

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

No.: **ICC-01/21-01/25**
Date: **10 November 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 “Prosecution’s Response to the ‘Urgent Defence Request to Disqualify [REDACTED]’ (ICC-01/21-01/25-304-Conf)”, 22 October 2025, ICC-01/21-01/25-308-Conf

Source: Office of the Prosecutor

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I. INTRODUCTION

1. Pursuant to the Pre-Trial Chamber's order submitted by e-mail on 21 October 2025, the Prosecution hereby provides its response to the "Urgent Defence Request to Disqualify [REDACTED]"¹ (the "Defence Request"). The Prosecution submits that: (i) [REDACTED] appointment to the panel of experts (the "Panel") should be revoked in light of the information provided by the Defence of what appear to be profoundly offensive remarks shared by [REDACTED] on social media; and (ii) [REDACTED] should be appointed by the Chamber following appropriate vetting by the Registry.

2. The Prosecution also notes that the Defence Request seeks the immediate adjournment of the proceedings against Mr. Duterte.² This request for adjournment is unsupported by any reasoned justifications and should be rejected.

II. CONFIDENTIALITY

3. Pursuant to regulation 23*bis*(1) and (2) of the Regulations of the Court, this submission is filed as confidential, because it is a response to a filing with the same classification. It also contains identifying information of potential experts, which should remain confidential at this stage.

III. PROSECUTION'S SUBMISSIONS

a. [REDACTED] appointment to the Panel should be revoked

4. The Prosecution notes with concern the information provided by the Defence of social media activity by [REDACTED]. If this activity is attributable to [REDACTED], as it appears to be, it would render him entirely unsuitable as an expert in this (or any other) case.³ Accordingly, subject to the Registry's verification that this social media activity is attributable to him, the Prosecution requests the revocation of the appointment of [REDACTED] to the Panel.

¹ Urgent Defence Request to Disqualify [REDACTED], 20 October 2025, ICC-01/21-01/25-304-Conf-Exp ("Defence Request").

² Defence Request, para. 18.

³ Defence Request, para. 8.

b. The Registry should conduct a more rigorous vetting process of the other shortlisted experts

5. In the Order in relation to the ‘Defence Request for the Disqualification of [REDACTED]’, the Chamber urged the Registry to revise its working methods, especially with regard to the vetting process of medical experts, in order to avoid a similar recurrence.⁴ Such a revision of working methods appears to remain necessary in order for the parties, participants, and the Chamber, to trust that the list of experts contains suitable candidates.

c. Recommendation of the appointment of [REDACTED] as a replacement for [REDACTED]

6. The Prosecution proposes the appointment of [REDACTED] to replace [REDACTED] as an expert in neuropsychology on the Panel, following the completion of an appropriately rigorous vetting process by the Registry. This recommendation is consistent with the Prosecution’s prior observations on the List of Experts,⁵ and as noted by the Defence, both parties agree on the suitability of [REDACTED].⁶

IV. CONCLUSION

7. For the above reasons, the Prosecution requests the Chamber to: (i) revoke [REDACTED] appointment to the Panel following confirmation by the Registry that the social media activity flagged by the Defence is attributable to him; (ii) appoint [REDACTED] to replace [REDACTED] following the conclusion of an appropriate vetting process by the Registry; and (iii) reject the Defence’s entirely unsubstantiated request to adjourn the proceedings against Mr. Duterte.

⁴ Order in relation to the ‘Defence Request for the Disqualification of [REDACTED]’, 3 October 2025, ICC-01/21-01/25-288-Conf, para. 11.

⁵ Prosecution’s Observations on the “Registry’s Second Observations on ‘Defence Request for the Disqualification of [REDACTED]’, ICC-01/21-01/25-280-Conf, 25 September 2025” (ICC-01/21-01/25-293-Conf) and on “Registry Submission of a Shortlist of Experts in Neuropsychology pursuant to ICC-01/21-01/25-288-Conf” (ICC-01/21-01/25-294-Conf), ICC-01/21-01/25-301-Conf, 15 October 2025, paras 7 and 12.

⁶ Defence Request, para. 2.

A handwritten signature in black ink, appearing to read 'Mandiaye Niang', written diagonally across the page.

Mame Mandiaye Niang, Deputy Prosecutor

Dated this 10th day of November 2025

At The Hague, the Netherlands