



Original: English

No. ICC-01/21-01/25

Date: 7 January 2026

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

Decision on the ‘Defence Request for an Expert Report on Article 58(1)(b) Risk Factors’

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 (the ‘Chamber’) of the International Criminal Court (the ‘Court’) issues this decision on the 19 December 2025 ‘Defence Request for an Expert Report on Article 58(1)(b) Risk Factors’.¹

1. On 12 March 2025, pursuant to a warrant of arrest issued by the Chamber on 7 March 2025,² Rodrigo Roa Duterte (‘Mr Duterte’) was surrendered to the Court.
2. On 26 September 2025, the Chamber rejected³ the Defence’s ‘Urgent Request for Interim Release’⁴ and ‘Renewed Request for Interim Release’.⁵ The Appeals Chamber confirmed this decision on 28 November 2025.⁶
3. On 5 December 2025, pursuant to the Chamber’s order, and following the appointment of a panel of three experts (the ‘Panel’) for the purpose of a medical examination pursuant to rules 113 and 135 of the Rules of Procedure and Evidence (the ‘Rules’),⁷ the Registry transmitted the Panel’s joint and individual reports.⁸
4. On the same day, the Chamber ordered the parties and participants to submit observations regarding the periodical review of the detention of Mr Duterte, by no later than 7 January 2026 for the Prosecution and the Office of Public Counsel for the Victims (the ‘OPCV’), and 9 January 2026 for the Defence.⁹
5. On 19 December 2025, the Defence filed the Request, asking the Chamber to order (i) ‘on an urgent basis’, ‘the Panel to issue a report focussing on whether Mr Duterte’s current

¹ ICC-01/21-01/25-342 (the ‘Request’).

² Warrant of Arrest for Mr Rodrigo Roa Duterte, ICC-01/21-01/25-83.

³ Decision on the Defence’s ‘Urgent Request for Interim Release’ and ‘Renewed Request for Interim Release’, 26 September 2025, ICC-01/21-01/25-282-Conf (public redacted version notified on 10 October 2025, ICC-01/21-01/25-282-Red).

⁴ ICC-01/21-01/25-150-Conf-Exp (public redacted version filed on the same day, ICC-01/21-01/25-150-Red), with confidential *ex parte* Annexes A, B and C.

⁵ ICC-01/21-01/25-231-Conf (public redacted version filed on 19 August 2025, ICC-01/21-01/25-231-Red), with confidential Annexes A, B and C.

⁶ Judgment on the appeal of Mr Rodrigo Roa Duterte against the decision of Pre-Trial Chamber I entitled “Decision on the Defence’s ‘Urgent Request for Interim Release’ and ‘Renewed Request for Interim Release’”, ICC-01/21-01/25-326-Conf (public redacted version notified on the same day, ICC-01/21-01/25-326-Red).

⁷ 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 ‘Appointment Decision’); 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, 14 November 2025, ICC-01/21-01/25-303-Red; 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, 14 November 2025, ICC-01/21-01/25-316-Red.

⁸ Registry Transmission of the Panel of Experts’ Joint and Individual Reports, 5 December 2025, ICC-01/21-01/25-327-Conf, (public redacted version was notified on 18 December 2025, ICC-01/21-01/25-327-Red), with confidential Annexes I-IV (together, the ‘Panel’s Reports’).

⁹ Email from the Chamber, [ICC-01/21-01/25 – Confidential] Order to submit observations on Mr Duterte’s detention, at 11:25.

cognitive state would permit him to flee the ongoing judicial proceedings, to intimidate witnesses, or to commit crimes’ (the ‘Defence’s Request for an Expert Report’); and (ii) ‘a hearing on Mr Duterte’s periodic review on detention, as required under Rule 118(3) [of the Rules]’.

6. On 23 December 2025, the Prosecution opposed the Request, submitting that ‘[t]he requested expert evidence is unnecessary as the Chamber already has all the information required to decide the question of provisional release’; and ‘[t]he alleged deterioration of Mr Duterte’s health does not justify the need for a further expert report, nor does it constitute a changed circumstance’.¹⁰

7. On the same day, the OPCV opposed the Request, submitting that ‘it lacks legal basis, aims at usurping the Chamber’s function, and effectively causes further and unjustified delay to the pre-trial proceedings’, as ‘whether the article 58(1) conditions continue to be met [is] a judicial assessment with which only the Pre-Trial Chamber is entrusted’ and ‘the Chamber has received comprehensive individual reports and a joint panel report of three Court-appointed independent experts on Mr Duterte’s state of health and cognitive abilities that allow it to draw conclusions if and where warranted within the ambit of its assessment of the article 58(1)(b) conditions’.¹¹

8. The Chamber notes that the Panel was appointed precisely for the limited purpose of providing an independent assessment on Mr Duterte’s medical condition in the context of the Chamber’s adjudication regarding whether he is fit to take part in the pre-trial proceedings.¹² The Panel has fulfilled its mandate with the submission of the Panel’s Reports, which are available to the Defence and, should it wish to do so, can be referred to in its observations regarding the review of Mr Duterte’s detention. In these circumstances, the Chamber sees no reason to order the Panel to prepare any additional report that exceeds its mandate.

9. Furthermore, the Chamber notes that whether the risks under article 58(1)(b) of the Statute identified by the Chamber in the Interim Release Decision continue to exist is a legal determination to be made by the Chamber. Considering that the observations of the parties and participants regarding the periodical review of the detention of Mr Duterte will be submitted

¹⁰ Prosecution’s response to ‘Defence Request for an Expert Report on Article 58(1)(b) Risk Factors’ ICC-01/21-01/25-342, ICC-01/21-01/25-345-Conf (public redacted version notified on the same day, ICC-01/21-01/25-345-Red).

¹¹ Victims’ Response to the Defence Request for an Expert Report on Article 58(1)(b) Risk Factors, ICC-01/21-01/25-346.

¹² Appointment Decision, paras 16-18.

by 9 January 2026, the Chamber finds that any additional expert report is neither appropriate nor necessary for its adjudication.

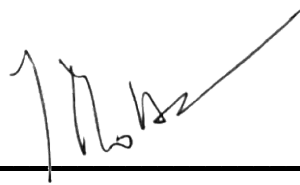
10. In light of the above, the Chamber rejects the Defence's Request for an Expert Report.

11. With regard to the Defence's request to hold a hearing on Mr Duterte's periodic review on detention, the Chamber, mindful of rule 118(3) of the Rules, will determine the schedule of the hearing in due course, and therefore deems it unnecessary to further address this matter in the present decision.

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 Wednesday, 7 January 2026

At The Hague, The Netherlands