

ANNEX 5

Public Redacted

Version

trialchamber

19/05/2026 09:49

Instruction to the Defence regarding Rule 135 of the Rules of Procedure and Evidence

To OTP d36duterte
V50LRV

Copy Associate Legal Office

Office of the Director

• VWS Legal

TrialChambe

Dear Defence,

The Chamber notes that in its Observations in Advance of the First Status Conference, ICC-01/21-01/25-439-Conf (the 'Defence Observations'), the Defence submits that a commencement of the trial is 'contingent upon a determination by the Trial Chamber of Mr Duterte's fitness to stand trial' (Defence Observations, para. 4). The Chamber also observes that the Defence states that it 'will request that this issue is revisited by the Trial Chamber pursuant to Rule 135' (Defence Observations, para. 4).

In light of the current stage of the proceedings and the fact that a date for the first status conference in this case has already been set in anticipation of trial, the Chamber instructs the Defence to submit, by **Monday, 25 May 2026 at 12h00**, any such request pursuant to Rule 135 of the Rules of Procedure and Evidence.

Kind Regards,
Trial Chamber III