to push forward an investigation in which he had an undeclared personal interest or, at the very least, an undeclared personal obligation from which he had not sought to release himself.
5. Given the imminence of the confirmation of charges hearing, presently scheduled for 23 September 2025,² the Defence respectfully requests that the Appeals Chamber swiftly adjudicate this request to ensure that Mr Khan is precluded from further participation in, and contamination of, the present case.

II. PROCEDURAL BACKGROUND

6. On 8 February 2018, the former Chief Prosecutor Fatou Bensouda announced that she was opening a preliminary investigation into the Situation in the Republic of the Philippines. Contemporaneously, Ms Bensouda stated as follows:

[i]n the independent and impartial exercise of its mandate, my Office will also give consideration to all submissions and views conveyed to it during the course of each preliminary examination, strictly guided by the requirements of the Rome Statute.³

7. On 29 June 2018, in his capacity as a private lawyer for hire, Mr Khan signed off on a communication in which he requested that Ms Bensouda make “an application to the Pre-Trial Chamber for authorization to open an investigation pursuant to Article 15 of the Rome Statute in the Philippines”.⁴ In this lengthy communication [REDACTED], Mr Khan represented [REDACTED], [REDACTED], [REDACTED] as well as “more than 100 victims”.⁵ Mr Khan did

² Order on the conduct of confirmation proceedings, [ICC-01/21-01/25-114](#), 17 April 2025, para. 37.

³ See [Statement of the Prosecutor of the International Criminal Court, Fatou Bensouda, on opening Preliminary Examinations into the situations in the Philippines and in Venezuela](#), 8 February 2018.

⁴ [REDACTED].

⁵ [REDACTED].

not mince his words: He [REDACTED] “[REDACTED]”.⁶ Mr Khan also added that [REDACTED] by “[REDACTED]”.⁷ In [REDACTED], Mr Khan [REDACTED].⁸

8. On 3 July 2018, [REDACTED] after receiving Mr Khan’s communication, Ms Bensouda sought the Pre-Trial Chamber’s exceptional approval to [REDACTED],⁹ and, as it later turned out, had also [REDACTED].¹⁰ It is not known to what extent Mr Khan was involved in [REDACTED] or whether Mr Khan spoke to Ms Bensouda.
9. On 7 November 2018, a British barrister by the name of [REDACTED] was appointed to represent [REDACTED]. This lawyer was selected by [REDACTED].¹¹ There is no apparent reason why a random and presumably penniless witness from the Philippines should privately hire a British barrister to represent his interests. [REDACTED], however, [REDACTED] as Mr Khan: [REDACTED]. [REDACTED] has denied having spoken to Mr Khan about his representation of [REDACTED] as well as [REDACTED] who directly incriminates Mr Duterte, [REDACTED].¹² Without imputing any malfeasance to [REDACTED], it appears highly unlikely that [REDACTED] would have sought out and been represented by [REDACTED] were it not for Mr Khan’s involvement. The same may be said for another witness who had been offered the services of [REDACTED] “[REDACTED]”.¹³ Mr Khan [REDACTED] [REDACTED], [REDACTED], is one of the few [REDACTED] on the list of

⁶ [REDACTED].

⁷ [REDACTED] (emphasis added).

⁸ [REDACTED].

⁹ [REDACTED].

¹⁰ Email, Prosecution to Defence, “[REDACTED]”, 10 July 2025, 14:46 (“Prosecution Email on [REDACTED]”) (“[REDACTED]”).

¹¹ See [REDACTED] and [REDACTED].

¹² Email, [REDACTED] to Counsel, “[REDACTED]”, 25 July 2025, 13:06 (“[REDACTED]”). See also Email, Counsel to [REDACTED], “[REDACTED]”, 22 July 2025, 23:42 (“[REDACTED]. [REDACTED]”).

¹³ [REDACTED].

counsel at the ICC, of whom most are known to [REDACTED] and to Mr Khan. Both the Prosecution and the Registry have refused to disclose the identity of [REDACTED].

10. On 24 May 2021, Ms Bensouda formally requested the opening of an investigation into the Situation in the Republic of the Philippines.¹⁴ In so doing, she stated that “[a]ny authorised investigation in the Philippines will fall to my able successor, Mr Karim Khan, to take forward”.¹⁵ Mr Khan has since interpreted this throw-away compliment to mean that there was no “issue regarding his involvement in the Philippines situation”.¹⁶
11. On 16 June 2021, Mr Khan was formally sworn in as Chief Prosecutor of the International Criminal Court.¹⁷
12. On 15 September 2021, Pre-Trial Chamber I authorised the Prosecution, headed by Mr Khan, to commence an investigation into the Situation in the Republic of the Philippines.¹⁸
13. On 18 November 2021, Mr Khan notified the Pre-Trial Chamber that on 10 November 2021 he had received a deferral request from the Philippines, pursuant to article 18(2) of the Statute.¹⁹ As a result, Mr Khan was obliged, statutorily, to suspend his investigative activities.²⁰

¹⁴ Public redacted version of “Request for authorisation of an investigation pursuant to article 15(3)”, 24 May 2021, ICC-01/21-7-SECRET-Exp, [ICC-01/21-7-Red](#), 14 June 2021.

¹⁵ See [Statement of the Prosecutor, Fatou Bensouda, on her request to open an investigation of the Situation in the Philippines](#), 14 June 2021.

¹⁶ Public Redacted Version of “Prosecutor’s Notification”, [ICC-01/21-01/25-81-Red](#), 18 August 2025 (“Prosecutor’s Notification”), para. 8, fn. 7.

¹⁷ See ICC Website, “Who’s Who”, [Karim A. A. Khan KC](#).

¹⁸ Decision on the Prosecutor’s request for authorisation of an investigation pursuant to Article 15(3) of the Statute, [ICC-01/21-12](#), 15 September 2021.

¹⁹ Annex A to the Notification of the Republic of the Philippines’ deferral request under article 18(2), [ICC-01/21-14-AnxA](#), 18 November 2021.

²⁰ Notification of the Republic of the Philippines’ deferral request under article 18(2), [ICC-01/21-14](#), 18 November 2021.

14. In just seven months, however, on 24 June 2022, Mr Khan was back before the Pre-Trial Chamber, requesting it to authorise the resumption of the investigation into the Philippines Situation pursuant to article 18(2) of the Statute.²¹ In so doing, Mr Khan relied on findings made by [REDACTED], the very same [REDACTED].²²
15. After lengthy litigation and the determination of an appeal submitted by the Government of the Philippines in the Prosecution's favour,²³ Mr Khan continued to supervise the Philippines investigation unabated until the very eve of the submission of an application for the arrest of Mr Duterte.²⁴ As far as the Defence is aware, Mr Khan did not notify either the Pre-Trial Chamber or the Appeals Chamber of his former involvement in the Philippines situation. In fact, a simple search of the internet reveals absolutely nothing concerning Mr Khan's role therein nor his former representation of [REDACTED].
16. Nonetheless, prompted – so he now claims²⁵ – by an attempt to disqualify him on other grounds giving rise to a conflict of interest in the Situation in the Bolivarian Republic of Venezuela I,²⁶ Mr Khan decided not to “participate in the evidence review” of the application for an arrest warrant for Mr Duterte.²⁷

²¹ Prosecution's request to resume the investigation into the situation in the Philippines pursuant to article 18(2), [ICC-01/21-17](#), 24 June 2022 (“Prosecution's Request to Resume Investigation”).

²² [Prosecution's Request to Resume Investigation](#), [REDACTED].

²³ Decision on request for suspensive effect of Pre-Trial Chamber I's “Authorisation pursuant to article 18(2) of the Statute to resume the investigation” of 26 January 2023 (ICC-01/21-56), [ICC-01/21-67](#), 27 March 2023.

²⁴ [REDACTED] (“Application for Warrant of Arrest”).

²⁵ [REDACTED].

²⁶ See Registry Transmission of a “Request for Recusal of the Prosecutor of the International Criminal Court in the Case of Venezuela I Due to Conflict of Interest”, [ICC-02/18-92](#), 12 November 2024 and the attached Annex I, “Formal Complaint Regarding Conflict of Interest and Ethical Violations Involving Ms. Venkateswari Alagendra and ICC Prosecutor Karim Khan”, [ICC-02/18-92-AnxI](#), 12 November 2024; and II, “Request for Recusal of the Prosecutor of the International Criminal Court in the Case of Venezuela I Due to Conflict of Interest”, [ICC-02/18-92-AnxII](#), 12 November 2024.

²⁷ [Prosecutor's Notification](#), para. 9.

17. Accordingly, on 10 February 2025, an application for the arrest of Mr Duterte was filed with Pre-Trial Chamber I and signed by the Deputy Prosecutor Mame Mandiaye Niang.²⁸
18. Shortly thereafter, after having had sat on the information for the best part of four years, Mr Khan notified the Pre-Trial Chamber on 6 March 2025, for the very first time, that he had represented [REDACTED].²⁹ Mr Khan asserted that he considered “that no conflict of interest exists which requires [him] to request excusal”, and added, for good measure, that he “was not involved in investigations or interviewing any victim or witness”.³⁰ This was wholly untrue. Mr Khan stated that he had merely “participated *pro bono* in reviewing and presenting the submission to the then Prosecutor Bensouda”.³¹ The contents of the communication he authored, so he opined, “should not be equated automatically with” his personal views.³² By way of conclusion, Mr Khan informed the Court that he would resume his conduct and oversight of the prosecution of Mr Duterte should an arrest warrant be issued.³³
19. Barely had the ink dried on this notification when, on 7 March 2025, the Pre-Trial Chamber issued its warrant for the arrest of Mr Duterte.³⁴
20. On 12 March 2025, Mr Duterte was surrendered to the Court.³⁵ Two days later, Mr Khan appeared in Court, heading the Prosecution team, at Mr Duterte’s initial appearance.

²⁸ [Application for Warrant of Arrest](#).

²⁹ [REDACTED].

³⁰ [Prosecutor’s Notification](#), para. 3.

³¹ [Prosecutor’s Notification](#), para. 3.

³² [Prosecutor’s Notification](#), para. 24(g).

³³ [Prosecutor’s Notification](#), para. 25.

³⁴ Warrant of Arrest for Mr Rodrigo Roa Duterte, [ICC-01/21-83](#), 7 March 2025.

³⁵ ICC Press Release, [Situation in the Philippines: Rodrigo Roa Duterte in ICC custody](#), 12 March 2025.

21. On 1 April 2025, Mr Khan informed the Pre-Trial Chamber that he needed to “correct certain factual averments in the notification submitted on 6 March 2025 [...] in light of additional information that he has since become aware of [...]”.³⁶ Put simply, Mr Khan admitted that he had mislead the Court. Mr Khan revealed that he had [REDACTED] but, rather, that he had [REDACTED]. Mr Khan, furthermore, admitted to having interviewed an individual ([REDACTED]) and who will undoubtedly be [REDACTED]. [REDACTED] Mr Khan formed the basis of [REDACTED]. Counsel has since learned, as a result of *inter partes* communication,³⁷ that Mr Khan in fact [REDACTED] in the context of his involvement [REDACTED].³⁸
22. On 3 April 2025, Counsel, without having seen the [REDACTED] – at that time not yet disclosed to the Defence – and relying on the presumption of prosecutorial regularity, indicated that he would not seek the disqualification of Mr Khan. Counsel stated that “[o]n the face of the notifications, there is no ostensible reason to doubt [Mr Khan’s] impartiality [...]” or “to believe that [Mr Khan] will not act in accordance with his duties to “investigate ... exonerating circumstances”, to “fully respect the rights of” Mr Duterte, and to “act fairly”.³⁹
23. On 27 June 2025, the Prosecution disclosed Mr Khan’s Article 15 communication and Counsel was exposed, for the first time, to the Article 15 communication and to the true extent of Mr Khan’s involvement in pre-investigation activity.⁴⁰ Counsel then engaged in lengthy *inter partes* communications with the Prosecution in an attempt to discern the full scope of

³⁶ Prosecutor’s Second Notification, [ICC-01/21-01/25-100](#), 1 April 2025, para. 1.

³⁷ See e.g. Prosecution Email on [REDACTED] (“[REDACTED]”).

³⁸ [REDACTED].

³⁹ Public Redacted Version of “Defence Response to ICC-01/21-01/25-81-Conf, Defence Response to ICC-01/21-01/25-100-Conf”, [ICC-01/21-01/25-102-Red](#), 15 August 2025, para. 3.

⁴⁰ Annex B to the Prosecution’s Eleventh Communication of the Disclosure of Evidence, [ICC-01/21-01/25-168-Conf-AnxB](#), 1 July 2025, p. 11.

Mr Khan's former involvement in the Situation as victims' representative; the Prosecution declined to respond to all of Counsel's questions.

24. In the meantime, the Appeals Chamber adjudicated, on 1 August 2025, the request to conduct an *ex officio* review of the Prosecutor's less glaringly flagrant conflict of interest in the Venezuela I Situation, determining that there is "reason to believe that a ground for the disqualification of the Prosecutor exists".⁴¹ This finding was based on the Prosecutor's close familial relationship with his sister-in-law, Ms Venkateswari Alagendra, who acts as Government Counsel in that case, as well as their prior professional and hierarchical connection.⁴² As such, a fair-minded and reasonable observer, fully informed and having considered all relevant facts and circumstances, would reasonably apprehend bias.⁴³

III. APPLICABLE LAW

25. Article 42(7) states, in pertinent part, that

[n]either the Prosecutor nor a Deputy Prosecutor shall participate in any matter in which **their impartiality might reasonably be doubted on any ground**. They shall be disqualified from a case in accordance with this paragraph if, *inter alia*, they **have previously been involved in any capacity** in that case before the Court or in a related criminal case at the national level involving the person being investigated or prosecuted.

26. Article 42(8)(a) makes clear that requests for disqualification of the Chief or Deputy Prosecutor shall be decided by the Appeals Chamber, and that

[t]he person being investigated or prosecuted may at any time request the disqualification of the Prosecutor or a Deputy Prosecutor on the grounds set out in this article.

⁴¹ *Situation in the Bolivarian Republic of Venezuela I*, Decision on the "Request for the Appeals Chamber to Conduct an Ex Officio Review of the Prosecutor's Conflict of Interest in the Venezuela I Situation", [ICC-02/18-118](#), 1 August 2025 ("Venezuela Decision"), para. 45.

⁴² [Venezuela Decision](#), para. 44.

⁴³ *Id.*

27. Rule 34(1) further provides that

[t]he grounds for disqualification of a judge, the Prosecutor or a Deputy Prosecutor shall include, *inter alia*, the following:

(a) Personal interest in the case, including a spousal, parental or other close family, personal or professional relationship, or a subordinate relationship, with any of the parties;

(b) Involvement, in his or her private capacity, in any legal proceedings initiated prior to his or her involvement in the case, or initiated by him or her subsequently, in which the person being investigated or prosecuted was or is an opposing party;

(c) Performance of functions, prior to taking office, during which he or she could be expected to have formed an opinion on the case in question, on the parties or on their legal representatives that, objectively, could adversely affect the required impartiality of the person concerned;

(d) Expression of opinions, through the communications media, in writing or in public actions, that, objectively, could adversely affect the required impartiality of the person concerned.

IV. SUBMISSIONS

28. In advance of submitting this application, Counsel sent a number of questions to the Office of the Prosecutor:

[REDACTED]⁴⁴

29. The Senior Trial Lawyer for the Prosecution refused to answer these questions, citing a lack of “[REDACTED]”.⁴⁵

30. When he assumed oversight of the investigation into Mr Duterte, Mr Khan knew that he had [REDACTED] and had thoroughly convinced himself that Mr Duterte must be prosecuted. Mr Khan had even [REDACTED]. Another [REDACTED] reported [REDACTED] to Mr Khan that has not been disclosed to either the OTP or the Defence.⁴⁶ Mr Khan has acquired unknown information

⁴⁴ Email, Defence to Prosecution, “[REDACTED]”, 8 July 2025, 14:29.

⁴⁵ Email, Prosecution to Defence, “[REDACTED]”, 10 July 2025, 14:46 (“[REDACTED]”).

⁴⁶ [REDACTED].

which he could, conceivably, have used to sway those answerable to him to pursue the prosecution of Mr Duterte.

31. Article 42(7) prohibits the Prosecutor from participating “in **any** matter in which [his] impartiality might reasonably be doubted on **any** ground”.⁴⁷ The Appeals Chamber has previously found that an *actual* lack of impartiality on the part of the Prosecutor is unnecessary and that the relevant standard is merely whether it “reasonably *appears* that the Prosecutor lacks impartiality”. This determination is predicated on the perspective of “a reasonable observer, properly informed”,⁴⁸ and such apprehension of bias should be objectively reasonable.⁴⁹ As such, the appearance of grounds to doubt impartiality is sufficient to warrant disqualification.⁵⁰
32. Disqualification is also warranted under the same statutory provision where the Prosecutor has “previously been involved in any capacity in that case before the Court”,⁵¹ while Rule 34(1)(b) enumerates, as grounds for disqualification, the Prosecutor’s involvement “in his or her private capacity, in any legal proceedings initiated prior to his or her involvement in the case, or initiated by

⁴⁷ Emphasis added.

⁴⁸ *Bemba et al.*, Decision on the requests for the Disqualification of the Prosecutor, the Deputy Prosecutor and the entire OTP staff, [ICC-01/05-01/13-648-Red3](#), 21 October 2014 (“*Bemba et al.* Disqualification Decision”), para. 24. *See also*, *Gaddafi and Al-Senussi*, Decision on the Request for Disqualification of the Prosecutor, 12 June 2012, [ICC-01/11-01/11-175](#), para. 20.

⁴⁹ *Bemba et al.*, Decision of the Plenary of Judge on the Defence Applications for the Disqualification of Judge Cuno Tarfusser from the case of *The Prosecutor v. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido*, filed on 20 June 2014 and notified on 23 June 2014 (“Decision of the Plenary”), para. 17.

⁵⁰ *Bemba et al.*, Decision of the Plenary, [ICC-01/05-01/13-511-Anx](#), 20 June 2014, para. 16; *Lubanga*, Decision of the plenary of judges on the Defence Application of 20 February 2013 for the disqualification of Judge Sang-Hyun Song from the case of *The Prosecutor v. Thomas Lubanga Dyilo*, [ICC-01/04-01/06-3040-Anx](#), 11 June 2013. As the Appeals Chamber has noted in the *Venezuela* Decision (para. 34), decisions on the disqualification of Judges find equal application to questions of disqualification of the Prosecutor.

⁵¹ Rome Statute, Art. 42(7).

him or her subsequently, in which the person being investigated or prosecuted was or is an opposing party”.

33. Though there may exist some degree of interconnectedness between the roles of victims’ counsel and that of the Chief Prosecutor, their functions are, ultimately, distinct and may even, at times, be diametrically opposed. The overarching objective of the Prosecutor is to establish the truth. The Prosecutor is expected to act as a ‘magistrate of truth’, and, under Article 54 of the Rome Statute, is required to place equal focus, and to act with equal diligence, to uncover both incriminating **and** exonerating circumstances. This, of course, suggests a proactive duty to search for exculpatory information.
34. Victims’ counsel, on the other hand, are concerned solely with representing the interests of victims, that is, ensuring their right to participate in the proceedings, to seek reparations, and to not only be heard through the lens of the Prosecution’s case.⁵² They are neither charged, nor concerned with, unearthing exculpatory information. Indeed, given their “clearly different” roles and objectives in criminal proceedings,⁵³ participating victims have been recognised as neither “the opponent – or for that matter necessarily the ally” of the Prosecution.⁵⁴
35. Mr Khan first acted in his capacity as a private lawyer for over 100 victims of the so-called war on drugs, actively and aggressively advocating for the prosecution of Mr Duterte. During this victims’ representation, Mr Khan collected testimony from a witness [REDACTED]. In his subsequent role as

⁵² See also *Bemba*, Fourth Decision on Victims’ Participation, [ICC-01/05-01/08-320](#), 12 December 2008, para. 90 (“[i]n this respect, the Single Judge stresses that victims participating in proceedings are not to be regarded as auxiliaries of the Prosecutor. They are independent actors whose concerns may be different from those of the Prosecutor”).

⁵³ *Abu Garda*, Decision on victims’ modalities of participation at the Pre-Trial Stage of the Case, [ICC-02/05-02/09-136](#), 6 October 2009, para. 7 (emphasis added).

⁵⁴ *Id.*

Chief Prosecutor, Mr Khan seemingly exploited the information that he had acquired so as to conduct an investigation that ultimately led to Mr Duterte's arrest. Mr Khan relied on information obtained while defending the independent interests of the victims to support actions falling under an entirely separate mandate — one that also carries the obligation to disclose exculpatory evidence. This conflation of roles, leading to a blatant conflict of interest, is precisely what Rule 34(1)(b) seeks to prevent.

36. Additionally, Mr Khan's current self-imposed leave of absence to deal with allegations of sexual abuse and retaliatory acts perpetrated against his staff rebuts the presumption to which he would otherwise be entitled; namely, that he is of "high moral"⁵⁵ character and that his notifications should be taken as gospel. The latest decision rendered by the Appeals Chamber in the Situation in the Bolivarian Republic of Venezuela I also lifts such a presumption where the Prosecutor has failed to comply with his duty to always exercise his functions "impartially and conscientiously".⁵⁶
37. The circumstances detailed above are cumulatively sufficient to meet the threshold of the "reason to believe" standard, which, while not requiring or involving a determination as to the merits of an allegation or suspicion, must nevertheless be understood as requiring a conclusion on the existence of a material factual basis or reason underlying the belief.⁵⁷
38. A fair and informed observer could reasonably perceive bias warranting the Prosecutor's disqualification. Mr Khan did not disclose his conflict of interest — of which he was aware from the beginning — until 6 March 2025 (to the Pre-Trial Chamber) and 27 June 2025 (when the Prosecution finally disclosed to the

⁵⁵ [Bemba et al. Disqualification Decision](#), para. 26.

⁵⁶ [Venezuela Decision](#), para. 33.

⁵⁷ [Venezuela Decision](#), para. 39.

Defence the Article 15 communication). Even when making his two notifications to the Court, Mr Khan hid the fact that he had placed Mr Duterte as the top of a list of persons worthy of prosecution.⁵⁸ Mr Khan should, as a result, be disqualified from any further involvement in the case against Mr Duterte.

A handwritten signature in black ink that reads "Nicholas Kaufman". The signature is written in a cursive, slightly slanted style. Below the signature is a solid black horizontal line.

Nicholas Kaufman
Counsel for Mr Rodrigo Roa Duterte

Dated this 19th August 2025
The Hague, The Netherlands

⁵⁸ See [Annex 6: Potential Targets](#), p. 1.