

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **18 February 2026**

PRE-TRIAL CHAMBER I

Before: Judge Iulia Antoanella Motoc, Presiding Judge
Judge Reine Adélaïde Sophie Alapini-Gansou
Judge María del Socorro Flores Liera

SITUATION IN THE REPUBLIC OF THE PHILIPPINES

IN THE CASE OF THE PROSECUTOR v. RODRIGO ROA DUTERTE

**PUBLIC
With Public Annex A**

**Notification of a Request to Waive the Right
to Attend the Hearing on the Confirmation of the Charges**

Source: The Defence for Rodrigo Roa Duterte

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

Duterte Defence Team

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

Oswaldo Zavala Giler

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and
Reparations Section**

Other

1. The Defence for Rodrigo Roa Duterte hereby submits Mr Duterte's request to waive his right to attend the hearing on the confirmation of the charges.
2. For the sake of the record, the Defence clarifies that this request had already been submitted to the Pre-Trial Chamber, yet, the Pre-Trial Chamber decided that it needs to "receive a written request that must be personally executed by the suspect intending to waive his or her right to be present at the confirmation of charges hearing". This requirement, according to the Pre-Trial Chamber, is necessitated "pursuant to the clear wording of rule 124(1) of the Rules".
3. The "clear wording" of Rule 124(1) does not state that a request to waive attendance at the confirmation hearing "must be personally executed" by the suspect. The "clear wording" of Rule 124(1) states that the suspect "shall submit a written request", and that is, indeed, what Rodrigo Duterte did – *through* his appointed Counsel.
4. Mr Duterte is not now capable of "personally executing" anything, let alone writing a legally reasoned waiver in his own hand. That is why he has lawyers both speaking for him and drafting documents on his behalf. That is why the Pre-Trial Chamber acceded to the Defence's request for a notary public to visit their aged and infirm client – to sign him off on various special powers of attorney to manage his worldly affairs.¹
5. As this Pre-Trial Chamber is fully aware, having examined most studiously the medical evidence, both the neuropsychologist appointed by the ICC Medical Officer, as well as the neuropsychologist on its own appointed Panel of Experts, found Mr Duterte's visuo-spatial skills to be "impaired".² With respect to his

¹ Email, Pre-Trial Chamber I to Defence, "[ICC-01/21-01/25 – Confidential] Order on Defence's request regarding contact restrictions, 14 April 2025, 13:33.

² Annex IV to the Registry Transmission of the Panel of Experts' Joint and Individual Reports, [ICC-01/21-01/25-327-Conf-AnxIV](#), 5 December 2025, p. 27.

language fluency, the neurologist on the Panel of Experts awarded Mr Duterte a resounding score of “0”.³ Obligated to draw a cube, which he abjectly failed to do, Mr Duterte received yet another resonating score of “0”, commenting that performing the exercise “makes me dizzy”.⁴ It thus stands to reason that Mr Duterte’s ability to put pen to paper and to draft the legally motivated waiver that the Pre-Trial Chamber requires to be “personally executed” is non-existent, notwithstanding the finding of ‘fitness’ in respect of which an appeal was also blocked.

6. Nonetheless, on 16 February 2026, Mr Duterte orally dictated his reasoning for requesting a waiver to his legal team and for the Prosecution who desires it so eagerly.⁵ These words were typed up into a document, which, on 17 February 2026, was read to him, approved, and duly signed, despite him having forgotten what he had dictated the day before. This document, with Mr Duterte’s original signature, is attached hereto as Public Annex A and its content is set out hereinbelow:

³ Annex III to the Registry Transmission of the Panel of Experts’ Joint and Individual Reports, [ICC-01/21-01/25-327-Conf-AnxIII](#), 5 December 2025 (“[Report of the Court-appointed Neurologist](#)”), p. 16.

⁴ [Report of the Court-appointed Neurologist](#), p. 15.

⁵ Prosecution Response to ‘Defence Observations pursuant to Rule 122(3) and Defence Request pursuant to Rule 124(1)’ (ICC-01/21-01/25-379-Conf-Exp), [ICC-01/21-01/25-382-Conf](#), 17 February 2026, p. 11. It should be noted that the “clear wording” of Rule 124(1) does not envisage the receipt of observations from the Common Legal Representatives for the Victims.

I, Rodrigo Roa Duterte, wish to waive my right to attend the hearing on the confirmation of charges currently fixed for 23-27 February 2026. I understand the consequences of my waiving this right which has been thoroughly explained to me by my Counsel and I trust him and his team to challenge the sufficiency of the Prosecution's evidence on my behalf. I do not wish to follow these proceedings from outside the courtroom through the use of communications technology. An original copy of this waiver and my signature is in the hands of my lawyers.

My reasons are as follows:

I do not recognize the jurisdiction of the International Criminal Court over my person. I am a Filipino citizen forcibly pushed into a jet and renditioned to The Hague in the Netherlands in flagrant contravention of my country's Constitution and of national sovereignty. My kidnapping was facilitated by the office of the incumbent President of the Philippines with a plane specially chartered for this purpose.

The claim that I oversaw a policy of extra-judicial killings is an outrageous lie. These claims have been peddled by my political opponents for many years and, as my nation knows, they are based on the word of individuals whose credibility has been thoroughly discredited.

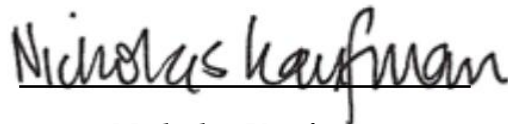
I do not wish to attend legal proceedings that I will forget within minutes. I am old, tired, and frail. I wish for this Court to respect my peace inside the cell it has placed me. I have accepted the fact that I could die in prison. But those that desire this fate for me should know that my heart and soul will always remain in the Philippines.

I am proud of my legacy and of my service to my countrymen around the world. Let no one doubt my love for and loyalty to the Filipino nation.

Kaninyo, ako, magpabiling sulugon.

Rodrigo Roa Duterte

Respectfully submitted,

A handwritten signature in black ink that reads "Nicholas Kaufman". The signature is written in a cursive style and is underlined.

Nicholas Kaufman

Counsel for Rodrigo Roa Duterte

Dated this 18th day of February 2026

At The Hague, The Netherlands