



Original: English

**No. ICC-01/21-01/25
Date: 14 November 2025**

PRE-TRIAL CHAMBER I

Before: Judge Iulia Antoanella Motoc, Presiding
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 ‘Decision on the ‘Defence Request for the Disqualification of [REDACTED]’ and related matters’, 17 October 2025, ICC-01/21-01/25-303-Conf

Decision 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

Mr Osvaldo Zavala Giler

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☒ Detention Section

☐ Victims Participation
and Reparations Section

☐ Other

PRE-TRIAL CHAMBER I of the International Criminal Court issues the present decision on the 25 September 2025 ‘Defence Request for the Disqualification of [REDACTED]’¹ and other related matters.

I. Procedural history and background

1. On 18 August 2025, the Defence filed the ‘Defence Request for an Indefinite Adjournment’.²
2. On 8 September 2025, the Chamber, by majority, Judge María del Socorro Flores Liera dissenting, issued the ‘Order pursuant to rules 113 and 135 of the Rules of Procedure and Evidence’ (the ‘Rules’) instructing *inter alia* the Registry to submit a shortlist of experts to conduct a medical examination of Mr Duterte.³
3. On 15 September 2025, the Registry filed a shortlist of experts,⁴ on which the Prosecution,⁵ the Defence⁶ and the Office of Public Counsel for Victims (‘OPCV’)⁷ filed observations on 18 September 2025.
4. On 24 September 2025, the Chamber appointed [REDACTED], [REDACTED] and, once admitted to the Court’s list of experts (the ‘List of Experts’), [REDACTED], to constitute a panel (the ‘Panel’) to undertake the medical examination.⁸
5. On 25 September 2025, the Defence filed the Request, seeking that the Chamber ‘revoke the appointment of [REDACTED] to the panel of independent ICC experts in light of her active and ongoing suspension in [REDACTED] by her professional regulatory body and [REDACTED]’.

¹ ICC-01/21-01/25-280-Conf (the ‘Request’), with confidential annexes A, B and C.

² ICC-01/21-01/25-230-Conf (public redacted version notified on 11 September 2025, ICC-01/21-01/25-230-Red), with confidential annexes A, B.

³ ICC-01/21-01/25-268 (the ‘8 September 2025 Order’).

⁴ Registry Submission of a Shortlist of Medical Experts pursuant to ICC-01/21-01/25-268-Conf, ICC-01/21-01/25-270-Conf (public redacted version notified on 9 October 2025, ICC-01/21-01/25-270-Red), with confidential annexes I and II.

⁵ 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), ICC-01/21-01/25-276-Conf (public redacted version notified on 9 October 2025, ICC-01/21-01/25-276-Red).

⁶ Defence Observations on Registry Submission ICC-01/21-01/25-270-Conf, ICC-01/21-01/25-274-Conf (public redacted version notified on 7 October 2025, ICC-01/21-01/25-274-Red).

⁷ Observations on behalf of Victims on the “Registry Submission of a Shortlist of Medical Experts pursuant to ICC-01/21-01/25-268-Conf”, ICC-01/21-01/25-275-Conf (public redacted version notified on 8 October 2025, ICC-01/21-01/25-275-Red).

⁸ 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 (public redacted version notified on 16 October 2025, ICC-01/21-01/25-279-Red) (the ‘Appointment Decision’).

6. On 30 September 2025, the OPCV responded to the Request submitting that it ‘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’.⁹

7. On the same day, the Prosecution responded to the Request submitting that it ‘requests the Chamber to: (i) revoke [REDACTED]’s 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’.¹⁰

8. On the same day, the Registry responded to the Request submitting *inter alia* that it ‘contacted the [REDACTED] and requested it to provide information and documentation as to [REDACTED]’s situation’, but that it had ‘not received any response to date’.¹¹

9. On 3 October 2025, the Chamber ordered the Registry to (i) ‘transmit to the Chamber any written submissions from [REDACTED] by no later than 10 October 2025’; and (ii) submit a shortlist of other experts in neuropsychology by no later than 10 October 2025.

10. On 8 October 2025, granting the Registry’s request,¹² the Chamber extended the time limit to translate the relevant materials comprised in Mr Duterte’s medical record from Dutch into English by no later than 17 October 2025.¹³

11. On 10 October 2025, the Registry submitted further observations on the Request,¹⁴ as well as a shortlist of other experts in neuropsychology.¹⁵

⁹ Victims’ Response to the “Defence Request for the Disqualification of [REDACTED]”, ICC-01/21-01/25-283-Conf.

¹⁰ Prosecution’s Response to the “Defence Request for the Disqualification of [REDACTED]” (ICC-01/21-01/25-280-Conf), ICC-01/21-01/25-284-Conf.

¹¹ 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 (the ‘Registry First Observations’), with confidential Annex.

¹² Registry’s Request for Extension of Time in relation to the “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”, 6 October 2025, ICC-01/21-01/25-289-Conf.

¹³ Decision on the ‘Registry’s Request for Extension of Time in relation to the “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”’, 8 October 2025, ICC-01/21-01/25-292-Conf (the ‘8 October 2025 Decision’).

¹⁴ 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 (the ‘Registry Second Observations’).

¹⁵ Registry Submission of a Shortlist of Experts in Neuropsychology pursuant to ICC-01/21-01/25-288-Conf, ICC-01/21-01/25-294-Conf, with confidential annexes I and II (the ‘Shortlist’).

12. On the same day, the Registry transmitted [REDACTED]'s response to the Request, together with a request for guidance as to the classification of the response and its annexes (the 'Request for Guidance').¹⁶

13. On 13 October 2025, the Defence responded to the Registry Second Observations reiterating 'its objection to the appointment of [REDACTED]'¹⁷ and, on 14 October 2025, the Defence responded to the Shortlist.¹⁸

14. On 15 October 2025, the OPCV responded to the Shortlist,¹⁹ and the Prosecution responded to the Registry Second Observations and Shortlist.²⁰

II. Determination

A. Revocation of [REDACTED]

15. The Chamber notes that the Defence has annexed to the Request a number of documents indicating that '[REDACTED] is presently under active suspension by [REDACTED] – the adjudicatory arm of the [REDACTED]', which was 'first ordered on [REDACTED]' and 'has been reviewed and upheld four times since, with [REDACTED] recently extending the suspension for a further [REDACTED], until (at least) [REDACTED]'.²¹ Noting also, *inter alia*, that '[n]one of this information [...] appears to have been reported to the ICC Registry', the Defence 'requests the Pre-Trial Chamber to revoke the appointment of [REDACTED] to the panel of independent ICC experts in light of her active and ongoing suspension in [REDACTED] by her professional regulatory body and [REDACTED]'.²²

16. In its First Observations, the Registry informs the Chamber that [REDACTED] has been included in the List of Experts since [REDACTED], and her inclusion in the List of Experts was renewed on [REDACTED]: in both occasions, in her applications [REDACTED] replied

¹⁶ Registry Transmission of the Expert's "Reply to the ICC List of Experts on the Defence Demand for my Disqualification as Expert for the Case The Prosecutor vs. Rodrigo Roa Duterte: ICC-01/21-01/25-279-Confidential" and further Request for Guidance on the Confidential Classification of the Expert's Reply and Annexes, ICC-01/21-01/25-296-Conf, with confidential *ex parte* annexes 1-15 (the 'Registry Transmission' and '[REDACTED]'s Response').

¹⁷ Defence Response to Registry Observations ICC-01/21-01/25-293-Conf, ICC-01/21-01/25-297-Conf.

¹⁸ Defence Response to Registry Submission ICC-01/21-01/25-294-Conf, ICC-01/21-01/25-299-Conf.

¹⁹ Observations on behalf of Victims on the "Registry Submission of a Shortlist of Experts in Neuropsychology pursuant to ICC-01/21-01/25-288-Conf", ICC-01/21-01/25-300-Conf.

²⁰ Prosecution's Observations on the "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) and on "Registry Submission of a Shortlist of Experts in Neuropsychology pursuant to ICC-01/21-01/25-288-Conf" (ICC-01/21-01/25-294-Conf), ICC-01/21-01/25-301-Conf.

²¹ Request, paras 10, 11.

²² See Request, paras 11, 13-17, 24.

‘no’ to the question ‘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”’.²³ Recalling that ‘it was incumbent on [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)’, the Registry also indicates that it ‘has not received any information from [REDACTED] about any change in her situation as the information filled out for her inclusion’ in the List of Experts in [REDACTED] and [REDACTED].²⁴

17. In its Second Observations, the Registry indicates that [REDACTED] instructed by the [REDACTED] to investigate concerns raised in relation to [REDACTED] confirmed that she ‘is currently suspended from the [REDACTED]’s register as a result of concern raised in relation to her practice’.²⁵ More specifically, [REDACTED] confirmed that:

[REDACTED] was suspended from the [REDACTED]’s register on [REDACTED].

This suspension was extended by the [REDACTED] on [REDACTED] and currently remains in place.

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

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

It is currently envisaged that a final determination of this matter will take place in [REDACTED]. [...] ²⁶

18. In light of the above, the Chamber considers that the current situation of [REDACTED], and her failure to inform the Registry thereof, render the circumstances surrounding her assignment such that it is inappropriate and impossible to proceed with [REDACTED] remaining as a member of the Panel to undertake Mr Duterte’s medical examination. In addition, maintaining [REDACTED]’s appointment to the Panel would necessarily entail further litigation that would delay the process under rules 113 and 135 of the Rules, thereby preventing the expeditious resolution of the issue of Mr Duterte’s fitness. For these reasons, and without prejudice to any decision that may be taken by the competent authorities on [REDACTED]’s current situation, the Chamber hereby revokes [REDACTED]’s appointment and instructs the Registry to revoke her access to any documents she was already provided with,

²³ Registry First Observations, para. 19.

²⁴ Registry First Observations, para. 34.

²⁵ Registry Second Observations, para. 21.

²⁶ Registry Second Observations, para. 24.

ensuring that no relevant information remains in her possession and reminding her that any information to which she has already had access is and remains confidential.

19. Regarding the Registry's Request for Guidance as to the level of confidentiality of [REDACTED]'s Response and related supporting documents, the Chamber, balancing the interests at stake, does not deem it necessary nor appropriate to reclassify them as confidential and provide access thereto to the parties and participants. Indeed, as indicated by the Registry, [REDACTED]'s Response (and its annexes) contain a large amount of 'confidential medical records pertaining to individuals external to the present proceedings',²⁷ as well as other personal and identifying information, that shall not be disclosed. In these circumstances, and noting the scope of the submissions advanced by [REDACTED], the Chamber is of the view that receiving the parties and participants' responses thereto is not needed nor required for the Chamber to reach its above conclusion. Accordingly, the Chamber finds that the current classification of the annexes to the Registry's Transmission shall be maintained until otherwise instructed.

B. Appointment of a medical expert

20. In order to replace [REDACTED] in the Panel, the Chamber, in light of the information provided in the Shortlist and related annexes based on the factors enumerated by the Chamber,²⁸ as well as the observations from the parties and participants, considers it appropriate to appoint [REDACTED], possessing expertise in neuropsychology.

21. Noting that [REDACTED] is currently not admitted to the Court's List of Experts, the Chamber hereby instructs the Registry to expeditiously proceed with the admission of [REDACTED] to the List of Experts by no later than 24 October 2025.

22. In light of the above, the Chamber hereby appoints [REDACTED], once admitted to the List of Experts, as a member of the Panel for the purpose of undertaking the medical examination of Mr Duterte as detailed in the Appointment Decision and below.

C. Directions on the medical examination

23. As a member of the Panel, [REDACTED] shall conduct Mr Duterte's medical examination in accordance with the Chamber's directions provided in paragraphs 16-18, 22 and 23 of the Appointment Decision, subject to the changes set forth in this decision. The

²⁷ Registry Transmission, para. 2.

²⁸ 8 September 2025 Order, paras 26-27.

Chamber's directions to the Registry in paragraphs 19-21 of the Appointment Decision, and in the 8 October 2025 Decision, as well as the Chamber's directions to the parties and participants in paragraph 22 of the Appointment Decision shall also be implemented in relation to [REDACTED].

24. Noting *inter alia* the availability of the experts composing the Panel, the time limit for the Registry to file the joint or individual reports of the Panel, pursuant to paragraph 23 of the Appointment Decision, is hereby extended to 5 December 2025. The Defence, the Prosecution and the OPCV may file observations of up to 10 pages on the Panel's report(s) by no later than 12 December 2025, in accordance with the Chamber's instruction in paragraph 24 of the Appointment Decision.

25. The Chamber further clarifies that, apart from the points addressed in the present decision, all other appointments and instructions in the Appointment Decision remain valid.

FOR THESE REASONS, THE CHAMBER HEREBY

DECIDES to revoke the appointment of [REDACTED];

INSTRUCTS the Registry to revoke [REDACTED]'s access to any documents she was already provided with, ensuring that no relevant information remains in her possession and reminding her that any information to which she has already had access is and remains confidential;

APPOINTS [REDACTED] as member of the Panel to undertake Mr Duterte's medical examination;

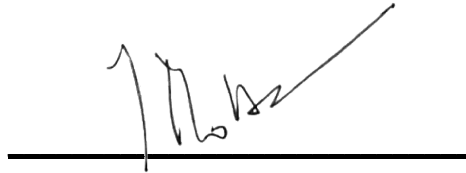
INSTRUCTS the Registry to proceed with the admission of [REDACTED] to the List of Experts by no later than 24 October 2025;

INSTRUCTS the Registry to inform [REDACTED] and [REDACTED] of the content of the present decision strictly limited to such content that is only relevant to each of them;

INSTRUCTS the Panel to submit a report, jointly to the extent possible and as considered appropriate, to the Registry, which shall then file the joint or individual reports of the Panel by no later than 5 December 2025, in accordance with paragraph 24 above and paragraph 23 of the Appointment Decision; and

ORDERS the Defence, the Prosecution and the OPCV to file observations, if any, on the Panel's report(s) by no later than 12 December 2025, in accordance with paragraph 24 above and paragraph 24 of the Appointment Decision.

Done in English. A French translation will follow. The English version remains authoritative.



Judge Iulia Antoanella Motoc, Presiding



**Judge Reine Adélaïde Sophie Alapini-
Gansou**



Judge María del Socorro Flores Liera

Dated this Friday, 14 November 2025

At The Hague, The Netherlands