



Original: English

**No. ICC-01/21-01/25
Date: 8 September 2025**

PRE-TRIAL CHAMBER I

Before:

**Judge Iulia Antoanella Motoc, Presiding
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

Decision postponing the hearing on the confirmation of charges

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

☒ The Office of the Prosecutor

☒ Counsel for the Defence

☐ 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

Mr Osvaldo Zavala Giler

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☐ Detention Section

☐ Victims Participation
and Reparations Section

☐ Other

PRE-TRIAL CHAMBER I of the International Criminal Court issues, by majority with Judge María del Socorro Flores Liera dissenting (the ‘Majority’), this ‘Decision postponing the hearing on the confirmation of charges’.

1. On 12 March 2025, Mr Rodrigo Roa Duterte (‘Mr Duterte’) was surrendered to the Court pursuant to a warrant of arrest issued by the Chamber on 7 March 2025.¹
2. On 14 March 2025, Mr Duterte made his first appearance before the Chamber,² which decided that the hearing on the confirmation of charges would commence on 23 September 2025.³
3. On 17 April 2025, the Chamber issued an ‘Order on the conduct of confirmation proceedings’,⁴ pursuant to which, *inter alia*, the Prosecution (i) concluded its disclosure of evidence on 1 July 2025;⁵ (ii) submitted the ‘Document Containing the Charges’ on 4 July 2025;⁶ and (iii) filed the corrected version of the ‘Pre-Confirmation Brief’ on 24 July 2025.⁷
4. On 18 August 2025, the Defence submitted the ‘Defence Request for an Indefinite Adjournment’, seeking that ‘all legal proceedings, including the hearing on the confirmation of charges, be adjourned indefinitely’ based on its assertion that Mr Duterte ‘is not fit to stand trial’ (the ‘Adjournment Request’).⁸
5. On 28 August 2025, the Prosecution opposed the Adjournment Request, stating however that it ‘accepts that a short adjournment may be necessary, but this should be limited to the time necessary for the Chamber to expeditiously render its decision on [the Adjournment Request]’.⁹
6. On 29 August 2025, the Office of Public Counsel for Victims (the ‘OPCV’) opposed the Adjournment Request.¹⁰

¹ Warrant of Arrest for Mr Rodrigo Roa Duterte, ICC-01/21-01/25-83.

² Decision convening a hearing for the first appearance of Mr Rodrigo Roa Duterte, ICC-01/21-01/25-90.

³ Transcript of hearing, ICC-01/21-01/25-T-002-ENG, p. 10, lines 8-11.

⁴ ICC-01/21-01/25-114 (the ‘Order on the Conduct of Proceedings’).

⁵ See Prosecution’s Twelfth Communication of the Disclosure of Evidence, 4 July 2025, ICC-01/21-01/25-181, with confidential annexes A-J. See also Order on the Conduct of Proceedings, para. 24.

⁶ ICC-01/21-01/25-178-Conf (the ‘DCC’).

⁷ Corrected Version of “Prosecution’s Pre-Confirmation Brief”, 18 July 2025, ICC-01/21-01/25- 201-Conf, ICC-01/21-01/25-201-Conf-Corr, with confidential annexes A-K (the ‘PCB’).

⁸ ICC-01/21-01/25-230-Conf, with confidential annexes A, B (the ‘Adjournment Request’).

⁹ Prosecution’s Response to the “Defence Request for an Indefinite Adjournment” (ICC-01/21-01/25-230-Conf), ICC-01/21-01/25-253-Conf.

¹⁰ Victims’ Response to the “Defence Request for an Indefinite Adjournment”, ICC-01/21-01/25-257-Conf-Exp (public redacted version notified on 2 September 2025, ICC-01/21-01/25-257-Red).

7. The Chamber notes that litigation regarding Mr Duterte's fitness to participate in the pre-trial proceedings is ongoing in connection with the Defence's Adjournment Request, and recalls the Chamber's duty pursuant to rule 121(1) of the Rules of Procedure and Evidence (the 'Rules') to ensure the enjoyment of the suspects' rights under article 67 of the Rome Statute. Accordingly, the Majority, Judge María del Socorro Flores Liera dissenting, considers that a limited postponement of the hearing on the confirmation of charges is warranted to allow sufficient time to adjudicate the Adjournment Request. As a result, the date originally set by the Chamber must be vacated and the confirmation of charges hearing is postponed until further notice pursuant to rule 121(7) of the Rules.

8. The Majority emphasises that, in accordance with the Chamber's duty to ensure the fair and expeditious conduct of the proceedings, the abovementioned postponement will be limited to the time strictly necessary to determine whether Mr Duterte is fit to follow and participate in the pre-trial proceedings, including the confirmation of charges hearing, and to adjudicate the Adjournment Request.

9. In light of the above, the time limits set by the Chamber in the Order on the Conduct of Proceedings in relation to rules 121(9) and 122(3) of the Rules¹¹ are suspended until further notice. The Chamber will, if applicable, issue a scheduling order, including a specific date for and directions regarding the conduct of the hearing on the confirmation of charges, in due course.

10. Moreover, the Majority notes that the Prosecution has already concluded its evidence disclosure, and the DCC and the PCB have already been made available to all parties and participants. Therefore, without prejudice to the forthcoming decision on the Adjournment Request, parties and participants shall be ready to immediately resume the proceedings on the confirmation of the charges, should Mr Duterte be found fit to participate in these proceedings.

¹¹ See Order on the Conduct of Proceedings, paras 46 and 49.

FOR THESE REASONS, THE MAJORITY OF THE CHAMBER HEREBY

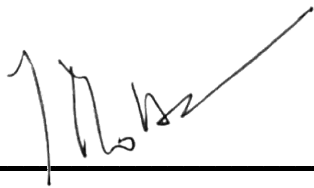
DECIDES to vacate the date of 23 September 2025 and to postpone the hearing on the confirmation of charges until further notice pursuant to rule 121(7) of the Rules;

DECIDES that the time limits set in the Order on the Conduct of Proceedings in relation to rules 121(9) and 122(3) of the Rules are suspended until further notice; and

ORDERS the Prosecution to file public redacted versions of ICC-01/21-01/25-178-Conf and ICC-01/21-01/25-201-Conf-Corr by no later than 22 September 2025.

Judge María del Socorro Flores Liera sets out the reasons for her dissent from the Majority in a dissenting opinion appended to this decision.

Done in English. A French translation will follow. The English version remains authoritative.



Judge Iulia Antoanella Motoc, Presiding



**Judge Reine Adélaïde Sophie Alapini-
Gansou**



Judge María del Socorro Flores Liera

Dated this Monday, 8 September 2025

At The Hague, The Netherlands