

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

No.: ICC-01/21-01/25
Date: 30 September 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

PUBLIC

Public Redacted Version of “Registry Report on the Assessment by the Medical Officer of the Detention Centre”, 2 September 2025, ICC-01/21-01/25-263-Conf

Source: Registry

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

☐ 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

M. Zavala Giler, Osvaldo

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☒ Detention Section

☐ Victims Participation and
Reparations Section

☐ Other

I. Introduction

1. In accordance with the “Order to the Registry for a report from the Medical Officer of the Detention Centre” (“Order for a Report”) issued by the Pre-Trial Chamber I (“Chamber”) on 26 August 2025,¹ whereby the Registry is ordered to submit a report which shall include an assessment from the Registry and Medical Officer of the ICC of the Detention Centre (“MO” and “ICC DC”, respectively), the Registry hereby submits the said report.

II. Procedural History

2. On 18 August 2025, the Defence for Mr Rodrigo Roa Duterte (“Defence” and “Mr Duterte”, respectively) submitted the “Defence Request for an Indefinite Adjournment” (“Request for Adjournment”), stating, *inter alia*, that Mr Duterte “is not fit to stand trial as a result of cognitive impairment in multiple domains”, and that his “condition will not improve and, for this reason, the Pre-Trial Chamber must adjourn all legal proceedings in his case indefinitely” pursuant to Rule 135(4) of the Rules of Procedure and Evidence.²
3. On 22 August 2025, the Defence emailed the Registry as follows: “[REDACTED]”.³
4. On 26 August 2025, the Chamber issued its Order for a Report whereby it instructs the Registry to, as part of the adjudication of the Request for Adjournment, submit a report which shall include the assessment by the MO on the following:
 - a. The management of Mr Duterte’s health conditions while in custody at the Court’s Detention Centre, including a complete overview of all measures and arrangements put in place to provide him with medical access and care, as well as any examinations and results thereof;

¹ Pre-Trial Chamber I, “Order to the Registry for a report from the Medical Officer of the Detention Centre” (“Order for a Report”), 26 August 2025, ICC-01/21-01/25-243-Conf.

² Defence for Mr Duterte, “Defence Request for an Indefinite Adjournment” (“Request for Adjournment”), 18 August 2025, ICC-01/21-01/25-230-Conf, paras. 1, 35.

³ Email from the Defence for Mr Duterte to the Registry, 22 August 2025 at 16:56.

- b. Whether and, if so, at what level Mr Duterte suffers from any condition which might have an effect on his ability to follow and take part in the ongoing pre-trial proceedings, including the confirmation of charges hearing;
 - c. Whether any special measures or adjustments are recommended to address any medical condition of Mr Duterte during the pre-trial proceedings, including the confirmation of charges hearing.⁴
5. On 27 August 2025, the Defence submitted the “Defence Request for Reconsideration of Order ICC-01/21-01/25-243-Conf” (“Request for Reconsideration”), requesting the Chamber to reconsider and rescind its Order for a Report, stating, *inter alia*, that “there exists no statutory provision empowering the Pre-Trial Chamber to compel the Medical Officer to provide an opinion on a detainee”;⁵ “[a]ccess to Mr Duterte's medical record may solely be afforded to the Pre-Trial Chamber upon Mr Duterte's ‘express written consent’ pursuant to Registry Regulation 156(3) [...] through the agency of ‘a reporting physician other than the medical officer’”;⁶ and that rule 113(2) of the Rules of Procedure and Evidence “requires the Chamber to seek the opinion of an expert from ‘the list of experts’ maintained by the Registry or an expert proposed by a party to the litigation”.⁷
6. On the same day, 27 August 2025, the Defence sent the following email to the Registry:

[REDACTED].⁸

⁴ Pre-Trial Chamber I, Order for a Report, para. 3.

⁵ Defence for Mr Duterte, “Defence Request for Reconsideration of Order ICC-01/21-01/25-243-Conf” (“Request for Reconsideration”), 27 August 2025, ICC-01/21-01/25-244-Conf, para. 4.

⁶ *Ibid.*, para. 5.

⁷ *Ibid.*, para. 7.

⁸ Email from the Defence for Mr Duterte to the Registry on 27 August 2025 at 08:51. Emphasis in original.

7. On 27 August 2025, the Chamber, noting the Request for Reconsideration, ordered in its Order on Request for Reconsideration “that any responses to this request shall be filed by no later than 28 August 2025”.⁹
8. On 28 August 2025, the Office of the Prosecutor submitted the “Prosecution’s Observations on the “Defence Request for Reconsideration of Order ICC-01/21-01/25-243-Conf” (ICC-01/21-01/25-244-Conf)”, stating, *inter alia*, that regulation 103(4) of the Regulations of the Court (“RoC”) and regulation 157 of the Regulations of the Registry (“RoR”) “do not concern the issue of an accused’s ability to effectively participate in the proceedings”, pursuant to jurisprudence in another case.¹⁰
9. On 28 August 2025, the Registry submitted the “Registry’s Observations on the “Defence Request for Reconsideration of Order ICC-01/21-01/25-243-Conf”, 27 August 2025, ICC-01/21-01/25-244-Conf” (“Registry Observations”).¹¹ On 29 August 2025, the Registry submitted a corrected version of the Registry Observations, which stated, *inter alia*, that:

[T]he MO would be in a position to provide recommendations for the confirmation of charges hearing regarding the length of the sitting schedule and/or the physical modalities (such as online attendance, chair adjustment, etc.) based on the general health condition of Mr Duterte. Also, the MO would be in a position to submit to the Chamber a factual report on “all measures and arrangements [if any] put in place to provide [Mr Duterte] with medical access and care” at the Detention Centre, if Mr Duterte consents to this information being so provided.¹²

⁹ Email from Pre-Trial Chamber I to the Office of the Prosecutor, Office of Public Counsel for the Victims, Defence for Mr Duterte and Registry on 27 August 2025 at 16:20.

¹⁰ Office of the Prosecutor, “Prosecution’s Observations on the “Defence Request for Reconsideration of Order ICC-01/21-01/25-243-Conf” (ICC-01/21-01/25-244-Conf)”, 28 August 2025, ICC-01/21-01/25-251-Conf, para. 4.

¹¹ Registry, “Registry’s Observations on the “Defence Request for Reconsideration of Order ICC-01/21-01/25-243-Conf”, 27 August 2025, ICC-01/21-01/25-244-Conf”, 28 August 2025, ICC-01/21-01/25-254-Conf-Exp. A confidential redacted version was notified on the same date, ICC-01/21-01/25-254-Conf-Red.

¹² Registry, “Corrected Version of “Registry’s Observations on the “Defence Request for Reconsideration of Order ICC-01/21-01/25-243-Conf”, 27 August 2025, ICC-01/21-01/25-244-Conf”, 28 August 2025, ICC-01/21-01/25-254-Conf-Exp” (“Registry Observations”), 29 August 2025, ICC-01/21-01/25-254-Conf-Exp-Corr, para. 17. A confidential redacted version was notified on the same date, ICC-01/21-01/25-254-Conf-Red-Corr.

10. On 1 September 2025, Counsel for Mr Duterte sent the following email to the Registry ("Defence Email of 1 September 2025"):

[REDACTED].¹³

III. Classification

11. In accordance with regulation 23 *bis*(1) and (2) of the RoC, the present report is classified as confidential and the Annex is classified as confidential *EX PARTE* only available to the Registry as: i) it contains confidential medical information; and ii) as ordered by the Chamber.¹⁴

IV. Applicable law

12. For the purpose of the present submission, the Registry has considered, *inter alia*, regulation 103 of the RoC and regulations 155 and 156 of the RoR.

V. Submissions

13. As ordered by the Chamber¹⁵ and in line with the Registry Observations,¹⁶ the Registry hereby i) reports on the MO's proposed adjustments to the sitting schedule for the confirmation of charges hearings; and ii) transmits in the Annex the factual report containing "the measures and arrangements put in place to provide him with medical access and care" ("Factual Medical Report").¹⁷

¹³ Email from the Defence for Mr Duterte to the Registry on 1 September 2025 at 17:39.

¹⁴ Pre-Trial Chamber I, Order for a Report, para. 3 and "**ORDERS** the Registry and the Medical Officer of the Detention Centre, who shall be immediately notified of the present order, to provide the Chamber with a report pursuant to paragraph 3 above by no later than 2 September 2025". [Emphasis added].

¹⁵ Pre-Trial Chamber I, Order for a Report, para. 3 (a)(b).

¹⁶ Registry, Registry Observations, para. 17: "Finally, in line with the Order for a Report and, in light of the above submissions, the Registry confirms that the MO would be in a position to provide recommendations for the confirmation of charges hearing regarding the length of the sitting schedule and/or the physical modalities (such as online attendance, chair adjustment, etc.) based on the general health condition of Mr Duterte". The MO will re-evaluate the sitting arrangements daily, during the confirmation of charges hearing, as noted below. As to any other sitting arrangement for the purpose of any other pre-trial hearing, the MO will make any such recommendation at that time, based on Mr Duterte's state at that time.

¹⁷ Pre-Trial Chamber I, Order for a Report, para. 3 (a), see also Registry Observations, para. 17.

i. Sitting Schedule

14. Having taken into consideration Mr Duterte's general health conditions, and further to the Chamber's instruction,¹⁸ the MO advises the following modalities regarding Mr Duterte's presence in court:

[REDACTED]

15. The MO will review the above-mentioned modalities daily during the confirmation of charges hearings. If any change is recommended, the MO will promptly inform the Registry which will transmit this information to the Chamber, parties and participants, [REDACTED].

ii. Factual Medical Report on the measures and arrangements put in place for Mr Duterte while in Detention

16. On 1 September 2025, in the morning, as ordered by the Chamber¹⁹ and in line with the Registry Observations,²⁰ [REDACTED],²¹ [REDACTED].

17. [REDACTED].²² [REDACTED].

18. [REDACTED]; the Registry hereby transmits in the Annex the Factual Medical Report consented by Mr Duterte.

19. Lastly, the Registry recalls its previous observations "that the MO of the ICC DC does not possess the requisite detained person's fitness to stand trial [and]

¹⁸ Pre-Trial Chamber I, Order for a Report, para. 3.

¹⁹ Pre-Trial Chamber I, Order, para. 3 (a).

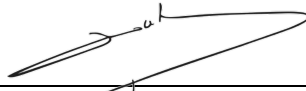
²⁰ Registry, Registry Observations, para. 17.

²¹ Pre-Trial Chamber I, Order for a Report, para. 3 and "**ORDERS** the Registry and the Medical Officer of the Detention Centre, who shall be immediately notified of the present order, to provide the Chamber with a report pursuant to paragraph 3 above by no later than 2 September 2025". [Emphasis added].

²² Pre-Trial Chamber I, Order for a Report, para. 3 (a)(b).

²² Email from the Defence for Mr Duterte to the Registry on 1 September 2025 at 17:39.

[i]n line with regulation 155 of the RoR, the MO's mandate is limited to the oversight of the physical and mental health of detained persons [...]"²³



Marc Dubuisson, Director, Division of Judicial Services
on behalf of
Osvaldo Zavala Giler, Registrar

Dated this 30 September 2025

At The Hague, Netherlands

²³ Registry, Registry Observations, para. 14.