

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No. ICC-01/21-01/25

Date: 23 April 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*

Confidential

Decision on the 'Prosecution's Request for Reclassification of "Defence Response to Prosecution Request ICC-01/21-01/25-406-Conf-Exp"'

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 2 April 2026 'Prosecution's Request for Reclassification of "Defence Response to Prosecution Request ICC-01/21-01/25-406-Conf-Exp"'.¹

1. On 4 March 2026, the Prosecution filed the 'Prosecution's Request for Clarification regarding Defence Counsel', seeking that the Chamber order the Defence to provide clarifications on any involvement in the present case of six lawyers who attended the confirmation of charges hearing in the public gallery.²

2. On 5 March 2026, the Defence filed the 'Defence Response to Prosecution Request ICC-01/21-01/25-406-Conf-Exp' confirming *inter alia* that the six lawyers 'are not members of Mr Duterte's defence team in his case before the Court'; a public redacted version of the Defence Response was filed on 26 March 2026, in which this information was redacted.³

3. On 12 March 2026, the Chamber noted that, in light of the information provided by the Defence, the Clarification Request is moot.⁴

4. On 2 April 2026, the Prosecution filed the Request seeking that 'the Chamber order the reclassification of the Defence Response to public',⁵ submitting *inter alia* that 'the redacted information should be made public in order to assuage the fears of potential witnesses and victims and to ensure there is no chilling effect on the Prosecution's ongoing investigations'.⁶

5. On 13 April 2026, the Defence opposed the Request submitting that (i) it 'is based on [the] false premise' that the Defence stated that the six lawyers were members of Mr Duterte's Defence team; and (ii) 'the Prosecution's concerns are adequately addressed in the public redacted version of the Defence's response to the Prosecution's original request, where it is made clear that no confidential information has been disclosed in breach of Counsel's ethical duties'.⁷

6. The Chamber recalls that, pursuant to regulation 23*bis* (1) and (3) of the Regulations of the Court, a participant 'shall state the factual and legal basis for the chosen classification' of its

¹ ICC-01/21-01/25-411-Conf-Exp (the 'Request').

² ICC-01/21-01/25-406-Conf-Exp (public redacted version notified on 10 March 2026, [ICC-01/21-01/25-406-Red2](#)), with confidential *ex parte* Annex A (the 'Clarification Request').

³ ICC-01/21-01/25-407-Conf-Exp (public redacted version notified on 26 March 2026, [ICC-01/21-01/25-407-Red](#)) (the 'Defence Response').

⁴ Email from the Chamber, [ICC-01/21-01/25 – Confidential-Ex Parte] Order for reclassification of ICC-01/21-01/25-406-Conf-Exp-AnxA, at 12:14.

⁵ Request, para. 1.

⁶ Request, paras 1, 6, 7.

⁷ Defence Response to Prosecution Request ICC-01/21-01/25-411-Conf-Exp, ICC-01/21-01/25-413-Conf-Exp.

document and, where the basis for the classification no longer exists, the Chamber may reclassify such document either upon request by a participant or the Registry, or on its own motion. In assessing the reclassification of a document, while publicity of the proceedings is a well-established principle which has consistently been stressed in the decisions of the chambers of this Court,⁸ the Chamber shall also balance the different interests at stake.⁹

7. The Chamber notes that the information redacted in the public redacted version of the Defence Response relates to the Defence's submission that the six lawyers, mentioned publicly by the Defence during the hearing on the confirmation of charges,¹⁰ are not part of Mr Duterte's Defence team. The Chamber notes that the Defence does not provide any specific reasons or justifications for such redactions. Rather, it merely avers that the Prosecution's concerns which underly the Request are 'adequately addressed in the public redacted version' of the Defence Response, without therefore directly addressing the redacted information nor providing a specific reason to keep such information from the public.

8. Furthermore, the Chamber considers that the Defence's argument that the Request is based on an erroneous interpretation of its statement at the confirmation of charges hearing is not relevant to the Chamber's determination of the Request, insofar as the latter is based on the content of the Defence Response, to which the Defence elected to apply redactions. The Defence's statement during the confirmation of charges hearing, or any interpretation thereof, is not presently at issue, and any related argument should have been raised at the time of the Prosecution's initial Clarification Request.

9. In light of these circumstances, the Chamber considers that there is no factual or legal basis that sufficiently supports maintaining the original classification of the Defence Response.

⁸ See [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.

⁹ See e.g. Trial Chamber V, *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, [Decision on Reclassification of Documents](#), 28 January 2021, ICC-01/14-01/18-856-Red, para. 8.

¹⁰ See e.g. [Transcript of hearing](#), 23 February 2026, ICC-01/21-01/25-T-004-Red-ENG, p. 2, line 20 – p. 3, line 5.

FOR THESE REASONS, THE CHAMBER HEREBY

GRANTS the Request;

ORDERS the Registry to immediately reclassify filing ICC-01/21-01/25-407-Conf-Exp as public;

ORDERS the Prosecution to file a public redacted version of filing ICC-01/21-01/25-411-Conf-Exp by no later than 24 April 2026; and

ORDERS the Defence to file a public redacted version of filing ICC-01/21-01/25-413-Conf-Exp by no later than 24 April 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 Thursday, 23 April 2026

At The Hague, The Netherlands