

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: **5 June 2026**

TRIAL CHAMBER III

Before: Judge Joanna Korner, Presiding Judge
Judge Keebong Paek
Judge Nicolas Guillou

SITUATION IN THE REPUBLIC OF THE PHILIPPINES

IN THE CASE OF *THE PROSECUTOR* v. *RODRIGO ROA DUTERTE*

Public

Prosecution's Observations regarding the Directions on the Conduct of Proceedings

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**

☐ **Amicus Curiae**

REGISTRY

Registrar

☐ **Counsel Support Section**

M. Osvaldo Zavala Giler

☐ **Victims and Witnesses Unit**

☐ **Detention Section**

☐ **Victims Participation and Reparations
Section**

☐ **Other**

I. INTRODUCTION

1. On 27 May 2026, during the first status conference, Trial Chamber III (the “Chamber”) instructed the parties to file observations on any proposed amendments to the Directions on the Conduct of Proceedings that were adopted in the case of *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman* (“*Ali Kushayb*”) ¹ by 5 June 2026. ²

2. Further to this instruction, the Prosecution proposes an amendment with respect to the deadline for applications pursuant to rules 68(2) and (3) of the Rules of Procedure and Evidence (the “Rules”) and proposes a deadline for applications for in-court protective measures.

II. SUBMISSIONS

3. In the *Abd-Al-Rahman* case, the Prosecution was instructed to file applications pursuant to rules 68(2) and (3) of the Rules by the same date as the trial brief, final list of witnesses and list of evidence. ³ Given the condensed timelines in this case, ⁴ the Prosecution respectfully requests a short extension of these deadlines. The Prosecution requests that applications pursuant to rules 68(2) of the Rules be filed on a rolling basis, with all 68(2) applications filed by no later than 30 September 2026. The Prosecution further requests that applications pursuant to rule 68(3) of the Rules be filed on a rolling basis, with a deadline of no later than 30 September for any witnesses proposed to testify in 2026, ⁵ and a deadline of no later than 30 October 2026 for the remainder. The Prosecution will indicate the proposed mode of testimony for each witness in its list of witnesses due 31 August 2026.

4. The Prosecution submits that additional time to submit applications pursuant to rules 68(2) and (3) of the Rules is necessary given the heavy workload that will be involved in completing the Prosecution’s disclosure, submitting the trial brief, final list of witnesses, and

¹ *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman* (“*Ali Kushayb*”), Direction on the conduct of proceedings, 4 October 2021, ICC-02/05-01/20-478 (the “[Abd-Al-Rahman Directions](#)”), paras 46-47.

² T-009, p. 48, lines 16 to 19.

³ [Abd-Al-Rahman Directions](#), paras 5, 46-47.

⁴ The time lapse between the decision on the confirmation of charges and the start date of the trial is approximately seven months in this case, as compared to approximately nine months in the *Abd-Al-Rahman* case.

⁵ This would give sufficient time for the Defence to respond within the standard 10 day deadline pursuant to regulation 34 of the Regulations of the Court, and for the Chamber to rule on such applications.

list of evidence by 31 August 2026.⁶ The Prosecution notes that this deadline is one month earlier than the deadline it had proposed to complete all of the necessary pre-trial steps.⁷

5. Similar to the *Abd-Al-Rahman* case, the Prosecution proposes that applications for in-court protective measures be filed by 30 October 2026, which is approximately two months after the filing of the trial brief, final list of witnesses and list of evidence to be relied upon at trial.⁸ The Prosecution submits that a deadline closer to the commencement of trial would be beneficial as the applications will contain more current information regarding the witnesses' security situation. Such a deadline will also provide the Chamber with sufficient time to receive the applications and for the Victims and Witnesses Unit to fulfil its mandate.⁹

6. The Prosecution proposed to the Defence and the Legal Representatives of the Victims (the "LRVs") that applications pursuant to rules 68(2) and 68(3) of the Rules be filed on a rolling basis, with all 68(2) applications filed by no later than 30 September 2026, and rule 68(3) applications and application for in-court protective measures be filed by no later than 30 October 2026. The Defence did not agree to the proposed deadlines for the rule 68 applications and did not express a position on the proposed deadline for applications for in-court protective measures. The LRVs confirmed their agreement to the deadlines proposed. Following its consultations with the Defence and the LRVs, the Prosecution has amended its proposal slightly to propose a deadline of no later than 30 September for any applications for rule 68(3) witnesses proposed to testify in 2026.

III. REQUESTED RELIEF

7. For the above reasons, the Prosecution respectfully requests that the Chamber order that:

- (i) applications pursuant to rule 68(2) of the Rules be filed on a rolling basis, and by no later than 30 September 2026;

⁶ Chambers of this Court have extended time limits if the delay is caused by a heavy workload requiring simultaneous preparation of complex filings. See Trial Chamber IX, *The Prosecutor v. Dominic Ongwen*, Decision on Common Legal Representative's Request for an Extension of Time to File its Final List of Witnesses, 31 January 2018, [ICC-02/04-01/15-1160](#), para. 5.

⁷ The Prosecution initially proposed to complete applications pursuant to rule 68 of the Rules and applications for in-court protective measures by 30 September 2026. This proposal was made on the basis that other pre-trial steps, including the pre-trial brief, list of witnesses and disclosure, would be completed by the same deadline, which has now been shortened by one month. See Public redacted version of "Prosecution's submissions pursuant to the 'Order scheduling first status conference'", 15 May 2026, [ICC-01/21-01/25-440-Red](#), paras 3-5.

⁸ T-009, p. 47, lines 7-11.

⁹ [Abd-Al-Rahman Directions](#), para. 58.

- (ii) applications pursuant to rules 68(3) of the Rules be filed on a rolling basis, and by no later than 30 September for any witnesses testifying in 2026, and 30 October 2026 for the remainder; and
- (iii) applications for in-court protective measures be filed by 30 October 2026.

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

Mame Mandiaye Niang, Deputy Prosecutor

Dated this 5th day of June 2026

At The Hague, the Netherlands