

**Cour
Pénale
Internationale**

**International
Criminal
Court**



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

Date: **15 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 Response to "Registry's Observations on the Directions on the Conduct of the Proceeding, adopted in the *Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman* case (ICC-02/05-01/20-478 dated 04 October 2021)" (ICC-01/21-01/25-454)

Source: Office of the Prosecutor

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I. INTRODUCTION

1. The Prosecution provides its response to the Registry's Observations on the Directions on the Conduct of the Proceedings (the "Registry's Submissions") below.¹ In principle, the Prosecution does not object to the recommendations outlined in the Registry's Submissions. However, as set out below, the Prosecution proposes minor variations to the procedures and deadlines proposed by the Registry in relation to public redacted versions ("PRVs") of transcripts.

2. Regarding the suggested use of the Judicial Workflow Platform modules,² consultations are ongoing between the Registry, the parties and participants, as the Chamber is aware.³

II. SUBMISSIONS

3. *First*, in relation to PRVs of transcripts, the Prosecution proposes that the procedure set out in the Registry's Submissions is modified so that the five working days deadline for the calling party to propose redactions begins once the Registry has notified the parties and participants of the *corrected*, as opposed to the *edited*, version of a transcript. This proposal is consistent with the subsequent amendment to the procedure in relation to PRVs of transcripts, issued by Trial Chamber VI in the *Said* case,⁴ following a joint request from the Prosecution and the Defence.⁵

4. In the *Said* case, the parties argued, and the Trial Chamber agreed, that preparing the PRV of a transcript based on the corrected version of a transcript would be in line with the proposed objective to abolish the two-step process of publishing a PRV, followed by a lesser-redacted PRV, and to allow "only one PRV for each transcript".⁶ By contrast, the production of a PRV based on the edited version of a transcript, as suggested in the Registry's

¹ Registry's Observations on the Directions on the Conduct of the Proceeding, adopted in the *Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman* case (ICC-02/05-01/20-478 dated 04 October 2021), 5 June 2026, ICC-01/21-01/25-454 (the "[Registry's Submissions](#)").

² [Registry's Submissions](#), paras 13-14.

³ Email from Trial Chamber III to the Registry, parties and participants, 12 June 2026 at 16:56.

⁴ See Registry, *The Prosecutor v. Mahamat Said Abdel Kani*, Annex 27 to the Eighth Registry's Quarterly Report on Email Decisions for the months of January to March 2024, 8 May 2024, ICC-01/14-01/21-757-Anx27-Red, (the "[Anx 27 Said Registry Quarterly Report Email Decisions](#)"), p. 2, stating, "The Chamber therefore decides that the initial deadline for the calling party to propose redactions will start running as of the moment when the parties have been notified of the corrected versions of both the French and English versions of a transcript".

⁵ [Anx 27 Said Registry Quarterly Report Email Decisions](#), p. 3.

⁶ [Anx 27 Said Registry Quarterly Report Email Decisions](#), pp 3-4.

Submissions,⁷ may lead to the creation of more than one PRV per transcript, since either the Registry or the parties and participants would have to replicate the redactions proposed to the “edited” versions, in the “corrected” versions, when they become available.

5. Moreover, while corrections and redactions of transcripts are different processes, the two may overlap when additional redactions may be required as a result of corrections made to a transcript. The Prosecution’s suggestion, that the deadline to propose redactions to a transcript starts running from the notification of the corrected version of a transcript, would therefore also reduce the risk of inadvertent disclosure of confidential information in PRVs of transcripts.

6. *Second*, the Prosecution suggests that the calling party be invited to propose the exceptional “lifting” of any redactions to parts of the hearings that took place in private or closed sessions, on the assumption that private or closed sessions are redacted in the PRV by default. Consequently, the Prosecution proposes minor adjustments to the wording of paragraph 15 of the *Said* Trial Chamber’s Decision on Lesser Redacted Versions of Public Transcripts,⁸ as follows:

Five working days after all the ~~edited~~ **corrected**⁹ and highlighted transcripts relating to a witness have been transferred by the Registry to the parties and participants, the calling party may propose **the lifting of** redactions to parts of hearings that took place in private/closed session. Exceptionally, it may also propose additional redactions to information that was revealed during open session and for which no redaction orders were sought at the time. If two witnesses overlap on one transcript, the proposed **lifting of** redactions **or proposed additional redactions** for both testimonies may be submitted five working days after the Registry has provided the ~~edited~~ **corrected** and highlighted transcripts for the second witness.

7. *Finally*, once the Chamber has decided on the procedures it will adopt in relation to PRVs of transcripts, transcripts corrections and in-court redactions, in the interests of ensuring clarity and efficiency, the Prosecution proposes that these procedures are set out in the record of this case.

⁷ [Registry’s Submissions](#), para. 8, citing, Trial Chamber VI, *The Prosecutor v. Mahamat Said Abdel Kani* Decision on Disagreements Regarding Lesser Redacted Versions of Public Transcripts, 31 January 2024, ICC-01/14-01/21-683 (the “[Said Trial Chamber Decision on Lesser Redacted Versions of Public Transcripts](#)”), para. 15.

⁸ [Said Trial Chamber Decision on Lesser Redacted Versions of Public Transcripts](#), para. 15.

⁹ As noted above, this proposed language adjustment reflects the *Said* Trial Chamber’s subsequent amendment to its previous instruction on the preparation of PRVs of transcripts. *See above*, para. 3.

III. REQUESTED RELIEF

8. For the foregoing reasons, the Prosecution respectfully recommends the above modifications to the proposed procedures set out in the Registry's Submissions.

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

Mame Mandiaye Niang, Deputy Prosecutor

Dated this 15th day of June 2026

At The Hague, the Netherlands