

Initial Appearance

(Open Session)

ICC-01/21-01/25

1 International Criminal Court
2 Pre-Trial Chamber I
3 Situation: Philippines
4 In the case of The Prosecutor v. Rodrigo Roa Duterte - ICC-01/21-01/25
5 Presiding Judge Iulia Motoc, Judge Reine Alapini-Gansou and
6 Judge María del Socorro Flores Liera
7 Initial Appearance - Courtroom 1
8 Friday, 14 March 2025
9 (The hearing starts in open session at 2:35 p.m.)
10 THE COURT USHER: [14:34:51] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE MOTOC: [14:35:35](Interpretation) Good morning. I would
14 like to welcome everyone inside and outside of the courtroom.
15 Now, before we start with today's initial appearance, I would like to remind you that
16 the Chamber has authorised video recordings and the taking of photographs. Please
17 go ahead. Thank you. You have one minute to take photographs and record
18 videos.
19 Thank you very much.
20 Court officer, could you please call the case.
21 THE COURT OFFICER: [14:36:34](Interpretation) Thank you, Madam President.
22 Your Honours.
23 The situation in the Republic of the Philippines, case, The Prosecutor versus Rodrigo
24 Roa Duterte, case number ICC-01/21-01/25.
25 And we are in open session.

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1 PRESIDING JUDGE MOTOC: [14:37:00](Interpretation) Thank you very much.
2 I will now ask the parties to introduce themselves, starting with the Office of the
3 Prosecutor. Please pause before speaking and speak slowly to allow the interpreters
4 to interpret appropriately. May I ask you to introduce yourself and to confirm
5 whether the list of your staff that I received prior to the hearing is correct,
6 Mr Prosecutor.

7 MR KHAN: [14:37:31] Madam President, your Honours, good morning. The list is
8 correct. Once again, Deputy Prosecutor Mandiaye Niang to my left; trial lawyer,
9 Edward Jeremy; behind us, trial lawyer, Robynne Croft; international cooperation
10 adviser, Chantal Daniels; and our very able case manager, Grace Goh. I'm
11 Karim Khan, the Prosecutor.

12 PRESIDING JUDGE MOTOC: [14:38:01](Interpretation) Thank you very much.
13 I now turn to the counsel for the Defence of Mr Duterte. As everyone can see,
14 Mr Duterte is present and is attending the proceedings via video link. As
15 Mr Duterte made a long journey involving a considerable time difference, the
16 Chamber authorised Mr Duterte to follow the hearing at a distance. His counsel,
17 however, is present with us in the courtroom.
18 Thank you, counsel. Please introduce yourself.

19 MR MEDIALDEA: [14:38:35] Good afternoon, your Honours, I am
20 Salvador C Medialdea, counsel for Rodrigo Roa Duterte.

21 PRESIDING JUDGE MOTOC: [14:38:46] (Interpretation) Thank you very much.
22 Thank you very much, counsel.

23 I will now introduce the Chamber. By my side, we have Judge Reine Adélaïde
24 Sophie Alapini-Gansou, the Vice-President of the Court, and Judge María del Socorro
25 Flores Liera. I am the Presiding Judge of the Pre-Trial Chamber I of the Court, and

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1 my name is Iulia Antoanella Motoc.

2 Now, I would like to speak to you, Mr Duterte. I am speaking French, but you are
3 receiving interpretation of what I am saying in English. I understand that you are at
4 ease in the English language and that the interview yesterday at the detention centre
5 was conducted in English and that you did not deem it necessary to request
6 interpretation into any other language during this interview.

7 This said, I would like, firstly, to confirm your identity. Could you provide us with
8 your full names, please.

9 MR DUTERTE: [14:39:46] Yes, your Honour. I am Rodrigo Roa Duterte. That's
10 my first -- middle name is Roa, the surname is Duterte.

11 PRESIDING JUDGE MOTOC: [14:40:12] (Interpretation) Thank you very much.

12 What is your date of birth?

13 MR DUTERTE: [14:40:20] Again, ma'am.

14 MR MEDIALDEA: [14:40:28] Can we request that the question be repeated. I don't
15 think he heard it. Thank you.

16 THE INTERPRETER: [14:40:34] Repetition from the English booth: What is your
17 date of birth?

18 PRESIDING JUDGE MOTOC: [14:40:40](Interpretation) Yes, thank you very much,
19 counsel. I was asking, quite simply, of Mr Duterte what his full names were and
20 then I subsequently asked him what his date of birth was and what his place of birth
21 is. Is that all right, counsel?

22 MR MEDIALDEA: [14:40:53] Yes. Yes, ma'am. Yes, ma'am.

23 MR DUTERTE: [14:40:57] (Overlapping speakers) My birth month is -- day is
24 March 28, 1945. I was born in the province of Leyte in the Philippines.

25 PRESIDING JUDGE MOTOC: [14:41:20](Interpretation) Thank you very much.

1 As a preliminary point -- very well, thank you, Mr Duterte.

2 As a preliminary point, it is useful to clarify the nature and limited scope of this first
3 appearance hearing. Today's hearing is neither the start of the trial, nor is it a
4 confirmation of charges hearing. During today's hearing, no evidence will be
5 collected or presented, and the issues of Mr Duterte's guilt or innocence will, therefore,
6 not be addressed.

7 In accordance with Article 61 of the Rome Statute, the Court's founding treaty, and
8 Rule 121(1) of the Rules of Procedure and Evidence, the main purpose of this initial
9 appearance is to answer three questions:

10 Firstly, the Chamber must ensure that the person who was the subject of the arrest
11 warrant has been informed of the crimes of which he is accused.

12 Second, the Chamber must ensure that this person has been informed of his rights as
13 recognised by the Rome Statute.

14 Third, the Chamber must set a date on which it intends to hold a confirmation of
15 charges hearing.

16 The Chamber notes that your counsel, Mr Duterte, filed two motions, one in relation
17 to today's hearing, and you may be aware that these two motions have not been
18 accepted by the Chamber, because of the nature of today's hearing. No further
19 discussion on the matter is necessary during this hearing because, as I said at an
20 earlier stage, the aim of this hearing, today, is to introduce the parties and to ascertain
21 the charges and to set a date for the confirmation of charges hearing at a later stage.

22 With regard to the first point, I recall that Mr Duterte has received a copy of the
23 warrant for his arrest and that a redacted version of the Prosecution's application for
24 the issuance of the warrant of arrest is public.

25 I will now ask the court officer to read the charges against him. The charges will be

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1 read in English.

2 Please, over to you, Madam Courtroom Officer.

3 THE COURT OFFICER: [14:44:22] (Interpretation) Thank you, Madam President,
4 your Honours.

5 (Speaks English) On 7 March 2025, Pre-Trial Chamber I concluded that there were
6 reasonable grounds to believe that Mr Duterte is criminally responsible pursuant to
7 Article 25(3)(a) of the Rome Statute, as an alleged indirect co-perpetrator for the crime
8 against humanity of murder, pursuant to Article 7(1)(a) of the Statute as follows:

9 (a) murder of at least 19 persons, allegedly drug pushers or thieves, killed by
10 members of the Davao Death Squad in various locations in or around Davao City,
11 Philippines, between 2011 and 2016.

12 (b) murder of at least 24 persons, allegedly criminals - such as drug pushers or
13 thieves - or drug users, killed by or under the supervision of members of the
14 Philippines' law enforcement, sometimes with the assistance of persons who were not
15 part of the police, at various locations in the Philippines, between 2016 and 2019.

16 PRESIDING JUDGE MOTOC: [14:45:52] (Interpretation) Thank you, Madam
17 Courtroom Officer.

18 Mr Duterte, I'm not going to ask you to stand up, because I know your condition, so
19 I'm going to allow you to remain seated.

20 You have just heard the reading of the charges, which are in accordance with the
21 content of the arrest warrant you received. This means that you have been informed
22 of the crimes of which you are accused, and this concludes the examination of the first
23 point mentioned above.

24 I will now turn to the second point, which concerns your rights as a suspect before
25 this Court. I will summarise some of these rights, which are of particular importance

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1 at this stage of the proceedings. Those rights are as follows:

2 You can benefit from the assistance free of charge of a competent interpreter, and

3 benefit from the necessary translations to meet the requirements of fairness.

4 You have the right to have the time and facilities necessary to prepare your defence

5 and to communicate freely and confidentially with the counsel of your choice.

6 You have the right to remain silent and you cannot be forced to testify against

7 yourself or to confess guilt.

8 You can also make statements in your defence without taking an oath.

9 In addition to any other disclosure provided for in the Statute, the Prosecutor must

10 disclose to you, as soon as practicable, evidence in his possession or at his disposal

11 that shows or tends to show your innocence or to mitigate your guilt, or that could

12 undermine the credibility of the evidence against you.

13 At the confirmation of charges hearing, you can contest the charges, challenge the

14 evidence presented by the Prosecutor, and present evidence.

15 There will be no trial if the charges are not confirmed or if the proceedings against

16 you are completed.

17 You have the possibility to make an application for interim release pending trial.

18 And finally, Mr Duterte, you have the right to be informed as soon as possible and in

19 detail of the nature, cause and content of the charges in a language that you fully

20 understand and speak.

21 Counsel, have you understood?

22 MR MEDIALDEA: [14:48:37] Yes, we're listening, ma'am. We're listening. And

23 before it ends, may we be allowed to present a manifestation on the circumstances

24 behind the delivery of Mr Duterte in this Chamber.

25 PRESIDING JUDGE MOTOC: [14:49:05] (Interpretation) Yes, counsel. This is -- as

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1 part of the procedure, and as we've said since the very outset, I need to ask
2 Mr Duterte himself to make observations as to the condition of his surrender to the
3 Court and the conditions of his detention at the detention facility of the Court since
4 his arrival. If he can please tell us these details.

5 MR MEDIALDEA: [14:49:40] Can I do it for my client, madam? Thank you. Can
6 I ...

7 PRESIDING JUDGE MOTOC: [14:49:48] (Interpretation) Yes, counsel.

8 MR MEDIALDEA: [14:49:51] Yes, your Honours, please. Two days ago, the whole
9 world has witnessed the degrading fashion which a former president of a sovereign
10 country was bundled into a private aircraft and summarily transported to The Hague.
11 To us lawyers, this would be called an extrajudicial rendition. To the less legally
12 inclined, it is a pure and simple kidnapping.

13 My client was denied all access to the legal recourse in the country of his citizenship
14 and this all in the nature of political score settling.

15 Two troubled entities struck an unlikely alliance -- an incumbent president who
16 wished to neutralise and choke the legacy of my client and his daughter, on the one
17 hand, and a troubled legal institution subject to delegitimation and desperate for
18 price cuts and a legal show today, on the other hand.

19 With this in mind, it is not surprising that my client was abducted from his country.

20 ICC private jets do not drop out of the thin air. That jet which received my client
21 was coordinated in advance. The UAE is not a State Party to the ICC and has no
22 obligation to cooperate with the Court; yet, my client sat in transit in that country for
23 more than five hours.

24 I invite the Registry's representative to present today in Court, to explain to the judges
25 exactly how they believe this transfer was anything other than a gross abuse of

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1 process. Given the precipitous arrival of my client, an elderly man with debilitating
2 medical issues, hard of hearing and poor of sight, he was taken to a hospital for
3 observation. Only this morning have I met him for the first time, with less than an
4 hour to discuss legal issues -- legal issues. I have not been able to present him with a
5 hard copy of the arrest warrant because we were not supplied with such. I have not
6 even been able to explain to him what the Prosecution requested when seeking the
7 issuance of the arrest warrant. This is because the Chamber only established a
8 redacted version of the Prosecution request last night.

9 Other than to identify himself, my client is not able to contribute anything to this
10 hearing. Most importantly, he is not able even to tell you that he has been informed
11 of the charges as contained in the arrest warrant or, more recent, more pertinent to
12 which I alluded in my written request to this honourable Pre-Trial Chamber this
13 morning and which is confidential in nature.

14 Accordingly, I repeat my respectful request, which was rejected this morning, to
15 postpone the substantive aspect of this hearing to the next week when I will have the
16 opportunity to sit with my client and to explain to him what the confirmation hearing
17 is and what disclosure is and how the Prosecution alleges that he committed crimes.
18 I thank the Court for its attention and regret to say that I do not have instructions to
19 continue my submission any further today. Thank you.

20 PRESIDING JUDGE MOTOC: [14:54:05](Interpretation)(Microphone not activated)

21 Thank you, counsel.

22 Now, with regard to the health issues of Mr Duterte, I believe that the Court has taken
23 specific measures with regard to his health situation and I note that subsequent to his
24 arrest and when he arrived at the detention centre, the Court's doctor was of the
25 opinion that you were fully mentally aware and fit, and that you have undergone

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1 further checks and tests at the detention facility. And when you broached health
2 matters, saying that you were not able to come to the hearing, the doctors who
3 consulted with you were of the opinion that Mr Duterte was not in a position to come
4 to the hearing physically, but that if he gave written permission, he would be able to
5 take part via video link.

6 Now, that is with regard to the health matters that you just mentioned. They are
7 very important, especially concerning the matter of age.

8 Now, with regard to the rights of Mr Duterte, we have before us the Registrar's -- or
9 the Registry's report that says that Mr Duterte has been informed of his rights,
10 including Articles 66 and 67 of the Rome Statute, and that the -- that he is aware of his
11 rights and that he is also aware of the charges against him. We have before us the
12 report of the Registry, saying that he was also aware of the warrant of arrest in the
13 English language and that he is very well versed in the English language.

14 Once again, you have the possibility of these charges being read in English, which
15 was the case today. I have read to you in the French language the rights that he has,
16 Mr Duterte, before this Court, and I would like to specify once again that this is an
17 initial hearing in order for these -- for Mr Duterte to be aware of his rights and the
18 charges against him, and then there will be a full procedure that will unfurl, leading
19 up to the confirmation of charges that will enable Mr Duterte to raise all the matters
20 that you have just raised with regard to the warrant of arrest, with regard to the
21 crimes committed, with regards to the charges, and any other matters associated with
22 his arrested, and the matters of jurisdiction of the Court. You have the opportunity
23 to do this throughout these proceedings, leading up to the actual confirmation of
24 charges hearing.

25 Now, counsel, with regard to your request for another hearing to be held next

1 week -- well, your initial request, that was. This was not accepted by the Court.
2 Now, you have seen the two decisions of the Court that have been disclosed to you
3 and you are aware of the fact that these two decisions were refused. And this is tied
4 in to the fact that this first initial appearance hearing does not need much preparation,
5 as I have said to you on a number of occasions.
6 I am now going to move on to the third stage, which is to set the date for the
7 confirmation of charges hearing.
8 After assessing all the factors, including the need for the parties and participants to
9 adequately prepare, as well as Mr Duterte's rights, including his right to be tried
10 within a reasonable time, the date for the commencement of the confirmation of
11 charges hearing is September 23, 2025.
12 I would add that in accordance with Rule 121(7) of the Rules of Procedure and
13 Evidence, this date may be postponed by the Chamber, depending on the progress of
14 the proceedings, either on its own motion or at the request of the Prosecutor or the
15 Defence.
16 Before concluding this hearing, I would like to inform the parties of the next
17 procedural steps. First, I would like to recall that in accordance with Rule 121(2)(b)
18 of the Rules of Procedure and Evidence, the Chamber holds status conferences to
19 ensure a small exchange of information under satisfactory conditions. These
20 conferences are organised either ex officio or at the request of the Prosecutor or the
21 Defence.
22 Secondly, a set of decisions will be taken in a timely manner to ensure that the
23 proceedings progress smoothly and expeditiously. More specifically, I'm referring,
24 in particular, to a decision on the arrangements and procedure for the disclosure of
25 evidence and a decision setting a timetable for the disclosure of evidence in such a

1 way as to ensure orderly and efficient disclosure between the parties.

2 In this regard, the Chamber orders the Prosecutor to begin disclosing today the
3 information on the basis of which the warrant of arrest was issued, and to complete
4 this disclosure no later than within the next seven days.

5 The Chamber will also issue a decision on the participation of the victims who,
6 according to the Statute of the Court, and to the extent permitted by the Chamber, are
7 authorised to present their views and concerns at this stage of the proceedings.

8 We have come to the end of Mr Duterte's first appearance hearing.

9 I would like to thank all the participants in this hearing, the interpreters, and the
10 stenographers.

11 This concludes today's hearing.

12 THE COURT USHER: [15:00:47] All rise.

13 (The hearing ends in open session at 3.00 p.m.)