



Original: English

No. ICC-01/21-01/25

Date: 6 May 2025

PRE-TRIAL CHAMBER I

Before:

**Judge Iulia Antoanella Motoc, Presiding
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

Decision on the ‘Defence Invitation for the Excusal of Judge Reine Adélaïde Sophie Alapini-Gansou and Judge María del Socorro Flores Liera from Adjudicating on the Issue of Jurisdiction’

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

PRE-TRIAL CHAMBER I of the International Criminal Court issues the present decision on the 1 May 2025 ‘Defence Invitation for the Excusal of Judge Reine Adélaïde Sophie Alapini-Gansou and Judge María del Socorro Flores Liera from Adjudicating on the Issue of Jurisdiction’ (the ‘Invitation’).¹

1. On 1 May 2025, the Defence filed a challenge to the exercise of jurisdiction by the Court in the Situation in the Republic of the Philippines.²

2. On the same day, the Defence filed the Invitation ‘to petition the Presidency for a partial excusal from exercising their functions in Pre-Trial Chamber I on the specific issue of jurisdiction’ in the present case. The Defence submits that ‘[a] partial excusal in the Case is justified and, moreover, appropriate given the possibility of perceived bias’, which would arise ‘out of the Judges’ prior ruling on substantially the same issue in the Situation in the Republic of the Philippines’.

3. On 5 May 2025, the Prosecution opposed the Invitation requesting the Chamber to dismiss it.³

4. The Chamber recalls that, pursuant to article 41 of the Rome Statute and rules 34 and 35 of the Rules of Procedure and Evidence, a judge’s excusal from the exercise of a function may only be sought by the concerned judge directly before the Presidency, as opposed to disqualification for which the Prosecution or the person being investigated or prosecuted may submit a request before the Presidency. The possibility for that person to invite or request judges to seek excusal before the Presidency is thus not contemplated in the statutory texts. As stated by the Presidency, ‘no preemptive request may be made by the parties that a judge request his or her excusal’ and such course of action ‘lacks procedural propriety’.⁴

¹ ICC-01/21-01/25-122-Conf.

² Defence Challenge with Respect to Jurisdiction, ICC-01/21-01/25-121 with public Annex A.

³ Prosecution’s Observations on the “Defence Invitation for the Excusal of Judge Reine Adélaïde Sophie Alapini-Gansou and Judge María del Socorro Flores Liera from Adjudicating on the Issue of Jurisdiction” (ICC-01/21-01/25-122), ICC-01/21-01/25-125-Conf.

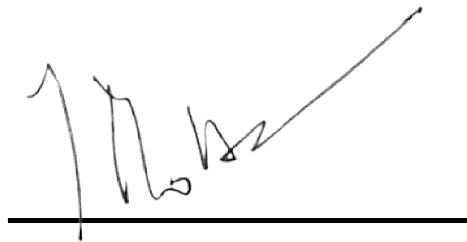
⁴ Annex 1 to Presidency, *The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé*, Decision replacing two judges in the Appeals Chamber, 15 July 2015, ICC-02/11-01/15-142-AnxI, p. 3.

FOR THESE REASONS, THE CHAMBER HEREBY

DISMISSES the Invitation *in limine*;

ORDERS the Registry to reclassify filings ICC-01/21-01/25-122-Conf and ICC-01/21-01/25-125-Conf as public.

Done in English. A French translation will follow. The English version remains authoritative.

A handwritten signature in black ink, consisting of a series of loops and a long diagonal stroke, positioned above a solid horizontal line.

Judge Iulia Antoanella Motoc, Presiding

A handwritten signature in black ink, featuring a large 'A' and a horizontal stroke, positioned above a solid horizontal line.

**Judge Reine Adélaïde Sophie Alapini-
Gansou**

A handwritten signature in black ink, consisting of a vertical stroke and a loop, positioned above a solid horizontal line.

Judge María del Socorro Flores Liera

Dated this Tuesday, 6 May 2025

At The Hague, The Netherlands