

**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 ‘Defence Request for the Disqualification of [REDACTED]’ (ICC-01/21-01/25-280-Conf)”, 30 September 2025, ICC-01/21-01/25-284-Conf

Source: Office of the Prosecutor

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

☐ Counsel Support Section

M. Osvaldo Zavala Giler

☐ Victims and Witnesses Unit

☒ Detention Section

☐ Victims Participation and Reparations
Section

☐ Other

I. INTRODUCTION

1. Pursuant to the Chamber’s instructions of 25 September 2025,¹ the Prosecution provides its response to the “Defence Request for the Disqualification of [REDACTED]”² (“Defence Request”). The Prosecution submits that (i) [REDACTED] appointment to the panel of experts (“Panel”) should be revoked in light of information that she is under an ongoing suspension [REDACTED], and (ii) the Registry should be directed to immediately identify other qualified and available neuropsychologists with expertise in [REDACTED], and to expedite their inclusion on the List of Experts.

2. The Prosecution further observes that, in light of the Chamber’s 26 September 2025 “Decision on the Defence’s ‘Urgent Request for Interim Release’ and ‘Renewed Request for Interim Release’”,³ the Defence’s renewed request for immediate interim release⁴ should be dismissed as moot. In the interests of efficiency, the Prosecution will not address the Defence’s latest impermissible attempts to re-litigate matters decided by the Chamber,⁵ and to reply to arguments made by the Prosecution.⁶

II. CONFIDENTIALITY

3. Pursuant to regulation 23*bis*(2) of the Regulations of the Court (“RoC”), this submission is filed as “Confidential”, because it responds to a filing with the same classification.

III. PROSECUTION’S SUBMISSIONS

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

4. The Prosecution notes the additional information alleging that [REDACTED] is under an ongoing suspension [REDACTED],⁷ as well as the allegation that she “seems not to have informed the Registry” of this circumstance.⁸ The Prosecution nevertheless also notes that the specific reasons for [REDACTED] current suspension are unclear and appear not to be publicly

¹ Chamber’s e-mail dated 25 September 2025 at 17:08.

² Defence Request for the Disqualification of [REDACTED], ICC-01/21-01/25-280-Conf (“Defence Request”).

³ Decision on the Defence’s ‘Urgent Request for Interim Release’ and ‘Renewed Request for Interim Release’, ICC-01/21-01/25-282-Conf.

⁴ Defence Request, ICC-01/21-01/25-280-Conf, para. 25.

⁵ See e.g. Defence Request, ICC-01/21-01/25-280-Conf, para. 18.

⁶ See e.g. Defence Request, ICC-01/21-01/25-280-Conf, para. 22.

⁷ Defence Request, ICC-01/21-01/25-280-Conf, paras. 10-11; see also Annexes A-C of the Defence Request.

⁸ Defence Request, ICC-01/21-01/25-280-Conf, para. 12.

available at this stage.⁹ Without such additional details the Prosecution will not engage in speculation regarding [REDACTED] professional conduct. However, the above-mentioned facts on their own raise sufficient grounds to merit the revocation of her appointment from the Panel, particularly given the need for an expeditious assessment of Mr Duterte's fitness for trial.

b. Registry should immediately identify other qualified neuropsychologists and expedite their inclusion on the List of Experts

5. As previously stated, the optimal multidisciplinary panel of experts to assess Mr Duterte should include a neuropsychologist, specialised in [REDACTED].¹⁰ [REDACTED] expert proposed by the Registry with specialisation in neuropsychology¹¹ and appears to be [REDACTED].¹² As such, the Registry should now be directed to immediately identify other qualified neuropsychologists specialised in [REDACTED] and contact them in order to ascertain their interest and availability.

6. The Prosecution notes that the recommended approach should not cause any unreasonable delay. A similar process was already conducted by the Registry when recommending [REDACTED]. Here, the Registry identified and contacted this expert "as the List of Experts did not include a neurologist and this area of expertise was considered relevant to assist the Chamber".¹³ [REDACTED] has since already been appointed to the Panel, pending his expedited admission to the List of Experts,¹⁴ which demonstrates that identifying a qualified candidate and adding them to the Registry's List of Experts is achievable within a short timeframe.

7. Parties and participants should be provided with the opportunity to submit observations on the newly recommended neuropsychologists ahead of their official appointment, in line with previous instructions,¹⁵ and on an expedited basis.

⁹ Defence Request, ICC-01/21-01/25-280-Conf, para. 20.

¹⁰ Prosecution's Observations on the "Registry Submission of a Shortlist of Medical Experts pursuant to ICC-01/21-01/25-268-Conf", ICC-01/21-01/25-276-Conf, paras. 4-5.

¹¹ Annex II to the Registry's Submission of a Shortlist of Medical Experts pursuant to ICC-01/21-01/25-268-Conf, ICC-01/21-01/25-270-Conf-AnxII, p. 2.

¹² [REDACTED] (last accessed on 30 September 2025).

¹³ Registry's Submission of a Shortlist of Medical Experts pursuant to ICC-01/21-01/25-268-Conf, ICC-01/21-01/25-270-Conf, para. 18.

¹⁴ Decision on the appointment of experts for the purpose of a medical examination pursuant to rules 113 and 135 of the Rules of Procedure and Evidence and related matters, ICC-01/21-01/25-279-Conf, p. 9.

¹⁵ Order pursuant to rules 113 and 135 of the Rules of Procedure and Evidence, ICC-01/21-01/25-268-Conf, p. 9.

8. Finally, the Prosecution stands ready to provide names of recommended experts to the Registry should the Chamber authorise this.

IV. CONCLUSION

9. For the above reasons, the Prosecution requests the Chamber to: (i) revoke [REDACTED] appointment to the Panel, and (ii) direct the Registry to immediately identify other qualified and available neuropsychologists with expertise in [REDACTED], whose inclusion in the Registry's List of Experts should then be expedited. Finally, the Defence's "reiterate[d]" request for immediate interim release¹⁶ is baseless and should be dismissed as moot, following the Chamber's Decision of 26 September 2025.¹⁷

A handwritten signature in black ink, appearing to read 'Mandiaye Niang', written over a horizontal line.

Mame Mandiaye Niang, Deputy Prosecutor

Dated this 10th day of November 2025

At The Hague, the Netherlands

¹⁶ Defence Request, ICC-01/21-01/25-280-Conf, para. 21.

¹⁷ Decision on the Defence's 'Urgent Request for Interim Release' and 'Renewed Request for Interim Release', ICC-01/21-01/25-282-Conf.