

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-01/21-01/25**
Original: **18 May 2026**
Date: **26 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

Public Redacted Version of “Response to Prosecution’s request for materials in the custody of the Registry”

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
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☐ States' Representatives

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☐ Detention Section

☐ Victims Participation and Reparations
Section

☐ Other

I. INTRODUCTION

1. The Defence for Mr Rodrigo Roa Duterte hereby responds to the Prosecution's request that Trial Chamber III ("the Trial Chamber") order the Registry to make available to the Prosecution items obtained upon Mr Duterte's arrest and transfer to the International Criminal Court ("Prosecution's Request" or "Request").¹
2. It is difficult for the Defence to make fully informed submissions at this time, absent sight of the Registry's submissions. The Defence may be in a better position to assist the Trial Chamber with additional submissions after having reviewed the position of the Registry. Notwithstanding, the Defence submits that the Request should be dismissed, for the reasons set out below.

II. SUBMISSIONS

A. The Prosecution's request to inspect, [REDACTED] is made too late

3. Such requests are usually made within days of the arrival of the suspect in custody,² or at the **earliest opportunity**.³ The Prosecution had notice of the [REDACTED] in the Registry's possession on 14 March 2025.⁴ Ordinarily, it would be obliged to investigate such allegedly highly relevant material by the time of the confirmation hearing. In fact, it did not even seek to take possession of the items until after the confirmation proceedings.
4. The Prosecution now suggests it can complete disclosure in this case by 30 September

¹ Prosecution's request for materials in the custody of the Registry, [ICC-01/21-01/25-425-Conf-Exp](#), 1 May 2026. This submission is filed **confidential ex parte** pursuant to [Regulation 23bis\(2\)](#) of the Regulations of the Court as it addresses a request of the same classification.

² See e.g. *El Hishri*, Public redacted version of "Prosecution's request for evidence in the custody of the Registry", ICC-01/11/01/25-45-US-Exp, 18 December 2025, [ICC-01/11-01/25-45-Red](#), 10 March 2026; *El Hishri*, Warrant of Arrest for Mr Khaled Mohamed Ali El Hishri, [ICC-01/11-01/25-7](#), 10 July 2025; *Abd-Al-Rahman*, Public Redacted Version of "Prosecution's request for evidence in the custody of the Registry", 11 June 2020, ICC-02/05-01/07-83-US-Exp, [ICC-02/05-01/20-9-Red2](#), 9 July 2020; *Abd-Al-Rahman*, Public redacted version of 'Second warrant of arrest for Ali Muhammad Ali Abd-Al-Rahman ("Ali Kushayb")', 16 January 2018, ICC-02/05-01/07-74 Secret-Exp, [ICC-02/05-01/07-74-Red](#), 11 June 2020; *Bemba*, Décision et Demande en Vue D'obtenir L'identification, la Localisation, le Gel et la Saisie des Biens et avoirs Adressées à la République Portugaise, [ICC-01/05-01/08-249](#), 27 May 2008; *Bemba*, Warrant of Arrest for Jean-Pierre Bemba Gombo, [ICC-01/05-01/08-1-tENG](#), 23 May 2008; *Katanga*, Request to the Democratic Republic of the Congo for the Purpose of Obtaining the Identification, Tracing, Freezing and Seizure of the Property and Assets of Germain Katanga, [ICC-01/04-01/07-7-tENG](#), 6 July 2007; *Katanga*, Warrant of Arrest for Germain Katanga, [ICC-01/04-01/07-1-US-tENG](#), 2 July 2007.

³ *Ntaganda*, Decision on the Prosecution Application for a Warrant of Arrest, [ICC-01/04-02/06-1-Red-tENG](#), 6 March 2007.

⁴ [REDACTED], paras 3-4. See also [REDACTED] ("[\[REDACTED\]](#)").

2026.⁵ Conducting a full [REDACTED] would suggest this is an unrealistic ambition. The material on [REDACTED]. In the experience of the Defence, such processes take many months.

B. The Prosecution’s request to provide an inventory of the Obtained Items is unnecessary

5. The Registry’s “Chain of Custody” form,⁶ provided upon Mr Duterte’s transfer to the ICC Detention Centre, and disclosed to the Prosecution, amounts in terms to an inventory. The Prosecution speculates that the Registry failed to include in this inventory categories of materials ([REDACTED]).⁷ There is no basis for this speculation. Indeed it seems highly unlikely that the Registry would trouble to list [REDACTED]. Doubtless, in its observations on the Prosecution’s Request, the Registry will resolve this conundrum.

C. The Prosecution’s request for an order that the Registry freeze any money within the Obtained Items is otiose

6. An order from the Trial Chamber to the Registry to freeze any money within the Obtained Items will have no practical impact upon the existing state of affairs. The money (if any) is in the possession of the Registry and will remain so, whether or not the Registry is subject to any order from the Trial Chamber to “freeze” it. Accordingly, the Request is unnecessary.
7. However, should the Registry indicate that money is contained within the Obtained Items, the Defence suggests that the Registry be ordered to [REDACTED], in order to prevent any devaluation thereof.

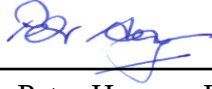
⁵ Public redacted version of “Prosecution’s submissions pursuant to the ‘Order scheduling first status conference’”, [ICC-01/21-01/25-440-Red](#), 15 May 2026, paras 3, 5, 26.

⁶ [\[REDACTED\]](#).

⁷ [Prosecution’s Request](#), para. 11.

III. CONCLUSION AND RELIEF SOUGHT

8. For the reasons set out above, the Defence respectfully requests that Trial Chamber III **reject** the Prosecution's Request.



Mr Peter Haynes, KC
Counsel for Mr Rodrigo Roa Duterte

Dated this 26th day of June 2026
At The Hague, the Netherlands