

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Public Redacted Version of ICC-01/21-01/25-275-Conf

**Observations on behalf of Victims on the “Registry Submission of a Shortlist of
Medical Experts pursuant to ICC-01/21-01/25-268-Conf”**

Source: Office of Public Counsel for Victims

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

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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

Registrar

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”), 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 hereby files her observations on the “Registry Submission of a Shortlist of Medical Experts pursuant to ICC-01/21-01/25-268-Conf” (the “Shortlist”).²

2. Having reviewed the communications and medical material filed by the Defence, the Legal Representative concurs with the Prosecution³ that, a panel of experts (“Panel” or “Panel of Experts”) with expertise in forensic psychiatry, neuropsychology, and behavioural neurology should be appointed to determine whether Mr Duterte suffers from any medical condition(s) that might impact his ability to take part in the pre-trial proceedings, including the confirmation of charges hearing; and, in the affirmative, whether any special measures or adjustments are recommended to address such condition(s).

3. On the appointment of an expert in gerontology as suggested by the Registry,⁴ the Legal Representative observes that it does not appear necessary at this juncture.

4. Upon reviewing the Shortlist, the Legal Representative considers that three experts appearing on said Shortlist possess relevant credentials and expertise, namely [REDACTED], and [REDACTED], for being appointed.

II. PROCEDURAL BACKGROUND

5. On 8 September 2025, Pre-Trial Chamber I (the “Chamber”), by majority, issued the “Order pursuant to rules 113 and 135 of the Rules of Procedure and Evidence”

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 “Registry Submission of a Shortlist of Medical Experts pursuant to ICC-01/21-01/25-268-Conf”, [No. ICC-01/21-01/25-270-Conf](#), 15 September 2025 (the “Shortlist”).

³ *Idem*, para. 22.

⁴ *Idem*, para. 12.

(the “Order”), instructing, *inter alia*, the Registry to: (i) submit, by 15 September 2025, a shortlist of experts qualified and with relevant expertise to determine and assess: (a) whether and, if so, at what level Mr Duterte suffers from any medical condition(s) which might affect his ability to follow and take part in the ongoing pre-trial proceedings, including the confirmation of charges hearing; (b) whether any special measures or adjustments are recommended to address any such medical condition(s), also in light of any prognosis, during the pre-trial proceedings; and (ii) prepare the above mentioned shortlist, in consultation with the Defence and the Prosecution.⁵ The Chamber also instructed the parties and the OPCV to submit observations on said shortlist by 18 September 2025.⁶

III. CLASSIFICATION

6. Pursuant to regulation 23*bis* (1) and (2) of the Regulations of the Court, the present submission is classified as confidential following the classification chosen by the Registry and because it refers to the content of documents bearing the same classification. A public redacted version will be filed in due course.

IV. OBSERVATIONS

7. The Legal Representative submits that, in light of the jurisprudence of the Court⁷ and international standards on the role of court-appointed experts in judicial proceedings,⁸ a Panel of Experts should be appointed for the purposes of determining the issues identified in the Order, namely: (a) *whether, and to what extent, Mr Duterte*

⁵ See the “Order pursuant to rules 113 and 135 of the Rules of Procedure and Evidence” (Pre-Trial Chamber I), [No. ICC-01/21-01/25-268-Conf](#), 8 September 2025, paras. 24-27 (the “Order”).

⁶ *Idem*, para. 28.

⁷ See the “Decision appointing experts for the purpose of a medical examination pursuant to Rule 135 of the Rules of Procedure and Evidence” (Trial Chamber X), 24 March 2021. See also, the “Order to conduct an examination of Mr Gbagbo under Rule 135 of the Rules” (Trial Chamber I), [No. ICC-02/11-01/15-253-Conf](#), 30 September 2015, para. 9; and the “Decision Appointing Experts for the Purpose of a Medical Examination pursuant to Rule 135 of the Rules of Procedure and Evidence” (Trial Chamber VI), [No. ICC-01/14-01/21-630-Red](#), 24 August 2023, paras. 25-26.

⁸ See the [Guidelines on the role of court-appointed experts in judicial proceedings of Council of Europe’s Member States](#), No. CEPEJ (2014) 14, 12 December 2014, paras. 26-29 (the “Guidelines on Court-Appointed Experts”).

suffers from any medical condition that might impact his ability to take part in the ongoing pre-trial proceedings, including the confirmation of charges hearing; and (b) whether any special measures or adjustments that are required to address any medical condition of Mr Duterte during the pre-trial proceedings.

8. With respect to the necessary specialisations, the Legal Representative posits that, given the complex nature of the issues at stake,⁹ combined expertise in forensic psychiatry, neuropsychology and behavioural neurology is necessary to diagnose any alleged mental impairments of Mr Duterte's. Consequently, a Panel of Experts should be appointed for the evaluation of the Suspect's health status.

9. On the appointment of an expert in gerontology, as suggested by the Registry,¹⁰ the Legal Representative observes that it does not appear necessary at this juncture because the issue at stake concerns the determination of Mr Duterte's fitness to stand trial in general. Elderly care is commonly understood to refer to the provision of medical, social, and daily-living support to older individuals, typically in relation to age-related physical health, long-term care, and quality-of-life issues.¹¹ These matters are separate and unrelated to the specific legal question of fitness to stand trial, which primarily concerns an individual's cognitive and mental capacity to understand legal proceedings and participate in his or her defence — a determination properly within the expertise of forensic psychiatrists or psychologists,¹² rather than geriatric care specialists.

10. Concerning the composition of the Panel, the Legal Representative supports the appointment of three experts appearing on the Shortlist, namely [REDACTED] and

⁹ See the "Decision appointing experts for the purpose of a medical examination pursuant to Rule 135 of the Rules of Procedure and Evidence", *supra* note 7, paras. 28-29 and 32; and the "Order to conduct an examination of Mr Gbagbo under Rule 135 of the Rules", *supra* note 7, paras. 10-12.

¹⁰ See the Shortlist, *supra* note 2, para. 12.

¹¹ See generally [European Charter of the rights and responsibilities of older people in need of long-term care and assistance](#), November 2010.

¹² See the "Decision appointing experts for the purpose of a medical examination pursuant to Rule 135 of the Rules of Procedure and Evidence", *supra* note 7, para. 20; and the "Decision Appointing Experts for the Purpose of a Medical Examination pursuant to Rule 135 of the Rules of Procedure and Evidence", *supra* note 7, paras. 34-35.

[REDACTED], in light of their professional experience, and, in particular, their respective specialisations in the field(s) pertaining the precise legal issue at hand – the determination of an individual’s overall fitness to stand trial.¹³

11. The Legal Representative further submits that, for the purposes of efficiently conducting pre-trial proceedings, including the confirmation of charges hearing, and in light of Mr Duterte’s ability to fluently communicate in English, the fact that the abovementioned experts are English speakers is preferable for the selection and appointment in the circumstances of the case.¹⁴ Moreover, the fact that [REDACTED] speaks Dutch is also an asset since some of the medical reports had originally been written in that language.¹⁵

Respectfully submitted.

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

¹³ See the Guidelines on Court-Appointed Experts, *supra* note 8, paras. 34 and 40.

¹⁴ *Idem*, para. 44. See also, the “Decision Appointing Experts for the Purpose of a Medical Examination pursuant to Rule 135 of the Rules of Procedure and Evidence”, *supra* note 7, para. 29.

¹⁵ *Ibid.*