

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No. ICC-01/21-01/25

Date: 22 July 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*

Confidential

Decision on the ‘Urgent Defence Request for a Status Conference under rule 121(2)(b)’

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 14 July 2025 ‘Urgent Defence Request for a Status Conference under rule 121(2)(b)’.¹

I. Procedural history

1. On 14 July 2025, the Defence filed the Request, seeking that the Chamber ‘schedule, as soon as practicable, a status conference pursuant to rule 121(2)(b) of the Rules of Procedure and Evidence’ to (i) ‘determine the most efficient way to proceed with matters concerning Mr Duterte’s competency’; and (ii) ‘assess whether, given the delays in procuring Mr Duterte’s medical records [...] it remains feasible to maintain the current schedule for the hearing on the confirmation of charges’.

2. On 15 July 2025, the Prosecution opposed the Request,² submitting *inter alia* that ‘a status conference is not the appropriate mechanism to address the issues raised by the Defence’.

3. On 17 July 2025, the Defence notified that, ‘in light of [...] newly received medical information’, ‘it will raise the issue of legal competency as bar to the holding of a hearing on the confirmation of charges’, and submitted that the ‘status conference requested would facilitate the procedure for allowing this matter to be litigated appropriately’.³

4. On 18 July 2025, the Defence submitted ‘new medical records that have recently come into its possession’, noting ‘the relevance of these records to the issue of legal competency sought to be litigated and the outstanding Defence request to hold a status conference prior to the impending judicial summer recess’.⁴

II. Determination

5. The Chamber notes that the Defence has already submitted written filings dealing with most, if not all, of the issues proposed for discussion at a status conference. In particular, as stated by the Defence, it ‘has consistently informed the Chamber’ of matters relating to ‘whether Mr Duterte is competent to participate in legal proceedings’ and the ‘delay in the receipt of Mr Duterte’s medical records’, which have been appropriately addressed.

6. The Chamber considers that a status conference is not the appropriate procedure for dealing with ‘issues affecting Mr Duterte’s fitness to stand trial and to determine whether the

¹ ICC-01/21-01/25-192-Conf (public redacted version notified on 15 July 2025, ICC-01/21-01/25-192-Red) (the ‘Request’).

² Prosecution’s response to “Urgent Defence Request for a Status Conference under rule 121(2)(b)”, ICC-01/21-01/25-194-Conf.

³ Defence Notification, ICC-01/21-01/25-197-Conf.

⁴ Defence Submission of Medical Reports, ICC-01/21-01/25-199-Conf with confidential Annexes A-C.

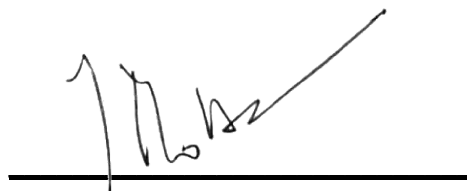
current confirmation schedule remains practicable'. Rather, any issue which the Defence indicated that it intended to raise in the course of the proposed status conference may be equally addressed in writing. Parties and participants may then also present any relevant submissions by way of written filings, allowing the Chamber to properly adjudicate such matters.

7. Noting the Defence's reference to the 24 July 2025 deadline for '[a]ny requests pertaining to any matter arising from the proceedings leading up to the confirmation of charges hearing, other than the disclosure process and the [Document containing the charges]',⁵ the Chamber recalls that such time limit applies 'except if the party or, to the extent applicable, participant establishes that the relevant matter arose only after the expiry of the aforementioned time limit and could not have been reasonably brought to the Chamber's attention prior thereto'. In any event, in light of the nature of the issues that the Defence intends to raise and of potential related motions, the Chamber considers that they would not fall within the scope of the abovementioned instruction.

FOR THESE REASONS, THE CHAMBER HEREBY

REJECTS the Request.

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



Judge Iulia Antoanella Motoc, Presiding



**Judge Reine Adélaïde Sophie Alapini-
Gansou**



Judge María del Socorro Flores Liera

Dated this Tuesday, 22 July 2025

At The Hague, The Netherlands

⁵ Order on the conduct of confirmation proceedings, 17 April 2025, ICC-01/21-01/25-114, para. 41.