



Original: English

No.: ICC-01/21
Date: 18 November 2021

PRE-TRIAL CHAMBER I

Before: Judge Péter Kovács, Presiding Judge
Judge Reine Adélaïde Sophie Alapini-Gansou
Judge María del Socorro Flores Liera

SITUATION IN THE REPUBLIC OF THE PHILIPPINES

**Public
With Public Annex A**

**Notification of the Republic of the Philippines'
deferral request under article 18(2)**

Source: Office of the Prosecutor

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

The Office of the Prosecutor

Mr Karim A.A. Khan QC

Mr James Stewart

Mr Colin Black

Counsel for Defence

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
Defence**

States' Representatives

The Republic of the Philippines

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other (Witness Counsel)

1. The Office of the Prosecutor (“the Prosecution”) hereby notifies Pre-Trial Chamber I (“the Chamber”) that the Republic of the Philippines (“the Philippines”) on 10 November 2021 responded to the Prosecution’s notification under article 18(1) of the Rome Statute (“the Statute”) with a request that the Prosecution defer to the Philippines’ investigation of nationals or others within its jurisdiction “with respect to the alleged crimes against humanity of murder under article 7(1)(a) of the Statute ‘committed throughout the Philippines between 1 July 2016 and 16 March 2019 in the context of the so-called “war on drugs” campaign, as well as in the Davao area between 1 November 2011 and 30 June 2016” (“the Deferral Request”).¹

2. The Prosecution will, in the coming days, request additional information from the Philippines under rule 53 of the Rules of Procedure and Evidence. Such additional information is necessary for the Prosecution to assess the scope and effect of the Deferral Request, and to determine whether to apply to the Pre-Trial Chamber, under article 18(2) of the Statute, for authorisation to continue investigating.

3. The Prosecution has temporarily suspended its investigative activities while it assesses the scope and effect of the Deferral Request. The Prosecution will, however, continue its analysis of information already in its possession, as well as of any new information it may receive from third parties, and actively assess the need for applications to the Pre-Trial Chamber for authority to conduct necessary investigative steps for the preservation of evidence under article 18(6) of the Statute.



Karim A.A. Khan QC, Prosecutor

Dated this 18th day of November 2021
At The Hague, The Netherlands

¹ Annex A, p. 1.