



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 ‘Urgent Defence Request to Disqualify [REDACTED]’ and related matters”, 3 November 2025, ICC-01/21-01/25-316-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 20 October 2025 ‘Urgent Defence Request to Disqualify [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 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.⁴
4. On 17 October 2025, granting the Defence’s request,⁵ the Chamber revoked the appointment of [REDACTED] and appointed, once admitted to the List of Experts, [REDACTED] as a member of the Panel with expertise in neuropsychology.⁶
5. On 20 October 2025, the Defence filed the Request, seeking that the Chamber (i) ‘revoke the mandate that it has provided to [REDACTED] [by virtue of the 17 October 2025 Decision] without him being afforded access to Mr Duterte’s private medical information’; (ii) ‘order the Registrar to refrain from admitting [REDACTED] to the list of ICC experts’; and (iii) ‘adjourn

¹ ICC-01/21-01/25-304-Conf-Exp (confidential redacted version notified on the same day, ICC-01/21-01/25-304-Conf-Red) (the ‘Request’).

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 (the ‘18 August 2025 Request’).

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

⁴ 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’).

⁵ Defence Request for the Disqualification of [REDACTED], 17 October 2025, ICC-01/21-01/25-280-Conf, with confidential annexes A, B and C. *See also* 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; Victims’ Response to the “Defence Request for the Disqualification of [REDACTED]”, 30 September 2025, ICC-01/21-01/25-283-Conf; Registry’s Observations on “Defence Request for the Disqualification of [REDACTED]”, ICC-01/21-01/25-280-Conf, 25 September 2025, 30 September 2025, ICC-01/21-01/25-285-Conf with confidential annex.

⁶ Decision on the ‘Defence Request for the Disqualification of [REDACTED]’ and related matters, ICC-01/21-01/25-303-Conf (the ‘17 October 2025 Decision’). *See also* 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 (the ‘10 October 2025 Shortlist’), with confidential annexes I and II.

the proceedings currently being conducted against Mr Duterte on the grounds of his current lack of fitness to stand trial'. The Defence asserts that (i) [REDACTED] '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) there are 'pervasive and prolific' social media posts that, 'if attributable to [REDACTED]', 'demonstrate this practitioner's manifest lack of professionalism, respectability, and suitability to provide expertise at the International Criminal Court'.

6. On 21 October 2025, the Chamber *inter alia* ordered 'the Registry to provisionally suspend the inclusion of [REDACTED] in the Court's List of Experts and his appointment pursuant to [the 17 October 2025 Decision], as well as not to share with him any documents or information relevant to his assignment and the present proceedings, without prejudice to any future determination in relation to the Request'.⁷

7. On 22 October 2025, the Prosecution responded to the Request, submitting that it 'requests the Chamber to: (i) revoke [REDACTED]'s appointment to the Panel following confirmation by the Registry that the social media activity flagged by the Defence is attributable to him; (ii) appoint [REDACTED] to replace [REDACTED] following the conclusion of an appropriate vetting process by the Registry; and (iii) reject the Defence's entirely unsubstantiated request to adjourn the proceedings against Mr. Duterte'.⁸

8. On 24 and 31 October 2025, the Registry filed observations on the Request.⁹

II. Determination

9. As a preliminary matter, the Chamber notes that the Defence's request to adjourn the proceedings against Mr Duterte¹⁰ amounts to a mere repetition of the 18 August 2025 Request. Furthermore, the Chamber recalls that the present procedure, including the postponement of the confirmation of charges hearing¹¹ and the appointment of medical experts,¹² is undertaken precisely for the purpose of adjudicating the 18 August 2025 Request. The Defence's

⁷ Email from the Chamber, [ICC-01/21-01/25 - Confidential] Order relating to filing no. 304, on 21 October 2025 at 13:57.

⁸ Prosecution's Response to the "Urgent Defence Request to Disqualify [REDACTED]" (ICC-01/21-01/25-304-Conf), ICC-01/21-01/25-308-Conf.

⁹ Registry's Observations on the "Urgent Defence Request to Disqualify [REDACTED]", ICC-01/21-01/25-304-Conf-Exp, 20 October 2025, 24 October 2025, ICC-01/21-01/25-310-Conf (the 'Registry's First Observations'); Registry's Second Observations on the "Urgent Defence Request to Disqualify [REDACTED]", ICC-01/21-01/25-304-Conf-Exp, 20 October 2025, ICC-01/21-01/25-315-Conf (the 'Registry's Second Observations').

¹⁰ Request, para. 18.

¹¹ Decision postponing the hearing on the confirmation of charges, 8 September 2025, ICC-01/21-01/25-267.

¹² Appointment Decision; 17 October 2025 Decision.

abovementioned request will therefore be determined in due course, and will not be further entertained in the present decision.

A. Revocation of [REDACTED]

10. In the Request, the Defence provided ‘a few examples of [[REDACTED]]’s] sickeningly offensive reposted ‘tweets’ and replies to ‘tweets’ from only the last year, in order to demonstrate this practitioner’s manifest lack of professionalism, respectability, and suitability to provide expertise at the International Criminal Court’. The Defence ‘considers the language in the cited posts to be so offensive, inappropriate, disrespectful, and unprofessional’ that it would demonstrate that [REDACTED] ‘would be incapable of providing truly independent and impartial expertise, free from political or other bias, as would be expected of any expert appointed to assist this Court’. Accordingly, the Defence states that ‘the impugned tweets are so fundamentally inconsistent with the values of this Court – integrity, professionalism, and impartiality – that the author and recycler thereof cannot, and should not, be added to the list of experts’.

11. The Prosecution also noted ‘with concern the information provided by the Defence of social media activity by [REDACTED]’ and stated that, ‘[i]f this activity is attributable to [REDACTED], as it appears to be, it would render him entirely unsuitable as an expert in this (or any other) case’.

12. The Registry informed the Chamber that, ‘as part of the security clearance procedure’, it ascertained that the social media account mentioned in the Defence’s Request was [REDACTED]’s ‘former Twitter / X account’,¹³ and that it ‘considers that the aforesaid [social media] content raises concerns about [REDACTED]’s professionalism, judgement, impartiality and integrity, and his ability to remain in compliance with rules and guidelines’.¹⁴

13. The Chamber considers that the social media activity attributable to [REDACTED], as set out in the Defence’s Request, renders him unsuitable to act as an expert in the Panel, since such activity is objectively incompatible with the independence, professionalism and impartiality necessary to perform duties before the Court. In order to avoid any further delays in the procedure under rules 113 and 135 of the Rules, the Chamber therefore hereby (i) rescinds its order to the Registry to proceed with the admission of [REDACTED] to the List of Experts; (ii) revokes [REDACTED]’s appointment; and (iii) instructs the Registry to revoke

¹³ Registry’s First Observations, paras 30-31.

¹⁴ Registry’s Second Observations, para. 27.

his access to any documents he was already provided with, if any, ensuring that no relevant information remains in his possession and reminding him that any information to which he has already had access is and remains confidential.

14. The Chamber deplores the Registry's failure to identify and take into account the abovementioned information during the preparation of the requested shortlist, and reiterates that the Registry is urged to revise its working methods and relevant procedures in this regard.¹⁵

B. Appointment of a medical expert

15. In order to replace [REDACTED] in the Panel, the Chamber, in light of the information provided in the 10 October 2025 Shortlist and related annexes based on the factors enumerated by the Chamber,¹⁶ the Registry's Second Observations,¹⁷ as well as the observations from the parties and participants, considers it appropriate to appoint [REDACTED], possessing expertise in neuropsychology.

16. 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 7 November 2025.

17. 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

18. 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 and partially revised in paragraph 24 of the 17 October 2025 Decision, subject to further specifications set forth in this decision. The 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].

¹⁵ See Order in relation to the 'Defence Request for the Disqualification of [REDACTED]', 3 October 2025, ICC-01/21-01/25-288-Conf, para. 11.

¹⁶ 8 September 2025 Order, paras 26-27.

¹⁷ Registry's Second Observations, paras 28-29.

19. 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, originally set out at paragraph 23 of the Appointment Decision and subsequently extended to 5 December 2025 pursuant to the 17 October 2025 Decision, remains unchanged. 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.

20. 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] and to rescind the instruction to the Registry to proceed with the admission of [REDACTED] to the List of Experts;

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

APPOINTS [REDACTED] as a 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 7 November 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 19 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 19 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