

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date of original: 28 May 2026

Date of the public redacted version: 3 July 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 redacted version of

Decision on the Prosecution's request for materials in the custody of the Registry

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 57(3)(a), (e), 61(11), 64(6)(a) of the Rome Statute (the ‘Statute’), Regulation 92(3) of the Regulations of the Court (the ‘Regulations’), issues this ‘Decision on the Prosecution’s request for materials in the custody of the Registry’.

1. On 12 March 2025, pursuant to a warrant of arrest issued by Pre-Trial Chamber I on 7 March 2025,¹ Rodrigo Roa Duterte (the ‘Accused’) was surrendered to the Court.

2. On 14 March 2025, the Registry reported that, on 12 March 2025, it received and transferred to the Court’s Detention Centre (the ‘Detention Centre’) the Accused’s belongings (the ‘Obtained Items’).² The Registry indicated that the Obtained Items comprised of ‘[REDACTED]’, and that upon a search of these belongings at the Detention Centre, [REDACTED].³

3. On 1 May 2026, the Prosecution requested that the Chamber order the Registry to:⁴

- (i) Enable the Prosecution to inspect, [REDACTED] (the ‘First Request’);
- (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 (the ‘Second Request’); and
- (iii) Take steps to ensure any money within the Obtained Items is frozen and not subject to devaluation (the ‘Third Request’).

¹ Warrant of Arrest for Mr Rodrigo Roa Duterte, ICC-01/21-01/25-83.

² Report of the Registry on the Arrest and Surrender of Mr Rodrigo Roa Duterte, ICC-01/21-01/25-91-Conf (the ‘Registry’s Report’), with confidential annexes II-VI, XIV and XVI, confidential *ex parte* annexes I, VIII-XIII, XV, XVII, and secret annex VII, paras 18-21.

³ Registry’s Report, paras 18-21.

⁴ Prosecution’s request for materials in the custody of the Registry, ICC-01/21-01/25-425-Conf-Exp (the ‘Request’). [REDACTED].

4. On 18 May 2026, following the Chamber's order,⁵ the Defence⁶ and the Registry⁷ submitted their observations. The Registry submitted as an annex to its Observations an inventory of the Obtained Items, which, together with the Observations, is currently classified as confidential *ex parte* only available to the Defence and the Registry.⁸

5. With regard to the First Request, noting that [REDACTED] were retrieved from the Accused's belongings and are likely to have been used by the Accused in relation to the alleged crimes, the Chamber finds that there are reasonable grounds to believe that the requested search would produce evidence that is necessary for the investigation. Further, noting that the Prosecution indicates that it 'will take all necessary measures to safeguard Mr Duterte's personal information' and '[i]f it becomes necessary to take possession of [REDACTED], the Prosecution will aim to return them to the Registry within two months of their receipt',⁹ the Chamber finds that such search is necessary and proportionate to the legitimate investigative needs. The Chamber therefore grants the First Request and orders the Prosecution to submit to the Chamber, within one month after receiving [REDACTED], a report detailing all of the measures it has taken to limit access to the Accused's private information.

6. The Defence argues that the Prosecution's requests are 'made too late' and that the disclosure process 'take many months'.¹⁰ While this does not constitute a reason to reject the First Request, the Chamber notes that the Prosecution was notified of the Registry's Report more than 13 months before it filed the Request. The Chamber deplores the fact that the Prosecution did not make this request at an earlier stage of the proceedings and provides no reason for this failure.

⁵ Email from the Chamber, [ICC-01/21-01/25 – Confidential *ex parte*, only available to the Prosecution, the Defence and the Registry] Order to submit observations on the Prosecution's request for materials in the custody of the Registry, 7 May 2026, at 17:04.

⁶ Response to Prosecution's request for materials in the custody of the Registry, ICC-01/21-01/25-444-Conf-Exp.

⁷ Registry's observations on the "Prosecution's request for materials in the custody of the Registry" (ICC-01/21-01/25-425-Conf-Exp), ICC-01/21-01/25-442-Conf-Exp (a confidential redacted version was notified on the same day, ICC-01/21-01/25-442-Conf-Red) (the 'Registry's Observations'), with confidential *ex parte* annex.

⁸ Registry's Observations, para. 8.

⁹ Request, para. 9.

¹⁰ Defence's Observations, paras 3-4.

7. Regarding the Second Request, the Chamber notes that the Prosecution requests for an inventory of the Obtained Items (the ‘Request for Inventory’) and, subject to its receipt of an inventory, requests access to material within the Obtained Items that may be relevant to the investigation (the ‘Request for Access to Relevant Material’).¹¹ The Chamber notes that the Defence submits that Annex XVII to the Registry’s Report ‘amounts in terms to an inventory’.¹² However, noting that the information contained within Annex XVII to the Registry’s Report is limited to what is relevant to [REDACTED], and further noting that the Registry’s Observations and its Annex are currently confidential *ex parte*, the Chamber finds that, for the purpose of the Prosecution’s investigation, it is appropriate to grant it access to the Registry’s Observations and its Annex. The Chamber therefore grants the Request for Inventory and, pursuant to Regulation 92(3) of the Regulations, orders the Registry to reclassify the Registry’s Observations and its Annex as confidential *ex parte* only available to the Defence, the Registry and the Prosecution.

8. Turning to the Request for Access to Relevant Material, at this stage of the proceedings where the Prosecution has yet to receive the inventory of the Obtained Items, the Chamber finds it premature to rule on such request. Upon receiving the requested inventory, should the Prosecution wish to access any of the Obtained Items, it may seize the Chamber.

9. In respect of the Third Request, the Chamber notes that it is necessary to ensure that the money in question is not subject to devaluation. This is because, should the Accused ultimately be convicted of the alleged crimes, that money is to be available for the purpose of eventual forfeiture and the award of reparations to victims under Article 75 of the Statute. Further noting the Registry’s and the Defence’s Observations, the Chamber finds it appropriate to grant the Third Request and orders the Registry to take appropriate measures to ensure that any money within the Obtained Items is not subject to devaluation.

¹¹ Request, paras 10-11.

¹² Defence’s Observations, para. 5.

FOR THESE REASONS, THE CHAMBER HEREBY

GRANTS the First Request;

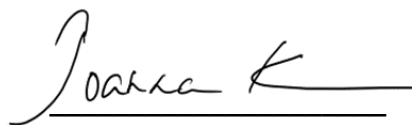
PARTLY GRANTS the Second Request;

GRANTS the Third Request;

ORDERS the Registry to (i) transmit [REDACTED] to the Prosecution by 1 June 2026; (ii) reclassify the Registry's Observations and its Annex as confidential *ex parte* only available to the Defence, the Registry and the Prosecution, by 1 June 2026; and (iii) take appropriate measures to ensure that the money within the Obtained Items is not subject to devaluation; and

ORDERS the Prosecution to submit to the Chamber, within one month after receiving [REDACTED], a report detailing the measures it has taken to limit access to the Accused's private information.

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



Judge Joanna Korner

Presiding Judge



Judge Keebong Paek



Judge Nicolas Guillou

Dated 3 July 2026

At The Hague, The Netherlands