

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Original: **3 September 2025**

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 “Defence Response to the ‘Registry Report on the Assessment by the Medical Officer of the Detention Centre’ & Request for Disclosure”

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

Osvaldo Zavala Giler

☐ **Counsel Support Section**

☐ **Victims and Witnesses Unit**

☒ **Detention Section**

☐ **Victims Participation and Reparations
Section**

☒ **Other**
ICCDC Medical Officer

1. The Defence has noted the “Report on the Assessment by the Medical Officer of the Detention Centre”.¹ The factual medical report detailed in paragraph 16 (“the Factual Report”) was shown to Counsel briefly before being returned to the detention centre authorities. Counsel was not shown any written consent to the divulgence of this personal medical information nor was he permitted to leave the ICC Detention Centre with the Factual Report in his possession. Mr Duterte reported feeling intimidated [REDACTED], according to him, had demanded that the Factual Report be given back to [REDACTED].
2. The validity of the so-called informed written ‘consent’ [REDACTED] to have received from Mr Duterte is strenuously disputed. [REDACTED] knows to be suffering from [REDACTED] and cognitive impairment *sub judice*, [REDACTED] acted as the agent of the Pre-Trial Chamber — [REDACTED]² [REDACTED]. This situation is compounded by the fact that [REDACTED].³ The Defence believes such conduct to be unprecedented and ethically questionable.
3. Despite acknowledging receipt of Counsel’s opposition to the disclosure of the Factual Report,⁴ the Registry claims that Mr Duterte “[REDACTED]”.⁵ Notably, the Registry does not assert that Mr Duterte was actually given a second opportunity to discuss informed consent in the evening of 1 September 2025 or the following day prior to submission of the Factual Report.
4. At paragraph 18 of the Factual Report, the Registry further posits that it “[REDACTED]”. This is bureaucratic sophistry. The Registry’s only source of information as to Mr Duterte’s capacity to provide consent is Mr Duterte himself, Counsel and [REDACTED]. Mr Duterte, himself, [REDACTED]. [REDACTED], as submitted in this filing, is working hand-in-glove with the Registry. Counsel has persistently informed the Registry that Mr Duterte [REDACTED] yet Counsel’s instructions are not just disregarded but have now been shown to be unilaterally countermanded.

¹ Registry Report on the Assessment by the Medical Officer of the Detention Centre, [ICC-01/21-01/25-263-Conf](#), 2 September 2025 (“Registry Report”).

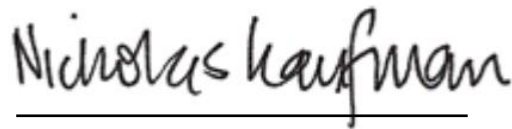
² [REDACTED]

³ Email, Defence to ICCDC, “Duterte: Medical Issues”, 01 September 2025, 17:38.

⁴ [Registry Report](#), paras 6, 10.

⁵ [Registry Report](#), para. 17.

5. Nothing in the Factual Report is of relevance to the issue of fitness to stand trial. Notwithstanding the aforementioned, a dispute exists as to Mr Duterte's ability to provide informed consent to the divulgence of his medical information. Accordingly, Counsel requests that the Pre-Trial Chamber order the Registry to disclose all documentation in its possession and [REDACTED], wherein Mr Duterte's signed written consent appears — including that i) permitting transfer of the Factual Report to the Pre-Trial Chamber and that ii) permitting transfer of medical information to the Pre-Trial Chamber prior to the initial appearance which allowed the Presiding Judge to aver that Mr Duterte had been medically examined and found to be “fully mentally aware and fit”.⁶



Nicholas Kaufman
Counsel for Rodrigo Roa Duterte

Dated this 9th day of October 2025

At The Hague, The Netherlands

⁶ Transcript of the Initial Appearance, [ICC-01/21-01/25-T-002-ENG](#), 14 March 2025, p. 8, line 25.