



Original: English

**No. ICC-01/21-01/25
Date: 23 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

Public redacted version of ‘Order inviting observations pursuant to rule 119(3) of the Rules of Procedure and Evidence and regulation 51 of the Regulations of the Court’, 18 June 2025, ICC-01/21-01/25-155-Conf

Order 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**

The competent authorities of
[REDACTED]

The competent authorities of the
Kingdom of the Netherlands

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 this order inviting observations pursuant to rule 119(3) of the Rules of Procedure and Evidence (the ‘Rules’) and regulation 51 of the Regulations of the Court (the ‘Regulations’).

1. On 12 March 2025, pursuant to a warrant of arrest issued by the Chamber on 7 March 2025,¹ Rodrigo Roa Duterte (‘Mr Duterte’) was surrendered to the Court.
2. On 12 June 2025, the Defence filed the ‘Urgent Request for Interim Release’,² requesting interim release to [REDACTED] in accordance with article 60(2) of the Rome Statute (the ‘Statute’).
3. On 16 June 2025, the Defence filed the ‘Defence Request for Observations from the Host State’,³ requesting the Chamber to ‘seek observations from the Host State, not just on transit through its territory but, also, on the possibility of accommodating Mr Duterte on its territory for the partial or, potentially, the full term of his interim release if so ordered’, ‘without prejudice to Mr Duterte’s principal request which is interim release to [REDACTED]’.
4. The Chamber notes that rule 119(3) of the Rules provides that, ‘[b]efore imposing or amending any conditions restricting liberty, the Pre-Trial Chamber shall seek the views of the Prosecutor, the person concerned, any relevant State and victims that have communicated with the Court in that case and whom the Chamber considers could be at risk as a result of a release or conditions imposed’. In addition, regulation 51 of the Regulations stipulates that, ‘[f]or the purposes of a decision on interim release, the Pre-Trial Chamber shall seek observations from the host State and from the State to which the person seeks to be released’.
5. Given that Mr Duterte seeks interim release to [REDACTED], the Chamber invites the latter to submit any observations that it considers relevant to the Chamber’s adjudication of the Interim Release Request and, in particular, as to its willingness and ability to (i) receive Mr Duterte on its territory for the purposes of interim release, if ordered; (ii) enforce one or more conditions restricting liberty that the Chamber could potentially impose, including those set out in rule 119(1) of the Rules as well as in Annexes A and B to the Interim Release Request; and (iii) facilitate the possibility of Mr Duterte travelling between [REDACTED] and the Kingdom of the Netherlands for the purposes of the proceedings in the present case.

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

² ICC-01/21-01/25-150-Conf-Exp (a public redacted version was filed on the same day, ICC-01/21-01/25-150-Red), with confidential *ex parte* annexes A, B and C (the ‘Interim Release Request’).

³ ICC-01/21-01/25-152-Conf, with confidential annex A.

6. Furthermore, noting that on 25 May 2025 the Defence also ‘sent a request for cooperation [...] to the competent authorities of the Host State requesting their advance agreement to receive Mr Duterte into the Netherlands for the term of any interim release ordered by the Pre-Trial Chamber’,⁴ the Chamber invites the Kingdom of the Netherlands, as the host State, to submit any observations that it considers relevant to the Chamber’s adjudication of the Interim Release Request, including as to its willingness and ability to (i) receive Mr Duterte on its territory for the purposes of interim release, if ordered; (ii) enforce one or more conditions restricting liberty that the Chamber could potentially impose, including those set out in rule 119(1) of the Rules as well as in Annexes A and B to the Interim Release Request; and (iii) facilitate the possibility of Mr Duterte travelling between [REDACTED] and the Kingdom of the Netherlands, as well as the possibility of Mr Duterte temporarily residing in the Kingdom of the Netherlands, for the purposes of the proceedings in the present case.

7. Lastly, the Chamber emphasises that the present order is issued for the purposes of considering all relevant submissions and observations prior to deciding on the Interim Release Request and, as a consequence, neither this order nor any observations received shall be construed as prejudging any matter to be determined in the context of that decision.

⁴ ICC-01/21-01/25-152-Conf, para. 3. See also ICC-01/21-01/25-152-Conf-AnxA.

FOR THESE REASONS, THE CHAMBER HEREBY

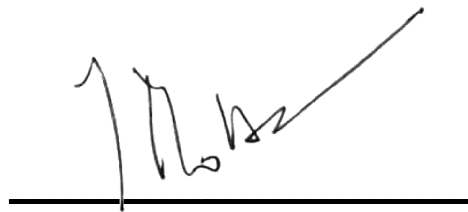
INVITES [REDACTED] to provide the observations specified in paragraph 5 of this order by no later than 2 July 2025;

INVITES the Kingdom of the Netherlands to provide the observations specified in paragraph 6 of this order by no later than 2 July 2025;

ORDERS the Registrar to immediately transmit the present order, as well as filing ICC-01/21-01/25-150-Conf-Exp and its Annexes A, B and C, to the competent authorities of [REDACTED] and the Kingdom of the Netherlands; and

ORDERS the Registrar to immediately transmit filing ICC-01/21-01/25-152-Conf and its Annex A to the competent authorities of the Kingdom of the Netherlands.

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 Tuesday, 23 September 2025

At The Hague, The Netherlands