

**Original: English****No. ICC-01/21-01/25****Date: 25 February 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**

Decision on Mr Duterte's request to waive the right to attend the annual hearing on detention

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
Section

☐ Other

PRE-TRIAL CHAMBER I of the International Criminal Court issues the present decision on Mr Duterte's request to waive the right to attend the annual hearing on detention.

1. On 23 February 2026, the Defence submitted Mr Duterte's written request, signed by him, to waive his right to be present at the annual hearing on detention, convened on 27 February 2026, at 14:00, pursuant to rule 118(3) of the Rules of Procedure and Evidence (the 'Rules').¹

2. The Chamber notes Mr Duterte's statements that he understands that he has a right to be present at the hearing but 'wish[es] to waive this right' and that his 'Counsel has explained to [him] the legal consequences emanating from such a waiver'. Considering that nothing in the Court's legal framework requires the presence of the suspect at the hearing mandated by rule 118(3) of the Rules, the Chamber finds that, in the present circumstances, it is appropriate to grant Mr Duterte's Request.

¹ Request by Mr Rodrigo Roa Duterte to Waive his Right to Attend the Hearing under Rule 118(3) of the ICC Rules of Procedure and Evidence, ICC-01/21-01/25-394-AnxA (the 'Request') *annexed to* Notification of a Request to Waive the Right to Attend the Hearing under Rule 118(3) of the Rules, ICC-01/21-01/25-394.

FOR THESE REASONS, THE CHAMBER HEREBY

GRANTS the Request; and

DECIDES that the annual hearing on detention under rule 118(3) of the Rules will be held in the absence of Mr Duterte.

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 Wednesday, 25 February 2026

At The Hague, The Netherlands