

ANNEX 3

PUBLIC

From: Pre-Trial Chamber I Communications
Sent: 11 August 2025 16:35
To: OTP Philippines Team
Cc: [REDACTED] V50 LRV Team OPCV; Associate Legal Officer-Court Officer; Pre-Trial Chamber I Communications
Subject: [ICC-01/21-01/25 – Confidential] Order regarding the Defence’s request for reclassification

Dear Counsel,

Noting the Defence’s request to reclassify as public the three confidential documents ICC-01/21-01/25-81-Conf, ICC-01/21-01/25-100-Conf and ICC-01/21-01/25-102-Conf, in order to expedite the process, the Chamber hereby orders the Prosecution to file its observations on this request, by way of email, by no later than 13 August 2025.

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

From: [REDACTED]
Sent: Wednesday, August 6, 2025 7:32 PM
To: Pre-Trial Chamber I Communications [REDACTED]
Cc: OTP Philippines Team [REDACTED]; D36 Duterte Defence Team [REDACTED] V50 LRV Team OPCV [REDACTED]
Subject: ICC-01/21-01/25 [Duterte]: Request for Reclassification of Confidential Filings

Dear Pre-Trial Chamber I,

The Defence for Mr Duterte writes to you following its request to the Appeals Chamber, seeking the disqualification of Chief ICC Prosecutor Karim Khan from the case against Mr Duterte (*see* ICC-01/21-01/25-226-Conf). The basis of the disqualification request is Mr Khan's former involvement in the Situation in the Philippines, acting as victims' counsel on behalf of the Philippines Human Rights Commission.

This filing was made confidentially, because in its submissions, the Defence refers to two confidential notifications by Mr Khan to the Pre-Trial Chamber, informing it of his prior representation (see Prosecutor's Notification, [ICC-01/21-01/25-81-Conf](#), 6 March 2025; Prosecutor's Second Notification, [ICC-01/21-01/25-100-Conf](#), 1 April 2025).

The Defence also referenced in today's submission its own 3 April 2025 response to the above notifications (see [ICC-01/21-01/25-102-Conf](#)), similarly classified as confidential pursuant to Regulation 23bis(2).

The Defence, however, does not believe that any of the above submissions should be classified as confidential and would request, should the Prosecution agree and the Chamber be minded, the reclassification as public of **both** the Prosecution notifications **as well as** the Defence response thereto. Should these reclassifications be granted, the Defence would also seek the reclassification as public of its submission dated 6 August 2025 seeking the disqualification of the Chief Prosecutor, which was only filed confidentially out of an abundance of caution given its references to the above notifications.

None of the above submissions warrant confidential classifications. Mr Khan's notifications, and the Defence response thereto, do not contain protected information that justify continued confidentiality. Disclosure of a conflict of interest is not protected information; on the contrary, such disclosure is intended to foster transparency and allow management of the conflict.

The Defence submits that reclassification as public of the aforementioned filings would enhance general understanding of, and confidence in, the present proceedings, and would be consistent with the principles of transparency and publicity, as well as with the proper administration of justice.

To that end, the Defence requests that the Chamber order the **reclassification as public** of the following filings:

1. Prosecutor's Notification dated 6 March 2025, [ICC-01/21-01/25-81-Conf](#);
2. Prosecutor's Second Notification dated 1 April 2025, [ICC-01/21-01/25-100-Conf](#); **and**
3. Defence Response to ICC-01/21-01/25-81-Conf, Defence Response to ICC-01/21-01/25-100-Conf, [ICC-01/21-01/25-102-Conf](#), 3 April 2025.

The Defence thanks for the Chamber for its consideration of this matter.

Kind regards,



On behalf of the *Duterte* Defence