

**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 Redacted Version of ICC-01/21-01/25-283-Conf

**Victims' Response to the
"Defence Request for the Disqualification of [REDACTED]"**

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

D36

☐ 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. The Principal Counsel of the Office of Public Counsel for Victims (the “Legal Representative”), appointed to represent the collective interests of potential victims until the mandate of the team of common legal representatives takes effect,¹ files her response to the “Defence Request for the Disqualification of [REDACTED]” (the “Request”).² The Defence seeks the immediate disqualification of [REDACTED] from the recently constituted Panel of Experts (the “Panel”)³ to determine Mr Duterte’s fitness to stand proceedings and revocation of [REDACTED] appointment on the grounds that [REDACTED].⁴

2. The Legal Representative leaves the matter of the requested disqualification to the discretion of Pre-Trial Chamber I (the “Chamber”). Reiterating her earlier submissions according to which, for the Victims, it is essential that a suitably qualified practitioner in neuro-psychology is appointed to the Panel, the Legal Representative avers that her endorsement of [REDACTED] was entirely based on the information provided by the Registry as regards the former’s credentials and qualifications.

3. The Legal Representative trusts that the Chamber will be in the position to decide whether [REDACTED] continues to qualify as expert once it has received additional information from the Registry. Should this not be the case, she asks the Chamber to identify another suitable expert with the same specialisation.

4. Finally, the Legal Representative notes the incidental Defence’s request for interim release of Mr Duterte. In this regard, she observes that the matter has been

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 “Defence Request for Disqualification of [REDACTED]”, [No. ICC-01/21-01/25-280-Conf](#), 25 September 2025 (the “Request”).

³ See the “Decision on the appointment of experts for the purposes of a medical examination pursuant to rules 113 and 135 of the Rules of Procedure and Evidence and related matters” (Pre-Trial Chamber I), No. [ICC-01/21-01/25-279-Conf](#), 24 September 2025, p. 9 (the “Decision appointing a Panel of Experts”).

⁴ See the Request, *supra* note 2, para. 24.

ruled upon by the Chamber.⁵ Moreover, the Defence proffers nothing but mere speculation as to any ensuing delays resulting from its Request, which is, at best, premature, and generally irrelevant to the reasons why Mr Duterte's detention is being maintained.

II. PROCEDURAL BACKGROUND

5. On 8 September 2025, the Chamber, by majority, rendered a decision postponing the hearing on the confirmation of charges until further notice,⁶ *"not[ing] that litigation regarding Mr Duterte's fitness to participate in the pre-trial proceedings is on-going [...]"*.⁷ The same day, the Chamber issued an Order pursuant to rules 113 and 135 of the Rules of Procedure and Evidence (the "Rules"), requesting the Registry to submit a shortlist of medical experts (the "Shortlist");⁸ and instructing the parties and the OPCV to submit observations on said Shortlist by 18 September 2025.⁹

6. On 15 September 2025, the Registry submitted the Shortlist, which included [REDACTED] (the "Registry Submissions").¹⁰

7. On 18 September 2025, the Defence,¹¹ the OPCV,¹² and the Prosecution¹³ provided their observations on the Shortlist. Both the Prosecution and the OPCV

⁵ See the "Decision on the 'Defence's Urgent Request for Interim Release' and 'Renewed Request for Interim Release'", [No. ICC-01/21-01/25-282-Conf](#), 26 September 2025 (the "Decision on Interim Release").

⁶ See the "Decision postponing the hearing on the confirmation of charges", (Pre-Trial Chamber I), [No. ICC-01/21-01/25-267](#), 8 September 2025.

⁷ *Idem*, para. 7.

⁸ 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.

⁹ *Idem*, para. 28.

¹⁰ 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 "Registry Submission").

¹¹ See the "Defence Observations on Registry Submission ICC-01/21-01/25-270-Conf", [No. ICC-01/21-01/25-274-Conf](#), 18 September 2025.

¹² See the "Observations on behalf of Victims on the 'Registry Submission of a Shortlist of Medical Experts pursuant to ICC-01/21-01/25-268-Conf'", [No. ICC-01/21-01/25-275-Conf](#), 18 September 2025 (the "OPCV Observations").

¹³ See the "Prosecution's Observations on the 'Registry Submission of a Shortlist of Medical Experts pursuant to ICC-01/21-01/25-268-Conf' (ICC-01/21-01/25-270-Conf)", [No. ICC-01/21-01/25-276-Conf](#), 18 September 2025 (the "Prosecution Observations").

expressed a preference for a panel of experts that would include [REDACTED], given the information conveyed by the Registry and [REDACTED] *curriculum vitae* included in the Registry Submissions.¹⁴

8. On 24 September 2025, the Chamber rendered its decision on the appointment of experts for the purpose of a medical examination pursuant to rules 113 and 135 of the Rules,¹⁵ constituting the Panel.

9. On 25 September 2025, the Defence filed its Request.¹⁶ The Defence further asks the Chamber to order Mr Duterte's immediate interim release "*in light of the delay that will be occasioned by the need to identify and appoint a more appropriate neuropsychologist*".¹⁷

10. On 25 September 2025, the Chamber, by e-mail, ordered the Registry to respond to the Request by no later than 30 September 2025; and instructed the Prosecution and the OPCV to respond to the Request, if they so wish, by the same time limit.¹⁸

11. On 26 September 2025, the Chamber denied¹⁹ the Defence's "Urgent Request for Interim Release"²⁰ and the "Renewed Request for Interim Release".²¹

III. CLASSIFICATION

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

¹⁴ See the Prosecution Observations, *supra* note 13, paras. 6, 7. See also the OPCV Observations, *supra* note 12, paras. 4, 10.

¹⁵ See the Decision appointing a Panel of Experts, *supra* note 3.

¹⁶ See the Request, *supra* note 2.

¹⁷ *Idem*, para. 25.

¹⁸ See the confidential e-mail from the Chamber dated 25 September 2025 at 17:08.

¹⁹ See the Decision on Interim Release, *supra* note 5.

²⁰ See the "Urgent Request for Interim Release", [No. ICC-01/21-01/25-150-Conf-Exp](#), 12 June 2025. A public redacted version [No. ICC-01/21-01/25-150-Red](#) was filed the same day.

²¹ See the "Renewed Request for Interim Release", [No. ICC-01/21-01/25-231-Conf](#), 18 August 2025. A public redacted version [No. ICC-01/21-01/25-231-Red](#) was filed on 19 August 2025.

IV. SUBMISSIONS

13. The Legal Representative is not in a position to provide substantive observations. Indeed, her endorsement of [REDACTED] was entirely based on the information provided by the Registry as regards the former's credentials and qualifications. In this regard, she rejects as unfounded the Defence's criticism that she ought to have "*conducted a simple google search*"²² prior to endorsing the expert in question. The List of Experts is not only compiled and maintained by the Registry, it also falls within the exclusive purview of the Registry, as the neutral organ of the Court, to administer the List and all related matters.²³

14. Therefore, the Legal Representative defers entirely to the Chamber's discretion to resolve the matter, once further clarifications have been obtained from the Registry that might shed light on the issue raised by the Defence.

15. However, she reiterates her position that an expert with qualifications in neuropsychology should be included in the Panel assisting the Chamber in determining Mr Duterte's fitness to stand trial.²⁴ Consequently, should the expert not be retained following the Registry's provision of further information, she respectfully requests the Chamber to identify another suitable qualified expert with the same specialisation.

16. Finally, the Legal Representative notes the incidental Defence's request for interim release of Mr Duterte. She opposes said subsidiary relief sought. While, at the time of the filing of the Request, the matter was still pending, it has since become moot, as the Chamber subsequently rejected the Defence's various requests and ordered the continued detention of Mr Duterte,²⁵ highlighting that it "*continues to remain necessary under article 60(2) of the Statute based on each of the requirements set by article 58(1) of the Statute.*"²⁶ Nevertheless, for the sake of completeness, the Legal Representative submits

²² See the Request, *supra* note 2, para. 12.

²³ See regulation 44(1) of the Regulations of the Court.

²⁴ See the OPCV Observations, *supra* note 12, para. 8.

²⁵ See the Decision on Interim Release, *supra* note 5.

²⁶ *Idem*, para. 77.

that said request — premised on a speculative delay, must be rejected as unfounded at this stage of the proceedings. In the absence of a decision from the Chamber on the Request, the previously established schedule concerning the assessment of Mr Duterte's fitness to stand trial remains in effect, and all other considerations of the Chamber regarding the necessity of continued detention remain unaffected.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Paolina Massidda', with a horizontal line drawn underneath the name.

Paolina Massidda
Principal Counsel

Dated this 10th day of November 2025

At The Hague, The Netherlands