

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: **23 February 2026**

PRE-TRIAL CHAMBER I

Before: Judge Iulia Antoanella Motoc, Presiding Judge
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
With Public Annex A

**Notification of a Request to Waive the Right
to Attend the Hearing under Rule 118(3) of the Rules**

Source: Defence for Rodrigo Roa Duterte

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

Duterte Defence Team

☒ 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

Osvaldo Zavala Giler

☐ Counsel Support Section

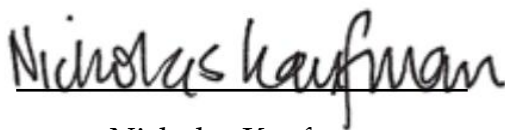
☐ Victims and Witnesses Unit

☐ Detention Section

☐ Victims Participation and
Reparations Section

☐ Other

1. The Defence for Rodrigo Roa Duterte hereby notifies the Pre-Trial Chamber of Mr Duterte's request to waive his right to attend the annual hearing under Rule 118(3) of the Rules of Procedure and Evidence. The hearing is presently scheduled for 27 February 2026 at 14:00.¹
2. This notification is submitted pursuant to the Pre-Trial Chamber's decision of 20 February 2026, in which the Pre-Trial Chamber clarified that Mr Duterte was obliged to present a separate waiver strictly limited to the matter of his attendance to the Rule 118(3) hearing.²
3. While Rule 118(3) obliges the Pre-Trial Chamber to hold a hearing on the issue of pre-trial detention at least once every year, it does not mandate the suspect's appearance at such hearing.
4. Mr Duterte has been explained the legal consequences emanating from waiving his right to appear. Nonetheless, he has elected to be represented by his appointed Counsel. On 23 February 2026, a document was read to Mr Duterte, understood, approved, and duly signed.
5. This document, affixed with Mr Duterte's original signature, is attached hereto as Annex A.



Nicholas Kaufman
Counsel for Rodrigo Roa Duterte

Dated this 23rd day of February 2026
At The Hague, The Netherlands

¹ Decision on Mr Duterte's request to waive the right to attend the hearing on the confirmation of charges, [ICC-01/21-01/25-387](#), 20 February 2026 ("[Decision on Waiver](#)"), para. 7.

² [Decision on Waiver](#), para. 7.