



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 ‘Order in relation to the ‘Defence Request for the Disqualification of [REDACTED]’, 3 October 2025, ICC-01/21-01/25-288-Conf

Order 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 order in relation to the 25 September 2025 ‘Defence Request for the Disqualification of [REDACTED]’.¹

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’ 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 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, with confidential annexes A, B.

³ ICC-01/21-01/25-268-Conf (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, 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.

⁶ Defence Observations on Registry Submission ICC-01/21-01/25-270-Conf, ICC-01/21-01/25-274-Conf.

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.

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 (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 ‘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’; however, ‘[t]he Registry has not received any response to date, to its said request’. The Registry further indicated that ‘[REDACTED] was notified of the [8 September 2025 Order] and “all relevant filings on the case record”’ and that ‘the Registry put on hold the issuance of her contract, pending the Chamber’s determination on the present matter’.¹¹

II. Preliminary matters

9. First, the Defence used the Request to reiterate that the Chamber should grant ‘Mr Duterte’s immediate interim release’.¹² Recalling that the issue of interim release has already been adjudicated on 26 September 2025,¹³ this aspect of the Request is moot and shall not be considered further by the Chamber.

10. Second, the Chamber deplores some of the Defence’s assertions in the Request¹⁴ and reminds it of its obligations under the Code of Professional Conduct for Counsel. The Chamber recalls that, pursuant to regulation 44 of the Regulations of the Court and regulation 56 of the

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’s Observations’), with confidential Annex.

¹² Request, para. 25.

¹³ Decision on the Defence’s ‘Urgent Request for Interim Release’ and ‘Renewed Request for Interim Release’, ICC-01/21-01/25-282-Conf.

¹⁴ Request, paras 6 and 12.

Regulations of the Registry, it is the duty of the Registrar to create and maintain the List of Experts, and, pursuant to rule 113(2) of the Rules of Procedure and Evidence, the Chamber shall appoint experts from such List of Experts. Accordingly, for the purposes of the present procedure, the Chamber has appointed experts based on the information brought before it by the Registry. The Defence's choice of language which suggests that the Chamber would have made a biased decision in appointing experts¹⁵ is not only incorrect, but also inconsistent with Counsel's professional duty to be respectful and courteous in its relations with the Chamber, as provided in article 7(1) of the Code of Professional Conduct for Counsel. Furthermore, contrary to the Defence's misplaced remarks,¹⁶ the Chamber is not requested, nor is it appropriate for it, to conduct independent open-source research about individuals included in the List of Experts, particularly in order to ensure that appointments are made impartially and based exclusively on objective information provided by the appropriately designated organ under the Court's legal framework.

11. For this reason, while noting the Registry's submission of additional details regarding its internal procedures to create and maintain the List of Experts and to submit the requested shortlist of experts, the Chamber regrets and is concerned by the fact that it was seemingly provided with incomplete information. The Registry is hereby urged to revise its working methods, especially with regard to the vetting process of (applicant) medical experts, in order to avoid the occurrence of similar situations in the future.

III. Determination

12. In order to have all necessary information to adjudicate the Request, the Chamber hereby orders the Registry to (i) transmit to [REDACTED] the Request and related responses;¹⁷ and (ii) invite her to submit written observations on the issues raised therein, if she so wishes, to the Registry, which shall transmit any such submissions to the Chamber by no later than 10 October 2025.

13. In addition, in order to prevent any unreasonable delay in the present procedure, and without prejudice to any future determination on the Request, the Chamber hereby orders the Registry to submit a shortlist of other experts in neuropsychology, in accordance with the

¹⁵ Request, para. 6.

¹⁶ Request, para. 12.

¹⁷ ICC-01/21-01/25-280-Conf with Annexes A, B and C; ICC-01/21-01/25-283-Conf; ICC-01/21-01/25-284-Conf; and ICC-01/21-01/25-285-Conf with confidential Annex.

Chamber's instructions at paragraphs 24-27 of the 8 September 2025 Order, by no later than 10 October 2025.

FOR THESE REASONS, THE CHAMBER HEREBY

ORDERS the Registry to transmit to the Chamber any written submissions from [REDACTED] by no later than 10 October 2025, in accordance with paragraph 12 above; and

ORDERS the Registry to submit a shortlist of other experts in neuropsychology by no later than 10 October 2025, in accordance with paragraph 13 above.

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