

ANNEX 20

PUBLIC

From: Pre-Trial Chamber I Communications
Sent: 27 June 2025 11:47
To: OTP Philippines Team; D36 Duterte Defence Team; V50 LRV Team OPCV
Cc: Associate Legal Officer-Court Officer; Pre-Trial Chamber I Communications
Subject: [ICC-01/21-01/25 - Public] Decision on the 'Prosecution's Request for Authorization to Submit an Updated List of Evidence on 18 July 2025'

Dear Counsel,

The Chamber has noted the 'Prosecution's Request for Authorization to Submit an Updated List of Evidence on 18 July 2025' (the 'Request'), as well as the Office of Public Counsel for Victims ('OPCV') and Defence's responses thereto.

Recalling its 'Order on the conduct of confirmation proceedings' (ICC-01/21-01/25-114, the 'Order'), the Chamber notes that allowing the Prosecution to file an updated list of evidence ('LoE') on 18 July 2025, i.e. the deadline for the submission of the pre-confirmation brief ('PCB'), appears appropriate to ensure adherence to the instruction that the LoE 'only contains the evidentiary items referenced in the PCB' (Order, para. 36).

The Chamber notes that, following a disclosure process that has been taking place 'on a rolling basis', by 1 July 2025 the Defence will be in possession of 'all the evidence [the Prosecution] intends to rely upon at the confirmation of charges hearing' because evidence disclosed 'after that date will not be taken into account' (Order, paras 23-24). The Request has no impact on the Prosecution's submission of the LoE on 4 July 2025 (Order, para. 36), which will provide the Defence with relevant information for its analysis of the disclosed evidence well in advance of the statutory 30-day time limit indicated in rule 121(3) of the Rules of Procedure and Evidence.

In light of the above, the Chamber grants the Request and instructs the Prosecution to file an updated LoE, containing only the evidentiary items referenced in the PCB, on Friday, 18 July 2025, should it be necessary. To further ensure that the Defence can prepare adequately for the confirmation hearing, the Chamber instructs the Prosecution to liaise with the Defence inter partes between 4 and 18 July in order to inform the Defence whether any evidentiary items will be added or removed from the LoE as soon as that information becomes available.

Thank you and kind regards,
 On behalf of Pre-Trial Chamber I

From: [REDACTED]
Sent: 25 June 2025 23:20
To: [REDACTED]; Pre-Trial Chamber I Communications [REDACTED]
 [REDACTED]; Nick Kaufman [REDACTED]; D36 Duterte Defence Team
 [REDACTED]; V50 LRV Team OPCV [REDACTED]; OTP Philippines
 Team [REDACTED]
Subject: Re: Prosecution's Request for Authorization to Submit an Updated List of Evidence on 18 July 2025

Dear Pre-Trial Chamber I,
Dear colleagues,

The Defence writes in response to the Prosecution's request for authorisation to submit an updated list of evidence on 18 July 2025. As the Prosecution noted in its email, it did very kindly seek the Defence's position prior to submitting its request to the Pre-Trial Chamber.

The Defence reiterates here the same concern it has already expressed to the Prosecution, namely, the possible prejudice to Mr Duterte that may arise as a result of a shortened period within which the Defence can efficiently, and in a focused manner, review the entirety of the evidence on which the Prosecution intends to rely for the purposes of the confirmation proceedings.

While the Defence understands the close link between a PCB and LOE, and the fact that the Prosecution is requesting authorisation to submit a limited number of documents after the 4 July 2025 deadline, the Defence's position is that a two-week delay until it is in receipt of all the documents to be analysed prior to the confirmation hearing represents a substantial delay. Indeed, what this Chamber had been intended to be an almost three-month review period (11 weeks) would, as a result, become only slightly more than two months (9 weeks). Though two weeks may seem, on its face, relatively modest, that time may well prove critical to the Defence's preparation, depending on the sheer quantity of evidence yet to be disclosed as well as to what, precisely, the Prosecution cites in the PCB.

Further, a truncated review period delays not only our focused review of the LOE items, but any potential Rule 77 disclosure requests, or litigation, emanating therefrom.

Finally, while the Defence is very grateful for the Prosecution's cooperation in resolving the various disclosure issues that have arisen over the last months, it is cognisant that errors may inadvertently continue to occur, which could further hamper the Defence's review in what would be an already shortened timeline.

As such, the Defence's position is that the Prosecution should continue to abide by the **4 July 2025 deadline** for the LOE, and no extension should be authorised. This will ensure the Defence is able to review the Prosecution's evidence in the manner, and according to the timeline, that it had foreseen.

Kind regards,


On behalf of the *Duterte* Defence

From: 
Sent: 25 June 2025 6:06 PM
To: Pre-Trial Chamber I Communications  Nick Kaufman
 D36 Duterte Defence Team  V50 LRV Team
OPCV  OTP Philippines Team 
Subject: Prosecution's Request for Authorization to Submit an Updated List of Evidence on 18 July 2025

Dear Pre-Trial Chamber I,

Dear colleagues,

In paragraph 36 of its Order on the conduct of confirmation proceedings (ICC-01/21-01/25-114), the Pre-Trial Chamber ordered the Prosecution to submit its List of Evidence (LoE) and Pre-Confirmation Brief (PCB) by 4th July 2025 and that the LoE must contain only items referenced in the PCB. In its e-mail decision of 19 May 2025 the Pre-Trial Chamber granted the Prosecution's request for extension

of time to file the PCB on 18 July ([ICC-01/21-01/25 – Public] Decision on the Prosecution's request regarding the date of submission of the Pre-Confirmation Brief).

Accordingly, the Prosecution will submit its LoE on 4th July 2025. However, The Prosecution respectfully requests the Chamber for authorization to submit an updated version to its LoE on the same day set for the submission of the PCB, 18 July, should this become necessary.

As the items contained in the LoE are limited to those items cited in the PCB the contents of the PCB and the LoE are closely linked. For the Prosecution to ensure that the LoE is complete and accurate, the Prosecution requests permission to submit an update to the LoE once the PCB is finalised. As the Prosecution will be working on the PCB between 4 and 18 July it is likely that, despite its best efforts to completed its LoE by 4 July, there will be some additional items cited in the PCB.

Therefore, the Prosecution respectfully seeks the Chamber's authorisation to submit an update to its LoE by 18 July 2025 should it be necessary to do so.

The Prosecution has consulted with the Defence on this matter but has been unable to arrive at an agreement. The Prosecution thanks the Defence for consulting.

Thank you.

Best regards,



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