

**Original: English****No. ICC-01/21-01/25****Date: 20 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 Second Request for Leave to Add Items to its List of Evidence’
and the Prosecution’s request to add fourteen 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 Second Request for Leave to Add Items to its List of Evidence’¹ and the Prosecution’s request to add fourteen 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 10 February 2026, the Chamber granted the Defence’s and the Prosecution’s requests for leave to add items to their respective lists of evidence,⁶ of which the Defence and the Prosecution filed updated versions on 13 February 2026.⁷

3. On 18 February 2026, the Defence requested ‘leave to add 108 items [...] to its List of Evidence’, indicating *inter alia* that ‘the Prosecution has confirmed [...] in *inter partes* communications that the addition of these [i]tems to the Defence List of Evidence causes it no prejudice’.⁸

4. On the same day, the Prosecution (i) confirmed that ‘it does not object to the admission of the material listed in [...] Annex A of the [Defence’s Request]’;⁹ and (ii) requested the Chamber ‘to admit [...] fourteen items to the Prosecution’s List of Evidence’, clarifying that ‘[i]n the course of the *inter partes* communications, the Defence agreed that they would not object’.

¹ 18 February 2026, ICC-01/21-01/25-385 (notified on 19 February 2026) (the ‘Defence’s Request’), with confidential Annex A.

² Email from the Prosecution, 18 February 2026, at 19:57 (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 Leave to Add Items to its List of Evidence’ and the ‘Prosecution’s Request to Add Two Items to its List of Evidence’, 10 February 2026, ICC-01/21-01/25-370. *See also* Defence Request for Leave to Add Items to its List of Evidence, 6 February 2026, ICC-01/21-01/25-367, with confidential Annex A; Email from the Prosecution, 6 February 2026, at 19:10.

⁷ Defence Submission of its Updated List of Evidence pursuant to Rule 121(6), 13 February 2026, ICC-01/21-01/25-377, with confidential *ex parte* Annex A; Prosecution’s Submission of the Second Updated List of Evidence, 13 February 2026, ICC-01/21-01/25-378, with confidential Annex A.

⁸ Defence’s Request, paras 1-3, 10.

⁹ On the same day, the Common Legal Representatives of Victims (‘CLRV’) also indicated that they ‘do not oppose the Defence’s [R]equest’; email from the CLRV, 18 February 2026, at 19:32.

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 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 updated list of evidence by no later than 20 February 2026 at 16:00.

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 Friday, 20 February 2026

At The Hague, The Netherlands