

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: **10 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*

Public
with confidential *ex parte* Defence and Prosecution only Annex A

**Public Lesser Redacted Version of “Prosecution’s Request for Clarification regarding
Defence Counsel”, 4 March 2026, ICC-01/21-01/25-406-Conf-Exp**

Source: Office of the Prosecutor

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**

☒ **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**

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M. Osvaldo Zavala Giler

☐ **Victims and Witnesses Unit**

☐ **Detention Section**

☐ **Victims Participation and Reparations
Section**

☐ **Other**

I. INTRODUCTION

1. At the confirmation of charges hearing, Mr Duterte’s Defence Counsel publicly referred to the following six lawyers when introducing the defence team to the Chamber: Salvador Medialdea, Salvador Panelo, Martin Delgra, Silvestre Bello, Afredo Lim and Cesar Dulay.¹

2. Defence Counsel stated that his team was “ably assisted and supported by” the six lawyers who attended the hearing in the public gallery.² In a media interview, Defence Counsel stated that two of these lawyers (Mr Delgra and Mr Medialdea) have been “working with [us] all along”³, and when asked by a journalist if these six lawyers will “just be just watching from the gallery”, Defence Counsel stated: “well yes, unfortunately they’ve arrived at the last minute, so it won’t be possible to get them passes so they can actually sit inside the court [...]”⁴ One of the six lawyers, Mr Panelo, reportedly stated that Defence Counsel was set to have a meeting with his Filipino legal team to discuss the confirmation hearing and potential strategies.⁵

3. These statements have created the impression that the six lawyers are members of Mr Duterte’s defence team before the International Criminal Court (the “Court”). For the purposes of ensuring the Prosecution continues to meet its obligations under article 68 of the Rome Statute (the “Statute”), and to ensure there is no chilling effect on its investigations, the Prosecution requests that the Chamber order the Defence to confirm, on the record, the following in relation to these individuals:

- (i) that they are not members of Mr Duterte’s defence team in his case before the Court;
- (ii) that they have not, and will not, receive any disclosure in this case;
- (iii) that they have not, and will not, have access to any non-public filings in this case;

¹ T-0004, 23 February 2026, p. 3, lines 1-5; T-0005, 24 February 2026, p. 2, lines 12-13. On 26 and 27 February 2026, Defence Counsel informed the Chamber that there had been no change in the composition of the Defence team. *See* T-0006, 26 February 2026, p. 2, lines 9-10; T-0007, 27 February 2026, p. 2, line 8.

² T-0005, 24 February 2026, p. 2, lines 12-13.

³ ABS-CBN News, FULL: Nicholas Kaufman interview before ICC confirmation of charges hearing | ABS-CBN News, 23 February 2026, at 00:59-3:00. *See also* Inquirer, Kaufman says Filipino lawyers in ICC hearings have been active on case, 22 February 2026, in which Defence Counsel reportedly stated that “at least two have actively contributed to his ICC Defense. These lawyers will be attending the hearing and will continue to provide valuable support”.

⁴ ABS-CBN News, FULL: Nicholas Kaufman interview before ICC confirmation of charges hearing | ABS-CBN News, 23 February 2026, at 2:24-2:33.

⁵ ABS-CBN News, Panelo downplays evidence vs Duterte in day 2 of ICC confirmation hearing, 25 February 2026.

- (iv) that they have not, and will not, receive any other non-public information in relation to this case; and
- (v) that they are not entitled to legally privileged meetings, or other communications, with Mr Duterte in the Detention Centre.

II. CONFIDENTIALITY

4. This filing is classified as confidential *ex parte* Defence, Prosecution and Registry only pursuant to regulation 23*bis*(2) of the Regulations of the Court (the “Regulations”), as it cites to filings of the same classification. The filing also contains potentially sensitive information which could impact the security of Prosecution witnesses and its ongoing investigations pursuant to regulation 23*bis*(1) of the Regulations.

III. SUBMISSIONS

5. Pursuant to article 68 of the Statute, the Prosecution has a duty to “take appropriate measures to protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses.”⁶ This includes knowing which individuals work for Mr Duterte’s defence team, as these individuals have access to highly sensitive confidential information, including regarding Prosecution witnesses and victims.

6. The Defence has previously acknowledged the need for clarity in relation to their team members. For example, in its [REDACTED], [REDACTED], [REDACTED] “[REDACTED].”⁷ The Defence went on to state that it was “[REDACTED]”.⁸ [REDACTED].⁹

7. The Prosecution has concerns regarding the six lawyers alleged to be part of Mr Duterte’s defence team. These individuals are closely connected to Mr Duterte.¹⁰ Some worked on Mr Duterte’s presidential campaign,¹¹ during which he announced his intention to implement his

⁶ Decision on the Defence’s observations pursuant to rule 122(3) of the Rules of Procedure and Evidence, 20 February 2026, ICC-01/21-01/25-388, para. 4.

⁷ [REDACTED].

⁸ [REDACTED].

⁹ [REDACTED].

¹⁰ See e.g., Politiko, Rody Duterte prepares for ICC battle with trusted Medialdea as legal counsel, 14 March 2025; Rappler, The Davao Boys are alright, 9 July 2021; ABN, Duterte frat bro denies involvement in bribery scandal, 16 February 2017; Inquirer, Look at the big pitcher, 29 August 2016; SunStar, Baguio boy gets top BIR post, 2 June 2016.

¹¹ See e.g., Inquirer, Salvador Panelo files candidacy for senator, 8 October 2021; ABS, The Duterte Cabinet: All the President’s men, 22 May 2016, updated on 29 June 2016.

common plan to kill alleged criminals nationwide.¹² Many were also appointed by Mr Duterte to high-level governmental positions during his Presidency,¹³ throughout which, the Prosecution alleges that Mr Duterte committed the crimes charged under Counts 2 and 3.¹⁴ The Prosecution therefore requires clarification on whether these individuals are in fact members of Mr Duterte's defence team in order to conduct thorough risk assessments to potentially oppose their appointment.

8. The Prosecution has attempted to resolve this issue through *inter partes* communication. The Prosecution approached Defence Counsel on 23 February 2026 to clarify whether these six lawyers were members of the defence team. During this discussion, Defence Counsel advised the Prosecution that the six lawyers are not members of Mr Duterte's defence team. However, this representation is inconsistent with Defence Counsel's public statements.¹⁵ The Prosecution had emailed Defence Counsel on 25 February asking that Defence Counsel clarify the role of these individuals on the public record "for the purposes of ensuring [the Prosecution] continue[s] to meet [its] obligations under article 68 and that there is no chilling effect on [its] investigation".¹⁶ Defence Counsel refused to do so. The Prosecution therefore requests that the Chamber order the Defence to clarify on the record the involvement of the six lawyers in Mr Duterte's case before this Court.

IV. REQUESTED RELIEF

9. For the above reasons, the Prosecution respectfully requests that the Chamber order the Defence to confirm in a filing that Salvador Medialdea, Salvador Panelo, Martin Delgra, Silvestre Bello, Alfredo Lim and Cesar Dulay:

- (i) are not members of Mr Duterte's defence team in his case before the Court;
- (ii) have not, and will not, receive any disclosure in this case;

¹² Corrected Version of "Prosecution's Pre-Confirmation Brief", 18 July 2025, ICC-01/21-01/25-201-Conf, 24 July 2025, ICC-01/21-01/25-201-Conf (public redacted version filed on 22 September 2025, ICC-01/21-01/25-201-Corr-Red and public lesser redacted version filed on 13 February 2026, ICC-01/21-01/25-201-Corr-Red2) (the "Pre-Confirmation Brief"), paras 8, 10, 13, 26.

¹³ See e.g., PHL-OTP-00090599; Rappler, Medialdea is executive secretary, Panelo is spokesman, 16 May 2016; PhilStar, Medialdea is OIC during Rody's Tokyo visit, 27 October 2017; Edge Davao, Medialdea is OIC, 8 November 2017; Rappler, Sal Panelo is Duterte's new spokesman, 11 October 2018; Rappler, LIST: Who's who in the incoming Duterte Cabinet, 16 May 2016; Rappler, Duterte eyes Bebot Bello for DOLE, Pernia for NEDA, 22 May 2016; Daily Tribune, ExPAGCOR president linked to P75 million scam, 11 December 2023; SunStar, Baguio boy gets top BIR post, 2 June 2016. .

¹⁴ Pre-Confirmation Brief, paras 99-154,

¹⁵ See paras 1-2.

¹⁶ Confidential *ex parte* Annex A, Email from Prosecution to Defence Counsel, 25 February 2026 at 2:51 p.m.

- (iii) have not, and will not, have access to any non-public filings in this case;
- (iv) have not, and will not, receive any other non-public information in relation to this case; and
- (v) are not entitled to legally privileged meetings, or other communications, with Mr Duterte in the Detention Centre.

A handwritten signature in black ink, appearing to read 'Mandiaye Niang', written over a horizontal line.

Mame Mandiaye Niang, Deputy Prosecutor

Dated this 10th day of March 2026

At The Hague, the Netherlands