

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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No.: ICC-01/21-01/25
Date: 15 September 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 “Victims’ Observations on the Review of Mr Duterte’s
Detention pursuant to Rule 118(2) of the Rules of Procedure and Evidence
(ICC-01/21-01/25-493-Conf)”**

Source: Common Legal Representatives of Victims

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
D36

☒ Legal Representatives of the Victims
V50

☐ 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
M. Zavala Giler, Osvaldo

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☐ Detention Section

☐ Victims Participation and
Reparations Section

☐ Other

I. INTRODUCTION

1. The Common Legal Representatives of Victims (the “CLR”) hereby submit their observations on the periodic review of Mr Duterte’s detention.

2. The CLR submit that the continued detention of Mr Duterte remains necessary and warranted at this stage of the proceedings. The conditions set forth in article 58(1) of the Rome Statute (the “Statute”) continue to be met, and none of the numerous factors previously found to justify his detention have changed.

3. In addition, Trial Chamber III (the “Chamber”) has recently received the Report of the multidisciplinary Panel of Experts it tasked with examining the Accused for the purposes of determining his fitness to stand trial.¹ The Report is unequivocal in concluding that [REDACTED].² On the basis of said earlier assessment, the Pre-Trial Chamber found Mr Duterte fit to participate in the pre-trial proceedings.³

4. As all of the factors previously found to justify and necessitate the Accused’s detention remain valid, the CLR respectfully request that the Chamber maintain said measure. Victims expect to finally see Mr Duterte appear in person in the courtroom. Moreover, continued detention is necessary to prevent any risk that victims and witnesses may be subjected, directly or indirectly, to intimidation, threats, interference, or other forms of undue influence that could undermine their participation in the proceedings and the proper administration of justice. Mr Duterte’s continued detention at the seat of the Court is the only means of securing his appearance and preventing any possible intimidation and/or interference.

¹ See the “Transmission of the Panel of Experts’ Joint and Individual Reports pursuant to ICC-01/21-01/25-462-Conf”, No. ICC-01/21-01/25-480-Conf, 21 August 2026.

² See Annex 1 to the “Transmission of the Panel of Experts’ Joint and Individual Reports pursuant to ICC-01/21-01/25-462-Conf”, No. ICC-01/21-01/25-480-Conf, 21 August 2026 pp. 8-11 (the “Joint Expert Report”).

³ See the “Decision on the ‘Defence Request for an Indefinite Adjournment’ and Mr Duterte’s fitness to take part in the pre-trial proceedings” (Pre-Trial Chamber I), No. ICC-01/21-01/25-356-Conf, 26 January 2026, para. 45. A public redacted version [No. ICC-01/21-01/25-356-Red](#) was filed on the same day.

II. PROCEDURAL BACKGROUND

5. On 7 March 2025, Pre-Trial Chamber I issued a warrant of arrest for Mr Duterte.⁴

6. On 12 March 2025, the Government of the Philippines surrendered Mr Duterte to the Court.⁵ In accordance with the provisions of article 60(2) of the Rome Statute (the “Statute”), Mr Duterte has been in detention since the date of his surrender. His detention has been periodically reviewed in accordance with article 60(3) of the Statute and Rule 118(2) of the Rules of Procedure and Evidence (the “Rules”).⁶

7. Following the confirmation of charges on 23 April 2026,⁷ the Chamber was satisfied that Mr Duterte’s continued detention remained necessary to ensure his attendance at trial.⁸

8. On 25 July 2026, the Chamber instructed the parties, participants, and the Registry to file observations on the Accused’s detention pursuant to Rule 118(2) of the Rules by 7 September 2026.⁹

III. CLASSIFICATION

9. Pursuant to regulation 23*bis* (1) and (2) of the Regulations of the Court, the present observations are classified as confidential, as they refer to information contained in documents having the same classification, as well as to confidential

⁴ See the “Warrant of Arrest for Mr Rodrigo Roa Duterte” (Pre-Trial Chamber I), [No. ICC-01/21-01/25-83](#), 7 March 2025.

⁵ See the “Decision on the Prosecution’s application under regulation 35 of the Regulations of the Court” (Pre-Trial Chamber I), [No. ICC-01/21-01/25-138](#), 20 May 2025, para. 1.

⁶ See the “Decision on the review of Mr Rodrigo Roa Duterte’s detention” (Pre-Trial chamber I), No. ICC-01/21-01/25-357-Conf, 26 January 2026. A public redacted version [No. ICC-01/21-01/25-357-Red](#) was filed on the same day. See also, “Decision on the Defence’s ‘Urgent Request for Interim Release’ and ‘Renewed Request for Interim Release’”, No. ICC-01/21-01/25-282-Conf, 26 September 2025. A public redacted version [No. ICC-01/21-01/25-282-Red](#) was filed on 10 October 2025.

⁷ See the “Decision on the confirmation of charges against Mr Rodrigo Roa Duterte” (Pre-Trial Chamber I), No. ICC-01/21-01/25-417-Conf, 23 April 2026. A public redacted version [No. ICC-01/21-01/25-417-Red](#) was filed on the same day.

⁸ See the “Decision on the Review of Rodrigo Roa Duterte’s Detention” (Trial Chamber III), [No. ICC-01/21-01/25-447](#), 22 May 2026 (the “First Trial Chamber Decision on Detention”).

⁹ See the Email Communication from the Chamber dated 17 July 2026 at 14:09.

medical information relating to the Accused. A public redacted version will be filed in due course.

IV. SUBMISSIONS

1. Applicable law

10. Article 60(3) of the Statute provides that:

“The Pre-Trial Chamber shall periodically review its ruling on the release or detention of the person, and may do so at any time on the request of the Prosecutor or the person. Upon such review, it may modify its ruling as to detention, release or conditions of release, if it is satisfied that changed circumstances so require.”

11. Pursuant to rule 118(2) of the Rules:

“The Pre-Trial Chamber shall review its ruling on the release or detention of a person in accordance with article 60, paragraph 3, at least every 120 days and may do so at any time on the request of the person or the Prosecutor.”

12. In this regard, the Appeals Chamber has clarified that *“in ‘carrying out a periodic review of a ruling on detention under article 60(3) of the Statute [a Chamber] must satisfy itself that the conditions under article 58(1) of the Statute, as required by article 60(2) of the Statute, continue to be met’. This inquiry by the Chamber carrying out the review is not dependent only upon the new information provided by the parties, but is a review of the current circumstances as a whole which underpin detention. It is the Chamber’s obligation to look at those circumstances and be satisfied that continued detention is necessary.”*¹⁰

2. Observations on Mr Duterte’s continued detention

13. In its first review of Mr Duterte’s detention following the confirmation of charges against him, the Chamber found that there had been no change in the circumstances that the Pre-Trial Chamber – as confirmed by the Appeals Chamber – had previously determined, warranted the continuation of said measure.¹¹ While the

¹⁰ See the “Judgment on the appeal of Mr Laurent Gbagbo against the decision of Trial Chamber I of 10 March 2017 entitled ‘Decision on Mr Gbagbo’s Detention’” (Appeals Chamber), [No. ICC-02/11-01-15-992-Red OA10](#), 19 July 2017, para. 38.

¹¹ See the First Trial Chamber Decision on Detention, *supra* note 8, para. 14.

Chamber considered the confirmation of charges to constitute a change in circumstances, it found that this development increased the risk of flight. Accordingly, it concluded that Mr Duterte's detention remained necessary at the current stage of the proceedings.¹²

14. In its reasoning, the Chamber specifically addressed the Defence's argument that Mr Duterte's health conditions supported interim release rather than continued detention.¹³ The Chamber rejected this argument, finding that the medical opinions provided by the appointed Panel of Experts, each of whom had examined Mr Duterte, "[did] not contain any information that warrant[ed] modifying the Accused's detention."¹⁴

15. Following the Defence's renewed claim that [REDACTED],¹⁵ as well as its request for a determination of the Accused's ability to stand trial,¹⁶ the Chamber ordered that Mr Duterte be re-examined by the same Panel of Experts.¹⁷ The Chamber provided said Panel with specific instructions to assist it in assessing whether the Accused is fit to participate in the proceedings,¹⁸ emphasising that *"the question of whether an accused is fit to stand trial does not depend, in and of itself, on whether he or she has particular medical conditions, but whether he or she **is able** to effectively exercise his or her fair trial rights in the proceedings."*¹⁹

¹² *Ibid.*

¹³ *Ibid.*, para. 15.

¹⁴ *Ibid.*, para. 17.

¹⁵ See the "Defence Observations in Advance of the First Status Conference", No. ICC-01/21-01/25-439-Conf, 15 May 2026, para. 4. A public redacted version [No. ICC-01/21-01/25-439-Red](#) was filed on the same day.

¹⁶ See the "Defence's request for medical examination pursuant to Rule 135", No. ICC-01/21-01/25-450-Conf, 25 May 2026. A public redacted version [No. ICC-01/21-01/25-450-Red](#) was filed on the same day.

¹⁷ See the "Decision appointing experts for the purpose of a medical examination pursuant to Rule 135 of the Rules of Procedure and Evidence" (Trial Chamber III), No. ICC-01/21-01/25-462-Conf, 12 June 2026, para. 22. A public redacted version [No. ICC-01/21-01/25-462-Red](#) was filed on the same day (the "Decision Appointing Experts").

¹⁸ *Ibid.*, paras. 27-31.

¹⁹ *Ibid.*, para. 25 (emphasis added).

16. The CLRV submit that the same guiding principle should be applied in determining whether the Accused continues to pose a flight risk or otherwise retains the capacity to interfere with the investigation or proceedings. The Panel of Experts' answer to that question is unequivocally affirmative.²⁰

17. If anything, the Experts noted [REDACTED].²¹ At the same time, the Joint Expert Report again highlights [REDACTED].²² Overall, the Panel jointly concluded that [REDACTED].²³

18. While the CLRV reserve their right to make comprehensive submissions on the Reports of the Experts and their implications in due course, it is nevertheless important to emphasize, for the purposes of the present observations, that the independent medical expertise does not affect the prior judicial determination that Mr Duterte continues to pose a significant flight risk.

19. All of the factors previously identified by the Pre-Trial Chamber and the Chamber as relevant to their assessments of Mr Duterte's ability to abscond and/or rely upon various support networks²⁴ remain valid and unchanged. Mr Duterte remains capable of absconding, interfering with the investigation and proceedings, and accessing and/or instructing a network of supporters and resources for such purposes.

20. The gravity of the charges and the potential sentence in the event of conviction have not changed since the last review of detention. Nor has any information been

²⁰ See the Joint Expert Report, *supra* note 2, pp. 8-11.

²¹ *Ibid.*, p. 10 at para. 18.1. See also, Annex IV to the "Transmission of the Panel of Experts' Joint and Individual Reports pursuant to ICC-01/21-01/25-462-Conf", No. ICC-01/21-01/25-480-Conf, 21 August 2026, p. 78; and Annex III to the "Transmission of the Panel of Experts' Joint and Individual Reports pursuant to ICC-01/21-01/25-462-Conf", No. ICC-01/21-01/25-480-Conf, 21 August 2026, p. 14.

²² See the Joint Expert Report, *supra* note 2, p. 10 at para. 19.1. and p. 5 at paras. 4.3 to 4.5.

²³ *Ibid.*, pp. 8-10.

²⁴ See the First Trial Chamber Decision on Detention, *supra* note 8, para. 12.

brought to the Chamber's attention suggesting that Mr Duterte has materially altered his dismissive views towards the Court and its legitimacy.

21. In short, there is no information before the Chamber that could reasonably justify exercising its discretion to modify the terms of Mr Duterte's detention in favour of any form of interim release or any measure short of continued detention. Accordingly, Mr Duterte's detention remains necessary to secure his attendance at trial and is appropriate in the circumstances.

22. Victims and their families attach considerable importance to these proceedings, viewing them as the only avenue to obtain justice. They also place significant importance on the Accused appearing before the Judges of this Court in person. Many continue to fear threats, retaliation and stigmatisation in the communities due to Mr Duterte's continuing influence. Accordingly, the prevention of any potential intimidation or interference, as well as the Accused's appearance at trial, can be effectively ensured only if he remains in the Court's custody.

V. CONCLUSION

23. For the foregoing reasons, the CLRV respectfully request the Chamber to maintain Mr Duterte's detention.



Gilbert Andres



Joel Butuyan



Paolina Massidda

Dated this 15th day of September 2026.

At The Hague (The Netherlands) and Manila (The Philippines)