

ANNEX 9

PUBLIC

Subject: [ICC-01/21-01/25 – Confidential] Decision on Defence request to adopt a coding system for redactions
Date: 17 Dec 2025, 16:23:00
From: Pre-Trial Chamber I Communications <[REDACTED]>
To: [REDACTED] <[REDACTED]>
Copy: OTP Philippines Team <[REDACTED]>, V50 LRV Team OPCV <[REDACTED]>, Office of the Director DJSS <[REDACTED]>, Pre-Trial Chamber I Communications <[REDACTED]>

Dear Counsel,

The Chamber, having noted the below request, considers that departure from the practice of the Court with regard to the marking of redactions is not warranted in the present circumstances. All necessary redactions to the relevant filings shall therefore be marked by applying the mention '[REDACTED]' as opposed to using a coding system.

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

From: Nick Kaufman <[REDACTED]>
Sent: Wednesday, December 17, 2025 1:26 PM
To: Pre-Trial Chamber I Communications <[REDACTED]>
Cc: Pre-Trial Chamber I Communications <[REDACTED]>; Office of the Director DJSS <[REDACTED]>; V50 LRV Team OPCV <[REDACTED]>; OTP Philippines Team <[REDACTED]>; D36 Duterte Defence Team <[REDACTED]>
Subject: RE: [ICC-01/21-01/25 – Confidential] Order regarding publicity of filings

Dear Pre-Trial Chamber,

The Parties and Participants have worked diligently to agree redactions.

The only difference of opinion relates to whether the names of the various experts should be left as [REDACTED] or whether a coding system should be adopted so that the public can distinguish between experts. This is particularly relevant for the Defence where internal contradictions among the members of the Panel of Experts have been cited.

The Defence proposed the following coding system:

Professor A – [REDACTED]
 Professor B – [REDACTED]
 Professor C – [REDACTED]
 Professor D – [REDACTED]
 Dr E – [REDACTED]

The Prosecution is not in favour of coding and fears that it might open the floodgates for similar proposals in the future. The PRV that has been forwarded by OPCV for Defence perusal presently distinguishes between the experts adopting the coding system suggested.

The Defence fully understands the Prosecution's concern and leaves the matter to the discretion of the Pre-Trial Chamber.

The Defence would appreciate the Pre-Trial Chamber's instruction on this matter.

Kind regards,

Nick Kaufman
 Counsel for Rodrigo Roa Duterte

From: Nick Kaufman <[REDACTED]>

Sent: 16 December 2025 14:57

To: Pre-Trial Chamber I Communications <[REDACTED]>; OTP Philippines Team <[REDACTED]>; D36 Duterte Defence Team <[REDACTED]>; V50 LRV Team OPCV <[REDACTED]>; Office of the Director DJSS <[REDACTED]>

Cc: Pre-Trial Chamber I Communications <[REDACTED]>

Subject: Re: [ICC-01/21-01/25 – Confidential] Order regarding publicity of filings

Dear Pre-Trial Chamber,

This order is duly noted.

Many thanks,

Nick Kaufman
 Counsel for Rodrigo Roa Duterte

From: Pre-Trial Chamber I Communications <[REDACTED]>

Sent: Tuesday, December 16, 2025 1:14 pm

To: OTP Philippines Team <[REDACTED]>; D36 Duterte Defence Team <[REDACTED]>; V50 LRV Team OPCV <[REDACTED]>; Office

of the Director DJSS <[REDACTED]>

Cc: Pre-Trial Chamber I Communications <[REDACTED]>

Subject: [ICC-01/21-01/25 – Confidential] Order regarding publicity of filings

Dear Counsel,

Dear colleagues,

With regard to filings relating to Mr Duterte's fitness, in order to ensure publicity of the proceedings, and noting the nature and the submitters' indications as to the confidentiality of such filings, the Chamber hereby orders:

1. The Registry to file a public redacted version of ICC-01/21-01/25-327-Conf;
2. The Office of Public Counsel for Victims ('OPCV') to file a public redacted version of ICC-01/21-01/25-337-Conf;
3. The Prosecution to file a public redacted version of ICC-01/21-01/25-338-Conf; and
4. The Defence to file a public redacted version of ICC-01/21-01/25-339-Conf.

The Registry, the OPCV, the Prosecution and the Defence shall liaise in order to agree on the redactions to be applied to the above filings and ensure consistency in the application of such redactions.

The above orders shall be implemented by no later than Friday, 19 December 2025.

Thank you and kind regards,

On behalf of Pre-Trial Chamber I