

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 8 May 2026

TRIAL CHAMBER III

Before: Judge Joanna Korner, Presiding Judge
Judge Keebong Paek
Judge Nicolas Guillou

SITUATION IN THE REPUBLIC OF THE PHILIPPINES

IN THE CASE OF THE PROSECUTOR v. RODRIGO ROA DUTERTE

Public

**Victims' Observations on
Mr Rodrigo Roa Duterte's Detention**

Source: Common Legal Representatives of Victims

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
D36

☒ Legal Representatives of the Victims
V50

☐ 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
M. Zavala Giler, Osvaldo

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☐ Detention Section

☐ Victims Participation and
Reparations Section

☐ Other

I. INTRODUCTION

1. The Common Legal Representatives of the Victims (the “CLRV”) herewith file their observations on Mr Duterte’s detention, following the Order in the matter issued by Trial Chamber III (the “Chamber”)¹.
2. Victims submit that Mr Duterte should remain in detention as none of the factors under article 60(3) of the Rome Statute (the “Statute”) previously found to justify his continued detention have ceased to exist. Moreover, the prospect of Mr Duterte standing trial for three counts of crimes against humanity has now materialised. His continued detention, therefore, remains strictly necessary to mitigate the identified risks associated with interim release.
3. Victims are, indeed, particularly concerned about the prospect of Mr Duterte being released. They place their trust in the Court’s process and in the fair and expeditious conduct of the proceedings. To ensure Mr Duterte’s appearance at trial and prevent any kind of interference with the administration of justice, Victims posit that the Accused’s detention has to be maintained.

II. PROCEDURAL BACKGROUND

4. On 12 March 2025, following the issuance of a warrant of arrest,² Mr Duterte was surrendered to the Court by the Government of the Republic of the Philippines.³ According to article 60(2) of the Statute, he has been in detention since his surrender.

¹ See the “Order to Submit Observations on Rodrigo Roa Duterte’s detention”, [No. ICC-01/21-01/25-424](#), 1 May 2026 (the “Order”).

² See the “Warrant of Arrest for Mr Rodrigo Roa Duterte” (Pre-Trial Chamber I), [No. ICC-01/21-01/25-83](#), 7 March 2025 (the “Warrant of Arrest”).

³ See the “Decision on the Prosecution’s application under regulation 35 of the Regulations of the Court” (Pre-Trial Chamber I), [No. ICC-01/21-01/25-138](#), 20 May 2025, para. 1.

5. On 26 September 2025, Pre-Trial Chamber I (the “Pre-Trial Chamber”) rejected two Defence’s Requests⁴ for Interim Release.⁵ The Defence appealed said decision on 14 October 2025.⁶

6. On 28 November 2025, the Appeals Chamber rejected Mr Duterte’s appeal.⁷

7. On 5 December 2025, the Pre-Trial Chamber, by email, ordered the parties and participants to submit observations on the detention of Mr Duterte pursuant to rule 118(2) of the Rules of Procedure and Evidence (the “Rules”) by 7 and 9 January 2026, respectively.⁸

8. On 26 January 2026, the Pre-Trial Chamber issued its “Decision on the review of Mr Rodrigo Roa Duterte’s detention” (the “26 January 2026 Decision”), deciding to maintain Mr Duterte in detention.⁹

9. On 18 February 2026, Mr Duterte requested to waive his right to attend the confirmation of charges hearing.¹⁰ In his request, the then Suspect, *inter alia*, stated: “I do not recognize the jurisdiction of the International Criminal Court over my person. I am a

⁴ See the “Urgent Request for Interim Release”, No. ICC-01/21-01/25-150-Conf, 12 June 2025. A public redacted version [No. ICC-01/21-01/25-150-Red](#) was filed on the same day; and the “Renewed Request for Interim Release”, No. ICC-01/21-01/25-231-Conf, 18 August 2025. A public redacted version [No. ICC-01/21-01/25-231-Red](#) was filed on 19 August 2025.

⁵ See the “Decision on the Defence’s ‘Urgent Request for Interim Release’ and ‘Renewed Request for Interim Release’” (Pre-Trial Chamber I), No. ICC-01/21-01/25-282-Conf, 26 September 2025. A public redacted version [No. ICC-01/21-01/25-282-Red](#) was filed on 10 October 2025.

⁶ See the “Appeal Brief on Interim Release”, No. ICC-01/21-01/25-298-Conf, 14 October 2025. A public redacted version [No. ICC-01/21-01/25-Red](#) was filed on 28 October 2025.

⁷ See the “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”” (Appeals Chamber), No. ICC-01/21-01/25-326-Conf, 28 November 2025. A public redacted version [No. ICC-01/21-01/25-326-Red OA2](#) was filed on the same day.

⁸ See the Email from the Pre-Trial Chamber dated 5 December 2025 at 11:25.

⁹ See the “Decision on the review of Mr Rodrigo Roa Duterte’s detention”, No. ICC-01/21-01/25-357-Conf, 26 January 2026. A public redacted version [No. ICC-01/21-01/25-357-Red](#) was filed on the same day (the “26 January 2026 Decision”).

¹⁰ See the “Notification of a Request to Waive the Right to Attend the Hearing on the Confirmation of the Charges”, [No. ICC-01/21-01/25-383](#), 18 February 2026.

Filipino citizen forcibly pushed into a jet and renditioned to The Hague. [...] My kidnapping was facilitated by the office of the incumbent President of the Philippines [...].”¹¹

10. On 23 February 2026, Mr Duterte also requested to waive his right to be present at the annual detention review hearing, indicating that he “*did not wish to attend [it]*.”¹²

11. On 27 February 2026, the Pre-Trial Chamber held the annual hearing on the then Suspect’s detention.¹³ The Prosecution and the CLRV submitted that Mr Duterte should continue to be remanded in custody.¹⁴ The Defence did not oppose his continued detention, noting that its appeal of the 26 January 2026 Decision was still pending before the Appeals Chamber.¹⁵

12. On 6 March 2026, the Appeals Chamber rejected the appeal and confirmed the 26 January 2026 Decision.¹⁶

13. On 1 May 2026, the Chamber issued the Order, considering it “*necessary to give the parties and participants the opportunity to submit any observations they may have regarding the Accused’s continued detention or release, with or without conditions, including the existence of any changed circumstances.*”¹⁷

¹¹ See [Annex A](#) to the “Notification of a Request to Waive the Right to Attend the Hearing under Rule 118(3) of the Rules”, [No. ICC-01/21-01/25-394](#), 23 February 2026. Mr Duterte’s request to waive his right to be present during the confirmation of charges hearing was subsequently granted by the Pre-Trial Chamber. See the “Decision on Mr Duterte’s request to waive the right to attend the hearing on the confirmation of charges”, [No. ICC-01/21-01/25-387](#), 20 February 2026.

¹² See [Annex A](#) to the “Notification of a Request to Waive the Right to Attend the Hearing under Rule 118(3) of the Rules”, [No. ICC-01/21-01/25-394](#), 23 February 2026. The Pre-Trial Chamber granted this request in its “Decision on Mr Duterte’s request to waive the right to attend the annual hearing on detention”, [No. ICC-01/21-01/25-395](#), 25 February 2026.

¹³ See the “Order setting the schedule and directions for the confirmation of charges hearing and convening the annual hearing on detention”, [No. ICC-01/21-01/25-359](#), 27 January 2026, p. 9.

¹⁴ See the transcript of the hearing held on 27 February 2026, [No. ICC-01/21-01/25-T-007-Red ENG WT](#), p. 56, lines 2 to 20 and p. 57, lines 1 to 25, p. 58, lines 1 to 17 and lines 22 to 25, p. 59, lines 8 to 25, pp. 60-61, and p. 62, line 1.

¹⁵ See the transcript of the hearing held on 27 February 2026, [No. ICC-01/21-01/25-T-007-Red ENG WT](#), p. 62, lines 6 to 10.

¹⁶ See the “Judgment on the appeal against Pre-Trial Chamber I’s “Decision on the review of Mr Rodrigo Roa Duterte’s detention” (Appeals Chamber), No. ICC-01/21-01/25-408-Conf, 6 March 2026. A public redacted version [No. ICC-01/21-01/25-408-Red OA4](#) was issued on the same day.

¹⁷ See the Order, *supra* note 1.

III. OBSERVATIONS

14. The requirements set forth in article 58(1) of the Statute continue to be satisfied and no change of circumstances within the meaning of article 60(3) has arisen that would diminish the necessity of the Accused's continued detention. To the contrary, the recent confirmation of all charges against Mr Duterte further reinforces the need to ensure his appearance at trial which can only be effectively secured through his continued detention at the seat of the Court.

15. Mr Duterte's detention has been periodically reviewed by the Pre-Trial Chamber since his surrender to the Court, either following the Defence's requests for interim release, or pursuant to the Pre-Trial Chamber's own obligation under the Statute.

16. The most recent ruling on the matter was issued a mere three months ago,¹⁸ and that decision was unanimously upheld on appeal.¹⁹ None of the facts or circumstances identified by the Pre-Trial Chamber as justifying the Accused's continued detention have ceased to exist. To the contrary, since the last judicial review of whether the conditions for the detention remain justified, only one objectively identifiable change in circumstances has occurred, namely the fact that all charges against the then Suspect have now been unanimously confirmed, rendering him an Accused before this Court.²⁰

17. In its most recent review of Mr. Duterte's detention, the Pre-Trial Chamber already underscored the significance of the scheduling of the confirmation of charges hearing in assessing the then Suspect's incentive to abscond.²¹ That possibility has now

¹⁸ See the "Decision on the review of Mr Rodrigo Roa Duterte's detention", No. ICC-01/21-01/25-357-Conf, 26 January 2026. A public redacted version [No. ICC-01/21-01/25-357-Red](#) was filed on the same day.

¹⁹ See the "Judgment on the appeal against Pre-Trial Chamber I's "Decision on the review of Mr Rodrigo Roa Duterte's detention" (Appeals Chamber), No. ICC-01/21-01/25-408-Conf, 6 March 2026. A public redacted version [No. ICC-01/21-01/25-408-Red OA4](#) was issued on the same day.

²⁰ See the "Public redacted version of the 'Decision on the confirmation of charges against Mr Rodrigo Roa Duterte' 23 April 2026", [No. ICC-01/21-01/25-417-Red](#), 23 April 2026.

²¹ See the "Public redacted version of "Decision on the review of Mr Rodrigo Roa Duterte's detention", 26 January 2026", [No. ICC-01/21-01/25-357-Red](#), 26 January 2026, para. 31.

materialised, substantially heightening the imperative of securing his presence at trial. Given Mr Duterte's publicly declared rejection of the Court's legitimacy and its jurisdiction over him,²² his acute flight risk cannot be underestimated. Interim release would be inappropriate in circumstances where an accused openly repudiates the Court as a proper and legitimate judicial forum. No conditions are capable of mitigating the Accused's stated stance towards the Court, nor can any conditions counter his ability to rely on and make use of his extensive network of support to ultimately evade justice.

18. The CLRV submit that the Chamber should also take into account the prejudicial effect the potential release of the Accused may have on the Victims.²³ In this regard, the Appeals Chamber confirmed the Pre-Trial Chamber's findings as to Mr Duterte's network of supporters,²⁴ as well as to his propensity to interfere with investigations against him.²⁵ Victims fear such interferences. Mr Duterte's strong support base in the Philippines (and even abroad, as shown by the continuous manifestations of support in The Hague) is a matter of record, and his release at this stage - so close to the commencement of the trial- would only serve to strengthen his reach. As the Appeals Chamber has previously emphasised "*This inquiry [i.e. whether conditions under article 58(1) of the Statute, as required by article 60(2) of the Statute, continue to be met'] by the Chamber carrying out the review is not dependent only upon the new information provided by the parties, but is a review of the current circumstances as a whole*

²² See [Annex A](#) to the "Notification of a Request to Waive the Right to Attend the Hearing under Rule 118(3) of the Rules", [No. ICC-01/21-01/25-394](#), 23 February 2026.

²³ See ICTY, *The Prosecutor v. Jadranko Prlić et. al.*, [Decision on "Prosecution's Appeal From 'Decision Relative a la demande de mise en liberté provisoire de l'accusé Petković' dated 31 March 2008"](#), (Appeals Chamber), Case No. IT-04-74-AR65.7, 21 April 2008, para. 17. See also, ICTY, *The Prosecutor v. Jadranko Prlić et al.*, [Decision on Prosecution Appeal of Decision on Provisional Release of Jadranko Prlić](#), (Appeals Chamber), Case No. IT-04-74-AR65.26, 15 December 2011, para. 10.

²⁴ See the "Public redacted version of "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" (Pre-Trial Chamber I), [No. ICC-01/21-01/25-282-Red](#), 10 October 2025, paras. 54, 57.

²⁵ See the "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"' (Appeals Chamber), [No. ICC-01/21-01/25-326-Red OA2](#), 28 November 2025, para. 52.

*which underpin detention. It is the Chamber's obligation to look at those circumstances and be satisfied that continued detention is necessary."*²⁶

19. With serious charges now having been confirmed against Mr Duterte, the situation has evolved to the extent that the risks of interference and intimidation not only have the potential to threaten the integrity of the proceedings, they also directly endanger the security and well-being of the Victims of the extra-judicial killings for which Mr Duterte is now facing justice. His trial is not a distant or abstract event; the extensive media coverage of proceedings before the Court renders each development a daily reality for Victims' communities. Families of those who were killed during the so-called "War on Drugs" have waited more than a decade to see Mr Duterte held to account. Releasing him at this stage would undermine Victims' confidence in the judicial process and would send an emboldening signal to his supporters, encouraging pressure and intimidation against Victims exercising their rights under the Statute, as well as those who have not yet come forward due to apprehension and fear.

20. All these facts qualify as *"current circumstances as a whole which underpin detention"* as referred to by the Appeals Chamber in the *Gbagbo* case²⁷ and should be taken into account in reviewing the Accused's detention.

²⁶ See the "Judgment on the appeal of Mr Laurent Gbagbo against the decision of Trial Chamber I of 10 March 2017 entitled 'Decision on Mr Gbagbo's Detention'" (Appeals Chamber), [No. ICC-02/11-01 15-992-Red OA10](#), 19 July 2017, para. 38.

²⁷ *Ibid.*

IV. CONCLUSIONS

21. For all the above reasons, the CLRV respectfully request the Chamber to maintain Mr Duterte in detention.



Gilbert Andres



Joel Butuyan



Paolina Massidda

Dated this 8th day of May 2026

Done at The Hague(The Netherlands) and Manila (The Republic of the Philippines)