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**No. ICC-01/21-01/25
Date: 26 January 2026**

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 review of Mr Rodrigo Roa Duterte’s detention”,
26 January 2026

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

☐ Other

Section

PRE-TRIAL CHAMBER I of the International Criminal Court issues the present decision on the review of Mr Rodrigo Roa Duterte's detention.

I. PROCEDURAL HISTORY

1. On 12 March 2025, pursuant to a warrant of arrest issued by the Chamber on 7 March 2025,¹ Mr Rodrigo Roa Duterte ('Mr Duterte') was surrendered to the Court.
2. On 26 September 2025, the Chamber rejected² the Defence's 'Urgent Request for Interim Release'³ and 'Renewed Request for Interim Release'.⁴
3. On 28 November 2025, the Appeals Chamber confirmed the Interim Release Decision.⁵
4. On 5 December 2025, pursuant to the Chamber's order, and following the appointment of a panel of three experts (the 'Panel') for the purpose of a medical examination pursuant to rules 113 and 135 of the Rules of Procedure and Evidence (the 'Rules'),⁶ the Registry transmitted the Panel's joint and individual reports.⁷
5. On 7 January 2026, the Chamber, following the Prosecution's response,⁸ rejected⁹ the 'Defence Request for an Expert Report on Article 58(1)(b) Risk Factors',¹⁰ indicating, *inter*

¹ [Warrant of Arrest for Mr Rodrigo Roa Duterte](#), ICC-01/21-01/25-83 (the 'Warrant of Arrest').

² Decision on the Defence's 'Urgent Request for Interim Release' and 'Renewed Request for Interim Release', ICC-01/21-01/25-282-Conf (public redacted version notified on 10 October 2025, [ICC-01/21-01/25-282-Red](#)) (the 'Interim Release Decision').

³ 12 June 2025, ICC-01/21-01/25-150-Conf-Exp (public redacted version notified on the same day, [ICC-01/21-01/25-150-Red](#)), with confidential *ex parte* annexes A, B and C.

⁴ 18 August 2025, ICC-01/21-01/25-231-Conf (public redacted version notified on 19 August 2025, [ICC-01/21-01/25-231-Red](#)).

⁵ Judgment on the appeal of Mr Rodrigo Roa Duterte against the decision of Pre-Trial Chamber I entitled "Decision on the Defence's 'Urgent Request for Interim Release' and 'Renewed Request for Interim Release'", ICC-01/21-01/25-326-Conf (public redacted version notified on the same day, [ICC-01/21-01/25-326-Red](#)) (the 'Appeal Judgment').

⁶ Decision on the appointment of experts for the purpose of a medical examination pursuant to rules 113 and 135 of the Rules of Procedure and Evidence and related matters, 24 September 2025, ICC-01/21-01/25-279-Conf (public redacted version notified on 16 October 2025, [ICC-01/21-01/25-279-Red](#)) (the '24 September 2025 Decision'); [Public redacted version of 'Decision on the 'Defence Request for the Disqualification of \[REDACTED\]' and related matters', 17 October 2025, ICC-01/21-01/25-303-Conf](#), 14 November 2025, ICC-01/21-01/25-303-Red; [Public redacted version of "Decision on the 'Urgent Defence Request to Disqualify \[REDACTED\]' and related matters", 3 November 2025, ICC-01/21-01/25-316-Conf](#), 14 November 2025, ICC-01/21-01/25-316-Red.

⁷ Registry Transmission of the Panel of Experts' Joint and Individual Reports, 5 December 2025, ICC-01/21-01/25-327-Conf (public redacted version notified on 18 December 2025, [ICC-01/21-01/25-327-Red](#)), with confidential Annexes I-IV (together, the 'Panel's Reports').

⁸ Prosecution's response to "Defence Request for an Expert Report on Article 58(1)(b) Risk Factors", ICC-01/21-01/25-342, 23 December 2025, ICC-01/21-01/25-345-Conf (public redacted version notified on the same day, [ICC-01/21-01/25-345-Red](#)).

⁹ [Decision on the 'Defence Request for an Expert Report on Article 58\(1\)\(b\) Risk Factors'](#), ICC-01/21-01/25-350.

¹⁰ 19 December 2025, [ICC-01/21-01/25-342](#).

alia, that ‘any additional expert report is neither appropriate nor necessary for its adjudication’ regarding the periodical review of the detention of Mr Duterte.

6. On 7 and 9 January 2025, pursuant to the Chamber’s order,¹¹ the Prosecution,¹² the Office of Public Counsel for Victims¹³ (the ‘OPCV’), and the Defence¹⁴ submitted their observations on the review of Mr Duterte’s detention pursuant to rule 118(2) of the Rules.

7. On 26 January 2026, the Chamber found that Mr Duterte is fit to take part in the pre-trial proceedings.¹⁵

II. SUBMISSIONS

A. Prosecution’s Observations

8. The Prosecution submits that the continued detention of Mr Duterte pursuant to article 60(2) of the Rome Statute (the ‘Statute’) remains necessary because: (i) ‘the conditions set out under articles 58(1)(a) and 58(1)(b)(i)-(iii) of the Statute continue to be met’; (ii) there ‘has been no change in circumstances that would require the Chamber to reverse its previous determination’ and that ‘recent events demonstrate that Mr Duterte’s detention is further justified under article 58(1)(b)(i) and (ii) of the Statute’; and (iii) ‘there has been no change in circumstances that would require a modification of the Chamber’s ruling that Mr Duterte’s health does not mitigate the risk he presents under article 58(1)(b) of the Statute’.

B. OPCV’s Observations

9. The OPCV submits that ‘the continued pre-trial detention of Mr Duterte remains both warranted and necessary’, and that ‘none of [the] substantial factors previously taken into consideration by the Chamber in assessing Mr Duterte’s flight risk have changed’, considering that (i) such risk ‘is particularly heightened following the conclusions of the Panel of Experts

¹¹ Email from the Chamber, [ICC-01/21-01/25 – Confidential] Order to submit observations on Mr Duterte’s detention, 5 December 2025, at 11:25.

¹² Prosecution’s observations on the review of the pre-trial detention of Mr Rodrigo Roa Duterte, ICC-01/21-01/25-349-Conf (public redacted version notified on 8 January 2026, [ICC-01/21-01/25-349-Red](#)) (the ‘Prosecution’s Observations’).

¹³ [Victims’ Observations on the Review of Mr Duterte’s Pre-Trial Detention pursuant to Rule 118\(2\) of the Rules of Procedure and Evidence](#), ICC-01/21-01/25-348 (the ‘OPCV’s Observations’).

¹⁴ Defence Observations on the First Review of Pre-Trial Detention, ICC-01/21-01/25-351-Conf (public redacted version notified on the same day, [ICC-01/21-01/25-351-Red](#)), with confidential annexes A and B (the ‘Defence’s Observations’).

¹⁵ Decision on the ‘Defence Request for an Indefinite Adjournment’ and Mr Duterte’s fitness to take part in the pre-trial proceedings, 26 January 2026, ICC-01/21-01/25-356-Conf (public redacted version notified on the same day, ICC-01/21-01/25-356-Red) (the ‘26 January 2026 Decision’). *See also* Defence Request for an Indefinite Adjournment, 18 August 2025, ICC-01/21-01/25-230-Conf (public redacted version notified on 11 September 2025, [ICC-01/21-01/25-230-Red](#)), with confidential annexes A and B.

according to which the Suspect is essentially able to follow the proceedings, which likewise indicates his ability to abscond'; and (ii) 'no information that would suggest a significant change in the circumstances has been brought to the attention of the Chamber' with regard to the finding that 'Mr Duterte benefited from a network of supporters'. Furthermore, the OPCV asserts that, with regard to article 60(4) of the Statute, 'the length of Mr Duterte's pre-trial detention is not unreasonable; and, in any event [...] none of the delays in the pre-trial proceedings have been caused by the Prosecutor'. Finally, the OPCV avers that, in conducting its periodic review, the Chamber 'should consider the impact and prejudicial effect the release of a suspect facing charges of international crimes might have' on victims who 'have expressed fears about their safety and the safety of their families, as well as concerns about the possible increase of violence in the neighbourhoods in which they live, if the Suspect were released'.

C. Defence's Observations

10. The Defence submits that 'Mr Duterte's cognitive condition, which was not properly considered by the Pre-Trial Chamber in its first decision on interim release, constitutes a new fact that must now be considered in the present review of detention'. The Defence argues that its own diagnosis of Mr Duterte's [REDACTED], provided in May 2025, was not ruled out by the Panel's expert neurologist, and that the two other Panel's experts are not qualified to make such determination. The Defence further provides its own medical report which purportedly demonstrates that Mr Duterte is 'unable to actualise the risk factors envisaged in Article 58(1)(b) of the Rome Statute'. The Defence asserts that the 'cognitive deficiencies' set out in such report 'were also observed by the Court-appointed neuropsychologist and neurologist' and that, while the Court-appointed neurologist mentioned that Mr Duterte 'failed effort or performance validity tests', 'no explanation is posited by any of the Court-appointed experts for the perceived underperformance' which, in the Defence's view, 'could be explained by the presence of a neurological disorder – in the present case, [REDACTED]'. The Defence indicates that a State Party 'has reiterated its willingness to receive Mr Duterte and has now provided detail as to how the [...] authorities would implement the necessary conditions' and that, 'where conditions of release are not envisaged under national legislation or require a domestic judicial order to put them into effect, the Defence will act either to supply a privately funded alternative or apply to the relevant national court'.

III. DETERMINATION

A. Applicable law

11. Under article 60(3) of the Statute and rule 118(2) of the Rules, a Chamber must periodically review its ruling on the detention of a suspect at least every 120 days,¹⁶ and thus ‘revert to the ruling on detention to determine whether there has been a change in the circumstances underpinning the ruling and whether there are any new circumstances that have a bearing on the conditions under article 58(1) of the Statute’.¹⁷ As such, article 60(3) of the Statute requires that the Chamber review its initial decision on an application for interim release under article 60(2) of the Statute and establishing the grounds justifying continued detention,¹⁸ as opposed to making a decision on detention *ab initio*. The Chamber is not expected ‘to enter findings on the circumstances already decided upon’ or ‘entertain submissions by the detained person that merely repeat arguments that the Chamber has already addressed’.¹⁹

12. The Chamber may only modify its previous ruling if it is satisfied that changed circumstances so require, which comprise a change in some or all of the facts underlying its previous decision, or a new fact satisfying the Chamber that an order for detention is no longer necessary.²⁰ If the Chamber is unable to identify any changed circumstances, it is not required to further review the decision on release or detention.²¹ Changed circumstances cannot be hypothetical or conditional, but must be demonstrated on a concrete basis.²²

13. In proceedings conducted pursuant to article 60(3) of the Statute, ‘the onus is on the Prosecutor to demonstrate that there has been no change in the circumstances justifying

¹⁶ See rule 118(2) of the Rules (‘in accordance with article 60, paragraph 3, at least every 120 days’).

¹⁷ Appeals Chamber, *The Prosecutor v. Jean-Pierre Bemba Gombo*, ‘[Judgment on the appeal of Mr Jean-Pierre Bemba Gombo against the decision of Trial Chamber III of 28 July 2010 entitled “Decision on the review of the detention of Mr Jean-Pierre Bemba Gombo pursuant to Rule 118\(2\) of the Rules of Procedure and Evidence”](#)’, 19 November 2010, ICC-01/05-01/08-1019 (OA4), para. 52 (‘*Bemba Appeal Detention Review Judgement*’). See also Appeals Chamber, *The Prosecutor v. Ali Muhammad Ali Abd-al-Rahman (“Ali Kushayb”)*, [Judgment on the appeal of Ali Muhammad Ali Abd-Al-Rahman against Trial Chamber I’s “Decision on the review of detention”](#), 17 December 2021, ICC-02/05-01/20-542-Red, para. 58.

¹⁸ [Bemba Appeal Detention Review Judgement](#), paras 45-46.

¹⁹ [Bemba Appeal Detention Review Judgement](#), para. 53.

²⁰ See Pre-Trial Chamber II, *The Prosecutor v. Mahamat Said Abdel Kani*, [Decision on the review of detention](#), ICC-02/05-01/20-338, para. 17, footnotes 30-31 and reference cited therein; Trial Chamber VI, *The Prosecutor v. Mahamat Said Abdel Kani*, [First review of the detention of Mr Mahamat Said Abdel Kani](#), 29 June 2022, ICC-01/14-01/21-382 (‘*Said Detention Review Decision*’), para. 23 and footnote 49.

²¹ Appeals Chamber, *The Prosecutor v. Jean-Pierre Bemba Gombo*, [Judgment on the appeal of Mr Jean-Pierre Bemba Gombo against the decision of Trial Chamber III of 6 January 2012 entitled “Decision on the defence’s 28 December 2011 ‘Requête de Mise en liberté provisoire de M. Jean-Pierre Bemba Gombo’”](#), 5 March 2012, ICC-01/05-01/08-2151-Red, paras 1, 31.

²² [Said Detention Review Decision](#), para. 25. Trial Chamber V, *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, [Decision on the Second Yekatom Defence Motion for Interim Release](#), 7 September 2020, ICC-01/14-01/18-643-Red, para. 16.

detention’,²³ and the Chamber must weigh the ‘Prosecutor’s submissions against the submissions, if any, of the detained person. The Chamber must also consider any other information which has a bearing on the subject’.²⁴

14. Bearing in mind the above, the Chamber will recall the main findings of the Interim Release Decision before assessing whether any new or changed circumstances warrant modifying them.

B. Previous findings

15. The Chamber recalls that, in the Interim Release Decision, the Chamber found that the requirements under article 58(1)(a) of the Statute continue to be met, confirming that there existed reasonable grounds to believe that Mr Duterte committed the crimes alleged in the Warrant of Arrest.²⁵

16. In relation to the requirements of article 58(1)(b) of the Statute, the Chamber further found that:

the detention of Mr Duterte is required so as to ensure his appearance in these proceedings [under article 58(1)(i) of the Statute], that he does not obstruct or endanger the investigation or the Court’s proceedings [under article 58(1)(ii) of the Statute], and to prevent the commission of related crimes within the jurisdiction of the Court [under article 58(1)(iii) of the Statute].²⁶

17. In particular, the Chamber found that Mr Duterte posed a flight risk considering his rejection of the proceedings and the will of his close family to help him elude detention and prosecution; his international connections, national support and access to resources; and the severity of the charges brought against him, as well as the potential lengthy sentence he may receive if all or part of the charges were to be confirmed and he were convicted at trial.²⁷ The Chamber also found a risk of interference with the investigation or proceedings, notably in light of Mr Duterte’s and his associates’ ability and means to obstruct the proceedings, as well as Mr Duterte’s [REDACTED].²⁸ The Chamber further found a risk that Mr Duterte continues

²³ [Bemba Appeal Detention Review Judgement](#), para 51; 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”, 8 September 2015, ICC-02/11-01/15-208 (OA6), para. 36.

²⁴ [Bemba Appeal Detention Review Judgement](#), para. 52.

²⁵ [Interim Release Decision](#), para. 48.

²⁶ [Interim Release Decision](#), para. 62.

²⁷ [Interim Release Decision](#), paras 50-51.

²⁸ [Interim Release Decision](#), paras 54-56.

committing the charged or related crimes in light of Mr Duterte's statements as well as his and his son's current position of power in Davao City.²⁹

18. In addition, the Chamber considered that the information available as to Mr Duterte's medical condition was 'unable to affect the Chamber's finding that Mr Duterte's detention is necessary pursuant to article 58(1)(b) of the Statute'³⁰ and considered that conditions proffered by the Defence for interim release in a third State did 'not sufficiently mitigate the risks set out in article 58(1)(b) of the Statute'.³¹ In this regard, the Chamber found 'the obligation to wear an electronic bracelet to be essential to mitigate the risk of flight, especially if [REDACTED]'.³²

19. The Appeals Chamber unanimously confirmed the Interim Release Decision.³³

C. Review of detention

20. The Chamber will now assess whether there are any changed or new circumstances that would warrant the release of Mr Duterte, with or without conditions. The Chamber will first examine whether there are still reasonable grounds to believe that Mr Duterte committed crimes within the jurisdiction of the Court, pursuant to article 58(1)(a) of the Statute. Then it will determine whether there is still a need to detain Mr Duterte 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, pursuant to article 58(1)(b) of the Statute.

1. Requirements of article 58(1) of the Statute

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

21. The Chamber recalls that in the Interim Release Decision it found that, 'in light of the findings contained in the Warrant of Arrest, 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'. The Chamber is not aware of any new or changed circumstances in that regard, and the Defence has not contested this point. Therefore, the above finding remains valid.

²⁹ [Interim Release Decision](#), paras 58-59.

³⁰ [Interim Release Decision](#), paras 63-64.

³¹ [Interim Release Decision](#), paras 66-70.

³² [Interim Release Decision](#), para. 69.

³³ See [Appeal Judgment](#).

b) Article 58(1)(b) of the Statute and Mr Duterte's medical condition

22. The Chamber notes the Defence's argument that Mr Duterte's cognitive condition constitutes a new fact that must be considered for the review of Mr Duterte's detention, as well as the medical report provided by the Defence as to how Mr Duterte's alleged 'cognitive deficiencies' would affect the risks identified by the Chamber under article 58(1)(b) of the Statute. Aside from its arguments on Mr Duterte's cognitive impairment, the Defence does not allege any changes in the circumstances that led the Chamber to find that Mr Duterte's detention is required under article 58(1) of the Statute.

23. The Chamber recalls that the issue of Mr Duterte's health condition, including his alleged cognitive impairment, had already been raised by the Defence at the time of the issuance of the Interim Release Decision and was considered by the Chamber therein as part of its assessment regarding possible mitigating factors of the identified risks under article 58(1)(b) of the Statute.³⁴ The Chamber has since received, on 5 December 2025, the Panel's Reports following the medical examination of Mr Duterte ordered pursuant to rules 113 and 135 of the Rules, which the Chamber considered for the purposes of the 26 January 2026 Decision. The Chamber considers that the Panel's Reports do constitute a new fact as to Mr Duterte's health condition which may be taken into consideration for the present review of Mr Duterte's detention.

24. However, as made abundantly clear in prior decisions,³⁵ with a view to preserving the fairness of the proceedings, the Chamber shall not rely on medical reports provided by a party to the proceedings; neither shall the Chamber rely on the related Defence's own interpretation or conclusions, since the Defence lacks the requisite expertise and is a party to the proceedings.³⁶ Therefore, the Chamber will not consider the new medical report provided as Annex A to the Defence's Observations, nor the related arguments in such observations, for the purposes of the present review of detention. Furthermore, the Chamber notes that the Defence's Observations are largely dedicated to providing the Defence's own views on Mr Duterte's health condition, and previous Chamber's decisions, be they related or unrelated to the matter of the review of detention.³⁷ Since the present instance is not the appropriate venue for such submissions, the Chamber will disregard them.

³⁴ See [Interim Release Decision](#), paras 63-64.

³⁵ See [Order pursuant to rules 113 and 135 of the Rules of Procedure and Evidence](#), 8 September 2025, ICC-01/21-01/25-268, para. 25; [24 September 2025 Decision](#), para. 12. See also 26 January 2026 Decision, para. 22.

³⁶ See [Interim Release Decision](#), para. 64.

³⁷ See [Defence's Observations](#), paras 1, 6, 8-10.

25. Moreover, the Chamber observes that the remaining submissions of the Defence merely repeat arguments already advanced in a separate litigation regarding Mr Duterte's fitness to participate in the pre-trial proceedings,³⁸ which were addressed in detail in the 26 January 2026 Decision. In these circumstances, the Chamber will thus only refer to them insofar as they are relevant for its review of Mr Duterte's detention.

26. With regard to the Panel's Reports, it is noted that the Panel unanimously found that Mr Duterte [REDACTED].³⁹ The Panel also noted that Mr Duterte's [REDACTED],⁴⁰ and that [REDACTED].⁴¹

27. As to Mr Duterte's alleged cognitive impairment, the Panel unanimously found Mr Duterte to have the cognitive capacities to take part in the pre-trial proceedings.⁴² While the Panel's Reports make reference to some memory issues, they also unanimously point out signs of underperformance, and agree that Mr Duterte 'is an unreliable historian concerning his health and mental functions'.⁴³ Moreover, contrary to the Defence's assertion,⁴⁴ none of the experts in the Panel makes a positive diagnosis of [REDACTED],⁴⁵ nor do they link Mr Duterte's underperformance to [REDACTED].

28. As to the 'cognitive deficiencies' allegedly 'observed by the Court-appointed neuropsychologist and neurologist',⁴⁶ the Chamber considers that the Defence selects certain statements of the Panel and takes them out of their context. While the Court-appointed neurologist states that Mr Duterte's test results indicate that he scored [REDACTED] on the assessment of his working memory, that 'his [REDACTED] was also significantly lower than would be expected', that there are [REDACTED] in his executive functioning, he also opined that Mr Duterte 'remains a person with high cognitive reserve' and that 'there are clear signs of underperformance during the tests examining the veracity of his memory problems'.⁴⁷ Similarly, the Court-appointed neuropsychologist also mentioned on three occasions in his

³⁸ See [Defence's Observations](#), paras 7, 12-15.

³⁹ ICC-01/21-01/25-327-Conf-AnxI, paras 5.4.

⁴⁰ ICC-01/21-01/25-327-Conf-AnxII, p. 12, paras 12.2-12.3.

⁴¹ ICC-01/21-01/25-327-Conf-AnxIII, p. 12.

⁴² ICC-01/21-01/25-327-Conf-AnxI, paras 5.19-5.25.

⁴³ ICC-01/21-01/25-327-Conf-AnxI, paras 5.15-5.18; ICC-01/21-01/25-327-Conf-AnxII, p. 50, para. 3.4, p. 51, para. 4.2; ICC-01/21-01/25-327-Conf-AnxIII, pp. 11-12, 15; ICC-01/21-01/25-327-Conf-AnxIV, paras 80-92.

⁴⁴ [Defence's Observations](#), paras 6, 12.

⁴⁵ The only observation of relevance made by the Court-appointed neurologist in this context is that he opines that [REDACTED]: see ICC-01/21-01/25-327-Conf-AnxIII, p. 12. The Chamber further notes that, while not a neurologist, the Court-appointed forensic psychiatrist commented specifically in his report that [REDACTED]: see ICC-01/21-01/25-327-Conf-AnxII, p. 50, para. 3.5.

⁴⁶ See [Defence's Observations](#), para. 12.

⁴⁷ ICC-01/21-01/25-327-Conf-AnxI, para. 5.17. See also ICC-01/21-01/25-327-Conf-AnxIII, pp. 9, 11-12, 15.

report that Mr Duterte failed the ‘independent performance validity test’, meaning that his test results ‘are unlikely to be an accurate reflection of his functioning’.⁴⁸

29. As to [REDACTED] issue reported by the Defence,⁴⁹ the Chamber notes that the Court-appointed forensic psychiatrist [REDACTED],⁵⁰ while the neurologist and the neuropsychologist are, respectively, [REDACTED].⁵¹ In any event, the Chamber does not consider this issue to be relevant to determine whether the risks under article 58(1)(b) of the Statute continue to exist.

30. In light of the above, the Chamber is of the view that the Panel’s Reports, and the information contained therein, do not therefore amount to a changed or new fact or circumstance that would warrant modifying the Interim Release Decision within the meaning of article 60(3) of the Statute.

(1) Article 58(1)(b)(i)

31. The Chamber notes the Prosecution’s assertion that Mr Duterte’s continued detention is necessary to ensure his appearance considering his family’s recent public statements rejecting the legitimacy of the legal proceedings against him.⁵² The Chamber considers that these statements from Mr Duterte’s family and close associates continues to illustrate their rejection of the proceedings against him before the Court, and their will to help Mr Duterte elude detention and prosecution. Furthermore, the Chamber concurs with the OPCV⁵³ that the 26 January 2026 Decision, finding that Mr Duterte is fit to participate in the pre-trial proceedings and setting a new date for the commencement of the confirmation of charges hearing, constitutes a further incentive for Mr Duterte to abscond.

32. Moreover, the Chamber cannot identify any changed or new circumstance that may warrant the modification of its finding that Mr Duterte ‘appears to have the necessary political contacts, as well as to benefit from a network of support within [the Philippines]’, and that ‘he is facing multiple charges comprising a number of murders and attempted murders as crimes against humanity’ for which he may ‘receive a lengthy sentence if all or part of the charges were to be confirmed and he were convicted at trial’.⁵⁴

⁴⁸ ICC-01/21-01/25-327-Conf-AnxIV, paras 97, 108, 119-120.

⁴⁹ See [Defence’s Observations](#), para. 6.

⁵⁰ ICC-01/21-01/25-327-Conf-AnxII, p. 50, para. 2.1.

⁵¹ ICC-01/21-01/25-327-Conf-AnxI, para. 5.7.

⁵² [Prosecution’s Observations](#), paras 10-11.

⁵³ See [OPCV’s Observations](#), paras 15-16.

⁵⁴ [Interim Release Decision](#), paras 50-51.

33. In light of the above, the Chamber finds that Mr Duterte continues to pose a flight risk and that his detention is necessary to ensure his presence for the purposes of these proceedings.

(2) Article 58(1)(b)(ii)

34. The Chamber notes the Prosecution's assertion that the continued detention of Mr Duterte is necessary to ensure that he does not obstruct or endanger the investigation or court proceedings, [REDACTED].⁵⁵ Considering the nature of the evidence supporting this allegation, merely consisting of [REDACTED], the Chamber does not find it appropriate to rely on it for the purposes of the present decision.

35. The Chamber, in any event, is not aware of any changed or new circumstance that may warrant the modification of its findings that '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', and that Mr Duterte has 'a strong incentive to influence the Prosecution's witnesses before the start of any trial'.⁵⁶

36. In light of the above, the Chamber finds that the detention of Mr Duterte continues to be justified in order to ensure that the suspect does not obstruct or endanger the investigation or the Court's proceedings.

(3) Article 58(1)(b)(iii)

37. Regarding the risk of Mr Duterte continuing committing crimes alleged in the Warrant of Arrest or committing related crimes within the jurisdiction of the Court, the Chamber is not aware of any changed or new circumstances that may warrant the modification of its findings on Mr Duterte's statement that he would 'double the killings' should he be elected Mayor of Davao City, as well as on his election as Mayor of Davao City in May 2025 and the position of power held by his son in Davao City.⁵⁷

38. Accordingly, the Chamber finds that the detention of Mr Duterte continues to be justified in order to prevent the commission of crimes within the jurisdiction of the Court.

⁵⁵ [Prosecution's Observations](#), paras 12-13.

⁵⁶ [Interim Release Decision](#), paras 54-56.

⁵⁷ [Interim Release Decision](#), paras 58-59.

2. Appropriate conditions

39. The Chamber notes that the Defence submits a new letter from a State Party⁵⁸ reiterating its willingness to receive Mr Duterte on its territory and providing further details as to the implementation of the conditions that would mitigate or negate the identified risks.

40. In the relevant part of the letter, the State Party indicates that its [REDACTED], and that, therefore, [REDACTED]. In this regard, the Chamber recalls that in the Interim Release Decision it found *inter alia* ‘the obligation to wear an electronic bracelet to be essential to mitigate the risk of flight, especially if [REDACTED]’. [REDACTED], no release to the State Party can be contemplated.

41. Moreover, the Chamber considers that the Defence’s offer to ‘supply a privately funded alternative’ [REDACTED] is misplaced and inappropriate. This is because a privately funded mechanism inherently lacks the necessary guarantees of independence, reliability and enforceability that a State can provide. Such offer also undermines the equality before the law, in that it promotes a system in which compliance with judicially imposed conditions depends on the suspect’s access to financial resources rather than on objective legal criteria.

42. In light of the above, the Chamber does not deem it necessary to further consider the other proposed conditions for the release to the relevant State Party.

IV. CONCLUSION

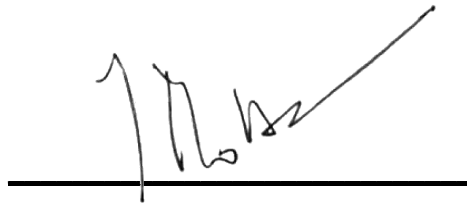
43. Based on the above considerations, the Chamber finds that there are still reasonable grounds to believe that Mr Duterte has committed crimes within the Court’s jurisdiction. The Chamber further finds that there are no changed or new circumstances requiring the Chamber to modify its prior ruling on the existence of the risks under article 58(1)(b)(i) to (iii) of the Statute. The Chamber further finds that these risks cannot be sufficiently mitigated by the imposition of the conditions set forth by the Defence.

⁵⁸ Annex B to Defence’s Observations, ICC-01/21-01/25-351-Conf-AnxB.

FOR THESE REASONS, THE CHAMBER HEREBY

REMANDS Mr Duterte in detention.

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

A handwritten signature in black ink, consisting of a series of loops and a long diagonal stroke, positioned above a solid horizontal line.

Judge Iulia Antoanella Motoc, Presiding

A handwritten signature in black ink, featuring a large 'A' and a horizontal stroke, positioned above a solid horizontal line.

**Judge Reine Adélaïde Sophie Alapini-
Gansou**

A handwritten signature in black ink, consisting of a vertical stroke with a loop and a horizontal stroke, positioned above a solid horizontal line.

Judge María del Socorro Flores Liera

Dated this Monday, 26 January 2026

At The Hague, The Netherlands