

Pursuant to Pre-Trial Chamber's Instruction dated 04/09/2025, this document is reclassified as Public

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

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

Date: 27 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

CONFIDENTIAL

**Defence Observations on the “Registry Report on the Common Legal
Representation of Victims” (ICC-01/21-01/25-236-Conf)**

Source: Defence for Mr Rodrigo Roa Duterte

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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. As ordered by the Pre-Trial Chamber,¹ the Defence for Mr Rodrigo Roa Duterte hereby presents its observations on the Registry Report on the Common Legal Representation of Victims.²
2. As will be recalled, the Registry had noted the “readiness and willingness” of two lawyers to “jointly represent victims in the confirmation proceedings in the Duterte case” as well as another “applicant who had not expressed a choice for a lawyer in the application form, but who subsequently expressed to the VPRS, through a person assisting, a preference for the lawyers recommended by [REDACTED]”.³
3. The redactions applied to the identities of these two lawyers have been endorsed by the Pre-Trial Chamber thus making it virtually impossible for the Defence to proffer meaningful submissions in relation thereto.
4. The Defence has, previously, flagged its concern with respect to the media comments of a certain activist-lawyer who has, without basis, accused Mr Duterte’s “camp” of fuelling online hatred and judicial trolling.⁴ The Defence will object to the involvement of this person, or indeed, any common legal representative who has expressed such and similar views.
5. The Defence will also object to the involvement of another common legal representative who has persistently criticized defence strategy in media interviews, voiced denigratory slurs concerning Counsel,⁵ expressed

¹ Order on the conduct of confirmation proceedings, [ICC-01/21-01/25-114](#), 17 April 2025. The present observations are filed as “confidential” pursuant to [Regulation 23bis\(2\)](#) of the Regulations of the Court as they pertain to submissions of the same classification.

² Registry Report on the Common Legal Representation of Victims, [ICC-01/21-01/25-236-Conf](#), 20 August 2025 (“Registry Report”).

³ *Id.*, para. 20, fn. 30, para. 23, fn. 33.

⁴ See ABS-CBN, [“Duterte may face more trouble after supporters spam ICC judge’s social media, says lawyer”](#), 18 March 2025 (“Detained former President Rodrigo Duterte could face more legal difficulties after his supporters spammed the social media page of an International Criminal Court judge, Kristina Conti of the National Union of Peoples’ Lawyers warned Tuesday”).

⁵ See Inquirer.net, [“ICC lawyer schools Duterte’s lead counsel on drug war victims”](#), 9 April 2025.

preconceived views as to Mr Duterte's guilt⁶ or derogatory comments on his character.⁷ The Court disapproves of satellite litigation and allowing legal representation by such a lawyer and his ilk could be perceived by the general public as a reward for inappropriate conduct.

6. In light of the aforementioned, the Defence respectfully reserves its right to make further submissions on the appointment of the common legal representatives once their names are disclosed to the Defence.



Nicholas Kaufman
Counsel for Rodrigo Roa Duterte

Dated this 27th day of August 2025

At The Hague, the Netherlands

⁶ See ANC, [Butuyan urges ICC to expand charges vs Duterte amid extensive human rights violations | ANC](#), 9 April 2025, from [00:03:05] to [00:03:33]; ABS CBN News, [Duterte provided 'overwhelming evidence' for his conviction: expert](#), 17 March 2025; ANC, [Headstart: ICC-accredited lawyer Joel Butuyan on Duterte's arrest, what to expect in ICC trial | ANC](#), 20 March 2025, from [00:14:18] to [00:15:13]; ANC, [Lawyer: Denying drug war victims over 'anti-poor' ID request would be 'grave injustice twice over'](#), 10 April 2025, from [00:00:24] to [00:03:04].

⁷ See Inquirer.net, ["Duterte's lawyers, not VP Sara Duterte, should discuss ICC case"](#), 31 March 2025 ("The ICC case is not a prosecution against ordinary police and their agents who pulled the trigger that resulted in 30,000 murders. Instead, it is a prosecution against the monster masterminds who ordered triggers to be pulled in order to implement the mass murder of suspected drug personalities," he "[Joel Butuyan] pointed out").