

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **26 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 the “Prosecution’s request for materials in the custody of the Registry”, 1 May 2026, ICC-01/21-01/25-425-Conf-Exp

Source: Office of the Prosecutor

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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☒ **Legal Representatives of the Victims**

☐ **Legal Representatives of the Applicants**

☐ **Unrepresented Victims**

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(Participation/Reparation)**

☐ **The Office of Public Counsel for
Victims**

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M. Osvaldo Zavala Giler

☐ **Victims and Witnesses Unit**

☐ **Detention Section**

☐ **Victims Participation and Reparations
Section**

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I. INTRODUCTION

1. The Prosecution respectfully requests, under articles 54(1)(a) and (b), 54(3)(a), 57(3)(a) and 64(6)(a) of the Rome Statute (the “Statute”), that Trial Chamber III (the “Chamber”) order the Registry to make available to the Prosecution relevant items obtained by the Registry upon Mr Rodrigo Roa Duterte’s arrest and transfer to the International Criminal Court (the “Court”), and to take steps to ensure any money in its custody belonging to Mr Duterte is frozen.

2. On 21 April 2026, the Prosecution filed its Request for materials in the custody of the Registry (the “Initial Request”) before Pre-Trial Chamber I (the “Pre-Trial Chamber”).¹ Following its decision to confirm the charges against Mr Duterte, and commit the case to trial,² the Pre-Trial Chamber dismissed the Initial Request *in limine* on the basis that it now falls within the remit of this Chamber.³ Accordingly, the Prosecution renews its request before this Chamber.

II. CONFIDENTIALITY

3. This filing is classified as confidential *ex parte* Prosecution, Defence and Registry only, pursuant to regulation 23*bis* (1) and (2) of the Regulations of the Court, as it, respectively, relates to the Prosecution’s ongoing investigation and cites to filings and an email of the same classification.

III. BACKGROUND

4. On 7 March 2025, the Pre-Trial Chamber issued a Warrant of Arrest for Mr Rodrigo Roa Duterte.⁴ Following Mr Duterte’s arrest on 11 March 2025, and his arrival in the Netherlands on 12 March 2025, the Registry received [REDACTED] belonging to Mr Duterte (together with the items contained therein, the “Obtained Items”). The Obtained Items were then transferred to the Detention Centre.⁵

¹ Prosecution’s request for material in the custody of the Registry, 21 April 2026, ICC-01/21-01/25-414-Conf-Exp (the “Initial Request”). The Initial Request was notified to the Defence and Registry on the date of filing, 21 April 2026, making the deadline for response 1 May 2026 (*see* regulations 24(1), 24*bis* (1), 33(1) and 34(b) of the Regulations of the Court).

² Decision on the confirmation of charges against Mr Rodrigo Roa Duterte, 23 April 2026, ICC-01/21-01/25-417-Conf.

³ [REDACTED].

⁴ Warrant of Arrest for Mr Rodrigo Roa Duterte, 7 March 2025, [ICC-01/21-01/25-83](#).

⁵ Report of the Registry on the Arrest and Surrender of Mr Rodrigo Roa Duterte, 14 March 2025, ICC-01/21-01/25-91-Conf, (“Registry Report”), para. 18.

5. On 13 March 2025, the Registry conducted a search of the Obtained Items at the Detention Centre, and [REDACTED].⁶ A chain of custody form in relation to these items was created.⁷ On 14 March 2025, the Registry Report, and the chain of custody form, were made available to the Prosecution and the Defence.⁸

IV. SUBMISSIONS

A. The Prosecution should be permitted to inspect, [REDACTED]

6. To discharge its investigative duties under article 54(1)(a), take appropriate measures to ensure effective investigation and prosecution under article 54(1)(b), and collect and examine evidence in accordance with article 54(3)(a), the Prosecution requests that the Chamber issue an order to permit it to inspect, [REDACTED].

7. Such an order would be consistent with the Chamber's powers pursuant to articles 57(3)(a) and 64(6)(a) of the Statute, as there are reasonable grounds to believe that it would produce evidence relevant to the case against Mr Duterte or other potential suspects.⁹ The [REDACTED] were retrieved from the Obtained Items following Mr Duterte's transfer to the Court. On this basis, it is reasonable to conclude that the [REDACTED].¹⁰ [REDACTED].¹¹

8. The relevance and evidential value of any [REDACTED] can only be fully assessed following [REDACTED]. On receipt of any order granting the Prosecution access to [REDACTED], the Prosecution proposes to liaise with the Registry to agree on the appropriate modalities to inspect, [REDACTED], and consistent with article 67(2) of the Statute and rule 77 of the Rules of Procedure and Evidence.

9. In so doing, the Prosecution will take all necessary measures to safeguard Mr Duterte's personal information.¹² If it becomes necessary to take possession of [REDACTED], the Prosecution will aim to return them to the Registry within two months of their receipt.¹³ This

⁶ Registry Report, para. 21.

⁷ Registry Report, Annex XVII, ICC-01/21-01/25-37-Conf-Exp-AnxXVII-Red ("Annex XVII").

⁸ Registry Report, paras. 3-4 and Annex XVII.

⁹ See *Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman* ('Ali Kushayb'), Public redacted version of 'Decision on the Prosecution's request for Evidence in the custody of the Registry' ([ICC-02/05-01/20-9-Red2](#)) and the Registry's request for instructions (ICC-02/05-01/07-86-US-Exp), 20 August 2020, ICC-02/05-01/20-123-Conf', 9 July 2021, [ICC-02/05-01/20-123-Red](#) (the "Abd-Al-Rahman Request for Evidence Decision"), paras. 16-17, pursuant to which the Pre-Trial Chamber found that a request for items in the custody of the Registry may be treated as a regular application of the Chamber's power to order search and seizure under article 57(3)(a).

¹⁰ [REDACTED].

¹¹ [REDACTED].

¹² [REDACTED].

¹³ [REDACTED].

request is therefore necessary and proportionate to the pursuit of a legitimate investigative aim.¹⁴

B. The Registry should provide an inventory of the Obtained Items to allow the Chamber to identify, and grant the Prosecution access to, relevant material

10. As set out above, the Obtained Items belong to Mr Duterte and were received by the Registry in connection with his arrest and transfer to the Court. On this basis, it is reasonable to believe that they may contain additional material relevant to the investigation. The Prosecution therefore requests that the Chamber order the Registry to provide an inventory of the Obtained Items.

11. Following receipt of this inventory, the Prosecution requests that the Chamber grant it access to material within the Obtained Items that may be relevant to the investigation. This could include, but is not limited to, material falling within the following categories:

- (i) [REDACTED];
- (ii) [REDACTED];
- (iii) [REDACTED]; and/or
- (iv) [REDACTED].

12. Should the Prosecution be granted access to any such Obtained Items, in order to safeguard Mr Duterte's personal information, it will comply with the conditions set out above in relation to [REDACTED], and any other conditions considered necessary by the Chamber.

C. The Registry should be ordered to freeze any money within the Obtained Items

13. If any money is included within the Obtained Items, the Prosecution requests that the Chamber order the Registry to freeze this money until the end of the proceedings, and given that this money may be subject to eventual forfeiture on behalf of the victims, to take the appropriate measures to ensure such funds are not subject to devaluation.

V. REQUESTED RELIEF

14. For the above reasons, the Prosecution respectfully requests that the Chamber order the Registry to:

¹⁴ See also [Abd-Al-Rahman Request for Evidence Decision](#), paras 16-17.

- (i) Enable the Prosecution to inspect, [REDACTED];
- (ii) File an inventory of the Obtained Items, to allow Chamber to identify and grant the Prosecution access to any material relevant to the investigation; and
- (iii) Take steps to ensure any money within the Obtained Items is frozen and not subject to devaluation.



Mame Mandiaye Niang, Deputy Prosecutor

Dated this 26th day of June 2026

At The Hague, the Netherlands