

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: **13 April 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-01/21-01/25-411-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 |

The Defence for Mr Rodrigo Roa Duterte believes that the Prosecution's request to order further reclassification of the Defence submission¹ ("Request") is unnecessary and a waste of the Pre-Trial Chamber's valuable time and resources (when it is otherwise occupied with drafting a decision on the confirmation of the charges). With this in mind, the holier-than-thou attitude manifested by the Prosecution's theatrical preoccupation with the Defence's presumed intentions and its simulated "regret" at being "forced to litigate"² the matter is inappropriate.

Firstly, the Request is based on a false premise. The Defence never stated that the "six lawyers at issue"³ were members of the *Duterte* defence team at the International Criminal Court. As the Prosecution itself admits, the presumption of such membership is a subjective "impression" which has been "created".⁴

Secondly, the Prosecution's purported concern is to assuage the fears of potential victims and witnesses and to ensure that there is no "chilling" effect on ongoing investigations.⁵ These concerns are adequately addressed in the public redacted version of the Defence's response to the Prosecution's original request,⁶ where it is made clear that no confidential information has been disclosed in breach of Counsel's ethical duties.⁷

¹ Prosecution's Request for Reclassification of "Defence Response to Prosecution Request ICC-01/21-01/25-406-Conf-Exp", [ICC-01/21-01/25-411-Conf-Exp](#), 2 April 2026.

² [Request](#), para. 11.

³ [Request](#), para. 1.

⁴ [Request](#), para. 3.

⁵ [Request](#), para. 10.

⁶ Prosecution's Request for Clarification regarding Defence Counsel, [ICC-01/21-01/25-406-Conf-Exp](#), 4 March 2026.

⁷ Public Redacted Version of "Defence Response to Prosecution Request ICC 01/21-01/25-406-Conf-Exp", 5 March 2026, [ICC-01/21-01/25-407-Red](#), 26 March 2026, p. 3.

Finally, the Prosecution has cited absolutely no statutory basis for the Request which should, accordingly, be REJECTED forthwith.

A handwritten signature in black ink that reads "Nicholas Kaufman". The signature is written in a cursive, slightly slanted style. Below the signature is a solid horizontal line.

Nicholas Kaufman
Counsel for Rodrigo Roa Duterte

Dated this 13th day of April 2026
At The Hague, The Netherlands