

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 20 May 2026

TRIAL CHAMBER III

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

SITUATION IN THE REPUBLIC OF THE PHILIPPINES

IN THE CASE OF THE PROSECUTOR v. RODRIGO ROA DUTERTE

PUBLIC

Public Redacted Version of “Registry’s Observations on “Defence Observations on Mr Rodrigo Roa Duterte’s Detention” (ICC-01/21-01/25-433) dated 8 May 2026” (ICC-01/21-01/25-436-Conf-Exp) dated 13 May 2026

Source: Registry

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

M. Zavala Giler, Osvaldo

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☒ Detention Section

☐ Victims Participation and
Reparations Section

☐ Other

I. Introduction

1. Following the “Defence Observations on Mr Rodrigo Roa Duterte’s Detention” (“Request”)¹ dated 8 May 2026, Trial Chamber III (“Chamber”) ordered the Registry to provide the requested observations contained in the Defence’s Request by no later than 13 May 2026.² In compliance with this order, the Registry hereby submits its observations.

II. Procedural History

2. On 1 May 2026, the Chamber ordered the parties and participants to submit observations on Mr Rodrigo Roa Duterte’s (“Mr Duterte”) detention by 8 May 2026.³
3. On 8 May 2026, the Defence for Mr Rodrigo Roa Duterte (“Defence”) submitted its Request requesting, *inter alia*, the Chamber to order the Registry to submit any observations “based on the video footage and documentation possibly retained by the ICC Detention Centre authorities concerning the loss of balance”.⁴
4. On 11 May 2026, the Chamber ordered the Registry to provide observations on the Request by no later than 13 May 2026.⁵

III. Classification

5. In accordance with regulation 23 *bis*(1) and (2) of the Regulations of the Court (“RoC”), the present transmission is classified as confidential *ex parte* only available to the Prosecution, the Defence for Mr Duterte and the Registry since

¹ Defence for Mr Duterte, “Defence Observations on Mr Rodrigo Roa Duterte’s Detention” (“Request”), 13 May 2026, ICC-01/21-01/25-433.

² Email from Trial Chamber III sent to the Registry on 11 May 2026 at 9:01.

³ Trial Chamber III, “Order to Submit Observations on Rodrigo Roa Duterte’s Detention”, 1 May 2026, ICC-01/21-01/25-424.

⁴ Defence for Mr Duterte, Request, paras. 21-22.

⁵ Email from Trial Chamber III sent to the Registry on 11 May 2026 at 9:01.

it contains personal information pertaining to Mr Duterte's detention and medical information about him, and confidential security protocols. A public redacted version will be filed as soon as practicable.

IV. Applicable law

6. For the purpose of the present submission, the Registry has considered, *inter alia*, regulation 103 of the RoC and regulations, 155 and 196 of the Regulations of the Registry ("RoR").

V. Submissions

7. The Registry provides the following observations on the Defence Request for the Registry to submit observations based on the cell monitoring footage and any documentation possibly retained by the ICC Detention Centre ("DC") authorities concerning Mr Duterte's loss of balance at particular instances.⁶ The Registry hereby provides its observations.

ii. Cell monitoring pursuant to regulation 196 of the Regulations of the Registry

8. The Registry confirms that Mr Duterte is under cell monitoring, pursuant to regulation 196(3) of the RoR, for health and safety reasons. The ICC DC Medical Officer ("MO") provided advice based on Mr Duterte being "an elderly detained person, with increased fall risk due to age and several chronic physical ailments"⁷ and her continual assessment and medical care of Mr Duterte. The Registry is unable to comment on the chronic conditions as they are part of Mr Duterte's confidential medical record, to which the Defence has confirmed it has access. From an ICC DC management perspective, putting a detained person on cell monitoring pursuant to regulation 196(3) of the RoR allows for custody staff to observe Mr Duterte 24/7 and respond to any need he may have

⁶ Defence for Mr Duterte, Request, paras. 21-22.

⁷ Defence for Mr Duterte, "Defence Observations on Mr Rodrigo Roa Duterte's Detention", 13 May 2026, ICC-01/21-01/25-433-Conf-Exp-AnxA.

and reduce the response time should there be any incident. ICC DC staff have a dynamic insight into Mr Duterte's movements in the cell, which they discuss with the MO and DC management as part of the ongoing efforts to optimize his care at the ICC DC. Ergonomic adjustments are made to the placement of items in his cell and in the visiting rooms in order to allow him to have more free and stable movement. On rare occasions where Mr Duterte did have a fall, ICC DC custody staff were able to respond immediately to assist him, and immediately call for medical assessment. Following these rare events, adjustments have been made to his cell, to better accommodate his comfort and movement and are adjusted as needed. Regarding his loss of balance, the MO and Mr Duterte's medical specialists are responsible for assessments that are on a medical level. From the perspective of management and operational security, Mr Duterte's movements are consistent with his age and mobility. The use of cell monitoring pursuant to regulation 196(3) of the RoR helps to optimize his care, which is why it continues to be reviewed and may be ordered every 14 days until the MO no longer deems it necessary.

9. Any ergonomic or medical accommodations within the detention environment are assessed internally by ICC DC management on the basis of medical advice received by the MO, in the same manner as other operational adjustments, including hearing schedules or seating arrangements.
10. The Registry notes the submissions of the Defence that the Registry provided new information regarding Mr Duterte's cell monitoring pursuant to regulation 196(3) of the RoR.⁸ The Registry informs that, since 26 March 2026, following a request from the Defence,⁹ the Registry included more detail (i.e., on account of Mr Duterte being "an elderly detained person, with increased fall risk due to age and several chronic physical ailments") to the last four notifications

⁸ Defence for Mr Duterte, Request, para. 14.

⁹ Email from the Defence to the Detention Section on 17 March 2026 at 11:36.

pursuant to regulation 196(3) of the RoR regarding cell monitoring. However, the reasons contained therein have not changed since the initial request for cell monitoring upon Mr Duterte arrival at the Detention Section, which remains based on health and safety pursuant to regulation 196(1) of the RoR.

11. Also, the Registry recalls that, on 1 September 2025, as ordered by Pre-Trial Chamber I,¹⁰ the MO provided Mr Duterte with a copy of a report containing “all measures and arrangements [if any] put in place to provide [Mr Duterte] with medical access and care”.¹¹ With Mr Duterte’s consent, the report was also transmitted to Pre-Trial Chamber I.¹² The report further set out, *inter alia* detailed reasons for the cell monitoring, including the reasons provided in the aforesaid recent notifications of cell monitoring renewal pursuant to regulation 196(3) of the RoR.

iii. Access to video footage from the cell monitoring

12. In its Request, the Defence references an outstanding request to the Detention Centre for access to the footage from the cell monitoring pursuant to regulation 196(3) of the RoR.¹³
13. As a matter of DC management policy and technical limitation, surveillance video recordings, including cell monitoring pursuant to regulation 196(3) of the RoR, [REDACTED]. There has not been any fall recorded in the last thirty days.

¹⁰ Pre-Trial Chamber I, “Order to the Registry for a report from the Medical Officer of the Detention Centre” (“Order for a Report”), 26 August 2025, ICC-01/21-01/25-243.

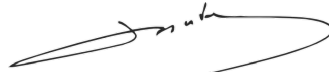
¹¹ Registry, “Public Redacted Version of “Corrected Version of “Confidential Redacted Version of the “Registry’s Observations on the “Defence Request for Reconsideration of Order ICC-01/21-01/25-243-Conf”, 27 August 2025, ICC-01/21-01/25-244-Conf”, issued on 28 August 2025”, 28 August 2025, ICC-01/21-01/25-254- Conf-Red”, 29 August 2025, ICC-01/21-01/25-254-Conf-Red-Corr”, 30 September 2025, ICC-01/21-01/25-254-Corr-Red, para. 17.

¹² Registry, “Public Redacted Version of “Registry Report on the Assessment by the Medical Officer of the Detention Centre”, 2 September 2025, ICC-01/21-01/25-263-Red and ICC-01/21-01/25-263-Conf-Exp-Anx1.

¹³ Defence for Mr Duterte, Request, para. 16.

14. [REDACTED].

15. The Registry recalls that the medical record is available to Mr Duterte and therefore his Defence team, and the continual medical care of Mr Duterte remains assured and under constant attention.



Marc Dubuisson, Director, Division of Judicial Services
on behalf of
Osvaldo Zavala Giler, Registrar

Dated this 20 May 2026

At The Hague, Netherlands