

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: **5 March 2026**

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

CONFIDENTIAL

***ex parte* Prosecution & Defence Only**

Defence Response to Prosecution Request ICC-01/21-01/25-406-Conf-Exp

Source: Defence for Mr Rodrigo Roa Duterte

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

Duterte Defence Team

☐ 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

Osvaldo Zavala Giler

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☐ Detention Section

☐ Victims Participation and
Reparations Section

☐ Other

Without needing to trouble the Pre-Trial Chamber, the Defence affirms, confirms, assures and guarantees the following concerning the role of the persons mentioned in the peculiar Prosecution filing: ICC-01/21-01/25-406-Conf-Exp ("the Request"):¹

- i) they "are not members of Mr Duterte's defence team in his case before the Court";
- ii) they "have not, and will not, receive any disclosure in this case";
- iii) they "have not, and will not, have access to any non-public filings in this case";
- iv) they "have not, and will not, receive any other non-public information in relation to this case" (arising out of the conduct of this case); and
- v) they "are not entitled to legally privileged meetings or other communications with Mr Duterte in the Detention Centre".

Since spring is in the air and Counsel is feeling remarkably benevolent, he will not take offence at the unnecessary nature of the Request and its implied suggestion (or rather insinuation) that he might be violating Article 8 of the Code of Professional Conduct. Considering the Prosecution's unabated passion for scrutinising the media coverage of this case, Counsel recommends, as he did at confirmation, that the Senior Trial Lawyer should abide by the adage "not to believe everything he reads in the papers" - unless, of course, it relates to Mr Duterte's innocence.



Nicholas Kaufman
Counsel for Rodrigo Roa Duterte

Dated this 5th day of March 2026

At The Hague, The Netherlands

¹ Prosecution's Request for Clarification regarding Defence Counsel, [ICC-01/21-01/25-406-Conf-Exp](#), 4 March 2026, para. 9.