

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-01/21-01/25**

Original Date: **16 June 2025**

Date: **10 September 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
with Confidential Annex A**

**Public Redacted Version of the "Defence Request for Observations from the
Host State"**

Source: Defence for Mr Rodrigo Roa Duterte

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

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I. INTRODUCTION

1. The Defence for Mr Rodrigo Roa Duterte hereby respectfully requests that the Pre-Trial Chamber seek observations from the Host State, not just on transit through its territory but, also, on the possibility of accommodating Mr Duterte on its territory for the partial or, potentially, the full term of his interim release if so ordered. This filing is submitted without prejudice to Mr Duterte's principal request which is interim release to [REDACTED] ("[REDACTED]").¹

II. PROCEDURAL HISTORY

2. During the month of May 2025, the Prosecution and the Defence met various times and, subsequently, mutually agreed terms and conditions designed to allay the Prosecution's Article 58(1)(b) concerns, all in the context of a request for interim release to the Kingdom of the Netherlands ("the Host State"). These terms and conditions are set out in Annex A to filing ICC-01/21-01/25-150-Conf-Exp.
3. On 25 May 2025, and pursuant to the aforementioned *inter partes* agreement, the Defence sent a request for cooperation, via the Counsel Support Section in the Registry, to the competent authorities of the Host State requesting their advance agreement to receive Mr Duterte into the Netherlands for the term of any interim release ordered by the Pre-Trial Chamber.² The Defence's rationale for petitioning the Host State in this fashion was to avoid seising the Pre-Trial Chamber of a request which would be handicapped, from the outset, by a principled objection.

¹ Urgent Request for Interim Release, [ICC-01/21-01/25-150-Conf-Exp](#), 12 June 2025 ("Interim Release Request"). All references to "Statute" are to the Rome Statute, unless otherwise indicated. This submission is filed confidential in accordance with Regulation 23bis(1) because it references filings and information of the same classification and concerns communications with governmental authorities.

² Email, Defence to the Registry, "ICC-01/21-01/25: Interim Release: The Netherlands", 25 May 2025, 17:23. See also **Annex A** [REDACTED].

4. Indeed, given the Host State's previous experience with individuals released by the International Criminal Court, the Defence volunteered several undertakings with a view to assuaging any possible concerns:
 - i) That Mr Duterte would not seek asylum in the Netherlands at any future date;
 - ii) That Mr Duterte would seek another State to which he could be released once released into Dutch territory, conditional upon authorisation by the Pre-Trial Chamber; and
 - iii) That the Defence would cover any costs expended by the Host State in enforcing the terms and conditions ordered by the Pre-Trial Chamber.
5. The Defence has not yet received a response from the Host State.
6. On Monday, 9 June 2025, Counsel notified his counterpart in the Office of the Prosecutor of the agreement of [REDACTED] to receive Mr Duterte for the term of any interim release ordered. Counsel asked the Prosecution to consider whether the terms and conditions agreed for the Netherlands would suffice for [REDACTED], minus the requirement for [REDACTED].
7. By mid-afternoon, Thursday, 12 June 2025, no response had been received from the Prosecution. Accordingly, the Defence filed its Urgent Request for Interim Release.³
8. Shortly thereafter, and despite its previous silence on the matter, the Prosecution notified the Pre-Trial Chamber via an email sent at 5:27 pm that it will "strongly oppose" Mr Duterte's request to be released to [REDACTED].⁴ The Defence


³ [Interim Release Request](#).

⁴ Email, Prosecution to Pre-Trial Chamber I, "Defence's Urgent Request for Interim Release (ICC-01/21-01/25-150-Conf-Exp)", 12 June 2025, 17:27.

cannot, presently, anticipate the grounds for such an objection but reserves the right to make future submissions once the Prosecution's reasoning is disclosed.

III. SUBMISSIONS AND RELIEF REQUESTED

9. Pursuant to Court Regulation 51,⁵ and for the purposes of rendering a decision on interim release, the Pre-Trial Chamber must seek observations from the Host State and from the State to which Mr Duterte seeks to be released.
10. In light of the Prosecution's notified intention to "strongly oppose" interim release to [REDACTED], the Defence does not wish to neglect its request for cooperation currently under consideration by the competent authorities of the Netherlands.
11. Accordingly, given the Prosecution's non-opposition to interim release to the Netherlands, Mr Duterte respectfully requests that the Pre-Trial Chamber **ORDER** the Registry to invite the Netherlands to make its observations on the possibility of accommodating Mr Duterte for the term of his interim release, pursuant to the terms and conditions set out in Annex A to the Urgent Request for Interim Release (ICC-01/21-01/25-150-Conf-Exp-AnxA).⁶
12. The Defence gives its advance agreement for this filing to be disclosed to the competent authorities of the Host State.



Nicholas Kaufman
Counsel for Rodrigo Roa Duterte

Dated this 10th day of September 2025

At Jerusalem, Israel

⁵ See [Regulation 51](#) of the Regulations of the Court.

⁶ See also the same terms and conditions set out in Annex A to this filing.