

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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No.: ICC-01/21-01/25
Date: 12 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
With Confidential Annex**

**Public Redacted Version of “Registry’s Observations on “Defence Request for the Disqualification of [REDACTED]”, ICC-01/21-01/25-280-Conf, 25 September 2025”,
ICC-01/21-01/25-285-Conf, 30 September 2025**

Source: Registry

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

M. Zavala Giler, Osvaldo

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☒ Detention Section

☐ Victims Participation and
Reparations Section

☐ Other

I. Introduction

1. Pursuant to the Pre-Trial Chamber I's Email Instruction,¹ the Registry hereby provides its observations on the "Defence Request for the Disqualification of [REDACTED]" ("Defence Request").²

II. Procedural History

2. On 18 August 2025, the Defence for Mr Rodrigo Roa Duterte ("Defence" and "Mr Duterte", respectively) submitted the "Defence Request for an Indefinite Adjournment" ("Request for Adjournment"), stating, *inter alia*, that Mr Duterte "is not fit to stand trial as a result of cognitive impairment in multiple domains", and that his "condition will not improve and, for this reason, the Pre-Trial Chamber must adjourn all legal proceedings in his case indefinitely" pursuant to Rule 135(4) of the Rules of Procedure and Evidence.³
3. On 26 August 2025, the Pre-Trial Chamber I ("Chamber") issued its "Order to the Registry for a report from the Medical Officer of the Detention Centre" ("Order for a Report"), whereby it instructed the Registry to, as part of the adjudication of the Request for Adjournment, submit a report which shall include an assessment by the Medical Officer ("MO").⁴
4. On 28 August 2025, the Registry, pursuant to a Chamber's Email Instruction ordering "that any responses to [the Request for Reconsideration] shall be filed by no later than 28 August 2025" ("Order on Request for Reconsideration"),⁵ submitted the "Registry's Observations

¹ Email from Pre-Trial Chamber I to the Office of the Prosecution, Legal Representatives of Victims and the Registry on 25 September 2025 at 17:08.

² Defence, "Defence Request for the Disqualification of [REDACTED]" ("Defence Request"), 25 September 2025, ICC-01/21-01/25-280-Conf.

³ Defence for Mr Duterte, "Defence Request for an Indefinite Adjournment" ("Request for Adjournment"), 18 August 2025, ICC-01/21-01/25-230-Conf, paras. 1, 35.

⁴ Pre-Trial Chamber I, "Order to the Registry for a report from the Medical Officer of the Detention Centre" ("Order for a Report"), 26 August 2025, ICC-01/21-01/25-243-Conf, para. 3.

⁵ Email from Pre-Trial Chamber I to the Office of the Prosecutor, Office of Public Counsel for the Victims, Defence for Mr Duterte and Registry on 27 August 2025 at 16:20.

on the “Defence Request for Reconsideration of Order ICC-01/21-01/25-243-Conf”, 27 August 2025, ICC-01/21-01/25-244-Conf” (“Registry Observations”).⁶ On 29 August 2025, the Registry submitted a corrected version of the Registry Observations, which stated, *inter alia*, that “the MO of the ICC DC does not possess the requisite expertise or judicial knowledge to provide such an assessment regarding a detained person’s fitness to stand trial”.⁷

5. On 2 September 2025, the Registry, pursuant to the Order for a Report, submitted the “Registry Report on the Assessment by the Medical Officer of the Detention Centre”, providing the MO’s recommendation on modalities regarding Mr Duterte’s presence in court and a medical report from the MO.⁸
6. On 8 September 2025, the Chamber issued its “Decision postponing the hearing on the confirmation of charges”, noting, *inter alia*, that “litigation regarding Mr Duterte’s fitness to participate in the pre-trial proceedings is ongoing in connection with the [Request for Adjournment]”, and deciding *inter alia*, “to vacate the date of 23 September 2025 and to postpone the hearing on the confirmation of charges until further notice”.⁹

⁶ Registry, “Registry’s Observations on the “Defence Request for Reconsideration of Order ICC-01/21-01/25-243-Conf”, 27 August 2025, ICC-01/21-01/25-244-Conf”, 28 August 2025, ICC-01/21-01/25-254-Conf-Exp. A confidential redacted version was notified on the same date, ICC-01/21-01/25-254-Conf-Red.

⁷ Registry, “Corrected Version of “Registry’s Observations on the “Defence Request for Reconsideration of Order ICC-01/21-01/25-243-Conf”, 27 August 2025, ICC-01/21-01/25-244-Conf”, 28 August 2025, ICC-01/21-01/25-254-Conf-Exp”, 29 August 2025, ICC-01/21-01/25-254-Conf-Exp-Corr, para. 14. A confidential redacted version was notified on the same date, ICC-01/21-01/25-254-Conf-Red-Corr.

⁸ Registry, “Registry Report on the Assessment by the Medical Officer of the Detention Centre”, 2 September 2025, ICC-01/21-01/25-263-Conf.

⁹ Pre-Trial Chamber I, “Decision postponing the hearing on the confirmation of charges”, 8 September 2025, ICC-01/21-01/25-267, paras 7-10.

7. On the same day, the Chamber issued its “Order pursuant to rules 113 and 135 of the Rules of Procedure and Evidence” (“Order”),¹⁰ whereby it instructed the Registry, *inter alia*, to prepare:

a shortlist of experts who are qualified and have relevant expertise to determine and assess: (i) whether and, if so, at what level Mr Duterte suffers from any medical condition which might have an effect on his ability to follow and take part in the ongoing pre-trial proceedings, including the confirmation of charges hearing; and (ii) whether any special measures or adjustments are recommended to address any medical condition of Mr Duterte, also in light of any prognosis, during the pre-trial proceedings, including the confirmation of charges hearing.

8. On 11 September 2025, pursuant to the Chamber’s Order, the Registry initiated consultations with the Defence and the Office of the Prosecutor and sent them the initial aforesaid shortlist.¹¹
9. On 12, 13 and 15 September 2025, the Defence and the Prosecution provided initial observations to the Registry.¹²
10. On 15 September 2025, the Registry, pursuant to the Chamber’s Order, submitted its “Registry Submission of a Shortlist of Medical Experts pursuant to ICC-01/21-01/25-268-Conf” in which it identified and shortlisted eleven experts that are on the List of Experts (“LoE”)¹³ and one expert not on the LoE.¹⁴

¹⁰ Pre-Trial Chamber I, “Order pursuant to rules 113 and 135 of the Rules of Procedure and Evidence” (“Order”), 8 September 2025, ICC-01/21-01/25-268-Conf.

¹¹ Email from the Registry to the Office of the Prosecutor and the Defence on 11 September 2025 at 12.38.

¹² Email from the Defence to the Registry and the Office of the Prosecutor on 12 September 2025 at 15.49; Email from the Office of the Prosecutor to the Registry and the Defence on 12 September 2025 at 15.57; Email from the Registry to the Office of the Prosecutor and the Defence on 12 September 2025 at 17.45; Email from the Defence to the Registry and the Office of the Prosecutor on 12 September 2025 at 18.23; Email from the Office of the Prosecutor to the Defence and the Registry on 12 September 2025 at 18.53; Email from the Defence to the Office of the Prosecutor and the Registry on 12 September 2025 at 19.20; Email from the Office of the Prosecutor to the Defence and the Registry on 12 September 2025 at 20.32; Email from the Office of the Prosecutor to the Defence and the Registry on 13 September 2025 at 13.17; Email from the Registry to the Office of the Prosecutor and the Defence on 15 September at 09.22; Email from the Office of the Prosecutor to the Registry on 15 September 2025 at 12.36; Email from the Defence to the Registry on 15 September 2025 at 12.54; Email from the Registry to the Parties on 15 September 2025 at 13.26; Email from the Defence to the Registry on 15 September 2025 at 13.39.

¹³ Regulation 44 of the Regulations of the Court; regulation 56 of the Regulations of the Registry.

¹⁴ Registry, “Registry Submission of a Shortlist of Medical Experts pursuant to ICC-01/21- 01/25-268-Conf”, 15 September 2025, ICC-01/21-01/25-270-Conf, para. 13.

11. On 24 September 2025, the Chamber issued its “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”,¹⁵ whereby it appointed Dr [REDACTED], Dr [REDACTED] and, once admitted to the LoE, Dr [REDACTED], to constitute a panel to undertake a medical examination of Mr Duterte.

12. On 25 September 2025, the Defence submitted its Request, stating that the appointment of [REDACTED] “should be revoked immediately” as, *inter alia*, she is “presently under active suspension by the [REDACTED] – the adjudicatory arm of the [REDACTED] – which makes independent decisions about whether health professionals are fit to practice”.¹⁶

13. Also that day, on 25 September 2025, the Chamber ordered *inter alia*, the Registry to file observations on the Defence Request.¹⁷

III. Classification

14. In accordance with regulation 23 *bis*(2) of the RoC, the present report is classified as confidential as it refers to a decision of the same classification level.

IV. Applicable law

15. For the purpose of the present submission, the Registry has considered, *inter alia*, rules 113 and 135 of the Rules of Procedure and Evidence, regulation 44 of the Regulations of the Court (“RoC”), and regulation 56 of the Regulations of the Registry (“RoR”).

V. Submissions

¹⁵ Pre-Trial Chamber I, “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”, 24 September 2025, ICC-01/21-01/25-279-Conf, para. 15.

¹⁶ Defence, Defence Request, paras 1, 10-17, 19-21, and 24.

¹⁷ Email from Pre-Trial Chamber I to the Office of the Prosecution, Legal Representatives of Victims and the Registry on 25 September 2025 at 17:08.

16. At the outset, on the basis on the information provided in the Defence Request, on 28 February 2024, the [REDACTED] decided of an interim suspension of Ms [REDACTED]; the said suspension was renewed on 22 August 2024, 13 December 2024, 8 April 2025 and 16 June 2025 and extended on 22 August 2025 by the [REDACTED] until 26 May 2026.¹⁸

17. In line with regulation 56(6) of the RoR, on 29 September 2025, the Registry contacted the [REDACTED] and requested it to provide information and documentation as to [REDACTED]'s situation before them including the approximate date on which the [REDACTED] will render a decision on the matter, and when this decision may be publicly available. The Registry has not received any response to date, to its said request.

Information regarding the Registry's procedure for admission of experts to the List of Expert

18. In accordance with regulation 44 of the RoC and regulation 56 of the RoR, the Registry maintains a LoE who may be called to provide their services at any time for any organ of the Court or to be participants in Court proceedings.¹⁹

19. As noted on the Court's dedicated LoE website, "[a]ll experts included on the ICC list of experts must maintain high standards of professional and personal integrity [...]".²⁰ Individuals who wish to be included on the LoE ("Applicant") have to fill in the application form which contains several questions, including whether the Applicant "ha[s] been the subject of a disciplinary or administrative sanction by the regulatory and/or professional body with which [the Applicant] is registered" ("Question on Disciplinary or Administrative Sanction"); and whether the Applicant has committed "acts contrary to honour, probity and morals".²¹ The application form also includes the following

¹⁸ Defence, Request, paras 10-11.

¹⁹ International Criminal Court, Experts, accessible at <https://www.icc-cpi.int/get-involved/experts>.

²⁰ *Ibid.*

²¹ Annex.

disclaimer, as well as a request to provide any information the Applicant considers ought to be brought to the Court's attention:

I certify on my honour that I have verified the information in this form and that it is true and correct. I hereby undertake to inform the Court in the event of a change in my circumstances.

I understand that any decision to appoint me at the Court will be based on the information provided herein. I also understand that, should any item of information herein prove to be incorrect or false, the Court would be at liberty to terminate my appointment without notice.

[...] ²²

20. Also, the Applicant has to provide supporting documents, as listed in regulation 56(1) of the RoR and on the application form, including, *inter alia*, i) a copy of their diplomas, ii) an original or certified copy of the certificate issued by the regulatory and/or professional body with which the Applicant is registered, where applicable; iii) a certificate issued by the relevant authority/authorities of the State(s) in which the Applicant is domiciled, stating whether the Applicant have any criminal conviction; and vi) a copy of the Applicant's professional insurance policy.

21. The Applicant sends the completed application form and supporting documents ("Application") to the Registry, to a dedicated LoE email address ("LoE Email Address").

22. Once received, the Registry verifies that the application form has been duly completed and that all the required documents have been provided. If information is missing, the Registry requests the Applicant to provide the relevant information.

23. Once the Application is completed, the Registry send it to a consultant specialised in Human Resources ("HR Consultant"). Based on the information provided in the Application, the HR Consultant prepares an assessment report

²² See regulation 56(5) of the RoR; Annex.

together with a recommendation to include or not the Applicant on the LoE, and transmits the said recommendation to the Registry.

24. Neither the HR Consultant nor the Registry conducts any open-source search about the Applicants.

25. If the Registrar approves the inclusion of an Applicant on the LoE ("Qualified Expert"), the Registry informs them accordingly *via* a letter,²³ and requests them in same letter to "inform [the Registry], promptly, of any changes in [the Expert's] situation"²⁴ *via* the dedicated LoE Email Address. Qualified Experts are included on the LoE for a period of 5 years, renewable for an additional 5 years at the Qualified Expert's request.²⁵ As to any such renewal, as mentioned in the letter, Qualified Experts should submit an update application form together with supporting documents for any new qualification.

Admission of Ms [REDACTED] to the LoE

26. In June 2019, the Registry received the complete Application of Ms [REDACTED] ("Ms [REDACTED]"). Ms [REDACTED] replied "no" to the aforementioned Question on Disciplinary or Administrative Sanction.²⁶ Ms [REDACTED] did not provide any other information she considers ought to be brought to the Court's attention.²⁷

27. On 30 June 2019, the HR Consultant informed the Registry that "[i]n view of her studies as well as considerable and relevant experience, in particular the research experience, Dr [REDACTED] is qualified to be considered as expert".²⁸

²³ See regulation 56(2) of the RoR.

²⁴ See generally regulation 56(5) of the RoR; Annex.

²⁵ International Criminal Court, Experts, accessible at <https://www.icc-cpi.int/get-involved/experts>.

²⁶ *Ibid.*, para. 19.

²⁷ *Ibid.*, para. 19.

²⁸ Email from the HR Consultant to the Registry on 30 June 2019 at 16:20.

28. On 5 July 2019, the Registry informed Ms [REDACTED] of her inclusion on the LoE and requested that “[Ms [REDACTED]] inform[s] [the Registry], promptly, of any changes in [her] situation”.²⁹
29. On 19 June 2024, Ms [REDACTED] submitted her application for renewal to the LoE.³⁰ Ms [REDACTED] replied “no” to the aforesaid Question on Disciplinary or Administrative Sanction, and did not provide any information she considers ought to be brought to the Court’s attention.³¹
30. On 8 July 2024, the HR Consultant informed the Registry that “[i]n view of her studies/training as well as considerable and relevant experience I recommend to endorse Dr [REDACTED]’s request for renewal”.³²
31. On 15 June 2024, the Registry informed Ms [REDACTED] of her renewal as an Expert on the LoE and that “[Ms [REDACTED]] inform[s] [the Registry], promptly, of any changes in [her] situation”.³³
32. The Registry has not received any information from Ms [REDACTED] about any change in her situation as the information filled out for her inclusion, in 2019 on the LoE, and again, in 2024³⁴. Nor has Ms [REDACTED] provided any information she considers ought to be brought to the Court’s attention.
33. The Registry informs the Chamber that, in accordance with the Order, Ms [REDACTED] was notified of the Order and “all relevant filings on the case record”;³⁵ however, in light of the ongoing litigation matter, the Registry put on

²⁹ Email from the Registry to Ms [REDACTED] on 5 July 2019 at 10:54.

³⁰ Mail received by the Registry on 19 June 2024.

³¹ *Ibid.*, para. 19.

³² Email from the HR Consultant to the Registry on 08 July 2024 at 08:10.

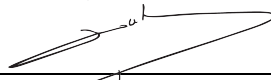
³³ Email from the Registry to Ms [REDACTED] on 15 July 2024 at 12:06.

³⁴ *Ibid.*, paras 26 and 29.

³⁵ Pre-Trial Chamber I, “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”, 24 September 2025, ICC-01/21-01/25-279-Conf, para. 20.

hold the issuance of her contract, pending the Chamber's determination on the present matter.

34. The Registry is of the view, on the basis of the foregoing, that it was incumbent on Ms [REDACTED] to inform it of what appears to be a disciplinary sanction issued against her and, in any event, of the related disciplinary hearing(s).³⁶ The Registry is also of the view that it does not have the authority to revoke Ms [REDACTED]'s appointment, as this authority lies with the Chamber which appointed her.³⁷



Marc Dubuisson, Director, Division of Judicial Services
on behalf of
Osvaldo Zavala Giler, Registrar

Dated this 12 November 2025

At The Hague, Netherlands

³⁶ *Ibid.*, para. 19 and 25.

³⁷ Pre-Trial Chamber I, "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", 24 September 2025, ICC-01/21-01/25-279-Conf, para. 15. See also generally International Criminal Court, Experts, accessible at <https://www.icc-cpi.int/get-involved/experts>; Annex (per the Application, "I understand that any decision to appoint me at the Court will be based on the information provided herein. I also understand that, should any item of information herein prove to be incorrect or false, the Court would be at liberty to terminate my appointment without notice").