

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date of original: 22 June 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 second 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), 61(11), 64(6)(a) of the Rome Statute, issues this ‘Decision on the Prosecution’s second request for materials in the custody of the Registry’.

1. The Chamber recalls the procedural history as set out in its ‘Decision on the Prosecution’s request for materials in the custody of the Registry’ (the ‘First Decision on Request for Materials’).¹

2. On 28 May 2026, pursuant to the First Decision on Request for Materials, the Registry reclassified the ‘Registry’s observations on the “Prosecution’s request for materials in the custody of the Registry”’ and its Annex,² and provided the Prosecution with access to the inventory of items that were obtained by the Registry upon the arrest and transfer of Rodrigo Roa Duterte (the ‘Accused’).

3. On 9 June 2026, the Prosecution filed its second request for materials in the custody of the Registry (the ‘Request’),³ seeking that the Chamber order the Registry to make available to the Prosecution the following materials in the Registry’s custody:

- (i) [REDACTED];
- (ii) [REDACTED]; and
- (iii) all keys (the ‘Keys’).

4. On 16 June 2026, pursuant to the Chamber’s order,⁴ the Defence⁵ and the Registry⁶ submitted their observations (respectively, the ‘Defence’s Observations’ and the ‘Registry’s Observations’). The Defence ‘does not oppose the Prosecution’s

¹ 28 May 2026, ICC-01/21-01/25-451-Conf-Exp.

² 18 May 2026, ICC-01/21-01/25-442-Conf-Exp, with confidential *ex parte* Annex.

³ Prosecution’s second request for materials in the custody of the Registry, ICC-01/21-01/25-460-Conf-Exp.

⁴ 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 second request for materials in the custody of the Registry, 9 June 2026, at 17:30.

⁵ Response to Prosecution’s Second Request for Materials in the Custody of the Registry, ICC-01/21-01/25-468-Conf-Exp.

⁶ Registry’s observations on the “Prosecution’s second request for materials in the custody of the Registry” (ICC-01/21-01/25-460-Conf -Exp), ICC-01/21-01/25-467-Conf-Exp.

request for access to [...] [REDACTED] and [REDACTED]',⁷ while it 'submits that the Prosecution's request to access "all keys in the Registry's custody" is insufficiently substantiated and should be rejected'.⁸ In addition, the Defence requests that 'any further requests for access to materials in the Registry's custody, if any, be made by 30 June 2026'.⁹ The Registry submits that all requested items would be transferred, should the Chamber grant the Request.¹⁰

5. With regard to [REDACTED], the Chamber notes that they were in the possession of the Accused at the time of his arrest, and [REDACTED]. With respect to [REDACTED], the Chamber notes that they [REDACTED]. The Chamber therefore finds that there are reasonable grounds to believe that the examination of these materials would produce evidence that is necessary for the investigation.

6. Further, the Chamber notes that there is no disagreement concerning the requested access to [REDACTED] and [REDACTED],¹¹ and that the Prosecution submits that it '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'.¹² The Chamber therefore finds that such examination is necessary and proportionate to the legitimate investigative needs. Accordingly, the Chamber grants the requested access to [REDACTED] and [REDACTED].

7. Turning to the Keys, the Chamber notes that the Prosecution merely submits that the Keys '[REDACTED]',¹³ and does not specify to what items the Keys relate to, nor how such items may provide evidence that are necessary for the investigation. The Chamber further notes the Defence's arguments that the Keys were 'seized while he was travelling with members of his family', and it is therefore 'entirely possible that the keys provide access to material belonging to, or concerning, his relatives, such

⁷ Defence's Observations, para. 6.

⁸ Defence's Observations, para. 7 (footnote omitted).

⁹ Defence's Observations, para. 9.

¹⁰ Registry's Observations, para. 13.

¹¹ Defence's Observations, para. 6.

¹² Request, para. 6.

¹³ Request, para. 5.

that their examination would intrude upon the privacy rights of third parties'.¹⁴ In light of these circumstances, the Chamber finds that the requested access to the Keys is neither necessary nor proportionate, and should therefore be rejected.

8. With respect to the Defence's request to set time limit to the Prosecution's further request for access to the materials in custody of the Registry, noting that the Prosecution also acknowledges its delay in submitting this Request,¹⁵ the Chamber orders the Prosecution to file any further request by 30 June 2026.

FOR THESE REASONS, THE CHAMBER HEREBY

PARTLY GRANTS the Request;

ORDERS the Registry to transmit [REDACTED] and [REDACTED] to the Prosecution by 24 June 2026;

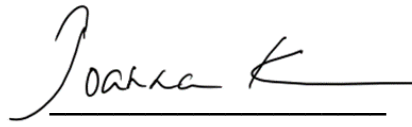
ORDERS the Prosecution to file any additional request for access to materials in the Registry's custody by 30 June 2026; and

ORDERS the parties and the Registry to file public redacted versions of their submissions made in relation to the First Decision on Request for Materials and the present decision, by 26 June 2026.

¹⁴ Defence's Observations, para. 8.

¹⁵ Request, Para. 6.

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



Judge Joanna Korner

Presiding Judge



Judge Keebong Paek



Judge Nicolas Guillou

Dated this **3 July 2026**

At The Hague, The Netherlands