

ANNEX 26

PUBLIC

Subject: [ICC-01/21-01/25 – Public] Decision on Defence’s ‘Request for Reconsideration of Classification’
Date: 25 Mar 2026, 15:09:23
From: Pre-Trial Chamber I Communications <[REDACTED]>
To: D36 Duterte Defence Team <[REDACTED]>, OTP Philippines Team <[REDACTED]>
Copy: V50 LRV Team OPCV <[REDACTED]>, Associate Legal Officer-Court Officer <[REDACTED]>, Pre-Trial Chamber I Communications <[REDACTED]>

Dear Counsel,

The Chamber has taken note of the Defence’s request and of the Prosecution’s response concerning the level of classification of certain *ex parte* filings.

The Chamber recalls that it is the obligation of the submitter of a filing, including parties and participants, to periodically review the classification of their filings and to lift confidentiality restrictions when the circumstances justifying them no longer apply.

The Chamber further recalls that the submitters of a filing, including parties and participants, are expected to consult on classification matters before seeking the Chamber’s intervention, with a view to resolving any issues *inter partes* where possible.

Kind regards,

On behalf of Pre-Trial Chamber I

From: [REDACTED] <[REDACTED]>

Sent: 06 March 2026 17:49

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

Cc: OTP Philippines Team <[REDACTED]>; V50 LRV Team OPCV

<[REDACTED]>; D36 Duterte Defence Team <[REDACTED]>;

Associate Legal Officer-Court Officer <[REDACTED]>

Subject: RE: ICC-01/21-01/25: Duterte: [Public]: Request for Reconsideration of Classification

Dear Pre-Trial Chamber,

Dear Colleagues,

The Prosecution has reviewed the filings listed by the Defence below and notes that only three were filed by the Prosecution (#174, 186 and 204).

The Prosecution has reviewed these three filings and considers it necessary for their current classification to be maintained. The Prosecution takes the same position in relation to the other filings listed by the Defence below that the OTP has access to.

The Prosecution further understands that the Defence should already have access to two of the below filings (#183 and 364) based on their classification.

Best regards,

[REDACTED]

From: Nick Kaufman <[REDACTED]>

Sent: 03 March 2026 18:11

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

Cc: OTP Philippines Team <[REDACTED]>; V50 LRV Team OPCV

<[REDACTED]>; D36 Duterte Defence Team <[REDACTED]>;
Associate Legal Officer-Court Officer <[REDACTED]>

Subject: ICC-01/21-01/25: Duterte: [Public]: Request for Reconsideration of Classification

Dear Pre-Trial Chamber,

The Defence notes that it has not been made privy to the *ex parte* filings identified below:

- ICC-01/21-01/25-167
- ICC-01/21-01/25-170
- ICC-01/21-01/25-173
- ICC-01/21-01/25-174
- ICC-01/21-01/25-177
- ICC-01/21-01/25-183
- ICC-01/21-01/25-186
- ICC-01/21-01/25-187
- ICC-01/21-01/25-191
- ICC-01/21-01/25-204
- ICC-01/21-01/25-216
- ICC-01/21-01/25-218
- ICC-01/21-01/25-221
- ICC-01/21-01/25-222
- ICC-01/21-01/25-324
- ICC-01/21-01/25-364

Without wishing to overburden the Pre-Trial Chamber, the Defence would ask it to consider directing the submitting parties to review their submissions, to reassess the strict necessity of

maintaining the *ex parte* classification and order, where applicable, their reclassification to "confidential.

The Defence believes that the relative lull in proceedings might be profitably exploited by the Prosecution for the purpose of reviewing the above filings for the purpose of identifying information, at the very least, material to the preparation of defence, as disclosable under Rule 77 of the Rules of Procedure and Evidence.

Kind regards,

Nick Kaufman

Counsel for Rodrigo Roa Duterte