

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/21-01/25

Date: 7 October 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

**Urgent
Public**

Public Redacted Version of "Registry observations pursuant to the Chamber's email order of 25 August 2026, "Order regarding the special measures recommended by the Expert Panel"", ICC-01/21-01/25-497-Conf, 7 September 2026

Source: Registry

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

☒ 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

M. Zavala Giler, Osvaldo

☒ **Counsel Support Section**

☒ **Victims and Witnesses Unit**

☒ **Detention Section**

☒ **Victims Participation and
Reparations Section**

☒ **Other**
Public Information and Outreach Section

I. Introduction

1. The Registry submits these observations further to the Chamber's email order to this effect. In particular, the Chamber, noting that the Expert Panel has recommended certain special measures and adjustments to facilitate Mr Duterte's attendance at and participation in the trial,¹ has ordered the Registry to provide observations "on the practicalities of the [Expert Panel's] recommended measures, particularly concerning the hearings, by 7 September 2026" ("Order").²

II. Procedural History

2. On 12 June 2026, the Chamber issued its "Decision appointing experts for the purpose of a medical examination pursuant to Rule 135 of the Rules of Procedure and Evidence", whereby it appointed a panel of experts ("Expert Panel").³ The Chamber instructed, *inter alia*, the Expert Panel "to submit a joint report, to the extent possible and as considered appropriate"⁴ to the Registry by no later than 18 August 2026.⁵ The Registry was instructed to file the Expert Panel's report with any redactions if necessary, by no later than 24 August 2026.⁶
3. On 21 August 2026, the Registry transmitted the Expert Panel's joint and individual reports ("Expert Reports").⁷
4. On 26 August 2026, the Chamber issued the Order.⁸

¹Registry, "Registry 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 (see for example, Annex I, paras 11.2, 20.1).

²Email from the Chamber to the Registry on 25 August 2026, at 13:43.

³ Trial Chamber III, "Decision appointing experts for the purpose of a medical examination pursuant to Rule 135 of the Rules of Procedure and Evidence" ("Decision Appointing Experts"), 12 June 2026, ICC-01/21-01/25-462-Conf, and Public Redacted Version filed on the same day, 12 June 2026, para. 22.

⁴*Ibid.*, para. 37.

⁵ *Idem.*

⁶*Ibid.*, para. 39.

⁷ Registry, "Registry 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.

⁸Email from the Chamber to the Registry on 25 August 2026, at 13:43.

III. Classification

5. In accordance with regulation 23 *bis*(1) and (2) of the Regulations of the Court, the present report is classified as confidential as it follows the same level of classification of the Order.

IV. Applicable law

6. For the purpose of the present submission, the Registry has considered, *inter alia*, rules 13 and 17 of the Rules of Procedure and Evidence, and regulations 45, 155(3), 156(4), 177 of the Regulations of the Registry ("RoR").

V. Submissions

7. Having taken into consideration the Expert Reports,⁹ the Registry, pursuant to the Order, provides its observations on the practicalities of the recommended special measures, as follows: i) sitting schedule; ii) (non-)privileged telephone calls and visits; iii) any (standing) authorisation for Mr Duterte to leave the courtroom during trial sessions [REDACTED]; iv) audio hearing support; v) any remote appearance by Mr Duterte via video link from the ICC Detention Centre; and vi) any reporting on Mr Duterte's continued health.

i. Sitting Schedule

8. In light of the Expert Reports,¹⁰ the Chamber may wish to consider the following sitting schedule:¹¹
 - 11:00-12:00;
 - 14:00-15:00; and
 - 15:30-16:30

⁹ Registry, "Registry 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.

¹⁰Registry, "Registry 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-AnxI, para. 20.1.

¹¹The Registry discussed this schedule with the Defence, which welcomed it positively.

9. Also, the Chamber may be minded to adopt a “bloc” schedule: to sit for hearings for three weeks, followed by two weeks during which there are generally no hearings, as other chambers have.
10. Based on consultations with stakeholders, the Public Information and Outreach Section expects the public interest in the trial proceedings to be extremely high among the Philippine public, particularly during the first few days of the trial. Of note in this regard is the 7-hour difference between Central European Time (CET) and Philippine Time (PHT).¹² Should the Chamber consider adopting a slightly modified, earlier hearing schedule than that proposed above, notably during the opening statements, this would facilitate the timely access of victims, members of the affected communities, and the general public in the Philippines to the proceedings, including through the media. In this regard, the Chamber may be minded to consider the following sitting schedule during the first week of trial:
 - 10:00-11:00;
 - 11:30-12:30; and
 - 14:00-15:00
11. Based on input from its interlocutors, the Victims Participation and Reparations Section also confirms the strong interest of victims and affected communities in following the proceedings live. In the event that the Chamber is minded to adopt an earlier start or a more compressed schedule than that proposed above¹³ (for the entirety of the trial), this would help to contribute to effective access of victims and affected communities to the proceedings.
12. For its part, the Victims and Witnesses Unit (“VWU”) notes that a reduction in the number of sitting hours allocated for testimony may, in turn, result in the

¹² The Philippines does not observe Daylight Saving Time. Accordingly, the time difference between the Netherlands and the Philippines is 7 hours between the last Sunday of October, i.e. 25 October 2026, and the last Sunday of March, i.e. 28 March 2022, when CET is observed in the Netherlands, and 6 hours during the rest of the year, when Central European Summer Time (CEST) is observed in the Netherlands.

¹³ For example, by shortening the lunch break from 2 to 1.5 hours.

witness having to remain away from their home for a longer period of time and, consequently, under the care and support of the VWU.

13. [REDACTED]. The VWU will take appropriate measures to ensure their overall well-being for the testimony, as well as to undergo necessary activities prior to their testimony.

14. [REDACTED]. [REDACTED].

15. The VWU is thus of the view that [REDACTED] the sitting hours should be assessed on a case-by-case basis and, whenever possible, adjusted to take into account the individual circumstances, needs, and specific challenges of each witness.

16. Whichever sitting schedule the Chamber adopts, the Registry will provide its services accordingly, as instructed. Also, Mr Duterte will be supported by the ICC Detention Medical Officer (“MO”), the Occupational Health Unit and SSS.¹⁴

ii. (Non-)Privileged Telephone Call and Visits

17. Whichever sitting schedule the Chamber adopts, Mr Duterte could meet with the Defence at the Court prior to the hearings, during the hearing breaks and after the final session of the day,¹⁵ should they so wish. Also, Mr Duterte will be able to call the Defence from the ICC Detention Centre, and the Defence will be able to call him at the ICC Detention Centre, in the mornings and evenings.

18. Regarding Mr Duterte’s non-privileged visits and telephone calls [REDACTED],¹⁶ the Registry will accommodate such visits and telephone

¹⁴E.g., assistance with movement as needed; additional seating arrangement [REDACTED] in the courtroom, assistance for [REDACTED] breaks as needed (on this, see also below), etc.

¹⁵ At the Court or at the ICC Detention Centre after the last hearing session of the day.

¹⁶[REDACTED].

calls, should Mr Duterte so wish, on a case by-case-basis when feasible, in the context of whichever sitting schedule the Chamber adopts.¹⁷

iii. Any (standing) authorisation for Mr Duterte to leave the courtroom during trial sessions [REDACTED]

19. In case the Chamber gives (standing) authorisation for Mr Duterte to leave the courtroom during trial sessions [REDACTED],¹⁸ PIOS proposes that the Chamber publicly – and regularly – provides clear explanations for this arrangement in order to assuage possible concerns on the part of the victims and the affected communities, as well as to reduce the space for speculations and the spread of disinformation.

20. Based on the Registry's earlier interactions with civil society, the victims and the affected communities attach paramount importance to the matter of Mr Duterte's presence during the proceedings. As such, if Mr Duterte is allowed to leave the courtroom without a clear justification or explanation, this is likely to cause distress among the victims due to uncertainty about why this is happening, and create perceptions of lack of respect for the Court's authority, or of unexplained privileged treatment provided by the Court.

21. Also, the Philippine media is expected to follow the trial very intensively, particularly during the first days and weeks, and journalists are certain to pay attention to the smallest details related to Mr Duterte's appearance and conduct. In this light, and considering that disinformation is a pervasive problem in the Philippine public information space,¹⁹ if Mr Duterte leaves the courtroom seemingly without a justification or an explanation, this would create fertile ground for disinformation and speculations, e.g. about his health,

¹⁷[REDACTED].

¹⁸As another trial chamber has done with regard to another accused.

¹⁹ 72 % of adults in the Philippines consider disinformation to be a big problem. "7 in 10 Filipinos see fake news as big problem", Inquirer.net, <https://newsinfo.inquirer.net/2272062/7-in-10-filipinos-see-fake-news-as-big-problem>, accessed 2 September 2026.

which is a recurring topic of interest in the Philippines, or the effect that his leaving and entering the courtroom could have on a witness.²⁰

22. The above-cited risks would only be magnified for remote viewers of the trial broadcast, in case they suddenly notice that Mr Duterte has disappeared from the broadcasted view of courtroom without any explanation.
23. Accordingly, if the Mr Duterte is given authorisation to leave the courtroom during trial hearings, the Chamber may be minded to issue a clear, public communication as to the reasons for such any such arrangement on the first day of the trial, allowing PIOS to disseminate the given reasons to the media as well as to the victims and the affected communities both proactively as well as reactively, where necessary. Ideally, the explanation given by the Chamber should provide as much concrete detail as possible about the reasons behind the arrangement, again to reduce the space for speculation.
24. For the sake of the general public viewing the broadcast of the hearings, the Chamber could consider restating a brief explanation of any standing authorisation as above on a recurring basis, such as at the beginning of each day of the trial.
25. The VWU would also ensure that the witnesses are informed of this arrangement in advance of their testimony and would incorporate this information into the in-court familiarisation session conducted with each witness.
26. More generally, the Registry can ensure that there is no broadcast of Mr. Duterte walking into or out of the courtroom.

iv. Audio hearing support²¹

27. A noise cancelling wired headset, through which interpretation will be provided, will be made available to Mr. Duterte in the courtroom and at the

²⁰As to the latter, see below.

²¹ Registry, "Registry 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-AnxI, paras 11.2, 20.1.

Detention Centre in the event of any remote appearance; the latter, as described below. [REDACTED].

v. Any remote appearance by Mr Duterte via video link from the ICC Detention Centre

28. As in other cases, the Registry can enable Mr Duterte's appearance via video link from the ICC Detention Centre during the proceedings, should the Chamber so decide. In this regard, Mr. Duterte will have access to privileged communications with the Defence. To facilitate any such communication, a privileged telephone will be placed in a secured room adjacent to the conference room at the ICC Detention Centre; for its part, the Defence will have access to a telephone from a location in close proximity to the courtroom.

vi. Any reporting on Mr Duterte's continued health

29. In relation to the Expert Reports recommendations [REDACTED],²² the Registry informs the Chamber that, pursuant to regulation 155(3) RoR, the MO's mandate is limited to the oversight of the physical and mental health of detained persons, and pursuant to regulation 155(3) of the RoR, the MO may inform the Chief Custody Officer ("CCO") "whenever he or she considers that the physical or mental health of a detained person has been or will be adversely affected by any condition of or treatment in detention". The CCO shall then inform the Registrar, who shall take "all action considered necessary and subsequently inform the Presidency and the Chamber in writing".²³ The MO may, in certain limited circumstances where, for example, a detained person is unwell and therefore unable to attend a hearing, inform the Chamber accordingly.

²²Registry, "Registry 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-AnxI, para. 21.1.

²³ Regulation 155(3) of the RoR.

30. [REDACTED], the Registry informs that, pursuant to regulation 156(4) of the RoR and with Mr Duterte's written consent, a reporting physician could provide the Chamber with periodic updates on his general health, at intervals to be determined by the Chamber.



pp Marc Dubuisson, Director, Division of Judicial Services
on behalf of
Osvaldo Zavala Giler, Registrar

Dated this 7 October 2026

At The Hague, Netherlands