



Original: English

No. ICC-01/21-01/25

Date: 27 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

Order setting the schedule and directions for the confirmation of charges hearing and
convening the annual hearing on detention

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

☒ The Office of the Prosecutor

☒ Counsel for the Defence

☒ Legal Representatives of the Victims

☐ Legal Representatives of the Applicants

☐ Unrepresented Victims

☐ Unrepresented Applicants
(Participation/Reparation)

☐ The Office of Public Counsel for Victims

☐ The Office of Public Counsel for the Defence

☐ States' Representatives

☐ Amicus Curiae

REGISTRY

Registrar

Mr Osvaldo Zavala Giler

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☐ Detention Section

☐ Victims Participation
and Reparations Section

☐ Other

PRE-TRIAL CHAMBER I of the International Criminal Court issues the present ‘Order setting the schedule and directions for the confirmation of charges hearing and convening the annual hearing on detention’.

I. Procedural history and submissions

1. On 14 March 2025, Mr Duterte made his first appearance before the Chamber, which decided that the confirmation of charges hearing would commence on 23 September 2025.¹

2. On 22 and 25 August 2025, pursuant to the Chamber’s order,² the Defence,³ the Office of Public Counsel for Victims (the ‘OPCV’)⁴ and the Prosecution⁵ submitted observations on the organisation of the confirmation of charges hearing, whereby:

- (i) The Defence requested that its opening and closing statements last 30 minutes each, and its submissions on the merits three to four hours;⁶
- (ii) The OPCV requested to grant the common legal representatives of victims eventually appointed 30 minutes for opening statements, 30 minutes for closing statements and two hours for submissions on the merits;⁷
- (iii) The Prosecution requested to use 30 minutes for its opening statements, three hours for its submissions on the merits and 30 minutes for final observations.⁸

3. On 8 September 2025, noting the Defence’s request to indefinitely adjourn the proceedings based on its assertion that Mr Duterte was not fit to participate,⁹ the Chamber, by majority Judge María del Socorro Flores Liera dissenting, postponed the confirmation of charges hearing until further notice and for ‘the time strictly necessary to determine whether

¹ Transcript of hearing, ICC-01/21-01/25-T-002-ENG, p. 10, lines 8-11.

² Email from the Chamber, [ICC-01/21-01/25 – Public] Order for observations on the organisation of the hearing on the confirmation of charges, 14 August 2025, at 15:25, ICC-01/21-01/25-320-Anx5.

³ Defence Observations on the Organisation of the Hearing on the Confirmation of Charges, 22 August 2025, ICC-01/21-01/25-240 (the ‘Defence’s Observations’).

⁴ Observations on the Organisation of the Hearing on the Confirmation of Charges, 25 August 2025, ICC-01/21-01/25-241 (the ‘OPCV’s Observations’).

⁵ Prosecution’s observations on the organisation of the hearing on the confirmation of charges, 25 August 2025, ICC-01/21-01/25-242 (the ‘Prosecution’s Observations’).

⁶ Defence’s Observations, paras 2-3.

⁷ OPCV’s Observations, para. 2.

⁸ Prosecution’s Observations, para. 2.

⁹ 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 (the ‘Adjournment Request’).

Mr Duterte is fit to follow and participate in the pre-trial proceedings, including the confirmation of charges hearing, and to adjudicate the Adjournment Request'.¹⁰

4. On 26 September 2025, the Chamber rejected¹¹ the Defence's 'Urgent Request for Interim Release'¹² and 'Renewed Request for Interim Release'.¹³ The Appeals Chamber confirmed the Interim Release Decision on 28 November 2025.¹⁴

5. On 26 January 2026, the Chamber issued the 'Decision on the "Defence Request for an Indefinite Adjournment" and Mr Duterte's fitness to take part in the pre-trial proceedings',¹⁵ *inter alia* (i) finding that Mr Duterte is fit to take part in the pre-trial proceedings; (ii) rejecting the Defence's Adjournment Request; and (iii) deciding to resume the proceedings by setting the date of the commencement of the confirmation of charges hearing for 23 February 2026.

6. On the same day, following the observations from the Prosecution,¹⁶ the OPCV¹⁷ and the Defence,¹⁸ the Chamber issued the 'Decision on the review of Mr Rodrigo Roa Duterte's detention',¹⁹ remanding Mr Duterte in detention.

7. Also on the same day, the Chamber appointed Mr Joel Butuyan, Mr Gilbert Andres and a counsel from the OPCV as the common legal representatives of victims ('CLRV').²⁰

¹⁰ Decision postponing the hearing on the confirmation of charges, ICC-01/21-01/25-267; Dissenting Opinion of Judge María del Socorro Flores Liera, ICC-01/21-01/25-267-OPI.

¹¹ 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').

¹² 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.

¹³ 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).

¹⁴ 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).

¹⁵ ICC-01/21-01/25-356-Conf (public redacted version notified on the same day, ICC-01/21-01/25-356-Red) (the 'Decision on the Adjournment Request').

¹⁶ 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).

¹⁷ 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.

¹⁸ 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.

¹⁹ ICC-01/21-01/25-357-Conf (public redacted version notified on the same day, ICC-01/21-01/25-357-Red).

²⁰ Decision on victims' participation and legal representation, ICC-01/21-01/25-358.

II. Determination

A. Hearing on the confirmation of charges

8. In the Decision on the Adjournment Request, the Chamber set the date for the commencement of the confirmation of charges hearing on 23 February 2026. In addition, the Chamber set 16 February 2026 as the time limit for the parties' submissions pursuant to rule 121(9) of the Rules of Procedure and Evidence (the 'Rules'), and objections and observations pursuant to rule 122(3) of the Rules.

9. With regard to the confirmation of charges hearing, the Chamber recalls the principle of fairness which encompasses the notion of equality of arms and requires that the parties be placed on equal footing, and that the Defence should have the last word, as prescribed under rule 122(8) of the Rules. The Chamber also underlines that, in order to ensure the expeditiousness and efficiency of the proceedings, the oral submissions of the parties and participants must be concise in nature, and repetition should be avoided. Closing statements may not be used to raise new arguments, but parties and participants may use such opportunity to respond to arguments and questions raised during the hearing.

10. As to the allocation of time for the presentation of oral submissions on the merits, it is recalled that the Prosecution already had the opportunity to present its case to the Chamber in writing, by submitting the Document Containing the Charges²¹ and the Pre-Confirmation Brief,²² whilst for the Defence the hearing will be the first opportunity to present its submissions on the merits of the case. The Chamber therefore considers it appropriate to allot more time for the Defence's presentation.

11. In light of the above, upon consideration of the observations of the parties and participants,²³ and taking into account the scope of the present case as well as the nature and limited purpose of the pre-trial proceedings and the confirmation of charges hearing, the Chamber considers it appropriate to allocate the following time for oral presentations:

- Prosecution: 30 minutes for opening statements, 2 hours and 30 minutes for submissions on the merits and 30 minutes for closing statements;

²¹ Document Containing the Charges, 4 July 2025, ICC-01/21-01/25-178-Conf (public redacted version notified on 22 September 2025, ICC-01/21-01/25-178-Red).

²² Corrected Version of "Prosecution's Pre-Confirmation Brief", 18 July 2025, ICC-01/21-01/25- 201-Conf, 24 July 2025, ICC-01/21-01/25-201-Conf-Corr, with confidential annexes A-K.

²³ See para. 2 above.

- CLRV: 30 minutes for opening statements, 1 hour and 30 minutes for submissions on the merits and 30 minutes for closing statements;
- Defence: 30 minutes for opening statements, 3 hours and 30 minutes for submissions on the merits and 30 minutes for closing statements.

B. Hearing on the review of detention

12. Pursuant to rule 118(3) of the Rules, a hearing on the review of detention must be held at least once every year following the date of the suspect's initial appearance, which took place on 14 March 2025. The Chamber considers it expedient and appropriate to organise the yearly hearing on the review of Mr Duterte's detention in conjunction with the confirmation of charges hearing, pursuant to the schedule set out below.

13. During the hearing on the review of detention, the Chamber will hear submissions from the Prosecution (20 minutes), the CLRV (15 minutes) and the Defence (20 minutes). Recalling the Appeals Chamber's jurisprudence that a hearing under rule 118(3) of the Rules 'is intended to be a hearing on the circumstances justifying continued detention in article 58(1) of the Statute',²⁴ the Chamber considers that oral submissions of the parties and participants will be sufficient for the purposes of its review of Mr Duterte's detention. Therefore, it is not necessary to receive further submissions in writing, unless the parties wish to rely on new evidence, in which case this should be made available at least three days before the hearing on the review of detention.

C. Specific arrangements

14. Pursuant to the Chamber's orders, the Detention Centre's Medical Officer²⁵ and the panel of experts that carried out Mr Duterte's medical examination²⁶ have provided observations regarding special measures and adjustments that are recommended to facilitate Mr Duterte's participation in the pre-trial proceedings, including the confirmation of charges hearing.

²⁴ Appeals Chamber, *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman ("Ali Kushayb")*, Judgment on the appeal of Mr Abd-Al-Rahman against Pre-Trial Chamber II's "Decision on the review of detention" of 5 July 2021, 27 August 2021, ICC-02/05-01/20-459, paras 1, 39.

²⁵ Registry Report on the Assessment by the Medical Officer of the Detention Centre, ICC-01/21-01/25-263 (public redacted version notified on 30 September 2025, ICC-01/21-01/25-263-Red) (the 'Registry Report on the Assessment by the Medical Officer'), with confidential *ex parte* annex.

²⁶ Registry Transmission of the Panel of Experts' Joint and Individual Reports, 5 December 2025, ICC-01/21-01/25-327-Conf (public redacted version was notified on 18 December 2025, ICC-01/21-01/25-327-Red), with confidential annexes I-IV.

15. The Chamber hereby adopts such recommendations, and decides *inter alia* to: (i) limit the number of days of hearings to no more than four per week, with one day with no hearings in the middle of the week; and (ii) provide breaks during the hearings every one hour, and limit the total duration of hearings per day to no more than three hours. These measures are reflected in the schedule set out below.

16. Regarding the remainder of the recommendations which implementation falls within the remit of the Registry,²⁷ the Chamber hereby orders the Registry to ensure that all relevant recommended measures and adjustments are put in place throughout the hearings. The Registry shall liaise with the Defence as appropriate regarding such practical arrangements.

D. Schedule

17. In light of the above, the Chamber decides that the hearings will be organised as follows:

Monday, 23 February 2026

First session: 10:00 – 11:00

- 10:00 – 10:30: Opening of the confirmation of charges hearing; reading of the charges under rule 122(1) of the Rules; observations under rule 122(3) of the Rules (30 minutes)
- 10:30 – 11:00: Prosecution's opening statements (30 minutes)

11:00 – 11:30: Break (30 minutes)

Second session: 11:30 – 12:30

- 11:30 – 12:00: CLRV's opening statements (30 minutes)
- 12:00 – 12:30: Defence's opening statements (30 minutes)

12:30 – 14:00: Break (90 minutes)

Third session: 14:00 – 15:00

- 14:00 – 15:00: Prosecution's submissions on the merits (60 minutes)

Tuesday, 24 February 2026

First session: 10:00 – 11:00

²⁷ See in particular ICC-01/21-01/25-327-Conf-AnxI, paras 5.9-5.12; ICC-01/21-01/25-327-Conf-AnxII, p. 52, paras 4.3-4.5; ICC-01/21-01/25-327-Conf-AnxIII, p. 13; ICC-01/21-01/25-327-Conf-AnxIV, para. 123. See also Registry Report on the Assessment by the Medical Officer, paras 14-15.

- 10:00 – 11:00: Prosecution’s submissions on the merits (60 minutes)

11:00 – 11:30: Break (30 minutes)

Second session: 11:30 – 12:30

- 11:30 – 12:00: Prosecution’s submissions on the merits (30 minutes)
- 12:00 – 12:30: CLRV’s submissions on the merits (30 minutes)

12:30 – 14:00: Break (90 minutes)

Third session: 14:00 – 15:00

- 14:00 – 15:00: CLRV’s submissions on the merits (60 minutes)

Thursday, 26 February 2026

First session: 10:00 – 11:00

- 10:00 – 11:00: Defence’s submissions on the merits (60 minutes)

11:00 – 11:30: Break (30 minutes)

Second session: 11:30 – 12:30

- 11:30 – 12:30: Defence’s submissions on the merits (60 minutes)

12:30 – 14:00: Break (90 minutes)

Third session: 14:00 – 15:00

- 14:00 – 15:00: Defence’s submissions on the merits (60 minutes)

Friday, 27 February 2026

First session: 10:00 – 11:00

- 10:00 – 10:30: Defence’s submissions on the merits (30 minutes)
- 10:30 – 11:00: Prosecution’s closing statements (30 minutes)

11:00 – 11:30: Break (30 minutes)

Second session: 11:30 – 12:30

- 11:30 – 12:00: CLRV’s closing statements (30 minutes)
- 12:00 – 12:30: Defence’s closing statements (30 minutes)

12:30 – 14:00: Break (90 minutes)

Third session: 14:00 – 15:00

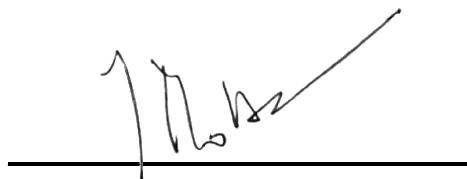
- 14:00 – 15:00: Hearing on the review of detention (60 minutes)

18. The above schedule is subject to change if warranted by developments in the proceedings, as deemed necessary by the Chamber. Moreover, for the sake of efficiency, in the event that a party or participant does not fully utilise the time allotted to it in the schedule, the next presentation shall commence, even if that presentation is scheduled for the following session or day. The parties and participants therefore must be able to present their submissions at any time. In the event that the parties wish to use audio or video material, they must liaise with the Registry ahead of time.

FOR THESE REASONS, THE CHAMBER HEREBY

ADOPTS the schedule and directions for the confirmation of charges hearing and the annual hearing on detention as set out above.

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 Tuesday, 27 January 2026

At The Hague, The Netherlands