

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Original: **14 July 2025**

Date: **7 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

PUBLIC

**Public Redacted Version of “Urgent Defence Request for a Status Conference
under rule 121(2)(b)”**

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

Oswaldo Zavala Giler

☐ **Counsel Support Section**

☐ **Victims and Witnesses Unit**

☐ **Detention Section**

☐ **Victims Participation and
Reparations Section**

☐ **Other**

I. INTRODUCTION

1. In conformity with the Order on the conduct of confirmation proceedings, by which the Defence is obliged to make any requests pertaining to the confirmation of charges hearing by 24 July 2025,¹ the Defence for Mr Rodrigo Roa Duterte hereby requests the Pre-Trial Chamber I to schedule, as soon as practicable, a status conference pursuant to rule 121(2)(b) of the Rules of Procedure and Evidence. The Defence suggests that the status conference should take place before the summer recess, slated to begin on 25 July 2025, at 17:30.
2. The purpose of the status conference would be to determine the most efficient way to proceed with matters concerning Mr Duterte's competency, *i.e.* whether he is able to retain and recall information essential for his own defence, to follow court proceedings, and to give effective instructions to Counsel. The Pre-Trial Chamber would also assess whether, given the delays in procuring Mr Duterte's medical records – which cannot be attributable to the Defence – it remains feasible to maintain the current schedule for the hearing on the confirmation of charges.² The aforementioned delays are evidenced by the following facts, as admitted, more or less, by the Registry:
 - (i) a month passed from the moment that the Defence requested access to Mr Duterte's medical records on 15 April 2025, until they were received on 16 May 2025;
 - (ii) the raw data underlying a CT scan of the head performed on 16 May 2025 was only supplied to the Defence on 7 July 2025;

¹ Order on the conduct of confirmation proceedings, [ICC-01/21/01/25-114](#), 17 April 2025, para. 41.

² Transcript of hearing, [ICC-01/21-01/25-T-002-ENG](#), p. 10 lines 8-11. Pursuant to [regulation 23bis\(1\)](#) of the Regulations of the Court, the Defence files this submission confidentially because it refers to matters confidential to the Defence, including Defence strategy and private medical information.

- (iii) an MRI requested more than a month ago by [REDACTED] was only approved by the Registry on 7 July 2025, and is yet to be scheduled; and
 - (iv) the results of a neuropsychological evaluation performed by at the request of the ICCDC Medical Officer more than a month ago are yet to be received.
3. The Defence respectfully requests that the Chamber adjudicate on this submission as a matter of urgency, given the importance of the issues raised herein.

II. SUBMISSIONS

4. Rule 121(2)(b) authorises the Pre-Trial Chamber to hold status conferences on matters affecting the timely and efficient conduct of the confirmation proceedings, frequently before a Single Judge appointed for such “housekeeping” matters.³ Chambers are encouraged to hold status conferences to their fullest extent to ensure a streamlined and efficient pre-trial phase:

Pre-Trial Chambers should make full use of the possibility to hold status conferences with the parties. Oral orders and clarifications in relation to the conduct of the proceedings can be provided to the parties during such status conferences, increasing efficiency and eliminating the need for cumbersome written decisions. Parties’ procedural requests can also be received, debated and decided at status conferences.⁴

³ *Kony*, Decision on the Designation of a Single Judge, [ICC-02/04-01/05-487](#), 15 March 2024, para. 6 (“[i]n light of [...] the need to ensure the proper management, expeditiousness and efficiency of the proceedings, the Chamber considers it appropriate to designate [...] as Single Judge responsible for carrying out the functions of the Chamber”). *See also Kony*, Decision on the ‘Defence Request for Variation of Deadlines and for a Status Conference’, [ICC-02/04-01/05-508](#), para. 11 (“[t]he Single Judge recalls her duty pursuant to rule 101 of the Rules to facilitate fair and expeditious proceedings, bearing in mind in particular the rights of the defence and the victims.”)

⁴ [Chambers Practice Manual](#) (6th ed.), para. 19.

5. The Defence has consistently informed the Chamber, both by way of email⁵ and filing⁶, of Mr Duterte's deteriorating cognitive condition and of its efforts to secure an expert medical report to determine, in part, whether Mr Duterte is competent to participate in legal proceedings. Those efforts have, as outlined in the Defence's submission on 4 July⁷ and acknowledged in the Registry's submission on 11 July,⁸ been encumbered by administrative hurdles and subsequently delayed for at least the last six weeks.
6. As a result, despite [REDACTED]'s clinical examination of Mr Duterte on [REDACTED], the Defence has been unable to secure a final medical report and further recommendations on testing. This has had the effect of impeding advancement of the Defence's arguments on Mr Duterte's fitness to stand trial. It is highly unlikely, if not impossible, that the Defence will be able to procure a finalised medical report before the deadline of 24 July 2025, especially since the requested MRI procedure has yet to be scheduled and since the results of the MO-ordained neuropsychological evaluation have yet to be communicated.
7. The delay in the receipt of Mr Duterte's medical records, and the continued holdup in finalising the cognitive tests required, foreshadows similar setbacks in the coming months. This underscores the urgent need for a status conference to allow the parties to suggest, and the Pre-Trial Chamber to decide, the most efficient way for determining legal competency.
8. In light of the aforementioned, the Pre-Trial Chamber is respectfully requested to **convene** a status conference on or before 25 July 2025 to discuss issues

⁵ Email, Defence to Pre-Trial Chamber I, "Re: ICC-01/21-01/25: Duterte: *ex parte* Prosecution and Defence only: Competence", 5 June, 2:53 pm.

⁶ See Urgent Defence Request to Obtain Mr Duterte's Medical Records, [ICC-01/21-01/25-182-Conf-Exp](#), 4 July 2025.

⁷ See Urgent Defence Request to Obtain Mr Duterte's Medical Records, [ICC-01/21-01/25-182-Conf-Exp](#), 4 July 2025.

⁸ Registry's Observations on "Urgent Defence Request to Obtain Mr Duterte's Medical Records", 4 July 2025, ICC-01/21-01/25-182-Conf-Exp, [ICC-01/21-01/25-190-Conf-Exp](#), 11 July 2025.

affecting Mr Duterte's fitness to stand trial and to determine whether the current confirmation schedule remains practicable.

A handwritten signature in black ink that reads "Nicholas Kaufman". The script is cursive and fluid.

Nicholas Kaufman
Counsel for Rodrigo Roa Duterte

Dated this 7th day of October 2025

The Hague, The Netherlands