

**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

With Confidential Annexes 1-15 *EX PARTE* only available to Pre-Trial Chamber I, the Registry and and Dr. [REDACTED]

Public Redacted version of "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, dated 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
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
Dr. [REDACTED]

I. INTRODUCTION

1. The Registry hereby transmits to the Pre-Trial Chamber I (“Chamber”), the “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” (the “Reply”)¹, received on 7 October 2025 from Dr. [REDACTED] (the “Expert”).
2. Further to the receipt of the Expert’s Reply, the Registry respectfully seeks the Chamber’s guidance on the appropriate level of classification for the Expert’s Reply, currently submitted as confidential *ex parte*, only available to the Chamber and the Registry. As further explained below, this classification was applied, out of abundant caution and notwithstanding the Chamber’s determination, as the Reply may contain confidential medical records pertaining to individuals external to the present proceedings.

II. PROCEDURAL HISTORY

3. On 3 October 2025, the Chamber issued its “*Order in relation to the ‘Defence Request for the Disqualification of [REDACTED]’*” (the “Order”) in which it *inter alia* instructed the Registry to transmit to the Chamber any written submissions from the Expert by no later than 10 October 2025.²
4. On the same day, the Registry transmitted the relevant submissions to the Expert and informed her that she was invited to submit written observations on the issues raised therein, to be provided to the Registry for transmission before the Chamber no later than 10 October 2025.³

¹ See Annex 15

² Pre-Trial Chamber I, *Order in relation to the ‘Defence Request for the Disqualification of [REDACTED]’*, 3 October 2025, ICC-01/21-01/25-288-Conf.

³ Email sent by the Court-Management Section (“CMS”) to the Expert on 3 October 2025, at 18.36.

5. On 7 October 2025, the Expert transmitted the Reply together with 14 annexes, to the Registry.⁴
6. On the same day, the Registry informed the Expert that *“certain annexes appear to contain medical information, or contact details that may not be directly related to the Duterte case and could potentially concern other patients”*.⁵ The Registry further noted that, while it is not in a position to assess the relevance of this information, it wished, out of an abundance of caution, to draw the Expert’s attention to the possibility of making redactions where appropriate and/or submitting an *ex parte* version, should she deem it necessary, pursuant to Regulation 24(4) of the Regulations of the Registry and Regulation 23 *bis* of the Regulations of the Court.⁶
7. On the same day, the Expert informed the Registry that the Reply could be submitted as confidential and further stated that : *“[...] these Documents or Annexes do not contain medical information concerning individuals other than the [REDACTED] complainants; their names are necessary to clarify the fraudulent nature of the allegations they submitted, particularly in relation to our extensive investigations on the [REDACTED] case and the supporting evidence we collected.”*⁷
8. On 8 October 2025, as previously reported,⁸ [REDACTED]⁹ contacted the Registry, stating, *inter alia*, as follows: *“is currently unable to practice as a Practitioner Psychologist within the [REDACTED] ”* and that the *“[...] Investigating Committee has recently referred the matter to the [REDACTED] [REDACTED] and Competence Committee for final consideration for*

⁴ Email from the Expert to CMS and to Marc Dubuisson on 7 October 2025 at 05.25.

⁵ Email sent by CMS to the Expert on 7 October 2025, at 16.44.

⁶ *Ibid.*

⁷ Email from the Expert to CMS and Marc Dubuisson on 7 October 2025 at 17.32.

⁸ Registry, “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, paras 20-24.

⁹ [REDACTED]

*allegations related to [REDACTED] and concerns regarding [REDACTED] behaviour". [REDACTED]."*¹⁰

9. On 9 October 2025, the Registry informed the Expert that, out of an abundance of caution and for reasons of privacy, including the confidentiality of individual medical records and data protection and the Court's "Information protection policy",¹¹ and in the absence of consent from the individuals concerned, it would submit the Expert's Reply and annexes as confidential *ex parte*, only available to Pre-Trial Chamber I, for its determination on whether they may be reclassified under a different confidentiality level.¹²
10. On 10 October 2025, the Expert further informed the Registry that the Reply, together with its annexes, should be submitted as confidential, as follows: "[...] *the level of confidentiality should remain the same as the one used by the Defence Attorney, and my Submitted Reply and Annexed Documents should be addressed to the same audience. I maintain my right to request from the ICC Registry equal treatment in terms of the level of confidentiality as that accorded to a Defence Attorney. There is no 'medical' information in my reports other than the neurodiagnostic findings obtained through my own methods.*"¹³

III. LEVEL OF CLASSIFICATION

11. Pursuant to regulation 23 *bis*(1) of the Regulations of the Court, the present submission is classified as confidential as it refers to a decision

¹⁰ Email from [REDACTED] to the Registry List of Experts on 8 October 2025 at 10.27.

¹¹ International Criminal Court, Court's "ICC Information protection policy", ICC/AI/2007/001.

¹² Email sent by CMS to the Expert on 9 October 2025 at 14.06.

¹³ Email sent by the Expert to CMS and to Marc Dubuisson, on 10 October 2025 at 08.53.

of the same level of classification and its annexes are classified as confidential *ex parte* only available to Pre-Trial Chamber I, the Registry and the Expert as they may contain medical information pertaining to individuals.

IV. REQUEST FOR GUIDANCE

12. In light of the foregoing considerations, and out of an abundance of caution, the Registry respectfully seeks the Chamber's guidance on whether the Expert's Reply and its annexes may be submitted as confidential.
13. The Registry remains at the Chamber's disposal to provide any further information it may deem relevant to assist in its determination regarding the potential need for reclassification of the Expert's submissions.

V. TRANSMISSION

14. Pursuant to the Chamber's Order and rule 13(1) of the Rules of Procedure and Evidence, the Registry hereby transmits the Reply together with its 14 annexes.



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

Dated this 12 November 2025

At The Hague, The Netherlands