

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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 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, 10 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 and following the "Defence Request for the Disqualification of [REDACTED]" ("Defence Request"),² the Registry, on 30 September 2025, submitted its "Observations on "Defence Request for the Disqualification of [REDACTED]", ICC-01/21-01/25-280-Conf, 25 September 2025" ("Registry's Observations").³
2. Since then, the Registry has received additional information, which it hereby brings to the Chamber's attention.

II. Procedural History

3. 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").⁴
4. 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").⁵

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 Registry, "Registry's Observations on "Defence Request for the Disqualification of [REDACTED]", ICC-01/21-01/25-280-Conf, 25 September 2025", 30 September 2025.

⁴ 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.

⁵ 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. 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"),⁶ submitted the "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").⁷ 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".⁸
6. 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.⁹
7. 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

⁶ 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.

⁷ 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.

⁸ 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.

⁹ Registry, "Registry Report on the Assessment by the Medical Officer of the Detention Centre", 2 September 2025, ICC-01/21-01/25-263-Conf.

inter alia, “to vacate the date of 23 September 2025 and to postpone the hearing on the confirmation of charges until further notice”.¹⁰

8. On the same day, the Chamber issued its “Order pursuant to rules 113 and 135 of the Rules of Procedure and Evidence” (“Order”),¹¹ 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.

9. 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.¹²
10. On 12, 13 and 15 September 2025, the Defence and the Prosecution provided initial observations to the Registry.¹³
11. 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

¹⁰ 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.

¹¹ 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.

¹² Email from the Registry to the Office of the Prosecutor and the Defence on 11 September 2025 at 12.38.

¹³ 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.

shortlisted eleven experts that are on the List of Experts (“LoE”)¹⁴ and one expert not on the LoE.¹⁵

12. 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”,¹⁶ 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.

13. 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”.¹⁷

14. Also that day, on 25 September 2025, the Chamber ordered *inter alia*, the Registry to file observations on the Defence Request.¹⁸

15. On 30 September 2025, the Registry submitted its Observations, stating, *inter alia*, 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)”.¹⁹

16. On 30 September 2025, the Prosecution submitted its “Response to the “Defence Request for the Disqualification of [REDACTED]” (ICC-01/21-

¹⁴ Regulation 44 of the Regulations of the Court; regulation 56 of the Regulations of the Registry.

¹⁵ 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.

¹⁶ 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.

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

¹⁸ 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.

¹⁹ Registry, “Registry’s Observations”, para. 34.

01/25-280-Conf)",²⁰ requesting the Chamber, *inter alia*, to "revoke Dr. [REDACTED]'s appointment to the Panel".

17. 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" and inviting, *inter alia*, Dr [REDACTED] to "to submit written observations on the issues raised therein, if she so wishes, to the Registry".²¹

III. Classification

18. 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

19. 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

20. As previously reported,²² based on the information provided in the Defence Request²³ and pursuant to the Chamber's Email Instruction,²⁴ the Registry, on 29 September 2025, contacted the [REDACTED] and requested the latter to provide information and documentation concerning Ms [REDACTED]'s situation before the [REDACTED], including the approximate date on which

²⁰ 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.

²¹ Pre-Trial Chamber I, "Order in relation to the 'Defence Request for the Disqualification of [REDACTED]'", ICC-01/21-01/25-288-Conf, paras. 11-12.

²² Registry, Registry's Observations, paras. 16-17.

²³ Defence, Request, paras 10-11.

²⁴ 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.

the [REDACTED] will render its decision in the matter and when this decision is expected to become publicly available.²⁵

21. On 3 October 2025,²⁶ the Registry received a letter from “[REDACTED]”,²⁷ explaining, *inter alia*, that “[REDACTED] have been instructed by the [REDACTED] to investigate concerns raised in relation to [Dr [REDACTED]]”. The letter noted that “[Dr [REDACTED]] is currently suspended from the [REDACTED]’s register as a result of concern raised in relation to her practice”. [REDACTED] further contacted the ICC on the “understanding that, as of June 2025, [Dr [REDACTED]] remains on the list of experts eligible for selection at the ICC for the purpose of delivering expertise” and requested documentation concerning Dr [REDACTED]’s inclusion on that list.

22. On 7 October 2025,²⁸ the Registry contacted the [REDACTED] to request confirmation as to whether [REDACTED] had indeed been instructed by [REDACTED] to investigate concerns regarding Ms [REDACTED].

23. On the same day,²⁹ a scheduling administrator of the [REDACTED] responded to the Registry, as follows: “To my knowledge [REDACTED] are involved with this registrants case, however the case manager should be in contact with further information”.

24. On 8 October 2025,³⁰ [REDACTED] contacted the Registry, stating as follows:

“I write in response to your email to the [REDACTED], dated 29 September 2025, regarding Dr [REDACTED].

²⁵ Email from the Registry to the [REDACTED] on 29 September 2025 at 12:12.

²⁶ Letter from [REDACTED] received by the Registry on 3 October 2025.

²⁷ [REDACTED].

²⁸ Email from the Registry to the [REDACTED] on 7 October 2025 at 10:18.

²⁹ Email from the [REDACTED] to the Registry on 7 October 2025 at 12:24.

³⁰ Email from [REDACTED] to the Registry on 8 October 2025 at 10:27.

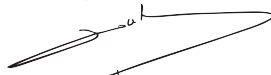
I confirm that Dr [REDACTED] was suspended from the [REDACTED]'s register on 28 February 2024. This suspension was extended by the [REDACTED] on 22 August 2025 and currently remains in place.

As a result, Dr [REDACTED] is currently unable to practice as a Practitioner Psychologist within the [REDACTED].

[REDACTED]. In short, the allegations against Dr [REDACTED] relate to [REDACTED] behaviour.

[REDACTED].”.

25. The Registry remains at the Chamber's disposal should it require any further information.



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

Dated this 12 November 2025

At The Hague, Netherlands