



Original: English

**No. ICC-01/21-01/25
Date: 23 December 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 Request for Disclosure of Communications between the Registry and the Independent Panel of Experts’”,
11 December 2025, ICC-01/21-01/25-336-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 ‘Urgent Request for Disclosure of Communications between the Registry and the Independent Panel of Experts’.¹

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’) finding that further medical examination of Mr Duterte by independent experts was required.³

3. Between 24 September 2025 and 3 November 2025, the Chamber appointed three experts (the ‘Experts’) as a panel (the ‘Panel’) to undertake the medical examination of Mr Duterte and instructed, *inter alia*, (a) the Registry to transmit the Panel’s joint or individual report(s) by no later than 5 December 2025; and (b) the Defence, the Prosecution and the Office of Public Counsel for Victims (the ‘OPCV’) to file observations, if any, on the Panel’s report(s) by no later than 12 December 2025.⁴

4. On 5 December 2025, the Registry transmitted the Panel’s joint and individual reports.⁵

5. On 10 December 2025, the Defence filed the Request, submitting that (i) pursuant to articles 57(3)(b), 64(2) and 64(6)(f) of the Rome Statute (the ‘Statute’), it requests the Chamber to order the Registry to disclose ‘all communications between the Registry and the three experts appointed to assist the Pre-Trial Chamber in its determination of Mr Duterte’s fitness to stand trial’, which include ‘any instructions or directives issued to the Experts in the form of emails, letters, and/or notes taken during telephone conversations as well as specific documents furnished to them for the purposes of their evaluations, such as ICC filings and Mr Duterte’s

¹ ICC-01/21-01/25-334-Conf (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.

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, 24 September 2025, ICC-01/21-01/25-279-Conf (public redacted version notified on 16 October 2025, [ICC-01/21-01/25-279-Red](#)) (the ‘24 September 2025 Decision’); Decision on the ‘Defence Request for the Disqualification of [REDACTED]’ and related matters, 17 October 2025, ICC-01/21-01/25-303-Conf (public redacted version notified on 14 November 2025, [ICC-01/21-01/25-303-Red](#)); Decision on the ‘Urgent Defence Request to Disqualify [REDACTED]’ and related matters, 3 November 2025, ICC-01/21-01/25-316-Conf (public redacted version notified on 14 November 2025, [ICC-01/21-01/25-316-Red](#)).

⁵ Registry Transmission of the Panel of Experts’ Joint and Individual Reports, ICC-01/21-01/25-327-Conf (the ‘Registry’s Transmission’), with confidential annexes I-IV (together, the ‘Panel’s Reports’).

medical records’ (together, the ‘Requested Information’); and, should the Request be granted, (ii) it ‘reserves its right to submit further observations on the [Panel’s] Reports after 12 December 2025, once the [Requested Information is] made available to the Defence’.

6. The Chamber notes the Defence’s submission that the Requested Information is ‘essential’ for it to ‘better gauge the instructions transmitted to the Experts as well as the documents and information provided to them’ and ‘the manner in which the Pre-Trial Chamber’s instructions were communicated by the Registry to them’.

7. The Chamber, however, considers that, for the purposes of its observations due on 12 December 2025, the Defence has before it all the necessary information regarding the Registry’s interactions with the Experts and the instructions on the basis of which they prepared their reports, as these are contained in the Registry’s Transmission as well as the annexed Panel’s Reports. In particular, the Chamber notes that, in the Panel’s Reports, the Experts consistently refer to the Chamber’s instructions and relevant materials that have guided them in the preparation of their reports. Further recalling that the Registry is a neutral organ of the Court, whose main role in the present case was to liaise with the Experts to transmit the Chamber’s instructions, the Chamber considers that, without further substantiation from the Defence, the disclosure of ‘all communications between the Registry and the three experts’ is not warranted.

8. Moreover, regarding the materials transmitted to the Panel, the Chamber recalls that in the 24 September 2025 Decision it gave instructions as to the documents that shall be provided by the Registry to the Panel, to which the Defence has full access.⁶ Absent any indication that the Registry did not comply with these instructions, the Chamber considers that the Defence is already fully aware of the materials transmitted to the Panel.

9. In light of the above, the Chamber considers that there is no reason that would warrant granting the Request based on articles 57(3)(b), 64(2) or 64(6)(f) of the Statute.

⁶ 24 September 2025 Decision, para. 21.

**FOR THESE REASONS, THE CHAMBER HEREBY
REJECTS** the Request.

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 Tuesday, 23 December 2025

At The Hague, The Netherlands