

1 International Criminal Court  
2 Pre-Trial Chamber I  
3 Situation: Republic of the Philippines  
4 In the case of The Prosecutor v. Rodrigo Roa Duterte - ICC-01/21-01/25  
5 Presiding Judge Iulia Antoanella Motoc, Judge Reine Adélaïde Sophie  
6 Alapini-Gansou and Judge María del Socorro Flores Liera  
7 Confirmation of Charges Hearing - Courtroom 1  
8 Friday, 27 February 2026  
9 (The hearing starts in open session at 10.06 a.m.)  
10 THE COURT USHER: [10:06:26] All rise.  
11 The International Criminal Court is now in session.  
12 Please be seated.  
13 PRESIDING JUDGE MOTOC: [10:06:57](Interpretation) Good morning, everyone.  
14 I'd like to welcome everyone in and outside of the courtroom.  
15 Court officer, kindly call the case.  
16 THE COURT OFFICER: [10:07:11] Good morning, Madam President, your Honours.  
17 Situation in the Republic of the Philippines, in the case of the Prosecutor versus  
18 Rodrigo Roa Duterte, case reference ICC-01/21-01/25.  
19 And for the record, we are in open session.  
20 PRESIDING JUDGE MOTOC: [10:07:28](Interpretation) Thank you very much.  
21 I would like to ask the parties and participants to confirm that the team composition  
22 is the same as yesterday's.  
23 MR NIANG: [10:07:42](Interpretation) Good morning, Madam President,  
24 your Honours. I can confirm that indeed the OTP is represented by the same staff  
25 members. There have been a few changes over the days, but they are all here.

1 PRESIDING JUDGE MOTOC: [10:07:57](Interpretation) Thank you very much,  
2 Deputy Prosecutor.

3 Ms Massidda for the Legal Representative of Victims.

4 MS MASSIDDA: [10:08:05](Interpretation) Good morning, Madam President,  
5 your Honours. Same composition as yesterday.

6 PRESIDING JUDGE MOTOC: [10:08:12](Interpretation) Finally the Defence,  
7 Mr Kaufman.

8 MR KAUFMAN: [10:08:15] Good morning, your Honours. We remain the same.

9 PRESIDING JUDGE MOTOC: [10:08:19](Interpretation) Thank you very much.

10 I would now like to call upon the Defence to address the Court and to complete their  
11 submissions on the merits.

12 We have to add the time that the Defence did not use, but you can use all your time.

13 We will have a break at 10.30 and then we will continue in the afternoon.

14 So, Mr Kaufman, please proceed and you must respect the Chamber's decision  
15 regarding redactions, otherwise I will be obliged to interrupt you each time so as to  
16 protect victims and witnesses.

17 Mr Kaufman, please go ahead.

18 MR KAUFMAN: [10:09:09] I do indeed thank your Honours for that consideration.

19 And we did in fact have a short version prepared and a long version prepared. So  
20 I'll be reading from the long version and that was specifically so that we could  
21 accommodate the redactions that have been so insisted upon, and we respect that, of  
22 course, by the Prosecution.

23 So I now turn with respect, your Honours, to Count 2 and this concerns the alleged  
24 murders of high-value targets during the presidential period.

25 And before addressing the individual incidents that the Prosecution characterises as

1 involving so-called high-value targets, the Defence makes a preliminary be  
2 observation. The term "high-value target" appears throughout the Prosecution's  
3 Brief as though it is evidence of a coordinated plan to eliminate targets. With respect,  
4 that inference cannot be sustained. The existence of a prioritisation category within  
5 a law enforcement campaign does not establish a criminal plan. HVT was an  
6 operational classification used by law enforcement and in this sense it is no different  
7 from a similar acronym in another country where I have clients, APOTs, or Australian  
8 Priority Organisation Targets.

9 HVT is not a code for an instruction to kill or a witch-hunt. It was a prioritisation  
10 tool within anti-drug operations applied across regions and units on the basis of  
11 intelligence assessments, alleged position within drug networks, or inclusion on  
12 watch lists. Classification does not imply selection for murder any more than it is  
13 proof of unlawful intent.

14 The Prosecution itself acknowledges the existence of formal operational frameworks,  
15 including police circulars and structured campaigns. Within those structures,  
16 individuals could be designated high value for purposes of operational attention.

17 Many HVT operations in fact resulted in arrest or surrender, albeit some resulted in  
18 fatal encounters. For this reason, each alleged HVT incident must be scrutinised on  
19 its own evidentiary foundation. When the incidents falling under Count 2 are  
20 examined individually, the pattern, we submit, is similar to that, those incidents  
21 falling under Count 1. Namely, heavy reliance on insider testimony, wishful and  
22 selective reading of police reports and dubious and tenuous linkage to Rodrigo  
23 Duterte.

24 Now, the operations cited under Count 2 were conducted within the framework of  
25 the lawful War on Drugs. And as such, operational contexts are consistent with

1 planned law enforcement activity, including buy-bust operations and coordinated  
2 arrests, rather than preordained killings. The evidence for Count 2 incidents  
3 consistently shows that the deaths occurred during armed confrontations in which  
4 force was used in response to an imminent threat, in accordance with the rules of  
5 engagement repeatedly articulated by President Duterte. Namely, that lethal force  
6 was permissible only where life was in danger.

7 Across the Count 2 incidents there exist contemporaneous documents, whether it be  
8 arrest warrants, operational records or firearms recovery reports, all of which reflect  
9 legitimate police operations that escalated into exchanges of gunfire. The general  
10 record does not substantiate a theory of wanton execution. Yet the Prosecution seeks  
11 to rely, once again, on the testimony of criminals spilling their hearts with a tacit  
12 understanding that they will never be prosecuted.

13 In four of the five incidents, contemporaneous reports document the recovery of  
14 firearms at the scene, indicating that the weapons were used against police and  
15 prompting a responsive use of force. In incidents 12, 13 and 14, the operations were  
16 authorised by judicially issued search warrants.

17 We have diagrams on the screen, being shown. I'm not going to stop, they'll be  
18 presented throughout my presentation continuously, all in an attempt to save time.  
19 Those circumstances are squarely within operational legality and fundamentally  
20 incompatible with a preplanned murder.

21 Incident 14 is particularly instructive: four individuals were arrested alive. To us,  
22 that demonstrates selective, and not indiscriminate, use of force.

23 In incidents 10, 13, and 14, gunpowder residue was detected on the victims' hands.  
24 At a minimum, that forensic finding is consistent with an exchange of gunfire and not  
25 consistent with a straightforward execution narrative. And the Prosecution and

1 the Victims' Representatives simply can't have their cake and eat it. They can't say in  
2 one breath that drugs and guns were planted on victims and therefore dispute crime  
3 scene evidence while at the same time complaining about the lack of crime scene  
4 evidence.

5 Yet the Prosecution virtually disregards these objective and forensic indicators in  
6 favour of narrow and often uncorroborated insider testimony. This is best  
7 illustrated in incident 10, which rests almost entirely on P-1160's assertion that  
8 a firearm was planted at the scene of the crime and the official report fabricated.

9 Yet P-1160 expressly accepts that he did not witness the planting of the firearm and  
10 merely assumes that it must have happened, before conceding that the firearm may  
11 already have been present. Once again we are in the realm of inadmissible  
12 conjecture. We know that an investigation followed that incident. The opening of  
13 an inquiry is not consistent with the intention to conceal wrongdoing.

14 Beyond that, as I've just mentioned, the record reflects the detection of gunpowder  
15 residue on victims' hands in this particular incident, a forensic indicator consistent  
16 with an exchange of gunfire and inconsistent with the witness's testimony, which is  
17 notably, once again, uncorroborated.

18 Incident 11, this is the sole incident in Count 2 where direct linkage to Mr Duterte is  
19 advanced. And this linkage rests entirely on voice recognition by an individual who  
20 claims to have overheard a telephone conversation and recognised the president's  
21 voice while being physically moved from one location to another. The alleged  
22 recipient of the telephone call himself was never interviewed, and another person  
23 present, on whom the Prosecution relies for corroboration, did not hear the  
24 conversation. After all, would it not have been an item of interest to all those present  
25 in that specific location that the President of the Republic himself had condescended

1 to discuss matters of such a criminal nature by way of telephone?

2 So the ridiculous assertion stands solely on the word of one single individual.

3 The only other corroborating witness, the one who heard nothing, acknowledged  
4 a personal resentment that he harboured for the then president, Rodrigo Duterte, for  
5 reasons you will find in PHL-OTP-00016420-R01 at 0022, lines 695 to 708. Once  
6 again I can't mention the reasons because it's redacted.

7 Voice recognition in uncontrolled conditions while being physically  
8 removed -- moved and uncorroborated by any forensic or documentary evidence  
9 cannot constitute substantial grounds for confirmation, particularly where it forms  
10 the sole mechanism for attribution.

11 Incident 12. This incident relies heavily on a central witness whose credibility is  
12 seriously compromised by retaliatory motives he admits to harbouring against  
13 Mr Duterte. This can be found in OTP tab 55 at page 27, line, and another reason  
14 that we cannot mention in open session, but which can be found in  
15 PHL-OTP-00015167-R01 at page 0008. For this particular incident the case record  
16 demonstrates that this operation was conducted pursuant to a judicially issued search  
17 warrant with operational reports and documentation concerning the recovery of  
18 firearms. To displace such an extensive contemporaneous record, one would expect  
19 the Prosecution to produce forensic evidence capable of undermining the reliability of  
20 these materials, evidence demonstrating fabrication or inconsistency sufficient to  
21 reduce their probative value. None, however, has been forwarded, because none,  
22 presumably, exists.

23 Incident 13. This relates to the killing of Mayor Espinosa, whose name I can mention,  
24 and Raul Yap, who were shot in a police cell. The Prosecution's case is largely  
25 premised on a witness who claimed to have heard but admitted not to have seen

1 anything. Thus there is nothing in the Prosecution's evidence to contradict  
2 the alternative theory proposed for this incident, which is that there was a firefight  
3 between the victims and the officers in the police station Leyte Sub-Provincial Jail.  
4 Nor is there a need to enter into these conflicting accounts because the Prosecution's  
5 own evidence exculpates Rodrigo Duterte for responsibility for this incident, not that  
6 he admits any connection to it. After all, according to the Prosecution, on  
7 1 August 2016, Rodrigo Duterte gave Espinosa a 24-hour ultimatum to surrender, and  
8 surrender he did the following day. Four days later Rodrigo Duterte commended  
9 Espinosa for surrendering to Ronald Dela Rosa, commenting that it was just as well  
10 that he did. So if we look at it from the point of view of Rodrigo Duterte, that is  
11 where the incident ended, despite Mr Jeremy exhorting us to believe otherwise.  
12 What happened thereafter, as awful as it may be, had nothing to do with our client  
13 and not one witness can say that.

14 The Prosecution's narrative in incident 14, the raid on the house of another person  
15 who I can mention, the mayor of Ozamiz City, rests exclusively on a witness who, for  
16 reasons we cannot explain in open session, is wholly unable to provide complete or  
17 reliable testimony for reasons that can be found in D36 tab 181, lines 128 to 155 and  
18 lines 191 to 212.

19 Contemporaneous documentary police reports reflect that this police operation  
20 proceeded pursuant to six judicial search warrants, something hardly consistent with  
21 a premeditated murder scheme. After all, if the intention was cold-blooded murder,  
22 why go to the bother of involving a judge? Official investigative materials also  
23 indicate that officers approached the premises, announced the execution of  
24 the warrant, and were met with gunfire that struck a patrol vehicle and injured an  
25 officer, prompting a return of fire.

1 This directly refutes what Ms Massidda so categorically claimed on Tuesday, namely  
2 that none of the arresting officers were ever harmed during the operations.

3 Transcript T-5, page 44, line 24: "In every case, the victim was killed and none of  
4 the arresting officers were harmed."

5 The exchange of fire, as reported, is supported by the fact that gunpowder residue  
6 was found on seven individuals, including on the mayor himself, and a paraffin test  
7 turned out positive on the person of one of the victims indicating that he had  
8 discharged a firearm, something totally negating the gun plant theory proposed by  
9 the Prosecution's only witness.

10 It is also worth stressing that four individuals were arrested alive following  
11 the operation and that one of them was subsequently sentenced to life imprisonment  
12 after the domestic courts rejected claims of evidence planting. That fact alone is not  
13 consistent with a theory of indiscriminate execution, but is rather consistent instead  
14 with arrest and prosecution within the boundaries of the law and not indiscriminate  
15 use of force.

16 So to summarise, across incidents 10 to 14, Count 2, we see absolutely no evidence  
17 whatsoever of any attribution to Mr Duterte on the granular level, nor do we see any  
18 evidence of a mutually agreed course of conduct on the upper hierarchical level of  
19 government involving Mr Duterte and his alleged so-called co-perpetrators.

20 The record reflects police operations conducted at unit level, sometimes under judicial  
21 warrant. P-1166 describes operational discretion resting with the local team leaders  
22 and characterises planned killings as rare and locally motivated.

23 P-1066 clarifies that to "neutralise", that word which has been heard so often in  
24 the last few days, "neutralise" referred to lawful enforcement, not killing.

25 The Prosecution's own witness. The Senate committee report refers to "rogue

1 uniformed police".

2 To conclude, the evidence reflects decentralisation, not control required under  
3 indirect co-perpetration. And for these reasons, confirmation on Count 2 cannot  
4 stand.

5 Now I'm going to start Count 3. We have until 10.30. I'm conscious of the time  
6 allotted to me.

7 So Count 3 relates to the *barangay* clearance operations during the presidential period.

8 Incident 15 marks the beginning of the *barangay* clearance operations. Now, from  
9 this point forward, a familiar pattern emerges in the Prosecution's narrative.

10 The same *modus operandi*, to employ Mr Jeremy's language: routine buy-bust

11 operations are recast as sham exercises designed to conceal extrajudicial killings

12 allegedly ordered from some unspecified source from above. Mr Jeremy claims

13 a target was identified through the use of lists. Well, nothing wrong with that.

14 As one witness, an intelligence officer, explains in his testimony, the use of lists is

15 a normal standard procedure. Once validation was conducted on a person X, a file

16 on that person would be created as a result of intelligence operations. Then, so claim

17 Mr Jeremy and Ms Croft, the target is murdered and reports are falsified and rewards

18 are paid out. This, Ms Croft suggested at transcript 5, page 23, lines 11 to 13 is

19 the systematicity of the pre-planned attack.

20 But this is not the case. The Defence can point to contemporaneous official records

21 generated across different units or organisations that show clearly that, in

22 the majority of these incidents, the evidence reflects legitimate law enforcement

23 operations involving spontaneous and reported exchanges of fire and uses of force

24 subjected to forensic and administrative review.

25 These are not clandestine acts hidden from scrutiny, Madam President, but rather

1 recorded operations consistent with self-defence in the course of policing. And  
2 where the evidentiary record supports competing inferences, including the inference  
3 of a lawful armed confrontation and the inference of an unlawful execution, well, and  
4 with this I will conclude, *in dubio pro reo*.

5 10.30.

6 PRESIDING JUDGE MOTOC: [10:28:42](Interpretation) Thank you very much,  
7 Mr Kaufman.

8 So I've understood that you would like to use the time that remains to you and you  
9 have -- you still have 20 minutes, actually. I understood that you wanted to use that  
10 time.

11 MR KAUFMAN: [10:29:06](Interpretation) Yes, I would, but I'm not so sure if I can  
12 conclude in 20 minutes.

13 PRESIDING JUDGE MOTOC: [10:29:16](Interpretation) Very well.  
14 It's still you, you have the floor. Proceed.

15 MR KAUFMAN: [10:29:25] Across incidents 15 through 49, the Chamber will  
16 repeatedly encounter contemporaneous buy-bust or warrant-based documentation.  
17 Reported exchanges of fire. Gunshot residue findings. Ballistic testing.  
18 Immediate hospital transport. Internal investigations. And, in some cases,  
19 prosecution and conviction of officers.

20 Against all of this evidence, that you've just seen on the screen here, the Prosecution  
21 offers single insider accounts of alleged stagings; uncorroborated assertions of  
22 weapons planting and *nanlabans*. Unsupported by any forensic evidence. Often  
23 speculative. Frequently contradicted by the alleged co-participants. Or yet more  
24 often, complete silence from the alleged co-participants, as they were never even  
25 questioned about the incident. And most importantly, despite Mr Jeremy's

1 assertions on Tuesday wherein he claimed that "the police reports were repeatedly  
2 falsified to legitimate the operations as acts of self-defence [...] copy-paste reports in  
3 which victims were frequently blamed for their own deaths", there is zero proof, none,  
4 that the only existing contemporaneous documentary evidence is fabricated or  
5 unreliable. No proof whatsoever of this supposed falsification in the entire case  
6 record.

7 And on this point let us just clarify a basic principle, that a state document, with  
8 the appropriate stamps and signatures and what have you, is prima facie reliable or,  
9 in other words, it carries a presumption of administrative regularity. And if  
10 the Prosecution seeks to displace that document, and call the entire state apparatus  
11 into question, then the burden rests on it to produce credible objective evidence  
12 rebutting that presumption. Bare allegations or reliance on single prosecution  
13 witnesses cannot suffice to overcome this presumption of authenticity and correctness,  
14 nor should the burden shift to the Defence to prove that those documents are not  
15 falsified.

16 Now, we do not deny that in some instances the record may reveal unlawful conduct  
17 by individual officers. But it is our position that, where that occurred, the evidence  
18 points to opportunism, personal animus, or corruption at the local level. In fact,  
19 the witnesses themselves often concede decentralised decision-making at the  
20 operational level.

21 And most importantly, these acts, however reprehensible, do not establish a policy,  
22 instruction, or plan that is attributable to our client, Mr Rodrigo Duterte.

23 Now given that I am limited in time, I will address the incidents contained in Count 3  
24 by summarising the principal evidentiary difficulties, which are five in number: {ICR:  
25 (Redacted)}

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)}

6 This is at T-5, page 4, lines 7 to 8.

7 Mr Jeremy referred to a press release, OTP tab 108, in which the police proclaim that  
8 32 people were killed in Bulacan Big Time Operations, and then went on to refer to  
9 this as a single, one single operation in which 32 victims were killed by the police in  
10 Bulacan.

11 But what Mr Jeremy failed to tell you, your Honours, is that one of the Prosecution's  
12 own witnesses explained clearly that he investigated these deaths in an official  
13 capacity soon after the killings and found that 33 people were actually killed in  
14 different municipalities and provinces in Central Luzon, but that their bodies were  
15 delivered to Bulacan. This was not, as Mr Jeremy suggested, a single incident of  
16 mass murder, but rather an improper aggregate of a series of law enforcement  
17 operations over the course of 24 hours executed in a large geographical area and for  
18 which we have no evidence in the case record.

19 There's no evidence on the perpetrators, victims, motives, manner of attacks,  
20 methodology. In essence, nothing to link them to an alleged fantasy common plan.  
21 Everything is just stitched together enough to give it a veneer of organisation.

22 I now turn to incidents reflecting documented armed confrontations.

23 And as mentioned when I first turned to this count, the documentary record, which  
24 has not been displaced by any evidence proffered by the Prosecution, reflects  
25 attempted arrests, resistance, and responsive use of force. And you've just seen

1 some of the documents up there on the screen.

2 Let's turn briefly to incident 17, for which the Prosecution has relied on a witness who  
3 stated that the planting of evidence was an open secret in the locality and province  
4 more generally. However, another witness working in the same locality, P-1208,  
5 states otherwise, that he was never involved in illegal operations resulting in deaths,  
6 was not aware of extrajudicial killings disguised as lawful operations, and confirms  
7 that there were no standing orders to kill. The operational objective, he explains,  
8 was arrest; lethal force only when the circumstances required it. And you can find  
9 this information in Defence tab 96.

10 And we see this pattern again and again and again. In incident 40, for example,  
11 P-1131, who worked with the individual alleged to have shot the suspect, stated  
12 clearly that the killings occurred only in circumstances of lawful use of self-defence.  
13 That can be found at Defence tab 74 and you can see it on the screen as well.

14 This type of testimonial evidence is also corroborated by documentary and forensic  
15 evidence.

16 Incident 15, the Prosecution again resorts to its usual pro forma narrative of staged  
17 killings or *nanlabans*. But what it has not done, of course, is prove this. Whereas I  
18 urge your Honours to look at the screen, where you can see detailed documentary  
19 evidence about how this incident came about, and I summarise: a spontaneous  
20 exchange of fire after the suspect discharged a firearm, ballistics testing of the officer's  
21 weapon, affidavits by the police officers involved, and formal review and  
22 investigation of the officer who fired his weapon.

23 Now, I'm not going to sit here and bore you with all the evidence we have on every  
24 single one of these incidents, but what I will tell you, your Honours, is that we have  
25 this type of forensic evidence proving attempted arrests, armed resistance, and

1 responsive and sometimes disciplined use of force in no less than 13 incidents.  
2 I don't know where Mr Butuyan got the idea from that there is no forensic evidence  
3 left in the case record.  
4 And may we remind you, your Honours, until the Prosecution proves otherwise,  
5 which it has not, these state documents remain prima facie authentic and reliable.  
6 For incidents substantiated by a single witness narrative and unconfirmed by alleged  
7 co-participants, I refer your Honours to no less than nine incidents. One Prosecution  
8 witness, P-1160, is the sole testimonial evidence for at least three incidents, while  
9 another six incidents are premised entirely on the testimony of P-3. Now what's  
10 interesting about these incidents is that P-3 alleged that he was only one of a group of  
11 three or four perpetrators. And these other perpetrators are actually also  
12 Prosecution witnesses. Yet none of the other witnesses corroborated his version of  
13 events. Not one.  
14 A couple of incidents alleged by the Prosecution appear, on its own evidence, to be  
15 unrelated to drug enforcement and thus questionably part of the fantasy common  
16 plan or organisational policy. For this I would refer you to incidents 31 and 41,  
17 which involved targeting of two individuals, again because of non-drugs-related  
18 conduct. I am not sure whether I can mention the type of conduct without revealing  
19 the identity, so I shall refrain from doing so.  
20 The Prosecution has not presented any evidence to substantiate any nexus to  
21 anti-drug operations in either of these incidents. And for this I refer you to D36,  
22 tab 158, at page 4. On the perpetrator's own account, the trigger for the killing was  
23 a personal grievance relating to property damage.  
24 There are numerous incidents against unidentified or improperly identified victims.  
25 The victim in incident 45 is described as a minor. Just as in incident 38, another

1 incident on which Mr Jeremy focused on Tuesday. And by the way, on the subject of  
2 the killing of children, of course it ticks the right boxes for the Prosecution insofar as it  
3 pulls the heartstrings, but apart from Kian Delos Santos the Prosecution has not,  
4 despite its emphasis on children, presented to this Chamber during these proceedings  
5 any evidence that even one victim, apart from Kian, in its 49 incidents was a minor.  
6 No birth certificates. No corroborative evidence. Nothing.  
7 While incidents presented as involving minors are indeed grave, Article 61 requires  
8 proof, not emotion. It is for the Prosecution to prove that the children were involved  
9 in these incidents and not for the Defence, once again, to prove a negative.  
10 Now this evidentiary deficit extends even further. The Bulacan provincial office  
11 provided a certificate indicating that it had no record corresponding to the names of  
12 the victims, whose names have been redacted on the slide which we will show you.  
13 Okay, we will pass on, but the names have been redacted.  
14 And these are alleged police killings. Yet no operational report. Indeed, no  
15 contemporaneous documentation whatsoever has been produced. So on what does  
16 the Prosecution base its claim that these individuals were murdered by the police  
17 other than P-3?  
18 The Prosecution relies almost exclusively on the account of P-3, echoed by P-8. And  
19 this is rather ironic. Does the Prosecutor claim that P-3 is corroborated by P-8 when  
20 the source of P-8's information is in fact P-3 himself? Bootstrapping logic once again.  
21 The alleged direct perpetrator, P-1201, stated during his interview that he had never  
22 participated in an operation involving a child. The other officer allegedly present  
23 during both incidents, P-1131, was never questioned about these events by  
24 the Prosecution. And that omission, we submit, is not neutral.  
25 Where alleged co-perpetrators are available and are either not questioned on central

1 incidents or provide categorical denial, the Chamber should treat the remaining  
2 account with caution. Indeed, the burden rests entirely with the Prosecution to  
3 assemble a coherent evidentiary record. Gaps in questioning cannot be cured by  
4 inference.

5 {ICR: (Redacted)}

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)}

12 Targeting minors was not merely discouraged, it was absolutely prohibited and  
13 would provoke serious anger and consequences from the hierarchy.

14 These incidents, therefore, cannot simultaneously be characterised as manifestations  
15 of a centrally designed OTBT-based common plan because they quite clearly fall  
16 outside of that plan. And it does not reflect what the Prosecution on Tuesday  
17 described as the systematic features of a national network operation. Instead,  
18 according to P-3, the motive was personal financial gain through the sale of bodies.  
19 And if P-3's account is accepted, it reflects opportunistic actions for personal gain of  
20 the most macabre kind. As held in Al Hassan, and opportunistic act committed for  
21 personal profit, without more, falls outside the common plan.

22 Now just to finish up quickly on the issue of identity. In incident 43, even  
23 the alleged perpetrators are not identified. Without identification, the Chamber  
24 cannot assess their institutional affiliation, chain of command, or attempt to make any  
25 possible linkage to Mr Duterte.

1 One more thing, your Honours. The Prosecution focused for some time on incident  
2 23. I can mention his name, Mr Benjamin Visda.  
3 Mr Jeremy displayed compelling footage of Mr Visda's arrest and then a photograph,  
4 ostensibly taken some time later, of the deceased on the road, sadly bloodied and  
5 handcuffed.  
6 {ICR: (Redacted)} Mr Jeremy told us that Mr Visda was  
7 arrested and killed, and then invited this Chamber to find that it was a brutal, staged  
8 execution. But it wasn't.  
9 Because Mr Jeremy omitted some important details about this incident. Such  
10 a the fact there is a PNP report documenting, in rather a lot of detail, what happened  
11 when Mr Visda was taken away on a motorcycle. The fact that, while handcuffed,  
12 he attempted to grab the gun of one of the four policemen -- of one of the policemen,  
13 leading to a struggle and prompting the motorbike to fall over and the policemen to  
14 shoot Mr Visda twice in self-defence. And that that this PNP report appears to be  
15 corroborated by another Prosecution witness, whose testimony fully aligns with  
16 the substance of the police document.  
17 Mr Jeremy claimed that the PNP reports were false, relying solely on the allegation of  
18 one witness that the scene was staged. This witness claimed that the handcuffs were  
19 removed from the victim, that the body was loaded on the tricycle a few minutes after  
20 being shot and then brought to the hospital.  
21 However, his account is contradicted by the very picture the Prosecution has shown  
22 you on Tuesday. Indeed, it appears that the Prosecution is submitting documentary  
23 evidence which undermines its own witness's testimony. As you can see here,  
24 handcuffs are on. The body is on the ground rather than on the tricycle.  
25 Photojournalists are also present. This contradiction was even noted by

1 the Prosecution's investigators at the time of the interview and was put to the witness.  
2 And when confronted by the investigators, what did that witness say? "I don't know  
3 [if] I can answer that."  
4 Notably, {ICR: (Redacted)  
5 (Redacted)}, your Honours, turns on a single insider witness, internal consistency and  
6 corroboration are indispensable. The Prosecution's failure to secure this  
7 corroboration is a material evidentiary gap.  
8 Even if the Chamber were to question aspects of the police report, the Prosecution  
9 must still establish virtual linkage to Mr Duterte. But there is no evidence that  
10 Mr Duterte knew of Visda, that he directed the operation, or that he approved its  
11 planning. Nor has the Prosecution demonstrated that the incident would not have  
12 occurred in substantially the same way absent his alleged contribution.  
13 Two minutes left.  
14 Without proof of control over the commission of the specific crime, Article 25(3)(a)  
15 cannot be satisfied.  
16 And finally, with regard to Count 3, the Prosecution's witnesses themselves concede  
17 that there was no formal approval process. Targets were selected without validation,  
18 officers acted for personal reasons, and decisions were taken locally. All of this  
19 destroys the assertion that there was a mutually agreed common plan.  
20 I will elaborate: P-1160 claims hierarchical transmission of policy within the police,  
21 while simultaneously acknowledging officers' autonomous killings for personal  
22 motives. Those propositions cannot comfortably coexist. P-3 explains that certain  
23 officers acted outside any common plan and for opportunistic reasons.  
24 See incident 38.  
25 In incident 49, P-1207 attributes instructions to local officers without evidence of

1 communication or direction from higher authorities.

2 And most significantly, P-1207 ...

3 (Counsel confers)

4 MR KAUFMAN: [10:50:21] P-1207 states after a certain death, once again abiding by  
5 the redactions, *tokhang* operations and killings ceased. This indicates,

6 Madam President, your Honours, dependence on specific individuals, not an

7 enduring organisational policy. A system-wide common plan cannot depend on  
8 the continued presence of a non-fungible local official.

9 And with this I conclude.

10 PRESIDING JUDGE MOTOC: [10:51:03](Interpretation) Thank you very much,

11 Mr Kaufman.

12 All the arguments on the merits have been heard.

13 We will now break for 40 minutes, up to 10.30. And after we return we will continue  
14 with the closing arguments or submissions, starting with the OTP. Thank you very  
15 much.

16 Court is suspended.

17 (Recess taken at 10.51 a.m.)

18 (Upon resuming in open session at 11.31 a.m.)

19 THE COURT USHER: [11:31:31] All rise.

20 Please be seated.

21 PRESIDING JUDGE MOTOC: [11:31:54](Interpretation) Good morning once again.

22 We will now move on to the parties' and participants' final statements. I would like  
23 to remind everyone that closing statements can only be used to respond to issues  
24 raised during the presentations, not to begin new arguments.

25 So we will now be hearing from the Prosecution, then from the Legal Representatives

1 of Victims until 12.30. At 1400 hours we will hear from the Defence. After that, we  
2 will begin the hearing on detention.

3 Mr Prosecutor, you may now proceed.

4 MR NICHOLLS: [11:32:44] Good morning, Madam President, your Honours, and to  
5 everybody in the courtroom.

6 Starting with what we heard today from my friend, it doesn't happen often in this  
7 case but I'd like to thank him for his submissions because everything he said literally  
8 this morning showed why this case should go to trial and that we have met the  
9 standard of substantial grounds for confirmation.

10 What my friend did today, going through these incidents, trying to pick them apart,  
11 that sounded like a closing argument after a trial. The types of issue he raised today  
12 and yesterday, "Well, in this incident the first witness says X, the second witness says  
13 Y", that's what gets sorted out at trial. The witness that supports our charge is  
14 enough for the confirmation of the charges.

15 Another example, he talked about police reports and that there has to be a  
16 presumption of regularity, you have to accept these at face value. Well, at trial, as  
17 we've stated in our brief, at trial we will show through witness testimony that these  
18 statements were -- these police reports were often falsified. In addition, we'd make  
19 the point that during this period when my friend says, "Look at this police report, it  
20 says the victim had a gun, we say the gun was planted", that is what is for the judges  
21 at trial to sort out by hearing the witnesses.

22 And we will also point out that during this period when the reports came out, and  
23 Mr Kaufman also talked about search warrants being issued, how could it be a crime  
24 if a search warrant is issued, that Mr Duterte, as we made clear in our presentation,  
25 moved co-perpetrators from Davao to Manila and appointed them to high positions.

1 So, when he appoints the chief of the police, and part of the chief of police's job is to  
2 kill thousands of people, it's not a surprise that the police reports don't reflect that. If  
3 they decide to murder Mr Espinosa and Mr Yap while they're held in jail, he's not  
4 surprised that that can be done when Mr Duterte appoints the head of the department  
5 of justice.

6 Similar, he talked about - again, I'll get to it - talked about neutralise and we -- and  
7 how that is a neutral word and needs to be taken in context. I'll come to that a little  
8 bit later. But again, it's evidence in this case, some of which Mr Jeremy went  
9 through in his presentation, that neutralise meant to kill. Whether he is correct, or  
10 whether he is able -- whether we're able to prove it beyond reasonable doubt is  
11 another issue. Whether we're at substantial grounds is clear, we are.

12 And I'd just say again, responding to his argument about the documentation, that it's  
13 not unique to this case in war crimes trials, crimes against humanity trials where the  
14 very top leadership are the persons on trial and when they're committing their crimes,  
15 they don't put it in writing often, "Let's go out and commit a crime".

16 Mr Kaufman will know this because we both worked together at the ICTY during the  
17 trials for Srebrenica and the other Bosnian Serb army crimes, the VRS. Every single  
18 order that turned out to be criminal - virtually every single order - had in the order  
19 from the General Mladic down the chain, respect the Geneva Conventions, treat  
20 prisoners of war properly, treat civilians properly in accordance with the Geneva  
21 Conventions. That was in virtually every order and it didn't mean anything. It was  
22 boilerplate as part of their cover-up.

23 I'll move on to some of his points from yesterday now.

24 He spoke at length in the beginning about Article 7(1) and our alleged problem or  
25 inconsistency with the El Hishri case in our definition of the civilian population in this

1 case.

2 The law is very clear. All that Article 7(1) requires is that an attack is directed  
3 against any civilian population. That term "any civilian population" in 7(1) is not  
4 limited to populations defined by nationality, ethnicity or another distinguishing  
5 figure of that nature. It's a question of fact to be decided by the Trial Chamber.

6 We have set this out, paragraph 17 through 20 of our DCC. It is not particularly  
7 complicated. It is not blurry or ambiguous. We stated that alleged criminals in the  
8 Philippines are the civilian population which were the object of the attack. That's a  
9 factual issue.

10 So, the position taken in the El Hishri case, which is different, obviously, completely  
11 factually to this case, is irrelevant. Second, the issue in El Hishri did not concern the  
12 definition of the civilian population. It was about the nexus requirement under  
13 Article 7 and whether it is necessary for victims of the underlying acts or crimes  
14 against humanity themselves to be members of the population. It was a different  
15 issue completely and we have defined the population in this case. That just reminds  
16 me of what he said today at one point, "Oh, well, these victims weren't necessarily  
17 related to drugs or the war on drugs". Read our brief. Read the DCC. It makes it  
18 clear that it's criminals including drug dealers, drug pushers, drug users.

19 The incident I went through, incident 3, in my presentation on Monday, I made it  
20 clear the victims there in Davao were alleged thieves. That is why they were  
21 murdered by Mr Duterte.

22 Very quickly, he complained or spoke about the -- no, I'm going to skip that, your  
23 Honours, it's not important.

24 Moving on, he also made yesterday multiple comments that were inaccurate about  
25 the common plan alleged in the case. First, he said there was no direct evidence that

1 even two of the co-perpetrators met in person to discuss the plan, the common plan.  
2 Legally, there's no requirement that they do so. However, factually, what he stated  
3 was incorrect. We have brought evidence of such meetings and they're in our  
4 Pre-Confirmation Brief. I won't go through it, but if you look at paragraph 27 and  
5 the items cited in footnote 135 of that paragraph, it sets it out.  
6 I'll come back now to the meaning of the term "neutralise" in the context of this case.  
7 It's open to interpretation in the abstract, but my friend, in trying to persuade your  
8 Honours to take the view that neutralise didn't mean anything nefarious, quoted a  
9 statement from chief Ronald Bato Dela Rosa, co-perpetrator Dela Rosa, that neutralise  
10 did not mean to kill. That was at T-006, page 31, lines 2 to 11. So, in criticising the  
11 credibility of our witnesses, cites the police chief to say -- the police chief who signed  
12 CMC-16 to say that neutralise is a neutral term that shouldn't be taken as showing  
13 any criminal intent.  
14 But we set out in our brief multiple witnesses for the mayoral period and for the  
15 presidential period who will testify that to neutralise means to kill. That's again set  
16 out in the brief, paras 6 and 24. I'll read out just one example.  
17 This is ERN PHL-OTP-00015390-R01 at 0011, lines 345 to 346, question of this insider  
18 witness:  
19 "OK. And the words 'eliminate' and 'neutralise', what do they mean?"  
20 Witness's answer: "Kill. You have to kill, whether it is a legitimate operation or not  
21 a police operation."  
22 So, all of the dancing around about the term "neutralise" doesn't rise to the level  
23 where we would not be meeting our standard for confirmation today.  
24 One more example, my friend talked about it today, this is incident 13 in which the  
25 murder victims were Mayor Espinosa and Raul Yap. As we showed on Tuesday,

1 Mr Duterte - I won't play the video again - identified Espinosa as involved in drugs  
2 and said that he should be shot on sight and tracked down like a dog. And  
3 Mr Kaufman said yes, but Mr Espinosa surrendered, and then tried to portray the  
4 murder of Espinosa in a jail cell as legitimate self-defence. In a jail cell there's a  
5 shootout.

6 The telling point here, as we said on Tuesday, transcript 5, page 10, lines 9 to 10, in  
7 the PRRD list - it was brought up, I believe, in the presentation - these two victims of  
8 incident 13, they are noted as "neutralised" on the list, not on the day they are arrested,  
9 not on the day they go to jail, they're marked "neutralised" on the days they are killed.  
10 So they were neutralised at the time they were murdered per Mr Duterte's  
11 government at that time.

12 As I said in my submissions on Monday, right from the beginning we acknowledge  
13 throughout his speeches Mr Duterte and some of his co-perpetrators - I used the term  
14 "allies" on Monday - referred to shoot to kill in self-defence and that they sprinkled in  
15 these reference to due process and legality.

16 The evidence shows, as I said, that was only to build a veneer of legality, to create an  
17 impression of legality and to give his lawyers something to say when this day came.  
18 And that's exactly what has happened. Mr Kaufman has gone through, repeated  
19 these, repeated these, repeated these when he can, as some kind of mantra that  
20 supposedly exculpates his client. It does not.

21 As I said, this is a lawyer, Duterte, trying to build in a defence in case he was ever  
22 held to account for his crimes.

23 The facts can't be denied by these sprinklings. He ran a death squad in Davao that  
24 he created. He ran it for over 20 years before he became president. His promise  
25 was to kill thousands, and he did, so it doesn't matter how many times he tried to

1 throw in a caveat. And again, as I said, this is not uncommon in crimes committed  
2 by powerful figures. They try to build in a defence.  
3 One point Mr Kaufman made yesterday, again, showing why this case is ready to go  
4 to trial and should not be dismissed, he refers to witnesses providing what he says is  
5 exculpatory evidence. He misstated these witnesses by saying they were OTP  
6 witnesses. They are not. We are not relying on them, but their statements are  
7 disclosed. We found these witnesses and interviewed them through the process that  
8 he portrays as somehow corrupt or biased or I don't know what. They provided  
9 exculpatory information and we disclosed it, and that is somehow meant to say that  
10 this case should not go to confirmation?  
11 I mean, these witnesses are interviewed under 55(2) as suspects. Is it really unusual  
12 that when you're interviewing somebody who was involved in the crimes that they  
13 say "I didn't do it"? Does that mean that this case should not go to trial? Again, we  
14 go to trial, he can call those witnesses and the trial judges will listen to his witnesses,  
15 listen to the OTP witnesses and then decide if we've proven our case beyond a  
16 reasonable doubt or not.  
17 I'll speed up a bit, your Honours, because I don't want to go over my time.  
18 He made a small point, I just have to respond to, making a call: Why aren't there more  
19 investigations? Why aren't crimes being investigated now in the Philippines? Well,  
20 his client prevented all that by withdrawing the Philippines from the Rome Statute  
21 when he thought he might be prosecuted, thereby ensuring that we would not have  
22 jurisdiction after a certain period.  
23 Another point, my friend is trying to kind of have it both ways on how your Honours  
24 should treat Mr Duterte's utterances, his speeches, his words. On day 1, T-004 at  
25 page 30, lines 18 to 19, my friend said Duterte's "word was his word and the people

1 knew it." End quote.

2 Yesterday, worried about his client's confessions, that's what they are, he said,  
3 quote -- this is at T-006, page 7, lines 5 to 7, he said, "one cannot rely on anything  
4 coming out of Mr Duterte's mouth ..."

5 All right, that's good to know if he ever decides to testify, and, for his representations  
6 on interim release, that you can't trust a word that comes out of his mouth. But  
7 beyond that, as I went through on Monday, three times under oath Mr Duterte said in  
8 committee hearings, "I have a death squad." Is Mr Kaufman saying that his client is  
9 a liar and a perjurer, who has no problem lying under oath?

10 Limited use statements. I won't go through all the, frankly, nonsense, that we heard  
11 about limited use statements. What I want to make clear, he tried to create an  
12 impression, which is just not true. Not one witness has been granted immunity in  
13 this case, none. There is no such thing as virtual immunity or whatever he called it.  
14 He said something similar today. It's standard practice to use these statements when  
15 interviewing suspects under 55(2) who have rights, and they do not grant immunity.  
16 It just means the statement can't be used against that particular witness. And if they  
17 lie during those statements to us, to the OTP, then the agreement is void and they can  
18 be prosecuted.

19 And his suggestion somehow that we should not interview the direct killers,  
20 Mr Duterte's killers at the bottom of the pyramid, they shouldn't be interviewed,  
21 that's clinically insane from a Prosecution point of view. And, of course, some of  
22 those persons will get limited use statements if their lawyers request them.

23 And finally, we're here in this Court to prosecute the most responsible, and the most  
24 responsible is his client, former President Duterte, not the people on the ground who  
25 committed the killings. They are responsible but they are not the most responsible,

1 and unlike his client, the ones who have come forward have shown remorse for what  
2 they have done.

3 His client, contrary to everything he said in the last few days, the last three and a half  
4 hours, repeatedly admitted committing the crimes we're here for, his killings of his  
5 own people, the Filipino people. We saw some of those in our presentations.

6 I'm sorry, I missed one point. He said there is no linkage of the incidents to  
7 Mr Duterte. He said - my friend - not one incident where the direct order came from  
8 Mr Duterte for one of these incidents.

9 Well, he should look at incident 1 of the ones we have charged. And I'm afraid I  
10 don't have my cite because I skipped around, but in that incident the evidence shows  
11 that we have a witness who heard Mr Duterte on the phone, who heard that the order  
12 came from Superman, his client's code name and nickname.

13 Mr Jeremy is helping me. It's at para 89 of our brief, your Honours.

14 So that was wrong, that is -- I just wanted to reply he said that several times. It's not  
15 true.

16 Back to Mr Duterte. He's proud of his killings, he wants to be remembered for them.  
17 Decades of murdering his own people, murdering the children of the Philippines, and  
18 he claims that he did it all for his country. He doesn't deny it. He says, as I said  
19 early on: It's a necessary evil, it's for the greater good. It doesn't matter how many  
20 kids I have to kill, I'll clean up the Philippines.

21 Now, I want to play a clip, your Honours.

22 If we can do that, James.

23 This is -- you'll see the beginning, I played just a few seconds of it. I'm going to play  
24 more of it now, about two and a half minutes.

25 (Viewing of the video excerpt)

1 THE COURT OFFICER: [11:56:21] Excuse me, counsel, you have five minutes left.

2 (Viewing of the video excerpt)

3 MR NICHOLLS: [11:57:06] Okay. What did we see there? This is essentially

4 Mr Duterte's farewell speech. It was made on 9 March last year, three days before,

5 as he says, he was apprehended, he was not going to surrender, apprehended and

6 surrendered to The Hague. What did we see there?

7 First, I won't repeat it, it shows total utter contempt for this Court. Second, referring

8 to, quote, "his sin", end quote, he says: "... assuming that [all] the talk you hear is true,

9 [assuming] it is all true, why did I do that?"

10 What is the talk that's "all true"? It's obvious. After he says that, he says: The

11 problem is, they think I'm the one who --

12 (Counsel indicates)

13 And the crowd cheers.

14 Again, he doesn't say it out loud, because he knows he's on video, doesn't want the

15 words there. "Assuming I'm the one who killed all these people" -- so he makes a

16 little motion. The crowd goes wild and he smiles because he likes that after he's

17 made that statement.

18 What innocent person has ever said, "Assuming I committed all these murders, it was

19 for a really good reason." That's what they would like you to believe, that he doesn't

20 mean it.

21 And he says he did it not for himself, not for his family, but for the Filipino people.

22 And it's obvious what he's talking about, he's talking about the murders. Again, the

23 ends justify the means.

24 Again, for him, the murders are a necessary evil for the greater good, as we heard

25 right at the beginning of his career when he's teaching police officers to plant

1 evidence.

2 At the end of that video, what does he ask for? He says, "Oh, I might go to jail.

3 What can we do? But when I get out, contribute money" so there can be a

4 monument erected of him, when he's released from jail. And he describes what he

5 wants that monument to be, to himself, former President Duterte, a statue, not

6 holding a book like the national hero José Rizal, but holding a gun.

7 Three days before he's transferred to The Hague, this old man - you can see, it's still

8 up there - what does he want to be remembered as? The man with the gun. And

9 he's just taken credit for killing his own people.

10 It's time for him to take responsibility for these crimes he brags about and glories in.

11 Can we go to the next one quickly, I think I've go about three minutes, James.

12 This is tab 146.2. It's a quote from a speech on August 16, 2017. What did he say?

13 Quote: "I know I will have my own downfall. I cannot be President forever. I

14 know that they will demand to answer for all this dead." End quote.

15 And he was right when he spoke those words. He must answer for the dead. The

16 victims demand it, justice demands it and, for purposes of the confirmation, the

17 evidence demands it. We have proven it to the level for this to be bound over for

18 trial. We ask you to do that, your Honours.

19 Thank you.

20 PRESIDING JUDGE MOTOC: [12:00:57](Interpretation) Thank you very much,

21 Mr Nicholls.

22 We will now go to the closing statements of the Common Legal Representatives of

23 Victims. You have up to 12.30.

24 MS MASSIDDA: [12:01:15](Interpretation) Maître Andres will present the closing

25 statements.

1 PRESIDING JUDGE MOTOC: [12:01:28](Interpretation) You have the floor,  
2 Mr Andres.

3 MR ANDRES: [12:01:33] Madam President, your Honours, good noon.  
4 In our closing statement, the Common Legal Representatives for Victims will first  
5 rebut the Defence submissions. Then we will provide the larger context why the  
6 confirmation of the charges against Mr Rodrigo Roa Duterte is vital for the victims,  
7 especially in relation to their communities and the Filipino nation.  
8 Your Honours, listening to the Defence submissions on the merits yesterday and  
9 today was, to me, like listening to the parable of the elephant, wherein they want us  
10 to see only the parts of the elephant, the trunk, the tusk, the ears, the head, but not the  
11 whole of the elephant. We must look at the whole context.  
12 Madam President and your Honours, it's also my duty as the Common Legal  
13 Representative for Victims to express the views and concerns of the victims, as they're  
14 watching these proceedings. They have stated, and when they heard the Defence  
15 effectively submitting that the Chamber should ignore the systematicity and the  
16 widespread nature of the attack, it's like their murdered loved ones are being  
17 murdered again.  
18 Having conveyed that as my duty, we will address the Defence submissions *in*  
19 *seriatim* with 10 rebuttals.  
20 First, on Mr Rodrigo Duterte's speech. Defence argued yesterday that, and I quote,  
21 "relying on the former president's speeches as a means of proving criminal intent is  
22 impossible." I am quoting the transcript of yesterday, at page 4, lines 5 to 6. But the  
23 victims convey that the Philippine context is vital in knowing and understanding the  
24 criminal intent and impact of Mr Duterte's speeches. Under the Philippine  
25 Constitution, "The executive power shall be vested in the President of the Philippines".

1 Whatever the president publicly states is policy. And in the Philippine cultural  
2 context, when there is strong respect for those in government positions, especially the  
3 president, as head of state and as head of government, the words of the president is to  
4 be obeyed no matter what.

5 Especially for Mr Duterte, he has portrayed himself as a man of his word. The  
6 Defence even emphasise, and the Prosecution also referred to this last Monday, that,  
7 and I quote the Defence: "For President Rody his word was his word and the people  
8 knew it". End of quote. And that's the transcript of Monday, page 30, lines 18 to 19.  
9 The Defence even stated that, and I quote: "Rodrigo Duterte was and will always  
10 remain a unique phenomenon." End of quote. Referring to the transcript last  
11 Monday at page 30, line 14.

12 Mr Duterte was and is indeed a unique phenomenon in the public and vulgar way in  
13 which he uses words to dehumanise the victims of his anti-drug campaign, to excuse  
14 their murder, to shape the Filipino psyche to his murderous rhetoric, and to  
15 predispose the government agencies under his presidency to follow his words as  
16 presidential policy and as orders. And the records show that every time Mr Duterte  
17 exhorts the killing, the murders of alleged drug users, people are murdered all over  
18 the Philippines.

19 To our second rebuttal, we rebut the Defence legal theory in its Thursday submissions  
20 vis-à-vis count 1, which contains nine incidents of murder during the mayoral period  
21 of the suspect.

22 The Defence argues, concerning count 1, that this is allegedly, and I quote, "hardly  
23 widespread". And I'm quoting the transcript 26 February 2026, at page 6, line 23.

24 We strongly disagree.

25 "Widespread" refers to the scale of the attack. Courts and commentators interpret it

1 through several indicators, such as the large number of victims, the killings, the  
2 deportations, rapes or other acts affecting many people. Geographical spread,  
3 wherein the violence occurs across multiple towns, regions or a broad area. The  
4 long duration, the sustained attacks over time rather than isolated incidents. The  
5 mass impact on the civilian population; the attack affects the population as a whole,  
6 not just a few individuals. The focus is on the quantitative magnitude; the attack is  
7 large in scope or effect.

8 "Systematic", on the other hand, refers to the organised nature of the attack. It is  
9 about how the violence is carried out. Where there is pattern or methodical plan,  
10 repeated similar acts showing coordination. Organisational policy or approval,  
11 wherein there's the involvement of the state or organisational structures. Use of  
12 resources, logistics, weapons or personnel deployed in an organised way.

13 Regularity in pattern, not random or spontaneous but structured.

14 This is a qualitative criterion. The attack is carried out according to plan, policy or  
15 organised pattern.

16 In Ntaganda case, the Trial Chamber has held in 2019 that, I quote:

17 "The assessment of whether the attack is widespread is neither exclusively  
18 quantitative nor geographical, but must be carried out on the basis of all the relevant  
19 facts of the case." End of quote.

20 In fact, in Ntaganda, the Trial Chamber once again emphasised that, and I quote:

21 "The term 'systematic' reflects the organised nature of the acts of violence and the  
22 improbability of their random occurrence. It refers to the existence of 'patterns of  
23 crimes', evidenced by non-accidental repetition of similar conduct on a regular basis."  
24 End of quote.

25 In reviewing the evidence in the record of this case, the only reasonable conclusion is

1 that the attack against the specific group within the civilian population, individuals  
2 perceived as linked to drug crimes, was widespread and systematic. Contrary to the  
3 statistics shown by the Defence, there is ample evidence about the high number of  
4 murders in this case.

5 Third, on the death rate.

6 Based on the 2019 Trial Chamber judgment on Ntaganda, there is no requisite death  
7 rate in order to prove crimes against humanity for murder.

8 Fourth, we rebut the Defence legal theory in its Thursday submissions, which refer to  
9 the chapeau elements of Article 7 of the Statute. The Defence argues *inter alia* that  
10 allegedly, and I quote:

11 "[...] this policy did not and could not constitute an attack directed against a clearly  
12 definable civilian population." End of quote.

13 And I'm referring to the transcript of yesterday, at page 10, lines 16 to 17.

14 We disagree, since the chapeau elements of Article 7 of the Statute provides for, and I  
15 quote, "... widespread or systematic attack directed against any civilian population ..."  
16 End of quote.

17 As the Element of Crimes provide, and I quote:

18 "'Attack directed against a civilian population' in these context elements is understood  
19 to mean a course of conduct involving the multiple commission of acts referred to in  
20 article 7, paragraph 1, of the Statute against any civilian population, pursuant to or in  
21 furtherance of a State or organizational policy to commit such attack ..." End of  
22 quote.

23 It is also essential to note that on the targeting of a specific category of civilian  
24 population, the Pre-Trial Chamber has held in the situation in the Republic of Kenya  
25 that, and I quote:

1 "[...] the Chamber takes into account the information relevant to the status of the  
2 victims, their ethnic or political affiliation as well as the methods used during the  
3 attacks". End of quote.

4 The same Pre-Trial Chamber in the Situation in the Republic of Kenya further held  
5 that, and I quote:

6 "[...] the issue of whether an act was committed as part of a widespread or systematic  
7 attack needs to be analyzed on a case-by-case basis with regard to each particular act."  
8 End of quote.

9 Applying this legal principal to the case at hand, we have argued that "the evidence  
10 on the record unequivocally shows, individuals targeted by Mr Duterte's anti-drug  
11 campaign overwhelmingly came from impoverished communities where social  
12 mobility is limited and opportunities are scarce." The same type of people in the  
13 same type of communities, using the same modus operandi were targeted by  
14 Mr Duterte's anti-drug campaign. People from the vulnerable communities, the  
15 poor and marginalised, especially in urban informal settlements marked by high  
16 levels of poverty. Thus, we have shown last Tuesday, your Honours, that  
17 Mr Duterte's anti-drug campaign was really a war against the poor.

18 Consequently, the Document Containing the Charges was not, and I quote,  
19 "muddled", end of quote, as argued by the Defence in the transcript of yesterday at  
20 page 8, line 8. Rather, consistent with the chapeau element under Article 7 of the  
21 Statute, the DCC in paragraph 17 refers to the, and I quote, "widespread and  
22 systematic attack against the civilian population in the Philippines", end of quote,  
23 referring to paragraph 17 in the DCC.

24 While the DCC in paragraph 20 specifies that this attack was against, and I quote,  
25 "alleged criminals in the Philippines who were perceived or alleged to be involved in

1 drug-related, (including production, sale and use) and other crimes (such as theft and  
2 murder)", end of quote, referring to paragraph 20 of the DCC, the latter in paragraph  
3 20 is merely a subset of the former in paragraph 17 of the DCC.

4 Again, this framing in paragraph 20 of the DCC is synonymous with the framing in  
5 the Situation in the Republic of Kenya, wherein police violence targeted perceived  
6 gang members.

7 Fifth, the Defence yesterday referred to Philippine Supreme Court issuances. And I  
8 quote -- the Defence, inter alia, referred to, and I quote, "Supreme Court of the  
9 Philippines in petitions challenging aspects of the anti-drug campaign", end of quote,  
10 referring to transcript of yesterday at page 26, lines 10 to 11.

11 Madam President, your Honours, I and Attorney Butuyan are familiar with these  
12 petitions referred to by the Defence because we were actually the petitioners' counsels  
13 in those petitions and we actually argued before the Philippine Supreme Court last  
14 2017 on this issue.

15 Nevertheless, the Defence critique the Prosecution's manner of using, and I quote,  
16 "Duterte's Administration's Yearend Report for 2017", referring to  
17 PHL-OTP-0003-3355 or tab 139 for the Defence.

18 Specifically, the Defence argued that, vis-à-vis, the, and I quote, "deaths of 3,967 drug  
19 personalities", end of quote, that, and I quote, "these deaths comprise ... a fraction of  
20 the 118,287 total arrests for drug-related activities". End of quote. And I'm  
21 referring to the transcript of yesterday at page 32, line 1.

22 Nevertheless, your Honours, the same Supreme Court decision or resolutions  
23 referenced by the Defence has stated with respect to those "3,967 drug personalities  
24 who died in the anti-drug operations from July 1, 2016 to November 27, 2017" as  
25 indicative of the state policy of extrajudicial killings under the Duterte administration.

1 As held by the Philippine Supreme Court in its Notice of Resolution dated April 3,  
2 2018, which is PHL-OTP-0003-3058, and which is tab 112 for the Defence at page 46, I  
3 quote the Philippine Supreme Court:

4 "Aside from the OSG's submissions in the present cases, we take judicial notice of the  
5 Duterte Administration's 2017 Yearend Report where deaths in cases related to illegal  
6 drugs and the internal cleansing conducted within the Philippine National Police are  
7 touted as accomplishments."

8 And, your Honours, the next sentence is emphasised in the original resolution:

9 "The government's inclusion of these deaths among its other accomplishments may  
10 lead to the inference that these are state-sponsored killings. In the section 'Fighting  
11 Illegal Drugs' and subsection 'Real Numbers,' we find the following figures".

12 And, your Honour, I will just quote the one that was in emphasis in the resolution:

13 "3,967

14 Drug personalities who died in anti-drug operations from July 1, 2016 to  
15 November 27, 2017."

16 As well as:

17 "16,355

18 Homicide Cases under Investigation [from] July 1, 2016 to September 27, 2017."

19 Six, the Defence references again the same Philippine Supreme Court resolution but  
20 that same resolution held that "nothing else to substantiate the OSG's claim of  
21 legitimate police operations". And I quote that specific portion in the Philippine  
22 Supreme Court's notice of resolution dated April 3, 2018, which is tab 112 for the  
23 Defence at page 47. The Supreme Court held that, and I quote:

24 "Apart from these numbers and their bare allegations, there is nothing else to  
25 substantiate the OSG's claim of legitimate police operations. The lack of any

1 submission of the required information and documents leads this Court to believe  
2 that there is no basis to the OSG's claim. It is hornbook doctrine that bare allegations,  
3 unsubstantiated by evidence, are not equivalent to proof, i.e., mere allegations are not  
4 evidence." End of quote.

5 Seven, your Honour, again in reference to the same Supreme Court resolution  
6 referenced by the Defence, the Supreme Court also held there that the "PNP cannot  
7 claim presumption of regularity" on deaths occurring during police operations.  
8 Your Honour, I will quote that specific portion of the notice of resolution dated  
9 April 3, 2018, which is tab 112 for the Defence at pages 47 to 48. The Supreme Court  
10 held, and I quote:

11 "The PNP cannot claim the presumption of regularity in official functions because  
12 deaths are not supposed to occur during any of their operations. The presumption  
13 of regularity in the performance of official duty must be seen in the context of an  
14 existing rule of law or statute authorizing the performance of an act or duty or  
15 prescribing a procedure in the performance thereof. The presumption also cannot  
16 prevail over positive averments concerning violations of the constitutional rights of  
17 the accused."

18 Your Honour, in the next paragraph, all of it is being emphasised in the original, and I  
19 quote the emphasised portions:

20 "The Duterte Administration's 2017 Yearend Report states that there were '3,967 drug  
21 personalities who died in anti-drug operations (from) July 1, 2016 to November 27,  
22 2017,' and '16,355 homicide cases under Investigation (from) July 1, 2016 to  
23 September 27, 2017'. This is a total of 20,322 deaths during the Duterte  
24 Administration's anti-drug war from July 1, 2016 to November 27, 2017, or an average  
25 of 39.46 deaths every day. This Court wants to know why so many deaths happened

1 as expressly reported under the section 'Fighting Illegal Drugs' of the Duterte's  
2 Administration 2017 Yearend Report."

3 Next, your Honour, the Philippine Constitution provides for the right of life in Article  
4 3. Therefore, because of that right to life, there is actually no presumption of  
5 regularity if a person is killed during a police operation. Actually, the presumption  
6 is reversed. It is actually the *onus probandi* on the police to prove that his or her  
7 actions were within the lawful requisites of self-defence.

8 In fact, Rule 15.4 of the 2013 Revised PNP Operational Procedures mandates the  
9 *proprio motu* investigations if death occurs during a police operation.

10 However, your Honours, despite at least 3,967 deaths under anti-drug operations,  
11 there was no *proprio motu* investigations for all of these deaths.

12 Eight, your Honour, the Defence yesterday referred to the Philippine National Police  
13 Operational Procedural Manual issued in 2021, but the same was irrelevant and  
14 non-sequitur with respect to how the PNP construed and applied the word  
15 "neutralise" under CMC 16-2016 from July 1, 2016 until March 16, 2019, which is  
16 within the temporal jurisdiction of the court. The Defence recognises that the same  
17 Philippine National Police Operation Procedural Manual was published in 2021,  
18 specifically in September 2021, and it was already after the temporal jurisdiction of  
19 this Court, hence it's irrelevant with respect to this case.

20 Nine, the Defence asserted that purportedly the Duterte's administration is, and I  
21 quote, "intolerant for rotten apple police officers". End of quote.

22 That's in the transcript of yesterday at page 32, line 20 to 21. This is not true, your  
23 Honours. Mr Duterte's administration has not criminally prosecuted the police  
24 officers responsible for the government recognised deaths of at least 3,967 drug  
25 personalities who died in anti-drug operations from July 1, 2016 to November 27,

1 2017. In fact, the undisputed fact in this case is that the Philippines only investigated  
2 at most --

3 THE COURT OFFICER: [12:26:09] Excuse me, counsel, you have five minutes left.

4 MR ANDRES: [12:26:16] -- at most 302 cases, and I refer to the

5 February -- January 26, 2023 decision of this Chamber on the authorisation pursuant

6 to Article 18(2) of the Statute to resume the investigation. The Court here -- the

7 Chamber has held:

8 "The Chamber observes that, at the time of the Prosecution's Request, the DOJ Panel

9 has referred to the NBI, for investigation and case build-up, 302 cases consisting of 52

10 PNP-IAS cases (the '*nanlaban*' cases) and 250 NPS cases."

11 And in paragraph 39:

12 "From the information before the Chamber, it therefore appears that the DOJ Panel

13 review does not amount to relevant investigations within the meaning of article 17

14 and 18 of the Statute. Moreover, the number of cases reviewed by the DOJ Panel

15 (namely, 302) is very low when compared with the estimated number of killings that

16 allegedly occurred in the context of 'war on drugs' operations."

17 *Res ipsa loquitor*. Mr Duterte's administration has not criminally prosecuted the police

18 officers responsible for these deaths.

19 Last, your Honours, the Defence erred when it conflated Ms Paolina Massidda's

20 statement that Rodrigo Duterte failed to prevent or punish, with the theory that the

21 Prosecution has not charged command responsibility under Article 28.

22 Ms Massidda's comment on the fact that Mr Duterte did not take steps to investigate

23 and prosecute was pronounced in the context of her submissions on the fact that

24 encouragement of killings through public statements by Mr Duterte sent a clear

25 message that those responsible need not fear accountability and can act with

1 impunity. Said comment cannot be extrapolated from that context, as the Defence  
2 did yesterday.

3 We do not suggest that Mr Duterte should be liable under Article 28 of the Statute.

4 We maintain that there is ample evidence for confirming the mode of liability under  
5 Article 25(3)(a) as pleaded by the Prosecution.

6 Also we want to emphasise, your Honours, that there were indeed children murdered  
7 systematically under the charges that are being held against Mr Duterte, your Honour.  
8 And they are not mere collateral damage.

9 In conclusion, the Victims submit that the Defence has not blemished the Prosecution  
10 legal theory and evidence, as provided in the Document Containing the Charges and  
11 the Pre-Confirmation Brief.

12 The Victims submit that the Prosecution presented sufficient evidence to establish  
13 substantial grounds to believe that Mr Rodrigo Roa Duterte committed each of the  
14 crimes charged. Consequently, all charges should be confirmed and Mr Rodrigo Roa  
15 Duterte committed to trial.

16 Lastly, your Honour. Your Honour, the victims want these charges to be confirmed  
17 because they want to be reintegrated to their communities because they are still in the  
18 shadows of fake news, of fear and of threats from Mr Duterte's supporters. Hence,  
19 it's important, your Honour, that all of these charges be confirmed against Mr Duterte  
20 so that the victims of his crimes will be taken out of the shadow of darkness, into the  
21 light of truth and justice. Because in the end, your Honours, the victims were also  
22 created in the image of God and they also believe that the God of the universe is the  
23 God of justice.

24 Madam President, your Honours, thank you for your kind attention. This ends the  
25 presentation, the closing statement of the Common Legal Representative for Victims.

1 May it please the Chamber.

2 PRESIDING JUDGE MOTOC: [12:30:47](Interpretation) Thank you very much,

3 Mr Andres.

4 We will now take our break and resume with the final submissions of the Defence at  
5 1400 hours.

6 The hearing is suspended.

7 THE COURT USHER: [12:31:02] All rise.

8 (Recess taken at 12.31 p.m.)

9 (Upon resuming in open session at 2.10 p.m.)

10 THE COURT USHER: [14:10:19] All rise.

11 Please be seated.

12 PRESIDING JUDGE MOTOC: [14:10:44](Interpretation) Good afternoon, everyone,  
13 once again.

14 Mr Kaufman, you have the floor for 30 minutes for your final submissions. Please  
15 proceed.

16 MR KAUFMAN: [14:10:58] Thank you, Madam President. Thank you, your  
17 Honours.

18 I don't propose to present a long rebuttal. The Defence has made its submissions  
19 comprehensively, and it stands by everything that it has said and presented. I am,  
20 however, forced to respond just to a couple of the most egregious observations made  
21 by the learned Prosecutor and the learned victims representative.

22 I will start with Mr Nicholls, the Prosecutor, who tried to convince you that I had  
23 admitted that you cannot trust anything coming out of Mr Duterte's mouth. Well, he  
24 took it completely out of context, didn't he? What I was saying, and what everybody  
25 understood, is that Mr Duterte's speeches alone are totally insufficient to substantiate

1 the charges against him. And the learned Prosecutor apparently agrees. He said,  
2 "Throw them all out for the purposes of the confirmation, even without the speeches  
3 we have enough to confirm the charges". And then he celebrated the fact that he had  
4 managed to find one, and I stress just one, example of a direct order, so he thought, to  
5 kill, emanating from Mr Duterte, and that is to be found in incident 1.  
6 So, for the benefit of the record, let me just clarify and repeat what I said, and I refer  
7 you to transcript 4, page 65, at line 14 onwards. And I quote:  
8 "[...] P-26 who" redacted "claims that Mr Duterte telephoned a redacted third party to  
9 order the operation and was told it was the mayor on the phone -- [...] Pure hearsay."  
10 That's what I said during the hearing and I stand by my word. But because  
11 I thought that maybe Mr Nicholls might have caught me out, I went back to the  
12 transcript and the record, and I looked long and hard, and once again I quote P-26's  
13 words from the evidence: I asked who called and the redacted third party said  
14 "Superman".  
15 And to make things clear, the Prosecutor's investigator then asked P-26, "Was the  
16 person who took the call the redacted third party?" And the answer he received was  
17 "Yes".  
18 So, I repeat my submission with even more emphasis, pure unadulterated and  
19 undiluted hearsay. What Mr Nicholls' rebuttal boils down to -- maybe he didn't  
20 mean to infer it, but he did -- all it boils down to is a plea that, "Well, Kaufman has  
21 pointed out a few problems. Let's just leave it for the trial judges to sort out". And  
22 for that, he's quite happy to let Mr Duterte fester in detention for years to come. In  
23 the United States, they call that kicking the can down the road.  
24 And as for the learned victims' representative, I've been restrained up until now.  
25 I have paid my respect to the families of those who have lost loved ones and I repeat

1 that expression of sympathy that I made as my very first statement on behalf of the  
2 Defence. But I would like to remind the learned representative for the victims that  
3 he is not a mini Prosecutor, and to regale the Pre-Trial Chamber with unsupported  
4 allegations that many, many children lost their lives is utterly inappropriate. His  
5 stance and that of his colleague have reflected the media reporting of this case;  
6 namely, complete disregard of the evidence. And, to be frank, you have not heard  
7 one single piece of evidence cited by them. That's why they have Ms Massidda  
8 sitting next to them.

9 Indeed, the media interest in this case has been intense, but it has followed a familiar  
10 theme: Rodrigo Duterte is finally behind bars where he belongs.

11 And as a Defence lawyer, I stand up and I talk about due process, fair trial rights, and  
12 the presumption of innocence. But what use is that when the whole world has  
13 already tried and convicted him and, furthermore, make emotional arguments to  
14 justify their position? What about the presumption of innocence?

15 Mr Butuyan talks about threats emanating from mini Dutertes. He says that people  
16 are threatened by Duterte clones in countries all around the world. He tells you  
17 about Rodrigo Duterte converting millions of peace-loving citizens into blood-thirsty  
18 disciples. Not dozens, not hundreds, but millions, so Mr Butuyan says. What an  
19 insult to the Filipino nation. And Mr Butuyan concludes by presenting an emotional  
20 ultimatum: confirm or Duterte will be portrayed as the person who vanquished the  
21 ICC. Those were his words. These submissions were quite unique for this Court  
22 and, of course, totally irrelevant for the purpose for which we are gathered here  
23 today.

24 And as for the mainstream media back in the Philippines, the situation is not much  
25 better. When I argued that there has been interference in this case at the highest

1 level, relying not on documentation that I have invented, but on documentation given  
2 to me by the Prosecution as exonerating, they say I'm making a political speech and  
3 that my defence lacks substance. And when I devote more time than the Prosecution  
4 and the victims together to legal arguments and challenging the evidence, they say  
5 I'm nitpicking.

6 Well, fortunately, we have this honourable bench which appreciates the presumption  
7 of innocence and the need to examine the evidence thoroughly in order to examine  
8 whether the Prosecution has proved its case to the required standard.

9 We are fortunate in that we have this honourable bench to review the various  
10 arguments dispassionately and professionally. And we know that this honourable  
11 bench, despite our struggling with the various redactions that have considerably  
12 reduced our ability to make comprehensive submissions in open session, we know  
13 that this bench will assess our arguments faithfully.

14 We have provided a comprehensive analysis of both the law and the charged  
15 incidents. We have attacked every single count in open session while doing our very  
16 best to respect the restrictions imposed upon us and applied by the Prosecution to its  
17 charging document and Pre-Confirmation Brief. And these redactions have not just  
18 been a few here and there, they have been so sweeping that virtually nothing  
19 intelligible remains of the 49 incidents that we have been talking about for the public  
20 to read and to understand.

21 Let me just screen you an example from the public record, from the public version of  
22 the Pre-Confirmation Brief, so the whole world can appreciate it.

23 And the same goes for the redactions applied to the identities and roles of the various  
24 criminal cooperating co-perpetrators -- participants. While I found this unfair and  
25 contrary to the spirit of transparency, which is meant to govern the conduct of the

1 proceedings of this institution, I approached my counterpart in the Prosecution and  
2 complained that the nature of his redactions would mean that most of my meaningful  
3 submissions - namely, the attack on the evidence substantiating the 78 deaths - would  
4 require me to go into closed session. "Don't worry", I was told by the learned  
5 Prosecutor, "We are going to release a lesser redacted version of our charging  
6 document and confirmation brief".

7 Wonderful, I said to myself. But what in due course did we get? A document  
8 which merely released the names of the eight so-called co-perpetrators and which  
9 caused a storm in the Philippines. It even caused the secretary of the interior to state  
10 that his department had begun tracing the whereabouts of these so-called  
11 co-perpetrators.

12 And in its lesser redacted version of the Document Containing the Charges and  
13 Pre-Confirmation Brief, the Prosecution also released the names of certain  
14 high-profile victims which it had selected, thereby enabling it, and it alone, to talk  
15 freely in open session about certain incidents that it felt crucial to its case.

16 From this I submit, your Honours, you can really appreciate the true inequality of  
17 arms facing the Defence as it attempts to defend a client in the public eye -- I stress "in  
18 the public eye" -- at the International Criminal Court.

19 This inequality of arms in the public eye expresses itself in the way the Prosecution  
20 controls the narrative by arbitrarily lifting redactions so that it can make its narrative  
21 of a grand scheme of co-perpetration known to the public in open court, while the  
22 Defence can only meaningfully attack the real meat and the substance of the charges  
23 either obliquely or in closed session, including that hotly disputed incident with the  
24 CCTV.

25 Well, we hope that we have found a way around that by referring your Honours to

1 the relevant places in the evidence and we do trust you to pick up on the problems  
2 without the benefit of our full explanations in open session, even if the remaining part  
3 of our plea was rendered rather dry.

4 But I do assure you the general weaknesses that we have identified pervade  
5 throughout and are so recurring that the total value of the Prosecution's evidentiary  
6 matrix drops not just below the substantial grounds' threshold, which the Prosecution  
7 must meet, but hits the very hard rock bottom.

8 And I will summarise these weaknesses once more for the record: Layered hearsay,  
9 conjecture, over-reliance on accomplice evidence with offers of virtual immunity at  
10 the ICC, contradicting statements between participants in a crime, absolute lack of  
11 any linkage whatsoever to Mr Rodrigo Duterte, and a total lack of support for an  
12 alleged crime both in a documentary and forensic record.

13 And regarding these documents, it is not enough to argue that the Duterte  
14 administration destroyed them. There is absolutely no evidence for that. It is an  
15 outrageously unsubstantiated accusation which is not alleged, and where the  
16 documentation does exist, the Prosecution is quite happy to rely on it.

17 But what is this threshold, this substantial grounds to believe threshold?

18 Well, clearly, it is not beyond a reasonable doubt; that is the standard for required for  
19 a conviction at trial. But it is considerably more than reasonable grounds to believe,  
20 which is the standard applied for the issuance of an arrest warrant.

21 If I may, let us take the analogy introduced by Mr Butuyan, that boat of his that set  
22 sail in order to avoid leaving his victims stranded on an island. Your Honours, this  
23 boat is the confirmation process and its captain is this honourable bench. We are all  
24 passengers in this boat. The favourable winds in the sea and in the sails are for the  
25 Prosecution. The incriminating evidence, and the sharks and the rocks in shallow

1 waters are the exonerating evidence, the hearsay, the contradictions and the  
2 accomplice witnesses.

3 I ask you to consider how many sharks and rocks that we have discovered and  
4 pointed out to you through our binoculars. Would you board that boat if you knew  
5 that there were substantial grounds to believe that the boat would sink if it  
6 encountered one of the aforementioned perils?

7 Let me define the test using more strictly legal language. The evidentiary standard  
8 applicable - namely, substantial grounds to believe - is met with respect to a discrete  
9 incident when, and I quote from paragraph 38 of the Said confirmation decision, there  
10 exists "concrete and tangible proof demonstrating a clear line of reasoning  
11 underpinning the specific allegations".

12 By way of parentheses, I should state that this quote from the Said confirmation  
13 decision recognises the fact that each pleaded incident in a document containing the  
14 charges must be proved to the requisite standard for it to be adduced at trial. And  
15 that is what we request the honourable Pre-Trial Chamber to consider.

16 I have been asked by the many journalists who literally mobbed me outside this court  
17 building whether I have been reporting on the proceedings to the former president.  
18 And I tell them, "Yes, of course. That's my duty as a lawyer. I have to report to my  
19 client. It would be unethical otherwise." And they ask me, "What has he to say  
20 about the case?"

21 Well, I'm going to enlighten you all a bit. For the best part of a year we have been  
22 litigating the issue of jurisdiction and fitness. Your Honours have delivered your  
23 rulings. However, even though you found him capable of standing trial, I permit  
24 myself to tell you just a little bit about what really goes on in prison no more than a  
25 kilometre from here.

1 I permit myself, first, to tell you about his reaction to the demand of the Prosecution  
2 and the victims that he appear. I won't hide the fact that I thought it best for him to  
3 appear, not out of a need to satisfy the desire of the Prosecutor and the victims who  
4 desperately want him to face his accusers so that they can wave their collective finger  
5 at him despite the presumption of innocence. I did not want to disappoint his many  
6 supporters; that was my reasoning. Those mini-Duterte clones, as  
7 Mr Butuyan derisively calls them, who have been deprived of seeing their former and  
8 beloved president for more than a year. I told him that your Honours could have  
9 rejected his request to waive the right of attendance. We even had a barong specially  
10 fitted for him so that he would not have to suffer the humiliation of being put into an  
11 out-of-size blue suit, which would now dwarf his meagre physical body. That same  
12 blue suit in that dreadful photograph which still remains on the ICC website and  
13 I would ask to be removed. But he took his decision, and as his counsel, I was  
14 obliged to respect it.

15 And the day before yesterday, when your Honours gave us a break, I went to that  
16 prison and I sat with him for an hour. I tried to engage him concerning the evidence,  
17 and he lost the desire to follow me within less than a minute. I offered to show him  
18 excerpts of the confirmation proceedings, a few minutes of the Deputy Prosecutor, a  
19 few moments of Ms Massidda, and hoping, hoping that it might excite him a bit more,  
20 some of my own opening statement.

21 He shook his head firmly. I implored him. I said, "Sir, look, look at what we're  
22 doing for you. We're doing our utmost to get you out of here." But once again he  
23 politely declined. And I asked him why. I said to him, "Sir, don't you understand,  
24 they accuse you of murder, they say that you murdered thousands when you were  
25 the mayor and when you were ruling your country." And then he repeated the

1 question that he has always asked me for a year or more: How does the Prosecution  
2 say that I did this? "Well", I replied, "I thought until Monday that it was because of  
3 those speeches of yours, but then your Prosecutor told the honourable judges the  
4 other day throw them all out, they're not necessary for the confirmation, he claims  
5 that he still has enough evidence to convict you without all the bluster."  
6 And the former president repeated the question: "But how? I've never murdered  
7 anyone, and they talk about thousands."  
8 And then I tried to explain to him arcane concepts such as indirect co-perpetration,  
9 and then his eyes simply glazed over. And who can blame him. As I mentioned, it  
10 is the only highly technical means whereby the Prosecution can artificially connect  
11 him to criminal activity not of his own doing. I then tell him that the people who are  
12 incriminating him are self-confessed murderers, cooperating with the Prosecution,  
13 whose names we can't mention in public. I tell him that in return for their dubious  
14 services and their expressions of so-called remorse, as the Prosecutor puts it, they will  
15 not face trial at the ICC, probably nowhere in the world, and will be rehoused with  
16 new identities.  
17 Mr Duterte, the ex-prosecutor like me, can't understand the fairness of that, relying on  
18 not one but a number of vicious criminals to convict him when he remembers that he  
19 is supposed to be presumed innocent. I tell him the names of those  
20 criminal-cooperating witnesses, because apart from us, he is the only person who is  
21 entitled to know.  
22 He tells me that he has not heard of any of them, apart from two, who he vaguely  
23 recalls from his days as mayor. Concerning one, his comment is "liar", and  
24 concerning the other, "scallywag". And then exactly in the spirit of the waiver filed  
25 with this Court, he looked at me, solemnly, and said, "Mr Kaufman, Nick, I have done

1 my duty, and I have left my legacy. Go to court and do your job. But I can no  
2 longer help you. I no longer remember much at all and I can't comment on people  
3 who I do not know and on statistics that mean nothing to me." He then concluded,  
4 unpronounced as follows: "I was a faithful servant of the people and that is how  
5 I wish to be remembered. I have now accepted my fate and I realise that I could die  
6 in prison."

7 And on that sombre note, my team and I realised that there was no point in  
8 continuing. So we tried to humour him. We told him that next month he'll be 81,  
9 and we reminded him of the many people who visit Duterte Street and Duterte Park,  
10 the renamed locality just outside the ICC Detention Centre as referred to by the many,  
11 many pilgrims who have visited The Hague to feel closeness to his presence, even if  
12 they cannot witness his actual person with their own eyes.

13 We remind him of the mountain of cards and greetings and of the forest of flowers  
14 that he received both at the detention centre and at the court's premises on his 80th  
15 birthday. So many cards, all of which were read by his family, that we had to  
16 provide two sacks to take them back to our office.

17 So many bouquets of flowers that the prison had to bring a van to take them away.

18 The flowers that reached the court premises were strategically placed around the  
19 building and, although so appealing and desirable and coveted by the staff, were  
20 avoided once the staff was told of their origin. So these flowers just rotted in the  
21 corridors until the smell forced them to be thrown away.

22 We showed him some photographs of his family. We showed him photographs of  
23 his youngest daughter, Veronica, "Kitty", who writes to him every day so often that  
24 the letters are piling up in his room. His face starts to light up.

25 We showed him pictures of civic events in the Philippines with Sebastian Baste and

1 Paolo Pulong present. He laughed and told us what he remembers of their days as  
2 young men in Davao. We showed him pictures of Inday Sara, greeting the  
3 enthusiastic crowds of people in the Philippines and then, finally, his face beamed  
4 with pride.

5 Your Honours, it is so easy to choose as a target for prosecution a politician because of  
6 the way he presents his policies. If Rodrigo Duterte is to be faulted for anything, it is  
7 for his inappropriate choice of language. But he murdered no one. Out of that  
8 huge database of evidence on which the Prosecution relies, I repeat that there is  
9 absolutely nothing to directly link Rodrigo Duterte to the 78 deaths alleged. That is  
10 why they rely on a few selective and vociferous individuals in the Duterte  
11 administration calling them co-perpetrators just so it can artificially superimpose their  
12 fantasy common plan theory linking Rodrigo Duterte to the victims.

13 Your Honours, I beg you to be guided by evidence which must reach a minimal level  
14 of integrity. Be persuaded by your own innate sense of justice and by your own  
15 collective years of experience. But, most importantly, be guided by coherent  
16 evidence and by commonsense. I ask you, I beg you not to confirm any of the  
17 charges. I ask you to let Rodrigo Duterte return to the Philippines, not to govern,  
18 but simply to let him live out the rest of his days in peace in his humble dwelling in  
19 Davao.

20 And with that, your Honours, I conclude and I wish to thank you for your patience  
21 and to thank the parties and the participants, and most importantly my team,  
22 Dov Jacobs, Havneet Sethi, Sandrine De Sena, Davide Rancati, Alexandre Desevedavy,  
23 Nicholas Rossouw, and Kailin Chen, all of whom have worked throughout the last  
24 year for one cause alone, and that is to serve our client, Mr Rodrigo Duterte,  
25 faithfully.

1 PRESIDING JUDGE MOTOC: [14:34:50](Interpretation) Thank you very much,  
2 Mr Kaufman. The Chamber, my colleagues and myself, we have the duty to recall  
3 certain issues. First of all, the redactions that you have mentioned now, it was  
4 already raised by the Defence and the Chamber had taken a decision rejecting the  
5 position of the Defence. The number of the decision is 388. And I should say that  
6 the equality of arms is ensured because the Defence has access to the redacted  
7 information, it just is not available to the public.

8 Secondly, you talked about the health and capacity of the suspect. As you have  
9 clarified, this issue was already addressed by the Chamber, and the Defence must not  
10 make submissions on that point now because it is not appropriate; the decision is  
11 already available in the public domain.

12 I thank you very much, and with that, we come to the end of the confirmation of  
13 charges hearings. I thank the parties -- did you want to -- the floor, Mr Prosecutor?

14 MR NICHOLLS: [14:36:21] Yes, whenever is convenient for you, your Honour.

15 PRESIDING JUDGE MOTOC: [14:36:24] Please.

16 MR NICHOLLS: [14:36:25] Yeah, thank you, your Honour. I didn't want to stand  
17 up and object to my friend, but I would request and ask that you strike and not take  
18 any account of any word that my friend said came from his client. None of that was  
19 responsive to arguments, which is what these last 30 minutes were about. You made  
20 that clear on pages 24 and 25 of the transcript today, and it's in paragraph 9 of your  
21 order on the conduct of the hearings.

22 Second of all, my friend can't testify for his client or make a speech for his client.  
23 That's governed by Article 67(h). If he wanted to come here -- he didn't want to  
24 come here. He could have come here and talked about whatever he wanted to, but  
25 he chose not to. Mr Kaufman's conveying this -- he's been complaining about

1 hearsay all day, it's not reliable.

2 But beyond that, if Mr Duterte wants to speak to the Court and speak to the gallery,  
3 he should come here, request to make an unsworn statement. He shouldn't do that  
4 through his counsel. So I ask that all of that be given zero weight whatsoever in  
5 your determinations.

6 Thank you.

7 PRESIDING JUDGE MOTOC: [14:37:36](Interpretation) Thank you, Mr Prosecutor.

8 You want the floor again, Mr Kaufman?

9 MR KAUFMAN: [14:37:43] Not again, Madam President, but I do believe that the  
10 Defence has the right to respond.

11 PRESIDING JUDGE MOTOC: [14:37:51](Interpretation) Yes.

12 MR KAUFMAN: [14:37:54] And I thank you, Madam President, for doing so. And  
13 I say to Mr Nicholls that this was not testimony, it was purely an explanation for him  
14 not coming to the hearing. He has the maximum respect, obviously, for your  
15 Honours. But he has his arguments, which we shan't repeat here. Once again, they  
16 were all set out in the waiver.

17 That was not testimony I assure you, Mr Nicholls.

18 PRESIDING JUDGE MOTOC: [14:38:14](Interpretation) Thank you very much.

19 Now the Bench will withdraw to deliberate and we will render a decision on the  
20 confirmation of charges hearings within 60 days in accordance with the instruments,  
21 the provisions.

22 We will come back to this court for a hearing on Mr Duterte's detention.

23 Court is suspended.

24 THE COURT USHER: [14:38:56] All rise.

25 (The hearing ends in open session at 2.38 p.m.)

Hearing on Detention

(Open Session)

ICC-01/21-01/25

1 International Criminal Court  
2 Pre-Trial Chamber I  
3 Situation: Republic of the Philippines  
4 In the case of The Prosecutor v. Rodrigo Roa Duterte - ICC-01/21-01/25  
5 Presiding Judge Antoanella Iulia Motoc, Judge Reine Adélaïde Sophie  
6 Alapini-Gansou and Judge María del Socorro Flores Liera  
7 Hearing on Detention - Courtroom 1  
8 Friday, 27 February 2026  
9 (The hearing starts in open session at 2.44 p.m.)  
10 THE COURT USHER: [14:44:00] All rise.  
11 The International Criminal Court is now in session.  
12 Please be seated.  
13 PRESIDING JUDGE MOTOC: [14:44:25](Interpretation) Good afternoon to everyone.  
14 Once again, I welcome everyone, both inside and outside of the Court.  
15 Court Officer, please call the case.  
16 THE COURT OFFICER: [14:44:43] Good afternoon, Madam President, your  
17 Honours.  
18 Situation in the Republic of the Philippines, in the case of The Prosecutor versus  
19 Rodrigo Roa Duterte, case reference ICC-01/21-01/25.  
20 And for the record, we are in open session.  
21 PRESIDING JUDGE MOTOC: [14:45:02](Interpretation) Thank you very much,  
22 Madam Court Officer.  
23 I will now ask the parties and participants to introduce themselves, starting with  
24 Mr Prosecutor.  
25 Mr Nicholls, can you please confirm to me the list of your collaborators that I received

1 prior to the audience.

2 MR NICHOLLS: [14:45:30] Yes. Thank you, your Honour. It's the same people.

3 PRESIDING JUDGE MOTOC: [14:45:33](Interpretation) Thank you.

4 Mr Kaufman, once again, appearances for your team, the exact people present.

5 MR KAUFMAN: [14:45:48] Indeed, Madam President, it's the same people. But

6 I would just like to mention Mr Davide Rancati, because I butchered his name so

7 often until now that I feel I have an obligation to say it properly. Thank you.

8 PRESIDING JUDGE MOTOC: [14:46:04](Interpretation) Thank you.

9 I will call on the Legal Representatives of Victims to present or introduce themselves  
10 and confirm that the list is exact.

11 MS MASSIDDA: [14:46:19](Interpretation) Madam President, it is the same

12 composition as during the confirmation of charges hearing.

13 PRESIDING JUDGE MOTOC: [14:46:30](Interpretation) Thank you.

14 To my left, there is Judge Adélaïde Sophie Alapini-Gansou, to my left María del

15 Socorro Flores Liera, and I am Iulia Motoc, Presiding Judge.

16 The hearing is held under article 118, stating that a review of detention has to take

17 place at least one time a year. The last one was on 14 March 2025. So, the hearing

18 will focus entirely on the detention of Mr Duterte under 138 in the Rome Statute.

19 I will also point out that an appeal by the Defence against the last decision of the

20 Chamber relating to the defence of Mr Duterte is still before the Chamber -- the

21 Appeals Chamber. Consequently, the arguments and the responses must not be

22 presented in this current hearing.

23 I will give the floor now to the OTP for 20 minutes.

24 MR NICHOLLS: [14:47:59] Your Honour, I'll be much less than 20 minutes, just a

25 couple of minutes. And first, I would like to apologise if I interrupted you in the last

1 session. I apologise for that and it won't happen again.  
2 Just very quickly, your Honours. I won't even go through the law, your Honours.  
3 We've been through this before. But there have been, we would say, no change in  
4 circumstances that would require the Chamber - and it is under appeal - to modify its  
5 decision.  
6 There has been a change in circumstances - I'll keep it very brief, your  
7 Honours - which goes against granting interim release, which is the waiver that  
8 Mr Duterte filed for the Confirmation of Charges hearing. In that waiver he said  
9 "I do not recognise the jurisdiction of the International Criminal Court." He said that  
10 he was forcibly pushed into a jet and renditioned to The Hague. He refers to his  
11 arrest as a kidnapping. None of which sounds as though those are the words of a  
12 person who would return voluntarily to the Court.  
13 Mr Kaufman had previously said in his pleadings, talking about if there was interim  
14 release to a third county, that Mr Duterte would follow through video link.  
15 However, for this hearing, even though he's been granted a waiver, he also doesn't  
16 even want to follow from here. So that means, if he was granted interim release and  
17 your Honours had, as is your -- within your power, ordered him to attend, it would  
18 have been very difficult to make that happen if he simply showed the same disrespect  
19 and did not wish to attend even through video link.  
20 That's all I have to say. Thank you.  
21 PRESIDING JUDGE MOTOC: [14:49:52] Thank you very much, Mr Nicholls. And  
22 I accept your apologies for interrupting me before.  
23 (Interpretation) We will go to the observations of the Legal Representatives of  
24 Victims.  
25 You have 15 minutes, Maître Butuyan.

1 MR BUTUYAN: [14:50:25] Madam President, your Honours, on behalf of the  
2 participating victims, we humbly submit that, if there are recent developments that  
3 have an impact on this Chamber's review on Mr Duterte's detention, they are  
4 developments that strongly support and fully warrant Mr Duterte's continued  
5 detention. Let me discuss these recent developments, your Honours.

6 The first one was cited by the honourable Prosecutor, which is the reason for the  
7 waiver that was signed by Mr Duterte. With his very clear declaration that he does  
8 not recognise the jurisdiction of this Court and his insistent claim that he was  
9 kidnapped and illegally surrendered to this honourable Court, Mr Duterte has clearly  
10 demonstrated that he will abscond from the jurisdiction of this Court if he is released  
11 from detention. Any condition the Court will impose for his release will be  
12 considered by Mr Duterte as nonbinding, for the simple reason that he does not  
13 recognise this Court's jurisdiction and that he is a victim of kidnapping.

14 If Mr Duterte cannot even hide his contempt for this honourable Court while he is  
15 already under detention, imagine how Mr Duterte will use this contempt for the  
16 Court if he is released. Mr Duterte has telegraphed his intention to escape from this  
17 honourable Court's jurisdiction if he is released from detention. Consequently, your  
18 Honours, he remains a flight risk if he is released from detention.

19 The second recent development that is relevant on the issue at hand is the fact that  
20 more than 160,000 of Mr Duterte's supporters submitted a letter petition to the  
21 Philippine Supreme Court urging the issuance of a writ of habeas corpus as a means  
22 to force the return of Mr Duterte back to the Philippines. The Supreme Court case  
23 seeks to declare the arrest and surrender of Mr Duterte to the ICC as void and  
24 unconstitutional.

25 This show of support proves the stark reality that, if Mr Duterte is released from

1 detention, there is a huge risk that his supporters will find ways and means to  
2 facilitate his surreptitious return to the Philippines in order to free him from this  
3 Court's jurisdiction.

4 The news source of this letter petition is the online news portal of Business Mirror,  
5 and the news article is entitled, quote, "Duterte supporters rally at Supreme Court,  
6 present 160,000+ signatures for quick resolution of habeas corpus petitions", dated 23  
7 February 2026.

8 The third recent development relevant to the issue at hand is the fact that, on  
9 6 January 2026, three children of Mr Duterte filed separate submissions urging the  
10 Philippine Supreme Court to issue a decision calling for the release of their father  
11 from detention. One Duterte son, Congressman Paolo Duterte, has insisted that the  
12 Philippine Supreme Court should declare that the arrest, detention, surrender, and  
13 extradition of Mr Duterte are unconstitutional and violative of international law.  
14 Congressman Duterte has reiterated his request for the Philippine's highest court to  
15 issue an order in support of the release of his father and prohibiting the Philippine  
16 government from cooperating with the ICC. The news source about this action of  
17 Mr Duterte's children is --

18 THE COURT OFFICER: [14:54:22] Excuse me counsel.

19 MR BUTUYAN: [14:54:23] -- found in the online news portal of --

20 THE COURT OFFICER: [14:54:24] Can the French booth please turn on the  
21 microphone, thank you.

22 MR BUTUYAN: [14:54:33] The news source about this action of Mr Duterte's  
23 children is found on the online news portal GMA News Online. And the news  
24 article is entitled, quote, "Duterte kids tell SC: Petition for father's ICC release not  
25 moot", unquote, dated 6 January 2026.

1 We'll forego arguing the statutory basis of our position and contentions, your  
2 Honour.

3 Thank you, your Honour.

4 (Counsel confers)

5 MR BUTUYAN: [14:55:27] May I continue, your Honour, because there was a  
6 misunderstanding.

7 PRESIDING JUDGE MOTOC: [14:55:30](Interpretation) Yes, please proceed.

8 MR BUTUYAN: [14:55:38] We further wish to point out, your Honours, that the  
9 conditions set forth in Article 58(1) of the Rome Statute continue to be met and there  
10 has been no change of circumstances within the meaning of Article 60(3) of the Statute  
11 or Rule 118(2) of the Rules of Procedure and Evidence that would support and justify  
12 Mr Duterte's release from detention. On the contrary, as we have shown earlier, the  
13 new developments support his continued detention.

14 In fact, we wish to emphasise that the prior findings that supported Mr Duterte's  
15 continued detention remain valid and undisturbed, particularly in light of the fact  
16 that the confirmation of charges hearing has been held. There are no new facts that  
17 have emerged that would undermine the legal or factual findings in this Chamber's  
18 last decision on detention. There is absolutely no basis for modifying the earlier  
19 ruling.

20 Your Honours, the purpose of periodic review under Article 60(3) is to assess whether  
21 the conditions under Article 58(1), as required by Article 60(2), continue to be  
22 satisfied.

23 As the Appeals Chamber has made clear, this review is not limited to newly  
24 submitted material; rather, it requires the Chamber to consider the totality of the  
25 current circumstances and to satisfy itself that continued detention remains necessary.

1 In this case, the conditions under Article 58(1)(a) and (b) remain firmly in place. We  
2 wish to emphasise that the Appeals Chamber has recently reiterated that Pre-Trial  
3 Chambers are authorised to assess the likelihood of future events. The question  
4 before this Chamber is not whether interference is inevitable, but whether there exists  
5 a real possibility of such occurrences. On the present record, that possibility remains  
6 very strong.

7 We wish to reiterate that there has been no material change in circumstances that  
8 support the entitlement of Mr Duterte to an order releasing him from detention. On  
9 the contrary, the current procedural posture heightens the risk of non-appearance.  
10 As the proceedings advance, the suspect's incentive to flee increases. The end of the  
11 confirmation of charges hearing, which occurred today, further intensifies that risk, as  
12 it brings the prospects of trial nearer on the horizon.

13 Additionally, the conclusions of the panel of experts that Mr Duterte is able to follow  
14 the proceedings underscores rather than diminishes the risk. His capacity to  
15 understand and participate necessarily implies a capacity to assess his situation and  
16 act upon it, including the possibility of absconding. It must also be recalled that the  
17 Appeals Chamber has also found no error in the Chamber's previous determination  
18 that Mr Duterte has demonstrated a propensity to interfere with investigations. That  
19 assessment remains unchallenged by any new evidence. No intervening  
20 developments have displaced it.

21 Moreover, your Honours, this Chamber found, and the Appeals Chamber affirmed,  
22 that Mr Duterte benefits from a network of supporters capable of facilitating his flight.  
23 The existence and nature of such a network are not circumstances that are easily  
24 altered. No information has been presented that would suggest this support  
25 structure has dissipated or disappeared. Consequently, the risk of flight remains

1 very substantial.

2 With respect to Article 60(4), the Chamber must consider whether the overall period  
3 of pre-trial detention has become unreasonable, and, if so, whether any delay is  
4 attributable to the Prosecutor.

5 Mr Duterte has been detained since March 2025. However, given the gravity, the  
6 complexity, and the wide scope of the charges, the duration of detention is not  
7 unreasonable. Furthermore, there has been no inexcusable delay attributable to the  
8 Prosecutor. The record does not support such an assertion.

9 Finally, your Honours, the position of victims and witnesses is a highly relevant and a  
10 significant consideration in this regard.

11 The information provided to us by victims has always been consistent. They express  
12 genuine fears for their safety and that of their families should Mr Duterte be released.

13 The victims have articulated concerns about renewed instability and intimidation in  
14 their communities, particularly because of the holding of the confirmation of charges  
15 hearings.

16 Therefore, we cannot stress enough the duty of the Chamber to not only safeguard the  
17 rights of the suspect, but also to ensure the integrity of the proceedings and the  
18 protection of victims and witnesses. On the present record, releasing Mr Duterte  
19 would create risks that the Statute seeks expressly to prevent.

20 Madam President, your Honours, in light of the absence of any changes in  
21 circumstances that supports Mr Duterte's release from detention, the continued  
22 existence of a significant risk of flight and interference, the advanced stage of the  
23 proceedings, the reasonable duration of detention to date, and the expressed concerns  
24 of victims, the participating victims respectfully submit that Mr Duterte's continued  
25 pre-trial detention remains both warranted and necessary.

1 Thank you, your Honours.

2 PRESIDING JUDGE MOTOC: [15:02:23](Interpretation) Thank you very much,  
3 counsel.

4 We can now move on to submissions from the Defence. Mr Kaufman, you have  
5 until 1500 -- well, past, we've moved on.

6 MR KAUFMAN: [15:02:41] As your Honours are aware, the Defence has appealed  
7 the Pre-Trial Chamber's decision on the first detention review. That's number 357 in  
8 the case record, and since we are still awaiting a judgment of the Appeals Chamber,  
9 the Defence will not oppose the continuation of Mr Duterte's current detention.

10 Thank you.

11 PRESIDING JUDGE MOTOC: [15:03:09](Interpretation) Thank you very much,  
12 Mr Kaufman.

13 So we're still speaking about 1500 hours. This concludes the hearing. The  
14 submissions will be taken into account. When the Chamber makes a decision  
15 regarding the continued detention of Mr Duterte, that decision will be handed down  
16 within the deadline set within the Rules of Procedure and Evidence.

17 Once again I thank the participants, the parties, interpreters, court reporters and all  
18 other staff members who have helped run this hearing.

19 The hearing is now adjourned.

20 THE COURT USHER: [15:04:02] All rise.

21 (The hearing ends in open session at 3.04 p.m.)