

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: **17 July 2025**

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

CONFIDENTIAL

Defence Notification

Source: Defence for Mr 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
Osvaldo Zavala Giler | ☐ Counsel Support Section |
| ☒ Victims and Witnesses Unit | ☒ Detention Section |
| ☐ Victims Participation and Reparations Section | ☐ Other |

1. Pursuant to its urgent request for a status conference,¹ the Defence hereby notifies the Pre-Trial Chamber that it has, today, received further medical information from the ICC Detention Centre concerning Mr. Duterte.
2. This medical information is the much-awaited neuropsychological evaluation performed on 23 June 2025, by an unknown medical professional, selected by the ICCDC Medical Officer (ICCDC-MO) and whose name and qualifications have not been disclosed to the Defence. The findings of this professional confirm cognitive impairment - particularly in the executive domain yet provide no definite conclusions as to severity or aetiology. Further testing is recommended.
3. The Pre-Trial Chamber will recall that the Registrar, in accordance with Regulation 157(3) of the Regulations of the Registry, intervened to request the ICCDC-MO to perform a neuropsychological evaluation by a professional of her own choice, after the Defence neurologist's report clearly put the Registrar on notice of Defence strategy. Putting aside the reasons for the Registrar's intervention, which the Defence proposes to clarify should there be an evidentiary hearing on competency, the Registrar subsequently denied evaluation by a neuropsychologist selected by the Defence, yet declared such a denial temporary so that an appeal to the Presidency could not be made. Within hours of receiving the ICCDC neuropsychological evaluation today, the Defence has, once again, petitioned the Registrar and asked for an immediate decision pursuant to Regulation 157(1) to permit the introduction of the Defence's neuropsychologist and to insist on the immediate performance of the

¹ ICC-01/21-01/25-192-Conf.

approved MRI – all to allow the Defence experts to conclude their report on legal competency.

4. For the sake of clarity, and in light of the newly received medical information, the Defence formally notifies the Pre-Trial Chamber that it will raise the issue of legal competency **as bar to the holding of a hearing on the confirmation of charges**. The status conference requested would facilitate the procedure for allowing this matter to be litigated appropriately.



Nicholas Kaufman
Counsel for Rodrigo Roa Duterte

Dated this 17th day of July 2025

The Hague, The Netherlands