

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 22 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

Order Setting the Agenda for the First Status Conference

Order 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

TRIAL CHAMBER III (the ‘Chamber’) of the International Criminal Court, in the case of *The Prosecutor v. Rodrigo Roa Duterte*, pursuant to Article 64(3) of the Rome Statute (the ‘Statute’) and Rule 132(1) of the Rules of Procedure and Evidence (the ‘Rules’), issues this ‘Order Setting the Agenda for the First Status Conference’.

1. On 30 April 2026, the Chamber issued its ‘Order Scheduling First Status Conference’ setting 27 May 2026 as the date for the first status conference in this case.¹ The Chamber also requested the parties, participants and the Registry to make written submissions on some or all of the potential agenda items listed in the scheduling order. In addition, the Chamber requested that they indicate whether they wished to add further items to the list of agenda items. The written submissions were filed on 15 May 2026.²

2. Prior to setting the agenda for the first status conference, the Chamber will address some preliminary matters.

3. First, the Chamber recalls that, since issuing its scheduling order on 30 April 2026, Rodrigo Roa Duterte (the ‘Accused’) has changed his legal representation. The Chamber notes that the Accused’s prior Counsel and Associate Counsel submitted requests in early May 2026 seeking the Chamber’s authorisation to withdraw from their representation of the Accused.³ The Chamber granted these requests.⁴ In its decision on the withdrawal of Counsel for the Accused, the Chamber noted that the Accused’s replacement counsel had been informed of all pending deadlines in this case and provided assurances that he would be able to attend the first status conference

¹ Order Scheduling First Status Conference, 30 April 2026, ICC-01/21-01/25-423.

² Submissions on behalf of Victims on the matters identified in the “Order Scheduling First Status Conference”, ICC-01/21-01/25-437; Registry Submissions in View of the Upcoming Status Conference in accordance with “Order Scheduling First Status Conference” (ICC-01/21-01/25-423), ICC-01/21-01/25-438 (with Annex I, a confidential *ex parte* annex available to the Registry and the Prosecution only, and Annex II, a confidential *ex parte* annex available to the Registry only, accompanied by a public redacted version); Defence Observations in Advance of the First Status Conference, ICC-01/21-01/25-439-Conf (a public redacted version was notified on the same day, ICC-01/21-01/25-439-Red); Prosecution’s submissions pursuant to the ‘Order scheduling first status conference’, ICC-01/21-01/25-440-Conf (a public redacted version was notified on the same day, ICC-01/21-01/25-440-Red).

³ Counsel’s Request to Withdraw, 8 May 2026, ICC-01/21-01/25-432; Request for Withdrawal, 7 May 2026, ICC-01/21-01/25-429.

⁴ Decision on Request to Withdraw as Associate Counsel for Rodrigo Roa Duterte, 8 May 2026, ICC-01/21-01/25-430; Decision on Request to Withdraw as Counsel for Rodrigo Roa Duterte, 11 May 2026, ICC-01/21-01/25-435 (the ‘Decision on Request to Withdraw as Counsel’).

in this case.⁵ In this regard, the Chamber takes note of the recent notifications of the appointment of Mr Peter Haynes and Ms Kate Gibson as Counsel and Associate Counsel, respectively, for the Accused.⁶

4. Second, the Chamber notes that, on 21 May 2026, the Defence submitted to the Chamber via email a request (the ‘Request’) stating the Accused ‘wishes to waive his right to appear before the Chamber on 27 May 2026 and fully trusts his legal team to address the procedural matters listed on the status conference agenda’.⁷ In the Request, the Defence observes that the mandatory obligation for an accused to be present at trial, pursuant to Article 63(1) of the Statute, ‘does not apply to other hearings such as status conferences which are essentially administrative in nature’.⁸ The Chamber authorises the Request and orders the Defence to file on the record a signed waiver by the Accused bearing in mind the requirements provided for in the statutory framework.

5. Third, the Chamber takes note of a request submitted by one of the Legal Representatives of the Victims in this case, Gilbert Andres (the ‘Legal Representative’), seeking the Chamber’s authorisation to attend the first status conference remotely.⁹ The Chamber notes that other members of the team of Legal Representatives of the Victims, particularly the Office of Public Counsel for Victims, will attend the status conference and make submissions on behalf of their clients. Moreover, in consultation with the Registry, it is not possible to have a secure link with the Legal Representative in case the use of private sessions would be required. Accordingly, the Chamber rejects his request.

6. As regards the agenda for the first status conference, the Chamber takes note of the written submissions of the parties, participants and the Registry. In view of these submissions, the Chamber will not require oral submissions on some of the items

⁵ Decision on Request to Withdraw as Counsel, para. 3.

⁶ Notification of the appointment of Mr Peter Haynes KC as Counsel for Mr Rodrigo Roa Duterte, 15 May 2026, ICC-01/21-01/25-441; Notification of the appointment of Ms Kate Gibson as Associate Counsel for Mr Rodrigo Roa Duterte, 18 May 2026, ICC-01/21-01/25-443.

⁷ Email Request from the Defence to the Chamber, 21 May 2026, at 11:15.

⁸ Email Request from the Defence to the Chamber, 21 May 2026, at 11:15.

⁹ Email Request from Legal Representative of the Victims, Gilbert Andres, to the Chamber, 21 May 2026, at 13:09.

listed in its scheduling order. The Chamber also notes that a number of other issues were raised in the written submissions and has added some of these to the agenda of the status conference.

7. The Chamber therefore issues the following agenda for the status conference:

A. Commencement date of the trial and deadlines leading up to trial.

B. Anticipated Evidence

(1) Relevant updates from the Prosecution, since its submissions of 15 May 2026, regarding the estimated volume of witnesses, documentary and other non-testimonial evidence to be relied upon at trial;

(2) Use of expert witnesses;

(3) Use of audio-visual link for witness testimony; and

(4) Use of Rule 68 of the Rules.

C. Agreed facts under Rule 69 of the Rules.

D. Languages to be used by the parties, participants, and the witnesses whom the parties intend to call and interpretation and translation needs.

E. Ongoing disclosure obligations and whether the Prosecution has any updates since its 15 May 2026 submissions:

(1) Impact of any ongoing Prosecution investigations on its disclosure obligations;

(2) Timing and volume of disclosure of outstanding evidence pursuant to Article 67(2) of the Statute and Rules 76 and 77 of the Rules;

(3) Transcription and translation issues associated with the disclosure of evidence; and

(4) Protective measures of witnesses, including (delayed) disclosure of witnesses' identities.

F. The Prosecution's assessment regarding the potential addition of incidents.

G. Provision of trial briefs and other matters related to the charges.

H. Motions requiring resolution prior to the commencement of trial.

I. Victims' participation, particularly a deadline for submission of applications and a VPRS mapping report.

J. Protocols (witness preparation, witness familiarisation protocol, dual status individuals and vulnerability).

K. Application of other Protocols adopted in pre-trial.

8. Having regard to the number of issues to be discussed at the status conference, the Chamber will hold the conference on 27 May 2026 according to the following schedule:

- 9:30-11:00
- 11:30-13:00
- 14:30-16:00

9. The status conference will be public. However, in order to avoid disclosure of sensitive information regarding witness protection and security issues, the Chamber may order the use of private sessions.

10. The Chamber notes that the parties, participants and the Registry have raised other issues, which although not to be dealt with during this first status conference, may be discussed in upcoming status conferences leading to the start of trial.

FOR THESE REASONS, THE CHAMBER HEREBY

SETS the agenda for the status conference of 27 May 2026, as provided in paragraphs 7 and 9;

GRANTS the Defence's request for the Accused to waive his right to be present at the first status conference;

ORDERS Defence Counsel to submit by Monday, 25 May 2026 at 12h00, the Accused's written request, signed by him, to waive his right to be present at the first status conference; and

REJECTS the Legal Representative's request to attend the first status conference remotely.

Done in both English and French, the English version being authoritative.



Judge Joanna Korner

Presiding Judge



Judge Keebong Paek



Judge Nicolas Guillou

Dated this **22 May 2026**

At The Hague, The Netherlands