

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 11 June 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

Public redacted version of ‘Decision on the Defence request for variation of contact restrictions’, 11 June 2026, ICC-01/21-01/25-461-Conf

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

TRIAL CHAMBER III (the ‘Chamber’) of the International Criminal Court, in the case of *The Prosecutor v. Rodrigo Roa Duterte*, pursuant to Articles 64, 67(1)(b) and 68 of the Rome Statute (the ‘Statute’), Regulations 99, 100 and 101 of the Regulations of the Court (the ‘Regulations’) and Regulations 169, 173, 175 and 184 of the Regulations of the Registry issues this ‘Decision on the Defence request for variation of contact restrictions’.

I. PROCEDURAL HISTORY

1. On 7 April 2025, Pre-Trial Chamber I [REDACTED].¹
2. On 20 August 2025, Pre-Trial Chamber I [REDACTED].²
3. On 23 April 2026, Pre-Trial Chamber I confirmed the charges against the Accused,³ and the case was referred to the Chamber on 24 April 2026.⁴
4. Also on 23 April 2026, [REDACTED],⁵ Pre-Trial Chamber I [REDACTED] (the ‘23 April 2026 Decision’).⁶
5. On 29 May 2026, the Defence submitted the request for variation of contact restrictions (the ‘Request’), seeking the Chamber to order ‘a variation of the Contact Restrictions to permit contact between Mr Duterte and [REDACTED] and with such contact to be subjected to active monitoring consistent with the Pre-Trial Chamber’s direction [REDACTED]’.⁷

¹ [REDACTED].

² [REDACTED].

³ Decision on the confirmation of charges against Mr Rodrigo Roa Duterte, ICC-01/21-01/25-417-Conf (a public redacted version was notified on the same day, ICC-01/21-01/25-417-Red).

⁴ Presidency, Decision constitution Trial Chamber III and referring to it the case of *The Prosecutor v. Rodrigo Roa Duterte*, ICC-01/21-01/25-420.

⁵ [REDACTED].

⁶ [REDACTED].

⁷ Defence Request for Variation of Contact Restrictions, ICC-01/21-01/25-452-Conf, with confidential Annex A (the ‘Annex A to the Request’). Although the Chamber notes that the Defence’s Request and other submissions have been filed as confidential, it has issued a public redacted version of the present decision, bearing in mind that any identifying or private information shall remain confidential.

6. On 8 June 2026, pursuant to the Chamber's order,⁸ the Prosecution⁹ and the Registry¹⁰ filed the observations. The Chamber notes that the Common Legal Representatives of Victims (the 'CLRVs') did not submit observations within the given time limit.

7. The Prosecution 'does not object to the Defence's request to vary the contact restrictions currently in place in order to permit contact between Mr Duterte and [REDACTED], so long as the current contact restrictions regime remains in place'.¹¹ The Registry submits that 'it has no concern to report' since its last report submitted in November 2025, and that the Victims and Witnesses Unit (the 'VWU'), upon conducting an independent assessment, concluded that 'it has identified no concern that would warrant an objection to the Defence Request, provided that the Restrictions on Contact remains in place'.¹² The Registry further submits that, 'should the Defence Request be granted and [REDACTED] be reinstated on Mr Duterte's non-privileged contact list, the Registry confirms that it has the capacity to implement the Restrictions on Contact on all their communications'.¹³

II. ANALYSIS

8. The Chamber recalls that, pursuant to Regulations 99(1)(h), (i) and 100(1) of the Regulations, a detained person shall be entitled to, *inter alia*, 'receive correspondence, mail and packages', 'communicate by letter or telephone with his or her family and other persons', and 'receive visits'. The Chamber further recalls that the detainee's right to privacy and family life is implicitly recognised under the Court's statutory framework.¹⁴ Moreover, the right to privacy and family life is an

⁸ Email from the Chamber, [ICC-01/21-01/25 - Confidential] Order setting time limit for observations on the 'Defence Request for Variation of Contact Restrictions', 29 May 2026, at 16:32.

⁹ Prosecution's Response to Defence Request for Variation of Contact Restrictions, ICC-01/21-01/25-459-Conf (the 'Prosecution's Response').

¹⁰ Registry Observations on the "Defence Request for Variation of Contact Restrictions" (ICC-01/21-01-25-452-Conf), ICC-01/21-01/25-458-Conf (the 'Registry's Observations').

¹¹ Prosecution's Response, paras 1, 4, 7.

¹² Registry's Observations, paras 4-5.

¹³ Registry's Observations, para. 6.

¹⁴ See e.g. Regulation 99(1)(i) of the Regulations; Regulations 179(1) and 186(2)(h) of the Regulations of the Registry; See also Trial Chamber VI, *The Prosecutor v. Mahamat Said Abdel Kani*, Decision on the Defence Application for Interim Release of Mahamat Said Abdel Kani and Contact Restrictions, 3 March 2022, ICC-01/14-01/21-247-Red (the 'Said Trial Chamber Decision'), para. 20.

internationally recognised human rights principle¹⁵ and thus also guides the Chamber's interpretation of the Court's legal framework by virtue of Article 21(3) of the Statute.¹⁶

9. The Chamber however notes that, these rights are not absolute and may be subject to restrictions if such contact, *inter alia*, '[c]ould prejudice or otherwise affect the outcome of the proceedings against a detained person, or any other investigation', or '[i]s a threat to the protection of the rights and freedom of any person'.¹⁷ In this regard, the Appeals Chamber has found that '[a]ny interference with the rights of the detained person must be justified, the competing interests having been carefully balanced, and must be proportionately tailored to mitigate the risks or harms in regulation 101(2) of the Regulations', and that 'while contact restrictions are needed to preserve the integrity of the proceedings, these must be weighed against the accused's right to privacy and family life'.¹⁸

10. With regard to the Request, the Chamber notes the Defence's submission that [REDACTED].¹⁹ Further, the Chamber notes the following: (i) there have not been any violations by the Accused reported since [REDACTED];²⁰ (ii) the Prosecution and the CLRVs do not object the requested variation of the contact restrictions;²¹ (iii) the VWU 'has identified no concern' regarding the requested variation;²² and (iv) the Registry confirms that it has the capacity to implement the contact restrictions if the Request is granted.²³ In addition, the Chamber notes that [REDACTED].²⁴ In light of these circumstances, the Chamber finds that the current prohibitions on calls and visits between the Accused and [REDACTED] no longer seem necessary. The Chamber

¹⁵ See Article 17 of the International Covenant on Civil and Political Rights; Article 8 of the European Convention on Human Rights; Article 11 of the American Convention on Human Rights; Principle 5 of the Basic Principles for the Treatment of Prisoners. See also Said Trial Chamber Decision, para. 20.

¹⁶ Said Trial Chamber Decision, para. 20.

¹⁷ Regulation 101(2)(b) and (f) of the Regulations.

¹⁸ *The Prosecutor v. Alfred Yekatom and Patrice-Édouard Ngaïssona*, Decision on fourteenth Registry report on the implementation of the restrictions on contacts of Mr Ngaïssona, 5 February 2026, ICC-01/14-01/18-2872, para. 13.

¹⁹ Request, para. 1.

²⁰ [REDACTED].

²¹ Prosecution's Response. See Request, para. 3.

²² Registry's Observations, para. 5.

²³ Registry's Observations, para. 6.

²⁴ Annex A to the Request; Request, para. 26.

therefore orders the Registry to add [REDACTED] to the list of the Accused's non-privileged contacts, under the conditions as set forth in the previous decisions.²⁵

11. The Chamber notes that the Prosecution partly contests the Defence's arguments.²⁶ However, noting the absence of disagreement concerning the relief requested by the Defence, and having found that the requested variation of the contact restrictions shall be granted pursuant to the abovementioned circumstances,²⁷ the Chamber finds that it is not necessary nor appropriate to address any of the remaining arguments.

12. Turning to the extension of the current contact restrictions, the Chamber notes that, aside from the changes as referred to above,²⁸ the circumstances justifying the current contact restrictions have not changed since the issuance of the 23 April 2026 Decision. The Chamber therefore finds it appropriate to extend the current contact restrictions, subject to the modifications as set forth in the present decision.

FOR THESE REASONS, THE CHAMBER HEREBY

GRANTS the Request;

ORDERS the Registry to add [REDACTED] to the list of the Accused's non-privileged contacts, as specified in paragraph 10 of the present decision;

ORDERS the Registry to maintain the current contact restrictions, subject to the modifications as set forth in the present decision;

ORDERS the Registry to immediately inform the Chamber of any violation of the contact restrictions imposed by means of the present decision, as well as of any relevant developments; and

ORDERS the Registry and the parties to file public redacted versions of their submissions by no later than 18 June 2026.

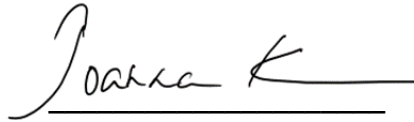
²⁵ See paragraphs 1, 4 above.

²⁶ Prosecution's Response, paras 1, 5-6.

²⁷ See paragraph 10 above.

²⁸ See paragraph 10 above.

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



Judge Joanna Korner
Presiding Judge



Judge Keebong Paek



Judge Nicolas Guillou

Dated this **11 June 2026**

At The Hague, The Netherlands