

**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

Public Redacted Version of “Registry’s Observations on the “Urgent Defence Request to Disqualify Dr [REDACTED]”, ICC-01/21-01/25-304-Conf-Exp, 20 October 2025”, ICC-01/21-01/25-310-Conf, 24 October 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 Pre-Trial Chamber I's Email Instruction,¹ the Registry hereby provides its observations on the "Urgent Defence Request to Disqualify Dr [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 ("RPE").³
3. On 26 August 2025, 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 dated 27 August 2025 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

¹ Email from Pre-Trial Chamber I to the Office of the Prosecution, Legal Representatives of Victims and the Registry on 21 October 2025 at 13:57.

² Defence, "Urgent Defence Request to Disqualify Dr [REDACTED]" ("Defence Request"), 20 October 2025, ICC-01/21-01/25-304-Conf-Exp.

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.

“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” (“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”, 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 (“Chamber’s Assignment”).¹⁵

12. On 25 September 2025, the Defence submitted its “Defence Request for the Disqualification of [REDACTED]”, 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” (“Defence Request of 25 September 2025”).¹⁶

13. Also that day, on 25 September 2025, the Chamber ordered *inter alia*, the Registry to file observations on the Defence Request of 25 September 2025 (“Chamber’s Order of 25 September 2025”).¹⁷

14. On 30 September 2025, the Registry, pursuant to the Chamber's Order of 25 September 2025, submitted its “Registry’s Observations on “Defence Request for the Disqualification of [REDACTED]”, ICC-01/21-01/25-280-Conf, 25 September 2025” (“Registry’s First Observations”), stating, *inter alia*, that “it was incumbent on Ms [REDACTED] to inform it of what

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 for the Disqualification of [REDACTED]” (“Defence Request of 25 September 2025”), 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.

appears to be a disciplinary sanction issued against her and, in any event, of the related disciplinary hearing(s)".¹⁸

15. On 30 September 2025, the Prosecution submitted its "Response to the 'Defence Request for the Disqualification of [REDACTED]'" (ICC-01/21-01/25-280-Conf)", requesting the Chamber, *inter alia*, to "revoke Dr. [REDACTED]'s appointment to the Panel".¹⁹

16. On 3 October 2025, the Chamber issued its "Order in relation to the 'Defence Request for the Disqualification of [REDACTED]'" noting, *inter alia*, that "it was seemingly provided with incomplete information", inviting, *inter alia*, Dr [REDACTED] to "to submit written observations on the issues raised therein, if she so wishes, to the Registry" and ordering the Registry to "submit a shortlist of other experts in neuropsychology" ("Chamber's Order of 3 October 2025").²⁰

17. On 10 October 2025, the Registry, on the basis that it received additional information since its "Registry's First Observations", submitted its "Registry's Second Observations on 'Defence Request for the Disqualification of [REDACTED]'", ICC-01/21-01/25-280-Conf, 25 September 2025" ("Registry's Second Observations"), stating, *inter alia*, that the Registry contacted the [REDACTED] and received additional information and documentation concerning Dr [REDACTED]'s situation,

¹⁸ Registry, "Registry's Observations on 'Defence Request for the Disqualification of [REDACTED]'", ICC-01/21-01/25-280-Conf, 25 September 2025" ("Registry's First Observations"), ICC-01/21-01/25-285-Conf, para. 34.

¹⁹ Office of the Prosecutor, "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, paras. 1 and 4.

²⁰ Pre-Trial Chamber I, "Order in relation to the 'Defence Request for the Disqualification of [REDACTED]'" ("Chamber's Order of 3 October 2025"), 3 October 2025, ICC-01/21-01/25-288-Conf, paras. 11-13.

including that the allegations against Dr [REDACTED] relate, *inter alia*, to [REDACTED].²¹

18. On the same day, on 10 October 2025, the Registry, pursuant to the Chamber's Order of 3 October 2025,²² submitted its "Registry Submission of a Shortlist of Experts in Neuropsychology pursuant to ICC-01/21-01/25-288-Conf" in which it identified six experts who are not on the LoE, but expressed their respective interest and availability to carry out the Chamber's Assignment.²³

19. On 17 October 2025, the Chamber issued its "Decision on the Defence Request for the Disqualification of [REDACTED]' and related matters", in which it decided, *inter alia*, to revoke the appointment of Dr [REDACTED], and to appoint Dr [REDACTED], once admitted to the LoE, as member of the Panel to undertake Mr Duterte's medical examination ("Chamber's Decision of 17 October 2025").²⁴

20. On 17 October 2025, the Registry, pursuant to the Chamber's Decision of 17 October 2025, informed Dr [REDACTED] of the Chamber having revoked her appointment, that access to all relevant filings transmitted following the Chamber's Assignment have been suspended and requested her not to print, disseminate, distribute, or otherwise use the documents in any form and ensure that all copies in her possession were destroyed.²⁵

²¹ Registry, "Registry's Second Observations on 'Defence Request for the Disqualification of [REDACTED]'", ICC-01/21-01/25-280-Conf" ("Registry's Second Observations"), 10 October 2025, ICC-01/21-01/25-293-Conf, paras. 20-24 .

²² Pre-Trial Chamber I, Chamber's Order of 3 October 2025, para. 13.

²³ Registry, "Registry Submission of a Shortlist of Experts in Neuropsychology pursuant to ICC-01/21-01/25-288-Conf", 10 October 2025, ICC-01/21-01/25-294-Conf, para. 15.

²⁴ Pre-Trial Chamber I, "Decision on the 'Defence Request for the Disqualification of [REDACTED]' and related matters" ("Chamber's Decision of 17 October 2025"), 17 October 2025, ICC-01/21-01/25-303-Conf.

²⁵ Email from the Court Management Section to Dr [REDACTED] on 17 October 2025 at 18:02.

21. On the same day, on 17 October 2025, Dr [REDACTED] informed the Registry that “all documents concerning the Duterte’s case have been destroyed”.²⁶

22. On 20 October 2025, the Defence submitted its “Urgent Defence Request to Disqualify Dr [REDACTED]” (“Defence Request”), requesting the Chamber to immediately revoke the appointment of Dr [REDACTED], as, *inter alia*, the latter: i) “has significantly less experience than the other experts proffered by the Registry in its updated shortlist and is not available until later than the other experts”; and ii) “a clinical psychologist based in [REDACTED] with the name Dr [REDACTED], who has been extremely prolific on social media” and “demonstrate[ing] this practitioner’s manifest lack of professionalism, respectability, and suitability to provide expertise at the International Criminal Court”.²⁷

23. On 21 October 2025, the Chamber issued its Email Instruction ordering, *inter alia*, the Registry to 1) provisionally suspend the inclusion of Dr [REDACTED] in the Court’s LoE and his appointment pursuant to the Chamber’s Decision of 17 October 2025, as well as not to share with him any documents or information relevant to his assignment and the present proceedings, and 2) submit observations on the Defence Request, including its assessment of the impact of the Request on the inclusion of Dr [REDACTED] on the Court’s LoE.²⁸

III. Classification

²⁶ Email from Dr [REDACTED] to the Court Management Section, on 17 October 2025 at 18:16.

²⁷ Defence, “Urgent Defence Request to Disqualify Dr [REDACTED]” (“Defence Request”), 20 October 2025, ICC-01/21-01/25-304-Conf-Exp, paras. 7-8.

²⁸ Email from Pre-Trial Chamber I to the Office of the Prosecution, Legal Representatives of Victims and the Registry on 21 October 2025 at 13:57.

24. In accordance with regulation 23 *bis*(2) of the Regulations of the Court (“RoC”), the present report is classified as confidential as it refers to a decision of the same classification level and refers to the Registry’s internal vetting procedure.

IV. Applicable law

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

V. Submissions

Suspension of action to include Dr [REDACTED]’s on the LoE

26. Following the Chamber’s Decision of 17 October 2025, on the same day, the Registry requested Dr [REDACTED] to provide his completed Application form and supporting documents (“Application”)²⁹ for assessment and his inclusion on the LoE.³⁰ To date, the Registry has not received any response to these queries from Dr [REDACTED].

27. On the same day, 17 October 2025,³¹ the Registry requested the Registry’s consultant specialised in Human Resources (“HR Consultant”)³² to conduct a preliminary assessment for Dr [REDACTED]’s inclusion on the LoE based on Dr [REDACTED]’s *curriculum vitae*.³³

28. On 20 October 2025, the Registry informed Dr [REDACTED] that “that pursuant to Pre-Trial Chamber I’s Decision ICC-01/21-01/25-303-Conf, issued on 17

²⁹ Registry, “Registry’s Observations on “Defence Request for the Disqualification of [REDACTED]”, ICC-01/21-01/25-280-Conf, 25 September 2025” (“Registry’s First Observations”), ICC-01/21-01/25-285-Conf, paras. 19-22.

³⁰ Email from the Registry List of Experts to Dr [REDACTED], on 17 October 2025 at 18:33.

³¹ Email from the Registry List of Expert to the HR Consultant on 17 October 2025 at 18:20.

³² Registry, “Registry’s Observations on “Defence Request for the Disqualification of [REDACTED]”, ICC-01/21-01/25-280-Conf, 25 September 2025” (“Registry’s First Observations”), ICC-01/21-01/25-285-Conf, para. 23.

³³ Registry, “Registry Submission of a Shortlist of Experts in Neuropsychology pursuant to ICC-01/21-01/25-288-Conf”, 10 October 2025, ICC-01/21-01/25-294-Conf, annex II, pp. 94-96.

October 2025, [Dr [REDACTED]] ha[s] been appointed as a member of the Panel for the purpose of undertaking the medical examination of Mr Duterte, as stated in the [said] decision” pending his inclusion on the LoE, and notified him of paragraphs 21-22 of the Chamber’s Decision of 17 October 2025.³⁴ The Registry has not provided Dr [REDACTED] any other information and/or document.

29. On 21 October 2025, the HR Consultant provided their preliminary assessment report and recommended, based on the Dr [REDACTED]'s *curriculum vitae*, to include Dr [REDACTED] to the LoE.³⁵

30. On 23 October 2025, the Registry, as part of the security clearance procedure, contacted Dr [REDACTED] about *inter alia* the following, to which he responded:

- Have you ever had a Twitter / X account?
I used to have a twitter account that I had deleted.
- If so, are you the author of any posts associated with this account?
I would have been the author of all posts, unless reposted.
- Have you ever commented on posts from other Twitter / X users?
I surely would have in the past”.³⁶³⁷

31. Also that day, 23 October 2025, the Registry asked Dr [REDACTED] to confirm whether the profile as in the Defence’s Request³⁸ was his former Twitter / X account,³⁹ Dr [REDACTED] responded, “Yes, I confirm”.⁴⁰

32. The Registry has not taken any action further to that above.⁴¹

³⁴ Email from the Court Management Services Section to Dr [REDACTED], on 20 October 2025 at 11:18.

³⁵ Email from the HR Consultant to the Registry List of Expert, 21 October 2025 at 16:41.

³⁶ Email from the Registry to Dr [REDACTED], on 23 October 2025 at 10:11.

³⁷ Email from Dr [REDACTED] to the Registry on 23 October 2025 at 12:04.

³⁸ See Defence Request, p. 7.

³⁹ Email from the Registry to Dr [REDACTED] on 23 October 2025 at 11:32.

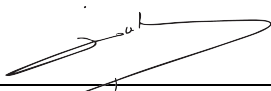
⁴⁰ Email from Dr [REDACTED] to the Registry on 23 October 2025 at 12:33.

⁴¹ Paras 26-31 *supra*.

Information regarding other Experts from the Registry's shortlist⁴²

33. On 22 October 2025, the Registry initiated the security clearance procedures for Dr [REDACTED], Dr [REDACTED], Ms [REDACTED], Mr [REDACTED] and Professor Dr [REDACTED]. The said security clearance procedures are ongoing, the results of which are anticipated by Friday 31 October 2025. [REDACTED].

34. On 23 October 2025, Prof. [REDACTED] indicated that he is available only on 5 December 2025 or in January 2026.⁴³ Dr [REDACTED], Ms [REDACTED], Mr [REDACTED] and Professor Dr [REDACTED] have not indicated any a change in their respective availabilities.



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

Dated this 12 November 2025

At The Hague, Netherlands

⁴² Registry, "Registry Submission of a Shortlist of Experts in Neuropsychology pursuant to ICC-01/21-01/25-288-Conf", 10 October 2025, ICC-01/21-01/25-294-Conf, para. 15.

⁴³ Email from Prof. [REDACTED] to the Registry on 23 October 2025 at 09:02.