

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

No.: **ICC-01/21-01/25**
Original Date: **18 August 2025**
Date: **19 August 2025**

PRE-TRIAL CHAMBER I

Before: Judge Iulia Antoanella Motoc, Presiding Judge
Judge Reine Adélaïde Sophie Alapini-Gansou
Judge María del Socorro Flores Liera

SITUATION IN THE REPUBLIC OF THE PHILIPPINES

IN THE CASE OF THE PROSECUTOR v. RODRIGO ROA DUTERTE

PUBLIC

Public Redacted Version of the “Renewed Request for Interim Release, ICC-01/21-01/25-231-Conf”, 18 August 2025

Source: Defence for Mr Rodrigo Roa Duterte

Document to be notified in accordance with regulation 31 of the Regulations of the Court to:

☒ The Office of the Prosecutor

☒ Counsel for the Defence

Duterte Defence Team

☐ Legal Representatives of the Victims

☐ Legal Representatives of the Applicants

☐ Unrepresented Victims

☐ Unrepresented Applicants
(Participation/Reparation)

☒ The Office of Public Counsel for Victims

☐ The Office of Public Counsel for the Defence

☐ States' Representatives

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☐ Detention Section

☐ Victims Participation and
Reparations Section

☐ Other

I. INTRODUCTION

1. On 23 July 2025, the Pre-Trial Chamber agreed, by a majority, to suspend adjudication of Mr Duterte's request for interim release until further action was taken by the Defence.¹
2. The Defence's request for the aforementioned suspension was occasioned by the Pre-Trial Chamber's observations in its Decision on the Defence's '[REDACTED]',² wherein it stated as follows:

[REDACTED].³

3. As the Pre-Trial Chamber is aware, the Defence has faced considerable administrative hurdles in obtaining the information necessary to present a complete and properly substantiated picture of [REDACTED]. The bureaucratic red-tape applied by the Registry to the Defence's efforts to facilitate [REDACTED] and even just to access [REDACTED] have been amply set out elsewhere.⁴
4. However, since the Defence's original request for interim release, Mr Duterte [REDACTED] ([REDACTED]⁵ and [REDACTED]).⁶ Mr Duterte has also [REDACTED]. These [REDACTED] procedures have now allowed [REDACTED] to finalise [REDACTED], and to conclude that [REDACTED] "[REDACTED]".⁷

¹ Decision on the 'Urgent Defence Request to Suspend Adjudication on the Defence Request for Interim Release', [ICC-01/21-01/25-209](#), 23 July 2025 ("Suspension Decision"), pp. 4-5. All references to "Article" and to "Rule" in this submission are to the [Rome Statute](#) and the [ICC Rules of Procedure and Evidence](#), respectively, unless otherwise indicated. This submission is filed confidentially pursuant to [Regulation 23bis\(1\)](#) as it concerns matters of [REDACTED].

² [REDACTED].

³ [REDACTED].

⁴ See e.g. [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

⁵ [REDACTED].

⁶ [REDACTED].

⁷ [REDACTED].

5. For the reasons mentioned above, the Defence now simultaneously seeks [REDACTED]⁸ together with this renewed request for interim release.

II. SUBMISSIONS

A) The conditions under Article 58(1)(b) are not met

6. Even without [REDACTED], the [REDACTED] is fully aware that Mr Duterte's [REDACTED]. For this reason, and ever since his admission to the ICCDC on 13 March 2025,⁹ Mr Duterte has been subject to [REDACTED] "[REDACTED]".¹⁰
7. The Appeals Chamber has previously found that a detainee's [REDACTED] may not only potentially negate the risks of absconding,¹¹ but may also be a reason to grant interim release with conditions.¹²
8. The three [REDACTED] who [REDACTED] Mr Duterte to date all agree that [REDACTED].¹³ The specific characteristics of Mr Duterte's [REDACTED], identified by these [REDACTED], suggest that none of the risks envisaged in Article 58(1)(b) of the Rome Statute can be actualised.
9. [REDACTED], who most recently [REDACTED] Mr Duterte, summarised [REDACTED] "[REDACTED] ([REDACTED])".¹⁴

⁸ [REDACTED].

⁹ [REDACTED].

¹⁰ [REDACTED]. See [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. This email was left unanswered. See also [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

¹¹ *Gbagbo*, Judgment on the appeal of Mr Laurent Koudou Gbagbo against the decision of Pre-Trial Chamber I of 13 July 2012 entitled "Decision on the 'Requête de la Défense demandant la mise en liberté provisoire du président Gbagbo'", [ICC-02/11-01/11-278-Red](#), 26 October 2012, [REDACTED]. See also *Al Hassan*, Public redacted version of 'Decision on the Defence request for interim release', [ICC-01/12-01/18-786-Red](#), 29 May 2020 ("*Al Hassan* Decision"), [REDACTED].

¹² *Al Hassan Decision*, [REDACTED].

¹³ [REDACTED]. [REDACTED].

¹⁴ [REDACTED].

10. [REDACTED] administered the [REDACTED]¹⁵ and found that the [REDACTED] Mr Duterte indicated “[REDACTED]”.¹⁶ A closer examination of the [REDACTED], which are of particular significance with respect to the Article 58(1)(b) risk factors:

[REDACTED]: [REDACTED]

[REDACTED]: [REDACTED]

[REDACTED]: [REDACTED].¹⁷

i) Risk of Flight

11. In addition to the [REDACTED], [REDACTED] final report details some of the [REDACTED]. For example, [REDACTED] highlighted a [REDACTED], conducted on 16 May 2025, that identified “[REDACTED]”.¹⁸ Mr Duterte is, thus, [REDACTED]¹⁹ and requires not just [REDACTED],²⁰ but also continuous [REDACTED] “[REDACTED]”.²¹ With this in mind, it is not reasonable to conclude that Mr Duterte, [REDACTED], could [REDACTED]. Such flight would also require a degree of “[REDACTED]” (of which [REDACTED]) necessary to [REDACTED] and, furthermore, to reach it on time, even if it was conveniently placed at his disposal by a “network of supporters” – that timeworn figment of prosecutorial invention.

ii) Risk of Interference with Witnesses

¹⁵ [REDACTED].

¹⁶ [REDACTED].

¹⁷ *Id.*

¹⁸ [REDACTED].

¹⁹ Email, Defence to ICCDC, “Duterte”, 8 August 2025, 12:33pm (“[REDACTED]”).

²⁰ [REDACTED] (“[REDACTED] ([REDACTED])”).

²¹ *See* fn. 10.

12. The [REDACTED] of Mr Duterte's [REDACTED] shows "[REDACTED] ([REDACTED])".²² Mr Duterte is [REDACTED],²³ let alone [REDACTED] about disclosed witnesses such that he is able to instruct others to intimidate or interfere with them.

iii) Risk of Committing Further Crimes

13. All three [REDACTED] ascertained [REDACTED], a [REDACTED]. [REDACTED] further commented that "[REDACTED]".²⁴ With this in mind, it is unreasonable to conclude that Mr Duterte would possess [REDACTED] necessary to formulate and execute the continued commission of crimes.

B) The [REDACTED] Willingness to Cooperate with the Court

14. For the sake of clarity, the Defence informs the Pre-Trial Chamber that the [REDACTED] continues to affirm its willingness to cooperate with the Court, to accept Mr Duterte onto its territory, and to enforce conditions of release. The [REDACTED] is, furthermore, fully aware of Mr Duterte's [REDACTED].
15. All the Prosecution's objections to the [REDACTED] serving as a receiving country for the purposes of interim release are either negligible or negotiable.²⁵ There are 125 States Parties to the Rome Statute, but the Prosecution implies [REDACTED] "[REDACTED]".²⁶ Practically speaking, however, [REDACTED] has an "extensive history" of actively opposing interim release onto its territory, something that was well-known to the Prosecution when it

²² [REDACTED].

²³ [REDACTED] ("[REDACTED]").

²⁴ [REDACTED].

²⁵ Such as the requirement for an [REDACTED].

²⁶ [REDACTED].

[REDACTED] and as evidenced by the very [REDACTED] transmitted by [REDACTED] to the Court.²⁷

16. Similarly, the [REDACTED] identified by the Prosecution for precluding [REDACTED] as a receiving country are easily addressed. Mr Duterte's presence at confirmation proceedings may be waived but, if necessary, may equally be ensured by way of videoconferencing. Monitoring conditions of release and contact restrictions may be ensured through [REDACTED]. The requirement for an *ad hoc* cooperation agreement, as suggested by the Prosecution, is illusory. Cooperation agreements on interim release have only been concluded between the ICC and two States Parties.²⁸ Notwithstanding, the [REDACTED] has already undertaken to abide by all conditions as would be required by Article 4(2) of the Model Agreement on Interim Release.²⁹

III. CONCLUSION AND RELIEF SOUGHT

17. The Defence reiterates that [REDACTED] is not just a bar to holding the hearing on the confirmation of charges,³⁰ but also **negates** any risk under Article 58(1)(b) that would justify maintaining his detention.

²⁷ [REDACTED] ("[REDACTED]").

²⁸ ICC, [Cooperation agreements](#) ("[t]he Kingdom of Belgium and the Argentine Republic are the only State [sic] Parties to have signed interim release agreements with the Court").

²⁹ *Id.* ("[d]uring his/her stay in the territory of the [State's name], the Person shall be subject to the laws of the [State's name] and shall fully comply with the conditions imposed on him or her for his or her interim release. Any violation of the laws of the [State's name] and/or of the conditions imposed for the release shall immediately be reported to the Court. The competent authorities of the [State's name] may, in consultation with the Registry, take such interim measures as they deem appropriate and as are compliant with applicable national laws and the Rome Statute, with particular reference to articles 55, 66 and 67, to prevent continued violation and to ensure the Person's appearance before the Court. Violations of the laws of the [State's name] or conditions imposed for the Interim Release could result in the immediate revocation of the Interim Release and transfer of the Person into the custody of the Court").

³⁰ See [REDACTED] ("[REDACTED]") (emphasis in original). See also [REDACTED], "[REDACTED]", 5 June 2025, 14:53 ("[REDACTED]"); Email, Defence to Pre-Trial Chamber I, "[REDACTED]", 7 August 2025, 07:49am ("[REDACTED]").

18. Should the Prosecution be permitted to challenge the aforementioned and [REDACTED], resolving the issue of [REDACTED]³¹ could take several months or more, especially if other [REDACTED] are [REDACTED]. Mr Duterte's continued detention during this protracted process would not be fair or reasonable.
19. As such, the Defence renews and reiterates its request that the Pre-Trial Chamber **ORDER** Mr Duterte's immediate release into [REDACTED], subject to any conditions deemed appropriate.

A handwritten signature in black ink that reads "Nicholas Kaufman". The signature is written in a cursive, slightly slanted style. Below the signature is a solid horizontal line.

Nicholas Kaufman
Counsel for Rodrigo Roa Duterte

Dated this 19th day of August 2025

The Hague, The Netherlands

³¹ See [REDACTED] ("[REDACTED]").