

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: **16 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 “Prosecution’s Response to Defence Request for Variation of Contact Restrictions”, 8 June 2026, ICC-01/21-01/25-459-Conf

Source: Office of the Prosecutor

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**

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M. Osvaldo Zavala Giler

☐ **Victims and Witnesses Unit**

☐ **Detention Section**

☐ **Victims Participation and Reparations
Section**

☐ **Other**

I. INTRODUCTION

1. The Prosecution does not object to the Defence's request to vary the contact restrictions in order to permit contact between Mr Duterte and [REDACTED]. However, the Prosecution does object to the Defence's reliance upon a medical report, produced by a Defence appointed expert, to support certain arguments.

II. CONFIDENTIALITY

2. This filing is classified as confidential, pursuant to regulation 23bis(1) and (2) of the Regulations of the Court, as it discusses [REDACTED] which, if made public, could [REDACTED]. It also responds to a filing of the same classification.

III. SUBMISSIONS

3. While the Prosecution [REDACTED],¹ it acknowledges that approximately [REDACTED] and notes that it has [REDACTED] by Mr Duterte. The Prosecution also recognises [REDACTED], as proposed by the Defence, in which [REDACTED].²

4. The Prosecution therefore does not oppose lifting the restrictions between Mr Duterte and [REDACTED] so long as the current contact restrictions regime remains in place and [REDACTED].³ The Prosecution would also recommend that the Victims and Witnesses Unit be consulted before the contact restrictions are varied.

5. The Prosecution does not, however, accept the Defence's submission that Mr Duterte is "[REDACTED]" with "[REDACTED]".⁴ The Prosecution notes that it has [REDACTED] and that publicly available information demonstrates frequent and regular visits by family members with Mr Duterte.⁵ The Prosecution also takes issue with the Defence's submission that medical reports confirm that Mr Duterte's [REDACTED].⁶

¹ [REDACTED].

² [REDACTED].

³ [REDACTED].

⁴ Confidential Defence Request for Variation of Contact Restrictions, 29 May 2026, ICC-01/21-01/25-452-Conf (the "Defence Request"), para. 2.

⁵ See e.g.: [REDACTED]. See also, e.g.: Reuters, Philippine Senate to convene as court next week for VP Duterte impeachment, 14 May 2026, reporting that Sara Duterte visited Mr Duterte in the Hague in May 2026; ABS CBN, 'Hindi namin kaya': Kitty Duterte says Digong's kids skipped watching ICC hearing, 3 March 2026, reporting a visit between Mr Duterte and his daughter Veronica 'Kitty' Duterte in March 2026; Mindanao Times, Duterte siblings visit father in The Hague, 6 January 2026, reporting that Mr Duterte's son and daughter visited him in or around January 2026.

⁶ Defence Request, para. 23.

6. These arguments are based on a medical report drafted by a Defence expert (the “Report”) and should not be relied upon by the Chamber. The Prosecution does not accept the conclusions and opinions of the Report, which remain untested.⁷ The Report was tendered during the pre-trial proceedings, during which the Pre-Trial Chamber made it “abundantly clear” that it would “not rely on medical reports provided by a party to the proceedings” in order to preserve “the fairness of the proceedings”.⁸ The Pre-Trial Chamber instead relied upon the findings of the panel of three independent experts that it appointed for the purpose of a medical examination pursuant to rules 113 and 135 of the Rules when drawing conclusions regarding Mr Duterte’s health. The Prosecution submits that the same practice should be followed during the trial proceedings.

IV. REQUESTED RELIEF

7. For the foregoing reasons, 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.



Mame Mandiaye Niang, Deputy Prosecutor

Dated this 16th day of June 2026

At The Hague, the Netherlands

⁷ The Prosecution further notes that the Defence expert co-authored a separate report submitted by the Defence during the pre-trial proceedings which the Prosecution argued was of no probative value because it opined on issues outside of the expert’s area of expertise, contained abstract and decontextualized reasoning, and relied upon problematic sources. See Prosecution’s response to “Appeal Brief on the First Review of the Detention of Mr Rodrigo Roa Duterte” (ICC-01/21-01/25-366), 12 February 2026, ICC-01/21-01/25-374-Conf (public redacted version filed on the same date, ICC-01/21-01/25-374-Red), paras 25-31.

⁸ Pre-Trial Chamber I, Decision on the review of Mr Rodrigo Roa Duterte’s detention, 26 January 2026, ICC-01/21-01/25-357-Conf (public redacted version filed on the same date, ICC-01/21-01/25-357-Red), para. 24, citing: Pre-Trial Chamber I, Order pursuant to rules 113 and 135 of the Rules of Procedure and Evidence, 8 September 2025, ICC-01/21-01/25-268, para. 25; Pre-Trial Chamber I, Decision on the appointment of experts for the purpose of a medical examination pursuant to rules 113 and 135 of the Rules of Procedure and Evidence and related matters, 24 September 2025, ICC-01/21-01/25-279-Conf (public redacted version filed on 16 October 2026, ICC-01/21-01/25-279-Red), para. 12; Pre-Trial Chamber I, Decision on the ‘Defence Request for an Indefinite Adjournment’ and Mr Duterte’s fitness to take part in the pre-trial proceedings, 26 January 2026, ICC-01/21-01/25-356-Conf (public redacted version filed on the same date, ICC-01/21-01/25-356-Red), para. 22.