

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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

Date: 8 October 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

Lesser Public Redacted Version of ICC-01/21-01/25-257-Conf-Exp

Victims' Response to the "Defence Request for an Indefinite Adjournment"

Source: Office of Public Counsel for Victims

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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☒ Counsel for the Defence

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☐ 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

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Mr. Osvaldo Zavala Giler

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☐ Detention Section

☐ Victims Participation and
Reparations Section

☐ Other

I. INTRODUCTION

1. The Principal Counsel of the Office of Public Counsel for Victims (the “OPCV” or the “Office”), appointed to represent the collective interests of potential victims until the mandate of the team of common legal representatives takes effect (the “Legal Representative”),¹ herewith files her response to the “Defence Request for an Indefinite Adjournment” (the “Defence Request”).²

2. The Defence seeks the indefinite adjournment of the proceedings,³ or, in the alternative, that a status conference be convened “*for the purposes of litigating whether the Chamber should, if at all, exercise its discretion pursuant to Rules 113, 135(1), and 135(1) of the Rules of Procedure and Evidence.*”⁴

3. The Request essentially amounts to an application for an indefinite stay of the proceedings due to the Suspect’s alleged unfitness to stand trial. In this regard, the Legal Representative posits that the primary relief sought is not justified because the requirements for said stay are not met. The documents submitted by the Defence do not suffice to warrant it. However, the concerns raised by the Defence and the submission of medical records of Mr Duterte give rise to the need for further investigation into the Suspect’s state of health, ability to exercise his rights and prospects of the consequences of his condition (if confirmed) in the near and more distant future. In the Legal Representative’s view, the assessment of Mr Duterte’s health conditions has to be conducted as a matter of urgency in order to avoid delays in the proceedings.

¹ See the “Order on the conduct of confirmation proceedings” (Pre-Trial Chamber I), [No. ICC-01/21-01/25-114](#), 17 April 2025, paras. 68-69.

² See the “Defence Request for an Indefinite Adjournment”, [No. ICC-01/21-01/25-230-Conf](#), 18 August 2025 (the “Defence Request”).

³ *Idem*, para. 35.

⁴ *Idem*, para. 36.

4. Accordingly, the Legal Representative submits that the Chamber should appoint independent expert(s) to assist in its the determination of Mr. Duterte's current state of health and his fitness to stand trial at this juncture (and in the future).

5. Therefore, the Legal Representative does not oppose the alternative relief sought. Indeed, in her view, hearing the parties and participants' submissions with respect to specific instructions to an expert (or experts) appointed by the Chamber and discussing scheduling matters at a status conference may significantly expedite the procedure, which is squarely in the interests of victims and of paramount concern to the interests of justice overall.

II. PROCEDURAL BACKGROUND

6. On 8 February 2018, the Prosecutor opened a preliminary examination in the Situation in the Republic of the Philippines in relation to the crimes allegedly committed in the country since at least 1 July 2016 in the context of the so called "*War on Drugs*" campaign launched by the Government.⁵

7. On 10 February 2025, the Prosecutor filed an application for a warrant of arrest for Mr Duterte as an alleged indirect co-perpetrator pursuant to article 25(3)(a) of the Statute for crimes against humanity allegedly committed in the Philippines between 1 November 2011 and 16 March 2019.⁶

8. On 7 March 2025, Pre-Trial Chamber I (the "Chamber") issued a warrant of arrest for Mr Duterte.⁷

9. On 12 March 2025, Mr Duterte was surrendered to the ICC.⁸

⁵ See the [Statement of the Prosecutor of the International Criminal Court, Fatou Bensouda, on opening Preliminary Examinations into the situations in the Philippines and in Venezuela](#), 8 February 2018.

⁶ See the "Public redacted version of 'Prosecution's urgent application under article 58 for a warrant of arrest against Rodrigo Roa DUTERTE'", 10 February 2025, ICC-01/21-80-US-Exp, [No. ICC-01/21-01/25-80-Red](#), 13 March 2025.

⁷ See the "Warrant of Arrest for Mr Rodrigo Roa Duterte" (Pre-Trial Chamber I), [No. ICC-01/21-01/25-83](#), 7 March 2025.

⁸ See ICC Press Release, [Rodrigo Roa Duterte in ICC custody](#), 12 March 2025.

10. On 14 March 2025, the Chamber held the First Appearance hearing, at which Mr Duterte participated remotely via an audio-visual link from the ICC Detention Centre.⁹

11. On 24 July 2025, the Defence filed the “Urgent Defence Request for a Status Conference under rule 121(2)(b)”,¹⁰ requesting that a hearing be held prior to the summer judicial recess in order to address Mr Duterte’s purported medical issues with a view to determining his fitness to stand trial.

12. On 15 July 2025, the Prosecution opposed the Urgent Defence Request.¹¹

13. On 17 July 2025, the Defence submitted further information and medical reports to the Chamber, renewing its request for a status conference before the summer judicial recess.¹²

14. On 22 July 2025, the Chamber rendered its “Decision on the ‘Urgent Defence Request for a Status Conference under rule 121(2)(b)’”, denying the relief sought¹³ and directing the Defence to address any such matter by way of a formal application in writing.¹⁴

15. On 18 August 2025, the Defence filed the Request¹⁵ and a renewed request for interim release.¹⁶

16. On 26 August 2025, the Chamber issued an Order to the Registry for a report from the Medical Officer of the Detention Centre (the “Order”).¹⁷

⁹ See the transcript of the hearing held on 14 March 2025, [No. ICC-01/21-01/25-T-002-ENG ET WT](#).

¹⁰ See the “Urgent Defence Request for a Status Conference under rule 121(2)(b)”, [No. ICC-01/21-01/25-192-Conf](#), 14 July 2025.

¹¹ See the “Prosecution’s response to ‘Urgent Defence Request for a Status Conference under rule 121(2)(b)’”, [No. ICC-01/21-01/25-194-Conf](#), 15 July 2025.

¹² See the “Defence Notification”, [No. ICC-01/21-01/25-197-Conf](#), 17 July 2025.

¹³ See the “Decision on the ‘Urgent Defence Request for a Status Conference under rule 121(2)(b)’”, [No. ICC-01/21-01/25-208-Conf](#), 22 July 2025.

¹⁴ *Idem*, para. 6.

¹⁵ See the Defence Request, *supra*, note 2.

¹⁶ See the “Renewed Request for Interim Release”, [No. ICC-01/21-01/25-231-Conf](#), 18 August 2025.

¹⁷ See the “Order to the Registry for a report from the Medical Officer of the Detention Centre”, [No. ICC-01/21-01/25-243-Conf](#), 26 August 2025.

17. On 27 August 2025, the Defence filed a Request for Reconsideration of the Order.¹⁸

18. On 27 August 2025, the Chamber shortened the deadline for responses to the Defence Request for Reconsideration to 28 August 2025.¹⁹

19. On 28 August 2025, the Prosecution filed its Response to the Defence Request.²⁰

III. CLASSIFICATION

20. Pursuant to regulation 23bis (1) and (2) of the Regulations of the Court, the present submission is classified as confidential *ex parte* only available to the Prosecution, the Defence and the OPCV following the classification chosen by the Defence. Moreover, the submission refers to the content of documents bearing the same classification and sensitive medical information.

IV. SUBMISSIONS

21. The jurisprudence of the Court acknowledges that a chamber has the inherent power to order a stay of proceedings.²¹ However, such remedy is an extraordinary measure that shall not be imposed lightly. It is a drastic measure which is subject to a high threshold.²² In order to meet this threshold, it must be demonstrated that it would be “*impossible to piece together the constituent elements of a fair trial*”.²³ Such a measure is

¹⁸ See the “Defence Request for Reconsideration of Order ICC-01/21-01/25-243-Conf”, [No. ICC-01/21-01/25-244-Conf](#), 27 August 2025.

¹⁹ See the e-mail communication from the Chamber dated 27 August 2025 at 16:20.

²⁰ See the “Prosecution’s Response to the “Defence Request for an Indefinite Adjournment” (ICC-01/21-01/25-230-Conf)”, [No. ICC-01/21-01/25-253-Conf](#), 28 August 2025.

²¹ See the “Decision on Defence request for stay of proceedings and further disclosure” (Trial Chamber III), [No. ICC-01/05-01/08-3335](#), 7 March 2016 (the “Bemba 2016 Decision”), para. 17. See also, the “Decision on ‘Defence Request for Relief for Abuse of Process’” (Trial Chamber III), [No. ICC-01/05-01/08-3255](#), 17 June 2015, para. 8; and the “Decision on the defence request for a temporary stay of proceedings” (Trial Chamber IV), [No. ICC-02/05-03/09-410](#), 26 October 2012, para. 74.

²² See the “Judgment on the Appeal of the Prosecutor against the decision of Trial Chamber I of 8 July 2010 entitled ‘Decision on the Prosecution’s Urgent Request for Variation of the Time-Limit to Disclose the Identity of Intermediary 143 or Alternatively to Stay Proceedings Pending Further Consultations with the VWU’ (Appeals Chamber), [No. ICC-01/04-01/06-2582](#), 8 October 2010 (the “Lubanga 2010 Judgment”), para. 55.

²³ *Ibid.*

only justified where the situation is such that it would be ‘repugnant’ or ‘odious’ to the administration of justice to allow the case to continue.²⁴ Accordingly, this remedy can only be granted as a measure of last resort,²⁵ particularly considering that an indefinite stay of proceedings *de facto* amounts to the termination of proceedings against a suspect or accused.

22. The Legal Representative submits that the high threshold required for establishing the serious infringement of Mr Duterte’s human rights has not been reached in the circumstances. The medical evidence before the Chamber is not of such a nature as to conclusively support a comprehensive finding of *overall unfitness* that could satisfy the stringent legal requirements warranting the *de facto* termination of proceedings against the Suspect.

23. The medical evidence currently available is limited to [REDACTED], respectively, that apparently [REDACTED]. The conclusion of the Defence-instructed expert [REDACTED] as to the concrete question of whether Mr Duterte is fit to stand trial is [REDACTED].²⁶ Said conclusion, as well as the Defence’s assertions that [REDACTED],²⁷ stands in contrast with the Suspect’s recent public reminiscing about his past.²⁸

24. Throughout both submitted reports, the examining physicians refer to [REDACTED].²⁹ Read in conjunction with [REDACTED] conclusion, this gives reason to pause and certainly raises the question of [REDACTED] *vis-à-vis* the possibility of confirming the charges against him and committing him to trial. Indeed, the [REDACTED] found that:

²⁴ See the *Bemba* 2016 Decision, *supra* note 21, para. 17. See also, the “*Lubanga* 2010 Judgment, *supra* note 22, para. 55.

²⁵ See the “Decision on Defence application for a permanent stay of the proceedings due to abuse of process” (Trial Chamber V(B)), [No. ICC-01/09-02/11-868-Red](#), 5 December 2013, para. 99.

²⁶ See [Annex A](#) to the Defence Request, pp. 17-19.

²⁷ See the Defence Request, *supra* note 2, para. 33.

²⁸ [PRRD to alleged lovers: Swipe left | MyTV Articles; ‘13’ or ‘27’ lovers? Philippines’ Duterte kisses goodbye to his womanising days | South China Morning Post](#).

²⁹ See [Annex A](#) to the Defence Request, pp. 13, 16. See also, [Annex B](#) to the Defence Request, p. 6.

[REDACTED].³⁰

25. [REDACTED], can only be seen as a supplementary assessment, as both medical practitioners deal with different specialisations. For instance, [REDACTED] is not a neuropsychologist or psychologist and there is no substantive engagement or testing regarding [REDACTED]. Yet, [REDACTED].³¹ This seems to lead to the conclusion that the evidence thus far at the disposal of the Chamber is inconclusive and unclear in relation to the extent of Mr Duterte's state of health. Therefore, a further, proper evaluation is needed in order to have a full and comprehensive assessment of his faculties, mental health and the possible impact of the impairment (if any) on his ability to participate in the proceedings.

26. Furthermore, [REDACTED] does not evince that any evaluation of support measures – which could reasonably be adapted to support Mr Duterte's participation in the proceedings – has been conducted. Nevertheless, [REDACTED], categorically rejects any [REDACTED], ultimately transgressing into the purview of the Chamber as the ultimate arbiter of whether or not Mr. Duterte is *legally* fit to stand trial.

27. Not only are an *“accused's general state of health or specific aspects of his well-being which might impact him negatively and the fact that he is fit to stand trial [...] not synonymous”*,³² but, as recalled *supra*,³³ ordering a stay of proceedings against a suspect or accused 'indefinitely', is an extraordinarily severe measure that may only be adopted when and if the stringent legal requirements to do so are satisfied.

28. In this regard, the Appeals Chamber has formulated the test to be applied in the following terms:

“[...] The Trial Chamber correctly noted its responsibility under article 64 (2) of the Statute to ensure the fairness of the proceedings and the obligation under article 21 (3) of the Statute to apply and to interpret the Statute consistently with internationally recognised human rights.

³⁰ See [Annex B](#) to the Defence Request, p. 4.

³¹ See [Annex A](#) to the Defence Request, p. 16.

³² See the “Decision on Defence Request to Order an Adjournment and a Medical Examination” (Trial Chamber IX), [No. ICC-02/04-01/15-1412-Red](#), 16 January 2019, para. 14.

³³ See *supra* para. 21.

The Appeals Chamber agrees with the finding of the Trial Chamber at paragraph 91 of the Impugned Decision that “[i]f, at the outset, it is clear that the essential preconditions of a fair trial are missing and there is no sufficient indication that this will be resolved during the trial process, it is necessary that the proceedings should be stayed.”

Neither the Rome Statute nor the Rules of Procedure and Evidence provides for a “stay of proceedings” before the Court. Nevertheless, in its Judgment of 14 December 2006, the Appeals Chamber explained at paragraph 37 that it follows from article 21 (3) of the Statute that:

Where fair trial becomes impossible because of breaches of the fundamental rights of the suspect or the accused by his/her accusers, it would be a contradiction in terms to put the person on trial. Justice could not be done. A fair trial is the only means to do justice. If no fair trial can be held, the object of the judicial process is frustrated and must be stopped.

At paragraph 39 of the Judgment of 14 December 2006, the Appeals Chamber noted that:

Where the breaches of the rights of the accused are **such as to make it impossible** for him/her to make his/her defence within the framework of his rights, no fair trial can take place and the proceedings can be stayed. To borrow an expression from the decision of the English Court of Appeal in *Huang v Secretary of State*, it is the duty of a court: “to see to the protection of individual fundamental rights which is the particular territory of the courts [...]” Unfairness in the treatment of the suspect or the accused may rupture the process to an extent making it impossible to piece together the constituent elements of a fair trial. In those circumstances, the interest of the world community to put persons accused of the most heinous crimes against humanity on trial, great as it is, is outweighed by the need to sustain the efficacy of the judicial process as the potent agent of justice. [Footnote omitted.]

The above statements in the Judgment of 14 December 2006 were made in the context of allegations by the appellant in that case that he had been illegally detained and ill-treated by the Congolese authorities and that the Prosecutor had illegally colluded with these authorities, in contravention of the rights of the appellant. The nature of the allegations was such that, if established, the breaches of the rights of the appellant might have led to an **objectively irreparable and incurable situation**.³⁴

29. In subsequent cases, Trial Chambers found themselves guided by the following abridged standard formulated by Trial Chamber V in the *Uhuru and Kenyatta* case:

“(i) the jurisprudence of this Court has consistently confirmed the availability of a stay of proceedings where it would be repugnant or odious to the administration of justice to allow the case to continue. or where the rights of the accused have been breached to such an extent that a fair trial has been rendered impossible;
(ii) in imposing a stay of proceedings, it is not necessary to find that the Prosecution acted in bad faith; **it is sufficient to show that: a. the rights of the accused have been violated to such**

³⁴ See the “Judgment on the appeal of the Prosecutor against the decision of Trial Chamber I entitled ‘Decision on the consequences of non-disclosure of exculpatory materials covered by Article 54(3)(e) agreements and the application to stay the prosecution of the accused, together with certain other issues raised at the Status Conference on 10 June 2008’”, [No. ICC-01/04-01/06-1486 OA13](#), 21 October 2008, paras. 76 *et seq.* (emphasis added).

an extent that the essential preconditions of a fair trial are missing and b. there is no sufficient indication that this will be resolved during the trial process;

(iii) a stay of proceedings is **an exceptional remedy to be applied as a last resort**; not every violation of fair trial rights will justify the imposition of a stay of proceedings;

and (iv) to 'conceive of a stay of proceedings' as an appropriate remedy for any difficulties encountered in accessing information or facilities during trial preparation 'would run contrary to the responsibility of trial judges to relieve unfairness as part of the trial process'.³⁵

30. This standard has consistently been applied in the Court's practice also recently in the *Ntaganda*³⁶ and in the *Ongwen* cases. In the latter, the Trial Chamber recalled that *"a stay of proceedings is principally linked to a 'breach of rights', which has as a consequence that it is impossible for the Defence to exercise their rights and makes a fair trial impossible."*³⁷

31. The above-mentioned practice is applicable, *mutatis mutandis*, in the current situation and supports the conclusion that the requirements for an indefinite stay of proceedings are not met in the current circumstances.

32. While the practice of the Court has principally addressed the remedy of a stay of proceedings in circumstances of purported egregious procedural flaws and violation of a suspect's or accused's rights connected with the active alleged involvement of certain actors, such as the Prosecution, a State Party etc., other international tribunals have in the same context examined the distinguishable issue of the fitness of a defendant.

33. The International Criminal Tribunal for the former Yugoslavia (the "ICTY") consistently applied a 'standard of fitness'³⁸ when determining the faculties of a defendant moving to effectively end proceedings for an alleged lack of fitness to stand trial. This standard was later endorsed by the International Residual Mechanism for

³⁵ See the "Decision on Defence application for a permanent stay of the proceedings due to abuse of process" (Trial Chamber V(B)), [No. ICC-01/09-02/11-868-Red](#), 5 December 2013, para. 14 (emphasis added; internal references omitted).

³⁶ See the "Decision on Defence request for temporary stay of proceedings" (Trial Chamber VI), [No. ICC-01/04-02/06-2335](#), 18 April 2019, para. 10.

³⁷ See the "Decision on Defence Request to Order an Adjournment and a Medical Examination" (Trial Chamber IX), [No. ICC-02/04-01/15-1412-Red](#), 16 January 2019, para. 6.

³⁸ See the "[Judgment](#)" (ICTY, Appeals Chamber), *The Prosecutor v. Pavle Strugar*, No. IT-01-42-A, 17 July 2008, para. 55.

Criminal Tribunals (the “IRMCT”).³⁹ Both judicial bodies underlined that the burden for proving unfitness rests with the defendant.⁴⁰

34. In particular, in the *Kabuga* case, the IRMCT recently adopted a measure comparable with the primary relief sought by the Defence. Said remedy was granted only after the chamber had carefully evaluated the health situation of the defendant, balancing his rights, as well as the interests of justice.

35. Significantly, the trial chamber took a cautious, measured approach and, in April 2021, first ordered the Registry to appoint an independent gerontologist expert to examine the accused for the purposes of ascertaining his fitness to stand trial at the request of the Defence. Subsequently, in December 2021, it ordered further examination by two independent experts. Thereafter, it granted the requests by the Prosecution and the Defence to appoint their own experts to examine the accused and heard submissions.⁴¹

36. In June 2022, dismissing a Defence’s request to find Mr Kabuga unfit to stand trial and stay the proceedings against him, the trial chamber, however, adopted certain measures to accommodate the accused’s difficulties and impairments and proceeded with hearing the evidence against him. In further mitigation, a panel of three independent experts that would monitor the accused in detention and provide a panel report after 180 days,⁴² and 90 days, respectively, was appointed before the rejection of

³⁹ See e.g., the “[Public redacted version of the ‘Decision on a motion to vacate the trial judgment and to stay proceedings’ filed on 30 April 2018](#)” (IRMCT, Appeals Chamber), *The Prosecutor v. Ratko Mladić*, MICT-13-56-A, 8 June 2018, p. 3: “[T]he standard of fitness is that of meaningful participation, allowing the accused to exercise his or her fair trial rights to such a degree as to be able to participate effectively in and understand the essentials of the proceedings, and that **an accused’s fitness should turn on whether his or her capacities, “viewed overall and in a reasonable and common sense manner, are at such a level that it is possible for him or her to participate in the proceedings (in some cases with assistance) and sufficiently exercise the identified rights” (“Standard of Fitness”)**” (emphasis added).

⁴⁰ See the “[Public redacted version of 30 November 2012 Decision on Request to terminate appellate Proceedings in Relation to Milan Gvero](#)” (ICTY, Appeals Chamber), *The Prosecutor v. Vujadin Popović et al.*, No IT-05-88-A, 16 January 2013, para. 21.

⁴¹ See the “[Decision on Appeals of Further Decision on Félicien Kabuga’s Fitness to Stand Trial](#)”, (IRMCT, Appeals Chamber) in *The Prosecutor v. Félicien Kabuga*, No. MICT-13-38-AR80.3, 7 August 2023, para. 3 (the “*Kabuga* Appeals Decision”).

⁴² *Idem*, paras. 5 and 6

a renewed Defence motion to stay the proceedings.⁴³ Hearings were eventually adjourned temporarily and resumed with adjusted safeguards after the panel reported a certain degree of deterioration of the accused's health.⁴⁴ Proceedings were again stayed temporarily; the experts on the panel gave testimony before the chamber and parties were invited to make submissions before and after the experts were heard.⁴⁵ Only then, in June 2023, did the trial chamber declare Mr. Kabuga unfit to participate meaningfully in his trial on the basis of a conclusive panel report which found that his condition had deteriorated significantly since their previous assessment and that the situation was unlikely to improve,⁴⁶ even with the modalities and accommodations put in place.⁴⁷

37. Notably, in previous assessments, the experts, *inter alia*, found the accused 'unfit on days of assessment' but did not find him to be unfit to stand trial as such, and recommended support measures to assist him in the participation in the proceedings.⁴⁸

38. On appeal, the chamber recalled that "*the applicable standard for determining whether an accused is fit to stand trial is that of meaningful participation, which allows the accused to exercise his fair trial rights to such a degree that he is able to participate effectively in his trial and has an understanding of the essentials of the proceedings,*" referring to a non-exhaustive list of capacities to be evaluated⁴⁹ – these largely correspond to those identified by the Trial Chamber in the *Gbagbo* case cited by the Defence in support of its Request.⁵⁰ The IRMCT Appeals Chamber further explained that "[w]hat is therefore required for an accused to be deemed fit to stand trial is an overall capacity allowing for a meaningful participation in the trial, provided that he is duly represented by counsel."⁵¹

⁴³ *Idem*, para. 6.

⁴⁴ *Idem*, para. 7.

⁴⁵ *Idem*, para. 8.

⁴⁶ See the "Further Decision on Félicien Kabuga's Fitness to Stand Trial", No. MICT-13-38, 6 June 2023 referred to in the "*Kabuga* Appeals Decision, *supra* note 41, para. 10.

⁴⁷ See the *Kabuga* Appeals Decision, *supra* note 41, para. 7.

⁴⁸ *Idem*, para. 5.

⁴⁹ *Idem*, para. 23.

⁵⁰ See the Defence Request, *supra* note 2, para. 24.

⁵¹ See the *Kabuga* Appeals Decision, *supra* note 41, para. 23.

39. In conclusion, the Legal Representative contests the sense of finality the Defence portrays in placing reliance [REDACTED]. She submits that the Suspect's state of health should be properly assessed by the Chamber, as a matter of urgency to avoid delays in the proceedings, appointing independent expert(s) to evaluate his faculties in relation to his ability and fitness to participate in the next stages of the proceedings; first, for Mr Duterte's own benefit, and second, to enable the Chamber to assess the information against the stringent legal requirements of the criteria of the fitness standard.

40. All possible measures should be considered and exhausted before the Chamber can contemplate staying proceedings against the Suspect on an indefinite basis, as not only the defendant, but victims and the international community as a whole have a vested interest in seeing proceedings progress where possible.

41. The interests of justice indeed require that individuals who stand suspected or accused of having committed some of the gravest crimes of concern to the international community be tried fairly and expeditiously. Fairness and expeditiousness are also entitlements enjoyed by the victims of atrocity crimes who have the right to truth and accountability.

V. CONCLUSION

42. For the foregoing reasons, the Legal Representative respectfully requests the Chamber to reject the Defence Request for an indefinite stay of the proceedings.

43. The Legal Representative does not oppose the alternative relief of holding a status conference to give the parties and participants the opportunity to discuss the available options and related scheduling matters.

A handwritten signature in black ink, reading "Paolina Massidda", with a horizontal line underneath the name.

Paolina Massidda
Principal Counsel

Dated this 8th day of October 2025

At The Hague, The Netherlands