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TRIAL CHAMBER III

Before: Judge Joanna Korner, Presiding Judge
Judge Keebong Paek
Judge Nicolas Guillou

SITUATION IN THE REPUBLIC OF THE PHILIPPINES

IN THE CASE OF THE PROSECUTOR v. RODRIGO ROA DUTERTE

PUBLIC

**Public Redacted Version of “Defence Reply to ‘Prosecution’s Response to Defence
Motion Pursuant to an Order of the Trial Chamber””**

Source: Defence for Mr Rodrigo Roa Duterte

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I. SUBMISSIONS IN REPLY

i) *The Prosecution steps to facilitate Defence review of the [REDACTED] dataset*

1. A case record of over 62,000 items, underpinning a Prosecution List of Evidence of 19,241,¹ is unworkable.² The Defence maintains that the 44,495 items comprising the [REDACTED] dataset must be excluded because it is full of irrelevant, illegible, repetitive, and unsearchable material of extremely limited probative value, and, despite its enormous volume, is an incomplete record. Whilst acknowledging the inherent issues of both quality and volume,³ the Prosecution argues that the dataset must be retained in its entirety.⁴

2. The Prosecution attempts to shift responsibility to the Defence for its own dumping of the full dataset into the case record without meaningful review.⁵ A brief timeline of *inter partes* exchanges demonstrates the opposite:

- **15 May 2026:** The parties file submissions on the first Status Conference agenda. A footnote to the Prosecution filing notes its possession of a large collection that requires “time intensive analytical and legal review”.⁶
- **27 May 2026:** At the first Status Conference, the Trial Chamber urges the parties to avoid the wholesale dumping of unnecessary and irrelevant evidence into the record.⁷
- **15 July 2026:** The dataset and its source ([REDACTED]) is raised in a meeting between the Prosecution and Defence, with the Prosecution offering to provide the Defence access to a dedicated platform on which to review it. The Prosecution also proposes commissioning a joint expert report to analyse a portion of the material.
- **17 July 2026:** The Defence sends a note of the 15 July meeting, summarising the disclosure issues raised. In relation to [REDACTED], the Defence confirms that it would

¹ Prosecution’s Response to Defence Motion Pursuant to an Order of the Trial Chamber (ICC-01/21-01/25-507), [ICC-01/21-01/25-510-Conf](#), 29 September 2026 (“[Prosecution’s Response](#)”), para. 5.

² Decision on the Prosecution’s and Defence’s requests to amend the E-Court Protocol, [ICC-01/21-01/25-508](#), 28 September 2026, para. 10.

³ [Prosecution’s Response](#), paras 20, 27, 31, 35, 40.

⁴ [Prosecution’s Response](#), para. 9. Cf. Transcript of First Status Conference, [ICC-01/21-01/25-T-009-CONF-ENG](#), 27 May 2026 (“[Transcript of First Status Conference](#)”), p. 47, lines 20-21 (“review your evidence to make sure that we avoid having repetitive, irrelevant or over-voluminous evidence”).

⁵ [Prosecution’s Response](#), para. 13.

⁶ Confidential redacted version of “Prosecution’s submissions pursuant to the ‘Order scheduling first status conference’”, [ICC-01/21-01/25-440-Conf-Red](#), 15 May 2026, para. 25, fn 20. The Prosecution mischaracterises the situation by stating that the Defence was aware of the [REDACTED] dataset “since at least the first status conference before this Chamber”, see [Prosecution’s Response](#), para. 12. It is worth recalling that Counsel for Mr Duterte had been appointed only days before the first Status Conference, see Notification of the appointment of Mr Peter Haynes KC as Counsel for Mr Rodrigo Roa Duterte, [ICC-01/21-01/25-441](#), 15 May 2026.

⁷ [Transcript of First Status Conference](#), p. 19, lines 24-25, p. 20, line 13.

like to be provided with access to the separate platform/software mentioned, and asks for an administrator/end user guide to that platform.⁸ The Defence rejects the joint expert proposal, noting “the source materials seem to us to be insufficiently reliable to form the basis for any sensible statistical analysis, having regard to their origin, chain of custody, completeness, condition and reconfiguration at numerous stages”.⁹

- **22 July 2026:** The Prosecution acknowledges the issues with the quality of its disclosure identified by the Defence (e.g. incorrect dates, floating pages/annexes, duplicates, missing transcripts, and unreadable items) and asks for a further meeting to go through them in detail.¹⁰ This meeting takes place on **24 July 2026**.
- **10 August 2026:** Having received no response to its email of 17 July (further discussed on 24 July) and observing that the same issues of quality had continued unabated in later disclosure packages, the Defence asks the Prosecution whether it can forthwith provide responses and solutions to the various issues therein raised.¹¹
- **14 August 2026:** The Prosecution eventually replies to the Defence’s email of 17 July, now offering to upload the [REDACTED] dataset into a new Defence JEM workspace, separate from the disclosed material, and inquiring whether this would be suitable.¹² The Defence replies that it cannot agree “to assume responsibility for inspecting and assessing the relevance of these documents”, and asks the Prosecution to disclose the full 32,000 documents, or the part thereof that it considers incriminating, exculpatory, or material, depending on its assessment.¹³ The Defence also notes that ongoing quality issues, including ‘floating’ pages, illegible items, and lack of disclosure by theme, have persisted in the disclosure.
- **18 August 2026:** The Prosecution asks whether the Defence would like to have the full [REDACTED] dataset “[REDACTED]” or whether it would “[REDACTED]”.¹⁴
- **19 August 2026:** The Prosecution accidentally includes [REDACTED] documents on a hard drive provided to the Defence; this is returned as soon as the error is discovered.
- **24 August 2026:** The Defence reiterates that it cannot assume responsibility for inspecting and assessing the relevance of the entire [REDACTED] dataset. The Defence again asks the Prosecution to identify those items that it considers are (i) PEXO or (ii)

⁸ Email, Defence to Prosecution, “D36 Request for Disclosure / Metadata Updates”, 17 July 2026, 16:46.

⁹ Email, Defence to Prosecution, “Single Joint Expert”, 17 July 2026, 14:15.

¹⁰ Email, Prosecution to Defence, “Re: D36 Request for Disclosure / Metadata Updates”, 22 July 2026, 16:34.

¹¹ Email, Defence to Prosecution, “Re: D36 Request for Disclosure / Metadata Updates”, 10 August 2026, 12:05.

¹² Email, Prosecution to Defence, “Re: D36 Request for Disclosure / Metadata Updates”, 14 August 2026, 11:52.

¹³ Email, Defence to Prosecution, “Re: D36 Request for Disclosure / Metadata Updates”, 14 August 2026, 18:54.

¹⁴ Email, Prosecution to Defence, “Re: D36 Request for Disclosure / Metadata Updates”, 18 August 2026, 17:06.

disclosable under Rule 77 and disclose them accordingly.¹⁵ The Defence flags ongoing disclosure quality issues (including unreadable, ‘floating’, and untranscribed materials).

- **25 August 2026:** The Prosecution responds that it will aim to address the disclosure issues “shortly”. It states its intention to disclose the entirety of the remaining [REDACTED] items, but that “considering the size and volume of the material (just over 200GB), it will not be possible to conduct a regular upload of the material into JEM” and seeks Defence agreement on this.¹⁶
- **27 August 2026:** The Defence responds, noting the very poor quality and duplicative nature of the [REDACTED] items disclosed to date, and reiterates its concerns “about the size and volume of the material, which seems misaligned with the principle that only relevant evidence should be disclosed”. It again asks the Prosecution to confirm whether it has reviewed and assessed each of the [REDACTED] items and asks the Prosecution only to disclose those that it has identified as being relevant, legible, non-duplicative of previously disclosed documents, properly linked to other items of evidence, where applicable, and duly categorised.¹⁷ No response is received.
- **31 August 2026:** The Prosecution discloses the full remaining [REDACTED] dataset.
- **8 September 2026:** The Defence informs the Prosecution that 34,000+ [REDACTED] documents have been wrongly classified as “Personal Data / Identifying Document” and that 15,000+ have been given the wrong date of 1 November 2021.¹⁸
- **15 September 2026:** On the eve of a Status Conference, the Prosecution provides the Defence with a large spreadsheet (52,000+ rows) of AI-generated summaries of the [REDACTED] dataset.¹⁹
- **17 September 2026:** The Prosecution and the Defence meet to discuss disclosure issues. The Defence suggests the removal of (a) all [REDACTED] documents; (b) unverified open source/user-generated material; (c) floating pages, and (d) duplicates/illegible/repetitive material, which it calculates would reduce the evidence record to approximately 10,000 items.²⁰ The Defence reiterates the systemic nature of

¹⁵ Email, Defence to Prosecution, “Re: D36 Request for Disclosure / Metadata Updates”, 24 August 2026, 12:10.

¹⁶ Email, Prosecution to Defence, “Authorization for Access to the [REDACTED] folder in Defense JEM for the [REDACTED] Upload”, 25 August 2026, 18:32.

¹⁷ Email, Defence to Prosecution, “Re: Authorization for Access to the [REDACTED] folder in Defense JEM for the [REDACTED] Upload”, 27 August 2026, 16:40.

¹⁸ At the time of writing this filing, these issues remain. The Prosecution has updated the metadata for just 564 of over 62,000 items since the Defence Motion was filed on 22 September.

¹⁹ Email, Prosecution to Defence, “Re: D36 Request for Disclosure / Metadata Updates”, 15 September 2026, 16:51.

²⁰ Email, Defence to Prosecution, “Follow Up to Meeting”, 17 September 2026, 18:03.

disclosure quality issues raised since July across the 62,000+ items. The Prosecution declines the request to remove this material and again asks for further specifics on the disclosure quality issues.²¹ The Defence replies with a list of the issues (e.g. incorrect metadata, illegible items, duplicates, floating pages) with examples, noting the Defence resources expended on continuously communicating these same issues.²²

- **23 September 2026:** The Prosecution offers to reduce its *List of Evidence* to remove some [REDACTED] items, but only if the Defence agrees to facts based on formulae applied to the spreadsheet.²³
- **25 September 2026:** The Prosecution confirms that the *case record* could be reduced by 42,000+ documents, but only if the Defence agrees facts as to what those documents contain.²⁴ The Defence explains the impossibility of agreeing to this proposal.²⁵

3. The Prosecution argues that it has “facilitate[d] the Defence’s review of this material” by “provid[ing] the Defence with its own internal work product”, and that “Defence complaints” should be viewed in this context.²⁶ In other words, it is proposed that the Defence can be left to navigate a mass of thousands of irrelevant, wrongly-tagged, untranslated, and illegible items by cross-referring to an AI-generated spreadsheet. This is no substitute for the proper review and disclosure of the material therein, which instead has been dumped in its entirety into the record.

ii) The Relevance of the [REDACTED] Dataset

4. In order to assess the Prosecution’s claim that the [REDACTED] dataset must remain part of the case record because it is relevant,²⁷ it is helpful to recall a time when the Prosecution held the opposite view. By mid-August 2026 at the very latest, the Prosecution had identified the records from within the dataset that it considered “most relevant”, and disclosed them.²⁸ For the remainder, the Prosecution proposed to provide these 32,000 items to the Defence solely for inspection, following which the Prosecution would disclose those items that the Defence

²¹ Email, Prosecution to Defence, “Re: Follow Up to Meeting”, 17 September 2026, 20:03.

²² Email, Defence to Prosecution, “Re: Follow Up to Meeting”, 18 September 2026, 12:14.

²³ Email, Prosecution to Defence, “Agreed Facts [REDACTED]”, 23 September 2026, 15:50. The Defence sought further clarification on this proposal, see Email, Defence to Prosecution, “Re: Agreed Facts [REDACTED]”, 24 September 2026, 17:33.

²⁴ Email, Prosecution to Defence, “Re: Agreed Facts [REDACTED]”, 25 September 2026, 14:53.

²⁵ Email, Defence to Prosecution, “Re: Agreed Facts [REDACTED]”, 28 September 2026, 17:00, attached as Annex A to the Prosecution Response, [ICC-01/21-01/25-510-Conf-AnxA](#), 29 September 2026 (“[Annex A](#) to the Prosecution Response”).

²⁶ [Prosecution Response](#), paras 11-14.

²⁷ *Id.*, para. 9 (“[t]he [REDACTED] dataset is part of the evidence relied upon by the Prosecution to prove, *inter alia*, specific charged incidents as well as the contextual elements of its case.”).

²⁸ Email, Prosecution to Defence, “Re: D36 Request for Disclosure / Metadata Updates”, 18 August 2026, 17:06 (“[REDACTED].”).

identified as relevant, which would then be made accessible to the Trial Chamber.²⁹ Therefore, the Prosecution's position in mid-August was that it was unnecessary for the entire [REDACTED] dataset to be part of the case record, as long as the Defence agreed to review and triage it.

5. Putting the "most relevant" INCRIM items to one side, the remaining items in the [REDACTED] dataset are either (i) PEXO, (ii) material under Rule 77, or (iii) not relevant to this case. There are no other options. By mid-August, had the Prosecution indeed reviewed the entire dataset, and considered it all to be Rule 77 material, it was statutorily obliged to disclose it.³⁰ It did not. It was only after the Defence refused to accept the burden of reviewing the remainder that the Prosecution then decided to disclose the entire dataset under Rule 77.³¹ Now that the Defence has asked the Trial Chamber to order the Prosecution to exclude the [REDACTED] dataset from the case record, this qualification has jumped to "highly relevant".³² The Prosecution had both the opportunity and the obligation, between 1 November 2021 and 31 August 2026 to determine the materiality of the [REDACTED] dataset.³³ The Prosecution's changeable approach to the relevance of these items is a result of it not having done so, and undermines its current claim that the [REDACTED] dataset is highly relevant and must be retained.

6. The Prosecution gives the incorrect impression that the [REDACTED] dataset is a complete and reliable archive of drug-related deaths in police operations in the Philippines [REDACTED].³⁴ The dataset's chain of custody clearly demonstrates that it is not. [REDACTED].³⁵ [REDACTED]³⁶ [REDACTED]³⁷ [REDACTED].³⁸ [REDACTED]³⁹ The

²⁹ Email, Defence to Prosecution, "Re: D36 Request for Disclosure / Metadata Updates", 14 August 2026, 18:54 ("[REDACTED].").

³⁰ See e.g. *Ntaganda*, Judgment on the appeal of Mr Bosco Ntaganda against the "Decision on Defence requests seeking disclosure orders and a declaration of Prosecution obligation to record contacts with witnesses", [ICC-01/04-02/06-1330](#), 20 May 2016, paras 23, 34.

³¹ Transcript of Third Status Conference, [ICC-01/21-01/25-T-011-CONF-ENG](#), 16 September 2026, p. 13, line 25 ("kind of *per se* Rule 77").

³² [Prosecution Response](#), paras 2, 3, 42.

³³ *Banda and Jerbo*, Judgment on the Appeal of Mr Banda and Mr Jerbo against the Decision of Trial Chamber IV of 23 January 2013 entitled "Decision on the Defence's Request for Disclosure of Documents in the Possession of the Office of the Prosecutor", [ICC-02/05-03/09-501](#), 28 August 2013, para. 35.

³⁴ [Prosecution Response](#), para. 7.

³⁵ [PHL-OTP-00247832-R01](#), para. 31.

³⁶ [PHL-OTP-00088371](#), para. 9.

³⁷ [PHL-OTP-00247832-R01](#), para. 33.

³⁸ [PHL-OTP-00088371](#), para. 9.

³⁹ [REDACTED].

process revealed that no central database was in place; instead the documents were [REDACTED],⁴⁰ [REDACTED].

7. [REDACTED].⁴¹ [REDACTED]⁴² [REDACTED]⁴³

8. It is unclear whether [REDACTED]. It is also unclear what proportion of the material in the Prosecution's "[REDACTED] dataset" is from [REDACTED]. 82 items were transferred from [REDACTED] to the Prosecution in May 2020.⁴⁴ On 1 November 2021, [REDACTED] provided the Prosecution with [REDACTED]. According to P-0022, [REDACTED].⁴⁵ P-0022 confirmed that [REDACTED]⁴⁶

9. In April 2025, [REDACTED]. According to P-0024, P-0022 [REDACTED].⁴⁷ The Defence has no record of [REDACTED]. The chain of custody of some disclosed items indicates that P-0022 [REDACTED]. The Defence has been unable to find the remainder, [REDACTED], to date.

10. Notwithstanding [REDACTED], a review of a small sample of the incidents coded confirms that this is true. Aside from the example previously mentioned,⁴⁸ the dataset includes killings where love triangles, unpaid bills, land disputes, disgruntled employees, and revenge are noted amongst the possible motives. The Prosecution shows a remarkable lack of investigative curiosity when it now suggests that all of these incidents should be counted as part of the widespread and systematic attack it alleges, just because the suspects and/or victims were drug users or pushers. According to the Prosecution, "the fact that the [REDACTED] dataset includes deaths under investigation (i.e. deaths outside of police operations investigated by the police) **does not make them any less relevant**" because they could still be evincing a cover-up,⁴⁹ but there is no indication that it has undertaken any inquiries to establish whether this is the case. Indeed, many of the documents coded in the dataset as being killings "by unidentified assailants" name a suspect, again suggesting an absence of human review. Similarly for deaths in police operations, the records required prosecutorial assessment of relevance. For example, a

⁴⁰ *Id.*

⁴¹ [PHL-OTP-00247832-R01](#), para. 35.

⁴² [REDACTED].

⁴³ *Id.*

⁴⁴ [PHL-OTP-0004-0107-R01](#).

⁴⁵ [PHL-OTP-00088362-R01](#), para. 47.

⁴⁶ [PHL-OTP-00088365-R01](#), p. 1.

⁴⁷ [PHL-OTP-00247832-R01](#), para. 41.

⁴⁸ Defence Motion Pursuant to an Order of the Trial Chamber, [ICC-01/21-01/25-507-Conf](#), 22 September 2026, para. 11; Defence Request for Leave to Reply to "Prosecution's Response to Defence Motion Pursuant to an Order of the Trial Chamber", [ICC-01/21-01/25-512-Conf](#), 2 October 2026, para. 6.

⁴⁹ [Prosecution Response](#), para. 10.

group of documents are given the incident code “Killing of [REDACTED] **by police** [REDACTED]”, but a spot report notes the same victim’s arrest and bail for drug possession over six months later, [REDACTED].⁵⁰ [REDACTED].⁵¹ [REDACTED] was killed by a gunman on a motorcycle on [REDACTED],⁵² but the Prosecution counts this case amongst its “deaths in police drug operations” figures. The Prosecution cannot draw inferences on the total number of killings from a dataset that it knows to be full of irrelevant records, which it has failed to verify.

11. The case record also shows that, notwithstanding its enormous volume, the dataset is incomplete. P-1071 and P-1078’s joint expert report, for example, cites documents with “[REDACTED]” as their source that have not been disclosed.⁵³ The record also points to **subsequent** transfers of items from [REDACTED] to the Prosecution. Three items appear to have been provided in April 2026, although they are duplicates of November 2021 items.⁵⁴ 63 documents record having been transmitted to the Prosecution on **2024-11-05**, although the Defence cannot discount that these should have been tagged as **2021-11-05** and that these are typing errors. Another 12 are tagged as being transmitted on **2016-11-05**, which also must be wrong. 12 other documents have been disclosed with [REDACTED] as their source but with dates of transmission that differ from the dates of which the Defence has been informed.⁵⁵

12. There also seems to be a discrepancy as to the figures in the dataset. [REDACTED].⁵⁶ By contrast, the Prosecution calculates that the materials in its dataset provide details of a total of **6,085** deaths,⁵⁷ at least **3,400** of which, it says, occurred in anti-illegal drug police operations across the Philippines.⁵⁸ This suggests that either the dataset [REDACTED] received was incomplete, and/or the data it provided to the Prosecution was. Either way, this is no appropriate basis on which to “directly support[...] the contextual elements”⁵⁹ of the Prosecution’s case.

⁵⁰ [PHL-OTP-00060533](#). [REDACTED]: [PHL-OTP-00060521](#).

⁵¹ [PHL-OTP-00060521](#).

⁵² [PHL-OTP-00060523](#).

⁵³ See [PHL-OTP-00250637](#) citing PHL-OTP-0004-2311, PHL-OTP-0004-2659, PHL-OTP-0004-2668, PHL-OTP-0004-2684, PHL-OTP-0004-2689, PHL-OTP-0004-2696, PHL-OTP-0004-2563 as being from the [REDACTED] dataset. None of these are in the disclosure received.

⁵⁴ [PHL-OTP-00100274](#), [PHL-OTP-00100278](#), and [PHL-OTP-00100294](#) were provided to the OTP on 17 April 2026 and appear to be duplicates of [PHL-OTP-00045246](#), [PHL-OTP-00045393](#) and [PHL-OTP-00045278](#) provided to the OTP on 5 November 2021.

⁵⁵ See e.g. [PHL-OTP-00092830](#) (transmitted on 29 September 2025).

⁵⁶ [PHL-OTP-00088362-R01](#), para. 37; [PHL-OTP-00088366](#), at 0045-0047.

⁵⁷ Annex A to the Prosecution’s Submission Pursuant to the Trial Chamber’s Order of 1 October 2026, [ICC-01/21-01/25-513-Conf-AnxA](#), 2 October 2026, fn 2.

⁵⁸ *Id.*, Proposed Agreed Fact 2.

⁵⁹ [Prosecution Response](#), para. 42.

13. Combined with the fact that the majority of the dataset as disclosed is of extremely poor quality,⁶⁰ it is clear that the [REDACTED] dataset is not a reliable record of war on drug deaths [REDACTED]. While insisting on its “high relevance” the Prosecution has also – weeks after its disclosure deadline – offered to remove 42,511 items from the dataset if the Defence agrees to its contents. As has been explained, the Defence cannot agree to what a set of documents contains when it has not read those documents, neither has the Prosecution.⁶¹

14. The Prosecution claims to have conducted a “systematic and manual review”, but the manual exercise described in the “Memorandum on the [REDACTED] Dataset and Accompanying Index” of 24 August 2026,⁶² describes only an *indexing* exercise, assigning incident, date, location and whether the document relates to a police operation or a separate “death under investigation” to documents. It is claimed this indexing was conducted “on the basis of the information contained in the underlying documents”, but this cannot be true because the “underlying documents” include one-page tables of contents, illegible documents, and so forth. It may be that inferences were drawn by a Prosecution analyst based on the folder structure in which they received the documents (which the Defence has not seen), but this contradicts the methodological claim that indexing was based on the documents’ contents.

15. Moreover, an analyst’s review for indexing purposes is different to a legal review for the purposes of meeting the Prosecution’s disclosure obligations. Each item in the Prosecution’s possession must be assessed for relevance, materiality, and whether it is exculpatory. The Prosecution’s agreed facts proposal instead seeks to derive factual propositions from spreadsheet formulae without first validating the coding methodology and verifying the source material. Algorithms are no substitute for professional legal review. There are also discrepancies between the Prosecution’s memorandum accompanying the dataset⁶³ and its agreed facts proposal.⁶⁴ The bottom line is that no-one – from [REDACTED], to the Prosecution, and now to the Defence and the Trial Chamber – has had the capacity to review the [REDACTED] dataset. To allow individual items from the dataset to be included in the record, or the drawing of inferences allegedly based on the whole of this problematic dataset, would be a clear violation of the rights of the accused.

⁶⁰ *Id.*, paras 27, 29, 30, 31, 40 (noting that many quality issues pertain to the dataset).

⁶¹ [Annex A](#) to the [Prosecution Response](#).

⁶² [PHL-OTP-00250125](#).

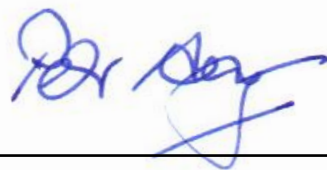
⁶³ *Id.*

⁶⁴ [Annex A](#) to the [Prosecution Response](#), p. 3.

II. CONCLUSION AND RELIEF SOUGHT

16. The Prosecution claims that the reason the Defence wants the [REDACTED] dataset excluded is its statement at the first Status Conference that it would “challenge the very existence of this widespread and systematic attack”.⁶⁵ This is not the reason. The dataset does not do what the Prosecution says it does. Even if a perfect dataset from [REDACTED] period could support the meaningful extrapolation of figures for an alleged 7-year “attack” (which is not accepted), the [REDACTED] items are wildly insufficient to form the basis for any such statistical analysis, having regard to their origin, chain of custody, relevance, completeness, and condition.

17. By contrast, the reason the Prosecution needs the dataset to remain in the case record is its decision to cherry-pick the “most relevant” incriminating items, rather than properly review and categorise the larger dataset in its possession, as it was statutorily obliged to do.⁶⁶ This will, without question, undermine the reliability of those individual items, unless (i) the whole dataset remains part of the case, or (ii) the Defence agrees to what it is said to contain. The latter option is untenable given the many issues outlined above. The former makes the case record utterly unmanageable. Combined with the Prosecution’s decision to increase the size of the record by almost 1000% since confirmation, the Prosecution Response directly contravenes the Trial Chamber’s instructions that the parties “avoid having repetitive, irrelevant or over-voluminous evidence”,⁶⁷ and should exclude items “which are repetitive or of such limited relevance as to be almost irrelevant.”⁶⁸ The only solution is the removal of the entire dataset from the record, as a direct consequence of the Prosecution’s failure properly to review this evidence since it took possession of it in 2021.



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Counsel for Mr Rodrigo Roa Duterte

Dated this 9th day of October 2026
At The Hague, the Netherlands

⁶⁵ [Prosecution Response](#), para. 9.

⁶⁶ Under Article 54(1)(a) and Article 67(2).

⁶⁷ [Transcript of First Status Conference](#), p. 47, lines 20-21.

⁶⁸ First Decision on the Prosecution’s Request to introduce prior recorded testimony pursuant to Rule 68(3), [ICC-01/21-01/25-541-Conf](#), 2 October 2026, para. 39.