

**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 second request for materials in the custody of the Registry”, 9 June 2026, ICC-01/21-01/25-460-Conf-Exp

Source: Office of the Prosecutor

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I. INTRODUCTION

1. Pursuant to the instruction of Trial Chamber III (“the Chamber”)¹ and articles 54(1)(a) and (b), 54(3)(a), 57(3)(a) and 64(6)(a) of the Rome Statute (the “Statute”), the Prosecution respectfully requests that the Chamber order the Registry to make available to the Prosecution several items that were obtained by the Registry upon Mr Duterte’s arrest and transfer to the International Criminal Court (the “Court”).

II. CONFIDENTIALITY

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

III. SUBMISSIONS

3. Further to the instruction of the Chamber,² on 28 May 2026, the Registry’s observations on the Prosecution’s request for materials in the custody of the Registry³ and the accompanying annex (the “Annex”)⁴ were reclassified to provide the Prosecution with access to the inventory of items that were obtained by the Registry upon Mr Duterte’s arrest and transfer to the Court.

4. Having reviewed the Annex, the Prosecution considers that the following items are relevant to its ongoing investigations: (i) [REDACTED]; (ii) [REDACTED];⁵ and (iii) all keys⁶ in the Registry’s custody (together, the “Requested Materials”).

5. The Prosecution submits that there are reasonable grounds to believe that the Requested Materials would produce evidence that is necessary for its ongoing investigations.⁷ In

¹ Confidential *ex parte* Prosecution, Defence and Registry only, Decision on the Prosecution’s request for materials in the custody of the Registry, 28 May 2026, ICC-01/21-01/25-451-Conf-Exp (the “Decision on Materials in Custody of Registry”), para. 8.

² Decision on Materials in Custody of Registry, p. 6.

³ Confidential *ex parte* only available to the Defence, Prosecution and the Registry, Registry’s observations on the “Prosecution’s request for materials in the custody of the Registry” (ICC-01/21-01/25-425-Conf-Exp), 18 May 2026, ICC-01/21-01/25-442-Conf-Exp (the “Registry Observations”).

⁴ Confidential *ex parte* only available to the Defence, Prosecution and Registry Annex to the Registry Registry’s observations on the “Prosecution’s request for materials in the custody of the Registry” (ICC-01/21-01/25-425-Conf-Exp), 18 May 2026, ICC-01/21-01/25-442-Conf-Exp-AnxA (the “Annex”).

⁵ [REDACTED].

⁶ [REDACTED].

⁷ Decision on Materials in Custody of Registry, para. 5.

particular, [REDACTED]. [REDACTED]. [REDACTED].⁸ [REDACTED]. The relevance and evidential value of the keys can only be fully assessed following the Prosecution's inspection.

6. The Prosecution will treat as confidential any of Mr Duterte's personal information that may be accessed in association with the Requested Materials where applicable and will aim to return the Requested Materials to the Registry within two months of their receipt. This request is therefore necessary and proportionate to the pursuit of a legitimate investigative aim.⁹ The Prosecution again acknowledges,¹⁰ as the Chamber made clear, that this request should have been made at an earlier stage of the proceedings. However, the Prosecution submits that its delay should also not result in the rejection of this request.¹¹

7. The Prosecution submits that its collection and review of these items is necessary to discharge its investigative duties under article 54(1)(a) of the Statute, its duty to take appropriate measures to ensure effective investigation and prosecution under article 54(1)(b) of the Statute, and its duty to collect and examine evidence in accordance with article 54(3)(a) of the Statute.

IV. REQUESTED RELIEF

8. For the foregoing reasons, the Prosecution requests that Chamber order the Registry to make the Requested Materials available to the Prosecution.



Mame Mandiaye Niang, Deputy Prosecutor

Dated this 26th day of June 2026

At The Hague, the Netherlands

⁸ Pre-Trial Chamber II, *The 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-0205-01/20-9-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](#), para. 12.

⁹ Decision on Materials in Custody of Registry, para. 5.

¹⁰ T-0009, 27 May 2026, p. 6, lines 6-25.

¹¹ Decision on Materials in Custody of Registry, para. 6.