Cour
Pénale
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International
Criminal
Court

Original: **English**

No.: **ICC-01/21-01/25**
Date of original: **11 November 2026**
Date: **17 November 2026**

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 Response to "Observations pursuant to the Trial Chamber's Oral Ruling on 2 November 2026"

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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☐ **Victims Participation and Reparations Section**

☐ **Other**

I. BACKGROUND

1. On 10 November 2026, the Common Legal Representatives of Victims ("CLRV") filed their "Observations pursuant to the Trial Chamber's Oral Ruling on 2 November 2026."[1] These observations are confined to the question of whether [REDACTED].

2. However, the issue raised by the Trial Chamber was a broader one, namely whether [REDACTED]. This is clear from the transcript:

> [REDACTED][2]

3. The Presiding Judge, having first observed that "[REDACTED]", then ordered the CLRV to file written submissions accordingly.[3]

4. [REDACTED].[4] [REDACTED],[5] and the submissions were filed on 10 November 2026. [REDACTED],[6] [REDACTED]. The Defence has previously, and repeatedly, submitted that [REDACTED].[7]

5. The reasons previously given [REDACTED][8] [REDACTED], and as such, lesser redacted versions of all relevant filings should now be ordered. In addition, [REDACTED], contrary to the express instruction of the Trial Chamber,[9] give rise to the remedies requested below.

[1] Observations pursuant to the Trial Chamber's Oral Ruling on 2 November 2026, ICC-01/21-01/25-548-Conf, 10 November 2026 ("Observations"). This submission is filed **confidentially** pursuant to Regulation 23*bis*(2) of the Regulations of the Court as it provides a response to a filing bearing the same classification.
[2] Transcript of Status Conference, ICC-01/21-01/25-T-013-CONF-ENG, 2 November 2026 ("Fifth Status Conference"), p. 8, line 18-p. 10, line 17 (emphasis added).
[3] *Id.* p. 10, lines 20-21. [REDACTED]
[4] *Id.* p. 11, lines 4-5.
[5] [REDACTED].
[6] [REDACTED].
[7] [REDACTED].
[8] [REDACTED].
[9] Transcript of Status Conference, ICC-01/21-01/25-T-010-ENG, 23 June 2026 ("Second Status Conference"), p. 8, lines 6-9 ("We see no reason why counsel should feel it necessary to make any comment to the media. The appropriate forum for counsel to raise matters is in the courtroom. Trials are not conducted by the court of public opinion, but by this Court during the course of the proceedings.").

II. SUBMISSIONS

6. In February 2026, [REDACTED].[10] In addition to [REDACTED];[11] [REDACTED];[12] [REDACTED];[13] and [REDACTED].[14]

7. The Defence maintains its position [REDACTED].[15] [REDACTED].

8. To give a concrete example, [REDACTED].[16] [REDACTED]. Similarly, [REDACTED].[17]

9. In addition, the records make clear that [REDACTED].[18] [REDACTED].[19] [REDACTED][20] [REDACTED].

10. [REDACTED] is reinforced by [REDACTED].[21] [REDACTED].[22]

11. [REDACTED],[23] [REDACTED]

12. [REDACTED] the Trial Chamber's "warning, to **all counsel** in the case" that they should refrain from making comments in the media, and that "the appropriate forum for counsel to raise matters is in the courtroom."[24] [REDACTED].[25] The CLRV told the Trial Chamber that [REDACTED].[26] Importantly, the CLRV represented to the Trial Chamber that [REDACTED].[27]

13. Secondly, [REDACTED].[28] [REDACTED],[29] [REDACTED].

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[10] [REDACTED].
[11] [REDACTED].
[12] [REDACTED].
[13] [REDACTED].
[14] [REDACTED].
[15] [REDACTED].
[16] [REDACTED].
[17] *See also* [REDACTED].
[18] [REDACTED]: PHL-OTP-0001-4548-R02, paras 5-9 ("[REDACTED]").
[19] *Id*.
[20] [REDACTED]: PHL-OTP-00247832-R01, para. 5.
[21] [REDACTED].
[22] *See also*, in a similar vein, *Lubanga*, Decision on the press interview with Ms Le Fraper du Hellen, ICC-01/04-01/06-2433, 12 May 2010, para. 40 ("In our judgment, respecting the Chamber, the judicial process and the other participants involves speaking publicly about the proceedings in a fair and accurate way, and avoiding any comment about issues that are for the Chamber to determine.").
[23] [REDACTED].
[24] Second Status Conference, p. 8, lines 4-7.
[25] [REDACTED].
[26] [REDACTED].
[27] *Id*.
[28] *See e.g.* [REDACTED].
[29] [REDACTED].

III. RELIEF SOUGHT

14. For the foregoing reasons, the Defence respectfully requests that the Trial Chamber:

[REDACTED]; *or, in the alternative*

[REDACTED]; *and*

ORDER the parties to file lesser redacted versions of all filings in which redactions [REDACTED].



Mr Peter Haynes, KC
Counsel for Mr Rodrigo Roa Duterte

Dated this 17th day of November 2026
At The Hague, the Netherlands