

**Original: English****No. ICC-01/21-01/25****Date: 10 February 2026****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 on the ‘Defence Request for Leave to Add Items to its List of Evidence’ and
the ‘Prosecution’s Request to Add Two Items to its List of Evidence’

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 the present decision on the ‘Defence Request for Leave to Add Items to its List of Evidence’¹ and the ‘Prosecution’s Request to Add Two Items to its List of Evidence’.²

1. On 17 April 2025, the Chamber issued the ‘Order on the conduct of confirmation proceedings’, *inter alia* setting time limits for the Prosecution and the Defence to provide their lists of evidence pursuant to rules 121(5) and (6) of the Rules of Procedure and Evidence (the ‘Rules’).³ Within the given time limits, the Prosecution⁴ and the Defence⁵ submitted their lists of evidence.

2. On 6 February 2026, following the Chamber’s decision to commence the confirmation of charges hearing on 23 February 2026,⁶ the Defence requested ‘leave to add the 78 items identified in Confidential Annex A to its List of Evidence’, further indicating that ‘[t]he Prosecution has reviewed the [78 items] and confirmed to the Defence in *inter partes* communications that it does not object to their admission’.⁷

3. On the same day, the Prosecution (i) indicated that ‘it does not object to the admission of the material listed in the Annex A of the [Defence’s Request]’; and (ii) sought ‘the Chamber’s authorisation to add [two items] to its List of Evidence’, clarifying that ‘[i]n the course of the *inter partes* communications, the Defence agreed that they would not object to [the Prosecution’s Request]’.

4. On 7 February 2026, the Common Legal Representatives of Victims (the ‘CLRV’) indicated that they do not oppose the Defence’s and the Prosecution’s Requests.⁸

5. Noting the limited extent of the requested additions, the nature of the material concerned and its relevance to the charges brought against the suspect, as well as the absence of objection from the parties and participants to both the Defence’s and Prosecution’s Requests, the

¹ 6 February 2026, ICC-01/21-01/25-367 (the ‘Defence’s Request’) with confidential Annex A.

² Email from the Prosecution, 6 February 2026, at 19:10 (the ‘Prosecution’s Request’).

³ ICC-01/21-01/25-114, paras 43-44.

⁴ Prosecution’s Submission of the List of Evidence, 4 July 2025, ICC-01/21-01/25-180, with confidential Annex A; Prosecution’s Submission of an Updated List of Evidence, 18 July 2025, ICC-01/21-01/25-200, with confidential Annex A.

⁵ Defence Submission of its List of Evidence pursuant to Rule 121(6), 5 September 2025, ICC-01/21-01/25-265-Conf-Exp, with confidential *ex parte* Annex A.

⁶ Decision on the ‘Defence Request for an Indefinite Adjournment’ and Mr Duterte’s fitness to take part in the pre-trial proceedings, 26 January 2026, ICC-01/21-01/25-356-Conf (public redacted version notified on the same day, ICC-01/21-01/25-356-Red).

⁷ Defence’s Request, paras 1, 12.

⁸ Email from the CLRV, 7 February 2026, at 11:35.

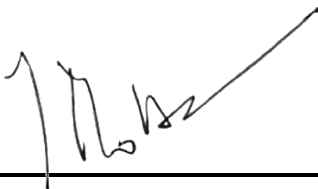
Chamber considers that there is good cause to grant such requests without causing undue prejudice to either party.

FOR THESE REASONS, THE CHAMBER HEREBY

GRANTS the Defence's Request and the Prosecution's Request; and

ORDERS the Defence and the Prosecution to file an update list of evidence by no later than 13 February 2026.

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, 10 February 2026

At The Hague, The Netherlands