Cour
Pénale
Internationale

International
Criminal
Court

Original: English

No.: **ICC-01/21-01/25**
Date: **16 September 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

Second decision on the review of detention

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

☒ The Office of the Prosecutor

☒ Counsel for the Defence

☒ 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

☐ Amicus Curiae

REGISTRY

Registrar
Mr Osvaldo Zavala Giler

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☒ Detention Section

☐ Victims Participation and Reparations Section

☐ Other

TRIAL CHAMBER III (the 'Chamber') of the International Criminal Court, in the case of *The Prosecutor v. Rodrigo Roa Duterte*, pursuant to Articles 60(3), 61(11), 64(6)(a) of the Rome Statute (the 'Statute') and Rule 118(2) of the Rules of Procedure and Evidence (the 'Rules'), issues this 'Second decision on the review of detention'.

1. The Chamber recalls the procedural history as set out in its 'Decision on the Review of Rodrigo Roa Duterte's Detention' (the 'First Decision on the Review of Detention').[1]

2. On 22 May 2026, the Chamber reviewed the detention of Rodrigo Roa Duterte (the 'Accused') for the first time since the case record had been transmitted to it and decided that he should continue to be detained.[2]

3. On 27 May 2026, the Chamber held its first status conference and set a date for the start of trial.[3]

4. On 7 September 2026, pursuant to the Chamber's order,[4] the Prosecution[5] and the Common Legal Representatives of Victims (the 'CLRVs')[6] submitted observations regarding the review of the Accused's detention and sought the continued detention of the Accused.

5. On 14 September 2026, pursuant to the Chamber's order,[7] the Defence filed its observations (the 'Defence's Observations'),[8] submitting that it 'anticipates exercising its right under Rule 118(2) to seek a review of the detention regime once

[1] 22 May 2026, ICC-01/21-01/25-447.
[2] Decision on Detention Review.
[3] Transcript of hearing on 27 May 2026, ICC-01/21-01/25-T-009, p. 46.
[4] Email from the Chamber, [ICC-01/21-01/25 - Public] Order to submit observations pursuant to Rule 118(2) of the Rules, 15 July 2026, at 14:09.
[5] Prosecution's Observations on Rodrigo Roa Duterte's Detention, ICC-01/21-01/25-495-Conf (public redacted version was notified on 14 September 2026, ICC-01/21-01/25-495-Red) (the 'Prosecution's Observations').
[6] Victims' Observations on the Review of Mr Duterte's Detention pursuant to Rule 118(2) of the Rules of Procedure and Evidence, ICC-01/21-01/25-493-Conf (public redacted version was notified on 15 September 2026, ICC-01/21-01/25-493-Red).
[7] Email from the Chamber, [ICC-01/21-01/25 - Public] Agenda items for status conference on 16 September 2026, 11 September 2026, at 11:21. *See also* Email from the Defence, 4 September 2026, at 17:33.
[8] Defence Observations on Mr Rodrigo Roa Duterte's Detention, ICC-01/21-01/25-503.

the Trial Chamber has determined Mr Duterte's fitness to stand trial, if the circumstances merit it'.[9]

6. With regard to the applicable legal framework, the Chamber refers to the First Decision on the Review of Detention, in which it established, *inter alia*, that the Chamber shall review and modify the initial decision on detention 'if it is satisfied that changed circumstances so require'.[10]

7. The Chamber notes the following developments during the period since the First Decision on the Review of Detention: (i) the Chamber set the commencement date of the trial on 30 November 2026;[11] (ii) a panel of three Court-appointed medical experts submitted their reports on the Accused's fitness to stand trial (the 'Panel's Reports');[12] (iii) the Prosecution disclosed to the Defence all the testimonial and non-testimonial evidence it intends to use at trial and submitted its List of Witnesses and the List of Evidence on the record;[13] and (iv) the Prosecution submitted its trial brief.[14]

8. In light of these developments, the Chamber finds that the prospect of the Accused facing a trial, and (in the event of a conviction), a lengthy prison sentence, has increased.[15] There is, therefore, a likelihood of the Accused absconding and/or obstructing or endangering the investigation or the court proceedings. In respect of the latter considerations, owing to the Prosecution's submission of the Witness and Evidence Lists, (thereby disclosing the identities of the witnesses and the contents of their expected testimony), this increases the Accused's ability to interfere with witnesses, either directly or through his family or supporters in the Philippines.

9. As regards the fitness issue, (although a decision of the Chamber is currently pending), the Chamber finds that the Panel's Reports do not contain any information

[9] Defence's Observations, para. 4.
[10] First Decision on the Review of Detention, paras 9-10.
[11] Transcript of hearing on 27 May 2026, ICC-01/21-01/25-T-009, p. 46.
[12] Registry's Transmission of the Panel of Experts' Joint and Individual Reports pursuant to ICC-01/21-01/25-462-Conf, 21 August 2026, ICC-01/21-01/25-480-Conf, with confidential annexes I-IV.
[13] Prosecution's Submission of the List of Witnesses and the List of Evidence, 31 August 2026, ICC-01/21-01/25-488, with confidential annexes A and B.
[14] Prosecution's Trial Brief, 4 September 2026, ICC-01/21-01/25-490-Conf, with confidential annexes A-M.
[15] *See also* Prosecution's Observations, para. 5.

that warrants a modification of the Accused's detention. Furthermore, the Defence's Observations do not provide any information that constitutes new facts or a change in circumstances.

10. Accordingly, the Chamber finds that the risks under Article 58(1)(b)(i) and (ii) have increased and, in respect of the risks outlined in Article 58(1)(b)(iii), sees no change in circumstances. The Chamber therefore finds no notable change in circumstances that warrant the release of the Accused, with or without conditions.

FOR THESE REASONS, THE CHAMBER HEREBY

DECIDES that the Accused shall continue to be detained.

Done in both English and French, the English version being authoritative.

Judge Joanna Korner

Presiding Judge

Judge Keebong Paek

Judge Nicolas Guillou

Dated this **16 September, 2026**

At The Hague, The Netherlands