

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/21-01/25
Date: 9 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 "Registry Submission of a Shortlist of Medical Experts pursuant to ICC-01/21-01/25-268-Conf", 15 September 2027, ICC-01/21-01/25-270-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 pursuant to rules 113 and 135 of the Rules of Procedure and Evidence” (“Order”) issued by the Pre-Trial Chamber I (“Chamber”) on 8 September 2025,¹ whereby the Registry is ordered to submit a shortlist of experts, the Registry hereby submits the said shortlist.

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 26 August 2025, the Chamber issued its “Order to the Registry for a report from the Medical Officer of the Detention Centre”, whereby it instructed the Registry to, as part of the adjudication of the Request for Adjournment, submit a report which shall include an assessment by the MO.³
4. 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”).⁴ On 29 August 2025, the Registry submitted a corrected version of the Registry

¹ Pre-Trial Chamber I, “Order pursuant to rules 113 and 135 of the Rules of Procedure and Evidence” (“Order”), 8 September 2025, ICC-01/21-01/25-268-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 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, para. 3.

⁴ 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.

Observations, which stated, *inter alia*, that “the MO of the ICC DC does not possess the requisite expertise or judicial knowledge to provide such an assessment regarding a detained person’s fitness to stand trial”.⁵

5. On 2 September 2025, the Registry submitted the “Registry Report on the Assessment by the Medical Officer of the Detention Centre”, providing the ICC DC Medical Officer’s (“MO’s”) recommendation on modalities regarding Mr Duterte’s presence in court and a medical report from the MO.⁶
6. On 8 September 2025, the Chamber submitted its “Decision postponing the hearing on the confirmation of charges”, deciding *inter alia*, “to vacate the date of 23 September 2025 and to postpone the hearing on the confirmation of charges until further notice”.⁷
7. On 8 September 2025, the Chamber submitted its Order, instructing the Registry to prepare:

a shortlist of experts who are qualified and have relevant expertise to determine and assess: (i) whether and, if so, at what level Mr Duterte suffers from any medical 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; and (ii) whether any special measures or adjustments are recommended to address any medical condition of Mr Duterte, also in light of any prognosis, during the pre-trial proceedings, including the confirmation of charges hearing.
8. On 11 September 2025, pursuant to the Chamber’s Order, the Registry initiated consultations with the Defence and the Office of the Prosecutor and sent them the initial aforesaid shortlist.⁸

⁵ 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”, 29 August 2025, ICC-01/21-01/25-254-Conf-Exp-Corr, para. 14. A confidential redacted version was notified on the same date, ICC-01/21-01/25-254-Conf-Red-Corr.

⁶ Registry, “Registry Report on the Assessment by the Medical Officer of the Detention Centre”, 2 September 2025, ICC-01/21-01/25-263-Conf.

⁷ Pre-Trial Chamber I, “Decision postponing the hearing on the confirmation of charges”, 8 September 2025, ICC-01/21-01/25-267.

⁸ Email from the Registry to the Office of the Prosecutor and the Defence on 11 September 2025 at 12.38.

9. On 12, 13 and 15 September 2025, the Defence and the Prosecution provided initial observations to the Registry.⁹

III. Classification

10. In accordance with regulation 23 *bis* (2) of the RoC, the present report is classified as confidential as it refers to a decision of the same classification level.

IV. Applicable law

11. For the purpose of the present submission, the Registry has considered, *inter alia*, rules 113 and 135 of the Rules of Procedure and Evidence, and regulation 44 of the Regulations of the Court.

V. Submissions

- i. *Contacted Experts*
- ii. On 8 September 2025, the Chamber provided in its Order the following instructions to the Registry:

26. Noting the urgency of the matter, the Chamber instructs the Registry to ensure that it shortlists only experts that have expressed interest and availability for a potential urgent and short-notice assignment by the Chamber. The Registry shall, to the extent possible, include in its shortlist (i) information regarding the availability of each expert; and (ii) each experts' estimate regarding the time needed to complete the abovementioned assignment by the Chamber, based on the currently available information.

27. The Chamber further instructs the Registry to include in its shortlist information on the experts regarding their (i) experience in conducting examinations on fitness to participate in judicial proceedings; (ii) expertise in any

⁹ Email from the Defence to the Registry and the Office of the Prosecutor on 12 September 2025 at 15.49; Email from the Office of the Prosecutor to the Registry and the Defence on 12 September 2025 at 15.57; Email from the Registry to the Office of the Prosecutor and the Defence on 12 September 2025 at 17.45; Email from the Defence to the Registry and the Office of the Prosecutor on 12 September 2025 at 18.23; Email from the Office of the Prosecutor to the Defence and the Registry on 12 September 2025 at 18.53; Email from the Defence to the Office of the Prosecutor and the Registry on 12 September 2025 at 19.20; Email from the Office of the Prosecutor to the Defence and the Registry on 12 September 2025 at 20.32; Email from the Office of the Prosecutor to the Defence and the Registry on 13 September 2025 at 13.17; Email from the Registry to the Office of the Prosecutor and the Defence on 15 September at 09.22; Email from the Office of the Prosecutor to the Registry on 15 September 2025 at 12.36; Email from the Defence to the Registry on 15 September 2025 at 12.54; Email from the Registry to the Parties on 15 September 2025 at 13.26; Email from the Defence to the Registry on 15 September 2025 at 13.39.

medical fields that are relevant to assess Mr Duterte's medical situation in view of the information currently available in this regard; and (iii) language for the medical examination.

12. In creating the shortlist of experts, the Registry, pursuant to the Order, *inter alia*, looked for experts on the List of Experts of the ICC ("List of Experts")¹⁰ with the background of forensic psychiatry, clinical neuropsychology, geriatric medicine and neurology. Having regard to the information available on the record and the advice of the MO, the Registry recommends that a panel including the following types of experts may assist the Chamber: an expert in forensic psychiatry, neurology and elderly care medicine. The Registry, pursuant to the Order, also considered if an expert from the List of Experts had the relevant expertise with experience in fitness to stand trial. The Registry also included additional forensic experts to provide additional options to the Chamber.

13. Upon review of the List of Experts, the Registry identified following eleven experts: [REDACTED].

14. On 9 September 2025, the Registry reached out to the aforementioned experts and gave short background information to them, in line with the Order. The Registry informed the experts that:

[i]t is anticipated that such a medical examination would likely include 1) a medical examination of the detained person, 2) an examination of relevant medical information already on file,¹¹ 3) a written report addressed to the appointing Chamber. Further information on the assignment would be provided at the time of appointment. [. . .] The Chamber is seeking one or more experts with the requisite qualifications and expertise to determine and assess: whether and, if so, at what level, the detained person in question suffers from any medical condition which might have an effect on his ability to follow or take part in the proceedings; and whether any special measures or adjustments are recommended to address any medical condition, also in light of any prognosis, during the proceedings.¹²

¹⁰ Regulation 44 of the RoC.

¹¹ In this regard the Registry notes that the medical file would be the documents on file as part of Mr Duterte's medical record with Medical Services of the ICC-DC, and not only the documents on file on the case record.

¹² Emails from the Registry to the potential Experts, on file with the Registry.

15. The Registry, in line with the Order, further asked the experts to clarify their availability and interest; the estimated time they anticipate needing in order to complete the abovementioned assignment; language requirements; information regarding their medical fields of expertise and their experience in conducting examinations on fitness to participate in judicial proceedings beyond what which was mentioned in their *curricula vitae* on file.

16. The results of these consultations are set out in a table in Annex II.¹³

17. [REDACTED]. The remaining experts all confirmed their availability and interest to provide their respective expertise to the Chamber. The Registry therefore annexes their respective *curricula vitae* for the Chamber's consideration.¹⁴

18. In addition to the above efforts to identify experts from the List of Experts pursuant to the Order, the Registry also identified and contacted [REDACTED], as the List of Experts did not include a neurologist and this area of expertise was considered relevant to assist the Chamber in the current matter.¹⁵ [REDACTED] confirmed his availability and interest,¹⁶ and his *curriculum vitae* is annexed accordingly. While he is not currently on the List of Experts, [REDACTED], thus the Registry considered his expertise could assist the Chamber in the present matter. As regards his inclusion into the List of Experts, if any, the Registry has followed up with [REDACTED] if he wishes to be added to the List of Experts. The Registry informs that it would expedite the process for [REDACTED] to be included on the List of Experts, once the Registry has received from him all the relevant information to be so included; that said, it would require an administrative processing time.

¹³ Annex II.

¹⁴ Annex I.

¹⁵ Email from the Registry to [REDACTED] on 4 September 2025 at 11.55; Email from the Registry to [REDACTED] on 10 September 2025 at 17.31.

¹⁶ Email from [REDACTED] to the Registry on to [REDACTED] on 11 September 2025 at 15.58.

iii. *Consultations with the Parties*

19. On 11 September 2025, the Registry shared the List of Experts and the Registry's proposed shortlist with the Defence for Mr Duterte and the Office of the Prosecutor to consult them, pursuant to the Order.¹⁷ In doing so, the Registry explained that some experts were still providing updated information and *curricula vitae*, and that the *curricula vitae* of the short listed experts would be compiled into an annex to the present report. The parties were able to consult the List of Experts, which contains the general categories for which the expert was considered qualified (i.e. forensic psychiatry), but not yet the *curricula vitae* of the shortlisted experts.

20. On 12, 13 and 15 September 2025, the Defence and the Office of the Prosecutor provided their respective responses to the Registry having reached out to them as immediately above, as detailed next.

21. The Defence noted that the Registry would provide its report on 18 September 2025, and that:

[T]he Defence will reserve any observations that it may have, if at all, until the Registry presents its list of proposed experts to the Pre-Trial Chamber. Nothing in the present response should be seen as accepting that the experts selected by the Registry, to date, are properly qualified to deliver expertise on the issues pertinent to fitness to stand trial. Nor should anything in this response be seen as accepting that the experts selected to date should be the only experts considered from the list of experts or persons previously added to the LoE for want of available expertise.¹⁸

22. The Prosecution provided a preliminary view that:

in order to maximise objectivity, independence and quality of the assessment and report, the Panel should consist of an odd number of experts (with a minimum of three experts), representing the following interdisciplinary fields: One forensic psychiatrist; One or two neuropsychologists; One or two behavioural neurologists specializing in [REDACTED].¹⁹

¹⁷ Email from the Registry to the Office of the Prosecutor and the Defence on 11 September 2025 at 12.38.

¹⁸ Email from the Defence to the Registry and the Office of the Prosecutor on 12 September 2025 at 15.49.

¹⁹ Email from the Office of the Prosecutor to the Registry and the Defence on 12 September 2025 at 15.57.

23. The Prosecution further noted that, based on the Registry's shortlist, it:

would be in favour of proposing the following experts for appointment into the Panel, as they possess the required background and training to conduct the necessary assessments and examinations:

Forensic psychiatrist:

- [REDACTED]
- [REDACTED], and/or
- [REDACTED] (the latter is not included in the Registry's e-mail below, but is recommended by the Prosecution).

Neuropsychologist:

- [REDACTED].

Behavioural neurologists: the list of names proposed by the Registry below does not contain any experts in behavioural neurology. The Prosecution thus recommends the following experts:

- [REDACTED] and/or,
- [REDACTED].²⁰

24. The Prosecution also noted that the remaining professionals proposed in the Registry's shortlist *"do not appear to have expertise in behavioural neurology, neuropsychology, or forensic psychiatry and therefore should not be considered for the panel."*²¹

25. The Defence requested of the Prosecution "whether the OTP had 'communicated with' any of the proposed experts [REDACTED]",²² while reserving its right to make further observations to the Chamber regarding the above referenced experts proposed by the Prosecution".²³

²⁰ Email from the Office of the Prosecutor to the Registry and the Defence on 12 September 2025 at 15.57.

²¹ Email from the Office of the Prosecutor to the Registry and the Defence on 12 September 2025 at 15.57.

²² Email from the Defence to the Office of the Prosecutor and Registry on 12 September 2025 at 18.23.

²³ Email from the Defence to the Registry and the Office of the Prosecutor on 12 September 2025 at 18.23 ("To the best of my knowledge, Order ICC-1/21-01/25-268 did not make provision for the parties to suggest experts and such experts should not have been added to your proposed list **without consulting the Defence thereupon**. It has not escaped the Defence's notice that [REDACTED]'s mail was sent **three minutes before the deadline which you set (16:00)**).

I further note that the Order at para. 25 stated as follows:

"In addition, in order to ensure the shortlisted experts' impartiality and neutrality, individuals who have already been engaged in connection with the present case on behalf of a party shall not be included in the Registry's shortlist".

26. The Prosecution clarified that it had not engaged any of the experts, and it had sent one email to [REDACTED] asking to speak with him to which there had been no response.²⁴ The Prosecution further clarified the "OTP has not communicated with these experts other than the email referred to for which there was no response".²⁵

27. On 12 and 13 September 2025, the Registry confirmed to the Prosecution and the Defence that it had contacted [REDACTED] and that he had responded positively as to his interest and availability.²⁶

28. On 12 September 2025, the Registry contacted [REDACTED] and [REDACTED], identified as potential experts by the Prosecution, who are not on the List of Experts. [REDACTED] and [REDACTED] have not yet responded to the Registry. Should they respond back to the Registry, the Registry stands ready to report this information to the Chamber.

29. On 15 September 2025, the Defence requested that the Registry contact [REDACTED] as a potential expert.²⁷ On 15 September 2025, the Registry reached out to [REDACTED] and is currently awaiting a response.²⁸ The

In light of this, I would ask [REDACTED] to state for the record whether the Prosecution has communicated with these proposed experts at any time since this case has commenced.

For the time being, and until it has been given an opportunity to study the credentials of these individuals [. . .]), (emphasis in original).

²⁴ Email from the Office of the Prosecutor to the Defence and the Registry on 12 September 2025 at 18.53 ("The OTP has not engaged any of these experts. The OTP sent one email to [REDACTED] earlier today asking to speak with him. There has been no response to that email.") ; Email from the Office of the Prosecutor to the Defence and the Registry on 13 September 2025 at 13.17 ("OTP has not communicated with these experts other than the email referred to for which there was no response.").

²⁵ Email from the Office of the Prosecutor to the Defence and the Registry on 13 September 2025 at 13.18; Email from the Office of the Prosecutor to the Registry on 15 September 2025 at 12.36, ("the Prosecution confirms that it has not already "engaged" any of the experts it proposed for inclusion on the list (#268, para. 25). Rather, it attempted to contact one of the experts [REDACTED], without success.").

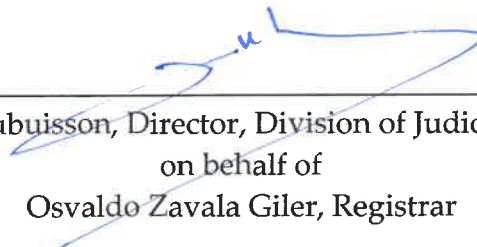
²⁶ Email from the Registry to the Defence and the Office of the Prosecutor on 12 September 2025 at 17.45; Email from the Registry to the Defence and the Office of the Prosecutor on 15 September 2025 at 09.22.

²⁷ Email from the Defence to the Registry and the Office of the Prosecutor on 15 September 2025 at 12:54.

²⁸ Email on file with the Registry.

Registry stands ready to provide the requested information and *curriculum vitae* of [REDACTED] should [REDACTED] provide a positive response to the Registry's aforesaid request.

30. Finally, in light of the preparation for the appointment of expert(s), the MO informed the Registry that the medical file is currently partially in English and partially in the Dutch language. The Registry has consulted the Language Services Section ("LSS") as to the timeframe of the translation process. The LSS has indicated that translation from Dutch into English and/or French [REDACTED]. The Registry notes that translation of medical documents is a complex process which, roughly estimated, will take 5 weeks for translation from Dutch into English and/or French,²⁹ and could be provided on a rolling basis.



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

Dated this 9 October 2025

At The Hague, Netherlands

²⁹ For example, the target language will depend on which experts are appointed by the Chamber, and then the LSS [REDACTED].