

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

No.: **ICC-01/21-01/25**
Date: **12 February 2026**

THE APPEALS CHAMBER

Before: Judge Luz del Carmen Ibáñez Carranza, Presiding
Judge Tomoko Akane
Judge Solomy Balungi Bossa
Judge Gocha Lordkipanidze
Judge Erdenebalsuren Damdin

SITUATION IN THE REPUBLIC OF THE PHILIPPINES

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

Public

Public Redacted Version of “Prosecution’s response to ‘Appeal Brief on the First Review of the Detention of Mr Rodrigo Roa Duterte’ (ICC-01/21-01/25-366)”

Source: Office of the Prosecutor

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

☒ **The Office of the Prosecutor**

☒ **Counsel for the Defence**

☒ **Legal Representatives of the Victims**

☐ **Legal Representatives of the Applicants**

☐ **Unrepresented Victims**

☐ **Unrepresented Applicants
(Participation/Reparation)**

☐ **The Office of Public Counsel for
Victims**

☐ **The Office of Public Counsel for the
Defence**

☐ **States' Representatives**

☐ **Amicus Curiae**

REGISTRY

Registrar

☐ **Counsel Support Section**

M. Osvaldo Zavala Giler

☐ **Victims and Witnesses Unit**

☐ **Detention Section**

☐ **Victims Participation and Reparations
Section**

☐ **Other**

I. INTRODUCTION

1. On 26 January 2026, Pre-Trial Chamber I (the “Chamber”) reviewed its previous ruling on Mr Duterte’s detention as required by article 60(3) of the Rome Statute and rule 118(2) of the Rules of Procedure and Evidence and ordered his continued detention.¹ In reaching its Decision, the Chamber found that there are still reasonable grounds to believe that Mr Duterte has committed crimes within the jurisdiction of the Court.² The Chamber further found that there were no changed circumstances requiring a modification of its prior ruling on the existence of the risks that Mr Duterte presents under article 58(1)(b)(i)-(iii) of the Statute.³ This included a thorough review of whether there were any changes to Mr Duterte’s health that would warrant modifying the Chamber’s prior decision on detention.⁴

2. At the heart of its appeal,⁵ the Defence takes issue with the Chamber’s refusal to consider a report submitted by the Defence, in which a Defence-appointed neurologist and neuropsychologist opine on whether Mr Duterte presents a risk pursuant to article 58(1)(b) of the Statute.⁶ Specifically, the authors opine on whether Mr Duterte is at risk of: (i) “[REDACTED]”; (ii) “[REDACTED]”; and (iii) “[REDACTED]”.⁷

3. However, the Defence disregards relevant reasoning of the Chamber and fails to show an error in the Chamber’s approach. In any event, even if the Appeals Chamber were to find that the Chamber committed an error in rejecting the Defence Report, it would not have materially impacted the outcome of the Decision. The Appeal should therefore be dismissed.

¹ Confidential Decision on the review of Mr Rodrigo Roa Duterte’s detention, 26 January 2026, ICC-01/21-01/25-357-Conf (public redacted version filed on the same date, ICC-01/21-01/25-357-Red) (the “[Decision](#)”).

² [Decision](#), paras 21, 43.

³ [Decision](#), paras 31-38, 43. Specifically, the Chamber addressed the risks in article 58(1)(b) as follows: 58(1)(b)(i) in paras 31-33; 58(1)(b)(ii) in paras 34-36; and 58(1)(b)(iii) in paras 37-38.

⁴ [Decision](#), paras 22-30.

⁵ Appeal Brief on the First Review of the Detention of Mr Rodrigo Roa Duterte, 5 February 2026, ICC-01/21-01/25-366 (the “[Defence Appeal Brief](#)”).

⁶ [Defence Appeal Brief](#), para. 1.

⁷ Confidential Annex A, 30 December 2025, 9 January 2026, ICC-01/21-01/25-351-Conf (the “Defence Report”).

II. CONFIDENTIALITY

4. This filing is classified as confidential pursuant to regulation 23*bis*(2) of the Regulations of the Court as it refers to filings and decisions with the same classification.

III. APPLICABLE LAW

5. With respect to errors of law, the Appeals Chamber has held that:

“it will not defer to the Trial Chamber’s interpretation of the law. Rather, it will arrive at its own conclusions as to the appropriate law and determine whether or not the Trial Chamber misinterpreted the law. If the Trial Chamber committed such an error, the Appeals Chamber will only intervene if the error materially affected the Impugned Decision.”⁸

6. Regarding an alleged error of fact, the Appeals Chamber has held that:

“in the context of an appeal against a decision concerning interim release that its review is corrective and not *de novo*. It has explained that ‘[i]t will therefore not interfere unless it is shown that the Pre-Trial or Trial Chamber committed a clear error, namely: misappreciated the facts, took into account irrelevant facts or failed to take into account relevant facts’. As regards the ‘misappreciation of facts’ the Appeals Chamber will not disturb a Pre-Trial or Trial Chamber’s evaluation of the facts just because the Appeals Chamber might have come to a different conclusion. It will interfere only in the case where it cannot discern how the Chamber’s conclusion could have reasonably been reached from the evidence before it. The Appeals Chamber applies a standard of reasonableness in assessing an alleged error of fact in appeals pursuant to article 82 of the Statute, thereby according a margin of deference to the Trial Chamber’s findings.”⁹

⁸ The 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 (“[Said 19 May 2022 Interim Release AD](#)”), para. 13.

⁹ [Said 19 May 2022 Interim Release AD](#), para. 14.

IV. SUBMISSIONS

A. Ground of appeal: The Pre-Trial Chamber did not err in fact or in law when it disregarded the Defence Report

1. The Chamber was entitled not to consider or rely on the Defence Report

7. The Defence submits that the Chamber erred in law by refusing to consider the Defence Report.¹⁰ The Defence argues that the Chamber erred because its “sole basis for dismissing” the Defence Report was that it had been proffered by a party to the proceedings, which resulted in the “rejection of a suspect’s right to a fair hearing.”¹¹ However, the Defence ignores relevant aspects of the Chamber’s reasoning and fails to show a legal error, as shown below.

8. The Defence raises article 69(4) of the Statute and argues that Chambers have typically favoured the admission of all evidence that is *prima facie* relevant.¹² Article 69(4) of the Statute governs the admissibility of evidence and applies equally at the pre-trial and trial stages of the proceedings.¹³ Pursuant to article 69(4) of the Statute, the Chamber has the discretion to “rule on the relevance or admissibility of any evidence, taking into account, *inter alia*, the probative value of the evidence and any prejudice that such evidence may cause to a fair trial [...]” The Appeals Chamber has confirmed that the “Defence’s right to present evidence is subject to such discretion.”¹⁴ Rule 63(2) of the Rules further states that a chamber shall have the authority to “assess freely all evidence submitted in order to determine its relevance or admissibility in accordance with article 69” of the Statute.

9. At the outset, it is important to recall relevant context which informed the Chamber’s Decision. This includes that a panel of three independent experts (the “Panel”) was appointed by the Chamber for the purpose of a medical examination pursuant to rules 113 and 135 of the Rules.¹⁵ On 5 December 2025, the Registry transmitted the Panel’s joint and individual medical

¹⁰ [Defence Appeal Brief](#), paras 23-24.

¹¹ [Defence Appeal Brief](#), paras 23-24.

¹² [Defence Appeal Brief](#), para. 25.

¹³ Pre-Trial Chamber II, *The Prosecutor v. Uhuru Muigai Kenyatta and Mohammed Hussein Ali*, Decision on the Confirmation of Charges Pursuant to Article 61(7)(a) and (b) of the Rome Statute, 23 January 2012, [ICC-01/09-02/11-382-Red](#), para. 73. Rule 63(1) of the Rules provides, *inter alia*, that article 69 of the Statute shall apply in proceedings before all Chambers.

¹⁴ The Appeals Chamber, *The Prosecutor v. Dominic Ongwen*, Public Redacted Judgment on the appeal of Mr Ongwen against the decision of Trial Chamber IX of 4 February 2021 entitled “Trial Judgment”, 15 December 2022, [ICC-02/04-01/15-2022-Red](#), para. 477.

¹⁵ 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](#)”).

reports (the “Panel Reports”).¹⁶ The Panel Reports provided a detailed assessment of Mr Duterte’s health. The Panel specifically opined on, *inter alia*, “whether and, if so, at what level Mr Duterte suffers from any medical condition which might have an effect on his ability to follow and take part in the ongoing pre-trial proceedings, including the confirmation of charges hearing”.¹⁷ The Chamber found Mr Duterte to be fit to participate in the pre-trial proceedings on the basis of the Panel Reports.¹⁸

10. The Chamber’s reasons for rejecting the Defence Report are consistent with its discretion to rule on the admissibility of any evidence under article 69(4) of the Statute as well as the free evaluation of evidence under rule 63(2) of the Rules. The Chamber considered the probative value of the Defence Report as well as its impact on the fairness of the proceedings.

i. The Chamber considered the impact on the fairness of the proceedings

11. With respect to the potential impact on the fairness of the proceedings, the Chamber ruled that it would “not rely on medical reports provided by a party to the proceedings” in order to preserve “the fairness of the proceedings”.¹⁹ The Chamber further recalled its previous decisions in which it made its position “abundantly clear” to the parties that it would not rely on experts associated with the parties, or medical reports submitted by the parties, so as to preserve the fairness of the proceedings.²⁰ The Chamber cited to three of its previous rulings in this regard:

- (i) First, the Chamber cited to its ‘Order pursuant to rules 113 and 135 of the Rules of Procedure and Evidence’, in which the Chamber, Judge María del Socorro Flores Liera dissenting, directed the Registry to submit a shortlist of experts for the purpose of assessing Mr Duterte’s fitness. In this decision, the Chamber ruled that “in order to ensure the shortlisted experts’ impartiality and neutrality, individuals who have already

¹⁶ 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”).

¹⁷ Confidential 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 filed on the same date ICC-01/21-01/25-356-Red) (the “[26 January 2026 Decision](#)”), para. 25.

¹⁸ [26 January 2026 Decision](#), para. 16.

¹⁹ [Decision](#), para. 24.

²⁰ [Decision](#), para. 24.

been engaged in connection with the present case on behalf of a party shall not be included in the Registry's shortlist";²¹

- (ii) Second, the Chamber cited to its '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', in which the Chamber reiterated that "in appointing experts" it would only consider those included in the Registry's shortlist, emphasising the need to ensure the "impartiality and neutrality" of the experts opining on Mr Duterte's health.²² The Chamber went on to reject the submissions of both the Prosecution and the Defence who had proposed their own experts; and²³
- (iii) Finally, the Chamber cited to its 'Decision on the "Defence Request for an Indefinite Adjournment" and Mr Duterte's fitness to take part in the pre-trial proceedings' in which it noted the specific steps it took to "ensure the impartiality and neutrality of the experts from whom it was to hear" and instructed the Registry "not to include individuals who had already been engaged on behalf of a party in the present case".²⁴

12. It is therefore clear that the Chamber considered whether the Defence Report impacted the fairness of the proceedings.

ii. The Chamber considered the probative value of the Defence Report

13. The Chamber freely assessed the Defence Report pursuant to rule 63(2) of the Rules to determine its probative value. In this context, it is important to recall that in the Decision, the Chamber referenced the findings it made in its 'Decision on the "Defence Request for an Expert Report on Article 58(1)(b) Risk Factors"'.²⁵ In the 7 January 2026 Decision, the Chamber had rejected the Defence's request for the Panel to issue an additional report "focussing on whether Mr Duterte's current cognitive state would permit him to flee the ongoing judicial proceedings, to intimidate witnesses, or to commit crimes".²⁶ Despite this rejection, the Defence Report filed

²¹ 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.

²² [24 September 2025 Decision](#), para. 12.

²³ [24 September 2025 Decision](#), para. 12. See Prosecution's Observations on the "Registry Submission of a Shortlist of Medical Experts pursuant to ICC-01/21-01/25-268-Conf" (ICC-01/21-01/25-270-Conf), 18 September 2025, ICC-01/21-01/25-276-Conf, para. 9; Defence Observations on Registry Submission ICC-01/21-01/25-270-Conf, 18 September 2025, ICC-01/21-01/25-274-Conf, paras 4-5.

²⁴ [26 January 2026 Decision](#), para. 22.

²⁵ Decision on the 'Defence Request for an Expert Report on Article 58(1)(b) Risk Factors', 7 January 2026, ICC-01/21-01/25-350 (the "[7 January 2026 Decision](#)").

²⁶ [7 January 2026 Decision](#), paras 5, 10.

two days later—on 9 January 2026—contains exactly the same subject matter.²⁷ In rejecting the initial request, the Chamber had ruled that the Panel had already provided an “independent assessment on Mr Duterte’s medical condition” in the context of the adjudication of his fitness for trial.²⁸ The Chamber advised the Defence that it could rely on the medical findings in the Panel Reports in its observations regarding the review of Mr Duterte’s detention.²⁹ In this context, the Chamber had ruled that it did not require additional reports for the purposes of its periodic review of interim release.³⁰ In submitting the Defence Report, the Defence disregarded the Chamber’s 7 January ruling that “*any* additional expert report is neither appropriate nor necessary” for the adjudication of the periodic review of Mr Duterte’s detention.³¹ Moreover, the Defence did, in fact, rely extensively on the Panel Reports in its Observations on the First Review of Pre-Trial Detention to argue that Mr Duterte’s health conditions nullify the risk he presents under article 58(1)(b) of the Statute.³² This shows that the Defence itself considers the Panel Reports probative as to Mr Duterte’s health condition.

14. The Chamber additionally reasoned in its 7 January 2026 Decision that “whether the risks under article 58(1)(b) of the Statute identified by the Chamber in the Interim Release Decision continue to exist is a legal determination to be made by the Chamber”.³³ In light of these circumstances, the Chamber ruled “that any additional expert report is neither appropriate nor necessary” for the adjudication of Mr Duterte’s periodic review of detention.³⁴ This finding was restated by the Chamber in the Decision.³⁵

15. It is therefore clear that the Chamber found that any probative value of the Defence Report would not outweigh the fairness concerns given: (i) its ruling that it would “not rely on medical reports provided by a party to the proceedings” in order to preserve “the fairness of the proceedings”³⁶; (ii) the extent of available information on Mr Duterte’s medical condition in the Panel Reports and its related finding that it did not require additional reports for the

²⁷ Defence Report, p. 2, which opined on whether Mr Duterte is at risk of: (i) “[REDACTED]”; (ii) “[REDACTED]”; and (iii) “[REDACTED]”.

²⁸ [7 January 2026 Decision](#), para. 8.

²⁹ [7 January 2026 Decision](#), para. 8.

³⁰ [7 January 2026 Decision](#), para. 8.

³¹ [7 January 2026 Decision](#), para. 8.

³² [7 January 2026 Decision](#), para. 9 [emphasis added].

³³ See Defence Observations on the First Review of Pre-Trial Detention, 9 January 2026, ICC-01/21-01/25-351-Conf (public redacted version filed on the same date, [ICC-01/21-01/25-351-Red](#)), paras 6-7, 12-14.

³⁴ [7 January 2026 Decision](#), para. 9.

³⁵ [7 January 2026 Decision](#), para. 9.

³⁶ [Decision](#), para. 5.

³⁷ [Decision](#), para. 24.

purposes of its periodic review of interim release;³⁷ and (iii) its ruling in the 7 January 2026 Decision, in which it indicated that the subject matter of the Defence Report was a matter for legal determination by the Chamber – not a Defence-appointed neurologist and neuropsychologist.

16. The Defence therefore shows no error in the Chamber’s assessment of the probative value of the Defence Report in light of the impact on the fairness of the proceedings pursuant to article 69(4) of the Statute and consistent with its discretion to assess freely all evidence submitted in accordance with rule 63(2) of the Rules.

2. The Defence Report does not constitute a new fact or changed circumstance within the meaning of article 60(3) of the Statute

17. Having established that it was not an error for the Chamber to reject the Defence Report, it follows that the Chamber did not err in failing to treat the Defence Report as a new fact or changed circumstances within the meaning of article 60(3) of the Statute.

18. In any event, the Defence Report does not contain “new facts” that would require the Chamber to alter its previous ruling on detention.

19. The Defence Report states that it relied upon three underlying sources: (i) the Panel Reports; (ii) [REDACTED]; and (iii) a document entitled [REDACTED].³⁸ The latter two documents have not been made available to the Prosecution, nor it would appear, to the Chamber or the victims’ representatives. The Defence’s two experts did not conduct any new examination of Mr Duterte, rather the Defence Report explicitly acknowledges that “[REDACTED]”.³⁹

20. The Defence Report therefore relies on the Panel Reports for updated information related to Mr Duterte’s health condition. It does *not* include any new information in this regard. The Defence notes this in its Appeal, stating that the Defence Report “considered *prior* clinical findings as well as the [Panel Reports].”⁴⁰ The Panel Reports therefore contain the most current reliable information regarding Mr Duterte’s medical condition before the Chamber.

³⁷ [7 January 2026 Decision](#), para. 8.

³⁷ [7 January 2026 Decision](#), para. 8.

³⁸ Defence Report, p. 2.

³⁹ Defence Report, p. 2.

⁴⁰ [Defence Appeal Brief](#), para. 16 [emphasis added].

21. The Chamber recognised this and correctly ruled 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.”⁴¹ This is acknowledged by the Defence.⁴² The Chamber went on to consider the findings in the Panel Reports at length⁴³ and ultimately ruled 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.”⁴⁴

22. In relying on the Panel Reports, the Chamber relied on the most current medical information before it. The Chamber therefore did not err in fact or law by failing to consider the Defence Report as a “new fact” that would impact the Chamber’s previous ruling on detention.⁴⁵

3. The Defence raises no error of law or fact in asserting that the Defence Report “is the only new fact capable of mitigating the risks previously identified” by the Chamber

23. Finally, the Defence argues that certain risks that the Chamber found Mr Duterte presents under article 58(1)(b) of the Statute – and confirmed by the Appeals Chamber – can only be mitigated if there is a material change in circumstances regarding Mr Duterte’s health.⁴⁶ The Defence then repeats, without further specification, that by refusing to consider the substance of the Defence Report, the Chamber committed a legal and factual error and that the Chamber was required to provide reasons for dismissing the Defence Report.⁴⁷

24. That certain risks Mr Duterte presents under article 58(1)(b) of the Statute could only be mitigated as a result of a change in his health condition is not a legal or factual error. Beyond this, the Defence merely repeats its argument that the Chamber committed a legal and factual error by failing to consider the Defence Report, which, as set out above, did not amount to an error of law or fact.

⁴¹ [Decision](#), para. 23.

⁴² [Defence Appeal Brief](#), para. 15.

⁴³ [Decision](#), paras 26-30.

⁴⁴ [Decision](#), para. 30.

⁴⁵ [Said 19 May 2022 Interim Release AD](#), para. 14.

⁴⁶ [Defence Appeal Brief](#), paras 31, 33.

⁴⁷ [Defence Appeal Brief](#), paras 33-34.

4. Even if the Chamber committed an error of law, such an error did not materially affect the Decision

25. The Court’s appellate jurisprudence confirms that even if a chamber commits an error of law, the Appeals Chamber will only intervene if the error materially affected the decision being appealed.⁴⁸ A decision is “materially affected by an error of law” if the chamber “would have rendered a [decision] that is substantially different from the decision that was affected by the error, if it had not made the error”.⁴⁹

26. Even if the Appeals Chamber were to find that the Chamber committed an error of law in failing to rely on the Defence Report, this would not have materially affected the outcome of the Decision. This is because the Chamber could not reasonably afford the Defence Report any probative value that would have altered the its assessment of Mr Duterte’s health condition and associated risks under article 58(1)(b) of the Statute, as found on the basis of the Panel Reports.

27. The Defence Report opines on issues that are outside the areas of expertise of its authors. A neurologist and neuropsychologist are not qualified to opine on the likelihood of a former head of state, and current suspect accused of crimes against humanity before the International Criminal Court, fleeing [REDACTED], intimidating witnesses, and committing murder. These are subjects which the Chamber correctly ruled are a matter for legal determination⁵⁰ and are outside their scope of expertise.

28. The reasoning of the authors is also abstract and decontextualised. For example, with respect to whether Mr Duterte presents a flight risk under article 58(1)(b)(i) of the Statute, the authors state that Mr Duterte is “[REDACTED]” with [REDACTED].⁵¹ They further state that “[REDACTED]” would require “[REDACTED]”, which, in their opinion, [REDACTED].⁵² However, it is unclear what type of escape is being contemplated by the authors and under what circumstances. There are numerous ways that Mr Duterte could be considered a flight risk that do not require [REDACTED].

⁴⁸ The Appeals Chamber, *The Prosecutor v. Mr Ali Muhammad Ali Abd-Al-Rahman*, 1 November 2021, ICC-02/05-01/20-503 (the “[Al-Rahman Appeal Judgment](#)”), para. 12.

⁴⁹ [Al-Rahman Appeal Judgment](#), para. 12.

⁵⁰ [7 January 2026 Decision](#), para. 9.

⁵¹ Defence Report, p. 2.

⁵² Defence Report, p. 2.

29. The sources that the Defence Report relies upon are also problematic. For instance, the Defence Report relies on a [REDACTED].⁵³ While the Prosecution, the Chamber, and the victims' representatives do not have access to this document, the fact that it appears to relate to the Panel Reports, which are medical in scope, yet was prepared by [REDACTED], raises immediate concerns about its reliability and the impact it may have had on the opinions of the authors of the subsequent Defence Report. As such, neither the Chamber nor the Prosecution are able to test whether this document may have introduced cognitive bias and the authors do not indicate how this bias may have been was mitigated.

30. Furthermore, the authors of the Defence Report do not appear to have been privy to the vast evidence on which the Chamber and Appeals Chamber relied upon to find that Mr Duterte poses a risk under article 58(1)(b) of the Statute.⁵⁴ This includes, for example, his family's statements about breaking Mr Duterte out of detention,⁵⁵ the network of support and political contacts he has given his position as former President of the Philippines,⁵⁶ the fact that he has [REDACTED],⁵⁷ and his history of threatening and taking retaliatory actions against individuals opposed to him.⁵⁸

31. For these reasons the Defence Report is so flawed that it would not have materially impacted the outcome of the Chamber's Decision had it been relied on.

V. REQUESTED RELIEF

32. For the foregoing reasons, the Prosecution respectfully requests that the Appeals Chamber dismiss the Appeal and affirm the Decision.

⁵³ Defence Report, p. 2.

⁵⁴ 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 (public redacted version filed on 10 October 2025, ICC-01/21-01/25-282-Red) (the "[Interim Release Decision](#)"), para. 50; Appeals Chamber, 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'" (public redacted version filed on the same date, [ICC-01/21-01/25-326-Red](#)).

⁵⁵ [Interim Release Decision](#), para. 50.

⁵⁶ [Interim Release Decision](#), para. 51.

⁵⁷ [Interim Release Decision](#), para. 55.

⁵⁸ [Interim Release Decision](#), para. 54.

A handwritten signature in black ink, appearing to read 'Mandiaye Niang', written diagonally across the page.

Mame Mandiaye Niang, Deputy Prosecutor

Dated this 12th day of February 2026

At The Hague, the Netherlands