

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **2 September 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

Defence request with respect to Group A participants

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. Chief Prosecutor Karim Khan, it will be recalled, filed an Article 15 communication on behalf of “more than 100 victims” in the Situation in the Republic of the Philippines.¹
2. In its Order on the Conduct of the Confirmation Proceedings², the Pre-Trial Chamber made provision for the receipt of Defence observations on Group C participants. The Pre-Trial Chamber is not required to seek the observations of the parties with respect to Group A participants.³
3. Mr Khan has provided no support for his assertion that he properly withdrew from the representation of his former clients⁴ or obtained a waiver releasing him from his obligation to them and permitting him to protect Mr Duterte’s interests by investigating exonerating circumstances. Mr Khan, furthermore, neglected to disclose his victim representation in the Philippines’ situation (which, according to him, had terminated) when forwarding his curriculum vitae in support of his application for the post of Chief Prosecutor.⁵ In the same document, nonetheless, he elaborated on his representation of victims in Cambodia, Albania, Kenya, Sierra Leone and Cameroon.⁶
4. The Defence submits that the investigation has been contaminated by virtue of being partly overseen by a chief prosecutor with conflicting obligations. For this reason, the Defence requests the Pre-Trial Chamber to notify it if any of the victim applicants that are in Group A are connected to those mentioned in section VII B of Mr Khan’s Article 15 communication entitled “Individual Incidents”.



Nicholas Kaufman

Counsel for Rodrigo Roa Duterte

Dated this 2nd day of September 2025
At The Hague, The Netherlands

¹ Submission to the Prosecutor of the International Criminal Court (ICC), H.E. Fatou Bensouda requesting her to exercise her powers under Article 15 of the Rome Statute in the Philippines [sic], [PHL-OTP-0005-0005](#), 29 June 2018, p. 3; *see also* Prosecutor’s Notification, [ICC-01/21-01/25-81](#), 6 March 2025.

² Order on the conduct of confirmation proceedings, [ICC-01/21-01/25-114](#), 17 April 2025, para. 56.

³ [Chambers Practice Manual](#), Eighth Edition, para. 96(vi).

⁴ Prosecutor’s Notification, [ICC-01/21-01/25-81](#), 6 March 2025, para. 3.

⁵ [Curriculum vitae](#), Karim Khan, Section 2.

⁶ *Id.*