

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

No.: ICC-01/21-01/25
Date: 29 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 Redacted Version of ICC-01/21-01/25-278-Conf

Victims' Response to the "Defence Notification" (ICC-01/21-01/25-271-Conf)

Source: Office of Public Counsel for Victims

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

D36

☐ 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

M. Zavala Giler, Osvaldo

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☐ Detention Section

☐ Victims Participation and
Reparations Section

☐ Other

I. INTRODUCTION

1. The Principal Counsel of the Office of Public Counsel for Victims (the “Legal Representative”), appointed to represent the collective interests of potential victims until the mandate of the team of common legal representatives takes effect,¹ herewith files her response to the “Defence Notification” (the “Notification”) of 16 September 2025.²

2. The Legal Representative submits that the Notification should be rejected. The Defence fails to demonstrate any change of circumstances, nor does it bring any other pertinent and unforeseen matter to the attention of the Pre-Trial Chamber (the “Chamber”) that would affect or alter the fact that the continued detention of Mr Rodrigo Roa Duterte (“Mr Duterte”) remains necessary.

II. PROCEDURAL BACKGROUND

3. On 12 June 2025, the Defence filed its Request for Interim Release (the “Initial Request”).³ On 23 and 25 June 2025, the Prosecution and the Legal Representative filed their respective responses to the Initial Request.⁴

¹ See the “Order on the conduct of confirmation proceedings” (Pre-Trial Chamber I), [No. ICC-01/21-01/25-114](#), 17 April 2025, paras. 68-69.

² See the “Defence Notification”, [No. ICC-01/21-01/25-271-Conf](#), 16 September 2025 (the “Notification”). A public redacted version [No. ICC-01/21-01/25-271-Red](#) was filed on the same day.

³ See the “Urgent Request for Interim Release”, [No. ICC-01/21-01/25-150-Conf-Exp](#), 12 June 2025 (the “Initial Request”). A public redacted version [No. ICC-01/21-01/25-150-Red](#) was filed on the same day.

⁴ See the “Confidential Redacted Version of ‘Prosecution’s response to ‘Urgent Request for Interim Release’”, [No. ICC-01/21-01/25-159-Conf-Exp-Red](#), 23 June 2025. A public redacted version [No. ICC-01/21-01/25-159-Red](#) was filed on the same day. See also the “Victims’ Response to the Urgent Defence Request for Interim Release”, [No. ICC-01/21-01/25-162-Conf-Exp](#), 25 June 2025. A public redacted version [No. ICC-01/21-01/25-162-Red](#) was filed on the same day.

4. On 14 July 2025, the Defence filed a request seeking, *inter alia*, the suspension of the Chamber's adjudication of the Initial Request (the "Suspension Request"),⁵ which was opposed by the Prosecution.⁶
5. On 18 July 2025, the Defence submitted [REDACTED].⁷
6. On 23 July 2025, the Chamber issued its Decision on the Suspension Request deciding, *inter alia*, to defer the issuance of a decision on the Initial Request.⁸
7. On 18 August 2025, the Defence filed a renewed request for interim release (the "Renewed Request").⁹
8. On 28 August 2025, the Prosecution filed its Response to the Renewed Request.¹⁰
9. On 29 August 2025, the OPCV filed the Victims' observations on the Renewed Request (the "Victims' Response to Renewed Request").¹¹
10. On 8 September 2025, the Chamber, by majority, rendered a decision postponing the hearing on the confirmation of charges until further notice.¹²

⁵ See the "Urgent Defence Request to Suspend Adjudication on the Defence Request for Interim Release", [No. ICC-01/21-01/25-193-Conf](#), 14 July 2025 (the "Suspension Request"). A public redacted version [No. ICC-01/21-01/25-193-Red](#) was filed on 18 July 2025.

⁶ See the "Prosecution's response to 'Urgent Defence Request to Suspend Adjudication on the Defence Request for Interim Release'", No. ICC-01/21-01/25-196-Conf-Exp. A confidential redacted version [No. ICC-01/21-01/25-196-Conf-Red](#) was filed the same day and a public redacted version [No. ICC-01/21-01/25-196-Red](#) was filed on 18 July 2025.

⁷ [REDACTED].

⁸ See the "Decision on the 'Urgent Defence Request to Suspend Adjudication on the Defence Request for Interim Release'" (Pre-Trial Chamber I), [No. ICC-01/21-01/25-209](#), 23 July 2025.

⁹ See the "Renewed Request for Interim Release", [No. ICC-01/21-01/25-231-Conf](#), 18 August 2025 (the "Renewed Request"). A public redacted version [No. ICC-01/21-01/25-231-Red](#) was filed on 19 August 2025.

¹⁰ See the "Confidential redacted version of 'Prosecution's response to 'Renewed Request for Interim Release'", [No. ICC-01/21-01/25-252-Conf-Red](#), 28 August 2025.

¹¹ See the "Victims' Response to the Defence's Renewed Request for Interim Release", [No. ICC-01/21-01/25-256-Conf](#), 29 August 2025. A public redacted version [No. ICC-01/21-01/25-256-Red](#) was filed on 2 September 2025 (the "Victims' Response to Renewed Request").

¹² See the "Decision postponing the hearing on the confirmation of charges", (Pre-Trial Chamber I), [No. ICC-01/21-01/25-267](#), 8 September 2025.

11. On 8 September 2025, the Chamber also issued [REDACTED]¹³ [REDACTED].
12. On 15 September 2025, the Registry [REDACTED].¹⁴
13. On 16 September 2025, the Defence filed the Notification.¹⁵
14. On 18 September 2025, the Prosecution filed its response to the Notification.¹⁶

III. CLASSIFICATION

15. Pursuant to regulation 23*bis* (1) and (2) of the Regulations of the Court, the present submission is classified as Confidential following the classification chosen by the Defence and because it refers to the content of documents bearing the same classification. A public redacted version will be filed in due course.

IV. SUBMISSIONS

16. The Notification appears to supplement the Renewed Request by arguing that the “*logistical hurdle [REDACTED] will necessarily entail the prolongation of proceedings, and is an extra factor militating in favour of interim release*”, especially in light of the Chamber’s postponement of the confirmation hearing *sine diem*.¹⁷ Consequently, the Defence proposes “[REDACTED]”.¹⁸ Lastly, the Defence argues that Mr Duterte should be released as “[a]dministrative delay, occasioned by [REDACTED] cannot justify the abrogation of liberty”.¹⁹

17. The Legal Representative opposes the Defence’s proposal for the reasons underlined *infra*. First, the Notification is procedurally improper, as it does not *notify*, but in effect substantively supplements its earlier requests for interim release, now the third of its kind. Second, contrary to the Defence’s submissions, none of the

¹³ REDACTED.

¹⁴ REDACTED.

¹⁵ See the Notification, *supra* note 2.

¹⁶ See the “Prosecution’s Response to the ‘Defence Notification’” (ICC-01/21-01/25-271-Conf), [No. ICC-01/21-01/25-277-Conf](#), 18 September 2025.

¹⁷ See the Notification, *supra* note 2, para. 3.

¹⁸ *Idem*, para. 4.

¹⁹ *Idem*, para. 5.

information contained in [REDACTED] is of novel or unanticipated character that could or would alter any of the facts and considerations currently at the disposal of the Chamber. The proposed [REDACTED] is nothing more than an *ex gratia* supplementation of its earlier unconvincing arguments in favour of releasing Mr Duterte [REDACTED].

18. In this regard, if, *arguendo*, Mr Duterte were temporarily released [REDACTED], [REDACTED] would become unreasonably cumbersome and undoubtedly add extensive delays and disproportionate costs. These concerns are not in the least allayed by the Defence's suggestion of providing [REDACTED]. Not only is the proposed [REDACTED] not a relief or measure that could alleviate the risks identified and spelled out at length in the Victims' earlier submissions opposing interim release, but its proposed use is also fundamentally misconceived.

19. [REDACTED] is nothing more than [REDACTED]. It is not [REDACTED], as the Defence seems to suggest. In fact, [REDACTED]. Not only is the Defence's suggestion in the present context entirely misplaced, but the Chamber would also be acting *ultra vires* if it were to effectively [REDACTED].

20. As the Legal Representative has previously pointed out, [REDACTED] are entirely compatible with internationally recognized standards and, as such, there exists no justification to release the suspect.²⁰ There is no indication [REDACTED].²¹

21. Finally, the Victims consider that giving effect to the Defence's various requests under the guise of a Notification would ultimately harm the image of the Court as a court of law, as it would send the message that [REDACTED] before this Court, a proposition the Victims decidedly reject. Mr Duterte is detained for cogent reasons in accordance with the criteria set out in the applicable articles and rules (or statutory instruments). These reasons have been laid out in detail by both the Prosecution and the OPCV. None of these reasons has changed. There thus exists no

²⁰ See the Victims' Response to Renewed Request, *supra* note 11, para. 31 and references cited therein.

²¹ REDACTED.

basis for the Chamber to release Mr Duterte pending the confirmation of charges against him.

V. CONCLUSION

22. For the foregoing reasons, the Legal Representative respectfully requests the Chamber to reject the requests contained in the Notification.

A handwritten signature in black ink, appearing to read 'Paolina Massidda', with a horizontal line drawn underneath the name.

Paolina Massidda
Principal Counsel

Dated this 29th day of September 2025

At The Hague, The Netherlands