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No. ICC-01/21-01/25

Date: 10 October 2025

PRE-TRIAL CHAMBER I

Before:

**Judge Iulia Antoanella Motoc, Presiding
Judge Reine Adélaïde Sophie Alapini-Gansou
Judge María del Socorro Flores Liera**

SITUATION IN THE REPUBLIC OF THE PHILIPPINES

IN THE CASE OF *THE PROSECUTOR v. RODRIGO ROA DUTERTE*

Public

Public redacted version of “Decision on the Defence’s ‘Urgent Request for Interim Release’ and ‘Renewed Request for Interim Release’”, 26 September 2025, ICC-01/21-01/25-282-Conf

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

The competent authorities of
[REDACTED]

The competent authorities of the
Kingdom of the Netherlands

REGISTRY

Registrar

Mr Osvaldo Zavala Giler

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☐ Detention Section

☐ Victims Participation
and Reparations Section

☐ Other

PRE-TRIAL CHAMBER I of the International Criminal Court issues this decision on the Defence’s ‘Urgent Request for Interim Release’¹ and ‘Renewed Request for Interim Release’.²

I. PROCEDURAL HISTORY

1. On 12 March 2025, pursuant to a warrant of arrest issued by the Chamber on 7 March 2025,³ Mr Rodrigo Roa Duterte (‘Mr Duterte’) was surrendered to the Court.
2. On 12 June 2025, the Defence filed the Request in accordance with article 60(2) of the Rome Statute (the ‘Statute’), seeking ‘immediate release into [REDACTED] under any conditions as deemed appropriate’.
3. [REDACTED]⁴ [REDACTED]⁵ [REDACTED].⁶
4. On 18 June 2025, the Chamber issued the ‘Order inviting observations pursuant to rule 119(3) of the Rules of Procedure and Evidence and regulation 51 of the Regulations of the Court’,⁷ in which it granted the ‘Defence Request for Observations from the Host State’.⁸
5. On 23 June 2025 and 25 June 2025, respectively, the Prosecution⁹ and the Office of Public Counsel for Victims (the ‘OPCV’)¹⁰ opposed the Request.

¹ ICC-01/21-01/25-150-Conf-Exp (a public redacted version was filed on the same day, [ICC-01/21-01/25-150-Red](#)), with confidential *ex parte* annexes A, B and C (the ‘Request’).

² ICC-01/21-01/25-231-Conf (a public redacted version was filed on 19 August 2025, [ICC-01/21-01/25-231-Red](#)), with confidential Annexes A, B and C (the ‘Renewed Request’).

³ [Warrant of Arrest for Mr Rodrigo Roa Duterte](#), ICC-01/21-01/25-83 (the ‘Warrant of Arrest’).

⁴ [REDACTED].

⁵ [REDACTED].

⁶ [REDACTED].

⁷ ICC-01/21-01/25-155-Conf (a public redacted version was filed on 23 September 2025, ICC-01/21-01/25-155-Red) (the ‘Order Inviting States Observations’).

⁸ 16 June 2025, ICC-01/21-01/25-152-Conf (a public redacted version was filed on 10 September 2025, [ICC-01/21-01/25-152-Red](#)), with confidential annex A.

⁹ Prosecution’s response to “Urgent Request for Interim Release”, ICC-01/21-01/25-159-Conf-Exp (confidential and public redacted versions notified on the same day, ICC-01/21-01/25-159-Conf-Exp-Red and [ICC-01/21-01/25-159-Red](#)) (the ‘Prosecution’s Response’).

¹⁰ Victims’ Response to the Defence Urgent Request for Interim Release, ICC-01/21-01/25-162-Conf-Exp (public redacted version notified on the same day, [ICC-01/21-01/25-162-Red](#)) (the ‘OPCV’s Response’), filed following Email from the Chamber, ‘[ICC-01/21-01/25 - Confidential] Decision on request for extension of the time limit’, on 16 June 2025 at 14:15.

6. On 26 June 2025, the Defence submitted a request seeking leave to reply to the Prosecution's Response,¹¹ which the Prosecution¹² and the OPCV¹³ opposed on 30 June 2025 and 1 July 2025, respectively.
7. On 3 July 2025, the Registry transmitted to the Chamber the observations submitted by [REDACTED] pursuant to the Order Inviting States Observations.¹⁴
8. On 10 July 2025, the Registry transmitted to the Chamber the observations submitted by the Kingdom of the Netherlands pursuant to the Order Inviting States Observations.¹⁵
9. On 23 July 2025, the Chamber, with Judge María del Socorro Flores Liera dissenting, granted the Defence's request to suspend adjudication of the Request¹⁶ and deferred its decision on the Request until further action is undertaken by the Defence on the matter, or until when the Chamber will deem it appropriate.¹⁷
10. On 18 August 2025, the Defence submitted the Renewed Request.
11. On 28 August 2025 and 29 August 2025 respectively, the Prosecution¹⁸ and the OPCV¹⁹ responded to the Renewed Request.

¹¹ Defence Request for Leave to Reply to ICC-01/21-01/25-159 (Prosecution's response to Defence's "Urgent Request for Interim Release"), ICC-01/21-01/25-165-Conf-Exp (confidential and public redacted versions were filed on 27 June 2025, ICC-01/21-01/25-165-Conf-Red and [ICC-01/21-01/25-165-Red](#)), with confidential *ex parte* annex A (the 'Request for Leave to Reply').

¹² Prosecution's response to 'Defence Request for Leave to Reply to ICC-01/21-01/25-159 (Prosecution's response to Defence's "Urgent Request for Interim Release")', ICC-01/21-01/25-166-Conf-Exp (a confidential redacted version was filed on the same day, ICC-01/21-01/25-166-Conf-Exp-Red; a public redacted version was filed on 3 July 2025, [ICC-01/21-01/25-166-Red](#)).

¹³ Victims' Response to the "Confidential Redacted Version of the 'Defence Request for Leave to Reply to ICC-01/21-01/25-159 (Prosecution's response to Defence's 'Urgent Request for Interim Release')", 26 June 2025", ICC-01/21-01/25-169-Conf-Exp (a public redacted version was filed on 3 July 2025, [ICC-01/21-01/25-169-Red](#)).

¹⁴ Annex II (ICC-01/21-01/25-175-Conf-AnxII) to Registry's Report on consultations with States pursuant to Order ICC-01/21-01/25-155-Conf, 3 July 2025, ICC-01/21-01/25-175-Conf.

¹⁵ Annex II (ICC-01/21-01/25-188-Conf-AnxII) to Second Registry Report on Consultations with States pursuant to Order ICC-01/21-01/25-155-Conf, 10 July 2025, ICC-01/21-01/25-188-Conf, *filed following* Decision on the request for extension of time limit by the Kingdom of the Netherlands, 4 July 2025, ICC-01/21-01/25-179-Conf.

¹⁶ Urgent Defence Request to Suspend Adjudication on the Defence Request for Interim Release, 14 July 2025, ICC-01/21-01/25-193-Conf (public redacted version filed on 18 July 2025, [ICC-01/21-01/25-193-Red](#)).

¹⁷ [Decision on the 'Urgent Defence Request to Suspend Adjudication on the Defence Request for Interim Release'](#), ICC-01/21-01/25-209 (the 'Decision Suspending Adjudication').

¹⁸ Prosecution's response to "Renewed Request for Interim Release", ICC-01/21-01/25-252-Conf-Exp (a confidential redacted version was notified on 28 August 2025, ICC-01/21-01/25-252-Conf-Red; a public redacted version was filed on 12 September 2025, [ICC-01/21-01/25-252-Red](#)) (the 'Prosecution's Response to the Renewed Request').

¹⁹ Victims' Response to the Defence's Renewed Request for Interim Release, ICC-01/21-01/25-256-Conf-Exp (a public redacted version was notified on 2 September 2025, [ICC-01/21-01/25-256-Red](#)) (the 'OPCV's Response to the Renewed Request').

12. On 29 August 2025, the Defence filed the ‘Defence request to disregard Prosecution filing ICC-01/21-01/25-252’.²⁰

13. On 8 September 2025, the Chamber, Judge María del Socorro Flores Liera dissenting, decided to postpone the hearing on the confirmation of charges²¹ for the limited purpose of adjudicating the ‘Defence’s Request for an indefinite Adjournment’ of the proceedings.²²

14. On the same day the Chamber, Judge María del Socorro Flores Liera dissenting, ‘found that further medical examination by independent experts pursuant to rules 113 and 135 of the Rules is now required’ to adjudicate the Adjournment Request and ‘order[ed] the Registry to submit to the Chamber [...] a shortlist of experts’.²³

15. On 15 September 2025, the Registry submitted as shortlist of medical experts pursuant to the 8 September 2025 Order, and indicated, *inter alia*, that ‘the translation of medical documents [...] roughly estimated, will take 5 weeks’.²⁴

16. On 16 September 2025, the Defence submitted the ‘Defence Notification’,²⁵ to which the Prosecution²⁶ and the OPCV²⁷ responded on 18 September 2025 and 19 September 2025 respectively.

II. SUBMISSIONS

A. Request

17. The Defence asserts that ‘Mr Duterte does not meet any of the conditions to warrant further pre-trial detention as provided in Article 58(1)(b)’, and requests his immediate release into [REDACTED] under any conditions as deemed appropriate. First, the Defence submits that Mr Duterte does not pose an objective risk of flight considering (i) his physiological and psychological health conditions; (ii) the fear to embarrass his hosts; (iii) the ease with which

²⁰ ICC-01/21-01/25-255-Conf-Exp (confidential redacted version filed on the same day, ICC-01/21-01/25-255-Conf-Red) (the ‘Request to Disregard Prosecution’s Response to the Renewed Request’).

²¹ [Decision postponing the hearing on the confirmation of charges](#), ICC-01/21-01/25-267 (the ‘Postponement Decision’). See also Dissenting Opinion of Judge María del Socorro Flores Liera, ICC-01/21-01/25-267-OPI-Conf (a public redacted version was filed on the same day, [ICC-01/21-01/25-267-OPI-Red](#)).

²² 18 August 2025, ICC-01/21-01/25-230-Conf (a public redacted version was filed on 11 September 2025, [ICC-01/21-01/25-230-Red](#)).

²³ Order pursuant to rules 113 and 135 of the Rules of Procedure and Evidence, ICC-01/21-01/25-268-Conf (the ‘8 September 2025 Order’).

²⁴ Registry Submission of a Shortlist of Medical Experts pursuant to ICC-01/21-01/25-268-Conf, ICC-01/21-01/25-270-Conf.

²⁵ ICC-01/21-01/25-271-Conf (a public redacted version was filed on the same day, [ICC-01/21-01/25-271-Red](#)) (the ‘Defence Notification’).

²⁶ Prosecution’s response to “Defence Notification” (ICC-01/21-01/25-271-Conf), ICC-01/21-01/25-277-Conf.

²⁷ Victims’ Response to the “Defence Notification” (ICC-01/21-01/25-271-Conf), ICC-01/21-01/25-278-Conf.

he would be found and returned to the Court for he is one of the most recognised political figures in the world; (iv) his commitment to returning for trial when ordered; and (v) [REDACTED]'s support for Mr Duterte's application for interim release and its willingness to implement conditions as may be imposed by the Chamber. Second, the Defence asserts that Mr Duterte will not imperil the proceedings if released considering that (i) the Prosecution has not cited recent and substantial security threats to witnesses; (ii) Mr Duterte's access to confidential information and his ability to weaponise such information is negligible due to his 'cognitive state'; and (iii) his release into [REDACTED] means that he will be 'well removed from the scope of, and investigations into, the alleged crimes', under the conditions to which he is prepared to agree with. Third, the Defence argues that 'no real or concrete risks exist' that Mr Duterte will continue to commit crimes given that he has agreed to restrictions that totally neutralise the risks and that 'he will be residing well outside the geographic scope of the alleged crimes'.

18. The Defence further submits that, in light of the [REDACTED], together with his [REDACTED], compelling humanitarian grounds militate in favour of his interim release. In the Defence's view, this is consistent with the practice of the Court as well as the International Criminal Tribunal for the Former Yugoslavia ('ICTY'), which has considered 'exceptionally compelling humanitarian reasons' where the conditions for release were otherwise unmet. The Defence argues that [REDACTED] represents a stable and suitable environment where Mr Duterte [REDACTED].

B. Prosecution's Response

19. The Prosecution submits that the continued detention of Mr Duterte remains necessary because the conditions set out by article 58(1)(a) and 58(1)(b)(i)-(iii) of the Statute are met, and thus opposes Mr Duterte's interim release.

20. The Prosecution argues that 'Mr Duterte's continued detention is necessary to ensure his appearance at trial under article 58(1)(b)(i)' considering (i) that 'Mr Duterte does not accept the legitimacy of the legal proceedings he is subject to before the Court', as demonstrated by his resistance to his arrest and the claims that he has been kidnapped by the Court; (ii) that he has maintained a 'political position and international contacts' that may contribute to his ability to abscond; (iii) his potential access to significant financial resources that would enable him to abscond; and (iv) that '[t]he Defence's arguments regarding Mr Duterte's alleged physical frailty should be rejected' since it relies on an [REDACTED], the Prosecution has not had the

opportunity to have [REDACTED], and his recent travel and speeches in front of large crowds demonstrate that such factor cannot be considered an impediment to Mr Duterte's potential as a flight risk. The Prosecution further asserts that '[t]he release of Mr Duterte could pose a risk of endangerment or obstruction of the Prosecution's ongoing investigation under article 58(1)(b)(ii) of the Statute because of the possible opportunity to intimidate or threaten witnesses either directly or indirectly, through his associates or his family members' and 'a repeated history of Mr Duterte interfering with investigations against him'. Moreover, the Prosecution argues that 'the continued detention of Mr Duterte is necessary to prevent him from continuing with the commission of [the] crime [against humanity of murder] or a related crime which is within the jurisdiction of the Court and which arises out of the same circumstances pursuant to article 58(1)(b)(iii)' considering that 'Mr Duterte has reportedly previously [...] pledged to "double" the killings the "moment I return"'.

21. The Prosecution submits that the above risks cannot be mitigated by the interim release under conditions in [REDACTED] considering (i) that [REDACTED] would make the implementation of the conditions impossible; (ii) the concerns on [REDACTED]; and (iii) the State's inability to implement the [REDACTED]. Finally, the Prosecution submits that 'humanitarian factors are not, on their own, a consideration in the Chamber's analysis pursuant to article 58 of the Statute' and the Defence's argument in this regard should be rejected.

C. OPCV's Response

22. The OPCV submits that 'the requirement of article 58(1)(b)(i) of the Statute is satisfied' due to (i) Mr Duterte's 'access to a large amount of evidence, including the identities of some of the Prosecution's witnesses' and his daughter's statement relaying his claim that 'he was brought to the Court illegally'; (ii) his 'political position and international contacts, as well as his financial situation'; (iii) difficulties to implement the Defence's proposal due to the Registry's burden 'in terms of security, logistics and resources'; (iv) [REDACTED]; and (v) Mr Duterte's and his family members' 'public positions' and 'continued influence in the Philippines'. The OPCV also argues that 'the requirement of article 58(1)(b)(ii) of the Statute [is] fulfilled' because the risks against the integrity of the proceedings and the safety of victims and witnesses 'cannot be sufficiently mitigated by imposing conditions upon interim release'. Furthermore, the OPCV asserts that 'the requirement of article 58(1)(b)(iii) of the Statute' is met as there are risks that further crimes may be committed. The OPCV also submits that 'the Defence does not show any medical or humanitarian factors that would justify [Mr Duterte's] release', and that granting the Request will 'pose a direct and significant danger to the victims'.

D. States' observations

23. [REDACTED] submits that it [REDACTED].
24. The Kingdom of the Netherlands submits that [REDACTED].

E. Renewed Request

25. The Defence submits that, since the submission of the Request, Mr Duterte has [REDACTED] that have 'allowed [REDACTED] to finalise [REDACTED] report' (the 'Final Medical Report'), which indicates [REDACTED]. The Defence argues that Mr Duterte's cognitive impairment 'negates any risk under Article 58(1)(b) that would justify maintaining his detention'. Regarding the risk of flight, the Defence asserts that, considering [REDACTED], it is not reasonable to conclude that Mr Duterte [REDACTED], and that '[s]uch flight would require a degree of [REDACTED]' of which Mr Duterte is deprived. With regard to the risk of interference with witnesses, the Defence argues that, considering his condition, Mr Duterte '[REDACTED] disclosed witnesses such that he is able to instruct others to intimidate or interfere with them'. Regarding the risk of committing further crimes, the Defence alleges that 'it is unreasonable to conclude that Mr Duterte would possess the faculties necessary to formulate and execute the continued commission of crimes', considering Mr Duterte's [REDACTED]. The Defence further informs the Chamber that [REDACTED] continues to affirm its willingness to cooperate with the Court and is fully aware of Mr Duterte's [REDACTED].

26. In its Response to the Renewed Request, the Prosecution submits that Mr Duterte's detention remains necessary since (i) Mr Duterte's family members have continued to reject the legitimacy of the legal proceedings against him before the Court and have discussed 'breaking Mr Duterte out of the ICC Detention Unit'; (ii) 'the release of Mr Duterte would provide him with greater access to his associates and family who are actively attempting to interfere with the proceedings against him, including through [REDACTED]'; and (iii) the medical reports provided by the Defence should not be relied upon at this stage, particularly as they support '[n]one of the Defence's submissions that Mr Duterte's fitness nullifies the potential risks enumerated under article 58(1)(b) of the Statute'.

27. In its Response to the Renewed Request, the OPCV submits that 'the current medical documentation submitted by the Defence does not suffice to justify an interim release', but rather demonstrates that 'Mr Duterte still has mental and physical ability to: (i) evade justice and fail to appear before the Court; (ii) obstruct or endanger the investigation or the court

proceedings, and (iii) continue with the commission of the crimes within the jurisdiction of the Court, if released'. The OPCV argues that the Defence 'misrepresent[s] the conclusions reached by the medical professionals in question', which are [REDACTED] and that [REDACTED]. The OPCV further asserts that 'the release of Mr Duterte will [...] pose a direct and significant danger to victims'.

F. Defence Notification

28. The Defence submits that '[a]dministrative delay, occasioned by the appointment of experts and translation of documentation', which may take up to five weeks according to the Registry, will 'necessarily entail the prolongation of proceedings, and is an extra factor militating in favour of interim release'. In this light, the Defence proffers 'a further condition in respect of interim release; namely, the provision of [REDACTED] at the discretion of the Pre-Trial Chamber, which will [REDACTED]'.

29. In its response, the Prosecution submits that the Defence further condition 'is irrelevant to the issue of whether he should be granted interim release' under the conditions set forth in article 58(1) of the Statute and 'in no way lessens the risk [Mr Duterte] presents if granted interim release'. The Prosecution adds that 'Mr Duterte's interim detention for an additional five weeks does not outweigh the serious risk he presents if granted interim release' and that the Defence has unnecessarily delayed the proceedings, reasons for which it 'it cannot now, in earnest, point to a potential five week delay to argue that the length of Mr Duterte's pre-trial detention militates in favour of his release'. Finally, the Prosecution asserts that 'the logistics surrounding the [REDACTED] is likely to further delay the proceedings'.

30. In its response, the OPCV submits that the Defence Notification is 'procedurally improper' as it does not notify but supplements the Request and the Renewed Request, and fails to demonstrate any change of circumstances or bring any other pertinent and unforeseen matter that would affect or alter the fact that continued detention of Mr Duterte remains necessary. Moreover, the proposed [REDACTED] is 'not a measure that could alleviate the risks identified' and the Chamber would be acting ultra vires if it were effectively [REDACTED].

III. PRELIMINARY ISSUES

A. Request for Leave to Reply

31. The Defence submits that a reply to the Prosecution's Response is necessary to address all the Prosecution's factual assertions on the risks posed by interim release because (i) 'the

Prosecution had agreed not to contest the risk factors enumerated in Article 58(1)(b) if Mr Duterte was to proffer terms and conditions of release no less stringent than those proffered for the Netherlands’ and, ‘[f]or this very reason, the Defence volunteered exactly the same terms of release for [REDACTED]’ and ‘purposefully refrained from addressing Article 58(1)(b) considerations with the vigour it would otherwise have exercised’; and (ii) the Prosecution’s assertions regarding Mr Duterte’s rejection of the legitimacy of the Court; his capacity to threaten witnesses and plot ongoing criminal offences; and the findings of the preliminary medical report provided by the Defence (the ‘Preliminary Medical Report’) ‘could not have been anticipated, as evidenced by the fact that the Prosecution transmitted a disclosure package in support of its Response the day after its submission’.

32. The Prosecution opposes the request, submitting that: (i) it ‘had only agreed not to oppose, under certain conditions, Mr Duterte’s interim release [REDACTED]’ and ‘never agreed to interim release to [REDACTED]’, which means that the ‘Prosecution’s arguments in opposition to Mr Duterte’s interim release to [REDACTED] [...] could have been anticipated’; and, (ii) whilst several of the Prosecution’s factual assertions were based on documents that were disclosed after the Prosecution’s Response was filed, ‘the Prosecution had already made the same factual arguments [...] with reference to the same documents’, which shows that ‘the Prosecution’s factual assertions were [...] known to the Defence and could thus have been anticipated in relation to interim release’.

33. The OPCV also opposes the request, stating that: (i) the issues on which the Defence seeks leave to reply ‘could – and should – have been anticipated by the Defence, and none of them are new’, as they ‘are either part of the very criteria in article 58(1)(b) of the Rome Statute [...] that are regularly used by Chambers to decide on requests for interim release, or were brought directly by the Defence in its [Request]’; and (ii) ‘[t]he fact that the Prosecution and the Defence might have discussed the issue of interim release, and the extent of their discussions or possible agreements, is irrelevant to the question of knowing if the Defence should have anticipated these issues’.

34. The Chamber recalls that, according to regulation 24(5) of the Regulations of the Court (the ‘Regulations’), a reply must be limited to new issues raised in a response which the replying party could not reasonably have anticipated. The Chamber may otherwise authorise a reply if it would be necessary for the adjudication of the Request.

35. In relation to the Defence's argument related to the *inter partes* communications, the Chamber notes that the Defence, based on these communications, chose not to address, or to address with less 'vigour', some of the considerations relevant for the decision on interim release. Therefore, it appears that the Defence did in fact anticipate the issues of the risks posed by interim release and the related mitigation and 'purposefully refrained from addressing Article 58(1)(b) considerations'²⁸ as a matter of its own defence strategy. While it was within the Defence's prerogative to adopt such a strategy, regulation 24(5) of the Regulations is not a tool for a party to remedy the shortcomings resulting from its own strategy.

36. In any event, the Chamber considers the Defence's argument to be misleading. The email containing the *inter partes* communications and its attachment were both submitted in Annex A to the Request. These documents discuss the Defence's [REDACTED]. Therefore, these documents do not demonstrate the Prosecution's general agreement 'not to contest the risk factors enumerated in Article 58(1)(b) if Mr Duterte was to proffer terms and conditions of release no less stringent than those proffered [REDACTED]' for his interim release to other countries.

37. As to the issues raised by the Defence related to Mr Duterte's alleged rejection of the legitimacy of the Court, his alleged capacity to threaten witnesses and to plot ongoing criminal offences, and the argument regarding the Preliminary Medical Report, the Chamber notes that the Defence either does not allege that the Prosecution's Response raises new issues or does not elaborate to what extent the Prosecution's arguments are new or could not have been reasonably anticipated. Rather, the Defence merely seeks to counter the Prosecution's arguments to the Defence's initial submissions. Moreover, the Defence fails to specify which arguments in the Prosecution's Response were based on documents disclosed after the response was submitted. The Chamber also observes that the Defence has made substantive submissions in its Request for Leave to Reply and recalls that requests pursuant to regulation 24(5) of the Regulations must be limited to demonstrating the requirements for providing a reply, and that any substantive arguments may only be submitted upon receiving the Chamber's authorisation.²⁹

²⁸ [Request for Leave to Reply](#), para. 5.

²⁹ See, e.g., Pre-Trial Chamber II, *The Prosecutor vs Maxime Jeoffroy Eli Mokom Gawaka*, Decision on the 'Defence Request for Reconsideration of Decisions on Interim Release ICC-01/14-01/22-173-Conf and ICC-01/14-01/22-195-Conf' and the 'Defence Request for Leave to Reply to the "Prosecution's Response to Request for Reconsideration of Decisions on Interim Release"', 1 June 2023, ICC-01/14-01/22-218-Conf (reclassified as public on 12 June 2023, [ICC-01/14-01/22-218](#)), para. 13.

38. In light of the above, the Chamber considers that the Defence failed to show that it could not have reasonably anticipated the arguments raised in the Prosecution's Response. In addition, noting that the parties and participants, as well as the relevant States, have filed responses to and observations on the Request, the Chamber considers that receiving further submissions by way of reply from the Defence is not necessary to assist the Chamber in adjudicating the Request. Accordingly, the Chamber rejects the Request for Leave to Reply.

B. *Amici Curiae* Requests

39. On 24 April 2025³⁰ and 15 July 2025,³¹ respectively, the Registry transmitted to the Chamber two requests for leave to submit *amicus curiae* observations pursuant to rule 103 of the Rules of Procedure and Evidence (the 'Rules') (together, the '*Amici Curiae* Requests').

40. Rule 103(1) of the Rules provides that the Chamber may, at any stage of the proceedings, 'if it considers it desirable for the proper determination of the case, invite or grant leave to a State, organization or person to submit, in writing or orally, any observation on any issue that the Chamber deems appropriate'.

41. The Chamber notes that the First *Amicus Curiae* Request seeks authorisation to submit observations on the potential health risks associated with Mr Duterte's detention and the possibility of alternative custodial arrangements, including conditional release.³² The Second *Amicus Curiae* Request seeks to provide observations, *inter alia*, to assist the Chamber in its consideration of the Request, to facilitate the proper determination and administration of the case, and to serve the interests of justice.³³

42. Noting that the parties and participants, as well as relevant States, have already filed submissions on the Request, and that the Defence opposes the *Amici Curiae* Requests, the Chamber considers that it has received all the information necessary and relevant for its decision. Therefore, the Chamber finds that receiving *amicus curiae* observations is unnecessary for its adjudication of the Request and, accordingly, rejects the *Amici Curiae* Requests.

³⁰ Request for authorisation to file submissions, ICC-01/21-01/25-117-Conf-Anx ('First *Amicus Curiae* Request'). See also Defence Response to Amicus Curiae Request ICC-01/21-01/25-117-Conf-Anx, 25 April 2025, ICC-01/21-01/25-118-Conf.

³¹ Request for authorisation to file submissions, ICC-01/21-01/25-195-Conf-Anx ('Second *Amicus Curiae* Request'). See also Defence Response to Amicus Curiae Request ICC-01/21-01/25-195-Conf-Anx, 24 July 2025, ICC-01/21-01/25-214-Conf.

³² First *Amicus Curiae* Request, para. 2

³³ Second *Amicus Curiae* Request, para. 2.

C. Request to Disregard the Prosecution’s Response to the Renewed Request

43. The Chamber recalls that pursuant to 24(5) of the Regulations ‘[p]articipants may only reply to a response with the leave of the Chamber’. Having taken note of the Defence’s Request to Disregard the Prosecution’s Response to the Renewed Request and the arguments developed therein, the Chamber considers that it effectively constitutes a reply to the Prosecution’s Response to the Renewed Request, filed without any leave granted by the Chamber pursuant to regulation 24(5) of the Regulations. Accordingly, the Chamber dismisses the Request to Disregard the Prosecution’s Response to the Renewed Request.

IV. DETERMINATION

44. The Chamber recalls that in its Decision Suspending Adjudication the majority of the Chamber, Judge María del Socorro Flores Liera dissenting, ‘defer[red] the issuance of its decision on the Interim Release Request until further action is undertaken by the Defence on the matter, or until when the Chamber will deem it appropriate’.³⁴

45. Noting the Renewed Request, in which the Defence requests that the ‘Chamber [order] Mr Duterte’s immediate release’ with the support of two additional medical reports, the Chamber considers it now appropriate to resume the adjudication of the Request. In this respect, the Chamber notes that the Defence does not indicate whether the Renewed Request supplements or supersedes the initial Request. However, considering the nature and content of the Renewed Request, as well as the fact that the adjudication of the Request was suspended ‘to ensure that a decision on the Interim Release Request is appropriately informed’,³⁵ and that the Prosecution and the OPCV had an opportunity to respond to the Renewed Request, the Chamber will regard the Renewed Request, and the arguments raised therein, as an addendum to the initial Request.

A. Requirements under article 60(2) of the Statute

1. Article 58(1) requirements

46. The Chamber recalls that, pursuant to article 60(2) of the Statute, unless the requirements set forth in article 58(1) of the Statute are fulfilled, a person subject to a warrant of arrest shall be released, either with or without conditions. According to the Appeals Chamber, a decision pursuant to this provision is a decision *de novo* in which the Chamber has to ‘inquire anew into

³⁴ [Decision Suspending Adjudication](#), para. 9.

³⁵ [Decision Suspending Adjudication](#), para. 9.

the existence of facts justifying detention’ and determine whether the conditions of article 58(1) of the Statute are met. The Chamber is ‘not conditioned by its previous decision to direct the issuance of a warrant of arrest’ but it may refer to such decision without this affecting the *de novo* character of its assessment.³⁶

47. In relation to article 58(1)(a) of the Statute, the Chamber notes that it is required to assess whether there are reasonable grounds to believe that the person committed a crime that falls within the jurisdiction of the Court.

48. The Chamber observes that the Defence has not contested this point and, in light of the findings contained in the Warrant of Arrest,³⁷ the Chamber considers that there continue to be reasonable grounds to believe that Mr Duterte is responsible for crimes against humanity of murder committed in the Philippines. Therefore, the requirement under article 58(1)(a) of the Statute has been met for the purposes of the Chamber’s assessment under article 60(2) of the Statute.

49. Article 58(1)(b) of the Statute provides that continued detention cannot be ordered unless it is necessary: (i) to ensure the person’s appearance at trial; (ii) to ensure that the person does not obstruct or endanger the investigation or the court proceedings; or (iii) where applicable, to prevent the person from continuing with the commission of that crime or a related crime which is within the jurisdiction of the Court and which arises out of the same circumstances. The Appeals Chamber has specified that the reasons for detention are formulated in the alternative.³⁸

a) Article 58(1)(b)(i) of the Statute

50. With regard to the need to ensure Mr Duterte’s presence at trial, the Chamber recalls that Mr Duterte has, from his initial appearance, contested his arrest and detention, qualifying it ‘as a pure and simple kidnapping’.³⁹ Importantly, no later than 28 May 2025, Mr Duterte

³⁶ See Appeals Chamber, *The Prosecutor v. Laurent Koudou Gbagbo*, [Judgment on the appeal of Mr Laurent Koudou Gbagbo against the decision of Pre-Trial Chamber I of 13 July 2012 entitled “Decision on the ‘Requête de la Défense demandant la mise en liberté provisoire du président Gbagbo’”](#), 26 October 2012, ICC-02/11-01/11-278-Red, paras 23, 24, 27, 69.

³⁷ See [Warrant of Arrest](#), paras 10-25.

³⁸ Appeals Chamber, *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*, [Judgment In the Appeal by Mathieu Ngudjolo Chui of 27 March 2008 against the Decision of Pre-Trial Chamber I on the Application of the Appellant for Interim Release](#), 9 June 2008, ICC-01/04-01/07-572 (the ‘Ngudjolo Appeal Judgment’), para. 20.

³⁹ [Transcript of hearing](#), 14 March 2025, ICC-01/21-01/25-T-002-ENG, p. 7, line 12.

[REDACTED].⁴⁰ In addition, his family not only physically resisted,⁴¹ but also publicly voiced criticism regarding his arrest and detention, and demanded that he should be brought back to the Philippines.⁴² More specifically, the Chamber notes that, on 19 July 2025 Mr Duterte's daughter mentioned in public speeches the idea of breaking Mr Duterte out of the ICC Detention Centre,⁴³ and attempted to delegitimise the Court's proceedings against Mr Duterte, citing collusion between the Court and the government of the Philippines as well as the use of 'fake witnesses'.⁴⁴ Furthermore, the Chamber notes that Mr Duterte's daughter allegedly indicated on 19 August 2025 that Mr Duterte had told her that he wishes to return to Davao City, should he be granted interim release,⁴⁵ in contradiction with the Defence's assertion that he would remain in the State he would be released to. The foregoing illustrates Mr Duterte's rejection of the proceedings against him before the Court, and the will of his close family to help him elude detention and prosecution.

51. Moreover, given Mr Duterte's position as former President of the Philippines, he appears to have the necessary political contacts, as well as to benefit from a network of support within that country, including his daughter, who currently holds the office of Vice-President of the Philippines,⁴⁶ that may help him abscond.⁴⁷ The continued support in the Philippines to Mr Duterte is further demonstrated by his election as mayor of Davao City in May 2025.⁴⁸ In addition, Mr Duterte is facing multiple charges comprising a number of murders and attempted

⁴⁰ Annex B to the Renewed Request, p. 4.

⁴¹ PHL-OTP-00090280 at 00:00-00:26 (transcript: PHL-OTP-00090521).

⁴² See PHL-OTP-00092137 (transcript: PHL-OTP-00092249, translation: PHL-OTP-00092252 at 0012, lines 362-365); PHL-OTP-00092128 (transcript: PHL-OTP-00092253, translation: PHL-OTP-00092250 at 0002, lines 15-38, 0010, lines 366-369). See also, e.g., PHL-OTP-00090457, p. 2; PHL-OTP-00090495; PHL-OTP-00090470.

⁴³ PHL-OTP-00092128 (transcript: PHL-OTP-00092253, translation: PHL-OTP-00092250 at 0006, lines 193-218). See also: Rappler, '[Fact Check: VP Sara Duterte taken out of context in viral video about her father's supposed release](#)', 26 August 2025.

⁴⁴ PHL-OTP-00092137 (transcript: PHL-OTP-00092249, translation: PHL-OTP-00092252 at 0013, lines 380-385).

⁴⁵ See Prosecution Response to the Renewed Request, para. 8 *referring to* Global Filipino Magazine, '[Duterte eyes return to Davao if granted ICC interim release, says Sara](#)', 19 August 2025.

⁴⁶ PHL-OTP-00015372. See also paragraph 50 above.

⁴⁷ See Appeals Chamber, *The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé*, [Judgment on the appeal of Mr Laurent Gbagbo against the decision of Trial Chamber I of 8 July 2015 entitled "Ninth decision on the review of Mr Laurent Gbagbo's detention pursuant to Article 60\(3\) of the Statute"](#), 08 September 2015, ICC-02/11-01/15-208, para. 77.

⁴⁸ PHL-OTP-00090483.

murders as crimes against humanity,⁴⁹ and he may receive a lengthy sentence if all or part of the charges were to be confirmed and he were convicted at trial.⁵⁰

52. In this regard, the Chamber finds that the Defence's argument that 'there must be concrete circumstances demonstrating that the risk of flight is particularly likely' is inapposite. The Appeals Chamber has clarified that the assessment under article 58(1)(b) of the Statute 'revolves around the possibility, not the inevitability, of a future occurrence' and that 'any determination by a Pre-Trial Chamber of whether or not a suspect is likely to abscond necessarily involves an element of prediction'.⁵¹

53. Accordingly, the Chamber finds that Mr Duterte continues to pose a flight risk and detention is necessary to ensure his presence during the pre-trial proceedings and possible trial.

b) Article 58(1)(b)(ii) of the Statute

54. As to the risk of Mr Duterte obstructing or endangering the investigation or the Court proceedings, the Chamber recalls that the question of the risks to witnesses and investigations 'revolves around the possibility, not the inevitability, of a future occurrence'.⁵² Therefore, contrary to the Defence's assertion, the Chamber does not need to assess whether 'Mr Duterte has actually taken steps to contact or exercise pressure on potential witnesses'.⁵³ In this regard, Mr Duterte's and his associates' history shows that he is able and has means, either directly or through his associates, to obstruct proceedings against him. Notably, the Chamber notes Mr Duterte's alleged involvement in briefing a witness due to testify before the Philippines Senate's inquiry into the Davao Death Squad,⁵⁴ as well as threatening and taking retaliatory actions against individuals opposed to him,⁵⁵ which, in the Chamber's view, indicate

⁴⁹ Document Containing the Charges, 4 July 2025, ICC-01/21-01/25-178-Conf (a public redacted version was filed on 22 September 2025, [ICC-01/21-01/25-178-Red](#)) (the 'DCC').

⁵⁰ See Appeals Chamber, *The Prosecutor v. Callixte Mbarushimana*, [Judgment on the appeal of Mr Callixte Mbarushimana against the decision of Pre-Trial Chamber I of 19 May 2011 entitled 'Decision on the "Defence Request for Interim Release"'](#), Judgment on the appeal of Mr Callixte Mbarushimana against the decision of Pre-Trial Chamber I of 19 May 2011 entitled 'Decision on the "Defence Request for Interim Release"', 14 July 2011, ICC-01/04-01/10- 283, para. 21 and references cited therein.

⁵¹ [Ngudjolo Appeal Judgment](#), para. 21; Appeals Chamber, *The Prosecutor v. Thomas Lubanga Dyilo*, [Judgment on the appeal of Mr. Thomas Lubanga Dyilo against the decision of Pre-Trial Chamber I entitled "Decision sur la demande de mise en liberte provisoire de Thomas Lubanga Dyilo"](#), 13 February 2007, ICC-01/04-01/06-824 (OA 7), para. 137.

⁵² Appeals Chamber, *The Prosecutor v. Jean-Pierre Bemba Gombo*, [Judgment on the appeal of Mr. Jean-Pierre Bemba Gombo against the decision of Pre-Trial Chamber III entitled "Decision on application for interim release"](#), 16 December 2008, ICC-01/05-01/08-323, paras 55, 67.

⁵³ [Request](#), para. 26.

⁵⁴ PHL-OTP-0017-4591.

⁵⁵ PHL-OTP-0018-0003, at 0246; PHL-OTP-0003-0803; PHL-OTP-0003-0826; PHL-OTP-00019369.

Mr Duterte's propensity to interfere with investigations against him. In addition, the Chamber notes with concern that [REDACTED],⁵⁶ [REDACTED].⁵⁷

55. In addition, the Chamber recalls [REDACTED], which remain relevant for the purpose of the present assessment, finding that [REDACTED],⁵⁸ and that since then there has not been [REDACTED].⁵⁹ In this regard, the Chamber recalls that it found that [REDACTED].⁶⁰

56. Furthermore, Mr Duterte is facing serious charges brought against him and might be imposed a lengthy sentence if all or part of such charges were confirmed and Mr Duterte were convicted following trial. In light of the abovementioned circumstances regarding Mr Duterte's willingness to elude prosecution, the Chamber considers that Mr Duterte would therefore have a strong incentive to influence the Prosecution's witnesses before the start of any trial.⁶¹

57. In light of the above, the Chamber considers that, contrary to the Defence's assertion, if interim release were to be granted, there is a risk that Mr Duterte would pose a threat to (potential) witnesses, either directly or indirectly through his supporters. The Chamber therefore finds that the requirement of article 58(1)(b)(ii) of the Statute is also fulfilled, and that the continued detention of Mr Duterte is justified at this stage of the proceedings in order to ensure that the suspect does not obstruct or endanger the investigation or the Court's proceedings.

c) Article 58(1)(b)(iii) of the Statute

58. As to the risks of Mr Duterte continuing committing crimes alleged in the Warrant of Arrest or committing related crimes within the jurisdiction of the Court, the Defence argues that the possibility of continuing the commission of the crimes is highly abstract because more than six years have passed since the crimes alleged against Mr Duterte took place.⁶² In this regard, the Chamber observes that, no later than in 2024, Mr Duterte has allegedly pledged to double the killings if he were to be elected again as Mayor of Davao City⁶³ and that, in May

⁵⁶ [REDACTED].

⁵⁷ [REDACTED].

⁵⁸ [REDACTED].

⁵⁹ [REDACTED].

⁶⁰ [REDACTED].

⁶¹ See Appeals Chamber, *The Prosecutor v. Mahamat Said Abdel Kani*, [Judgment on the appeal of Mr Mahamat Said Abdel Kani against the decision of Trial Chamber VI entitled "Decision on the Defence Application for Interim Release of Mahamat Said Abdel Kani and Contact Restrictions"](#), 19 May 2022, ICC-01/14-01/21-318, para. 75.

⁶² [Request](#), para. 32.

⁶³ PHL-OTP-00015374.

2025, he was indeed re-elected mayor of Davao City,⁶⁴ while his son was elected vice-Mayor of the same city.⁶⁵ The Chamber recalls that some of the crimes alleged in the Warrant of Arrest and under Count 1 in the DCC were allegedly committed when Mr Duterte held the position of Mayor of Davao City.⁶⁶ As such, should he return to Davao City, Mr Duterte would be placed in the very position that allowed him to commit the crimes for which his arrest and surrender to the Court was initially sought.

59. In light of the above, the Chamber is of the view that, contrary to the Defence's assertion,⁶⁷ there exists a risk that, should he be released, Mr Duterte continue committing the crimes charged against him or related crimes within the Court's jurisdiction. Moreover, considering Mr Duterte's son's position of power in the Philippines at one of the locations of the crimes alleged in the Warrant of Arrest and the DCC, the Chamber finds that this risk continues to exist even if Mr Duterte would be released to a location that falls outside of the geographic scope of the alleged crimes.

60. Accordingly, the Chamber finds that the condition set out under article 58(1)(b)(iii) of the Statute also continues to be met.

61. As to the Defence's argument that a prolongation of the proceedings militates in favour of interim release,⁶⁸ the Chamber recalls that the Appeals Chamber is yet to explicitly determine whether such considerations are relevant for a decision under article 60(2) of the Statute.⁶⁹ In any event, the Chamber considers that Mr Duterte's lawful detention in application of the Warrant of Arrest, totalling less than seven months at the issuance of the present decision, does not constitute an unreasonable period of detention, in particular in light of the complexity of the case. Moreover, the prolongation of the pre-trial proceedings is limited to the time strictly necessary to adjudicate the Adjournment Request,⁷⁰ and therefore does not militate in favour of Mr Duterte's interim release.

⁶⁴ PHL-OTP-00090483.

⁶⁵ PHL-OTP-00090485.

⁶⁶ See [DDC](#), paras 26-35.

⁶⁷ [Request](#), paras 31, 33.

⁶⁸ [Defence Notification](#), paras 3, 5. [REDACTED].

⁶⁹ Appeals Chamber, *The Prosecutor v. Jean-Pierre Bemba et al.*, [Judgment on the appeals against Pre-Trial Chamber II's decisions regarding interim release in relation to Aimé Kilolo Musamba, Jean-Jacques Mangenda, Fidèle Babala Wandu, and Narcisse Arido and order for reclassification](#), 29 May 2015, ICC01/05-01/13-969 (OA 5, OA 6, OA 7, OA 8, OA 9), para. 43 and footnote 78 ('a Chamber may determine that a detained person has been in detention for an unreasonable period, even in the absence of inexcusable delay by the Prosecutor, pursuant to article 60 (3) of the Statute' and 'this statement [is] not intended to preclude the application of the principles expounded upon herein in other relevant contexts, including in relation to article 60 (2) of the Statute').

⁷⁰ [Postponement Decision](#), para. 8.

62. In conclusion, the Chamber finds that, at present, the detention of Mr Duterte is required so as to ensure his appearance in these proceedings, that he does not obstruct or endanger the investigation or the Court's proceedings, and to prevent the commission of related crimes within the jurisdiction of the Court.

d) Mr Duterte's medical condition

63. The Chamber recalls the Appeals Chamber's finding that 'the medical condition of the detained person may be a reason for a Pre-Trial Chamber to grant interim release with conditions', in the sense that 'the ill health of a detained person may be a factor in the exercise of its discretion'.⁷¹ In this respect, the Defence argues that Mr Duterte's cognitive impairment negates any risk under article 58(1)(b) that would justify his detention.⁷² In support of its allegation, the Defence relies on the Final Medical Report⁷³ and [REDACTED] Report.⁷⁴

64. In the present circumstances, the Chamber considers that the above mentioned documents are unable to affect the Chamber's finding that Mr Duterte's detention is necessary pursuant to article 58(1)(b) of the Statute. More specifically, the Chamber notes that [REDACTED].⁷⁵ However, the issue of fitness to stand trial is factually and legally distinct from the question of interim release. In this regard, and following a thorough review, the Chamber considers that the above mentioned documents do not indicate how Mr Duterte's alleged physical condition or cognitive impairment negate the risks identified above. In this respect, the Chamber notes the Defence's allegations that Mr Duterte, given his condition, cannot [REDACTED] or [REDACTED], that he is [REDACTED] and that his [REDACTED] makes it 'unreasonable to conclude that Mr Duterte would possess the faculties necessary to formulate and execute the continued commission of crimes'.⁷⁶ The Chamber, however, considers that these arguments consist in mere extrapolation of the above mentioned documents by the Defence – who does not have the requisite expertise to draw such conclusion – and as such, are purely speculative and without basis. The Chamber clarifies that this determination in relation to the impact of the Final Medical Report on Mr Duterte's interim release is without prejudice to any further determination and decision on the separate matter of Mr Duterte's fitness to participate in the present proceedings and the confirmation of charges hearing.

⁷¹ See Pre-Trial Chamber I, *The Prosecutor v. Laurent Gbagbo*, [Decision on the request for the conditional release of Laurent Gbagbo and on his medical treatment](#), 18 January 2013, ICC-02/11-01/11-362-Red, para. 24.

⁷² [Renewed Request](#), para. 17.

⁷³ Annex B to Renewed Request.

⁷⁴ Annex A to Renewed Request.

⁷⁵ Annex B to Renewed Request, p. 2.

⁷⁶ [Request](#), paras 25, 27; [Renewed Request](#), paras 11-13.

65. Accordingly, the Chamber finds that Mr Duterte's detention remains necessary pursuant to article 58(1)(b) of the Statute.

2. Appropriate conditions

66. The Chamber notes that the Appeals Chamber has found that a chamber may 'examine appropriate conditions with a view to mitigating or negating the risk[s]' identified in relation to a suspect's interim release.⁷⁷ The Defence provides a list of 16 suggested 'rigorous' terms and conditions that would neutralise any possible concern about interim release to [REDACTED], together with a list of undertakings to be provided by this State.⁷⁸ [REDACTED].⁷⁹ Moreover, the Defence proposes to [REDACTED] at the discretion of the Pre-Trial Chamber, which will [REDACTED].

67. Furthermore, the Defence raises arguments in the Renewed Request regarding the 'Prosecution's objection to [REDACTED] serving as receiving country'.⁸⁰ The Chamber considers that they effectively constitute a reply to the Prosecution's Response without any leave granted by the Chamber pursuant to regulation 24(5) of the Regulations. Accordingly, the Chamber will not consider them for the present determination.

68. The Chamber has duly considered the list of conditions proposed by the Defence, but finds that they do not sufficiently mitigate the risks set out in article 58(1)(b) of the Statute. While the proposed conditions appear to be aimed at limiting and strictly monitoring Mr Duterte's movements and communications, the Chamber is of the view that, however stringent the conditions appear to be *prima facie*, they cannot be assessed in a vacuum and due regard should be given to the manner and the context in which they would be implemented to ensure effective enforcement.⁸¹

69. In this regard, the Chamber is especially concerned by the lack of detail as to how the [REDACTED] authorities would implement the necessary conditions, notably to ensure Mr Duterte's presence at the Court and his compliance with the interdiction to interfere with

⁷⁷ Appeals Chamber, *The Prosecutor v. Jean-Pierre Bemba Gombo*, [Judgment on the appeal of the Prosecutor against Pre-Trial Chamber II's "Decision on the Interim Release of Jean-Pierre Bemba Gombo and Convening Hearings with the Kingdom of Belgium, the Republic of Portugal, the Republic of France, the Federal Republic of Germany, the Italian Republic, and the Republic of South Africa"](#), 2 December 2009, ICC-01/05-01/08-631-Red, para. 105.

⁷⁸ See Request, para. 17; Annex B to Request. See also [Renewed Request](#), para. 14.

⁷⁹ [REDACTED].

⁸⁰ [Renewed Request](#), paras 15-16.

⁸¹ See, e.g., Kosovo Specialist Chambers, Panel of the Court of Appeals Chamber, *The Prosecutor v. Hashim Thaçi et al.*, [Decision on Jakup Krasniqi's Appeal Against Decision on Review of Detention](#), 1 October 2021, KSC-BC-2020-06/IA006/F00005/RED, para. 54.

the proceedings. Moreover, the Chamber notes that some of the conditions⁸² will necessarily require the involvement of the Registry, which [REDACTED]. Furthermore, the Chamber finds the obligation to wear an electronic bracelet to be essential to mitigate the risk of flight, especially if [REDACTED]. However, as indicated by the Defence,⁸³ this condition [REDACTED].

70. Furthermore, regarding the proposal to provide [REDACTED], the Chamber notes that the Defence limits itself to arguing that interim release will not affect the proceedings on fitness to stand trial. However, the impact of the interim release decision may have on other ongoing proceedings in the current case is not a relevant factor for the Chamber's decision under article 58(1)(b) of the Statute. Accordingly, the Defence has failed to show how such condition, alone or in combination with the other conditions, would negate the risks under article 58(1)(b) of the Statute identified above.

71. In light of the above, the Chamber finds that the proposed conditions are not sufficient to mitigate the risks enumerated above in relation to Mr Duterte's interim release to [REDACTED].

B. Humanitarian considerations

72. With regard to the Defence's argument that humanitarian factors militate in favour of Mr Duterte's interim release, the Chamber finds that the Defence's reference to the two decisions purportedly supporting the existence of a Court practice to provide provisional release for humanitarian reasons is inapposite.⁸⁴ Indeed, different from the remedy and conditions proposed in the Request, those two decisions granted temporary transfers outside of the Court's Detention Centre for a period not exceeding 24 hours, during which the person stayed at all times in the custody of the Court, and in very limited and exceptional circumstances such as the attendance of the funeral of a relative.⁸⁵

73. The Chamber recalls that the second sentence of article 60(2) of the Statute provides that '[i]f the Pre-Trial Chamber is satisfied that the conditions set forth in article 58, paragraph 1,

⁸² See, e.g., Annex B to Request, conditions (iv), (v), (vi).

⁸³ [Request](#), para. 3.

⁸⁴ [Request](#), para. 34.

⁸⁵ See Pre-Trial Chamber II, *The Prosecutor v. Jean-Pierre Bemba Gombo*, [Public redacted version of ICC-01/05-01/08-437-Conf Decision on the Defence's Urgent Request concerning Mr Jean-Pierre Bemba's Attendance of his Father's Funeral](#), 22 July 2009, ICC-01/05-01/08-437-Red (original version notified on 3 July 2009), para. 9; Trial Chamber III, *The Prosecutor v. Jean-Pierre Bemba Gombo*, [Public redacted version of ICC-01/05-01/08-1099-Conf Decision on the Defence Request for Mr Jean-Pierre Bemba to Attend his Stepmother's Funeral](#), 12 January 2011, ICC-01/05-01/08-1099-Red (original version notified on 7 January 2011), para. 13.

are met, the person *shall continue to be detained*’ (emphasis added). This argues against the existence of a Pre-Trial Chamber’s power to release a suspect on humanitarian grounds if any of the grounds for detention set out in article 58(1)(b) of the Statute continue to exist. The Chamber is mindful of the practice of other international courts and tribunals taking into account sufficiently compelling humanitarian grounds.⁸⁶ However, it will not dwell on the question of whether it could release a suspect solely on humanitarian grounds any further because, for the reasons that follow, such grounds have in any event not been sufficiently set out in the case at hand.

74. The Chamber notes that the Defence limits itself to argue that ‘Mr Duterte is 80 years old and medical reports have highlighted [REDACTED]’, and that [REDACTED], without substantiating how detention is so detrimental that it justifies his release. Similarly, it does not explain to what extent Mr Duterte [REDACTED] and how that would justify his interim release. The Chamber also notes that Mr Duterte enjoys the right to medical treatment: pursuant to regulation 103(4) of the Regulations, ‘[a] qualified medical officer with experience in psychiatry shall be available to attend the detention centre’ and ‘[a] nurse shall be present at the detention centre at all times’. Nothing in the Request indicates that this would not be sufficient to ensure that Mr Duterte receives the appropriate medical attention and care in detention.

75. In addition, the Court has put in place measures to ensure that Mr Duterte’s right to family life is guaranteed. Notably, he may receive visits from and call his family members [REDACTED]. The remaining [REDACTED] are inherent to a lawful detention and do not constitute considerations that may warrant an interim release on humanitarian grounds.

76. The Chamber, therefore, considers that the Defence’s argument that Mr Duterte should be released for humanitarian reasons must be rejected.

C. Conclusion

77. In light of the above, the Chamber finds that Mr Duterte’s detention continues to remain necessary under article 60(2) of the Statute based on each of the requirements set by article 58(1) of the Statute.

⁸⁶ See, e.g., rule 65(B) of the Rules of Procedure and Evidence of the ICTY.

FOR THESE REASONS, THE CHAMBER HEREBY

REJECTS the Request for Leave to Reply;

REJECTS the *Amici Curiae* Requests;

REJECTS the Request and the Renewed Request;

ORDERS the continued detention of Mr Duterte; and

ORDERS the Registry to reclassify as public filings ICC-01/21-01/25-117-Conf, ICC-01/21-01/25-117-Conf-Anx, ICC-01/21-01/25-118-Conf, ICC-01/21-01/25-195-Conf, ICC-01/21-01/25-195-Conf-Anx and ICC-01/21-01/25-214-Conf.

Done in English. A French translation will follow. The English version remains authoritative.



Judge Iulia Antoanella Motoc, Presiding



**Judge Reine Adélaïde Sophie Alapini-
Gansou**



Judge María del Socorro Flores Liera

Dated this Friday, 10 October 2025

At The Hague, The Netherlands